EXHIBITS

CASE # DCI2023-00030

CASE NAME: CYPRESS WOODS RVPD

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

ARE THERE ANY BOARD EXHIBITS? ____YES ____ NO

LOCATION OF BOARDS

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

EXHIBITS

Case # **DCI2023-00030**

APPLICANT	STAFF
9.4/8-Hour	
#1 Presentation	#1 Staff Report
#2	#2 Affidavit
#3	#3 Presentation
#4	#4
#5	#5
#6	#6
#7	#7
#8	#8
#9	#9
#10	#10

OTHER EXHIBITS

NAME	NUMBER	DESCRIPTION
	#	
	#	
	#	
	#	
	#	
	#	

Perez, Maria

From: Alexis Crespo <acrespo@rviplanning.com>
Sent: Monday, July 28, 2025 4:59 PM
To: Perez, Maria
Cc: Mendez, Adam; Jeremy Sterk; Bill Schwab
Subject: Cypress Woods RVPD (DCI2023-00030) - Applicant's 48 Hour Letter
Attachments: 48-Hour Letter DCI2023-00030 Cypress Wood RVPD.pdf; HEX Revised 3-Page MCP Series.pdf; HEX Revised 1-Page PH V MCP.pdf

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

Hi Maria –

Attached please find the Applicant's 48-hour letter and referenced revised Master Concept Plans.

We look forward to seeing you Thursday. Thanks!

Alexis Crespo, AICP
Vice President of Planning

RVi Planning + Landscape Architecture
28100 Bonita Grande Drive, Suite 305 • Bonita Springs, FL 34135
239.850.8525 Mobile • 239.405.7777 Main
www.rviplanning.com

APPLICANT'S EXHIBIT
9

July 28, 2025

Ms. Amanda Rivera, Deputy Hearing Examiner
The Office of the Lee County Hearing Examiner
1500 Monroe Street, 2nd Floor
Fort Myers, FL 33901

RE: Cypress Woods RVPD - DCI2023-00030
48-Hour Letter

Dear Madame Hearing Examiner:

On behalf of the Applicant for DCI2023-00030, I am pleased to submit the information required in the 48-Hour Notice and Exhibit List. In addition, enclosed is a list of applicant witnesses who we expect to be present and/or testify.

The Applicant is in agreement with the staff conditions and has revised the Master Concept Plans (MCPs) pursuant to the Staff Note under Attachment E, Condition 1, of the Staff Report. The MCPs are attached hereto and dated July 29, 2025.

Thank you for your consideration of the above information. We look forward to presenting the case at the hearing.

Sincerely,

RVi Planning + Landscape Architecture

Alexis V. Crespo, AICP
Vice President of Planning

Cypress Woods RVPD
DCI2023-00030

Exhibit List

- Applicant's PowerPoint Presentation (to be provided at the hearing)
- Revised 3-Page MCP entitled "Cypress Woods R.V. Resort" prepared by Barbot, Steuart & Associates, Inc. dated July 29, 2025
- Revised 1-Page MCP entitled "Cypress Woods RV Resort Optional Phase 5 MCP" prepared by Peninsula Engineering dated July 29, 2025
- Zoning Staff Report and all attachments (incorporated by reference)

Cypress Woods RVPD
DCI2023-00030

Witness List

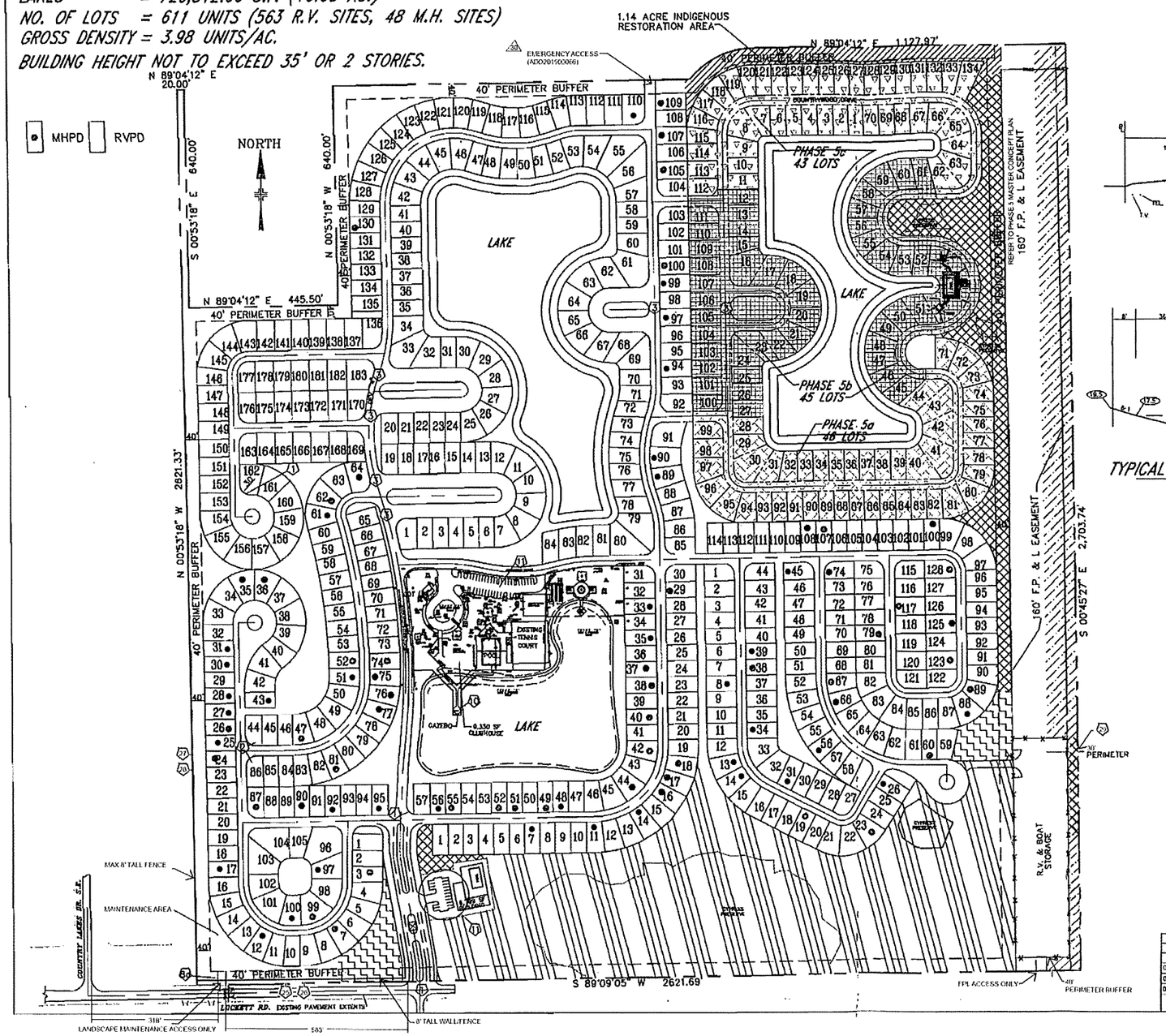
Alexis Crespo, AICP – RVi Planning & Landscape Architecture, Inc., 28100 Bonita Grande Drive, Suite 300, Bonita Springs, FL 34135, acrespo@rviplanning.com

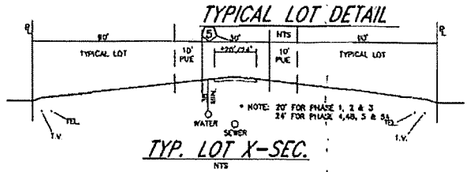
Jeremy Sterk, CEP – Earth Tech Environmental, LLC, 10600 Jolea Avenue, Bonita Springs, FL 34135 jeremys@eteflorida.com

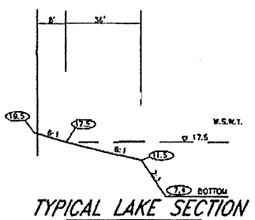
"EXIBIT 3A"

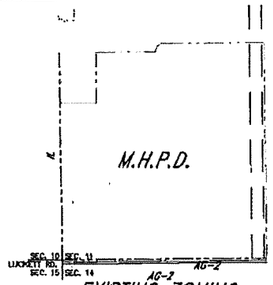
CYPRESS WOODS RESORT

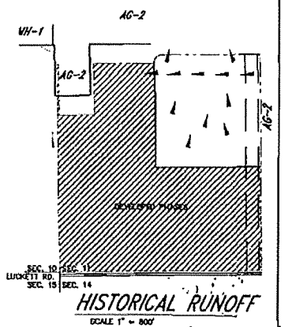
TOTAL AREA = 6,688,691.34 S.F. (153.55 AC.)
RIGHT-OF-WAY = 792,541.57 S.F. (18.19 AC.)
LOT AREA = 2,850,427.44 S.F. (65.44 AC.)
LAKES = 726,812.66 S.F. (16.68 AC.)
NO. OF LOTS = 611 UNITS (563 R.V. SITES, 48 M.H. SITES)
GROSS DENSITY = 3.98 UNITS/AC.
BUILDING HEIGHT NOT TO EXCEED 35' OR 2 STORIES.











HURRICANE SHELTER (PER LDC SECTION 10-258)
REQUIRED HURRICANE SHELTERS = (2.25)(697)(20)(48%)=12,000 S.F.
PROVIDED = 16,129 S.F.

DATE	REVISION	APPROVED	
07/29/25	REVISED PER STAFF REPORT		
08/16/10	REVISED PER 05/24/10 SUFFICIENCY CHECKLIST	JTA	KS
04/21/08	REVISED PER 01/08/08 SUFFICIENCY CHECKLIST	JTA	KS

CYPRESS WOODS
R.V. RESORT
ORIGINAL ZONING # Z-94-025

MASTER CONCEPT PLAN

DESIGNED BY: KS
CHECKED BY: KS
DRAWN BY: JTA
CHECKED BY: KS
SCALE: 1" = 150' OR AS NOTED
DATE: 09/14/2007
SHEET 1 OF 3
FILE No. 3434

EXHIBIT C

"EXIBIT 3A"

CYPRESS WOODS RESORT

TOTAL AREA = 6,688,691.34 S.F. (153.55 AC.)
RIGHT-OF-WAY = 792,541.57 S.F. (18.19 AC.)
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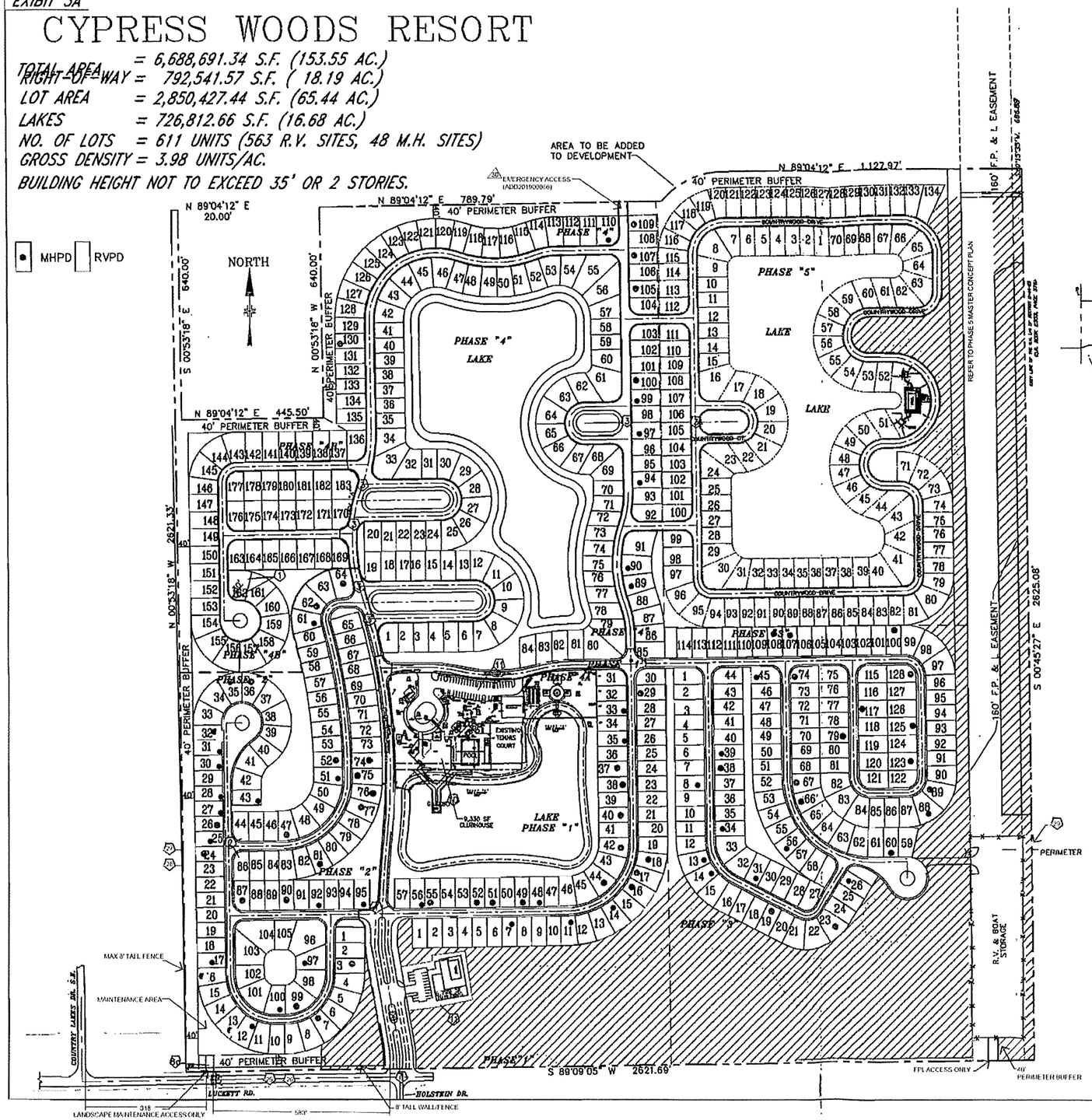
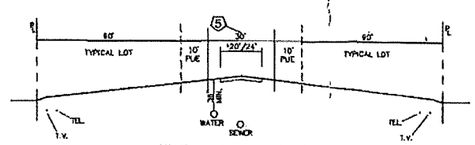
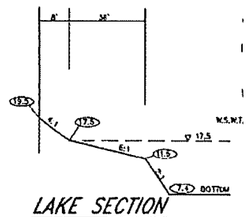
MHPD RVPD

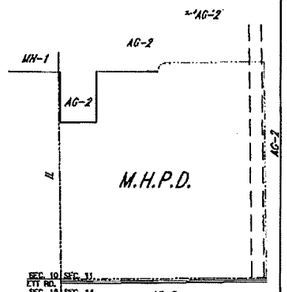




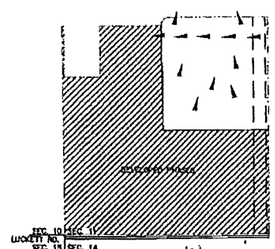
TYP. LOT X-SEC.
NTS
* NOTE: 20' FOR PHASE 1, 2 & 3
24' FOR PHASE 4,5 & 5A



LAKE SECTION
NTS



EXISTING ZONING
SCALE 1" = 800'



HISTORICAL RUNOFF
SCALE 1" = 800'

CYPRESS WOODS
R.V. RESORT

ORIGINAL ZONING # Z-04-025

MASTER CONCEPT PLAN
BIG CYPRESS FOX SQUIRREL PERSEVERE

DATE	REVISION	APPROVED
08/16/10	REVISED PER 08/24/10 SUFFICIENCY CHECKLIST	JTA WS
04/21/08	REVISED PER 01/08/08 SUFFICIENCY CHECKLIST	JTA WS

DESIGNED BY: WS | CHECKED BY: WS
DRAWN BY: JTA | CHECKED BY: WS
SCALE: 1" = 150' OR AS NOTED | DATE: 05/29/2007
SHEET 2 OF 3 | FILE No. 3434

"EXIBIT 3A"

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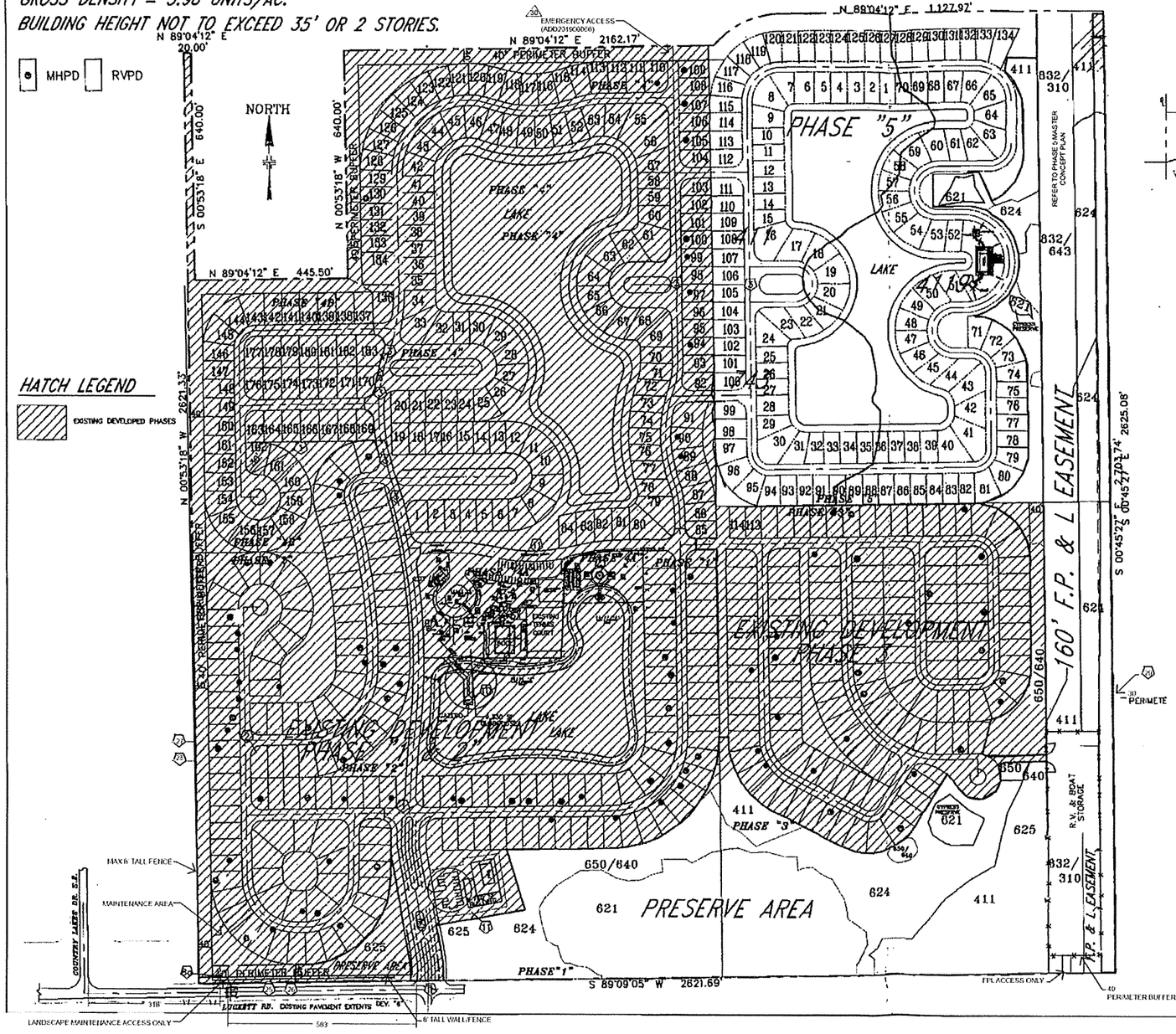
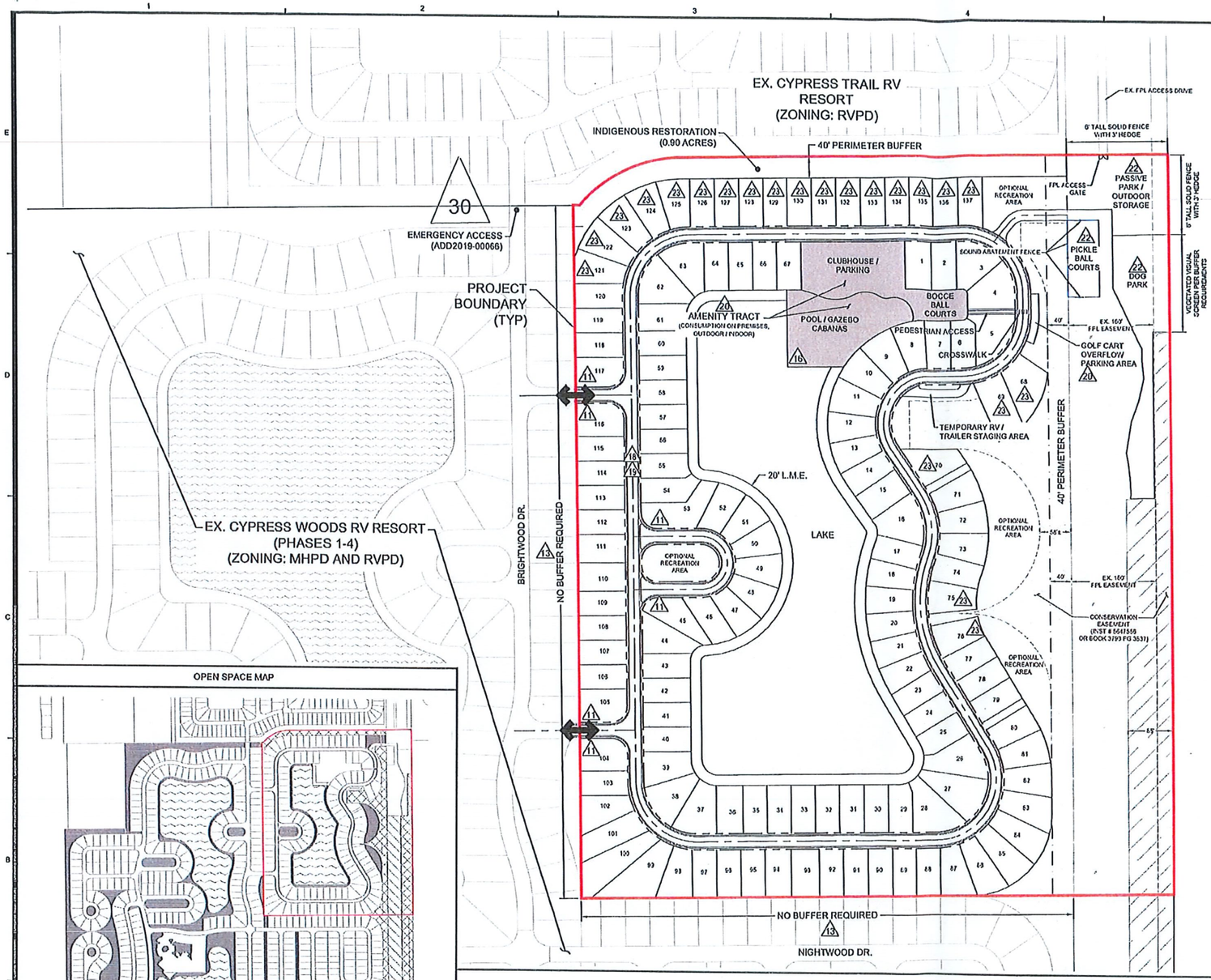
NO. OF LOTS = 611 UNITS (563 R.V. SITES, 48 M.H. SITES)
GROSS DENSITY = 3.98 UNITS/AC.
BUILDING HEIGHT NOT TO EXCEED 35' OR 2 STORIES.

MHPD RVPD

HATCH LEGEND

EXISTING DEVELOPED PHASES


N 89°04'12" E 2162.17'
N 89°04'12" E 1127.92'
N 89°04'12" E 20.00'
EMERGENCY ACCESS (ADD2011000058)
30' PERIMETER BUFFER
NORTH
S 00°53'18" E 640.00'
N 00°53'18" W 640.00'
N 89°04'12" E 445.50'
S 00°53'18" W 2621.33'
PHASE "1"
PHASE "2"
PHASE "3"
PHASE "4"
PHASE "5"
PHASE "6"
PHASE "7"
PHASE "8A"
PHASE "8B"
LAKE
EXISTING DEVELOPMENT PHASE 1 & 2
EXISTING DEVELOPMENT PHASE 3
EXISTING DEVELOPMENT PHASE 4
EXISTING DEVELOPMENT PHASE 5
PRESERVE AREA
160' F.P. & L EASEMENT
S 00°45'27" E 2703.74'
S 00°45'27" E 2625.06'
REFER TO PHASE 5 MASTER CONCEPT PLAN
R.V. & BOAT STORAGE
EXISTING MODEL COMPLEX
EXISTING MODEL HOME
EXISTING SALES OFFICE
EXISTING MAINTENANCE BUILDING
EXISTING WATER TANK
EXISTING WELL
EXISTING PAVILION
EXISTING TENNIS COURTS
EXISTING SHUFFLEBOARD COURT
EXISTING BOCCE COURT
EXISTING PLAYGROUND
EXISTING BASKETBALL COURT
EXISTING VOLLEYBALL COURT
EXISTING HORSESHOE COURT
EXISTING BOAT RAMP
EXISTING FISHING PIER
EXISTING BOAT DOCK
EXISTING CANOE LAUNCH
EXISTING PICNIC AREA
EXISTING GAZEBO
EXISTING BOAT STORAGE
EXISTING RESTROOMS
EXISTING LAUNDRY
EXISTING PAY PHONE
EXISTING DUMPSTER ENCLOSURE
EXISTING MAIL KIOSK
EXISTING PROPANE TANK
EXISTING GAS STATION
EXISTING CONVENIENCE STORE
EXISTING RECREATIONAL VEHICLE
EXISTING MOBILE HOME
EXISTING CAMPER CABIN
EXISTING TENT CAMPING
EXISTING PARKING
EXISTING PAVED ROAD
EXISTING GRAVEL ROAD
EXISTING DIRT ROAD
EXISTING CONCRETE
EXISTING ASPHALT
EXISTING GRASS
EXISTING TREES
EXISTING SHRUBS
EXISTING FLOWERS
EXISTING WATER
EXISTING SEWER
EXISTING ELECTRIC
EXISTING TELEPHONE
EXISTING CABLE TV
EXISTING GAS
EXISTING FIRE HYDRANT
EXISTING STREET LIGHT
EXISTING TRAFFIC SIGNAL
EXISTING STOP SIGN
EXISTING YIELD SIGN
EXISTING SPEED LIMIT SIGN
EXISTING NO PARKING SIGN
EXISTING ONE WAY SIGN
EXISTING TWO WAY SIGN
EXISTING DO NOT ENTER SIGN
EXISTING WRONG WAY SIGN
EXISTING KEEP RIGHT SIGN
EXISTING KEEP LEFT SIGN
EXISTING TURN RIGHT SIGN
EXISTING TURN LEFT SIGN
EXISTING STRAIGHT SIGN
EXISTING U-TURN SIGN
EXISTING NO U-TURN SIGN
EXISTING NO TURN SIGN
EXISTING NO LEFT TURN SIGN
EXISTING NO RIGHT TURN SIGN
EXISTING NO STRAIGHT





LEGEND

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

SITE DATA TABLE

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

INDIGENOUS OPEN SPACE [1]

TYPES		ACTUAL	CREDITS
100%	PHASES 1-4:	1.11 AC	1.11 AC
	PHASE 5:	3.18 AC	3.18 AC
110%	PHASES 1-4:	1.27 AC	1.39 AC
	PHASE 5:	0 AC	0 AC
125%	PHASES 1-4:	2.16 AC	2.70 AC
	PHASE 5:	1.66 AC	1.66 AC [2]
150%	PHASES 1-4:	16.70 AC	25.05 AC
	PHASE 5:	0 AC	0 AC
	TOTAL PROVIDED:	28.08 AC	35.09 AC
	TOTAL REQUIRED:		30.30 AC

NOTES:
1. INDIGENOUS OPEN SPACE AREAS WITHIN THE EXISTING PHASES 1-4 REMAIN UNCHANGED. THE UPDATED TABLE SHOWN ABOVE REFLECTS REVISIONS WITHIN THE PHASE 5 DEVELOPMENT BOUNDARY, AND ALSO CORRECTS CALCULATION ERRORS IN THE PREVIOUSLY APPROVED MCP. ALTHOUGH CREDIT WAS GIVEN ON THESE AREAS IN PREVIOUS ZONING APPROVALS, NO CREDIT IS TAKEN FOR AREA WITHIN PHASE 5 UNDER THIS APPLICATION.

B.C. FOX SQUIRREL PRESERVE

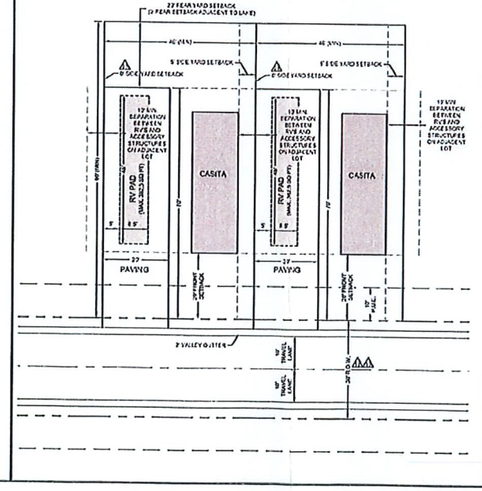
B.C. FOX SQUIRREL PRESERVE AREA INCLUDES ALL INDIGENOUS OPEN SPACE AREAS AS INDICATED IN THE TABLE ABOVE (EXCLUDING THE INDIGENOUS RESTORATION AREA)

INDIGENOUS OPEN SPACE: 28.08 ACRES
INDIGENOUS RESTORATION: 0.90 ACRES

TOTAL B.C. FOX SQUIRREL PRESERVE AREA:
28.08 - 0.99 = 25.18 ACRES

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

TYPICAL LOT DETAIL

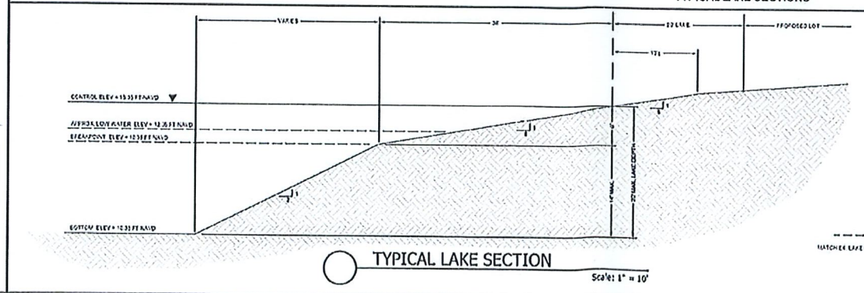


OPEN SPACE MAP

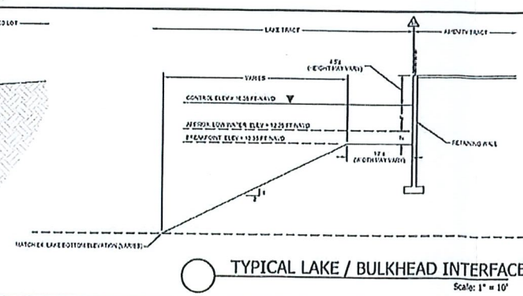
OPEN SPACE

INDIGENOUS OPEN SPACE	1,135,977 SF	26.08 AC
LAKE	723,431 SF	16.56 AC
FPL EASEMENT (EXCLUDING TRAILER PARKING)	181,974 SF	4.18 AC
OTHER OPEN SPACE (LAKE BANK PERIMETER BUFFER, LANDSCAPE MEDIANS, COURTYARDS, ETC)	765,822 SF	17.42 AC
TOTAL OPEN SPACE	2,755,204 SF	64.24 AC
% OF SITE		41.83 %

TYPICAL LAKE SECTIONS



TYPICAL LAKE SECTION
Scale: 1" = 10'



TYPICAL LAKE / BULKHEAD INTERFACE ⚠
Scale: 1" = 10'

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

2600 Golden Gate Parkway
Naples, Florida 34105
Phone 239.403.6700 Fax 239.261.1797
Email: info@penineng.com Website: www.penineng.com
Florida Engineering Certificate of Authorization #28175
Florida Landscape Certificate of Authorization #LC26000632

PROJECT:

CYPRESS WOODS RV RESORT PHASE 5 RECREATIONAL VEHICLE PLANNED DEVELOPMENT

TITLE:

PHASE V OPTIONAL MASTER CONCEPT PLAN

OWNER/CLIENT/CONSULTANT:

LAGUNA CARIBE AT CYPRESS WOODS, LLC

REVISIONS:

No:	Revision:	Date:
1	REVISED PER COUNTY COMMENTS	3/2/20
2	REVISED PER COUNTY COMMENTS	05/18/20
3	DEVIATION #23 ADDED	07/13/20
4	SCHEDULE OF DEVIATIONS REVISED PER COUNTY	08/05/20
5	REVISED PER STAFF REPORT	09/01/20
6	REVISED PER AREA CONDITIONS	12/16/20
7	CORRECTED TYPICAL LOT DETAIL	01/22/21
8	ADDED "CASITA" TO TYPICAL LOT DETAIL	02/11/21
9	REVISED TYPICAL LOT DETAIL	05/14/21
10	ADDED DEVIATION #23 TO LOTS 8,23,137	6/2/21
11	REVISED VISUAL REPRESENTATIVE CORNER OF PROPERTY	9/23/21
12	REVISED PER STAFF REPORT	6/09/22

NOTES:

PROFESSIONAL SEALS:

PROFESSIONAL ENGINEER: DANIEL C. HARTLEY
FLORIDA LICENSE NUMBER: 73913

DATUM NOTE:
ALL ELEVATIONS ARE BASED ON NAVD 83 (NORTH AMERICAN VERTICAL DATUM OF 1988)

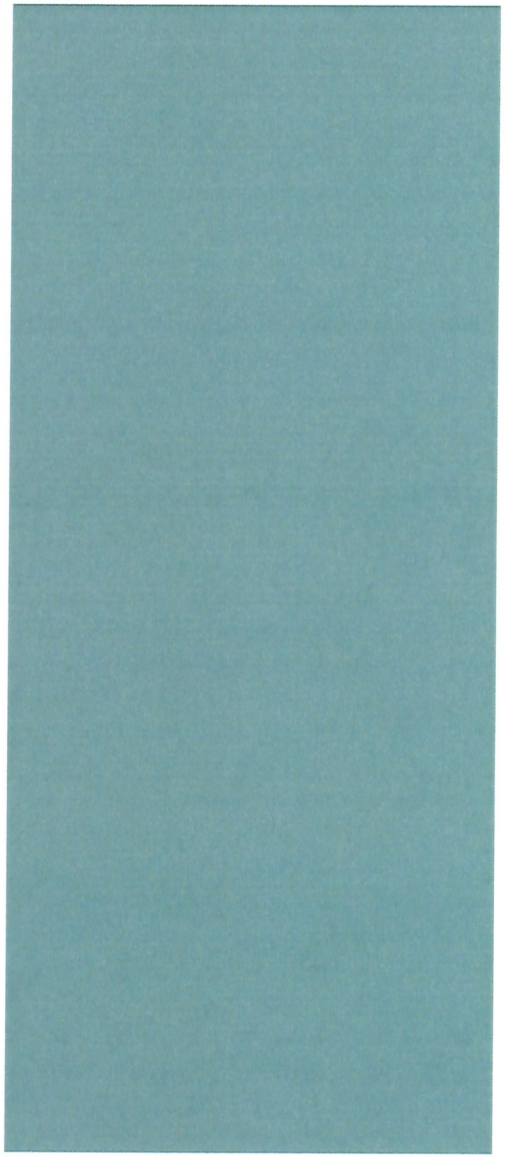
Bar Scale: 1" = 100'
0 50' 100' 150' 200'

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

Sheet Number: 4 of 4

RVi Planning + Landscape Architecture

CYPRESS WOODS RVPD
DCI2023-00030



LEE COUNTY HEARING EXAMINER

July 31, 2025

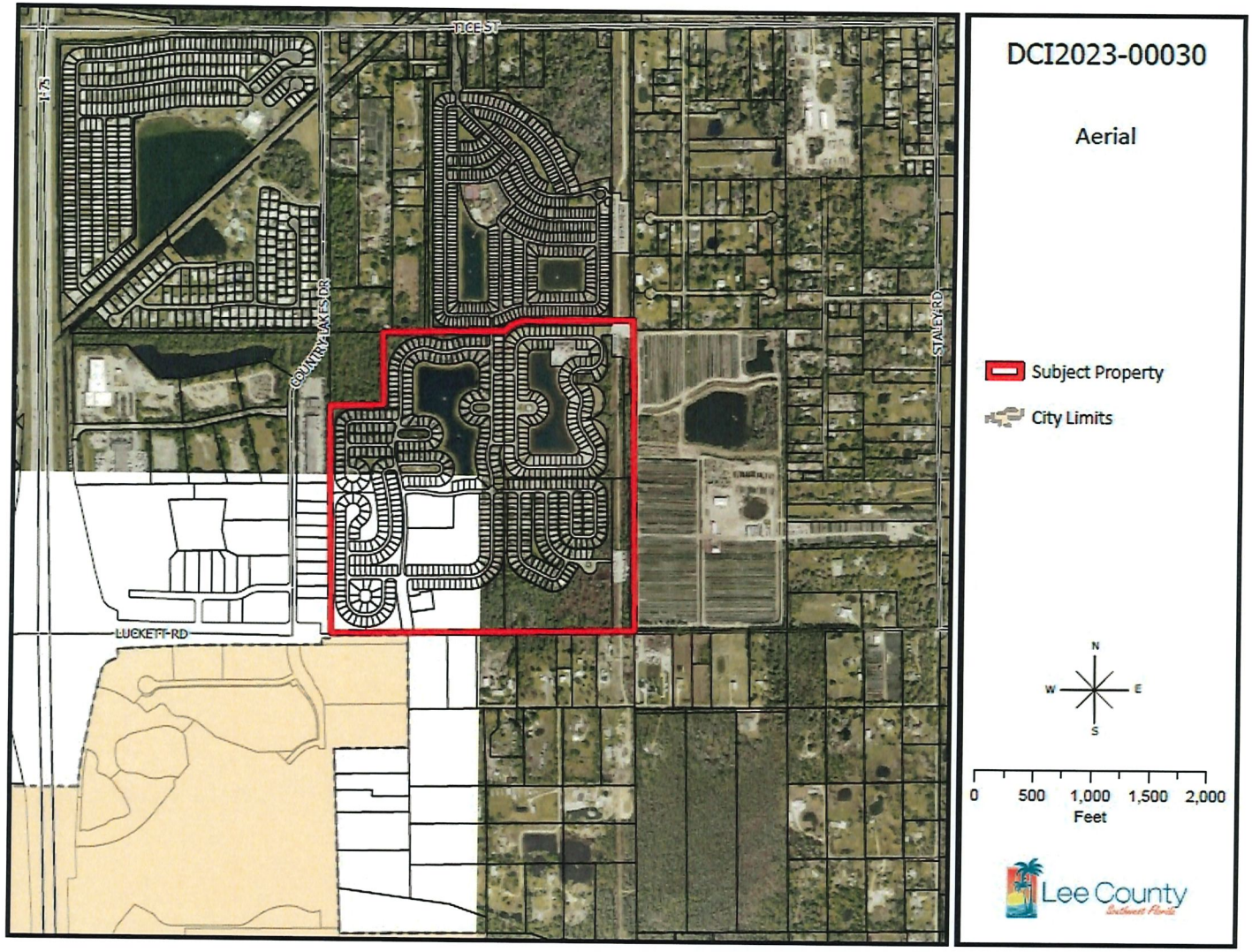
APPLICANT'S EXHIBIT #___
1

PROJECT TEAM

Cypress Woods RV Resort Homeowners Association, Inc.

Alexis Crespo, AICP – RVi Planning + Landscape Architecture

Jeremy Sterk, CEP – Earth Tech Environmental

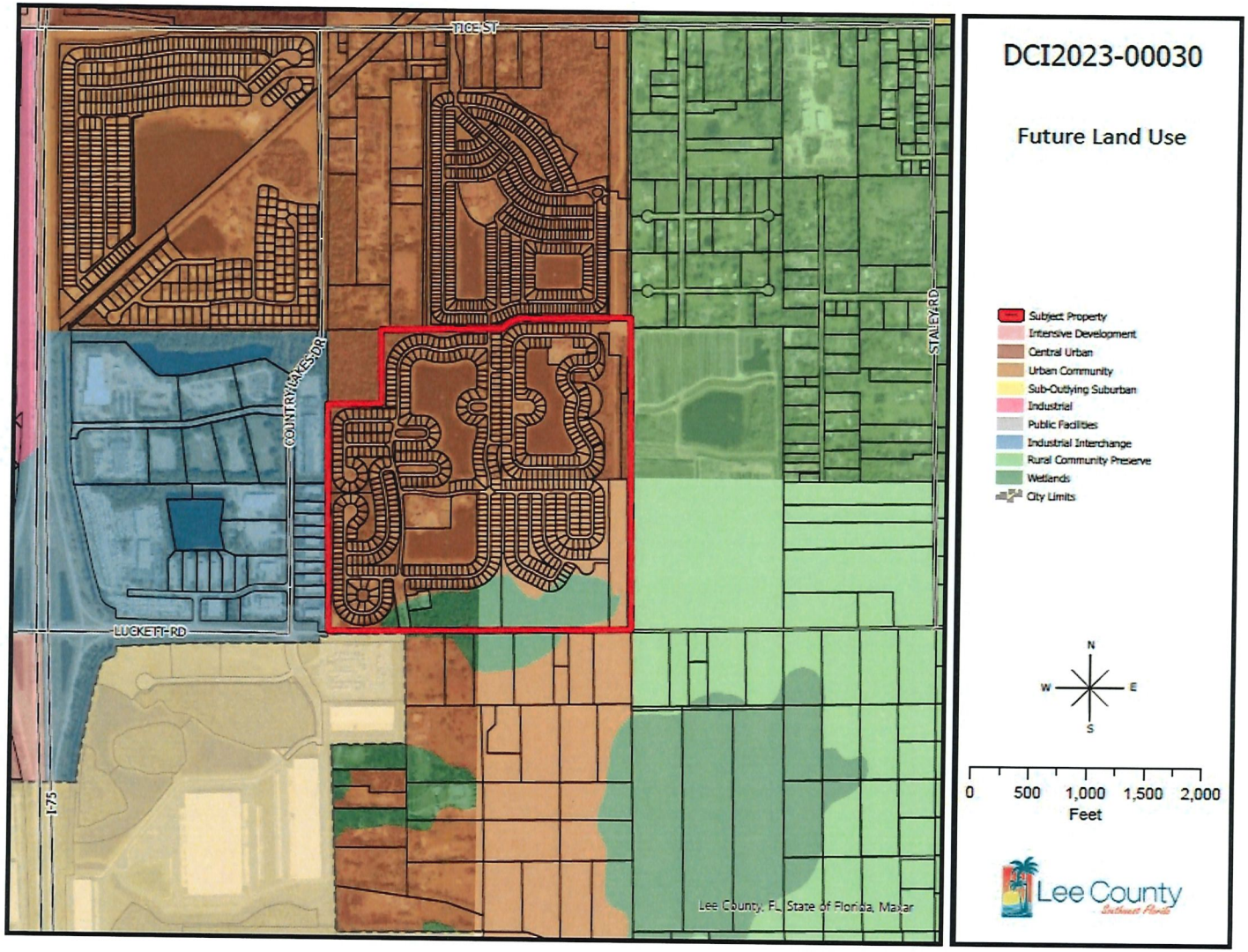

DCI2023-00030
Aerial
Subject Property
City Limits
N
W
E
S
0
500
1,000
1,500
2,000
Feet
Lee County
Southwest Florida
PINE ST
I-75
COLONIAL BLVD
STALEY RD
LUCKETT RD

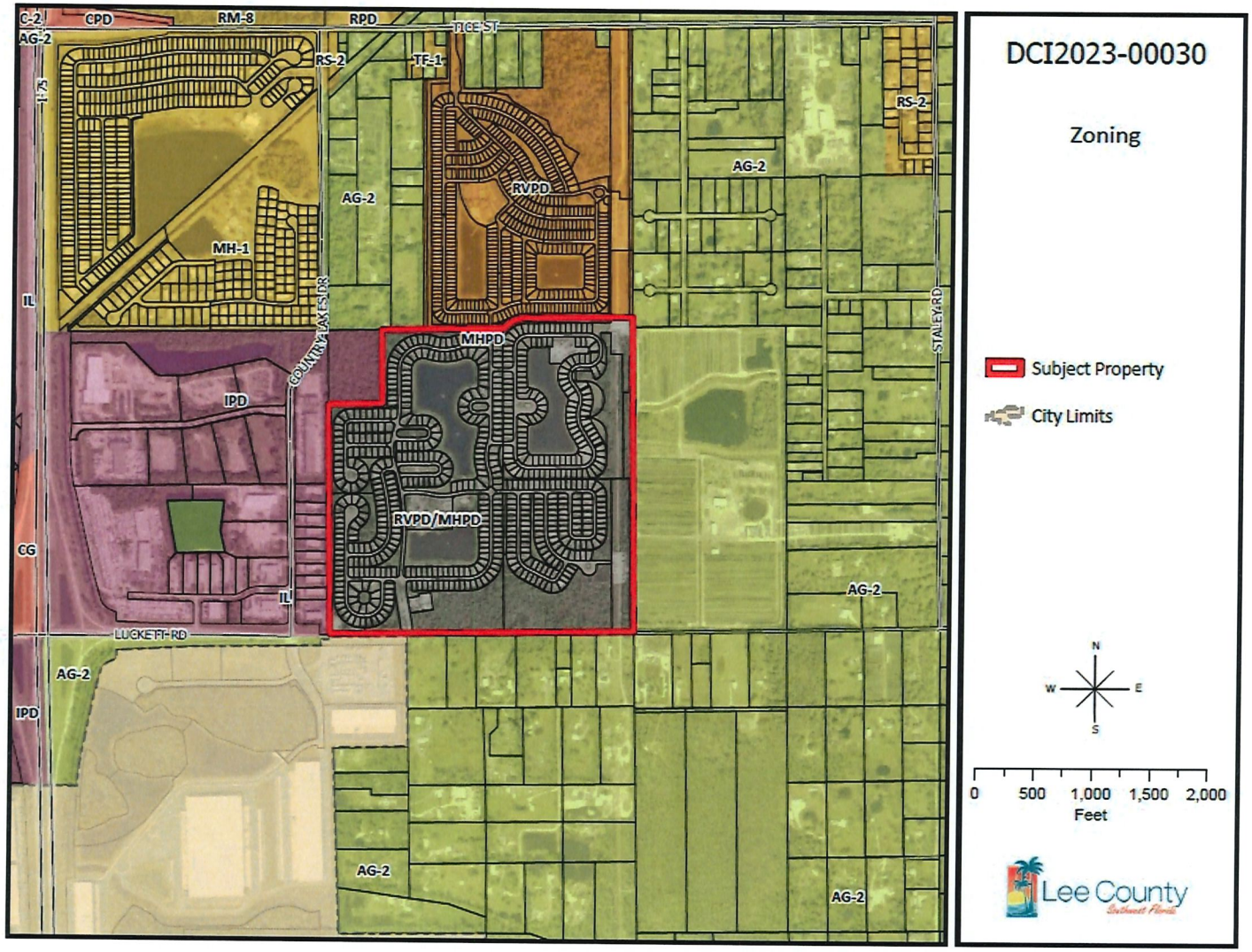
REQUEST

Request to amend Zoning Resolution Z-20-0271 pertaining to the Cypress Woods Mobile Home and Recreational Vehicle Planned Development (MHPD/RVPD) to modify development regulations, deviations, Master Concept Plan and conditions of approval.

REQUEST

- Allow the recreational vehicle accessory use "Casitas" within Phases I-IV (currently only permitted in Phase V) along with associated development standards
- Revise buffer requirements, open space and indigenous preservation acreages to increase open storage within FP&L easement
- Modification of 3 existing deviations and the addition of 3 new deviations


DCI2023-00030
Future Land Use
Subject Property
Intensive Development
Central Urban
Urban Community
Sub-Outlying Suburban
Industrial
Public Facilities
Industrial Interchange
Rural Community Preserve
Wetlands
City Limits
TICE ST
COUNTRY LAKES DR
STALEY RD
LUCKETT RD
I-75
N
W
E
S
0
500
1,000
1,500
2,000
Feet
Lee County
Lee County, FL, State of Florida, Maxar


DCI2023-00030
Zoning
Subject Property
City Limits
C-2
CPD
RM-8
RPD
AG-2
TICE ST
RS-2
TF-1
I-75
AG-2
RVPD
MH-1
IL
COUNTRY LAKES DR
MHPD
IPD
STALEY RD
RVPD/MHPD
CG
IL
AG-2
LUCKETT RD
AG-2
IPD
AG-2
AG-2
N
W
E
S
0
500
1,000
1,500
2,000
Feet
Lee County

CYPRESS WOODS RVPD OVERVIEW

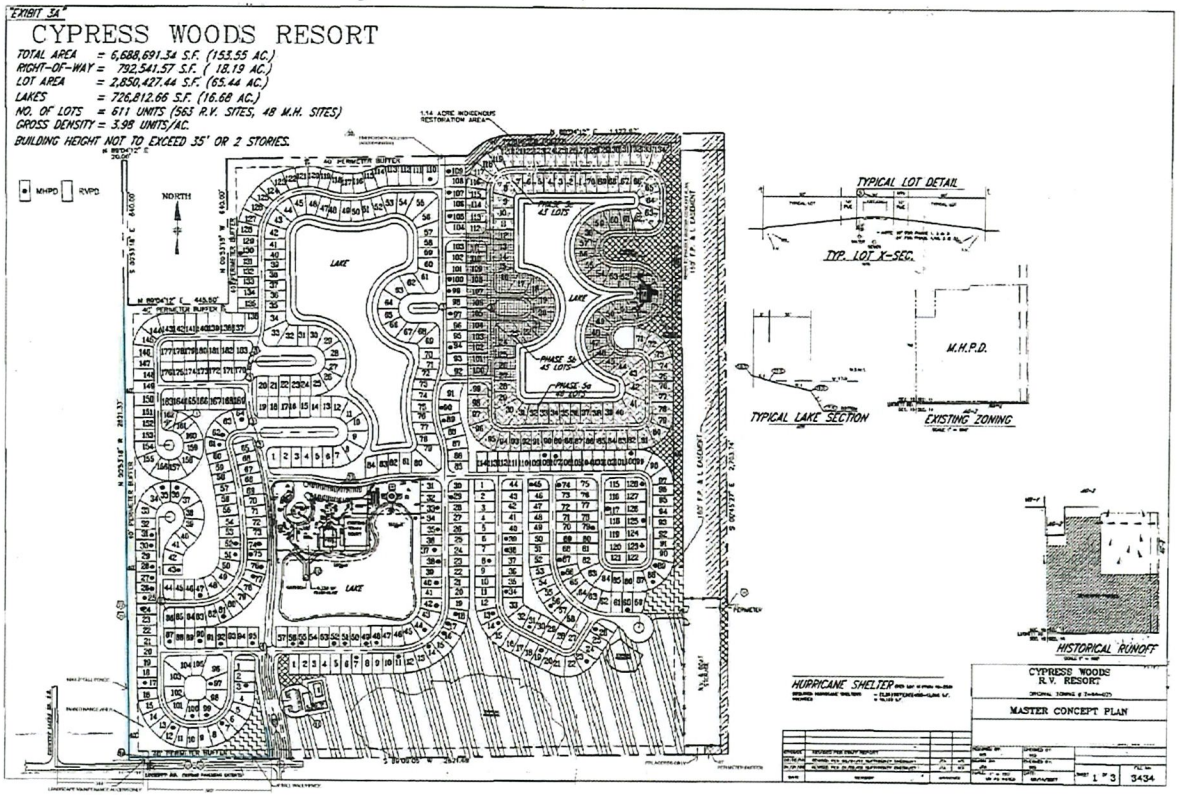
- 153-acre property
- Zoned MHPD/RVPD since 1994
- Permitted for 611 units (maximum of 599 RV units)
- Substantially built out including Phase V "Laguna Caribe"
- Zoning amended numerous times, including 6 Administrative Amendments



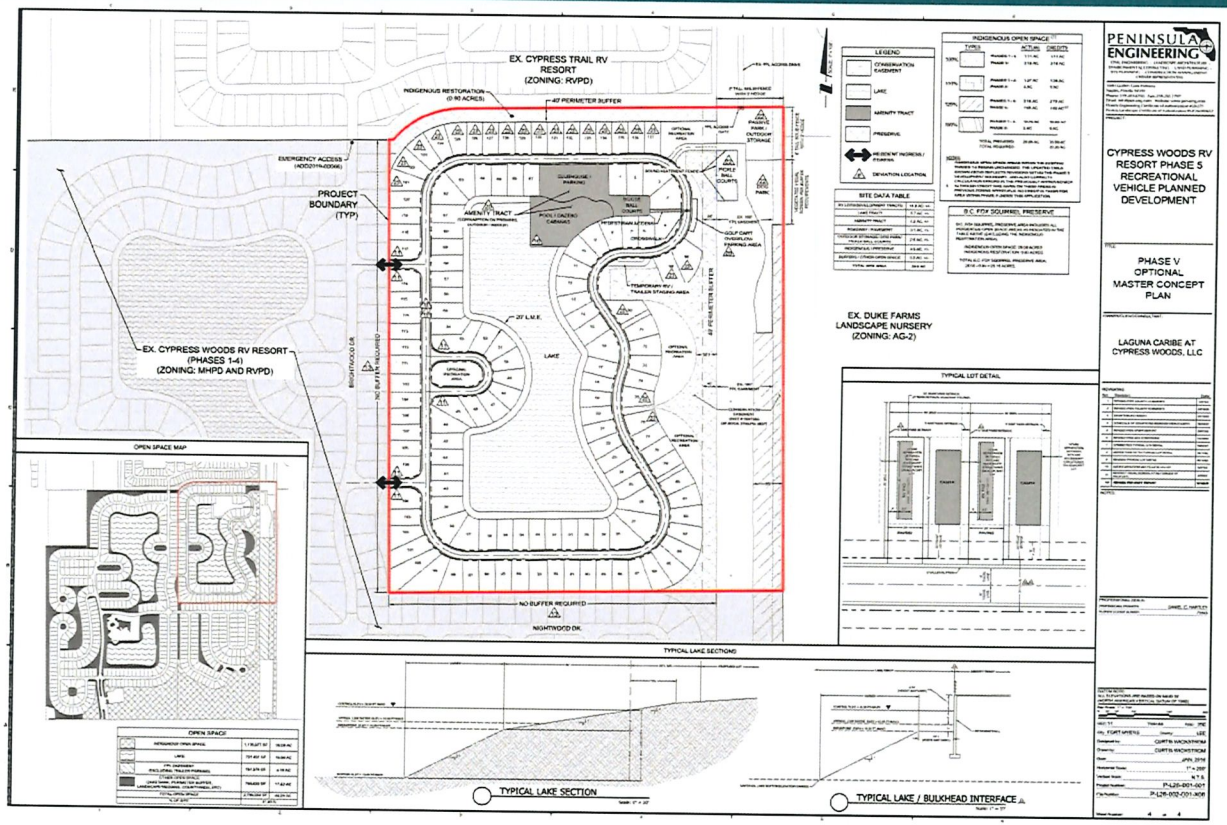




PHASE I-IV MCP (Z-20-027)



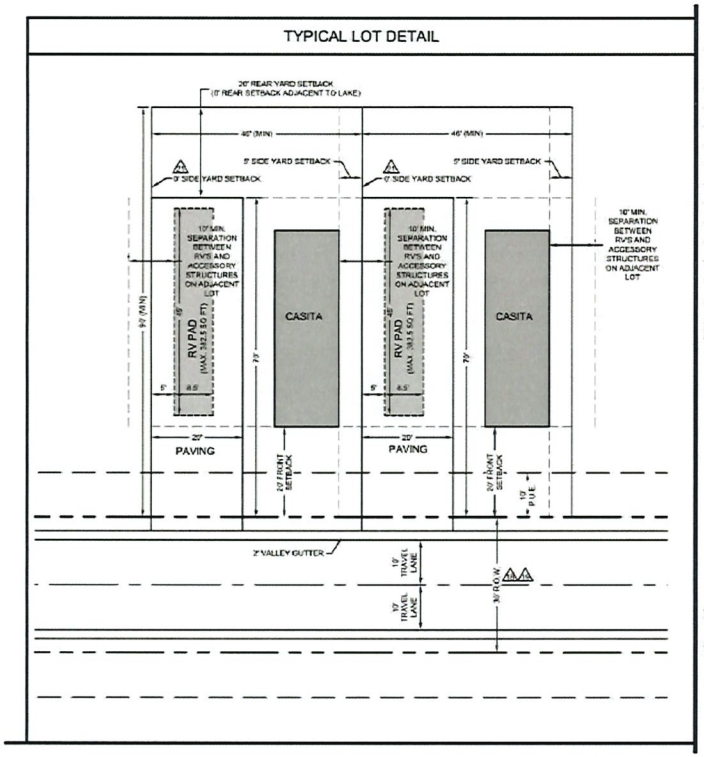
PHASE V "OPTIONAL" MCP (ADD2022-00142)

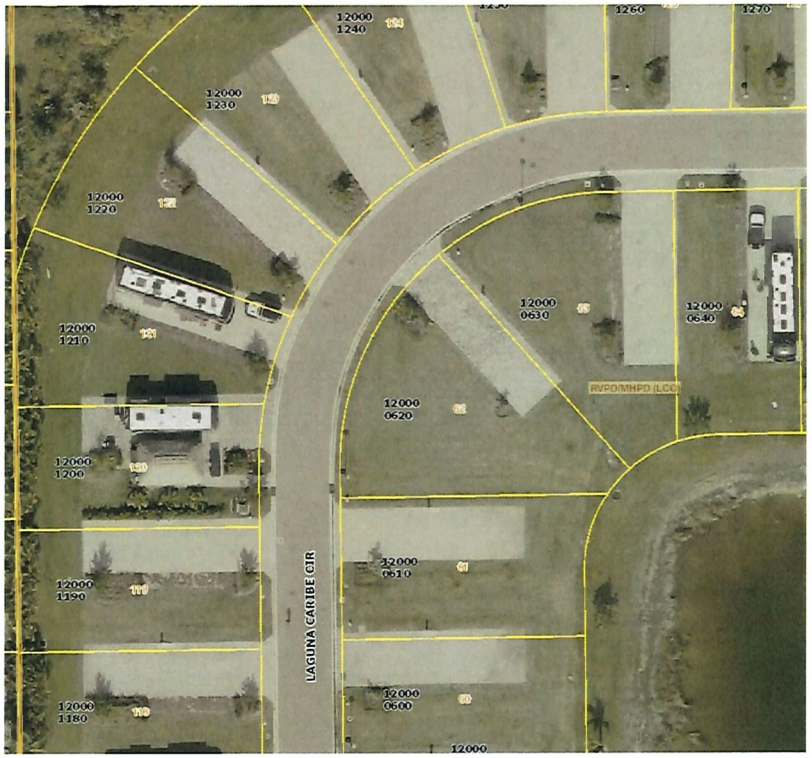


MODIFICATIONS TO DEVELOPMENT STANDARDS

- Allow "Casitas" in Phases I-IV (currently permitted in Phase V only)
- Allow more flexible Phase V setbacks to apply to Phases I-IV
  - 0' side yard setback for RV pads only
  - 5' side yard setback for accessory structures (with total separation of 10' between accessory structure on adjacent lots)
  - 5' rear yard setback for accessory structures
  - 0' feet from lake maintenance easement for waterfront lots and landscape buffer easements

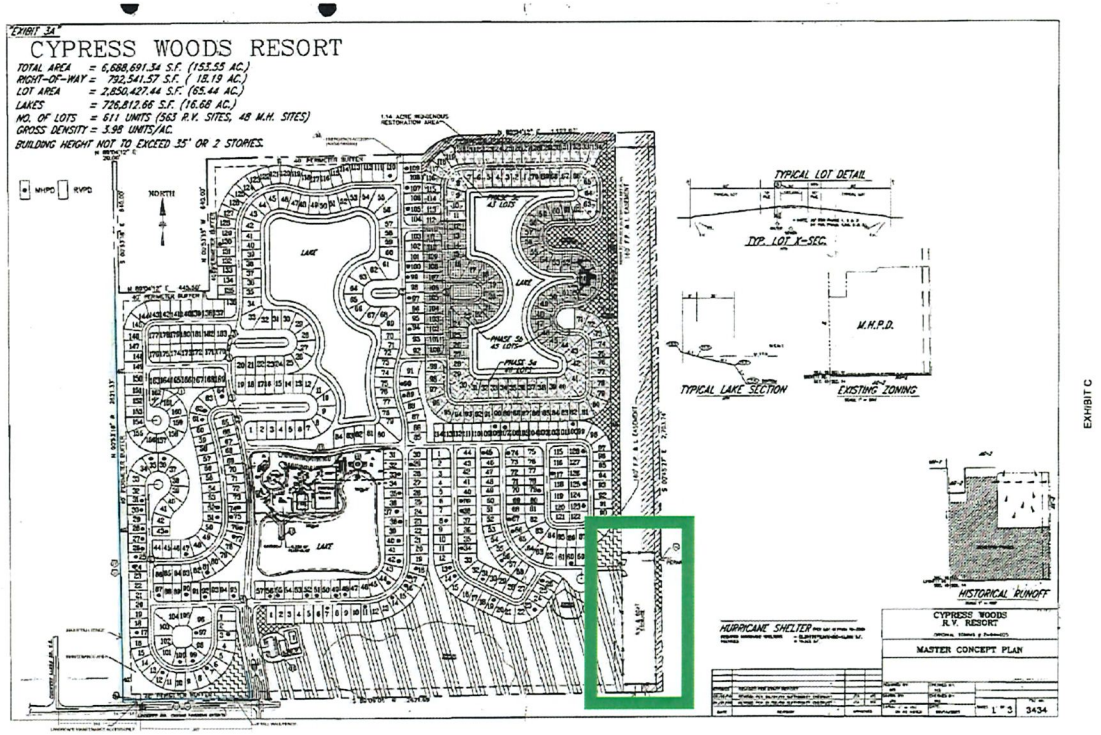
MODIFICATIONS TO DEVELOPMENT STANDARDS



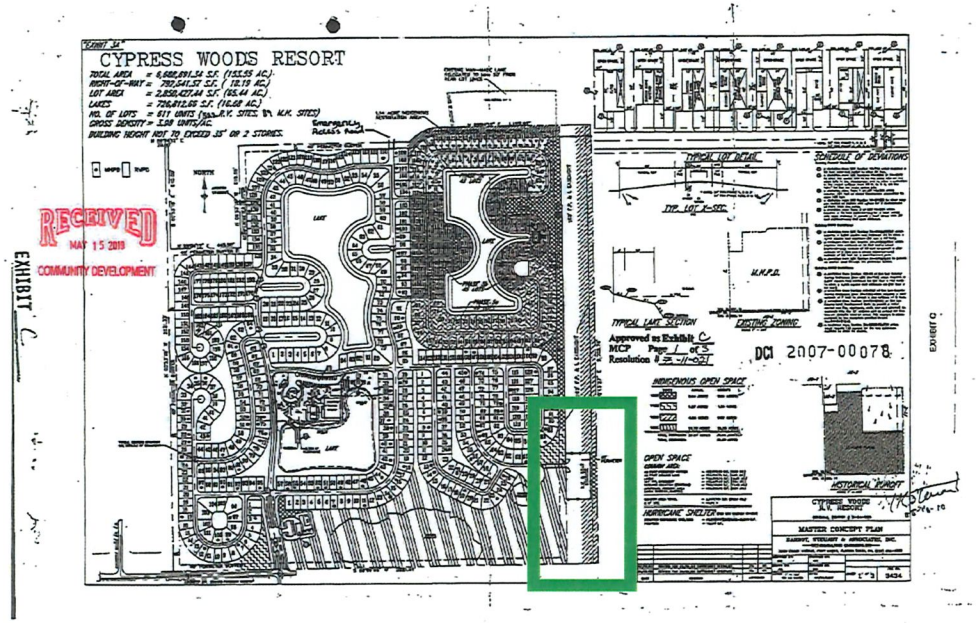


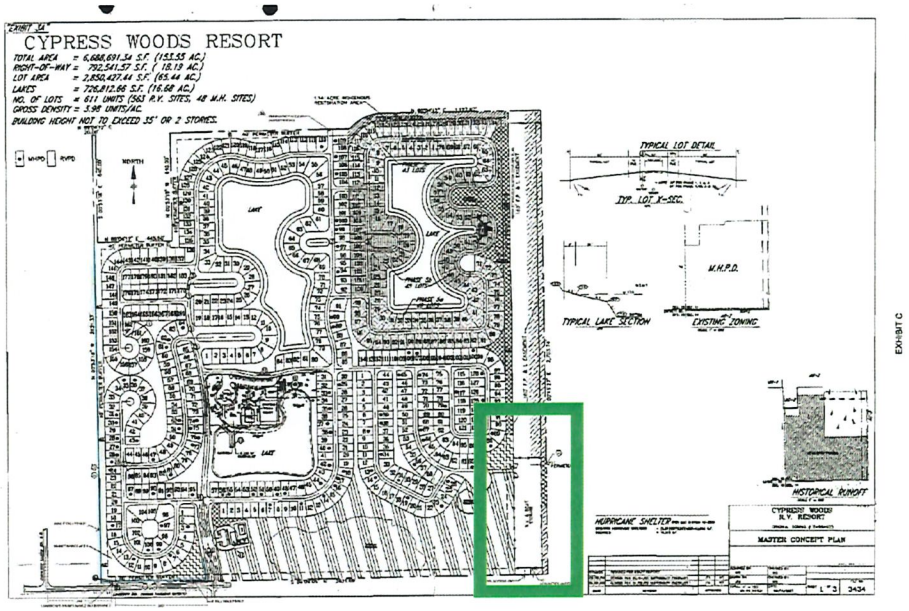
MODIFICATIONS TO OPEN STORAGE

- Expand Open Storage area by 1.3 acres
- Expansion entirely within eastern FPL easement
- PD will maintain compliance with code required open space and indigenous preserve requirements



MODIFICATIONS TO OPEN STORAGE





OPEN SPACE & INDIGENOUS CALCULATION

Cypress Woods RVPD
Open Space & Indigenous Preserve Table

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

*Excludes native vegetation in FPL Easement and upland credits.

MODIFICATION TO EXISTING DEVIATION #7

Deviation (7) seeks relief from the LDC §34-939(b)(7)c requirement of a side and rear setback of 10 feet and a street (right-of-way) setback of 25 feet, to permit a side and rear accessory structure setback of 5 feet and a street (right-of-way) setback of 20 feet in the non-transient section of the park. This deviation is APPROVED provided setbacks are in conformance with Condition 2, Condition 12, and all side setbacks apply to all portions of the structure or unit, including overhangs.

MODIFICATION TO EXISTING DEVIATION #16

Deviation (16) seeks relief from the LDC §34-2020 requirement of 135 parking spaces for the two clubhouse facilities, to allow 44 off-street parking spaces.

~~*This deviation is APPROVED, SUBJECT TO the reservation of Lots 85 and 86 (Phase "4") and Tract I (Phase "3", which lies immediately east of Lots 85 and 86, Phase "4") for the use of overflow parking only, and may not be used as a recreational vehicle or mobile home site. Upon the sale of the last lot (site), in the last Phase of the development, if the applicant can adequately demonstrate during the season of the highest occupancy of the development that the overflow parking areas were not needed, the two lots can then be used for recreational vehicle or mobile home sites as provided for in this planned development. A reduced copy of a Plan entitled Cypress Woods R.V. Resort Phase "IV", IVA, & IVB, stamped received SEP 08, 2003 depicts these parcels.*~~

MODIFICATION TO EXISTING DEVIATION #16

January 2020



MODIFICATION TO EXISTING DEVIATION #23

Deviation (23) seeks relief from the LDC §10-415(b)(1)(c) requirement of a 20-foot minimum setback from indigenous vegetation and trees and a 30 foot setback for indigenous plant communities subject to fire, to allow a 20 foot minimum setback from upland preserve 68 through 70, 75 and 76, and 121 through 137 Phase V, and lots 3-9 in Phase 1 and lots 87-99 in Phase 3. This deviation is APPROVED subject to the following condition.

All buildings located within the 30 foot required setback must be constructed of flame-retardant materials.

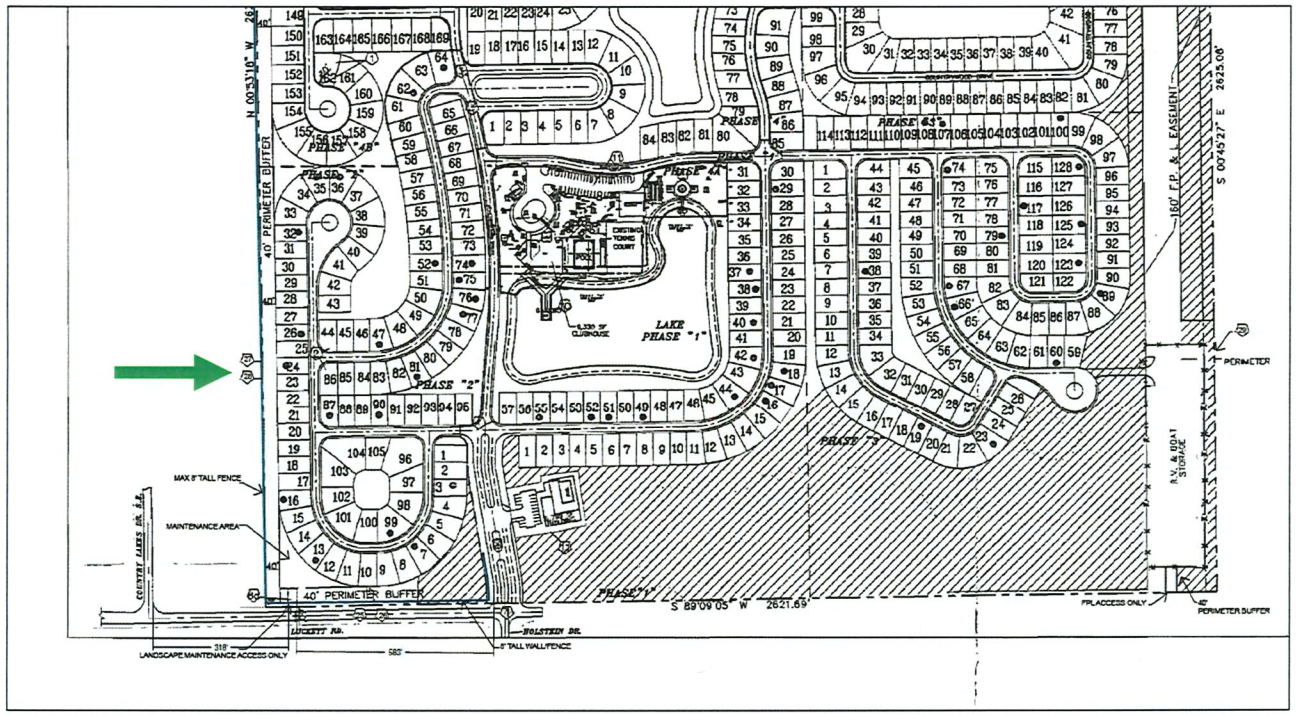
NEW DEVIATION #27

Deviation 27 seeks relief from LDC §10-421(a)(8), which requires walls or fences that are proposed, but not required, to have all required buffer plantings installed on the exterior side of the wall or fence; to allow a wall or fence to be installed along the west property perimeter with the required plant material on the inside of the proposed wall, which abuts the industrial subdivision.

NEW DEVIATION #28

Deviation 28 seeks relief from §34-1743(b)(3), which requires project wall/fences to be landscaped on the exterior side with a minimum of five trees per 100 linear feet and shrub hedges within a minimum plantable width of seven and one-half feet with shrubs planted and maintained to form a 36-inch high continuous visual screen within one year after time of planting; to allow no landscaping exterior to the fence/wall along the west property perimeter abutting the industrial subdivision.

NEW DEVIATION #27 & #28



NEW DEVIATION #27 & #28

OBJECTIVE 21.1: COMMUNITY CHARACTER. To create a visually attractive community. (Ord. No. 03-21, 18-18)

POLICY 21.1.1: ***Maintain LDC regulations that provide for enhanced landscaping, signage and architectural standards*** consistent with the goal of maintaining an old Florida rural identity. The preferred architectural style for all buildings in commercial developments is Florida vernacular. (Ord. No. 03-21, 07-12, 18-18)

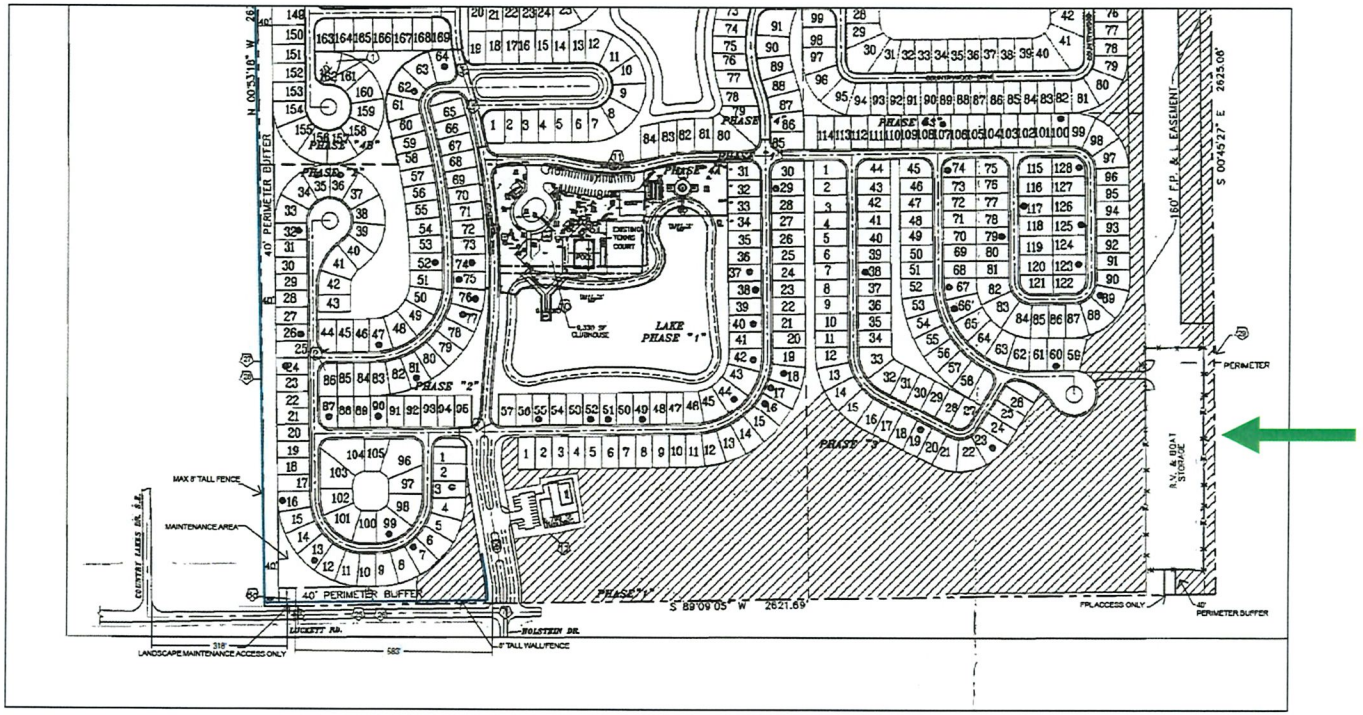
POLICY 21.1.2: ***Any deviation from landscaping, buffering, signage or architectural requirements*** may not be granted unless the request meets the approval criteria for variances set forth in the LDC, Chapter 34. (Ord. No. 03-21, 18-18)

POLICY 21.1.3: Protect Caloosahatchee Shores' rural character from the encroachment of inconsistent and incompatible urban development by requiring that amendments to the future land use map that increase density or intensity be accompanied with a concurrent planned development rezoning that demonstrates compatibility with the rural character. (Ord. No. 09-06, 18-14, 18-18)

NEW DEVIATION #29

Deviation 29 seeks relief from LDC §34-939(b)(3), which requires recreational vehicle parks to include a perimeter buffer at least 40 feet wide adjacent to and completely around the property boundary of the site, to allow for a 30-foot-wide buffer along a portion of the eastern property line associated with the proposed RV & Boat Storage Area expansion.

NEW DEVIATION #27

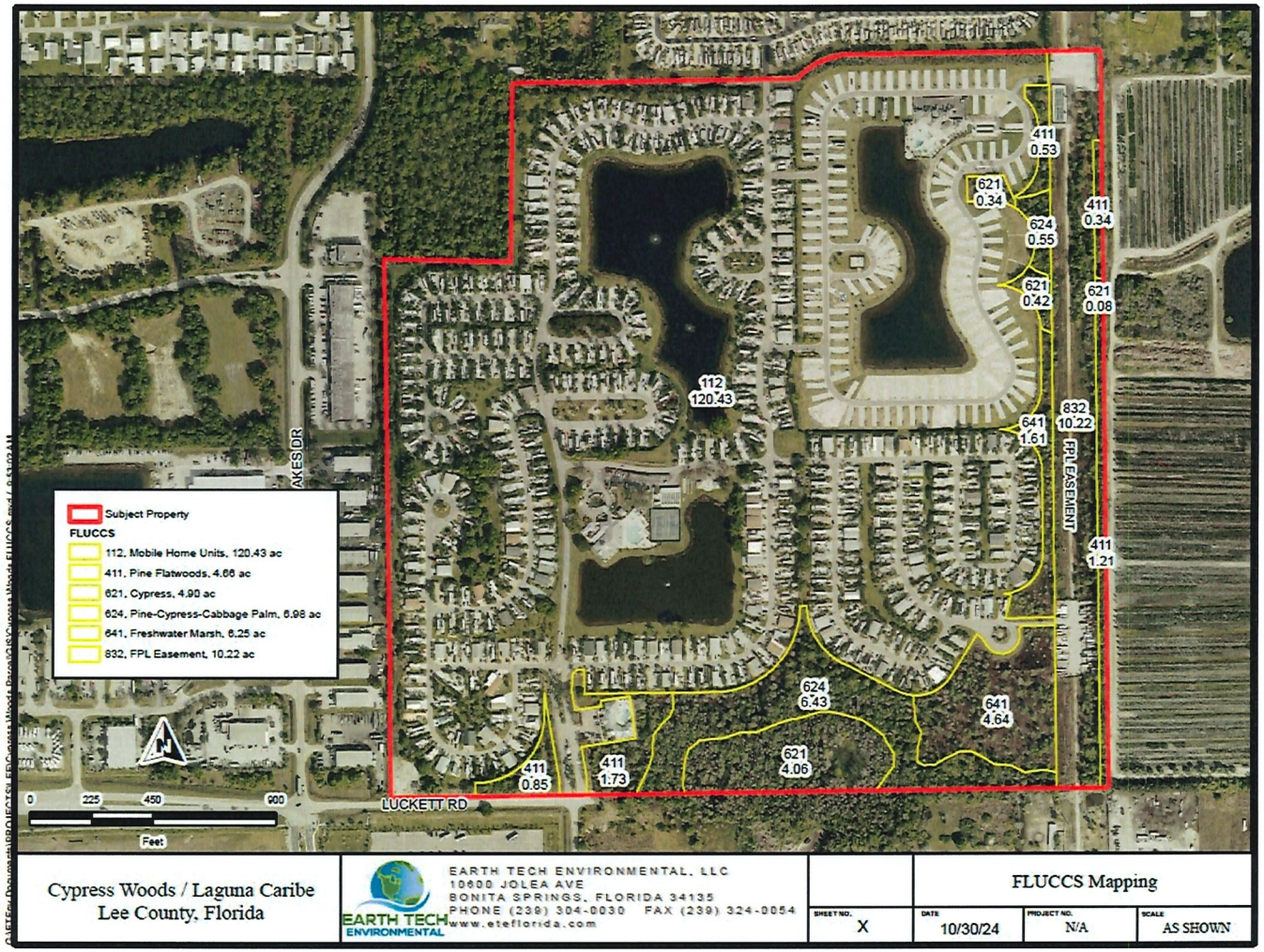


NEW DEVIATION #30 (FORMERLY DEVIATION #6)

Deviation (30) seeks relief from LDC §10-291(3), which requires residential development of more than five acres to provide more than one means of ingress or egress for the development, to allow one access point. This deviation is APPROVED, SUBJECT TO maintaining the emergency-only interconnection with Cypress Trails RVPD to the north, as depicted on the MCP.

JEREMY STERK, CEP

Earth Tech Environmental


Subject Property
FLUCCS
112, Mobile Home Units, 120.43 ac
411, Pine Flatwoods, 4.66 ac
621, Cypress, 4.90 ac
624, Pine-Cypress-Cabbage Palm, 6.98 ac
641, Freshwater Marsh, 6.25 ac
832, FPL Easement, 10.22 ac
AKES DR
LUCKETT RD
FPL EASEMENT
112 120.43
411 0.53
621 0.34
624 0.55
411 0.34
621 0.42
621 0.08
832 10.22
641 1.61
411 1.21
624 6.43
641 4.64
621 4.06
411 0.85
411 1.73
0 225 450 900
Feet
Cypress Woods / Laguna Caribe
Lee County, Florida
EARTH TECH ENVIRONMENTAL, LLC
10600 JOLEA AVE
BONITA SPRINGS, FLORIDA 34135
PHONE (239) 304-0030 FAX (239) 324-0054
www.eteflorida.com
EARTH TECH ENVIRONMENTAL
FLUCCS Mapping
SHEET NO. X
DATE 10/30/24
PROJECT NO. N/A
SCALE AS SHOWN

LEE PLAN CONSISTENCY

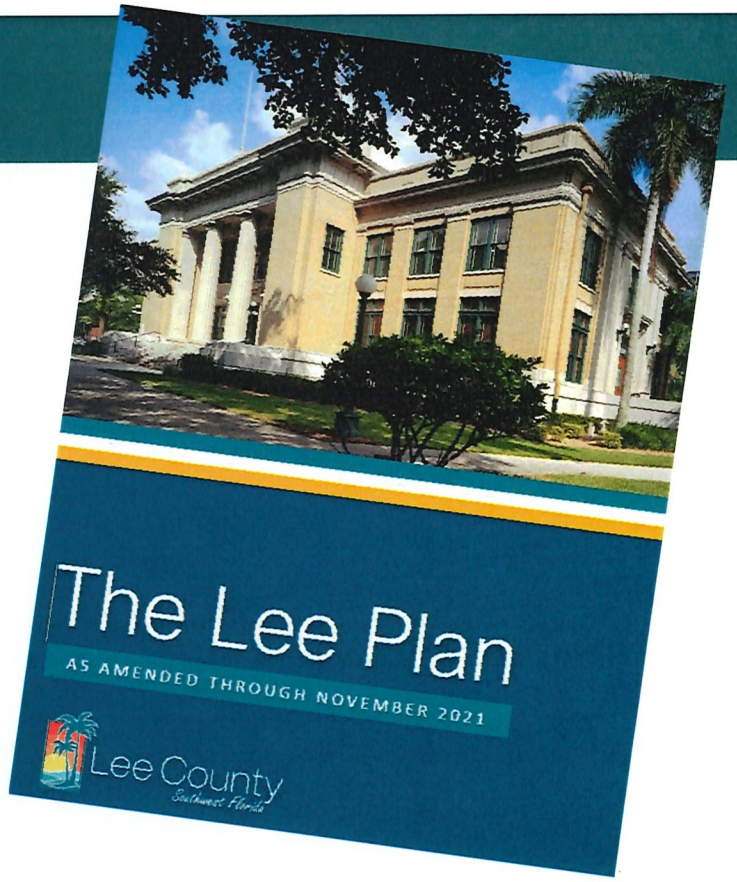
Policy 1.1.4 - Urban Community

Policy 1.5.1 - Wetlands

Objective 2.1 – Compact Growth & Sprawl Mitigation

Policy 5.1.5 - Residential Land Uses/Compatibility

Goal 21 - Caloosahatchee Shores Community Plan



REZONING DECISION MAKING CRITERIA

Staff finds request complies with LDC 34-145(d)(4)(a)1 for general rezoning:

a. Complies with the Lee Plan;
b. Meets the Land Development Code and other applicable County regulations or qualifies for deviations;
c. Is compatible with existing and planned uses in the surrounding area;
d. Will provide access sufficient to support the proposed development intensity;
e. The expected impacts on transportation facilities will be addressed by existing County regulations and conditions of approval;
f. Will not adversely affect environmentally critical or sensitive areas and natural resources; and
g. Will be served by urban services, defined in the Lee Plan, if located in a Future Urban Area category.

PD DECISION MAKING CRITERIA

Staff finds request complies with LDC 34-145(d)(4)2 for Planned Development rezonings.

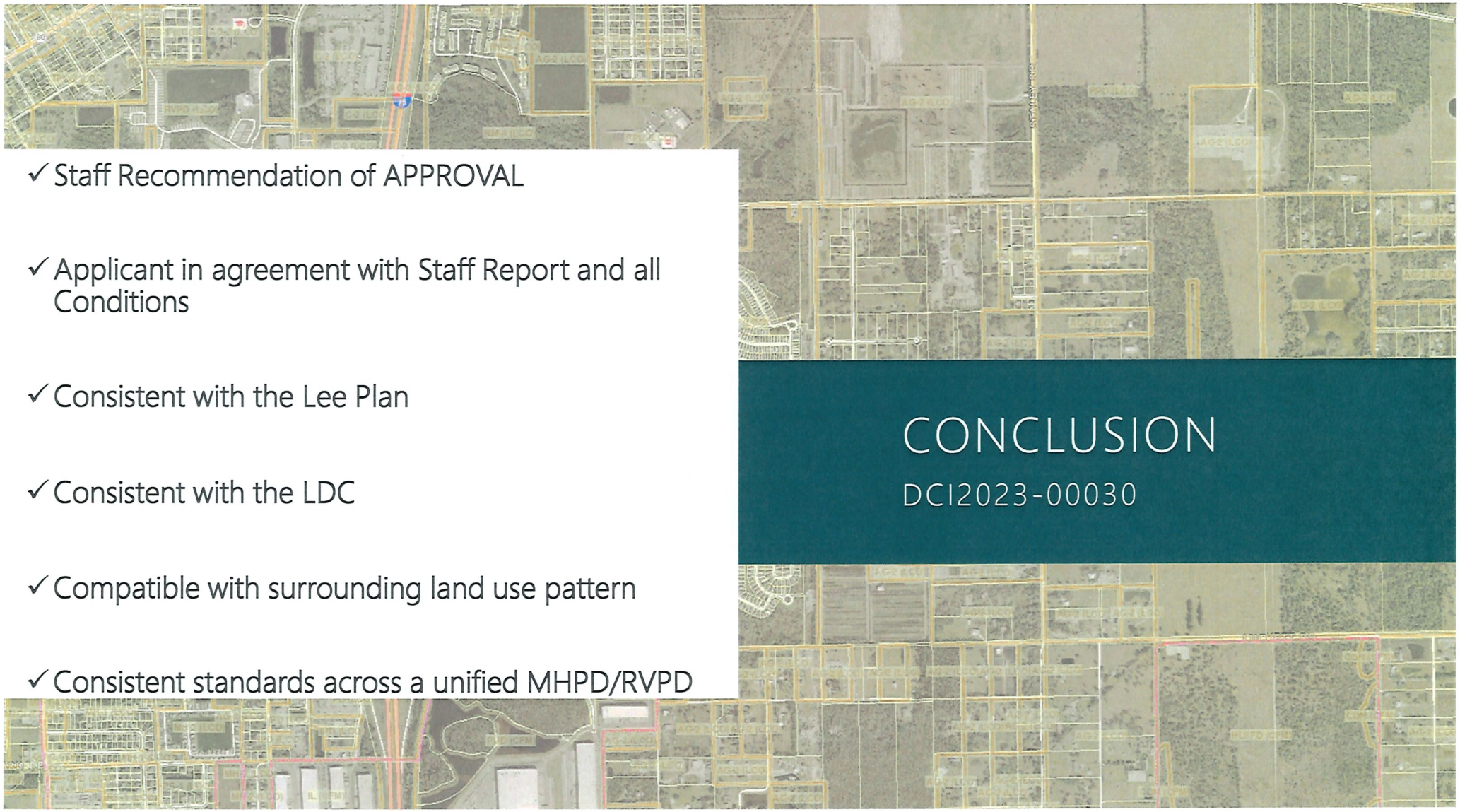
a. The proposed use or mix of uses is appropriate at the proposed location;

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

c. That each requested deviation:

1) Enhances the achievement of the objectives of the planned development; and

2) Preserves and promotes the general intent of this Code to protect the public health, safety and welfare.



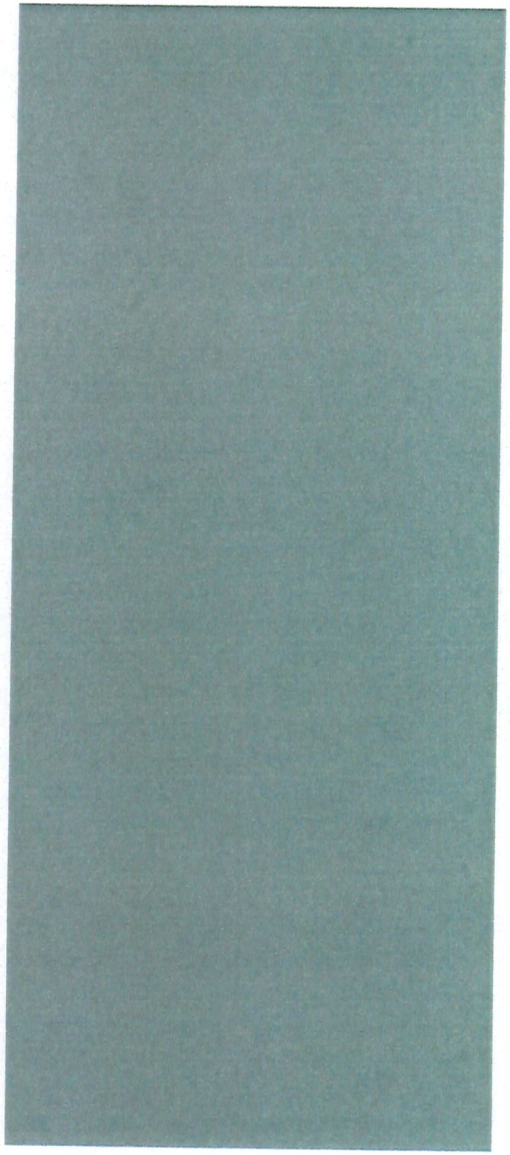
CONCLUSION

DCI2023-00030

- ✓ Staff Recommendation of APPROVAL
- ✓ Applicant in agreement with Staff Report and all Conditions
- ✓ Consistent with the Lee Plan
- ✓ Consistent with the LDC
- ✓ Compatible with surrounding land use pattern
- ✓ Consistent standards across a unified MHPD/RVPD

RVi Planning + Landscape Architecture

CYPRESS WOODS RVPD
DCI2023-00030



LEE COUNTY HEARING EXAMINER

July 31, 2025

Lee County, Florida
DEPARTMENT OF COMMUNITY DEVELOPMENT
ZONING SECTION
STAFF REPORT

RECEIVED
JUL 16 2025
BY: HEARING EXAMINER'S OFFICE

Case Number: DCI2023-00030
Case Name: Cypress Woods RVPD
Case Type: Planned Development Rezoning
Area to be Amended: ±153.5 Acres
Sufficiency Date: May 14, 2025
Hearing Date: July 31, 2025
Commissioner District: 5 (Commissioner Greenwell)

REQUEST:

RVi Planning + Landscape Architecture has filed an application to amend Zoning Resolution Z-20-027[1] pertaining to the Cypress Woods Mobile Home and Recreational Vehicle Planned Development (MHPD/RVPD) to modify development regulations and conditions of approval to allow:

1. *The recreational vehicle accessory use "Casitas" within Phases I-IV (currently only permitted in Phase V).*
2. *Revisions to buffer requirements, open space and indigenous preservation acreages to increase open storage within FP&L easement.*
3. *Modification of 3 existing deviations and the addition of 3 new deviations:*
   i. *Modification to existing Deviation #7 (amends setback requirements for recreational vehicle lots).*
   ii. *Modification to existing Deviation #16 (amends clubhouse parking requirements).*
   iii. *Modification to existing Deviation #23 (relieves additional lots subject to upland preserve setbacks).*
   iv. *Deviations #27 and #28 request relief from the location standard for landscaping in conjunction with a residential project wall.*
   v. *Deviation #29 requests relief from the 40-foot perimeter buffer requirement for a segment along the 160-foot FP&L easement.*

SUMMARY:

The impetus of the request is the ability to permit the use of casitas[2] planned development-wide. A casita is not measured as density[3], as the purpose of the accessory building is to expand the living

---

[1] Zoning Resolution Z-20-027, approved 12-16-2020, was subsequently amended by case numbers ADD2021-00158, ADD2022-00021, ADD2022-00108, ADD2022-00142, ADD2023-00099 and ADD2024-00063. These administrative amendments are further expanded on in this report on Pages 2 and 3.
[2] Casita means "an accessory building located on an individual recreational vehicle lot which may contain sleeping and sanitary facilities and a kitchen and is used for habitation by the occupants of the recreational vehicle occupying the lot." See LDC §34-2.
[3] Density means "an existing or projected relationship between the numbers of dwelling units and land area" See LDC §34-2.

STAFF'S EXHIBIT # 1

area for the convenience and utility of the occupants of the accompanying recreational vehicle on the same lot. Other modifications of development regulations do not pertain to planned development density (units per acre) or intensity (non-residential floor area). The Land Development Code (LDC) provides the Hearing Examiner the authority to render the final decision where the request will not increase density or intensity in the planned development.[4] The request does not seek to increase density or intensity and is limited to amendments to the master concept plan, schedule of uses, and property development regulations. The property is designated Urban Community and Wetlands on the County Future Land Use Map and is located in the Caloosahatchee Shores Community Plan Area, approximately half a mile east of I-75 on the north side of Luckett Road. A legal description of the subject property is attached hereto as Attachment B.

Staff recommends **APPROVAL** *of the request with the conditions and deviations found in Attachment E of this report. The recommended conditions codify and supersede Resolution Z-20-027 (see Attachment S) and subsequent administrative actions noted herein.*

HISTORY OF PROPERTY:

The property's Mobile Home and Recreational Vehicle Planned Development (MHPD/RVPD) 'combination' zoning originated in 1994 despite opposition from county reviewing staff (see Attachment R). In response to the outcome of this rezoning, the LDC was amended to incorporate a "Mixed-use Planned Development" (MPD) District (Ord. 94-24). The following timeline details public hearing approvals associated with the manufactured home and recreational vehicle residential community:

1984 Rezoning	*Agricultural (AG,* **AG-2** *as converted) to Preliminary Planned Unit Development (***PUD***) for 770 RV sites (Resolution ZAB-84-31).*
1986 Reverting	*No Final Plan Approval sought;* **PUD** *Zoning consequently reverted to AG (***AG-2** *as converted).*
1987 Rezoning	*Agricultural (***AG-2***) to Mobile Home Planned Development (***MHPD***) for 667 manufactured homes (Resolution Z-87-075).*
1994 Rezoning	***MHPD*** *to* ***MHPD and RVPD*** *for 684 units consisting of 285 MH sites 399 RV sites (Resolution Z-94-025).*
2003 Amendment	*Reduce unit count from 684 to 647 and allow up to 599 units to be RV sites with a minimum of 48 MH sites; Revise and clarify conditions (Resolution Z-03-057).*
2011 Amendment/ Rezoning	*Rezone ±2.1 acres from* **AG-2** *to* **MHPD/RVPD** *to expand project acreage. Codifies prior approvals and establishes maximum unit count of 611, with a maximum of 599 RV units (Resolution Z-11-021).*
2020 Amendment	*Revise conditions on ±35.64 acres (Phase V) no net increase to approved 611 units. Codifies prior approvals into superseding resolution (Resolution Z-20-027).*
	All Superseded Resolutions included with Composite Attachment U

Resolution Z-20-027 is subject to six subsequent Administrative Amendments described below:

[4] *See LDC §34-145(d)(1)e.3.i.*

1. *ADD2021-00158 clarified the side-yard setback for RV pads and accessory structures, and amended Condition 12 to ensure accessory structure setbacks aligned with Phase V development regulations.*
2. *ADD2022-00021 revised the Master Concept Plan to update typical lot details and introduced the use of casitas exclusively in Phase V. This change aligned with Ordinance 22-12 (adopted May 2022), which authorized an administrative approval process for incorporating casitas within RV parks—provided those parks included cabanas or coach cabanas within their approved schedule of uses prior to the ordinance's effective date.*
3. *ADD2022-00108 amended Deviation 23 of Resolution Z-20-027 to list additional lots requesting relief from indigenous preservation setbacks.*
4. *ADD2022-00142 amended the Master Concept Plans to modify screening annotations pertaining to the outdoor storage and dog park area exclusive to Phase V (as authorized by Deviation 22 of Resolution Z-20-027). STAFF NOTE: Applicants provided MCP does not depict the screening annotation change approved by this action.*
5. *ADD2023-00099 included Deviations 25 and 26 to modify the location of required landscaping associated with replacement of a project wall along Luckett Road.*
6. *ADD2024-00063 amended accessory use and development regulations in Phase V, which superseded ADD2021-00158 listed above.*

All amendments herein included with Composite Attachment T

The following application submittal requirements were waived as the respective items were found to have no bearing on the review and processing of the request (see Attachment Q):

- *Traffic Impact Statement;*
- *Surface Water Management Plan;*
- *Ownership/Title Certification;*
- *Soils Map;*
- *Rare and Unique Upland Habitat Map;*
- *Existing and Historic Flow-Ways Map; and*
- *Potable Water and Central Sewer Availability Letter.*

CHARACTER OF THE AREA:

The ±153.5-acre subject property adjoins the existing Cypress Trails Recreational Vehicle Planned Development (RVPD) and Agricultural (AG-2) lands to the north. To the west is an existing industrial subdivision. To the east is "Duke Farms" and a separate single-family lot. The subject property is located in the Urban Community and Wetlands future land use categories as designated in the Lee Plan (see Attachment C). The areas surrounding the subject property can be further characterized as follows:

North

Lands to the north are zoned Agricultural (AG-2) and Recreational Vehicle Planned Development (RVPD) and consist of recreational vehicle lots within the Cypress Trails RVPD as well as large-lot

single-family residences. These properties are designated Urban Community on the Future Land Use Map of the Lee Plan.

South

Lands to the south, across Luckett Road and west of Holsten Drive, are located within the City of Fort Myers and is developed with a 10-acre RV dealership. Across Luckett Road and east of Holsten Drive are Agricultural (AG-2) zoned properties developed with single-family uses in the Urban Community and Wetlands Future Land Use categories.

West

Lands to the west of the subject property consist of the abutting ±130-acre industrial subdivision flanking I-75. The subdivision is zoned Light Industrial (IL) and Industrial Planned Development (IPD) and is located in the Industrial Interchange Future Land Use category.

East

Lands to the east of the subject property are zoned Agricultural (AG-2) and consist of an ±80-acre farming operation, as well as separate single-family residence located on two acres with access from Martha Street. The properties are designated Rural Community Preserve on the Future Land Use Map.

AVAILABILITY OF PUBLIC SERVICES:

Public services are defined by the Lee Plan as "the requisite services, facilities, capital improvements, and infrastructure necessary to support growth and development."

The request does not result in an increase in density or intensity and does not alter the project's demand for the public services which are currently in place. The project has sufficient access to paved roads, water/sewer, and emergency services, and the request does not generate additional school-aged children.

ANALYSIS:

Resolution Z-20-027 distinguished the undeveloped Phase V of the Cypress Woods MHPD/RVPD from the completed Phases I–IV in terms of use and development regulations as the future developer retained control only over the undeveloped phase. The use of casitas was later administratively introduced to Phase V in 2022, which comprises 35.6 acres of the collective ±153.5-acre planned development. At that time, only cabanas were listed as permitted in Phase V, pursuant to Z-20-027, which precluded Phases I – IV from introducing the casitas administratively. All phases are now represented by this application, as indicated in legal description and case maps, and the staff recommendation is to align use and development standards across all five phases, where feasible.

The request to permit casitas within the remainder of the planned development is appropriate, as evidenced by its existing implementation in Phase V. The balance of the request addresses increasing accessory open storage areas (which modifies indigenous acreages), revising development

regulations for accessory buildings and RVs, and amendments to the schedule of approved deviations. A more detailed breakdown of the request follows:

Modification of Site Development Regulations

Phases I through IV seek to similarly implement existing setback requirements that currently only apply within Phase V, which permit no side yard setback for "RV pads" and allow a minimum side yard setback of 5 feet for accessory structures, provided 10 feet of separation is maintained between RVs/accessory structures on adjacent lots. The proposed rear yard setback is 20 feet for principal structures and 5 feet for accessory structures. Where the lot abuts a lake maintenance easement or optional recreation tract, the rear yard setback proposed is 0 feet, provided the RV or structure complies with applicable waterbody and upland preserve setbacks.

The recommended approach of uniform development standards across all five phases is less restrictive than the applicant's request to continue distinguishing use and setback regulations between Phase V and Phases I through IV (see Attachment H for applicant's proposed development standards). Staff find this public hearing amendment process to be an appropriate opportunity to unify development standards across all five phases for ease of administration (see Attachment E for staff recommended development standards). The Homeowners Association may opt to enforce more restrictive development standards in certain Phases or areas through deed restrictions, covenants or other private mechanisms.[5] Staff does not identify a public health, safety or welfare benefit in requiring more restrictive development standards in one area of a planned development that is similarly situated and laid out to the other area.

Use and development standards in Condition 2.a and 2.b. would no longer single out Phase V, which was historically the approach of regulating Cypress Woods prior to 2020 (see Attachment U for Resolution Z-11-021 and prior resolutions).

Phase III Designated Open Storage Area

The request includes revisions to the Master Concept Plans which represent Phases I through IV, to allow for a 1.3-acre expansion of the current open storage area for the Cypress Woods RV Resort Homeowner's Association. The expansion is located wholly within the Florida Power and Light Easement running north to south along the eastern boundary. The outdoor storage expansion does reduce previously designated open space and indigenous vegetation hatching depicted on the current MCP. The applicant states that the project currently exceeds the Land Development Code's requirement of 40 percent of the total project acreage maintained as open space, with 50 percent of the open space consisting of indigenous vegetation, and that the project will continue to exceed those

---

[5] See LDC § 34-4, [Zoning Chapter] Applicability; deed restrictions and vested rights "The provisions of this chapter shall be held to be minimum requirements adopted for the promotion of the public health, safety and welfare. It is not intended by this chapter to interfere with, abrogate or annul any easements, covenants or other agreement between the parties; provided, however, that, where this chapter imposes a greater restriction upon the uses of structures, land and water, or requires more open space, than is required by other rules or regulations, or by easements, covenants or agreements, by recorded deed, plat or otherwise, the provisions of this chapter shall govern. The County shall not be responsible for the enforcement of private deed restrictions." [underline emphasis added].

requirements with the proposed ±1.3-acre outdoor storage expansion (see Attachments F and L). The expansion of the outdoor storage area will require local development order approval, and the staff recommended conditions (Condition 13, as modified) require that prior to local development order approval, the applicant must demonstrate the expansion does not result in a reduction in the minimum code-required open space or indigenous preservation areas. The proposed modification to Condition #7 of Resolution Z-20-027 is as follows:

> 7. Indigenous Open Space:
>
> The project must provide ~~35.09~~ 33.01 acres minimum of indigenous open space with credits for all phases of the project in conceptual compliance with the MCP

Revised Schedule of Deviations

Deviation means "a departure from a specific regulation of the LDC or other applicable regulation or code, when requested as part of a planned development in accordance with LDC Section 34-373(a)(9), based on the findings established in LDC Section 34-377(a)(4)." Each deviation must enhance the achievement of the objectives of the planned development and preserve and promote the general intent of the LDC to protect the public health, safety and welfare.

The applicant has provided a schedule of deviations with corresponding justifications found in Attachment G. The staff recommended schedule of deviations includes all currently approved deviations (see Attachment E). The request results in modification of 3 existing deviations and 4 new deviations. The applicant's schedule includes proposed Deviation #30; however, staff has identified the opportunity to instead modify existing Deviation #23, which grants identical relief in Phase V. Staff recommends utilizing "Deviation #30" to instead reinstate an access-related deviation that was omitted in the current zoning. Further analysis on this access related deviation is provided under "Sufficiency of Access and Transportation Impacts."

Existing Deviations

Changes to existing deviations are provided below in strike-through and underline format:

> Deviation (7) seeks relief from the LDC §34-939(b)(7)c requirement of a side and rear setback of 10 feet and a street (right-of-way) setback of 25 feet, to permit a side and rear accessory structure setback of 5 feet and a street (right-of-way) setback of 20 feet in the non-transient section of the park. This deviation is APPROVED provided setbacks are in conformance with Condition 2, Condition 12, and all side setbacks apply to all portions of the structure or unit, including overhangs.

The revisions to Deviation #7 align with the existing accessory setback regulations contained in Condition 2.b. of Resolution Z-20-027 for Phase V and also align with the effort to unify development

standards across all phases. The amended deviation will enhance the objectives of the planned development and preserve the general intent of the LDC. Staff recommends ***APPROVAL*** *of the above modification to Deviation #7.*

Deviation (16) seeks relief from the LDC §34-2020 requirement of 135 parking spaces for the two clubhouse facilities, to allow 44 off-street parking spaces.

~~This deviation is APPROVED, SUBJECT TO the reservation of Lots 85 and 86 (Phase "4") and Tract I (Phase "3", which lies immediately east of Lots 85 and 86, Phase "4") for the use of overflow parking only, and may not be used as a recreational vehicle or mobile home site. Upon the sale of the last lot (site), in the last Phase of the development, if the applicant can adequately demonstrate during the season of the highest occupancy of the development that the overflow parking areas were not needed, the two lots can then be used for recreational vehicle or mobile home sites as provided for in this planned development. A reduced copy of a Plan entitled Cypress Woods R.V. Resort Phase "IV", IVA, & IVB, stamped received SEP 08, 2003 depicts these parcels.~~

The proposed revision to Deviation #16 seeks to eliminate the condition of approval associated with the deviation requiring overflow parking areas. The applicant's basis is that clubhouse parking areas were underutilized, regardless of seasonality. The deviation's condition of approval was established in 2011, and the applicant has provided aerial photographs demonstrating excess parking within the clubhouse parking lots at various periods during peak season. Staff have reviewed aerial imagery on the County's GIS Data Explorer[6] between the years 2012 and 2025 and find these results to be consistent in both the clubhouse parking areas and the overflow grass lots. GIS aerial photography is derived from the County Property Appraisers' Office database and photos are taken in January and February during peak season in Southwest Florida.

Staff recommend ***APPROVAL*** *of the above modification to Deviation #16 to eliminate the condition to provide overflow parking areas for clubhouse facilities.*

Staff Note: the language below is simplified and reformatted for clarity in Attachment E.

Deviation (23) seeks relief from the LDC §10-415(b)(1)(c) requirement of a 20-foot minimum setback from indigenous vegetation and trees and a 30 foot setback for indigenous plant communities subject to fire, to allow a 20 foot minimum setback from upland preserve lots 68 through 70, 75 and 76, and 121 through 137 Phase V, and lots 3-9 in Phase 1 and lots 87-99 in Phase 3. . This deviation is APPROVED subject to the following condition.

a) All buildings located within the 30-foot required setback must be constructed of flame-retardant materials.

[6] https://gisexplorer.leegov.com/

The above revisions to Deviation #23 negate the need to approve requested Deviation #30, which requests identical relief. This deviation originated with Resolution Z-20-027 and was subsequently modified by ADD2022-00108 to include Lots 121 through 137 within Phase V. The changes with this request include lots within other phases under similar topographic conditions.

Staff recommend **APPROVAL** *of the above modification to Deviation #23.*

Proposed Deviations:

The applicant proposes the following two deviations to seek relief from required plantings on the exterior side (between the wall and the abutting property) of a project wall along the boundary line adjoining the industrial subdivision to the west:

Deviation 27 *seeks relief from LDC §10-421(a)(8), which requires walls or fences that are proposed, but not required, to have all required buffer plantings installed on the exterior side of the wall or fence; to allow a wall or fence to be installed along the west property perimeter with the required plant material on the inside of the proposed wall, which abuts the industrial subdivision.*

Deviation 28 *seeks relief from §34-1743(b)(3), which requires project wall/fences to be landscaped on the exterior side with a minimum of five trees per 100 linear feet and shrub hedges within a minimum plantable width of seven and one-half feet with shrubs planted and maintained to form a 36-inch high continuous visual screen within one year after time of planting; to allow no landscaping exterior to the fence/wall along the west property perimeter abutting the industrial subdivision.*

Objective 21.1 *of the* **Lee Plan** *establishes the desire to create a visually attractive community within the Caloosahatchee Shores Community Plan Area (under* **Lee Plan Goal 21***).* **Policy 21.1.1** *states "Maintain LDC regulations that provide for enhanced landscaping, signage and architectural standards consistent with the goal of maintaining an old Florida rural identity. The preferred architectural style for all buildings in commercial developments is Florida vernacular."* **Policy 21.1.2** *states "any deviation from landscaping, buffering, signage or architectural requirements may not be granted unless the request meets the approval criteria for variances set forth in the LDC, Chapter 34".*

Objective 17.1.3 *states that "Community plans should consist of long-term objectives and policies that are not regulatory in nature. If needed, land development regulations may be adopted to implement the community plan."*

Land Development Regulations implementing the Caloosahatchee Community Plan Goal are codified in LDC Sections 33-1480 through 33-1524. Section 33-1484 establishes:

Variances or deviations may be requested in accordance with Chapter 34. If an applicant desires to deviate from any architectural, site design or landscaping guidelines in this article, an applicant may do so at the time of development order in accordance with Section 10-104(b). A rendered drawing to scale, showing the design, and clearly demonstrating the nature of the requested deviation or variance must be submitted as part of the application.

The implementing land development regulations provide an administrative path for relief citing LDC Section 10-104 [If an applicant desires to deviate from any architectural, site design or landscaping guidelines within the article], which authorizes the director to grant deviations under certain criteria. The implementation of regulations also generally references variance and [planned development] deviation requirements in Chapter 34. It is important to note LDC Section 33-1484 is referring to variance and deviation mechanisms with respect to relief from the community-specific regulations in the article, which further Goal 21 of the Lee Plan.

Prior Precedent Regarding Conflict Between LDC Section 33-1484 and Lee Plan Policy 21.1.1

Both cited Hearing Examiner recommendations below identify a conflict between ***LDC Section 33-1484*** *and* ***Lee Plan Policy 21.1.1****, noting that* ***Florida Statutes require the comprehensive plan to take precedence where a conflict exists****.*

The Hearing Examiner's Office addressed the effect of Policy 21.1.1 in two prior cases:

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1. Case No. DCI2017-00023 (Corradi RV and Boat Storage)

- ***Request:*** *Deviation from the Caloosahatchee Shores enhanced architectural standards (LDC §§33-1495 and 33-1498) to limit application of these standards only to buildings within 100 feet of Palm Beach Boulevard.*
- *Recommendation Excerpt (Page 3):*

"Generally, an Applicant must demonstrate a requested deviation will enhance objectives of the planned development and will not cause a detriment to public interests. However, the Lee Plan mandates that deviations from landscaping, buffering, signage or architectural requirements within Caloosahatchee Shores may not be granted unless the request meets the approval criteria for variances set forth in the LDC. This Policy discourages variances in favor of enforcing the community's adopted design standards." (underline emphasis added).

- ***Outcome:*** *The request failed to meet the required variance criteria. (See Attachment V)*

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2. Case No. DCI2020-00011 (State Road 80 CPD)

- ***Request:*** *Several deviation requests related to parking, signage, and internal street design criteria, including deviations from:*
    - *Window signage (Deviation #10 from LDC §30-5)*
    - *Wall signage (Deviation #8 from LDC §33-1506)*
- *Recommendation Details:*

- *Footnote 32 (Page 5) clarifies that although LDC §30-5 is not within the Community Plan provisions, its similarity to LDC §33-1506 justifies applying the Lee Plan's variance criteria to both.*

- *Quoted from the recommendation:*

"It is noteworthy that Deviation 10 is from Chapter 30 and not the Chapter 33 community specific sign design criteria. However, to the extent Deviations 8 and 10 regulate similar subject, it is appropriate to consider both deviations using the Lee Plan mandated variance criteria. While Deviations 8 and 10 do not necessarily compromise the objective of enhancing community character, the Hearing Examiner is constrained by the Lee Plan to review both deviations using variance criteria." (underline emphasis added).

- *Signage Provisions:*

  - *LDC §33-1506(a)(7): Prohibits wall signs from advertising messages or sale item names; requested deviation sought to allow one wall sign advertising internal store offerings for convenience stores with fuel pumps.*

  - *LDC §30-5(25): Prohibits window signs advertising activities, services, goods, or products covering more than 30% of window glass surface; requested deviation sought to allow window clings covering up to 50% for a convenience store with fuel pumps.*

- *Outcome: Both deviations failed to meet the mandated variance criteria. (See Attachment W)*

In this case, the landscape requirements pertinent to requested Deviations #27 and #28 relate to the location of a residential project wall in relation to general landscaping standards, and not similar community-specific landscape design requirements in LDC Chapter 33. Therefore, both deviations may seek approval under deviation criteria in LDC Chapter 34.

Staff find that the proposed 8-foot-tall wall, without landscaping between the wall and the west perimeter, will not be incompatible or injurious to the industrial subdivision. The placement of the wall closer to the industrial activities better attenuates industrial noise generated and therefore better separates these two existing land uses. The deviations do not request a reduction in code required plant material or required buffer width. The deviations only pertain to the location of the wall in tandem with the buffer plantings. Deviations #27 and #28 enhance the objectives of the planned development and preserve the general intent of the LDC.

Staff recommend APPROVAL Deviations #27 and #28.

Deviation 29 seeks relief from LDC §34-939(b)(3), which requires recreational vehicle parks to include a perimeter buffer at least 40 feet wide adjacent to and completely around the property boundary of the site, to allow for a 30-foot-wide buffer along a portion of the eastern property line associated with the proposed RV & Boat Storage Area expansion.

This provision is again not similarly related to the community specific landscape criteria. The area in question abuts the 80-acre Duke Farm, which is an agricultural operation with a subordinate horticultural lawn and garden care business approved through the special exception process in 2017. The request does not seek to reduce the required plant material and staff finds the deviation enhances the objectives of the planned development and preserves the general intent of the LDC.

Staff recommend **APPROVAL** *Deviation #29.*

Analysis of **Deviation 30** *from LDC §10-291, required access, is found in the analysis of Sufficiency of Access and Transportation Impacts.*

Review Criteria

LDC Section 34-145 establishes review criteria for amendment requests to planned developments. Amendments to a Master Concept Plan or its auxiliary documentation is treated procedurally as a minor planned development rezoning (see LDC Section 34-380(e)). Before rendering a final decision on an amendment to a planned development request, the Hearing Examiner must find the request does not increase density or non-residential floor area, and the amendment also:

a) *Complies with the Lee Plan;*

b) *Meets the Land Development Code and other applicable County regulations or qualifies for deviations;*

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

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

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

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

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

For planned development requests, the Hearing Examiner must also find:

a) *The proposed use or mix of uses is appropriate at the proposed location;*

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

c) *That each requested deviation:*

    1) *Enhances the achievement of the objectives of the planned development; and*

2) *Preserves and promotes the general intent of this Code to protect the public health, safety and welfare.*

The applicant has provided a narrative that addresses the proposed amendment with analysis of the applicable criteria (see Attachment F). The following provides staff analysis of the request, as measured by the established criteria.

Compliance with the Lee Plan

The amendment does not modify the original density, intensity, or primary uses associated with the property. The use of the subject property as a mobile home and recreational vehicle park were deemed consistent with the Lee County Comprehensive Plan (Lee Plan) during the initial rezoning in 1994, as well as through subsequent zoning actions in 2003, 2011, and 2020.

The amendment is primarily related to broadening the accessory use of casitas planned-development wide, and implementation of development standards currently in place in Phase V. Changes to accessory open storage areas and indigenous acreage are addressed with recommended conditions further analyzed in this report.

The request, as conditioned, is consistent with the Lee Plan*.*

Land Development Code Compliance

The amendment request complies the LDC. Specifically, the request demonstrates compliance with this criterion with:

- *LDC required documents necessary to support the application;*
- *Compliance with deviation criteria, where applicable; and*
- *Conducting a public information meeting per LDC Section 33-1482 (see Attachment M).*

Compatibility with existing and planned uses in the surrounding area

Compatible means "in describing the relation between two land uses, buildings or structures, or zoning districts, the state wherein those two things exhibit either a positive relationship based on fit, similarity or reciprocity of characteristics, or a neutral relationship based on a relative lack of conflict (actual or potential) or on a failure to communicate negative or harmful influences one to another."[7]

The compatibility focus with this request is focused on the alteration to required buffers along the perimeter of the project.

[7] *See "Compatibility" LDC §34-2, Definitions.*

Along the west perimeter, the project abuts industrial lands, and the alternative only seeks to permit an optional wall along the perimeter with required landscaping material provided on the interior side of the wall (Proposed Deviations #27 & #28).

Along the southeast perimeter, a ±380-foot extension (±1.3-acre expansion) of accessory open storage is partially facilitated with approval of Deviation 29, which seeks to reduce the required buffer width around an RVPD from 40 feet to 30 feet. This segment of perimeter abuts an existing 80-acre bonafide agricultural and commercial operation, and the applicant is not requesting a reduction in the required plant material. Furthermore, the 10-foot reduction is not utilized for creating or enlarging residential lots abutting agricultural lands, and is limited to the dead storage of boat, trailers and RVs of the residents of the subdivision. The request, as conditioned is compatible with existing and planned uses in the surrounding area.

Sufficiency of Access and Transportation Impacts

The request proposes to maintain its primary vehicular access points on Luckett Road, and the emergency-only access to the abutting project to the north ("Cypress Trails"). The emergency-access between these two projects was required in order to satisfy a condition for the approval of a deviation within the "Cypress Trails" subdivision. LDC Section 10-291(3) requires more than one means of ingress or egress for residential projects greater than 5 acres.

The subject property amended its MCPs in 2019 to depict this interconnection to Cypress Trails RVPD for emergency-only via ADD2019-00066. This emergency-only connection was forecasted by Deviation #6 of Cypress Woods Resolution Z-11-021 (see Attachment U).

During 2020, Staff and the applicant omitted former Deviation #6 during the consolidated recommendation of Case DCI2020-00002, resulting in the current Zoning Resolution (Z-20-027).

This omission was in error as the connection between Cypress Trails and Cypress Woods is emergency-only; therefore, a Deviation from LDC Section 10-291(3) must continue to accompany this planned development for consistency with the LDC.

The Staff recommended conditions of approval herein (see Attachment E) reinstate former Deviation #6 of Z-11-021 as Deviation #30 with the appropriate modifications. The deviation approval coincides with the intent of the original zoning resolution and maintains its approval based on the satisfactory emergency-only interconnection between Cypress Woods and Cypress Trails. A separate maintenance area-only access point is also depicted on the MCP on Luckett Road, and Lee County Department of Transportation staff have no objection to the access point, subject to the condition that the access point is limited to the incidental maintenance area, limited to use in conjunction with the subject property.

The request does not increase the trip generation associated with the project or the primary access to the site; therefore, the amendment request will not change impacts on transportation facilities and will continue to provide sufficient access to support the project.

No adverse impacts on environmentally critical or sensitive areas and natural resources

Environmental staff have reviewed the applicant's request and environmental supporting documents (see Attachments I, J, K and L), and recommend the following condition in condition with Deviation #29:

"Prior to development order approval for the storage expansion areas within the FPL easement in Phase III, a copy of the mitigation receipt of payment or onsite mitigation plans must be submitted".

Lee County's Comprehensive Plan requires county staff to protect State wetlands or demonstrate mitigation measures for any use or impact to State wetlands (Lee Plan Policy 124.2.1). The condition will ensure consistency with the Lee Plan.

Will be served by public services, defined in the Lee Plan, if located in a Future Urban area category

The subject property currently has sufficient access to public services, and this amendment request does not create additional demand for these services.

Supplemental Planned Development Criteria

Staff find the proposed amendment request to be consistent with the following additional criteria:

a) *The proposed use is appropriate at the proposed location;*

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

c) *The requested deviations, as conditioned:*

    1) *Enhance the achievement of the objectives of the planned development; and*

    2) *Preserve and promote the general intent of this Code to protect the public health, safety and welfare*

CONCLUSION:

Based upon an analysis of the application and the standards for approval, staff find that the amendment request is consistent with the established review criteria. The request, as conditioned, aligns use and development standards across all five phases and addresses other minor site-related improvements compatibly. The amendment request does not alter the project's existing consistency with the Wetlands and Urban Community future land use categories, and other applicable objectives, and policies of the Lee Plan.

ATTACHMENTS:

A. *Expert Witness Information*
B. *Legal Description, Sketch and Boundary Survey*
C. *Aerial, Future Land Use, and Current Zoning Maps*
D. *Master Concept Plan*
E. *Development Regulations, Conditions and Deviations*
F. *Applicant's Request Statement*
G. *Applicant's Schedule of Deviations & Justifications*
H. *Applicant Recommended Use and Site Development Regulations*
I. *Applicant's ERP Modification Memo*
J. *FLUCCS Map*
K. *Environmental Data*
L. *Open Space and Indigenous Calculations*
M. *Public Information Meeting Summary*
N. *Luckett Road Deviation Exhibit*
O. *Parking Lot Utilization Exhibit*
P. *Application Initaiton Letter of Opinion*
Q. *Submittal Waivers GEN2025-00056 & GEN2023-00315*
R. *1994 Cypress Woods Memorandum*
S. *Resolution Z-20-027*
T. *Composite Exhibit – Administrative Amendments:*
   ADD2024-00063
   ADD2023-00099
   ADD2022-00142
   ADD2022-00108
   ADD2022-00021
   ADD2021-00158
U. *Composite Exhibit – Superseded Zoning Resolutions:*
   Z-11-021
   Z-03-057
   Z-94-025
   Z-87-075
   ZAB-84-31
V. *HEX Recommendation DCI2017-00023*
W. *HEX Recommendation DCI2020-00011*

ATTACHMENT A

LEE COUNTY STAFF EXPERT WITNESS INFORMATION
PROVIDED PURSUANT TO AC-2-6

Case Number: **DCI2023-00030**

Project Name: **Cypress Woods RVPD**

Hearing Examiner Date: **July 31, 2025**

Adam Mendez, Planner, Principal, Zoning, 1500 Monroe Street, Fort Myers, FL 33901

- Previously qualified as an expert witness in the Lee County Land Development Code, the Lee Plan, zoning, and land use planning. Current resume is on file with the Hearing Examiner.
- Report and documents are submitted with the Staff Report for this case. Additional documents that may be relied upon and used as evidence during the hearing include: the Lee County Land Development Code, the Lee Plan, and documentation submitted by the applicant as part of the subject application.

Beth Workman, Planner, Principal, Zoning, 1500 Monroe Street, Fort Myers, FL 33901

- Previously qualified as an expert witness by the Lee County Hearing Examiner. Current resume is on file with the Hearing Examiner.
- Seeking to be qualified as an expert witness in the Lee County Land Development Code, the Lee Plan, zoning, environmental and land use planning.
- Report and documents are submitted with the Staff Report for this case. Additional documents that may be relied upon and used as evidence during the hearing include: the Lee County Land Development Code, the Lee Plan, and documentation submitted by the applicant as part of the subject application.

Anthony R. Rodriguez, AICP, Zoning Manager, Zoning, 1500 Monroe Street, Fort Myers, FL 33901

- Previously qualified as an expert witness by the Lee County Hearing Examiner. Current resume is on file with the Hearing Examiner.
- Seeking to be qualified as an expert witness in the Lee County Land Development Code, the Lee Plan, zoning, and land use planning.
- Report and documents are submitted with the Staff Report for this case. Additional documents that may be relied upon and used as evidence during the hearing include: the Lee County Land Development Code, the Lee Plan, and documentation submitted by the applicant as part of the subject application.

Robert Price, P.E., Director, Development of Transportation, 1500 Monroe Street, Fort Myers, FL 33901

- Previously qualified as an expert witness by the Lee County Hearing Examiner. Current resume is on file with the Hearing Examiner.

- Seeking to be qualified as an expert witness in Traffic Engineering and Transportation Planning.
- Report and documents are submitted with the Staff Report for this case. Additional documents that may be relied upon and used as evidence during the hearing include: the Lee County Land Development Code; the Lee Plan; and documentation submitted by the applicant as part of the subject application.

Brian Roberts P.E., Manager, Development Services 1500 Monroe Street, Fort Myers, FL 33901

- Previously qualified as an expert witness by the Lee County Hearing Examiner. Current resume is on file with the Hearing Examiner.
- Seeking to be qualified as an expert witness in the Lee County Land Development Code, Lee Plan, zoning, civil engineering and land use planning.
- Report and documents are submitted with the Staff Report for this case. Additional documents that may be relied upon and used as evidence during the hearing include: the Lee County Land Development Code; the Lee Plan; and documentation submitted by the applicant as part of the subject application.

Katie Burgess, AICP, Planner, Principal, Planning, 1500 Monroe Street, Fort Myers, FL 33901

- Previously qualified as an expert witness by the Lee County Hearing Examiner. Current resume is on file with the Hearing Examiner.
- Seeking to be qualified as an expert witness in the Lee County Land Development Code, the Lee Plan, zoning, and land use planning.
- Report and documents are submitted with the Staff Report for this case. Additional documents that may be relied upon and used as evidence during the hearing include: the Lee County Land Development Code, the Lee Plan, and documentation submitted by the applicant as part of the subject application.

Attachment B

REVIEWED
DCI2023-00030
Rick Burris, Principal Planner
Lee County DCD/Planning
5/5/2025

LEGAL DESCRIPTION

THE ENTIRETY OF CYPRESS WOODS RV RESORT UNIT ONE, A SUBDIVISION, LOCATED IN SECTION 11, TOWNSHIP 44 SOUTH, RANGE 25 EAST, ACCORDING TO THE PLAT THEREOF ON FILE AND RECORDED IN PLAT BOOK 65, PAGE 85-89, OF THE PUBLIC RECORDS OF LEE COUNTY, FLORIDA.

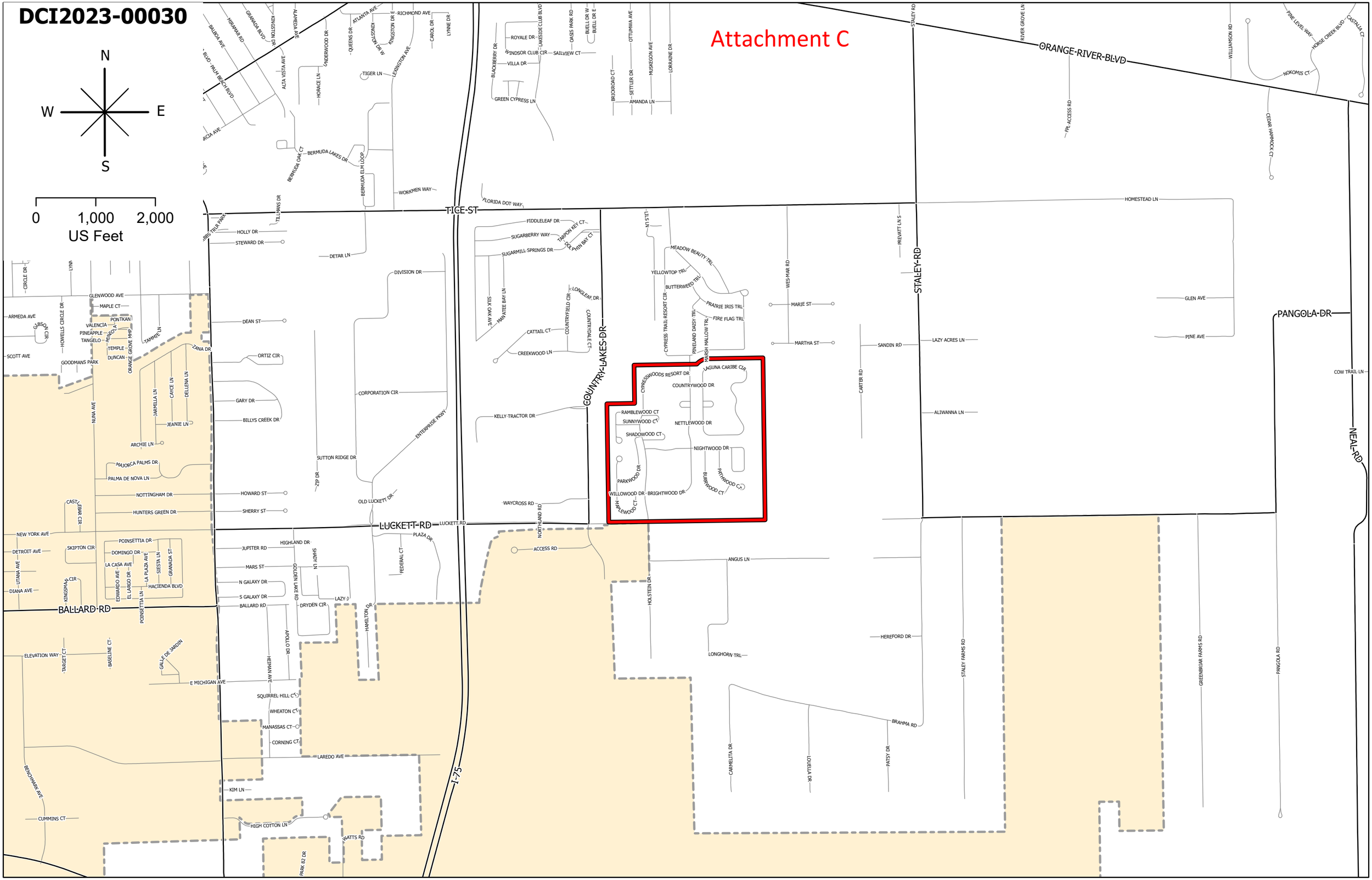
THE ENTIRETY OF CYPRESS WOODS RV RESORT UNIT THREE, A SUBDIVISION, LOCATED IN SECTION 11, TOWNSHIP 44 SOUTH, RANGE 25 EAST, ACCORDING TO THE PLAT THEREOF ON FILE AND RECORDED IN PLAT BOOK 72, PAGE 92-95, OF THE PUBLIC RECORDS OF LEE COUNTY, FLORIDA.

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

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

THE ENTIRETY OF LAGUNA CARIBE PHASE 1, A SUBDIVISION, LOCATED IN SECTION 11, TOWNSHIP 44 SOUTH, RANGE 25 EAST, ACCORDING TO THE PLAT THEREOF ON FILE AND RECORDED IN INSTRUMENT NUMBER 2023000160379, OF THE PUBLIC RECORDS OF LEE COUNTY, FLORIDA.

THE ENTIRETY OF LAGUNA CARIBE PHASE 2, A SUBDIVISION BEING A REPLAT OF TRACT "F", LAGUNA CARIBE, PHASE 1, AS RECORDED IN INSTRUMENT NUMBER 2023000160379, PUBLIC RECORDS OF LEE COUNTY, FLORIDA AND LYING IN SECTION 11, TOWNSHIP 44 SOUTH, RANGE 25 EAST, LEE COUNTY, FLORIDA. ACCORDING TO THE PLAT THEREOF ON FILE AND RECORDED IN INSTRUMENT NUMBER 2023000286171, OF THE PUBLIC RECORDS OF LEE COUNTY, FLORIDA.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LONGHORN TRL
HEREFORD DR
BRAHMA RD
STALEY FARMS RD
GREENBRIAR FARMS RD
PANGOLA RD
ACCESS RD
WAYCROSS RD
NORTHLAND RD
LAGUNA CARIBE CIR
COUNTRYWOOD DR
NETTLEWOOD DR
NIGHTWOOD DR
BRIGHTWOOD DR
WILLOWOOD DR
PARKWOOD DR
SHADOWOOD CT
RAMBLEWOOD CT
SUNNYWOOD CT
KELLY TRACTOR DR
CREEKWOOD LN
CATTAIL CT
COUNTRYFIELD CIR
COUNTRYDALE CT
LONGLEAF DR
SUGARMILL SPRINGS DR
SUGARBERRY WAY
FIDDLELEAF DR
FLORIDA DOT WAY
WORKMEN WAY
DIVISION DR
CORPORATION CIR
ENTERPRISE PKWY
SUTTON RIDGE DR
OLD LUCKETT DR
PLAZA DR
FEDERAL CT
HAMILTON DR
HIGHLAND DR
JUPITER RD
MARS ST
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BALLARD RD
DRYDEN CIR
LAZY J
GOLDEN LAKE RD
SHADY LN
APOLLO DR
HEIMAN AVE
SQUIRREL HILL CT
WHEATON CT
MANASSAS CT
CORNING CT
LAREDO AVE
KIM LN
HIGH COTTON LN
WATTS RD
PARK 82 DR
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GALLE DE JARDIN
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TARGET CT
BASELINE CT
BENCHMARK AVE
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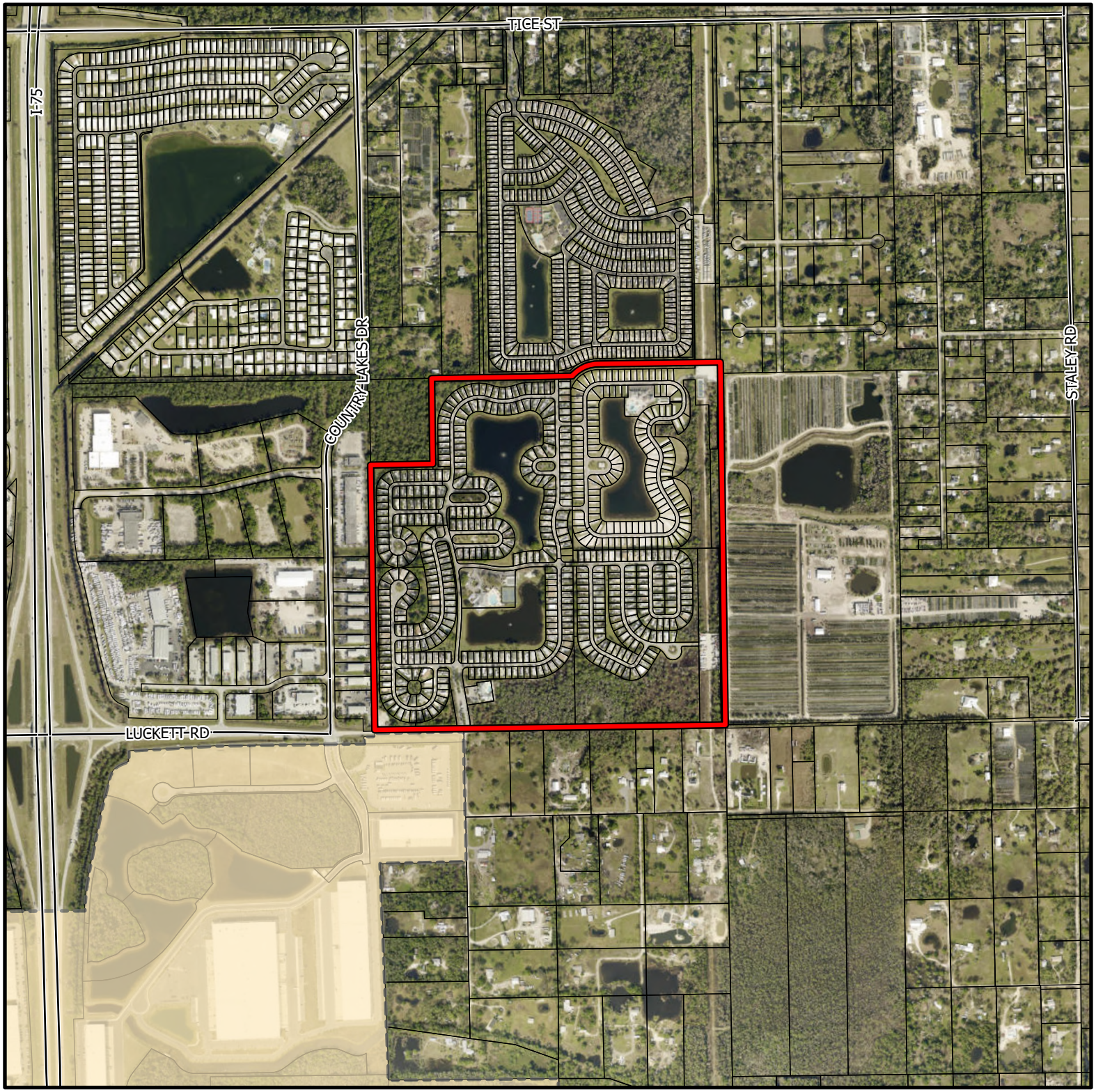
NEW YORK AVE
DETROIT AVE
UTANA AVE
DIANA AVE
KINGSMAN CIR
SKIPTON CIR
POINSETTIA DR
DOMINGO DR
LA CASA AVE
EDWARDO AVE
EL LARGO DR
LA PLAZA AVE
SIESTA LN
GRANADA ST
HACIENDA BLVD
POINSETTIA LN
HOWARD ST
SHERRY ST
NOTTINGHAM DR
HUNTERS GREEN DR
PALMA DE NOVA LN
MAJORCA PALMS DR
ARCHIE LN
JEANIE LN
GARY DR
BILLYS CREEK DR
ORTIZ CIR
DEAN ST
GLENWOOD AVE
MAPLE CT
PONTKAN
VALENCIA
PINEAPPLE
TANGELO
TEMPLE
DUNCAN
ORANGE GROVE MHP
GOODMANS PARK
SCOTT AVE
ARMEDA AVE
HOWELLS CIRCLE DR
NUNA AVE
JARMILLA LN
CAYCE LN
DELLENA LN
ZANA DR
TAMMIE LN
HOLLY DR
STEWARD DR
DETAR LN
TILLMANS DR
BERMUDA LAKES DR
BERMUDA ELM LOOP
BERMUDA OAK CT
HORACE LN
UNDERWOOD DR
QUEENS DR
ATLANTA AVE
KINGSTON DR W
KINGSTON DR E
RICHMOND AVE
CAROL DR
LYNNE DR
LEXINGTON AVE
TIGER LN
ALTA VISTA AVE
ALAMEDA AVE
MIRAMAR RD
BALBOA AVE
GRANADA BLVD
KINGSTON DR
BLVD - PALM BEACH BLVD
ROYALE DR
WINDSOR CLUB CIR
SAILVIEW CT
VILLA DR
GREEN CYPRESS LN
BLACKBERRY DR
LAKESIDE CLUB BLVD
OASIS PARK RD
BUELL DR W
BUELL DR E
OTTUMWA AVE
MUSKEGON AVE
LORRAINE DR
BRICKROAD CT
SETTLER DR
AMANDA LN
RIVER GROVE LN
FPL ACCESS RD
WILLIAMSON RD
PINE LEVEL WAY
HORSE CREEK BLVD
CASTALIA CT
NOKOMIS CT
CEDAR HAMMOCK CT
PREVATT LN S
CIRCLE DR
LYNN
CAST
LEBAR CIR
SILK OAK AVE
MANATEE BAY LN
MEADOW BEAUTY TRL
YELLOWTOP TRL
BUTTERWEED TRL
PRAIRIE IRIS TRL
FIRE FLAG TRL
CYPRESS TRAIL RESORT CIR
PINELAND DAISY TRL
MARSH MALLOW TRL
CYPRESSWOODS RESORT DR
ILLS LN



DCI2023-00030

Aerial

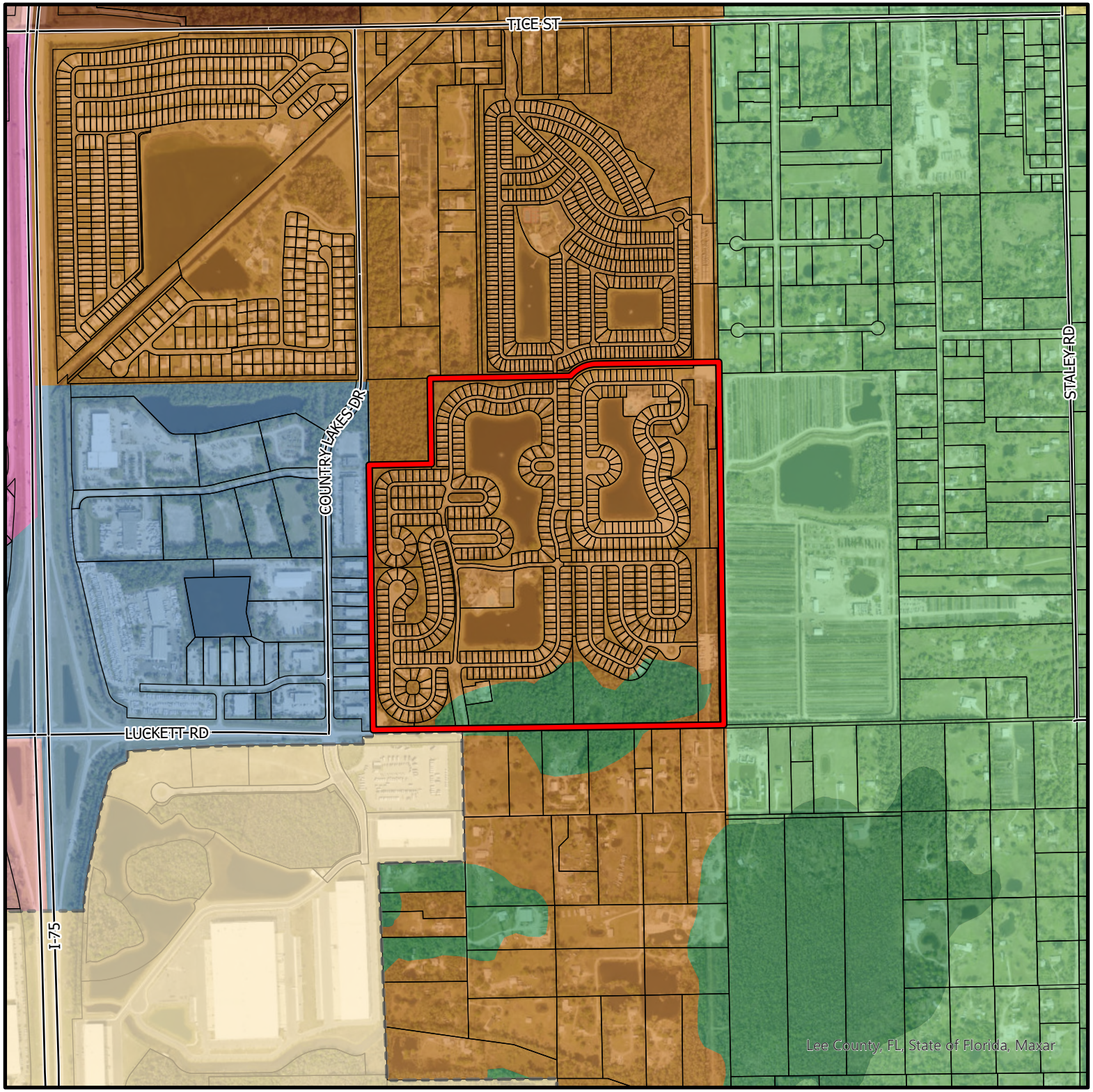
Subject Property

City Limits

N
W
E
S

0 500 1,000 1,500 2,000
Feet

Lee County
Southwest Florida



DCI2023-00030

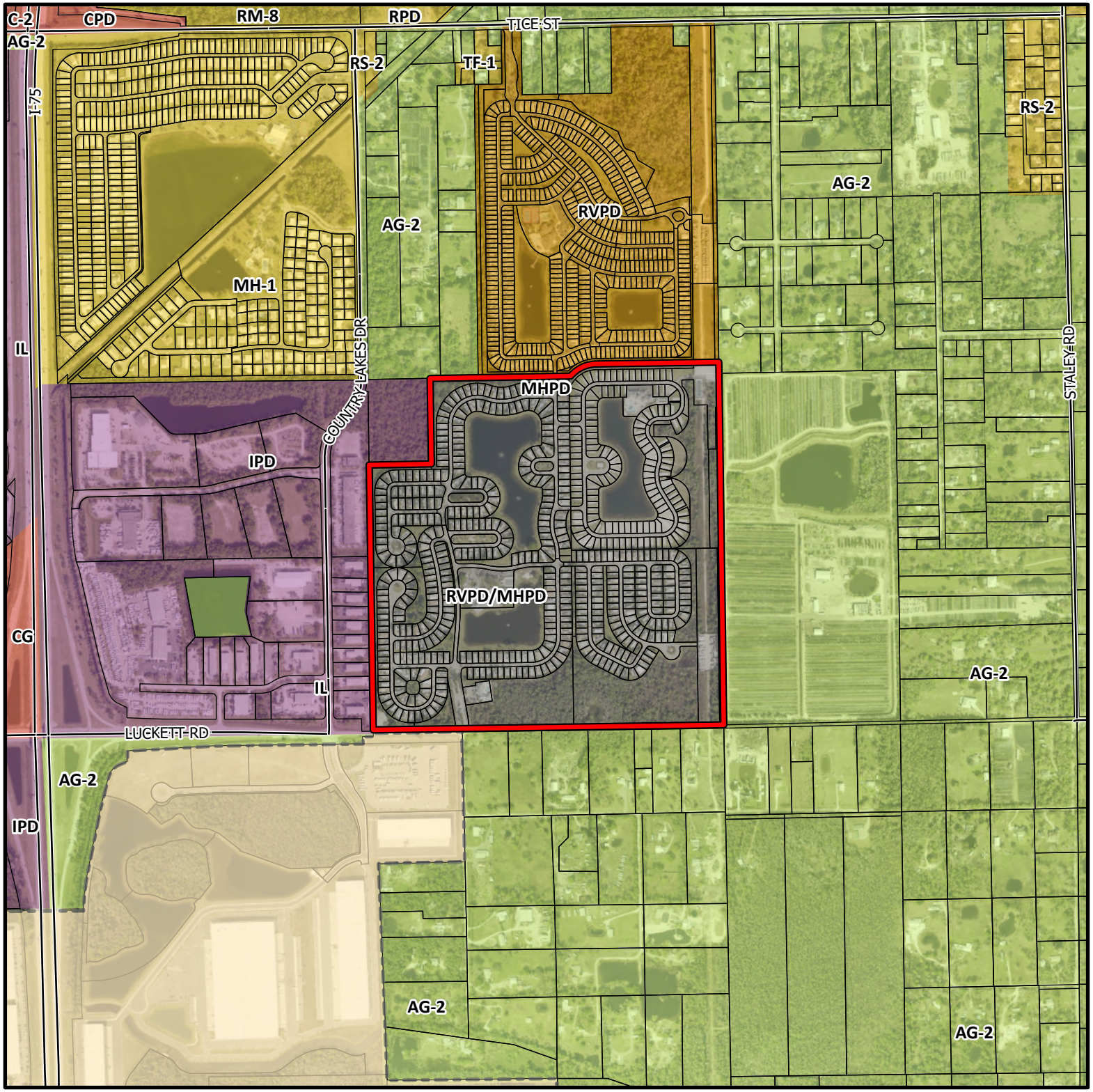
Future Land Use

- Subject Property
- Intensive Development
- Central Urban
- Urban Community
- Sub-Outlying Suburban
- Industrial
- Public Facilities
- Industrial Interchange
- Rural Community Preserve
- Wetlands
- City Limits

N
W E
S

0 500 1,000 1,500 2,000
Feet

Lee County
Southwest Florida



DCI2023-00030

Zoning

Subject Property

City Limits

N
W
E
S

0 500 1,000 1,500 2,000
Feet

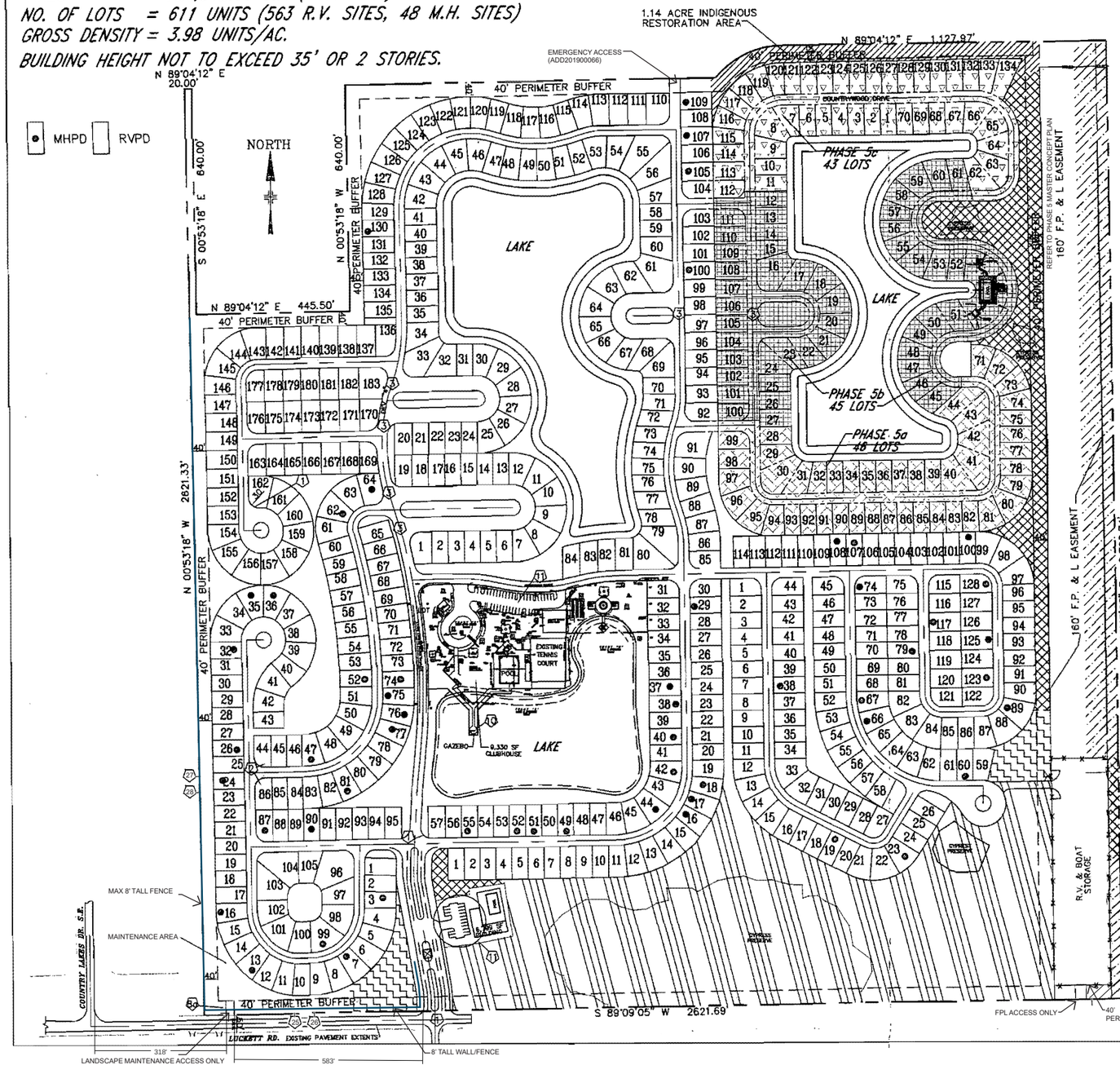
Lee County
Southwest Florida

Attachment D

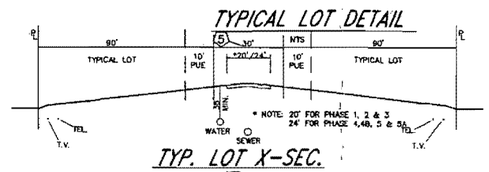
"EXIBIT 3A"

CYPRESS WOODS RESORT

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

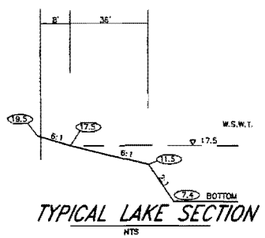


TYPICAL LOT DETAIL



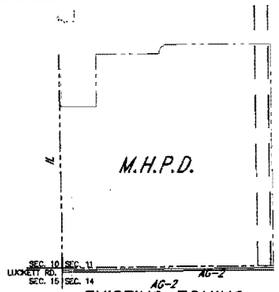
TYP. LOT X-SEC.

NTS



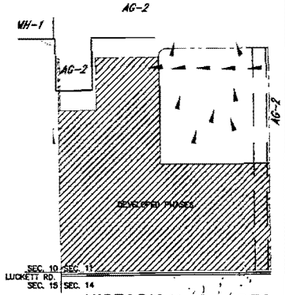
TYPICAL LAKE SECTION

NTS



EXISTING ZONING

SCALE 1" = 800'



HISTORICAL RUNOFF

SCALE 1" = 800'

HURRICANE SHELTER (PER LDC SECTION 10-258)

REQUIRED HURRICANE SHELTERS = (2.25)(597)(20)(45%)=12,090 S.F.
PROVIDED = 16,129 S.F.

CYPRESS WOODS R.V. RESORT

ORIGINAL ZONING # Z-94-025

MASTER CONCEPT PLAN

DATE	REVISION	APPROVED
08/16/10	REVISED PER 05/24/10 SUFFICIENCY CHECKLIST	JTA IKS
04/21/08	REVISED PER 01/08/08 SUFFICIENCY CHECKLIST	JTA IKS

DESIGNED BY: IKS | CHECKED BY: IKS
DRAWN BY: JTA | CHECKED BY: IKS
SCALE: 1" = 150' OR AS NOTED | DATE: 09/14/2007
SHEET 1 OF 3 | FILE No. 3434

EXHIBIT C

"EXIBIT 3A"

CYPRESS WOODS RESORT

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

MHPD RVPD

NORTH

AREA TO BE ADDED TO DEVELOPMENT

EMERGENCY ACCESS (ADD201900066)

N 89°04'12" E 20.00'

N 89°04'12" E 789.79'

N 89°04'12" E 1,127.97'

N 89°04'12" E 445.50'

S 00°53'18" E 640.00'

N 00°53'18" W 640.00'

N 00°53'18" W 2621.33'

S 00°45'27" E 2625.08'

S 89°09'05" W 2621.69'

40' PERIMETER BUFFER

160' F.P. & L EASEMENT

REFER TO PHASE 3 MASTER CONCEPT PLAN

PHASE "1"

PHASE "2"

PHASE "3"

PHASE "4"

PHASE "4A"

PHASE "4B"

PHASE "5"

PHASE "6"

PHASE "7"

LAKE

LAKE PHASE "1"

COUNTRYWOOD DRIVE

COUNTRYWOOD CT.

EXISTING TENNIS COURT

POOL

9,330 SF CLUBHOUSE

R.V. & BOAT STORAGE

PERIMETER

FPL ACCESS ONLY

MAX 8' TALL FENCE

MAINTENANCE AREA

COUNTRY LAKES DR. S.E.

LUCKETT RD.

HOLSTEIN DR.

8' TALL WALL/FENCE

318'

583'

LANDSCAPE MAINTENANCE ACCESS ONLY

TYP. LOT X-SEC.
NTS

* NOTE: 20' FOR PHASE 1, 2 & 3
24' FOR PHASE 4,5 & 5A

LAKE SECTION
NTS

EXISTING ZONING
SCALE 1" = 800'

M.H.P.D.

HISTORICAL RUNOFF
SCALE 1" = 800'

DATE	REVISION	APPROVED
08/16/10	REVISED PER 05/24/10 SUFFICIENCY CHECKLIST	JTA IKS
04/21/08	REVISED PER 01/08/08 SUFFICIENCY CHECKLIST	JTA IKS

DESIGNED BY: IKS | CHECKED BY: IKS
DRAWN BY: JTA | CHECKED BY: IKS
SCALE: 1" = 150' OR AS NOTED | DATE: 05/29/2007
SHEET 2 OF 3 | FILE No. 3434

CYPRESS WOODS
R.V. RESORT

ORIGINAL ZONING # Z-94-025

MASTER CONCEPT PLAN
BIG CYPRESS FOX SQUIRREL PERSEVERE

"EXIBIT 3A"

CYPRESS WOODS RESORT

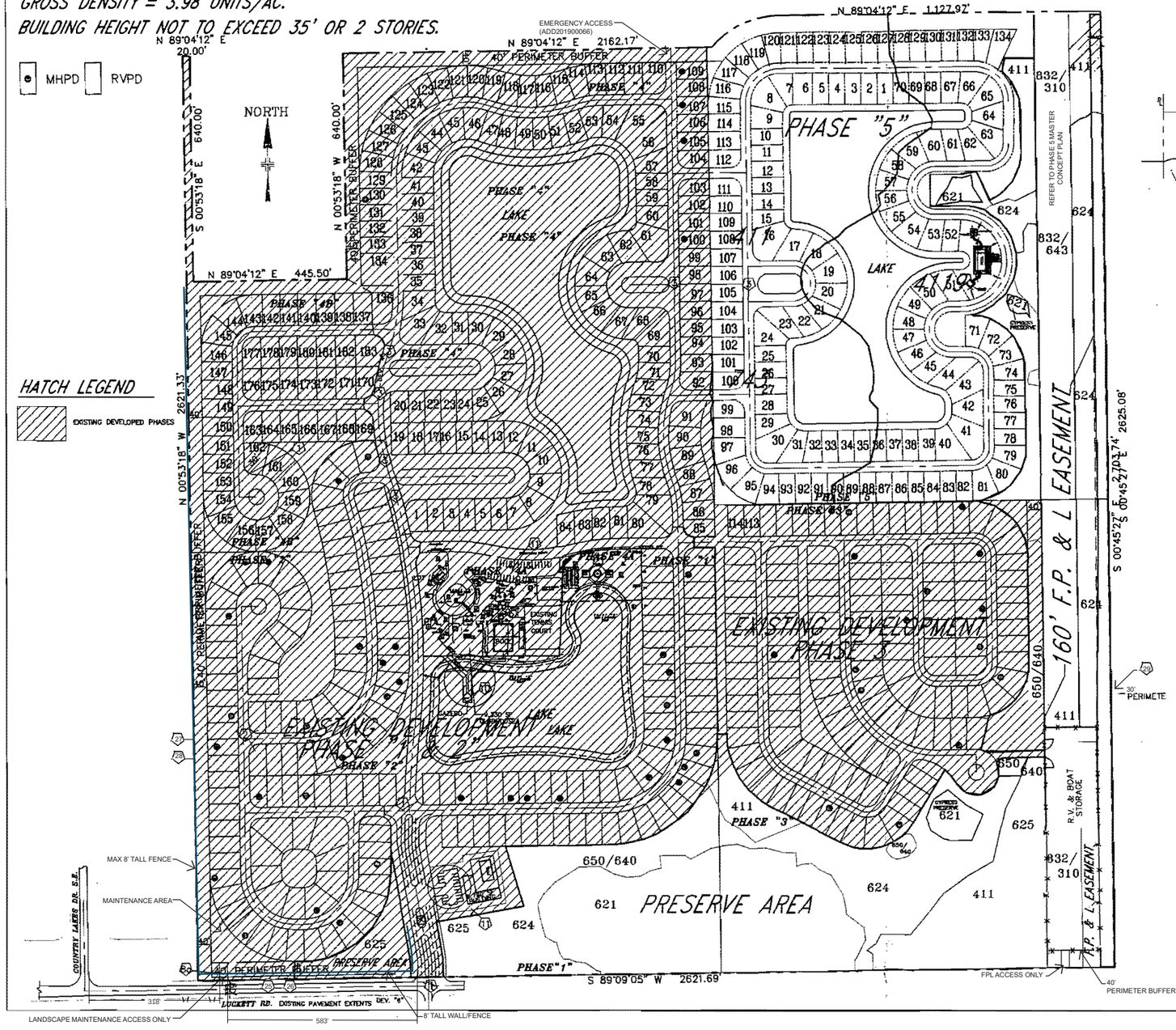
TOTAL AREA = 6,688,691.34 S.F. (153.55 AC.)
RIGHT-OF-WAY = 792,541.57 S.F. (18.19 AC.)
LOT AREA = 2,850,427.44 S.F. (65.44 AC.)
LAKES = 726,812.66 S.F. (16.68 AC.)
NO. OF LOTS = 611 UNITS (563 R.V. SITES, 48 M.H. SITES)
GROSS DENSITY = 3.98 UNITS/AC.
BUILDING HEIGHT NOT TO EXCEED 35' OR 2 STORIES.

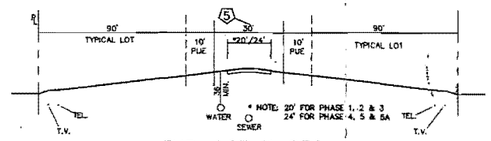
MHPD RVPD

NORTH

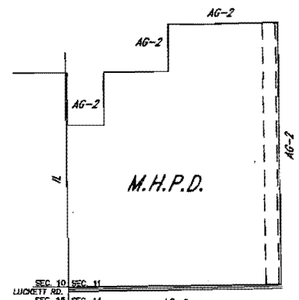
HATCH LEGEND

EXISTING DEVELOPED PHASES





TYP. LOT X-SEC.
NTS



AC-2
EXISTING ZONING
SCALE 1" = 800'

HURRICANE SHELTER (PER LDC SECTION 10-258)

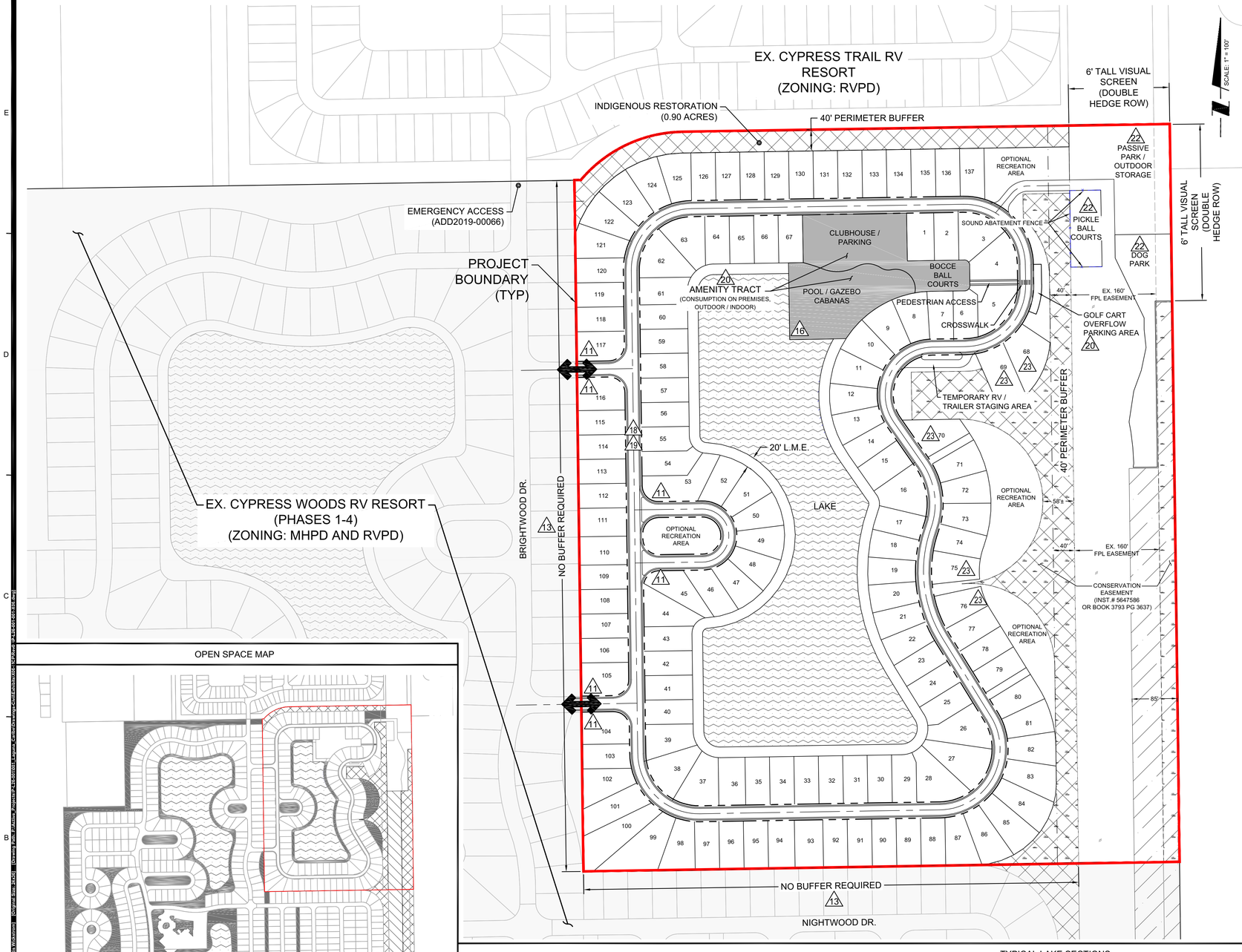
REQUIRED HURRICANE SHELTERS	= (2.25)(672)(20)(45%)=13,608 S.F.
PROVIDED	= 16,129 S.F.

DATE	REVISION		APPROVED
08/18/10	REVISED PER 05/24/10 SUFFICIENCY CHECKLIST)	JTA	BKS

CYPRESS WOODS
R.V. RESORT
ADMINISTRATIVE AMENDMENT
ORIGINAL ZONING # Z-94-025

MASTER CONCEPT PLAN
EXHIBIT III-A-1

DESIGNED BY: BKS	CHECKED BY: BKS		
DRAWN BY: JTA	CHECKED BY: BKS		
SCALE: 1" = 150' OR AS NOTED	DATE: 05/29/2007	SHEET 3 OF 3	FILE No. 3434



OPEN SPACE MAP

LEGEND

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

SITE DATA TABLE

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

B.C. FOX SQUIRREL PRESERVE

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

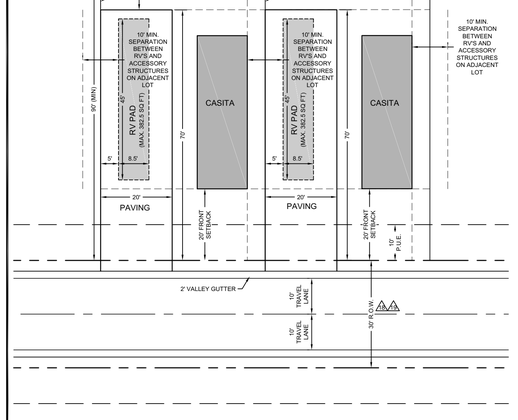
INDIGENOUS OPEN SPACE: 26.08 ACRES
INDIGENOUS RESTORATION: 0.90 ACRES

TOTAL B.C. FOX SQUIRREL PRESERVE AREA:
26.08 - 0.90 = 25.18 ACRES

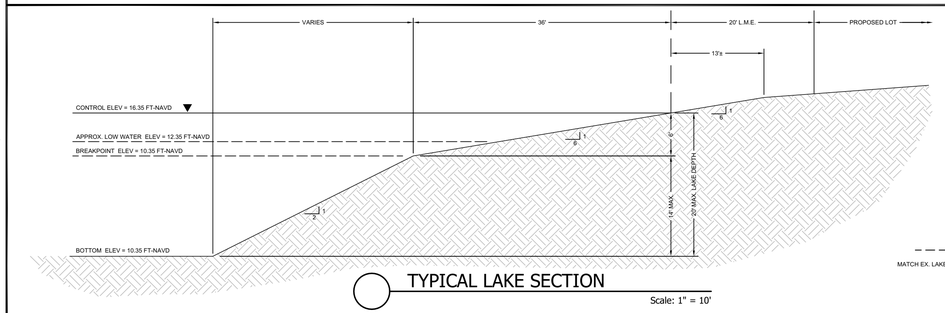
EX. DUKE FARMS LANDSCAPE NURSERY (ZONING: AG-2)

Exhibit C

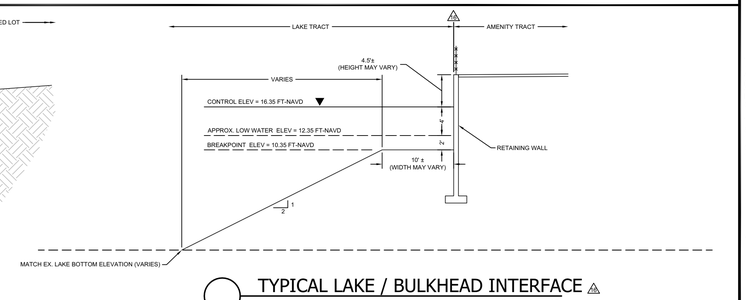
TYPICAL LOT DETAIL



TYPICAL LAKE SECTIONS



TYPICAL LAKE SECTION
Scale: 1" = 10'



TYPICAL LAKE / BULKHEAD INTERFACE
Scale: 1" = 10'

PENINSULA ENGINEERING
CIVIL ENGINEERING · LANDSCAPE ARCHITECTURE
ENVIRONMENTAL CONSULTING · LAND PLANNING · SITE PLANNING · CONSTRUCTION MANAGEMENT · OWNER REPRESENTATIVE
2600 Golden Gate Parkway
Naples, Florida 34105
Phone: 239.403.6700 Fax: 239.261.1797
Email: info@pen-eng.com Website: www.pen-eng.com
Florida Engineering Certificate of Authorization #28275
Florida Landscape Certificate of Authorization #LC26000632

PROJECT:

CYPRESS WOODS RV RESORT PHASE 5 RECREATIONAL VEHICLE PLANNED DEVELOPMENT

TITLE:

MASTER CONCEPT PLAN

OWNER/CLIENT/CONSULTANT:

LAGUNA CARIBE AT CYPRESS WOODS, LLC

REVISIONS:

No:	Revision:	Date:
1	REVISED PER COUNTY COMMENTS	3/27/20
2	REVISED PER COUNTY COMMENTS	05/18/20
3	DEVIATION #23 ADDED	07/13/20
4	SCHEDULE OF DEVIATIONS REMOVED PER COUNTY	08/05/20
5	REVISED PER STAFF REPORT	09/01/20
6	REVISED PER HEX CONDITIONS	12/30/20
7	CORRECTED TYPICAL LOT DETAIL	09/22/21
8	ADDED "CASITA" TO TYPICAL LOT DETAIL	02/11/22
9	REVISED TYPICAL LOT DETAIL	06/14/22

NOTES:

PROFESSIONAL SEALS:

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

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

Bar Scale: 1" = 100'
0 25' 50' 100' 200' 300'

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

Sheet Number: 4 of 4

Attachment E

Conditions

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

This zoning resolution codifies and supersedes Resolution Z-20-027, and subsequent amendments ADD2021-00158, ADD2022-00021, ADD2022-00108, ADD2023-00099 and ADD2024-00063.

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

   Staff Note: Applicant to update the following:
   - *The 3-page MCP must be revised to reflect up-to-date MHPD/RVPD allocation with existing legend on MCP. MCP adopted by Z-20-027 provided data points from ADD2019-00066. MCP provided with this request predates the 2019 data and appears inaccurate.*
   - *The 1-page optional MCP for Phase V must be revised to depict (1) deviation triangle 23 on Lots 121-137 consistent with ADD2022-00108; (2) the modified visual screen annotation at northeast corner of open storage area in Phase V approved by ADD2022-00142; and (3) a revised Open Space Map inset on the 1-page optional MCP to depict proposed FPL Expansion Area in Phase III.*
   - *New MCP dates to be provided for reference in Condition 1.*

   Development must comply with all requirements of the LDC and Lee Plan at time of local development order approval, except as may be granted by deviation as part of this planned development. If changes to the MCP, conditions, or deviations are subsequently pursued, appropriate approvals will be necessary.

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

2. Uses and Site Development Regulations

   a. Schedule of Uses

      Accessory Uses
         Consumption on Premises
         Food Stores, Group I
         Gazebos
         Personal Services, Group I
      Administrative Offices
      Casitas (subject to LDC Section 34-1179(e))
      Club, Private, On-site with the following accessory uses:
         Consumption on Premises, indoor and outdoor
         Food and Beverage Services, Limited

Personal services, Group I only
Community Gardens
Entrance Gates or Gatehouse
Essential Services Facility, Group I
Excavation, Water Retention
Fences and Walls
Mobile Homes
Model Home, Unit, Display Center
Park Trailers
Recreational Facilities, Personal, private on-site
Recreational Vehicles
Real Estate Sales Office
Signs
Storage
Indoor
Open, (Limited to maintenance areas, RVs, trailers, boats, and other vehicles/goods belonging to park residents)
Vehicle and Equipment Dealers, Group "IV" (RVs only)

b. Site Development Regulations

Minimum Lot Area and Dimensions

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

Minimum Setbacks

Street:	20 feet
Side Street:	10 feet (see Deviation 4)
Side:	0 feet(for RV pads only)
Side:	5 feet (for mobile homes and accessory structures)
Minimum Separation:	10 feet (including between parked RVs and accessory structures on adjacent lot (see Condition 12)
Rear (Principal):	20 feet
Rear (Accessory):	5 feet (see Condition 12) 0 feet from lake maintenance easement for waterfront lots, and rear lot lines abutting optional recreation areas on the MCP
Waterbody:	20 feet
Maximum Lot Coverage:	50 percent (RV pad and roofed structures)
Maximum Building Height:	30 feet

Minimum Lot Area and Dimensions: Amenity Tract	
Lot Area:	10,000 square feet
Width:	100 feet
Depth:	100 feet

Minimum Setbacks: Amenity Tract	
Street:	20 feet
Side (Principal):	10 feet
Side (Accessory):	5 feet
Rear (Principal):	10 feet
Rear (Accessory):	5 feet
Waterbody:	0 feet
Maximum Lot Coverage:	45 percent
Maximum Building Height:	45 feet

3. Onsite Shelter:

The on-site Hurricane Shelter must be consistent with the commitment on the MCP.

4. Utilities:

Development must connect to a public or private central water system and a public or private sewage disposal system.

5. Fox Squirrel Preserve Area & Northern Buffer:

Development order plans must depict Fox Squirrel Preserve areas consistent with the MCP. Developer must relocate golden polypody found on trees within development areas to preserve areas.

Landscape plans must include a 0.90 acre restoration planting plan in substantial compliance with the Restoration and Maintenance Plan prepared by Southern Biomes dated June 9, 2009 (Exhibit S) along the Phase 5 northern property line prior to issuance of a Phase 5 development order. Developer must submit an indigenous management plan for required indigenous open space and restoration areas.

Developer must complete restoration of the 0.90 acres along the Phase 5 northern property line in compliance with the Restoration and Maintenance Plan prepared by Southern Biomes dated June 9, 2009 (Exhibit S) prior to issuance of a Certificate of Compliance for Phase 5 infrastructure.

6. Open Space:

The overall project must provide 64.24 acres minimum of open space for all phases of the project in substantial compliance with the MCP.

7. Indigenous Open Space:

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

8. Indigenous Maintenance and Management Plan:

Developer must submit a Maintenance and Management Plan for Indigenous Preserve areas for Division of Environmental Sciences approval with Phase 5 development order application.

9. Landscape Plans:

Phase 5 landscape plans must be in substantial compliance with the Habitat Restoration and Maintenance Guidelines and depict:

a. Planting of slash pines (Pinus elliotti var densa), dahoon holly (Ilex cassine), laurel oak (Quercus laurifolia) and live oaks (Quercus virginiana), planted an average of 15-feet on center;
b. 75 percent of planted trees must be 10 feet in height, two inch caliper;
c. 25 percent of planted trees must be 16 feet in height, three-four-inch caliper;
d. Shrubs consistent with the restoration plan, planted in scattered clusters one gallon container size, three feet on center; and
e. A five-year monitoring report to ensure successful habitat restoration.

10. Gazebos:

One gazebo is permitted per RV lot. Gazebos must be unenclosed and may contain outdoor kitchens.

11. Overflow Golf Cart Parking Area:

Access to the Phase 5 amenity tract from the overflow parking area must include a paved sidewalk, painted crosswalk, and appropriate roadway signage.

12. Use Separation:

Development in all phases must provide at least 10 feet of separation between principal structures, accessory structures, and RVs parked on adjacent lots. The RV pad may be within 10 feet consistent with the “Typical Lot Detail” on the optional MCP for Phase V.

13. Perimeter Buffer:

Prior to development order approval depicting perimeter buffer plantings with the Florida Power and Light (FPL) easement, developer must submit the FPL Easement Agreement stating buffer plantings may be installed in the easement. Development order plans must

also demonstrate open space and indigenous space acreages for the entire planned development consistent with Conditions 6 and 7 during any expansions depicted on the MCP.

14. Vegetation Removal Permit:

Developer must provide "Notification of FPL Facilities" FPL Form 360 prior to commencement of construction within the easement or to issuance of a vegetation removal permit for Phases 3 and 5. Prior to issuance of a vegetation removal permit or development order approval for the storage expansion areas within the FPL easement in Phase III, a copy of the mitigation receipt of payment or onsite mitigation plans must be submitted.

15. Easement Landscape Maintenance:

Developer must replace required vegetation within the easement area. Failure to replace vegetation consistent with this zoning approval will result in a Code violation.

SECTION C. DEVIATIONS:

1. Deviation (1) seeks relief from the LDC §14-298(c) requirement to provide for the development of the "TZ" area as indicated on the MCP. This deviation is APPROVED SUBJECT TO the mitigation plan titled "Cypress Woods Monitoring and Maintenance Plan" submitted by Boylan Environmental Consultants, Inc., stamped and dated May 18, 1995. Mitigation must follow the phasing presented in these documents and all monitoring reports must be submitted to the Lee County Division of Environmental Sciences within thirty days of the scheduled monitoring events.

2. Deviation (2) is DENIED.

3. Deviation (3) seeks relief from the LDC §10-714.b requirement to provide a 90 foot turn-out radius to 30 feet. This deviation is APPROVED SUBJECT TO the developer providing a paved/stabilized surface with a minimum radius of 42 feet and, in addition, providing an unobstructed clear zone of 48-foot radius (6 feet clear zone beyond driving range).

4. Deviation (4) seeks relief from the LDC §34-2192(a) requirement to allow a reduction in the street setback from 20 feet to 5 feet on the "side" lot line for corner lots. This deviation is APPROVED SUBJECT TO the terms of Condition 2.

5. Deviation (5) seeks relief from the LDC §10-296(b) and 10-296, Table 3 requirement of a 45-foot right-of-way for a local street with open drainage, to permit a local street with 30 feet of right-of-way and open drainage. This deviation is APPROVED SUBJECT to the condition that the typical lot cross section demonstrates that the drainage performs adequately by showing the slab placement at the time of Development Order stage.

6. Deviation (6) seeks relief from the LDC §34-939(b)(6) requirement of a 5,000 square-foot minimum lot to provide a 4,140 square foot minimum (46 feet x 90 feet). This deviation is APPROVED SUBJECT TO Condition 2.

7. Deviation (7) seeks relief from the LDC §34-939(b)(7)c requirement of a side and rear setback of 10 feet and a street (right-of-way) setback of 25 feet, to permit a side and rear setback of 5 feet and a street (right-of-way) setback of 20 feet in the non-transient section of the park. This deviation is APPROVED provided setbacks are in conformance with Conditions 2 and 12, and all side setbacks apply to all portions of the structure or unit, including overhangs.

8. Deviation (8) seek relief from the LDC §34-939(b)(3) requirement to permit an access road through the perimeter buffer to the boat storage area. This deviation is APPROVED SUBJECT TO Condition 8.

9. Deviation (9) seeks relief from the LDC §34-736 requirement of a 5,000 square foot minimum lot (50 feet x 100 feet) to provide a 4,140 square foot minimum lot (46 feet x 90 feet). This deviation is APPROVED SUBJECT TO Condition 2.

10. Deviation (10) seeks relief from the LDC §34-7361 requirement of a side setback of 7 feet, to permit a side setback of 5 feet. This deviation is APPROVED SUBJECT TO Condition 2.

11. Deviation (11) seeks relief from the LDC §34-2222(1) and 10-254(b) requirements to allow corner lots to be the same size as the other lots within the development (and not have an additional 15 feet of width). This deviation is APPROVED SUBJECT TO Condition 2.

12. Deviation (12) seeks relief from the LDC §10-295 to eliminate the requirement for street stubs to adjacent properties. This deviation is APPROVED.

13. Deviation (13) seeks relief from the LDC §34-939(b)(3) to eliminate the requirement for a buffer between a recreational vehicle park and adjacent property interior to the site. This deviation is APPROVED for the interior portion of the site only.

14. Deviation (14) seeks relief from the LDC Section §34-935(a)(l) to eliminate the requirement that a new recreational vehicle park be not less than 20 acres in size. This deviation is APPROVED.

15. Deviation (15) seeks relief from the LDC Section §34-2194(b) and (c) requirements of a 25 foot water body setback; to allow a zero foot setback in order to permit the construction of a clubhouse, deck, pier, and gazebo 90 feet into the artificial body of water. This deviation is APPROVED SUBJECT TO substantial compliance with the proposed construction of the clubhouse and related facilities on the approved Plan entitled, Cypress Woods, R.V. Resort Clubhouse Area Dev. Order Plans; Drainage, Parking & Site Dim. Plan; dated 04-14-03, stamped received AUG 21, 2003 and subject to the requirement that the water body setback must not adversely impact any open space requirement, wetland vegetation plantings, or other buffering, landscaping, or preservation areas or requirements.

16. Deviation (16) seeks relief from the LDC §34-2020 requirement of 135 parking spaces for the two clubhouse facilities, to allow 44 off-street parking spaces. This deviation is APPROVED.

17. Deviation (17) seeks relief from the LDC §34-935(a)(1) requirement of a minimum of 5 acres of land necessary to expand an existing recreational vehicle park, to allow an expansion of 2.1+/- acres. This deviation is APPROVED.

Deviations 18 through 22 apply only to Phase 5:

18. Deviation (18) seeks relief from the LDC §10-296(b) Table 2 requirement of a 40 foot right-of-way with open drainage for a privately maintained local street to allow for a 30 foot right-of-way with closed drainage. This deviation is APPROVED.

19. Deviation (19) seeks relief from the LDC §10-296(b) Table 8 requirement of planting strips and sidewalks to allow for a privately maintained right-of-way with no planting strip or sidewalk. This deviation is APPROVED.

20. Deviation (20) seeks relief from the LDC §34-2015(1) requirement for all parking spaces to be located on the same premises as the use they serve, to allow 16 golf cart parking spaces within 200 feet of the amenity tract. This deviation is APPROVED SUBJECT TO Condition 11.

21. Deviation (21) seeks relief from the LDC §34-939(b)(7)(c) requirement of a minimum 10 foot set back from each side and rear recreational vehicle lot, to allow a 0 foot setback for the side and rear lot line of all rear recreational vehicle lots. This deviation is APPROVED SUBJECT TO Condition 12.

22. Deviation (22) seeks relief from the LDC §34-939(b)(3) requirement that all recreational vehicle parks have a perimeter buffer area at least 40 feet wide adjacent to and completely around the boundary of the site, to allow accessory uses outside of the proposed buffer. This deviation is APPROVED SUBJECT TO Conditions 13, 14, and 15.

23. Deviation (23) seeks relief from the LDC §10-415(b)(1)(c) requirement of a 20 foot minimum setback from indigenous vegetation and trees and 30 foot setback for indigenous plant communities subject to fire, to allow a 20 foot minimum setback from upland preserve lots:
    - Phase V – Lots 68-70 and 75-76 and 121-137.
    - Phase III – Lots 87-99.
    - Phase I – Lots 3-9

    This deviation is APPROVED, SUBJECT TO the condition that all buildings located within the 30-foot required setback must be constructed of flame-retardant materials.

24. Deviation (24) is WITHDRAWN.

25. Deviation (25) seeks relief from Section 10-421(a)(8), which requires if a wall or fence is proposed, but not required, then the required buffer plantings must be installed on the exterior side (between the wall and the abutting property or street right-of-way) of the wall or fence, to allow required planting material to be located on both sides of the proposed wall along Tract “E” (Phase I) and to allow all required planting material to be located on the interior side of the wall on Tract “D” (Phase I). This deviation is APPROVED, SUBJECT

TO Deviation (26).

26. Deviation (26) seeks relief from LDC Section 34-1743(b)(3), which requires optional residential project walls to be landscaped on the exterior side (between the wall and the abutting property or street right-of-way) with a minimum of five trees per 100 linear feet and shrub hedges, within a minimum plantable width of seven and one-half feet located on the exterior side of the wall or fence, to allow no required planting width or material to be located on the exterior of the wall on Tract "D". This deviation is APPROVED SUBJECT TO the following condition:

    a) The code required planted width and planted material must be located on the exterior side of the fence/wall on adjacent Tract "E", with 5 trees per 100 linear feet (15 total trees) and 36-inch-high shrubs at time of installation.

    b) Required trees must be canopy trees, 14-feet in height minimum, and shrubs must be maintained at not less than 60 inches in height within six months of planting on Tract "E" as depicted on the Luckett Road Buffer cross section Exhibit, attached hereto as Exhibit "E".

    c) The exterior of the wall facing Luckett Road must include a textured finish such as stucco.

27. Deviation (27) seeks relief from LDC §10-421(a)(8), which requires walls or fences that are proposed, but not required, to have all required buffer plantings installed on the exterior side of the wall or fence; to allow a wall or fence to be installed along the west property perimeter with the required plant material on the inside of the proposed wall abutting the industrial subdivision. This deviation is APPROVED.

28. Deviation (28) seeks relief from §34-1743(b)(3), which requires project wall/fences to be landscaped on the exterior side with a minimum of five trees per 100 linear feet and shrub hedges within a minimum plantable width of seven and on-half feet with shrubs planted and maintained to form a 36-inch high continuous visual screen within one year after time of planting; to allow no landscaping exterior to the fence/wall along the west property perimeter abutting the industrial subdivision to the west. This deviation is APPROVED.

29. Deviation (29) seeks relief from LDC §34-939(b)(3), which requires recreational vehicle parks to include a perimeter buffer at least 40 foot wide adjacent to and completely around the property boundary of the site, to allow for a 30-foot-wide buffer along a portion of the eastern property line adjacent to the Phase III RV and Boat Storage area depicted on the MCP. This deviation is APPROVED, SUBJECT TO the following condition:

    Prior to development order approval for the storage expansion areas within the FPL easement in Phase III, a copy of the mitigation receipt of payment or onsite mitigation plans must be submitted.

Attachment E

30. Deviation (30) seeks relief from LDC §10-291(3), which requires residential development of more than five acres to provide more than one means of ingress or egress for the development, to allow one access point. This deviation is APPROVED, SUBJECT TO maintaining the emergency-only interconnection with Cypress Trails RVPD to the north, as depicted on the MCP.

Staff Note: Exhibit list updated to incorporate Exhibit "Luckett Road cross section" referenced in Deviation #26 (Attached to Staff Report as Attachment N).

SECTION D. EXHIBITS:

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

Attachment B: Legal description of the property
Attachment C: Zoning Map (with the subject parcel indicated)
Attachment D: The Master Concept Plan
Attachment N: Luckett Road Buffer Cross-Section
Attachment S: Habitat Restoration and Maintenance Guidelines (Pages 21 – 25)

Cypress Woods RV Resort RVPD Amendment
Request Statement and Lee Plan Compliance Narrative

Cypress Woods RV Resort Homeowners Association, Inc. ("Applicant") is requesting approval to amend the Cypress Woods RV Resort RVPD, approved per Z-20-027, as consisting of 153.55+/-acres. The amendment request includes the following changes to the current zoning approval:

1) Amend the Schedule of Uses, Site Development Regulations and Conditions as follows:
   - Add "Casitas" consistent with LDC §34-1179 and "Maintenance Area" as accessory uses
   - Revisions to Development Regulations to include "Casitas"
   - Revisions to the Indigenous Open Space acreage, Condition # 7

2) Amend the Master Concept Plan as follows:
   - Identify landscape maintenance area along Luckett Road, and label "landscape maintenance only" access point to this area from Luckett Road.
   - Identify a maximum 8-foot-tall fence along a portion of the western property line.
   - Expansion of RV & Boat Storage Area for Phases 1-4.
   - Update of preserve acreages within Master Concept Plan to allow expansion of the RV & Boat Storage, while maintaining minimum required preserve and open space acreages.
   - Reduction of Perimeter Buffer Area to from 40 feet to 30 feet on along a portion of the eastern property line to reflect existing conditions.

3) Request three (3) new deviations:
   - Relief from 40-foot RVPD perimeter buffer, to allow for a 30-foot buffer where RV & Boat Storage outside of the proposed buffer within Phase 3 of the development.
   - Relief from the requirements to install buffer plantings on the exterior of a residential project wall/fence where the RV Resort abuts the BF Industrial Park to the west.
   - Allow principal and accessory structures to maintain a 20-foot minimum setback from indigenous plant communities instead of a 30-foot minimum setback subject to fire approval.

4) Amendment of two (2) deviations:
   - Amendment of deviation 7 to allow a 5-foot setback for side and rear lot line of all recreational vehicle lots similar to Phase 5 subject to condition 12 (10-foot separation between RVs and accessory structures on adjacent lots) applying to all lots within the development.
   - Amendment of deviation 16 to remove the condition requiring lots 85 & 86 to undeveloped as overflow parking areas for the two club houses.

I. Existing Conditions & Property History

The 153.55 +/-acre subject property is located north of Luckett Road and east of Interstate 75 in the northeast corner of the Cypress Woods RV Resort. The Property is zoned Recreational Vehicle Planned Development (RVPD) per Z-20-027, as amended, and is located within the Caloosahatchee Shores Planning Community. The underlying future land use designation is Urban Community and Wetlands. Phases I-IV are built out and Phase V is partially undeveloped.

The Cypress Woods RVPD is permitted for a maximum of 611 units (density of 3.98 du/acre), including 522 RV sites and 89 mobile home sites. Access to the RVPD is provided from the main gated ingress/egress from Luckett Road, with a secondary emergency access at the north end of Brightwood Drive, which provides connection to the internal street network in the Cypress Trails RV Resort. At the southwest corner of the development, along Luckett Road, an access point to the proposed maintenance area for maintenance/landscape personnel only is proposed. Along the southwest corner of the property has an existing access point for FPL personnel only.

II. Surrounding Land Use Pattern

The surrounding land use pattern consists of a mix of RV resorts, agricultural and light industrial uses due to proximity to I-75. An RV development is located to the north known as Cypress Trail RV Resort. To the northwest is undeveloped agricultural property with a pending rezoning application under review for a CPD rezone to allow for warehousing including mini-storage. To the south the RVPD abuts a public right-of-way (Luckett Road); to the east is Duke Farms (a landscape nursery). Table 1 below further defines the surrounding Future Land Use designations, zoning districts and adjacent land uses.

Table 1: Inventory of Surrounding Lands

	FUTURE LAND USE	ZONING	EXISTING LAND USE
NORTH	Urban Community	RVPD/AG-2	RV Lots; Undeveloped Agricultural Land (Proposed Warehousing and Ministorage)
SOUTH	Urban Community; Wetlands	AG-2; HLSFD (City of Fort Myers)	Luckett Road ROW; RV Sales; Agriculture; Large Lot Single-Family
EAST	Rural Community Preserve	AG-2	Landscape Nursery
WEST	Industrial Interchange	• IL; AG-2 (Proposed CPD)	Undeveloped Agriculture Land (Proposed Warehousing and Ministorage)

The immediate area contains RV Resorts and Mobile Home Parks that provide transition from the more intensive land use pattern along the I-75 frontage, and the rural uses to the east in Buckingham. The site remains an appropriate location for the proposed 611 RV units, and associated uses and the amendment proposes no changes to the character, density or intensity of the existing RVPD approval. The area is well-served by existing public infrastructure.

Potable water and sanitary sewer services are available to the subject property by Lee County Utilities. The surrounding roadway network has adequate capacity as demonstrated in the supportive TIS for the 2011 RVPD rezone. There are also adequate community facilities and services in the immediate vicinity of the project, including Fire, EMS, and park and recreation.

III. Proposed Amendment

The proposed amendment largely consists of housekeeping type requests to reflect current conditions within the development and provide flexible design standards to help modernize the resort to current industry standards.

Through this PD amendment application, the Applicant proposes the addition of two uses to the schedule of uses, the accessory "Casita" (consistent with LDC Section 34-1179) and "Maintenance Area" (Limited to maintenance trucks, maintenance sheds, and other vehicles/equipment needed for the maintenance of the development).

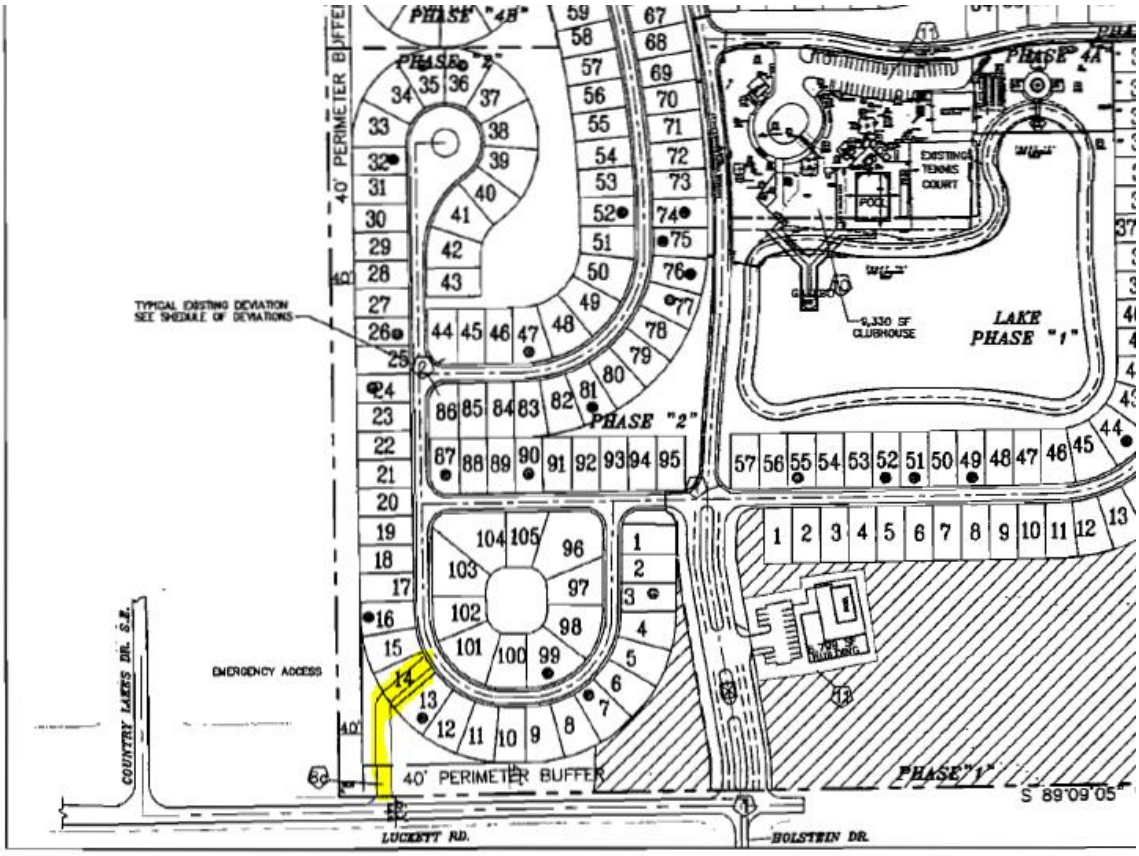
The Recreational Vehicle (RV) industry continues to grow in the U.S. with RV shipments having grown from 400,000 in 2016 to approximately 480,000 in 2019 (a 20% increase). Correspondingly, Florida continues to be a leader in net domestic migration, adding over 1 million residents from other states between 2010-2017, due in large part to our warm climate, lack of state income tax, and general demand by the baby boomer generation relocating upon retirement. With the continued influx of retirees to Florida, and specifically the Fort Myers area, along with the popularity of the RV lifestyle, the industry continues to evolve to capture and retain customers.

A highly demanded RV amenity is for a private accessory structure located on the same lot as the RV to provide additional multi-purpose living area. It is understood Lee County currently permits RV accessory structures known as "Casitas", which are regulated in the Land Development Code Section 34-1179, per Ordinance 22-12.

Similar to Phase 5 of Cypress Woods aka "Laguna Caribe at Cypress Woods", property owners within Phases 1-4 have stated a desire to have a multi-purpose, fully enclosed accessory structure on their RV lot to provide space for entertaining, crafts/hobbies, leisure, and cooking. Therefore, the Applicant is seeking through this site-specific PD amendment to allow for the accessory structure referred to herein as a "casita".

"Casitas" are permanent accessory structures used in long-term occupancy Recreational Vehicle developments to provide additional living space for the single-family occupants of RV lots and their temporary guests. Permitted uses include spaces for overnight sleeping; kitchen and cooking; entertainment; studies or home offices; storage; and garages or car ports for golf carts or motor vehicles. As identified in by the LDC the "Casitas" along with the RV shall be defined and treated collectively as a single residential unit i.e. separate rental of the casita is strictly prohibited to ensure the RV lot retains occupancy as a single dwelling unit.

The Maintenance Area proposed within the area located along the southwest corner of the development is for trucks and storage of maintenance specifically for the Cypress Woods RVPD. This area had previously been the designated temporary access point for the development to Luckett Road. The Applicant proposes what use to be a temporary emergency access point along Luckett Road highlighted in the snippet of Zoning Resolution Z-11-021 MCP to be changed into a maintenance only access point.



The RV lots and Mobile homes are in compliance with the currently approved Property Development Regulations set forth in Z-20-021, providing for 10-foot side yard setbacks for RVs and 5-foot side setbacks for mobile homes. The application seeks to modify the side yard setbacks to allow for “Casitas” with 5-foot setback configuration on lots for RVs, which requires for a 10 feet minimum building separation to be maintained between RVs and accessory structures on adjacent lots. The application is also seeking the ability to locate accessory structures a minimum of 20 feet from the lake, i.e. an 0-foot setback from the rear property line/lake maintenance easement.

The development provides 40-foot buffers along the perimeter of the RV/mobile home lots.

The MCP includes slight modifications to the acreages of the preserve areas, while maintaining excess preserve and open space in the overall RVPD, as shown on the MCP data summary tables and draft revised Conditions to identify Indigenous Open Space acreage requirement changes that still exceed the LDC requirement.

The proposed design will remain compatible with the surrounding development pattern, both internal and external to the Cypress Woods RVPD. Minor corrections to the preserve acreages have been requested based upon built/existing conditions and proposed design modifications. The MCP, including the indigenous preserve tables, demonstrates the RVPD will provide more than the minimum required acreages for both preserve and open space.

The Applicant proposes three (3) new deviations. The 1st and 2nd deviations allows for a maximum 8-foot-tall project fence/wall along the western property line with the required 40-foot-

wide RV perimeter buffer along the interior of the fence/wall and no buffer along the exterior of the fence/wall. The 3rd deviation addresses existing conditions and expansion RV & Boat Storage allowing for RV & Boat Storage outside of the proposed 40-foot buffer within Phase 3 of the development. The Applicant's justification for the requests and meeting of LDC variance criteria where applicable is further elaborated on within the Deviations Justification Narrative provided as part of this submittal.

The Applicant proposes changes to Deviation 7 to allow change the accessory structure setback for side and rear lot line to 5 feet similar to Phase 5 of the development to allow for better use of the lot and allow for "Casita" accessory use. The Applicant proposes the safeguard of requiring a 10-foot separation between RVs and accessory structures on adjacent lots. The Applicant's justification for the requests is further elaborated on within the Deviations Justification Narrative provided as part of this submittal.

The Applicant proposed the removal of Deviation 16's condition of requiring lots 85 and 86 to remain undeveloped to be used as overflow parking for the two clubhouses for the development until the time the last lot within the development is sold. At the time this condition was placed it had not been intended for Phase 5 of the development to have its own recreational amenity and parking. Furthermore, as demonstrated within the Deviations and Justifications and Exhibit A of the submittal there has been no need for overflow parking for the two club houses.

The full details of the proposed development program are provided in the enclosed Master Concept Plan, Schedule of Uses, Property Development Regulations, and proposed Conditions.

IV. Lee Plan Compliance

The following is an analysis of how the proposed amendment is consistent with the goals, policies and objectives of the Lee Plan.

POLICY 1.1.4: The Urban Community future land use category are areas characterized by a mixture of relatively intense commercial and residential uses. The residential development in these areas will be at slightly lower densities then other future urban categories described in this plan. As vacant properties within this category are developed, the existing base of public services will need to be maintained which may include expanding and strengthening them accordingly. As in the Central Urban future land use category, predominant land uses in this category will be residential, commercial, public and quasi-public, and limited light industrial with future development encouraged to be mixed use, as described in Objective 11.1, where appropriate. The standard density range is from one dwelling unit per acre (1 du/acre) to six dwelling units per acre (6 Future Land Use II-2 January 2023 du/acre), with a maximum total density of ten dwelling units per acre (10 du/acre). The maximum total density may be increased to fifteen dwelling units per acre (15 du/acre) utilizing Greater Pine Island Transfer of Development Units.

> **In compliance with this policy, the subject property is located in an urbanized area of the Lee County, as evidenced by the surrounding land use pattern, existing densities/intensities, and available public infrastructure. No density increase is being requested and the proposed development has an approved density of 3.98 du/acre, or 611 units, for the RVPD. Therefore, the density is well below the maximum attainable density in the Urban Community category. The amendment will allow for the continuation of the increased amenities for the existing RV residential development and will allow for more enjoyable long term use of RV lots.**

OBJECTIVE 1.5: WETLANDS. Designate on the Future Land Use Map those lands that are identified as Wetlands in accordance with § 373.019(27), Fla. Stat. through the use of the unified state delineation methodology described in Fla. Admin. Code R. 62-340, as ratified and amended in § 373.4211, Fla. Stat. (Ord. No. 94-30, 21-09)

POLICY 1.5.1: Permitted land uses in Wetlands consist of very low density residential uses and recreational uses that will not adversely affect the ecological functions of wetlands. All development in Wetlands must be consistent with Goal 124. The maximum density is one dwelling unit per twenty acres (1 du/20 acre) except as otherwise provided in Table 1(a) and Chapter XIII.

> **There is no increase in density being requested as part of this proposed amendment and proposed changes to the development indigenous preserve acreage consistent with the conservation easements identified in the SFWMD Permit No. 36-02960-S. The proposed density of 3.98 du/acre for the whole development is consistent with the 1 du/20 acres for 16.5 acres identified by the Future Land Use Map as Wetlands is well below the maximum density allowed by the future land use map.**

POLICY 5.1.5: Protect existing and future residential areas from any encroachment of uses that are potentially destructive to the character and integrity of the residential environment. Requests for conventional rezonings will be denied in the event that the buffers provided in Chapter 10 of the Land Development Code are not adequate to address potentially incompatible uses in a satisfactory manner. If such uses are proposed in the form of a planned development or special exception and generally applicable development regulations are deemed to be inadequate, conditions will be attached to minimize or eliminate the potential impacts or, where no adequate conditions can be devised, the application will be denied altogether. The Land Development Code will continue to require appropriate buffers for new developments.

> **The proposed amendment will not negatively impact surrounding residential uses or internal uses within Cypress Woods RVPD. The request will not increase the density of the project or reduce adopted minimum lot sizes. The expansive 40-foot-wide buffer between the site and the Cypress Trails RV Resort to the north, Luckett Road to the south and light industrial uses to the west will be retained. Larger lot rural residential uses in Buckingham to the east are well buffered and separate from the development via preserve, a 160-foot-wide FPL easement and a landscape nursery. The proposed amendment will allow changes similar to what has already been approved in Phase 5 of the development and allow for better use of the FPL easement. The additional RV associated uses are complimentary to the surrounding development pattern at a density substantially lower than the future land use map allows.**

STANDARD 4.1 & 4.2: WATER & SEWER

> **The proposed RVPD development is already almost fully built and connected to potable water and sanitary sewer services are available to service to the development.**

POLICY 21.1.2: Any deviation from landscaping, buffering, signage or architectural requirements may not be granted unless the request meets the approval criteria for variances set forth in the LDC, Chapter 34.

> **The proposed amendment via deviation 27, 28 and 29 requests deviations from landscaping and buffering requirements. The location of the existing native vegetation, mature existing canopy trees and FPL Easements creates a hardship that is specific to this site the requested buffer deviations will meet approval variance approval criteria, where necessary as further explained in the Schedule of Deviations and Justification and Variance Criteria submittal documents. No deviations from signage or architectural requirements are requested.**

POLICY 21.3.1: Maintain LDC regulations that provide for greater buffering between adjacent commercial and residential uses except for in mixed use developments.

> **The proposed amendment will provide 40-foot RVPD buffer in line with the LDC requirements including a maximum 8-foot-tall fence/wall along the eastern property boundary allowing for enhanced visual and audio screening for the RVPD development which is adjacent to light industrial uses to the east of the development. The Applicant is proposing a deviation to further screen the residential RVPD use from the eastern property boundary by allowing the landscape buffer to be completely interior of the fence/wall allowing instead of on the exterior of the wall allowing for the softer and aesthetics of the vegetation to be along the residential side of the wall.**

POLICY 124.1.1: Ensure that development in wetlands is limited to very low density residential uses and uses of a recreational, open space, or conservation nature that are compatible with wetland functions. The maximum density in the Wetlands category is one unit per 20 acres, except that one single family residence will be permitted on lots meeting the standards in Chapter XIII. Owners of wetlands adjacent to Intensive Development, General Interchange, Central Urban, Urban Community, Suburban, New Community, Outlying Suburban, Sub-Outlying Suburban, and Rural future land use categories may transfer dwelling units from preserved freshwater wetlands to developable contiguous uplands under common ownership at the same underlying density as permitted for those uplands.

> **As previously identified there is no change to the density as part of this amendment but the approved density of the development is greatly lower than the maximum density allowed by the future land use map when taking into account the 16.5 acres of Wetland category that make up the 153.5 acre development.**

V. LDC Review Criteria

The proposed amendment complies with the LDC review criteria set forth in LDC 34-135(d)(4)(a) as follows:

LDC Section 34-145(d)(4)(a)1 Criteria

a. Complies with the Lee Plan.

The application is consistent with the uses and densities set forth for Urban Community Future Land Use Designation. Additionally, the project will meet or exceed the performance standards set forth in the Land Development Code for planned development zoning districts, except where a deviation is requested for the unique development program for RV resort uses. Refer to the Lee Plan Compliance Section above for a more detailed explanation of the requests compliance with Lee Plan Policies.

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

The request will meet or exceed all performance and locational standards set forth for the proposed RVPD, except where a deviation is requested and demonstrates the protection of public health, safety and welfare. In compliance with LDC Section 34-3005 the open storage area shall provide fencing and screening to adjacent residential uses through an 8-foot opaque fence and minimum 6-foot opaque fence when adjacent to the street right-of-way.

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

The amendment proposed no change to the approved density for the RVPD is at 3.98 dwelling units per acre, which is consistent with allowable density in the Urban Community and Wetland Future Land Use Category. The proposed amendment is compatible with the RV uses to the north in Cypress Trails, the existing uses within the Cypress Woods RV Resort, light industrial uses to the west and agricultural uses to the east. LDC requirements for the accessory casita units will ensure these structures are not used as conventional dwelling units. The development regulations for "Casitas" similar to Phase 5 of the development will serve to assure this accessory use is of appropriate scale and size for the development and surrounding area. In compliance with LDC Section 34-3005 the open storage for the expanded RV & Boat Storage as well as the "Maintenance Area" for the development shall provide fencing and screening to adjacent residential uses through an 8-foot opaque fence and minimum 6-foot opaque fence when adjacent to the street right-of-way.

d. Will provide access sufficient to support the proposed development intensity.

Access will be provided from Brightwood Drive and eventually to Luckett Road. A secondary access point to the north into the Cypress Trails RV Resort will provide emergency access to the development per the 2019 Administrative Amendment. Proposed amendment revises the existing Master Concept Plan to clean up and correctly identify the location of the established permanent emergency access point.

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

Approval of the request will not have a significant impact upon the surrounding roadway network. The amendment will not increase the density of the overall project currently approved and additional access is limited to landscape maintenance vehicle will therefore have no impact on trip generation.

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

This request will not adversely affect environmentally critical areas and natural resources. The project will maintain all preserve and restored preserve areas with credits in compliance with the LDC. Open space will also be provided in compliance with LDC Chapters 10 and 34.

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

The Project is served by urban services, as defined in the Lee Plan, as it is located within a Future Urban area category. Public infrastructure and services are currently available to service the development.

LDC Section 34-145(d)(4)(a)2 Criteria

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

The proposed RVPD and accessory RVPD uses are appropriate for the proposed location which has the necessary infrastructure and is surrounded by compatible uses. The proposed amendment includes the addition of the accessory use of "Casita" now common accessory uses to RV resort and approved for Phase VI of this development. The proposed amendment also includes the addition of a maintenance area that is limited to the use of maintaining the proposed RVPD development which is again a common use within RV developments and assures the upkeep of the development is kept meeting the desired aesthetic of the interior and exterior of the development.

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

The proposed amendment does not propose any increase in density or in traffic generation. The existing development already contains safeguards in place to protect the public interest and these will continue to be in place with a 40-foot buffer around the development, 8-foot project wall/fence along the Luckett Road right of way and visual screening in line with LDC requirement for outdoor storage areas.

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

1) Enhances the achievement of the objectives of the planned development; and

2) Preserves and promotes the general intent of this Code to protect the public health, safety and welfare.

Please see Schedule of Deviations and Justification addressing how the proposed deviations enhance the objectives of the RVPD and preserves and promotes public health, safety and welfare.

VI. Conclusion

The proposed RVPD amendment will address sound planning principles that are currently of interest to Lee County and Caloosahatchee Shores Planning Community. The Property is adjacent to existing development on all sides, including similar RV development to the north. The site will be well separated from the active agricultural uses to the east via the expansive on-site preserve area and FPL easement. The proposed amendment is requesting to allow uses more in line with those approved for Phase 5 of the development including “Casitas”.

In summary, approval of this request will allow the Cypress Woods to accommodate new market demand for RV resorts in the form of “Casitas” and additional on-site storage by efficiently maximizing use of unused land such as the FPL easement along the eastern portion of the development. The proposed amendment will allow RV residents to enjoy long term use of the resort without having to look outside to fulfill storage and long term housing needs. The proposed changes are consistent with the underlying Future Land Use category and the proposed uses are compatible with the surrounding land use pattern. The proposed rezoning will meet or exceed the standards set forth in the LDC for planned developments, except where a deviation has been requested. For these reasons, the Applicant respectfully requests approval of this amendment as proposed.

Should staff have any questions or require any additional information, please contact me directly at (239) 908-3421 or JMedina@RViPlanning.com.

Sincerely,

RVi Planning + Landscape Architecture



Josephine Medina, AICP
Project Manager

CYPRESS WOODS RVPD
PD AMENDMENT

Variance Criteria

For deviations 27, 28, and 29 the Applicant requests deviations from buffer and landscaping requirements. Due to the properties location within the Caloosahatchee Shores Planning Community per Lee Plan Policy 21.1.2 any deviation from landscaping and buffering requirements may not be granted unless the requests meets the approval criteria for variances set forth in LDC Section 34-145(b)3. These proposed deviations are provide below for reference followed by the evaluation criteria justification.

Deviation 27 seeks relief from the Land Development Code (LDC) §10-421(a)(8) requirement for walls or fences, that are proposed but not required, to have required buffer plantings installed on the exterior side of the wall or fence; to allow the no buffer plantings to be installed on the exterior side of the wall or fence along the western property boundary abutting the BF Industrial Park.

Deviation 28 seeks relief from the LDC Section 34-1743(b)(3) requirement of project wall/fences to be landscaped on the exterior side with a minimum of five trees per 100 linear feet and shrub hedges within a minimum plantable width of seven and on-half feet with shrubs planted and maintained to form a 36-inch high continuous visual screen within one year after time of planting; to allow no landscaping exterior to the fence/wall, along the western property boundary abutting the BF Industrial Park.

Deviation 29 seeks relief from the LDC Section 34-939(b)(3) requirement of recreational vehicle parks to have a perimeter buffer at least 40 foot wide adjacent to and completely around the property boundary of the site, to allow for a 30-foot-wide buffer running 1,325 feet north along the eastern property line adjacent to active agricultural development.

Variance Criteria

a) *The property has inherent exceptional conditions that cause the application of the regulation to create a hardship.*

The phases within Cypress Woods where the proposed deviations are being requested are part of a fully developed RVPD which contains the following current inherit conditions:

- **Existing mature buffer vegetation**
- **FPL easements along the western and eastern properties**

- **Limited space due to the location of well-connected and large area existing native vegetation and fox squirrel habitat to remain as preservation.**

In reference to deviations 27 & 28, as identified in the MCP there is only a 40-foot distance available to place the proposed wall/fence and required RVPD perimeter buffer vegetation along the western property line. This is further limited to a 30-foot distance due to a 10-foot FPL easement that runs through the western property boundary. The existing 40-foot buffer consist of mature canopy trees and their location within the buffer area creates a situation where the proposed fence/wall would have to meander through these trees or require there removal and replacement of the mature vegetation instead of its preservation. This portion of Cypress Woods is already fully developed therefore there is no possibility to obtain more space to accommodate the proposed wall/fence being placed further east of the existing location of the already mature buffer trees.

As mentioned in the Deviation and Justification submittal the western property boundary abuts an existing Industrial Park. The addition of a wall/fence along this property boundary would provide greater protection and reduce impacts from the adjacent non-residential use to the Cypress Woods residential lots. The requested deviations are only intended to assure the preservation of existing mature trees and assure the logical and aesthetically pleasing placement of a wall/fence.

In reference to deviation 29, Phase 5 of the development was approved for the placement of accessory uses outside of the 40-foot RVPD perimeter buffer. The proposed deviation requests the reduction of the width of the buffer along the eastern property line to 30 feet due to the existing conditions of the location of the existing indigenous vegetation more towards the interior of the site which limit the space being able to be utilized for accessory uses for the RVPD park such as RV & Boat Storage. The area of the proposed accessory use is limited to the areas identified in the MCP. The existing native vegetation more towards the interior of the property adjacent create a natural buffer surrounding the RVPD lots themselves creating the desired screening from the RVPD principal uses. This results in the development providing what can be seen as double the perimeter buffering through the native vegetation and the proposed 30-foot buffer.

It should be noted that the deviations being requested do not proposing a reduction of the required 40-foot buffer plant material required surrounding RVPD park. In fact the eastern property boundary provides mature canopy trees that go beyond the 40-foot vegetated buffer requirement.

b) *The exceptional conditions are not the result of actions of the property owner taken subsequent to the adoption of the ordinance*

For all three deviations 27,28 & 29, the existing conditions have not been the result of actions taken by the property owner subsequent to the adoption of this ordinance. The conditions include existing mature canopy trees, preservation areas and FPL easements on the site. These existing conditions limit the space within the property that can be used by the Applicant.

The existing conditions along the eastern property boundary include a 160-foot FPL easement that limited the uses available to be placed along the eastern property boundary when this RVPD was created. The existing storage area is limited in size due to the required access from north to south for FPL. The ability to extend the storage area to the westThe existing fox squirrel preserve area to the west of the proposed boat and RV storage area provides a greater area and interconnectivity to the all the preservation areas the Cypress Woods development therefore this area served as the 40-foot buffer for the development and principal uses. Due to the greater ecological benefit of the preserve to the east and it already serving as a buffer area it would be a burden to require the Applicant to provide another full width 40-foot buffer for an accessory use to the Park.

c) *The variance granted is the minimum variance that will relieve the unreasonable burden caused by the application of the regulation to the property*

The granting of the proposed deviation will relieve the need to remove mature vegetation to place the wall/fence along the western property line per the LDC.

Similarly, along the eastern property line, the deviation will relieve burden on the development when compared to other RV parks. The current usable area within the existing RV & boat storage is limited due to a 160 foot FPL easement, which requires an accessway running north to south through the storage area. Additionally, the location of the interconnected fox squirrel preserves to the west of the FPL easement limits the ability to further expand the RV & boat storage further east. Included in the western preserve area is a 40-foot buffer meets the intent of the LDC by directly buffering the principal RVPD uses. If this deviation where not to be approved the development would be providing two 40-foot buffers on for the interior lots and one for the storage area which is unreasonably burdensome when compared to other RVPD parks. Additionally, the existing vegetation along the eastern property line already provides sufficient vegetation to meet the buffer requirements and the reduction of buffer width is of only 10 feet.

d) *The granting of the variance will not be injurious to the neighborhood or detrimental to the public welfare.*

Deviations 27 & 28 are improving the existing conditions by providing greater protection from impacts from the adjacent industrial park use and the Cypress Woods residents through the provision of a fence/wall between both properties. No change to the existing required buffer is being proposed.

Deviation 29 does not request a reduction to the required vegetative plant material requirement, only a reduction to the buffer width by 10 feet where adjacent to an existing agricultural operation. Furthermore, in compliance with LDC Section 34-3005 the open storage for the expanded RV & Boat Storage shall provide fencing and screening to adjacent residential uses through an 8-foot opaque fence and minimum 6-foot opaque fence when adjacent to the street right-of-way. The request will provide greater space for storage for the developments residents and accessory use that is common to RVPD Parks. Will allow for greater security and reduced trips to for residents to access RV and Boats within the development.

Granting of the proposed deviation will ensure future compliance and will not be injurious to the neighborhood or negatively impact the public health, safety, and welfare or the aesthetics of the community.

e) The variance is consistent with the Lee Plan

The requested deviation complies with Goal 21 Caloosahatchee Shores Community Plan, Objective 21.1 Community Character by still protecting the rural character of the community and creating a visually attractive community.

As mentioned previously, Deviations 27 & 28 will help enhance the rural character of the community by helping to screen Cypress Woods from the adjacent industrial park to the west. Deviation 29 does not reduce the rural character of the community or visual attractiveness as it maintains the current vegetative buffer requirements and with the existing conditions the RVPD park actually provides two perimeter buffers, one for the principal RVPD uses and one for the accessory uses located along the 160-foot FPL easement to the east of the property.

Specifically, the requested deviation complies with Policy 21.1.2 of the Lee Plan by meeting the approval criteria for variances set forth in Chapter 34 of the Land Development Code.

CYPRESS WOODS RVPD
PD AMENDMENT

Deviations & Justification

1. Deviation (1) seeks relief from the LDC §14-298(c) requirement to provide for the development of the "TZ" area as indicated on the MCP. This deviation is APPROVED SUBJECT TO the mitigation plan titled "Cypress Woods Monitoring and Maintenance Plan" submitted by Boylan Environmental Consultants, Inc., stamped and dated May 18, 1995. Mitigation must follow the phasing presented in these documents and all monitoring reports must be submitted to the Lee County Division of Environmental Sciences within thirty days of the scheduled monitoring events.

2. Deviation (2) is DENIED.

3. Deviation (3) seeks relief from the LDC §10-714.b requirement to provide a 90 foot turn-out radius to 30 feet. This deviation is APPROVED SUBJECT TO the developer providing a paved/stabilized surface with a minimum radius of 42 feet and, in addition, providing an unobstructed clear zone of 48-foot radius (6 feet clear zone beyond driving range).

4. Deviation (4) seeks relief from the LDC §34-2192(a) requirement to allow a reduction in the street setback from 20 feet to 5 feet on the "side" lot line for corner lots. This deviation is APPROVED SUBJECT TO the terms of Condition 2.

5. Deviation (5) seeks relief from the LDC §§ 10-296(b) and 10-296, Table 3 requirement of a 45-foot right-of-way for a local street with open drainage, to permit a local street with 30 feet of right-of-way and open drainage. This deviation is APPROVED SUBJECT to the condition that the typical lot cross section demonstrates that the drainage performs adequately by showing the slab placement at the time of Development Order stage.

6. Deviation (6) seeks relief from the LDC §34-939(b)(6) requirement of a 5,000 square-foot minimum lot to provide a 4,140 square foot minimum (46 feet x 90 feet). This deviation is APPROVED SUBJECT TO Condition 2.

7. Deviation (7) seeks relief from the LDC §34-939(b)(7)c requirement of a side and rear setback of 10 feet and a street (right-of-way) setback of 25 feet, to permit a side and rear accessory structure setback of 5 feet and a street (right-of-way) setback of 20 feet in the non-transient section of the park. This deviation is APPROVED provided setbacks are in conformance with Condition

2, Condition 12, and all side setbacks apply to all portions of the structure or unit, including overhangs.

JUSTIFICATION: The change to deviation 7 will allow for a 5-foot setback to accommodate the development program of "Casitas" on the RV lots. This request would be in line with the approved deviation for Phase 5 of this development and allow for consistent development standards across the entire RVPD. Additionally, 5-foot setbacks are common to RV, mobile home and conventional single-family residential developments particularly in clustered communities such as the subject property.

The proposed development is a clustered Mobile Home and RV resort community with relatively small lots and internal setbacks to accommodate large preserve areas and recreational amenity space within the site, and also foster a community feel that is common to the RV Resorts.

The design ensures appropriate separation of 10 feet between both principal and accessory structures on adjacent lots per fire code, while allowing structures to be placed on the shared lot line to maximize usable area within each lot. Due to the 10-foot minimum separation between structures on adjacent lots, public health, safety and welfare will not be negatively impacted by this request.

8. Deviation (8) seek relief from the LDC §34-939(b)(3) requirement to permit an access road through the perimeter buffer to the boat storage area. This deviation is APPROVED SUBJECT TO Condition 8.

9. Deviation (9) seeks relief from the LDC §34-736 requirement of a 5,000 square foot minimum lot (50 feet x 100 feet) to provide a 4,140 square foot minimum lot (46 feet x 90 feet). This deviation is APPROVED SUBJECT TO Condition 2.

10. Deviation (10) seeks relief from the LDC §34-736~~1~~ requirement of a side setback of 7 feet, to permit a side setback of 5 feet. This deviation is APPROVED SUBJECT TO Condition 2.

11. Deviation (11) seeks relief from the LDC §§ 34-2222(1) and 10-254(b) requirements to allow corner lots to be the same size as the other lots within the development (and not have an additional 15 feet of width). This deviation is APPROVED SUBJECT TO Condition 2.

12. Deviation (12) seeks relief from the LDC §10-295 to eliminate the requirement for street stubs to adjacent properties. This deviation is APPROVED.

13. Deviation (13) seeks relief from the LDC §34-939(b)(3) to eliminate the requirement for a buffer between a recreational vehicle park and adjacent property interior to the site. This deviation is APPROVED for the interior portion of the site only.

14. Deviation (14) seeks relief from the LDC Section §34-935(a)(I) to eliminate the requirement that a new recreational vehicle park be not less than 20 acres in size. This deviation is APPROVED.

15. Deviation (15) seeks relief from the LDC Section §§ 34-2194(b) and (c) requirements of a 25 foot water body setback; to allow a zero foot setback in order to permit the construction of a clubhouse, deck, pier, and gazebo 90 feet into the artificial body of water. This deviation is APPROVED SUBJECT TO substantial compliance with the proposed construction of the clubhouse and related facilities on the approved Plan entitled, Cypress Woods, R.V. Resort Clubhouse Area Dev. Order Plans; Drainage, Parking & Site Dim. Plan; dated 04-14-03, stamped received AUG 21, 2003 and subject to the requirement that the water body setback must not adversely impact any open space requirement, wetland vegetation plantings, or other buffering, landscaping, or preservation areas or requirements.

16. Deviation (16) seeks relief from the LDC §34-2020 requirement of 135 parking spaces for the two clubhouse facilities, to allow 44 off-street parking spaces.

~~This deviation is APPROVED, SUBJECT TO the reservation of Lots 85 and 86 (Phase "4") and Tract I (Phase "3", which lies immediately east of Lots 85 and 86, Phase "4") for the use of overflow parking only, and may not be used as a recreational vehicle or mobile home site. Upon the sale of the last lot (site), in the last Phase of the development, if the applicant can adequately demonstrate during the season of the highest occupancy of the development that the overflow parking areas were not needed, the two lots can then be used for recreational vehicle or mobile home sites as provided for in this planned development. A reduced copy of a Plan entitled Cypress Woods R.V. Resort Phase "IV", IVA, & IVB, stamped received SEP 08, 2003 depicts these parcels.~~

JUSTIFICATION: The Applicant is requesting removal of the condition reserving Lots 85 and 86 for overflow parking from the deviation approval. It is known based upon the function of the main amenity campus in Cypress Woods (AKA the Town Center) that standard vehicle spaces are not demanded in this community as highly as a typical clubhouse, due to the unique RV Resort nature of the community, and the known propensity for patrons to walk or use their golf cart to access the clubhouse and associated facilities.

Since the time this condition was approved back in 2011 as part of Resolution Z-11-021, the overflow parking Lots 85 and 86 have never been used or needed for overflow parking. The photographs in Exhibit A attached demonstrate the lack of parking lot usage at peak mid-day periods during the January 2020 season. This is the time of year when the project is most heavily populated by seasonal residents. The photos demonstrate that the standard parking spaces are underutilized, even with this substantial

deviation in place. The aerials in Exhibit A attached from January 2021, February 2017 and February 2016 also demonstrate the underutilization of parking spots and heavy use of golf carts by residents.

Moreover, all lots within Phase 1-4 have already been sold. The last phase of the Cypress Woods development, Phase 5, contains its own clubhouse and parking further reducing the parking needs for the two clubhouse facilities in Phase 1-4 of the development.

The removal of the deviation condition will also allow for better utilization of lot 85 & 86 allowing for the development of vacant and unused lots.

17. Deviation (17) seeks relief from the LDC §34-935(a)(1) requirement of a minimum of 5 acres of land necessary to expand an existing recreational vehicle park, to allow an expansion of 2.1 +/- acres. This deviation is APPROVED.

Deviations 18 through 24 apply only to Phase 5:

18. Deviation (18) seeks relief from the LDC § 10-296(b) Table 2 requirement of a 40 foot right-of-way with open drainage for a privately maintained local street to allow for a 30 foot right-of-way with closed drainage. This deviation is APPROVED.

19. Deviation (19) seeks relief from the LDC §10-296(b) Table 8 requirement of planting strips and sidewalks to allow for a privately maintained right-of-way with no planting strip or sidewalk. This deviation is APPROVED.

20. Deviation (20) seeks relief from the LDC §34-2015(1) requirement for all parking spaces to be located on the same premises as the use they serve, to allow 16 golf cart parking spaces within 200 feet of the amenity tract. This deviation is APPROVED SUBJECT TO Condition 11.

21. Deviation (21) seeks relief from the LDC §34-939(b)(7)(c) requirement of a minimum 10 foot set back from each side and rear recreational vehicle lot, to allow a 0 foot setback for the side and rear lot line of all rear recreational vehicle lots. This deviation is APPROVED SUBJECT TO Condition 12.

22. Deviation (22) seeks relief from the LDC §34-939(b)(3) requirement that all recreational vehicle parks have a perimeter buffer area at least 40 feet wide adjacent to and completely around the boundary of the site, to allow accessory uses outside of the proposed buffer. This deviation is APPROVED SUBJECT TO Conditions 13, 14, and 15.

23. Deviation (23) seeks relief from the LDC §10-415(b)(1)(c) requirement of a 20-foot minimum setback from indigenous vegetation and trees and a 30 foot setback for indigenous plant communities subject to fire, to allow a 20 foot

minimum setback from upland preserve 68 through 70, 75 and 76, and 121 through 137. This deviation is APPROVED subject to the following condition.

a) All buildings located within the 30-foot required setback must be constructed of flame-retardant materials.

24. Deviation (24) WITHDRAWN

25. Deviation 25 from Section 10-421(a)(8), which requires if a wall or fence is proposed, but not required, then the required buffer plantings must be installed on the exterior side (between the wall and the abutting property or street right-of-way) of the wall or fence, to allow required planting material to be located on both sides of the proposed wall along Tract "E" and to allow all required planting material to be located on the interior side of the wall on Tract "D" (see Exhibit "E").

26. Deviation 26 from LDC Section 34-1743(b)(3), which requires optional residential project walls to be landscaped on the exterior side (between the wall and the abutting property or street right-of-way) with a minimum of five trees per 100 linear feet and shrub hedges, within a minimum plantable width of seven and one-half feet located on the exterior side of the wall or fence, to allow no required planting width or material to be located on the exterior of the wall on Tract "D", subject to the following condition:

a) The code required planted width and planted material must be located on the exterior side of the fence/wall on adjacent Tract "E", with 5 trees per 100 linear feet (15 total trees) and 36-inch-high shrubs at time of installation.

b) Required trees must be canopy trees, 14-feet in height minimum, and shrubs must be maintained at not less than 60 inches in height within six months of planting on Tract "E" as depicted on the Luckett Road Buffer cross section Exhibit, attached hereto as Exhibit "B".

c) The exterior of the wall facing Luckett Road must include a textured finish such as stucco.

27. A deviation 27 from the Land Development Code (LDC) §10-421(a)(8) requirement for walls or fences, that are proposed but not required, to have required buffer plantings installed on the exterior side of the wall or fence; to allow the no buffer plantings to be installed on the exterior side of the wall or fence along the western property boundary abutting the BF Industrial Park.

JUSTIFICATION: The intent of the LDC requirement is to provide a vegetative screen to soften the wall/fence abutting external properties. The opaque fence/wall is proposed at a maximum height of 8 feet to screen the Cypress Woods RV subject property from the more intensive industrial uses to the immediate west. The Applicant is proposing to utilize the existing native vegetation to meet the required 40-foot-wide RV perimeter buffer screening,

on the "inside" of the wall. Locating the fence/wall in this location will mitigate the need to remove existing vegetation to install the fence/wall.

Due to the nature of the light industrial uses that abut the western property boundary, providing the buffer along the interior of the wall adjacent to RV lots would not negatively impact the industrial land uses as the intent to screen their views of the resort is met. No reduction to screening is proposed and the deviation will serve to maintain the maximum amount of native vegetation.

The proposed deviation meets the Caloosahatchee Shores Planning Community per Lee Plan Policy 21.1.2 which requires any deviation from landscaping and buffering requirements to meet the approval criteria for variances set forth in LDC Section 34-145(b)3, refer to Variance Criteria submittal document.

28. Deviation 28 seeks relief from the LDC Section 34-1743(b)(3) requirement of project wall/fences to be landscaped on the exterior side with a minimum of five trees per 100 linear feet and shrub hedges within a minimum plantable width of seven and on-half feet with shrubs planted and maintained to form a 36-inch high continuous visual screen within one year after time of planting; to allow no landscaping exterior to the fence/wall, along the western property boundary abutting the BF Industrial Park.

JUSTIFICATION: The intent of the LDC requirement to provide landscaping on the exterior side of the wall is to soften and breakup the planar massing typically associated with walls for the adjacent properties and/or traveling public.

Interior to the proposed fence/wall, the 40-foot RVPD perimeter buffer will contain a minimum of 10 trees per 100 linear feet at a minimum height of 14 feet, and 66 shrubs per 100 linear feet maintained at 60 inches in height and planted at 36 inches. Thus, the view from the industrial park will be a new and aesthetically pleasing fence and substantial native vegetation.

As previously mentioned above in Deviation 27 due to the nature of the light industrial uses that abut the western property boundary of this development providing the buffer along the interior of the wall adjacent to residential uses would be more beneficial to protect the aesthetics of residential neighborhoods.

The proposed landscaping and fence/wall will provide greater visual screening and articulation than required by the LDC. Therefore, the deviation will not negatively impact public health, safety or welfare.

The proposed deviation meets the Caloosahatchee Shores Planning Community per Lee Plan Policy 21.1.2 which requires any deviation from landscaping and buffering requirements to meet the approval criteria for

variances set forth in LDC Section 34-145(b)3, refer to Variance Criteria submittal document.

29. Deviation 29 seeks relief from the LDC Section 34-939(b)(3) requirement of recreational vehicle parks to have a perimeter buffer at least 40 foot wide adjacent to and completely around the property boundary of the site, to allow for a 30-foot-wide buffer along the eastern property line adjacent RV & Boat Storage area.

JUSTIFICATION: The requested deviation proposes a 10-foot reduction from the required 40-foot RV Park perimeter buffer to allow a 30-foot perimeter buffer specifically along the eastern property boundary of the development per the existing conditions. The length of this request is 700 feet which would equate to a maximum of 7,000 square feet of buffer area reduction.

As identified on the MCP, an interior 40-foot vegetative buffer is already provided to the east of the RV/mobile home lots and west of the storage area. Thus, the proposed conditions will include a 40-foot wide buffer, storage area, then an additional 30-foot-wide perimeter buffer, resulting in 70 feet of planted area in between the eastern neighbor and the internal RV lots.

The Applicant is requesting to locate ancillary recreational and accessory facilities in the form of RV & Boat storage to the between the interior 40-foot buffer and 30-foot buffer along the eastern property line. Furthermore, the neighboring use to the east consists of an intensive agricultural operation, C & S landscape nursery and tree farm, which is zoned Agricultural (AG-2). The property will not be negatively impacted by the deviation and is more intensive in nature than the Cypress Woods uses in the abutting area.

The proposed design provides an appropriate transition from the RV/residential uses in the interior of the site to the more intensive uses to the east, and will not negatively impact public health, safety or welfare.

The proposed deviation meets the Caloosahatchee Shores Planning Community per Lee Plan Policy 21.1.2 which requires any deviation from landscaping and buffering requirements to meet the approval criteria for variances set forth in LDC Section 34-145(b)3, refer to Variance Criteria submittal document.

30. Deviation 30 seeks relief from the LDC Section 10-415(b)(1)(c) requirement of a 20-foot minimum setback from indigenous vegetation and trees and 30 foot setback for indigenous plant communities subject to fire, to allow a 20-foot minimum setback from upland preserves lots 3-9 in Phase 1 and lots 87-99 in Phase 3.

JUSTIFICATION: Deviation 23 was approved via ADD2022-00108 for several lots in Phase 5. The request is to extend the deviation to specific lots in Phase 1 & 3.

The proposed preserve setback will only relate to accessory structures, not principal structures. The Applicant is not requesting the expand the deviation to apply to principal structures.

It is understood the required upland preserve setback relates to fire protection concerns. From an environmental standpoint, the indigenous restoration areas in question are relatively small and narrow (30-40' wide) with a tree planting schedule consisting of slash pines, live oaks, laurel oaks and dahoon hollys as well as the following shrubs palmetto, wax myrtle, beautyberry, gallberry, muhly grass per the approved restoration plan.

The request to extend the reduction of the upland preserve setback for Phase 5 was previously reviewed and approved by the Tice Fire Department per the attached letter.

Additionally, the accessory structures on the lots with the 20-foot upland preserve setback will be constructed with flame retardant roofing and wall materials. Specifically, the roofing material is metal or concrete tile and not straw or other flammable material. The building walls will be constructed of a pre-fabricated composite material that is fire retardant, and Class A firewall rating of 2 hours. The Applicant will install sprinklers in the casita structures for those specified lots to fully mitigate any fire hazard associated with the design.

All of the mitigating factors that allowed this deviation to be approved originally remain applicable to this expanded request. Therefore, the deviation will not negatively impact public health, safety or welfare.

CYPRESS WOODS RV RESORT RVPD
PROPOSED CONDITIONS

REVISED DECEMBER 2024

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

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

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

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

   Development must comply with all requirements of the LDC and Lee Plan at time of local development order approval, except as may be granted by deviation as part of this planned development. If changes to the MCP, conditions, or deviations are subsequently pursued, appropriate approvals will be necessary.

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

2. Uses and Site Development Regulations

   a. Schedule of Uses

   Phases 1-5:
   Accessory uses
   Casitas (Consistent with LDC §34-1179)
   Consumption on Premise
   Food Stores, Group 1
   Gazebos (maximum 2000 square feet)
   Maintenance Area (Limited to maintenance trucks, maintenance sheds, and other vehicles/equipment needed for the maintenance of the development)
   Personal Services, Group I
   Administrative Offices
   Entrance Gates or Gatehouse Essential Services Facility, Group I Excavation, Water Retention Mobile Homes

Model Home, Unit, Display Center Park Trailers
Recreational Facilities, Personal Recreational Vehicles
Signs
Storage
Indoor
Open, Phases 1-4 only (Limited to RVs, Trailers, boats, and other vehicles/goods belonging to park residents)

Phases 5 only: No Change

b. Site Development Regulations

Phases 1-4:

Minimum Lot Area and Dimensions

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

Minimum Setbacks

Street:	20 feet
Side Street:	10 feet (Deviation 4)
Side:	0 feet for RV pad to the side lot line, and 5 feet for RV or accessory structures to the side lot line; ~~10 feet (for RVs)~~ 5 feet (for Mobile Homes) 10 feet between parked RVs and accessory structures on adjacent lots[1]
Rear (Principal):	20 feet
Rear (Accessory):	5 feet (0 feet from lake maintenance easement for waterfront lots)
Water Body:	25 feet

[1]RV Pads may be within 10 feet of accessory structures

Phase 5: No Changes

3. No Change

4. No Change

5. No Change

6. No Change

7. Indigenous Open Space:

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

8. No Change

9. No Change

10. No Change

11. No Change

12. Accessory Setback:

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

13. No Change

14. No Change

15. No Change

Attachment I

MEMORANDUM

DATE: July 14, 2022

TO: Lee County Department of Community Development
Zoning Section
Adam Mendez, Senior Planner

FROM: Jeremy Sterk

RE: Cypress Woods RRVPD
DCI2023-00030

The purpose of this memo is to address comment #1 of the March 13th, 2024, request for additional information. The comment is below:

1. There are hydric FLUCCS located in the areas proposed for expansion. Please indicate how the applicant intends to protect environmental critical areas onsite.

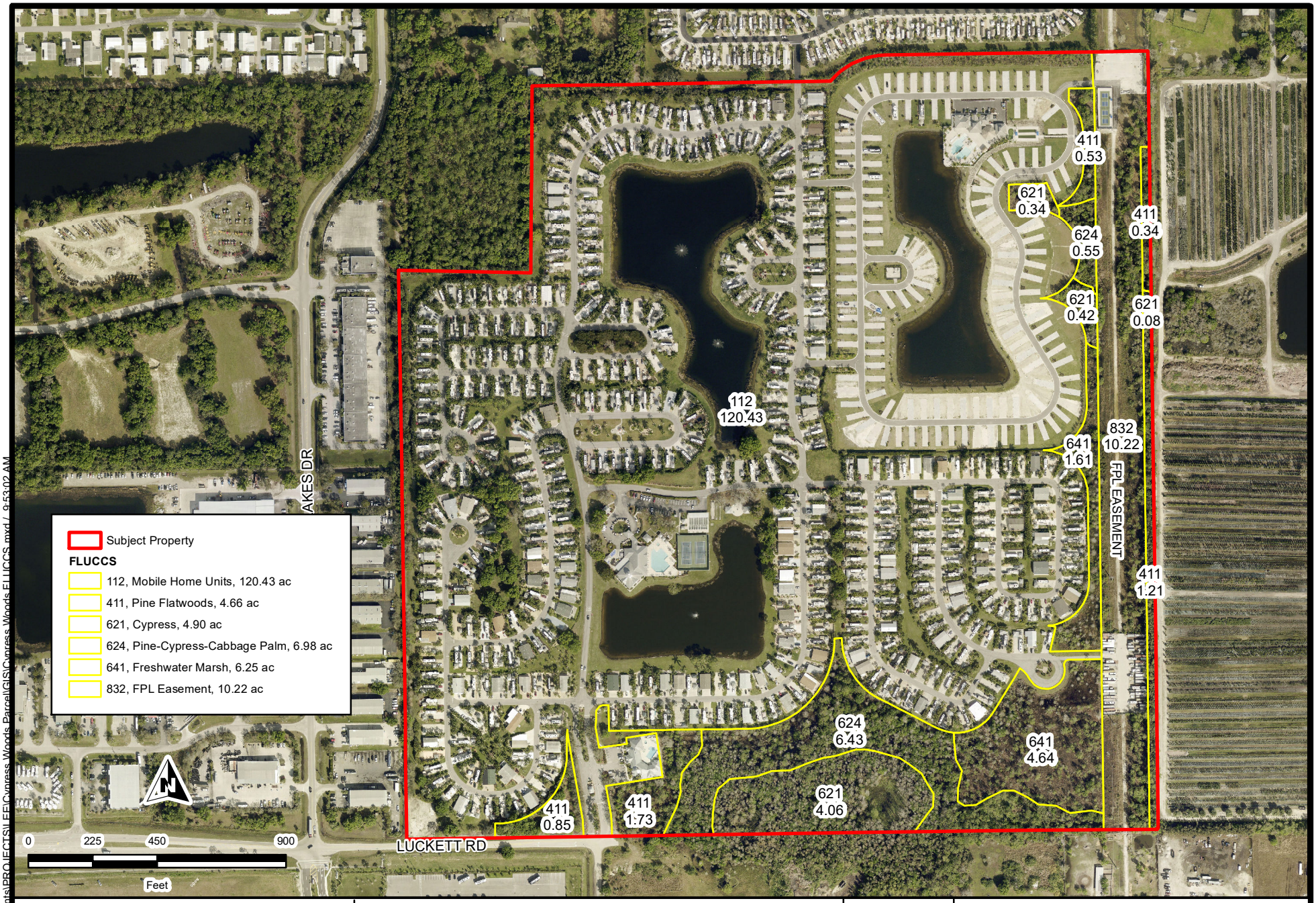
To address potential wetlands in the FPL easement (outside the gravel access road), the applicant will be applying for a modification to their existing environmental resource permit (ERP). The wetland in this area was historically cleared for the FPL easement and is very low quality. My expectation is that the South Florida Water Management District (SFWMD) will request a very small amount of offsite mitigation to be purchased at an approved wetland mitigation bank as part of the permit modification.

Feel free to contact me if you have any questions.

Jeremy Sterk, CEP
Partner \ Principal Environmental Consultant
Earth Tech Environmental



Attachment J



G:\ETEnv Documents\PROJECTS\LEE\Cypress Woods Parcel\GIS\Cypress Woods FLUCCS.mxd / 9:53:02 AM

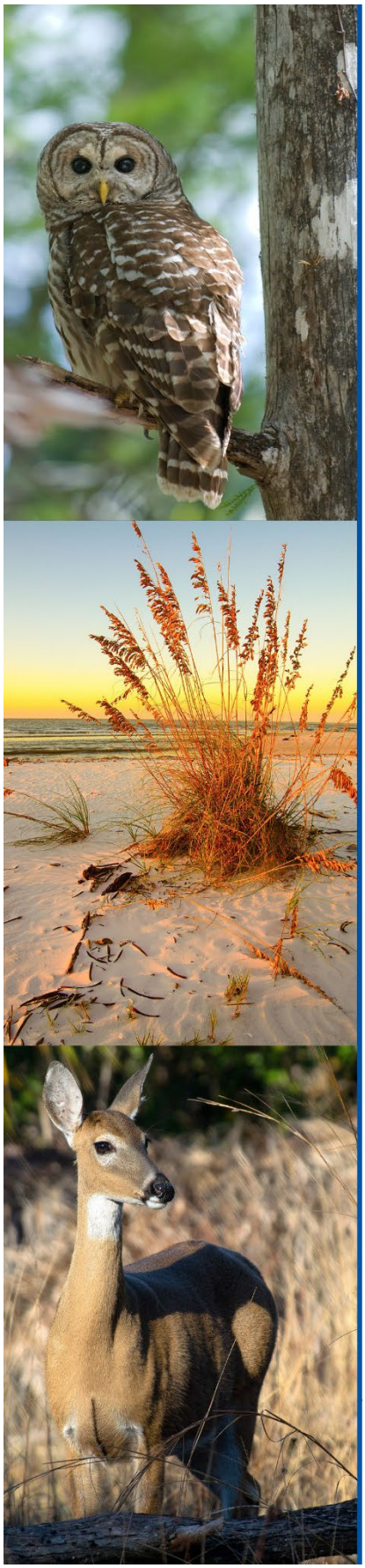
Cypress Woods / Laguna Caribe
Lee County, Florida

EARTH TECH ENVIRONMENTAL, LLC
10600 JOLEA AVE
BONITA SPRINGS, FLORIDA 34135
PHONE (239) 304-0030 FAX (239) 324-0054
www.eteflorida.com

FLUCCS Mapping

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

Attachment K



CYPRESS WOODS

Environmental Data for MCP Amendment

SECTION 11, TOWNSHIP 44, RANGE 25 EAST
LEE COUNTY, FLORIDA

Prepared For:

RVi Planning + Landscape Architecture
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January 2024
Revised: June 13, 2024

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Figure 5 NRCS Soils Map

Figure 6 FLUCCS MAP

APPENDICES

Appendix A Full Size Exhibits

Appendix B Protected Species Survey

INTRODUCTION

The purpose of this document is to satisfy the Environmental Requirements for Lee County regarding the Master Concept Plan (MCP) Amendment for Cypress Woods (Subject Property).

PROPERTY LOCATION

The Subject Property for this report consists of a portion of a single parcel (Strap # 11-44-25-05-0000K.00CE). The Subject Property is the southern portion of the FPL easement that bisects the Cypress Woods RV Resort development north of Luckett Road and east of I-75 in Lee County, Florida. Based on the boundary linework provided to ETE by the planner the Subject Property totals approximately 2.51 acres. See Figure 1 below for a location map.

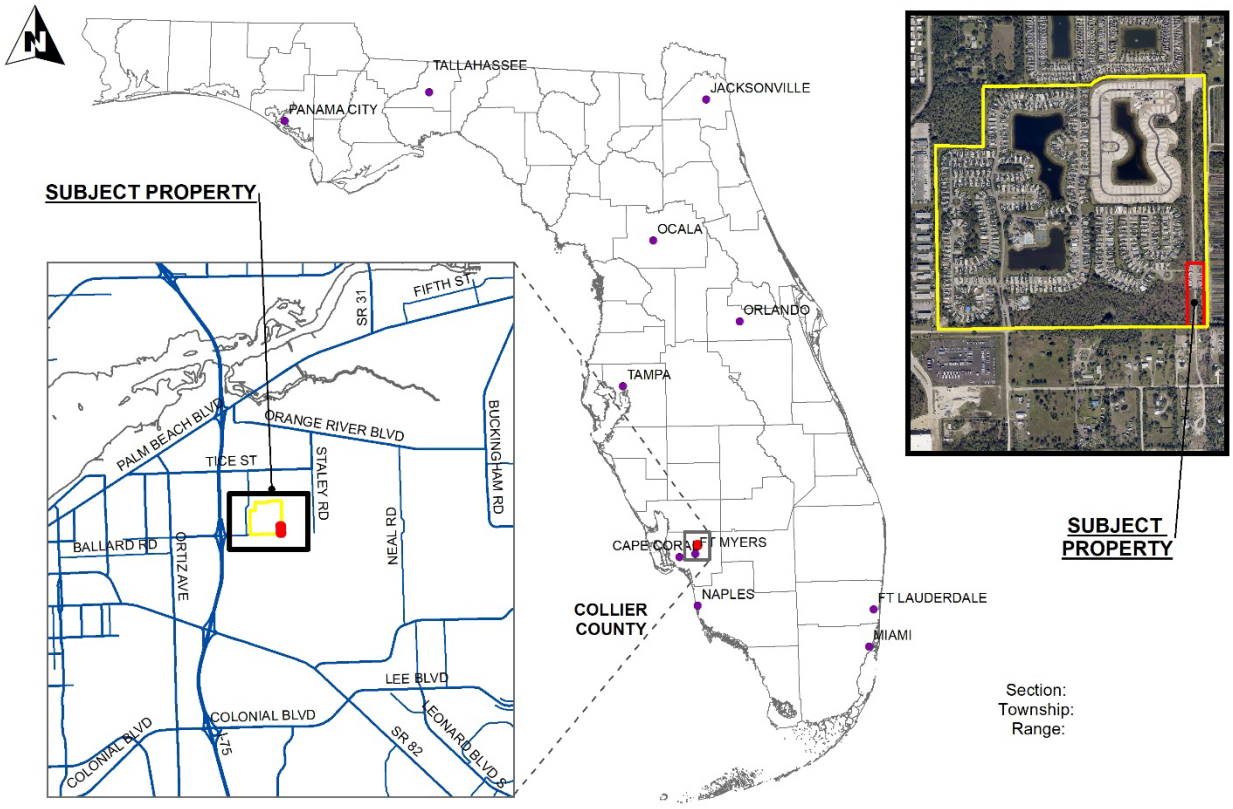


Figure 1. *Site Location Map*

ENVIRONMENTAL REQUIREMENTS

A. TOPGRAPHY: Describe the range of surface elevations of the property. Attach a county topographic map (if available) or a USGS quadrangle map showing the subject property. [34-373(a)(4)b.iv.].

Site elevations range from 19' to 20' NAVD. See Figure 2 below for USGS Quadrangle Map.

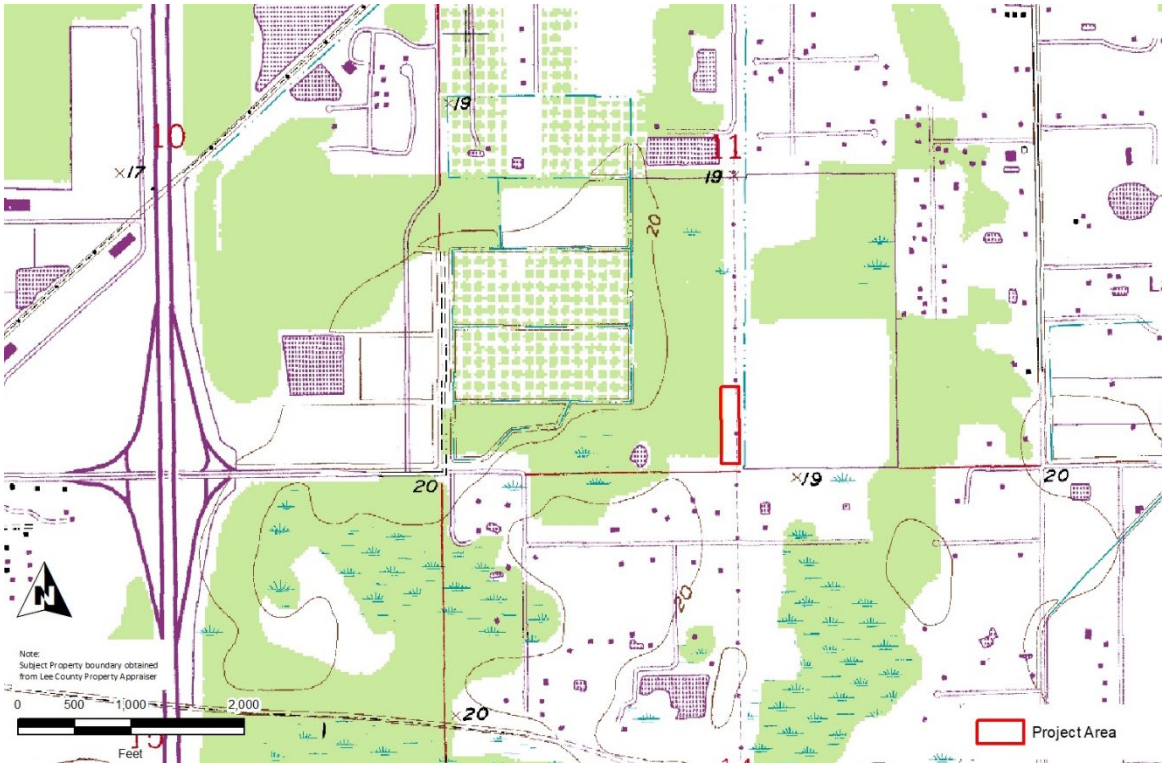


Figure 2. *USGS Quadrangle Map*

B. SENSITIVE LANDS: Identify any environmentally sensitive lands, including, but not limited to, wetlands (as defined in the LEE Plan Section XII), flowways, creek beds, sand dunes, other unique land forms [see LEE Plan Policy 77.1.1 (2)] or listed species occupied habitat [see LCDLDC Section 10-473(f)].

See Figure 3 below for the anticipated Jurisdictional Wetland Map. A future site visit with SFWMD will determine the wetland limits. A protected species survey is included in Appendix B.

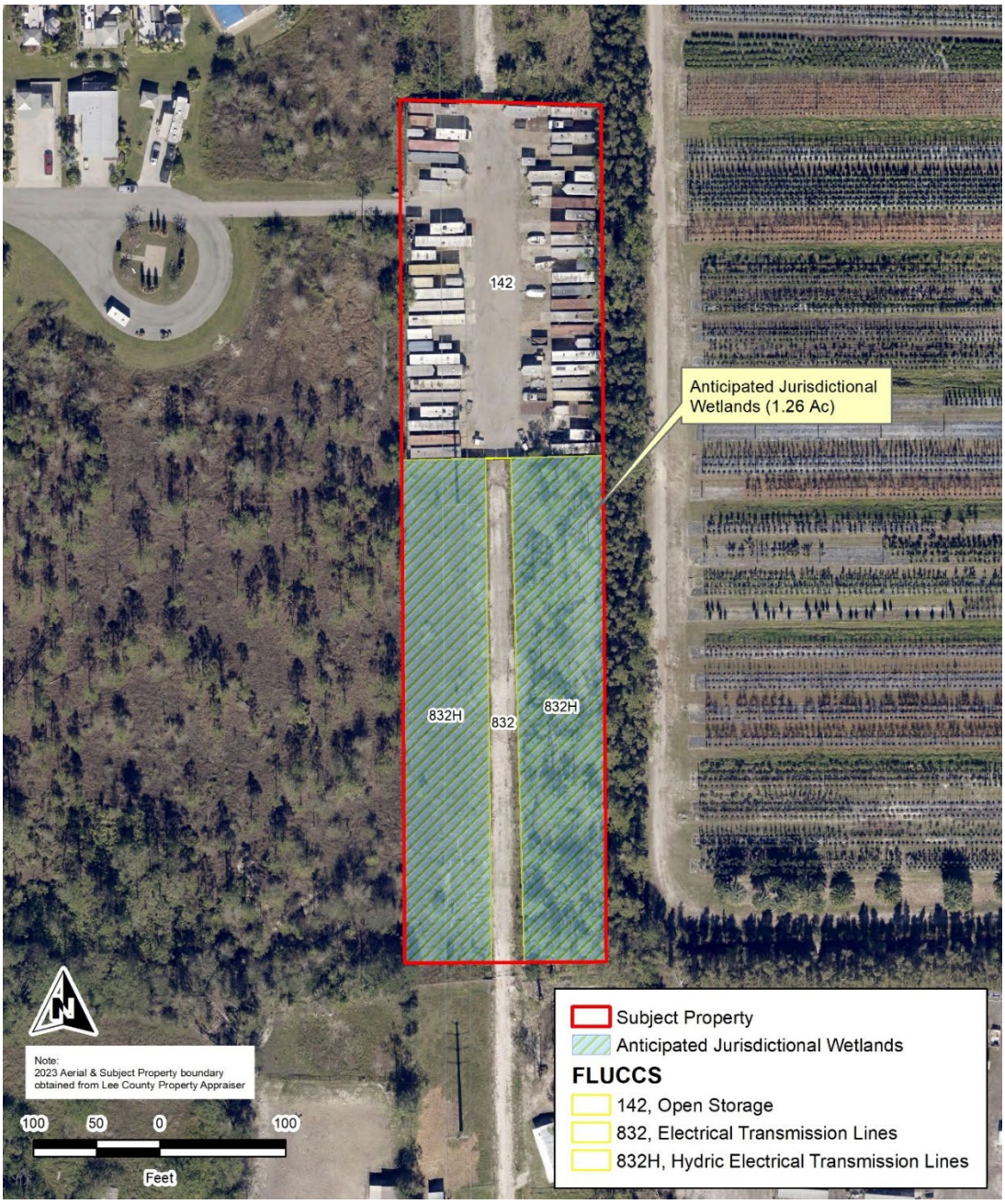


Figure 3. *Anticipated Jurisdictional Wetland Map*

C. PRESERVATION/CONSERVATION OF NATURAL FEATURES: Describe how the lands listed in PART 6.B. above will be protected by the completed project.

The previously approved Conservation Easement for the entire site will remain – See Figure 4 below. The CE contains a mix of upland and wetland communities.

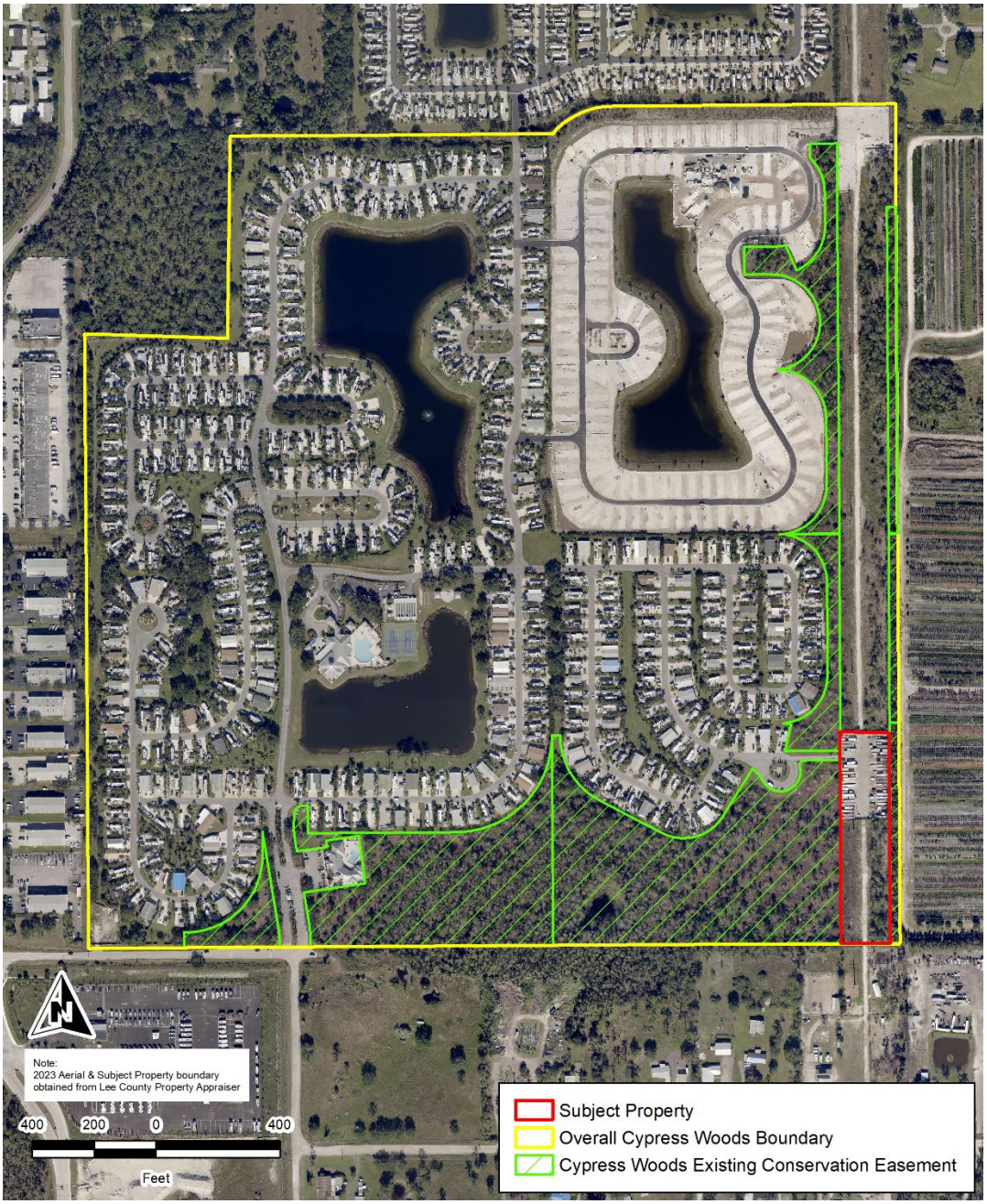


Figure 4. *Existing Conservation Easement Map*

D. SHORELINE STABILIZATION: If the project is located adjacent to navigable natural waters, describe the method of shoreline stabilization, if any, being proposed:

Not applicable.

E. SOILS MAP: Attach maps drawn at the same scale as the Master Concept Plan marked or overprinted to show the soils classified in accordance with the USDA/SCS System. [34-373(a)(4)b.i.]

See Figure 5 below for NRCS Soils Map.

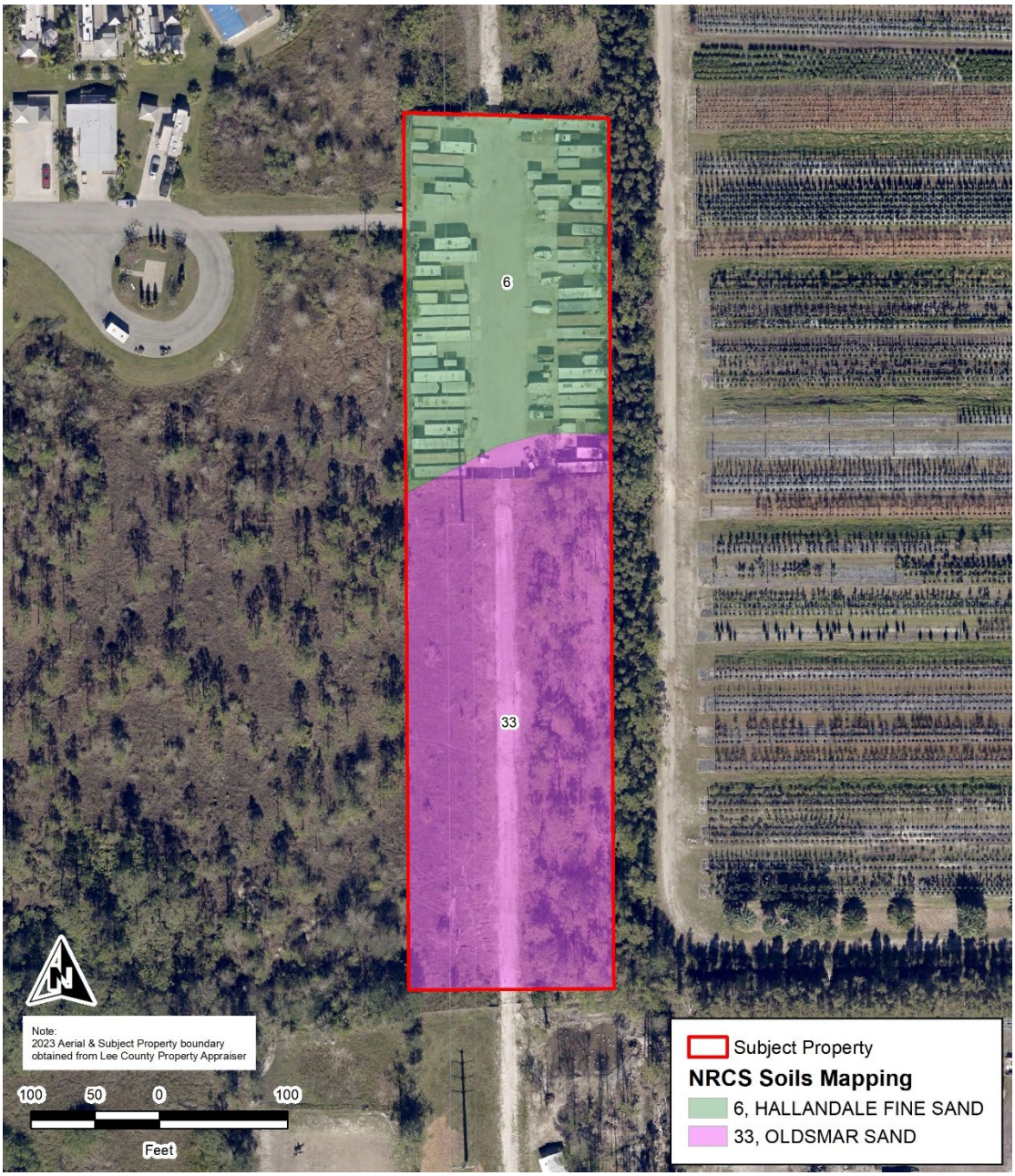


Figure 5. *NRCS Soils Map*

F. FLUCCS MAP: A Florida Land Use, Cover and Classification System (FLUCCS) map, at the same scale as the Master Concept Plan, prepared by an environmental consultant. The FLUCCS map must clearly delineate any Federal and State jurisdictional wetlands and other surface waters, including the total acreage of Federal and State wetlands. [34-373(a)(4)b.v.]

See Figure 6 below for FLUCCS Map.

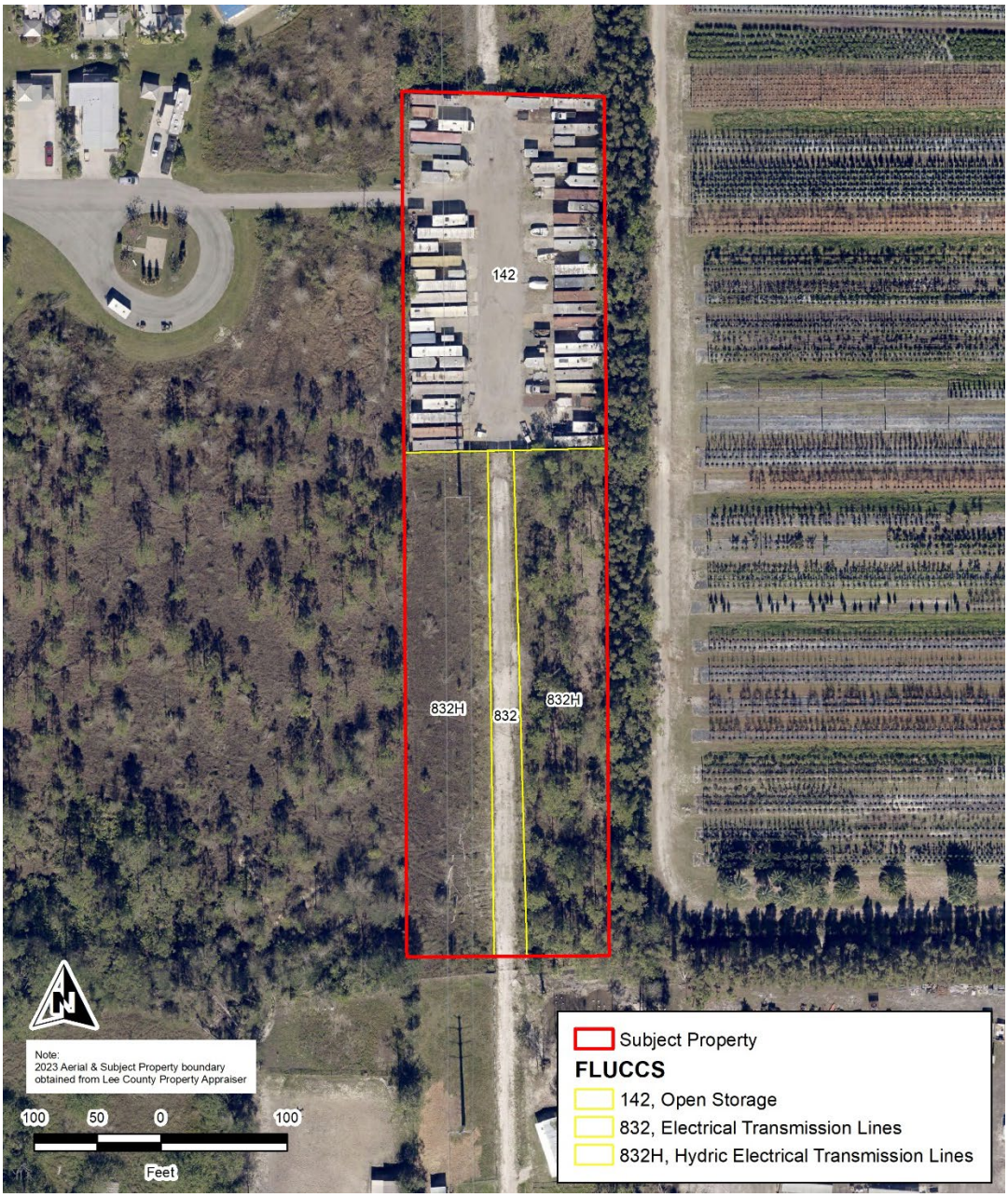


Figure 6. *FLUCCS Map*

G. RARE & UNIQUE UPLAND HABITAT MAP: Maps drawn at the same scale as the Master Concept Plan marked or overprinted to show significant areas of rare and unique upland habitat as defined in the LEE Plan Section XII. [34-373(a)(4)b.iii.]

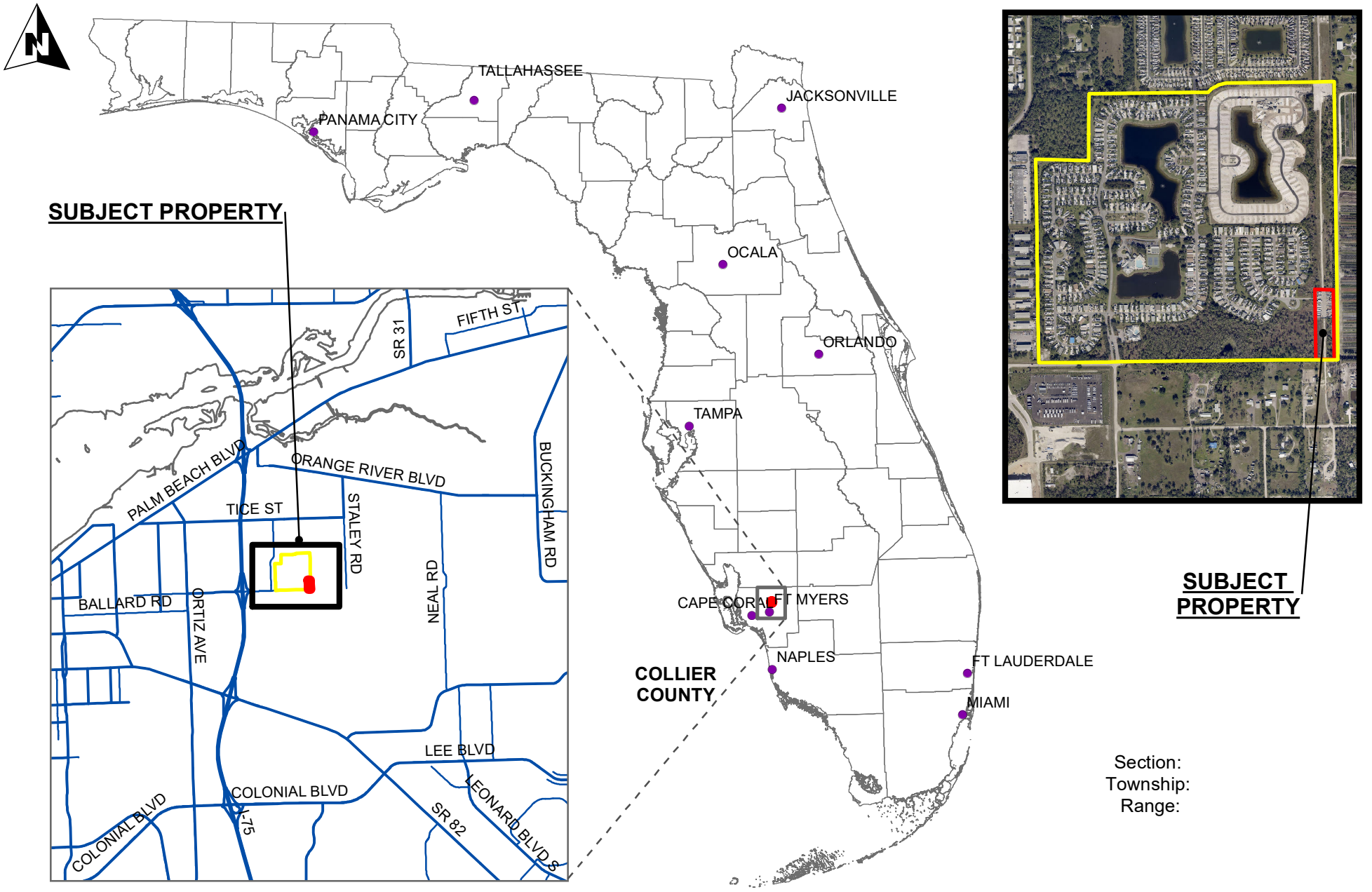
Not applicable.

H. EXISTING AND HISTORIC FLOW-WAYS MAP: Map(s) drawn at the same scale as the Master Concept Plan marked or overprinted to show and historic flow-ways. [34-373(a)(4)b.v.]

Not applicable.

APPENDIX A

FULL SIZE EXHIBITS



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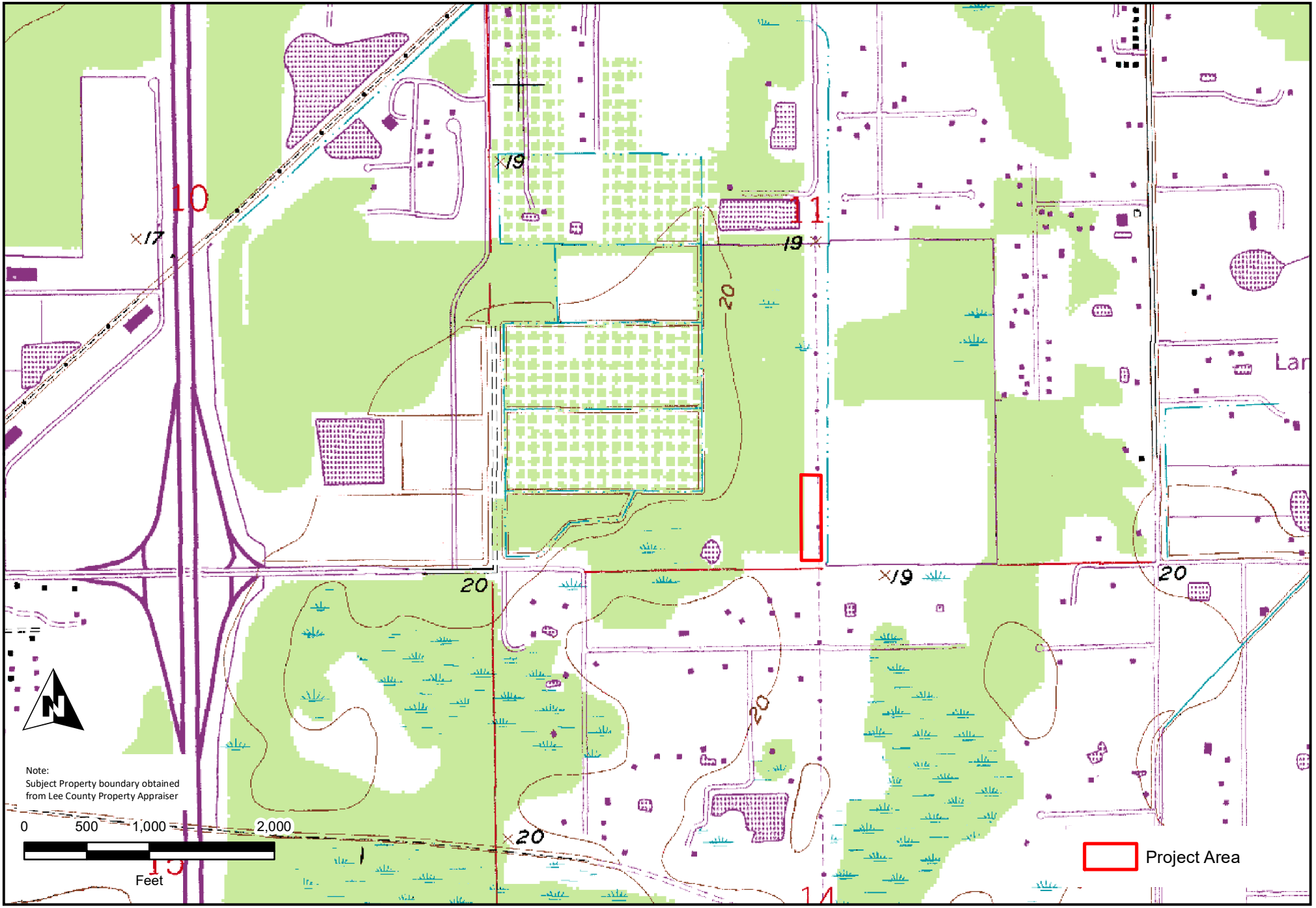
Project	Map Type	Date
Cypress Woods Lee County, Florida	Location Map	01/25/24

EARTH TECH ENVIRONMENTAL

EARTH TECH ENVIRONMENTAL, LLC • 10600 JOLEA AVENUE • BONITA SPRINGS, FLORIDA 34135 • PHONE (239) 304-0030 • FAX (239) 324-0054 • WWW.ETEFLORIDA.COM



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Project	Map Type	Date
Cypress Woods Lee County, Florida	USGS Quad Map	6/13/24

EARTH TECH ENVIRONMENTAL

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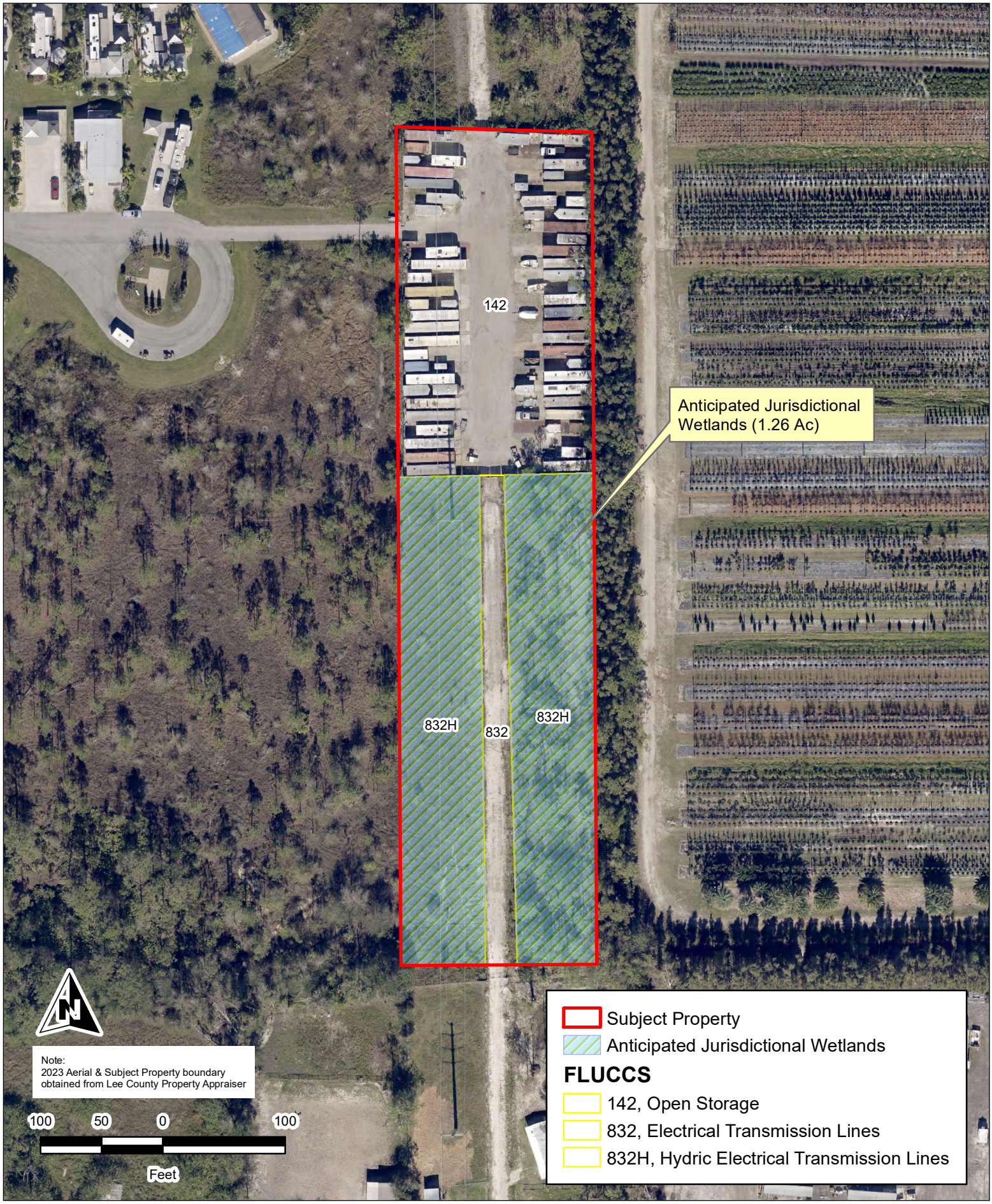

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Project	Map Type	Date
Cypress Woods Lee County, Florida	Anticipated Jurisdictional Wetlands Map	01/25/24

EARTH TECH ENVIRONMENTAL, LLC 10600 JOLEA AVENUE BONITA SPRINGS, FLORIDA 34135 PHONE (239) 304-0030 WWW.ETEFLORIDA.COM

EARTH TECH ENVIRONMENTAL



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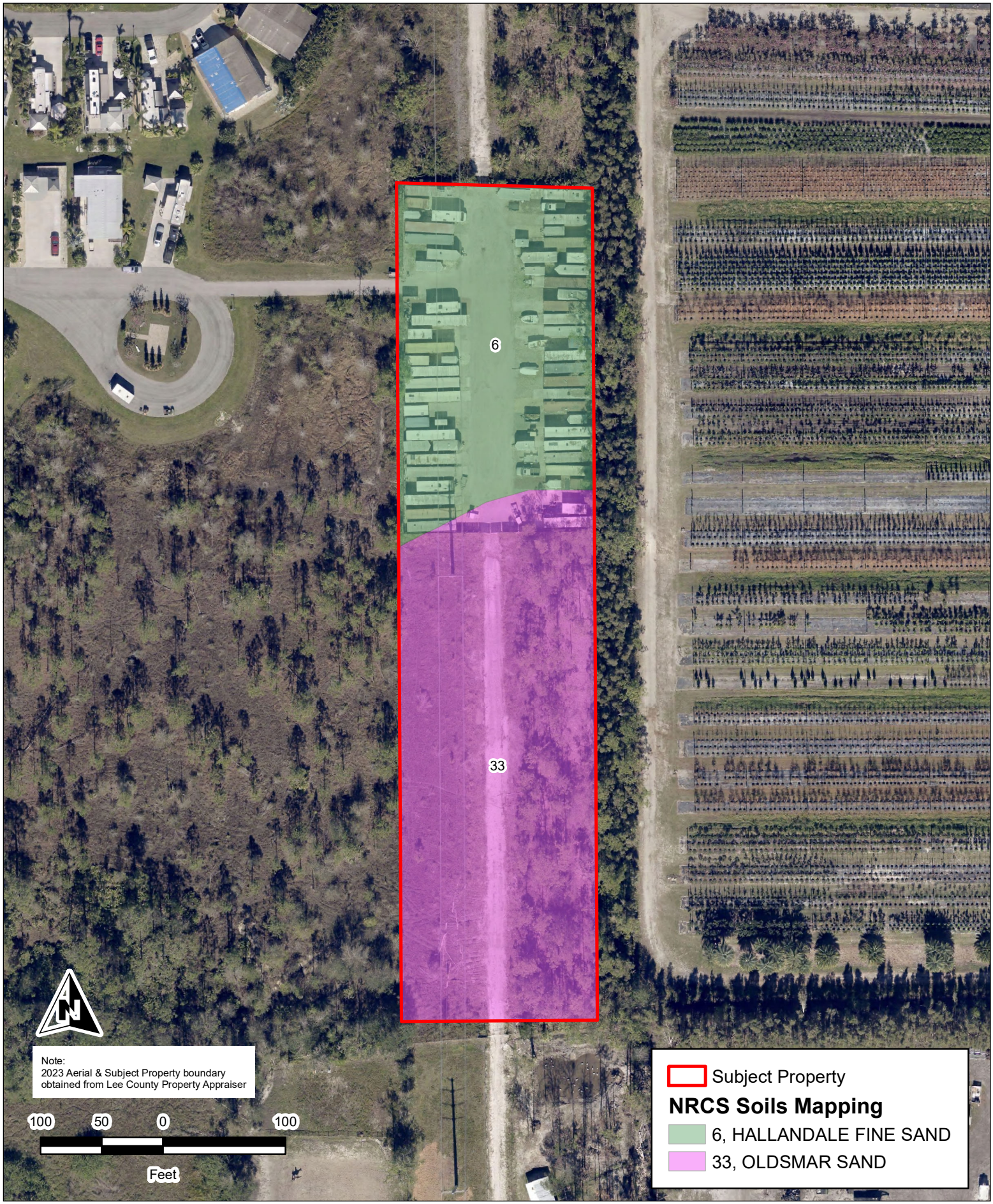
Project	Map Type	Date
Cypress Woods Lee County, Florida	Existing Conservation Easement Map	01/25/24

EARTH TECH ENVIRONMENTAL, LLC 10600 JOLEA AVENUE BONITA SPRINGS, FLORIDA 34135 PHONE (239) 304-0030 WWW.ETEFLORIDA.COM

EARTH TECH ENVIRONMENTAL



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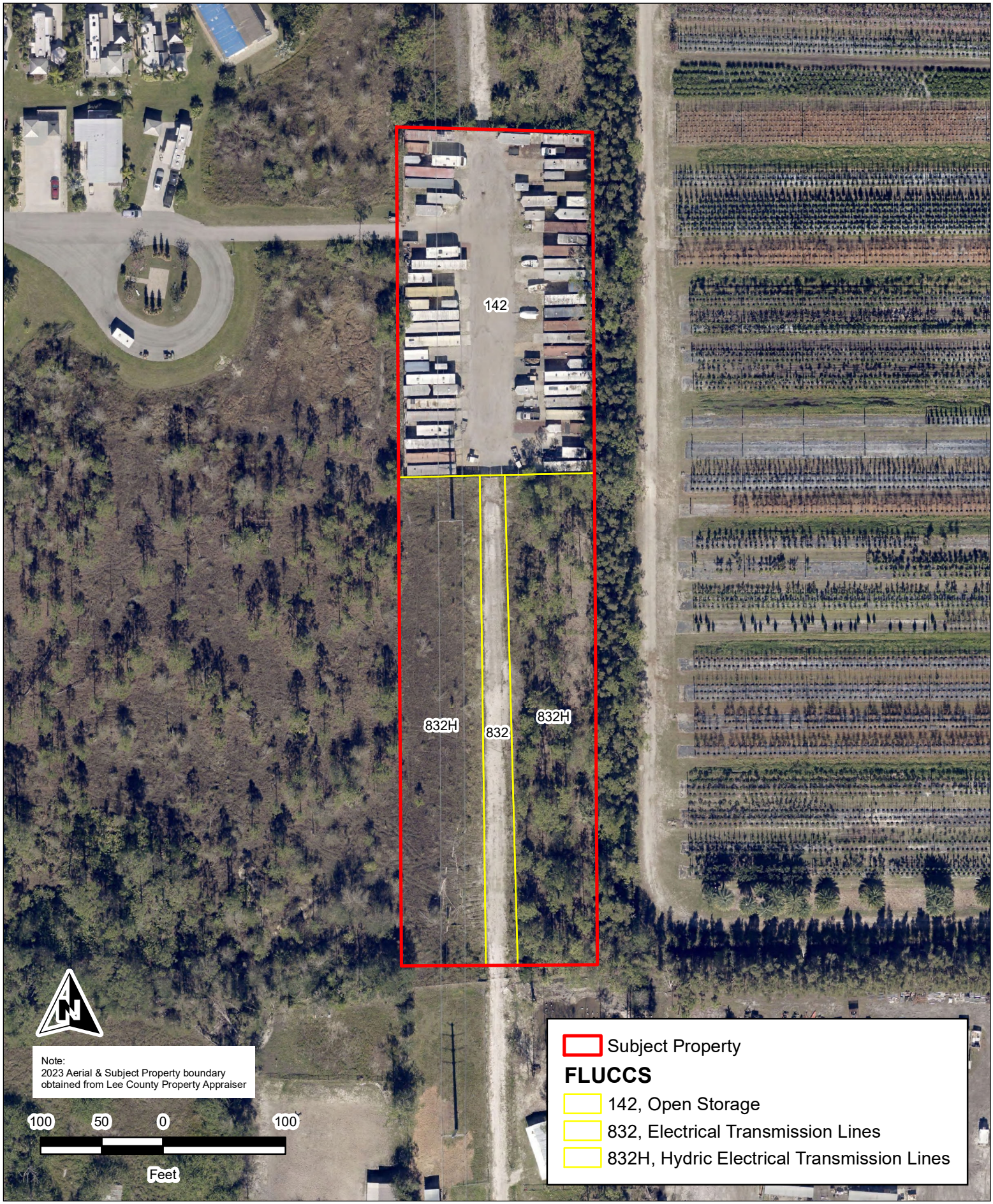
Project	Map Type	Date
Cypress Woods Lee County, Florida	NRCS Soils Map	01/25/24

EARTH TECH ENVIRONMENTAL, LLC 10600 JOLEA AVENUE BONITA SPRINGS, FLORIDA 34135 PHONE (239) 304-0030 WWW.ETEFLORIDA.COM



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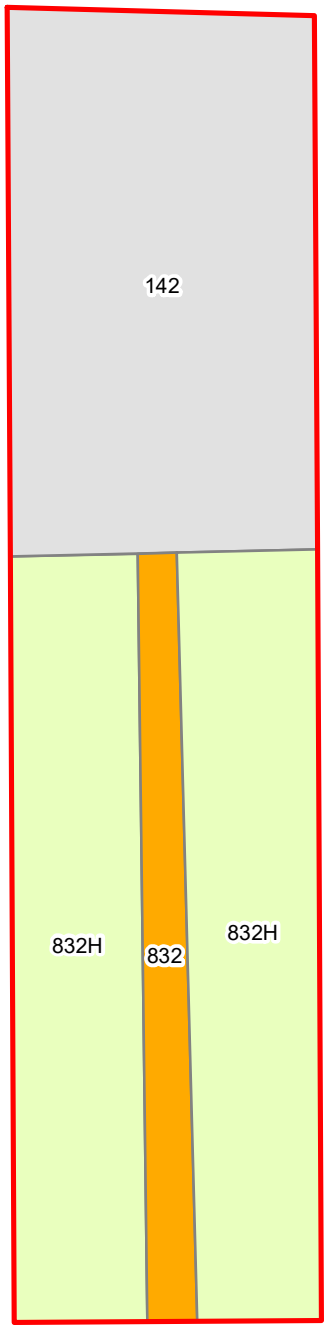
Project	Map Type	Date
Cypress Woods Lee County, Florida	FLUCCS Map	01/25/24

EARTH TECH ENVIRONMENTAL, LLC 10600 JOLEA AVENUE BONITA SPRINGS, FLORIDA 34135 PHONE (239) 304-0030 WWW.ETEFLORIDA.COM

EARTH TECH ENVIRONMENTAL



Note:
Subject Property boundary obtained
from Lee County Property Appraiser

100 50 0 100

Feet

Subject Property

FLUCCS

142, Open Storage

832, Electrical Transmission Lines

832H, Hydric Electrical Transmission Lines

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Project	Map Type	Date
Cypress Woods Lee County, Florida	FLUCCS Map	01/25/24

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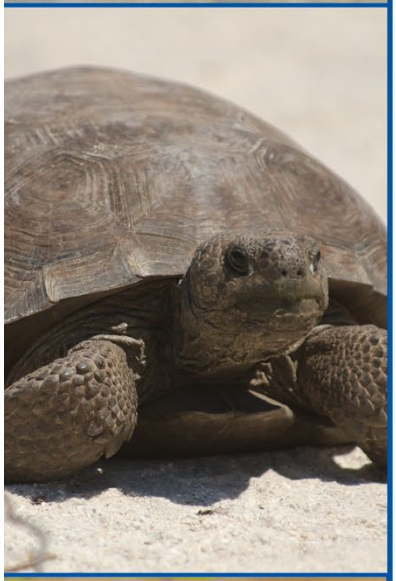
APPENDIX B

PROTECTED SPECIES SURVEY







CYPRESS WOODS

Protected Species Survey

SECTION 11, TOWNSHIP 44, RANGE 25 EAST
LEE COUNTY, FLORIDA

Prepared For:

RVi Planning + Landscape Architecture
c/o Duane Truitt
4323 Snowberry Lane
Naples, FL 34119

Prepared By:

Earth Tech Environmental, LLC
10600 Jolea Avenue
Bonita Springs, FL 34135
239.304.0030
www.eteflorida.com

January 2024

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4.0 EXISTING SITE CONDITIONS 4
5.0 RESULTS 9
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Figure 2 Aerial Map
Figure 3 FLUCCS Map with Aerial
Figure 4 FLUCCS Map without Aerial
Figure 5 Transect Map & Field Results
Figure 6 Wood Stork Foraging Information
Figure 7 Bald Eagle Map

1.0 INTRODUCTION

Earth Tech Environmental (ETE) conducted a search for listed species on the property referred to as Cypress Woods (Subject Property). This assessment was conducted by ETE January 23rd, 2024, to evaluate the Subject Property for the potential presence of listed species of concern based on the determined Florida Land Use Cover and Forms Classification System (FLUCCS) vegetation.

2.0 PROPERTY LOCATION

The Subject Property for this report consists of a portion of a single parcel (Strap # 11-44-25-05-0000K.00CE). The Subject Property is the southern portion of the FPL easement that bisects the Cypress Woods RV Resort development north of Luckett Road and east of I-75 in Lee County, Florida. Based on the boundary linework provided to ETE by the planner the Subject Property totals approximately 2.51 acres. See Figure 1 below for a location map.

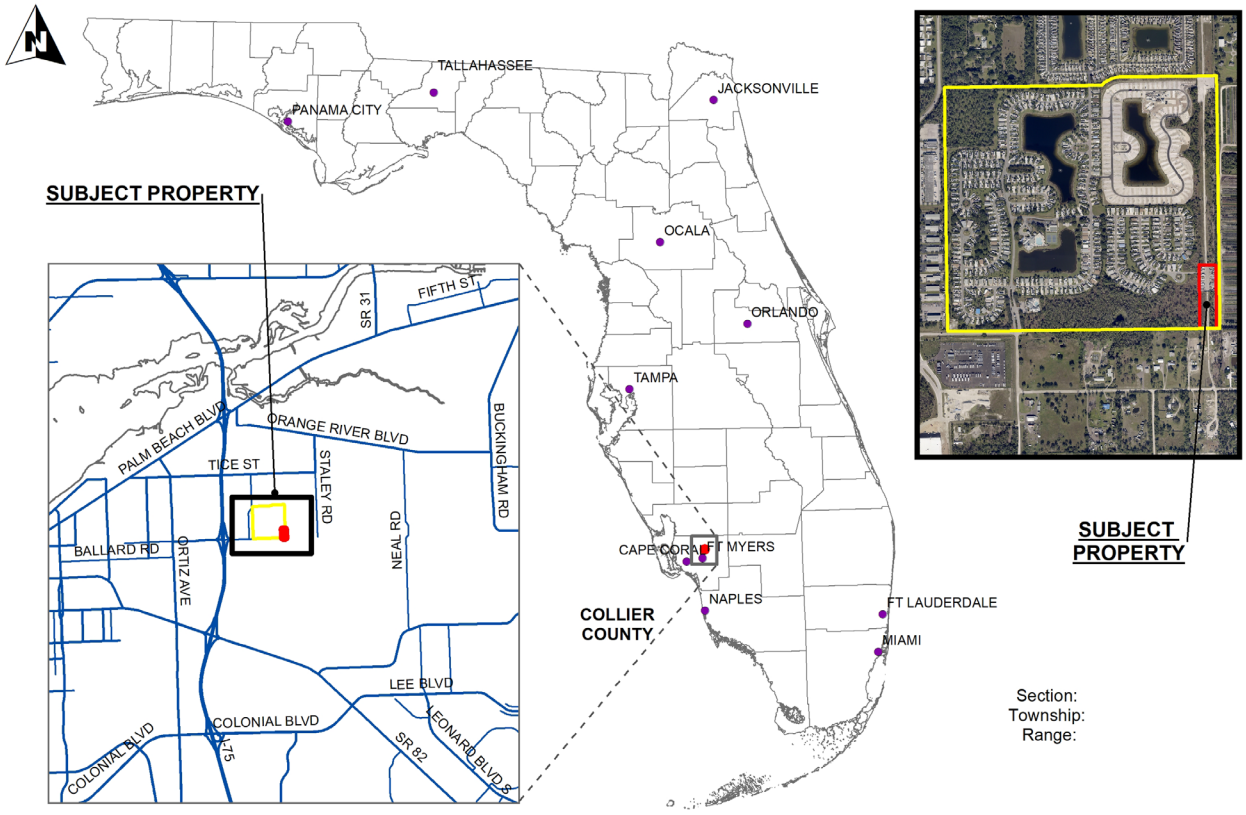

Figure 1. *Site Location Map*

3.0 SPECIES SURVEY MATERIALS AND METHODS

The species survey was conducted in accordance with the Lee County Administrative Code AC-13-10, specifically using the Endangered Species Survey Methodology (ESSM) as outlined by Southern Biomes and approved by Lee County in accordance with AC-13-10. As outlined in the methodology, existing vegetation communities or land uses on the Subject Property were delineated on the most recent aerial photograph available (Lee County 2023) using the Florida Land Use, Cover and Forms Classification System (FLUCCS). FLUCCS mapping for this property is detailed below in Figures 3 & 4. The resulting FLUCCS codes

were cross-referenced with a list of protected plant and animal species. The lists were obtained from two agency publications:

- "Florida's Endangered Species, Threatened Species & Species of Special Concern-Official Lists", December 2022.

- "Notes on Florida's Endangered and Threatened Plants", Florida Department of Agriculture and Consumer Services, 2010.

In the field, each FLUCCS community is searched for listed species or signs of listed species. This is accomplished using a series of pedestrian transects throughout each vegetation community (see Figure 5). If necessary, transect integrity is maintained using a handheld GPS in track mode. At least 80% of each survey area was covered in this way. Signs or sightings of all species are recorded, and any associated burrows, dens, or cavities are flagged in the field and marked by GPS.

Based on the habitat types found on the Subject Property (see Table 3), particular attention was paid to the presence or absence of Big Cypress fox squirrel, gopher tortoise, and Florida bonneted bat. The presence or absence of listed plant species such as wild pine, twisted air plants, and butterfly orchids were also considered.

Approximately one (1) man-hours were logged on the Subject Property during this species survey (see Table 1).

TABLE 1. FIELD TIME SPENT ON THE SUBJECT PROPERTY

DATE	START TIME	END TIME	NO. ECOLOGISTS	MAN HOURS	TASK
January 23, 2024	9:00 am	10:00 am	1	1	Species Survey Fieldwork
Total Hours:				**1**	

4.0 EXISTING SITE CONDITIONS

Temperatures during the fieldwork for this survey were in the mid 70's with partly cloudy skies.

The Subject Property consists of a utility easement that runs north-south in the southern portion, and an open storage area in the northern portion. Access to the open storage area is from the Cypress Woods RV Resort to the west, and from the north and south along the utility easement. A Conservation Easement (CE) runs north-south just west of the Subject Property in association with (SFWMD Permit #36-02960-S. See Figure 2 for an aerial map. The Subject Property has the following surrounding land uses:

North	Residential
East	Agricultural
South	Residential
West	Residential / Undeveloped

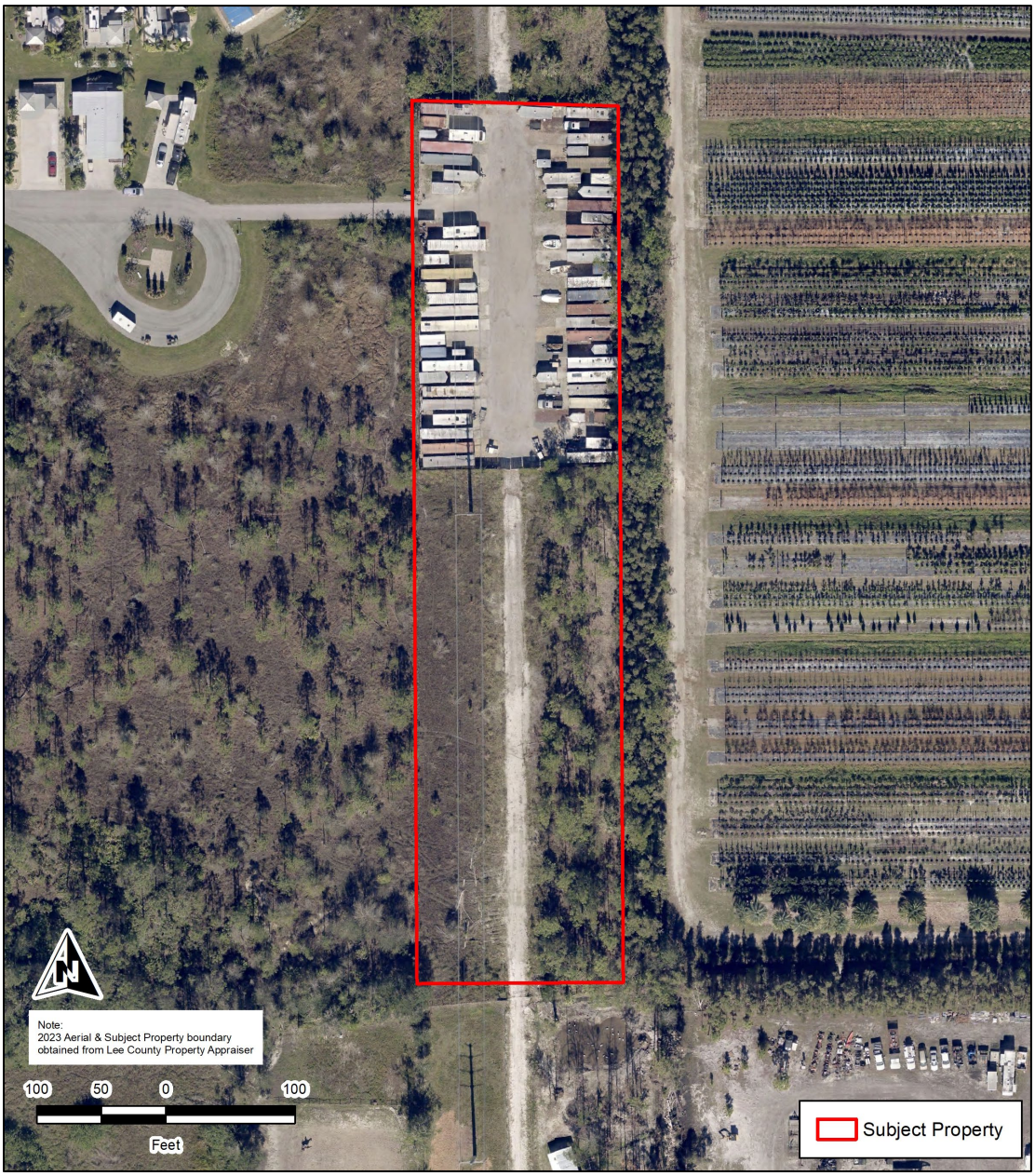

Figure 2. *Aerial Map*

Listed below are the FLUCCS communities identified on the site. The community descriptions correspond to the mappings on the FLUCCS maps below (Figures 3 and 4). See Florida Land Use, Cover and Forms Classification System (Department of Transportation, Surveying & Mapping Geographic Mapping Section, 1999) for definitions.

The Florida Invasive Species Council's (FISC) list of invasive species contains Category 1 and Category II species that may be found on the Subject Property. Category 1 species are invasive exotics that are altering native plant communities by displacing native species, changing community structures or ecological functions, or hybridizing with natives (FISC). Category II species are invasive exotics that are increasing in abundance or frequency but have not yet altered Florida plant communities (FISC). A significant factor in mapping vegetative associations and local habitats is the invasion of these species such as Brazilian

pepper, earleaf acacia, melaleuca, and Caesarweed. Levels of exotic density were mapped by using field observations and photo interpretation as shown in Figure 3. Modifiers, or "E" designators, are appended to the FLUCCS codes to indicate the approximate density of exotics in the canopy and/or sub-canopy.

TABLE 2. ACREAGE PER FLUCCS COMMUNITY		
FLUCCS CODE	**DESCRIPTION**	**ACREAGE**
142	Open Storage	1.04
832	Electrical Transmission Lines	0.21
832H	Hydric Electrical Transmission Lines	1.27
	Site Total:	**2.52**

E1 = Exotics <25% of total cover
E2 = Exotics 26-50% of total cover
E3 = Exotics 51-75% of total cover
E4 = Exotics >75% of total cover

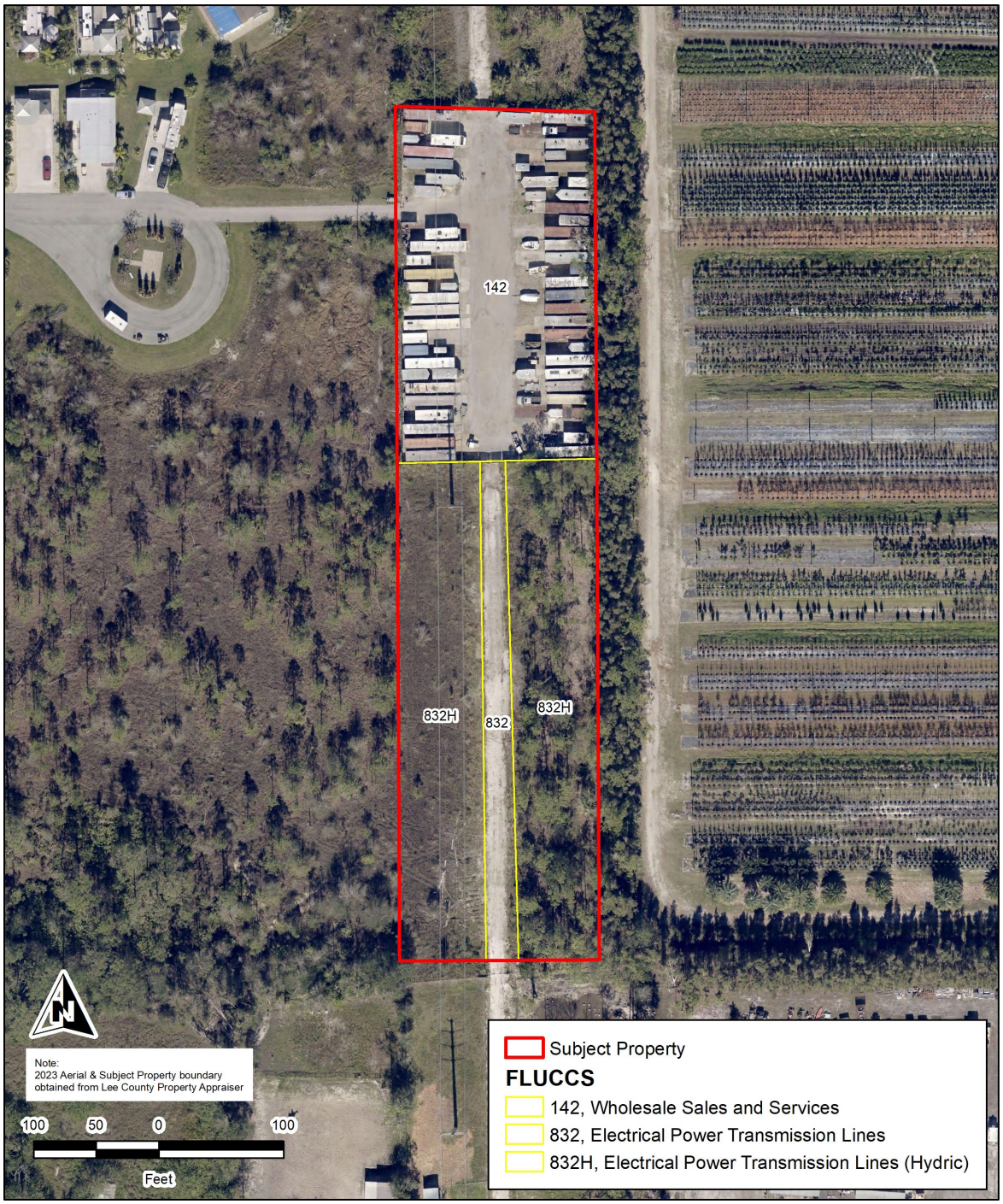

Figure 3. *FLUCCS Mapping with Aerial*

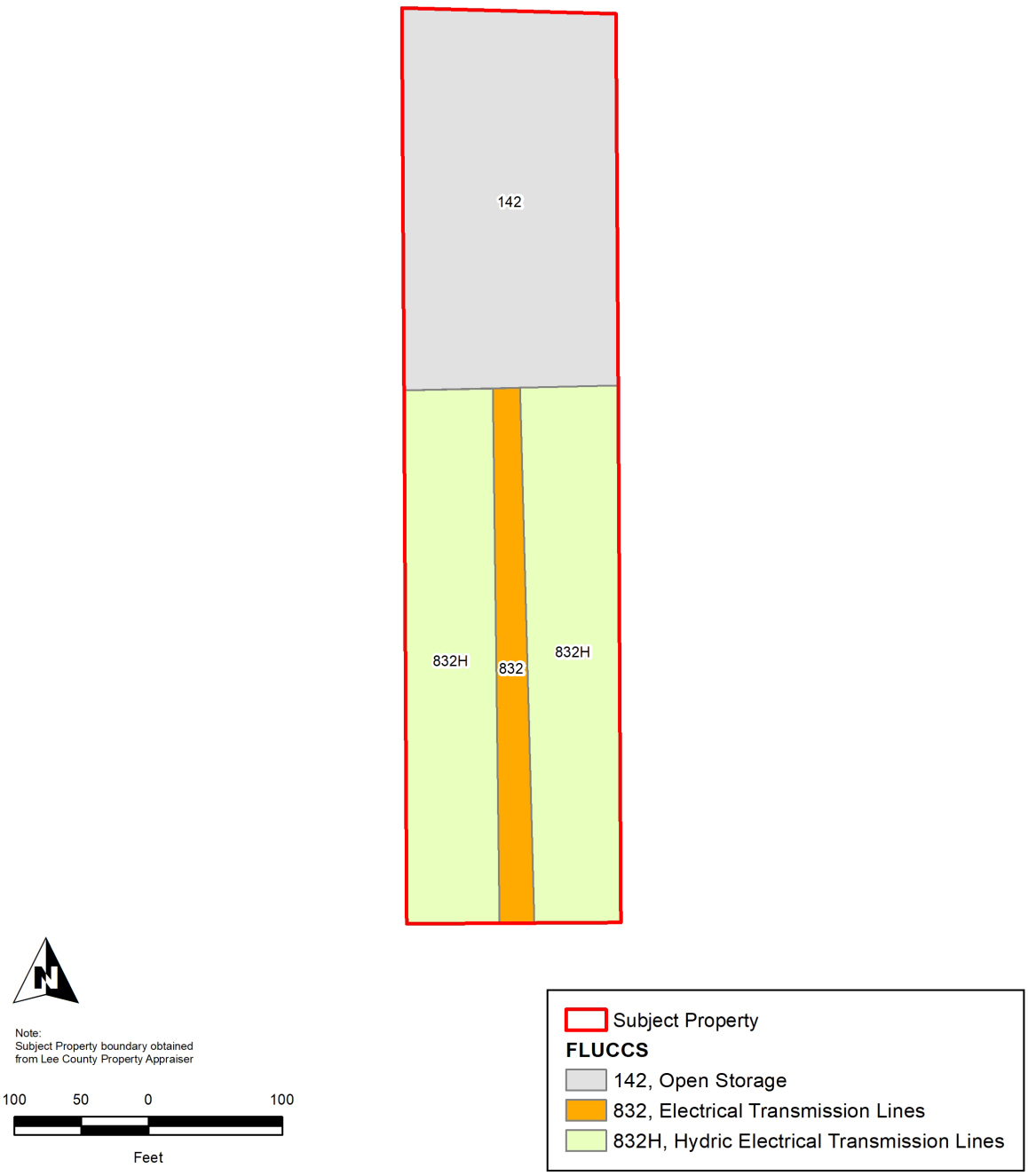

Figure 4. *FLUCCS Mapping without Aerial*

FLUCCS DESCRIPTIONS
* = exotic species

FLUCCS 142, Open Storage
This community comprises the north portion of the Subject Property and is the current open storage area for the Cypress Woods community. The area contains no existing vegetation.

FLUCCS 832, Electrical Transmission Lines
This community is comprised of the access road that runs down the center of the FPL easement. It is a limerock road with little or no vegetation.

FLUCCS 832H, Hydric Electrical Transmission Lines
This community comprises the remainder of the FPL easement, on either side of the central lime rock access road. The western side of the FPL easement has little or no canopy vegetation. Canopy vegetation on the east side the easement consists predominantly of *earleaf acacia (*Acacia auriculiformis*), *melaleuca, (*Melaleuca quinquenervia*), slash pine (*Pinus elliottii*), and cabbage palm (*Sabal palmetto*). Mid-story vegetation consists of occasional wax myrtle (*Myrica cerifera*), *earleaf acacia, *Brazilian pepper (*Schinus terebinthifolia*), and *melaleuca. Groundcover on both sides consists of various obligate sedge spp., various obligate grasses, broom sedge (*Andropogon virginicus*), dogfennel (*Eupatorium capillifolium*), and tickseed (*Corepsis spp*.).

5.0 RESULTS

All relevant species observed on the Subject Property are detailed in Table 3 and any protected species observed are specifically noted. See Figure 5 below for transect and field results.

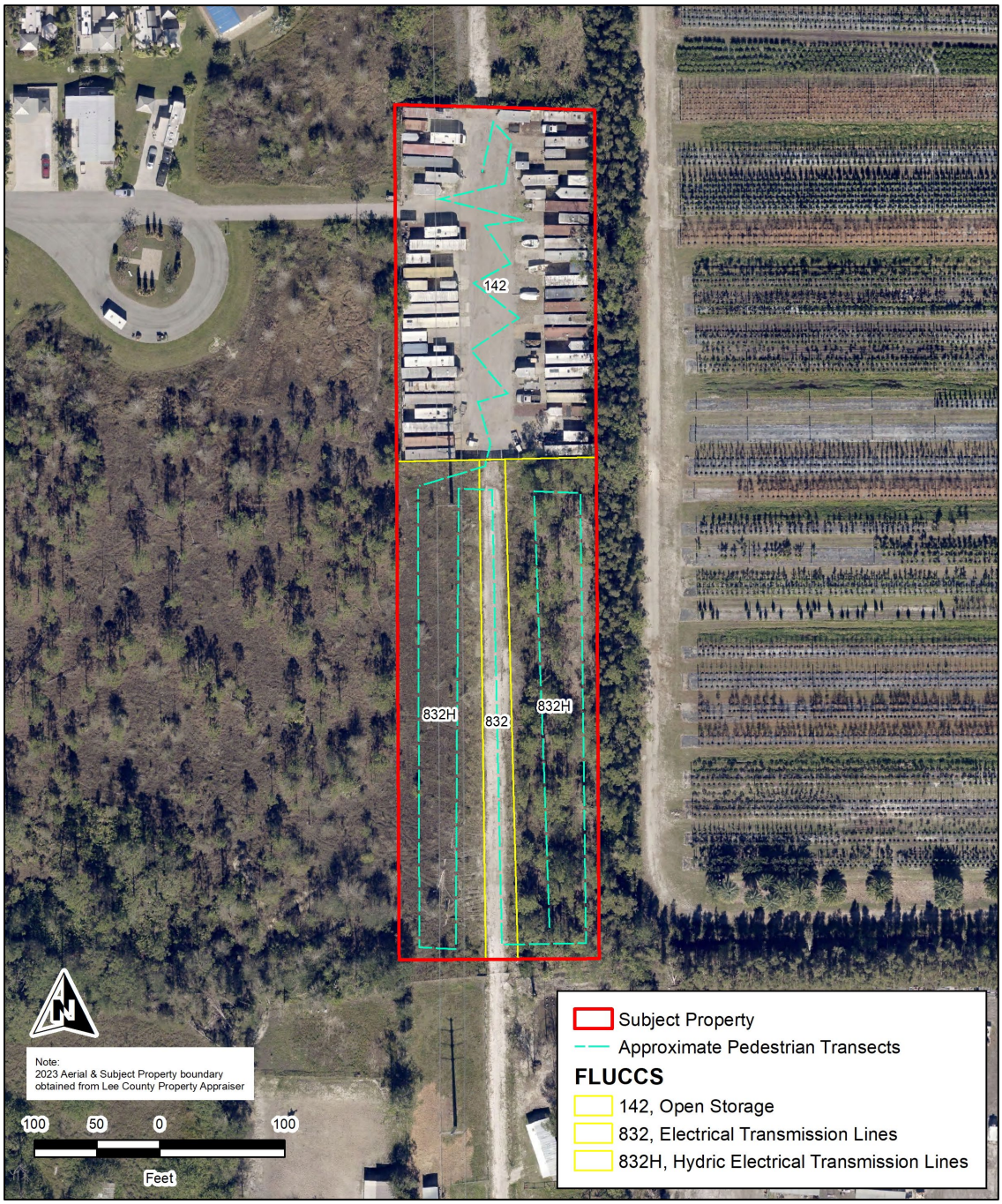

Figure 5. *Transect Map & Field Results*

TABLE 3. SPECIES OBSERVED ON THE SUBJECT PROPERTY				
COMMON NAME	**SCIENTIFIC NAME**	**OBSERVATIONS**	**LISTED SPECIES?**	**STATUS**
BIRDS				
Northern Mockingbird	*Mimus polyglottos*	DV	N	-
Great Egret	*Ardea alba*	DV	N	-
MAMMALS				
Racoon	*Procyon lotor*	OT	N	-
REPTILES				
Black Racer	*Coluber constrictor priapus*	DV	N	-
Brown Anole	*Anolis sagrei*	DV	N	-
AMPHIBIANS				
NONE	-	-	-	-

* = protected species

Abbreviations

Observations:
C = Cavity
DB = Day Bed
DV = Direct Visual
HV = Heard Vocalization(s)
MT = Marked Tree

Observations:
N = Nest
OH = Observed Hole/Burrow
OT = Observed Tracks
R = Remains
S = Scat

Status:
CE = Commercially Exploited
FE = Federally Endangered
FT = Federally Threatened
SE = State Endangered
SSC = Species of Special Concern
ST = State Threatened

No listed species or signs of listed species (i.e. cavities, nests, burrows, etc.) utilizing the Subject Property were identified. The Subject Property does have community types in which additional protected species could be utilized for foraging purposes. During permitting, the following protected species concerns may be raised by the agencies:

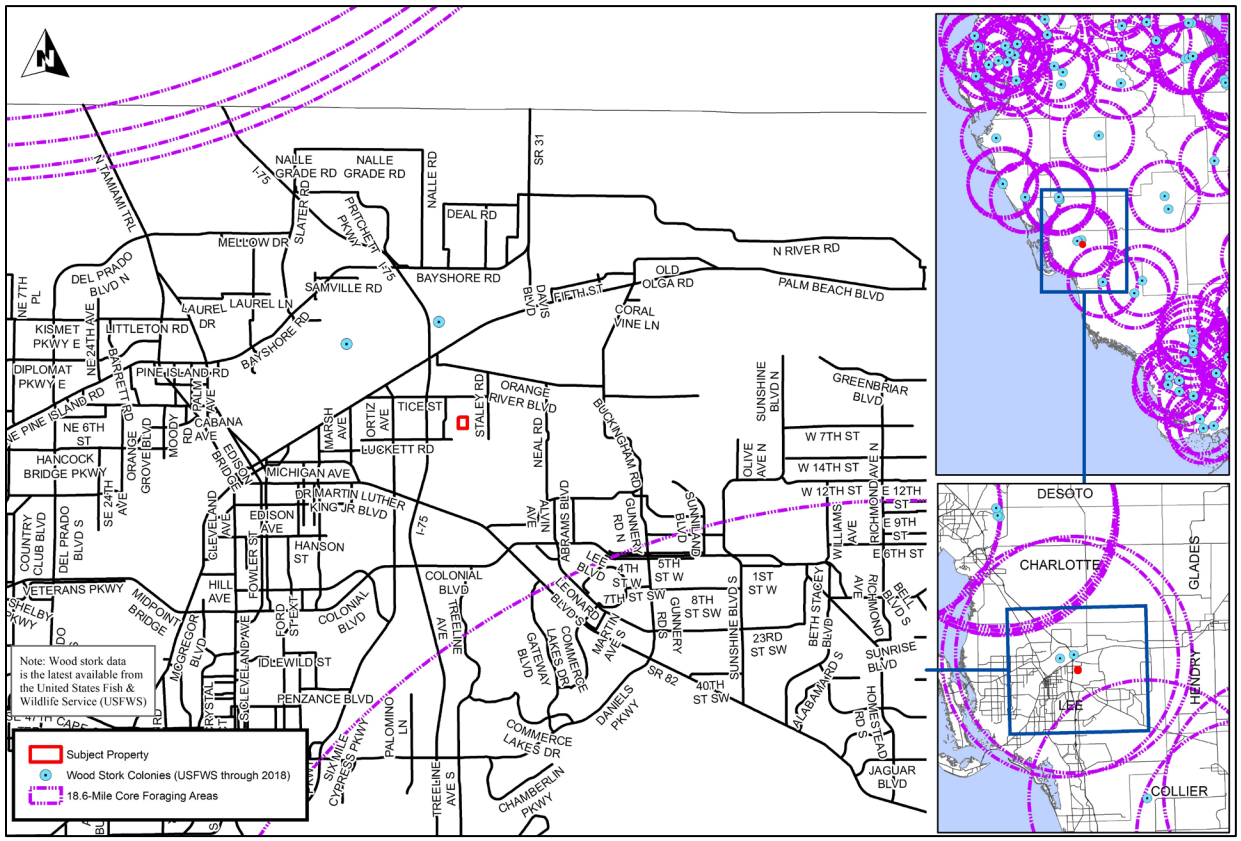

Figure 6. *Wood Stork Foraging Information*

Wood Stork (*Mycteria americana*)

The Subject Property falls within the core foraging area (estimated at 18.60 miles) of at least two (2) known wood stork colonies in Lee County (see Figure 6). Due to the lack of suitable nesting trees on the property and the proximity to the two known colonies, wood stork nesting is highly unlikely. The property consists of a relatively dense canopy with little to no standing water for extended periods of time for foraging purposes. Technical assistance from USFWS will likely not be required for wood stork.

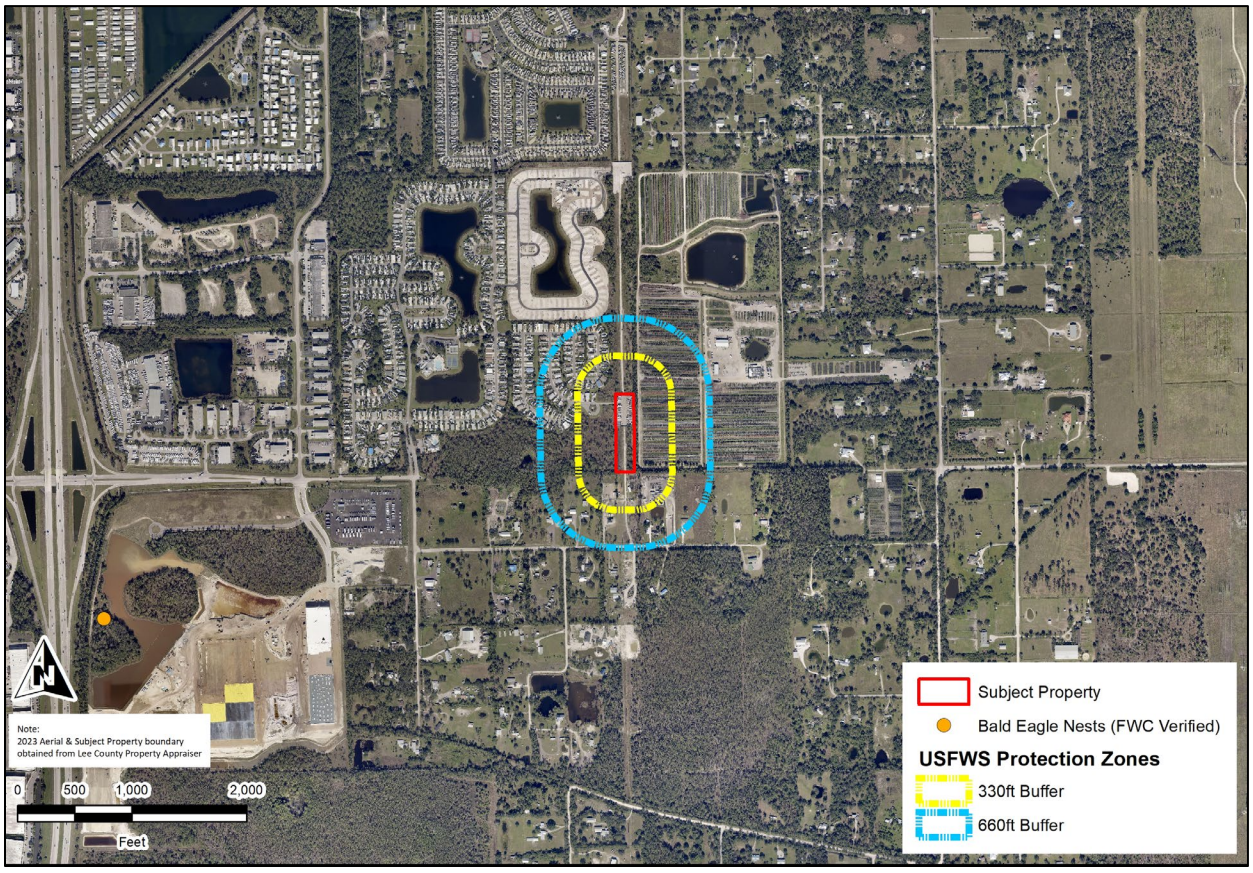

Figure 7. *Bald Eagle Map*

Bald Eagle (*Haliaeetus leucocephalus*)

The Subject Property does not fall within the 330-ffet or 660-feet USFWS Protection Zones of any FWC-documented bald eagle nest (see Figure 7). Technical assistance from USDWS will likely not be necessary for bald eagle.

6.0 REFERENCES

Ashton, Ray E. and Patricia S. "The Natural History and Management for the Gopher Tortoise." Krieger Publishing Company. Malabar, Florida. 2008.

Lee County Property Appraiser. www.leepa.org

Cox, James; Inkley, Douglas; and Kautz, Randy. "Ecology and Habitat Protection Needs of Gopher Tortoise (*Gopherus polyphemus*) Populations Found on Lands Slated for Large-Scale Development in Florida." Nongame Wildlife Program Technical Report No. 4. December 1987. http://www.fwspubs.org/doi/suppl/10.3996/062015-JFWM-055/suppl_file/062015-jfwm-055.s2.pdf?code=ufws-site

Endangered Species Survey Methodology (ESSM) as outlined by Southern Biomes, EIS and approved by Lee County in accordance with AC-13-10.

"Florida's Endangered and Threatened Species"- Official List. Florida Fish and Wildlife Conservation Commission. Updated December 2018.
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Florida Invasive Species Council. "2019 FISC List of Invasive Plant Species."
http://www.floridainvasivespecies.org/plantlist.cfm

Florida Land Use, Cover and Forms Classification (FLUCCS) Handbook. Florida Department of Transportation. January 1999.
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Weaver, Richard E. and Anderson, Patti J. "Notes on Florida's Endangered and Threatened Plants." Bureau of Entomology, Nematology and Plant Pathology – Botany Section. Contribution No. 38, 5th Edition. 2010.
http://freshfromflorida.s3.amazonaws.com/fl-endangered-plants.pdf
http://www.freshfromflorida.com/Divisions-Offices/Plant-Industry/Bureaus-and-Services/Bureau-of-Entomology-Nematology-Plant-Pathology/Botany/Florida-s-Endangered-Plants

Attachment L

Cypress Woods RVPD
Open Space & Indigenous Preserve Table

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

*Excludes native vegetation in FPL Easement and upland credits.

Attachment M

Cypress Woods Recreational Vehicle Planned Development
Administrative Amendment/Planned Development Amendment
Public Information Session Meeting Summary

Wednesday, July 19, 9:00 a.m.
Cypress Woods Town Center, 10100 Nightwood Drive, Fort Myers, FL 33905

Cypress Woods RC Resort Homeowners Association, Inc. (Applicant) hosted their public informational session in accordance with Section 33-1482 of the Land Development Code on Wednesday, July 19, 2023. The meeting was held at the Cypress Woods Town Center at 9:00 AM.

The meeting was held for the pending Cypress Woods RVPD Administrative Amendment application (ADD2023-00099) and the Planned Development Amendment. The meeting notice was published in the News-Press on June 29, 2023. The Affidavit of Publication is attached as Exhibit “A”.

The were approximately 10 attendees present at the meeting and 19 online. Alexis Crespo with RVi Planning + Landscape Architecture introduced the requested changes including the attached Master Concept Plan Exhibit “B”.

Attendees asked questions about the process. An explanation of the process for each application was provided by Ms. Crespo.

The meeting concluded at approximately 9:15 a.m.

EXHIBIT A

0005753991 / FNP-000000258

The News-Press media group

news-press.com A GANNETT COMPANY

Attn:
RVI PLANNING, INC
28100 BONITA GRANDE DR STE 305
BONITA SPRINGS, FL 34135

State of Wisconsin, County of Brown:
Before the undersigned authority personally appeared A K Kott, who on oath says that he or she is a Legal Assistant of the News-Press, a daily newspaper published at Fort Myers in Lee County, Florida; that the attached copy of advertisement, being a Legal Ad in the matter of

Notice of Meetings

In the Twentieth Judicial Circuit Court was published in said newspaper editions dated or by publication on the newspaper's website, if authorized, on:

06/29/2023

Affiant further says that the said News-Press is a paper of general circulation daily in Lee County and published at Fort Myers, in said Lee County, Florida, and that the said newspaper has heretofore been continuously published in said Lee County, Florida each day and has been entered as periodicals matter at the post office in Fort Myers, in said Lee County, Florida, for a period of one year next preceding the first publication of the attached copy of advertisement; and affiant further says that he or she has never paid nor promised any person, firm or corporation any discount, rebate, commission or refund for the purpose of securing this advertisement for publication in the said newspaper.

Sworn to and Subscribed before me this 11th of July 2023, by legal clerk who is personally known to me.

Amy Kakott

Affiant

Notary State of Wisconsin, County of Brown

10-25-26

My commission expires

RYAN SPELLER
Notary Public
State of Wisconsin

# of Affidavits: 1

This is not an invoice

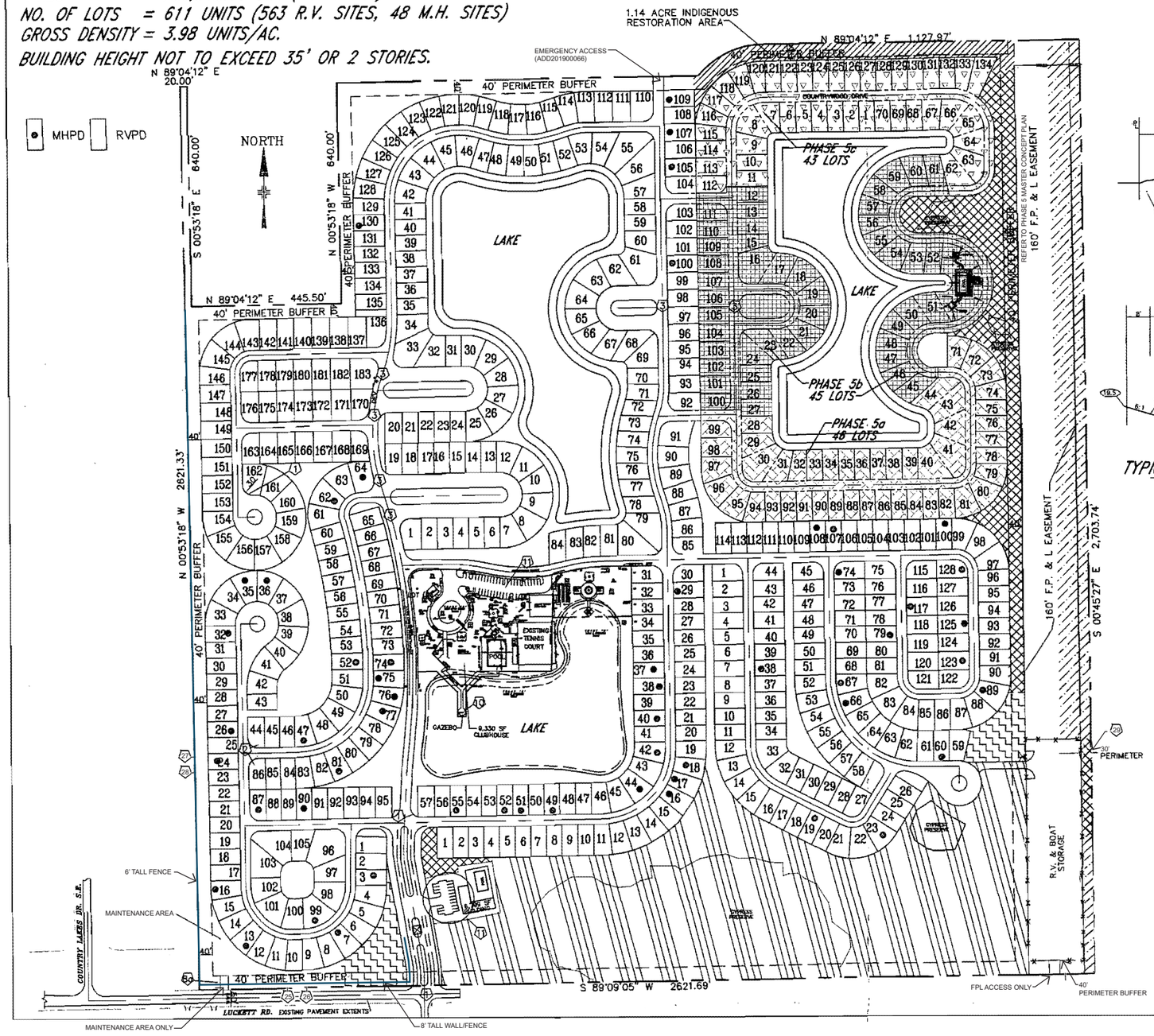
NOTICE OF PUBLIC INFORMATION MEETING
DATE: Wednesday, July 19, 2023
TIME: 9:00 AM
ADDRESS: Cypress Woods Town Center, 10100 Nightwood Drive, Fort Myers, FL 33905
In accordance with the Caloosahatchee Shores Planning Community requirements of the Lee County Land Development Code, the Applicant, Cypress Woods RV Resort Homeowners Association, Inc., will be presenting information to the public on the following requests:
An Administrative Amendment (ADD2023-00099) to allow for a perimeter project fence/wall to be placed 10 feet from the Luckett Road right-of-way; and a Planned Development Amendment to the Cypress Woods RV Resort Recreational Vehicle Planned Development (RVPD) to amend the Master Concept Plan, add deviations, and amend Development Regulations and Schedule of Uses to allow for a maintenance area for the development; expanded RV storage area, and the addition of residential accessory uses, including "casitas".
The purpose of the meeting is to educate community members and nearby landowners about the proposed development and to address any questions.
For questions please contact:
RVi Planning + Landscape Architecture c/o Josephine Medina
28100 Bonita Grande Dr., Suite 305, Bonita Springs, FL 34135
239-908-3421 OR Jmedina@RViPlanning.com
AD # 5753991 June 29, 2023

EXHIBIT B

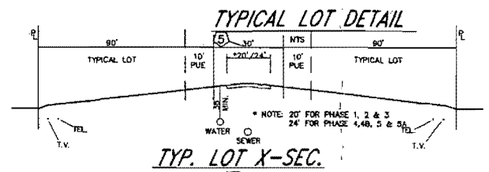
"EXIBIT 3A"

CYPRESS WOODS RESORT

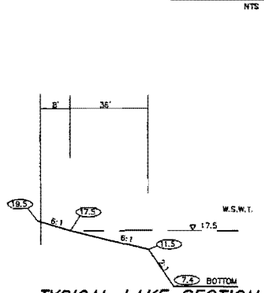
TOTAL AREA = 6,688,691.34 S.F. (153.55 AC.)
RIGHT-OF-WAY = 792,541.57 S.F. (18.19 AC.)
LOT AREA = 2,850,427.44 S.F. (65.44 AC.)
LAKES = 726,812.66 S.F. (16.68 AC.)
NO. OF LOTS = 611 UNITS (563 R.V. SITES, 48 M.H. SITES)
GROSS DENSITY = 3.98 UNITS/AC.
BUILDING HEIGHT NOT TO EXCEED 35' OR 2 STORIES.



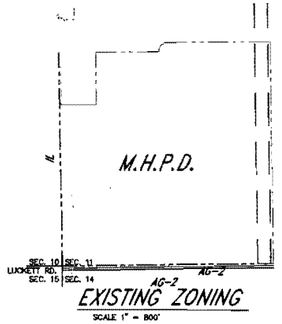
TYPICAL LOT DETAIL



TYP. LOT X-SEC.
NTS



TYPICAL LAKE SECTION
NTS



EXISTING ZONING
SCALE 1" = 800'

INDIGENOUS OPEN SPACE

TYPES	ACTUAL	CREDITS
100%	4.23 ACRES	4.23 ACRES
110%	1.27 ACRES	1.39 ACRES
125%	3.42 ACRES	3.61 ACRES
150%	16.70 ACRES	25.05 ACRES
TOTAL PROVIDED:	25.62 ACRES	34.28 ACRES
TOTAL REQUIRED:		30.30 ACRES

NOTE:
1. NO CREDITS WERE TAKEN FOR 1.66 ACRES OF PHASE 5 INDEGENUOUS OPEN SPACE

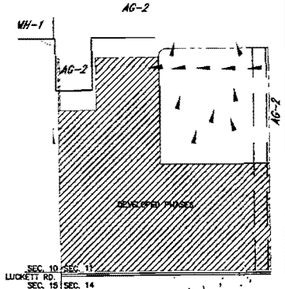
OPEN SPACE

COMMON AREA:

40 FOOT PERIMETER BUFFER	= 417,979.85 S.F. (9.60 AC.)
20 FOOT AROUND LAKE	= 174,510.73 S.F. (4.00 AC.)
LAKES	= 732,335.74 S.F. (15.81 AC.)
160' FPL EASEMENT	= 432,587.83 S.F. (9.93 AC.)
WETLAND CREATION (EXISTING)	= 760,122.00 S.F. (17.45 AC.)
ADDITIONAL COMMON AREA (AREA BETWEEN BLOCKS)	= 430,223.79 S.F. (9.87 AC.)
COMMON AREA TOTAL	= 2,947,760 S.F. (67.66 AC.)
% OF SITE	= 44.04 %

HURRICANE SHELTER (PER LDC SECTION 10-258)

REQUIRED HURRICANE SHELTERS = (2.25)(597)(20)(45%)=12,090 S.F.
PROVIDED = 16,129 S.F.



HISTORICAL RUNOFF
SCALE 1" = 800'

CYPRESS WOODS
R.V. RESORT

ORIGINAL ZONING # Z-94-025

MASTER CONCEPT PLAN

DATE	REVISION	APPROVED
08/16/10	REVISED PER 05/24/10 SUFFICIENCY CHECKLIST	JTA IKS
04/21/08	REVISED PER 01/08/08 SUFFICIENCY CHECKLIST	JTA IKS

DESIGNED BY: IKS | CHECKED BY: IKS
DRAWN BY: JTA | CHECKED BY: IKS
SCALE: 1" = 150' OR AS NOTED | DATE: 09/14/2007
SHEET 1 OF 3 | FILE No. 3434

EXHIBIT C

"EXIBIT 3A"

CYPRESS WOODS RESORT

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

MHPD RVPD

NORTH

AREA TO BE ADDED TO DEVELOPMENT

EMERGENCY ACCESS (ADD201900066)

N 89°04'12" E 20.00'

N 89°04'12" E 789.79'

N 89°04'12" E 1,127.97'

40' PERIMETER BUFFER

S 00°53'18" E 640.00'

N 00°53'18" W 640.00'

N 89°04'12" E 445.50'

N 00°53'18" W 2621.33'

S 00°45'27" E 2625.08'

S 89°09'05" W 2621.69'

160' F.P. & L EASEMENT

REFER TO PHASE 5 MASTER CONCEPT PLAN

PHASE "1"
PHASE "2"
PHASE "3"
PHASE "4"
PHASE "4A"
PHASE "4B"
PHASE "5"

LAKE

COUNTRYWOOD DRIVE
COUNTRYWOOD CT.

EXISTING TENNIS COURT
POOL
9,330 SF CLUBHOUSE

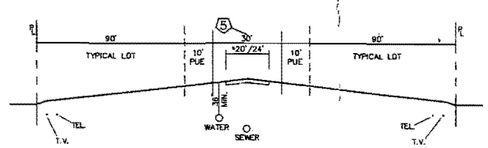
R.V. & BOAT STORAGE

30' PERIMETER

FPL ACCESS ONLY

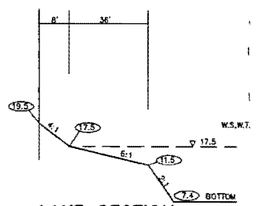
6' TALL FENCE
MAINTENANCE AREA
MAINTENANCE AREA ONLY
8' TALL WALL/FENCE

COUNTRY LAKES DR. S.E.
LUCKETT RD.
HOLSTEIN DR.

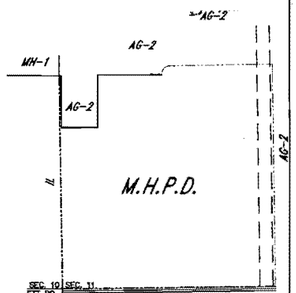


TYP. LOT X-SEC.
NTS

* NOTE: 20' FOR PHASE 1, 2 & 3
24' FOR PHASE 4,5 & 5A



LAKE SECTION
NTS

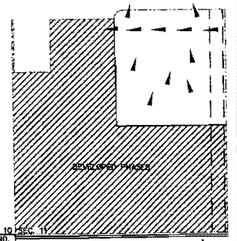


EXISTING ZONING
SCALE 1" = 800'

EXISTING PRESERVE

411 - PINE FLATWOODS = 4.55 ACRES
621 - CYPRESS FOREST = 6.66 ACRES
624 - PINE - CYPRESS FOREST = 9.13 ACRES
625 - PINE WET PRAIRIE = 2.52 ACRES
650/640 - RESTORATION AREA = 2.69 ACRES
632/310 - POWER LINE EASEMENT/HERBACEOUS = 2.79 ACRES
832/643- POWER LINE EASEMENT/WET HERBACEOUS = 3.89 ACRES

B.C. FOX SQUIRREL PRESERVE 25.62 ACRES



HISTORICAL RUNOFF
SCALE 1" = 800'

OPEN SPACE

COMMON AREA:

40 FOOT PERIMETER BUFFER	= 417,979.85 S.F. (9.60 AC.)
20 FOOT AROUND LAKE	= 174,510.73 S.F. (4.00 AC.)
LAKES	= 732,335.74 S.F. (16.81 AC.)
160' FPL EASEMENT	= 432,587.53 S.F. (9.93 AC.)
WETLAND CREATION (EXISTING)	= 760,122.00 S.F. (17.45 AC.)
ADDITIONAL COMMON AREA (AREA BETWEEN BLOCKS)	= 430,223.79 S.F. (9.87 AC.)
COMMON AREA TOTAL	= 2,947,760 S.F. (67.66 AC.)
% OF SITE	= 44.04 %

CYPRESS WOODS
R.V. RESORT

ORIGINAL ZONING # Z-94-025

MASTER CONCEPT PLAN
BIG CYPRESS FOX SQUIRREL PERSEVERE

DATE	REVISION	APPROVED
08/16/10	REVISED PER 05/24/10 SUFFICIENCY CHECKLIST	JTA IKS
04/21/08	REVISED PER 01/08/08 SUFFICIENCY CHECKLIST	JTA IKS

DESIGNED BY: IKS | CHECKED BY: IKS
DRAWN BY: JTA | CHECKED BY: IKS
SCALE: 1" = 150' OR AS NOTED | DATE: 05/29/2007
SHEET 2 OF 3 | FILE No. 3434

"EXIBIT 3A"

CYPRESS WOODS RESORT

TOTAL AREA = 6,688,691.34 S.F. (153.55 AC.)
RIGHT-OF-WAY = 792,541.57 S.F. (18.19 AC.)
LOT AREA = 2,850,427.44 S.F. (65.44 AC.)
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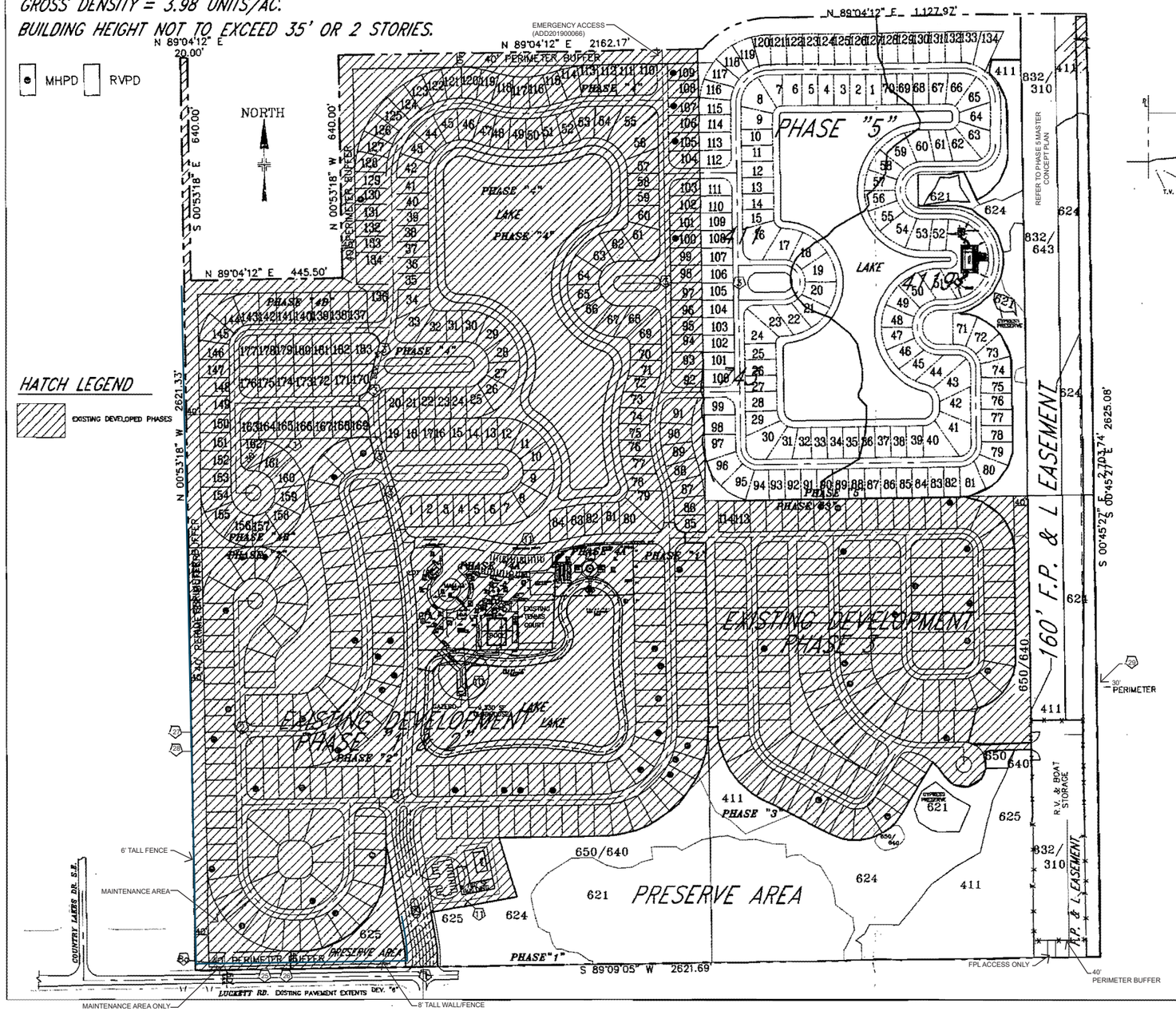
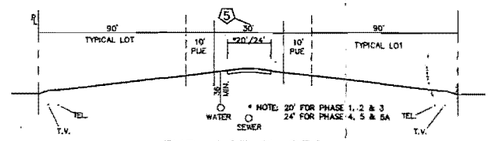
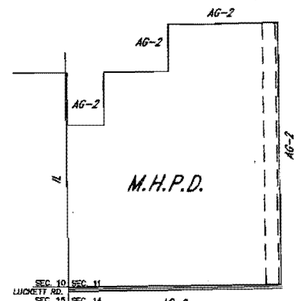




TYP. LOT X-SEC.
NTS



EXISTING ZONING
SCALE 1" = 800'

EXISTING CONDITIONS FOR PHASE 4 & 5

CODE	DESCRIPTION	ACRES
191	BAHIA GRASS FIELD	.93
193	UNDEVELOPED RUDERAL AREA	19.43
194	UNDEVELOPED LAND/TEMPORARY RV STORAGE	0.81
210	PASTURE LAND	12.26
411	PINE - SAW PALMETTO FOREST	13.34
4119	MELALEUCA - PINE FOREST	11.99
510	DRAINAGE DITCH	.60
520	LAKE	2.54
740	DISTURBED AREA	1.30
743	SPOILED AREA	1.00
TOTAL:		64.00

FLUCC'S CODE

411 - PINE FLATWOODS = 4.55 ACRES
621 - CYPRESS FOREST = 6.86 ACRES
624 - PINE - CYPRESS FOREST = 9.13 ACRES
625 - PINE WET PRAIRIE = 2.52 ACRES
650/640 - RESTORATION AREA = 2.69 ACRES
832/310 - POWER LINE EASEMENT/HERBACEOUS = 2.78 ACRES
832/643 - POWER LINE EASEMENT/WET HERBACEOUS = 3.69 ACRES

OPEN SPACE

COMMON AREA:

40 FOOT PERIMETER BUFFER	= 417,979.95 S.F. (9.60 AC.)
20 FOOT AROUND LAKE	= 174,510.73 S.F. (4.00 AC.)
LAKES	= 732,335.74 S.F. (16.81 AC.)
160' FPL EASEMENT	= 432,587.83 S.F. (9.93 AC.)
WETLAND CREATION (EXISTING)	= 760,122.60 S.F. (17.45 AC.)
ADDITIONAL COMMON AREA (AREA BETWEEN BLOCKS)	= 430,233.76 S.F. (9.87 AC.)
COMMON AREA TOTAL	= 2,947,760 S.F. (67.66 AC.)
% OF SITE	= 44.04 %

HURRICANE SHELTER (PER LDC SECTION 10-258)

REQUIRED HURRICANE SHELTERS = (2.25)(672)(20)(45%)=13,608 S.F.
PROVIDED = 16,129 S.F.

DATE	REVISION	APPROVED
08/16/10	REVISED PER 05/24/10 SUFFICIENCY CHECKLIST	JTA BKS

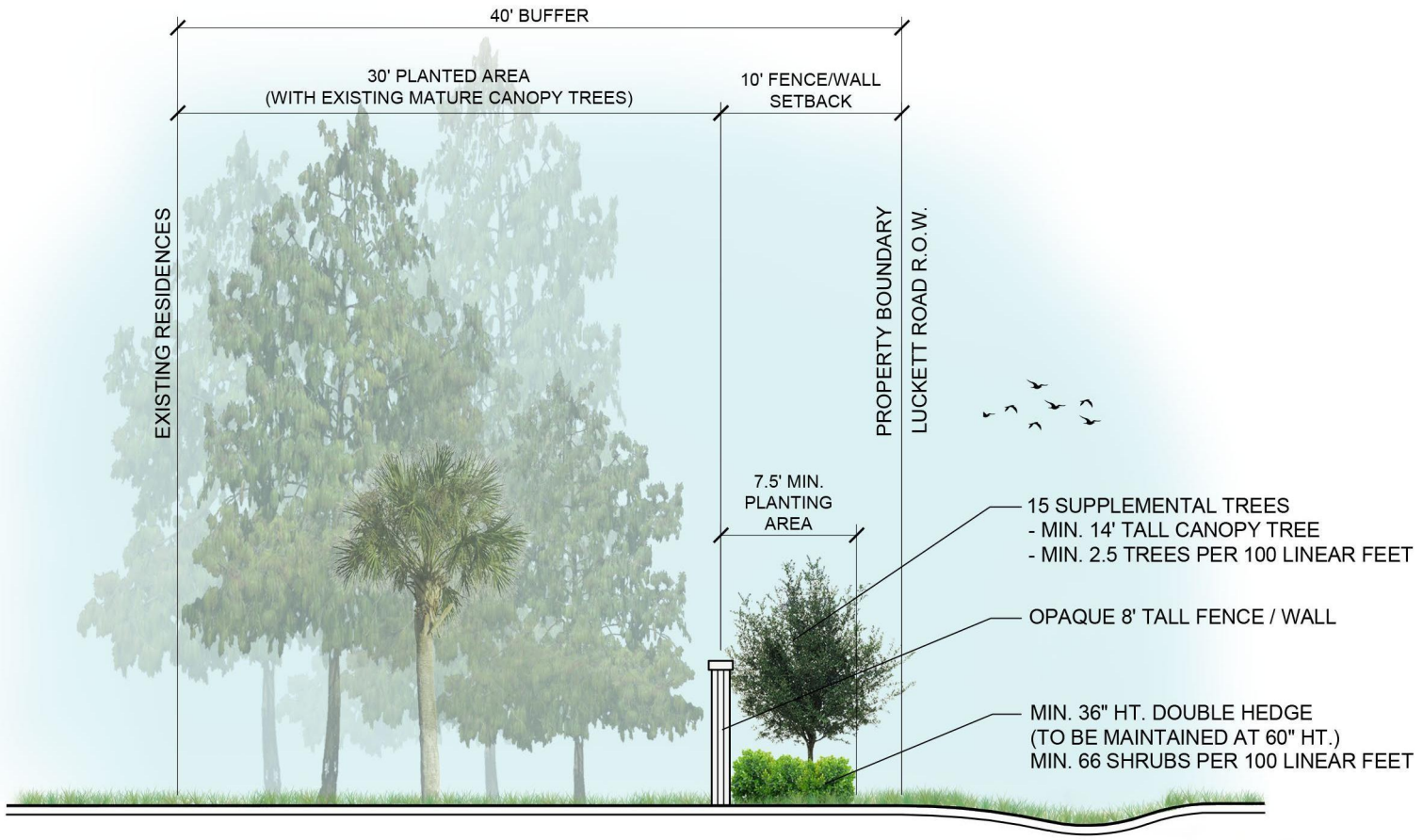
CYPRESS WOODS
R.V. RESORT
ADMINISTRATIVE AMENDMENT
ORIGINAL ZONING # Z-94-025

MASTER CONCEPT PLAN
EXHIBIT III-A-1

DESIGNED BY:	CHECKED BY:
BKS	BKS
DRAWN BY:	CHECKED BY:
JTA	BKS
SCALE: 1" = 150' OR AS NOTED	DATE: 05/29/2007

SHEET 3 OF 3 | FILE No. 3434

Attachment N



Copyright RVi

RVi
28100 Bonita Grande Drive
Suite 305
Bonita Springs, Florida 34135
Tel: 239.405.7777
www.rviplanning.com

CYPRESS WOODS HOA AMENDMENT • **LUCKET ROAD BUFFER**

- Lee County. FL
- September 14, 2023
- # 23001926
- Cypress Woods HOA

0 5' 10'

SCALE: 1" = 10'-0"

For illustrative purposes only. Subject to change without notice.

Attachment O

January 2021



January 2020



January 2020





January 2020



February 2017



February 2016



KLAUBER GOLDMAN
THE DIFFERENCE IS TEAMWORK

Attachment P

October 24, 2024

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

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

Mr. Mendez:

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

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

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

8751 West Broward Boulevard, Suite 410, Plantation, Florida 33324
P 954.424.9666 F 954.424.7627

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

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

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

Very truly yours,



Mitchell B. Haller
For the Firm

EXHIBIT A
LEGAL DESCRIPTION

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

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

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

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

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

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

Attachment Q

REQUEST FOR SUBMITTAL REQUIREMENT WAIVER FOR UNINCORPORATED AREAS ONLY

Upon written request, the Director may modify the submittal requirements for Public Hearings, Development Orders, Limited Review Development Orders and other Administrative Action Applications where it can be clearly demonstrated that the submission will have no bearing on the review and processing of the application. The request and the Director's written response must accompany the application submitted and will become a part of the permanent file.

APPLICATION FOR WAIVER OF REQUIRED SUBMITTAL ITEMS
(indicate the appropriate application type)

- [x] Public Hearing - General Requirements **(34-202)**
- [ ] Public Hearing - Mining Excavation Planned Development **(12-110)**
- [ ] Public Hearing - Additional Requirements for:
  - [ ] Development of Regional Impact **(34-202(b)(1))**
  - [ ] Planned Developments **(34-202(b)(2))**
  - [ ] Planned Development Amendment **(34-202(b)(2))**
  - [ ] Rezonings other than Planned Developments **(34-202(b)(3))**
  - [ ] Special Exceptions **(34-202(b)(5))**
  - [ ] Variances **(34-202(b)(6))**
  - [ ] Limited Amendment to Existing Mine Zoning Approval **[12-121(j)]**
  - [ ] Private Recreational Facilities Planned Development **(34-941(g))**
- [ ] Development Order - Submittal Requirements **(10-152)**
  - [ ] Application Form and Contents **(10-153)**
  - [ ] Additional Required Submittals **(10-154)**
- [ ] Limited Review Development Order – Submittal Requirements **(10-152)**
  - [ ] Required Submittals **(10-175)**
- [ ] Administrative Action Application Requirements **[34-203]**

State the Type of Administrative Application: _____

PLEASE PRINT OR TYPE:

STRAP Number: Multiple (See DCI2023-00030)
Name of Project: Cypress Woods RVPD

Name of Agent: Alexis Crespo, AICP – RVi Planning + Landscape Architecture
Street Address: 28100 Bonita Grande Drive, Suite 305
City, State, Zip: Bonita Springs, FL, 34135
Phone Number: 239.850.8525 Email Address: acrespo@rviplanning.com

Name of Applicant*: Cypress Woods RV Resort Homeowners Association, Inc.
Street Address: 5551 Luckett Road
City, State, Zip: Fort Myers, FL 33905
Phone Number: _____ Email Address: judycwbod@gmail.com

***If applicant is not the owner, a letter of authorization from the owner must be submitted.**

LEE COUNTY COMMUNITY DEVELOPMENT
P.O. BOX 398 (1500 MONROE STREET), FORT MYERS, FLORIDA 33902
PHONE (239) 533-8585

A. SPECIFIC SECTION(S) AND REQUIREMENT(S) FOR WHICH A WAIVER IS SOUGHT:

	Section Number	Requirement
#1	34-202(a)7.	Certification of title and encumbrances.
#2		
#3		
#4		
#5		
#6		
#7		
#8		
#9		

B. SCOPE OF PROJECT AND REASON(s) FOR REQUEST:

Please provide an explanation of the scope of the project and the reason(s) why you think the request for submittal waiver(s) should be approved. Use additional sheets if necessary and attach to this application form. (Please print or type)

The Applicant is requesting that the title opinion for all commonly owned parcels in the RVPD suffice for this requirement, which has been provided. The RVPD is largely built out with 400+ individually owned RVPD lots. Obtaining title certification for all individually owned parcels would be cost prohibitive. The Applicant has supplied the County with the Attorney's Opinion confirming the HOA and their designee are legally allowed to file the RVPD application.

Under penalties of perjury, I declare that I have read the foregoing application and that the facts stated in it are true.



Signature of Applicant

2/10/2025

Date

FOR STAFF USE ONLY

DIRECTOR'S DECISION:

- ☐ **Request Denied**
- ☒ **Request Approved**
- ☐ **Request Approved Per Attached Comments**

Electronically signed on 2/19/2025 by
Anthony R. Rodriguez, AICP, CPM, Zoning Manager
Lee County Department of Community Development

Director Signature

Date

GEN2023-00315 Lee County ePlan

GEN2023-00315

Lee County Community Development

REQUEST FOR SUBMITTAL REQUIREMENT WAIVER FOR UNINCORPORATED AREAS ONLY

Upon written request, the Director may modify the submittal requirements for Public Hearings, Development Orders, Limited Review Development Orders and other Administrative Action Applications where it can be clearly demonstrated that the submission will have no bearing on the review and processing of the application. The request and the Director's written response must accompany the application submitted and will become a part of the permanent file.

APPLICATION FOR WAIVER OF REQUIRED SUBMITTAL ITEMS
(indicate the appropriate application type)

- [x] Public Hearing - General Requirements **(34-202)**
- [ ] Public Hearing - Mining Excavation Planned Development **(12-110)**
- [x] Public Hearing - Additional Requirements for:
  - [ ] Development of Regional Impact **(34-202(b)(1))**
  - [ ] Planned Developments **(34-202(b)(2))**
  - [x] Planned Development Amendment **(34-202(b)(2))**
  - [ ] Rezonings other than Planned Developments **(34-202(b)(3))**
  - [ ] Special Exceptions **(34-202(b)(5))**
  - [ ] Variances **(34-202(b)(6))**
  - [ ] Limited Amendment to Existing Mine Zoning Approval **[12-121(j)]**
  - [ ] Private Recreational Facilities Planned Development **(34-941(g))**
- [ ] Development Order - Submittal Requirements **(10-152)**
  - [ ] Application Form and Contents **(10-153)**
  - [ ] Additional Required Submittals **(10-154)**
- [ ] Limited Review Development Order – Submittal Requirements **(10-152)**
  - [ ] Required Submittals **(10-175)**
- [ ] Administrative Action Application Requirements **[34-203]**

State the Type of Administrative Application: _____

PLEASE PRINT OR TYPE:

STRAP Number: See Attached
Name of Project: Cypress Woods RVPD

Name of Agent: Josephine Medina, AICP – RVi Planning + Landscape Architecture
Street Address: 28100 Bonita Grande Drive, Suite 305
City, State, Zip: Bonita Springs, FL, 34135
Phone Number: 239.908.3421 Email Address: JMedina@rviplanning.com

Name of Applicant*: Cypress Woods RV Resort Homeowners Association, Inc.
Street Address: 5551 Luckett Road
City, State, Zip: Fort Myers, FL 33905
Phone Number: _____ Email Address: judycwbod@gmail.com

***If applicant is not the owner, a letter of authorization from the owner must be submitted.**

LEE COUNTY COMMUNITY DEVELOPMENT
P.O. BOX 398 (1500 MONROE STREET), FORT MYERS, FLORIDA 33902
PHONE (239) 533-8585

A. SPECIFIC SECTION(S) AND REQUIREMENT(S) FOR WHICH A WAIVER IS SOUGHT:

	Section Number	Requirement
#1	34-373 (a)(7)	Traffic Impact Statement
#2	34-373 (b)(1)	Surface Water Management Plan
#3	34-373(b)(2)	Protected Species Survey
#4	34-373(b)(3)	Phasing Program
#5	34-202(a)(7)	Ownership/Title Certification
#6	34-373(a)(4)c	Soils Map
#7	34-373(a)(4)b.9	FLUCCS MAP
#8	34-373(a)(4)b.iii	Rare & Unique Upland Habitat Map
#9	34-373(a)(4)b.v	Existing and Historic Flow-Ways Map
#10	34-202(a)(10)	Potable Water and Central Sewer Letter

B. SCOPE OF PROJECT AND REASON(s) FOR REQUEST:

Please provide an explanation of the scope of the project and the reason(s) why you think the request for submittal waiver(s) should be approved. Use additional sheets if necessary and attach to this application form. (Please print or type)

See attached

Under penalties of perjury, I declare that I have read the foregoing application and that the facts stated in it are true.

Signature of Applicant — Date: 08/10/2023

FOR STAFF USE ONLY

DIRECTOR'S DECISION:

- [X] **Request Denied #3, #7**
- [X] **Request Approved #1, #2, #4, #6, #8, #9, #10**
- [X] **Request Approved Per Attached Comments #5**

Electronically signed on 9/22/2023 by
Anthony R. Rodriguez, AICP, CPM, Zoning Manager
Lee County Department of Community Development

Director Signature — Date

GEN2023-00315 Lee County ePlan

July 20, 2023

Mr. Anthony Rodriguez, Zoning Manager
Lee County Zoning Division
1500 Monroe Street
Fort Myers, FL 33902-0398

Subject: **Cypress Woods RV Resort RVPD**
Request for Submittal Requirement Waiver

Dear Mr. Rodriguez:

Laguna Caribe at Cypress Woods, LLC (Applicant) is proposing to amend Z-011-021 ,as amended, to:

- Amend the Schedule of Uses, Development Standards and Conditions to add "casitas"
- Request three (3) new deviation relating to existing buffer conditions and wall placement along the project perimeter;
- Amend the MCP to reflect existing emergency access points; expand the RV/boat storage area; correct preserve acreages (while maintaining preserve area in excess of the LD

The Applicant is requesting a waiver from the requirements to submit a Traffic Impact Statement per LDC Section 34-373(a)(7) based upon the fact that the proposed amendment will not increase the number of units in the RVPD that are currently approved at 611 RV and mobile home units allowed by condition 1 of Z-11-021.

The applicant is also requesting a waiver from requirements for Surface Water Management Plan, Protected Species Survey and Phasing Plan per LDC Section 34-373(b)(1-3); Potable Water & Central Sewer Letter, Ownership/Title Certification, Soils Map, FLUCCS Map, Rare & Unique Upland Habitat Map & Existing and Historical Flow-Ways Map as the development has been built out and the proposed changes address impacted areas. Moreover, the project is already connected to potable and central water.

The only area that has not been built out completely of this development is Phase 5, where no amendments are being requested.

Thank you for your consideration of this request. If you need any further information, please do not hesitate to contact me directly at (239) 908-3421, or JMedina@RViPlanning.com.

Sincerely,

RVi Planning + Landscape Architecture

e Architecture • 28100 Bonita Grande Drive, Sutie 305 • Bonita Springs, FL 34135 • 239.405.7777 •
www.rviplanning.com

GEN2023-00315 Lee County ePlan

Josephine Medina, AICP
Project Manager

Enclosures

CYPRESS WOODS RVPD
STRAP NUMBERS

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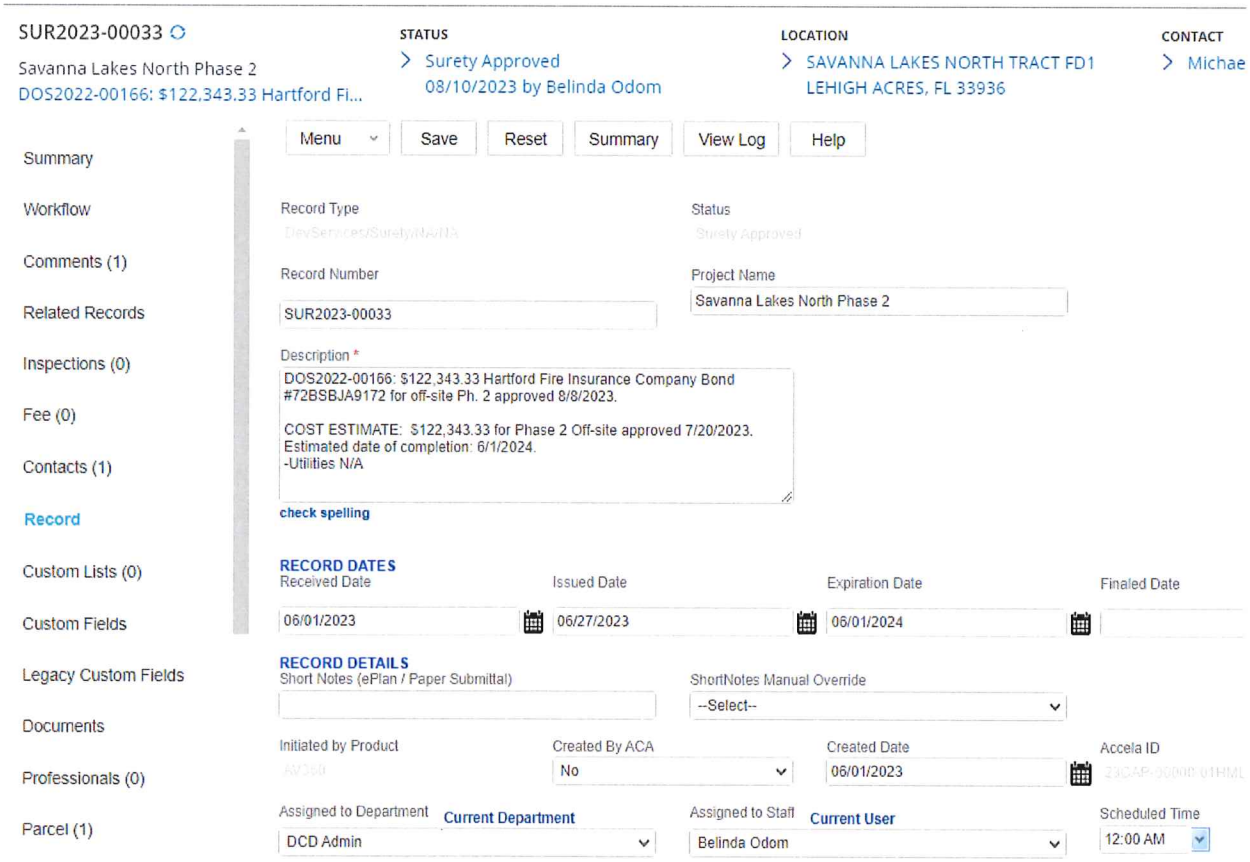
DOS2022-00166



Comments – GEN2023-00315

Legal

A title insurance policy was issued January 28, 2020. An affidavit of no change can be submitted for the time period between the issuance of the title insurance policy and the date of application and included with the title documentation from DCI2020-00002.

Traffic Impact Study:

Please provide additional information regarding the amendment in the schedule of uses

Planning

Staff recommends approval of the waiver request for the following:

Surface Water Management Plan

Environmental

The improvement to the buffer may occur within/near the existing indigenous preserve area. Please note that species move and exotics

can occur over time. The past FLUCCS and Protected Species Survey is expired. Environmental staff recommends denial for the waiver of the FLUCCS and Protected Species Survey.

Environmental Staff recommends approval of the waiver request for the following:

Existing and Historic Flow-Ways Map

Rare & Unique Upland Habitat Map

Soils Map

Zoning

Waiver # (Phasing Program) not applicable--project is near build-out and request is not proposed to be phased.

Attachment R

HUMPHREY & KNOTT
PROFESSIONAL ASSOCIATION
ATTORNEYS-AT-LAW

1625 HENDRY STREET
P. O. BOX 2449
FORT MYERS, FLORIDA 33902-2449

JAMES T. HUMPHREY
GEORGE H. KNOTT
GEORGE L. CONSOER, JR.
MARK A. EBELINI
GAREY F. BUTLER
THOMAS B. HART
MARK A. HOROWITZ
THOMAS H. FAULK, JR.
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ELLEN SUE BRYAN

DIRECTOR OF PLANNING
MICHAEL E. ROEDER, AICP

TELEPHONE (813) 334-2722

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MEMORANDUM

TO: Lee County Hearing Examiner

FROM: James T. Humphrey

DATE: June 10, 1994

RE: Case Number 94-06-14-DCI-02, Cypress Woods

The Staff Report recommended a denial without prejudice of the Cypress Woods request for rezoning with their basis being the fact that the applicant sought zoning for two Planned Development Districts on one parcel of land. The Staff relied on the opinion of the County Attorney's Office in reaching their decision. In their Memorandum dated March 21, 1994, the County Attorney's Office stated that "the somewhat unique zoning proposal does not appear to be a concept anticipated by the Board of County Commissioners in adopting the two different planned development districts". We respectfully disagree with the opinions of the Staff and the County Attorney's Office and submit the Lee County Zoning Ordinance clearly allows the combination of two Planned Development Districts on one parcel of land.

Section 400.02.B of the Zoning Ordinance states that the intent of the various Planned Development Districts is to provide some degree of flexibility in designing developments. One way this is to be accomplished is by "facilitating state of the art site planning" (400.02.B.1). Dual use zoning was labeled "an innovative and desirable housing mix" by the Staff in its recommendation to approve the Sugarmill Springs rezoning to RPD/MHPD (Case Number 93-08-31-DCI-04). The Staff has denied Cypress Woods dual use zoning request, where arguably there is a more "desirable" mix of uses here, especially considering the fact that a mixed RPD/MHPD zoning has already been approved for the Bonita Beach Trailer Park (Case Number 91-10-1-DCI-2).

Another way the various Planned Development Districts provide for flexibility in planning is stated in 400.02.B.3:

> By encouraging multiple or mixed use development strategies, including the use of several housing sites, the provision of several uses in combination such as residential and neighborhood commercial, office and light industry, and other analogous combinations (emphasis added).

From the language of 400.02.B.3 a property owner could surmise that a zoning for a mixture of uses is allowed. This is especially true when considered in conjunction with 804.01.D:

> In instances wherein a single planned development contemplates a broader mix of uses than is provided by any one planned development category, two or more planned development categories may be combined in one application (804.01.D) (emphasis added).

Thus, from the clear language of the Lee County Zoning Ordinance, a mix of uses is allowed and as such, Cypress Woods should be entitled to a dual use zoning.

The Staff Report seemed to be particularly troubled by the fact that Cypress Woods has not provided separate legal descriptions of each separate district within the parcel of land as provided by 800.01.B.2. However, the ordinance does not require a legal description of both uses within one parcel:

> A legal description of the subject property sufficiently detailed so as to locate said property on County maps or aerial photographs shall be submitted. If the application includes multiple contiguous parcels, the legal description shall describe the perimeter boundary of the total area, but need not describe each individual parcel (emphasis added).

Thus, Cypress Woods only needs to identify "the perimeter boundary of the total area". Nowhere in 800.01.B.2 does it state the individual lots within the greater parcel need to be separately identified. Neither Palmona Park nor Pelican Landing, both of which have been approved for a mixture of uses, gave legal descriptions of the individual lots within the greater parcel of land.

Not only is the combination of Districts allowed by the Zoning Ordinance, it has been previously accomplished with Palmona Park, Pelican Landing, Bonita Beach Trailer Park and Sugarmill Springs.

While the Director and County Attorney are clearly given the authority to interpret the provisions of the Zoning Ordinance by 905.03.A, in doing so they must apply "accepted rules of statutory construction". Municipal ordinances are subject to the same rules of construction as are state statutes. Rinker Materials

Corporation v. City of North Miami, 286 So. 2d 552 (Fla. 1973). Since zoning regulations are in derogation of private rights of ownership, words used in the zoning ordinance should be given their broadest meaning when there is no definition or clear intent to the contrary and the ordinance should be interpreted in favor of the property owner. Id. at 553. Thus, 804.01.D must be interpreted in the light most favorable to Cypress Woods as the landowner. Since a mixture of uses has been allowed before at various sites in Lee County, there is obviously a "clear intent" that a mixture of uses is allowed.

The language of 905.03.A also requires the interpretation of the provisions of the ordinance to be both reasonably and uniformly applied to all property within the unincorporated area of Lee County. Thus, a uniform application would not only require that a dual use be allowed as it has been with previous Zoning applications, but would also require that a dual use zoning of RVPD/MHPD be allowed as it has previously been allowed in Bonita Beach Trailer Park.

In the Hearing Examiner's recommendations on Pelican Landing (Case Number 93-08-31-DCI-04), Tim Jones of the County Attorney's Office not only approved of the idea of overlaying two Planned Developments on one parcel, but actually suggested that the Zoning Staff use this technique (pages 12 through 14 copies of which are attached). He discussed 804.01.D in the sense that it allows the combination of two or more Planned Developments into one application. He noted that historically this is done by beginning with one parcel and then splitting it into two smaller parcels, with one parcel being zoned for one use and the other parcel being zoned for the alternate use. However, he also noted that the "clear language of the ordinance" does not say this has to be done and "does not clearly forbid the overlaying of two districts". Property owners are entitled to rely upon the clear language of municipal ordinances. Nash, III. v. Fort Lauderdale Board of Adjustment, 462 So. 2d 88 (Fla. 4th DCA 1985).

In summary, we submit that two Planned Development Districts are allowed under the Zoning Ordinance and there is ample precedent in Lee County to support this position.

Attachment S

RESOLUTION NUMBER Z-20-027

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

WHEREAS, the property owner, Laguna Caribe at Cypress Woods, LLC, filed an application, in reference to Cypress Woods RV Resort Recreational Vehicle and Mobile Home Planned Development (RVPD/MHPD), to amend the following:

- Reconfigure the Master Concept Plan and correct preserve acreages;
- Increase Phase 5 lots from 134 to 137 (no net increase to overall 611 RVPD unit count);
- Allow zero lot lines and reduce waterfront setbacks;
- Add deviations for setbacks, accessory use locations, and parking; and
- Allow residential accessory uses, including "casitas" with cooking facilities.

WHEREAS, a public hearing before the Lee County Zoning Hearing Examiner, Amanda L. Rivera, was advertised and held on September 10, 2020; and

WHEREAS, the Hearing Examiner gave full consideration to the evidence in the record for Case #DCI2020-00002 and recommended APPROVAL of the Request with conditions; and

WHEREAS, a second public hearing was advertised and held on December 16, 2020 before the Lee County Board of Commissioners; and,

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

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

SECTION A. REQUEST

The applicant filed a request to rezone a 35.64± acre parcel to amend the following:

- Reconfigure the Master Concept Plan (MCP) and correct preserve acreages;
- Increase Phase 5 lots from 134 to 137 (no net increase to overall 611 RVPD unit count);
- Allow zero lot lines and reduce waterfront setbacks;
- Add deviations for setbacks, accessory use locations, and parking; and
- Allow residential accessory uses, including "casitas" with cooking facilities.

The property is located in the Urban Community Future Land Use Category and is legally described in attached Exhibit A. The request is APPROVED, SUBJECT TO the conditions and deviations specified in Sections B and C below.

SECTION B. CONDITIONS:

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

This zoning resolution codifies and supersedes Resolution Z-94-025, PD-95-019, ADD2002-00111, ADD2003-00122, Z-03-057, ADD2004-00102, ADD2010-00013, Z-11-021, ADD2019-00066, and ADD2020-00049(A).

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

   Development must comply with all requirements of the LDC and Lee Plan at time of local development order approval, except as may be granted by deviation as part of this planned development. If changes to the MCP, conditions, or deviations are subsequently pursued, appropriate approvals will be necessary.

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

2. Uses and Site Development Regulations

   a. Schedule of Uses

   Phases 1-5:

   Accessory Uses
   - Consumption on Premises
   - Food Stores, Group I
   - Gazebos (maximum 200 square feet)(Condition 10)
   - Personal Services, Group I

   Administrative Offices
   Entrance Gates or Gatehouse
   Essential Services Facility, Group I
   Excavation, Water Retention
   Mobile Homes
   Model Home, Unit, Display Center
   Park Trailers
   Recreational Facilities, Personal
   Recreational Vehicles
   Signs
   Storage
   - Indoor
   - Open, Phases 1-4 only (Limited to RVs, trailers, boats, and other vehicles/goods belonging to park residents)

   Tents
   Vehicle and Equipment Dealers, Group "IV" (RVs only)

Phase 5 only:

Accessory Uses and Structures, including:
Cabanas (maximum 600 square feet)[1]
Club, Private, On-site with the following accessory uses:
Consumption on Premises, indoor and outdoor
Food and Beverage Services, Limited
Personal services, Group I only
Community Gardens
Essential Services
Fences and Walls
Parking lot, Accessory
Real Estate Sales Office
Recreational Facilities, Private, On-site
Storage, Open (limited to trailers, boats, and other vehicles/goods of RVPD residents; Storage of RVs is not permitted)

b. Site Development Regulations

Phases 1-4:

Minimum Lot Area and Dimensions

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

Minimum Setbacks

Street:	20 feet
Side Street:	10 feet (Deviation 4)
Side:	10 feet (for RVs) 5 feet (for Mobile Homes)
Rear	20 feet
Water Body:	25 feet

Phase 5:

Minimum Lot Area and Dimensions: RV Lots

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

Minimum Setbacks: RV Lots

Street:	20 feet
Side Street:	10 feet (see Deviation 4)
Side:	0/5 feet (for RV or accessory structure to the side lot line); 10 feet between parked RVs and accessory structures[2]
Rear (Principal):	10/20 feet (20 foot rear setback for lots abutting developed RV lots in Phases 1-4)

[1] Consistent with LDC §34-1182.
[2] RV pads may be within 10 feet of accessory structure consistent with MCP "Typical Lot Detail."

Rear (Accessory):	5 feet (0 feet from lake maintenance easement for waterfront lots)
Waterbody:	20 feet
Maximum Lot Coverage:	50% (RV pad and roofed accessory structures)
Maximum Building Height:	30 feet

Minimum Lot Area and Dimensions: Amenity Tract

Lot Area:	10,000 square feet
Width:	100 feet
Depth:	100 feet

Minimum Setbacks: Amenity Tract

Street:	20 feet
Side (Principal):	10 feet
Side (Accessory):	5 feet
Rear (Principal):	10 feet
Rear (Accessory):	5 feet
Waterbody:	0 feet
Maximum Lot Coverage:	45% (RV pad and roofed accessory structures)
Maximum Building Height:	45 feet

3. Onsite Shelter:

The on-site Hurricane Shelter must be consistent with the commitment on the MCP.

4. Utilities:

Development must connect to a public or private central water system and a public or private sewage disposal system.

5. Fox Squirrel Preserve Area & Northern Buffer:

Development order plans must depict Fox Squirrel Preserve areas consistent with the MCP. Developer must relocate golden polypody found on trees within development areas to preserve areas.

Landscape plans must include a 0.90 acre restoration planting plan in substantial compliance with the Restoration and Maintenance Plan prepared by Southern Biomes dated June 9, 2009 (Exhibit D) along the Phase 5 northern property line prior to issuance of a Phase 5 development order. Developer must submit an indigenous management plan for required indigenous open space and restoration areas.

Developer must complete restoration of the 0.90 acres along the Phase 5 northern property line in compliance with the Restoration and Maintenance Plan prepared by Southern Biomes dated June 9, 2009 (Exhibit D) prior to issuance of a Certificate of Compliance for Phase 5 infrastructure.

6. Open Space:

The overall project must provide 64.24 acres minimum of open space for all phases of the project in substantial compliance with the MCP.

7. Indigenous Open Space:

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

8. Indigenous Maintenance and Management Plan:

Developer must submit a Maintenance and Management Plan for Indigenous Preserve areas for Division of Environmental Sciences approval with Phase 5 development order application.

9. Landscape Plans:

Phase 5 landscape plans must be in substantial compliance with the Habitat Restoration and Maintenance Guidelines and depict:

a. Planting of slash pines (Pinus elliotti var densa), dahoon holly (Ilex cassine), laurel oak (Quercus laurifolia) and live oaks (Quercus virginiana), planted an average of 15-feet on center;
b. 75 percent of planted trees must be 10 feet in height, two inch caliper;
c. 25 percent of planted trees must be 16 feet in height, three-four-inch caliper;
d. Shrubs consistent with the restoration plan, planted in scattered clusters one gallon container size, three feet on center; and
e. A five-year monitoring report to ensure successful habitat restoration.

10. Gazebos:

One gazebo is permitted per RV lot. Gazebos must be unenclosed and cannot exceed 200 square feet (including overhangs).

11. Overflow Golf Cart Parking Area:

Access to the Phase 5 amenity tract from the overflow parking area must include a paved sidewalk, painted crosswalk, and appropriate roadway signage.

12. Accessory Setback:

Phase 5 lots must provide at least 10 feet between principal structures, accessory structures, and RVs parked on site. The RV pad may be within 10 feet consistent with the MCP "Typical Lot Detail."

13. Perimeter Buffer:

Prior to development order approval depicting perimeter buffer plantings with the Florida Power and Light (FPL) easement, developer must submit the FPL Easement Agreement stating buffer plantings may be installed in the easement.

14. Vegetation Removal Permit:

Developer must provide "Notification of FPL Facilities" FPL Form 360 prior to commencement of construction within the easement or to issuance of a vegetation removal permit for Phase 5.

15. Easement Landscape Maintenance:

Developer must replace required vegetation within the easement area. Failure to replace vegetation consistent with this zoning approval will result in a Code violation.

SECTION C. DEVIATIONS:

1. Deviation (1) seeks relief from the LDC §14-298(c) requirement to provide for the development of the "TZ" area as indicated on the MCP. This deviation is APPROVED SUBJECT TO the mitigation plan titled "Cypress Woods Monitoring and Maintenance Plan" submitted by Boylan Environmental Consultants, Inc., stamped and dated May 18, 1995. Mitigation must follow the phasing presented in these documents and all monitoring reports must be submitted to the Lee County Division of Environmental Sciences within thirty days of the scheduled monitoring events.

2. Deviation (2) is DENIED.

3. Deviation (3) seeks relief from the LDC §10-714.b requirement to provide a 90 foot turn-out radius to 30 feet. This deviation is APPROVED SUBJECT TO the developer providing a paved/stabilized surface with a minimum radius of 42 feet and, in addition, providing an unobstructed clear zone of 48-foot radius (6 feet clear zone beyond driving range).

4. Deviation (4) seeks relief from the LDC §34-2192(a) requirement to allow a reduction in the street setback from 20 feet to 5 feet on the "side" lot line for corner lots. This deviation is APPROVED SUBJECT TO the terms of Condition 2.

5. Deviation (5) seeks relief from the LDC §§ 10-296(b) and 10-296, Table 3 requirement of a 45-foot right-of-way for a local street with open drainage, to permit a local street with 30 feet of right-of-way and open drainage. This deviation is APPROVED SUBJECT to the condition that the typical lot cross section demonstrates that the drainage performs adequately by showing the slab placement at the time of Development Order stage.

6. Deviation (6) seeks relief from the LDC §34-939(b)(6) requirement of a 5,000 square-foot minimum lot to provide a 4,140 square foot minimum (46 feet x 90 feet). This deviation is APPROVED SUBJECT TO Condition 2.

7. Deviation (7) seeks relief from the LDC §34-939(b)(7)c requirement of a side setback of 10 feet and a street (right-of-way) setback of 25 feet, to permit a side setback of 5 feet and a street (right-of-way) setback of 20 feet in the non-transient section of the park. This deviation is APPROVED provided setbacks are in conformance with Condition 2 and all side setbacks apply to all portions of the structure or unit, including overhangs.

8. Deviation (8) seek relief from the LDC §34-939(b)(3) requirement to permit an access road through the perimeter buffer to the boat storage area. This deviation is APPROVED SUBJECT TO Condition 8.

9. Deviation (9) seeks relief from the LDC §34-736 requirement of a 5,000 square foot minimum lot (50 feet x 100 feet) to provide a 4,140 square foot minimum lot (46 feet x 90 feet). This deviation is APPROVED SUBJECT TO Condition 2.

10. Deviation (10) seeks relief from the LDC §34-7361 requirement of a side setback of 7 feet, to permit a side setback of 5 feet. This deviation is APPROVED SUBJECT TO Condition 2.

11. Deviation (11) seeks relief from the LDC §§ 34-2222(1) and 10-254(b) requirements to allow corner lots to be the same size as the other lots within the development (and not have an additional 15 feet of width). This deviation is APPROVED SUBJECT TO Condition 2.

12. Deviation (12) seeks relief from the LDC §10-295 to eliminate the requirement for street stubs to adjacent properties. This deviation is APPROVED.

13. Deviation (13) seeks relief from the LDC §34-939(b)(3) to eliminate the requirement for a buffer between a recreational vehicle park and adjacent property interior to the site. This deviation is APPROVED for the interior portion of the site only.

14. Deviation (14) seeks relief from the LDC Section §34-935(a)(l) to eliminate the requirement that a new recreational vehicle park be not less than 20 acres in size. This deviation is APPROVED.

15. Deviation (15) seeks relief from the LDC Section §§ 34-2194(b) and (c) requirements of a 25 foot water body setback; to allow a zero foot setback in order to permit the construction of a clubhouse, deck, pier, and gazebo 90 feet into the artificial body of water. This deviation is APPROVED SUBJECT TO substantial compliance with the proposed construction of the clubhouse and related facilities on the approved Plan entitled, Cypress Woods, R.V. Resort Clubhouse Area Dev. Order Plans; Drainage, Parking & Site Dim. Plan; dated 04-14-03, stamped received AUG 21, 2003 and subject to the requirement that the water body setback must not adversely impact any open space requirement, wetland vegetation plantings, or other buffering, landscaping, or preservation areas or requirements.

16. Deviation (16) seeks relief from the LDC §34-2020 requirement of 135 parking spaces for the two clubhouse facilities, to allow 44 off-street parking spaces. This deviation is APPROVED, SUBJECT TO the reservation of Lots 85 and 86 (Phase "4") and Tract I (Phase "3", which lies immediately east of Lots 85 and 86, Phase "4") for the use of overflow parking only, and may not be used as a recreational vehicle or mobile home site. Upon the sale of the last lot (site), in the last Phase of the development, if the applicant can adequately demonstrate during the season of the highest occupancy of the development that the overflow parking areas were not needed, the two lots can then be used for recreational vehicle or mobile home sites as provided for in this planned development. A reduced copy of a Plan entitled Cypress Woods R.V. Resort Phase "IV", IVA, & IVB, stamped received SEP 08, 2003 depicts these parcels.

17. Deviation (17) seeks relief from the LDC §34-935(a)(1) requirement of a minimum of 5 acres of land necessary to expand an existing recreational vehicle park, to allow an expansion of 2.1+/- acres. This deviation is APPROVED.

Deviations 18 through 24 apply only to Phase 5:

18. Deviation (18) seeks relief from the LDC §10-296(b) Table 2 requirement of a 40 foot right-of-way with open drainage for a privately maintained local street to allow for a 30 foot right-of-way with closed drainage. This deviation is APPROVED.

19. Deviation (19) seeks relief from the LDC §10-296(b) Table 8 requirement of planting strips and sidewalks to allow for a privately maintained right-of-way with no planting strip or sidewalk. This deviation is APPROVED.

20. Deviation (20) seeks relief from the LDC §34-2015(1) requirement for all parking spaces to be located on the same premises as the use they serve, to allow 16 golf cart parking spaces within 200 feet of the amenity tract. This deviation is APPROVED SUBJECT TO Condition 11.

21. Deviation (21) seeks relief from the LDC §34-939(b)(7)(c) requirement of a minimum 10 foot set back from each side and rear recreational vehicle lot, to allow a 0 foot setback for the side and rear lot line of all rear recreational vehicle lots. This deviation is APPROVED SUBJECT TO Condition 12.

22. Deviation (22) seeks relief from the LDC §34-939(b)(3) requirement that all recreational vehicle parks have a perimeter buffer area at least 40 feet wide adjacent to and completely around the boundary of the site, to allow accessory uses outside of the proposed buffer. This deviation is APPROVED SUBJECT TO Conditions 13, 14, and 15.

23. Deviation (23) seeks relief from the LDC §10-415(b)(1)(c) requirement of a 20 foot minimum setback from indigenous vegetation and trees and 30 foot setback for indigenous plant communities subject to fire, to allow a 20 foot minimum setback from upland preserve lots 68-70 and 75-76. This deviation is APPROVED.

24. Deviation (24) is WITHDRAWN.

SECTION D. EXHIBITS:

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

Exhibit A: Legal description of the property
Exhibit B: Zoning Map (with the subject parcel indicated)
Exhibit C: The Master Concept Plan
Exhibit D: Habitat Restoration and Maintenance Guidelines

SECTION E. FINDINGS AND CONCLUSIONS:

Based upon its review, the Board of County Commissioners adopts the recommendation of the Hearing Examiner, including the following findings and conclusions:

1. *As conditioned herein*, the proposed rezoning to RVPD:

    a. Complies with the Lee Plan. *See,* Lee Plan Vision Statement Paragraph 4 (Fort Myers Shores Planning Community), Lee Plan Goals 2, 4, 5, 21, 39,

Objectives 2.2, and Policies 1.1.4, 5.1.5, 61.3.6, 135.1.3, 135.1.9, 158.1.9, 158.1.10; Lee Plan Maps 1, 16.

b. Complies with the LDC and other County regulations. *See*, LDC Chapters 10 and 34; LDC §33-1480 *et. seq.*

c. Is compatible with existing and planned uses in the area. *See,* Lee Plan Policies 1.1.4, 2.1.1, 2.1.2, 2.2.1, 5.1.5, 135.1.9; LDC §§ 34-411(c), (i), and (j).

d. Will not adversely affect environmentally critical areas and natural resources. *See,* Lee Plan Goal 77, Objectives 4.1, 77.1, and LDC §34-411(h).

e. Will be served by urban services. *See,* Lee Plan Glossary, Maps 6, 7, Goal 2; Objectives 2.1, 2.2, 4.1, 53.1, 56.1; Policies 2.2.1, 5.1.3, 135.9.7 and Standards 4.1.1 and 4.1.2; LDC §34-411(d).

2. The MCP reflects sufficient access to support the intensity of development. In addition, County regulations and conditions of approval will address expected impacts to transportation facilities. *See,* Lee Plan Goal 39, Objective 39.1; LDC §34-411(d).

3. The proposed mix of uses is appropriate at the proposed location. *See,* Lee Plan Policies 1.1.4, 2.1.1, 5.1.3, 5.1.5, and 135.1.9.

4. The recommended conditions are sufficient to protect the public interest and reasonably relate to the impacts expected from the development. *See,* Lee Plan Policies 5.1.5, 135.9.6; *See also,* LDC Chapters 10, 33 and 34.

5. As conditioned herein, the deviations:

   a. Enhance the objectives of the planned development; and

   b. Promote the intent of the LDC to protect the public health, safety, and welfare. *See,* LDC §34-377(b)(4).

SECTION F. SCRIVENER'S ERRORS

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

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

Adopted by unanimous consent.

Kevin Ruane	Absent
Cecil Pendergrass	Aye
Raymond Sandelli	Aye
Brian Hamman	Aye
Frank Mann	Aye

DULY PASSED AND ADOPTED this 16th day of December 2020.

ATTEST:
LINDA DOGGETT, CLERK

BY: _____
Deputy Clerk

BOARD OF COUNTY COMMISSIONERS
OF LEE COUNTY, FLORIDA

BY: _____
Kevin Ruane, Chair

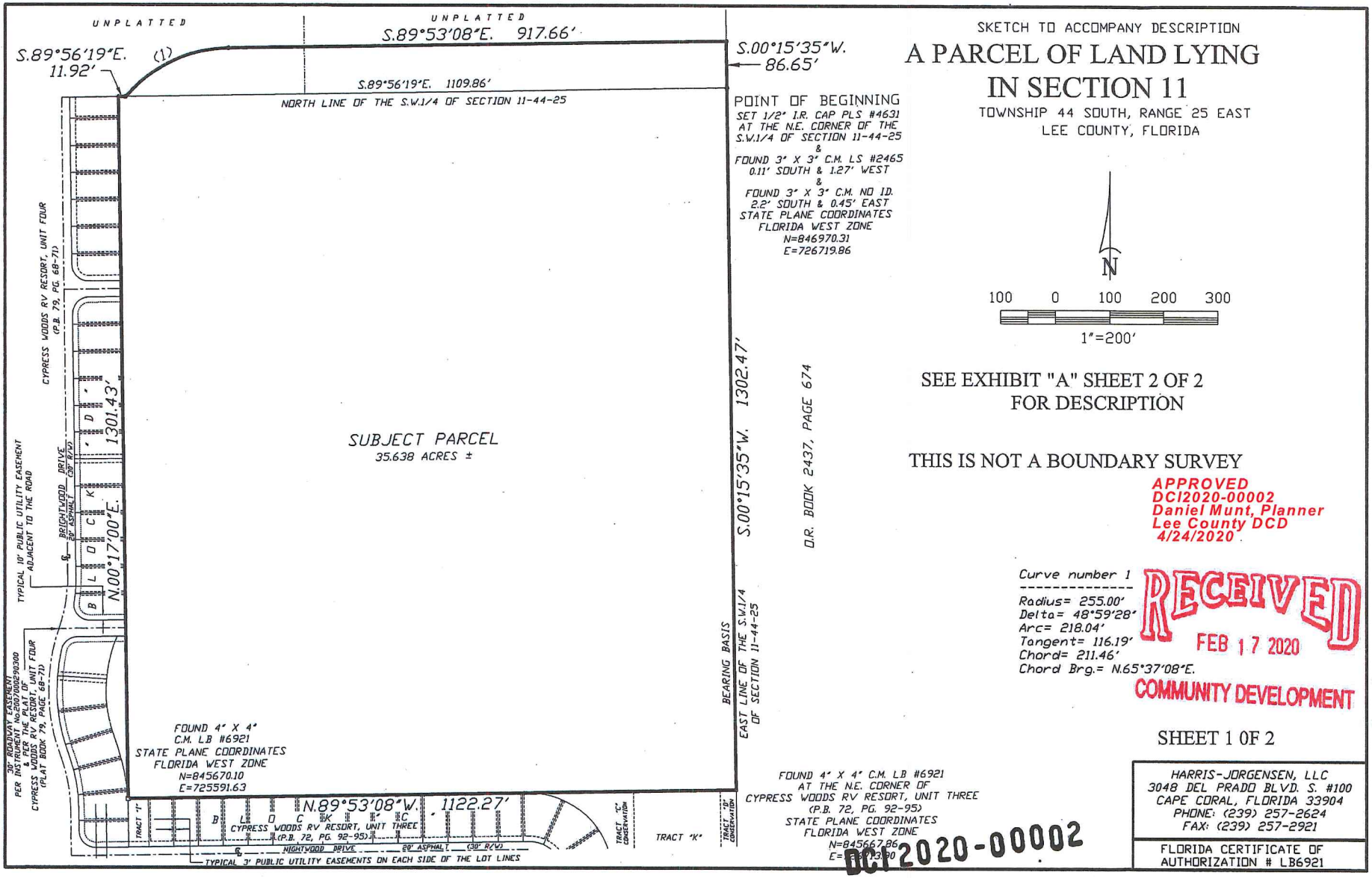
APPROVED AS TO FORM FOR THE
RELIANCE OF LEE COUNTY ONLY

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

RECEIVED
MINUTES OFFICE
2021 FEB -1 PM 2:47

DCI2020-00002 Lee County ePlan

EXHIBIT A



SKETCH TO ACCOMPANY DESCRIPTION

A PARCEL OF LAND LYING IN SECTION 11

TOWNSHIP 44 SOUTH, RANGE 25 EAST
LEE COUNTY, FLORIDA

N

100 0 100 200 300

1"=200'

SEE EXHIBIT "A" SHEET 2 OF 2
FOR DESCRIPTION

THIS IS NOT A BOUNDARY SURVEY

APPROVED
DCI2020-00002
Daniel Munt, Planner
Lee County DCD
4/24/2020

Curve number 1

Radius= 255.00'
Delta= 48°59'28"
Arc= 218.04'
Tangent= 116.19'
Chord= 211.46'
Chord Brg.= N.65°37'08"E.

RECEIVED
FEB 17 2020
COMMUNITY DEVELOPMENT

SHEET 1 0F 2

HARRIS-JORGENSEN, LLC
3048 DEL PRADO BLVD. S. #100
CAPE CORAL, FLORIDA 33904
PHONE: (239) 257-2624
FAX: (239) 257-2921

FLORIDA CERTIFICATE OF AUTHORIZATION # LB6921

DCI2020-00002

DCI2020-00002 Lee County ePlan

REVISED	DESCRIPTION	BY
6/25/2020	ADDED TOPOGRAPHY	RBH
3/27/2020	ADDED OWNER'S POLICY	RBH

PHILLIP M. MOULD
PROFESSIONAL SURVEYOR AND MAPPER
LS6515 - STATE OF FLORIDA

DATE OF LAST FIELD WORK: 8/22/2020		
DRAWN: RBH	CHECK: PMM	SCALE: 1"=30'
SURVEY DATE: 5/23/18	FILE NO.: 44-23-11	PROJ. #: CV-10
		SHT.- 1 OF - 4

HARRIS-JORGENSEN, LLC.
3048 SW. FRIAR BLVD. SUITE 105
CAPE CORAL, FLORIDA 33914
PHONE: (239) 257-2624
FAX: (239) 257-2921

FLORIDA CERTIFICATE OF AUTHORIZATION LB6921

MATTERS PERTAINING TO OWNER'S POLICY:
8th OLD REPUBLIC NATIONAL TITLE INSURANCE COMPANY.
POLICY No. OFS-8739252, DATED JANUARY 28, 2020 AT 4:36 PM.

SCHEDULE B-II

ITEMS 1, 2, 3, 4, 5, 7, 8, 9, 13, 14, 16, 17, AND 18 ARE NOT SURVEY RELATED.
ITEM 6 OLD BOOK 655, PAGE 496, AS SHOWN HEREON.
ITEM 11 OLD BOOK 3703, PAGE 2632, AS SHOWN HEREON.
ITEM 11 OLD BOOK 4315, PAGE 3112, AS SHOWN HEREON.
ITEM 12 INSTRUMENT No. 2007000236000, AS SHOWN HEREON.
ITEM 15 INSTRUMENT No. 2012000218224, AS SHOWN HEREON.

SURVEY NOTES:
1. BASIS OF BEARING SHOWN HEREON TAKEN FROM THE EAST LINE OF THE SOUTHWEST QUARTER OF SECTION 11-44-25, AS BEING S.00°15'35"W.
2. FIELD NOTES IN SECTION 11-44-25.
3. THIS CERTIFICATION IS ONLY FOR LANDS DESCRIBED HEREIN. IT IS NOT A CERTIFICATION OF TITLE, ZONING OR FREEDOM OF ENCUMBRANCES.
4. THIS SURVEY IS BASED ON OWNER'S POLICY BY OLD REPUBLIC NATIONAL TITLE INSURANCE COMPANY, POLICY No. OFS-8739252, DATED JANUARY 28, 2020 AT 4:36 PM.
5. UNDERGROUND STRUCTURES AND UTILITIES, IF ANY, ARE NOT INCLUDED.
6. THIS MAP/PLAT IS NOT VALID WITHOUT THE SIGNATURE AND THE ORIGINAL RAISED SEAL OF A FLORIDA LICENSED SURVEYOR AND MAPPER.
7. ALL BEARINGS AND DISTANCES ARE PLAT AND MEASURED, UNLESS OTHERWISE SHOWN.
8. ISSUANCE OF THIS DRAWING, FROM THIS FIRM, SHALL NOT RELIEVE THE BUILDER AND/OR CONTRACTORS OF THE RESPONSIBILITY TO REVIEW AND VERIFY ALL NOTES, DIMENSIONS, ELEVATIONS, AND ADHERENCE TO APPLICABLE BUILDING CODES PRIOR TO COMMENCEMENT OF ANY CONSTRUCTION. BUILDER MAY NEED TO ADJUST ELEVATION AND/OR SETBACKS PRIOR TO CONSTRUCTION IF OTHER RESTRICTIONS EXIST.
9. THIS SURVEY IS INTENDED TO BE VIEWED AS AN 24x36, 30 SCALE DRAWING.
10. THIS SURVEY IS LOCATED IN STATE PLANE COORDINATES FLORIDA WEST ZONE NAD83.
11. BENCHMARK DERIVED FROM RTCH-RST 0103, ELEVATION 35.68' N.A.V.D. 1988
12. ELEVATIONS ARE NORTH AMERICAN VERTICAL DATUM OF 1988 (N.A.V.D.)

FLOOD ZONE: "X" ELEVATION N/A
COMMUNITY No.: 125124 PANEL No.: 0091
SUFFIX: — F REVISION DATED: 8/28/08
MAP NUMBER: 12071C0091F

THIS SURVEY IS CERTIFIED TO:
DUANE J. TRUITT
LEE COUNTY

LEGEND:

⊕	SET #4 IRON ROD (CAP LB6921)	R.W.B.	RECLAIM WATER BOX
○	FOUND IRON ROD (I.D.)	W.M.	WATER METER
□	CONCRETE MONUMENT (C.M.)	O/H	OVERHEAD POWER
P.R.M.	PERMANENT REFERENCE MONUMENT	P.P.	POWER POLE
P.U.E.	PUBLIC UTILITY EASEMENT	G.A.S.V.	GUY ANCHOR & WIRE
D.E.	DRAINAGE EASEMENT	T.S.B.	TELEPHONE SERVICE BOX
P.C.	POINT OF CURVATURE	N/A	NAIL & DISK
O.R.	OFFICIAL RECORDS BOOK	W.T.	NAIL & TINTAB
(S)	AS PER SURVEY	ELEV.	ELEVATION
(P)	AS PER PLAT	B.M.	BENCHMARK
CL	CURVE LENGTH	T.E.	TYPICAL ELEVATION
R	RADIUS	A/C	AIR CONDITIONER
R/W	RIGHT-OF-WAY	W.E.	WATER METER
℄	CENTERLINE	P.E.	POOL EQUIPMENT
E.P.	ELECTRIC PEDESTAL	CONC.	CONCRETE
C.O.	CLEAN-OUT	E.O.	ELECTRIC OUTLET
		C.P.P.	CORRUGATED PLASTIC PIPE

BOUNDARY SURVEY OF
A PARCEL OF LAND LYING IN SECTION 11
TOWNSHIP 44 SOUTH, RANGE 25 EAST
(INSTRUMENT No. 2007000236000)
LEE COUNTY, FLORIDA

SCALE IN FEET

DESCRIPTION: (PER OWNER'S POLICY)

A TRACT OR PARCEL OF LAND LYING IN SECTION 11, TOWNSHIP 44 SOUTH, RANGE 25 EAST, LEE COUNTY, FLORIDA, DESCRIBED AS FOLLOWS:

BEGINNING AT THE NORTHEAST CORNER OF THE SOUTHWEST QUARTER (S.W.1/4) OF THE AFORESAID SECTION 11; THENCE RUN S.00°15'35"W. ALONG THE EAST LINE OF SAID SOUTHWEST QUARTER (S.W.1/4) FOR 1,282.47 FEET TO THE NORTHEAST CORNER OF CYPRESS WOODS RV RESORT, UNIT THREE, AS RECORDED IN PLAT BOOK 79, PAGES 79 THROUGH 81, PUBLIC RECORDS OF LEE COUNTY, FLORIDA; THENCE RUN N.89°53'08"W. ALONG THE NORTH LINE OF CYPRESS WOODS RV RESORT, UNIT THREE FOR 1322.27 FEET; THENCE RUN N.00°17'00"E. FOR 1,261.43 FEET TO A POINT ON THE NORTH LINE OF THE AFORESAID SOUTHWEST QUARTER (S.W.1/4); THENCE RUN S.89°56'19"E. ALONG THE NORTH LINE OF SAID SOUTHWEST QUARTER (S.W.1/4) FOR 1,136 FEET TO A POINT ON A ON TANGENT CURVE; THENCE RUN NORTHEASTERLY FOR 218.04 FEET ALONG THE ARC OF A CURVE CONCAVE SOUTHEASTERLY, WITH A RADIUS OF 255.00 FEET, A DELTA OF 49°00'28", A CHORD BEARING OF N65°07'08"E. AND A CHORD DISTANCE OF 211.46 FEET TO A POINT OF TANGENCY; THENCE RUN S.89°53'08"E. FOR 917.64 FEET TO A POINT ON THE EAST LINE OF THE NORTHWEST QUARTER (N.W.1/4) OF THE AFORESAID SECTION 11; THENCE RUN S.00°15'35"W. ALONG SAID EAST LINE FOR 66.65 FEET TO THE POINT OF BEGINNING.

BEARINGS ARE BASED ON THE EAST LINE OF THE SOUTHWEST QUARTER (S.W.1/4) OF THE AFORESAID SECTION 11 AS BEING S.00°15'44"W.

APPROVED
DCI2020-00002
Daniel Munt, Planner
Lee County DCD
4/24/2020

Curve number 1
Radius= 255.00' (S & D)
Delta= 49°59'28" (S & D)
Arc= 218.04' (S & D)
Chord= 211.46' (S & D)
Chord Brg.= N.64°35'12"E. (S)
Chord Brg.= N.65°37'08"E. (D)

TRACT B-2
LANDSCAPE BUFFER EASEMENT, PRIVATE UTILITY EASEMENT AND DRAINAGE TRACT

N.89°04'56"E. 917.64' (S) S.89°53'08"E. 917.66' (D)

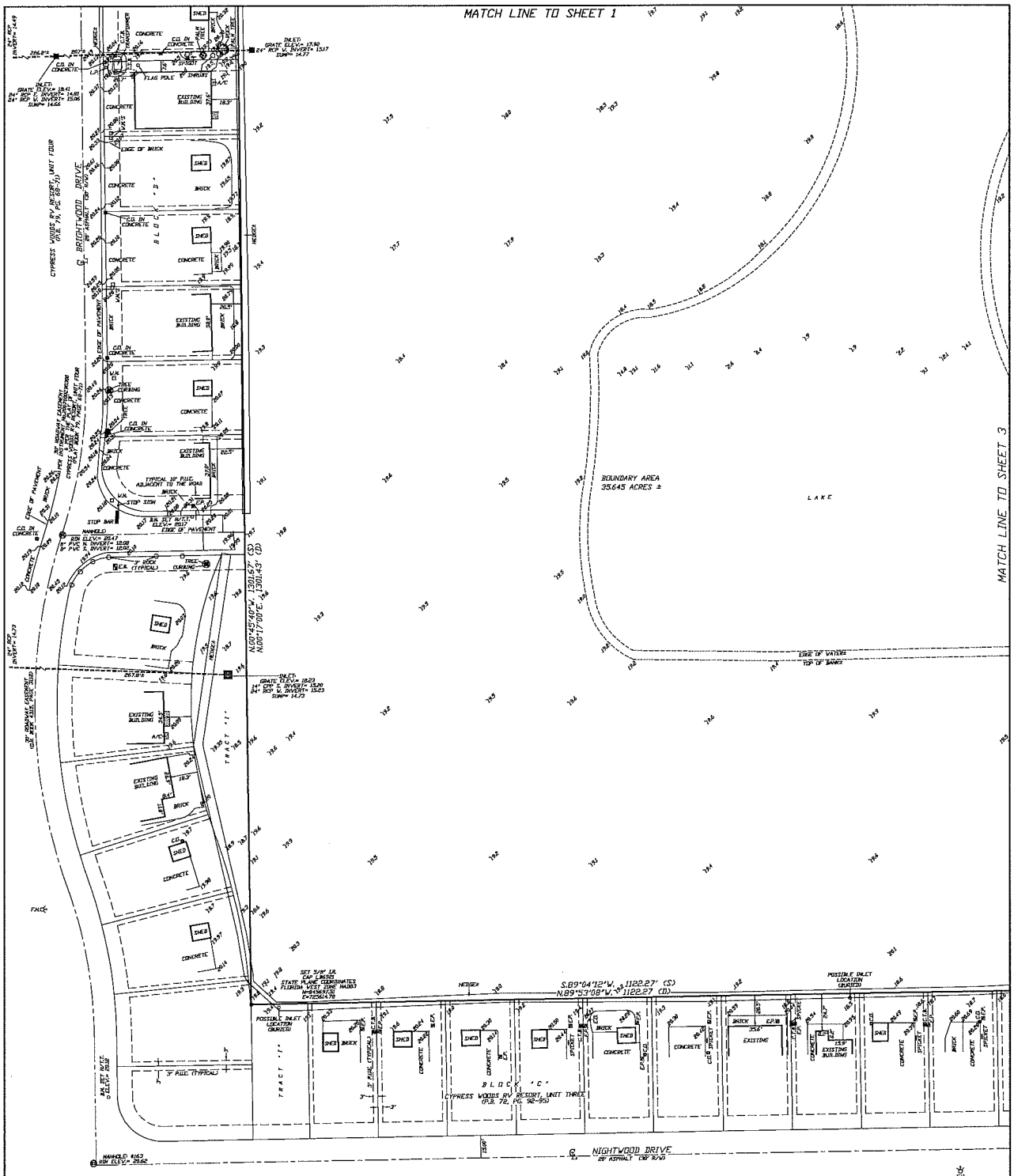
EMERGENCY ACCESS EASEMENT PER INSTRUMENT No. 2020000110254 TO CYPRESS TRAIL RESORT CIRCLE

N.89°01'45"E. 12.23' (S)
S.89°56'19"E. 11.92' (D)

N.89°01'45"E. 1109.84'
NORTH LINE OF THE S.W.1/4 OF SECTION 11-44-25

TOP OF BANK
EDGE OF WATER
BOUNDARY AREA
35.645 ACRES ±
LAKE

EXISTING BUILDING 4049 BRICK
EXISTING BUILDING 4051 BRICK
EXISTING BUILDING 4053 A/C BRICK
EXISTING BUILDING 4055 BRICK
EXISTING BUILDING 4057 BRICK
EXISTING BUILDING 4059 BRICK
EXISTING BUILDING 4061 BRICK
EXISTING BUILDING 4063 BRICK
EXISTING BUILDING 4065 BRICK
EXISTING BUILDING 4067 BRICK
EXISTING BUILDING 4069 BRICK
EXISTING BUILDING 4071 BRICK
EXISTING BUILDING 4073 BRICK
EXISTING BUILDING



BOUNDARY SURVEY OF
A PARCEL OF LAND LYING IN
SECTION 11
TOWNSHIP 44 SOUTH, RANGE 25 EAST
(INSTRUMENT No. 2007000309485)
LEE COUNTY, FLORIDA

LEGEND:

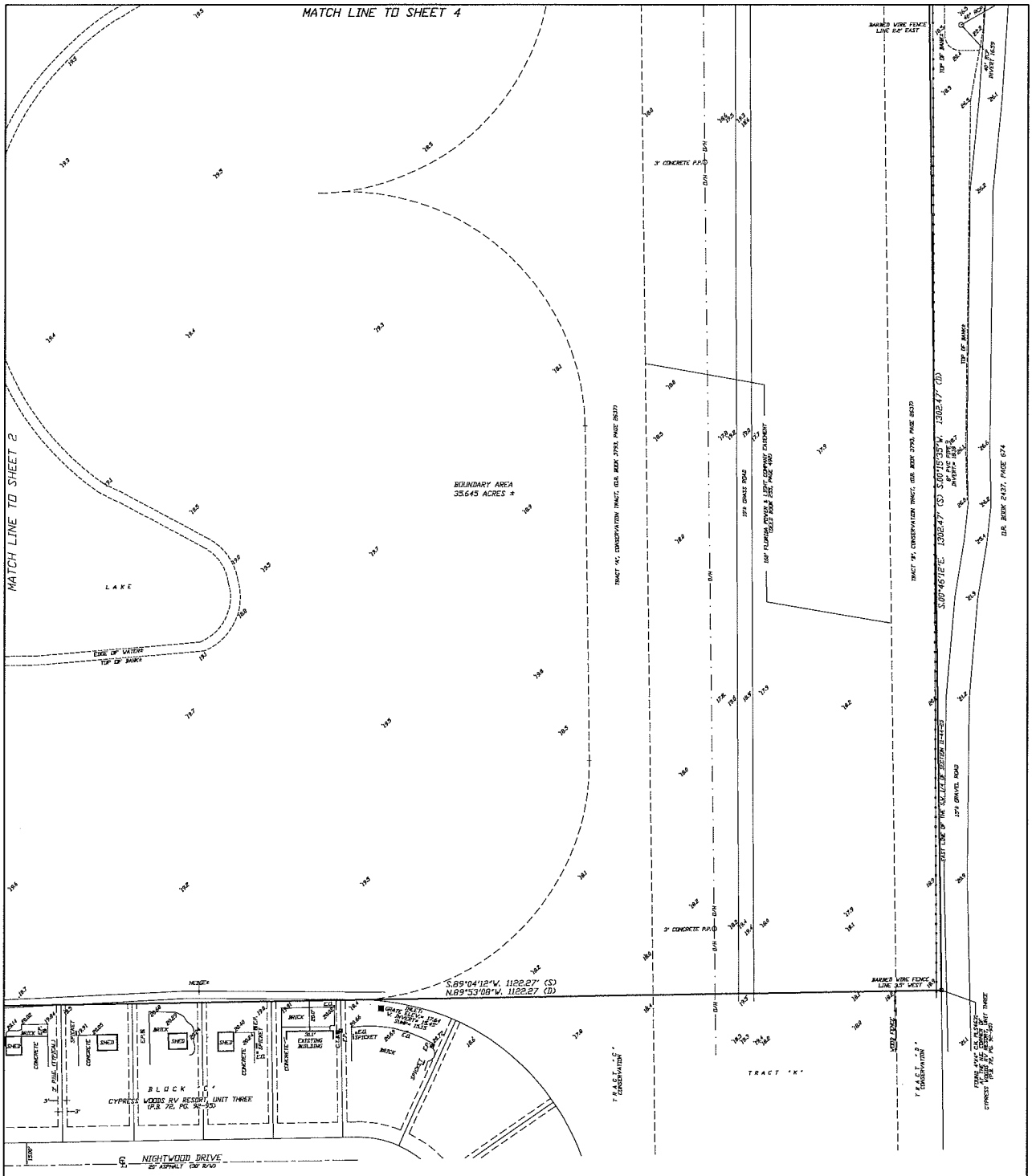
●	SET #4 IRON ROD (CAP LB6921)	R.W.B.	RECLAIM WATER BOX
○	FOUND IRON ROD (I.R.)	W.M.	WATER METER
⊙	CONCRETE MONUMENT (C.M.)	O/H	OVERHEAD POWER
P.R.M.	PERMANENT REFERENCE MONUMENT	P.P.	POWER POLE
P.U.E.	PUBLIC UTILITY EASEMENT	G.A.&W.	GUY ANCHOR & WIRE
D.E.	DRAINAGE EASEMENT	T.S.B.	TELEPHONE SERVICE BOX
P.C.	POINT OF CURVATURE	N/D	NAIL & DISK
O.R.	OFFICIAL RECORDS BOOK	M/T.T.	NAIL & TINTAB
(S)	AS PER SURVEY	ELEV.	ELEVATION
(P)	AS PER PLAT	B.M.	BENCHMARK
(C)	CURVE NUMBER	⊕	TYPICAL ELEVATION
L	LINE NUMBER	A/C	AIR CONDITIONER
R/W	RIGHT-OF-WAY	W.S.	WATER SYSTEM
℄	CENTERLINE	P.E.	POOL EQUIPMENT
E.P.	ELECTRIC PEDESTAL		CONCRETE
C.O.	CLEAN-OUT	E.O.	ELECTRIC OUTLET
		CPP	CORRUGATED PLASTIC PIPE

REVISED:	DESCRIPTION:	BY:
2/22/2020	ADDED TOPOGRAPHY	RBH
3/27/2020	ADDED OWNER'S POLICY:	RBH

DATE OF LAST FIELD WORK: 2/22/2020

DRAWN	CHECK:	SCALE	PROJ. #	
RBH	PMH	1"=30'	CW-US	HARRIS-JORGENSEN, LLC. 3648 DEL PRADO BLVD. S SUITE 100 CAPE CORAL, FLORIDA 33904 PHONE: (239) 257-2624 FAX: (239) 257-2921
SURVEY DATE		FILE NO.	SHT.- 2	
9/23/18		44-25-11	OF - 4	

FLORIDA CERTIFICATE OF AUTHORIZATION LB6921



BOUNDARY SURVEY OF
A PARCEL OF LAND LYING IN
SECTION 11
TOWNSHIP 44 SOUTH, RANGE 25 EAST
(INSTRUMENT No. 2007000306405)
LEE COUNTY, FLORIDA

N

15 0 15 30 45
SCALE IN FEET

LEGEND:

●	SET #4 IRON ROD (CAP L36920)	R.W.B.	RECLAIM WATER BOX
○	FOUND IRON ROD (I.R.)	W.M.	WATER METER
□	CONCRETE MONUMENT (C.M.)	O/H	OVERHEAD POWER
P.R.M.	PERMANENT REFERENCE MONUMENT	P.P.	POWER POLE
P.U.E.	PUBLIC UTILITY EASEMENT	G.A.&V.	GUY ANCHOR & WIRE
D.E.	DRAINAGE EASEMENT	T.S.B.	TELEPHONE SERVICE BOX
P.C.	POINT OF CURVATURE	N/B	NAIL & DISK
O.R.	OFFICIAL RECORDS BOOK	N/T.T.	NAIL & TINTAB
(S)	AS PER SURVEY	ELEV.	ELEVATION
(P)	AS PER PLAT	B.M.	BENCHMARK
(C)	CURVE NUMBER	⊙	TYPICAL ELEVATION
L1	LINE NUMBER	A/C	AIR CONDITIONER
R/W	RIGHT-OF-WAY	W.S.	WATER SYSTEM
℄	CENTERLINE	P.E.	POOL EQUIPMENT
E.P.	ELECTRIC PEDESTAL	▭	CONCRETE
C.O.	CLEAN-OUT	E.H.	ELECTRIC OUTLET
		CPP	CORRUGATED PLASTIC PIPE

REVISED	DESCRIPTION	BY
2/22/2020	ADDED TOPOGRAPHY	RBH
3/27/2020	ADDED OWNER'S POLICY	RBH

DATE OF LAST FIELD WORK: 2/22/2020

DRAWN	CHECK	SCALE	PROJ. #	
RBH	PMH	1"=30'	CW-US	MARBIS-JORGENSEN, LLC. 3848 DEL PRADO BLVD S. SUITE 100 CAPE CORAL, FLORIDA 33904 PHONE: (239) 257-2624 FAX: (239) 257-2921
SURVEY DATE		FILE NO.	SHT.- 3	
9/25/18		44-25-11	OF - 4	

FLORIDA CERTIFICATE OF AUTHORIZATION L36921

REVISED	DESCRIPTION	BY
2/22/2020	ADDED TOPOGRAPHY.	RBH
3/27/2020	ADDED OWNER'S POLICY.	RBH

DATE OF LAST FIELD WORK: 2/22/2020

DRAWN	CHECK	SCALE	FIELD #
RBH	PMH	1"=30'	CV-05
SURVEY DATE	FILE NO.	SHT.- #	
9/25/18	44-25-11	OF - #	

HARRIS-JERGENSEN, L.L.C.
3648 DR. FRANKLIN BLVD. S. STATE 100
CAPE CORAL, FLORIDA 33904
PHONE: (239) 257-8624
FAX: (239) 257-2582

FLORIDA CERTIFICATE OF AUTHORIZATION LB6982

LEGEND:

●	SET #4 IRON ROD CAP LB6982	R.V.B.	RECLAIM WATER BOX
○	FOUND IRON ROD (C&S)	W.M.	WATER METER
□	CONCRETE MONUMENT (C&S)	O/H	OVERHEAD POWER
P.R.M.	PERMANENT REFERENCE MONUMENT	P.P.	POWER POLE
P.U.E.	PUBLIC UTILITY EASEMENT	G.A.S.W.	GUY ANCHOR & WIRE
D.E.	DRAINAGE EASEMENT	T.S.B.	TELEPHONE SERVICE BOX
P.C.	POINT OF CURVATURE	M/B	MAIL & BOX
O.R.	OFFICIAL RECORDS BOOK	M/T.	MAIL & TIN TAB
(S)	AS PER SURVEY	ELEV.	ELEVATION
(P)	AS PER PLAT	B.M.	BENCHMARK
(D)	CURVE NUMBER	⊕	TYPICAL ELEVATION
L1	LINE NUMBER	A/C	AIR CONDITIONER
R/W	RIGHT-OF-WAY	W.S.	WATER SYSTEM
℄	CENTERLINE	M.E.	MISC. EQUIPMENT
F.H.	ELECTRIC PEDESTAL	E.B.S.B.	ELECTRIC BOX
C.O.	CLEAN-OUT	E.O.	ELECTRIC OUTLET
		C.P.P.	CORRUGATED PLASTIC PIPE

BOUNDARY SURVEY OF

A PARCEL OF LAND LYING IN SECTION 11

TOWNSHIP 44 SOUTH, RANGE 25 EAST
CONTAINMENT No. 2967080368405
LEE COUNTY, FLORIDA

N

15 0 15 30 45
SCALE IN FEET

TRACT B-2
LANDSCAPE BUFFER EASEMENT, PRIVATE UTILITY EASEMENT AND DRAINAGE TRACT

℄ BERM

N.89°04'56"E. 917.64' (S) S.89°53'08"E. 917.66' (D)

BARBED WIRE FENCE LINE 0.4' EAST

STATE PLANE COORDINATES FLORIDA WEST ZONE NAD83
N=847,176.75
E=725,718.23

S.00°46'13"E. 866.45' (S)
866.25' (D)
S.00°45'35"W.

TOP OF BANK

POINT OF BEGINNING
FOUND 5/8" REBAR
PER LEE COUNTY
SURVEY MONUMENT
SOUTH QUARTER CORNER
SECTION 11-44-25
FLORIDA NAD83 (1990)
E=726,591.40

N.89°01'43"E. 1109.84'
NORTH LINE OF THE S.W.1/4 OF SECTION 11-44-25

BARBED WIRE FENCE

DATE

INVERT= 6.35
INVERT= 6.35
INVERT= 6.30

TOP OF BANK

24" CMP

3" CONCRETE P.P.C.

TRACT "A", CONSERVATION TRACT, (O.R. BOOK 3793, PAGE 3637)

110' FLORIDA POWER & LIGHT COMPANY EASEMENT (O.R. BOOK 2437, PAGE 690)

31'± GRASS ROAD

TRACT "B", CONSERVATION TRACT, (O.R. BOOK 3793, PAGE 3637)

O.R. BOOK 2437, PAGE 674

S.00°46'12"E. 1302.47' (S) S.00°15'35"W. 1302.47' (D)

15'± GRAVEL ROAD

EAST LINE OF THE S.W.1/4 OF SECTION 11-44-25

BARBED WIRE FENCE LINE 0.2' EAST

BOUNDARY AREA
35.645 ACRES ±

LAKE

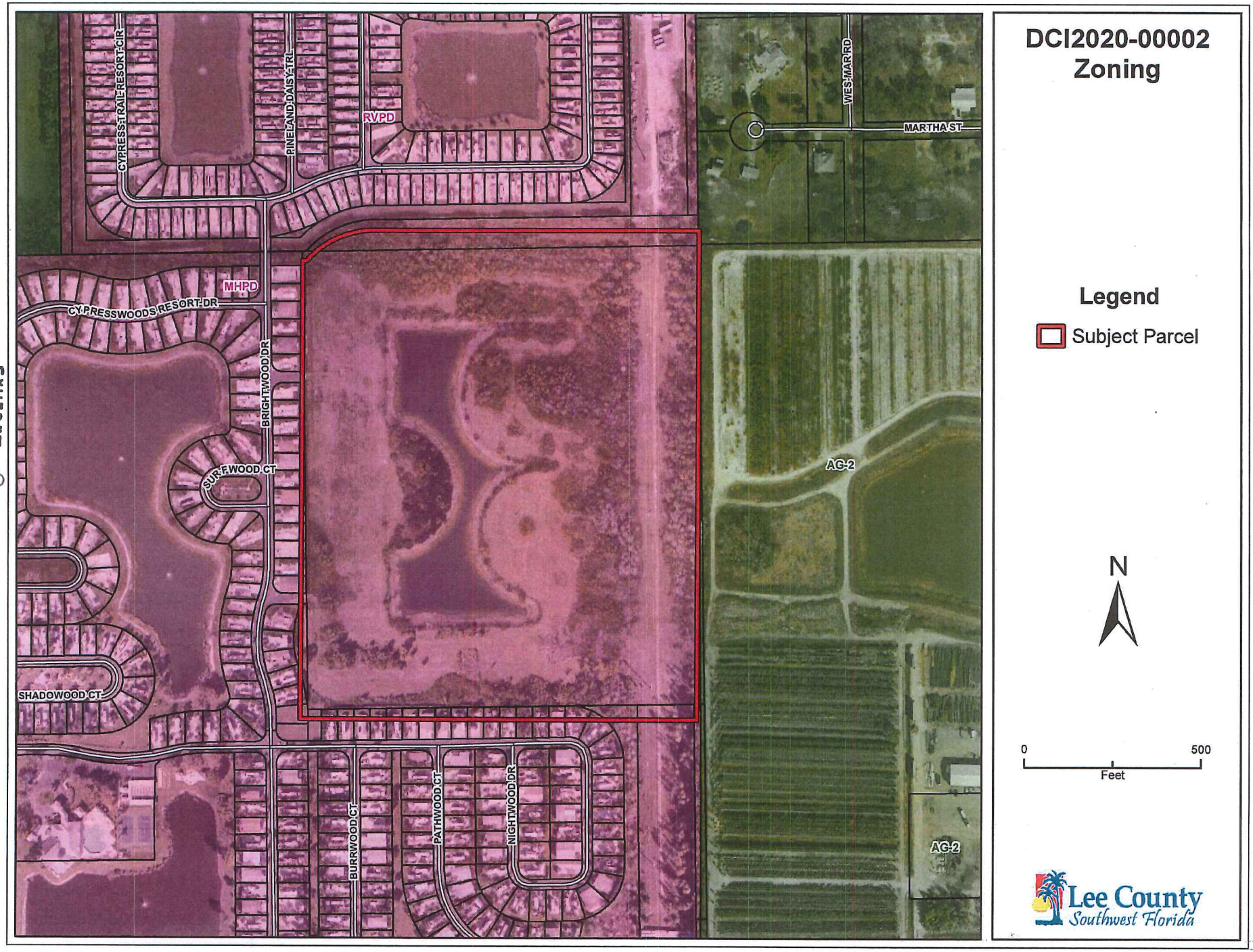
EDGE OF WATER

LAKE

MATCH LINE TO SHEET 1

MATCH LINE TO SHEET 3

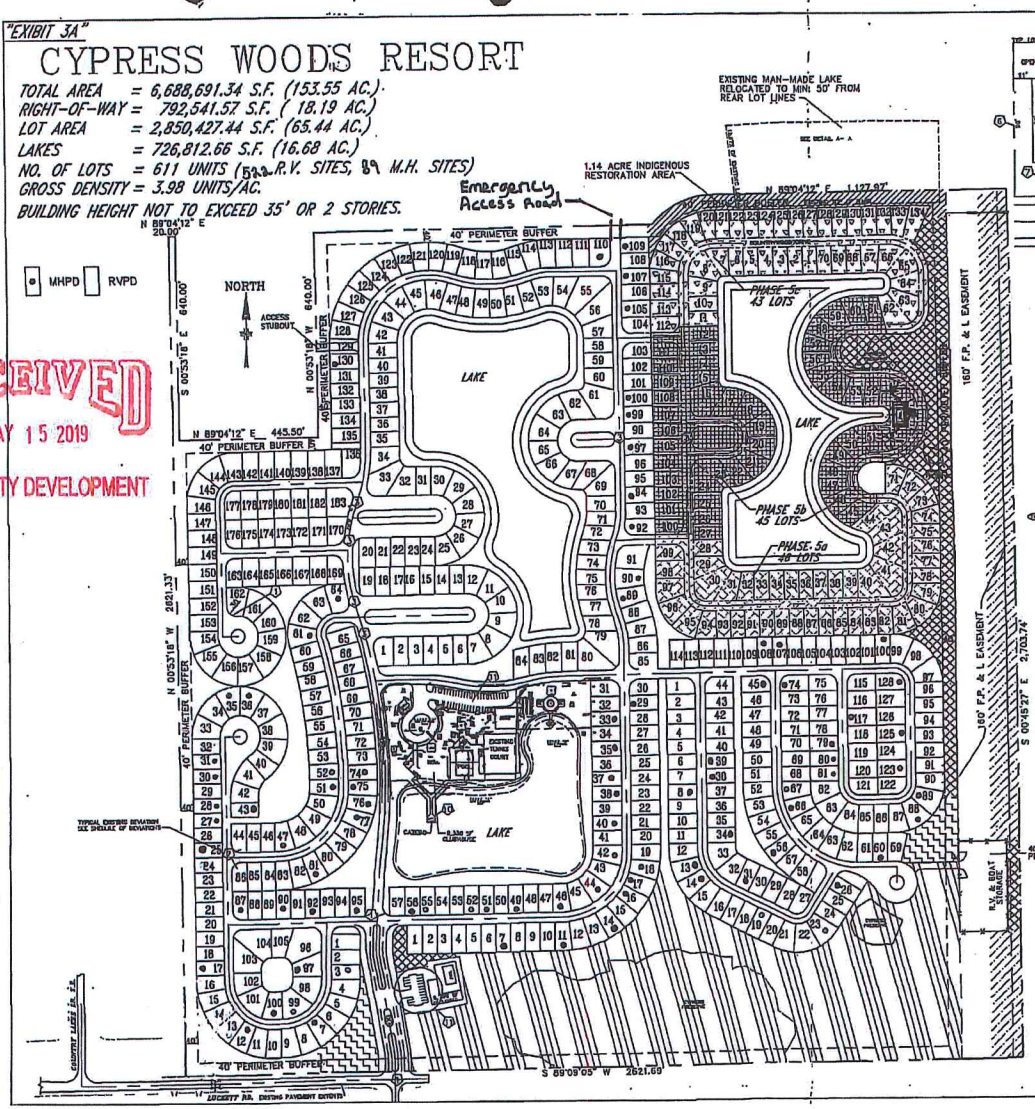
EXHIBIT B

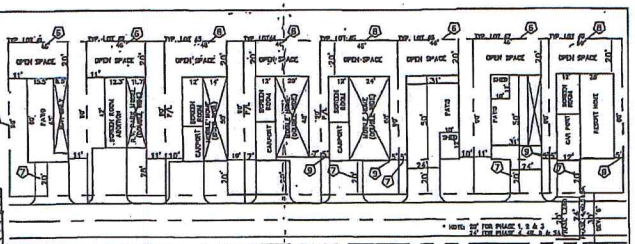

DCI2020-00002
Zoning
Legend
Subject Parcel
N
0
500
Feet
Lee County
Southwest Florida
RVPD
MHPD
AG-2
AG-2
CYPRESS TRAIL RESORT CIR
PINELAND DAISY TRL
CYPRESSWOODS RESORT DR
BRIGHTWOOD DR
SURFWOOD CT
SHADOWOOD CT
BURRWOOD CT
PATHWOOD CT
NIGHTWOOD DR
WES-MAR RD
MARTHA ST

"EXHIBIT 3A"

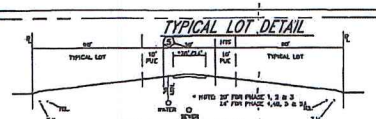
CYPRESS WOODS RESORT

TOTAL AREA = 6,688,691.34 S.F. (153.55 AC.)
RIGHT-OF-WAY = 792,541.57 S.F. (18.19 AC.)
LOT AREA = 2,850,427.44 S.F. (65.44 AC.)
LAKES = 726,812.66 S.F. (16.68 AC.)
NO. OF LOTS = 611 UNITS (522 R.V. SITES, 89 M.H. SITES)
GROSS DENSITY = 3.98 UNITS/AC.
BUILDING HEIGHT NOT TO EXCEED 35' OR 2 STORIES.





TYPICAL LOT DETAIL



TYP. LOT X-SEC.

SCHEDULE OF DEVIATIONS

Existing General Deviations

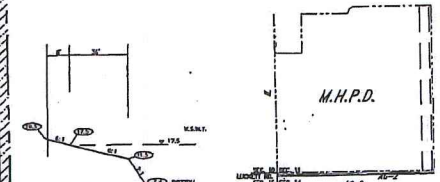
1. A deviation from LDC Section 10-714 which requires a 50 foot turn-around radius to allow 30 feet.
2. A deviation from LDC Sections 34-2221 & 34-2191 to allow the corner lots to be the same size as the other lots in the development and to allow a reduction in the street setback from 25 ft. to 5 ft. on the "side" lot line for those corner lots.
3. A deviation from Table 1 of LDC 10-296 which requires 150 feet of street intersection separation to allow 125 feet.
4. A deviation from LDC Section 10-312(3) to allow entry arm masonry columns and signage for a development of more than one acre.
5. A deviation from Table 3 of LDC 10-296 which requires a 45 foot right-of-way for a local street, with open drainage, to permit a local street with 30 foot right-of-way and open drainage.

Existing RVPD Deviations

1. A deviation from LDC Section 34-2220(b)(1)(b) which requires a 5,000 square foot minimum lot to allow a 4,140 square foot minimum lot (40 feet x 90 feet).
2. A deviation from LDC Section 34-2220(b)(2)(a) which requires side setbacks of 10 feet and a street (right-of-way) setback of 15 feet to permit a side setback of 5 feet and a street (right-of-way) setback of 10 feet for a non-vehicular path.
3. A deviation from LDC Section 34-2220(b)(3)) to permit an access road through the perimeter buffer.

Existing MHPD Deviations

1. A deviation from Section 430.03 of the Lee County Zoning Ordinance (now LDC 34-730) which requires a 5,000 square foot minimum lot (50 feet x 100 feet) to allow a 4,140 square foot minimum lot (40 feet x 90 feet).
2. A deviation from Section 430.05.E of the Lee County Zoning Ordinance (now LDC 34-730) which requires a side setback of 7 feet to permit a side setback of 5 feet.
3. A deviation from Section 34-2114(b)(3) of the Lee County Land Development Code to permit a solar related use (i.e. clubhouse, deck, pool and gazebo) to encroach into the 25' setback and to extend 90 feet into an artificial body of water. This request is made pursuant to the exception provided in LDC 34-3191(b)(1)(c).
4. A deviation from Section 34-2220(2)(a)(2) which would require 135 spaces for the Lee clubhouse facilities to share 48 spaces.



TYPICAL LAKE SECTION

EXISTING ZONING

Approved as Exhibit C
MCP Page 1 of 3
Resolution # Z-11-021

DCI 2007-00078

INDIGENOUS OPEN SPACE

TYPES	ACTUAL	CREDITS
100%	5.04 ACRES	5.04 ACRES
110%	1.27 ACRES	1.39 ACRES
125%	4.84 ACRES	6.05 ACRES
150%	16.70 ACRES	25.05 ACRES
TOTAL PROVIDED:	27.87 ACRES	36.64 ACRES
TOTAL REQUIRED:		20.39 ACRES

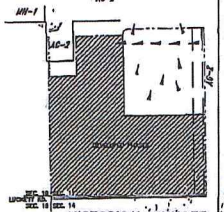
OPEN SPACE

COMMON AREA:

40 FOOT PERIMETER BUFFER	= 417,978.53 S.F. (9.60 AC.)
20 FOOT GROUND LAKE	= 174,510.75 S.F. (4.00 AC.)
LAKES	= 732,303.74 S.F. (16.81 AC.)
160' F.P. L. EASEMENT	= 433,647.63 S.F. (9.93 AC.)
WETLAND CREATION (EXISTING)	= 760,122.60 S.F. (17.45 AC.)
ADDITIONAL COMMON AREA (AREA BETWEEN BUILDING)	= 426,273.79 S.F. (9.87 AC.)
COMMON AREA TOTAL	= 2,947,769 S.F. (67.66 AC.)
% OF SITE	= 44.04 %

HURRICANE SHELTER (PER LDC SECTION 10-256)

REQUIRED HURRICANE SHELTERS = (1.33)(697)(24)=13,099 S.F.
PROVIDED = 13,131 S.F.



HISTORICAL RUNOFF

DATE	REVISION	APPROVED
08/16/10	REVISED PER 01/21/10 SUFFICIENCY COMMENTS	JTA
01/21/08	REVISED PER 09/28/08 SUFFICIENCY COMMENTS	JTA

CYPRESS WOODS R.V. RESORT
ORIGINAL ZONING # Z-84-025

MASTER CONCEPT PLAN

BARBOT, STEUART & ASSOCIATES, INC.
CONSULTING ENGINEERS
3228 EVANS AVENUE, FORT MYERS, FLORIDA 33901, PH. (239) 936-7333

DESIGNED BY	BS
DRAWN BY	JTA
CHECKED BY	BS
SCALE	1" = 150' OR AS NOTED
DATE	07/14/2007
SHEET	1 OF 3
FILE No.	3434

05-28-10

RECEIVED
MAY 15 2019
COMMUNITY DEVELOPMENT

EXHIBIT C

EXHIBIT C

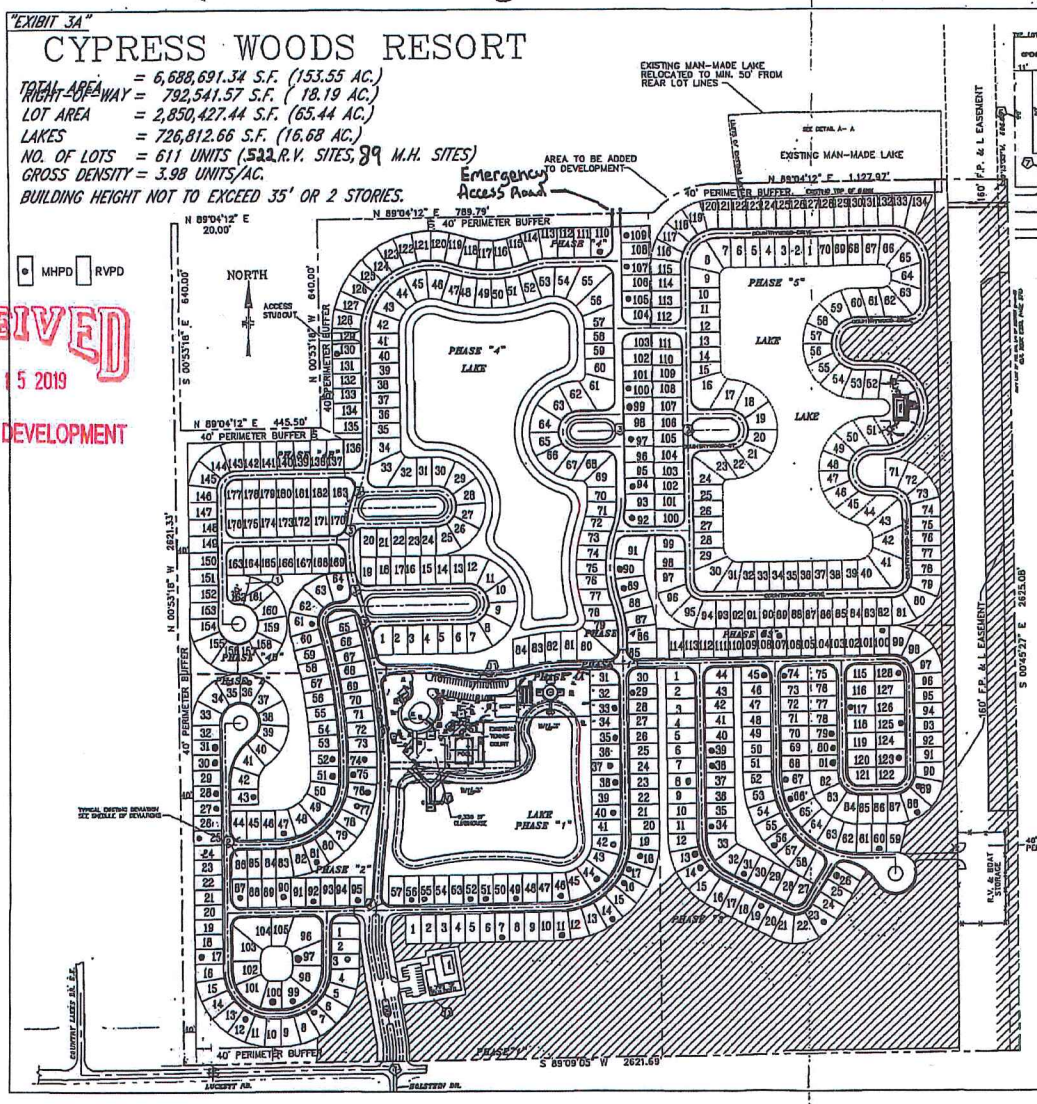
"EXIBIT 3A"

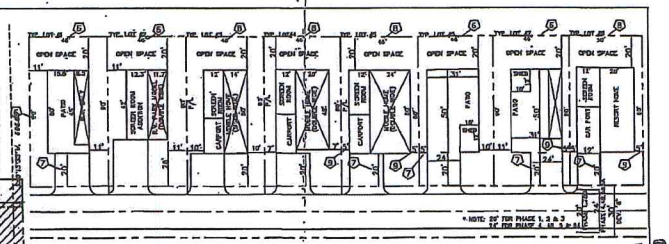
CYPRESS WOODS RESORT

TOTAL AREA = 6,688,691.34 S.F. (153.55 AC.)
RIGHT-OF-WAY = 792,541.57 S.F. (18.19 AC.)
LOT AREA = 2,850,427.44 S.F. (65.44 AC.)
LAKES = 726,812.66 S.F. (16.68 AC.)
NO. OF LOTS = 611 UNITS (522 R.V. SITES, 89 M.H. SITES)
GROSS DENSITY = 3.98 UNITS/AC.
BUILDING HEIGHT NOT TO EXCEED 35' OR 2 STORIES.

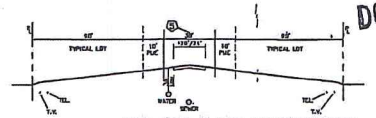
MHPD RVPD

RECEIVED
MAY 15 2019
COMMUNITY DEVELOPMENT

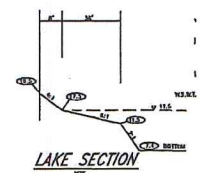




DCI 2007-00078

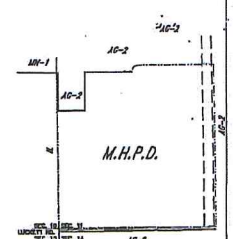


TYP. LOT X-SEC.

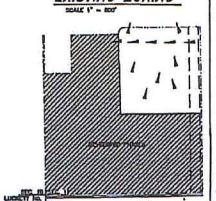


LAKE SECTION

Approved as Exhibit C
MCP Page 2 of 3
Resolution # Z-11-021



EXISTING ZONING



HISTORICAL RUNOFF

EXISTING PRESERVE

411 - PINE FLATWOODS = 4.55 ACRES
621 - CYPRESS FOREST = 6.66 ACRES
624 - PINE - CYPRESS FOREST = 9.13 ACRES
625 - PINE WET PRAIRIE = 2.82 ACRES
650/640 - RESTORATION AREA = 3.89 ACRES
632/310 - POWER LINE EASEMENT/HERBACEOUS = 2.79 ACRES
632/643 - POWER LINE EASEMENT/WET HERBACEOUS = 3.85 ACRES

B.C. FOX SQUIRREL PRESERVE 26.62 ACRES

OPEN SPACE

COMMON AREA:

40 FOOT PERIMETER BUFFER	= 417,978.95 S.F. (9.60 AC.)
20 FOOT AROUND LAKE	= 174,210.73 S.F. (4.00 AC.)
LAKES	= 726,812.66 S.F. (16.68 AC.)
160' FPL EASEMENT	= 432,587.83 S.F. (9.93 AC.)
WETLAND CREATION (EXISTING)	= 760,122.00 S.F. (17.45 AC.)
ADDITIONAL COMMON AREA (AREA BETWEEN BUILDING)	= 450,323.79 S.F. (9.87 AC.)
COMMON AREA TOTAL	= 2,947,780 S.F. (67.66 AC.)
% OF SITE	= 44.04 %

DATE	REVISION	APPROVED
08/18/10	REVISED PER 05/24/10 SUFFICIENCY CHECKLIST	JTA
04/21/08	REVISED PER 01/08/08 SUFFICIENCY CHECKLIST	JTA

CYPRESS WOODS
R.V. RESORT

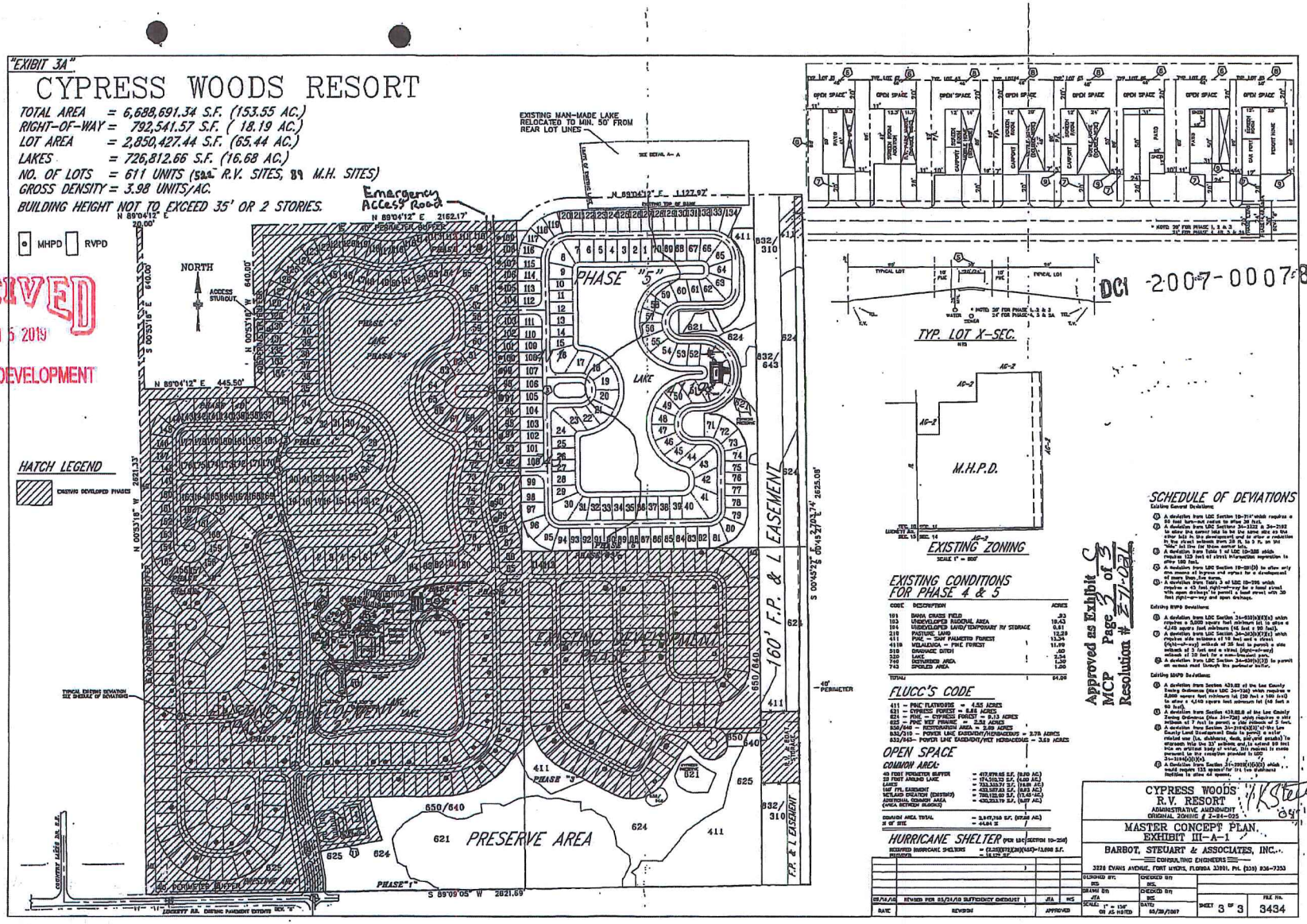
ORIGINAL ZONING # Z-84-075

MASTER CONCEPT PLAN
BIG CYPRESS FOX SQUIRREL PERSEVERE

BARBOT, STEUART & ASSOCIATES, INC.
CONSULTING ENGINEERS
3228 EVANS AVENUE, FORT MYERS, FLORIDA 33901, PH. (239) 936-7353

DESIGNED BY: RS
DRAWN BY: JTA
CHECKED BY: RS
SCALE: 1" = 150' OR AS NOTED
DATE: 08/20/2007
SHEET 2 OF 3
FILE No. 3434

K Steuart 08-18-10



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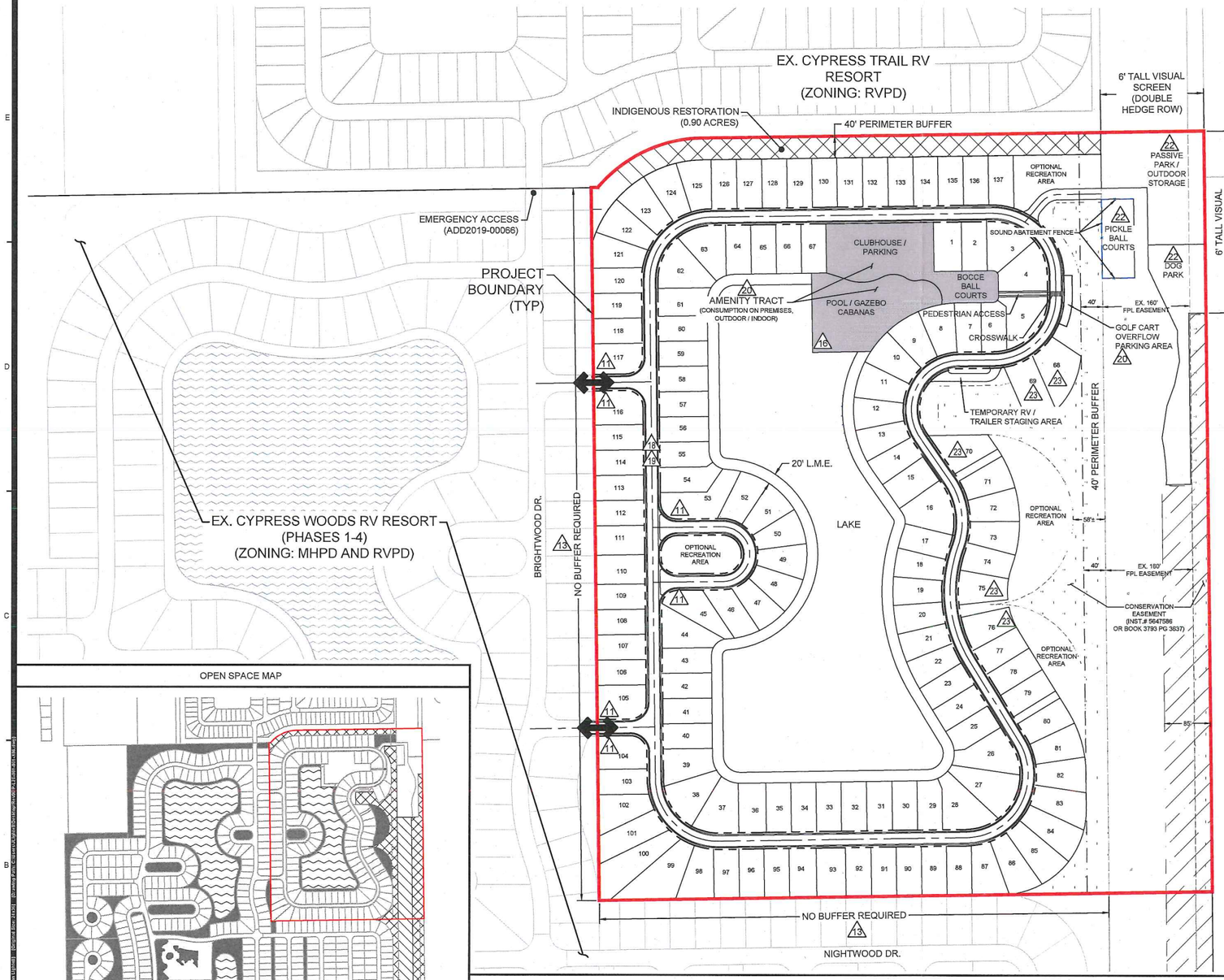
MAY 15 2019
COMMUNITY DEVELOPMENT

DCI-2007-00078

Approved as Exhibit C
MCP Page 3 of 3
Resolution # Z11-021



OPEN SPACE MAP

OPEN SPACE			
	INDIGENOUS OPEN SPACE	1,135,977 SF	26.08 AC
	LAKE	721,431 SF	16.56 AC
	FPL EASEMENT (EXCLUDING TRAILER PARKING)	181,974 SF	4.18 AC
	OTHER OPEN SPACE (LAKE BANK, PERIMETER BUFFER, LANDSCAPE MEDIANS, COURTYARDS, ETC)	758,822 SF	17.42 AC
	TOTAL OPEN SPACE	2,798,204 SF	64.24 AC
	% OF SITE	41.83 %	

LEGEND

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

SITE DATA TABLE

RV LOTS/DEVELOPMENT TRACTS	14.8 AC. +/-
LAKE TRACT	5.7 AC. +/-
AMENITY TRACT	1.2 AC. +/-
ROADWAY / PAVEMENT	3.1 AC. +/-
OUTDOOR STORAGE/ DOG PARK/ PICKLE BALL COURTS	2.6 AC. +/-
INDIGENOUS / PRESERVE	4.9 AC. +/-
BUFFERS / OTHER OPEN SPACE	3.5 AC. +/-
TOTAL SITE AREA	35.6 AC.

INDIGENOUS OPEN SPACE [1]

TYPES		ACTUAL	CREDITS
100%	PHASES 1 - 4:	1.11 AC	1.11 AC
	PHASE 5:	3.18 AC	3.18 AC
110%	PHASES 1 - 4:	1.27 AC	1.39 AC
	PHASE 5:	0 AC	0 AC
125%	PHASES 1 - 4:	2.16 AC	2.70 AC
	PHASE 5:	1.66 AC	1.66 AC [2]
150%	PHASES 1 - 4:	16.70 AC	25.05 AC
	PHASE 5:	0 AC	0 AC
	TOTAL PROVIDED:	26.08 AC	35.09 AC
	TOTAL REQUIRED:		30.30 AC

NOTES:
1. INDIGENOUS OPEN SPACE AREAS WITHIN THE EXISTING PHASES 1-4 REMAIN UNCHANGED, THE UPDATED TABLE SHOWN ABOVE REFLECTS REVISIONS WITHIN THE PHASE 5 DEVELOPMENT BOUNDARY, AND ALSO CORRECTS CALCULATION ERRORS IN THE PREVIOUSLY APPROVED MCP. ALTHOUGH CREDIT WAS GIVEN ON THESE AREAS IN PREVIOUS ZONING APPROVALS, NO CREDIT IS TAKEN FOR AREA WITHIN PHASE 5 UNDER THIS APPLICATION.

B.C. FOX SQUIRREL PRESERVE

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

INDIGENOUS OPEN SPACE: 26.08 ACRES
INDIGENOUS RESTORATION: 0.90 ACRES

TOTAL B.C. FOX SQUIRREL PRESERVE AREA:
26.08 - 0.90 = 25.18 ACRES

DCI 2020-00002
EX. DUKE FARMS
LANDSCAPE NURSERY
(ZONING: AG-2)

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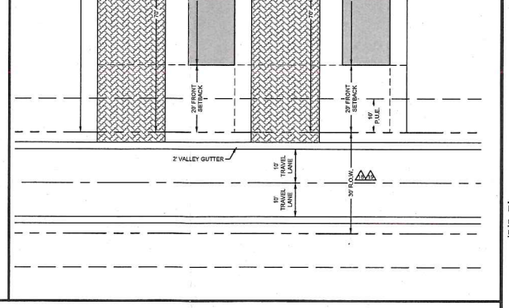
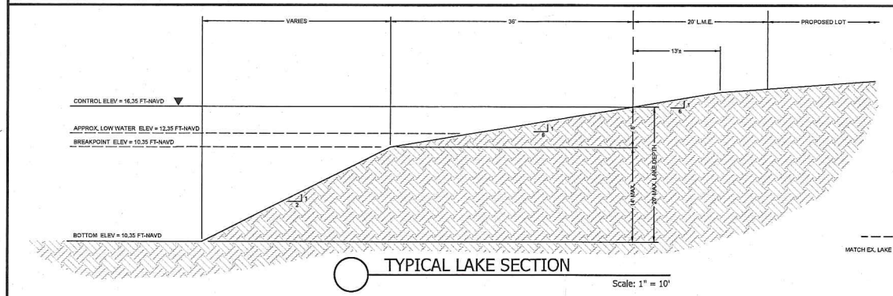
MCP Page 1 of 1
Resolution # Z-20-027

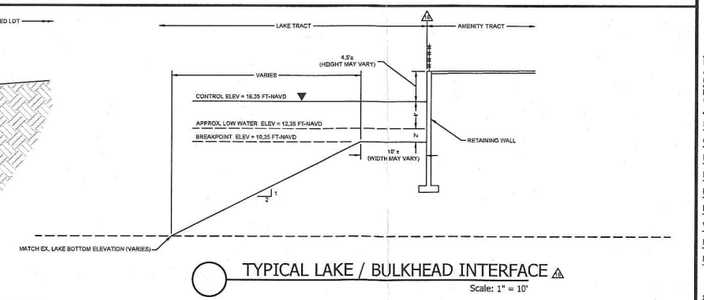
TYPICAL LOT DETAIL



TYPICAL LAKE SECTIONS



TYPICAL LAKE SECTION
Scale: 1" = 10'



TYPICAL LAKE / BULKHEAD INTERFACE
Scale: 1" = 10'

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

2600 Golden Gate Parkway
Naples, Florida 34105
Phone: 239.403.6700 Fax: 239.261.1797
Email: info@pen-eng.com Website: www.pen-eng.com
Florida Engineering Certificate of Authorization #28275
Florida Landscape Certificate of Authorization #LC26000632

PROJECT:

CYPRESS WOODS RV RESORT PHASE 5 RECREATIONAL VEHICLE PLANNED DEVELOPMENT

TITLE:

MASTER CONCEPT PLAN

OWNER/CLIENT/CONSULTANT:

LAGUNA CARIBE AT CYPRESS WOODS, LLC

REVISIONS:

No:	Revision:	Date:
1	REVISED PER COUNTY COMMENTS	3/27/20
2	REVISED PER COUNTY COMMENTS	05/18/20
3	DEVIATION #23 ADDED	07/13/20
4	SCHEDULE OF DEVIATIONS REMOVED PER COUNTY	08/05/20
5	REVISED PER STAFF REPORT	09/01/20
6	REVISED PER HEX CONDITIONS	12/30/20

NOTES:

PROFESSIONAL SEALS:

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

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

Bar Scale: 1" = 100'
0 25' 50' 100' 200' 300'

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

Sheet Number: 4 of 4

ZVL2019-00095 Lee County ePlan

Habitat Restoration and Maintenance Guidelines

for the

Cypress Woods RV Resort Phase V

Sections 11, T44S, R25E, Luckett Road, Lee County, Florida

March 27, 2008
Revised: Dec. 4, 2008
June 9, 2009

Prepared for:

Cypress Woods RV Resort
5551 Luckett Road.
Fort Myers, FL 33905
(239) 694-2191
FAX: (239) 691-4969

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conducted by

DCI 2007-00078

Southern Biomes, Inc.
1602 Woodford Ave., Fort Myers, FL 33901 - mail to: P.O. Box 50640, Fort Myers, FL 33994
Ph.: (239) 334-6766 - Geza Wass de Czege, President - Fax: (239) 337-5028

EXHIBIT D

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Ph.: (239) 334-6766 - Geza Wess de'Czege, President - Fax: (239) 337-5028

A. FOX SQUIRREL HABITAT RESTORATION GUIDELINES

1. **RESTORATION SITE DESCRIPTION:** The subject restoration site is a forty foot wide buffer area located in the northeastern portion of the development, extending for approximately 800 feet east to the pine flatwoods buffer adjacent to the powerline easement. The previously existing forested buffer was unintentionally cleared and will be restored to meet Lee County Code, Sec. 14-384: Restoration standards, and the Sec. 10-420 Plant materials standards. The plantings will be according to Lee County's Department of Community Development, Division of Environmental Sciences indigenous habitat restoration area planting guidelines.

2. **HABITAT RESTORATION EXECUTIVE SUMMARY:** To help restore the habitat, slash pines and scattered live oaks will be planted an average of 15' on center, with 75% of the trees being a minimum 10' tall with two-inch caliper at 12 inches above ground, and the remaining 25% a minimum 16' tall with a 3-4 inch caliper, to provide more diversity sizes. Trees will be planted in random order so as not to appear as growing in rows. Shrubs will be limited to scattered clusters of saw palmetto, wax myrtle, beautyberry, gallberry and muhly grass, planted around selected tree clusters. Shrubs and groundcover vegetation must be in minimum one-gallon container, and clustered at an average of three feet (3') on center, to mimic pine flatwoods savanna habitat.

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Habitat Restoration & Management Guidelines, Cypress Woods RV Resort Phase V, Luckett Road, Section 11, T44E, R25S, Lee County, Florida — Revised: June 9, 2009

Habitat Restoration Plant List

- One hundred ten (110) trees, of which no more than 75% are to be 10' tall, minimum 2 inch caliper trees, and at least 25% are >16' tall, minimum 3 inch caliper trees. All trees are to be planted in random order on average 15' centers:
  - 68 slash pine (*Pinus elliottii*) 10' w/min 2" dbh
  - 22 slash pine (*Pinus elliottii*) 16' w/min 3" dbh
  - 6 live oak (*Quercus virginiana*) 10' w/min 2" dbh
  - 2 live oak (*Quercus virginiana*) 16' w/min 3" dbh
  - 4 laurel oak (*Quercus laurifolia*) 10' w/min 2" dbh
  - 2 laurel oak (*Quercus laurifolia*) 16' w/min 3" dbh
  - 4 dahoon holly (*Ilex cassina*) 10' w/min 2" dbh
  - 2 dahoon holly (*Ilex cassine*) 16' w/min 3" dbh

- Three thousand four hundred sixty six (3,466) in 1 gallon containerized shrubs & herbaceous species, randomly clustered within tree clusters, on 3' center:
  - 1000 saw palmetto (*Serenoa repens*)
  - 500 wax myrtle (*Myrica sp.*)
  - 500 beautyberry (*Callicarpa americana*)
  - 466 gallberry (*Ilex glabra*)
  - 1000 muhly grass (*Muhlenbergia sp.*)

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RESTORATION AREA SITE PREPARATION, MAINTENANCE AND MONITORING GUIDELINES:

1. Restoration areas are to be graded to natural elevations of adjacent pine flatwoods uplands, and harrowed to remove all ruts from the planting areas.
2. Eradicate any torpedograss, primrose willow, or any other exotic or nuisance vegetation prior to replanting, with an approved systemic herbicide, and establish an annual eradication program to maintain the area free of exotic species, and the nuisance species to less than 2% coverage.
3. Replant restoration areas with plant species and quantities as designated in the plant list provided in the Habitat Restoration Plant List (approx. 31,200 sq. ft.).
   - One hundred ten (110) trees, with no more than 75% at least 10' tall, 2 inch caliper and the remaining trees >15' tall, with minimum 3 inch caliper, planted in clusters of 3-5, on average 15' centers.
   - Three thousand four hundred sixty six (3,466) 1 gallon containerized shrubs, cluster 3' o.c.
4. Maintain a semi-annual exotic plant control the first year, and an annual control thereafter, in perpetuity, to treat the exotic vegetation resprouting with an approved herbicide, and manually remove any seedlings. Conduct activities during the winter and spring dry season.
5. Signage shall be placed at each end of the indigenous preserve area to identify and protect the preserve during and after construction. The signs shall be no closer than ten feet from adjacent property lines; be limited to a maximum height of four feet and a maximum size of two square feet, stating: "Preserve Area" (in large letters), "Please do not cut or damage any plants unless authorization by permit, or obtained in writing by Lee County Community Development" (in small letters). See example attached with these guidelines.
6. Provide Lee County with an annual monitoring report, for 5 years, including plant survival data and qualitative narrative describing the vegetative changes within the mitigation area. Include the following:
   a. Provide three fixed point photo station' panoramic photograph analyses at selected locations.
   b. Narrative report of exotics invasion, and removal success.
   d. Plant survival data and revegetation success data, including quantitative data, natural recruitment success, exotic invasion, general condition, and recommendations.
7. Mitigation success criteria are as follows:
   a. The area is maintained free of exotic plants, as defined by the Florida Exotic Pest Plant Council, with no more than 2% coverage at any one time (including but not limited to melaleuca, Brazilian pepper, Australian pine, etc.), and the number of exotic plants eradicated each year has been greatly reduced.
   b. All nuisance plant species (torpedograss, primrose willow, caesarweed, dog fennel, etc.) constitute no more than 5% of the total plant coverage.
   c. There is an 80% survival rate of the planted vegetation and at least 80% coverage of the planted area by indigenous native vegetation at the end of the third year of monitoring.
   d. There is a continual increase in indigenous plant species composition throughout the five year monitoring period.

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Preserve Area Sign Sample

Preserve Area

No Dumping
No Cutting
No Disturbing

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COMMUNITY DEVELOPMENT

Please do not cut or damage any plants unless authorization by permit, or obtained in writing by Lee County Community Development.

Please Help Keep it Natural!!

NOTE: Typical sign dimensions may range from 9" x 12" to 12" x 18" (vertical or horizontal), but should not exceed 288 sq. inches.

DCI 2007-00078

Attachment T

ADMINISTRATIVE AMENDMENT (PD) ADD2021-00158

ADMINISTRATIVE AMENDMENT
LEE COUNTY, FLORIDA

WHEREAS, Laguna Caribe at Cypress Woods, LLC filed an application for an administrative amendment to a Recreational Vehicle Planned Development on a project known as Cypress Woods RVPD Phase 5 to amend and clarify the Development Regulations for Phase 5 on property located at Cypress Woods RV Resort, described more particularly as:

LEGAL DESCRIPTION: In Section 01, Township 44 South, Range 25 East, Lee County, Florida:

ATTACHED AS EXHIBIT "A"

WHEREAS, the property was originally rezoned in by Resolution Z-94-025 (with subsequent amendments in resolution numbers PD-95-019, ADD2002-00111, ADD2003-00122; Z-03-057, ADD2004-00102, ADD2010-00013, Z-11-021, ADD2019-00066, and ADD2020-00049A), all of which were rescinded and replaced with Resolution Z-20-027; and

WHEREAS, the subject property is located in the Urban Community Future Land Use Category as designated by the Lee Plan; and

WHEREAS, the Lee County Land Development Code provides for certain administrative changes to planned development master concept plans and planned unit development final development plans; and

WHEREAS, the applicant requested to amend the Development Regulations for Phase 5 to clarify the side setback for RV pad and accessory structures; and

WHEREAS, Condition #12 of Resolution Z-20-027 creates further confusion about the setback for accessory structures located on the same lot as opposed to the ones on the adjacent lots, and creates a conflict with the Development Regulations for Phase 5; and

WHEREAS, the subject application and plans have been reviewed by the Lee County Department of Community Development in accordance with applicable regulations for compliance with all terms of the administrative approval procedures; and

WHEREAS, it is found that the proposed amendment does not increase density or intensity within the development; does not decrease buffers or open space required by the LDC; does not underutilize public resources or infrastructure; does not reduce total open space, buffering, landscaping or preservation areas; and does not otherwise adversely impact surrounding land uses.

NOW, THEREFORE, IT IS HEREBY DETERMINED that the application for administrative approval for an amendment to Recreational Vehicle Planned Development to

amend and clarify the Development Regulations for Phase 5 is **APPROVED subject to the following conditions:**

1. **The terms, conditions and Master Concept Plan of the original Zoning Resolution (Z-20-027) remain in full force and effect, except as amended herein.**

2. **Development regulations of the Zoning Resolution Z-20-027 for Phase 5 is hereby amended as follows:**

Phase 5:
Minimum Lot Area and Dimensions: RV Lots

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

Minimum Setbacks: RV Lots

Street:	**20 feet**
Side Street:	**10 feet (see Deviation 4)**
Side:	**~~0/5 feet (for RV or accessory structure to the side lot line);~~ 0 feet for RV pad to the side lot line, and 5 feet for accessory structures to the side lot line** **10 feet between parked RVs and accessory structures on adjacent lot[2]**
Rear (Principal):	**10/20 feet (20 foot rear setback for lots abutting developed RV lots in Phases 1-4)**
Rear (Accessory):	**5 feet (0 feet from lake maintenance easement for waterfront lots)**
Waterbody:	**20 feet**
Maximum Lot Coverage:	**50% (RV pad and roofed accessory structures)**
Maximum Building Height:	**30 feet**

[1]Consistent with LDC §34-1182.
[2]RV Pads may be within 10 feet of accessory structures consistent with MCP "Typical Lot Detail"

3. **Condition 12 of the zoning Resolution Z-20-027 is hereby amended as follows:**

12. Accessory Setback

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

4. If it is determined that inaccurate or misleading information was provided to the County or if this decision does not comply with the LDC when rendered, then, at any time, the Zoning Manager may issue a modified decision that complies with the Code or revoke the decision. If the approval is revoked, the applicant may acquire the necessary approvals by filing an application for public hearing in accordance with Chapter 34.

Duly passed, adopted, and electronically signed on 1/10/2022

Anthony R. Rodriguez, AICP, Zoning Manager

Attachments: Exhibit "A" Legal Description
Exhibit "B" Resolution Z-20-027

EXHIBIT A

CASE NUMBER: ADD2021-00158

STRAP NUMBER

11-44-25-00-00014.0020

REVIEWED
ADD2021-00158
Hunter Searson, GIS Planner
Lee County Government
10/20/2021

ADD2021-00158 Lee County ePlan

RESOLUTION NUMBER Z-20-027

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

WHEREAS, the property owner, Laguna Caribe at Cypress Woods, LLC, filed an application, in reference to Cypress Woods RV Resort Recreational Vehicle and Mobile Home Planned Development (RVPD/MHPD), to amend the following:

- Reconfigure the Master Concept Plan and correct preserve acreages;
- Increase Phase 5 lots from 134 to 137 (no net increase to overall 611 RVPD unit count);
- Allow zero lot lines and reduce waterfront setbacks;
- Add deviations for setbacks, accessory use locations, and parking; and
- Allow residential accessory uses, including "casitas" with cooking facilities.

WHEREAS, a public hearing before the Lee County Zoning Hearing Examiner, Amanda L. Rivera, was advertised and held on September 10, 2020; and

WHEREAS, the Hearing Examiner gave full consideration to the evidence in the record for Case #DCI2020-00002 and recommended APPROVAL of the Request with conditions; and

WHEREAS, a second public hearing was advertised and held on December 16, 2020 before the Lee County Board of Commissioners; and,

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

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

SECTION A. REQUEST

The applicant filed a request to rezone a 35.64± acre parcel to amend the following:

- Reconfigure the Master Concept Plan (MCP) and correct preserve acreages;
- Increase Phase 5 lots from 134 to 137 (no net increase to overall 611 RVPD unit count);
- Allow zero lot lines and reduce waterfront setbacks;
- Add deviations for setbacks, accessory use locations, and parking; and
- Allow residential accessory uses, including "casitas" with cooking facilities.

The property is located in the Urban Community Future Land Use Category and is legally described in attached Exhibit A. The request is APPROVED, SUBJECT TO the conditions and deviations specified in Sections B and C below.

Exhibit "B"

ADD2021-00158 Lee County ePlan

SECTION B. CONDITIONS:

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

This zoning resolution codifies and supersedes Resolution Z-94-025, PD-95-019, ADD2002-00111, ADD2003-00122, Z-03-057, ADD2004-00102, ADD2010-00013, Z-11-021, ADD2019-00066, and ADD2020-00049(A).

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

   Development must comply with all requirements of the LDC and Lee Plan at time of local development order approval, except as may be granted by deviation as part of this planned development. If changes to the MCP, conditions, or deviations are subsequently pursued, appropriate approvals will be necessary.

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

2. Uses and Site Development Regulations

   a. Schedule of Uses

Phases 1-5:

Accessory Uses
- Consumption on Premises
- Food Stores, Group I
- Gazebos (maximum 200 square feet)(Condition 10)
- Personal Services, Group I

Administrative Offices
Entrance Gates or Gatehouse
Essential Services Facility, Group I
Excavation, Water Retention
Mobile Homes
Model Home, Unit, Display Center
Park Trailers
Recreational Facilities, Personal
Recreational Vehicles
Signs
Storage
- Indoor
- Open, Phases 1-4 only (Limited to RVs, trailers, boats, and other vehicles/goods belonging to park residents)

Tents
Vehicle and Equipment Dealers, Group "IV" (RVs only)

ADD2021-00158 Lee County ePlan

Phase 5 only:

Accessory Uses and Structures, including:
Cabanas (maximum 600 square feet)[1]
Club, Private, On-site with the following accessory uses:
Consumption on Premises, indoor and outdoor
Food and Beverage Services, Limited
Personal services, Group I only
Community Gardens
Essential Services
Fences and Walls
Parking lot, Accessory
Real Estate Sales Office
Recreational Facilities, Private, On-site
Storage, Open (limited to trailers, boats, and other vehicles/goods of RVPD residents; Storage of RVs is not permitted)

b. Site Development Regulations

Phases 1-4:

Minimum Lot Area and Dimensions

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

Minimum Setbacks

Street:	20 feet
Side Street:	10 feet (Deviation 4)
Side:	10 feet (for RVs) 5 feet (for Mobile Homes)
Rear	20 feet
Water Body:	25 feet

Phase 5:

Minimum Lot Area and Dimensions: RV Lots

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

Minimum Setbacks: RV Lots

Street:	20 feet
Side Street:	10 feet (see Deviation 4)
Side:	0/5 feet (for RV or accessory structure to the side lot line); 10 feet between parked RVs and accessory structures[2]
Rear (Principal):	10/20 feet (20 foot rear setback for lots abutting developed RV lots in Phases 1-4)

[1] Consistent with LDC §34-1182.
[2] RV pads may be within 10 feet of accessory structure consistent with MCP "Typical Lot Detail."

ADD2021-00158 Lee County ePlan

Rear (Accessory):	5 feet (0 feet from lake maintenance easement for waterfront lots)
Waterbody:	20 feet
Maximum Lot Coverage:	50% (RV pad and roofed accessory structures)
Maximum Building Height:	30 feet

Minimum Lot Area and Dimensions: Amenity Tract

Lot Area:	10,000 square feet
Width:	100 feet
Depth:	100 feet

Minimum Setbacks: Amenity Tract

Street:	20 feet
Side (Principal):	10 feet
Side (Accessory):	5 feet
Rear (Principal):	10 feet
Rear (Accessory):	5 feet
Waterbody:	0 feet
Maximum Lot Coverage:	45% (RV pad and roofed accessory structures)
Maximum Building Height:	45 feet

3. Onsite Shelter:

The on-site Hurricane Shelter must be consistent with the commitment on the MCP.

4. Utilities:

Development must connect to a public or private central water system and a public or private sewage disposal system.

5. Fox Squirrel Preserve Area & Northern Buffer:

Development order plans must depict Fox Squirrel Preserve areas consistent with the MCP. Developer must relocate golden polypody found on trees within development areas to preserve areas.

Landscape plans must include a 0.90 acre restoration planting plan in substantial compliance with the Restoration and Maintenance Plan prepared by Southern Biomes dated June 9, 2009 (Exhibit D) along the Phase 5 northern property line prior to issuance of a Phase 5 development order. Developer must submit an indigenous management plan for required indigenous open space and restoration areas.

Developer must complete restoration of the 0.90 acres along the Phase 5 northern property line in compliance with the Restoration and Maintenance Plan prepared by Southern Biomes dated June 9, 2009 (Exhibit D) prior to issuance of a Certificate of Compliance for Phase 5 infrastructure.

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6. Open Space:

The overall project must provide 64.24 acres minimum of open space for all phases of the project in substantial compliance with the MCP.

7. Indigenous Open Space:

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

8. Indigenous Maintenance and Management Plan:

Developer must submit a Maintenance and Management Plan for Indigenous Preserve areas for Division of Environmental Sciences approval with Phase 5 development order application.

9. Landscape Plans:

Phase 5 landscape plans must be in substantial compliance with the Habitat Restoration and Maintenance Guidelines and depict:

a. Planting of slash pines (Pinus elliotti var densa), dahoon holly (Ilex cassine), laurel oak (Quercus laurifolia) and live oaks (Quercus virginiana), planted an average of 15-feet on center;
b. 75 percent of planted trees must be 10 feet in height, two inch caliper;
c. 25 percent of planted trees must be 16 feet in height, three-four-inch caliper;
d. Shrubs consistent with the restoration plan, planted in scattered clusters one gallon container size, three feet on center; and
e. A five-year monitoring report to ensure successful habitat restoration.

10. Gazebos:

One gazebo is permitted per RV lot. Gazebos must be unenclosed and cannot exceed 200 square feet (including overhangs).

11. Overflow Golf Cart Parking Area:

Access to the Phase 5 amenity tract from the overflow parking area must include a paved sidewalk, painted crosswalk, and appropriate roadway signage.

12. Accessory Setback:

Phase 5 lots must provide at least 10 feet between principal structures, accessory structures, and RVs parked on site. The RV pad may be within 10 feet consistent with the MCP "Typical Lot Detail."

13. Perimeter Buffer:

Prior to development order approval depicting perimeter buffer plantings with the Florida Power and Light (FPL) easement, developer must submit the FPL Easement Agreement stating buffer plantings may be installed in the easement.

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14. Vegetation Removal Permit:

Developer must provide "Notification of FPL Facilities" FPL Form 360 prior to commencement of construction within the easement or to issuance of a vegetation removal permit for Phase 5.

15. Easement Landscape Maintenance:

Developer must replace required vegetation within the easement area. Failure to replace vegetation consistent with this zoning approval will result in a Code violation.

SECTION C. DEVIATIONS:

1. Deviation (1) seeks relief from the LDC §14-298(c) requirement to provide for the development of the "TZ" area as indicated on the MCP. This deviation is APPROVED SUBJECT TO the mitigation plan titled "Cypress Woods Monitoring and Maintenance Plan" submitted by Boylan Environmental Consultants, Inc., stamped and dated May 18, 1995. Mitigation must follow the phasing presented in these documents and all monitoring reports must be submitted to the Lee County Division of Environmental Sciences within thirty days of the scheduled monitoring events.

2. Deviation (2) is DENIED.

3. Deviation (3) seeks relief from the LDC §10-714.b requirement to provide a 90 foot turn-out radius to 30 feet. This deviation is APPROVED SUBJECT TO the developer providing a paved/stabilized surface with a minimum radius of 42 feet and, in addition, providing an unobstructed clear zone of 48-foot radius (6 feet clear zone beyond driving range).

4. Deviation (4) seeks relief from the LDC §34-2192(a) requirement to allow a reduction in the street setback from 20 feet to 5 feet on the "side" lot line for corner lots. This deviation is APPROVED SUBJECT TO the terms of Condition 2.

5. Deviation (5) seeks relief from the LDC §§ 10-296(b) and 10-296, Table 3 requirement of a 45-foot right-of-way for a local street with open drainage, to permit a local street with 30 feet of right-of-way and open drainage. This deviation is APPROVED SUBJECT to the condition that the typical lot cross section demonstrates that the drainage performs adequately by showing the slab placement at the time of Development Order stage.

6. Deviation (6) seeks relief from the LDC §34-939(b)(6) requirement of a 5,000 square-foot minimum lot to provide a 4,140 square foot minimum (46 feet x 90 feet). This deviation is APPROVED SUBJECT TO Condition 2.

7. Deviation (7) seeks relief from the LDC §34-939(b)(7)c requirement of a side setback of 10 feet and a street (right-of-way) setback of 25 feet, to permit a side setback of 5 feet and a street (right-of-way) setback of 20 feet in the non-transient section of the park. This deviation is APPROVED provided setbacks are in conformance with Condition 2 and all side setbacks apply to all portions of the structure or unit, including overhangs.

8. Deviation (8) seek relief from the LDC §34-939(b)(3) requirement to permit an access road through the perimeter buffer to the boat storage area. This deviation is APPROVED SUBJECT TO Condition 8.

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9. Deviation (9) seeks relief from the LDC §34-736 requirement of a 5,000 square foot minimum lot (50 feet x 100 feet) to provide a 4,140 square foot minimum lot (46 feet x 90 feet). This deviation is APPROVED SUBJECT TO Condition 2.

10. Deviation (10) seeks relief from the LDC §34-7361 requirement of a side setback of 7 feet, to permit a side setback of 5 feet. This deviation is APPROVED SUBJECT TO Condition 2.

11. Deviation (11) seeks relief from the LDC §§ 34-2222(1) and 10-254(b) requirements to allow corner lots to be the same size as the other lots within the development (and not have an additional 15 feet of width). This deviation is APPROVED SUBJECT TO Condition 2.

12. Deviation (12) seeks relief from the LDC §10-295 to eliminate the requirement for street stubs to adjacent properties. This deviation is APPROVED.

13. Deviation (13) seeks relief from the LDC §34-939(b)(3) to eliminate the requirement for a buffer between a recreational vehicle park and adjacent property interior to the site. This deviation is APPROVED for the interior portion of the site only.

14. Deviation (14) seeks relief from the LDC Section §34-935(a)(l) to eliminate the requirement that a new recreational vehicle park be not less than 20 acres in size. This deviation is APPROVED.

15. Deviation (15) seeks relief from the LDC Section §§ 34-2194(b) and (c) requirements of a 25 foot water body setback; to allow a zero foot setback in order to permit the construction of a clubhouse, deck, pier, and gazebo 90 feet into the artificial body of water. This deviation is APPROVED SUBJECT TO substantial compliance with the proposed construction of the clubhouse and related facilities on the approved Plan entitled, Cypress Woods, R.V. Resort Clubhouse Area Dev. Order Plans; Drainage, Parking & Site Dim. Plan; dated 04-14-03, stamped received AUG 21, 2003 and subject to the requirement that the water body setback must not adversely impact any open space requirement, wetland vegetation plantings, or other buffering, landscaping, or preservation areas or requirements.

16. Deviation (16) seeks relief from the LDC §34-2020 requirement of 135 parking spaces for the two clubhouse facilities, to allow 44 off-street parking spaces. This deviation is APPROVED, SUBJECT TO the reservation of Lots 85 and 86 (Phase "4") and Tract I (Phase "3", which lies immediately east of Lots 85 and 86, Phase "4") for the use of overflow parking only, and may not be used as a recreational vehicle or mobile home site. Upon the sale of the last lot (site), in the last Phase of the development, if the applicant can adequately demonstrate during the season of the highest occupancy of the development that the overflow parking areas were not needed, the two lots can then be used for recreational vehicle or mobile home sites as provided for in this planned development. A reduced copy of a Plan entitled Cypress Woods R.V. Resort Phase "IV", IVA, & IVB, stamped received SEP 08, 2003 depicts these parcels.

17. Deviation (17) seeks relief from the LDC §34-935(a)(1) requirement of a minimum of 5 acres of land necessary to expand an existing recreational vehicle park, to allow an expansion of 2.1+/- acres. This deviation is APPROVED.

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Deviations 18 through 24 apply only to Phase 5:

18. Deviation (18) seeks relief from the LDC §10-296(b) Table 2 requirement of a 40 foot right-of-way with open drainage for a privately maintained local street to allow for a 30 foot right-of-way with closed drainage. This deviation is APPROVED.

19. Deviation (19) seeks relief from the LDC §10-296(b) Table 8 requirement of planting strips and sidewalks to allow for a privately maintained right-of-way with no planting strip or sidewalk. This deviation is APPROVED.

20. Deviation (20) seeks relief from the LDC §34-2015(1) requirement for all parking spaces to be located on the same premises as the use they serve, to allow 16 golf cart parking spaces within 200 feet of the amenity tract. This deviation is APPROVED SUBJECT TO Condition 11.

21. Deviation (21) seeks relief from the LDC §34-939(b)(7)(c) requirement of a minimum 10 foot set back from each side and rear recreational vehicle lot, to allow a 0 foot setback for the side and rear lot line of all rear recreational vehicle lots. This deviation is APPROVED SUBJECT TO Condition 12.

22. Deviation (22) seeks relief from the LDC §34-939(b)(3) requirement that all recreational vehicle parks have a perimeter buffer area at least 40 feet wide adjacent to and completely around the boundary of the site, to allow accessory uses outside of the proposed buffer. This deviation is APPROVED SUBJECT TO Conditions 13, 14, and 15.

23. Deviation (23) seeks relief from the LDC §10-415(b)(1)(c) requirement of a 20 foot minimum setback from indigenous vegetation and trees and 30 foot setback for indigenous plant communities subject to fire, to allow a 20 foot minimum setback from upland preserve lots 68-70 and 75-76. This deviation is APPROVED.

24. Deviation (24) is WITHDRAWN.

SECTION D. EXHIBITS:

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

Exhibit A: Legal description of the property
Exhibit B: Zoning Map (with the subject parcel indicated)
Exhibit C: The Master Concept Plan
Exhibit D: Habitat Restoration and Maintenance Guidelines

SECTION E. FINDINGS AND CONCLUSIONS:

Based upon its review, the Board of County Commissioners adopts the recommendation of the Hearing Examiner, including the following findings and conclusions:

1. *As conditioned herein*, the proposed rezoning to RVPD:

   a. Complies with the Lee Plan. *See,* Lee Plan Vision Statement Paragraph 4 (Fort Myers Shores Planning Community), Lee Plan Goals 2, 4, 5, 21, 39,

ADD2021-00158 Lee County ePlan

Objectives 2.2, and Policies 1.1.4, 5.1.5, 61.3.6, 135.1.3, 135.1.9, 158.1.9, 158.1.10; Lee Plan Maps 1, 16.

b. Complies with the LDC and other County regulations. *See*, LDC Chapters 10 and 34; LDC §33-1480 *et. seq*.

c. Is compatible with existing and planned uses in the area. *See,* Lee Plan Policies 1.1.4, 2.1.1, 2.1.2, 2.2.1, 5.1.5, 135.1.9; LDC §§ 34-411(c), (i), and (j).

d. Will not adversely affect environmentally critical areas and natural resources. *See,* Lee Plan Goal 77, Objectives 4.1, 77.1, and LDC §34-411(h).

e. Will be served by urban services. *See,* Lee Plan Glossary, Maps 6, 7, Goal 2; Objectives 2.1, 2.2, 4.1, 53.1, 56.1; Policies 2.2.1, 5.1.3, 135.9.7 and Standards 4.1.1 and 4.1.2; LDC §34-411(d).

2. The MCP reflects sufficient access to support the intensity of development. In addition, County regulations and conditions of approval will address expected impacts to transportation facilities. *See,* Lee Plan Goal 39, Objective 39.1; LDC §34-411(d).

3. The proposed mix of uses is appropriate at the proposed location. *See,* Lee Plan Policies 1.1.4, 2.1.1, 5.1.3, 5.1.5, and 135.1.9.

4. The recommended conditions are sufficient to protect the public interest and reasonably relate to the impacts expected from the development. *See,* Lee Plan Policies 5.1.5, 135.9.6; *See also,* LDC Chapters 10, 33 and 34.

5. As conditioned herein, the deviations:

   a. Enhance the objectives of the planned development; and

   b. Promote the intent of the LDC to protect the public health, safety, and welfare. *See,* LDC §34-377(b)(4).

SECTION F. SCRIVENER'S ERRORS

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

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

Adopted by unanimous consent.

Kevin Ruane	Absent
Cecil Pendergrass	Aye
Raymond Sandelli	Aye
Brian Hamman	Aye
Frank Mann	Aye

DULY PASSED AND ADOPTED this 16th day of December 2020.

ATTEST:
LINDA DOGGETT, CLERK

BY: _____
Deputy Clerk

BOARD OF COUNTY COMMISSIONERS
OF LEE COUNTY, FLORIDA

BY: _____
Kevin Ruane, Chair

BOARD OF COUNTY COMMISSIONERS SEAL LEE COUNTY FLORIDA

APPROVED AS TO FORM FOR THE
RELIANCE OF LEE COUNTY ONLY

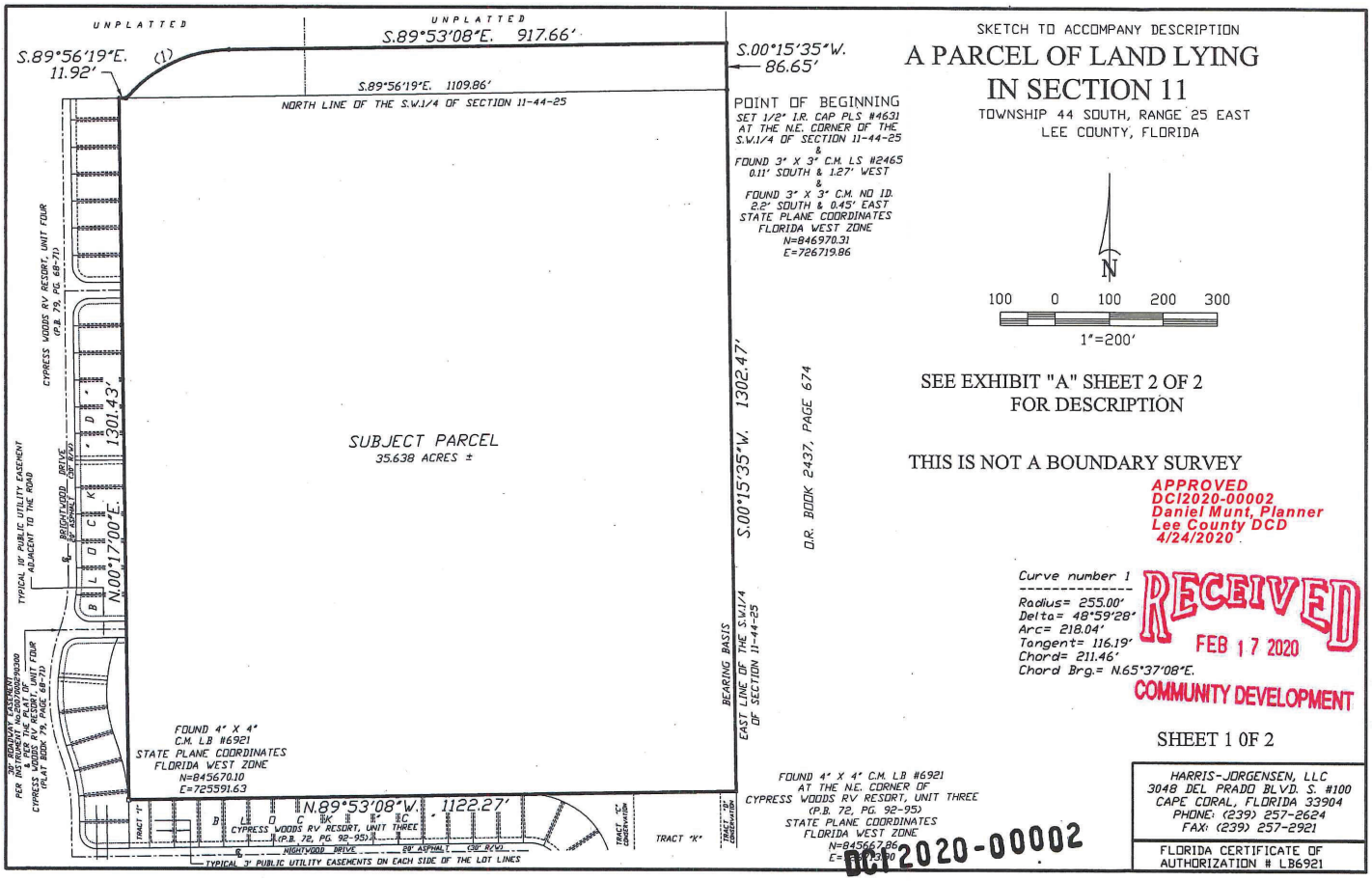
_____
Joseph A. Adams
Assistant County Attorney
County Attorney's Office

RECEIVED
MINUTES OFFICE
2021 FEB -1 PM 2:47

ADD2021-00158 Lee County ePlan

DCI2020-00002 Lee County ePlan

EXHIBIT A



SKETCH TO ACCOMPANY DESCRIPTION

A PARCEL OF LAND LYING IN SECTION 11

TOWNSHIP 44 SOUTH, RANGE 25 EAST
LEE COUNTY, FLORIDA

N

100 0 100 200 300

1"=200'

SEE EXHIBIT "A" SHEET 2 OF 2
FOR DESCRIPTION

THIS IS NOT A BOUNDARY SURVEY

APPROVED
DCI2020-00002
Daniel Munt, Planner
Lee County DCD
4/24/2020

Curve number 1
Radius= 255.00'
Delta= 48°59'28"
Arc= 218.04'
Tangent= 116.19'
Chord= 211.46'
Chord Brg.= N.65°37'08"E.

RECEIVED
FEB 17 2020
COMMUNITY DEVELOPMENT

SHEET 1 OF 2

HARRIS-JORGENSEN, LLC
3048 DEL PRADO BLVD. S. #100
CAPE CORAL, FLORIDA 33904
PHONE: (239) 257-2624
FAX: (239) 257-2921
FLORIDA CERTIFICATE OF AUTHORIZATION # LB6921

DCI2020-00002

REVISED:	DESCRIPTION:	BY:
5/26/2020	ADDED TOPOGRAPHY.	RBH
5/27/2020	ADDED OWNER'S POLICY.	RBH

PHILLIP M. MOULD
PROFESSIONAL SURVEYOR AND MAPPER
LS6515 - STATE OF FLORIDA

DATE OF LAST FIELD WORK: 5/19/2020

DRAWN:	CHECK:	SCALE:	PROJ. #:
RBH	PMM	1"=30'	CV-103
SURVEY DATE:	FILE NO.	SHT.- 1	
5/23/18	44-23-11	OF - 4	

HARRIS-JORGENSEN, LLC.
3648 SW. PINE ISLAND BLVD. S. SUITE 105
CAPE CORAL, FLORIDA 33914
PHONE: (239) 257-2624
FAX: (239) 257-2921

FLORIDA CERTIFICATE OF AUTHORIZATION LB6921

MATTERS PERTAINING TO OWNER'S POLICY
BY OLD REPUBLIC NATIONAL TITLE INSURANCE COMPANY,
POLICY No. OFR-8739592, DATED JANUARY 28, 2020 AT 4:26 PM.

SCHEDULE B-II

ITEMS 1, 2, 3, 4, 5, 7, 8, 9, 13, 14, 16, 17, AND 18 ARE NOT SURVEY RELATED.
ITEM 6 (RED) BOOK 635, PAGE 495, AS SHOWN HEREON.
ITEM 19 (LB) BOOK 3793, PAGE 3637, AS SHOWN HEREON.
ITEM 11 (LB) BOOK 4315, PAGE 3110, AS SHOWN HEREON.
ITEM 12 INSTRUMENT No. 2007000036266, AS SHOWN HEREON.
ITEM 15 INSTRUMENT No. 2012000012224, AS SHOWN HEREON.

SURVEY NOTES:

1. BASIS OF BEARING SHOWN HEREON TAKEN FROM THE EAST LINE OF THE SOUTHWEST QUARTER OF SECTION 11-44-25, AS BEING S.00°15'25"W.
2. FIELD NOTES IN SECTION 11-44-25.
3. THIS CERTIFICATION IS ONLY FOR LANDS DESCRIBED HEREON. IT IS NOT A CERTIFICATION OF TITLE, ZONING OR FREEDOM OF ENCUMBRANCES.
4. THIS SURVEY IS BASED ON OWNER'S POLICY BY OLD REPUBLIC NATIONAL TITLE INSURANCE COMPANY, POLICY No. OFR-8739592, DATED JANUARY 28, 2020 AT 4:26 PM.
5. UNDERGROUND STRUCTURES AND UTILITIES, IF ANY, ARE NOT INCLUDED.
6. THIS MAP/PLAT IS NOT VALID WITHOUT THE SIGNATURE AND THE ORIGINAL RAISED SEAL OF A FLORIDA LICENSED SURVEYOR AND MAPPER.
7. ALL BEARINGS AND DISTANCES ARE PLAT AND MEASURED, UNLESS OTHERWISE SHOWN.
8. ISSUANCE OF THIS DRAWING, FROM THIS FIRM SHALL NOT RELIEVE THE BUILDER AND/OR CONTRACTORS OF THE RESPONSIBILITY TO REVIEW AND VERIFY ALL NOTES, DIMENSIONS, ELEVATIONS, AND ADHERENCE TO APPLICABLE BUILDING CODES PRIOR TO COMMENCEMENT OF ANY CONSTRUCTION. BUILDER MAY NEED TO ADJUST ELEVATION AND/OR SETBACKS PRIOR TO CONSTRUCTION IF OTHER RESTRICTIONS EXIST.
9. THIS SURVEY IS INTENDED TO BE VIEWED AS AN 24X36, 36" SCALE DRAWING.
10. THIS SURVEY IS LOCATED IN STATE PLANE COORDINATES FLORIDA WEST ZONE NAD83.
11. BENCHMARK DERIVED FROM RTCM-NGS 0103, ELEVATION 33.68' N.A.V.D. 1988
12. ELEVATIONS ARE NORTH AMERICAN VERTICAL DATUM OF 1988 (N.A.V.D.)

FLOOD ZONE: "X" ELEVATION N/A
COMMUNITY No: 125124 PANEL No: 0291
SUFFIX: F REVISION DATED: 8/28/08
MAP NUMBER 12071C0291F

THIS SURVEY IS CERTIFIED TO:
DUANE J. TRUITT
LEE COUNTY

LEGEND:

⊕	SET 5/8 IRON ROD (CAP LB6921)	R.V.B.	RECLAIM WATER BOX
○	FOUND IRON ROD (I.D.)	W.M.	WATER METER
■	CONCRETE MONUMENT (C.M.)	O/H	OVERHEAD POWER
P.R.M.	PERMANENT REFERENCE MONUMENT	P.P.	POWER POLE
P.U.E.	PUBLIC UTILITY EASEMENT	G.A.N.V.	GUY ANCHOR & WIRE
D.E.	DRAINAGE EASEMENT	T.S.B.	TELEPHONE SERVICE BOX
P.C.	POINT OF CURVATURE	N/S	NAIL & DISK
O.R.	OFFICIAL RECORDS BOOK	W.T.	WATER TIDE GAUGE
C.B.	AS SURVEY	ELEV.	ELEVATION
(P)	AS PER PLAT	B.M.	BENCHMARK
C.L.	CENTER LINE	T.E.	TOP OF CONTAINER
L.M.	LAKE MAINTENANCE	A/C	AIR CONDITIONER
R/W	RIGHT-OF-WAY	W.S.	WATER SYSTEM
℄	CENTERLINE	P.E.	POOL EQUIPMENT
E.P.	ELECTRIC PEDESTAL		CONCRETE
C.O.	CLEAN-OUT	E.B.	ELECTRIC OUTLET
		C.P.P.	CORRUGATED PLASTIC PIPE

BOUNDARY SURVEY OF
A PARCEL OF LAND LYING IN SECTION 11
TOWNSHIP 44 SOUTH, RANGE 25 EAST
(INSTRUMENT No. 2007000036266)
LEE COUNTY, FLORIDA

SCALE IN FEET

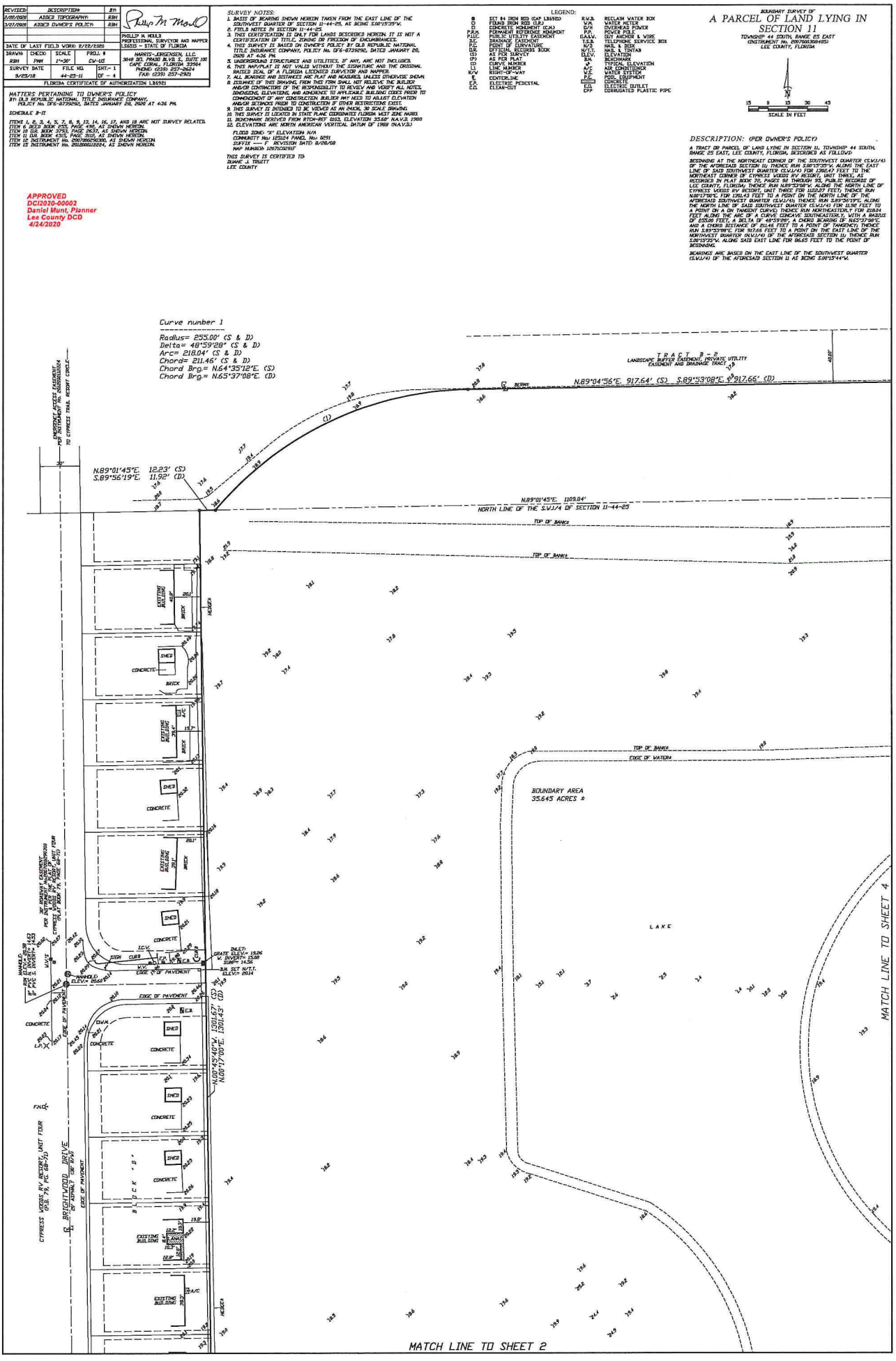
DESCRIPTION: (PER OWNER'S POLICY)

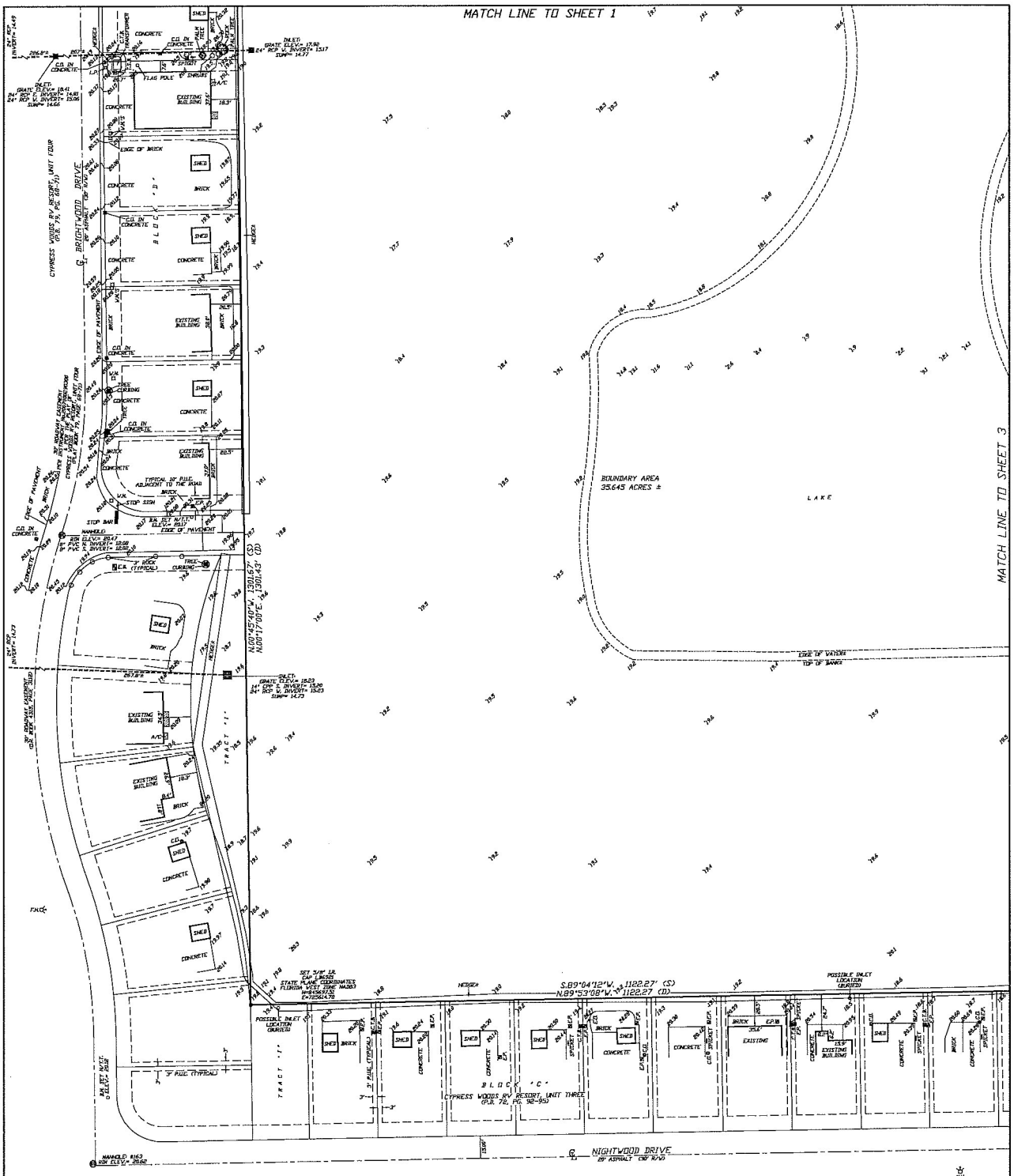
A TRACT OR PARCEL OF LAND LYING IN SECTION 11, TOWNSHIP 44 SOUTH, RANGE 25 EAST, LEE COUNTY, FLORIDA, DESCRIBED AS FOLLOWS:

BEGINNING AT THE NORTHEAST CORNER OF THE SOUTHWEST QUARTER (S.W.1/4) OF THE AFORESAID SECTION 11; THENCE RUN S.00°15'25"W. ALONG THE EAST LINE OF SAID SOUTHWEST QUARTER (S.W.1/4) FOR 1,280.47 FEET TO THE NORTHEAST CORNER OF CYPRESS WOODS RV RESORT, UNIT THREE, AS RECORDED IN PLAT BOOK 77, PAGES 86 THROUGH 95, PUBLIC RECORDS OF LEE COUNTY, FLORIDA; THENCE RUN N.89°53'08"W. ALONG THE NORTH LINE OF SAID CYPRESS WOODS RV RESORT, UNIT THREE FOR 1,020.27 FEET; THENCE RUN N.89°17'56"E. FOR 1,261.43 FEET TO A POINT ON THE NORTH LINE OF THE AFORESAID SOUTHWEST QUARTER (S.W.1/4); THENCE RUN S.89°56'19"E. ALONG THE NORTH LINE OF SAID SOUTHWEST QUARTER (S.W.1/4) FOR 1,109.84 FEET TO A POINT ON A ON TANGENT CURVE; THENCE RUN NORTHEASTERLY FOR 218.04 FEET ALONG THE ARC OF A CURVE CONCAVE SOUTHEASTERLY, WITH A RADIUS OF 255.00 FEET, A DELTA OF 48°59'28", A CHORD BEARING OF N.65°37'08"E. AND A CHORD DISTANCE OF 211.46 FEET TO A POINT OF TANGENCY; THENCE RUN S.89°53'09"E. FOR 917.64 FEET TO A POINT ON THE EAST LINE OF THE NORTHWEST QUARTER (N.W.1/4) OF THE AFORESAID SECTION 11; THENCE RUN S.00°15'25"W. ALONG SAID EAST LINE FOR 86.65 FEET TO THE POINT OF BEGINNING.

BEARINGS ARE BASED ON THE EAST LINE OF THE SOUTHWEST QUARTER (S.W.1/4) OF THE AFORESAID SECTION 11 AS BEING S.00°15'44"W.

APPROVED
DCI2020-00002
Daniel Munt, Planner
Lee County DCD
4/24/2020





BOUNDARY SURVEY OF
A PARCEL OF LAND LYING IN
SECTION 11
TOWNSHIP 44 SOUTH, RANGE 25 EAST
(INSTRUMENT No. 2007000309485)
LEE COUNTY, FLORIDA

SCALE IN FEET

LEGEND:

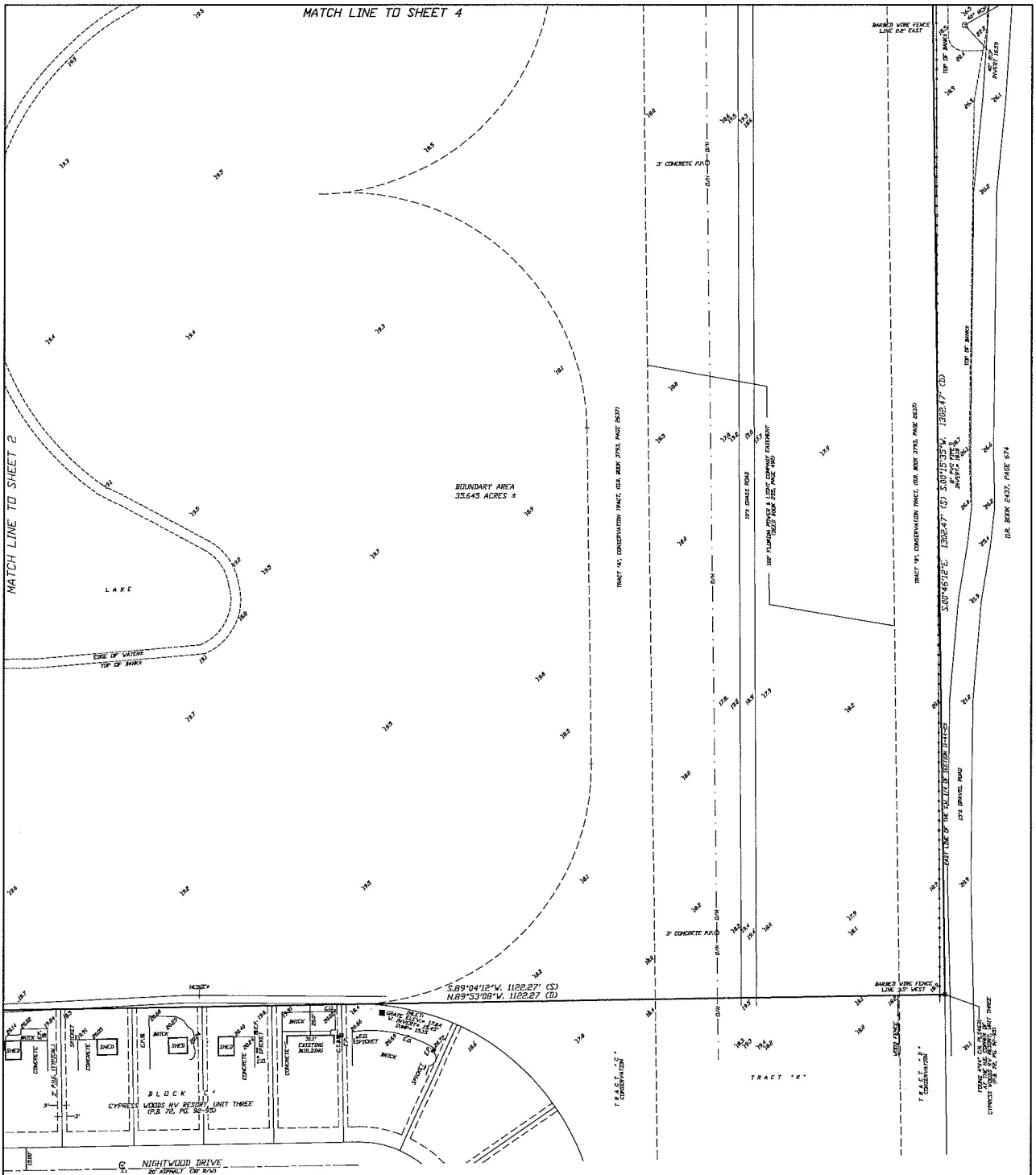
●	SET #4 IRON ROD (CAP L36921)	R.W.B.	RECLAIM WATER BOX
○	FOUND IRON ROD (LB)	W.M.	WATER METER
□	CONCRETE MONUMENT (C.M.)	O/H	OVERHEAD POWER
P.R.M.	PERMANENT REFERENCE MONUMENT	P.P.	POWER POLE
P.U.E.	PUBLIC UTILITY EASEMENT	G.A.W.	GUY ANCHOR & WIRE
D.E.	DRAINAGE EASEMENT	T.S.B.	TELEPHONE SERVICE BOX
P.C.	POINT OF CURVATURE	N/S	NAIL & DISK
O.R.	OFFICIAL RECORDS BOOK	N/T.T.	NAIL & TINTAB
(S)	AS PER SURVEY	ELEV.	ELEVATION
(P)	AS PER PLAT	B.M.	BENCHMARK
(C)	CURVE NUMBER	⊕	TYPICAL ELEVATION
L.I.	LINE NUMBER	A/C	AIR CONDITIONER
R/W	RIGHT-OF-WAY	W.S.	WATER SYSTEM
℄	CENTERLINE	P.E.	POOL EQUIPMENT
E.P.	ELECTRIC PEDESTAL	CONC	CONCRETE
C.O.	CLEAN-OUT	E.O.	ELECTRIC OUTLET
		CPP	CORRUGATED PLASTIC PIPE

REVISED:	DESCRIPTION:	BY:
2/22/2020	ADDED TOPOGRAPHY:	RBH
3/27/2020	ADDED OWNER'S POLICY:	RBH

DATE OF LAST FIELD WORK: 2/22/2020

DRAWN	CHECK	SCALE	PROJ. #	
RBH	PMH	1"=30'	CW-US	MARRIS-JORGENSEN, LLC. 3048 DEL PRADO BLVD S SUITE 100 CAPE CORAL, FLORIDA 33904 PHONE: (239) 257-2624 FAX: (239) 257-2921
SURVEY DATE		FILE NO.	SHT.- 2	
9/23/19		44-25-11	OF - 4	

FLORIDA CERTIFICATE OF AUTHORIZATION L36921



BOUNDARY SURVEY OF
A PARCEL OF LAND LYING IN
SECTION 11
TOWNSHIP 44 SOUTH, RANGE 25 EAST
(INSTRUMENT No. 2007000308480)
LEE COUNTY, FLORIDA

N

15 0 15 30 45
SCALE IN FEET

LEGEND:

●	SET 44 IRON ROD (CAP LB6920)	R.W.B.	RECLAIM WATER BOX
○	FOUND IRON ROD (I.R.)	W.M.	WATER METER
□	CONCRETE MONUMENT (C.M.)	O/H	OVERHEAD POWER
P.R.M.	PERMANENT REFERENCE MONUMENT	P.P.	POWER POLE
P.U.E.	PUBLIC UTILITY EASEMENT	G.A.&V.	GUY ANCHOR & WIRE
D.E.	DRAINAGE EASEMENT	T.S.B.	TELEPHONE SERVICE BOX
P.C.	POINT OF CURVATURE	M/B	MAIL & DISK
O.R.	OFFICIAL RECORDS BOOK	M/T.T.	MAIL & TINTAB
(S)	AS PER SURVEY	ELEV.	ELEVATION
(P)	AS PER PLAT	B.M.	BENCHMARK
(I)	CURVE MEMBER	⊙	TYPICAL ELEVATION
L.I.	LINE MEMBER	A/C	AIR CONDITIONER
R/W	RIGHT-OF-WAY	W.S.	WATER SYSTEM
℄	CENTERLINE	P.E.	POOL EQUIPMENT
E.P.	ELECTRIC PEDESTAL	ELEC	ELECTRIC
C.O.	CLEAN-OUT	CPP	CORRUGATED PLASTIC PIPE

REVISED:	DESCRIPTION:	BY:
2/22/2020	ADDED TOPOGRAPHY:	RBH
3/27/2020	ADDED OWNER'S POLICY:	RBH

DATE OF LAST FIELD WORK: 2/22/2020

DRAWN	CHECK	SCALE	PROJ. #	
RBH	PMH	1"=30'	CW-US	MARKIS-JONGENSEN, LLC. 3048 DEL PRADO BLVD S. SUITE 100 CAPE CORAL, FLORIDA 33904 PHONE (239) 257-2624 FAX (239) 257-2921
SURVEY DATE		FILE NO.	SHT.- 3	
9/25/18		44-25-11	OF - 4	

FLORIDA CERTIFICATE OF AUTHORIZATION LB6921

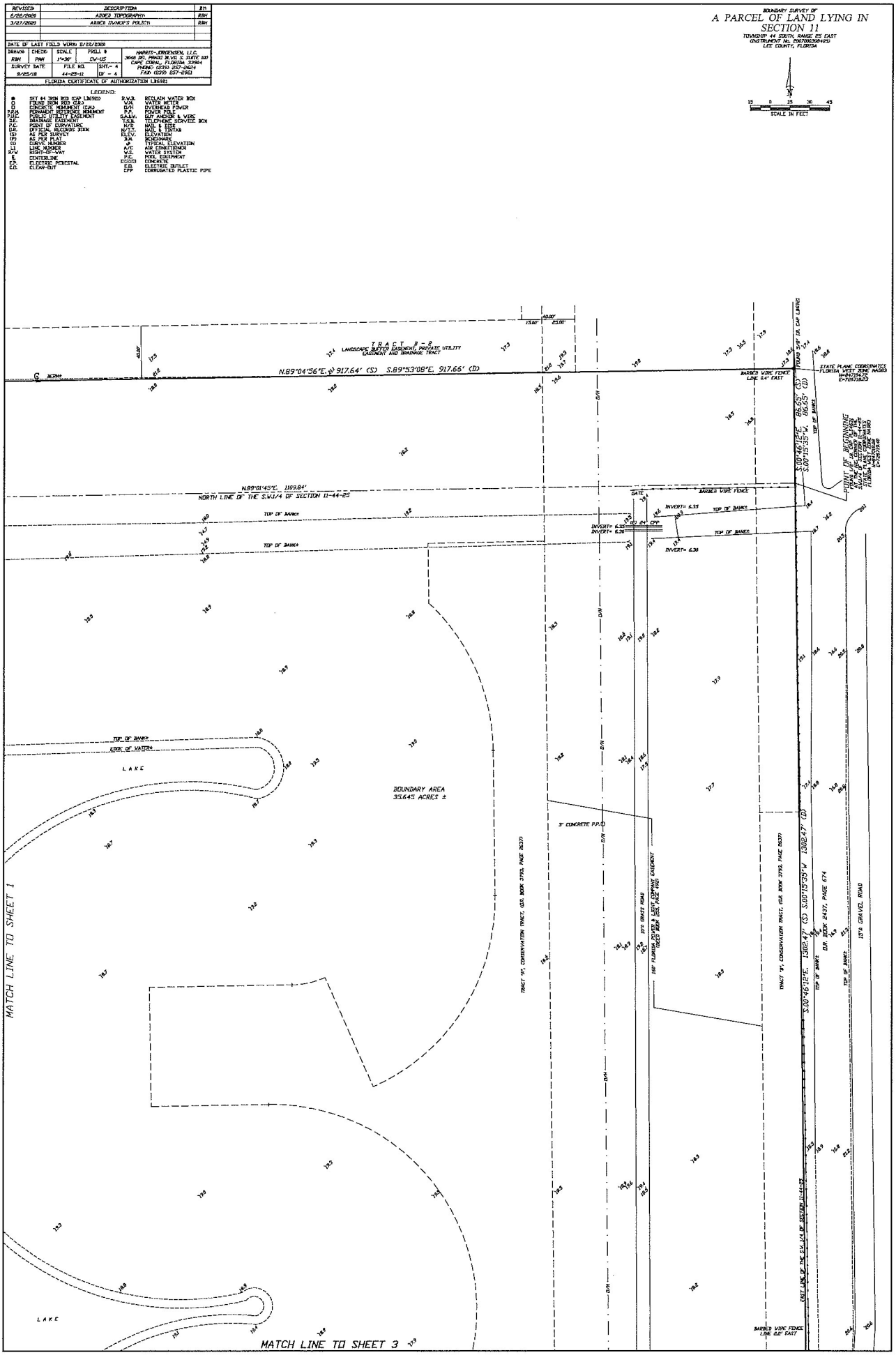
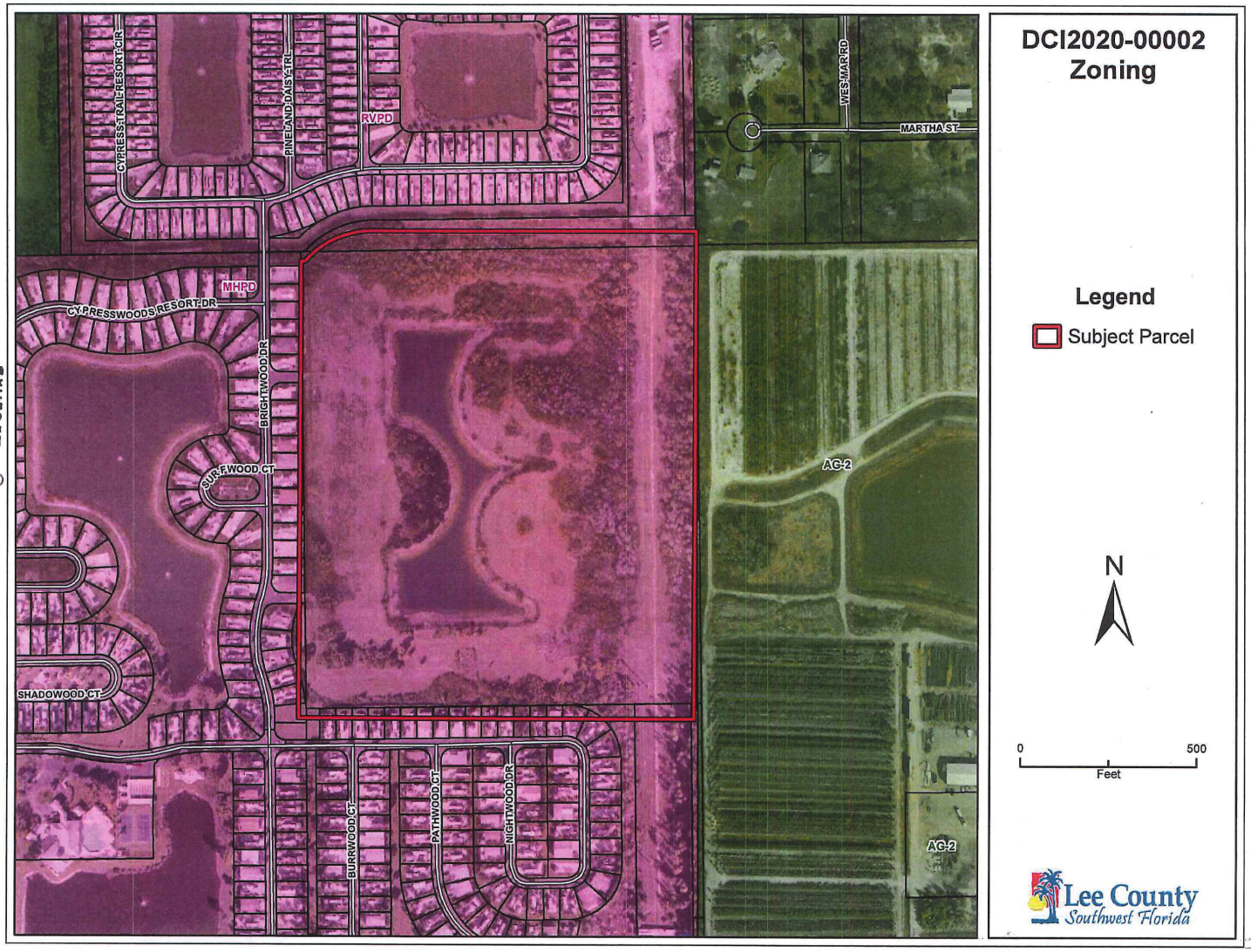
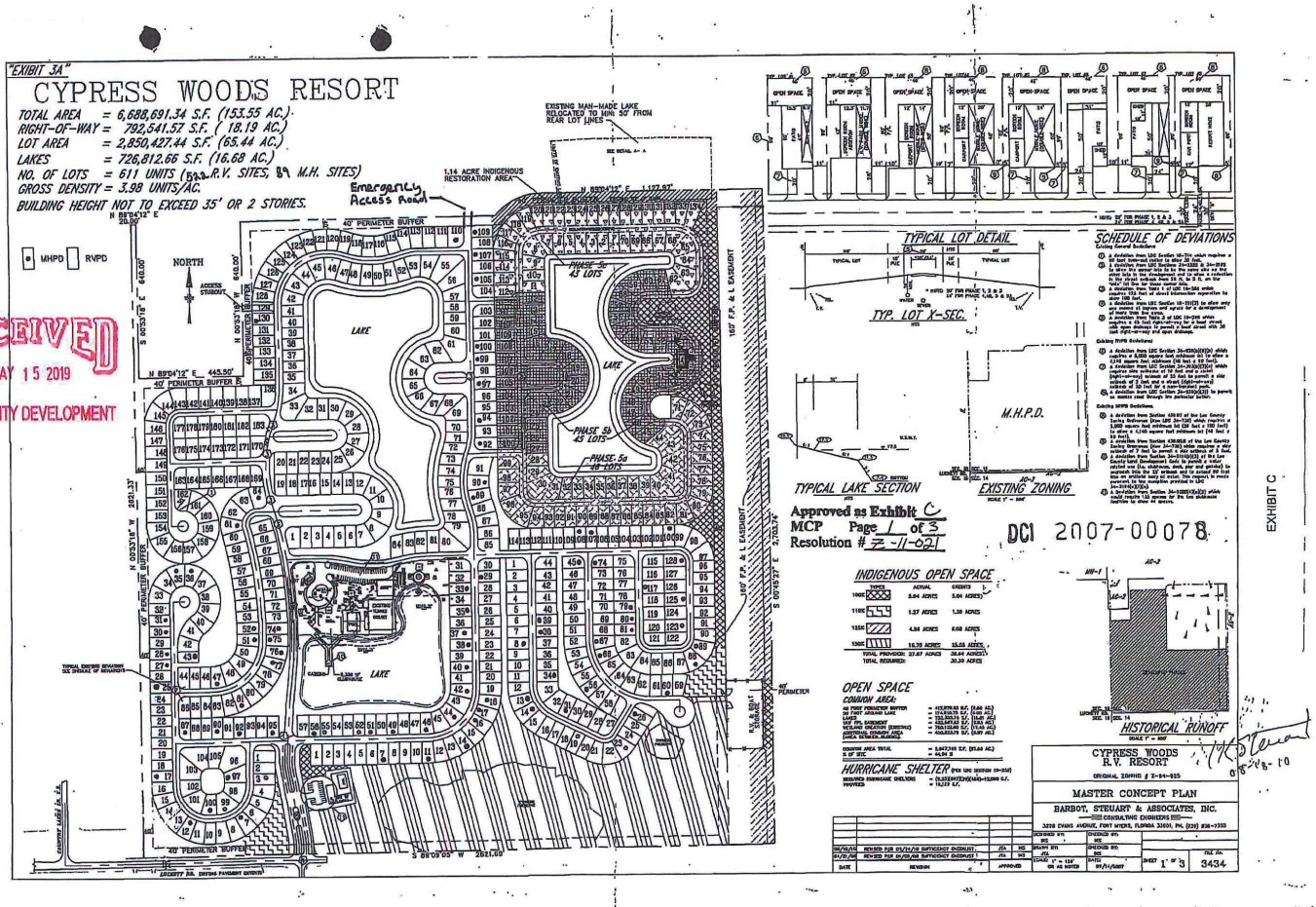

BOUNDARY SURVEY OF
A PARCEL OF LAND LYING IN SECTION 11
TOWNSHIP 44 SOUTH, RANGE 25 EAST
LEE COUNTY, FLORIDA
REVISED
8/22/2020 ADDED TOPOGRAPHY. RBH
3/27/2020 ADDED OWNER'S POLICY. RBH
DATE OF LAST FIELD WORK 8/22/2020
DRAWN RBH CHECK PMH SCALE 1"=30' FIELD B CV-05
SURVEY DATE 8/25/18 FILE NO. 44-25-11 SHT.- 4 OF - 4
HARRIS-JORGENSEN, L.L.C.
3648 BD. PKWY BLVD. S. STATE 100
CAPE CORAL, FLORIDA 33904
PHONE (239) 257-0624
FAX (239) 257-0581
FLORIDA CERTIFICATE OF AUTHORIZATION LB6582
LEGEND:
SET 44 IRON ROD CAP LB6582
FOUND IRON ROD O.R.B.
CONCRETE MONUMENT (C.M.)
PERMANENT REFERENCE MONUMENT
P.U.E. PUBLIC UTILITY EASEMENT
D.E. DRAINAGE EASEMENT
P.C. POINT OF CURVATURE
O.R. OFFICIAL RECORDS BOOK
(S) AS PER SURVEY
(P) AS PER PLAT
(C) CURVE NUMBER
(L) LINE NUMBER
R/W RIGHT-OF-WAY
℄ CENTERLINE
E.P. ELECTRIC PEDESTAL
C.O. CLEAN-OUT
R.V.B. RECLAIM WATER BOX
W.M. WATER METER
O/H OVERHEAD POWER
P.P. POWER POLE
G.A.W. GUY ANCHOR & WIRE
T.S.B. TELEPHONE SERVICE BOX
M/B MAIL & BIKE
M/T/T MAIL & TINTAN
ELEV. ELEVATION
B.M. BENCHMARK
T.E. TYPICAL ELEVATION
A/C AIR CONDITIONER
W.E. WATER STATION
M.E. MISC. EQUIPMENT
CONC. CONCRETE
E.O. ELECTRIC OUTLET
CPP CORRUGATED PLASTIC PIPE
SCALE IN FEET
TRACT B-2
LANDSCAPE BUFFER EASEMENT, PRIVATE UTILITY EASEMENT AND DRAINAGE TRACT
N.89°04'56"E., 917.64' (S) S.89°53'08"E., 917.66' (D)
BARBED WIRE FENCE LINE 6.4' EAST
STATE PLANE COORDINATES FLORIDA WEST ZONE NAD83
N=947762.5
E=756770.03
S.00°46'12"E. 86.55' (S) 86.55' (D)
S.00°15'35"W.
POINT OF BEGINNING
FOUND 1/2" I.R. CAP LB6582
N.89°01'45"E. 1109.84'
NORTH LINE OF THE S.W.1/4 OF SECTION 11-44-25
TOP OF BANK
INVERT= 6.35
INVERT= 6.30
60" R.C.P.
BARBED WIRE FENCE
DATE
BOUNDARY AREA
35.645 ACRES ±
LAKE
EDGE OF WATER
3' CONCRETE P.P.C.
TRACT "W", CONSERVATION TRACT, (O.R. BOOK 3793, PAGE 3637)
15' FLORIDA POWER & LIGHT COMPANY EASEMENT (O.R. BOOK 2437, PAGE 680)
10' GRASS ROAD
TRACT "W", CONSERVATION TRACT, (O.R. BOOK 3793, PAGE 3637)
S.00°46'12"E. 1302.47' (S) S.00°15'35"W. 1302.47' (D)
O.R. BOOK 2437, PAGE 674
15' GRAVEL ROAD
EAST LINE OF THE S.W.1/4 OF SECTION 11-44-25
BARBED WIRE FENCE LINE 6.2' EAST
MATCH LINE TO SHEET 1
MATCH LINE TO SHEET 3

EXHIBIT B

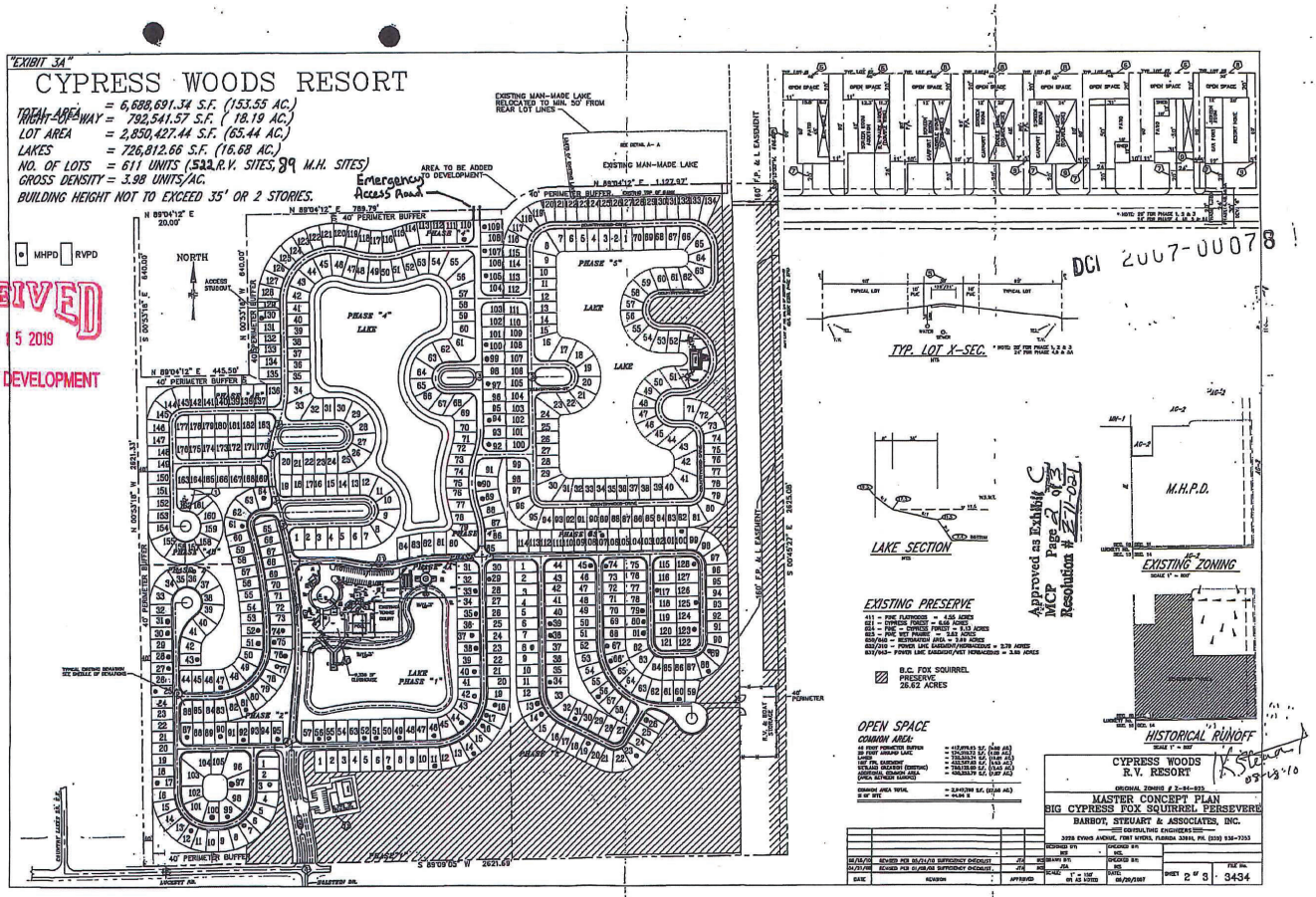

CYPRESSTRAIL RESORT CIR
PINELAND DAISY TRL
RVPD
WES-MAR RD
MARTHA ST
MHPD
CYPRESSWOODS RESORT DR
BRIGHTWOOD DR
SURFWOOD CT
AC-2
SHADOWOOD CT
BURRWOOD CT
PATHWOOD CT
NIGHTWOOD DR
AC-2
DCI2020-00002
Zoning
Legend
Subject Parcel
N
0
500
Feet
Lee County
Southwest Florida



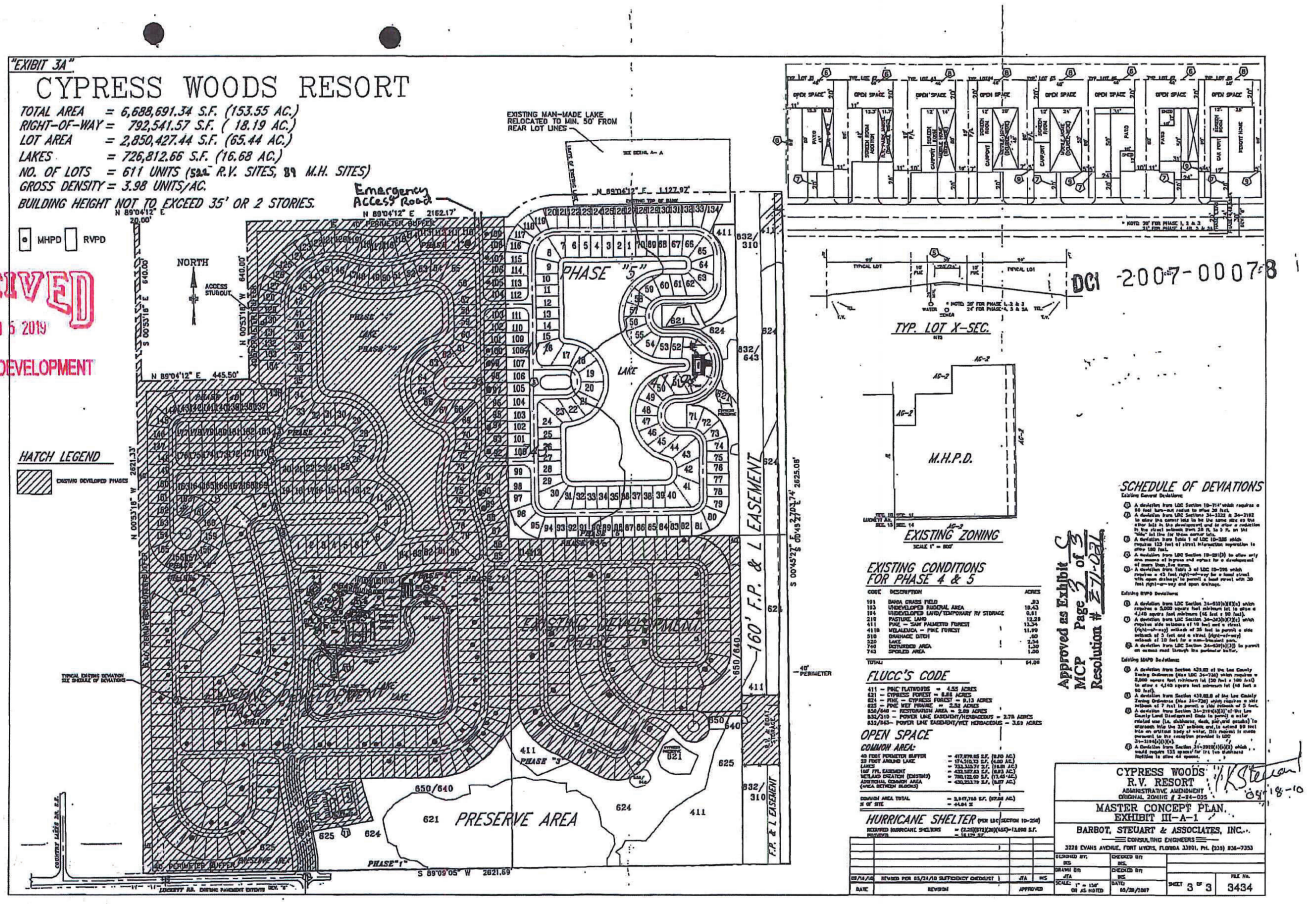
RECEIVED
MAY 15 2019
COMMUNITY DEVELOPMENT

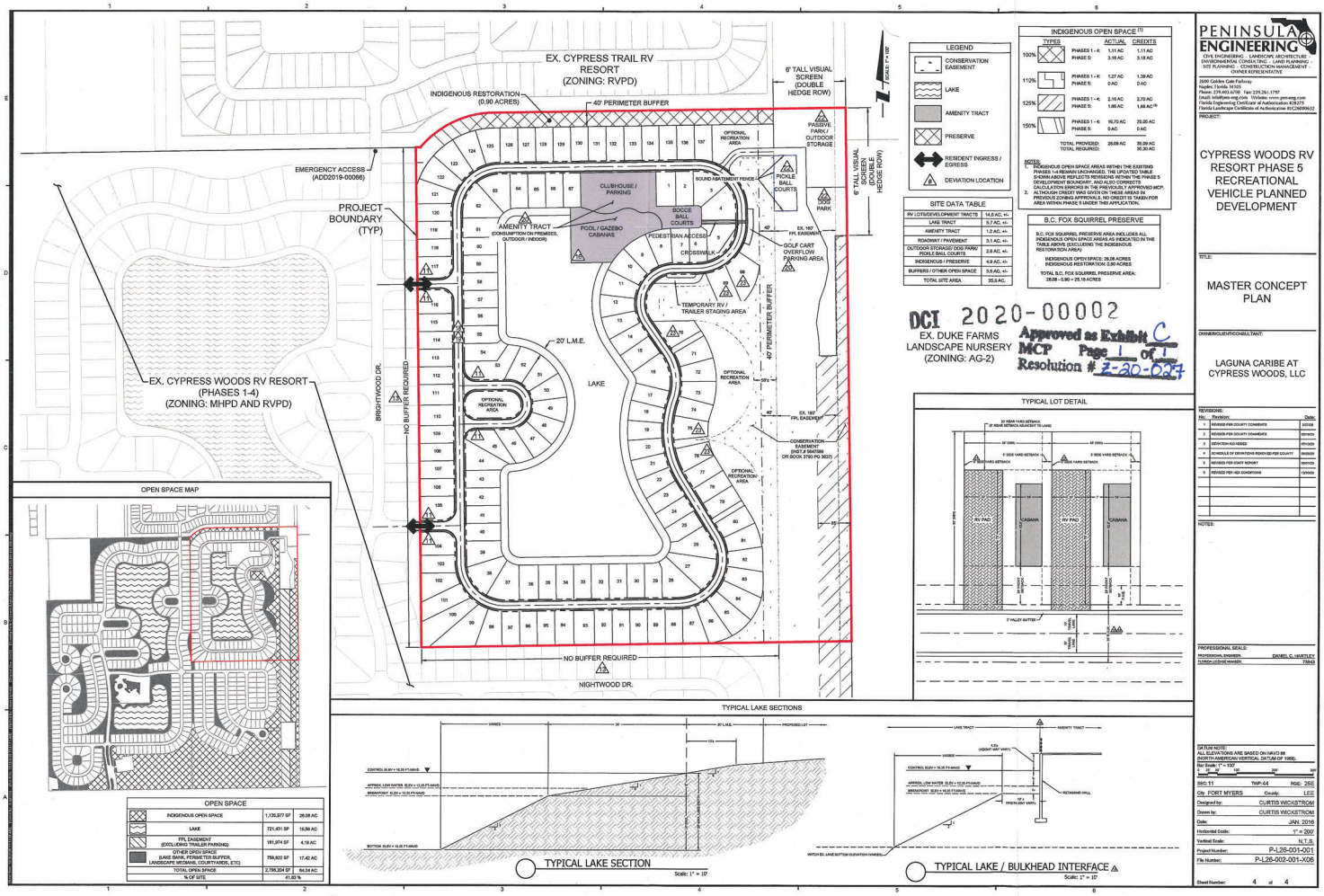
EXHIBIT C

EXHIBIT C


"EXIBIT 3A"
CYPRESS WOODS RESORT
TOTAL AREA = 6,688,691.34 S.F. (153.55 AC.)
RIGHT-OF-WAY = 792,541.57 S.F. (18.19 AC.)
LOT AREA = 2,850,427.44 S.F. (65.44 AC.)
LAKES = 726,812.66 S.F. (16.68 AC.)
NO. OF LOTS = 611 UNITS (522 R.V. SITES, 89 M.H. SITES)
GROSS DENSITY = 3.98 UNITS/AC.
BUILDING HEIGHT NOT TO EXCEED 35' OR 2 STORIES.
MHPD
RVPD
RECEIVED
MAY 15 2019
COMMUNITY DEVELOPMENT
NORTH
Emergency Access Road
AREA TO BE ADDED TO DEVELOPMENT
EXISTING MAN-MADE LAKE RELOCATED TO MIN. 50' FROM REAR LOT LINES
EXISTING MAN-MADE LAKE
40' PERIMETER BUFFER
PHASE "4" LAKE
PHASE "5" LAKE
LAKE PHASE "1"
PHASE "2"
PHASE "3"
PHASE "4"
PHASE "5"
TYP. LOT X-SEC.
LAKE SECTION
EXISTING PRESERVE
B.C. FOX SQUIRREL PRESERVE 26.62 ACRES
OPEN SPACE
COMMON AREA:
M.H.P.D.
EXISTING ZONING
HISTORICAL RUNOFF
DCI 2007-00078
Approved as Exhibit C
MCP Page 2 of 3
Resolution # 3-11-021
CYPRESS WOODS R.V. RESORT
MASTER CONCEPT PLAN
BIG CYPRESS FOX SQUIRREL PERSEVERE
BARBOT, STEUART & ASSOCIATES, INC.
CONSULTING ENGINEERS
3225 EVANS AVENUE, FORT MYERS, FLORIDA 33901, PH. (239) 936-7253
SCALE 1" = 100'
DATE 08/20/2007
SHEET 2 OF 3
FILE No. 3434

ADD2021-00158 Lee County ePlan





PENINSULA ENGINEERING

CYPRESS WOODS RV RESORT PHASE 5 RECREATIONAL VEHICLE PLANNED DEVELOPMENT

MASTER CONCEPT PLAN

LAGUNA CARIBE AT CYPRESS WOODS, LLC

ADD2021-00158 Lee County ePlan

ZVL2019-00095 Lee County ePlan

Habitat Restoration and Maintenance Guidelines

for the

Cypress Woods RV Resort Phase V

Sections 11, T44S, R25E, Luckett Road, Lee County, Florida

March 27, 2008
Revised: Dec. 4, 2008
June 9, 2009

Prepared for:

Cypress Woods RV Resort
5551 Luckett Road.
Fort Myers, FL 33905
(239) 694-2191
FAX: (239) 691-4969

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COMMUNITY DEVELOPMENT

conducted by

DCI 2007-00078

Southern Biomes, Inc.
1602 Woodford Ave., Fort Myers, FL 33901 - mail to: P.O. Box 50640, Fort Myers, FL 33994
Ph.: (239) 334-6766 - Geza Wass de Czege, President - Fax: (239) 337-5028

EXHIBIT D

ADD2021-00158 Lee County ePlan

ZVL2019-00095 Lee County ePlan

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1602 Woodford Ave., Fort Myers, FL 33901 - mail to: P.O. Box 50640, Fort Myers, FL 33994
Ph.: (239) 334-6766 - Geza Wess de'Czege, President - Fax: (239) 337-5028

A. FOX SQUIRREL HABITAT RESTORATION GUIDELINES

1. **RESTORATION SITE DESCRIPTION:** The subject restoration site is a forty foot wide buffer area located in the northeastern portion of the development, extending for approximately 800 feet east to the pine flatwoods buffer adjacent to the powerline easement. The previously existing forested buffer was unintentionally cleared and will be restored to meet Lee County Code, Sec. 14-384: Restoration standards, and the Sec. 10-420 Plant materials standards. The plantings will be according to Lee County's Department of Community Development, Division of Environmental Sciences indigenous habitat restoration area planting guidelines.

2. **HABITAT RESTORATION EXECUTIVE SUMMARY:** To help restore the habitat, slash pines and scattered live oaks will be planted an average of 15' on center, with 75% of the trees being a minimum 10' tall with two-inch caliper at 12 inches above ground, and the remaining 25% a minimum 16' tall with a 3-4 inch caliper, to provide more diversity sizes. Trees will be planted in random order so as not to appear as growing in rows. Shrubs will be limited to scattered clusters of saw palmetto, wax myrtle, beautyberry, gallberry and muhly grass, planted around selected tree clusters. Shrubs and groundcover vegetation must be in minimum one-gallon container, and clustered at an average of three feet (3') on center, to mimic pine flatwoods savanna habitat.

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Ph.: (239) 334-6766 - Geza Wass de Czege, President - Fax: (239) 337-5028

Habitat Restoration Plant List

- One hundred ten (110) trees, of which no more than 75% are to be 10' tall, minimum 2 inch caliper trees, and at least 25% are >16' tall, minimum 3 inch caliper trees. All trees are to be planted in random order on average 15' centers:
  - 68 slash pine (*Pinus elliottii*) 10' w/min 2" dbh
  - 22 slash pine (*Pinus elliottii*) 16' w/min 3" dbh
  - 6 live oak (*Quercus virginiana*) 10' w/min 2" dbh
  - 2 live oak (*Quercus virginiana*) 16' w/min 3" dbh
  - 4 laurel oak (*Quercus laurifolia*) 10' w/min 2" dbh
  - 2 laurel oak (*Quercus laurifolia*) 16' w/min 3" dbh
  - 4 dahoon holly (*Ilex cassine*) 10' w/min 2" dbh
  - 2 dahoon holly (*Ilex cassine*) 16' w/min 3" dbh

- Three thousand four hundred sixty six (3,466) in 1 gallon containerized shrubs & herbaceous species, randomly clustered within tree clusters, on 3' center:
  - 1000 saw palmetto (*Serenoa repens*)
  - 500 wax myrtle (*Myrica sp.*)
  - 500 beautyberry (*Callicarpa americana*)
  - 466 gallberry (*Ilex glabra*)
  - 1000 muhly grass (*Muhlenbergia sp.*)

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Ph: (239) 334-6766 - Geza Wass de Czege, President - Fax: (239) 337-5028

RESTORATION AREA SITE PREPARATION, MAINTENANCE AND MONITORING GUIDELINES:

1. Restoration areas are to be graded to natural elevations of adjacent pine flatwoods uplands, and harrowed to remove all ruts from the planting areas.
2. Eradicate any torpedograss, primrose willow, or any other exotic or nuisance vegetation prior to replanting, with an approved systemic herbicide, and establish an annual eradication program to maintain the area free of exotic species, and the nuisance species to less than 2% coverage.
3. Replant restoration areas with plant species and quantities as designated in the plant list provided in the Habitat Restoration Plant List (approx. 31,200 sq. ft.).
   - One hundred ten (110) trees, with no more than 75% at least 10' tall, 2 inch caliper and the remaining trees >15' tall, with minimum 3 inch caliper, planted in clusters of 3-5, on average 15' centers.
   - Three thousand four hundred sixty six (3,466) 1 gallon containerized shrubs, cluster 3' o.c.
4. Maintain a semi-annual exotic plant control the first year, and an annual control thereafter, in perpetuity, to treat the exotic vegetation resprouting with an approved herbicide, and manually remove any seedlings. Conduct activities during the winter and spring dry season.
5. Signage shall be placed at each end of the indigenous preserve area to identify and protect the preserve during and after construction. The signs shall be no closer than ten feet from adjacent property lines; be limited to a maximum height of four feet and a maximum size of two square feet, stating: "Preserve Area" (in large letters), "Please do not cut or damage any plants unless authorization by permit, or obtained in writing by Lee County Community Development" (in small letters). See example attached with these guidelines.
6. Provide Lee County with an annual monitoring report, for 5 years, including plant survival data and qualitative narrative describing the vegetative changes within the mitigation area. Include the following:
   a. Provide three fixed point photo station' panoramic photograph analyses at selected locations.
   b. Narrative report of exotics invasion, and removal success.
   d. Plant survival data and revegetation success data, including quantitative data, natural recruitment success, exotic invasion, general condition, and recommendations.
7. Mitigation success criteria are as follows:
   a. The area is maintained free of exotic plants, as defined by the Florida Exotic Pest Plant Council, with no more than 2% coverage at any one time (including but not limited to melaleuca, Brazilian pepper, Australian pine, etc.), and the number of exotic plants eradicated each year has been greatly reduced.
   b. All nuisance plant species (torpedograss, primrose willow, caesarweed, dog fennel, etc.) constitute no more than 5% of the total plant coverage.
   c. There is an 80% survival rate of the planted vegetation and at least 80% coverage of the planted area by indigenous native vegetation at the end of the third year of monitoring.
   d. There is a continual increase in indigenous plant species composition throughout the five year monitoring period.

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Ph.: (239) 334-6766 - Geza Wass de Czege, President - Fax: (239) 337-5028

Preserve Area Sign Sample

Preserve Area

No Dumping
No Cutting
No Disturbing

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AUG 2 3 2010
COMMUNITY DEVELOPMENT

Please do not cut or damage any plants unless authorization by permit, or obtained in writing by Lee County Community Development.

Please Help Keep it Natural!!

NOTE: Typical sign dimensions may range from 9" x 12" to 12" x 18" (vertical or horizontal), but should not exceed 288 sq. inches.

DCI 2007-00078

ADMINISTRATIVE AMENDMENT
LEE COUNTY, FLORIDA

WHEREAS, Laguna Caribe at Cypress Woods, LLC filed an application for an administrative amendment to a Recreational Vehicle Planned Development on a project known as Cypress Woods RVPD Phase 5, to revise the Master Concept Plan typical lot details, include the accessory use of Casitas, and remove the size limitation pertaining to cabanas on property described more particularly as:

LEGAL DESCRIPTION: In Section 11, Township 44 South, Range 25 East, Lee County, Florida:

ATTACHED AS EXHIBIT "A"

WHEREAS, the subject property is located in the Urban Community Future Land Use Category as designated by the Lee Plan; and

WHEREAS, the property was originally rezoned to RVPD in Resolution Z-94-025 (with subsequent amendments in case number PD-95-019, ADD2002-00111, ADD2003-00122, Resolution Z-03-057, ADD2004-00102, ADD2010-00013, Resolution Z-11-021, ADD2019-00066, Resolution Z-20-027, ADD2020-00049A and ADD2021-00158); and

WHEREAS, ADD2021-00158 amended Resolution Z-20-027 to clarify the development regulations in Phase 5 of Cypress Woods RVPD (see Exhibit "D"); and

WHEREAS, Resolution Z-20-027 supersedes all previous zoning resolutions and included cabanas as a permitted accessory use to a recreational vehicle lot, subject to a 600 square-foot size limitation (see Exhibit D); and

WHEREAS, Lee County Ordinance Number 22-12, adopted May 17, 2022, enacted regulatory amendments concerning the addition of "Casitas" as a permitted use obtainable within non-transient recreational vehicle parks in the RVPD Districts; and

WHEREAS, the applicant proposes to include the use of casitas within Phase 5 of the Cypress Woods RVPD, a non-transient recreational vehicle park (see Exhibit "B"); and

WHEREAS, Casita is defined by Land Development Code (LDC) Section 34-2 as "an accessory building located on an individual recreational vehicle lot which may contain sleeping and sanitary facilities and a kitchen and is used for habitation by the occupants of the recreational vehicle occupying the lot"; and

WHEREAS, supplemental regulations pertaining to casitas are provided for in LDC Section 34-1179, including the Director's authority to administratively amend RVPD districts to include casitas, where cabanas are currently listed in the approved schedule of uses; and

WHEREAS, these supplemental regulations do not include a maximum casita size and the Board of County Commissioners has expressed the appropriateness of a casita's size limitation being subject only to the existing property development regulations established by the Cypress Woods RVPD; and

WHEREAS, the difference between a cabana and a casita is that a cabana prohibits the use of cooking and sleeping accommodations, and requires a recorded covenant to that effect; and

WHEREAS, pursuant to LDC Section 34-1179(e)(6), casitas may be administratively included to the approved schedule of uses in lieu of cabanas; and

WHEREAS, the applicant has revised the 1-Page Master Concept Plan Entitled "Cypress Woods RV Resort Phase 5 Recreational Vehicle Planned Development" in order to correct the Typical Lot Detail inset, which includes the addition of the use of a casita and a separation note within a typical lot, and removes dimensions from the accessory structure (see Exhibit "C"); and

WHEREAS, the elimination of previously approved accessory structure size limitations requires the maximum permitted lot coverage to remain unchanged, as approved by Resolution Z-20-027, in order to meet the criteria for administrative approval established in LDC Section 34-174(j)(2); and

WHEREAS, the applicant conducted a publicly advertised information session within the Caloosahatchee Shores Community Plan area in compliance with LDC Section 33-1482 (see Exhibit "E"); and

WHEREAS, the Lee County Land Development Code provides for certain administrative changes to planned development master concept plans and planned unit development final development plans; and

WHEREAS, the subject application and plans have been reviewed by the Lee County Department of Community Development in accordance with applicable regulations for compliance with all terms of the administrative approval procedures; and

WHEREAS, it is found that the proposed amendment, as conditioned, does not increase density or intensity within the development; does not decrease buffers or open space required by the LDC; does not underutilize public resources or infrastructure; does not reduce total open space, buffering, landscaping or preservation areas; and does not otherwise adversely impact on surrounding land uses.

NOW, THEREFORE, IT IS HEREBY DETERMINED that the application for administrative approval for an amendment to the Recreational Vehicle Planned Development is **APPROVED.**

Approval is subject to the following conditions:

1. **Development within Phase 5 of Cypress Woods RV Resort must be in compliance with the amended 1-Page Master Concept Plan, entitled "Cypress Woods RV Resort Phase 5 Recreational Vehicle Planned Development" dated January of 2016, last revised 06/14/2022, attached hereto as Exhibit "C."**

2. **Condition 2.a of Resolution Z-20-027 is hereby amended in strike-through and underline below:**

   Phase 5 only:
   Accessory Uses and Structures, including:
   ~~Cabanas (maximum 600 square feet~~)
   Casitas (Consistent with LDC §34-1179)
   Club, Private, On-site with the following accessory uses:
   Consumption on Premises, indoor and outdoor
   Food and Beverage Services, Limited
   Personal Services, Group I Only
   Community Gardens
   Essential Services
   Fences and Walls
   Parking Lot, Accessory
   Real Estate Sales Office
   Recreational Facilities, Private, On-site
   Storage, Open (limited to trailers, boats and other vehicles/goods of RVPD residents; Storage of RVs is not permitted)

3. **The request to modify the lot coverage approved by Z-20-027 is DENIED.**

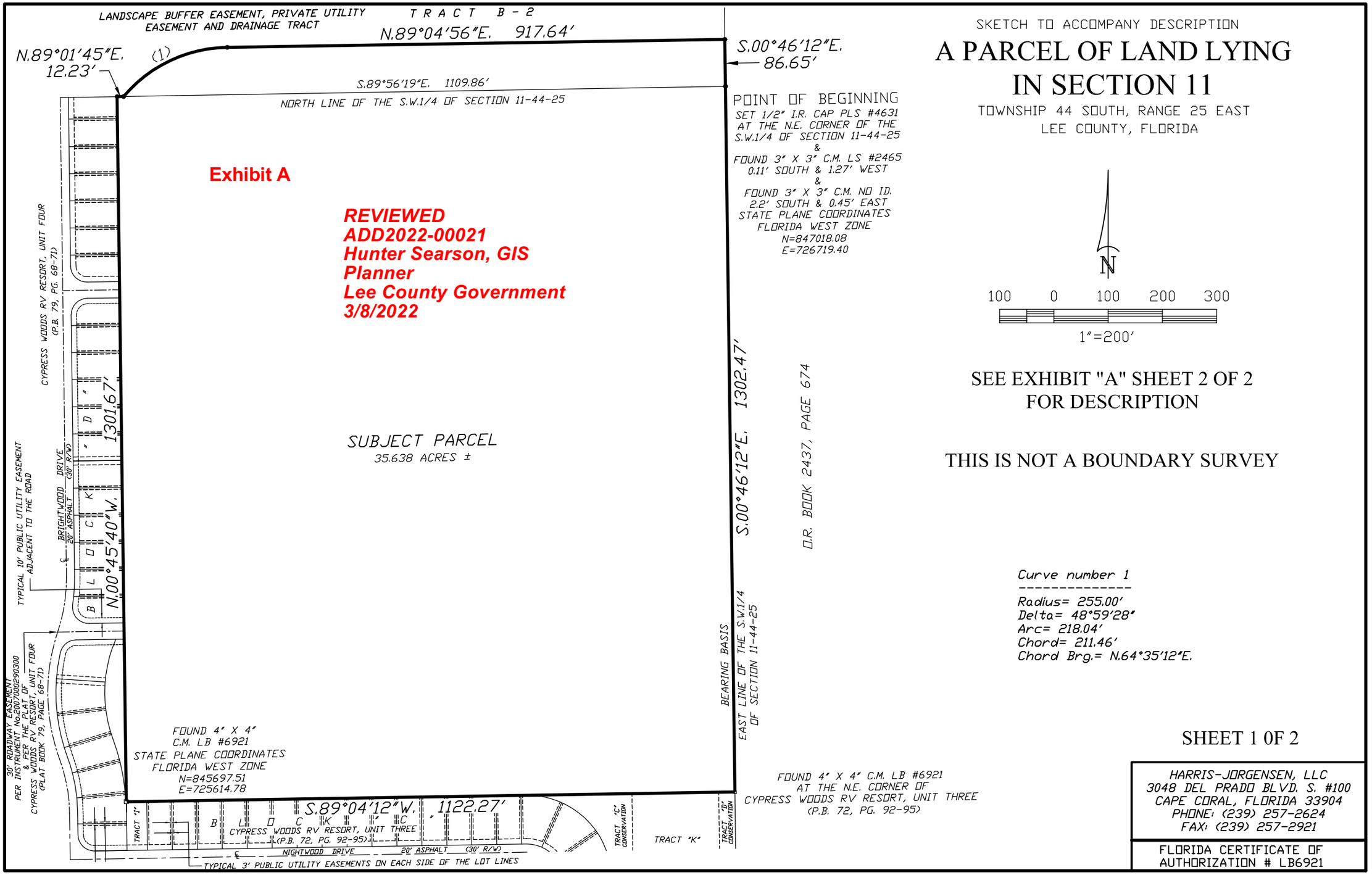
4. **The terms and conditions of the original zoning resolutions remain in full force and effect, except as amended herein.**

5. **If it is determined that inaccurate or misleading information was provided to the County or if this decision does not comply with the LDC when rendered, then, at any time, the Zoning Manager may issue a modified decision that complies with the Code or revoke the decision. If the approval is revoked, the applicant may acquire the necessary approvals by filing an application for public hearing in accordance with Chapter 34.**

Duly passed, adopted, and electronically signed on 6/21/2022

Anthony R. Rodriguez, AICP, Zoning Manager

Exhibits
Exhibit A: Legal Description
Exhibit B: Applicant's Request Statement
Exhibit C: Phase 5 Amended Master Concept Plan
Exhibit D: ADD2021-00158 and Z-20-027
Exhibit E: Public Information Session Summary



SKETCH TO ACCOMPANY DESCRIPTION

A PARCEL OF LAND LYING IN SECTION 11

TOWNSHIP 44 SOUTH, RANGE 25 EAST
LEE COUNTY, FLORIDA

N

100 0 100 200 300

1"=200'

SEE EXHIBIT "A" SHEET 2 OF 2
FOR DESCRIPTION

THIS IS NOT A BOUNDARY SURVEY

Curve number 1

Radius= 255.00'
Delta= 48°59'28"
Arc= 218.04'
Chord= 211.46'
Chord Brg.= N.64°35'12"E.

SHEET 1 0F 2

HARRIS-JORGENSEN, LLC
3048 DEL PRADO BLVD. S. #100
CAPE CORAL, FLORIDA 33904
PHONE: (239) 257-2624
FAX: (239) 257-2921

FLORIDA CERTIFICATE OF AUTHORIZATION # LB6921

ADD2022-00021 Lee County ePlan

DESCRIPTION TO ACCOMPANY SKETCH

EXHIBIT "A"

DESCRIPTION:

A TRACT OR PARCEL OF LAND LYING IN SECTION 11, TOWNSHIP 44 SOUTH, RANGE 25 EAST, LEE COUNTY, FLORIDA, DESCRIBED AS FOLLOWS:

BEGINNING AT THE NORTHEAST CORNER OF THE SOUTHWEST QUARTER (SW1/4) OF THE AFORESAID SECTION 11; THENCE RUN S.00°46'12"E. ALONG THE EAST LINE OF SAID SOUTHWEST QUARTER (SW1/4) FOR 1302.47 FEET TO THE NORTHEAST CORNER OF CYPRESS WOODS RV RESORT, UNIT THREE, AS RECORDED IN PLAT BOOK 72, PAGES 92 THROUGH 95, PUBLIC RECORDS OF LEE COUNTY, FLORIDA; THENCE RUN S.89°04'12"W. ALONG THE NORTH LINE OF SAID CYPRESS WOODS RV RESORT, UNIT THREE FOR 1122.27 FEET; THENCE RUN N.00°45'40"W. FOR 1301.67 FEET TO A POINT ON THE NORTH LINE OF THE AFORESAID SOUTHWEST QUARTER (SW1/4); THENCE RUN N.89°01'45"E. ALONG THE NORTH LINE OF SAID SOUTHWEST QUARTER (SW1/4) FOR 12.23 FEET TO A POINT ON A TANGENT CURVE; THENCE RUN NORTHEASTERLY FOR 218.04 FEET ALONG THE ARC OF A CURVE CONCAVE SOUTHEASTERLY, WITH A RADIUS OF 255.00 FEET, A DELTA OF 48°59'28", A CHORD BEARING OF N.64°35'12"E. AND A CHORD DISTANCE OF 211.46 FEET TO A POINT OF TANGENCY; THENCE RUN N.89°04'56"E. FOR 917.64 FEET TO A POINT ON THE EAST LINE OF THE NORTHWEST QUARTER (NW1/4) OF THE AFORESAID SECTION 11; THENCE RUN S.00°46'12"E. ALONG SAID EAST LINE FOR 86.65 FEET TO THE POINT OF BEGINNING.

SAID TRACT CONTAINS 35.638 ACRES, MORE OR LESS.

Phillip M Mould,
P.S.M. 6515
State of Florida

Digitally signed by Phillip M Mould, P.S.M. 6515
State of Florida
Date: 2022.02.14 10:36:43 -05'00'

PHILLIP M MOULD
LS6515
SEPTEMBER 14, 2020

THIS MAP/PLAT IS CONSIDERED SIGNED USING A DIGITAL SEAL IN ACCORDANCE WITH THE APPLICABLE STATE LAWS AND STATUTES FS 668.001-006; FS 668.50; FS 472.025; 5J-17.062, FLORIDA ADMINISTRATIVE CODE, STATE OF FLORIDA.

CW-U5

Exhibit B

February 14, 2022

Mr. Anthony Rodriguez, AICP
Zoning Manager
Lee County Community Development
1500 Monroe Street
Fort Myers, FL 33901

Subject: Cypress Woods RVPD
Administrative Amendment

Dear Mr. Rodriguez:

On behalf of Laguna Caribe at Cypress Woods, LLC (Applicant), enclosed please find an application for an Administrative Amendment to a Planned Development in regard to Phase 5 of the Cypress Woods RVPD.

The 35.7+/-acre subject property (AKA Laguna Caribe) is located north of Luckett Road and east of Interstate 75 in the northeast corner of the Cypress Woods RV Resort. The Property is zoned Recreational Vehicle Planned Development (RVPD) per Z-20-027, as amended by ADD2021-00158 and is designated within the Urban Community future land use category.

The Applicant is requesting the following changes pursuant to changes in market demand since the PD was adopted, as well as recent County-initiated Land Development Code amendments to allow for accessory structures with cooking and sleeping facilities within RVPD zoning districts.

Specifically, the Applicant is requesting the following changes via this amendment:

- Add the accessory use of “Casitas”;
- Remove the 600 square foot size limitation on “Cabanas”; and
- Exclude RV pads in the calculation lot coverage.

The Applicant is requesting the addition of “Casitas” within RVPD Schedule of Uses as an accessory use as it would allow the occupant of the RV lot the flexibility to enjoy the comfort of an expanded living space in a manner that is complementary to an active lifestyle.

As identified in the staff initiated LDC amendment for “casitas”, currently under consideration, there is an existing market demand for this type of accessory amenity within RV lots and approval of this use is will not create additional dwelling units within this RVPD.

The other changes are necessitated from the supplementary regulations in the LDC amendment that further limit casita size and other site parameters.

The request to remove 600 square foot limitation for “Cabanas” in this RVPD is to allow for greater flexibility in the design of “cabanas” and to be more in line with the proposed LDC amendment for “Casitas” which provides for a maximum of 900 SF Similar to the casitas, the “cabanas” are restricted by height and setback restrictions and maximum lot coverage restrictions in place within this RVPD. Therefore, further square footage restrictions are unnecessary.

The request to remove RV pads from being calculated towards the maximum lot coverage within this RVPD is to be more in line with how the Lee County LDC defines lot coverage within various districts which is vertical structures and not inclusive of pavement. Within the PUD District, LDC Sec 34-1040(f), lot coverage is identified as the total lot coverage of all building and structures. Furthermore, within the RV zoning district maximum lot coverage is specific to recreational vehicles and appurtenance. Examples provided of appurtenances include only roofed structures such as carports and/or storage shed. Non-vertical paved areas are not included as part of the lot coverage for both districts which most closely apply to the subject RVPD.

The footnote to include the RV pad in the lot coverage calculation was proffered before it was known that Staff would enact a maximum square footage for RV accessory structures.

In accordance with LDC §34-380, this amendment request does not propose an increase to height, density or intensity within the development. Similarly, the amendment will not result in the substantial underutilization of public resources and infrastructure committed to the support of the development, will not reduce required open space, buffering, landscaping and preservation areas, and will not adversely impact surrounding land uses. Therefore, this internal adjustment of development standards can be approved administratively.

Based upon this application’s compliance with all other conditions in Z-20-027, the Lee Plan, and thresholds set forth in §34-380, the Applicant respectfully requests staff approval of the proposed administrative amendment. The Applicant is scheduling the required community meeting per the Caloosahatchee Shores Community Planning Area requirements and will provide Staff with the meeting summary immediately following the meeting.

Should staff have any questions or require any additional information, please contact me directly at (239) 908-3421 or JMedina@RViPlanning.com .

ADD2022-00021 Lee County ePlan

Sincerely,

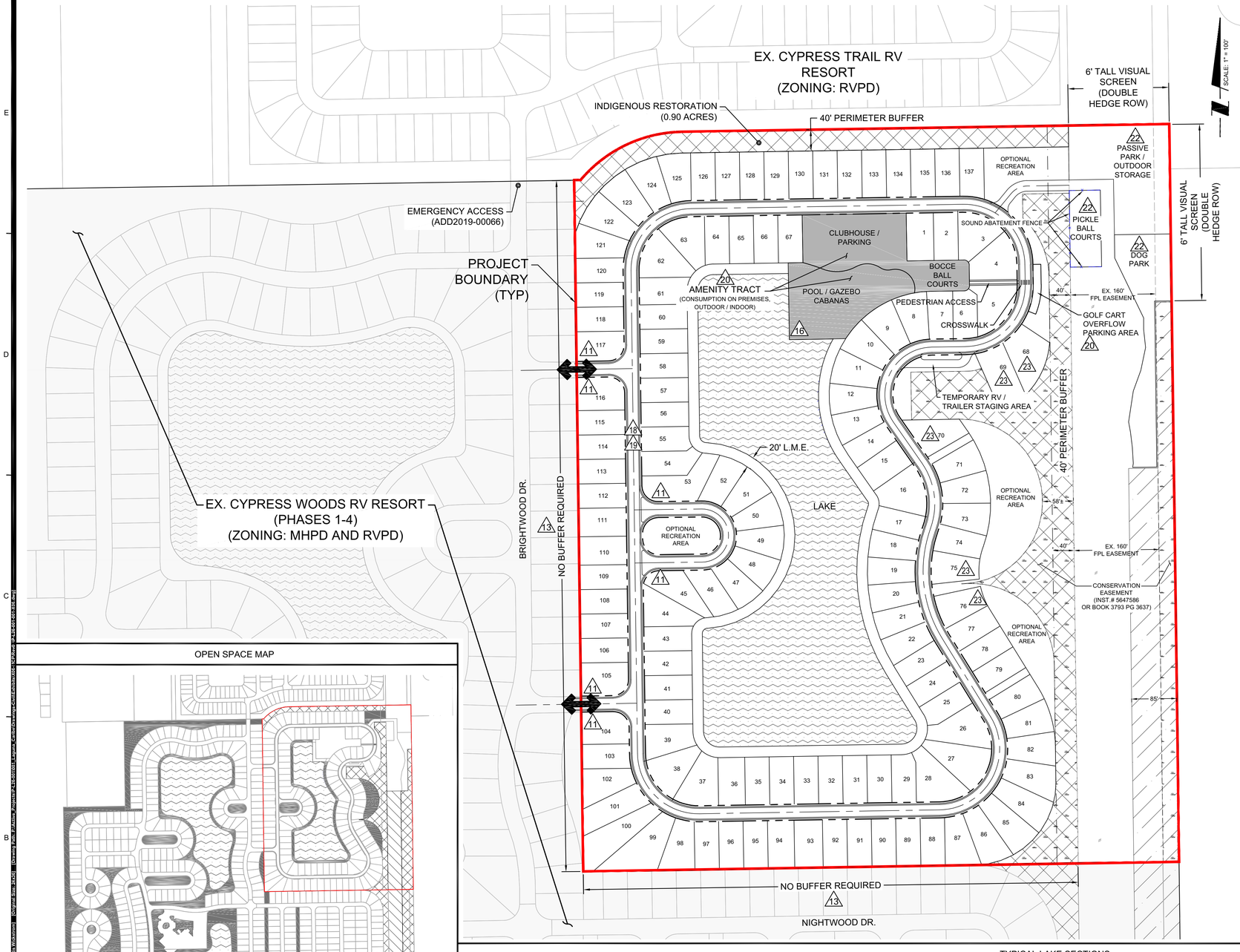
RVi Planning + Landscape Architecture



Josephine Medina, AICP
Project Manager

Enclosures

cc: Duane Truitt, Laguna Caribe at Cypress Woods, LLC
Dan Hartley, P.E., Peninsula Engineering



OPEN SPACE MAP

OPEN SPACE		
INDIGENOUS OPEN SPACE	1,135,977 SF	26.08 AC
LAKE	721,431 SF	16.56 AC
FPL EASEMENT (EXCLUDING TRAILER PARKING)	181,974 SF	4.18 AC
OTHER OPEN SPACE (LAKE BANK, PERIMETER BUFFER, LANDSCAPE MEDIANS, COURTYARDS, ETC)	758,822 SF	17.42 AC
TOTAL OPEN SPACE	2,798,204 SF	64.24 AC
% OF SITE	41.83 %	

LEGEND

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

SITE DATA TABLE

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

INDIGENOUS OPEN SPACE (1)

TYPES		ACTUAL	CREDITS
100%	PHASES 1 - 4:	1.11 AC	1.11 AC
	PHASE 5:	3.18 AC	3.18 AC
110%	PHASES 1 - 4:	1.27 AC	1.39 AC
	PHASE 5:	0 AC	0 AC
125%	PHASES 1 - 4:	2.16 AC	2.70 AC
	PHASE 5:	1.66 AC	1.66 AC (2)
150%	PHASES 1 - 4:	16.70 AC	25.05 AC
	PHASE 5:	0 AC	0 AC
	TOTAL PROVIDED:	26.08 AC	35.09 AC
	TOTAL REQUIRED:		30.30 AC

NOTES:
1. INDIGENOUS OPEN SPACE AREAS WITHIN THE EXISTING PHASES 1-4 REMAIN UNCHANGED. THE UPDATED TABLE SHOWN ABOVE REFLECTS REVISIONS WITHIN THE PHASE 5 DEVELOPMENT BOUNDARY, AND ALSO CORRECTS CALCULATION ERRORS IN THE PREVIOUSLY APPROVED MCP.
2. ALTHOUGH CREDIT WAS GIVEN ON THESE AREAS IN PREVIOUS ZONING APPROVALS, NO CREDIT IS TAKEN FOR AREA WITHIN PHASE 5 UNDER THIS APPLICATION.

B.C. FOX SQUIRREL PRESERVE

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

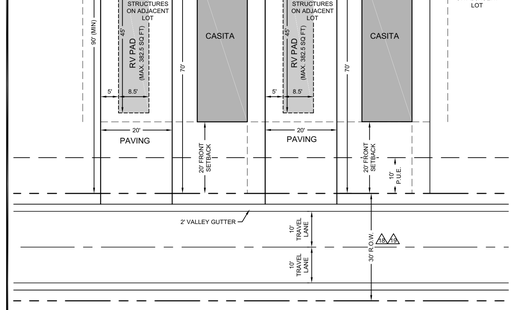
INDIGENOUS OPEN SPACE: 26.08 ACRES
INDIGENOUS RESTORATION: 0.90 ACRES

TOTAL B.C. FOX SQUIRREL PRESERVE AREA:
26.08 - 0.90 = 25.18 ACRES

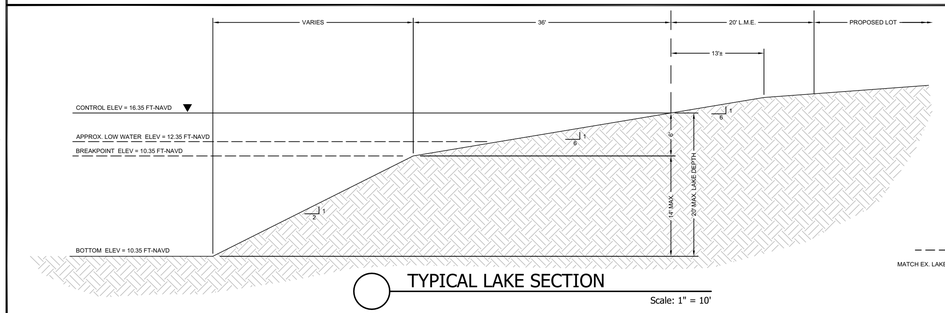
EX. DUKE FARMS
LANDSCAPE NURSERY
(ZONING: AG-2)

Exhibit C

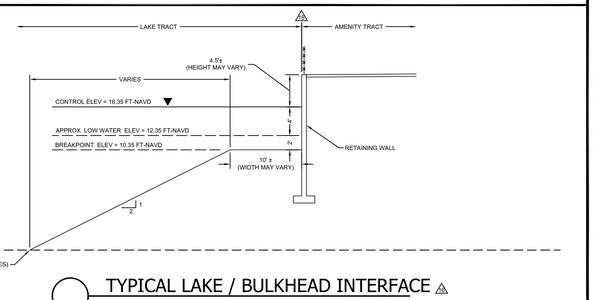
TYPICAL LOT DETAIL



TYPICAL LAKE SECTIONS



TYPICAL LAKE SECTION
Scale: 1" = 10'



TYPICAL LAKE / BULKHEAD INTERFACE
Scale: 1" = 10'

PENINSULA ENGINEERING
CIVIL ENGINEERING · LANDSCAPE ARCHITECTURE
ENVIRONMENTAL CONSULTING · LAND PLANNING · SITE PLANNING · CONSTRUCTION MANAGEMENT · OWNER REPRESENTATIVE
2600 Golden Gate Parkway
Naples, Florida 34105
Phone: 239.403.6700 Fax: 239.261.1797
Email: info@pen-eng.com Website: www.pen-eng.com
Florida Engineering Certificate of Authorization #28275
Florida Landscape Certificate of Authorization #LC26000632

PROJECT:

CYPRESS WOODS RV RESORT PHASE 5 RECREATIONAL VEHICLE PLANNED DEVELOPMENT

TITLE:

MASTER CONCEPT PLAN

OWNER/CLIENT/CONSULTANT:

LAGUNA CARIBE AT CYPRESS WOODS, LLC

REVISIONS:

No:	Revision:	Date:
1	REVISED PER COUNTY COMMENTS	3/27/20
2	REVISED PER COUNTY COMMENTS	05/18/20
3	DEVIATION #23 ADDED	07/13/20
4	SCHEDULE OF DEVIATIONS REMOVED PER COUNTY	08/05/20
5	REVISED PER STAFF REPORT	09/01/20
6	REVISED PER HEX CONDITIONS	12/30/20
7	CORRECTED TYPICAL LOT DETAIL	09/22/21
8	ADDED "CASITA" TO TYPICAL LOT DETAIL	02/11/22
9	REVISED TYPICAL LOT DETAIL	06/14/22

NOTES:

PROFESSIONAL SEALS:

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

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

Bar Scale: 1" = 100'
0 25' 50' 100' 200' 300'

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

Sheet Number: 4 of 4

Exhibit D

ADMINISTRATIVE AMENDMENT (PD) ADD2021-00158

ADMINISTRATIVE AMENDMENT
LEE COUNTY, FLORIDA

WHEREAS, Laguna Caribe at Cypress Woods, LLC filed an application for an administrative amendment to a Recreational Vehicle Planned Development on a project known as Cypress Woods RVPD Phase 5 to amend and clarify the Development Regulations for Phase 5 on property located at Cypress Woods RV Resort, described more particularly as:

LEGAL DESCRIPTION: In Section 01, Township 44 South, Range 25 East, Lee County, Florida:

ATTACHED AS EXHIBIT "A"

WHEREAS, the property was originally rezoned in by Resolution Z-94-025 (with subsequent amendments in resolution numbers PD-95-019, ADD2002-00111, ADD2003-00122; Z-03-057, ADD2004-00102, ADD2010-00013, Z-11-021, ADD2019-00066, and ADD2020-00049A), all of which were rescinded and replaced with Resolution Z-20-027; and

WHEREAS, the subject property is located in the Urban Community Future Land Use Category as designated by the Lee Plan; and

WHEREAS, the Lee County Land Development Code provides for certain administrative changes to planned development master concept plans and planned unit development final development plans; and

WHEREAS, the applicant requested to amend the Development Regulations for Phase 5 to clarify the side setback for RV pad and accessory structures; and

WHEREAS, Condition #12 of Resolution Z-20-027 creates further confusion about the setback for accessory structures located on the same lot as opposed to the ones on the adjacent lots, and creates a conflict with the Development Regulations for Phase 5; and

WHEREAS, the subject application and plans have been reviewed by the Lee County Department of Community Development in accordance with applicable regulations for compliance with all terms of the administrative approval procedures; and

WHEREAS, it is found that the proposed amendment does not increase density or intensity within the development; does not decrease buffers or open space required by the LDC; does not underutilize public resources or infrastructure; does not reduce total open space, buffering, landscaping or preservation areas; and does not otherwise adversely impact surrounding land uses.

NOW, THEREFORE, IT IS HEREBY DETERMINED that the application for administrative approval for an amendment to Recreational Vehicle Planned Development to

amend and clarify the Development Regulations for Phase 5 is **APPROVED subject to the following conditions:**

1. **The terms, conditions and Master Concept Plan of the original Zoning Resolution (Z-20-027) remain in full force and effect, except as amended herein.**

2. **Development regulations of the Zoning Resolution Z-20-027 for Phase 5 is hereby amended as follows:**

Phase 5:
Minimum Lot Area and Dimensions: RV Lots

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

Minimum Setbacks: RV Lots

Street:	**20 feet**
Side Street:	**10 feet (see Deviation 4)**
Side:	**~~0/5 feet (for RV or accessory structure to the side lot line);~~ 0 feet for RV pad to the side lot line, and 5 feet for accessory structures to the side lot line** **10 feet between parked RVs and accessory structures on adjacent lot[2]**
Rear (Principal):	**10/20 feet (20 foot rear setback for lots abutting developed RV lots in Phases 1-4)**
Rear (Accessory):	**5 feet (0 feet from lake maintenance easement for waterfront lots)**
Waterbody:	**20 feet**
Maximum Lot Coverage:	**50% (RV pad and roofed accessory structures)**
Maximum Building Height:	**30 feet**

[1]Consistent with LDC §34-1182.
[2]RV Pads may be within 10 feet of accessory structures consistent with MCP "Typical Lot Detail"

3. **Condition 12 of the zoning Resolution Z-20-027 is hereby amended as follows:**

12. Accessory Setback

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

4. If it is determined that inaccurate or misleading information was provided to the County or if this decision does not comply with the LDC when rendered, then, at any time, the Zoning Manager may issue a modified decision that complies with the Code or revoke the decision. If the approval is revoked, the applicant may acquire the necessary approvals by filing an application for public hearing in accordance with Chapter 34.

Duly passed, adopted, and electronically signed on 1/10/2022

Anthony R. Rodriguez, AICP, Zoning Manager

Attachments: Exhibit "A" Legal Description
Exhibit "B" Resolution Z-20-027

EXHIBIT A

CASE NUMBER: ADD2021-00158

STRAP NUMBER

11-44-25-00-00014.0020

REVIEWED
ADD2021-00158
Hunter Searson, GIS Planner
Lee County Government
10/20/2021

ADD2021-00028 Lee County ePlan

RESOLUTION NUMBER Z-20-027

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

WHEREAS, the property owner, Laguna Caribe at Cypress Woods, LLC, filed an application, in reference to Cypress Woods RV Resort Recreational Vehicle and Mobile Home Planned Development (RVPD/MHPD), to amend the following:

- Reconfigure the Master Concept Plan and correct preserve acreages;
- Increase Phase 5 lots from 134 to 137 (no net increase to overall 611 RVPD unit count);
- Allow zero lot lines and reduce waterfront setbacks;
- Add deviations for setbacks, accessory use locations, and parking; and
- Allow residential accessory uses, including "casitas" with cooking facilities.

WHEREAS, a public hearing before the Lee County Zoning Hearing Examiner, Amanda L. Rivera, was advertised and held on September 10, 2020; and

WHEREAS, the Hearing Examiner gave full consideration to the evidence in the record for Case #DCI2020-00002 and recommended APPROVAL of the Request with conditions; and

WHEREAS, a second public hearing was advertised and held on December 16, 2020 before the Lee County Board of Commissioners; and,

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

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

SECTION A. REQUEST

The applicant filed a request to rezone a 35.64± acre parcel to amend the following:

- Reconfigure the Master Concept Plan (MCP) and correct preserve acreages;
- Increase Phase 5 lots from 134 to 137 (no net increase to overall 611 RVPD unit count);
- Allow zero lot lines and reduce waterfront setbacks;
- Add deviations for setbacks, accessory use locations, and parking; and
- Allow residential accessory uses, including "casitas" with cooking facilities.

The property is located in the Urban Community Future Land Use Category and is legally described in attached Exhibit A. The request is APPROVED, SUBJECT TO the conditions and deviations specified in Sections B and C below.

Exhibit "B"

ADD2021-00028 Lee County ePlan

SECTION B. CONDITIONS:

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

This zoning resolution codifies and supersedes Resolution Z-94-025, PD-95-019, ADD2002-00111, ADD2003-00122, Z-03-057, ADD2004-00102, ADD2010-00013, Z-11-021, ADD2019-00066, and ADD2020-00049(A).

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

   Development must comply with all requirements of the LDC and Lee Plan at time of local development order approval, except as may be granted by deviation as part of this planned development. If changes to the MCP, conditions, or deviations are subsequently pursued, appropriate approvals will be necessary.

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

2. Uses and Site Development Regulations

   a. Schedule of Uses

   Phases 1-5:

   Accessory Uses
   - Consumption on Premises
   - Food Stores, Group I
   - Gazebos (maximum 200 square feet)(Condition 10)
   - Personal Services, Group I

   Administrative Offices
   Entrance Gates or Gatehouse
   Essential Services Facility, Group I
   Excavation, Water Retention
   Mobile Homes
   Model Home, Unit, Display Center
   Park Trailers
   Recreational Facilities, Personal
   Recreational Vehicles
   Signs
   Storage
   - Indoor
   - Open, Phases 1-4 only (Limited to RVs, trailers, boats, and other vehicles/goods belonging to park residents)

   Tents
   Vehicle and Equipment Dealers, Group "IV" (RVs only)

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Phase 5 only:

Accessory Uses and Structures, including:
Cabanas (maximum 600 square feet)[1]
Club, Private, On-site with the following accessory uses:
Consumption on Premises, indoor and outdoor
Food and Beverage Services, Limited
Personal services, Group I only
Community Gardens
Essential Services
Fences and Walls
Parking lot, Accessory
Real Estate Sales Office
Recreational Facilities, Private, On-site
Storage, Open (limited to trailers, boats, and other vehicles/goods of RVPD residents; Storage of RVs is not permitted)

b. Site Development Regulations

Phases 1-4:

Minimum Lot Area and Dimensions

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

Minimum Setbacks

Street:	20 feet
Side Street:	10 feet (Deviation 4)
Side:	10 feet (for RVs) 5 feet (for Mobile Homes)
Rear	20 feet
Water Body:	25 feet

Phase 5:

Minimum Lot Area and Dimensions: RV Lots

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

Minimum Setbacks: RV Lots

Street:	20 feet
Side Street:	10 feet (see Deviation 4)
Side:	0/5 feet (for RV or accessory structure to the side lot line); 10 feet between parked RVs and accessory structures[2]
Rear (Principal):	10/20 feet (20 foot rear setback for lots abutting developed RV lots in Phases 1-4)

[1] Consistent with LDC §34-1182.
[2] RV pads may be within 10 feet of accessory structure consistent with MCP "Typical Lot Detail."

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Rear (Accessory):	5 feet (0 feet from lake maintenance easement for waterfront lots)
Waterbody:	20 feet
Maximum Lot Coverage:	50% (RV pad and roofed accessory structures)
Maximum Building Height:	30 feet

Minimum Lot Area and Dimensions: Amenity Tract

Lot Area:	10,000 square feet
Width:	100 feet
Depth:	100 feet

Minimum Setbacks: Amenity Tract

Street:	20 feet
Side (Principal):	10 feet
Side (Accessory):	5 feet
Rear (Principal):	10 feet
Rear (Accessory):	5 feet
Waterbody:	0 feet
Maximum Lot Coverage:	45% (RV pad and roofed accessory structures)
Maximum Building Height:	45 feet

3. Onsite Shelter:

The on-site Hurricane Shelter must be consistent with the commitment on the MCP.

4. Utilities:

Development must connect to a public or private central water system and a public or private sewage disposal system.

5. Fox Squirrel Preserve Area & Northern Buffer:

Development order plans must depict Fox Squirrel Preserve areas consistent with the MCP. Developer must relocate golden polypody found on trees within development areas to preserve areas.

Landscape plans must include a 0.90 acre restoration planting plan in substantial compliance with the Restoration and Maintenance Plan prepared by Southern Biomes dated June 9, 2009 (Exhibit D) along the Phase 5 northern property line prior to issuance of a Phase 5 development order. Developer must submit an indigenous management plan for required indigenous open space and restoration areas.

Developer must complete restoration of the 0.90 acres along the Phase 5 northern property line in compliance with the Restoration and Maintenance Plan prepared by Southern Biomes dated June 9, 2009 (Exhibit D) prior to issuance of a Certificate of Compliance for Phase 5 infrastructure.

ADD2022-00028 Lee County ePlan

6. Open Space:

The overall project must provide 64.24 acres minimum of open space for all phases of the project in substantial compliance with the MCP.

7. Indigenous Open Space:

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

8. Indigenous Maintenance and Management Plan:

Developer must submit a Maintenance and Management Plan for Indigenous Preserve areas for Division of Environmental Sciences approval with Phase 5 development order application.

9. Landscape Plans:

Phase 5 landscape plans must be in substantial compliance with the Habitat Restoration and Maintenance Guidelines and depict:

a. Planting of slash pines (Pinus elliotti var densa), dahoon holly (Ilex cassine), laurel oak (Quercus laurifolia) and live oaks (Quercus virginiana), planted an average of 15-feet on center;
b. 75 percent of planted trees must be 10 feet in height, two inch caliper;
c. 25 percent of planted trees must be 16 feet in height, three-four-inch caliper;
d. Shrubs consistent with the restoration plan, planted in scattered clusters one gallon container size, three feet on center; and
e. A five-year monitoring report to ensure successful habitat restoration.

10. Gazebos:

One gazebo is permitted per RV lot. Gazebos must be unenclosed and cannot exceed 200 square feet (including overhangs).

11. Overflow Golf Cart Parking Area:

Access to the Phase 5 amenity tract from the overflow parking area must include a paved sidewalk, painted crosswalk, and appropriate roadway signage.

12. Accessory Setback:

Phase 5 lots must provide at least 10 feet between principal structures, accessory structures, and RVs parked on site. The RV pad may be within 10 feet consistent with the MCP "Typical Lot Detail."

13. Perimeter Buffer:

Prior to development order approval depicting perimeter buffer plantings with the Florida Power and Light (FPL) easement, developer must submit the FPL Easement Agreement stating buffer plantings may be installed in the easement.

ADD2022-00028 Lee County ePlan

14. Vegetation Removal Permit:

Developer must provide "Notification of FPL Facilities" FPL Form 360 prior to commencement of construction within the easement or to issuance of a vegetation removal permit for Phase 5.

15. Easement Landscape Maintenance:

Developer must replace required vegetation within the easement area. Failure to replace vegetation consistent with this zoning approval will result in a Code violation.

SECTION C. DEVIATIONS:

1. Deviation (1) seeks relief from the LDC §14-298(c) requirement to provide for the development of the "TZ" area as indicated on the MCP. This deviation is APPROVED SUBJECT TO the mitigation plan titled "Cypress Woods Monitoring and Maintenance Plan" submitted by Boylan Environmental Consultants, Inc., stamped and dated May 18, 1995. Mitigation must follow the phasing presented in these documents and all monitoring reports must be submitted to the Lee County Division of Environmental Sciences within thirty days of the scheduled monitoring events.

2. Deviation (2) is DENIED.

3. Deviation (3) seeks relief from the LDC §10-714.b requirement to provide a 90 foot turn-out radius to 30 feet. This deviation is APPROVED SUBJECT TO the developer providing a paved/stabilized surface with a minimum radius of 42 feet and, in addition, providing an unobstructed clear zone of 48-foot radius (6 feet clear zone beyond driving range).

4. Deviation (4) seeks relief from the LDC §34-2192(a) requirement to allow a reduction in the street setback from 20 feet to 5 feet on the "side" lot line for corner lots. This deviation is APPROVED SUBJECT TO the terms of Condition 2.

5. Deviation (5) seeks relief from the LDC §§ 10-296(b) and 10-296, Table 3 requirement of a 45-foot right-of-way for a local street with open drainage, to permit a local street with 30 feet of right-of-way and open drainage. This deviation is APPROVED SUBJECT to the condition that the typical lot cross section demonstrates that the drainage performs adequately by showing the slab placement at the time of Development Order stage.

6. Deviation (6) seeks relief from the LDC §34-939(b)(6) requirement of a 5,000 square-foot minimum lot to provide a 4,140 square foot minimum (46 feet x 90 feet). This deviation is APPROVED SUBJECT TO Condition 2.

7. Deviation (7) seeks relief from the LDC §34-939(b)(7)c requirement of a side setback of 10 feet and a street (right-of-way) setback of 25 feet, to permit a side setback of 5 feet and a street (right-of-way) setback of 20 feet in the non-transient section of the park. This deviation is APPROVED provided setbacks are in conformance with Condition 2 and all side setbacks apply to all portions of the structure or unit, including overhangs.

8. Deviation (8) seek relief from the LDC §34-939(b)(3) requirement to permit an access road through the perimeter buffer to the boat storage area. This deviation is APPROVED SUBJECT TO Condition 8.

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9. Deviation (9) seeks relief from the LDC §34-736 requirement of a 5,000 square foot minimum lot (50 feet x 100 feet) to provide a 4,140 square foot minimum lot (46 feet x 90 feet). This deviation is APPROVED SUBJECT TO Condition 2.

10. Deviation (10) seeks relief from the LDC §34-7361 requirement of a side setback of 7 feet, to permit a side setback of 5 feet. This deviation is APPROVED SUBJECT TO Condition 2.

11. Deviation (11) seeks relief from the LDC §§ 34-2222(1) and 10-254(b) requirements to allow corner lots to be the same size as the other lots within the development (and not have an additional 15 feet of width). This deviation is APPROVED SUBJECT TO Condition 2.

12. Deviation (12) seeks relief from the LDC §10-295 to eliminate the requirement for street stubs to adjacent properties. This deviation is APPROVED.

13. Deviation (13) seeks relief from the LDC §34-939(b)(3) to eliminate the requirement for a buffer between a recreational vehicle park and adjacent property interior to the site. This deviation is APPROVED for the interior portion of the site only.

14. Deviation (14) seeks relief from the LDC Section §34-935(a)(l) to eliminate the requirement that a new recreational vehicle park be not less than 20 acres in size. This deviation is APPROVED.

15. Deviation (15) seeks relief from the LDC Section §§ 34-2194(b) and (c) requirements of a 25 foot water body setback; to allow a zero foot setback in order to permit the construction of a clubhouse, deck, pier, and gazebo 90 feet into the artificial body of water. This deviation is APPROVED SUBJECT TO substantial compliance with the proposed construction of the clubhouse and related facilities on the approved Plan entitled, Cypress Woods, R.V. Resort Clubhouse Area Dev. Order Plans; Drainage, Parking & Site Dim. Plan; dated 04-14-03, stamped received AUG 21, 2003 and subject to the requirement that the water body setback must not adversely impact any open space requirement, wetland vegetation plantings, or other buffering, landscaping, or preservation areas or requirements.

16. Deviation (16) seeks relief from the LDC §34-2020 requirement of 135 parking spaces for the two clubhouse facilities, to allow 44 off-street parking spaces. This deviation is APPROVED, SUBJECT TO the reservation of Lots 85 and 86 (Phase "4") and Tract I (Phase "3", which lies immediately east of Lots 85 and 86, Phase "4") for the use of overflow parking only, and may not be used as a recreational vehicle or mobile home site. Upon the sale of the last lot (site), in the last Phase of the development, if the applicant can adequately demonstrate during the season of the highest occupancy of the development that the overflow parking areas were not needed, the two lots can then be used for recreational vehicle or mobile home sites as provided for in this planned development. A reduced copy of a Plan entitled Cypress Woods R.V. Resort Phase "IV", IVA, & IVB, stamped received SEP 08, 2003 depicts these parcels.

17. Deviation (17) seeks relief from the LDC §34-935(a)(1) requirement of a minimum of 5 acres of land necessary to expand an existing recreational vehicle park, to allow an expansion of 2.1+/- acres. This deviation is APPROVED.

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Deviations 18 through 24 apply only to Phase 5:

18. Deviation (18) seeks relief from the LDC §10-296(b) Table 2 requirement of a 40 foot right-of-way with open drainage for a privately maintained local street to allow for a 30 foot right-of-way with closed drainage. This deviation is APPROVED.

19. Deviation (19) seeks relief from the LDC §10-296(b) Table 8 requirement of planting strips and sidewalks to allow for a privately maintained right-of-way with no planting strip or sidewalk. This deviation is APPROVED.

20. Deviation (20) seeks relief from the LDC §34-2015(1) requirement for all parking spaces to be located on the same premises as the use they serve, to allow 16 golf cart parking spaces within 200 feet of the amenity tract. This deviation is APPROVED SUBJECT TO Condition 11.

21. Deviation (21) seeks relief from the LDC §34-939(b)(7)(c) requirement of a minimum 10 foot set back from each side and rear recreational vehicle lot, to allow a 0 foot setback for the side and rear lot line of all rear recreational vehicle lots. This deviation is APPROVED SUBJECT TO Condition 12.

22. Deviation (22) seeks relief from the LDC §34-939(b)(3) requirement that all recreational vehicle parks have a perimeter buffer area at least 40 feet wide adjacent to and completely around the boundary of the site, to allow accessory uses outside of the proposed buffer. This deviation is APPROVED SUBJECT TO Conditions 13, 14, and 15.

23. Deviation (23) seeks relief from the LDC §10-415(b)(1)(c) requirement of a 20 foot minimum setback from indigenous vegetation and trees and 30 foot setback for indigenous plant communities subject to fire, to allow a 20 foot minimum setback from upland preserve lots 68-70 and 75-76. This deviation is APPROVED.

24. Deviation (24) is WITHDRAWN.

SECTION D. EXHIBITS:

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

Exhibit A: Legal description of the property
Exhibit B: Zoning Map (with the subject parcel indicated)
Exhibit C: The Master Concept Plan
Exhibit D: Habitat Restoration and Maintenance Guidelines

SECTION E. FINDINGS AND CONCLUSIONS:

Based upon its review, the Board of County Commissioners adopts the recommendation of the Hearing Examiner, including the following findings and conclusions:

1. *As conditioned herein*, the proposed rezoning to RVPD:

   a. Complies with the Lee Plan. *See,* Lee Plan Vision Statement Paragraph 4 (Fort Myers Shores Planning Community), Lee Plan Goals 2, 4, 5, 21, 39,

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Objectives 2.2, and Policies 1.1.4, 5.1.5, 61.3.6, 135.1.3, 135.1.9, 158.1.9, 158.1.10; Lee Plan Maps 1, 16.

b. Complies with the LDC and other County regulations. *See*, LDC Chapters 10 and 34; LDC §33-1480 *et. seq*.

c. Is compatible with existing and planned uses in the area. *See,* Lee Plan Policies 1.1.4, 2.1.1, 2.1.2, 2.2.1, 5.1.5, 135.1.9; LDC §§ 34-411(c), (i), and (j).

d. Will not adversely affect environmentally critical areas and natural resources. *See,* Lee Plan Goal 77, Objectives 4.1, 77.1, and LDC §34-411(h).

e. Will be served by urban services. *See,* Lee Plan Glossary, Maps 6, 7, Goal 2; Objectives 2.1, 2.2, 4.1, 53.1, 56.1; Policies 2.2.1, 5.1.3, 135.9.7 and Standards 4.1.1 and 4.1.2; LDC §34-411(d).

2. The MCP reflects sufficient access to support the intensity of development. In addition, County regulations and conditions of approval will address expected impacts to transportation facilities. *See,* Lee Plan Goal 39, Objective 39.1; LDC §34-411(d).

3. The proposed mix of uses is appropriate at the proposed location. *See,* Lee Plan Policies 1.1.4, 2.1.1, 5.1.3, 5.1.5, and 135.1.9.

4. The recommended conditions are sufficient to protect the public interest and reasonably relate to the impacts expected from the development. *See,* Lee Plan Policies 5.1.5, 135.9.6; *See also,* LDC Chapters 10, 33 and 34.

5. As conditioned herein, the deviations:

   a. Enhance the objectives of the planned development; and

   b. Promote the intent of the LDC to protect the public health, safety, and welfare. *See,* LDC §34-377(b)(4).

SECTION F. SCRIVENER'S ERRORS

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

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

Adopted by unanimous consent.

Kevin Ruane	Absent
Cecil Pendergrass	Aye
Raymond Sandelli	Aye
Brian Hamman	Aye
Frank Mann	Aye

DULY PASSED AND ADOPTED this 16th day of December 2020.

ATTEST:
LINDA DOGGETT, CLERK

BY: _____
Deputy Clerk

BOARD OF COUNTY COMMISSIONERS
OF LEE COUNTY, FLORIDA

BY: _____
Kevin Ruane, Chair

APPROVED AS TO FORM FOR THE
RELIANCE OF LEE COUNTY ONLY

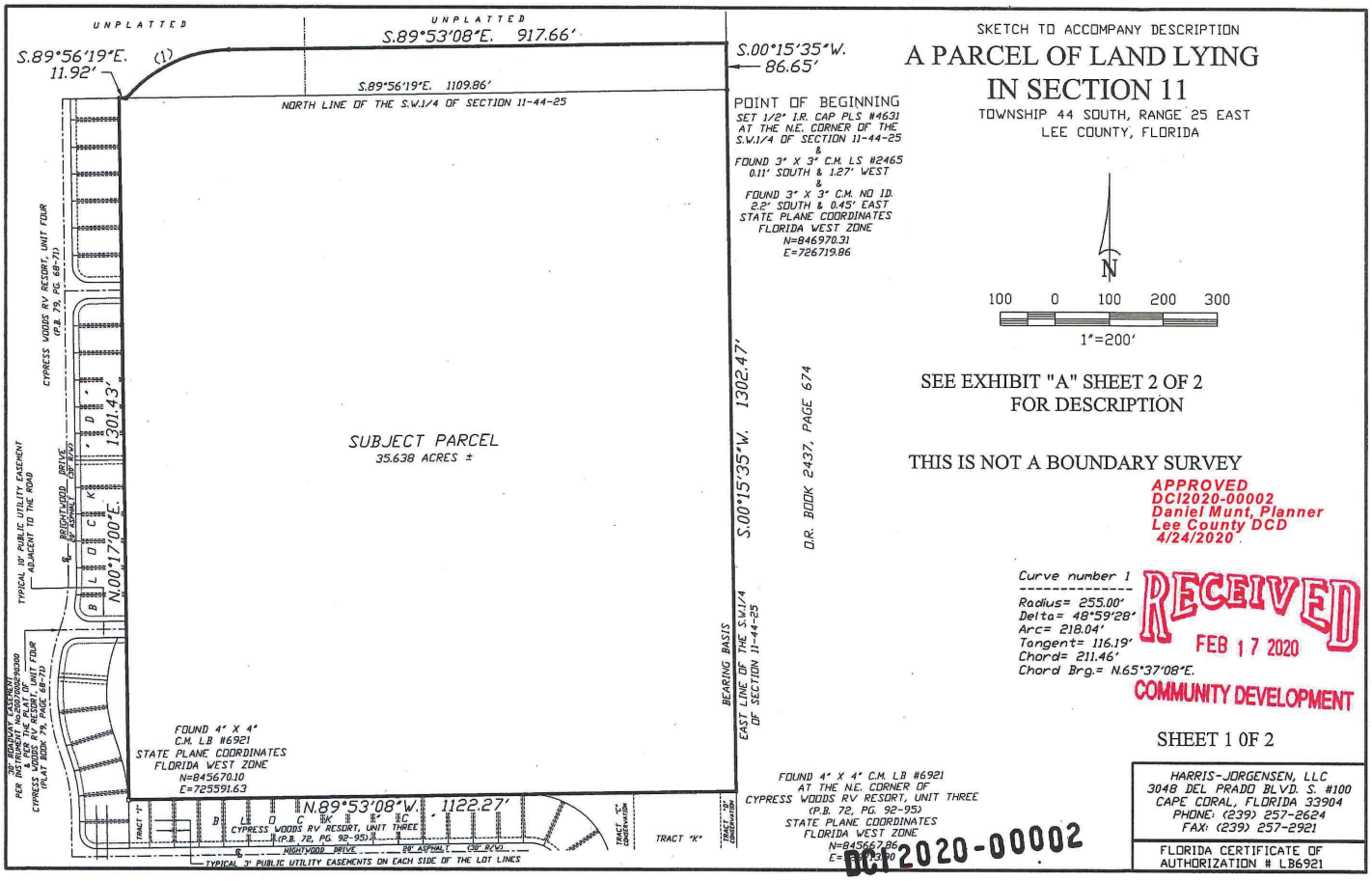
_____
Joseph A. Adams
Assistant County Attorney
County Attorney's Office

RECEIVED
MINUTES OFFICE
2021 FEB -1 PM 2:47

ADD2022-00028 Lee County ePlan

DCI2020-00002 Lee County ePlan

EXHIBIT A



ADD2022-00028 Lee County ePlan

DCI2020-00002 Lee County ePlan

REVISED:	DESCRIPTION:	BY:
5/26/2020	ADDED TOPOGRAPHY.	RBH
5/27/2020	ADDED OWNER'S POLICY.	RBH

PHILLIP M. MOULD
PROFESSIONAL SURVEYOR AND MAPPER
LS6515 - STATE OF FLORIDA

DRAWN:	CHECK:	SCALE:	FIELD #:
RBH	PMM	1"=30'	CV-103
SURVEY DATE:	FILE NO.	SHT.- 1 OF - 4	
9/23/19	44-23-11		

HARRIS-JORGENSEN, LLC.
3648 SW. FRIAR BLVD. S. SUITE 105
CAPE CORAL, FLORIDA 33904
PHONE: (239) 257-2624
FAX: (239) 257-2921

FLORIDA CERTIFICATE OF AUTHORIZATION LB6921

MATTERS PERTAINING TO OWNER'S POLICY
BY OLD REPUBLIC NATIONAL TITLE INSURANCE COMPANY,
POLICY No. OFR-8739592, DATED JANUARY 28, 2020 AT 4:26 PM.

SCHEDULE B-II

ITEMS 1, 2, 3, 4, 5, 7, 8, 9, 13, 14, 16, 17, AND 18 ARE NOT SURVEY RELATED.
ITEM 6 (RED) BOOK 635, PAGE 495, AS SHOWN HEREON.
ITEM 10 (LB. BOOK 37?3, PAGE 263?, AS SHOWN HEREON.
ITEM 11 (LB. BOOK 43?5, PAGE 3110, AS SHOWN HEREON.
ITEM 12 INSTRUMENT No. 2007000026?00, AS SHOWN HEREON.
ITEM 15 INSTRUMENT No. 2012000012224, AS SHOWN HEREON.

SURVEY NOTES:

1. BASIS OF BEARING SHOWN HEREON TAKEN FROM THE EAST LINE OF THE SOUTHWEST QUARTER OF SECTION 11-44-25, AS BEING S.00°15'25"W.
2. FIELD NOTES IN SECTION 11-44-25.
3. THIS CERTIFICATION IS ONLY FOR LANDS DESCRIBED HEREON. IT IS NOT A CERTIFICATION OF TITLE, ZONING OR FREEDOM OF ENCUMBRANCES.
4. THIS SURVEY IS BASED ON OWNER'S POLICY BY OLD REPUBLIC NATIONAL TITLE INSURANCE COMPANY, POLICY No. OFR-8739592, DATED JANUARY 28, 2020 AT 4:26 PM.
5. UNDERGROUND STRUCTURES AND UTILITIES, IF ANY, ARE NOT INCLUDED.
6. THIS MAP/PLAT IS NOT VALID WITHOUT THE SIGNATURE AND THE ORIGINAL RAISED SEAL OF A FLORIDA LICENSED SURVEYOR AND MAPPER.
7. ALL BEARINGS AND DISTANCES ARE PLAT AND MEASURED, UNLESS OTHERWISE SHOWN.
8. ISSUANCE OF THIS DRAWING, FROM THIS FIRM SHALL NOT RELIEVE THE BUILDER AND/OR CONTRACTORS OF THE RESPONSIBILITY TO REVIEW AND VERIFY ALL NOTES, DIMENSIONS, ELEVATIONS, AND ADHERENCE TO APPLICABLE BUILDING CODES PRIOR TO COMMENCEMENT OF ANY CONSTRUCTION. BUILDER MAY NEED TO ADJUST ELEVATION AND/OR SETBACKS PRIOR TO CONSTRUCTION IF OTHER RESTRICTIONS EXIST.
9. THIS SURVEY IS INTENDED TO BE VIEWED AS AN 24X36, 36" SCALE DRAWING.
10. THIS SURVEY IS LOCATED IN STATE PLANE COORDINATES FLORIDA WEST ZONE NAD83.
11. BENCHMARK DERIVED FROM RTCM-NGS 0103, ELEVATION 33.68' N.A.V.D. 1988
12. ELEVATIONS ARE NORTH AMERICAN VERTICAL DATUM OF 1988 (N.A.V.D.)

FLOOD ZONE: "X" ELEVATION N/A
COMMUNITY No: 125124 PANEL No: 0291
SUFFIX: F REVISION DATED: 8/28/08
MAP NUMBER 12071C0291F

THIS SURVEY IS CERTIFIED TO:
DUANE J. TRUITT
LEE COUNTY

LEGEND:

⊕	SET #4 IRON ROD (CAP LB6921)	R.V.B.	RECLAIM WATER BOX
○	FOUND IRON ROD (I.D.)	W.M.	WATER METER
□	CONCRETE MONUMENT (C.M.)	O/H	OVERHEAD POWER
P.R.M.	PERMANENT REFERENCE MONUMENT	P.P.	POWER POLE
P.U.E.	PUBLIC UTILITY EASEMENT	G.A.S.V.	GUY ANCHOR & WIRE
D.E.	DRAINAGE EASEMENT	T.S.B.	TELEPHONE SERVICE BOX
P.C.	POINT OF CURVATURE	N/S	NAIL & DISK
O.R.	OFFICIAL RECORDS BOOK	W.P.T.	WOOD POST
C.B.	AS SHOWN BY PLAT	ELEV.	ELEVATION
(P)	AS PER PLAT	B.M.	BENCHMARK
C.L.	CENTER LINE	T.E.	TOP OF EMBANKMENT
R/W	RIGHT-OF-WAY	A/C	AIR CONDITIONER
℄	CENTERLINE	W.S.	WATER SYSTEM
E.P.	ELECTRIC PEDESTAL	P.E.	POOL EQUIPMENT
C.O.	CLEAN-OUT	CONC.	CONCRETE
		E.B.	ELECTRIC OUTLET
		CPP	CORRUGATED PLASTIC PIPE

BOUNDARY SURVEY OF
A PARCEL OF LAND LYING IN SECTION 11
TOWNSHIP 44 SOUTH, RANGE 25 EAST
(INSTRUMENT No. 2007000026?00)
LEE COUNTY, FLORIDA

SCALE IN FEET

DESCRIPTION: (PER OWNER'S POLICY)

A TRACT OR PARCEL OF LAND LYING IN SECTION 11, TOWNSHIP 44 SOUTH, RANGE 25 EAST, LEE COUNTY, FLORIDA, DESCRIBED AS FOLLOWS:

BEGINNING AT THE NORTHEAST CORNER OF THE SOUTHWEST QUARTER (S.W.1/4) OF THE AFORESAID SECTION 11; THENCE RUN S.00°15'25"W. ALONG THE EAST LINE OF SAID SOUTHWEST QUARTER (S.W.1/4) FOR 1,280.47 FEET TO THE NORTHEAST CORNER OF CYPRESS WOODS RV RESORT, UNIT THREE, AS RECORDED IN PLAT BOOK 27, PAGES 86 THROUGH 93, PUBLIC RECORDS OF LEE COUNTY, FLORIDA; THENCE RUN N.89°53'08"W. ALONG THE NORTH LINE OF CYPRESS WOODS RV RESORT, UNIT THREE FOR 1,020.27 FEET; THENCE RUN N.89°17'56"E. FOR 1,261.43 FEET TO A POINT ON THE NORTH LINE OF THE AFORESAID SOUTHWEST QUARTER (S.W.1/4); THENCE RUN S.89°56'19"E. ALONG THE NORTH LINE OF SAID SOUTHWEST QUARTER (S.W.1/4) FOR 1,109.84 FEET TO A POINT ON A (N) TANGENT CURVE; THENCE RUN NORTHEASTERLY FOR 218.04 FEET ALONG THE ARC OF A CURVE CONCAVE SOUTHEASTERLY, WITH A RADIUS OF 255.00 FEET, A DELTA OF 48°59'28", A CHORD BEARING OF N.65°37'08"E. AND A CHORD DISTANCE OF 211.46 FEET TO A POINT OF TANGENCY; THENCE RUN S.89°53'09"E. FOR 917.64 FEET TO A POINT ON THE EAST LINE OF THE NORTHWEST QUARTER (N.W.1/4) OF THE AFORESAID SECTION 11; THENCE RUN S.00°15'25"W. ALONG SAID EAST LINE FOR 86.65 FEET TO THE POINT OF BEGINNING.

BEARINGS ARE BASED ON THE EAST LINE OF THE SOUTHWEST QUARTER (S.W.1/4) OF THE AFORESAID SECTION 11 AS BEING S.00°15'44"W.

APPROVED
DCI2020-00002
Daniel Munt, Planner
Lee County DCD
4/24/2020

Curve number 1
Radius= 255.00' (S & D)
Delta= 48°59'28" (S & D)
Arc= 218.04' (S & D)
Chord= 211.46' (S & D)
Chord Brg.= N.64°35'12"E. (S)
Chord Brg.= N.65°37'08"E. (D)

N.89°04'56"E. 917.64' (S) S.89°53'08"E. 917.66' (D)

TRACT B-2
LANDSCAPE BUFFER EASEMENT, PRIVATE UTILITY EASEMENT AND DRAINAGE TRACT

EMERGENCY ACCESS EASEMENT PER INSTRUMENT No. 2020000010264 TO CYPRESS TRAIL RESORT CIRCLE

N.89°01'45"E. 12.23' (S)
S.89°56'19"E. 11.92' (D)

N.89°01'45"E. 1109.84'
NORTH LINE OF THE S.W.1/4 OF SECTION 11-44-25

TOP OF BANK±

EDGE OF WATER±

BOUNDARY AREA
35.645 ACRES ±

LAKE

MATCH LINE TO SHEET 4

MATCH LINE TO SHEET 2

N.00°43'40"W. 1301.67' (S)
N.00°17'00"E. 1301.43' (D)

CYPRESS WOODS RV RESORT, UNIT FOUR (P.B. 29, PGS. 68-70)

BRIGHTWOOD DRIVE
25' ASPHALT CUL-DE-SAC
EDGE OF PAVEMENT

BLOCK "D"

EXISTING BUILDING

SHED

CONCRETE

BRICK

INLET: GRATE ELEV.= 13.06 W. INVERT= 10.88 SUMP= 14.50

N.M. SET NUT. ELEV.= 20.14

HANDHOLE ELEV.= 20.60

EDGE OF PAVEMENT

F.H.C.

C.O.

L.C.V.

SIGN

CURB

W.V.

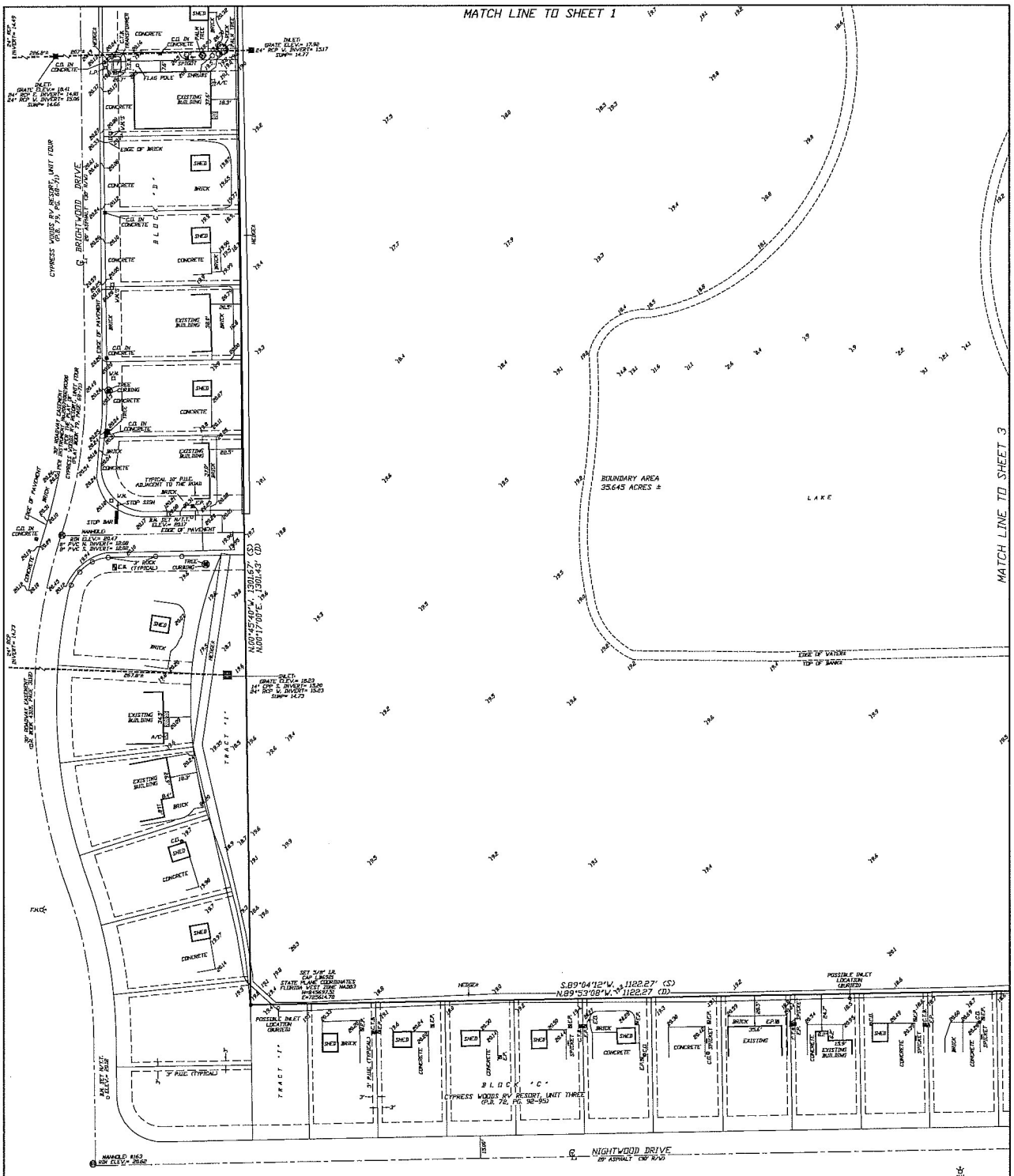
C.B.

A/C

LS

WOOD

HEDGES



BOUNDARY SURVEY OF
A PARCEL OF LAND LYING IN
SECTION 11
TOWNSHIP 44 SOUTH, RANGE 25 EAST
(INSTRUMENT No. 2007000309485)
LEE COUNTY, FLORIDA

SCALE IN FEET

LEGEND:

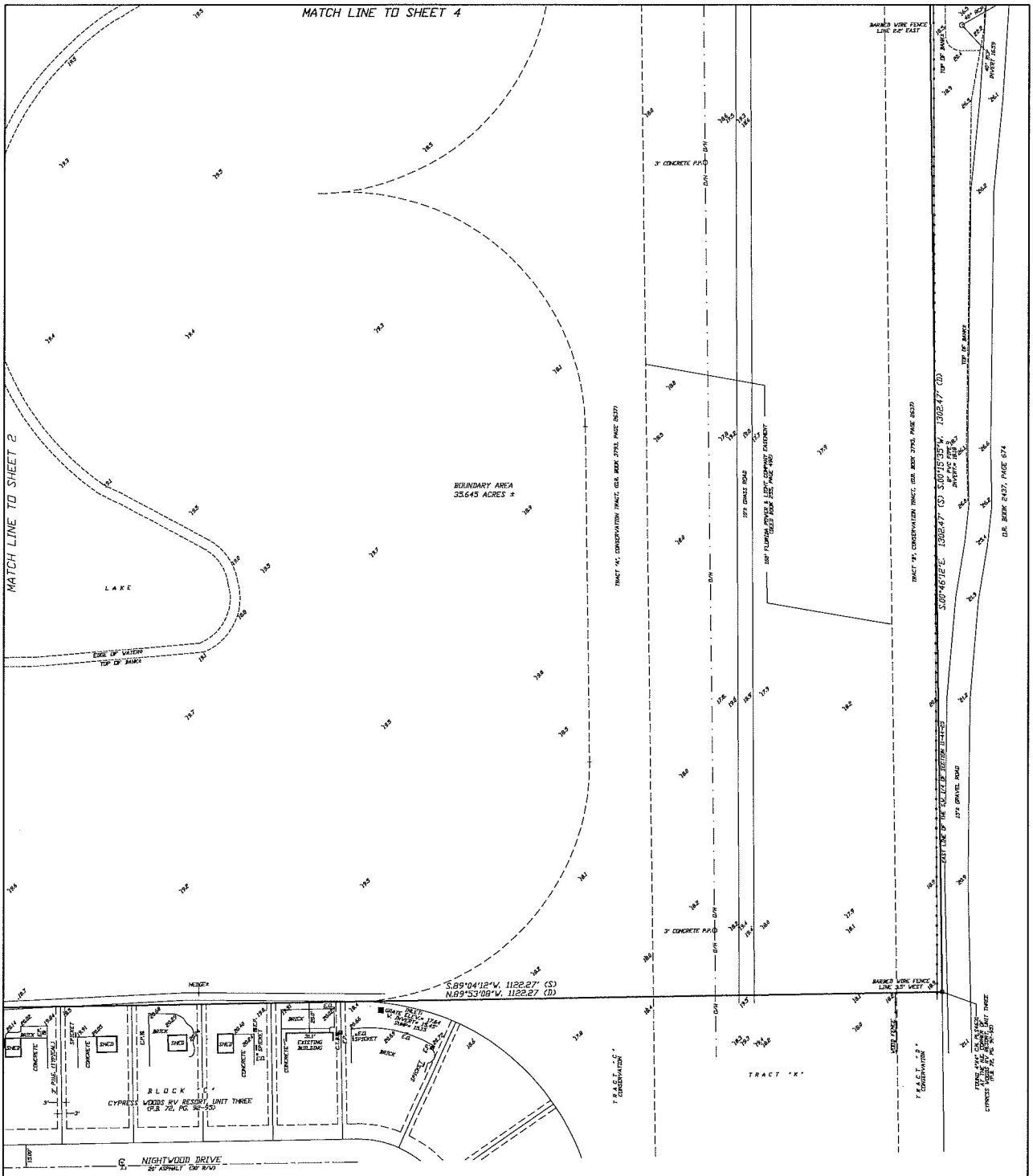
●	SET #4 IRON ROD (CAP L36921)	R.W.B.	RECLAIM WATER BOX
○	FOUND IRON ROD (I.R.)	W.M.	WATER METER
□	CONCRETE MONUMENT (C.M.)	O/H	OVERHEAD POWER
P.R.M.	PERMANENT REFERENCE MONUMENT	P.P.	POWER POLE
P.U.E.	PUBLIC UTILITY EASEMENT	G.A.W.	GUY ANCHOR & WIRE
D.E.	DRAINAGE EASEMENT	T.S.B.	TELEPHONE SERVICE BOX
P.C.	POINT OF CURVATURE	N/D	NAIL & DISK
O.R.	OFFICIAL RECORDS BOOK	N/T.T.	NAIL & TINTAB
(S)	AS PER SURVEY	ELEV.	ELEVATION
(P)	AS PER PLAT	B.M.	BENCHMARK
(C)	CURVE NUMBER	⌀	TYPICAL ELEVATION
L.I.	LINE NUMBER	A/C	AIR CONDITIONER
R/W	RIGHT-OF-WAY	W.S.	WATER SYSTEM
℄	CENTERLINE	P.E.	POOL EQUIPMENT
E.P.	ELECTRIC PEDESTAL	CONC	CONCRETE
C.O.	CLEAN-OUT	E.O.	ELECTRIC OUTLET
		CPP	CORRUGATED PLASTIC PIPE

REVISED	DESCRIPTION	BY
2/22/2020	ADDED TOPOGRAPHY	RBH
3/27/2020	ADDED OWNER'S POLICY	RBH

DATE OF LAST FIELD WORK: 2/22/2020

DRAWN	CHECK	SCALE	PROJ. #	
RBH	PMH	1"=30'	CW-US	MARRIS-JORGENSEN, LLC. 3048 DEL PRADO BLVD S SUITE 100 CAPE CORAL, FLORIDA 33904 PHONE: (239) 257-2624 FAX: (239) 257-2921
SURVEY DATE		FILE NO.	SHT.- 2	
9/23/19		44-25-11	OF - 4	

FLORIDA CERTIFICATE OF AUTHORIZATION L36921



BOUNDARY SURVEY OF
A PARCEL OF LAND LYING IN
SECTION 11
TOWNSHIP 44 SOUTH, RANGE 25 EAST
(INSTRUMENT No. 2007000308480)
LEE COUNTY, FLORIDA

N

15 0 15 30 45
SCALE IN FEET

LEGEND:

●	SET 44 IRON ROD (CAP LB6920)	R.W.B.	RECLAIM WATER BOX
○	FOUND IRON ROD (I.R.)	W.M.	WATER METER
□	CONCRETE MONUMENT (C.M.)	O/H	OVERHEAD POWER
P.R.M.	PERMANENT REFERENCE MONUMENT	P.P.	POWER POLE
P.U.E.	PUBLIC UTILITY EASEMENT	G.A.&V.	GUY ANCHOR & WIRE
D.E.	DRAINAGE EASEMENT	T.S.B.	TELEPHONE SERVICE BOX
P.C.	POINT OF CURVATURE	M/B	MAIL & DISK
O.R.	OFFICIAL RECORDS BOOK	M/T.T.	MAIL & TINTAB
(S)	AS PER SURVEY	ELEV.	ELEVATION
(P)	AS PER PLAT	B.M.	BENCHMARK
(I)	CURVE MEMBER	✓	TYPICAL ELEVATION
L.I.	LINE MEMBER	A/C	AIR CONDITIONER
R/W	RIGHT-OF-WAY	W.S.	WATER SYSTEM
℄	CENTERLINE	P.E.	POOL EQUIPMENT
E.P.	ELECTRIC PEDESTAL	ELEC.	ELECTRIC
C.O.	CLEAN-OUT	CPP	CORRUGATED PLASTIC PIPE

REVISED:	DESCRIPTION:	BY:
2/22/2020	ADDED TOPOGRAPHY:	RBH
3/27/2020	ADDED OWNER'S POLICY:	RBH

DATE OF LAST FIELD WORK: 2/22/2020

DRAWN	CHECK	SCALE	PROJ. #	
RBH	PMH	1"=30'	CW-US	MARKIS-JONGENSEN, LLC. 3048 DEL PRADO BLVD S. SUITE 100 CAPE CORAL, FLORIDA 33904 PHONE (239) 257-2624 FAX (239) 257-2921
SURVEY DATE		FILE NO.	SHT.- 3	
9/25/18		44-25-11	OF - 4	

FLORIDA CERTIFICATE OF AUTHORIZATION LB6921

ADD2022-00028 Lee County ePlan

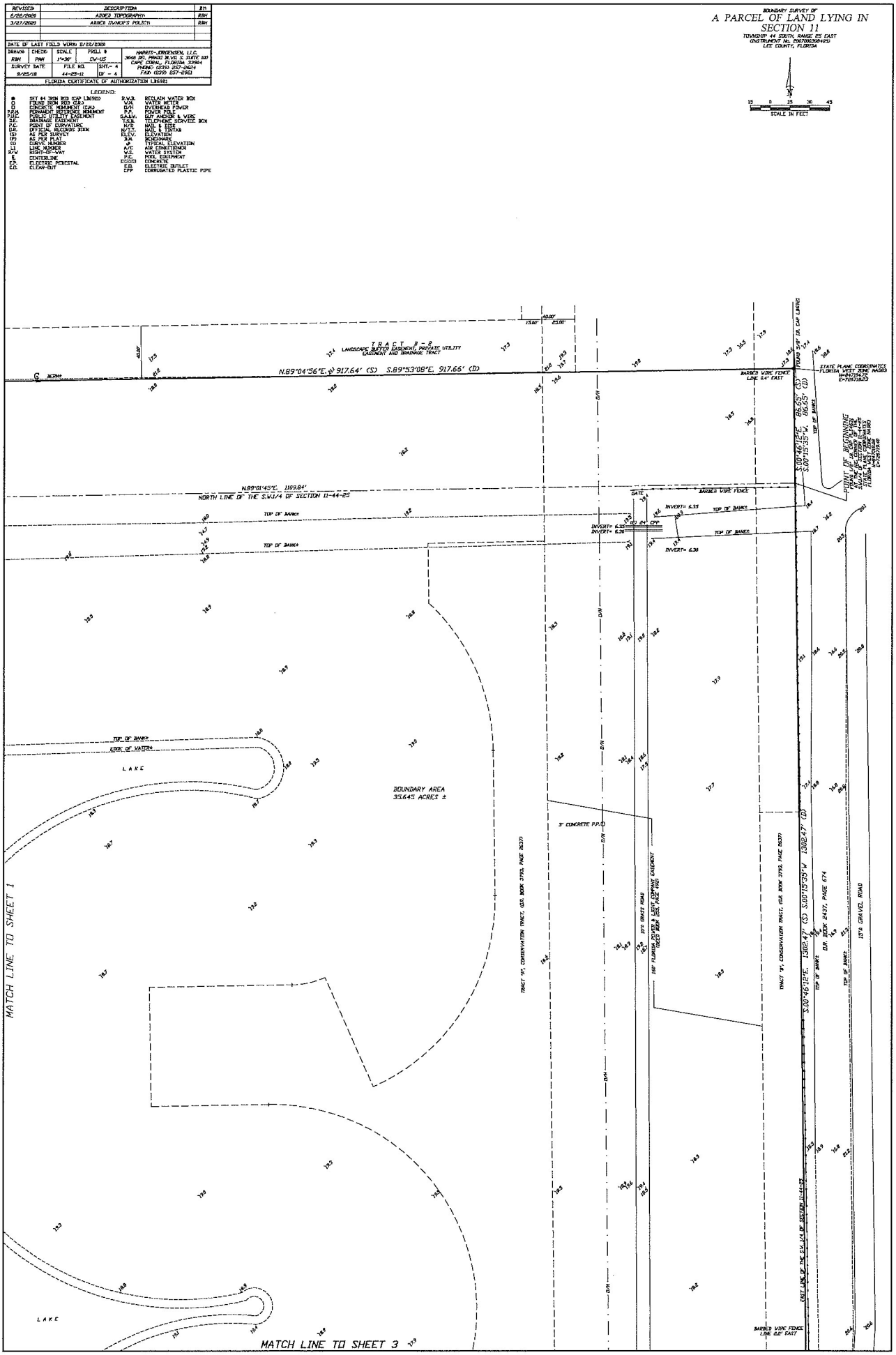
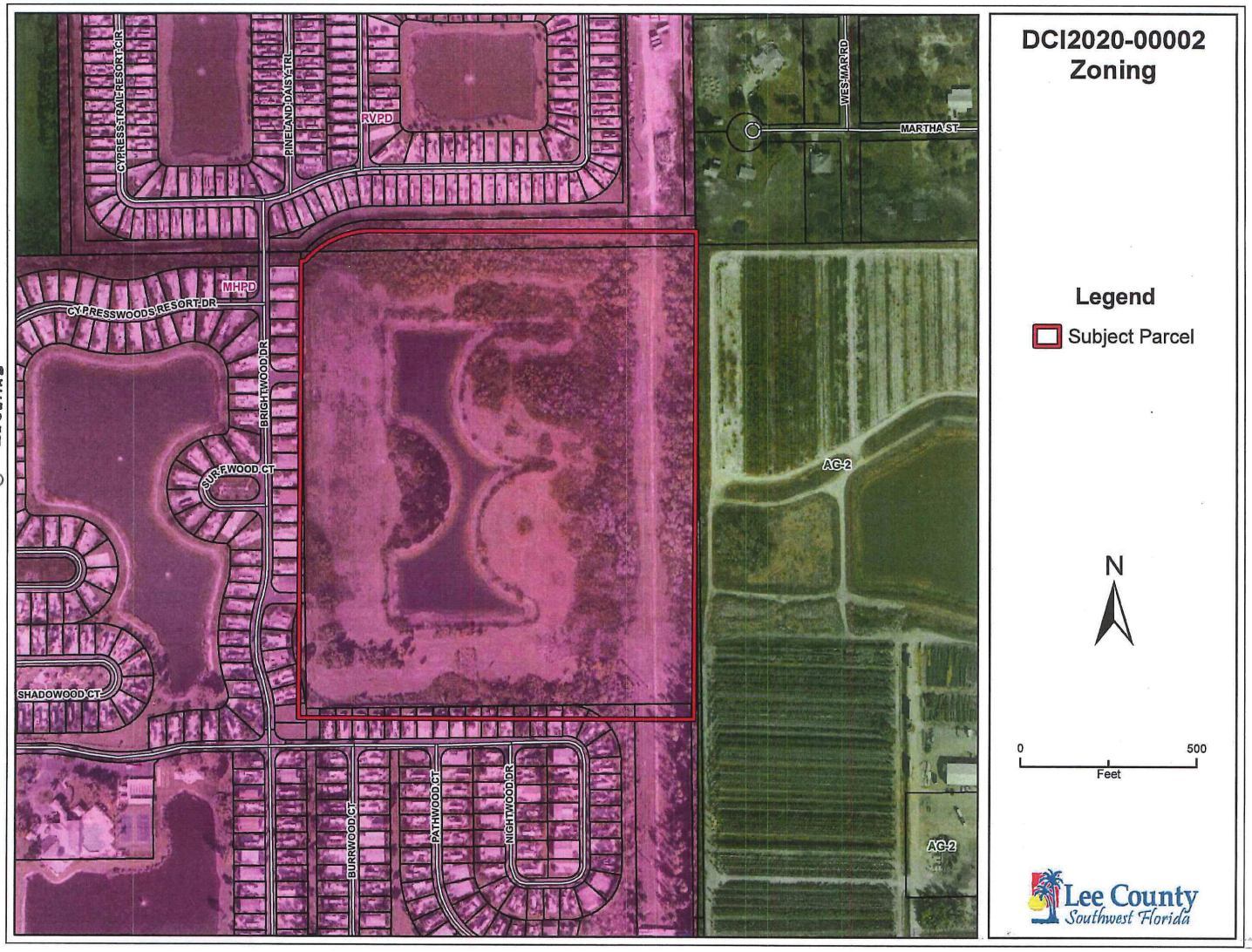
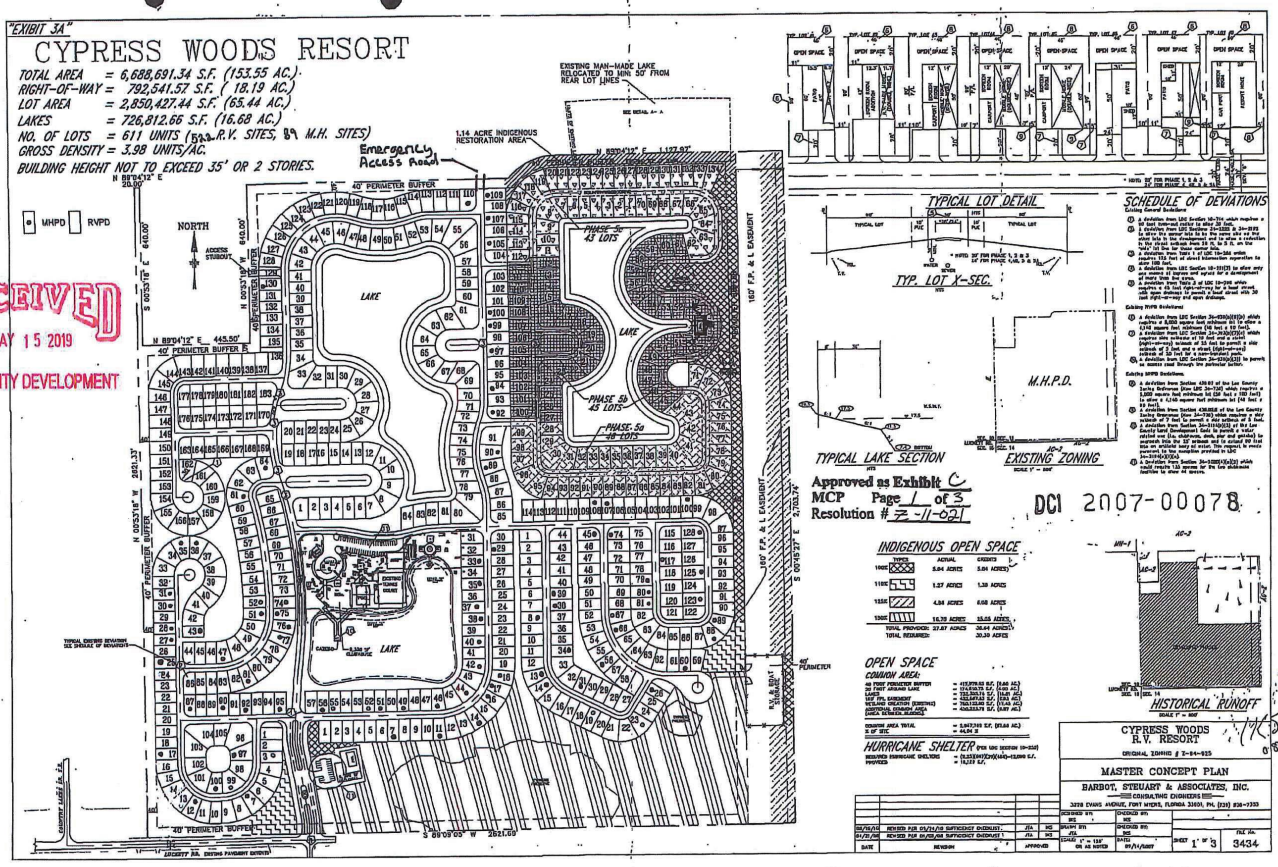


EXHIBIT B


DCI2020-00002
Zoning
Legend
Subject Parcel
N
0
500
Feet
Lee County
Southwest Florida
CYPRESSTRAIL RESORT CIR
PINELAND DAISY TRL
RVPD
WES-MAR RD
MARTHA ST
MHPD
CYPRESSWOODS RESORT DR
BRIGHTWOOD DR
SURFWOOD CT
SHADOWOOD CT
BURRWOOD CT
PATHWOOD CT
NIGHTWOOD DR
AC-2
AC-2



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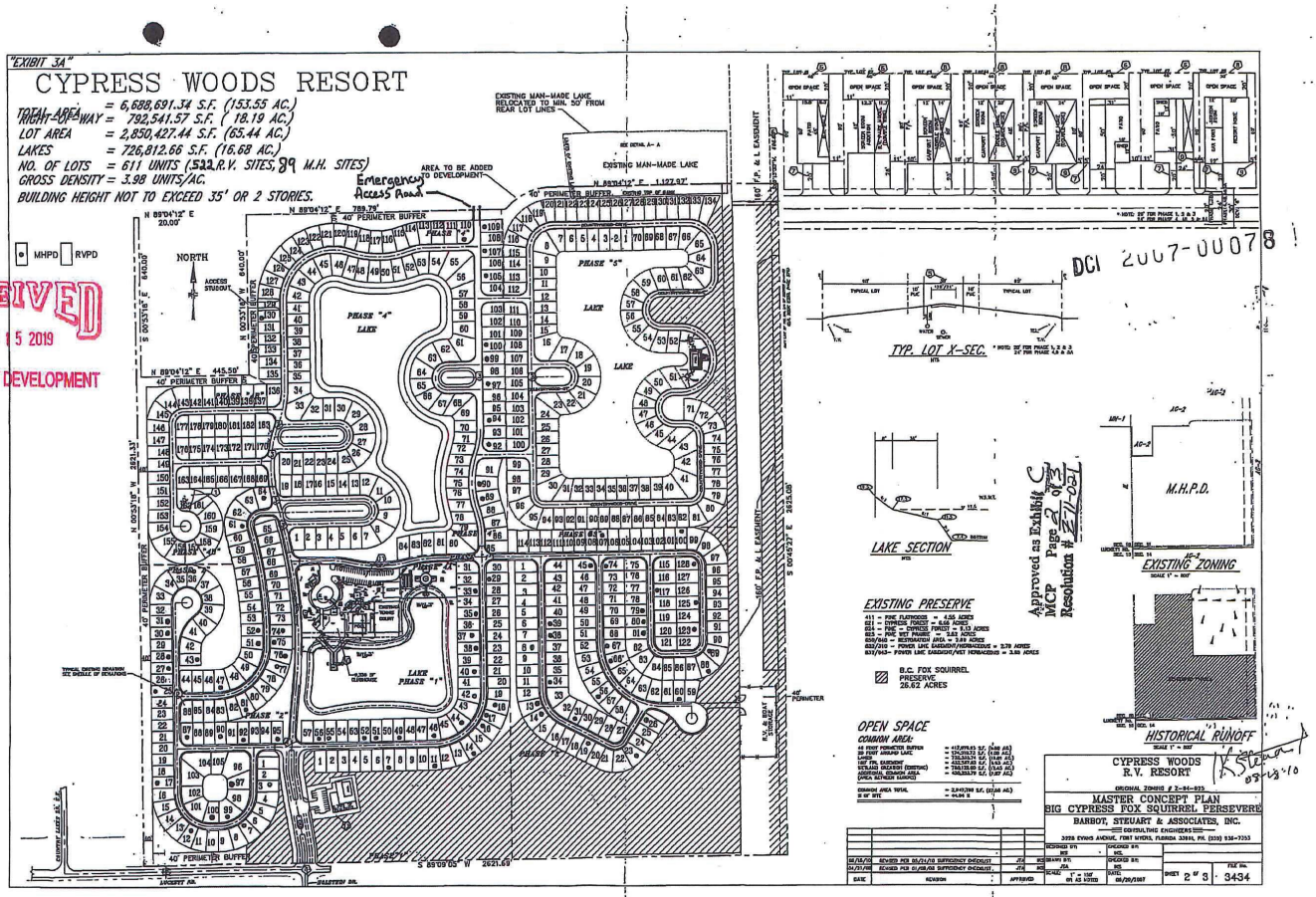
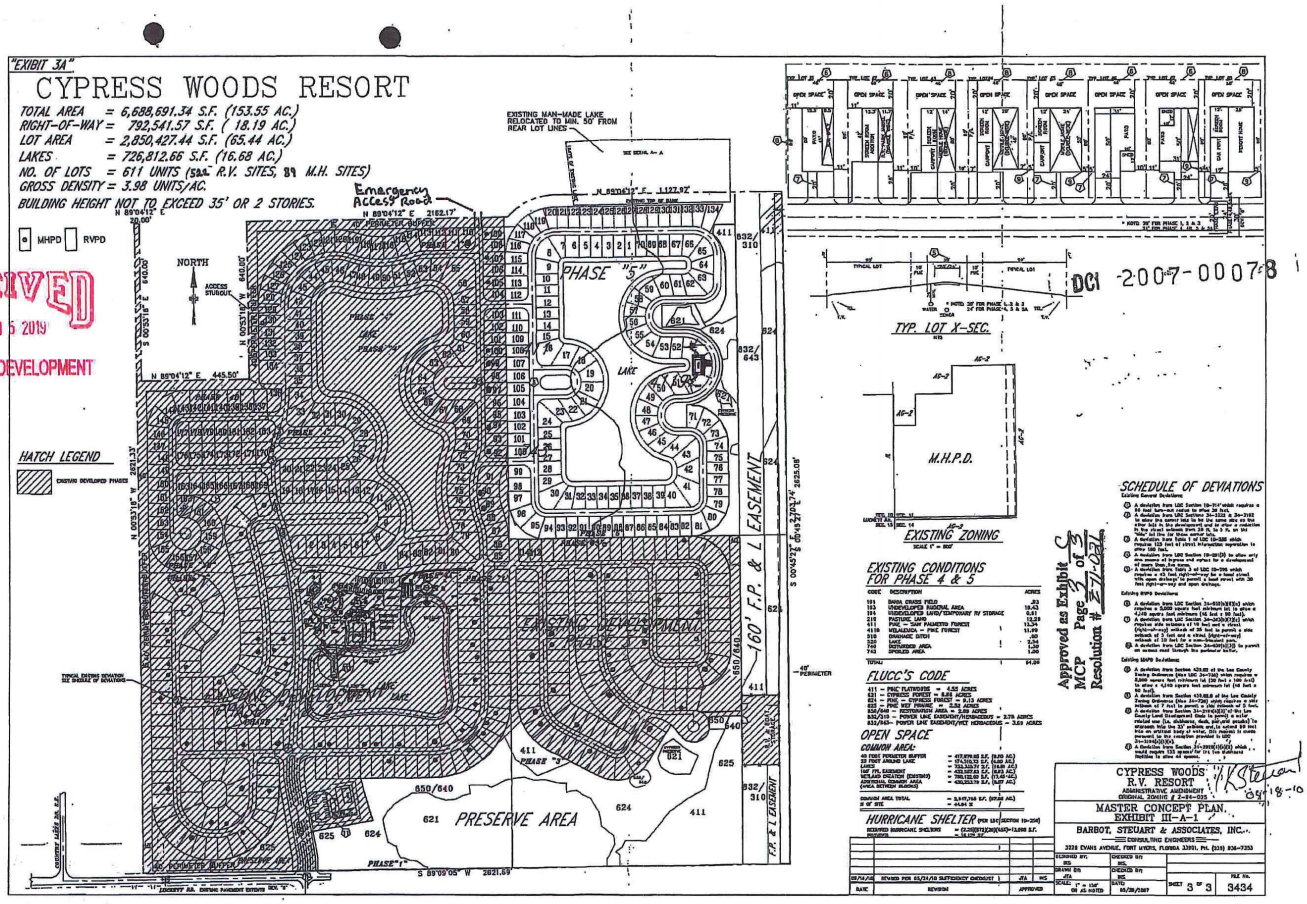
MAY 15 2019
COMMUNITY DEVELOPMENT

EXHIBIT C

ADD2022-00028 Lee County ePlan



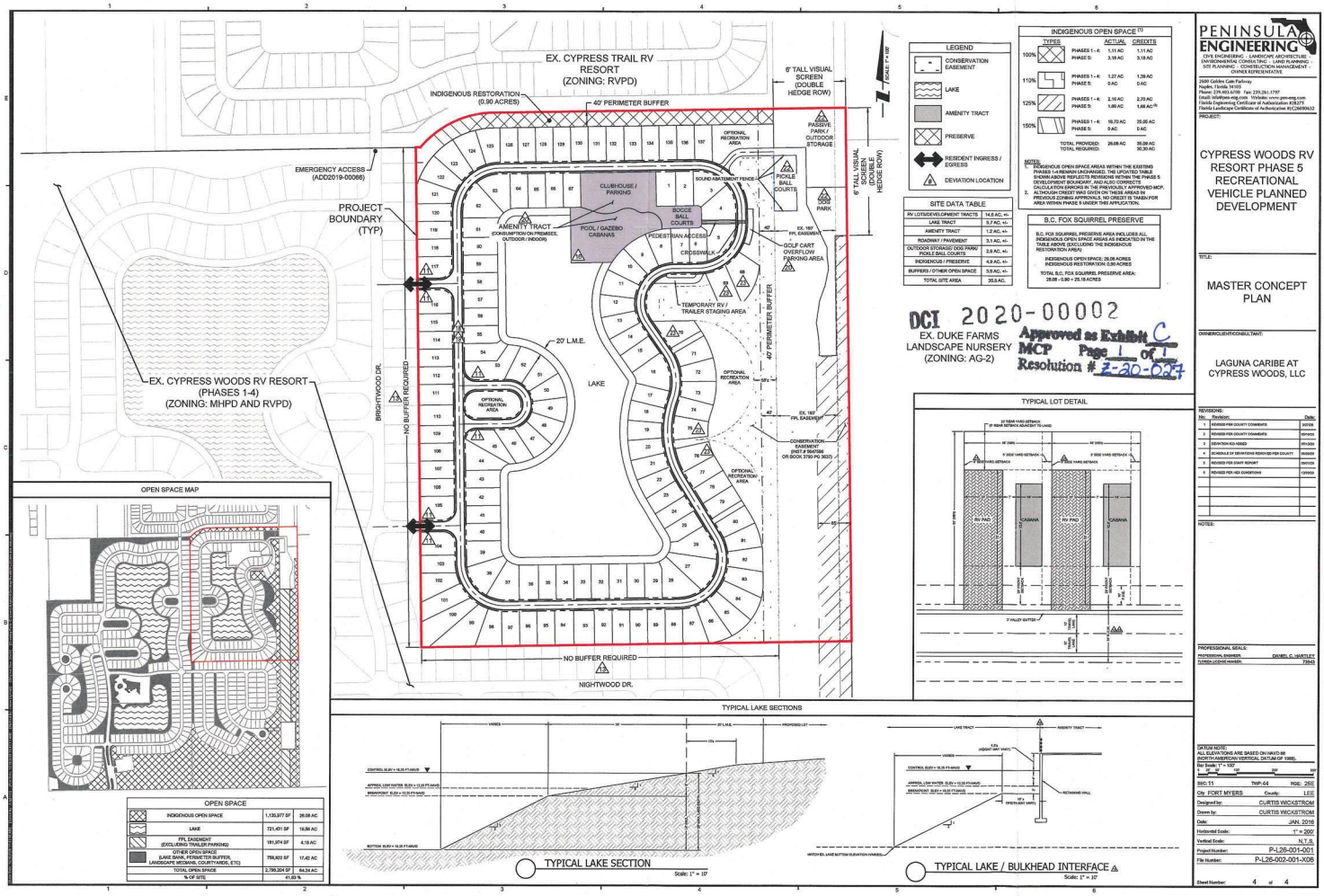
ADD2022-00058 Lee County ePlan



RECEIVED
MAY 15 2019
COMMUNITY DEVELOPMENT

DCI 2007-00078

ADD2022-00028 Lee County ePlan



PENINSULA ENGINEERING

CYPRESS WOODS RV RESORT PHASE 5 RECREATIONAL VEHICLE PLANNED DEVELOPMENT

MASTER CONCEPT PLAN

LAGUNA CARIBE AT CYPRESS WOODS, LLC

ADD2022-00028 Lee County ePlan

ZVL2019-00095 Lee County ePlan

Habitat Restoration and Maintenance Guidelines

for the

Cypress Woods RV Resort Phase V

Sections 11, T44S, R25E, Luckett Road, Lee County, Florida

March 27, 2008
Revised: Dec. 4, 2008
June 9, 2009

Prepared for:

Cypress Woods RV Resort
5551 Luckett Road.
Fort Myers, FL 33905
(239) 694-2191
FAX: (239) 691-4969

RECEIVED
AUG 2 3 2010
COMMUNITY DEVELOPMENT

conducted by

DCI 2007-00078

Southern Biomes, Inc.
1602 Woodford Ave., Fort Myers, FL 33901 - mail to: P.O. Box 50640, Fort Myers, FL 33994
Ph.: (239) 334-6766 - Geza Wass de Czege, President - Fax: (239) 337-5028

EXHIBIT D

ADD2022-00028 Lee County ePlan

ZVL2019-00095 Lee County ePlan

Southern Biomes, Inc.
1602 Woodford Ave., Fort Myers, FL 33901 - mail to: P.O. Box 50640, Fort Myers, FL 33994
Ph.: (239) 334-6766 - Geza Wess de'Czege, President - Fax: (239) 337-5028

A. FOX SQUIRREL HABITAT RESTORATION GUIDELINES

1. **RESTORATION SITE DESCRIPTION:** The subject restoration site is a forty foot wide buffer area located in the northeastern portion of the development, extending for approximately 800 feet east to the pine flatwoods buffer adjacent to the powerline easement. The previously existing forested buffer was unintentionally cleared and will be restored to meet Lee County Code, Sec. 14-384: Restoration standards, and the Sec. 10-420 Plant materials standards. The plantings will be according to Lee County's Department of Community Development, Division of Environmental Sciences indigenous habitat restoration area planting guidelines.

2. **HABITAT RESTORATION EXECUTIVE SUMMARY:** To help restore the habitat, slash pines and scattered live oaks will be planted an average of 15' on center, with 75% of the trees being a minimum 10' tall with two-inch caliper at 12 inches above ground, and the remaining 25% a minimum 16' tall with a 3-4 inch caliper, to provide more diversity sizes. Trees will be planted in random order so as not to appear as growing in rows. Shrubs will be limited to scattered clusters of saw palmetto, wax myrtle, beautyberry, gallberry and muhly grass, planted around selected tree clusters. Shrubs and groundcover vegetation must be in minimum one-gallon container, and clustered at an average of three feet (3') on center, to mimic pine flatwoods savanna habitat.

RECEIVED
AUG 23 2010
COMMUNITY DEVELOPMENT
DCI 2007-00078

ADD2022-00028 Lee County ePlan

ZVL2019-00095 Lee County ePlan

Southern Biomes, Inc.
1602 Woodford Ave., Fort Myers, FL 33901 - mail to: P.O. Box 50640, Fort Myers, FL 33994
Ph.: (239) 334-6766 - Geza Wass de Czege, President - Fax: (239) 337-5028

Habitat Restoration Plant List

- One hundred ten (110) trees, of which no more than 75% are to be10' tall, minimum 2 inch caliper trees, and at least 25% are >16' tall, minimum 3 inch caliper trees. All trees are to be planted in random order on average 15' centers:
  - 68 slash pine (*Pinus elliottii*) 10' w/min 2" dbh
  - 22 slash pine (*Pinus elliottii*) 16' w/min 3" dbh
  - 6 live oak (*Quercus virginiana*) 10' w/min 2" dbh
  - 2 live oak (*Quercus virginiana*) 16' w/min 3" dbh
  - 4 laurel oak (*Quercus laurifolia*) 10' w/min 2" dbh
  - 2 laurel oak (*Quercus laurifolia*) 16' w/min 3" dbh
  - 4 dahoon holly (*Ilex cassina*) 10' w/min 2" dbh
  - 2 dahoon holly (*Ilex cassine*) 16' w/min 3" dbh

- Three thousand four hundred sixty six (3,466) in 1 gallon containerized shrubs & herbaceous species, randomly clustered within tree clusters, on 3' center:
  - 1000 saw palmetto (*Serenoa repens*)
  - 500 wax myrtle (*Myrica sp.*)
  - 500 beautyberry (*Callicarpa americana*)
  - 466 gallberry (*Ilex glabra*)
  - 1000 muhly grass (*Muhlenbergia sp.*)

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RESTORATION AREA SITE PREPARATION, MAINTENANCE AND MONITORING GUIDELINES:

1. Restoration areas are to be graded to natural elevations of adjacent pine flatwoods uplands, and harrowed to remove all ruts from the planting areas.
2. Eradicate any torpedograss, primrose willow, or any other exotic or nuisance vegetation prior to replanting, with an approved systemic herbicide, and establish an annual eradication program to maintain the area free of exotic species, and the nuisance species to less than 2% coverage.
3. Replant restoration areas with plant species and quantities as designated in the plant list provided in the Habitat Restoration Plant List (approx. 31,200 sq. ft.).
   - One hundred ten (110) trees, with no more than 75% at least 10' tall, 2 inch caliper and the remaining trees >15' tall, with minimum 3 inch caliper, planted in clusters of 3-5, on average 15' centers.
   - Three thousand four hundred sixty six (3,466) 1 gallon containerized shrubs, cluster 3' o.c.
4. Maintain a semi-annual exotic plant control the first year, and an annual control thereafter, in perpetuity, to treat the exotic vegetation resprouting with an approved herbicide, and manually remove any seedlings. Conduct activities during the winter and spring dry season.
5. Signage shall be placed at each end of the indigenous preserve area to identify and protect the preserve during and after construction. The signs shall be no closer than ten feet from adjacent property lines; be limited to a maximum height of four feet and a maximum size of two square feet, stating: "Preserve Area" (in large letters), "Please do not cut or damage any plants unless authorization by permit, or obtained in writing by Lee County Community Development" (in small letters). See example attached with these guidelines.
6. Provide Lee County with an annual monitoring report, for 5 years, including plant survival data and qualitative narrative describing the vegetative changes within the mitigation area. Include the following:
   a. Provide three fixed point photo station' panoramic photograph analyses at selected locations.
   b. Narrative report of exotics invasion, and removal success.
   d. Plant survival data and revegetation success data, including quantitative data, natural recruitment success, exotic invasion, general condition, and recommendations.
7. Mitigation success criteria are as follows:
   a. The area is maintained free of exotic plants, as defined by the Florida Exotic Pest Plant Council, with no more than 2% coverage at any one time (including but not limited to melaleuca, Brazilian pepper, Australian pine, etc.), and the number of exotic plants eradicated each year has been greatly reduced.
   b. All nuisance plant species (torpedograss, primrose willow, caesarweed, dog fennel, etc.) constitute no more than 5% of the total plant coverage.
   c. There is an 80% survival rate of the planted vegetation and at least 80% coverage of the planted area by indigenous native vegetation at the end of the third year of monitoring.
   d. There is a continual increase in indigenous plant species composition throughout the five year monitoring period.

DCI 2007-00078
RECEIVED
AUG 23 2010
COMMUNITY DEVELOPMENT

ADD2022-00028 Lee County ePlan

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Habitat Restoration & Management Guidelines, Cypress Woods RV Resort Phase V, Luckett Road,
Section 11, T44E, R25S, Lee County, Florida — Revised: June 9, 2009

Preserve Area Sign Sample

Preserve Area

No Dumping
No Cutting
No Disturbing

RECEIVED
AUG 2 3 2010
COMMUNITY DEVELOPMENT

Please do not cut or damage any plants unless authorization by permit, or obtained in writing by Lee County Community Development.

Please Help Keep it Natural!!

NOTE: Typical sign dimensions may range from 9" x 12" to 12" x 18" (vertical or horizontal), but should not exceed 288 sq. inches.

DCI 2007-00078

Exhibit E

Cypress Woods Recreational Vehicle Planned Development
Administrative Amendment (ADD2022-00021)
Public Information Session Meeting Summary

Wednesday, April 20, 4:00 p.m.
Cypress Woods Town Center, 10100 Nightwood Drive, Fort Myers, FL 33905

Laguna Caribe at Cypress Woods, LLC (Applicant) and their consultant team hosted their public informational session in accordance with Section 33-1482 of the Land Development Code on Wednesday, April 20, 2022. The meeting was held at the Cypress Woods Town Center at 4:00 PM.

The meeting was held for the pending Cypress Woods RVPD Administrative Amendment application (ADD2022-00021). The meeting notice was published in the News-Press on March 28, 2022. The Affidavit of Publication is attached as Exhibit "A".

There were approximately 18 attendees present including the consulting team and the Applicant. Alexis Crespo (agent) introduced the application, and together with the Applicant explain the request to add the "casitas" use to Phase 5 of Cypress Woods and the difference between the "casitas" and the "cabanas" use. It was noted that the footprint size of "casitas" would be controlled by existing development regulations such as minimum setbacks, maximum lot coverage, and maximum height.

Comments raised from the attendees included: if lots would be required to have RVs on them, whether "casitas" could be sublet, how many models would be available and how would architectural design be controlled. There was discussion on the ability to add the "casitas" use to other phases of the Cypress Woods.

Following public comment, the Applicant thanked the attendees. The meeting concluded at 4:21 PM.

0005190563 / FNP-0000002582

The News-Press media group
news-press.com A GANNETT COMPANY

Attn:
WALDROP ENGINEERING
28100 BONITA GRANDE DR
BONITA SPRINGS, FL 34135

STATE OF FLORIDA COUNTY OF LEE:

Before the undersigned authority personally appeared Sarah Bertelsen, who on oath says that he or she is a Legal Assistant of the News-Press, a daily newspaper published at Fort Myers in Lee County, Florida; that the attached copy of advertisement, being a Legal Ad in the matter of

Notice of Meetings

In the Twentieth Judicial Circuit Court was published in said newspaper editions dated or by publication on the newspaper's website, if authorized, on:

03/28/2022

Affiant further says that the said News-Press is a paper of general circulation daily in Lee County and published at Fort Myers, in said Lee County, Florida, and that the said newspaper has heretofore been continuously published in said Lee County, Florida each day and has been entered as periodicals matter at the post office in Fort Myers, in said Lee County, Florida, for a period of one year next preceding the first publication of the attached copy of advertisement; and affiant further says that he or she has never paid nor promised any person, firm or corporation any discount, rebate, commission or refund for the purpose of securing this advertisement for publication in the said newspaper.

Sworn to and Subscribed before me this 19th of April 2022, by legal clerk who is personally known to me.

Affiant

Notary State of Wisconsin, County of Brown

9.19.25
My commission expires

# of Affidavits: 1

This is not an invoice

VICKY FELTY
Notary Public
State of Wisconsin

NOTICE OF PUBLIC INFORMATION MEETING

DATE: Wednesday, April 20, 2022
TIME: 4:00 PM
ADDRESS: Cypress Woods Town Center, 10100 Nightwood Drive, Fort Myers, FL 33905
In accordance with the Caloosahatchee Shores Planning Community requirements of the Lee County Land Development Code, the Applicant, Laguna Caribe at Cypress Woods, LLC., will be presenting information to the public on the following request:
Administrative Amendment to the Cypress Woods RV Resort Recreational Vehicle Planned Development (RVPD), Phase 5, to allow design flexibility and residential accessory uses, including "casitas."
The purpose of the meeting is to educate community members and nearby landowners about the proposed development and to address any questions.
For questions please contact:
RVI Planning, c/o Josephine Medina
28100 Bonita Grande Drive, Suite 305,
Bonita Springs, FL 34135
(239) 908-3421 OR
JMedina@RVIPlanning.com
AD# 5190563 3/28/22

ADD2022-00108 Lee County ePlan

ADMINISTRATIVE AMENDMENT
LEE COUNTY, FLORIDA

WHEREAS, Laguna Caribe at Cypress Woods, LLC filed an application for an administrative amendment to a Recreational Vehicle Planned Development (RVPD), on a project known as Cypress Woods RVPD Phase 5, **to amend Deviation 23 of Resolution Z-20-027 to include Lots 121 through 137**, on property described more particularly as:

LEGAL DESCRIPTION: In Section 11, Township 44 South, Range 25 East, Lee County, Florida:

ATTACHED AS EXHIBIT "A"

WHEREAS, the subject property is located in the Urban Community Future Land Use Category as designated by the Lee Plan; and

WHEREAS, the property was originally rezoned to RVPD in Resolution Z-94-025 (with subsequent amendments in case number PD-95-019, ADD2002-00111, ADD2003-00122, Resolution Z-03-057, ADD2004-00102, ADD2010-00013, Resolution Z-11-021, ADD2019-00066, Resolution Z-20-027, ADD2020-00049A, ADD2021-00158 and ADD2022-00021); and

WHEREAS, Deviation 23 of Resolution Z-20-027 approved relief from Land Development Code (LDC) Section 10-415(b)(1)(c), which requires a 20-foot minimum setback from indigenous vegetation and trees and a 30-foot setback from indigenous plant communities subject to fire, to allow a 20-foot minimum setback from upland preserve lots 68-70 and 75 and 76 (see Exhibit "F"); and

WHEREAS, LDC Section 10-415(b)(1)(c) establishes ecological separations for preservation and fire prevention; and

WHEREAS, the applicant states that at the time of the original deviation request the lots abutting the northern 0.90-acre indigenous restoration persevere were omitted from the deviation request in error (see Exhibit "C"); and

WHEREAS, furthermore, the applicant's proposed reduction from the required 30-foot setback, to allow a 20-foot setback, will apply to accessory structures, which will be constructed of flame retardant building materials; and

WHEREAS, a Letter of No Objection, concerning the expansion of Deviation 23, has been issued by the Tice Fire and Rescue District (see Exhibit "D"); and

WHEREAS, Lee County Environmental staff have reviewed the request and offered no objection to expanding Deviation 23 to encompass Lots 121 through 137, according to the amended Master Concept Plan (see Exhibit "B"); and

WHEREAS, the applicant conducted a publicly advertised information session within the Caloosahatchee Shores Community Plan area in compliance with LDC Section 33-1482 (see Exhibit "E"); and

WHEREAS, the Lee County Land Development Code provides for certain administrative changes to planned development master concept plans and planned unit development final development plans; and

WHEREAS, the subject application and plans have been reviewed by the Lee County Department of Community Development in accordance with applicable regulations for compliance with all terms of the administrative approval procedures; and

WHEREAS, it is found that the proposed amendment, as conditioned, does not increase density or intensity within the development; does not decrease buffers or open space required by the LDC; does not underutilize public resources or infrastructure; does not reduce total open space, buffering, landscaping or preservation areas; and does not otherwise adversely impact on surrounding land uses.

NOW, THEREFORE, IT IS HEREBY DETERMINED that the application for administrative approval for an amendment to the Recreational Vehicle Planned Development is **APPROVED.**

Approval is subject to the following conditions:

1. **Development within Phase 5 of Cypress Woods RV Resort must be in compliance with the amended 1-Page Master Concept Plan, entitled "Cypress Woods RV Resort Phase 5 Recreational Vehicle Planned Development" dated January of 2016, last revised 06/27/2022, attached hereto as Exhibit "B." The only change approved to the MCP is inclusion of Deviation #23 on Lots 121 through 137.**

2. **Deviation 23 of Resolution Z-20-027 is hereby amended below in strike-through to identify deleted language and underline to identify new language:**

   Deviation (23) seeks relief from the LDC §10-415(b)(1)(c) requirement of a 20 foot minimum setback from indigenous vegetation and trees and a 30 foot setback for indigenous plant communities subject to fire, to allow a 20 foot minimum setback from upland preserve lots ~~68-70~~ ~~and 75-76~~ 68 through 70, 75 and 76, and 121 through 137. This deviation is APPROVED subject to the following condition.

   a) All buildings located within the 30-foot required setback must be constructed of flame retardant materials.

4. **The terms and conditions of the original zoning resolutions remain in full force and effect, except as amended herein.**

5. **If it is determined that inaccurate or misleading information was provided to the County or if this decision does not comply with the LDC when rendered, then, at any time, the Zoning Manager may issue a modified decision that complies with the Code or revoke the decision. If the approval is revoked, the applicant may acquire the necessary approvals by filing an application for public hearing in accordance with Chapter 34.**

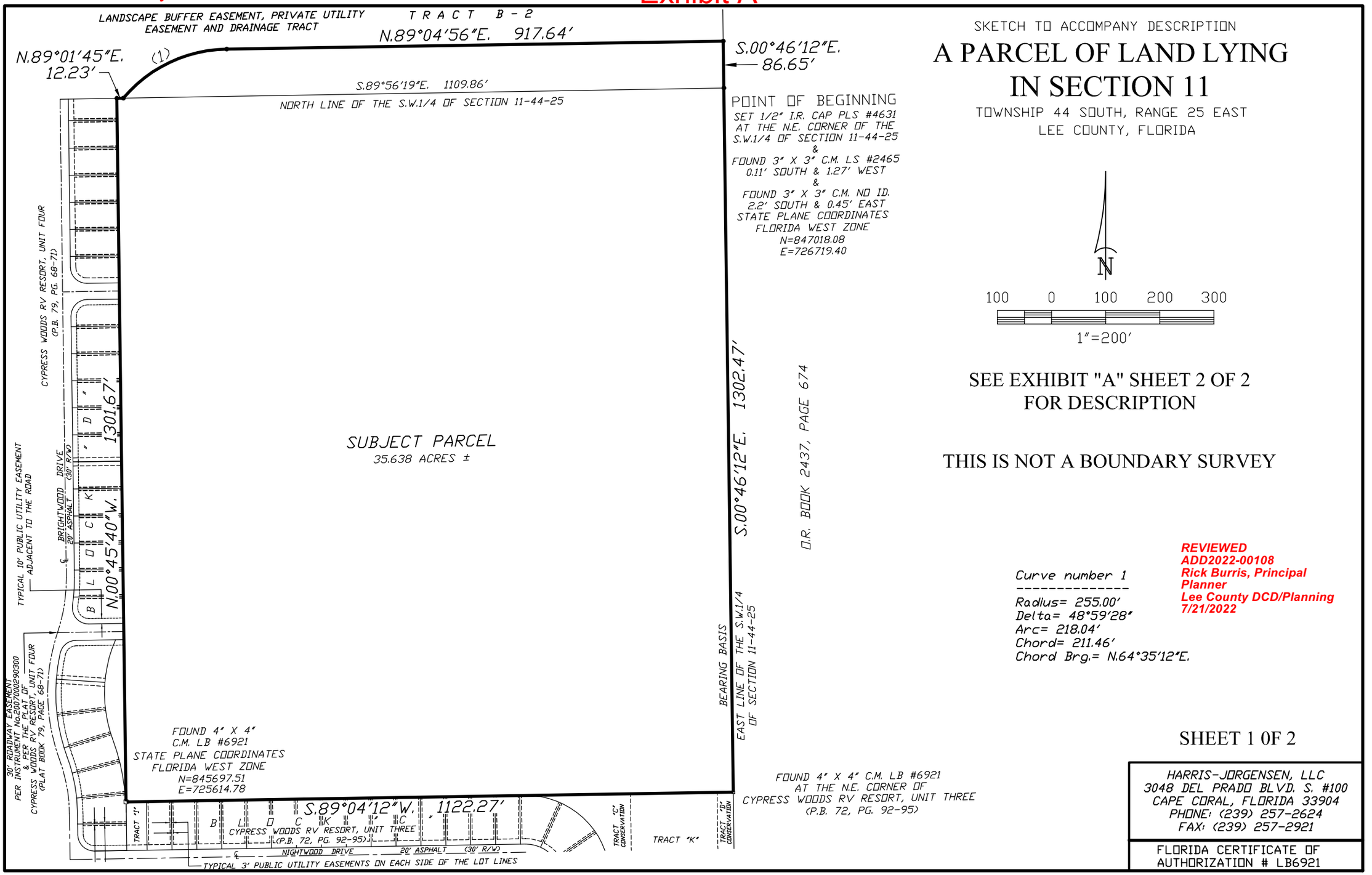
Duly passed, adopted, and electronically signed on 7/26/2022

Anthony R. Rodriguez, AICP, Zoning Manager

Exhibits

Exhibit A: Legal Description
Exhibit B: Phase 5 Amended Master Concept Plan
Exhibit C: Applicant's Request Statement
Exhibit D: Tice Fire District Letter of No Objection
Exhibit E: Public Information Session Summary
Exhibit F: Resolution Z-20-027

Exhibit A



SKETCH TO ACCOMPANY DESCRIPTION

A PARCEL OF LAND LYING IN SECTION 11

TOWNSHIP 44 SOUTH, RANGE 25 EAST
LEE COUNTY, FLORIDA

SEE EXHIBIT "A" SHEET 2 OF 2
FOR DESCRIPTION

THIS IS NOT A BOUNDARY SURVEY

Curve number 1

Radius= 255.00'
Delta= 48°59'28"
Arc= 218.04'
Chord= 211.46'
Chord Brg.= N.64°35'12"E.

REVIEWED
ADD2022-00108
Rick Burris, Principal Planner
Lee County DCD/Planning
7/21/2022

SHEET 1 0F 2

HARRIS-JORGENSEN, LLC
3048 DEL PRADO BLVD. S. #100
CAPE CORAL, FLORIDA 33904
PHONE: (239) 257-2624
FAX: (239) 257-2921

FLORIDA CERTIFICATE OF AUTHORIZATION # LB6921

ADD2022-00108 Lee County ePlan

DESCRIPTION TO ACCOMPANY SKETCH

EXHIBIT "A"

DESCRIPTION:

A TRACT OR PARCEL OF LAND LYING IN SECTION 11, TOWNSHIP 44 SOUTH, RANGE 25 EAST, LEE COUNTY, FLORIDA, DESCRIBED AS FOLLOWS:

BEGINNING AT THE NORTHEAST CORNER OF THE SOUTHWEST QUARTER (SW1/4) OF THE AFORESAID SECTION 11; THENCE RUN S.00°46'12"E. ALONG THE EAST LINE OF SAID SOUTHWEST QUARTER (SW1/4) FOR 1302.47 FEET TO THE NORTHEAST CORNER OF CYPRESS WOODS RV RESORT, UNIT THREE, AS RECORDED IN PLAT BOOK 72, PAGES 92 THROUGH 95, PUBLIC RECORDS OF LEE COUNTY, FLORIDA; THENCE RUN S.89°04'12"W. ALONG THE NORTH LINE OF SAID CYPRESS WOODS RV RESORT, UNIT THREE FOR 1122.27 FEET; THENCE RUN N.00°45'40"W. FOR 1301.67 FEET TO A POINT ON THE NORTH LINE OF THE AFORESAID SOUTHWEST QUARTER (SW1/4); THENCE RUN N.89°01'45"E. ALONG THE NORTH LINE OF SAID SOUTHWEST QUARTER (SW1/4) FOR 12.23 FEET TO A POINT ON A TANGENT CURVE; THENCE RUN NORTHEASTERLY FOR 218.04 FEET ALONG THE ARC OF A CURVE CONCAVE SOUTHEASTERLY, WITH A RADIUS OF 255.00 FEET, A DELTA OF 48°59'28", A CHORD BEARING OF N.64°35'12"E. AND A CHORD DISTANCE OF 211.46 FEET TO A POINT OF TANGENCY; THENCE RUN N.89°04'56"E. FOR 917.64 FEET TO A POINT ON THE EAST LINE OF THE NORTHWEST QUARTER (NW1/4) OF THE AFORESAID SECTION 11; THENCE RUN S.00°46'12"E. ALONG SAID EAST LINE FOR 86.65 FEET TO THE POINT OF BEGINNING.

SAID TRACT CONTAINS 35.638 ACRES, MORE OR LESS.

Phillip M Mould,
P.S.M. 6515
State of Florida

Digitally signed by Phillip M Mould, P.S.M. 6515
State of Florida
Date: 2022.02.14 10:36:43 -05'00'

PHILLIP M MOULD
LS6515
SEPTEMBER 14, 2020

REVIEWED
ADD2022-00108
Rick Burris, Principal Planner
Lee County DCD/Planning
7/21/2022

THIS MAP/PLAT IS CONSIDERED SIGNED USING A DIGITAL SEAL IN ACCORDANCE WITH THE APPLICABLE STATE LAWS AND STATUTES FS 668.001-006; FS 668.50; FS 472.025; 5J-17.062, FLORIDA ADMINISTRATIVE CODE, STATE OF FLORIDA.

CW-U5

EX. CYPRESS TRAIL RV RESORT
(ZONING: RVPD)

INDIGENOUS RESTORATION
(0.90 ACRES)

40' PERIMETER BUFFER

6' TALL VISUAL SCREEN (DOUBLE HEDGE ROW)

SCALE: 1" = 100'

EMERGENCY ACCESS
(ADD2019-00066)

PROJECT BOUNDARY (TYP)

EX. CYPRESS WOODS RV RESORT
(PHASES 1-4)
(ZONING: MHPD AND RVPD)

BRIGHTWOOD DR.

NO BUFFER REQUIRED

CLUBHOUSE / PARKING

POOL / GAZEBO CABANAS

AMENITY TRACT
(CONSUMPTION ON PREMISES, OUTDOOR / INDOOR)

BOCCE BALL COURTS

SOUND ABATEMENT FENCE

PEDESTRIAN ACCESS

CROSSWALK

OPTIONAL RECREATION AREA

PASSIVE PARK / OUTDOOR STORAGE

PICKLE BALL COURTS

DOG PARK

EX. 160' FPL EASEMENT

GOLF CART OVERFLOW PARKING AREA

TEMPORARY RV / TRAILER STAGING AREA

20' L.M.E.

LAKE

CONSERVATION EASEMENT (INST.# 5647586 OR BOOK 3793 PG 3637)

NO BUFFER REQUIRED

NIGHTWOOD DR.

LEGEND

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

SITE DATA TABLE

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

INDIGENOUS OPEN SPACE (1)

TYPES		ACTUAL	CREDITS
100%	PHASES 1 - 4:	1.11 AC	1.11 AC
	PHASE 5:	3.18 AC	3.18 AC
110%	PHASES 1 - 4:	1.27 AC	1.39 AC
	PHASE 5:	0 AC	0 AC
125%	PHASES 1 - 4:	2.16 AC	2.70 AC
	PHASE 5:	1.66 AC	1.66 AC (2)
	TOTAL PROVIDED:	26.08 AC	35.09 AC
	TOTAL REQUIRED:		30.30 AC

NOTES:
1. INDIGENOUS OPEN SPACE AREAS WITHIN THE EXISTING PHASES 1-4 REMAIN UNCHANGED. THE UPDATED TABLE SHOWN ABOVE REFLECTS REVISIONS WITHIN THE PHASE 5 DEVELOPMENT BOUNDARY, AND ALSO CORRECTS CALCULATION ERRORS IN THE PREVIOUSLY APPROVED MCP.
2. ALTHOUGH CREDIT WAS GIVEN ON THESE AREAS IN PREVIOUS ZONING APPROVALS, NO CREDIT IS TAKEN FOR AREA WITHIN PHASE 5 UNDER THIS APPLICATION.

B.C. FOX SQUIRREL PRESERVE

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

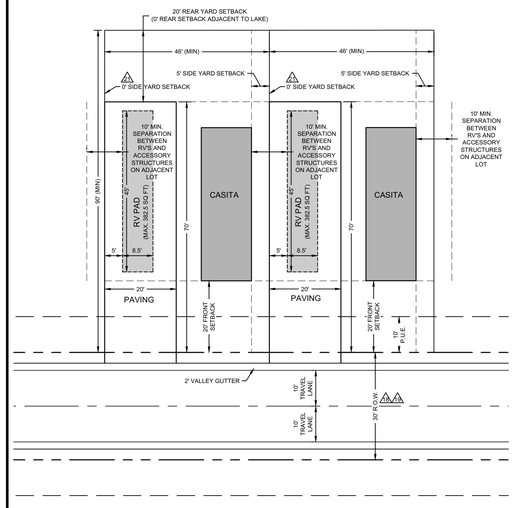
INDIGENOUS OPEN SPACE: 26.08 ACRES
INDIGENOUS RESTORATION: 0.90 ACRES

TOTAL B.C. FOX SQUIRREL PRESERVE AREA:
26.08 - 0.90 = 25.18 ACRES

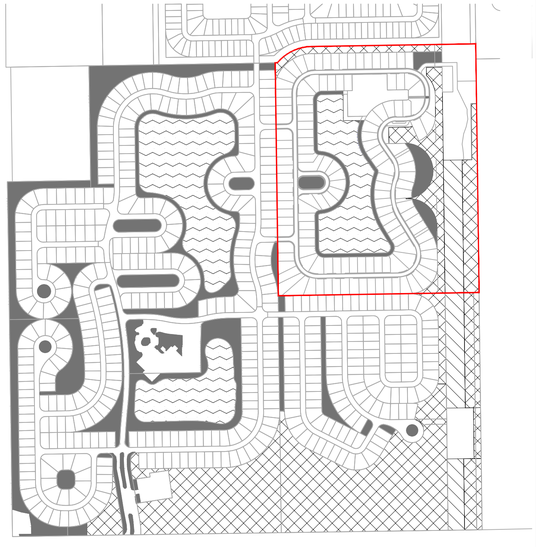
EX. DUKE FARMS
LANDSCAPE NURSERY
(ZONING: AG-2)

Exhibit B

TYPICAL LOT DETAIL



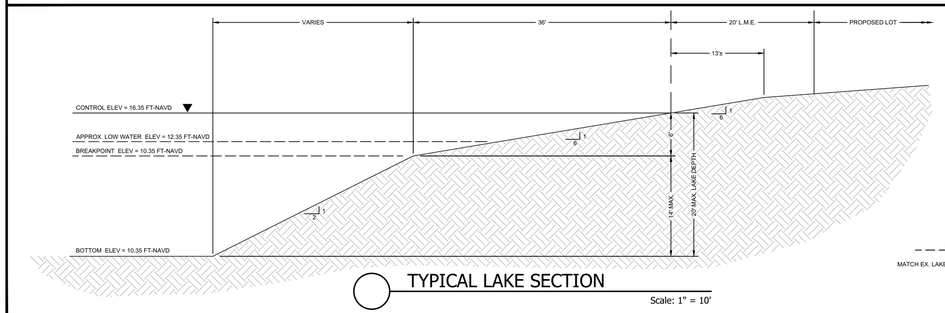
OPEN SPACE MAP



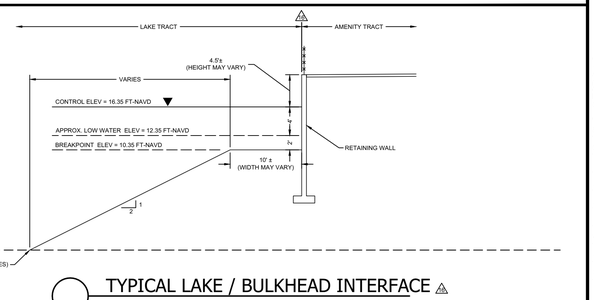
OPEN SPACE

	INDIGENOUS OPEN SPACE	1,135,977 SF	26.08 AC
	LAKE	721,431 SF	16.56 AC
	FPL EASEMENT (EXCLUDING TRAILER PARKING)	181,974 SF	4.18 AC
	OTHER OPEN SPACE (LAKE BANK, PERIMETER BUFFER, LANDSCAPE MEDIANS, COURTYARDS, ETC)	758,822 SF	17.42 AC
	TOTAL OPEN SPACE	2,798,204 SF	64.24 AC
	% OF SITE	41.83 %	

TYPICAL LAKE SECTIONS



TYPICAL LAKE SECTION
Scale: 1" = 10'



TYPICAL LAKE / BULKHEAD INTERFACE
Scale: 1" = 10'

PENINSULA ENGINEERING
CIVIL ENGINEERING · LANDSCAPE ARCHITECTURE
ENVIRONMENTAL CONSULTING · LAND PLANNING · SITE PLANNING · CONSTRUCTION MANAGEMENT · OWNER REPRESENTATIVE
2600 Golden Gate Parkway
Naples, Florida 34105
Phone: 239.403.6700 Fax: 239.261.1797
Email: info@pen-eng.com Website: www.pen-eng.com
Florida Engineering Certificate of Authorization #28275
Florida Landscape Certificate of Authorization #LC26000632

PROJECT:

CYPRESS WOODS RV RESORT PHASE 5 RECREATIONAL VEHICLE PLANNED DEVELOPMENT

TITLE:

MASTER CONCEPT PLAN

OWNER/CLIENT/CONSULTANT:

LAGUNA CARIBE AT CYPRESS WOODS, LLC

REVISIONS:

No:	Revision:	Date:
1	REVISED PER COUNTY COMMENTS	3/27/20
2	REVISED PER COUNTY COMMENTS	05/18/20
3	DEVIATION #23 ADDED	07/13/20
4	SCHEDULE OF DEVIATIONS REMOVED PER COUNTY	08/05/20
5	REVISED PER STAFF REPORT	09/01/20
6	REVISED PER HEX CONDITIONS	12/30/20
7	CORRECTED TYPICAL LOT DETAIL	09/22/21
8	ADDED "CASITA" TO TYPICAL LOT DETAIL	02/11/22
9	REVISED TYPICAL LOT DETAIL	06/14/22
10	ADDED DEVIATION #23 TO LOTS 121-137	6/27/22

NOTES:

PROFESSIONAL SEALS:

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

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

Bar Scale: 1" = 100'
0 25' 50' 100' 200' 300'

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

Sheet Number: 4 of 4

Exhibit C

CYPRESS WOODS RVPD
PD AMENDMENT

Schedule of Deviations & Justifications

The following deviation modification is requested for Deviation 23 listed in Zoning Resolution Z-20-027.

23. Deviation 23 seeks relief from the LDC Section 10-415(b)(1)(c) requirement of a 20 foot minimum setback from indigenous vegetation and trees and 30 foot setback for indigenous plant communities subject to fire, to allow a 20-foot minimum setback from upland preserves lots 68-70, 75-76, and 121-137.

JUSTIFICATION: Deviation 23 as approved via Z-20-027 pertains only to Lots 68-70 and 75-76. The request is to extend the deviation to lots 121-137. At the time of approval, the required 30-foot setback affecting lots 121-137 with the creation of the northern indigenous preserve was overlooked.

The proposed preserve setback will only relate to accessory structures, not principal structures. to The Applicant is not requesting the expand the deviation to apply to principal structures.

It is understood the required upland preserve setback relates to fire protection concerns. From an environmental standpoint, the indigenous restoration area in question is very small and narrow (approximately 0.9 acres and 40' wide) with a tree planting schedule consisting of slash pines, live oaks, laurel oaks and dahoon hollys as well as the following shrubs palmetto, wax myrtle, beautyberry, gallberry, muhly grass per the approved restoration plan.

The request to extend the reduction of the upland preserve setback to lots 121-137 has been reviewed and approved by the Tice Fire District per the attached correspondence.

Additionally, the accessory structures on the lots with the 20-foot upland preserve setback will be constructed with flame retardant roofing and wall materials. Specifically, the roofing material is metal or concrete tile and not straw or other flammable material. The building walls will be constructed of a pre-fabricated composite material that is fire retardant, and Class A firewall rating of 2 hours. The Applicant will install sprinklers in the casita structures to fully mitigate any fire hazard associated with the design.

All of the mitigating factors that allowed this deviation to be approved originally, remain applicable to this expanded request. Therefore the deviation will not negatively impact public health, safety or welfare.

ADD2022-00108 Lee County ePlan

Exhibit D

TICE FIRE & RESCUE DISTRICT

Ted Ross, Jr
Fire Chief
(239) 694-2380
tross@ticefire.com

9351 Workmen Way
Ft. Myers, Fl. 33905
Fax (239) 694-7399
www.ticefire.com

June 28, 2022

PENINSULA ENGINEERING
Daniel C. Hartley, P.E.
2600 Golden Gate Parkway
Naples, Florida 34105

RE: Cypress Woods RVPD - Request for Deviation

Mr. Hartley,

Tice Fire & Rescue District has reviewed the request for deviation from Lee County LDC Section 10-415(b)(1)(c), which states that "*A minimum setback of 20 feet from buildings is required. For indigenous plant communities subject to fire, such as pine flatwoods, palmetto prairie and xeric scrub, a 30-foot setback is required for fire protection.*", to allow a 20' setback between the accessory structures upon Lots 121-137 and the indigenous restoration area north of those lots.

Tice Fire & Rescue District does not object and supports the deviation as requested.

If you have any questions, please contact me at (239) 694-2380.

Respectfully,

Ted A Ross Jr.
Fire Chief /
Fire Marshal

Exhibit E

Cypress Woods Recreational Vehicle Planned Development
Administrative Amendment
Public Information Session Meeting Summary

Tuesday, July 12, 9:00 a.m.
Cypress Woods Town Center, 10100 Nightwood Drive, Fort Myers, FL 33905

Laguna Caribe at Cypress Woods, LLC (Applicant) hosted their public informational session in accordance with Section 33-1482 of the Land Development Code on Tuesday, July 12, 2022. The meeting was held at the Cypress Woods Town Center at 9:00 AM.

The meeting was held for the pending Cypress Woods RVPD Administrative Amendment application (ADD2022-00108). The meeting notice was published in the News-Press on June 28, 2022. The Affidavit of Publication is attached as Exhibit “A”.

The Applicant was present at the location until 9:15 a.m. No one from the public attended.

ADD2022-00108 Lee County ePlan

0005316837 / FNP-0000002582

The News-Press media group
news-press.com A GANNETT COMPANY

Attn:
WALDROP ENGINEERING
28100 BONITA GRANDE DR
BONITA SPRINGS, FL 34135

State of Wisconsin, County of Brown:
Before the undersigned authority personally appeared Nicole Jacobs, who on oath says that he or she is a Legal Assistant of the News-Press, a daily newspaper published at Fort Myers in Lee County, Florida; that the attached copy of advertisement, being a Legal Ad in the matter of

NOTICE OF PUBLIC INFORMATION MEETING DATE: Tuesday, July 12, 2022 TIME: 9:00 AM ADDRESS: Cypress Woods Town Center, 10100 Nightwood Drive, Fort Myers, FL 33905

In the Twentieth Judicial Circuit Court was published in said newspaper editions dated in the issues of or by publication on the newspaper's website, if authorized, on :

06/28/2022

Affiant further says that the said News-Press is a paper of general circulation daily in Lee County and published at Fort Myers, in said Lee County, Florida, and that the said newspaper has heretofore been continuously published in said Lee County, Florida each day and has been entered as periodicals matter at the post office in Fort Myers, in said Lee County, Florida, for a period of one year next preceding the first publication of the attached copy of advertisement; and affiant further says that he or she has never paid nor promised any person, firm or corporation any discount, rebate, commission or refund for the purpose of securing this advertisement for publication in said newspaper editions dated:

Sworn to and Subscribed before me this 28th of June 2022, by legal clerk who is personally known to me.

Nicole Jacobs
Affiant

Shelly Hora
Notary State of Wisconsin, County of Brown

8-25-23
My commission expires

# of Affidavits 1

This is not an invoice

SHELLY HORA
Notary Public
State of Wisconsin

NOTICE OF PUBLIC INFORMATION MEETING
DATE: Tuesday, July 12, 2022
TIME: 9:00 AM
ADDRESS: Cypress Woods Town Center, 10100 Nightwood Drive, Fort Myers, FL 33905
In accordance with the Caloosahatchee Shores Planning Community requirements of the Lee County Land Development Code, the Applicant, Laguna Caribe at Cypress Woods, LLC., will be presenting information to the public on the following request:
Administrative Amendment to the Cypress Woods RV Resort Recreational Vehicle Planned Development (RVPD), Phase 5, to allow for a deviation to reduce accessory structure setbacks from preserve areas.
The purpose of the meeting is to educate community members and nearby landowners about the proposed development and to address any questions.
For questions please contact:
Duane Truitt
3001 Tamiami Tr N Suite 206
239-227-3929 OR dtruitt96@yahoo.com
AD # 5316837 June 28, 2022

Exhibit F

RESOLUTION NUMBER Z-20-027

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

WHEREAS, the property owner, Laguna Caribe at Cypress Woods, LLC, filed an application, in reference to Cypress Woods RV Resort Recreational Vehicle and Mobile Home Planned Development (RVPD/MHPD), to amend the following:

- Reconfigure the Master Concept Plan and correct preserve acreages;
- Increase Phase 5 lots from 134 to 137 (no net increase to overall 611 RVPD unit count);
- Allow zero lot lines and reduce waterfront setbacks;
- Add deviations for setbacks, accessory use locations, and parking; and
- Allow residential accessory uses, including "casitas" with cooking facilities.

WHEREAS, a public hearing before the Lee County Zoning Hearing Examiner, Amanda L. Rivera, was advertised and held on September 10, 2020; and

WHEREAS, the Hearing Examiner gave full consideration to the evidence in the record for Case #DCI2020-00002 and recommended APPROVAL of the Request with conditions; and

WHEREAS, a second public hearing was advertised and held on December 16, 2020 before the Lee County Board of Commissioners; and,

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

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

SECTION A. REQUEST

The applicant filed a request to rezone a 35.64± acre parcel to amend the following:

- Reconfigure the Master Concept Plan (MCP) and correct preserve acreages;
- Increase Phase 5 lots from 134 to 137 (no net increase to overall 611 RVPD unit count);
- Allow zero lot lines and reduce waterfront setbacks;
- Add deviations for setbacks, accessory use locations, and parking; and
- Allow residential accessory uses, including "casitas" with cooking facilities.

The property is located in the Urban Community Future Land Use Category and is legally described in attached Exhibit A. The request is APPROVED, SUBJECT TO the conditions and deviations specified in Sections B and C below.

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SECTION B. CONDITIONS:

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

This zoning resolution codifies and supersedes Resolution Z-94-025, PD-95-019, ADD2002-00111, ADD2003-00122, Z-03-057, ADD2004-00102, ADD2010-00013, Z-11-021, ADD2019-00066, and ADD2020-00049(A).

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

   Development must comply with all requirements of the LDC and Lee Plan at time of local development order approval, except as may be granted by deviation as part of this planned development. If changes to the MCP, conditions, or deviations are subsequently pursued, appropriate approvals will be necessary.

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

2. Uses and Site Development Regulations

   a. Schedule of Uses

   Phases 1-5:

   Accessory Uses
   - Consumption on Premises
   - Food Stores, Group I
   - Gazebos (maximum 200 square feet)(Condition 10)
   - Personal Services, Group I

   Administrative Offices
   Entrance Gates or Gatehouse
   Essential Services Facility, Group I
   Excavation, Water Retention
   Mobile Homes
   Model Home, Unit, Display Center
   Park Trailers
   Recreational Facilities, Personal
   Recreational Vehicles
   Signs
   Storage
   - Indoor
   - Open, Phases 1-4 only (Limited to RVs, trailers, boats, and other vehicles/goods belonging to park residents)

   Tents
   Vehicle and Equipment Dealers, Group "IV" (RVs only)

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Phase 5 only:

Accessory Uses and Structures, including:
Cabanas (maximum 600 square feet)[1]
Club, Private, On-site with the following accessory uses:
Consumption on Premises, indoor and outdoor
Food and Beverage Services, Limited
Personal services, Group I only
Community Gardens
Essential Services
Fences and Walls
Parking lot, Accessory
Real Estate Sales Office
Recreational Facilities, Private, On-site
Storage, Open (limited to trailers, boats, and other vehicles/goods of RVPD residents; Storage of RVs is not permitted)

b. Site Development Regulations

Phases 1-4:

Minimum Lot Area and Dimensions

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

Minimum Setbacks

Street:	20 feet
Side Street:	10 feet (Deviation 4)
Side:	10 feet (for RVs) 5 feet (for Mobile Homes)
Rear	20 feet
Water Body:	25 feet

Phase 5:

Minimum Lot Area and Dimensions: RV Lots

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

Minimum Setbacks: RV Lots

Street:	20 feet
Side Street:	10 feet (see Deviation 4)
Side:	0/5 feet (for RV or accessory structure to the side lot line); 10 feet between parked RVs and accessory structures[2]
Rear (Principal):	10/20 feet (20 foot rear setback for lots abutting developed RV lots in Phases 1-4)

[1] Consistent with LDC §34-1182.
[2] RV pads may be within 10 feet of accessory structure consistent with MCP "Typical Lot Detail."

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Rear (Accessory):	5 feet (0 feet from lake maintenance easement for waterfront lots)
Waterbody:	20 feet
Maximum Lot Coverage:	50% (RV pad and roofed accessory structures)
Maximum Building Height:	30 feet

Minimum Lot Area and Dimensions: Amenity Tract

Lot Area:	10,000 square feet
Width:	100 feet
Depth:	100 feet

Minimum Setbacks: Amenity Tract

Street:	20 feet
Side (Principal):	10 feet
Side (Accessory):	5 feet
Rear (Principal):	10 feet
Rear (Accessory):	5 feet
Waterbody:	0 feet
Maximum Lot Coverage:	45% (RV pad and roofed accessory structures)
Maximum Building Height:	45 feet

3. Onsite Shelter:

The on-site Hurricane Shelter must be consistent with the commitment on the MCP.

4. Utilities:

Development must connect to a public or private central water system and a public or private sewage disposal system.

5. Fox Squirrel Preserve Area & Northern Buffer:

Development order plans must depict Fox Squirrel Preserve areas consistent with the MCP. Developer must relocate golden polypody found on trees within development areas to preserve areas.

Landscape plans must include a 0.90 acre restoration planting plan in substantial compliance with the Restoration and Maintenance Plan prepared by Southern Biomes dated June 9, 2009 (Exhibit D) along the Phase 5 northern property line prior to issuance of a Phase 5 development order. Developer must submit an indigenous management plan for required indigenous open space and restoration areas.

Developer must complete restoration of the 0.90 acres along the Phase 5 northern property line in compliance with the Restoration and Maintenance Plan prepared by Southern Biomes dated June 9, 2009 (Exhibit D) prior to issuance of a Certificate of Compliance for Phase 5 infrastructure.

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6. Open Space:

The overall project must provide 64.24 acres minimum of open space for all phases of the project in substantial compliance with the MCP.

7. Indigenous Open Space:

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

8. Indigenous Maintenance and Management Plan:

Developer must submit a Maintenance and Management Plan for Indigenous Preserve areas for Division of Environmental Sciences approval with Phase 5 development order application.

9. Landscape Plans:

Phase 5 landscape plans must be in substantial compliance with the Habitat Restoration and Maintenance Guidelines and depict:

a. Planting of slash pines (Pinus elliotti var densa), dahoon holly (Ilex cassine), laurel oak (Quercus laurifolia) and live oaks (Quercus virginiana), planted an average of 15-feet on center;
b. 75 percent of planted trees must be 10 feet in height, two inch caliper;
c. 25 percent of planted trees must be 16 feet in height, three-four-inch caliper;
d. Shrubs consistent with the restoration plan, planted in scattered clusters one gallon container size, three feet on center; and
e. A five-year monitoring report to ensure successful habitat restoration.

10. Gazebos:

One gazebo is permitted per RV lot. Gazebos must be unenclosed and cannot exceed 200 square feet (including overhangs).

11. Overflow Golf Cart Parking Area:

Access to the Phase 5 amenity tract from the overflow parking area must include a paved sidewalk, painted crosswalk, and appropriate roadway signage.

12. Accessory Setback:

Phase 5 lots must provide at least 10 feet between principal structures, accessory structures, and RVs parked on site. The RV pad may be within 10 feet consistent with the MCP "Typical Lot Detail."

13. Perimeter Buffer:

Prior to development order approval depicting perimeter buffer plantings with the Florida Power and Light (FPL) easement, developer must submit the FPL Easement Agreement stating buffer plantings may be installed in the easement.

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14. Vegetation Removal Permit:

Developer must provide "Notification of FPL Facilities" FPL Form 360 prior to commencement of construction within the easement or to issuance of a vegetation removal permit for Phase 5.

15. Easement Landscape Maintenance:

Developer must replace required vegetation within the easement area. Failure to replace vegetation consistent with this zoning approval will result in a Code violation.

SECTION C. DEVIATIONS:

1. Deviation (1) seeks relief from the LDC §14-298(c) requirement to provide for the development of the "TZ" area as indicated on the MCP. This deviation is APPROVED SUBJECT TO the mitigation plan titled "Cypress Woods Monitoring and Maintenance Plan" submitted by Boylan Environmental Consultants, Inc., stamped and dated May 18, 1995. Mitigation must follow the phasing presented in these documents and all monitoring reports must be submitted to the Lee County Division of Environmental Sciences within thirty days of the scheduled monitoring events.

2. Deviation (2) is DENIED.

3. Deviation (3) seeks relief from the LDC §10-714.b requirement to provide a 90 foot turn-out radius to 30 feet. This deviation is APPROVED SUBJECT TO the developer providing a paved/stabilized surface with a minimum radius of 42 feet and, in addition, providing an unobstructed clear zone of 48-foot radius (6 feet clear zone beyond driving range).

4. Deviation (4) seeks relief from the LDC §34-2192(a) requirement to allow a reduction in the street setback from 20 feet to 5 feet on the "side" lot line for corner lots. This deviation is APPROVED SUBJECT TO the terms of Condition 2.

5. Deviation (5) seeks relief from the LDC §§ 10-296(b) and 10-296, Table 3 requirement of a 45-foot right-of-way for a local street with open drainage, to permit a local street with 30 feet of right-of-way and open drainage. This deviation is APPROVED SUBJECT to the condition that the typical lot cross section demonstrates that the drainage performs adequately by showing the slab placement at the time of Development Order stage.

6. Deviation (6) seeks relief from the LDC §34-939(b)(6) requirement of a 5,000 square-foot minimum lot to provide a 4,140 square foot minimum (46 feet x 90 feet). This deviation is APPROVED SUBJECT TO Condition 2.

7. Deviation (7) seeks relief from the LDC §34-939(b)(7)c requirement of a side setback of 10 feet and a street (right-of-way) setback of 25 feet, to permit a side setback of 5 feet and a street (right-of-way) setback of 20 feet in the non-transient section of the park. This deviation is APPROVED provided setbacks are in conformance with Condition 2 and all side setbacks apply to all portions of the structure or unit, including overhangs.

8. Deviation (8) seek relief from the LDC §34-939(b)(3) requirement to permit an access road through the perimeter buffer to the boat storage area. This deviation is APPROVED SUBJECT TO Condition 8.

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9. Deviation (9) seeks relief from the LDC §34-736 requirement of a 5,000 square foot minimum lot (50 feet x 100 feet) to provide a 4,140 square foot minimum lot (46 feet x 90 feet). This deviation is APPROVED SUBJECT TO Condition 2.

10. Deviation (10) seeks relief from the LDC §34-7361 requirement of a side setback of 7 feet, to permit a side setback of 5 feet. This deviation is APPROVED SUBJECT TO Condition 2.

11. Deviation (11) seeks relief from the LDC §§ 34-2222(1) and 10-254(b) requirements to allow corner lots to be the same size as the other lots within the development (and not have an additional 15 feet of width). This deviation is APPROVED SUBJECT TO Condition 2.

12. Deviation (12) seeks relief from the LDC §10-295 to eliminate the requirement for street stubs to adjacent properties. This deviation is APPROVED.

13. Deviation (13) seeks relief from the LDC §34-939(b)(3) to eliminate the requirement for a buffer between a recreational vehicle park and adjacent property interior to the site. This deviation is APPROVED for the interior portion of the site only.

14. Deviation (14) seeks relief from the LDC Section §34-935(a)(l) to eliminate the requirement that a new recreational vehicle park be not less than 20 acres in size. This deviation is APPROVED.

15. Deviation (15) seeks relief from the LDC Section §§ 34-2194(b) and (c) requirements of a 25 foot water body setback; to allow a zero foot setback in order to permit the construction of a clubhouse, deck, pier, and gazebo 90 feet into the artificial body of water. This deviation is APPROVED SUBJECT TO substantial compliance with the proposed construction of the clubhouse and related facilities on the approved Plan entitled, Cypress Woods, R.V. Resort Clubhouse Area Dev. Order Plans; Drainage, Parking & Site Dim. Plan; dated 04-14-03, stamped received AUG 21, 2003 and subject to the requirement that the water body setback must not adversely impact any open space requirement, wetland vegetation plantings, or other buffering, landscaping, or preservation areas or requirements.

16. Deviation (16) seeks relief from the LDC §34-2020 requirement of 135 parking spaces for the two clubhouse facilities, to allow 44 off-street parking spaces. This deviation is APPROVED, SUBJECT TO the reservation of Lots 85 and 86 (Phase "4") and Tract I (Phase "3", which lies immediately east of Lots 85 and 86, Phase "4") for the use of overflow parking only, and may not be used as a recreational vehicle or mobile home site. Upon the sale of the last lot (site), in the last Phase of the development, if the applicant can adequately demonstrate during the season of the highest occupancy of the development that the overflow parking areas were not needed, the two lots can then be used for recreational vehicle or mobile home sites as provided for in this planned development. A reduced copy of a Plan entitled Cypress Woods R.V. Resort Phase "IV", IVA, & IVB, stamped received SEP 08, 2003 depicts these parcels.

17. Deviation (17) seeks relief from the LDC §34-935(a)(1) requirement of a minimum of 5 acres of land necessary to expand an existing recreational vehicle park, to allow an expansion of 2.1+/- acres. This deviation is APPROVED.

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Deviations 18 through 24 apply only to Phase 5:

18. Deviation (18) seeks relief from the LDC §10-296(b) Table 2 requirement of a 40 foot right-of-way with open drainage for a privately maintained local street to allow for a 30 foot right-of-way with closed drainage. This deviation is APPROVED.

19. Deviation (19) seeks relief from the LDC §10-296(b) Table 8 requirement of planting strips and sidewalks to allow for a privately maintained right-of-way with no planting strip or sidewalk. This deviation is APPROVED.

20. Deviation (20) seeks relief from the LDC §34-2015(1) requirement for all parking spaces to be located on the same premises as the use they serve, to allow 16 golf cart parking spaces within 200 feet of the amenity tract. This deviation is APPROVED SUBJECT TO Condition 11.

21. Deviation (21) seeks relief from the LDC §34-939(b)(7)(c) requirement of a minimum 10 foot set back from each side and rear recreational vehicle lot, to allow a 0 foot setback for the side and rear lot line of all rear recreational vehicle lots. This deviation is APPROVED SUBJECT TO Condition 12.

22. Deviation (22) seeks relief from the LDC §34-939(b)(3) requirement that all recreational vehicle parks have a perimeter buffer area at least 40 feet wide adjacent to and completely around the boundary of the site, to allow accessory uses outside of the proposed buffer. This deviation is APPROVED SUBJECT TO Conditions 13, 14, and 15.

23. Deviation (23) seeks relief from the LDC §10-415(b)(1)(c) requirement of a 20 foot minimum setback from indigenous vegetation and trees and 30 foot setback for indigenous plant communities subject to fire, to allow a 20 foot minimum setback from upland preserve lots 68-70 and 75-76. This deviation is APPROVED.

24. Deviation (24) is WITHDRAWN.

SECTION D. EXHIBITS:

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

Exhibit A: Legal description of the property
Exhibit B: Zoning Map (with the subject parcel indicated)
Exhibit C: The Master Concept Plan
Exhibit D: Habitat Restoration and Maintenance Guidelines

SECTION E. FINDINGS AND CONCLUSIONS:

Based upon its review, the Board of County Commissioners adopts the recommendation of the Hearing Examiner, including the following findings and conclusions:

1. *As conditioned herein*, the proposed rezoning to RVPD:

   a. Complies with the Lee Plan. *See,* Lee Plan Vision Statement Paragraph 4 (Fort Myers Shores Planning Community), Lee Plan Goals 2, 4, 5, 21, 39,

ADD2022-00108 Lee County ePlan

Objectives 2.2, and Policies 1.1.4, 5.1.5, 61.3.6, 135.1.3, 135.1.9, 158.1.9, 158.1.10; Lee Plan Maps 1, 16.

b. Complies with the LDC and other County regulations. *See*, LDC Chapters 10 and 34; LDC §33-1480 *et. seq*.

c. Is compatible with existing and planned uses in the area. *See,* Lee Plan Policies 1.1.4, 2.1.1, 2.1.2, 2.2.1, 5.1.5, 135.1.9; LDC §§ 34-411(c), (i), and (j).

d. Will not adversely affect environmentally critical areas and natural resources. *See,* Lee Plan Goal 77, Objectives 4.1, 77.1, and LDC §34-411(h).

e. Will be served by urban services. *See,* Lee Plan Glossary, Maps 6, 7, Goal 2; Objectives 2.1, 2.2, 4.1, 53.1, 56.1; Policies 2.2.1, 5.1.3, 135.9.7 and Standards 4.1.1 and 4.1.2; LDC §34-411(d).

2. The MCP reflects sufficient access to support the intensity of development. In addition, County regulations and conditions of approval will address expected impacts to transportation facilities. *See,* Lee Plan Goal 39, Objective 39.1; LDC §34-411(d).

3. The proposed mix of uses is appropriate at the proposed location. *See,* Lee Plan Policies 1.1.4, 2.1.1, 5.1.3, 5.1.5, and 135.1.9.

4. The recommended conditions are sufficient to protect the public interest and reasonably relate to the impacts expected from the development. *See,* Lee Plan Policies 5.1.5, 135.9.6; *See also,* LDC Chapters 10, 33 and 34.

5. As conditioned herein, the deviations:

   a. Enhance the objectives of the planned development; and

   b. Promote the intent of the LDC to protect the public health, safety, and welfare. *See,* LDC §34-377(b)(4).

SECTION F. SCRIVENER'S ERRORS

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

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

Adopted by unanimous consent.

Kevin Ruane	Absent
Cecil Pendergrass	Aye
Raymond Sandelli	Aye
Brian Hamman	Aye
Frank Mann	Aye

DULY PASSED AND ADOPTED this 16th day of December 2020.

ATTEST:
LINDA DOGGETT, CLERK

BY: _____
Deputy Clerk

BOARD OF COUNTY COMMISSIONERS
OF LEE COUNTY, FLORIDA

BY: _____
Kevin Ruane, Chair

APPROVED AS TO FORM FOR THE
RELIANCE OF LEE COUNTY ONLY

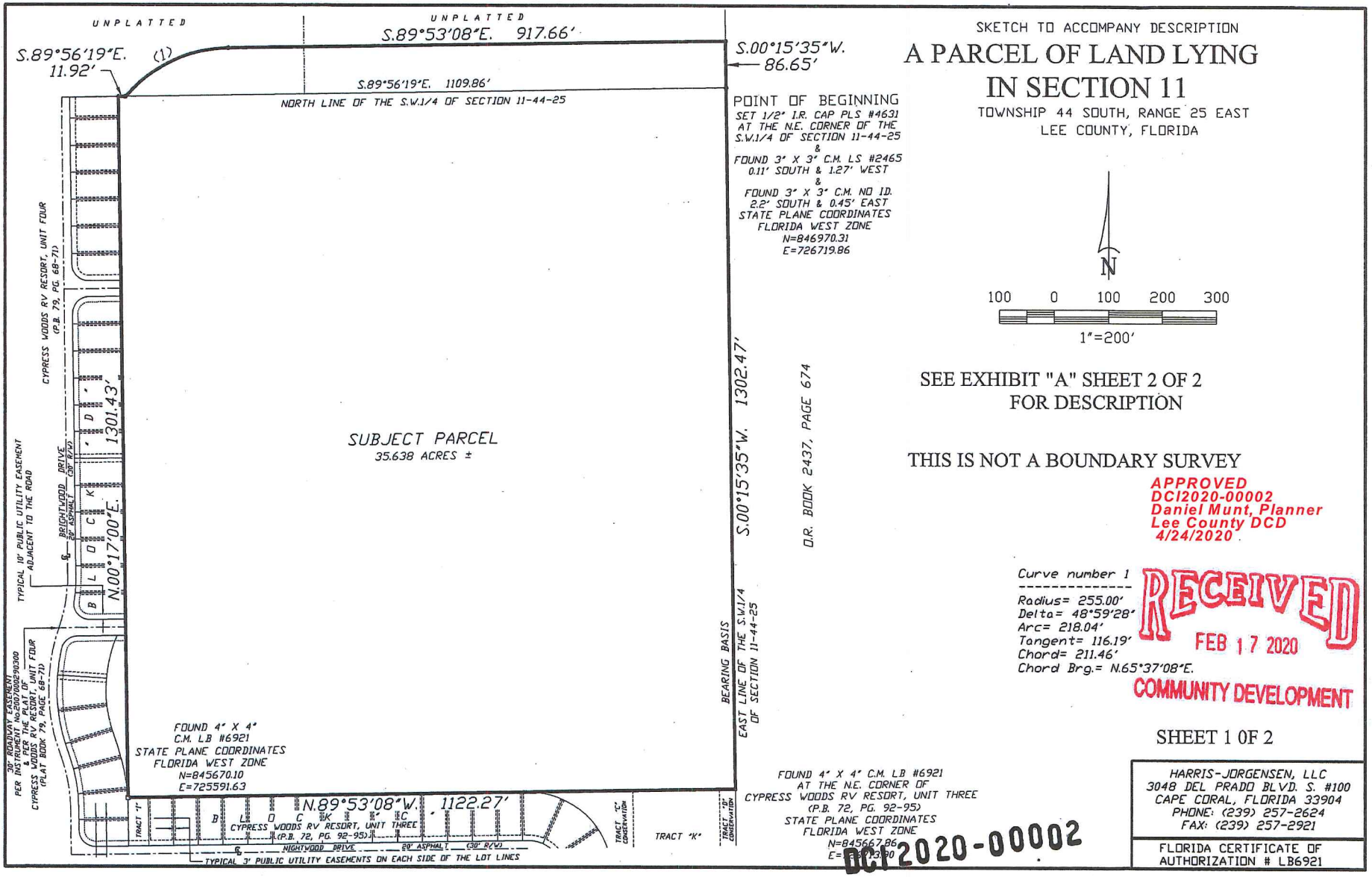
_____
Joseph A. Adams
Assistant County Attorney
County Attorney's Office

RECEIVED
MINUTES OFFICE
2021 FEB -1 PM 2:47

ADD2022-00108 Lee County ePlan

DCI2020-00002 Lee County ePlan

EXHIBIT A



SKETCH TO ACCOMPANY DESCRIPTION

A PARCEL OF LAND LYING IN SECTION 11

TOWNSHIP 44 SOUTH, RANGE 25 EAST
LEE COUNTY, FLORIDA

N

100 0 100 200 300

1"=200'

SEE EXHIBIT "A" SHEET 2 OF 2
FOR DESCRIPTION

THIS IS NOT A BOUNDARY SURVEY

APPROVED
DCI2020-00002
Daniel Munt, Planner
Lee County DCD
4/24/2020

Curve number 1

Radius= 255.00'
Delta= 48°59'28"
Arc= 218.04'
Tangent= 116.19'
Chord= 211.46'
Chord Brg.= N.65°37'08"E.

RECEIVED
FEB 17 2020
COMMUNITY DEVELOPMENT

SHEET 1 0F 2

HARRIS-JORGENSEN, LLC
3048 DEL PRADO BLVD. S. #100
CAPE CORAL, FLORIDA 33904
PHONE: (239) 257-2624
FAX: (239) 257-2921

FLORIDA CERTIFICATE OF AUTHORIZATION # LB6921

DCI2020-00002

REVISED	DESCRIPTION	BY
6/25/2020	ADDED TOPOGRAPHY	RBH
3/27/2020	ADDED OWNER'S POLICY	RBH

PHILLIP M. MOULD
PROFESSIONAL SURVEYOR AND MAPPER
LS6515 - STATE OF FLORIDA

DRAWN	CHECK	SCALE	PROJ. #
RBH	PMM	1"=30'	CV-10
SURVEY DATE		FILE NO.	SHT.- 1
5/23/18		44-23-11	OF - 4

DATE OF LAST FIELD WORK: 5/22/2020

HARRIS-JORGENSEN, LLC.
3048 SW. FRIAR BLVD. SUITE 105
CAPE CORAL, FLORIDA 33914
PHONE: (239) 257-2624
FAX: (239) 257-2921

FLORIDA CERTIFICATE OF AUTHORIZATION LB6921

MATTERS PERTAINING TO OWNER'S POLICY:
BY: OLD REPUBLIC NATIONAL TITLE INSURANCE COMPANY.
POLICY No. OFS-8739252, DATED JANUARY 28, 2020 AT 4:36 PM.

SCHEDULE B-II

ITEMS 1, 2, 3, 4, 5, 7, 8, 9, 13, 14, 16, 17, AND 18 ARE NOT SURVEY RELATED.
ITEM 6 (LEE) BOOK 4253, PAGE 4185, AS SHOWN HEREON.
ITEM 11 (LEE) BOOK 3733, PAGE 2637, AS SHOWN HEREON.
ITEM 12 (LEE) BOOK 4315, PAGE 3112, AS SHOWN HEREON.
ITEM 10 INSTRUMENT No. 2007000236000, AS SHOWN HEREON.
ITEM 15 INSTRUMENT No. 2012000218224, AS SHOWN HEREON.

SURVEY NOTES:
1. BASIS OF BEARING SHOWN HEREON TAKEN FROM THE EAST LINE OF THE SOUTHWEST QUARTER OF SECTION 11-44-25, AS BEING S.00°15'35"W.
2. FIELD NOTES IN SECTION 11-44-25.
3. THIS CERTIFICATION IS ONLY FOR LANDS DESCRIBED HEREIN. IT IS NOT A CERTIFICATION OF TITLE, ZONING OR FREEDOM OF ENCUMBRANCES.
4. THIS SURVEY IS BASED ON OWNER'S POLICY BY OLD REPUBLIC NATIONAL TITLE INSURANCE COMPANY, POLICY No. OFS-8739252, DATED JANUARY 28, 2020 AT 4:36 PM.
5. UNDERGROUND STRUCTURES AND UTILITIES, IF ANY, ARE NOT INCLUDED.
6. THIS MAP/PLAT IS NOT VALID WITHOUT THE SIGNATURE AND THE ORIGINAL RAISED SEAL OF A FLORIDA LICENSED SURVEYOR AND MAPPER.
7. ALL BEARINGS AND DISTANCES ARE PLAT AND MEASURED, UNLESS OTHERWISE SHOWN.
8. ISSUANCE OF THIS DRAWING, FROM THIS FIRM, SHALL NOT RELIEVE THE BUILDER AND/OR CONTRACTORS OF THE RESPONSIBILITY TO REVIEW AND VERIFY ALL NOTES, DIMENSIONS, ELEVATIONS, AND ADHERENCE TO APPLICABLE BUILDING CODES PRIOR TO COMMENCEMENT OF ANY CONSTRUCTION. BUILDER MAY NEED TO ADJUST ELEVATION AND/OR SETBACKS PRIOR TO CONSTRUCTION IF OTHER RESTRICTIONS EXIST.
9. THIS SURVEY IS INTENDED TO BE VIEWED AS AN 24x36, 30 SCALE DRAWING.
10. THIS SURVEY IS LOCATED IN STATE PLANE COORDINATES FLORIDA WEST ZONE NAD83.
11. BENCHMARK DERIVED FROM RTCH-REF GNSS, ELEVATION 35.68' N.A.V.D. 1988
12. ELEVATIONS ARE NORTH AMERICAN VERTICAL DATUM OF 1988 (N.A.V.D.)

FLOOD ZONE: "X" ELEVATION N/A
COMMUNITY No: 125124 PANEL No: 0291
SUFFIX ---- F REVISION DATED 8/28/08
MAP NUMBER 12071C0291F

THIS SURVEY IS CERTIFIED TO:
DUANE J. TRUITT
LEE COUNTY

LEGEND:

⊕	SET #4 IRON ROD (CAP LB6921)	R.V.B.	RECLAIM WATER BOX
○	FOUND IRON ROD (I.D.)	W.M.	WATER METER
□	CONCRETE MONUMENT (C.M.)	O/H	OVERHEAD POWER
P.R.M.	PERMANENT REFERENCE MONUMENT	P.P.	POWER POLE
P.U.E.	PUBLIC UTILITY EASEMENT	G.A.N.W.	GUY ANCHOR & WIRE
D.E.	DRAINAGE EASEMENT	T.S.B.	TELEPHONE SERVICE BOX
P.C.	POINT OF CURVATURE	N/S	NAIL & DISK
O.R.	OFFICIAL RECORDS BOOK	W.T.	NAIL & TINTAB
(S)	AS PER SURVEY	ELEV.	ELEVATION
(P)	AS PER PLAT	B.M.	BENCHMARK
CO	CURVE NUMBER	T.E.	TYPICAL ELEVATION
C.B.	CHORD BEARING	A/C	AIR CONDITIONER
R/W	RIGHT-OF-WAY	W.E.	WATER METER
℄	CENTERLINE	P.E.	POOL EQUIPMENT
E.P.	ELECTRIC PEDESTAL	CONC.	CONCRETE
C.O.	CLEAN-OUT	E.O.	ELECTRIC OUTLET
		CPP	CORRUGATED PLASTIC PIPE

BOUNDARY SURVEY OF
A PARCEL OF LAND LYING IN SECTION 11
TOWNSHIP 44 SOUTH, RANGE 25 EAST
(INSTRUMENT No. 2007000236000)
LEE COUNTY, FLORIDA

SCALE IN FEET
15 0 15 30 45

APPROVED
DCI2020-00002
Daniel Munt, Planner
Lee County DCD
4/24/2020

DESCRIPTION: (PER OWNER'S POLICY)

A TRACT OR PARCEL OF LAND LYING IN SECTION 11, TOWNSHIP 44 SOUTH, RANGE 25 EAST, LEE COUNTY, FLORIDA, DESCRIBED AS FOLLOWS:

BEGINNING AT THE NORTHEAST CORNER OF THE SOUTHWEST QUARTER (S.W.1/4) OF THE AFORESAID SECTION 11; THENCE RUN S.00°15'35"W. ALONG THE EAST LINE OF SAID SOUTHWEST QUARTER (S.W.1/4) FOR 1,360.47 FEET TO THE NORTHEAST CORNER OF CYPRESS WOODS RV RESORT, UNIT THREE, AS RECORDED IN PLAT BOOK 73, PAGES 82 THROUGH 91, PUBLIC RECORDS OF LEE COUNTY, FLORIDA; THENCE RUN N.89°53'08"W. ALONG THE NORTH LINE OF CYPRESS WOODS RV RESORT, UNIT THREE FOR 1122.27 FEET; THENCE RUN N.00°17'00"E. FOR 1361.43 FEET TO A POINT ON THE NORTH LINE OF THE AFORESAID SOUTHWEST QUARTER (S.W.1/4); THENCE RUN S.89°53'19"E. ALONG THE NORTH LINE OF SAID SOUTHWEST QUARTER (S.W.1/4) FOR 1,109.84 FEET TO A POINT ON A (N) TANGENT CURVE; THENCE RUN NORTHEASTERLY FOR 218.04 FEET ALONG THE ARC OF A CURVE CONCAVE SOUTHEASTERLY, WITH A RADIUS OF 255.00 FEET, A DELTA OF 49°00'29", A CHORD BEARING OF N.65°37'08"E. AND A CHORD DISTANCE OF 211.46 FEET TO A POINT OF TANGENCY; THENCE RUN S.89°53'08"E. FOR 917.66 FEET TO A POINT ON THE EAST LINE OF THE NORTHWEST QUARTER (N.W.1/4) OF THE AFORESAID SECTION 11; THENCE RUN S.00°15'35"W. ALONG SAID EAST LINE FOR 66.65 FEET TO THE POINT OF BEGINNING.

BEARINGS ARE BASED ON THE EAST LINE OF THE SOUTHWEST QUARTER (S.W.1/4) OF THE AFORESAID SECTION 11 AS BEING S.00°15'44"W.

Curve number 1
Radius= 255.00' (S & D)
Delta= 48°59'28" (S & D)
Arc= 218.04' (S & D)
Chord= 211.46' (S & D)
Chord Brg.= N.64°35'12"E. (S)
Chord Brg.= N.65°37'08"E. (D)

TRACT B-2
LANDSCAPE BUFFER EASEMENT, PRIVATE UTILITY EASEMENT AND DRAINAGE TRACT

N.89°04'56"E. 917.64' (S) S.89°53'08"E. 917.66' (D)

N.89°01'45"E. 12.23' (S)
S.89°56'19"E. 11.92' (D)

N.89°01'45"E. 1109.84'
NORTH LINE OF THE S.W.1/4 OF SECTION 11-44-25

EMERGENCY ACCESS EASEMENT PER INSTRUMENT No. 2008000210264 TO CYPRESS TRAIL RESORT CIRCLE

TOP OF BANK±

EDGE OF WATER±

BOUNDARY AREA
35.645 ACRES ±

LAKE

N.00°45'40"W. 1301.67' (S)
N.00°17'00"E. 1301.43' (D)

CYPRESS WOODS RV RESORT, UNIT FOUR (P.B. 79, PGS. 68-71)

BRIGHTWOOD DRIVE
F.N.C.
EDGE OF ASPHALT OR ROAD
EDGE OF PAVEMENT

BLOCK 'D'

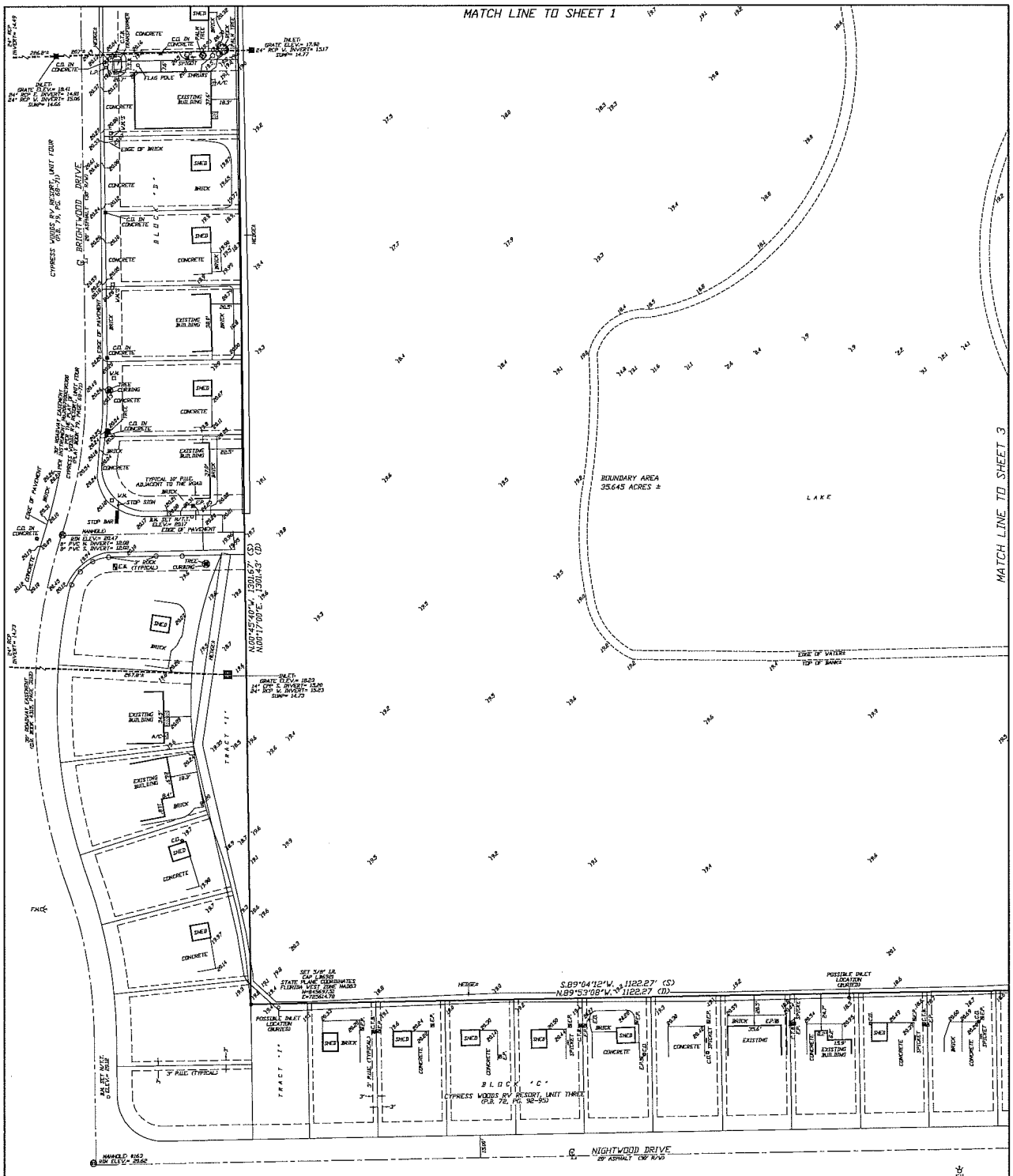
EXISTING BUILDING
BRICK
CONCRETE
SHED
A/C
HEDGE
F.H.C.
C.B.
I.C.V.
SIGN
CURB
GRATE INLET: W.T.= 13.06 SWALE= 13.00 14.56
MANHOLE ELEV.= 13.60
R.V.B.
P.P.
W.M.
H.H.
MANHOLE RIM ELEV.= 14.33 INVERT= 4.33 N.W.= 4.33 S.W.= 4.33 E.= 4.33
N.W. SET N.T.T. ELEV.= 20.14
EDGE OF PAVEMENT
CONCRETE
DWY.
L.S.
EXISTING BUILDING
A/C
BRICK
SHED
CONCRETE
EXISTING BUILDING
BRICK
SHED
CONCRETE
EXISTING BUILDING
BRICK
SHED
CONCRETE
EXISTING BUILDING
BRICK
SHED
CONCRETE
EXISTING BUILDING
BRICK
A/C
HEDGE

MATCH LINE TO SHEET 2

MATCH LINE TO SHEET 4

ADD2022-00108 Lee County ePlan

DCI2020-00002 Lee County ePlan



BOUNDARY SURVEY OF
A PARCEL OF LAND LYING IN
SECTION 11
TOWNSHIP 44 SOUTH, RANGE 25 EAST
(INSTRUMENT No. 2007000309485)
LEE COUNTY, FLORIDA

LEGEND:

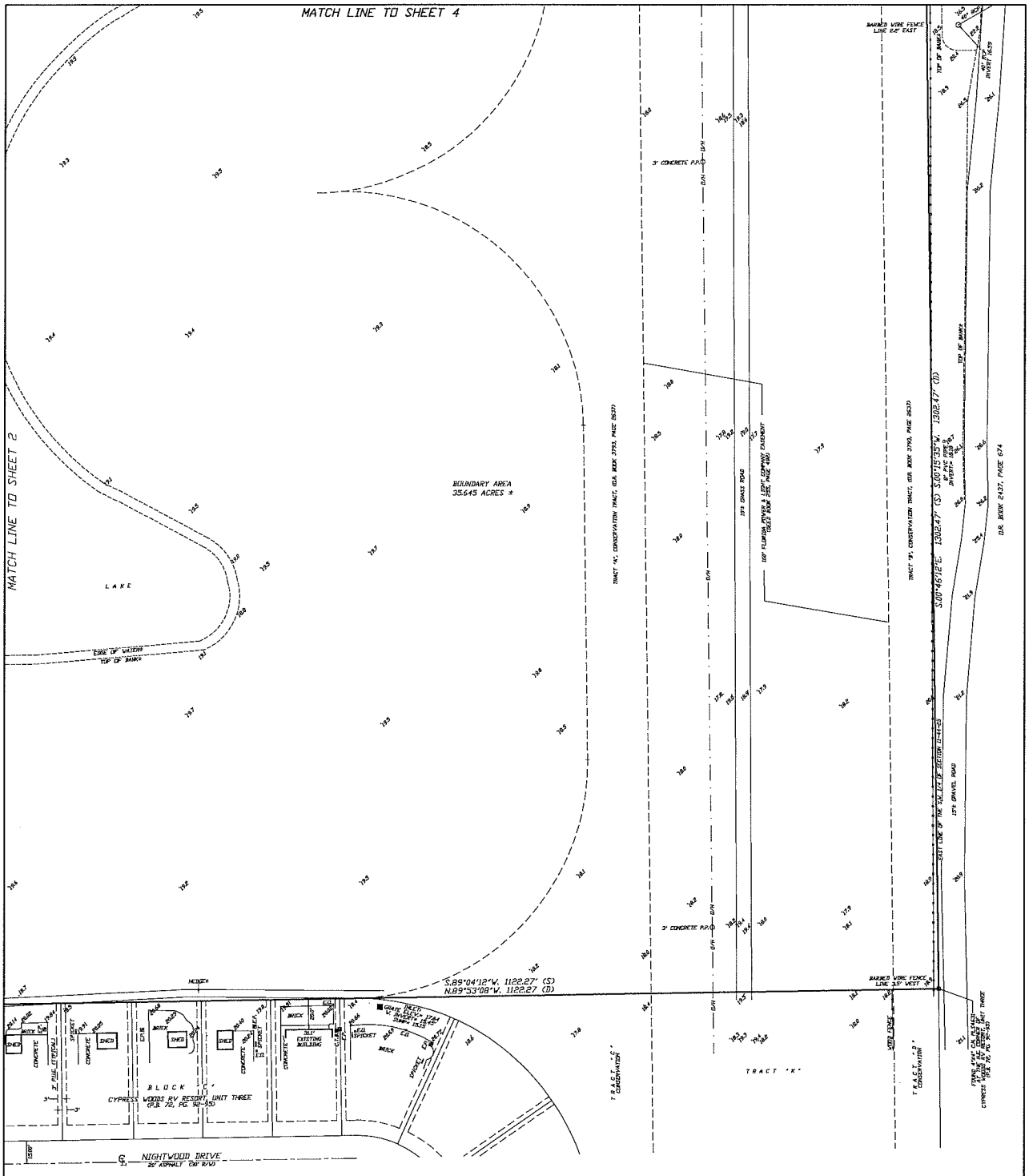
●	SET 64 IRON ROD (CAP L36920)	R.W.B.	RECLAIM WATER BOX
○	FOUND IRON ROD (I.R.)	W.M.	WATER METER
□	CONCRETE MONUMENT (C.M.)	O/H	OVERHEAD POWER
P.R.M.	PERMANENT REFERENCE MONUMENT	P.P.	POWER POLE
P.U.E.	PUBLIC UTILITY EASEMENT	G.A.&W.	GUY ANCHOR & WIRE
D.E.	DRAINAGE EASEMENT	T.S.B.	TELEPHONE SERVICE BOX
P.C.	POINT OF CURVATURE	N.P.	NAIL & DISK
O.R.	OFFICIAL RECORDS BOOK	M/T.T.	NAIL & TINTAB
(S)	AS PER SURVEY	ELEV.	ELEVATION
(P)	AS PER PLAT	B.M.	BENCHMARK
(C)	CURVE NUMBER	⊥	TYPICAL ELEVATION
L.I.	LINE NUMBER	A/C	AIR CONDITIONER
R/W	RIGHT-OF-WAY	W.S.	WATER SYSTEM
℄	CENTERLINE	P.E.	POOL EQUIPMENT
E.P.	ELECTRIC PEDESTAL	▭	CONCRETE
C.O.	CLEAN-OUT	E.O.	ELECTRIC OUTLET
		CPP	CORRUGATED PLASTIC PIPE

REVISED:	DESCRIPTION	BY:
2/22/2020	ADDED TOPOGRAPHY	RBH
3/27/2020	ADDED OWNER'S POLICY:	RBH

DATE OF LAST FIELD WORK: 2/22/2020

DRAWN	CHECK:	SCALE	PROJ. #	
RBH	PMH	1"=30'	CW-05	HARRIS-JORGENSEN, LLC. 3648 DEL PRADO BLVD S SUITE 100 CAPE CORAL, FLORIDA 33904 PHONE: (239) 257-2624 FAX: (239) 257-2921
SURVEY DATE 9/23/18	FILE NO. 44-25-11	SHT- 2 OF - 4		

FLORIDA CERTIFICATE OF AUTHORIZATION L36921



BOUNDARY SURVEY OF
A PARCEL OF LAND LYING IN
SECTION 11
TOWNSHIP 44 SOUTH, RANGE 25 EAST
(INSTRUMENT No. 2007000306405)
LEE COUNTY, FLORIDA

N

15 0 15 30 45
SCALE IN FEET

LEGEND:

●	SET #4 IRON ROD (CAP L36921)	R.W.B.	RECLAIM WATER BOX
○	FOUND IRON ROD (I.R.)	W.M.	WATER METER
□	CONCRETE MONUMENT (C.M.)	O/H	OVERHEAD POWER
P.R.M.	PERMANENT REFERENCE MONUMENT	P.P.	POWER POLE
P.U.E.	PUBLIC UTILITY EASEMENT	G.A.W.	GUY ANCHOR & WIRE
D.E.	DRAINAGE EASEMENT	T.S.B.	TELEPHONE SERVICE BOX
P.C.	POINT OF CURVATURE	N/B	NAIL & DISK
O.R.	OFFICIAL RECORDS BOOK	N/T.T.	NAIL & TINTAB
(S)	AS PER SURVEY	ELEV.	ELEVATION
(P)	AS PER PLAT	B.M.	BENCHMARK
(D)	CURVE MEMBER	✓	TYPICAL ELEVATION
L.I.	LINE MEMBER	A/C	AIR CONDITIONER
R/W	RIGHT-OF-WAY	W.S.	WATER SYSTEM
℄	CENTERLINE	P.E.	POOL EQUIPMENT
E.P.	ELECTRIC PEDESTAL	CONCRETE	CONCRETE
C.O.	CLEAN-OUT	E.O.	ELECTRIC OUTLET
		CPP	CORRUGATED PLASTIC PIPE

REVISED	DESCRIPTION	BY
2/22/2020	ADDED TOPOGRAPHY	RBH
3/27/2020	ADDED OWNER'S POLICY	RBH

DATE OF LAST FIELD WORK: 2/22/2020

DRAWN	CHECK	SCALE	PROJ. #	
RBH	PMH	1"=30'	CW-US	MARRIS-JORGENSEN, LLC. 3948 DEL PRADO BLVD S. SUITE 100 CAPE CORAL, FLORIDA 33904 PHONE (239) 257-2624 FAX (239) 257-2921
SURVEY DATE		FILE NO.	SHT- 3	
9/25/18		44-25-11	OF - 4	

FLORIDA CERTIFICATE OF AUTHORIZATION L36921

REVISED	DESCRIPTION	BY
2/22/2020	ADDED TOPOGRAPHY	RBH
3/27/2020	ADDED OWNER'S POLICY	RBH

DATE OF LAST FIELD WORK: 2/22/2020

DRAWN	CHECK	SCALE	FIELD #
RBH	PMH	1"=30'	CV-05
SURVEY DATE		FILE NO.	SHT.- 4
9/25/18		44-25-11	OF - 4

HARRIS-JORGENSEN, L.L.C.
3648 DEL PRADO BLVD. S. STATE 109
CAPE CORAL, FLORIDA 33904
PHONE: (239) 257-8624
FAX: (239) 257-2582

FLORIDA CERTIFICATE OF AUTHORIZATION LB6921

LEGEND:

●	SET 5/8 IRON ROD CAP LB6921	R.V.B.	RECLAIM WATER BOX
○	FOUND IRON ROD (S&O)	W.M.	WATER METER
□	CONCRETE MONUMENT (S&O)	O/H	OVERHEAD POWER
P.R.M.	PERMANENT REFERENCE MONUMENT	P.P.	POWER POLE
P.U.E.	PUBLIC UTILITY EASEMENT	G.A.&.W.	GUY ANCHOR & WIRE
D.E.	DRAINAGE EASEMENT	T.S.B.	TELEPHONE SERVICE BOX
P.C.	POINT OF CURVATURE	M/B	MAIL & BOX
O.R.	OFFICIAL RECORDS BOOK	M/T/T.	MAIL & TINTAB
(S)	AS PER SURVEY	ELEV.	ELEVATION
(P)	AS PER PLAT	B.M.	BENCHMARK
(C)	CURVE NUMBER	⊕	TYPICAL ELEVATION
L1	LINE NUMBER	A/C	AIR CONDITIONER
R/W	RIGHT-OF-WAY	W.S.	WATER SYSTEM
℄	CENTERLINE	P.E.	POOL EQUIPMENT
P.K.	ELECTRIC PEDESTAL	E.O.B.	ELECTRIC OUTLET
C.O.	CLEAN-OUT	C.P.P.	CORRUGATED PLASTIC PIPE

BOUNDARY SURVEY OF

A PARCEL OF LAND LYING IN SECTION 11

TOWNSHIP 44 SOUTH, RANGE 25 EAST
CONTAINMENT No. 5967006368-0470
LEE COUNTY, FLORIDA

N

15 0 15 30 45
SCALE IN FEET

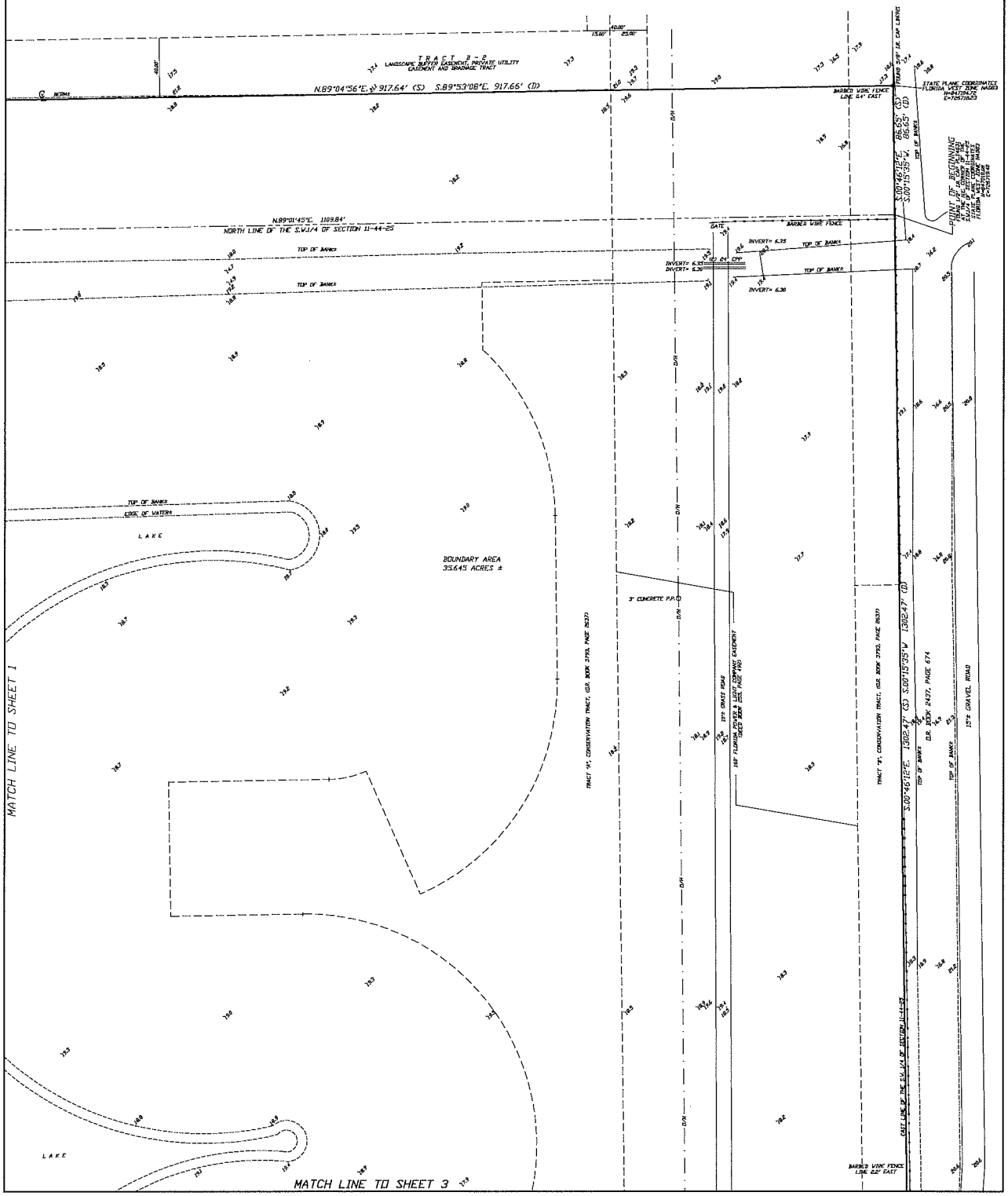
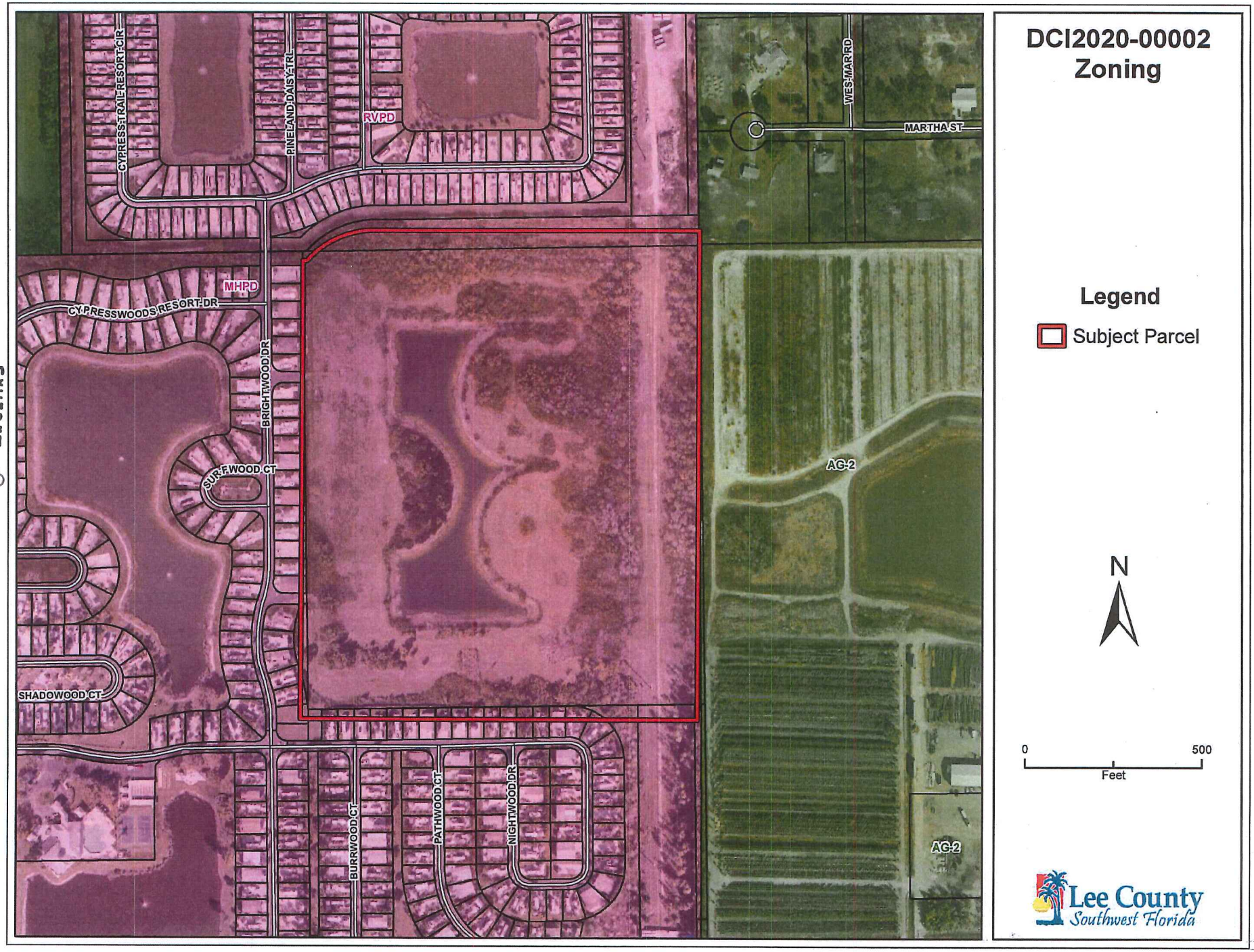


EXHIBIT B

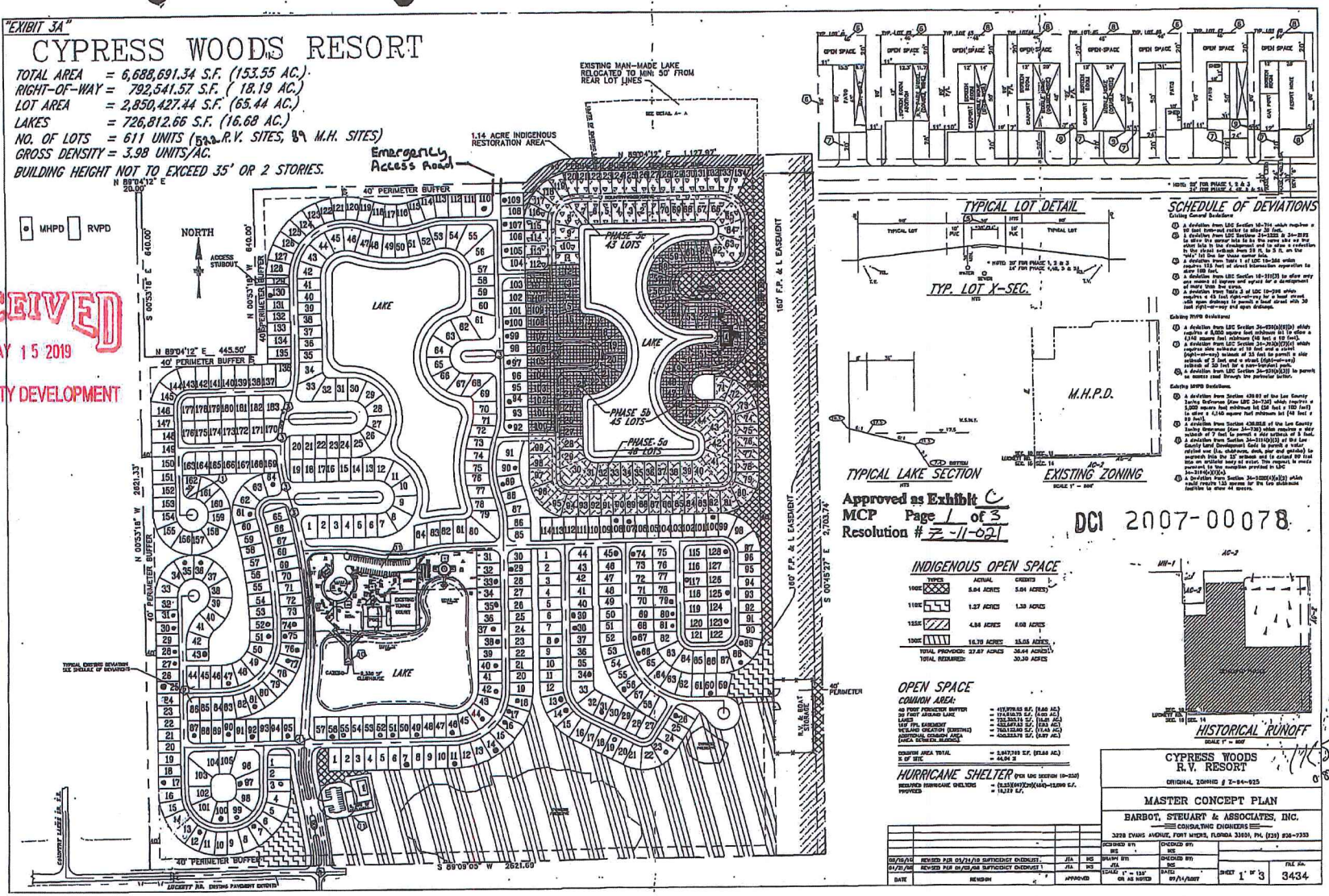

CYPRESS TRAIL RESORT CIR
PINELAND DAISY TRL
RVPD
WES-MAR RD
MARTHA ST
MHPD
CYPRESSWOODS RESORT DR
BRIGHTWOOD DR
SURFWOOD CT
AG-2
SHADOWOOD CT
BURRWOOD CT
PATHWOOD CT
NIGHTWOOD DR
AG-2
DCI2020-00002
Zoning
Legend
Subject Parcel
N
0
500
Feet
Lee County
Southwest Florida

ADD2022-00108 Lee County ePlan

"EXHIBIT 3A"

CYPRESS WOODS RESORT

TOTAL AREA = 6,688,691.34 S.F. (153.55 AC.)
RIGHT-OF-WAY = 792,541.57 S.F. (18.19 AC.)
LOT AREA = 2,850,427.44 S.F. (65.44 AC.)
LAKES = 726,812.66 S.F. (16.68 AC.)
NO. OF LOTS = 611 UNITS (522 R.V. SITES, 89 M.H. SITES)
GROSS DENSITY = 3.98 UNITS/AC.
BUILDING HEIGHT NOT TO EXCEED 35' OR 2 STORIES.



SCHEDULE OF DEVIATIONS

Existing General Deviations

1. A deviation from LDC Section 10-714 which requires a 50' foot turn-around radius to allow 30 feet.
2. A deviation from LDC Sections 34-3233 & 34-3272 to allow the corner lots to be the rears abut no two street lots in the development and to allow a reduction in the street setback from 25 ft. to 5 ft. on the "side" lot line for these corner lots.
3. A deviation from Table 1 of LDC 10-296 which requires 330 feet of street intersection separation to allow 125 feet.
4. A deviation from LDC Section 10-311(3) to allow only one means of ingress and egress for a development of more than one acre.
5. A deviation from Table 3 of LDC 10-296 which requires a 45 foot right-of-way for a local street, with open drainage to permit a local street with 30 foot right-of-way and open drainage.

Existing MHPD Deviations

1. A deviation from LDC Section 34-939(6)(E)(b) which requires a 5,000 square foot minimum lot to allow a 4,140 square feet minimum lot (40 feet x 10 feet).
2. A deviation from LDC Section 34-939(6)(F)(c) which requires side setbacks of 10 feet and a corner (right-of-way) setback of 15 feet to permit a side setback of 5 feet and a street (right-of-way) setback of 10 feet for a non-habitable porch.
3. A deviation from LDC Section 34-939(6)(J)) to permit an access road through the perimeter buffer.

Existing MHPD Deviations.

1. A deviation from Section 439.02 of the Lee County Zoning Ordinance (See LDC 34-726) which requires a 5,000 square foot minimum lot (50 feet x 100 feet) to allow a 4,140 square foot minimum lot (40 feet x 90 feet).
2. A deviation from Section 439.02.E of the Lee County Zoning Ordinance (See LDC 34-726) which requires a side setback of 7 feet to permit a side setback of 5 feet.
3. A deviation from Section 34-2214(b)(3) of the Lee County Land Development Code to permit a solar related use (i.e. shuffleboard, deck, pool and gazebo) to encroach into the 15' setback and to extend 90 feet into an artificial body of water. This request is made pursuant to the exception provided in LDC 34-3191(b)(2)(c).
4. A deviation from Section 34-2220(f)(2) which would require 12A spaces for the two clubhouse facilities to share 44 spaces.

Approved as Exhibit C
MCP Page 1 of 3
Resolution # Z-11-021

DCI 2007-00078

INDIGENOUS OPEN SPACE

TYPE	ACTUAL	CREDITED
100%	5.04 ACRES	5.04 ACRES
110%	1.27 ACRES	1.39 ACRES
125%	4.96 ACRES	6.08 ACRES
150%	16.70 ACRES	25.05 ACRES
TOTAL PROVIDED:	27.97 ACRES	36.64 ACRES
TOTAL REQUIRED:		20.39 ACRES

OPEN SPACE

COMMON AREA:

40 FOOT PERIMETER BUFFER	= 417,978.53 S.F. (9.60 AC.)
20 FOOT AROUND LAKE	= 174,616.73 S.F. (4.01 AC.)
LAKES	= 726,303.71 S.F. (16.67 AC.)
180' F.P.L. EASEMENT	= 432,647.43 S.F. (9.93 AC.)
WETLAND CREATION (EXISTING)	= 263,122.60 S.F. (6.04 AC.)
ADDITIONAL COMMON AREA (AREA BETWEEN BUILDINGS)	= 703,179.57 S.F. (16.14 AC.)
DEVELOPMENT AREA TOTAL	= 2,847,769 S.F. (65.38 AC.)
% OF SITE	= 44.94 %

HURRICANE SHELTER (PER LDC SECTION 10-256)

REQUIRED HURRICANE SHELTERS	= (1.33)(611)(2.5)(144)=72,896 S.F.
PROVIDED	= 72,722 S.F.

CYPRESS WOODS R.V. RESORT
ORIGINAL ZONING # Z-84-025

MASTER CONCEPT PLAN

BARBOT, STEUART & ASSOCIATES, INC.
CONSULTING ENGINEERS
3228 EVANS AVENUE, FORT MYERS, FLORIDA 33901, PH. (239) 936-7333

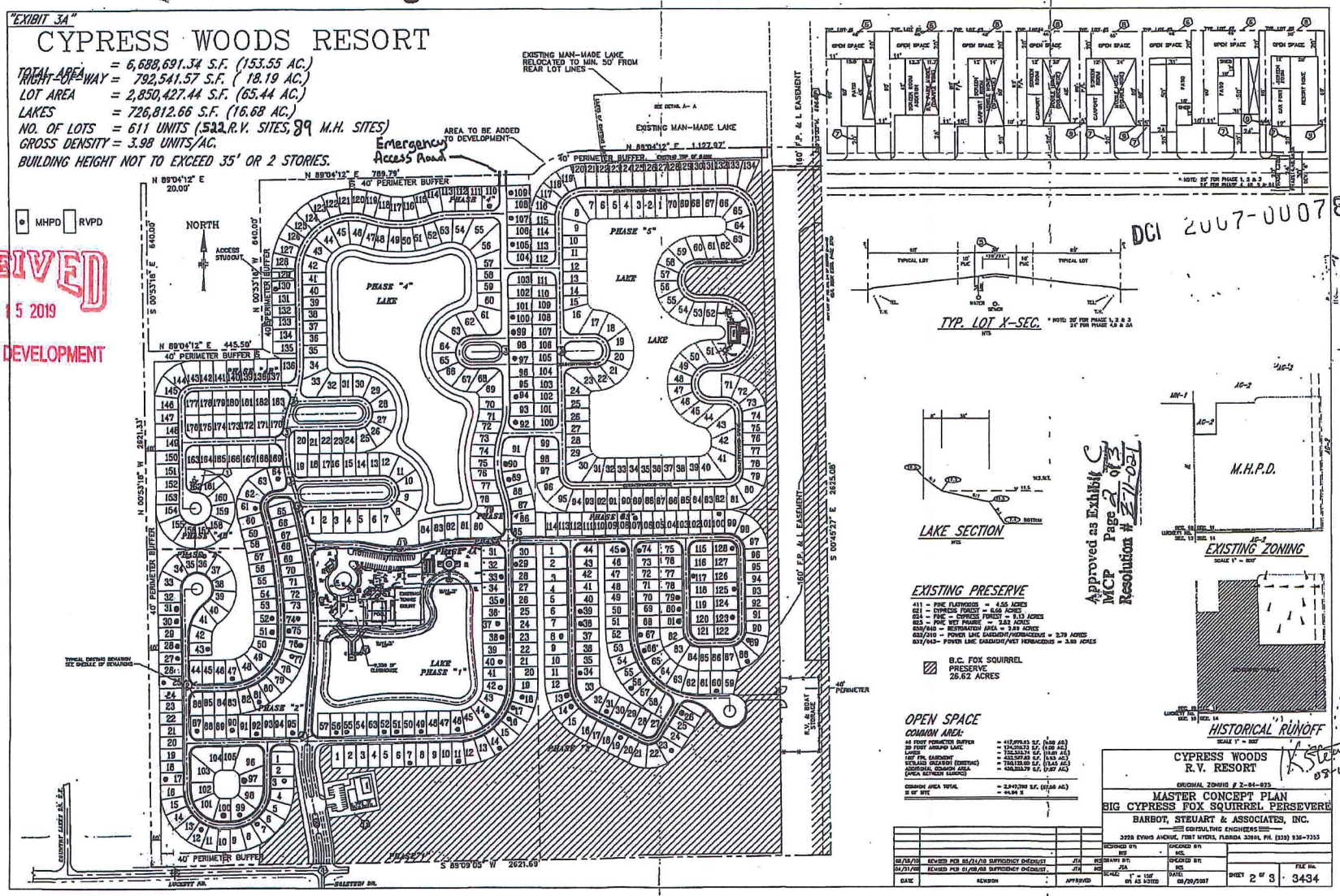
DATE	REVISION	APPROVED	DESIGNED BY	DRAWN BY	CHECKED BY
08/15/08	REVISED PER 05/31/08 SUFFICIENCY CHECKLIST	JTA	MS	BRA/MS	MS
04/21/08	REVISED PER 01/03/08 SUFFICIENCY CHECKLIST	JTA	MS	JTA	MS
				SCALE: 1" = 100' OR AS NOTED	DATE: 07/14/2007

SHEET 1 OF 3 | FILE No. 3434

RECEIVED
MAY 15 2019
COMMUNITY DEVELOPMENT

EXHIBIT C

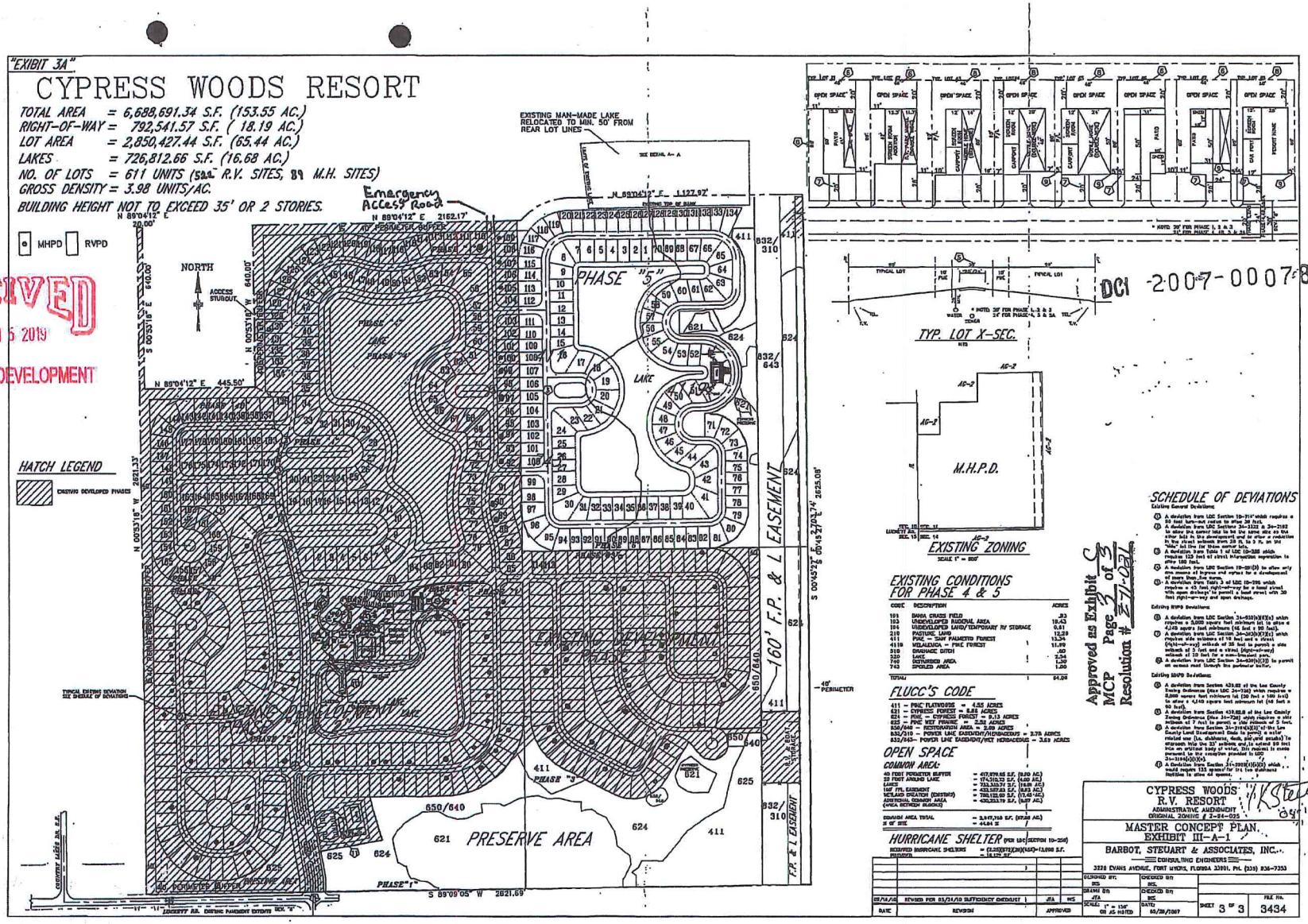
EXHIBIT C



RECEIVED
MAY 15 2019
COMMUNITY DEVELOPMENT

DCI 2007-00078

Approved as Exhibit C
MCP Page 2 of 3
Resolution # Z-11-021


"EXHIBIT 3A"
CYPRESS WOODS RESORT
TOTAL AREA = 6,688,691.34 S.F. (153.55 AC.)
RIGHT-OF-WAY = 792,541.57 S.F. (18.19 AC.)
LOT AREA = 2,850,427.44 S.F. (65.44 AC.)
LAKES = 726,812.66 S.F. (16.68 AC.)
NO. OF LOTS = 611 UNITS (522 R.V. SITES, 89 M.H. SITES)
GROSS DENSITY = 3.98 UNITS/AC.
BUILDING HEIGHT NOT TO EXCEED 35' OR 2 STORIES.
MHPD
RVPD
NORTH
HATCH LEGEND
EXISTING DEVELOPED PHASES
EXISTING MAN-MADE LAKE RELOCATED TO MIN. 50' FROM REAR LOT LINES
Emergency Access Road
PHASE "5"
PHASE "4"
PHASE "3"
PHASE "2"
PHASE "1"
LAKE
160' F.P. & L EASEMENT
PRESERVE AREA
50' PERIMETER BUFFER
TYP. LOT X-SEC.
M.H.P.D.
EXISTING ZONING
EXISTING CONDITIONS FOR PHASE 4 & 5
FLUCC'S CODE
OPEN SPACE
HURRICANE SHELTER
SCHEDULE OF DEVIATIONS
RECEIVED
MAY 15 2019
COMMUNITY DEVELOPMENT
DCI 2007-00078
Approved as Exhibit 3 of 3
MCP Page
Resolution # Z-07-021
CYPRESS WOODS R.V. RESORT
ADMINISTRATIVE AMENDMENT
ORIGINAL ZONING # Z-84-025
MASTER CONCEPT PLAN
EXHIBIT III-A-1
BARBOT, STEUART & ASSOCIATES, INC.
CONSULTING ENGINEERS
3226 EVANS AVENUE, FORT MYERS, FLORIDA 33901, PH. (239) 936-7353
SHEET 3 OF 3
FILE No. 3434

ADD2022-00108 Lee County ePlan

EX. CYPRESS TRAIL RV RESORT
(ZONING: RVPD)

INDIGENOUS RESTORATION (0.90 ACRES)

40' PERIMETER BUFFER

6' TALL VISUAL SCREEN (DOUBLE HEDGE ROW)

SCALE: 1" = 100'

EMERGENCY ACCESS (ADD2019-00066)

PROJECT BOUNDARY (TYP)

EX. CYPRESS WOODS RV RESORT
(PHASES 1-4)
(ZONING: MHPD AND RVPD)

BRIGHTWOOD DR.

NO BUFFER REQUIRED

CLUBHOUSE / PARKING

POOL / GAZEBO CABANAS

BOCCE BALL COURTS

SOUND ABATEMENT FENCE

AMENITY TRACT
(CONSUMPTION ON PREMISES, OUTDOOR / INDOOR)

PEDESTRIAN ACCESS

CROSSWALK

OPTIONAL RECREATION AREA

PASSIVE PARK / OUTDOOR STORAGE

PICKLE BALL COURTS

DOG PARK

EX. 160' FPL EASEMENT

GOLF CART OVERFLOW PARKING AREA

TEMPORARY RV / TRAILER STAGING AREA

20' L.M.E.

LAKE

40' PERIMETER BUFFER

58's

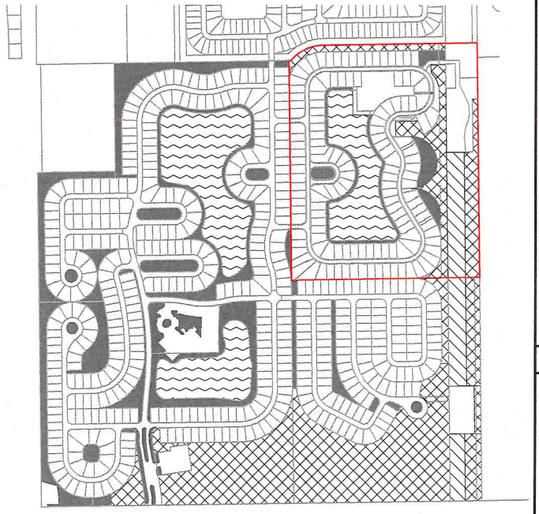
CONSERVATION EASEMENT (INST.# 5647586 OR BOOK 3793 PG 3637)

85'

NO BUFFER REQUIRED

NIGHTWOOD DR.

OPEN SPACE MAP



OPEN SPACE		
INDIGENOUS OPEN SPACE	1,135,977 SF	26.08 AC
LAKE	721,431 SF	16.56 AC
FPL EASEMENT (EXCLUDING TRAILER PARKING)	181,974 SF	4.18 AC
OTHER OPEN SPACE (LAKE BANK, PERIMETER BUFFER, LANDSCAPE MEDIANS, COURTYARDS, ETC)	758,822 SF	17.42 AC
TOTAL OPEN SPACE	2,798,204 SF	64.24 AC
% OF SITE	41.83 %	

LEGEND

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

SITE DATA TABLE

RV LOTS/DEVELOPMENT TRACTS	14.8 AC. +/-
LAKE TRACT	5.7 AC. +/-
AMENITY TRACT	1.2 AC. +/-
ROADWAY / PAVEMENT	3.1 AC. +/-
OUTDOOR STORAGE/ DOG PARK/ PICKLE BALL COURTS	2.6 AC. +/-
INDIGENOUS / PRESERVE	4.9 AC. +/-
BUFFERS / OTHER OPEN SPACE	3.5 AC. +/-
TOTAL SITE AREA	35.6 AC.

INDIGENOUS OPEN SPACE (1)

TYPES		ACTUAL	CREDITS
100%	PHASES 1 - 4:	1.11 AC	1.11 AC
	PHASE 5:	3.18 AC	3.18 AC
110%	PHASES 1 - 4:	1.27 AC	1.39 AC
	PHASE 5:	0 AC	0 AC
125%	PHASES 1 - 4:	2.16 AC	2.70 AC
	PHASE 5:	1.66 AC	1.66 AC (2)
150%	PHASES 1 - 4:	16.70 AC	25.05 AC
	PHASE 5:	0 AC	0 AC
	TOTAL PROVIDED:	26.08 AC	35.09 AC
	TOTAL REQUIRED:		30.30 AC

NOTES:
1. INDIGENOUS OPEN SPACE AREAS WITHIN THE EXISTING PHASES 1-4 REMAIN UNCHANGED, THE UPDATED TABLE SHOWN ABOVE REFLECTS REVISIONS WITHIN THE PHASE 5 DEVELOPMENT BOUNDARY, AND ALSO CORRECTS CALCULATION ERRORS IN THE PREVIOUSLY APPROVED MCP.
2. ALTHOUGH CREDIT WAS GIVEN ON THESE AREAS IN PREVIOUS ZONING APPROVALS, NO CREDIT IS TAKEN FOR AREA WITHIN PHASE 5 UNDER THIS APPLICATION.

B.C. FOX SQUIRREL PRESERVE

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

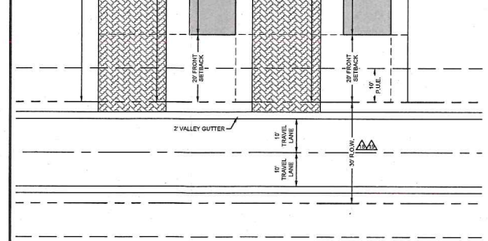
INDIGENOUS OPEN SPACE: 26.08 ACRES
INDIGENOUS RESTORATION: 0.90 ACRES

TOTAL B.C. FOX SQUIRREL PRESERVE AREA:
26.08 - 0.90 = 25.18 ACRES

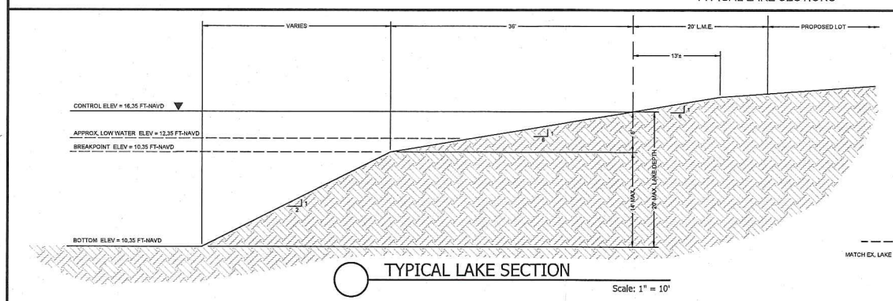
DCI 2020-00002
EX. DUKE FARMS
LANDSCAPE NURSERY
(ZONING: AG-2)

Approved as Exhibit C
MCP Page 1 of 1
Resolution # Z-20-027

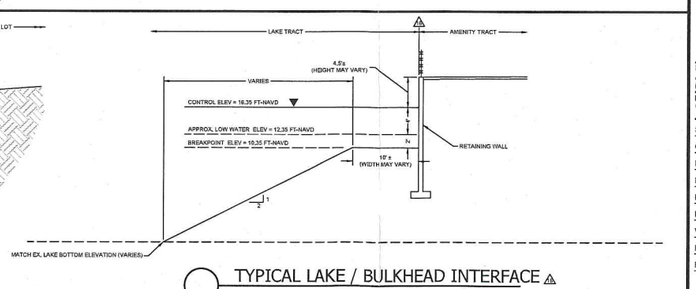
TYPICAL LOT DETAIL



TYPICAL LAKE SECTIONS



TYPICAL LAKE SECTION
Scale: 1" = 10'



TYPICAL LAKE / BULKHEAD INTERFACE
Scale: 1" = 10'

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

2600 Golden Gate Parkway
Naples, Florida 34105
Phone: 239.403.6700 Fax: 239.261.1797
Email: info@pen-eng.com Website: www.pen-eng.com
Florida Engineering Certificate of Authorization #28275
Florida Landscape Certificate of Authorization #LC26000632

PROJECT:

CYPRESS WOODS RV RESORT PHASE 5 RECREATIONAL VEHICLE PLANNED DEVELOPMENT

TITLE:

MASTER CONCEPT PLAN

OWNER/CLIENT/CONSULTANT:

LAGUNA CARIBE AT CYPRESS WOODS, LLC

REVISIONS:

No:	Revision:	Date:
1	REVISED PER COUNTY COMMENTS	3/27/20
2	REVISED PER COUNTY COMMENTS	05/18/20
3	DEVIATION #23 ADDED	07/13/20
4	SCHEDULE OF DEVIATIONS REMOVED PER COUNTY	09/25/20
5	REVISED PER STAFF REPORT	09/01/20
6	REVISED PER HEX CONDITIONS	12/30/20

NOTES:

PROFESSIONAL SEALS:

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

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

Bar Scale: 1" = 100'
0 25' 50' 100' 200' 300'

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

Sheet Number: 4 of 4

ADD2022-00108 Lee County ePlan

ZVL2019-00095 Lee County ePlan

Habitat Restoration and Maintenance Guidelines

for the

Cypress Woods RV Resort Phase V

Sections 11, T44S, R25E, Luckett Road, Lee County, Florida

March 27, 2008
Revised: Dec. 4, 2008
June 9, 2009

Prepared for:

Cypress Woods RV Resort
5551 Luckett Road.
Fort Myers, FL 33905
(239) 694-2191
FAX: (239) 691-4969

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COMMUNITY DEVELOPMENT
DCI 2007-00078

conducted by

Southern Biomes, Inc.
1602 Woodford Ave., Fort Myers, FL 33901 - mail to: P.O. Box 50640, Fort Myers, FL 33994
Ph.: (239) 334-6766 - Geza Wass de Czege, President - Fax: (239) 337-5028

EXHIBIT D

ADD2022-00108 Lee County ePlan

ZVL2019-00095 Lee County ePlan

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A. FOX SQUIRREL HABITAT RESTORATION GUIDELINES

1. **RESTORATION SITE DESCRIPTION:** The subject restoration site is a forty foot wide buffer area located in the northeastern portion of the development, extending for approximately 800 feet east to the pine flatwoods buffer adjacent to the powerline easement. The previously existing forested buffer was unintentionally cleared and will be restored to meet Lee County Code, Sec. 14-384: Restoration standards, and the Sec. 10-420 Plant materials standards. The plantings will be according to Lee County's Department of Community Development, Division of Environmental Sciences indigenous habitat restoration area planting guidelines.

2. **HABITAT RESTORATION EXECUTIVE SUMMARY:** To help restore the habitat, slash pines and scattered live oaks will be planted an average of 15' on center, with 75% of the trees being a minimum 10' tall with two-inch caliper at 12 inches above ground, and the remaining 25% a minimum 16' tall with a 3-4 inch caliper, to provide more diversity sizes. Trees will be planted in random order so as not to appear as growing in rows. Shrubs will be limited to scattered clusters of saw palmetto, wax myrtle, beautyberry, gallberry and muhly grass, planted around selected tree clusters. Shrubs and groundcover vegetation must be in minimum one-gallon container, and clustered at an average of three feet (3') on center, to mimic pine flatwoods savanna habitat.

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DCI 2007-00078

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Habitat Restoration & Management Guidelines, Cypress Woods RV Resort Phase V, Luckett Road,
Section 11, T44E, R25S, Lee County, Florida Revised: June 9, 2009

Habitat Restoration Plant List

- One hundred ten (110) trees, of which no more than 75% are to be 10' tall, minimum 2 inch caliper trees, and at least 25% are >16' tall, minimum 3 inch caliper trees. All trees are to be planted in random order on average 15' centers:
  - 68 slash pine (*Pinus elliottii*) 10' w/min 2" dbh
  - 22 slash pine (*Pinus elliottii*) 16' w/min 3" dbh
  - 6 live oak (*Quercus virginiana*) 10' w/min 2" dbh
  - 2 live oak (*Quercus virginiana*) 16' w/min 3" dbh
  - 4 laurel oak (*Quercus laurifolia*) 10' w/min 2" dbh
  - 2 laurel oak (*Quercus laurifolia*) 16' w/min 3" dbh
  - 4 dahoon holly (*Ilex cassina*) 10' w/min 2" dbh
  - 2 dahoon holly (*Ilex cassine*) 16' w/min 3" dbh

- Three thousand four hundred sixty six (3,466) in 1 gallon containerized shrubs & herbaceous species, randomly clustered within tree clusters, on 3' center:
  - 1000 saw palmetto (*Serenoa repens*)
  - 500 wax myrtle (*Myrica sp.*)
  - 500 beautyberry (*Callicarpa americana*)
  - 466 gallberry (*Ilex glabra*)
  - 1000 muhly grass (*Muhlenbergia sp.*)

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RESTORATION AREA SITE PREPARATION, MAINTENANCE AND MONITORING GUIDELINES:

1. Restoration areas are to be graded to natural elevations of adjacent pine flatwoods uplands, and harrowed to remove all ruts from the planting areas.
2. Eradicate any torpedograss, primrose willow, or any other exotic or nuisance vegetation prior to replanting, with an approved systemic herbicide, and establish an annual eradication program to maintain the area free of exotic species, and the nuisance species to less than 2% coverage.
3. Replant restoration areas with plant species and quantities as designated in the plant list provided in the Habitat Restoration Plant List (approx. 31,200 sq. ft.).
   - One hundred ten (110) trees, with no more than 75% at least 10' tall, 2 inch caliper and the remaining trees >15' tall, with minimum 3 inch caliper, planted in clusters of 3-5, on average 15' centers.
   - Three thousand four hundred sixty six (3,466) 1 gallon containerized shrubs, cluster 3' o.c.
4. Maintain a semi-annual exotic plant control the first year, and an annual control thereafter, in perpetuity, to treat the exotic vegetation resprouting with an approved herbicide, and manually remove any seedlings. Conduct activities during the winter and spring dry season.
5. Signage shall be placed at each end of the indigenous preserve area to identify and protect the preserve during and after construction. The signs shall be no closer than ten feet from adjacent property lines; be limited to a maximum height of four feet and a maximum size of two square feet, stating: "Preserve Area" (in large letters), "Please do not cut or damage any plants unless authorization by permit, or obtained in writing by Lee County Community Development" (in small letters). See example attached with these guidelines.
6. Provide Lee County with an annual monitoring report, for 5 years, including plant survival data and qualitative narrative describing the vegetative changes within the mitigation area. Include the following:
   a. Provide three fixed point photo station' panoramic photograph analyses at selected locations.
   b. Narrative report of exotics invasion, and removal success.
   d. Plant survival data and revegetation success data, including quantitative data, natural recruitment success, exotic invasion, general condition, and recommendations.
7. Mitigation success criteria are as follows:
   a. The area is maintained free of exotic plants, as defined by the Florida Exotic Pest Plant Council, with no more than 2% coverage at any one time (including but not limited to melaleuca, Brazilian pepper, Australian pine, etc.), and the number of exotic plants eradicated each year has been greatly reduced.
   b. All nuisance plant species (torpedograss, primrose willow, caesarweed, dog fennel, etc.) constitute no more than 5% of the total plant coverage.
   c. There is an 80% survival rate of the planted vegetation and at least 80% coverage of the planted area by indigenous native vegetation at the end of the third year of monitoring.
   d. There is a continual increase in indigenous plant species composition throughout the five year monitoring period.

DCI 2007-00078

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Preserve Area Sign Sample

Preserve Area

No Dumping
No Cutting
No Disturbing

RECEIVED
AUG 2 3 2010
COMMUNITY DEVELOPMENT

Please do not cut or damage any plants unless authorization by permit, or obtained in writing by Lee County Community Development.

Please Help Keep it Natural!!

NOTE: Typical sign dimensions may range from 9" x 12" to 12" x 18" (vertical or horizontal), but should not exceed 288 sq. inches.

DCI 2007-00078

ADMINISTRATIVE AMENDMENT
LEE COUNTY, FLORIDA

WHEREAS, Josephine Medina with RVI Planning + Landscape Architecture filed an application for an administrative amendment on a 35.7-acre property zoned Recreational Vehicle Planned Development (RVPD), for a project known as Cypress Woods Phase 5, to amend Condition 22 of Resolution Z-20-027, which requires a 6-foot double hedge row at the time of installation surrounding the outdoor storage and dog park area, to allow for a 6-foot solid fence with a 3-foot hedge row surrounding the outdoor storage area and to allow for preservation of 18 large trees with a 3-foot hedge row planted external to the chain-link fence surrounding the dog park area; and

WHEREAS, the applicant has indicated the property's current STRAP number is 11-44-25-00-00014.0020 (attached as Exhibit "A"); and

WHEREAS, the property was originally rezoned by Resolution Z-94-025 (with subsequent amendments in case numbers AA-PD-95-19, ADD2002-00111, ADD2003-00122, Resolution Z-03-057, ADD2004-00102, Resolution Z-11-021, ADD2019-00066, ADD2020-00049, Resolution Z-20-027, ADD2021-00158, ADD2022-00021, and ADD2022-00108); and

WHEREAS, the subject property is located in the Urban Community Future Land Use Category as designated by the Lee Plan; and

WHEREAS, the Cypress Woods Resort has been substantially built, and the applicant intends to complete phase 5 of the development; and

WHEREAS, Resolution Z-20-027 requires the installation of a double hedge row at the time of development surrounding the outdoor storage and dog park area to enhance compatibility between these uses and neighboring residential uses to the east; and

WHEREAS, the applicant has requested to amend the design of the approved buffer to allow for a 6-foot solid fence with a 3-foot hedge row surrounding the outdoor storage area and to allow for preservation of 18 large trees with a 3-foot hedge row planted external to the chain-link fence surrounding the dog park area (see Exhibit "B"); and

WHEREAS, Environmental staff has reviewed the deviation request and has found that the visual screen will be equivalent to or better than the required double hedge row per LDC 34-174; and

WHEREAS, the applicant held a public information meeting at Cypress Woods Town Center on August 30, 2022 per LDC 33-1482 (see Exhibit "C"); and

WHEREAS, the Lee County Land Development Code provides for certain administrative changes to planned development master concept plans and planned unit development final development plans; and

WHEREAS, the subject application and plans have been reviewed by the Lee County Department of Community Development in accordance with applicable regulations for compliance with all terms of the administrative approval procedures; and

WHEREAS, it is found that the proposed amendment does not increase density or intensity within the development; does not decrease buffers or open space required by the LDC; does not underutilize public resources or infrastructure; does not reduce total open space, buffering, landscaping or preservation areas; and does not otherwise adversely impact on surrounding land uses.

NOW, THEREFORE, IT IS HEREBY DETERMINED that the application for administrative approval for an amendment to the Recreational Vehicle Planned Development is **APPROVED subject to the following conditions:**

1. **Development must be consistent with the Master Concept Plan entitled "MCP 9.20.2022" dated 9.20.22 a copy of which is attached hereto as Exhibit "B".**

2. **The visual screen abutting the area designated as Passive Park/Outdoor Storage shall consist of a 6-foot-tall solid fence with 66 shrubs per 100 linear feet planted at a minimum of 3 feet and maintained at 6 feet in height along the exterior of the fence.**

3. **The visual screen abutting the area designated as a Dog Park shall consist of a minimum of 66 shrubs per 100 linear feet planted at a minimum of 3 feet and maintained at 6 feet in height with a minimum of 18 large trees.**

4. **The terms and conditions of the original zoning resolution and subsequent amendments thereto remain in full force and effect, except as amended herein.**

5. **If it is determined that inaccurate or misleading information was provided to the County or if this decision does not comply with the LDC when rendered, then, at any time, the Zoning Manager may issue a modified decision that complies with the Code or revoke the decision. If the approval is revoked, the applicant may acquire the necessary approvals by filing an application for public hearing in accordance with Chapter 34.**

Duly passed, adopted, and electronically signed on 11/21/2022

Audra Ennis, Regulatory Review Manager

Exhibits:

A – Legal Description
B – MCP 9.20.2022
C – Cypress Woods RVPD PIM

ADD2022-00142 Lee County ePlan

DESCRIPTION TO ACCOMPANY SKETCH

EXHIBIT "A"

DESCRIPTION:

A TRACT OR PARCEL OF LAND LYING IN SECTION 11, TOWNSHIP 44 SOUTH, RANGE 25 EAST, LEE COUNTY, FLORIDA, DESCRIBED AS FOLLOWS:

BEGINNING AT THE NORTHEAST CORNER OF THE SOUTHWEST QUARTER (SW1/4) OF THE AFORESAID SECTION 11; THENCE RUN S.00°46'12"E. ALONG THE EAST LINE OF SAID SOUTHWEST QUARTER (SW1/4) FOR 1302.47 FEET TO THE NORTHEAST CORNER OF CYPRESS WOODS RV RESORT, UNIT THREE, AS RECORDED IN PLAT BOOK 72, PAGES 92 THROUGH 95, PUBLIC RECORDS OF LEE COUNTY, FLORIDA; THENCE RUN S.89°04'12"W. ALONG THE NORTH LINE OF SAID CYPRESS WOODS RV RESORT, UNIT THREE FOR 1122.27 FEET; THENCE RUN N.00°45'40"W. FOR 1301.67 FEET TO A POINT ON THE NORTH LINE OF THE AFORESAID SOUTHWEST QUARTER (SW1/4); THENCE RUN N.89°01'45"E. ALONG THE NORTH LINE OF SAID SOUTHWEST QUARTER (SW1/4) FOR 12.23 FEET TO A POINT ON A TANGENT CURVE; THENCE RUN NORTHEASTERLY FOR 218.04 FEET ALONG THE ARC OF A CURVE CONCAVE SOUTHEASTERLY, WITH A RADIUS OF 255.00 FEET, A DELTA OF 48°59'28", A CHORD BEARING OF N.64°35'12"E. AND A CHORD DISTANCE OF 211.46 FEET TO A POINT OF TANGENCY; THENCE RUN N.89°04'56"E. FOR 917.64 FEET TO A POINT ON THE EAST LINE OF THE NORTHWEST QUARTER (NW1/4) OF THE AFORESAID SECTION 11; THENCE RUN S.00°46'12"E. ALONG SAID EAST LINE FOR 86.65 FEET TO THE POINT OF BEGINNING.

SAID TRACT CONTAINS 35.638 ACRES, MORE OR LESS.

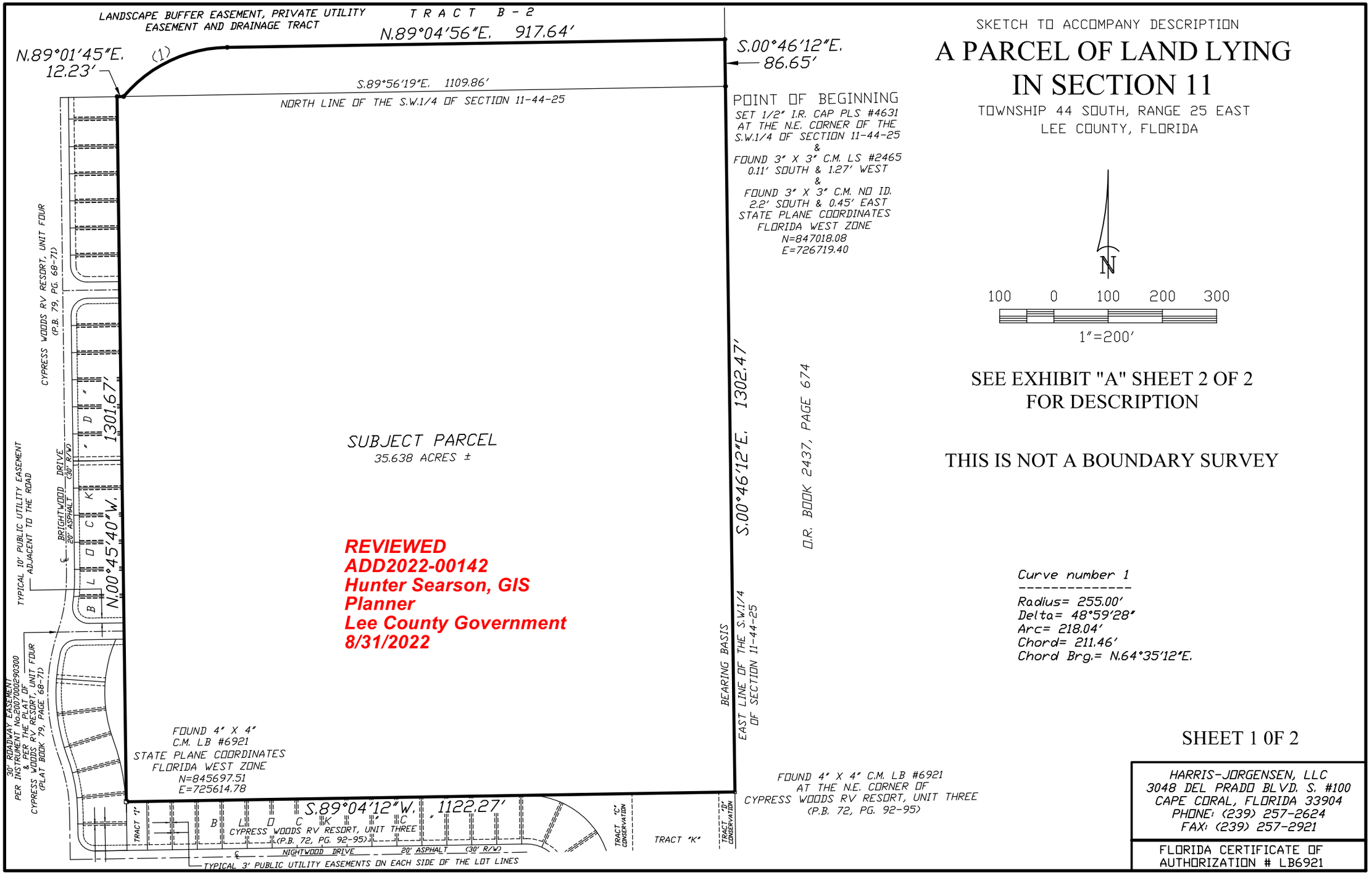
Phillip M Mould,
P.S.M. 6515
State of Florida

Digitally signed by Phillip M Mould, P.S.M. 6515
State of Florida
Date: 2022.02.14 10:36:43 -05'00'

PHILLIP M MOULD
LS6515
SEPTEMBER 14, 2020

THIS MAP/PLAT IS CONSIDERED SIGNED USING A DIGITAL SEAL IN ACCORDANCE WITH THE APPLICABLE STATE LAWS AND STATUTES FS 668.001-006; FS 668.50; FS 472.025; 5J-17.062, FLORIDA ADMINISTRATIVE CODE, STATE OF FLORIDA.

CW-U5



REVIEWED
ADD2022-00142
Hunter Searson, GIS
Planner
Lee County Government
8/31/2022

SKETCH TO ACCOMPANY DESCRIPTION

A PARCEL OF LAND LYING IN SECTION 11

TOWNSHIP 44 SOUTH, RANGE 25 EAST
LEE COUNTY, FLORIDA

N

100 0 100 200 300

1"=200'

SEE EXHIBIT "A" SHEET 2 OF 2
FOR DESCRIPTION

THIS IS NOT A BOUNDARY SURVEY

Curve number 1

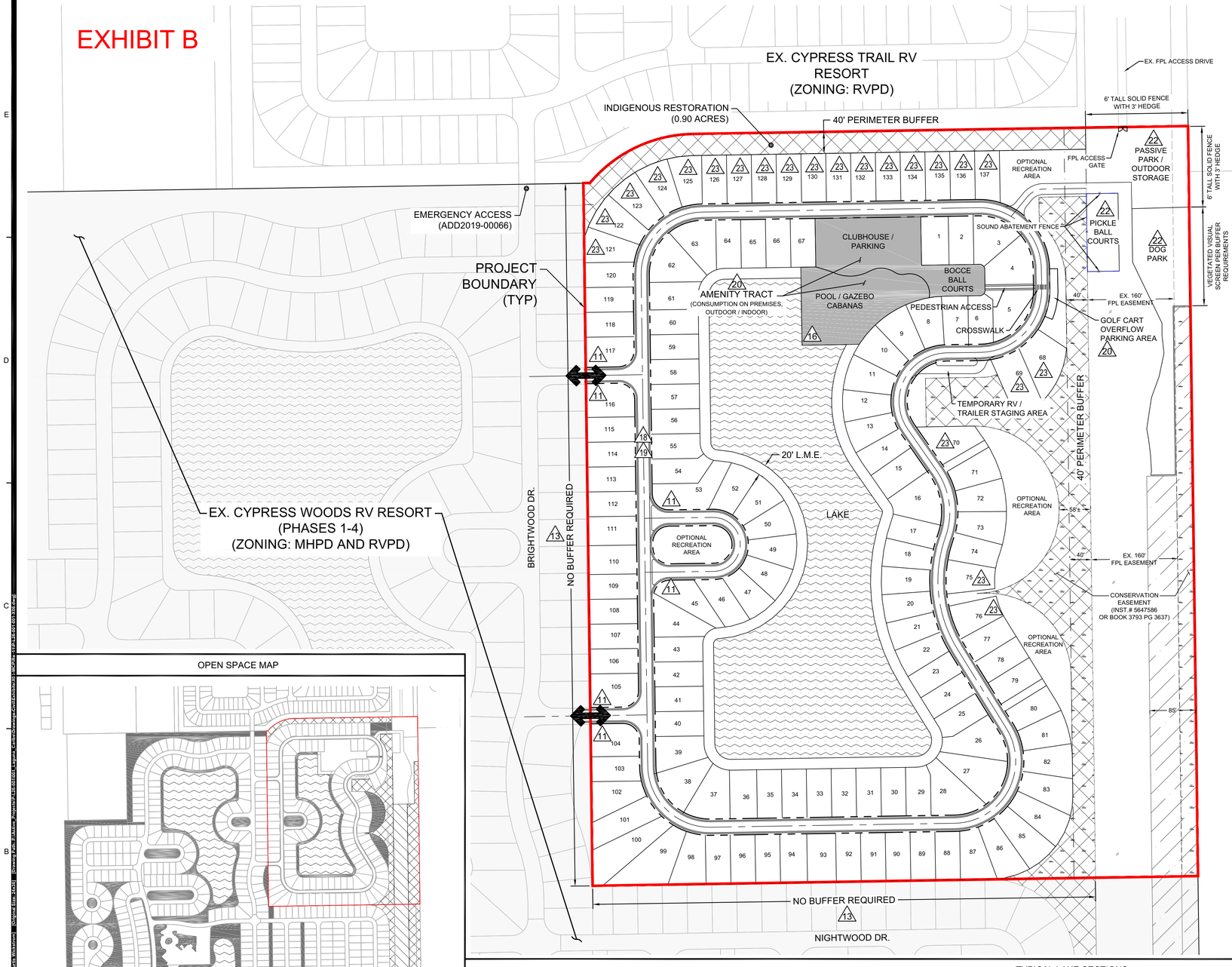
Radius= 255.00'
Delta= 48°59'28"
Arc= 218.04'
Chord= 211.46'
Chord Brg.= N.64°35'12"E.

SHEET 1 0F 2

HARRIS-JORGENSEN, LLC
3048 DEL PRADO BLVD. S. #100
CAPE CORAL, FLORIDA 33904
PHONE: (239) 257-2624
FAX: (239) 257-2921

FLORIDA CERTIFICATE OF AUTHORIZATION # LB6921

EXHIBIT B



SCALE: 1" = 100'

LEGEND

- CONSERVATION EASEMENT
- LAKE
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- PRESERVE
- RESIDENT INGRESS / EGRESS
- # DEVIATION LOCATION

SITE DATA TABLE

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AMENITY TRACT	1.2 AC. +/-
ROADWAY / PAVEMENT	3.1 AC. +/-
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TOTAL SITE AREA	35.6 AC.

INDIGENOUS OPEN SPACE (1)

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NOTES:
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2. ALTHOUGH CREDIT WAS GIVEN ON THESE AREAS IN PREVIOUS ZONING APPROVALS, NO CREDIT IS TAKEN FOR AREA WITHIN PHASE 5 UNDER THIS APPLICATION.

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INDIGENOUS RESTORATION: 0.90 ACRES

TOTAL B.C. FOX SQUIRREL PRESERVE AREA:
26.08 - 0.90 = 25.18 ACRES

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

OPEN SPACE MAP

OPEN SPACE

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	LAKE	721,431 SF	16.56 AC
	FPL EASEMENT (EXCLUDING TRAILER PARKING)	181,974 SF	4.18 AC
	OTHER OPEN SPACE (LAKE BANK, PERIMETER BUFFER, LANDSCAPE MEDIANS, COURTYARDS, ETC)	758,822 SF	17.42 AC
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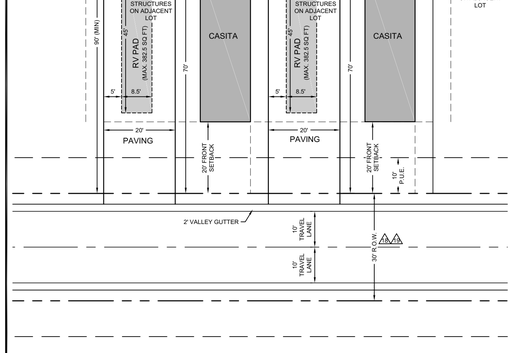
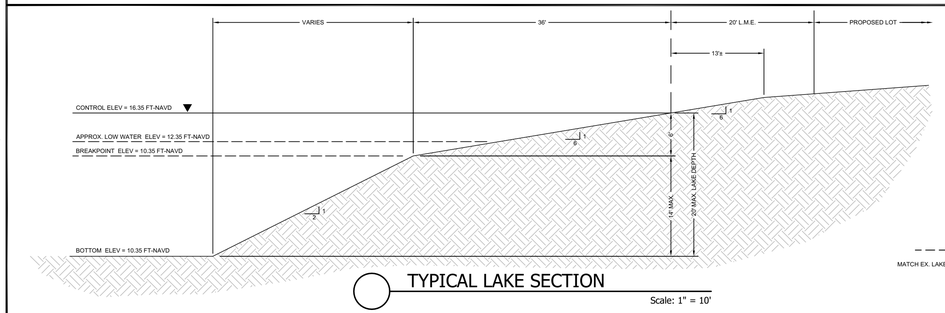
	% OF SITE	41.83 %	

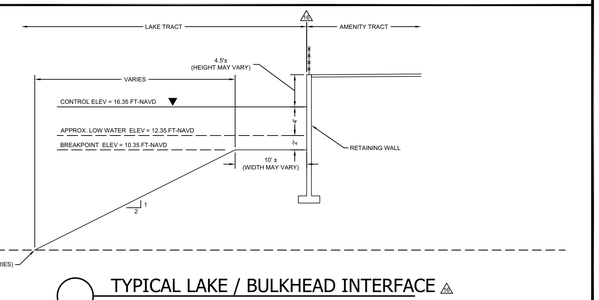
TYPICAL LOT DETAIL



TYPICAL LAKE SECTIONS



TYPICAL LAKE SECTION
Scale: 1" = 10'



TYPICAL LAKE / BULKHEAD INTERFACE ⚠
Scale: 1" = 10'

PENINSULA ENGINEERING
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ENVIRONMENTAL CONSULTING · LAND PLANNING · SITE PLANNING · CONSTRUCTION MANAGEMENT · OWNER REPRESENTATIVE
2600 Golden Gate Parkway
Naples, Florida 34105
Phone: 239.403.6700 Fax: 239.261.1797
Email: info@pen-eng.com Website: www.pen-eng.com
Florida Engineering Certificate of Authorization #28275
Florida Landscape Certificate of Authorization #LC26000632

PROJECT:

CYPRESS WOODS RV RESORT PHASE 5 RECREATIONAL VEHICLE PLANNED DEVELOPMENT

TITLE:

MASTER CONCEPT PLAN

OWNER/CLIENT/CONSULTANT:

LAGUNA CARIBE AT CYPRESS WOODS, LLC

REVISIONS:

No:	Revision:	Date:
1	REVISED PER COUNTY COMMENTS	3/27/20
2	REVISED PER COUNTY COMMENTS	05/18/20
3	DEVIATION #23 ADDED	07/13/20
4	SCHEDULE OF DEVIATIONS REMOVED PER COUNTY	08/05/20
5	REVISED PER STAFF REPORT	09/01/20
6	REVISED PER HEX CONDITIONS	12/30/20
7	CORRECTED TYPICAL LOT DETAIL	09/22/21
8	ADDED "CASITA" TO TYPICAL LOT DETAIL	02/11/22
9	REVISED TYPICAL LOT DETAIL	06/14/22
10	ADDED DEVIATION #23 TO LOTS 121-137	6/27/22
11	REVISED VISUAL SCREEN AT NE CORNER OF PROPERTY	9/20/22

NOTES:

PROFESSIONAL SEALS:

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

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

Bar Scale: 1" = 100'
0 25' 50' 100' 200' 300'

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

Sheet Number: 4 of 4

Cypress Woods Recreational Vehicle Planned Development
Administrative Amendment
Public Information Session Meeting Summary

Tuesday, August 30, 9:00 a.m.
Cypress Woods Town Center, 10100 Nightwood Drive, Fort Myers, FL 33905

Laguna Caribe at Cypress Woods, LLC (Applicant) hosted their public informational session in accordance with Section 33-1482 of the Land Development Code on Tuesday, August 30, 2022. The meeting was held at the Cypress Woods Town Center at 9:00 AM.

The meeting was held for the pending Cypress Woods RVPD Administrative Amendment application (ADD2022-00142). The meeting notice was published in the News-Press on August 9, 2022. The Affidavit of Publication is attached as Exhibit “A”.

The Applicant was present at the location until 9:10 a.m. No one from the public attended.

0005367065 / FNP-0000002582

The News-Press media group
news-press.com A GANNETT COMPANY

Attn:
WALDROP ENGINEERING
28100 BONITA GRANDE DR
BONITA SPRINGS, FL 34135

State of Wisconsin, County of Brown:
Before the undersigned authority personally appeared Nicole Jacobs, who on oath says that he or she is a Legal Assistant of the News-Press, a daily newspaper published at Fort Myers in Lee County, Florida; that the attached copy of advertisement, being a Legal Ad in the matter of

NOTICE OF PUBLIC INFORMATION MEETING DATE: Tuesday, August 30, 2022 TIME: 9:00 AM ADDRESS: Cypress Woods Town Center, 10100 Nightwood Drive, Fort Myers, FL 339

In the Twentieth Judicial Circuit Court was published in said newspaper editions dated in the issues of or by publication on the newspaper's website, if authorized, on :

08/09/2022

Affiant further says that the said News-Press is a paper of general circulation daily in Lee County and published at Fort Myers, in said Lee County, Florida, and that the said newspaper has heretofore been continuously published in said Lee County, Florida each day and has been entered as periodicals matter at the post office in Fort Myers, in said Lee County, Florida, for a period of one year next preceding the first publication of the attached copy of advertisement; and affiant further says that he or she has never paid nor promised any person, firm or corporation any discount, rebate, commission or refund for the purpose of securing this advertisement for publication in said newspaper editions dated:

Sworn to and Subscribed before me this 9th of August 2022, by legal clerk who is personally known to me.

Nicole Jacobs
Affiant

Shelly Hora
Notary State of Wisconsin, County of Brown

8-25-23
My commission expires

# of Affidavits 1

This is not an invoice

SHELLY HORA
Notary Public
State of Wisconsin

NOTICE OF PUBLIC INFORMATION MEETING

DATE: Tuesday, August 30, 2022
TIME: 9:00 AM
ADDRESS: Cypress Woods Town Center, 10100 Nightwood Drive, Fort Myers, FL 33905
In accordance with the Caloosahatchee Shores Planning Community requirements of the Lee County Land Development Code, the Applicant, Laguna Caribe at Cypress Woods, LLC., will be presenting information to the public on the following request:
Administrative Amendment to the Cypress Woods RV Resort Recreational Vehicle Planned Development (RVPD), Phase 5, to clarify visual screen planting requirements.
The purpose of the meeting is to educate community members and nearby landowners about the proposed development and to address any questions.
For questions please contact:
Duane Truitt
3001 Tamiami Tr N Suite 206
239-227-3929 OR dtruitt96@yahoo.com
#5367065 8/9/2022

ADMINISTRATIVE AMENDMENT (PD) ADD2023-00099

ADMINISTRATIVE AMENDMENT
LEE COUNTY, FLORIDA

WHEREAS, Josephine Medina with RVI Planning + Landscape Architecture filed an application for an administrative amendment on a Mobile Home and Recreational Vehicle Planned Development (MHPD/RVPD) on a project known as Cypress Woods Resort, to incorporate two (2) deviations from LDC Sections:

- 10-421(a)(8), which requires if a wall or fence is proposed, but not required, then the required buffer plantings must be installed on the exterior side (between the wall and the abutting property or street right-of-way) of the wall or fence, to allow required planting material to be located on both sides of the wall adjacent to Luckett Road; and

- 34-1743(b)(3), which requires that optional residential project walls must be landscaped on the exterior side (between the wall and the abutting property or street right-of-way) with a minimum of five trees per 100 linear feet and shrub hedges, within a minimum plantable width of seven and one-half feet located on the exterior side of the wall or fence, to allow the exterior side of the fence/wall along Luckett Road to be landscaped with 2.5 trees per 100 linear feet and 36-inch-high shrubs at time of installation and maintained at 60 inches within six months of planting

to facilitate the replacement of an opaque solid wall along the project's frontage along Luckett Road, on property more particularly described as:

LEGAL DESCRIPTION: In Section 11, Township 44 South, Range 25 East, Lee County, Florida:

ATTACHED AS EXHIBIT "A"

WHEREAS, the applicant has indicated the property's current STRAP numbers are 11-44-25-04-0000E.00CE and 11-44-25-04-0000D.00CE; and

WHEREAS, the subject property is zoned Mobile Home and Recreational Vehicle Planned Development (MHPD and RVPD) and is located in the Urban Community and Wetlands Future Land Use Categories as designated by the Lee County Comprehensive Plan (Lee Plan); and

WHEREAS, the property was originally rezoned by Resolution Z-94-025, with subsequent amendments in zoning actions PD-95-19, ADD2002-00111, ADD2003-00122, Resolution Z-03-057, ADD2004-00102, Resolution Z-11-021, ADD2019-00066, ADD2020-00049, Resolution Z-20-027, ADD2021-00158, ADD2022-00021, ADD2022-00108 and ADD2022-00142; and

WHEREAS, the Cypress Woods Resort project fencing along Luckett Road sustained damage during Hurricane Ian on September 28th, 2022 (see Exhibit “D”); and

WHEREAS, all recreational vehicle parks created after September 19, 1985, must provide a 40-foot-wide perimeter buffer area with a vegetative visual screen, including, if applicable, maintaining existing native vegetation in the buffer area to meet the visual screen requirement; and

WHEREAS, pursuant to LDC Section 34-939(b)(3), if the 40-foot buffer area does not have sufficient existing native vegetation to provide a vegetated visual screen, then buffer vegetation must be installed to provide a minimum of ten trees and 66 shrubs per 100 linear feet (trees must be 14 feet in height) and shrubs 36 inches in height at time of planting (shrubs must be maintained at a minimum of 60 inches in height), with Palms counted at a 3:1 ratio clustered in staggered heights ranging from 14 feet to 18 feet in height (Palms limited to 50 percent of the tree requirement); and

WHEREAS, adjacent to Luckett Road, the perimeter of Cypress Woods Resort includes the common element tracts (legally-described herein) encompassing open space and conservation areas, including a fox squirrel preserve according to Sheet 2 of the three-page Master Concept Plan entitled “Cypress Woods R.V. Resort", prepared by Barbot, Steuart & Associates, Inc. and attached to Resolution Z-20-027 (see Exhibit “G”); and

WHEREAS, the common element tracts exceed the required 40-foot-width surrounding the perimeter of the MHPD/RVPD; and

WHEREAS, the common element tracts include the project fencing along Luckett Road, which sustained damage during Hurricane Ian on September 28th, 2022 (see Exhibit “D”); and

WHEREAS, Tract “E” is entitled the Buffer and Drainage Tract with 305.44 feet of road frontage and Tract “D” is entitled the Conservation Tract with 308.37 feet of road frontage according to the plat on file in the Lee County Official Records (see Exhibit “E”); and

WHEREAS, the existing opaque fencing is located along Luckett Road with virtually all landscape material located on the interior side of the fencing (see Exhibit “D”); and

WHEREAS, the applicant proposes a replacement wall set back 10 feet from the Luckett Road right-of-way in order to create new plantable space for 2.5 trees per 100 linear feet and 36-inch-high shrubs at time of installation, maintained at 60 inches within six months of planting, Deviations 25 and 26 respectively (see Exhibit “B”); and

WHEREAS, relocating the wall further into the Conservation Tract (Tract “D”) may result in unnecessary interference with the existing vegetation and an established fox squirrel preserve, contrary to the terms of the conservation easement; and

WHEREAS, the subject property is located in the Caloosahatchee Shores Community Plan area, and therefore, deviations from landscaping requirements are subject to variance criteria set forth in LDC Section 34-145(b) (pursuant to Lee Plan Policy 21.1.2); and

WHEREAS, LDC Section 34-174(a)(1)e provides for administrative relief for landscaping required by LDC Section 34-1743(b)(3) to allow existing, required or optional nonconforming residential project walls to be repaired or replaced; and

WHEREAS, the applicant has provided a request statement addressing the deviation request and applicable review criteria (see Exhibit "C"); and

WHEREAS, the applicant does not propose any reduction in the collective required planting material or buffer width, the deviation is solely to address the correlation of the plant material location in conjunction with a replacement of the existing nonconforming wall; and

WHEREAS, the subject property has inherent exceptional conditions resulting in a hardship that is not caused by actions of the property owner; and

WHEREAS, locating a replacement wall 10 feet from the Luckett Road right-of-way in areas outside of the conservation tract allows for sufficient planting material to be located on both sides of the wall to effectuate equivalent or greater screening, as conditioned; and

WHEREAS, locating the replacement wall within the conservation tract inline with the existing fencing along the right-of-way minimizes conflict with the preserve area; and

WHEREAS, the granting of the variance is the minimum variance necessary and will not contravene public health, safety and welfare, or the Lee Plan; and

WHEREAS, the applicant proposes planting 2.5 trees per 100 linear feet and 36-inch-high shrubs/hedgerow in between the Luckett Road street right-of-way and the proposed wall, which quantifies to 15 trees planted across the 613.81 feet of cumulative road frontage (Tracts "D" and "E" combined frontage); and

WHEREAS, Environmental staff has reviewed the deviation request and has found that the RVPD visual screening requirement is met by the existing foliage in Conservation Tract "D", as the applicant indicates over 100 trees exist in the preserve, which is in excess of the code requirement of 10 trees per 100 linear feet; and

WHEREAS, Environmental staff has determined that encroaching further into Conservation Tract "D" would interfere with the purpose of the tract, and therefore, the wall should be replaced in its present location to avoid interference, which results in a deviation allowing no required planting width or material on the exterior side of the ±308 linear foot segment of road frontage of Tract "D"; and

WHEREAS, according to the applicant, 15 additional obligatory canopy tree plantings are required to accomplish the RVPD vegetated visual screening along the western ±305-foot road frontage perimeter of Tract "E"; and

WHEREAS, 5 trees per 100 linear feet of road frontage along Tract "E" equates to 15 additional canopy trees, to be located between the proposed wall and right-of-way; and

WHEREAS, a textured exterior wall finish and 36-inch-high shrubs or hedgerow are proposed to be installed and maintained at 60 inches within 6 months to soften massing of the proposed 8-foot-high wall; and

WHEREAS, the applicant held a public information meeting at Cypress Woods Town Center on July 9, 2023 per LDC Section 33-1482 (see Exhibit "F"); and

WHEREAS, the Lee County Land Development Code provides for certain administrative changes to planned development master concept plans and planned unit development final development plans; and

WHEREAS, the subject application and plans have been reviewed by the Lee County Department of Community Development in accordance with applicable regulations for compliance with all terms of the administrative approval procedures; and

WHEREAS, it is found that the proposed amendment does not increase density or intensity within the development; does not decrease buffers or open space required by the LDC; does not underutilize public resources or infrastructure; does not reduce total open space, buffering, landscaping or preservation areas; and does not otherwise adversely impact on surrounding land uses.

NOW, THEREFORE, IT IS HEREBY DETERMINED that the application for administrative approval for an amendment to the Mobile Home and Recreational Vehicle Planned Development is **APPROVED subject to the following conditions:**

1. **<u>Deviations</u>. Deviations 25 and 26 from the following LDC Sections are APPROVED subject to the corresponding conditions:**

    a. **Deviation 25 from Section 10-421(a)(8), which requires if a wall or fence is proposed, but not required, then the required buffer plantings must be installed on the exterior side (between the wall and the abutting property or street right-of-way) of the wall or fence, to allow required planting material to be located on both sides of the proposed wall along Tract "E" and to allow all required planting material to be located on the interior side of the wall on Tract "D" (see Exhibit "E").**

    b. **Deviation 26 from LDC Section 34-1743(b)(3), which requires optional residential project walls to be landscaped on the exterior side (between the wall and the abutting property or street right-of-way) with a minimum of five trees per 100 linear feet and shrub hedges, within a minimum plantable width of seven and one-half feet located on the exterior side of the wall or fence, to allow no required planting width or material to be located on the exterior of the wall on Tract "D", subject to the following condition:**

        I. **The code required planted width and planted material must be located on the exterior side of the fence/wall on adjacent Tract "E", with 5 trees per 100 linear feet (15 total trees) and 36-inch-high shrubs at time of installation.**

II. **Required trees must be canopy trees, 14-feet in height minimum, and shrubs must be maintained at not less than 60 inches in height within six months of planting on Tract "E" as depicted on the Luckett Road Buffer cross section Exhibit, attached hereto as Exhibit "B".**

III. **The exterior of the wall facing Luckett Road must include a textured finish such as stucco.**

2. **Conservation Tract. The location of the proposed wall may be rebuilt in a substantially similar location on Tract "D" to avoid interference with the existing preserved vegetation and Fox Squirrel habitat. This approval does not authorize any impacts, removal of trees or activity contrary to the terms of the Conservation Easement.**

3. **The terms and conditions of the original zoning resolution and subsequent amendments thereto remain in full force and effect, except as amended herein.**

4. **If it is determined that inaccurate or misleading information was provided to the County or if this decision does not comply with the LDC when rendered, then, at any time, the Zoning Manager may issue a modified decision that complies with the Code or revoke the decision. If the approval is revoked, the applicant may acquire the necessary approvals by filing an application for public hearing in accordance with Chapter 34.**

Duly passed, adopted, and electronically signed on 11/6/2023

Anthony R. Rodriguez, AICP, CPM, Zoning Manager

Exhibits:

A – Legal Description
B – Luckett Road Buffer Exhibit
C – Applicant's Narrative and Justification Statement
D – Post-Ian County Photography
E – Lee County Official Records Platbook 65, Page 87
F – Public Information Session Summary
G – Resolution Z-20-027

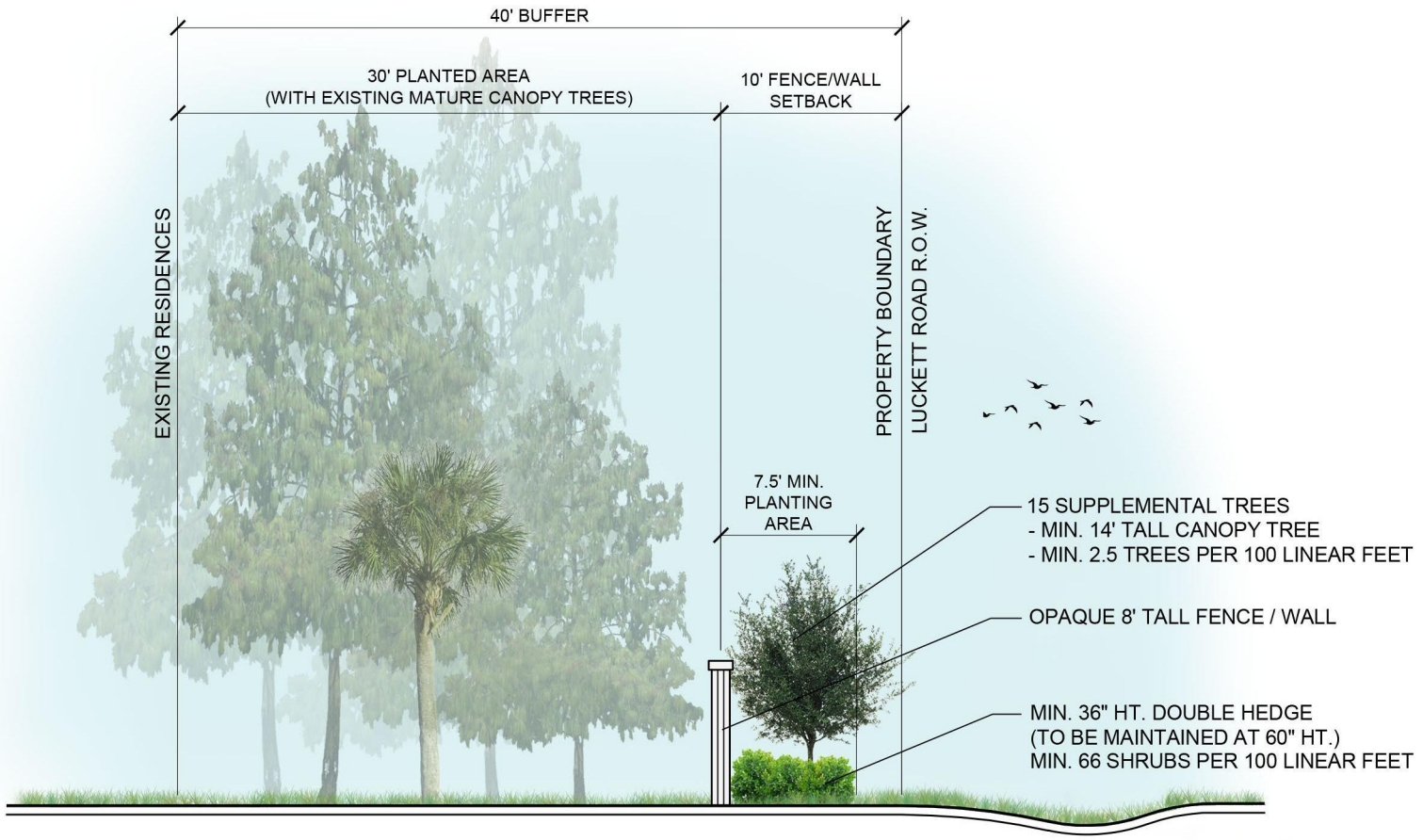
ADD2023-00099 Lee County ePlan

APPROVED
ADD2023-00099
Adam Mendez, Planner
Lee County
10/19/2023

EXHIBIT A
LEGAL DESCRIPTION

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

Exhibit B



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28100 Bonita Grande Drive
Suite 305
Bonita Springs, Florida 34135
Tel: 239.405.7777
www.rviplanning.com

CYPRESS WOODS HOA AMENDMENT • **LUCKET ROAD BUFFER**

- Lee County. FL
- September 14, 2023
- # 23001926
- Cypress Woods HOA

0 5' 10'

SCALE: 1" = 10'-0"

For illustrative purposes only. Subject to change without notice.

Exhibit C

September 19, 2023

Adam Mendez
Senior Planner
Lee County Community Development
1500 Monroe Street
Fort Myers, FL 33901

RE: CYPRESS WOODS RVPD
ADD2023-00099

Dear Mr. Mendez:

On behalf of Cypress Woods RV Resort Homeowners Association, Inc. (Applicant), enclosed please find an application for an Administrative Amendment to a Planned Development in regard to Cypress Woods RVPD.

The 153.55+/- acre subject property is located north of Luckett Road and east of Interstate 75 in the northeast corner of the Cypress Woods RV Resort. The Property is zoned Recreational Vehicle Planned Development (RVPD) per Z-11-021, as amended and is designated within the Urban Community future land use category.

Specifically, the Applicant is requesting for two (2) deviations as follows:

1) Deviation from LDC Section 10-421(a)(8) which requires the to placement of required buffer plantings on the exterior side of optional walls or fences; to allow only a portion of the required buffer plantings to be placed on the exterior side of the wall or fence adjacent to the Luckett Road ROW with the remainder of the plantings to be placed on the interior side of the fence/wall.

2) Deviation from LDC Section 34-1743(b)(3) which requires residential project wall/fences to be landscaped on the exterior side with a minimum of five trees per 100 linear feet and shrub hedges within a minimum plantable width of seven and a-half feet with shrubs planted and maintained to form a 36-inch high continuous visual screen within one year after time of planting; to allow the exterior side of the wall/fence to be landscaped at a minimum plantable width of 7.5 feet with three trees per 100 linear feet east of the preserve area and 66 shrubs per 100 linear feet planted at 36 inches high and maintained at 60 inches high within a six-month timeframe along the entirety of the opaque wall/fence.

The proposed fence/wall and landscaping will enhance the proposed residential project and allow for an aesthetically pleasing entry compared to existing conditions.

As further explained within the Deviations and Justification document the proposed opaque fence/wall and the proposed location of the landscaping material will serve to address the intent of the code by 1) screening views of RV developments from adjacent properties and rights-of-way; and 2) ensure exterior plantings soften the massing of the solid fence/wall while further limiting the impacts from the development and adjacent properties and/or public right-of-way.

There is no deviation being sought to reduce width or plant material requirements for the 40-foot perimeter buffer for RVPDs. The Applicant proposes to supplement the existing mature canopy interior of the proposed wall with 10 canopy trees to be located along the exterior of the wall at 3 trees per 100 linear feet. The proposed hedge shrub planted along the exterior of the fence/wall will go above the maintenance height of the Residential Project Wall required by code being planted at 36 inches in height and maintained at 60 inches in height versus the required 36 inches in height. The proposed location of the wall in relation to the proposed planting material is illustrated in the submitted Luckett Road Buffer Exhibit.

In accordance with LDC §34-380, this amendment request does not propose an increase to height, density or intensity within the development. Similarly, the amendment will not result in the substantial underutilization of public resources and infrastructure committed to the support of the development, will not reduce required open space, buffering, landscaping and preservation areas, and will not adversely impact surrounding land uses. Therefore, this internal adjustment of development standards can be approved administratively.

Based upon this application's compliance with all other conditions in Z-11-021, the Lee Plan, and thresholds set forth in §34-380, the Applicant respectfully requests staff approval of the proposed administrative amendment. The Applicant is scheduling the required community meeting per the Caloosahatchee Shores Community Planning Area requirements and will provide Staff with the meeting summary immediately following the meeting.

Should staff have any questions or require any additional information, please contact me directly at (239) 908-3421 or JMedina@RViPlanning.com.

Sincerely,

RVi Planning + Landscape Architecture



Josephine Medina, AICP
Project Manager

ADD2023-00099 Lee County ePlan

Enclosures

cc: William Schwab, Cypress Woods RV Resort Homeowners Association, Inc.
Judy Lawrence, Cypress Woods RV Resort Homeowners Association, Inc.
Jack Cassidy, Cypress Woods RV Resort Homeowners Association, Inc.

CYPRESS WOODS RVPD
ADMINISTRATIVE AMENDMENT

Schedule of Deviations & Justifications

Deviations 1-24 – No Change.

25. Deviation 25 seeks relief from the LDC Section 10-421(a)(8) requirement to place required buffer plantings on the exterior side of optional walls or fences; to allow only a portion of the required buffer plantings to be placed on the exterior side of the wall or fence adjacent to the Luckett Road ROW with the remainder of the plantings to be placed on the interior side of the fence/wall.

JUSTIFICATION:

The Applicant is requesting to replace/upgrade the existing dilapidated fence located on the property's frontage along Luckett Road, which was damaged by the Hurricane Irma.

The replacement triggers the requirement to place the existing 40' wide RVPD buffer plantings on the exterior of the wall, whereas the Applicant is requesting to place the wall in front of the existing 40' wide buffer plantings. The deviation is an enhancement to the project, will not impact public health, safety or welfare, and will meet the intent of the LDC as follow:

- **The proposed wall placement will minimize impact to existing vegetation and support the LDC's intent to maintain native trees.**

- **The intent of the LDC requirement is to provide a vegetative screen on the exterior of optional perimeter fences/walls to soften the wall hardscape and ensure attractive viewsheds for adjacent property owners and the general public. The HOA has invested significant funds into the wall design, which will include textured panels for architectural and visual interest. Supplemental plantings as outlined below will be placed on the exterior of the wall to provide views of vegetation as intended by the LDC.**

- **There is no deviation being requested from the 40-foot perimeter buffer requirements for RVPD in this location in terms of quantity of plant materials. The deviation will simply**

allow a lesser amount of supplemental plantings to be placed in front of the wall to meet the LDC intent for the provision of vegetation to soften views of fences and walls.

- **The opaque fence/wall shall provide greater and 100% opaque visual screening and sound mitigation when compared to the code requirements.**

- **The proposed fence/wall location in conjunction with the required buffer is illustrated in the provided Luckett Road Buffer Exhibit. The proposed hedgerow/shrubs shall be located on the exterior of the wall, planted at 36 inches and maintained at 60 inches in height to provide the necessary screening material to soften the appearance of the wall. Therefore, the request will improve aesthetics along the adjacent right-of-way while meeting the full intent of the code to ensure attractive landscaping and buffers around RV developments.**

- **LDC Section 10-421(a)(2) requires a minimum of half of the buffer width area or 20 feet to be planted with trees or shrubs. As mentioned above the applicant is not requesting to reduce buffer requirements but the placement of all the buffer plantings to the exterior of the wall/fence at a width of 20 feet or more into the subject site would not be practical. This would require the wall meander around existing native vegetation and trees on the development. A reduction in the buffer planting minimum width is not being requested simply the ability to place the fence/wall in between some of the trees and shrub plantings required for the buffer which will provide greater depth and articulation from the exterior viewers perspective.**

- **It should also be noted as identified on the MCP a portion of the developments frontage along Luckett Road dedicated to an existing preserve area which would impede the residential project wall from being placed at any greater of a setback than 10 feet without affecting the existing native vegetation.**

Deviation 26 seeks relief from the LDC Section 34-1743(b)(3) requirement of project wall/fences to be landscaped on the exterior side with a minimum of five trees per 100 linear feet and 36” shrubs; to allow the exterior side of the wall/fence to be landscaped with 2.5 trees per 100 linear feet and 36” shrubs (maintained at 60” within six months of planting).

JUSTIFICATION: The intent of the LDC requirement to provide the landscaping on the exterior side of the wall is to soften and breakup

the planar massing typically associated with walls for the adjacent properties and/or traveling public.

The Applicant has put much effort and investment into the design of the wall which will be opaque and have a textured finish to assure the proposed residential project wall is aesthetically pleasing to homeowners, guests, the traveling public and adjacent property owners.

As identified per the Tree Survey Exhibit, interior to the wall, the native preserve area consisting of approximately 305 linear feet existing mature tree canopy contains over 100 trees containing more than the minimum 10 trees per 100 linear feet.

To the west of the preserve area along Luckett Road there are a total of 16 existing canopy trees and making this area 15 canopy trees short of the 40-foot perimeter buffer requirement of 10 canopy trees per 100 linear feet.

The Applicant proposes to place the supplemental 15 canopy trees along the exterior of the wall, resulting in 2.5 trees per 100 linear feet instead of the required 5 trees per 100 linear feet required by the code. This would still provide meet the intent of the code by providing for articulation, uniformity, and soft aesthetic screening along the right of way.

The proposed landscaping and opaque wall will provide greater visual screening, buffering and articulation than required by the LDC and approved Master Concept Plan. Therefore, the deviation will not negatively impact public health, safety or welfare.

For deviations 25 & 26 the applicant requests deviations from buffer and landscaping requirements. Due to the properties location within the Caloosahatchee Shores Planning Community per Lee Plan Policy 21.1.2 any deviation from landscaping and buffering requirements may not be granted unless the requires meets the approval criteria for variances set forth in LDC Section 34-145(b)3.

Variance Criteria

a) *The property has inherent exceptional conditions that cause the application of the regulation to create a hardship*

The current inherent conditions of the existing mature required buffer trees and preserve area along the south side of the property creates a hardship for the Applicant's ability to construct a wall at a location to ensure security for the development and its residents while at the same. The Applicant cannot move the wall further north into the fox squirrel conservation area and the placement of the wall further north into the 40-foot vegetated buffer would result in a greater

amount of trees needed to be removed and replaced with less mature trees to meet the 40 foot RVPD perimeter buffer. Therefore, the applicant would have to place the wall 10 feet away from the Luckett Road right of way which would limit the amount of space where vegetation can be plant in front of the wall and therefore leading to concerns with the integrity of the wall and growing roots of trees.

b) *The exceptional conditions are not the result of actions of the property owner taken subsequent to the adoption of the ordinance*

As stated above, the exceptional conditions pertain to the location of the fox squirrel conservation area and location of existing mature trees that meet the required 40 foot required buffer the location.

c) *The variance granted is the minimum variance that will relieve the unreasonable burden caused by the application of the regulation to the property*

The granting of the proposed deviation will relieve the unreasonable burden caused by the location of the existing preserve area and existing location of mature canopy tree resulting in the need to place the proposed wall 10 feet from the Luckett Road right of way.

d) *The granting of the variance will not be injurious to the neighborhood or detrimental to the public welfare.*

Granting of the proposed deviation will ensure future compliance and will not be injurious to the neighborhood or negatively impact the public health, safety, and welfare or the aesthetics of the community.

e) *The variance is consistent with the Lee Plan*

The requested deviation complies with Goal 21 Caloosahatchee Shores Community Plan, Objective 21.1 Community Character by still protecting the rural character of the community and creating a visually attractive community. The Applicant proposes to place the LDC required shrubbery and 2.5 canopy trees per 100 feet along the front of the proposed wall. Additionally, as the wall is the HOA has invested heavily in the design of the proposed opaque wall to assure it is aesthetically pleasing as it which will be opaque and have a textured finish.

Specifically, the requested deviation complies with Policy 21.1.2 of the Lee Plan by meeting the approval criteria for variances set forth in Chapter 34 of the Land Development Code.

ADD2023-00099 Lee County ePlan

Exhibit D

Post-Hurricane Ian- October 7, 2022



10/07/2022

Lat: 26.656618 Long: -81.791362 | Lee County, FL Imagery Date: 10/07/2022

Exhibit E

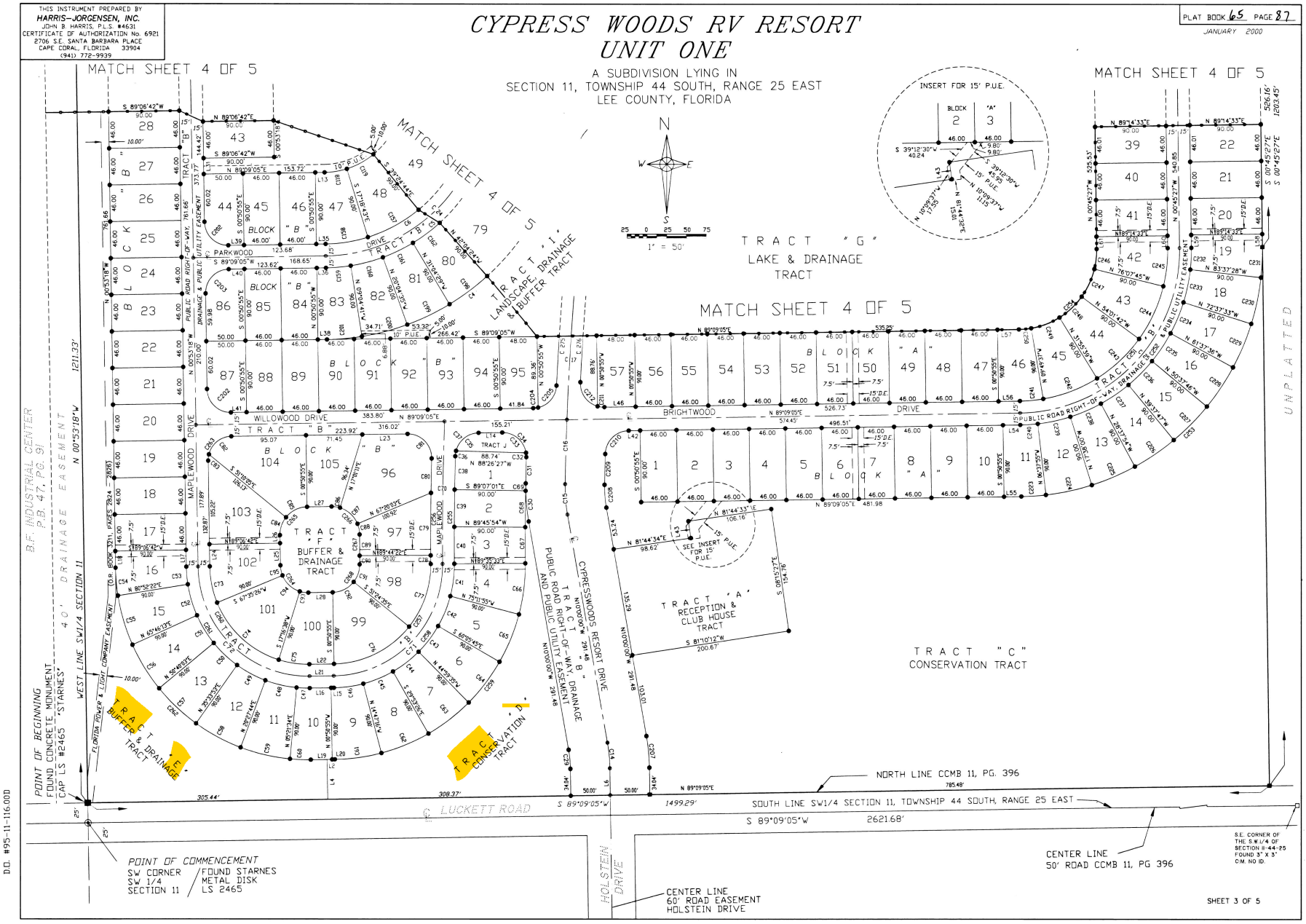

THIS INSTRUMENT PREPARED BY
HARRIS-JORGENSEN, INC.
JOHN B. HARRIS, P.L.S. #4631
CERTIFICATE OF AUTHORIZATION No. 6921
2706 S.E. SANTA BARBARA PLACE
CAPE CORAL, FLORIDA 33904
(941) 772-9939
CYPRESS WOODS RV RESORT
UNIT ONE
A SUBDIVISION LYING IN
SECTION 11, TOWNSHIP 44 SOUTH, RANGE 25 EAST
LEE COUNTY, FLORIDA
PLAT BOOK 65 PAGE 87
JANUARY 2000
MATCH SHEET 4 OF 5
TRACT "G"
LAKE & DRAINAGE
TRACT
TRACT "I"
LANDSCAPE, DRAINAGE & BUFFER TRACT
TRACT "F"
BUFFER & DRAINAGE TRACT
TRACT "A"
RECEPTION & CLUB HOUSE TRACT
TRACT "C"
CONSERVATION TRACT
TRACT "E"
BUFFER & DRAINAGE TRACT
TRACT "D"
CONSERVATION TRACT
TRACT "J"
PUBLIC ROAD RIGHT-OF-WAY, DRAINAGE AND PUBLIC UTILITY EASEMENT
CYPRESSWOODS RESORT DRIVE
WILLOWOOD DRIVE
BRIGHTWOOD DRIVE
MAPLEWOOD DRIVE
PARKWOOD DRIVE
BLOCK "A"
BLOCK "B"
INSERT FOR 15' P.U.E.
SEE INSERT FOR 15' P.U.E.
UNPLATTED
B.F. INDUSTRIAL CENTER
P.B. 47, PG. 91
40' DRAINAGE EASEMENT
WEST LINE SW1/4 SECTION 11
POINT OF BEGINNING
FOUND CONCRETE MONUMENT
CAP LS #2465 "STARNES"
POINT OF COMMENCEMENT
SW CORNER SW 1/4 SECTION 11
FOUND STARNES METAL DISK LS 2465
LUCKETT ROAD
HOLSTEIN DRIVE
NORTH LINE CCMB 11, PG. 396
SOUTH LINE SW1/4 SECTION 11, TOWNSHIP 44 SOUTH, RANGE 25 EAST
S 89°09'05"W 2621.68'
CENTER LINE
50' ROAD CCMB 11, PG 396
CENTER LINE
60' ROAD EASEMENT
HOLSTEIN DRIVE
S.E. CORNER OF THE S.W.1/4 OF SECTION 11-44-25 FOUND 3" X 3" C.M. NO ID.
SHEET 3 OF 5
D.O. #95-11-116.00D

Exhibit F

Cypress Woods Recreational Vehicle Planned Development
Administrative Amendment/Planned Development Amendment
Public Information Session Meeting Summary

Wednesday, July 19, 9:00 a.m.
Cypress Woods Town Center, 10100 Nightwood Drive, Fort Myers, FL 33905

Cypress Woods RC Resort Homeowners Association, Inc. (Applicant) hosted their public informational session in accordance with Section 33-1482 of the Land Development Code on Wednesday, July 19, 2023. The meeting was held at the Cypress Woods Town Center at 9:00 AM.

The meeting was held for the pending Cypress Woods RVPD Administrative Amendment application (ADD2023-00099) and the Planned Development Amendment. The meeting notice was published in the News-Press on June 29, 2023. The Affidavit of Publication is attached as Exhibit “A”.

The were approximately 10 attendees present at the meeting and 19 online. Alexis Crespo with RVi Planning + Landscape Architecture introduced the requested changes including the attached Master Concept Plan Exhibit “B”.

Attendees asked questions about the process. An explanation of the process for each application was provided by Ms. Crespo.

The meeting concluded at approximately 9:15 a.m.

EXHIBIT A

The News-Press media group
news-press.com A GANNETT COMPANY

0005753991 / FNP-000000258

Attn:
RVI PLANNING, INC
28100 BONITA GRANDE DR STE 305
BONITA SPRINGS, FL 34135

State of Wisconsin, County of Brown:
Before the undersigned authority personally appeared A K Kott, who on oath says that he or she is a Legal Assistant of the News-Press, a daily newspaper published at Fort Myers in Lee County, Florida; that the attached copy of advertisement, being a Legal Ad in the matter of

Notice of Meetings

In the Twentieth Judicial Circuit Court was published in said newspaper editions dated or by publication on the newspaper's website, if authorized, on:

06/29/2023

Affiant further says that the said News-Press is a paper of general circulation daily in Lee County and published at Fort Myers, in said Lee County, Florida, and that the said newspaper has heretofore been continuously published in said Lee County, Florida each day and has been entered as periodicals matter at the post office in Fort Myers, in said Lee County, Florida, for a period of one year next preceding the first publication of the attached copy of advertisement; and affiant further says that he or she has never paid nor promised any person, firm or corporation any discount, rebate, commission or refund for the purpose of securing this advertisement for publication in the said newspaper.

Sworn to and Subscribed before me this 11th of July 2023, by legal clerk who is personally known to me.

Amy Kakott
Affiant

Notary State of Wisconsin, County of Brown

10-25-26
My commission expires

RYAN SPELLER
Notary Public
State of Wisconsin

# of Affidavits: 1

This is not an invoice

NOTICE OF PUBLIC INFORMATION MEETING
DATE: Wednesday, July 19, 2023
TIME: 9:00 AM
ADDRESS: Cypress Woods Town Center, 10100 Nightwood Drive, Fort Myers, FL 33905
In accordance with the Caloosahatchee Shores Planning Community requirements of the Lee County Land Development Code, the Applicant, Cypress Woods RV Resort Homeowners Association, Inc., will be presenting information to the public on the following requests:
An Administrative Amendment (ADD2023-00099) to allow for a perimeter project fence/wall to be placed 10 feet from the Luckett Road right-of-way; and a Planned Development Amendment to the Cypress Woods RV Resort Recreational Vehicle Planned Development (RVPD) to amend the Master Concept Plan, add deviations, and amend Development Regulations and Schedule of Uses to allow for a maintenance area for the development; expanded RV storage area, and the addition of residential accessory uses, including "casitas".
The purpose of the meeting is to educate community members and nearby landowners about the proposed development and to address any questions.
For questions please contact:
RVi Planning + Landscape Architecture c/o Josephine Medina
28100 Bonita Grande Dr., Suite 305, Bonita Springs, FL 34135
239-908-3421 OR Jmedina@RViPlanning.com
AD # 5753991 June 29, 2023

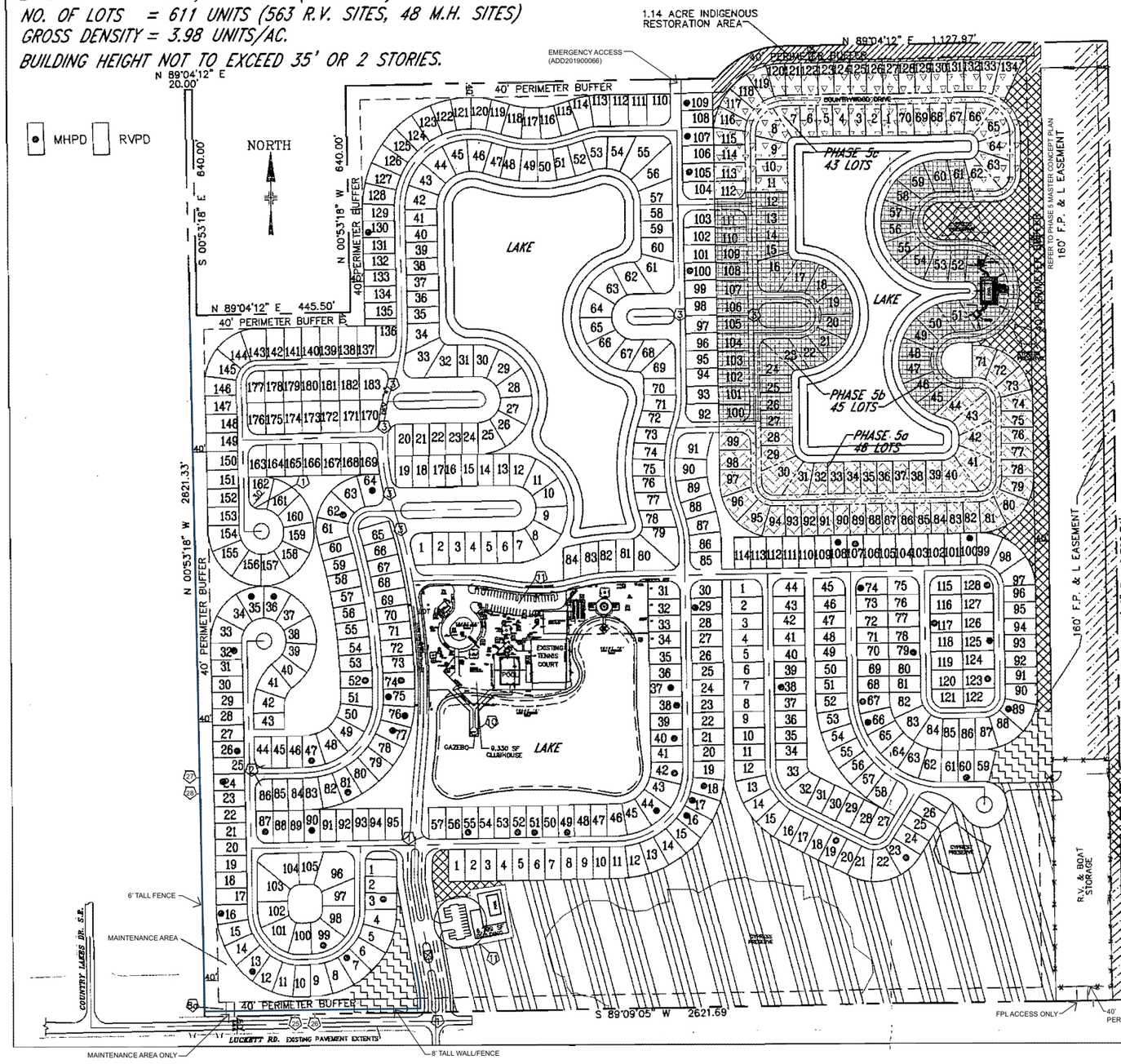
ADD2023-00099 Lee County ePlan

EXHIBIT B

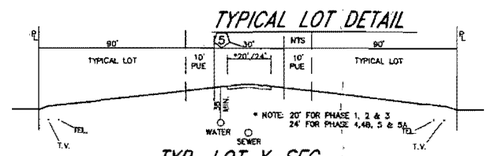
"EXIBIT 3A"

CYPRESS WOODS RESORT

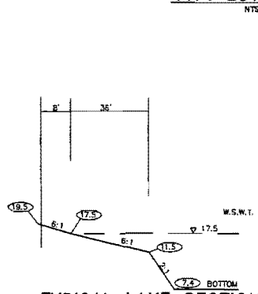
TOTAL AREA = 6,688,691.34 S.F. (153.55 AC.)
RIGHT-OF-WAY = 792,541.57 S.F. (18.19 AC.)
LOT AREA = 2,850,427.44 S.F. (65.44 AC.)
LAKES = 726,812.66 S.F. (16.68 AC.)
NO. OF LOTS = 611 UNITS (563 R.V. SITES, 48 M.H. SITES)
GROSS DENSITY = 3.98 UNITS/AC.
BUILDING HEIGHT NOT TO EXCEED 35' OR 2 STORIES.



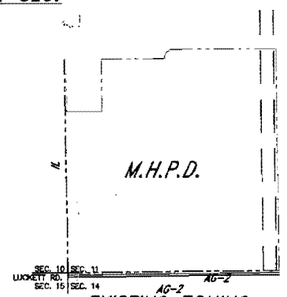
TYPICAL LOT DETAIL



TYP. LOT X-SEC.
NTS



TYPICAL LAKE SECTION
NTS



EXISTING ZONING
SCALE 1" = 800'

INDIGENOUS OPEN SPACE

TYPES	ACTUAL	CREDITS
100%	4.23 ACRES	4.23 ACRES
110%	1.27 ACRES	1.39 ACRES
125%	3.42 ACRES	3.61 ACRES
150%	16.70 ACRES	25.05 ACRES
TOTAL PROVIDED:	25.62 ACRES	34.28 ACRES
TOTAL REQUIRED:		30.30 ACRES

NOTE:
1. NO CREDITS WERE TAKEN FOR 1.66 ACRES OF PHASE 5 INDEGENUOUS OPEN SPACE

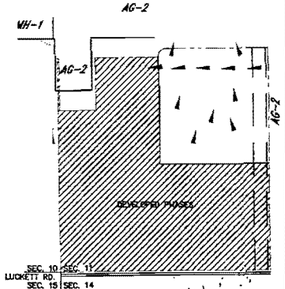
OPEN SPACE

COMMON AREA:

40 FOOT PERIMETER BUFFER	= 417,979.85 S.F. (9.60 AC.)
20 FOOT AROUND LAKE	= 174,510.73 S.F. (4.00 AC.)
LAKES	= 732,335.74 S.F. (16.81 AC.)
160' FPL EASEMENT	= 432,587.83 S.F. (9.93 AC.)
WETLAND CREATION (EXISTING)	= 760,122.00 S.F. (17.45 AC.)
ADDITIONAL COMMON AREA (AREA BETWEEN BLOCKS)	= 430,223.79 S.F. (9.87 AC.)
COMMON AREA TOTAL	= 2,947,760 S.F. (67.66 AC.)
% OF SITE	= 44.04 %

HURRICANE SHELTER (PER LDC SECTION 10-255)

REQUIRED HURRICANE SHELTERS = (2.25)(597)(20)(45ft)=12,090 S.F.
PROVIDED = 16,129 S.F.



HISTORICAL RUNOFF
SCALE 1" = 800'

DATE	REVISION		APPROVED
08/16/10	REVISED PER 05/24/10 SUFFICIENCY CHECKLIST	JTA	IKS
04/21/08	REVISED PER 01/08/08 SUFFICIENCY CHECKLIST	JTA	IKS

CYPRESS WOODS R.V. RESORT

ORIGINAL ZONING # Z-94-025

MASTER CONCEPT PLAN

DESIGNED BY: IKS	CHECKED BY: IKS	
DRAWN BY: JTA	CHECKED BY: IKS	
SCALE: 1" = 150' OR AS NOTED	DATE: 09/14/2007	SHEET 1 OF 3 — FILE No. 3434

EXHIBIT C

ADD2023-00099 Lee County ePlan

"EXIBIT 3A"

CYPRESS WOODS RESORT

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

MHPD RVPD

NORTH

AREA TO BE ADDED TO DEVELOPMENT

EMERGENCY ACCESS (ADD201900066)

N 89°04'12" E 1,127.97'

N 89°04'12" E 789.79'

N 89°04'12" E 20.00'

N 89°04'12" E 445.50'

40' PERIMETER BUFFER

S 00°53'18" E 640.00'

N 00°53'18" W 640.00'

N 00°53'18" W 2621.33'

S 00°45'27" E 2625.08'

S 89°09'05" W 2621.69

160' F.P. & L EASEMENT

REFER TO PHASE 5 MASTER CONCEPT PLAN

PHASE "1"
PHASE "2"
PHASE "3"
PHASE "4"
PHASE "4A"
PHASE "4B"
PHASE "5"

LAKE
LAKE PHASE "1"

COUNTRYWOOD DRIVE
COUNTRYWOOD CT.

EXISTING TENNIS COURT
POOL
9,330 SF CLUBHOUSE

30' PERIMETER

R.V. & BOAT STORAGE

FPL ACCESS ONLY

6' TALL FENCE
MAINTENANCE AREA
MAINTENANCE AREA ONLY
8' TALL WALL/FENCE

COUNTRY LAKES DR. S.E.
LUCKETT RD.
HOLSTEIN DR.

TYP. LOT X-SEC.

NTS

TYPICAL LOT | 10' PUE | 30' *20'/24' | 10' PUE | TYPICAL LOT | 90'

WATER SEWER TEL. T.V.

* NOTE: 20' FOR PHASE 1, 2 & 3
24' FOR PHASE 4,5 & 5A

LAKE SECTION

NTS

W.S.W.T. BOTTOM

EXISTING ZONING

SCALE 1" = 800'

AG-2 MH-1 M.H.P.D.

SEC. 10 SEC. 11 LUCKETT RD. SEC. 15 SEC. 14

EXISTING PRESERVE

411 – PINE FLATWOODS = 4.55 ACRES
621 – CYPRESS FOREST = 6.66 ACRES
624 – PINE – CYPRESS FOREST = 9.13 ACRES
625 – PINE WET PRAIRIE = 2.52 ACRES
650/640 – RESTORATION AREA = 2.69 ACRES
832/310 – POWER LINE EASEMENT/HERBACEOUS = 2.79 ACRES
832/643– POWER LINE EASEMENT/WET HERBACEOUS = 3.89 ACRES

B.C. FOX SQUIRREL PRESERVE 25.62 ACRES

OPEN SPACE

COMMON AREA:

40 FOOT PERIMETER BUFFER	= 417,979.85 S.F. (9.60 AC.)
20 FOOT AROUND LAKE	= 174,510.73 S.F. (4.00 AC.)
LAKES	= 732,335.74 S.F. (16.81 AC.)
160' FPL EASEMENT	= 432,567.83 S.F. (9.93 AC.)
WETLAND CREATION (EXISTING)	= 780,122.00 S.F. (17.45 AC.)
ADDITIONAL COMMON AREA (AREA BETWEEN BLOCKS)	= 430,223.79 S.F. (9.87 AC.)
COMMON AREA TOTAL	= 2,947,760 S.F. (67.66 AC.)
% OF SITE	= 44.04 %

SEVERED PHASES

SEC. 10 SEC. 11 LUCKETT RD. SEC. 15 SEC. 14

HISTORICAL RUNOFF

SCALE 1" = 800'

CYPRESS WOODS R.V. RESORT

ORIGINAL ZONING # Z-94-025

MASTER CONCEPT PLAN
BIG CYPRESS FOX SQUIRREL PERSEVERE

DATE	REVISION	APPROVED
08/16/10	REVISED PER 05/24/10 SUFFICIENCY CHECKLIST	JTA IKS
04/21/08	REVISED PER 01/08/08 SUFFICIENCY CHECKLIST	JTA IKS

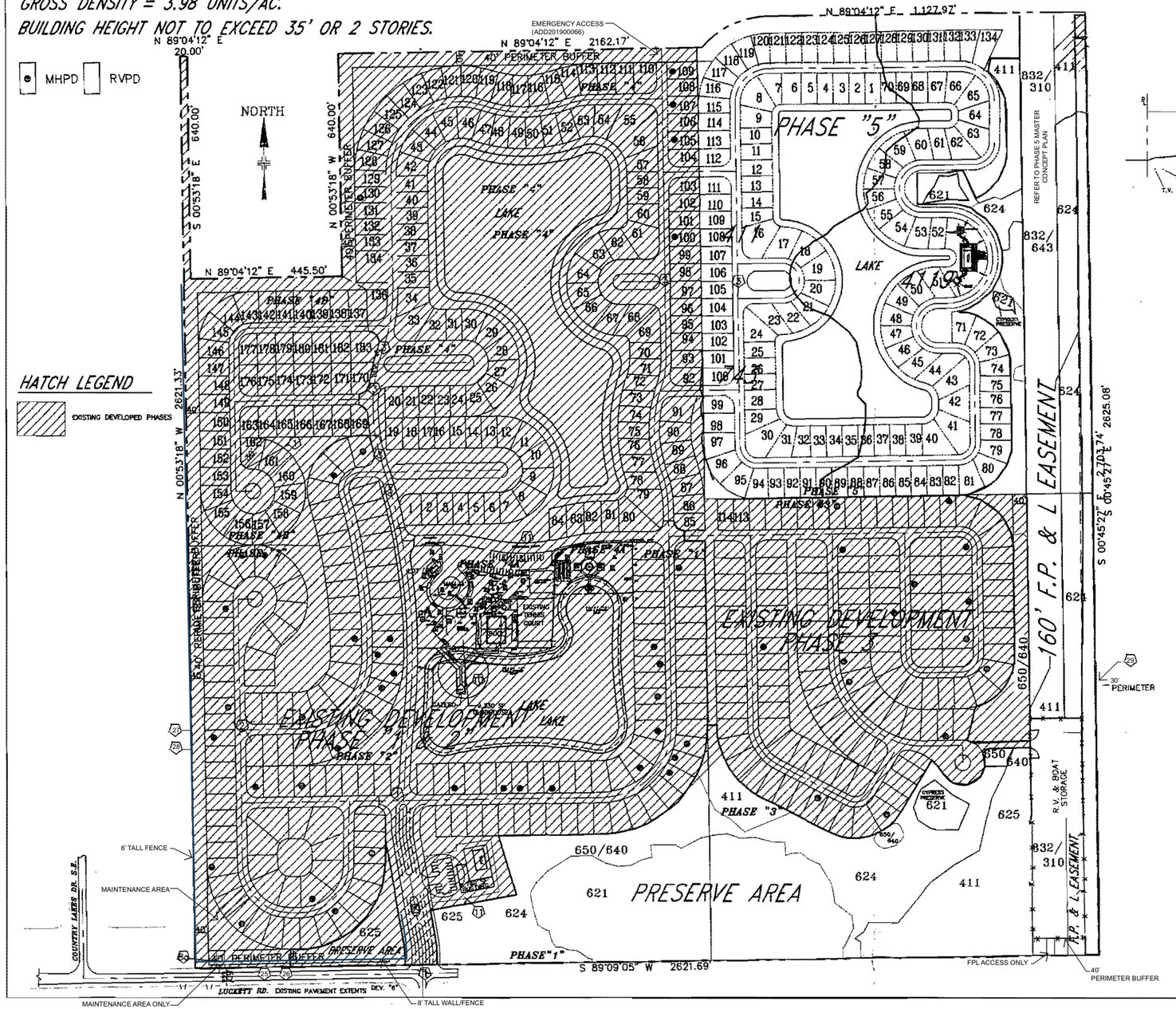
DESIGNED BY: IKS | CHECKED BY: IKS
DRAWN BY: JTA | CHECKED BY: IKS
SCALE: 1" = 150' OR AS NOTED | DATE: 05/29/2007
SHEET 2 OF 3 | FILE No. 3434

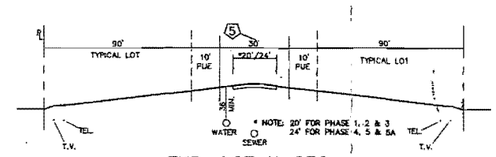
ADD2023-00099 Lee County ePlan

"EXIBIT 3A"

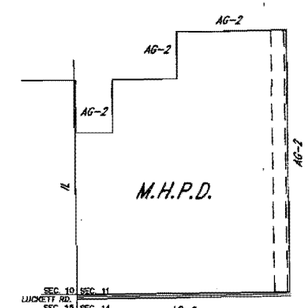
CYPRESS WOODS RESORT

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





TYP. LOT X-SEC.
NTS



EXISTING ZONING
SCALE 1" = 800'

EXISTING CONDITIONS FOR PHASE 4 & 5

CODE	DESCRIPTION	ACRES
191	BAHIA GRASS FIELD	.93
193	UNDEVELOPED RUDERAL AREA	19.43
194	UNDEVELOPED LAND/TEMPORARY RV STORAGE	0.61
210	PASTURE LAND	12.26
411	PINE – SAW PALMETTO FOREST	13.34
4119	MELALEUCA – PINE FOREST	11.99
510	DRAINAGE DITCH	.60
520	LAKE	2.54
740	DISTURBED AREA	1.30
743	SPOILED AREA	1.00
TOTAL:		64.00

FLUCC'S CODE

411 – PINE FLATWOODS = 4.55 ACRES
621 – CYPRESS FOREST = 6.86 ACRES
624 – PINE – CYPRESS FOREST = 9.13 ACRES
625 – PINE WET PRAIRIE = 2.52 ACRES
650/640 – RESTORATION AREA = 2.69 ACRES
832/310 – POWER LINE EASEMENT/HERBACEOUS = 2.78 ACRES
832/643– POWER LINE EASEMENT/WET HERBACEOUS = 3.69 ACRES

OPEN SPACE

COMMON AREA:

40 FOOT PERIMETER BUFFER	= 417,979.95 S.F. (9.60 AC.)
20 FOOT AROUND LAKE	= 174,510.73 S.F. (4.00 AC.)
LAKES	= 732,335.74 S.F. (16.81 AC.)
160' FPL EASEMENT	= 432,587.63 S.F. (9.93 AC.)
WETLAND CREATION (EXISTING)	= 760,122.00 S.F. (17.45 AC.)
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COMMON AREA TOTAL	= 2,947,760 S.F. (67.66 AC.)
% OF SITE	= 44.04 %

HURRICANE SHELTER (PER LDC SECTION 10-258)

REQUIRED HURRICANE SHELTERS = (2.25)(672)(20)(45%)=13,606 S.F.
PROVIDED = 16,129 S.F.

DATE	REVISION	APPROVED
08/16/10	REVISED PER 05/24/10 SUFFICIENCY CHECKLIST	JTA IKS

CYPRESS WOODS
R.V. RESORT
ADMINISTRATIVE AMENDMENT
ORIGINAL ZONING # Z-94-025

MASTER CONCEPT PLAN
EXHIBIT III-A-1

DESIGNED BY: IKS	CHECKED BY: IKS.		
DRAWN BY: JTA	CHECKED BY: IKS		
SCALE: 1" = 150' OR AS NOTED	DATE: 05/29/2007	SHEET 3 OF 3	FILE No. 3434

Exhibit G

RESOLUTION NUMBER Z-20-027

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

WHEREAS, the property owner, Laguna Caribe at Cypress Woods, LLC, filed an application, in reference to Cypress Woods RV Resort Recreational Vehicle and Mobile Home Planned Development (RVPD/MHPD), to amend the following:

- Reconfigure the Master Concept Plan and correct preserve acreages;
- Increase Phase 5 lots from 134 to 137 (no net increase to overall 611 RVPD unit count);
- Allow zero lot lines and reduce waterfront setbacks;
- Add deviations for setbacks, accessory use locations, and parking; and
- Allow residential accessory uses, including "casitas" with cooking facilities.

WHEREAS, a public hearing before the Lee County Zoning Hearing Examiner, Amanda L. Rivera, was advertised and held on September 10, 2020; and

WHEREAS, the Hearing Examiner gave full consideration to the evidence in the record for Case #DCI2020-00002 and recommended APPROVAL of the Request with conditions; and

WHEREAS, a second public hearing was advertised and held on December 16, 2020 before the Lee County Board of Commissioners; and,

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

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

SECTION A. REQUEST

The applicant filed a request to rezone a 35.64± acre parcel to amend the following:

- Reconfigure the Master Concept Plan (MCP) and correct preserve acreages;
- Increase Phase 5 lots from 134 to 137 (no net increase to overall 611 RVPD unit count);
- Allow zero lot lines and reduce waterfront setbacks;
- Add deviations for setbacks, accessory use locations, and parking; and
- Allow residential accessory uses, including "casitas" with cooking facilities.

The property is located in the Urban Community Future Land Use Category and is legally described in attached Exhibit A. The request is APPROVED, SUBJECT TO the conditions and deviations specified in Sections B and C below.

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SECTION B. CONDITIONS:

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

This zoning resolution codifies and supersedes Resolution Z-94-025, PD-95-019, ADD2002-00111, ADD2003-00122, Z-03-057, ADD2004-00102, ADD2010-00013, Z-11-021, ADD2019-00066, and ADD2020-00049(A).

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

   Development must comply with all requirements of the LDC and Lee Plan at time of local development order approval, except as may be granted by deviation as part of this planned development. If changes to the MCP, conditions, or deviations are subsequently pursued, appropriate approvals will be necessary.

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

2. Uses and Site Development Regulations

   a. Schedule of Uses

Phases 1-5:

Accessory Uses
- Consumption on Premises
- Food Stores, Group I
- Gazebos (maximum 200 square feet)(Condition 10)
- Personal Services, Group I

Administrative Offices
Entrance Gates or Gatehouse
Essential Services Facility, Group I
Excavation, Water Retention
Mobile Homes
Model Home, Unit, Display Center
Park Trailers
Recreational Facilities, Personal
Recreational Vehicles
Signs
Storage
- Indoor
- Open, Phases 1-4 only (Limited to RVs, trailers, boats, and other vehicles/goods belonging to park residents)

Tents
Vehicle and Equipment Dealers, Group "IV" (RVs only)

ADD2023-00099 Lee County ePlan

Phase 5 only:

Accessory Uses and Structures, including:
Cabanas (maximum 600 square feet)[1]
Club, Private, On-site with the following accessory uses:
Consumption on Premises, indoor and outdoor
Food and Beverage Services, Limited
Personal services, Group I only
Community Gardens
Essential Services
Fences and Walls
Parking lot, Accessory
Real Estate Sales Office
Recreational Facilities, Private, On-site
Storage, Open (limited to trailers, boats, and other vehicles/goods of RVPD residents; Storage of RVs is not permitted)

b. Site Development Regulations

Phases 1-4:

Minimum Lot Area and Dimensions

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

Minimum Setbacks

Street:	20 feet
Side Street:	10 feet (Deviation 4)
Side:	10 feet (for RVs) 5 feet (for Mobile Homes)
Rear	20 feet
Water Body:	25 feet

Phase 5:

Minimum Lot Area and Dimensions: RV Lots

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

Minimum Setbacks: RV Lots

Street:	20 feet
Side Street:	10 feet (see Deviation 4)
Side:	0/5 feet (for RV or accessory structure to the side lot line); 10 feet between parked RVs and accessory structures[2]
Rear (Principal):	10/20 feet (20 foot rear setback for lots abutting developed RV lots in Phases 1-4)

[1] Consistent with LDC §34-1182.
[2] RV pads may be within 10 feet of accessory structure consistent with MCP "Typical Lot Detail."

ADD2023-00099 Lee County ePlan

Rear (Accessory):	5 feet (0 feet from lake maintenance easement for waterfront lots)
Waterbody:	20 feet
Maximum Lot Coverage:	50% (RV pad and roofed accessory structures)
Maximum Building Height:	30 feet

Minimum Lot Area and Dimensions: Amenity Tract

Lot Area:	10,000 square feet
Width:	100 feet
Depth:	100 feet

Minimum Setbacks: Amenity Tract

Street:	20 feet
Side (Principal):	10 feet
Side (Accessory):	5 feet
Rear (Principal):	10 feet
Rear (Accessory):	5 feet
Waterbody:	0 feet
Maximum Lot Coverage:	45% (RV pad and roofed accessory structures)
Maximum Building Height:	45 feet

3. Onsite Shelter:

The on-site Hurricane Shelter must be consistent with the commitment on the MCP.

4. Utilities:

Development must connect to a public or private central water system and a public or private sewage disposal system.

5. Fox Squirrel Preserve Area & Northern Buffer:

Development order plans must depict Fox Squirrel Preserve areas consistent with the MCP. Developer must relocate golden polypody found on trees within development areas to preserve areas.

Landscape plans must include a 0.90 acre restoration planting plan in substantial compliance with the Restoration and Maintenance Plan prepared by Southern Biomes dated June 9, 2009 (Exhibit D) along the Phase 5 northern property line prior to issuance of a Phase 5 development order. Developer must submit an indigenous management plan for required indigenous open space and restoration areas.

Developer must complete restoration of the 0.90 acres along the Phase 5 northern property line in compliance with the Restoration and Maintenance Plan prepared by Southern Biomes dated June 9, 2009 (Exhibit D) prior to issuance of a Certificate of Compliance for Phase 5 infrastructure.

ADD2023-00099 Lee County ePlan

6. Open Space:

The overall project must provide 64.24 acres minimum of open space for all phases of the project in substantial compliance with the MCP.

7. Indigenous Open Space:

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

8. Indigenous Maintenance and Management Plan:

Developer must submit a Maintenance and Management Plan for Indigenous Preserve areas for Division of Environmental Sciences approval with Phase 5 development order application.

9. Landscape Plans:

Phase 5 landscape plans must be in substantial compliance with the Habitat Restoration and Maintenance Guidelines and depict:

a. Planting of slash pines (Pinus elliotti var densa), dahoon holly (Ilex cassine), laurel oak (Quercus laurifolia) and live oaks (Quercus virginiana), planted an average of 15-feet on center;
b. 75 percent of planted trees must be 10 feet in height, two inch caliper;
c. 25 percent of planted trees must be 16 feet in height, three-four-inch caliper;
d. Shrubs consistent with the restoration plan, planted in scattered clusters one gallon container size, three feet on center; and
e. A five-year monitoring report to ensure successful habitat restoration.

10. Gazebos:

One gazebo is permitted per RV lot. Gazebos must be unenclosed and cannot exceed 200 square feet (including overhangs).

11. Overflow Golf Cart Parking Area:

Access to the Phase 5 amenity tract from the overflow parking area must include a paved sidewalk, painted crosswalk, and appropriate roadway signage.

12. Accessory Setback:

Phase 5 lots must provide at least 10 feet between principal structures, accessory structures, and RVs parked on site. The RV pad may be within 10 feet consistent with the MCP "Typical Lot Detail."

13. Perimeter Buffer:

Prior to development order approval depicting perimeter buffer plantings with the Florida Power and Light (FPL) easement, developer must submit the FPL Easement Agreement stating buffer plantings may be installed in the easement.

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14. Vegetation Removal Permit:

Developer must provide "Notification of FPL Facilities" FPL Form 360 prior to commencement of construction within the easement or to issuance of a vegetation removal permit for Phase 5.

15. Easement Landscape Maintenance:

Developer must replace required vegetation within the easement area. Failure to replace vegetation consistent with this zoning approval will result in a Code violation.

SECTION C. DEVIATIONS:

1. Deviation (1) seeks relief from the LDC §14-298(c) requirement to provide for the development of the "TZ" area as indicated on the MCP. This deviation is APPROVED SUBJECT TO the mitigation plan titled "Cypress Woods Monitoring and Maintenance Plan" submitted by Boylan Environmental Consultants, Inc., stamped and dated May 18, 1995. Mitigation must follow the phasing presented in these documents and all monitoring reports must be submitted to the Lee County Division of Environmental Sciences within thirty days of the scheduled monitoring events.

2. Deviation (2) is DENIED.

3. Deviation (3) seeks relief from the LDC §10-714.b requirement to provide a 90 foot turn-out radius to 30 feet. This deviation is APPROVED SUBJECT TO the developer providing a paved/stabilized surface with a minimum radius of 42 feet and, in addition, providing an unobstructed clear zone of 48-foot radius (6 feet clear zone beyond driving range).

4. Deviation (4) seeks relief from the LDC §34-2192(a) requirement to allow a reduction in the street setback from 20 feet to 5 feet on the "side" lot line for corner lots. This deviation is APPROVED SUBJECT TO the terms of Condition 2.

5. Deviation (5) seeks relief from the LDC §§ 10-296(b) and 10-296, Table 3 requirement of a 45-foot right-of-way for a local street with open drainage, to permit a local street with 30 feet of right-of-way and open drainage. This deviation is APPROVED SUBJECT to the condition that the typical lot cross section demonstrates that the drainage performs adequately by showing the slab placement at the time of Development Order stage.

6. Deviation (6) seeks relief from the LDC §34-939(b)(6) requirement of a 5,000 square-foot minimum lot to provide a 4,140 square foot minimum (46 feet x 90 feet). This deviation is APPROVED SUBJECT TO Condition 2.

7. Deviation (7) seeks relief from the LDC §34-939(b)(7)c requirement of a side setback of 10 feet and a street (right-of-way) setback of 25 feet, to permit a side setback of 5 feet and a street (right-of-way) setback of 20 feet in the non-transient section of the park. This deviation is APPROVED provided setbacks are in conformance with Condition 2 and all side setbacks apply to all portions of the structure or unit, including overhangs.

8. Deviation (8) seek relief from the LDC §34-939(b)(3) requirement to permit an access road through the perimeter buffer to the boat storage area. This deviation is APPROVED SUBJECT TO Condition 8.

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9. Deviation (9) seeks relief from the LDC §34-736 requirement of a 5,000 square foot minimum lot (50 feet x 100 feet) to provide a 4,140 square foot minimum lot (46 feet x 90 feet). This deviation is APPROVED SUBJECT TO Condition 2.

10. Deviation (10) seeks relief from the LDC §34-7361 requirement of a side setback of 7 feet, to permit a side setback of 5 feet. This deviation is APPROVED SUBJECT TO Condition 2.

11. Deviation (11) seeks relief from the LDC §§ 34-2222(1) and 10-254(b) requirements to allow corner lots to be the same size as the other lots within the development (and not have an additional 15 feet of width). This deviation is APPROVED SUBJECT TO Condition 2.

12. Deviation (12) seeks relief from the LDC §10-295 to eliminate the requirement for street stubs to adjacent properties. This deviation is APPROVED.

13. Deviation (13) seeks relief from the LDC §34-939(b)(3) to eliminate the requirement for a buffer between a recreational vehicle park and adjacent property interior to the site. This deviation is APPROVED for the interior portion of the site only.

14. Deviation (14) seeks relief from the LDC Section §34-935(a)(l) to eliminate the requirement that a new recreational vehicle park be not less than 20 acres in size. This deviation is APPROVED.

15. Deviation (15) seeks relief from the LDC Section §§ 34-2194(b) and (c) requirements of a 25 foot water body setback; to allow a zero foot setback in order to permit the construction of a clubhouse, deck, pier, and gazebo 90 feet into the artificial body of water. This deviation is APPROVED SUBJECT TO substantial compliance with the proposed construction of the clubhouse and related facilities on the approved Plan entitled, Cypress Woods, R.V. Resort Clubhouse Area Dev. Order Plans; Drainage, Parking & Site Dim. Plan; dated 04-14-03, stamped received AUG 21, 2003 and subject to the requirement that the water body setback must not adversely impact any open space requirement, wetland vegetation plantings, or other buffering, landscaping, or preservation areas or requirements.

16. Deviation (16) seeks relief from the LDC §34-2020 requirement of 135 parking spaces for the two clubhouse facilities, to allow 44 off-street parking spaces. This deviation is APPROVED, SUBJECT TO the reservation of Lots 85 and 86 (Phase "4") and Tract I (Phase "3", which lies immediately east of Lots 85 and 86, Phase "4") for the use of overflow parking only, and may not be used as a recreational vehicle or mobile home site. Upon the sale of the last lot (site), in the last Phase of the development, if the applicant can adequately demonstrate during the season of the highest occupancy of the development that the overflow parking areas were not needed, the two lots can then be used for recreational vehicle or mobile home sites as provided for in this planned development. A reduced copy of a Plan entitled Cypress Woods R.V. Resort Phase "IV", IVA, & IVB, stamped received SEP 08, 2003 depicts these parcels.

17. Deviation (17) seeks relief from the LDC §34-935(a)(1) requirement of a minimum of 5 acres of land necessary to expand an existing recreational vehicle park, to allow an expansion of 2.1+/- acres. This deviation is APPROVED.

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Deviations 18 through 24 apply only to Phase 5:

18. Deviation (18) seeks relief from the LDC §10-296(b) Table 2 requirement of a 40 foot right-of-way with open drainage for a privately maintained local street to allow for a 30 foot right-of-way with closed drainage. This deviation is APPROVED.

19. Deviation (19) seeks relief from the LDC §10-296(b) Table 8 requirement of planting strips and sidewalks to allow for a privately maintained right-of-way with no planting strip or sidewalk. This deviation is APPROVED.

20. Deviation (20) seeks relief from the LDC §34-2015(1) requirement for all parking spaces to be located on the same premises as the use they serve, to allow 16 golf cart parking spaces within 200 feet of the amenity tract. This deviation is APPROVED SUBJECT TO Condition 11.

21. Deviation (21) seeks relief from the LDC §34-939(b)(7)(c) requirement of a minimum 10 foot set back from each side and rear recreational vehicle lot, to allow a 0 foot setback for the side and rear lot line of all rear recreational vehicle lots. This deviation is APPROVED SUBJECT TO Condition 12.

22. Deviation (22) seeks relief from the LDC §34-939(b)(3) requirement that all recreational vehicle parks have a perimeter buffer area at least 40 feet wide adjacent to and completely around the boundary of the site, to allow accessory uses outside of the proposed buffer. This deviation is APPROVED SUBJECT TO Conditions 13, 14, and 15.

23. Deviation (23) seeks relief from the LDC §10-415(b)(1)(c) requirement of a 20 foot minimum setback from indigenous vegetation and trees and 30 foot setback for indigenous plant communities subject to fire, to allow a 20 foot minimum setback from upland preserve lots 68-70 and 75-76. This deviation is APPROVED.

24. Deviation (24) is WITHDRAWN.

SECTION D. EXHIBITS:

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

Exhibit A: Legal description of the property
Exhibit B: Zoning Map (with the subject parcel indicated)
Exhibit C: The Master Concept Plan
Exhibit D: Habitat Restoration and Maintenance Guidelines

SECTION E. FINDINGS AND CONCLUSIONS:

Based upon its review, the Board of County Commissioners adopts the recommendation of the Hearing Examiner, including the following findings and conclusions:

1. *As conditioned herein*, the proposed rezoning to RVPD:

   a. Complies with the Lee Plan. *See,* Lee Plan Vision Statement Paragraph 4 (Fort Myers Shores Planning Community), Lee Plan Goals 2, 4, 5, 21, 39,

ADD2023-00099 Lee County ePlan

Objectives 2.2, and Policies 1.1.4, 5.1.5, 61.3.6, 135.1.3, 135.1.9, 158.1.9, 158.1.10; Lee Plan Maps 1, 16.

b. Complies with the LDC and other County regulations. *See*, LDC Chapters 10 and 34; LDC §33-1480 *et. seq*.

c. Is compatible with existing and planned uses in the area. *See,* Lee Plan Policies 1.1.4, 2.1.1, 2.1.2, 2.2.1, 5.1.5, 135.1.9; LDC §§ 34-411(c), (i), and (j).

d. Will not adversely affect environmentally critical areas and natural resources. *See,* Lee Plan Goal 77, Objectives 4.1, 77.1, and LDC §34-411(h).

e. Will be served by urban services. *See,* Lee Plan Glossary, Maps 6, 7, Goal 2; Objectives 2.1, 2.2, 4.1, 53.1, 56.1; Policies 2.2.1, 5.1.3, 135.9.7 and Standards 4.1.1 and 4.1.2; LDC §34-411(d).

2. The MCP reflects sufficient access to support the intensity of development. In addition, County regulations and conditions of approval will address expected impacts to transportation facilities. *See,* Lee Plan Goal 39, Objective 39.1; LDC §34-411(d).

3. The proposed mix of uses is appropriate at the proposed location. *See,* Lee Plan Policies 1.1.4, 2.1.1, 5.1.3, 5.1.5, and 135.1.9.

4. The recommended conditions are sufficient to protect the public interest and reasonably relate to the impacts expected from the development. *See,* Lee Plan Policies 5.1.5, 135.9.6; *See also,* LDC Chapters 10, 33 and 34.

5. As conditioned herein, the deviations:

   a. Enhance the objectives of the planned development; and

   b. Promote the intent of the LDC to protect the public health, safety, and welfare. *See,* LDC §34-377(b)(4).

SECTION F. SCRIVENER'S ERRORS

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

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

Adopted by unanimous consent.

Kevin Ruane	Absent
Cecil Pendergrass	Aye
Raymond Sandelli	Aye
Brian Hamman	Aye
Frank Mann	Aye

DULY PASSED AND ADOPTED this 16th day of December 2020.

ATTEST:
LINDA DOGGETT, CLERK

BY: _____
Deputy Clerk

BOARD OF COUNTY COMMISSIONERS
OF LEE COUNTY, FLORIDA

BY: _____
Kevin Ruane, Chair

APPROVED AS TO FORM FOR THE
RELIANCE OF LEE COUNTY ONLY

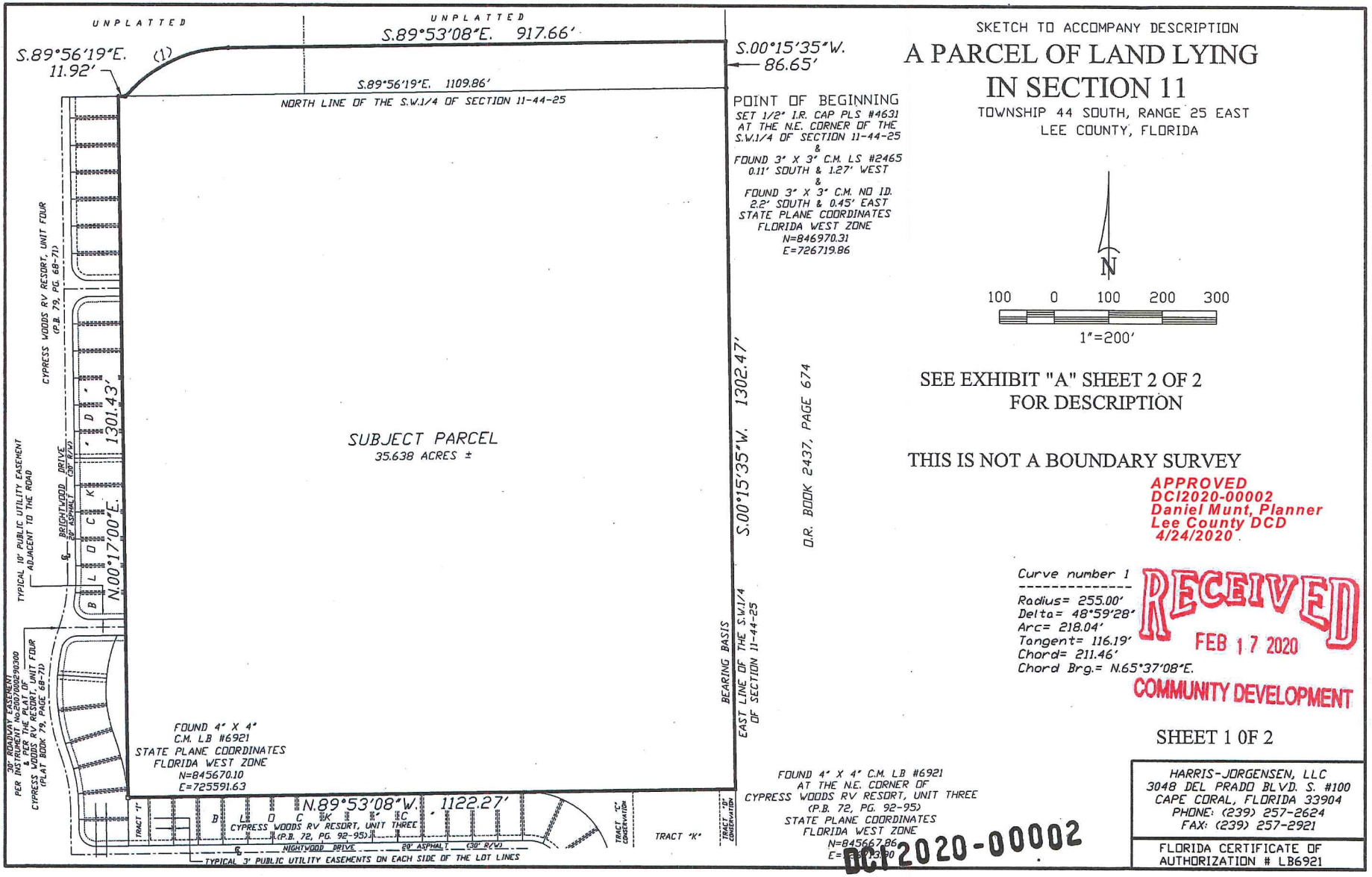
_____
Joseph A. Adams
Assistant County Attorney
County Attorney's Office

RECEIVED
MINUTES OFFICE
2021 FEB -1 PM 2:47

ADD2023-00099 Lee County ePlan

DCI2020-00002 Lee County ePlan

EXHIBIT A



SKETCH TO ACCOMPANY DESCRIPTION

A PARCEL OF LAND LYING IN SECTION 11

TOWNSHIP 44 SOUTH, RANGE 25 EAST
LEE COUNTY, FLORIDA

N

100 0 100 200 300

1"=200'

SEE EXHIBIT "A" SHEET 2 OF 2
FOR DESCRIPTION

THIS IS NOT A BOUNDARY SURVEY

APPROVED
DCI2020-00002
Daniel Munt, Planner
Lee County DCD
4/24/2020

Curve number 1
Radius= 255.00'
Delta= 48°59'28"
Arc= 218.04'
Tangent= 116.19'
Chord= 211.46'
Chord Brg.= N.65°37'08"E.

RECEIVED
FEB 17 2020
COMMUNITY DEVELOPMENT

SHEET 1 0F 2

HARRIS-JORGENSEN, LLC
3048 DEL PRADO BLVD. S. #100
CAPE CORAL, FLORIDA 33904
PHONE: (239) 257-2624
FAX: (239) 257-2921

FLORIDA CERTIFICATE OF AUTHORIZATION # LB6921

DCI2020-00002

REVISED	DESCRIPTION	BY
6/25/2020	ADDED TOPOGRAPHY	RBH
3/27/2020	ADDED OWNER'S POLICY	RBH

PHILLIP M. MOULD
PROFESSIONAL SURVEYOR AND MAPPER
LS6515 - STATE OF FLORIDA

DRAWN	CHECK	SCALE	PROJ. #
RBH	PMM	1"=30'	CV-10
SURVEY DATE		FILE NO.	SHT.- 1
5/23/18		44-23-11	OF - 4

HARRIS-JORGENSEN, LLC.
3048 SW. FRIAR BLVD. SUITE 105
CAPE CORAL, FLORIDA 33914
PHONE: (239) 257-2624
FAX: (239) 257-2921

FLORIDA CERTIFICATE OF AUTHORIZATION LB6921

MATTERS PERTAINING TO OWNER'S POLICY:
BY: OLD REPUBLIC NATIONAL TITLE INSURANCE COMPANY.
POLICY No. OFS-8739252, DATED JANUARY 28, 2020 AT 4:36 PM.

SCHEDULE B-II

ITEMS 1, 2, 3, 4, 5, 7, 8, 9, 13, 14, 16, 17, AND 18 ARE NOT SURVEY RELATED.
ITEM 6 (LEE) BOOK 4253, PAGE 4185, AS SHOWN HEREON.
ITEM 11 (LEE) BOOK 3733, PAGE 2637, AS SHOWN HEREON.
ITEM 12 (LEE) BOOK 4315, PAGE 3112, AS SHOWN HEREON.
ITEM 10 INSTRUMENT No. 2007000236000, AS SHOWN HEREON.
ITEM 15 INSTRUMENT No. 2012000218224, AS SHOWN HEREON.

SURVEY NOTES:
1. BASIS OF BEARING SHOWN HEREON TAKEN FROM THE EAST LINE OF THE SOUTHWEST QUARTER OF SECTION 11-44-25, AS BEING S.00°15'35"W.
2. FIELD NOTES IN SECTION 11-44-25.
3. THIS CERTIFICATION IS ONLY FOR LANDS DESCRIBED HEREIN. IT IS NOT A CERTIFICATION OF TITLE, ZONING OR FREEDOM OF ENCUMBRANCES.
4. THIS SURVEY IS BASED ON OWNER'S POLICY BY OLD REPUBLIC NATIONAL TITLE INSURANCE COMPANY, POLICY No. OFS-8739252, DATED JANUARY 28, 2020 AT 4:36 PM.
5. UNDERGROUND STRUCTURES AND UTILITIES, IF ANY, ARE NOT INCLUDED.
6. THIS MAP/PLAT IS NOT VALID WITHOUT THE SIGNATURE AND THE ORIGINAL RAISED SEAL OF A FLORIDA LICENSED SURVEYOR AND MAPPER.
7. ALL BEARINGS AND DISTANCES ARE PLAT AND MEASURED, UNLESS OTHERWISE SHOWN.
8. ISSUANCE OF THIS DRAWING, FROM THIS FIRM, SHALL NOT RELIEVE THE BUILDER AND/OR CONTRACTORS OF THE RESPONSIBILITY TO REVIEW AND VERIFY ALL NOTES, DIMENSIONS, ELEVATIONS, AND ADHERENCE TO APPLICABLE BUILDING CODES PRIOR TO COMMENCEMENT OF ANY CONSTRUCTION. BUILDER MAY NEED TO ADJUST ELEVATION AND/OR SETBACKS PRIOR TO CONSTRUCTION IF OTHER RESTRICTIONS EXIST.
9. THIS SURVEY IS INTENDED TO BE VIEWED AS AN 24x36, 30 SCALE DRAWING.
10. THIS SURVEY IS LOCATED IN STATE PLANE COORDINATES FLORIDA WEST ZONE NAD83.
11. BENCHMARK DERIVED FROM RTCH-REF GNSS, ELEVATION 35.68' N.A.V.D. 1988
12. ELEVATIONS ARE NORTH AMERICAN VERTICAL DATUM OF 1988 (N.A.V.D.)

FLOOD ZONE: "X" ELEVATION N/A
COMMUNITY No: 125124 PANEL No: 0091
SUFFIX ---- F REVISION DATED 8/28/08
MAP NUMBER 12071C0091F

THIS SURVEY IS CERTIFIED TO:
DUANE J. TRUITT
LEE COUNTY

LEGEND:

⊕	SET #4 IRON ROD (CAP LB6921)	R.V.B.	RECLAIM WATER BOX
○	FOUND IRON ROD (I.D.)	W.M.	WATER METER
□	CONCRETE MONUMENT (C.M.)	O/H	OVERHEAD POWER
P.R.M.	PERMANENT REFERENCE MONUMENT	P.P.	POWER POLE
P.U.E.	PUBLIC UTILITY EASEMENT	G.A.N.V.	GUY ANCHOR & WIRE
D.E.	DRAINAGE EASEMENT	T.S.B.	TELEPHONE SERVICE BOX
P.C.	POINT OF CURVATURE	N/S	NAIL & DISK
O.R.	OFFICIAL RECORDS BOOK	W.T.	NAIL & TINTAB
(S)	AS PER SURVEY	ELEV.	ELEVATION
(P)	AS PER PLAT	B.M.	BENCHMARK
CO	CURVE NUMBER	T.E.	TYPICAL ELEVATION
R/W	RIGHT-OF-WAY	A/C	AIR CONDITIONER
R/W	RIGHT-OF-WAY	W.E.	WATER METER
℄	CENTERLINE	P.E.	POOL EQUIPMENT
E.P.	ELECTRIC PEDESTAL	CONC.	CONCRETE
CO	CLEAN-OUT	E.O.	ELECTRIC OUTLET
		CPP	CORRUGATED PLASTIC PIPE

BOUNDARY SURVEY OF
A PARCEL OF LAND LYING IN SECTION 11
TOWNSHIP 44 SOUTH, RANGE 25 EAST
(INSTRUMENT No. 2007000236000)
LEE COUNTY, FLORIDA

SCALE IN FEET
15 0 15 30 45

DESCRIPTION: (PER OWNER'S POLICY)

A TRACT OR PARCEL OF LAND LYING IN SECTION 11, TOWNSHIP 44 SOUTH, RANGE 25 EAST, LEE COUNTY, FLORIDA, DESCRIBED AS FOLLOWS:

BEGINNING AT THE NORTHEAST CORNER OF THE SOUTHWEST QUARTER (S.W.1/4) OF THE AFORESAID SECTION 11; THENCE RUN S.00°15'35"W. ALONG THE EAST LINE OF SAID SOUTHWEST QUARTER (S.W.1/4) FOR 1,360.47 FEET TO THE NORTHEAST CORNER OF CYPRESS WOODS RV RESORT, UNIT THREE, AS RECORDED IN PLAT BOOK 73, PAGES 82 THROUGH 91, PUBLIC RECORDS OF LEE COUNTY, FLORIDA; THENCE RUN N.89°53'08"W. ALONG THE NORTH LINE OF CYPRESS WOODS RV RESORT, UNIT THREE FOR 1,222.27 FEET; THENCE RUN N.00°17'00"E. FOR 1,301.43 FEET TO A POINT ON THE NORTH LINE OF THE AFORESAID SOUTHWEST QUARTER (S.W.1/4); THENCE RUN S.89°53'08"E. ALONG THE NORTH LINE OF SAID SOUTHWEST QUARTER (S.W.1/4) FOR 1,136 FEET TO A POINT ON A (N) TANGENT CURVE; THENCE RUN NORTHEASTERLY FOR 218.04 FEET ALONG THE ARC OF A CURVE CONCAVE SOUTHEASTERLY, WITH A RADIUS OF 255.00 FEET, A DELTA OF 49°00'29", A CHORD BEARING OF N.65°37'08"E. AND A CHORD DISTANCE OF 211.46 FEET TO A POINT OF TANGENCY; THENCE RUN S.89°53'08"E. FOR 917.64 FEET TO A POINT ON THE EAST LINE OF THE NORTHWEST QUARTER (N.W.1/4) OF THE AFORESAID SECTION 11; THENCE RUN S.00°15'35"W. ALONG SAID EAST LINE FOR 66.65 FEET TO THE POINT OF BEGINNING.

BEARINGS ARE BASED ON THE EAST LINE OF THE SOUTHWEST QUARTER (S.W.1/4) OF THE AFORESAID SECTION 11 AS BEING S.00°15'44"W.

APPROVED
DCI2020-00002
Daniel Munt, Planner
Lee County DCD
4/24/2020

Curve number 1
Radius= 255.00' (S & D)
Delta= 49°59'28" (S & D)
Arc= 218.04' (S & D)
Chord= 211.46' (S & D)
Chord Brg.= N.64°35'12"E. (S)
Chord Brg.= N.65°37'08"E. (D)

EMERGENCY ACCESS EASEMENT PER INSTRUMENT No. 2008000112264
TO CYPRESS TRAIL RESORT CIRCLE

N.89°01'45"E. 12.23' (S)
S.89°56'19"E. 11.92' (D)

N.89°04'56"E. 917.64' (S) S.89°53'08"E. 917.66' (D)

TRACT B-2
LANDSCAPE BUFFER EASEMENT, PRIVATE UTILITY EASEMENT AND DRAINAGE TRACT

P.C.
BCR#

N.89°01'45"E. 1109.84'
NORTH LINE OF THE S.W.1/4 OF SECTION 11-44-25

TOP OF BANK±
TOP OF BANK±
EDGE OF WATER±

BOUNDARY AREA
35.645 ACRES ±

LAKE

EXISTING BUILDING 4039
BRICK
HEDGE
SHED
CONCRETE
EXISTING BUILDING 4051
EXISTING BUILDING 4061
EXISTING BUILDING 4071
EXISTING BUILDING 4081
EXISTING BUILDING 4091
EXISTING BUILDING 4101
EXISTING BUILDING 4111
EXISTING BUILDING 4121
EXISTING BUILDING 4131
EXISTING BUILDING 4141
EXISTING BUILDING 4151
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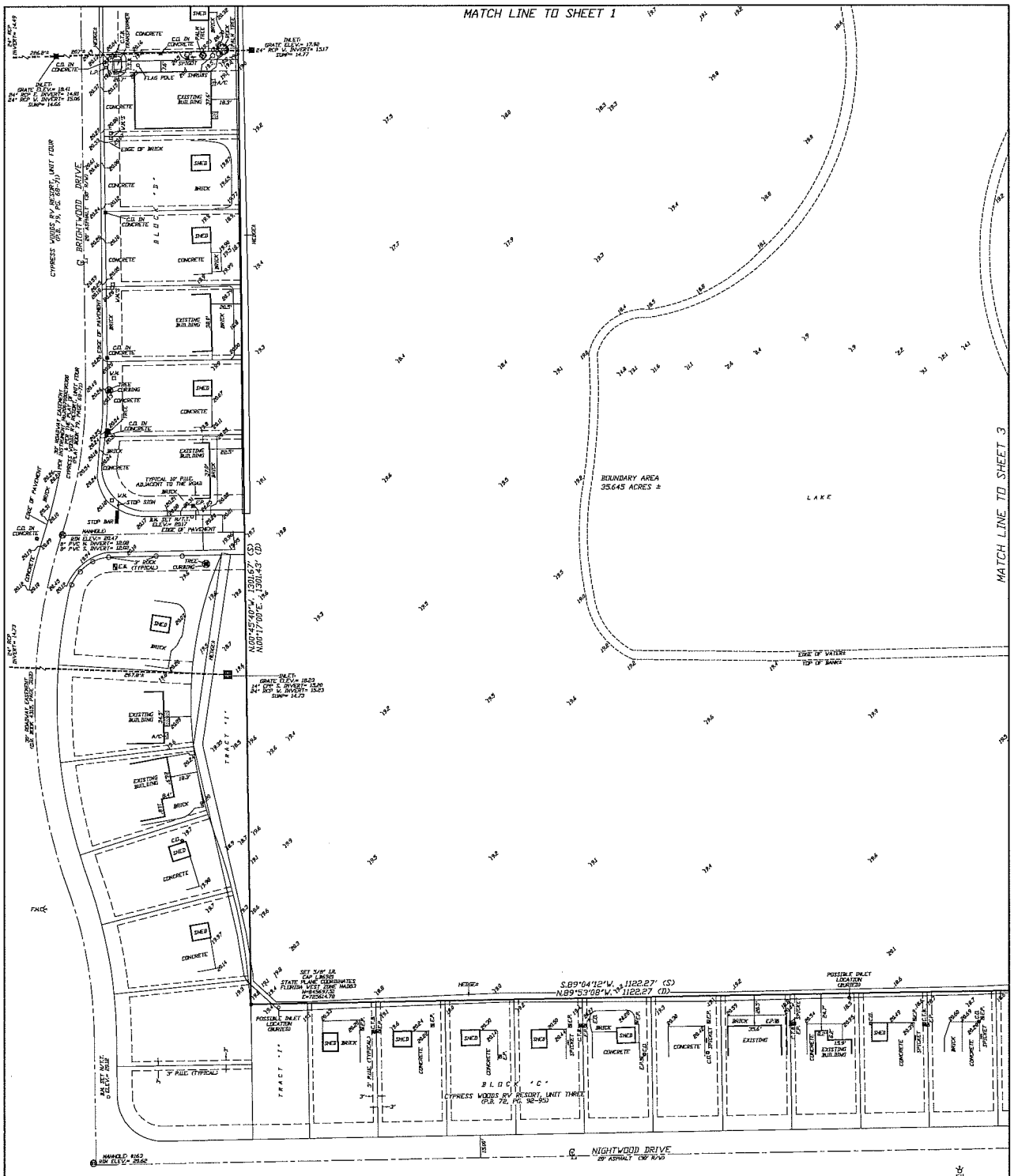
EXISTING BUILDING 4171
EXISTING BUILDING

ADD2023-00099 Lee County ePlan

DCI2020-00002 Lee County ePlan



BOUNDARY SURVEY OF
A PARCEL OF LAND LYING IN
SECTION 11
TOWNSHIP 44 SOUTH, RANGE 25 EAST
(INSTRUMENT No. 2007000309485)
LEE COUNTY, FLORIDA

SCALE IN FEET

LEGEND:

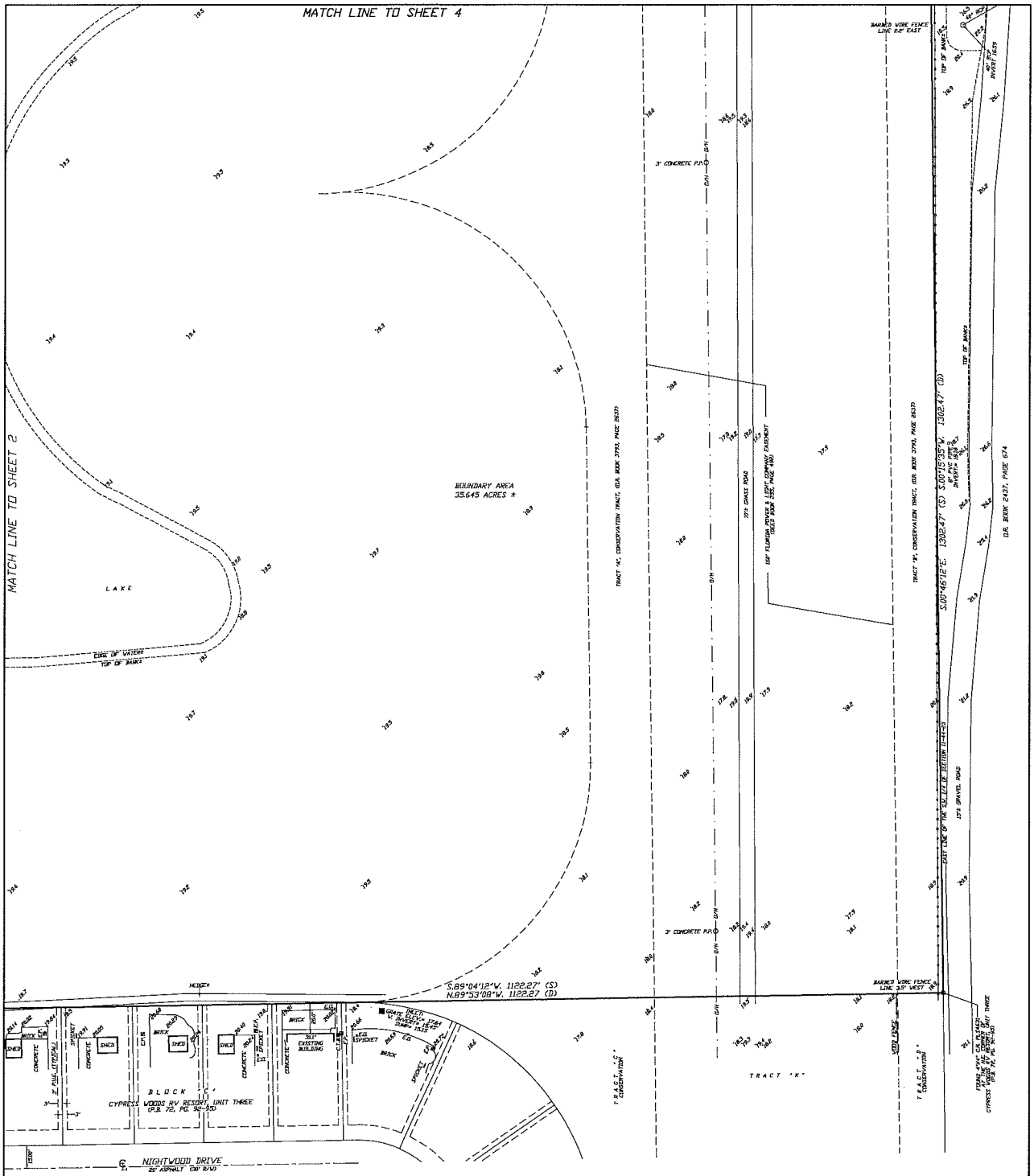
●	SET #4 IRON ROD (CAP L36920)	R.W.B.	RECLAIM WATER BOX
○	FOUND IRON ROD (I.R.)	W.M.	WATER METER
⊡	CONCRETE MONUMENT (C.M.)	O/H	OVERHEAD POWER
P.R.M.	PERMANENT REFERENCE MONUMENT	P.P.	POWER POLE
P.U.E.	PUBLIC UTILITY EASEMENT	G.A.&W.	GUY ANCHOR & WIRE
D.E.	DRAINAGE EASEMENT	T.S.B.	TELEPHONE SERVICE BOX
P.C.	POINT OF CURVATURE	N.P.	NAIL & DISK
O.R.	OFFICIAL RECORDS BOOK	M/T.T.	NAIL & TINTAB
(S)	AS PER SURVEY	ELEV.	ELEVATION
(P)	AS PER PLAT	B.M.	BENCHMARK
(C)	CURVE NUMBER	⊥	TYPICAL ELEVATION
L.I.	LINE NUMBER	A/C	AIR CONDITIONER
R/W	RIGHT-OF-WAY	W.S.	WATER SYSTEM
℄	CENTERLINE	P.E.	POOL EQUIPMENT
E.P.	ELECTRIC PEDESTAL	▭	CONCRETE
C.O.	CLEAN-OUT	E.I.	ELECTRIC OUTLET
		CPP	CORRUGATED PLASTIC PIPE

REVISED:	DESCRIPTION	BY:
2/22/2020	ADDED TOPOGRAPHY	RBH
3/27/2020	ADDED OWNER'S POLICY:	RBH

DATE OF LAST FIELD WORK: 2/22/2020

DRAWN	CHECK:	SCALE	PROJ. #	
RBH	PMH	1"=30'	CW-05	HARRIS-JORGENSEN, LLC. 3648 DEL PRADO BLVD S SUITE 100 CAPE CORAL, FLORIDA 33904 PHONE: (239) 257-2624 FAX: (239) 257-2921
SURVEY DATE		FILE NO.	SHT- 2	
9/25/18		44-25-11	OF - 4	

FLORIDA CERTIFICATE OF AUTHORIZATION L36921



BOUNDARY SURVEY OF
A PARCEL OF LAND LYING IN
SECTION 11
TOWNSHIP 44 SOUTH, RANGE 25 EAST
(INSTRUMENT No. 2007000306405)
LEE COUNTY, FLORIDA

15 0 15 30 45
SCALE IN FEET

LEGEND:

●	SET #4 IRON ROD (CAP L36921)	R.W.B.	RECLAIM WATER BOX
○	FOUND IRON ROD (I.R.)	W.M.	WATER METER
□	CONCRETE MONUMENT (C.M.)	O/H	OVERHEAD POWER
P.R.M.	PERMANENT REFERENCE MONUMENT	P.P.	POWER POLE
P.U.E.	PUBLIC UTILITY EASEMENT	G.A.W.	GUY ANCHOR & WIRE
D.E.	DRAINAGE EASEMENT	T.S.B.	TELEPHONE SERVICE BOX
P.C.	POINT OF CURVATURE	N/B	NAIL & DISK
O.R.	OFFICIAL RECORDS BOOK	N/T.T.	NAIL & TINTAB
(S)	AS PER SURVEY	ELEV.	ELEVATION
(P)	AS PER PLAT	B.M.	BENCHMARK
(D)	CURVE MEMBER	◊	TYPICAL ELEVATION
L.I.	LINE MEMBER	A/C	AIR CONDITIONER
R/W	RIGHT-OF-WAY	W.S.	WATER SYSTEM
℄	CENTERLINE	P.E.	POOL EQUIPMENT
E.P.	ELECTRIC PEDESTAL	CONCRETE	CONCRETE
C.O.	CLEAN-OUT	E.O.	ELECTRIC OUTLET
		CPP	CORRUGATED PLASTIC PIPE

REVISED	DESCRIPTION	BY
2/22/2020	ADDED TOPOGRAPHY	RBH
3/27/2020	ADDED OWNER'S POLICY	RBH

DATE OF LAST FIELD WORK: 2/22/2020

DRAWN	CHECK	SCALE	PROJ. #	
RBH	PMH	1"=30'	CW-US	MARRIS-JORGENSEN, LLC. 3948 DEL PRADO BLVD S. SUITE 100 CAPE CORAL, FLORIDA 33904 PHONE (239) 257-2624 FAX (239) 257-2921
SURVEY DATE		FILE NO.	SHT- 3	
9/25/18		44-25-11	OF - 4	

FLORIDA CERTIFICATE OF AUTHORIZATION L36921

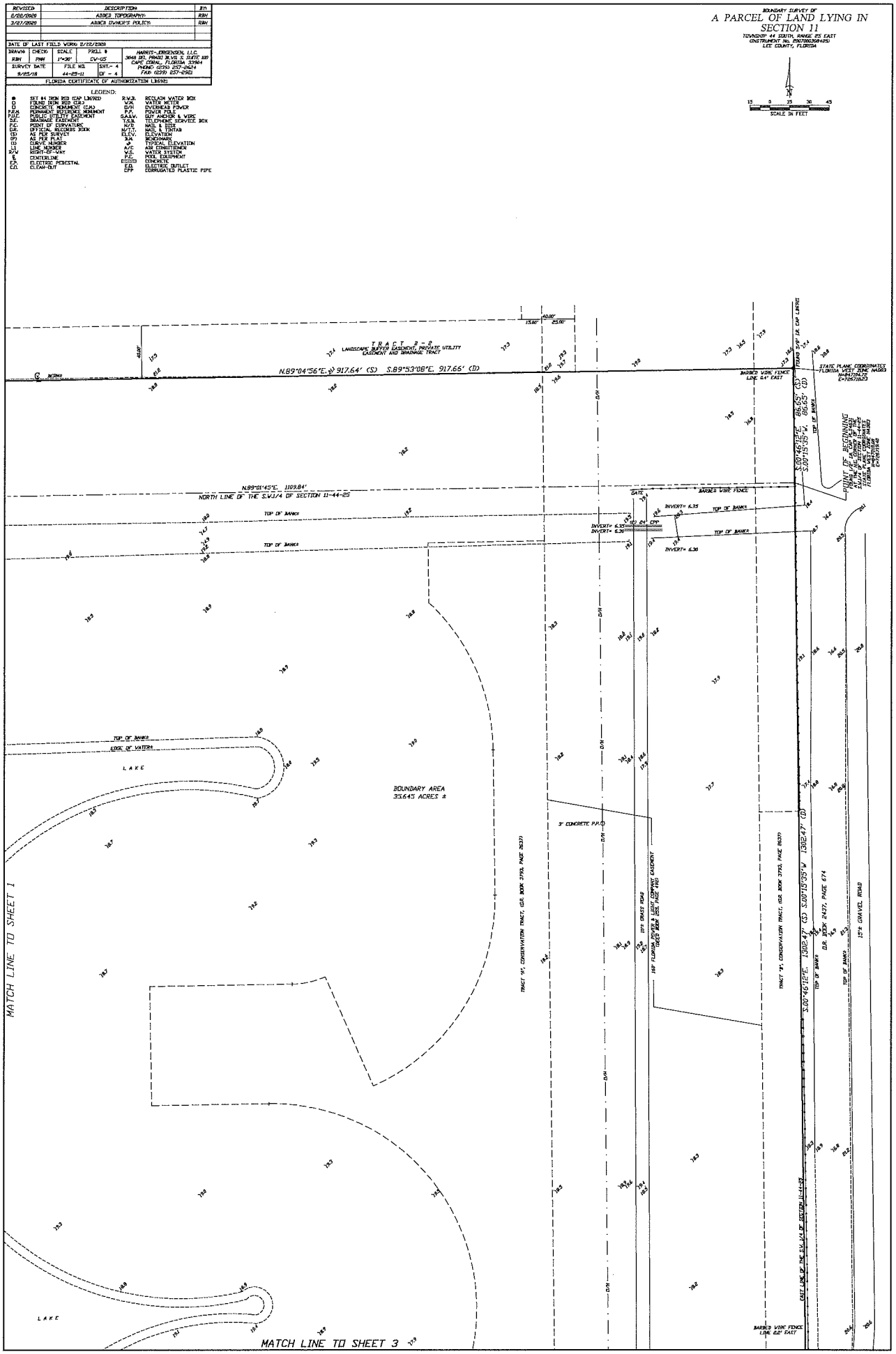
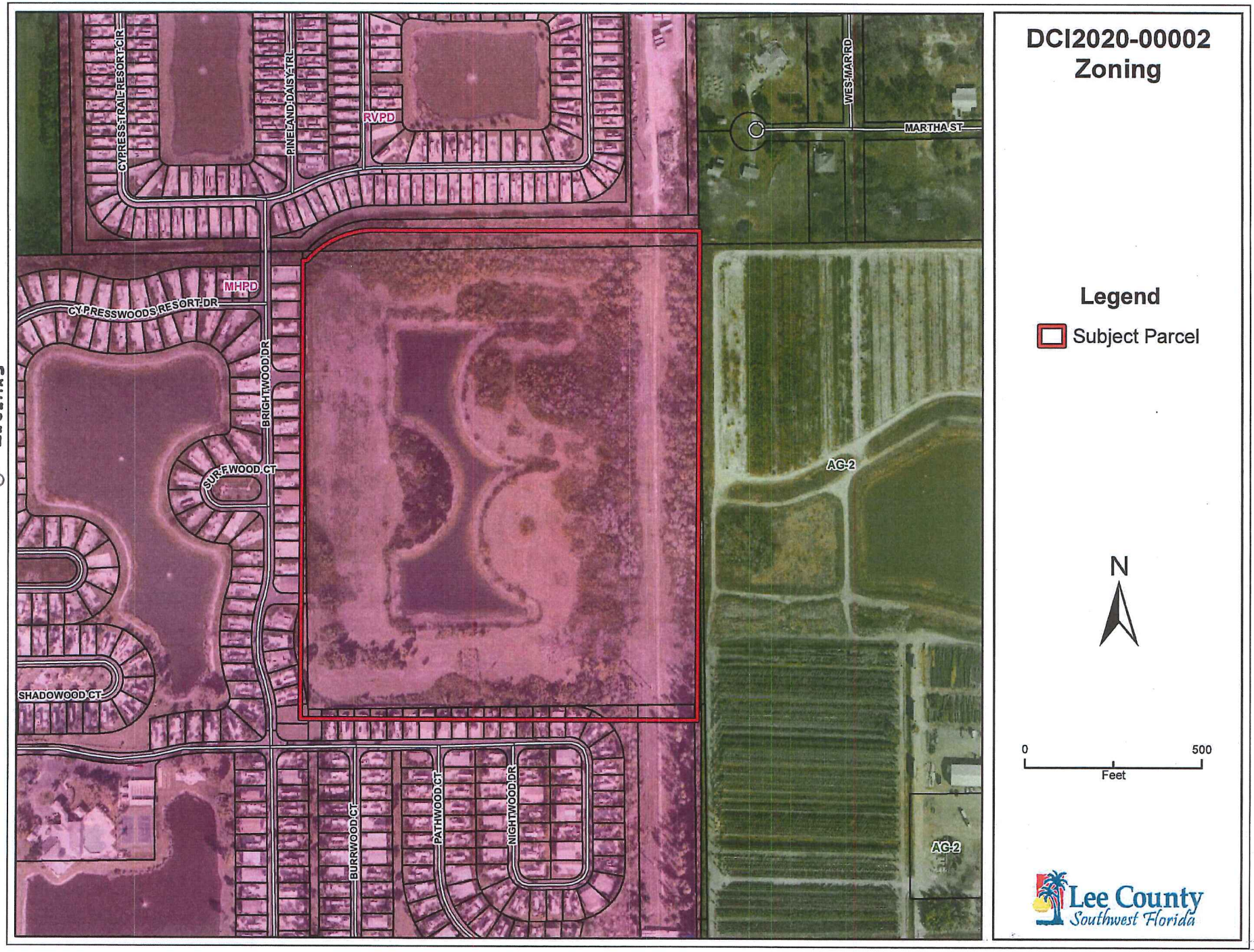

BOUNDARY SURVEY OF
A PARCEL OF LAND LYING IN SECTION 11
TOWNSHIP 44 SOUTH, RANGE 25 EAST
LEE COUNTY, FLORIDA
SCALE IN FEET
DESCRIPTION
ADDED TOPOGRAPHY
ADDED OWNER'S POLICY
DATE OF LAST FIELD WORK 2/22/2020
HARRIS-JORGENSEN, L.L.C.
CAPE CORAL, FLORIDA 33904
PHONE: (239) 257-6624
FAX: (239) 257-6582
FLORIDA CERTIFICATE OF AUTHORIZATION LB6921
LEGEND:
SET 5/8 IRON ROD CAP LB6921
FOUND IRON ROD (C&M)
CONCRETE MONUMENT (C&M)
PERMANENT REFERENCE MONUMENT
PUBLIC UTILITY EASEMENT
DRAINAGE EASEMENT
POINT OF CURVATURE
OFFICIAL RECORDS BOOK
AS PER SURVEY
AS PER PLAT
CURVE NUMBER
LINE NUMBER
RIGHT-OF-WAY
CENTERLINE
ELECTRIC PEDESTAL
CLEAN-OUT
REUSLAIN WATER BOX
WATER METER
OVERHEAD POWER
POWER POLE
GUY ANCHOR & WIRE
TELEPHONE SERVICE BOX
MAIL & BOX
MAIL & TINTAB
ELEVATION
BENCHMARK
TYPICAL ELEVATION
AIR CONDITIONER
WATER SYSTEM
MISC. EQUIPMENT
CURB INLET
ELECTRIC OUTLET
CORRUGATED PLASTIC PIPE
TRACT B-2
LANDSCAPE BUFFER EASEMENT, PRIVATE UTILITY EASEMENT AND DRAINAGE TRACT
N.89°04'56"E. 917.64' (S) S.89°53'08"E. 917.66' (D)
BARBED WIRE FENCE LINE 0.4' EAST
STATE PLANE COORDINATES FLORIDA WEST, ZONE NAD83
N=847705.72
E=725718.03
POINT OF BEGINNING
FOUND 5/8" IRON ROD
NO ID
SOUTH LINE OF SECTION 11-44-25
EAST LINE OF THE S.W.1/4 OF SECTION 11-44-25
FLORIDA WEST ZONE NAD83
N=847705.72
E=726791.48
S.00°15'35"W. 666.45' (S)
S.00°15'35"W. 666.65' (D)
N.89°01'45"E. 1109.84'
NORTH LINE OF THE S.W.1/4 OF SECTION 11-44-25
BARBED WIRE FENCE
TOP OF BANK
INVERT= 6.35
INVERT= 6.30
84" CMP
INVERT= 6.36
BOUNDARY AREA
35.645 ACRES ±
LAKE
EDGE OF WATER
3' CONCRETE P.I.P.
TRACT 'A', CONSERVATION TRACT, O.R. BOOK 3793, PAGE 2637
TRACT 'B', CONSERVATION TRACT, O.R. BOOK 3793, PAGE 2637
15' GRASS ROAD
100' FLORIDA POWER & LIGHT COMPANY EASEMENT (O.R. BOOK 2437, PAGE 680)
O.R. BOOK 2437, PAGE 674
S.00°46'12"E. 1302.47' (S) S.00°15'35"W. 1302.47' (D)
15'± GRAVEL ROAD
EAST LINE OF THE S.W.1/4 OF SECTION 11-44-25
BARBED WIRE FENCE LINE 0.2' EAST
MATCH LINE TO SHEET 1
MATCH LINE TO SHEET 3

EXHIBIT B

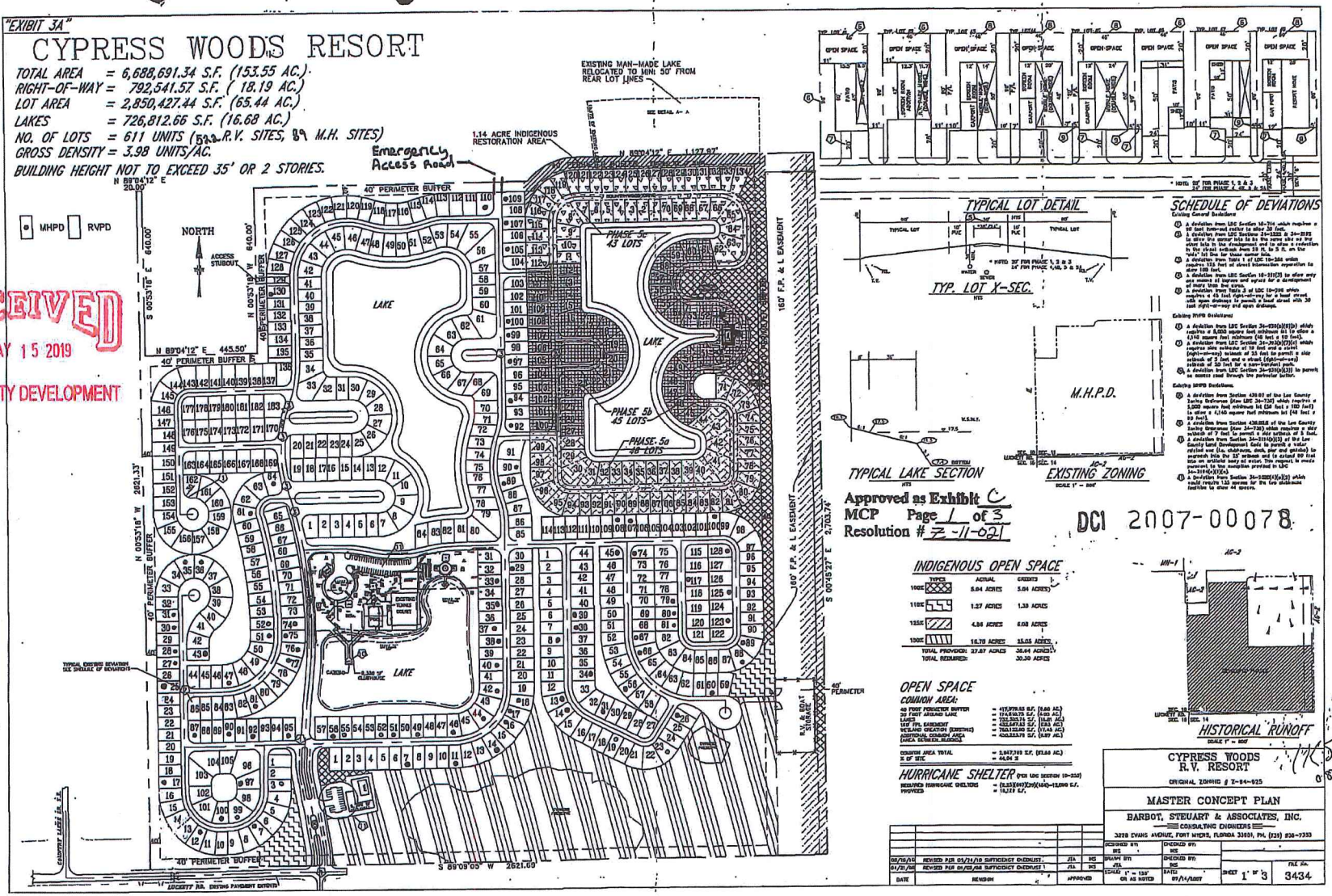

CYPRESS TRAIL RESORT CIR
PINELAND DAISY TRL
RVPD
WES-MAR RD
MARTHA ST
MHPD
CYPRESSWOODS RESORT DR
BRIGHTWOOD DR
SURFWOOD CT
AG-2
SHADOWOOD CT
BURRWOOD CT
PATHWOOD CT
NIGHTWOOD DR
AG-2
DCI2020-00002
Zoning
Legend
Subject Parcel
N
0
500
Feet
Lee County
Southwest Florida

ADD2023-00099 Lee County ePlan

"EXHIBIT 3A"

CYPRESS WOODS RESORT

TOTAL AREA = 6,688,691.34 S.F. (153.55 AC.)
RIGHT-OF-WAY = 792,541.57 S.F. (18.19 AC.)
LOT AREA = 2,850,427.44 S.F. (65.44 AC.)
LAKES = 726,812.66 S.F. (16.68 AC.)
NO. OF LOTS = 611 UNITS (522 R.V. SITES, 89 M.H. SITES)
GROSS DENSITY = 3.98 UNITS/AC.
BUILDING HEIGHT NOT TO EXCEED 35' OR 2 STORIES.



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MAY 15 2019
COMMUNITY DEVELOPMENT

TYPICAL LOT DETAIL

TYP. LOT X-SEC.

SCHEDULE OF DEVIATIONS

Existing General Deviations

1. A deviation from LDC Section 10-714 which requires a 50' foot turn-around radius to allow 30 feet.
2. A deviation from LDC Sections 34-3233 & 34-3272 to allow the corner lots to be the rears abut no less street lots in the development and to allow a reduction in the street setback from 25 ft. to 5 ft. on the "side" lot line for these corner lots.
3. A deviation from Table 1 of LDC 10-296 which requires 1320 feet of direct intersection separation to allow 1100 feet.
4. A deviation from LDC Section 10-285(3) to allow entry and exit of ingress and egress for a development of more than one acre.
5. A deviation from Table 3 of LDC 10-296 which requires a 45 foot right-of-way for a local street, with open drainage to permit a local street with 30 foot right-of-way and open drainage.

Existing MHPD Deviations

1. A deviation from LDC Section 34-939(b)(8)(b) which requires a 5,000 square foot minimum lot to allow a 4,140 square feet minimum lot (40 feet x 10 feet).
2. A deviation from LDC Section 34-939(b)(7)(c) which requires side setbacks of 10 feet and a corner (right-of-way) setback of 15 feet to permit a side setback of 5 feet and a street (right-of-way) setback of 10 feet for a non-habitable porch.
3. A deviation from LDC Section 34-939(b)(3)(j) to permit an access road through the perimeter buffer.

Existing MHPD Deviations.

1. A deviation from Section 439.02 of the Lee County Zoning Ordinance (See LDC 34-720) which requires a 5,000 square foot minimum lot (50 feet x 100 feet) to allow a 4,140 square foot minimum lot (40 feet x 90 feet).
2. A deviation from Section 439.02.E of the Lee County Zoning Ordinance (See LDC 34-720) which requires a side setback of 7 feet to permit a side setback of 5 feet.
3. A deviation from Section 34-2194(b)(3) of the Lee County Land Development Code to permit a solar related use (i.e. shelters, deck, pier and gazebo) to encroach into the 15' setback and to extend 90 feet into an artificial body of water. This request is made pursuant to the exception provided in LDC 34-3194(b)(3)(a).
4. A deviation from Section 34-2020(f)(2) which would require 12A spaces for the two clubhouse facilities to share 44 spaces.

TYPICAL LAKE SECTION

EXISTING ZONING

Approved as Exhibit C
MCP Page 1 of 3
Resolution # Z-11-021

DCI 2007-00078

INDIGENOUS OPEN SPACE

TYPE	ACTUAL	CREDITED
100%	5.04 ACRES	5.04 ACRES
110%	1.27 ACRES	1.39 ACRES
125%	4.96 ACRES	6.08 ACRES
150%	16.70 ACRES	25.05 ACRES
TOTAL PROVIDED:	27.97 ACRES	36.64 ACRES
TOTAL REQUIRED:		20.39 ACRES

OPEN SPACE

COMMON AREA:

40 FOOT PERIMETER BUFFER	= 117,978.53 S.F. (2.66 AC.)
20 FOOT AROUND LAKE	= 174,616.73 S.F. (4.00 AC.)
LAKES	= 726,303.71 S.F. (16.67 AC.)
180' F.P.L. EASEMENT	= 432,647.43 S.F. (9.93 AC.)
WETLAND CREATION (EXISTING)	= 743,122.60 S.F. (17.06 AC.)
ADDITIONAL COMMON AREA (AREA BETWEEN BUILDINGS)	= 753,179.79 S.F. (17.29 AC.)
DENSITY AREA TOTAL	= 2,947,769 S.F. (67.66 AC.)
5 DF SITE	= 64.04 ±

HURRICANE SHELTER (PER LDC SECTION 10-256)

REQUIRED HURRICANE SHELTER	= (1.33)(611)(2.5)(161)=13,099 S.F.
PROVIDED	= 13,333 S.F.

HISTORICAL RUNOFF

CYPRESS WOODS R.V. RESORT
ORIGINAL ZONING # Z-84-025

MASTER CONCEPT PLAN

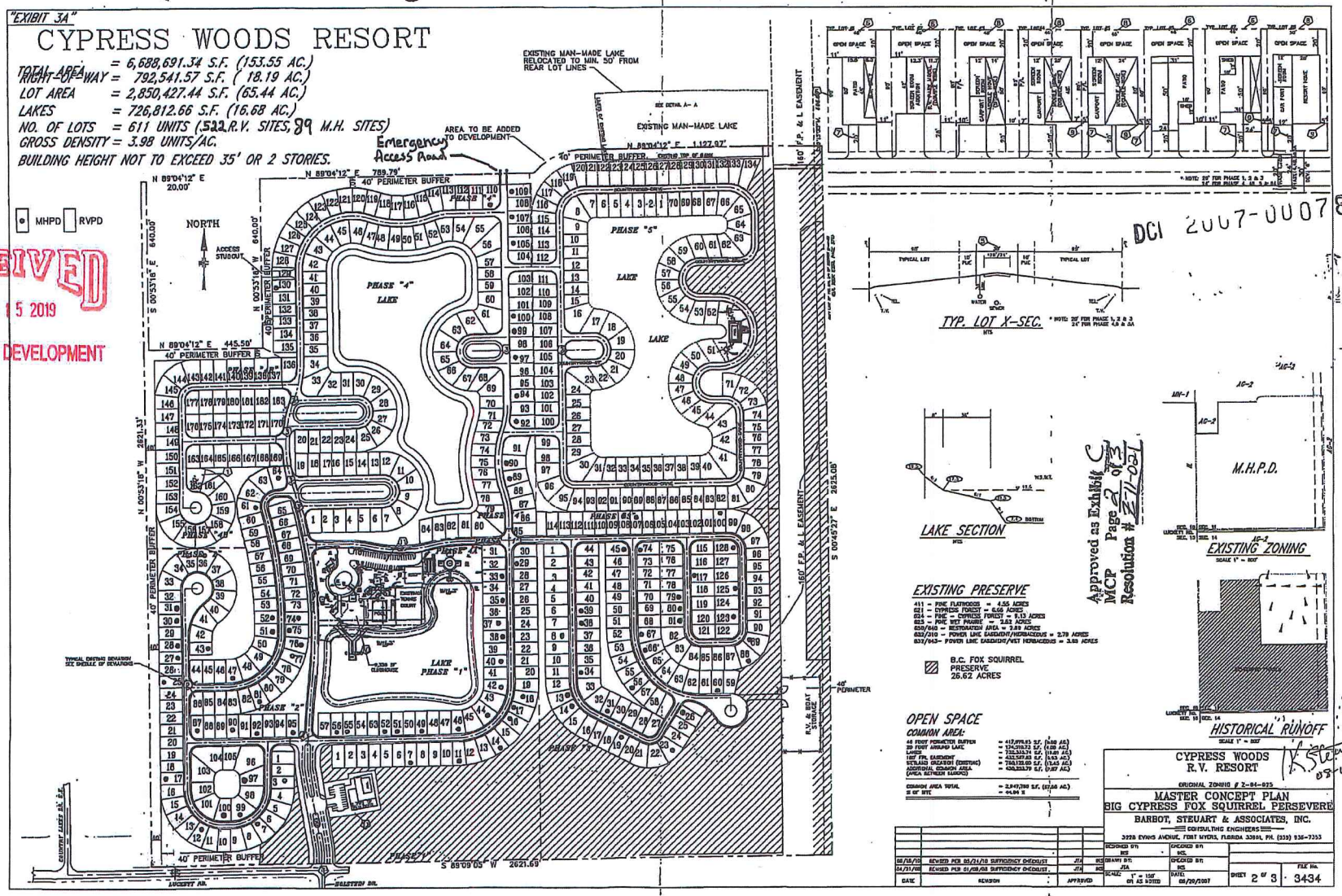
BARBOT, STEUART & ASSOCIATES, INC.
CONSULTING ENGINEERS
3228 EVANS AVENUE, FORT MYERS, FLORIDA 33901, PH. (239) 936-7333

DATE	REVISION	APPROVED	DESIGNED BY	DRAWN BY	CHECKED BY
08/15/08	REVISED PER 05/31/08 SUFFICIENCY CHECKLIST	JTA	MS	BRA/MS	MS
04/21/08	REVISED PER 01/03/08 SUFFICIENCY CHECKLIST	JTA	MS	JTA	MS
				SCALE: 1" = 100' OR AS NOTED	DATE: 07/14/2007

SHEET 1 OF 3 | FILE No. 3434

EXHIBIT C

EXHIBIT C


"EXHIBIT 3A"
CYPRESS WOODS RESORT
TOTAL AREA = 6,688,691.34 S.F. (153.55 AC.)
RIGHT-OF-WAY = 792,541.57 S.F. (18.19 AC.)
LOT AREA = 2,850,427.44 S.F. (65.44 AC.)
LAKES = 726,812.66 S.F. (16.68 AC.)
NO. OF LOTS = 611 UNITS (522 R.V. SITES, 89 M.H. SITES)
GROSS DENSITY = 3.98 UNITS/AC.
BUILDING HEIGHT NOT TO EXCEED 35' OR 2 STORIES.
EXISTING MAN-MADE LAKE RELOCATED TO MIN. 50' FROM REAR LOT LINES
AREA TO BE ADDED TO DEVELOPMENT
Emergency Access Road
EXISTING MAN-MADE LAKE
N 89°04'12" E 1,127.97'
160' F.P. & L EASEMENT
40' PERIMETER BUFFER
N 89°04'12" E 789.79'
N 89°04'12" E 20.00'
MHPD RVPD
NORTH
ACCESS STUBOUT
PHASE "4"
PHASE "5"
LAKE
PHASE "3"
PHASE "2"
PHASE "1"
N 89°04'12" E 445.50'
S 89°09'05" W 2621.69
S 00°45'27" E 2615.08
N 00°55'16" W 2621.33
S 00°55'16" E 640.00'
N 00°55'16" W 640.00'
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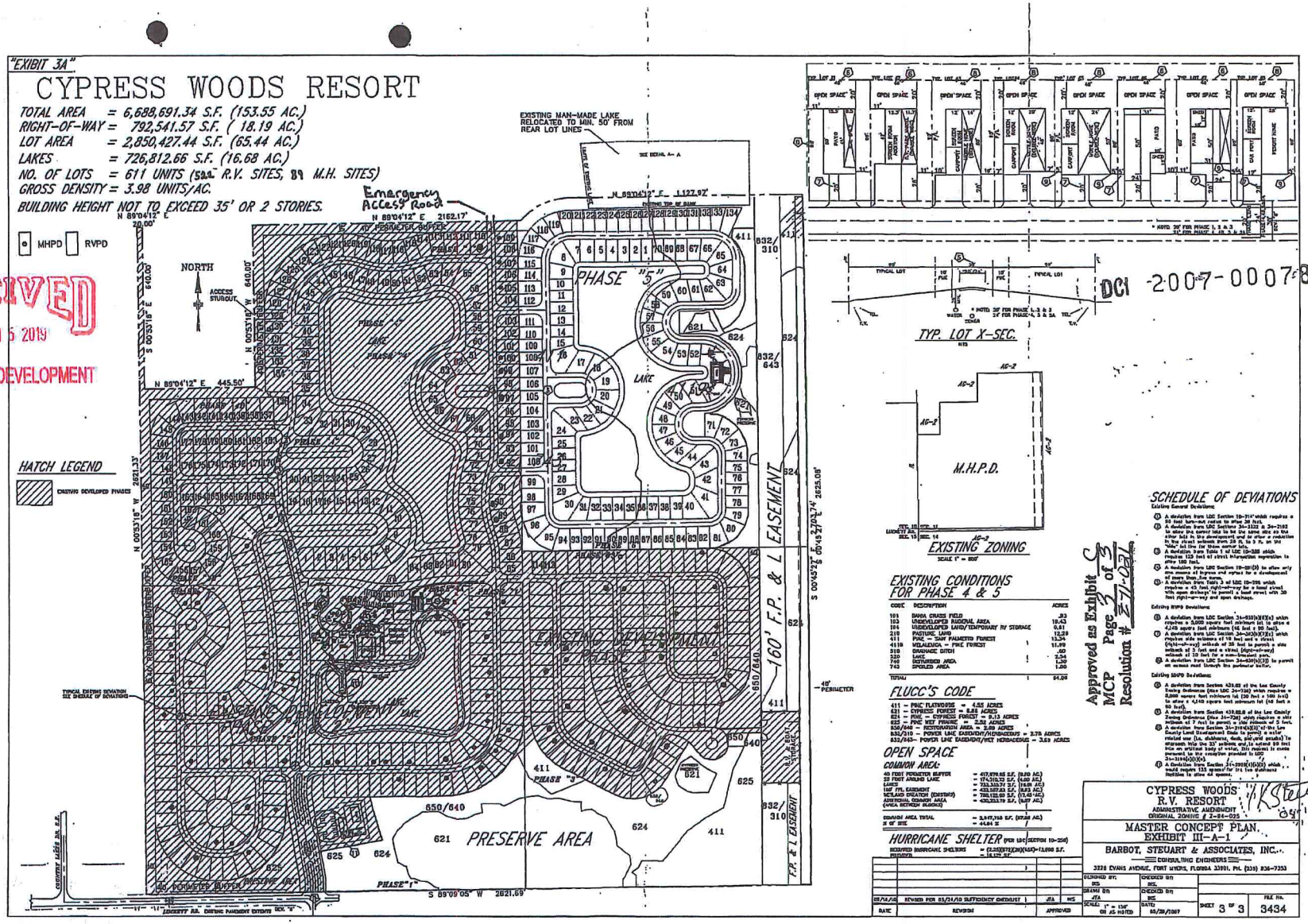
MAY 15 2019
COMMUNITY DEVELOPMENT
DCI 2007-00078
TYP. LOT X-SEC.
LAKE SECTION
EXISTING PRESERVE
411 = PINE FLATWOODS = 4.55 ACRES
621 = CYPRESS FOREST = 6.66 ACRES
624 = PINE - CYPRESS FOREST = 7.13 ACRES
643 = PINE WET PRAIRIE = 2.63 ACRES
650/660 = RESTORATION AREA = 3.89 ACRES
832/310 = POWER LINE EASEMENT/HERBACEOUS = 2.79 ACRES
832/643= POWER LINE EASEMENT/WET HERBACEOUS = 3.68 ACRES
B.C. FOX SQUIRREL PRESERVE 26.62 ACRES
OPEN SPACE
COMMON AREA:
COMMON AREA TOTAL = 2,947,780 S.F. (67.68 AC.)
M.H.P.D.
EXISTING ZONING
HISTORICAL RUNOFF
Approved as Exhibit C
MCP Page 2 of 3
Resolution # Z-11-021
CYPRESS WOODS R.V. RESORT
ORIGINAL ZONING # Z-84-075
MASTER CONCEPT PLAN
BIG CYPRESS FOX SQUIRREL PERSEVERE
BARBOT, STEUART & ASSOCIATES, INC.
CONSULTING ENGINEERS
3228 EVANS AVENUE, FORT MYERS, FLORIDA 33901, PH. (239) 936-7353
08/15/10 REVISED PER 05/21/10 SUFFICIENCY CHECKLIST
04/21/08 REVISED PER 01/28/08 SUFFICIENCY CHECKLIST
DATE: 08/20/2007
SHEET 2 OF 3
3434



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COMMUNITY DEVELOPMENT

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EX. CYPRESS TRAIL RV RESORT
(ZONING: RVPD)

INDIGENOUS RESTORATION (0.90 ACRES)

40' PERIMETER BUFFER

6' TALL VISUAL SCREEN (DOUBLE HEDGE ROW)

SCALE: 1" = 100'

EMERGENCY ACCESS (ADD2019-00066)

PROJECT BOUNDARY (TYP)

EX. CYPRESS WOODS RV RESORT
(PHASES 1-4)
(ZONING: MHPD AND RVPD)

BRIGHTWOOD DR.

NO BUFFER REQUIRED

CLUBHOUSE / PARKING

POOL / GAZEBO CABANAS

BOCCE BALL COURTS

SOUND ABATEMENT FENCE

AMENITY TRACT
(CONSUMPTION ON PREMISES, OUTDOOR / INDOOR)

PEDESTRIAN ACCESS

CROSSWALK

OPTIONAL RECREATION AREA

PASSIVE PARK / OUTDOOR STORAGE

PICKLE BALL COURTS

DOG PARK

EX. 160' FPL EASEMENT

GOLF CART OVERFLOW PARKING AREA

TEMPORARY RV / TRAILER STAGING AREA

20' L.M.E.

LAKE

40' PERIMETER BUFFER

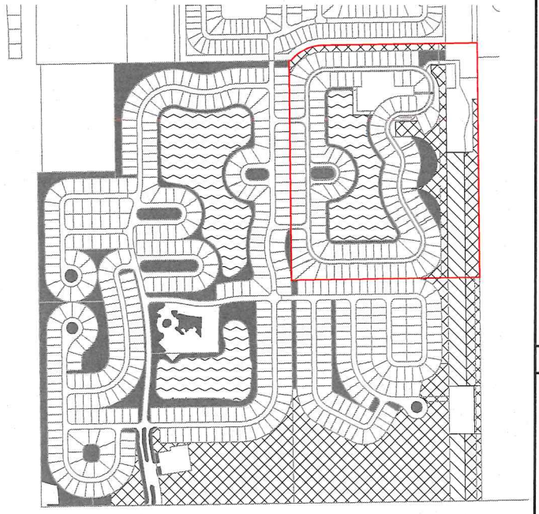
EX. 160' FPL EASEMENT

CONSERVATION EASEMENT (INST.# 5647586 OR BOOK 3793 PG 3637)

NO BUFFER REQUIRED

NIGHTWOOD DR.

OPEN SPACE MAP



OPEN SPACE			
	INDIGENOUS OPEN SPACE	1,135,977 SF	26.08 AC
	LAKE	721,431 SF	16.56 AC
	FPL EASEMENT (EXCLUDING TRAILER PARKING)	181,974 SF	4.18 AC
	OTHER OPEN SPACE (LAKE BANK, PERIMETER BUFFER, LANDSCAPE MEDIANS, COURTYARDS, ETC)	758,822 SF	17.42 AC
	TOTAL OPEN SPACE	2,798,204 SF	64.24 AC
	% OF SITE	41.83 %	

LEGEND

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

SITE DATA TABLE

RV LOTS/DEVELOPMENT TRACTS	14.8 AC. +/-
LAKE TRACT	5.7 AC. +/-
AMENITY TRACT	1.2 AC. +/-
ROADWAY / PAVEMENT	3.1 AC. +/-
OUTDOOR STORAGE/ DOG PARK/ PICKLE BALL COURTS	2.6 AC. +/-
INDIGENOUS / PRESERVE	4.9 AC. +/-
BUFFERS / OTHER OPEN SPACE	3.5 AC. +/-
TOTAL SITE AREA	35.6 AC.

INDIGENOUS OPEN SPACE [1]

TYPES		ACTUAL	CREDITS
100%	PHASES 1 - 4:	1.11 AC	1.11 AC
	PHASE 5:	3.18 AC	3.18 AC
110%	PHASES 1 - 4:	1.27 AC	1.39 AC
	PHASE 5:	0 AC	0 AC
125%	PHASES 1 - 4:	2.16 AC	2.70 AC
	PHASE 5:	1.66 AC	1.66 AC [2]
150%	PHASES 1 - 4:	16.70 AC	25.05 AC
	PHASE 5:	0 AC	0 AC
	TOTAL PROVIDED:	26.08 AC	35.09 AC
	TOTAL REQUIRED:		30.30 AC

NOTES:
1. INDIGENOUS OPEN SPACE AREAS WITHIN THE EXISTING PHASES 1-4 REMAIN UNCHANGED, THE UPDATED TABLE SHOWN ABOVE REFLECTS REVISIONS WITHIN THE PHASE 5 DEVELOPMENT BOUNDARY, AND ALSO CORRECTS CALCULATION ERRORS IN THE PREVIOUSLY APPROVED MCP. ALTHOUGH CREDIT WAS GIVEN ON THESE AREAS IN PREVIOUS ZONING APPROVALS, NO CREDIT IS TAKEN FOR AREA WITHIN PHASE 5 UNDER THIS APPLICATION.

B.C. FOX SQUIRREL PRESERVE

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

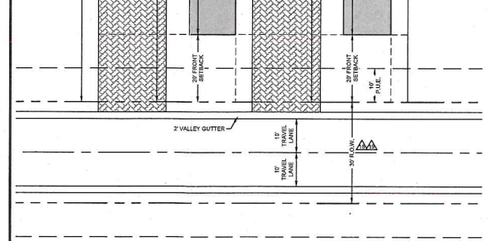
INDIGENOUS OPEN SPACE: 26.08 ACRES
INDIGENOUS RESTORATION: 0.90 ACRES

TOTAL B.C. FOX SQUIRREL PRESERVE AREA:
26.08 - 0.90 = 25.18 ACRES

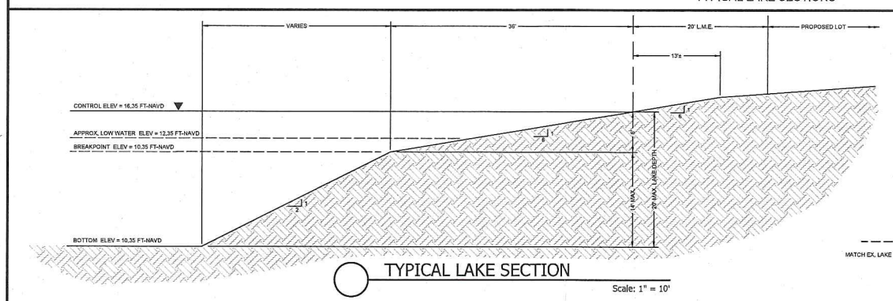
EX. DUKE FARMS
LANDSCAPE NURSERY
(ZONING: AG-2)

DCI 2020-00002
Approved as Exhibit C
MCP Page 1 of 1
Resolution # Z-20-027

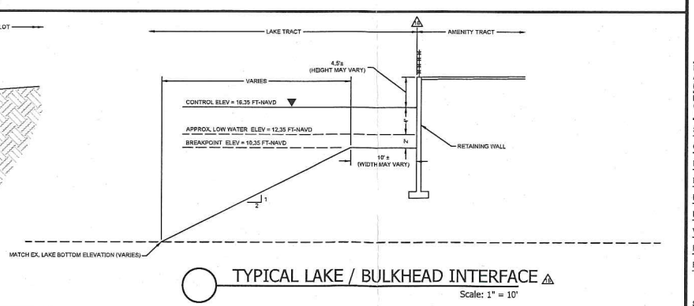
TYPICAL LOT DETAIL



TYPICAL LAKE SECTIONS



TYPICAL LAKE SECTION
Scale: 1" = 10'



TYPICAL LAKE / BULKHEAD INTERFACE
Scale: 1" = 10'

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

2600 Golden Gate Parkway
Naples, Florida 34105
Phone: 239.403.6700 Fax: 239.261.1797
Email: info@pen-eng.com Website: www.pen-eng.com
Florida Engineering Certificate of Authorization #28275
Florida Landscape Certificate of Authorization #LC26000632

PROJECT:

CYPRESS WOODS RV RESORT PHASE 5 RECREATIONAL VEHICLE PLANNED DEVELOPMENT

TITLE:

MASTER CONCEPT PLAN

OWNER/CLIENT/CONSULTANT:

LAGUNA CARIBE AT CYPRESS WOODS, LLC

REVISIONS:

No:	Revision:	Date:
1	REVISED PER COUNTY COMMENTS	3/27/20
2	REVISED PER COUNTY COMMENTS	05/18/20
3	DEVIATION #23 ADDED	07/13/20
4	SCHEDULE OF DEVIATIONS REMOVED PER COUNTY	09/25/20
5	REVISED PER STAFF REPORT	09/01/20
6	REVISED PER HEX CONDITIONS	12/30/20

NOTES:

PROFESSIONAL SEALS:

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

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

Bar Scale: 1" = 100'
0 25' 50' 100' 200' 300'

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

Sheet Number: 4 of 4

ADD2023-00099 Lee County ePlan

ZVL2019-00095 Lee County ePlan

Habitat Restoration and Maintenance Guidelines

for the

Cypress Woods RV Resort Phase V

Sections 11, T44S, R25E, Luckett Road, Lee County, Florida

March 27, 2008
Revised: Dec. 4, 2008
June 9, 2009

Prepared for:

Cypress Woods RV Resort
5551 Luckett Road.
Fort Myers, FL 33905
(239) 694-2191
FAX: (239) 691-4969

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AUG 2 3 2010
COMMUNITY DEVELOPMENT
DCI 2007-00078

conducted by

Southern Biomes, Inc.
1602 Woodford Ave., Fort Myers, FL 33901 - mail to: P.O. Box 50640, Fort Myers, FL 33994
Ph.: (239) 334-6766 - Geza Wass de Czege, President - Fax: (239) 337-5028

EXHIBIT D

ADD2023-00099 Lee County ePlan

ZVL2019-00095 Lee County ePlan

Southern Biomes, Inc.
1602 Woodford Ave., Fort Myers, FL 33901 - mail to: P.O. Box 50640, Fort Myers, FL 33994
Ph.: (239) 334-6766 - Geza Wess de'Czege, President - Fax: (239) 337-5028

A. FOX SQUIRREL HABITAT RESTORATION GUIDELINES

1. **RESTORATION SITE DESCRIPTION:** The subject restoration site is a forty foot wide buffer area located in the northeastern portion of the development, extending for approximately 800 feet east to the pine flatwoods buffer adjacent to the powerline easement. The previously existing forested buffer was unintentionally cleared and will be restored to meet Lee County Code, Sec. 14-384: Restoration standards, and the Sec. 10-420 Plant materials standards. The plantings will be according to Lee County's Department of Community Development, Division of Environmental Sciences indigenous habitat restoration area planting guidelines.

2. **HABITAT RESTORATION EXECUTIVE SUMMARY:** To help restore the habitat, slash pines and scattered live oaks will be planted an average of 15' on center, with 75% of the trees being a minimum 10' tall with two-inch caliper at 12 inches above ground, and the remaining 25% a minimum 16' tall with a 3-4 inch caliper, to provide more diversity sizes. Trees will be planted in random order so as not to appear as growing in rows. Shrubs will be limited to scattered clusters of saw palmetto, wax myrtle, beautyberry, gallberry and muhly grass, planted around selected tree clusters. Shrubs and groundcover vegetation must be in minimum one-gallon container, and clustered at an average of three feet (3') on center, to mimic pine flatwoods savanna habitat.

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COMMUNITY DEVELOPMENT
DCI 2007-00078

ADD2023-00099 Lee County ePlan

ZVL2019-00095 Lee County ePlan

Southern Biomes, Inc.
1602 Woodford Ave., Fort Myers, FL 33901 - mail to: P.O. Box 50640, Fort Myers, FL 33994
Ph.: (239) 334-6766 - Geza Wass de Czege, President - Fax: (239) 337-5028

Habitat Restoration Plant List

- One hundred ten (110) trees, of which no more than 75% are to be 10' tall, minimum 2 inch caliper trees, and at least 25% are >16' tall, minimum 3 inch caliper trees. All trees are to be planted in random order on average 15' centers:
  - 68 slash pine (*Pinus elliottii*) 10' w/min 2" dbh
  - 22 slash pine (*Pinus elliottii*) 16' w/min 3" dbh
  - 6 live oak (*Quercus virginiana*) 10' w/min 2" dbh
  - 2 live oak (*Quercus virginiana*) 16' w/min 3" dbh
  - 4 laurel oak (*Quercus laurifolia*) 10' w/min 2" dbh
  - 2 laurel oak (*Quercus laurifolia*) 16' w/min 3" dbh
  - 4 dahoon holly (*Ilex cassina*) 10' w/min 2" dbh
  - 2 dahoon holly (*Ilex cassine*) 16' w/min 3" dbh

- Three thousand four hundred sixty six (3,466) in 1 gallon containerized shrubs & herbaceous species, randomly clustered within tree clusters, on 3' center:
  - 1000 saw palmetto (*Serenoa repens*)
  - 500 wax myrtle (*Myrica sp.*)
  - 500 beautyberry (*Callicarpa americana*)
  - 466 gallberry (*Ilex glabra*)
  - 1000 muhly grass (*Muhlenbergia sp.*)

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AUG 2 3 2010
COMMUNITY DEVELOPMENT

DCI 2007-00078

ADD2023-00099 Lee County ePlan

ZVL2019-00095 Lee County ePlan

Southern Biomes, Inc.
1601 Woodford Ave., Fort Myers, FL 33901 - mail to: P.O. Box 50640, Fort Myers, FL 33994
Ph: (239) 334-6766 - Geza Wass de Czege, President - Fax: (239) 337-5028

RESTORATION AREA SITE PREPARATION, MAINTENANCE AND MONITORING GUIDELINES:

1. Restoration areas are to be graded to natural elevations of adjacent pine flatwoods uplands, and harrowed to remove all ruts from the planting areas.
2. Eradicate any torpedograss, primrose willow, or any other exotic or nuisance vegetation prior to replanting, with an approved systemic herbicide, and establish an annual eradication program to maintain the area free of exotic species, and the nuisance species to less than 2% coverage.
3. Replant restoration areas with plant species and quantities as designated in the plant list provided in the Habitat Restoration Plant List (approx. 31,200 sq. ft.).
   - One hundred ten (110) trees, with no more than 75% at least 10' tall, 2 inch caliper and the remaining trees >15' tall, with minimum 3 inch caliper, planted in clusters of 3-5, on average 15' centers.
   - Three thousand four hundred sixty six (3,466) 1 gallon containerized shrubs, cluster 3' o.c.
4. Maintain a semi-annual exotic plant control the first year, and an annual control thereafter, in perpetuity, to treat the exotic vegetation resprouting with an approved herbicide, and manually remove any seedlings. Conduct activities during the winter and spring dry season.
5. Signage shall be placed at each end of the indigenous preserve area to identify and protect the preserve during and after construction. The signs shall be no closer than ten feet from adjacent property lines; be limited to a maximum height of four feet and a maximum size of two square feet, stating: "Preserve Area" (in large letters), "Please do not cut or damage any plants unless authorization by permit, or obtained in writing by Lee County Community Development" (in small letters). See example attached with these guidelines.
6. Provide Lee County with an annual monitoring report, for 5 years, including plant survival data and qualitative narrative describing the vegetative changes within the mitigation area. Include the following:
   a. Provide three fixed point photo station' panoramic photograph analyses at selected locations.
   b. Narrative report of exotics invasion, and removal success.
   d. Plant survival data and revegetation success data, including quantitative data, natural recruitment success, exotic invasion, general condition, and recommendations.
7. Mitigation success criteria are as follows:
   a. The area is maintained free of exotic plants, as defined by the Florida Exotic Pest Plant Council, with no more than 2% coverage at any one time (including but not limited to melaleuca, Brazilian pepper, Australian pine, etc.), and the number of exotic plants eradicated each year has been greatly reduced.
   b. All nuisance plant species (torpedograss, primrose willow, caesarweed, dog fennel, etc.) constitute no more than 5% of the total plant coverage.
   c. There is an 80% survival rate of the planted vegetation and at least 80% coverage of the planted area by indigenous native vegetation at the end of the third year of monitoring.
   d. There is a continual increase in indigenous plant species composition throughout the five year monitoring period.

DCI 2007-00078

RECEIVED
AUG 23 2010
COMMUNITY DEVELOPMENT

ADD2023-00099 Lee County ePlan

ZVL2019-00095 Lee County ePlan

Southern Biomes, Inc.
1602 Woodford Ave., Fort Myers, FL 33901 - mail to: P.O. Box 50640, Fort Myers, FL 33994
Ph.: (239) 334-6766 - Geza Wass de Czege, President - Fax: (239) 337-5028

Preserve Area Sign Sample

Preserve Area

No Dumping
No Cutting
No Disturbing

RECEIVED
AUG 2 3 2010
COMMUNITY DEVELOPMENT

Please do not cut or damage any plants unless authorization by permit, or obtained in writing by Lee County Community Development.

Please Help Keep it Natural!!

NOTE: Typical sign dimensions may range from 9" x 12" to 12" x 18" (vertical or horizontal), but should not exceed 288 sq. inches.

DCI 2007-00078

ADD2024-00063 Lee County ePlan

ADMINISTRATIVE AMENDMENT
LEE COUNTY, FLORIDA

WHEREAS, RVI Planning + Landscape Architecture filed an application for an administrative amendment on a Mobile Home and Recreational Vehicle Planned Development (MHPD/RVPD) known as Cypress Woods RV Resort to revise conditions of Resolution Z-20-027 pertaining to accessory uses in Phase 5 of the MHPD/RVPD including:

- **Condition 2.a**, Schedule of Uses, to include accessory use classifications "Outdoor Kitchen" and "Tiki Huts".

- **Condition 2.b**, Property Development Regulations, to permit a 0-foot accessory rear yard setback when the rear lot line is abutting an Optional Recreation Area identified on the Master Concept Plan (MCP).

- **Condition 10**, Gazebos, to remove the 200 square foot maximum size limitation for gazebos in Phase 5.

on property more particularly described as:

LEGAL DESCRIPTION: In Section 11, Township 44 South, Range 25 East, Lee County, Florida:

ATTACHED AS EXHIBIT "A"

WHEREAS, the subject property is zoned Mobile Home and Recreational Vehicle Planned Development (MHPD and RVPD) and is located in the Urban Community and Wetlands Future Land Use Categories as designated by the Lee County Comprehensive Plan (Lee Plan); and

WHEREAS, the property was originally rezoned by Resolution Z-94-025, with subsequent amendments in zoning actions PD-95-19, ADD2002-00111, ADD2003-00122, Resolution Z-03-057, ADD2004-00102, Resolution Z-11-021, ADD2019-00066, ADD2020-00049(A), Resolution Z-20-027, ADD2021-00158, ADD2022-00021, ADD2022-00108, ADD2022-00142 and ADD2023-00099; and

WHEREAS, Resolution Z-20-027 contains conditions of approval for the MHPD/RVPD District and supersedes all prior zoning actions pursuant to Section B., as amended by reference herein (see Exhibit "E"); and

WHEREAS, Condition 2.a. authorizes the use of "gazebos" as an approved accessory use subject to a 200 square foot maximum size limitation; and

WHEREAS, the use of gazebos on individual recreational vehicle sites and the 200 square foot size limitation originates from Administrative Amendment ADD2019-00066, as requested by the Cypress Woods RV Resort Home Owners Association, Inc.; and

WHEREAS, Resolution Z-20-027 codified prior relevant zoning conditions in order to unify previous conditions in a superseding zoning resolution; and

WHEREAS, the Lee County Land Development Code (LDC) identifies gazebos within Use Activity Group "Residential Accessory Uses" in Section 34-622(c)(42); and

WHEREAS, the LDC does not contain a definition for gazebos and the use is generally defined as an ornamental freestanding outdoor structure that is open-sided or screened, such as a pavilion structure; and

WHEREAS, the LDC does not contain architectural requirements for gazebos and, therefore, a gazebo may include an open-sided or screened tiki hut building design; and

WHEREAS Administrative Amendment ADD2021-00158, as codified by this approval, clarified development regulations for Phase 5 of the Cypress Woods RVPD and revised Condition 12 of Resolution Z-20-027, Accessory Setback; and

WHEREAS, Lee County Ordinance Number 22-12, adopted May 17, 2022, enacted regulatory amendments concerning the addition of "Casitas" as a permitted accessory building that may be developed in conjunction with non-transient recreational vehicle parks in the RVPD District; and

WHEREAS, Administrative Amendment ADD2022-00021 approved inclusion of the use of casitas in lieu of cabanas (previously limited to 600 square feet in size) on individual RV sites within Phase 5 of the Cypress Woods MHPD/RVPD without a specific size limitation; and

WHEREAS, the applicant requests to eliminate the specific size limitation for gazebos on individual RV lots, modify the accessory rear yard setback abutting optional recreation areas and recognize the use of outdoor kitchens (see Exhibit "B"); and

WHEREAS, gazebos will remain subject to property development regulations set forth in the planned development, as amended herein; and

WHEREAS, the applicant held a public information meeting at Cypress Woods Town Center on April 19, 2024 per LDC Section 33-1482 (see Exhibit "D"); and

WHEREAS, the subject application was initiated by the President of the Home Owners Association and accompanied by a letter of opinion from a licensed Florida attorney in accordance with LDC Section 34-201(a) (see Exhibit "C"); and

WHEREAS, the Lee County Land Development Code provides for certain administrative changes to planned development master concept plans and planned unit development final development plans; and

WHEREAS, the subject application and plans have been reviewed by the Lee County Department of Community Development in accordance with applicable regulations for compliance with all terms of the administrative approval procedures; and

WHEREAS, it is found that the proposed amendment does not increase density or intensity within the development; does not decrease buffers or open space required by the LDC; does not underutilize public resources or infrastructure; does not reduce total open space, buffering, landscaping or preservation areas; and does not otherwise adversely impact on surrounding land uses.

NOW, THEREFORE, IT IS HEREBY DETERMINED that the application for administrative approval for an amendment to the Mobile Home and Recreational Vehicle Planned Development is **APPROVED subject to the following conditions:**

1. **Accessory Setbacks. Condition 2.b of Zoning Resolution Z-20-027, as amended by ADD2021-00158, is hereby amended in underline format identifying new language as follows:**

Phase 5:
Minimum Lot Area and Dimensions: RV Lots

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

Minimum Setbacks: RV Lots

Street:	**20 feet**
Side Street:	**10 feet (see Deviation 4)**
Side:	**0 feet for RV pad to the side lot line, and 5 feet for accessory structures to the side lot line 10 feet between parked RVs and accessory structures on adjacent lot[2]**
Rear (Principal):	**10/20 feet (20 foot rear setback for lots abutting developed RV lots in Phases 1-4)**
Rear (Accessory):	**5 feet (0 feet from lake maintenance easement for waterfront lots, and rear lot lines abutting optional recreation areas on the MCP)**
Waterbody:	**20 feet**
Maximum Lot Coverage:	**50% (RV pad and roofed accessory structures)**
Maximum Building Height:	**30 feet**

[1]Consistent with LDC §34-1182.
[2]RV Pads may be within 10 feet of accessory structures consistent with MCP "Typical Lot Detail"

2. **<u>Gazebos</u>. Condition 10 of Zoning Resolution Z-20-027 is hereby amended in underline format identifying new language as follows:**

   10. Gazebos

   One gazebo is permitted per RV lot. Gazebos must be unenclosed and cannot exceed 200 square feet (including overhangs) <u>in Phases 1 through 4</u>. <u>Gazebos in Phase 5 are not subject to a square-footage limitation.</u>

   The term "Gazebo", as permitted by this condition, includes open-sided or screened tiki hut designs and may include private outdoor kitchen facilities.

3. **<u>ADD2021-00158</u>. Condition 12 of Zoning Resolution Z-20-027, as amended by ADD2021-00158, is incorporated in this resolution.**

   12. Accessory Setback

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

4. **ADD2021-00158 is hereby null and void and replaced by this amendment resolution.**

5. **The terms and conditions of Resolution Z-20-027 and subsequent amendments thereto remain in full force and effect, except as amended herein.**

6. **If it is determined that inaccurate or misleading information was provided to the County or if this decision does not comply with the LDC when rendered, then, at any time, the Zoning Manager may issue a modified decision that complies with the Code or revoke the decision. If the approval is revoked, the applicant may acquire the necessary approvals by filing an application for public hearing in accordance with Chapter 34.**

Duly passed, adopted, and electronically signed on 6/21/2024

Anthony R. Rodriguez, AICP, CPM, Zoning Manager

<u>Exhibits</u>:
A – Legal Description
B – Applicant's Narrative
C – Application Initiation
D – Public Information Session Summary
E – Resolution Z-20-027

ADD2024-00063 Lee County ePlan

EXHIBIT A
LEGAL DESCRIPTION

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

REVIEWED
ADD2024-00063
Sophia Ludlam, GIS Planner
Lee County
5/3/2024

Exhibit B

April 1, 2024

Mr. Anthony Rodriguez, AICP
Zoning Manager
Lee County Community Development
1500 Monroe Street
Fort Myers, FL 33901

Subject: Cypress Woods RVPD
Administrative Amendment – Narrative of Request

Dear Mr. Rodriguez:

On behalf of Laguna Caribe at Cypress Woods, LLC (Applicant), enclosed please find an application for an Administrative Amendment to a Planned Development in regard to Phase 5 of the Cypress Woods RVPD.

The 35.7+/-acre subject property (AKA Laguna Caribe) is located north of Luckett Road and east of Interstate 75 in the northeast corner of the Cypress Woods RV Resort. The Property is zoned Recreational Vehicle Planned Development (RVPD) per Z-20-027, as amended by ADD2021-00158, ADD2022-00021, ADD2022-00108, ADD2022-00142, and ADD2023-00099 and is designated within the Urban Community future land use category. The site has a pending Planned Development Amendment, DCI2023-00030, to add "Casitas" to Phase 1-4 and "Maintenance Area" as an accessory use.

The Applicant is requesting the following changes pursuant to changes in market demand since the PD was adopted.

Specifically, the Applicant is requesting the following changes via this amendment:

- Add the residential accessory use of "Tiki Huts";
- Add the residential accessory use of "Outdoor Kitchens";
- Remove the 200 square foot size limitation on "Gazebos"; and
- Add a reduced setback allowance for rear yards abutting option recreation area.

The Applicant is requesting the addition of "Tiki Huts" within RVPD Schedule of Uses as an accessory use as it would allow the occupant of the RV lot the flexibility to enjoy the comfort of a covered shade structure in a manner that is complementary to an active lifestyle. The Applicant is also requesting the addition of "Outdoor Kitchens" within RVPD Schedule of Uses as an accessory use to allow for additional space for cooking while activating outdoor space.

As identified in the staff initiated LDC amendment for “Tiki Huts” and “Outdoor Kitchens”, currently under consideration, there is an existing market demand for these types of accessory amenities within RV lots and approval of these uses will not create additional dwelling units within this RVPD.

The request to remove 200 square foot limitation for “Gazebos” in Phase 5 of the RVPD is to allow for greater flexibility in the design of “Gazebos”. The lots within the RVPD are restricted by setbacks and maximum lot coverage. Furthermore, 'Gazebos' must be architecturally compatible in terms of scale and proportion with the principal building; therefore, additional square footage restrictions are unnecessary.

The Applicant is also requesting the addition of a reduced setback allowance for rear yards abutting option recreation area in Phase 5. The rear yard setback is mandated to create addition space buffers between primary structures; however, lots abutting optional recreation area do not need the additional buffer as there are no primary uses on said recreation areas.

In accordance with LDC §34-380, this amendment request does not propose an increase to height, density or intensity within the development. Similarly, the amendment will not result in the substantial underutilization of public resources and infrastructure committed to the support of the development, will not reduce required open space, buffering, landscaping and preservation areas, and will not adversely impact surrounding land uses. Therefore, this internal adjustment of development standards can be approved administratively.

Based upon this application’s compliance with all other conditions in Z-20-027, the Lee Plan, and thresholds set forth in §34-380, the Applicant respectfully requests staff approval of the proposed administrative amendment. The Applicant is scheduling the required community meeting per the Caloosahatchee Shores Community Planning Area requirements and will provide Staff with the meeting summary immediately following the meeting.

Should staff have any questions or require any additional information, please contact me directly at (239) 908-3408 or PKulak@RViPlanning.com .

Sincerely,

RVi Planning + Landscape Architecture

Patty Kulak

Patty Kulak
Project Manager

Enclosures
cc: Duane Truitt, Laguna Caribe at Cypress Woods, LLC

Exhibit C

May 13, 2024

Mr. Adam Mendez
Lee County Department of Community Development
1500 Monroe Street
Fort Myers, FL 33901

Re: Administrative Amendment
ADD2024-00063
Project Name: Cypress Woods RVPD

Dear Mr. Mendez:

The undersigned is a Director and President of the Laguna Caribe Homeowners Association, Inc. (LCHOA), which is presently under the control of the Developer of the Laguna Caribe community – L26 Development, LLC, on behalf of Laguna Caribe at Cypress Woods, LLC - that is the subject of the zoning administrative amendment application referenced above.

This ADD is to add the residential accessory use of "Tiki Huts", add the residential accessory use of "Outdoor Kitchens", remove the 200 square foot size limitation on "Gazebos"; and add a reduced setback allowance for rear yards abutting option recreation area.

I have the authority to act on behalf of LCHOA and have no objections to the proposed amendment.

Sincerely,

Duane J. Truitt
Partner, L26 Development, LLC
President, Laguna Caribe Homeowners Association, Inc.

KILINSKI
VAN WYK

Offices: Naples | Tallahassee | Tampa

517 E. College Avenue
Tallahassee, Florida 32301
877-350-0372

May 13, 2024

Via Electronic Mail
Mr. Adam Mendez
Lee County Department of Community Development
1500 Monroe Street
Fort Myers, FL 33901
Amendez@leegov.com

Re: Administrative Amendment
ADD2024-00063
Project Name: Cypress Woods RVPD

Dear Mr. Mendez:

The undersigned is legal counsel to Laguna Caribe at Cypress Woods, LLC ("Applicant") relative to matters concerning the Laguna Caribe Property Owners Association, Inc. (the "Association"), the homeowners' association of which the property related to the above application is subject.

This correspondence is provided in response to your letter to the Applicant, dated August 2, 2023, requesting additional information; specifically, the request for a letter of opinion of counsel in accordance with LDC Section 34-201(a)(1)f, as set forth in item 1b of your letter.

I have examined the Declaration of Covenants, Conditions and Restrictions of Laguna Caribe, recorded at Instrument No. 2023000160378 in the Official Records of Lee County, Florida (the "Declaration") along with the Bylaws of the Association attached as Exhibit C thereto (the "Bylaws" and, collectively with the Declaration, the "Governing Documents"). Based on my examination:

1. Applicant is the "Developer" under the Declaration.

2. The Developer has full authority to regulate all structures and improvements constructed on the property, and may adopt, rescind and amend guidelines relating thereto.

3. The Developer has the authority, so long as Developer owns any portion of the property, to seek and apply for amendments, modifications and deviations to, among other things, the pertinent zoning resolutions relating to the Cypress Woods RVPD.

4. The Developer has the authority to unilaterally amend the Declaration, as appropriate, to take into account any modifications or amendments to the development order and/or zoning resolutions relating to the Cypress Woods RVPD.

Based on the foregoing, it is my opinion that submission of the above-referenced Application for Administrative Amendment by Applicant does not violate: (i) any of the provisions of the Governing

Documents; (ii) any law regulating homeowners associations; or (iii) the rights of any homeowners derived from the Governing Documents, nor would approval of requested amendment by the County violate any such rights.

Very truly yours,

Molly A. Maggiano, Esq.
Florida Bar No. 11297

Exhibit D

Cypress Woods Recreational Vehicle Planned Development
Administrative Amendment/Planned Development Amendment
Public Information Session Meeting Summary

Friday, April 19, 2024 10:00 a.m.
Cypress Woods Clubhouse, 5415 Laguna Caribe Circle, Fort Myers, FL 33905

Cypress Woods RV Resort Homeowners Association, Inc. (Applicant) hosted their public informational session in accordance with Section 33-1482 of the Land Development Code on Friday, April 19, 2024. The meeting was held at the Cypress Woods Clubhouse at 10:00 AM.

The meeting was held for the pending Cypress Woods RVPD Administrative Amendment application (ADD2024-00063). The meeting notice was published in the News-Press on March 30, 2024. The Affidavit of Publication is attached as Exhibit “A”.

The Applicant was present at the location until 10:30 a.m. No one from the public attended.

LocaliQ
Florida
GANNETT

PO Box 631244 Cincinnati, OH 45263-1244

PROOF OF PUBLICATION

RVI Planning, Inc
28100 Bonita Grande DR # 305
Bonita Springs FL 34135-6221

STATE OF WISCONSIN, COUNTY OF BROWN

Before the undersigned authority personally appeared, who on oath says that he or she is the Legal Advertising Representative of the News-Press, a daily newspaper published at Fort Myers in Lee County, Florida; that the attached copy of advertisement, being a Legal Ad in the matter of Public Notices, was published on the publicly accessible website of Lee County, Florida, or in a newspaper by print in the issues of, on:

03/30/2024

Affiant further says that the website or newspaper complies with all legal requirements for publication in chapter 50, Florida Statutes.
Subscribed and sworn to before me, by the legal clerk, who is personally known to me, on 03/30/2024

Legal Clerk

Notary, State of WI, County of Brown

8-21-26

My commission expires

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THIS IS NOT AN INVOICE!

Please do not use this form for payment remittance.

NICOLE JACOBS
Notary Public
State of Wisconsin

NOTICE OF PUBLIC INFORMATION MEETING

DATE: Friday, April 19, 2024
TIME: 10:00 AM
ADDRESS: Cypress Woods Clubhouse, 5415 Laguna Caribe Cir, Fort Myers, FL 33905

In accordance with the Caloosahatchee Shores Planning Community requirements of the Lee County Land Development Code, the Applicant, Laguna Caribe at Cypress Woods, LLC., will be presenting information to the public on the following request:

Administrative Amendment to the Cypress Woods RV Resort Recreational Vehicle Planned Development (RVPD), Phase 5, to amend the Schedule of Uses to allow for residential accessory uses, including Tiki Huts and Outdoor Kitchens ,and to remove the square footage limitation on Gazebos.

The purpose of the meeting is to educate community members and nearby landowners about the proposed development and to address any questions.

For questions please contact:
Duane Truitt
3001 Tamiami Tr N Suite 206
239-227-3929 OR dtruitt96@yahoo.com
March 30, 2024

Exhibit E

RESOLUTION NUMBER Z-20-027

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

WHEREAS, the property owner, Laguna Caribe at Cypress Woods, LLC, filed an application, in reference to Cypress Woods RV Resort Recreational Vehicle and Mobile Home Planned Development (RVPD/MHPD), to amend the following:

- Reconfigure the Master Concept Plan and correct preserve acreages;
- Increase Phase 5 lots from 134 to 137 (no net increase to overall 611 RVPD unit count);
- Allow zero lot lines and reduce waterfront setbacks;
- Add deviations for setbacks, accessory use locations, and parking; and
- Allow residential accessory uses, including "casitas" with cooking facilities.

WHEREAS, a public hearing before the Lee County Zoning Hearing Examiner, Amanda L. Rivera, was advertised and held on September 10, 2020; and

WHEREAS, the Hearing Examiner gave full consideration to the evidence in the record for Case #DCI2020-00002 and recommended APPROVAL of the Request with conditions; and

WHEREAS, a second public hearing was advertised and held on December 16, 2020 before the Lee County Board of Commissioners; and,

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

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

SECTION A. REQUEST

The applicant filed a request to rezone a 35.64± acre parcel to amend the following:

- Reconfigure the Master Concept Plan (MCP) and correct preserve acreages;
- Increase Phase 5 lots from 134 to 137 (no net increase to overall 611 RVPD unit count);
- Allow zero lot lines and reduce waterfront setbacks;
- Add deviations for setbacks, accessory use locations, and parking; and
- Allow residential accessory uses, including "casitas" with cooking facilities.

The property is located in the Urban Community Future Land Use Category and is legally described in attached Exhibit A. The request is APPROVED, SUBJECT TO the conditions and deviations specified in Sections B and C below.

ADD2024-00063 Lee County ePlan

SECTION B. CONDITIONS:

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

This zoning resolution codifies and supersedes Resolution Z-94-025, PD-95-019, ADD2002-00111, ADD2003-00122, Z-03-057, ADD2004-00102, ADD2010-00013, Z-11-021, ADD2019-00066, and ADD2020-00049(A).

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

   Development must comply with all requirements of the LDC and Lee Plan at time of local development order approval, except as may be granted by deviation as part of this planned development. If changes to the MCP, conditions, or deviations are subsequently pursued, appropriate approvals will be necessary.

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

2. Uses and Site Development Regulations

   a. Schedule of Uses

   Phases 1-5:

   Accessory Uses
   - Consumption on Premises
   - Food Stores, Group I
   - Gazebos (maximum 200 square feet)(Condition 10)
   - Personal Services, Group I

   Administrative Offices
   Entrance Gates or Gatehouse
   Essential Services Facility, Group I
   Excavation, Water Retention
   Mobile Homes
   Model Home, Unit, Display Center
   Park Trailers
   Recreational Facilities, Personal
   Recreational Vehicles
   Signs
   Storage
   - Indoor
   - Open, Phases 1-4 only (Limited to RVs, trailers, boats, and other vehicles/goods belonging to park residents)

   Tents
   Vehicle and Equipment Dealers, Group "IV" (RVs only)

ADD2024-00063 Lee County ePlan

Phase 5 only:

Accessory Uses and Structures, including:
Cabanas (maximum 600 square feet)[1]
Club, Private, On-site with the following accessory uses:
Consumption on Premises, indoor and outdoor
Food and Beverage Services, Limited
Personal services, Group I only
Community Gardens
Essential Services
Fences and Walls
Parking lot, Accessory
Real Estate Sales Office
Recreational Facilities, Private, On-site
Storage, Open (limited to trailers, boats, and other vehicles/goods of RVPD residents; Storage of RVs is not permitted)

b. Site Development Regulations

Phases 1-4:

Minimum Lot Area and Dimensions

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

Minimum Setbacks

Street:	20 feet
Side Street:	10 feet (Deviation 4)
Side:	10 feet (for RVs) 5 feet (for Mobile Homes)
Rear	20 feet
Water Body:	25 feet

Phase 5:

Minimum Lot Area and Dimensions: RV Lots

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

Minimum Setbacks: RV Lots

Street:	20 feet
Side Street:	10 feet (see Deviation 4)
Side:	0/5 feet (for RV or accessory structure to the side lot line); 10 feet between parked RVs and accessory structures[2]
Rear (Principal):	10/20 feet (20 foot rear setback for lots abutting developed RV lots in Phases 1-4)

[1] Consistent with LDC §34-1182.
[2] RV pads may be within 10 feet of accessory structure consistent with MCP "Typical Lot Detail."

ADD2024-00063 Lee County ePlan

Rear (Accessory):	5 feet (0 feet from lake maintenance easement for waterfront lots)
Waterbody:	20 feet
Maximum Lot Coverage:	50% (RV pad and roofed accessory structures)
Maximum Building Height:	30 feet

Minimum Lot Area and Dimensions: Amenity Tract

Lot Area:	10,000 square feet
Width:	100 feet
Depth:	100 feet

Minimum Setbacks: Amenity Tract

Street:	20 feet
Side (Principal):	10 feet
Side (Accessory):	5 feet
Rear (Principal):	10 feet
Rear (Accessory):	5 feet
Waterbody:	0 feet
Maximum Lot Coverage:	45% (RV pad and roofed accessory structures)
Maximum Building Height:	45 feet

3. Onsite Shelter:

The on-site Hurricane Shelter must be consistent with the commitment on the MCP.

4. Utilities:

Development must connect to a public or private central water system and a public or private sewage disposal system.

5. Fox Squirrel Preserve Area & Northern Buffer:

Development order plans must depict Fox Squirrel Preserve areas consistent with the MCP. Developer must relocate golden polypody found on trees within development areas to preserve areas.

Landscape plans must include a 0.90 acre restoration planting plan in substantial compliance with the Restoration and Maintenance Plan prepared by Southern Biomes dated June 9, 2009 (Exhibit D) along the Phase 5 northern property line prior to issuance of a Phase 5 development order. Developer must submit an indigenous management plan for required indigenous open space and restoration areas.

Developer must complete restoration of the 0.90 acres along the Phase 5 northern property line in compliance with the Restoration and Maintenance Plan prepared by Southern Biomes dated June 9, 2009 (Exhibit D) prior to issuance of a Certificate of Compliance for Phase 5 infrastructure.

ADD2024-00063 Lee County ePlan

6. Open Space:

The overall project must provide 64.24 acres minimum of open space for all phases of the project in substantial compliance with the MCP.

7. Indigenous Open Space:

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

8. Indigenous Maintenance and Management Plan:

Developer must submit a Maintenance and Management Plan for Indigenous Preserve areas for Division of Environmental Sciences approval with Phase 5 development order application.

9. Landscape Plans:

Phase 5 landscape plans must be in substantial compliance with the Habitat Restoration and Maintenance Guidelines and depict:

a. Planting of slash pines (Pinus elliotti var densa), dahoon holly (Ilex cassine), laurel oak (Quercus laurifolia) and live oaks (Quercus virginiana), planted an average of 15-feet on center;
b. 75 percent of planted trees must be 10 feet in height, two inch caliper;
c. 25 percent of planted trees must be 16 feet in height, three-four-inch caliper;
d. Shrubs consistent with the restoration plan, planted in scattered clusters one gallon container size, three feet on center; and
e. A five-year monitoring report to ensure successful habitat restoration.

10. Gazebos:

One gazebo is permitted per RV lot. Gazebos must be unenclosed and cannot exceed 200 square feet (including overhangs).

11. Overflow Golf Cart Parking Area:

Access to the Phase 5 amenity tract from the overflow parking area must include a paved sidewalk, painted crosswalk, and appropriate roadway signage.

12. Accessory Setback:

Phase 5 lots must provide at least 10 feet between principal structures, accessory structures, and RVs parked on site. The RV pad may be within 10 feet consistent with the MCP "Typical Lot Detail."

13. Perimeter Buffer:

Prior to development order approval depicting perimeter buffer plantings with the Florida Power and Light (FPL) easement, developer must submit the FPL Easement Agreement stating buffer plantings may be installed in the easement.

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14. Vegetation Removal Permit:

Developer must provide "Notification of FPL Facilities" FPL Form 360 prior to commencement of construction within the easement or to issuance of a vegetation removal permit for Phase 5.

15. Easement Landscape Maintenance:

Developer must replace required vegetation within the easement area. Failure to replace vegetation consistent with this zoning approval will result in a Code violation.

SECTION C. DEVIATIONS:

1. Deviation (1) seeks relief from the LDC §14-298(c) requirement to provide for the development of the "TZ" area as indicated on the MCP. This deviation is APPROVED SUBJECT TO the mitigation plan titled "Cypress Woods Monitoring and Maintenance Plan" submitted by Boylan Environmental Consultants, Inc., stamped and dated May 18, 1995. Mitigation must follow the phasing presented in these documents and all monitoring reports must be submitted to the Lee County Division of Environmental Sciences within thirty days of the scheduled monitoring events.

2. Deviation (2) is DENIED.

3. Deviation (3) seeks relief from the LDC §10-714.b requirement to provide a 90 foot turn-out radius to 30 feet. This deviation is APPROVED SUBJECT TO the developer providing a paved/stabilized surface with a minimum radius of 42 feet and, in addition, providing an unobstructed clear zone of 48-foot radius (6 feet clear zone beyond driving range).

4. Deviation (4) seeks relief from the LDC §34-2192(a) requirement to allow a reduction in the street setback from 20 feet to 5 feet on the "side" lot line for corner lots. This deviation is APPROVED SUBJECT TO the terms of Condition 2.

5. Deviation (5) seeks relief from the LDC §§ 10-296(b) and 10-296, Table 3 requirement of a 45-foot right-of-way for a local street with open drainage, to permit a local street with 30 feet of right-of-way and open drainage. This deviation is APPROVED SUBJECT to the condition that the typical lot cross section demonstrates that the drainage performs adequately by showing the slab placement at the time of Development Order stage.

6. Deviation (6) seeks relief from the LDC §34-939(b)(6) requirement of a 5,000 square-foot minimum lot to provide a 4,140 square foot minimum (46 feet x 90 feet). This deviation is APPROVED SUBJECT TO Condition 2.

7. Deviation (7) seeks relief from the LDC §34-939(b)(7)c requirement of a side setback of 10 feet and a street (right-of-way) setback of 25 feet, to permit a side setback of 5 feet and a street (right-of-way) setback of 20 feet in the non-transient section of the park. This deviation is APPROVED provided setbacks are in conformance with Condition 2 and all side setbacks apply to all portions of the structure or unit, including overhangs.

8. Deviation (8) seek relief from the LDC §34-939(b)(3) requirement to permit an access road through the perimeter buffer to the boat storage area. This deviation is APPROVED SUBJECT TO Condition 8.

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9. Deviation (9) seeks relief from the LDC §34-736 requirement of a 5,000 square foot minimum lot (50 feet x 100 feet) to provide a 4,140 square foot minimum lot (46 feet x 90 feet). This deviation is APPROVED SUBJECT TO Condition 2.

10. Deviation (10) seeks relief from the LDC §34-7361 requirement of a side setback of 7 feet, to permit a side setback of 5 feet. This deviation is APPROVED SUBJECT TO Condition 2.

11. Deviation (11) seeks relief from the LDC §§ 34-2222(1) and 10-254(b) requirements to allow corner lots to be the same size as the other lots within the development (and not have an additional 15 feet of width). This deviation is APPROVED SUBJECT TO Condition 2.

12. Deviation (12) seeks relief from the LDC §10-295 to eliminate the requirement for street stubs to adjacent properties. This deviation is APPROVED.

13. Deviation (13) seeks relief from the LDC §34-939(b)(3) to eliminate the requirement for a buffer between a recreational vehicle park and adjacent property interior to the site. This deviation is APPROVED for the interior portion of the site only.

14. Deviation (14) seeks relief from the LDC Section §34-935(a)(l) to eliminate the requirement that a new recreational vehicle park be not less than 20 acres in size. This deviation is APPROVED.

15. Deviation (15) seeks relief from the LDC Section §§ 34-2194(b) and (c) requirements of a 25 foot water body setback; to allow a zero foot setback in order to permit the construction of a clubhouse, deck, pier, and gazebo 90 feet into the artificial body of water. This deviation is APPROVED SUBJECT TO substantial compliance with the proposed construction of the clubhouse and related facilities on the approved Plan entitled, Cypress Woods, R.V. Resort Clubhouse Area Dev. Order Plans; Drainage, Parking & Site Dim. Plan; dated 04-14-03, stamped received AUG 21, 2003 and subject to the requirement that the water body setback must not adversely impact any open space requirement, wetland vegetation plantings, or other buffering, landscaping, or preservation areas or requirements.

16. Deviation (16) seeks relief from the LDC §34-2020 requirement of 135 parking spaces for the two clubhouse facilities, to allow 44 off-street parking spaces. This deviation is APPROVED, SUBJECT TO the reservation of Lots 85 and 86 (Phase "4") and Tract I (Phase "3", which lies immediately east of Lots 85 and 86, Phase "4") for the use of overflow parking only, and may not be used as a recreational vehicle or mobile home site. Upon the sale of the last lot (site), in the last Phase of the development, if the applicant can adequately demonstrate during the season of the highest occupancy of the development that the overflow parking areas were not needed, the two lots can then be used for recreational vehicle or mobile home sites as provided for in this planned development. A reduced copy of a Plan entitled Cypress Woods R.V. Resort Phase "IV", IVA, & IVB, stamped received SEP 08, 2003 depicts these parcels.

17. Deviation (17) seeks relief from the LDC §34-935(a)(1) requirement of a minimum of 5 acres of land necessary to expand an existing recreational vehicle park, to allow an expansion of 2.1+/- acres. This deviation is APPROVED.

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Deviations 18 through 24 apply only to Phase 5:

18. Deviation (18) seeks relief from the LDC §10-296(b) Table 2 requirement of a 40 foot right-of-way with open drainage for a privately maintained local street to allow for a 30 foot right-of-way with closed drainage. This deviation is APPROVED.

19. Deviation (19) seeks relief from the LDC §10-296(b) Table 8 requirement of planting strips and sidewalks to allow for a privately maintained right-of-way with no planting strip or sidewalk. This deviation is APPROVED.

20. Deviation (20) seeks relief from the LDC §34-2015(1) requirement for all parking spaces to be located on the same premises as the use they serve, to allow 16 golf cart parking spaces within 200 feet of the amenity tract. This deviation is APPROVED SUBJECT TO Condition 11.

21. Deviation (21) seeks relief from the LDC §34-939(b)(7)(c) requirement of a minimum 10 foot set back from each side and rear recreational vehicle lot, to allow a 0 foot setback for the side and rear lot line of all rear recreational vehicle lots. This deviation is APPROVED SUBJECT TO Condition 12.

22. Deviation (22) seeks relief from the LDC §34-939(b)(3) requirement that all recreational vehicle parks have a perimeter buffer area at least 40 feet wide adjacent to and completely around the boundary of the site, to allow accessory uses outside of the proposed buffer. This deviation is APPROVED SUBJECT TO Conditions 13, 14, and 15.

23. Deviation (23) seeks relief from the LDC §10-415(b)(1)(c) requirement of a 20 foot minimum setback from indigenous vegetation and trees and 30 foot setback for indigenous plant communities subject to fire, to allow a 20 foot minimum setback from upland preserve lots 68-70 and 75-76. This deviation is APPROVED.

24. Deviation (24) is WITHDRAWN.

SECTION D. EXHIBITS:

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

Exhibit A: Legal description of the property
Exhibit B: Zoning Map (with the subject parcel indicated)
Exhibit C: The Master Concept Plan
Exhibit D: Habitat Restoration and Maintenance Guidelines

SECTION E. FINDINGS AND CONCLUSIONS:

Based upon its review, the Board of County Commissioners adopts the recommendation of the Hearing Examiner, including the following findings and conclusions:

1. *As conditioned herein*, the proposed rezoning to RVPD:

   a. Complies with the Lee Plan. *See,* Lee Plan Vision Statement Paragraph 4 (Fort Myers Shores Planning Community), Lee Plan Goals 2, 4, 5, 21, 39,

ADD2024-00063 Lee County ePlan

Objectives 2.2, and Policies 1.1.4, 5.1.5, 61.3.6, 135.1.3, 135.1.9, 158.1.9, 158.1.10; Lee Plan Maps 1, 16.

b. Complies with the LDC and other County regulations. *See*, LDC Chapters 10 and 34; LDC §33-1480 *et. seq*.

c. Is compatible with existing and planned uses in the area. *See,* Lee Plan Policies 1.1.4, 2.1.1, 2.1.2, 2.2.1, 5.1.5, 135.1.9; LDC §§ 34-411(c), (i), and (j).

d. Will not adversely affect environmentally critical areas and natural resources. *See,* Lee Plan Goal 77, Objectives 4.1, 77.1, and LDC §34-411(h).

e. Will be served by urban services. *See,* Lee Plan Glossary, Maps 6, 7, Goal 2; Objectives 2.1, 2.2, 4.1, 53.1, 56.1; Policies 2.2.1, 5.1.3, 135.9.7 and Standards 4.1.1 and 4.1.2; LDC §34-411(d).

2. The MCP reflects sufficient access to support the intensity of development. In addition, County regulations and conditions of approval will address expected impacts to transportation facilities. *See,* Lee Plan Goal 39, Objective 39.1; LDC §34-411(d).

3. The proposed mix of uses is appropriate at the proposed location. *See,* Lee Plan Policies 1.1.4, 2.1.1, 5.1.3, 5.1.5, and 135.1.9.

4. The recommended conditions are sufficient to protect the public interest and reasonably relate to the impacts expected from the development. *See,* Lee Plan Policies 5.1.5, 135.9.6; *See also,* LDC Chapters 10, 33 and 34.

5. As conditioned herein, the deviations:

   a. Enhance the objectives of the planned development; and

   b. Promote the intent of the LDC to protect the public health, safety, and welfare. *See,* LDC §34-377(b)(4).

SECTION F. SCRIVENER'S ERRORS

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

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

Adopted by unanimous consent.

Kevin Ruane	Absent
Cecil Pendergrass	Aye
Raymond Sandelli	Aye
Brian Hamman	Aye
Frank Mann	Aye

DULY PASSED AND ADOPTED this 16th day of December 2020.

ATTEST:
LINDA DOGGETT, CLERK

BY: _____
Deputy Clerk

BOARD OF COUNTY COMMISSIONERS
OF LEE COUNTY, FLORIDA

BY: _____
Kevin Ruane, Chair

APPROVED AS TO FORM FOR THE
RELIANCE OF LEE COUNTY ONLY

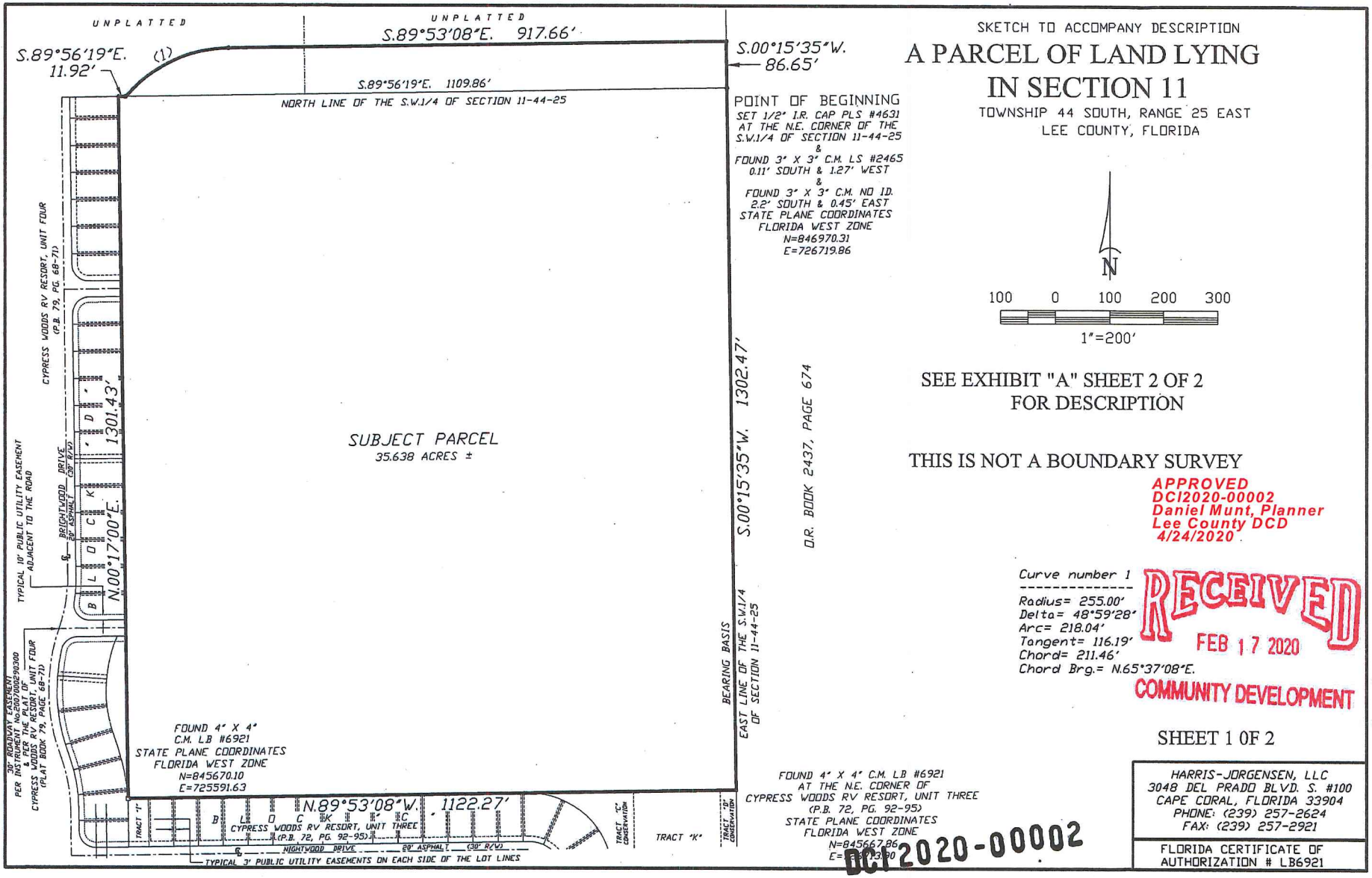
_____
Joseph A. Adams
Assistant County Attorney
County Attorney's Office

RECEIVED
MINUTES OFFICE
2021 FEB -1 PM 2:47

ADD2024-00063 Lee County ePlan

DCI2020-00002 Lee County ePlan

EXHIBIT A



SKETCH TO ACCOMPANY DESCRIPTION

A PARCEL OF LAND LYING IN SECTION 11

TOWNSHIP 44 SOUTH, RANGE 25 EAST
LEE COUNTY, FLORIDA

N

100 0 100 200 300

1"=200'

SEE EXHIBIT "A" SHEET 2 OF 2
FOR DESCRIPTION

THIS IS NOT A BOUNDARY SURVEY

APPROVED
DCI2020-00002
Daniel Munt, Planner
Lee County DCD
4/24/2020

Curve number 1

Radius= 255.00'
Delta= 48°59'28"
Arc= 218.04'
Tangent= 116.19'
Chord= 211.46'
Chord Brg.= N.65°37'08"E.

RECEIVED
FEB 17 2020
COMMUNITY DEVELOPMENT

SHEET 1 0F 2

HARRIS-JORGENSEN, LLC
3048 DEL PRADO BLVD. S. #100
CAPE CORAL, FLORIDA 33904
PHONE: (239) 257-2624
FAX: (239) 257-2921

FLORIDA CERTIFICATE OF AUTHORIZATION # LB6921

DCI2020-00002

REVISED	DESCRIPTION	BY
6/25/2020	ADDED TOPOGRAPHY	RBH
3/27/2020	ADDED OWNER'S POLICY	RBH

PHILLIP M. MOULD
PROFESSIONAL SURVEYOR AND MAPPER
LS6515 - STATE OF FLORIDA

DRAWN	CHECK	SCALE	PROJ. #
RBH	PMM	1"=30'	CV-10
SURVEY DATE		FILE NO.	SHT.- 1
5/23/18		44-23-11	OF - 4

HARRIS-JORGENSEN, LLC.
3048 SW. FRIAR BLVD. S. SUITE 105
CAPE CORAL, FLORIDA 33914
PHONE: (239) 257-2624
FAX: (239) 257-2921

FLORIDA CERTIFICATE OF AUTHORIZATION LB6921

MATTERS PERTAINING TO OWNER'S POLICY:
BY: OLD REPUBLIC NATIONAL TITLE INSURANCE COMPANY.
POLICY No. OFS-8739252, DATED JANUARY 28, 2020 AT 4:36 PM.

SCHEDULE B-II

ITEMS 1, 2, 3, 4, 5, 7, 8, 9, 13, 14, 16, 17, AND 18 ARE NOT SURVEY RELATED.
ITEM 6 (LEE) BOOK 4255, PAGE 4185, AS SHOWN HEREON.
ITEM 10 (LEE) BOOK 3733, PAGE 2657, AS SHOWN HEREON.
ITEM 11 (LEE) BOOK 4315, PAGE 3112, AS SHOWN HEREON.
ITEM 12 INSTRUMENT No. 2007000236000, AS SHOWN HEREON.
ITEM 15 INSTRUMENT No. 2012000218224, AS SHOWN HEREON.

SURVEY NOTES:
1. BASIS OF BEARING SHOWN HEREON TAKEN FROM THE EAST LINE OF THE SOUTHWEST QUARTER OF SECTION 11-44-25, AS BEING S.00°15'35"W.
2. FIELD NOTES IN SECTION 11-44-25.
3. THIS CERTIFICATION IS ONLY FOR LANDS DESCRIBED HEREON. IT IS NOT A CERTIFICATION OF TITLE, ZONING OR FREEDOM OF ENCUMBRANCES.
4. THIS SURVEY IS BASED ON OWNER'S POLICY BY OLD REPUBLIC NATIONAL TITLE INSURANCE COMPANY, POLICY No. OFS-8739252, DATED JANUARY 28, 2020 AT 4:36 PM.
5. UNDERGROUND STRUCTURES AND UTILITIES, IF ANY, ARE NOT INCLUDED.
6. THIS MAP/PLAT IS NOT VALID WITHOUT THE SIGNATURE AND THE ORIGINAL RAISED SEAL OF A FLORIDA LICENSED SURVEYOR AND MAPPER.
7. ALL BEARINGS AND DISTANCES ARE PLAT AND MEASURED, UNLESS OTHERWISE SHOWN.
8. ISSUANCE OF THIS DRAWING, FROM THIS FIRM, SHALL NOT RELIEVE THE BUILDER AND/OR CONTRACTORS OF THE RESPONSIBILITY TO REVIEW AND VERIFY ALL NOTES, DIMENSIONS, ELEVATIONS, AND ADHERENCE TO APPLICABLE BUILDING CODES PRIOR TO COMMENCEMENT OF ANY CONSTRUCTION. BUILDER MAY NEED TO ADJUST ELEVATION AND/OR SETBACKS PRIOR TO CONSTRUCTION IF OTHER RESTRICTIONS EXIST.
9. THIS SURVEY IS INTENDED TO BE VIEWED AS AN 24x36, 30 SCALE DRAWING.
10. THIS SURVEY IS LOCATED IN STATE PLANE COORDINATES FLORIDA WEST ZONE NAD83.
11. BENCHMARK DERIVED FROM RTCH-RST 0103, ELEVATION 35.68' N.A.V.D. 1988
12. ELEVATIONS ARE NORTH AMERICAN VERTICAL DATUM OF 1988 (N.A.V.D.)

FLOOD ZONE: "X" ELEVATION N/A
COMMUNITY No: 125124 PANEL No: 0091
SUFFIX --- F REVISION DATED 8/28/08
MAP NUMBER 12071C0091F

THIS SURVEY IS CERTIFIED TO:
DUANE J. TRUITT
LEE COUNTY

LEGEND:

⊕	SET #4 IRON ROD (CAP LB6921)	R.V.B.	RECLAIM WATER BOX
○	FOUND IRON ROD (I.R.)	W.M.	WATER METER
□	CONCRETE MONUMENT (C.M.)	O/H	OVERHEAD POWER
P.R.M.	PERMANENT REFERENCE MONUMENT	P.P.	POWER POLE
P.U.E.	PUBLIC UTILITY EASEMENT	G.A.N.V.	GUY ANCHOR & WIRE
D.E.	DRAINAGE EASEMENT	T.S.B.	TELEPHONE SERVICE BOX
P.C.	POINT OF CURVATURE	N/S	NAIL & DISK
O.R.	OFFICIAL RECORDS BOOK	W.T.	NAIL & TINTAB
(S)	AS PER SURVEY	ELEV.	ELEVATION
(P)	AS PER PLAT	B.M.	BENCHMARK
CO	CURVE NUMBER	T.E.	TYPICAL ELEVATION
R/W	RIGHT-OF-WAY	A/C	AIR CONDITIONER
R/W	RIGHT-OF-WAY	W.E.	WATER METER
℄	CENTERLINE	P.E.	POOL EQUIPMENT
E.P.	ELECTRIC PEDESTAL	CONC.	CONCRETE
C.O.	CLEAN-OUT	E.O.	ELECTRIC OUTLET
		CPP	CORRUGATED PLASTIC PIPE

BOUNDARY SURVEY OF
A PARCEL OF LAND LYING IN SECTION 11
TOWNSHIP 44 SOUTH, RANGE 25 EAST
(INSTRUMENT No. 2007000236000)
LEE COUNTY, FLORIDA

SCALE IN FEET
15 0 15 30 45

DESCRIPTION: (PER OWNER'S POLICY)

A TRACT OR PARCEL OF LAND LYING IN SECTION 11, TOWNSHIP 44 SOUTH, RANGE 25 EAST, LEE COUNTY, FLORIDA, DESCRIBED AS FOLLOWS:

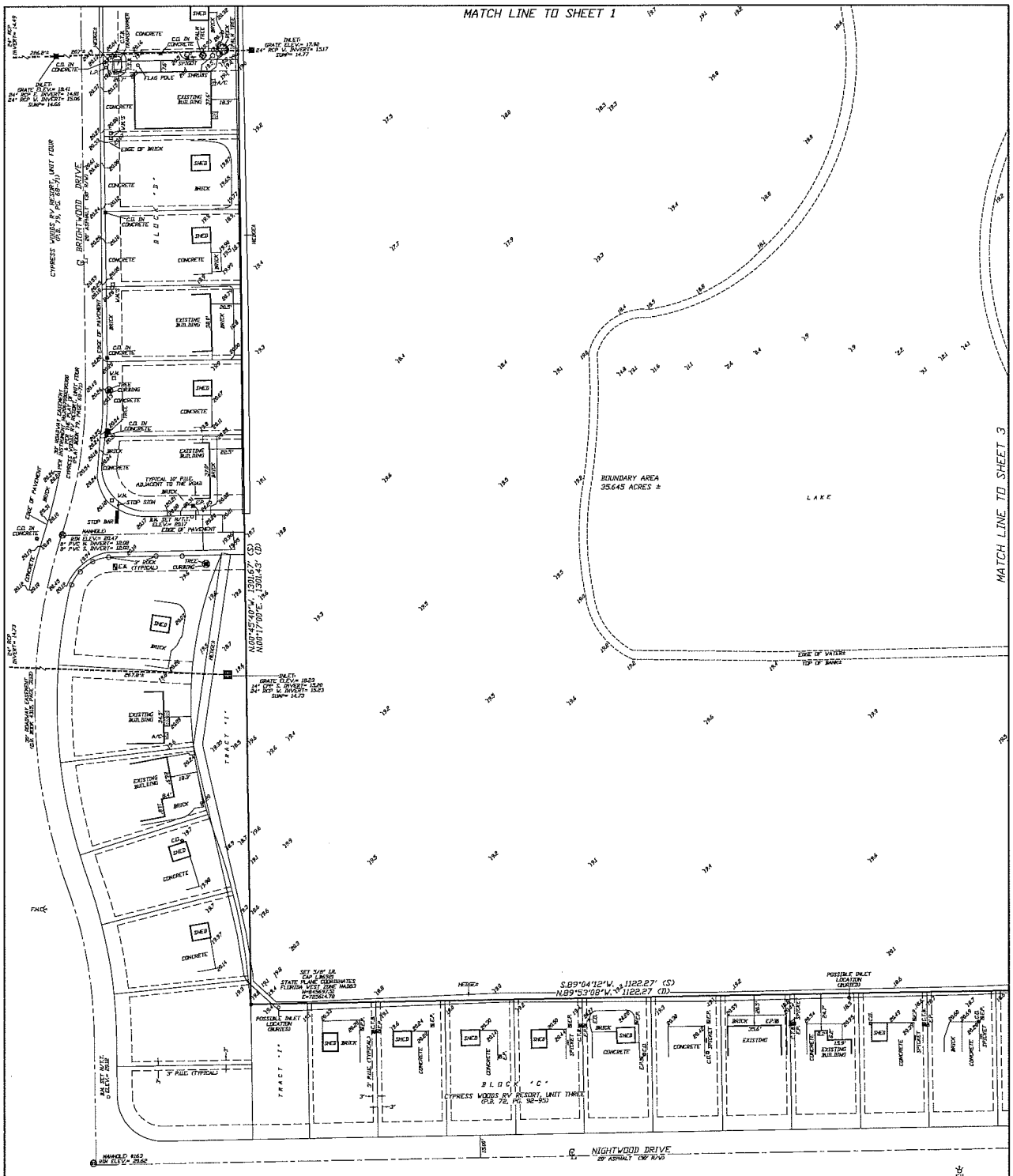
BEGINNING AT THE NORTHEAST CORNER OF THE SOUTHWEST QUARTER (S.W.1/4) OF THE AFORESAID SECTION 11; THENCE RUN S.00°15'35"W. ALONG THE EAST LINE OF SAID SOUTHWEST QUARTER (S.W.1/4) FOR 1,360.47 FEET TO THE NORTHEAST CORNER OF CYPRESS WOODS RV RESORT, UNIT THREE, AS RECORDED IN PLAT BOOK 72, PAGES 82 THROUGH 92, PUBLIC RECORDS OF LEE COUNTY, FLORIDA; THENCE RUN N.89°55'08"W. ALONG THE NORTH LINE OF CYPRESS WOODS RV RESORT, UNIT THREE FOR 1122.27 FEET; THENCE RUN N.00°17'00"E. FOR 1,301.43 FEET TO A POINT ON THE NORTH LINE OF THE AFORESAID SOUTHWEST QUARTER (S.W.1/4); THENCE RUN S.89°53'19"E. ALONG THE NORTH LINE OF SAID SOUTHWEST QUARTER (S.W.1/4) FOR 1,156 FEET TO A POINT ON A ON TANGENT CURVE; THENCE RUN NORTHEASTERLY FOR 218.04 FEET ALONG THE ARC OF A CURVE CONCAVE SOUTHEASTERLY, WITH A RADIUS OF 255.00 FEET, A DELTA OF 49°00'29", A CHORD BEARING OF N.65°37'08"E. AND A CHORD DISTANCE OF 211.46 FEET TO A POINT OF TANGENCY; THENCE RUN S.89°53'09"E. FOR 917.64 FEET TO A POINT ON THE EAST LINE OF THE NORTHWEST QUARTER (N.W.1/4) OF THE AFORESAID SECTION 11; THENCE RUN S.00°15'35"W. ALONG SAID EAST LINE FOR 66.65 FEET TO THE POINT OF BEGINNING.

BEARINGS ARE BASED ON THE EAST LINE OF THE SOUTHWEST QUARTER (S.W.1/4) OF THE AFORESAID SECTION 11 AS BEING S.00°15'44"W.

APPROVED
DCI2020-00002
Daniel Munt, Planner
Lee County DCD
4/24/2020

Curve number 1
Radius= 255.00' (S & D)
Delta= 48°59'28" (S & D)
Arc= 218.04' (S & D)
Chord= 211.46' (S & D)
Chord Brg.= N.64°35'12"E. (S)
Chord Brg.= N.65°37'08"E. (D)

N.89°04'56"E. 917.64' (S) S.89°53'08"E. 917.66' (D)
N.89°01'45"E. 1109.84'
NORTH LINE OF THE S.W.1/4 OF SECTION 11-44-25
N.89°01'45"E. 12.23' (S)
S.89°56'19"E. 11.92' (D)
TRACT B-2
LANDSCAPE BUFFER EASEMENT, PRIVATE UTILITY EASEMENT AND DRAINAGE TRACT
EMERGENCY ACCESS EASEMENT PER INSTRUMENT No. 2008000210264
TO CYPRESS TRAIL RESORT CIRCLE
TOP OF BANK±
EDGE OF WATER±
BOUNDARY AREA
35.645 ACRES ±
LAKE
EXISTING BUILDING
BRICK
SHED
CONCRETE
EDGE OF PAVEMENT
CURB
I.C.V.
GRATE ELEV.= 13.26
INVERT= 11.50
RIM ELEV.= 14.56
RIM ELEV.= 13.88
INVERT= 10.88
RIM ELEV.= 13.88
INVERT= 10.88
RIM ELEV.= 13.88
INVERT= 10.88



BOUNDARY SURVEY OF
A PARCEL OF LAND LYING IN
SECTION 11
TOWNSHIP 44 SOUTH, RANGE 25 EAST
(INSTRUMENT No. 2007000309485)
LEE COUNTY, FLORIDA

LEGEND:

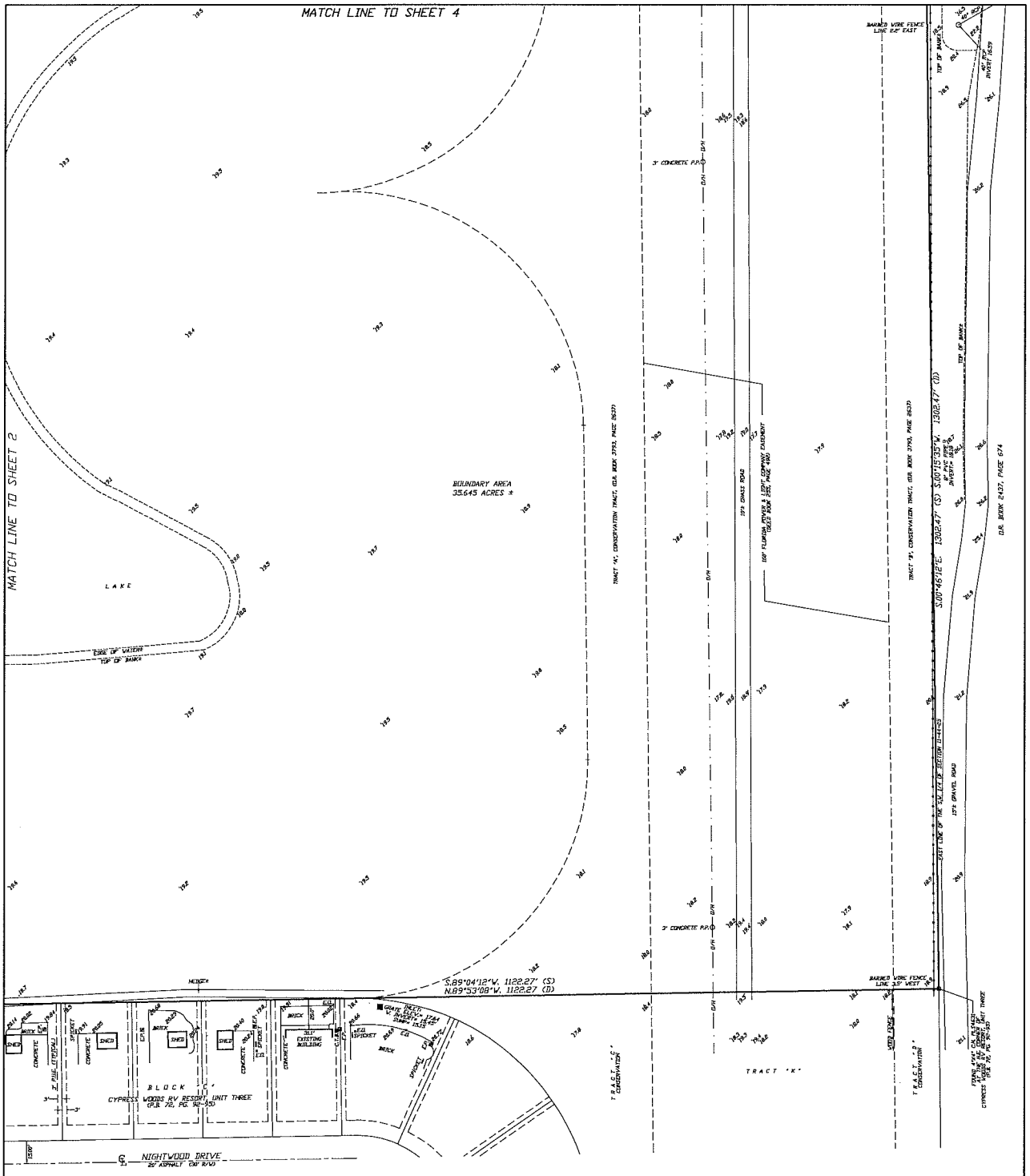
●	SET #4 IRON ROD (CAP L36920)	R.W.B.	RECLAIM WATER BOX
○	FOUND IRON ROD (I.P.)	W.M.	WATER METER
⊡	CONCRETE MONUMENT (C.M.)	O/H	OVERHEAD POWER
P.R.M.	PERMANENT REFERENCE MONUMENT	P.P.	POWER POLE
P.U.E.	PUBLIC UTILITY EASEMENT	G.A.W.	GUY ANCHOR & WIRE
D.E.	DRAINAGE EASEMENT	T.S.B.	TELEPHONE SERVICE BOX
P.C.	POINT OF CURVATURE	N.P.	NAIL & DISK
O.R.	OFFICIAL RECORDS BOOK	M/T.T.	NAIL & TINTAB
(S)	AS PER SURVEY	ELEV.	ELEVATION
(P)	AS PER PLAT	B.M.	BENCHMARK
(C)	CURVE NUMBER	⊕	TYPICAL ELEVATION
L.I.	LINE NUMBER	A/C	AIR CONDITIONER
R/W	RIGHT-OF-WAY	W.S.	WATER SYSTEM
℄	CENTERLINE	P.E.	POOL EQUIPMENT
E.P.	ELECTRIC PEDESTAL	▭	CONCRETE
C.O.	CLEAN-OUT	E.O.	ELECTRIC OUTLET
		CPP	CORRUGATED PLASTIC PIPE

REVISED:	DESCRIPTION	BY:
2/22/2020	ADDED TOPOGRAPHY	RBH
3/27/2020	ADDED OWNER'S POLICY:	RBH

DATE OF LAST FIELD WORK: 2/22/2020

DRAWN	CHECK:	SCALE	PROJ. #	
RBH	PMH	1"=30'	CW-05	HARRIS-JORGENSEN, LLC. 3648 DEL PRADO BLVD S SUITE 100 CAPE CORAL, FLORIDA 33904 PHONE: (239) 257-2624 FAX: (239) 257-2921
SURVEY DATE 9/23/18	FILE NO. 44-25-11	SHT- 2 OF - 4		

FLORIDA CERTIFICATE OF AUTHORIZATION L36921



BOUNDARY SURVEY OF
A PARCEL OF LAND LYING IN
SECTION 11
TOWNSHIP 44 SOUTH, RANGE 25 EAST
(INSTRUMENT No. 2007000306405)
LEE COUNTY, FLORIDA

N

15 0 15 30 45
SCALE IN FEET

LEGEND:

●	SET #4 IRON ROD (CAP L36921)	R.W.B.	RECLAIM WATER BOX
○	FOUND IRON ROD (I.R.)	W.M.	WATER METER
□	CONCRETE MONUMENT (C.M.)	O/H	OVERHEAD POWER
P.R.M.	PERMANENT REFERENCE MONUMENT	P.P.	POWER POLE
P.U.E.	PUBLIC UTILITY EASEMENT	G.A.W.	GUY ANCHOR & WIRE
D.E.	DRAINAGE EASEMENT	T.S.B.	TELEPHONE SERVICE BOX
P.C.	POINT OF CURVATURE	N/B	NAIL & DISK
O.R.	OFFICIAL RECORDS BOOK	N/T.T.	NAIL & TINTAB
(S)	AS PER SURVEY	ELEV.	ELEVATION
(P)	AS PER PLAT	B.M.	BENCHMARK
(D)	CURVE MEMBER	✓	TYPICAL ELEVATION
L.I.	LINE MEMBER	A/C	AIR CONDITIONER
R/W	RIGHT-OF-WAY	W.S.	WATER SYSTEM
℄	CENTERLINE	P.E.	POOL EQUIPMENT
E.P.	ELECTRIC PEDESTAL	CONCRETE	CONCRETE
C.O.	CLEAN-OUT	E.O.	ELECTRIC OUTLET
		CPP	CORRUGATED PLASTIC PIPE

REVISED	DESCRIPTION	BY
2/22/2020	ADDED TOPOGRAPHY	RBH
3/27/2020	ADDED OWNER'S POLICY	RBH

DATE OF LAST FIELD WORK: 2/22/2020

DRAWN	CHECK	SCALE	PROJ. #	
RBH	PMH	1"=30'	CW-US	MARRIS-JORGENSEN, LLC. 3048 DEL PRADO BLVD S SUITE 100 CAPE CORAL, FLORIDA 33904 PHONE (239) 257-2624 FAX (239) 257-2921
SURVEY DATE		FILE NO.	SHT.- 3	
9/25/18		44-25-11	OF - 4	

FLORIDA CERTIFICATE OF AUTHORIZATION L36921

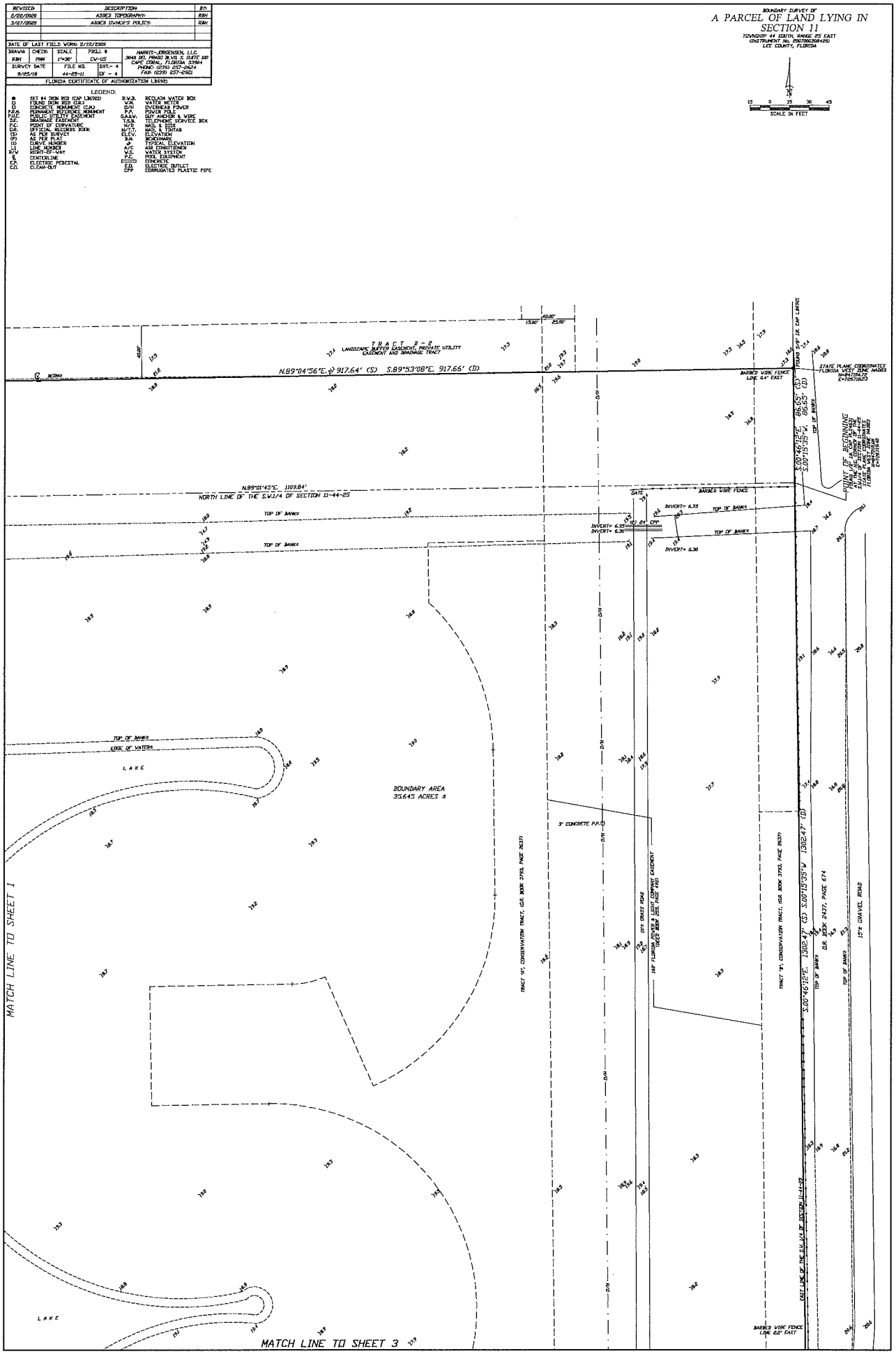
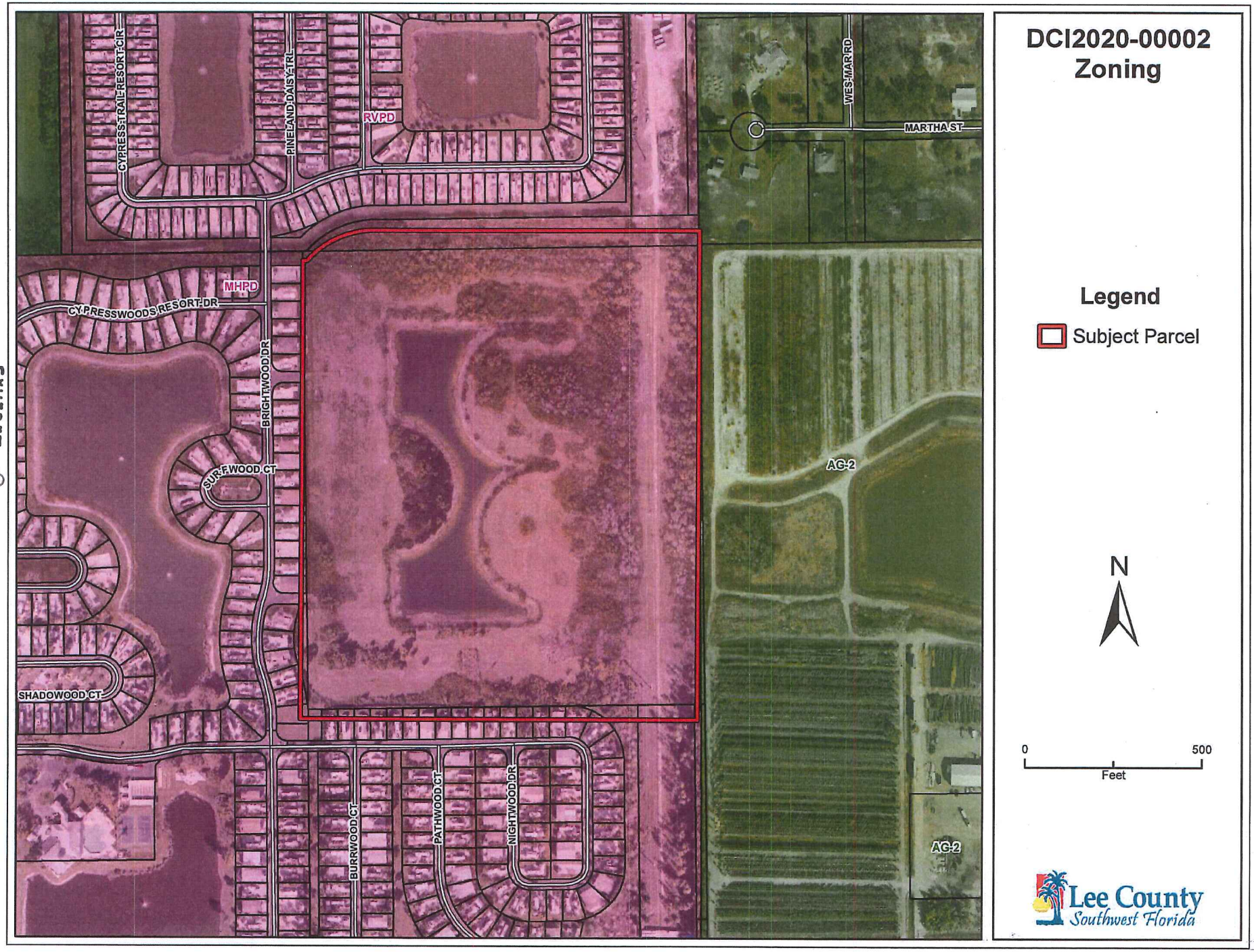

BOUNDARY SURVEY OF
A PARCEL OF LAND LYING IN SECTION 11
TOWNSHIP 44 SOUTH, RANGE 25 EAST
LEE COUNTY, FLORIDA
SCALE IN FEET
REVISED
DESCRIPTION
BY
2/22/2020
ADDED TOPOGRAPHY.
RBH
3/27/2020
ADDED OWNER'S POLICY.
RBH
DATE OF LAST FIELD WORK: 2/22/2020
DRAWN
CHECK
SCALE
FIELD #
RBH
PRH
1"=30'
CV-05
SURVEY DATE
FILE NO.
SHT.- 4
9/25/18
44-25-11
OF - 4
FLORIDA CERTIFICATE OF AUTHORIZATION LB6921
HARRIS-JORGENSEN, L.L.C.
3648 DEL PRADO BLVD. S. STATE 100
CAPE CORAL, FLORIDA 33904
PHONE: (239) 257-8624
FAX: (239) 257-8582
LEGEND:
SET 5/8 IRON ROD CAP LB6921
FOUND IRON ROD (C&M)
CONCRETE MONUMENT (C&M)
PERMANENT REFERENCE MONUMENT
PUBLIC UTILITY EASEMENT
DRAINAGE EASEMENT
POINT OF CURVATURE
OFFICIAL RECORDS BOOK
AS PER SURVEY
AS PER PLAT
CURVE NUMBER
LINE NUMBER
RIGHT-OF-WAY
CENTERLINE
ELECTRIC PEDESTAL
CLEAN-OUT
R.V.P.
RECLAIM WATER BOX
W.M.
WATER METER
O/H
OVERHEAD POWER
P.P.
POWER POLE
G.A.&.W.
GUY ANCHOR & WIRE
T.S.B.
TELEPHONE SERVICE BOX
M/B
MAIL & BOX
M/T/T.
MAIL & TIN TAB
ELEV.
ELEVATION
B.M.
BENCHMARK
T.E.
TYPICAL ELEVATION
A/C
AIR CONDITIONER
W.S.
WATER SYSTEM
M.E.
MISC. EQUIPMENT
C&M
CONCRETE & METAL
E.O.
ELECTRIC OUTLET
CPP
CORRUGATED PLASTIC PIPE
TRACT B-2
LANDSCAPE BUFFER EASEMENT, PRIVATE UTILITY EASEMENT AND DRAINAGE TRACT
N.89°04'56"E. 917.64' (S) S.89°53'08"E. 917.66' (D)
BARBED WIRE FENCE LINE 0.4' EAST
STATE PLANE COORDINATES FLORIDA WEST ZONE NAD83
N=847705.72
E=725718.03
POINT OF BEGINNING
FOUND 5/8" I.R. CAP LB6921
SOUTH LINE OF SECTION 11-44-25
SOUTH LINE OF THE S.W.1/4 OF SECTION 11-44-25
FLORIDA WEST ZONE NAD83
N=847705.48
E=726719.48
S.00°14'13"E. 696.45' (S)
696.65' (D)
S.00°15'35"W.
TOP OF BANKS
N.89°01'45"E. 1109.84'
NORTH LINE OF THE S.W.1/4 OF SECTION 11-44-25
BARBED WIRE FENCE
DATE
INVERT= 6.35
INVERT= 6.30
INVERT= 6.36
TOP OF BANKS
EDGE OF WATER
LAKE
BOUNDARY AREA
35.645 ACRES ±
3' CONCRETE P.P.C.
TRACT W, CONSERVATION TRACT, O.R. BOOK 3793, PAGE 2637
TRACT P, CONSERVATION TRACT, O.R. BOOK 3793, PAGE 2637
15' GRASS ROAD
LEE COUNTY ELECTRIC COOPERATIVE, INC. EASEMENT GRANTED IN O.R. BOOK 2437, PAGE 690
S.00°46'12"E. 1302.47' (S) S.00°15'35"W. 1302.47' (D)
O.R. BOOK 2437, PAGE 674
15' GRAVEL ROAD
EAST LINE OF THE S.W.1/4 OF SECTION 11-44-25
BARBED WIRE FENCE LINE 0.2' EAST
MATCH LINE TO SHEET 1
MATCH LINE TO SHEET 3

EXHIBIT B

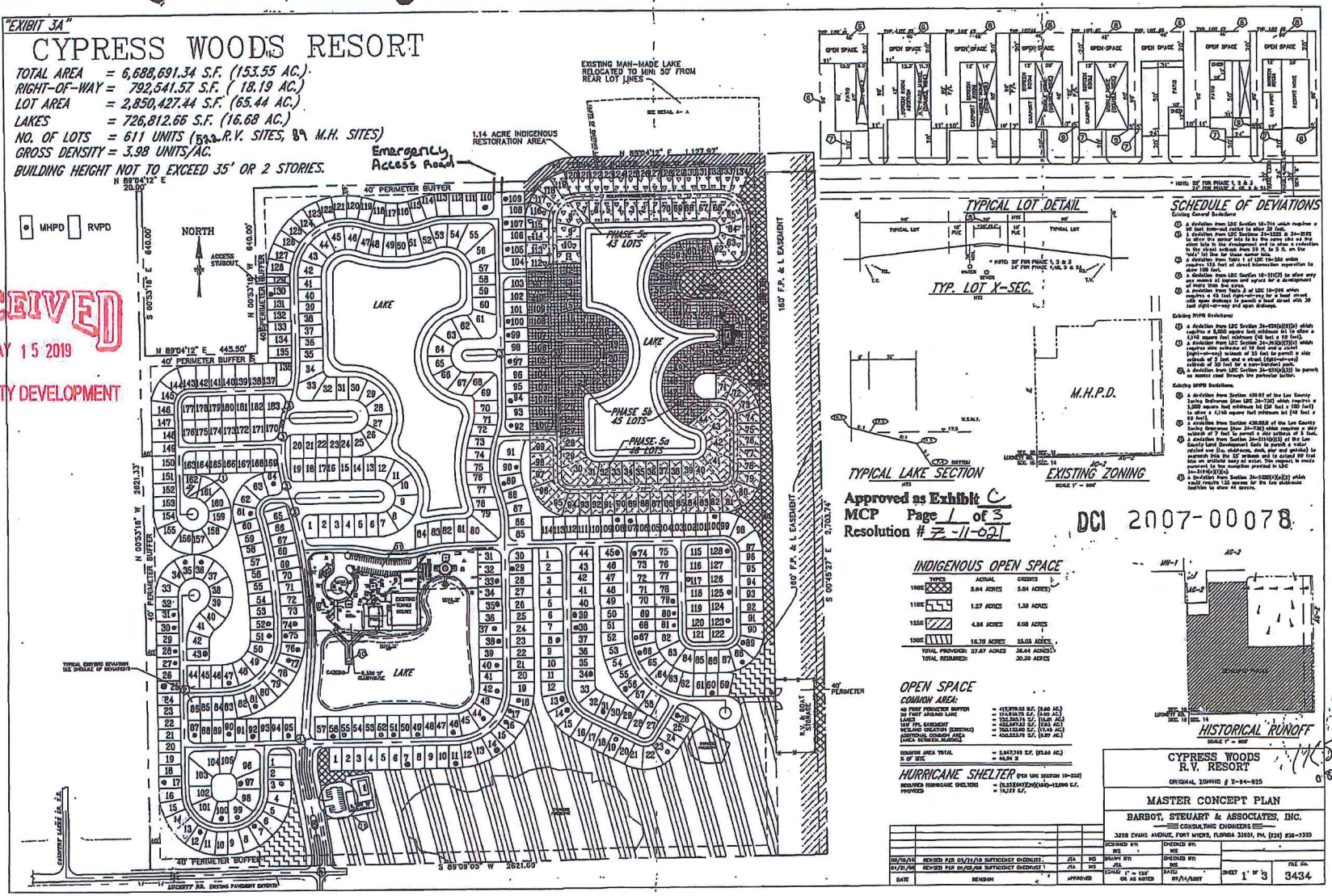

CYPRESS TRAIL RESORT CIR
PINELAND DAISY TRL
RVPD
WES-MAR RD
MARTHA ST
MHPD
CYPRESSWOODS RESORT DR
BRIGHTWOOD DR
SURFWOOD CT
AG-2
SHADOWOOD CT
BURRWOOD CT
PATHWOOD CT
NIGHTWOOD DR
AG-2
DCI2020-00002
Zoning
Legend
Subject Parcel
N
0
500
Feet
Lee County
Southwest Florida

ADD2024-00063 Lee County ePlan

"EXHIBIT 3A"

CYPRESS WOODS RESORT

TOTAL AREA = 6,688,691.34 S.F. (153.55 AC.)
RIGHT-OF-WAY = 792,541.57 S.F. (18.19 AC.)
LOT AREA = 2,850,427.44 S.F. (65.44 AC.)
LAKES = 726,812.66 S.F. (16.68 AC.)
NO. OF LOTS = 611 UNITS (522 R.V. SITES, 89 M.H. SITES)
GROSS DENSITY = 3.98 UNITS/AC.
BUILDING HEIGHT NOT TO EXCEED 35' OR 2 STORIES.



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COMMUNITY DEVELOPMENT

EXHIBIT C

TYPICAL LOT DETAIL

TYP. LOT X-SEC.

TYPICAL LAKE SECTION

M.H.P.D.

EXISTING ZONING

SCHEDULE OF DEVIATIONS

Existing General Deviations

1. A deviation from LDC Section 10-714 which requires a 50' foot turn-around radius to allow 30 feet.
2. A deviation from LDC Sections 34-3233 & 34-3272 to allow the corner lots to be the rears abut no two street lots in the development and to allow a reduction in the street setback from 25 ft. to 5 ft. on the "side" lot line for these corner lots.
3. A deviation from Table 1 of LDC 10-296 which requires 330 feet of street intersection separation to allow 125 feet.
4. A deviation from LDC Section 10-311(3) to allow only one means of ingress and egress for a development of more than one acres.
5. A deviation from Table 3 of LDC 10-296 which requires a 45 foot right-of-way for a local street, with open drainage to permit a local street with 30 foot right-of-way and open drainage.

Existing MHPD Deviations

1. A deviation from LDC Section 34-939(6)(E)(b) which requires a 5,000 square foot minimum lot to allow a 4,140 square feet minimum lot (40 feet x 10 feet).
2. A deviation from LDC Section 34-939(6)(F)(c) which requires side setbacks of 10 feet and a corner (right-of-way) setback of 15 feet to permit a side setback of 5 feet and a street (right-of-way) setback of 10 feet for a non-habitable park.
3. A deviation from LDC Section 34-939(6)(J)(3) to permit an access road through the perimeter buffer.

Existing MHPD Deviations

1. A deviation from Section 439.07 of the Lee County Zoning Ordinance (Use LDC 34-720) which requires a 5,000 square foot minimum lot (50 feet x 100 feet) to allow a 4,140 square foot minimum lot (40 feet x 90 feet).
2. A deviation from Section 439.05.E of the Lee County Zoning Ordinance (Use LDC 34-730) which requires a side setback of 7 feet to permit a side setback of 5 feet.
3. A deviation from Section 34-2194(b)(3) of the Lee County Land Development Code to permit a solar related use (i.e. shelters, dock, pier and gazebo) to encroach into the 15' setback and to extend 50 feet into an artificial body of water. This request is made pursuant to the exception provided in LDC 34-3194(b)(3)(a).
4. A deviation from Section 34-2020(4)(a)(2) which would require 12A spaces for the two clubhouse facilities to share 41 spaces.

Approved as Exhibit C
MCP Page 1 of 3
Resolution # Z-11-021

DCI 2007-00078

EXHIBIT C

INDIGENOUS OPEN SPACE

TYPE	ACTUAL	CREDITED
100%	8.64 ACRES	8.64 ACRES
110%	1.27 ACRES	1.39 ACRES
125%	4.86 ACRES	6.08 ACRES
150%	16.70 ACRES	25.05 ACRES
TOTAL PROVIDED:	27.87 ACRES	36.64 ACRES
TOTAL REQUIRED:		20.30 ACRES

OPEN SPACE

COMMON AREA:

40 FOOT PERIMETER BUFFER	= 417,978.53 S.F. (9.60 AC.)
20 FOOT AROUND LAKE	= 174,616.73 S.F. (4.01 AC.)
LAKES	= 726,303.71 S.F. (16.67 AC.)
160' F.P.L. EASEMENT	= 432,647.13 S.F. (9.93 AC.)
WETLAND CREATION (EXISTING)	= 263,122.60 S.F. (6.04 AC.)
ADDITIONAL COMMON AREA (AREA BETWEEN BUILDINGS)	= 703,179.79 S.F. (16.14 AC.)
DEVELOPMENT AREA TOTAL	= 2,847,769 S.F. (65.36 AC.)
% OF SITE	= 44.54 %

HURRICANE SHELTER (PER LDC SECTION 10-256)

REQUIRED HURRICANE SHELTERS	= (1.33)(611)(2.5)(144)=73,099 S.F.
PROVIDED	= 73,733 S.F.

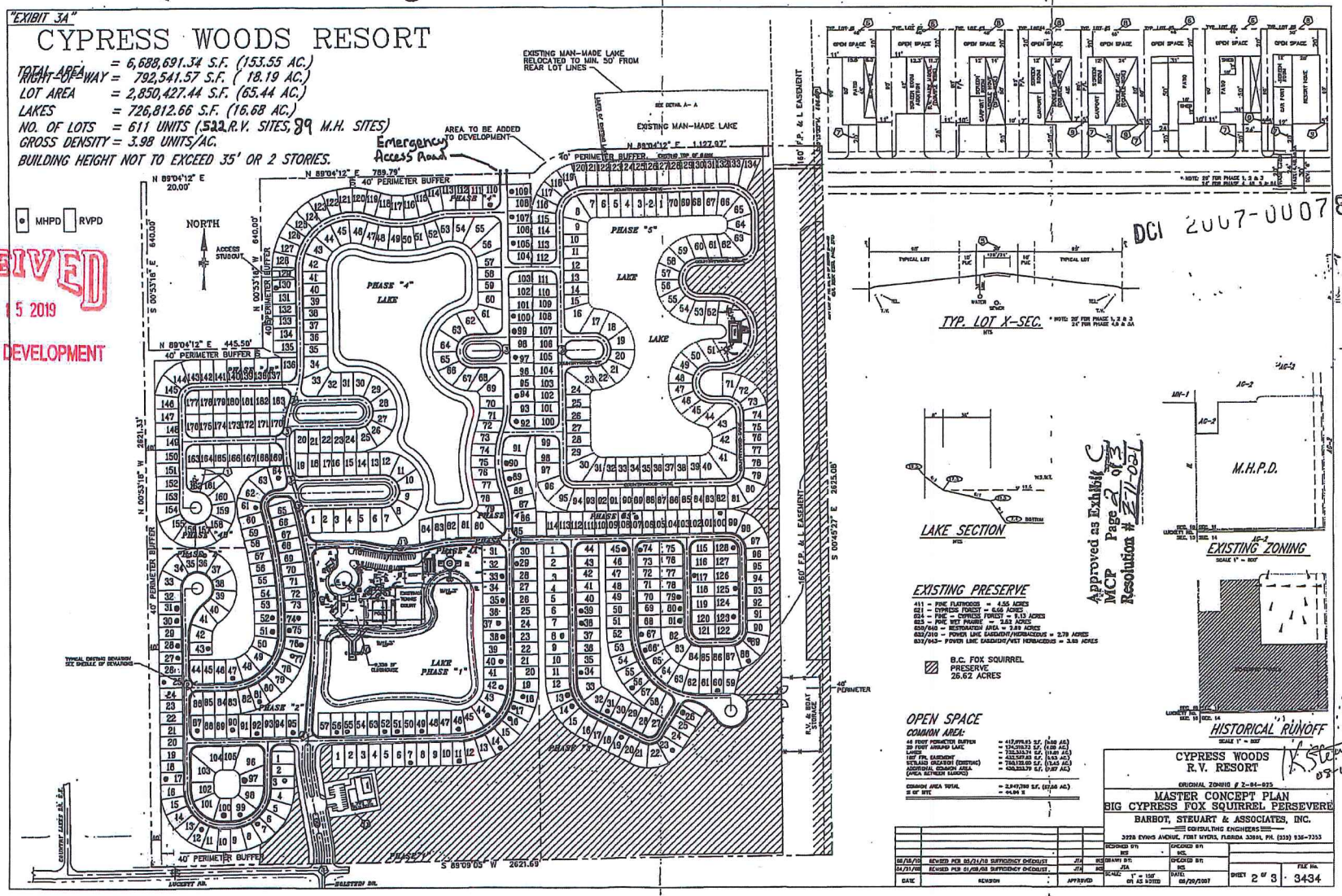
HISTORICAL RUNOFF

CYPRESS WOODS R.V. RESORT
ORIGINAL ZONING # Z-84-025

MASTER CONCEPT PLAN

BARBOT, STEUART & ASSOCIATES, INC.
CONSULTING ENGINEERS
3228 EVANS AVENUE, FORT MYERS, FLORIDA 33901, PH. (239) 936-7333

DATE	REVISION	APPROVED	DESIGNED BY	CHECKED BY
08/15/08	REVISED PER 05/31/08 SUFFICIENCY CHECKLIST	JTA	MS	DRAWN BY MS
04/21/08	REVISED PER 01/03/08 SUFFICIENCY CHECKLIST	JTA	MS	CHECKED BY JTA
				SCALE: 1" = 100' OR AS NOTED
				DATE: 07/14/2007
				SHEET 1 OF 3
				FILE No. 3434



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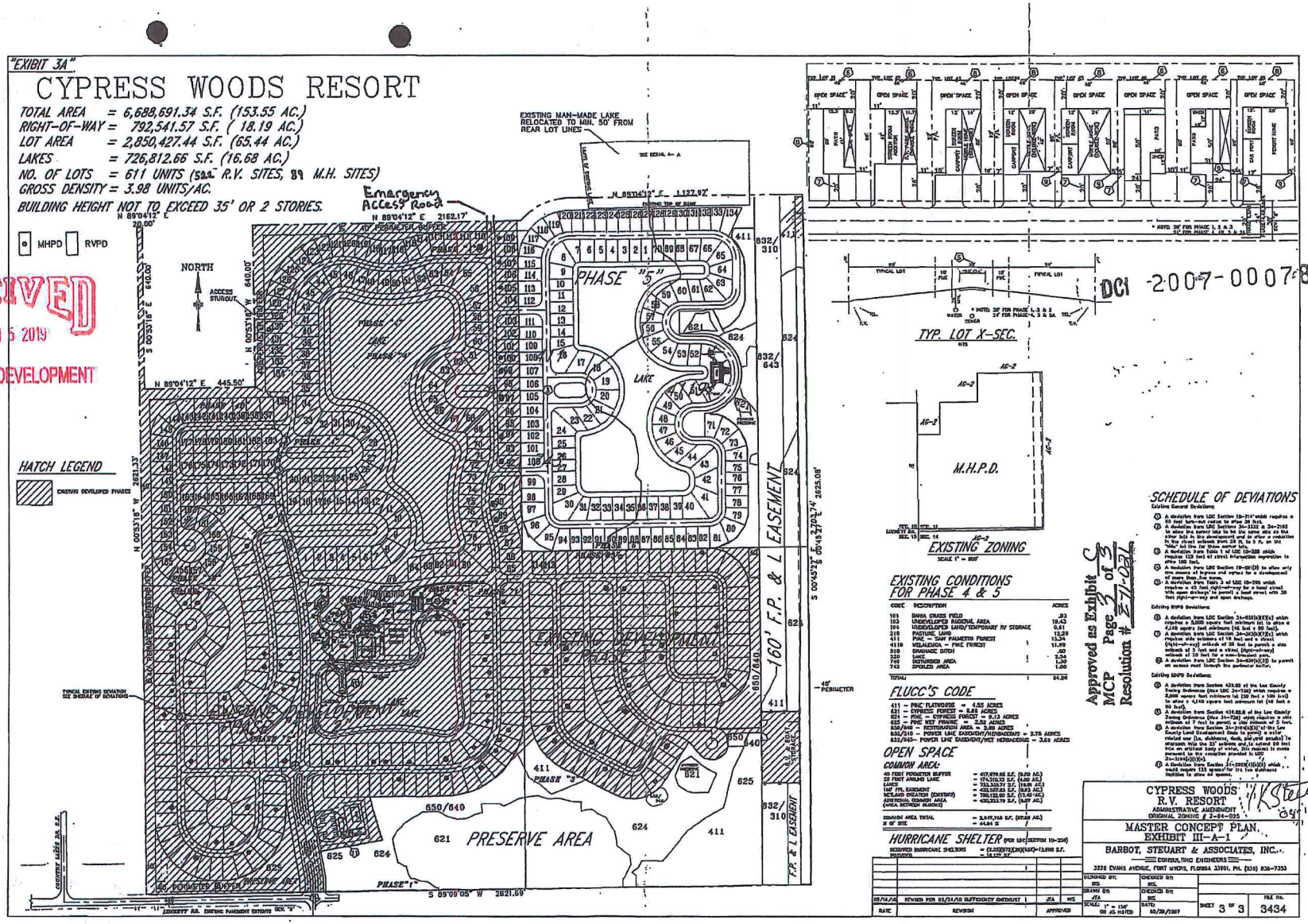
MCP Page 2 of 3
Resolution # Z-11-021



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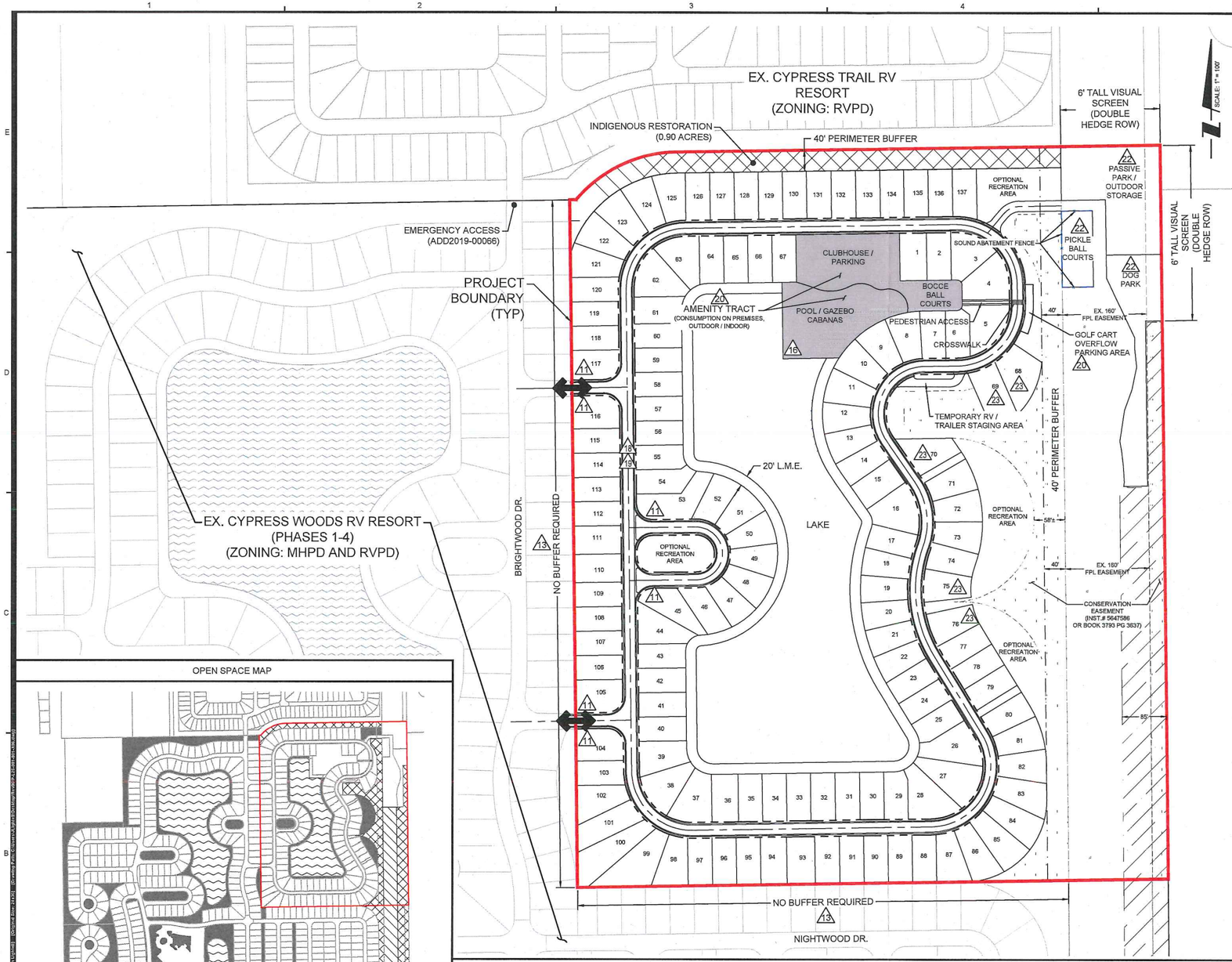
ADD2024-00063 Lee County ePlan



OPEN SPACE MAP

OPEN SPACE		
INDIGENOUS OPEN SPACE	1,135,977 SF	26.08 AC
LAKE	721,431 SF	16.56 AC
FPL EASEMENT (EXCLUDING TRAILER PARKING)	181,974 SF	4.18 AC
OTHER OPEN SPACE (LAKE BANK, PERIMETER BUFFER, LANDSCAPE MEDIANS, COURTYARDS, ETC)	758,822 SF	17.42 AC
TOTAL OPEN SPACE	2,798,204 SF	64.24 AC
% OF SITE	41.83 %	

LEGEND

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

SITE DATA TABLE

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

INDIGENOUS OPEN SPACE (1)

TYPES		ACTUAL	CREDITS
100%	PHASES 1 - 4:	1.11 AC	1.11 AC
	PHASE 5:	3.18 AC	3.18 AC
110%	PHASES 1 - 4:	1.27 AC	1.39 AC
	PHASE 5:	0 AC	0 AC
125%	PHASES 1 - 4:	2.16 AC	2.70 AC
	PHASE 5:	1.66 AC	1.66 AC (2)
150%	PHASES 1 - 4:	16.70 AC	25.05 AC
	PHASE 5:	0 AC	0 AC
	TOTAL PROVIDED:	26.08 AC	35.09 AC
	TOTAL REQUIRED:		30.30 AC

NOTES:
1. INDIGENOUS OPEN SPACE AREAS WITHIN THE EXISTING PHASES 1-4 REMAIN UNCHANGED, THE UPDATED TABLE SHOWN ABOVE REFLECTS REVISIONS WITHIN THE PHASE 5 DEVELOPMENT BOUNDARY, AND ALSO CORRECTS CALCULATION ERRORS IN THE PREVIOUSLY APPROVED MCP, ALTHOUGH CREDIT WAS GIVEN ON THESE AREAS IN PREVIOUS ZONING APPROVALS, NO CREDIT IS TAKEN FOR AREA WITHIN PHASE 5 UNDER THIS APPLICATION.

B.C. FOX SQUIRREL PRESERVE

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

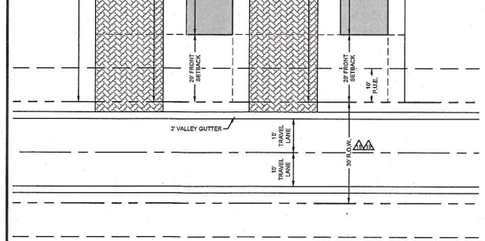
INDIGENOUS OPEN SPACE: 26.08 ACRES
INDIGENOUS RESTORATION: 0.90 ACRES

TOTAL B.C. FOX SQUIRREL PRESERVE AREA:
26.08 - 0.90 = 25.18 ACRES

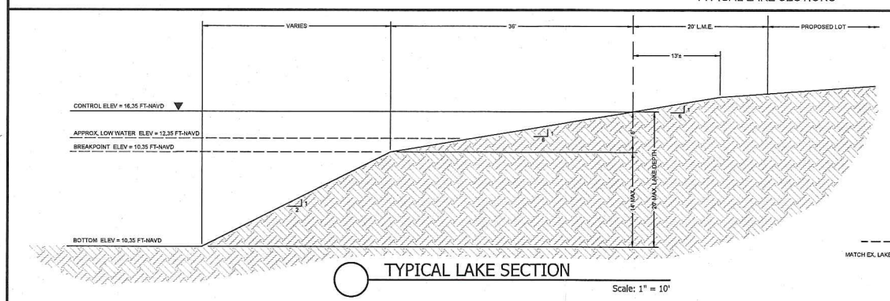
DCI 2020-00002
EX. DUKE FARMS
LANDSCAPE NURSERY
(ZONING: AG-2)

Approved as Exhibit C
MCP Page 1 of 1
Resolution # Z-20-027

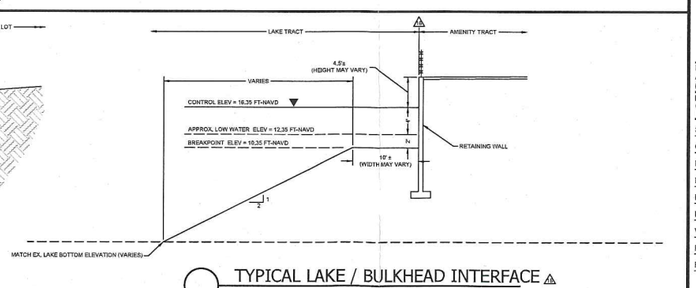
TYPICAL LOT DETAIL



TYPICAL LAKE SECTIONS



TYPICAL LAKE SECTION
Scale: 1" = 10'



TYPICAL LAKE / BULKHEAD INTERFACE
Scale: 1" = 10'

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

2600 Golden Gate Parkway
Naples, Florida 34105
Phone: 239.403.6700 Fax: 239.261.1797
Email: info@pen-eng.com Website: www.pen-eng.com
Florida Engineering Certificate of Authorization #28275
Florida Landscape Certificate of Authorization #LC26000632

PROJECT:

CYPRESS WOODS RV RESORT PHASE 5 RECREATIONAL VEHICLE PLANNED DEVELOPMENT

TITLE:

MASTER CONCEPT PLAN

OWNER/CLIENT/CONSULTANT:

LAGUNA CARIBE AT CYPRESS WOODS, LLC

REVISIONS:

No:	Revision:	Date:
1	REVISED PER COUNTY COMMENTS	3/27/20
2	REVISED PER COUNTY COMMENTS	05/18/20
3	DEVIATION #23 ADDED	07/13/20
4	SCHEDULE OF DEVIATIONS REMOVED PER COUNTY	09/25/20
5	REVISED PER STAFF REPORT	09/01/20
6	REVISED PER HEX CONDITIONS	12/30/20

NOTES:

PROFESSIONAL SEALS:

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

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

Bar Scale: 1" = 100'
0 25' 50' 100' 200' 300'

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

Sheet Number: 4 of 4

ADD2024-00063 Lee County ePlan

ZVL2019-00095 Lee County ePlan

Habitat Restoration and Maintenance Guidelines

for the

Cypress Woods RV Resort Phase V

Sections 11, T44S, R25E, Luckett Road, Lee County, Florida

March 27, 2008
Revised: Dec. 4, 2008
June 9, 2009

Prepared for:

Cypress Woods RV Resort
5551 Luckett Road.
Fort Myers, FL 33905
(239) 694-2191
FAX: (239) 691-4969

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conducted by

DCI 2007-00078

Southern Biomes, Inc.
1602 Woodford Ave., Fort Myers, FL 33901 - mail to: P.O. Box 50640, Fort Myers, FL 33994
Ph.: (239) 334-6766 - Geza Wass de Czege, President - Fax: (239) 337-5028

EXHIBIT D

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A. FOX SQUIRREL HABITAT RESTORATION GUIDELINES

1. **RESTORATION SITE DESCRIPTION:** The subject restoration site is a forty foot wide buffer area located in the northeastern portion of the development, extending for approximately 800 feet east to the pine flatwoods buffer adjacent to the powerline easement. The previously existing forested buffer was unintentionally cleared and will be restored to meet Lee County Code, Sec. 14-384: Restoration standards, and the Sec. 10-420 Plant materials standards. The plantings will be according to Lee County's Department of Community Development, Division of Environmental Sciences indigenous habitat restoration area planting guidelines.

2. **HABITAT RESTORATION EXECUTIVE SUMMARY:** To help restore the habitat, slash pines and scattered live oaks will be planted an average of 15' on center, with 75% of the trees being a minimum 10' tall with two-inch caliper at 12 inches above ground, and the remaining 25% a minimum 16' tall with a 3-4 inch caliper, to provide more diversity sizes. Trees will be planted in random order so as not to appear as growing in rows. Shrubs will be limited to scattered clusters of saw palmetto, wax myrtle, beautyberry, gallberry and muhly grass, planted around selected tree clusters. Shrubs and groundcover vegetation must be in minimum one-gallon container, and clustered at an average of three feet (3') on center, to mimic pine flatwoods savanna habitat.

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Ph.: (239) 334-6766 - Geza Wass de Czege, President - Fax: (239) 337-5028

Habitat Restoration & Management Guidelines, Cypress Woods RV Resort Phase V, Luckett Road, Section 11, T44E, R25S, Lee County, Florida — Revised: June 9, 2009

Habitat Restoration Plant List

- One hundred ten (110) trees, of which no more than 75% are to be 10' tall, minimum 2 inch caliper trees, and at least 25% are >16' tall, minimum 3 inch caliper trees. All trees are to be planted in random order on average 15' centers:
  - 68 slash pine (*Pinus elliottii*) 10' w/min 2" dbh
  - 22 slash pine (*Pinus elliottii*) 16' w/min 3" dbh
  - 6 live oak (*Quercus virginiana*) 10' w/min 2" dbh
  - 2 live oak (*Quercus virginiana*) 16' w/min 3" dbh
  - 4 laurel oak (*Quercus laurifolia*) 10' w/min 2" dbh
  - 2 laurel oak (*Quercus laurifolia*) 16' w/min 3" dbh
  - 4 dahoon holly (*Ilex cassina*) 10' w/min 2" dbh
  - 2 dahoon holly (*Ilex cassine*) 16' w/min 3" dbh

- Three thousand four hundred sixty six (3,466) in 1 gallon containerized shrubs & herbaceous species, randomly clustered within tree clusters, on 3' center:
  - 1000 saw palmetto (*Serenoa repens*)
  - 500 wax myrtle (*Myrica sp.*)
  - 500 beautyberry (*Callicarpa americana*)
  - 466 gallberry (*Ilex glabra*)
  - 1000 muhly grass (*Muhlenbergia sp.*)

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Ph: (239) 334-6766 - Geza Wass de Czege, President - Fax: (239) 337-5028

RESTORATION AREA SITE PREPARATION, MAINTENANCE AND MONITORING GUIDELINES:

1. Restoration areas are to be graded to natural elevations of adjacent pine flatwoods uplands, and harrowed to remove all ruts from the planting areas.
2. Eradicate any torpedograss, primrose willow, or any other exotic or nuisance vegetation prior to replanting, with an approved systemic herbicide, and establish an annual eradication program to maintain the area free of exotic species, and the nuisance species to less than 2% coverage.
3. Replant restoration areas with plant species and quantities as designated in the plant list provided in the Habitat Restoration Plant List (approx. 31,200 sq. ft.).
   - One hundred ten (110) trees, with no more than 75% at least 10' tall, 2 inch caliper and the remaining trees >15' tall, with minimum 3 inch caliper, planted in clusters of 3-5, on average 15' centers.
   - Three thousand four hundred sixty six (3,466) 1 gallon containerized shrubs, cluster 3' o.c.
4. Maintain a semi-annual exotic plant control the first year, and an annual control thereafter, in perpetuity, to treat the exotic vegetation resprouting with an approved herbicide, and manually remove any seedlings. Conduct activities during the winter and spring dry season.
5. Signage shall be placed at each end of the indigenous preserve area to identify and protect the preserve during and after construction. The signs shall be no closer than ten feet from adjacent property lines; be limited to a maximum height of four feet and a maximum size of two square feet, stating: "Preserve Area" (in large letters), "Please do not cut or damage any plants unless authorization by permit, or obtained in writing by Lee County Community Development" (in small letters). See example attached with these guidelines.
6. Provide Lee County with an annual monitoring report, for 5 years, including plant survival data and qualitative narrative describing the vegetative changes within the mitigation area. Include the following:
   a. Provide three fixed point photo station' panoramic photograph analyses at selected locations.
   b. Narrative report of exotics invasion, and removal success.
   d. Plant survival data and revegetation success data, including quantitative data, natural recruitment success, exotic invasion, general condition, and recommendations.
7. Mitigation success criteria are as follows:
   a. The area is maintained free of exotic plants, as defined by the Florida Exotic Pest Plant Council, with no more than 2% coverage at any one time (including but not limited to melaleuca, Brazilian pepper, Australian pine, etc.), and the number of exotic plants eradicated each year has been greatly reduced.
   b. All nuisance plant species (torpedograss, primrose willow, caesarweed, dog fennel, etc.) constitute no more than 5% of the total plant coverage.
   c. There is an 80% survival rate of the planted vegetation and at least 80% coverage of the planted area by indigenous native vegetation at the end of the third year of monitoring.
   d. There is a continual increase in indigenous plant species composition throughout the five year monitoring period.

DCI 2007-00078

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Ph.: (239) 334-6766 - Geza Wass de Czege, President - Fax: (239) 337-5028

Preserve Area Sign Sample

Preserve Area

No Dumping
No Cutting
No Disturbing

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Please do not cut or damage any plants unless authorization by permit, or obtained in writing by Lee County Community Development.

Please Help Keep it Natural!!

NOTE: Typical sign dimensions may range from 9" x 12" to 12" x 18" (vertical or horizontal), but should not exceed 288 sq. inches.

DCI 2007-00078

Attachment U

RESOLUTION NUMBER Z-11-021

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

WHEREAS, Cypress Woods V, LLC filed an application on behalf of the property owner, Kenora Holdings LLC, to rezone 2.102 acres (total legally described area 35.64± acres, Phase V) by amending the existing Recreational Vehicle Planned Development/Mobile Home Planned Development (RVPD/MHPD) zoning to include an additional 2.102 acres that will be rezoned from Agriculture District (AG-2) to Recreational Vehicle Planned Development/Mobile Home Planned Development (RVPD/MHPD) in reference to Cypress Woods RV Resort; and

WHEREAS, a public hearing before the Lee County Zoning Hearing Examiner was advertised and held on October 12, 2011; and

WHEREAS, the Hearing Examiner gave full consideration to the evidence in the record for Case #DCI2007-00078 and recommended approval with conditions of the Request; and

WHEREAS, a second public hearing was advertised and held on December 19, 2011 before the Lee County Board of Commissioners; and,

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

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

SECTION A. REQUEST

The applicant filed a request to rezone 2.102 acres (total legally described area 35.64± acres, Phase V) by amending the existing RVPD/MHPD zoning for Cypress Woods R.V. Resort to include an additional 2.102 acres that will be rezoned from AG-2 to RVPD/MHPD to allow an additional 18 lots within the resort. The property is located in the Urban Community Future Land Use Category and is legally described in attached Exhibit A. The request is APPROVED, SUBJECT TO the conditions and deviations specified in Sections B and C below.

SECTION B. CONDITIONS:

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

1. Development of this project must be consistent with the 3-page Master Concept Plan (MCP) entitled "Cypress Woods R.V. Resort," prepared by Barbot, Steuart & Associates, Inc., last revised 08/16/10 and date-stamped "AUG 23 2010," and attached hereto as Exhibit C, except as modified by the conditions below. Development must comply with all requirements of the LDC at time of local development order approval, except as may be

12-19-11 Z

granted by deviation as part of this planned development. If changes to the MCP are subsequently pursued, appropriate approvals will be necessary.

The overall project is limited to a maximum total of 611 mobile home and recreational vehicle units. Development may not exceed any Development of Regional Impact threshold contained in Florida Statutes, without first obtaining approval of an Application for Development Approval.

2. Property Development Regulations

Lots within this development shall be developed in accordance with the following Property Development Regulations:

Minimum Lot Area and Dimensions:

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

Minimum Setbacks:

Street:	20 feet
Side Street:	10 feet [Deviation (4)]
Side:	10 feet (for a recreational vehicle)
	5 feet (for mobile home)*
Rear:	20 feet
Water Body:	25 feet

3. Mobile Home/Recreational Vehicle

The developer or subsequent master owner association must provide on or before December 31st of each year an accounting of the total number of lots existing within the development. The accounting must also provide the number of lots used for recreational vehicle and mobile home use. At no time may the number of lots exceed that permitted in Condition 1, nor may the number of recreational vehicles exceed 599. Lots permitted for mobile home use by Lee County, may not subsequently be used by a recreational vehicle.

4. Onsite Shelter

The on-site Hurricane Shelter provision for this development must be consistent with the commitment on the approved MCP.

5. Utilities

The development must be connected to a public or private central water system and a public or private central sewage disposal system.

6. Traffic Impacts

This zoning approval does not signify that the project's traffic impacts have been mitigated.

Additional conditions may be required at the time of issuance of a local development order per the Development Standards Ordinance or other Lee County Ordinance.

7. Allocation Table

Approval of this rezoning does not give the developer the undeniable right to receive any local development order approval that exceeds the year 2010 Overlay use allocation, if such allocation exists, for the applicable district.

8. Fox Squirrel Preserve Area & Northern Buffer

All areas shown on the MCP as fox squirrel preserve must be shown and labeled as such on any plans submitted for local development order approval, any golden polypody found on trees within development areas must be relocated to preserve areas wherever feasible.

Prior to local development order approval for Phase V, the landscape plans must depict restoration for the northern buffer in substantial compliance with the Habitat Restoration and Maintenance Guidelines (date-stamped "Received August 23, 2010" and attached as Exhibit D).

9. Solid Waste Management

This development must be consistent with LDC §10-261 and Solid Waste Ordinance #08-10 for the pick-up/disposal of solid waste and recyclables. The minimum area required for, and specific locations of, these facilities will be reviewed at the time of local development order application.

10. Open Space

The overall project must provide a minimum of 67.66 acres of open space for all phases of the project in substantial compliance with the MCP.

11. Indigenous Open Space

The project must provide a minimum of 36.64± acres of indigenous open space with credits for all phases of the project in conceptual compliance with the approved MCP.

12. Indigenous Maintenance and Management Plan

Prior to local development order approval for Phase V, the Applicant must submit a maintenance and management plan for the proposed Indigenous Preserve Areas as per the LDC §10-415(b)(4) for Division of Environmental Sciences review and approval.

13. Landscape Plans

Prior to local development order approval for Phase V, the landscape plans must be in substantial compliance with the Habitat Restoration and Maintenance Guidelines and depict:

- the planting of slash pines (Pinus elliotti var densa), dahoon holly (Ilex cassine), laurel oak (Quercus laurifolia) and live oaks (Quercus virginiana), planted an average 15-feet on center; and,
- 75 percent of the trees planted 10-feet in height, two-inch caliper; and,
- 25 percent of the trees planted 16-feet in height, three-four-inch caliper; and,
- shrubs consistent with the restoration plan, planted in scattered clusters one-gallon container size, three feet on center; and,
- a five-year monitoring report must be provided to ensure that the habitat restoration is successful.

14. Conveyance Ditch and Easement

Prior to local development order approval for Phase V, the Development Order plans must demonstrate that the location of the conveyance ditch and associated easement are not located within the 40-foot-wide area depicted as the Big Cypress Fox Squirrel buffer/preserve area. Per the Habitat and Restoration Plan the 40-foot-wide buffer/preserve areas must be restored in its entirety.

Approval of this rezoning does not guarantee local development order approval. Future development order approvals must satisfy the requirements of the Lee Plan Planning Communities Map and Acreage Allocations Table, Map 16 and Table 1(b).

SECTION C. DEVIATIONS:[1]

1. Deviation (1) seeks relief from the LDC §14-298(c) requirement to provide for the development of the "TZ" area as indicated on the MCP. This deviation is APPROVED, SUBJECT TO the proposed mitigation plan, titled "Cypress Woods Monitoring and Maintenance Plan" submitted by Boylan Environmental Consultants, Inc., zoning counter stamped and dated May 18, 1995 (Exhibit E). Mitigation must follow the phasing presented in these documents and all monitoring reports must be submitted to the Lee County Division of Environmental Sciences within thirty days of the scheduled monitoring events.

2. Deviation (2) was previously DENIED.

3. Deviation (3) seeks relief from the LDC §10-714.b. requirement to provide a 90-foot turn out radius to 30 feet. This deviation is APPROVED, SUBJECT TO the developer providing a paved/stabilized surface with a minimum radius of 42 feet and, in addition, providing an unobstructed clear zone with a 48-foot radius (6 feet clear zone beyond driving range).

4. Deviation (4) seeks relief from the LDC §34-2192(a) requirement to allow a reduction in the street setback from 20 feet to 5 feet on the "side" lot line for corner lots. This deviation is APPROVED, SUBJECT TO the terms of Condition 2.

---

1 Deviations 1 through 17, inclusive, were previously approved or denied by the Board of County Commissioners in prior zoning actions for the Cypress Woods R.V. Resort Recreational Vehicle Planned Development/Mobile Home Planned Development (RVPD/MHPD).

5. Deviation (5) seeks relief from the LDC §§ 10-285.a., 10-285.a., Table 1, and 10-296.j. requirement to provide 125 feet of street intersection separation, to 100 feet. This deviation APPROVES up to 100 feet of street intersection separation and also permits the location of a temporary emergency access to the west of the approved access point in this deviation, in accordance with Deviation 6.

6. Deviation (6) seeks relief from the LDC §10-291.3 requirement to allow only one entrance for a development of more than 5 acres. This deviation is APPROVED, SUBJECT TO the condition that a temporary emergency access point shall be constructed from Luckett Road, into the project site, for the use of emergency vehicles only. This temporary access point shall remain in place until such time as a permanent emergency access point is constructed, or until this development provides a permanent functioning interconnection with an adjoining property. The temporary access point shall be constructed in accordance with the LDC as administered by the Division of Development Services.

7. Deviation (7) seeks relief from the LDC §§ 10-296(b) and 10-296, Table 3, requirement of a 45-foot right-of-way for a local street with open drainage, to permit a local street with 30 feet of right-of-way and open drainage. This deviation is APPROVED, SUBJECT TO the condition that the typical lot cross section demonstrates that the drainage performs adequately by showing the slab placement at the Development Order stage.

8. Deviation (8) seeks relief from the LDC §34-939(b)(6) requirement of a 5,000-square-foot minimum lot, to provide a 4,140-square-foot minimum (46 feet x 90 feet). This deviation is APPROVED, SUBJECT TO Condition 2 herein.

9. Deviation (9) seeks relief from the LDC §34-939(b)(7)c. requirement of a side setback of 10 feet and a street (right-of-way) setback of 25 feet to permit a side setback of 5 feet and a street (right-of-way) setback of 20 feet in the non-transient section of the park. This deviation is APPROVED, provided that these setbacks are in conformance with the requirements of Condition 2 and all side setbacks apply to all portions of the structure or unit, including overhangs.

   Deviation (9.a) seeks relief from the LDC §34-939(b)(3) requirement to permit an access road through the perimeter buffer to the storage area. This deviation is APPROVED, subject to Condition 8.

10. Deviation (10) seeks relief from the LDC §34-736 requirement of a 5,000-square-foot minimum lot (50 feet x 100 feet) to provide a 4,140-square-foot minimum lot (46 feet x 90 feet). This deviation is APPROVED, SUBJECT TO the requirements of Condition 2.

11. Deviation (11) seeks relief from the LDC §34-736 requirement of a side setback of 7 feet to permit a side setback of 5 feet. This deviation is APPROVED, SUBJECT TO the setbacks in Condition 2.

12. Deviation (12) seeks relief from the LDC §§ 34-2222(1) and 10-254(b) requirement to allow the corner lots to be the same size as the other lots within the development (and not have an additional 15 feet of width). This deviation is APPROVED, SUBJECT TO the requirements of Condition 2.

13. Deviation (13) seeks relief from the LDC §10-295 requirement to eliminate the requirement for street stubs to adjacent properties. This deviation is APPROVED, SUBJECT TO the following condition:

> Deviation 13 is hereby approved with the condition that a temporary emergency access point shall be constructed from Luckett Road, into the project site, for the use of emergency vehicles only. This temporary access point shall remain in place until such time as an adjoining development provides a permanent functioning interconnection with their property.

14. Deviation (14) seeks relief from the LDC §34-939(b)(3) requirement to eliminate the requirement for a buffer between a recreational vehicle park and adjacent property interior to the site. This deviation is APPROVED for the interior portion of the site, only.

15. Deviation (15) seeks relief from the LDC §34-935(a)(I) requirement to eliminate the requirement that a new recreational vehicle park be not less than 20 acres in size. This deviation is APPROVED.

16. Deviation (16) seeks relief from the LDC §§ 34-2194(b) and (c) requirement of 25-foot water body setback to allow a zero-foot setback in order to permit the construction of a clubhouse, deck, pier and gazebo 90 feet into the artificial body of water. This deviation is APPROVED, SUBJECT TO substantial compliance with the proposed construction of the clubhouse and related facilities on the approved Plan entitled "Cypress Woods, R.V. Resort Clubhouse Area Dev. Order Plans; Drainage, Parking & Site Dim. Plan," dated 04-14-03, stamped received AUG 21, 2003 attached as Exhibit F; and subject to the requirement that the water body setback must not adversely impact any open space requirement, wetland vegetation plantings, or other buffering, landscaping, or preservation areas or requirements.

17. Deviation (17) seeks relief from the LDC §34-2020 requirement of a total of 135 parking spaces for the two clubhouse facilities to allow only 44 off-street parking spaces. This deviation is APPROVED, SUBJECT TO the reservation of Lots 85 and 86 (Phase "4") and Tract I (Phase "3", which lies immediately east of Lots 85 and 86, Phase "4"), for the use of overflow parking only, and may not be used as a recreational vehicle or mobile home site. Upon the sale of the last lot (site), in the last Phase of this development, if the Applicant can adequately demonstrate during the season of the highest occupancy of the development that the overflow parking areas were not needed, the two lots can then be used for recreational vehicle or mobile home sites, as provided for in this planned development. A reduced copy of a Plan entitled "Cypress Woods R.V. Resort Phases "IV," IVA, & IVB," date-stamped "Received SEP 08, 2003" depicting these parcels is attached hereto as Exhibit G.

18. Deviation (18) seeks relief from the LDC §34-935(a)(1) requirement of a minimum of 5 acres of land for expanding an existing recreational vehicle park, to allow an expansion of 2.1± acres. This deviation is APPROVED.

SECTION D. EXHIBITS AND STRAP NUMBER:

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

Exhibit A: Legal description of the property
Exhibit B: Zoning Map (with the subject parcel indicated)
Exhibit C: The Master Concept Plan
Exhibit D: Habitat Restoration and Maintenance Guidelines
Exhibit E: Cypress Woods Monitoring and Maintenance Plan
Exhibit F: Cypress Woods R.V. Resort Clubhouse Area Dev. Order Plans (Drainage, Parking & Site Dim. Plan)
Exhibit G: Cypress Woods R.V. Resort Phases IV, IVA & IVB

The applicant has indicated that the STRAP numbers for the subject property are: 11-44-25-00-00002.101A and 11-44-25-00-00014.0020

SECTION E. FINDINGS AND CONCLUSIONS:

1. The applicant has proven entitlement to the rezoning by demonstrating compliance with the Lee Plan, the LDC, and any other applicable code or regulation.

2. The rezoning, as approved:

   a. meets or exceeds all performance and locational standards set forth for the potential uses allowed by the request;

   b. is consistent with the densities, intensities and general uses set forth in the Lee Plan;

   c. is compatible with existing or planned uses in the surrounding area;

   d. will not place an undue burden upon existing transportation or planned infrastructure facilities and will be served by streets with the capacity to carry traffic generated by the development; and

   e. will not adversely affect environmentally critical areas or natural resources.

3. The rezoning satisfies the following criteria:

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

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

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

4. Urban services, as defined in the Lee Plan, are, or will be, available and adequate to serve the proposed land use.

5. The approved deviations, as conditioned, enhance achievement of the planned development objectives, and preserve and promote the general intent of LDC Chapter 34, to protect the public health, safety and welfare.

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

John Manning	Absent
Brian Bigelow	Aye
Ray Judah	Aye
Tammara Hall	Aye
Frank Mann	Aye

DULY PASSED AND ADOPTED this 19th day of December, 2011.

ATTEST:
CHARLIE GREEN, CLERK

BY: Marcia Wilson
Deputy Clerk

BOARD OF COUNTY COMMISSIONERS
OF LEE COUNTY, FLORIDA

BY: _____
John Manning, Chair

Approved as to form by:

_____
Michael D. Jacob
Assistant County Attorney
County Attorney's Office

RECEIVED
MINUTES OFFICE

2012 JAN 17 PM 1:06

EXHIBIT A

DCI 2007-00078

DESCRIPTION:

A TRACT OR PARCEL OF LAND LYING IN SECTION 11, TOWNSHIP 44 SOUTH, RANGE 25 EAST, LEE COUNTY, FLORIDA, DESCRIBED AS FOLLOWS:

BEGINNING AT THE NORTHEAST CORNER OF THE SOUTHWEST QUARTER (S.W.1/4) OF THE AFORESAID SECTION 11; THENCE RUN S.00°15'35"W. ALONG THE EAST LINE OF SAID SOUTHWEST QUARTER (S.W.1/4) FOR 1302.47 FEET TO THE NORTHEAST CORNER OF CYPRESS WOODS RV RESORT, UNIT THREE, AS RECORDED IN PLAT BOOK 72, PAGES 92 THROUGH 95, PUBLIC RECORDS OF LEE COUNTY, FLORIDA; THENCE RUN N.89°53'08"W. ALONG THE NORTH LINE OF CYPRESS WOODS RV RESORT, UNIT THREE FOR 1122.27 FEET; THENCE RUN N.00°17'00"E. FOR 1301.43 FEET TO A POINT ON THE NORTH LINE OF THE AFORESAID SOUTHWEST QUARTER (S.W.1/4); THENCE RUN S.89°56'19"E. ALONG THE NORTH LINE OF SAID SOUTHWEST QUARTER (S.W.1/4) FOR 11.92 FEET TO A POINT ON A ON TANGENT CURVE; THENCE RUN NORTHEASTERLY FOR 218.04 FEET ALONG THE ARC OF A CURVE CONCAVE SOUTHEASTERLY, WITH A RADIUS OF 255.00 FEET, A DELTA OF 48°59'28", A CHORD BEARING OF N.65°37'08"E. AND A CHORD DISTANCE OF 211.46 FEET TO A POINT OF TANGENCY; THENCE RUN S.89°53'08"E. FOR 917.66 FEET TO A POINT ON THE EAST LINE OF THE NORTHWEST QUARTER (N.W.1/4) OF THE AFORESAID SECTION 11; THENCE RUN S.00°15'35"W. ALONG SAID EAST LINE FOR 86.65 FEET TO THE POINT OF BEGINNING.

SAID TRACT CONTAINS 35.638 ACRES, MORE OR LESS.

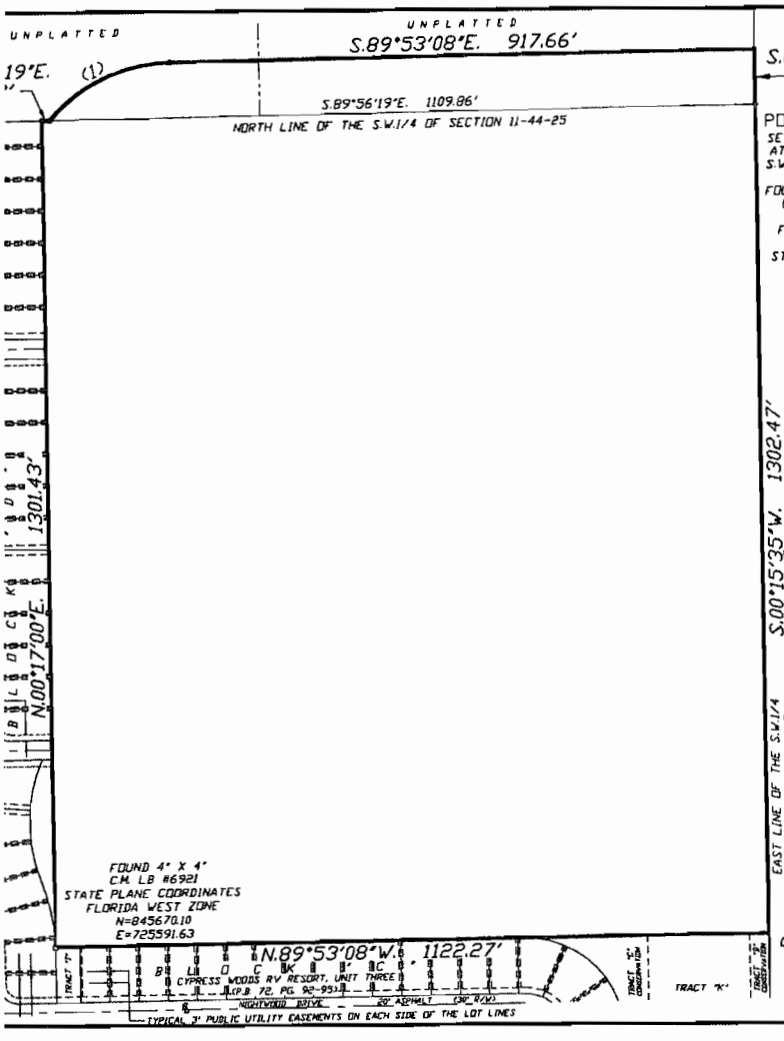
JOHN B. HARRIS
PLS #4631
JULY 1, 2011

RECEIVED
JUL 1 2011
COMMUNITY DEVELOPMENT

7/14/11

APPROVED
LEGAL

CW-U5



SKETCH OF DESCRIPTION

A PARCEL OF LAND LYING IN SECTION 11

TOWNSHIP 44 SOUTH, RANGE 25 EAST
LEE COUNTY, FLORIDA

APPROVED
LEGAL

S.00°15'35"W. 86.65'

POINT OF BEGINNING
SET 1/2" I.R. CAP PLS #4631 AT THE N.E. CORNER OF THE S.W.1/4 OF SECTION 11-44-25
&
FOUND 3" X 3" C.M. LS #2465 0.11' SOUTH & 1.27' WEST
&
FOUND 3" X 3" C.M. NO I.D. 2.2' SOUTH & 0.45' EAST
STATE PLANE COORDINATES
FLORIDA WEST ZONE
N=846970.31
E=726719.86

S.00°15'35"W. 1302.47'

EAST LINE OF THE S.W.1/4 OF SECTION 11-44-25

O.R. BOOK 2437, PAGE 674

2007000087

DESCRIPTION:

A TRACT OR PARCEL OF LAND LYING IN SECTION 11, TOWNSHIP 44 SOUTH, RANGE 25 EAST, LEE COUNTY, FLORIDA, DESCRIBED AS FOLLOWS:

BEGINNING AT THE NORTHEAST CORNER OF THE SOUTHWEST QUARTER (S.W.1/4) OF THE AFORESAID SECTION 11; THENCE RUN S.00°15'35"W. ALONG THE EAST LINE OF SAID SOUTHWEST QUARTER (S.W.1/4) FOR 1302.47 FEET TO THE NORTHEAST CORNER OF CYPRESS WOODS RV RESORT, UNIT THREE, AS RECORDED IN PLAT BOOK 72, PAGES 92 THROUGH 95, PUBLIC RECORDS OF LEE COUNTY, FLORIDA; THENCE RUN N.89°53'08"W. ALONG THE NORTH LINE OF CYPRESS WOODS RV RESORT, UNIT THREE FOR 1122.27 FEET; THENCE RUN N.00°17'00"E. FOR 1301.43 FEET TO A POINT ON THE NORTH LINE OF THE AFORESAID SOUTHWEST QUARTER (S.W.1/4); THENCE RUN S.89°56'19"E. ALONG THE NORTH LINE OF SAID SOUTHWEST QUARTER (S.W.1/4) FOR 11.92 FEET TO A POINT ON A ON TANGENT CURVE; THENCE RUN NORTHEASTERLY FOR 218.04 FEET ALONG THE ARC OF A CURVE CONCAVE SOUTHEASTERLY, WITH A RADIUS OF 255.00 FEET, A DELTA OF 48°59'28", A CHORD BEARING OF N.65°37'08"E. AND A CHORD DISTANCE OF 211.46 FEET TO A POINT OF TANGENCY; THENCE RUN S.89°56'19"E. FOR 917.66 FEET TO A POINT ON THE EAST LINE OF THE NORTHWEST QUARTER (N.W.1/4) OF THE AFORESAID SECTION 11; THENCE RUN S.00°15'35"W. ALONG SAID EAST LINE FOR 86.65 FEET TO THE POINT OF BEGINNING.

SAID TRACT CONTAINS 35.638 ACRES, MORE OR LESS.

APPROVED
LEGAL 7/17/11

Curve number 1

Radius= 255.00'
Delta= 48°59'28"
Arc= 218.04'
Tangent= 116.19'
Chord= 211.46'
Chord Brg.= N.65°37'08"E.

N

100 0 100 200 300
SCALE IN FEET

FOUND 4" X 4" C.M. LB #6921
AT THE N.E. CORNER OF
CYPRESS WOODS RV RESORT, UNIT THREE
(P.B. 72, PG. 92-95)
STATE PLANE COORDINATES
FLORIDA WEST ZONE
N=845667.86
E=726713.90

REVISED	DESCRIPTION	BY
7/12/07	UPDATE SURVEY	FBH
1/10/09	REVISE SURVEY	FBH
7/20/10	REVISE SKETCH	FBH

July 8, 2011
JOHN B. HARRIS, PSM
FLORIDA LAND SURVEYOR #4631

DRAWN	CHK	SCALE	PROJ. #
FBH	JBH	1"=200'	CW-05
SKETCH DATE	FILE NO	SHT - 1
12/21/06	44-25-11	OF - 1

HARRIS - JORGENSEN, INC.
8706 S.E. SANTA BARBARA PLACE
CAPE CORAL, FLORIDA
PHONE: (941) 772-9939
FAX - (941) 772-1315

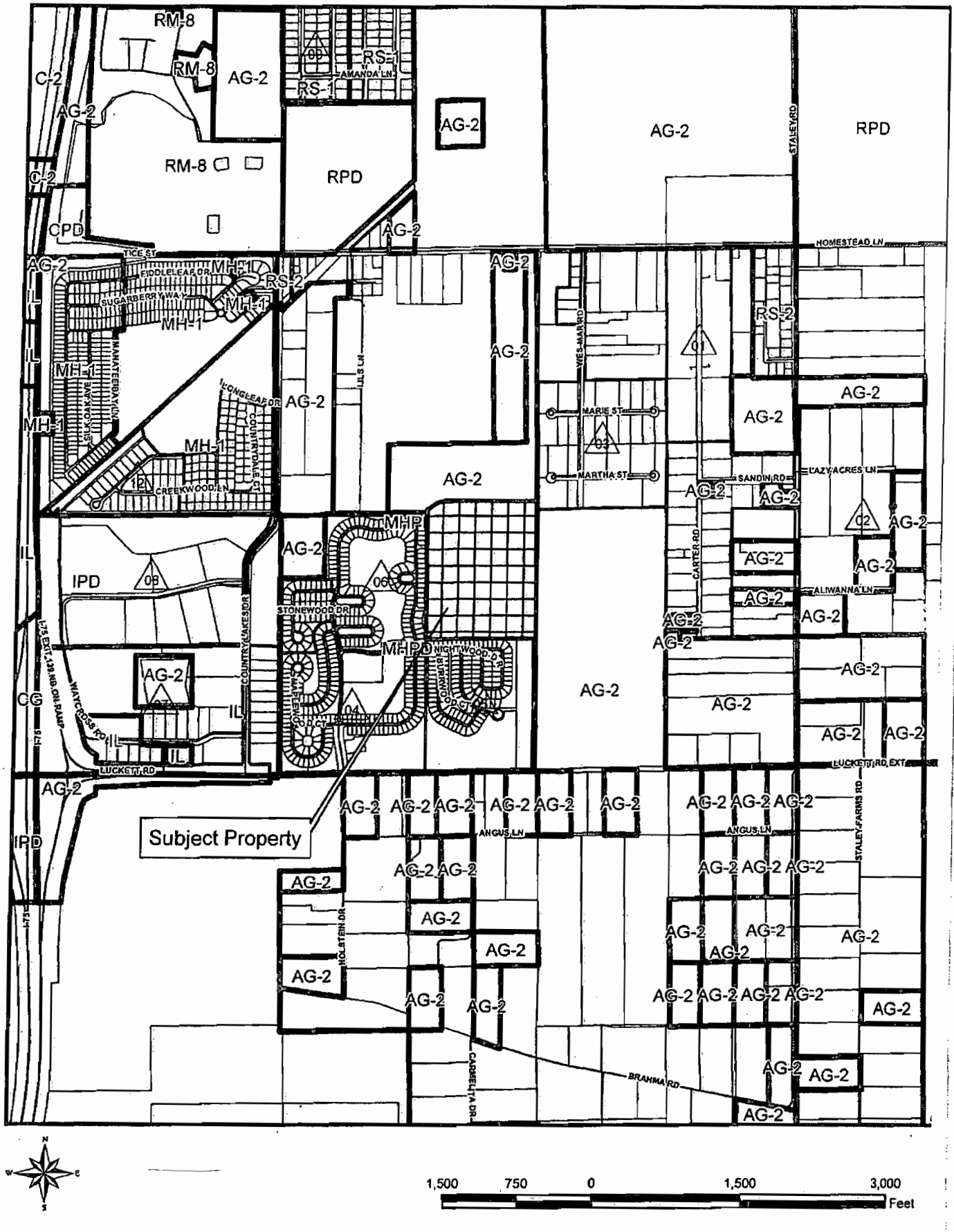
FLORIDA CERTIFICATE OF AUTHORIZATION # LB 6921

Exhibit B

DCI2007-00078

Zoning Map

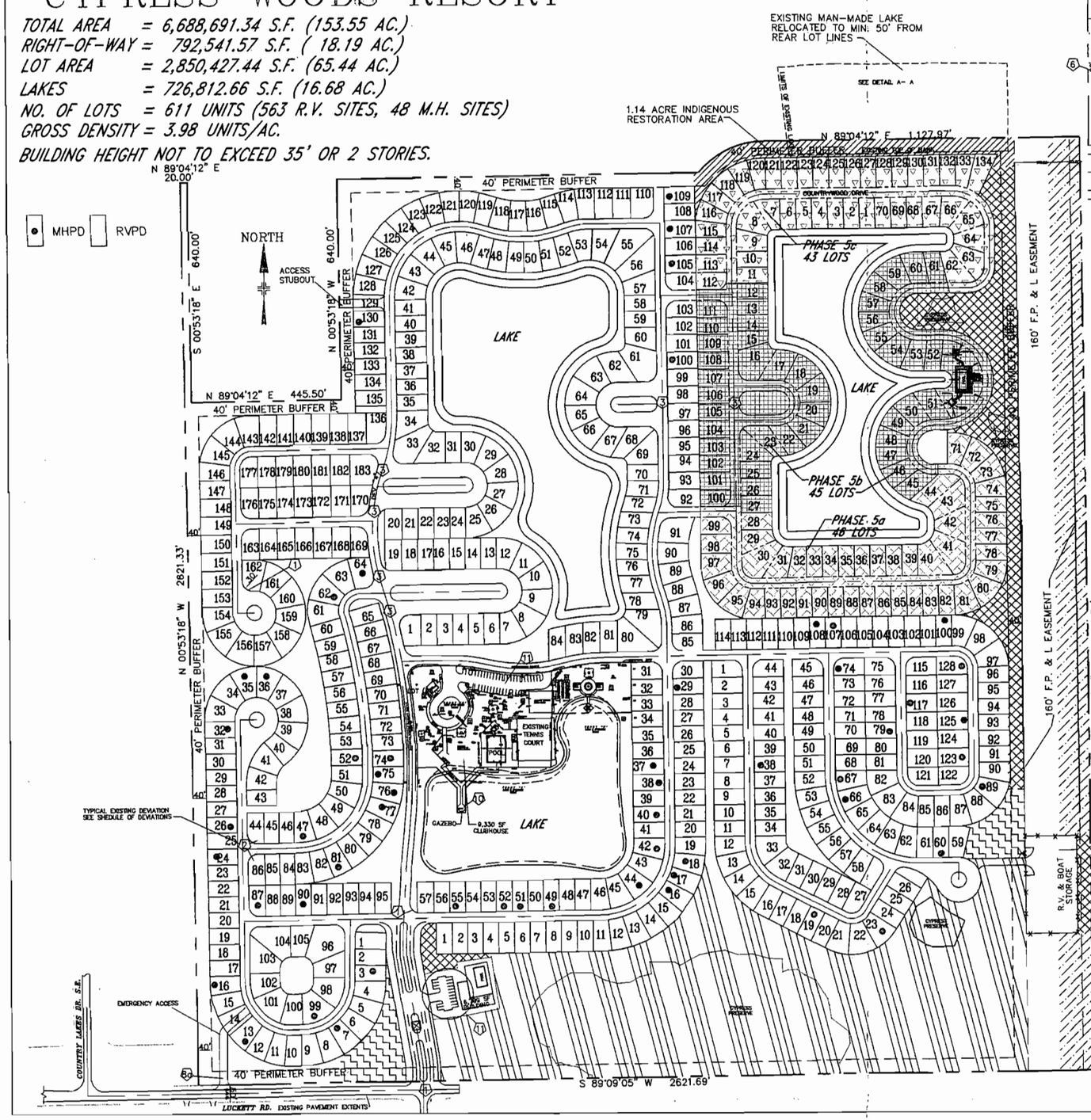
9/12/2011

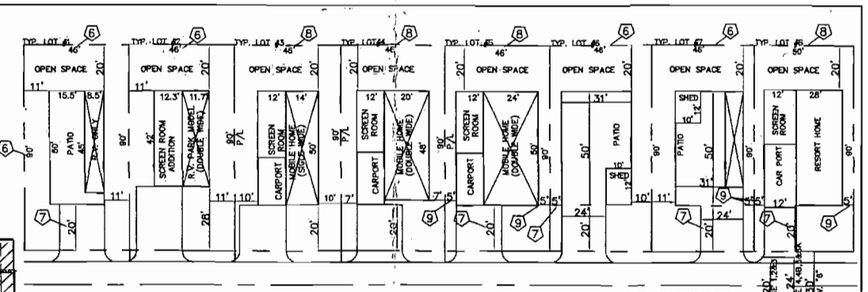


"EXIBIT 3A"

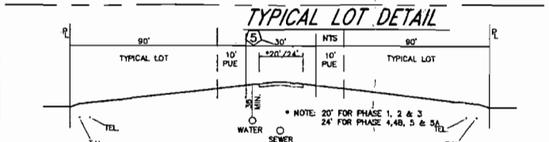
CYPRESS WOODS RESORT

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





TYPICAL LOT DETAIL



TYP. LOT X-SEC.

NTS

SCHEDULE OF DEVIATIONS

Existing General Deviations:

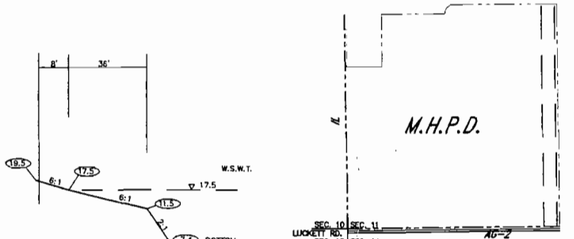
1. A deviation from LDC Section 10-714 which requires a 90 foot turn-out radius to allow 30 feet.
2. A deviation from LDC Sections 34-2222 & 34-2192 to allow the corner lots to be the same size as the other lots in the development and to allow a reduction in the street setback from 20 ft. to 5 ft. on the "side" lot line for these corner lots.
3. A deviation from Table 1 of LDC 10-286 which requires 125 feet of street intersection separation to allow 100 feet.
4. A deviation from LDC Section 10-291(3) to allow only one means of ingress and egress for a development of more than five acres.
5. A deviation from Table 3 of LDC 10-296 which requires a 45 foot right-of-way for a local street with open drainage to permit a local street with 30 foot right-of-way and open drainage.

Existing RVPD Deviations:

6. A deviation from LDC Section 34-939(b)(6)(b) which requires a 5,000 square foot minimum lot to allow a 4,140 square foot minimum (46 feet x 90 feet).
7. A deviation from LDC Section 34-393(b)(7)(c) which requires side setbacks of 10 feet and a street (right-of-way) setback of 25 feet to permit a side setback of 5 feet and a street (right-of-way) setback of 20 feet for a non-transient park.
8. A deviation from LDC Section 34-939(b)(3)) to permit an access road through the perimeter buffer.

Existing MHPD Deviations:

9. A deviation from Section 439.02 of the Lee County Zoning Ordinance (Now LDC 34-736) which requires a 5,000 square foot minimum lot (50 feet x 100 feet) to allow a 4,140 square foot minimum lot (46 feet x 90 feet).
10. A deviation from Section 439.02.B of the Lee County Zoning Ordinance (Now 34-736) which requires a side setback of 7 feet to permit a side setback of 5 feet.
11. A deviation from Section 34-2194(b)(3) of the Lee County Land Development Code to permit a water related use (i.e. clubhouse, deck, pier and gazebo) to encroach into the 25' setback and to extend 90 feet into an artificial body of water. This request is made pursuant to the exception provided in LDC 34-2194(c)(1)(a).
11. A deviation from Section 34-2020(4)(a)(2) which would require 135 spaces for the two clubhouse facilities to allow 44 spaces.



TYPICAL LAKE SECTION

NTS

EXISTING ZONING

SCALE 1" = 800'

Approved as Exhibit C
MCP Page 1 of 3
Resolution # Z-11-021

DCI 2007-00078

INDIGENOUS OPEN SPACE

TYPES	ACTUAL	CREDITS
100%	5.04 ACRES	5.04 ACRES
110%	1.27 ACRES	1.39 ACRES
125%	4.86 ACRES	6.08 ACRES
150%	16.70 ACRES	25.05 ACRES
TOTAL PROVIDED:	27.87 ACRES	36.64 ACRES
TOTAL REQUIRED:		30.30 ACRES

AUG 23 2010

COMMUNITY DEVELOPMENT

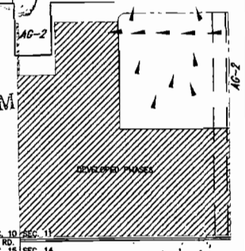
OPEN SPACE

COMMON AREA:

40 FOOT PERIMETER BUFFER	= 417,879.85 S.F. (9.60 AC.)
20 FOOT AROUND LAKE	= 174,510.73 S.F. (4.00 AC.)
LAKES	= 732,335.74 S.F. (15.81 AC.)
160' FPL EASEMENT	= 432,587.63 S.F. (9.93 AC.)
WETLAND CREATION (EXISTING)	= 760,122.00 S.F. (17.45 AC.)
ADDITIONAL COMMON AREA (AREA BETWEEN BLOCKS).	= 430,223.79 S.F. (9.87 AC.)
COMMON AREA TOTAL	= 2,847,760 S.F. (67.66 AC.)
% OF SITE	= 44.04 %

HURRICANE SHELTER (PER LDC SECTION 10-258)

REQUIRED HURRICANE SHELTERS	= (2.25)(567)(20)(46%)=12,090 S.F.
PROVIDED	= 16,129 S.F.



HISTORICAL RUNOFF

SCALE 1" = 800'

CYPRESS WOODS R.V. RESORT

ORIGINAL ZONING # Z-94-025

MASTER CONCEPT PLAN

BARBOT, STEUART & ASSOCIATES, INC.
CONSULTING ENGINEERS
3228 EVANS AVENUE, FORT MYERS, FLORIDA 33901, PH. (239) 936-7353

DATE	REVISION	APPROVED
08/16/10	REVISED PER 05/24/10 SUFFICIENCY CHECKLIST	JTA IKS
04/21/08	REVISED PER 01/08/08 SUFFICIENCY CHECKLIST	JTA IKS

DESIGNED BY: IKS | CHECKED BY: IKS
DRAWN BY: JTA | CHECKED BY: IKS
SCALE: 1" = 150' OR AS NOTED | DATE: 09/14/2007
SHEET 1 OF 3 | FILE No. 3434

08-18-10

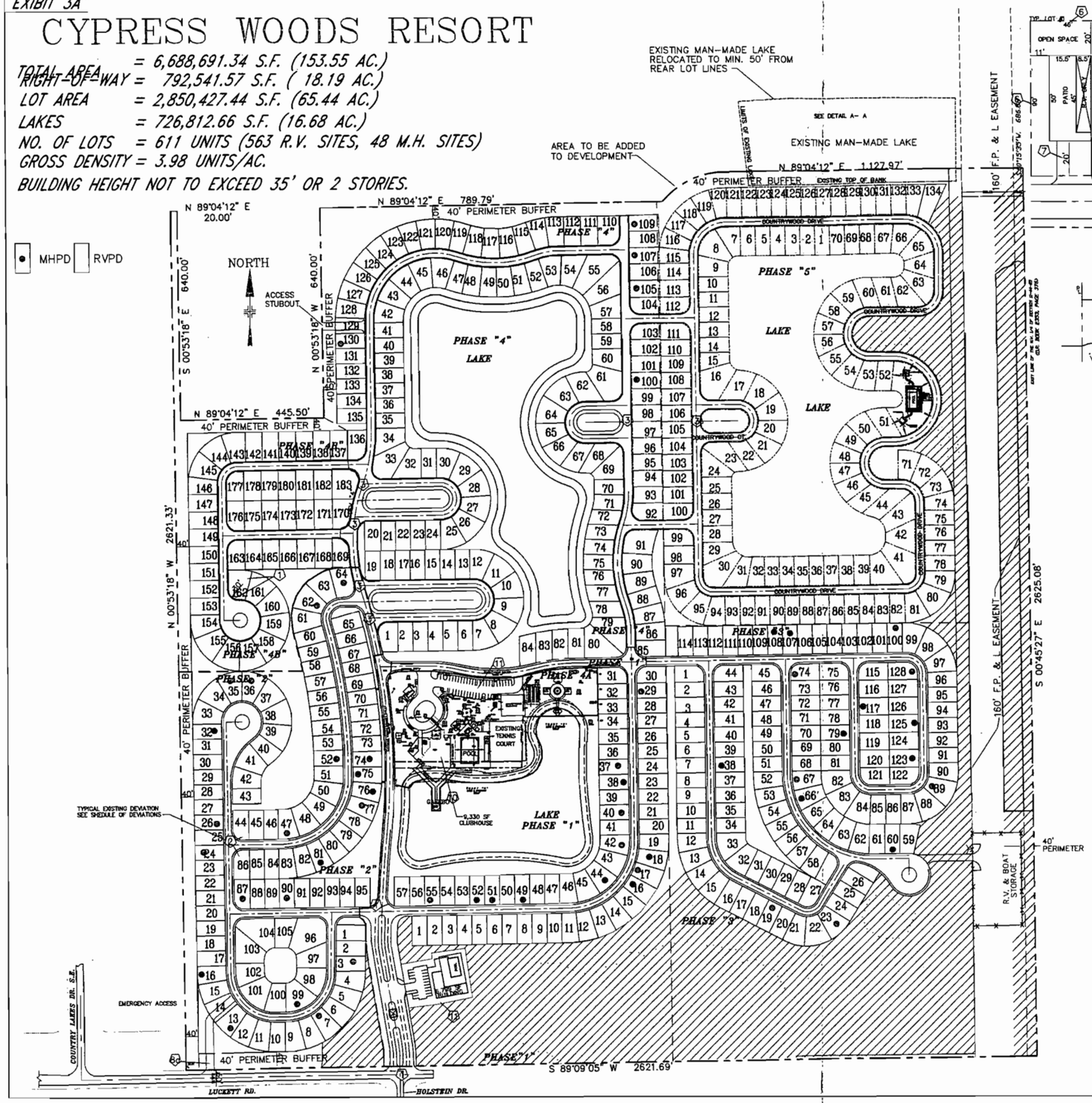
EXHIBIT C

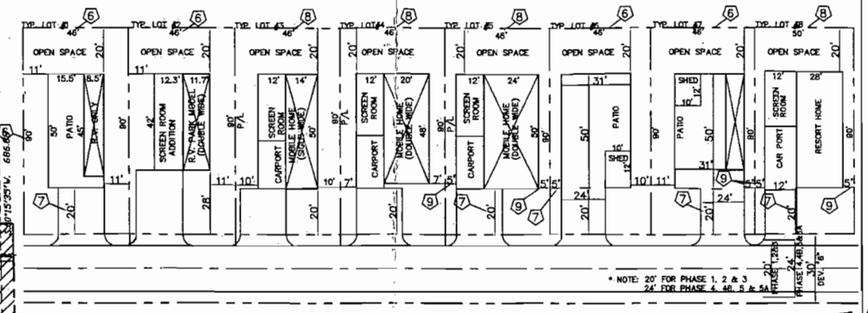
"EXIBIT 3A"

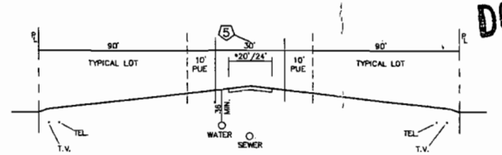
CYPRESS WOODS RESORT

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

MHPD RVPD







TYP. LOT X-SEC.
NTS

LAKE SECTION
NTS

EXISTING PRESERVE

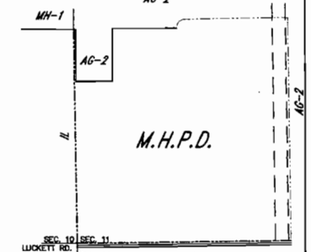
411 - PINE FLATWOODS = 4.55 ACRES
621 - CYPRESS FOREST = 5.66 ACRES
624 - PINE - CYPRESS FOREST = 9.13 ACRES
625 - PINE WET PRAIRIE = 2.52 ACRES
650/640 - RESTORATION AREA = 2.69 ACRES
832/310 - POWER LINE EASEMENT/HERBACEOUS = 2.79 ACRES
832/643- POWER LINE EASEMENT/WET HERBACEOUS = 3.89 ACRES

B.C. FOX SQUIRREL PRESERVE 26.62 ACRES

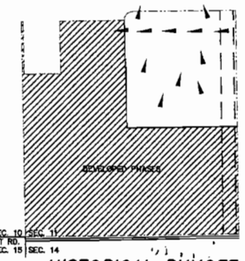
OPEN SPACE

COMMON AREA:

40 FOOT PERIMETER BUFFER	= 417,979.95 S.F. (9.60 AC.)
20 FOOT AROUND LAKE	= 174,510.73 S.F. (4.00 AC.)
LAKES	= 732,335.74 S.F. (16.81 AC.)
160' FPL EASEMENT	= 432,587.83 S.F. (9.93 AC.)
WETLAND CREATION (EXISTING)	= 760,122.00 S.F. (17.45 AC.)
ADDITIONAL COMMON AREA (AREA BETWEEN BLOCKS)	= 430,523.79 S.F. (9.87 AC.)
COMMON AREA TOTAL	= 2,947,760 S.F. (67.66 AC.)
% OF SITE	= 44.04 %



EXISTING ZONING
SCALE 1" = 800'



HISTORICAL RUNOFF
SCALE 1" = 800'

DCI 2007-00078

AUG 23 2010

COMMUNITY DEVELOPMENT

Approved as Exhibit C
MCP Page 2 of 3
Resolution # Z-11-021

DATE	REVISION	APPROVED
08/16/10	REVISED PER 05/24/10 SUFFICIENCY CHECKLIST	JTA IKS
04/21/08	REVISED PER 01/08/08 SUFFICIENCY CHECKLIST	JTA IKS

CYPRESS WOODS R.V. RESORT

ORIGINAL ZONING # Z-94-025

MASTER CONCEPT PLAN
BIG CYPRESS FOX SQUIRREL PERSEVERE

BARBOT, STEUART & ASSOCIATES, INC.
CONSULTING ENGINEERS
3228 EVANS AVENUE, FORT MYERS, FLORIDA 33901, PH. (239) 936-7353

DESIGNED BY: IKS | CHECKED BY: IKS
DRAWN BY: JTA | CHECKED BY: IKS
SCALE: 1" = 150' OR AS NOTED | DATE: 05/29/2007
SHEET 2 OF 3 | FILE No. 3434

K. Steuart 08-18-10

"EXIBIT 3A"

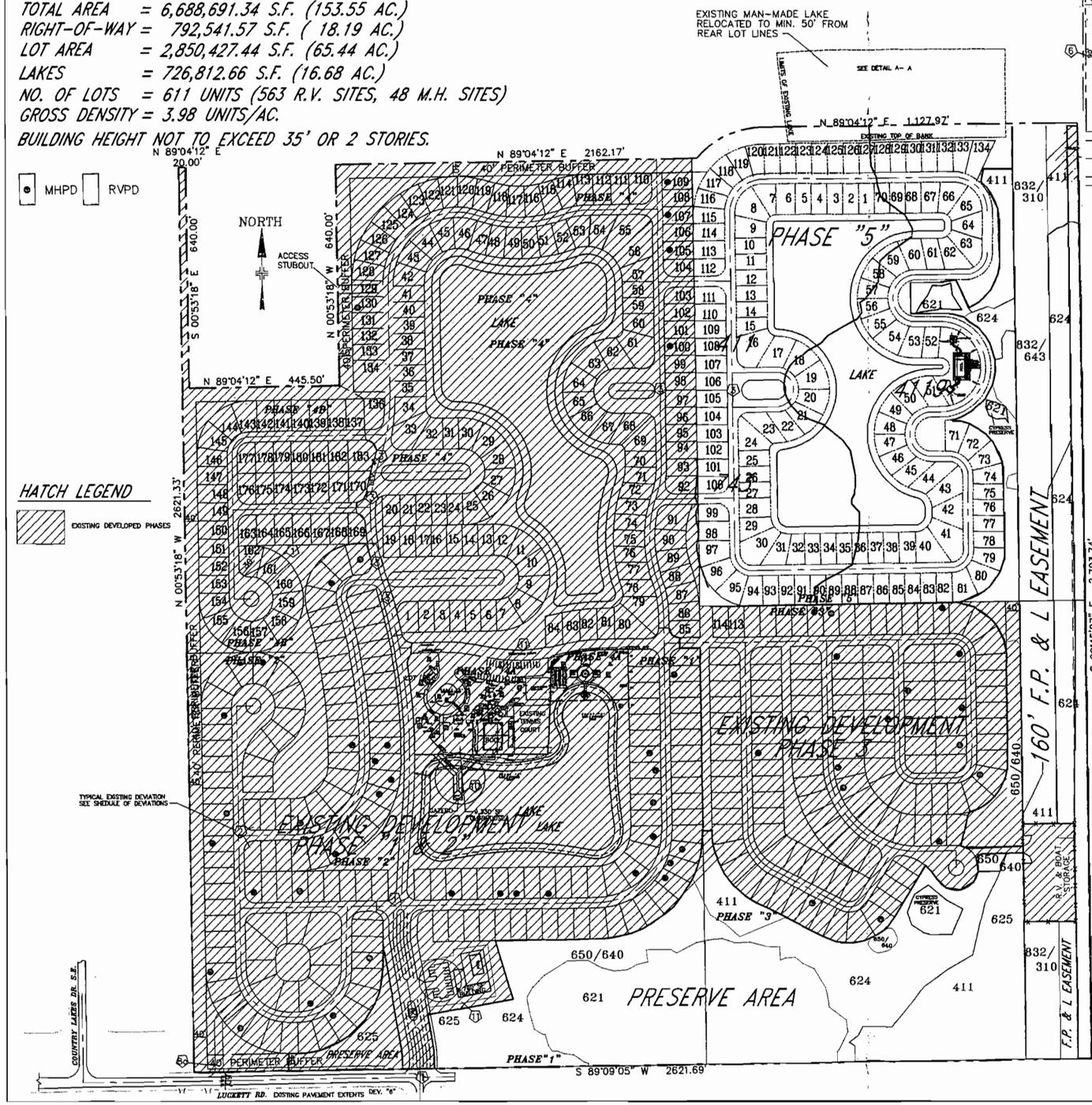
CYPRESS WOODS RESORT

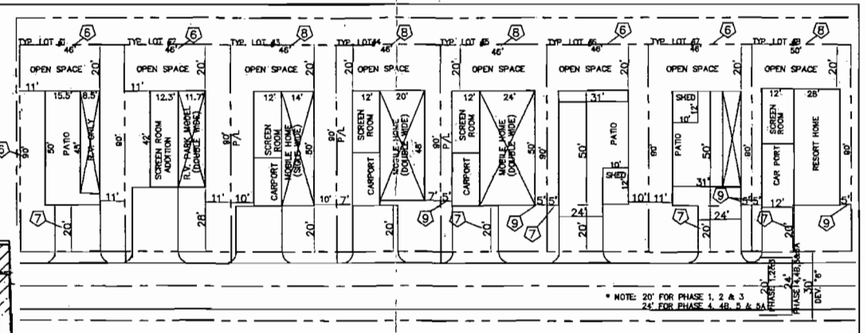
TOTAL AREA = 6,688,691.34 S.F. (153.55 AC.)
RIGHT-OF-WAY = 792,541.57 S.F. (18.19 AC.)
LOT AREA = 2,850,427.44 S.F. (65.44 AC.)
LAKES = 726,812.66 S.F. (16.68 AC.)
NO. OF LOTS = 611 UNITS (563 R.V. SITES, 48 M.H. SITES)
GROSS DENSITY = 3.98 UNITS/AC.
BUILDING HEIGHT NOT TO EXCEED 35' OR 2 STORIES.

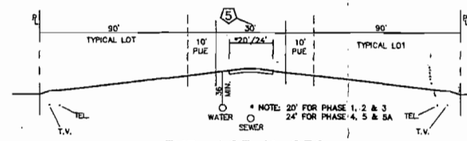
MHPD RVPD

HATCH LEGEND

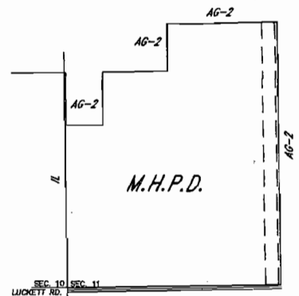
EXISTING DEVELOPED PHASES







TYP. LOT X-SEC.
NTS



AG-2
EXISTING ZONING
SCALE 1" = 800'

DCI 2007-00078

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EXISTING CONDITIONS FOR PHASE 4 & 5

CODE	DESCRIPTION	ACRES
191	BAHIA GRASS FIELD	.93
193	UNDEVELOPED RUDERAL AREA	19.43
194	UNDEVELOPED LAND/TEMPORARY RV STORAGE	0.81
210	PASTURE LAND	12.26
411	PINE - SAW PALMETTO FOREST	13.34
4118	MELALEUCA - PINE FOREST	11.99
510	DRAINAGE DITCH	.60
520	LAKE	2.54
740	DISTURBED AREA	1.30
743	SPOILED AREA	1.00
TOTAL:		64.00

FLUCC'S CODE

411 - PINE FLATWOODS = 4.55 ACRES
621 - CYPRESS FOREST = 6.86 ACRES
624 - PINE - CYPRESS FOREST = 9.13 ACRES
625 - PINE WET PRAIRIE = 2.52 ACRES
650/640 - RESTORATION AREA = 2.69 ACRES
832/310 - POWER LINE EASEMENT/HERBACEOUS = 2.78 ACRES
832/643- POWER LINE EASEMENT/WET HERBACEOUS = 3.69 ACRES

OPEN SPACE

COMMON AREA:

40 FOOT PERIMETER BUFFER	= 417,979.95 S.F. (9.60 AC.)
20 FOOT AROUND LAKE	= 174,510.73 S.F. (4.00 AC.)
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ADDITIONAL COMMON AREA (AREA BETWEEN BLOCKS)	= 430,223.79 S.F. (9.87 AC.)
COMMON AREA TOTAL	= 2,847,760 S.F. (67.66 AC.)
% OF SITE	= 44.04 %

HURRICANE SHELTER (PER LDC SECTION 10-258)

REQUIRED HURRICANE SHELTERS = (2.25)(672)(20)(45%)=13,608 S.F.
PROVIDED = 16,129 S.F.

SCHEDULE OF DEVIATIONS

Existing General Deviations:

1. A deviation from LDC Section 10-714 which requires a 90 foot turn-out radius to allow 30 feet.
2. A deviation from LDC Sections 34-2222 & 34-2192 to allow the corner lots to be the same size as the other lots in the development and to allow a reduction in the street setback from 20 ft. to 5 ft. on the "side" lot line for these corner lots.
3. A deviation from Table 1 of LDC 10-285 which requires 125 feet of street intersection separation to allow 100 feet.
4. A deviation from LDC Section 10-291(3) to allow only one means of ingress and egress for a development of more than five acres.
5. A deviation from Table 3 of LDC 10-296 which requires a 45 foot right-of-way for a local street with open drainage to permit a local street with 30 foot right-of-way and open drainage.

Existing RVPD Deviations:

6. A deviation from LDC Section 34-939(b)(6)(b) which requires a 5,000 square foot minimum lot to allow a 4,140 square foot minimum (46 feet x 90 feet).
7. A deviation from LDC Section 34-383(b)(7)(c) which requires side setbacks of 10 feet and a street (right-of-way) setback of 25 feet to permit a side setback of 5 feet and a street (right-of-way) setback of 20 feet for a non-transient park.
8. A deviation from LDC Section 34-939(b)(3)) to permit an access road through the perimeter buffer.

Existing MHPD Deviations:

9. A deviation from Section 439.02 of the Lee County Zoning Ordinance (Now LDC 34-736) which requires a 5,000 square foot minimum lot (50 feet x 100 feet) to allow a 4,140 square foot minimum lot (46 feet x 90 feet).
10. A deviation from Section 439.02.B of the Lee County Zoning Ordinance (Now 34-736) which requires a side setback of 7 feet to permit a side setback of 5 feet.
11. A deviation from Section 34-2194(a)(3) of the Lee County Land Development Code to permit a water related use (i.e. clubhouse, deck, pier, and gazebo) to encroach into the 25' setback and to extend 90 feet into an artificial body of water. This request is made pursuant to the exception provided in LDC 34-2194(a)(1)(a).
11. A Deviation from Section 34-2020(4)(a)(2) which would require 135 spaces for the two clubhouse facilities to allow 44 spaces.

Approved as Exhibit 3 of 3
MCP Page
Resolution # Z-94-025

CYPRESS WOODS R.V. RESORT
ADMINISTRATIVE AMENDMENT
ORIGINAL ZONING # Z-94-025

MASTER CONCEPT PLAN
EXHIBIT III-A-1

BARBOT, STEUART & ASSOCIATES, INC.
CONSULTING ENGINEERS
3228 EVANS AVENUE, FORT MYERS, FLORIDA 33901, PH. (239) 936-7353

DATE	REVISION	APPROVED
08/16/10	REVISED PER 05/24/10 SUFFICIENCY CHECKLIST	JTA IKS

DESIGNED BY: IKS | CHECKED BY: IKS
DRAWN BY: JTA | CHECKED BY: IKS
SCALE: 1" = 150' OR AS NOTED | DATE: 05/29/2007
SHEET 3 OF 3 | FILE No. 3434

Exhibit D

Habitat Restoration and Maintenance Guidelines

for the

Cypress Woods RV Resort Phase V

Sections 11, T44S, R25E, Luckett Road, Lee County, Florida

March 27, 2008
Revised: Dec. 4, 2008
June 9, 2009

Prepared for:

Cypress Woods RV Resort
5551 Luckett Road.
Fort Myers, FL 33905
(239) 694-2191
FAX: (239) 691-4969

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conducted by

DCI 2007-00078

Southern Biomes, Inc.
1602 Woodford Ave., Fort Myers, FL 33901 - mail to: P.O. Box 50640, Fort Myers, FL 33994
Ph.: (239) 334-6766 - Geza Wass de Czege, President - Fax: (239) 337-5028

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1602 Woodford Ave., Fort Myers, FL 33901 - mail to: P.O. Box 50640, Fort Myers, FL 33994
Ph.: (239) 334-6766 - Geza Wass de Czege, President - Fax: (239) 337-5028

A. FOX SQUIRREL HABITAT RESTORATION GUIDELINES

1. **RESTORATION SITE DESCRIPTION**: The subject restoration site is a forty foot wide buffer area located in the northeastern portion of the development, extending for approximately 800 feet east to the pine flatwoods buffer adjacent to the powerline easement. The previously existing forested buffer was unintentionally cleared and will be restored to meet Lee County Code, Sec. 14-384: Restoration standards, and the Sec. 10-420 Plant materials standards. The plantings will be according to Lee County's Department of Community Development, Division of Environmental Sciences indigenous habitat restoration area planting guidelines.

2. **HABITAT RESTORATION EXECUTIVE SUMMARY:** To help restore the habitat, slash pines and scattered live oaks will be planted an average of 15' on center, with 75% of the trees being a minimum 10' tall with two-inch caliper at 12 inches above ground, and the remaining 25% a minimum 16' tall with a 3-4 inch caliper, to provide more diversity sizes. Trees will be planted in random order so as not to appear as growing in rows. Shrubs will be limited to scattered clusters of saw palmetto, wax myrtle, beautyberry, gallberry and muhly grass, planted around selected tree clusters. Shrubs and groundcover vegetation must be in minimum one-gallon container, and clustered at an average of three feet (3') on center, to mimic pine flatwoods savanna habitat.

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Ph.: (239) 334-6766 - Geza Wass de Czege, President - Fax: (239) 337-5028

Habitat Restoration Plant List

- One hundred ten (110) trees, of which no more than 75% are to be10' tall, minimum 2 inch caliper trees, and at least 25% are >16' tall, minimum 3 inch caliper trees. All trees are to be planted in random order on average 15' centers:
    - 68 slash pine (*Pinus elliottii*) 10' w/min 2" dbh
    - 22 slash pine (*Pinus elliottii*) 16' w/min 3" dbh
    - 6 live oak (*Quercus virginiana*) 10' w/min 2" dbh
    - 2 live oak (*Quercus virginiana*) 16' w/min 3" dbh
    - 4 laurel oak (*Quercus laurifolia*) 10' w/min 2" dbh
    - 2 laurel oak (*Quercus laurifolia*) 16' w/min 3" dbh
    - 4 dahoon holly (*Ilex cassine*) 10' w/min 2" dbh
    - 2 dahoon holly (*Ilex cassine*) 16' w/min 3" dbh

- Three thousand four hundred sixty six (3,466) in 1 gallon containerized shrubs & herbaceous species, randomly clustered within tree clusters, on 3' center:
    - 1000 saw palmetto (*Serenoa repens*)
    - 500 wax myrtle (*Myrica sp.*)
    - 500 beautyberry (*Callicarpa americana*)
    - 466 gallberry (*Ilex glabra*)
    - 1000 muhly grass (*Muhlenbergia sp.*)

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DCI 2007-00078

RESTORATION AREA SITE PREPARATION, MAINTENANCE AND MONITORING GUIDELINES:

1. Restoration areas are to be graded to natural elevations of adjacent pine flatwoods uplands, and harrowed to remove all ruts from the planting areas.
2. Eradicate any torpedograss, primrose willow, or any other exotic or nuisance vegetation prior to replanting, with an approved systemic herbicide, and establish an annual eradication program to maintain the area free of exotic species, and the nuisance species to less than 2% coverage.
3. Replant restoration areas with plant species and quantities as designated in the plant list provided in the Habitat Restoration Plant List (approx. 31,200 sq. ft.).
   - One hundred ten (110) trees, with no more than 75% at least 10' tall, 2 inch caliper and the remaining trees >16' tall, with minimum 3 inch caliper, planted in clusters of 3-5, on average 15' centers.
   - Three thousand four hundred sixty six (3,466) 1 gallon containerized shrubs, cluster 3' o.c.
4. Maintain a semi-annual exotic plant control the first year, and an annual control thereafter, in perpetuity, to treat the exotic vegetation resprouting with an approved herbicide, and manually remove any seedlings. Conduct activities during the winter and spring dry season.
5. Signage shall be placed at each end of the indigenous preserve area to identify and protect the preserve during and after construction. The signs shall be no closer than ten feet from adjacent property lines; be limited to a maximum height of four feet and a maximum size of two square feet, stating: "Preserve Area" (in large letters), "Please do not cut or damage any plants unless authorization by permit, or obtained in writing by Lee County Community Development" (in small letters). See example attached with these guidelines.
6. Provide Lee County with an annual monitoring report, for 5 years, including plant survival data and qualitative narrative describing the vegetative changes within the mitigation area. Include the following:
   a. Provide three fixed point photo station' panoramic photograph analyses at selected locations.
   c. Narrative report of exotics invasion, and removal success.
   d. Plant survival data and revegetation success data, including quantitative data, natural recruitment success, exotic invasion, general condition, and recommendations.
7. Mitigation success criteria are as follows:
   a. The area is maintained free of exotic plants, as defined by the Florida Exotic Pest Plant Council, with no more than 2% coverage at any one time (including but not limited to melaleuca, Brazilian pepper, Australian pine, etc.), and the number of exotic plants eradicated each year has been greatly reduced.
   b. All nuisance plant species (torpedograss, primrose willow, caesarweed, dog fennel, etc.) constitute no more than 5% of the total plant coverage.
   c. There is an 80% survival rate of the planted vegetation and at least 80% coverage of the planted area by indigenous native vegetation at the end of the third year of monitoring.
   d. There is a continual increase in indigenous plant species composition throughout the five year monitoring period.

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Ph.: (239) 334-6766 - Geza Wass de Czege, President - Fax: (239) 337-5028

Preserve Area Sign Sample

Preserve Area

No Dumping

No Cutting

No Disturbing

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AUG 2 3 2010
COMMUNITY DEVELOPMENT

Please do not cut or damage any plants unless authorization by permit, or obtained in writing by Lee County Community Development.

Please Help Keep it Natural!!

NOTE: Typical sign dimensions may range from 9" x 12" to 12" x 18" (vertical or horizontal), but should not exceed 288 sq. inches.

DCI 2007-00078

Exhibit E

Cypress Woods Monitoring and Maintenance Plan

The wetland mitigation program involves several different activities. These include creation of 2.35 acres of marsh, 3.12 acres of mixed pine and cypress forest, 1.32 acres of shallow excavation, restoration of 6.02 acres of wetlands and enhancement of 9.61 acres of wetlands. Details of these specific mitigation activities, mitigation goals, monitoring programs and maintenance plans are outlined below.

Wetland Enhancement

Wetland enhancement includes the selective removal of exotics from existing wetlands. Baseline wetland monitoring will be conducted in the wetland enhancement areas. A transect, photo point and staff gauge will be located through the enhancement area. The location of the transect is shown on the attached Planting and Monitoring Overview Plan. Wetland enhancement will then begin which will include the selective removal of exotic vegetation. The exotic removal will consist of selective application of an approved herbicide. Small trees will be clipped and the stem painted with herbicide. Larger trees will be deeply scored and the herbicide applied to the wound. The wetland enhancement program will be done in Phase 1 of the development. Specific time frames are outlined in the attached mitigation schedule. Monitoring will be conducted for five years and will include the following parameters:

- Panoramic Photographs
- Water Level Measurements
- Description of Vegetation Composition and Percent Coverage
- Survival Rate of Planted Vegetation
- Percent Cover with Nuisance Species
- Percent Cover with Exotic Species
- Summary of Wildlife Utilization
- Summary of Wetland Maintenance Performed to Date

The goal of the enhancement is to achieve a 0% aerial coverage with exotics. Maintenance will include annual control to prevent any re invasion by exotics.

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MAY 18 1995
ZONING COUNTER

PROJECT # 95-03-166.13A.02-04
PROJECT TYPE 04

Wetland Restoration

Wetland restoration includes the mechanical removal of exotics, regrading any areas disturbed by exotic removal to natural ground level, and replanting with native aquatic non nuisance species. Clearing will occur in the dry season, to minimize erosion and turbidity. Of the total restoration area (6.02 acres), 2.38 acres will be replanted with trees and shrubs and 3.64 acres will be planted with trees. Clearing will be maintained outside the drip lines of any pine or cypress trees located within this area. Specific details of the planting plan are outlined below. Plantings will occur at the end of the rainy season. The locations of the restoration and planting areas are shown on the attached Planting and Monitoring Overview Plan. Once the plantings are installed, baseline monitoring will be conducted. The specific dates for the restoration and monitoring activities are outlined in the attached mitigation schedule. Annual monitoring will be conducted thereafter for five years. The monitoring will include the following parameters:

Panoramic Photographs
Water Level Measurements
Description of Vegetation Composition and Percent Coverage
Survival Rate of Planted Vegetation
Percent Cover with Nuisance Species
Percent Cover with Exotic Species
Summary of Wildlife Utilization
Summary of Wetland Maintenance Performed to Date

The goal of the restoration effort is to achieve an 80% coverage with native, non-nuisance aquatic species, less than 10% coverage by nuisance species and 0 % coverage by exotics. Maintenance will be conducted on a semi annual basis. Exotic control will be done as necessary and supplemental plantings will be installed to maintain an 80% survival rated of planted material.

Tree Plantings

Tree planting will be a 70% mixture of cypress and slash pine. Other plantings will include a minimum of three of the following species:

Cabbage Palm
Laurel Oak
Red Maple
Dahoon Holly
Swamp Bay

Spacing of the trees will be on 25 foot centers. The trees will be 3 gallon size.

Shrub Plantings

Shrub planting will be on 20 foot centers. Shrubs will be a minimum of 2 to 3 gallon size. A minimum of three of the following species will be planted:

Wax Myrtle
Cocoplum
Salt Bush
Swamp Hibiscus
Gallberry

Wetland Restoration / Shallow Excavation

North of the cypress wetland is an area heavily invaded by melaleuca. This area (1.32 acres), will be regraded to a depth of 3 feet in the center and then sloped to match the existing wetland grade. The center of the area will be planted with herbaceous species and the perimeter planted with trees. Clearing will be maintained outside the drip lines of any pine or cypress trees located within this area. Specific details of the planting plan are outlined below. Plantings will occur at the end of the rainy season. The location of the shallow excavation area is shown on the attached Planting and Monitoring Overview Plan. Once the plantings are installed, time zero monitoring will be conducted. The specific dates for the restoration and monitoring activities are outlined in the attached mitigation schedule. Annual monitoring will be conducted thereafter for five years. The monitoring will include the following parameters:

Panoramic Photographs
Water Level Measurements
Description of Vegetation Composition and Percent Coverage
Survival Rate of Planted Vegetation
Percent Cover with Nuisance Species
Percent Cover with Exotic Species
Summary of Wildlife Utilization
Summary of Wetland Maintenance Performed to Date

The goal of the restoration effort is to achieve an 80% coverage with native, non-nuisance aquatic species, less than 10% coverage by nuisance species and 0 % coverage by exotics. Maintenance will be conducted on a semi annual basis. Exotic control will be done as necessary and supplemental plantings will be installed to maintain an 80% survival rated of planted material.

Tree Plantings

Tree planting will be a 70% mixture of cypress and slash pine. Other plantings will include a minimum of three of the following species:

- Cabbage Palm
- Laurel Oak
- Red Maple
- Dahoon Holly
- Swamp Bay

Spacing of the trees will be on 25 foot centers. The trees will be 3 gallon size.

Herbaceous Plantings

Herbaceous plantings will be a minimum size of 2 inch liners. Plantings will be installed on 5 foot centers. Species will include a minimum o three of the following:

- Cordgrass
- Saw Grass
- Pickerelweed
- Arrowhead
- Water Hyssop
- Scirpus sp.
- Swamp Lily
- Spike Rush

Marsh Creation

The plan includes the creation of two areas of marsh in the interior lakes. The southern marsh will be created in Phase 1 of the mitigation while the northern marsh will be created in Phase 2 of the mitigation plan. - The area will be constructed and then revegetated with herbaceous plantings. The details of the plantings are outlined below. The locations of the marsh creation areas are shown on the attached Planting and Monitoring Overview Plan. Once the plantings are installed, time zero monitoring will be conducted. The specific dates for the creation and monitoring activities are outlined in the attached mitigation schedule. Annual monitoring will be conducted thereafter for five years. The monitoring will include the following parameters:

- Panoramic Photographs
- Water Level Measurements
- Description of Vegetation Composition and Percent Coverage
- Survival Rate of Planted Vegetation
- Percent Cover with Nuisance Species
- Percent Cover with Exotic Species
- Summary of Wildlife Utilization
- Summary of Wetland Maintenance Performed to Date

The goal of the creation effort is to achieve an 80% coverage with native, non-nuisance aquatic species, less than 10% coverage by nuisance species and 0 % coverage by exotics. Maintenance will be conducted on a semi annual basis. Exotic control will be done as necessary and supplemental plantings will be installed to maintain an 80% survival rated of planted material.

Herbaceous Plantings

Herbaceous plantings will be a minimum size of 2 inch liners. Plantings will be installed on 5 foot centers. Species will include a minimum of three of the following:

Yellow Canna
Umbrella Grass
Cordgrass
Blue Flag
Beak Rush
Spike Rush
spider Lily
Swamp Lily
Saw Grass
Water Hyssop
White Water Lily
Fire Flag
Yellow Water Lily
Floating Hearts
Pickerelweed
Arrowhead

Impact Assessment

FLUCCS	% Exotics	Total AC	Impact	Mit. Ratio	Mit. required
411/424 Hydric pine flatwoods/ melaleuca invaded	>95	19.12	12.99	.5:1	6.50
411/424 Hydric pine flatwoods/ melaleuca invaded	80	5.34	2.75	.5:1	1.38
411/424 Hydric pine flatwoods/ melaleuca invaded	50	1.46	.88	1:1	.88
621 Cypress forest	<10	6.38	0	0	0
621/424 Cypress invaded by melaleuca	60	4.19	.96	1:1	.96
6446 Flag pond	<10	.54	0	0	0
Totals		37.03	17.58	.5:1	9.72

Mitigation Analysis

FLUCCS	% Exotics	Enhance	Mit. Ratio	Mit. provided
Wetland Restoration				
411/424 Hydric pine flatwoods/ melaleuca invaded*	>95	1.25	.5:1	.63
411/424 Hydric pine flatwoods/ melaleuca invaded**	>95	2.38	.75:1	1.79
411/424 Hydric pine flatwoods/ melaleuca invaded*	80	2.39	.5:1	1.20
Wetland Enhancement				
411/424 Hydric pine flatwoods/ melaleuca invaded	50	.50	0	0
621 Cypress forest	<10	6.38	0	0
621/424 Cypress invaded by melaleuca	60	2.19	0	0
6446 Flag pond	<10	.54	0	0
Wetland Restoration/Shallow Excavation				
411/424 Hydric pine flatwoods/ melaleuca invaded	80	.20	.5:1	.10
621/424 Cypress invaded by melaleuca	60	1.12	.5:1	.56
Wetlands within FPL Easement* **				
Not included in mitigation, but where mechanical exotic removal will occur		2.50		
Subtotals		19.45		
Wetland Creation (5.47 AC)				
From uplands–adjacent to lakes			1:1	2.35
From uplands			1:1	3.12
From Uplands–lake littoral zones			0	(+/-1.8)***
Totals				9.75

*Denotes plantings within wetland restoration area (trees) see "Planting & Monitoring Overview"

**Denotes increased plantings within wetland restoration area (trees & shrubs)–see "Planting & Monitoring Overview"

***Not included in total mitigation

W60F14

Phase 1: All wetland creation areas except the marsh in the northern lake, all restoration and enhancement activities.

TIME SCHEDULE FOR COMPLETION OF MITIGATION/MONITORING ACTIVITIES	
ACTIVITY	COMPLETION DATE
Submit baseline monitoring report (Preservation/Enhancement Areas)	September 1, 1995
Excavation of southern lake	December 1, 1995
Grading of creation/restoration areas	December 1, 1995
Planting of creation/restoration areas	January 1, 1996
Complete initial exotic removal in preservation/enhancement areas	January 1, 1996
Construction of fence/structural buffer	February 1, 1996
Submit time zero monitoring report	February 1, 1996
Submit legal description of conservation areas	September 1, 1995
Submit recorded legal document(s)	September 1, 1995
Submit first monitoring report	February 1, 1997
Submit second monitoring report	February 1, 1998
Submit third monitoring report	February 1, 1999
Submit fourth monitoring report	February 1, 2000
Submit fifth monitoring report	February 1, 2001

A separate time schedule for completion of mitigation and monitoring activities should be submitted for each mitigation plan. The following schedule contains typical activities for most mitigation plans. Additions and/or deletions to this schedule should be noted as appropriate.

Phase 2: Marsh creation in northern lake.

TIME SCHEDULE FOR COMPLETION OF MITIGATION/MONITORING ACTIVITIES	
ACTIVITY	COMPLETION DATE
Excavation of northern lake	December 1, 1999
Grading of remaining marsh creation area	December 1, 1999
Planting of remaining marsh creation area	January 1, 2000
Submit time zero monitoring report	February 1, 2000
Submit legal description of conservation areas	September 1, 1999
Submit recorded legal document(s)	September 1, 1999
Submit first monitoring report	February 1, 2001
Submit second monitoring report	February 1, 2002
Submit third monitoring report	February 1, 2003
Submit fourth monitoring report	February 1, 2004
Submit fifth monitoring report	February 1, 2005

A separate time schedule for completion of mitigation and monitoring activities should be submitted for each mitigation plan. The following schedule contains typical activities for most mitigation plans. Additions and/or deletions to this schedule should be noted as appropriate.

SCANNER'S MEMO
Best Image Available

ENVIRONMENTAL ASSESSMENT OF EXISTING LAND USES / HABITAT TYPE

EXISTING LAND USE / HABITAT TYPE AND PROPOSED STATUS					
CATEGORY	ID #	FLUCCS CATEGORY	ACREAGE	QUALITY	PROPOSED STATUS
Abandoned Ag Lands		261	71.6	Fair	Impacted
Pine Flatwoods		411	34.74	25% Exotics	Impacted
Melaleuca/Pine		411/424	19.12 5.34 1.46	95% Exotics 80% Exotics 50% Exotics	Impacted/Restored Impacted/Restored Impacted/Enhanced
Melaleuca/Cypress		424/621	4.19	60% Exotics	Impacted/Enhanced
Slash Pine/Oak/Saw Palmetto		434	1.12	60% Exotics	Impacted/Enhanced
Dead Slash Pine		435	.86	Poor	Impacted
Cypress		621	6.38	Good	Enhanced
Flag Pond		6446	.54	Good	Enhanced
FPL Easement		832	6.16	Disturbed	Preserved

Submit an environmental assessment of the project site which includes information on wetlands and rare or unique upland habitat and indicate the proposed status of each area. Categories include Wetlands, Uplands, Unique Uplands, Non-Functional Wetlands. In addition to the table, a habitat communities map should be submitted which utilizes the Florida Land Use and Cover Classification System (FLUCCS).

ENDANGERED OR THREATENED SPECIES / SPECIES OF SPECIAL CONCERN		
	FGFWFC	USFWS
LISTED SPECIES	See attached species survey	Coordinate through COE application
USE TYPE (ie. nesting, foraging)		
CONTACT PERSON		
ISSUES/RESOLUTION		

Provide information on any endangered or threatened species or species of special concern status on the project site. Include particular uses of the site by listed species (e.g. roosting, nesting, feeding). Document relevant communications with the Florida Game & Fresh Water Fish Commission (FGFWFC) or U.S. Fish & Wildlife Service (USFWS) regarding E/T/SSC species use of the site.

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SCANNER'S MEMO
Best Image Available

WETLAND INVENTORY					
	CYPRESS	MARSH	TRANSITIONAL	MIX FOREST	TOTAL
TOTAL WETLANDS (AC)	6.38	.54	0	30.11	37.03
WETLANDS PRESERVE (AC)/ENHANCED	6.38	.54	0	2.69	9.61
WETLANDS IMPACTED (AC)	0	0	0	17.99	17.99
WETLANDS DISTURBED (AC)	0	0	0	0	0
WETLANDS IMPROVED (AC)/RESTORED	0	0	0	6.02	6.02
WETLANDS CREATED (AC)	0	2.35	0	3.12	5.47
OTHER UPLAND COMPENSATION: N/A					

HAVE ANY OF THESE AREAS BEEN INCLUDED IN ANY PREVIOUS AUTHORIZATIONS FROM THE SFWMD? IF SO, PLEASE INDICATE APPLICATION / PERMIT NUMBERS:

Not applicable.

A SEPARATE TABLE SHOULD BE FILLED OUT FOR ONSITE AREAS AND OFFSITE AREAS. CATEGORIES ARE DEFINED AS FOLLOWS:

PRESERVED - NO FILL OR EXCAVATION PROPOSED; NO CLEARING OF DESIRABLE WETLAND SPECIES; NO DEWATERING OR OTHER LOWERING OF THE WATER TABLE; ADEQUATE BUFFER PROVIDED AND PRE-DEVELOPMENT HYDROLOGY MAINTAINED.

IMPACTED - ALTERED AS PART OF THIS PROPOSAL BY FILL, EXCAVATION, CLEARING, DEWATERING OR OTHER LOWING OF THE WATER TABLE.

DISTURBED - TEMPORARY IMPACT TO WETLAND SUCH AS CLEARING, INSTALLATION OF PIPE OR OTHER UTILITY LINE AFTER WHICH SITE WILL BE REGRADED TO ITS PREVIOUS ELEVATION, REPLANTED IF NECESSARY AND/OR ALLOWED TO REVEGETATE; TEMPORARY DEWATERING (LESS THAN 90 DAYS).

IMPROVED - RE-ESTABLISHMENT OF HYDROPERIOD, REPLANTING, AND/OR EXOTIC PLANT REMOVAL TO ENHANCE AN EXISTING WETLAND.

CREATED - ESTABLISHMENT OF A WETLAND IN AN AREA WHICH WAS PREVIOUSLY UPLAND OR LAND USE CATEGORY OTHER THAN WETLANDS. TECHNIQUES INCLUDE EXCAVATION AND PLANTING, VERTICAL RELOCATION, MULCHING, ETC.

STATUS OF OTHER AGENCY WETLAND RESOURCE PERMITTING			
	FDER	USACOE	LOCAL GOVERNMENT
Status	Exemption Issued	Under Review	DO Approval Pending
File #	36-00070-D	199406291(IP-AW)	95-01-116.00D
# Ac Jurisdictional	0	37.03	
# Ac Impacted	0	17.58	7.1
Contact Person	Jamie McCormick	Angela Walker	George Parker

STATUS OF PROJECT UNDER ESL (ENVIRONMENTALLY SENSITIVE LANDS) PROGRAM(S)	
CREW	Not applicable
CARL	Not applicable
P2000	Not applicable
SAVE OUR RIVERS	Not applicable
LOCAL GOVT	Not applicable
ONS*	Not applicable

* Outstanding Natural System from Lower West Coast Water Supply Planning Program.

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MITIGATION INFORMATION
This table should be filled out for each wetland preservation / creation / restoration area and/or for each upland preservation / compensation area as appropriate:

The project impacts are outlined in the attached impact analysis. The plan calls for impacting 18.16 acres of wetlands requiring 10.21 acres of mitigation.

The mitigation plan is outlined in the mitigation analysis. The mitigation plan includes the following:

Removal of Exotics and revegetation of 6.02 acres of preserve for a credit of 3.62 acres
Wetland Enhancement through exotic removal through shallow excavation of 1.32 acres of wetlands for 0.66 acres of credit
Wetland Creation of 5.47 acres for a credit of 5.47 acres
Removal of Exotics from 9.2 acres of wetlands for 0.0 acres of credit.
Planted Lake Littoral Zones (1.8 acres) for 0.0 acres of mitigation credit

Documentation for 80% exotics in SW corner of Cypress Woods:

1. Each plot was 30' x 30'.
2. Only individuals over 4' tall were counted.

Original Plot 30' x 30' = 75% cover

Plot #2:

Tree type	**# observed**
Slash pine	5
Wax Mytle	2
Melaleuca	20
Total	27
Percent Cover	74%

Plot #3:

Tree type	**# observed**
Slash pine	2
Wax Mytle	1
Melaleuca	77
Total	80
Percent Cover	96%

Plot #4:

Tree type	**# observed**
Slash pine	6
Wax Mytle	0
Melaleuca	37
Total	43
Percent Cover	86%

Average % cover= 75 + 74 + 86 + 96 = 331 / 4 = 83 %

Cypress Woods
Management Plan for Big Cypress Fox Squirrel Habitat

Prepared By
Boylan Environmental Consultants, Inc.

The attached drawing shows the area that will be maintained and managed as habitat after development is completed. Approximately 29.9 acres of habitat will be maintained and enhanced.

Before each phase of construction, the development area will be surveyed for the presence of any fox squirrel nests. Any nests found will be marked in the field. Lee County DNRM staff will be contacted to verify the activity status of nests located. Should any active nests be found all construction activities will be maintained 125' feet from the tree until the nest is deemed inactive. The limits of this buffer area will be marked in the field with red barricade fencing. Once the nest is deemed inactive the barricade will be removed and the work will be completed inside the buffer area.

The 29.9 acres of habitat to be maintained on site will consist mainly of cypress wetlands, mixed pine and cypress forest and the cleared FP&L easement. An extensive exotic removal program will be implemented in these areas. The plan will include both selective treatment of exotics with approved herbicides and mechanical clearing with extensive revegetation in the eastern most heavily invaded areas. The specific details of the exotic removal and replanting plan are included in the wetland mitigation program.

This area will be monitored for five years. It is anticipated all the exotic removal within the wetland mitigation/fox squirrel habitat will be completed during the first phase of development. A monitoring and maintenance program will then be implemented for five years. Monitoring will be done on an annual basis and will include the following parameters; percent cover with native species, survival rate of planted materials, observations of wildlife utilization and notes of any maintenance needed to be performed the following year. Panoramic photos will be taken to document the quality of the management areas. Maintenance will include any necessary supplemental planting and continued exotic treatment, as necessary.

Cypress Woods
Management Plan for Gopher Tortoise Habitat

Prepared By
Boylan Environmental Consultants, Inc.

The listed species survey indicated the presence of one gopher tortoise burrow on site. Approximately 30 days before construction begins on phase 1 of the development the burrow will be checked for signs of activity. Lee County DNRM staff will be notified of the status of the burrow. If the burrow is found to be active, a relocation request for the tortoise will be submitted to the Florida Game and Fresh Water Fish Commission. The request will be to move the tortoise to one of the open space areas along the western property boundary. This area is depicted on the attached drawing. Approximately 0.53 acres will be maintained as habitat. The existing community contains abandoned farm lands supporting scattered laurel oaks, cabbage palms and Brazilian pepper.

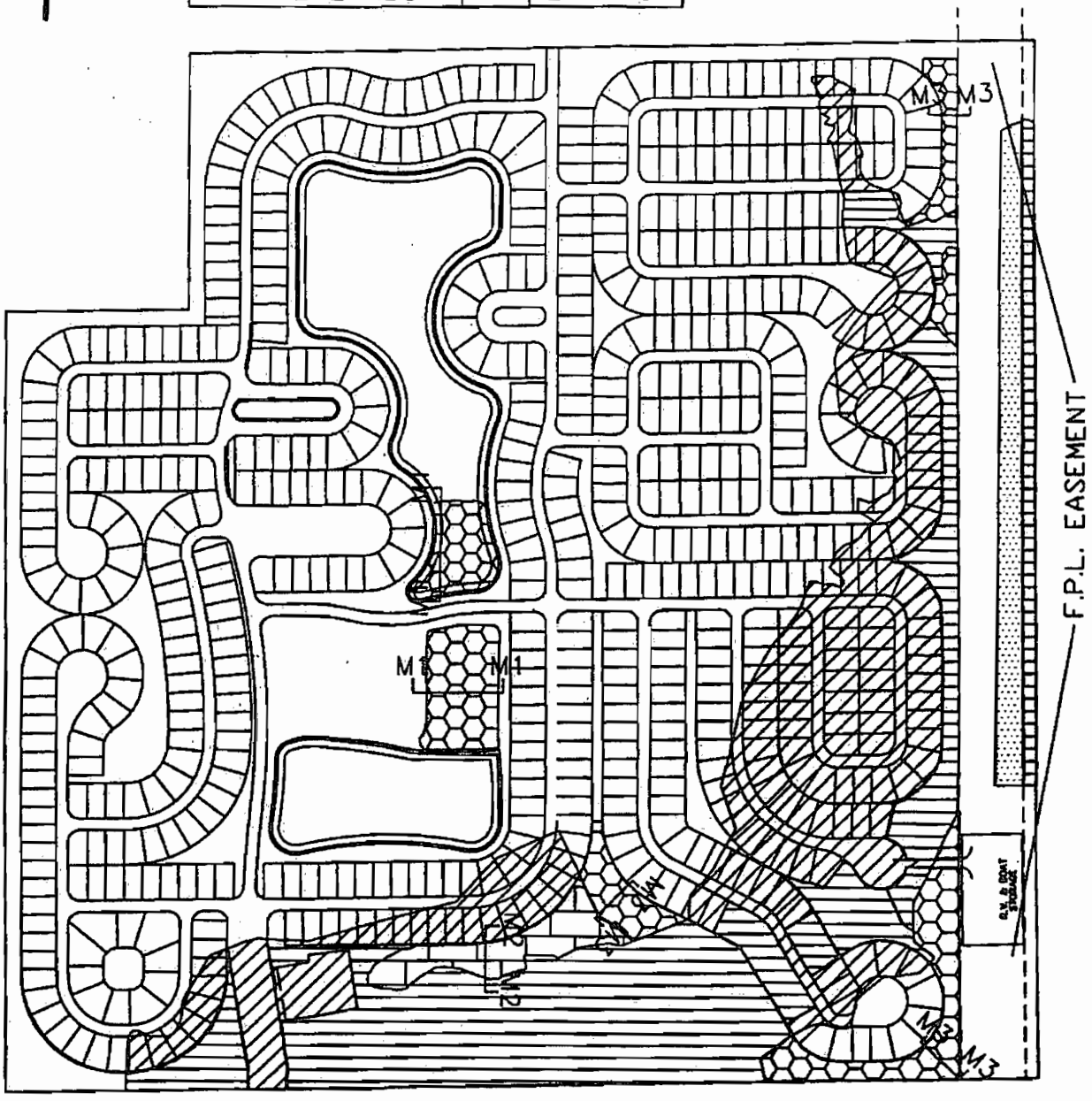
Once relocation approval is received from the FGFWFC the following activities will occur:

The area will be cleared of all exotics and then mowed. Chicken wire fencing will be erected around the perimeter of the area to contain the tortoise and a starter burrow will be excavated. The tortoise burrow will then be excavated and the tortoise relocated to the starter burrow. Construction would then begin on phase 1 of the development. The fencing would remain in place during the construction in phase 1.

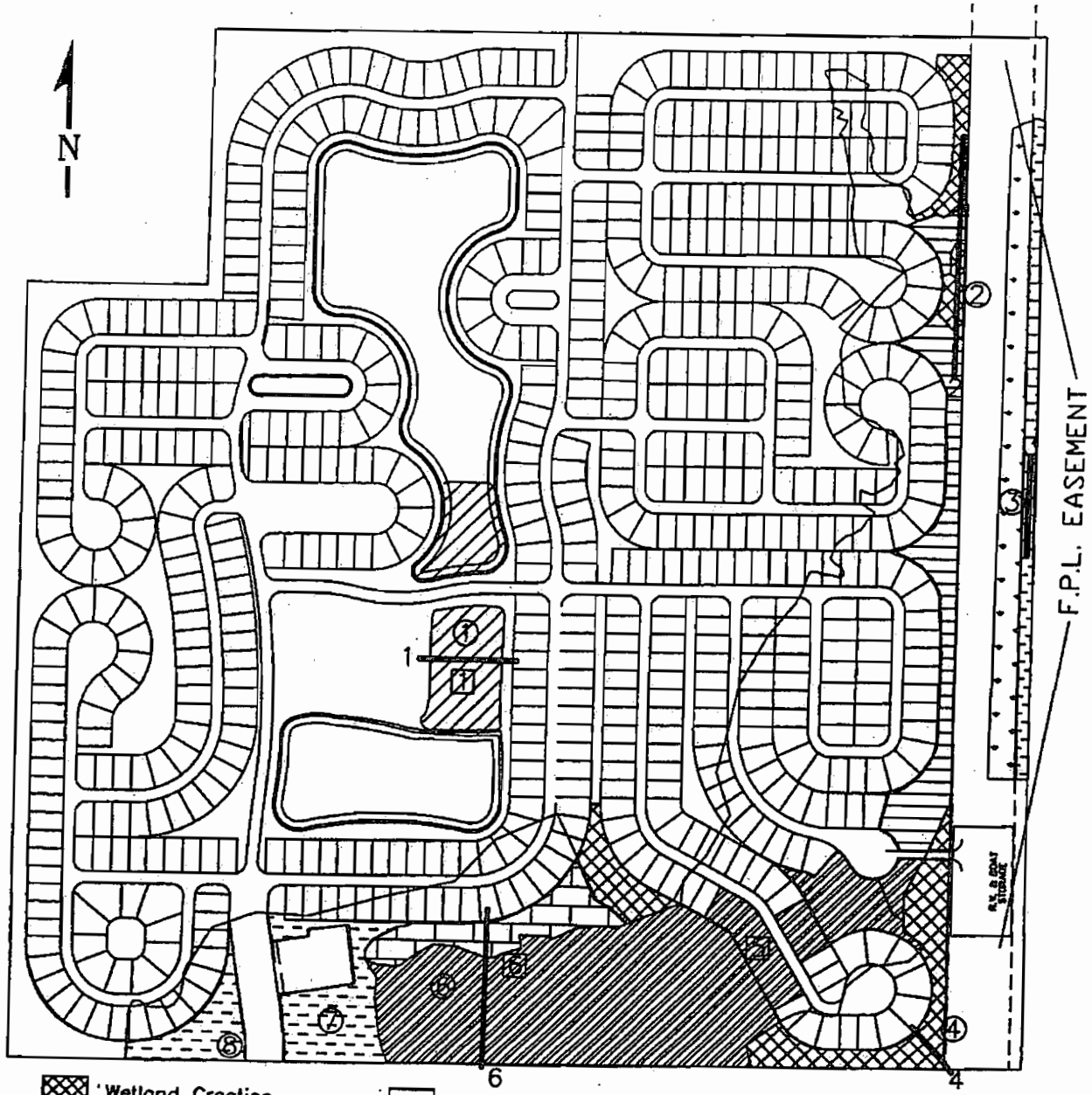
A monitoring and maintenance program will be implemented in the habitat management area for 5 years. The monitoring will document the status of the burrow and the quality of the habitat. The report will summarize the quality of the vegetative community, along with the extent of any exotic or nuisance vegetation. Maintenance will include semi annual mowing and annual treatment of any exotic or nuisance species.

FILL		17.58 AC
SHALLOW EXC.		1.32 AC
ENHANCEMENT/RESTORATION		15.63 AC
CREATION		5.47 AC
FPL WETLANDS		2.50 AC

N



JOB NO. 940065 SHEET 1 OF 11	Cypress Woods Wetland Overview	SCALE 1"=400' DATE 02/09/95 FILE NAME Hatching DRAWN BY J.S.	BOYLAN ENVIRONMENTAL CONSULTANTS, INC. 12665 METRO PKWY., STE. A FT. MYERS, FL 33912 813-768-0600



Wetland Creation
Trees 3.12 AC

Wetland Restoration
Trees & Shrubs 2.38 AC

Transect location

Wetland Enhancement
Exotic Removal 9.61 AC

Wetland Restoration/Shallow Excavation
Trees & Herbaceous 1.32 AC

Photopaint Location
①

Wetland Restoration
Trees 3.64 AC

Marsh Creation
Herbaceous 2.35 AC

Staff Gauge Location
[1]

Uncleared wetlands within FPL easement--Not included in mitigation
2.50 AC

JOB NO. 940065 SHEET 8 OF 11	Cypress Woods Planting & Monitoring Overview	SCALE 1"=400'	BOYLAN ENVIRONMENTAL CONSULTANTS, INC. 12665 METRO PKWY., STE. A FT. MYERS, FL 33912 813-768-0600
		DATE 05/08/95	
		FILE NAME 3434D01	
		DRAWN BY J.S.	

Planting Plan:

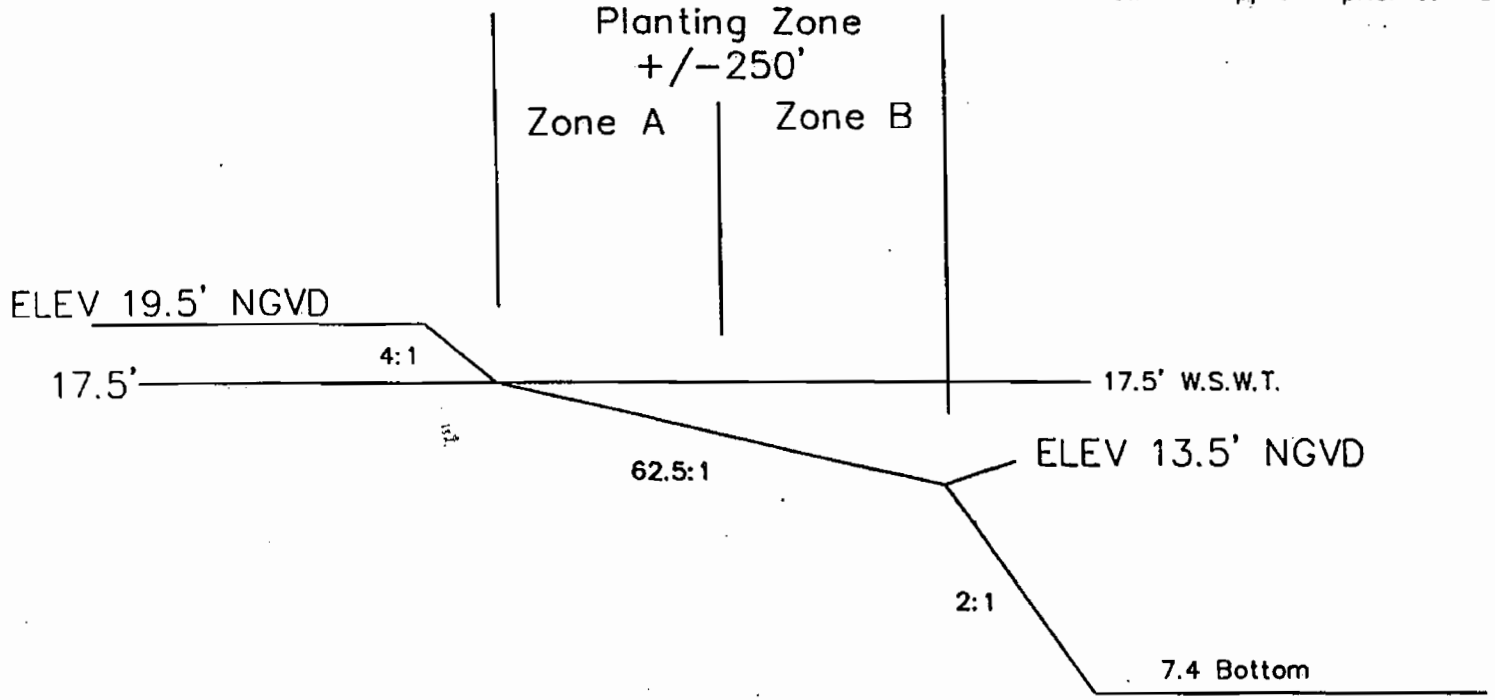
Zone A will be planted with herbaceous native aquatic species spaced on 5' centers. Species will include at least 3 (depending on availability) of the following:

Yellow Canna	Spike Rush
Umbrella Grass	Spider Lily
Cordgross	Swamp Lily
Blue Flag	Saw Grass
Beak Rush	Water Hyssop

Zone B will be planted with herbaceous native aquatic species spaced on 5' centers. Species will include at least 3 (depending on availability) of the following:

White Water Lily	Floating Hearts
Fire Flag	Pickeralweed
Yellow Water Lily	Arrowhead

Substitutions to the above will be submitted to the District for review and approval prior to installation.



JOB NO. 940065 SHEET 3 OF 11	Cypress Woods Cross Section M1 North Marsh	SCALE	N.T.S.	REVISIONS
		DATE	11/18/94	05/11/95
		FILE NAME	9465xs1	
		DRAWN BY	J.S.	

BOYLAN ENVIRONMENTAL CONSULTANTS, INC.
12665 METRO PKWY., STE. A
FT. MYERS, FL 33912
(813) 768-0600

Planting Plan:

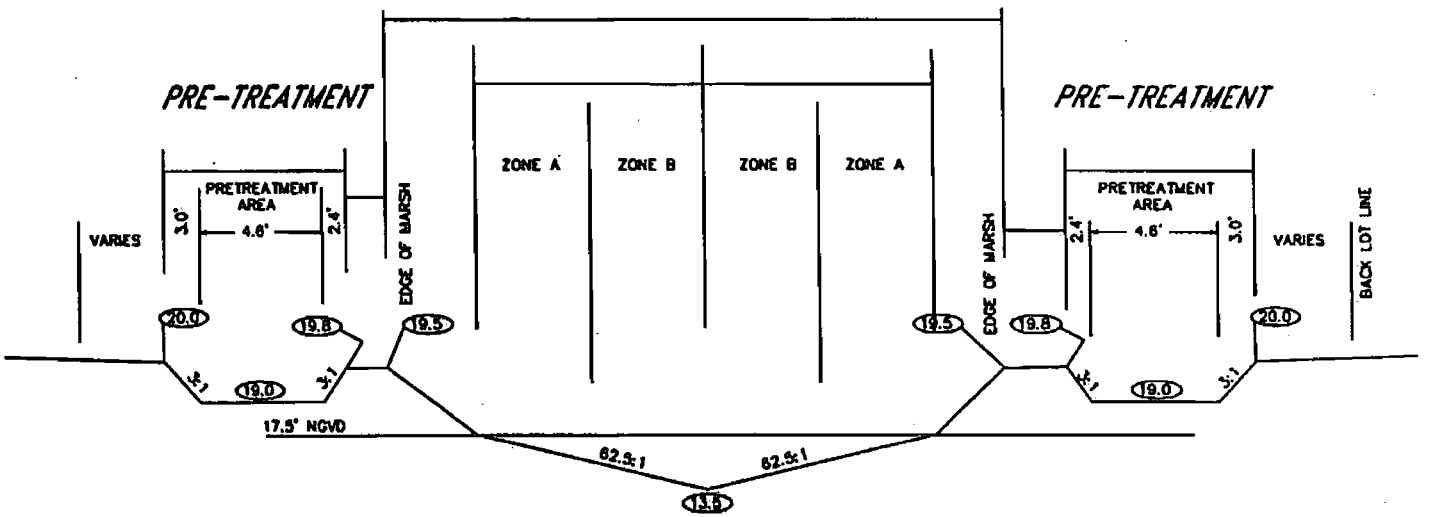
Zone A will be planted with herbaceous native aquatic species spaced on 5' centers. Species will include at least 3 (depending on availability) of the following:

Yellow Canna	Spike Rush
Umbrella Grass	Spider Lily
Cordgrass	Swamp Lily
Blue Flag	Saw Grass
Beak Rush	Water Hyssop

Zone B will be planted with herbaceous native aquatic species spaced on 5' centers. Species will include at least 3 (depending on availability) of the following:

White Water Lily	Floating Hearts
Fire Flag	Pickeralweed
Yellow Water Lily	Arrowhead

Substitutions to the above will be submitted to the District for review and approval prior to installation.



MARSH SECTION M1 SOUTH

NTS

JOB NO. 940085 SHEET 4 OF 11	Cypress Woods Cross Section M1 South Marsh	SCALE	N.T.S.	REVISIONS
		DATE	11/18/94	05/11/95
		FILE NAME	9465xs1	
		DRAWN BY	J.S.	

BOYLAN ENVIRONMENTAL CONSULTANTS, INC.
12665 METRO PKWY., STE. A
FT. MYERS, FL 33912
(813) 768-0600

Zone A

Zone A will be revegetated with trees planted on 25' centers. Species will include (depending on availability) at least 3 of the following:

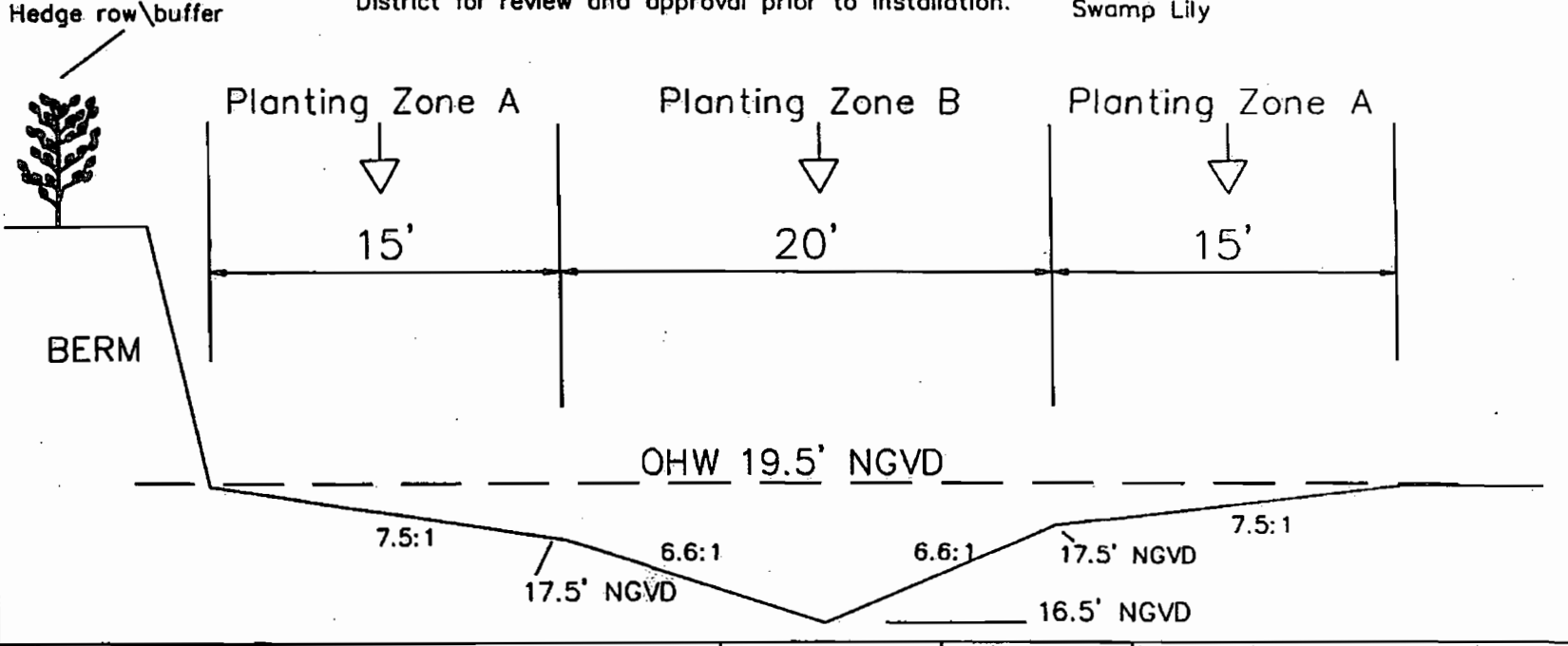
Cabbage Palm
Laurel Oak
Red Maple
Popash
Dahoon Holly
Bald Cypress
Slash Pine

Zone B

Zone B will be planted with herbaceous native aquatic species spaced on 5' centers. Species will include (depending on availability) at least 3 of the following:

Cordgrass
Saw grass
Pickerelweed
Arrowhead
Water Hyssop
Swamp Lily

Substitutions to the above will be submitted to the District for review and approval prior to installation.



JOB NO. 940065 SHEET 5 OF 11	Cypress Woods Typical Cross Section M2	SCALE N.T.S DATE 11/18/94 DESIGN DRAWN BY J.S.	REVISIONS 02/20/95 05/11/95

BOYLAN ENVIRONMENTAL CONSULTANTS, INC.
12665 METRO PKWY., STE. A
FT. MYERS, FL 33912
(813) 768-0600

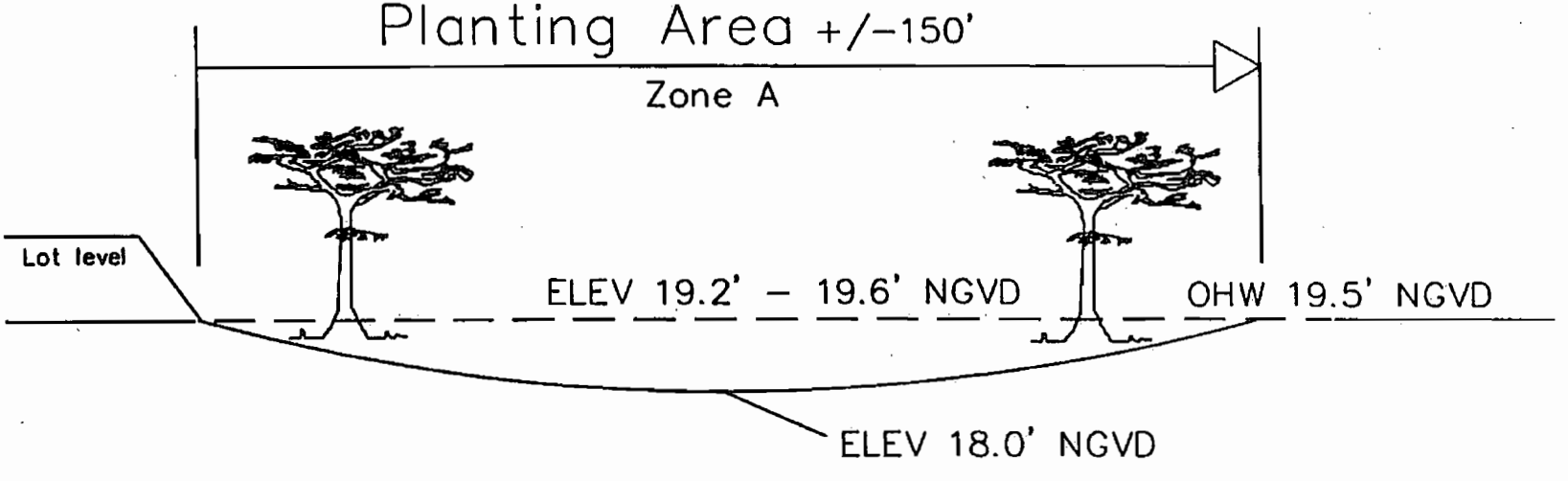
Planting Plan:

Zone A

Zone A will be revegetated with trees planted on 25' centers. Tree plantings will be a 70 percent mixture of slash pine and bald cypress. The remaining 30 percent will include at least 3 of the following:

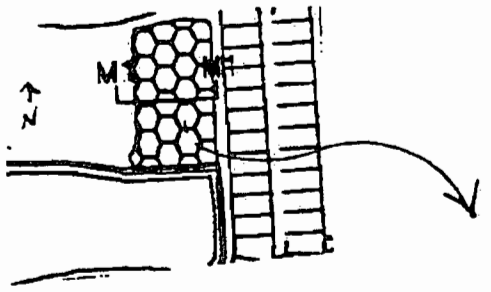
Cabbage Palm	Swamp Bay
Laurel Oak	Popash
Red Maple	Dahoon Holly

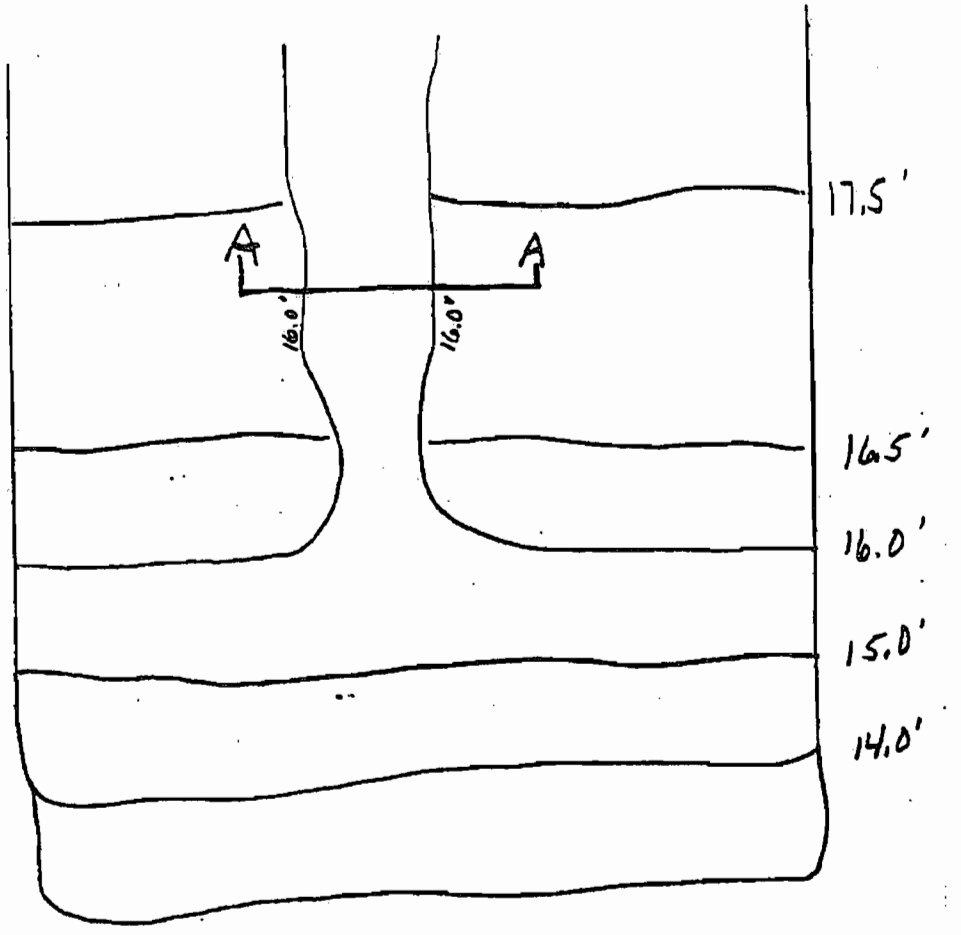
Substitutions to the above will be submitted to the District for review and approval prior to installation.



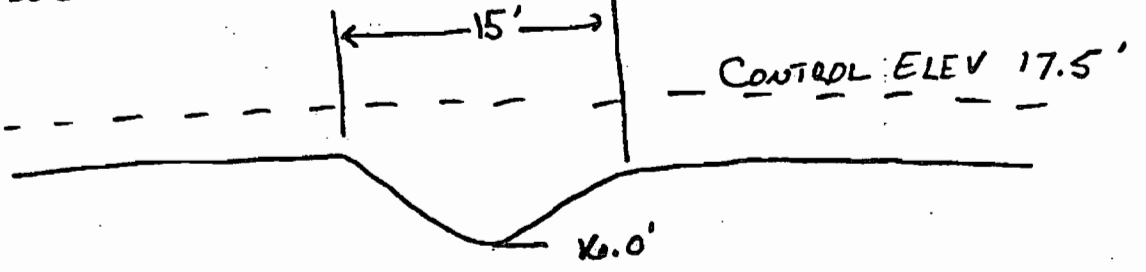
JOB NO. 940065 SHEET 6 OF 11	Cypress Woods Typical Cross Section M3	SCALE N.T.S.	REVISIONS	BOYLAN ENVIRONMENTAL CONSULTANTS, INC. 12665 METRO PKWY., STE. A FT. MYERS, FL 33912 (813) 768-0600
		DATE 11/18/94	02/13/95	
		DESIGN	05/11/95	
		DRAWN BY J.S.		

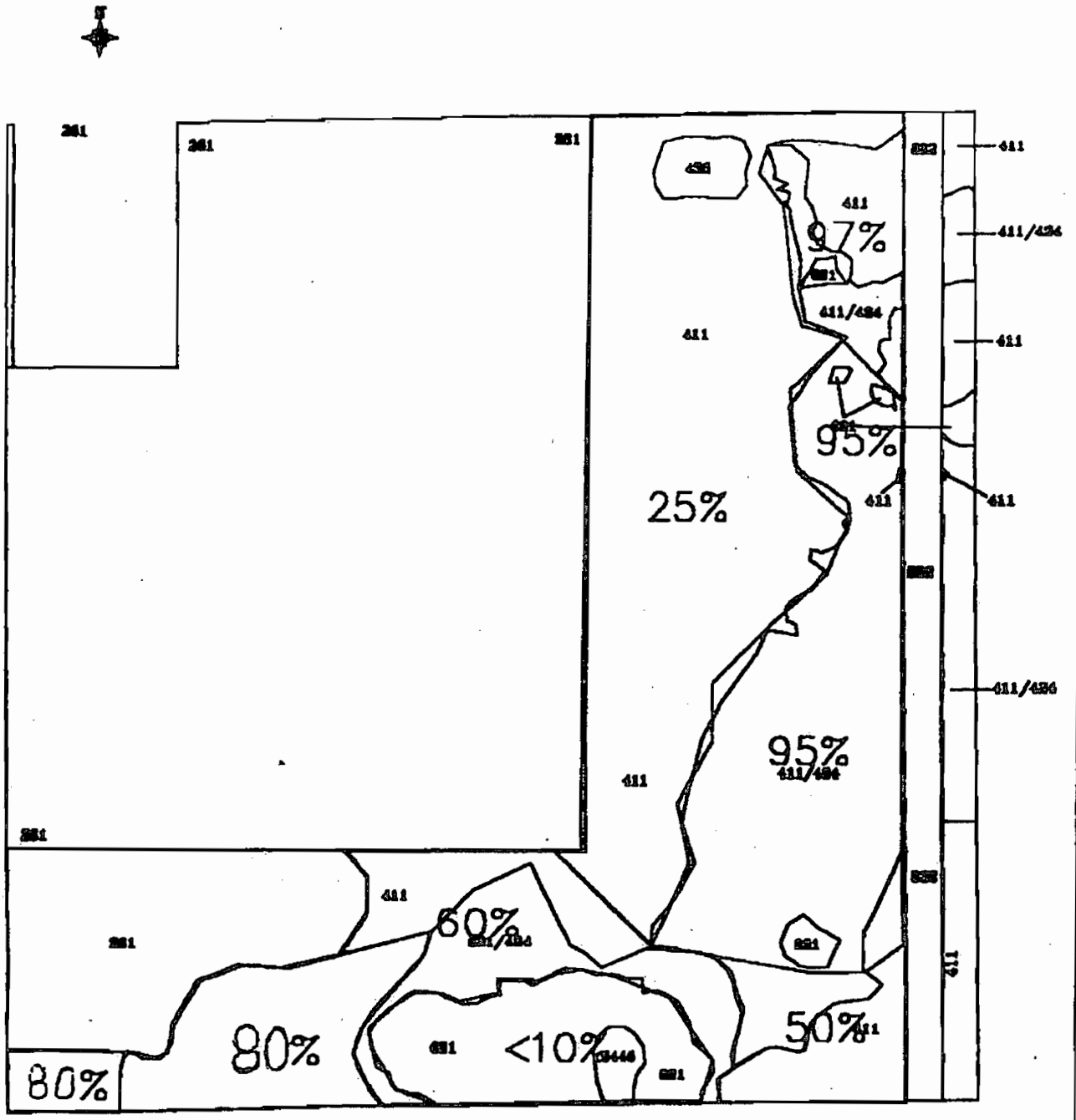
MARSH CREATION DETAIL - Sect 1



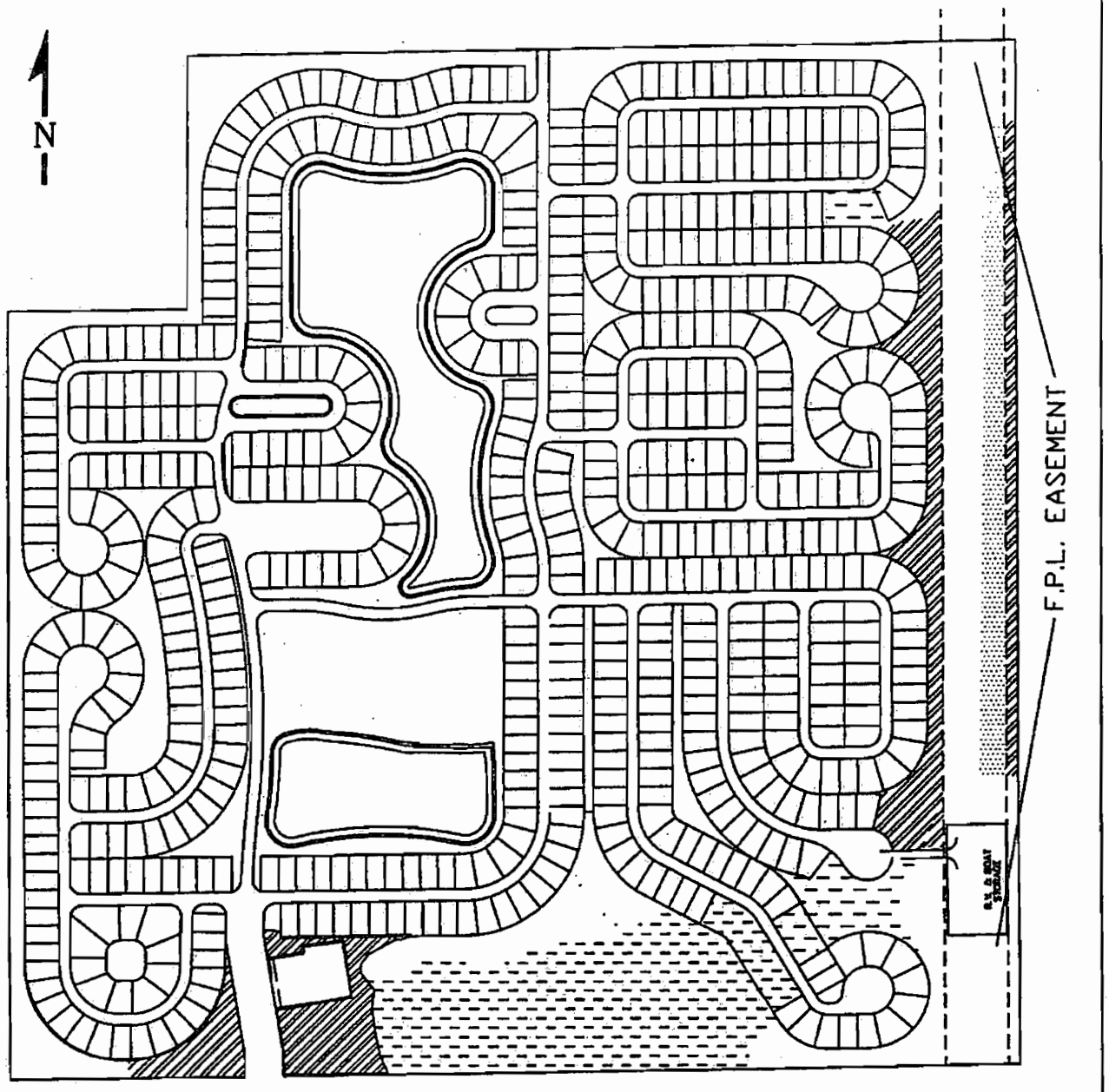


CROSS SECTION A





JOB NO. 940065 SHEET 8 OF 11	Cypress Woods Percent Exotics MELALEUCA	SCALE 1"=400' DATE 11/22/94 DESIGN DRAWN BY J.S.	BOYLAN ENVIRONMENTAL CONSULTANTS, INC. 12665 METRO PKWY., STE. A FT. MYERS, FL 33912 813-768-0600

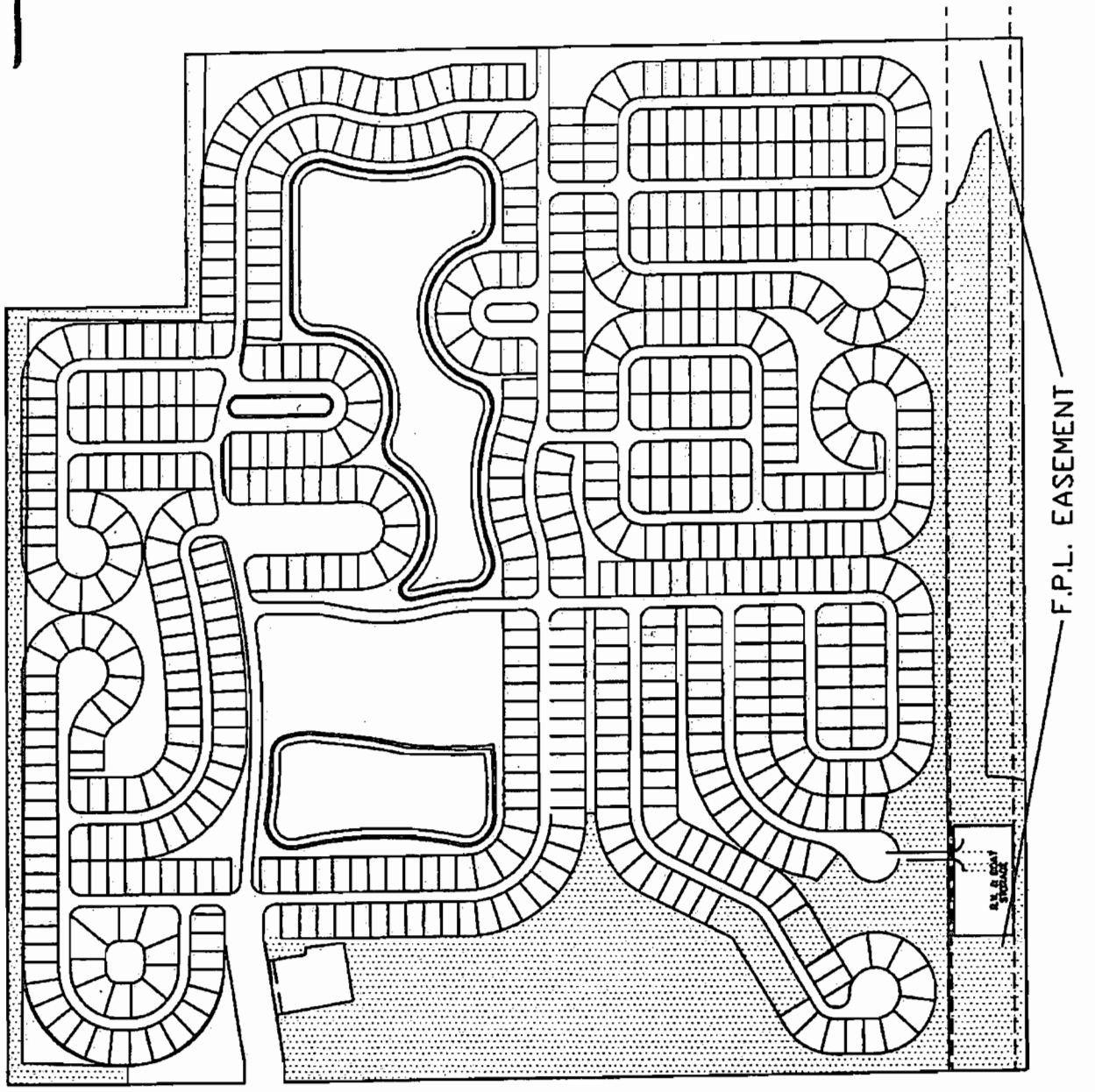


MECHANICAL EXOTIC REMOVAL
WETLAND RESTORATION

SELECTIVE EXOTIC REMOVAL
WETLAND ENHANCEMENT

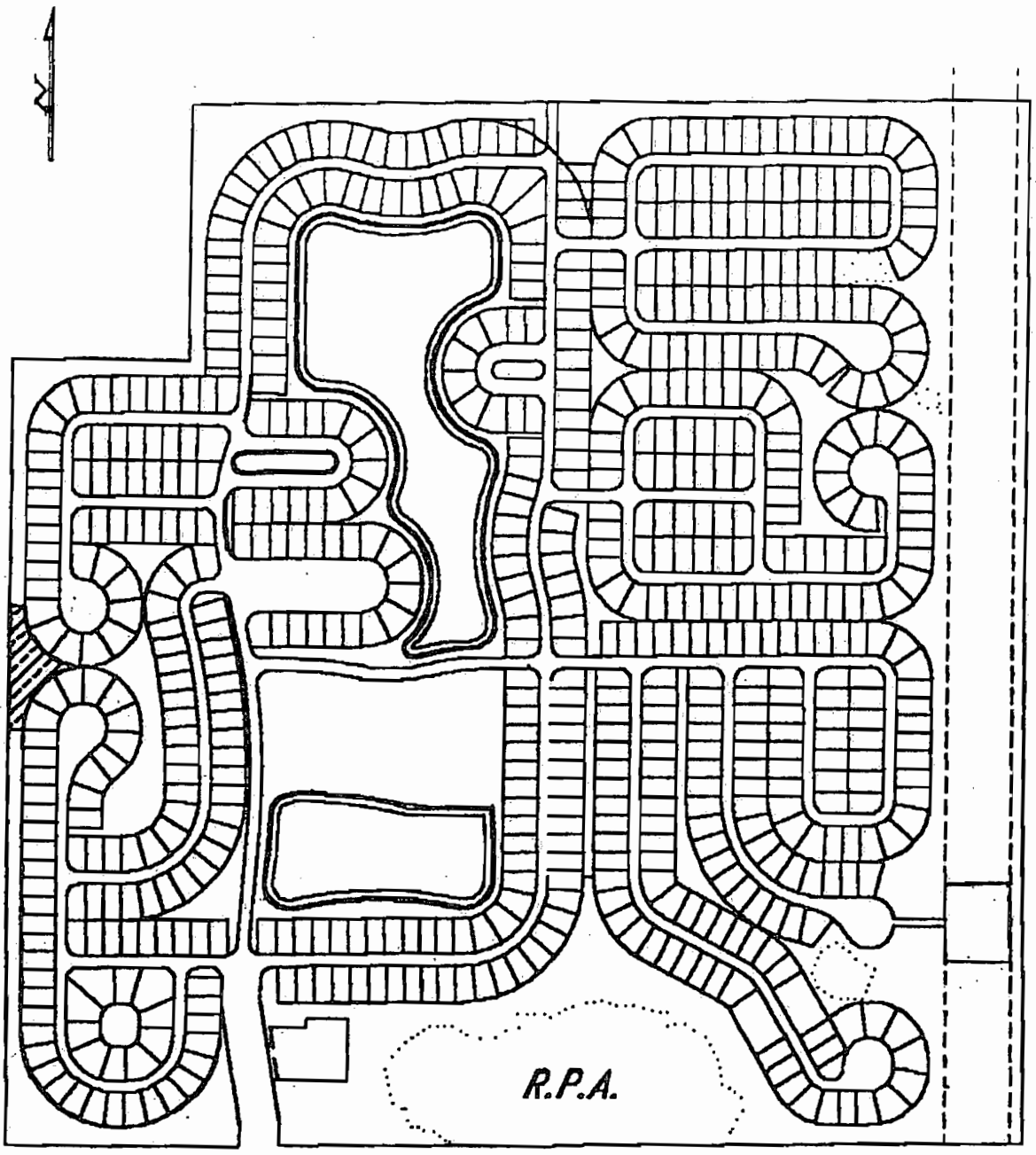
MECHANICAL EXOTIC REMOVAL
NOT INCLUDED IN MITIGATION

JOB NO. 940065 SHEET 9 OF 11	Cypress Woods Exotic Removal	SCALE 1"=400' DATE 02/09/95 FILE NAME Exotic-rem DRAWN BY J.S.	BOYLAN ENVIRONMENTAL CONSULTANTS, INC. 12665 METRO PKWY., STE. A FT. MYERS, FL 33912 813-768-0600



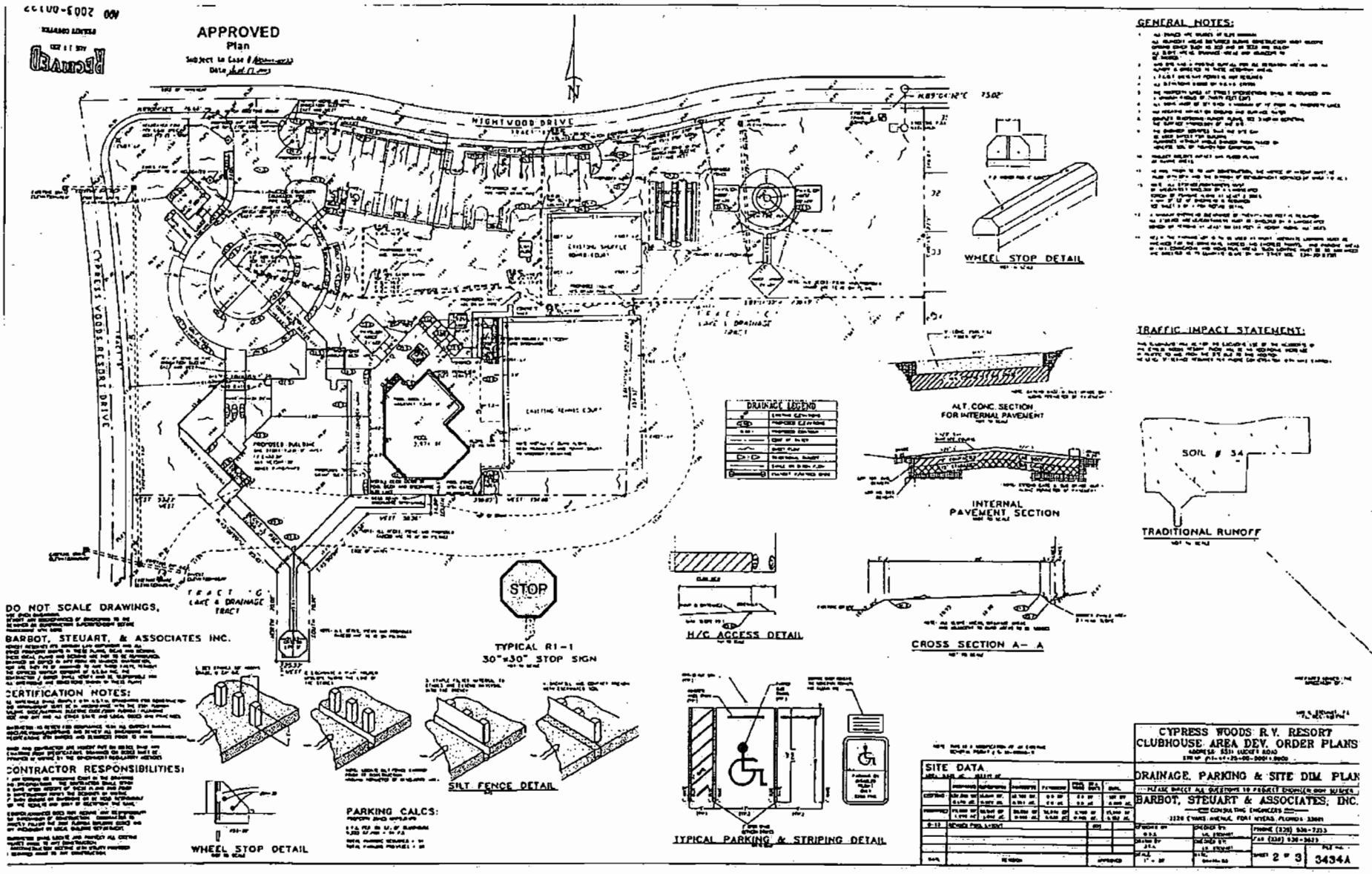
Big Cypress Fox Squirrel Preserve
Approx. 30.31 AC

JOB NO. 940065 SHEET 10 OF 11	Cypress Woods Big Cypress Fox Squirrel Preserve	SCALE 1"=400' DATE 05/11/95 FILE NAME squirrel DRAWN BY J.S.	BOYLAN ENVIRONMENTAL CONSULTANTS, INC. 12665 METRO PKWY., STE. A FT. MYERS, FL 33912 813-768-0600



HABITAT MANAGEMENT AREA
FOR GOPHER TORTOISE

JOB NO. 940065 SHEET // OF //	Cypress Woods Management Plan Gopher Tortoise	SCALE 1"=400'	BOYLAN ENVIRONMENTAL CONSULTANTS, INC.
		DATE 02/16/95	12665 METRO PKWY., STE. A
		DESIGN	FT. MYERS, FL 33912
		DRAWN BY J.S.	813-768-0600


APPROVED
Plan
Subject to Case #
Date
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CYPRESS WOODS RESORT DRIVE
TRACT "G"
LAKE & DRAINAGE TRACT
EXISTING TENNIS COURT
PROPOSED BUILDING
EXISTING SHUFFLE BOARD COURT
DRAINAGE LEGEND
STOP
TYPICAL R1-1
30"x30" STOP SIGN
WHEEL STOP DETAIL
ALT. CONC. SECTION FOR INTERNAL PAVEMENT
INTERNAL PAVEMENT SECTION
SOIL # 34
TRADITIONAL RUNOFF
H/C ACCESS DETAIL
CROSS SECTION A- A
SILT FENCE DETAIL
TYPICAL PARKING & STRIPING DETAIL
PARKING CALCS:
GENERAL NOTES:
TRAFFIC IMPACT STATEMENT:
DO NOT SCALE DRAWINGS.
BARBOT, STEUART, & ASSOCIATES INC.
CERTIFICATION NOTES:
CONTRACTOR RESPONSIBILITIES:
SITE DATA
CYPRESS WOODS R.V. RESORT
CLUBHOUSE AREA DEV. ORDER PLANS
DRAINAGE, PARKING & SITE DIM. PLAN
BARBOT, STEUART & ASSOCIATES, INC.
CONSULTING ENGINEERS
3220 TAMIAMI TRAIL, FORT MYERS, FLORIDA 33901
PHONE (239) 936-7233
FAX (239) 936-3633
SHEET 2 OF 3
3434A

EXHIBIT F

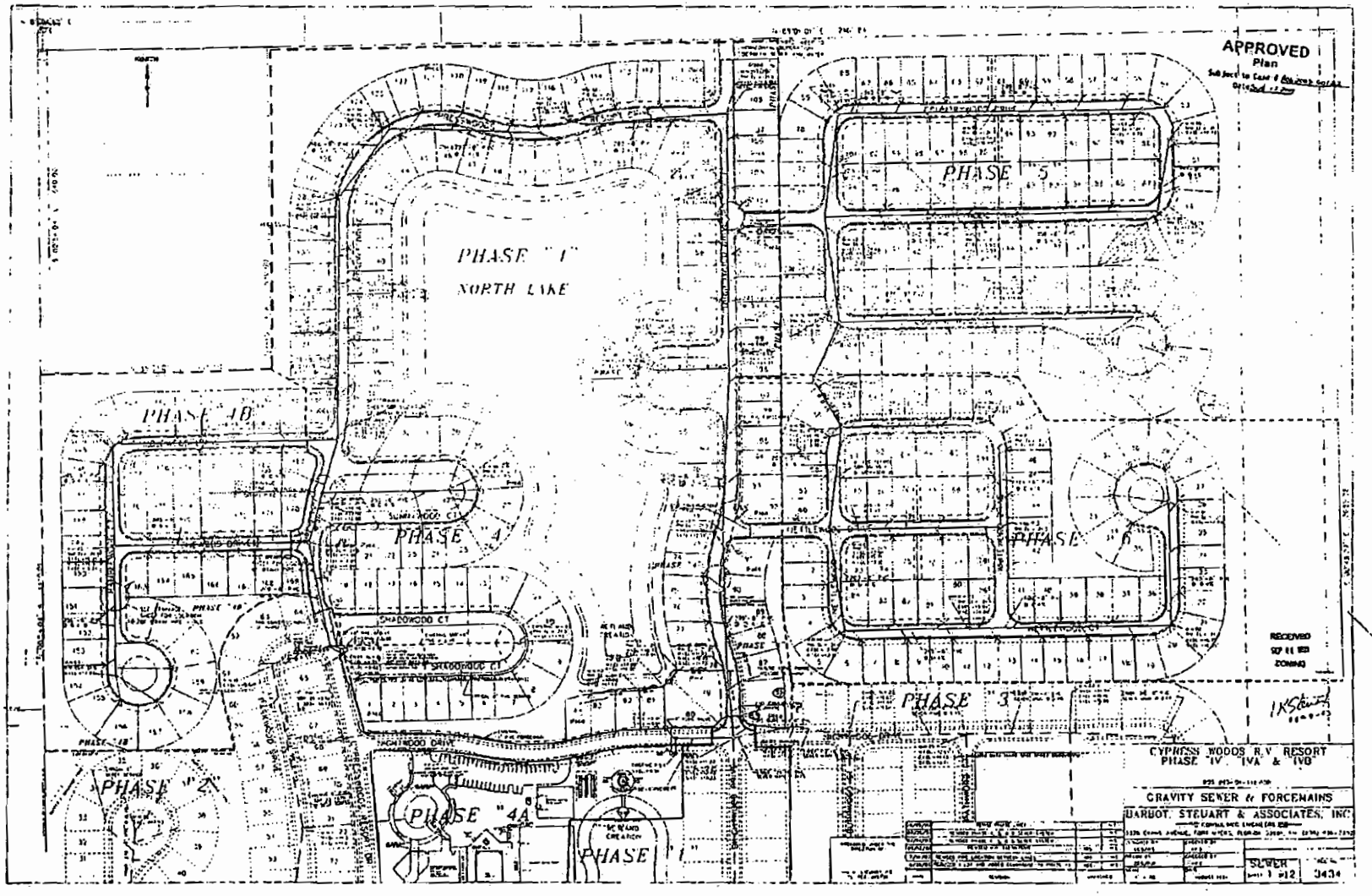


EXHIBIT G

SCANNER'S MEMO
Best Image Available

RESOLUTION NUMBER Z-03-057

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

WHEREAS, an application was filed by Cypress Woods R.V. Resort Associates to amend the existing MHPD and RVPD district in reference to Cypress Woods RV Resort; and

WHEREAS, a public hearing was advertised and held on October 23, 2003, before the Lee County Zoning Hearing Examiner, who gave full consideration to the evidence in the record for Case #DCI2002-00062; and

WHEREAS, a second public hearing was advertised and held on December 15, 2003, before the Lee County Board of Commissioners, who gave full and complete consideration to the recommendations of the staff, the Hearing Examiner, the documents on record and the testimony of all interested persons.

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

SECTION A. REQUEST

The applicant filed a request to amend the existing Mobile Home Planned Development (MHPD) and Recreational Vehicle Planned Development (RVPD) district to reduce the overall number of units allowed within the development from 684 to 647 units; change the allowed mixture of units to a maximum of 599 recreational vehicle sites and a minimum of 48 mobile home sites; and revise or clarify certain conditions within the planned development.

The property is located in the Urban Community AND Wetlands Future Land Use Category and is legally described in attached Exhibit A. The request is APPROVED SUBJECT TO the conditions and deviations specified in Sections B and C below.

SECTION B. CONDITIONS:

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

1. All Conditions and Deviations of Resolution Z-94-025 and Administrative Amendments PD-95-019 and ADD 2002-00111 remain in full force and effect, except as amended by this zoning action. Regarding ADD2003-00122:

   (a) The approval of Deviations 1 and 2 of that action remain in effect.

   (b) Condition 1 related to approval of Deviation 1 remains in effect.

COPY

(c) Condition 2 (with the exception of the approved number and type of units) remains in effect.

(d) Conditions 3 through 6 remain in effect.

2. Condition 1 of Resolution Z-94-025 and Condition 2 of Administrative Action PD-95-019 are hereby replaced with the following language:

> The development of this project must be consistent with the three-page Master Concept Plan entitled "Cypress Woods R.V. Resort, Master Concept Plan," stamped received June 04, 2003, last revised May 05, 2003, (attached as Exhibit "C") except as modified by the conditions below. This development must comply with all requirements of the Lee County LDC at time of Approval, except as may be granted by deviation as part of this planned development. If changes to the Master Concept Plan are subsequently pursued, appropriate approvals will be necessary.

This project is limited to a maximum total of 647 mobile home and recreational vehicle units, consisting of a maximum of 599 recreational vehicle units and a minimum of 48 mobile home units at project build-out. No changes to these maximum totals may be permitted without an amendment of this planned development through the public hearing process.

3. Condition 7 (Resolution Z-94-025) is amended to eliminate the requirement for a fence in any future phase/section of the development. Where the fence is existing and required as part of the existing development approval, the fence must be continued and maintained in good condition.

4. Approval of this rezoning does not guarantee local development order approval. Future development order approvals must satisfy the requirements of the Lee Plan Planning Communities Map and Acreage Allocations Table, Map 16 and Table 1(b).

SECTION C. DEVIATIONS:

The Applicant has withdrawn the two requested deviations originally filed with this case; they are no longer necessary as they were approved by Administrative Amendment ADD2003-00122. The Deviations approved in Resolution Z-94-025 remain in full force and effect.

SECTION D. EXHIBITS AND STRAP NUMBER:

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

Exhibit A: The legal description of the property
Exhibit B: Zoning Map (subject parcel identified with shading)
Exhibit C: Master Concept Plan (Stamped Received June 24, 2003)
Exhibit D: Resolution Z-94-025
Exhibit E: Administrative Amendment PD 95-019
Exhibit F: Administrative Amendment ADD 2002-0011
Exhibit G: Administrative Amendment ADD 2003-00122

The applicant has indicated that the STRAP number for the subject property is:
11-44-25-00-00014.0000

SECTION E. FINDINGS AND CONCLUSIONS:

1. The applicant has proven entitlement to the rezoning by demonstrating compliance with the Lee Plan, the LDC, and any other applicable code or regulation.

2. The rezoning, as approved:

   a. meets or exceeds all performance and locational standards set forth for the potential uses allowed by the request; and,

   b. is consistent with the densities, intensities and general uses set forth in the Lee Plan; and,

   c. is compatible with existing or planned uses in the surrounding area; and,

   d. will not place an undue burden upon existing transportation or planned infrastructure facilities and will be served by streets with the capacity to carry traffic generated by the development; and,

   e. will not adversely affect environmentally critical areas or natural resources.

3. The rezoning satisfies the following criteria:

   a. the proposed use or mix of uses is appropriate at the subject location; and

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

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

4. Urban services, as defined in the Lee Plan, are, or will be, available and adequate to serve the proposed land use.

5. The approved deviations, as conditioned, enhance achievement of the planned development objectives, and preserve and promote the general intent of LDC Chapter 34, to protect the public health, safety and welfare.

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

Robert P. Janes	Aye
Douglas R. St. Cerny	Aye
Ray Judah	Aye
Andrew W. Coy	Aye
John E. Albion	Aye

DULY PASSED AND ADOPTED this 15th day of December 2003.

ATTEST:
CHARLIE GREEN, CLERK

BY: Cindy Morrison
Deputy Clerk

BOARD OF COUNTY COMMISSIONERS
OF LEE COUNTY, FLORIDA

BY: _____ Vice-Chairman
FOR: John E. Albion, Chairman

Approved as to form by:

_____
Joan C. Henry, Assistant County Attorney
County Attorney's Office

2003 DEC 22 AM 11:45

DESCRIPTION:

A parcel or tract of land lying in the Southwest Quarter (S.W.1/4) of Section 11, Township 44 South, Range 25 East, Lee County, Florida, described as follows:

Commencing at the Southwest corner of the Southwest Quarter (S.W.1/4) of the aforesaid Section 11; thence run N.00°53'18"W. along the West line of the Southwest Quarter (S.W.1/4) of said Section 11 for 25.00 feet to the North line of Luckett Road (50 feet wide) and the point of beginning; thence continue N.00°53'18"W. along the West line of the Southwest Quarter (S.W.1/4) of said Section 11 for 2621.45 feet to Northwest corner of said Southwest Quarter (S.W.1/4); thence run N.89°01'53"E. for 20.00 feet to the Northwest corner of lands described in Official Record Book 1848, Page 3142 of the Public Records of Lee County, Florida; thence run S.00° 53'18"E. along the West line of said lands for 640.00 feet; thence run N.89°01'53"E. along the South line of said lands for 445.50 feet; thence run N.00°53'18"W. along the East line of said lands for 640.00 feet to the Northeast corner of said lands and the North line of the Southwest Quarter (S.W.1/4) of the aforesaid Section 11; thence run N.89°01'53"E. along the North line of the Southwest Quarter (S.W.1/4) of said Section 11 for 2161.66 feet to the Northeast corner of the Southwest Quarter (S.W.1/4) of said Section 11; thence run S.00°46'12"E. along the East line of the Southwest Quarter (S.W.1/4) of said Section 11 for 2626.95 feet to the North line of the aforesaid Luckett Road; thence run S.89°09'05"W along the North line of said Luckett Road for 2621.74 feet to the point of beginning.

Said tract contains 151.559 acres, more or less and is subject to easements, restrictions and reservatons of record.

Bearings are based on the West line of the Southwest Quarter (S.W.1/4) of the aforesaid Section 11 as being N.00°53'18"W.

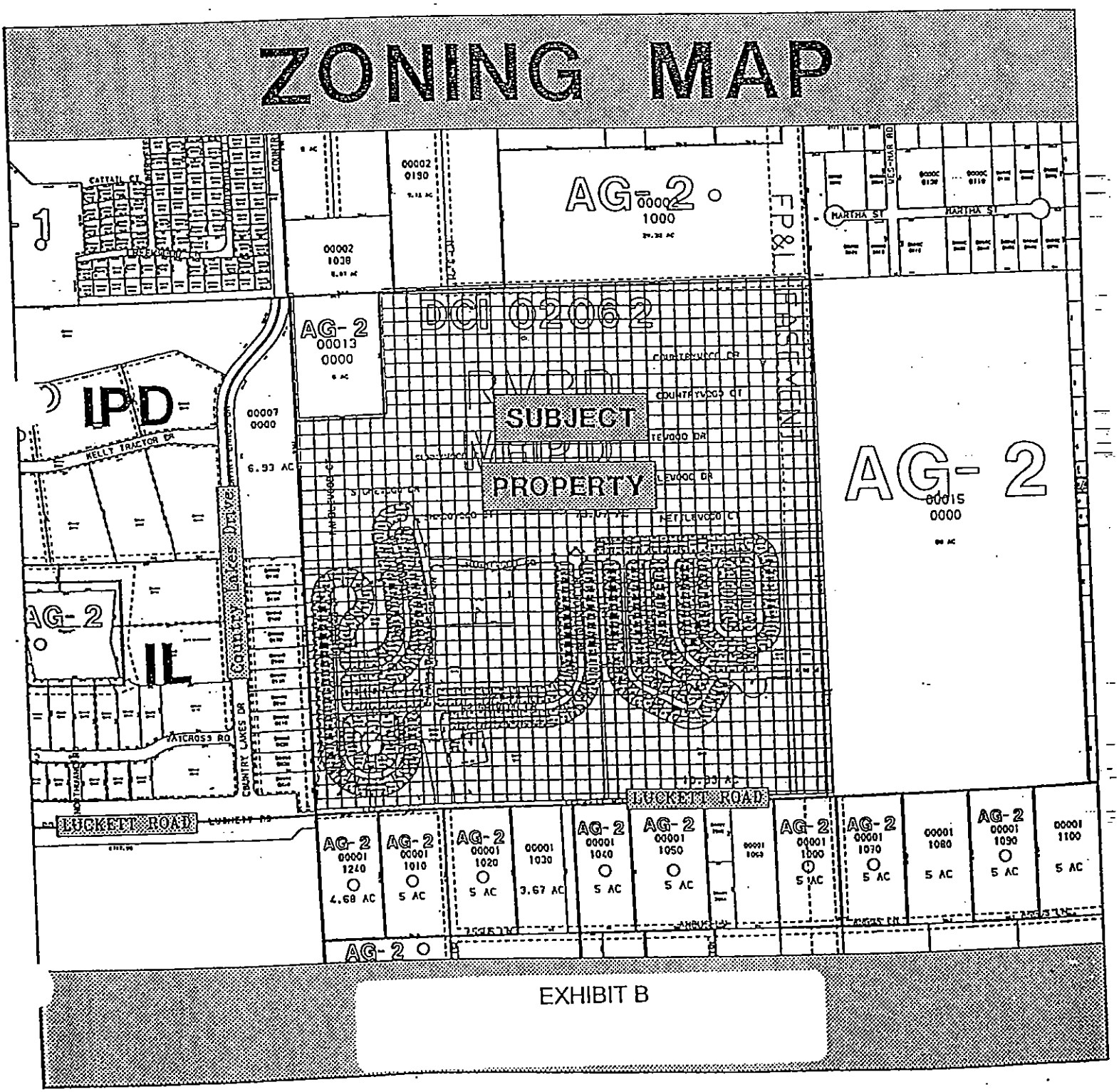
John B. Harris
P.S.M. #4633
October 28, 2002

Applicant's Legal Checked
by 15JULY03

RECEIVED
JUL 15 2003
PERMIT COUNTER

DCI 2002-00062

EXHIBIT A
LEGAL DESCRIPTION
Property located in Lee County, Florida


ZONING MAP
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DCI 02062
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00015
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KELLY TRACTOR DR
COUNTRY LAKES DRIVE
COUNTRY LAKES DR
WATCROSS RD
LUCKETT ROAD
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EXHIBIT B

"EXIBIT 3A"

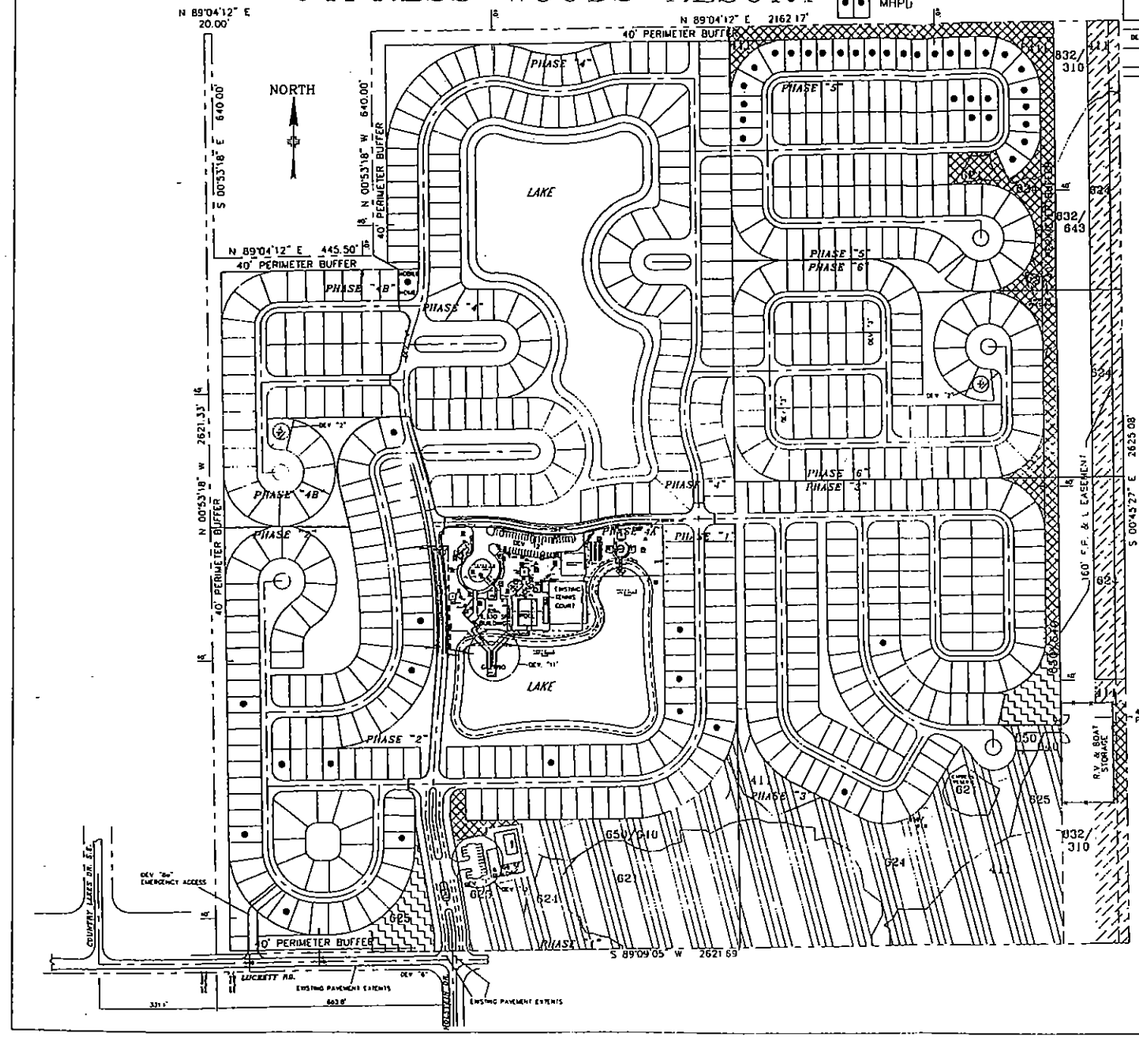
TOTAL AREA = 6,599,945.82 S.F. (151.514 AC.)
RIGHT-OF-WAY = 807,098.92 S.F. (18.528 AC.)
LOT AREA = 2,985,036.10 S.F. (68.27 AC.)

LAKE = 525,521.97 S.F. (12.064 AC.)
NO. OF LOTS = 647 UNITS (MAX. 599 R.V. SITES, MIN 48 M.H. SITES)
GROSS DENSITY = 4.270 UNITS/AC.

BUILDING HEIGHT NOT TO EXCEED 35' OR 2 STORIES.

CYPRESS WOODS RESORT

MHPD



"EXIBIT 3A"

TOTAL AREA = 6,599,945.82 S.F. (151.514 AC.) LAKE = 525,521.97 S.F. (12.064 AC.)
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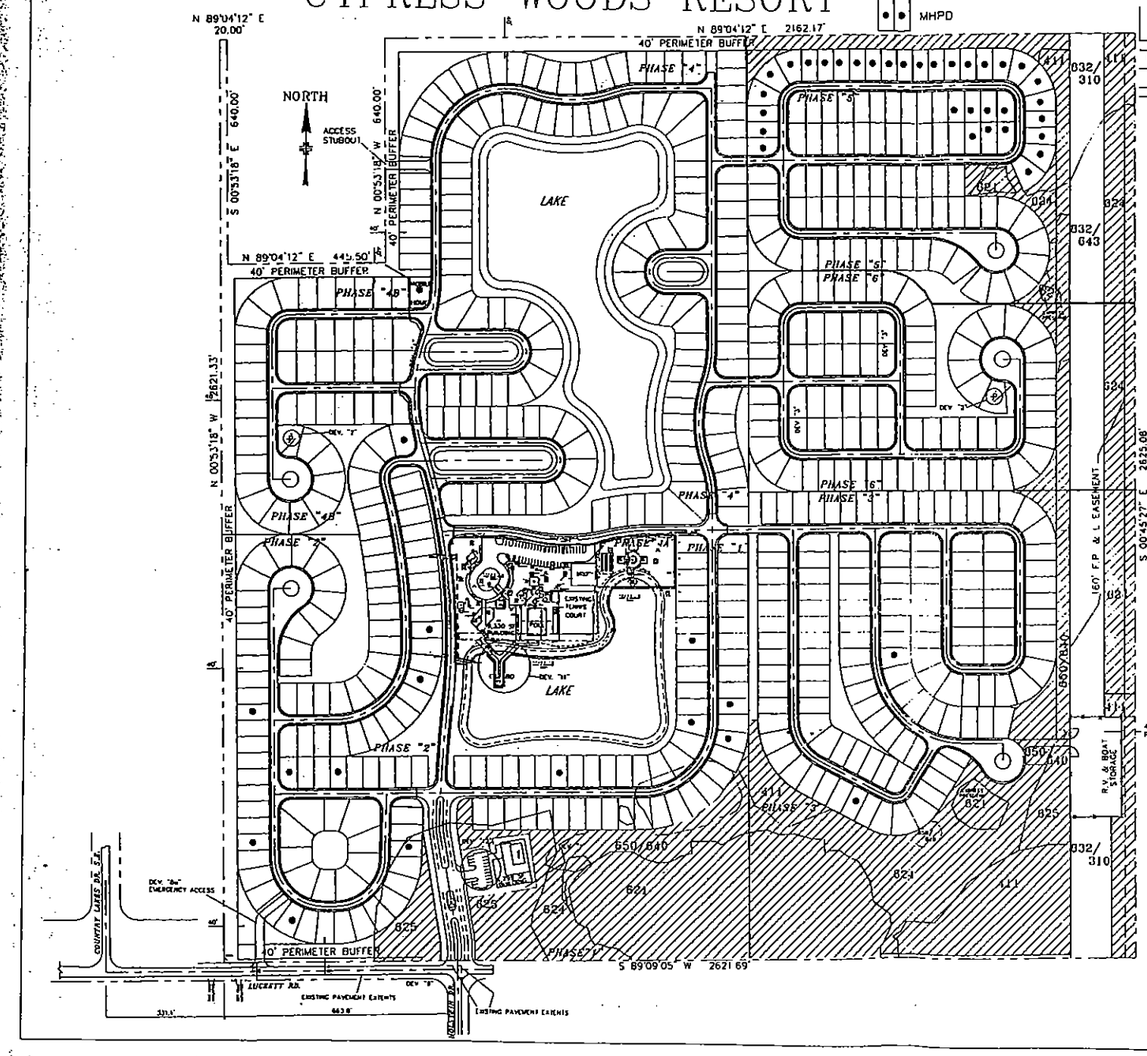
LOT AREA = 2,985,036.10 S.F. (68.27 AC.) GROSS DENSITY = 4.270 UNITS/AC.

BUILDING HEIGHT NOT TO EXCEED 35' OR 2 STORIES

CYPRESS WOODS RESORT


MHPD
N 89°04'12" E 20.00'
N 89°04'12" E 2162.17'
40' PERIMETER BUFFER
NORTH
ACCESS STUBOUT
S 00°53'18" E 640.00'
N 00°53'18" W 640.00'
N 89°04'12" E 44.50'
N 00°53'18" W 2621.33'
S 00°45'27" E 2625.08'
S 89°09'05" W 2621.69'
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"EXIBIT 3A"

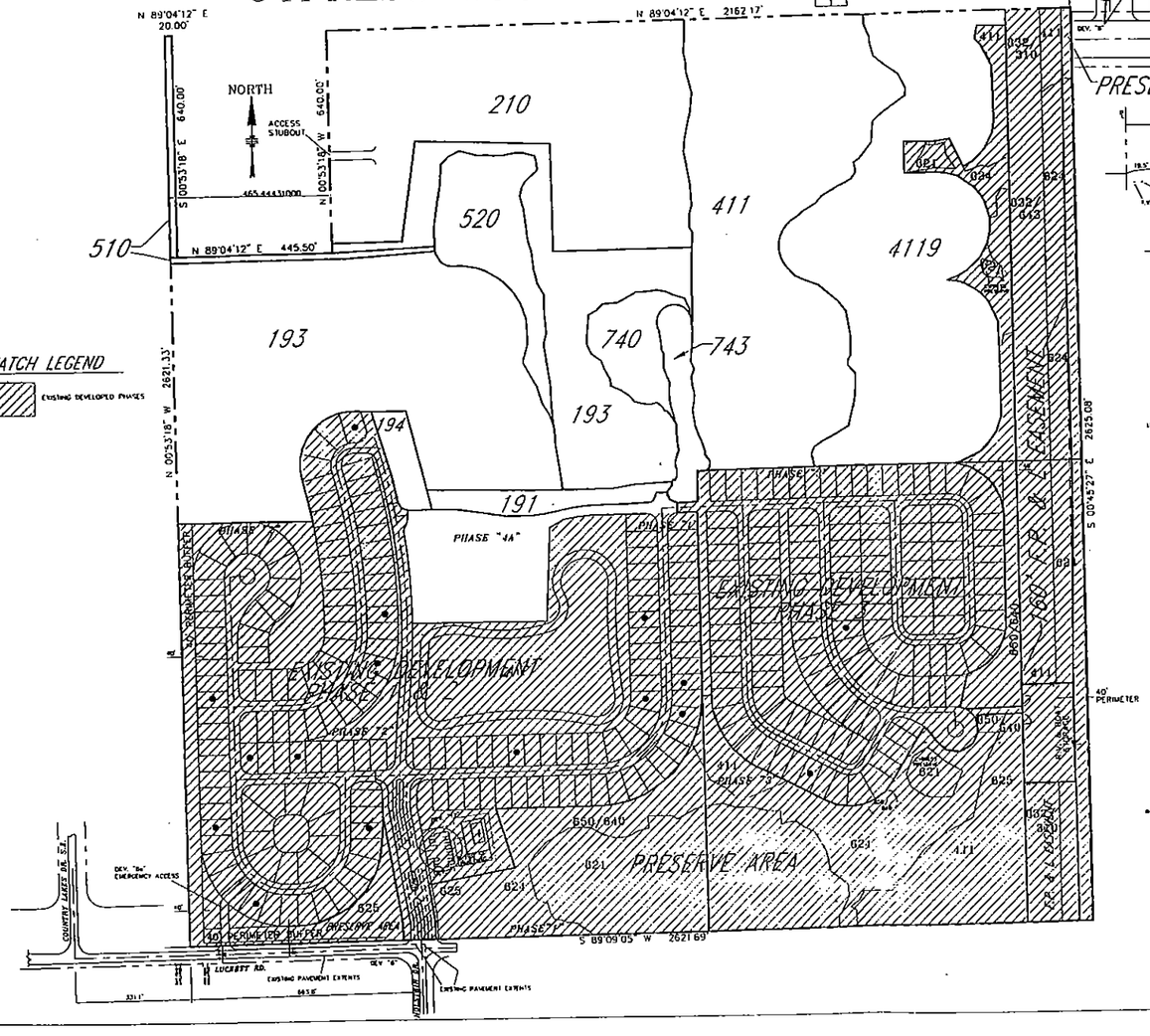
TOTAL AREA = 6,599,945.82 S.F. (151.514 AC.)
RIGHT-OF-WAY = 807,098.92 S.F. (18.528 AC.)
LOT AREA = 2,985,036.10 S.F. (68.27 AC.)

LAKE = 525,521.97 S.F. (12.064 AC.)
NO. OF LOTS = 647 UNITS (MAX. 599 R.V. SITES, MIN. 48 M.H. SITES)
GROSS DENSITY = 4.270 UNITS/AC.

BUILDING HEIGHT NOT TO EXCEED 35' OR 2 STORIES.

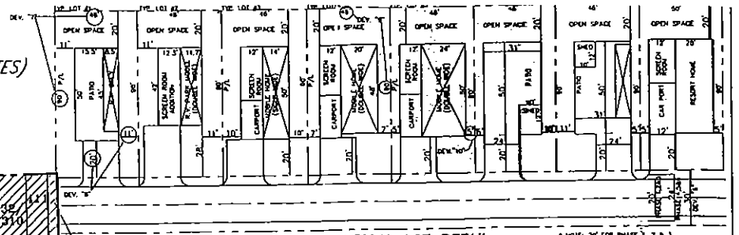
MHPD

CYPRESS WOODS RESORT



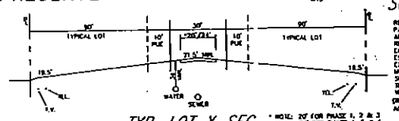
HATCH LEGEND

EXISTING DEVELOPED PHASES



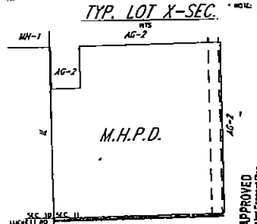
PRESERVE AREA

TYPICAL LOT DETAIL



* NOTE: 20' FOR PHASE 1, 2 & 3
25' FOR PHASE 4, 5 & 6

TYP. LOT X-SEC.



EXISTING ZONING

SCALE: 1" = 800'

APPROVED
Master Concept Plan
Resolution # Z-03-057 Page 3 of 3
Adopted to conditions in Resolution # Z-03-057
Case # DCI2002-00062

EXISTING CONDITIONS FOR PHASE 4-6

CODE	DESCRIPTION	ACRES
191	BAHIA GRASS FIELD	.93
193	UNDEVELOPED AGRICULTURAL AREA	19.93
194	UNDEVELOPED LAND/ TEMPORARY RV STORAGE	0.51
210	PASTURELAND	12.26
411	PINE - SAW PALMETTO FOREST	13.34
4119	MELALEUCA - PINE FOREST	11.99
510	DRAINAGE DITCH	.60
520	LAKE	2.54
740	DISTURBED AREA	1.38
743	SPOILED AREA	1.00
TOTAL:		64.00

EXISTING PRESERVE AREA

411 - PINE FLATWOODS = 4.55 ACRES
621 - CYPRESS FOREST = 8.66 ACRES
624 - PINE - CYPRESS FOREST = 9.13 ACRES
625 - PINE WET PRAIRIE = 2.93 ACRES
650/640 - RESTORATION AREA = 3.89 ACRES
832/310 - POWERLINE EASEMENT/HERBACEOUS = 2.79 ACRES
832/643- POWERLINE EASEMENT/WET HERBACEOUS = 3.69 ACRES

OPEN SPACE

COMMON AREA:

40 FOOT PERIMETER BUFFER	= 397,004.38 S.F. (9.12 AC.)
29 FOOT AROUND LAKE	= 118,838.58 S.F. (2.753 AC.)
LAKES	= 525,521.97 S.F. (12.064 AC.)
THE EASEMENT (60 FEET)	= 481,719.06 S.F. (10.568 AC.)
WETLAND CREATION	= 260,122.00 S.F. (5.93 AC.)
ADDITIONAL COMMON AREA (AREA BETWEEN BLOCKS)	= 334,149.13 S.F. (8.0872 AC.)
COMMON AREA TOTAL	= 2,611,317.00 S.F. (60.03 AC.)
% OF S/E	= 40.08 %

HURRICANE SHELTER (PER LDC SECTION 10-258)

REQUIRED HURRICANE SHELTERS = (2.25)(647)(70)(45%)=13,109 TO S.F.
PROVIDED = 16,128 S.F.

SCHEDULE OF USES (RVPD)

RECREATIONAL VEHICLES
PARK TRAILERS
ADMINISTRATIVE OFFICE
RECREATIONAL FACILITIES, PERSONAL
ENTRANCE GATES OR GATEHOUSE
ESSENTIAL SERVICES ENCLAVE, GROUP "I"
EXCAVATION, WATER RETENTION
MODEL HOME, SHOP, DISPLAY CENTER
SIGNS
SIGNS
VEHICLE AND EQUIPMENT DEALERS, GROUP "IV"
(RELOCATED TO RECREATIONAL VEHICLES ONLY)
ACCESSORY USES:
FOOD SERVICES - GROUP "I"
PERSONAL SERVICES - GROUP "I"
CONSUMPTION ON PREMISES
STORAGE:
INDOOR
OPEN (LIMITED TO RECREATIONAL VEHICLES, TRAILERS, BOATS, AND OTHER VEHICLES AND GOODS BELONGING TO PARK RESIDENTS)

SCHEDULE OF USES (MHPD)

MOBILE HOME
EXCAVATION, WATER RETENTION
MODEL HOME, SHOP, SALES OFFICE, DISPLAY CENTER
RECREATIONAL FACILITIES, PERSONAL
SIGNS
ESSENTIAL SERVICES FACILITIES, GROUP "I"
FOOD SERVICES - GROUP "I"
FOOD ST SERVICES - GROUP "I"
PERSONAL SERVICES - GROUP "I"
CONSUMPTION ON PREMISES
STORAGE:
INDOOR
OPEN (LIMITED TO RECREATIONAL VEHICLES, TRAILERS, BOATS, AND OTHER VEHICLES AND GOODS BELONGING TO PARK RESIDENTS)

EXISTING GENERAL DEVIATIONS:

1. A DEVIATION FROM SECTION 3.03.C OF ORDINANCE 86-22 TO ALLOW USE IN THE DEVELOPMENT OF THE "I" AREA AS INDICATED ON THE MASTER CONCEPT PLAN, (NO LONGER APPLICABLE: NO MODERN EQUIVALENT)

2. A DEVIATION FROM SECTION 3.P.11.a OF THE LEE DEVELOPMENT STANDARDS ORDINANCE (NOW LDC 10-296) WHICH REQUIRES A 90 FOOT TURN-OUT RADIUS TO 30 FEET.

3. A DEVIATION FROM SECTION 207.1B.B.2.e OF THE LEE COUNTY ZONING ORDINANCE (NOW LDC 34-2222 & 34-2192) AND SECTION 7.D.7 OF THE DEVELOPMENT STANDARDS ORDINANCE TO ALLOW THE CORNER LOTS LOTS TO BE THE SAME SIZE AS THE OTHER LOTS IN THE DEVELOPMENT AND TO ALLOW A REDUCTION IN THE STREET SETBACK FROM 29 FT. TO 5 FT. ON THE "SIDE" LOT LINE FOR THESE CORNER LOTS.

4. A DEVIATION FROM SECTION 8.E, 8.F.10, & TABLE 8-1-D OF THE LEE DEVELOPMENT STANDARDS ORDINANCE (NOW TABLE 1 OF LDC 10-285) WHICH REQUIRES 600 FEET OF STREET INTERSECTION SEPERATION TO 100 FEET

5. A DEVIATION FROM SECTION 9.B.3 OF THE LEE DEVELOPMENT ORDINANCE (NOW LEE 10-296(E)) TO ALLOW ONLY ONE MEANS OF ACCESS AND EGRESS FOR A DEVELOPMENT OF MORE THAN FIVE ACRES.

6. A DEVIATION FROM SECTION 8.D.3 AND TABLE 8-3 OF THE DEVELOPMENT STANDARDS ORDINANCE (NOW TABLE 3 OF LDC10-296) WHICH REQUIRES A 45 FOOT RIGHT-OF-WAY FOR A LOCAL STREET WITH OPEN DRAINAGE TO PERMIT A LOCAL STREET WITH 38 FEET OF RIGHT-OF-WAY AND OPEN DRAINAGE.

EXISTING RVPD DEVIATIONS:

7. A DEVIATION FROM SECTION 411.C.4.(1) AND (2) (NOW LDC 34-3190(X)(X)) OF LEE COUNTY ZONING REGULATIONS WHICH REQUIRES A 3,000 SQUARE FOOT MINIMUM LOT TO PROVIDE A 4,140 SQUARE FOOT MINIMUM (46 FOOT x 90 FEET).

8. A DEVIATION FROM SECTION 411.C.4.(3)(NOW LDC 34-3190(X)(X)) WHICH REQUIRES A SIDE SETBACK OF 10 FEET AND A STREET (RIGHT-OF-WAY) SETBACK OF 25 FEET TO PERMIT A SIDE SETBACK OF 5 FEET AND A STREET (RIGHT-OF-WAY) SETBACK OF 20 FEET FOR A NON-TRANSIENT PARK.

8.A A DEVIATION FROM SECTION 420.05.D.2.c OF THE ZONING ORDINANCE (NOW LDC 34-934(X)(3)) TO PERMIT AN ACCESS ROAD THROUGH THE PERIMETER BUFFER

EXISTING MHPD DEVIATIONS:

9. A DEVIATION FROM SECTION 4.38.03 (NOW LDC ENDLC 34-730) OF LEE COUNTY ZONING REGULATIONS WHICH REQUIRES A 3,000 SQUARE FOOT MINIMUM LOT (50 FEET x 100 FEET) TO PERMIT A 4,140 SQUARE FOOT MINIMUM LOT (46 FEET x 90 FEET)

10. A DEVIATION FROM SECTION 4.38.02.B (NOW LDC 34-1.98) WHICH REQUIRES A SIDE SETBACK OF 7 FEET TO PERMIT A SIDE SETBACK OF 5 FEET.

NEW GENERAL DEVIATIONS:

11. A DEVIATION FROM SECTION 34-3191(4)(3) OF THE LDC TO PERMIT A WATER RELATED USE (i.e. CLUBHOUSE, DECK, PIER AND GAZEBO) TO ENCROACH ENCROACH INTO THE 25' SETBACK AND TO EXTEND 80' INTO AN ARTIFICIAL BODY OF WATER. THIS REQUEST IS MADE PURSUANT TO THE EXCEPTION PROVIDED IN 34-2194(c)(2)(a).

12. DEVIATION FROM SECTION 34-3020(4)a.2 WHICH WOULD REQUIRE 135 SPACES FOR THE RVD CLUBHOUSE FACILITIES TO PROVIDE 44 SPACES.

DCI 2002-00062

RECEIVED
JUN 04 2003

CYPRESS WOODS R.V. RESORT

MASTER CONCEPT PLAN
EXHIBIT III-A-1
RV DEVELOPMENT

BARBOT, STEUART & ASSOCIATES, INC.
CONSULTING ENGINEERS
3228 EVANS AVENUE, FORT MYERS, FLORIDA 33901, PH. (239) 936-7353

DATE	REVISION	APPROVED
06/04/03	REVISED CROSS SECTION	MMS
05/30/03	ADDED FINAL DEVIATIONS PER MIKE RIEDER	MMS
04/11/03	REVISED TYP. LOT& ADDED DEVIATIONS & SHELTER CALC'S	MMS

DESIGNED BY:	DRAWN BY:
DCP/MCAMS	MCC/DM/DDS
SCALE: 1" = 150' OR AS NOTED	DATE: MARCH 13, 1995
SCHEDULED BY:	SCHEDULED BY:
RIEDER	RIEDER/DDS
SHEET 3 OF 3	FILE No. 3434

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

WHEREAS, Cypress Woods RV Associates, in reference to Cypress Woods, has properly filed an application for a rezoning from Mobile Home Planned Development district to Mobile Home Planned Development and Recreational Vehicle Planned Development; and

WHEREAS, the subject property is located at 10251 Luckett Road, described more particularly as:

LEGAL DESCRIPTION: In Section 11, Township 44 South, Range 25 East, Lee County, Florida:

A parcel or tract of land lying in the Southwest Quarter (SW1/4) of Section 11, Township 44 South, Range 25 East, Lee County, Florida, which parcel or tract is described as follows:

Commencing at the Southwest corner of said Southwest Quarter (SW1/4) of said Section 11;
THENCE run N00°53'18"W along the West line of said Quarter Section for 25.00 feet to the North line of a 50 foot road described in County Commission Minute Book 11, Page 306 of the Public Records of Lee County, Florida, and the POINT OF BEGINNING of the herein described lands.
From said POINT OF BEGINNING continue N00°53'18"W along said West line for 2,621.33 feet to the Northwest corner of said Southwest Quarter (SW1/4);
THENCE run N89°04'12"E along the North line of said Quarter Section for 20.00 feet to the Northwest corner of lands described in Official Record Book 1848, Page 3142 of the Public Records of said Lee County, Florida;
THENCE run S00°53'18"E along the West line of description in said Official Record Book and page for 640.00 feet to the Southwest corner of said lands;
THENCE run N89°04'12"E along the South line of said lands for 445.50 feet to the Southeast corner of said lands;
THENCE run N00°53'18"W along the East line of said land 640.00 feet to the Northeast corner of said lands and the North line of said Southwest Quarter (SW1/4);
THENCE run N89°04'12"E along said North line for 2,162.17 feet to the Northeast corner of said Southwest Quarter (SW1/4);
THENCE run S00°45'27"E along the East line of said Southwest Quarter (SW1/4) for 2,625.08 feet to the North line of the aforementioned 50 foot road described in County commission Minute Book 11, Page 396;
THENCE run S89°09'05"W along the North line of said road for 2,621.69 feet to the POINT OF BEGINNING.

Said parcel or tract containing 151.51397 acres, more or less.

WHEREAS, the applicant has indicated the property's current STRAP number is 11-44-25-00-00014.0000; and

WHEREAS, proper authorization has been given to Humphrey & Knott, P.A., by Cypress Woods RV Resort Associates, the fee simple 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 June 14, 1994 and subsequently continued to July 8, 1994; and

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

EXHIBIT "D"

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 WITH CONDITIONS a rezoning from Mobile Home Planned Development to Mobile Home Planned Development and Recreational Planned Development.

The rezoning and Master Concept 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 substantial compliance with the approved Master Concept Plan entitled "Cypress Woods R.V. Resort" (File No. 3434, last revised 4/04/94, stamped received April 08, 1994) as prepared by Barbot, Steuart & Associates, Inc., except as may be modified by the conditions herein. Total units shall not exceed that indicated on the Master Concept Plan.

2. Lots within this development shall be developed in accordance with the following Property Development Regulations:

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

Minimum Setbacks:	
Street:	20 feet
Side Street:	10 feet [Deviation (4)]
Side:	10 feet (for a recreational vehicle)
	5 feet (for a mobile home)
Rear:	20 feet
Water Body:	25 feet

3. Prior to the approval of any plat subdividing the subject property or any condominium plat, the developer shall provide a list of lots contained within the plat. This list shall consist of the lot or parcel number and the designation of the lot as a RVPD or MHPD lot or parcel. This designation shall be substantially in compliance with the designation of the lots as shown on the approved Master Concept Plan.

4. The developer or individual lot owner may apply as part of an Administrative Amendment Approval to amend the designation of a lot from RVPD to MHPD within this planned development. No approval shall be granted for a change from MHPD to RVPD.

5. As committed to on the approved Master Concept Plan by the applicant, on-site shelter provision and open space shall be developed in accordance with these commitments.

6. Since the Land Development Code Section 34-939(b)(2) requires all new recreational vehicle parks to connect to public or private water and central sewer system, this entire project shall be required to comply with this requirement.

7. Along the western and southern perimeters of the proposed development the buffering requirements of Section 34-939(b)(3) of the Land Development Code (LDC) shall be complied with. As offered by the applicant, along the northern property line within the proposed 40-foot-wide buffer, a minimum double "D" buffer with fence will be provided. This means within the buffer, twice the number of trees and shrubs required by LDC Section 10-414(c) shall be required for compliance. Furthermore, the buffering shall be in accordance with Note 2, of Table 1 of LDC Section 10-414, which exists at the time of Development Review. This vegetative buffer shall be to the outside of the proposed fence and visible from the abutting property. And along the eastern portion of the site, on either side of the power line easement, the developer shall comply with Section 34-939(b)(3) buffering requirements along with a fence. The fence location shall be consistent with the locational requirements noted above.

8. Prior to the approval of a local Development Order, the developer shall supply a letter from Florida Power & Light indicating that they have reviewed and have no objection to the plans to develop a storage area for boats and recreational vehicle units within the existing power line easement.

9. This zoning approval does not signify that the project's traffic impacts have been mitigated. Additional conditions may be required at the time of issuance of a local Development Order per the Development Standards Ordinance or other Lee County Ordinance.

10. Approval of this rezoning does not give the developer the undeniable right to receive any local Development Order approval that exceeds the Year 2010 Overlay use allocation, if such allocation exists, for the applicable district.

11. A Gopher Tortoise Management Plan must be submitted and approved at the time of local Development Order application for the first phase of development. All areas shown on the Master Concept Plan as fox squirrel preserve must be shown and labeled as such on any plans submitted for local Development Order approval. Any golden polypody found on trees within development areas must be relocated to preserve areas wherever feasible.

12. Deviation (1) is a request to deviate from Section 6.03 of Ordinance 86-21 [Section 14-298(c) of the LDC] for the development of the "TZ" area as indicated on the Master Concept Plan. Deviation (1) is hereby APPROVED subject to the proposed mitigation plan submitted by Tropical Environmental Consultants (TEC), dated December 6, 1993, and further amended and clarified by TEC in correspondence addressed to George Parker of DNRM, dated March 7, 1994 and June 22, 1994. Mitigation must follow the phasing presented in these documents.

13. Deviation (2) is hereby DENIED.

14. Deviation (3) is a request to deviate from Appendix 9.9B of the DSO (Section 10-714.b. of the LDC) which requires a 90 foot turn-out radius to 30 feet. Deviation (3) is hereby APPROVED subject to the developer providing a paved/stabilized surface with a minimum radius of 42 feet and, in addition, shall provide an unobstructed clear zone of 48-foot radius (6 feet clear zone beyond driving range).

15. Deviation (4) is a request to deviate from Section 202.18.B.2.a. of the Zoning Ordinance [LDC Section 34-2192(a)] to allow a reduction in the street setback from 20 feet to 5 feet on the "side" lot line for corner lots. Deviation (4) is hereby APPROVED as provided for in Condition 2.

16. Deviation (5) is a request to deviate from Section 9.D, 9.O.10, and Table 9-1 of the DSO (Sections 10-285.a., 10-285.a Table 1, and 10-296.j.) which requires 125 feet of street intersection separation, to 100 feet. Deviation (5) is hereby APPROVED to 100 feet. Approval of this deviation shall also permit the location of a temporary emergency access, yet to be located, to the west of the approved access point in this deviation, in accordance with Deviation (6).

17. Deviation (6) is a request to deviate from Section 9.J.3 of the DSO (Section 10-291.3 of the LDC) to allow only one entrance for a development of more than 5 acres. Deviation (6) is hereby APPROVED with the condition that a temporary emergency access point shall be constructed from Luckett Road, into the project site, for the use of emergency vehicles only. This temporary access point shall remain in place until such time as a permanent emergency access point is constructed, or until this development provides a permanent functioning interconnection with an adjoining property. The temporary access point shall be constructed in accordance with the Land Development Code as administered by the Division of Development Services.

18. Deviation (7) is a request to deviate from Section 9.O.2 and Table 9-3 of the DSO (Sections 10-296.b and 10-296 Table 3 of the LDC) which require a 45-foot right-of-way for a local street with open drainage, to permit a local street with 30 feet of right-of-way and open drainage. Deviation

(7) is hereby APPROVED subject to the condition that the typical lot cross section exhibits, subject to the approval by the Division of Development Services, that the drainage performs adequately showing the slab placement at the time of Development Order submittal.

19. Deviation (8) is a request to deviate from Section 480.05.D.2.f of the Zoning Regulations [LDC Section 34-939(b)(6)] which requires a 5,000 square foot minimum lot to provide a 4,140 square foot minimum (46 feet x 90 feet). Deviation (8) is hereby APPROVED subject to Condition 2.

20. Deviation (9) is a request to deviate from Zoning Regulations Section 480.05.D.2.g.3.) [LDC Section 34-939(b)(7)c.] which requires a side setback of 10 feet and a street (right-of-way) setback of 25 feet, to permit a side setback of 5 feet and a street (right-of-way) setback of 20 feet in the non-transient section of the park. Deviation (9) is hereby APPROVED provided that these setbacks are in conformance with the requirements of Condition 2 and all side setbacks apply to all portions of the structure or unit, including overhangs.

21. Deviation (9.a) is a request to deviate from Zoning Ordinance Section 480.05.D.2.c [LDC Section 34-939(b)(3)] to permit an access road through the perimeter buffer to the boat storage area. Deviation (9.a.) is hereby APPROVED subject to Condition 8.

22. Deviation (10) is a request to deviate from Table 423.B. of the Zoning Regulations [LDC Section 34-736] which requires a 5,000 square foot minimum lot (50 feet x 100 feet) to provide a 4,140 square foot minimum lot (46 feet x 90 feet). Deviation (10) is hereby APPROVED subject to the requirements of Condition 2.

23. Deviation (11) is a request to deviate from Table 423.B. [LDC Section 34-736] which requires a side setback of 7 feet, to permit a side setback of 5 feet. Deviation (11) is hereby APPROVED subject to the setback in Condition 2.

24. Deviation (12) is a request to deviate from Section 202.18.D.1. of the Zoning Ordinance [LDC Section 34-2222(1) and Section 10-254 (b)], to allow the corner lots to be the same size as the other lots within the development (and not have an additional 15 feet of width). Deviation (12) is hereby APPROVED subject to the requirements of Condition 2.

25. Deviation (13) is a request to deviate from Section 9.N. of the DSO [LDC Section 10-295] to eliminate the requirement for street stubs to adjacent properties. Deviation (13) is hereby DENIED and left to the discretion of the Director of the Division of Development Services, in accordance with the Land Development Code.

26 Deviation (14) is a request to deviate from LDC Section 34-939(b)(3) to eliminate the requirement for a buffer between a recreational vehicle park and adjacent property interior to the site. Deviation (14) is hereby APPROVED for the interior portion of the site, only. Buffering the perimeter of the entire development shall be in accordance with Condition 7.

27. Deviation (15) is a request to deviate from LDC Section 34-935(a)(1) to eliminate the requirement that a new recreational vehicle park be not less than 20 acres in size. Deviation (15) is hereby APPROVED.

Site Plan 94-025 is attached hereto and incorporated herein by reference, as a reduced copy of the Master Concept Plan.

The following findings and conclusions were made in conjunction with this approval of Mobile Home Planned Development and Recreational Vehicle Planned Development zoning:

A. That the predominant uses of the surrounding property, makes approval of the RVPD/MHPD, as conditioned, appropriate.

B. That the RVPD/MHPD, as conditioned, will not have an adverse impact on the intent of the Land Development Code.

C. That the RVPD/MHPD, as conditioned, is consistent with the goals, objectives, pol'-ies, and intent of the Lee Plan, ' with the densities, intensities nd general uses set forth for the pi osed use.

D. That the RVPD/MHPD, as conditioned, meets or exceeds all performance and locational standards set forth for the proposed use.

E. That the RVPD/MHPD, as conditioned, will protect, conserve, preserve all protected and endangered species, natural habitat and vegetation, in accordance with the Lee Plan and other Lee County development regulations.

F. That the RVPD/MHPD, as conditioned, will be compatible with existing or planned uses and will not cause damage, hazard, nuisance, or other detriment to persons or property.

G. That the RVPD/MHPD, as conditioned, will not place an undue burden upon existing transportation or other services and facilities, and will be served by streets with the capacity to carry traffic generated by the development.

H. That the residential uses, as conditioned, will be in compliance with all applicable general zoning provisions and supplemental regulations pertaining to the use, as set forth elsewhere in the Land Development Code.

I. That the proposed use is appropriate on the subject property and in the vicinity of the subject property.

J. That the recommended conditions are reasonably related to the impacts expected from or created by the proposed development.

K. That the recommended conditions and other Lee County development regulations provide sufficient safeguards to the public health, safety and welfare.

L. That the deviations, as conditioned, enhance the achievement of the objectives of the RVPD/MHPD and preserve and promote 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 John Manning, and seconded by Commissioner Franklin B. Hann and, upon being put to a vote, the result was as follows:

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

DULY PASSED AND ADOPTED this 15th day of August, A.D., 1994.

ATTEST: CHARLIE GREEN, CLERK

BY: _____
Deputy Clerk

BOARD OF COUNTY COMMISSIONERS
OF LEE COUNTY, FLORIDA

BY: _____
Chairman

Approved as to form by:

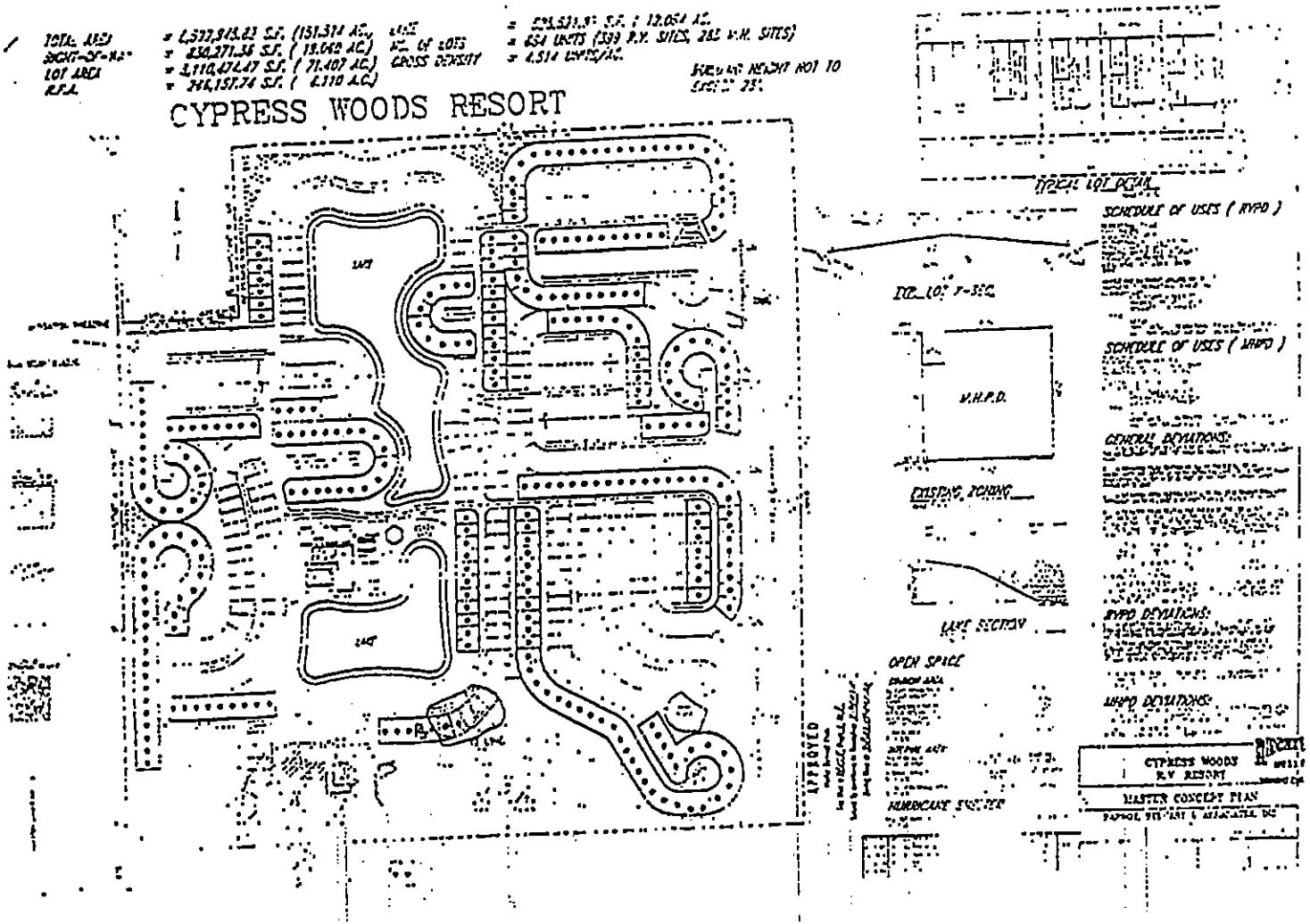
_____
County Attorney's Office

FILED

AUG 25 1994

_____

CYPRESS WOODS RESORT



ADMINISTRATIVE AMENDMENT
LEE COUNTY, FLORIDA

WHEREAS, Cypress Woods RV Associates, has filed an application for administrative approval of an amendment to a Mobile Home Planned Development and Recreational Vehicle Planned Development on a project known as Cypress Woods Resort. The amendment provides for:

1. A reduction in dwelling units from 684 to 671;

2. Reconfiguration of the wetland preservation area to provide a flowway in accordance with South Florida Water Management District permit;

3. An increase in fox squirrel preserve of 0.13 acre;.

4. Relocation of the RV and Boat Storage area internal to the site; and

5. Addition of a permanent access point to Luckett Road in accordance with the zoning approval.

The property is located at 10251 Luckett Road, described more particularly as:

LEGAL DESCRIPTION: In Section 11, Township 44 South, Range 25 East, Lee County, Florida:

> A parcel or tract of land lying in the Southwest Quarter (SW¼) of Section 11, Township 44 South, Range 25 East, Lee County, Florida, which parcel or tract is described as follows:
>
> Commencing at the Southwest corner of said Southwest Quarter (SW¼) of said Section 11;
> THENCE run N00°53'18"W along the West line of said Quarter Section for 25.00 feet to the North line of a 50 foot road described in County Commission Minute Book 11, Page 306 of the Public Records of Lee County, Florida, and the POINT OF BEGINNING of the herein described lands.
> From said POINT OF BEGINNING continue N00°53'18"W along said West line for 2,621.33 feet to the Northwest corner of said Southwest Quarter (SW¼);
> THENCE run N89°04'12"E along the North line of said Quarter Section for 20.00 feet to the Northwest corner of lands described in Official Record Book 1848, Page 3142 of the Public Records of said Lee County, Florida;

Continued ...

THENCE run S00°53'18"E along the West line of description in said Official Record Book and page for 640.00 feet to the Southwest corner of said lands;
THENCE run N89°04'12"E along the South line of said lands for 445.50 feet to the Southeast corner of said lands;
THENCE run N00°53'18"W along the East line of said land 640.00 feet to the Northeast corner of said lands and the North line of said Southwest Quarter (SW¼);
THENCE run N89°04'12"E along said North line for 2,162.17 feet to the Northeast corner of said Southwest Quarter (SW¼);
THENCE run S00°45'27"E along the East line of said Southwest Quarter (SW¼) for 2,625.08 feet to the North line of the aforementioned 50 foot road described in County commission Minute Book 11, Page 396;
THENCE run S89°09'05"W along the North line of said road for 2,621.69 feet to the POINT OF BEGINNING.

Said parcel or tract containing 151.51397 acres, more or less.

WHEREAS, the property was originally rezoned in case number 94-06-14-DCI-02; and

WHEREAS, the Lee County Land Development Code provides for certain administrative changes to planned development master concept plans; and

WHEREAS, the subject application and plans have been reviewed by the Lee County Department of Community Development in accordance with applicable regulations for compliance with all terms of the administrative approval procedures, and

WHEREAS, the proposed amendment does not result in an increase in density nor an underutilization of public resources and public infrastructure and does not reduce total of open space, buffering, landscaping and preservation areas, or adversely impacts surrounding land uses; and

WHEREAS, the proposed amendment provides for changes to the interior of the development.

NOW, THEREFORE, IT IS HEREBY DETERMINED that the application for administrative approval for an amendment to the Mobile Home Planned Development Recreational Vehicle Planned Development zoning as described in the preamble is APPROVED.

Approval is subject to the following conditions:

1. Subject to the proposed mitigation plan, titled "Cypress Woods Monitoring and Maintenance Plan" submitted by Boylan Environmental Consultants, Inc., zoning counter stamped and dated

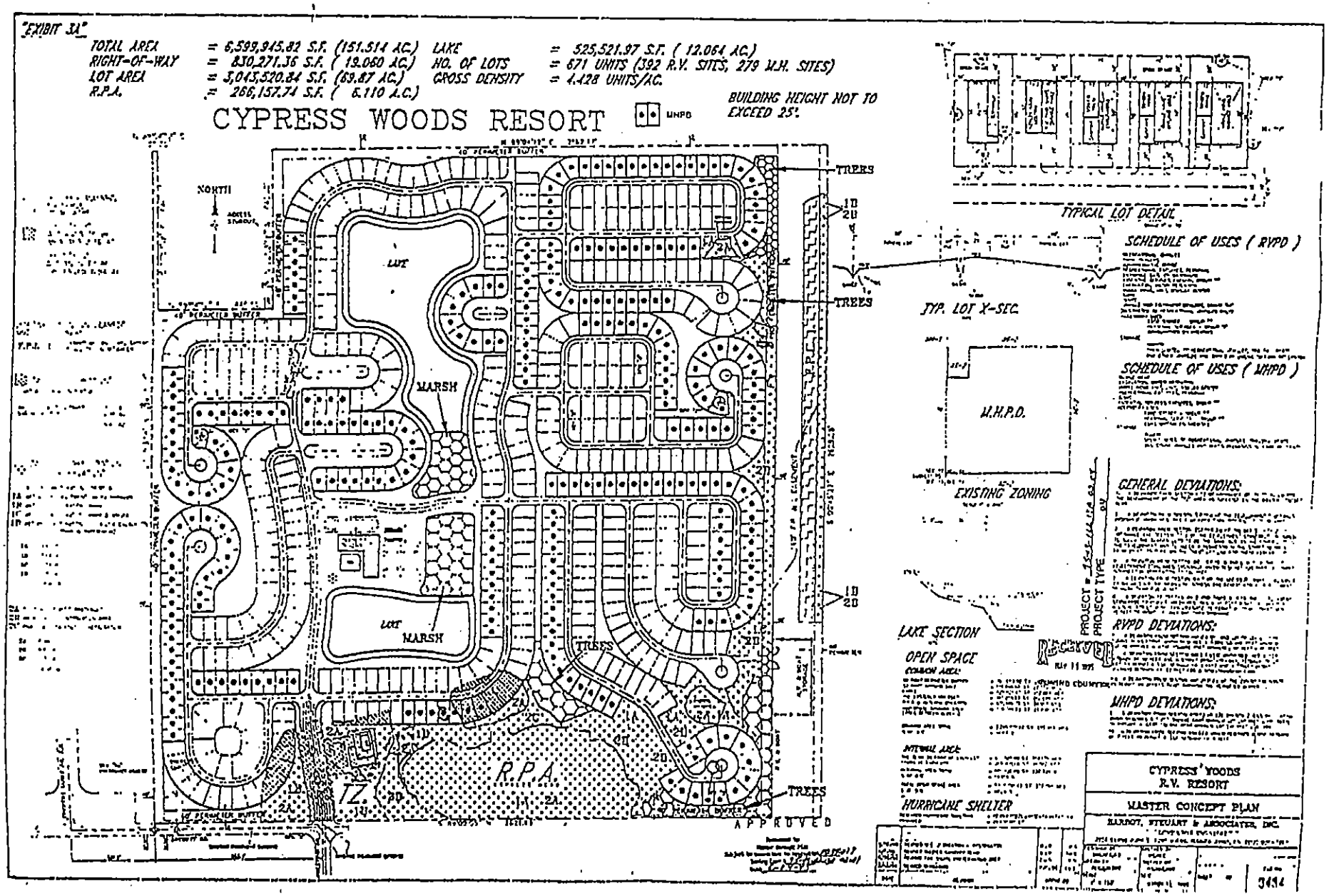
May 18, 1995. Mitigation must follow the phasing presented in these documents and all monitoring reports must be submitted to the Lee County Division of Environmental Sciences within thirty days of the scheduled monitoring events. This plan supersedes the TEC mitigation plan referenced in Condition 12 of Resolution Z-94-025.

2. Site Plan PD-95-019 is hereby APPROVED and adopted. A reduced copy is attached hereto.

3. All remaining terms and conditions of the original zoning resolution, Resolution Z-94-025, remain in full force and effect.

DULY SIGNED this 14th day of June, A.D., 1995.

BY: Mary Gibbs
Mary Gibbs, Director
Department of Community Development


"EXHIBIT 3A"
TOTAL AREA = 6,599,945.82 S.F. (151.514 AC.)
RIGHT-OF-WAY = 830,271.36 S.F. (19.060 AC.)
LOT AREA = 5,043,520.84 S.F. (69.87 AC.)
R.P.A. = 266,157.74 S.F. (6.110 A.C.)
LAKE = 525,521.97 S.F. (12.064 AC.)
NO. OF LOTS = 671 UNITS (392 R.V. SITES, 279 M.H. SITES)
GROSS DENSITY = 4.428 UNITS/AC.
BUILDING HEIGHT NOT TO EXCEED 25'.
CYPRESS WOODS RESORT
M.H.P.D.
NORTH
TREES
MARSH
LOT
R.P.A.
APPROVED
TYPICAL LOT DETAIL
SCHEDULE OF USES (RVPD)
TYP. LOT X-SEC.
SCHEDULE OF USES (MHPD)
M.H.P.D.
EXISTING ZONING
GENERAL DEVIATIONS:
LAKE SECTION
OPEN SPACE
RVPD DEVIATIONS:
MHPD DEVIATIONS:
HURRICANE SHELTER
CYPRESS WOODS
R.V. RESORT
MASTER CONCEPT PLAN
3414

ADMINISTRATIVE AMENDMENT
LEE COUNTY, FLORIDA

WHEREAS, Barbot, Steuart, & Associates, Inc. filed an application for administrative approval to a Mobile Home Planned Development on a project known as Cypress Woods R.V. Resort - Phase V on property located at 5551 Luckett Road for:

1. A lot reconfiguration for Phase 5 to decrease the number of lots from 184 to 183 lots.

2. A decrease in the size of the proposed clubhouse from 15, 600 square feet to 9,053 square feet and increase the existing clubhouse, at the entrance to the development, from 4,445 square feet to 6,799 square feet.

3. An increase in the square footage provided for hurricane shelters from 15,600 square feet to 15,852 square feet shared between the proposed clubhouse (9,053 square feet) and existing clubhouse (6,799 square feet).

4. Relocation of lots with "dot notation" that differentiate between recreational vehicle lots and mobile home lots to that shown on the revised master concept plan.

5. A reduction in the total number of recreational vehicle and mobile home sites from 671 units to 647 units.

WHEREAS, the property has been recently surveyed and the legal description revised to more accurately describe the perimeter boundary more particularly as follows:

LEGAL DESCRIPTION: In Section 11, Township 44 South, Range 25 East, Lee County, Florida:

See attached Exhibit **"A"**.

WHEREAS, the property was originally rezoned in case number 94-06-14-DCI-02 with subsequent amendments in case numbers 95-03-166.13A 02.01, and 95-01-116.00D; and

WHEREAS, the Lee County Land Development Code provides for certain administrative changes to planned development master concept plans and planned unit development final development plans; and

WHEREAS, the subject application and plans have been reviewed by the Lee County Department of Community Development in accordance with applicable regulations for compliance with all terms of the administrative approval procedures; and

WHEREAS, it is found that the proposed amendment does not increase density or intensity within the development; does not decrease buffers or open space required by the LDC; does not underutilize public resources or infrastructure; does not reduce total open space, buffering, landscaping or preservation areas; and does not otherwise adversely impact on surrounding land uses.

NOW, THEREFORE, IT IS HEREBY DETERMINED that the application for administrative approval for an amendment to Mobile Home Planned Development is **APPROVED** to:

1. Reconfigure Phase 5 to decrease the number of lots from 184 to 183 lots.

2. Decrease the proposed clubhouse from 15,600 square feet to 9,053 square feet and increase the existing clubhouse, at the entrance to the development, from 4,445 square feet to 6,799 square feet.

3. Increase the square footage provided for hurricane shelters from 15,600 square feet to 15,852 square feet shared between the proposed clubhouse (9,053 square feet) and the existing clubhouse (6,799 square feet).

4. Relocate lots with "dot notation" that differentiate between recreational vehicle lots and mobile home lots to that shown on the revised master concept plan.

5. Reduce the total number of recreational vehicle and mobile home sites from 671 units to 647 units.

Approval is subject to the following conditions:

1. The Development must be in compliance with the amended Master Concept Plan, dated March 13, 1995, last revised 9/26/02, and stamped received by community development on September 25, 2002. Master Concept Plan for ADD2002-00111 is hereby APPROVED and adopted. A reduced copy is attached hereto.

2. The terms and conditions of the original zoning resolutions remain in full force and effect, except as amended herein.

DULY SIGNED this 25th day of October, A.D., 2002.

BY: _____
Pam Houck, Director
Division of Zoning
Department of Community Development

ADD 2002-00111

DESCRIPTION:

A parcel or tract of land lying in the Southwest Quarter (S.W.1/4) of Section 11, Township 44 South, Range 25 East, Lee County, Florida, described as follows:

Commencing at the Southwest corner of the Southwest Quarter (S.W.1/4) of the aforesaid Section 11; thence run N.00°53'18"W. along the West line of the Southwest Quarter (S.W.1/4) of said Section 11 for 25.00 feet to the North line of Luckett Road (50 feet wide) and the point of beginning; thence continue N.00°53'18"W. along the West line of the Southwest Quarter (S.W.1/4) of said Section 11 for 2621.45 feet to Northwest corner of said Southwest Quarter (S.W.1/4); thence run N.89°01'53"E. for 20.00 feet to the Northwest corner of lands described in Official Record Book 1848, Page 3142 of the Public Records of Lee County, Florida; thence run S.00° 53'18"E. along the West line of said lands for 640.00 feet; thence run N.89°01'53"E. along the South line of said lands for 445.50 feet; thence run N.00°53'18"W. along the East line of said lands for 640.00 feet to the Northeast corner of said lands and the North line of the Southwest Quarter (S.W.1/4) of the aforesaid Section 11; thence run N.89°01'53"E. along the North line of the Southwest Quarter (S.W.1/4) of said Section 11 for 2161.66 feet to the Northeast corner of the Southwest Quarter (S.W.1/4) of said Section 11; thence run S.00°46'12"E. along the East line of the Southwest Quarter (S.W.1/4) of said Section 11 for 2626.95 feet to the North line of the aforesaid Luckett Road; thence run S.89°09'05"W along the North line of said Luckett Road for 2621.74 feet to the point of beginning.

Said tract contains 151.559 acres, more or less and is subject to easements, restrictions and reservatons of record.

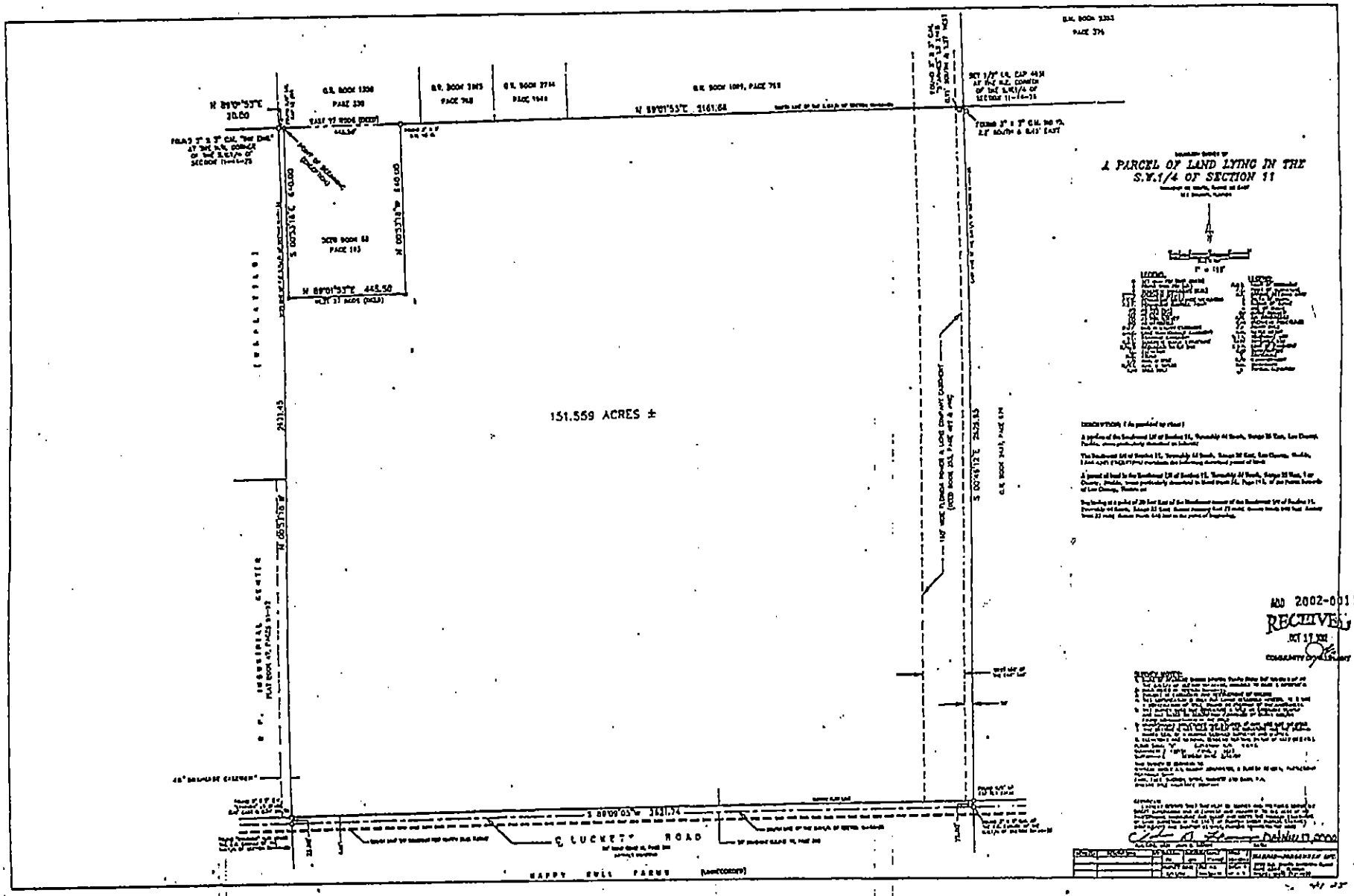
Bearings are based on the West line of the Southwest Quarter (S.W.1/4) of the aforesaid Section 11 as being N.00°53'18"W.

John B. Harris
P.S.M.#4631
October 23, 2002

RECEIVED
OCT 23 2002
COMMUNITY DEVELOPMENT

ADD 2002-00111
~~ADD 2002-00115~~

Applicant's Legal Checked
by JBH 10/23/02


A PARCEL OF LAND LYING IN THE
S.W.1/4 OF SECTION 11
151.559 ACRES ±
N 89°01'53"E 2161.64
N 89°01'53"E 445.50
S 00°53'18"E 640.00
N 00°53'18"W 640.00
S 00°49'12"E 2525.85
S 89°09'03"W 2621.74
N 00°53'18"W 2621.45
℄ LUCKETT ROAD
HAPPY HULL FARMS
ADD 2002-00111
RECEIVED
OCT 17 2002
COMMUNITY DEVELOPMENT

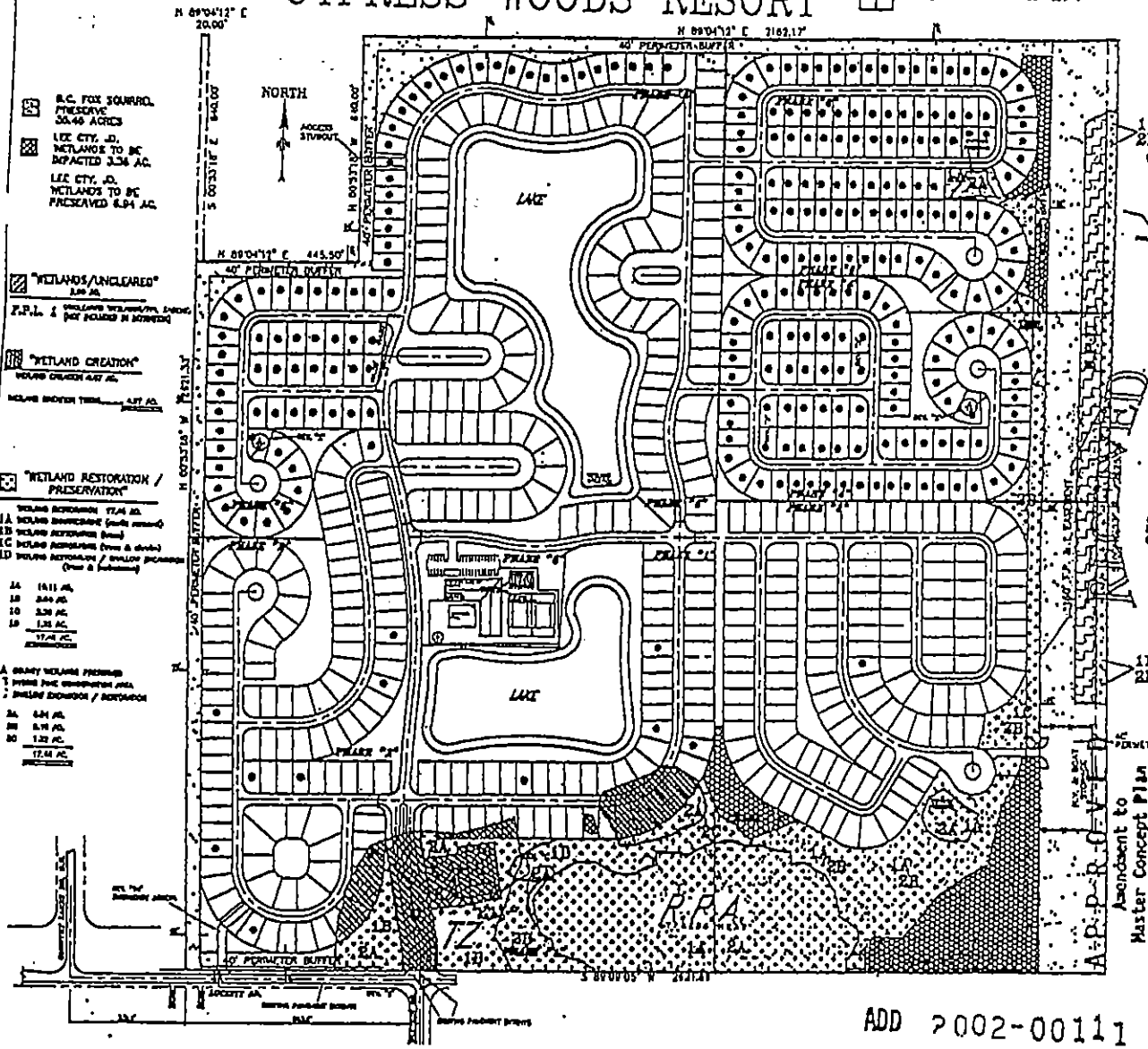
"EXIBIT 3A"

TOTAL AREA	= 6,599,945.82 S.F. (151.514 AC.)	LAKE	= 525,521.97 S.F. (12.064 AC.)
RIGHT-OF-WAY	= 807,098.92 S.F. (18.528 AC.)	NO. OF LOTS	= 647 UNITS (374 R.V. SITES, 273 M.H. SITES)
LOT AREA	= 2,985,036.10 S.F. (68.27 AC.)	GROSS DENSITY	= 4.270 UNITS/AC.
R.P.A.	= 266,157.74 S.F. (6.110 A.C.)		

CYPRESS WOODS RESORT

MHPD

BUILDING HEIGHT NOT TO EXCEED 25'.



B.C. FOX SQUIRREL PRESERVE 36.46 ACRES

LEE CTY. JD. WETLANDS TO BE IMPACTED 3.36 AC.

LEE CTY. JD. WETLANDS TO BE PRESERVED 6.94 AC.

"WETLANDS/UNCLEARED"

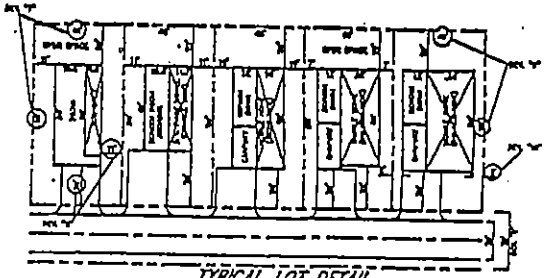
"WETLAND CREATION"

"WETLAND RESTORATION / PRESERVATION"

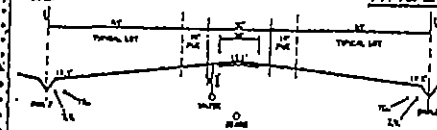
SEP 25 2002

COMMUNITY DEVELOPMENT

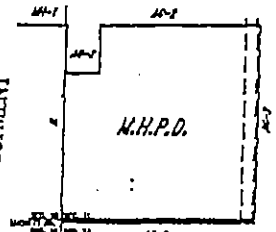
Amendment to Master Concept Plan Subject to Case #ADD2002-00111 Date 10-25-02



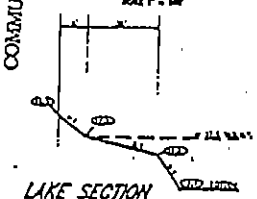
TYPICAL LOT DETAIL



TYP. LOT X-SEC.



EXISTING ZONING



LAKE SECTION

OPEN SPACE

COMMON AREA:

INTERNAL AREA:

HURRICANE SHELTER

SCHEDULE OF USES (RVPD)

SCHEDULE OF USES (MHPD)

GENERAL DEVIATIONS:

RVPD DEVIATIONS:

MHPD DEVIATIONS:

CYPRESS WOODS R.V. RESORT

MASTER CONCEPT PLAN

BARNOT, STEWART & ASSOCIATES, INC.

3434

ADD 2002-00111

ADMINISTRATIVE AMENDMENT
LEE COUNTY, FLORIDA

WHEREAS, Cypress Woods RV Resort Associates filed an application for administrative approval to a Mobile Home Planned Development and Recreational Vehicle Planned Development on a project known as Cypress Woods RV Resort **to add the following two deviations from the Lee County Land Development Code (LDC) and adjust the Master Concept Plan per Condition 4 of Resolution Z-94-025:**

1. **A Deviation seeking relief from LDC Section 34-2194(b) and (c) which requires a 25 foot water body setback; to allow a zero foot setback in order to permit the construction of a clubhouse, deck, pier and gazebo 90 feet into the artificial body of water.**

2. **A Deviation seeking relief from LDC Section which requires a total of 135 parking spaces for the two clubhouse facilities; to allow only 44 off-street parking spaces.**

The subject property is located at 5551 Luckett Road, described more particularly as:

LEGAL DESCRIPTION: In Section 11, Township 44 South, Range 25 East, Lee County, Florida:

See Exhibit A

WHEREAS, the property was originally rezoned in case number 94-06-14 DCI-02 (with subsequent amendments in case numbers Z-94-025, Z-87-075, Z-91-088, ZAB-8431, ZAB-84-1-31, 95-03-166.13A, AA-PD-95-19, ADD2002-00111, DOS2003-00073, DOS95-01-116.00D, LDO98-06-045.12L & LDO98-06-074.11L); and

WHEREAS, the Lee County Land Development Code provides for certain administrative changes to planned development master concept plans and planned unit development final development plans; and

WHEREAS, the subject application and plans have been reviewed by the Lee County Department of Community Development in accordance with applicable regulations for compliance with all terms of the administrative approval procedures; and

WHEREAS, it is found that the proposed amendment does not increase density or intensity within the development; does not decrease buffers or open space required by the LDC; does not underutilize public resources or infrastructure; does not reduce total open space, buffering, landscaping or preservation areas; and does not otherwise adversely impact on surrounding land uses.

NOW, THEREFORE, IT IS HEREBY DETERMINED that the application for administrative approval for an amendment to add the following two deviations from the Lee County Land Development Code (LDC) and adjust the Master Concept Plan per Condition 4 of Resolution Z-94-025:

1. A Deviation seeking relief from LDC Section 34-2194(b) and (c) which requires a 25 foot water body setback; to allow a zero foot setback in order to permit the construction of a clubhouse, deck, pier and gazebo 90 feet into the artificial body of water.

2. A Deviation seeking relief from LDC Section which requires a total of 135 parking spaces for the two clubhouse facilities; to allow only 44 off-street parking spaces.

These requests are APPROVED, subject to the following conditions:

1. The Development must be in compliance with the amended Master Concept Plan, stamped received AUG 21, 2003. Master Concept Plan for ADD2003-00122 is hereby APPROVED and adopted. A reduced copy is attached hereto.

   Additionally, the approval of Deviation 1 of this Administrative Amendment is subject to substantially complying with the proposed construction of the clubhouse and related facilities on the approved Plan entitled, Cypress Woods, R.V. Resort Clubhouse Area Dev. Order Plans; Drainage, Parking & Site Dim. Plan; dated 04-14-03, stamped received AUG21, 2003. A reduced copy is attached hereto.

2. The terms and conditions of the original zoning resolutions and subsequent amendments remain in full force and effect.

3. The approved density and intensity of this project must remain consistent with ADD2002-00111 which allowed a maximum of 647 units, consisting of not more than 374 R.V. sites and not more than 273 M. H. sites.

   Condition 4 of Resolution Z--94-025 is also hereby amended to read:

   The dots on the approved Master Concept Plan designating which lots/parcels can only be occupied by a mobile home may be administratively (not to be confused with the requirement for an administrative amendment) moved from any vacant lot/parcel (donor lot/parcel) to another lot/parcel provided that the donor lot or parcel has never been occupied by a mobile home since the inception of this planned development. Once a lot/parcel is occupied by a mobile home, it can only be replaced with another mobile home.

4. The approval of the deviation from the water body setback must not adversely impact any open space requirement; wetland vegetation plantings; or other buffering, landscaping, or preservation areas or requirments.

5. The approval of the parking deviation is subject to the reservation of Lots 85 and 86 (Phase "4") and Tract I (Phase "3", which lies immediately east of Lots 85 and 86, Phase "4") for the use of overflow parking only. These may not be used as a recreational vehicle or mobile home site. Upon the sale of the last lot (site) in the last Phase of this development, if the applicant can adequately demonstrate during the season of the highest occupancy of the development that the overflow parking areas were not needed, the two lots can then be used for recreational vehicle or mobile home sites as provided for in this planned development. A reduced copy of a Plan entitled Cypress Woods R.V. Resort Phase "IV", IVA, & IVB, stamped received SEP 08, 2003 depicting these parcels is attached hereto.

6. A development order must be submitted within 90 days of the approval that includes a a littoral planting plan which details a created hardwood wetland and marsh area within the lake adjacent to Cypress Woods Resort Drive. The planting must include at a minimum 50 native wetland trees (minimum 6-foot height; 7-gallon container size) and 1000 native herbaceous wetland plants (minimum 4 species; 2-inch liner size) clustered within the area shown on Attachment 1.

DULY SIGNED this 12th day of September, A.D., 2003.

BY: Pam Houck

Pam Houck, Director
Division of Zoning
Department of Community Development

DESCRIPTION:

A parcel or tract of land lying in the Southwest Quarter (S.W.1/4) of Section 11, Township 44 South, Range 25 East, Lee County, Florida, described as follows:

Commencing at the Southwest corner of the Southwest Quarter (S.W.1/4) of the aforesaid Section 11; thence run N.00°53'18"W. along the West line of the Southwest Quarter (S.W.1/4) of said Section 11 for 25.00 feet to the North line of Luckett Road (50 feet wide) and the point of beginning; thence continue N.00°53'18"W. along the West line of the Southwest Quarter (S.W.1/4) of said Section 11 for 2621.45 feet to Northwest corner of said Southwest Quarter (S.W.1/4); thence run N.89°01'53"E. for 20.00 feet to the Northwest corner of lands described in Official Record Book 1848, Page 3142 of the Public Records of Lee County, Florida; thence run S.00°53'18"E. along the West line of said lands for 640.00 feet; thence run N.89°01'53"E. along the South line of said lands for 445.50 feet; thence run N.00°53'18"W. along the East line of said lands for 640.00 feet to the Northeast corner of said lands and the North line of the Southwest Quarter (S.W.1/4) of the aforesaid Section 11; thence run N.89°01'53"E. along the North line of the Southwest Quarter (S.W.1/4) of said Section 11 for 2161.66 feet to the Northeast corner of the Southwest Quarter (S.W.1/4) of said Section 11; thence run S.00°46'12"E. along the East line of the Southwest Quarter (S.W.1/4) of said Section 11 for 2626.95 feet to the North line of the aforesaid Luckett Road; thence run S.89°09'05"W along the North line of said Luckett Road for 2621.74 feet to the point of beginning.

Said tract contains 151.559 acres, more or less and is subject to easements, restrictions and reservatons of record.

Bearings are based on the West line of the Southwest Quarter (S.W.1/4) of the aforesaid Section 11 as being N.00°53'18"W.

John B. Harris
P.S.M. #4631
October 23, 2002

Applicant's Legal Checked
by [signature] 15JUL03

RECEIVED
JUL 15 2003
PERMIT COUNTER

DCI 2002-00062

EXHIBIT A

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

WHEREAS, Cypress Woods RV Associates, in reference to Cypress Woods, has properly filed an application for a rezoning from Mobile Home Planned Development district to Mobile Home Planned Development and Recreational Vehicle Planned Development; and

WHEREAS, the subject property is located at 10251 Luckett Road, described more particularly as:

LEGAL DESCRIPTION: In Section 11, Township 44 South, Range 25 East, Lee County, Florida:

A parcel or tract of land lying in the Southwest Quarter (SW1/4) of Section 11, Township 44 South, Range 25 East, Lee County, Florida, which parcel or tract is described as follows:

Commencing at the Southwest corner of said Southwest Quarter (SW1/4) of said Section 11;
THENCE run N00°53'18"W along the West line of said Quarter Section for 25.00 feet to the North line of a 50 foot road described in County Commission Minute Book 11, Page 306 of the Public Records of Lee County, Florida, and the POINT OF BEGINNING of the herein described lands.
From said POINT OF BEGINNING continue N00°53'18"W along said West line for 2,621.33 feet to the Northwest corner of said Southwest Quarter (SW1/4);
THENCE run N89°04'12"E along the North line of said Quarter Section for 20.00 feet to the Northwest corner of lands described in Official Record Book 1848, Page 3142 of the Public Records of said Lee County, Florida;
THENCE run S00°53'18"E along the West line of description in said Official Record Book and page for 640.00 feet to the Southwest corner of said lands;
THENCE run N89°04'12"E along the South line of said lands for 445.50 feet to the Southeast corner of said lands;
THENCE run N00°53'18"W along the East line of said land 640.00 feet to the Northeast corner of said lands and the North line of said Southwest Quarter (SW1/4);
THENCE run N89°04'12"E along said North line for 2,162.17 feet to the Northeast corner of said Southwest Quarter (SW1/4);
THENCE run S00°45'27"E along the East line of said Southwest Quarter (SW1/4) for 2,625.08 feet to the North line of the aforementioned 50 foot road described in County commission Minute Book 11, Page 396;
THENCE run S89°09'05"W along the North line of said road for 2,621.69 feet to the POINT OF BEGINNING.

Said parcel or tract containing 151.51397 acres, more or less.

WHEREAS, the applicant has indicated the property's current STRAP number is 11-44-25-00-00014.0000; and

WHEREAS, proper authorization has been given to Humphrey & Knott, P.A., by Cypress Woods RV Resort Associates, the fee simple 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 June 14, 1994 and subsequently continued to July 8, 1994; and

WHEREAS, a public hearing was legally and properly advertised and held before the Lee County Board of County Commissioners; and 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 WITH CONDITIONS a rezoning from Mobile Home Planned Development to Mobile Home Planned Development and Recreational Planned Development.

The rezoning and Master Concept 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 substantial compliance with the approved Master Concept Plan entitled "Cypress Woods R.V. Resort" (File No. 3434, last revised 4/04/94, stamped received April 08, 1994) as prepared by Barbot, Steuart & Associates, Inc., except as may be modified by the conditions herein. Total units shall not exceed that indicated on the Master Concept Plan.

2. Lots within this development shall be developed in accordance with the following Property Development Regulations:

   Minimum Lot Area and Dimensions:

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

   Minimum Setbacks:

Street:	20 feet
Side Street:	10 feet [Deviation (4)]
Side:	10 feet (for a recreational vehicle)
	5 feet (for a mobile home)
Rear:	20 feet
Water Body:	25 feet

3. Prior to the approval of any plat subdividing the subject property or any condominium plat, the developer shall provide a list of lots contained within the plat. This list shall consist of the lot or parcel number and the designation of the lot as a RVPD or MHPD lot or parcel. This designation shall be substantially in compliance with the designation of the lots as shown on the approved Master Concept Plan.

4. The developer or individual lot owner may apply as part of an Administrative Amendment Approval to amend the designation of a lot from RVPD to MHPD within this planned development. No approval shall be granted for a change from MHPD to RVPD.

5. As committed to on the approved Master Concept Plan by the applicant, on-site shelter provision and open space shall be developed in accordance with these commitments.

6. Since the Land Development Code Section 34-939(b)(2) requires all new recreational vehicle parks to connect to public or private water and central sewer system, this entire project shall be required to comply with this requirement.

7. Along the western and southern perimeters of the proposed development the buffering requirements of Section 34-939(b)(3) of the Land Development Code (LDC) shall be complied with. As offered by the applicant, along the northern property line within the proposed 40-foot-wide buffer, a minimum double "D" buffer with fence will be provided. This means within the buffer, twice the number of trees and shrubs required by LDC Section 10-414(c) shall be required for compliance. Furthermore, the buffering shall be in accordance with Note 2, of Table 1 of LDC Section 10-414, which exists at the time of Development Review. This vegetative buffer shall be to the outside of the proposed fence and visible from the abutting property. And along the eastern portion of the site, on either side of the power line easement, the developer shall comply with Section 34-939(b)(3) buffering requirements along with a fence. The fence location shall be consistent with the locational requirements noted above.

8. Prior to the approval of a local Development Order, the developer shall supply a letter from Florida Power & Light indicating that they have reviewed and have no objection to the plans to develop a storage area for boats and recreational vehicle units within the existing power line easement.

9. This zoning approval does not signify that the project's traffic impacts have been mitigated. Additional conditions may be required at the time of issuance of a local Development Order per the Development Standards Ordinance or other Lee County Ordinance.

10. Approval of this rezoning does not give the developer the undeniable right to receive any local Development Order approval that exceeds the Year 2010 Overlay use allocation, if such allocation exists, for the applicable district.

11. A Gopher Tortoise Management Plan must be submitted and approved at the time of local Development Order application for the first phase of development. All areas shown on the Master Concept Plan as fox squirrel preserve must be shown and labeled as such on any plans submitted for local Development Order approval. Any golden polypody found on trees within development areas must be relocated to preserve areas wherever feasible.

12. Deviation (1) is a request to deviate from Section 6.03 of Ordinance 86-21 [Section 14-298(c) of the LDC] for the development of the "TZ" area as indicated on the Master Concept Plan. Deviation (1) is hereby APPROVED subject to the proposed mitigation plan submitted by Tropical Environmental Consultants (TEC), dated December 6, 1993, and further amended and clarified by TEC in correspondence addressed to George Parker of DNRM, dated March 7, 1994 and June 22, 1994. Mitigation must follow the phasing presented in these documents.

13. Deviation (2) is hereby DENIED.

14. Deviation (3) is a request to deviate from Appendix 9.9B of the DSO (Section 10-714.b. of the LDC) which requires a 90 foot turn-out radius to 30 feet. Deviation (3) is hereby APPROVED subject to the developer providing a paved/stabilized surface with a minimum radius of 42 feet and, in addition, shall provide an unobstructed clear zone of 48-foot radius (6 feet clear zone beyond driving range).

15. Deviation (4) is a request to deviate from Section 202.18.B.2.a. of the Zoning Ordinance [LDC Section 34-2192(a)] to allow a reduction in the street setback from 20 feet to 5 feet on the "side" lot line for corner lots. Deviation (4) is hereby APPROVED as provided for in Condition 2.

16. Deviation (5) is a request to deviate from Section 9.D, 9.0.10, and Table 9-1 of the DSO (Sections 10-285.a., 10-285.a Table 1, and 10-296.j.) which requires 125 feet of street intersection separation, to 100 feet. Deviation (5) is hereby APPROVED to 100 feet. Approval of this deviation shall also permit the location of a temporary emergency access, yet to be located, to the west of the approved access point in this deviation, in accordance with Deviation (6).

17. Deviation (6) is a request to deviate from Section 9.J.3 of the DSO (Section 10-291.3 of the LDC) to allow only one entrance for a development of more than 5 acres. Deviation (6) is hereby APPROVED with the condition that a temporary emergency access point shall be constructed from Luckett Road, into the project site, for the use of emergency vehicles only. This temporary access point shall remain in place until such time as a permanent emergency access point is constructed, or until this development provides a permanent functioning interconnection with an adjoining property. The temporary access point shall be constructed in accordance with the Land Development Code as administered by the Division of Development Services.

18. Deviation (7) is a request to deviate from Section 9.0.2 and Table 9-3 of the DSO (Sections 10-296.b and 10-296 Table 3 of the LDC) which require a 45-foot right-of-way for a local street with open drainage, to permit a local street with 30 feet of right-of-way and open drainage. Deviation

(7) is hereby APPROVED subject to the condition that the typical lot cross section exhibits, subject to the approval by the Division of Development Services, that the drainage performs adequately showing the slab placement at the time of Development Order submittal.

19. Deviation (8) is a request to deviate from Section 480.05.D.2.f of the Zoning Regulations [LDC Section 34-939(b)(6)] which requires a 5,000 square foot minimum lot to provide a 4,140 square foot minimum (46 feet x 90 feet). Deviation (8) is hereby APPROVED subject to Condition 2.

20. Deviation (9) is a request to deviate from Zoning Regulations Section 480.05.D.2.g.3.) [LDC Section 34-939(b)(7)c.] which requires a side setback of 10 feet and a street (right-of-way) setback of 25 feet, to permit a side setback of 5 feet and a street (right-of-way) setback of 20 feet in the non-transient section of the park. Deviation (9) is hereby APPROVED provided that these setbacks are in conformance with the requirements of Condition 2 and all side setbacks apply to all portions of the structure or unit, including overhangs.

21. Deviation (9.a) is a request to deviate from Zoning Ordinance Section 480.05.D.2.c [LDC Section 34-939(b)(3)] to permit an access road through the perimeter buffer to the boat storage area. Deviation (9.a.) is hereby APPROVED subject to Condition 8.

22. Deviation (10) is a request to deviate from Table 423.B. of the Zoning Regulations [LDC Section 34-736] which requires a 5,000 square foot minimum lot (50 feet x 100 feet) to provide a 4,140 square foot minimum lot (46 feet x 90 feet). Deviation (10) is hereby APPROVED subject to the requirements of Condition 2.

23. Deviation (11) is a request to deviate from Table 423.B. [LDC Section 34-736] which requires a side setback of 7 feet, to permit a side setback of 5 feet. Deviation (11) is hereby APPROVED subject to the setback in Condition 2.

24. Deviation (12) is a request to deviate from Section 202.18.D.1. of the Zoning Ordinance [LDC Section 34-2222(1) and Section 10-254 (b)], to allow the corner lots to be the same size as the other lots within the development (and not have an additional 15 feet of width). Deviation (12) is hereby APPROVED subject to the requirements of Condition 2.

25. Deviation (13) is a request to deviate from Section 9.N. of the DSO [LDC Section 10-295] to eliminate the requirement for street stubs to adjacent properties. Deviation (13) is hereby DENIED and left to the discretion of the Director of the Division of Development Services, in accordance with the Land Development Code.

26 Deviation (14) is a request to deviate from LDC Section 34-939(b)(3) to eliminate the requirement for a buffer between a recreational vehicle park and adjacent property interior to the site. Deviation (14) is hereby APPROVED for the interior portion of the site, only. Buffering the perimeter of the entire development shall be in accordance with Condition 7.

27. Deviation (15) is a request to deviate from LDC Section 34-935(a)(1) to eliminate the requirement that a new recreational vehicle park be not less than 20 acres in size. Deviation (15) is hereby APPROVED.

Site Plan 94-025 is attached hereto and incorporated herein by reference, as a reduced copy of the Master Concept Plan.

The following findings and conclusions were made in conjunction with this approval of Mobile Home Planned Development and Recreational Vehicle Planned Development zoning:

A. That the predominant uses of the surrounding property, makes approval of the RVPD/MHPD, as conditioned, appropriate.

B. That the RVPD/MHPD, as conditioned, will not have an adverse impact on the intent of the Land Development Code.

C. That the RVPD/MHPD, as conditioned, is consistent with the goals, objectives, policies, and intent of the Lee Plan, and with the densities, intensities, and general uses set forth for the proposed use.

D. That the RVPD/MHPD, as conditioned, meets or exceeds all performance and locational standards set forth for the proposed use.

E. That the RVPD/MHPD, as conditioned, will protect, conserve, preserve all protected and endangered species, natural habitat and vegetation, in accordance with the Lee Plan and other Lee County development regulations.

F. That the RVPD/MHPD, as conditioned, will be compatible with existing or planned uses and will not cause damage, hazard, nuisance, or other detriment to persons or property.

G. That the RVPD/MHPD, as conditioned, will not place an undue burden upon existing transportation or other services and facilities, and will be served by streets with the capacity to carry traffic generated by the development.

H. That the residential uses, as conditioned, will be in compliance with all applicable general zoning provisions and supplemental regulations pertaining to the use, as set forth elsewhere in the Land Development Code.

I. That the proposed use is appropriate on the subject property and in the vicinity of the subject property.

J. That the recommended conditions are reasonably related to the impacts expected from or created by the proposed development.

K. That the recommended conditions and other Lee County development regulations provide sufficient safeguards to the public health, safety and welfare.

L. That the deviations, as conditioned, enhance the achievement of the objectives of the RVPD/MHPD and preserve and promote 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 John E. Manning, and seconded by Commissioner Franklin B. Mann and, upon being put to a vote, the result was as follows:

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

DULY PASSED AND ADOPTED this 15th day of August, A.D., 1994.

ATTEST:
CHARLIE GREEN, CLERK

BY: Mary Armentrout
Deputy Clerk

BOARD OF COUNTY COMMISSIONERS
OF LEE COUNTY, FLORIDA

BY: Ray Judah
Chairman

Approved as to form by:

County Attorney's Office

FILED

AUG 25 1994

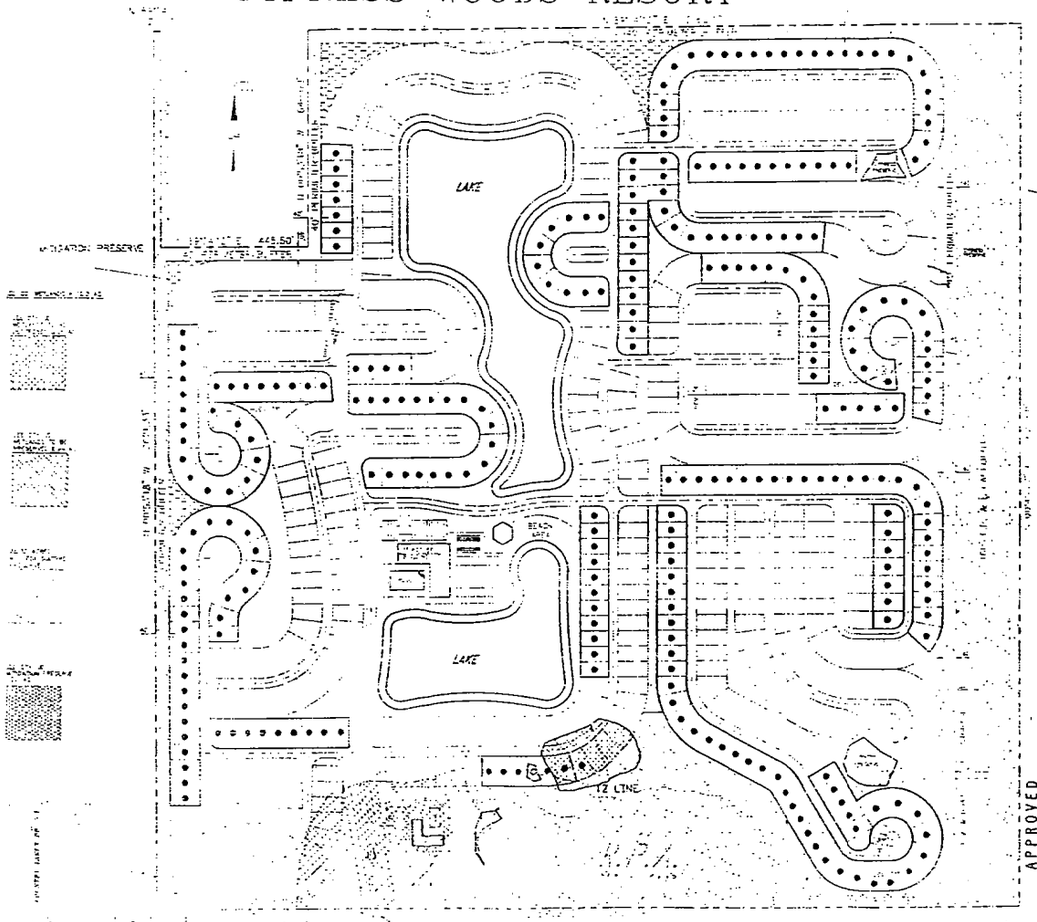
CLERK OF CIRCUIT COURT
BY M. Armentrout D.C.

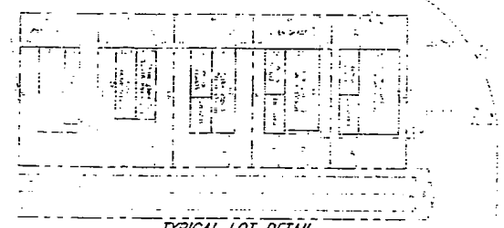
TOTAL AREA = 6,599,945.82 S.F. (151.514 AC.)
RIGHT-OF-WAY = 830,271.36 S.F. (19.060 AC.)
LOT AREA = 3,110,474.47 S.F. (71.407 AC.)
R.F.A. = 266,157.74 S.F. (6.110 A.C.)

LAKE = 525,521.97 S.F. (12.064 AC.
NO. OF LOTS = 684 UNITS (399 R.V. SITES, 285 M.H. SITES)
GROSS DENSITY = 4.514 UNITS/AC.

BUILDING HEIGHT NOT TO EXCEED 25'.

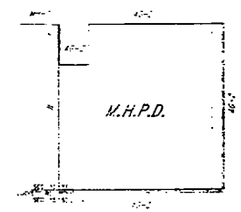
CYPRESS WOODS RESORT





TYPICAL LOT DETAIL

TYP. LOT X-SEC.



EXISTING ZONING



LAKE SECTION

OPEN SPACE

COMMON AREA:

INTERNAL AREA:

HURRICANE SHELTER

APPROVED
Master Concept Plan
Site Plan # 94-035 Page 1 of 1
Subject to conditions in Resolution 2-94-025
Zoning Case # 2-94-025-MH-02

SCHEDULE OF USES (RVPD)

SCHEDULE OF USES (MHPD)

GENERAL DEVIATIONS:

RVPD DEVIATIONS:

MHPD DEVIATIONS:

CYPRESS WOODS
R.V. RESORT

MASTER CONCEPT PLAN

BARHOT, STEWART & ASSOCIATES, INC.

RECEIV
ZONING COU

37.00
BILLED

RESOLUTION OF THE BOARD OF COUNTY COMMISSIONERS

OF LEE COUNTY, FLORIDA

2287258

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

OFF REC 1921 PG 4495

WHEREAS, Lee County Joint Venture d/b/a Cypress Woods Mobile Home Park has properly filed an application for:

A rezoning from AG-2 to Mobile Home Planned Development, to permit the development of a 667 unit mobile home development with mobile homes not to exceed 12 feet and the clubhouse not to exceed 35 feet in height above average grade, on 154 total acres of land. The proposed development will also include lakes, passive and active recreation areas, a clubhouse, and storage area.

NOTE:

If approved, the Master Concept Plan will deviate from the following Lee County standards:

(1) Minimum setback between structures and a section line of 75 feet (202.15.B.3.a), to 55 feet between Sections 10 and 11;

(2) Minimum setback between structures and a quarter section line of 60 feet (202.15.B.3.b), to 55 feet for the north/south line in Section 11;

(3) Minimum lot width of 50 feet, lot depth of 100 feet and lot area of 5000 square feet (439.02.A), to a minimum lot width of 45 feet, lot depth of 94.5 feet, and lot area of 4252.5 square feet; and

(4) Requirement that lands identified as meeting the criteria for Resource Protection Areas and Transition Zones (Ordinance 86-31, Section 6.03) be used for specific uses, to instead be developed for residential uses; and

WHEREAS, the subject property is located at the end of Luckett Road, east of I-75, described more particularly as:

LEGAL DESCRIPTION: In Section 11, Township 44 South, Range 25 East, Lee County, Florida:

A portion of the southwest one-quarter of Section 11, Tonwship 44 South, Range 25 East, Lee County, Florida more particularly described as follows:

The southwest one-quarter of Section 11, Township 44 South, Range 25 East, LESS and excepting therefrom the following described parcel of land:

A parcel of land in the southwest one-quarter of Section 11, Township 44 South, Range 25 East, Lee County, Florida, more particularly described in Deed Book 58 at Page 192 of the Public Records of Lee County, Florida, as:

"Beginning at a point Twenty (20) feet East of the Northwest corner of the Southwest Quarter (1/4) of Section Eleven (11), Township Forty-four (44) South, of Range Twenty-five (25) East, thence running East Twenty-seven (27) rods, thence South Six Hundred Forty (640) feet, thence West Twenty-seven (27) rods, thence North Six Hundred Forty (640) feet to the point of beginning."

5-11-87

WHEREAS, the applicant has indicated the property's current STRAP number is 11-44-25-00-00014.0000; and

WHEREAS, proper authorization has been given to Lee County Joint Venture, by Dan H. Ruhl, Jr. and Barbara I. Ruhl, the owners 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 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 approval with conditions, based on the analysis contained in the Staff Report of April 1, 1987, and the testimony given at the April 6, 1987, Planning and Zoning Commission Hearing; 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:

> This is a request for rezoning from AG-2 to Mobile Home Planned Development for a 154 acre tract located north of Luckett Road and east of I-75, to develop 667 mobile homes with active and passive recreation areas, a clubhouse, and a storage area. The Master Concept Plan also depicts a cypress dome area of nearly ten acres which will be preserved. The subject property, along with adjacent property to the north and south, is located in the "Central Urban" land use category. With a proposed density of 4.33 units per acre, (which is slightly below the 5-10 unit per acre range for the Central Urban category), this development would be more compatible than a more intense use, and could also provide a transition between the adjacent "Industrial Interchange" area to the west and the "Rural" area immediately east of the subject property, and therefore is consistent with the Lee Plan.

NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF COUNTY COMMISSIONERS, that the Board of County Commissioners does hereby APPROVE a rezoning from AG-2 to Mobile Home Planned Development, to permit the development of a 667 unit mobile home development with mobile homes not to exceed 12 feet and the clubhouse not to exceed 35 feet in height above average grade, on 154 total acres of land. The proposed development will also include lakes, passive and active recreation areas, a clubhouse, and storage area.

OFF REC 1921 PG 4496

This rezoning approval is subject to the following conditions:

1. The following uses only shall be permitted (Uses listed below are those described in the Lee County Zoning Ordinance, as it may be amended from time to time):

   All "Permitted Uses" and "Special Exceptions" of the Mobile Home Residential Districts (Section 439.B.1).

2. Mobile homes are limited to a height of one story. No other buildings or structures shall exceed 35 feet in height.

3. Preservation and mitigation shall be in accordance with the Cypress Woods Concept Plan, Sheet 3 of 4 submited November 14, 1986, on file with the Zoning and Development Review Division, except as modified by the conditions herein.

   a) To mitigate the encroachment of 7.1 acres of Transition Zone (3.4 acres wet prairie plus 3.7 acres hydric flatwood), the developer shall create 5.1 acres of wet prairie plus 2 acres of lake littoral zones for a total of 7.1 acres of created Transition Zone. Prior to final development order approval, a timetable for the creation of wetlands shall be provided, subject to approval by the Department of Community Development.

   b) The upland areas to be used for the creation of wet prairie areas shall be appropriately scraped, contoured and sufficiently planted with wetland vegetation similar to that found within the wet prairie areas currently existing on the site. The top soil of the wet prairie areas to be developed shall be utilized as mulching for the created wet prairie areas. The specific plan for the creation of the wet prairies shall be subject to approval by the Department of Community Development.

   c) Planting of the lake littoral zones shall be accomplished with trees and shrubs on twenty-five (25) foot centers and emergent aquatics on five (5) foot centers. The lake littoral zone planting plan shall be subject to approval by the Department of Community Development.

   d) All exotic vegetation shall be removed from the entire site prior to issuance of a Certificate of Completion. Exotic vegetation within the wetland preservation areas shall be removed by hand except areas which are so heavily invaded by exotic vegetation (greater than 50%) that mechanical removal will be permitted. Prior to final development order approval, the areas where mechanical removal of exotic vegetation will be permitted within the wetland preservation areas shall be field flagged and approved by the Department of Community Development.

   e) A maintenance program shall be implemented by the developer to control the re-invasion of exotic vegetation in the wetland preservation areas, the newly created wetlands and the upland preservation areas. This program shall be in effect for a minimum of three (3) years and is subject to approval by the Department of Community Development.

   f) The developer shall utilize a minimum of seventy-five percent (75%) native vegetation for landscaping throughout the entire site. The native vegetation shall have a guaranteed eighty percent (80%) survival rate for a period of no less than three (3) years.

OFF REC 1921 PG 4497

g) Prior to final development order approval, the developer shall submit a tree survey and site plan that provides for the location of trees to be preserved on the proposed development site, subject to approval by the Department of Community Development.

h) Prior to final development order approval, the developer shall submit a wetland planting plan for planting on the berm adjacent to the Cypress preservation area, which shall be subject to approval by the Department of Community Development.

4. The developer shall provide a letter from Florida Power & Light Company, prior to preliminary development order approval, indicating that they have reviewed the Master Concept Plan and do not object to the proposed uses shown in the power easement.

5. The developer shall pave the proposed pathway to provide a smooth all-weather surface for use as a bicycle/walking path.

6. Prior to approval of a preliminary development order, the developer shall submit a hurricane preparedness plan which has been approved by the Lee County Division of Emergency Management. This plan, which shall be implemented by a homeowners' or residents' association(s), shall consist of procedures to be followed in the event of a hurricane emergency.

7. The developer shall dedicate any additional right-of-way for Luckett Road deemed necessary by the County Department of Transportation and Engineering, prior to preliminary development order approval.

8. The development of this property shall be in accordance with the four page Master Concept Plan prepared by Community Design & Development (last revised November 1, 1986, except sheet 3 last revised April 8, 1987 and sheet 4 last revised November 7, 1986), except as modified by the conditions herein. Approval of this plan does not relieve this development from conformance with all applicable state or local development regulations, except for the deviations approved as part of this development.

9. Deviations (1) through (2) are hereby approved. Deviation (3) is approved subject to the limitation that all lots less than 5,000 square feet shall be limited to single-wide mobile homes. Deviation (4) is approved, subject to the mitigation in Condition 3.

Site Plan 87-075 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 MHPD zoning:

1. The proposed mix of uses is appropriate at the subject location;

2. Sufficient safeguards to the public interest are provided by the recommended conditions to the Master Concept Plan; and

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

4. Approval of the requested deviations enhances the objectives of the planned development without interfering with the general intent of the zoning regulations in protecting the public health, safety and welfare.

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

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

DULY PASSED AND ADOPTED this 11th day of May, A.D., 1987.

OFF REC 1921 PG 4469

ATTEST:
CHARLIE GREEN, CLERK

BY: Lisa L. Pierce
Deputy Clerk

BOARD OF COUNTY COMMISSIONERS
OF LEE COUNTY, FLORIDA

BY: Bill Fussell
Chairman

Approved as to form by:

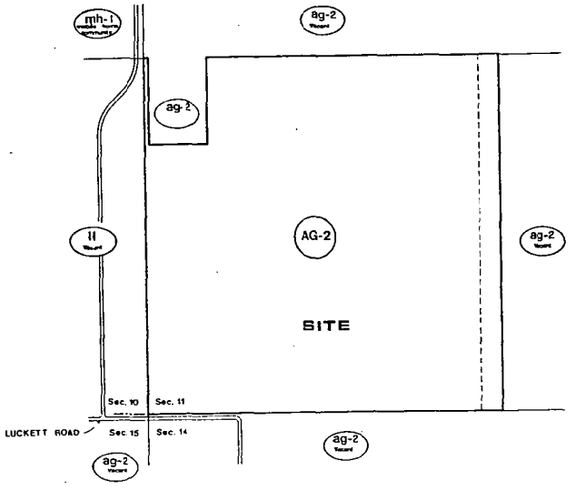
County Attorney's Office

FILED
JUN 1 1987
CLERK CIRCUIT COURT
BY Lisa L. Pierce D.C.

CYPRESS WOODS

LEGEND

MH----MOBILE HOME
AG----AGRICULTURAL
IL----INDUSTRIAL



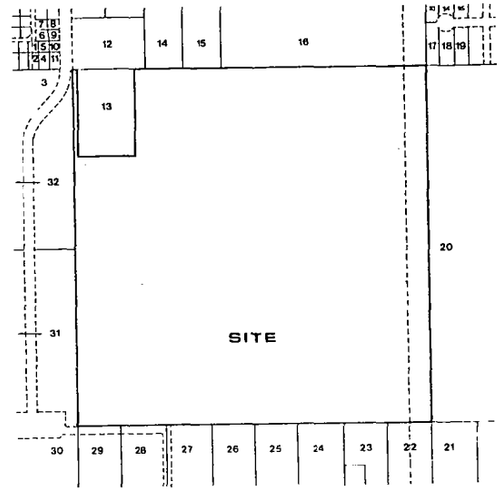
ZONING PLAN

Adjacent Owners within 375 feet of site line

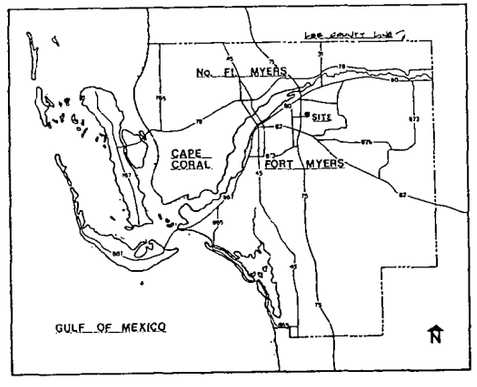
No.	Sec. Twp. Rge.	Parcel No.	Owner
1	17-44-25	[illegible]	[illegible]
2	10-44-25	[illegible]	[illegible]
3	10-44-25	7	[illegible]
4	10-44-25	[illegible]	[illegible]
5	10-44-25	[illegible]	[illegible]
6	10-44-25	[illegible]	[illegible]
7	10-44-25	[illegible]	[illegible]
8	10-44-25	[illegible]	[illegible]
9	10-44-25	[illegible]	[illegible]
10	10-44-25	[illegible]	[illegible]
11	10-44-25	[illegible]	[illegible]
12	11-44-25	2/100	[illegible]
13	11-44-25	13	[illegible]
14	11-44-25	2/10	[illegible]
15	11-44-25	2	[illegible]
16	11-44-25	2/100	[illegible]
17	11-44-25	4	[illegible]
18	11-44-25	3	[illegible]
19	11-44-25	2	[illegible]
20	11-44-25	5	[illegible]
21	11-44-25	[illegible]	[illegible]
22	11-44-25	[illegible]	[illegible]
23	11-44-25	[illegible]	[illegible]
24	11-44-25	[illegible]	[illegible]
25	11-44-25	[illegible]	[illegible]
26	11-44-25	[illegible]	[illegible]
27	11-44-25	[illegible]	[illegible]
28	11-44-25	[illegible]	[illegible]
29	11-44-25	[illegible]	[illegible]
30	11-44-25	[illegible]	[illegible]
31	10-44-25	[illegible]	[illegible]
32	10-44-25	[illegible]	[illegible]

LEGEND

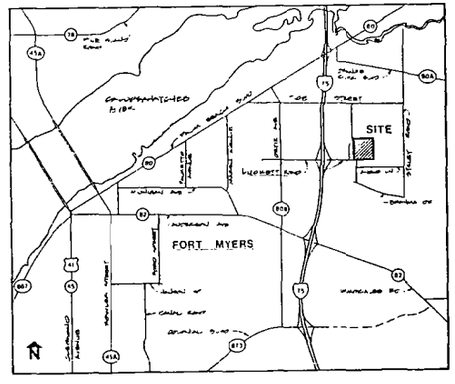
57----REFERENCE NUMBER (SEE LAND OWNERS SCHEDULE)



ADJACENT OWNERS PLAN



COUNTY MAP



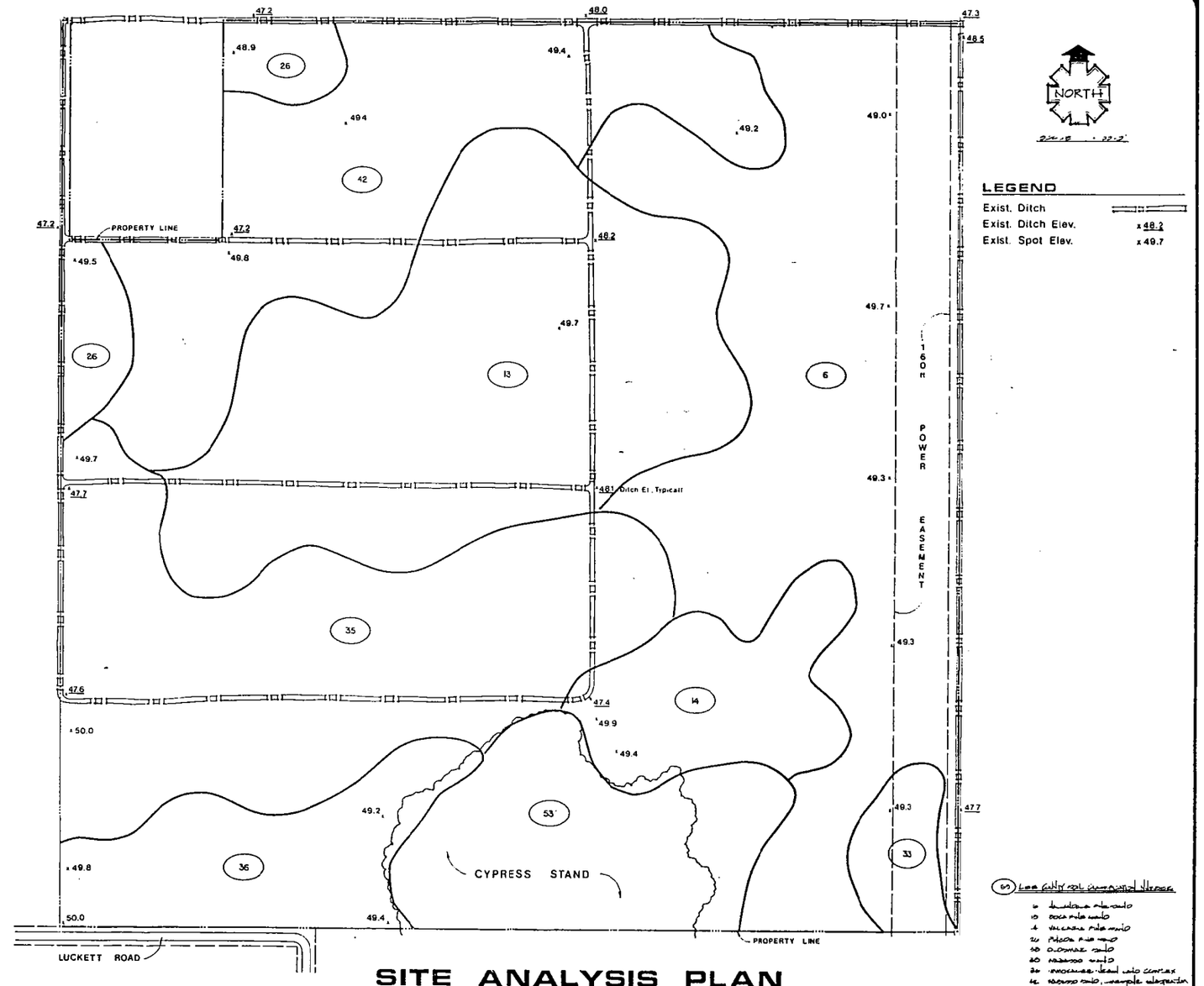
SITE LOCATION MAP

7-4-11 OCI
Z-87-075

SHEET

OFF REC 1921 PG 4501

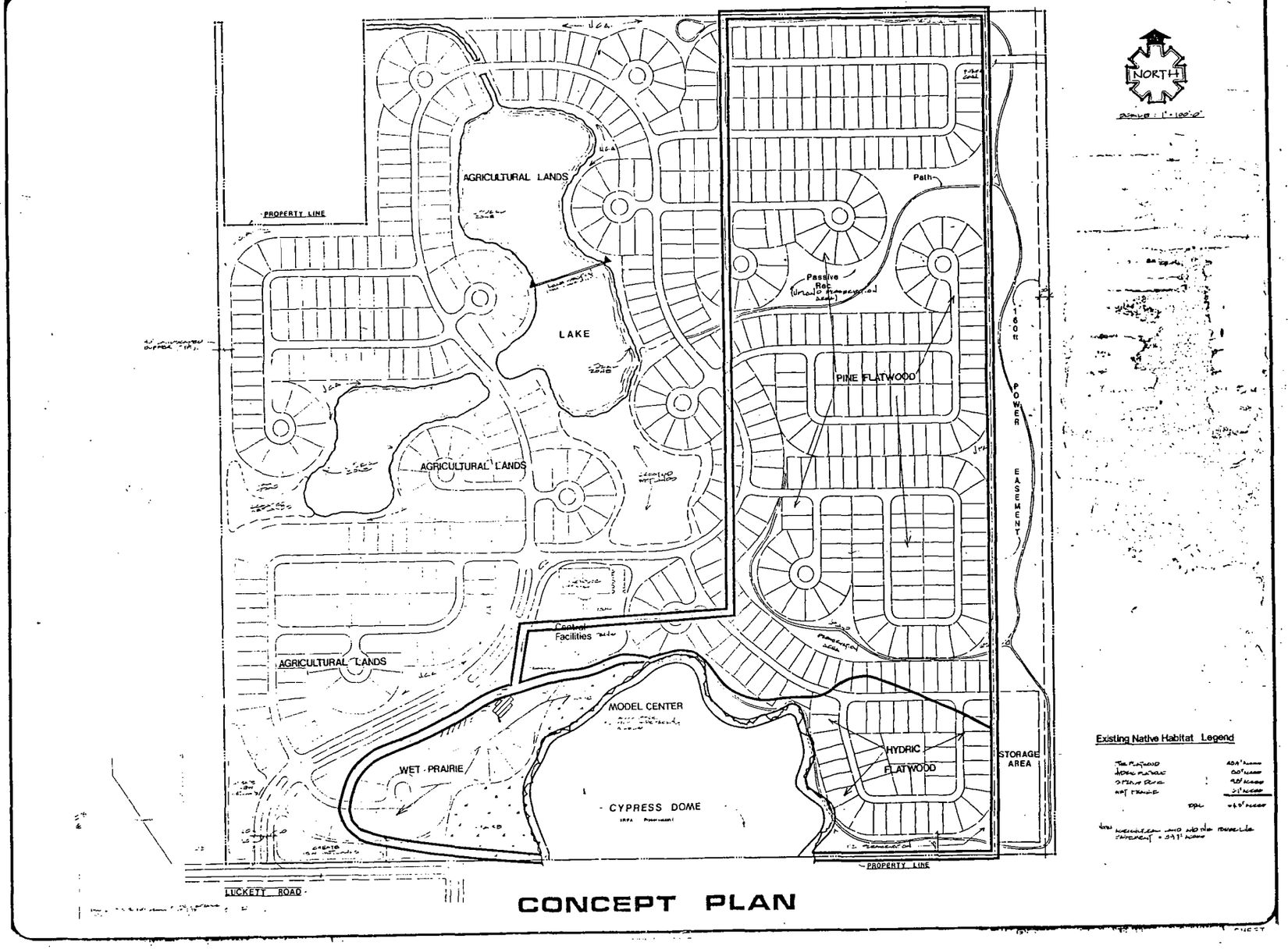
CYPRESS WOODS



SITE ANALYSIS PLAN

OWNER DEVELOPER ENGINEER PLANNER SHEET

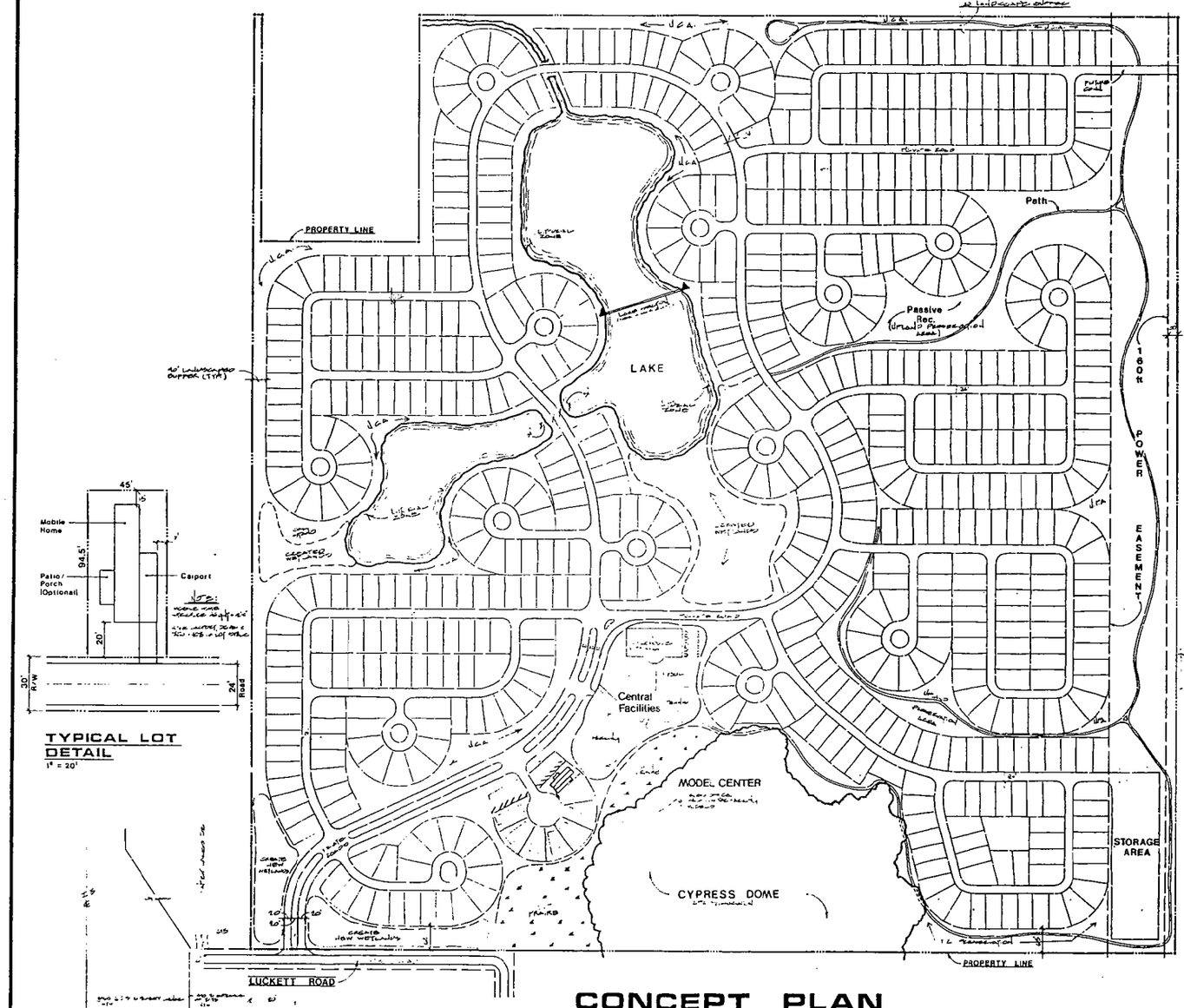
CYPRESS WOODS



CONCEPT PLAN

OFF REC 1921 PG 4503

CYPRESS WOODS



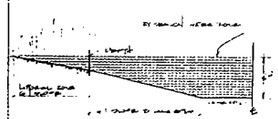
STATISTICS

Total Area of Site	– 154 Ac.
No. of Lots	– 657
Gross Density	– 4.33/Ac.

OPEN SPACE ANALYSIS

Cypress Stand	– 9.8 Ac.
Power Line Easement	– 7.94 Ac.
Central Building Area	– 3.25 Ac.
Lake Area	– 9.87 Ac.
Buffers	– 3.22 Ac.
Misc. Open Area	– 8.16 Ac.
Littorial Zone	– 2.0 Ac.
Wet Prairie	– 2.6 Ac.
Created Wet Prairies	– 5.1 Ac.
Total Open Area	– 51.94 Ac.
% of Site	– 33.7

TYPICAL LOT DETAIL
1" = 20'



LAKE SECTION (half)

CONCEPT PLAN

87-V-110U
Z-87-075

JUN 10 8 55 AM '87
CLERK CIRCUIT COURT
LEE COUNTY FLA
RECORDED AND RECORD VERIFIED

RESOLUTION NUMBER ZAB-84-31

RESOLUTION OF THE BOARD OF COUNTY COMMISSIONERS

OF LEE COUNTY, FLORIDA

WHEREAS, Luckett Road RV Park, has properly filed an application for: In the AG district: a) District boundary change to PUD, and b) Unusual use for a gate house (security) (Sec. 500.10) on a piece of property located at Luckett Road, described more particularly as;

Section 11, Township 44 South, Range 25 East, Lee County, Florida.

A portion of the southwest one-quarter of Section 11, Township 44 South, Range 25 East, Lee County, Florida, more particularly described as follows:

The southwest one-quarter of Section 11, Township 44 South, Range 25 East, LESS and excepting therefrom the following described parcel of land:

A parcel of land in the southwest one quarter of Section 11, Township 44 South, Range 25 East, Lee County, Florida, more particularly described in Deed Book 58 at Page 192 of the Public Records of Lee County, Florida, as:

"Beginning at a point Twenty (20) feet East of the Northwest corner of the Southwest quarter (1/4) of Section Eleven (11), Township Forty-four (44) South, of Range Twenty-five (25) East, thence running East Twenty-seven (27) rods, thence South Six Hundred Forty (640) feet, thence West Twenty-seven (27) rods, thence North Six Hundred Forty (640) feet to the point of beginning."

The hereon described parcel of land situate, lying and being in Lee County, Florida, subject to easements and dedications of record.

WHEREAS, Dan and Barbara Ruhl, the owner(s) of the subject parcel have given proper authorization to Kenneth Jones to act as their agent, and have given him the authority to pursue this zoning action; and,

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

WHEREAS, an appeal was timely filed by an aggrieved person/the Division of Community Development; and

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

WHEREAS, the Board of County Commissioners considered the recommendation of the Staff, the Local Planning Authority, the Zoning Board, the documents on file with the County and the testimony of all interested persons,

The Board of County Commissioners after full and complete consideration of the matter does hereby make the following findings of fact:

LEGISLATIVE HISTORY: The Division of Community Development recommended approval with conditions. Those conditions are: 1) Limit the density to 5 units per acre; 2) provide a mechanism to forbid permanent residency in the park; 3) adopt any additional restrictions necessary to avoid problems typically associated with RVs; 4) approve a Declaration of Covenants which has been submitted by the developer to be modified to make the developer the primary enforcer of the covenants and to allow Lee County to take action against the developer should adequate enforcement not take place; 5) the Declaration of Covenants and restrictions as modified, and the disaster preparedness plan shall become special regulations for this P.U.D.; 6) a 40' perimeter buffer zone shall meet the requirements in Section 609.C.3 of the Lee County Zoning Regulations; 7) the location of the guard house must be approved by the County Engineer; 8) the requirement that the slopes will be no steeper 4:1" shall not be a requirement of the P.U.D.; 9) the final P.U.D. plan shall be in compliance with the Development Standards Regulations as amended and any other development regulations in effect at the time a preliminary development order or a final P.U.D. plan approval is sought. The Chairman shall sign the revised preliminary P.U.D. plan dated January 3rd, 1984. The Division of Code Enforcement noted that this project has no negative impact on area fire protection. The Division of Disaster Preparedness noted that since recreational vehicles are extremely vulnerable to hurricane force winds of 74 miles per hour and above, it is recommended that (1) all residents seek shelter in a permanent on-site structure; (2) taking into account the occupancy rate of residents and/or guests in recreational vehicle parks and their lack of knowledge in the preparation for hurricanes, events to which Lee County is vulnerable, it is recommended that the management of said RV Park prepare a Disaster Preparedness Plan and implement the plan when appropriate, and (3) the Lee County Disaster Preparedness Agency can provide assistance in the development of a Disaster Preparedness Plan for RV Parks, upon a request by the owners. The Soil Conservation Service noted that Soil Type #53 is a depressional soil and is subject to ponding conditions. If this site is developed, soil type #53 should be avoided. If the remaining area is to be developed, a good drainage system will be needed to overcome the water problems that may exist. The Zoning Board recommended that the Board of County Commissioners grant preliminary P.U.D. plan approval subject to the Staff recommendations. The Board of County Commissioners reviewed the recom-

to any request for final P.U.D. plan approval, or a preliminary Development Order submitted to protect the wetland area. (4) The parcel shall either connect to the East Lee County Sewer System or find some other sewer service off-site. (5) There shall be a year round professional management system for the park. (6) The park shall be built in phases and if the developer, manager, or association does not comply with the mandates of this plan approval in the first phase and the preceding phases, there shall be no granting of any right, authority or ability to proceed with, occupy, or in any way further plans for subsequent phases of the park. (7) The declaration of restrictive covenants shall be modified to make the developer or the Association the primary enforcer of the covenant and to allow Lee County to take action against the developer or the Association should adequate enforcement not take place. (8) The declaration of covenants and restrictions as modified and the Disaster Preparedness Plan shall become permanent special regulations for this P.U.D. Said documents are attached hereto and incorporated herein and are made a part of this resolution and are just as enforceable as mandates of this approval as if stated herein. (9) There shall be a 40 foot perimeter buffer zone which shall meet the requirements of Sec. 609.C.3 of the Lee County Zoning Regulations. (10) The location of the guard house shall be approved by the County Engineer. (11) There shall be no requirement for the developer to seek a variance from the requirement that slopes be no steeper than 4:1. (12) The final P.U.D. plan shall be in compliance with the Development Standards Regulations as amended and any other development regulations that may be in effect at the time a preliminary development order and/or final P.U.D. plan approval is sought. (13) A preliminary development order shall be applied for concurrently with the application for final P.U.D. plan approval. (14) The Chairman shall sign the revised preliminary P.U.D. plan that is dated January 3rd. 1984. Said plans are noted as S.P. #84-31 and are attached hereto and incorporated herein and made a

Porter J. Goss	Nay
Roland Eastwood	Nay
Roland Roberts	Aye
Bill Fussell	Aye
Melvin Morgan	Aye

DULY PASSED AND ADOPTED this 12th day of March, A.D., 1984.

ATTEST:
SAL GERACI, CLERK

BY: Lois Kurtz
Deputy Clerk

BOARD OF COUNTY COMMISSIONERS
OF LEE COUNTY, FLORIDA

BY: R. W. Eastwood
Chairman

Approved as to form by:

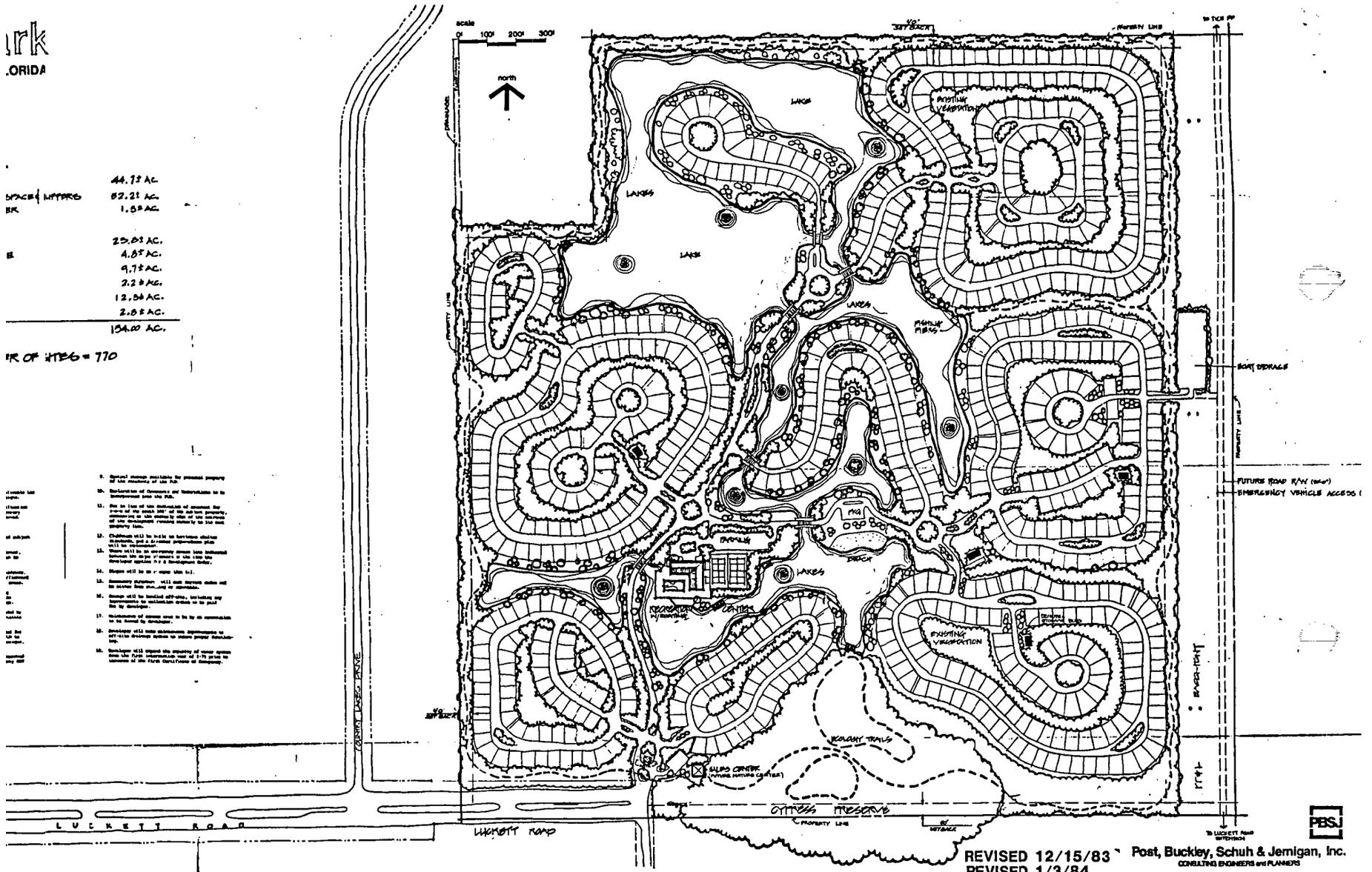
David M. Jones
County Attorney

ırk

.ORIDA

	44.7± AC.
SPACE & WATERS	82.2± AC.
ER	1.5± AC.
	25.0± AC.
E	4.8± AC.
	9.7± AC.
	2.2± AC.
	12.5± AC.
	2.0± AC.
	184.00 AC.

ER OF UNITS = 770



REVISED 12/15/83
REVISED 1/3/84

Post, Buckley, Schuh & Jernigan, Inc.
CONSULTING ENGINEERS and PLANNERS

mms 3/12/84

Attachment V

Summary of Hearing Examiner Recommendation

CORRADI RV AND BOAT STORAGE

Request:	Rezone from Commercial Planned Development (CPD) to CPD to retain five approved development designs and intensities and add a sixth alternative consisting of 149,140 square feet of mini-warehouse/open storage and 2,500 square feet of office and caretaker's residence
Location:	11170 and 11190 Palm Beach Boulevard Fort Myers Shores Planning Community (District 5)
Size:	9.234 Acres
Recommendation:	Approve with conditions
Deviations:	1 requested, but Hearing Examiner does not recommend approval as request did not meet criteria; 1 new suggested
Conditions of Note:	Perimeter buildings must be constructed in the first phase; Master Concept Plan must be revised if recommended deviation is adopted
Public Concerns:	None

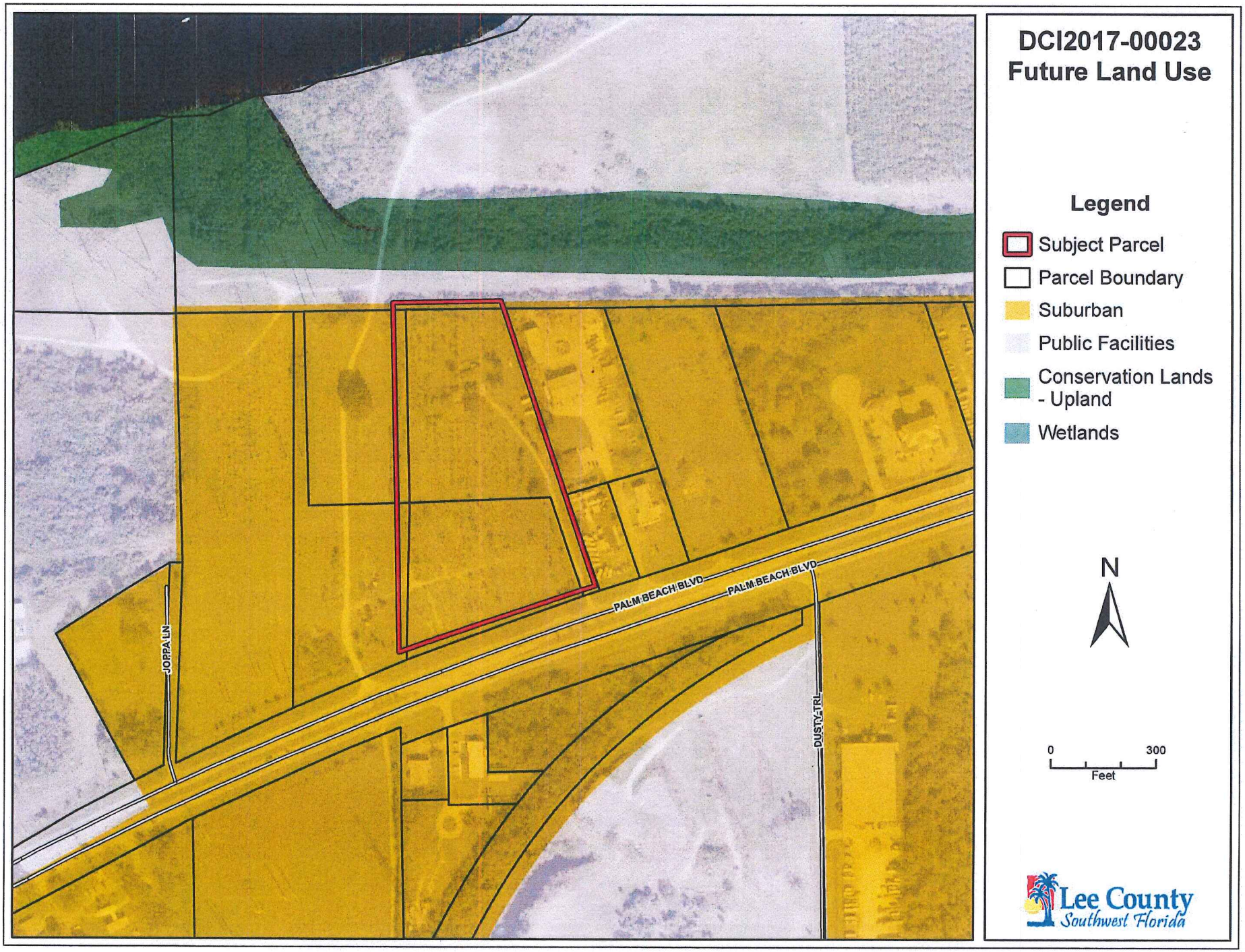
Hearing Examiner Remarks:

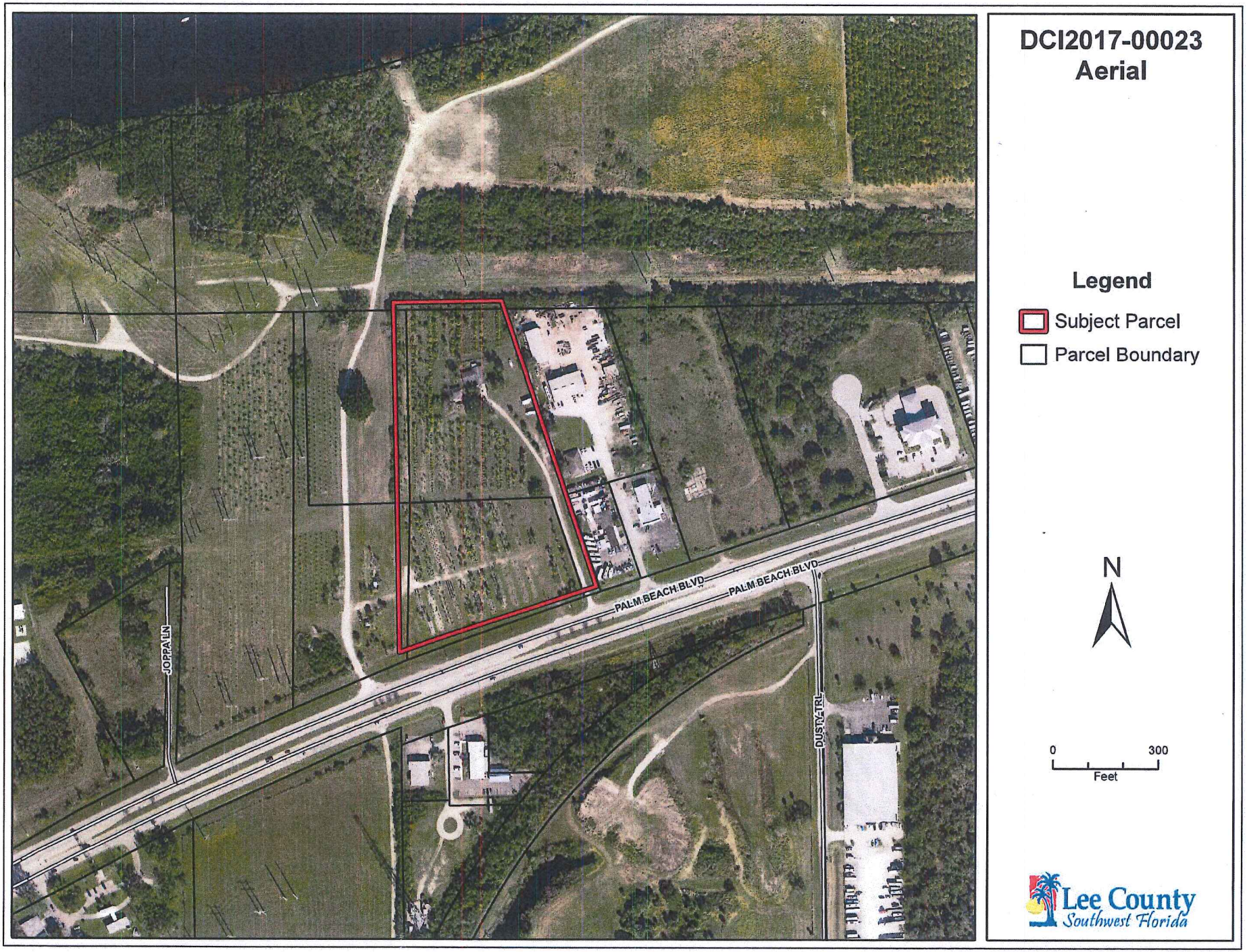
The proposed rezoning will increase commercial opportunities along S.R. 80 to serve the needs of the Caloosahatchee Shores Community and surrounding areas. This is directly supported in the Lee Plan.

The Applicant seeks to deviate from architectural standards for building facades. While the LDC purports to allow such deviations through the development order process, the Lee Plan requires the application of variance criteria for deviations from architectural standards in the Caloosahatchee Shores Community. The Hearing Examiner must follow Lee Plan directives in this regard. The deviation request does not satisfy LDC variance criteria. Accordingly, the Hearing Examiner recommends denial of the deviation request.

The proposed project requires secure boundaries, and the nature of adjacent parcels does not support an interconnection. For these reasons, the Hearing Examiner recommends a deviation for interconnection with adjoining properties for the proposed sixth Master Concept Plan.

Detailed recommendation follows


DCI2017-00023
Future Land Use
Legend
Subject Parcel
Parcel Boundary
Suburban
Public Facilities
Conservation Lands - Upland
Wetlands
PALM BEACH BLVD
PALM BEACH BLVD
JOPPA LN
DUSTY TRL
N
0
300
Feet
Lee County
Southwest Florida



DCI2017-00023
Aerial

Legend

- Subject Parcel
- Parcel Boundary

N

0 300
Feet

Lee County
Southwest Florida

OFFICE OF THE HEARING EXAMINER, LEE COUNTY, FLORIDA

HEARING EXAMINER RECOMMENDATION

REZONING: DCI2017-00023

Regarding: **CORRADI RV AND BOAT STORAGE**

Location: 11170 and 11190 Palm Beach Boulevard

Fort Myers Shores Planning Community
(District 5)

Hearing Date: July 25, 2018
Continued Date: October 3, 2018
Record Closed: October 5, 2018

I. Request:

Rezone 9.234 acres from Commercial Planned Development (CPD) to CPD on the property legally described in Exhibit A.

The property previously received CPD approval with flexibility to develop under any of five Master Concept Plans (MCP) with varying intensities.[1] The Applicant now seeks to add a sixth development alternative consisting of 149,140 square feet of mini-warehouse/open storage and 2,500 square feet of office and caretaker's residence, while retaining all of the previous approvals.

II. Hearing Examiner Recommendation:

Approval, subject to the conditions and deviation set forth in Exhibit B.

III. Discussion:

The Hearing Examiner serves in an advisory capacity to the Board of County Commissioners (Board) on applications to rezone property.[2] In satisfaction of this duty, the Hearing Examiner accepted testimony and evidence on the application to amend an existing MPD.

In preparing a recommendation to the Board, the Hearing Examiner must consider the Lee County Comprehensive Plan (Lee Plan), the Land Development Code (LDC), and other applicable County regulations to the facts presented in a rezoning request.[3] Specifically, the Hearing Examiner must find that the request is compatible with surrounding uses and complies with Lee Plan and LDC requirements relating to such items as transportation facilities, natural resources, and urban services.[4] The Hearing

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[1] Zoning Resolution Z-07-024.
[2] LDC 34-145(d)(1)(a) & (2)(a).
[3] LDC 34-145(d)(3).
[4] LDC 34-145(d)(4).

Examiner may take judicial notice of previous Board decisions in the context of reviewing zoning requests and preparing recommendations to the Board. The Hearing Examiner's recommendation must be based on competent and substantial evidence.[5]

Request Summary

The property has existing CPD approval for various intensities over five alternative MCPs. The Applicant seeks to rezone the CPD to add a sixth alternative site plan for "rentable" space with a small office and caretaker's residence.[6] No significant changes have occurred since original zoning approval to affect approval of the first five MCPs. Maintaining planned development zoning is appropriate because it offers flexibility in project design while implementing the goals, objectives, and policies of the Lee Plan.[7]

The project proposes leasable storage for large vehicles such as RVs and boats. It is a concept rather unique to the County as it is "covered" storage but not necessarily "enclosed." The closest LDC definition for this use is "open storage" although that term generally denotes visible outdoor storage.[8] In this case, the Applicant proposes to construct buildings with roofs and sides, but individual bays within the structure will be open.[9] This allows renters to navigate large vehicles into their leased bay without struggling with a door.

Due to this unique design, Applicant expressed security is extremely important.[10] The project will be gated and a caretaker will reside on the property to guard against theft. Without these measures, Applicant believes the project is not viable since prospective renters will not risk placing valuable vehicles in an open concept where outsiders could access their stored vehicles.[11]

Exterior structures will be constructed first to protect the project interior. These exterior structures serve as a walled barrier. An actual wall will be erected where the buildings do not touch to fully secure the site (i.e. the corners). Internal structures will also house rentable bays. One internal structure is reserved for a potential mini-warehouse should renters wish to store smaller items on the same property as their large vehicles.

The Department of Community Development staff recommended approval with conditions.[12] The Applicant sought one deviation, for which staff recommended denial.[13]

Lee Plan Consistency

All planned developments must be consistent with the Lee Plan.[14]

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[5] Lee Co. Admin. Code 2-6, 3.3(A)(2); LDC 34-83(a)(4)(a)(1)(a).
[6] The purpose and intent of a CPD is explained in LDC 34-931(e). "Rentable space" will be in the form of mini-warehouse and open storage.
[7] Lee Plan Glossary; LDC 34-612(2); 34-935.
[8] LDC 34-2.
[9] Testimony of Matt Noble.
[10] Testimony of Michael Corradi.
[11] *Id.*
[12] *See* Staff Report.
[13] *Id.*
[14] LDC 34-411(a).

The property is designated Suburban and lies within the Caloosahatchee Shores Planning Community.[15] Caloosahatchee Shores encourages commercial opportunities on properties adjacent to S.R. 80 to service the needs of the community and the surrounding area.[16] Applicant demonstrated this type of facility at this location will draw renters from the immediate area as well as the general vicinity.[17] The request achieves this Planning Community objective by facilitating new commercial development along Palm Beach Boulevard.

The request is consistent with the Lee Plan with the exception of the deviation request. The deviation seeks to relieve Applicant of compliance with enhanced architectural standards applicable to Caloosahatchee Shores properties.[18] Staff recommended denial of this deviation.

The Applicant seeks one deviation from the LDC to avoid architectural enhancements for the entirety of the project exterior. A "deviation" is a departure from the land development regulations.[19] Generally, an Applicant must demonstrate a requested deviation will enhance objectives of the planned development and will not cause a detriment to public interests.[20] However, the Lee Plan mandates that deviations from landscaping, buffering, signage or architectural requirements within Caloosahatchee Shores may not be granted *unless the request meets the approval criteria for variances set forth in the LDC.*[21] This Policy discourages variances in favor of enforcing the community's adopted design standards.

The standard of review for variances requires a finding that:

A. There are exceptional conditions inherent to the property which make a variance from the standards set forth in the LDC appropriate;

B. The exceptional conditions are not the result of actions taken by the Applicant subsequent to the adoption of the LDC;

C. The variance is the minimum variance that relieves the Applicant of the unreasonable burden caused by application of the LDC to the property;

D. Granting the variance will not be injurious to the neighborhood or detrimental to the public welfare; and

E. The variance is consistent with the Lee Plan.

The Caloosahatchee Shores Planning Community adopted specific development standards in both the Lee Plan and LDC.[22] Great emphasis is placed on aesthetics in this

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[15] Lee Plan Map 1 (pg 8), Map 16; LDC 33-1480 *et seq.*
[16] Lee Plan Objective 21.2.
[17] Applicant's Ex. 6.
[18] Architectural design of all commercial buildings within the Caloosahatchee Shores Planning Community *must* comply with this subdivision. LDC 33-1495. *See* LDC 33-1498, 10-620(c).
[19] LDC 34-2.
[20] LDC 34-373(a)(9).
[21] Lee Plan Policy 21.1.2.
[22] Lee Plan Goal 21; LDC 33-1480 *et. seq.*

community.[23] Façade treatments are required for buildings to be visually appealing from all directions.[24]

Applicant asserted the trapezoidal shape and depth of the property are exceptional circumstances creating a hardship to comply with façade requirements.[25] Staff did not agree these characteristics are exceptional for properties in this area.[26] Staff further argued Applicant created any alleged hardship by choosing a project design with a substantial number of buildings.[27]

Applicant testified that the extensive length of the external structures renders compliance with these standards economically infeasible.[28] It argued the intent of the regulation would still be met if it satisfied architectural requirements only for the first 100 feet of the buildings along property boundaries that do not front Palm Beach Boulevard.[29] In other words, Applicant would comply with architectural requirements for buildings along Palm Beach Boulevard. For all other buildings, Applicant would only comply with façade treatments for 100 feet measured from Palm Beach Boulevard. Since the LDC requires façade treatments for all buildings, Applicant must obtain a deviation.

While the Applicant has admirably designed the project to be aesthetically pleasing, Applicant did not present sufficient evidence to meet the strict variance criteria to support this deviation request.[30] Variance criteria demands that the requested relief be the minimum required to relieve Applicant of a hardship.[31] No evidence has been provided to support Applicant's position that satisfying requirements for only 100 feet is the minimum needed for relief.[32] Indeed, there are five other approved ways to develop this property without the need for a variance. Applicant grounds its argument on three points: (1) extensive cost of meeting architectural requirements for the entirety of the buildings; (2) public traveling along Palm Beach Boulevard would not notice the appearance of buildings past 100 feet, based on Applicant's estimation; and (3) tower elements in its design plan would attract the view of those traveling along Palm Beach Boulevard.[33] Applicant also cited enhanced landscaping as a means to buffer view of buildings.[34]

The Hearing Examiner acknowledges Applicant's efforts to beautify the project and enhance Palm Beach Boulevard. Illustrations reflect an Old Florida style design.[35] However, the requested deviation does not meet variance criteria required by the Lee Plan in the Caloosahatchee Shores Community.[36] Accordingly, the Hearing Examiner must recommend denial of the deviation request.[37]

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[23] Lee Plan Goal 21, Objectives 21.1, 21.2; LDC 33-1495, 33-1496, 33-1498.
[24] LDC 34-1498; 10-620(c).
[25] Testimony of Matt Noble.
[26] Testimony of Chip Block.
[27] *See* Staff Report (pg 5).
[28] Testimony of Matt Noble and Michael Corradi.
[29] *Id.*
[30] Lee Plan Policy 21.1.2; LDC 34-145.
[31] LDC 34-145.
[32] Testimony of Michael Corradi.
[33] Testimony of Matt Noble and Michael Corradi.
[34] Testimony of Michael Corradi and Matthew Kragh.
[35] Applicant's Ex. 1 (slides 42-46).
[36] Lee Plan Policy 21.1.2.
[37] Should the community wish to relax these requirements, they could do so through a Lee Plan amendment.

The plain language of the Lee Plan requires variance review for architectural deviations,[38] the LDC does not. The LDC provides an applicant could seek such a deviation through the development order process.[39] The Hearing Examiner is bound by the Lee Plan and must evaluate the request in light of its provisions.

Compatibility and Buffering

Requests for rezoning must be compatible with existing or planned uses in the surrounding area.[40] Planned development parcels must be located to minimize the negative effects of the proposed uses on neighboring properties.[41]

The proposal envisions development consistent with existing and planned uses in the area.[42] Surrounding properties host a variety of commercial and industrial uses. The property immediately north and west of the site is owned by FPL to support its power plant and associated electrical facilities.[43] Properties east of the site house a heavy construction facility and automotive commercial operation.[44]

The proposed site design provides buffering along all property boundaries to mitigate potential impacts to adjoining lands.[45] Proposed conditions seek to minimize long-term impacts and satisfy public safety concerns. The first five alternative MCPs require a perimeter setback of 20 feet.[46] Discussion at hearing indicated significant area is required for large vehicles to maneuver which does not allow for this increased setback for the sixth proposed MCP.[47] The Hearing Examiner agrees and has modified the condition to specify this perimeter setback does not apply to the sixth MCP.

Transportation Facilities/Traffic

Planned developments must have access to existing or proposed roads with sufficient capacity to support the proposed intensity.[48] Expected impacts on transportation facilities resulting from the rezoning must be addressed by existing regulations or conditions of approval.[49]

The property fronts Palm Beach Boulevard (S.R. 80), a State-maintained arterial road.[50] The project will have a single access point on Palm Beach Boulevard under all six alternative MCPs.[51] Site-related improvements are generally addressed during the development order process.[52]

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[38] Lee Plan Policy 21.1.2.
[39] LDC 33-1484.
[40] LDC 34-145(d)(4)(a).
[41] LDC 34-411(c) and (i).
[42] Lee Plan Glossary and Policies 6.1.3, 6.1.4; LDC 34-2, 34-931(e).
[43] Staff Report Attachment E, Letter from Mark L. Byers, FPL.
[44] Testimony of Michael Corradi, Lloyd Hatch, and Keith Dean.
[45] *See* Staff Report, Attachment I: Memorandum from Beth Workman, Environmental Planner, dated September 4, 2018; Attachment C: Master Concept Plan.
[46] *See* Proposed Condition 2(b); Z-07-024.
[47] Testimony of Matt Noble and Chip Block.
[48] LDC 34-145(d)(4)(a)(1)(d); 34-411(d)(1).
[49] LDC 34-145(d)(4)(a)(1)(e); 34-411(d)(2).
[50] *See* Staff Report Attachment H: Infrastructure Planning Memo dated May 16, 2018.
[51] Staff Report (pg 8).
[52] Lee Plan Objective 39.1, Policy 39.1.1.

The site is a suitable location for commercial development given its placement along an arterial road in Caloosahatchee Shores.

The issue of interconnection with adjoining commercial properties was heavily discussed at hearing. The proposed sixth MCP shows future interconnections to both the east and west.[53] However, these points are problematic as they go through proposed buildings. Applicant proposed a condition stating if at any time an interconnection is deemed necessary, it would construct and fund the required connection. This is contrary to LDC requirements, which provide the adjoining property owner is responsible for constructing the connection.[54] Staff did not support this proposed condition, desiring instead to allow general LDC requirements to apply.[55]

After careful consideration, the Hearing Examiner recommends a deviation granting relief to remove an interconnection requirement for the sixth MCP. This recommendation is based on two important considerations. First, the Applicant provided significant testimony evidencing the need to secure the site.[56] Since large vehicles are exposed within the project, renters would understandably demand a secure exterior. Second, the nature of the adjoining commercial properties require that they remain secure as well. Both FPL and the eastern property owner expressed the need for their sites to remain secure, and opposed interconnectivity.[57] If this deviation is granted, the proposed sixth MCP must be revised.

Environmental/Natural Resources

Planned development design should reflect creative use of the open space requirement.[58] Every effort must be made to protect, preserve or not unnecessarily destroy or alter natural features of the site.[59]

The project meets LDC open space requirements.[60] There are no environmental conditions or natural resources of significance affecting the property.

Urban Services

Properties proposed for rezoning must be served by urban services if located in a Future Urban category.[61] Evidence and testimony confirm the availability of urban services and infrastructure to serve the site including public water and sanitary sewer, roadways, public transit, and emergency services.[62]

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[53] *See* Staff Report Attachment C: MCP.
[54] LDC 10-295.
[55] Testimony of Chip Block.
[56] Testimony of Michael Corradi and Matt Noble.
[57] Staff Report Attachment E: Letter from Mark L. Byers, FPL, dated August 10, 2018; Attachment E: Letter from Milford Motors of SWFL, Inc. dated August 20, 2018; Attachment E: Letter from Stevens & Layton, Inc. dated August 6, 2018.
[58] LDC 34-411(h).
[59] LDC 34-411(g).
[60] *See* Staff Report (pg. 9).
[61] LDC 34-145(d)(4)(a)(1)(g).
[62] *See* Staff Report (pg 9).

The site is ideally located for commercial use given its proximity to urban services and infrastructure.[63] The Applicant will construct a sidewalk to provide pedestrian connectivity to a proposed public transit facility.[64]

Deviations

As discussed in the Lee Plan Consistency section, the Hearing Examiner recommends denial of Applicant's request to deviate from architectural standards.

However, as discussed in the Traffic section, the Hearing Examiner recommends approval of a deviation from the LDC interconnection requirement for the sixth MCP. Approving this deviation will enhance the goals of the CPD by providing a secure environment, and will not present any public health, safety, or welfare concerns.[65]

Conditions

Conditions may be applied to planned developments to address unique aspects of the property in the protection of a bona fide public interest.[66] This CPD will be subject to conditions of approval. The proposed conditions reasonably relate to the impacts anticipated from this development.[67]

The staff report reflects 12 conditions. The Hearing Examiner modified conditions for ease of clarity and to facilitate execution and enforcement.[68]

Public Participation

No members of the public attended the hearing.

IV. Findings and Conclusions:

Based on the testimony and exhibits presented, the Hearing Examiner recommends approval of the Commercial Planned Development zoning district, with conditions, and makes the following findings and conclusions:

A. The requested amendment to the CPD complies with the Lee Plan. *See* Lee Plan Goals 2, 4, 6, and 21; Objectives 2.1, 2.2, 17.3, 21.2, and Policies 1.1.5, 1.7.6, 2.1.1, 2.2.1, 4.1.1, 4.1.2, 6.1.4, 6.1.7; Lee Plan Vision Statement Paragraph 4, Map 1, Map 16, Table 1(b);

[63] Lee Plan Objectives 2.1, 2.2, Policies 2.2.1, 2.2.2, 6.1.7.
[64] See Staff Report, Attachment C: MCP.
[65] LDC 34-373(a)(9).
[66] LDC 34-932(b) provides conditions may be applied to address unique aspects of the parcel to protect a bona fide public interest. LDC 34-936(a) requires conditions of approval in the zoning resolution be incorporated into covenants, restrictions and rules of operation binding on the developer, his successors and heirs, tenants-in-fee or leasehold.
[67] LDC 34-932(c); LDC 34-83(a)(4)(a)(3)(b).
[68] LDC 34-145(d)(6)(a).

B. As conditioned, the CPD zoning designation:

1) Will meet the standards set forth in the LDC and other applicable County regulations. *See* Lee Plan Goals 2, 4, 6, 21; Objectives 2.1, 2.2, 21.2 and Policies 2.1.1, 6.1.1, 21.1.2; LDC 34-411 *et seq.*, 33-1480 *et seq.;*

2) Is compatible with existing and planned uses in the surrounding area. *See* Lee Plan Objectives 2.1, 2.2, and Policies 1.7.6, 2.1.1, 6.1.4; and LDC 34-411(i);

3) Will not adversely affect environmentally critical or sensitive areas or natural resources. *See* Lee Plan Goal 21; LDC 34-411(h);

4) Will be served by urban services including public water and sewer, paved streets, and public transit. *See* Lee Plan Objectives 2.1, 2.2, and 4.1; Policies 2.2.1, 6.1.4; and Standards 4.1.1, 4.1.2;

5) Will provide sufficient access to support the proposed development intensity. *See* Lee Plan Policies 6.1.1, 39.2.1; and LDC 34-411(d);

6) The expected impacts on transportation facilities will be addressed by existing County regulations and conditions of approval. *See* LDC 34-411(d)-(e);

7) The proposed uses are appropriate at the proposed location. *See* Lee Plan Policies 2.1.1, 2.2.2, 6.1.4, 6.1.7; and LDC 34-411(j);

8) The recommended conditions provide sufficient safeguards to the public interest and are reasonably related to the impacts on the public's interest expected from the proposed development. *See* LDC 34-932 (b-c); 34-83(a)(4)(a)(3); and

9) The deviations, as conditioned:

a) Enhance the objectives of the planned development; and

b) Preserve and promote the general intent of the LDC to protect the public health, safety and welfare.

Date of Recommendation: February 26, 2019.

Amanda L. Rivera
Deputy Hearing Examiner

Office of the Lee County Hearing Examiner
1500 Monroe Street, Suite 218
Post Office Box 398
Fort Myers, FL 33902-0398

Exhibits to Hearing Examiner's Recommendation

Exhibit A Legal Description and Vicinity Map
Exhibit B Recommended Conditions and Deviations
Exhibit C Exhibits Presented at Hearing
Exhibit D Hearing Participants
Exhibit E Information

Exhibit A

LEGAL DESCRIPTION AND VICINITY MAP

EXHIBIT A

Dagostino & Wood, Inc.

A PARCEL OF LAND LYING IN SECTION 36, TOWNSHIP 43 SOUTH, RANGE 25 EAST, LEE COUNTY, FLORIDA BEING PARCELS "A" AND "B" AS DESCRIBED IN OFFICIAL RECORDS BOOK 4431, PAGES 3540-3542 OF THE PUBLIC RECORDS OF LEE COUNTY FLORIDA; SAID PARCEL BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AT THE NORTHWEST CORNER OF SAID SECTION 36, TOWNSHIP 43 SOUTH, RANGE 25 EAST, LEE COUNTY, FLORIDA FOR A POINT OF REFERENCE; THENCE NORTH 89°05'26" EAST, ALONG THE NORTH LINE OF SAID SECTION 36, 629.88 FEET TO THE POINT OF BEGINNING OF THE PARCEL HEREIN DESCRIBED; THENCE CONTINUE NORTH 89°05'26" EAST, ALONG SAID NORTH LINE OF SECTION 36, 306.58 FEET; THENCE SOUTH 18°19'32" EAST 853.81 FEET TO THE NORTHERLY RIGHT-OF-WAY LINE OF PALM BEACH BOULEVARD (STATE ROAD NO. 80); THENCE SOUTH 71°35'43" WEST, ALONG SAID NORTHERLY RIGHT-OF-WAY LINE, 409.42 FEET TO THE POINT OF CURVATURE OF A CIRCULAR CURVE CONCAVE TO THE SOUTHEAST; THENCE 177.47 FEET ALONG THE ARC OF SAID CURVE HAVING A RADIUS OF 5804.58 FEET, A CENTRAL ANGLE OF 01°45'06", AND BEING SUBTENDED BY A CHORD WHICH BEARS SOUTH 70°44'17" WEST 177.46 FEET; THENCE LEAVING SAID RIGHT-OF-WAY LINE NORTH 01°05'40" WEST, PARALLEL WITH THE WEST LINE OF SECTION 36, 993.63 FEET TO THE POINT OF BEGINNING.

CONTAINING 9.234 ACRES MORE OR LESS.

SUBJECT TO EASEMENTS, RESTRICTIONS AND RESERVATIONS OF RECORD.

BEARINGS ARE GRID BEARINGS BASED ON THE FLORIDA STATE PLANE COORDINATE SYSTEM, WEST ZONE, REFERENCING THE NORTH AMERICAN DATUM OF 1986, 1999 ADJUSTMENT (NAD 83/99).

PREPARED BY:

Applicant's Legal Checked by JCM 3APR 2018

DAVID S. DAGOSTINO, PSM
FL REG. NO. 5762

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COMMUNITY DEVELOPMENT

COUNTY REF NO, DCI2006-00079

DCI 2017-00023

610 18TH Avenue NE Naples, FL 34120
Phone-(239)352-6085 Fax-(239)352-6095

SKETCH & DESCRIPTION
OF A PORTION OF THE NORTHWEST 1/4 OF SECTION 36
TOWNSHIP 43 SOUTH, RANGE 25 EAST, LEE COUNTY, FLORIDA

LEGEND

- ⊙ = FOUND 1/2" REBAR – NO IDENTIFICATION
- ● = SET 5/8" REBAR AND CAP – "D&W INC LB 6896"
- ◉ = SET 5/8" REBAR AND CAP – "WIT COR LB 6896"
- ⊡ = FOUND 4"x4" CONCRETE MONUMENT – NO IDENTIFICATION
- ■ = FOUND 3"x3" CONCRETE MONUMENT – NO IDENTIFICATION

LEGAL DESCRIPTION

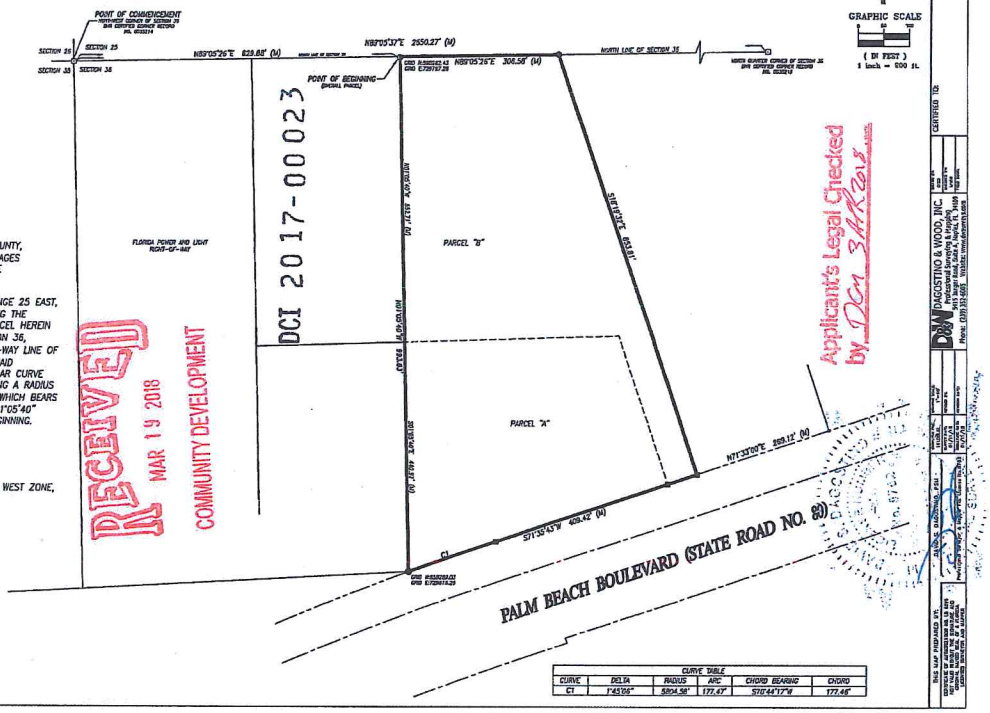
A PARCEL OF LAND LYING IN SECTION 36, TOWNSHIP 43 SOUTH, RANGE 25 EAST, LEE COUNTY, FLORIDA BEING PARCELS "A" AND "B" AS DESCRIBED IN OFFICIAL RECORDS BOOK 4431, PAGES 3540–3542 OF THE PUBLIC RECORDS OF LEE COUNTY FLORIDA; SAID PARCEL BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AT THE NORTHWEST CORNER OF SAID SECTION 36, TOWNSHIP 43 SOUTH, RANGE 25 EAST, LEE COUNTY, FLORIDA FOR A POINT OF REFERENCE; THENCE NORTH 89°05'26" EAST, ALONG THE NORTH LINE OF SAID SECTION 36, 629.88 FEET TO THE POINT OF BEGINNING OF THE PARCEL HEREIN DESCRIBED; THENCE CONTINUE NORTH 89°05'26" EAST, ALONG SAID NORTH LINE OF SECTION 36, 306.58 FEET; THENCE SOUTH 18°19'32" EAST 853.81 FEET TO THE NORTHERLY RIGHT-OF-WAY LINE OF PALM BEACH BOULEVARD (STATE ROAD NO. 80); THENCE SOUTH 71°35'43" WEST, ALONG SAID NORTHERLY RIGHT-OF-WAY LINE, 409.42 FEET TO THE POINT OF CURVATURE OF A CIRCULAR CURVE CONCAVE TO THE SOUTHEAST; THENCE 177.47 FEET ALONG THE ARC OF SAID CURVE HAVING A RADIUS OF 5804.58 FEET, A CENTRAL ANGLE OF 01°45'06", AND BEING SUBTENDED BY A CHORD WHICH BEARS SOUTH 70°44'17" WEST 177.46 FEET; THENCE LEAVING SAID RIGHT-OF-WAY LINE NORTH 01°05'40" WEST, PARALLEL WITH THE WEST LINE OF SECTION 36, 993.63 FEET TO THE POINT OF BEGINNING.

CONTAINING 9.234 ACRES MORE OR LESS.

SUBJECT TO EASEMENTS, RESTRICTIONS AND RESERVATIONS OF RECORD.

BEARINGS ARE GRID BEARINGS BASED ON THE FLORIDA STATE PLANE COORDINATE SYSTEM, WEST ZONE, REFERENCING THE NORTH AMERICAN DATUM OF 1986, 1999 ADJUSTMENT (NAD 83/99).



DCI 2017-00023

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Applicant's Legal Checked by DCN 3/4/2018

CURVE TABLE					
CURVE	DELTA	RADIUS	ARC	CHORD BEARING	CHORD
C1	1°45'06"	5804.58'	177.47'	S70°44'17"W	177.46'

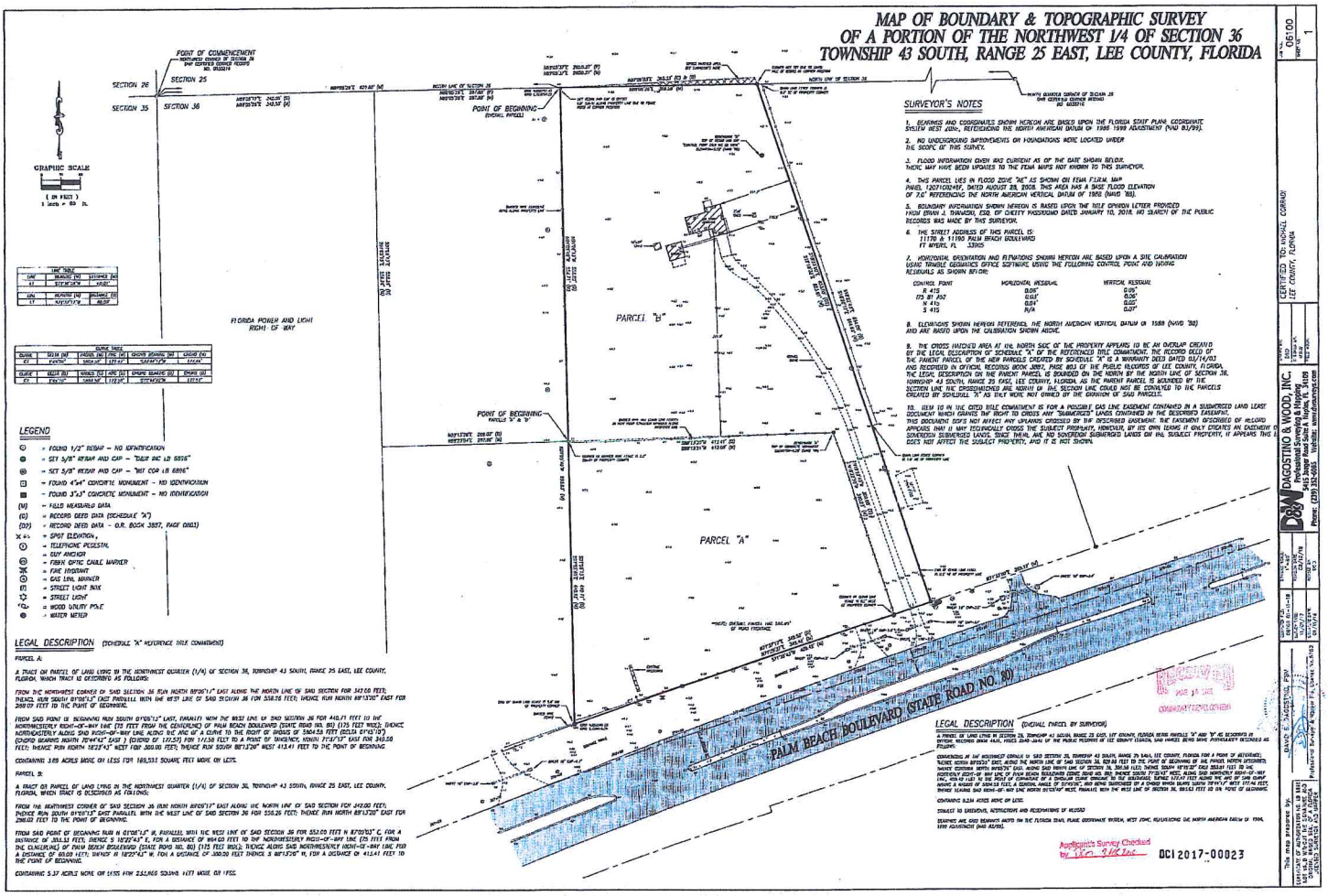
THIS IS NOT A SURVEY

DAGOSTINO & WOOD, INC.
Professional Surveying & Mapping
9415 Ridgewood, Suite A, Bonita, Florida 34135
Phone: (239) 353-6605 Website: www.dwsurvey.com

CERTIFIED TO:

16-100
1 OF 2

MAP OF BOUNDARY & TOPOGRAPHIC SURVEY OF A PORTION OF THE NORTHWEST 1/4 OF SECTION 36 TOWNSHIP 43 SOUTH, RANGE 25 EAST, LEE COUNTY, FLORIDA



LINE TABLE		
LINE	BEARING (R)	DISTANCE (R)
L1	S01°36'12"E	410.71'
LINE	BEARING (R)	DISTANCE (R)
L7	N01°51'47"W	88.00'

CURVE TABLE					
CURVE	RADIUS (R)	CHORD (R)	ARC (R)	CHORD BEARING (R)	CHORD (R)
C1	5779.58'	1283.41'	1287.41'	S83°51'12"E	1284.84'
CURVE	DELTA (R)	TANGENT (R)	ARC (R)	CHORD BEARING (R)	CHORD (R)
C1	12°45'52"	1284.98'	1287.41'	S77°28'16"E	1284.84'

LEGEND

- ⊙ = FOUND 1/2" REBAR – NO IDENTIFICATION
- ● = SET 5/8" REBAR AND CAP – "DAGI INC LB 6896"
- ⊕ = SET 5/8" REBAR AND CAP – "INT COR LB 6896"
- ⊡ = FOUND 4"x4" CONCRETE MONUMENT – NO IDENTIFICATION
- ■ = FOUND 3"x3" CONCRETE MONUMENT – NO IDENTIFICATION
- (M) = FIELD MEASURED DATA
- (C) = RECORD DEED DATA (SCHEDULE "A")
- (D2) = RECORD DEED DATA – O.R. BOOK 3897, PAGE 0801
- x 45 = SPOT ELEVATION,
- ⓣ = TELEPHONE PEDESTAL
- ⊛ = GUY ANCHOR
- ⓕ = FIBER OPTIC CABLE MARKER
- = FIRE HYDRANT
- ⊙ = GAS LINE MARKER
- = STREET LIGHT BOX
- = STREET LIGHT
- = WOOD UTILITY POLE
- = WATER METER

LEGAL DESCRIPTION (SCHEDULE "A" REFERENCE TITLE COMMITMENT)

PARCEL A:

A TRACT OR PARCEL OF LAND LYING IN THE NORTHWEST QUARTER (1/4) OF SECTION 36, TOWNSHIP 43 SOUTH, RANGE 25 EAST, LEE COUNTY, FLORIDA, WHICH TRACT IS DESCRIBED AS FOLLOWS:

FROM THE NORTHWEST CORNER OF SAID SECTION 36 RUN NORTH 89°26'17" EAST ALONG THE NORTH LINE OF SAID SECTION FOR 343.08 FEET; THENCE RUN SOUTH 01°36'12" EAST PARALLEL WITH THE WEST LINE OF SAID SECTION 36 FOR 558.26 FEET; THENCE RUN NORTH 89°13'20" EAST FOR 298.00 FEET TO THE POINT OF BEGINNING.

FROM SAID POINT OF BEGINNING RUN SOUTH 01°36'12" EAST, PARALLEL WITH THE WEST LINE OF SAID SECTION 36 FOR 410.71 FEET TO THE NORTHEASTERLY RIGHT-OF-WAY LINE (75 FEET FROM THE CENTERLINE) OF PALM BEACH BOULEVARD (STATE ROAD NO. 80) (175 FEET WIDE); THENCE NORTHEASTERLY ALONG SAID RIGHT-OF-WAY LINE ALONG THE ARC OF A CURVE TO THE RIGHT OF RADIUS OF 5804.58 FEET (DELTA 01°16'10") (CHORD BEARING NORTH 76°44'42" EAST) (CHORD OF 127.57) FOR 127.58 FEET TO A POINT OF TANGENCY; NORTH 71°13'37" EAST FOR 310.00 FEET; THENCE RUN NORTH 18°21'41" WEST FOR 300.00 FEET; THENCE RUN SOUTH 88°13'20" WEST 413.41 FEET TO THE POINT OF BEGINNING

CONTAINING 3.89 ACRES MORE OR LESS FOR 169,531 SQUARE FEET MORE OR LESS.

PARCEL B:

A TRACT OR PARCEL OF LAND LYING IN THE NORTHWEST QUARTER (1/4) OF SECTION 36, TOWNSHIP 43 SOUTH, RANGE 25 EAST, LEE COUNTY, FLORIDA, WHICH TRACT IS DESCRIBED AS FOLLOWS:

FROM THE NORTHWEST CORNER OF SAID SECTION 36 RUN NORTH 89°26'17" EAST ALONG THE NORTH LINE OF SAID SECTION FOR 343.08 FEET; THENCE RUN SOUTH 01°36'12" EAST PARALLEL WITH THE WEST LINE OF SAID SECTION 36 FOR 558.26 FEET; THENCE RUN NORTH 89°13'20" EAST FOR 298.00 FEET TO THE POINT OF BEGINNING.

FROM SAID POINT OF BEGINNING RUN N 01°36'12" W, PARALLEL WITH SAID WEST LINE OF SAID SECTION 36 FOR 552.05 FEET N 87°01'03" E, FOR A DISTANCE OF 201.53 FEET; THENCE S 18°21'41" E, FOR A DISTANCE OF 144.63 FEET TO THE NORTHWESTERLY RIGHT-OF-WAY LINE (75 FEET FROM THE CENTERLINE) OF PALM BEACH BOULEVARD (STATE ROAD NO. 80) (175 FEET WIDE); THENCE ALONG SAID NORTHWESTERLY RIGHT-OF-WAY LINE FOR A DISTANCE OF 69.00 FEET; THENCE N 18°21'41" W, FOR A DISTANCE OF 300.00 FEET THENCE S 88°13'20" W, FOR A DISTANCE OF 413.41 FEET TO THE POINT OF BEGINNING.

CONTAINING 5.37 ACRES MORE OR LESS FOR 233,905 SQUARE FEET MORE OR LESS.

SURVEYOR'S NOTES

1. BEARINGS AND COORDINATES SHOWN HEREON ARE BASED UPON THE FLORIDA STATE PLANE COORDINATE SYSTEM WEST ZONE, REFERENCING THE NORTH AMERICAN DATUM OF 1983 1999 ADJUSTMENT (NAD 83/99).
2. NO UNDERGROUND IMPROVEMENTS OR FOUNDATIONS WERE LOCATED UNDER THE SCOPE OF THIS SURVEY.
3. FLOOD INFORMATION GIVEN AND CURRENT AS OF THE DATE SHOWN BELOW. THERE MAY HAVE BEEN UPDATES TO THE FEMA MAPS NOT KNOWN TO THIS SURVEYOR.
4. THIS PARCEL LIES IN FLOOD ZONE "AE" AS SHOWN ON FEMA F.I.R.M. MAP PANEL 12071C0245F, DATED AUGUST 28, 2008. THIS AREA HAS A BASE FLOOD ELEVATION OF 7.0' REFERENCING THE NORTH AMERICAN VERTICAL DATUM OF 1988 (NAVD '88).
5. BOUNDARY INFORMATION SHOWN HEREON IS BASED UPON THE TITLE OPINION LETTER PROVIDED FROM ERIAN J. THAWLEY, ESQ. OF CHITTY PASSWORD DATED JANUARY 10, 2017. NO SEARCH OF THE PUBLIC RECORDS WAS MADE BY THIS SURVEYOR.
6. THE STREET ADDRESS OF THIS PARCEL IS:
   11170 & 11190 PALM BEACH BOULEVARD
   FT MYERS, FL 33905
7. HORIZONTAL ORIENTATION AND ELEVATIONS SHOWN HEREON ARE BASED UPON A SITE CALIBRATION USING TRIMBLE GEOMATICS OFFICE SOFTWARE USING THE FOLLOWING CONTROL POINT AND SHOWS RESIDUALS AS SHOWN BELOW:

CONTROL POINT	HORIZONTAL RESIDUAL	VERTICAL RESIDUAL
R 415	0.05'	0.05'
ITS BT 852	0.03'	0.06'
N 415	0.04'	0.02'
S 415	N/A	0.07'

8. ELEVATIONS SHOWN HEREON REFERENCE THE NORTH AMERICAN VERTICAL DATUM OF 1988 (NAVD '88) AND ARE BASED UPON THE CALIBRATION SHOWN ABOVE.
9. THE CROSS HATCHED AREA AT THE NORTH SIDE OF THE PROPERTY APPEARS TO BE AN OVERLAP CREATED BY THE LEGAL DESCRIPTION OF SCHEDULE "A" OF THE REFERENCED TITLE COMMITMENT. THE RECORD DEED OF THE PARENT PARCEL OF THE NEW PARCELS CREATED BY SCHEDULE "A" IS A WARRANTY DEED DATED 01/14/03 AND RECORDED IN OFFICIAL RECORDS BOOK 3897, PAGE 801 OF THE PUBLIC RECORDS OF LEE COUNTY, FLORIDA. THE LEGAL DESCRIPTION ON THE PARENT PARCEL IS BOUNDED ON THE NORTH BY THE NORTH LINE OF SECTION 36, TOWNSHIP 43 SOUTH, RANGE 25 EAST, LEE COUNTY, FLORIDA, AS THE PARENT PARCEL IS BOUNDED BY THE SECTION LINE THE CROSSHATCHED ARE NORTH OF THE SECTION LINE COULD NOT BE CONVEYED TO THE PARCELS CREATED BY SCHEDULE "A" AS THEY WERE NOT OWNED BY THE GRANTOR OF SAID PARCELS.
10. ITEM 10 IN THE CITED TITLE COMMITMENT IS FOR A PROPOSED GAS LINE EASEMENT CONTAINED IN A SUBMITTED LAND LEASE DOCUMENT WHICH GRANTS THE RIGHT TO CROSS ANY "SUBMERGED" LANDS CONTAINED IN THE DESCRIBED EASEMENT. THIS DOCUMENT DOES NOT AFFECT ANY UPLANDS CROSSED BY THE DESCRIBED EASEMENT. THE EASEMENT DESCRIBES OR HOLLOND APPEARS THAT IT MAY TECHNICALLY CROSS THE SUBJECT PROPERTY, HOWEVER, BY ITS OWN TERMS IT ONLY CREATES AN EASEMENT IF SOVEREIGN SUBMERGED LANDS. SINCE THERE ARE NO SOVEREIGN SUBMERGED LANDS ON THE SUBJECT PROPERTY, IT APPEARS THIS DOES NOT AFFECT THE SUBJECT PROPERTY, AND IT IS NOT SHOWN.

LEGAL DESCRIPTION (OVERALL PARCEL BY SURVEYOR)

A PARCEL OF LAND LYING IN SECTION 36, TOWNSHIP 43 SOUTH, RANGE 25 EAST, LEE COUNTY, FLORIDA BEING PARCELS "A" AND "B" AS DESCRIBED IN OFFICIAL RECORDS BOOK 4431, PAGES 3240-3242 OF THE PUBLIC RECORDS OF LEE COUNTY FLORIDA, SAID PARCEL BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AT THE NORTHWEST CORNER OF SAID SECTION 36, TOWNSHIP 43 SOUTH, RANGE 25 EAST, LEE COUNTY, FLORIDA FOR A POINT OF REFERENCE; THENCE NORTH 89°26'17" EAST, ALONG THE NORTH LINE OF SAID SECTION 36, 629.08 FEET TO THE POINT OF BEGINNING OF THE PARCEL HEREIN DESCRIBED; THENCE CONTINUE NORTH 89°26'17" EAST, ALONG SAID NORTH LINE OF SECTION 36, 300.00 FEET; THENCE SOUTH 18°21'41" EAST 300.00 FEET TO THE NORTHERLY RIGHT-OF-WAY LINE OF PALM BEACH BOULEVARD (STATE ROAD NO. 80); THENCE SOUTH 71°13'37" WEST ALONG SAID NORTHERLY RIGHT-OF-WAY LINE, 309.42 FEET TO THE BEGINNING OF A CONCAVE CURVE CONCAVE TO THE SOUTHEAST; THENCE 127.41 FEET ALONG THE ARC OF SAID CURVE HAVING A RADIUS OF 5804.58 FEET, A CENTRAL ANGLE OF 01°15'41", AND BEING SUBTENDED BY A CHORD WHICH BEARS SOUTH 70°41'47" WEST 127.41 FEET; THENCE LEAVING SAID RIGHT-OF-WAY LINE NORTH 01°36'12" WEST PARALLEL WITH THE WEST LINE OF SECTION 36, 558.26 FEET TO THE POINT OF BEGINNING.

CONTAINS 3.24 ACRES MORE OR LESS.

SUBJECT TO EASEMENTS, RESTRICTIONS AND RESERVATIONS OF RECORD

BEARINGS ARE GRID BEARINGS BASED ON THE FLORIDA STATE PLANE COORDINATE SYSTEM, WEST ZONE, REFERENCING THE NORTH AMERICAN DATUM OF 1983, 1999 ADJUSTMENT (NAD 83/99).

Applicant's Survey Checked by [illegible] 9/26/2017

DCI2017-00023

RECEIVED
SEP 28 2017
COMMUNITY DEVELOPMENT

This map prepared by:
DAVID E. DAGOSTINO, PSM
CERTIFICATE OF AUTHORIZATION NO. LB 6896
DAGOSTINO & WOOD, INC.
9415 Jasper Road Suite A Naples, FL 34113
Phone: (239) 596-0663 Website: www.dagostinowood.com

CERTIFIED TO: MICHAEL CORRADI
LEE COUNTY, FLORIDA

DAGOSTINO & WOOD, INC.
Professional Surveying & Mapping
9415 Jasper Road Suite A Naples, FL 34113
Phone: (239) 596-0663 Website: www.dagostinowood.com

DRAWN BY:	DEB
CHECKED BY:	DEW
DATE:	9/26/17
SCALE:	1" = 80'
JOB NO.	06100
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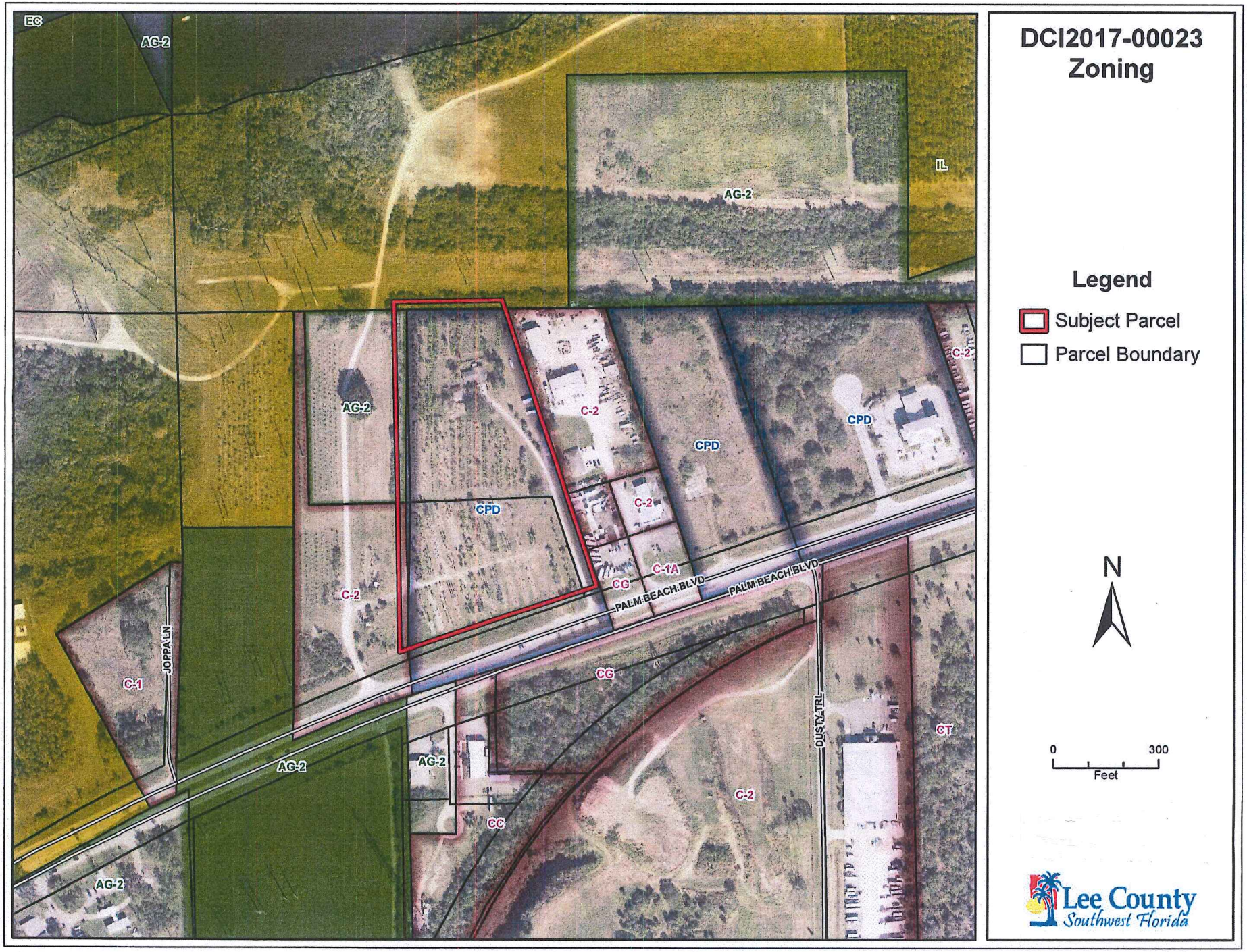
OF	1


DCI2017-00023
Zoning
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Subject Parcel
Parcel Boundary
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Lee County
Southwest Florida
EC
AG-2
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C-2
CPD
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JOPPA LN
PALM BEACH BLVD
DUSTY TRL

Exhibit B

RECOMMENDED CONDITIONS AND DEVIATIONS

The Hearing Examiner revised proposed conditions and deviations to improve clarity and facilitate understanding, implementation, and compliance.

The majority of conditions are preserved from prior approvals with only minor changes, if any.

CONDITIONS:

1. ~~The development of this project~~ Development must be consistent with the 5-page Master Concept Plan (MCP) entitled "Palm Beach Blvd, Master Concept Plan (01 thru 05) - DCI2006-00079," dated February 14, 2007, last revised August 8, 2007, and stamped "RECEIVED SEP 05, 2007 PERMIT COUNTER," prepared by Vanasse Daylor and the one-page MCP-6 stamped received on October 4, 2018 prepared by Sitti Engineering Group (Exhibit B1), except ~~as~~ where modified by ~~the~~ conditions ~~below~~ in this zoning resolution. (HEX NOTE: Date needs to be modified if recommended deviation is adopted)

~~This d~~Development must comply with ~~all requirements of~~ the Land Development Code (LDC) and Lee County Comprehensive Plan (Lee Plan) at time of local development order approval, except ~~as may be granted by~~ where deviations ~~as part of this planned development~~ are approved in this resolution. ~~If~~ Subsequent changes to the MCP ~~are subsequently pursued, appropriate approvals will be necessary~~ require further development approvals.

Combining development options ~~is not permitted without going through a planned development amendment~~ requires an amendment to this zoning approval (public hearing required).

~~This d~~Development is limited to one of ~~the following~~ six development options ~~as shown on~~ depicted in MCP's 1 - 6:

MCP 1 - a maximum of 50,000 square feet of commercial office and/or retail AND a maximum of 49,999 square feet of warehousing.

MCP 2 - a maximum of 50,000 square feet of commercial office and/or retail AND a hotel with a maximum of 150 rooms.

MCP 3 - a maximum of 50,000 square feet of commercial office and/or retail AND a maximum of 180,000 square feet of mini-warehouse.

MCP 4 - a maximum of 360,000 square feet of mini-warehouse.

MCP 5 - a maximum of 99,999 square feet of warehouse space including ancillary office space.

MCP 6 – a maximum of 149,140 square feet of total floor area of mini-warehouse/open storage and 2,500 square feet of administrative office and caretaker's residence. No other office or commercial intensity is permitted.

Phasing. Developer of MCP 6 must construct the perimeter structures located along the north (adjacent to the stormwater management area), south, east, and west of the site (including the office) as the first Phase of the development. Open storage ~~may only be allowed after the development and~~ is prohibited until Developer receives Certificates of Occupancy ~~of~~ for these perimeter structures ~~has been granted~~.

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

a. Schedule of Uses

Accessory Uses and Structures
Administrative Office
Agricultural Uses – Existing only, subject to LDC 34-934 note (48)
Animal Clinic
Automatic Teller Machine (ATM)
Automobile Parts Store, with or without installation
Banks and Financial Establishments - Groups I and II
Boat Parts Store
Boat Storage, dry – (limited to development under MCP-6 and limited to the open storage area)
Broadcast Studio, Commercial Radio and Television
Business Services - Groups I and II (no impound yards or armored car services)
Caretaker's residence – Limited to MCP 6
Cleaning and Maintenance Services
Clothing Store, General
Clubs, Commercial, Fraternal, or Membership
Consumption on Premises - indoor only and only in conjunction with a Group III restaurant, hotel, or clubs, commercial, fraternal, or membership. Outdoor seating may only be approved in conjunction with these uses and with an administrative amendment (no public hearing required).
Contractors and Builders - all groups
Drive through - limited to banks and financial establishments, Groups I and II, laundry and dry cleaning Group I, drugstore, pharmacy.
Drug Store, Pharmacy
Dwelling Unit - Single-family - existing only and subject to Condition 9
Entrance Gates and Gatehouse
Essential Services
Essential Service Facilities - Group I only
Excavation, Water Retention - not to include the removal of excavated material from the site
Fences, Walls
Food Store - Groups I and II
Gift and Souvenir Shop
Hardware Store
Hobby, Toy and Game Shops
Hotel – subject to Condition 1
Household and Office Furnishings - Groups I, II and III
Laundry or Dry Cleaning - Group I only
Medical Offices
Non-Store Retailers - Group I only
Package Store - limited to space in a multi-occupancy building - (No standalone package stores)
Paint, Glass and Wallpaper
Parking Lot, Accessory
Personal Services – Groups I, II, III and IV - but excluding massage establishments, massage parlors, steam or turkish baths, dating services,

escort services, palm readers, fortune tellers, card readers and tattoo parlors.
Pet Shop
Restaurants – Groups I, II, III, and IV - no standalone fast food restaurants – fast food restaurants must be located in a multi-occupancy building.
Schools, Commercial
Signs
Social Service - Groups I and II
Specialty Retail Shops - Groups I, II, III, and IV
Storage:
Indoor
Open (limited to MCP 6)
Studios
Temporary Uses - construction trailer, office
Used Merchandise Stores – Groups I, II, III, and IV
Variety Stores
Warehouse:
Mini-warehouse
Public
Private
Wireless Communication Facilities - No freestanding wireless communication facilities and further subject to Condition 4.

~~Existing agricultural use of the property may be maintained in accordance with LDC Section 34-934, Note (48).~~

b. Site Development Regulations

~~Development of this CPD will comply with the following Property Development Regulations:~~

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

Minimum Setbacks:
Street: 25 feet from State Road 80/Palm Beach Boulevard
20 feet from internal streets and access drives
Side: 10 feet
Rear: 20 feet
Water Body: 25 feet

Perimeter Setback: 20 feet (MCP 1-5 Only)

Accessory Use and Structure setbacks: In accordance with the LDC

Maximum Lot Coverage: 45%

Maximum Building Height: 35 feet for all uses
Hotel - 45 feet
Wireless communication facilities, see Condition 4.

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

~~3. The uses of "Mini-warehouse," Warehouse, private," "Warehouse, public," and "Storage, open" are those defined in LDC Section 34-2.~~

HEX Note: This condition is not necessary as definitions in LDC 34-2 control all uses. Recommend deletion.

~~4.~~3. Blasting. Development blasting is prohibited ~~not permitted as part of this planned development~~.

~~5.~~4. Wireless Communication Facilities.

a. No freestanding wireless communication facilities are permitted (including stealth).

b. Wireless communication facilities must be located on existing buildings and may not be greater than 10 feet above the height of the building it is attached to.

c. Wall mounted wireless communication facilities must be approved in accordance with LDC 34-1441, et. seq.

d. Federal Aviation Administration review will be required for any wireless communication facilities to ensure that signals from the wireless communication facilities do not interfere with navigation aids and radar at the Lee County Port Authority (and airport).

~~6~~5. Vehicular/Pedestrian Impacts. Zoning approval does not address mitigation of the project's vehicular or pedestrian traffic impacts. Additional conditions consistent with the LDC may be required to obtain a local development order.

~~7. Lee Plan Consistency. Zoning approval does not guarantee local development order approval. Future development orders must comply with the Lee Plan Planning Communities Map and Acreage Allocation Table, Map 16 and Table 1(b), and be consistent with the retail commercial standards for site area, including range of gross floor area, location, tenant mix and general function, as well as all other Lee Plan provisions.~~

HEX Note: Recommend deletion as this is a restatement of Condition 1, which requires all development to be consistent with the Lee Plan.

~~8.~~6 Access. Access to State Road 80/Palm Beach Boulevard is not guaranteed and is subject to Florida Department of Transportation approval. The site is limited to only one site-access to State Road 80/Palm Beach Boulevard. ~~with secondary connection provided by interconnection to adjoining properties.~~

HEX Note: A deviation is recommended to remove interconnection with adjoining properties given the project's unique security needs coupled with existing uses of adjacent parcels.

~~9~~7. Design Standards. All buildings must be constructed in conformance with the authorizing resolution and the LDC, including Article IV, §10-600 "Design Standards and Guidelines for Commercial Buildings and Developments."

~~10~~8. Open Space. The developer must delineate the amount of open space/storm water area listed under the Project Land Use Summary for the MCP option chosen for development prior to local development order approval.

~~11~~9. Dwelling Unit. The existing single-family dwelling unit must cease use no later than 30 days after the issuance of the first development order.

~~12. As part of any local development order, the site design must provide interconnect opportunity with adjacent commercial uses, in accordance with LDC Section 10-295.~~

HEX Note: Recommend deletion as discussed in Recommendation.

10. State and Federal Permits. Issuance of a county development permit does not establish a right to obtain permits from state or federal agencies. Further, it does not establish liability on the part of the county if the developer: (a) does not obtain requisite approvals or fulfill obligations imposed by state or federal agencies or (b) undertakes actions that result in a violation of state or federal law.

DEVIATIONS:

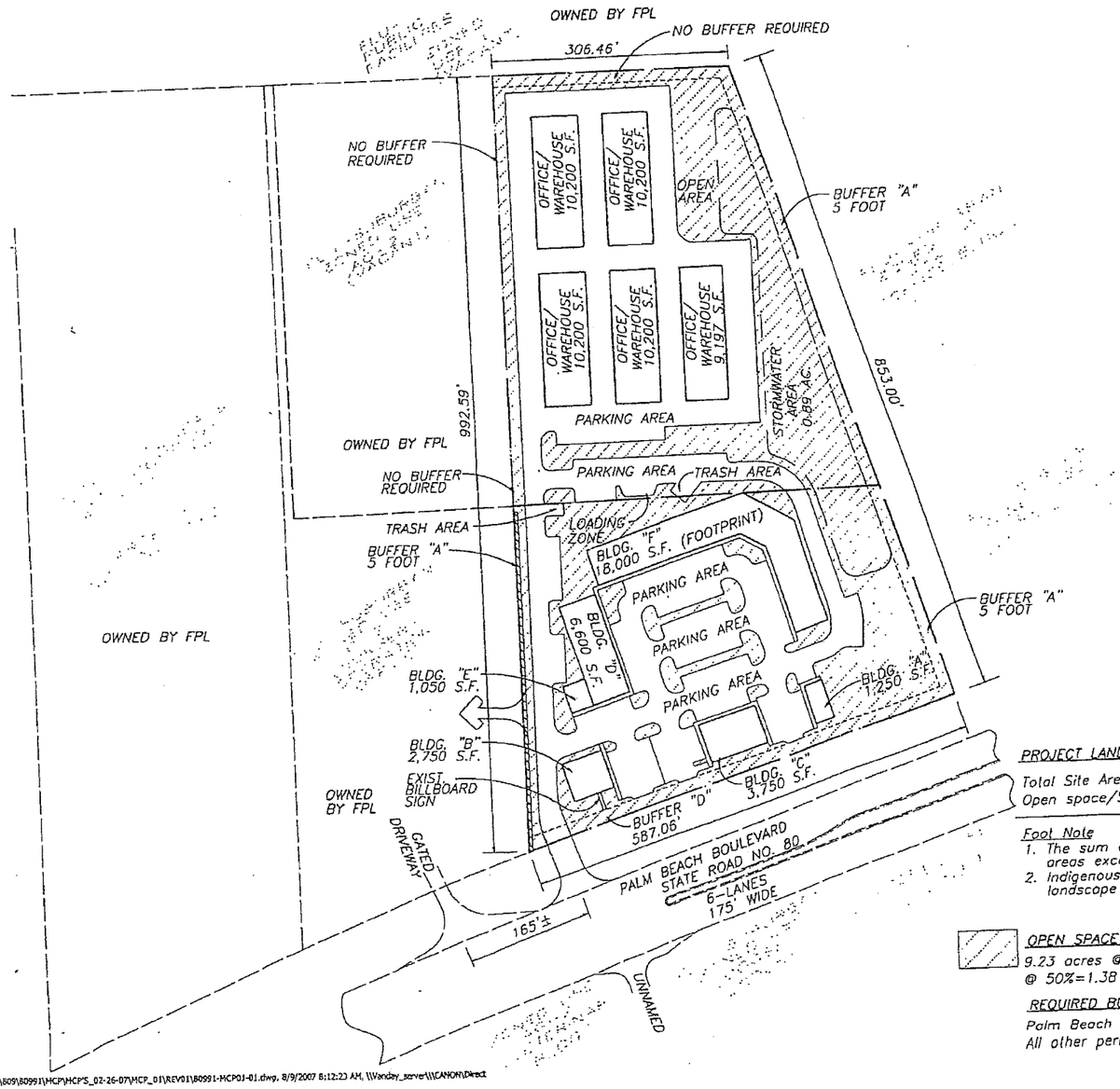
1. Architectural Relief. Deviation from LDC 33-1498 and 10-620(c) requiring architectural relief or articulation on building facades, to allow the elimination of this requirement for all buildings greater than 100 feet from the front property line.

   Hearing Examiner Recommendation: Deny. Request does did not satisfy Lee Plan review criteria.

2. Interconnection. Deviation from LDC 10-295 to eliminate requirement for an interconnection with adjoining areas due to the unique security needs of the project described in MCP 6 and existing uses of adjacent parcels.

   Hearing Examiner Recommendation: Approve, only as to MCP 6.

Exhibits to Conditions:
B1 Master Concept Plans 1-6



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PROJECT LAND USE SUMMARY

Total Site Area = 9.23 ac.
Open space/Stormowater Area = 3.63 ac. (39%)

Foot Note
1. *The sum of the dry detention and open space landscape areas exceeds total open space requirement of 2.77 acres.*
2. *Indigenous vegetation to the extent in dry detention and landscape buffers will be retained.*

OPEN SPACE REQUIREMENTS
9.23 acres @ 30%=2.77 acres
@ 50%=1.38 acres (Indigenous)

REQUIRED BUFFERS
Palm Beach Boulevard– 15 foot buffer 'D'
All other perimeters– 5 foot buffer 'A'

Approved as Exhibit C
MCP Page 1 of 5
Resolution # Z-07-024

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SCALE: 1" = 60'

RECEIVED
SEP 05 2007
PERMIT COUNTER

DCI 2006-00079

NO.	DATE	BY	ATTENTION
1	08-08-07	RVN	PER LEE COUNTY BOARD OF COMMISSIONERS

Vanasse Daylor

Mark Vanasse, Traffic Engineering, Land Planning, Environmental Services, PE #46
Bob Daylor, Civil Engineering
1000 Legion Place, Suite 1200, Orlando, Florida 32801-1200
Phone: (407) 839-1200 Fax: (407) 839-1201
Certificate of Authorization #00002194

prepared for: Conrad, 380 10th St. S. #103, Naples, FL 34102

project location: Section 36, Township 43 S, Range 25 E, Lee County, FL

project name: Palm Beach Blvd Master Concept Plan 01 - DCI 2006-00079

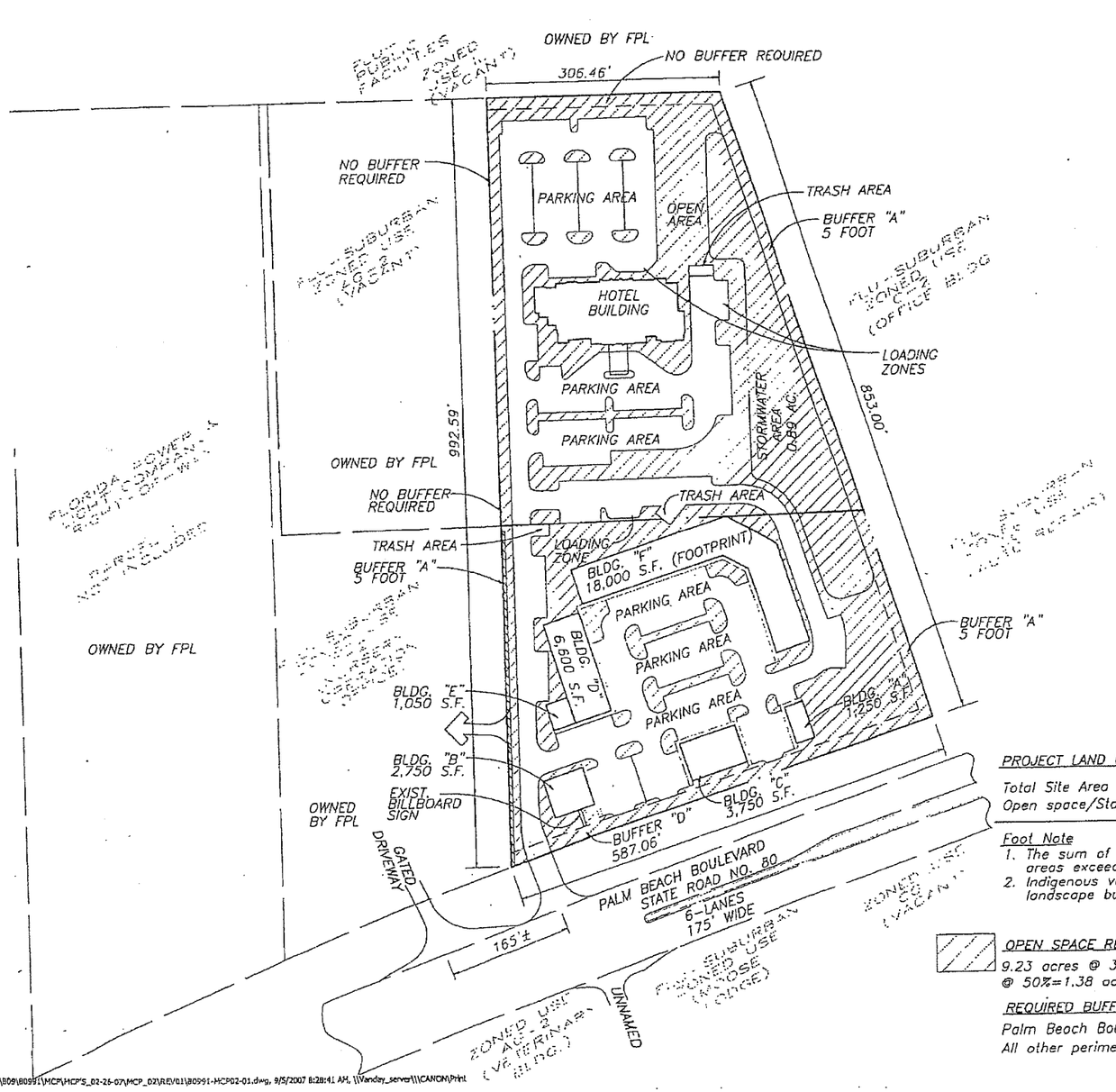
SCALE:	1" = 60'	
DESIGN	PMJ	02-11-07
DRAWN	PMJ	02-11-07
CHECKED	RVN	02-11-07

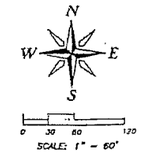
Project No. 80991
CAD file 80991-MCP01-01

Sheet No. 1 of 1

EXHIBIT B-1

The Master Concept Plan
(Page 1 of 5)





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SEP 05 2007
PERMIT COUNTER
DCI 2006-00079

PROJECT LAND USE SUMMARY

Total Site Area = 9.23 ac.
Open space/Stormwater Area = 4.24 ac. (46%)

Foot Note

1. The sum of the dry detention and open space landscape areas exceeds total open space requirement of 2.77 acres.
2. Indigenous vegetation to the extent in dry detention and landscape buffers will be retained.

OPEN SPACE REQUIREMENTS

9.23 acres @ 30%=2.77 acres
@ 50%=1.38 acres (Indigenous)

REQUIRED BUFFERS

Palm Beach Boulevard– 15 foot buffer 'D'
All other perimeters– 5 foot buffer 'A'

Approved as Exhibit C
MCP Page 2 of 5
Resolution # Z-07-024

1	08-08-07	RFN	PER LEE COUNTY BOARD OF COMMISSIONERS

SCALE: 1" = 60'
DRAWN: RAJ 02-14-07
CHECKED: RAJ 02-14-07
APPROVED: RAJ 02-14-07

Vanasse Daylor

Palm Beach Blvd
Master Concept Plan 02 - DCI 2006-00079

Corradi
380 10th St. S. #103
Naples, FL 34102

Section 36, Township 43 S, Range 25 E
Lee County, FL

Sheet No. 1 of 1

The Master Concept Plan

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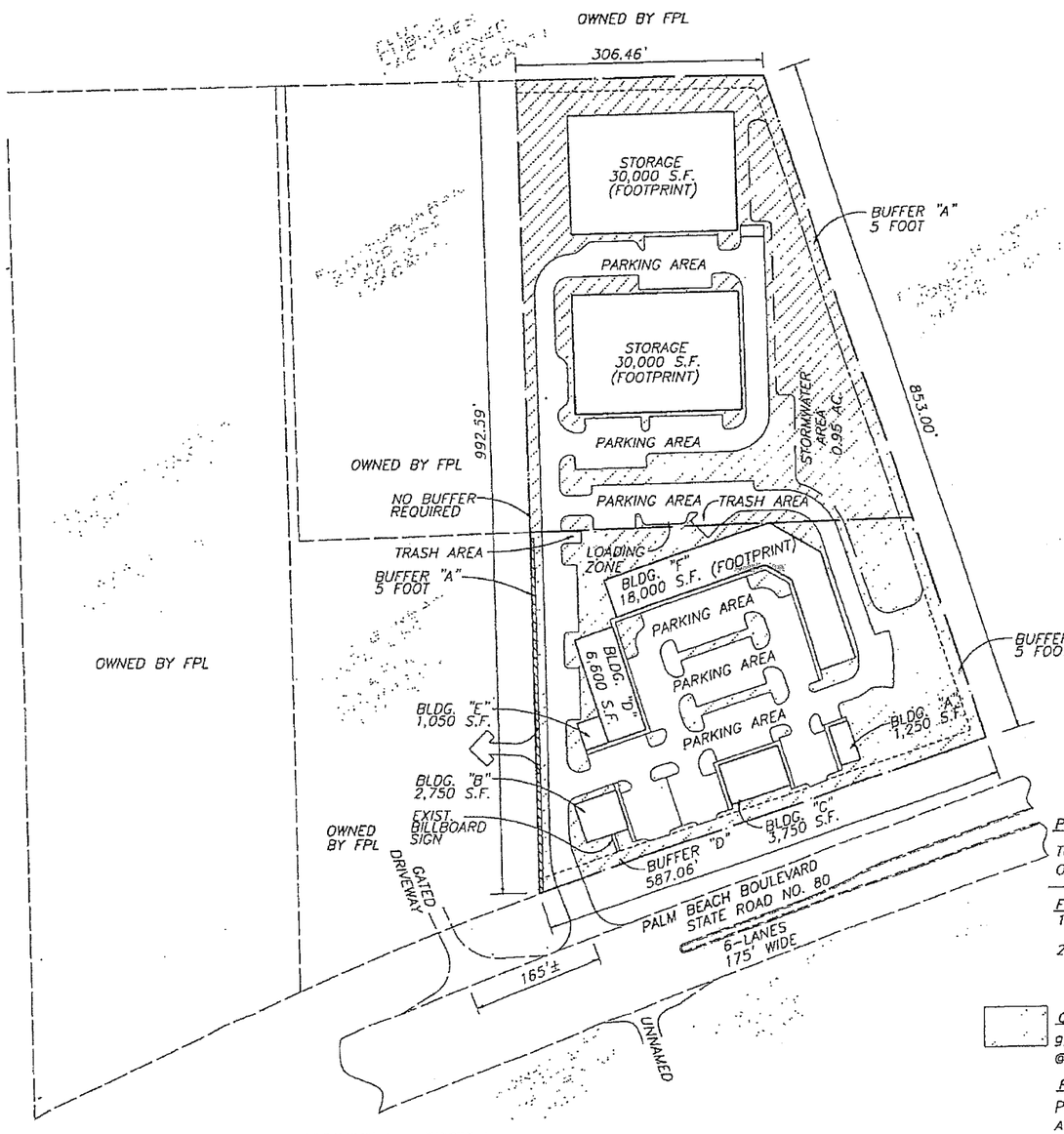

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PROJECT LAND USE SUMMARY

Total Site Area = 9.23 ac.
Open space/Stormwater Area = 4.08 ac. (44%)

Foot Note

1. The sum of the dry detention and open space landscape areas exceeds total open space requirement of 2.77 acres.
2. Indigenous vegetation to the extent in dry detention and landscape buffers will be retained.

OPEN SPACE REQUIREMENTS

9.23 acres @ 30%=2.77 acres
@ 50%=1.38 acres (Indigenous)

REQUIRED BUFFERS

Palm Beach Boulevard- 15 foot buffer 'D'
All other perimeters- 5 foot buffer 'A'

Approved as Exhibit C
MCP Page 3 of 5
Resolution # Z-07-024

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SEP 05 2007
PERMIT COUNTER

DCI 2006-00079

NO.	DATE	BY	REMARKS
1	08-06-07	KHN	PER LEE COUNTY BOARD OF COMMISSIONERS

SCALE: 1" = 60'
DESIGNED: PJM 02-14-07
DRAWN: PDW 02-14-07
CHECKED: PDW 02-14-07

Vanasse Daylor

Civil Engineer / Transportation Planner / LA
Coral Ridge Professional Center
9351 Corkscrew Palm Circle, Suite 101
Naples, FL 34104

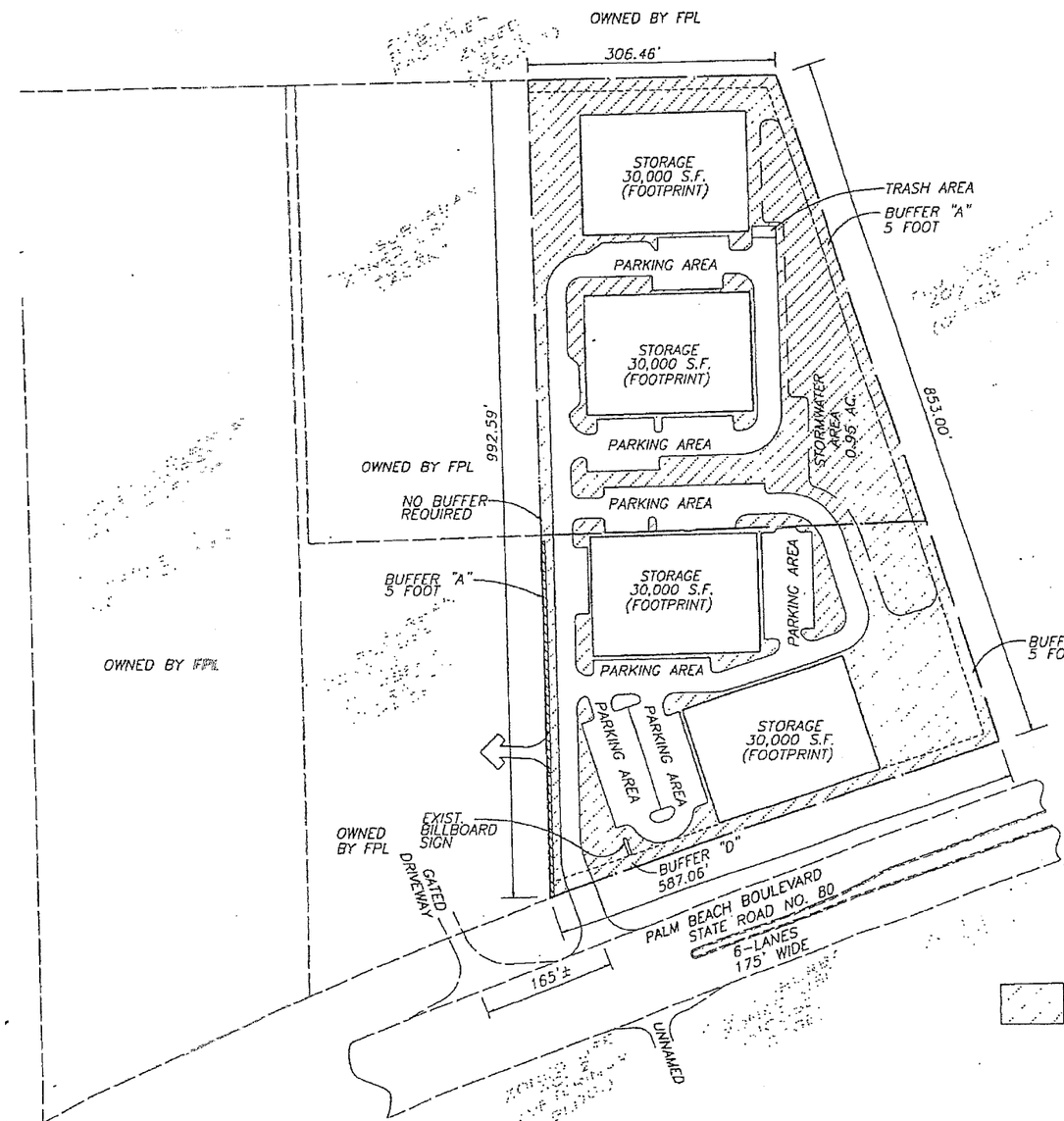
Section 36, Township 43 S, Range 25 E
Lee County, FL

Palm Beach Blvd
Master Concept Plan 03 - DCI 2006-00079

PROJECT NO. 80991
ACAD FILE NO. 80991-MCP03-01

Sheet No. 1 of 1

The Master Concept Plan



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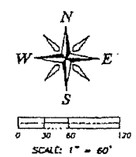


RECEIVED
SEP 05 2007
PERMIT COUNTER

DCI 2006-00079

PROJECT LAND USE SUMMARY

Total Site Area = 9.23 ac.
Open space/Stormawater Area = 3.93ac. (43%)

Fool Note

1. *The sum of the dry detention and open space landscape areas exceeds total open space requirement of 2.77 acres.*
2. *Indigenous vegetation to the extent in dry detention and landscape buffers will be retained.*

OPEN SPACE REQUIREMENTS

9.23 acres @ 30%=2.77 acres
@ 50%=1.38 acres (Indigenous)

Approved as Exhibit C
MCP Page 4 of 5
Resolution # Z-07-024

REQUIRED BUFFERS

Palm Beach Boulevard– 15 foot buffer 'D'
All other perimeters– 5 foot buffer 'A'

no.	date	description
1	08-08-07	PER LEE COUNTY BOARD OF COMMISSIONERS

scale: 1" = 60'
design: DJU 10-11-07
checked: JRM 10-11-07
approved: JRM 11-1-07

Vanasse Daylor

Wilson Miller | Barker Mendenhall | Landscape Architecture | Land Planning | Environmental Services
2031 Jackson Street, Suite 203, Fort Myers, FL 33901-3855 T 239.334.0046 F 239.334.0045
1035 5th Avenue South, Naples, FL 34102-6796 T 239.643.1810 F 239.643.1812
www.wilsonmiller.com

prepared for: Conrad, 380 10th St. S. / 103, Naples, FL 34102

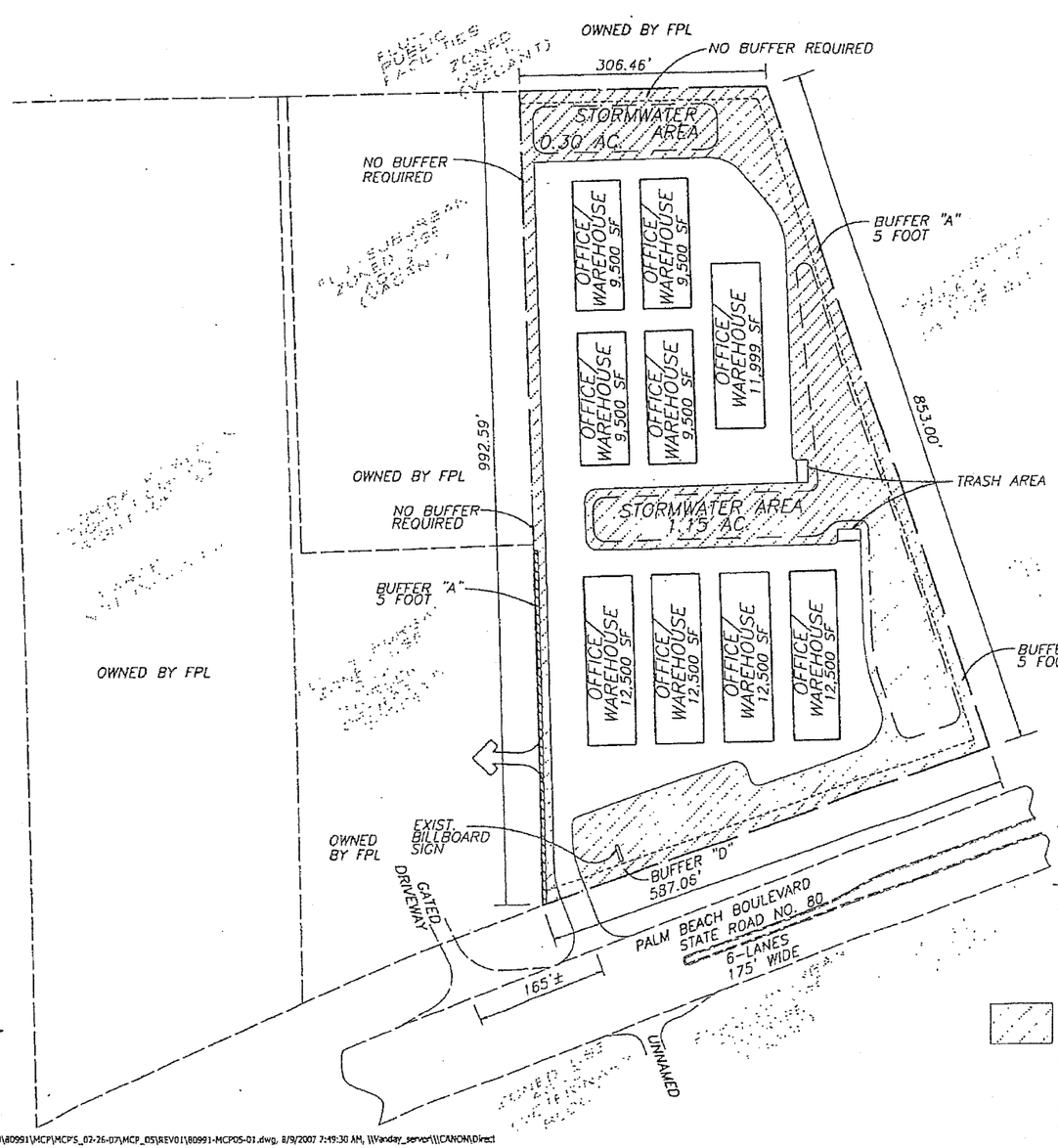
project location: Section 36, Township 43 S, Range 25 E, Lee County, FL

project name: Palm Beach Blvd
sheet name: Master Concept Plan 04 - DCI 2006-00079

project no. 80991
file name: 80991-MCP01-01

Sheet No. 1 of 1

The Master Concept Plan



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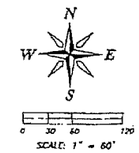


RECEIVED
SEP 05 2007
PERMIT COUNTER

DCI 2006-00079

PROJECT LAND USE SUMMARY

Total Site Area = 9.23 ac.
Open space/Stormwater Area = 3.63ac. (39%)

Foot Note
1. The sum of the dry detention and open space landscape areas exceeds total open space requirement of 2.77 acres.
2. Indigenous vegetation to the extent in dry detention and landscape buffers will be retained.

OPEN SPACE REQUIREMENTS
9.23 acres @ 30%=2.77 acres
@ 50%=1.38 acres (Indigenous)

REQUIRED BUFFERS
Palm Beach Boulevard– 15 foot buffer 'D'
All other perimeters– 5 foot buffer 'A'

Approved as Exhibit C
MCP Page 5 of 5
Resolution # Z-07-024

NO.	DATE	BY	REVISIONS
1	08-08-07	RPM	PER LEE COUNTY ROAD DP COMMENTS

SCALE: 1" = 60'
DESIGNED: RPM 08-11-07
DRAWN: RPM 08-11-07
CHECKED: RPM 08-11-07

Vanasse Daylor
Kevin Fay, AICP
Eric Bohnenberger, PE
Gail Easterling
Bruce Grunwald
Ted Treesh
Tom Lapointe
Environmental Services
FL 3116
2300 Main St. Suite 1103
Naples, FL 34102
239.649.4040 tel
239.649.4488 fax
www.vanasse-daylor.com

Prepared for: Comal
2300 Main St. Suite 1103
Naples, FL 34102

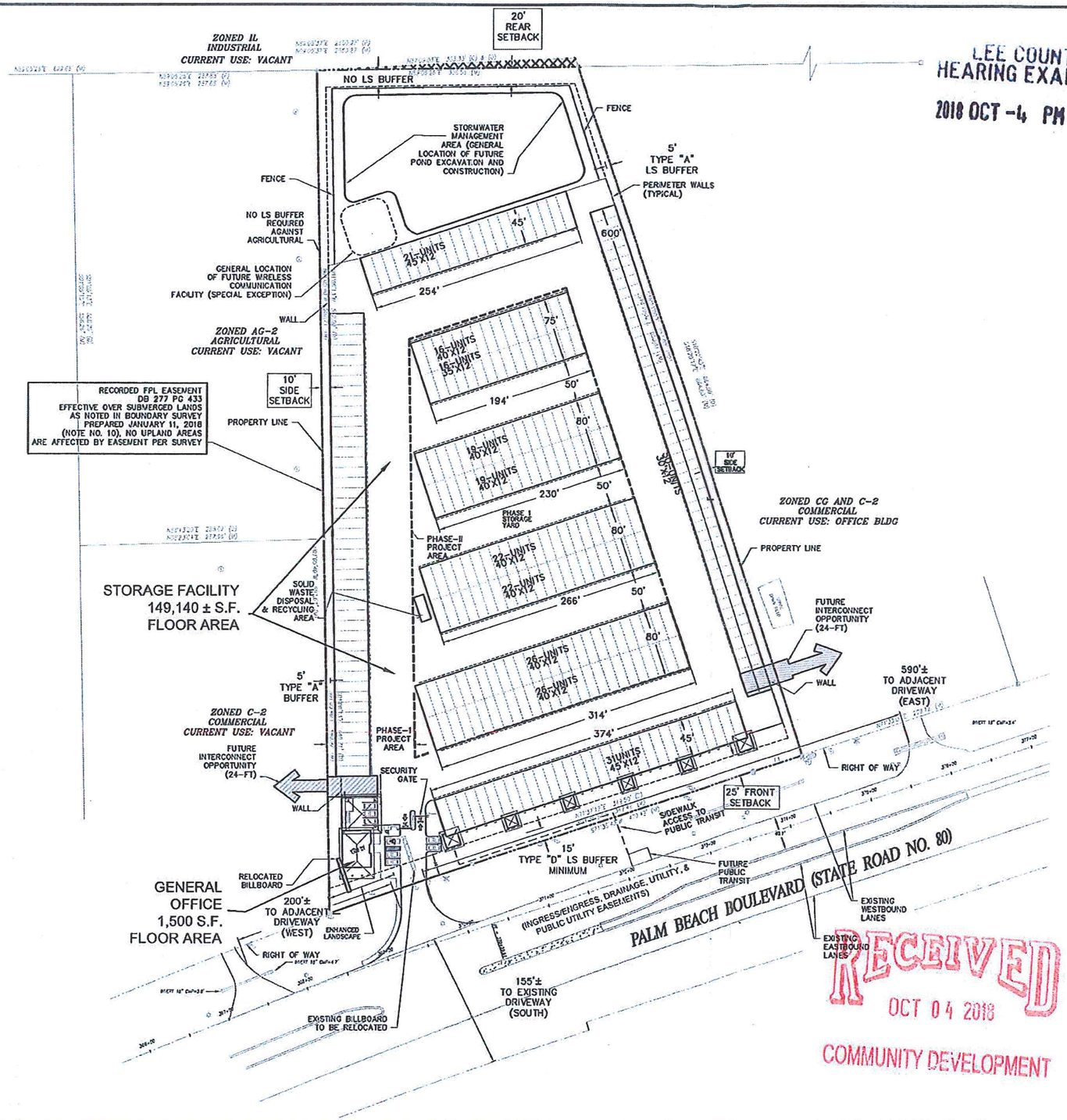
Project Location: Section 36, Township 43 S, Range 25 E
Lee County, FL

Project & Sheet Title: Palm Beach Blvd
Master Concept Plan 05 - DCI 2006-00079

Project No. 80991
RZA No. 80991-MCP05-01

Sheet No. 1 of 1

The Master Concept Plan



LEE COUNTY
HEARING EXAMINER
2018 OCT -4 PM 1:32

N

60' 30' 0' 60' 120'
GRAPHIC SCALE

SITE DATA:

1. ADDRESS: 11170 AND 11190 PALM BEACH BLVD
   FORT MYERS, FL 33905
2. PROPERTY ZONED: CPD
3. PROPERTY AREA: 9.234 ACRES
4. LEE COUNTY STRAP NO.s:

   36-43-25-00-00001.0000 & 36-43-25-00-00001.0020

5. FLOOD ZONE = AE-7 NAVD88
6. OPEN SPACE:
   MINIMUM REQUIRED = 30⅓ (2.77 AC.)

PALM BEACH BLVD BUFFER = 15-FT TYPE "D" MIN LANDSCAPE
ALL OTHER PERIMETER BUFFER = 5-FT TYPE "A" LANDSCAPE
NO BUFFER REQUIRED AGAINST AGRICULTURAL AND INDUSTRIAL

TABULATION

OFFICE AND CARETAKER UNIT	2,500 SF	/ 0.06 ACRES
RENTABLE AREAS	149,140 SF	/ 3.42 ACRES
	151,640 SF	/ 3.48 ACRES

UNIT SIZE (FT)*	No. OF UNITS	%OF TOTAL	UNIT (SF)	RENTABLE(SF)
20		0.0%	0	0
25		0.0%	0	0
30	50	15.8%	1500	18,000
35	18	5.6%	630	7560
40	198	62.5%	7920	95040
45	33	10.3%	1485	17820
47	19	6.0%	893	10716
TOTAL No. OF UNITS	316	100%		149,136 (Use 149,140)

* UNITS ARE 12-FT WIDE

RECEIVED
OCT 04 2018
COMMUNITY DEVELOPMENT

AMJAD SITTI LICENSE No 59174 STATE OF FLORIDA PROFESSIONAL ENGINEER

REV. B-10/18

SITTI ENGINEERING GROUP
Land Development & Project Solutions
10580 Colonial Blvd #114
Fort Myers, FL 33913
t: 941.375.2595
f: 941.766.0004
www.sitti.net
email: project@sitti.net

NO.	DATE	DESCRIPTION

FLORIDA BOARD OF PROFESSIONAL ENGINEERS CERTIFICATE OF AUTHORIZATION No. 28007

SCALE: 1"=60'

PREPARED FOR:
MICHAEL K. CORRADI
1068 WISCONSIN DR.
NAPLES, FL 34103

PROJECT NAME:
(MCP06) CORRADI RV & BOAT STORAGE
LEE COUNTY, FLORIDA

SHEET NAME:
MASTER CONCEPT PLAN No. 6

SIGNATURE

OCT 4, 2018
AMJAD SITTI, PE
Florida License No. 59174

PROJECT NUMBER
1MKC001-17

SHEET NUMBER
MCP-6

Exhibit C

EXHIBITS PRESENTED AT HEARING

STAFF EXHIBITS

1. *DCD Staff Report with attachments:* Prepared by Alvin Block, Principal Planner, date stamped received July 11, 2018 (multiple pages – 8.5"x11" & 11"x14") [black & white, color]

2. *Revised DCD Staff Report with attachments:* Prepared by Alvin Block, Principal Planner, date stamped received September 19, 2018 (multiple pages – 8.5"x11" & 11"x14") [black & white, color]

3. *PowerPoint Presentation:* Prepared by staff for case number DCI2017-00023, Corradi RV and Boat Storage (multiple pages – 8.5"x11")[color}

APPLICANT EXHIBITS

a. *48-Hour Notice:* Letter from Matthew A. Noble, with A Noble, LLC., to Lee County Hearing Examiner, dated September 28, 2018 (1 page – 8.5"x11" & 1 page – 11"x17" & 1 page – 24"x36")

1. *PowerPoint Presentation:* Prepared for case number DCI2017-00023, Corradi RV & Boat Storage, dated October 3, 2018 (multiple pages – 8.5"x11")[color]

2. *Photographs:* (2 pages – 8.5"x11")[color]

3. *Photograph: Depicting west view* (1 page – 8.5"x11")[color]

4. *Photograph: Depicting view of road* (1 page – 8.5"x11")[color]

5. *Photograph: Depicting east view* (1 page – 8.5"x11")[color]

6. *Vehicle Storage Desk Market Study:* Prepared by Self Storage 101, Desk Market Analysis performed by Robert copper, prepared for Michael Corradi, for site 11170 Palm Beach Blvd, Fort Myers, Florida (multiple pages – 8.5"x11")[color]

7. *Administrative Amendment:* ADD2016-00183, to amend zoning resolution Z-07-024 (4 pages – 8.5"x11")

8. *Written Submissions:* Letter from Amjad Sitti, P.E., with Sitti Engineering Group, to Alvin "Chip" Block, with Lee County, dated October 4, 2018, submitting revised Master Concept Plan, dated October 4, 2018 (1 page – 8.5"x11" & 1 page – 11"x17" & 1 page – 24"x36")

Exhibit D

HEARING PARTICIPANTS

County Staff:

1. Alvin "Chip" Block

Applicant Representatives:

1. Michael Corradi
2. Matthew Kragh
3. Matt Noble
4. Amjad Sitti

Public Participants:

1. Keith Dean
2. Lloyd Hatch

Exhibit E

INFORMATION

UNAUTHORIZED COMMUNICATIONS:

The LDC prohibits communications with the Hearing Examiner or her staff on the substance of pending zoning actions. There are limited exceptions for written communications requested by the Hearing Examiner, or where the Hearing Examiner seeks advice from a disinterested expert.

HEARING BEFORE LEE COUNTY BOARD OF COUNTY COMMISSIONERS:

A. The Hearing Examiner will provide a copy of this recommendation to the Board of County Commissioners.

B. The Board will hold a final hearing to consider the Recommendation and record made before the Hearing Examiner. The Department of Community Development will notify hearing participants of the final hearing date. Only Parties and participants may address the Board at the final hearing. Presentation by participants are limited to the substance of testimony presented to the Hearing Examiner, testimony concerning the correctness of Findings of Fact or Conclusions of Law contained in the Recommendation, or allegations of relevant new evidence not known or that could not have been reasonably discovered by the speaker at the time of the Hearing Examiner hearing.

COPIES OF TESTIMONY AND TRANSCRIPTS:

A. Every hearing is recorded. Recordings are public records that become part of the case file maintained by the Department of Community Development. The case file and recordings are available for public examination Monday through Friday between 8:00 a.m. and 4:30 p.m.

B. A verbatim transcript may also be available for purchase from the court reporting service.

Attachment W

Summary of Hearing Examiner Recommendation

STATE ROAD 80 CPD

(Barraco and Associates, Inc., o/b/o
State Road 80 Commercial, LLC and PBV SR31, LLC)

Request:	Amend State Route 80 Commercial Planned Development (CPD) to increase the CPD by 1.2 acres, add permitted uses and an access. This is accomplished by rezoning the 1.2 acre parcel from Community Commercial (CC) to CPD and amending the CPD to include the property in the Master Concept Plan.
Location:	Northwest corner of the Palm Beach Boulevard (State Road 80) and State Road 31 intersection Caloosahatchee Shores Community (District 5)
Size:	25.94+/-
Recommendation:	Approve, with conditions
Deviations:	11 requested, 9 recommended for approval.[1]

Hearing Examiner Remarks

The Lee Plan imposes *variance criteria* for deviations from the design standards of the Caloosahatchee Shores planning community. In contrast, LDC applies "traditional" deviation review criteria within the community.[2] Under Florida law, the comprehensive plan takes precedence over conflicting land development regulations.

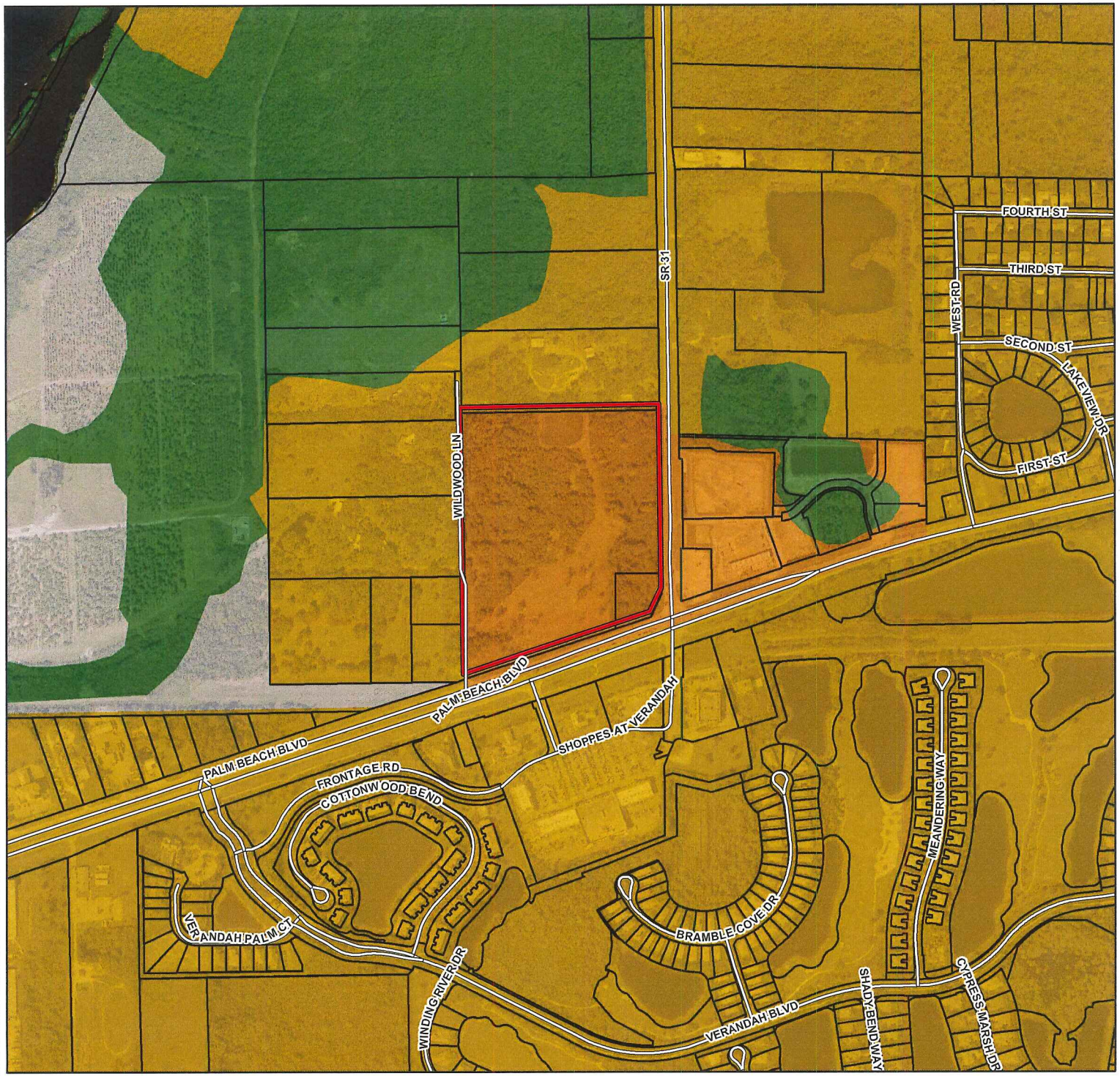
The Hearing Examiner recommends the Board address the conflict in the review standards by amending either the Lee Plan or the LDC. Until then, the Hearing Examiner must apply variance review criteria when evaluating Applicant's request to deviate from community sign and architectural standards.

Detailed recommendation follows

---

[1] Applicant's original request sought to retain one formerly approved deviation and request 12 new deviations. Prior to closing the record, Applicant withdrew 2 of the "new deviations." The Hearing Examiner recommends that the Board deny two of the remaining deviations, leaving a total of 9 deviations recommended for approval.

[2] *Compare* LDC 33-1484 with Lee Plan Policy 21.1.2.



DCI2020-00011
Future Land Use

Legend

- Subject Parcel
- Urban Community
- Suburban
- Public Facilities
- Wetlands

N

Map Generated: December 2020

Aerial Year - 2020

0 1,000

Feet

Lee County
Southwest Florida



DCI2020-00011
Aerial

Legend

Subject Parcel

N

Map Generated: December 2020

Aerial Year - 2020

0 1,000

Feet

Lee County
Southwest Florida

OFFICE OF THE HEARING EXAMINER, LEE COUNTY, FLORIDA

HEARING EXAMINER RECOMMENDATION

REZONING: DCI2020-00011

Regarding: **STATE ROAD 80 CPD**

Location: Northwest corner of the Palm Beach Boulevard (State Road 80) and State Road 31 intersection

Caloosahatchee Shores Community
(District 5)

Hearing Date: January 6, 2021
Record Closed: January 29, 2021

I. Request:

Amend the State Route 80 Commercial Planned Development (CPD) approved by Resolution Z-04-028A and rezone a 1.2 acre adjacent parcel from Community Commercial to CPD.

The request also seeks to:

- Incorporate the ±1.2 acres into the CPD;
- Adopt a new Master Concept Plan (MCP) to reflect additional land area, reconfigure development tracts and internal roadways, and add an access from Palm Beach Boulevard (State Road 80);
- Adopt a revised Schedule of Uses and increase the maximum number of self-service fuel pumps from 12 to 24; and
- Retain one previously approved deviation and add 10 new deviations.[3]

The property legal description is set forth in Exhibit A.

II. Hearing Examiner Recommendation:

Approve, *subject to* conditions and deviations set forth in Exhibit B.

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[3] Applicant elected to withdraw two originally requested deviations.

III. Discussion

The Hearing Examiner serves in an advisory capacity to the Board of County Commissioners (Board) on applications to rezone property.[4] In furtherance of this duty, the Hearing Examiner accepted testimony and evidence on the application to amend the Commercial Planned Development (CPD) zoning approval for the "State Road 80 CPD."

In preparing a recommendation to the Board, the job of the Hearing Examiner is to apply the comprehensive plan (Lee Plan), Land Development Code (LDC) and other County regulations to the facts adduced at hearing. The record must include substantial competent evidence to support the Hearing Examiner's recommendation.

Discussion supporting the recommendation of approval follows below.

Synopsis

The site is located within a Mixed Use Overlay in the Northwest quadrant of the State Road 80 and State Road 31 intersection.[5]

The request seeks to amend an existing CPD by including an adjacent 1.2 acre parcel already zoned for commercial use. The proposed Master Concept Plan reflects the additional land area, reconfigures development tracts, internal roadways, and adds an access to S.R. 80. The request also proposes a revised schedule of uses and increases permitted self-serve fuel pumps from 12 to 24. Finally, the request seeks 10 additional deviations from the LDC. [6]

The Department of Community Development staff recommended approval of the amended CPD.

Zoning History

The 1.2+/- acre portion of the request was rezoned from Agricultural (AG-2) to Community Commercial (CC) in 1984.[7] The Board subsequently rezoned the adjacent 24+/- acres to the State Route 80 CPD in 2004.[8] Two Administrative Amendments followed.

---

[4] LDC 34-145(d)(1)b. 1 and 6; LDC 34-145(d)(4)a.
[5] Future instances of "State Route" abbreviated as S.R.
[6] Post Hearing submittal dated January 11, 2021 from Russell Schropp, Esq. withdrew Deviations 3 and 4 before the closing of the written record.
[7] ZAB-84-205-065 approved March 31, 2008.
[8] Z-04-028A.

The original CPD authorized development of 200,000 square feet commercial office and retail uses, including convenience food and beverage stores with 12 self-service fuel pumps. The County twice amended the CPD approvals to add uses, change lot configuration and authorize an excavation setback deviation.[9] The site is vacant and partially covered with vegetation.[10]

Lee Plan Consistency/Character of Area

The property is in the Fort Myers Shores Planning Community and designated Urban Community and Wetlands.[11] Its location east of the interstate places the site within the Caloosahatchee Shores sub- rea of the Planning Community.[12] Lee Plan Maps designate the property within a Mixed Use Overlay in recognition of its proximity to transit routes, recreation opportunities, residential, shopping, and employment centers.[13]

The property is located within a commercial node intended to serve the community and traveling public.[14] Existing development within the node includes a commercial shopping center, bank, and two convenience stores with fuel pumps.

The requested schedule of uses is consistent with existing and planned uses in the area.[15]

Applicant held a community meeting on the proposed amendment.[16]

Traffic

The project is located at the intersection of S.R. 80 and S.R. 31. The intersection is controlled by a traffic signal. The S.R. 80 corridor is the main thoroughfare between Fort Myers and the east coast.

Applicant proposes five driveways from S.R. 80 and S.R. 31.[17] Florida Department of Transportation has sole authority on access onto state roads.

---

[9] Administrative Approvals: ADD2017-00131 approved November 20, 2017 and ADD2018-00014 approved April 23, 2018. *See* Staff Report Attachments I and J.

[10] The County issued a development order to permit site clearing, grubbing, lake excavation and filling on the CPD in 2018. The County has not issued a certificate of compliance on that development order to date.

[11] Lee Plan Vision Statement Paragraph 4, Lee Plan Objective 1.5, and Policy 1.1.4, Lee Plan Maps 1, 16

[12] Lee Plan Map 1, page 2 (Special Treatment Areas) and Goal 21; LDC 33-1481, LDC Appendix I, Map 14

[13] Lee Plan Map 1, page 6, Objective 11.2, Policy 11.2.1.

[14] Lee Plan Objective 21.2, Policy 21.2.1

[15] Lee Plan Objectives 2.2, 21.2, Policies 2.1.1, 2.1.2, 2.2.1, 6.1.1, 6.1.3, 6.1.4, 6.1.7, 6.1.8 and 21.2.1; LDC34-145)d), 34-411

[16] Lee Plan Objective 17.3 and Policy 13.3.5; LDC 33-1482. Applicant presented the requested CPD amendment at meeting in the Caloosahatchee Shores community on September 28, 2020, Staff Report Attachment S.

[17] LDC 34-145(d); One of the driveways onto S.R. 80 will have limited turning movements.

The proposed amendments will not impact the trip generation as there is no change in the intensity of existing development approvals.[18] Area roadways will continue to operate at acceptable levels of service post development.[19] The developer will address site related improvements during local development order review.[20]

Environmental

The proposed amendments propose no significant changes to previously approved open space, perimeter buffers or indigenous preserves. Recommended conditions of approval protect existing indigenous preservation areas.[21] The record includes a copy of a conservation easement over environmentally sensitive areas.

Staff and Applicant disagreed on the necessity of a condition addressing replacement of heritage trees. Testimony confirmed the objectionable condition restate LDC requirements applicable during development order review. Hearing Examiner agrees it is not necessary to include conditions that simply restate code. The Hearing Examiner revised the condition, but does not object to its removal altogether.

Urban Services

Urban services are available and adequate to serve the development.[22] Paved arterial roadways border the site on two sides.[23] Water and sewer infrastructure in the area has capacity to serve the development. Lee Tran Route 100 runs along S.R. 80 with stops on the east and westbound sides of the highway. Since the bus stop is located within a quarter mile, the developer must construct paved walkways to the stop at the time of development order approval. The LDC also requires the developer to improve the existing bus stop with a landing pad and bicycle storage rack.[24] Fire and emergency medical services are located within one mile of the site.[25] The property lies within the Lee County Sheriff Central District.

Conditions

The amended CPD retains several existing conditions of approval. The conditions reasonably relate to impacts anticipated from the project.[26]

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[18] Testimony of James Banks, P.E. of JMB Engineering. Mr. Banks testified that the proposed MCP and schedule of uses will not generate more trips than those anticipated under the previous CPD approvals.
[19] LDC 34-145(d).
[20] LDC 10-286.
[21] LDC 34-145(d).
[22] Lee Plan Objective 2.2 and Policies 1.1.4, 2.2.1; LDC 34-145(d).
[23] Lee Plan Policies 4.1.2, Goal 11, Standard 11.3, Policy 39.1.1.; LDC 34-411(d).
[24] LDC 10-296, 10-441, 10-442.
[25] Fort Myers Shores Fire District Station 81 is within ½ mile. EMS Station Medic 11 is within one mile.
[26] LDC 34-83(b)(4)a.3, 34-145(d), 34-932(c).

The Hearing Examiner revised wording of conditions to improve clarity. She also recommends removal references restating LDC requirements that are already applicable pursuant to Condition 1.[27]

Deviations

"Deviations" are departures from the land development regulations.[28] The proposed amendment to the CPD seeks 10 additional deviations from the LDC. Newly requested deviations seek relief from LDC parking, signs, and internal street design criteria.

The Hearing Examiner's standard of review for deviations typically requires a finding the deviation enhances the planned development and protects public health, safety and welfare.[29] However, the Caloosahatchee Shores Community Plan discourages deviations from design standards. The objective is to promote community character.[30] Lee Plan policies impose variance review standards on deviations from certain community design criteria.[31]

The Hearing Examiner agrees with staff's assertion that requested deviations from code limitations on wall and window signs do not meet variance criteria.[32] Those deviations are not necessary to readdress an exceptional condition inherent to the property. Failing this criterion, no further analysis of remaining variance criteria is necessary.[33]

The remaining newly requested deviations pertain to parking, internal street design and signs.

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[27] LDC 34-145(d)(6).
[28] LDC 34-2.
[29] LDC 34-145(d)(4)a.2.c).
[30] *See* Objective 21.1.
[31] Lee Plan Policy 21.1.2; LDC provisions for the Caloosahatchee Shores Community permit deviations and does not reference the Lee Plan imposed variance review standard. *See* LDC 33-1484: The LDC directs applicants to pursue deviations from architectural guidelines at the time of development order. Applicant withdrew two deviations in light of this directive. LDC 33-1484 conflicts with Lee Plan Policy 21.1.2, which discourages deviations and imposes variance criteria on deviations from sign, buffering, landscaping and architectural requirements. Florida Statutes mandate that the comprehensive plan take precedence over inconsistent land development regulations. Accordingly, either the Lee Plan or LDC should be revisited to ensure consistency between the two.
[32] It is noteworthy that Deviation 10 is from Chapter 30 and not the Chapter 33 community specific sign design criteria. However, to the extent Deviations 8 and 10 regulate similar subject, it is appropriate to consider both deviations using the Lee Plan mandated variance criteria. While Deviations 8 and 10 do not necessarily compromise the objective of enhancing community character, the Hearing Examiner is constrained by the Lee Plan to review both deviations using variance criteria.
[33] At hearing, Applicant suggested section 553.79, F.S. may be interpreted to supersede LDC design criteria in this case. The rules of statutory construction do not support the conclusion section 553.79(22), F.S. supersedes Chapter 163, which requires development permits issued by a local government be consistent with the adopted comprehensive plan. Section 553.79(22), F.S. provides no express exception from Chapter 163. Therefore, the Hearing Examiner concludes its relief is limited to conflicts with the LDC, and not the Lee Plan.

The parking deviation locates convenience food and beverage store parking in front and on the side of the building.[34] The purpose of the request is to ensure parking areas are clearly visible to the store employees.[35] This parking configuration allows for unobstructed access to the rear of building for product deliveries. The community's parking requirements are not subject to enhanced variance review criteria under the Lee Plan. The request meets standard deviation review criteria of enhancing the project and protecting public health, safety and welfare.[36]

The internal street design deviation applies only to an internal road that does not connect to S.R. 80 or S.R. 31. It is a two part deviation that seeks to reduce travel lane width by one foot and construct a sidewalk on only one side of the internal road. The single sidewalk would be constructed adjacent to the row of outparcels. Applicant testified reduced lane widths are a traffic calming measure improving public safety. The request meets standard deviation review criteria of enhancing the project and protecting public health, safety and welfare.[37]

Sign Deviations 6, 7, 11, 12, relate to location, quantity, and design of signs along the S.R. 80 and S.R. 31 road corridors. The property boundary is distant from the travel lanes of the road corridors due to supporting drainage infrastructure within the rights-of-way. The deviations are necessary to improve visibility for the traveling public.

The staff report demonstrated these four sign deviations meet the applicable variance criteria. Specifically, the property's location at the intersection of two state highways with high rates of speed and wide rights-of-way. These circumstances warrant prominent signage to alert the traveling public from sufficient distances to allow safe access to the site. The conditions were not created by Applicant, and are the minimum necessary to provide relief. These sign deviations will not injure the neighborhood or be detrimental to public welfare. For these reasons, the Hearing Examiner concludes Deviations 6, 7, 11, and 12 meet Lee Plan imposed variance criteria necessary for approval.

Deviation 9 seeks relief from limitations on size of wall signs for a fuel canopy façade.[38] The LDC limits the sign coverage to 10% of the wall area. Applicant requests signs covering 36% of the short sides of a fuel canopy.

The staff report demonstrated this deviation meets applicable variance criteria in the Caloosahatchee Shores Planning Community. Specifically, the property's

[34] LDC 33-1493(a) prohibits greater than 20% of parking from being located between the street and principal structure or along the sides of a building in the Caloosahatchee Shores Planning Community.
[35] Safety concerns as well as industry standard dictate parking to be located in front and on the side of the store.
[36] LDC 34-145(d)(4)a.2.c).
[37] LDC 34-145(d)(4)a.2.c).
[38] This deviation is only applicable to convenience food and beverage store with fuel pumps.

location requires signage visible to the traveling public from two state highways with high travel speed. Improved visibility allows vehicles to safely access the site without the need for dangerous maneuvers. Applicant did not create these conditions. The deviation is the minimum necessary to provide relief from the code, because it is limited to a single use: convenience food and beverage store with fuel pumps. This sign deviation will not injure the neighborhood or be detrimental to public welfare. For these reasons, the Hearing Examiner concludes the deviation meets Lee Plan imposed variance criteria necessary for approval.

Public Participation

No members of the public attended the hearing before the Hearing Examiner.

IV. Findings and Conclusions:

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

As conditioned herein, the proposed amendments to State Route 80 Commercial Planned Development:

1. Complies with the Lee Plan. *See* Lee Plan Vision Statement - Paragraph 4, Lee Plan Goals 2, 4, 6, 17, and 21, Objectives 2.2, 4.1, 6.1, 11.2, 17.3, 21.1, and 21.2, and Policies 1.1.4, 1.5.1, 2.1.1, 2.1.2, 4.1.1(standard), 4.1.2(standard), 4.1.4(standard), 6.1.1, 6.1.3, 6.1.5, 6.1.6, 11.2.1, 17.3.5, and 39.1.3;

2. Meets the LDC and other County regulations or qualifies for deviations. LDC 33-1482, 34-411, and 34-612(2);

3. Is compatible with existing and planned uses in the surrounding area. Lee Plan Objective 21.2, Policies 2.1.2, 2.2.1, 6.1.3, 6.1.4; LDC 34-411;

4. Will provide access sufficient to support the proposed development intensity;

5. The expected impacts on transportation facilities will be addressed by County regulations and conditions of approval. Lee Plan Policies 6.1.5, 39.1.3;

6. Will not adversely affect environmentally critical or sensitive areas and natural resources. Lee Plan Goal 77, Objective 77.2, Policies 1.5.1, 4.1.4(standard), 6.1.6; and

7. Will be served by urban services. Lee Plan Policies 2.2.1, 4.1.1(standard), 4.1.2(standard), 46.1.3, 6.1.4, and 21.2.1, LDC 34-411.

8. The proposed mix of uses is appropriate at the proposed location. Lee Plan Objectives 2.2, 21.2, Policies 2.1.1, 6.1.1, 6.1.2, 6.1.4, 6.1.7, 6.1.8 and 21.2.1.

9. The recommended conditions provide sufficient safeguards to protect the public interest and are reasonably related to the impacts on the public's interest. LDC 34-411, 34-932.

10. As conditioned, the deviations recommended for approval:

a. Enhance the planned development, and

b. Preserve and promote the LDC's intent to protect the public health, safety and welfare. *See* LDC 33-1484.

Date of Recommendation: February 4, 2021.

Donna Marie Collins
Chief Hearing Examiner

Lee County Hearing Examiner
1500 Monroe Street, Suite 218
Post Office Box 398
Fort Myers, FL 33902-0398

Exhibits to Hearing Examiner's Recommendation

Exhibit A Legal Description and Vicinity Map
Exhibit B Recommended conditions and deviations revised by Hearing Examiner
Exhibit C Clean version of recommended conditions and deviations.
Exhibit D Exhibits Presented at Hearing
Exhibit E Hearing Participants
Exhibit F Information

Exhibit A

LEGAL DESCRIPTION AND VICINITY MAP

Barraco and Associates, Inc.
www.barraco.net
Civil Engineers, Land Surveyors and Planners

DESCRIPTION

Parcel in
Section 25, Township 43 South, Range 25 East
Lee County, Florida

A tract or parcel of land lying in Section 25, Township 43 South, Range 25 East, Lee County, Florida, said tract or parcel of land being more particularly described as follows:

Commencing at the Northeast corner of the Southeast Quarter (SE 1/4) of said Section 25, run S89°11'26"W along the North line of said Fraction for 50.00 feet to an intersection with the West right of way line of State Road 31, (100' wide right of way) as shown on F.D.O.T. Right of Way map, Section No. 12620-2150; thence run S00°42'54"E along said West right of way line for 1,178.41 feet to POINT OF BEGINNING.
From said Point of Beginning continue S00°42'54"E along said West right of way line for 900.33 feet to an intersection with the Northwesterly right of way line of Palm Beach Boulevard (State Road No. 80) (F.D.O.T. right of way Section No. 12020-2538), as described in a deed recorded in Official Records Book 1918, at Page 1850, Lee County Records; thence run S25°05'24"W along said right of way line for 131.32 feet to an intersection with the Northwesterly Right of Way Line of said Palm Beach Boulevard (State Road No. 80) (F.D.O.T. right of way Section No. 1202-202(106)), being 75 feet Northwesterly as measured perpendicular to the centerline thereof; thence run S71°36'06"W along said Northwesterly right of way line for 968.60 feet to an intersection with the centerline of roadway easement, (60 feet wide); thence run N00°42'54"W along said centerline, parallel with the East line of said Fraction for 1,311.16 feet; thence run N89°11'26"E parallel with the North line of said Fraction for 980.00 feet to the POINT OF BEGINNING.
Containing 25.94 acres, more or less.

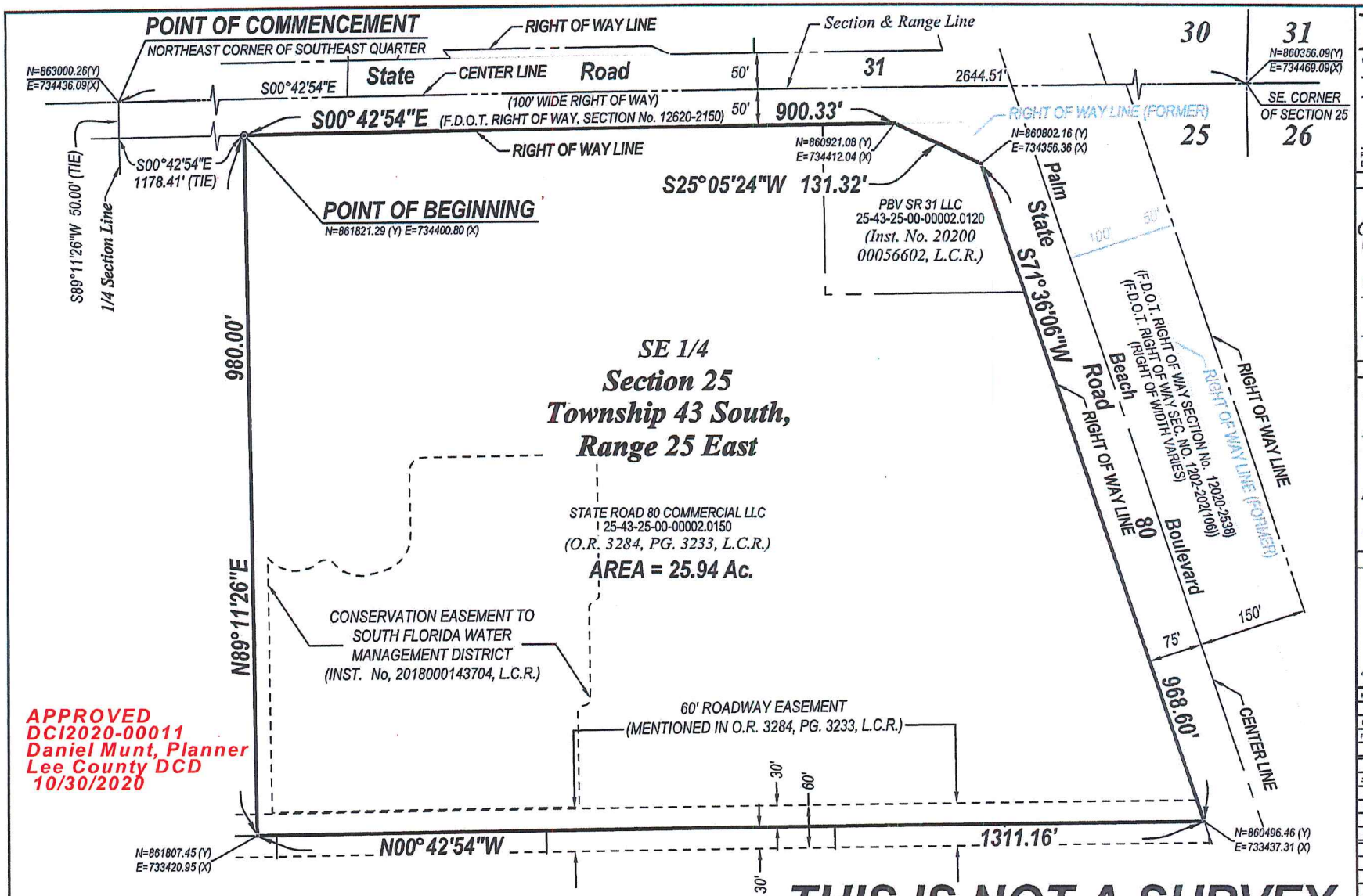
Bearings hereinabove mentioned are State Plane for the West Zone (1983/NSRS 2007) and are based on the East line of the Southeast Quarter (SE 1/4) of Section 25 to bear S00°42'54"E.

Digitally signed by Scott A. Wheeler, PSM
Date: 2020.07.14 14:44:33 -04'00



Scott A. Wheeler (For The Firm)
Professional Surveyor and Mapper
Florida Certificate No. 5949

L:\21888 - S.R. 80 Commercial Area 1\Survey\Descriptions\21888S03.docx



APPROVED
DCI2020-00011
Daniel Munt, Planner
Lee County DCD
10/30/2020

THIS IS NOT A SURVEY

Digitally signed by Scott A. Wheeler, PSM
Date: 2020.07.14 '14:44:51 -04'00

SCOTT A. WHEELER (FOR THE FIRM - LB-6940)
PROFESSIONAL SURVEYOR AND MAPPER
FLORIDA CERTIFICATE NO. 5949

DATE SIGNED:

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

NOTES:

1. ALL DISTANCES SHOWN ARE IN FEET AND DECIMALS THEREOF. UNLESS OTHERWISE NOTED DISTANCES ARE ALSO (U.S. SURVEY FEET) GROUND AND CAN BE MULTIPLIED BY 0.9999478 TO OBTAIN GRID DISTANCES.
2. INST. No.- DENOTES INSTRUMENT NUMBER, LEE COUNTY PUBLIC RECORDS.
3. O.R. - DENOTES OFFICIAL RECORD BOOK, LEE COUNTY PUBLIC RECORDS.
4. PG. - DENOTES PAGE.
6. BEARINGS AND COORDINATES HEREON ARE STATE PLANE FLORIDA WEST ZONE (NAD1983 (NSRS 2007)) AND ARE BASED THE EAST LINE OF THE SOUTHEAST QUARTER (SE 1/4) OF SECTION 25 TO BEAR S00°42'54"E.
7. DESCRIPTION IS ATTACHED.

(NSRS2007)
NAD 1983
FLORIDA PLANE
COORDINATE SYSTEM
(WEST ZONE)

0 250 500
SCALE IN FEET

Barraco and Associates, Inc.
CIVIL ENGINEERING - LAND SURVEYING
LAND PLANNING
www.barraco.net
2271 McGREGOR BLVD., SUITE 100
POST OFFICE DRAWER 2800
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FAX (239) 461-3169
FLORIDA CERTIFICATES OF AUTHORIZATION
ENGINEERING 7995 - SURVEYING LB-6940

PREPARED FOR

Bonita Bay Group®
9990 COCONUT ROAD
BONITA SPRINGS, FLORIDA 34135-8488
PHONE (239) 495-1000
FAX (239) 992-2672
WWW.BONITABAYGROUP.COM

PROJECT DESCRIPTION

A PARCEL OF LAND IN SECTION 25, TOWNSHIP 43 SOUTH, RANGE 25 EAST, LEE COUNTY, FLORIDA

PROJECT SURVEYOR

SCOTT A. WHEELER LICENSE NUMBER 5949 STATE OF FLORIDA PROFESSIONAL SURVEYOR AND MAPPER

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

FILE NAME	21088SKP2.DWG
LAYOUT	2
LOCATION	J:\21088\DWG\SURVEY\NGS\SKETCH
PLOT DATE	TUE, 7-14-2020 - 2:29 PM
PLOT BY	PETER OLSEN

DRAWING DATA

SURVEY DATE	07-14-2020
DRAWN BY	P. OLSEN
CHECKED BY	SAW
SCALE	1"=200'
FIELD BOOK	

PLAN REVISIONS

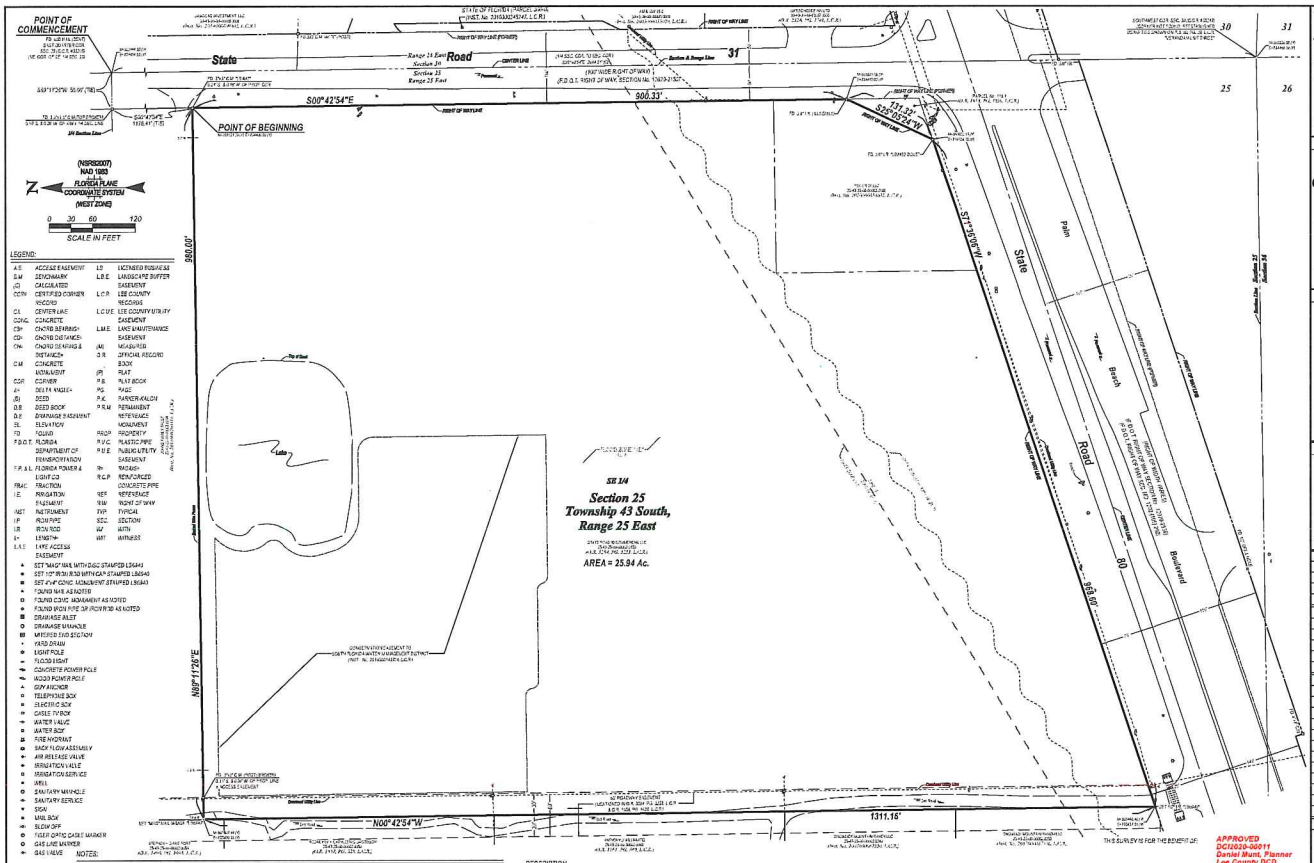
STRAP NUMBERS

SKETCH TO ACCOMPANY DESCRIPTION

PROJECT / FILE NO.	SHEET NUMBER
21088 25-43-25	2 OF 2

DCI2020-00011 Lee County ePlan

DCI2020-00011 Lee County ePlan



LEGEND:

A.E.	ACCESS EASEMENT	L.B.	LICENSED BUSINESS
B.M.	BENCHMARK	L.B.E.	LANDSCAPE BUFFER EASEMENT
(C)	CALCULATED	L.C.R.	LEE COUNTY RECORDS
CCRN	CERTIFIED CORNER RECORD	L.C.U.E.	LEE COUNTY UTILITY EASEMENT
C/L	CENTER LINE	L.M.E.	LAKE MAINTENANCE EASEMENT
CONC.	CONCRETE	(M)	MEASURED
CR	CNCRD BEARING	M.R.	OFFICIAL RECORD
CD	CNCRD DISTANCE	O.R.	BOOK
CM	CNCRD BEARING & DISTANCE	PB	PLAT BOOK
COR	CONCRETE MONUMENT	P.B.	PLAT
Δ	CORNER	PG	PAGE
(D)	DELTA ANGLE	P.K.	PARKER-KALON
D.B.	DEED	P.R.M.	PERMANENT REFERENCE MONUMENT
D.E.	DEED BOOK	PROP.	PROPERTY
EL	DRAINAGE EASEMENT	P.V.C.	POLYVINYL CHLORIDE PIPE
FD	ELEVATION	R/E	PUBLIC UTILITY EASEMENT
F.D.O.T.	FOUND	RAD.	RADIAL
	FLORIDA DEPARTMENT OF TRANSPORTATION	R.C.P.	REINFORCED CONCRETE PIPE
F.P.& L.	FLORIDA POWER & LIGHT CO	REF.	REFERENCE
FRAC.	FRACTION	R/W	RIGHT OF WAY
I.E.	IRRIGATION EASEMENT	TYP.	TYPICAL
INST.	INSTRUMENT	SEC.	SECTION
I.P.	IRON PIPE	W/	WITH
I.R.	IRON ROD	WIT.	WITNESS
L=	LENGTH		
L.A.E.	LAKE ACCESS EASEMENT		

- SET NAIL AND DISC STAMPED LB5443
- SET 1/2" IRON ROD WITH CAP STAMPED LB5443
- SET 4"x4" CONC. MONUMENT STAMPED LB5443
- FOUND NAIL AS NOTED
- FOUND CONC. MONUMENT AS NOTED
- FOUND IRON PIPE OR IRON ROD AS NOTED
- DRAINAGE INLET
- DRAINAGE MANHOLE
- METERED SOD SECTION
- YARD DRAIN
- LIGHT POLE
- FLOOD LIGHT
- CONCRETE POWER POLE
- WOOD POWER POLE
- GUY ANCHOR
- TELEPHONE BOX
- ELECTRIC BOX
- CABLE TV BOX
- WATER VALVE
- WATER BOX
- FIRE HYDRANT
- BACK FLOW ASSEMBLY
- AIR RELEASE VALVE
- IRRIGATION VALVE
- IRRIGATION SERVICE
- WELL
- SANITARY MANHOLE
- SANITARY SERVICE
- SIGN
- MAIL BOX
- SLOW OFF
- FIBER OPTIC CABLE MARKER
- GAS LINE MARKER
- GAS VALVE

NOTES:

1. DATE OF LAST FIELD WORK: MAY 26, 2020.
2. THIS SURVEY DOES NOT MAKE ANY REPRESENTATION AS TO ZONING OR DEVELOPMENT RESTRICTIONS ON SUBJECT PARCEL.
3. THIS SURVEY WAS PERFORMED FOR THE PURPOSES SHOWN HEREON AND DOES NOT MAKE ANY REPRESENTATION AS TO THE DESIGNATION OF ANY JURISDICTIONAL LINES EXCEPT AS SHOWN OR NOTED HEREON.
4. NO ENVIRONMENTAL ASSESSMENT OR AUDIT WAS PERFORMED ON SUBJECT PARCEL BY THIS FIRM.
5. ALL DISTANCES SHOWN ARE IN FEET AND DECIMALS THEREOF UNLESS OTHERWISE NOTED. DISTANCES ARE AS GRID U.S. SURVEY FEET GROUND AND CAN BE MULTIPLIED BY 1.0000477 TO OBTAIN GRID DISTANCES.
6. BEARINGS AND COORDINATES HEREON ARE STATE PLANE FLORIDA WEST ZONE (NAD 1983 (NSRS 2007)) AND ARE BASED ON THE EAST LINE OF THE SOUTHEAST QUARTER (SE 1/4) OF SECTION 25 TO BEAR S00°42'54"E.
7. IMPROVEMENTS OTHER THAN THOSE SHOWN IF ANY WERE NOT LOCATED.
8. THERE ARE NO VISIBLE ENCROACHMENTS OTHER THAN THOSE SHOWN.
9. OWNERSHIP OF ANY FENCE SHOWN HEREON IS UNKNOWN.
10. ACCORDING TO F.I.R.M. No. 12071C0534F, EFFECTIVE DATE: AUGUST 28, 2008 THE PROPERTY, AS SHOWN, IS LOCATED IN FLOOD ZONE AE (EL 7) AND FLOOD ZONE AE (EL 8) FOR AN AREA IN WHICH THE BASE FLOOD ELEVATION VARIES FROM EL 7.0 TO 7.1 (NORTH TO SOUTH), BASED ON PROFILE AND CROSS SECTIONS SHOWN IN THE FLOOD INSURANCE STUDY (CFS12-0024, EFFECTIVE DATE: AUGUST 28, 2008).
11. THIS SURVEY WAS PREPARED IN ACCORDANCE WITH A TITLE CERTIFICATION PREPARED BY: ATTORNEYS' TITLE FUND SERVICES, LLC. FUND FILE No. 6346243, EFFECTIVE DATE: AUGUST 14, 2020 @ 11:00 P.M.
12. ELEVATIONS SHOWN ARE IN FEET ABOVE NORTH AMERICAN VERTICAL DATUM 1988 AND ARE BASED ON A LEVEL LOOP BY TRIG FROM NATIONAL GEODETIC SURVEY BENCH MARK "LOOT" (ELEVATION = 3.67) (NGVD=0.52 m).

DESCRIPTION

A tract or parcel of land lying in Section 25, Township 43 South, Range 25 East, Lee County, Florida, said tract or parcel of land being more particularly described as follows:

Commencing at the Northeast corner of the Southeast Quarter (SE 1/4) of said Section 25, run S89°11'39"W along the North line of said Section for 59.00 feet to an intersection with the West right of way line of State Road 31, (100' wide right of way) as shown on F.D.O.T. Right of Way map, Section No. 12020-2150, thence run S00°42'54"E along said West right of way line for 1,175.41 feet to POINT OF BEGINNING

From said Point of Beginning continue S00°42'54"E along said West right of way line for 900.33 feet to an intersection with the Northeasterly right of way line of Palm Beach Boulevard (State Road No. 80) (F.D.O.T. right of way Section No. 12002-2538), as described in a deed recorded in Official Records Book 1918, at Page 1853, Lee County Records, thence run S29°03'24"W along said right of way line for 131.32 feet to an intersection with the Northwesterly Right of Way Line of said Palm Beach Boulevard (State Road No. 80) (F.D.O.T. right of way Section No. 12002-2538(100)), being 75 feet Northwesterly as measured perpendicular to the centerlines thereof; thence run S71°36'06"W along said Northwesterly right of way line for 958.60 feet to an intersection with the centerline of roadway easement, (60 feet wide), thence run N00°42'54"W along said centerline, parallel with the East line of said Section for 1,311.16 feet; thence run N89°11'39"E parallel with the North line of said Section for 980.00 feet to the POINT OF BEGINNING.

Containing 25.94 acres, more or less.

THIS SURVEY IS FOR THE BENEFIT OF:

APPROVED
DCI2020-00011
Daniel Munt, Planner
Lee County DCD
10/30/2020

I HEREBY CERTIFY THAT THIS SURVEY WAS DONE UNDER MY DIRECTION AND SUPERVISION AND MEETS THE STANDARDS OF PRACTICE AS PER CHAPTER 5J-17.050 THRU 5J-17.052, F.A.C. PURSUANT TO CHAPTER 472.027, FLORIDA STATUTES.

Digitally signed by Scott A. Wheeler, PSM
Date: 2020.10.14 09:56:23 -04'00'

SCOTT A. WHEELER, FOR THE FIRM - LB 5443
PROFESSIONAL SURVEYOR AND MAPPER
FLORIDA CERTIFICATE NO. 5341

DATE SIGNED

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

Barraco and Associates, Inc.
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LAND PLANNING
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FLORIDA CERTIFICATES OF AUTHORIZATION
ENGINEERING 7985 - SURVEYING LB 5443

PREPARED FOR:

Bonita Bay Group®

9990 COCONUT ROAD
BONITA SPRINGS, FLORIDA 34135-9450

PHONE (239) 495-1000
FAX (239) 992-2572

WWW.BONITABAYGROUP.COM

PROJECT DESCRIPTION:

A PARCEL OF LAND IN SECTION 25, TOWNSHIP 43 SOUTH, RANGE 25 EAST, LEE COUNTY, FLORIDA

PROJECT SURVEYOR

STATE OF FLORIDA
SCOTT A. WHEELER
5341

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

FILE NAME	21933-SV.dwg
LAYOUT	1
LOCATION	J:\21933\SURVEY\dwg
PLOT DATE	WED, 10-14-2020 - 9:11 AM
PLOT BY	SCOTT WHEELER

DRAWING DATA

SURVEY DATE	05-26-2020
DRAWN BY	P. OLSEN
CHECKED BY	SAW
SCALE	1"=60'
FIELD BOOK	2020 & 19-13 49/73

10-14-2020	Revised per RAI

STRAP NUMBERS

25-43-25-00-00002.0100
25-43-25-00-00002.0120

BOUNDARY SURVEY

PROJECT / FILE NO.	SHEET NUMBER
21933	1 OF 1
25-43-25	



DCI2020-00011
Zoning

Legend

Subject Parcel

N

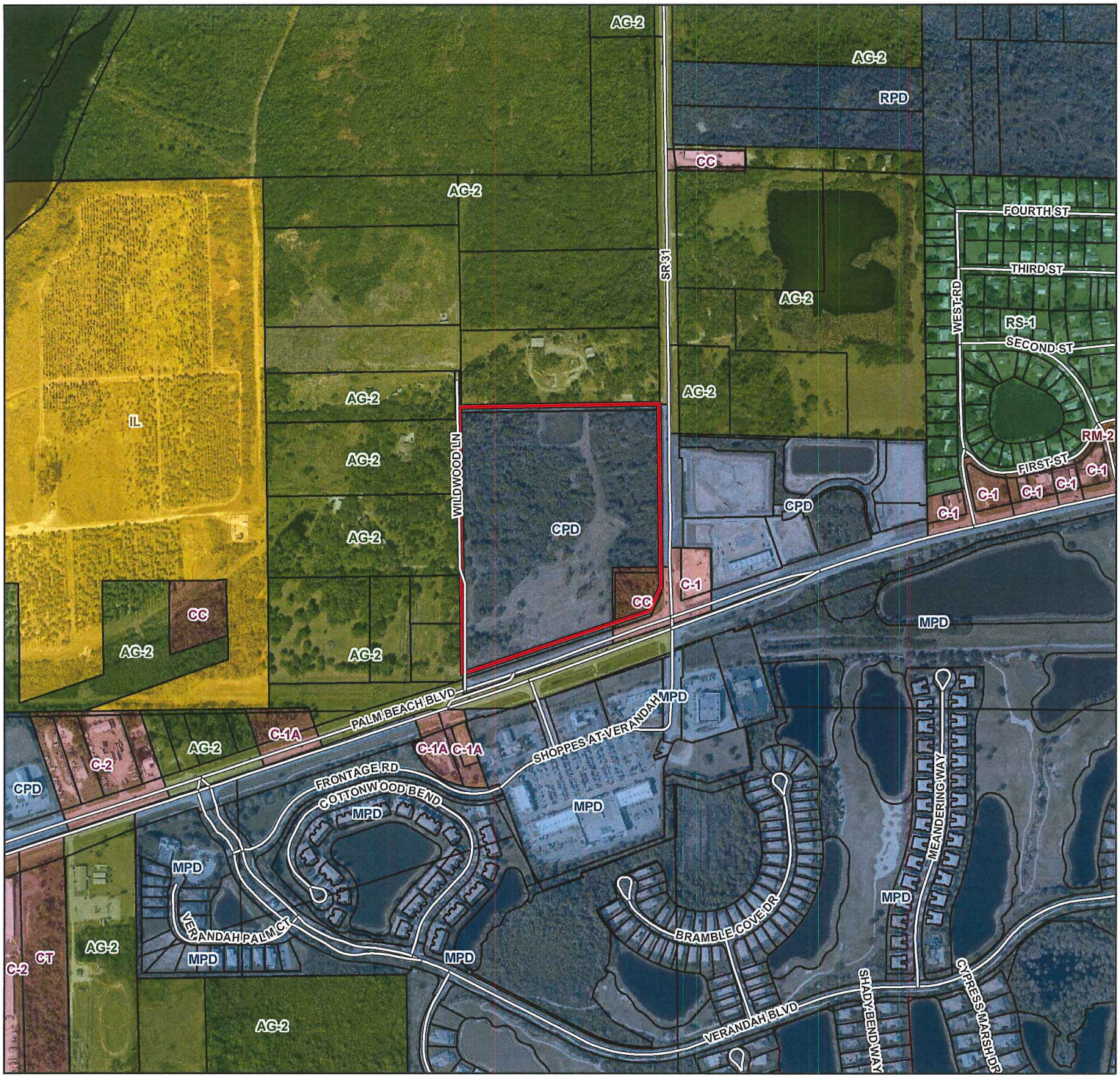
Map Generated: December 2020

Aerial Year - 2020

0 1,000

Feet

Lee County
Southwest Florida



DCI2020-00011
Zoning

Legend

Subject Parcel

N

Map Generated: December 2020

Aerial Year - 2020

0 1,000

Feet

Lee County
Southwest Florida

Exhibit B

RECOMMENDED CONDITIONS AND DEVIATIONS
(Conditions already modified for clarity)
(Strike through and underlining solely illustrates text removed due to redundancies)

CONDITIONS:

1. Development must be consistent with the two-page Master Concept Plan (MCP) entitled "State Road 31 CC," prepared by Barraco and Associates, Inc., last revised January 7, 2021, except as modified by the conditions below. Development must comply with the LDC at the time of local development order approval, except where deviations have been noted below. Amendments to the MCP, conditions, or deviations may be subject to further development approvals.

   The terms and conditions of Resolution Z-04-028A, as amended by ADD2017-00131 and ADD2018-00014, are superseded by this resolution.

2. Approved Development Parameters

   a. Schedule of Uses

   Anchor Parcel
   Accessory uses and structures
   Auto parts store, without installation facilities
   Auto repair and service, all groups, only in conjunction with an anchor store
   Banks and financial establishments, Groups I, II
   Building material sales
   Caretaker's residence, limited to one in conjunction with storage/warehouse use
   Clothing stores, general
   Consumption on premises, only in conjunction with restaurant, Group III
   Day care center, child, adult
   Department store
   Drive-through facility for any permitted use
   Drugstore, pharmacy, limited to one
   Essential services
   Essential service facilities, Group I
   Excavation, water retention
   Fences, walls
   Food stores, Groups I, II
   Gift and souvenir shop
   Hardware store
   Hobby, toy and game shops

Household and office furnishings, Groups I, II
Laundry or dry cleaning, Group I
Lawn and garden supply stores
Medical office
Non-store retailers, Groups I, II
Package store
Paint, glass and wallpaper
Personal services, Groups I, II, excluding massage parlors
Pet services
Pet shop
Place of worship
Post office
Recreational facilities, commercial, Group IV, excluding community hall, dance hall, and skating rinks
Rental or leasing establishment, Groups I, II
Repair shops, Groups I, II, and III
Restaurant, fast food
Restaurants, all groups
Schools, commercial
Signs
Specialty retail shops, Groups I through IV
Storage
    Indoor only
    Storage, open
Temporary uses
Used merchandise stores, Group I
Variety store
Warehouse
    Mini-warehouse
    Public
    Hybrid[39] (see Condition)

Outparcels
Accessory uses and structures
Auto parts store, without installation facilities, limited to one, prohibited on outparcel 1
Automobile service station, limited to one, prohibited on outparcel 1
Banks and financial establishments, Groups I, II
Business services, Groups I and II
Car wash, standalone, limited to one, prohibited on outparcel 1
Clothing stores, general
Consumption on premises, only in conjunction with restaurant, Group III

[39] This type of warehouse combines the structural and use aspects of a "mini-warehouse" and a "public warehouse," it has individual units, separate exterior doors, and allows "storage" inside the units, as these terms are defined by LDC §34-2. It also allows limited accessory personal recreational uses.

Convenience food and beverage stores, limited to one, prohibited on outparcel 1
Day care center, child, adult, limited one
Drive-through facility for any permitted use
Drugstore, pharmacy
Essential services
Essential service facilities, Group I
Excavation, water retention
Fences, walls
Food stores, Groups I, II, prohibited on outparcel 1
Hobby, toy and game shops
Hotel/motel
Household and office furnishings, Groups I, II, and III (no outdoor storage for Group III)
Lawn and garden supply stores
Medical office
Personal services, Groups I and II, excluding massage parlors
Pet shop
Repair shops, Groups I, II, and III
Restaurant, fast food, limited to two (2), prohibited on outparcel 1
Restaurants, all groups
Schools, commercial
Self-service fuel pumps, in conjunction with a convenience food and beverage store, limited to 24 fueling positions on one outparcel, prohibited on outparcel 1
Signs
Specialty retail shops, Groups I through IV
Variety store

b. Site Development Regulations

Minimum Lot Size

Lot Width:	100 feet
Lot Depth:	100 feet
Lot Areas:	10,000 sq. ft.

Minimum Setbacks

Street:	20 feet
State Road 80:	25 feet
State Road 31:	25 feet
Side:	10 feet (office/retail) 15 feet (hotel/motel)
Rear:	10 feet (office/retail) 20 feet (hotel/motel)

Waterbody: 20 feet
Development Perimeter of the subject property: 15 feet

Building Separation: [1] 20 feet between structures

Maximum Building Height: [1] 65 feet, with maximum stories set at five stories for office, two stories for retail; and five stories for hotel/motel uses

Maximum Lot Coverage: 45%

[1] ~~Buildings with a height greater than 35 feet must provide increased building setbacks and building separation in compliance with LDC Sections 34-2174(a) and 34-935(e)(4).~~

Hearing Examiner Note: Restatement of LDC provisions unnecessary. Condition 1 requires compliance with the LDC unless deviation approved.

c. Approved Development Parameters: A maximum of 200,000 square feet of commercial retail/office uses, of which a maximum of 60,000 square feet may be dedicated to outparcels.

Hotel/motel may be developed if an approved Traffic Impact Statement (TIS) demonstrates no increase to project trip generation. Hotel/motel use may not exceed 125 units (rooms).

3. Heritage trees. Developer must submit a heritage tree survey map with applications for local development order. The survey map must depict heritage trees to be preserved and the heritage trees planned for removal and replacement. Development order grading and paving plans must include measures to protect and preserve heritage trees. Development order landscape plans must depict required replacement trees in accordance with the LDC.

4. Signs

a. Prior to local development order approval, the applicant must submit an administrative amendment to the planned development for the approval of a unified signage plan. The unified signage plan must depict the quantity, location, size, and height of signage for the commercial planned development and must include sign details for each sign type proposed within the development. The unified signage plan must be consistent with

the signage table and sign location map depicted on Sheet 2 (Details and Deviations) of the MCP.

b. Identification signs for the commercial planned development are permitted only at FDOT-approved access points, except that a convenience food and beverage store with fuel pumps may have one identification sign per frontage on Palm Beach Boulevard (State Road 80) or State Road 31 independent of an FDOT-approved access point.

5. Architecture. Structures must be architecturally compatible and share a common architectural theme. The preferred architectural style for buildings is Florida Vernacular consistent with Lee Plan directives.

6. Access. This resolution does not address access to Palm Beach Boulevard (S.R. 80) and S.R. 31. Lee County has no jurisdiction over state roadways. The development must pursue access with the Florida Department of Transportation.

7. Blasting Prohibited.

8. Agricultural Uses Prohibited. Agriculture is not a permitted use. This prohibition does not prevent developer from harvesting and relocating existing native trees/vegetation.

9. Wildwood Lane Access. Access off Wildwood Lane will be consistent with the State Road 80 Florida Department of Transportation (FDOT) Access Management Plan. Developer must improve Wildwood Lane to street design and construction standards established in LDC 10-296(e) and Table 8 from State Road 80 to the project entrance shown on the MCP. Access will not be permitted north of the entrance shown on the MCP.

10. Open Space. Development Order landscape plans must depict 2.59 acres of indigenous open space (1.97 acres of indigenous upland and 2.35 acres of indigenous wetland). A 125 percent open space incentive may be allocated for the preservation of 1.97 acres of indigenous uplands.

11. Conservation Easement. Developer must submit a copy of the recorded conservation easement for the 4.3 acre preserve in the Northwest corner of the site with the first development order application.

12. Hybrid Warehouse Use Restrictions.

a. Use of Individual Units are limited to the following:

1. Storage of personal property, such as: automobiles, boats, recreational vehicles, furniture, and other personal possessions;
2. Minor maintenance work; and
3. Watching television, gaming, listening to music and similar uses.

b. Prohibited uses/activities within individual units:

1. Dwelling unit, temporary living or overnight sleeping;
2. Installation of stoves, cooktops, ranges, or ovens;
3. Operation of a business;
4. Use for manufacturing or construction; and
5. Storage or use of hazardous material

c. Uses/activities prohibited on Hybrid Warehouse Tract:

1. Outdoor storage of unattended vehicles including cars, trucks, boats, trailers, mobile homes, recreational vehicles, or other similar vehicles, with the exception of washing and rinsing;
2. Overnight outdoor parking or outdoor storage of any kind; and
3. Using outdoor areas for uses permitted within Individual Units.

d. Individual Units utilized for purposes other than dead storage must comply with occupied space standards of the Florida Building Code.

e. The use restrictions herein must be reflected in restrictive covenants, property owners' association documents, or lease documents.

13. Density and Intensity Conversions. The project is limited to a new trip generation equivalent of 200,000 square feet of commercial retail development.

DEVIATIONS:

1. Excavations. Deviation (1) seeks relief from LDC 10-329(d)(1)a.3, which requires a minimum excavation setback of 50 feet from private property under separate ownership, to allow an excavation setback of 30 feet to the property boundary.

Approve, subject to the following conditions:

(a) Excavations are permitted a minimum of 30 feet from the northern property boundary for the purposes of constructing required storm water infrastructure.

(b) Developer must install a four-foot-high fence along the northern property line where water retention excavations are located within 100 feet of the property boundary.

2. Parking. Deviation 2 seeks relief from LDC 33-1493(a), which prohibits more than 20 percent of parking to be located between the street right-of-way and principal structure or along the side of a building, to allow approximately 90 percent of required parking along the front and sides of a convenience food and beverage store with fuel pumps.

Approve, ~~subject to the following condition:~~

~~(a) Approval is limited to a convenience food and beverage store with fuel pumps. Remaining development must comply with LDC planning community parking location requirements.~~

Hearing Examiner Note: Struck through text is redundant. Suggest removal. The body of deviation limited to convenience food and beverage store.

3. Withdrawn.

4. Withdrawn.

5. Signs. Deviation 5 seeks relief from LDC 33-1505(a), which prohibits animated, emitting, and automatic changing signs, to permit the LED signs for convenience food and beverage store with fuel pumps.

Approve, subject to the following condition:

(a) LED signs limited to display of fuel prices. ~~for convenience food and beverage store with fuel pumps.~~

Hearing Examiner Note: Struck through text redundant. Suggest removal. Body of deviation limited to convenience food and beverage store.

6. Signs. Deviation 6 seeks relief from LDC 33-1506(a), which permits one monument-style identification sign along streets providing access to the property, to allow up to four monument-style identification signs along Palm Beach Boulevard (State Road 80) and up to three along State Road 31.

Approve, subject to Condition 4.

7. Sign Setback. Deviation 7 seeks relief from LDC 33-1506(a)(3), which requires monument-style identification signs be set back a minimum of 15 feet from street rights-of-way or easements, to allow identification signs set back 5 feet from the Palm Beach Boulevard (State Road 80) and State Road 31 rights-of-way for a convenience food and beverage store with fuel pumps.

Approve. ~~subject to the following condition:~~

~~(a) Approval limited to signs for a convenience food and beverage store with fuel pumps.~~

Hearing Examiner Note: Struck through text redundant. Suggest removal. Body of deviation limited to convenience food and beverage store.

8. Signs. Deviation 8 seeks relief from LDC 33-1506(a)(7), which prohibits wall signs from advertising messages or sale items, to permit one wall sign advertising an internal store offering for a convenience food and beverage store with fuel pumps.

Deny.

9. Signs. Deviation 9 seeks relief from LDC 30-153(3)d, which limits sign area on walls to ten percent of total wall area, to allow sign area of 36 percent for the short sides of fuel canopy facades for a convenience food and beverage store with fuel pumps.

Approve. ~~subject to the following condition:~~

~~(a) Approval limited to signs on the short side of a canopy for a convenience food and beverage store with fuel pumps.~~

Hearing Examiner Note: Struck through text redundant. Suggest removal. Body of deviation limited to fuel canopy façade.

10. Signs. Deviation 10 seeks relief from LDC 30-5(25), which prohibits window signs advertising activities, services, goods, or products within the building, and that collectively cover more than 30 percent of the window glass surface area, to allow one or multiple window clings to cover a maximum of 50 percent of window glass surfaces for a convenience food and beverage store with fuel pumps.

Deny.

11. Sign Area. Deviation 11 seeks relief from LDC 30-153(2)a and 30-153(2)a.1.ii, which permit one ground-mounted identification sign with a maximum sign area of 200 square feet per sign face along streets that provide access to the property, to allow four signs on Palm Beach Boulevard (State Road 80) and three signs on State Road 31, with a combined sign area of 300 square feet per frontage.

    Approve, subject to Condition 4.

12. Sign Area. Deviation 12 seeks relief from LDC 30-153(2)a.1.iv, which limits additional identification signs to 16 square feet in area with no illumination and restricts messaging to the development name only, to permit additional site identification signs with a maximum sign area of 45 square feet, with illumination, and to permit fuel price signs to have a maximum sign area of 65 square feet with LED lighting.

    Approve, subject to Condition 4, and the following:

    (a) LED signs limited to display of fuel prices for a convenience food and beverage store with fuel pumps.

13. Street Design and Construction Standards. Deviation 13 seeks relief from LDC 10-296(e)(1)(i)(5)ii and Table 8, which require two, 11-foot-wide travel lanes and sidewalks on both sides of the road, to permit an internal roadway constructed with two, 10-foot-wide travel lanes and sidewalks on one side of the road.

    Approve, subject to following conditions:

    (a) Developer may construct a sidewalk on one side of internal access roads, so long as the road does not provide direct access to Palm Beach Boulevard (S.R. 80) or S.R.31

    .

    (b) Developer must construct sidewalks on both sides of internal road segments that directly access Palm Beach Boulevard (S.R. 80) or S.R.31.

Exhibits to Conditions:
B1 Master Concept Plan "State Road 31 CC" last revised January 7, 2021

Exhibit C

RECOMMENDED CONDITIONS AND DEVIATIONS
(Clean Version)

CONDITIONS:

1. Development must be consistent with the two-page Master Concept Plan (MCP) entitled "State Road 31 CC," prepared by Barraco and Associates, Inc., last revised January 7, 2021, except as modified by the conditions below. Development must comply with the LDC at the time of local development order approval, except where deviations have been noted below. Amendments to the MCP, conditions, or deviations may be subject to further development approvals.

   The terms and conditions of Resolution Z-04-028A, as amended by ADD2017-00131 and ADD2018-00014, are superseded by this resolution.

2. Approved Development Parameters

   a. Schedule of Uses

   Anchor Parcel
   Accessory uses and structures
   Auto parts store, without installation facilities
   Auto repair and service, all groups, only in conjunction with an anchor store
   Banks and financial establishments, Groups I, II
   Building material sales
   Caretaker's residence, limited to one in conjunction with storage/warehouse use
   Clothing stores, general
   Consumption on premises, only in conjunction with restaurant, Group III
   Day care center, child, adult
   Department store
   Drive-through facility for any permitted use
   Drugstore, pharmacy, limited to one
   Essential services
   Essential service facilities, Group I
   Excavation, water retention
   Fences, walls
   Food stores, Groups I, II
   Gift and souvenir shop
   Hardware store

Hobby, toy and game shops
Household and office furnishings, Groups I, II
Laundry or dry cleaning, Group I
Lawn and garden supply stores
Medical office
Non-store retailers, Groups I, II
Package store
Paint, glass and wallpaper
Personal services, Groups I, II, excluding massage parlors
Pet services
Pet shop
Place of worship
Post office
Recreational facilities, commercial, Group IV, excluding community hall, dance hall, and skating rinks
Rental or leasing establishment, Groups I, II
Repair shops, Groups I, II, and III
Restaurant, fast food
Restaurants, all groups
Schools, commercial
Signs
Specialty retail shops, Groups I through IV
Storage
    Indoor only
    Storage, open
Temporary uses
Used merchandise stores, Group I
Variety store
Warehouse
    Mini-warehouse
    Public
    Hybrid[40] (see Condition)

Outparcels
Accessory uses and structures
Auto parts store, without installation facilities, limited to one, prohibited on outparcel 1
Automobile service station, limited to one, prohibited on outparcel 1
Banks and financial establishments, Groups I, II
Business services, Groups I and II
Car wash, standalone, limited to one, prohibited on outparcel 1
Clothing stores, general

[40] This type of warehouse combines the structural and use aspects of a "mini-warehouse" and a "public warehouse," it has individual units, separate exterior doors, and allows "storage" inside the units, as these terms are defined by LDC §34-2. It also allows limited accessory personal recreational uses.

Consumption on premises, only in conjunction with restaurant, Group III
Convenience food and beverage stores, limited to one, prohibited on outparcel 1
Day care center, child, adult, limited one
Drive-through facility for any permitted use
Drugstore, pharmacy
Essential services
Essential service facilities, Group I
Excavation, water retention
Fences, walls
Food stores, Groups I, II, prohibited on outparcel 1
Hobby, toy and game shops
Hotel/motel
Household and office furnishings, Groups I, II, and III (no outdoor storage for Group III)
Lawn and garden supply stores
Medical office
Personal services, Groups I and II, excluding massage parlors
Pet shop
Repair shops, Groups I, II, and III
Restaurant, fast food, limited to two (2), prohibited on outparcel 1
Restaurants, all groups
Schools, commercial
Self-service fuel pumps, in conjunction with a convenience food and beverage store, limited to 24 fueling positions on one outparcel, prohibited on outparcel 1
Signs
Specialty retail shops, Groups I through IV
Variety store

b. Site Development Regulations

Minimum Lot Size

Lot Width:	100 feet
Lot Depth:	100 feet
Lot Areas:	10,000 sq. ft.

Minimum Setbacks

Street:	20 feet
State Road 80:	25 feet
State Road 31:	25 feet
Side:	10 feet (office/retail) 15 feet (hotel/motel)

Rear:	10 feet (office/retail) 20 feet (hotel/motel)
Waterbody:	20 feet
Development Perimeter of the subject property:	15 feet
Building Separation: [1]	20 feet between structures
Maximum Building Height: [1]	65 feet, with maximum stories set at five stories for office, two stories for retail; and five stories for hotel/motel uses
Maximum Lot Coverage:	45%

c. Approved Development Parameters: A maximum of 200,000 square feet of commercial retail/office uses, of which a maximum of 60,000 square feet may be dedicated to outparcels.

Hotel/motel may be developed if an approved Traffic Impact Statement (TIS) demonstrates no increase to project trip generation. Hotel/motel use may not exceed 125 units (rooms).

3. Heritage trees. Developer must submit a heritage tree survey map with applications for local development order. The survey map must depict heritage trees to be preserved and the heritage trees planned for removal and replacement. Development order grading and paving plans must include measures to protect and preserve heritage trees. Development order landscape plans must depict required replacement trees in accordance with the LDC.

4. Signs

a. Prior to local development order approval, the applicant must submit an administrative amendment to the planned development for the approval of a unified signage plan. The unified signage plan must depict the quantity, location, size, and height of signage for the commercial planned development and must include sign details for each sign type proposed within the development. The unified signage plan must be consistent with the signage table and sign location map depicted on Sheet 2 (Details and Deviations) of the MCP.

b. Identification signs for the commercial planned development are permitted only at FDOT-approved access points, except that a convenience food and beverage store with fuel pumps

may have one identification sign per frontage on Palm Beach Boulevard (State Road 80) or State Road 31 independent of an FDOT-approved access point.

5. Architecture. Structures must be architecturally compatible and share a common architectural theme. The preferred architectural style for buildings is Florida Vernacular consistent with Lee Plan directives.

6. Access. This resolution does not address access to Palm Beach Boulevard (S.R. 80) and S.R. 31. Lee County has no jurisdiction over state roadways. The development must pursue access with the Florida Department of Transportation.

7. Blasting Prohibited.

8. Agricultural Uses Prohibited. Agriculture is not a permitted use. This prohibition does not prevent developer from harvesting and relocating existing native trees/vegetation.

9. Wildwood Lane Access. Access off Wildwood Lane will be consistent with the State Road 80 Florida Department of Transportation (FDOT) Access Management Plan. Developer must improve Wildwood Lane to street design and construction standards established in LDC 10-296(e) and Table 8 from State Road 80 to the project entrance shown on the MCP. Access will not be permitted north of the entrance shown on the MCP.

10. Open Space. Development Order landscape plans must depict 2.59 acres of indigenous open space (1.97 acres of indigenous upland and 2.35 acres of indigenous wetland). A 125 percent open space incentive may be allocated for the preservation of 1.97 acres of indigenous uplands.

11. Conservation Easement. Developer must submit a copy of the recorded conservation easement for the 4.3 acre preserve in the Northwest corner of the site with the first development order application.

12. Hybrid Warehouse Use Restrictions.

    a. Use of Individual Units are limited to the following:

        1. Storage of personal property, such as: automobiles, boats, recreational vehicles, furniture, and other personal possessions;
        2. Minor maintenance work; and
        3. Watching television, gaming, listening to music and similar uses.

b. Prohibited uses and activities in individual units:

1. Dwelling unit, temporary living or overnight sleeping;
2. Installation of stoves, cooktops, ranges, or ovens;
3. Operation of a business;
4. Use for manufacturing or construction; and
5. Storage or use of hazardous material

c. Uses and activities prohibited on Hybrid Warehouse Tract:

1. Outdoor storage of unattended vehicles including cars, trucks, boats, trailers, mobile homes, recreational vehicles, or other similar vehicles, with the exception of washing and rinsing;
2. Overnight outdoor parking or outdoor storage of any kind; and
3. Using outdoor areas for uses permitted within Individual Units.

d. Individual Units utilized for purposes other than dead storage must comply with occupied space standards of the Florida Building Code.

e. Use restrictions established herein must be reflected in restrictive covenants, property owners' association documents, or lease documents.

13. Density and Intensity Conversions. The project is limited to a new trip generation equivalent of 200,000 square feet of commercial retail development.

DEVIATIONS:

1. Excavations. Deviation (1) seeks relief from LDC 10-329(d)(1)a.3, which requires a minimum excavation setback of 50 feet from private property under separate ownership, to allow an excavation setback of 30 feet to the property boundary.

Approve, subject to the following conditions:

(a) Excavations are permitted a minimum of 30 feet from the northern property boundary for the purposes of constructing required storm water infrastructure.

(b) Developer must install a four-foot-high fence along the northern property line where water retention excavations are located within 100 feet of the property boundary.

2. Parking. Deviation 2 seeks relief from LDC 33-1493(a), which prohibits more than 20 percent of parking to be located between the street right-of-way and principal structure or along the side of a building, to allow approximately 90 percent of required parking along the front and sides of a convenience food and beverage store with fuel pumps.

   Approve.

3. Withdrawn.

4. Withdrawn.

5. Signs. Deviation 5 seeks relief from LDC 33-1505(a), which prohibits animated, emitting, and automatic changing signs, to permit the LED signs for convenience food and beverage store with fuel pumps.

   Approve, subject to the following condition:

   (a) LED signs limited to display of fuel prices.

6. Signs. Deviation 6 seeks relief from LDC 33-1506(a), which permits one monument-style identification sign along streets providing access to the property, to allow up to four monument-style identification signs along Palm Beach Boulevard (State Road 80) and up to three along State Road 31.

   Approved, subject to Condition 4.

7. Sign Setback. Deviation 7 seeks relief from LDC 33-1506(a)(3), which requires monument-style identification signs be set back a minimum of 15 feet from street rights-of-way or easements, to allow identification signs set back 5 feet from the Palm Beach Boulevard (State Road 80) and State Road 31 rights-of-way for a convenience food and beverage store with fuel pumps.

   Approve.

8. Signs. Deviation 8 seeks relief from LDC 33-1506(a)(7), which prohibits wall signs from advertising messages or sale items, to permit one wall sign advertising an internal store offering for a convenience food and beverage store with fuel pumps.

   Denied.

9. Signs. Deviation 9 seeks relief from LDC 30-153(3)d, which limits sign area on walls to ten percent of total wall area, to allow sign area of 36 percent for the short sides of fuel canopy facades for a convenience food and beverage store with fuel pumps.

   Approved.

10. Signs. Deviation 10 seeks relief from LDC 30-5(25), which prohibits window signs advertising activities, services, goods, or products within the building, and that collectively cover more than 30 percent of the window glass surface area, to allow one or multiple window clings to cover a maximum of 50 percent of window glass surfaces for a convenience food and beverage store with fuel pumps.

    Deny.

11. Sign Area. Deviation 11 seeks relief from LDC 30-153(2)a and 30-153(2)a.1.ii, which permit one ground-mounted identification sign with a maximum sign area of 200 square feet per sign face along streets that provide access to the property, to allow four signs on Palm Beach Boulevard (State Road 80) and three signs on State Road 31, with a combined sign area of 300 square feet per frontage.

    Approve, subject to Condition 4.

12. Sign Area. Deviation 12 seeks relief from LDC 30-153(2)a.1.iv, which limits additional identification signs to 16 square feet in area with no illumination and restricts messaging to the development name only, to permit additional site identification signs with a maximum sign area of 45 square feet, with illumination, and to permit fuel price signs to have a maximum sign area of 65 square feet with LED lighting.

    Approve, subject to Condition 4, and the following:

    (a) LED signs limited to display of fuel prices for a convenience food and beverage store with fuel pumps.

13. Street Design and Construction Standards. Deviation 13 seeks relief from LDC 10-296(e)(1)(i)(5)ii and Table 8, which require two, 11-foot-wide travel lanes and sidewalks on both sides of the road, to permit an internal roadway constructed with two, 10-foot-wide travel lanes and sidewalks on one side of the road.

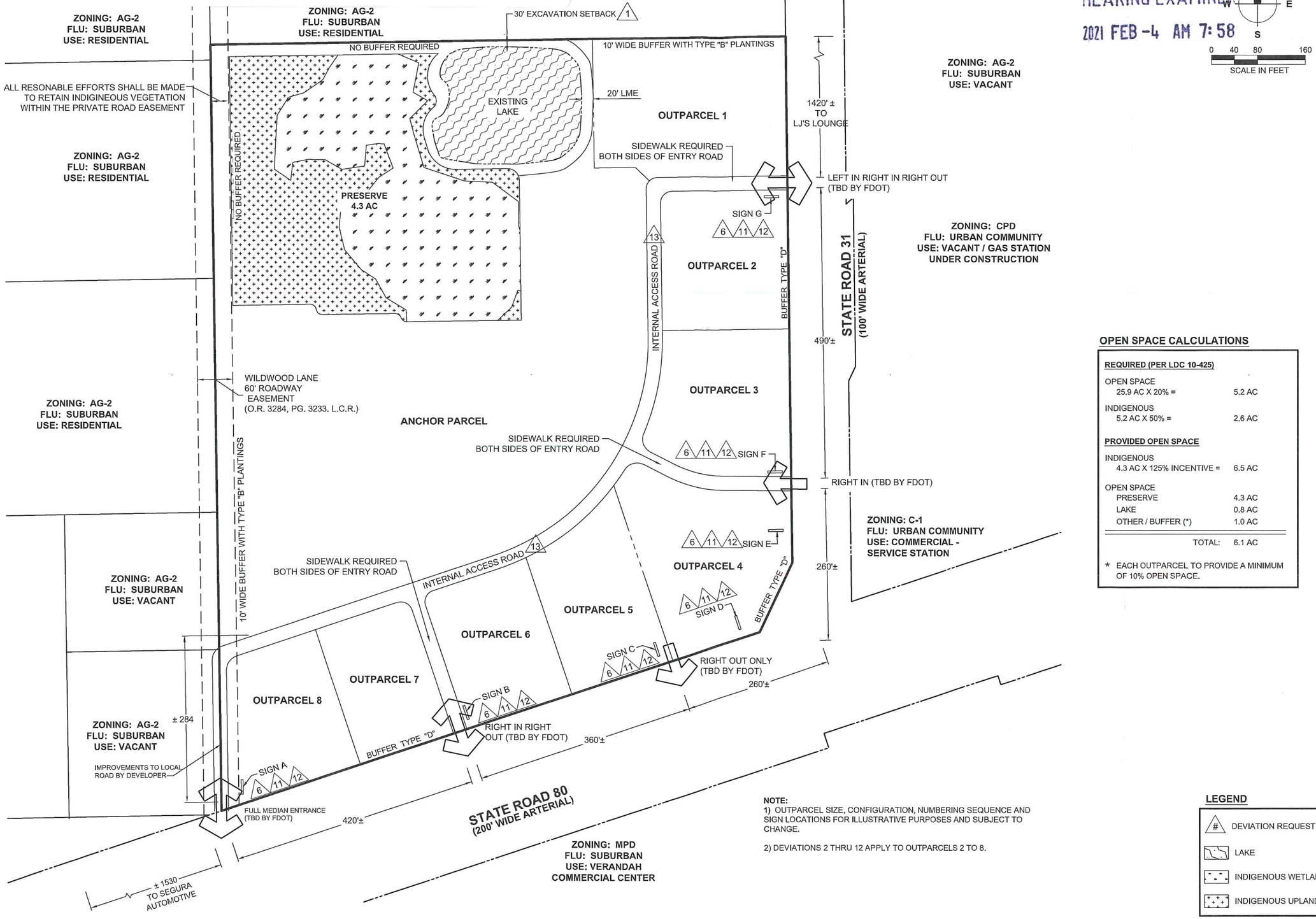
    Approve, subject to following conditions:

    (a) Developer may construct a sidewalk on one side of internal access roads, so long as the road does not provide direct access to Palm Beach Boulevard (S.R. 80) or S.R.31.

    (b) Developer must construct sidewalks on both sides of internal road segments that directly access Palm Beach Boulevard (S.R. 80) or S.R.31.

Exhibits to Conditions:
B1 Master Concept Plan "State Road 31 CC" last revised January 7, 2021

EXHIBIT B-1



LEE COUNTY
HEARING EXAMINER
2021 FEB -4 AM 7:58

N
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S

0 40 80 160
SCALE IN FEET

OPEN SPACE CALCULATIONS

REQUIRED (PER LDC 10-425)

OPEN SPACE	
25.9 AC X 20% =	5.2 AC
INDIGENOUS	
5.2 AC X 50% =	2.6 AC

PROVIDED OPEN SPACE

INDIGENOUS	
4.3 AC X 125% INCENTIVE =	6.5 AC
OPEN SPACE	
PRESERVE	4.3 AC
LAKE	0.8 AC
OTHER / BUFFER (*)	1.0 AC
TOTAL:	6.1 AC

* EACH OUTPARCEL TO PROVIDE A MINIMUM OF 10% OPEN SPACE.

NOTE:
1) OUTPARCEL SIZE, CONFIGURATION, NUMBERING SEQUENCE AND SIGN LOCATIONS FOR ILLUSTRATIVE PURPOSES AND SUBJECT TO CHANGE.

2) DEVIATIONS 2 THRU 12 APPLY TO OUTPARCELS 2 TO 8.

LEGEND

- # DEVIATION REQUEST
- LAKE
- INDIGENOUS WETLAND
- INDIGENOUS UPLAND

Barraco and Associates, Inc.
CIVIL ENGINEERING - LAND SURVEYING
LAND PLANNING
www.barraco.net
2271 McGREGOR BLVD., SUITE 100
POST OFFICE DRAWER 2800
FORT MYERS, FLORIDA 33902-2800
PHONE (239) 461-3170
FAX (239) 461-3169
FLORIDA CERTIFICATES OF AUTHORIZATION
ENGINEERING 7995 - SURVEYING LB-6940

PREPARED FOR

PBV SF 31, LLC.
&
SR 80 COMMERCIAL, LLC.

PROJECT DESCRIPTION

STATE ROAD 31
CC

COMMERCIAL DEVELOPMENT

PART OF SECTION 25
TOWNSHIP 43 SOUTH
RANGE 25 EAST
LEE COUNTY, FLORIDA

THIS PLAN IS PRELIMINARY AND INTENDED FOR CONCEPTUAL PLANNING PURPOSES ONLY.

SITE LAYOUT AND LAND USE INTENSITIES OR DENSITIES MAY CHANGE SIGNIFICANTLY BASED UPON SURVEY, ENGINEERING, ENVIRONMENTAL AND / OR REGULATORY CONSTRAINTS AND / OR OPPORTUNITIES.

NOT FOR CONSTRUCTION

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FILE NAME	21888Z01.DWG
LOCATION	J:\21888\DWG\ZONING 2020\
PLOT DATE	TUE, 2-2-2021 - 3:47 PM
PLOT BY	ALYSSA FONTAINE

CROSS REFERENCED DRAWINGS

BASEPLAN = 21888Z00.DWG

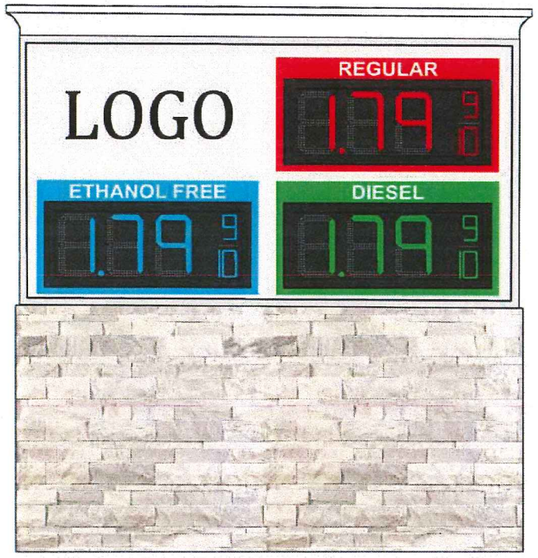
PLAN REVISIONS

8/28/20	REVISED OPEN SPACE CALCS
9/2/20	REVISED OPEN SPACE CALCS
9/17/20	REVISED DEVIATION NUMBERS
1-7-21	INCENTIVE CREDIT AT 125% (HEX)

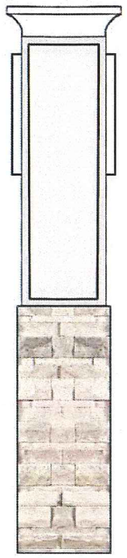
PLAN STATUS

MASTER CONCEPT PLAN

PROJECT / FILE NO.	SHEET NUMBER
21888	1 OF 2



FRONT VIEW



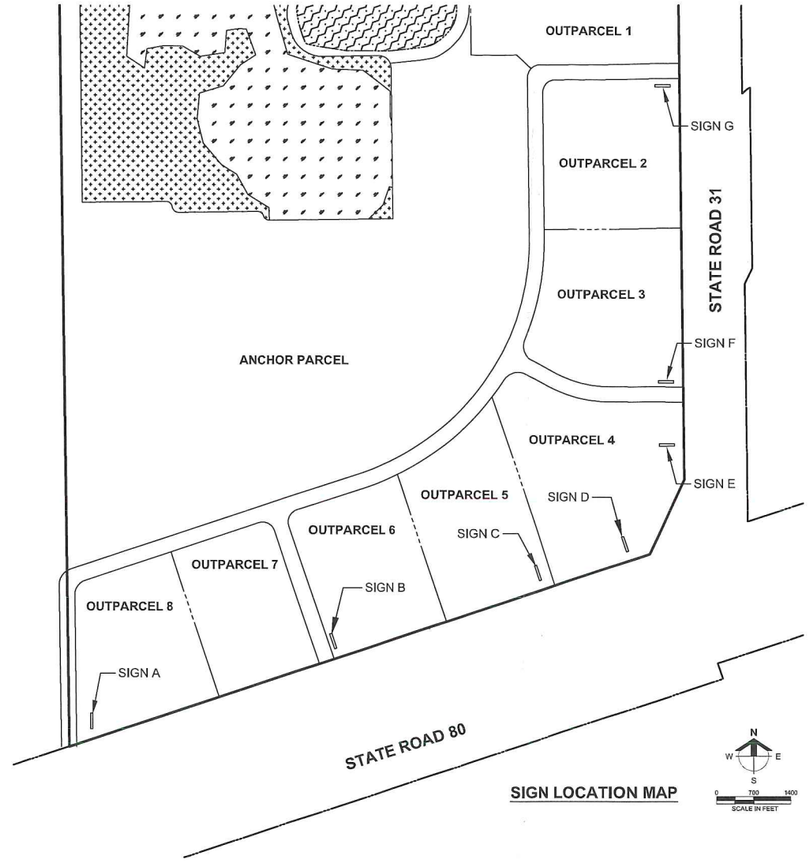
SIDE VIEW

SIGN PLAN 65 S.F. LED PRICE SIGN
(OUTPARCELS 2 TO 8)

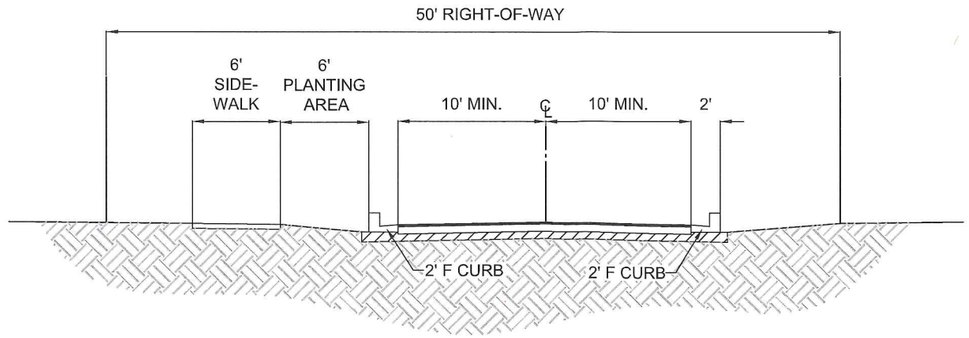
SIGNAGE

STATE ROAD 80 SIGNAGE	
A	145 S.F.
B	45 S.F.
C	45 S.F.
D	65 S.F.
TOTAL	NOT TO EXCEED 300 S.F.
STATE ROAD 31 SIGNAGE	
E	65 S.F.
F	45 S.F.
G	145 S.F.
TOTAL	NOT TO EXCEED 300 S.F.

LDC SECTION 30-153 (MAX HEIGHT 24')



SIGN LOCATION MAP



TYPICAL COMMERCIAL ROAD SECTION
(DEVIATION #15)

NOTE:
1) OUTPARCEL SIZE, CONFIGURATION, NUMBERING SEQUENCE AND SIGN LOCATIONS FOR ILLUSTRATIVE PURPOSES AND SUBJECT TO CHANGE.

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ENGINEERING 7995 - SURVEYING LB-6940

PREPARED FOR

PBV SF 31, LLC.
&
SR 80 COMMERCIAL, LLC.

PROJECT DESCRIPTION

STATE ROAD 31
CC

COMMERCIAL DEVELOPMENT

PART OF SECTION 25
TOWNSHIP 43 SOUTH
RANGE 25 EAST
LEE COUNTY, FLORIDA

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FILE NAME	21888Z02.DWG
LOCATION	J:\21888\DWG\ZONING 2020\
PLOT DATE	TUE, 2-2-2021 - 3:49 PM
PLOT BY	ALYSSA FONTAINE

CROSS REFERENCED DRAWINGS

BASEPLAN = 21888Z00.DWG

PLAN REVISIONS

1-7-21	INCENTIVE CREDIT AT 125% (HEX)

PLAN STATUS

DETAILS AND DEVIATIONS

PROJECT / FILE NO.	SHEET NUMBER
21888	2 OF 2

Exhibit D

EXHIBITS PRESENTED AT HEARING

STAFF EXHIBITS

1. *DCD Staff Report with attachments for DCI:* Prepared by Anthony Rodriguez, Principal Planner, dated December 15, 2020 (multiple pages – 8.5"x11" & 11"x14") [black & white, color]

APPLICANT EXHIBITS

a. *48-Hour Notice:* Email from Richard Akin, Esq., with Henderson Law, to Hearing Examiner, Anthony Rodriguez, John Fredyma, Esq., Jennifer Sapen, Vince Barraco, Russell Schropp, Esq., James Banks, Andy Woodruff, Dawn Russell, & Carl Barraco, dated Monday, January 4, 2021 at 8:46 AM (3 pages – 8.5"x11")

1. *PowerPoint Presentation:* Prepared for State Road 80 CPD, DCI2020-00011, Presentation to Lee County Hearing Examiner, prepared by Barraco & Associates, Inc., Passarella & Associates, Inc., JMB Transportation Engineering, Inc., & Henderson Franklin Starnes & Holt Law Firm (multiple pages 8.5"x11")[color]

2. *Proposed Condition:* Emails (2 pages – 8.5"11")

3. *Deed of Conservation Easement Standard:* Dated June 12, 2018, to South Florida Water Management District-Grantee (multiple pages – 8.5"x11")

4. *Résumé:* Carl Barraco, Jr., P.E., Vice President of Barraco and Associates, Inc. (1 page – 8.5"x11")

5. *Written Submissions:* Email from Russell Schropp, Esq., with Henderson Franklin, to Hearing Examiner, with copies to Richard Akin, Anthony Rodriguez, Joseph Adams, Esq., David Halverson, John Fredyma, Esq., & Jennifer Sapen, dated Monday, January 11, 2021 9:47 AM (1 page – 8.5"x11" & 2 pages – 11"x17")

Case: DCI2020-00011

Exhibit E

HEARING PARTICIPANTS

County Staff:

1. Anthony Rodriguez
2. Elizabeth Workman

Applicant Representatives:

1. Richard Akin, Esq.
2. Jim Banks
3. Carl Barraco, Jr.
4 Jennifer Sapen
5. Russell Schropp, Esq.
6. Andy Woodruff

Exhibit F

INFORMATION

UNAUTHORIZED COMMUNICATIONS:

The LDC prohibits communications with the Hearing Examiner or her staff on the substance of pending zoning actions. There are limited exceptions for written communications requested by the Hearing Examiner, or where the Hearing Examiner seeks advice from a disinterested expert.

HEARING BEFORE LEE COUNTY BOARD OF COUNTY COMMISSIONERS:

A. The Hearing Examiner will provide a copy of this recommendation to the Board of County Commissioners.

B. The Board will hold a final hearing to consider the Recommendation and record made before the Hearing Examiner. The Department of Community Development will notify hearing participants of the final hearing date. Only Parties and participants may address the Board at the final hearing. Presentation by participants are limited to the substance of testimony presented to the Hearing Examiner, testimony concerning the correctness of Findings of Fact or Conclusions of Law contained in the Recommendation, or allegations of relevant new evidence not known or that could not have been reasonably discovered by the speaker at the time of the Hearing Examiner hearing.

COPIES OF TESTIMONY AND TRANSCRIPTS:

A. Every hearing is recorded. Recordings are public records that become part of the case file maintained by the Department of Community Development. The case file and recordings are available for public examination Monday through Friday between 8:00 a.m. and 4:30 p.m.

B. A verbatim transcript may also be available for purchase from the court reporting service.

LocaliQ

Florida

GANNETT

PO Box 631244 Cincinnati, OH 45263-1244

AFFIDAVIT OF PUBLICATION

Brienne Cherry
Lcbc-Dept Of Comm Development-D
1500 MONROE ST
Fort Myers FL 33901

STATE OF WISCONSIN, COUNTY OF BROWN

Before the undersigned authority personally appeared, who on oath says that he or she is the Legal Advertising Representative of the News-Press, a daily newspaper published at Fort Myers in Lee County, Florida; that the attached copy of advertisement, being a Legal Ad in the matter of Public Notices, was published on the publicly accessible website of Lee County, Florida, or in a newspaper by print in the issues of, on:

07/17/2025

Affiant further says that the website or newspaper complies with all legal requirements for publication in chapter 50, Florida Statutes.
Subscribed and sworn to before me, by the legal clerk, who is personally known to me, on 07/17/2025

Legal Clerk

Notary, State of WI, County of Brown

8-21-26

My commission expires

Publication Cost:	$204.80	
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NICOLE JACOBS
Notary Public
State of Wisconsin

NOTICE OF PUBLIC HEARING

The Hearing Examiner of Lee County will hold public hearings on Thursday, July 31, 2025, in the Hearing Examiner Meeting Room, 1500 Monroe St., Ft. Myers, FL. An interested individual may appear and be heard with respect to the case(s) below. Unless a request for a public hearing before the Board of County Commissioners is made in accordance with Land Development Code Section 34-145(d)(1)e.5, as amended by Ordinance 25-09, the Hearing Examiner's written decision becomes final on the date rendered. That decision may be appealed to Circuit Court in Lee County if an appeal is filed within 30 days of the date the decision is rendered. Copies of staff report(s) are available one week prior to the hearing. The file can be reviewed at the Zoning Section, 1500 Monroe St., Fort Myers, FL. Call 239-533-8585 for additional information. In accordance with the Americans with Disabilities Act, Lee County will not discriminate against qualified individuals with disabilities in its services, programs, or activities. To request an auxiliary aid or service for effective communication or a reasonable modification to participate, contact ADA Coordinator, Dr. Ranice Monroe, at (239)533-8782, ADArequests@leegov.com or Florida Relay Service 711. Accommodation will be provided at no cost to the requestor. Requests should be made at least five business days in advance. The following case(s) will be heard: DCI2023-00030. Cypress Woods RVPD. 1:00 pm. Request to amend the Cypress Woods RVPD (Resolution Z-20-027, as amended) to (1) modify the Schedule of Uses to add Casitas; (2) modify the Master Concept Plan to delineate a maintenance area; (3) expand RV/boat storage; (4) modify native preserve areas; (5) add a project fence/wall; and (6) modify development regulations not involving increased density or intensity. Generally located northeast of the intersection of Country Lakes Drive and Luckett Road, Fort Myers Shores Planning Community, Lee County, FL
July 17,2025 11477681

STAFF'S EXHIBIT #2

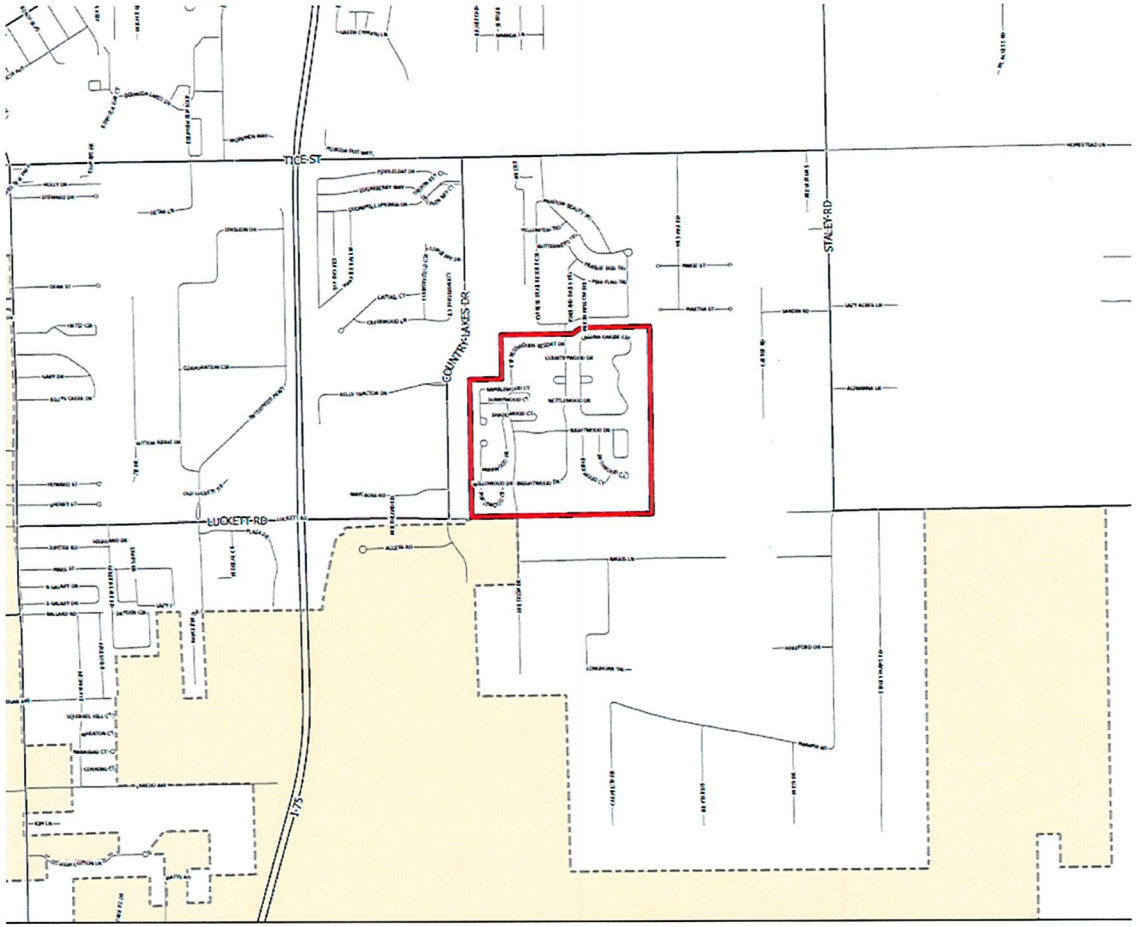
Lee County
Southwest Florida

Cypress Woods RPD

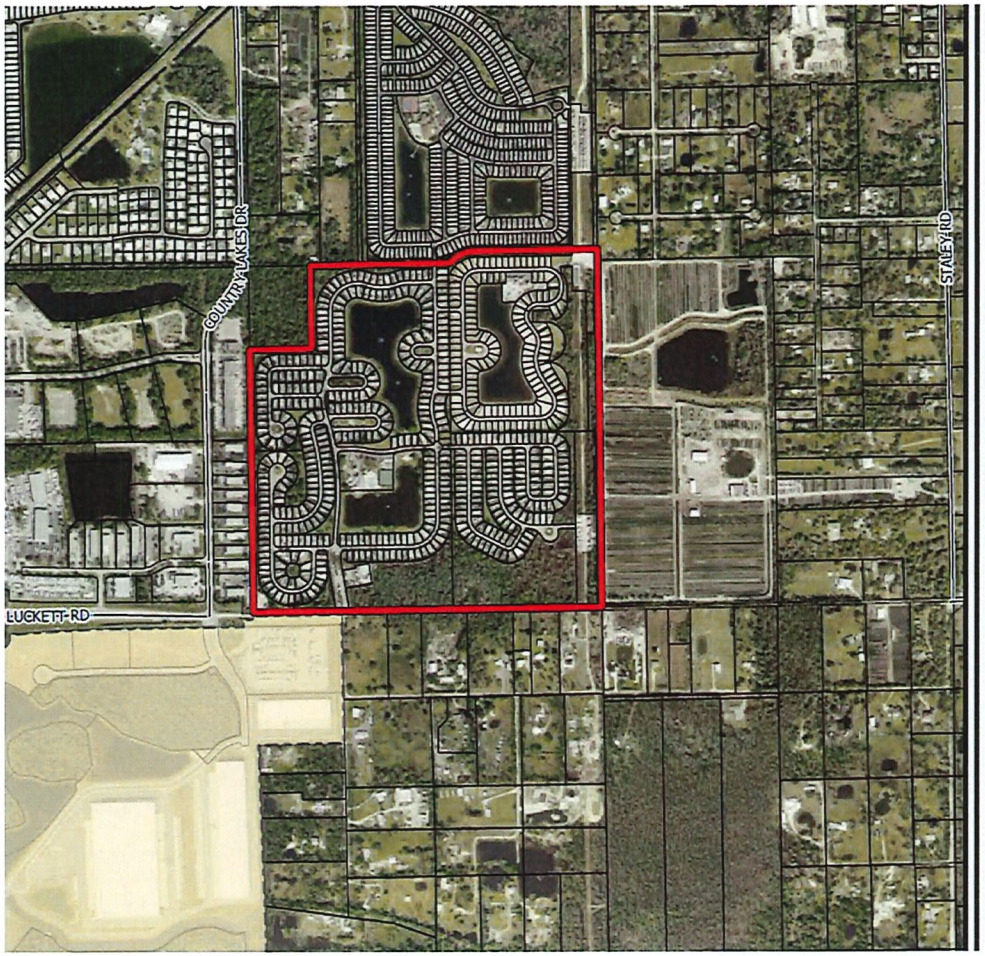
DCI2023-00030

Caloosahatchee Shores Community Plan Area

STAFF'S EXHIBIT #3



Lee County
Southwest Florida



Aerial

Subject Property

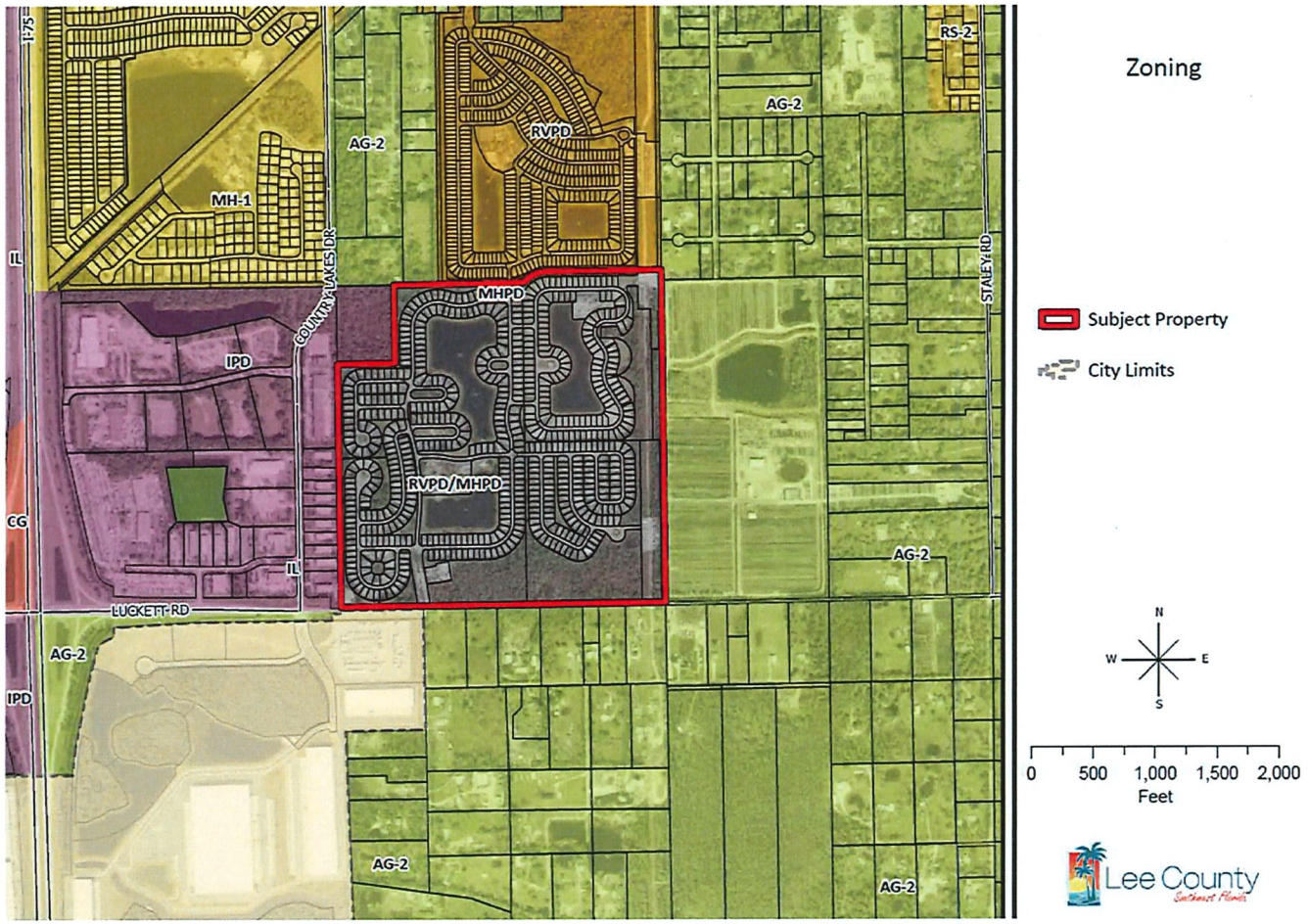
City Limits

N
W
E
S

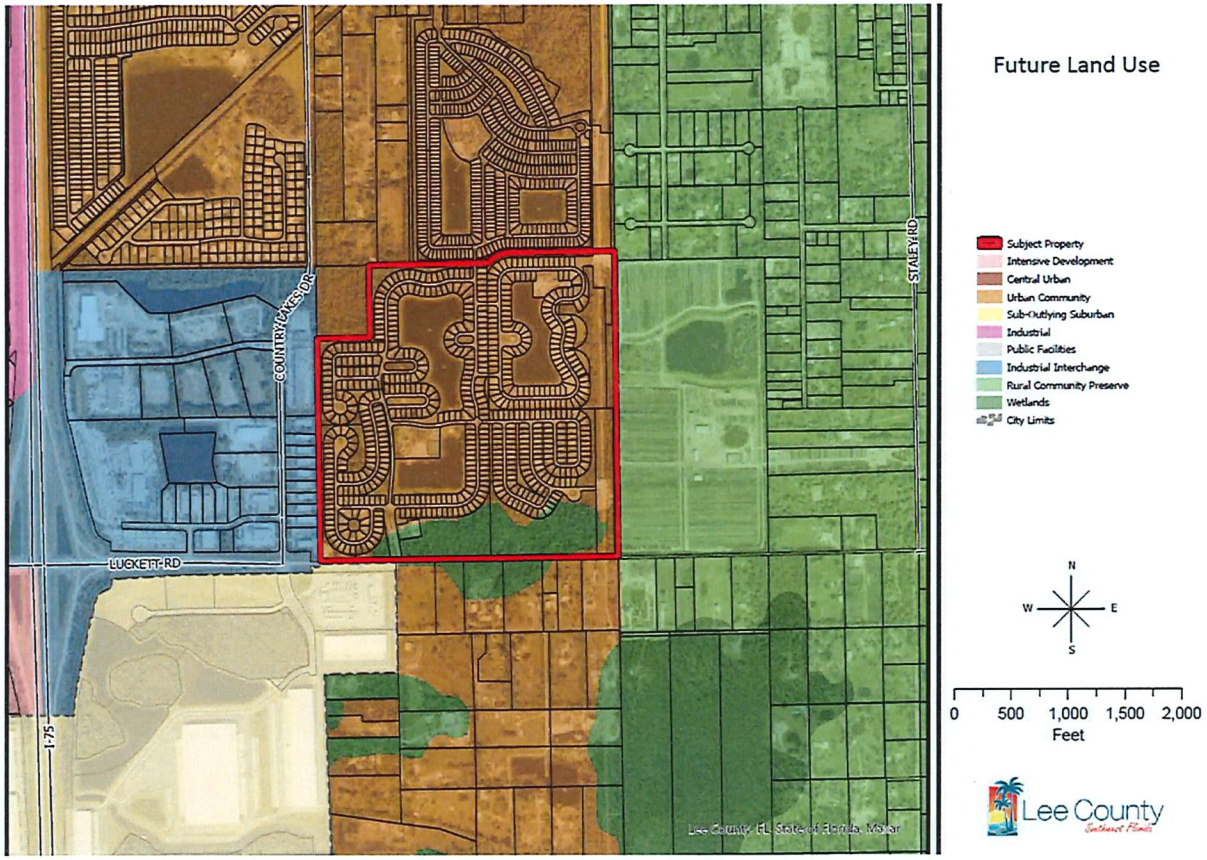
0 500 1,000 1,500 2,000
Feet

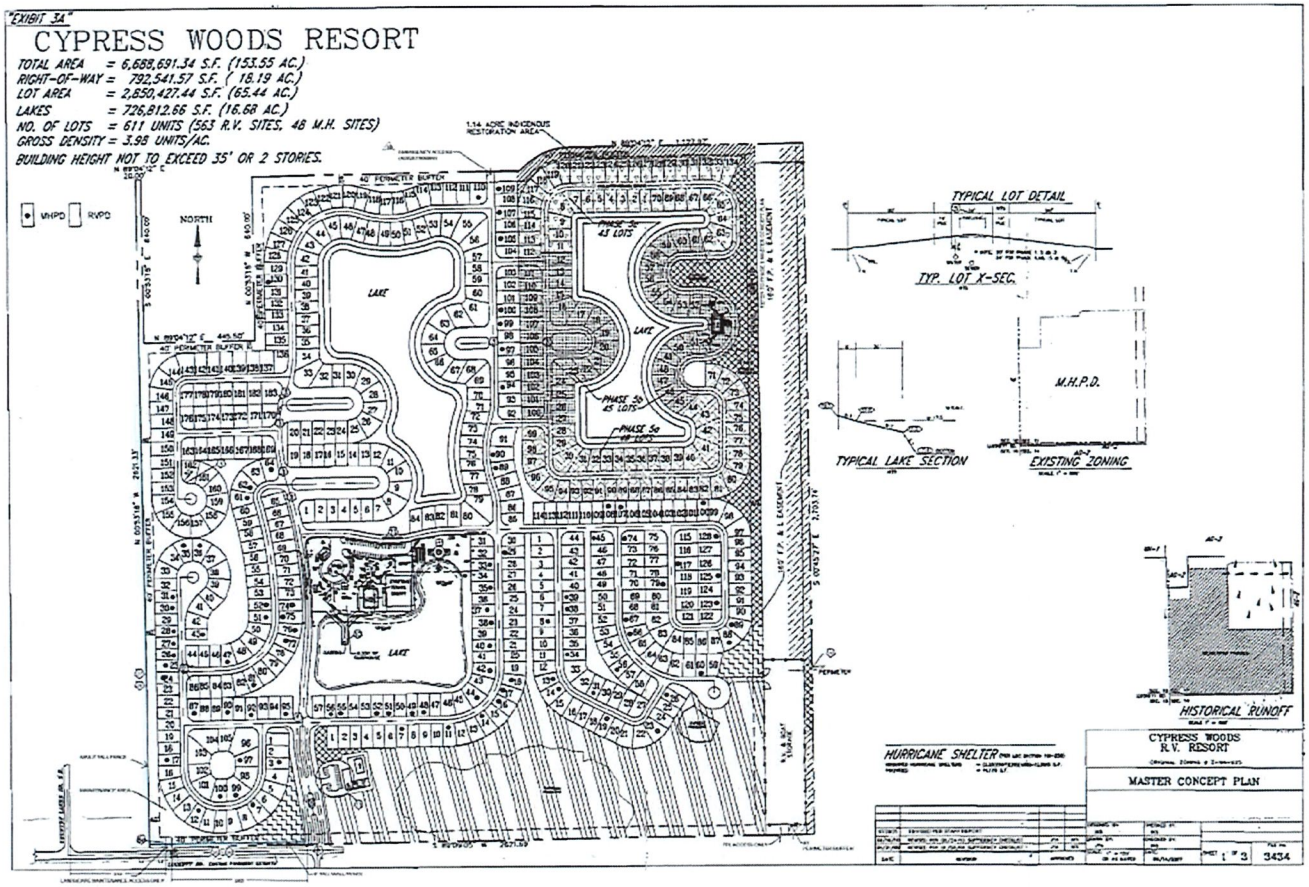
Lee County
Southwest Florida

Lee County
Southwest Florida

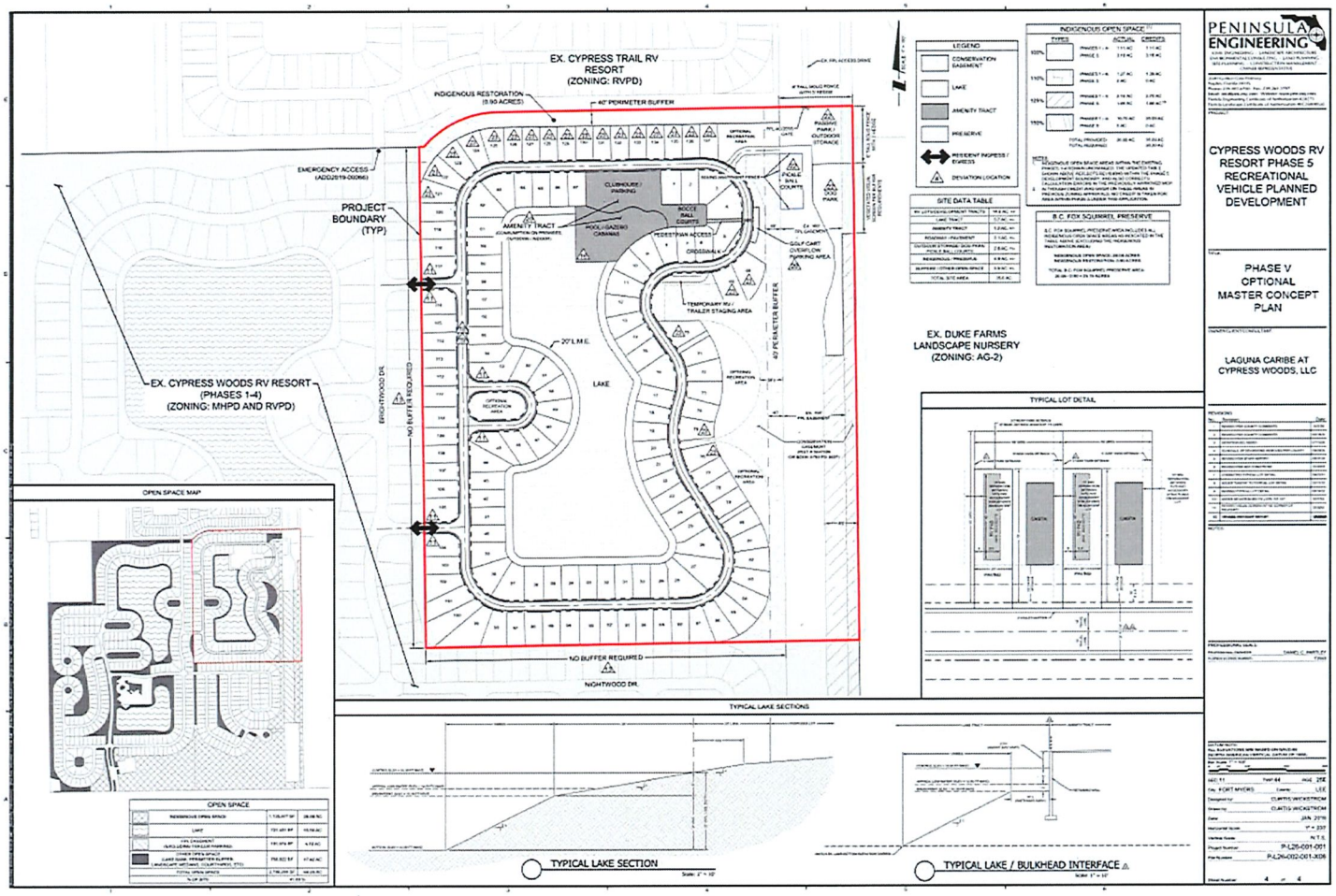


Lee County
Southwest Florida

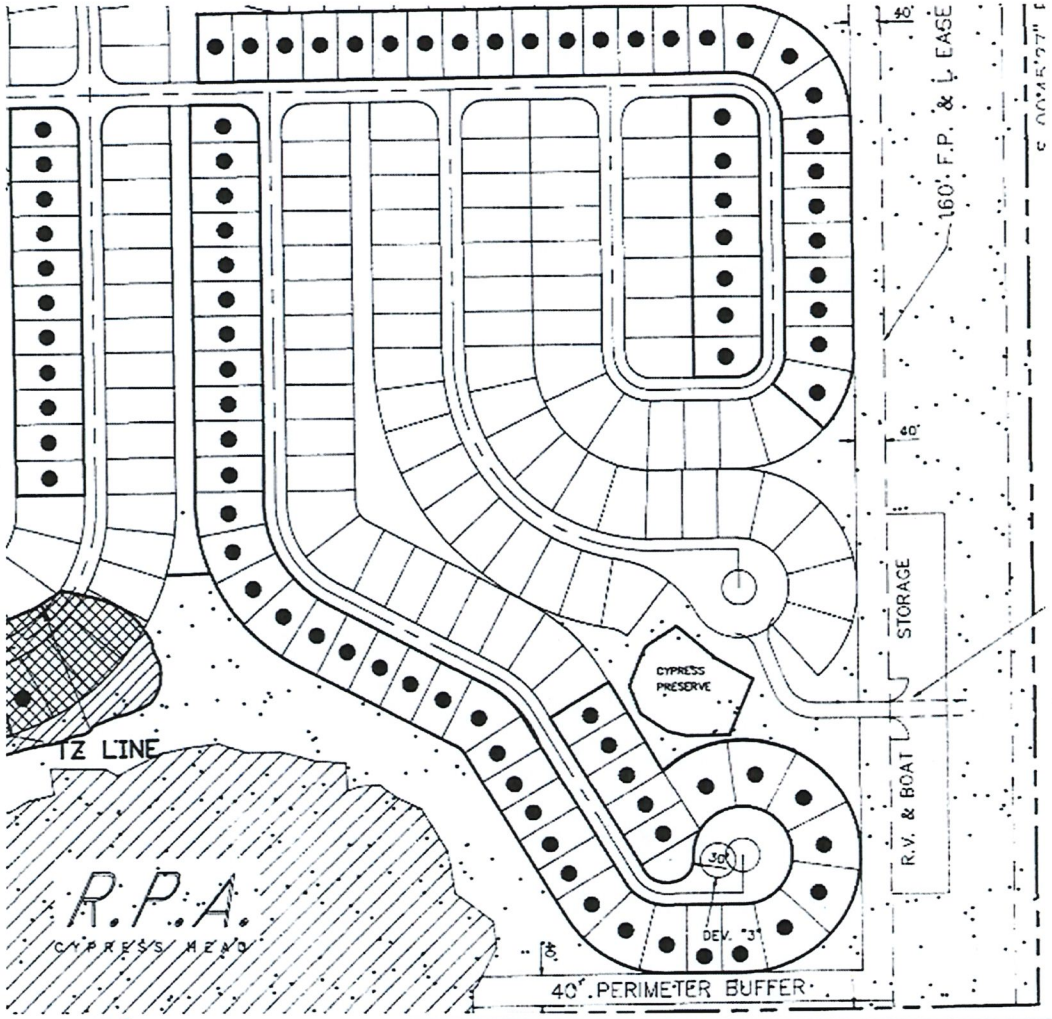

COUNTRY LAKES DR
STALEY RD
LUCKETT RD
I-75
Lee County, FL State of Florida, Maxar
Future Land Use
Subject Property
Intensive Development
Central Urban
Urban Community
Sub-Outlying Suburban
Industrial
Public Facilities
Industrial Interchange
Rural Community Preserve
Wetlands
City Limits
N
W
E
S
0
500
1,000
1,500
2,000
Feet
Lee County
Southwest Florida



Lee County
Southwest Florida

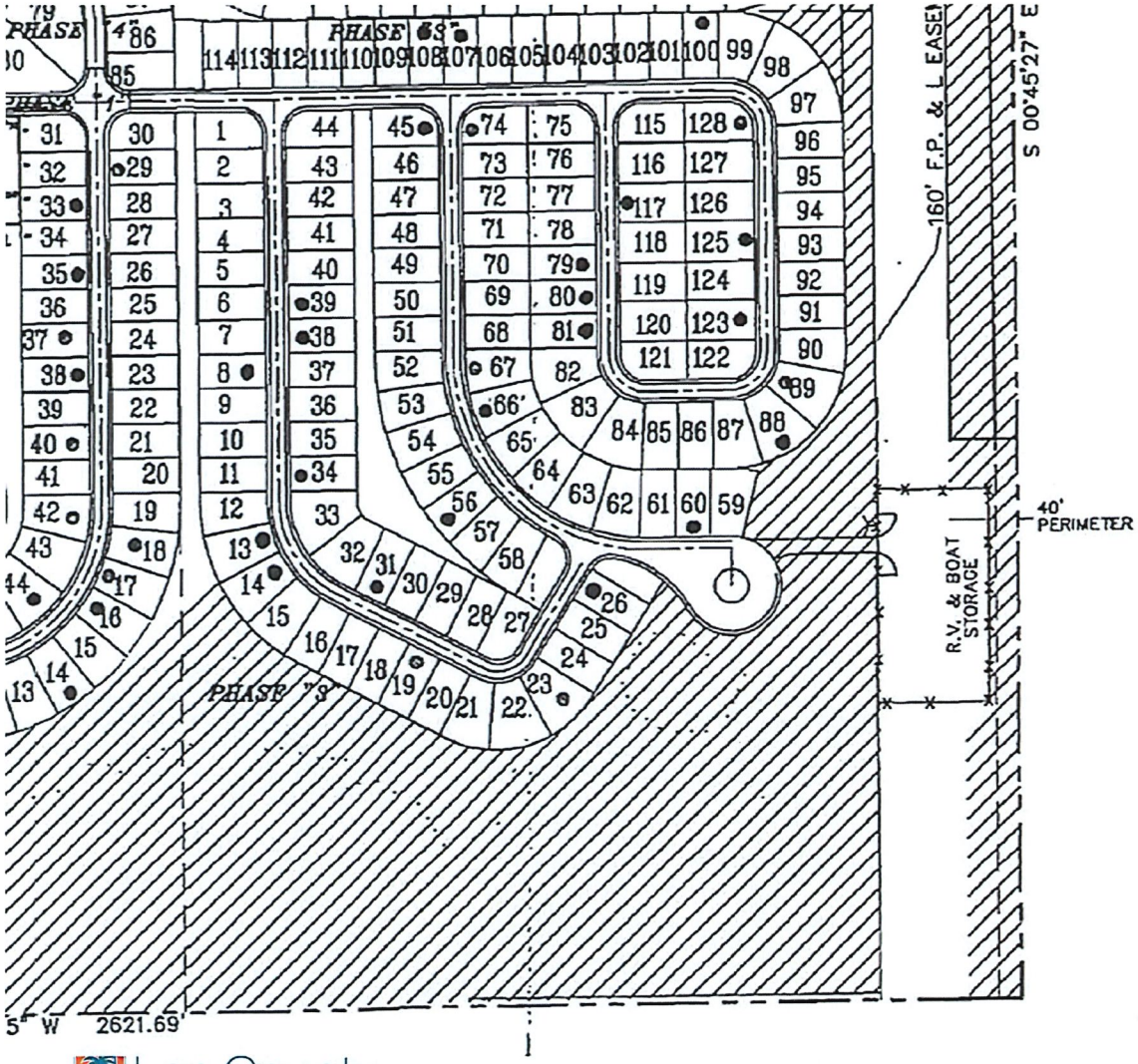


Lee County
Southwest Florida



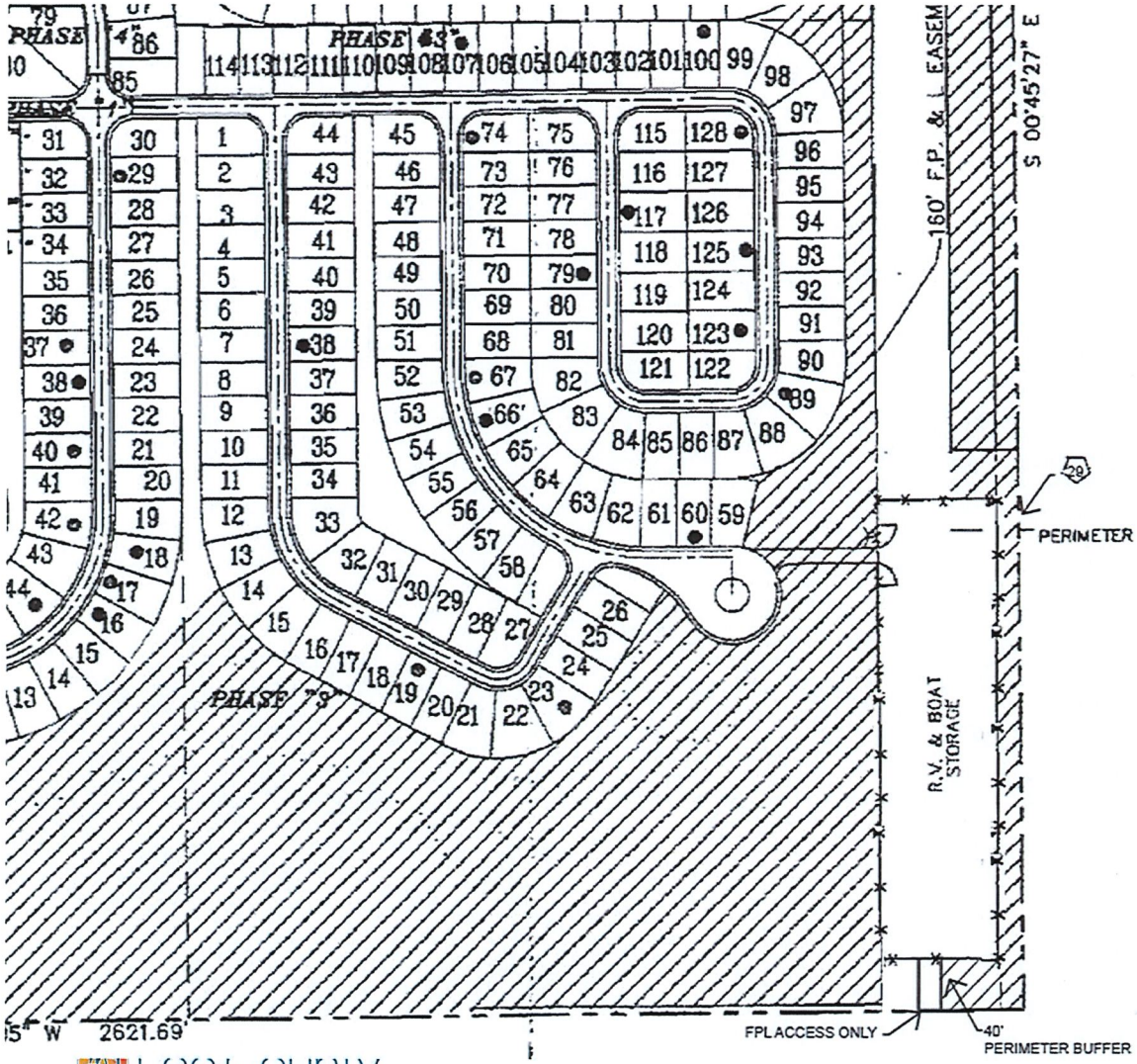
MCP Resolution Z-94-025

Lee County
Southwest Florida



MCP Resolutions
Z-20-027
Z-11-021
Z-03-057

Lee County
Southwest Florida



Proposed MCP



Lee County
Southwest Florida

Lee County
Southwest Florida

Cypress Woods RPD

DCI2023-00030

Caloosahatchee Shores Community Plan Area