

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 Lockett 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 $N00^{\circ}53'18''W$ 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 $N00^{\circ}53'18''W$ along said West line for 2,621.33 feet to the Northwest corner of said Southwest Quarter (SW1/4);

THENCE run $N89^{\circ}04'12''E$ 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 $S00^{\circ}53'18''E$ 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 $N89^{\circ}04'12''E$ along the South line of said lands for 445.50 feet to the Southeast corner of said lands;

THENCE run $N00^{\circ}53'18''W$ 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 $N89^{\circ}04'12''E$ along said North line for 2,162.17 feet to the Northeast corner of said Southwest Quarter (SW1/4);

THENCE run $S00^{\circ}45'27''E$ 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 $S89^{\circ}09'05''W$ 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:

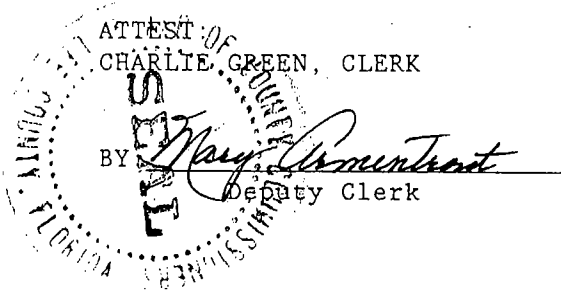
- A. That the predominant uses of the surrounding property, makes approval of the RVPD/MHPD, as conditioned, appropriate.
- B. That the RVPD/MHPD, as conditioned, will not have an adverse impact on the intent of the Land Development Code.

- 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.



BOARD OF COUNTY COMMISSIONERS
OF LEE COUNTY, FLORIDA

BY: *Ray Judah*
Chairman

Approved as to form by:

[Signature]
County Attorney's Office

FILED

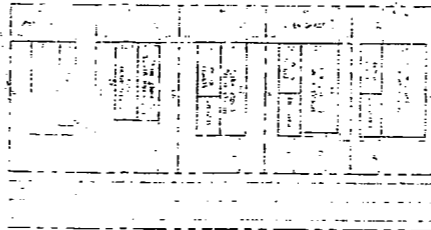
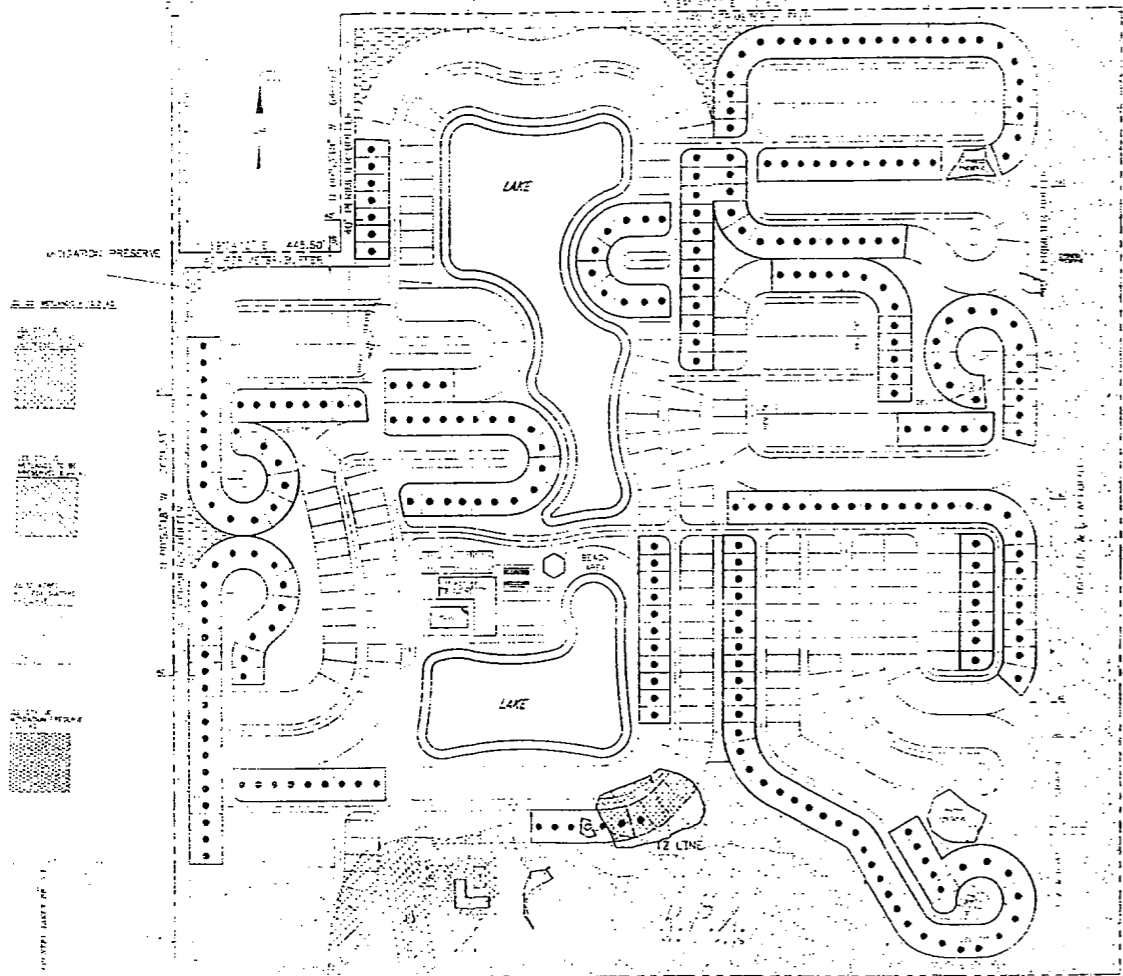
AUG 25 1994

CLERK OF DISTRICT COURT
BY: *M. Armentrout* S.C.

TOTAL AREA = 6,599,945.82 S.F. (151.514 AC.) LAKE = 525,521.97 S.F. (12.064 AC.)
 RIGHT-OF-WAY = 830,271.36 S.F. (19.060 AC.) NO. OF LOTS = 684 UNITS (359 R.V. SITES, 285 M.H. SITES)
 LOT AREA = 3,110,474.47 S.F. (71.407 AC.) GROSS DENSITY = 4.514 UNITS/AC.
 R.F.A. = 266,157.74 S.F. (6.110 AC.)

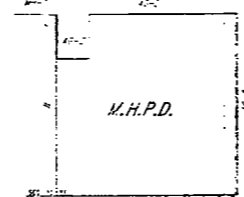
BUILDING HEIGHT NOT TO EXCEED 25'

CYPRESS WOODS RESORT

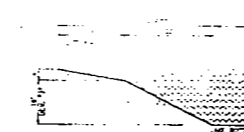


TYPICAL LOT DETAIL

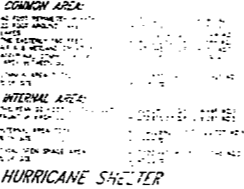
TYP. LOT X-SEC.



EXISTING ZONING



OPEN SPACE



SCHEDULE OF USES (RVPD)

1. A DEVELOPMENT PLAN MUST BE SUBMITTED TO THE BOARD OF ZONING ADJUSTMENTS FOR REVIEW AND APPROVAL. THE PLAN SHALL SHOW THE LOCATION AND DIMENSIONS OF ALL STRUCTURES, DRIVEWAYS, AND OTHER FEATURES. THE PLAN SHALL ALSO SHOW THE LOCATION AND DIMENSIONS OF ALL UTILITIES AND OTHER INFRASTRUCTURE. THE PLAN SHALL BE PREPARED IN ACCORDANCE WITH THE ZONING ORDINANCE.

SCHEDULE OF USES (MHPD)

1. A DEVELOPMENT PLAN MUST BE SUBMITTED TO THE BOARD OF ZONING ADJUSTMENTS FOR REVIEW AND APPROVAL. THE PLAN SHALL SHOW THE LOCATION AND DIMENSIONS OF ALL STRUCTURES, DRIVEWAYS, AND OTHER FEATURES. THE PLAN SHALL ALSO SHOW THE LOCATION AND DIMENSIONS OF ALL UTILITIES AND OTHER INFRASTRUCTURE. THE PLAN SHALL BE PREPARED IN ACCORDANCE WITH THE ZONING ORDINANCE.

GENERAL DEVIATIONS:

1. A DEVELOPMENT PLAN MUST BE SUBMITTED TO THE BOARD OF ZONING ADJUSTMENTS FOR REVIEW AND APPROVAL. THE PLAN SHALL SHOW THE LOCATION AND DIMENSIONS OF ALL STRUCTURES, DRIVEWAYS, AND OTHER FEATURES. THE PLAN SHALL ALSO SHOW THE LOCATION AND DIMENSIONS OF ALL UTILITIES AND OTHER INFRASTRUCTURE. THE PLAN SHALL BE PREPARED IN ACCORDANCE WITH THE ZONING ORDINANCE.

RVPD DEVIATIONS:

1. A DEVELOPMENT PLAN MUST BE SUBMITTED TO THE BOARD OF ZONING ADJUSTMENTS FOR REVIEW AND APPROVAL. THE PLAN SHALL SHOW THE LOCATION AND DIMENSIONS OF ALL STRUCTURES, DRIVEWAYS, AND OTHER FEATURES. THE PLAN SHALL ALSO SHOW THE LOCATION AND DIMENSIONS OF ALL UTILITIES AND OTHER INFRASTRUCTURE. THE PLAN SHALL BE PREPARED IN ACCORDANCE WITH THE ZONING ORDINANCE.

MHPD DEVIATIONS:

1. A DEVELOPMENT PLAN MUST BE SUBMITTED TO THE BOARD OF ZONING ADJUSTMENTS FOR REVIEW AND APPROVAL. THE PLAN SHALL SHOW THE LOCATION AND DIMENSIONS OF ALL STRUCTURES, DRIVEWAYS, AND OTHER FEATURES. THE PLAN SHALL ALSO SHOW THE LOCATION AND DIMENSIONS OF ALL UTILITIES AND OTHER INFRASTRUCTURE. THE PLAN SHALL BE PREPARED IN ACCORDANCE WITH THE ZONING ORDINANCE.

APPROVED

Site Plan & ZONING PERMITS
 Subject to conditions in Resolution 2012-001
 Issued Date: 02/28/2012

CYPRESS WOODS R.V. RESORT
 MASTER CONCEPT PLAN
 BARNHART, STEWART & ASSOCIATES, INC.