

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

WHEREAS, Alan C. Freeman, Trustee, in reference to Villages of San Carlos, has properly filed an application for:

- a) To consider an amendment to the Development of Regional Impact Development Order and to make a substantial deviation determination; and
- b) A rezoning from RS-1 (Residential Single Family) and RM-2 (Residential Multiple Family) and CC (Community Commercial) with a special exception for a service station, to Residential Planned Development, Commercial Planned Development, and Community Facilities Planned Development, to permit the continued development of a project approved by the Board of County Commissioners by Resolution Z-81-1 and by adoption of DRI Development Order #81-1 on May 13, 1981, for a project known as Villages of San Carlos; and

WHEREAS, the subject property is located west of I-75 between Alico and Corkscrew Roads, east of San Carlos Park, described more particularly as:

LEGAL DESCRIPTION: In Sections 10, 15, 22 and 23, Township 46 South, Range 25 East, Lee County, Florida:

RESIDENTIAL (RPD)

A tract of land lying in the Southeast Quarter (SE1/4) of Section 10 and the East Half (E1/2) of Section 15 and the Northeast Quarter (NE1/4) of Section 22 and the Northwest Quarter (NW1/4) of Section 23, Township 46 South, Range 25 East, Lee County, Florida, being more particularly described as follows:

BEGINNING AT the Southwest corner of the Northeast Quarter (NE1/4) of Section 22;

THENCE run N00°38'30"W along the West line of said Section 22 for 2,606.31 feet to the Northwest corner of the Northeast Quarter (NE1/4) of said Section 22;

THENCE run N00°19'59"W for 2,672.10 feet to the Northwest corner of the Southeast Quarter (SE1/4) of Section 15 and the Northwest corner of Eastgate at San Carlos Pines, Phase 1, as shown on the plats recorded in Plat Book 33 at Pages 21-23 of the Public Records of Lee County, Florida;

THENCE run S84°08'36"E along the Northerly boundary of said Eastgate at San Carlos Pines, Phase 1, for 356.42 feet;

THENCE run S63°23'58"E along said Northerly line for 417.26 feet;

THENCE run S74°58'32"E along said Northerly line for 147.26 feet;

THENCE run N80°12'17"E along said Northerly line for 182.48 feet to the Northeast corner of said Eastgate at San Carlos Pines, Phase 1;

THENCE run N80°12'17"E for 18.11 feet to the Westerly right-of-way line of Three Oaks Parkway;

THENCE run N11°00'00"W along said Westerly line for 237.83 feet;

THENCE run Northwesterly along said Westerly line for 273.80 feet on the arc of a curve to the left having a radius of 1,120.00 feet (chord bearing N18°00'12"W, chord distance of 273.12 feet);

THENCE run N25°00'25"W along said Westerly line for 570.00 feet;

THENCE run Northwesterly for 447.03 feet on the arc of a curve to the left having a radius of 1,220.00 feet (chord bearing N14°30'35"W, chord distance of 444.53 feet);

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THENCE run $9^{\circ}40'13''$ W for 592.40 feet to the West line of said Section 15;
 THENCE run $N00^{\circ}19'48''$ W along said West Line for 1,425.59 feet to the Southwest corner of the Southeast Quarter (SE1/4) of Section 10;
 THENCE run $N01^{\circ}23'47''$ W for 2,664.23 feet to the Northwest corner of the Southeast Quarter (SE1/4) of said Section 10;
 THENCE run $N89^{\circ}18'02''$ E along the North line of said Section 10 for 835.53 feet to the Westerly right-of-way line of Interstate Highway 75;
 THENCE run Southeasterly along said Westerly line for 959.46 feet on the arc of a curve concave Northeasterly having a radius of 5,823.58 feet (chord bearing $S10^{\circ}43'39''$ E, chord distance of 958.37 feet);
 THENCE run $S14^{\circ}13'23''$ E along said Westerly line for 1,881.70 feet;
 THENCE run $S87^{\circ}11'24''$ W for 472.12 feet to a point on the Easterly right-of-way line of Three Oaks Parkway;
 THENCE run Southwesterly along said right-of-way line for 411.00 feet on the arc of a curve concave Northwesterly having a radius of 1,220.00 feet (chord bearing $S06^{\circ}50'28''$ E, chord distance of 409.06 feet);
 THENCE run $S16^{\circ}29'32''$ W along said right-of-way line for 518.88 feet;
 THENCE run Southeasterly along said right-of-way line for 811.21 feet on the arc of a curve concave Northeasterly having a radius of 1,120.00 feet (chord bearing $S04^{\circ}15'26''$ E, chord distance of 793.60 feet);
 THENCE run $S25^{\circ}00'25''$ E along said right-of-way line for 570.00 feet;
 THENCE run Southeasterly along said right-of-way line for 298.25 feet on the arc of a curve concave Southwesterly having a radius of 1,220.00 feet (chord bearing $S18^{\circ}00'12''$ E, chord distance of 297.51 feet);
 THENCE run $S11^{\circ}00'00''$ E along said right-of-way line for 669.10 feet;
 THENCE run Southeasterly for 281.80 feet along said right-of-way line on the arc of a curve concave Southwesterly having a radius of 1,030.00 feet (chord bearing $S03^{\circ}09'44''$ E, chord distance of 280.92 feet);
 THENCE run East for 1,008.33 feet to the Westerly right-of-way line of Interstate Highway 75;
 THENCE run $S14^{\circ}13'23''$ E along said right-of-way line for 4,460.33 feet;
 THENCE run $S89^{\circ}16'12''$ W for 664.67 feet to the Southeast corner of the Northeast Quarter (NE1/4) of said Section 22;
 THENCE run $S89^{\circ}15'53''$ W for 2,658.61 feet along the South line of said Northeast Quarter (NE1/4) to the POINT OF BEGINNING.

EXCEPTING THAT part further described as follows:

A tract of land lying in the Northeast Quarter (NE1/4) of Section 22, Township 46 South, Range 25 East, Lee County, Florida, being more particularly described as follows:

COMMENCING AT the Northeast corner of said Section 22;
 THENCE run $S88^{\circ}23'40''$ W for 799.59 feet along the North line of the Northeast Quarter (NE1/4) of said Section 22 to the POINT OF BEGINNING;
 THENCE run $S11^{\circ}21'17''$ E for 126.05 feet;
 THENCE run $S05^{\circ}28'43''$ W for 189.06 feet;
 THENCE run $S18^{\circ}15'48''$ E for 181.53 feet;
 THENCE run $S03^{\circ}46'03''$ W for 83.16 feet;
 THENCE run $S22^{\circ}04'52''$ E for 74.60 feet;
 THENCE run $S07^{\circ}46'15''$ W for 187.96 feet;
 THENCE run $S28^{\circ}46'02''$ W for 58.04 feet;
 THENCE run $S12^{\circ}01'00''$ E for 31.69 feet;
 THENCE run $S16^{\circ}07'18''$ W for 277.66 feet;
 THENCE run $S68^{\circ}40'50''$ W for 219.04 feet;
 THENCE run $N85^{\circ}57'36''$ W for 123.50 feet;
 THENCE run $N11^{\circ}41'32''$ W for 44.89 feet;
 THENCE run $N62^{\circ}41'55''$ W for 106.20 feet;
 THENCE run $N18^{\circ}34'28''$ W for 100.55 feet;
 THENCE run $N23^{\circ}58'15''$ W for 274.03 feet;

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THENCE run N00°51'14"W for 150.22 feet;
 THENCE run N00°06'06"W for 247.63 feet;
 THENCE run N02°47'39"E for 146.80 feet;
 THENCE run N04°55'00"W for 227.32 feet;
 THENCE run N65°49'54"W for 52.65 feet;
 THENCE run N03°34'16"E for 59.13 feet;
 THENCE run N11°56'54"E for 148.96 feet;
 THENCE run N43°02'34"E for 282.53 feet;
 THENCE run S42°37'55"E for 92.21 feet;
 THENCE run S84°18'29"E for 62.62 feet;
 THENCE run S51°37'12"E for 133.97 feet;
 THENCE run S80°44'01"E for 129.45 feet;
 THENCE run S63°39'28"E for 257.78 feet;
 THENCE run S85°52'53"E for 44.00 feet;
 THENCE run S11°21'17"E for 48.92 feet to the POINT OF BEGINNING.
 Tract herein described contains 375.40+/- RPD acres.

LESS AND EXCEPT THE FOLLOWING SUBDIVIDED AND PLATTED PARCELS:

Eastgate at San Carlos Pines, Phase I, recorded in Plat Book 33, Pages 21 through 23, and Phase II, recorded in Plat Book 36, Pages 64 and 65, consisting of 35.09 acres, more or less;

The Eastgate Retention Area more particularly described as follows:

From the Northwest corner of the Southeast Quarter (SE1/4) of Section 15, Township 46 South, Range 25 East, Lee County, Florida, run S00°19'59"E along the West line of said Southeast Quarter (SE1/4) for 1,218.50 feet for a POINT OF BEGINNING;
 THENCE S45°19'59"E for 835.00 feet;
 THENCE S89°40'01"W for 590.43 feet to said West line of the Southeast Quarter (SE1/4);
 THENCE N00°19'59"W for 590.43 feet to the POINT OF BEGINNING.
 Said land containing 4.00 acres, more or less;

Pine Run at Three Oaks, recorded in Plat Book 38, Pages 67 through 70, and the First Annex to Pine Run at Three Oaks recorded in Plat Book 40, Page 5, consisting of 29.00 acres, more or less;

Cypress Chase at Three Oaks, Unit I, recorded in Plat Book 41, Pages 29 and 30, consisting of 15.39 acres, more or less;

Cypress Chase at Three Oaks, Unit II, recorded in Plat Book 43, Pages 49 and 50, consisting of 16.96 acres, more or less;

Pine Glen at Three Oaks, Unit I, recorded in Plat Book 42, Pages 51 through 53, consisting of 30.14 acres, more or less.

COMMUNITY FACILITIES (CFPD)

A tract of land lying in the Northeast Quarter (NE1/4) of Section 15, Township 46 South, Range 25 East, Lee County, Florida, being more particularly described as follows:

COMMENCING AT the Northwest corner of the Northeast Quarter (NE1/4) of said Section 15;
 THENCE run N89°41'47"E along the North line of said Section 15 for 1,386.09 feet to the Westerly right-of-way line of Interstate Highway 75;
 THENCE run S14°13'23"E along said Westerly line for 102.49 feet to the POINT OF BEGINNING;
 THENCE run S14°13'23"E along said Westerly line for 1,989.99 feet;
 THENCE run S88°46'53"W for 506.61 feet;
 THENCE run S75°46'37"W for 450.00 feet to the Easterly right-of-way line of Corlico Parkway;
 THENCE run N25°00'25"W along said right-of-way line for 366.45 feet to a Point of Curvature;
 THENCE run Northerly for 811.21 feet on the arc of a curve to the right having a radius of 1,120.00 feet (chord bearing N04°15'26"W, chord distance of 793.60 feet);

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THENCE run N 029°32'E for 518.88 feet to a Point of Curvature;
THENCE run Northerly for 411.00 feet on the arc of a curve to the left having a radius of 1,220.00 feet (chord bearing N06°50'28"E, chord distance of 409.06 feet);
THENCE run N87°11'24"E for 472.12 feet to the POINT OF BEGINNING.
Tract herein described contains 38.24 acres.

TOGETHER WITH:

A tract of land lying in the Northeast Quarter (NE1/4) and Southeast Quarter (SE1/4) of Section 15, Township 46 South, Range 25 East, Lee County, Florida, more particularly described as follows:

BEGINNING AT the Southwest corner of said Northeast Quarter (NE1/4);
THENCE run N00°19'48"W along the West line of said Northeast Quarter (NE1/4) for 1,209.49 feet;
THENCE run N89°40'13"E for 592.40 feet to the Westerly right-of-way line of Corlico Parkway;
THENCE run Southeasterly for 447.031 feet on the arc of a curve concave Northeasterly having a radius of 1,220.00 feet (chord bearing S14°30'35"E, chord distance of 444.53 feet);
THENCE run S25°00'25"E along said Westerly line for 570.00 feet;
THENCE run Southeasterly along said Westerly line for 273.80 feet on the arc of a curve to the right having a radius of 1,120.00 feet (chord bearing S18°00'12"E, chord distance of 273.12 feet);
THENCE run S11°00'00"E along said Westerly line for 237.83 feet;
THENCE run S80°12'17"W for 18.11 feet to the Northeast corner of Eastgate at San Carlos Pines, Phase 1, as shown on the plats recorded in Plat Book 33 at Pages 21-23 of the Public Records of Lee County, Florida;
THENCE continue S80°12'17"W along the Northerly boundary of said Eastgate at San Carlos Pines, Phase 1, for 182.48 feet;
THENCE run N74°58'32"W along said Northerly line for 147.26 feet;
THENCE run N63°23'58"W along said Northerly line for 417.26 feet;
THENCE run N84°08'36"W along said Northerly line for 356.42 feet to the POINT OF BEGINNING.
Tract herein described contains 25.029 acres.

TOGETHER WITH:

A tract of land lying in the Northeast Quarter (NE1/4) of Section 22, Township 46 South, Range 25 East, Lee County, Florida, being more particularly described as follows:

COMMENCING AT the Northeast corner of said Section 22;
THENCE run S88°23'40"W for 799.59 feet along the North line of the Northeast Quarter (NE1/4) of said Section 22 to the POINT OF BEGINNING;

THENCE run S11°21'17"E for 126.05 feet;
THENCE run S05°28'43"W for 189.06 feet;
THENCE run S18°15'48"E for 181.53 feet;
THENCE run S03°46'03"W for 83.16 feet;
THENCE run S22°04'52"E for 74.60 feet;
THENCE run S07°46'15"W for 187.96 feet;
THENCE run S28°46'02"W for 58.04 feet;
THENCE run S12°01'00"E for 31.69 feet;
THENCE run S16°07'18"W for 277.66 feet;
THENCE run S68°40'50"W for 219.04 feet;
THENCE run N85°57'36"W for 123.50 feet;
THENCE run N11°41'32"W for 44.89 feet;
THENCE run N62°41'55"W for 106.20 feet;
THENCE run N18°34'28"W for 100.55 feet;
THENCE run N23°58'15"W for 274.03 feet;
THENCE run N39°51'14"W for 150.22 feet;
THENCE run N24°06'06"W for 247.63 feet;
THENCE run N02°47'39"E for 146.80 feet;
THENCE run N04°55'00"W for 227.32 feet;
THENCE run N65°49'54"W for 52.65 feet;
THENCE run N03°34'16"E for 59.13 feet;

continued...

THENCE run N⁰⁰56'54"E for 148.96 feet;
THENCE run S⁰²02'34"E for 282.53 feet;
THENCE run S42⁰³37'55"E for 92.21 feet;
THENCE run S84⁰¹18'29"E for 62.62 feet;
THENCE run S51⁰³37'12"E for 133.97 feet;
THENCE run S80⁰⁴44'01"E for 129.45 feet;
THENCE run S63⁰³39'28"E for 257.78 feet;
THENCE run S85⁰⁵52'53"E for 44.00 feet;
THENCE run S11⁰²21'17"E for 48.92 feet to the POINT OF BEGINNING.
Tract herein described contains 23.80 acres.

PARCEL G

COMMERCIAL (CPD)

A tract of land lying in the East Half (E1/2) of Section 15, Township 46 South, Range 25 East, Lee County, Florida, being more particularly described as follows:

COMMENCING AT the Northwest corner of the Southeast Quarter (SE1/4) of said Section 15;
THENCE run S84⁰⁰08'36"E for 356.42 feet;
THENCE run S63⁰²23'58"E for 417.26 feet;
THENCE run S74⁰⁵58'32"E for 147.26 feet;
THENCE run N80⁰¹12'17"E for 202.52 feet;
THENCE run East for 99.91 feet to the POINT OF BEGINNING;
THENCE run N11⁰⁰00'00"W for 256.93 feet;
THENCE run Northwesterly 298.25 feet on the arc of a curve concave Southwesterly with a radius of 1,220.00 feet (chord bearing N18⁰⁰00'12"W, chord distance 297.51 feet);
THENCE run N25⁰⁰00'25"W for 203.55 feet;
THENCE run N75⁰⁴46'37"E for 450.00 feet;
THENCE run N88⁰⁴46'53"E for 506.61 feet to a point on the Westerly right-of-way line of Highway I-75;
THENCE run S14⁰¹13'23"E for 1,574.30 feet;
THENCE run West for 1,008.33 feet;
THENCE run Northwesterly 281.80 feet along the arc of a curve concave Southwesterly having a radius of 1,030.00 feet (chord bearing N03⁰⁰09'44"W, chord distance 280.92 feet);
THENCE run N11⁰⁰00'00"W for 412.17 feet to the POINT OF BEGINNING.
Tract herein described contains 32.289 acres.

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

10-46-25-00-00001.2000,	15-46-25-00-00005.1000,
15-46-25-00-00005.1020,	22-46-25-00-01001.0000 and
23-46-25-00-00001.2000; and	

WHEREAS, proper authorization has been given to Alan C. Freeman by Paul H. Freeman and Neil D. Freeman, owners of the subject parcel, to act as applicant to pursue this zoning application; and

WHEREAS, proper authorization has been given to Michael J. Ciccarone of Goldberg, Goldstein & Buckley, P.A., and James P. Elliott, P.E., President of Source, Inc., by Alan C. Freeman, an owner of the subject parcel, to act as agents to pursue this zoning application; and

WHEREAS, a public hearing was legally and properly advertised and held before the Lee County 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 November 26, 1991; and

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

NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF COUNTY COMMISSIONERS, that the Board of County Commissioners does hereby:

- a) APPROVE the First Development Order Amendment, draft dated February 12, 1992, and find that the proposed changes to the Village of San Carlos Development of Regional Impact do not constitute a substantial deviation under the criteria set out in Section 380.06(19), Florida Statutes; and
- b) APPROVE WITH CONDITIONS a rezoning to Residential Planned Development, Commercial Planned Development and Community Facilities Planned Development.

This approval is subject to the following conditions:

1. The development of this project shall be in accordance with the thirteen page set of plans entitled Villages of San Carlos. The Master Concept Plan is identified as Sheets B1 and B2 (Job #110-06-87) prepared by Source, Inc.:

<u>Sheet</u>	<u>Dated</u>	<u>Stamped Received</u>
A, C-1, C-2	April 21, 1989	January 4, 1991
B1, B2	April 21, 1989	October 22, 1991
D	September 11, 1990	January 4, 1991
E1, E2, H	January 4, 1991	January 4, 1991
F	N/A	January 4, 1991
G-1, G-2, G-3	April 17, 1984	January 4, 1991

The approved Master Concept Plan is modified by the conditions below. This approval does not alleviate the need to comply with all state and county development regulations except as specifically modified by this approval.

2. Uses on this property shall be as enumerated on Sheet B2 except as further conditioned below:

a. Commercial Planned Development

- (1) Not more than 88,799 square feet of commercial gross floor area shall be developed.
- (2) All access to perimeter parcels shall be from the internal roadway. No access shall be from Three Oaks Parkway or accessways to the internal roads.
- (3) The property development regulations, i.e., height setbacks, etc., of the CC zoning district shall be applicable.
- (4) Each perimeter out-parcel shall provide its own parking in compliance with Zoning Ordinance Section 202.15. There shall be no shared parking with the other tracts of this site.
- (5) Any Automatic Teller Machine uses that are ancillary to another unrelated permitted use, e.g., an Automatic Teller Machine in a grocery store, shall be required to delineate 1 parking space for Automatic Teller Machine customers.

- (6) All structures on the outparcels shall be bound by a covenant running with the property to an architectural design compatible with and similar to the main center buildings. Signs conforming with the requirements of Lee County Sign Ordinance shall be allowed to be mounted on individual buildings for the purpose of identifying tenants. All signs in the entire development and outparcels shall be coordinated so as to give the center a fully integrated, well-designed look to comply with the architectural theme.
- (7) Full or partial service stations (limited to minor repairs only) are permitted uses as approved in Resolution 81-1 (original Development Order and Zoning Resolution).

b. Community Facilities Planned Development

- (1) No uses are approved on Parcel A except for boardwalks, decks, gazebos, observation towers and auxiliary descriptive signage as approved on the original Master Concept Plan. The purpose of these uses is to allow a passive, educational nature walk.
- (2) Permitted uses on Parcels H & I (the 25 acre school site) are as shown on Sheet B-2, except that the Recreational Facilities, Public, specifically includes community recreation center with kitchen, and athletic fields with concessions, but said facilities are to remain subordinate to Schools, Public, which is the intended primary use. Prior to final plan approval, the Restaurants, Group II, shall be deleted.
- (3) Permitted uses on Parcel K (Park Site) shall be as shown on Sheet B-2, except that concession stands in addition to community recreation center with kitchen are specifically included, while Restaurants, Group II, and Specialty Retail, Group I, are limited to ancillary uses within the principal building.

c. Residential Planned Development

- (1) The single family residential areas shall be limited to a maximum density of 4 units per acre pursuant to the original DRI Development Order. In no case, however, shall the density for the RPD area (375.4 acres) exceed 3,300 units.
 - (2) All commercial uses in the RPD shall be in compliance with Zoning Ordinance Section 431.C.5.
 - (3) The Recreational Facilities, commercial use is hereby approved for Group III-Outdoor Facilities (pools, tennis courts, and other similar outdoor activities not grouped elsewhere, only); and Group IV-Indoor Facilities (racquetball, handball, squash, tennis courts, health clubs and swimming pool, only); subject to the following conditions. The location shall meet site location standards for Minor Commercial under the Lee Plan. The building area shall be limited to a maximum of 50,000 square feet per 431.C.5.b. of the Zoning Ordinance. The buffer shall be type "D" width with double vegetative requirements. Outdoor lighting shall be directed to the interior of the site. There shall be a common architectural theme, style and signage. The use shall be provided for in deed restrictions or homeowner documents for the neighborhood within which it is located. Hours of operation for outdoor uses shall be limited to 8 in the morning to 10 at night.
3. The height for structures in this development shall be limited to 35 feet unless in compliance with Zoning Ordinance Section 202.18.A.4 for increases in side, rear and street setback wherever the use is not abutting a similar structure, e.g., condominium area abutting single family home area.

4. This zoning approval does not signify that this project's traffic impacts have been mitigated. Additional conditions to mitigate traffic impacts may be required before issuance of a local development order, per the requirements of the Development Standards Ordinance, or per the DRI Development Order.
5. The developer shall be entitled to continue bona fide agricultural uses that are now in existence on the property. However, no development activity of any kind shall occur on the property, including clearing of vegetation or cutting of trees, unless such activity is reviewed and approved in accordance with all applicable Lee County regulations as if no agricultural use existed on the property. The purpose of this condition is to eliminate any exemptions or other special considerations or procedures that might otherwise be available under Lee County regulations by virtue of the existing agricultural uses on the property.
6. A Listed Species Survey shall be submitted with any Preliminary Development Order application for this project. If occupied habitat is located on the project, the site plan shall be revised in order to protect the occupied habitat and habitat buffer in accordance with the Protected Species Ordinance No. 89-34.
7. All commitments made in the Application for Development Approval, sufficiency submittals or amendment application are incorporated by reference. Furthermore, the DRI Development Order and any subsequent amendments are hereby incorporated by reference.
8. All Districts

Deviation (1) is a request to deviate from the requirement that an access road (frontage road) be required along arterial or collector roads (i.e., Three Oaks Parkway), (DSO Sections C.3.j and C.3.o.), to delete the requirement of an access road (frontage road) and restrict access to approved access points along arterial or collector roads. All rights-of-way or easements through adjacent parcels to accommodate access will be the developer's responsibility. This deviation is hereby APPROVED in the RPD district and APPROVED with two conditions in the CPD district. The conditions are:

1. Internal streets shall be considered frontage roads that will be designed to local street standards; and
2. No outparcels shall have direct access to any collector or arterial road.

All Districts

Deviation (2) is a request to deviate from the requirement that streets shall provide access to adjoining property and be coordinated with the street system in the area, (DSO Sections C.3.e. & f.), to limit access as shown on the Master Concept Plan for adjacent property. It shall be the developer's responsibility to provide roadway access between internal tracts where necessary. This deviation is hereby APPROVED with the condition that the accesses are consistent with property intersection separation and control requirements, and emergency accesses be provided between adjacent parcels. Furthermore, the adequate number of accesses provided to adjoining property should be interconnected to improve the traffic movement throughout the development.

All Districts

Deviation (3) is a request to deviate from the road requirements, (DSO Section D.3.b & Table D-1, 7.c), to allow paver block concrete surface course within "private" local streets. This deviation is hereby APPROVED with the condition that the developer execute and record a "Hold Harmless and Maintenance Agreement" prior to Final Development Order approval. This agreement shall include a clause stipulating that the developer shall be responsible for maintenance at the developer's expense, with no costs to be incurred by Lee County. This agreement shall be binding on all successors, heirs and assigns and shall be subject to the review and approval of the County Attorney, Department of Transportation and Engineering and the Division of Development Review.

RPD Only

Deviation (4) is a request to deviate from the zoning open space require-
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ments (Section 431.C.4) for 40% common open space (or one-quarter acre per fifty-five dwelling units, for a conventional subdivision) to allow the common open space (lakes, preserve areas, and county park site) shown on the Master Concept Plan, to fulfill this requirement for the development as a whole, provided that the individual tracts, when developed, meet the DSO open space requirements. This deviation is hereby APPROVED.

All Districts

Deviation (5) is a request to deviate from excavation depth for water retention from 12 feet (Section 509.B), to the confining layer or 25 feet, whichever is more restrictive. This deviation is hereby APPROVED with the following conditions:

- a. Littoral plantings shall be required for the lake (excavation). A littoral planting plan shall be submitted to the Division of Environmental Sciences for review and approval prior to the issuance of a Final Development Order for any phase of development. The planting plan shall, at the minimum, meet the requirements of the Stormwater Management Systems and Planting Guidelines (2/12/91 Draft), as amended or adopted.
- b. An aeration system, which will provide adequate aeration for the lake, taking into account lake size, depth and volume, shall be installed prior to Certificate of Compliance for this project. The specifications on the type, size, location(s) and number of pumps necessary to obtain adequate aeration shall be subject to the Division of Environmental Sciences approval prior to installation. The aeration system shall be used to provide for proper oxygenation and de-stratification of the lake.
- c. Chemical control methods shall not be used in the lake unless prior written approval is granted by the Division of Environmental Sciences.

RPD Only

Deviation (6) is a request to deviate from the minimum area, lot coverage, and dimension requirements (Section 431.C.1. & 202.18.D) and from the minimum setbacks of structures and buildings (Sections 431.C.2 & 202.18.B.2.a), to those shown on the following table for the various products proposed:

SINGLE FAMILY DETACHED (Standard):

Minimum lot area:	7500 S.F.
Minimum lot dimension:	75' wide X 100' deep
Corner lot dimension:	82.5' wide X 100' deep
Front Setback from local R/W line to building wall:	25'
Rear Setback from property line to building wall:	20'
Rear Setback (Adjacent to open space) from property line to building wall:	10'
Rear Setback from property line to pool deck/enclosures	10'
Water Setback from water to building wall:	20'
Side Setback from property line to building wall:	7.5'
Side Setback from local R/W to building wall	15'

ZERO LOT LINE or PATIO HOMES:

Minimum lot area:	4275 S.F.
Minimum lot dimension:	45' wide X 95' deep
Corner lot dimension:	52.5' wide X 95' deep
Front Setback from local R/W line to building wall:	20'

Rear Setback from property line to building wall:	10'
Rear Setback from property line to pool deck/enclosure:	10'
Water Setback from water to building wall:	20'
Side Setback from property line to building wall (One Side):	7.5'
Side Setback from property line to building wall (Other Side):	0'
Side Setback from local R/W to building wall:	15'
Side Setback from property line to courtyard wall:	0'
Rear Setback from property line to courtyard wall:	0'
Front Setback from property line to courtyard wall:	10'

TOWNHOMES:

Minimum lot area:	900 S.F.
Minimum lot dimension:	18' wide X 45' deep
Front Setback from property line to building wall:	0'
Rear Setback from property line to building wall:	0'
Water Setback from water to building wall:	20'
Side Setback from property line to building wall:	0'
Maximum lot coverage:	100%

CONDOMINIUMS:

Minimum unit area (2 story):	900 S.F.
Minimum unit area (3 - 6 story):	750 S.F.
Minimum unit area (7 & 8 story):	550 S.F.
Setback from any property line to building wall:	25'
Water setback from water to building wall:	20'

This deviation is hereby APPROVED with the condition that the maximum lot coverage limitations be included as follows, except the water setback from water to a building wall is subject to further review and approval prior to any local preliminary development order:

<u>Housing Type</u>	<u>Maximum Lot Coverage</u>
Single-family detached	40%
Zero Lot Line Patio Homes	45%
Townhomes	100%
Condominiums	45%

and with the condition that the minimum lot size for townhomes shall be 20 feet by 45 feet.

All Districts

Deviation (7) is a request to deviate from Ordinance 85-26, as amended by Ordinance 88-12, Section IV, SPECIAL REGULATIONS - ON SITE SIGNS, Paragraph B.2, Residential Development Identification Sign, and Paragraph B.4., Directional Signs On Site Only, which requires signs to be set back a minimum of fifteen feet from the edge of the street right-of-way or easement to:

- Five (5) feet at internal R/W (local) intersections,
- Ten (10) feet at intersections with collector, or arterial roads (i.e. Three Oaks Parkway),
- Zero (0) feet across from "tee" intersections or where no intersections occur, where such locations do not restrict acceptable standards for intersection sight distances.

This deviation is hereby APPROVED with the following conditions:

- All site distances shall be computed using nationally accepted standards; and
- All sign structures shall be designed to conform with nationally accepted breakaway and/or yielding standards.

All Districts

Deviation (8) is a request to deviate from the requirement that a four (4) foot fence may be required, at the discretion of the director, to be placed around excavations when located less than one hundred (100) feet from any property under separate ownership (Section 509.F.), to delete the requirement of the fence, provided that lake bank slopes are maintained no greater than 6(H):1(V) to a water depth of four (4) feet below dry season water table. This deviation is hereby APPROVED subject to the condition that the 4-foot high fence shall be provided in any location where a lake is within 100 feet of a road right-of-way.

All Districts

Deviation (9) is a request to deviate from Table C-3 of the Lee County Development Standards Ordinance which requires a 20' buffer along Three Oaks Parkway to 10'. This deviation is hereby APPROVED.

All Districts

Deviation (10) is a request to deviate from the requirement that gives the standards for pavement widths for local County maintained streets (DSO Table D-1.2.C.(1).) to twenty foot (20') pavement with swale drainage or valley gutter drainage, or twenty-four foot (24') pavement with curb and gutter drainage. This deviation is hereby APPROVED for only those roads contained within the Three Oaks Bath & Tennis Club and Pine Glen Unit 2 developments.

RPD Only

Deviation (11) is a request to deviate from the requirement that no real estate sales, except those incidental to the sale of model homes, are to be conducted in a model home (Section 520.D.3.a.), to allow sales offices within model homes and units located throughout the development. This deviation is hereby APPROVED with the condition that such use shall be in compliance with Zoning Ordinance Section 431.C.5.

RPD Only

Deviation (12) is a request to deviate from the requirement that all parking lot spaces shall be provided with sufficient maneuvering room so as to allow an exiting vehicle to leave the parking lot in a forward motion (202.16.E.2.d.), to allow back-out parking for zero lot line or patio homes, similar to that allowed for single-family and two-family developments. This deviation is hereby APPROVED.

All Districts

Deviation (13) is a request to deviate from the requirements in the Zoning Ordinance 202.18.b.2, DSO C.3.a.(4)(e) and wetland protection ordinance 86-31 as amended with regard to the "dots" of RPA & TZ (Non-Urban) that were added to the June 23, 1987 revision of the Lee Plan Land Use Map to continue to be exempt from these requirements due to the previous vesting of the development approvals in DRI #4-8485-54. This deviation is WITHDRAWN.

Specific Location

Deviation (14) is a request to deviate from Section C.3.h. of the DSO, which requires intersections of streets with an arterial street to be not less than 660 feet apart, using a centerline measurement, to not less than 511 feet apart, using a centerline measurement for the two "tee" intersections immediately south of the San Carlos Boulevard/Three Oaks Parkway intersection. This deviation is hereby APPROVED.

Site Plan 91-083 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 RPD, CPD and CFPD zoning:

- A. That the rezonings and changes, as conditioned, will not have an adverse impact on the intent of the Zoning Ordinance.
- B. That the requests, as conditioned, are consistent with the goals, objectives, policies and intent of the Lee Plan, and with the densities, intensities and general uses set forth in the Lee Plan.
- C. That the requests, as conditioned, meet or exceed the performance and locational standards set forth for the proposed uses.
- D. That the requests, as conditioned, will protect and preserve environmentally critical areas and natural resources.
- E. That the requests, as conditioned, will be compatible with existing or planned uses and will not cause damage, hazard, nuisance or other detriment to persons or property.
- F. That the requested 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 Zoning Ordinance.
- G. The proposed mix of uses, as conditioned, is appropriate at the subject location.
- H. Sufficient safeguards to the public interest are provided by the recommended conditions to the Master Concept Plan and by applicable regulations.
- I. All conditions are reasonably related to the impacts on the public's interest created by or expected from the development.
- J. The deviations will enhance the achievement of the objective of the development and meet the general intent of the zoning regulations to preserve and promote the protection of the public health, safety, and welfare.
- K. That none of the requested changes meet or exceed the substantial deviation threshold criteria found in Section 380.06(19)(b), Florida Statutes.
- L. That the trip generation study shows that the proposed changes will decrease the traffic impacts for this DRI.
- M. That further Development of Regional Impact review, pursuant to Section 380.06, Florida Statutes, is not required.

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

John E. Manning	<u>Aye</u>
Douglas R. St. Cerny	<u>Absent</u>
Ray Judah	<u>Absent</u>
Vicki Lopez-Wolfe	<u>Aye</u>
Donald D. Slisher	<u>Aye</u>

DULY PASSED AND ADOPTED this 17th day of February, A.D., 1992.

ATTEST:
CHARLIE GREEN, CLERK

BY: Claire J. Wreck,
Deputy Clerk

BOARD OF COUNTY COMMISSIONERS
OF LEE COUNTY, FLORIDA

BY: [Signature]
Chairman

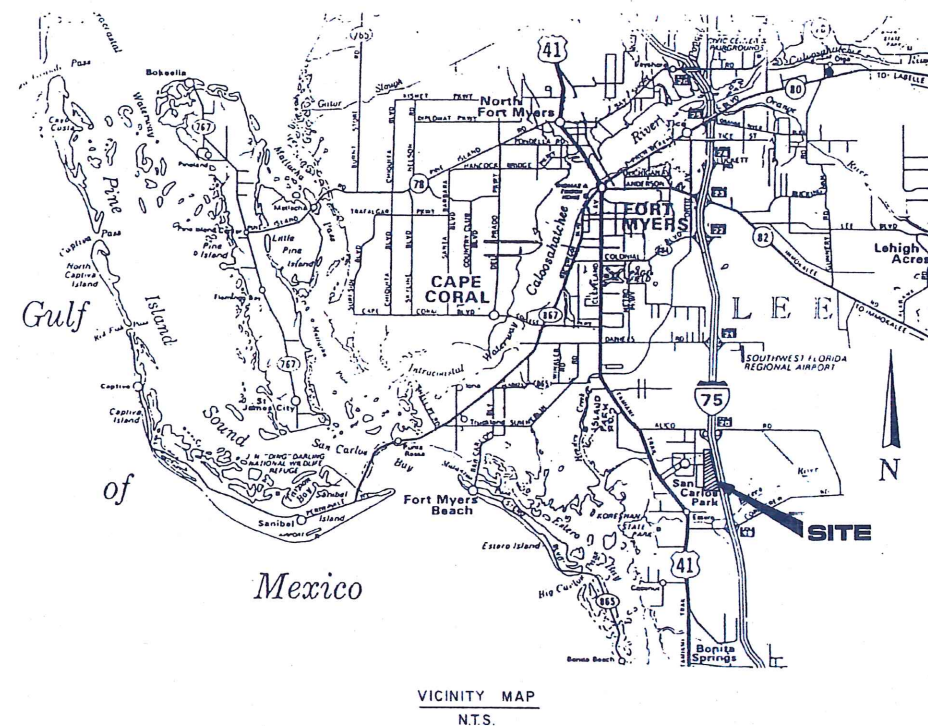
Approved as to form by:

[Signature]
County Attorney's Office

FILED

FEB 23 1992

CLERK CIRCUIT COURT
BY Claire Wreck, D.C.



VILLAGES OF SAN CARLOS

INDEX

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VILLAGES OF SAN CARLOS

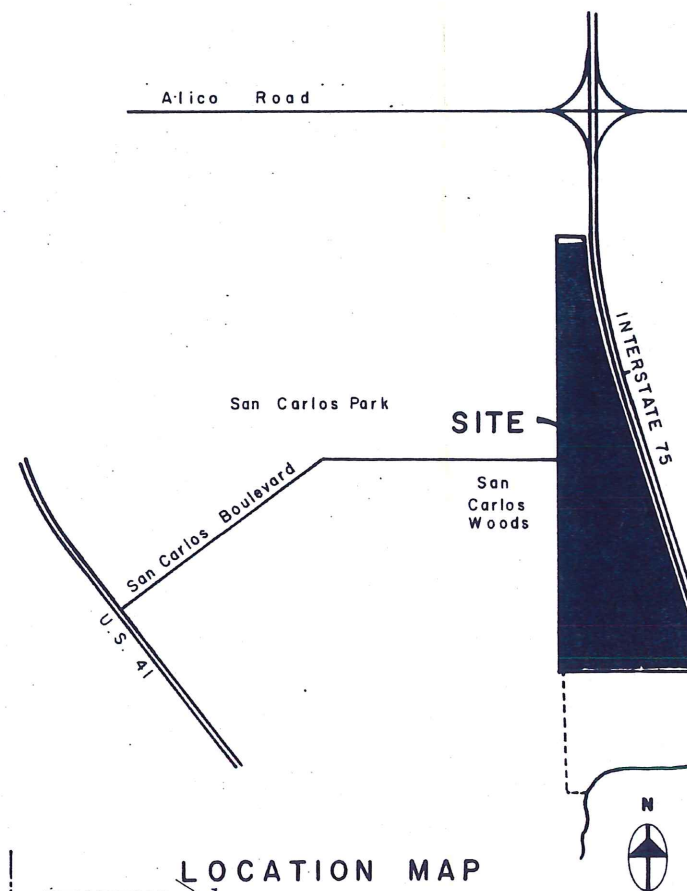
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JAN 29 1992

ZONING COUNTER

PLAN SET 91-7-23-DRI-4

S	SOURCE, INC.	JOB NO.	SHEET NO.
	ENGINEERS / PLANNERS	110-06-87	A
	1534 LAFAYETTE STREET CAPE CORAL, FLORIDA 33904	DATE 4-21-89	OF

P.O. BOX 1321, CAPE CORAL, FL. 33910 (813) 549-2345



- NOTE:**
If approved, the Master Concept Plan (available for inspection at 1831 Hendry Street in Fort Myers) will deviate from the following Lee County Standards:
- All Districts 1.** Deviation from the requirement that an access road (frontage road) be required along arterial or collector roads (i.e. Three Oaks Parkway), (D.S.O. Sections C.3.o. & j.), to delete the requirement of an access road (frontage road) and restrict access to approved access points along arterial or collector roads. All right-of-ways or easements through adjacent parcels to accommodate access will be the Developers responsibility.
- All Districts 2.** Deviation from the requirement that streets shall provide access to adjoining property and be coordinated with the street system in the area, (D.S.O. Sections C.3.e. & f.), to limit access as shown on the Master Concept Plan for adjacent property. It shall be the developers responsibility to provide roadway access between internal tracts where necessary.
- All Districts 3.** Deviation from the road requirements, (D.S.O. Section D.3.b & Table D-1, 7.c), to allow paver block concrete surface course within "private" local streets.
- RPD Only 4.** Deviation from the zoning open space requirements (Section 431.C.4) for 40% common open space (or one-quarter acre per fifty-five dwelling units, for a conventional subdivision) to allow the common open space (lakes, preserve areas, and county park site) shown on the Master Concept Plan, to fulfill this requirement for the development as a whole, provided that the individual tracts, when developed, meet the D.S.O. open space requirements.
- All Districts 5.** Deviation from excavation depth for water retention from 12" (Section 509.B), to the confining layer or 25", whichever is more restrictive.
- RPD Only 6.** Deviation from the minimum area, lot coverage, and dimension requirements (Section 431.C.1. & 202.18.D) and from the minimum setbacks of structures and buildings (Sections 431.C.2. & 202.18.B.2.a) to those shown on the following table for the various products proposed:

SINGLE FAMILY DETACHED (Standard):

Minimum lot area:	7500 S.F.
Minimum lot dimension:	75' wide X 100' deep
Corner lot dimension:	82.5' wide X 100' deep
Front Setback from local R/W line to building wall:	25'
Rear Setback from property line to building wall:	20'
Rear Setback (Adj. to open space) from PL to bldg. wall:	10'
Rear Setback from property line to pool deck/ enclosure:	10'
Water Setback from water to building wall:	20'
Side Setback from property line to building wall:	7.5'
Side Setback from local R/W to building wall:	15'

ZERO LOT LINE or PATIO HOMES:

Minimum lot area:	4275 S.F.
Minimum lot dimension:	45' wide X 95' deep
Corner lot dimension:	52.5' wide X 95' deep
Front Setback from local R/W line to building wall:	20'
Rear Setback from property line to building wall:	10'
Rear Setback from property line to pool deck/ enclosure:	10'
Water Setback from water to building wall:	20'
Side Setback from property line to bldg wall (One Side):	7.5'
Side Setback from property line to bldg wall (Other Side):	0'
Side Setback from local R/W to building wall:	15'
Rear Setback from property line to courtyard wall:	0'
Front Setback from property line to courtyard wall:	10'

TOWNHOMES:

Minimum lot area:	900 S.F.
Minimum lot dimension:	18' wide X 45' deep
Front Setback from property line to building wall:	0'
Rear Setback from property line to building wall:	0'
Water Setback from water to building wall:	20'
Side Setback from property line to bldg wall:	0'
Maximum lot coverage:	100%

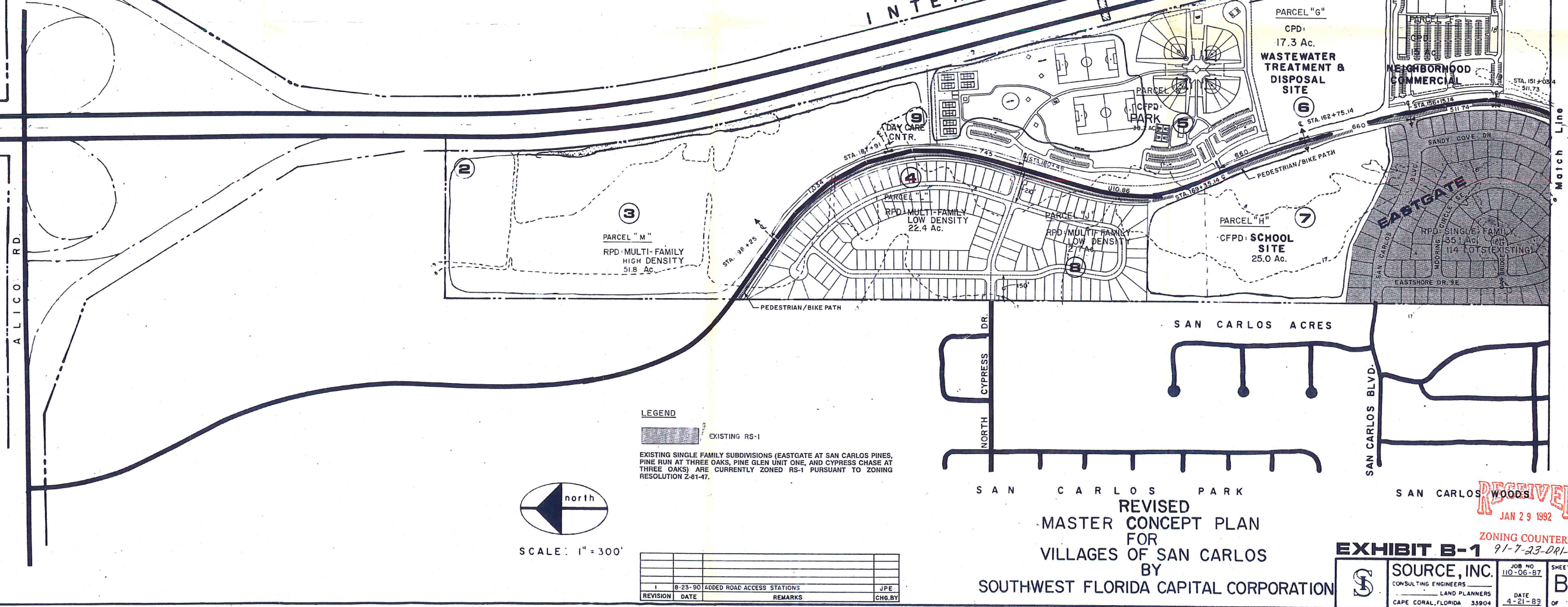
CONDOMINIUMS:

Minimum unit area (2 story):	900 S.F.
Minimum unit area (3 - 6 story):	750 S.F.
Minimum unit area (7 & 8 story):	550 S.F.
Setback from any property line to building wall:	25'
Water setback from water to building wall:	20'

- All Districts 7.** Deviation from Ordinance 85-26, as amended by Ordinance 88-12, Section IV, SPECIAL REGULATIONS - ON SITE SIGNS, Paragraph B.2., Residential Development Identification Sign, and Paragraph B.4., Directional Signs On Site Only, which requires signs to be setback a minimum of fifteen feet from the edge of the street right-of-way or easement to:
- Five (5) feet at internal R/W (local) intersections,
 - Ten (10) feet at intersections with collector, or arterial roads (i.e. Three Oaks Parkway),
 - Zero (0) feet across from "tee" intersections or where no intersection occur,
- where such locations do not restrict acceptable standards for intersection sight distances.
- All Districts 8.** Deviation from the requirement that a four (4) foot fence may be required, at the discretion of the director, to be placed around excavations when located less than one hundred (100) feet from any property under separate ownership (Section 509.F.), to delete the requirement of the fence, provided that lake bank slopes are maintained no greater than 6(H):1(V) to a water depth of four (4) feet below dry season water table.
- All Districts 9.** Deviation from Table C-3 of the Lee County Development Standards Ordinance which requires a 20' buffer along Three Oaks Parkway to 10' (See attached correspondence "Item M-1", relating to buffer).
- All District 10.** Deviation from the requirement that gives the standards for pavement widths for local County maintained streets (D.S.O. Table D-1.2.c.(1)) to Twenty foot (20') pavement with swale drainage or valley gutter drainage, or twenty-four foot (24') pavement with curb and gutter drainage.
- RPD Only 11.** Requirement that no real estate sales, except those incidental to the sale of model homes, are to be conducted in a model home (Section 509.D.3.a.), to allow sales offices within model homes and units located throughout the development.
- RPD Only 12.** Requirement that all parking lot spaces shall be provided with sufficient maneuvering room so as to allow an exiting vehicle to leave the parking lot in a forward motion (202.16.E.2.d.), to all back-out parking for zero lot line or patio homes, similar to that allowed for single-family and two-family developments.
- All District 13.** Deviation from the requirements in the zoning ordinance 202.18.b.2, DSO C.3.a.(4)(a) and wetland protection ordinance 88-31 as amended, with regard to the "dots" of RPA & TZ (Non-Urban) that were added to the June 23, 1987 revision of the Lee Plan Land Use Map to continue to be exempt from these requirements due to the previous vesting of the development approvals in DRI #7-7890-15.
- Specific Location 14.** Deviation from Section C.3.h of the D.S.O., which requires intersections of streets with an arterial street to be not less than six hundred sixty (660) feet apart, using a centerline measurement, to not less than five hundred eleven (511) feet apart, using a centerline measurement for the two (2) "tee" intersections immediately south of the San Carlos Boulevard/Three Oaks Parkway intersection.

DETERMINATION REQUESTS

- Requesting a determination from the Director that the previously-approved DRI data fulfill the zoning application requirement for the following:
 - Soil/Vegetation Map (804.03.C.1.a.(3))
 - Traffic Impact Statement (804.03.C.1.b.(5))
 - Protected Species Survey (804.03.C.1.b.(6))



LEGEND

EXISTING RS-1
EXISTING SINGLE FAMILY SUBDIVISIONS (EASTGATE AT SAN CARLOS PINES, PINE RUN AT THREE OAKS, PINE GLEN UNIT ONE, AND CYPRESS CHASE AT THREE OAKS) ARE CURRENTLY ZONED RS-1 PURSUANT TO ZONING RESOLUTION 2-81-47.



SCALE: 1" = 300'

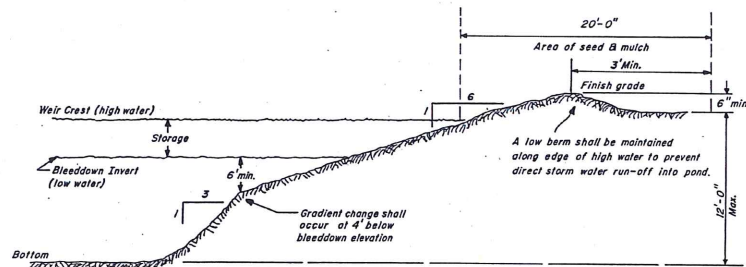
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1	8-23-90			CHG.BY

REVISED
MASTER CONCEPT PLAN
FOR
VILLAGES OF SAN CARLOS
BY
SOUTHWEST FLORIDA CAPITAL CORPORATION

EXHIBIT B-1
SOURCE, INC.
CONSULTING ENGINEERS
LAND PLANNERS
CAPE CORAL, FLORIDA 33904

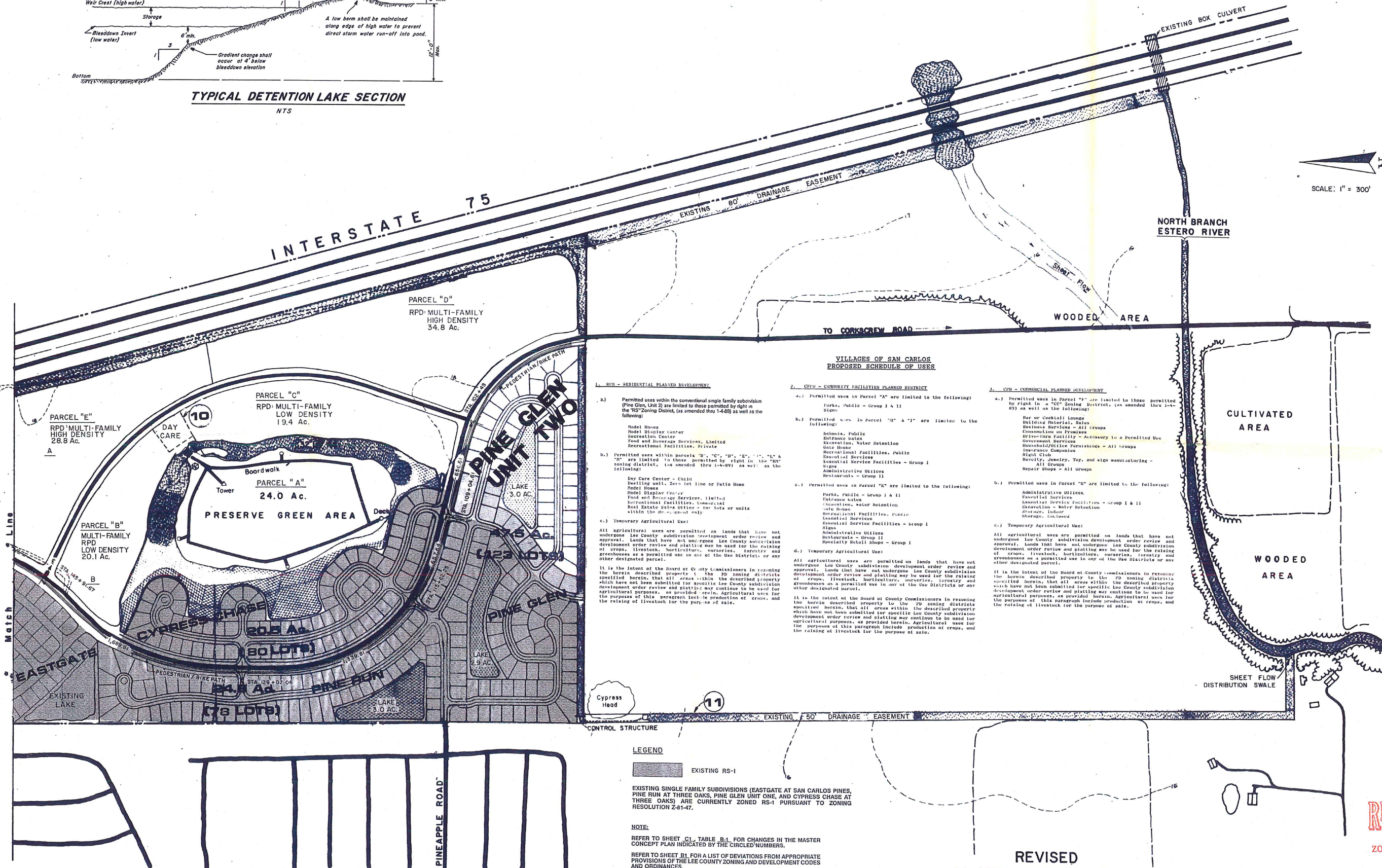
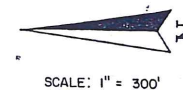
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JAN 29 1992
ZONING COUNTER
91-7-23-DRI-4

BI



TYPICAL DETENTION LAKE SECTION

NTS



1. RPD - RESIDENTIAL PLANNED DEVELOPMENT

a.) Permitted uses within the conventional single family subdivision (Pine Glen, Unit 2) are limited to those permitted by right in the "RS" Zoning District, (as amended thru 1-4-89) as well as the following:

Model Homes
Model Display Center
Recreation Center
Food and Beverage Services, Limited
Recreational Facilities, Private

b.) Permitted uses within parcels "B", "C", "D", "E", "F", "G", "H" & "I" are limited to those permitted by right in the "RPD" zoning district, (as amended thru 1-4-89) as well as the following:

Day Care Center - Child
Berthing unit, Zero lot line or Patio Home
Model Homes
Model Display Center
Food and Beverage Services, Limited
Recreational Facilities, Limited
Retail Estate Sales Office - for lots or units
within the development only

c.) Temporary Agricultural Use:

All agricultural uses are permitted on lands that have not undergone Lee County subdivision development order review and approval. Lands that have not undergone Lee County subdivision development order review and platting may be used for the raising of crops, livestock, horticulture, nurseries, forestry and greenhouses as a permitted use in any of the Use Districts or any other designated parcel.

2. CPD - COMMUNITY FACILITIES PLANNED DISTRICT

a.) Permitted uses in Parcel "A" are limited to the following:

Parks, Public - Group I & II

b.) Permitted uses in Parcel "H" & "I" are limited to the following:

Schools, Public
Entrance Gates
Excavation, Water Retention
Gate House
Recreational Facilities, Public
Essential Services
Essential Service Facilities - Group I
Signs
Administrative Offices
Restaurants - Group II

c.) Permitted uses in Parcel "K" are limited to the following:

Parks, Public - Group I & II
Entrance Gates
Excavation, Water Retention
Gate House
Recreational Facilities, Public
Essential Services
Essential Service Facilities - Group I
Signs
Administrative Offices
Restaurants - Group II
Specialty Retail Shops - Group I

d.) Temporary Agricultural Use:

All agricultural uses are permitted on lands that have not undergone Lee County subdivision development order review and approval. Lands that have not undergone Lee County subdivision development order review and platting may be used for the raising of crops, livestock, horticulture, nurseries, forestry and greenhouses as a permitted use in any of the Use Districts or any other designated parcel.

It is the intent of the Board of County Commissioners in rezoning the herein described property to the CPD zoning district which have not been submitted for specific Lee County subdivision development order review and platting may continue to be used for agricultural purposes, as provided herein. Agricultural uses for the purposes of this paragraph include production of crops, and the raising of livestock for the purpose of sale.

3. CUP - COMMERCIAL PLANNED DEVELOPMENT

a.) Permitted uses in Parcel "J" are limited to those permitted by right in a "CC" Zoning District, (as amended thru 1-4-89) as well as the following:

Bar or Cocktail Lounge
Building Material, Sales
Business Services - All groups
Construction on Premises
Drive-Thru Facility - Accessory to a Permitted Use
Government Services
Household/Office Furnishings - All groups
Insurance Companies
Night Club
Novelty, Jewelry, Toy, and sign manufacturing - All groups
Repair Shops - All groups

b.) Permitted uses in Parcel "G" are limited to the following:

Administrative Offices
Essential Services
Essential Service Facilities - Group I & II
Excavation - Water Retention
Storage, Indoor
Storage, Outdoor

c.) Temporary Agricultural Use:

All agricultural uses are permitted on lands that have not undergone Lee County subdivision development order review and approval. Lands that have not undergone Lee County subdivision development order review and platting may be used for the raising of crops, livestock, horticulture, nurseries, forestry and greenhouses as a permitted use in any of the Use Districts or any other designated parcel.

It is the intent of the Board of County Commissioners in rezoning the herein described property to the CPD zoning district which have not been submitted for specific Lee County subdivision development order review and platting may continue to be used for agricultural purposes, as provided herein. Agricultural uses for the purposes of this paragraph include production of crops, and the raising of livestock for the purpose of sale.

LEGEND

EXISTING RS-1

EXISTING SINGLE FAMILY SUBDIVISIONS (EASTGATE AT SAN CARLOS PINES, PINE RUN AT THREE OAKS, PINE GLEN UNIT ONE, AND CYPRESS CHASE AT THREE OAKS) ARE CURRENTLY ZONED RS-1 PURSUANT TO ZONING RESOLUTION 2-81-47.

NOTE:

REFER TO SHEET C1, TABLE B-1 FOR CHANGES IN THE MASTER CONCEPT PLAN INDICATED BY THE CIRCLED NUMBERS.

REFER TO SHEET B1 FOR A LIST OF DEVIATIONS FROM APPROPRIATE PROVISIONS OF THE LEE COUNTY ZONING AND DEVELOPMENT CODES AND ORDINANCES.

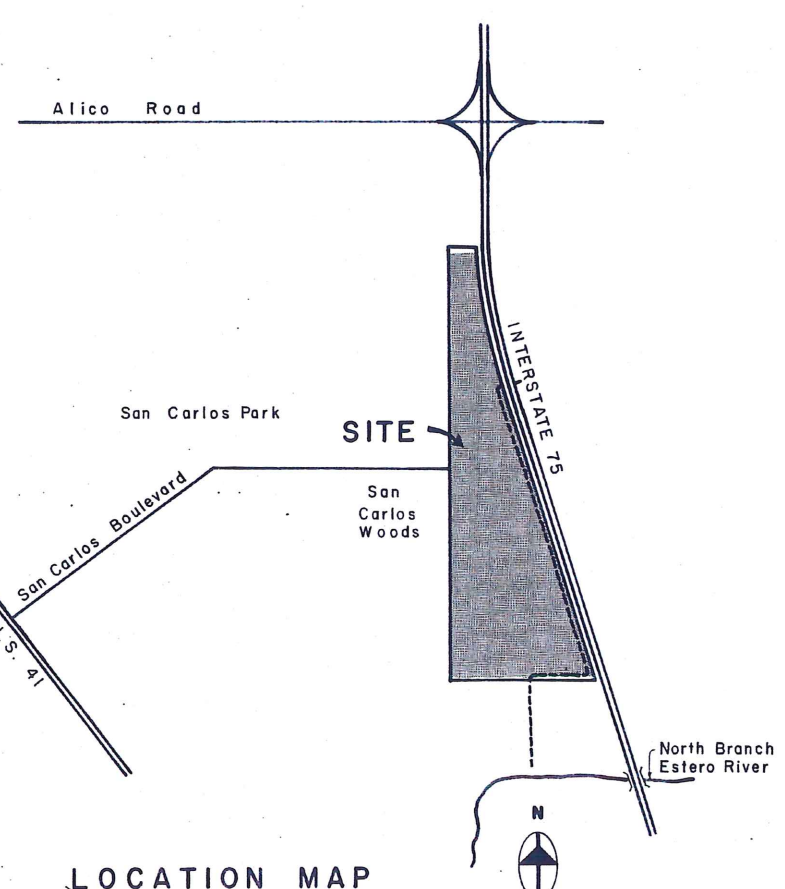
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1	8-23-90	ADDED ROAD ACCESS STATIONS	JPE

REVISED
MASTER CONCEPT PLAN
FOR
VILLAGES OF SAN CARLOS
BY
SOUTHWEST FLORIDA CAPITAL CORPORATION

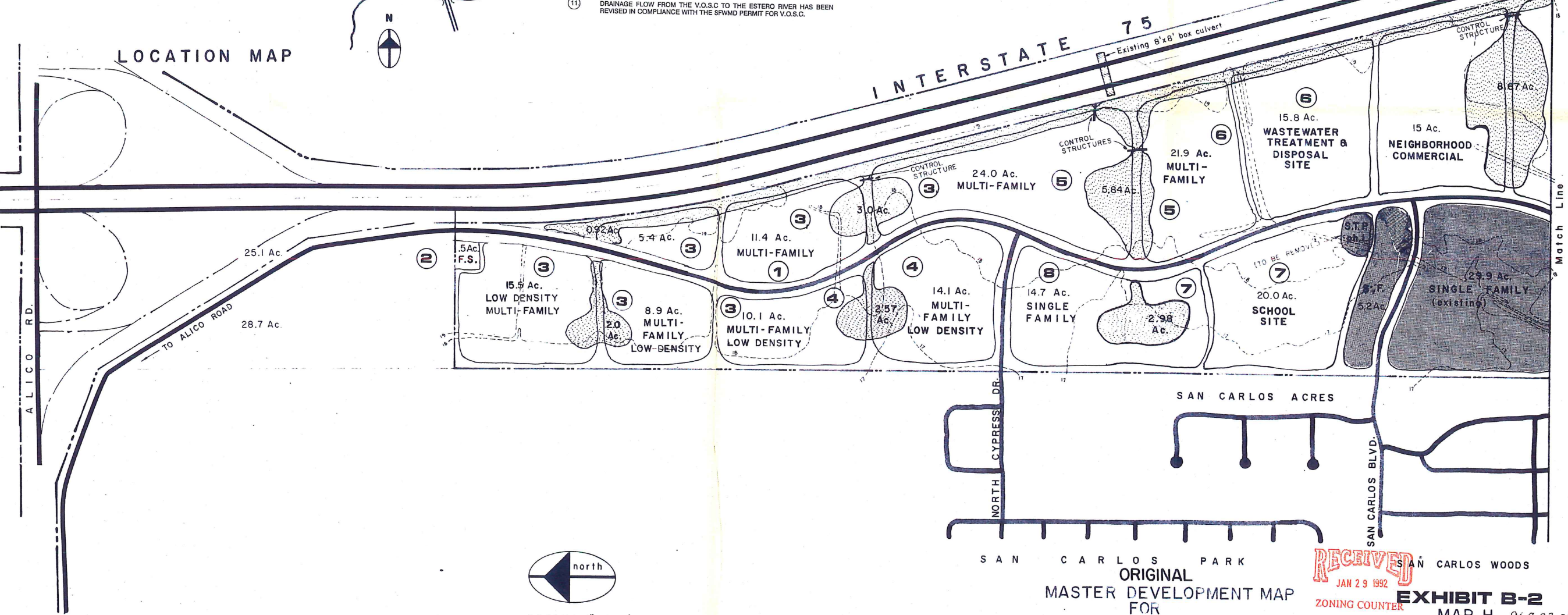
EXHIBIT B-1 91-7-23-DRI-4

SOURCE, INC.
CONSULTING ENGINEERS
LAND PLANNERS
CAPE CORAL, FLORIDA 33904
JOB NO. 110-06-87
DATE 4-21-89
SHEET NO. B2

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- TABLE B-1
CHANGES BETWEEN
MAP "H" - DRI
EXHIBIT B-2
and
MASTER CONCEPT PLAN
(RPD, CPD, CFPD)
(EXHIBIT B-1)
- IDENT. CHANGES
- ① THREE OAKS PARKWAY (CORLICO PARKWAY) HAS BEEN REALIGNED BY LEE CO. D.O.T. & E.
 - ② FIRE STATION HAS BEEN DELETED AND RELOCATED TO ALICO INTERCHANGE PARK
 - ③ DUE TO THE ROAD REALIGNMENT, PARCEL "M" - MASTER CONCEPT PLAN (MCP) HAS REPLACED THE FOLLOWING ON EXHIBIT B-2:
FIRE STATION: 0.5 AC., LOW DENSITY (LD), MULTI-FAMILY (MF): 15.5 AC., LD - MF: 8.9 AC., HIGH DENSITY (HD) MF: 5.4 AC., PART OF HD-MF: (11.4 AC.), PART OF LD-MF: (10.1 AC.), PART OF HD-MF: (24.0 AC.)
 - ④ DUE TO THE ROAD REALIGNMENT, PARCEL "L" (MCP) HAS REPLACED THE FOLLOWING ON EXHIBIT B-2:
PART OF LD-MF: (10.1 AC.)
PART OF LD-MF: (14.1 AC.)
 - ⑤ AT THE REQUEST OF THE COUNTY, A COUNTY PARK PARCEL "K" (MCP) HAS REPLACED THE FOLLOWING ON EXHIBIT B-2:
PART OF HD-MF: (24.0 AC.)
PART OF HD-MF: (21.9 AC.)
 - ⑥ AT THE REQUEST OF GULF UTILITY CO., THE WASTEWATER TREATMENT SITE, PARCEL "G" (MCP) HAS BEEN ENLARGED FROM 15.8 AC. TO 17.3 AC.
THE 1.5 ACRE INCREMENT WAS TAKEN FROM:
PART OF HD-MF: (21.9 AC.)
 - ⑦ AT THE REQUEST OF THE SCHOOL BOARD, THE SCHOOL SITE, PARCEL "H" (MCP) HAS BEEN ENLARGED FROM 20.0 AC. TO 25.0 AC.
 - ⑧ TO MAINTAIN COMPATIBILITY, PARCEL "J" (MCP) REPLACED THE FOLLOWING ON EXHIBIT B-2:
PART OF SF: (14.7 AC.)
 - ⑨ A DAY CARE CENTER HAS BEEN ADDED AS PART OF PARCEL "M" (MCP)
 - ⑩ A DAY CARE CENTER HAS BEEN ADDED AS PART OF PARCEL "B" (MCP)
 - ⑪ DRAINAGE FLOW FROM THE V.O.S.C TO THE ESTERO RIVER HAS BEEN REVISED IN COMPLIANCE WITH THE SFWMD PERMIT FOR V.O.S.C.



SCALE: 1" = 300'

SAN CARLOS PARK
ORIGINAL
MASTER DEVELOPMENT MAP
FOR
SAN CARLOS FINES
BY
ANDEMELI LAND & DEVELOPMENT CO.

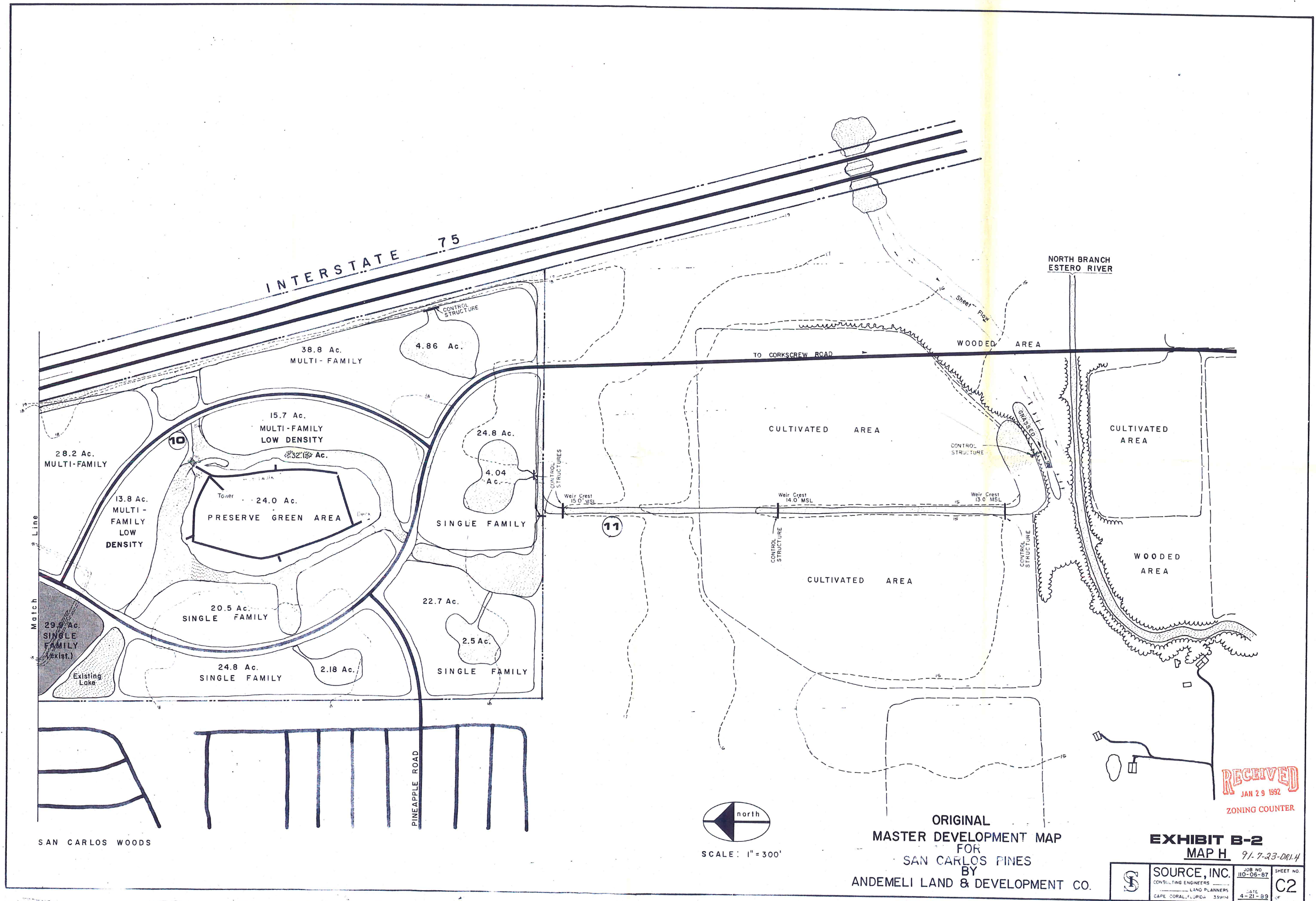
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EXHIBIT B-2
MAP H 91-7-23-DRIH

SOURCE, INC.
CONSULTING ENGINEERS
LAND PLANNERS
CAPE CORAL, FLORIDA 33904

JOB NO. 110-06-87
SHEET NO. 4-21-89
OF 41

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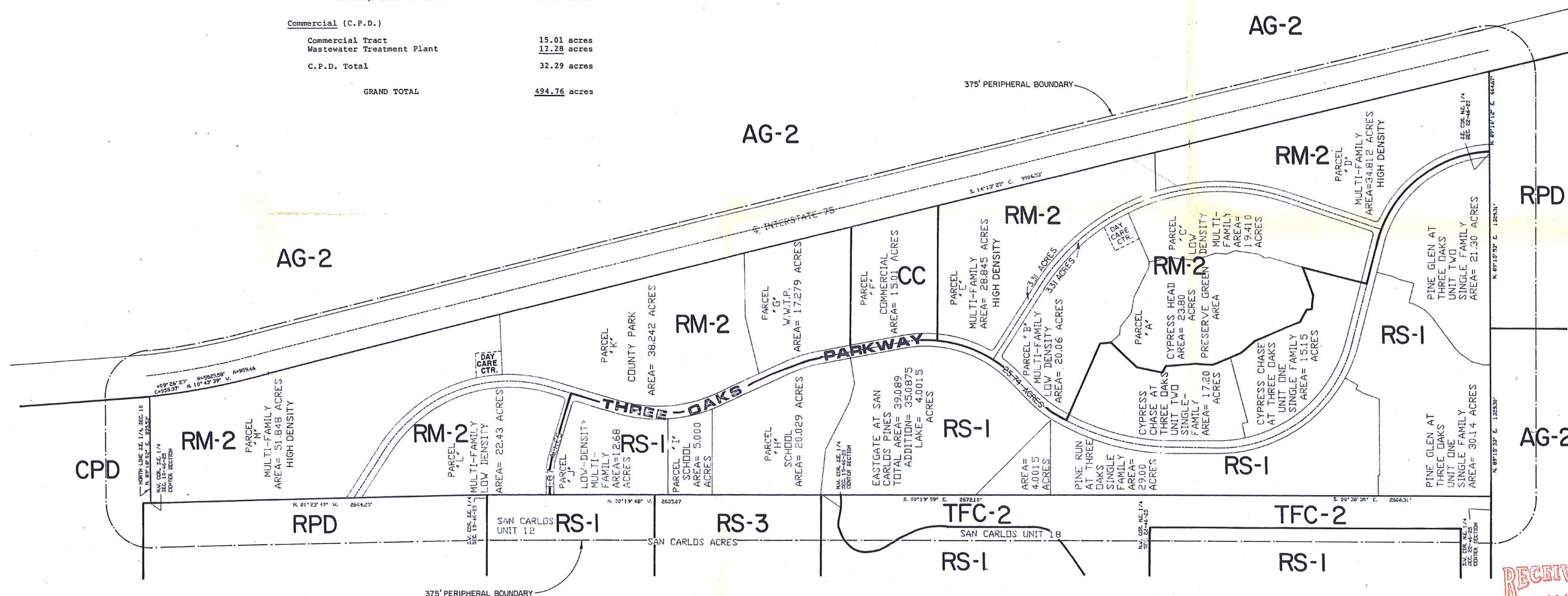
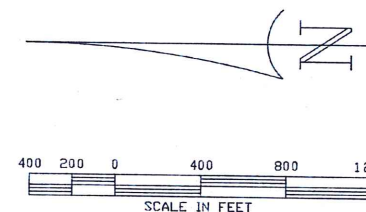
ORIGINAL
MASTER DEVELOPMENT MAP
FOR
SAN CARLOS PINES
BY
ANDEMELI LAND & DEVELOPMENT CO.

EXHIBIT B-2
MAP H 91-7-23-DRLH

S	SOURCE, INC.	JOB NO. 110-06-87	SHEET NO.
	CONSULTING ENGINEERS		C2
	LAND PLANNERS	DATE 4-21-89	

CAPE CORAL, FLORIDA 33914

LAND USE SUMMARY		
Residential		
RPD Single Family	342 Units	151.88 acres
RPD Single Family	50 Units	58.96 acres
Multi-family (low Density)	564 Units	118.82 acres
Multi-family (high Density)	2244 Units	25.74 acres
Corlico Parkway		
Total	3300 Units	375.40 acres
Community Facilities (C.F.P.D.)		
Park		38.24 acres
Preserved green space		23.80 acres
Middle School		25.03 acres
C.F.P.D. Total		87.07 acres
R.P.D., C.F.P.D. Total		462.47 acres
Commercial (C.P.D.)		
Commercial Tract		15.01 acres
Wastewater Treatment Plant		17.28 acres
C.P.D. Total		32.29 acres
GRAND TOTAL		494.76 acres

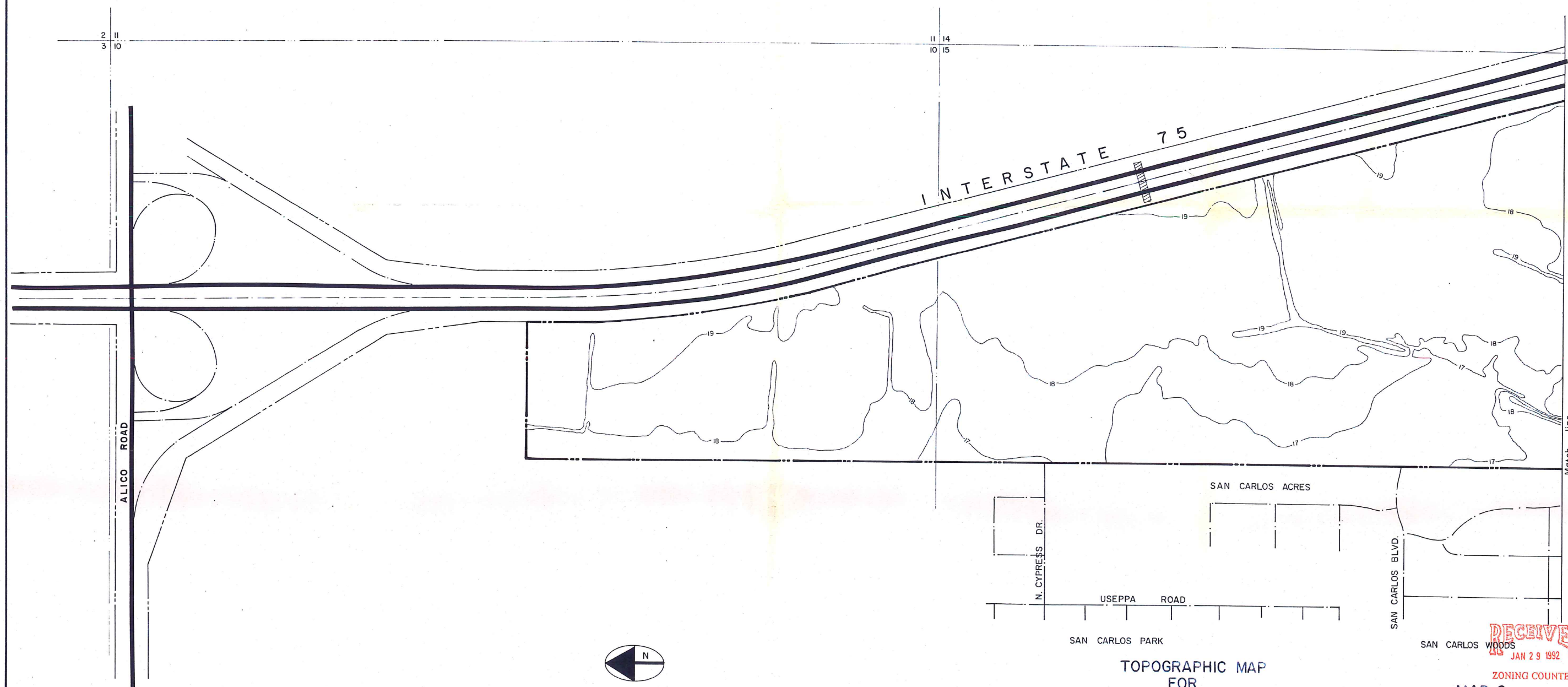


RECEIVED
JAN 29 1992
ZONING COUNTER

VILLAGES OF SAN CARLOS

CURRENT LAND USE &
EXISTING ZONING 91-7-23-DRI-4

S	SOURCE, INC.		JOB NO. 110-06-87	SHEET NO. D
	ENGINEERS / PLANNERS		DATE 9-11-90	OF
	1334 LAFAYETTE STREET CAPE CORAL, FLORIDA 33904		P.O. BOX 1321, CAPE CORAL, FL. 33910 (813) 549-2345	



SCALE: 1" = 300'

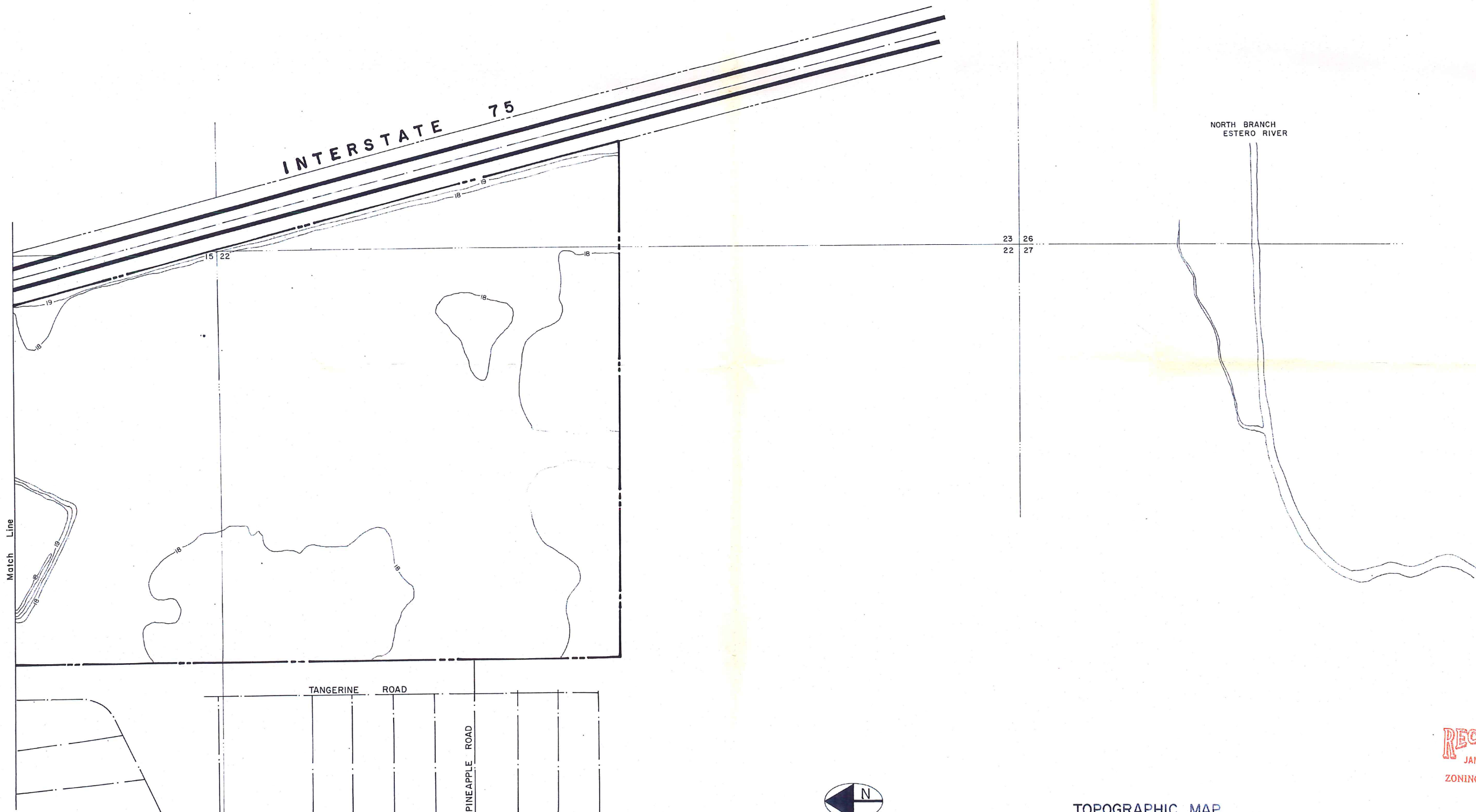
N. CYPRESS DR.
USEPPA ROAD
SAN CARLOS PARK
SAN CARLOS ACRES
SAN CARLOS BLVD.

TOPOGRAPHIC MAP
FOR
SAN CARLOS PINES
BY
ANDEMELI LAND & DEVELOPMENT CO.

RECEIVED
JAN 29 1992
ZONING COUNTER

MAP C 91-7-23-DRI-4

S	SOURCE, INC.	JOB NO.	SHEET NO.
	CONSULTING ENGINEERS	110-06-87	EI
	LAND PLANNERS	DATE	OF
	CAPE CORAL, FLORIDA 33904	1-4-91	



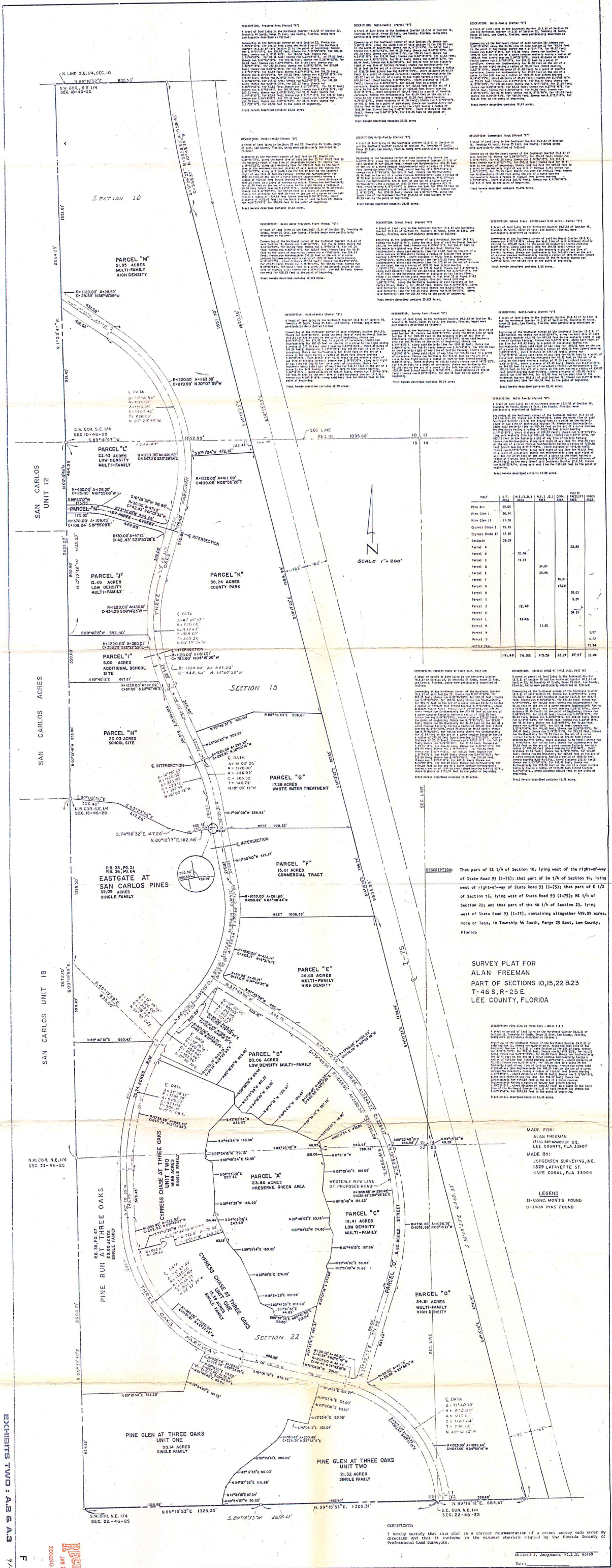
SCALE: 1" = 300

TOPOGRAPHIC MAP
FOR
SAN CARLOS PINES
BY
ANDEMELI LAND & DEVELOPMENT CO.

RECEIVED
JAN 29 1992
ZONING COUNTER

MAP C 91-7-23-DRI-4

	SOURCE, INC.	110-06-87	SHEET NO.
	CONSULTING ENGINEERS		
	LAND PLANNERS		
CAPE CORAL, FLORIDA 33904	DATE	1-4-91	OF





SCALE: 1" = 300'

SOILS CLASSIFICATION

NUMBER	TYPE OF SOIL
6	Hallandale Fine Sand
12	Felda Fine Sand
13	Boca Fine Sand
26	Pineda Fine Sand
27	Pompano Fine Sand, Depressional
28	Immokalee Fine Sand
33	Oldsmar Fine Sand
49	Felda Fine Sand, Depressional
73	Pineda Fine Sand, Depressional

DEVELOPER:

SOUTHWEST FLORIDA CAPITAL CORPORATION
5 BRYNWOOD LANE
FORT MYERS, FLORIDA 33908

AERIAL AND EXISTING SITE CONDITIONS

VILLAGES OF SAN CARLOS

SEC. 10, 15, 22 & 23 T46S, R25E
LEE COUNTY, FLORIDA

RECEIVED
JAN 29 1992

ZONING COUNTER

91-723-DRI-4

REGISTERED PROFESSIONAL ENGINEER
FLORIDA CERTIFICATE NO. 21022
DATE 5-7-1984

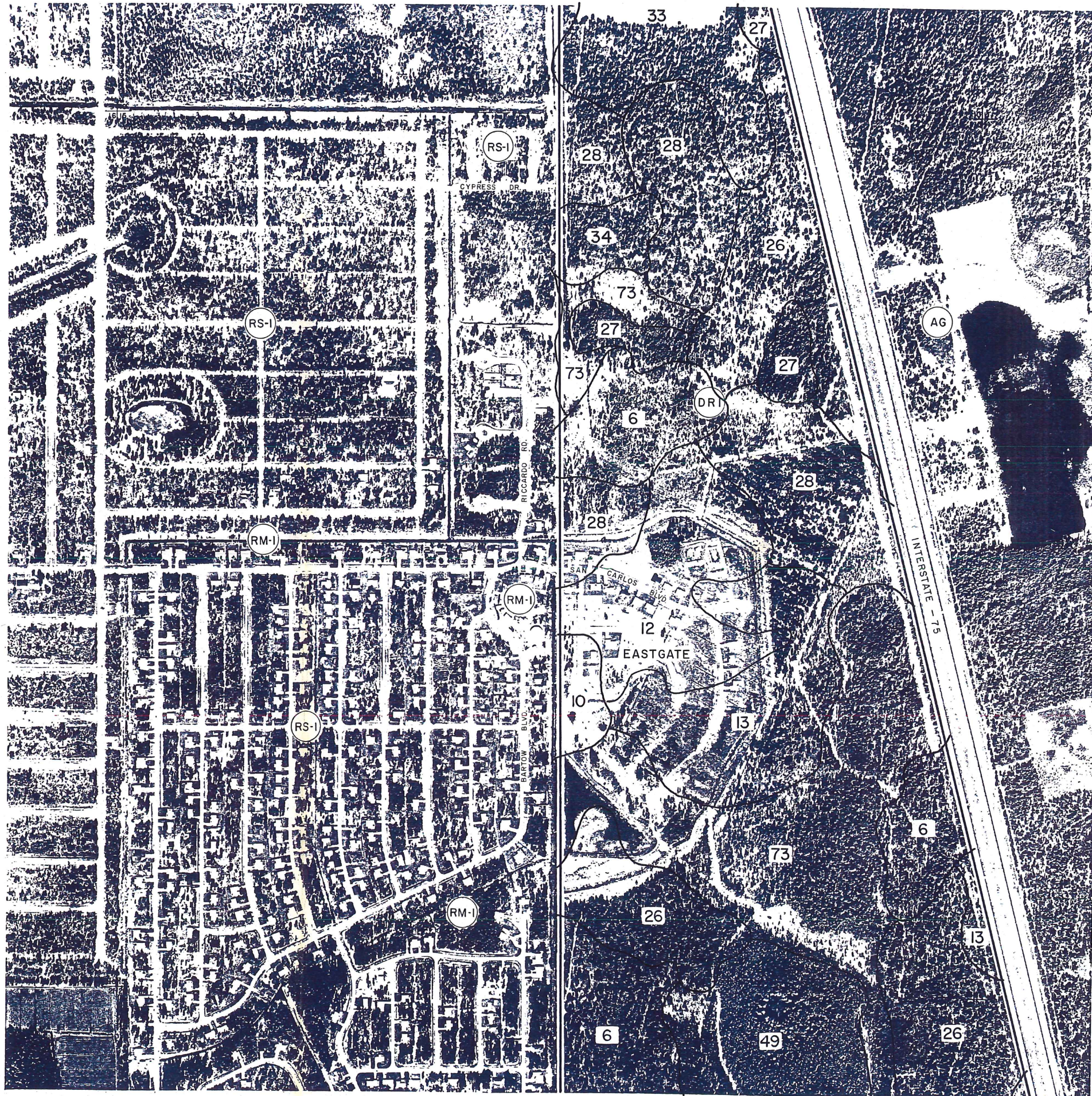


SOURCE, INC.
CONSULTING ENGINEERS
LAND PLANNERS
CAPE CORAL, FLORIDA 33904

JOB NO.
110-04-83
DATE
4-17-84

SHEET NO.
G-1
OF

SOURCE, INC. P.O. BOX 1321, CAPE CORAL, FLORIDA 33904
1334 LAFAYETTE STREET FORT MYERS, FLORIDA 33901



SCALE: 1" = 300'

SOILS CLASSIFICATION

NUMBER	TYPE OF SOIL
6	Hallandale Fine Sand
12	Felda Fine Sand
13	Boca Fine Sand
26	Pineda Fine Sand
27	Pompano Fine Sand, Depressional
28	Immokalee Fine Sand
33	Oldsmar Fine Sand
49	Felda Fine Sand, Depressional
73	Pineda Fine Sand, Depressional
10	Pompano Fine Sand
34	Molokini Fine Sand

DEVELOPER:

SOUTHWEST FLORIDA CAPITAL CORPORATION
5 BRYNWOOD LANE
FORT MYERS, FLORIDA 33908

AERIAL AND EXISTING SITE CONDITIONS

VILLAGES OF SAN CARLOS

SEC. 10, 15, 22 & 23 T46S, R25E
LEE COUNTY, FLORIDA

RECEIVED
JAN 29 1992
ZONING COUNTER

SOURCE, INC. P.O. BOX 1321, CAPE CORAL, FLORIDA 33910
1334 LAFAYETTE STREET PHONE 813/549-2345

Jan Polla
REGISTERED PROFESSIONAL ENGINEER
FLORIDA CERTIFICATE NO. 21022
DATE 5-9-1984

S	SOURCE, INC.	JOB NO.	SHEET NO.
	CONSULTING ENGINEERS	110-04-83	G-2
	LAND PLANNERS	DATE	OF
	CAPE CORAL, FLORIDA 33908	4-17-84	



SCALE: 1" = 300'

SOILS CLASSIFICATION

NUMBER	TYPE OF SOIL
6	Hallandale Fine Sand
12	Felda Fine Sand
13	Boca Fine Sand
26	Pineda Fine Sand
27	Pompano Fine Sand, Depressional
28	Immokalee Fine Sand
33	Oldsmar Fine Sand
49	Felda Fine Sand, Depressional
73	Pineda Fine Sand, Depressional

DEVELOPER :

SOUTHWEST FLORIDA CAPITAL CORPORATION
5 BRYNWOOD LANE
FORT MYERS, FLORIDA 33908

AERIAL AND EXISTING SITE CONDITIONS

VILLAGES OF SAN CARLOS

SEC. 10, 15, 22 & 23 T46S, R25E
LEE COUNTY, FLORIDA

RECEIVED
JAN 29 1992

ZONING COUNTER

J. C. F. 5-9-84
REGISTERED PROFESSIONAL ENGINEER
FLORIDA CERTIFICATE NO. 21022
DATE 5-9-1984

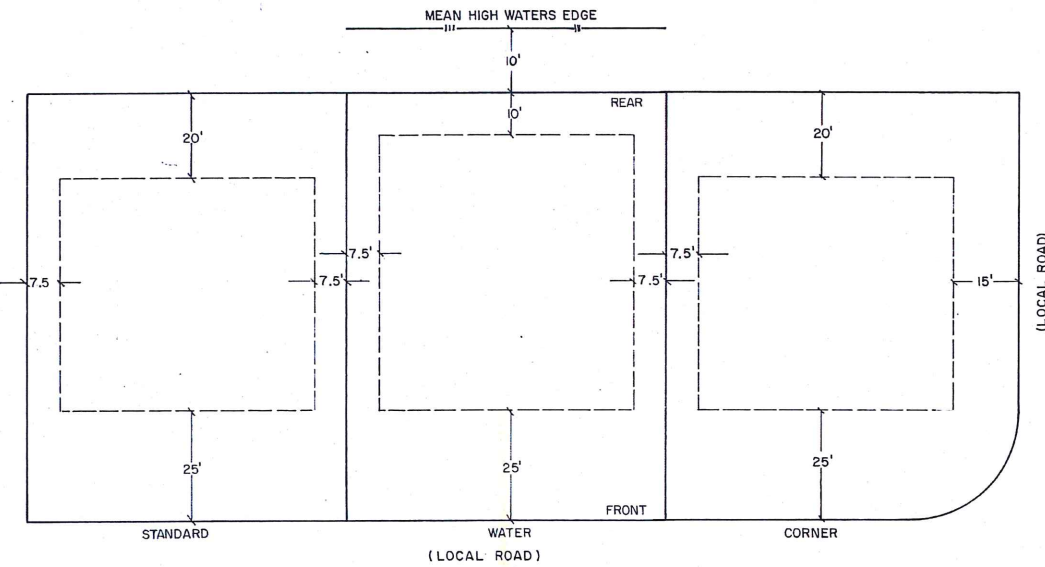


SOURCE, INC.
CONSULTING ENGINEERS
LAND PLANNERS
CAPE CORAL, FLORIDA 33904

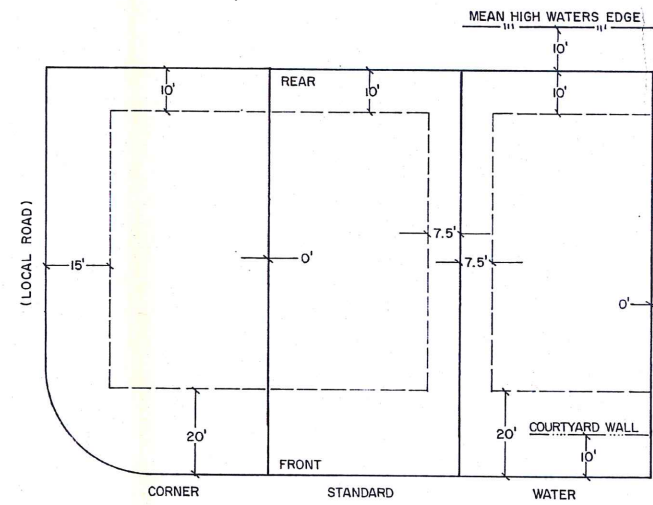
JOB NO.
110-04-83
DATE
4-17-84

SHEET NO.
6-3
OF

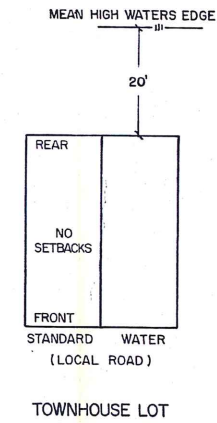
SOURCE, INC. P.O. BOX 1321, CAPE CORAL, FLORIDA, 33904
1334 LAFAYETTE STREET PHONE 813/549-2345



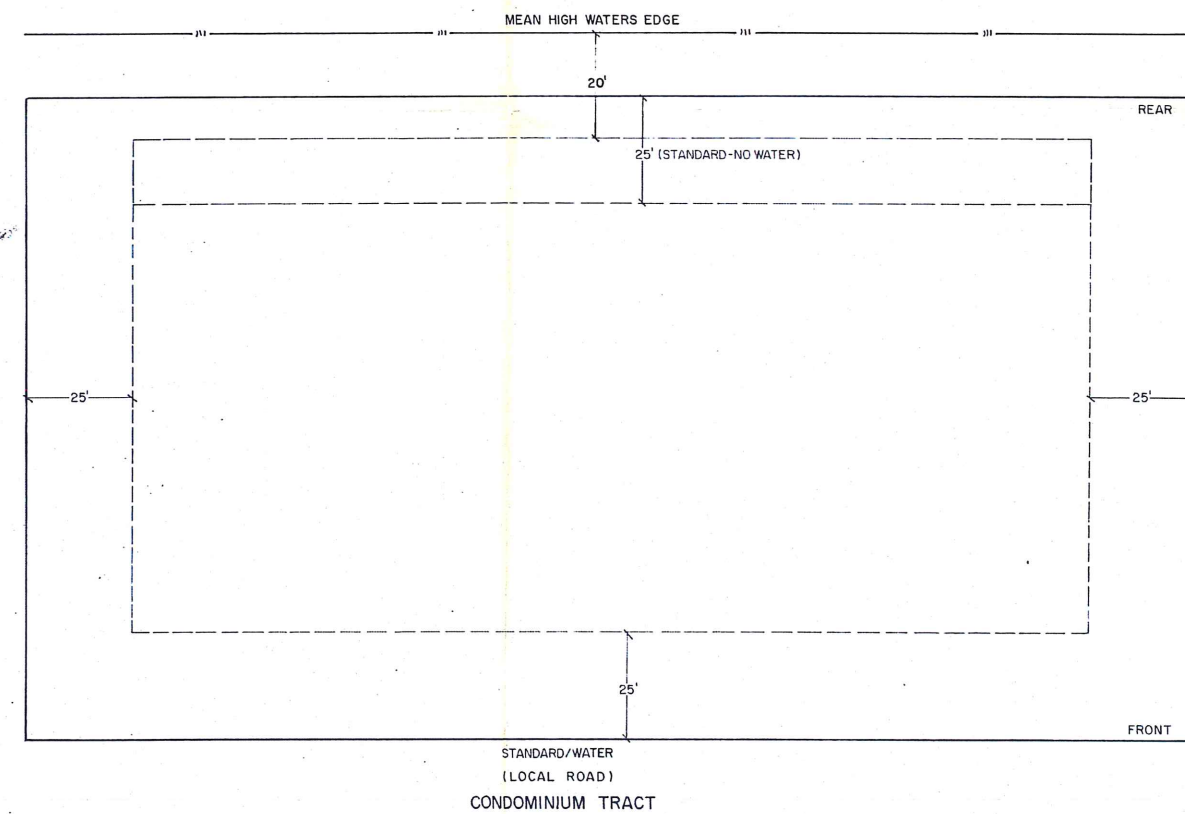
SINGLE FAMILY LOT



ZERO LOT LINE LOT



TOWNHOUSE LOT



CONDOMINIUM TRACT

- LEGEND**
- PROPERTY LINE
 - - - BUILDING WALL SETBACK LINE
 - - - - - COURTYARD WALL SETBACK LINE
 - WATERS EDGE

RECEIVED
JAN 29 1992
ZONING COUNTER

VILLAGES OF SAN CARLOS

PROPOSED SETBACK ILLUSTRATIONS

91-7-23-DR1-4

	SOURCE, INC. ENGINEERS / PLANNERS 1334 LAFAYETTE STREET CAPE CORAL, FLORIDA 33904	JOB NO. 110-06-87	SHEET NO. H
	REGISTERED PROFESSIONAL ENGINEER FLORIDA CERTIFICATE NO. 21022 DATE 1-4-91	DATE 1-4-91	OF 1
	P.O. BOX 1321, CAPE CORAL, FL. 33910 (813) 549-2345		

FIRST
DEVELOPMENT ORDER AMENDMENT
FOR
VILLAGES OF SAN CARLOS
DEVELOPMENT OF REGIONAL IMPACT

WHEREAS, a Development Order for the Villages of San Carlos Development of Regional Impact was adopted by the Board of County Commissioners on May 13, 1981; and

WHEREAS, the Applicant/Owner for Villages of San Carlos Development of Regional Impact has proposed to reduce the total number of dwelling units from 3,800 to 3,300; expand commercial square footage from 38,800 to 125,000; establish a 38.2 acre community park site through a 15 acre transfer from Alico Interchange Park Development of Regional Impact and a new voluntary dedication of 23.2 acres; expand the school site from 20 to 25 acres including a 5 acre transfer from Alico Interchange Park Development of Regional Impact; transfer the 0.5 acre fire station site to Alico Interchange Park Development of Regional Impact to create a 2.7 acre emergency services site within that project; expand the wastewater treatment site from 15.8 to 17.3 acres; add two, one acre child care sites; establish procedures for impact fee credits; and amend the table of proposed land uses; and

WHEREAS, under Section 380.06(19), Florida Statutes, the proposed change must be reviewed and evaluated to determine whether or not the change is a substantial deviation from the original Development Order; and

WHEREAS, the Board of County Commissioners has reviewed the proposed change and finds it not to be a substantial deviation if subject to the conditions in this Development Order Amendment, but any further changes will be reviewed cumulatively for determination as to whether or not a substantial deviation has occurred.

NOW, THEREFORE, BE IT ORDAINED BY THE BOARD OF COUNTY COMMISSIONERS OF LEE COUNTY, FLORIDA, that the Development of Regional Impact Development Order for Villages of San Carlos DRI, adopted by the Board of County Commissioners on May 13, 1981, is amended as follows, with additions underlined, deletions struck through and other changes specified. All other portions of the original Development Order remain in full force and effect.

1. Delete the second WHEREAS clause and replace with the following:

WHEREAS, the Notice of Proposed Change contemplates a development which includes the following land use acreages and dwelling units totals:

<u>Total Project</u>		<u>495 acres</u>
<u>Residential Use</u>		
<u>Single Family</u>	392 units	152 acres
<u>Medium Density</u>	664 units	79 acres
<u>High Density</u>	2,244 units	119 acres
<u>Commercial Use</u>		
<u>Retail Sales and Service</u>		<u>15 acres</u>
<u>Institutional Use</u>		
<u>School</u>		<u>25 acres</u>
<u>Public Facilities</u>		<u>43 acres</u>
<u>(Inclusive of Utility Easements and Roads)</u>		
<u>Open Space</u>		<u>62 acres</u>
<u>(Inclusive of Parks, Recreation Lakes and Drainage)</u>		

2. Delete sub-paragraphs 1.b. and 1.c. and replace with the following:

1.b. Single family densities within the development shall not exceed four units per acre; and

1.c. The commercial uses permitted within the development shall be only those approved under the Lee County Zoning Resolution and the Revised Master Concept Plan for the Villages of San Carlos. Map H of the original Application for Development Approval is modified by Exhibit A hereto, the Zoning Resolution adopted February 17, 1992, and by the Revised Master Concept Plan which is incorporated herein by reference.

3. Amend subparagraph 1.d. as follows:

1.d. The ~~fire station and school site and the community park~~ shall be permitted uses in accordance with the ~~development plan submitted with the ADA~~ Notice of Proposed Change, Zoning Resolution and Master Concept Plan; and

4. Delete paragraph 2 and replace with the following:

2. The subject property is concurrently rezoned to Residential Planned Development, Commercial Planned Development and Community Facilities Planned Development for a total of 3,300 residential units, a 15 acre commercial site allowing a maximum of 88,799 square feet of gross floor area, a 38.2 acre community park site, a 25 acre school site, a 17.3 acre wastewater treatment site, and two, one acre child care sites. Table 12-2 of the original Application for Development Approval, Proposed Land Uses, is amended by Exhibit C hereto.

SWFRPC ASSESSMENT

5. Paragraph II.A under "Public Services, Education" is amended as follows:

A. EDUCATION

The proposed project would have a significant impact upon the Lee County Schools system by adding a minimum of 2,470 students by project completion. The additional students would require sizable outlays in operation costs and capital funds.

RECOMMENDATION

Any DRI Development Order issued by Lee County should contain the provision stating that the applicant dedicate or ensure the dedication to the Lee County School Board, at the time mutually agreeable to the School Board and the applicant, the 20 acre site identified in the ADA no later than 90 days after the effective date of the First Development Order Amendment, the 25 acre site identified on the Master Concept Plan to be used for the construction of a school facility. Consistent with the requirements of Section 380.06(16)(b), Florida Statutes, the developer shall be entitled to impact fee credit for the dedication if a school impact fee is enacted at a later date, such credit is provided for, and is pursuant to the terms of the ordinance, or if required by law.

6. Paragraph II.B under "Public Services, Fire Protection" is amended as follows:

B. FIRE PROTECTION

To adequately service the project, the San Carlos Park Fire Department has indicated that it will be necessary to build, man, and equip a fire station on the project site. The Lee County Fire Official has indicated that certain design considerations will have to be included.

RECOMMENDATIONS

~~should contain the provision that the 1/2 acre site reserved by the applicant for a fire station be dedicated to the San Carlos Park Fire District at a time mutually agreeable to both the applicant and the District.~~

- 1) 2+ Any DRI Development Order issued by Lee County should contain the provision that the Applicant contribute to fund the construction of a fire station ~~on the 1/2 acre site~~ to the specifications of the San Carlos Park Fire District as stated by the District in their letters of August 22nd, 1980 to Mr. Alan C. Freeman and September 24, 1980 to Mr. Mike Kloehn (appendix pp. 46-49).
- 2) 3+ Any DRI Development Order issued by Lee County should contain the provision that the Applicant incorporate the requirements of the Fire Official into the subject project (Copy of these requirements in the appendix, pg. 50).
- 3) Consistent with the requirements of Section 380.06(16)(b), Florida Statutes, the developer shall be entitled to fire impact fee credits equal to the cost contribution given to the San Carlos Park Fire District if allowed by and pursuant to the terms of the impact fee ordinance, or if required by law.

7. Paragraph II.C under "Public Services, Recreation and Open Space" is amended as follows:

C. RECREATION AND OPEN SPACE

The applicant has indicated that an adequate amount of park and open space will be provided in the development in conjunction with a multi-use taxing district, the Lee County ~~Division~~ Department of Community Services or a homeowners association.

RECOMMENDATIONS

- 4) At the request of Lee County, the developer has agreed to set aside a 38.2 acre site, as shown on the Master Concept Plan, for use as a public park. The park site is comprised of 15 acres transferred from Alico Interchange Park Development of Regional Impact with the addition of 23.2 acres volunteered by the developer. Consistent with the requirements of Section 380.06(16)(a), Florida Statutes, the developer shall be entitled to impact fee credits for the land dedication if allowed by and pursuant to the terms of the applicable ordinance, or if required by law. The park site shall be conveyed to the Lee County Board of County Commissioners no later than 90 days after the effective date of the First Development Order Amendment or per the terms of a contractual agreement between the developer

and Lee County.

- 5) The use of the 38.2 acre park site shall be limited as follows: the property shall be utilized for a public park and for no other purpose; any development of the park shall be substantially in accord with the site plan attached hereto as Exhibit B; the development of the park will be consistent with the drainage concept plan for the Villages of San Carlos Development of Regional Impact; the County will be responsible for mitigating all traffic impacts created by the park in any future traffic analysis and mitigation required by Section 380.06, Florida Statutes, or by Lee County; the developer and the County shall exchange mutual utility easements to allow for the consistent development of the park and the surrounding property; the title to the property at the time of conveyance shall be subject to all easements, restrictions and conditions of record common to property in the area of the site; and, all entrances and median cuts along Three Oaks Parkway shall be in accord with the Master Concept Plan for the Villages of San Carlos Development of Regional Impact.
- 6) There shall be no reduction in open space relative to the original Development Order as a result of this amendment.

8. Paragraph III.B under "Public Facilities, Wastewater Management" is deleted and replaced with the following:

B. WASTEWATER MANAGEMENT

Gulf Utility currently operates a wastewater treatment plant that serves the area.

9. Subparagraph III.C.3. under "Public Facilities, Transportation" is added as follows:

C. TRANSPORTATION

- 3) Consistent with the requirements of Section 380.06(16)(a), Florida Statutes, the developer shall be entitled to road impact fee credits for the value of improvements outlined in C.1) and 2) of the original Development Order, if such improvements are eligible pursuant to the terms of the applicable ordinance, or if required by law.

10. Table 12-2 in the Application for Development Approval (Proposed Land Uses and Phasing Schedule) is deleted and is replaced by Exhibit C hereto.

The motion to adopt this Development Order was offered by Commissioner Manning and seconded by Commissioner Slisher and upon poll of the members present, the vote was as follows:

John E. Manning	<u>Aye</u>
Douglas St. Cerny	<u>Absent</u>
Ray Judah	<u>Absent</u>
Vicki Lopez-Wolfe	<u>Aye</u>
Donald D. Slisher	<u>Aye</u>

DULY PASSED AND ADOPTED this 17th day of February, A.D., 1992.

BOARD OF COUNTY COMMISSIONERS
LEE COUNTY, FLORIDA

By: [Signature]
(Chairman)

ATTEST: [Signature]
CHARLIE GREEN, Clerk

By: [Signature]
Deputy Clerk

APPROVED AS TO FORM

By: [Signature]
County Attorney's Office

FILED

FEB. 28 1992

Charlie Green
Clerk Of Circuit Court
Lee County, Florida

State of Florida

County of Lee

I, Charlie Green, Clerk of the Circuit Court in and for said County and State do hereby certify that the foregoing is a true and photostatic copy of Development Order Amendment for Villages of San Carlos, DRI, County Case No. 91-7-23-DRI-4 adopted by the Board of County Commissioners on February 17, 1992.

Given under my hand and official seal at Fort Myers, Florida, this 6th day of March, 1992.

CHARLIE GREEN, CLERK

By Clare J. Wreak, D.C.