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RESOLUTION NUMBER Z-99-056

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

WHEREAS, Matthew D. Uhle, Esquire, filed an application on behalf of the property owner, William Schulman, Trustee, Calverton Links, to rezone a parcel from Agricultural (AG-2) to Residential Planned Development (RPD) in reference to Hawk's Haven; and

WHEREAS, a public hearing was advertised and held on August 18, 1999 before the Lee County Zoning Hearing Examiner, who gave full consideration to the evidence in the record for Case #99-03-066.03Z 01.01; and

WHEREAS, a second public hearing was advertised and held on October 18, 1999 before the Lee County Board of Commissioners, who gave full and complete consideration to the recommendations of the staff, the Hearing Examiner, the documents on record and the testimony of all interested persons.

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

SECTION A. REQUEST

The applicant filed a request to rezone 1,797.45± total acres of land from AG-2 to RPD to permit a maximum of 1,598 dwelling units in a mix of housing types, within a golf course community. Buildings are not to exceed 35 feet in height within a maximum of three stories. The property is located in the Rural, Suburban and Wetlands Land Use Category and described in attached Exhibit A. The request is APPROVED in accordance with the conditions and deviations specified in Sections B and C.

SECTION B. CONDITIONS:

1. The development of this project must be consistent with the one-page Master Concept Plan (MCP) entitled "Hawk's Haven," stamped received July 15, 1999, last revised 07/02/99, except as modified by the conditions below. This development must comply with all requirements of the Lee County Land Development Code (LDC) at time of local development order approval, except as may be granted by deviation as part of this planned development. If changes to the MCP are subsequently pursued, appropriate approvals will be necessary.
2. The following limits apply to the project and uses:
 - a. Schedule of Uses

Accessory Uses and Structures
Administrative Office

10/18/99

Agricultural Uses (cattle raising in undeveloped phases prior to development and nursery operations for plantings used on-site only)

Club - country and private

Consumption on Premises - limited to one in the clubhouse area

Dwelling Units - maximum of 1,598 units to be comprised of single-family, two-family attached, townhouse, multiple-family, zero-lot-line units (**densities may not be shifted between land use categories unless a new public hearing occurs and the provisions of Policy 5.1.11 of the Lee Plan are followed.**)

Entrance Gates and Gatehouse

Excavation, Water Retention

Fences and Walls

Golf Course

Golf and Tennis Pro Shops (limited to ancillary use in clubhouse)

Golf Driving Range

Golf Training Facility

Model Home and Model Unit - must be in compliance with LDC §34-1954 only,

Model Display Center, must be in compliance with LDC § 34-1955, limited to one which must be located in the sales center area shown on the MCP and must only serve this project

Parks, Group I

Real Estate Sales Office - limited to sales of lots, homes or units within the development, except as may be permitted in § 34-1951 *et seq.* The location of, and approval for, the real estate sales office will be valid for a period of time not exceeding ten years from the date the Certificate of Occupancy for the sales office is issued [if Deviation (2) is approved, otherwise the Real Estate Sales Office use is valid for five years from the date the Certificate of Occupancy for the sales office is issued]. The director may grant one 2-year extension at the same location.

Recreational Facilities - Private, On-site only

Residential Accessory Uses - In compliance with LDC §622(c)42 and LDC Article VII, Division 2

Signs, in compliance with LDC Chapter 30

Storage, Open, recreational vehicles, boats and similar items for residents only, limited to locations shown on the MCP and must be shielded behind a continuous visual screening at least eight feet in height when visible from any residential use, and six feet in height when visible from any street right-of-way or street easement

- b. **Site Development Regulations** - Limited to the standards shown in Attachment B, except that a minimum of 20 feet will be maintained for stacking in driveways.

Maximum Height: Three stories, or 45 feet, whichever is the lesser amount

c. **Commercial uses are limited to the following:**

If the Golf Driving Range is open after daylight hours, all lighting must comply with LDC §34-936(g), be of the lowest intensity meeting life safety codes, and shielded and directed away from any adjacent residential area.

3. The following conditions address environmental issues:

- a. The "American Alligator Management Plan" provided as part of the "Protected Species Management Plan for Schulman Parcel" counter stamped May 19, 1999 is hereby adopted. Prior to local development order approval, the location of the American alligator management plan signage must be delineated on the development order plans for Division of Planning, Environmental Sciences review and approval. The warning signs must be placed where there is potential for human/alligator interaction. These signs must discourage the feeding or harassment of alligators.
- b. The "Gopher Tortoise Management Plan" provided as part of the "Protected Species Management Plan For Schulman Parcel" counter stamped May 19, 1999 is hereby adopted. If gopher tortoises are moved out of harm's way utilizing the "bucket trapping method," all buckets must be checked for tortoises a minimum of three times a day. An alternative method of tortoise relocation may be proposed (with details) at the time of local development order submittal. Any revisions to the tortoise management plan are subject to Division of Planning, Environmental Sciences review and approval.
- c. The "Florida Burrowing Owl Management Plan" provided as part of the "Protected Species Management Plan For Schulman Parcel" counter stamped May 19, 1999 must be revised for Division of Planning, Environmental Sciences staff review and approval at the time of local development order submittal. The plan must either commit to preserving the existing burrowing owl burrows in place with a buffer per LDC Appendix H, or commit to a detailed relocation management plan. Should the Applicant demonstrate it is necessary to impact the burrows, the management proposal must provide details about where appropriate replacement habitat for the owls will be provided, how the owls will be attracted to this area, and how it will be protected during construction activities on the site.
- d. A final detailed scrub jay management plan must be provided to the Division of Planning, Environmental Sciences for review and approval at the time of local development order submittal. This plan must follow the general guidelines of the "Florida Scrub Jay Management Plan" provided as part of the "Protected Species Management Plan For Schulman Parcel" counter stamped May 19, 1999. The finalized scrub jay management plan must be approved by the Florida Fish and Wildlife Conservation Commission (FWC) prior to local development order approval.
- e. Open space must be provided per the open space table on the MCP counter

stamped July 15, 1999. The open space table provides 643.9 acres of preserve area and lakes. The golf course tract provides 531 acres of open space. All individual tracts, excluding tracts of single-family lots greater than 6,500 square feet, must provide a minimum of 10 percent open space within the tract. Individual tract open space may be met with private open space.

- f. Indigenous open space must be provided per the "Impact and Mitigation Plan" dated February 22, 1999 revised May 5, 1999. The preserves must be delineated on the local development order plans when they are within or adjacent to the development phase or tract being developed.
 - g. Every effort must be made in the final design of the golf course and residential tracts to preserve large native trees. An on-site preconstruction meeting must be held with Division of Planning/Environmental Sciences Staff prior to the issuance of a vegetation removal permit for any phase of development to confirm preservation and barricading requirements prior to the initiation of site clearing.
4. The following recommendations are presented in order to mitigate future hurricane damage and/or loss of life, as well as to ensure compliance with comprehensive plan objectives.
- a. The Applicant must establish a homeowners' or residents' association that will provide an educational program on an annual basis, in conjunction with the staff of Emergency Management, who will provide literature, brochures and speakers for Hurricane Awareness/Preparedness Seminars, describing the risks of natural hazards. The intent of this recommendation is to provide a mechanism to educate residents concerning the actions they should take to mitigate the dangers inherent in these hazards.
 - b. The Applicant must formulate an emergency hurricane notification and evacuation plan, which will be subject to review and approval by the Lee County Office of Emergency Management.
 - c. If access to this development or any portions thereof, is through a security gate or similar device, which is not manned 24 hours a day, it must be equipped with an override strip installed in a glass covered box to be used by drivers of emergency vehicles to gain entry, consistent with LDC § 34-1749.
 - d. The Developer must cooperate with the Division of Public Safety/Emergency Management in determining and participating in a means to lessen hurricane shelter impacts on the County's hurricane preparedness process and public safety. Those "means" could include the provision of equipment, monies in lieu of equipment, or such other goods, materials or actions deemed appropriate by Emergency Management that results in the provision of additional shelters, or improvement of roads for use as additional evacuation routes. The choice of "means" will rest with the Developer, so long as the choice adequately mitigates the adverse impacts.

5. The following conditions are included to address Lee Plan consistency issues:
 - a. The portion of the property within the Rural future land use category must maintain densities of one dwelling unit per acre or less. No more than 1,499 dwelling units may be constructed in the Rural designated areas of the project.
 - b. Given the limited existing available Rural 2020 Planning Community Acreage Allocation at the time of rezoning, the available Rural allocation must be determined by the Planning Division, prior to any development order approval for residential use in the Rural portions of the site. No development order will be issued or approved if the acreage, when added to the acreage contained in the updated existing land use database, exceeds the limitation established by Lee Plan Table 1(b), Acreage Allocation Table (per Lee Plan Policy 1.7.6). In order to develop more Rural acreage with residential uses, the Lee Plan must be amended to change the Rural residential acreage allocation for the Fort Myers Shores planning community in Table 1(b). Adequate data and analysis to support this amendment must be submitted by the Applicant at the time of the request for the Lee Plan amendment. Development in excess of the current Table 1(b) allocations will not be permitted until Table 1(b) is amended accordingly.
6. The following conditions are included to address concerns about the golf course:
 - a. Fertilizers with a low leaching potential (slow release) must be used, must not be applied after active growth of the turfgrass has ceased, and must be kept to the lowest reasonable levels; and
 - b. To reduce sources of pollutants, especially nutrients and pesticides associated with the golf course, the golf course manager must implement a chemicals management plan which includes an integrated pest management (IPM) program and a nutrient management program such that nutrients and pesticides are used only when absolutely necessary. The program must address prevention, diagnosis, and limited treatment with pesticides when necessary rather than blanket treatment with broad spectrum pesticides as insurance against all pest species. The application of pesticides will involve only the purposeful and minimal application of pesticides, aimed only at identified targeted species. The regular widespread application of broad spectrum pesticides is prohibited. The IPM program must minimize the use of pesticides and must include the use of the US Department of Agriculture - Natural Resources Conservation Service (USDA-NRCS) Soil Pesticide Interaction Rating guide to select pesticides for use that have a minimum potential for leaching or loss from runoff. The nutrient management program must be based upon the USDA-NRCS Nutrient Management Standard and must include the use of soil tests to determine needed applications of nutrients. Only EPA-approved chemicals may be used. No turf managed areas (including fairways, tees, and greens) are permitted within 35 feet of wetlands or preserve areas. This chemicals management plan must be submitted to and approved by Lee County Planning Division Staff prior to the development order approval.

- c. The golf course manager must coordinate the application of pesticides with the irrigation practices (the timing and application rates of irrigation water) to reduce runoff and the leaching of any applied pesticides and nutrients.
- d. The utilization of a golf course manager licensed by the state to use restricted pesticides and experienced in the principles of IPM is required. The golf course manager is responsible for ensuring that the golf course fertilizers are selected and applied to minimize fertilizer runoff into the surface water and the leaching of those same fertilizers into the groundwater.
- e. The storage, mixing, and loading of fertilizer and pesticides must be designed to prevent/minimize the pollution of the natural environment.
- f. The golf course must comply with the "Best Management Practices for Golf Course Maintenance Departments," prepared by the Florida Department of Environmental Protection, May 1995, as amended.
- g. The golf course must be planted with a turfgrass cultivated variety that is drought and pest resistant, while requiring relatively low fertilizer use;
- h. The irrigation system must operate on an "as needed" basis through the utilization of weather forecasting and ongoing assessment of the moisture content of the soil.
- i. All fairways, greens, and tees must be elevated above the 25-year flood level, and all greens must utilize underdrains. The effluent from these underdrains must be pre-treated prior to discharge into the balance of the project's water management system.
- j. Stormwater run-off must be pre-treated through an acceptable recreated natural system or dry retention and water retention system, prior to discharging the run-off into existing lake or wetland (any aquatic) systems.
- k. An annual monitoring report of ground water and surface water quality is required for the golf course operation. The monitoring program must include: testing to assess whether there are any herbicide, pesticide or fertilizer pollution of the water within the area of the golf course; identifying the locations for the ground water monitoring and testing on a map(s); setting forth the testing and recording requirements. The Developer must submit the test results with the monitoring report to the Lee County Planning Division. The monitoring program will be established and operated at the expense of the Developer, or other comparable legal entity charged with the legal responsibility of managing the golf course. This plan will be evaluated in accordance with the directives of Chapter 17-302, F.A.C., water quality standards.
- l. If groundwater or surface water pollution occurs, as that term is defined by the rules or regulations in effect at the time, and should the pollution be caused by the

application of fertilizers, herbicides or pesticides to the golf course, the application must cease until there is a revised management plan. If mitigation is necessary to address the pollution, a mitigation plan approved by Lee County must be implemented by the Developer.

7. Model units and homes are permitted in compliance with the following conditions:
 - a. Each model must be a unique example. Multiple examples of the same unit are not permitted; and
 - b. All model sites must be designated on the development order plans; and
 - c. Prior to constructing model homes within Hawk's Haven, the lots upon which the model homes will be constructed will have been shown on a preliminary plat filed concurrently with the required local development order for this project. Such model home(s) will comply with all setbacks set forth within the Property Development Regulations for Hawk's Haven or the LDC, whichever applies. Should setback problems arise after construction of a model home, it will be the responsibility of the owner/developer to resolve the setback problem.
 - d. Dry models are prohibited.
8. In addition to the single access from S.R. 80, the developer must submit for review and subsequent approval, a plan that demonstrates whether there is a need for an emergency access to the project prior to the approval of any development orders for dwelling units after the first 584 units have been approved. If an emergency access is deemed to be necessary, documents must be submitted with the plan that demonstrate the project's legal ability to provide emergency access. The emergency access, if deemed to be necessary, will provide a connection to Buckingham Road. Any road used for emergency access must be constructed or improved to the degree required for the use of emergency vehicles. If it is determined that no emergency access is needed, the Applicant will meet the provision of LDC §10-291(3) LDC with the single access from S.R. 80.
9. Bona fide agricultural uses that are now in existence may continue until the development commences. However, no development activity of any kind may 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 exemption 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.
10. Construction traffic must enter and exit this project from S.R. 80 until 200 units have been constructed in the project. Thereafter, construction access may be permitted from Buckingham Road (if the Applicant has maintained such an access). In no event, will construction traffic be permitted on Hickey Creek Road.

11. Buildings exceeding 35 feet in height must maintain additional building separation as regulated by LDC §34-2174(a).
12. Approval of this zoning request does not address access onto S.R. 80, since Lee County has no jurisdiction over that roadway. The Developer must pursue this access approval with the Florida Department of Transportation (FDOT). Approval of this zoning request does not address mitigation of the project's vehicular or pedestrian traffic impacts. Additional conditions consistent with the Lee County LDC may be required to obtain a local development order.
13. Approval of this rezoning does not give the Developer an undeniable right to receive local development order approval. Future development order approvals must satisfy the requirements of the Lee Plan Planning Communities Map and Acreage Allocations Table, Map 16 and Table 1(b).
14. This development must comply with all of the requirements of the LDC at the time of local development order approval, except as may be granted by deviations approved as part of this planned development.
15. The applicant is required to design the project in a manner that will provide the internal "outparcels" (separate tracts encapsulated by the project property) the ability to obtain reasonable and practicable access through the subject property, unless the applicant provides a circuit court order indicating that the internal outparcels are not legally entitled to access through the subject property. However, this rezoning does not obviate the applicant/developer's responsibility to provide access to the internal "outparcels" in accordance with Florida law.
16. If the Developer constructs structures other than conventional single-family homes within 100 feet of any of the "out parcels," the Developer must provide a 25-foot-wide enhanced vegetative buffer completely around the out parcel. In addition, the enhanced vegetative buffer must utilize native vegetation, indigenous to the plant community in which it is to be planted. The vegetation must be installed prior to any vertical construction and it must be installed according to the following density and size:
 - a. Six trees per 100 linear feet - At installation, trees must be a minimum of 12 to 14 feet tall, with a 2½-inch minimum caliper and a 5-foot minimum canopy. No palm trees, or completely deciduous trees may be used to meet the requirements of this enhanced buffer.
 - b. Thirty-three shrubs per 100 linear feet - 1) At installation, all shrubs must be 18 to 24 inches in height, 3-gallon pots, and spaced 30 to 36 inches on center; and 2) all shrubs used to meet the enhanced buffer requirements must reach a mature height in excess of six feet under normal growing conditions.

If these "out parcels" come under the control of the Developer prior to construction within the 100-foot-wide area, then compliance with this condition is not required.

17. Vehicle access from the northern boundary of the subject property over and across Hickory Creek Road is prohibited.

SECTION C. DEVIATIONS:

Deviation (1) seeks relief from the LDC §10-385(d)(3)(a) requirement to provide a maximum fire hydrant spacing of 800 feet in the one- and two-dwelling unit area, to eliminate this requirement in areas along the spine road where no homes exist. This deviation is PARTIALLY APPROVED to allow the placement of a hydrant at the midpoint of each section along the "spine" road only where no homes will exist. For purposes of this Deviation, "section" is defined as the distance along the spine roadway between intersection roadways, measured along and from the roadway centerlines.

Deviation (2) seeks relief from the LDC §34-934, Note 23 requirement limiting the operation of a Real Estate Sales Office to five years, to allow the Sales Office to operate for a period of ten years to coincide with the expected buildout of the project. This deviation is APPROVED.

SECTION D. EXHIBITS:

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

- Exhibit A: The legal description and STRAP number of the property.
- Exhibit B: The Master Concept Plan
- Exhibit C: Zoning Map

SECTION E. FINDINGS AND CONCLUSIONS:

1. The applicant has proven entitlement to the rezoning by demonstrating compliance with the Lee Plan, the LDC, and any other applicable code or regulation.
2. The requested zoning, as conditioned:
 - a. meets or exceeds all performance and locational standards set forth for the potential uses allowed by the request;
 - b. is consistent with the densities, intensities and general uses set forth in the Lee Plan;
 - c. is compatible with existing or planned uses in the surrounding area; and
 - d. will not adversely affect environmentally critical areas or natural resources.
3. Approval of the request will not place an undue burden upon existing transportation or planned infrastructure facilities and the development will be served by streets with the capacity to carry the traffic the development generates.

4. The proposed use or mix of uses is appropriate at the subject location.
5. The recommended conditions to the concept plan and other applicable regulations provide sufficient safeguard to the public interest.
6. The recommended conditions are reasonably related to the impacts on the public interest created by or expected from the proposed development.
7. The requested deviations:
 - a. enhance the achievement of the objectives of the planned development;
 - b. preserve and promote the general intent of LDC Chapter 34 to protect the public health, safety and welfare.
8. Urban services, as defined in the Lee Plan, are, or will be, available and adequate to serve the proposed land use.

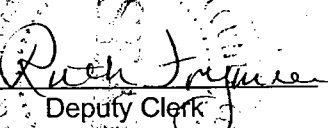
The foregoing resolution was adopted by the Lee County Board of Commissioners upon the motion of Commissioner John E. Manning, seconded by Commissioner Douglas R. St. Cerny and, upon being put to a vote, the result was as follows:

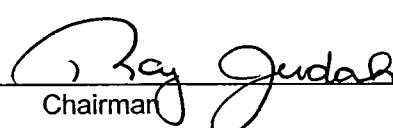
Ray Judah	AYE
John E. Albion	AYE
John E. Manning	AYE
Douglas R. St. Cerny	AYE
Andrew Coy	AYE

DULY PASSED AND ADOPTED this 18th day of October, 1999.

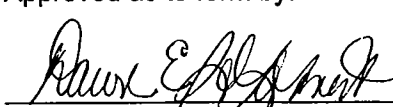
ATTEST:
CHARLIE GREEN, CLERK

BOARD OF COUNTY COMMISSIONERS
OF LEE COUNTY, FLORIDA

BY: 
Deputy Clerk

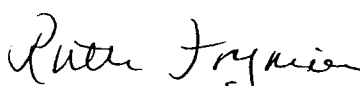
BY: 
Chairman

Approved as to form by:

 10/19/99
County Attorney's Office

MINUTES OFFICE

CASE NO:99-03-066.03Z 01.01



FILED OCT 21 1999

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EXHIBIT "A"

LEGAL DESCRIPTION

ALL OF THAT LAND DESCRIBED IN OFFICIAL RECORDS BOOK 976, PAGE 551-554, LEE COUNTY PUBLIC RECORDS, LYING SOUTH OF STATE ROAD 80, ALL IN TOWNSHIP 43 SOUTH, RANGE 26 EAST, LEE COUNTY, FLORIDA, AND MORE PARTICULARLY DESCRIBED AS FOLLOWS:

PARCEL NO. 1: THE NW-1/4, OF THE SW-1/4, OF THE NW-1/4, OF SECTION 27, SUBJECT TO AN EASEMENT TO FLORIDA POWER & LIGHT, AS DESCRIBED IN DEED BOOK 208, PAGE 67, LEE COUNTY RECORDS.

PARCEL NO. 2: THE NE-1/4, OF THE NE-1/4, OF THE SW-1/4, OF SECTION 27.

PARCEL NO. 5: THE S-1/2, OF THE S-1/2, OF THE SE-1/4, OF SECTION 25, LYING SOUTH OF THE FORMER (NOW ABANDONED) SEABOARD AIRLINE RAILROAD COMPANY RIGHT-OF-WAY, SUBJECT TO A 50' EASEMENT TO FLORIDA POWER AND LIGHT AS DESCRIBED IN DEED BOOK 234, PAGE 26, LEE COUNTY RECORDS.

PARCEL NO. 6: ALL THAT PART OF THE S-1/2, OF THE SW-1/4, OF THE SE-1/4, AND THE S-1/2, OF THE S-1/2, OF THE SW-1/4, OF SECTION 26, WHICH LIES SOUTH OF THE FORMER (NOW ABANDONED) SEABOARD ALL FLORIDA RAILROAD COMPANY RIGHT-OF-WAY, SUBJECT TO A 50' EASEMENT TO FLORIDA POWER AND LIGHT AS DESCRIBED IN DEED BOOK 234, PAGE 26, LEE COUNTY RECORDS.

PARCEL NO. 7:

- (A) ALL THAT PART OF THE S-1/2, OF THE S-1/2, OF THE SE-1/4, OF SECTION 27, WHICH LIES SOUTH OF THE FORMER (NOW ABANDONED) SEABOARD AIRLINE RAILROAD COMPANY RIGHT-OF-WAY.
- (B) THAT PART OF THE S-1/2, OF THE SW-1/4, OF THE SW-1/4, OF SECTION 27, WHICH LIES SOUTH OF THE FORMER (NOW ABANDONED) SEABOARD AIRLINE RAILROAD RIGHT-OF-WAY, IN SECTION 27.
- (C) THE SE-1/4, OF THE SE-1/4, OF THE SW-1/4, IN SECTION 27, LESS THE FORMER (NOW ABANDONED) SEABOARD ALL FLORIDA RAILROAD COMPANY RIGHT-OF-WAY, SUBJECT TO A 50' EASEMENT TO FLORIDA POWER AND LIGHT AS DESCRIBED IN DEED BOOK 234, PAGE 26, LEE COUNTY RECORDS AND SUBJECT OF A 60' ROAD EASEMENT AS DESCRIBED IN OFFICIAL RECORDS BOOK 843, PAGE 864, LEE COUNTY RECORDS.

PARCEL NO. 8: THAT PORTION OF THE NW-1/4, OF THE NW-1/4, OF SECTION 27, LYING

SOUTH OF THE SOUTH RIGHT-OF-WAY LINE OF STATE ROAD 80.

PARCEL NO.9: THAT PORTION OF THE W-1/2, OF THE NE-1/4, OF THE NW-1/4 OF SECTION 27, LYING SOUTH OF THE SOUTH RIGHT-OF-WAY LINE OF STATE ROAD 80, SUBJECT TO A 70' LATERAL DITCH EASEMENT LEFT OF STATION 595+20, AS DESCRIBED IN DEED BOOK 175, PAGE 445.

PARCEL NO. 10: THE N-1/2, OF THE SE-1/4, OF THE NW-1/4, OF SECTION 27, SUBJECT OF A 60' ROAD EASEMENT AS DESCRIBED IN OFFICIAL RECORDS BOOK 843, PAGE 864, LEE COUNTY RECORDS.

PARCEL NO. 11:

- (A) THE SE-1/4, OF THE SE-1/4, OF THE NW-1/4, OF SECTION 27, LESS THAT PORTION OF SECTION 27, ALONG THE EAST LINE OF THE WEST ONE-HALF THEREOF, TO THE SOUTH LINE OF THE SE-1/4, OF THE SE-1/4, OF THE NW-1/4, THEREOF; DEDICATED AS A PUBLIC COUNTY ROAD.
- (B) THE SW-1/4, OF THE SE-1/4, OF THE NW-1/4, OF SECTION 27, SUBJECT OF A 60' ROAD EASEMENT AS DESCRIBED IN OFFICIAL RECORDS BOOK 843, PAGE 864, LEE COUNTY RECORDS.

PARCEL NO. 12: THE S-1/2, OF THE SW-1/4, OF THE NW-1/4, OF SECTION 27.

PARCEL NO. 13: THE N-1/2, OF THE NW-1/4, OF THE SW-1/4, OF SECTION 27.

PARCEL NO. 14: THE SE-1/4, OF THE NW-1/4, OF THE SW-1/4, OF SECTION 27.

PARCEL NO. 15: THE W-1/2, OF THE NE-1/4, OF THE SW-1/4, OF SECTION 27, SUBJECT OF A 60' ROAD EASEMENT AS DESCRIBED IN OFFICIAL RECORDS BOOK 843, PAGE 864, LEE COUNTY RECORDS.

PARCEL NO. 16: THE SE-1/4, OF THE NE-1/4, OF THE SW-1/4, OF SECTION 27, SUBJECT OF A 60' ROAD EASEMENT AS DESCRIBED IN OFFICIAL RECORDS BOOK 843, PAGE 864, LEE COUNTY RECORDS.

PARCEL NO. 17: THE N-1/2, OF THE SE-1/4, OF THE SW-1/4, OF SECTION 27, SUBJECT OF A 60' ROAD EASEMENT AS DESCRIBED IN OFFICIAL RECORDS BOOK 843, PAGE 864, LEE COUNTY RECORDS.

PARCEL NO. 18: THAT PORTION OF THE S-1/2, OF THE SW-1/4, OF THE SW-1/4, OF SECTION 27, NORTH OF THE SEABOARD ALL FLORIDA RAILROAD COMPANY RIGHT-OF-WAY.

PARCEL NO. 19: THE N-1/2 OF SECTION 34.

PARCEL NO. 20: THE N-1/2 AND THE SW-1/4 AND THE S-1/2, OF THE SW-1/4, OF THE SE-1/4, IN SECTION 35.

PARCEL NO. 21: ALL OF SECTION 36.

AND FROM OFFICIAL RECORDS BOOK 843, PAGES 855-861, BY THE QUIT CLAIM DEED IN OFFICIAL RECORDS BOOK 976, PAGE 549, ALL IN THE PUBLIC RECORDS OF LEE COUNTY, FLORIDA, THE FOLLOWING DESCRIBED LAND:

PARCEL NO. 22: NORTH 50 FEET OF RAILROAD RIGHT-OF-WAY FROM WEST LINE OF SECTION 27 TO CENTER LINE OF SECTION 27.

PARCEL NO. 24: THAT PORTION OF THE ABANDONED SEABOARD AIR LINE RAILROAD COMPANY RIGHT-OF-WAY BETWEEN FORT MYERS AND ALVA, FLORIDA, LYING AND BEING IN SECTION 25, TOWNSHIP 43 SOUTH, RANGE 26 EAST; AND THE SOUTHERLY 50 FEET OF SAID RIGHT-OF-WAY LYING IN SECTIONS 26 AND 27, TOWNSHIP 43 SOUTH, RANGE 26 EAST.

CONTAINING 1,797.449 ACRES.

SUBJECT TO THE FOLLOWING:

- (a) THE PROPERTY HEREIN IS SUBJECT TO AN EASEMENT TO THE FLORIDA POWER & LIGHT COMPANY RECORDED IN DEED BOOK 280, PAGE 67, LEE COUNTY PUBLIC RECORDS, AND UTILITY EASEMENTS TO FLORIDA POWER & LIGHT COMPANY RECORDED IN DEED BOOK 234, PAGE 26, DEED BOOK 234, PAGE 28, DEED BOOK 262, PAGE 143, DEED BOOK 230, PAGE 106, AS MODIFIED BY AMENDMENT TO RIGHT-OF-WAY AGREEMENT FILED NOVEMBER 15, 1956, IN MISC. BOOK 43, PAGE 37 AND THE UNRECORDED EASEMENT DATED JANUARY 16, 1958.
- (b) OUTFALL DITCHES AS SET FORTH IN DEEDS TO THE STATE OF FLORIDA RECORDED IN DEED BOOK 175, PAGE 445, AND DEED BOOK 175, PAGE 492, LEE COUNTY PUBLIC RECORDS, WHICH AFFECT PARCEL NOS. 8, 9 AND 10 HEREIN.
- (c) RIGHT-OF-WAY FOR ROAD TWENTY (20) FEET WIDE ALONG SOUTH AND WEST SIDE OF THE TRACT DESCRIBED HEREIN, WHICH AFFECTS PARCEL NO. 11
- (d) EASEMENT RESERVATION AS SET FORTH IN DEED FROM N. H. HUNTER et al TO LEE-DADE PROPERTIED, INC., DATED NOVEMBER 15, 1956, RECORDED IN DEED BOOK 263, PAGE 186, INVOLVING A ONE SQUARE ACRE PARCEL IN THE SW CORNER OF THE N-1/2 OF SECTION 34, WHICH AFFECTS PARCEL NO. 19 HEREIN.

- (e) EASEMENT FOR INGRESS AND EGRESS THROUGH SECTION 27 FROM ROUTE 80 TO THE NORTH LINE OF SECTION 34, TOWNSHIP 43 SOUTH, RANGE 26 EAST BY MARTIN BLUM AND BEN M. BELON, AS TRUSTEES, AND EMMETT J. KELLY AND A. DOUGLAS GRACE, JR., AS TRUSTEES, RECORDED IN OFFICIAL RECORD BOOK 843, PAGE 862, LEE COUNTY PUBLIC RECORDS.
- (f) 100 FOOT EASEMENT ROAD ALONG SECTIONS 28 AND 33 BOUNDARY FROM BUCKINGHAM-OLGA ROAD TO EAST LINE OF SECTIONS 289 AND 33. (FROM DEED BOOK 263, PAGE 186, LEE COUNTY PUBLIC RECORDS)

The applicant has indicated that the STRAP numbers for the subject property are :

27-43-26-00-00003.0000, 25-43-26-00-00121.0000, 34-43-26-00-00001.0010,
35-43-26-00-00001.0000, 36-43-26-00-00001.0000 and 26-43-26-00-00011.0000

ZONING MAP

N

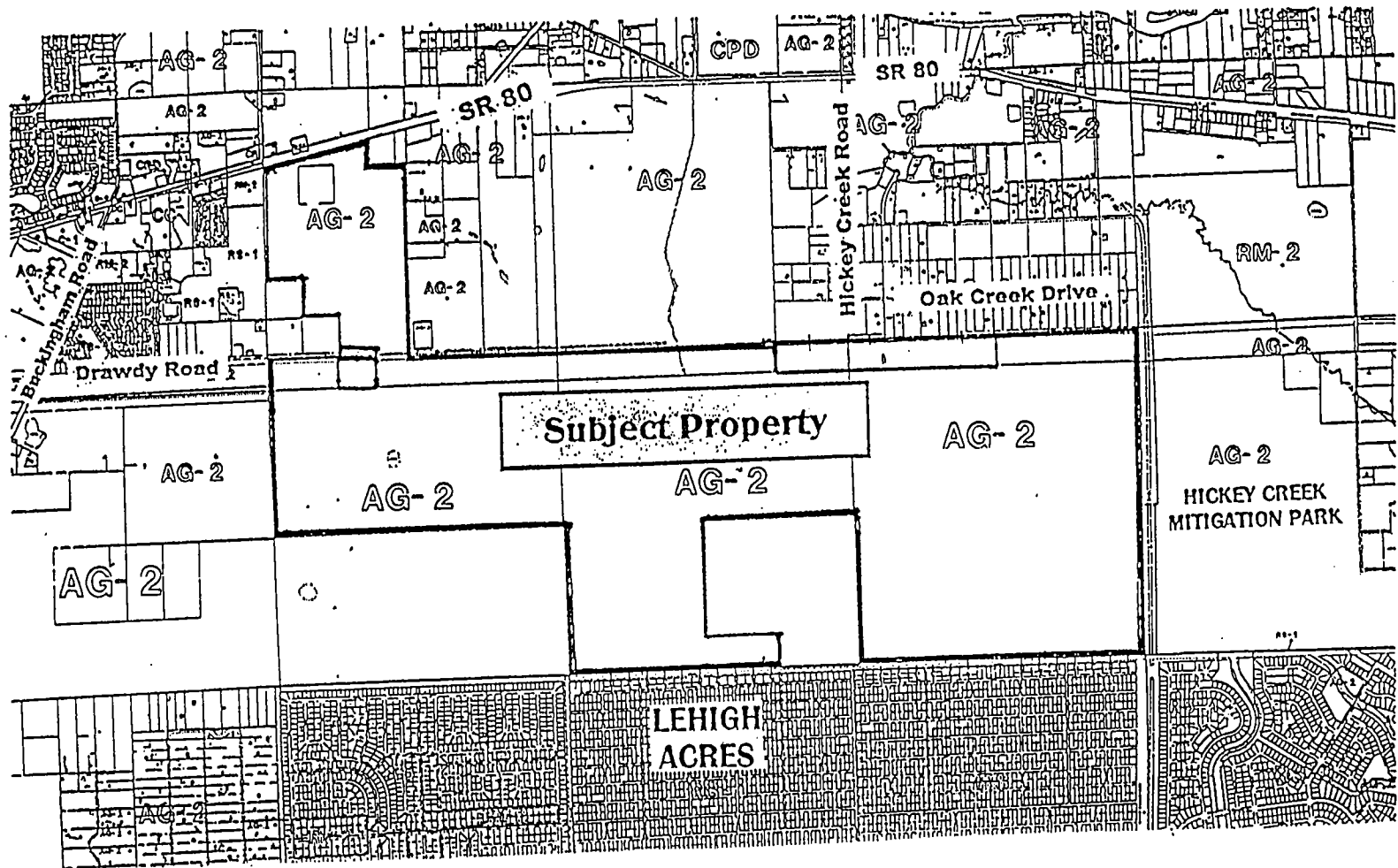
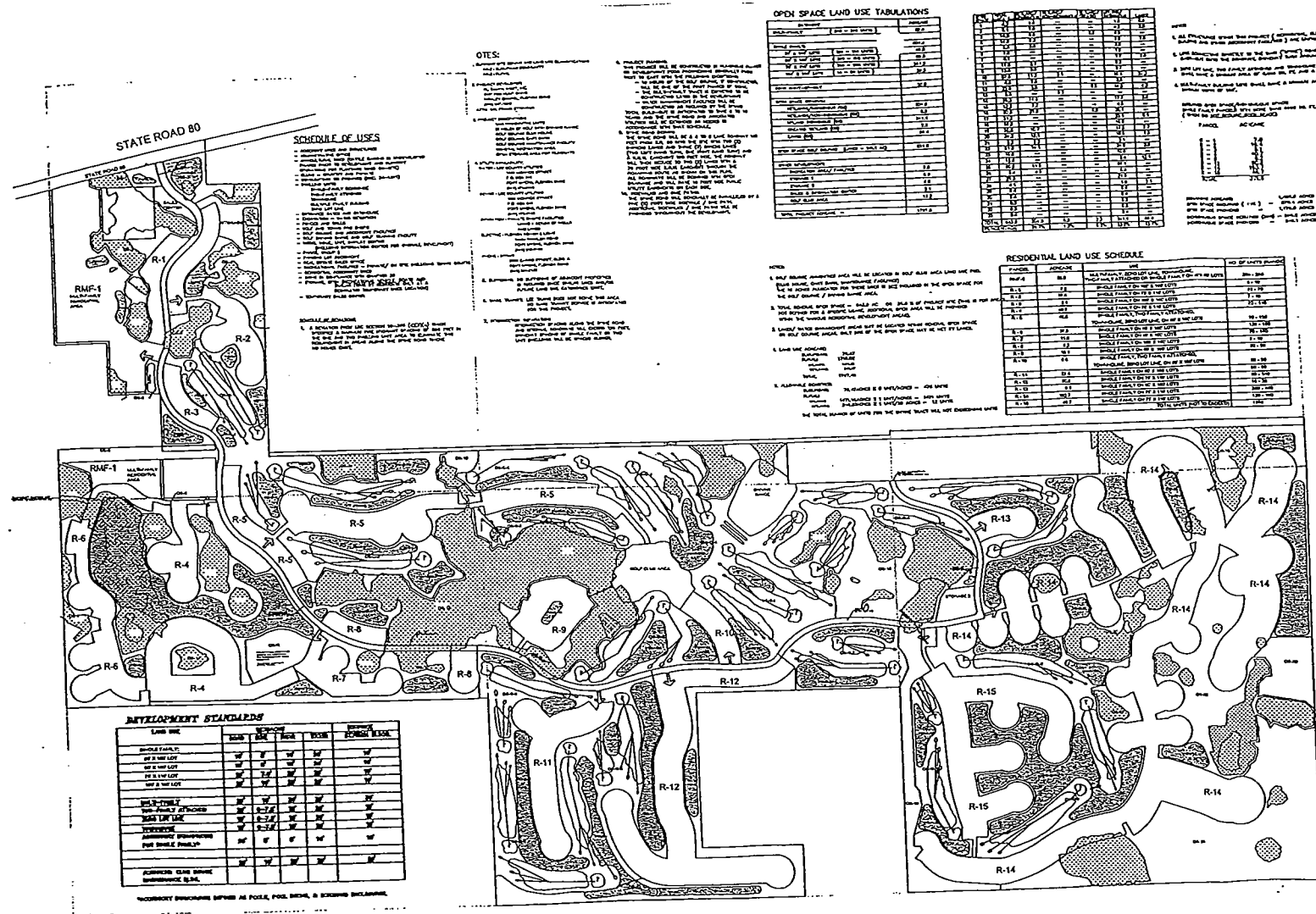


EXHIBIT C



DEVELOPMENT STANDARDS

LAND USE	MIN. LOT AREA	MIN. LOT WIDTH	MIN. LOT DEPTH	MIN. FRONT YARD SETBACK	MIN. SIDE YARD SETBACK	MIN. REAR YARD SETBACK	MIN. LOT COVERAGE	MIN. OPEN SPACE
Single-Family	1/2	1/2	1/2	1/2	1/2	1/2	1/2	1/2
Two-Family	1/2	1/2	1/2	1/2	1/2	1/2	1/2	1/2
Three-Family	1/2	1/2	1/2	1/2	1/2	1/2	1/2	1/2
Four-Family	1/2	1/2	1/2	1/2	1/2	1/2	1/2	1/2
Five-Family	1/2	1/2	1/2	1/2	1/2	1/2	1/2	1/2
Six-Family	1/2	1/2	1/2	1/2	1/2	1/2	1/2	1/2
Seven-Family	1/2	1/2	1/2	1/2	1/2	1/2	1/2	1/2
Eight-Family	1/2	1/2	1/2	1/2	1/2	1/2	1/2	1/2
Nine-Family	1/2	1/2	1/2	1/2	1/2	1/2	1/2	1/2
Ten-Family	1/2	1/2	1/2	1/2	1/2	1/2	1/2	1/2
Eleven-Family	1/2	1/2	1/2	1/2	1/2	1/2	1/2	1/2
Twelve-Family	1/2	1/2	1/2	1/2	1/2	1/2	1/2	1/2
Thirteen-Family	1/2	1/2	1/2	1/2	1/2	1/2	1/2	1/2
Fourteen-Family	1/2	1/2	1/2	1/2	1/2	1/2	1/2	1/2
Fifteen-Family	1/2	1/2	1/2	1/2	1/2	1/2	1/2	1/2
Sixteen-Family	1/2	1/2	1/2	1/2	1/2	1/2	1/2	1/2
Seventeen-Family	1/2	1/2	1/2	1/2	1/2	1/2	1/2	1/2
Eighteen-Family	1/2	1/2	1/2	1/2	1/2	1/2	1/2	1/2
Nineteen-Family	1/2	1/2	1/2	1/2	1/2	1/2	1/2	1/2
Twenty-Family	1/2	1/2	1/2	1/2	1/2	1/2	1/2	1/2

NOTES:

1. The minimum lot area for any residential use shall be as shown in the schedule of uses.
2. The minimum lot width for any residential use shall be as shown in the schedule of uses.
3. The minimum lot depth for any residential use shall be as shown in the schedule of uses.
4. The minimum front yard setback for any residential use shall be as shown in the schedule of uses.
5. The minimum side yard setback for any residential use shall be as shown in the schedule of uses.
6. The minimum rear yard setback for any residential use shall be as shown in the schedule of uses.
7. The minimum lot coverage for any residential use shall be as shown in the schedule of uses.
8. The minimum open space for any residential use shall be as shown in the schedule of uses.
9. The minimum number of units per acre for any residential use shall be as shown in the schedule of uses.
10. The minimum number of units per lot for any residential use shall be as shown in the schedule of uses.
11. The minimum number of units per block for any residential use shall be as shown in the schedule of uses.
12. The minimum number of units per tract for any residential use shall be as shown in the schedule of uses.
13. The minimum number of units per subdivision for any residential use shall be as shown in the schedule of uses.
14. The minimum number of units per city block for any residential use shall be as shown in the schedule of uses.
15. The minimum number of units per section for any residential use shall be as shown in the schedule of uses.
16. The minimum number of units per township for any residential use shall be as shown in the schedule of uses.
17. The minimum number of units per range for any residential use shall be as shown in the schedule of uses.
18. The minimum number of units per county for any residential use shall be as shown in the schedule of uses.
19. The minimum number of units per state for any residential use shall be as shown in the schedule of uses.
20. The minimum number of units per country for any residential use shall be as shown in the schedule of uses.

OPEN SPACE LAND USE TABULATIONS

LAND USE	MIN. LOT AREA	MIN. LOT WIDTH	MIN. LOT DEPTH	MIN. FRONT YARD SETBACK	MIN. SIDE YARD SETBACK	MIN. REAR YARD SETBACK	MIN. LOT COVERAGE	MIN. OPEN SPACE
Single-Family	1/2	1/2	1/2	1/2	1/2	1/2	1/2	1/2
Two-Family	1/2	1/2	1/2	1/2	1/2	1/2	1/2	1/2
Three-Family	1/2	1/2	1/2	1/2	1/2	1/2	1/2	1/2
Four-Family	1/2	1/2	1/2	1/2	1/2	1/2	1/2	1/2
Five-Family	1/2	1/2	1/2	1/2	1/2	1/2	1/2	1/2
Six-Family	1/2	1/2	1/2	1/2	1/2	1/2	1/2	1/2
Seven-Family	1/2	1/2	1/2	1/2	1/2	1/2	1/2	1/2
Eight-Family	1/2	1/2	1/2	1/2	1/2	1/2	1/2	1/2
Nine-Family	1/2	1/2	1/2	1/2	1/2	1/2	1/2	1/2
Ten-Family	1/2	1/2	1/2	1/2	1/2	1/2	1/2	1/2
Eleven-Family	1/2	1/2	1/2	1/2	1/2	1/2	1/2	1/2
Twelve-Family	1/2	1/2	1/2	1/2	1/2	1/2	1/2	1/2
Thirteen-Family	1/2	1/2	1/2	1/2	1/2	1/2	1/2	1/2
Fourteen-Family	1/2	1/2	1/2	1/2	1/2	1/2	1/2	1/2
Fifteen-Family	1/2	1/2	1/2	1/2	1/2	1/2	1/2	1/2
Sixteen-Family	1/2	1/2	1/2	1/2	1/2	1/2	1/2	1/2
Seventeen-Family	1/2	1/2	1/2	1/2	1/2	1/2	1/2	1/2
Eighteen-Family	1/2	1/2	1/2	1/2	1/2	1/2	1/2	1/2
Nineteen-Family	1/2	1/2	1/2	1/2	1/2	1/2	1/2	1/2
Twenty-Family	1/2	1/2	1/2	1/2	1/2	1/2	1/2	1/2

RESIDENTIAL LAND USE SCHEDULE

LAND USE	MIN. LOT AREA	MIN. LOT WIDTH	MIN. LOT DEPTH	MIN. FRONT YARD SETBACK	MIN. SIDE YARD SETBACK	MIN. REAR YARD SETBACK	MIN. LOT COVERAGE	MIN. OPEN SPACE
Single-Family	1/2	1/2	1/2	1/2	1/2	1/2	1/2	1/2
Two-Family	1/2	1/2	1/2	1/2	1/2	1/2	1/2	1/2
Three-Family	1/2	1/2	1/2	1/2	1/2	1/2	1/2	1/2
Four-Family	1/2	1/2	1/2	1/2	1/2	1/2	1/2	1/2
Five-Family	1/2	1/2	1/2	1/2	1/2	1/2	1/2	1/2
Six-Family	1/2	1/2	1/2	1/2	1/2	1/2	1/2	1/2
Seven-Family	1/2	1/2	1/2	1/2	1/2	1/2	1/2	1/2
Eight-Family	1/2	1/2	1/2	1/2	1/2	1/2	1/2	1/2
Nine-Family	1/2	1/2	1/2	1/2	1/2	1/2	1/2	1/2
Ten-Family	1/2	1/2	1/2	1/2	1/2	1/2	1/2	1/2
Eleven-Family	1/2	1/2	1/2	1/2	1/2	1/2	1/2	1/2
Twelve-Family	1/2	1/2	1/2	1/2	1/2	1/2	1/2	1/2
Thirteen-Family	1/2	1/2	1/2	1/2	1/2	1/2	1/2	1/2
Fourteen-Family	1/2	1/2	1/2	1/2	1/2	1/2	1/2	1/2
Fifteen-Family	1/2	1/2	1/2	1/2	1/2	1/2	1/2	1/2
Sixteen-Family	1/2	1/2	1/2	1/2	1/2	1/2	1/2	1/2
Seventeen-Family	1/2	1/2	1/2	1/2	1/2	1/2	1/2	1/2
Eighteen-Family	1/2	1/2	1/2	1/2	1/2	1/2	1/2	1/2
Nineteen-Family	1/2	1/2	1/2	1/2	1/2	1/2	1/2	1/2
Twenty-Family	1/2	1/2	1/2	1/2	1/2	1/2	1/2	1/2

NOTES:

1. The minimum lot area for any residential use shall be as shown in the schedule of uses.
2. The minimum lot width for any residential use shall be as shown in the schedule of uses.
3. The minimum lot depth for any residential use shall be as shown in the schedule of uses.
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5. The minimum side yard setback for any residential use shall be as shown in the schedule of uses.
6. The minimum rear yard setback for any residential use shall be as shown in the schedule of uses.
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15. The minimum number of units per section for any residential use shall be as shown in the schedule of uses.
16. The minimum number of units per township for any residential use shall be as shown in the schedule of uses.
17. The minimum number of units per range for any residential use shall be as shown in the schedule of uses.
18. The minimum number of units per county for any residential use shall be as shown in the schedule of uses.
19. The minimum number of units per state for any residential use shall be as shown in the schedule of uses.
20. The minimum number of units per country for any residential use shall be as shown in the schedule of uses.

RECEIVED
JUL 15 1999

ZONING COUNCIL

APPROVED

Master Concept Plan

Site Plan # 99-03-066-03 Z 01.01

subject to conditions in Resolution 99-03-066-03 Z 01.01

EXHIBIT "B"

PROJECT # 99 03-066-03 Z 01.01

PROJECT TYPE 12

EXHIBIT IV-E