

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

WHEREAS, an application was filed by Colonial Homes, Inc. to rezone 221.9 acres from Agriculture (AG-2) and Commercial Tourist (CT) zoning districts to Residential Planned Development (RPD) and Commercial Planned Development (CPD) in reference to Moody Ranch; and

WHEREAS, a public hearing was advertised and held on May 22, 2003, before the Lee County Zoning Hearing Examiner, who gave full consideration to the evidence in the record for Case #DCI2002-00037; and

WHEREAS, a second public hearing was advertised and held on August 18, 2003, before the Lee County Board of Commissioners, who gave full and complete consideration to the recommendations of the staff, the Hearing Examiner, the documents on record and the testimony of all interested persons.

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

SECTION A. REQUEST

The applicant filed a request to rezone a Request is to rezone 221.9 acres from AG-2 and CT zoning districts to RPD and CPD to permit the development of up to 1000 residential dwelling units (single family, zero-lot-line, townhouses, and multiple family units) and 45,000 square feet of commercial floor area, with buildings not to exceed 80 feet in height. The property is located in the Suburban Land Use Category and is legally described in attached Exhibit A. The request is APPROVED SUBJECT TO the conditions and deviations specified in Sections B and C below.

SECTION B. CONDITIONS:

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

1. The development of this project must be consistent with the one-page Master Concept Plan entitled "Moody Ranch," date stamped "Received OCT 29 2003," except as modified by the conditions below. This development must comply with all requirements of the Lee County LDC at time of Approval, except as may be granted by deviation as part of this planned development. If changes to the Master Concept Plan are subsequently pursued, appropriate approvals will be necessary. If there are any conflicts between commitments made in this application and conditions of this zoning action, the conditions will be the effective requirement of this planned development.

The Applicant may develop up to 1000 residential dwelling units on the property, and 45,000 square feet of commercial uses. The dwelling units may consist of single-family, zero-lot-line, townhouse, and multi-family units. All of the dwellings will be limited to 35 feet in height.

If multiple-family dwelling units are developed in Tract B within 250 feet of Moody Road, the Applicant must provide the following buffer at the time the first Development Order for the project is issued:

- a. The buffer must be no less than 20 feet in width.
- b. There may be no fewer than five trees per 100 linear feet of the length of the buffer.
- c. Trees must be no less than four inches in diameter at 12 inches above the ground and no less than 16 feet in height at the time of planting.
- d. Shrubs must be a minimum ten-gallon container size; planted in double staggered rows; at least 48" in height; and spaced 36 inches on center. They must be at least 60 inches in height within 12 months of the time of planting and maintained in perpetuity at a height of no less than 60 inches above the adjacent pavement that is required to be buffered, screened, or both, except for visibility at intersections and where pedestrian access is provided.
- e. No backs of buildings will face Moody Road, and no multiple-family building will contain more than four dwelling units.

Single Family detached lots in Tract I must be 7,500 square feet or larger in lot area.

2. The following limits apply to the project and uses:

a. Schedule of Uses

See attached **Exhibit D**

b. Site Development Regulations & Special Buffer

See attached **Exhibit E**

3. Open space requirements must be tracked with each development order and be substantially consistent with the Open Space and Indigenous Vegetation table dated April 9, 2003. A cumulative open space table listing the development tract, development order number, type of use, lot size, lot coverage, and required open space must be included with each development order. The open space table must include all development orders under review and approved. The development order plans must demonstrate how the open space requirements for common open space and indigenous/native tree preservation are being met. The residential development tracts must be labeled as to minimum lot size and

maximum lot coverage. A minimum of 54 acres including associated lakes and roadways must be single family residential lots with a minimum lot size of 6,500 square feet and a maximum lot coverage of 45 percent.

4. Prior to issuance of a Vegetation Removal Permit: (1) the existing borrow pit area and wetlands must be surveyed specifically for the presence of wading bird and alligator nests. If any active nests are located, then buffer areas must be established to protect these areas; and (2) the area located north of Hancock Bridge Parkway must be resurveyed for gopher tortoise burrows.
5. Gopher tortoises must be protected on-site. The development order plans must include the location and detail of sandy earthen berms to be created within the gopher tortoise preserve to provide a high, dry area for burrowing; and a vegetative barrier or permanent fencing must be delineated along any roadway abutting the gopher tortoise preserve. The berms within the preserve must be planted with a mixture of Bahia grass and other broad leaf vegetation prior to moving gopher tortoises to the preserve. Supplemental feeding such as alfalfa hay may be necessary until the berm plantings are established.

Prior to the issuance of a Certificate of Compliance for the infrastructure, either the vegetative barrier or permanent fencing must be installed along any roadways abutting the gopher tortoise preserve, whichever is chosen, at time of local development order review.

6. Prior to local development order approval, the plans must include signs adjacent to the lake abutting the Club Tract E stating "It is unlawful to feed or harass alligators." Additional information regarding how to live with alligators including the danger of approaching or feeding alligators must be available for residents or potential residents in the sales center and club house.
7. Prior to local development order approval, a minimum 10-foot waterway buffer must be delineated along the canal measured from the State jurisdictional wetland line. All native vegetation within the waterway buffer must be retained during subdivision development and perpetually by future residents. Additionally, any native tree clusters which occur within 25-feet of the State jurisdictional wetland line must be preserved or relocated on-site using proper horticultural means if the trees interfere with building layout or the site drainage system. Sabal palms located landward of the 10-foot waterway buffer may be preserved in place or relocated on-site. An accessway to a dock or fishing/observation pier may be installed through the waterway buffer limited to a four foot width and placed to avoid existing native vegetation to the maximum extent possible.

Prior to plat approval, the homeowners documents/deed restrictions must include language detailing the preservation of native trees along the canal.

8. Any sabal palms with a minimum 8-foot clear trunk located within the project north of Hancock Bridge Parkway must be either preserved in place or relocated on-site to buffers or common areas. Efforts must be made to coordinate the salvaging of any sabal palms with a minimum 8-foot clear trunk located within the project south of Hancock Bridge Parkway with the Division of Environmental Sciences staff whether used on-site or other wise. Any sabal palms being relocated must be moved in a horticulturally correct manner

per Lee County Extension Services brochure Lee 8/2000A attached as **Exhibit F**. Prior to local development order approval, any preserved and/or relocated palms must be delineated on the plans. Preserved and relocated sabal palms will receive protected tree credits per LDC § 10-420(h).

9. Bulkhead or rip-rap may be used along lake shorelines adjacent to internal project roadways and Club Tract E up to 30% of the shoreline. If bulkhead or rip-rap is proposed, it must be delineated on the landscape plan, and the paving and grading plan with cross-sections. A compensatory littoral zone must be provided for each linear footage of bulkhead or rip-rap which consists of an 8:1 slope and two herbaceous littoral plants per linear foot of shoreline. The littoral plantings must be clustered within the compensatory littoral zone.
10. The full median openings indicated on the Master Concept Plan are subject to any future operational decision by the County to install a traffic signal, modify, or remove the median opening. If installation of a traffic signal is deemed to be appropriate by the County at the project entrance, the full cost of the traffic signal improvement will be the responsibility of the developer.
11. All Model Homes and Model Units are regulated by the provisions of LDC § 34-1951. All Model Homes, Model Units, and Model Display Centers are limited by the time limitations of LDC § 34-1954(d) throughout the entire project.
12. Commercial buildings exceeding 35 feet in height must maintain additional building separation as regulated by LDC § 34-2174(a).
13. 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.
14. Approval of this rezoning does not guarantee local development order approval. Future development order approvals must satisfy the requirements of the Lee Plan Planning Communities Map and Acreage Allocation Table, Map 16 and Table 1(b), be reviewed for, and found consistent with, the retail commercial standards for site area, including range of gross floor area, location, tenant mix and general function, as well as all other Lee Plan provisions.
15. The drainage and access easements depicted on the Master Concept Plan must be accommodated and incorporated (at development order approval stage) into the development orders and plats for the subject property, unless proof that the easements have been released or relocated is provided.
16. No development blasting activity is permitted as part of this project unless approved at a subsequent public hearing as an amendment to the planned development.
17. The 12-foot Lee County Electric Cooperative (LCEC) easement as depicted on the Master Concept Plan (recorded at O.R. Book 1054, Page 776) must be released or relocated at the time of development order approval.

18. **Agricultural Uses:** Existing bona fide agricultural uses on this site are allowed only in strict compliance with the following:
- (a) Bona fide agricultural uses that are in existence at the time this resolution is approved and as shown on **Exhibit G** attached hereto may continue until approval of a local development order for the area of the project containing those uses.
  - (b) Additional clearing or grading of existing agricultural areas is prohibited. This prohibition is not intended to preclude County approved requests for the removal of invasive exotic vegetation.
  - (c) The property owner must terminate the agricultural tax exemption for any portion of the property that receives a local development order. The exemption termination must be filed with the Property Appraiser's Office by December 31<sup>st</sup> of the calendar year in which the local development order is issued. A copy of the exemption termination must be provided to the Office of the County Attorney.
19. The design of the right-out turn onto Hancock Bridge Parkway shall include adequate sight distance for a vehicle to turn onto Hancock Bridge Parkway and obtain a safe speed without interfering with the thru traffic on Hancock Bridge Parkway, as described in AASHTO. The access point must also meet the intersection separation distance of 660 lineal feet, as defined in LDC § 10-285 (Connection Separation).

#### SECTION C. DEVIATIONS:

Deviation 1 - Withdrawn by Applicant.

Deviation 2 - Withdrawn by Applicant.

Deviation 3 requests relief from LDC § 10-329(e)(4) which requires excavation banks to be sloped; to allow up to 40 percent of the banks to utilize either:

- 1) a vertical slope with the condition that lake bottom slopes at the toe of any bulkhead may be no greater than 4:1 or
- 2) a 2:1 (horizontal: vertical) slope to a depth of 6-feet below control elevation, with the condition that the 2:1 sections be stabilized with rip-rap.

This deviation is **APPROVED**, SUBJECT TO Condition 9 and that adequate elements for the protection of wayward vehicles are provided when adjacent to any roadway, parking lot, or driveway aisle.

Deviation 4 - Withdrawn by the Applicant.

Deviation 5 - Withdrawn by the Applicant.

Deviation 6 - Withdrawn by Applicant.

Deviation 7 - Withdrawn by Applicant.

Deviation 8 requests relief from LDC § 10-285(a) which requires that connection separations on local roads be a minimum of 125 feet; to allow driveways serving multiple family units with private driveways to have a minimum separation of 20 feet. This deviation is **APPROVED**, provided the setback applies to internal roads and accessways with a posted maximum speed of 20 MPH, that there be a visual clear zone in accordance with LDC § 34 -3131, that there be a provision for traffic calming devices (if required) as identified in the ITE Residential Street Design and Traffic Control Book, and that each drive is only serving a private driveway and garage for an individual unit.

SECTION D. EXHIBITS AND STRAP NUMBER:

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

- Exhibit A: The legal description of the property
- Exhibit B: Zoning Map (subject parcel identified with shading)
- Exhibit C: The Master Concept Plan and Sketch illustrating Deviations 3 and 8
- Exhibit D: Schedule of Uses
- Exhibit E: Site Development Regulations & Special Buffer
- Exhibit F: Lee County Extension Services brochure Lee 8/2000A
- Exhibit G: Bona Fide Agricultural Uses Affidavits and Maps

The applicant has indicated that the STRAP numbers for the subject property are:  
09-44-24-00-01002.1010 & 10-44-24-00-01054.0000

SECTION E. FINDINGS AND CONCLUSIONS:

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

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

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

Robert P. Janes	Aye
Douglas R. St. Cerny	Aye
Ray Judah	Aye
Andrew W. Coy	Aye
John E. Albion	Aye

DULY PASSED AND ADOPTED this 18th day of August 2003.

ATTEST:  
CHARLIE GREEN, CLERK

BY: 

Deputy Clerk

BOARD OF COUNTY COMMISSIONERS  
OF LEE COUNTY, FLORIDA

BY: 

Chairman

Approved as to form by:

  
County Attorney's Office



CASE NO:DCI2002-00037

2003 NOV 14 PM 12:25

Z-03-022  
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**EXHIBIT "A"**  
**LEGAL DESCRIPTION**  
Property located in Lee County, Florida

JOB NO. 01-7038  
FILE NO. 01-7038CLGL.DOC

SHEET 1 OF 1

**DESCRIPTION:**

TRACT OR PARCEL OF LAND IN THE SOUTH 3/8 OF THE EAST 1/2 OF THE SOUTHEAST 1/4 OF SECTION 9, AND THE SOUTHWEST 1/4 OF SECTION 10, TOWNSHIP 44 SOUTH, RANGE 24 EAST, LEE COUNTY FLORIDA, WHICH IS DESCRIBED AS FOLLOWS:

FROM THE SOUTHEAST CORNER OF SAID SECTION 9, AS SHOWN ON THE PLAT OF WATERWAY ESTATES GOLF PARK AS RECORDED IN PLAT BOOK 22, PAGES 161 AND 162 OF THE PUBLIC RECORDS OF LEE COUNTY FLORIDA; THENCE N.0°30'28"E. ALONG THE EAST SECTION LINE OF SAID SECTION 9, FOR 30.00 FEET TO THE POINT OF BEGINNING.

THENCE N.88°55'40"W. ALONG THE NORTHERLY RIGHT OF WAY (30.00 FEET FROM CENTERLINE) OF SKYLINE DRIVE AS RECORDED IN C.C.M.B. 11 AT PAGE 427 FOR 925.28 FEET TO A POINT OF CURVATURE OF A CURVE TO THE RIGHT, RADIUS 385.00 FEET, DELTA ANGLE 46°06'32"; THENCE NORTHWESTERLY ALONG THE ARC OF SAID CURVE AND ALONG THE NORTHERLY RIGHT OF WAY (30.00 FEET FROM CENTERLINE) OF SKYLINE DRIVE FOR 309.83 FEET TO A POINT OF COMPOUND CURVATURE OF A CURVE TO THE RIGHT, RADIUS 30.00 FEET, DELTA ANGLE 100°10'44"; THENCE NORTHWESTERLY AND NORTHEASTERLY ALONG THE ARC OF SAID CURVE FOR 52.45 FEET TO A POINT OF REVERSE CURVATURE OF A CURVE TO THE LEFT, RADIUS 1450.00 FEET, DELTA ANGLE 20°27'30"; THENCE NORTHEASTERLY ALONG THE ARC OF SAID CURVE AND THE SOUTHEASTERLY RIGHT OF WAY (50 FEET FROM THE CENTERLINE) OF HANCOCK BRIDGE PARKWAY FOR 517.75 FEET TO THE POINT OF TANGENCY; THENCE N.36°54'06"E. FOR 2078.07 FEET TO THE POINT OF CURVATURE OF A CURVE TO THE RIGHT, RADIUS 1000.00 FEET, DELTA ANGLE 53°43'12"; THENCE NORTHEASTERLY ALONG THE ARC OF SAID CURVE FOR 937.59 FEET TO THE POINT OF TANGENCY; THENCE N.89°22'42"E CONTINUE ALONG THE SOUTHERLY RIGHT OF WAY (50 FEET FROM CENTERLINE) OF SAID HANCOCK BRIDGE PARKWAY FOR 1257.36 FEET TO THE POINT OF CURVATURE OF A CURVE TO THE RIGHT, RADIUS 30.00 FEET, DELTA ANGLE 88°46'40"; THENCE SOUTHEASTERLY ALONG THE ARC OF SAID CURVE FOR 46.48 FEET TO THE POINT OF TANGENCY; THENCE S.00°36'02"E. ALONG THE WESTERLY RIGHT OF WAY (33.0 FEET FROM CENTERLINE) OF MOODY ROAD FOR 2493.08 FEET TO THE POINT OF CURVATURE OF A CURVE TO THE RIGHT, RADIUS 30.00 FEET, DELTA ANGLE 90°00'16"; THENCE SOUTHWESTERLY ALONG THE ARC OF SAID CURVE FOR 47.13 FEET TO THE POINT OF TANGENCY; THENCE S.89°24'14"W. ALONG THE NORTHERLY RIGHT OF WAY (35.00 FEET FROM CENTERLINE) OF SKYLINE DRIVE AS RECORDED IN C.C.M.B. 2, PAGE 510-514 FOR 2524.74 FEET; THENCE S.00°30'28"W. ALONG THE EAST LINE OF SAID SECTION 9 FOR 5.00 FEET TO THE POINT OF BEGINNING.

PARCEL CONTAINS 163.991 ACRES MORE OR LESS.

SUBJECT TO EASEMENTS, RESTRICTIONS, RESERVATIONS AND RIGHTS OF WAY OF RECORD.

Applicant's Legal Checked  
by 18 JUL 2003

Exhibit "A"

Page 1 of 4



JULY 17, 2003  
JOB NO. 01-7038  
FILE NO. 01-703853ACRELGL

DESCRIPTION:

A PARCEL OF LAND LYING IN SECTIONS 9 AND 10, TOWNSHIP 44 SOUTH, RANGE 24 EAST, LEB COUNTY FLORIDA, MORE PARTICULARLY DESCRIBED AS FOLLOWS: COMMENCE AT THE SOUTHEAST CORNER OF THE SOUTHWEST 1/4 OF SAID SECTION 10 AND THE CENTERLINE OF SKYLINE DRIVE AND MOODY ROAD; THENCE; N.00°36'02"W., FOR 3161.83 FEET ALONG THE CENTERLINE OF MOODY ROAD PASSING THROUGH THE POINT OF INTERSECTION OF HANCOCK BRIDGE PARKWAY AT 2636.76 FEET; THENCE N.89°17'03"W., ALONG THE SOUTH LINE OF HIDDEN ACRES SUBDIVISION AS RECORDED IN PLAT BOOK 30, PAGES 71 THRU 72, FOR 33.01 FEET TO THE POINT OF BEGINNING.

THENCE CONTINUE N.89°17'03"W., ALONG THE SAID SOUTH LINE AND THE APPROXIMATE CENTERLINE OF MOODY CANAL FOR 2493.78 FEET; THENCE N.89°43'02"W FOR 66.08 FEET TO A POINT OF INTERSECTION OF A CANAL; THENCE S.02°15'00"W., ALONG THE APPROXIMATE CENTERLINE OF SAID CANAL FOR 275.83 FEET TO THE POINT OF CURVATURE OF A CURVE TO THE LEFT, HAVING: A RADIUS OF 300.00 FEET, A CENTRAL ANGLE OF 22°00'00", A CHORD BEARING OF S.08°45'00"E. AND A CHORD LENGTH OF 114.49 FEET; THENCE ALONG THE ARC OF SAID CURVE, AN ARC LENGTH OF 115.19 FEET TO THE POINT OF REVERSE CURVATURE OF A CURVE TO THE RIGHT, HAVING: A RADIUS OF 300.00 FEET, A CENTRAL ANGLE OF 18°30'00", A CHORD BEARING OF S.10°30'00"E. AND A CHORD LENGTH OF 96.45 FEET; THENCE ALONG THE ARC OF SAID CURVE, AN ARC LENGTH OF 96.87 FEET TO THE POINT OF COMPOUND CURVATURE OF A CURVE TO THE RIGHT, HAVING: A RADIUS OF 960.00 FEET, A CENTRAL ANGLE OF 45°55'00", A CHORD BEARING OF S.21°42'30"W. AND A CHORD LENGTH OF 748.92 FEET; THENCE ALONG THE ARC OF SAID CURVE, AN ARC LENGTH OF 769.34 FEET TO THE POINT OF TANGENCY OF SAID CURVE; THENCE S.44°40'00"W., FOR 363.52 FEET TO THE POINT OF CURVATURE OF A CURVE TO THE LEFT, HAVING: A RADIUS OF 1200.00 FEET, A CENTRAL ANGLE OF 08°56'16", A CHORD BEARING OF S.40°11'52"W. AND A CHORD LENGTH OF 187.00 FEET; THENCE ALONG THE ARC OF SAID CURVE, AN ARC LENGTH OF 187.19 FEET TO THE END OF SAID CURVE; THENCE S.31°43'57"W., FOR 416.34 FEET; THENCE S.41°00'00"W., FOR 631.66 FEET; THENCE S.53°05'54"E., LEAVING SAID CANAL FOR 428.46 FEET TO THE NORTHERLY RIGHT OF WAY OF HANCOCK BRIDGE PARKWAY (50 FEET FROM THE CENTERLINE); THENCE ALONG THE SAID NORTHERLY RIGHT OF WAY FOR THE FOLLOWING CALLS: N.36°54'06"E., FOR 2078.07 FEET TO THE POINT OF CURVATURE OF A CURVE TO THE RIGHT, HAVING: A RADIUS OF 1100.00 FEET, A CENTRAL ANGLE OF 53°43'12", A CHORD BEARING OF N.63°45'42"E. AND A CHORD LENGTH OF 993.99 FEET; THENCE

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Exhibit "A"

ALONG THE ARC OF SAID CURVE, AN ARC LENGTH OF 1031.35 FEET TO THE POINT OF TANGENCY OF SAID CURVE; THENCE S.89°22'42"E., FOR 1253.94 FEET TO THE POINT OF CURVATURE OF A CURVE TO THE LEFT, HAVING: A RADIUS OF 30.00 FEET, A CENTRAL ANGLE OF 91°13'20", A CHORD BEARING OF N.45°00'38"E. AND A CHORD LENGTH OF 42.88 FEET; THENCE ALONG THE ARC OF SAID CURVE, AN ARC LENGTH OF 47.76 FEET TO THE POINT OF TANGENCY OF SAID CURVE AND THE WEST RIGHT OF WAY OF MOODY ROAD (33 FEET FROM CENTERLINE); THENCE N.00°36'02"W., ALONG SAID WEST RIGHT OF WAY FOR 444.46 FEET TO THE POINT OF BEGINNING.

CONTAINING 53.4370 ACRES MORE OR LESS.

SUBJECT TO BASEMENTS, RESTRICTIONS, RESERVATIONS AND RIGHTS OF WAY OF RECORD.

INK ENGINEERING, A DIVISION OF LBFH INC. (LB 959)

GORDON D. MEIERS  
PROFESSIONAL LAND SURVEYOR  
FLORIDA CERT. # 2858

Applicant's Legal Checked  
by 12/11/03  
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Exhibit "A"

# Ink Engineering

A Division of  
LBFH, Inc.

Civil  
Agricultural  
Water Resources  
Water & Wastewater  
Transportation  
Surveying & Mapping  
GIS

"Permit for Parcel  
Value or Design"

Professional Seal, State of  
Florida, No. 25110  
Professional Engineer  
Civil, State of  
Florida, No. 25110  
Professional Engineer

JULY 1, 2002  
JOB # 01-7038E  
FILE # 01-7038SK2LGL

DESCRIPTION: A TRACT OR PARCEL OF LAND LYING IN THE SOUTHEAST ONE-QUARTER (1/4) OF SECTION 9, TOWNSHIP 44 SOUTH, RANGE 24 EAST, LEE COUNTY, FLORIDA, MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCE AT THE SOUTHWEST CORNER OF THE SOUTHEAST ONE-QUARTER (1/4) OF SAID SECTION 9 AND THE CENTERLINE INTERSECTION OF ORANGE GROVE BOULEVARD AND HANCOCK BRIDGE PARKWAY; THENCE S.38°55'40"E. ALONG THE CENTERLINE OF HANCOCK BRIDGE PARKWAY FOR 595.25 FEET TO THE POINT OF CURVATURE OF A CURVE TO THE LEFT HAVING A RADIUS OF 1400.00 FEET, A CENTRAL ANGLE OF 21°03'01", THENCE NORTHEASTERLY ALONG THE ARC OF SAID CURVE FOR 515.17 FEET; THENCE N.20°00'41"W. FOR 50.00 FEET TO A POINT ON THE NORTHERLY RIGHT OF WAY OF HANCOCK BRIDGE PARKWAY AND THE POINT OF BEGINNING; THENCE N.00°15'19"E. ALONG THE EAST LINE OF A PARCEL OF LAND RECORDED IN O.R. 3025, PAGE 3062 OF THE PUBLIC RECORDS OF LEE COUNTY, FLORIDA FOR 346.81 FEET TO A POINT ON THE SOUTH LINE OF A PARCEL OF LAND RECORDED IN O.R. 1780, PAGE 3135 OF SAID PUBLIC RECORDS; THENCE S.39°43'35"E. ALONG THE SOUTH LINE OF SAID PARCEL FOR 35.25 FEET; THENCE N.00°16'05"E. ALONG THE EAST LINE OF SAID PARCEL FOR 39.76 FEET TO THE APPROXIMATE CENTERLINE OF A CANAL; THENCE N.41°00'00"E. ALONG THE APPROXIMATE CENTERLINE OF SAID CANAL FOR 269.95 FEET; THENCE S.53°05'54"E. LEAVING SAID CANAL FOR 428.46 FEET TO A POINT ON THE NORTHWESTERLY RIGHT OF WAY OF HANCOCK BRIDGE PARKWAY 50.00 FEET FROM THE CENTERLINE ALSO BEING A POINT ON A CURVE TO THE RIGHT HAVING A RADIUS OF 1350.00 FEET, A CENTRAL ANGLE OF 23°59'51", A CHORD BEARING OF S.53°29'24"W.; THENCE SOUTHWESTERLY ALONG THE ARC OF SAID CURVE AND NORTHWESTERLY RIGHT OF WAY OF HANCOCK BRIDGE PARKWAY FOR 683.10 FEET TO THE POINT OF BEGINNING.

CONTAINING 4.50 ACRES.

SUBJECT TO AN INGRESS-EGRESS EASEMENT AS RECORDED IN O.R. 3025, PAGES 3087 THROUGH 3091 OF SAID PUBLIC RECORDS:

SUBJECT TO A 12 FEET WIDE DRAINAGE EASEMENT AS RECORDED IN O.R. 2327, PAGES 3680 THROUGH 3689 OF SAID PUBLIC RECORDS.

SUBJECT TO EASEMENTS, RESTRICTIONS, RESERVATIONS AND RIGHTS OF WAY OF RECORD.

REFER TO 3 1/2" X 11" SKETCH

Applicant's Legal Checked

by [Signature] 12/24/03

INK ENGINEERING, A DIVISION OF LBFH INC. (LB 939)

[Signature]  
GORDON D. MEIERS  
PROFESSIONAL LAND SURVEYOR  
FLORIDA CERT. # 2353

DCI 2002-00037

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ZONING COUNTER

Exhibit "A"

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Exhibit "B"



**Exhibit D**

**Moody Ranch  
PERMITTED LAND USES  
April 2, 2003  
Revised October 2003**

**RPD - PERMITTED LAND USES**

**Tract I**

**Residential 1A (R-1A)**

- Accessory Uses
- Administrative Offices
- Agricultural Uses, continuation of bona fide use only
- Dwelling Units
  - Single Family, detached (up to 500 units)
- Entrance Gates and Gatehouses
- Essential Services
- Essential Service Facilities, Group I
- Excavation, Water Retention
- Fences and Walls
- Home Occupation, as limited by the LDC
- Model Homes, Model Units and Model Display Center, including accessory parking lots
- Real Estate Sales and Rental Office—limited to sales of lots, homes or units within the development
- Recreation Facilities, Personal and Private On-Site.
- Residential accessory uses, including but not limited to:
  - Private garages, carports and parking areas
  - Private swimming pools and enclosures, Private boat docks and tennis courts
- Signs
- Temporary uses—limited to a sales center and a construction office

**Tracts C, D, F, H and J**

**Residential 1 (R-1)**

All uses permitted in the R-1A District plus Townhouse (up to 500 units) and Two family attached (up to 400 units)

**Tracts A, B and G**

**Residential 2 (R-2)**

All uses permitted in the R-1 District plus Multi-Family Buildings (up to 600 units)

**Tract E**

**Recreational Facilities, Private On-site or Off-site**

- Accessory Uses
- Administrative Offices
- Agricultural Uses, continuation of bona fide use only
- Club (up to 20,000 sq. ft.), Private including but not limited to the following ancillary uses:
  - Food and Beverage Service
  - Pro Shop and Specialty Retail, Group I
  - Locker Rooms
  - Health Club and Spa

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OCT 17 2003

Exhibit "D"  
Page 1 of 3

DCI 2002-00037 ZONING COUNTER

Rental or leasing establishment, Group I (limited to bicycles, tennis rackets and other small sports equipment for use within the development.)

- Entrance Gates and Gatehouses
- Essential Services
- Essential Service Facilities, Group II
- Excavation, Water Retention
- Fences and Walls
- Project Maintenance Facility
- Recreational Facilities for use by the residents of the development and their guests.
- Signs, including the existing billboard
- Temporary uses—limited to Real Estate Sales and Rental Office limited to sales of lots, homes or units within the development and a Construction Office

## **CPD - PERMITTED LAND USES**

Tract K (up to 45, 000 sq. ft.)

- Accessory Uses
- Administrative Offices
- Animal Clinic - outside kennels are prohibited
- ATM (automatic teller machine)
- Auto Parts Store
- Banks and Financial Establishments, all Groups
- Business Services, Group I
- Clothing Stores
- Daycare Center, Child and Adult
- Department Store
- Drive-through facility accessory to any permitted use
- Drug Store
- Essential Services
- Essential Service Facilities, Group I
- Fences and Walls
- Gift and Souvenir Shop
- Hardware Store
- Health Care Facility, Group III
- Hobby, Toy and Game Shop
- Hospice
- Offices, Medical
- Personal Services, Group I, II - limited to Beauty Spas, Health Clubs or Spas, Reducing or Slenderizing Salons, Group III, and Group IV - limited to babysitting bureaus, debt counseling services, portrait copying, shopping services, and tax return preparation services
- Real Estate Sales and Rental Office
- Rental and Leasing Establishments, Group II - outside storage is prohibited
- Restaurants, Standard - Groups I, II & III
- Shopping Center
- Signs, in compliance with the LDC
- Social Services, Group I only
- Specialty Retail Shops, Groups I-IV
- Storage, Indoor only and only as an ancillary use
- Studios
- Temporary uses - limited to sales center and construction offices, in compliance with LDC regulations regarding temporary uses

### **Conservation Areas (Wetland and Upland Conservation Areas)**

- Interpretive centers and Signage, rain shelters, gazebos
- Nature and foot trails including boardwalks, benches and jogging paths
- Paths, boardwalks and bridges
- Water Management Facilities
- Wildlife Management
- Mitigation and Restoration Activities



Moody Ranch  
PROPERTY DEVELOPMENT REGULATIONS  
April 2, 2003

EXHIBIT B

RESIDENTIAL PLANNED DEVELOPMENT													
LAND USES	Minimum Lot			Minimum Setback (ft)							Max Building Height (ft)	Min Bldg Separation (ft)	Max Lot Coverage (%)**
	Area (sq ft)	Min Width (ft)	Min Depth (ft)	Side Including Corner Lots (ft)*	Rear (ft)			Front (ft)		Water Body (ft)			
					Lots	Wetland	Acc	Front Entry Garage	Bldg or Side Entry Garage				
Single Family Detached	4,000	40	100	5	20	20	5	20	12	20	35 or 2 stories	10	45
Two Family Attached	3,500	35	100	0 or 5	20	20	5	20	12	20	35 or 2 stories	10	45
Townhouse	2,000	25	80	0 or 10	20	20	5	20	15	20	35 or 2 stories	10	45
Multi-Family	10,000	100	100	10	20	20	5	20	20	20	35 or 2 stories	10 or 20***	45
Clubhouse	20,000	80	100	10	20	20	5	n/a	20	20	45 or 2 stories	20	45

\* Applies to lots of all widths and to corner lots. Each lot, including corner lots, will have only one front yard.

\*\* As defined by LDC, Chapter 34.

\*\*\* 10 feet for 1 story building, 20 feet for 2 story buildings and higher

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2003 APR 13 10:00 AM  
2003 APR 13 10:00 AM

COMMERCIAL PLANNED DEVELOPMENT		
	PRINCIPAL USES	ACCESSORY USES
MINIMUM LOT OR PARCEL AREA	10,000 sq ft	NA
MINIMUM LOT WIDTH	75 ft	NA
MINIMUM BUILDING SETBACKS		
Hancock Bridge Parkway	35 ft or BH whichever greater	20 ft
Internal Frontage Drives	15 ft	20 ft
Waterfront	25 ft	0 ft to bulkhead or riprap at top of bank
MINIMUM DISTANCE		
Between Structures which are part of an architecturally unified group	10 ft	10 ft *
Between All Other Structures	20 ft	10 ft
MAXIMUM HEIGHT		
Retail Buildings	50 ft	35 ft
Office Buildings	80 ft	80 ft
Boat Dry Storage	35 ft	35 ft
Architectural features	n/a	100 ft
MAX. LOT COVERAGE *	55%	55%

\*As defined by LDC, Chapter 34.

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2/10/2003-21553 Ver: 04- COAT  
GMS  
BOSTON, MA

OPEN SPACE AND INDIGENOUS VEGETATION Moody Ranch April 9, 2003							
	Acres	Open Space			Indigenous Vegetation		
		Required		Min. Provided	Required		Min. Provided
		% Open Space	Acres	Acres	% Indig.	Acres	Acres
RESIDENTIAL PLANNED DEVELOPMENT							
Residential Tracts with lots greater than 6,500 sq ft	54.0*	n/a	n/a	4.32	n/a	2.16	2.16
Balance of Development	163.4	40%	65.36	65.36	50%	32.68	32.68
TOTAL	217.4		65.36	69.68	50%	34.84	34.84
COMMERCIAL PLANNED DEVELOPMENT							
CPD	4.5	30%	1.35	1.35	50%	.68	.68**
TOTAL PROJECT	221.9		66.71	71.03		35.52	35.52

- \* If the acreage of "Residential Tracts with lots greater than 6,500 sq ft" changes, this table will be adjusted accordingly.
- \*\* This acreage may be provided within the Residential Planned Development.

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**Exhibit E**  
**SPECIAL BUFFER – TRACT B ALONG MOODY ROAD**  
Moody Ranch  
April 9, 2003  
Revised September 2003

Minimum width	20 feet
Minimum # of trees	5 per 100 linear feet
Minimum tree size	Trees must be no less than four inches in diameter at 12 inches above the ground and no less than 16 feet in height at the time of planting.
Hedges	Shrubs must be a minimum ten-gallon container size; planted in double staggered rows; at least 48 inches in height; and spaced 36 inches on center. They must be at least 60 inches in height within 12 months of time of planting and maintained in perpetuity at a height of no less than 60 inches above the adjacent pavement required to be buffered, screened or both, except for visibility at intersections and where pedestrian access is provided.

At least 75 percent of the trees and 50 percent of the shrubs used to fulfill these requirements must be native Florida species.

No wall is required for this buffer.

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OCT 17 2003

ZONING COUNTER



# Horticulture

## TRANSPLANTING SABAL PALMS Step-by-Step Instructions

Lee 8/2000A

Stephen H. Brown  
Lee County Horticulture Agent

Rick Joyce  
Deputy Director, Lee County Planning Division

### Introduction

The native cabbage or sabal palm (*Sabal palmetto*) is the official state tree of Florida and is a prominent feature in Florida's landscape. The palm is highly adaptive, tough, tolerant of a wide range of soils, and is hurricane resistant. When planted six to ten feet on center, sabal palms provide desirable shade. Sabal palms, including large-sized palms, can be transplanted with high success if a few simple precautions are taken. This fact sheet provides specific proven techniques to increase the success of sabal palm transplanting.

### Step-by-Step Transplant Instructions

1. Use gasoline powered tree spade or heavy steel shanked digging spade with a clean well-honed cutting edge to dig the largest possible root ball. Usually to 18 inches from the edge of the trunk.
2. Remove the palm from ground. Take care not to damage the hidden bud located within the center of the canopy.
3. Using clean sharp hand spades, trim the root ball into circular shape 13 to 16 inches from the outer edge of the trunk.
4. Two methods of pruning fronds for landscape transplant (select one):
  - a. Remove oldest (brown) fronds. Tie the remaining fronds tightly together with a biodegradable twine. Do not disturb the bud.
  - b. Remove all fronds otherwise known as "hurricane" or "cigar cut." This recommended pruning technique gives the highest rate of establishment but must be carefully done.
5. Secure the palm on a flat bed truck and transport it to the planting site. Make sure the center of the bud is well protected.
6. Keep the root ball moist between removal and installation.
7. Prepare planting hole 1-2 times the diameter of the trunk but at the same depth as the root ball.
8. Back-fill the planting hole with the same soil that had been removed. There is no need to amend the planting hole, but if it is amended, use a fill similar to that of the planting hole. The amendment should not exceed 25 percent by volume of the soil removed from the hole.
9. Carefully set the palm into the planting hole. Make sure it is planted the same depth as it was in the field. Planting too deeply will cause root suffocation and lead to nutritional deficiencies, root rot, and frequently the death of the palm.
10. Secure and stake the palm as illustrated in the diagram. **DO NOT DRIVE NAILS DIRECTLY INTO THE PALM.**

(Continued on the back.)

The Extension Service is part of a publicly funded statewide educational network that provides information and scientific knowledge to area residents, businesses and government leaders. The University of Florida, Extension Service offers the latest research and technology in more than 200 subjects related to horticulture, energy/conservation, agriculture, youth development and family and consumer sciences. Last year, the Lee County Extension Service provided assistance to more than 70,000 people and provided 463 classes and workshops on everything from family financial planning to pesticide training.

The Lee County Extension Service is an Equal Employment Opportunity - Affirmative Action Employer that provides research, educational information and other services without regard to race, color, sex, age, handicap or national origin.

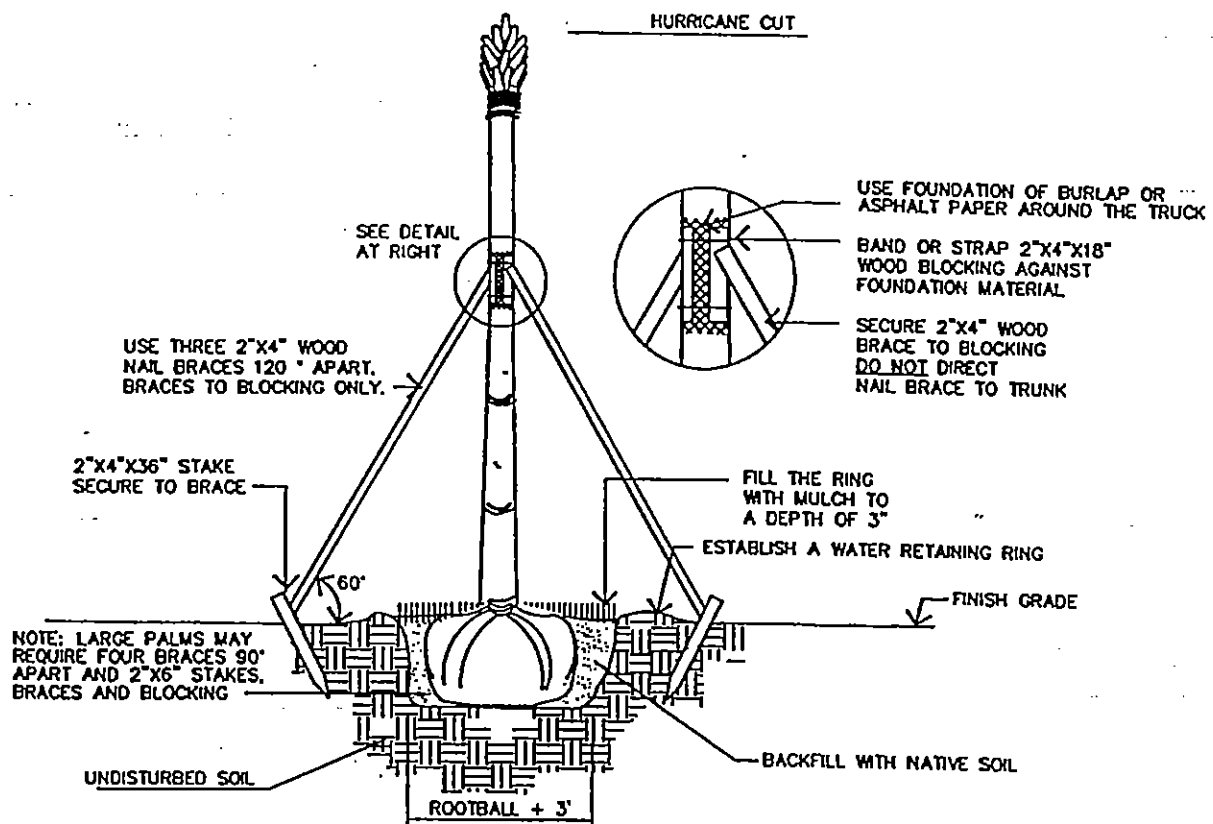
11. Establish a water-retaining ring around the palm three feet from the trunk. The ring should slope gently toward the trunk.
12. Fill the ring with mulch to a depth of three inches. Keep the mulch at least three inches away from the trunk.
13. Irrigation:
  - a. Palms with fronds remaining: Fill the ring with 50 gallons of water three times weekly.
  - b. Palms with hurricane cut: Fill the ring with 20 to 25 gallons of water three times weekly.
14. In both cases, after four weeks, reduce irrigation to twice weekly. Water twice weekly for four weeks, and then reduce irrigation to once weekly for an additional four weeks. Twelve weeks after planting, cease irrigation if the palm appears

healthy. However, during drought, water once a week for up to two years. For each inch of rain, skip one scheduled irrigation treatment.

15. As soon as new growth begins to appear, loosen tied fronds. This will happen between 3-6 months after transplanting, depending on the time of year and the health of the palm.

16. Begin fertilization after new growth begins. Fertilize three to four times per year with a 2-1-3-ratio fertilizer at a rate of one to two pounds per 100 square feet. For best results use a slow release formulation.

17. Remove staking and burlap or asphalt paper rap after successful palm establishment. Removal usually occurs approximately one year after palm installation.



## PLANTING AND STAKING SABAL PALM

NOT TO SCALE

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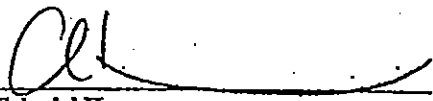
STATE OF FLORIDA )  
COUNTY OF LEE )

COMMUNITY DEVELOPMENT  
DCI 2002-00037

BEFORE ME, the undersigned authority, on this 20<sup>th</sup> day of May, 2003, personally appeared Anthony Persichilli who is personally know to me and who did take an oath, who deposes and says as follows:

1. That I am the owner of the following described property, to wit:  
See attached Exhibit "A"  
Parcel No. 09-44-24-00-01002.1010
2. That the above described property was used for bona fide agricultural purposes, to with cattle grazing at the time of the Lee County Board of County Commissioners review and consideration of the rezoning of the property described on the attached Exhibit "A" scheduled to be heard on May 22, 2003.
3. The agricultural use of the property is an existing bona fide agricultural use.
4. The agricultural use is being conducted on 23.84 acres. The 23.84 acres of the total 45.84 acres as described on the attached Exhibit "A" is being used for cattle grazing.
5. Affiant further states that he is familiar with the nature of an oath; and with the penalties as provided by the laws of the State of aforesaid for falsely swearing to statements made in an instrument of this nature. Affiant further certifies that he has read, or has heard read to him, the full facts of this affidavit and understands its meaning and context.

FURTHER AFFIANT SAYETH NAUGHT.

  
Colonial Homes  
By Anthony Persichilli  
Its Division President

SWORN TO and subscribed before me on the date and year first above written.

(Notary Seal)

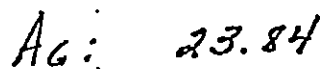


  
Signature of Notary

Commission No.

(Print, type or stamp commissioned name  
of Notary Public)

Exhibit "G"



*MKT:*

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COMMUNITY DEVELOPMENT  
DCI 2002-00037

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Exhibit "G".

Page 2 of 4



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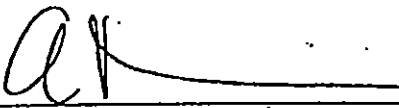
DCI 2002-00037  
COMMUNITY LEVY

STATE OF FLORIDA )  
COUNTY OF LEE )

BEFORE ME, the undersigned authority, on this 20<sup>th</sup> day of May, 2003 personally appeared Anthony Persichilli who is personally know to me and who did take an oath, who deposes and says as follows:

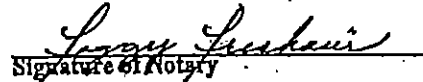
1. That I am the owner of the following described property, to wit:  
See attached Exhibit "A"  
Parcel No. 10-44-24-00-01054.0000
2. That the above described property was used for bona fide agricultural purposes, to with cattle grazing at the time of the Lee County Board of County Commissioners review and consideration of the rezoning of the property described on the attached Exhibit "A" scheduled to be heard on May 22, 2003.
3. The agricultural use of the property is an existing bona fide agricultural use.
4. The agricultural use is being conducted on 119.56 acres. The 119.56 acres of the total 177.49 acres as described on the attached Exhibit "A" is being used for cattle grazing.
5. Affiant further states that he is familiar with the nature of an oath; and with the penalties as provided by the laws of the State of aforesaid for falsely swearing to statements made in an instrument of this nature. Affiant further certifies that he has read, or has heard read to him, the full facts of this affidavit and understands its meaning and context.

FURTHER AFFIANT SAYETH NAUGHT.

  
Colonial Homes  
By Anthony Persichilli  
Its Division President

SWORN TO and subscribed before me on the date and year first above written.

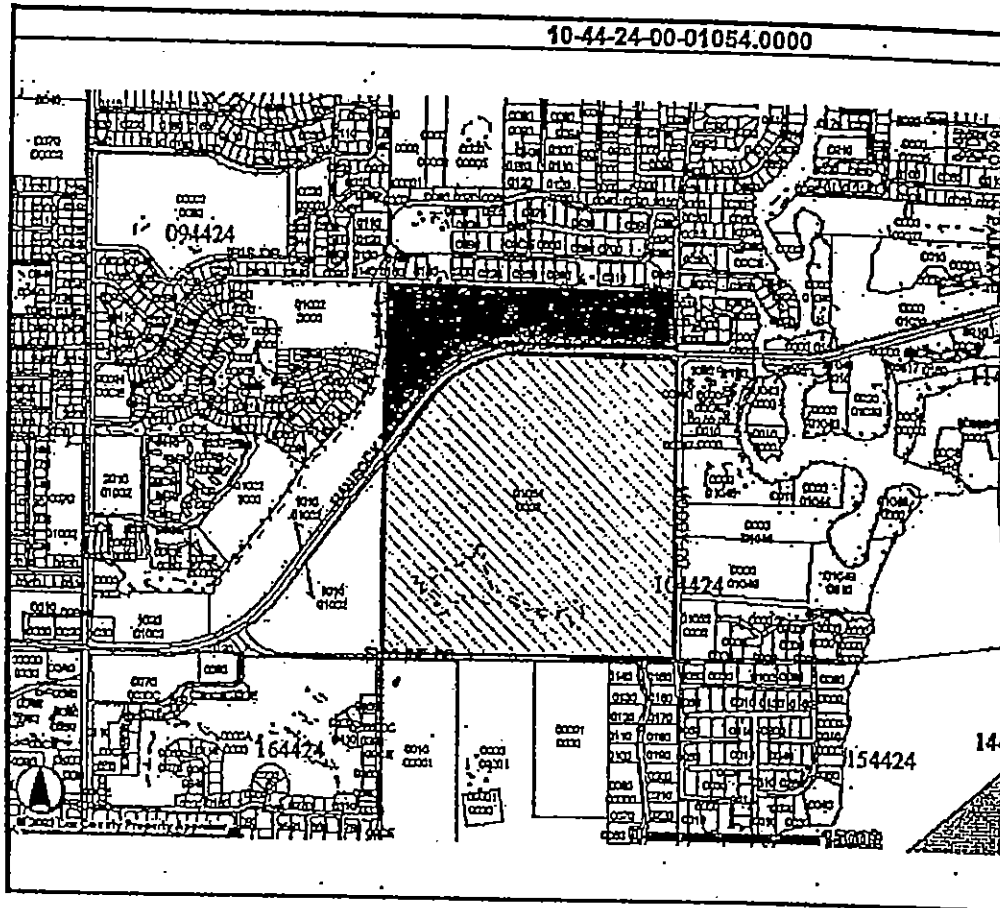
(Notary Seal) 

  
Signature of Notary

Commission No.

(Print, type or stamp commissioned name  
of Notary Public)

Exhibit "G"



AG : 119.56 Ac.

MKT: 57.93 Ac.

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COMMUNITY DEVELOPMENT

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