



LEE COUNTY
SOUTHWEST FLORIDA
BOARD OF COUNTY COMMISSIONERS

239-533-8585

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January 07, 2010

MRS STACY HEWITT
BANKS ENGINEERING INC.
10511 SIX MILE CYPRESS PKWY
STE. 101
FORT MYERS FL 33912
Re: MOODY RIVER ESTATES
Senate Bill 360 Extension (F)
DCI2009-00062

Dear MRS STACY HEWITT:

In accord with Senate Bill 360 (SB360) and Lee County Resolution 09-06-22, development permits meeting certain criteria are entitled to one 2-year extension from the existing/initial permit expiration date. Accordingly, the effectiveness of the Master Concept Plan identified in Zoning Resolution Z-05-048, DCI2004-00017, MOODY RIVER ESTATES, is hereby extended for the following:

APPROVAL OF A 2-YEAR EXTENSION OF Z-05-48 FROM SEPTEMBER 19, 2010 TO SEPTEMBER 19, 2012 FOR MOODY RIVER ESTATES .

No additional extensions under SB360 may be granted for the above-referenced development permit. All underlying conditions of the zoning resolution remain in full force and effect. Failure to comply with zoning conditions may result in enforcement action as provided under Florida law and local regulations.

This extension applies only to the specific approvals identified above. If your project requires additional development permits or authorizations to continue construction, you are required to obtain the necessary approvals, including related permit extensions. If you hold other permits or authorizations that qualify for an extension under SB360, you must file a specific request for each qualifying development permit.

If you have any questions, please do not hesitate to contact me.

Sincerely,

Department of Community Development
Division of Zoning

Pam Houck
Director

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

WHEREAS, Colonial Homes, Inc., filed an application on behalf of the property owner, Colonial Homes, Inc., to amend the existing Residential Planned Development (RPD) to adopt a new Master Concept Plan and add 19.56 acres in reference to Moody River Estates; and

WHEREAS, a public hearing was advertised and held on June 1, 2005, before the Lee County Zoning Hearing Examiner, who gave full consideration to the evidence in the record for Case #DCI2004-00017; and

WHEREAS, a second public hearing was advertised and held on September 19, 2005, before the Lee County Board of Commissioners, who gave full and complete consideration to the recommendations of the staff, the Hearing Examiner, the documents on record and the testimony of all interested persons.

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

SECTION A. REQUEST

The applicant filed a request to amend the existing RPD to adopt a new Master Concept Plan and add 19.56 acres. If approved, the overall number of dwelling units will remain at 1,000 units on a total of 241.46 acres, with a maximum building height of 75 feet. An Eagle Management Plan is included in this proposal. Blasting is not a proposed development activity. The property is located in the Suburban and Wetlands Future Land Use Categories 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 (MCP) entitled "Moody River Estates," stamped received February 25, 2005, last revised December 20, 2004, except as modified by the conditions below. This development must comply with all requirements of the Lee County 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 Master Concept Plan are subsequently pursued, appropriate approvals will be necessary.

The applicant may develop up to 1,000 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 on Tracts A-L. Tract M is limited to a maximum of 200 dwelling units of the total of 1,000 permitted and is allowed a maximum building height of 75 feet.

If multiple-family dwelling units are developed in Tracts B and M 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 inches 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. In Tract B, no backs of buildings will face Moody Road, and no multiple family building will contain more than four dwelling units. In Tract M, no backs of multiple family buildings may face Moody Road.
- f. Special Buffer - Tract B along Moody Road

Minimum Width: 20 feet

Minimum # of trees: Five 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 10-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.

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

RPD - PERMITTED LAND USES

Tract I - Residential IA (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.
Real Estates 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 Dock 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 Dwelling Units: Townhouses (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-1A District plus Dwelling Units: Multiple Family
Buildings (up to 600 units)

Tract M - Residential 3 (R-3) - (up to 200 units)

All uses in the Residential 1A - R-2 districts and the following uses:
 Multi-slip docking facility
Boat Ramp - private - Limited solely for the use of the residents within this
planned development

Multi-slip docking facility
Parking Lot, Accessory

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 square feet) 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
 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 I
Excavation, Water Retention
Fences and Walls
Project Maintenance Facility
Recreational Facilities, Group I, 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 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 or Adult
Department Store
Drive-through facility accessory to any permitted use
Drug Store
Essential Services
Essential Service Facility, 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 Groups I and 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, and 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)

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

- b. Site Development Regulations: As approved by Zoning Resolution #Z-03-022, with the sole exception of the allowed building height in Tract M. This Tract is limited as provided for in Condition 1 and the maximum height of structures within Tract M is 75 feet.

RESIDENTIAL PLANNED DEVELOPMENT / MOODY RANCH													
LAND USES	MIN LOT AREA (SF)	MIN LOT WIDTH (FT)	MIN LOT DEPTH (FT)	MIN. SIDE SET-BACK INCL. CORNER LOTS (FT)*	MIN. REAR LOT SET-BACK (FT)	MIN. REAR WET-LAND SET-BACK (FT)	MIN. REAR ACC. SET-BACK (FT)	MIN. FRONT ENTRY GAR-AGE SET-BACK (FT)	MIN. BLDG. OR SIDE ENTRY GARAGE SET-BACK (FT)	MIN. WTR BODY SET-BACK (FT)	MAX BLDG. HGHT. (FT)	MIN. BLDG SEPARATION (FT)	MAX. LOT COVERAGE (%)**
SINGLE-FAMILY DETACHED	4,000	40	100	5	20	20	5	20	12	20	35 OR 2 STORY	10	45
TWO FAMILY ATTACHED	3,500	35	100	0 OR 5	20	20	5	20	12	20	35 OR 2 STORY	10	45
TOWN HOUSE	2,000	25	80	0 OR 10	20	20	5	20	15	20	35 OR 2 STORY	10	45
MULTI-FAMILY	10,000	100	100	10	20	20	5	20	20	20	35 OR 2 STORY	10 OR 20 ***	45
CLUB HOUSE	20,000	80	100	10	20	20	5	N/A	20	20	45 OR 2 STORY	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.

OPEN SPACE AND INDIGENOUS VEGETATION / MOODY RANCH							
	ACRES	OPEN SPACE			INDIGENOUS VEGETATION		
		REQUIRED		MIN. PROVIDE D	REQUIRED		MIN. PROVIDE D
		% OPEN SPACE	ACRES	ACRES	% INDIGENOUS	ACRES	ACRES
RESIDENTIAL PLANNED DEVELOPMENT							
RESIDEN. TRACTS W/LOTS GREATER THAN 6,500 SF.	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 square feet" changes, this table will be adjusted accordingly.

** This acreage may be provided within the Residential Planned Development.

COMMERCIAL PLANNED DEVELOPMENT		
	PRINCIPAL USES	ACCESSORY USES
MIN. LOT OR PARCEL AREA	10,000 square feet	N/A
MIN. LOT WIDTH	75 feet	N/A
MINIMUM BUILDING SETBACKS:		
HANCOCK BRIDGE PARKWAY	35 feet or BH, whichever is greater	20 feet
INTERNAL FRONTAGE ROAD	15 feet	20 feet
WATERFRONT	25 feet	Zero (0) feet to bulkhead or rip-rap at top of bank
MINIMUM DISTANCE:		
Between Structures, which are part of an architecturally unified group	10 feet	10 feet *
Between All Other Structures	20 feet	10 feet
MAXIMUM BUILDING HEIGHT:		

Office Buildings	80 feet	80 feet
Boat Dry Storage	35 feet	35 feet
Architectural features	N/A	100 feet
MAXIMUM LOT COVERAGE *	55 percent	55 percent

* as defined by LDC Chapter 34

3. Open space requirements must be tracked with each development order and must be substantially consistent with the Open Space and Indigenous Vegetation. 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 gopher tortoise preserve must be provided in the CO tract with the bald eagle nest on the Master Concept Plan stamped received February 25, 2005. 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, other broad leaf vegetation, and scattered native shrubs prior to moving gopher tortoises to the preserve. Supplemental feeding such as alfalfa hay may be necessary until the berm plantings establish.

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 or development areas under construction 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-wide 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 homeowner's documents/deed restrictions must include language detailing the preservation of native trees along the canal.

8. Any sabal palms with a minimum eight-foot clear trunk located within the project boundaries 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 eight-foot clear trunk located within the project boundaries south of Hancock Bridge Parkway with the Division of Environmental Sciences' Staff, whether used on-site or otherwise. 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 D hereto. 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 up to 30 percent of the lake shorelines adjacent to internal project roadways and Club Tract E. 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 and must consist of an 8:1 slope, with 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, throughout the entire project, are limited by the time limitations of LDC §34-1954(d).
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-wide 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 the application for this project was filed, and as shown on Exhibit E attached hereto, may continue until approval of a local development order for the area of the project containing those uses.
 - b. Additional clearing of trees or other vegetation in agricultural areas is prohibited. Existing areas of bona fide agricultural use may be maintained, i.e., mowed, but not cleared or expanded. This prohibition is not intended to preclude County approved requests for the removal of invasive exotic vegetation.
 - c. Prior to issuance of a local development order, the property owner must provide written proof, subject to approval by the County Attorney's Office, of the following:
 - i. Termination of all agricultural use on any portion of the property included in the development order application/approval. Proof must include a sworn affidavit from the person or entity holding title to the subject property that specifically provides:
 - (1) the date the agricultural uses ceased;
 - (2) the legal description of the property subject to the development order approval;
 - (3) an affirmative statement that the owner acknowledges and agrees that all agricultural uses are illegal and prohibited on the property and that the owner covenants with the county

that they will not allow any such uses on the property unless and until the property is re-zoned to permit such uses; and,

- (4) that the affidavit constitutes a covenant between the owner and the county that is binding on the owner and their assignees and successors in interest.

The covenant must be properly recorded in the public records of the county at the owner's expense.

- ii. Termination of the agricultural tax exemption for any portion of the property included in the development order application/approval. Proof as to termination must include of a copy of the request to terminate the tax exemption provided to the Property Appraiser.
- 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).
 - 20. The southern bald eagle management plan entitled "Bald Eagle Management Plan Nest LE43B for Moody River Estates" prepared by W. Dexter Bender & Associates, Inc. stamped received June 18, 2004 is hereby adopted by reference. A copy of the text is attached as Exhibit F. All provisions of this Plan must be implemented through the development order and Vegetation Removal Permit process. The prohibition against radios and CD/cassette players is not intended to prevent use of on-body, personal portable music players, worn with ear plugs.
 - 21. Prior to local development order approval, the development order plans must delineate the location of the boat ramp, docks and mooring pilings. The final design of these structures is subject to review through the Lee County Dock and Shoreline Permit process.
 - 22. Prior to issuance of a Lee County Dock and Shoreline Permit, the marina basin design must include the creation of habitat through littoral planting shelves between the docks and the shoreline and underwater habitat under the docks. The proposed design and mitigation is subject to review and approval by the Division of Environmental Sciences Staff.
 - 23. Prior to local development order approval, the design and planting plan for the island depicted on the Master Concept Plan between the marina basin and Hancock Creek must be detailed on the landscape plan. The planting plan must include 100 percent native vegetation to create native habitat and must provide a minimum 5-foot-wide littoral shelf planted with a minimum of four native wetland species. The littoral plantings must provide 50 percent coverage of the littoral shelf at time of planting.
 - 24. The transfer of excavated materials from this development south across Skyline Drive is limited to a maximum of 188,000 cubic yards. The transfer of material from this site is prohibited between the hours of 7:30 a.m. to 8:30 a.m., and 1:30 p.m. to 2:30 p.m. on the

days School District of Lee County is holding classes. Otherwise, the hours for transfer of the excavated materials may be from 6:00 a.m. to 6:00 p.m., provided the crossing section of Skyline Drive is well lighted for the early morning and late afternoon hours. Fill transfer is only permitted on Saturdays from 8:00 a.m. to 5:00 p.m., and no fill transfer is permitted on Sunday.

25. The developer will be responsible for any damage to Skyline Drive resulting from this construction activity. The developer will be responsible for the repair of those damages, as needed, and will coordinate the repairs with the Lee County Department of Transportation.
26. The developer will provide personnel to direct traffic at the crossing of Skyline Drive and extra lighting of the crossing area in an attempt to prevent accidents at this crossing.
27. At the intersection of the project's internal road connection with Moody Road, the developer is responsible for the erection of signs warning motorists on Moody Road of the potential crossing of vehicles with boat trailers from one side of Moody Road to the other.

SECTION C. DEVIATIONS:

1. Deviation (1) withdrawn.
2. Deviation (2) withdrawn.
3. Deviation (3) seeks relief from the LDC §10-329(e)(4) requirement to provide excavation banks to be sloped, to allow up to 40 percent of the banks to utilize either:
 - a. a vertical slope with the condition that lake bottom slopes at the toe of any bulkhead may be no greater than 4:1; or
 - b. a 2:1 (horizontal: vertical) slope to a depth of six-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.

4. Deviation (4) withdrawn.
5. Deviation (5) withdrawn.
6. Deviation (6) withdrawn.
7. Deviation (7) withdrawn.
8. Deviation (8) seeks relief from the LDC §10-285(a) requirement to provide 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, SUBJECT TO the following condition:

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.

9. Deviation (9) withdrawn.
10. Deviation (10) seeks relief from the LDC §10-285(b) requirement to provide access roads that intersect another road that also intersects the parallel arterial or collector road to have an outer separation of 100 feet from the edge of pavement of the arterial or collector, to allow a separation of 65 feet. This deviation is APPROVED, SUBJECT TO the condition that, prior to local development order approval, the developer demonstrates that the Emergency Medical Service and local Fire District have reviewed these plans and have no objections to the design supporting this deviation and that the health, safety, and welfare of the residents in Tract M has been protected.
11. Deviation (11) seeks relief from the LDC §10-296(m)(4) requirement to provide no more than 100 multiple family units to be constructed without provision of a right-of-way, to allow up to 200 units. This deviation is APPROVED, SUBJECT TO the condition that, prior to local development order approval, the developer demonstrates that the Emergency Medical Service and local Fire District have reviewed these plans and have no objections to the design supporting this deviation and that the health, safety, and welfare of the residents in Tract M has been protected.
12. Deviation (12) seeks relief from the LDC §10-329 (b) Table1 requirement which limits excess spoil removal plans for development order projects to 20,000 cubic yards of material, to allow up to 188,000 cubic yards. This deviation is APPROVED, provided the soil removal is from the RPD site to the project's RM-2 parcel on the south side of Skyline Drive.
13. Deviation (13) seeks relief from the LDC §10-296(k)(1) requirement to provide a circular turnaround (cul-de-sac) for dead-end streets, to allow a hammerhead turnaround. This deviation is APPROVED, SUBJECT TO the condition that, prior to local development order approval, the developer demonstrates that the Emergency Medical Service and local Fire District have reviewed these plans and have no objections to the design supporting this deviation and that the health, safety, and welfare of the residents in Tract G has been protected.
14. Deviation (14) seeks relief from the LDC §34-935 requirement that the minimum separation between structures must be one-half the sum of the height of the buildings, to allow a separation of 47 feet. This deviation is APPROVED as depicted on attached Exhibit G.

SECTION D. EXHIBITS AND STRAP NUMBER:

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

- Exhibit A: Legal description of the property
- Exhibit B: Zoning Map (subject parcel identified with shading)
- Exhibit C: The Master Concept Plan
- Exhibit D: Lee County Extension Services brochure Lee 8/2000A
- Exhibit E: Affidavit of bona fide agricultural uses
- Exhibit F: Eagle Management Plan
- Exhibit G: Deviation Drawing

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, 10-44-24-00-01046.0000, 10-44-24-00-01044.0000, 10-44-24-00-01047.0000, and 10-44-24-00-01047.0010.

SECTION E. FINDINGS AND CONCLUSIONS:

1. The applicant has proven entitlement to the rezoning by demonstrating compliance with the Lee Plan, the LDC, and any other applicable code or regulation.
2. The rezoning, as approved:
 - a. meets or exceeds all performance and locational standards set forth for the potential uses allowed by the request; and,
 - b. is consistent with the densities, intensities and general uses set forth in the Lee Plan; and,
 - c. is compatible with existing or planned uses in the surrounding area; and,
 - d. will not place an undue burden upon existing transportation or planned infrastructure facilities and will be served by streets with the capacity to carry traffic generated by the development; and,
 - e. will not adversely affect environmentally critical areas or natural resources.
3. The rezoning satisfies the following criteria:
 - a. the proposed use or mix of uses is appropriate at the subject location; and
 - b. the recommended conditions to the concept plan and other applicable regulations provide sufficient safeguard to the public interest; and
 - c. the recommended conditions are reasonably related to the impacts on the public interest created by or expected from the proposed development.
4. Urban services, as defined in the Lee Plan, are, or will be, available and adequate to serve the proposed land use.

5. The approved deviations, as conditioned, enhance achievement of the planned development objectives, and preserve and promote the general intent of LDC Chapter 34, to protect the public health, safety and welfare.

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

Robert P. Janes	Absent
Douglas R. St. Cerny	Aye
Ray Judah	Aye
Tammy Hall	Aye
John E. Albion	Aye

DULY PASSED AND ADOPTED this 19th day of September 2005.

ATTEST:
CHARLIE GREEN, CLERK

BY: *Charlie Green*

Deputy Clerk

BOARD OF COUNTY COMMISSIONERS
OF LEE COUNTY, FLORIDA

BY: *John E. Albion*

Chairman

Approved as to form by:

Dawn E. Perry-Lehnert

Dawn E. Perry-Lehnert
County Attorney's Office



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MINUTES OFFICE

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2005 OCT -7 PM 3: 53

RPD Area #1
Resolution No. Z-05-048
Tracts A thru G

**RPD AREA
(163.991 ACRES)**

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.

DCI 2004-00017

Applicant's Legal Checked
by *EG* June 30, 2004.

**RPD AREA
(53.43 ACRES)**

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, LEE 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

DCI 2004-00017


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 EASEMENTS, 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  June 30, 2024.

DCI 2004-00017

Ink Engineering

A Division of
LBFH, Inc.

CIVIL
AGRICULTURAL
WATER RESOURCES
WATER & WASTEWATER
TRANSPORTATION
SURVEYING & MAPPING
GIS

"Partners for Results
Value in Design"

4700 West 11th Ave., Suite 201
Fort Lauderdale, FL 33309
Tel: 954-571-0600
Fax: 954-571-0601
www.inkeng.com

CPD AREA (4.50 ACRES)

CPD Area
Resolution No. Z-05-048
Tract K

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.88°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°05'01", 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 3185 OF SAID PUBLIC RECORDS; THENCE S.89°43'55"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 89.76 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 28°59'31", A CHORD BEARING OF S.55°29'34"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:

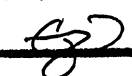
SUBJECT TO A 12 FEET WIDE DRAINAGE EASEMENT AS RECORDED IN O.R. 2227, PAGES 3680 THROUGH 3689 OF SAID PUBLIC RECORDS.

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

REFER TO 8 1/2" X 11" SKETCH

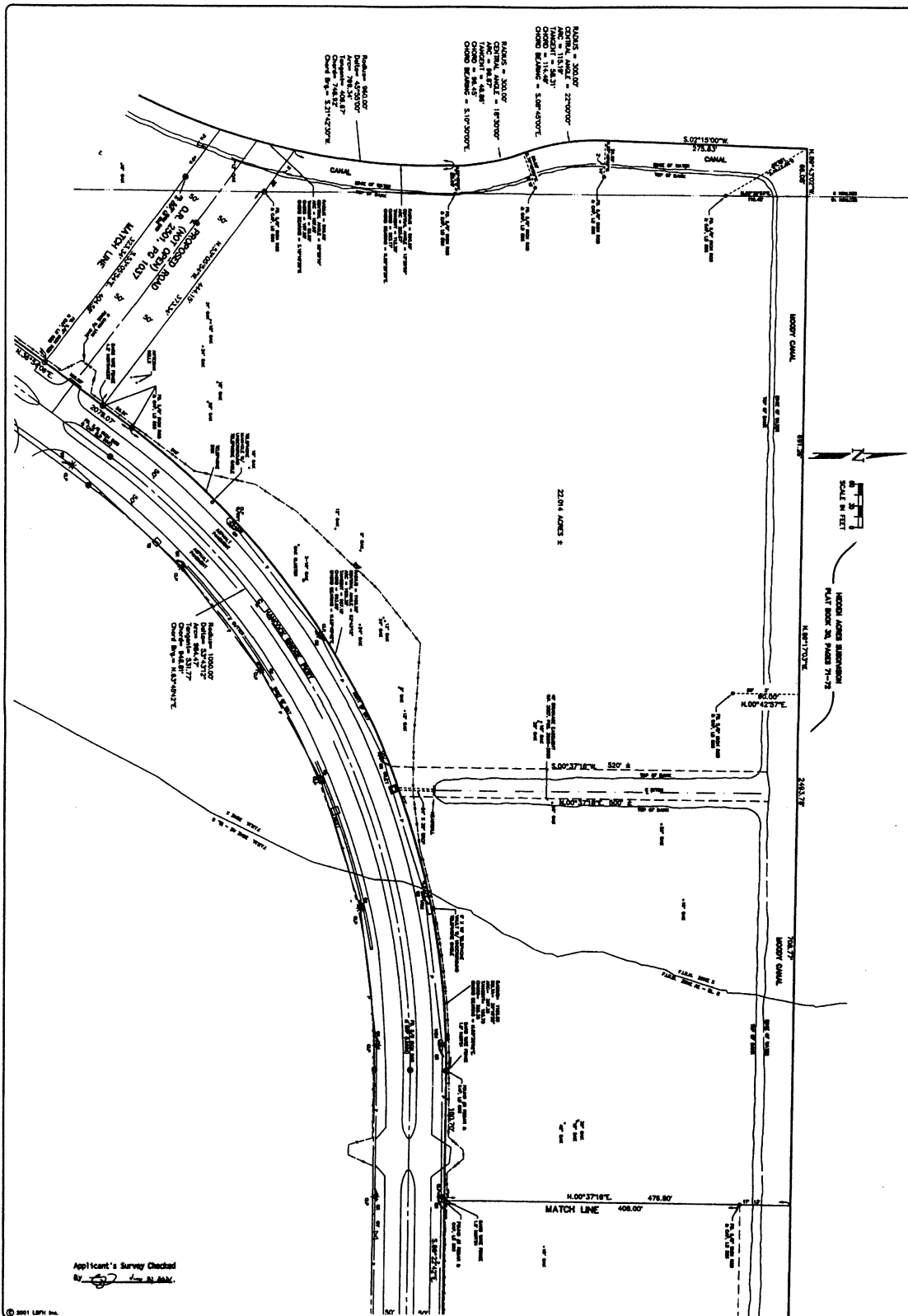
INK ENGINEERING, A DIVISION OF LBFH INC. (LB 959)


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

Applicant's Legal Checked
by  June 30, 2004.

DCI 2004-00017

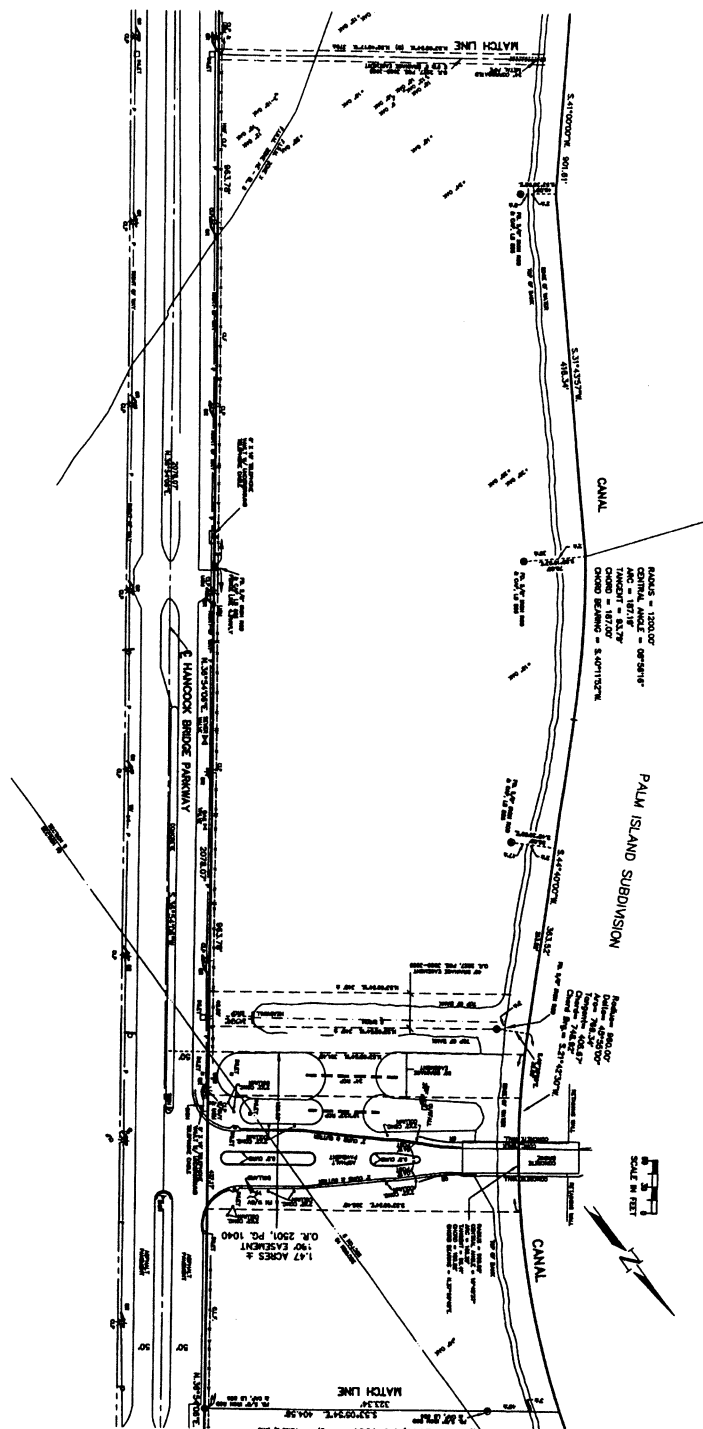




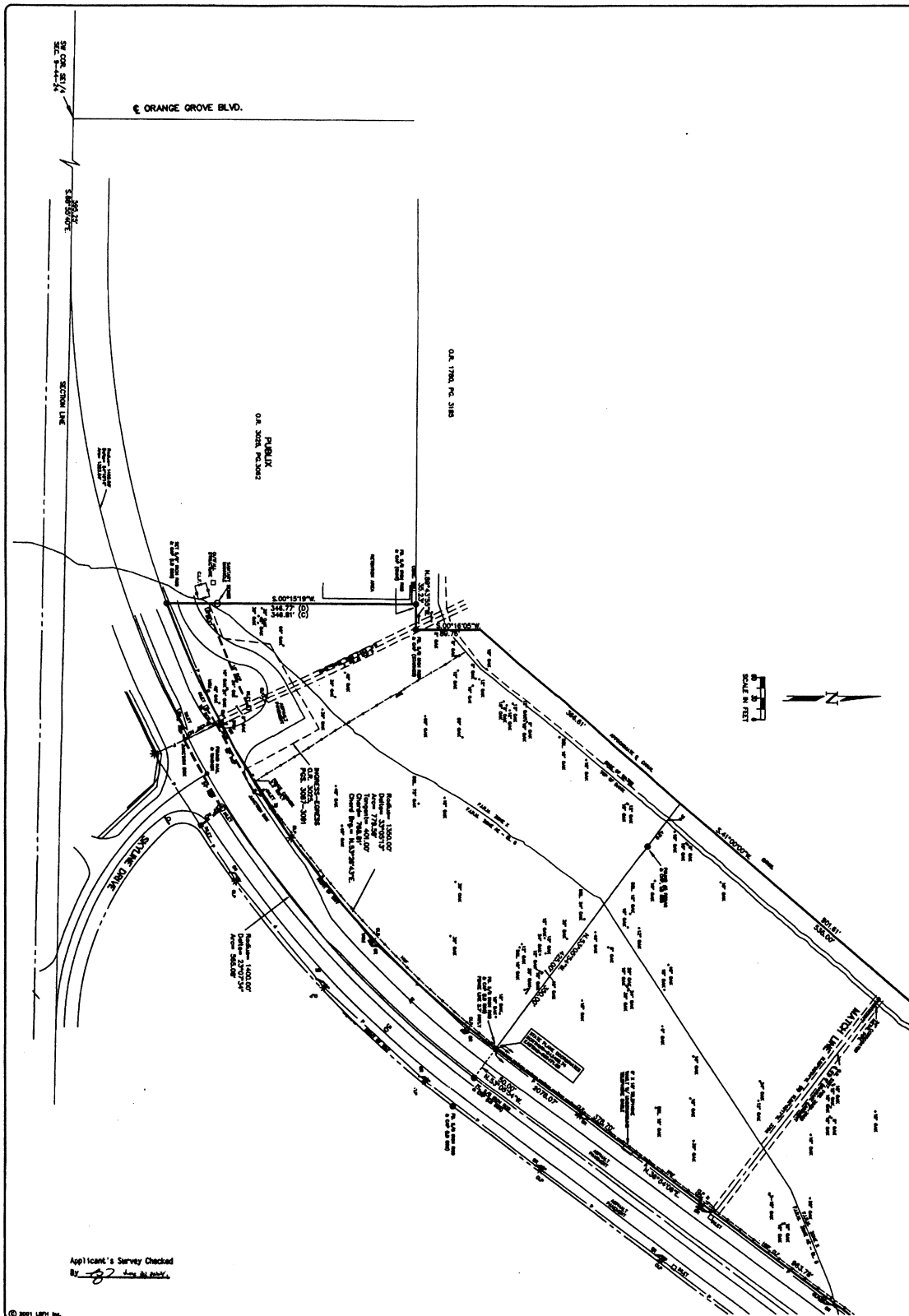
L&M PROJECT No. 01-7038 SHEET 2 OF 4 MADE BY: [Signature] DATE: 01-11-2001	SURVEYOR AND MAPPER'S SIGNATURE [Signature] DATE: 01-11-2001	BOUNDARY SURVEY COLONIAL HOMES PARCEL A SECTION 9 & 10, TOWNSHIP 44 SOUTH, RANGE 24 EAST LEE COUNTY, FLORIDA	Lee Engineering CONSULTING CIVIL ENGINEERS, SURVEYORS & MAPPERS A Division of L&M, Inc. "Partners For Results, Focused By Design" 1400 Colonial Blvd., Suite 31, Fort Myers, Florida 33907 (811) 831-0485 Fax: (811) 831-0486 BPR & FPC License No. 958 www.lee.com	<table border="1"> <tr> <th>DATE</th> <th>BY</th> <th>REVISIONS</th> </tr> <tr> <td>01/11/01</td> <td>CP</td> <td>ADDED APPROVED BY</td> </tr> <tr> <td>01/11/01</td> <td>CP</td> <td>REVISED PER TITLE COMMITMENT</td> </tr> <tr> <td>01/11/01</td> <td>CP</td> <td>ADDED TREES</td> </tr> </table>	DATE	BY	REVISIONS	01/11/01	CP	ADDED APPROVED BY	01/11/01	CP	REVISED PER TITLE COMMITMENT	01/11/01	CP	ADDED TREES
DATE	BY	REVISIONS														
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01/11/01	CP	ADDED TREES														

001 2004-00017

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 APR 11 2001
 FREEMAN COUNTY



DCI 2004-00017



GUY PROJECT # 01-7038 SHEET 4 OF 4 DATE 01-2004	SURVEYOR AND MAPPER'S SIGNATURE [Signature] DATE 01-2004	BOUNDARY SURVEY COLONIAL HOMES PARCEL A SECTION 8 & 10, TOWNSHIP 44 SOUTH, RANGE 24 EAST LEE COUNTY, FLORIDA	ink Engineering A Division of L&H, Inc. "Partners For Results, Value By Design" 1400 Colonial Blvd., Suite 31, Fort Myers, Florida 33907 (841) 931-0450 Fax: (841) 931-0456 BPR & FBPE License No: 958 www.ink.com	<table border="1"> <tr> <td>DATE</td> <td>BY</td> <td>REVISIONS</td> </tr> <tr> <td>1/2/01</td> <td>CP</td> <td>ADDED IMPROVEMENTS</td> </tr> <tr> <td>5/7/01</td> <td>CP</td> <td>REVISED PER TITLE COMMITMENT</td> </tr> <tr> <td>5/11/01</td> <td>CP</td> <td>ADDED TREES</td> </tr> </table>	DATE	BY	REVISIONS	1/2/01	CP	ADDED IMPROVEMENTS	5/7/01	CP	REVISED PER TITLE COMMITMENT	5/11/01	CP	ADDED TREES
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1/2/01	CP	ADDED IMPROVEMENTS														
5/7/01	CP	REVISED PER TITLE COMMITMENT														
5/11/01	CP	ADDED TREES														

DCI 2004-00017



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DEC 27 2004

PERMIT COUNTER

RPD AREA
(19.403 ACRES)

LEGAL DESCRIPTION

DESCRIPTION: A parcel of land lying in Section 10, Township 44 South, Range 24 East, Lee County, Florida, and being more particularly described as follows:

Commencing at the Southwest corner of the Southeast one-quarter of said Section 10, thence run along the West boundary of said Southeast one-quarter N.01°10'32"E. 1343.11 feet to a point of intersection with the South boundary of the Northwest one-quarter of the Southeast one-quarter of said Section 10 said point being the Point of Beginning; thence S.89°18'20"W., 8.63 feet to the East line of the County Maintained Right-of-Way of Moody Road (33' East of Centerline); thence along said East right-of-way line, N.00°38'02"W., 670.06 feet to a point of intersection with the South boundary of the lands described in Official Records Book 2138, at page 4303, (Mangrove Bay Condominiums) of the Public Records of Lee County, Florida; thence along said South boundary N.89°33'52"E., 990.00 feet to the centerline of Hancock Creek East Channel; thence along the approximate centerline of said Hancock Creek, for the following three (3) courses: 1) S.02°52'11"E., 201.15 feet; 2) N.74°09'54"E., 296.35 feet; 3) S.74°26'06"E., 79.67 feet to a point of intersection with the East boundary of the Northwest one-quarter of the Southeast one-quarter of said Section 10; thence along said East boundary S.01°30'32"W., 520.06 feet to a point of intersection with the South boundary of the Northwest one-quarter of the Southwest one-quarter of said Section 10; thence along said South boundary S.89°18'20"W., 1332.65 feet to the POINT OF BEGINNING.

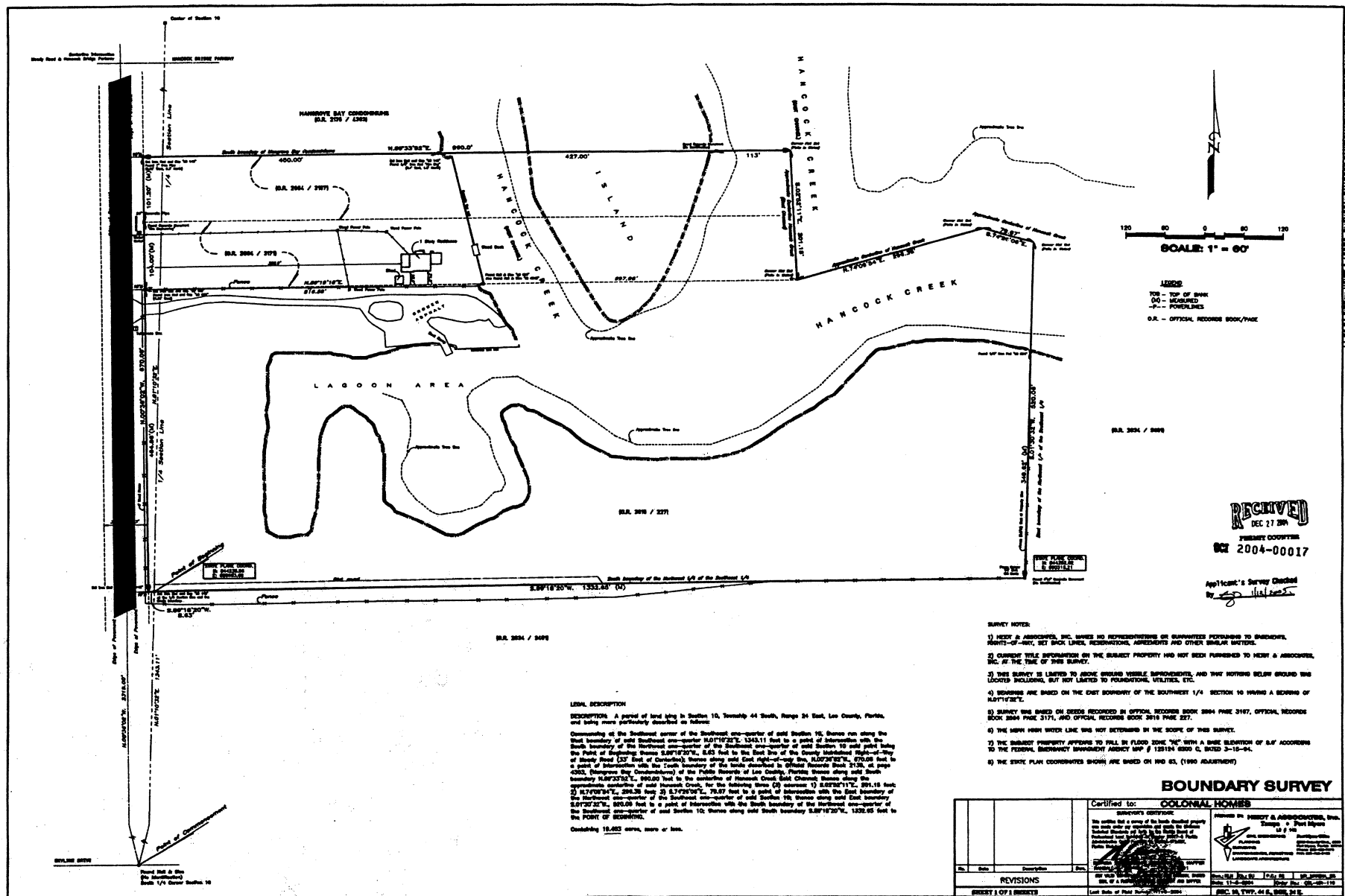
Containing 19.403 acres, more or less.

Applicant's Legal Checked

by TS 1/12/2005

RPD Area #3
Resolution No. Z-05-048
Tract M

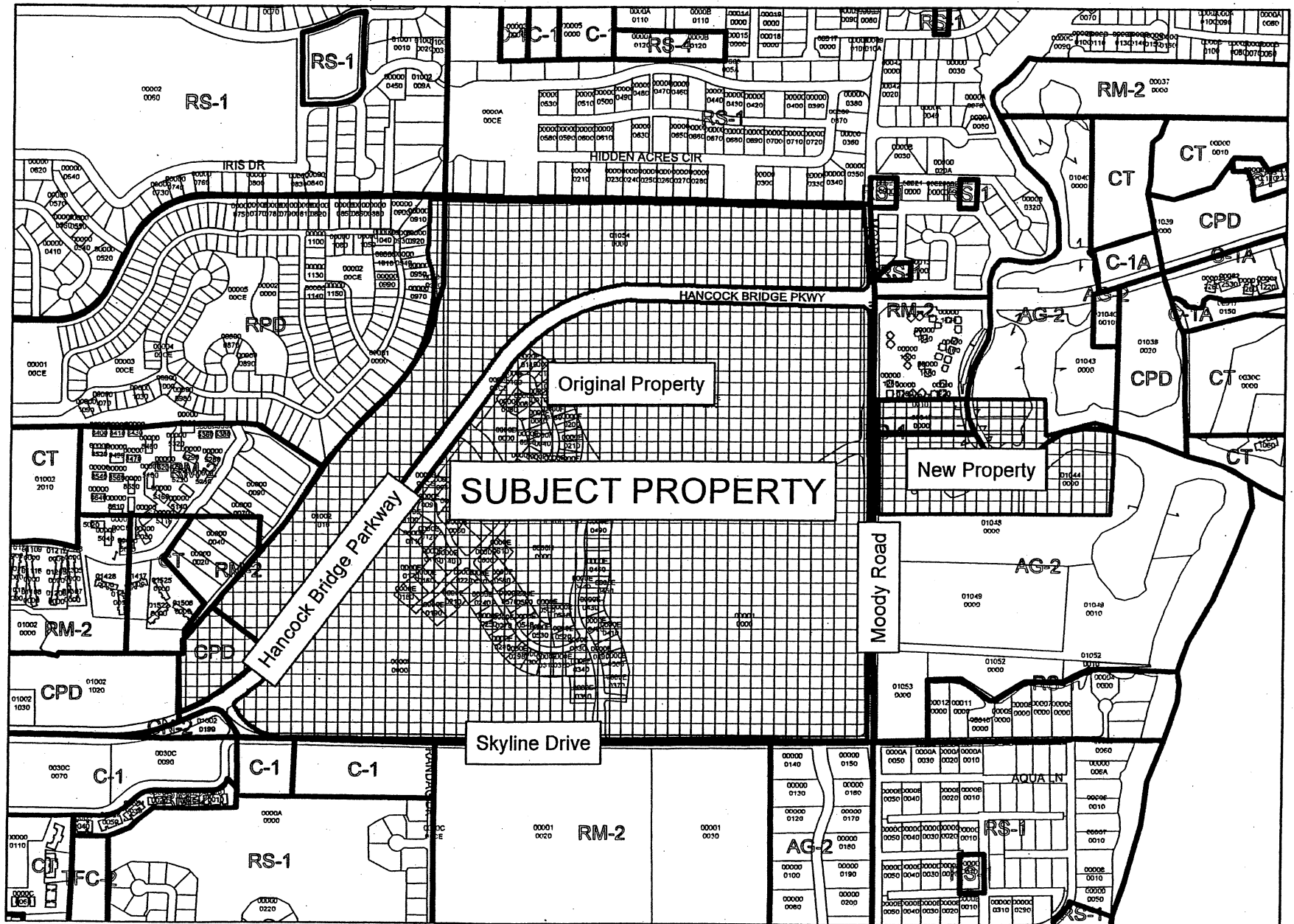
EXHIBIT A
(Page 11 of 12)



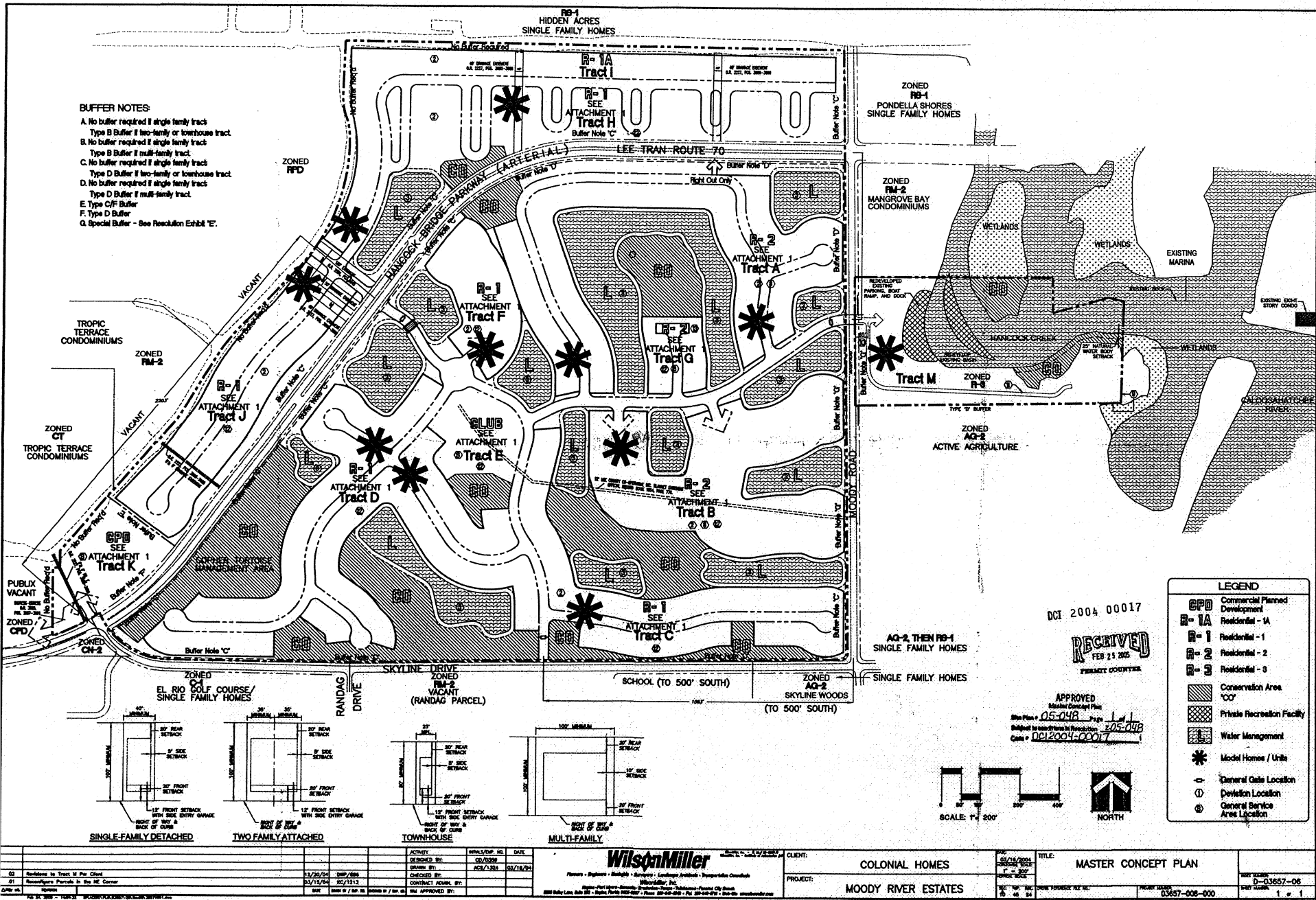
ZONING MAP

4/28/2005

EXHIBIT B



925 462.5 0 925 Feet



03 Resolution in Tract in Per Client				ACTIVITY:				CLIENT: COLONIAL HOMES				TITLE: MASTER CONCEPT PLAN			
01 Resubmittal Permits in the NE Corner				DESIGNED BY: CO/1039				PROJECT: MOODY RIVER ESTATES				DATE: 05/18/2004			
				CHECKED BY: RES/1352				DATE: 05/18/2004				DATE: 05/18/2004			
				CONTRACT NO. BY:				DATE: 05/18/2004				DATE: 05/18/2004			
				DATE APPROVED BY:				DATE: 05/18/2004				DATE: 05/18/2004			

Wilson Miller
Planners • Engineers • Architects • Surveyors • Landscape Architects • Transportation Consultants
Moody River Estates, Inc.
2000 Bailey Lane, Suite 200 • Springdale, AR 72762 • Phone: 479-242-2000 • Fax: 479-242-2001 • Website: wilsonmiller.com

03657-005-000
1 of 1



Horticulture

LEE COUNTY
EXTENSION
SERVICE

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.)

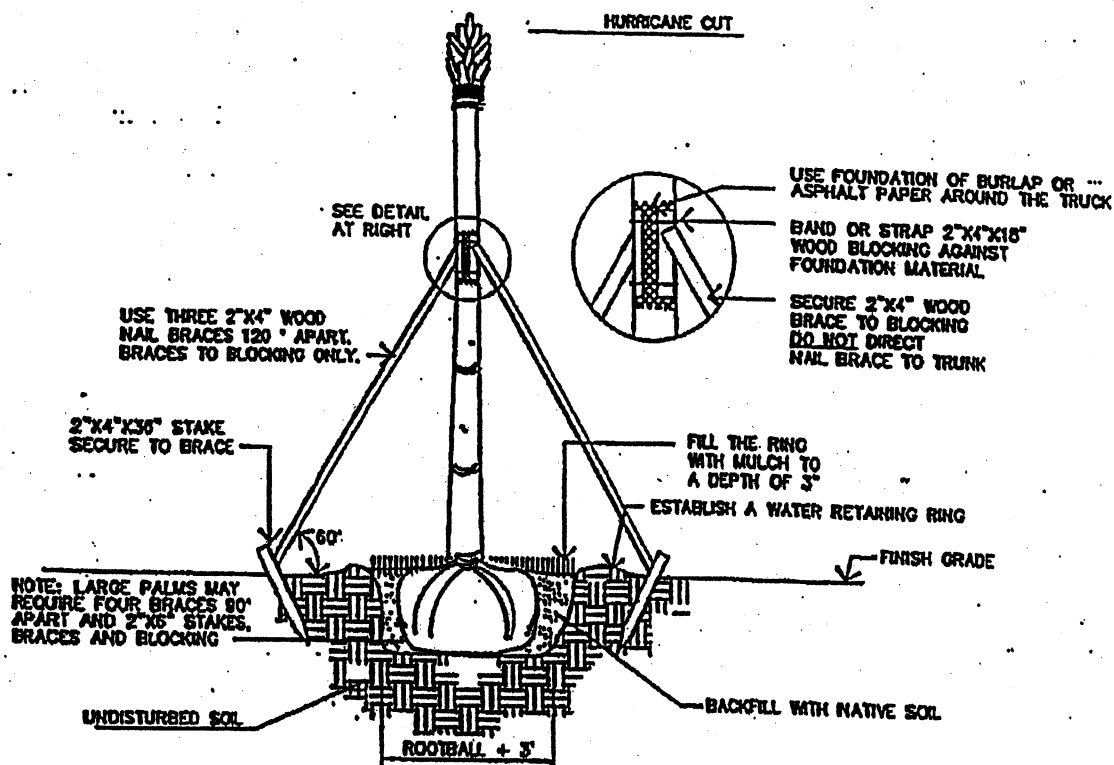
The Extension Service is part of a publicly funded statewide educational network that provides information and scientific knowledge to area residents, businesses and government leaders. The University of Florida, Extension Service offers the latest research and technology in more than 200 subjects related 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

AFFIDAVIT

RECEIVED

MAY 21 2003

STATE OF FLORIDA)
COUNTY OF LEE)

COMMUNITY DEVELOPMENT
DCI 2002-00037

BEFORE ME, the undersigned authority, on this 20th day of May, 2003, personally appeared Anthony Perichilli who is personally known 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 wit 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.

Anthony Perichilli
Colonial Homes
By Anthony Perichilli
Its Division President

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

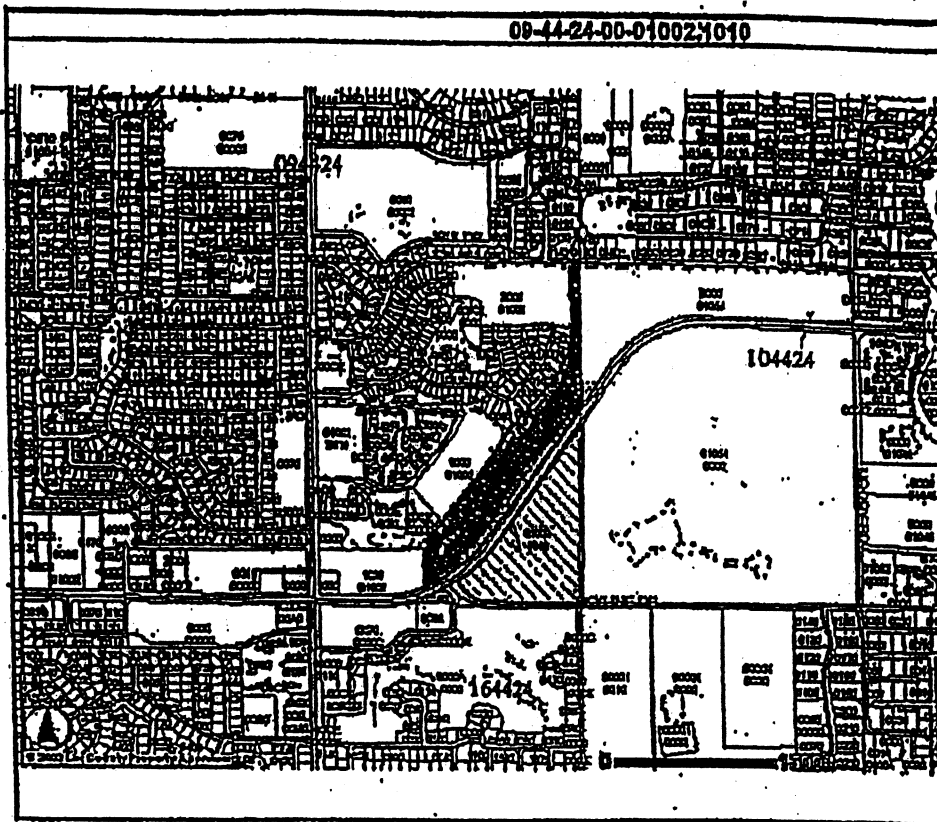
(Notary Seal)



Peggy Frensch
Signature of Notary

Commission No.

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



Ag: 23.84

MKT: 37.77

RECEIVED

MAY 21 2003

COMMUNITY DEVELOPMENT

DU 2002-00037

<http://gis.lecpa.org/servlet/com.esri.exrmap.Exrmap?ServiceName=msLeePAInternet&Cl...> 5/25/2003

AFFIDAVIT

RECEIVED

MAY 21 2003


DCI 2002-00037
COMMUNITY L&L

STATE OF FLORIDA)
COUNTY OF LEE)

BEFORE ME, the undersigned authority, on this 20th day of May, 2003 personally appeared Anthony Persichilli who is personally known 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.

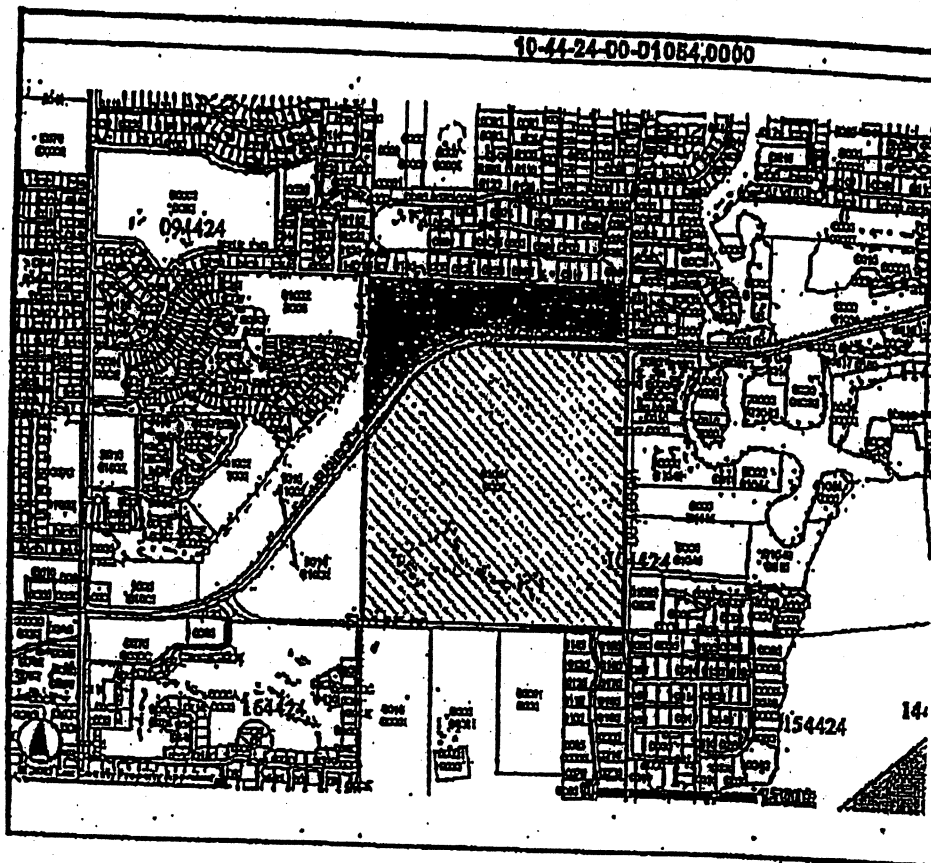
(Notary Seal)




Signature of Notary

Commission No.

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



AG : 119.56 Ac.

MKT: 57.93 Ac.

RECEIVED

MAY 21 2003

COMMUNITY DEVELOPMENT

DCI 2002-00037

<http://gis.lecpa.org/service/com.carl.esri/map.Esrmap?ServiceName=msLeePAInternet&CL...> 5/25/2003

BALD EAGLE MANAGEMENT PLAN

Nest LE43B

for

MOODY RIVER ESTATES

AND MOODY RIVER ESTATES NORTH PARCEL

Section 9, 10, 15, Township 44S, Range 24E

Lee County, Florida

December 2003

Revised: February 2004

Revised: May 2004

Revised: August 2004

Prepared by:

**W. Dexter Bender & Associates, Inc.
2052 Virginia Avenue
Fort Myers, FL 33901**

INTRODUCTION

Moody River Estates (the "Project" or "project site") is a 243± acre project which is divided by Skyline Drive. Moody River Estates North Parcel is a 50± acre project located north of Hancock Bridge Parkway. A location map reflecting the location of the Project is attached as Exhibit "A". The northern 164± acre portion of the project is bounded on the North/West by Hancock Bridge Parkway, on the East by Moody Road, and on the South by Skyline Drive. The southern 79± acre portion of the project site is located at the southeast corner of Skyline Drive and Randag Drive. The property is bordered by single and multi-family residential, a small golf course, an elementary school, and vacant land.

As shown on Exhibit "B", a southern bald eagle (*Haliaeetus leucocephalus*) nest is located in a live pine tree located approximately 450' south of Hancock Bridge Parkway, 1,100' west of Moody Road, and 2,100' north of Skyline Drive. This nest has been designated by the Florida Fish and Wildlife Conservation Commission (FWC) as LE-43B. Nest LE-43B, (discovered December 9, 2003 by Lee County Environmental Sciences (ES) staff), is presumed to be the eagles from Nest LE-43A located in the Skyline Woods subdivision. The nest was monitored by W. Dexter Bender and Associates, Inc. from December 10, 2003 to January 2, 2004 to evaluate the nest site as well as observe eagle activity and flight patterns.

Site Conditions

The Project Site contains mostly uplands that have been converted to improved pasture with scattered areas within the upland consisting of stands of pine, oaks, and cabbage palms. The Project Site also contains six (6) wetland areas and two (2) borrow areas. The existing site topography ranges from 8.5 NGVD at the north end of the site to 4.9 NGVD at the south end of the site.

The Project will consist of single family lots, multi-family lots, lakes, internal roadways, clubhouse, recreational pool, tennis and Bocci Ball courts, catch basins, and culverts. Approximately 45 acres of upland/wetland preserves are proposed (see Exhibit "F").

The attached Exhibit "B" is 1" = 300' aerial dated 2002, depicting the existing conditions and location of the eagle's nest.

Site Observations

As reflected on Exhibit "B", Nest LE-43B is located in a live South Florida slash pine (*Pinus elliottii* var. *densa*). Nest LE-43B was first observed by Lee County ES staff on December 9, 2003. On Wednesday, December 10, 2003 W. Dexter Bender & Associates, Inc. observed one eagle perched on the nest tree and the nest appeared fairly complete. The nest and adjacent areas were observed for a total of thirteen (13) hours on nine (9) separate occasions. The dates and times of these observations are recorded below along with weather conditions and a description of any significant activities at or near the nest location.

12/22/03 - 6:45 am-8:00 am

Temperature was 52°F with clear skies. Winds were northeast at approximately 5 mph. Upon arrival both eagles were perched outside of nest. At 6:55 a.m. one eagle flew south and returned from the southeast at 6:58 a.m. On two (2) occasions an eagle would fly south, make a circle and re-perch. At 7:05 a.m. one eagle flew south and returned from the south at 7:53 a.m. At 7:28 a.m. one eagle went into the nest.

12/23/03 - 6:45 a.m. - 8:00 a.m.

Temperature was 56°F with clear skies. Winds were calm. Upon arrival one eagle was in the nest and one eagle was perched on limb. At 7:00 a.m., the eagle came out of the nest for 2 minutes and went back in. There was one eagle in nest and one eagle on limb for the duration of this monitoring event. No flights.

9:00 a.m. - 9:30 a.m.

One eagle was in the nest and the other eagle was not present.

12/24/03 - 9:00 a.m. - 10:30 a.m.

Temperature was 66°F with sunny clear skies. Winds were southwest at approximately 5 mph. Upon arrival, one eagle was in the nest and the other eagle was not present. At 9:50 a.m., the second eagle arrived from the southwest, circled the tree, landed on nest from west side, and relieved first eagle from nest which perched on an adjacent tree to the east. Both eagles were at the nest tree upon leaving at 10:30 a.m.

12/27/03 - 12:30 p.m. - 2:00 p.m.

Temperature was 75°F with sunny clear skies. Winds were northeast at approximately 5 mph. Upon arrival, one eagle was in the nest. The other eagle was not present and did not return during survey time.

12/29/03 - 12:15 p.m. - 1:45 p.m.

Temperature was 76°F with partly cloudy skies. Winds were east, southeast at approximately 10-15 mph. Upon arrival one eagle was in the nest and one eagle was observed catching a rat in the field and bringing it to the nest. At 12:20 p.m., one eagle flew away to the southeast and did not return during survey time.

12/30/03 - 12:30 p.m. - 2:30 p.m.

Temperature was 80°F with sunny clear skies. Winds were southeast at approximately 5-10 mph. Upon arrival, one eagle was in the nest and the other eagle was not present and did not return during survey time.

12/31/03 - 7:30 a.m. - 9:30 a.m.

Temperature was 63°F with sunny clear skies. Winds were calm. Upon arrival, one eagle was in the nest and the other eagle was not present and did not return during survey time.

1/2/04 - 8:00 a.m. - 10:00 a.m.

Temperature was 67°F with sunny clear skies. Winds were calm. Upon arrival, one eagle was in the nest and the other eagle was not present. At 8:33 a.m., the second eagle returned from the southeast

to the nest with nest material. The second eagle arranged material and settled into nest. The first eagle perched on branch in nest tree. At 8:44 a.m., the first eagle changed branches. At 8:45 a.m., the first eagle changed branches again. At 9:15 a.m., the second eagle got out of nest. There was a lot of vocalization between the eagles perched side by side. At 9:17 a.m., the first eagle got back in the nest. At 10:00 a.m., both eagles were at nest tree, one eagle in nest and one eagle perched on limb.

GENERAL DEVELOPMENT GUIDELINES

Critical Nesting Habitat and Protection Zones

Based upon the monitoring of LE-43B, the eagles primarily fly to the south and southeast to forage in the Caloosahatchee River. These eagles are flying over existing roads, an elementary school, and residences to reach their foraging destination. The LE-43A eagles have demonstrated a high tolerance to human activity by completing five (5) of six (6) successful nesting seasons and fledging seven (7) young eagles since 1997-1998 from the LE-43A nest location. Nest LE-43A was located in the Skyline Woods subdivision (Lot 10) and 100' east of Hancock Creek Elementary School. A single family residence was constructed in 2001-2002 within 100' of the nest and constant noises (bullhorns and screaming children) from the elementary school occurred during the successful nesting seasons (1997-1998 to 2002-2003) suggest that the eagle pair which used LE-43A adapted to urban environments and are more tolerant of land uses otherwise restricted or limited under the Bald Eagle Management Guidelines. Accordingly, strict application of the Guidelines would not be appropriate in light of the best data available for this eagle pair. Under this Management Plan the applicant will establish an Eagle Preserve Area (see Exhibit "C") that will consist of an irregular shaped polygon totaling 11.8 acres. This area is the equivalent to a 399' radius and will consist of a lake (8.2 acres) on three (3) sides of the nest. The irregular shape of the Eagle Preserve Area is based on eagle observations, flight study, and recommendations from Lee County Staff and Eagle Technical Advisory Committee (ETAC). The Primary Protection Zone (40.5 acres) (see Exhibit "D") will consist of a 750' radius from Nest LE-43B. No exterior construction or clearing activities will occur in the Primary Protection Zone during the nesting season (i.e. nesting activity through fledging).

In addition to the on-site preservation measures, Colonial Homes, Inc. has agreed to donate \$100,000.00 to the Calusa Land Trust for the purpose of purchasing bald eagle habitat on or near Pine Island, Florida. Colonial Homes has requested and the Calusa Land Trust has indicated that preference will be given to select a parcel that presently supports active nesting or supports suitable habitat for attracting and supporting nesting bald eagles.

Site Plan and Development Phasing

- * All buildings within the Project Site including single family, multi-family, and common area facilities will not exceed 35' in height.
- * Within the Eagle Preserve Area, no buildings will be constructed. Lake 9 will be constructed during the non-nesting season (May 15th - October 1st). The lake will be a minimum of 100' from the nest tree and will serve as a "moat" around three (3) sides of the nest tree. The lake

and fence/hedge along the south development pod will inhibit any human activity within the Eagle Preserve Area. The lake's shoreline will be heavily planted with trees to buffer the nest from development.

- * Excavation of Lake 9, the loop road around the phased development (including utilities) and proposed buffering and enhancement activities will occur following the 2003-2004 nesting season. Existing vegetation within the phased development areas will not be removed until such time as that particular phase is cleared and graded.
- * Existing pine trees located around the edge of the lake will be incorporated into the lake design to the maximum extent possible. Efforts will be made through the use of retaining walls, meandering the lake edge or other measures to preserve existing trees not located within development areas within the primary zone.
- * Twenty slash pine trees will be planted within the Eagle Preserve Area during the non-nesting season. Planted slash pine shall consist of ten (10) 14' minimum and ten (10) 10' minimum height trees. Dead-tree snags currently existing within the Eagle Preserve Area will not be removed.
- * Long term management of the Eagle Preserve area shall include replacement of the planted slash pine to achieve a 90 percent survival rate for a period of five (5) years. Long term management shall also include maintenance of the littoral zone vegetation to achieve 85 percent coverage by desirable native aquatic species through a 2-year establishment period. All lake maintenance and any required planting replacements will occur during the non-nesting season.
- * All work within the Primary Zone (750') will be conducted in the non-nesting season. If nesting activities within Nest LE-43B has not occurred by February 15th, then the nesting season shall be considered over and the construction restrictions within the Primary Zone shall not apply. Nesting season construction limitations shall not apply outside of the Primary Zone.
- * Within the Primary Zone, exterior house construction will be conducted during the non-nesting season only, except for the lots within the 50.0 acre Moody River Estates North Parcel development lying north of Hancock Bridge Parkway, and will be phased over a four (4) year period allowing the birds' acclimation to the change in landscape. Land clearing for the lots north of Hancock Bridge Parkway within the 750' Primary Zone will not be allowed during the nesting season.
- * Phasing within the Primary Protection Zone will be as follows (see attached Phasing Plan - Exhibit "E"):

Year 1: Following the 2003-2004 nesting season, Lake 9 will be excavated; the loop road around the phased development area will be constructed (including utilities); clearing, grading, and vertical construction will commence within the Year 1 areas (southeast and southwest of the nest tree); vegetative buffer plantings will occur,

where feasible, prior to construction of the building. The Year 2-4 areas will be left at existing grade with existing trees.

Year 2 will consist of clearing, grading, and vertical construction east, west and south of the nest tree. Vegetative buffer plantings will occur, where feasible, prior to construction of the buildings.

Year 3 will consist of clearing, grading, and vertical construction northeast and northwest of the nest tree. Buffer plantings will occur, where feasible, prior to construction of the buildings.

Year 4 will consist of clearing, grading, and vertical construction north of the nest tree. Buffer plantings will occur, where feasible, prior to construction of the buildings.

- * Multifamily units will be to the east and north of Nest LE-43B, and single family units to the west of the nest tree. No swimming pools are allowed within 350' of Nest LE-43B (See Exhibit "E").
- * Screening of the second story of the buildings will be accomplished through clumpings of staggered height cabbage palms (*Sabal palmetto*) and shade trees such as oaks (minimum 12' at planting). The first floor of the buildings will be screened by shrubs such as coco plum (*Chrysobalanus icaco*), wax myrtle (*Myrica cerifera*), and other native shrub species (see attached Exhibit "G" by MSA Design).
- * The Nest LE-43B nesting season shall be considered over upon fledging of chicks, if any, after which unrestricted construction activities may commence upon Lee County Environmental Sciences or FWS confirmation. After construction, normal residential activities will be allowed within the Primary Protection Zone throughout the calendar year.
- * All external lighting within the Primary Zone shall be shielded away from Nest LE-43B.
- * The Eagle Management Plan will be incorporated into the Project's restrictive covenants (HOA document), and will include a map showing the Eagle Preserve Area. A Conservation Easement or equivalent restrictive covenants will encumber the Eagle Preserve Area with South Florida Water Management District (SFWMD) and Lee County listed as Grantees.
- * Interior construction within the Primary Zone will be allowed during the Nest LE-43B nesting season subject to the following conditions:
 - If doors and windows have not been installed, plywood and blankets will be installed in their place to muffle sounds from within the house.
 - All door and window openings facing the eagle's nest are to remain closed at all times except for access and deliveries.

- All deliveries will be unloaded in the garage or at the entrance to the garage. All construction materials and deliveries will be stored inside the garage or house.
- If a construction dumpster is necessary, it will be located behind the proposed buildings, out of sight of the nest tree.
- Any portable sanitation facility will be located behind the buildings, out of view from the nest.
- No exterior work of any kind will be permitted.
- No radios, CD players, or similar equipment will be permitted.
- A sign will be prepared and posted that states:

NO RADIOS, CD PLAYERS, OR SIMILAR EQUIPMENT OR LOUD
NOISES ARE ALLOWED ON THE PROPERTY. ALL WINDOWS AND
DOORS ARE TO REMAIN CLOSED AT ALL TIMES. NO EXTERIOR
WORK OF ANY KIND IS PERMITTED.

- All interior activities including preparatory cutting, sawing, etc. will only occur inside the house or garage.
- It is the responsibility of the general contractor/builder to insure that all workers including subcontractors, know and follow the above conditions.

All of the management practices will be in effect until the nest is deemed abandoned by the FWC or the FWS.

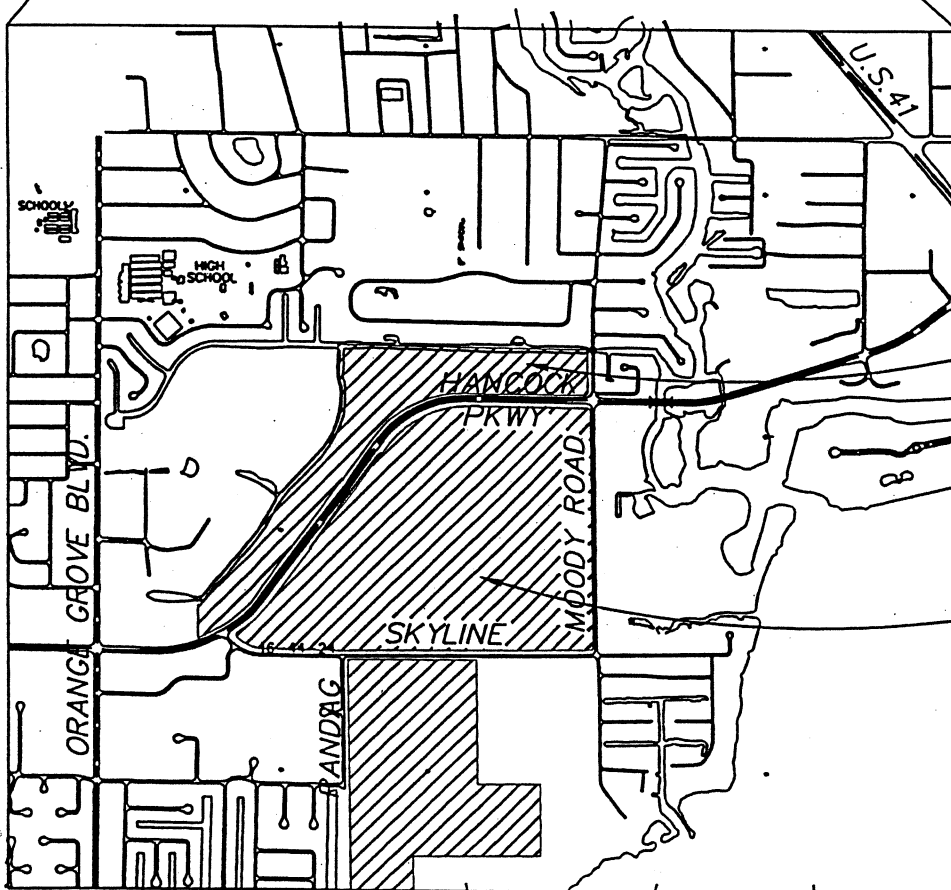
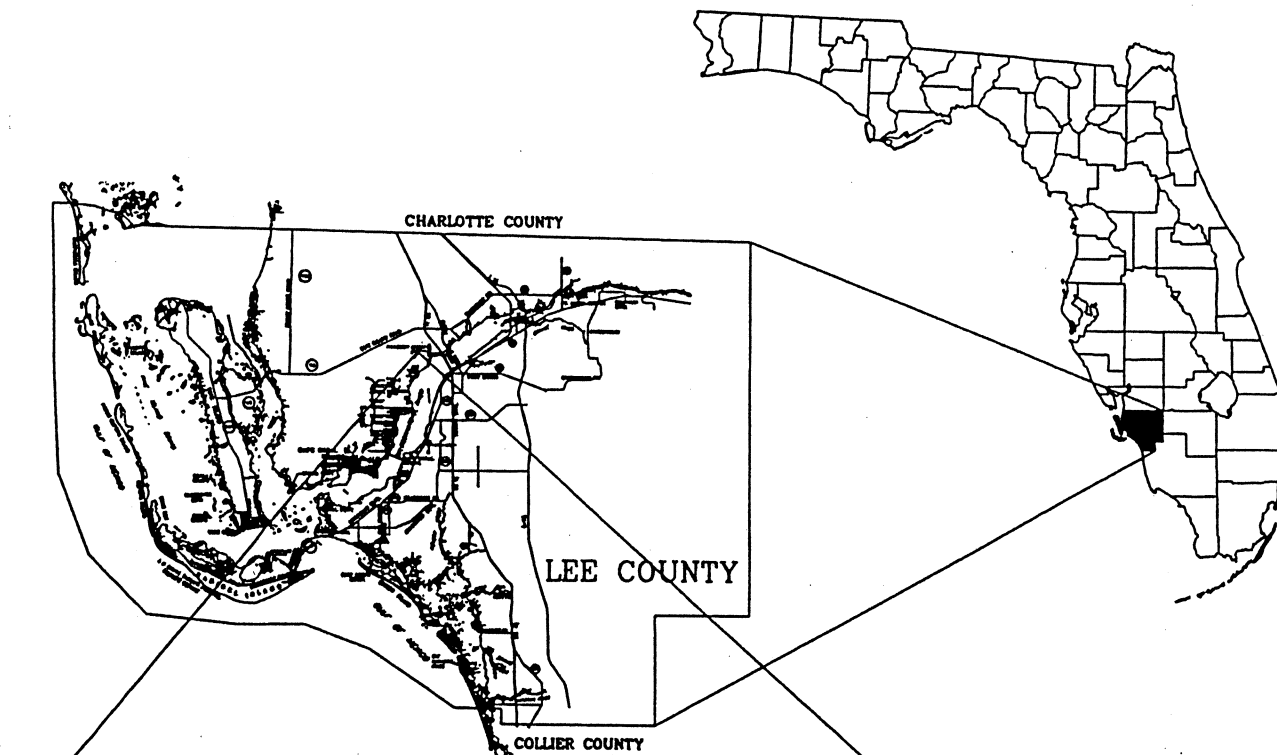
W:\WPDOCS\COLO-7A\COLO-7A Bald Eagle Man Plan Rev 8-11-04 Rev.wpd

EXHIBIT "A"

SECTION: 10
TOWNSHIP: 44 S
RANGE: 24 E

Project Location Map

EXHIBIT F
(Page 9 of 20)



Project Location
MOODY RIVER ESTATES
NORTH PARCEL

Project Location
MOODY RIVER
ESTATES

PERMIT USE ONLY,
NOT FOR CONSTRUCTION

August 27, 2004 8:57:10 a.m.
Drawing: COLO7APROJECT_LOCATION.DWG (DCS)



W. DEXTER BENDER
AND ASSOCIATES
ENVIRONMENTAL & MARINE CONSULTING
FORT MYERS, FL (941) 334-3680

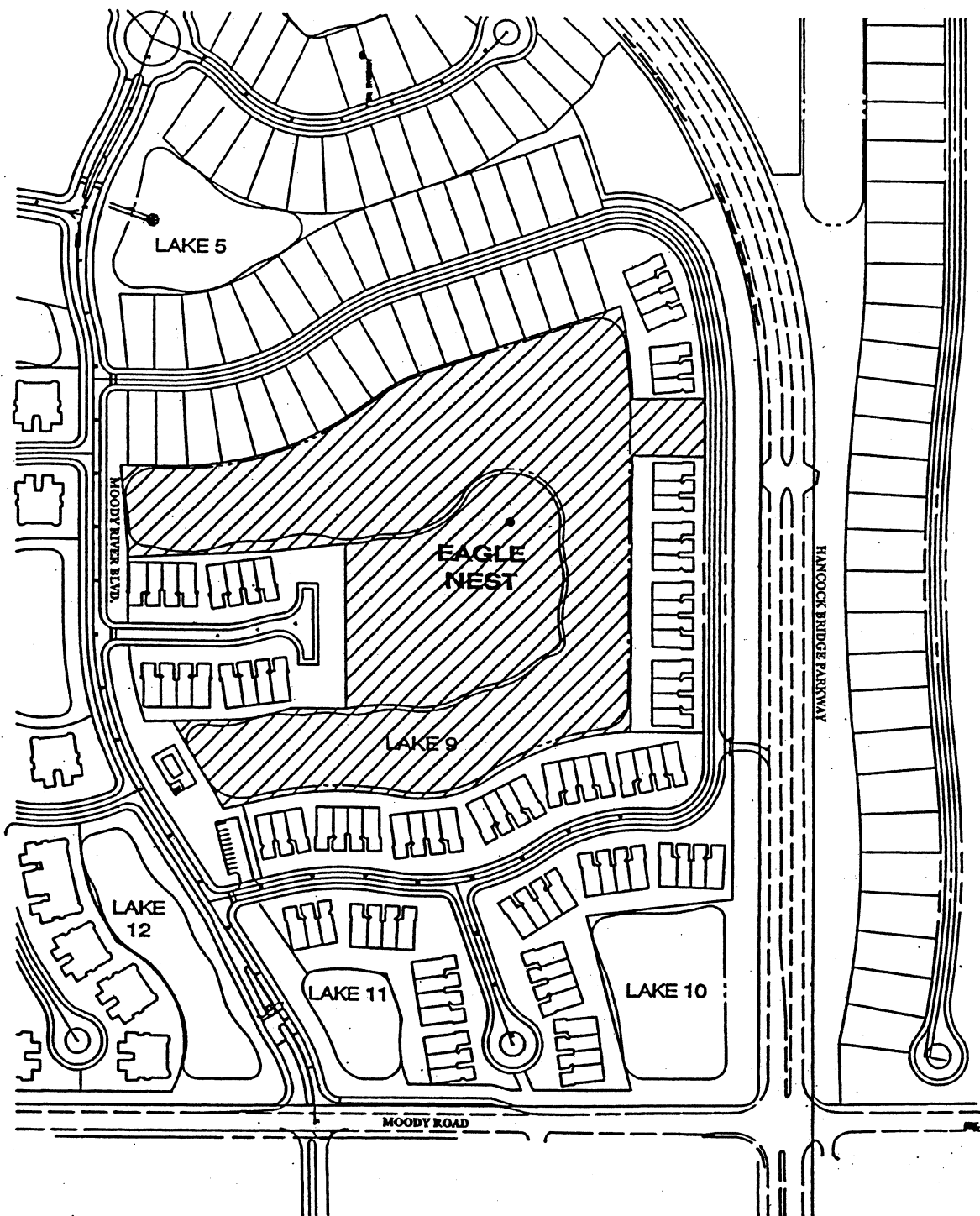
REVISED:

MOODY RIVER
ESTATES

SHEET

EXHIBIT “B”

EXHIBIT “C”



Prepared For:
COLONIAL HOMES, INC.
 12601 Westlinks Drive, Unit 7
 Fort Myers, Florida 33913
 (239) 768-3826
www.ColonialHomesInc.com

EAGLE PRESERVATION AREA EXHIBIT C

REVISED 4/27/04

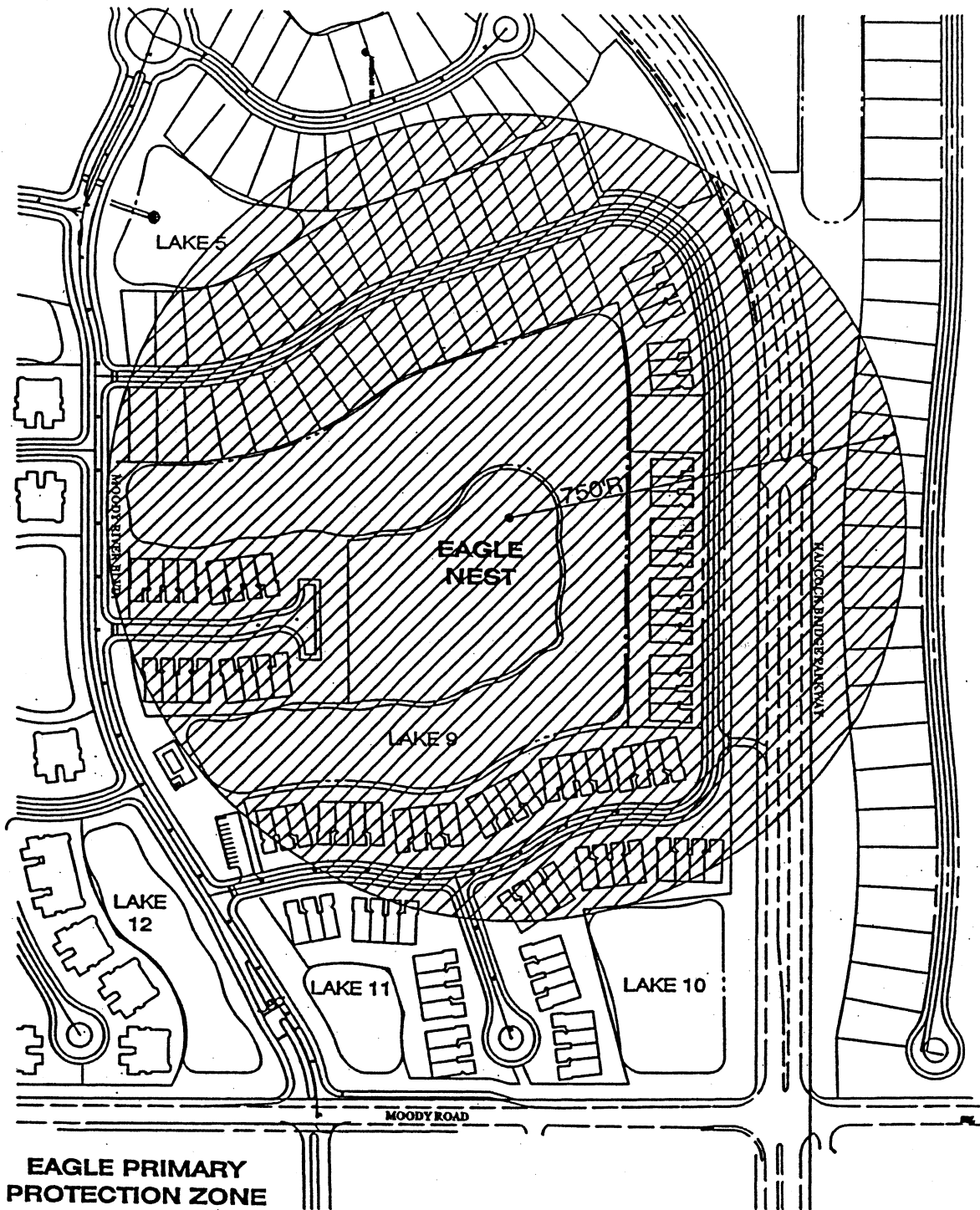
Engineers:
HEIDT & ASSOCIATES, Inc.
 Tampa • Fort Myers



Ft. Myers Office
 2800 Colonial Blvd.
 Suite 200
 Ft. Myers, Florida 33919
 Phone: 239-462-7276

EXHIBIT F
 (Page 12 of 20)

EXHIBIT "D"



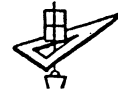
**EAGLE PRIMARY
PROTECTION ZONE
750' RADIUS**

Prepared For:
COLONIAL HOMES, INC.
 12601 Westlinks Drive, Unit 7
 Fort Myers, Florida 33913
 (239) 768-3826
www.ColonialHomesInc.com

EAGLE PRIMARY PROTECTION ZONE EXHIBIT D

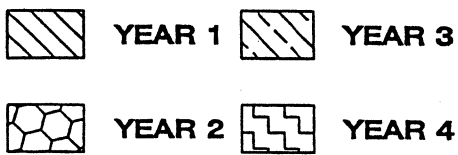
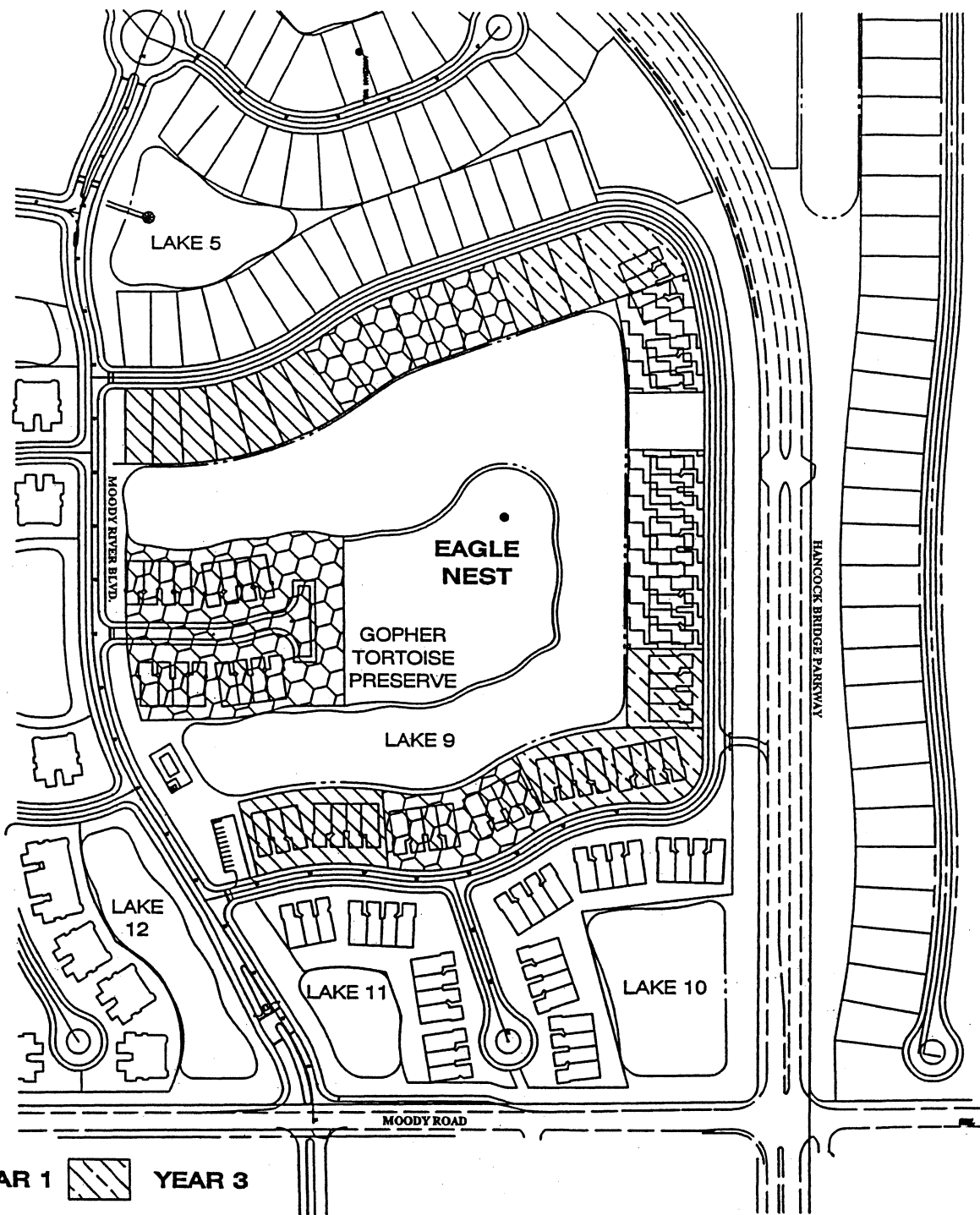
REVISED 4/27/04

Engineer:
HEIDT & ASSOCIATES, Inc.
 Tampa • Fort Myers



Ft. Myers Office
 3000 Colonial Blvd.
 Suite 200
 Ft. Myers, Florida 33919
 Phone: 239-482-7275

EXHIBIT "E"



PHASING PLAN and GOPHER TORTOISE PRESERVE MAP EXHIBIT E

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COLONIAL HOMES, INC.
 12601 Westlinks Drive, Unit 7
 Fort Myers, Florida 33913
 (239) 768-3826
www.ColonialHomesInc.com

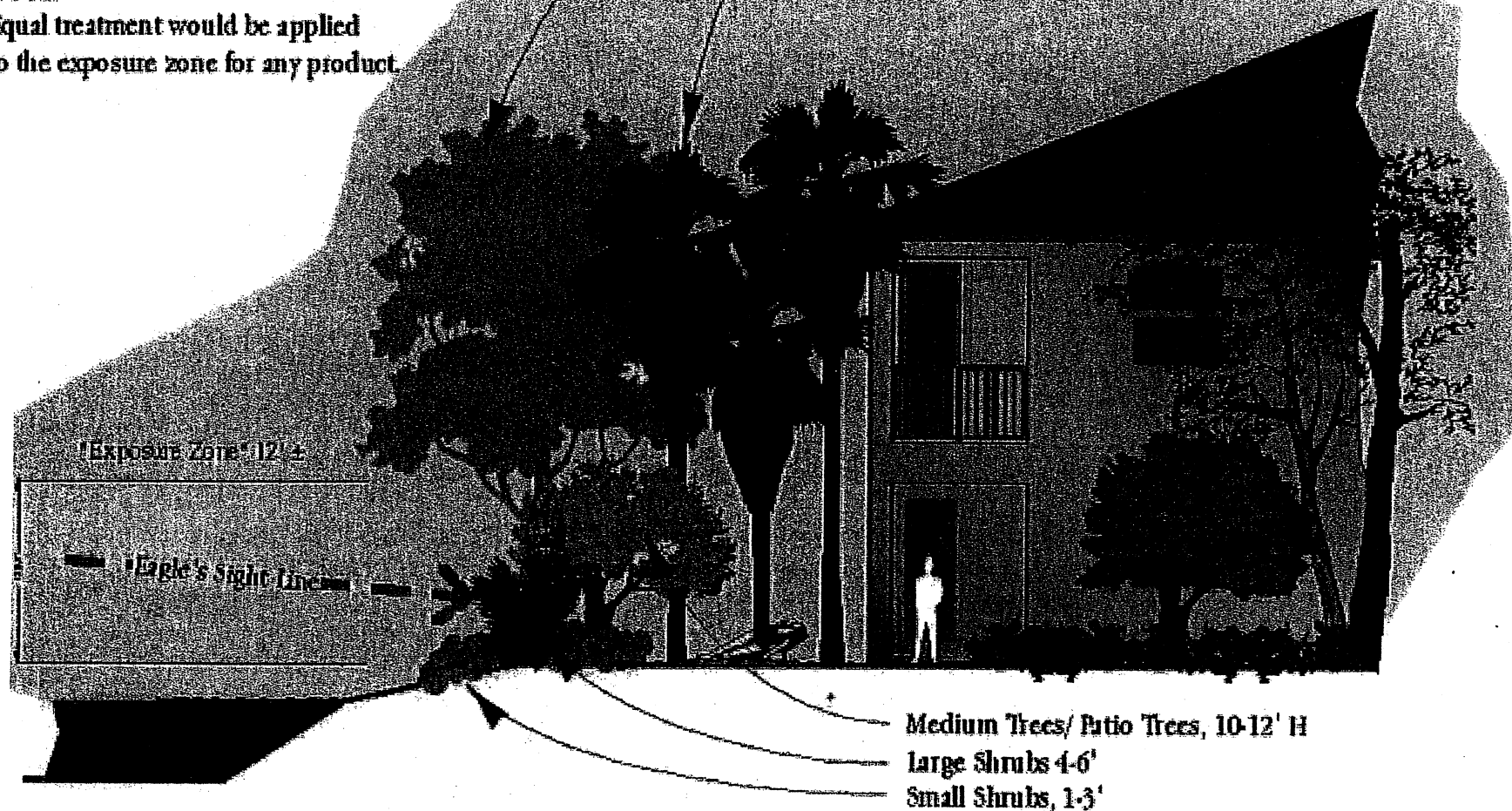
Engineer:
HEIDT & ASSOCIATES, Inc.
 Tampa • Fort Myers

Ft. Myers Office
 3600 Colonial Blvd.
 Suite 200
 Ft. Myers, Florida 33916
 Phone: 239-482-7276
 Fax: 239-482-2163

EXHIBIT "F"

NOTE:
Equal treatment would be applied
to the exposure zone for any product.

Second Story screened by:
• Shade tree, or
• Staggered Sabal palmetto



Lake Section

Moody River Estates Eagle Protection Plan

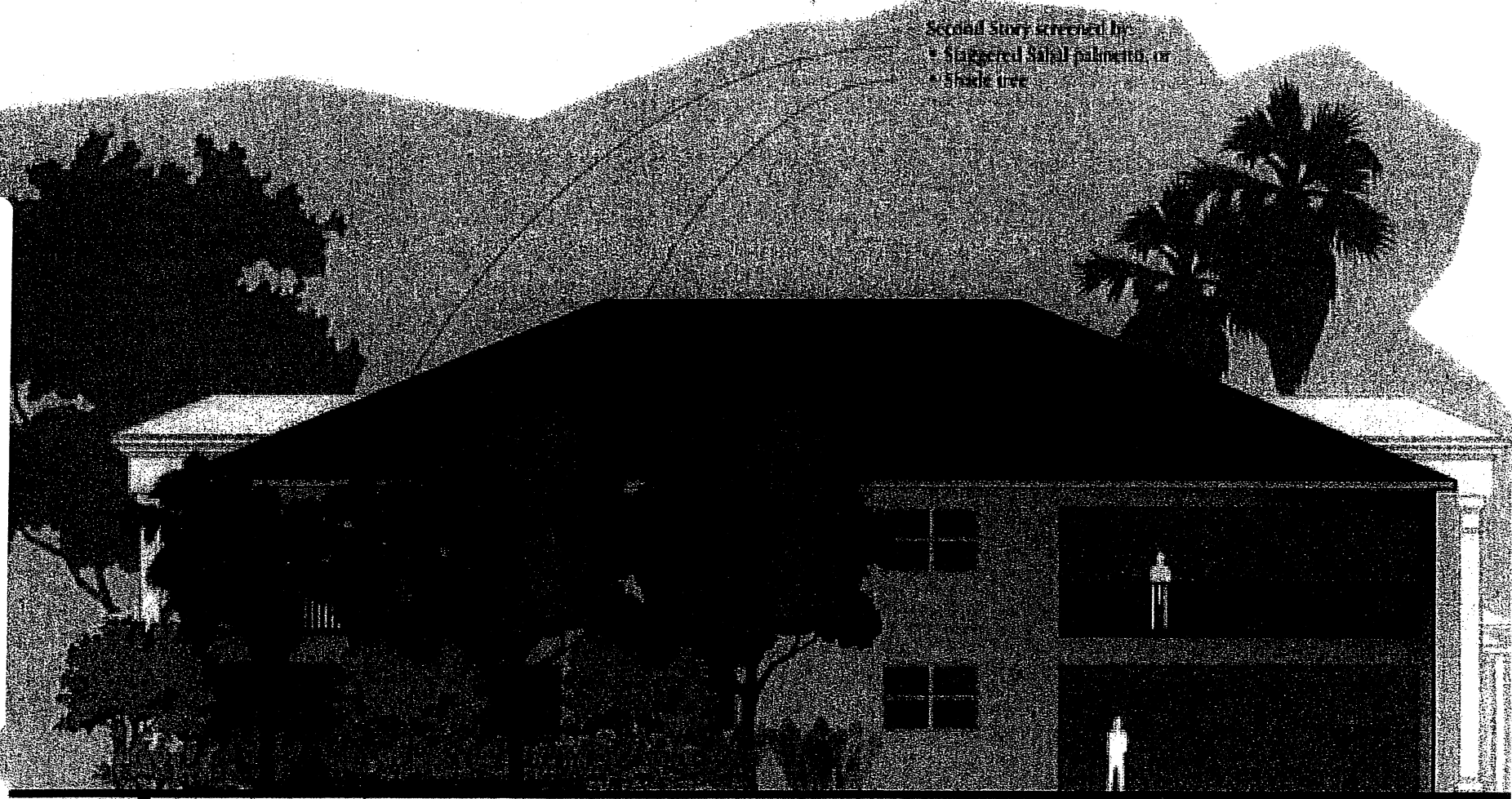
February 3, 2004 rev. February 5, 2004, February 11, 2004.

MSA Design, Inc.
Residential Landscaping & Architecture

1000 S. Highway 100, Suite 100
Cape Canaveral, FL 32915
Tel: 321.244.1111 Fax: 321.244.1112

← *With screening* | *Without screening* →

Second story screened by:
• Staggered Bahai palmments, or
• Shade tree



Medium Trees/ Patio Trees, 10-12' H
Large Shrubs 4-6'
Small Shrubs, 1-3'

HAZARD DESIGN, INC.

Lake Elevation

Moody River Estates Eagle Protection Plan

February 3, 2004 rev. February 5, 2004, February 11, 2004.

EXHIBIT “G”

EXHIBIT G



DEVIATION # 14 FROM LDC SECTION 34-935(4) WHICH
REQUIRES A MINIMUM BUILDING SEPARATION OF 1/2 THE SUM
OF THEIR HEIGHTS, TO ALLOW 47'-4".