



APPLICATION TO AMEND A PLANNED DEVELOPMENT OR PUD and/or

APPLICATION FOR FINAL PLAN APPROVAL IN UNINCORPORATED AREAS ONLY [LDC Section 34-380 or 34-1037]

Project Name: Avida (f/k/a Oasis Cove)

Current Zoning: RPD/CPD

☒ Amendment to a PD or PUD to allow: Reconfiguration of master concept plan and related revisions

☐ Final Plan Approval for: _____

1. **Name of Applicant:** Quadrum Lakes Park LLC

Address: 407 Lincoln Road, Suite 2-F

City, State, Zip: Miami Beach, FL 33139

Phone Number: _____

E-mail Address: _____

2. **Relationship of Applicant to owner (check one) and provide [Affidavit of Authorization](#) form:**

☒ Applicant is the sole owner of the property. [34-201; 34-204]

☐ Applicant has been authorized by the owner(s) to represent them for this action. [34-202; 34-204]

3. **Authorized Agent: (If different than applicant) Name of the person who is to receive all County-initiated correspondence regarding this application. [34-202; 34-204]**

a. **Company Name:** Banks Engineering

Contact Person: Stacy Ellis Hewitt, AICP

Address: 10511 Six Mile Cypress Parkway, Suite 101

City, State, Zip: Fort Myers, FL 33966

Phone Number: 239-939-5490

Email: SHewitt@BanksEng.com

b. **[Additional Agent\(s\)](#):** Provide the names of other agents that the County may contact concerning this application. [34-202; 34-204]

4. **Property owner(s): If multiple owners (corporation, partnership, trust, association), provide a list with owner interest. [34-201; 34-204]**

Name: Quadrum Lakes Park LLC

Address: 407 Lincoln Road, Suite 2-F

City, State, Zip: Miami Beach, FL 33139

Phone Number: _____

E-mail: _____

5. **Disclosure of Interest [34-201; 34-204]:**

☒ Attach [Disclosure of Interest](#) Form. [34-201; 34-204]

6. **STRAP Number(s) [34-204]:**

35-45-24-00-00015.0000

35-45-24-00-00014.0000

7. **Street Address of Property:** 7650 Gladiolus Drive & 7210 Congdon Road

LEE COUNTY COMMUNITY DEVELOPMENT
PO BOX 398 (1500 MONROE STREET), FORT MYERS, FL 33902
PHONE (239) 533-8585

RECEIVED
JAN 25 2016

COMMUNITY DEVELOPMENT

8. Legal Description (must submit one):

☒ Legal description (metes and bounds) and sealed sketch of the legal description. [34-204]

OR

☐ Legal description (NO metes and bounds) if the property is located within a subdivision platted per F.S. Chapter 177, and is recorded in the Official Records of Lee County under Instruments or Plat Books. ([Click here](#) to see an example of a legal description with no metes and bounds.) [34-204]

9. Lee Plan (Future Land Use) Designation [34-204]: Central Urban

10. Original Project Name: Oasis Cove RPD/CPD

11. Original Rezoning Resolution Number: Z-10-009

12. Subsequent Zoning Action Resolution/Case Numbers (if any): Please list all previous zoning and administrative actions (approvals and denials) on this project subsequent to original rezoning. Include Resolution Numbers and Case Numbers (provide added sheets, if necessary).

Previous zoning under Gladiolus RPD

ADD2012-00077

Superseded by Z-10-009:

Z-75-145, Z-04-043, ADD2006-00184

13. Development Order Numbers (if any): List all local development orders approved on this project. Please indicate the status of each development order (provide added sheets, if necessary).

DOS2005-00226

14. Written Narrative: Provide a written narrative statement explaining exactly what is proposed.

15. Deviations: If any relief is requested from the provisions of the Lee County Land Development Code (LDC), provide a **written explanation** of the specific relief requested (a schedule of deviations). Explain what conditions currently exist which warrant this request for relief from the regulations (a written justification for each of the requested deviations). Include specific references to any section (number{s}) and name{s}) of the LDC from which relief is sought including why the requested relief is necessary and how it will affect the project. All deviation requests must be specifically keyed to the location on the Master Concept Plan or Final Plan. [34-373]

16. Planning Community or Community Plan Area*: South Fort Myers

*If in Caloosahatchee Shores [33-1482], Captiva [33-1612], Estero [33-64], Lehigh Acres [33-1401], North Fort Myers [33-1532], North (Upper) Captiva [33-1711], or Page Park [33-1203], attach meeting summary from informational meeting.

17. Approved Master Concept Plan (MCP): Provide an APPROVED MCP and DETAILED DRAWINGS of any DEVIATIONS OR CHANGES BEING PROPOSED at a size of 24"x36". [34-204; 34-373]

18. Proposed Final Plan (for Final Plan Approval applications only): Provide a copy of the proposed Final Plan consistent with the approved Master Concept Plan and the approved Zoning Resolution at a size of 24"x36". This proposed Final Plan must show any DEVIATION(s) keyed on the plan to identify the location of the specific deviation. [34-204]

SUBMITTAL REQUIREMENT CHECKLIST

Clearly label your attachments as noted in bold below.

☒	Completed application [34-204]
☒	Filing Fee [34-204]
☒	Affidavit of Authorization Form [34-204; 34-202]
☒	Additional Agents [34-204; 34-202]
☐	Multiple Owners List (if applicable) [34-201; 34-204]
☒	Disclosure of Interest Form [34-204; 34-201]
☒	Legal description (must submit one) [34-204]
☒	Legal description (metes and bounds) and sealed sketch of legal description
	OR
☐	Legal description (NO metes and bounds) if the property is located within a subdivision platted per F.S. Chapter 177, and is recorded in the Official Records of Lee County under Instruments or Plat Books. (Click here to see an example of a legal description with no metes and bounds.)
☐	Previous Zoning Actions (if applicable)
☐	DO Numbers (if applicable)
☒	Narrative of Request [34-204]
☒	Schedule of Deviations (if applicable) [34-373]
☐	Meeting Summary (if applicable) [34-204]
☒	MCP and detailed drawings of any proposed deviations (if applicable) (24"x36") [34-204]
☐	Proposed Final Plan including deviations keyed to the plan (24"x36") [34-204]

Note: All information submitted with the application becomes a part of the public record and will be a permanent part of the file. Department staff will review this application for compliance with requirements of the Lee County Land Development Code. The applicant will be notified of any deficiencies.

Acceptance of an application for an administrative amendment in no way guarantees its approval. If the Director determines that the requested amendment is beyond the scope of Land Development Code Section 34-380 or 34-1036 and that a public hearing is necessary, then all fees paid toward the administrative application may be applied toward an application for public hearing.

The Director's decision on an administrative amendment is final and can not be appealed. In the event the Director denies the request, the applicant's only recourse is to apply for a public hearing. No fees paid for the administrative application will be refunded or applied towards the public hearing.

If it is determined that inaccurate or misleading information was provided to the county or the decision does not comply with the Land Development Code when rendered, then, at any time, the Director may issue a modified decision that complies with the Code or revoke the decision. If the approval is revoked, the applicant may acquire the necessary approvals by filing an application for public hearing in accordance with Chapter 34.

AFFIDAVIT OF AUTHORIZATION

APPLICATION IS SIGNED BY INDIVIDUAL OWNER, APPLICANT, CORPORATION, LIMITED LIABILITY COMPANY (L.L.C.), LIMITED COMPANY (L.C.), PARTNERSHIP, LIMITED PARTNERSHIP, OR TRUSTEE

I, Seth Schumer (name), as Manager (owner/title) of Quadrum Lakes Park, LLC (company/property), swear or affirm under oath, that I am the owner or the authorized representative of the owner(s) of the property and that:

1. I have full authority to secure the approval(s) requested and to impose covenants and restrictions on the referenced property as a result of any action approved by the County in accordance with this application and the Land Development Code;
2. All answers to the questions in this application and any sketches, data or other supplementary matter attached hereto and made a part of this application are honest and true;
3. I have authorized the staff of Lee County Community Development to enter upon the property during normal working hours for the purpose of investigating and evaluating the request made thru this application; and that
4. The property will not be transferred, conveyed, sold or subdivided unencumbered by the conditions and restrictions imposed by the approved action.

***Notes:**

- If the applicant is a corporation, then it is usually executed by the corp. pres. or v. pres.
- If the applicant is a Limited Liability Company (L.L.C.) or Limited Company (L.C.), then the documents should typically be signed by the Company's "Managing Member."
- If the applicant is a partnership, then typically a partner can sign on behalf of the partnership.
- If the applicant is a limited partnership, then the general partner must sign and be identified as the "general partner" of the named partnership.
- If the applicant is a trustee, then they must include their title of "trustee."
- In each instance, first determine the applicant's status, e.g., individual, corporate, trust, partnership, estate, etc., and then use the appropriate format for that ownership.

Under penalties of perjury, I declare that I have read the foregoing Affidavit of Authorization and that the facts stated in it are true.

Seth Schumer

Signature

1/11/16

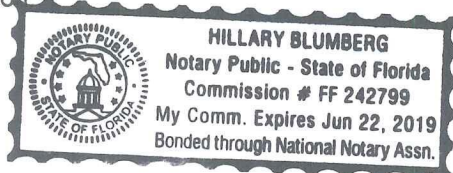
Date

*****NOTE: NOTARY PUBLIC IS NOT REQUIRED FOR ADMINISTRATIVE APPROVALS*****
ALL OTHER APPLICATION TYPES MUST BE NOTARIZED

STATE OF FLORIDA
COUNTY OF LEE

The foregoing instrument was sworn to (or affirmed) and subscribed before me on 1/11/16 (date) by Seth Schumer (name of person providing oath or affirmation), who is personally known to me or who has produced N/A (type of identification) as identification.

STAMP/SEAL



[Signature]
Signature of Notary Public

ADDITIONAL AGENTS

Company Name:	Henderson, Franklin, Starnes & Holt, P.A.		
Contact Person:	Charles Basinait, Attorney at Law		
Address:	1715 Monroe Street		
City, State, Zip:	Fort Myers, FL 33902		
Phone Number:	239.344.1204	Email:	Charles.Basinait@henlaw.com

Company Name:			
Contact Person:			
Address:			
City, State, Zip:			
Phone Number:		Email:	

Company Name:			
Contact Person:			
Address:			
City, State, Zip:			
Phone Number:		Email:	

Company Name:			
Contact Person:			
Address:			
City, State, Zip:			
Phone Number:		Email:	

Company Name:			
Contact Person:			
Address:			
City, State, Zip:			
Phone Number:		Email:	

Company Name:			
Contact Person:			
Address:			
City, State, Zip:			
Phone Number:		Email:	

DISCLOSURE OF INTEREST AFFIDAVIT

BEFORE ME this day appeared Seth Schumer, Manager of Quadrum Lakes Park, LLC, who, being first duly sworn and deposed says:

1. That I am the record owner, or a legal representative of the record owner, of the property that is located at 7650 Gladiolus Drive, Fort Myers, FL 33908 and 7210 Congdon Road, Fort Myers, FL 33907 and is the subject of an Application for zoning action (hereinafter the "Property").

2. That I am familiar with the legal ownership of the Property and have full knowledge of the names of all individuals that have an ownership interest in the Property or a legal entity owning an interest in the Property.

[OPTIONAL PROVISION IF APPLICANT IS CONTRACT PURCHASER: In addition, I am familiar with the individuals that have an ownership interest in the legal entity that is under contract to purchase the Property.]

3. That, unless otherwise specified in paragraph 6 below, no Lee County Employee, County Commissioner, or Hearing Examiner has an Ownership Interest in the Property or any legal entity (Corporation, Company, Partnership, Limited Partnership, Trust, etc.) that has an Ownership Interest in the Property or that has contracted to purchase the Property.

4. That the disclosure identified herein does not include any beneficial Ownership Interest that a Lee County Employee, County Commissioner, or Hearing Examiner may have in any entity registered with the Federal Securities Exchange Commission or registered pursuant to Chapter 517, whose interest is for sale to the general public.

5. That, if the Ownership Interest in the Property changes and results in this affidavit no longer being accurate, the undersigned will file a supplemental Affidavit that identifies the name of any Lee County Employee, County Commissioner, or Hearing Examiner that subsequently acquires an interest in the Property.

6. Disclosure of Interest held by a Lee County Employee, County Commissioner, or Hearing Examiner.

Name and Address	Percentage of Ownership
N/A	

Under penalty of perjury, I declare that I have read the foregoing and the facts alleged are true to the best of my knowledge and belief.



Property Owner

Seth Schumer, Quadrum Lakes Park, LLC
Print Name

*****NOTE: NOTARY PUBLIC IS NOT REQUIRED FOR ADMINISTRATIVE APPROVALS*****
ALL OTHER APPLICATION TYPES MUST BE NOTARIZED

STATE OF FLORIDA
COUNTY OF LEE

The foregoing instrument was sworn to (or affirmed) and subscribed before me on
1/11/16 (date) by Seth Schumer (name of
person providing oath or affirmation), who is personally known to me or who has produced
N/A (type of identification) as identification.

STAMP/SEAL



Signature of Notary Public



Banks Engineering

Professional Engineers, Planners & Land Surveyors
FORT MYERS ♦ NAPLES ♦ SARASOTA ♦ PORT CHARLOTTE

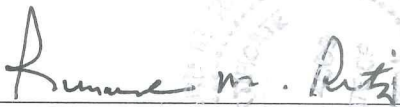
DESCRIPTION
OF A
PARCEL OF LAND
LYING IN
SECTION 35, TOWNSHIP 45 SOUTH, RANGE 24 EAST
LEE COUNTY, FLORIDA

A PARCEL OR TRACT OF LAND SITUATED IN THE STATE OF FLORIDA, COUNTY OF LEE, LYING IN SECTION 35, TOWNSHIP 45 SOUTH, RANGE 24 EAST AND BEING FURTHER BOUNDED AND DESCRIBED AS FOLLOWS:

BEGINNING AT THE NORTHEAST CORNER OF THE NORTHWEST QUARTER OF SAID SECTION 35; THENCE S.88°56'00"W. ALONG THE NORTH LINE OF SAID FRACTION FOR 1322.88 FEET TO THE NORTHWEST CORNER OF THE NORTHEAST QUARTER OF THE NORTHWEST QUARTER OF SAID SECTION; THENCE S.01°04'20"E. ALONG THE WEST LINE OF SAID FRACTION FOR 1151.81 FEET TO THE NORTHERLY RIGHT-OF-WAY LINE OF GLADIOLUS DRIVE (COUNTY ROAD 865 - 199.02 FEET WIDE); THENCE N.89°37'57"E. ALONG SAID NORTHERLY RIGHT-OF-WAY LINE FOR 680.01 FEET TO AN INTERSECTION WITH A CURVE TO THE LEFT HAVING A RADIUS OF 1312.39 FEET AND TO WHICH POINT A RADIAL LINE BEARS S.04°33'41"E.; THENCE EASTERLY ALONG SAID CURVE THROUGH A CENTRAL ANGLE OF 9°06'31" FOR 208.64 FEET TO AN INTERSECTION WITH A CURVE HAVING A RADIUS OF 1307.39 FEET AND TO WHICH POINT A RADIAL LINE BEARS S.14°36'39"E.; THENCE EASTERLY ALONG SAID CURVE THROUGH A CENTRAL ANGLE OF 13°48'42" FOR 315.16 FEET; THENCE N. 56°06'08"W. FOR 3.06 FEET; THENCE N.29°10'50"W. FOR 60.46 FEET; THENCE N.28°15'16"W. FOR 30.66 FEET; THENCE N.18°42'13"E. FOR 35.83 FEET; THENCE N.14°50'17"W. FOR 59.82 FEET; THENCE N.09°03'50"E. FOR 46.83 FEET; THENCE N.18°49'48"E. FOR 39.67 FEET; THENCE N.18°12'50"E. FOR 49.13 FEET; THENCE N.37°41'02"E. FOR 20.60 FEET; THENCE N.45°28'41"E. FOR 45.15 FEET; THENCE N.25°14'18"E. FOR 40.31 FEET; THENCE N.09°24'39"E. FOR 38.83 FEET; THENCE N.10°52'34"W. FOR 27.03 FEET; THENCE N.35°51'19"E. FOR 28.90 FEET; THENCE N.70°39'04"E. FOR 29.95 FEET; THENCE S.57°54'34"E. FOR 24.44 FEET; THENCE S.77°09'08"E. FOR 20.52 FEET TO THE EAST LINE OF SAID FRACTION; THENCE N.01°10'59"W. ALONG SAID EAST LINE FOR 554.86 FEET TO THE **POINT OF BEGINNING**.

BEARINGS ARE BASED ON THE EAST LINE OF THE NORTHWEST QUARTER OF SECTION 35 AS BEARING N.01°10'59"W.

PARCEL CONTAINS 32.54 ACRES, MORE OR LESS.


RICHARD M. RITZ
REGISTERED LAND SURVEYOR
FLORIDA CERTIFICATION NO. 1009



1" = 200'

O.R. 3396
Pg. 4662

O.R. 1761, Pg. 1263

NORTHWEST CORNER
NORTHWEST QUARTER
NORTHWEST QUARTER

NORTH LINE OF NORTHWEST QUARTER SECTION 35
S. 88°56'00"W. 1322.88'

O.R. 2687
Pg. 564

S. 01°04'20"E. 1151.81'
WEST LINE OF NORTHEAST QUARTER NORTHWEST QUARTER SECTION 35

SUBJECT PARCEL

FORMER I.D.D. CANAL "H"
(NOT OPEN OR IMPROVED)
RELEASED BY LEE COUNTY D.B.
271, PG. 432

O.R. 760
Pg. 58

O.R. 760
Pg. 59

NORTH RIGHT-OF-WAY LINE
N. 89°37'57"E. 680.01'

GLADIOLUS DRIVE
(COUNTY ROAD 865)

RADIAL LINE
S. 04°33'41"E

RADIAL LINE
S. 14°36'39"E

C1

N. 18°42'13"E. 35.83'
N. 28°15'16"W. 30.66'
N. 56°06'08"W. 3.06'
N. 29°10'50"W. 60.46'
N. 14°50'17"W. 59.82'
N. 18°12'50"E. 49.13'
N. 18°49'48"E. 39.67'
N. 09°03'50"E. 46.83'

N. 37°41'02"E. 20.60'
N. 10°52'34"W. 27.03'
N. 08°24'39"E. 38.83'
N. 35°11'19"E. 28.90'
N. 70°39'04"E. 29.95'
S. 57°54'34"E. 24.44'
S. 77°09'08"E. 20.52'

N. 01°10'59"W. 554.86'
EAST LINE NORTHWEST QUARTER SECTION 35

POINT OF
BEGINNING
NORTHWEST CORNER
NORTHWEST QUARTER
SECTION 35

O.R. 2518
Pg. 3165

SECTION 35, TOWNSHIP 45 SOUTH, RANGE 24 EAST
LYING IN
LEE COUNTY, FLORIDA

PARCEL OF LAND

SKETCH TO ACCOMPANY DESCRIPTION

NOTES:
BEARINGS ARE BASED ON THE EAST LINE OF THE NORTHWEST
QUARTER OF SECTION 35, TOWNSHIP 45 SOUTH, RANGE 24
EAST AS BEARING N. 01°10'59"W.

PARCEL CONTAINS 32.54 ACRES, MORE OR LESS.

SEE SHEET 1 OF 2 FOR COMPLETE METES & BOUNDS
DESCRIPTION.

LEGEND
O.R. OFFICIAL RECORDS BOOK
PG. PAGE
C1 CURVE DATA NUMBER

CURVE TABLE

CURVE	RADIUS	DELTA	ARC	CHORD	CHORD BEARING
C1	1312.39'	09°06'31"	208.64'	208.42'	S. 80°53'03" W
C2	1307.39'	13°48'42"	315.16'	314.40'	S. 68°29'00" W
C3	1307.39'	07°21'30"	167.90'	167.79'	S. 57°53'54" W

THIS IS NOT A SURVEY

RICHARD M. RITZ
REGISTERED LAND SURVEYOR
FLORIDA CERTIFICATION NO. 4009

— THIS SKETCH IS NOT VALID UNLESS IT BEARS THE
SIGNATURE AND ORIGINAL RAISED SEAL OF A FLORIDA
PROFESSIONAL SURVEYOR AND MAPPER
— PREPARED JANUARY 14, 2009.

PREPARED BY:

Banks Engineering

ENGINEERING, SURVEYING & LAND PLANNING
2515 NORTHEROKE PLAZA DRIVE - SUITE 200
NAPLES, FLORIDA 34119
(239) 597-2061
FLORIDA SURVEYING BUSINESS CERTIFICATION NO. 6690

Banks Engineering

Professional Engineers, Planners & Land Surveyors
10511 Six Mile Cypress Parkway - Suite 101
Fort Myers, Florida 33966
(239) 939-5490
Fax (239) 939-2523

DESCRIPTION
OF A
PARCEL OF LAND
LYING IN
SECTION 35, TOWNSHIP 45 SOUTH, RANGE 24 EAST
LEE COUNTY, FLORIDA

(CPD PARCEL)

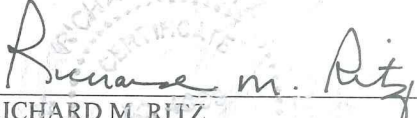
A PARCEL OR TRACT OF LAND SITUATED IN THE STATE OF FLORIDA, COUNTY OF LEE, LYING IN SECTION 35, TOWNSHIP 45 SOUTH, RANGE 24 EAST, AND BEING FURTHER DESCRIBED AS FOLLOWS:

COMMENCING AT THE NORTHEAST CORNER OF THE NORTHWEST ONE-QUARTER (NW¼) OF SAID SECTION 35; THENCE S.01°11'00"E. ALONG THE EAST LINE OF SAID FRACTION FOR 554.86 FEET; THENCE N.77°09'08"W. FOR 20.52 FEET; THENCE N.57°54'34"W. FOR 24.44 FEET; THENCE S.70°39'04"W. FOR 29.95 FEET; THENCE S.35°51'19"W. FOR 28.90 FEET; THENCE S.10°52'34"E. FOR 27.03 FEET; THENCE S.09°24'39"W. FOR 38.83 FEET; THENCE S.25°14'18"W. FOR 27.38 FEET TO THE **POINT OF BEGINNING**; THENCE S.25°14'18"W. FOR 12.93 FEET; THENCE S.45°28'41"W. FOR 45.15 FEET; THENCE S.37°41'02"W. FOR 20.60 FEET; THENCE S.18°12'50"W. FOR 49.13 FEET; THENCE S.18°49'48"W. FOR 39.67 FEET; THENCE S.09°03'50"W. FOR 46.83 FEET; THENCE S.14°50'17"E. FOR 59.82 FEET; THENCE S.18°42'13"W. FOR 35.83 FEET; THENCE S.28°15'16"E. FOR 30.66 FEET; THENCE S.29°10'50"E. FOR 60.46 FEET; THENCE S.56°06'08"E. FOR 3.06 FEET TO AN INTERSECTION WITH THE NORTH RIGHT-OF-WAY LINE OF GLADIOLUS DRIVE (a/k/a COUNTY ROAD 865) AND THE BEGINNING OF A NON-TANGENT CURVE TO THE RIGHT HAVING A RADIUS OF 1,307.39 FEET AND TO WHICH POINT OF CURVE A RADIAL LINE BEARS S.28°25'21"E.; THENCE WESTERLY ALONG SAID RIGHT-OF-WAY LINE AND ALONG SAID CURVE THROUGH A CENTRAL ANGLE OF 13°48'42" FOR 315.16 FEET TO THE BEGINNING OF A NON-TANGENT CURVE TO THE RIGHT HAVING A RADIUS OF 1,312.39 FEET AND TO WHICH POINT OF CURVE A RADIAL LINE BEARS S.13°40'12"E.; THENCE WESTERLY ALONG SAID RIGHT-OF-WAY LINE AND ALONG SAID CURVE THROUGH A CENTRAL ANGLE OF 09°06'31" FOR 208.64 FEET; THENCE S.89°37'57"W. ALONG SAID RIGHT-OF-WAY LINE FOR 341.72 FEET; THENCE N.00°22'03"W. FOR 609.97 FEET; THENCE N.89°37'57"E. FOR 666.53 FEET; THENCE S.64°45'42"E. FOR 235.31 FEET TO THE **POINT OF BEGINNING**.

BEARINGS ARE BASED ON THE EAST LINE OF THE NORTHWEST QUARTER OF SECTION 35 AS BEARING N.01°10'59"W.

PARCEL CONTAINS 10.79 ACRES, MORE OR LESS.

DESCRIPTION PREPARED DECEMBER 16, 2009.

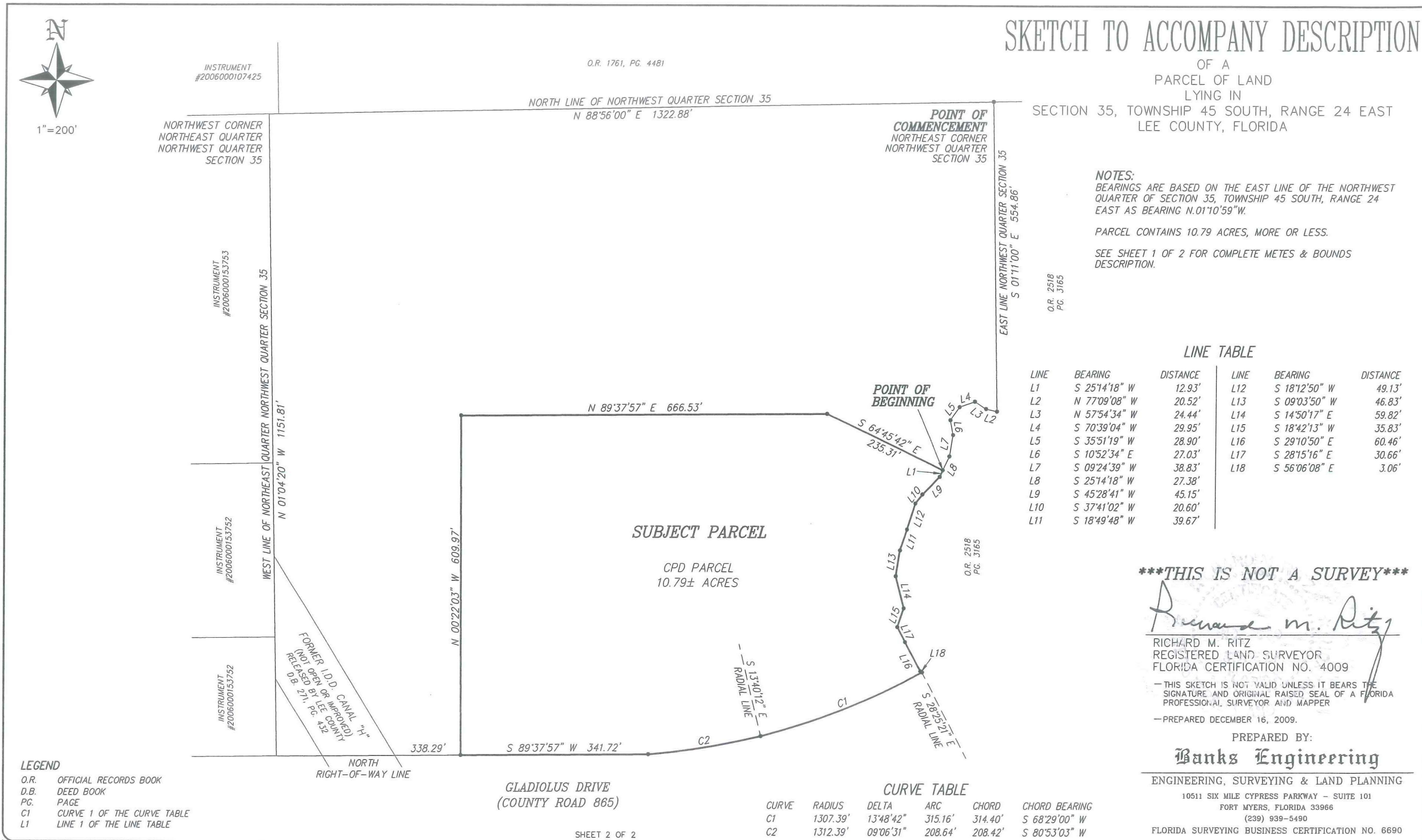

RICHARD M. RITZ
REGISTERED LAND SURVEYOR
FLORIDA CERTIFICATION NO. 4009

SHEET 1 OF 2

S:\Jobs\16xx\1620\SURVEY\Descriptions\1620_CPD_DESC.doc

Sarasota Office
1144 Tallevast Road Suite #115
Sarasota, Florida 34243
(941) 360-1618
Fax (941) 360-6918

Port Charlotte Office
12653 SW CR 769 Suite B
Lake Suzy, Florida 34269
(941) 625-1165
Fax (941) 625-1149



Banks Engineering

Professional Engineers, Planners & Land Surveyors
10511 Six Mile Cypress Parkway - Suite 101
Fort Myers, Florida 33966
(239) 939-5490
Fax (239) 939-2523

DESCRIPTION
OF A
PARCEL OF LAND
LYING IN
SECTION 35, TOWNSHIP 45 SOUTH, RANGE 24 EAST
LEE COUNTY, FLORIDA

(RPD PARCEL)

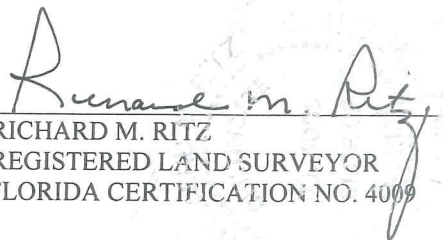
A PARCEL OR TRACT OF LAND SITUATED IN THE STATE OF FLORIDA, COUNTY OF LEE, LYING IN SECTION 35, TOWNSHIP 45 SOUTH, RANGE 24 EAST, AND BEING FURTHER DESCRIBED AS FOLLOWS:

BEGINNING AT THE NORTHEAST CORNER OF THE NORTHWEST ONE-QUARTER (NW¼) OF SAID SECTION 35; THENCE S.01°11'00"E. ALONG THE EAST LINE OF SAID FRACTION FOR 554.86 FEET; THENCE N.77°09'08"W. FOR 20.52 FEET; THENCE N.57°54'34"W. FOR 24.44 FEET; THENCE S.70°39'04"W. FOR 29.95 FEET; THENCE S.35°51'19"W. FOR 28.90 FEET; THENCE S.10°52'34"E. FOR 27.03 FEET; THENCE S.09°24'39"W. FOR 38.83 FEET; THENCE S.25°14'18"W. FOR 27.38 FEET; THENCE N.64°45'42" W FOR 235.31 FEET; THENCE S.89°37'57"W. FOR 666.53 FEET; THENCE S.00°22'03"E. FOR 609.97 FEET TO AN INTERSECTION WITH THE NORTH RIGHT-OF-WAY LINE OF GLADIOLUS DRIVE (a/k/a COUNTY ROAD 865); THENCE S.89°37'57"W. ALONG SAID NORTH RIGHT-OF-WAY LINE FOR 338.29 FEET TO AN INTERSECTION WITH THE WEST LINE OF THE NORTHEAST ONE-QUARTER (NE¼) OF THE NORTHWEST ONE-QUARTER (NW¼) OF SAID SECTION 35; THENCE N.01°04'20"W. ALONG SAID WEST LINE FOR 1,151.81 FEET TO THE NORTHWEST CORNER OF SAID FRACTION; THENCE N.88°56'00"E. ALONG THE NORTH LINE OF THE NORTHWEST ONE-QUARTER (NW¼) FOR 1,322.88 FEET TO THE **POINT OF BEGINNING**.

BEARINGS ARE BASED ON THE EAST LINE OF THE NORTHWEST QUARTER OF SECTION 35 AS BEARING N.01°10'59"W.

PARCEL CONTAINS 21.75 ACRES, MORE OR LESS.

DESCRIPTION PREPARED DECEMBER 16, 2009.

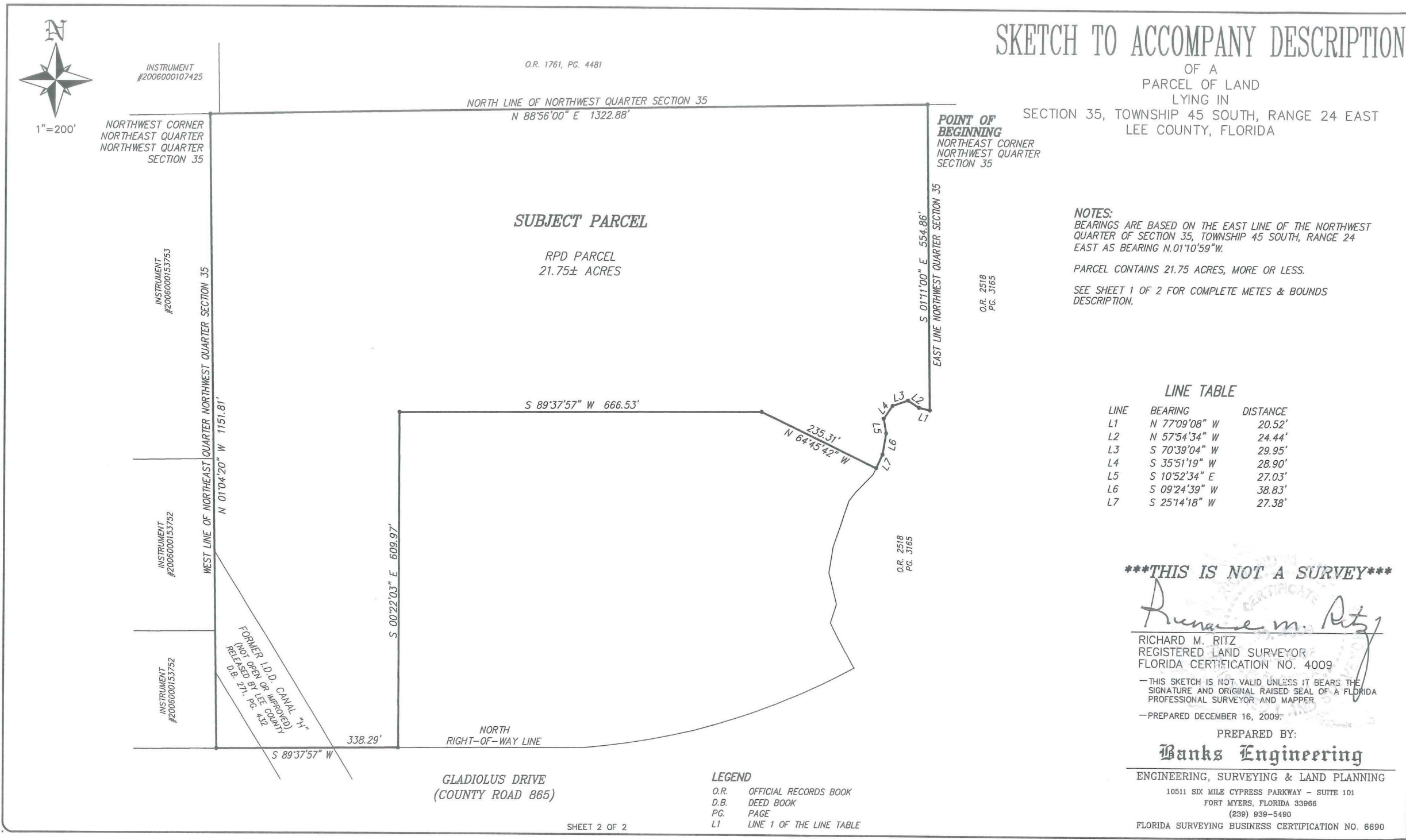

RICHARD M. RITZ
REGISTERED LAND SURVEYOR
FLORIDA CERTIFICATION NO. 4009

SHEET 1 OF 2

S:\Jobs\16xx\1620\SURVEY\Descriptions\1620_RPD_DESC.doc

Sarasota Office
1144 Tallevast Road Suite #115
Sarasota, Florida 34243
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Professional Engineers, Planners & Land Surveyors

Avida

(f/k/a Oasis Cove RPD/CPD)

Administrative Amendment to Planned Development Narrative of Request

Background

The applicant is requesting an administrative amendment to the approved Oasis Cove Residential Planned Development (RPD) and Commercial Planned Development (CPD), a 32.54± acre project located on the north side of Gladiolus Drive approximately 1,750 feet south of its intersection with Old Gladiolus Drive. The subject property is located in the Central Urban future land use category within the South Fort Myers Planning Community.

The current approval (Z-10-009) allows for 190 multi-family dwelling units, or a maximum of 160 units of assisted living facility (ALF)/continuing care facility (CCF), plus a maximum of 300 independent living units (ILU), or any combination of ALF, CCF, or ILU, so long as the project density does not exceed 190 standard dwelling units on 21.75± acres of land within the RPD. The CPD allows for a maximum of 100,000 square feet of commercial, including a maximum of 25,000 square feet of retail.

Request Summary

The applicant is seeking to administratively amend the planned development to allow for the following:

- Update the master concept plan to accommodate the revised site layout:

The applicant purchased the property on July 29, 2015 and has revised the proposed site layout—The master concept plan has been revised to demonstrate relocation of the proposed lake, reconfiguration of the proposed buildings and accessways within the RPD portion of the site, and reconfiguration of the lots and accessways within the CPD portion of the site. The development of the RPD and CPD will remain under unified control. The development will provide land leases in lieu of selling off parcels and will maintain unified

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ownership. The master concept plan demonstrates the required parking for the RPD area located within the RPD. The master concept plan demonstrates overflow parking in the CPD area that will be accessible to either the RPD or the CPD, given the unified nature of the development. The CPD has been revised from 7 lots to 5 lots. There are no proposed changes to external access points or perimeter buffers.

- Revise property development regulations for waterbody setback and building separation:

The property development regulations are proposed to be revised to accommodate the new site layout as follows:

RPD for all uses:

- Setbacks: Water body: 20 feet or 0 feet where bulkheads or other hardened shoreline structures are provided and
- Minimum building separation: 10 feet for single-story buildings and 20 feet all other buildings.

- New deviation requests that are internal to the site and required as a result of the revised site layout and property development regulations and to provide clarification of the proposed overall unified development plan of both the RPD and CPD:

There is one existing deviation for the project for access connection separation that was previously approved and is proposed to remain. In order to accommodate the revised site layout and to clarify the unified development plan, the applicant has included 5 new deviation requests as outlined in the attached schedule of deviations and justifications. A summary of the deviations follows:

Deviation 2 is from LDC Section 34-935(b)(1) to allow a 0 foot perimeter setback for the RPD and CPD zoning lines

Deviation 3 is from LDC Section 10-416(d)(1) to allow no buffer between the RPD and CPD zoning districts

Deviation 4 is from LDC Section 34-935(e)(4) to allow for a minimum building separation of 10 feet for the proposed single-story buildings and a minimum building separation of 20 feet for all other development

Deviations 5 and 6 are both to allow for a minimum waterbody setback of 0 feet where bulkheads or other hardened shoreline structures are provided and 20 feet for the remainder of the lake perimeter

- Deviation 5 is from LDC Section 34-2194(b)
- Deviation 6 is from LDC Section 10-329(d)(1)a

Although a deviation was not previously requested and approved to allow no buffering between the RPD and CPD zoning lines, no buffers were shown on the approved master concept plan. The applicant has included a deviation to clarify that no internal buffering is required to accommodate the seamless, unified development plan.

- Request to amend the schedule of uses to add three uses that are similar in nature and intensity to those uses already permitted and update reference to renumbered CPD lots for existing Hope Hospice use:

The applicant is proposing to amend the schedule of uses for the CPD to add three uses and revise an existing use as follows:

- Add the following uses:
 - o Amphitheater
 - o Farmer's Market/Open Air Market
 - o Health Care Facilities, Group II, Limited to lots 1, 4 and 5. Limited to 50 beds
- Revise the following use to accommodate revised site layout:
 - o Hospice, Limited to lots 5 and 6 1, 4 and 5. Limited to 50 beds.

These uses are similar in nature and intensity to those uses already permitted on the site. The revised site layout reduced the CPD lots from 7 to 5. The previous lot 5 has been deleted due to the new lake layout and previous lot 6 has now been renumbered to lot 4 and the previous lot 7 has now been renumbered to lot 5.

- Remove previously approved impact to wetland and minor adjustment and increase in indigenous restoration/creation areas with updated Indigenous Restoration Plan exhibit and updated open space table:

The revised site layout also resulted in the preservation of the previously impacted 0.01 acre wetland on the western portion of the site. To accommodate the preservation of the wetland, the indigenous restoration/creation areas have been revised to provide an upland buffer around the preserved wetland. This revision has resulted in a proposed relocation of some of the creation/restoration areas resulting in a net increase in indigenous area. The attached revised Indigenous Restoration Plan depicts the 0.02 acre previously approved creation/restoration area that is proposed to be relocated and replaced with 0.1 acre of upland creation/restoration. This revision results in an increase of 0.8 acre of indigenous creation/restoration. An exhibit demonstrating these changes, as well as a revised Indigenous Restoration Plan exhibit are attached.

LDC Consistency/Minimal Modification

LDC Section 34-377(a)(5) in part provides that applications for administrative approval will be processed as administrative amendments in accordance with Section 34-380. This section also states that administrative amendments may be granted by the Director upon a finding that public health, safety, and welfare will not be adversely affected by the request. LDC Section 34-380(a) provides that amendments to an approved master concept plan or its attendant documentation may be requested at any time during the development of or useful life of a planned development. LDC Section 34-380(b) provides that the Director may approve any change to the interior of the development that does not increase height, density or intensity (i.e., number of dwelling units or quantity of commercial or industrial floor area). This section of the code further specifies that "the Director may not approve a change that will result in the substantial underutilization of public resources and public infrastructure committed to the support of the development." In addition, this section provides that "the Director may not approve changes that will result in a reduction of total open space, buffering, landscaping and preservation areas or that will adversely impacts on surrounding land uses."

The request is consistent with the administrative amendment requirements contained in LDC Section 34-380(b). The request is simply to accommodate the revised site layout and unified development plan for the RPD and CPD zoning districts. The request is specific to portions of the development located in the interior of the planned development. The request does not include any change to the allowable intensity so it will not increase height, density or intensity. The request will not result in the substantial underutilization of public resources and public infrastructure committed to the support of the development. The request will not result in a reduction of total open space, buffering, landscaping or preservation areas, and will in fact increase the preservation areas. The proposed amendment will not adversely impact surrounding land uses. The requested amendment is the minimum necessary to the already approved planned development to allow the project to proceed with development.

Conclusions

The request increases development potential and economic viability of the site by adopting the new site design. The request will not increase height, density or intensity. The request will not result in the substantial underutilization of public resources and public infrastructure committed to the support of the development. The request will not result in a reduction of total open space, buffering, landscaping or preservation areas and will not adversely impact surrounding land uses. The proposed amendment is the minimum necessary to the approved planned development. The proposed modifications do not change the fact that the project is consistent with the Lee Plan and the LDC. For these reasons, the applicant respectfully submits that this minor administrative amendment request should be approved.



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Schedule of Deviations and Written Justification

Existing Approved Deviation per Z-10-009 to remain and no changes are proposed.

New Deviation (2) is requested from LDC Section 34-935(b)(1) which requires minimum setbacks from development perimeter boundaries; to allow a 0 foot perimeter setback between the RPD and CPD zoning lines for any site improvements.

JUSTIFICATION: This deviation is requested to accommodate the unified development plan for the overall project. The RPD/CPD zoning line is not a property line and the two zoning districts will remain under unified control. The development will provide land leases in lieu of selling off parcels and will maintain unified ownership. This deviation is internal to the site and has no impact to surrounding properties. The requested deviation enhances the achievement of the objectives of the planned development and will preserve and promote the general intent to protect the public health, safety and welfare.

New Deviation (3) is requested from LDC Section 10-416(d)(1) which requires a buffering area along the entire perimeter of a proposed development whenever the proposed development abuts a different use; to allow no buffer between the RPD and CPD since the development will remain under unified control.

JUSTIFICATION: This deviation is requested to accommodate the unified development plan for the overall project. The RPD/CPD zoning line is not a property line and the two zoning districts will remain under unified control. . The development will provide land leases in lieu of selling off parcels and will maintain unified ownership. No buffers were shown on the approved master concept plan and this deviation is proposed to clarify that no buffers are required to accommodate a seamless, unified development plan. This deviation is internal to the site and has no impact to surrounding properties. The requested deviation

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enhances the achievement of the objectives of the planned development and will preserve and promote the general intent to protect the public health, safety and welfare.

New Deviation (4) is requested from LDC Section 34-935(e)(4) which requires a minimum building separation of one-half the sum of their heights or 20 feet, whichever is greater; to allow a minimum building separation of 10 feet for single-story structures and a minimum building separation of 20 feet for other buildings.

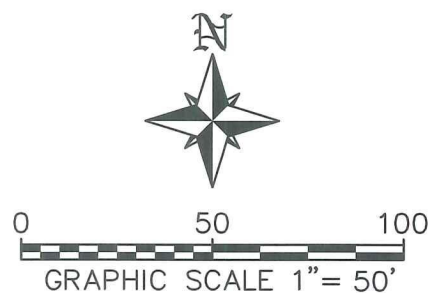
JUSTIFICATION: This deviation is requested to accommodate the proposed site layout and design. The proposed single-story buildings and 10-foot building separations are commonly approved for the proposed structure type. Appropriate construction techniques as well as fire safety construction and procedures will be adhered to as required. This deviation is internal to the site and has no impact to surrounding properties. The planned development will be enhanced by this deviation and the intent of such regulations to protect health, safety and welfare will be served.

New Deviation (5) is requested from LDC Section 34-2194(b) which requires a minimum 25-foot setback to an artificial body of water; to allow a minimum waterbody setback of 0 feet for buildings and accessways where bulkheads or other hardened shoreline structures are provided and 20 feet for accessways for remainder of lake perimeter.

JUSTIFICATION: This deviation is requested to accommodate the proposed site design which integrates the open space and vehicular network on site to maximize lake views and aesthetics for the proposed development. It should be noted that although a deviation was not previously approved, the approved property development regulations allowed for a water body setback of 20 feet. For locations where a 0 foot setback is provided between the accessways and the lake, the developer will provide for the protection of wayward vehicles through the use of guardrails, berms, swales, or other similar suitable methods. The RPD and CPD will remain under unified control and adequate access will be provided for lake maintenance. This deviation is internal to the site and has no impact to surrounding properties. This proposed alternative is based on sound engineering practices and is no less consistent with the health, safety and welfare of abutting landowners and the general public than the standard from which the deviation is being requested. The requested deviation enhances the achievement of the objectives of the planned development and will preserve and promote the general intent to protect the public health, safety and welfare.

New Deviation (6) is requested from LDC Section 10-329(d)(1)a. which requires a minimum 25-foot setback for excavations to proposed right-of-way line or easement; to allow a minimum 0 foot setback for excavations to accessways along the northern portion of the proposed lake and 20 foot setback for excavations to accessways around the remaining sides of the proposed lake.

JUSTIFICATION: This deviation is requested to accommodate the proposed site design which integrates the open space and vehicular network on site to maximize lake views and aesthetics for the proposed development. For locations where a 0 foot setback is provided between the accessways and the lake, the developer will provide for the protection of wayward vehicles through the use of guardrails, berms, swales, or other similar suitable methods. The RPD and CPD will remain under unified control and adequate access will be provided for lake maintenance. This deviation is internal to the site and has no impact to surrounding properties. This proposed alternative is based on sound engineering practices and is no less consistent with the health, safety and welfare of abutting landowners and the general public than the standard from which the deviation is being requested. The requested deviation enhances the achievement of the objectives of the planned development and will preserve and promote the general intent to protect the public health, safety and welfare.



EXISTING
WETLAND
TO BE
PRESERVED



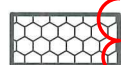
PREVIOUS APPROVED
INDIGENOUS CREATION
TO REMAIN



PREVIOUS INDIGENOUS
CREATION AREA
TO BE REMOVED **0.02 AC.**



PROPOSED REPLACEMENT
INDIGENOUS CREATION
AREA ADDED **0.10 AC.**

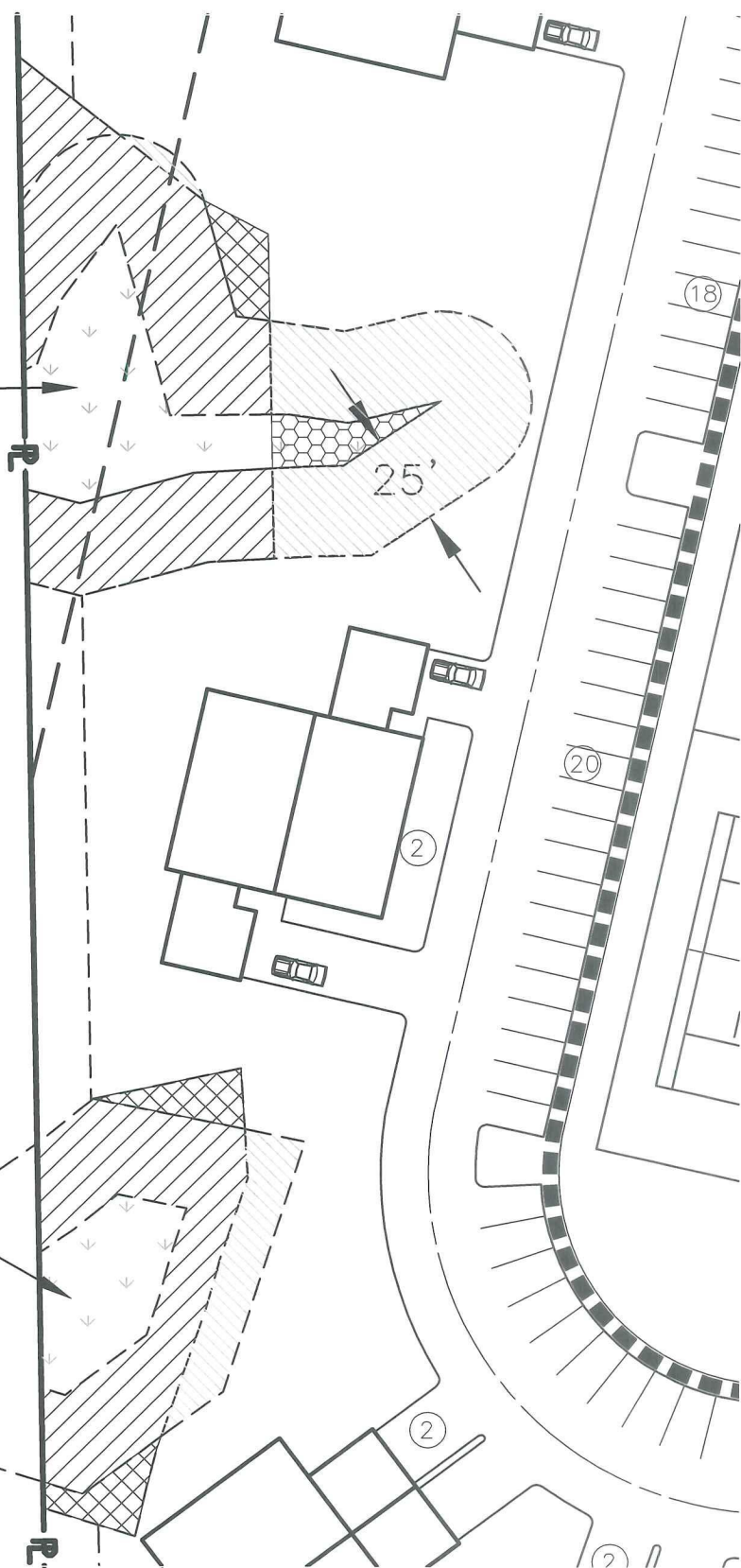


PREVIOUS APPROVED
INDIGENOUS AREA TO BE
IMPACTED NOW PROPOSED TO
BE PRESERVED **0.01 AC.**

NET INCREASE OF **0.08 AC.**
INDIGENOUS CREATION

NET DECREASE OF INDIGENOUS
AREA TO BE IMPACTED **0.01 AC.**

EXISTING
WETLAND
TO BE
PRESERVED



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SURVEY LICENSE # LS 6690

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INDIGENOUS CREATION REVISION EXHIBIT

AVIDA

LEE COUNTY, FLORIDA

DATE	PROJECT	DRAWING	DESIGN	DRAWN	CHECKED	SCALE	SHEET
1/21/2016	1620	EXHIBIT	SEH	JS	SEH	1"=50'	1



0 1 2
GRAPHIC SCALE 1" = FT

1.19 AC UPLAND AREA x 1.25 CREDIT FOR MORE THAN
1 AC [LDC 10.415(b)(3)a] + 10% CREDIT FOR COMBINING
WITH OFFSITE PUBLIC PRESERVE [LDC 40-415 (b)(3)b.2.]
(1.19 x 1.35) = 1.60 AC
WETLAND = 0.10 AC
TOTAL INDIGENOUS = 1.70 AC

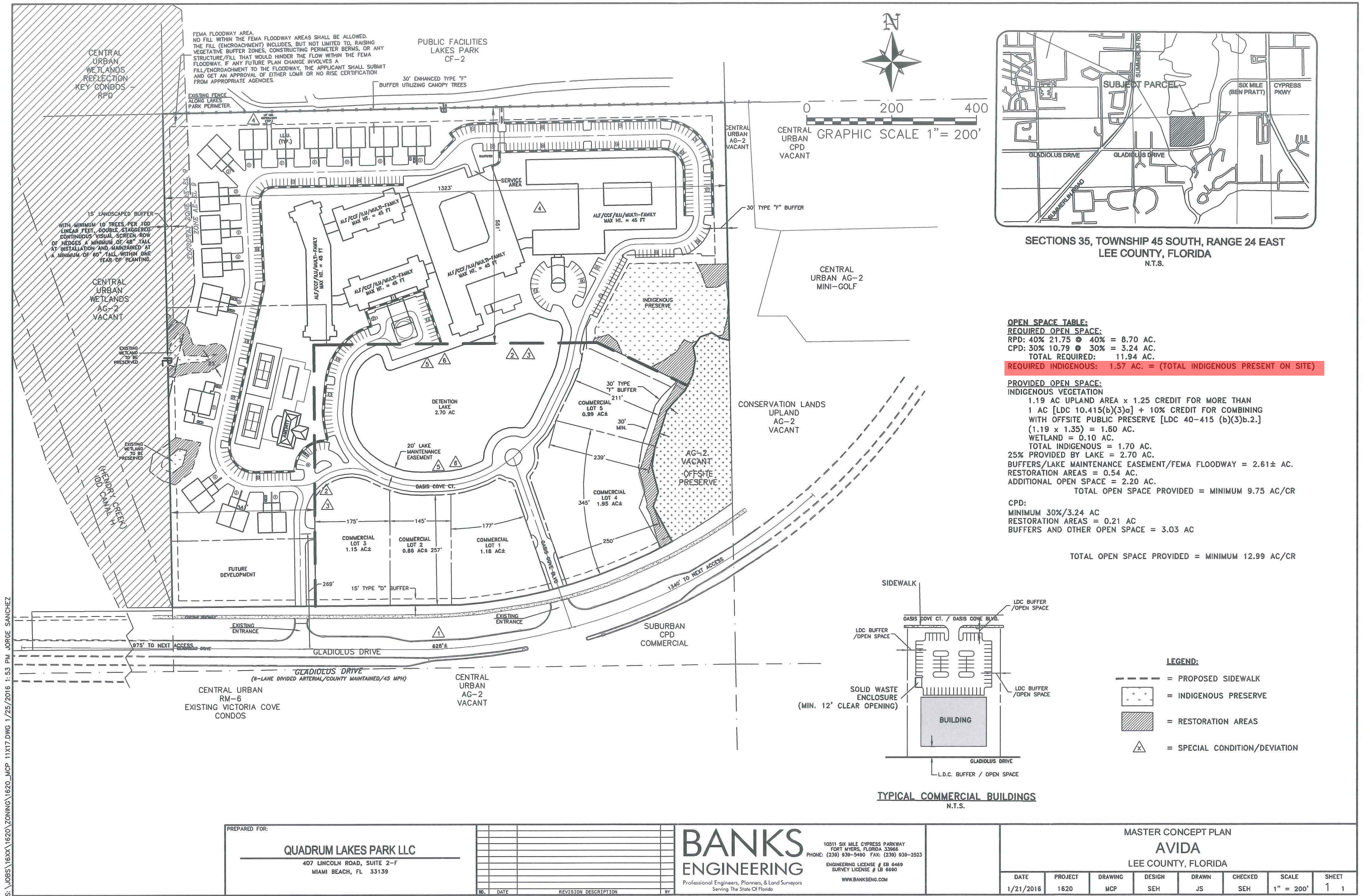


* THESE AREAS ARE CURRENTLY DOMINATED BY EXOTICS WITH VERY WIDELY SCATTERED NATIVE SPECIES. ALL WOODY EXOTIC VEGETATION WITHIN THE RESTORATION AREAS WILL BE CUT BY HAND JUST ABOVE NATURAL GRADE AND THE STUMP TREATED WITH AN APPROPRIATE HERBICIDE CONTAINING AN INDICATOR DYE. TREATMENT WILL OCCUR IMMEDIATELY FOLLOWING CUTTING TO ENSURE MAXIMAL UPTAKE OF THE HERBICIDE. THE RESULTING VEGETATIVE MATERIAL WILL BE REMOVED FROM THE PRESERVE AND DISPOSED OF AT AN UPLAND LOCATION IN ACCORDANCE WITH ALL APPLICABLE LOCAL REGULATIONS. CARE WILL BE TAKEN TO MINIMIZE IMPACTS TO NATIVE VEGETATION WITHIN THE AREAS TO THE DEGREE PRACTICABLE. ONCE THE EXOTICS ARE REMOVED, NATIVE PLANTS WILL BE INSTALLED. THIS WILL CONSIST OF SIX FEET TALL TREES (CABBAGE PALM, SLASH PINE, AND LAUREL OAK) 12± FEET ON CENTER, ONE GALLON SHRUBS (SUCH AS MYRSINE, WAX-MYRTLE, WHITE STOPPER, COCO PLUM, AND WHITE INDIGO BERRY) FIVE FEET CENTER, AND ONE GALLON GROUND COVER (SUCH AS BUSHY BLUESTEM, LOVEGRASS SAW PALMETTO, AND SAND CORDGRASS) THREE FEET CENTER. CABBAGE PALMS INSTALLED IN THESE AREAS MAY INCLUDE CABBAGE PALMS RELOCATED FROM ON-SITE DEVELOPMENT AREAS. VIABLE EXISTING NATIVE PLANTS LOCATED WITHIN THE RESTORATION AREAS AFTER THE EXOTICS HAVE BEEN REMOVED WILL COUNT TOWARDS THE PLANTING REQUIREMENT. PLANTINGS WITHIN THE RESTORATION AREAS ADJACENT TO COMMERCIAL LOTS 6 AND 7 WILL BE UPSIZED TO MEET THE THE LEE COUNTY LAND DEVELOPMENT CODE REQUIREMENTS FOR THE TYPE "F" BUFFER.

[illegible]

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INDIGENOUS RESTORATION PLAN (EXHIBIT D-7-Y)							
AVIDA LEE COUNTY, FLORIDA							
DATE	PROJECT	DRAWING	DESIGN	DRAWN	CHECKED	SCALE	SHEET OF
1/21/2016	1620	IRP	DRU	SDJ	DRU	1" = 200'	1 1



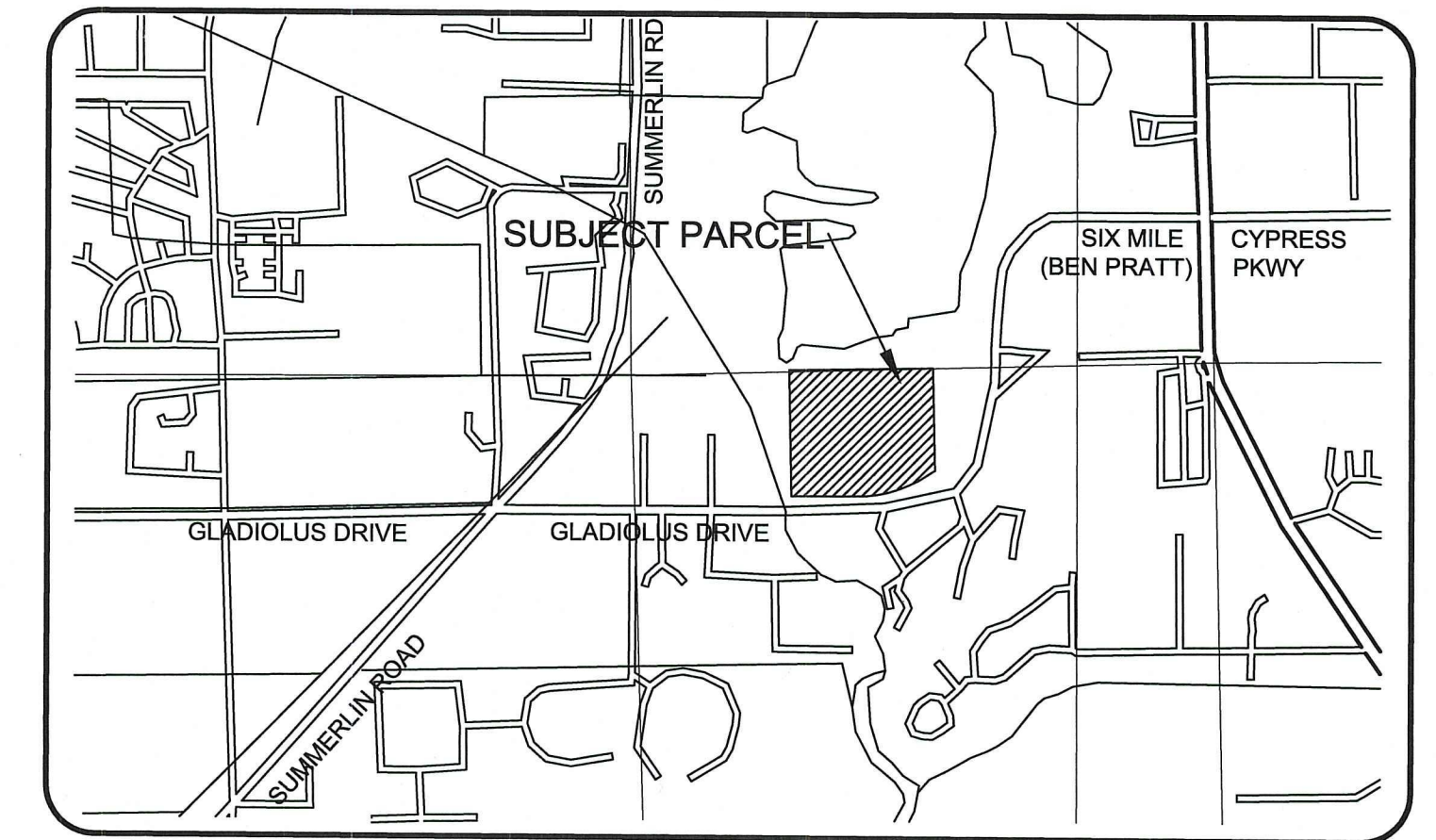
S:\JOBS\1600\1620\ZONING\1620_MCP_11X17.DWG 1/25/2016 1:53 PM JORGE SANCHEZ

PREPARED FOR:
QUADRUM LAKES PARK LLC
407 LINCOLN ROAD, SUITE 2-F
MIAMI BEACH, FL 33139

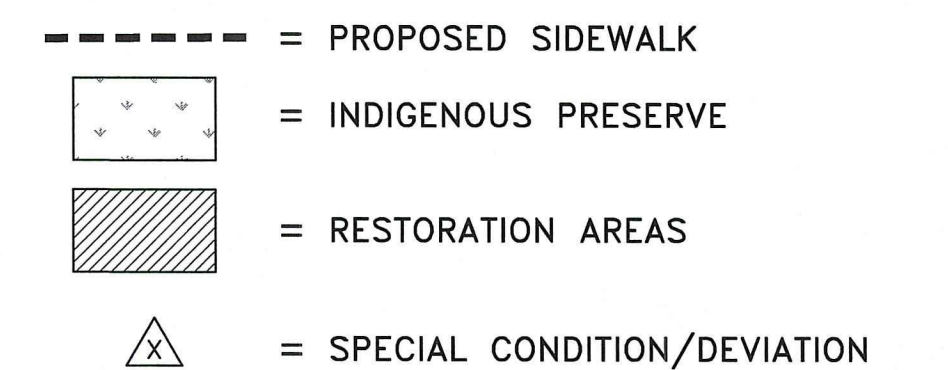
NO.	DATE	REVISION DESCRIPTION	BY

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MASTER CONCEPT PLAN AVIDA LEE COUNTY, FLORIDA							
DATE	PROJECT	DRAWING	DESIGN	DRAWN	CHECKED	SCALE	SHEET
1/21/2016	1620	MCP	SEH	JS	SEH	1" = 200'	1 1



TOTAL OPEN SPACE PROVIDED = MINIMUM 12.99 AC/CR



DATE	PROJECT	DRAWING	DESIGN	DRAWN	CHECKED	SCALE	SHEET
1/21/2016	1620	MCP	SEH	JS	SEH	1"=100'	1