



239-533-8585

John E. Manning
District One

Cecil L. Pendergrass
District Two

Larry Kiker
District Three

Tammy Hall
District Four

Frank Mann
District Five

Doug Meurer
Interim County Manager

Michael D. Hunt
County Attorney

Diana M. Parker
County Hearing
Examiner

Exhibit B

December 03, 2012

CHARLES J. BASINAIT
HENDERSON, FRANKLIN, STARNES A
1715 MONROE ST
FORT MYERS FL 33901

Re: OASIS COVE
Senate Bill 2156 Extension (F)
DCI2012-00049

Dear CHARLES J. BASINAIT:

In accord with SB2156, development permits meeting certain criteria are entitled to an extension from the existing/initial permit expiration date. Accordingly, the effectiveness of the Master Concept Plan identified in Zoning Resolution, Z-10-009, DCI2009-00005, OASIS COVE, is hereby extended for the following:

APPROVAL OF AN MCP EXTENSION FROM JUNE 7, 2019 TO NOVEMBER 5, 2020 FOR OASIS COVE BASED ON FLORIDA STATUTE 252.363 AND EXECUTIVE ORDER NUMBER 12-140 (TROPICAL STORM DEBBY, AS EXTENDED BY EXECUTIVE ORDER NUMBERS 12-192 and 12-217) AND EXECUTIVE ORDER NUMBER 12-199 (TROPICAL STORM ISAAC).

No additional extensions under SB2156 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 SB2156, 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

A handwritten signature in cursive script, appearing to read "Pam Houck".

Pam Houck
Director

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

WHEREAS, an application was filed by Beck Group of Fort Myers, LLC, to rezone a 32.54±-acre parcel from Residential Planned Development (RPD), formerly known as Gladiolus RPD, to Residential Planned Development/Commercial Planned Development (RPD/CDP) in reference to a project known as Oasis Cove RPD/CPD; and,

WHEREAS, a public hearing was advertised and held on March 18, 2010, before the Lee County Zoning Hearing Examiner Richard A. Gescheidt, who gave full consideration to the evidence in the record for Case #DCI2009-00005; and,

WHEREAS, a second public hearing was advertised and held on June 7, 2010, before the Lee County Board of Commissioners, who gave full and complete consideration to the recommendations of the staff, the Hearing Examiner, the documents on record and the testimony of all interested persons.

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

SECTION A. REQUEST

The applicant filed a request to rezone a 32.54±-acre parcel from RPD to RPD/CPD to allow Assisted Living Facilities (ALF), Continuing Care Facilities (CCF), Independent Living Units (ILU), multi-family development, and commercial uses. The maximum density proposed is 190 Multi-family dwelling units, or an equivalent number of units in ALFs, CCFs, and ILUs. The maximum intensity of non residential proposed is commercial, office, and retail development, maximum 100,000 square feet including a maximum 25,000 square feet retail. The maximum permissible height 45 feet for both Residential and Commercial. Development blasting was not requested as part of this application. Development will connect to public potable water and sanitary sewer service.

The property is located in the Central Urban and Wetlands Future Land Use Categories and is legally described in Exhibit A, attached hereto.

The request is APPROVED, SUBJECT TO the conditions and deviation 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. Development must be consistent with the one-page Master Concept Plan (MCP) entitled "Oasis Cove A.K.A. Gladiolus RPD," date stamped "Received Jun 08 2010," attached hereto as Exhibit C, except as modified by the conditions below.

Development must comply with all requirements of the LDC at time of the local development order approval, except as may be granted by deviation as part of this planned development. If changes to the MCP are subsequently pursued, appropriate approvals will be necessary.

The RPD is limited to a maximum of 190 multi-family dwelling units, or a maximum of 160 units of ALF/CCF units, plus a maximum of 300 ILUs, 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.

The CPD is limited to a maximum of 100,000 square feet of gross floor area, including a maximum of 25,000 square feet of Commercial Retail uses.

Zoning Resolution Z-75-145, Z-04-034, and Administrative Amendment #ADD2006-00184 are superceded by this zoning resolution and will have no further force or effect.

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

a. Schedule of Uses

Commercial Planned Development

Accessory Uses and Structures

Administrative Offices

Animals - Clinic or Kennel - no outdoor runs, completely enclosed facilities.

ATM - Automatic Teller Machine

Auto Parts Store - no installation service

Bait and Tackle Shop - no outdoor storage or display.

Banks and Financial Establishments, Groups I and II.

Boats - limited to Boat Part Sales, no outdoor storage or display, no rental, storage, repair or service.

Broadcast Studio, Commercial Radio and Television - does not include freestanding wireless communication facilities, Wall-mounted and building-mounted antennae may be approved per LDC § 34-1441, *et seq.*

Business Services Groups I and II - Excluding bail bonding.

Cleaning and Maintenance Services.

Clothing Stores, General

Clubs: Commercial, Fraternal, Membership Organization, Private - Does not include consumption on premises indoors or outdoors.

Consumption on Premises - See Condition #13.

Contractors and Builders, Group I only (offices and indoor storage facilities, excludes any fabrication work or outdoor storage, other than parking of cars).

Cultural Facilities.

Day Care, Child, Adult.
 Department Store
 Drive Through Facility for Any Permitted Use.
 Drugstore, Pharmacy.
 Entrance Gates and Gatehouse.
 EMS, Fire or Sheriff's Station.
 Essential Services.
 Essential Services Facilities, Group I.
 Excavation - Water Retention and Detention - not to include the removal of
 excavated material from site, no blasting.
 Fences and Walls.
 Food and Beverage Service, Limited.
 Food Stores, Group I - Not including Group II (freezer and locker meat provisioner).
 Funeral Home and Mortuary - Without Crematory.
 Gift and Souvenir Shop.
 Health Care Facilities, Group III.
 Hobby, Toy and Game Shops - No outdoor storage or display.
 Hospice, Limited to lots 5 and 6. Limited to 50 beds.
 Household and Office Furnishings, Groups I and II. Excluding Group III (hot tub
 and spas, swimming pools, prefabricated). No outdoor storage or display.
 Insurance Companies
 Lawn and Garden Supply Stores - No outdoor display or storage.
 Library
 Maintenance Facility, Government
 Medical Office
 Motion Picture Production Studio
 Nonstore Retailers, All Groups.
 Casino-style games are prohibited.
 Paint, Glass and Wallpaper - No outdoor display or storage.
 Parking Lot, Accessory, Commercial, Garage, Public Parking, Temporary.
 Personal Services, Groups I, II, III, IV - excluding Massage Parlors, Steam or
 Turkish Baths, Escort Services, Palm Readers, Fortunetellers or Card
 Readers, Tattoo Parlors.
 Pet Services - no outdoor runs, completely enclosed facilities.
 Pet Shop - no outdoor runs, completely enclosed facilities.
 Place of Worship
 Plant Nursery
 Post Office
 Printing and Publishing
 Real Estate Sales Office
 Recreation, Facilities, Commercial. Group I, Group III, Group IV - Casino-style
 games are prohibited.
 Recreation Facilities, Personal, Private On Site, Private Off Site.
 Religious Facilities
 Rental or Leasing Establishments, Groups I, II and III. Excluding Recreation
 Vehicles and Utility Trailers.
 Repair Shops, Groups I and II.
 Research and Development Laboratories, Groups II and IV.

Restaurant, Fast Food - No stand alone fast food. No drive through for this use.
Fast food permitted within a multi-occupancy building only.
Restaurants, Groups I, II, III, IV
Retail and Wholesale Sales, when clearly incidental and subordinate to a permitted principal use only.
Schools: Commercial, Noncommercial
Signs per Chapter 30 Lee County Land Development Code
Social Services, Groups I and II
Specialty Retail Shops, All Groups. Excluding Ammunition, Firearms, Hunters Equipment.
Studios
Temporary uses - limited to construction trailers, real estate sales offices.
Transportation Services, Group II (Automobile). No Group III (Bus).
Used Merchandise Stores, Groups I and II only. - excluding pawnshops.
No Group III (Automotive) and No Group IV (Building Materials)
Warehouse, Miniwarehouse, Private, Public - limited to 10,000 square feet of floor area for the entire CPD.
Wholesale Establishments, Groups I and III. Indoor establishments only. No open storage, display or Group IV wholesale establishments.

Residential Planned Development

Accessory Uses and Structures.
Administrative Office
Assisted Living Facility (see Condition 1 for density)
ATM *
Banks and Financial Establishments, Group I *
Consumption on Premises - See Condition 13. *
Continuing Care Facility (see Condition 1 for density)
Dwelling Unit - Townhouse, Multifamily (see condition 1 for density)
Entrance Gates and Gatehouses
Essential Services.
Essential Services Facilities, Group I.
Excavation - Water Retention and Detention - not to include the removal of excavated material from site, no blasting.
Fences and Walls
Food and Beverage Service, limited *
Food Stores, Group I *
Health Care Facilities, Groups I and II only. *
Home Occupation
Independent Living Units (see Condition 1 for density)
Laundry or Dry Cleaning, Group I *
Medical Office *
Models: Model Unit (see condition 7)
Nonstore Retailers, Group II *
Parking Lot, Accessory, Temporary
Personal Services, Group I *
Pharmacy *

Recreation Facilities, Private, On Site. *
Residential Accessory Uses
Restaurants, Groups I and II *
Signs per Chapter 30 Lee County Land Development Code
Temporary uses - limited to construction trailers, real estate sales offices.

* Commercial uses listed above are accessory to the assisted living (ALF, CCF, and/or ILU) use only.

Site Development Regulations

**Residential Planned Development:
Assisted Living Facility (ALF)/Continuing Care Facility(CCF)/Independent
Living Unit (ILU)**

RPD Area - 21.75 Acres

Lot Size

Minimum Lot Area: 10,000 square feet
Minimum Lot Depth: 100 feet
Minimum Lot Width: 100 feet

Setbacks

Street (public)	25 feet
Street (private)	20 feet
Side	10 feet
Rear	20 feet
Water body	20 feet

Lakes Park Setback (north boundary line)

Building:	75 feet (for maximum 45 feet in building height)
	50 feet (for maximum 35 feet in building height)
	40 feet (for maximum 25 feet in building height)

Minimum 30-foot building perimeter setback on the east, west and south boundaries of the subject property.

Accessory uses and setbacks must comply with the LDC § 34-1174 *et seq.* and LCD § 34-2194.

Minimum building separation: One half the sum of height of both buildings, or 20 feet, whichever is greater. Buildings exceeding 35 feet in height must maintain additional building separation and setbacks as regulated by LDC § 34-2174(a) and § 34-935(e)(4)

Maximum Lot Coverage 60 percent

Maximum Height 45 feet

**Residential Planned Development:
Multi-Family, Clubhouse, Recreational Facility**

Lot Size

Minimum Lot Area: 10,000 square feet
Minimum Lot Depth: 100 feet
Minimum Lot Width: 100 feet

Setbacks

Street (public) 25 feet
Street (private) 20 feet
Side 10 feet
Rear 20 feet
Water body 20 feet

Lakes Park Setback (north boundary line)

Building: 75 feet (for maximum 45 feet in building height)
50 feet (for maximum 35 feet in building height)
40 feet (for maximum 25 feet in building height)

Common Parking Areas may not be located closer than 100 feet to Lake Park's property line. (Not applicable when residential units are placed between Lakes Park property and the common parking areas for the RPD.)

Minimum 30-foot building perimeter setback on the east, west and south boundaries of the subject property.

Accessory uses and setbacks must comply with the LDC § 34-1174 *et. seq.* and § 34-2194.

Minimum building separation: One half the sum of height of both buildings, or 20 feet, whichever is greater. Buildings exceeding 35 feet in height must maintain additional building separation and setbacks as regulated by LDC § 34-2174(a) and § 34-935(e)(4)

Maximum Lot Coverage 60 percent

Maximum Height 45 feet

**Residential Planned Development :
Townhouse**

Lot Size

Minimum Lot Area: 2,000 square feet
Minimum Lot Depth: 100 feet

Minimum Lot Width: 20 feet

Setbacks

Street (public) 25 feet
 Street (private) 20 feet
 Side 5/0 feet
 Rear 15 feet
 Water body 20 feet
 Lakes Park Setback (north boundary line)

Building: 75 feet (for maximum 45 feet in building height)
 50 feet (for maximum 35 feet in building height)
 40 feet (for maximum 25 feet in building height)

Common Parking Areas may not be located closer than 100 feet to Lake Park's property line. (Not applicable when residential units are placed between Lakes Park property and the common parking areas for the RPD.)

Minimum 30-foot building perimeter setback on the east, west and south boundaries of the subject property.

Accessory uses and setbacks must comply with the LDC § 34-1174 *et. seq.* and § 34-2194.

Minimum building separation: One half the sum of height of both buildings, or 20 feet, whichever is greater. Buildings exceeding 35 feet in height must maintain additional building separation and setbacks as regulated by LDC § 34-2174(a) and § 34-935(e)(4)

Maximum Lot Coverage 60 percent

Maximum Height 45 feet

**Commercial Planned Development :
 Commercial Uses**

CPD Area - 10.79 Acres

Lot Size

Minimum Lot Area: 10,000 square feet
 Minimum Lot Depth: 100 feet
 Minimum Lot Width: 100 feet

Setbacks

Street (public) 25 feet
 Street (private) 20 feet
 Side 10 feet
 Rear 15 feet

Water body 20 feet

Accessory uses and setbacks must comply with the LDC § 34-1174 *et. seq.* and § 34-2194.

Minimum building separation: One half the sum of height of both buildings, or 20 feet, whichever is greater. Buildings exceeding 35 feet in height must maintain additional building separation and setbacks as regulated by LDC § 34-2174(a) and § 34-935(e)(4)

Maximum Lot Coverage 60 percent

Maximum Height 45 feet

3. Concurrency

Approval of this rezoning does not constitute a finding that the proposed project meets the concurrency requirements set forth in LDC Chapter 2 and the Lee County Comprehensive Plan. The developer is required to demonstrate compliance with all concurrency requirements, including traffic concurrency, prior to issuance of a local development order

4. Traffic

Approval of this zoning request does not address mitigation of the project's vehicular or pedestrian traffic impacts. Additional conditions consistent with the LDC may be required to obtain a local development order.

5. Lee County Comprehensive Plan

Approval of this rezoning does not guarantee local development order approval. Future development order approvals must satisfy the requirements of the Lee County Comprehensive Plan (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 (for commercial uses), as well as all other Lee County Comprehensive Plan provisions.

6. No Blasting

No development blasting is permitted as part of this project unless approved at a subsequent public hearing as an amendment to the planned development.

7. Model Units

- a. Model units are limited to a maximum of eight.
- b. Models cannot be of the same floor plan and each must be a different design.

- c. Real estate sales are limited to administrative offices within model units and within the CPD
- d. Real estate sales within the RPD area will be limited to the sale of lots or units within the development only. Real estate sales in the CPD area are not limited.
- e. Hours of operation for model homes and real estate sales in the RPD area are limited to Monday through Sunday 8:00 a.m. to 8:00 p.m. Real estate sales in the CPD area are not limited.
- f. No dry models are permitted.

8. Water and Sewer

Development must connect to both public water and public sewer. At time of local development order, the developer must also demonstrate there is adequate water and sewer capacity to handle level of development proposed in the development order submittal.

9. Accessory Uses

Accessory uses must be located on the same tract, parcel, or outparcel where a principal use is located. Accessory uses must be incidental and subordinate to the principal use of the tract, parcel, or outparcel.

10. Sidewalks

Development must include internal sidewalks as a site-related improvement. These facilities must be included in local development orders as part of construction of the project's infrastructure.

11. Solid Waste/recycling

As part of any local development order approval for vertical development, the developer must include facilities in compliance with LDC §10-261 and Solid Waste Ordinance # 08-10 for the pick-up/disposal of solid waste and recyclables. The minimum area required for, and specific locations of, these facilities will be reviewed at the time of local development order application.

12. Casino-style Games

Casino-style games are prohibited.

13. Consumption on Premises

- a. Consumption on Premises is limited to indoor seating in conjunction with a Group II or III Restaurant with a 4-COP-SRX or 2-COP beverage license.

- b. The hours of operation for indoor consumption on premises is limited to between 11:00 a.m. to 11:00 p.m. daily.
- c. No sale, service or consumption of alcoholic beverages will be permitted without the sale or availability of food and non-alcoholic beverages on the same premises.
- d. Outdoor consumption on premises within the CPD and RPD may be approved by a special exception or an amendment to the planned development. A public hearing will be required. The applicant must provide adequate detail of the outdoor seating area used in conjunction with the outdoor consumption on premises (square footage, number of seats, proposed hours, distance to Lakes Park, outdoor entertainment, etc.) consistent with the requirements of the LDC.

14. Hurricane Shelter

An on-site hurricane shelter must be provided as part of any ALF, CCF, or ILU development to house all residents during storm events. On-site shelters and all required equipment and supplies for these facilities must comply with the following standards, as well as other standards required by the LDC:

- a. Elevation to the anticipated storm surge from a land falling Category "5" storm.
- b. Construction to withstand winds of 200 miles per hour in accordance with the Florida Building Code.
- c. Construction with minimum exterior glass with all glazed openings provided with impact protection in accordance with the Florida Building Code.
- d. Equipped with emergency power and potable water supplies to last up to five days.
- e. Protected with adequate ventilation, sanitary facilities, and first aid medical equipment.

15. Hurricane Plan

- a. The developer, his successors or assigns, will provide an educational program on an annual basis, in conjunction with the staff of the Lee County Emergency Management Department (EMS), which will provide literature, brochures, and speakers for Hurricane Awareness/Preparedness seminars describing the risks of natural hazards.
- b. The developer, his successors or assigns, will formulate an emergency hurricane notification and evacuation plan for the development, which will be subject to review and approval by EMS.
- c. The developer will coordinate with the Division of Public Safety of the Lee County EMS in determining and participating in a means to lessen its adverse impacts on

the County's hurricane preparedness process and public safety and will comply with the Hurricane Shelter Ordinance.

16. FEMA Floodway Area

Fill within the FEMA floodway areas is prohibited. The fill (encroachment) included, but not limited to, raising vegetative buffer zones, constructing perimeter berms, or any structure/fill that would hinder flow within the FEMA floodway. If future changes in the plan involve a fill/encroachment to the floodway, the applicant must submit and obtain approval of either a Letter of Map Revision (LOMR) or No-Rise Certification from appropriate agencies.

17. Access to Lakes Park

The design and construction of the pedestrian access from the development to Lakes Park is subject to approval by the Lee County Department of Public Works during the local development order review process. The developer is responsible for all costs associated with the design and construction of this access. The access will be gated and locked by the property owner daily from dusk to 7:00 a.m.

18. Open Space

Prior to local development order approval, the development order plans must delineate a minimum 12.99 acres of open space.

19. INDIGENOUS PRESERVATION

Prior to local development order approval:

- a. development order plans must depict preservation in substantial compliance with the following:
 - (1) a minimum 1.19 acres existing pine-mesic oak upland (minimum 1.6 acres with credits taken); and
 - (2) a minimum 0.09 acre existing marsh wetland; and
 - (3) a minimum 0.67 acre indigenous creation/restoration area to provide minimum 15-foot, average 25-foot-wide upland buffers to the on-site wetland preserves and off-site conservation lands.
- b. landscape plans must depict the indigenous creation/restoration areas to be planted per the approved Indigenous Restoration Plan attached to this resolution as Exhibit D.
- c. an Indigenous Management Plan for the indigenous preservation and creation/restoration areas meeting the requirements of LDC §10- 415(b)(4) must be submitted for of Environmental Sciences (ES) staff review.

- d. development order plans must depict a minimum 20-foot building and accessory structure setback to indigenous preservation and creation/restoration areas.

20. Protected Species

Prior to local development order approval, American alligator and listed wading bird species management plans meeting the requirements of LDC §10-474 must be submitted for review and approval by the ES staff. The management plans must include information for residents on the importance of the littoral areas and adjacent preserves for providing nesting and foraging habitat. In addition, the development order plans must depict the appropriate locations and details of signage that identify that alligators may be present and inform that it is dangerous and illegal to feed or harass alligators.

21. DELETED AT PUBLIC HEARING

22. DELETED AT PUBLIC HEARING

23. Buffer Conditions

Prior to local development order approval, landscape plans must depict buffers provided in substantial compliance with the approved MCP and Landscape Exhibit (Exhibit E hereto) and to also provide:

- a. One gallon, installed three-foot on center groundcover plantings along the interior side of the 30-foot wide Type F buffer within the RPD; and,
- b. If parking areas are proposed adjacent to the RPD north property line, then each required 18-foot wide island abutting the 30-foot Type F buffer must be planted with one native canopy tree, minimum 10 feet in height and native grasses, one-gallon container size, installed two-foot on centers; and,
- c. Required Type F buffer vegetation to be measured from the final grade of the on-site adjacent parking lot or roadway if the buffer is abutting proposed parking area or roadway; and,
- d. Required Type F buffer trees installed in a configuration to provide a continuous visual canopy screen within one year after time of planting. If a continuous visual canopy screen is not obtained within one year after time of planting, then additional trees may be required; and,
- e. Required Type F buffer trees and palms must not be pruned to reduce height or canopy spread.

24. Lakes Park/Wildlife Protection

Prior to local development order approval, development order plans must depict:

- a. Lighting of pedestrian and parking areas must be directed internally to the site. Parking lot areas must be illuminated with enough intensity to create secure areas consistent with the Lee County Land Development Code; and
- b. Except as provided herein, parking lot lamps on all parcels must be hooded or globed and must not exceed 20 feet in height. Parking lot lamps may not exceed 16 feet in height within the RPD parcel if located between residential buildings structures and north property line abutting Lakes Park and within CPD Lots 6 and 7, if located between commercial buildings and the east property line abutting the off-site County owned preserve; and
- c. Mercury vapor lamps/lights are prohibited.

Prior to local development order approval, development plans for buildings within the RPD/CPD must be reviewed by ES staff for the utilization of window and architectural treatments to reduce or break up window panel reflection in order to decrease the potential of bird strikes. Examples of acceptable window and architectural treatments may include the use of non-reflective tinting, ultraviolet reflective decals, exterior sun shades, smaller windows, window awnings or similar treatments. This condition is applicable to the window and door panels on the northern building facades facing Lakes Park within the RPD parcel and on the eastern building facades facing the offsite County owned preserve within the CPD parcel Lots 6 and 7.

SECTION C. DEVIATIONS:

1. Deviation (1*) (Connection Separation) seeks relief from the LDC §10-285(a), Table 1, requirement to provide a 660-foot connection separation on an arterial road; to allow 628 feet of separation on Gladiolus Drive. This deviation is APPROVED.

*This deviation was previously approved in the Gladiolus RPD, in Resolution Z-04-43. In an abundance of caution, the Hearing Examiner recommends its approval as part of this rezoning request.

SECTION D. EXHIBITS :

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

- Exhibit A: Legal description
- Exhibit B: Zoning Map (subject parcel identified with shading)
- Exhibit C: Master Concept Plan
- Exhibit D: Indigenous Restoration Plan
- Exhibit E: Landscape Exhibit

SECTION E. FINDINGS AND CONCLUSIONS:

1. The applicant has proven entitlement to the rezoning to RPD/CPD by demonstrating compliance with the Lee Plan, the LDC, and other applicable codes or regulations.
2. The RPD/CPD rezoning, as approved:
 - a. meets or exceeds the 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 RPD/CPD 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, 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.

Commissioner Mann made a motion to adopt the foregoing resolution, seconded by Commissioner Hall. The vote was as follows:

Vacant	
A. Brian Bigelow	Nay
Ray Judah	Aye
Tammara Hall	Aye
Franklin B. Mann	Aye

DULY PASSED AND ADOPTED this 7th day of June 2010.

ATTEST:
CHARLIE GREEN, CLERK

BOARD OF COUNTY COMMISSIONERS
OF LEE COUNTY, FLORIDA

BY: Marcia Wilson
Deputy Clerk

BY: T Hall
Tammara Hall, Chairwoman



Approved as to form by:

Donna Marie Collins
Donna Marie Collins
County Attorney's

RECEIVED
MINUTES OFFICE
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EXHIBIT A
Legal Description
Property located in Lee County, FL
Page 1 of 6

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

RECEIVED
DEC 18 2009

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

COMMUNITY DEVELOPMENT

(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.

Applicant's Legal Checked
BY RG 12-22-09

Richard M. Ritz
RICHARD M. RITZ,
REGISTERED LAND SURVEYOR
FLORIDA CERTIFICATION NO. 4009

SHEET 1 OF 2

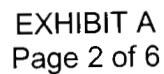
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Sarasota Office
1144 Tallevast Road Suite #115
Sarasota, Florida 34243
(941) 360-1618
Fax (941) 360-6918

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

EXHIBIT A

DCI 2009-00005



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

RECEIVED
 DEC 18 2009

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

COMMUNITY DEVELOPMENT

(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.

Applicant's Logist Checked
 AV 89 12-22-09

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

SHEET 1 OF 2

S:\Jobs\16vee\1620\SURVEY\Description\1620_RPD_DESC.dwg

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

DCI 2009-00005

EXHIBIT A
 Page 3 of 6

Banks EngineeringProfessional Engineers, Planners & Land Surveyors
FORT MYERS ♦ NAPLES ♦ SARASOTA ♦ PORT CHARLOTTEDESCRIPTION
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.

DCI 2009-00005

Richard M. Ritz

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

EXHIBIT A
Page 5 of 6

Applicant's Legal Checked
by CEJ 2-12-09

SHEET 1 OF 2

S:\Jobs\1620\SURVEY\Descriptions\1620_DESC_RMR.doc

2515 Northbrooke Plaza Drive, Suite 200, Naples, Florida 34119 • (239) 597-2061 • Fax (239) 597-3082

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

NOTES:
BEARINGS ARE BASED ON THE EAST LINE OF THE NORTHWEST
QUARTER OF SECTION 35, TOWNSHIP 45 SOUTH, RANGE 14
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.

O.R. OFFICIAL RECORDS BOOK
PG. PAGE
CI CURVE DATA NUMBER

Applicant's Legal Checked
by Cef 2-12-09

CURVE TABLE					
CURVE	RADIUS	DELTA	ARC	CHORD	CHORD BEARING
C1	1,312.39'	09°06'31"	208.64'	208.42'	S 80°37'03" W
C2	1,307.39'	13°48'42"	315.15'	314.40'	S 68°29'00" W
C3	1,307.39'	07°21'30"	167.90'	167.79'	S 57°53'54" W

THIS IS NOT A SURVEY

Richard M. Ritz
 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, 2008.

PREPARED BY:

Banks Engineering

ENGINEERING, SURVEYING & LAND PLANNING

2515 NORTHBROOKE PLAZA DRIVE - SUITE 200

NAPLES, FLORIDA 34119

(239) 507-2061
FLORIDA SURVEYING BUSINESS CERTIFICATION NO. 8800

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

POINT OF
BEGINNING
NORTHEAST CORNER
NORTHWEST QUARTER
SECTION 35

SUBJECT PARCEL 2009-00005

[illegible]

GLADIOLUS DRIVE
(COUNTY ROAD 865)

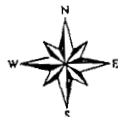
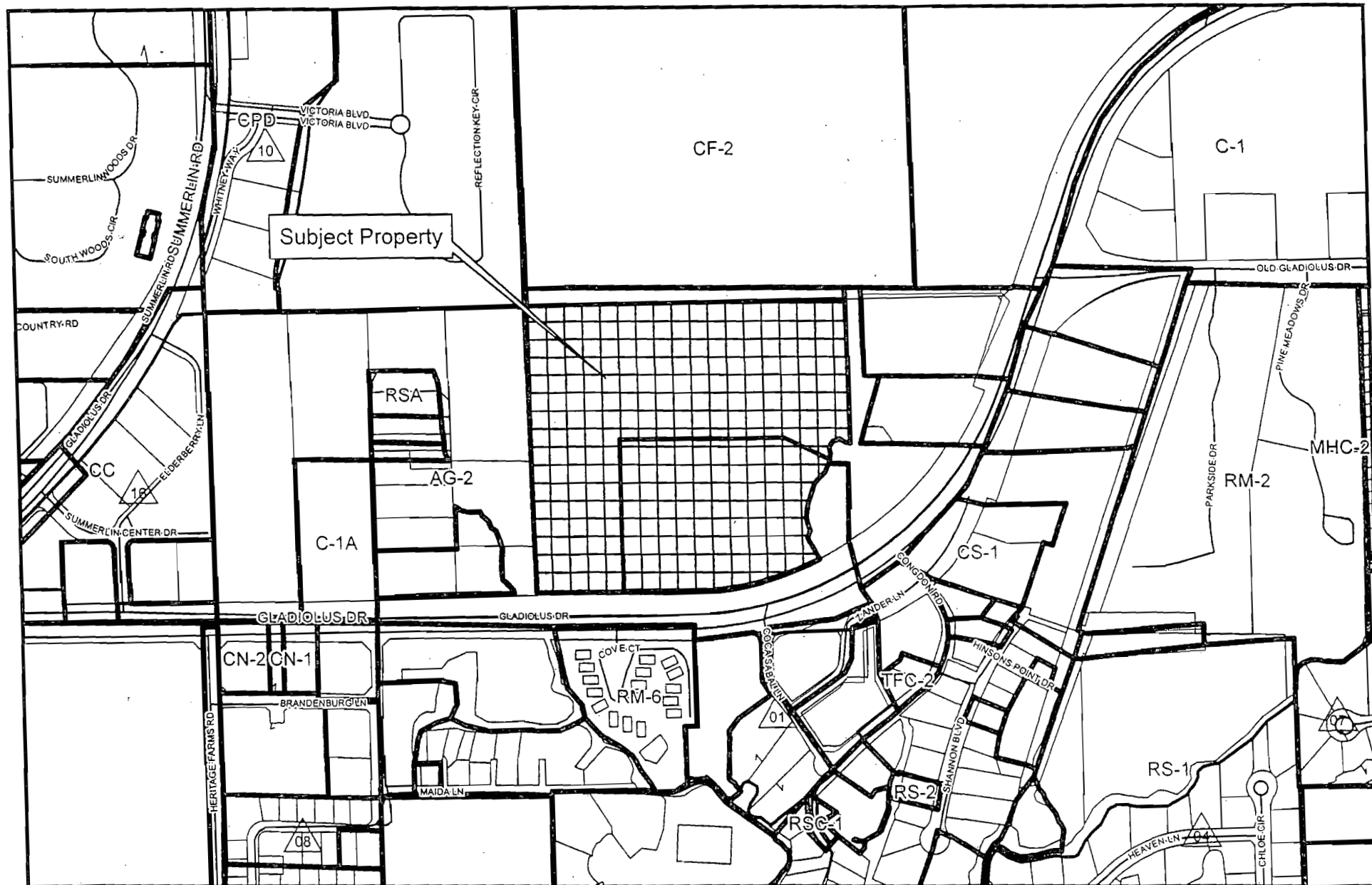
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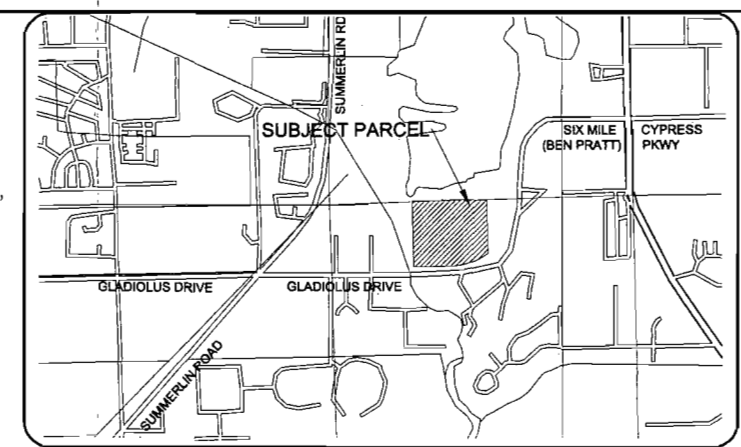
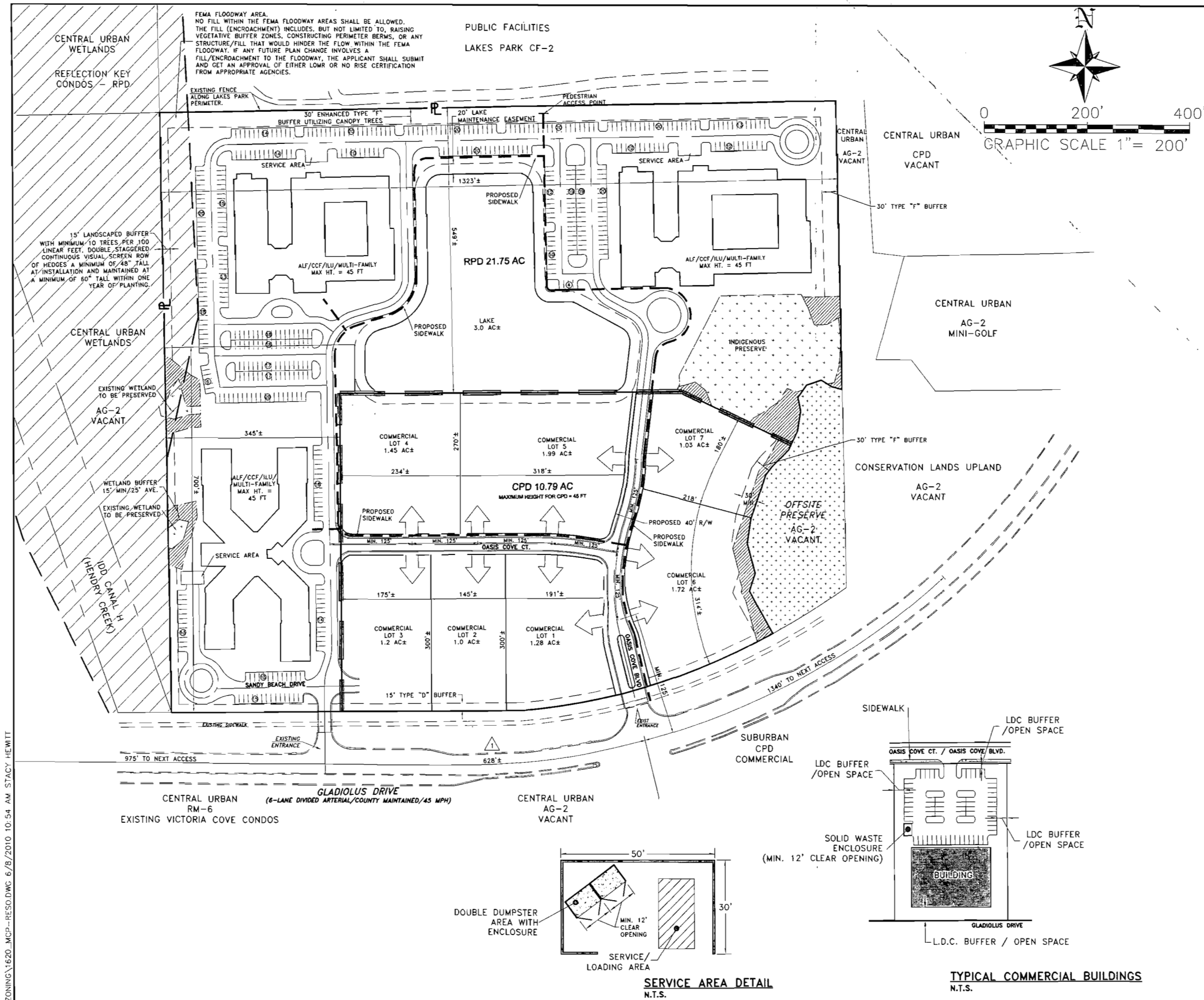
EXHIBIT A
Page 6 of 6

EXHIBIT B Zoning Map

DCI2009-00005

1/26/2010





SECTIONS 35, TOWNSHIP 45 SOUTH, RANGE 24 EAST
LEE COUNTY, FLORIDA
N.T.S.

OPEN SPACE TABLE:
REQUIRED OPEN SPACE:
RPD: 40% 21.75 @ 40% = 8.70
CPD: 30% 10.79 @ 30% = 3.24
TOTAL REQUIRED: 11.94 AC
REQUIRED INDIGENOUS: 1.57 AC = (TOTAL INDIGENOUS PRESENT ON SITE)

PROVIDED OPEN SPACE:
RPD:
INDIGENOUS VEGETATION
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 = 0.09 AC
TOTAL INDIGENOUS = 1.69 AC
25% PROVIDED BY LAKE = 2.99 AC
BUFFERS/LAKE MAINTENANCE EASEMENT/FEMA FLOODWAY = 2.61 AC±
RESTORATION AREAS = 0.46 AC
ADDITIONAL OPEN SPACE = 2 AC
TOTAL OPEN SPACE PROVIDED WITHIN RPD: MINIMUM 9.75 AC/CR

CPD:
MINIMUM 30%/3.24 AC
RESTORATION AREAS = 0.21 AC
BUFFERS AND OTHER OPEN SPACE = 3.03 AC
TOTAL OPEN SPACE PROVIDED = MINIMUM 12.99 AC/CR

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JUN 08 2010

COMMUNITY DEVELOPMENT

LEGEND:
- - - = PROPOSED SIDEWALK
[Pattern] = INDIGENOUS PRESERVE
[Pattern] = RESTORATION AREAS
[Symbol] = SPECIAL CONDITION/DEVIATION

Approved as Exhibit C
MCP Page 1 of 2
Resolution # Z 10-009

DCI 2009-00005
EXHIBIT H-3.C

MASTER CONCEPT PLAN
OASIS COVE A.K.A. GLADIOLUS RPD
LEE COUNTY, FLORIDA

DATE	PROJECT	DRAWING	DESIGN	DRAWN	CHECKED	SCALE	SHEET	OF
11/25/08	1620	MCP	DRU	MJK	DRU	1" = 200'	1	1

S:\JOBS\16XX\1620_ZONING\1620_MCP-RESO.DWG 6/8/2010 10:54 AM STACY HEWITT

PREPARED FOR:

BECK GROUP OF FT MYERS LLC

436 BAYFRONT PL
NAPLES, FL 34102
PHONE: (239) 649-8700
FAX: (239) 434-6225

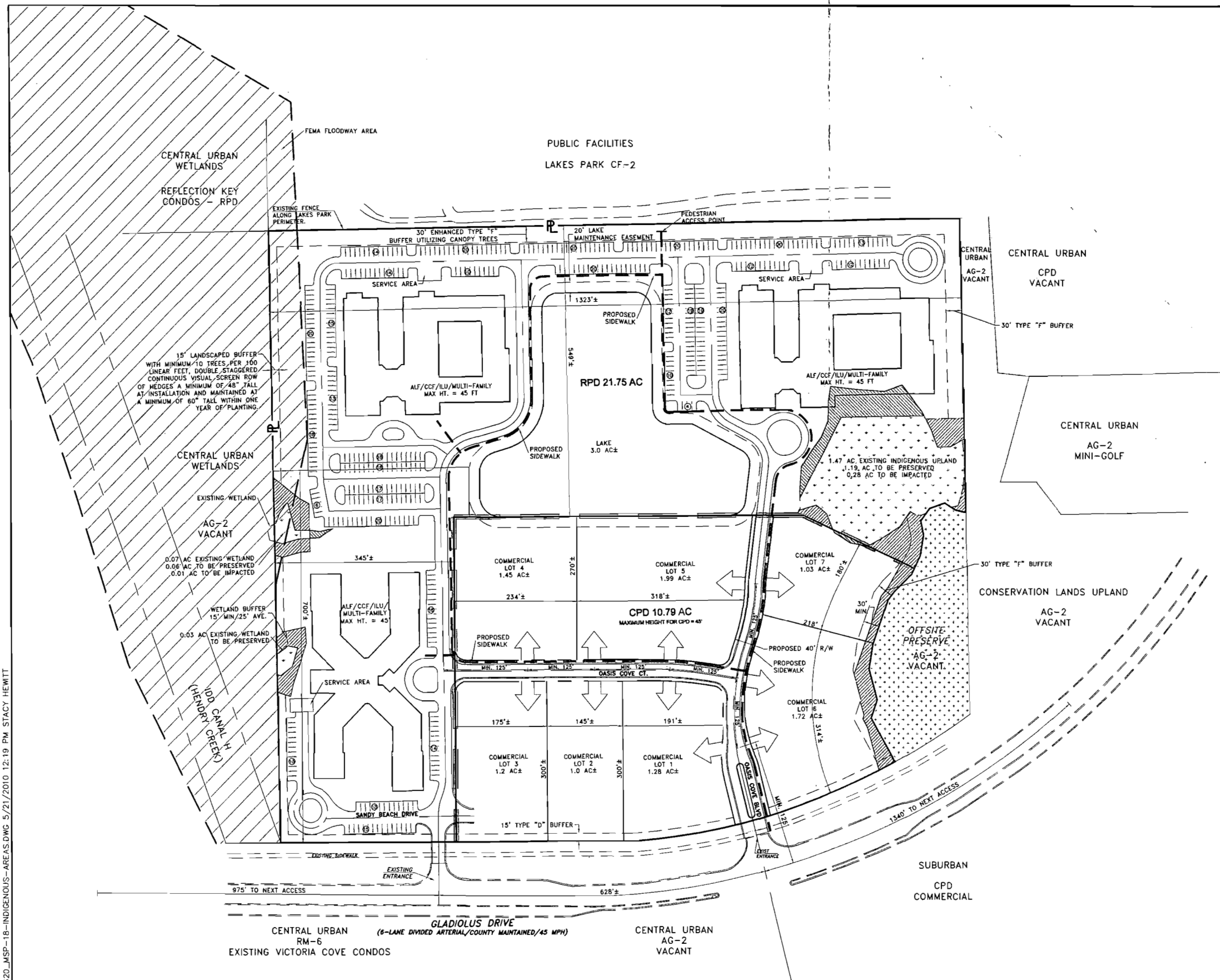
NO.	DATE	REVISION DESCRIPTION	BY
5	06/07/10	ZONING RESOLUTION	SEH
4	02/12/10	REVISE INTERMITTENT	SEH
3	01/13/10	NR & EB COMMENTS	SEH
2	12/16/09	2ND SUFFICIENCY SUBMITTAL	SEH
1	10/18/09	1ST SUFFICIENCY SUBMITTAL	SEH

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

10511 SIX MILE CYPRESS PARKWAY - SUITE 101
FORT MYERS, FLORIDA 33912
PHONE: (239) 939-5490 FAX: (239) 939-2523
ENGINEERING LICENSE # EB 6469
SURVEY LICENSE # LB 6660
WWW.BANKAENGINEERING.COM

MASTER CONCEPT PLAN
OASIS COVE A.K.A. GLADIOLUS RPD
LEE COUNTY, FLORIDA

S:\JOBS\16XX\1620\ZONING\1620_MSP-18-INDIGENOUS-AREAS.DWG 5/21/2010 12:19 PM STACY HEWITT



LEGEND:

- 1.28 AC INDIGENOUS VEGETATION PROVIDED
 - 1.19 AC UPLAND AREA x 1.25 CREDIT FOR MORE THAN 1 AC [LDC 10.415(b)(3)c] + 10% CREDIT FOR COMBINING WITH OFFSITE PUBLIC PRESERVE [LDC 40-415 (b)(3)b.2.]
(1.19 x 1.35) = 1.60 AC
WETLAND = 0.09 AC
TOTAL INDIGENOUS = 1.69 AC
- 0.29 AC INDIGENOUS AREAS TO BE IMPACTED (0.28 UPLAND)
- 0.67 AC INDIGENOUS CREATION / RESTORATION *

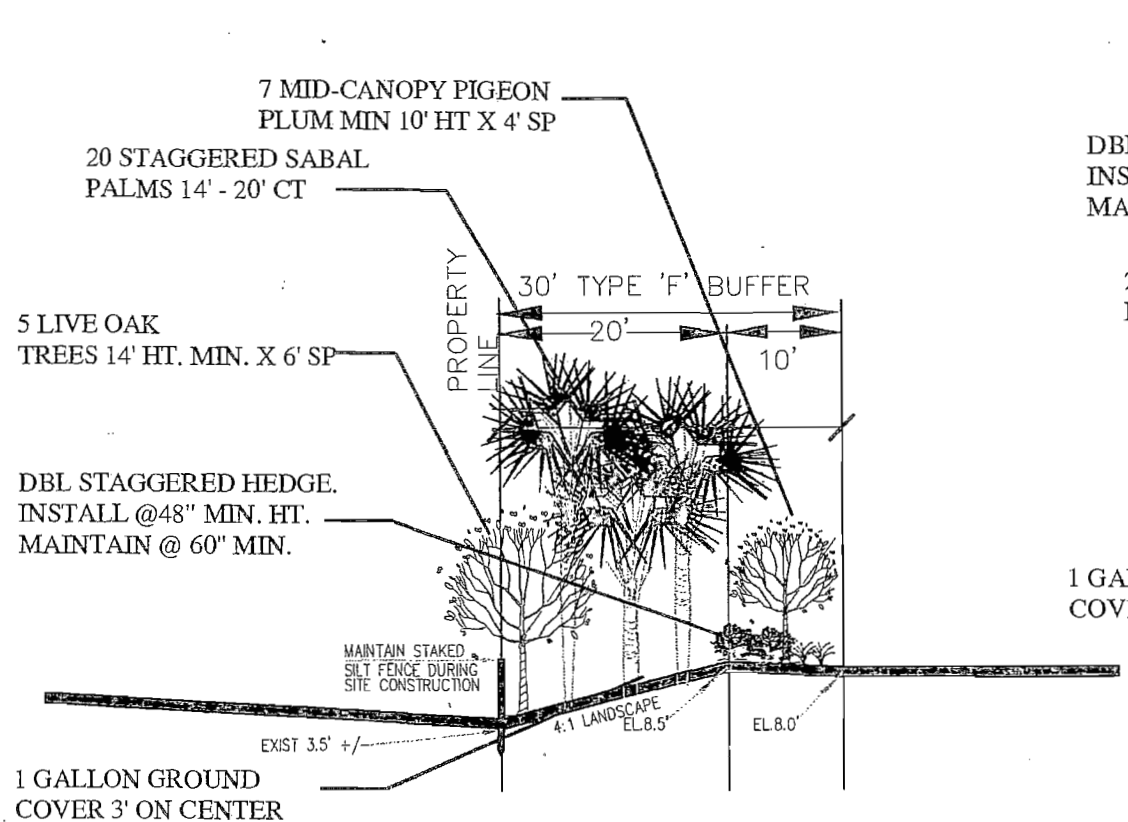
INDIGENOUS CREATION / RESTORATION
* THESE AREAS ARE CURRENTLY DOMINATED BY EXOTICS WITH VERY WIDELY SCATTERED NATIVE SPECIES. ALL WOODY EXOTIC VEGETATION WITHIN THE RESTORATION AREAS WILL BE CUT BY HAND JUST ABOVE NATURAL GRADE AND THE STUMP TREATED WITH AN APPROPRIATE HERBICIDE CONTAINING AN INDICATOR 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 LEE COUNTY LAND DEVELOPMENT CODE REQUIREMENTS FOR THE TYPE "F" BUFFER.

RECEIVED
JUN 08 2010

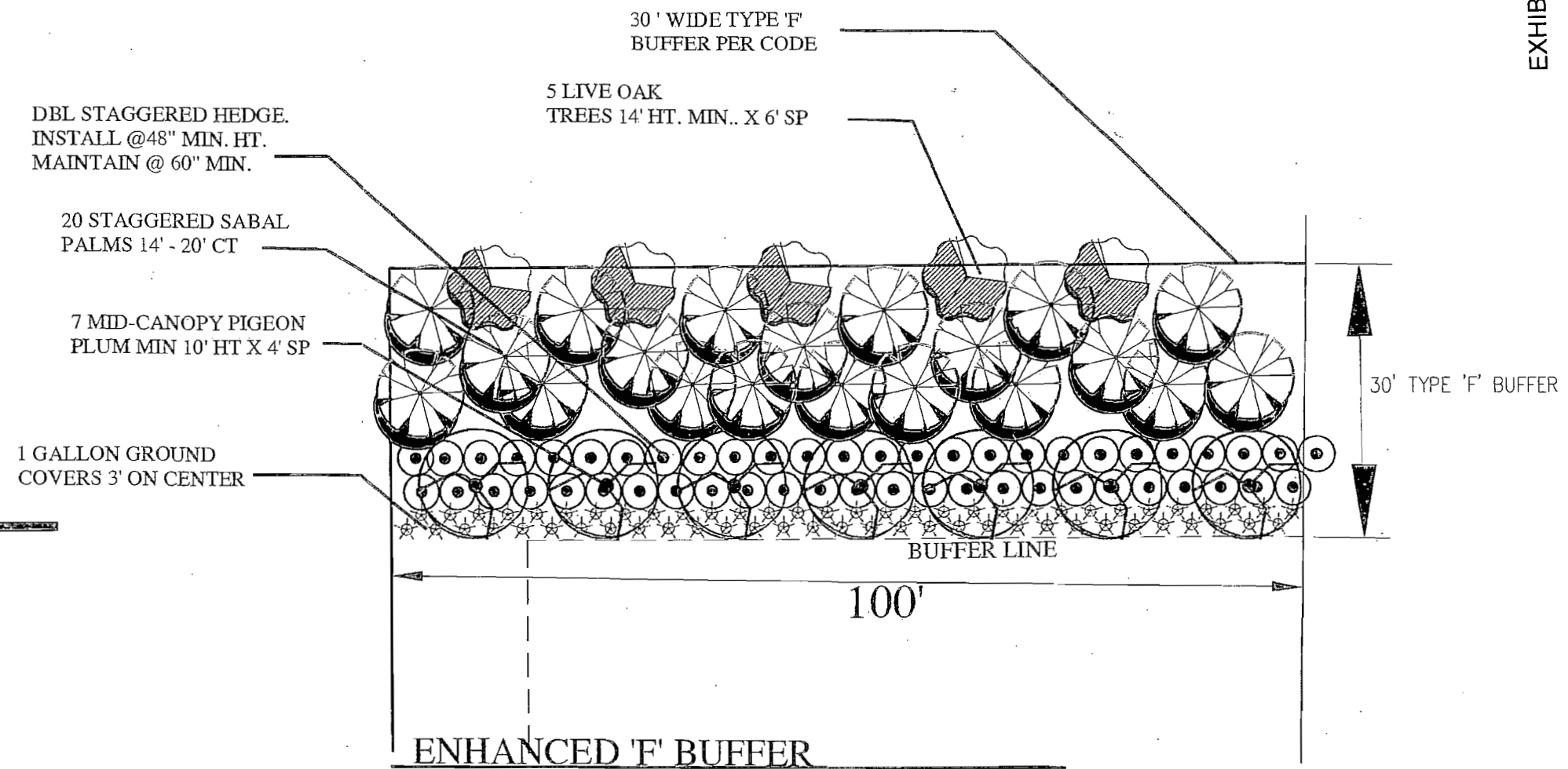
COMMUNITY DEVELOPMENT

Approved as Exhibit D
MCP Page 2 of 2
Resolution # 2-10-009
DCI 2009-00005

PREPARED FOR:																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																	
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SECTION 1 - ENHANCED 'F' BUFFER

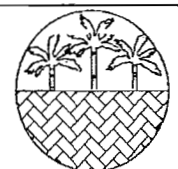


ENHANCED 'F' BUFFER
N.T.S.

TYPICAL 100'
 5 CANOPY TREES PER 100 L.F.- 14' MIN.. HT X 6' SP.
 7 MID-CANOPY TREES PER 100 L.F.- 10' MIN HT X 4' SP
 20 SABAL PALMS PER 100 L.F. - 14' - 20' CT,
 50-10 GAL SHRUBS PER 100 L.F.. - 48" MIN. AT PLANTING, MAINTAIN @
 60" MIN.
 67 1 GALLON GROUND COVERS 3' ON CENTER

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