

Exhibit D

ADMINISTRATIVE AMENDMENT (PD) ADD2016-00011

ADMINISTRATIVE AMENDMENT LEE COUNTY, FLORIDA

WHEREAS, Quadrum Lakes Park LLC filed an application for an administrative amendment approved by Resolution Z-10-009, to Avida (fka as Oasis Cove), a Residential Planned Development (RPD) and Commercial Planned Development (CPD) for the following:

- Update the Master Concept Plan to revise the site layout;
- Revise the RPD site development regulations to include waterbody setbacks and building separation requirements;
- Add 7 new deviations for the following:
 - Reduced perimeter setback;
 - Eliminate buffer requirement between RPD and CPD zoning districts;
 - Reduced building separation requirement;
 - Reduced waterbody setback around bulkheads or other hardened shoreline structures;
 - Reduced excavation setback;
 - Allow 40% of hardened lake shoreline; and
 - Allow lake maintenance easements as shown on the MCP and allow no lake maintenance easements where bulkheads and 0 foot setbacks are provided;
- Amend the CPD Schedule of Uses to add Amphitheater, Farmer's Market, Health Care Facilities-Group II; and amend limitations on Hospice use;
- Amend Condition 19 to remove previously approved impact to wetlands and minor adjustment and increase in the indigenous restoration/creation areas, and update open space table;

on property located 7650 Gladiolus Dr & 7210 Congdon Road, described more particularly as:

LEGAL DESCRIPTION: In Section 35, Township 45 South, Range 24 East, Lee County, Florida:

ATTACHED AS EXHIBIT "A"

WHEREAS, the property was rezoned by Resolution Z-10-009, with an Administrative Interpretation in case number ADD2012-00077; and

WHEREAS, the subject property is located in the Central Urban and Wetlands Future Land Use Category as designated by the Lee Plan; and

WHEREAS, Resolution Z-10-009 approved 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 on the RPD portion and a maximum of 100,000 square feet of gross floor area, including a maximum of 25,000 square feet of Commercial Retail uses on the CPD portion; see Exhibit B; and

WHEREAS, ADD2012-00077 clarified the types of units that could be developed on the property and confirmed the density ratios for the various types of units; see Exhibit C; and

WHEREAS, the applicant purchased the subject property in July of 2015 and is seeking the administrative amendment to revised the approved project; see Narrative as Exhibit D; and

WHEREAS, the revisions to the MCP will include relocation of the proposed lake, reconfiguration of the proposed buildings and accessways in the RPD portion, and the reconfiguration of the lots (from 7 lots to 5 lots) and accessways in the CPD portion; see Exhibit E; and

WHEREAS, the amendment includes amending the CPD Schedule of Uses to add Amphitheater, Farmer's Market and Health Care Facilities – Group II with limitations; and revising the limitations on the Hospice use; and

WHEREAS, the 3 new uses are similar in nature and intensity to those uses already approved; and the revised site layout in the CPD requires the revision to the Hospice use; and

WHEREAS, the following RPD site development regulations are being revised and new deviation 4 and 5 are being added to allow:

- a 0 foot waterbody setback for buildings and accessways where bulkheads or other hardened shoreline structures are provided and 20 feet for accessways for the remainder of the lake perimeter; and
- a 10 foot building separation for single-story and 20 feet for all other buildings; and

WHEREAS, included in the amendment of the project are 7 new deviations which include the following:

- Reduced perimeter setback between the RPD and CPD zoning lines;
- Eliminate buffer requirement between RPD and CPD zoning districts;
- Reduced building separation requirement on the RPD portion only;
- Reduced waterbody setback around bulkheads or other hardened shoreline structures;
- Reduced excavation setback;
- Allow 40% of hardened lake shoreline; and
- Allow lake maintenance easements as shown on the MCP and allow no lake maintenance easements where bulkheads and 0 foot setbacks are provided;

WHEREAS, Condition 18 from Z-10-009 required a total of 12.99 acres of open space which is not being changed; however, the amount of open space being used from the lake, the restored indigenous, wetland and upland indigenous are all changing due to the layout reconfiguration; and

WHEREAS, Condition 19 from Z-10-009 is being amended which includes revision to wetland impact; and adjustment and increase in the indigenous restoration/creation areas; and an updated open space table; and

WHEREAS, the amendments have been reviewed by Lee County Environmental staff who offer no objections and recommends updated language to Condition 19 – Indigenous Preservation; and recommends revised language to Condition 24 – Migratory and Wading Bird; see Exhibit F; and

WHEREAS, the amendments were reviewed by Development Services who offer no objections; and

WHEREAS, the Lee County Land Development Code provides for certain administrative changes to planned development master concept plans and planned unit development final development plans; and

WHEREAS, the subject application and plans have been reviewed by the Lee County Department of Community Development in accordance with applicable regulations for compliance with all terms of the administrative approval procedures; and

WHEREAS, it is found that the proposed amendment does not increase density or intensity within the development; does not decrease buffers or open space required by the LDC; does not underutilize public resources or infrastructure; does not reduce total open space, buffering, landscaping or preservation areas; and does not otherwise adversely impact on surrounding land uses.

NOW, THEREFORE, IT IS HEREBY DETERMINED that the application for administrative approval to Avida (fka as Oasis Cove), approved by Resolution Z-10-009 for an amendment to RPD/CPD is **APPROVED subject to the following conditions:**

1. **The Development must be in compliance with the amended Master Concept Plan. Master Concept Plan for ADD2016-00011 is hereby APPROVED and adopted. A reduced copy is attached hereto as Exhibit E.**
2. **The amendments to Resolution Z-10-009 are shown in underlined and strike-thru as follows:**

SECTION B. CONDITIONS

Schedule of Uses

Commercial Planned Development

Add Health Care Facilities – Group II. Limited to lots 1, 4 and 5. Limited to 50 beds
Add Temporary uses - limited to construction trailers, real estate sales offices and
Seasonal farmer's market.

And

Revise limitations for the following uses:

Food Stores, Group I (including open-air farmer's market) – Not including Group II (freezer and locker meat provisioner)

Hospice - Limited to lots ~~5 and 6~~ 1, 4 and 5. Limited to 50 beds

**Recreation Facilities-Commercial - Group I, Group III (including Amphitheater),
Group IV – Casino-style games are prohibited**

Site Development Regulations

Residential Planned Development:

Assisted Living Facility (ALF)/Continuing Care Facility (CCF)/Independent Living Unit (ILU)

Setbacks

Water body 20 feet or 0 feet

Minimum building separation: 10 feet for a single-story building and 20 feet for all other buildings, or 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)

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

Water body 20 feet or 0 feet

Minimum building separation: 10 feet for a single-story building and 20 feet for all other buildings, or 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)

Residential Planned Development:
Townhouse

Water body 20 feet or 0 feet

Minimum building separation: 10 feet for a single-story building and 20 feet for all other buildings, or 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)

Amend Condition 19 – Indigenous Preservation

Prior to local development order approval:

- a. development order plans must depict preservation in substantial compliance with the following:
 - (1) Remains unchanged.
 - (2) A minimum of ~~0.09~~ 0.10 acre existing marsh wetland; and
 - (3) A minimum ~~0.67~~ 0.74 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 -7-Y.
- 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 Development Services~~ Environmental Sciences (ES) staff review. The Indigenous Management Plan must include a map showing the mechanical and hand removal areas to be cleared of exotics.
- d. Remains unchanged.

Amend Condition 24 – Migratory and Wading Bird

- a. Remains unchanged.
- 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~~ 4 and ~~7~~ 5, if located between commercial buildings and the east property line abutting the off-site County owned preserve; and
- c. Remains unchanged.
- d. ~~Prior to local development order approval~~ Architectural sheets showing the development order building plans within the RPD/CPD must be reviewed by Development Services 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~~ 4 and ~~7~~ 5 .

Add new Condition 25

25. Prior to the Issuance of a Certificate of Compliance for all buildings facing Lakes Park and the offsite County preserve to the east, the bird strike prevention mechanism approved as part of the development order must be found sufficient by the Development Services ES staff landscaping inspector.

SECTION C. DEVIATIONS

Deviation (1) remains unchanged.

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.

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.

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.

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.

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 for a local road; to allow a minimum 0 foot setback for excavations to accessways along the northern portion of the proposed lake.

New Deviation (7) is requested from LDC Section 10-418(3) which states that hardened shoreline structures may comprise up to 20 percent of an individual lake shoreline; to allow up to 40 percent of the lake shoreline to comprise of hardened shoreline structures.

New Deviation (8) is requested from LDC Section 10-328(a) which states that a 20-foot wide easement for maintenance purposes must be provided; to allow a 20-foot wide LME in areas as shown on the MCP and no LME where bulkhead and 0-foot setbacks are provided.

3. The terms and conditions of the original zoning resolutions remain in full force and effect.
4. If it is determined that inaccurate or misleading information was provided to the County or if this decision does not comply with the LDC when rendered, then, at any time, the Zoning Manager 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.

Duly passed, adopted, and electronically signed on 6/3/2016 by

Pam Houck, Zoning Manager
Department of Community Development

Exhibits:

- A – Legal description
- B - Resolution Z-10-009
- C - ADD2012-00077
- D – Narrative
- E – MCP
- F – Environmental

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

EXHIBIT A

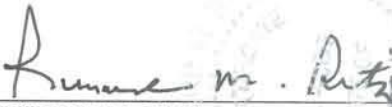
A PARCEL OR TRACT OF LAND SITUATED IN THE STATE OF FLORIDA, COUNTY OF LEE, LYING IN SECTION 35, TOWNSHIP 45 SOUTH, RANGE 24 EAST AND BEING FURTHER BOUNDED AND DESCRIBED AS FOLLOWS:

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**.

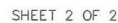
BEARINGS ARE BASED ON THE EAST LINE OF THE NORTHWEST QUARTER OF SECTION 35 AS BEARING N.01°10'59"W.

PARCEL CONTAINS 32.54 ACRES, MORE OR LESS.

APPROVED
ADD2016-00011
Chick Jakacki, Planner
Lee Co Division of Zoning
1/27/2016


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

APPROVED ALL SIX PAGES



Banks Engineering

Professional Engineers, Planners & Land Surveyors
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DESCRIPTION
OF A
PARCEL OF LAND
LYING IN
SECTION 35, TOWNSHIP 45 SOUTH, RANGE 24 EAST
LEE COUNTY, FLORIDA

(CPD PARCEL)

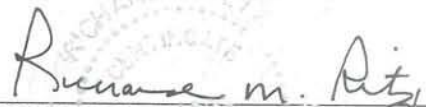
A PARCEL OR TRACT OF LAND SITUATED IN THE STATE OF FLORIDA, COUNTY OF LEE, LYING IN SECTION 35, TOWNSHIP 45 SOUTH, RANGE 24 EAST, AND BEING FURTHER DESCRIBED AS FOLLOWS:

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



1"=200'

INSTRUMENT
#2006000107425

O.R. 1761, PG. 4481

NORTH LINE OF NORTHWEST QUARTER SECTION 35
N 88°56'00" E 1322.88'

NORTHWEST CORNER
NORTHEAST QUARTER
NORTHWEST QUARTER
SECTION 35

POINT OF
COMMENCEMENT
NORTHEAST CORNER
NORTHWEST QUARTER
SECTION 35

OF A
PARCEL OF LAND
LYING IN
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 24
EAST AS BEARING N.01°10'59"W.

PARCEL CONTAINS 10.79 ACRES, MORE OR LESS.

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

O.R. 2518
PG. 3165

EAST LINE NORTHWEST QUARTER SECTION 35
S 01°11'00" E 554.86'

INSTRUMENT
#2006000153753

WEST LINE OF NORTHEAST QUARTER NORTHWEST QUARTER SECTION 35
N 01°04'20" W 1151.81'

INSTRUMENT
#2006000153752

INSTRUMENT
#2006000153752

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

NORTH
RIGHT-OF-WAY LINE

N 89°37'57" E 666.53'

POINT OF
BEGINNING

SUBJECT PARCEL

CPD PARCEL
10.79± ACRES

N 00°22'03" W 609.97'

338.29'

S 89°37'57" W 341.72'

GLADIOLUS DRIVE
(COUNTY ROAD 865)

S 13°40'12" E
-- RADIAL LINE

C1

C2

O.R. 2518
PG. 3165

L18

L17

L16

L15

L14

L13

L12

L11

L10

L9

L8

L7

L6

L5

L4

L3

L2

L1

LINE TABLE

LINE	BEARING	DISTANCE	LINE	BEARING	DISTANCE
L1	S 25°14'18" W	12.93'	L12	S 18°12'50" W	49.13'
L2	N 77°09'08" W	20.52'	L13	S 09°03'50" W	46.83'
L3	N 57°54'34" W	24.44'	L14	S 14°50'17" E	59.82'
L4	S 70°39'04" W	29.95'	L15	S 18°42'13" W	35.83'
L5	S 35°51'19" W	28.90'	L16	S 29°10'50" E	60.46'
L6	S 10°52'34" E	27.03'	L17	S 28°15'16" E	30.66'
L7	S 09°24'39" W	38.83'	L18	S 56°06'08" E	3.06'
L8	S 25°14'18" W	27.38'			
L9	S 45°28'41" W	45.15'			
L10	S 37°41'02" W	20.60'			
L11	S 18°49'48" W	39.67'			

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 DECEMBER 16, 2009.

PREPARED BY:

Banks Engineering

ENGINEERING, SURVEYING & LAND PLANNING

10511 SIX MILE CYPRESS PARKWAY - SUITE 101

FORT MYERS, FLORIDA 33966

(239) 939-5490

FLORIDA SURVEYING BUSINESS CERTIFICATION NO. 6690

LEGEND

O.R. OFFICIAL RECORDS BOOK
D.B. DEED BOOK
PG. PAGE
C1 CURVE 1 OF THE CURVE TABLE
L1 LINE 1 OF THE LINE TABLE

CURVE	RADIUS	DELTA	ARC	CHORD	CHORD BEARING
C1	1307.39'	13°48'42"	315.16'	314.40'	S 68°29'00" W
C2	1312.39'	09°06'31"	208.64'	208.42'	S 80°53'03" W

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)

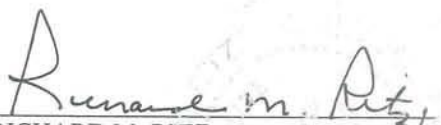
A PARCEL OR TRACT OF LAND SITUATED IN THE STATE OF FLORIDA, COUNTY OF LEE, LYING IN SECTION 35, TOWNSHIP 45 SOUTH, RANGE 24 EAST, AND BEING FURTHER DESCRIBED AS FOLLOWS:

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.

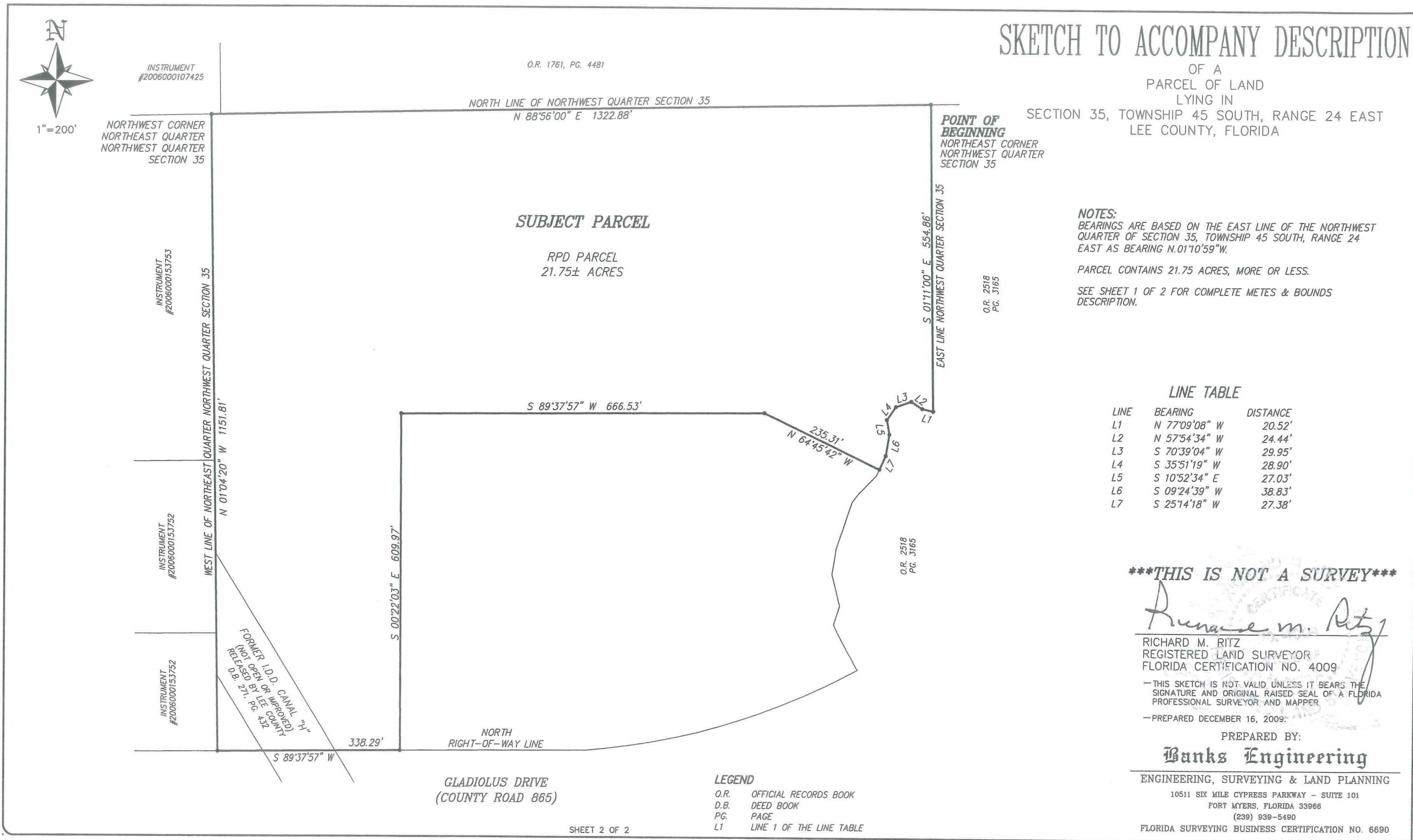

RICHARD M. RITZ
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FLORIDA CERTIFICATION NO. 4009

SHEET 1 OF 2

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

Sarasota Office
1144 Tallevast Road Suite #115
Sarasota, Florida 34243
(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





LEE COUNTY
SOUTHWEST FLORIDA

BOARD OF COUNTY COMMISSIONERS

239-533-8585

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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

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.
Heath 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 BJ 12-22-09

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

SHEET 1 OF 2

S:\Jobs\6688-1620 SURVEY\Description\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

EXHIBIT A

DCI 2009-00005



INSTRUMENT
#7006000107415

NORTHWEST CORNER
NORTHWEST QUARTER
NORTHWEST QUARTER
SECTION 35

INSTRUMENT
#7006000107415

WEST LINE OF NORTHEAST QUARTER NORTHWEST QUARTER SECTION 35
N 01°54'20" W 1151.81'

INSTRUMENT
#7006000107415

INSTRUMENT
#7006000107415

FORMER L.O.D. CANAL "A"
NORTH QUARTER OF SECTION 35
N 01°54'20" W 1151.81'

RECEIVED
DEC 16 2009

COMMUNITY DEVELOPMENT

OR 1761, PG. 1481
NORTH LINE OF NORTHWEST QUARTER SECTION 35
N 88°56'00" E 1322.88'

POINT OF
COMMENCEMENT
NORTHWEST CORNER
NORTHWEST QUARTER
SECTION 35

EAST LINE NORTHWEST QUARTER SECTION 35
S 01°11'00" E 554.85'

N 89°37'57" E 666.53'

SUBJECT PARCEL

CPD PARCEL
10.79± ACRES

N 00°22'03" W 609.97'

338.29'

S 89°37'57" W 341.72'

GLADIOLUS DRIVE
(COUNTY ROAD 865)

SHEET 2 OF 2

SKETCH TO ACCOMPANY DESCRIPTION

OF A
PARCEL OF LAND
LYING IN
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 24
EAST AS BEARING N.01°10'59"W.
PARCEL CONTAINS 10.79 ACRES, MORE OR LESS.
SEE SHEET 1 OF 2 FOR COMPLETE METES & BOUNDS
DESCRIPTION.

LINE TABLE

LINE	BEARING	DISTANCE	LINE	BEARING	DISTANCE
L1	S 25°14'18" W	12.93'	L12	S 18°12'50" W	49.13'
L2	N 77°09'08" W	20.52'	L13	S 09°03'50" W	46.83'
L3	N 57°54'34" W	24.44'	L14	S 14°50'17" E	59.82'
L4	S 70°36'04" W	29.95'	L15	S 18°42'13" W	35.83'
L5	S 35°51'19" W	28.90'	L16	S 29°10'50" E	60.46'
L6	S 10°52'34" E	22.03'	L17	S 28°15'16" E	30.66'
L7	S 09°24'35" W	38.83'	L18	S 56°06'08" E	3.06'
L8	S 25°14'18" W	27.38'			
L9	S 45°28'41" W	45.15'			
L10	S 37°41'02" W	20.60'			
L11	S 18°12'50" W	39.67'			

Applicant's Local Clerk
By: [Signature] 12-22-09

THIS IS NOT A SURVEY

[Signature]

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 DECEMBER 16, 2009.

PREPARED BY:

Banks Engineering

ENGINEERING, SURVEYING & LAND PLANNING

10511 SIX MILE CYPRESS PARKWAY - SUITE 101
FORT MYERS, FLORIDA 33606
(888) 878-5480

FLORIDA SURVEYING BUSINESS CERTIFICATION NO. 6690

LEGEND
O.R. OFFICIAL RECORDS BOOK
D.B. DEED BOOK
P.C. PAGE
C1 CURVE 1 OF THE CURVE TABLE
L1 LINE 1 OF THE LINE TABLE

CURVE TABLE

CURVE	RADIUS	DELTA	ARC	CHORD	CHORD BEARING
C1	1307.29'	13°48'42"	315.16'	314.45'	S 58°29'00" W
C2	1312.39'	03°06'31"	208.64'	208.42'	S 80°53'03" W

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
 (RPD PARCEL)

COMMUNITY DEVELOPMENT

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 Legal Checked

AV EG 12-22-09

Richard M. Ritz
 RICHARD M. RITZ
 REGISTERED LAND SURVEYOR
 FLORIDA CERTIFICATION NO. 4089

SHEET 1 OF 1

S:\0616\16001620\SURVEY\Descriptions\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 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.

DCI 2009-00005

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

EXHIBIT A
Page 5 of 6

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

SHEET 1 OF 2

S:\Jobs\16xx\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.

LEGEND

O.R.	OFFICIAL RECORDS BOOK
PG.	PAGE
CI	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"	315.15'	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, 2008.

PREPARED BY:

Banks Engineering

ENGINEERING, SURVEYING & LAND PLANNING

2515 NORTHBROOKE PLAZA DRIVE - SUITE 200

NAPLES, FLORIDA 34119

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

209-0005

[illegible]

D.N. 1510

O.R. 3396
PC 4582

O.R. 1761, P.C. 1753

P.R. 260
PC 451

C.R. 750
Pg 30

O.R. 750
EC 50

FORMER I.D.O. CANAL
(NOT CORN OR WHEAT)
PLEASE TRY LEE COUNTY O.R.
271. P.O. 132

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

GLADIOLUS DRIVE
(COUNTY ROAD 865)

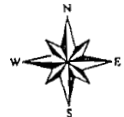
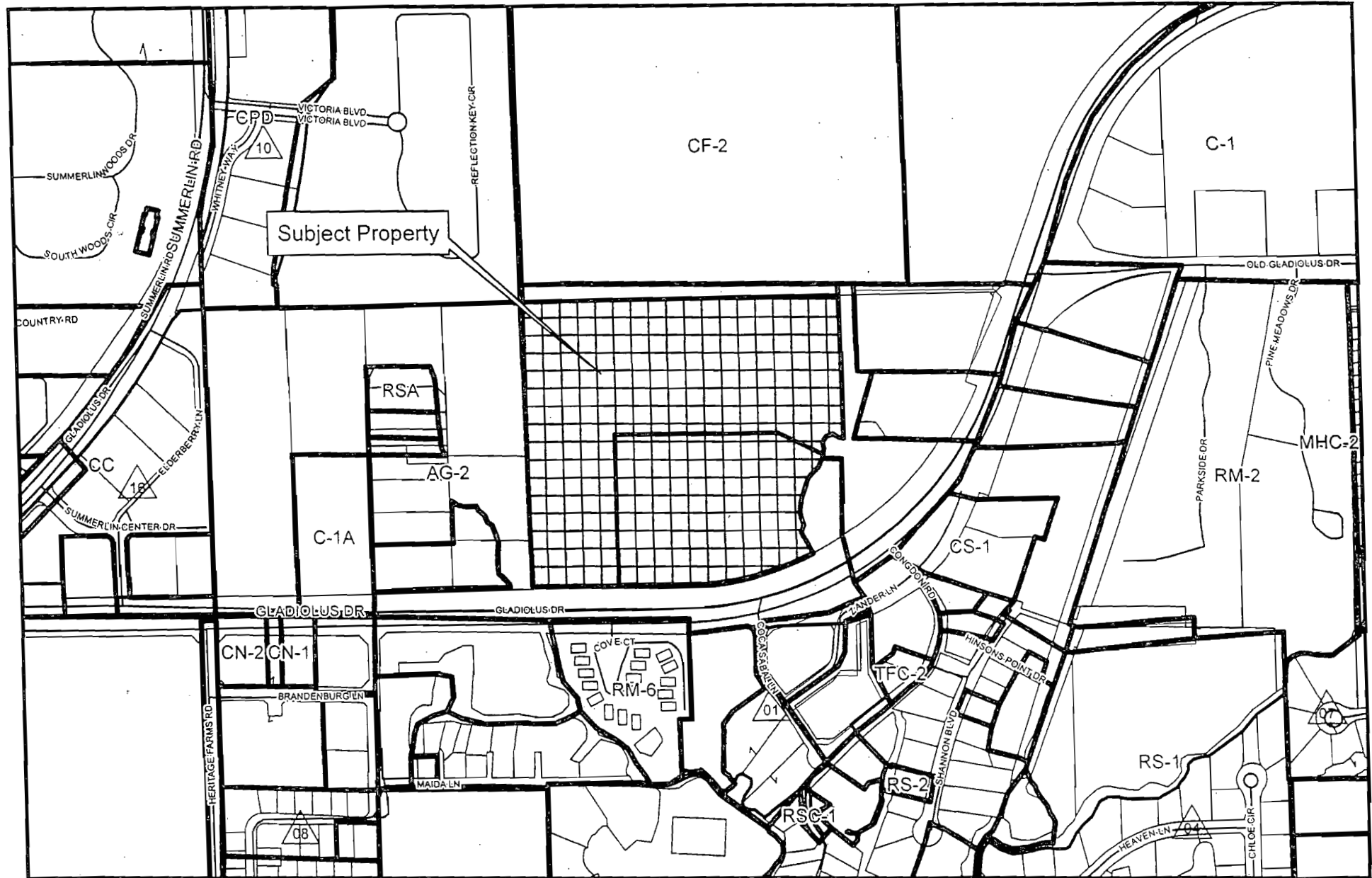
SHEET 2 OF 2

EXHIBIT A
Page 6 of 6

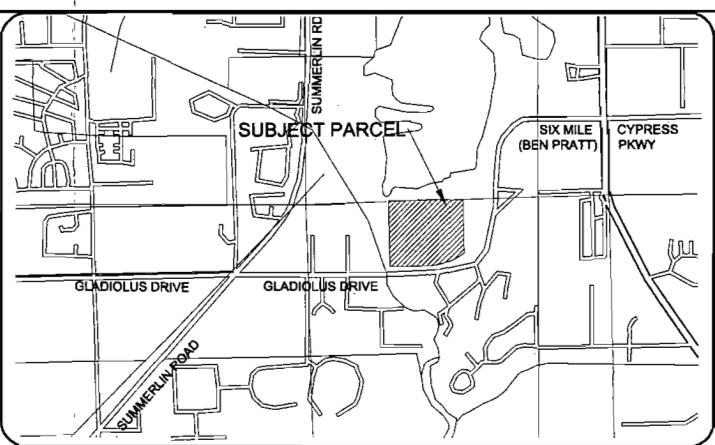
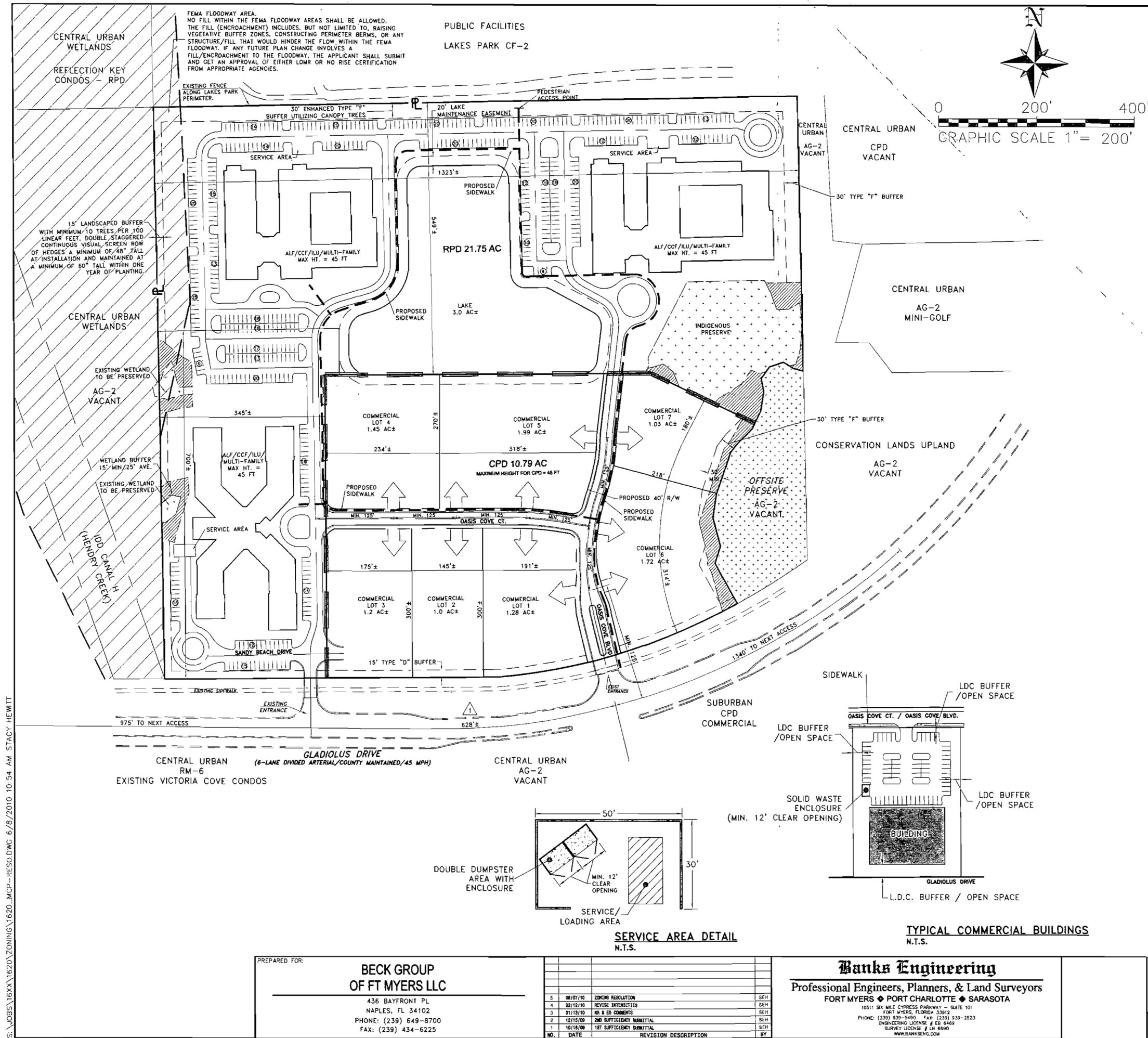
EXHIBIT B
Zoning Map

DCI2009-00005

1/26/2010



500 250 0 500 1,000
Feet



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

RECEIVED
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 # 2010-009

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-RES.DWG 6/8/2010 10:54 AM STACY HEWITT

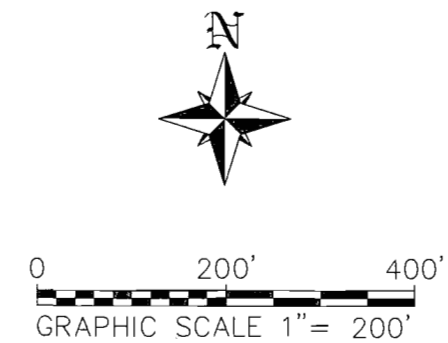


EXHIBIT D

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.]
 $(1.19 \times 1.25) = 1.60$ 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

*** INDIGENOUS CREATION RESTORATION**

"The current vegetation at the project site consists of SCATTERED NATIVE SPECIES ALL WOODY EXOTIC VEGETATION WITH 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 MATERIALS SHALL BE CHIPPED OR MULCHED AND DISPOSED OF AT AN OFF-SITE LANDFILL 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 LAMB TREES (CABBAGE PALM, SLASH PINE, AND LAUREL OAK) 12+ FEET ON CENTER, ONE GALL NUT SHRUBS (SUCH AS YACONIA, MYRTLE, WHITE STOPPER, COCO PALM AND WHITE BERRY FLAME), FIVE FEET PALMS, AND AROUND COVER (SUCH AS BUSHY BLUESTEM, LOVERGRASS SAND PALMETTO, AND SAND CORDRASS) 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.

"THE OTHER TWO AREAS ADJACENT TO COMMERCIAL LOTS 6 AND 7 WILL BE UPSIZED TO MEET THE THE LEE COUNTY LAND DEVELOPMENT CODE REQUIREMENTS FOR THE TYPE "I" BUTTER."

RECEIVED

JUN 08 2010

COMMUNITY DEVELOPMENT

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

DCI 2009-00005

PREPARED FOR:

BECK GROUP
OF FT MYERS LLC

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

4	05/18/10	REVISE PARACHIL ISLANDS FOR CONSISTENCY WITH MCP		SE
3	02/17/10	NEGATIVE LABELING TO MATCH MCP		SE
2	01/11/10	ES COMMENTS		SE
1	12/15/00	2ND SUFFICIENCY RENEWAL		SE
NO.	DATE	REVISION DESCRIPTION		BY

Banks Engineering

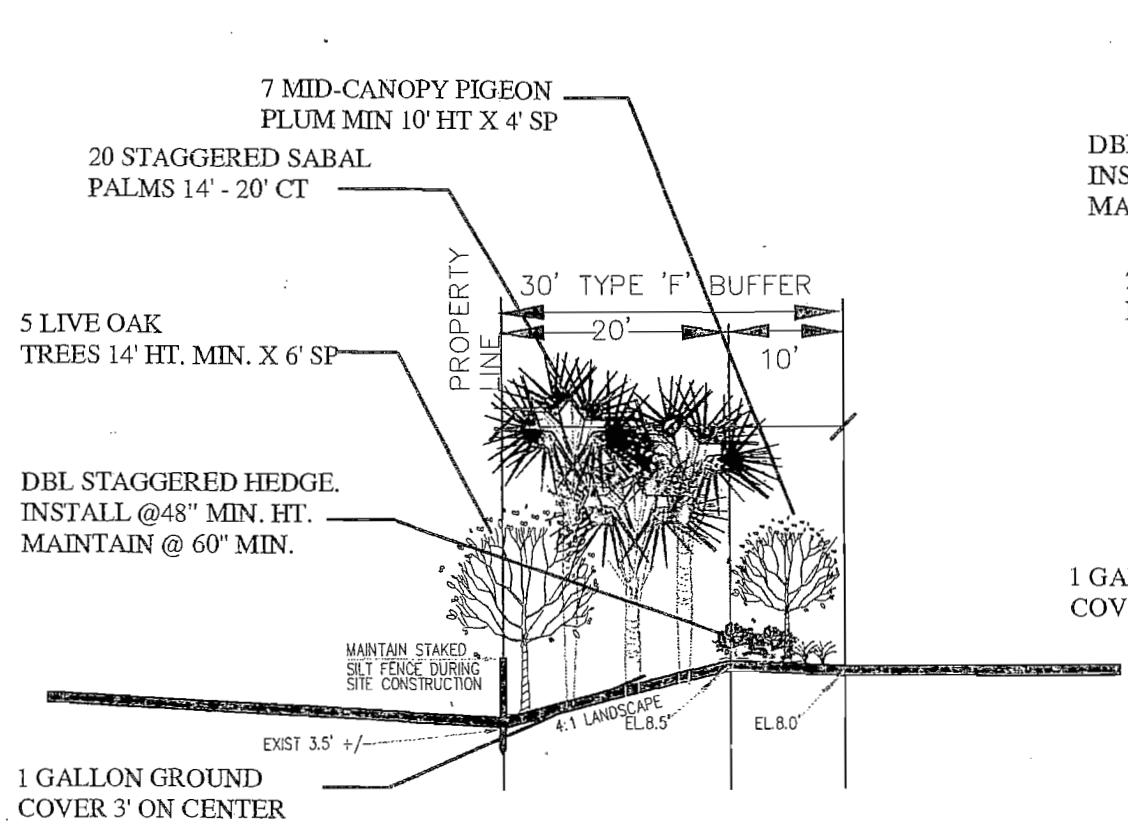
Professional Engineers, Planners, & Land Surveyors
FORT MYERS ♦ PORT CHARLOTTE ♦ SARASOTA

10511 SIX MILE CYPRESS PARKWAY - SUITE 101
FORT MYERS, FLORIDA 33612
PHONE: (239) 939-5490 FAX: (239) 939-2523
ENGINEERING LICENSE # EB 6469
SURVEY LICENSE # LB 6690
WWW.FRANKSFC.COM

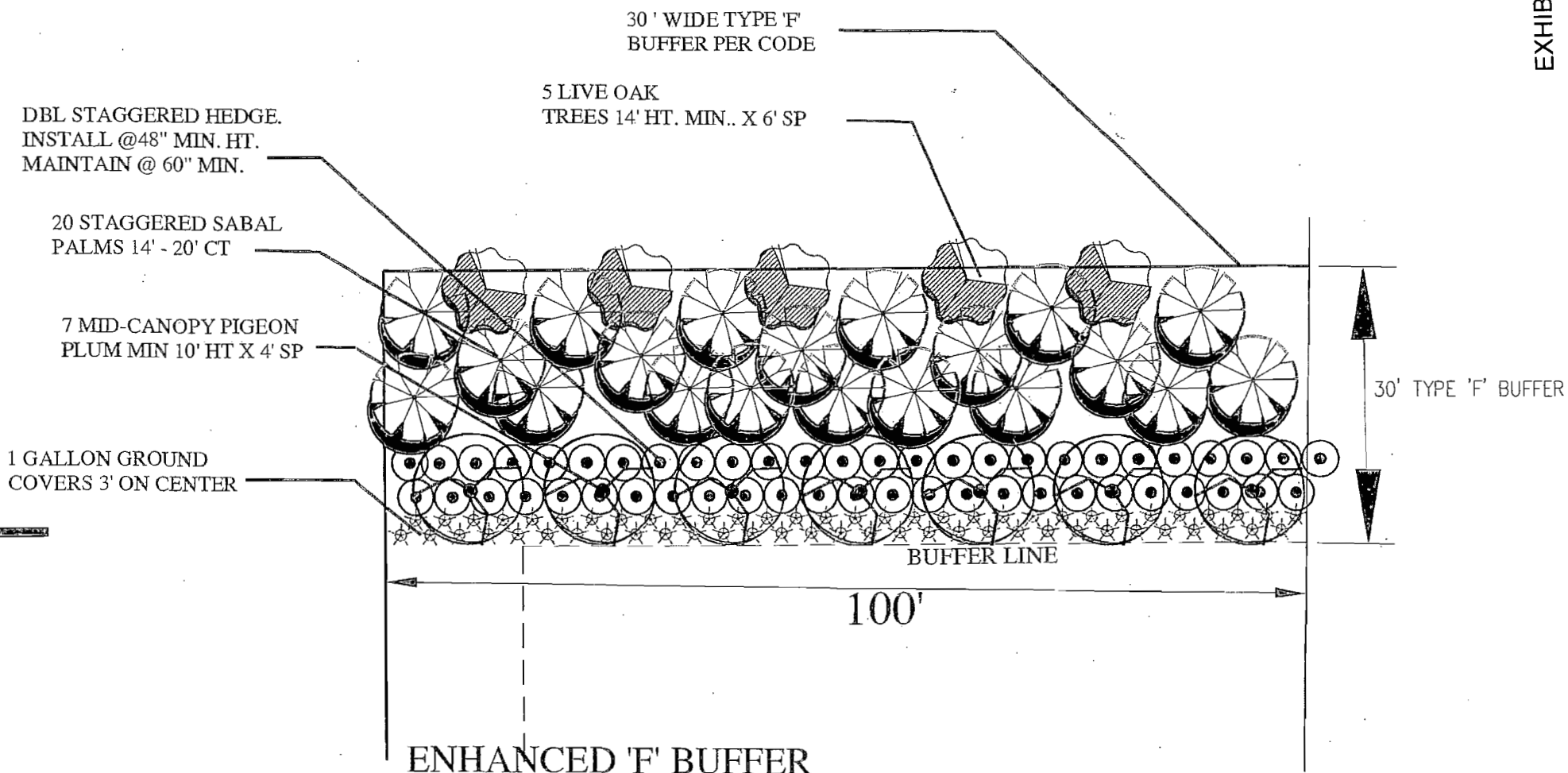
INDIGENOUS RESTORATION PLAN (EXHIBIT D-7-Y)

OASIS COVE A.K.A. GLADIOLUS RPD
LEE COUNTY, FLORIDA

DATE	PROJECT	DRAWING	DESIGN	DRAWN	CHECKED	SCALE	SHEET	OF
10/16/09	1620	MCP	DRU	SDJ	ORU	1" = 200'	1	1



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

PAUL KLENS LANDSCAPE ARCHITECTURE HEREBY RESERVES ITS COMMON LAW COPYRIGHT. THE IDEAS, DESIGNS AND PLANS CONTAINED HEREIN ARE NOT TO BE REPRODUCED OR USED WITHOUT THE EXPRESS WRITTEN CONSENT OF PAUL KLENS LANDSCAPE ARCHITECTURE.

PAUL J. KLENS, R.L.A.
 REG. # LA-0001619
 MARCH 9, 2010



727 GLENDALE AVE NAPLES, FLORIDA 34110
 239 / 514-7209 239 / 594-8846 FAX

title:

BANKS ENGINEERING
 10511 Six Mile Cypress Pkwy
 Fort Myers, FL 33966
 (239) 939-5490

title:

project location: LEE COUNTY, FLORIDA

designer:

PJK

acad #:

date:

sheet no:

project manager: PAUL J. KLENS, RLA

project #: 09012

revisions:

checked - date / by:

DATE

scale: AS NOTED

approved for:

DISCUSSION

view:

LIMITS

1 / 1

LEE COUNTY, FLORIDA
ZONING DIVISION
Administrative Interpretation

TYPE OF CASE: Administrative Interpretation for Oasis Cove RPD/CPD
Zoning Resolution Z-10-009

CASE NUMBER: ADD2012-00077

Exhibit C

APPLICATION SUMMARY:

Applicant: Charles J. Basinait

Location: The subject property is located at 7210 Congdon Road and 7650 Gladiolus Drive, in S35-T45-R24, Lee County, FL. (District #2)

Request: Interpretation of Condition #1 of Resolution Z-10-009 regarding the types of units that could be developed and density ratio confirmation for Assisted Living units (ALF), Continuing Care Facility (CCF) and Independent Living Units (ILU).

Discussion:

This request for an interpretation is a two part request. The first part relates to Condition #1 of Resolution Z-10-009 and is in regards to the types of units that could be developed. The second part is confirmation of density ratios for various types of units.

Part #1

In reviewing the written record, the wording of Condition 1 was not an issue of controversy or much substantive discussion. It was generally agreed by all parties that a residential use, including all forms of assisted living products, was consistent with the Lee Plan, compatible with all surrounding uses, including Lakes Park, and raised no issues with concurrency such as traffic impacts or availability of utilities. Issues such as public safety and the Coastal High Hazard Zone were addressed through conditions, upon which there was agreement and consensus between the applicant and staff.

The condition in question reads, "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 ILU units, or any combination of ALF, CCF, or ILUs, so long as the project density does not exceed 190 standard dwelling units on 21.75 +/- acres of land." This is consistent with the recommendation of the staff report and the Hearing Examiner recommendation.

During the sufficiency process and drafting of the staff report the applicant and staff discussed the mix of assisted living products. The residential density the applicant proposed was +/- 8.7 units per acre, slightly under the maximum allowed 10 units per acre (with no bonus density) in the Central Urban Future Land Use category. This equates to 190 standard dwelling units. A maximum of 160 ALF/CCF units plus 300 ILU units equates to 190 standard dwelling units for example. Staff agreed that the mix of dwelling units was not a substantive issue and drafted a condition to allow a maximum of flexibility. The 160 ALF/CCF and 300 ILU units was meant to serve as an example of a mix of units which would be permitted under this zoning resolution. The mix of units could include all ILU units, all ALF/CCF units, or any combination. Thus the language "any combination of ALF, CCF or ILU, so long as the project density does not exceed 190 standard dwelling units" was included specifically to provide maximum flexibility in

the mix of assisted living products. Any mix of these products would be permitted, given compliance with the LDC as determined during the Development Order process and adherence to the conditions per Z-010-009.

Part #2

This part is for confirmation of density for the various types of units approved by Resolution Z-10-009. The types of units approved were for Assisted Living Facilities (ALF), Continuing Care Facilities (CCF) and Independent Living Units (ILU).

Density equivalents for these uses are provided in the following sections from the LDC:

Sec. 34-1494 (b). Density equivalents.

- (1) Where health care, social service, adult living facilities (ALF), continuing care facilities, or other "group quarters" (df) are provided in dwelling units, wherein each unit has its own cooking facilities, density equivalents will be calculated on a 1:1 ratio.
- (2) Except as may be specifically set forth elsewhere in this chapter, where health care, social service, adult living facilities (ALF), continuing care facilities (CCF), or other "group quarters" (df) are provided in dwelling units or other facilities wherein each unit does not have individual cooking facilities and where meals are served at a central dining facility or are brought to the occupants from a central kitchen, density equivalents will be calculated at the ratio of four people equals one dwelling unit.

Sec. 34-1414. Continuing care facilities.

(c) Density. Density equivalents for a continuing care facility will be calculated for any assisted living facility units and nursing beds pursuant to division 12, subdivision II, of this article, and for independent living units on the basis of two independent living units equal to one residential dwelling unit.

This section provides criteria that must be met to be a CCF and if these criteria are met density may be calculated on the basis of two independent living units equal one residential dwelling unit.

- (1) A continuing care facility must provide housing for older persons pursuant to title VII USC.
- (2) A continuing care facility must provide full common dining facilities on the site. Individual units may be equipped with kitchens, but an average of at least one meal a day must be provided by the continuing care facility for all residents.
- (3) A continuing care facility must incorporate one or more resident services on the site, such as banking facilities, barbershops or beauty shops, pharmacies, and laundry or dry cleaning.
- (4) A continuing care facility must provide a shuttle bus service or similar transportation service for residents.

The term Memory Care Assisted Living Units (MCALU) is not a defined use in the Land Development Code (LDC). The description in your letter dated July 10, 2012 states the MCALU will not have individual kitchens but may have a kitchenette with a microwave, a small refrigerator and a cook top – none with requires a 220 volt outlet. The MCALU will have a central kitchen and serve 3 meals a day. Based on this description, the most similar use to a MCALU in the LDC is ALF which is defined as:

"a residential land use, licensed under chapter 58A-5, Florida Administrative Code, which may be a building, a section of a building, a section of a development, a private home, a special boarding home, a home for the aged or similar place, whether operated for profit or not, which undertakes

through its ownership or management to provide, for a period exceeding 24 hours, housing and food service plus one or more personal services for four or more adults not related to the owner or administrator by blood or marriage. A facility offering services for fewer than four adults may be within the context of this definition if it advertises to or solicits the public for residents or referrals and holds itself out to the public as an establishment providing such services. These facilities are not synonymous with the term "nursing home." For purposes of this definition only, the term "personal services" means assistance with bathing, dressing, ambulation, housekeeping, supervision, emotional security, eating, supervision of self-administered medications, restoration therapy and assistance with securing health care from appropriate sources."

Based on these descriptions, the density would be calculated at 4 ALF units equals one dwelling unit. There is no unit size requirement.

The term Congregate Care Facilities also is not defined in the LDC. Your letter described this use as units that will have individual kitchens but will have a central kitchen associated with the facility serving 3 meals a day. This is a similar use to a CCF. The LDC defines CCF as:

"a facility, licensed under F.S. ch. 651, which must be developed as a planned development (PD), which undertakes through its ownership or management to provide housing and food service to adult residents. The facility must meet the criteria for exemption from the Fair Housing Act Amendments of 1988, title VII USC."

Your letter further states a Congregate Care Facilities is not required to have a state license however it has many attributes of a CCF. The facility will provide housing for older residents pursuant to Title VII USC and will include services for the residents such as banking facilities, barbershops, beauty shops, pharmacies, laundry and dry cleaning facilities. A CCF is required to be licensed under F.S. ch. 651 and must be in a planned development zoning.

Sec. 34-620 of the LDC provides a mechanism for addressing such instances where a proposed use is not specifically listed in the use activities groups or in any of the use regulation tables based upon the placement of a similar listed uses. Section 34-933 goes on further to state, "Uses that are not specifically listed in Section 34-934 may also be permitted if, in the opinion of the director, they are substantially similar to a listed permitted use". The Director is authorized to determine that uses that are not specifically listed in the use activity groups or in any of the use regulation tables are permitted by right or by special exception in a particular zoning district based upon the placement of similar listed uses in the various districts.

Based on the description of the Congregate Care Facilities in your letter, the uses are similar to a CCF. The density for a CCF is two independent living units equal to one residential dwelling unit.

Your letter also defines a villa product that will have all the attributes of an independent living facility. The homes would be duplex format with individual kitchens. The residents would have access to the Congregate Care Facility with regard to the central kitchen, banking facilities, barbershops, beauty shops, pharmacies, laundry and dry cleaning facilities. The LDC defines ILU as

"a unit which is authorized only as a part of a licensed continuing care facility (CCF), which may be equipped with a kitchen."

Based on this description, the density would be calculated at two independent living units equal to one residential dwelling unit. There is no unit size requirement.

Findings and conclusions:

Part #1

Upon reviewing the written record, the language of Condition 1 was not an issue of controversy. The

developer could construct any combination of ALF, CCF or ILU units so long as the project density does not exceed 190 standard dwelling units. The applicant is correct in their interpretation of this condition.

Part #2

Based on the above findings, the density for each type of unit is as follows:

- Assisted Living Facility (Memory Care Assisted Living Unit, as described herein) - 4 ALF units equals one dwelling unit.
- Continuing Care Facility (Congregate Care Facility) - two independent living units equal to one residential dwelling unit.
- Independent Living Units (Villa product) - two independent living units equal to one residential dwelling unit.

Please be advised that the information provided herein is based on current regulations and may be subject to change as ordinances are enacted or amended.

Should you have further questions, please do not hesitate to contact our office.

DULY SIGNED this 10th day of August, A.D., 2012.

BY: Nettie Richardson
Nettie Richardson, Principal Planner
Department of Community Development
Zoning Division

cc: zoning file
Billie Jacoby
Tony Palermo, AICP



Exhibit D 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.

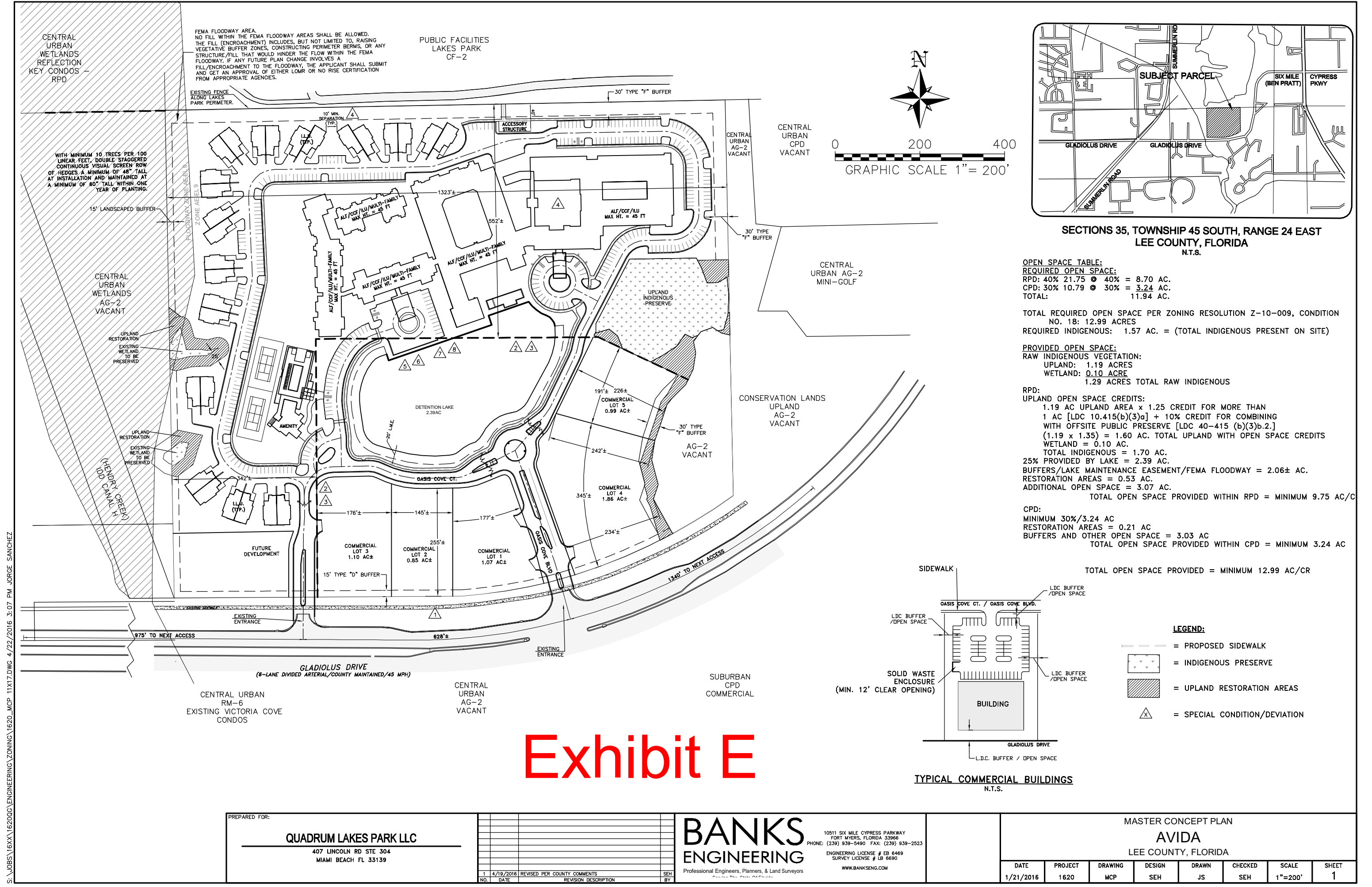
LDC Consistency/Minimal Modification

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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Department of Community Development
Zoning Division
Environmental Review

MEMORANDUM

Date: May 16, 2016
To: Nettie Richardson, Principal Planner
From: Beth Workman, Environmental Planner
239.533.8793
EWorkman@leegov.com
Subject: Avida (f/k/a Oasis Cove)
ADD2016-00011

Exhibit F

The applicant has submitted an Administrative Amendment (ADD) to the Residential and Commercial Planned Development to revise the layout of the lake, buildings, and access ways resulting in some changes to the open space.

The original zoning (Z-10-009) required a total of 12.99 acres of open space per Condition 18. The changes being requested as part of the subject ADD will not change this condition. However, the amount of open space being used from the lake, the restored indigenous, wetland and upland indigenous are all changing due to the layout reconfiguration.

OPEN SPACE CHANGES

The various components that make up the open space have changed slightly due to the reconfiguration of the site plan. Some acreages have increased and some of decreased. The following states what was previously approved as part of Z-10-009, what is being proposed, and the difference.

The lake was originally claiming 2.99 acres of open space and now is using 2.39 acres (-0.60 acres) since the proposed lake acreage has been reduced. The upland indigenous remains at 1.19 with 125% credit and 10% additional credit yielding 1.60 acres of upland indigenous with credits. The wetland indigenous changed from 0.09 acres to 0.10 acres (+0.01). The buffers/lake maintenance easement/FEMA flood has been reduced from 2.51 acres to 2.06 acres (-0.45 acres). The restoration area has increased from 0.46 acres to 0.53 acres (+0.07). The additional open space has also increased from 2.00 acres to 3.07 acres (+1.07). The result of the revisions is consistent with the 9.75 acres of open space with credits that was previously approved for the RPD portion of the project.



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Zoning Division
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The following is the strike-thru and underline to Condition 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 upland (minimum 1.6 acres with credits taken); and
 - (2) A minimum ~~0.09~~ 0.10 acre existing marsh wetland; and
 - (3) A minimum ~~0.67~~ 0.74 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 ~~-7-Y~~.
- 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~~ Development Services Environmental Sciences (ES) staff review. The Indigenous Management Plan must include a map showing the mechanical and hand removal areas to be cleared of exotics.

ADDITIONAL CONDITON CHANGES

In addition to the changes to the indigenous conditions, ES zoning staff proposes the following changes to Condition 24 by adding (d) and condition 25:

Condition 24 – Migratory and Wading Bird

- 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~~ 4 and ~~7~~ 5, if located between commercial buildings and the east property line abutting the off-site County owned preserve; and
- d. ~~Prior to local development order approval~~ architectural sheets showing the development order plans buildings within the RPD/CPD must be reviewed by Development Services 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



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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 64 and 75.

25. Prior to the Issuance of a Certificate of Compliance for all buildings facing Lakes Park and the offsite County preserve to the east, the bird strike prevention mechanism approved as part of the development order must be found sufficient by the Development Services ES staff landscaping inspector.

NEW DEVIATIONS

The applicant has request two new landscape deviations from Chapter 10. Deviation 3 is being requested from LDC 10-416(d)(1) requiring a buffer around the entire perimeter of a proposed development whenever the proposed development abuts a different use to allow no buffer between the RPD and CPD due to the entire project remaining under unified control through a property association agreement.

ES zoning staff approve this deviation request because the deviation applies internally to the site and will not affect the public.

Deviation 7 is being requested to deviate from LDC 10-418(3) that states hardened shorelines are limited to 20% of the lake shoreline to allow 40% of the lake shoreline to be hardened. The applicant states that the design of the vehicular network takes the roadways around the lake providing scenic views so the 40% hardened shoreline is necessary. Compensatory littoral plant shelves will be installed in the 20 foot littoral shelf as part of the lake littoral shelf instead of a five foot wide compensatory shelf.

ES zoning staff approve this deviation request because of the localization of the littorals that will be easier to maintain and have a larger area to spread and filter.