

M E M O R A N D U M
FROM
THE OFFICE OF THE
LEE COUNTY HEARING EXAMINER

DATE: September 2, 2025

TO: Board of County Commissioners FROM: Amanda L. Rivera
Lee County Deputy Hearing Examiner

RE: CYPRESS WOODS RVPD
Hearing Examiner Decision

Deputy Hearing Examiner Amanda L. Rivera has rendered a Decision on the following zoning request:

CYPRESS WOODS RVPD

DCI2023-00030

HEARD: July 31, 2025

A copy of the Decision is attached for ready reference.

cc: Anthony Rodriguez / Zoning Section
Adam Mendez / Zoning Section
Warren Baucom / Economic Development
Phil Gillogly / Natural Resources
Brienne Cherry / Community Development
Applicant(s) & Representative(s)
Other Interested Parties

OFFICE OF THE HEARING EXAMINER, LEE COUNTY, FLORIDA

HEARING EXAMINER DECISION

REZONING: DCI2023-00030

Regarding: CYPRESS WOODS RVPD

Location: 5551 Lockett Road
Fort Myers Shores Planning Community
(District 5)

Hearing Date: July 31, 2025

I. Request

Amend Cypress Woods Mobile Home and Recreational Vehicle Planned Development MHPD/RVPD Zoning Resolution Z-20-027 to modify development regulations and conditions of approval to allow:

1. The recreational vehicle accessory use "Casitas" within Phases I-IV (currently permitted in Phase V).
2. Revisions to buffer requirements, open space, and indigenous preservation acreages to increase open storage within FP&L easement.
3. Modification of three existing deviations and the addition of three new deviations:
 - i. Modification to existing Deviation #7 (amends setback requirements for recreational vehicle lots).
 - ii. Modification to existing Deviation #16 (amends clubhouse parking requirements).
 - iii. Modification to existing Deviation #23 (relieves additional lots subject to upland preserve setbacks).
 - iv. Deviations #27 and #28 request relief from the location standard for landscaping in conjunction with a residential project wall.
 - v. Deviation #29 requests relief from the 40-foot perimeter buffer requirement for a segment along the 160-foot FP&L easement.

The property's legal description is set forth in Exhibit A.

II. Hearing Examiner Decision

Approval, subject to the conditions and deviations set forth in Exhibit B.

III. Discussion

The Hearing Examiner has final decision-making authority on applications to amend planned developments that do not increase density/intensity.¹ In satisfaction of this duty, the Hearing Examiner accepted testimony and evidence on the application to amend the Cypress Woods MHPD/RVPD.

In reaching a zoning decision, the Hearing Examiner must consider the Lee County Comprehensive Plan (Lee Plan), the Land Development Code (LDC), testimony/evidence presented by the parties, and other applicable County regulations to the facts presented.² Specifically, the Hearing Examiner must find the request is compatible with surrounding uses and complies with Lee Plan and LDC requirements relating to such items as transportation facilities, natural resources, and urban services.³ The Hearing Examiner may take judicial notice of previous Board decisions.⁴ The Hearing Examiner's decision must be based on competent and substantial evidence.⁵

Discussion supporting the Hearing Examiner's decision follows below.

Synopsis of Request and Zoning History

The property has extensive zoning history dating back to 1984.⁶ In 1994, the Board approved MHPD/RVPD zoning for 684 mobile home and recreational vehicle (RV) units.⁷ Subsequent amendments adjusted unit counts, modified phasing, and added land, amenities, and gazebos.⁸

The Board then codified prior zoning actions in 2020.⁹ Current zoning approvals authorize 611 RV sites, with 137 of those sites assigned to Phase V.¹⁰

In 2022, Applicant administratively added "casitas" to Phase V after that use was introduced into the LDC.¹¹ Casitas are permanent structures with sleeping and kitchen facilities for owners on the same lot as their RV.¹²

¹ LDC §34-145(d)(1)e.3.i.

² LDC §34-145(d)(3).

³ LDC §34-145(d)(4).

⁴ Lee Co. Admin. Code 2-6 §2.3.D(4)(b).

⁵ Lee Co. Admin. Code 2-6 §3.3.A(2).

⁶ See Staff Report (pg. 2-3, *referencing* ZAB84-31 and Z-87-075).

⁷ Z-94-025 approved 684 units, comprised of 285 mobile homes and 399 RV sites.

⁸ See Staff Report (pg. 2-3, Attachment U).

⁹ Z-20-027.

¹⁰ See Staff Report (pg. 2). Currently 471 sites are developed (382 RV lots and 89 mobile home lots). Phase V is referred to as "Laguna Caribe."

¹¹ Lee Co. Ord. 22-12. Casitas are defined as an accessory building located on an individual RV lot which may contain sleeping/sanitary facilities and a kitchen, used for habitation by occupants of the RV occupying the lot. LDC §34-2; *See also* LDC §34-1179.

¹² LDC §34-2.

Applicant seeks to amend existing approvals to offer “casitas” throughout the MHPD/RVPD, modify three approved deviations, request three new deviations, and accomplish necessary housekeeping measures to reflect site development as the project has evolved.¹³ The request does not increase density/intensity or expand the development footprint.¹⁴

Staff recommended approval of the request with conditions.

Zoning Review Criteria

Before approving a planned development amendment, the Hearing Examiner must find the request:

- A. Complies with the Lee Plan;
- B. Meets the LDC and other applicable County regulations or qualifies for deviations;
- C. Is compatible with existing and planned uses in the surrounding area;
- D. Provides sufficient access to support the proposed development intensity;
- E. Addresses impacts on transportation facilities by County regulations or conditions of approval;
- F. Will not adversely affect environmentally critical/sensitive areas or natural resources; and
- G. Will be served by urban services if located in a Future Urban area;¹⁵
- H. The proposed use/mix of uses is appropriate at the proposed location;
- I. Recommended conditions (1) provide sufficient safeguards to the public interest, and (2) reasonably relate to impacts on the public interest expected from the proposed development; and
- J. Requested deviations (1) enhance achievement of the objectives of the planned development, and (2) protect public health, safety, and welfare.¹⁶

¹³ The request applies Z-20-027 approvals to the entire planned development.

¹⁴ Applicant seeks to expand open storage areas by 1.3 acres within the FP&L easement in the southeastern portion of the project. Although open storage is expanded, there is no increase in physical development.

¹⁵ LDC §34-145(d)(4)(a)(1).

¹⁶ LDC §34-145(d)(4)(a)(2).

Character of the Area

The 153± acre property is located at the eastern terminus of Luckett Road, east of I-75. The Cypress Trail RV Resort abuts to the north. Agricultural zoned lands border the project to the east and south. Heavy commercial and industrial uses sit between the site and I-75.

Lee Plan

Planned developments must be consistent with the Lee Plan.¹⁷

The property is within the Fort Myers/Caloosahatchee Shores Planning Community and designated Urban Community.¹⁸ The Caloosahatchee Shores community has a rural character anticipated to experience substantial growth.¹⁹ A mix of relatively intense commercial and residential uses characterize Urban Community properties.²⁰ The standard density range for this category is one to six units per acre.²¹

Requested changes do not alter density/intensity. The MHPD/RVPD remains consistent with the permitted density range of the property's future land use designation.²²

No changes to the area have occurred to alter the Board's previous finding of compatibility.²³

The project is rapidly reaching build-out.²⁴ Requested amendments align with Phase V approvals and meet emerging market demands.

The Hearing Examiner finds the request is consistent with the Lee Plan and compatible with the surrounding area.

Transportation/Traffic

Zoning actions must demonstrate sufficient access to support development intensity. Expected impacts to the road network must be addressed by existing county regulations and conditions of approval.²⁵

¹⁷ F.S. §163.3194(1)(a); LDC §§34-411(a), §34-491.

¹⁸ Lee Plan Maps 1-A, 1-B, and 2-A.

¹⁹ Lee Plan Goal 21.

²⁰ Lee Plan Policy 1.1.4.

²¹ *Id.*

²² Lee Plan Policy 1.1.4; LDC 34-939(b)(6). Casitas are not counted as additional units as they serve existing RV lots. See LDC §34-2, §34-1179.

²³ Z-20-027.

²⁴ Crespo Testimony (Transcript pg. 10); Applicant Ex. 1 (slide 8).

²⁵ LDC §34-145(d).

The MHPD/RVPD retains a single access to Luckett Road. A second access point connects the project to the Cypress Trail RV Resort to the north; however, that access is restricted to emergency vehicles.²⁶ The record demonstrates sufficient access supports the proposed development.²⁷

Staff waived the Traffic Impact Statement requirement since the request does not increase project trip generation or alter access.²⁸

Environmental/Natural Resources

Requests to rezone property may not adversely affect environmentally critical/sensitive areas or natural resources. Planned development design should reflect creative use of the open space requirement.²⁹

The request will not adversely affect environmentally critical areas or natural resources. The site is developed, and the request proposes no physical changes to the existing footprint. Accordingly, Applicant received waivers from several application requirements relating to environmental review criteria.³⁰

The project is subject to a conservation easement to ensure perpetual maintenance and preservation of designated lands.³¹

Applicant continues to exceed open space and indigenous preserve requirements even with open storage expansion. Detailed open space/preserve calculations are provided on the MCP and enforced through conditions of approval.³²

Public Services

Availability of public services and infrastructure must be analyzed during rezoning.³³

²⁶ The emergency interconnection was previously approved as Deviation 6 in Z-11-021. Subsequent zoning actions omitted the deviation in error. Deviation 30 rectifies the omission to permit relief from LDC §10-291(3).

²⁷ See Staff Report (pg. 13).

²⁸ See Staff Report (pg. 3 & 13, Attachment Q).

²⁹ LDC §34-411(h).

³⁰ Staff granted waivers from application requirements for a Surface Water Management Plan, Soils Map, Rare and Unique Upland Habitat Map, and Existing and Historic Flow-Ways Map. See Staff Report (pg. 3, Attachment Q).

³¹ Sterk Testimony (Transcript pg. 19).

³² Conditions 6 & 7.

³³ Lee Plan Policy 2.2.1.

Public services include services, facilities, capital improvements, and infrastructure necessary to support development.³⁴ The property has access to public water, sanitary sewer, police, fire, and emergency medical services.³⁵

The request does not alter demand for public services as there is no increase to density/intensity. Existing urban services are sufficient to support the development.

Deviations

“Deviations” are departures from the land development regulations.³⁶ The MHPD/RVPD has 25 approved deviations.³⁷ Applicant modifies three existing deviations and seeks three new deviations.

The Hearing Examiner's standard of review for deviations requires a finding that the deviation:

1. Enhances the achievement of the objectives of the planned development; and
2. Protects public health, safety, and welfare.

Requested/modified deviations seek relief from clubhouse parking requirements,³⁸ setbacks,³⁹ exterior landscape plantings,⁴⁰ perimeter buffer,⁴¹ and access.⁴² Deviation requests result from applying development standards approved for Phase V to the entire planned development.⁴³ Staff supports the deviations, finding potential impacts are internal to the development.

Applying LDC deviation standards of review to testimony and evidence in the record, the Hearing Examiner concludes requested deviations meet approval criteria.⁴⁴

³⁴ Lee Plan Glossary.

³⁵ Lee Plan Objectives 2.1, 4.1, 53.1, 56.1, Policy 2.2.1. Staff granted waivers from requirements to submit letters of availability demonstrating availability of potable water and central sewer service. See Staff Report (pg. 3, Attachment Q).

³⁶ LDC §34-2.

³⁷ Approved deviations are carried forward without modification, except for requested changes to Deviations 7, 16, and 23. Previously denied or withdrawn deviations retain numbering for consistency with existing approvals.

³⁸ See Deviation 16; Applicant Ex. 1 (slide 18-19).

³⁹ See Deviation 7; Applicant Ex. 1 (slide 17); Deviation 23, Applicant's Ex. 1 (slide 20).

⁴⁰ See Deviation 27, 28; Applicant Ex. 1 (slide 21-23); See also Staff Report (pg. 8-10); Crespo Testimony (Transcript pg. 15-17); Lee Plan Policy 21.1.1, 21.1.2.

⁴¹ See Deviation 29, Applicant Ex. 1 (slide 25-26).

⁴² See Deviation 30, Applicant Ex. 1 (slide 27).

⁴³ Other deviations relate to open storage expansion and legitimize existing site conditions.

⁴⁴ LDC §34-145(d)(4)a.2(c) & §34-377(a)(4).

Conditions

The County must administer the zoning process to minimize impacts of proposed land uses on adjacent property and protect natural resources.⁴⁵ Conditions must plausibly relate to anticipated impacts, and be pertinent to mitigating impacts to public health, safety, and welfare.⁴⁶

The MHPD/RVPD is subject to many conditions of approval. Conditions from prior zoning approvals are carried forward without modification.

Public

Applicant held a community meeting consistent with LDC requirements for zoning actions in Caloosahatchee Shores.⁴⁷

No members of the public appeared at the hearing.

Conclusion

The Hearing Examiner concurs with staff's analysis and recommendation that the requested MHPD/RVPD amendment meets LDC approval criteria.

IV. Findings in Support of Approval

Based on the testimony and evidence presented in the record, the Hearing Examiner finds and concludes that, as conditioned herein, the proposed MHPD/RVPD:

- A. Complies with the Lee Plan. Lee Plan Goals 2, 4, 5, 6, 21; Objectives 2.1, 2.2, 4.1, and Policies 1.1.4, 1.5.1, 2.1.1, 2.1.2, 2.2.1, 5.1.5, 21.1.1, 21.1.2, 21.3.1, 124.1.1, 124.2.1, Standards 4.1.1, 4.1.2, 4.1.4; Lee Plan Maps 1-A, 1-B, 2-A, Table 1(b).
- B. Meets the LDC and other County regulations. LDC Chapters 10, 33, & 34.
- C. Is compatible with existing and planned uses in the area. See Lee Plan Goals 2, 6, 21, Objectives 2.1, 2.2, and Policies 2.1.1, 5.1.5, and LDC §34-411(j).
- D. Provides sufficient access to support the proposed development intensity, with expected impacts on transportation facilities addressed by existing County regulations or conditions of approval. See Lee Plan Objective 39.1, and LDC §§2-261 *et seq.*, §10-286, §10-295, 34-411(d).

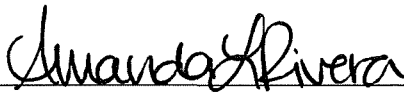
⁴⁵ Lee Plan Policy 135.9.6; LDC §§34-145(d)(4), 34-377, 34-932.

⁴⁶ LDC §34-932(c).

⁴⁷ See Staff Report (pg. 12, Attachment M); LDC §33-1482. The meeting was held on July 19, 2023.

- E. Will not adversely affect environmentally critical areas or natural resources. See Lee Plan Goal 77, 124, Objectives 77.2, 77.3, Policies 124.1.1, 124.2.1, and Standard 4.1.4.
- F. Will be served by urban services. See Lee Plan Objectives 2.1, 2.2, 4.1, Policy 2.2.1; Standards 4.1.1, 4.1.2.
- G. Proposed uses are appropriate at the location. See Lee Plan Goal 2, 21, Objectives 1.1, 2.1, 2.2, Policies 1.1.4, 1.5.1, 2.1.1, 2.2.2, Table 1(b); and LDC §34-411.
- H. Recommended conditions are sufficient to protect the public interest and reasonably relate to the impacts expected from the development. See LDC Chapters 10, 33, and 34.
- I. As conditioned herein, the deviations:
 - 1. Enhance the objectives of the planned development; and
 - 2. Protect public health, safety, and welfare. See §34-145(d)(4)a.2, §34-377(b)(4).

Date of Decision: September 2, 2025.


Amanda L. Rivera
Deputy Hearing Examiner

Lee County Hearing Examiner
1500 Monroe Street, Suite 218
Post Office Box 398
Fort Myers, FL 33902-0398

Exhibits to Hearing Examiner's Recommendation

Exhibit A Legal Description and Vicinity Map
Exhibit B Conditions and Deviations
Exhibit C Exhibits Presented at Hearing
Exhibit D Hearing Participants

Exhibit A

LEGAL DESCRIPTION AND VICINITY MAP



REVIEWED
DCI2023-00030
Rick Burris, Principal
Planner
Lee County DCD/Planning
5/5/2025

EXHIBIT A LEGAL DESCRIPTION

THE ENTIRETY OF CYPRESS WOODS RV RESORT UNIT ONE, A SUBDIVISION, LOCATED IN SECTION 11, TOWNSHIP 44 SOUTH, RANGE 25 EAST, ACCORDING TO THE PLAT THEREOF ON FILE AND RECORDED IN PLAT BOOK 65, PAGE 85-89, OF THE PUBLIC RECORDS OF LEE COUNTY, FLORIDA.

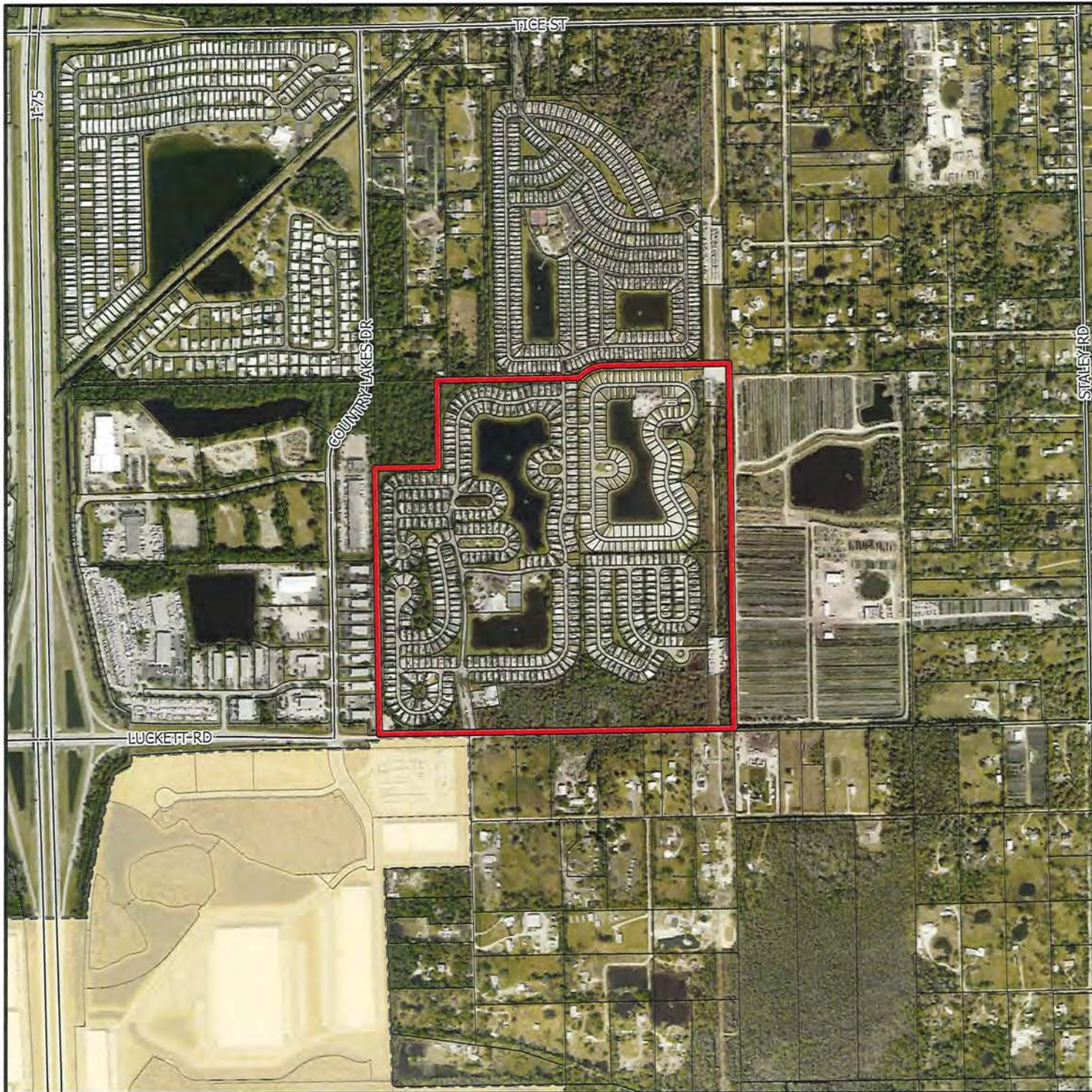
THE ENTIRETY OF CYPRESS WOODS RV RESORT UNIT THREE, A SUBDIVISION, LOCATED IN SECTION 11, TOWNSHIP 44 SOUTH, RANGE 25 EAST, ACCORDING TO THE PLAT THEREOF ON FILE AND RECORDED IN PLAT BOOK 72, PAGE 92-95, OF THE PUBLIC RECORDS OF LEE COUNTY, FLORIDA.

THE ENTIRETY OF CYPRESS WOODS RV RESORT UNIT FOUR, A SUBDIVISION, LOCATED IN SECTION 11, TOWNSHIP 44 SOUTH, RANGE 25 EAST, ACCORDING TO THE PLAT THEREOF ON FILE AND RECORDED IN PLAT BOOK 79, PAGE 69-71, OF THE PUBLIC RECORDS OF LEE COUNTY, FLORIDA.

THE ENTIRETY OF CYPRESS WOODS RV RESORT UNIT FOUR B, A SUBDIVISION, LOCATED IN SECTION 11, TOWNSHIP 44 SOUTH, RANGE 25 EAST, ACCORDING TO THE PLAT THEREOF ON FILE AND RECORDED IN INSTRUMENT NUMBER 2006000358211, OF THE PUBLIC RECORDS OF LEE COUNTY, FLORIDA.

THE ENTIRETY OF LAGUNA CARIBE PHASE 1, A SUBDIVISION, LOCATED IN SECTION 11, TOWNSHIP 44 SOUTH, RANGE 25 EAST, ACCORDING TO THE PLAT THEREOF ON FILE AND RECORDED IN INSTRUMENT NUMBER 2023000160379, OF THE PUBLIC RECORDS OF LEE COUNTY, FLORIDA.

THE ENTIRETY OF LAGUNA CARIBE PHASE 2, A SUBDIVISION BEING A REPLAT OF TRACT "F", LAGUNA CARIBE, PHASE 1, AS RECORDED IN INSTRUMENT NUMBER 2023000160379, PUBLIC RECORDS OF LEE COUNTY, FLORIDA AND LYING IN SECTION 11, TOWNSHIP 44 SOUTH, RANGE 25 EAST, LEE COUNTY, FLORIDA. ACCORDING TO THE PLAT THEREOF ON FILE AND RECORDED IN INSTRUMENT NUMBER 2023000286171, OF THE PUBLIC RECORDS OF LEE COUNTY, FLORIDA.

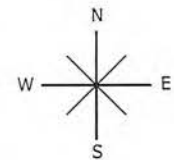


DCI2023-00030

Aerial

 Subject Property

 City Limits



0 500 1,000 1,500 2,000
Feet



Exhibit B

CONDITIONS AND DEVIATIONS

CONDITIONS

References to uses are as defined in the Lee County Land Development Code (LDC).

This zoning resolution codifies and supersedes Resolution Z-20-027, ADD2021-00158, ADD2022-00021, ADD2022-00108, ADD2023-00099, and ADD2024-00063.

1. Master Concept Plan (MCP) and Development Parameters

- a. MCP. Development must be substantially consistent with the 3-page MCP entitled "Cypress Woods R.V. Resort", prepared by Barbot, Stuart & Associates, Inc., date stamped received July 31, 2025; and Phase 5 may optionally be developed consistent with the 1-page MCP entitled "Cypress Woods RV Resort Phase V Recreational Vehicle Planned Development", prepared by Peninsula Engineering, stamped received July 31, 2025, (Exhibit B1).
- b. LDC and Lee Plan Compliance. Development must comply with the LDC and Lee Plan at time of local development order approval, except as may be granted by deviation herein. Subsequent changes to the MCP, conditions, or deviations may require additional approvals.
- c. Development Intensity. The MHPD/RVPD is limited to 611 mobile home and RV units. 137 RV lots are permitted in Phase V.

2. Uses and Site Development Regulations

a. Schedule of Uses

Accessory Uses

- Consumption on Premises
- Food Stores, Group I
- Gazebos
- Personal Services, Group I

Administrative Offices

Casitas (subject to LDC Section 34-1179(e))

Club, Private, On-site with the following accessory uses:

- Consumption on Premises, indoor and outdoor
- Food and Beverage Services, Limited
- Personal services, Group I only
- Community Gardens

Entrance Gates or Gatehouse

Essential Services Facility, Group I
 Excavation, Water Retention
 Fences and Walls
 Mobile Homes
 Model Home, Unit, Display Center
 Park Trailers
 Recreational Facilities, Personal, private on-site
 Recreational Vehicles
 Real Estate Sales Office
 Signs
 Storage
 Indoor
 Open, (Limited to maintenance areas, RVs, trailers, boats, and other
 vehicles/goods belonging to park residents)
 Vehicle and Equipment Dealers, Group "IV" (RVs only)

b. Site Development Regulations

Minimum Lot Area and Dimensions

Lot Area: 4,140 square feet
 Width: 46 feet
 Depth: 90 feet

Minimum Setbacks

Street: 20 feet
 Side Street: 10 feet (see Deviation 4)
 Side: 0 feet (for RV pads only)
 Side: 5 feet (for mobile homes and accessory structures)
 Minimum Separation: 10 feet (including between parked RVs and
 accessory structures on adjacent lot (see Condition
 12))

 Rear (Principal): 20 feet

 Rear (Accessory): 5 feet (see Condition 12)
 0 feet from lake maintenance easement for
 waterfront lots, and rear lot lines abutting optional
 recreation areas on the MCP

Waterbody: 20 feet

Maximum Lot Coverage: 50 percent (RV pad and roofed structures)

Maximum Building Height: 30 feet

Minimum Lot Area and Dimensions: Amenity Tract

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

Minimum Setbacks: Amenity Tract

Street:	20 feet
Side (Principal):	10 feet
Side (Accessory):	5 feet
Rear (Principal):	10 feet
Rear (Accessory):	5 feet
Waterbody:	0 feet
Maximum Lot Coverage:	45 percent
Maximum Building Height:	45 feet

3. Onsite Shelter

The on-site Hurricane Shelter must be consistent with the commitment on the MCP.

4. Utilities

Development must connect to a public or private central water system and a public or private sewage disposal system.

5. Fox Squirrel Preserve Area & Northern Buffer

Development order plans must depict Fox Squirrel Preserve areas consistent with the MCP. Developer must relocate golden polypody found on trees within development areas to preserve areas.

Landscape plans must include a 0.90 acre restoration planting plan in substantial compliance with the Restoration and Maintenance Plan prepared by Southern Biomes dated June 9, 2009 (Exhibit S) along the Phase 5 northern property line prior to issuance of a Phase 5 development order. Developer must submit an indigenous management plan for required indigenous open space and restoration areas.

Developer must complete restoration of the 0.90 acres along the Phase 5 northern property line in compliance with the Restoration and Maintenance Plan prepared by Southern Biomes dated June 9, 2009 (Exhibit S) prior to issuance of a Certificate of Compliance for Phase 5 infrastructure.

6. Open Space

The project must provide 64.24 acres minimum of open space for all phases of the project in substantial compliance with the MCP.

7. Indigenous Open Space

The project must provide 33.01 acres minimum of indigenous open space with credits for all phases of the project in conceptual compliance with the MCP.

8. Indigenous Maintenance and Management Plan

Developer must submit a Maintenance and Management Plan for Indigenous Preserve areas for Division of Environmental Sciences approval with Phase V development order application.

9. Landscape Plans

Phase V landscape plans must be in substantial compliance with the Habitat Restoration and Maintenance Guidelines and depict:

- a. Planting of slash pines (*Pinus elliotti* var *densa*), dahoon holly (*Ilex cassine*), laurel oak (*Quercus laurifolia*) and live oaks (*Quercus virginiana*), planted an average of 15-feet on center;
- b. 75 percent of planted trees must be 10 feet in height, two inch caliper;
- c. 25 percent of planted trees must be 16 feet in height, three-four-inch caliper;
- d. Shrubs consistent with the restoration plan, planted in scattered clusters one gallon container size, three feet on center; and
- e. A five-year monitoring report to ensure successful habitat restoration.

10. Gazebos

One gazebo is permitted per RV lot. Gazebos must be unenclosed and may contain outdoor kitchens.

11. Overflow Golf Cart Parking Area

Access to the Phase V amenity tract from the overflow parking area must include a paved sidewalk, painted crosswalk, and appropriate roadway signage.

12. Use Separation

Development in all phases must provide at least 10 feet of separation between principal structures, accessory structures, and RVs parked on adjacent lots. The RV pad may be within 10 feet consistent with the "Typical Lot Detail" on the optional MCP for Phase V.

13. Perimeter Buffer

Prior to development order approval depicting perimeter buffer plantings with the Florida Power and Light (FPL) easement, Developer must submit the FPL Easement Agreement stating buffer plantings may be installed in the easement. Development order plans must also demonstrate open space and indigenous space acreages for the entire planned development consistent with Conditions 6 and 7 during any expansions depicted on the MCP.

14. Vegetation Removal Permit

Developer must provide "Notification of FPL Facilities" FPL Form 360 prior to commencement of construction within the easement or to issuance of a vegetation removal permit for Phases III and V. Prior to issuance of a vegetation removal permit or development order approval for the storage expansion areas within the

FPL easement in Phase III, a copy of the mitigation receipt of payment or onsite mitigation plans must be submitted.

15. Easement Landscape Maintenance

Developer must replace required vegetation within the easement area. Failure to replace vegetation consistent with this zoning approval will result in a Code violation.

16. Development Permits

Issuance of a County development permit does not establish a right to obtain permits from state and federal agencies. Further, it does not establish liability on the County if developer: (a) does not obtain requisite approvals or fulfill obligations imposed by state or federal agencies or (b) undertakes actions resulting in violation of state or federal

DEVIATIONS

1. Deviation (1) seeks relief from the LDC §14-298(c) requirement to provide for the development of the "TZ" area as indicated on the MCP. This deviation is APPROVED SUBJECT TO the mitigation plan titled "Cypress Woods Monitoring and Maintenance Plan" submitted by Boylan Environmental Consultants, Inc., stamped and dated May 18, 1995. Mitigation must follow the phasing presented in these documents and all monitoring reports must be submitted to the Lee County Division of Environmental Sciences within thirty days of the scheduled monitoring events.
2. Deviation (2) was previously DENIED.
3. Deviation (3) seeks relief from the LDC §10-714.b requirement to provide a 90 foot turn-out radius to 30 feet. This deviation is APPROVED SUBJECT TO the developer providing a paved/stabilized surface with a minimum radius of 42 feet and, in addition, providing an unobstructed clear zone of 48-foot radius (6 feet clear zone beyond driving range).
4. Deviation (4) seeks relief from the LDC §34-2192(a) requirement to allow a reduction in the street setback from 20 feet to 5 feet on the "side" lot line for corner lots. This deviation is APPROVED SUBJECT TO the terms of Condition 2.
5. Deviation (5) seeks relief from the LDC §10-296(b) and 10-296, Table 3 requirement of a 45-foot right-of-way for a local street with open drainage, to permit a local street with 30 feet of right-of-way and open drainage. This deviation is APPROVED SUBJECT to the condition that the typical lot cross section demonstrates that the drainage performs adequately by showing the slab placement at the time of Development Order stage.

6. Deviation (6) seeks relief from the LDC §34-939(b)(6) requirement of a 5,000 square-foot minimum lot to provide a 4,140 square foot minimum (46 feet x 90 feet). This deviation is APPROVED SUBJECT TO Condition 2.
7. Deviation (7) seeks relief from the LDC §34-939(b)(7)c requirement of a side and rear setback of 10 feet and a street (right-of-way) setback of 25 feet, to permit a side and rear setback of 5 feet and a street (right-of-way) setback of 20 feet in the non-transient section of the park. This deviation is APPROVED provided setbacks are in conformance with Conditions 2 and 12, and all side setbacks apply to all portions of the structure or unit, including overhangs.
8. Deviation (8) seek relief from the LDC §34-939(b)(3) requirement to permit an access road through the perimeter buffer to the boat storage area. This deviation is APPROVED SUBJECT TO Condition 8.
9. Deviation (9) seeks relief from the LDC §34-736 requirement of a 5,000 square foot minimum lot (50 feet x 100 feet) to provide a 4,140 square foot minimum lot (46 feet x 90 feet). This deviation is APPROVED SUBJECT TO Condition 2.
10. Deviation (10) seeks relief from the LDC §34-7361 requirement of a side setback of 7 feet, to permit a side setback of 5 feet. This deviation is APPROVED SUBJECT TO Condition 2.
11. Deviation (11) seeks relief from the LDC §34-2222(1) and 10-254(b) requirements to allow corner lots to be the same size as the other lots within the development (and not have an additional 15 feet of width). This deviation is APPROVED SUBJECT TO Condition 2.
12. Deviation (12) seeks relief from the LDC §10-295 to eliminate the requirement for street stubs to adjacent properties. This deviation is APPROVED.
13. Deviation (13) seeks relief from the LDC §34-939(b)(3) to eliminate the requirement for a buffer between a recreational vehicle park and adjacent property interior to the site. This deviation is APPROVED for the interior portion of the site only.
14. Deviation (14) seeks relief from the LDC Section §34-935(a)(I) to eliminate the requirement that a new recreational vehicle park be not less than 20 acres in size. This deviation is APPROVED.
15. Deviation (15) seeks relief from the LDC Section §34-2194(b) and (c) requirements of a 25 foot water body setback; to allow a zero foot setback in order to permit the construction of a clubhouse, deck, pier, and gazebo 90 feet into the artificial body of water. This deviation is APPROVED SUBJECT TO substantial compliance with the proposed construction of the clubhouse and related facilities on the approved Plan entitled, Cypress Woods, R.V. Resort Clubhouse Area Dev. Order Plans;

Drainage, Parking & Site Dim. Plan; dated 04-14-03, stamped received AUG 21, 2003 and subject to the requirement that the water body setback must not adversely impact any open space requirement, wetland vegetation plantings, or other buffering, landscaping, or preservation areas or requirements.

16. Deviation (16) seeks relief from the LDC §34-2020 requirement of 135 parking spaces for the two clubhouse facilities, to allow 44 off-street parking spaces. This deviation is APPROVED.
17. Deviation (17) seeks relief from the LDC §34-935(a)(1) requirement of a minimum of 5 acres of land necessary to expand an existing recreational vehicle park, to allow an expansion of 2.1+/- acres. This deviation is APPROVED.

Deviations 18 through 22 apply only to Phase V:

18. Deviation (18) seeks relief from the LDC §10-296(b) Table 2 requirement of a 40 foot right-of-way with open drainage for a privately maintained local street to allow for a 30 foot right-of-way with closed drainage. This deviation is APPROVED.
19. Deviation (19) seeks relief from the LDC §10-296(b) Table 8 requirement of planting strips and sidewalks to allow for a privately maintained right-of-way with no planting strip or sidewalk. This deviation is APPROVED.
20. Deviation (20) seeks relief from the LDC §34-2015(1) requirement for all parking spaces to be located on the same premises as the use they serve, to allow 16 golf cart parking spaces within 200 feet of the amenity tract. This deviation is APPROVED SUBJECT TO Condition 11.
21. Deviation (21) seeks relief from the LDC §34-939(b)(7)(c) requirement of a minimum 10 foot set back from each side and rear recreational vehicle lot, to allow a 0 foot setback for the side and rear lot line of all rear recreational vehicle lots. This deviation is APPROVED SUBJECT TO Condition 12.
22. Deviation (22) seeks relief from the LDC §34-939(b)(3) requirement that all recreational vehicle parks have a perimeter buffer area at least 40 feet wide adjacent to and completely around the boundary of the site, to allow accessory uses outside of the proposed buffer. This deviation is APPROVED SUBJECT TO Conditions 13, 14, and 15.
23. Deviation (23) seeks relief from the LDC §10-415(b)(1)(c) requirement of a 20 foot minimum setback from indigenous vegetation and trees and 30 foot setback for indigenous plant communities subject to fire, to allow a 20 foot minimum setback from upland preserve lots:
 - Phase V – Lots 68-70 and 75-76 and 121-137.

- Phase III – Lots 87-99.
- Phase I – Lots 3-9

This deviation is APPROVED, SUBJECT TO the condition that all buildings located within the 30-foot required setback must be constructed of flame-retardant materials.

24. Deviation (24) is WITHDRAWN.
25. Deviation (25) seeks relief from Section 10-421(a)(8), which requires if a wall or fence is proposed, but not required, then the required buffer plantings must be installed on the exterior side (between the wall and the abutting property or street right-of-way) of the wall or fence, to allow required planting material to be located on both sides of the proposed wall along Tract “E” (Phase I) and to allow all required planting material to be located on the interior side of the wall on Tract “D” (Phase I). This deviation is APPROVED, SUBJECT TO Deviation (26).
26. Deviation (26) seeks relief from LDC §34-1743(b)(3), which requires optional residential project walls to be landscaped on the exterior side (between the wall and the abutting property or street right-of-way) with a minimum of five trees per 100 linear feet and shrub hedges, within a minimum plantable width of seven and one-half feet located on the exterior side of the wall or fence, to allow no required planting width or material to be located on the exterior of the wall on Tract “D.” This deviation is APPROVED SUBJECT TO the following condition:
 - a) The code required planted width and planted material must be located on the exterior side of the fence/wall on adjacent Tract “E,” with 5 trees per 100 linear feet (15 total trees) and 36-inch-high shrubs at time of installation.
 - b) Required trees must be canopy trees, 14-feet in height minimum, and shrubs must be maintained at not less than 60 inches in height within six months of planting on Tract “E” as depicted on the Lockett Road Buffer cross section (Exhibit B2).
 - c) The exterior of the wall facing Lockett Road must include a textured finish such as stucco.
27. Deviation (27) seeks relief from LDC §10-421(a)(8), which requires walls or fences that are proposed, but not required, to have all required buffer plantings installed on the exterior side of the wall or fence; to allow a wall or fence to be installed along the west property perimeter with the required plant material on the inside of the proposed wall abutting the industrial subdivision. This deviation is APPROVED.
28. Deviation (28) seeks relief from §34-1743(b)(3), which requires project wall/fences to be landscaped on the exterior side with a minimum of five trees per 100 linear feet and shrub hedges within a minimum plantable width of seven and on-half feet

with shrubs planted and maintained to form a 36-inch high continuous visual screen within one year after time of planting; to allow no landscaping exterior to the fence/wall along the west property perimeter abutting the industrial subdivision to the west. This deviation is APPROVED.

29. Deviation (29) seeks relief from LDC §34-939(b)(3), which requires recreational vehicle parks to include a perimeter buffer at least 40 foot wide adjacent to and completely around the property boundary of the site, to allow for a 30-foot-wide buffer along a portion of the eastern property line adjacent to the Phase III RV and Boat Storage area depicted on the MCP. This deviation is APPROVED, SUBJECT TO the following condition:

Prior to development order approval for the storage expansion areas within the FPL easement in Phase III, a copy of the mitigation receipt of payment or onsite mitigation plans must be submitted.

30. Deviation (30) seeks relief from LDC §10-291(3), which requires residential development of more than five acres to provide more than one means of ingress or egress for the development, to allow one access point. This deviation is APPROVED, SUBJECT TO maintaining the emergency-only interconnection with Cypress Trails RVPD to the north, as depicted on the MCP.

Exhibits to Conditions:

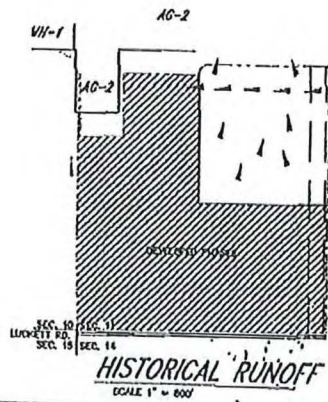
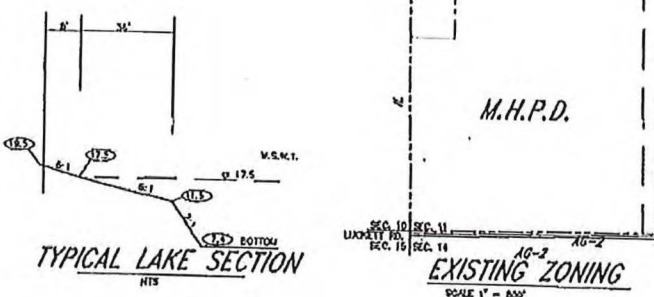
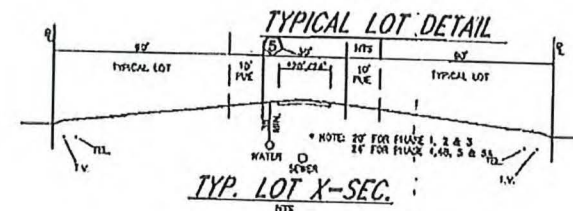
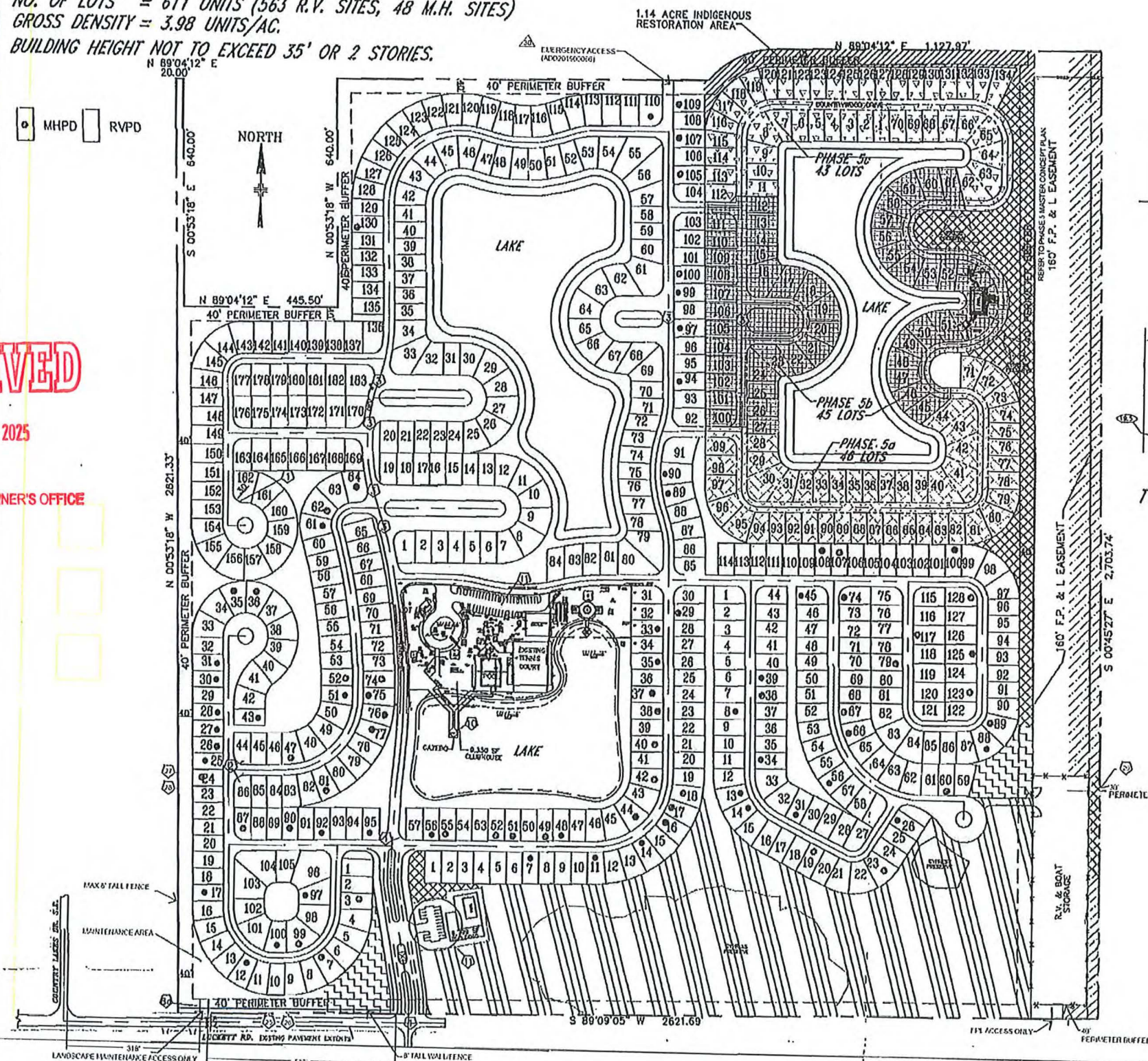
B1 Master Concept Plan stamped received July 31, 2025

B2 Lockett Road Buffer

"EXHIBIT 3A"

CYPRESS WOODS RESORT

TOTAL AREA = 6,688,691.34 S.F. (153.55 AC.)
 RIGHT-OF-WAY = 792,541.57 S.F. (18.19 AC.)
 LOT AREA = 2,850,427.44 S.F. (65.44 AC.)
 LAKES = 726,812.66 S.F. (16.68 AC.)
 NO. OF LOTS = 611 UNITS (563 R.V. SITES, 48 M.H. SITES)
 GROSS DENSITY = 3.98 UNITS/AC.
 BUILDING HEIGHT NOT TO EXCEED 35' OR 2 STORIES.



HURRICANE SHELTER (FOR LOT SECTION 10-250)
 REQUIRED HURRICANE SHELTERS = (2.25)(647)(20)(150) = 12,000 S.F.
 PROVIDED = 16,118 S.F.

CYPRESS WOODS R.V. RESORT
 ORIGINAL ZONING # Z-94-025
MASTER CONCEPT PLAN

DATE	REVISION	APPROVED	DESIGNED BY	CHECKED BY
07/20/25	REVISED PER STAFF REPORT	JTA	KS	KS
08/18/14	REVISED PER 05/24/10 SUFFICIENCY CHECKST.	JTA	KS	KS
04/21/04	REVISED PER 04/28/03 SUFFICIENCY CHECKST. 1	JTA	KS	KS

SCALE: 1" = 150' OR AS NOTED
 SHEET 1 OF 3
 FILE NO. 3434

RECEIVED

JUL 31 2025

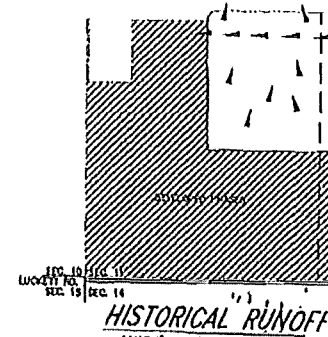
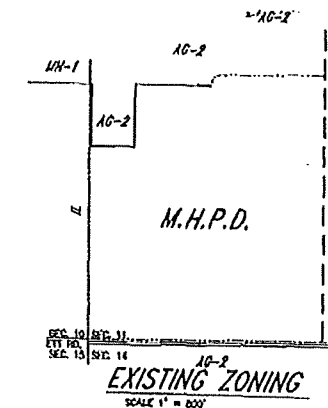
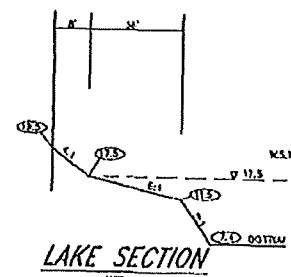
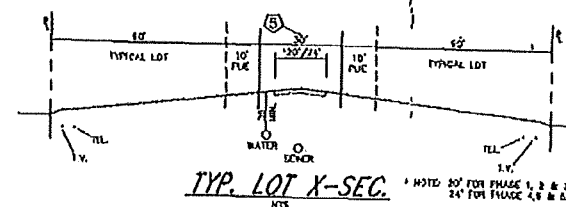
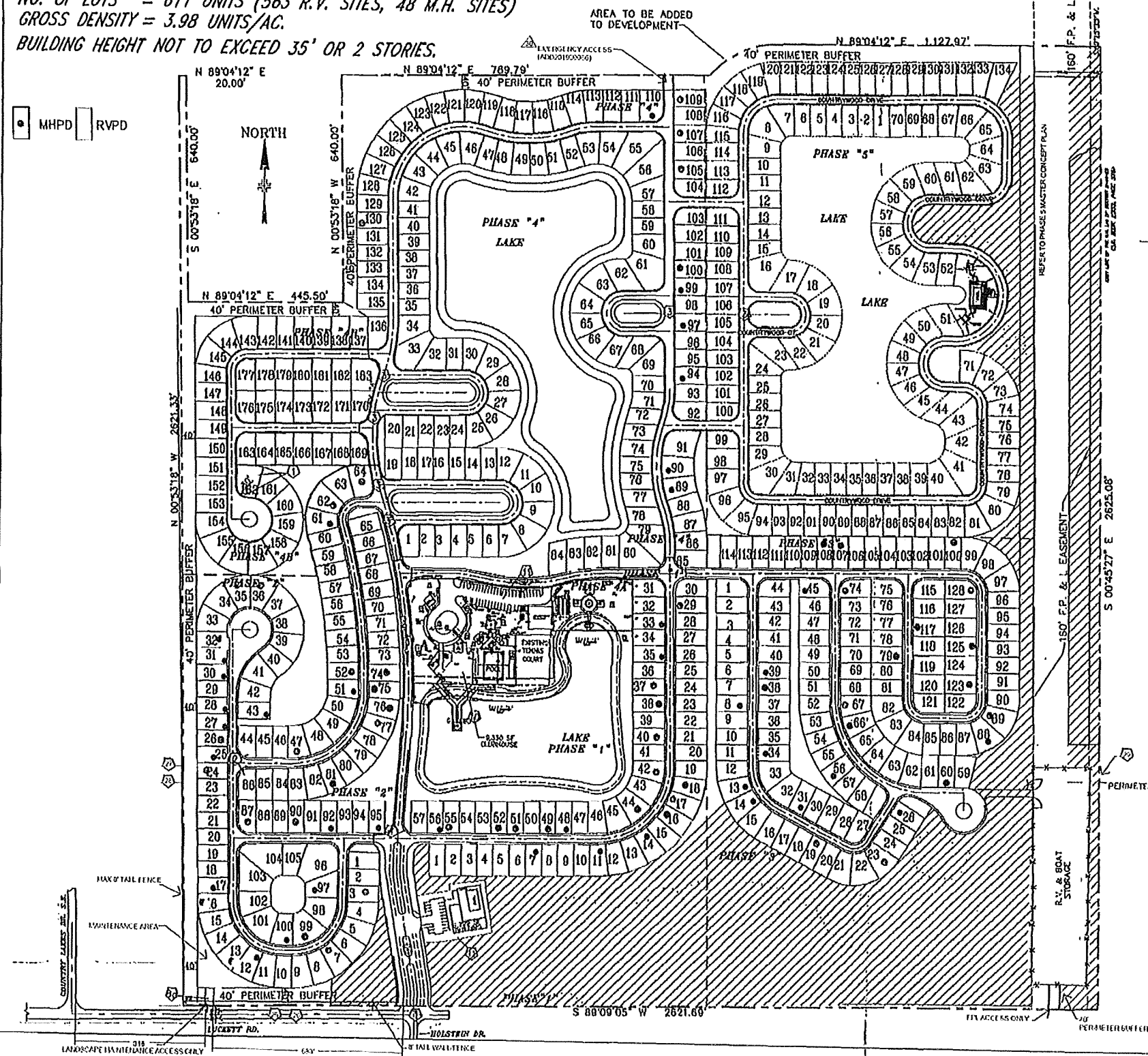
BY: HEARING EXAMINER'S OFFICE

EXHIBIT B-1

"EXHIBIT 3A"

CYPRESS WOODS RESORT

TOTAL AREA = 6,688,691.34 S.F. (153.55 AC.)
 RIGHT-OF-WAY = 792,541.57 S.F. (18.19 AC.)
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 GROSS DENSITY = 3.98 UNITS/AC.
 BUILDING HEIGHT NOT TO EXCEED 35' OR 2 STORIES.

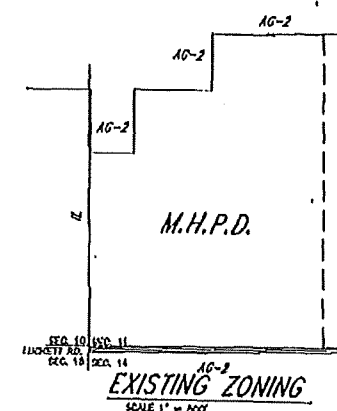
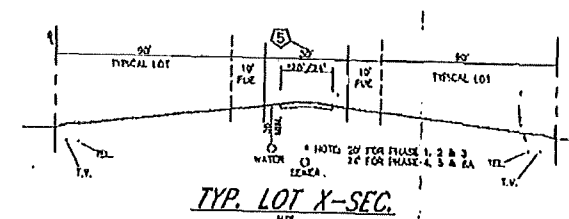
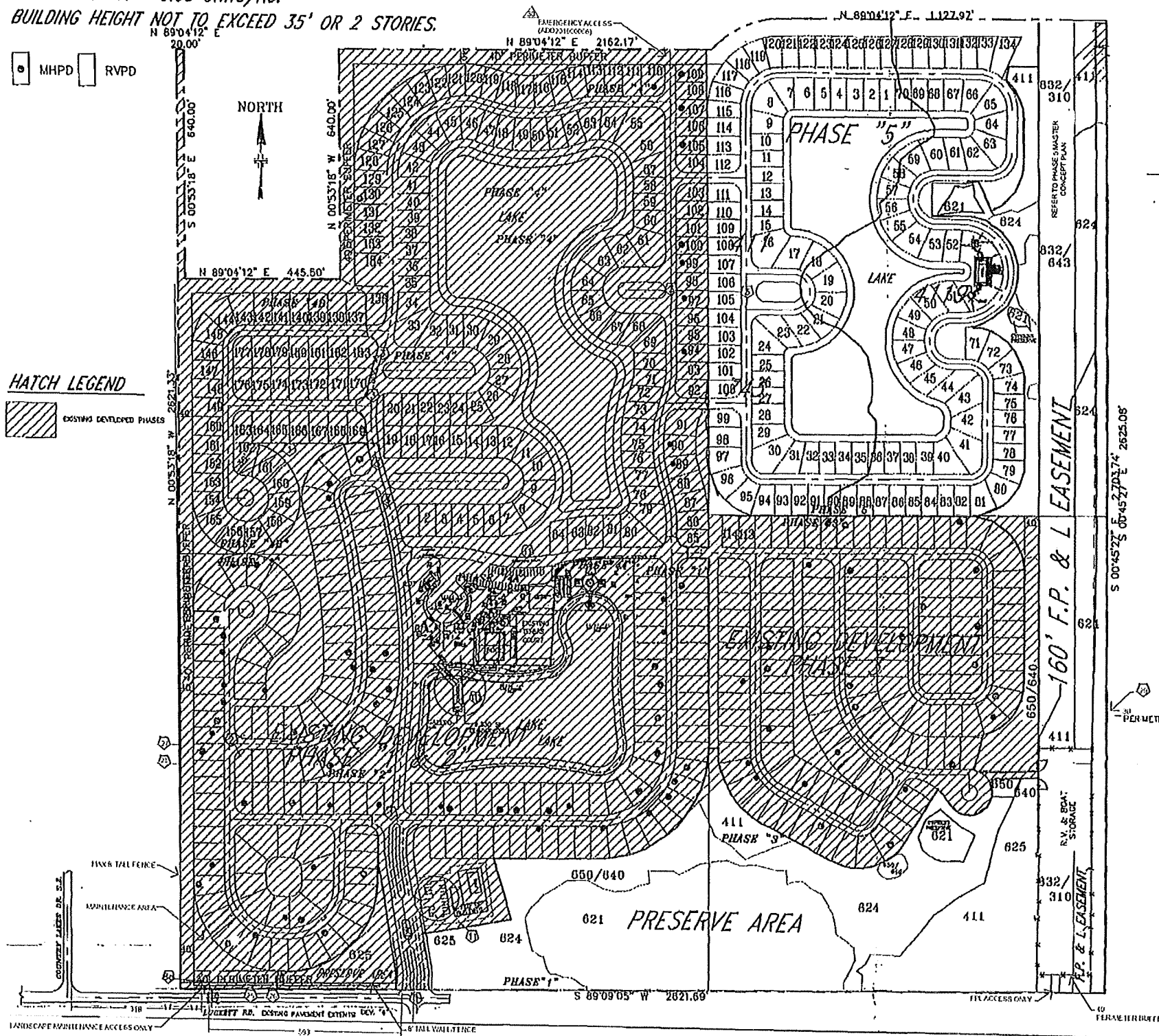


CYPRESS WOODS R.V. RESORT			
ORIGINAL ZONING # Z-04-025			
MASTER CONCEPT PLAN			
BIG CYPRESS FOX SQUIRREL PERSEVERE			
DESIGNED BY JTA	CHECKED BY JTA	DATE 09/18/2007	FILE NO. 3434
REVISION FOR 05/21/10 BUDGETARY CHECKLIST	APPROVED JTA	DATE 09/18/2007	
REVISION FOR 01/08/08 BUDGETARY CHECKLIST	APPROVED JTA	DATE 09/18/2007	
DATE 01/21/08	REVISION	APPROVED	

DATE	REVISION	APPROVED	DATE
01/21/08	REVISION FOR 05/21/10 BUDGETARY CHECKLIST	JTA	09/18/2007
01/21/08	REVISION FOR 01/08/08 BUDGETARY CHECKLIST	JTA	09/18/2007

CYPRESS WOODS RESORT

TOTAL AREA = 6,688,691.34 S.F. (153.55 AC.)
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 GROSS DENSITY = 3.98 UNITS/AC.
 BUILDING HEIGHT NOT TO EXCEED 35' OR 2 STORIES.



HURRICANE SHELTER (PER LCU SECTION 10-258)
 REQUIRED HURRICANE DRAFTS = $(3.25 \times 472 \times 20 \times .45) = 12,609$ S.F.
 PROVIDED = 15,121 S.F.

[illegible]

RECEIVED

JUL 31 2025

BY HEARING EXAMINER'S OFFICE

EMERGENCY ACCESS
(ADD2019-00066)

PROJECT
BOUNDARY
(TYP)

EX. CYPRESS WOODS RV RESORT
(PHASES 1-4)
(ZONING: MHPD AND RVPD)

OPEN SPACE MAP

OPEN SPACE			
INDIGENOUS OPEN SPACE	1,135,977 SF	26.08 AC	
LAKE	721,431 SF	16.56 AC	
FPL EASEMENT (EXCLUDING TRAILER PARKING)	181,974 SF	4.18 AC	
OTHER OPEN SPACE (LAKE BANK PERIMETER BUFFER, LANDSCAPE MEDIANS, COURTYARDS, ETC.)	758,822 SF	17.42 AC	
TOTAL OPEN SPACE	2,798,204 SF	64.24 AC	
% OF SITE		41.83 %	

EX. CYPRESS TRAIL RV
RESORT
(ZONING: RVPD)

INDIGENOUS RESTORATION
(0.90 ACRES)

40' PERIMETER BUFFER

EX. FPL ACCESS DRIVE

6' TALL SOLID FENCE
WITH 3' HEDGE

VEGETATED VISUAL
SCREEN PER BUFFER
REQUIREMENTS

6' TALL SOLID FENCE
WITH 3' HEDGE

VEGETATED VISUAL
SCREEN PER BUFFER
REQUIREMENTS

6' TALL SOLID FENCE
WITH 3' HEDGE

VEGETATED VISUAL
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WITH 3' HEDGE

VEGETATED VISUAL
SCREEN PER BUFFER
REQUIREMENTS

6' TALL SOLID FENCE
WITH 3' HEDGE

LEGEND	
	CONSERVATION EASEMENT
	LAKE
	AMENITY TRACT
	PRESERVE
	RESIDENT INGRESS / EGRESS
	DEVIATION LOCATION

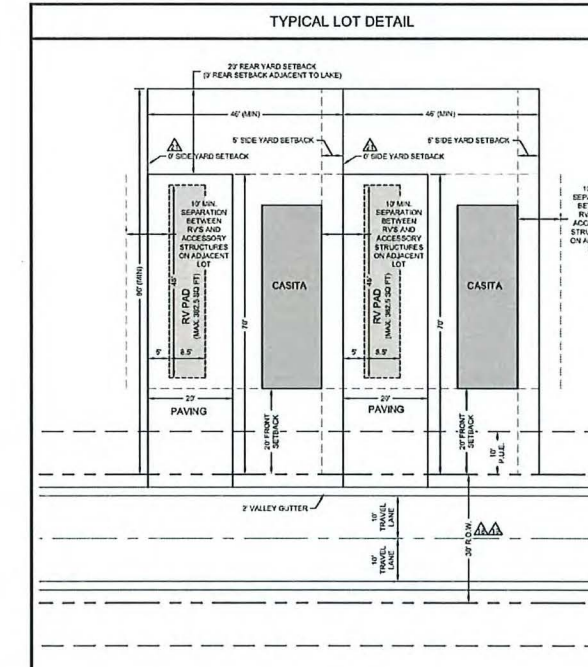
SITE DATA TABLE	
RV LOTS/DEVELOPMENT TRACTS	14.6 AC. +/-
LAKE TRACT	5.7 AC. +/-
AMENITY TRACT	1.2 AC. +/-
ROADWAY / PAVEMENT	3.1 AC. +/-
OUTDOOR STORAGE/DOG PARK/ PICKLE BALL COURTS	2.8 AC. +/-
INDIGENOUS / PRESERVE	4.9 AC. +/-
BUFFERS / OTHER OPEN SPACE	3.5 AC. +/-
TOTAL SITE AREA	35.6 AC.

EX. DUKE FARMS
LANDSCAPE NURSERY
(ZONING: AG-2)

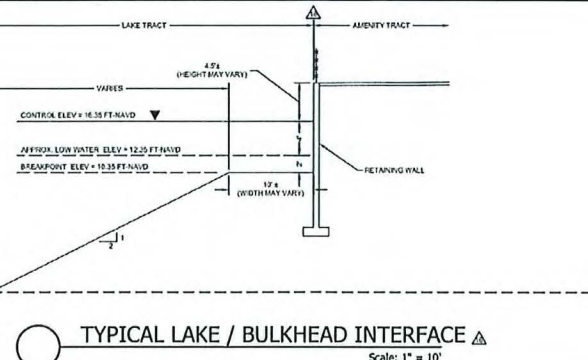
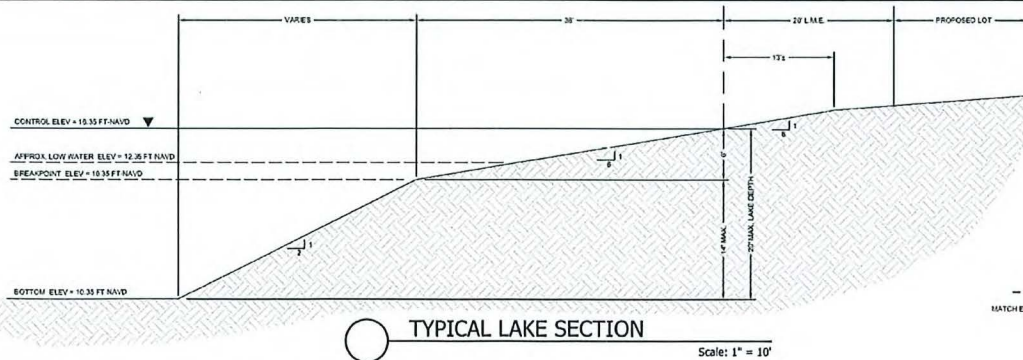
INDIGENOUS OPEN SPACE ⁽¹⁾			
TYPES	ACTUAL	CREDITS	
100%	PHASES 1-4: 1.11 AC	1.11 AC	
	PHASE 5: 3.18 AC	3.18 AC	
110%	PHASES 1-4: 1.27 AC	1.39 AC	
	PHASE 5: 0 AC	0 AC	
125%	PHASES 1-4: 2.16 AC	2.70 AC	
	PHASE 5: 1.66 AC	1.66 AC ⁽²⁾	
150%	PHASES 1-4: 16.70 AC	25.05 AC	
	PHASE 5: 0 AC	0 AC	
TOTAL PROVIDED:		26.08 AC	
TOTAL REQUIRED:		35.09 AC	

NOTES:
1. INDIGENOUS OPEN SPACE AREAS WITHIN THE EXISTING PHASES 1-4 REMAIN UNCHANGED. THE UPDATED TABLE SHOWN ABOVE REFLECTS REVISIONS WITHIN THE PHASE 5 DEVELOPMENT BOUNDARY, AND ALSO CORRECTS CALCULATION ERRORS IN THE PREVIOUSLY APPROVED MCP.
2. ALTHOUGH CREDIT WAS GIVEN ON THESE AREAS IN PREVIOUS ZONING APPROVALS, NO CREDIT IS TAKEN FOR AREA WITHIN PHASE 5 UNDER THIS APPLICATION.

B.C. FOX SQUIRREL PRESERVE	
B.C. FOX SQUIRREL PRESERVE AREA INCLUDES ALL INDIGENOUS OPEN SPACE AREAS AS INDICATED IN THE TABLE ABOVE EXCLUDING THE INDIGENOUS RESTORATION AREA	
INDIGENOUS OPEN SPACE: 26.08 ACRES	
INDIGENOUS RESTORATION: 0.90 ACRES	
TOTAL B.C. FOX SQUIRREL PRESERVE AREA:	26.08 - 0.90 = 25.18 ACRES



TYPICAL LAKE SECTIONS



PENINSULA
ENGINEERING
CIVIL ENGINEERING - LANDSCAPE ARCHITECTURE
ENVIRONMENTAL CONSULTING - LAND PLANNING -
SITE PLANNING - CONSTRUCTION MANAGEMENT -
OWNER REPRESENTATIVE
2600 Collier Parkway
Naples, Florida 34105
Phone: 239.403.6200 Fax: 239.261.1797
Email: info@pen-eng.com Website: www.pen-eng.com
Florida Engineering Certificate of Authorization #28275
Florida Landscape Certificate of Authorization #LC26000632

CYPRESS WOODS RV
RESORT PHASE 5
RECREATIONAL
VEHICLE PLANNED
DEVELOPMENT

TITLE:
PHASE V
OPTIONAL
MASTER CONCEPT
PLAN

OWNER/CLIENT/CONSULTANT:
LAGUNA CARIBE AT
CYPRESS WOODS, LLC

REVISIONS:		
No.	Revisions:	Date:
1	REVISED PER COUNTY COMMENTS	3/27/23
2	REVISED PER COUNTY COMMENTS	05/18/23
3	DEVIATION #23 ADDED	01/13/25
4	SCHEDULE OF DEVIATIONS REMOVED PER COUNTY	03/05/25
5	REVISED PER STAFF REPORT	03/05/25
6	REVISED PER H&M CONDITIONS	12/05/25
7	CORRECTED TYPICAL LOT DETAIL	09/22/21
8	ADDED "CASITA" TO TYPICAL LOT DETAIL	02/11/22
9	REVISED TYPICAL LOT DETAIL	06/14/22
10	ADDED DEVIATION #23 TO LOTS 121-127	8/27/22
11	REVISED VISUAL SCREEN AT NE CORNER OF PROPERTY	9/23/22
12	REVISED PER STAFF REPORT	8/10/25

NOTES:

PROFESSIONAL SEALS:
PROFESSIONAL ENGINEER: DANIEL C. HARTLEY
FLORIDA LICENSE NUMBER: 73943

DATUM NOTE:
ALL ELEVATIONS ARE BASED ON NAVD 83
(NORTH AMERICAN VERTICAL DATUM OF 1988)
Bar Scale: 1" = 100'
SEC. 11 TWP. 44 RGE. 25E
City: FORT MYERS County: LEE
Designed by: CURTIS WICKSTROM
Drawn by: CURTIS WICKSTROM
Date: JAN. 2016
Horizontal Scale: 1" = 200'
Vertical Scale: N.T.S.
Project Number: P-L26-001-001
File Number: P-L26-002-001-X06

Sheet Number: 4 of 4

EXHIBIT B2

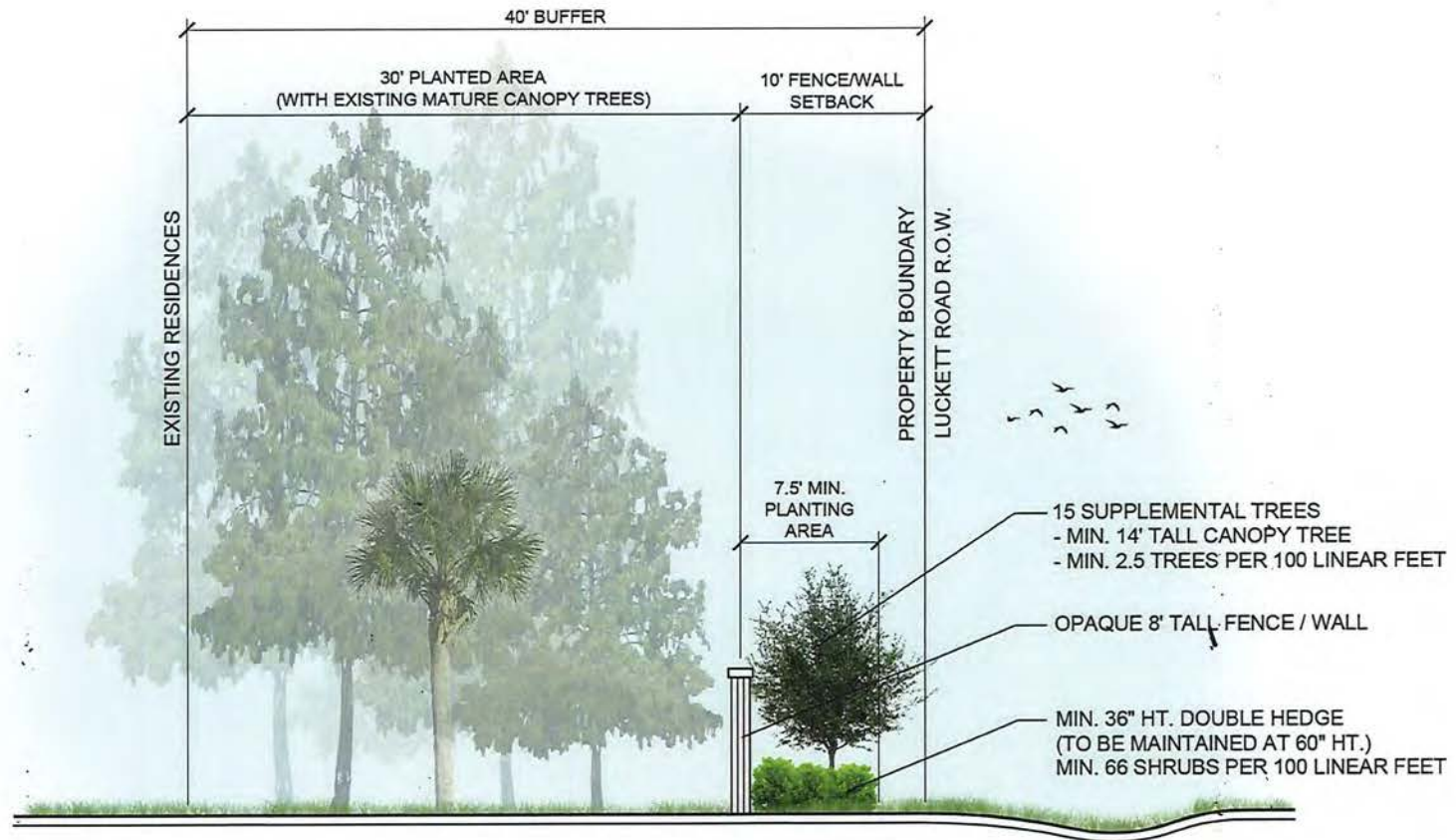


Exhibit C

EXHIBITS PRESENTED AT HEARING

STAFF EXHIBITS

1. DCD Staff Report with attachments for DCI: Prepared by Adam Mendez, Senior Planner, date received July 16, 2025 (multiple pages – 8.5"x11" & 11"x14") [black & white, color]
2. Affidavit of Publication: For DCI2023-00030, Cypress Woods RVPD, for Lee County Hearing Examiner Public Hearing (1 page – 8.5"x11")
3. PowerPoint Presentation: Prepared by Lee County Staff for DCI2023-00030, Cypress Woods RVPD (multiple pages – 8.5"x11")[color]

APPLICANT EXHIBITS

- a. 48-Hour Notice: Email from Alexis Crespo to Maria Perez, with copies to Adam Mendez, Jeremy Sterk, and Bill Schwab, dated Monday, July 28, 2025, 4:59 PM (4 pages – 8.5"x11" and 4 pages – 8.5"x11")
1. PowerPoint Presentation: Prepared by RVi Planning and Landscape Architecture for DCI2023-00030, Cypress Woods RVPD (multiple pages – 8.5"x11")[color]

Exhibit D

HEARING PARTICIPANTS

County Staff:

1. Adam Mendez

Applicant Representatives:

1. Alexis Crespo
2. Jeremy Sterk

Public Participants:

None