

LEE COUNTY BOARD OF COUNTY COMMISSIONERS
AGENDA ITEM SUMMARY

BLUE SHEET NO: 20050840

1. ACTION REQUESTED/PURPOSE: DENY the request for rehearing of the Board zoning decision for Estero Vista residential project located at 4098 Santa Maria Street, west of U.S. 41, south of San Carlos Boulevard.

WHAT ACTION ACCOMPLISHES: An aggrieved party is allowed to file a request for a rehearing.

MANAGEMENT RECOMMENDATION: Deny.

2. DEPARTMENTAL CATEGORY: 4

A4A

COMMISSION DISTRICT # 3

3. MEETING DATE:

08-09-2005

4. AGENDA

- CONSENT
- ADMINISTRATIVE
- APPEALS
- PUBLIC
- WALK ON

TIME REQUIRED:

5. REQUIREMENT/PURPOSE:

- (Specify)
- STATUTE
 - ORDINANCE
 - ADMIN. CODE
 - OTHER (LDC Section 34-84)

6. REQUESTOR OF INFORMATION:

- A. COMMISSIONER _____
- B. DEPARTMENT Community Development
- C. DIVISION Zoning
- BY [Signature]

7. BACKGROUND:

DCI2003-00086 (Estero Vista RPD) was approved by the Board of County Commissioners on April 18, 2005, for a rezoning to RPD (for 144 multi-family units including 23 bonus density units in the form of TDRs) with conditions permitting access to the subject property via Santa Maria Street (accessing U.S. 41 from the west, just south of San Carlos Boulevard). (Attachment C)

A request for rehearing (see Attachment A) was filed by Marie and Edward Koehane, owners of the Shady Acres Mobile Home Subdivision (aka Caloosa Cove) located adjacent to the proposed Estero Vista RPD. The Koehane's contend that the Estero Vista project does not have the legal right to use Santa Maria Street to provide access to the proposed clubhouse located in the southwest portion of Estero Vista RPD.

The applicant for the Estero Vista RPD project provided a response to this request for rehearing which is included as Attachment B.

Based upon the available information, County staff believes the Estero Vista project has a legal right to use Santa Maria Street for access to the project entrance as well as the Clubhouse.

Under LDC §34-84, the Board's determination with respect to the request for hearing is limited to consideration of the written documentation submitted and attached to this bluesheet.

Staff recommends denial of the rehearing request.

8. MANAGEMENT RECOMMENDATIONS:

DENY

9. RECOMMENDED DENIAL

A Department Director	B Purchasing or Contract	C Human Resources	D Other	E County Attorney	F Budget Services				G County Manager
					QA	OM	Risk	GC	
[Signature]	N/A	N/A		[Signature]	[Signature] 7/27/05	[Signature] 7/27/05	[Signature] 7/27/05	[Signature] 7/27/05	[Signature]

10. COMMISSION ACTION:

- APPROVED
- DENIED
- DEFERRED
- OTHER

RECEIVED BY
COUNTY ADMIN: TL
7-26-05
34C
COUNTY ADMIN
FORWARDED TO:

CO. ATTY.
FORWARDED TO:



APPLICATION FOR REQUEST FOR CONTINUANCE,
DEFERRAL, WITHDRAWAL, OR REHEARING

REQUEST FOR: (refer to back of sheet for special notes)

CONTINUANCE DEFERRAL WITHDRAWAL
 REHEARING WITHDRAWAL OF ADMINISTRATIVE APPEAL

If a DEFERRAL OR CONTINUANCE is requested, please indicate:

Length of time 15 minutes

From: Hearing Examiner BOCC

1. Date of Scheduled Hearing: _____
2. Applicant/Project Name: ESTERO VISTA LLC DCI 2003-00086
3. Tracking/Hearing/Application Number: _____
4. Date Decision was Rendered: April 18, 2005
5. Type of Application-Check
 Rezoning Special Exception Variance Other
6. Reason for request (If rehearing is requested, see Special Notes on Back):

THE DEVIATIONS SOUGHT WERE ON PROPERTY WHICH THE APPLICANT EITHER HAD NO RIGHTS TO TRAVEL AND OVER PROPERTY FOR WHICH HE HAD ANOTHER MEANS OF ACCESS - SEE ATTACH LETTERS + DEFED

Signature of applicant or authorized agent

Date

Jerry Leach, Esq. ATTORNEY FOR ADJACENT PROPERTY OWNER
 Name (typed or printed legibly) KEDIANE AND PEARINE (see attached letter)
P.O. BOX 430 5-3-05
 Address
Bonita Springs, Florida 34133
 STATE OF FLORIDA
 COUNTY OF LEE

The foregoing instrument was acknowledged before me this

3rd day of May

2005 by TROY LEACH who is personally known to me or who produced KNOWN TO ME as identification.



Brenda A. Curran
MY COMMISSION # DD043104 EXPIRES
August 9, 2005
BONDED THRU TROY FAIN INSURANCE, INC.

Brenda A. Curran
Signature of Notary Public

Brenda A. Curran
Printed Name of Notary Public

FEE \$ _____
DATE PAID: _____

RECEIPT NUMBER: _____
INTAKE BY: _____

DCI 2003-00086

LAW OFFICES OF
TERRENCE F. LENICK, P.A.

PROFESSIONAL ASSOCIATION
ATTORNEY AT LAW

Location 9200 Bonita Beach Road, Suite 208
Bonita Springs, Florida 34135

Telephone: 239-948-3900

Mailing P.O. Box 430
Address Bonita Springs, Florida 34133

Facsimile: 239-948-3902

May 3, 2005

To: Director of Community Development Mary Gibbs and
The Lee County Board of County Commissioners
The Lee County Attorney's Office
2115 Second Street
Fort Myers, Florida 33902

Re: **PETITION FOR REHEARING PURSUANT TO SECTION 34-84**
of Estero Vista LLC in reference to Estero Vista LLC – San Carlos Property
Rezoning Case No. DC12003-00086

Dear Ms. Gibbs:

In accordance with Section 34-84 on behalf of my clients Marie and Edward Keohane, the adjacent property owners of the Shady Acres Mobile Home Subdivision dba Caloosa Cove, and Perrine Enterprises, the adjacent property owners of the Shady Acres RV Park, these parties are adversely affected by the deviations sought by the Applicant in this case for the roads that they mistakenly believe they own or have easement rights over. The property deeds presented with the application do not support their ownership. Consequently, we are respectfully requesting a rehearing in this case.

The deviations obtained on the applicant's property are for a road easement, portions of which the applicant has no right to traverse. In other words Santa Maria Street S.W. which is shown between my clients' property and the applicant's property contain no right of way over which the applicant may travel. This is the southern property line the applicant's property. Consequently, they have obtained a deviation from property they do not own or have an easement over.

Secondly, the applicant wishes to obtain a deviation as to Santa Maria Drive on the north edge of the property. The deviation would reduce the road width from sixty feet to thirty feet. This drive goes down the northern property line and the applicant has access to the applicant's property from that street. Therefore, not only does the applicant not have a right of access to the road on the southern property line, he has access to the road that runs along his northern property line.

ATTACHMENT A

19 DO
17-51
2-7-74

~~826055~~
QUIT CLAIM DEED

1059 1323

THIS QUIT CLAIM DEED, executed this _____ day of _____
1974, by GENEVIEVE ELIZABETH WILSON, a widow, first party, to
PALLOTTINES, INCORPORATED, a Maryland Corporation, doing business
as SHADY ACRES TRAILER PARK, whose post office address is:
Shady Acres Trailer Park, P.O. Box 98, Estero, Florida 33928,
Second Party,

WITNESSETH

That the said First Party, for and in consideration of
the sum of Ten Dollars in hand paid by the said Second Party,
the receipt whereof is hereby acknowledged, does hereby remise,
release and quit claim under the said Second Party forever,
all right, title, interest, claim and demand which said First
Party has in and to the following described lot, piece or parcel
of land, situate and being in the County of Lee, State of Florida,
to-wit:

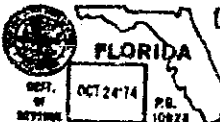
A perpetual easement in the following described
parcels of land:

Situated in the State of Florida, County of Lee, being a part of
Section 20, Township 46 South, Range 25 East and further bounded
and described as follows: Starting at the NE corner of the NW 1/4
of the aforesaid Section 20; thence S 0° 33' 30" W along the
Easterly line of the NW 1/4 of the aforesaid section 20 a distance
of 1755.19 feet to a point and the principal place of beginning;
thence continue S 0° 33' 30" W along the aforesaid Easterly line a
distance of 283.91 feet; thence N 89° 52' 38" W a distance of 1.00
feet to a point on the Easterly line of a roadway easement (20.00
feet wide); thence N 0° 33' 30" E along the aforesaid easterly line
of the roadway easement and parallel to the Easterly line of the
NW 1/4 of the aforesaid Section 20 a distance of 283.91 feet;
thence S 89° 26' 30" E a distance of 1.00 feet to the place of
beginning. Said parcel being a 283.91 foot portion of the E
one foot of Lot 3 SAN CARLOS GROVE TRACT, according to the plat
recorded in Plat Book 4, Page 75, Public Records Lee County,
Florida,

AND ALSO, a parcel described as follows:

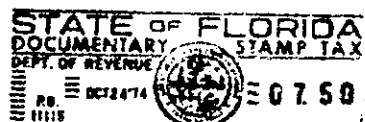
Situated in the State of Florida, County of Lee, being a part of
Section 20, Township 46 South, Range 25 East and further bounded
and described as follows: Starting at the NE corner of the NW 1/4
of the aforesaid Section 20; thence S 0° 33' 30" W along the
Easterly line of the NW 1/4 of the aforesaid Section 20 a distance
of 2049.10 feet; thence N 89° 52' 38" W a distance of 21.00 feet to
a point on the Westerly line of a roadway easement (20.00 feet wide)
and the principal place of beginning; thence continue N 89° 52' 38"
W a distance of 49.62 feet; thence by a curve deflecting to the
left a distance of 78.16 feet, said curve having a radius of 50.00
feet and a chord that bears N 45° 20' 26" E a distance of 70.44
feet to a point on the Westerly line of a roadway easement (20.00
feet wide); thence S 0° 33' 30" W along the aforesaid Westerly
easement line a distance of 49.62 feet to the place of beginning.

LEE
COUNTY
1974
10331



DOCUMENTARY
SUR TAX
02.75

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ATTACHMENT A

1059 1330

AND ALSO, the North 30 feet of the E 1,320 feet of Lot 4 SAN CARLOS GROVE TRACT, according to the plat recorded in Plat Book 4, at Page 75 of the Public Records of Lee County, Florida, to be used for roadway purposes.

TO HAVE AND TO HOLD, the same together with all and singular appurtenances thereunto belonging or in anywise appertaining, and all the estate, right, title, interest, lien, equity and claim whatsoever of the said first party, either in law or equity, to the only proper use, benefit and behoof of the said Second Party forever.

IN WITNESS WHEREOF, the said First Party has signed and sealed these presents the day and year first above written.

Signed, sealed and delivered in presence of:

[Signature] Genevieve W. Wilson (SEAL)
[Signature] _____ (SEAL)

STATE OF FLORIDA
COUNTY OF Lee

I HEREBY CERTIFY that on this day, before me, an officer duly authorized in the state aforesaid and in the county aforesaid to take acknowledgments, personally appeared GENEVIEVE ELIZABETH WILSON, a widow, to me known to be the person described in and who executed the foregoing instrument and she acknowledged before me that she executed the same.

WITNESS my hand and official seal in the County and State last aforesaid this 17 day of SEP 1974.

[Signature]
Notary Public

My Commission Expires:

RECORDS
LEE COUNTY, FLORIDA
15 AM '74
NOTARY PUBLIC
BY [Signature]

Printed for Lawyers' Title Company, Inc., Orlando, Florida

This instrument was prepared by:

Herman Hain

(STATUTORY FORM—SECTION 689.02 F.S.)

ROSE M. BERGMAN
NOTARY PUBLIC
1001 N. W. 15th Ave.
FORT LAUDERDALE, FLORIDA 33304

This instrument, Made this 14th day of March 19 77, between

HERMAN HAIN, Individually and as Trustee,

of the County of Lee, State of Florida, grantor, and

GARY R. PERRINE and REBECCA C. PERRINE, husband and wife,

whose post office address is 2470 Tarpon Road, Naples, Florida 33942

of the County of Lee, State of Florida, grantees,

HERMAN HAIN, then said grantor, for and in consideration of the sum of

TEN (\$10.00)

and other good and valuable considerations to said grantor in hand paid by said grantees, the receipt whereof is hereby acknowledged, has granted, bargained and sold to the said grantees, and grantees' heirs and assigns forever, the following described land, tracts, lying and being in Lee County, Florida, to-wit:

The East 1,320 feet of LOT 4, SAN CARLOS GROVE TRACT, according to the plat recorded in Plat Book 4 at Page 75 of the Public Records of Lee County, EXCEPTING THEREFROM the North 30 feet of said East 1,320 feet of LOT 4 and SUBJECT TO an easement for roadway purposes over and across the South 50 feet of the West 85 feet of the East 1,320 feet of LOT 4, said easement to be used for roadway purposes, and FURTHER EXCEPTING all the above described real property lying easterly of the centerline of that certain meandering creek that now traverses the said property: TOGETHER with a permanent non-exclusive easement for ingress and egress purposes, which easement shall be 20 feet in width, 10 feet each side of the following described centerline:

From the northeast corner of said LOT 4 run South along the East line of said LOT 4 for 15.0 feet; thence run West on a line parallel to and 15.0 feet South of the North line of said Lot 4, for 257.0 feet to the point of beginning of the herein described centerline; thence deflect 24° 30' to the left and run

and said grantor does hereby fully warrant the title to said land, and will defend the same against the lawful claims of all persons whomsoever.

*"Grantor" and "grantee" are used for singular or plural, as context requires. (CONT. ON PAGE 2)

In Witness Whereof, Grantor has hereunto set grantor's hand and seal the day and year first above written.

Signed, sealed and delivered in our presence:

[Signature]

[Signature] (Seal)

HERMAN HAIN, Individually and as Trustee (Seal)

[Signature]

[Signature]

STATE OF FLORIDA,
COUNTY OF LEE.

I HEREBY CERTIFY that on this day before me, an officer duly qualified to take acknowledgments, personally appeared

HERMAN HAIN, Individually and as Trustee,

to me known to be the person described in and who executed the foregoing instrument and acknowledged before me that he executed the same.

WITNESS my hand and official seal in the County and State last aforesaid this 14th day of March, 19 77.

My commission expires:

[Signature]
Notary Public

NOTARY PUBLIC STATE OF FLORIDA AT LARGE
MY COMMISSION EXPIRES JUNE 19 1980
FIDELITY AND SURETY INSURANCE UNDERWRITERS

First... \$100.00...
SUBJECT TO an existing...
SUBJECT TO existing...
SUBJECT TO existing... and...
Said real property...
(1) Subject to a mortgage...
(2) Subject to a mortgage...
(3) Subject to a mortgage...

3044538

Documentary Tax P.L. 55
\$ _____
By M. Robinson Deputy Clerk

SPECIAL WARRANTY DEED

100
55

OR2229 Pg4 705

RECORDED - CHASE CHINA CLERK
BY M. J. ROBINSON, D.C.

THIS INDENTURE, made this 27th day of March, 1991, between GARY R. PERRINE, as Trustee of the Gary R. Perrine Trust u/a/d June 24, 1988, with full power and authority to sell, lease, encumber or otherwise to manage and dispose of the real property hereafter described, whose post office address is 2470 Tarpon Road, Naples, Florida 33942, and REBECCA C. PERRINE, as Trustee of the Rebecca C. Perrine Trust u/a/d June 24, 1988, with full power and authority to sell, lease, encumber or otherwise to manage and dispose of the real property hereafter described, whose post office address is 2470 Tarpon Road, Naples, Florida 33942, as tenants in common, each as to an undivided one-half (1/2) interest, GRANTOR, and PERRINE ENTERPRISES, a Florida General Partnership, whose post office address is 2470 Tarpon Road, Naples, Florida 33942, GRANTEE.

WITNESSETH:

That said Grantor, for and in consideration of the sum of Ten and 00/100 Dollars (\$10.00), and other good and valuable considerations to said Grantor in hand paid by said Grantee, the receipt whereof is hereby acknowledged, has granted, bargained and sold to the said Grantee, and Grantee's heirs and assigns forever, the following-described land, situate, lying and being in Lee County, Florida, to-wit:

The East 1,320 feet of Lot 4, San Carlos Grove Tract, according to the plat recorded in Plat Book 4, at page 75 of the Public Records of Lee County, EXCEPTING THEREFROM the North 30 feet of said East 1,320 feet of Lot 4, and SUBJECT TO an easement for roadway purposes over and across the South 30 feet of the West 85 feet of the East 1,320 feet of Lot 4, said easement to be used for roadway purposes, and FURTHER EXCEPTING all of the above-described real property lying easterly of the centerline of that certain meandering creek that now traverses the said property; TOGETHER with a permanent non-exclusive easement for ingress and egress purposes, which easement shall be 20 feet in width, 10 feet each side of the following described centerline:

RV Deed

From the Northeast corner of said Lot 4, run South along the East line of said Lot 4 for 15.0 feet; thence run West on a line parallel to and 15.0 feet South of the North line of said Lot 4, for 257.0 feet to the point of beginning of the herein described centerline; thence deflect 24°30' to the left and run 127.0 feet; thence deflect 3°00' to the left and run 100.00 feet; thence deflect 16°30' to the right and run 65 feet more or less to the center of an existing creek and the terminus of said centerline being in Section 20, Township 46 South, Range 25 East.

SUBJECT TO an existing easement for ingress and egress over and across the North 30 feet of said Lot 4.

Subject to real estate taxes for 1991; zoning and use restrictions imposed by governmental authority; restrictions and easements common to the subdivision; and outstanding oil, gas and mineral interests of record, if any.

Said Grantor will warrant and defend the property hereby conveyed against the lawful claims and demands of all persons claiming by, through, or under him, but against none other.

"Grantee's" Social Security Number G.R.P. 263-56-6346
R.C.P. 263-50-0581

Property I.D. Number D 17-46-25-01-00007-0020

"Grantor" and "Grantee" are used for singular or plural as context requires.

In Witness Whereof, Grantor has hereunto set grantor's hand and seal the day and year first above written.

Signed, sealed and delivered in our presence:

Carol A. Dickens

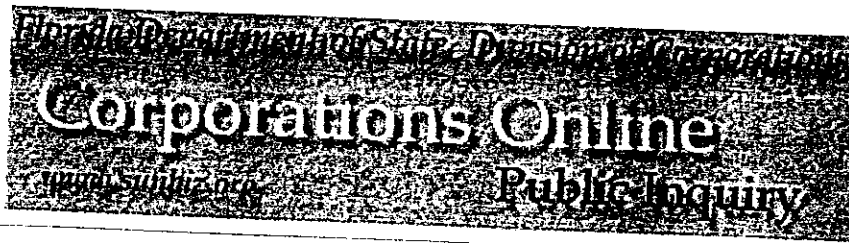
Gary R. Perrine
Gary R. Perrine, Trustee

Sue E. Sprouce

Carol A. Dickens

Rebecca C. Perrine
Rebecca C. Perrine, Trustee

Sue E. Sprouce



SHADY ACRES TRAVEL PARK
 19370 TAMIAMI TRAIL SOUTH
 FORT MYERS, FL 33908

Document Number
 G91106000101

Status
 ACTIVE

Date Filed
 04/16/1991

Expiration Date
 12/31/2006

Current Owners
 000000004

County
 LEE

Total Pages
 000000003

Events Filed
 000000002

FEI Number
 65-0304637

View Filing History

[Previous on List](#)

[Return to Name List](#)

[Next on List](#)

Owner Information

Name & Address	FEI Number	Charter Number
PERRINE ENTERPRISES 3078 TAMIAMI TRAIL NAPLES, FL 34112 US	APPL	G91106000038
PERRINE, REBECCA C 2470 TARPON RD NAPLES, FL 33962 US	65-0304637	NONE
PERRINE, GARY R 2470 TARPON ROAD NAPLES, FL 34102	NONE	NONE
PERRINE, RAYMOND C 5410 25TH PLACE SW NAPLES, FL 34116	NONE	NONE
PERRINE, GARY R 2470 TARPON RD NAPLES, FL 34102 US	NONE	NONE

Document Images

Listed below are the images available for this filing.

G91106000101 -- No image available
 G01999056506 -- 03/02/2001 -- RENEWAL
 G97010900099 -- 12/31/1996 -- RENEWAL

THIS IS NOT OFFICIAL RECORD; SEE DOCUMENTS IF QUESTION OR CONFLICT

Documentary Tax Pd. \$ 1.60
By [Signature] Deputy Clerk

OR2295 PG2005

WARRANTY DEED 3193606

THIS INDENTURE, made this 20th day of April, 1992, between JAMES W. MCFADDEN and MARJORIE C. MCFADDEN, husband and wife, of the County of Lee in the State of Florida, whose post office address is 18323 Deep Passage Lane, Fort Myers Beach, FL 33931, party of the first part, and JAMES W. MCFADDEN, as Trustee of the JAMES W. MCFADDEN REVOCABLE TRUST U/D/T dated April 20, 1992, and conferring upon the said Trustee the full power and authority either to protect, conserve and to sell or lease or to encumber or otherwise to manage and dispose of the real property described below, of the County of Lee in the State of Florida, whose post office address for tax purposes is 18323 Deep Passage Lane, Fort Myers Beach, FL 33931, party of the second part.

The written acceptance by MARJORIE C. MCFADDEN, recorded among the public records in the county where the real property described below is located, together with evidence of JAMES W. MCFADDEN's death, disability, or resignation, shall be deemed conclusive proof that the successor trustee provisions of the aforesaid JAMES W. MCFADDEN REVOCABLE TRUST have been complied with. Evidence of JAMES W. MCFADDEN's death shall consist of certified copy of his Death Certificate. Evidence of his disability shall consist of a licensed physician's affidavit establishing that JAMES W. MCFADDEN is incapable of performing his duties as Trustee of the aforesaid JAMES W. MCFADDEN REVOCABLE TRUST. Evidence of JAMES W. MCFADDEN's resignation shall consist of a resignation, duly executed and acknowledged by him. The successor trustee shall have the same powers granted to JAMES W. MCFADDEN, the original Trustee, as set forth above.

WITNESSETH, that the said party of the first part, for and in consideration of the sum of Ten Dollars (\$10.00) and other good and valuable consideration in hand paid by the said party of the second part, the receipt whereof is hereby acknowledged, has granted, bargained and sold to the party of the second part, his heirs and assigns forever, the following described land, situate, lying and being in the County of Lee, State of Florida, to wit:

Parcel 1:

The East 1,320 feet of Lot 3 of that certain subdivision known as SAN CARLOS GROVE TRACTS, according to the map or plat thereof on file and recorded in the office of the Clerk of the Circuit Court of Lee County, Florida, in Plat Book 4, Page 75.

Subject to easements, restrictions and reservations of record and taxes for the current year and subsequent years, including by way of illustration and not of limitation that Easement recorded in OR Book 195, Page 632, that Easement contained in OR Book 1059, page 1329, that Easement contained in OR Book 1659, page 1312, and that utility Easement contained in OR Book 1754, page 2551, all citations to Official Records Book being in the Public Records of Lee County, Florida.

Parcel 2:

THE FOLLOWING DESCRIBED PARCEL BEING LOT 2 OF UNRECORDED DIVISION IN THE W 1/2 OF SECTION 6, T. 46 S., R. 25 E. LEE COUNTY, FLORIDA.

A tract or parcel of land lying in the west half (W 1/2) of Section 6, Township 46 South, Range 25 East, Lee County, Florida which tract or parcel is described as follows:

Beginning at the northeast corner of the south half (S 1/2) of the northwest quarter (NW 1/4) of said Section 6, run S 49°24'28" W for 832.07 feet to a point on the circumference of a roadway turnaround of radius ;60

This instrument was prepared by:
WILLIAM N. HOROWITZ, Attorney at Law
1715 Monroe St. Fort Myers, Fla. 33902

feet; thence run southeasterly, southerly and southwesterly along said circumference, along the arc of a curve to the right of radius 60 feet (chord bearing S 22°52'33" W) for 132.93 feet to a point of reverse curvature; thence run southwesterly along said roadway, along the arc of a curve to the left of radius 90 feet (chord bearing S 67°54'32" W) for 57.92 feet to a point of tangency; thence run S 49°28'26" W along the southeasterly line of said roadway for 64.27 feet to an intersection with the northeasterly line (65 feet from the centerline) of the Seaboard Coast Line Railroad right-of-way; thence run S 32°31'32" E along said northeasterly line for 1496.16 feet to an intersection with the east line of said west half (W 1/2) of Section 6; thence run N 00° 51' 13" W along said east line for 1965.22 feet to the Point of Beginning.

LESS beginning at the northeast corner of the South one half (S 1/2) of the Northwest one quarter (NW 1/4) of said Section 6; thence S 49°24'28" along the northwest line of said Lot 2 for 128.69 feet; thence S 54°20'23" E for 64.25 feet; thence S 84°29'36" E a distance of 47.61 feet to a point on the east line of said Lot 2; thence N 0°51'13" W along said east line for 125.77 feet to the place of beginning.

SUBJECT to an easement for drainage and public utilities 10 feet wide along all boundaries of the herein described parcel.

SUBJECT TO an easement to Florida Power and Light Company over and across the westerly 100 feet of the easterly 150 feet.

SUBJECT TO that grant of easement recorded in O.R. Book 1567 at page 2161 thru 2165, Lee County, Florida.

TOGETHER WITH a roadway easement 60 feet wide, the centerline of which easement is described as follows: From the northwest corner of the south half (S 1/2) of the northwest quarter (NW 1/4) of said Section 6 run S 00°22'47" E along the section line for 385.99 feet to a concrete monument marking the intersection with the northeasterly line (50 feet from the centerline) of former State Road No. 45; thence run S 40°31'34" E along said northeasterly line for 1737.14 to the point of beginning of the herein described centerline. From said point of beginning run N 49°28'26" E for 173.34 feet to a point of curvature; thence run northeasterly along the arc of a curve to the left of radius 1000 feet for 329.40 feet to a point of reverse curvature; thence run northeasterly along the arc of a curve to the right of radius 1000 feet for 329.40 feet to a point of tangency; thence run N 49°28'26" E for 392 feet to the centerpoint of a roadway turnaround of radius 60 feet and the end of the herein described centerline.

Bearings hereinabove mentioned are from the centerline survey of new State Road No. 45.

SUBJECT to easements, restrictions and reservations of record and taxes for the current year and subsequent years.

THE SUBJECT PROPERTY IS NOT THE HOMESTEAD OF THE GRANTORS.

And the said party of the first part does hereby fully warrant the title to said land, and will defend the same against the lawful claims of all persons whomsoever.

ATTACHMENT A

IN WITNESS WHEREOF, the said party of the first part have hereunto set their hands and seals the day and year first above written.

Signed, sealed & delivered in the presence of:

Barbara T. Belle Isle
Witness
Barbara T. Belle Isle

James W. McFadden
James W. McFadden,

Pamela D. O'Brien
Witness
Pamela D. O'Brien

Marjorie C. McFadden
Marjorie C. McFadden

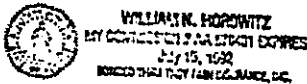
STATE OF FLORIDA
COUNTY OF LEE

The foregoing instrument was acknowledged before me this 20th day of April, 1992, by JAMES W. MCFADDEN and MARJORIE C. MCFADDEN, husband and wife, who are personally known to me and who did not take an oath.

William N. Horowitz
NOTARY PUBLIC
William N. Horowitz

My Commission Expires:


(NOTARY SEAL)



CHARLIE GREEN LEE CIV FL
92 APR 28 PM 3:53

ATTACHMENT A



INSTR # 5917566
 Official Records BK 04014 PG 4308
 RECORDED 08/04/2003 03:42:13 PM
 CHARLIE GREEN, CLERK OF COURT
 LEE COUNTY
 RECORDING FEE 10.50
 DEED DOC 2,310.00
 DEPUTY CLERK J Miller 

Prepared by and return to:
 Truman J. Costello, P.A.
 Costello & Royston
 Post Office Drawer 60205
 Fort Myers, Florida 33906
 (239) 939-2222

Parcel Identification Number: 20-46-25-01-00007.0000

WARRANTY DEED

THIS INDENTURE, made this 30th day of July, 2003 between James W. McFadden, Trustee of the James W. McFadden Revocable Trust u/d/t dated April 20, 1992, having a mailing address of 18323 Deep Passage Lane, Fort Myers Beach, FL 33931, herein called Grantor, and Esterovista, LLC, a Florida limited liability company, having a mailing address of: c/o Florida Management Development Corporation, 3936 Tamiami Trail North, Suite E, Naples, FL 34103 herein called Grantee.

WITNESSETH: That the said Grantor, for and in consideration of the sum of TEN AND 00/100 (\$10.00) DOLLARS, to it in hand paid by the said Grantee, the receipt whereof is hereby acknowledged, has granted, bargained and sold to the said Grantee, its successors and assigns forever, the following described land, situate, lying and being in the County of Lee, State of Florida, to-wit:

Lot 3

The East 1,320 feet of Lot 3, SAN CARLOS GROVE TRACTS, according to the map or plat thereof as recorded in Plat Book 4, Page 75, Public Records of Lee County, Florida.

Subject to easements, restrictions and reservations of record, and taxes for the current and subsequent years;

and the said Grantor does hereby fully warrant the title to said land, and will defend the same against the lawful claims of all persons whomsoever.

The above described property does not constitute the homestead of the Grantor nor is such property contiguous to Grantor's homestead.

ATTACHMENT A

IN WITNESS WHEREOF, the said Grantor has executed this deed on the date above stated.

Signed, sealed and delivered in the presence of:

Janet Perfetti-Green
Witness
JANET I. PERFETTI-GREEN
Typed/Printed Name of Witness

James W. McFadden
James W. McFadden, trustee

Brenda Lawmaster
Witness
BRENDA LAWMASTER
Typed/Printed Name of Witness

STATE OF FLORIDA
COUNTY OF LEE

I HEREBY CERTIFY that on this day before me, an officer duly authorized in the State and County aforesaid to take acknowledgments personally appeared James W. McFadden, Trustee of the James W. McFadden Revocable Trust u/d/t dated April 20, 1992, who is personally known to me, or who produced a Brenda D. as identification and who executed the foregoing instrument and acknowledged before me that he executed same for the purposes therein expressed.

WITNESS my hand and official seal in the County and State last aforesaid this 30th day of July, 2003.

SEAL

Brenda Lawmaster
BRENDA LAWMASTER
Notary Public State of Florida
Commission Expires: _____



Brenda Lawmaster
MY COMMISSION # DD121844 EXPIRES
June 3, 2006
BONDED THROUGH FAIN INSURANCE, INC

ATTACHMENT A

**Knott, Consoer, Ebelini
Hart & Swett, P.A.**
ATTORNEYS - AT - LAW

George H. Knott *+
George L. Consoer, Jr. **
Mark A. Ebelini
Thomas B. Hart
H. Andrew Swett

1625 Hendry Street • Third Floor (33901)
P.O. Box 2449
Fort Myers, Florida 33902-2449

Telephone (239) 334-2722
Telecopier (239) 334-1446

MRoeder@knott-law.com

Matthew D. Uhle
Aaron A. Haak
Derrick S. Elhausen
Naty Torres-Alvarado

Director of
Zoning and Land
Use Planning
Michael E. Roeder, AICP

* Board Certified Civil Trial Lawyer
** Board Certified Real Estate Lawyer
+ Board Certified Business Litigation Lawyer

May 19, 2005

Jeff Laurien, Senior Planner
Zoning Division
Department of Community Development
P.O. Box 398
Fort Myers, FL 33902-0398

Re: ESTERO VISTA RPD - Rehearing Request for DCI2003-00086 (DCI2005-00046)

Dear Jeff:

Attached please find a letter from Jim Vogel, Esq. who is the real estate attorney for the owner, Khosrow Moaveni, on the question of easements and access for this property. His very clear opinion is that the property has legal access and that the request for rehearing is without merit.

I would also add that this parcel is a part of the San Carlos Grove Tract Plat which is recorded in Plat Book 4, Page 75 and was submitted in evidence at the Estero Vista hearing and is a matter of public record. The issue of the easements and access were raised by Mrs. Keohne before the Hearing Examiner, but apparently she did not regard the question of sufficient importance to appear at the County Commissioners' hearing. The issue of the 50 foot easement between Santa Maria Drive and U.S. 41 is not germane to the rezoning and had no bearing on the Hearing Examiner decision.

Please do not hesitate to contact me if you have any questions.

Very truly yours,

KNOTT, CONSOER, EBELINI,
HART & SWETT, P.A.



Michael E. Roeder, AICP
Director of Zoning & Land Use Planning

MER/zw

Enclosures

cc: Khosrow Moaveni
Pam Houck
Dawn Perry-Lehnert

ATTACHMENT B

VOGEL LAW OFFICE
A PROFESSIONAL ASSOCIATION

Richard M. Vogel
James D. Vogel
Joseph E. Ujezo

Suite B, Midwest Title Building
3936 Tamiami Trail North
Naples, Florida 34103

Telephone (239) 262-2211
Facsimile (239) 262-8330

May 18, 2005

Jeff Laurien
Senior Planner
Department of Community Development
Division of Zoning
Lee County
PO Box 398
Fort Myers, FL 33902-0398

RECEIVED
Knott Consoer Ebelini Hart Swett
MAY 19 2005
AM 7:8:9:10:11:12:1:2:3:4:5:6 PM
A

Re: DCI2005-00046 (DCI2003-00086 (Estero Vista RPD))

Dear Mr. Laurien:

I have been asked to address the right-of-way issues raised by attorney Terry Lenick in his request for rehearing on behalf of his clients.

Mr. Lenick alleges that the applicant sought deviations on property which the applicant had no rights to traverse. I believe that Mr. Lenick's allegations are incorrect.

The deviations in question run along the east 30 feet of applicant's property and the 30 feet adjacent to and south of applicant's southerly property line. I have researched the title to applicant's property and the surrounding parcels.

My findings are as follows:

1. As to the east 30 feet of applicant's property, same is subject to various non-exclusive access and utility easements. None of these easements would prevent applicant from using his own property for the same purposes, so long as his use does not interfere with the valid use of the easements. As such, there is no reason that applicant cannot use the 30 foot road on his property the same as any other party entitled to use the road.
2. As to the 30 feet south of applicant's southerly property line, same is subject to a perpetual easement in favor of the "The Traveling Public in Lee County, Florida," for roadway and utility purposes as recorded in Official Records Book 195, pages 632-633, Public Records of Lee County, Florida (copy attached hereto). This perpetual easement both benefits and burdens applicant's own lands.

Jeff Laurien
Senior Planner
Department of Community Development
Division of Zoning
Lee County
May 18, 2005
Page 2

Based upon my review of the title to applicant's property and surrounding lands, I respectfully disagree with the allegations contained in Mr. Lenick's letter.

If you should have any questions or require any additional information, please do not hesitate to contact me.

Sincerely,



James D. Vogel, Esq.

FORM 113 (REVISED 1-1-63)

This Indenture

Whenever any person, the laws, party, and jurisdiction, and additional jurisdictions, provisions shall be included in the instrument, the name of the depositor shall be included in the instrument, and the name of the instrument shall be included in the instrument, and, if need, the term "and" shall be included in the name herein described if there shall be any

Made this 13th day of June A. D. 19 63

Between GENEVIEVE ELIZABETH WILSON, a widow

of the County of Lee and State of Florida
party of the first part, and THE TRAVELLING PUBLIC IN LEE COUNTY, FLORIDA

of the County of Lee and State of Florida
party of the second part,

Witnesseth, that the said party of the first part, for and in consideration of the sum of TEN (\$10.00) Dollars, to him in hand paid, the receipt whereof is hereby acknowledged, has granted, bargained, sold, and transferred, and by these presents does grant, bargain, sell and transfer unto the said party of the second part all that certain parcel of land lying and being in the County of Lee, and State of Florida, more particularly described as follows:



A perpetual easement in and to the following described parcel of land:

The West 20 feet of the East 21 feet of Lot 3, SAN CARLOS GROVE TRACT, according to the plat recorded in Plat Book 4 at page 75, Public Records of Lee County, Florida; ALSO the North 30 feet of the East 1320 feet of Lot 4 of said SAN CARLOS GROVE TRACT, per plat recorded in Plat Book 4 at page 75, Public Records of Lee County, Florida.

Said perpetual easement to be used for roadway and public utilities purposes only.

Together with all the tenements, hereditaments and appurtenances, with every privilege, right, title, interest and estate, dower and right of dower, reversion, remainder and easement thereto belonging or in anywise appertaining:

To Have and to Hold the same in fee simple forever.

In Witness Whereof, the said party of the first part has hereunto set his hand and seal the day and year above written.

Signed, Sealed and Delivered in Our Presence

[Handwritten signatures and lines for witnesses and the second party]

195 PAGE 533

State of Florida,

County of LEE

I HEREBY CERTIFY That on this 14th day of June A. D. 1963, before me personally appeared GENEVIEVE ELIZABETH WILSON

to me known to be the person described in and who executed the foregoing conveyance to THE TRAVELLING PUBLIC OF LEE COUNTY

and severally acknowledged the execution thereof to be her free act and deed for the uses and purposes therein mentioned.

WITNESS my signature and official seal ~~xxx~~ and State of Florida, the day and year last aforesaid.

My Commission Expires Aug 20, 1966 *[Signature]* Notary Public

(NOTARY SEAL)

SHEPARD & WOOLSLAIR
ATTORNEYS AT LAW
FORT MYERS, FLORIDA

DATE	TO	DESCRIPTION

STATE OF FLORIDA, COUNTY OF LEE

RECORDED FOR RECORD
This is a true and correct copy of the original as the same appears in the records of the State of Florida.
Book: 135 Page: 533
FILED
MAY 19 1963
TAMPA, FLORIDA

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

WHEREAS, an application was filed by the property owner, Esterovista, LLC, to rezone a 20.44± acre parcel from AG-2 to RPD in reference to Esterovista LLC/San Carlos Property; and

WHEREAS, a public hearing was advertised and held on February 16, 2005, before the Lee County Zoning Hearing Examiner, who gave full consideration to the evidence in the record for Case #DCI2003-00086; and

WHEREAS, a second public hearing was advertised and held on April 18, 2005, before the Lee County Board of Commissioners, who gave full and complete consideration to the recommendations of the staff, the Hearing Examiner, the documents on record and the testimony of all interested persons.

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

SECTION A. REQUEST

The applicant filed a request to rezone a 20.44± acre parcel from AG-2 to RPD, to allow 144 multi-family units. Bonus units are being requested through the Transfer of Development units (TDRs). No blasting is proposed on-site. The maximum height of buildings is to be 55 feet. The property is located in the Suburban Land Use Category and is legally described in attached Exhibit A. The request is APPROVED, SUBJECT TO the conditions and deviations specified in Sections B and C below.

SECTION B. CONDITIONS:

All references to uses are as defined or listed in the Lee County Land Development Code (LDC).

1. The development of this project must be consistent with the one-page Master Concept Plan (MCP) entitled "Master Concept Plan for Estero Vista," stamped received April 28, 2005, except as modified by the conditions below. This development must comply with all requirements of the Lee County LDC at time of local development order approval, except as may be granted by deviation as part of this planned development. If changes to the MCP are subsequently pursued, appropriate approvals will be necessary.

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

a. Schedule of Uses

Accessory Uses
Administrative Offices
Dwelling Unit: Multi-family
Essential Services
Essential Service Facilities, Group I
Excavation, Water Retention
Fences, Walls
Recreational Facilities, Private, on-site
Signs in accordance with Chapter 30

b. Site Development Regulations

Minimum lot size:	20 acres
Minimum lot width:	683 feet
Minimum lot depth:	1,320 feet
Minimum Building Setbacks	
Street:	50 feet
Property perimeter:	25 feet
Maximum building height:	55 feet (four stories)
Minimum building separation:	25 feet
Maximum lot coverage:	20 percent

A total of 144 dwelling units is permitted.

3. Approval of this zoning request does not address mitigation of the project's vehicular or pedestrian traffic impacts. Additional conditions consistent with the Lee County LDC may be required to obtain a local development order.
4. Approval of this rezoning does not guarantee local development order approval. Future development order approvals must satisfy the requirements of the Lee Plan Planning Communities Map and Acreage Allocations Table, Map 16 and Table 1(b).
5. To ensure that no bonus density units are located within the Coastal High Hazard area of the subject site, units must be allocated as depicted on the approved MCP attached as Exhibit B (generally, a maximum of 28 units in the western portion of the site, and 116 units in the eastern portion of the site).
6. No blasting is permitted on-site.
7. To ensure compatibility of the maximum height proposed by the applicant with the surrounding neighborhood, the maximum height of 55 feet and four stories is only

permitted in the buildings labeled for a maximum of 24 units on the MCP. All other buildings on the MCP are permitted a maximum height of 30 feet and two stories.

8. Prior to issuance of the first development order (or any early work, clearing or filling permits), the developer must provide complete construction plans for the wetland road crossing and the pedestrian bridge for review and approval by the Lee County Natural Resources Division. The pedestrian bridge must be in accordance with the following: (a) be a pile supported structure; (b) pilings must have a minimum spacing of 10 feet and have a maximum dimension of 12 inches; (c) the low chord must be at least two feet above the natural ground elevation of the flow-way; and (d) the bridged portion must have a minimum full elevated length of 100 feet. The wetland road crossing may utilize culverts (to be determined at time of development order) to accommodate the flows through that portion of the flow-way.
9. Prior to local development order approval, the development order must delineate preservation of a minimum of 6.13 acres of wetlands and a minimum of 1.32 acres of uplands, in significant compliance with the attached MCP. The development order must also indicate that all exotic vegetation within the preserved areas will be eradicated by hand removal methods only, except within the 0.13 acres of melaleuca monoculture. Mechanical removal within this monoculture may be allowed with Environmental Sciences (ES) staff approval at time of permitting.
10. Prior to local development order approval, the development order must delineate a minimum of 14.42 acres of open space, which includes a minimum of 7.45 acres of indigenous preservation, in significant compliance with the MCP.
11. Prior to local development order approval, the development order must delineate 0.32 acres of gopher tortoise preserve, in significant compliance with the MCP. The development order must also provide details for educational signs to be placed at perimeter of tortoise preserve with a notice that dogs are not allowed within preserve limits.
12. Prior to local development order approval, a Gopher Tortoise Management Plan must be submitted with the development order for ES staff review and approval. The management plan must include provisions to perform and submit monitoring reports to ES staff on an annual basis for five consecutive years after tortoise relocation, in accordance with LDC § 10-474(i).
13. Prior to issuance of a vegetation removal permit and any site work, a Gopher Tortoise Take Permit or Relocation Permit from the Florida Fish and Wildlife Conservation Commission, along with a paid receipt, must be submitted to ES staff. Minor clearing permits must be obtained for the construction of gopher tortoise fence and the relocation of gopher tortoises into the preserve, in coordination with ES staff.

14. A 15-foot-wide type 'D' buffer along the eastern boundary of the subject property outside of the 30-foot-wide right-of-way must be provided (between the depicted parking and the western edge of the 30-foot-wide right-of-way).
15. To ensure that the proposed emergency access will be useable, it must be a minimum of 20 feet wide, be kept clear of any obstructions, and stabilized from its location as depicted on the MCP to Santa Maria Drive.
16. The TDR transaction must be completed in accordance with the requirements of LDC Chapter 2.
17. As part of the site development of Esterovista, the developer must re-pave Santa Maria Drive from U.S. 41 to the main project entrance to maintain a driving surface of 20 feet wide, as required by the LDC. This re-paving must be completed as a condition of the first Certificate of Compliance for the project. In the event an MSTU or MSBU is established for the improvement and maintenance of Santa Maria Drive, the applicant will pay a pro-rata share of the cost of maintaining the entire length of Santa Maria, based on the number of approved units that rely on this road for primary access.

SECTION C. DEVIATIONS:

Deviation (1) seeks relief from LDC §§ 10-291 and 10-296, and Table 2, which require a 60-foot-wide right-of-way for a publicly maintained local street with open drainage; to allow the existing 30-foot-wide right-of-way for Santa Maria Drive. This deviation is APPROVED, SUBJECT TO Conditions 14 and 17 above.

Deviation (2) seeks relief from the LDC § 10-416(d)(6) requirement to provide an 8-foot-high wall on the west boundary where the internal road is within 125 feet of the property line; to allow for a 15-foot-wide Type 'D' buffer at this location. This deviation is APPROVED.

Deviation (3) seeks relief from the LDC § 34-2020(4)(O)(2) requirement to provide 50 parking spaces for the proposed 5,000-square-foot clubhouse; to allow a minimum of 30 parking spaces. This deviation is APPROVED.

SECTION D. EXHIBITS AND STRAP NUMBER:

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

- Exhibit A: Legal description of the property
- Exhibit B: Zoning Map (subject parcel identified with shading)
- Exhibit C: The Master Concept Plan stamped received April 28, 2005

The applicant has indicated that the STRAP number for the subject property is: 20-46-25-01-00007.0000.

SECTION E. FINDINGS AND CONCLUSIONS:

1. The applicant has proven entitlement to the rezoning by demonstrating compliance with the Lee Plan, the LDC, and any other applicable code or regulation.
2. The rezoning, as approved:
 - a. meets or exceeds all performance and locational standards set forth for the potential uses allowed by the request; and,
 - b. is consistent with the densities, intensities and general uses set forth in the Lee Plan; and,
 - c. is compatible with existing or planned uses in the surrounding area; and,
 - d. will not place an undue burden upon existing transportation or planned infrastructure facilities and will be served by streets with the capacity to carry traffic generated by the development; and,
 - e. will not adversely affect environmentally critical areas or natural resources.
3. The rezoning satisfies the following criteria:
 - a. the proposed use or mix of uses is appropriate at the subject location; and
 - b. the recommended conditions to the concept plan and other applicable regulations provide sufficient safeguard to the public interest; and
 - c. the recommended conditions are reasonably related to the impacts on the public interest created by or expected from the proposed development.
4. Urban services, as defined in the Lee Plan, are, or will be, available and adequate to serve the proposed land use.
5. The approved deviations, as conditioned, enhance achievement of the planned development objectives, and preserve and promote the general intent of LDC Chapter 34, to protect the public health, safety and welfare.

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

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

DULY PASSED AND ADOPTED this 18th day of April 2005.

ATTEST:
CHARLIE GREEN, CLERK

BY: Michelle S Cooper
Deputy Clerk

BOARD OF COUNTY COMMISSIONERS
OF LEE COUNTY, FLORIDA

BY: [Signature]
Chairman



Approved as to form by:

[Signature]
Dawn E. Perry-Lehnert
County Attorney's Office

RECEIVED
MINUTES OFFICE
mgc
2005 MAY -5 AM 9:01

Exhibit A
Legal Description
Property located in Lee County,
Florida
Page 1 of 2

DC2003-00086

PROPERTY DESCRIPTION
EXHIBIT 'A'

A TRACT OR PARCEL OF LAND SITUATED IN THE STATE OF FLORIDA, COUNTY OF LEE, LYING IN SECTION 20, TOWNSHIP 46 SOUTH, RANGE 25 EAST, BEING THE EAST 1320 FEET OF LOT 3, SAN CARLOS GROVE TRACTS, PLAT BOOK 4, PAGE 75, LEE COUNTY PUBLIC RECORDS, AND BEING FURTHER BOUNDED AS DESCRIBED AS FOLLOWS:

COMMENCING AT THE WEST QUARTER CORNER OF SAID SECTION 20, THENCE N.00°59'40"W., ALONG THE WEST LINE OF SAID SECTION 20, FOR 647.20 FEET; THENCE N.88°47'56"E., ALONG THE SOUTH LINE OF SAID LOT 3, FOR 1326.11 FEET TO THE WEST LINE OF THE EAST 1320 FEET OF SAID LOT 3 AND THE POINT OF BEGINNING; THENCE CONTINUE N.88°47'56"E., ALONG SAID SOUTH LINE, FOR 1320.82 FEET TO THE SOUTHEAST CORNER OF SAID LOT 3; THENCE N.00°54'24"W., ALONG THE EAST LINE OF SAID LOT 3, FOR 688.81 FEET TO THE NORTHEAST CORNER OF SAID LOT 3; THENCE S.89°00'51"W., ALONG THE NORTH LINE OF SAID LOT 3, FOR 1320.28 FEET; THENCE S.00°07'09"E., ALONG SAID WEST LINE OF THE EAST 1320 FEET OF SAID LOT 3 FOR 685.42 FEET TO THE POINT OF BEGINNING.

BEARINGS ARE BASED ON SAID WEST LINE OF THE NORTHWEST QUARTER OF SECTION 20 AS BEARING N.00°59'40"W.

Applicant's Legal Checked
by *[Signature]* 2/2/03

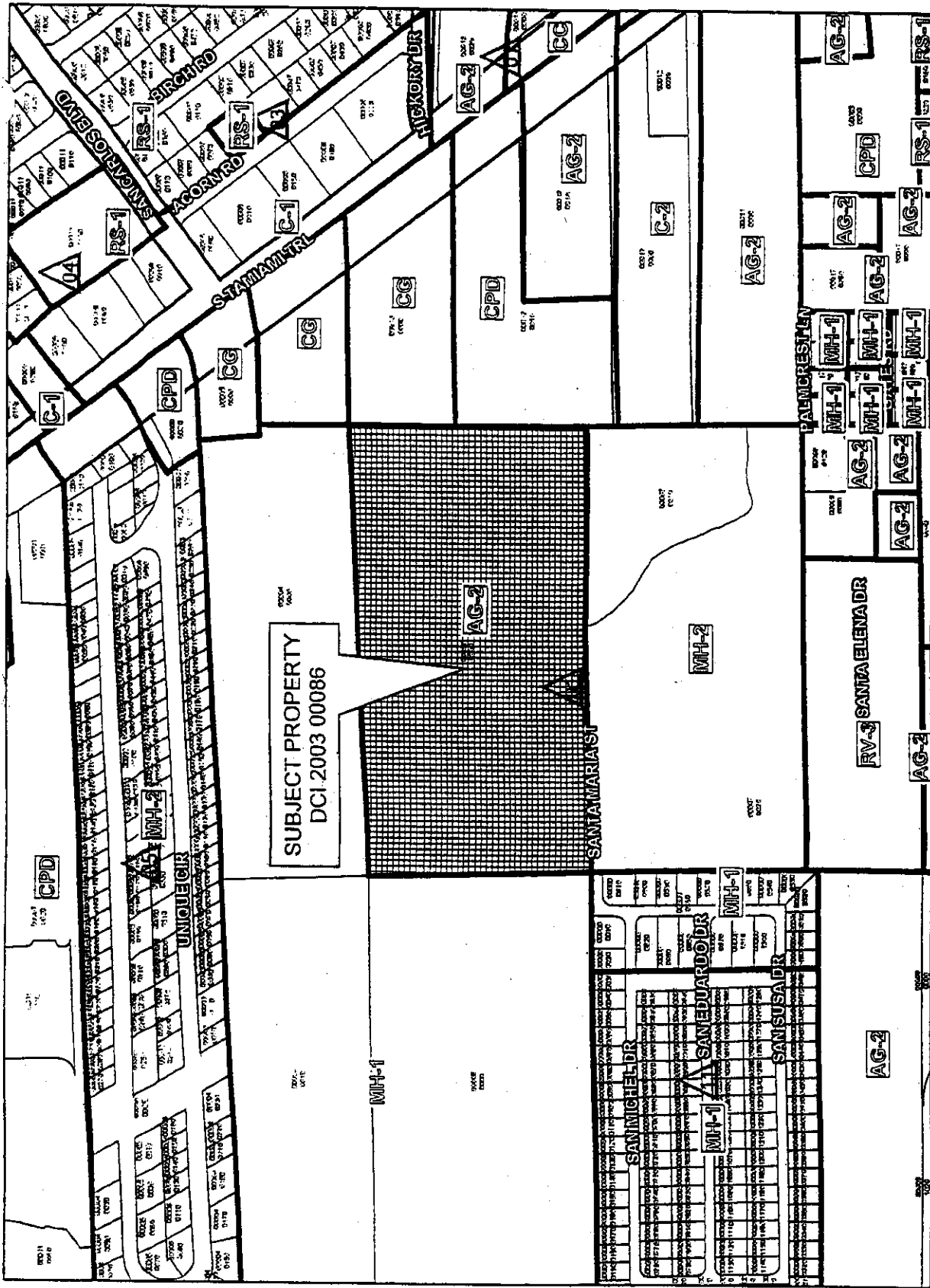


EXHIBIT B

490 245 0 490 Feet

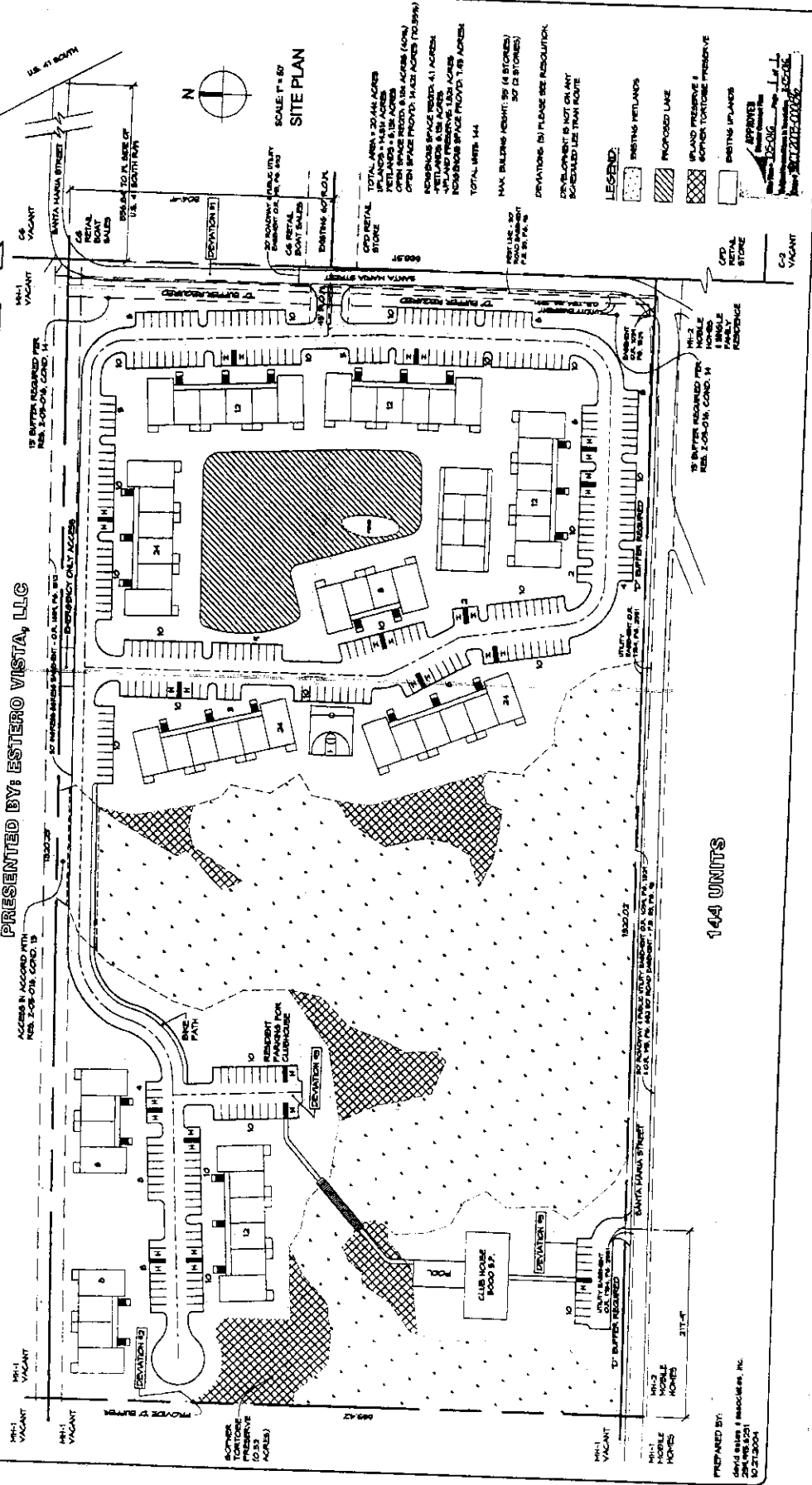
MASTER CONCEPT PLAN FOR ESTERO VISTA

PRESENTED BY: ESTERO VISTA, LLC

APPLIED
ARTS, INC.

002003-00086

SCALE 1" = 80'
SITE PLAN



TOTAL AREA: 20.44 ACRES
TOTAL AREA: 14.81 ACRES
OPEN SPACE PROVIDED: 8.18 ACRES (40%)
OPEN SPACE PROVIDED: 14.63 ACRES (70.59%)
RESIDENTIAL SPACE PROVIDED: 1.1 ACRES
RETAIL SPACE PROVIDED: 1.33 ACRES
TOTAL UNITS: 144

MAX. BUILDING HEIGHT: 59' (4 STORIES)
307' (2 STORIES)
DEVIATIONS (D) PLEASE SEE RESOLUTION.
DEVELOPMENT IS SUBJECT TO ANY SCHEDULED USE PLAN NOTE.

- LEGEND:**
- EXISTING WETLANDS
 - PROPOSED LAKE
 - ISLAND PRESERVE & SCOPER TORTOISE PRESERVE
 - EXISTING UP-LANDS
 - EXISTING RETAIL STORAGE
 - C-3 VACANT

144 UNITS

PREPARED BY:
APPLIED ARTS, INC.
204 N.W. 15TH ST.
MIAMI, FL 33136