

Agenda Item Summary

1. ACTION REQUESTED/PURPOSE: Direct staff to not pursue the acquisition of Parcel 302, Conservation 20/20 Land Acquisition Program, Project No. 8800, due to the zoning condition that requires the parcel to be covered by a conservation easement prior to the issuance of a development order for the adjacent 32 acre tract.

2. FUNDING SOURCE: Fund: Capital Improvement Fund; Program: Conservation 20/20; Project: Capital Improvement Conservation 20/20, Land Purchase

3. WHAT ACTION ACCOMPLISHES: Termination of any further acquisition activities for this parcel, which is to be covered by a conservation easement pursuant to zoning condition.

4. MANAGEMENT RECOMMENDATION: Approve

5. Departmental Category: 06

ABC

6. Meeting Date:

MAY 29 2007

7. Agenda:

Consent

Administrative

Appeals

Public

Walk-On

8. Requirement/Purpose: (specify)

Statute 125.355

Ordinance

Admin. Code

Other

9. Request Initiated:

Commissioner

Department

Division

By: Karen Forsyth, Director

Independent

County Lands *Re 5-10-07*

10. Background:

At the Management and Planning meeting of January 8, 2007, staff presented the Estero 60/Hideaway Cove Property Value discussion (Conservation 20/20 Nomination #302). The issue was the valuation of a +/-28 acre parcel pursuant to Policy 1.1.6 of the Comprehensive Plan. The Board directed staff to have the parcel appraised in accordance with its current zoning which conditions the property as preserve/open space (to be conveyed to County by conservation easement prior to the issuance of a development order), and under a hypothetical condition assuming 30 buildable units upon the parcel (pursuant to language in Policy 1.1.6 attached hereto).

Due to the zoning condition that the parcel be covered by a conservation easement prior to the issuance of a development order of the 32 acre buildable tract, staff recommends that the County NOT pursue the acquisition of this parcel for the Conservation Program.

Originally, this parcel was part of a +/- 60 acre tract. This property received a Comprehensive Land Use Plan Amendment change and re-zoning to Residential Planned Development (RPD), which ultimately allowed for 64 development units upon 32 acres of the overall tract and established the subject 28 acres as conservation area (conservation easement). The 32 acres of developable area was split out of the 60 acre parent tract and sold from Estero Commons, LLC to Estero Preserve, LLC in May of 2004, then sold again from Estero Preserve, LLC to Morrison Homes, Inc. in April of 2006. Estero Common, LLC retained the ownership of the 28 acre subject parcel to be covered by the conservation easement.

Morrison Homes, Inc. applied for a development order (DO) for the 32 acre parcel. On February 28, 2007, the DO was denied, one of the reasons being the conservation easement over the 28 acres not yet been granted to the County. As of this date, still no easement is found to be of record as required.

Continued on page 2

RECEIVED BY	
COUNTY ADMIN:	<i>EW</i>
	5/ 3:45
	15 MD
COUNTY ADMIN	
FORWARDED TO:	<i>MC</i>
	5-16-07
	4:15 PM

Property Details:

Owner: Estero Commons, LLC, a Florida Limited Liability Company
STRAP No.: 20-46-25-01-00009.0000

Appraisal Information:

A copy of the appraisal executive summary by W. Michael Maxwell, MAI of Maxwell and Hendry Valuation Services, Inc. is attached. The appraised value of the parcel "as is" and pursuant to its zoning condition to be encumbered by a conservation easement is \$100,000 (28 acres x \$3,500 per acre). The appraised value of the parcel given the hypothetical condition of being able to develop 30 residential units is \$2,100,000 (30 units x \$70,000 per unit).

Account: 20880030103.506110

Attachments: Land Conveyance Flow Chart, Appraisal Data, Zoning Resolution, Development Order 1 Application, Future Land Use Policy 1.1.6 and Area Map

11. Review for Scheduling:

Department Director	Purchasing or Contracts	Human Resources	Other	County Attorney	Budget Services				County Manager/P.W. Director
					Analyst	Risk	Grants	Mgr.	
<i>K. Forsyth</i>				<i>Robert Spickerman</i>	<i>5-16-07</i>	<i>5/16/07</i>	<i>5/16/07</i>	<i>5-16-07</i>	<i>5-16-07</i>

12. Commission Action:

- Approved
- Deferred
- Denied
- Other

5-15-07

Rec. by CoAtty
Date: <i>5/11/07</i>
Time: <i>2:40pm</i>
Forwarded To: <i>Admji</i>

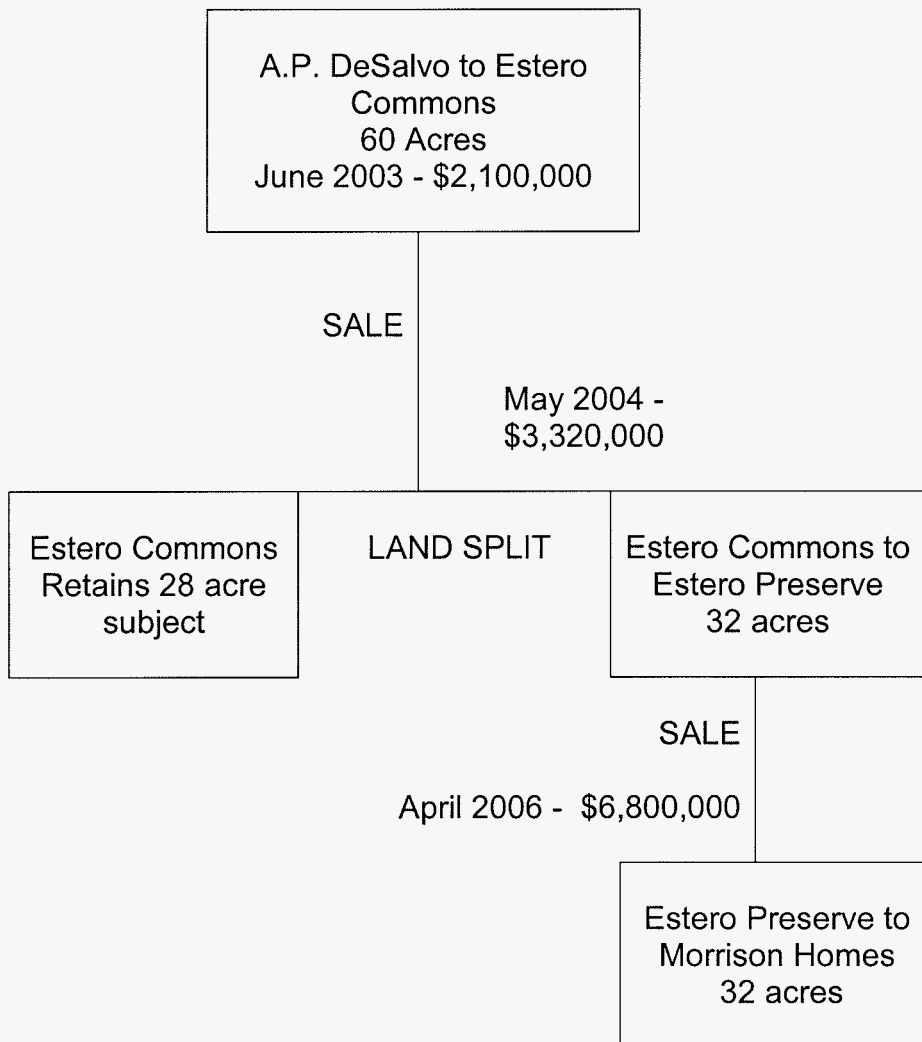
5/15/07 1:53 am

Land Conveyance Flow Chart

June 2003 – A.P. DeSalvo, as Trustee, sold +/- 60 acres to Estero Commons, LLC. The sale price was \$2,100,000 - per recorded deed.

May 2004 – Estero Commons, LLC sold +/- 32 acres of the original 60 acres to Estero Preserve, LLC. The sale price was \$3,320,000 – per recorded deed. Estero Commons, LLC retained 28 acres (subject).

April 2006 – Estero Preserve, LLC sold the 32 acre parcel to Morrison Homes, Inc. The sale price was \$6,800,000 – per recorded deed.





Maxwell & Hendry
Valuation Services, Inc.
Real Estate Appraisers - Consultants



INDIVIDUAL MEMBER

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PRESIDENT

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State-Certified General Real Estate Appraiser, RZ 55

VICE-PRESIDENT

Gerald A. Hendry, MAI, CCIM
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23 March 2007

Lee County Board of County Commissioners
Division of County Lands
P.O. Box 398
Fort Myers, Florida 33902-0398

Attention: Mr. Robert Clemens
Property Acquisition Manager

Re: Appraisal of 28 acres in Section 20-46-25 (Parcel 302), 2020 Conservation Lands Program, Project 8800, property located in Lee County, Fort Myers, Florida

S.T.A. #60

Dear Mr. Clemens:

As you requested, an inspection and analysis have been made of the above property, which is legally described in the attached appraisal report. The purpose of this assignment is to estimate the market value of the undivided fee simple interest in the land as if free and clear of all liens, mortgages, encumbrances, and/or encroachments except as may be amended in the body of this report.

Market value for this purpose is understood to be the most probable price which a property should bring in a competitive and open market under all conditions requisite to a fair sale, the buyer and seller, each acting prudently, knowledgeably and assuming the price is not affected by undue stimulus. The full definition of market value can be found in the body of this report.

As per the Uniform Standards of Professional Appraisal Practice, there are three report writing options. These options include either a self-contained report, summary report, or restricted use report format. A summary report format has been requested and used for this appraisal. The subject of this appraisal is vacant land, which consists of two parcels separated by several acres. Therefore, only the Sales Comparison Approach to Value is utilized herein. The Cost and Income Approaches to Value do not apply in the valuation of vacant land. This summary appraisal report has been prepared in conformity with the Uniform Standards of Professional Appraisal Practice (USPAP).

The function or intended use of this report is understood to be for use as a basis of value in the possible acquisition of the subject property under the 2020 Conservation Lands Program. The subject property was last inspected on 21 March 2007 by Mrs. Andrea Terregrossa, Associate Appraiser. Mr. W. Michael Maxwell, MAI, SRA made a subsequent inspection of the property. The appraisers were only able to inspect the southerly portion of the north parcel from Pine Road. The appraisers were unable to access and inspect the southern parcel other than by aerial.

The subject property consists of two noncontiguous parcels, under one STRAP number, that were split off from another parcel. However, the subject property falls under the Residential Planned Development plan for Hideaway Cove approved in November 2005. Under this RPD the subject property is considered to be preserve area which limits its uses to passive recreation and conservation activities. In addition, the RPD allows the subject property development rights of thirty dwelling units if the subject property is sold or transferred to the State, County or other conservation entity. Therefore, the subject property is being appraised "As Is", which is preserve land. In addition, the subject property is being appraised with the Hypothetical Condition that thirty residential dwelling units can be constructed on the subject property. Our compensation in this assignment is not contingent upon the reporting of a predetermined value or direction in value that favors the cause of the client, the amount of the value estimate, the obtainment of a stipulated result, or the occurrence of a subsequent event.

In addition to the Assumptions and Limiting Conditions as contained in the Addenda to this report, this appraisal is made subject to the Extraordinary Assumptions and Hypothetical Condition as outlined on the Executive Summary on the following pages.



W. MICHAEL MAXWELL, MAI, SRA
GERALD A. HENDRY, MAI, CCIM

By reason of our investigation and analysis, data contained in this report, and our experience in the real estate appraisal business, it is our opinion the "As Is" estimated market value of the subject property, as of 21 March 2007, is as follows:

ONE HUNDRED THOUSAND DOLLARS.....(\$100,000.00)

In addition, it is our opinion the estimated market value of the subject property, given the Hypothetical Condition of being able to develop the thirty residential units, as of the 21 March 2007, is as follows:

TWO MILLION ONE HUNDRED THOUSAND DOLLARS.....(\$2,100,000.00)

Respectfully submitted,



W. Michael Maxwell, MAI, SRA
State-Certified General Real Estate Appraiser
RZ 55



Andrea R. Terregrossa, Associate Appraiser
State-Certified General Real Estate Appraiser
RZ 2899



INDIVIDUAL MEMBER

W. MICHAEL MAXWELL, MAI, SRA
GERALD A. HENDRY, MAI, CCIM

EXECUTIVE SUMMARY

OWNER OF RECORD:	Estero Commons LLC, as per the Lee County Property Appraiser's records.	
LOCATION:	The subject property is located west of Allaire Lane and Pine Road, approximately half a mile west of South Tamiami Trail in Section 20-46-25, Lee County, Fort Myers, Florida. An address has not yet been assigned to the subject property.	
LAND AREA:	The subject property consists of two noncontiguous parcels, under one STRAP number, totaling 28 acres. We have relied upon the Lee County Property Appraiser records as well as information provided by Lee County Lands with regard to size estimates. This is subject to a survey.	
IMPROVEMENTS:	None	
ZONING/LAND USE:	The subject property is zoned RPD, which is a Residential Planned Development zoning classification in Lee County. The Lee County Comprehensive Land Use Plan has designated the subject property for Outlying Suburban, Wetlands and Conservation Lands Uplands land uses. However, according to the Residential Planned Development, the subject property can only be used as preserve area. In addition, the subject property has the development rights equal to thirty residential dwelling units if the property is sold or transferred to the State, County, or other conservation entity.	
HIGHEST & BEST USE:	Preserve	
ESTIMATES OF VALUE –	"As Is"	Given Hypothetical Condition
Cost Approach:	N/A	N/A
Sales Comparison Approach:	\$100,000	\$2,100,000
Income Approach:	N/A	N/A
Final Value Estimate:	\$100,000	\$2,100,000
INTEREST APPRAISED:	Fee Simple Interest	
DATE OF VALUATION:	21 March 2007	
DATE OF REPORT:	23 March 2007	
APPRAISERS:	W. Michael Maxwell, MAI, SRA Andrea Terregrossa, Associate Appraiser	

**EXTRAORDINARY
ASSUMPTIONS AND
HYPOTHETICAL
CONDITIONS:**

The subject property consists of two noncontiguous parcels, under one STRAP number, that were split off from another parcel. The subject property falls under the Residential Planned Development plan for Hideaway Cove approved in November 2005. Under this RPD the subject property is considered to be preserve area which limits its uses to passive recreation and conservation activities. In addition, the RPD allows the subject property the development rights of thirty residential dwelling units if the property is sold or transferred to the State, County, or other conservation entity. Therefore, the subject property is being appraised "As Is" as preserve land. In addition, the subject property is being appraised with the Hypothetical Condition that thirty residential dwelling units can be constructed on the subject property. There is a Florida Power and Light easement, which is approximately 1.72 acres, that transects the southern parcel of the subject property. Unless otherwise indicated in this report, the existence of hazardous materials which may or may not be present on the subject property was not observed. We have no knowledge of the existence of such materials on the property. However, we are not qualified to detect such substances. The value estimate contained herein is predicated upon the assumption that there are no such materials on or in the property that would cause a loss in value. No responsibility is assumed for any such conditions or for any expertise or engineering knowledge required to discover them. The value contained herein assumes that property rights would include oil, gas, and mineral rights.

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

WHEREAS, the property owner, Estero Preserve, LLC., filed an application to rezone a 60± acre parcel from Agricultural (AG-2) to Residential Planned Development (RPD) in reference to Hideaway Cove RPD; and

WHEREAS, a public hearing was advertised and held on May 5, 2005 and June 14, 2005, before the Lee County Zoning Hearing Examiner, who gave full consideration to the evidence in the record for Case #DCI2004-00064; and

WHEREAS, a second public hearing was advertised and held on November 7, 2005 and continued to November 21, 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 60± acre parcel from AG-2 to RPD, to allow a residential development of 90 single family units, clustered on 32 acres; and 30 Transfer of Development Rights (TDR) units (from the 28 acres), in accordance with Ordinance 03-20, pertaining to Estero 60, CPA 2002-02. Maximum building height is 35 feet/two stories. Blasting is not a proposed activity. The property is located in the Outlying 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 five-page Master Concept Plan entitled "Hideaway Cove RPD," stamped received on February 9, 2006, last revised December 8, 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 Master Concept Plan are subsequently pursued, appropriate approvals will be necessary.

Of the 120 dwelling units authorized by Policy 1.1.6 of the Lee Plan, a maximum of 64 dwelling units may be developed on the 32 acres designated for development on the Master Concept Plan. The development rights for the remaining 30 dwelling units may only be utilized in accordance with Policy 1.1.6 of the Lee Plan.

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

a. Schedule of Uses

Accessory Uses and Structures (LDC §§ 34-1171 *et seq.*, 34-2441 *et seq.*, 34-1863, 34-2141 *et seq.*, and 34-3108)
Clubs: Private (LDC §34-2111)
Dwelling Unit: Single-family detached
Entrance Gates and Gatehouse (LDC §34-1741 *et seq.*)
Essential Services (LDC §§ 34-1611 *et seq.*, and 34-1741 *et seq.*)
Essential Service Facilities (LDC §34-622(c)(13): Group I; and LDC §§ 34-1611 *et seq.*, 34-1741 *et seq.*, and 34-2141 *et seq.*)
Excavation: Water Retention (LDC §34-1651)
Fences, Walls (LDC §34-1741)
Models: Model Home (LDC §34-1951 *et seq.*)
Real Estate Sales Office, (LDC §§ 34-1951 *et seq.*, and 34-3021)
Residential Accessory Uses (LDC §34-622(c)(42)) (LDC §34-1171 *et seq.*)
Signs, in accordance with LDC Chapter 30

b. Site Development Regulations

Development of the RPD will comply with the following Property Development Regulations:

Minimum Lot Area and Dimensions:

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

Minimum Setbacks:

Street: variable according to the functional classification of the street or road (§34-2191 *et seq.*)
Side: 10 feet
Rear: 20 feet
Water Body: 20 feet

Accessory Use and Structure setbacks must comply with LDC §§ 34-1171 *et seq.* and 34-2194.

Maximum Lot Coverage: 45 percent

Maximum Building Height: 35 Feet

All residential units still must comply with all local building code requirements at the time of permitting.

3. All accessory uses must be located on the same tract, parcel, outparcel, or lot where a principal use is located. Accessory uses must be incidental and subordinate to the principal use of the tract, parcel, outparcel, or lot.
4. Prior to local development order approval:
 - a. The development order plans must delineate the 28 acres of preserve in substantial compliance with the Master Concept Plan. The plans must also delineate a physical barrier between the preserve and any abutting lots with preserve signs placed at every other lot corner. The physical barrier may include, but is not limited to, a continuous double staggered hedge of native shrubs, a 3-foot-high berm, or a 4-foot-high fence to prevent encroachment of clearing or other such activities into the preserve; and
 - b. The development order plans must delineate a 20-foot-wide buffer between the proposed road and the adjacent Estero Scrub Preserve. The 20-foot-wide buffer must include at a minimum a 3-foot-high berm with a double staggered native hedge planted with a minimum 24-inch height, 3-gallon container size, shrubs to provide a physical barrier between the Estero Scrub Preserve and the proposed roadway to deter wildlife from entering the roadway; and
 - c. The proposed roadways must utilize valley gutters to prevent the trapping of wildlife within the roadways; and
 - d. At the time of the development order, a recorded Conservation Easement dedicated to Lee County and any other appropriate agency or land trust for the 28-acre preserve must be submitted. Passive recreation such as trails, picnic tables, benches, observation platforms, boardwalks, educational signage, and conservation activities, such as re-sloping of the existing borrow pit shoreline to provide a littoral shelf, hand-removal of invasive exotic vegetation, restoring existing trails/roadways to an appropriate native habitat, and management activities to maintain healthy ecosystems are allowed within the Conservation Easement upon review and approval from the Division of Environmental Sciences' Staff.
5. Prior to any site work, an appropriate gopher tortoise permit from the Florida Fish and Wildlife Conservation Commission and any associated receipts must be submitted to the Division of Environmental Sciences' (ES) Staff. Excavation of gopher tortoise burrows within the areas of impact must be coordinated with ES Staff, and all gopher

tortoises and commensal species found must be moved to areas of appropriate habitat in the 28-acre preserve area.

6. Central sewer service is required for any development on this subject property.
7. The developer will be responsible for all improvements providing vehicular access to Pine Road.
8. No blasting activities are permitted as part of this planned development.
9. A walking path must be provided around the excavation for water retention.
10. 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.
11. 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).

SECTION C. DEVIATIONS:

1. Deviation (1) seeks relief from the LDC §10-710 requirement to provide 40 feet of width for a private local road with closed drainage, to allow a width of 35 feet. This deviation is APPROVED, SUBJECT TO the condition that each street is provided with one sidewalk and the sidewalk design must remain contiguous throughout the project.
2. Deviation (2) was withdrawn at public hearing.
3. Deviation (3) seeks relief from the LDC §34-2221(4)(c) requirement to provide lots located on cul-de-sacs to have street frontages less than the minimum required width provided the side lot lines are radial to the center point of the cul-de-sac with a minimum angle of 45 degrees, to allow non-radial side lot lines with no minimum angle. This deviation is APPROVED, SUBJECT TO the condition that it applies only to those specific lots as designed and designated on the approved Master Concept Plan. Otherwise, all lots within this development must comply with this Section of the LDC.
4. Deviation (4) seeks relief from the LDC §34-2 definition of lot width, to allow the use of flag lots as defined in LDC Chapter 10, where the minimum lot width along a public or private roadway may be reduced to a minimum of 15 feet. This deviation is APPROVED, SUBJECT TO the condition that it applies only to those specific lots shown on the approved Master Concept Plan. Otherwise, all lots within this development must comply with this Section of the LDC.

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

The applicant has indicated that the STRAP number for the subject property is: 20-46-25-01-00009.1020.

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.

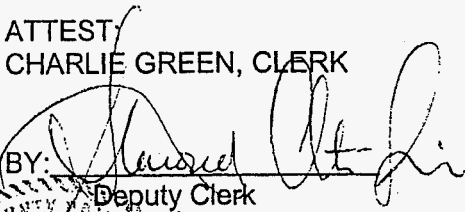
5. The approved deviations, as conditioned, enhance achievement of the planned development objectives, and preserve and promote the general intent of LDC Chapter 34, to protect the public health, safety and welfare.

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

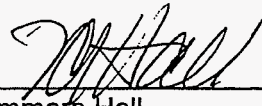
Robert P. Janes	Aye
Douglas R. St. Cerny	Aye
Ray Judah	Aye
Tammara Hall	Aye
John E. Albion	Aye

DULY PASSED AND ADOPTED this 21st day of November 2005.


ATTEST
CHARLIE GREEN, CLERK

BY: 
Deputy Clerk

BOARD OF COUNTY COMMISSIONERS
OF LEE COUNTY, FLORIDA

BY: 
Tammara Hall
Chairwoman

Approved as to form by:


Dawn E. Perry-Lehnert
County Attorney's Office

RECEIVED
MINUTES OFFICE
2006 FEB 28 PM 1:27

CASE NO: DCI2004-00064

32 FEB 28 2006

REC
MINUTE

Z-05-041
Page 6 of 6

EXHIBIT A
PAGE 1 OF 3

PROPERTY DESCRIPTION

A PARCEL OF LAND LOCATED IN SAN CARLOS GROVE TRACT AS RECORDED IN PLAT BOOK 4, PAGE 75 OF THE PUBLIC RECORDS OF LEE COUNTY, FLORIDA, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

LOTS 6, 7, 8, 9, 10 AND 11, OF THAT CERTAIN SUBDIVISION KNOWN AS SAN CARLOS GROVE TRACT, 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. CONTAINING 60.324 ACRES, MORE OR LESS.

BEING MORE PARTICULARLY DESCRIBED BY METES AND BOUNDS AS:

BEGIN AT THE SOUTHWEST CORNER OF LOT 9 SAN CARLOS GROVE TRACT AS RECORDED IN PLAT BOOK 4, PAGE 75 OF THE PUBLIC RECORDS OF LEE COUNTY, FLORIDA, ALSO BEING THE SOUTHWEST CORNER OF THE SOUTHWEST QUARTER OF SECTION 20 TOWNSHIP 46 SOUTH, RANGE 25 EAST; THENCE RUN NORTH 00°27'05" EAST, ALONG THE WEST LINE OF THE SOUTHWEST QUARTER OF SAID SECTION 20, FOR A DISTANCE OF 1,324.87 FEET; THENCE CONTINUE NORTHERLY ALONG SAID LINE, FOR A DISTANCE OF 993.66 FEET TO THE NORTH WEST CORNER OF LOT 6 OF THE AFOREMENTIONED SAN CARLOS GROVE TRACT; THENCE RUN SOUTH 89°53'59" EAST, ALONG THE NORTH LINE OF SAID LOT 6, FOR A DISTANCE OF 1,322.71 FEET TO THE NORTHEAST CORNER OF SAID LOT 6; THENCE RUN SOUTH 00°29'49" WEST FOR A DISTANCE OF 994.41 FEET TO THE SOUTHEAST CORNER OF LOT 8 OF SAID SAN CARLOS GROVE TRACT; THENCE RUN NORTH 89°52'03" WEST, ALONG THE SOUTH LINE OF SAID LOT 8, FOR A DISTANCE OF 330.48 FEET; THENCE RUN SOUTH 00°29'08" WEST FOR A DISTANCE OF 1,325.62 FEET TO THE SOUTHEAST CORNER OF LOT 11 OF SAID SAN CARLOS GROVE TRACT; THENCE RUN NORTH 89°49'28" WEST FOR A DISTANCE OF 990.63 FEET TO THE POINT OF BEGINNING OF THE PARCEL OF LAND HEREIN DESCRIBED, CONTAINING 60.324 ACRES, MORE OR LESS.

Applicant's Legal Checked

by Lgm 3/16/2005

NOTES

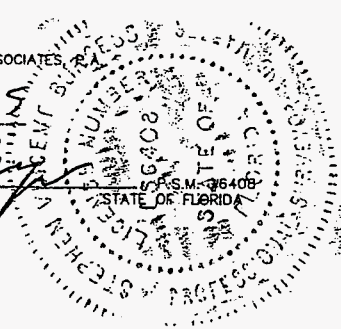
1. BEARINGS SHOWN HEREON REFER TO THE SOUTHERLY LINE OF SHADY ACRES, REPLAT OF SAN CARLOS GROVE TRACT, W 1/2 OF LOT 4 PLAT BOOK 33, PAGE 98, AS BEING S 89°54'20" E.
2. THIS PROPERTY IS SUBJECT TO EASEMENTS, RESERVATIONS AND OR RESTRICTIONS OF RECORD.
3. DIMENSIONS SHOWN HEREON ARE IN FEET AND DECIMALS THEREOF.
4. THIS SKETCH IS NOT COMPLETE UNLESS ACCOMPANIED BY SHEETS 2 AND 3.

Q. GRADY MINOR AND ASSOCIATES

SIGNED

3-2-05

STEPHEN V. BURGESS



DCI2004-00064

NOT A SURVEY

SHEET: 1 OF 3
APPROVED: ??
DRAWN: JC
JOB CODE: D60
SCALE: N/A

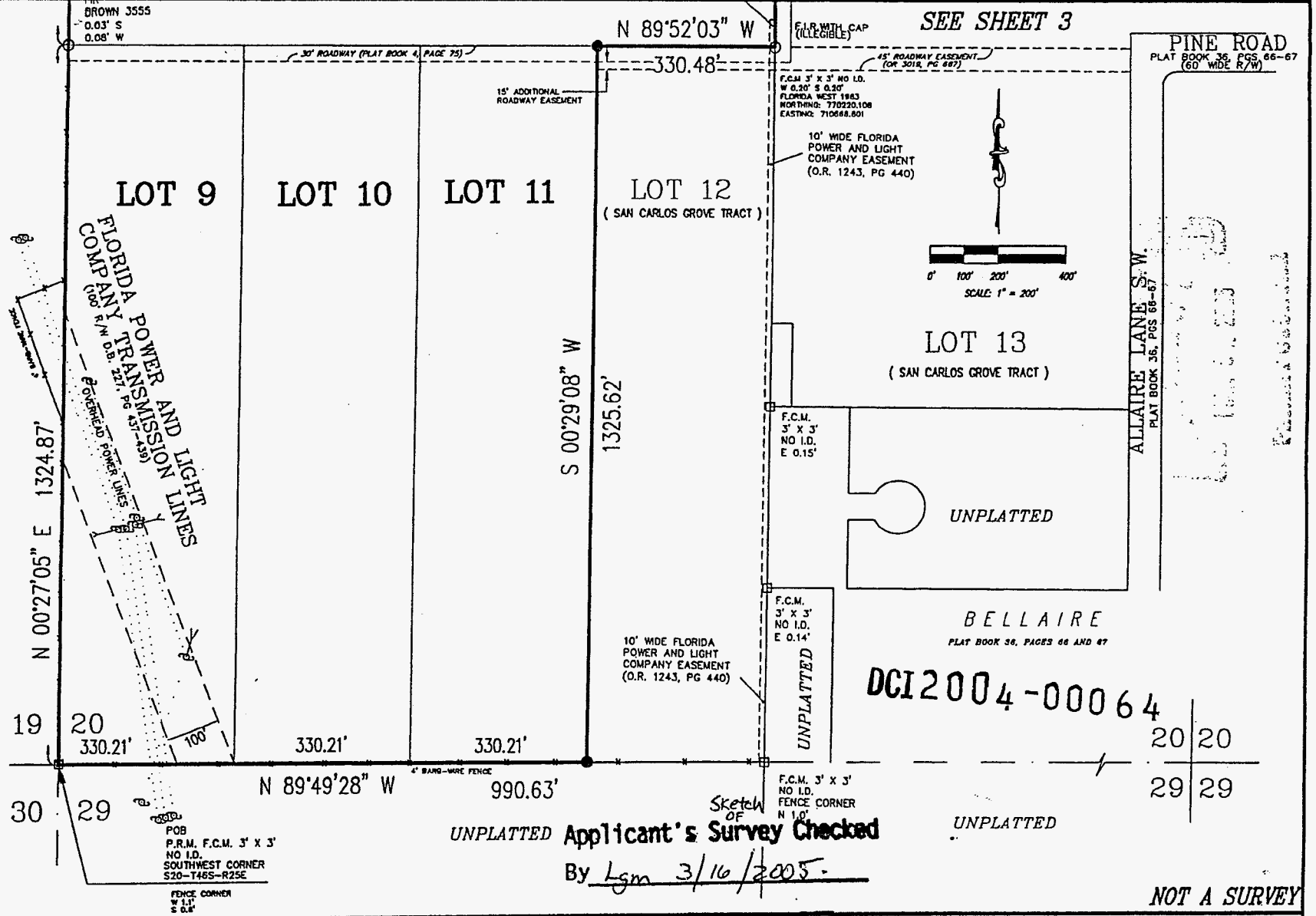


Q. GRADY MINOR AND ASSOCIATES, P.A.
 CIVIL ENGINEERS • LAND SURVEYORS • PLANNERS
 3800 VIA DEL REY
 BONITA SPRINGS, FLORIDA 34134
 PHONE : (239) 947-1144 FAX : (239) 947-0375
 CERTIFICATE OF AUTHORIZATION NUMBER LB 5151

LEGAL DESCRIPTION

SAN CARLOS GROVE TRACT - LOTS 6 THRU 11
 PLAT BOOK 4, PAGE 75
 SECTION 20, TOWNSHIP 46 SOUTH, RANGE 25 EAST
 LEE COUNTY, FLORIDA
 DATE: FEBRUARY, 2005 DRAWING: C-1041-1A

UNPLATTED



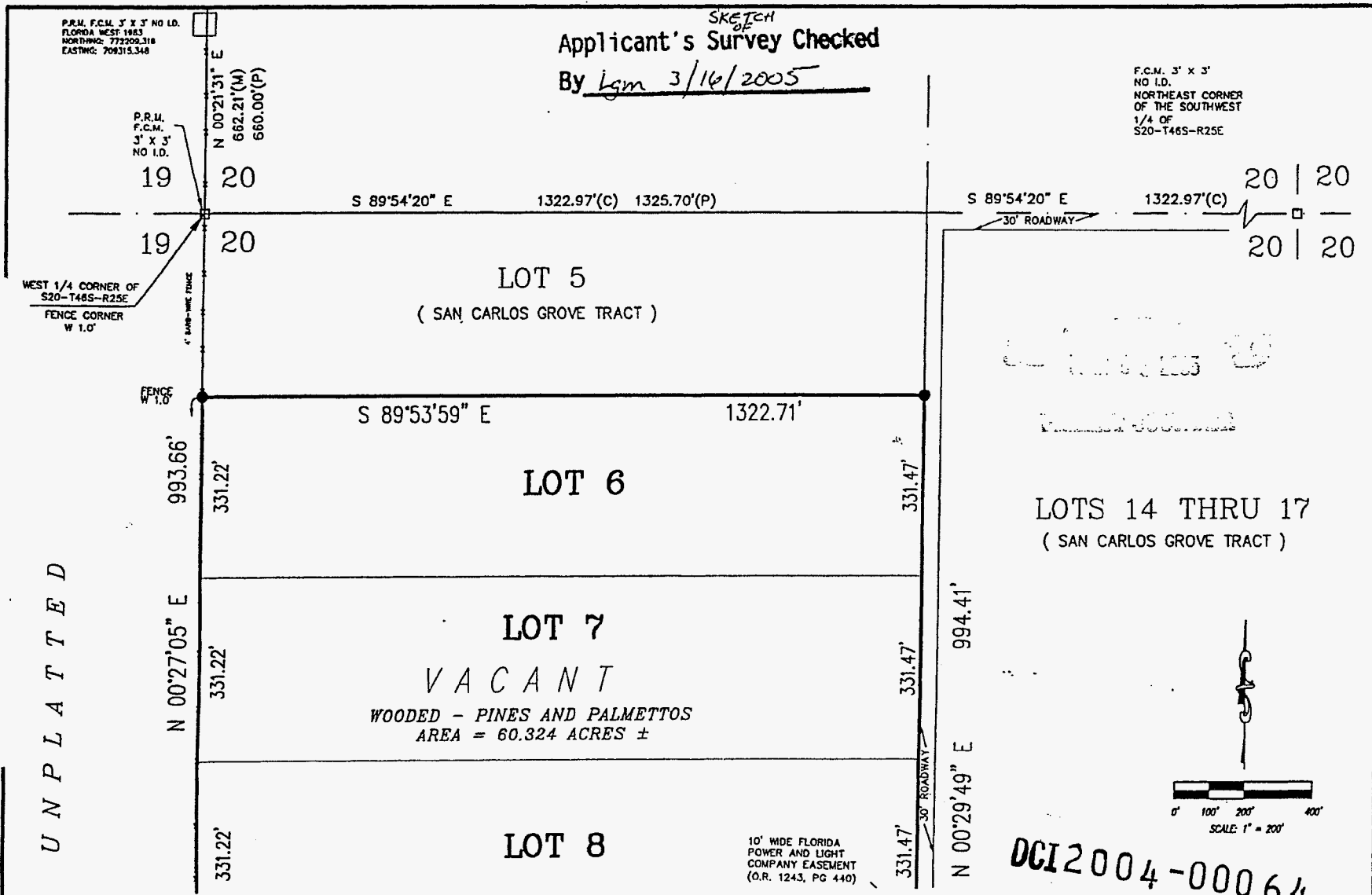
SHEET: 2 OF 3
APPROVED: ??
DRAWN: JD
JOB CODE: D60
SCALE: 1" = 200'



Q. GRADY MINOR AND ASSOCIATES, P.A.
 CIVIL ENGINEERS • LAND SURVEYORS • PLANNERS
 3800 VIA DEL REY
 BONITA SPRINGS, FLORIDA 34134
 PHONE : (239) 947-1144 FAX : (239) 947-0375
 CERTIFICATE OF AUTHORIZATION NUMBER LB 5151

SKETCH TO ACCOMPANY	
SAN CARLOS GROVE TRACT - LOTS 6 THRU 11 PLAT BOOK 4, PAGE 75 SECTION 20, TOWNSHIP 46 SOUTH, RANGE 25 EAST LEE COUNTY, FLORIDA	
DATE: FEBRUARY, 2005	DRAWING: C-1041-1A

U N P L A T T E D



NOT A SURVEY

SEE SHEET 2

SHEET: 3 OF 3
APPROVED: SB
DRAWN: JD
JOB CODE: D60
SCALE: 1" = 200'

Q. GRADY MINOR AND ASSOCIATES, P.A.
 CIVIL ENGINEERS • LAND SURVEYORS • PLANNERS
 3800 VIA DEL REY
 BONITA SPRINGS, FLORIDA 34134
 PHONE : (239) 947-1144 FAX : (239) 947-0375
 CERTIFICATE OF AUTHORIZATION NUMBER LB 5151

SKETCH TO ACCOMPANY	
SAN CARLOS GROVE TRACT - LOTS 6 THRU 11	
PLAT BOOK 4, PAGE 75	
SECTION 20, TOWNSHIP 46 SOUTH, RANGE 25 EAST	
LEE COUNTY, FLORIDA	
DATE: FEBRUARY, 2005	DRAWING: C-1041-1A

DCI2004-00064

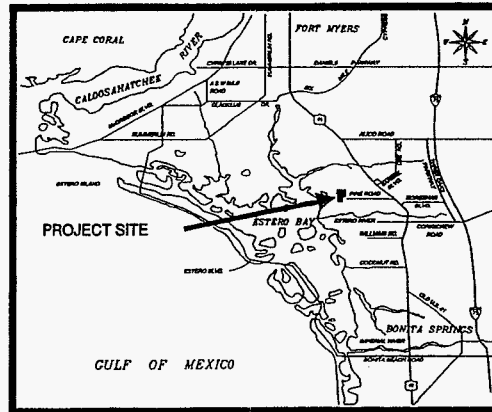
HIDEAWAY COVE RPD

LOCATED IN SECTION 20, TOWNSHIP 46 SOUTH, RANGE
25 EAST, ESTERO, LEE COUNTY, FLORIDA

RECEIVED
FEB 09 2006

OWNER/DEVELOPER

ESTERO PRESERVE LLC
8985 STAR TULIP COURT
NAPLES, FLORIDA 34113



LOCATION MAP
N.T.S.

INDEX OF EXHIBITS

DWG. No. DESCRIPTION

- 1 COVER SHEET AND INDEX OF EXHIBITS
- 2 GENERAL NOTES
- 3 MASTER CONCEPT PLAN
- 4 SOILS AND TOPOGRAPHIC MAP
- 5 AERIAL MAP

Approved as Exhibit
MCP Page 1 of 5
Resolution # 2-05-04

REVISIONS

Revision	Date	Description	By
1	1/28/04	PER LEE COUNTY COMMENTS	SSJ
2	1/27/05	PER LEE COUNTY COMMENTS	SSJ
3	1/28/05	PER LEE COUNTY COMMENTS	SSJ
4	1/28/05	PER LEE COUNTY COMMENTS	SSJ

PREPARED BY:

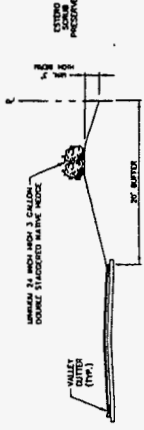
Q. GRADY MINOR AND ASSOCIATES, P.A.

CIVIL ENGINEERS • LAND SURVEYORS • PLANNERS
2000 VIA DEL REY
BONITA SPRINGS, FLORIDA 34134

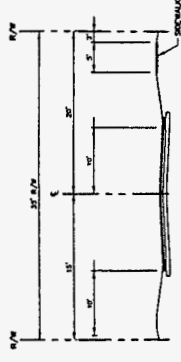
PHONE : (813) 947-1144 FAX : (813) 947-0276
SPECIALTY CERTIFICATE OF AUTHORIZATION IS 900044
SURVEYING CERTIFICATE OF AUTHORIZATION LA 900104

DCI 2004-C0064

DATE: AUGUST, 2004
FILE NAME: EGORPD COVR
JOB CODE: EGORPD
DRAWING NUMBER 1 OF 5



ROAD BUFFER
N.T.S.



LOCAL STREET DEVIATION
N.T.S.

PLANNING SUMMARY

PLAN DESIGNATION: OUTLYING SUBURBAN
 EXISTING ZONING DESIGNATION: AG-2, AGRICULTURE
 EXISTING LAND USE: VACANT
 PROPOSED DESIGNATION: RPD, RESIDENTIAL PLANNED DEVELOPMENT
 GROSS AREA: 60 ± ACRES
 STRAP NUMBER: 20-46-25-01-00009-1020 and 20-46-25-01-00009-0000
 STREET ADDRESS: ADDRESS UNASSIGNED, 4800 PINE ROAD

PUBLIC TRANSIT

THE PROPOSED PROJECT IS GREATER THAN A QUARTER MILE FROM ROUTE 190 AND DOES NOT PLAN TO PROVIDE TRANSIT FACILITIES. A BUS STOP MAY BE CONSIDERED AT SUCH TIME THAT A LEE TRAN BUS ROUTE IS WITHIN A QUARTER MILE OF THE PROJECT ENTRANCE.

Approved by Resolution # 2-05-011
 MCP Resolution # 2-05-011
 FEB 09 2006

RECEIVED
 FEB 09 2006

LEGEND

DEVELOPER
 ESTRO, PASCARE, LLC
 8005 STATE TULIP COURT
 NAPLES, FLORIDA 34113

NO.	DATE	DESCRIPTION	BY
1	02/09/06	PRE-DEVELOPMENT	SI
2	02/09/06	FOR THE COUNTY COMMISSIONS	SI
3	02/09/06	FOR THE COUNTY COMMISSIONS	SI
4	02/09/06	FOR THE COUNTY COMMISSIONS	SI

DESIGNED BY: A.J.R.
 DRAWN BY: A.J.R.
 APPROVED: B.T.
 JOB CODE: 60000
 SHEET: N.T.S.

M
 Q. GRADY MINOR AND ASSOCIATES, P.A.
 CIVIL ENGINEERS & LAND SURVEYORS & PLANNERS
 5800 W. VA. DC. RT.
 NORTH AVENUE, PENSACOLA, FLORIDA 32504
 PHONE: (904) 877-1114 FAX: (904) 877-0276
 LICENSE: ENGINEER NO. 10568 SURVEYOR NO. 10568

DCI 2004-00064

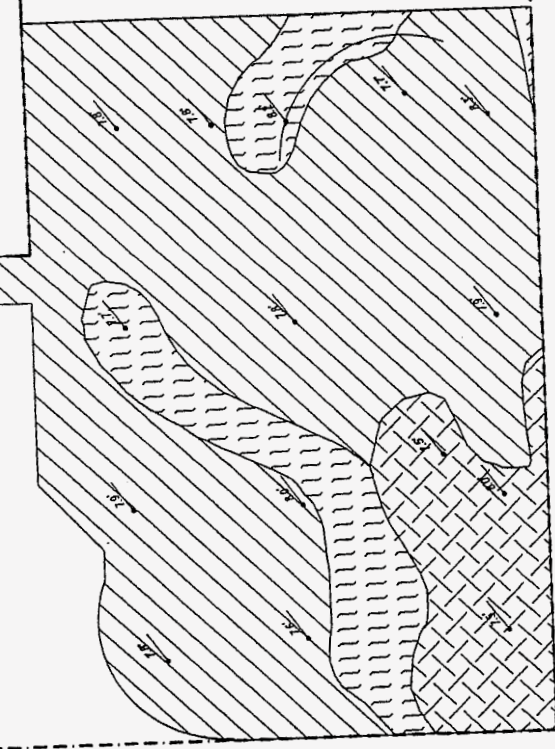
HIDEAWAY COVE RPD

EXHIBIT 6-1
 GENERAL NOTES

SCALE: 1" = 100'

EXISTING ZONING: AG-2 AGRICULTURE
EXISTING USE: PRESERVE, STATE OF FLORIDA

PRESERVE



EXISTING ZONING: AG-2 AGRICULTURE
EXISTING USE: WACANT

EXISTING ZONING: RPD,
RESIDENTIAL PLANNED
EXISTING USE: PRESERVE
STATE OF FLORIDA

100' WIDE FLORIDA
TRANSPORTATION LIGHT
COMPANY
227, PG 437-439

Approved as Exhibit
MCP Page 4 of 5
Resolution # 2004-041

LEGEND

- 11 - DAYTONIA SAND
- 12 - MICHIGAN SAND
- 13 - UNUSUAL FINE SAND, SUPERFINE
- 14 - SAND
- 15 - SAND
- 16 - SAND
- 17 - SAND
- 18 - SAND
- 19 - SAND
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- 94 - SAND
- 95 - SAND
- 96 - SAND
- 97 - SAND
- 98 - SAND
- 99 - SAND
- 100 - SAND

EXISTING ZONING: RPD, RESIDENTIAL PLANNED DEVELOPMENT
EXISTING USE: ESTERO BUFFER PRESERVE, STATE OF FLORIDA

RECEIVED
FEB 03 2006

DCI 2004-C0064

HIDEAWAY COVE RPD

SOILS AND TOPOGRAPHIC MAP

DATE: AUGUST, 2004
DRAWING NUMBER: 4 OF 5

O. GRADY WINDS AND ASSOCIATES, P.A.
CITY ENGINEERS & LAND SURVEYORS & PLANNERS
1000 W. 11th St., Suite 100
Tampa, Florida 33606
PHONE: (813) 877-1111 FAX: (813) 877-0070
WWW: WWW.OWAS.COM

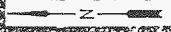
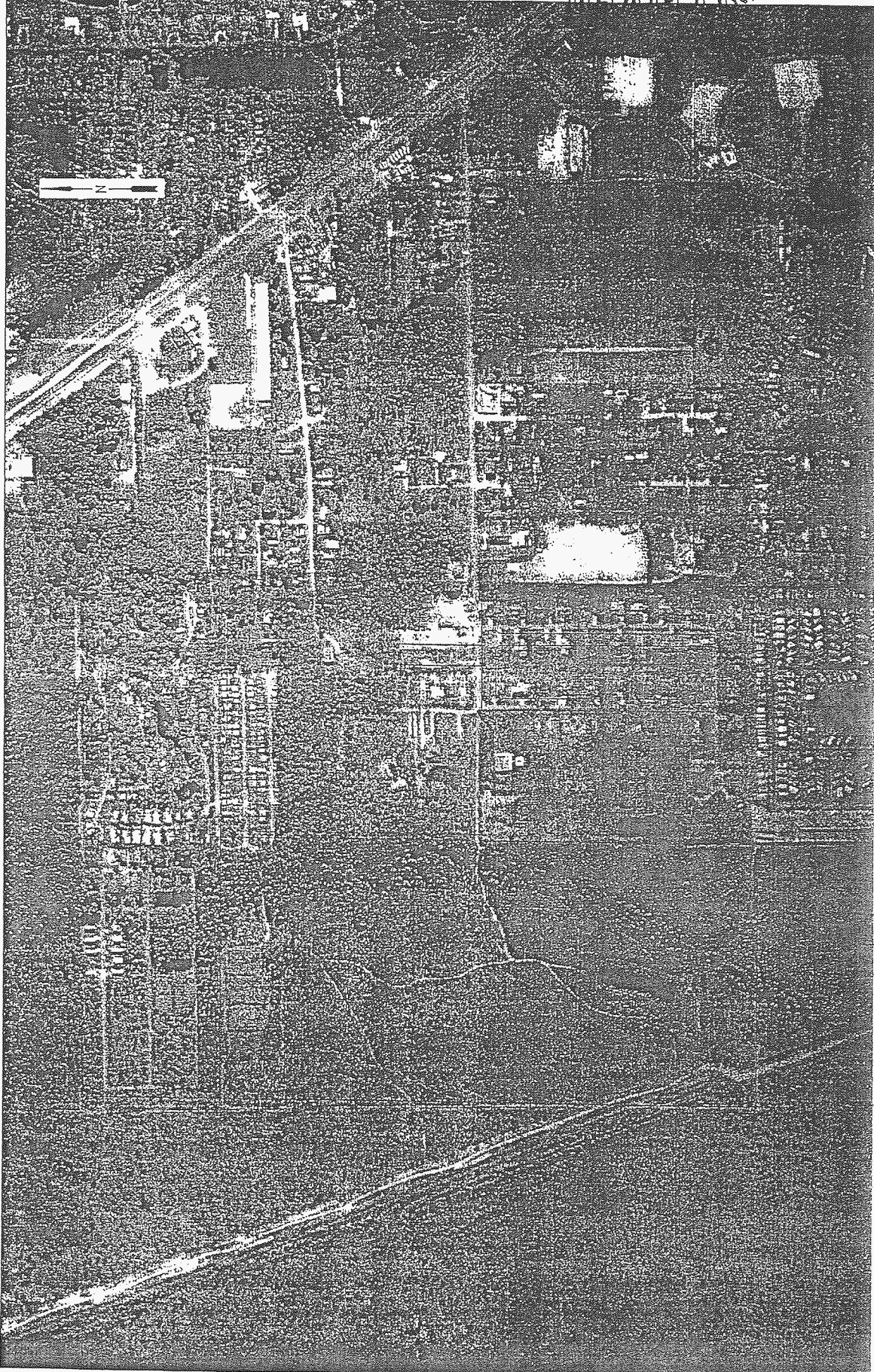


DESIGNED BY: B.T.
DRAWN BY: A.S.L.
APPROVED BY: B.T.
JOB CODE: E0000
SCALE: 1" = 100'

OTHER DEVELOPERS
ESTERO PRESERVE, LLC
6805 STAR TULIP COURT
WAPLES, FLORIDA 34113

LEGEND
PROJECT BOUNDARY

FEB 09 2006



HIDEAWAY COVE RPD
 ESTERO
 SECTION 20, TOWNSHIP 46 S, RANGE 25 E
 FILE # 148-50-001
 AUGUST 1, 2004
 DRAWING NUMBER 5 OF 5

Q. GRADY MINOR AND ASSOCIATES, P.A.
 CIVIL ENGINEERS - LAND SURVEYORS - PLANNERS
 BOCA RATON, FLORIDA 33434
 PHONE: (561) 987-1114 FAX: (561) 987-0755
 PROFESSIONAL CORPORATION OF FLORIDA LICENSE # 14822

DESIGNED BY A.F.M.
 DRAWN BY A.J.R.
 APPROVED D.W.A.
 JOB CONT. ESTERPD
 SCALE: 1" = 200'

NO.	DATE	DESCRIPTION
1	1/11/04	PER LEE COUNTY COMMISSION
2		
3		
4		
5		

OWNER/DEVELOPER
 ESTERO RESERVE, LLC
 8895 STARBUCK COURT
 NAPLES, FLORIDA 34113

LEGEND
 PROJECT BOUNDARY
 AERIAL PHOTOGRAPH DATE: MARCH 2002



LEE COUNTY
SOUTHWEST FLORIDA

BOARD OF COUNTY COMMISSIONERS

Bob Janes
District One

A. Brian Bigelow
District Two

Ray Judah
District Three

Tammy Hall
District Four

Frank Mann
District Five

Donald D. Stilwell
County Manager

David Owen
County Attorney

Diana M. Parker
County Hearing
Examiner

February 28, 2007

Writer's Direct Dial Number: (239) 479-8587

MARY BADINO
HEIDT & ASSOC., INC.
3800 COLONIAL BLVD
SUITE 200
FORT MYERS, FL 33966

RE: HIDEAWAY COVE
DOS2007-00011 - DO Submittal Large
DO1 Application (Large DO)

Dear MARY BADINO :

The above-referenced project plans have been reviewed and cannot be approved at this time for the following reason(s):

Please refer to the attached checklist for comments.

In accordance with Section 10-110 of the Land Development Code, you may redraft and submit the required documents (showing the corrections for specified deficiencies) to the Director of the Development Services Division within 180 days of the date hereon or the application will be deemed withdrawn, and a new application along with appropriate fees will be required; or you have thirty (30) calendar days from the date hereon to file an appeal of this decision to the Hearing Examiner's office. Applications are available from the Development Services Division.

PLEASE INDICATE THE ABOVE DEVELOPMENT ORDER NUMBER ON ANY FUTURE CORRESPONDENCE.

IF THE PLAN SETS ARE RETURNED TO YOU, PLEASE RESUBMIT 6 COMPLETE SETS OF REVISED PLANS.

If you have any questions concerning this matter, please contact this office.

Sincerely,

DEPARTMENT OF COMMUNITY DEVELOPMENT
Development Services Division


Peter J. Eckenrode
Development Services Director

PJE / RSM

Attachments: One set of drawings

LC D.O.T. Right-of-Way Construction Checklist (Ord. 03-16)

10) Miscellaneous Items.

1.) On Sheets 10 & 11, the profile is showing less than the 30" min. depth required between Sta. 100+00 to 105+00. Please address this and call out the dimension in the profile and call out the proposed FM in the plan portion upon re-submittal.

STIPULATIONS:

a.) It is understood by Lee County that these roads extending from Pine Road are private, non-county maintained roads. Please label these roads on the plans "private, non-county maintained".

b.) A Lee County ROW Permit will be required prior to any construction within the county ROW.

11) Contact. The LCDOT staff member may be contacted regarding this ROW checklist.

Dan Kirkpatrick (239)479-8580x5576 or kirkpado@leegov.com

LC Hurricane Shelter and Evacuation Impacts Checklist (Ord. 03-16)

1) Hurricane and Evacuation Impacts. All new residential development that is located within land falling within Category 1, 2, or 3 storm surge area must comply with the Hurricane Preparedness regulations specified in LCLDC Sec. 2-481 et. seq. {See the Hurricane Shelter and Evacuation Impacts checklist} [2-482]

See comments in 2c, 3a, 5, and 6.

1a) Scope. Residential development includes assisted living facilities with 17 or more beds (outside coastal high hazard area), dwelling units, living & housing units, mobile homes, recreational vehicle development, hotel & motel, health care facilities Group I, II, & IV, & social services facilities Group II & IV, as defined in LCLDC ch. 34. [2-482]

2c) Payment in lieu of donation of land or use of private structure option may be utilized. [2-485(b)(3)].

Approved for stipulation in the amount of \$4,550.00 and must be satisfied prior to the issuance of a building permit.

LC Utilities Short Checklist

2) *The reviewer may be contacted for additional information regarding this Utilities checklist.*

1. All portions of the utility infrastructure to be dedicated to LCU for ownership and maintenance needs be constructed within the road ROW or LCU easement. Please address the proposed water and force main on sheet 5 between Sta. 53+00 and Sta. 61+50.
2. Sheet 5 shows the proposed water main and force main extending east of the property line onto private property, however no easements are shown. Please either provide proof of legal right for water main and force mains to cross private property to connect to the existing utility infrastructure within the Pine Rd ROW or a copy of the recorded private utility easements that allow for the water main and force main.
3. Sec. 10-715 of the LDC requires meter boxes, fire hydrants and clean-outs to be located within the ROW or a LCU easement. Please address.
4. Please provide 5' of horizontal separation between all portions of the proposed 8" water main, all mitered ends, catch basins and the back of curb, including bends. Please address sheet 5 of 22 at or near Sta. 57+25 (Typical).
5. Please revise sheet 11 of 22 to state the use of a tapping sleeve and valve per detail 9.1 from the LCU operations manual vs. a tee.
6. The LCU operations manual requires all water main vertical deflections and/or mains under pavement to be constructed of Class 50 DIP from the first 45-degree bend to the last 45-degree bend. Please address on the utility plans and profiles.
7. The LCU operations manual requires all force main vertical deflections and/or mains under pavement to be constructed of PVC DR14/HDPE DR11 from the first 45-degree bend to the last 45-degree bend. Please address the Pine Forest Entrance (Typical).
8. Revise the utility plans to provide a meter box and RPPA for the proposed lift station.
9. Please revise the plan to include the LCU Standard Plan Notes from section 10 of the Operations Manual.
10. Provide signed and sealed hydraulic computations to LCU showing what impact this project may have on our existing sewer facilities.

Please contact Jessica Gutierrez @ 479-8155 for further information regarding this review.

LC Engineering/General Checklist (Ord. 03-16)

7b) Phasing Plan. For phased development orders (see LCLDC 10-117), a master phasing plan must be submitted with stages numbered in sequence showing how each phase fits into the master plan for continuance of streets, stormwater management, potable water, fire protection, sewage collection, and landscaping & buffers. [10-154(7)b, 10-153(5)i]

Stipulation: As a reminder, if the project is intended to be constructed in multiple phases, the phases must be clearly identified on the drawings, and must also be reflected in the opinion of probable construction costs.

8) Exterior Lighting Plan, Photometrics & Calculations. An exterior lighting plan must be submitted in full compliance with LCLDC Sec. 34-625 and must demonstrate compliance with all standards and criteria specified therein. {NOTE: See LCLDC Sec. 34-625 and the Lighting checklist.} [10-154(8)] {See Application Form PART VIII}

Submit copy of the street lighting plan in accordance with Section 34-625 or provide a statement on the drawings that street lighting will not be provided.

16) *Certificate to Dig. When applicable, an archeological/historic resources certificate to dig must be obtained from Lee County Department of Community Development and be submitted with the development order application. {NOTE: See Chapter 22 for requirements criteria.} [10-154(16)] {See Application Form PART VIII}*

Submit copy of Certificate to Dig.

21a) *The emergency preparedness plan must be approved by the director of the Division of Emergency Management prior to the approval of the development order. [10-154(21)]*

Submit evidence of approval of the emergency preparedness plan.

27) *Opinion of Probable Construction Costs. The developer's consultant must prepare & submit the estimated cost of installing all on-site & off-site improvements for subdivisions, & all off-site improvements for all other developments and must include an estimated date of completion for the work. [10-154(25)] {See Application Form PART VIII}*

Submit two signed and sealed cost estimates broken down into on-site, off-site improvements and phases if applicable.

28a) *Surety or Cash Performance Bond. Security in the form of a surety or cash performance bond must be posted and made payable to the Lee County in an amount equal to 110 percent of the full cost of installing the required improvements as approved by the County. [10-154(26)a]*

Stipulation: Upon approval of the cost estimate, surety must be posted.

44) *Miscellaneous Items.*

1. The 30 foot wide road right-of-way, which runs along the south side of Lot 8, must be vacated prior to DO approval.
2. The application form identifies one strap number, whereas the project consists of three parcels, each with a different strap number. Revise and resubmit the application form.

45) *Contact. The reviewer may be contacted for additional information regarding this Engineering checklist.*

Ross Morgan 479-8587

LC New Roads and Streets Checklist (Ord. 03-16)

5) *Street Names. Street names must be in compliance with Section 10-255 of the LDC. [10-255]*

Submit copy of letter from LC E911 Addressing for the street name approval.

43) *Miscellaneous*

1. Where are Sections B-B shown (section cuts shown on plan Sheet 3)?
2. Is the round-about, at the intersection of Krista Blvd and Hideaway Cove Circle, intended to be one way? If so, provide appropriate signage and pavement markings.
3. Identify where Sections 1 and 2 on Sheet 13, are cut on the plan.

Stipulation: Security gates, if added to the project, must be approved as a part of this development order.

44) Contact. The reviewer may be contacted for additional information regarding this New Roads & Streets checklist.

Ross Morgan 479-8587

LC Stormwater Management Requirements Checklist (Ord. 03-16)

3b) SFWMD Permits. Prior to final approval of a development order, copies of permits issued by the South Florida Water Management District must be submitted. [10-154(22)] {See Application Form PART VI A}

Submit copy of ERP from the District.

Note: Part V of the application form was not completed where asked if dewatering is proposed for this project. If dewatering is intended, then submit copy of the Water Use Permit from the District and additional submittals for the development order as required under Section 10-329(c)(5).

15) Miscellaneous items.

1. Submit copy of the Deep Lake Management Plan for the 12 ft plus deep lake.
2. Provide a typical lot setback and drainage plan.
3. Do the numbers within the elliptical symbols that are shown on each lot on Sheet 4 represent finish floor elevations? Please identify.

16) Contact. The reviewer may be contacted for additional information regarding this Stormwater Management Checklist.

Ross Morgan 479-8587

LC Fire Checklist (Ord. 03-16)

3) FIRE FLOW TEST LOCATION. The plans submitted must show the location of the hydrant that was flow tested. [10-384(c)]

10b) Single Family & Duplex. Line Size - 8" (min). Hydrant Spacing - 800 Ft.

Hydrant spacing exceeds 800 ft.

15) Contact. The reviewer may be contacted for additional information regarding this Fire Safety Checklist.

Pat Kemerer @ 479-8338

LC Environmental Sciences Checklist (Ord. 03-16)

3b) Permits Required. Prior to any activity that will affect wetlands (See LCLDC Sec. 14-293), an Environmental Resources Permit (ERP) or an exemption is required from either DEP or SFWMD in accordance with F.S. ch. 373 and F.A.C. ch. 62. [10-154(22), 14-293] {See Application Form PART VI A}

Please provide an ERP permit.

4) Existing Vegetation Associations. Vegetation associations (not land use category) on the site as listed in the Florida Land Use, Cover and Forms Classification System must be mapped at the same scale as the site plan. The map must include significant areas of rare and unique uplands habitat as defined in the LEE PLAN. [10-154(6)f] {See Application Form PART III F}

Please submit a FLUCCS map with better resolution at the same scale as the site plan.

Please submit a FLUCCS map within the species survey.

5) A "Protected Species Survey" must accompany all development order applications where the Florida Land Use, Cover & Forms Classification System codes for the property indicate a possible presence of a listed species & where the parcel area is 10 acres or more or the impervious area is 2 acres or more. [10-154(14), 10-473(a)] {See Appl. Form PART III-G}

Please note that this is a large project and a species survey must be submitted.

6) A "Protected Species Management Plan" must accompany all development order applications where listed species are found on the property. [10-154(15), 10-473(b)] {See Application Form PART III H}

Please submit a protected species management plan for the gopher tortoises found onsite.

Prior to any site work, an appropriate gopher tortoise permit from the FWC and any associated receipts must be submitted to ES staff in accordance with condition 5 of the DCI2004-00064.

8f) Conservation Easement. A conservation easement or similar property interest must be granted to the County for the preserved property as a condition of the development order approval or final plat approval, unless the director determines it would not be logistically or economically feasible for the County to maintain the easement. [10-474(c)]

Prior to the issuance of a development order approval, a recorded Conservation Easement dedicated to Lee County and any other appropriate agency or land trust for the 28 acre preserve must be submitted. This is in accordance with condition 4d. of the DCI2004-00064.

11a) The landscaping plan must include the title of the project, including the project owner's and preparer's name, and must be drawn to the same scale as the development order plans, with dimensions and a north arrow. [10-414(a)]

Please provide a landscape plan at a smaller scale such as a 1:50 or a 1:60 with matchlines included.

11c) The landscaping plan must include a tree location map or aerial photographic overlay which depicts the location of existing trees to be preserved for landscape credit and the planting of new trees required by the LCLDC. [10-154(7)1.1.]

Please provide an aerial map with the proposed project overlaid on the top at the same scale as the site plan.

11d) The landscaping plan must show all proposed landscaping, open space, and buffering, including the size, variety, species and number of trees and shrubs, with site specific location, used in landscaping, open space and buffers with code-required landscaping highlighted. [10-154(7)1.3., 10-414(a)]

Please provide symbols for all plant material being utilized and depict the symbol for each species proposed for various buffer trees and shrubs and littoral plantings. Currently, the only symbol shown on the landscape plans are for the Sabal palms.

14) Master Phasing Plan. For phased development orders (see LCLDC Sec.10-117), a master phasing plan must be submitted with stages numbered in sequence showing how each phase fits into the master plan for continuance of all infrastructure, and landscaping and buffers. [10-154(7)b, 10-153(5)i, 10-117] {NOTE: See Application Form PART V D}

Will there be any phasing plans for this project? If so, please provide a detail description of what will be completed during each phase.

15) Vegetation FLUCCS Code Map: A map must be submitted indicating Vegetation associations (not land use category) on the site as listed in the Florida Land Use, Cover and Forms Classification System. The map must be at the same scale as the site plan and include significant areas of rare and unique upland habitats as defined in the Lee Plan. [10-154(8)f]

Please provide a FLUCCS Code Map at a more defined resolution.

18) Preservation of Indigenous Native Vegetation. For large developments (subject parcel is > 10 acres in area or impervious area is > 2 acres or in area with existing indigenous native vegetation, at least 50% of the required open space area must be designed to preserve the existing indigenous native vegetation. {See LCLDC Sec. 10-701.} [10-415(b)(1)]

Prior to a development order approval, all plans must delineate the 28 acres of preserve in substantial compliance with the Master Concept Plan per condition 4a. of DCI2004-00064. Currently, all plans do not delineate the 28 acres of preserve.

Prior to local development order approval, all plans must delineate a physical barrier consisting of a continuous double staggered hedge of native shrubs, a 3 foot high berm, or a 4 foot fence to prevent encroachment of clearing or other such activities into the preserve per condition 4a of DCI2004-00064.

Prior to local development order approval, all plans must delineate any abutting lots with preserve signs placed at every other lot corner per condition 4a. of DCI2004-00064. Please provide a depiction of these signs on the landscape plans and within the indigenous management plan.

Please provide an indigenous management plan in accordance with LDC10-415 and the Lee County Indigenous Management Plan Outline.

19) General Tree Requirements. Landscaping for all new developments must include, at a minimum, the number of trees specified in LCLDC Sec. 10-416(a) in addition to those required for parking and vehicle use areas and buffers. [10-416(a)]

Please note that seven trees per lot with a 45 percent lot coverage for the proposed homes does not give enough room for all the general trees and presents a future compliance problem. ES staff suggests providing 16 foot general trees which according to LDC 10-420 c2 general trees may be reduced by 50% if general trees with four inches in diameter 12 inches above ground and no less than 16 foot high are provided.

Please note to avoid a future compliance problem place all general trees (233 general trees) within the buffer around the perimeter of the lot lines located on common open space rather lot open space.

If the seven general trees per lot continues to be pursued, please provide a lot typical illustrating the lot size and the location of seven general trees.

Are these seven general trees per lot noted within the deed restrictions? If so, please provide the page number and location of note. Please provide a note within the deed which states that seven canopy trees per lot must remain in perpetuity and the note may not be removed from the deed.

23) Buffering and Screening. Buffering and screening requirements apply to all new developments. When vehicular use areas are altered or expanded (except restriping), building square footage is increased, or there has been a discontinuance of use for one year, landscapes must be brought into conformity to the maximum extent possible. [10-416(d)]

PRESERVE/LOT BARRIER

Prior to development order approval, there must be a physical barrier which may include a continuous hedgerow of native shrubs, a 3 foot high berm OR 4 foot high fence. Please provide a cross section on the landscape plans and the engineer drawings for each side of the property abutting the preserve showing the berm, lot lines, preserve lines, existing grade of preserve, construction grade of lots, preserve signage and required landscaping per the DCI2004-00064 condition 4a. Currently, the cross section A-A on sheet 14 of 22 does not label any of the above items.

Please provide a typical drawing of the continuous hedgerow abutting the preserve providing a note stating the height of the shrubs, and the berm height.

Please note that no required plantings must be installed in any easement.

PRESERVE/ENTRY ROAD

Prior to the development order approval, a 20 foot wide buffer between the proposed road and the adjacent preserve must be delineated. The 20 foot wide buffer must include at a minimum a 3 foot high berm with a double staggered native hedge planted with a minimum 24 inch height, 3 gallon container size, shrubs to provide a physical barrier between the preserve and the proposed roadway.

Please note that a buffer is being provided along the above mentioned area, however a retaining wall is depicted in the cross sections which was not approved through the rezoning within the DCI2004-00064 Condition 4b. and the width of the buffer is not noted within the calculations on the landscape plans. Please provide a 20 foot wide buffer note within the calculations and in the cross sections.

Please provide a cross section showing the preserve line, the preserve grade, the 20 foot wide buffer, the height of the berm, and the preserve line and grade on the other side of the road.

Please provide a typical planting plan for the preserve/entry road buffer with a note stating the height of the berm, the width of the buffer, the shrub height, and calculations for that berm.

Please provide a cross section depicting all valley gutters/slough crossing design proposed along the roadways to prevent the trapping of wildlife within the roadways per DCI2004-00064 Condition 4c.

Please note that no required plantings must be installed in any easements.

33) Plantings in Easements. Utility, power, or drainage easements may overlap required buffers; however no required trees or shrubs may be located in any utility, power, or street easement or right-of-way. [10-421(a)(5)]

FUTURE STIP: Prior to the issuance of a Certificate of Compliance, no required plantings must be installed in any easement.

35) Minimum Standards - Trees and Palms. All trees utilized to meet requirements must be in compliance with the standards specified in LCLDC Sec. 10-420(c) at the time of installation. [10-420(c)]

Pending general tree reduction.

40) Tree Credits. Except for prohibited species as listed in LCLDC Sec. 10-420(a) every consideration must be given to retaining as much as possible of the existing plant material already present on the site. [10-420(h)(1)]

Will there be any trees saved on site for tree credits? If so please provide a tree survey, tree species, tree specifications, tree location and the calculation of credits being allocated for all trees saved in place.

41) Stormwater Ponds-Design Standards. Techniques to mimic the function of natural systems in stormwater management ponds must be followed pursuant to LCLDC Sec. 10-418. [10-418].

Please note that according to DCI2004-00064 Condition 9, a walking path must be provided around the excavation for the retention. Currently, no cross sections and landscape plan illustrate this walking path. Please provide to meet condition 9.

Please provide littoral planting specifications.

Are the deep lake trees and herbaceous littorals noted within the deed restrictions? If so, please reference the page number that the note occurs. The note must state that the deep lake trees and herbaceous littorals must remain in perpetuity and may not be removed from the deed. Please place this note on the development order landscape plans.

44) Deep Lake Management Plan. The "Deep Lake Management Plan" must address long-term management strategies for the lakes greater than 12 feet in depth that include, at a minimum, meet the criteria specified in LCLDC Sec. 10-329(d)(3)(a)1 - 10-329(d)(3)(a)4. [10-329(d)(3)a]

Please provide the following information regarding the destratification system. Please show the proposed locations of the air diffusers. Please provide enough air diffusers to allow for a dissolved oxygen level of 5ppm throughout the water column. Include calculations which indicate dissolved oxygen level at a minimum 5ppm thru out the water column. Please provide a copy of the brochure for the system that will be installed in the lakes. Please include all easements necessary to access the lakes for maintenance. Please indicate the location for electrical units to provide power for the destratification system. Please include a cost estimate for the destratification system including landscaping. Please include a copy of the covenants which includes maintenance and operation of the deep stratification system for the life of the lake.

46) Bathymetric Survey. A post-construction bathymetric survey, sealed by a Professional Surveyor and Mapper, must be submitted prior to certificate of compliance for all lakes regardless of depth. [10-329(d)(3)d]

FUTURE STIP: Prior to the issuance of a Certificate of Compliance, a bathymetric survey must be submitted.

47) Miscellaneous Items.

Prior to development order approval, the road crossing the slough must be a bridge per discussions and e-mails with Kim Trebatoski and still meet the required buffer condition 4b of DCI2004-00064.

Prior to any site work, a vegetation removal permit must be obtained from ES staff at 239.479.8389.

48) Contact. The reviewer may be contacted for additional information regarding this Environmental Sciences checklist.

Please contact Beth DeGrauwe via e-mail at Edegrauwe@leegov.com with questions concerning environmental review.

POLICY 1.1.4: The Urban Community areas are areas outside of Fort Myers and Cape Coral that are characterized by a mixture of relatively intense commercial and residential uses. Included among them, for example, are parts of Lehigh Acres, San Carlos Park, Fort Myers Beach, South Fort Myers, the city of Bonita Springs, Pine Island, and Gasparilla Island. Although the Urban Communities have a distinctly urban character, they should be developed at slightly lower densities. As the vacant portions of these communities are urbanized, they will need to maintain their existing bases of urban services and expand and strengthen them accordingly. As in the Central Urban area, predominant land uses in the Urban Communities will be residential, commercial, public and quasi-public, and limited light industry (see Policy 7.1.6). Standard density ranges from one dwelling unit per acre (1 du/acre) to six dwelling units per acre (6 du/acre), with a maximum of ten dwelling units per acre (10 du/acre). (Amended by Ordinance No. 94-30, 02-02)

POLICY 1.1.5: The Suburban areas are or will be predominantly residential areas that are either on the fringe of the Central Urban or Urban Community areas or in areas where it is appropriate to protect existing or emerging residential neighborhoods. These areas provide housing near the more urban areas but do not provide the full mix of land uses typical of urban areas. The standard residential densities are the same as the Urban Community category. Higher densities, commercial development greater than neighborhood centers, and industrial land uses are not permitted. Bonus densities are not allowed. (Amended by Ordinance No. 94-30)

POLICY 1.1.6: The Outlying Suburban areas are characterized by their peripheral location in relation to established urban areas. In general, these areas are rural in nature or contain existing low-density development. Some, but not all, of the requisite infrastructure needed for higher density development is generally planned or in place. It is intended that these areas will develop at lower residential densities than other Future Urban Areas. As in the Suburban areas, higher densities, commercial development greater than neighborhood centers, and industrial land uses are not permitted. The standard density range is from one dwelling unit per acre (1 du/acre) to three dwelling units per acre (3 du/acre). Bonus densities are not allowed. In the Outlying Suburban area in North Fort Myers east of I-75, a portion of San Carlos Groves in San Carlos/Estero planning community, and in the Buckingham area (see Goal 17), the maximum density permitted is two dwelling units per acre (2 du/acre).

1. For Lots 6 -11, San Carlos Groves Tract, Section 20, Township 46 S, Range 25 E of the San Carlos/Estero area:
 - a. The property may be developed at a gross density of one dwelling unit per acre; however, a gross density of up to two dwelling units per acre is permitted through the planned development zoning process, in which the residential development is clustered in a manner that provides for the protection of flowways, high quality native vegetation, and endangered, threatened or species of special concern. Clustered development must also connect to a central water and sanitary sewer system.
 - b. A maximum of one hundred and twenty (120) residential dwelling units, along with accessory, and accessory active recreation uses are permitted through the use of clustering and the planned development zoning process. The dwelling units and accessory uses must be clustered on an area not to exceed thirty two (±32) acres, which must be located on the northwestern portion of the property. No development may occur in the flowway, with the exception of the improvement of the existing

SUBJECT }

SUBJECT

road access from the site to Pine Road. The remainder of the property will be designated as preserve/open space, which can be used for passive recreation, and environmental management and education. In addition, the developer will diligently pursue the sale or transfer of the preserve/open space area, along with development rights for thirty (30) of the maximum one hundred and twenty (120) residential dwelling units, to the State, County, or other conservation entity.

(Amended by Ordinance 91-19, 03-20)

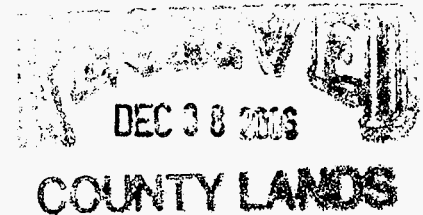
POLICY 1.1.7: The Industrial Development areas play an important role in strengthening the county's economic base and will become increasingly important as the county grows in size and urban complexity. To a great extent these are the areas to which Lee County must look for expanded job opportunities, investments and production opportunities, and a balanced and sufficient tax base. These areas have special locational requirements that are more stringent than those for residential areas, including transportation needs (e.g., air, rail, highway); industrial levels of water, sewer, fire protection, and other urban services; and locations that are convenient for employees to reach. Whereas the other Future Urban Areas will include a broad combination of residential, commercial, public, and limited industrial land uses, the Industrial Development area is to be reserved mainly for industrial activities per se, as well as for selective land use mixtures such as the combined uses of industrial, manufacturing, research, properly buffered recreational uses (except where precluded by airport hazard zone regulations), and office complexes (if specifically related to adjoining industrial uses) that constitute a growing part of Florida's economic development sector. New natural resource extraction (mining) activities and fill dirt operations must be approved through the Industrial Planned Development rezoning process. Retail or wholesale of products manufactured or processed upon the premises may be allowed at a ratio of 1 square foot of commercial uses to 10 square feet of industrial use in association with a Planned Development. Ancillary minor retail commercial uses intended to support the surrounding industrial land uses may not exceed 30,000 square feet per development; and, at buildout, may not exceed more than ten percent (10%) of the total acreage of the lands designated as Industrial Development areas in each community outlined in Map 16. Residential uses, other than bona fide caretaker residences, are not permitted in this category except to the extent provided in Chapter XIII of the Plan. (Amended by Ordinance No. 94-30, 98-09, 99-15, 02-02)

POLICY 1.1.8: The Public Facilities areas include the publicly owned lands within the county such as public schools, parks, airports, and other governmental facilities. The allowable uses within these areas are determined by the entity owning each such parcel and the local government having zoning and permitting jurisdiction.

POLICY 1.1.9: The University Community land use category provides for Florida's 10th University and for associated support development. The location and timing of development within this area must be coordinated with the development of the University and the provision of necessary infrastructure. All development within the University Community must be designed to enhance and support the University. In addition to all other applicable regulations, development within the University Community will be subject to cooperative master planning with, and approval by, the Board of Regents of the State University System.


Prior to development in the University Community land use category, there will be established a Conceptual Master Plan which includes a generalized land use plan and a multi-objective water management plan. These plans will be developed through a cooperative effort between the property owner, Lee County, and South Florida Water Management District.

MEMORANDUM
FROM THE
OFFICE OF COUNTY ATTORNEY



DATE: December 8, 2006

To: Robert Clemens
County Lands

FROM: 
Timothy Jones
Chief Assistant County Attorney

RE: 20/20 Parcel; Estero 28
LU-06-06-2485.A.1.

You have requested our opinion as to the development potential, if any, of the subject property. The subject property was part of a Residential Planned Development zoning called "Hideaway Cove." The Hideaway Cove project was approved by the Board of County Commissioners in Resolution No. Z-05-041 on November 21, 2005. A copy of this resolution is attached for your information.

Condition 1 of the resolution requires development of the project to be consistent with the Master Concept Plan referenced by and attached to the resolution. This Master Concept Plan clearly depicts the subject 28 acres as "preserve." Condition 4 of the resolution also places certain restrictions on the subject 28 acres. In short, this condition requires that a Conservation Easement covering the subject 28 acres must be dedicated and recorded prior to the development of any portion of the project. Pursuant to the Conservation Easement, use of the 28 acres will be restricted to passive recreation and conservation activities.

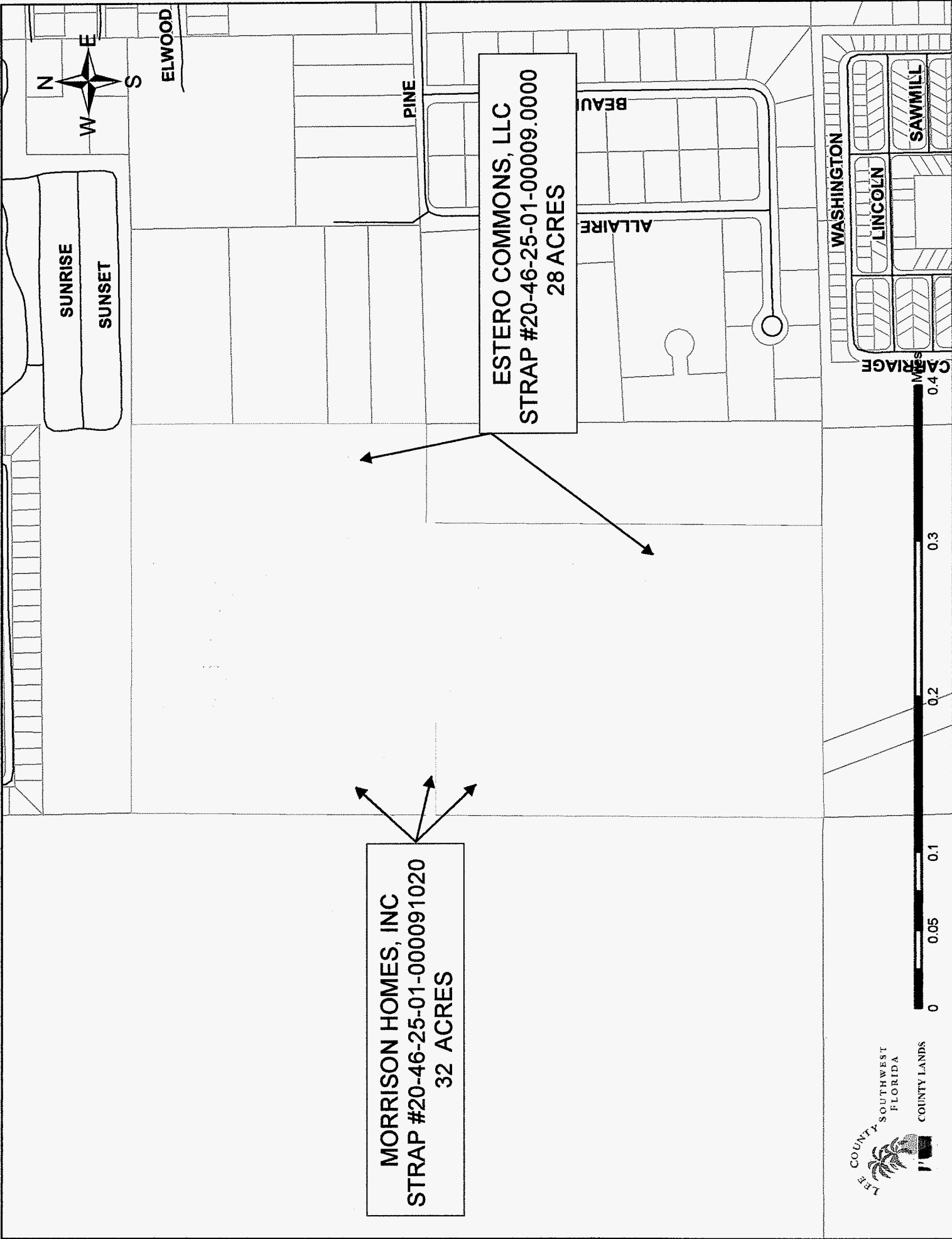
Therefore, unless and until this zoning resolution is amended, or the property is otherwise rezoned, there is no development capability on the subject 28 acres. The property cannot be used for any purpose except as restricted in Condition 4 of the resolution, which limits use to passive recreation and conservation activities.

Please let me know if you need any further information or assistance in this matter.

TJ/tmv

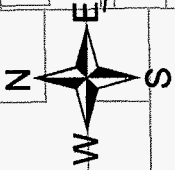
Attachment

cc: Donna Marie Collins, Assistant County Attorney
Melody Bowers, Assistant County Attorney
Dawn Lehnert, Assistant County Attorney
Rob Spickerman, Assistant County Attorney
Karen Forsyth, Director, County Lands
Linda Riley, Conservation Lands, County Lands



MORRISON HOMES, INC
STRAP #20-46-25-01-000091020
32 ACRES

ESTERO COMMONS, LLC
STRAP #20-46-25-01-00009.0000
28 ACRES



SUNRISE
SUNSET

ELWOOD

PINE

ALAIRE

BEAU

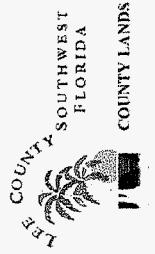
WASHINGTON

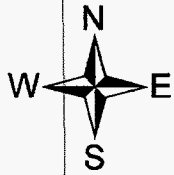
LINCOLN

SAWMILL

CARRIAGE

MILES





MORRISON HOMES, INC
STRAP #20-46-25-01-000091020
32 ACRES

ESTERO COMMONS, LLC
STRAP #20-46-25-01-00009.0000
28 ACRES

