



**APPLICATION TO AMEND A
PLANNED DEVELOPMENT OR PUD
and/or**

**APPLICATION FOR FINAL PLAN APPROVAL
IN UNINCORPORATED AREAS ONLY
[LDC Section 34-380 or 34-1037]**

Project Name: TIMBERLAND AND TIBURON MPD

Current Zoning: MPD

An amended MCP that reflects minor shifts to lakes and elimination of

Amendment to a PD or PUD to allow: an internal roadway

Final Plan Approval for: _____

1. **Name of Applicant:** UNIVERSITY HIGHLAND LIMITED PARTNERSHIP
 Address: 225 Banyan Boulevard, Suite 240
 City, State, Zip: Naples, FL 34102
 Phone Number: 239-234-5941
 E-mail Address: al@nmdev.com

2. **Relationship of Applicant to owner (check one) and provide [Affidavit of Authorization](#) form:**
 Applicant is the sole owner of the property. [34-201; 34-204]
 Applicant has been authorized by the owner(s) to represent them for this action. [34-202; 34-204]

3. **Authorized Agent: (If different than applicant) Name of the person who is to receive all County-initiated correspondence regarding this application. [34-202; 34-204]**

a. **Company Name:** Pavese Law Firm
 Contact Person: Neale Montgomery, Esq.
 Address: 1833 Hendry Street
 City, State, Zip: Fort Myers, FL 33901
 Phone Number: 239-336-6235 Email: nealemontgomery@paveselaw.com

b. **Additional Agent(s):** Provide the names of other agents that the County may contact concerning this application. [34-202; 34-204]

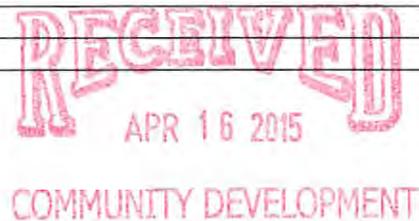
4. **Property owner(s): If multiple owners (corporation, partnership, trust, association), provide a list with owner interest. [34-201; 34-204]**

Name: UNIVERSITY HIGHLAND LIMITED PARTNERSHIP
 Address: Same as above
 City, State, Zip: _____
 Phone Number: _____ E-mail: _____

5. **Disclosure of Interest [34-201; 34-204]:**
 Attach [Disclosure of Interest](#) Form. [34-201; 34-204]

6. **STRAP Number(s) [34-204]:**
26-46-25-E3-34003.0000

7. **Street Address of Property:** S of Estero Pkwy, E of I-75, W of Ben Hill Griffin, and N of Miromar Outlets



8. **Legal Description (must submit one):**
 Legal description (metes and bounds) and sealed sketch of the legal description. [34-204]
OR
 Legal description (NO metes and bounds) if the property is located within a subdivision platted per F.S. Chapter 177, and is recorded in the Official Records of Lee County under Instruments or Plat Books. ([Click here](#) to see an example of a legal description with no metes and bounds.) [34-204]
9. **Lee Plan (Future Land Use) Designation [34-204]:** Urban Community
10. **Original Project Name:** Timberland and Tiburon DRI
11. **Original Rezoning Resolution Number:** Z-97-010
12. **Subsequent Zoning Action Resolution/Case Numbers** (if any): Please list all previous zoning and administrative actions (approvals and denials) on this project subsequent to original rezoning. Include Resolution Numbers and Case Numbers (provide added sheets, if necessary).
Z-97-072 (95-08-002.04Z 02.01)
Z-98-020 (95-08-002.03Z 03.01 / 04Z 04.01)
Z-10-031 (DCI2010-00005)
13. **Development Order Numbers** (if any): List all local development orders approved on this project. Please indicate the status of each development order (provide added sheets, if necessary).
LDO2014-00036
14. **Written Narrative:** Provide a written narrative statement explaining exactly what is proposed.
15. **Deviations:** If any relief is requested from the provisions of the Lee County Land Development Code (LDC), provide a **written explanation** of the specific relief requested (a schedule of deviations). Explain what conditions currently exist which warrant this request for relief from the regulations (a written justification for each of the requested deviations). Include specific references to any section (number{s} and name{s}) of the LDC from which relief is sought including why the requested relief is necessary and how it will affect the project. All deviation requests must be specifically keyed to the location on the Master Concept Plan or Final Plan. [34-373]
16. **Planning Community or Community Plan Area*:** Village of Estero
 *If in Caloosahatchee Shores [33-1482], Captiva [33-1612], Estero [33-64], Lehigh Acres [33-1401], North Fort Myers [33-1532], North (Upper) Captiva [33-1711], or Page Park [33-1203], attach meeting summary from informational meeting. **Summary of Public Meeting to be provided**
17. **Approved Master Concept Plan (MCP):** Provide an APPROVED MCP and DETAILED DRAWINGS of any DEVIATIONS OR CHANGES BEING PROPOSED at a size of 24"x36". [34-204; 34-373]
18. **Proposed Final Plan (for Final Plan Approval applications only):** Provide a copy of the proposed Final Plan consistent with the approved Master Concept Plan and the approved Zoning Resolution at a size of 24"x36". This proposed Final Plan must show any DEVIATION(s) keyed on the plan to identify the location of the specific deviation. [34-204]

SUBMITTAL REQUIREMENT CHECKLIST

Clearly label your attachments as noted in bold below.

<input checked="" type="checkbox"/>	Completed application [34-204]
<input checked="" type="checkbox"/>	Filing Fee [34-204]
<input checked="" type="checkbox"/>	<u>Affidavit of Authorization</u> Form [34-204; 34-202]
<input checked="" type="checkbox"/>	<u>Additional Agents</u> [34-204; 34-202]
<input type="checkbox"/>	Multiple Owners List (if applicable) [34-201; 34-204]
<input checked="" type="checkbox"/>	<u>Disclosure of Interest</u> Form [34-204; 34-201]
<input checked="" type="checkbox"/>	Legal description (must submit one) [34-204]
<input type="checkbox"/>	Legal description (metes and bounds) and sealed sketch of legal description
	OR
<input checked="" type="checkbox"/>	Legal description (NO metes and bounds) if the property is located within a subdivision platted per F.S. Chapter 177, and is recorded in the Official Records of Lee County under Instruments or Plat Books. (Click here to see an example of a legal description with no metes and bounds.)
<input type="checkbox"/>	Previous Zoning Actions (if applicable)
<input type="checkbox"/>	DO Numbers (if applicable)
<input checked="" type="checkbox"/>	Narrative of Request [34-204]
<input type="checkbox"/>	Schedule of Deviations (if applicable) [34-373]
<input type="checkbox"/>	Meeting Summary (if applicable) [34-204] TO BE PROVIDED
<input checked="" type="checkbox"/>	MCP and detailed drawings of any proposed deviations (if applicable) (24"x36") [34-204]
<input type="checkbox"/>	Proposed Final Plan including deviations keyed to the plan (24"x36") [34-204]

Note: All information submitted with the application becomes a part of the public record and will be a permanent part of the file. Department staff will review this application for compliance with requirements of the Lee County Land Development Code. The applicant will be notified of any deficiencies.

Acceptance of an application for an administrative amendment in no way guarantees its approval. If the Director determines that the requested amendment is beyond the scope of Land Development Code Section 34-380 or 34-1036 and that a public hearing is necessary, then all fees paid toward the administrative application may be applied toward an application for public hearing.

The Director's decision on an administrative amendment is final and can not be appealed. In the event the Director denies the request, the applicant's only recourse is to apply for a public hearing. No fees paid for the administrative application will be refunded or applied towards the public hearing.

If it is determined that inaccurate or misleading information was provided to the county or the decision does not comply with the Land Development Code when rendered, then, at any time, the Director may issue a modified decision that complies with the Code or revoke the decision. If the approval is revoked, the applicant may acquire the necessary approvals by filing an application for public hearing in accordance with Chapter 34.



Community Development/ Public Works

www.lee-county.com/econnect

Permitting Information Line 239-533-8329

Receipt #: 120150000000005004

Date: 04/16/2015

Case No.	Description	Amount Due	Amount Paid
ADD2015-00062	PD Minor Amend & Changes	1,000.00	1,000.00
Total Amount:		1,000.00	1,000.00

Method	Payer/ Exp. Date	Check #/Auth #	How Received	Amount Paid
Check	PAVESE LAW FIRM	4542	In Person	1,000.00
Payment Total:				\$1,000.00

AFFIDAVIT OF AUTHORIZATION

APPLICATION IS SIGNED BY INDIVIDUAL OWNER, APPLICANT, CORPORATION, LIMITED LIABILITY COMPANY (L.L.C.), LIMITED COMPANY (L.C.), PARTNERSHIP, LIMITED PARTNERSHIP, OR TRUSTEE

I, David W. Nassif, as Manager of Nassant and Company, LLC, a Delaware limited liability company, the General Partner for University Highland Limited Partnership, swear or affirm under oath, that I am the owner or the authorized representative of the owner(s) of the property and that:

1. I have full authority to secure the approval(s) requested and to impose covenants and restrictions on the referenced property as a result of any action approved by the County in accordance with this application and the Land Development Code;
2. All answers to the questions in this application and any sketches, data or other supplementary matter attached hereto and made a part of this application are honest and true;
3. I have authorized the staff of Lee County Community Development to enter upon the property during normal working hours for the purpose of investigating and evaluating the request made thru this application; and that
4. The property will not be transferred, conveyed, sold or subdivided unencumbered by the conditions and restrictions imposed by the approved action.

***Notes:**

- If the applicant is a corporation, then it is usually executed by the corp. pres. or v. pres.
- If the applicant is a Limited Liability Company (L.L.C.) or Limited Company (L.C.), then the documents should typically be signed by the Company's "Managing Member."
- If the applicant is a partnership, then typically a partner can sign on behalf of the partnership.
- If the applicant is a limited partnership, then the general partner must sign and be identified as the "general partner" of the named partnership.
- If the applicant is a trustee, then they must include their title of "trustee."
- In each instance, first determine the applicant's status, e.g., individual, corporate, trust, partnership, estate, etc., and then use the appropriate format for that ownership.

Under penalties of perjury, I declare that I have read the foregoing Affidavit of Authorization and that the facts stated in it are true.

David W. Nassif
Signature

4/2/15
Date

*****NOTE: NOTARY PUBLIC IS NOT REQUIRED FOR ADMINISTRATIVE APPROVALS*****
ALL OTHER APPLICATION TYPES MUST BE NOTARIZED

STATE OF FLORIDA
COUNTY OF COLLIER

The foregoing instrument was sworn to (or affirmed) and subscribed before me on 4/2, 2015, by David W. Nassif, Manager of Nassant and Company, LLC, General Partner for University Highland Limited Partnership, who is personally known to me or who has produced _____ (type of identification) as identification.

STAMP/SEAL



Cheryl Hillesheim
Signature of Notary Public

ADDITIONAL AGENTS

Company Name:	NM Development Group		
Contact Person:	Albert F. Moscato		
Address:	225 Banyan Boulevard, Suite 240		
City, State, Zip:	Naples, FL 34102		
Phone Number:	239-234-5941	Email:	al@nmdev.com

Company Name:	Peninsula Engineering		
Contact Person:	John English, P.E.		
Address:	2600 Golden Gate Parkway		
City, State, Zip:	Naples, FL 34105		
Phone Number:	239-403-6818	Email:	jenglish@barroncollier.com

Company Name:			
Contact Person:			
Address:			
City, State, Zip:			
Phone Number:		Email:	

Company Name:			
Contact Person:			
Address:			
City, State, Zip:			
Phone Number:		Email:	

Company Name:			
Contact Person:			
Address:			
City, State, Zip:			
Phone Number:		Email:	

Company Name:			
Contact Person:			
Address:			
City, State, Zip:			
Phone Number:		Email:	

**DISCLOSURE OF INTEREST
AFFIDAVIT**

BEFORE ME this day appeared David W. Nassif, who, being first duly sworn and deposed says:

1. That I am the record owner, or a legal representative of the record owner, of the property that is identified as Strap No. 26-46-25-E3-34003.0000 and is the subject of an Application for zoning action (hereinafter the "Property").

2. That I am familiar with the legal ownership of the Property and have full knowledge of the names of all individuals that have an ownership interest in the Property or a legal entity owning an interest in the Property.

3. That, unless otherwise specified in paragraph 6 below, no Lee County Employee, County Commissioner, or Hearing Examiner has an Ownership Interest in the Property or any legal entity (Corporation, Company, Partnership, Limited Partnership, Trust, etc.) that has an Ownership Interest in the Property or that has contracted to purchase the Property.

4. That the disclosure identified herein does not include any beneficial Ownership Interest that a Lee County Employee, County Commissioner, or Hearing Examiner may have in any entity registered with the Federal Securities Exchange Commission or registered pursuant to Chapter 517, whose interest is for sale to the general public.

5. That, if the Ownership Interest in the Property changes and results in this affidavit no longer being accurate, the undersigned will file a supplemental Affidavit that identifies the name of any Lee County Employee, County Commissioner, or Hearing Examiner that subsequently acquires an interest in the Property.

6. Disclosure of Interest held by a Lee County Employee, County Commissioner, or Hearing Examiner.

Name and Address	Percentage of Ownership
N/A	

Under penalty of perjury, I declare that I have read the foregoing and the facts alleged are true to the best of my knowledge and belief.

Property Owner (signature)
UNIVERSITY HIGHLAND LIMITED PARTNERSHIP
By its General Manager, Nassant and Company, LLC
A Delaware limited liability company

David W. Nassif, Manager
Print Name

*****NOTE: NOTARY PUBLIC IS NOT REQUIRED FOR ADMINISTRATIVE APPROVALS*****
ALL OTHER APPLICATION TYPES MUST BE NOTARIZED

STATE OF FLORIDA
COUNTY OF COLLIER

The foregoing instrument was sworn to (or affirmed) and subscribed before me on 4/2, 2015, by David W. Nassif, Manager of Nassant and Company, LLC, General Partner for University Highland Limited Partnership, who is personally known to me or who has produced _____ (type of identification) as identification.

STAMP/SEAL



Signature of Notary Public

EXHIBIT "A"

LEGAL DESCRIPTION

All of Tract 3 of University Highland, located in Sections 25 and 26, Township 26 South, Range 25 East, Lee County, Florida, according to the plat thereof on file and recorded as Instrument #2014000100081 of the Public Records of Lee County, Florida.

STRAP NO.

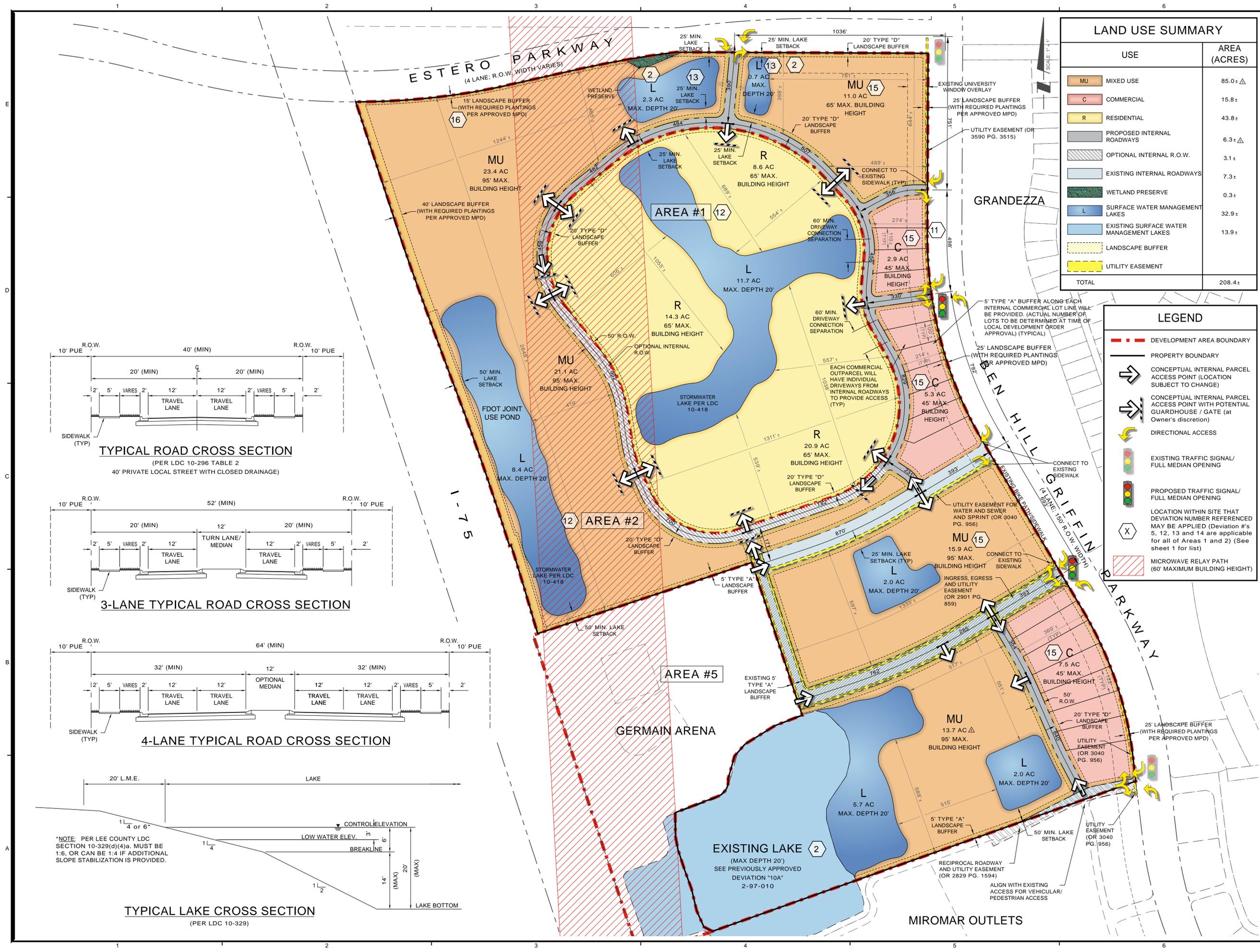
26-46-25-E3-34003.0000

NARRATIVE OF REQUEST

The Administrative Amendment is necessary to adjust internal lakes and roadways. The UHLP property has undergone Environmental Resource Permitting for the Springs at Estero and Tidewater. It has been determined that the site would benefit from additional and reconfigured lakes. Thus, the Administrative Amendment would eliminate the little square lake south of Everblades Parkway South and would shift the lake over. The existing lake will become larger, as additional lake that meets the District requirements is necessary. Since the existing lake will be bigger the parcel that was bounded by the existing lake on the west and a proposed internal roadway on the east becomes unwieldy. Thus, the western-most internal roadway between Everblades Parkway South and Miromar Outlets would be eliminated. The plan continues to provide for an internal connection between the outparcels and residential areas to the north and Miromar Outlets to the South. Plus, the public can utilize Everblades Parkway to access Germain Arena and travel south on an existing roadway to Miromar Outlets.

The Master Concept Plan is general in nature and it is understood that as the land goes through the permitting process, adjustments can be made to ensure compliance with all applicable regulations. The change in the lake and the roadway would result in one parcel instead of two that will be bounded by the reverse access road on the east, the existing lake on the west, Everblades Parkway South on the north, and the shared access road with Miromar Outlets to the south. The county has the ability pursuant to Chapter 10 of the Land Development Code to require additional interconnections with the shared access road to the south if it is deemed necessary.

The shifting of the small lake and the enlargement of the existing lake does not have an adverse external impact. The existing lake is a visual amenity and a buffer between Germain Arena and Miromar Outlets. The expansion of the existing lake will continue to be a visual amenity to the mall, and it will continue to provide a separation between disparate uses. The shifting of the lake provides for a lake that functions better and which is consistent with the requirements of the South Florida Water Management District. The elimination of the internal road does not provide an adverse impact because the single parcel that has now been created can provide its own interconnection in addition to the reverse access road.

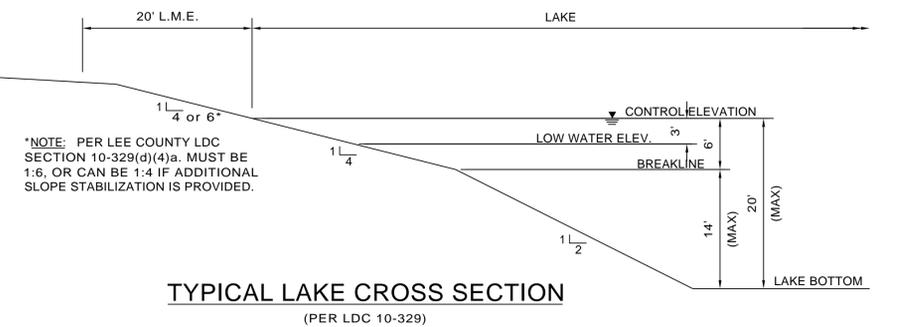
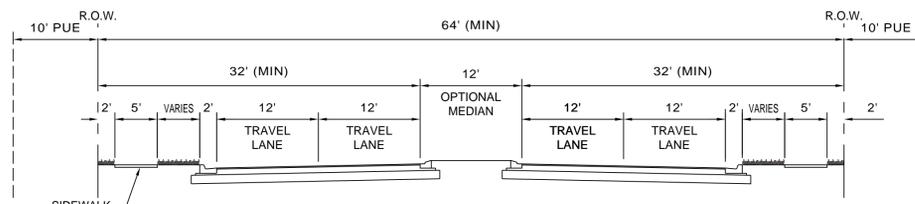
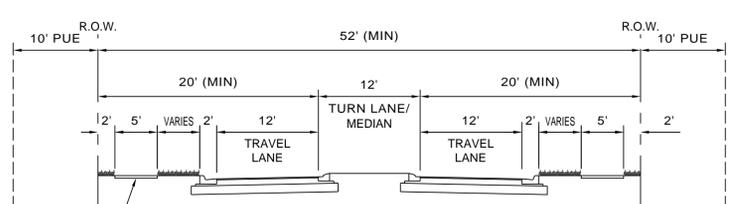
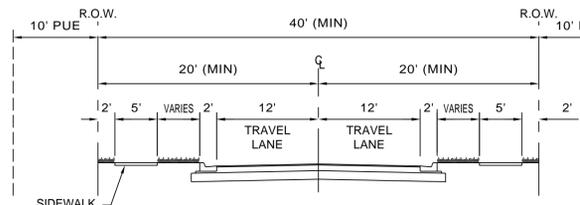


LAND USE SUMMARY

USE	AREA (ACRES)
MU MIXED USE	85.0 ± Δ
C COMMERCIAL	15.8 ±
R RESIDENTIAL	43.8 ±
PROPOSED INTERNAL ROADWAYS	6.3 ± Δ
OPTIONAL INTERNAL R.O.W.	3.1 ±
EXISTING INTERNAL ROADWAYS	7.3 ±
WETLAND PRESERVE	0.3 ±
L SURFACE WATER MANAGEMENT LAKES	32.9 ±
EXISTING SURFACE WATER MANAGEMENT LAKES	13.9 ±
LANDSCAPE BUFFER	
UTILITY EASEMENT	
TOTAL	208.4 ±

LEGEND

- DEVELOPMENT AREA BOUNDARY
- PROPERTY BOUNDARY
- CONCEPTUAL INTERNAL PARCEL ACCESS POINT (LOCATION SUBJECT TO CHANGE)
- CONCEPTUAL INTERNAL PARCEL ACCESS POINT WITH POTENTIAL GUARDHOUSE / GATE (at Owner's discretion)
- DIRECTIONAL ACCESS
- EXISTING TRAFFIC SIGNAL/ FULL MEDIAN OPENING
- PROPOSED TRAFFIC SIGNAL/ FULL MEDIAN OPENING
- LOCATION WITHIN SITE THAT DEVIATION NUMBER REFERENCED MAY BE APPLIED (Deviation #'s 5, 12, 13 and 14 are applicable for all of Areas 1 and 2) (See sheet 1 for list)
- MICROWAVE RELAY PATH (60' MAXIMUM BUILDING HEIGHT)



2600 Golden Gate Parkway
Naples, Florida 34105
Phone: 239-433-5700 Fax: 239-261-1797
Email: info@pen-eng.com Website: www.pen-eng.com
Florida Certificate of Authorization #28275

OWNER/CLIENT/CONSULTANT:

UNIVERSITY HIGHLAND LIMITED PARTNERSHIP

PROJECT:

T & T MPD AMENDMENT - (AREA #1 & #2) UHLP PROPERTY

TITLE:

MASTER CONCEPT PLAN (AREA #1 AND #2)

REVISIONS:

No.	Revision	Date
1	REMOVED WESTERN INTERNAL ROADWAY FROM SOUTHERN MIXED USE TRACT	3/30/15

NOTES:

0 50' 100' 200' 400' 600'

PROFESSIONAL SEALS:

PROFESSIONAL ENGINEER: JOHN C. ENGLISH
FLORIDA LICENSE NUMBER: 56171

SEC: 25 & 26 TWP: 46S RGE: 25E
Designed by: JOHN C. ENGLISH, P.E.
Drawn by: JASON LIGHTTELL
Date: APRIL 2014
Horizontal Scale: 1" = 200'
Vertical Scale: N.T.S.
Project Number: P-NMDV-003-006
File Number: P-NMDV-003-006-002SP

C-002

Sheet Number: 02 of 02