






# Attachment A - Zoning Map



### Legend

-  Property
-  City Boundary
- Low Resolution 15m Imagery

1: 4,514 

0.1 0 0.07 0.1 Miles

WGS\_1984\_Web\_Mercator\_Auxiliary\_Sphere  
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THIS MAP IS A QUICK VIEW PRESENTED BY CGA

### Notes



# Attachment B: Future Land Use Map

Urban Community

Suburban

Site



**ATTACHMENT C**  
**UNIVERSITY HIGHLANDS DCI2017-E007**  
**PROPOSED CONDITIONS**

**Conditions:**

1. The development of the 84,819 square foot building on Parcel 6 (Tract F-3) must be substantially consistent with the Site Plan entitled University Storage Tract F-3 date stamped received April 5, 2018. Self Storage facility is limited to 600 storage units.
2. The previous approval (contained in Resolution Number Z-10-031) including conditions and deviations remains in effect except as modified by the conditions and deviations contained in this approval.
3. Hours of Operation  
Hours of operation for the self storage facility are Monday through Sunday 6:00 AM to 10:00 PM. Customers may access their storage units only during these hours of operation.
4. Renter Defaults  
No on-site auctions are permitted.
5. Prohibited Uses  
No outdoor storage is permitted. No storage of cars, other motor vehicles, boats or boat trailers is allowed. No overnight parking is permitted. No businesses may be conducted from a storage unit. Customers may not store or abandon hazardous materials in the facility. No storage of animals, food, or other perishable items may be stored onsite. Customers may not live in a storage unit, no residential use is approved.
6. Maximum Building Height  
Maximum Building Height 45 feet or 3 stories (See Deviation for architectural feature height).
7. Tiburon Way and Tidewater Key Boulevard Road Buffer  
All new required trees must be a minimum 45 gallon container, 12-foot to 14-foot planted height. Shrub height must be 36 inches at time of installation and be maintained at 48 inches. Other landscape buffers must be installed consistent with the Landscape Plan last revised on March 2, 2018.
8. Finished First Floor Elevation  
The finished first floor of the building must be at 21.0 NAVD at a minimum.

**Deviations:**

Deviation (9) seeks relief from LDC section 33-229 which limits buildings outside of the Interstate Highway Interchange Areas to a maximum of three stories or 45 feet whichever is less to allow a tower with a maximum height of 47.5 feet.



John E. Manning  
*District One*

January 8, 2018

Via E-Mail

Cecil L Pendergrass  
*District Two*

Larry Kiker  
*District Three*

Brian Hamman  
*District Four*

Frank Mann  
*District Five*

Roger Desjarlais  
*County Manager*

Richard Wm Wesch  
*County Attorney*

Donna Marie Collins  
*County Chief*  
*Hearing Examiner*

Byron N. Taylor, P.E.  
Hole Montes, Inc.  
6200 Whiskey Creek Dr.  
Fort Myers, FL 33919

**RE: Potable Water and Wastewater Availability  
University Storage  
STRAP #: 26-46-25-E2-2500F.0030**

Dear Mr. Taylor:

The subject parcel is located within Lee County Utilities Future Service Area as depicted on Maps 6 and 7 of the Lee County Comprehensive Land Use Plan. Potable water and wastewater lines are in operation adjacent to the parcels mentioned above on Tidewater Key Way and Tiburon Way. However, in order to provide service to them, developer funded system enhancements such as line extensions may be required.

Your firm has indicated that this project will consist of 1 commercial unit with an estimated flow demand of approximately 836 gallons per day. Lee County Utilities presently has sufficient capacity to provide potable water and wastewater service as estimated above.

Availability of potable water and wastewater service is contingent upon final acceptance of the infrastructure to be constructed by the developer. Upon completion and final acceptance of this project, potable water service will be provided through the Pinewoods Water Treatment Plant.

Wastewater service will be provided by the Three Oaks Wastewater Treatment Plant. The Lee County Utilities' Design Manual requires the project engineer to perform hydraulic computations to determine what impact this project will have on our existing system.

With regard to effluent reuse service; there are currently no reuse facilities available in the vicinity of the project site and therefore, Lee County does not have the capability of providing service at this time.

January 8, 2018

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This letter should not be construed as a commitment to serve, but only as to the availability of service. Lee County Utilities will commit to serve only upon receipt of all appropriate connection fees, a signed request for service, and the approval of all State and local regulatory agencies.

Further, this letter of availability of potable water and wastewater service is to be utilized for DO submittal and SFWMD permitting purposes only. Individual letters of availability will be required for the purpose of obtaining building permits.

Sincerely,

A handwritten signature in blue ink, appearing to read 'Nathan Beals', with a long horizontal flourish extending to the right.

Nathan Beals, PMP  
Senior Manager  
(239) 533-8157  
LEE COUNTY UTILITIES

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

WHEREAS, University Highland Limited Partnership filed an application on behalf of the property owner, Nassant & Company, LLC, in reference to Timberland and Tiburon MPD Amendment; and,

WHEREAS, a public hearing before the Lee County Zoning Hearing Examiner was advertised and held on September 15, 2010, and September 23, 2010. At the conclusion of the hearing, the Hearing Examiner left the record open and requested Staff and the Applicant to submit written submissions to his Office on or before September 21, 2010; and,

WHEREAS, the Hearing Examiner gave full consideration to the evidence in the record for Case #s DRI2010-00001 and DCI2010-00005 and recommended Approval of the Request; and,

WHEREAS, a second public hearing was advertised and held on October 18, 2010, before the Lee County Board of Commissioners; and,

WHEREAS, the Lee County Board of Commissioners 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 as follows:

DRI2010-00001: Application for Notice of Proposed Change (NOPC) for Timberland& Tiburon Development of Regional Impact (DRI) (DRI# 7-8384-46) to reduce the number of residential units from 2,335 to 2,279; add the uses of Assisted Living, Continuing Care, Independent Living units or other similar units in a mix of unit types; increase retail commercial space from 818,000 to 910,000 square feet (approximately 810, 000 square feet currently existing); add 150,000 square feet of commercial office space (50,000 square feet of which may be medical); revise various conditions of the DRI Development Order (DRI DO) which have been complied with; change from annual to biennial reporting; and extend expiration date from November 15, 2010, to December 30, 2018.

DCI2010-00005: Amend MPD zoning to reduce the number of residential units from 2,335 to 2,279; add the uses of Assisted Living, Continuing Care, Independent Living Units or other similar units in a mix of unit types; increase retail commercial space from 818,000 to 910,000 square feet (approximately 810,000 square

feet currently existing); and add 150,000 square feet of commercial office space (50,000 square feet of which may be medical).

The property is located in the Suburban and Wetlands Future Land Use Categories 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. Zoning Conditions:

The following zoning conditions replace those in existence for the parcel identified as University Highlands (originally approved in Zoning Resolution Z-97-010, and amended by Resolutions Z-97-072, Z-98-020). The University Highlands parcel is shown on the approved Master Concept Plan (MCP) attached hereto as Exhibit C. Zoning Resolution Z-97-010, as amended by Resolutions Z-97-072 and Z-98-020, remain in full force and effect for all portions of the MPD not subject to this resolution. The DO, as amended, will be in full force and effect for all properties subject to the DRI DO. The development of the University Highlands tract must be in accordance with the following conditions and with the Timberland & Tiburon Development of Regional Impact Development Order. Master Concept Plan/Development Parameters:

2. Master Concept Plan/Development Parameters:

Development of this project must be consistent with the two-sheet (MCP) entitled "T&T MPD Amendment (Area 1 & 2) ULP Property," stamped received "Lee County Hearing Examiner, Sep 21 2010 PM 4:21," attached as Exhibit C, and "University Highland Limited Partnership Image Book," dated September 7, 2010, attached as Exhibit E, except as modified by the conditions below.

Development must comply with all requirements of the 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.

The maximum approved development intensity within the University Highland portion of the Mixed Use Planned Development and the associated DRI Development is 1,300 dwelling units, which can include Assisted Living units and Continuing Care Facility units, and Social Services Group IV subject to the density equivalency under LDC §34-1494, and limited to a maximum of 200 units with cooking facilities or maximum 800 without cooking facilities within the entire ULP property as depicted on the MCP; up to 555 single family units, 800 duplex units, 800 two-family units, 1,300 townhouse units, and 555 zero-lot line units subject to a conversion formula in Condition 18 below; and Dormitory and Fraternity House, maximum of 1,300 units with cooking facilities and a maximum of 5,200 units without cooking facilities; allowed in a manner consistent with LDC § 34-2.

150,000 square feet of office use, of which up to 50,000 square feet can be medical office.

99,384 square feet of retail use.

200 hotel units.

3. Submittal Requirements:

As part of the submittal for a local development order for the subject property, the developer is required to submit the information set forth below for review and approval as part of the local development order application. The information submitted must address the following:

The purpose of the review is to ensure that the development of Timberland and Tiburon, UHLP Property, is in compliance with the approved Zoning Resolution (as may be amended) and the DRI DO, while at the same time allowing some flexibility in response to changing development practices.

The following information must be provided with the application for a local development order:

- a. a cumulative land development summary table, including:
  - (1) The approved development intensity.
  - (2) The development intensity granted as part of previous development order approval(s).
  - (3) The proposed development intensity sought as part of the local development order application under review.
  - (4) The remaining development intensity.
- b. The location and dimensions of external access points that are included within the local development order application.
- c. The location and dimensions of internal roadways included in the local development order application.
- d. The location and dimensions of buildings/structures, setbacks, and building heights included in the local development order application.
- e. The boundary of the development tract(s) that is the subject of the application.
- f. The identification of the adjacent zoning outside of the Timberland and Tiburon DRI.
- g. The identification of the required buffers, public spaces, and landscape.
- h. The identification of the required open space, including an ongoing tabulation of the required open space.
- i. The identification of any required civic spaces.



- j. Detailed drawings identifying the use and application of any deviations.
- k. The location of proposed on-street and off-street parking included in the local development order application.

Additional information may be requested consistent with the zoning resolution and the DRI DO in order to render a determination of compliance with the Zoning Resolution and DRI DO.

4. Uses and Site Development Regulations:

a. Schedule of Uses

AREA #1

Accessory uses and Structures

- Administrative Offices
- Assisted Living Facility - Maximum of 200 units with cooking facilities or maximum 800 without cooking facilities
- Clubs, Private & Fraternal
  - Communication Facility, wireless (facilities will be located on buildings or as an accessory use to a permitted use)
- Community Residential Home
- Consumption on Premises (limited solely to the uses of Clubs and Food and Beverage Service, limited outdoor seating is not permitted without further review)
- Continuing Care Facility (per LDC § 34-2 and §34-494 (See Condition 2)
- Dormitory Dwelling Unit All Unit types except Mobile Home (maximum of 1,300 total units in Areas #1 and #2)
  - Maximum single family 555 units
  - Maximum duplex 800 units
  - Maximum two-family 800 units
  - Maximum townhouse 1,300 units
  - Maximum multi-family 1,300 units
  - Maximum zero lot line 555 units
- Entrance Gate or Gatehouse (subject to Condition 6)
- Essential service facilities (34-622(c)(13)): Group I
- Excavation, Water Retention
- Food and Beverage Service, limited
- Fraternity House
- Health care facilities (34-622(c)(20)): Groups I, II, III
- Home Care Facility
- Model Unit
- Parks (34-622(c)(32)): Group I and II
- Parking Lot, Accessory
- Recreational Facilities: Private/Personal
- Residential Accessory Uses
- Signs, in accordance with Chapter 30 and 33 of the LDC
- Social services (34-622(c)(46)): Group IV

## AREA #2

### Accessory uses and Structures

Assisted Living Facility - Maximum of 200 units with cooking facilities or maximum 800 units without cooking facilities (See Condition 2)

Building Materials Sales (limited to 50,000 square feet total)

Business services (34-622(c)(5)): Group II, limited to automobile claim adjusters, repossessing services, messenger services, packaging services, parcel and express services Chemicals and allied products, manufacturing (limited to 284) (limited to 10,000 square feet for any one use)

Clubs, Private & Fraternal

Communication Facility, wireless (Freestanding wireless communication facilities [tower, including stealth type] are prohibited. However, other wireless communication facilities may be approved in accordance with LDC § 34-1441, *et. seq.*)

Consumption on Premises Permitted in Group III restaurant and Hotel (outdoor seating may be permitted through the administrative amendment process)

Continuing Care Facility (per LDC § 34-2 and §34-1494) - Maximum of 200 units with cooking facilities or maximum 800 units without cooking facilities

Cultural Facilities

Dormitory

Dwelling Unit

All Unit types except Mobile Home (maximum of 1,300 total units in Areas #1 and #2)

Maximum single family 555 units

Maximum duplex 800 units

Maximum two-family 800 units

Maximum townhouse 1,300 units

Maximum multi-family 1,300 units

Maximum zero lot line 555 units

Food and Beverage Service, limited

Fraternity House

Health care facilities (34-622(c)(20)): Groups I, II, III, & IV

Hotel/Motel (limited solely to the Mixed Use [MU] areas)

Insurance Companies

Laundry or dry cleaning (34-622(c)(24)): Group II (limited to dry cleaning and linen supply)

Model Display Center, Home, Unit

Nightclub, Bar or Cocktail Lounge (No freestanding Nightclub, or Bar and Cocktail Lounge)

(The use is an ancillary use permitted in conjunction with a Group III restaurant or Hotel)

Parks (34-622(c)(32)): Group I and II

Printing and Publishing (limited to printing and publishing utilizing computer and other technology, no printing presses or other heavy equipment may be used in the printing process.)

Real Estate Sales Office

Recreational Facilities: Private/Personal

Research and development laboratories (34-622(c)(41)): Groups II and IV

Social services (34-622(c)(46)): Group IV  
 Transportation services (34-622(c)(53)): Group I  
 Warehouse: mini-warehouse

All uses permitted by right in the CC and CS-1 district (see LDC § 34-843), except the following: Aircraft Landing Facility; Bait and Tackle Shop; Bus Station; Commercial Use of Beachfront; Contractors and Builders, all Groups; Excavation, Oil and Gas; Flea Market, Indoor; Forestry Tower Funeral Homes or Mortuary; Government Maintenance Facility; Mass Transit Depot; Storage, Open.

Uses allowed by Special Exception in the CC and CS-1 districts may be permitted through the Special Exception process as contained in LDC Chapter 34.

b. Property Development Regulations:

The Property Development Regulations Table on the MCP is consistent with the following:

Minimum Lot Area and Dimensions for Areas #1 & #2:

All uses except Residential:

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

Residential use only:

Minimum Lot Area and Dimensions:

Area: 2,800 square feet  
 Width: 35 feet for single family, zero lot line, duplex and townhouse  
 100 feet for multi-family  
 Depth: 100 feet

Minimum Setbacks (Areas #1 and #2):

Street (Private ROW, for Bldg Heights 0'-65')	20'
Street (Private ROW, for Bldg Heights 65'-95')	20' + (0.5' horizontal for every 1.0' Vertical over 65' Bldg Height)
Street (Public ROW, for Bldg Heights 0'-65')	25'
Street (Public ROW, for Bldg Heights 65'-95')	25' + (0.5' horizontal for every 1.0' Vertical over 65' Bldg Height)
Side Setback (Area #1): (minimum principal structure separation of 10') for single family, zero lot line, duplex, townhouse	5'/0'
Side Setback (Area #1) for multi-family	10'
Side Setback (Area #2): 15' Rear Setback (Area #1): for single family, zero lot line, duplex, townhouse	10'
Rear Setback (Area #1); for multi-family	20'

Rear Setback (Area #2):		25'
Water Body (Areas #1 and #2): (with Structural Treatment)		25'/0'
Maximum Lot Coverage:	Area #1	55%
	Area #2	40%

Overall University Highlands MPD:

Maximum building heights are limited within the development as follows:

- All Commercial use parcels on the - 45 feet
- Mixed Use parcel fronting on Ben Hill Griffin Pkwy (NE MU parcel at corner of Ben Hill Griffin and Estero Parkway) — 65 feet (\*see Notes 1 and 2 below)
- Mixed Use parcel fronting on Ben Hill Griffin Parkway (MU parcel between Everblades Parkway) — 95 feet (\*see Notes 1 and 2 below)
- All other Mixed Use Parcels - 95 feet  
[Mixed Used parcels are designated MU on the MCP, and Residential Areas are designed R on the MCP.]
- All Residential parcels - 65 feet

\*Notes:

1. Buildings with a height of 45 feet shall have a minimum setback from Ben Hill Griffin Parkway ROW of 25 feet.
2. For each additional one foot of building height above 45 feet, the portions of the building above 45 feet shall be set back an additional six feet horizontally from the Ben Hill Griffin Parkway ROW for each additional one foot of building height above 45 feet.

Maximum building height is also limited by Condition 22 and Ordinance 07-26.

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

Minimum building separation within this development for all buildings. The building separation shall be as per LDC.

5. Development along Ben Hill Griffin Parkway: Development of property adjacent to Ben Hill Griffin Parkway will be allowed to have one two-way drive aisle with parking stalls on both sides (i.e., one double-loaded drive aisle) (Exhibit D). All remaining parking areas must be to the side or the rear of the buildings as viewed from Ben Hill Griffin Parkway.
6. Native Buffers: All required buffers must utilize 100 percent native vegetation.
7. Environmental Conditions:
  - a. Vegetation Removal Permit:
    - (1) Prior to issuance of a vegetation removal permit, a copy of the appropriate gopher tortoise relocation permit issued by the Florida Fish and Wildlife



Conservation Commission (FWC) must be submitted to the Division of Environmental Sciences staff. Any gopher tortoises and commensal species found during burrow excavation must be moved to preserves containing suitable gopher tortoise habitat as approved by FWC and Lee County Division of Environmental Sciences staff.

- (2) Prior to issuance of a vegetation removal permit for any phase of development on the Timberland and Tiburon DRI site, the developer must submit a management plan, consistent with the ERP and the ACOE permit, which protects the Eastern Indigo snake from injuries associated with construction activities. This plan will be reviewed by the Division of Environmental Sciences.
- (3) Prior to issuance of the first vegetation removal permit, the developer must submit a copy of the approved ACOE permit including any applicable US Fish and Wildlife Service (FWS) Biological Opinion (BO) or listed species concurrency documentation to the Division of Environmental Sciences staff.

b. Protected Species Management Plan:

Prior to local development order approval, the developer must submit a protected species management plan meeting the requirements of LDC §10-474. This management plan must outline protection measures for the following species: gopher tortoise, wading birds, wood stork, and American alligator. An educational plan for large mammals incorporates educational brochures to increase awareness of safety and construction precautions regarding large mammals, design of bear proof dumpsters, and any other State and Federal permit requirements must be provided. Additional management plans may be required pursuant to condition II.J.3. of the DRI DO.

c. Army Corps of Engineers and South Florida Water Management District:

The original developer applied for and obtained a permit (Permit #199302371) from the U.S. Army Corps of Engineers (ACOE) to fill specified jurisdictional wetlands on this site (See DRI - DO Exhibit C). That permit incorporated the terms of a June 19, 1996 agreement between the developer and Lee County. The agreement required the developer to pay, as off-site mitigation, Environmental Assessments of \$1,700.00 per developed acre (up to \$1,200,000.00 in total) as a condition of local development order approval. This agreement is attached as (DRI - DO Exhibit D) to the DO.

Between 1997 and 2001, the County collected \$830,727 in Environment Assessments in accordance with the agreement. In June of 2005, \$634,202.01 of Environmental Assessments were used to purchase lands within the target area designated in the 1996 agreement (Site 93, Imperial Marsh Preserve). Approximately \$196,525 of funds collected remain for restoration, preservation, and management of the portion of the preserve purchased with the Environmental Assessments in accordance with the Agreement. If ACOE finds mitigation required under the 1996 agreement is not sufficient, then the developer will be responsible to provide for the mitigation required by the ACOE.

The developer's Corps Permit (#199302371) expired before the proposed development was completed and the total, anticipated Environmental Assessments were not paid. No further Environmental Assessments will be provided by the developer of Areas #1 and #2 in accordance with the June 19, 1996 Agreement due to the expiration of permit #199302371. Lee County used the proceeds from this Environmental Assessment to acquire lands within the areas identified in (DRI-DO Exhibit D) of the June 19, 1996 agreement. The portion of the Imperial Marsh Preserve purchased with the Environmental Assessments will be managed by Lee County in an environmentally responsible manner and in accordance with procedures adopted by the County. The County must coordinate their management efforts with the South Florida Water Management District and other Lee County programs so that the total area acquired is managed to preserve and enhance its wildlife habitat and environmental value.

The developer of Areas #1 and #2 has applied for a new ACOE Permit that will require different off-site mitigation. All future development on the subject property must be consistent with the developer's, of Area #1 and #2, new ACOE permit, all necessary permits from Florida Department of Environmental Protection (DEP), the South Florida Water Management District (SFWMD), and other applicable State and Federal agencies.

- d. Open Space: Prior to local development order approval, development Area #2 must demonstrate an overall minimum 30 percent open space with each outparcel containing a minimum of 10 percent open space.

Prior to local development order approval, an open space tracking table must be provided demonstrating 51.5 acres of total open space for development Areas #1 and #2.

A total of 305.8 acres of overall open space for the entire Timberland and Tiburon DRI must be provided consistent with Map H.

- e. Indigenous Preservation: Prior to issuance of the first local development order, the applicant must provide either proof of purchase for the wetland mitigation credits from a permitted mitigation bank located no greater than one-mile distance from the Lee County boundaries, or alternative wetland mitigation approved by the ACOE provided from lands located within Lee County.

Panther Habitat units will be generated from the permitted wetland mitigation (bank or otherwise) located no greater than one-mile distance from the Lee County boundaries. Unmet Panther Habitat units required will be purchased from a FWS-approved panther conservation site located within the Panther Consultation Area as defined by FWS.

- f. Buffers:
  - (1) Prior to the first local development order approval for any portion of the property that is encompassed by the local development order application, development plans must depict a minimum 25-foot wide enhanced buffer along the east property line adjacent to Ben Hill Griffin Pkwy. The buffer must consist of a minimum eight trees per 100 linear feet of which a

minimum four native canopy trees must be provided with palms (counted at a 1:1 ratio) utilized for the balance of the buffer tree requirement; 66 native shrubs per 100 linear feet installed at three-gallon container size, 24-inch height to be maintained at a minimum 36-inch height; and 33 native groundcovers per 100 linear feet installed at one-gallon container size, 12-inch height. The buffer plants may be clustered to create view windows. The enhanced buffering required by this condition is in lieu of the buffers required by LDC §33-435 and §34-1353 for automotive service stations, convenience food and beverage stores, fast food restaurants, and car washes.

- (2) Prior to the first local development order approval for any portion of the property that is encompassed by the local development order application, development plans must depict a minimum 40-foot wide enhanced buffer along the west property line adjacent to I-75. Note this buffer may be placed within the drainage lake easement area provided the applicant complies with condition 7(f)(5). The buffer must consist of a minimum of 10 trees per 100 linear feet; 66 native shrubs per 100 linear feet installed at seven-gallon container size, 48-inch height, to be maintained at a minimum 60-inch height; and 33 native ground covers per 100 linear feet installed at one-gallon container size, 12-inch height. The buffer plants may be clustered to create view windows and must be planted on the exterior (right-of-way) side of the berm, if proposed.
- (3) Prior to local development order approval, the development order plans must demonstrate the use of 100 percent native vegetation for all required landscaping on site.
- (4) Prior to local development order approval, the development order plans must demonstrate the use of landscaping material for the buffers within the University Window Overlay consistent with the plant palette attached as Exhibit F to the agreement as recorded in OR2934 PG3441 of the Lee County Clerk of Courts. OR2934 PG3441 is attached hereto and made a part hereof (Exhibit F).
- (5) Prior to the first local development order approval for any portion of the property that incorporates the drainage lake area along I-75, a copy of a recorded easement agreement for the drainage lake along I-75 must be provided to Environmental Sciences Staff. The language of the agreement must allow for the placement of landscaping and littoral plantings within the easement. The littoral plantings within the easement must be designed to meet LDC §10-418 requirements while not reducing the storage attenuation for the pond in the agreement. The applicant is responsible for the long term maintenance and replacement of the landscaping should the landscaping be impacted due to work within the easement.
- (6) Internal Buffers: The application for local development order approval must identify all of the internal buffers consistent with the portion of the property encompassed by the local development order application.
- (7) Estero Parkway Buffer: See deviation 16.

8. Entrance Gate and Gatehouse: No Entrance Gate(s) and Gatehouse(s) are permitted to be built on "Existing Internal Roads" and "Proposed Internal Roads" as depicted on Sheet 002 of 002 of the MCP. In addition, all entrance gates and gatehouses must comply with the requirements of LDC §34-1748.
9. Sidewalks: Sidewalks will be provided as required by the MCP and the LDC throughout the development to provide access to all development parcels within the project (including between Everglades Parkway and Areas #1 and #2 north of the Parkway and arena). Sidewalks must be provided for on the plans under review as part of any local development order application. The sidewalks ultimately must be connected to existing facilities on Ben Hill Griffin Parkway and Estero Parkway.
10. Utilities: The development must connect to potable water and sanitary sewage utilities as part of the vertical development of this planned development.
11. Architectural: Architectural designs must be submitted with each development order that includes vertical development. The application must demonstrate compliance with Chapter 33 of the LDC and the Image Book.
12. Vehicular/Pedestrian Impacts: Approval of this zoning request does not address mitigation of the project's vehicular or pedestrian traffic impacts. Additional conditions consistent with the LDC may be required to obtain a local development order.
13. Lee County Comprehensive Plan Consistency: Approval of this zoning request does not guarantee local development order approval. Future development order approvals must satisfy the requirements of the Lee County Comprehensive Plan Planning Communities Map and Acreage Allocation Table, Map 16, and Table 1(b), be reviewed for, and found consistent with, the retail commercial standards for site area, including range of gross floor area, location, tenant mix and general function, as well as all other Lee County Comprehensive Plan provisions.
14. Concurrency: Approval of this rezoning does not constitute a finding that the proposed project meets the concurrency requirements set forth in LDC Chapter 2 and the Lee County Comprehensive Plan. The developer is required to demonstrate compliance with all concurrency requirements prior to issuance of a local development order.
15. Solid Waste Management: As part of any local development order approval for vertical development, the development order plans must include facilities in compliance with the LDC §10-261 and Solid Waste Ordinance # 08-10 for the pick-up/disposal of solid waste and recyclables. The minimum area required for, and specific locations of, these facilities will be reviewed at the time of local development order application.
16. Federal Emergency Management Agency/Letter of Map Revision FEMA/LOMR: The applicant has submitted for a Letter of Map Revision (LOMR). Development in the portion of the property subject to the LOMR must comply with applicable FEMA maps and regulations at the time of local development order.
17. Protection of Telecommunication Facilities: Development within this planned development must comply with all requirements of Lee County Ordinance 07-26 (as may be amended



from time to time). At the time of local development order, the applicant must demonstrate compliance with this Ordinance.

18. Residential Conversion Formula: A combination of the approved residential types (Single-family, Two-family, Townhouse, Multi-family, Single-Family Detached, and Zero lot line) will be allowed based on conversion rates of 2.3 multi-family/townhouse units per single-family/zero lot line unit and 1.6 multi-family/townhouse units per duplex/two-family unit.

### SECTION C. DEVIATIONS:

#### Previously Approved Deviations:

1. Water Retention: Deviation (2) sought relief from the LDC §10-329(d)(1) requirements to provide that excavations for water retention must be located a minimum of 50 feet from a private property line under separate ownership or 50 feet from the right-of-way line of a collector or arterial street (unless granted an administrative deviation to reduce to a minimum of 25 feet). As indicated on the MCP, this deviation is requested to be applied to the existing lake adjacent to Germain Arena and the two proposed lakes adjacent to the Estero Parkway Right-of-Way. This deviation is APPROVED.
2. Parking Spaces: Deviation (5) sought relief from the LDC §34-2016(2)a.2 requirement to provide that parking spaces not abutting a curb, fence, wall or other structure, must be provided with a parking wheel stop; to remove the requirement for wheel stops within Area #1 and Area #2. This deviation is APPROVED.
3. Intersection Connection Separation: Deviation (11) seeks relief from the LCD §10-285, Table 1, requirement to provide an intersection connection separation of 660 feet on arterial streets; to allow a distance of 498 feet on Ben Hill Griffin Parkway. This deviation is APPROVED.
4. Building Height: Deviation (12) seeks relief from the LDC § 33-229 requirement to provide that building height in the Estero community outside the Interstate Highway Interchange Areas to three stories or 45 feet; to allow for a maximum building height of 65 feet in Area #1 and 95 feet in Area #2. This deviation is APPROVED, SUBJECT TO the requirements of Condition 4(b).
5. Water Bodies/Park Areas: Deviation (13) seeks relief from the LDC §33-117 requirement to provide that bodies of water, including wet and dry detention areas, exceeding 20,000 square feet in cumulative area and located adjacent to a public right-of-way are considered park area and an attractor for pedestrian activity. These areas must incorporate into the overall design of the project at least two of the following items:
  - a. A five-foot wide walkway with trees an average of 50 feet on center; shaded benches a minimum of six feet in length located on average every 150 feet; or,
  - b. A public access pier with covered structure and seating; or,
  - c. An intermittent shaded plaza/courtyard, a minimum of 200 square feet in area with benches and/or picnic tables adjacent to the water body; and/or

- d. A permanent fountain structure.

The lakes adjacent to Estero Parkway will have proximity to sidewalks constructed within the rights-of-way adjacent to the lakes and each of the lakes will contain a permanent fountain structure. The combination of the sidewalks within the rights-of-way adjacent to the lakes and the fountains will be considered as satisfaction of the requirements of LDC §33-117. This deviation is APPROVED.

- 6. Indigenous Vegetation: Deviation (14) seeks relief from the LDC §10-415(b) requirement - Indigenous Native Vegetation and Trees; to allow for the indigenous preservation requirements within Area #1 and Area #2 to be provided off-site in accordance with the provisions of LDC §10415(b)(5) and Condition 7(e). This deviation is APPROVED, SUBJECT to the requirements of Condition 7(e).
- 7. Landscaping: Deviation (15) seeks relief from the LDC § 33-435 - Landscaping for Automobile Service Stations and Convenience Food and Beverage Stores, and LDC §34-1353 - Convenience Food and Beverage Stores, Automotive Service Stations, Fast Food Restaurants and Car Washes; to allow for the enhanced buffer proposed along Ben Hill Griffin Parkway to be substituted for the specific requirements in LDC §33-435 and §34-1353. This deviation is APPROVED, SUBJECT to the requirements of Condition 7(f)(1).
- 8. Landscape Standards: Deviation (16) seeks relief from the LDC § 33-351 requirement to provide for modified landscape standards along the northern property boundary with Estero Parkway. Pursuant to discussions with County Staff, the applicant has agreed to provide a 20-foot wide Type "D" landscape buffer along the northern property line from the 0.3 acres preserve area eastward to Ben Hill Griffin Parkway. West of the 0.3 acre preserve area, Estero Parkway is an elevated roadway with a retaining wall for the crossing of Estero Parkway over 1-75. The landscape buffer west of the 0.3 acre preserve area will have a width of 15 feet and the applicant requests that buffer landscaping required be eight sabal palms per 100 linear feet with staggered heights of 16 to 20 feet at the time of planting and no shrubs. This deviation is APPROVED, SUBJECT TO the conditions set forth herein.

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 (with the subject parcel indicated)
- Exhibit C: The Master Concept Plan
- Exhibit D: Parking Exhibit
- Exhibit E: Image Book, dated September 7, 2010
- Exhibit F: University Window Overlay Plant Palette
- Exhibit G: Ninth Amendment to the T&T DRI Development Order

The applicant has indicated that the STRAP number for the subject property is:

26-46-25-00-00001.1020

SECTION E FINDINGS AND CONCLUSIONS:

1. The applicant has proven entitlement to the rezoning by demonstrating compliance with the Lee Plan, the LDC, and other applicable codes and regulations.
2. The MPD rezoning, as conditioned:
  - 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, as conditioned, 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.
6. No development of an area set aside for preservation or special protection of endangered plant or animals is sought in this application.
7. That the requests, as conditioned, do not create new or additional unreviewed regional impacts and do not constitute a Substantial Deviation under Section 380.06(19), Fla. Stat.

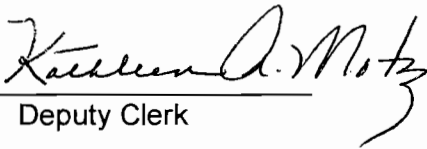
Commissioner Judah made a motion to adopt the foregoing resolution, seconded by Commissioner Manning. The vote was as follows:

John E. Manning	Aye
Brian Bigelow	Aye
Ray Judah	Aye
Tammara Hall	Aye
Frank Mann	Aye

DULY PASSED AND ADOPTED this 18<sup>th</sup> day of October 2010.

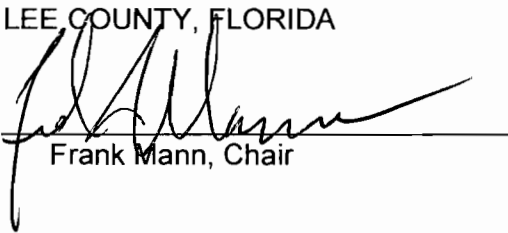
ATTEST:  
CHARLIE GREEN, CLERK

BY:

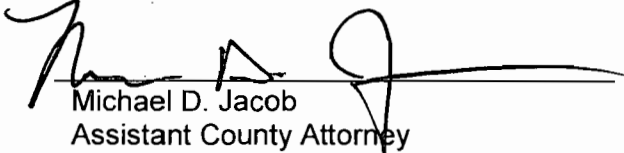
  
Deputy Clerk

BOARD OF COUNTY COMMISSIONERS  
OF LEE COUNTY, FLORIDA

BY:

  
Frank Mann, Chair

Approved as to form by:

  
Michael D. Jacob  
Assistant County Attorney  
County Attorney's Office



RECEIVED  
MINUTES OFFICE  
2010 DEC - 7 PM 1:37





EXHIBIT A  
 Legal Description,  
 Property located in Lee County,  
 Florida

A parcel of land located in Sections 25 and 26, Township 46 South, Range 25 East, Lee County, Florida, being more particularly described as follows:  
 (University Highland Parcel less and excepting  
 Parcel 103A and Parcel 106)

Commence at the Northeast corner of Section 26, Township 46 South, Range 25 East, Lee County, Florida;  
 Thence run North 89° 44'39" West, along the North line of the Northeast quarter of said Section 26 for a distance of 651.54 feet to a point on the Westerly right of way line of Ben Hill Griffin Parkway, a 150.00 foot right of way as the same is recorded in O.R. Book 2745, page 1550 through 1554 of the Public Records of Lee County, Florida.  
 Thence along said right of way South 00° 14'58" West 75.00 feet to the Point of Beginning;

Thence continue along said right of way South 00°14'58" West 885.54 feet;  
 Thence continue along said right of way 1,073.77 feet along the arc of a non-tangential circular curve concave east having a radius of 1,985.00 feet through a central angle of 30°59'37" and being subtended by a chord which bears South 15°14'50" East 1,060.72 feet;  
 Thence continue along said right of way South 30°44'39" East 954.33 feet;  
 Thence continue along said right of way 768.64 feet along the arc of a circular curve concave west having a radius of 1,835.00 feet through a central angle of 24°00'00" and being subtended by a chord which bears South 18°44'39" East 763.04 feet;  
 Thence continue along said right of way South 06°44'39" East 109.71 feet;  
 Thence leaving said right of way South 70°33'22" West 2,206.62 feet;  
 Thence North 62°14'40" West 47.93 feet;  
 Thence North 24°07'56" West 85.91 feet;  
 Thence North 13°20'01" West 110.09 feet;  
 Thence North 20°09'25" West 97.07 feet;  
 Thence North 18°09'29" West 106.45 feet;  
 Thence North 10°45'16" West 65.81 feet;  
 Thence North 00°34'45" West 113.28 feet;  
 Thence North 31°30'22" East 4.37 feet;  
 Thence North 69°15'14" East 221.19 feet;  
 Thence 108.06 feet along the arc of a non-tangential circular curve concave northwest having a radius of 80.00 feet through a central angle of 77°23'31" and being subtended by a chord which bears North 30°33'30" East 100.03 feet;  
 Thence North 16°01'19" East 116.07 feet;  
 Thence North 41°14'47" East 75.68 feet;  
 Thence North 58°07'13" East 50.38 feet;  
 Thence North 58°27'44" East 124.90 feet;  
 Thence North 69°15'14" East 112.24 feet;  
 Thence North 70°28'40" East 30.06 feet;  
 Thence North 18°17'53" West 787.91 feet;  
 Thence South 71°42'07" West 1,109.14 feet to the easterly line of parcel 103A as recorded in instrument #2009000063112, public records of Lee County, Florida.

APPROVED  
 LEGAL *BJ*  
 5/12/10

DCI 2010-00005

Corporate Office 3200 Bailey Lane Suite 200 Naples, Florida 34105

800.649.4336 239.649.4040 F 239.643.5716

WilsonMiller.com

Thence along said easterly line for the following five (5) described courses;

- 1) 82.88 feet along the arc of a non-tangential circular curve concave east having a radius of 35,918.50 feet through a central angle of 00°07'56" and being subtended by a chord which bears North 16°38'50" West 82.88 feet;
- 2) 369.14 feet along the arc of a non-tangential circular curve concave west having a radius of 15,081.49 feet through a central angle of 01°24'09" and being subtended by a chord which bears North 16°52'41" West 369.13 feet;
- 3) South 70°32'57" West 8.23 feet;
- 4) 828.89 feet along the arc of a non-tangential circular curve concave west having a radius of 15,071.50 feet through a central angle of 03°09'04" and being subtended by a chord which bears North 19°09'21" West 828.79 feet;
- 5) 743.11 feet along the arc of a non-tangential circular curve concave east having a radius of 35,896.14 feet through a central angle of 01°11'10" and being subtended by a chord which bears North 20°05'33" West 743.09 feet to a point of the east right of way of Interstate I-75 (State Road 93).

Thence along said east right of way North 18°17'53" West 727.20 feet to a point on the south line of parcel 106 as recorded in instrument #2006000069199, public records of Lee County, Florida;

Thence along the southerly line of said parcel 106 for the following four (4) described courses;

- 1) 765.90 feet along the arc of a non-tangential circular curve concave north having a radius of 3,506.50 feet through a central angle of 12°30'53" and being subtended by a chord which bears North 83°37'38" East 764.38 feet;
- 2) North 77°22'12" East 321.73 feet;
- 3) 512.73 feet along the arc of a non-tangential circular curve concave south having a radius of 5,375.00 feet through a central angle of 05°27'56" and being subtended by a chord which bears North 80°06'06" East 512.54 feet;
- 4) South 89°44'39" East 1,234.40 feet to the west right of way line of said Ben Hill Griffin Parkway and the POINT OF BEGINNING.

Containing 208.41 acres, more or less.

Bearings are based on the North line of the Northeast ¼ of Section 26, Township 46 South, Range 25 East, Lee County, Florida, being North 89°44'39" West.

Certificate of authorization #LB-43.

WilsonMiller, Inc.  
Registered Engineers and Land Surveyors

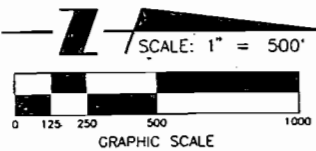
By: Michael H. Maxwell Date 04/06/2010  
Michael H. Maxwell, Professional Surveyor and Mapper #LS4650

Ref: 2K-315A

Not valid unless embossed with the Professional's seal.

APPROVED  
LEGAL

DCI 2010-00005



SOUTHWEST ¼ OF SECTION 26,  
TOWNSHIP 46 SOUTH, RANGE 25 EAST

INTERSTATE I-75 (STATE ROAD 93)  
PER FLORIDA DEPARTMENT OF TRANSPORTATION RIGHT-OF-WAY MAP  
FOR STATE ROAD 93(I-75), LEE COUNTY, SECTION 12075-2402

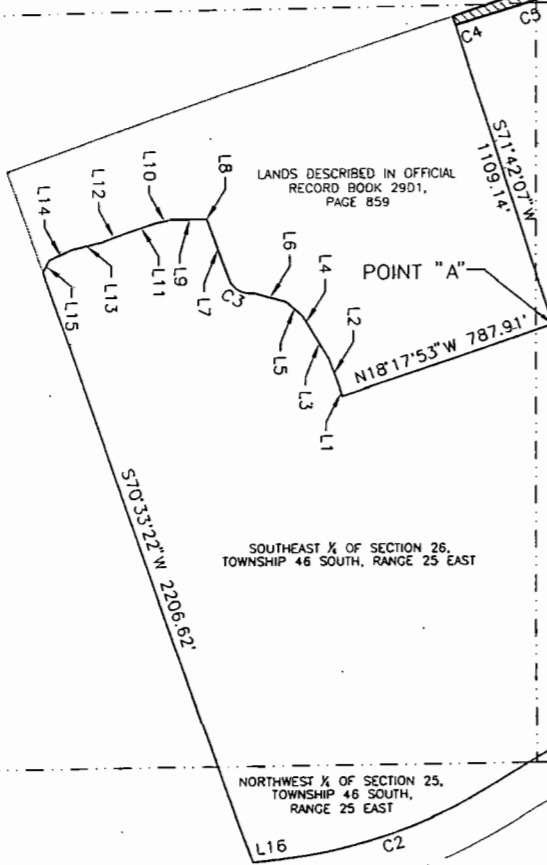
NORTHWEST ¼ OF SECTION 26,  
TOWNSHIP 46 SOUTH, RANGE 25 EAST

NORTH ¼ CORNER OF SECTION 26,  
TOWNSHIP 46 SOUTH, RANGE 25 EAST

PARCEL 103A  
(NOT INCLUDED)

PARCEL 106  
(NOT INCLUDED)

NORTH LINE OF SECTION 26



LANDS DESCRIBED IN OFFICIAL  
RECORD BOOK 29D1,  
PAGE 859

SOUTHEAST ¼ OF SECTION 26,  
TOWNSHIP 46 SOUTH, RANGE 25 EAST

NORTHWEST ¼ OF SECTION 25,  
TOWNSHIP 46 SOUTH,  
RANGE 25 EAST

CURVE TABLE						
CURVE	LENGTH	RADIUS	DELTA	TANGENT	CHORD BEARING	CHORD
C1	1073.77'	1985.00'	30°59'37"	550.37	S15°14'50"E	1060.72'
C2	768.64'	1835.00'	24°00'00"	390.04	S18°44'39"E	763.04'
C3	108.06'	80.00'	77°23'31"	64.08	N30°33'30"E	100.03'
C4	82.88'	35918.50'	0°07'56"	41.44	N16°38'50"W	82.88'
C5	369.14'	15081.49'	1°24'09"	184.58	N16°52'41"W	369.13'
C6	828.89'	15071.50'	3°09'04"	414.55	N19°09'21"W	828.79'
C7	743.11'	35896.14'	1°11'10"	371.57	N20°05'33"W	743.09'
C8	765.90'	3506.50'	12°30'53"	384.48	N83°37'38"E	764.38'
C9	512.73'	5375.00'	5°27'56"	256.56	N80°08'06"E	512.54'

LINE TABLE		
LINE	LENGTH	BEARING
L1	30.06	N70°28'40"E
L2	112.24	N69°15'14"E
L3	124.90	N58°27'44"E
L4	50.38	N58°07'13"E
L5	75.68	N41°14'47"E
L6	116.07	N16°01'19"E
L7	221.19	N69°15'14"E
L8	4.37	N31°30'22"E
L9	113.28	N00°34'45"W
L10	65.81	N10°45'16"W
L11	106.45	N18°09'29"W
L12	97.07	N20°09'25"W
L13	110.09	N13°20'01"W
L14	85.91	N24°07'56"W
L15	47.93	N62°14'40"W
L16	109.71	S06°44'39"E
L17	321.73	S77°22'16"W
L18	343.03	N18°18'02"W
L19	885.92	S89°45'10"E
L20	2034.77	S89°44'35"E
L21	8.23	S70°32'57"W

PARCEL DESCRIBED  
208.41 ACRES +/-

NORTHEAST ¼ OF SECTION 26,  
TOWNSHIP 46 SOUTH, RANGE 25 EAST

S00°14'58"W  
885.54'

P.O.B.  
PARCEL  
DESCRIBED  
S00°14'58"W  
75.00'

SECTION 26  
SECTION 25

P.O.C.  
NORTHEAST CORNER OF  
SECTION 26, TOWNSHIP 46  
SOUTH, RANGE 25 EAST

S30°44'38"E 954.33'  
BEN HILL GRIFFIN PARKWAY 150' RIGHT OF WAY  
PER D.R. BOOK 2745, PAGE 1550

**SURVEYOR'S REPORT/NOTES**

1. BEARINGS ARE BASED ON THE NORTH LINE OF THE NORTHEAST ¼ OF SECTION 26, TOWNSHIP 46 SOUTH, RANGE 25 EAST, BEING NORTH 89°44'39" WEST PER STATE PLANE COORDINATE SYSTEM FLORIDA WEST ZONE.
2. ALL DIMENSIONS ARE IN FEET AND DECIMALS THEREOF, UNLESS OTHERWISE NOTED.
3. THIS SKETCH MAY HAVE BEEN REDUCED.
4. NOT VALID WITHOUT ACCOMPANYING DESCRIPTION, REFERENCE WILSONMILLER DOCUMENT #217795.
5. DESCREPIENCIES WITH THE PARENT PARCEL LEGAL AND PARCEL 106 LEGAL (INSTRUMENT #2006000069199 & PARCEL 103A LEGAL (INSTRUMENT #2009000063112), PUBLIC RECORDS OF LEE COUNTY, FLORIDA.

N89°44'35"W 651.52' TO PARCEL 106 POINT OF BEGINNING.  
N89°44'39"W 651.54' TO PARENT PARCEL POINT OF BEGINNING.  
BOTH LEGAL DESCRIPTIONS CALL FOR THE SAME LINE AND THE SAME RIGHT-OF-WAY.

C8 EXTENDED CURVE TO INTERSECT WITH EAST RIGHT OF WAY OF I-75, AND MATCH PARENT PARCEL.  
DEED: ARC LENGTH = 765.62, CHORD = 764.10  
DELTA = 12°30'36", CHORD BEARING = S83°37'34"W

C4- EXTENDED CURVE TO MATCH SOUTH LINE OF PARENT PARCEL  
DEED: ARC LENGTH = 83.83

STATE PLANE COORDINATES FLA WEST ZONE 83/90

P.O.B. = N=769016.7509 E=729902.5154

POINT "A" = N=766526.0880 E=729036.8988

**LEGEND**

- POB = POINT OF BEGINNING
- POC = POINT OF COMMENCEMENT
- INDICATES PARCEL 103A and 106 RIGHT OF WAY TAKES

PREPARED FOR: UNIVERSITY HIGHLAND LIMITED PARTNERSHIP  
FOR THE BENEFIT OF: UNIVERSITY HIGHLAND LIMITED PARTNERSHIP  
CERTIFICATE OF AUTHORIZATION #LB-43  
NOT VALID WITHOUT THE SIGNATURE AND THE ORIGINAL RAISED SEAL OF A FLORIDA LICENSED SURVEYOR AND MAPPER.

WILSONMILLER, INC.  
REGISTERED ENGINEERS AND LAND SURVEYORS  
3200 BAILEY LANE, SUITE 200, (239) 263-6408  
NAPLES, FLORIDA 34105

**APPROVED**  
**LEGAL**

Michael H. Maxwell  
MICHAEL H. MAXWELL, PROFESSIONAL SURVEYOR AND MAPPER LS#4650  
DATE: 02-09-10  
\*\*NOT A SURVEY\*\*

CLIENT: UNIVERSITY HIGHLAND LIMITED PARTNERS

**WilsonMiller**

Planners • Engineers • Ecologists • Surveyors • Landscape Architects • Transportation Consultants

WilsonMiller, Inc.

3200 Bailey Lane, Suite 200 • Naples, Florida 34105-8507 • Phone 239-649-4040 • Fax 239-263-6464 • Web Site www.wilsonmiller.com

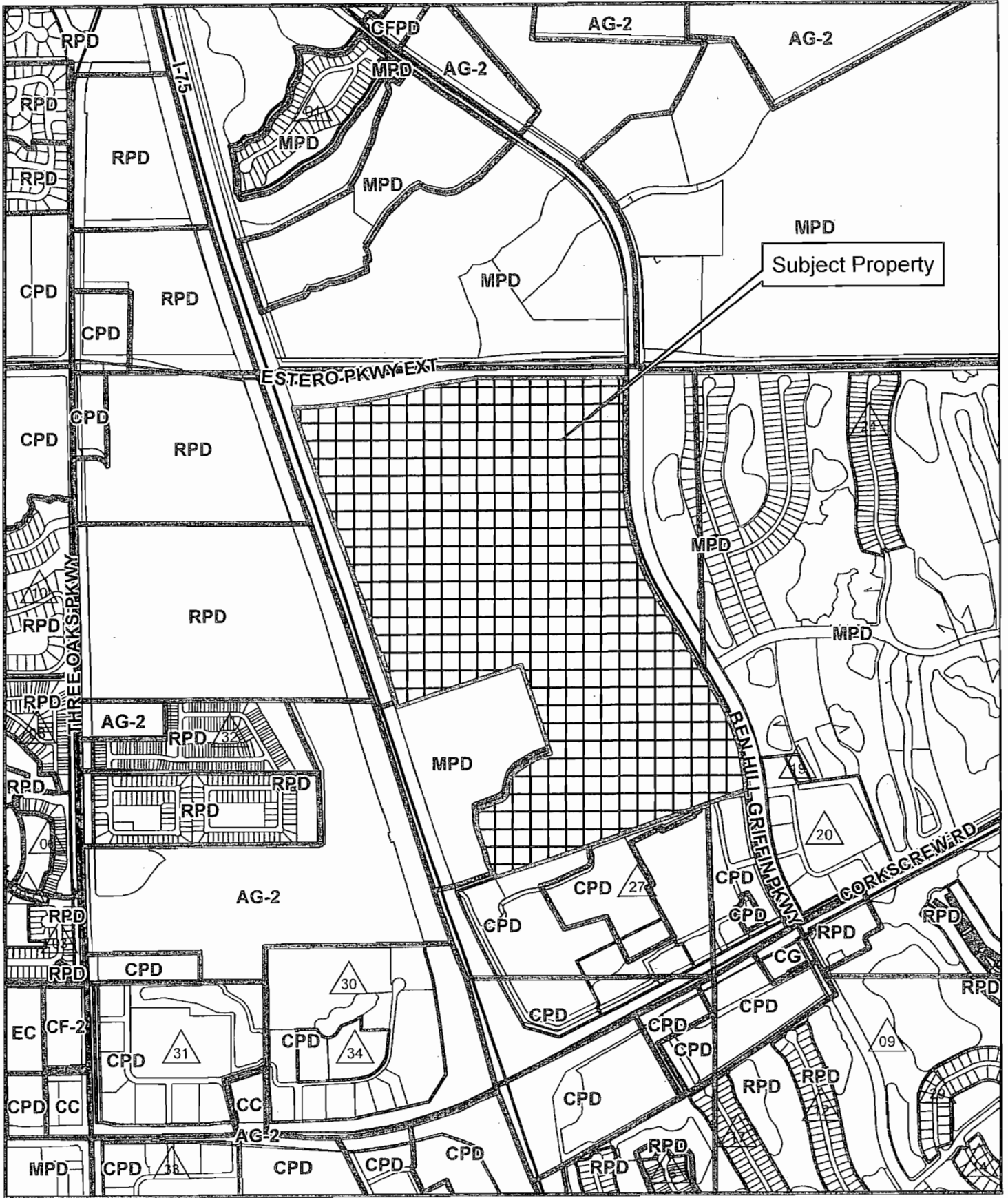
TITLE: SKETCH AND DESCRIPTION  
A PORTION OF SECTIONS 25 & 26,  
TOWNSHIP 46 SOUTH, RANGE 25 EAST,  
LEE COUNTY, FLORIDA

ACTIVITY	INITIALS	EMP. NO.	DATE
DRAWN BY:	WAG	831	02/02/10
CHECKED BY:	MHM	204	02/02/10
COMPUTED BY:			

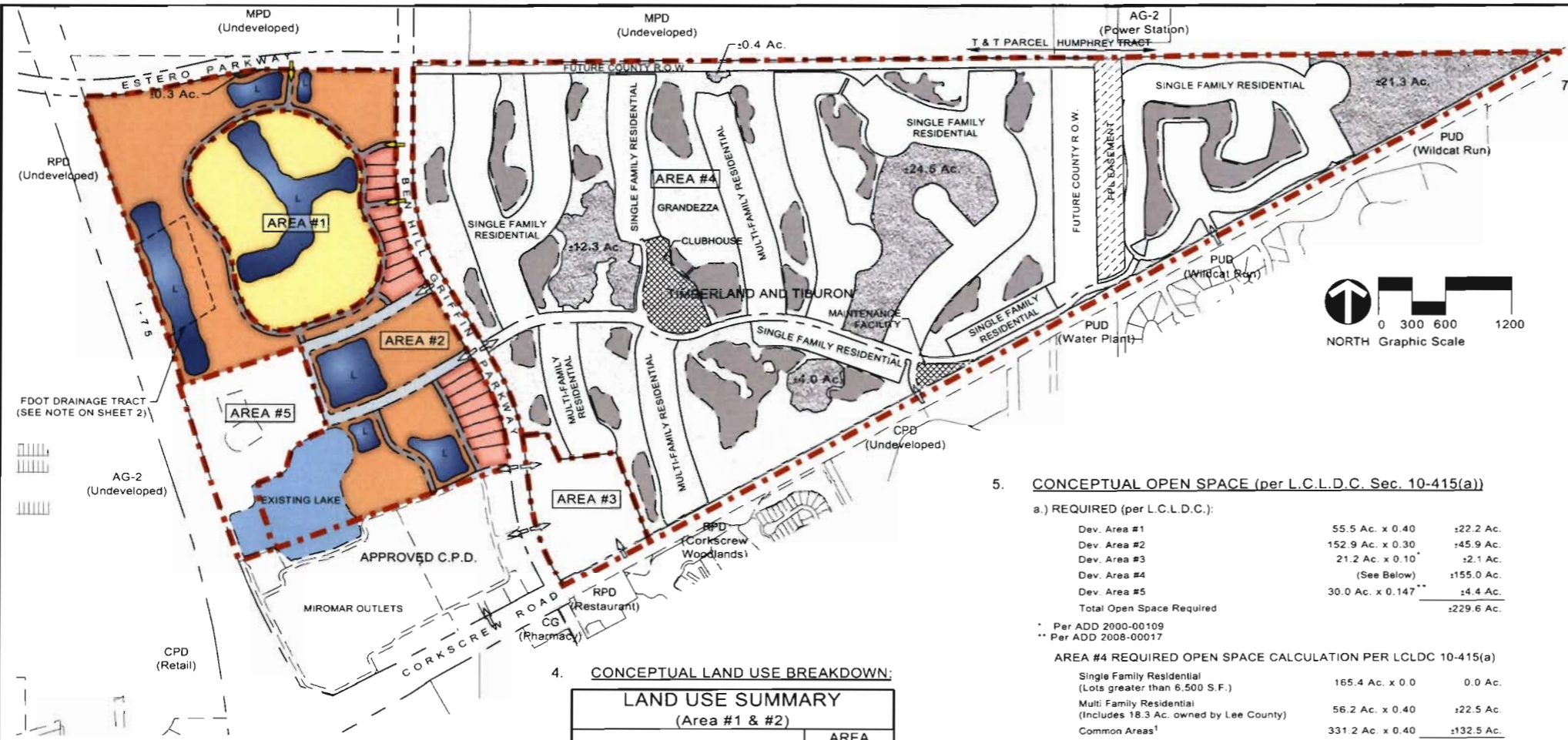
DATE:	HORIZONTAL SCALE:	VERTICAL SCALE:	SEC:	TWP:	RGE:	FIELD BOOK:	FIELD BOOK PAGE:
FEB. 2010	1" = 500'		26	46	25		

TASK:	PROJECT NO.:	SHEET NUMBER:	DRAWING NUMBER:
22400	03247-003-001	1 OF 1	2K-315A

# Zoning Map







**SCHEDULE OF DEVIATIONS**

- a. Previously Approved Deviations**
- 2 Deviation # 2 seeks relief from LDC Section 10-326(d)(1) which provides that excavations for water retention must be located a minimum of 50' from a private property line under separate ownership or 50 feet from the right-of-way line of a collector or arterial street (unless granted an administrative deviation to reduce to a minimum of 25 feet). As indicated on the MCP, this deviation is requested to be applied to the existing lake adjacent to Germain Arena and the two proposed lakes adjacent to the Estero Parkway Right-of-Way
  - 5 Deviation # 5 requests relief from the LDC Section 34-2016(2)a 2 requirement that parking spaces not abutting a curb, fence wall or other structure must be provided with a parking wheel stop, to remove the requirement for wheel stops from parking spaces within Areas #1 and #2
- b. Approved Deviations Under Resolution No. 7-10-031**
- 11 Deviation # 11 seeks relief from LDC Section 10-285, Table 1, which requires an intersection connection separation of 660' on arterial streets, to allow a distance of 498 feet on Ben Hill Griffin Parkway.
  - 12 Deviation # 12 seeks relief from LDC Section 33-229 which limits the building height in the Estero community outside the Interstate Highway Interchange Areas to three stories or 45 feet, to allow for a maximum building height of 65 feet in Area #1 and 95 feet in Area #2.
  - 13 Deviation # 13 seeks relief from LDC Section 33-117 which requires that bodies of water, including wet and dry detention areas, exceeding 20,000 square feet in cumulative area and located adjacent to a public right-of-way are considered park area and an attractor for pedestrian activity. These areas must incorporate into the overall design of the project at least two of the following items:
    - (1) A five-foot wide walkway with trees an average of 50 feet on center; shaded benches a minimum of six feet in length located on average every 150 feet or;
    - (2) A public access pier with covered structure and seating; or;
    - (3) An intermittent shaded plaza/courtyard, a minimum of 200 square feet in area with benches and/or picnic tables adjacent to the water body; and/or
    - (4) A permanent fountain structure
 The lakes adjacent to Estero Parkway will have proximity to sidewalks constructed within the rights-of-way adjacent to the lakes and each of the lakes will contain a permanent fountain structure. The combination of the sidewalks within the rights-of-way adjacent to the lakes and the fountains will be considered as satisfaction of the requirements of LDC Section 33-117.
  - 14 Deviation # 14 seeks relief from LDC Section 10-415(b) - Indigenous Native Vegetation and Trees to allow for the indigenous preservation requirements within Area #1 and Area #2 to be provided off-site in accordance with the provisions of LDC Section 10-415(b)(5).
  - 15 Deviation # 15 seeks relief from LDC Section 33-435 - Landscaping for Automobile Service Stations and Convenience Food and Beverage Stores and LDC Section 34-1353 - Convenience food and beverage stores, automotive service stations, fast food restaurants, and car washes to allow for the enhanced buffer proposed along Ben Hill Griffin Parkway to be substituted for the specific requirements in LDC Sections 33-435 and 34-1353.
  - 16 Deviation # 16 requests relief from Section 33-351 of the Lee County LDC to provide for modified landscape standards along a portion of the northern property boundary with Estero Parkway. In accordance with LCLDC Section 33-351, a 20 foot wide Type "D" landscape buffer will be provided along the northern property line from the 0.3 acre preserve area eastward to Ben Hill Griffin Parkway. This deviation requests relief from LCLDC Section 33-351 for the portion of the northern property boundary from the 0.3 acre preserve area west to the I-75 right-of-way. This deviation allows for a 15 foot wide buffer with eight sabal palms per 100 linear feet with staggered heights of 16 to 20 feet at the time of planting and no shrubs to be substituted for the 20 foot wide Type "D" buffer required per LCLDC Section 33-351.

**5. CONCEPTUAL OPEN SPACE (per L.C.L.D.C. Sec. 10-415(a))**

a.) REQUIRED (per L.C.L.D.C.):

Dev. Area #1	55.5 Ac. x 0.40	=22.2 Ac.
Dev. Area #2	152.9 Ac. x 0.30	=45.9 Ac.
Dev. Area #3	21.2 Ac. x 0.10*	=2.1 Ac.
Dev. Area #4	(See Below)	=155.0 Ac.
Dev. Area #5	30.0 Ac. x 0.147**	=4.4 Ac.
<b>Total Open Space Required</b>		<b>=229.6 Ac.</b>

\* Per ADD 2000-00109  
\*\* Per ADD 2008-00017

AREA #4 REQUIRED OPEN SPACE CALCULATION PER LCLDC 10-415(a)

Single Family Residential (Lots greater than 6,500 S.F.)	165.4 Ac. x 0.0	= 0.0 Ac.
Multi-Family Residential (Includes 18.3 Ac. owned by Lee County)	56.2 Ac. x 0.40	= 22.5 Ac.
Common Areas <sup>1</sup>	33.1 Ac. x 0.40	= 13.2 Ac.
<b>Total Open Space Required</b>		<b>= 155.0 Ac.</b>

**Note 1:** The common areas consist of the golf course, preserve areas, golf course clubhouse, golf course maintenance facility, FPL easement, surface water management lakes, and internal core road rights-of-way. In accordance with DOS 991010800 and DOS 2002-00188, the required open space for the common areas within development area #4 has been calculated at 40%.

b.) PROVIDED (per L.C.L.D.C.):

Development Area #1 (55.5 Ac. @ 10% min) & Area #2 (152.9 Ac. @ 30%)*	=51.5 Ac.
(Areas #1 & #2 are combined for the purpose of calculation of open space provided)	
Development Area #3	=2.9 Ac.
Development Area #4 (per DOS 991010800D and DOS 2002-00188) (SEE BELOW)	=247.0 Ac.
Development Area #5 (@ 14.7%)	=4.4 Ac.
<b>Total Open Space Provided</b>	<b>=305.8 Ac.</b>

Development Area #4 Open Space Provided (per DOS 991010800D and DOS 2002-00188)

Golf Course/Open Space	=133.7 Ac.
Conservation Easement	=62.9 Ac.
FPL Easement	=11.7 Ac.
Lakes**	=38.7 Ac.
<b>Total Development Area #4</b>	<b>=247.0 Ac.</b>

**Notes:**  
\* Area #2 outparcels may contain a minimum of 10% open space given that the combination of Areas #1 & #2 provide the total 51.5 acres of open space for Area #1 and #2.  
\*\* Lake area counted toward required open space equals 25% of the total required open space for Area #4

**4. CONCEPTUAL LAND USE BREAKDOWN:**

**LAND USE SUMMARY (Area #1 & #2)**

USE	AREA (ACRES)
MU MIXED USE	83.8:
C COMMERCIAL	15.7:
R RESIDENTIAL	43.8:
PROPOSED INTERNAL ROADWAYS	10.5:
EXISTING INTERNAL ROADWAYS	7.5:
WETLAND PRESERVE	0.3:
SURFACE WATER MANAGEMENT LAKES	32.9:
EXISTING SURFACE WATER MANAGEMENT LAKES	13.9:
<b>TOTAL</b>	<b>208.4:</b>

Development Area #3: (110,000 S.F. Commercial Retail)

Development Tracts	=21.2 Ac.
<b>Total Development Area #3</b>	<b>=21.2 Ac.</b>

Development Area #4: (490 S.F. Units / 610 MF Unit)

Proposed Internal Road R.O.W.	=25.5 Ac.
Development Tracts	=221.6 Ac.
Proposed Lakes	=77.77 Ac.
Proposed Upland / Wetland Preservation Enhancement Areas	=54.7 Ac.
Proposed Golf Course / Open Space	=150.8 Ac.
FPL Easement	=11.3 Ac.
Future Road R.O.W. Reservation:	
Proposed Corkscrew Rd R.O.W. Reservation	=8.3 Ac.
Proposed 50 ft. Drainage Easement	=2.5 Ac.
<b>Total Development Area #4</b>	<b>=552.8 Ac.</b>

Development Area #5:

Sports Complex Tract	=30.0 Ac.
<b>Total Development Area #5</b>	<b>=30.0 Ac.</b>

**6. INDIGENOUS OPEN SPACE**

a.) REQUIRED (per L.C.L.D.C. Sec. 10-415(b)(1)(a))

Indigenous Open Space Required = 229.6 Ac. X 50% = 114.8 Ac.
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b.) PROVIDED (per L.C.L.D.C. Sec. 10-415(b)(3))

Development Area #2	=0.3 Ac.
Development Area #3	=0.5 Ac. (Per DOS 2000-00231)
Development Area #4	=63.0 Ac. (Per DOS 991010800D) =21.3 Ac. (Per DOS 2002-00188)
<b>Total Indigenous Open Space Provided on-site</b>	<b>=85.1 Ac.</b>

**Note:** Due to a lack of suitable indigenous native vegetation on-site, the remaining required indigenous open space is proposed to be provided in off-site areas. Reference deviation #14 for additional information

**PROJECT SUMMARY**

1. **DEVELOPMENT AREA**

a. Area #1	=55.5 Ac.
b. Area #2	=152.9 Ac.
c. Area #3	=21.2 Ac.
d. Area #4	=552.8 Ac.
e. Area #5	=30.0 Ac.
f. Total Areas #1 - #5	=812.4 Ac.

2. **REQUEST:** Amend MPD for Area #1 and #2

3. **PARCEL SIZE**

a. ORIGINAL D.R.I. D.O. PLUS Humphrey Tract Parcel	=794.5 Ac.
PLUS Humphrey Tract Parcel	=126.7 Ac.
ENTIRE PARCEL REGULATED BY D.R.I. D.O.	=921.2 Ac.
b. LESS Corkscrew Rd. R.O.W. Dedication	=4.7 Ac.
LESS Ben Hill Griffin Pkwy R.O.W. Dedication	=17.4 Ac.
LESS Approved CPD Parcel	=75.0 Ac.
c. TOTAL REMAINING PARCEL (Previous Approval)	=824.1 Ac.
d. LESS Estero Pkwy and I-75 R.O.W. Taking	=11.7 Ac.
e. TOTAL REMAINING PARCEL	=812.4 Ac.

**DCI 2010-00005**

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**COMMUNITY DEVELOPMENT**

**DRI 2010-00001**



UNIVERSITY HIGHLAND LIMITED PARTNERSHIP  
T & T MPD AMENDMENT - (AREA #1 & #2)  
UHLP PROPERTY

MASTER CONCEPT PLAN