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VILLAGE OF ESTERO, FLORIDA

ORDINANCE NO. 2016 - 05

A ZONING ORDINANCE OF THE VILLAGE COUNCIL OF THE VILLAGE OF ESTERO, FLORIDA; CORRECTING A SCRIVENER'S ERROR TO ELIMINATE THE MAXIMUM SIDE SETBACK OF FIVE FEET FOR THE PLAZA DEL SOL COMMERCIAL PLANNED DEVELOPMENT LOCATED AT THE INTERSECTION OF THREE OAKS PARKWAY AND CORKSCREW ROAD, VILLAGE OF ESTERO, FLORIDA; ADOPTING RECITALS; ADOPTING FINDINGS; AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, Estero Medical Center, LLC applied for an amendment to the Plaza del Sol Commercial Planned Development (CPD), approved by Lee County Zoning Resolution, #Z-03-039, and amended by Lee County Resolution #Z-09-037, to correct a scrivener's error that requires a maximum of five (5) feet for the side setback for buildings; and

WHEREAS, after research and analysis of the history of the zoning resolutions and the buildings constructed in the CPD since the zoning resolution approvals, the Village Director of Community Development has advised that the maximum side setback of five (5) feet appears to be a scrivener's error because there is no rationale to having a "maximum" side setback; and

WHEREAS, the subject property is located at the intersection of Three Oaks Parkway and Corkscrew Road, Village of Estero, Florida, with a legal description as described in Plat Book 80, Pages 74-76 of the Official Records of Lee County; and

WHEREAS, a public hearing was held with due public notice on March 22, 2016, by the Village of Estero Planning and Zoning Board which gave full consideration to the evidence available and recommended approval of the elimination of the five (5) foot maximum side setback; and

WHEREAS, a public information meeting for this application was held at the November 12, 2015, Village of Estero Design Review Board; and

WHEREAS, first reading of this ordinance was duly noticed and held on May 4, 2016, by the Village Council; and

43 **WHEREAS**, the second reading and duly noticed public hearing of this ordinance was
44 held on May 18, 2016, by the Village Council, which gave consideration to the evidence
45 available and determined that the adoption of the amendment to the zoning resolution to
46 eliminate the maximum side setback is in the public interest.

47
48 **NOW, THEREFORE**, be it ordained by the Village Council of the Village of Estero,
49 Florida:

50
51 **Section 1. Recitals Adopted.**

52 Each of the above stated recitals is hereby adopted and confirmed as being true and the
53 same are hereby incorporated as a part of this Ordinance.

54
55 **Section 2. Findings.**

56 The Village Council finds that the amendment complies with the Land Development
57 Code and the Comprehensive Plan, is consistent with the general Urban Community uses set
58 forth in the Comprehensive Plan, and is a minor correction to an internal side setback provision
59 which has no external impacts.

60
61 **Section 3. Approval.**

62 That the Village Council hereby approves the amendment to Lee County Zoning
63 Resolution #Z-09-037, section 2.B., Site Development Regulations, Setbacks, to eliminate the
64 maximum side setback of five (5) feet, as follows:

65
66 ...2. The following limits apply to the project and uses:

67 ...B. Site Development Regulations

68 ...Setbacks

69 Buildings

70 Private interior street Minimum of 20 feet

71 Side: Minimum of 0 feet - - -

72
73
74 This approval is unique to this particular petition and is not to be considered a precedent
75 in other matters.

76
77 **Section 4. Effective Date.**

78 This ordinance shall take effect immediately upon adoption.

79
80 **PASSED** on first reading this 4th day of May, 2016.

81
82 **PASSED AND ADOPTED BY THE VILLAGE COUNCIL** of the Village of Estero,
83 Florida this 18th day of May, 2016.

Attest:

VILLAGE OF ESTERO, FLORIDA

By: Kathy Hall
Kathy Hall, MMC, Village Clerk

By: Nicholas Batos
Nicholas Batos, Mayor

Approved as to form and legal sufficiency:

By: Nancy Stroud
Nancy Stroud, Esq., Village Land Use Attorney

Vote:	AYE	NAY
Mayor Batos	<u>✓</u>	_____
Vice Mayor Levitan	<u>✓</u>	_____
Councilmember Boesch	<u>✓</u>	_____
Councilmember Brown	<u>✓</u>	_____
Councilmember Errington	<u>✓</u>	_____
Councilmember Ribble	<u>✓</u>	_____
Councilmember Wilson	<u>✓</u>	_____



VILLAGE OF ESTERO ZONING STAFF REPORT

CASE TYPE: PLANNED DEVELOPMENT/AMENDMENT
CASE NAME: PLAZA DEL SOL: ESTERO MEDICAL CENTER
CASE NUMBER: ADD2016-E002
PLANNING & ZONING BOARD DATE: MARCH 22, 2015
VILLAGE COUNCIL DATES: MAY 4, 2016 & MAY 18, 2016

REQUEST AND STAFF RECOMMENDATION

The applicant is requesting to amend the Commercial Planned Development Zoning Resolution Number Z-09-037, Section 2.B, Property Development Regulations, to remove an internal setback provision which states that the side setback dimension for buildings must be a "maximum" of 5 feet. As further outlined in this report, staff recommends that the Village Council adopt Ordinance 2016-05 to make this correction.

APPLICATION SUMMARY

- Applicant:** Estero Medical Center LLC in reference to Plaza del Sol Commercial Planned Development (CPD), Lee County Zoning Resolution #Z-09-037.
- Request:** Amend CPD Zoning Resolution #Z-09-037, section 2.B, Property Development Regulations, Setbacks, Buildings, Side; to eliminate the provision "...., maximum of 5 feet".
- Location:** The subject property is located at the intersection of Three Oaks Parkway and Corkscrew Road, Village of Estero, FL. The applicant indicates the STRAP numbers are: 35-46-25-E1-3100A.0000, 3100B.0000, 3100C.0000, 3100D.0000, 3100E.0000, 3100F.0000, and 3100G.0000. The legal description of the property is Plaza Del Sol as described in Plat Book 80, Pages 74-76 of the Official Records of Lee County.

PUBLIC INFORMATION MEETING

The public information meeting for this application was held at the Design Review Board on Thursday November 12, 2015.

PLANNING & ZONING BOARD PUBLIC HEARING

The Planning & Zoning Board recommended approval of this request at a public hearing on March 22, 2016.

PROJECT HISTORY

The Plaza del Sol property was originally rezoned to Commercial Planned Development under Resolution #Z-03-039 and was subsequently amended under Lee County Resolution Number Z-09-037 which superseded the prior action.

Subsequent Actions

There have been no further zoning actions on this property.

STAFF ANALYSIS

The subject property is located in the Plaza del Sol commercial subdivision on the northeast corner of Three Oaks Parkway and Corkscrew Road. This 5 foot maximum setback requirement in Zoning Resolution #Z-09-037 applies to the entire Plaza del Sol subdivision (8 platted development parcels). Several buildings have been constructed already in this subdivision (including the Estero Medical Center, which is the applicant in this matter [on Parcel G], Culver's Restaurant [on Parcel F], and Blue Coast Properties car wash [on Parcel H]). None of these projects, all of which received development order approvals from Lee County, comply with this requirement (all exceed 5 feet for side setback). The strict application of this regulation would result in a commercial subdivision with buildings on adjacent parcels a maximum of 10 feet apart; that is not in compliance with fire code standards which require a minimum of 20 feet separation between such buildings. The subject setback regulation was first identified by Village staff when presented with a development permit matter. There are no external impacts since this relates to the side setbacks internal to the commercial subdivision and elimination of the provision would clearly allow buildings to be set back further from any side property line resulting in reduced impacts. Staff believes that this should be approved since it is apparently a scrivener's error and application of this regulation serves no public benefit. All other provisions of Resolution Z-09-037 will remain in full force and effect.

Findings and Conclusions

Findings of fact must be made to support a recommendation. Based upon an analysis of the application and its impacts, staff recommends the following findings and conclusions:

- a) The requested CPD zoning amendment complies with the Land Development Code and Comprehensive Plan.
- b) The requested CPD zoning amendment is consistent with the general Urban Community uses set forth in the Comprehensive Plan.
- c) The requested CPD zoning amendment is a minor correction to an internal side setback provision which has no external impacts.

ATTACHMENTS:

Zoning Resolution Z-09-037
Plat of Plaza del Sol
Ordinance 2016-05

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

WHEREAS, an application was filed by the property owner, Estero Medical Center LLC, to Amend the Plaza Del Sol Commercial Planned Development (CPD) in Lee County Zoning Resolution #Z-03-039, in reference to Plaza Del Sol CPD Amendment; and,

WHEREAS, a public hearing was advertised and held on November 5, 2009, before the Lee County Zoning Hearing Examiner, who gave full consideration to the evidence in the record for Case #DCI2008-00048; and

WHEREAS, a second public hearing was advertised and held on February 1, 2010, 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 amend the Plaza Del Sol Commercial Planned Development (CPD) Lee County Zoning Resolution # Z-03-039 to add Assisted Living Facilities (ALF), Continuing Care Facilities (CCF) and Independent Living Units (ILU) as allowable uses to the currently approved schedule of uses on Parcel G only. The maximum density proposed is 272 ALF/CCF units; 136 ILU; or the equivalent of 68 dwelling units. Maximum height proposed is unchanged (2 stories 35 feet). The development will connect to public potable water service and public sanitary sewer service. No development blasting is proposed. The property is located in the Urban Community Future Land Use Category and is legally described in attached Exhibit "A".

The request for 272 ALF/CCF units was reduced to 268 ALF/CCF units, 134 ILU; or the equivalent of 67.62 dwelling units (a maximum of 6.0 dwelling units on 11.27 acres of land) and the project 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. Master Concept Plans & General Development Parameters

- A. The development of this project must be substantially consistent with the two-page Master Concept Plan (MCP), Sheet 1 entitled, "Plaza Del Sol, Amendment to Master Concept Plan Z-94-050," dated May 10, 2002, last revised 03/15/2004, most recently date-stamped "Received Nov 06 2009

Community Development," and Sheet 2 entitled "ALF/CCF Alternate Master Concept Plan, Plaza Del Sol Parcel G, Lee County, Florida," dated 10/15/2008, last revised 02-01-10, date-stamped "Received Feb 04 2010 Community Development," both attached hereto as Exhibit "C", except as modified by the conditions below.

- B. This 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.
- C. The entire development is limited to a maximum of 230,000 square feet of gross floor area, including all gross floor area for the use of Health Care Facilities, Groups I, II and III. Of this total, up to a maximum of 50,000 square feet can consist of office space.

Maximum gross building square footage per parcel:

Parcel A	16,000 square feet
Parcel B	16,000 square feet
Parcel C	21,200 square feet
Parcel D	18,000 square feet
Parcel E	18,000 square feet
Parcel F	18,000 square feet
Parcel G (Anchor Parcel)	114,000 square feet
Parcel H	8,700 square feet

- D. Parcel G is limited to a maximum of 6 dwelling units per gross acre for a maximum of 67.62 dwelling units on a total of 7.08 acres (undeveloped portion of Parcel G) plus 3.98 acres for Parcel G's proportionate common area (29%), plus 0.21 acres (½ shared access drive of existing/future development parcels) for a total of 11.27 acres of land.
- E. Parcel G is limited to a Maximum of 268 units in assisted living facility/continuing care facility (ALF/CCF) uses, 4:1 equivalents per LDC §34-1494(b)(2) or 134 independent living units (ILU), 2:1 equivalents per LDC §34-1414(c) or any combination of ALF/CCF and/or ILU so long as the density does not exceed six (6) units per acre on 11.27 acres of land.
- F. ALF, CCF, ILU uses and related accessory uses are limited to Parcel G only.
- G. This Approval codifies the terms and conditions contained in Lee County Zoning Resolution No. Z-03-039 and Lee County Administrative Amendments ADD2004-00068, ADD2005-00016, ADD2005-00197 and ADD2006-00079. Those prior approvals are superceded and are deemed null and void upon the adoption of the Resolution approving this request.

- H. All conditions and commitments made in the "Plaza Del Sol Design Guidelines" must be adhered to as part of this planned development. (See attached Exhibit "D".)

2. The following limits apply to the project and uses

A. Schedule of Uses

Accessory Uses and Structures - including uses subordinate to an assisted living facility, continuing care facility and independent living units.
Animal Clinic
Auto Parts Store (No outdoor display or storage)
Assisted Living Facility - Limited to Parcel G and subject to Condition 1
Automatic Teller Machine (ATM)
Automotive Repair and Service - Group I only and excluding: automotive interior shops; automotive paint shops; automotive top installation or repair (canvas or plastic); cellular phone installation; glass replacement and repair; radio sales and installation; transmission repair; undercoating cars; and upholstery repair. These uses are allowed on Parcel H only, and must meet the requirements of LDC §33-431.
Banks and Financial Establishments - Groups I and II (Parcels C or D only)
Boat Parts Store (No outdoor display or storage)
Broadcast Studio, commercial radio and television
Business Services - Group I only
Car Wash - Restricted to Parcel H only and subject to Condition 10
Cleaning and Maintenance Services
Clothing Store, General
Clubs, excluding Country Club
Continuing Care Facilities - Limited to Parcel G and subject to Condition 1
Contractors and Builders - Group I only
Convenience Food and Beverage Store - Restricted to Parcel H only and limited to one structure in compliance with LDC §33-431
Consumption on Premises - Limited to Restaurants, Groups III and IV
Cultural Facilities
Day Care Center - Adult or Child
Department Store
Drive-thru facility - only in conjunction with a bank, drug store, pharmacy or fast food restaurant
Drug Store - Free Standing - Limited to one on entire site
Essential Services
Essential Service Facilities - Group I only
Excavation, Water Retention - Not to include the removal of excavated material from site, and no blasting
Fences and Walls
Food Store - Group I only and limited to anchor Parcel G
Hardware Store - No outdoor display or storage
Health Care Facilities - Groups I, II and III
Hobby, Toy, and Game Shop

Household/Office Furnishings - Groups I and II
 Independent Living Units - Limited to Parcel G and subject to Condition 1
 Insurance Companies
 Laundry or Dry Cleaning - Group I only
 Lawn and Garden Supply Store - Limited to less than 1 acre of outdoor display area
 Non-Store Retailers
 Office, Medical
 Package Store - Only in conjunction with a supermarket, food store or drug store
 Paint, Glass, and Wallpaper Store
 Parking Garage - Limited to Anchor Parcel G and only in conjunction with a retail use on the same parcel
 Parking Lot, Accessory
 Personal Services - Groups I and II
 Pet Shop and Pet Services - No outdoor kennels or runs
 Pharmacy
 Printing and Publishing - Limited to 5,000 square feet
 Recreation Facilities, Commercial - Group I only
 Rental or Leasing Establishments - Groups II and III (No outdoor display or storage)
 Repair Shop - Groups I, II and III (No outdoor display or storage)
 Restaurant - Fast Food - Limited to 1 on the entire CPD site and further restricted to one of these parcels: A, E, F, or G
 Restaurant, Standard - Groups I, II, III and IV
 Residential accessory uses and structures
 School, Commercial
 Self Service Fuel Pumps - Limited to a maximum of 12 fuel pumps and only in conjunction with a convenience food and beverage store
 Signs - In compliance with LDC Chapter 30 and the Estero regulations at the time of development orders (See also Deviations below)
 Social Services - Groups I and II
 Specialty Retail Shop - Groups I, II and III
 Studio
 Temporary Uses - Construction and Sales Office
 Variety Store

B. Site Development Regulations

Minimum Lot Dimensions:

Minimum Lot Area:	20,000 square feet
Minimum Lot Depth:	100 feet
Minimum Lot Width:	75 feet

Setbacks

Buildings

Private Interior Street
Side:

Minimum of 20 feet

Minimum of 0 feet, maximum of 5 feet

Streets

(Corkscrew Road):

Maximum of 45 feet

(Three Oaks Parkway):

Maximum of 50 feet

Rear Setback:

Minimum of 20 feet

Water Body:

Minimum of 25 feet

Maximum Lot Coverage: 40%

Maximum Building Height: 35 feet or two (2) stories

3. Traffic: 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.
4. Lee Plan Allocation: 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 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 Plan provisions.
5. Design Guidelines: Prior to local development order approval, the landscape plans must be consistent with the document entitled "Plaza Del Sol Design Guidelines," attached as Exhibit "D," and the LDC.
6. No Blasting: Development blasting is not an approved activity as part of this approved planned development. Development blasting must be approved through an amendment of this planned development that goes through the public hearing process.
7. Public Water and Sewer Hook-up Required: The subject property must connect to public potable water and public sanitary sewer service. At time of local development order, the developer must demonstrate there is adequate water and sewer capacity to handle the proposed level of development.
8. Accessory Uses: Within the Commercial Planned Development, accessory uses must be located on the same tract, parcel or outparcel where a principal use is located. Accessory uses must be incidental and subordinate to the principal use of the tract, parcel or outparcel.

9. Solid Waste/Recycling: As part of any local development order approval, the development order plans must include facilities in compliance with LDC §10-261 and Lee County 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.
10. Car Wash: The applicant must attach a response letter to any local development order submittal explaining how the Estero Design Review Committee suggestions/comments included in their December 21, 2004 letter (attached as Exhibit "E") may or may not be addressed.
11. Buffering and Landscaping: Prior to local development order approval for the undeveloped 7.08 acre portion of Parcel G and any associated portions of the existing 4.11 acre development, landscape plans must depict landscape islands and pedestrian walkways between the two uses to incorporate trees, shrubs and groundcover as required by Plaza Del Sol Design Guidelines B. 1. And C. 5. (See attached Exhibit "D")
12. Open Space: Prior to local development order approval for the undeveloped 7.08 acre portion of Parcel G, development order plans must depict a minimum of 10% open space is provided within the 7.08 acre project boundary.
13. Arcos Avenue Buffer: Prior to local development order approval for Parcel G, landscape plans must depict a minimum 15-foot-wide Type D right-of-way buffer along Arcos Avenue with a minimum of 7.5 feet of plantable area outside the 10-foot-wide public utility easement, in substantial compliance with the MCP.

SECTION C. DEVIATIONS:

Previously Approved Deviations

Deviations from Lee County Zoning Resolution #Z-03-039 remaining in full force and effect except as indicated below:

Water Retention Setback - Deviation (1) sought relief from the LDC §10-329(d)(1)(a)(3) requirement to provide a water retention setback of 50 feet from private property under separate ownership, to allow a setback of 25 feet.

Intersection Separation - Deviation (2) sought relief from the LDC §10-285(a) requirement to provide a separation distance of 660 feet on an arterial road, to allow a separation distance of 556 feet.

Deviations (3), (4), (5), (6), and (7) - WITHDRAWN.

Conservation Easement - Deviation (8) sought relief from the LDC §34-1044(b) (now §33-351) requirement and was approved to provide the conservation easement in the northeast portion of the CPD to substitute for the Type "A" buffer.

Reduced Buffer Width - Deviation (9) sought relief from the LDC §34-1044(b) (now §33-351) requirement to provide a 200-foot wide buffer along the internal rights-of-way, to reduce the width of the buffer to 15 feet. This deviation was Approved Subject To the requirement that the buffer contain the same vegetation as required in a Type "D" buffer was installed.

Deviation (10) - WITHDRAWN.

New Deviation 11

Buffer between Commercial Properties - Deviation (11) seeks relief from the LDC §33-351 requirement to provide a Type "A" buffer between commercial properties, to allow no buffer between the existing and future development on Parcel G. This deviation is APPROVED, SUBJECT TO Condition 11 hereinabove.

Deviations from Administrative Amendments remaining in full force and effect:

Administrative Amendment ADD2004-00068

Ground Mounted Signs on Parcels E and H - Deviation (1) sought relief from the LDC §30-153(3)(a)6 requirement and was approved - as conditioned below - to allow Parcels E and H to have two ground-mounted signs, instead of one sign per business; and

Monument Signs on Parcels E and H - Deviation (2) sought relief from the LDC §30-406(a)(1)c requirement and was approved to allow one monument style sign to be located at the southwest corner of Parcel E, and one monument style sign to be located at the southwest corner of Parcel H (each sign face was to be a maximum of 200 square feet in area), and one monument style sign, with a total sign face of 72 square feet, on each of Parcels E, and F.

These two Deviations were approved SUBJECT TO the following conditions:

1. The monument style signs to be located in the southwest corners of Parcels E and H, as depicted on the MCP, attached, are to be project identification signs, as defined by the LDC.
2. The single monument style signs, permitted a maximum total sign face of 72 square feet, above and beyond the permitted project identification signs on Parcels E and H, as depicted on the MCP, are restricted to locations on the internal road (to be named Arcos Avenue) for the project, and are prohibited from being visible from either Corkscrew Road or Three Oaks Parkway.
3. Parcels A, B, D and F, as depicted on the MCP, are permitted monument-style signs with a maximum total sign face of 72 square feet, which are restricted to locations on the internal road (to be named Arcos Avenue) for the project, and are prohibited from being visible from either Corkscrew Road, or Three Oaks Parkway.

Parking Setback from Corkscrew Road and Three Oaks Parkway - Deviations sought relief from the LDC §34-1047 requirement to provide a 35-foot parking setback from Corkscrew Road and to allow parking setbacks at 42.9, 43.0 and 43.2 feet from Three Oaks Parkway. These Deviations were APPROVED SUBJECT TO the following conditions.

1. The 3 trees, immediately south of Building 101, must be preserved as shown on the attached "PARKING AREA SETBACKS EXHIBIT", dated 6/01/2005 and date-stamped by the permit counter on October 13, 2005. (Attached as Exhibit "G")
2. The suggestions and comments of the Estero Design Review Committee, dated September 29, 2005, are attached hereto as Exhibit "F" for reference purposes.
3. Two parking spaces to be eliminated as shown on the sketch contained in attached Exhibit "G".

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 Plans
Exhibit D: Plaza Del Sol Design Guidelines
Exhibit E: Estero Design Review Committee (suggestions/comments included in their December 21, 2004 letter)
Exhibit F: Estero Design Review Committee (suggestions/comments included in their September 29, 2005 letter)
Exhibit G: Parking Area Setbacks Exhibit

The applicant has indicated that the STRAP number for the subject property is:
35-46-25-31-0000G.0000

SECTION E. FINDINGS AND CONCLUSIONS:

1. The applicant has proven entitlement to the rezoning by demonstrating compliance with the Lee Plan, the LDC, and any other applicable code or regulation.
2. The rezoning, as approved:
 - a. meets or exceeds all performance and locational standards set forth for the potential uses allowed by the request;

- b. is consistent with the densities, intensities and general uses set forth in the Lee Plan;
 - c. is compatible with existing or planned uses in the surrounding area;
 - 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;
 - 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.

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

Robert P. Janes	Aye
Brian Bigelow	Aye
Ray Judah	Aye
Tammara Hall	Aye
Frank Mann	Aye

DULY PASSED AND ADOPTED this 1st day of February, 2010.

ATTEST:
CHARLIE GREEN, CLERK

BY: Marcea Wilson
Deputy Clerk



BOARD OF COUNTY COMMISSIONERS
OF LEE COUNTY, FLORIDA

BY: Tammara Hall
Chair Commissioner

Approved as to form by:

John J. Fredyma
John J. Fredyma
Assistant County Attorney
County Attorney's Office

RECEIVED
MINUTES OFFICE
mw
2010 FEB 12 PM 12:03

Legal Description

Lot G, Plaza Del Sol, a subdivision, located in Section 35, Township 46 South, Range 31 East, according to the plat thereof on file and recorded in Plat Book 80, Pages 74 thru 76, of the Public Records of Lee County, Florida.

Parcel Number

35-45-25-31-0000G.0000

DCI2008-00048

App:
by BF 12-24-08

Banks Engineering

Professional Engineers, Planners & Land Surveyors
FORT MYERS ♦ NAPLES ♦ PORT CHARLOTTE ♦ SARASOTA

Legal Description Overall CPD

PLAZA DEL SOL, a subdivision according to the plat thereof recorded at Plat Book 80, Page 74-76, in the Public Records of Lee County, Florida.

RECEIVED
AUG 17 2009

COMMUNITY DEVELOPMENT

DCI 2008-00048

PLAZA DEL SOL

A SUBDIVISION
LYING IN

SECTION 35, TOWNSHIP 46 SOUTH, RANGE 25 EAST, LEE COUNTY, FLORIDA.

PLAT BOOK 80 PAGE 24

SHEET 1 OF 3

THIS INSTRUMENT PREPARED BY:
BEAN, WHITAKER, LUTZ & KAREH, INC.,
CONSULTING ENGINEERS AND SURVEYORS
13041-1 MCGREGOR BLVD. (239) 481-1331
FORT MYERS, FLORIDA 33919

NOTICE:

THIS PLAT, AS RECORDED IN GRAPHIC FORM, IS THE OFFICIAL DEPICTION OF THE SUBDIVIDED LANDS DESCRIBED HEREIN AND WILL IN NO CIRCUMSTANCES BE SUPPLANTED IN AUTHORITY BY ANY OTHER GRAPHIC OR DIGITAL FORM OF THE PLAT. THERE MAY BE ADDITIONAL RESTRICTIONS THAT ARE NOT RECORDED ON THIS PLAT THAT MAY BE FOUND IN THE PUBLIC RECORDS OF THIS COUNTY.

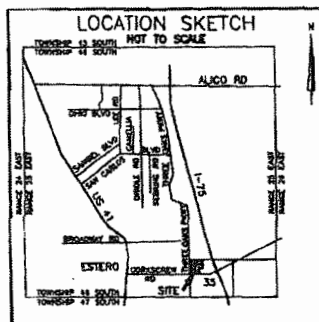
DESCRIPTION:

A PARCEL OF LAND SITUATED IN THE STATE OF FLORIDA, COUNTY OF LEE, SECTION 35, TOWNSHIP 46 SOUTH, RANGE 25 EAST AND FURTHER DESCRIBED AS FOLLOWS:

COMMENCING AT A CONCRETE MONUMENT MARKING THE NORTHWEST CORNER OF SAID SECTION 35; THENCE N89°42'56"E ALONG THE NORTH LINE OF SAID SECTION 35 FOR 120.88 FEET TO THE EASTERLY RIGHT-OF-WAY LINE OF THREE OAKS PARKWAY (120+/- FEET WIDE) AND THE POINT OF BEGINNING; THENCE CONTINUE N89°42'56"E ALONG THE NORTH LINE OF SAID SECTION 35 FOR 1481.35 FEET TO THE WESTERLY LINE OF A PARCEL DESCRIBED IN OFFICIAL RECORD BOOK 1454 AT PAGE 1828, PUBLIC RECORDS; THENCE S01°18'30"E ALONG THE WESTERLY LINE OF SAID PARCEL FOR 759.76 FEET TO THE NORTHEAST CORNER OF A PARCEL DESCRIBED IN OFFICIAL RECORD BOOK 2895 AT PAGE 410, PUBLIC RECORDS; THENCE S71°47'58"W ALONG THE NORTHERLY LINE OF SAID PARCEL FOR 300.00 FEET; THENCE S13°33'47"E ALONG THE WESTERLY LINE OF SAID PARCEL FOR 330.00 FEET TO THE NORTHERLY RIGHT-OF-WAY LINE OF CORKSCREW ROAD; THENCE S89°24'57"W ALONG SAID RIGHT-OF-WAY LINE FOR 137.80 FEET; THENCE S83°42'19"W ALONG SAID RIGHT-OF-WAY LINE FOR 100.30 FEET; THENCE S89°24'57"W ALONG SAID RIGHT-OF-WAY LINE FOR 500.00 FEET; THENCE N87°43'18"W ALONG SAID RIGHT-OF-WAY LINE FOR 100.12 FEET; THENCE S89°24'57"W ALONG SAID RIGHT-OF-WAY LINE FOR 200.00 FEET; THENCE N78°32'32"W ALONG SAID RIGHT-OF-WAY LINE FOR 103.00 FEET; THENCE S89°24'57"W ALONG SAID RIGHT-OF-WAY LINE FOR 84.38 FEET TO THE EASTERLY RIGHT-OF-WAY LINE OF THREE OAKS PARKWAY (120+/- FEET WIDE); THENCE N01°18'00"W ALONG SAID EASTERLY RIGHT-OF-WAY LINE FOR 1197.35 FEET TO THE POINT OF BEGINNING.

CONTAINING 36.01 ACRES, MORE OR LESS.

BEING THE SAME PARCEL AS DESCRIBED IN OFFICIAL RECORD BOOK 2883 AT PAGE 3058.



NOTICE

LANDS DESCRIBED IN THIS PLAT ARE SUBDIVIDED BY THE DEVELOPER WITHOUT THE ROADS, DRAINAGE AND SEWER FACILITIES BEING ACCEPTED FOR MAINTENANCE BY LEE COUNTY. ANY PURCHASER OF A LOT IN THIS SUBDIVISION IS ADVISED THAT HE MAY BE SUBJECT TO ASSESSMENT OR CALLED UPON TO BEAR A PORTION OR ALL OF THE EXPENSE OF CONSTRUCTION, MAINTENANCE OR IMPROVEMENT OF ROADS, DRAINAGE AND SEWER FACILITIES.

CONVEYANCE

UNDER ALL MEN IN THESE PRESENTS THAT SOL PROPERTY DEVELOPMENT, INC., A CORPORATION UNDER THE LAWS OF THE STATE OF FLORIDA, HAS GRANTED TO THE HEREIN DESCRIBED LANDS, HAS CAUSED THIS PLAT OF PLAZA DEL SOL, A SUBDIVISION LYING IN SECTION 35, TOWNSHIP 46 SOUTH, RANGE 25 EAST, LEE COUNTY, FLORIDA, TO BE MADE AND HEREIN:

1. DEDICATES TRACT "A" FOR LEE, DRAINAGE, AND REVISION PURPOSES TO THE PLAZA DEL SOL PROPERTY OWNERS ASSOCIATION, INC.
2. DEDICATES TRACT "B" TO THE PLAZA DEL SOL PROPERTY OWNERS ASSOCIATION, INC., FOR LANDSCAPE, AND COMMON AREA PURPOSES SUBJECT TO A GRANTING AGREEMENT OVER THE ENTIRE TRACT.
3. DEDICATES TRACT "C" FOR ROAD RIGHT-OF-WAY AND DRAINAGE PURPOSES TO THE PLAZA DEL SOL PROPERTY OWNERS ASSOCIATION, INC., SUBJECT TO A PUBLIC UTILITY EASEMENT AS DESCRIBED HEREIN AND DEPICTED ON THIS PLAT.
4. DEDICATES ALL DRAINAGE EASEMENTS FOR DRAINAGE AND STORM WATER MANAGEMENT PURPOSES AND LANDSCAPING EASEMENTS AND EASEMENTS TO THE PLAZA DEL SOL PROPERTY OWNERS ASSOCIATION, INC.
5. DEDICATES PUBLIC UTILITY EASEMENTS TO ALL PUBLIC AND PRIVATE UTILITIES IN PREPAREDNESS FOR OVERHEAD AND/OR UNDERGROUND PUBLIC UTILITIES AS DEPICTED ON THIS PLAT. THE PUBLIC UTILITY EASEMENTS ARE ALSO EASEMENTS FOR THE CONSTRUCTION, INSTALLATION, MAINTENANCE, AND OPERATION OF CABLE TELEVISION SERVICE, ELECTRIC, TELEPHONE, AND GAS OR OTHER PUBLIC UTILITY PURPOSES.
6. DEDICATES EASEMENTS Labeled "D" AS SHOWN ON THIS PLAT TO LEE COUNTY UTILITIES FOR THE CONSTRUCTION, INSTALLATION, MAINTENANCE, AND OPERATION OF WATER AND SEWER FACILITIES.

SOL PROPERTY DEVELOPMENT, INC.
A TEXAS CORPORATION

BY: *[Signature]*
JAMES A. COOPER, JR.
VICE PRESIDENT

WITNESSES:
STATE OF FLORIDA: *[Signature]*
COUNTY OF LEE: *[Signature]*

ACKNOWLEDGMENT:

STATE OF FLORIDA: *[Signature]*

COUNTY OF LEE: *[Signature]*

THE FOREGOING INSTRUMENT WAS ACKNOWLEDGED BEFORE ME THIS 21ST DAY OF NOVEMBER, 2004, BY JAMES A. COOPER, JR., PRESIDENT OF SOL PROPERTY DEVELOPMENT, INC., IN PRESENCE OF *[Signature]* AND *[Signature]* WHOSE NAMES AND ADDRESSES ARE PERSONALLY KNOWN TO ME AS BEING THE PRESIDENTS OF SAID CORPORATION.

NOTARY PUBLIC
MY NAME: *[Signature]*
MY COMMISSION EXPIRES: *[Signature]*

CORPORATE SEAL

(Seal)
NOTARY PUBLIC
STATE OF FLORIDA

NOTES:

1. DIMENSIONS SHOWN ARE IN FEET AND DECIMAL PARTS THEREOF.
2. ALL CURVES ARE CIRCULAR.
3. BEARINGS ARE STATE PLANE COORDINATE (FLORIDA WEST ZONE - N.A.D. 83) WITH THE NORTH LINE OF THE NORTHWEST ONE QUARTER (1/4) OF SECTION 35, TOWNSHIP 46 SOUTH, RANGE 25 EAST BEARING N89°42'56"E.

SURVEYOR'S CERTIFICATION:

I HEREBY CERTIFY THAT THE ATTACHED PLAT OF PLAZA DEL SOL, A SUBDIVISION LYING IN SECTION 35, TOWNSHIP 46 SOUTH, RANGE 25 EAST, WAS PREPARED UNDER MY DIRECTION AND SUPERVISION, AND COMPLIES WITH ALL THE REQUIREMENTS OF CHAPTER 177, PART 1, FLORIDA STATUTES. I FURTHER CERTIFY THAT THE PERMANENT REFERENCE MONUMENTS (PRM'S) HAVE BEEN PLACED AT THE LOCATIONS SHOWN ON THIS PLAT.

BEAN, WHITAKER, LUTZ & KAREH, INC. LE 4819
13041-1 MCGREGOR BOULEVARD, FORT MYERS
FLORIDA 33919-5819 (239) 481-1331 DATE: 11-16-04

SEAL

CLERK'S CERTIFICATION:

6825061

I HEREBY CERTIFY THAT THE ATTACHED PLAT OF PLAZA DEL SOL, A SUBDIVISION LYING IN SECTION 35, TOWNSHIP 46 SOUTH, RANGE 25 EAST, LEE COUNTY, FLORIDA WAS FILED FOR RECORD AT 2:48 P.M. THIS 31ST DAY OF NOVEMBER, 2004, AND DULY RECORDED IN PLAT BOOK 80, AT PAGE 24 THROUGH 26 OF THE PUBLIC RECORDS OF LEE COUNTY, FLORIDA.

[Signature]
NAME: CHARLIE GREE
CLERK OF THE COUNTY

SEAL

APPROVAL:

THIS PLAT IS ACCEPTED AND APPROVED BY THE BOARD OF COUNTY COMMISSIONERS, LEE COUNTY, FLORIDA THIS 21ST DAY OF NOVEMBER, 2004.

[Signature]
CHARLES A. JONES, JR.
CHAIRMAN OF THE BOARD

[Signature]
NAME: CHARLIE GREE
CLERK OF THE COUNTY

[Signature]
NAME: JOHN A. FORD, JR.
COUNTY ATTORNEY

[Signature]
NAME: JAMES A. COOPER, JR.
DIRECTOR, BUREAU OF DEVELOPMENT SERVICES

[Signature]
NAME: JAMES A. COOPER, JR.
DIRECTOR, BUREAU OF DEVELOPMENT SERVICES

[Signature]
NAME: JAMES A. COOPER, JR.
DIRECTOR, BUREAU OF DEVELOPMENT SERVICES

[Signature]
NAME: JAMES A. COOPER, JR.
DIRECTOR, BUREAU OF DEVELOPMENT SERVICES

[Signature]
NAME: JAMES A. COOPER, JR.
DIRECTOR, BUREAU OF DEVELOPMENT SERVICES

SEAL

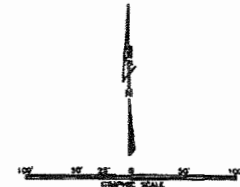
SEAL

EXHIBIT "A"
(Page 3 of 5)

SECTION 35, TOWNSHIP 46 SOUTH, RANGE 25 EAST, LEE COUNTY, FLORIDA.

THIS MATERIAL PREPARED BY:
BEAN, WHITAKER, LUTZ & KAREH, INC.
CONSULTING ENGINEERS AND SURVEYORS
13041 McGREGOR BLVD. (239) 481-1331
FORT MYERS, FLORIDA 33919

- a - SET PERMANENT REFERENCE ("X4"
CONDUCTIVE UNDERLAY (PSM)
PSM 4324/LB 4828 (LAKERS
OTHERS)
- b - PERMANENT CONTROL POINT (PCP)
JNL & DDC PSM 4324/LB4828
- c - SET 3/8" WOOD ROD & CAP LABELED
PILA 1919 "GROSS COR"



DETAIL #3

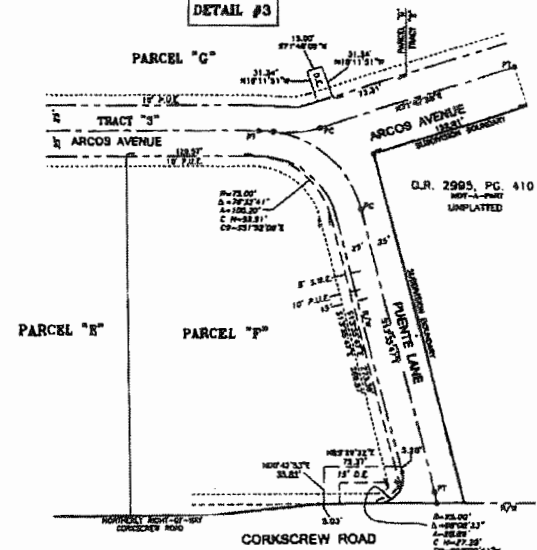
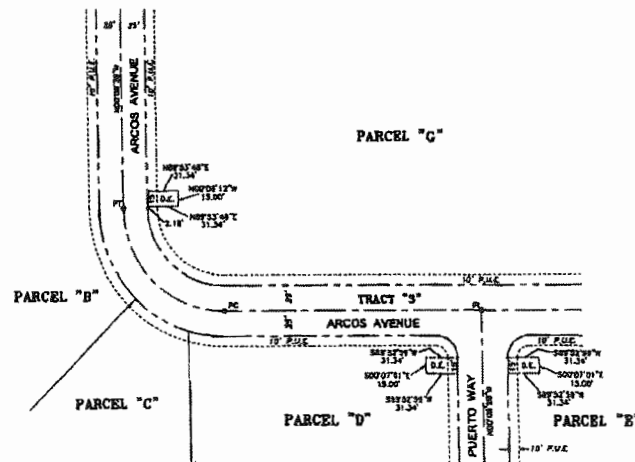


EXHIBIT "A"
(Page 5 of 5)

Zoning Map

9/16/2009

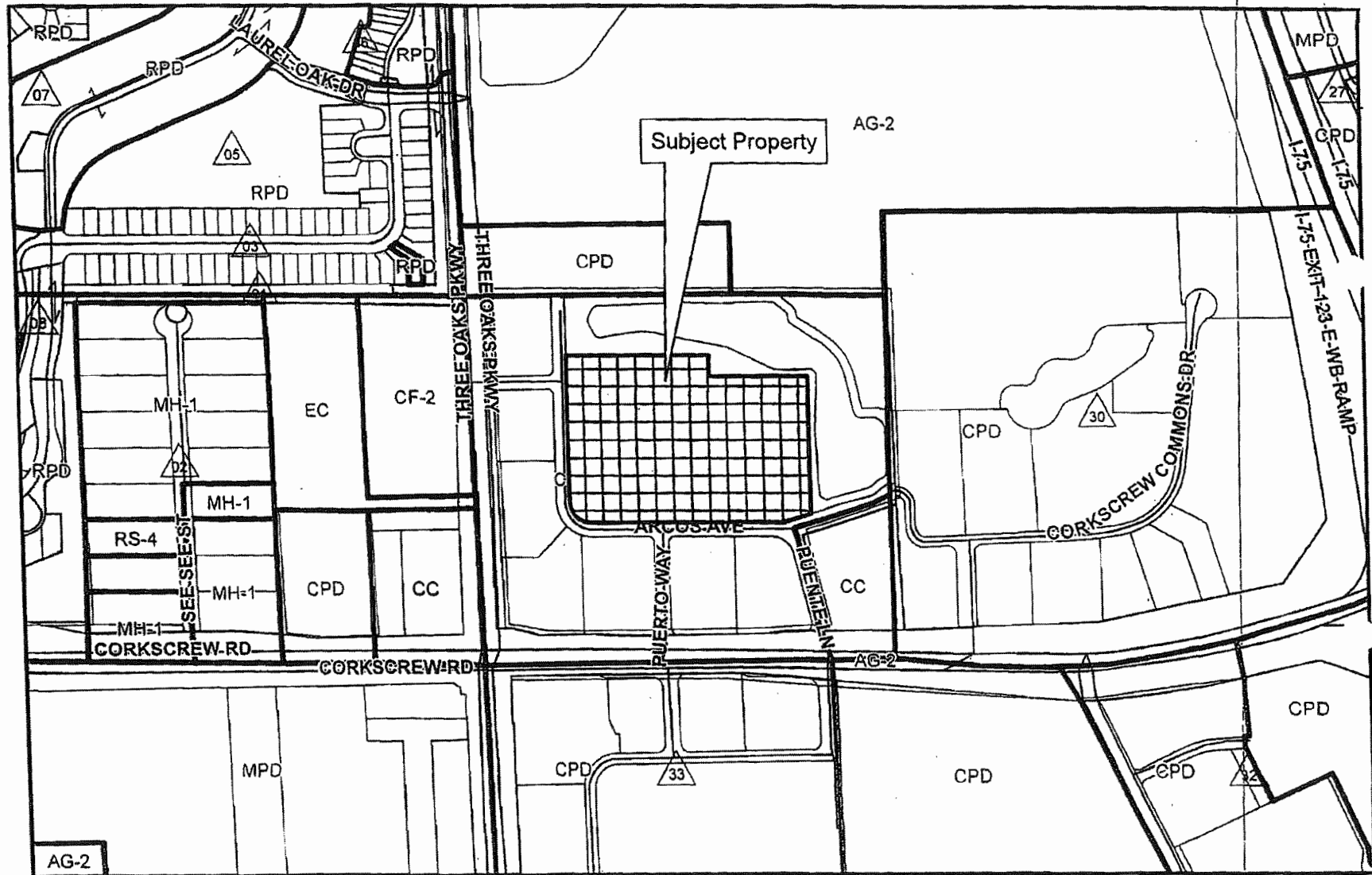


EXHIBIT "B"

500 250 0 500 1,000 Feet

EXHIBIT "D"

Plaza Del Sol

Design Guidelines

REVISED 07/14/03

Project Overview

This document describes the intent of the applicant in developing the Plaza Del Sol Subdivision and proposes design guidelines by which individual parcels will be constructed. The objective is to provide the Estero community and Lee County the assurances that this project will be developed to meet the language and intent of the Estero Community Plan while allowing the developer the flexibility to market the project to tenants with varying uses, building types and size requirements.

The Plaza Del Sol Subdivision is located at the northeast corner of Corkscrew Road and Three Oaks Parkway. This intersection is expected to be the hub of the Corkscrew Road Corridor. For this reason, the developer has devoted special attention to creating the following design guidelines that exceed both the current Lee County Design Guidelines found in the recently adopted Corkscrew Main Street Overlay District Guidelines in the Lee County Land Development Code Sections 34-1045. through 34-1047.

In developing the property, it is important to do so in accordance with the Lee County Comprehensive Plan (including Goal 19 of the Estero Plan) and the specific regulations governing development of a site at this location. The following principles and policies that influence this level of development were utilized:

1. The subject property is located at the intersection of two arterial roadways - Corkscrew Road and Three Oaks Parkway. Prime access is provided to the site by the intersecting arterial roads as well as the close proximity of Interstate 75 and U.S. 41.
2. The proposed development site is within the Urban Community Land Use Category, which was designated for areas that are suitable for fairly intense levels of commercial, residential and light industrial development. The Lee Plan projects more intense development in these areas, more characteristic of an urban area.
3. The intersection of Corkscrew Road and Three Oaks Parkway is designated as a Commercial Node on Map 19 of the Lee County Comprehensive Plan. The Estero Community Plan limits retail uses for all areas along Three Oaks Parkway with the exception of commercial nodes where the plan deemed appropriate.
4. The project lies within the Corkscrew Main Street Overlay District which was created to provide a pedestrian "boulevard", in relative scale to Corkscrew Road by locating proposed commercial buildings close to the roadway and providing for pedestrian connections and amenities.
5. The intent of these design guidelines and standards is to meet and exceed the requirements of the Corkscrew Main Street Overlay District yet allow for the development of a large commercial project containing one or more major retailers.

Architectural Design Guidelines

The following design guidelines are intended to establish the standard with which this development will comply. The guidelines, however, are intended to be flexible to allow for a more detailed analysis by the Lee County Development Review Staff and the Estero Development Review Committee at the time of local development order.

1. Plaza Del Sol is planned as a functionally interrelated commercial site under unified control subject to common guidelines and standards to ensure a quality development. All development will meet and enhance the LDC Section 34-1042 through 34-1047, and the Corkscrew Road Main Street Overlay District.
2. Plaza Del Sol will be a fully integrated planned site where attention to the overall site design is achieved by providing well designed and integrated vehicular use areas, pedestrian paths, a compatible architectural theme, unified signage, landscaping and lighting throughout the site.
3. Plaza Del Sol will be developed on a 38 acre site as part of the Corkscrew Main Street Overlay District, a corridor of architecturally appealing and attractively landscaped buildings that provide retail, business and professional services to the community. The 38 acre site is divided into eight (8) development parcels, the outparcels fronting along Three Oaks Parkway and Corkscrew Road, and the Anchor Parcel located within the central portion of the site.
4. *The developer of individual outparcels and/or the Anchor Parcel will submit architectural and landscape plans to the Plaza del Sol Design for compliance review with these Design Standards prior to Development Order application.*

A. Outparcels

1. Architectural Standards - The outparcels will feature an integrated and compatible vernacular with Mediterranean architectural elements in architectural building style or theme. Massing of building facades will be reduced by transitioning building heights, widths and colors, textures, and the adding of architectural elements such as wall projections, loggias, canopies, corner towers, archways or columns which will form courtyard-like areas appropriately scaled for public gathering space. Primary entry facades will have windows, no less than 10% of their horizontal length, in addition to the primary entrance. These treatments will create visual interest and variety while providing visitors to the project, a pedestrian-friendly atmosphere. Building architectural styles shall be compatible and complement elements such as roof treatments, signage, landscaping, and building materials and colors.
2. Each free-standing use will provide a visually appealing, articulated, identifiable path of entry for pedestrians and vehicles for the internal drive to the site, from the site to the buildings themselves. Pedestrian access will be provided from Parcel D to Three Oaks Parkway just north of the existing lift station in addition to the internal sidewalks intersecting with Corkscrew Road and Three Oaks Parkway.

The orientation of a building or structure upon a site will reflect not only the project's functionality but will also be responsive to the individual parcels characteristics and relationship to Corkscrew Road or Three Oaks Parkway. Service Bays on Parcel H will face away from Three Oaks Parkway.

3. Building lighting design will be architecturally treated in the style of the building architecture. Lighting fixtures illuminating the parking area shall be shielded to minimize light intrusion crossing the property line when abutting residential uses.
4. Landscaping - Landscape design guidelines for free-standing uses will create a harmonious and visually pleasing landscape that is cohesive and complementary to the overall master landscape plan. The Plaza Del Sol landscape concept will feature combinations of native plants and ornamental varieties, which will be designed to define and accent pedestrian and vehicular spaces as well as enhance the building architectural style. Landscape designs will create a coherent theme, which emphasizes plant material as a primary unifying element. Where possible, existing native trees will be incorporated into the site plan to add character to the pedestrian/open space areas and enhance buffer and perimeter areas.

B. Anchor Parcel

1. The anchor parcel will accommodate one (1) or several retail uses. The internal pedestrian system will connect the anchor parcel to the outparcels and the buildings of the anchor parcel will be designed to compliment the buildings on the outparcels. The parking area will be designed to minimize hardscaped areas, visually and physically.
2. Architectural Standards - The anchor parcel will feature an integrated and compatible vernacular architectural building style or theme with Mediterranean elements which will also be incorporated into the outparcels, whether multi-tenant or free-standing uses. Buildings will have architectural features and patterns that provide visual interest from the perspective of the pedestrian; reduce massing aesthetic and be site responsive. Facades will be designed to reduce the mass/scale and uniform monolithic appearance of large unadorned walls while providing visual interest that will be consistent with the center's identity and character through the use of articulation, detail and scale. Articulation is accomplished by varying the building's mass in height and width so that it appears to be divided into distinct massing elements and details that can be perceived at the scale of the pedestrian.

Buildings will also provide a minimum of two of the following building design treatments:

- A. Canopies or portico, integrated with the building's massing and style.
- B. Overhangs.
- C. Arcades, minimum of eight feet clear in width.
- D. Raised cornice parapets over doors.

-
- E. Arches.
 - F. Ornamental and structural architectural details other than cornices, which are integrated into the building structure and overall design.
 - G. Clock or bell towers.
 - H. Any other treatment, which, in the opinion of the architect, meets the intent of the design character.

Building facades may include a repeating pattern and may include no less than two (2) of the design elements listed below. At least one (1) of these design elements may repeat horizontally.

- A. Color change.
- B. Texture change.
- C. Material module change.
- D. Expression of architectural relief through a change of plane of no less than 12 inches in width such as a reveal, an offset or a projecting rib.
- E. Architectural banding.
- F. Pattern change.

Roof will meet at least two (2) of the following requirements:

- A. Parapets will be used to conceal roof top equipment and flat roofs.
- B. Where overhanging eaves are used, overhangs will be no less than 12 inches beyond the supporting walls with a minimum fascia of 8 inches.
- C. Three-dimensional cornice treatment which will be a minimum of 12 inches in height with a minimum of three (3) reliefs.

Major anchor parcel buildings will have clearly defined, highly visible customer entrances which may include an outdoor patio area adjacent to the customer entrance which incorporates benches or other seating components and decorative landscape planters.

Exterior building colors and materials contribute significantly to the visual impact of a building.

Predominant exterior building materials will include but are not limited to:

- A. Stucco.
- B. EFIS.
- C. Brick.
- D. Tinted, textured, other than smooth or ribbed concrete masonry units.
- E. Stone, excluding an ashlar or rubble construction look.

Customer parking for the anchor parcel will be in accordance with Section 34-1046. Design Standards, Item 7.

C. Common/Public Areas

1. Internal roadways will provide efficient vehicular circulation and will be designed with streetscapes that create pedestrian-friendly environments. Streetscape plans will be designed to establish a level of vehicular and pedestrian flow appropriate in scale and character with landscape improvements, street function and adjacent land uses with the intention of linking uses throughout the project.
2. Project features will be developed within common areas of the project and will be coordinated in design, color and style. Architectural features shall be permitted throughout the site.
3. In accordance with the Master Concept Plan, the live oak trees at the corner of Corkscrew Road and Three Oaks Parkway will be preserved and incorporated into an open space area. This area may include pedestrian amenities such as a walkway to the sidewalk along Three Oaks Parkway. This facility will be permitted and constructed as part of a development order for Parcel "D".
4. Plaza Del Sol will provide a variety of publicly accessible amenities which will further the projects commitment to complement and enhance Lee County and Estero's Design Guidelines and serve to provide a sense of place for the community.
5. A pedestrian-way network shall be established throughout the project. The pedestrian system will serve to link anchor and outparcel areas by providing a landscaped walkway protected from vehicular traffic movement. Any required breaks in the pedestrian network for vehicular access to the site shall be identified through the use of pavers, signage or other traffic calming techniques deemed appropriate to reduce the speed of vehicles and provide safe pedestrian movements throughout the site.
 - A. The anchor parcel/building area pedestrian-way shall be a wide intermittently covered walkway featuring concrete surfaces, which may be paved, tiled, etc. This pedestrian-way shall include architectural features such as fountains, courtyards, arbors or similar design features and decorative landscape plantings. This pedestrian-way pathway shall have a minimum unobstructed average width of 8'. Seating and decorative landscape planting shall be provided intermittently along the pathway and at all primary tenant entrances.
 - B. The outparcel/building area pedestrian-way shall be incorporated in each building design as either a covered or uncovered walkway adjacent to at least three (3) sides of a building and extending to parking areas and/or adjacent parcels. The walkways shall feature concrete surfaces, which may be tiled, paved, etc.
 - C. The parking area pedestrian-way shall be located generally within the parking area. This pedestrian-way system will be designed to promote safe and convenient linkage from the parking areas to both the outparcel buildings and the anchor parcel.

~~Vehicular crossings will be identified with signage, landscaping or clearly marked through use of varied pavement treatments or other traffic calming techniques. This pedestrian-way system shall be a minimum of 5' in width with paver, stamped concrete or banded concrete pedestrian pathway. This pedestrian pathway will feature canopy trees or palms with ground level landscape plantings. Canopy trees or palms will be planted within adjacent parking landscape islands. Canopy trees or palms shall be planted along the pedestrian-way system and shall be a minimum 12' high with a 4' spread for canopy trees and equivalent specifications for shade palms at the time of planting.~~

6. The lake at Plaza Del Sol shall incorporate into the overall design of the project at least two (2) of the following items:
 - A. A maximum 5' wide mulched or cinder walkway with trees at an average of 50' on center.
 - B. A public access pier.
 - C. An intermittent shaded plaza courtyard, a minimum of 200 S.F. in area with benches and/or picnic tables adjacent to the water body.
 - D. A permanent fountain structure.

Landscaping

A. General:

Landscape development will play a major role in creating and perpetuating the "theme of image" at Plaza Del Sol. The site has very little topography or natural vegetation and no existing natural water bodies. A lake system will be constructed with the creation of a park setting as the objective. Therefore a carefully conceived landscape design concept will do much to create and enhance the village image desired at Plaza Del Sol.

Open space areas should incorporate landscaping which enhances the natural feel of the space, integrating its forms and features into the overall site plan. Native varieties of vegetation are encouraged. Plant material should be utilized for the purposes of enhancing the harmonious forms of a meandering lake, berms, drainage features and pathway systems while serving to integrate these spaces into the overall site plan. Plantings shall include an appropriate mix of approved trees, shrubs and groundcover which will achieve a natural, harmonious function and provide a pleasing complement to the landscape. The use of native tree and shrub masses is encouraged to reinforce the park-like character of Plaza Del Sol.

Landscaping shall also conform to the Estero Community Land Development Code and Corkscrew Road Main Street Overlay District Corridor Plan.

B. Landscape Development Priorities:

The following represents the development priorities related to landscaping to insure consistency within Plaza Del Sol:

1. Integration of Architecture and Landscaping - Use plants that project a scale relationship between people, the architecture and the open space. Variable height, building foundation plantings should be used to integrate architecture and open space.
2. Erosion Control Planting - Sodding, seeding, planting of areas such as swales and lake banks and slopes of berms.
3. Tree Planting - Use native trees colorful and attractive materials to create variety and ambiance.
4. Screening - Use plants to screen undesirable elements such as parking lots and service areas or to help create privacy.
5. Creating Focal Points and Interest Planting - Use plants that flower or fruit with interesting branching structures or unique variety.
6. Shrubs and Groundcover - Use of shrubs should be to conceal parking areas. Groundcover may be used to add interest.

C. Perimeter:

1. Buildings along Corkscrew Road will be designed in accordance with Lee County Land Development Code Section 34-1047.; the setback requirements for the Corkscrew Road Main Street Overlay District (Typical Section A). Trees may be clustered to allow view corridors to internal buildings. Where possible, native trees will be preserved and incorporated into the perimeter buffer areas for screening and aesthetic enhancement of the project.
2. The height of required trees within buffers shall be 12' overall in height. Canopy trees shall have a 6' canopy spread at the time of planting.
3. Landscape buffers, berms, fences and walls, where applicable, must be constructed along the perimeter of the Plaza Del Sol boundary concurrent with site development. Landscape buffers along the internal road network will also be installed concurrent with site development.
4. Signage, project architectural features, lighting and utilities will be permitted and constructed concurrent with site development.

D. Signage.

1. All signs shall be of consistent architectural style and shall feature like building materials and sign structures. Sign structures will be uniform in size, color and building material.
2. All signs will comply with the Land Development Code Sign Guidelines for Estero at the time of the issuance of the sign permit (see typical sign sketches). All signage will be in accordance with LDC Section 34-400. et. seq.

E. Internal:

Per Lee County Land Development Code Sections 34-1042. through 34-1047., internal landscaping will be provided to minimize hardscaped areas, both visually and physically, accentuate entryways, define pedestrian areas and enhance the pedestrian walkway system. In all landscaped areas, existing native trees will be preserved where possible.

In addition to these regulations (LDC Sections 34-1042. through 34-1047.), the following will be required:

1. *Parking lots shall provide a landscaped island for every 10 parking spaces.*
2. *Parking design (angle of parking) shall be unified except at perimeter areas, which may utilize for one row deep a different angle to maximize parking design.*
3. *Shared parking is encouraged.*
4. *Parking on the anchor parcel shall be distributed around the building with employee parking located at the rear of the building.*
5. *All parking lots shall be interconnected.*

F. Street Right-of-Ways:

Street right-of-ways shall include appropriate landscaping, sidewalks, lighting and drainage provisions. Each lot owner is expected to incorporate the Plaza Del Sol right-of-way treatment into their respective buffer areas to insure continuity of design and perpetuation of the village image.

G. Entrances:

The entry is identified by changing the character of the roadway landscaping by holding the plantings away from the entry, grading and providing focal point landscaping, signage, etc. Landscaping should present an attractive appearance and reinforcement of the entrance to the lot and should incorporate the design of the landscaping in adjoining buffer areas. Landscape treatment of entry areas shall not incorporate, interfere with or obstruct the view of vehicular or pedestrian traffic. The intent is to provide continuity and integrity of landscape design between entrances and lots.

H. Adjacent Landscape Buffers:

All parking areas facing adjacent properties shall be landscaped as to effectively screen vehicles and from public rights-of-way, residential and recreation areas.

1. Berming shall be provided adjacent to the parking lot asphalt surface to screen parking from adjacent properties and public right-of-ways.
2. Plantings upon berms shall be double rowed, staggered planting technique of sufficient density to effectively screen vehicles within the parking area from adjacent properties and public right-of-ways.
3. All lot service or utility areas shall be adequately screened from view from adjacent properties and public right-of-ways. Screening shall be a minimum of double rowed, staggered density hedges.

I. Building Open Area Landscaping:

1. Front Areas - Landscape treatment of front areas shall present an attractive appearance emphasizing the major entrance or entrances to the structure. Landscaping should be a mix of trees; shrubs and groundcover in a design appropriate with the scale of the building. A combination of shrubs and groundcover should be utilized as foundation plants in an aesthetic design across the entire front facade of the building. Trees shall be incorporated into the landscaping design of front areas to provide shade, accent and frame the main entry of the building.
2. Side Areas - Landscape treatment of side areas as defined herein shall be incorporated into and shall continue the design of the front area. Mixed shrubs and groundcover shall be used as foundation plants across the entire facade in these areas exclusive of walks, entries and courtyards. All walks entries and courtyards in side areas shall be appropriately landscaped.
3. Rear Areas - Landscape treatment for rear or service areas as defined herein shall also be incorporated into the overall design of the front and side areas. Appropriate foundation plantings shall be provided across all facades in normal public view.

~~Any service areas, drives and service entrances shall be adequately screened with appropriate plant material from the approved list in this manual so as to present a totally screened appearance to persons entering or leaving the building through all public entrances or exits and to vehicular or pedestrian traffic in the roadways adjacent to the lot.~~

J. Sodding and Mulch:

1. All open spaces not developed with parking, roadways, sidewalks or otherwise planted shall be sodded or planted in approved groundcover.
2. Sod shall be St. Augustine "Floratum".
3. All exposed dirt shall be covered with a minimum of two (2) inches of shredded eucalyptus or no less than Grade "B+" cypress mulch.

K. Irrigation:

1. Plaza Del Sol will provide irrigation water to the common landscaped areas via irrigation wells.
2. Individual lot owners will have the option to provide a private well for irrigation or use the public water system. No lake water withdrawals for irrigation purposes are allowed by lot owners. All irrigation systems must be of an approved underground automatic type with pumps and time clocks screened from view. Irrigation shall extend all the way to the curb, side property lines and to the edge of all lakes and/or retention features.
3. A "drip" irrigation system will be used in all common landscape and buffer areas.
4. If "pop up" spray heads are used on individual parcels, the pipe extensions should be painted a dark green or black where exposed. Irrigation heads should be placed to prevent spraying onto paved areas.
5. Installation of the irrigation system shall follow the piping and installation specifications of Gulf Environmental Services, Inc.

L. Landscape Maintenance:

All Plaza Del Sol lot owners shall maintain their landscape to standards established and maintained by the Plaza Del Sol Property Owners' Association Design Review Committee.

Each lot owner, as a member of the Plaza Del Sol Property Owners' Association (POA), will participate in shared landscape maintenance of all common areas within the Plaza del Sol land mass as defined in Exhibit "A" of the Declaration of Covenants, Conditions and Restrictions contained within this Lot Owners Manual.

As POA members, lot owners will participate in the ongoing oversight of the POA contract landscape maintenance services for the common areas as well as participate financially based on appropriate share. The POA will maintain the common areas within the Plaza Del Sol land mass to include medians, entrances to Plaza Del Sol and dedicated open spaces.

Each lot owner shall have the responsibility to maintain the landscaping within their lot to the curb line, all property lines, and any bodies of water located on the lot in accordance with POA standards.

M. Acceptable Plant Material:

For the purpose of unity in design, the following plant list shall form the basis of landscape design. Plant materials shall conform to the Lee County Land Development Code Standards for Florida No. 1 or better as given in Grades and Standards for Nursery Plants, 1973, and Grades and Standards for Nursery Plants, Part II, Florida Department of Agriculture and Consumer Services, Tallahassee, and any amendments thereto. Plant material requirements have been selected for harmony, interest in structure, texture, color and ultimate growth.

The attached Native Plant Lists are provided to present a specific plant palette for perimeter buffers, native re-vegetation, preserve enhancement, and to satisfy Lee County Land Development Code native plant requirements. Any non-native landscape material used shall be allowed under the Lee County Land Development Code and will be used to provide additional color and texture for areas to be enhanced such as main vehicular and pedestrian entries, circulation routes, building perimeter plantings and pedestrian amenity open spaces.

(Plants Listed Range from Zones 9, 10 and 11)

Botanical Name	Common Name	Botanical Name	Common Name
<i>Acacia farnesiana</i>	Sweet Acacia	<i>Jacquinia keyensis</i>	Joewood
<i>Acer rubrum</i>	Red Maple	<i>Juniperus silicicola</i>	Southern Red Cedar
<i>Annona glabra</i>	Ponda Apple	<i>Laguncularia racemosa</i>	White Mangrove
<i>Acacia farnesiana</i>	Sweet Acacia	<i>Magnolia virginiana</i>	Sweet Magnolia
<i>Bursera simaruba</i>	Gumbo Limbo	<i>Morus rubra</i>	Red Mulberry
<i>Celtis laevigata</i>	Sugarberry	<i>Myrcanthes fragrans</i>	Simpson Stopper
<i>Chrysobalanus icaco</i>	Cocoplum	<i>Nyssa sylvatica</i>	Black Gum
<i>Chrysophyllum oliviforme</i>	Satin Leaf	<i>Persea palustris</i>	Florida Red Bay
<i>Citharexylum spinosum</i>	Fiddlewood	<i>Pinus elliotii 'densa'</i>	South Florida Slash Pine
<i>Cordia rosea</i>	Pitch Apple	<i>Pinus palustris</i>	Longleaf Pine
<i>Coccoloba diversifolia</i>	Pigeon Plum	<i>Piscidia piscipula</i>	Jamaica Dogwood
<i>Coccoloba uvifera</i>	Seagrape	<i>Prunus angustifolia</i>	Chickasaw Plum
<i>Conocarpus erectus</i>	Buttonwood	<i>Quercus laurifolia</i>	Laurel Oak
<i>Cordia sebestena</i>	Geiger Tree	<i>Quercus virginiana</i>	Live Oak
<i>Diospyros virginiana</i>	Persimmon	<i>Rhizophora mangle</i>	Red Mangrove
<i>Eugenia axillaris</i>	White Stopper	<i>Salix caroliniana</i>	Coastal Plain Willow
<i>Eugenia confusa</i>	Redberry Stopper	<i>Sapindus saponaria</i>	Wingleaf Soapberry
<i>Eugenia foetida</i>	Spanish Stopper	<i>Schaefferia frutescens</i>	Florida Boxwood
<i>Eugenia rhombea</i>	Red Stopper	<i>Sideroxylon foetidissimum</i>	Mastic
<i>Gordonia lasianthus</i>	Loblolly Bay	<i>Sideroxylon salicifolium</i>	Willow Busic
<i>Guaiaacum sanctum</i>	Lignum Vitae	<i>Swietenia mahagoni</i>	Mahogany
<i>Gymnanthes lucida</i>	Crabwood	<i>Taxodium distichum</i>	Bald Cypress
<i>Ilex cassine</i>	Dahoon Holly	<i>Ulmus alata</i>	Winged Elm
<i>Ilex vomitoria</i>	Yaupon Holly	<i>Ulmus americana</i> var. <i>floridana</i>	Florida Elm
<i>Ilex x attenuata</i>	East Palatka Holly		

Recommended Plants - Native Trees (Medium and Large)

(Plants Listed Range from Zones 9, 10 and 11)

<u>Botanical Name</u>	<u>Common Name</u>
<i>Acoelorrhaphe wrightii</i>	Paurotis Palm
<i>Coccothrinax argentata</i>	Silver Palm
<i>Rhapidophyllum hystrix</i>	Needle Palm
<i>Roystonea elata</i>	Royal Palm
<i>Sabal minor</i>	Dwarf Palmetto
<i>Sabal Palmetto</i>	Cabbage Palm
<i>Serenoa repens</i>	Saw Palmetto
<i>Thrinax radiata</i>	Florida Thatch Palm

(Plants Listed Range from Zones 9, 10 and 11)

Botanical Name	Common Name
<i>Ardisia escallonioides</i>	Marlberry
<i>Baccharis halimifolia</i>	Saltbush
<i>Callicarpa americana</i>	Beautyberry
<i>Capparis cynophallophora</i>	Jamaican Caper
<i>Cassia ligustrina</i>	Privet Cassia
<i>Cephalanthus occidentalis</i>	Buttonbush
<i>Cordia globosa</i>	Bloodberry
<i>Dodonaea viscosa</i>	Varnishleaf
<i>Erithalis fruticosa</i>	Black Torch
<i>Ernodia littoralis</i>	Beach Creeper
<i>Erythrina herbacea</i>	Coral Bean
<i>Foresteria segregata</i>	Florida Privet
<i>Genipa clusiifolia</i>	Seven-Year Apple
<i>Hamella patens</i>	Firebush
<i>Hypericum</i> spp.	St. John's Wort
<i>Illicium floridanum</i>	Florida Anise
<i>Itea virginica</i>	Virginia Sweetspire
<i>Iva frutescens</i>	Marsh Elder
<i>Lantana involucrata</i>	Native White Lantana
<i>Licania michauxii</i>	Gopher Apple
<i>Lyonia lucida</i>	Fetterbush
<i>Myrica cerifera</i>	Wax Myrtle
<i>Opuntia</i> spp.	Prickly Pear
<i>Psychotria nervosa</i>	Wild Coffee
<i>Randia aculeata</i>	White Indigo Berry
<i>Rapanea punctata</i>	Myrsine
<i>Rivina humilis</i>	Rouge Plant
<i>Sambucus simpsonii</i>	Elderberry
<i>Scaevola plumieri</i>	Scaevola
<i>Sophora tomentosa</i>	Necklace Pod
<i>Stachytarpheta jamaicensis</i>	Blue Porterweed
<i>Yucca aloifolia</i>	Spanish Bayonet
<i>Zamia pumila</i>	Coontie

Recommended Plants - Native Grasses

(Plants Listed Range from Zones 9, 10 and 11)

<u>Botanical Name</u>	<u>Common Name</u>
<i>Andropogon brachystachys</i>	Shortspike Bluestem
<i>Eragrostis elliotii</i>	Elliot Love Grass
<i>Eragrostis spectabilis</i>	Purple Love Grass
<i>Muhlenbergia capillaris</i>	Muhly Grass
<i>Sorghastrum secundum</i>	Lopsided Indiangrass
<i>Spartina bakeri</i>	Sand Cordgrass
<i>Tripsacum dactyloides</i>	Fakahatchee Grass
<i>Tripsacum floridanum</i>	Florida Gamma Grass
<i>Uniola paniculata</i>	Sea Oats

Recommended Plants - Native Ferns
(Plants Listed Range from Zones 9, 10 and 11)

<u>Botanical Name</u>	<u>Common Name</u>
<i>Acrostichum danaeifolium</i>	Leather Fern
<i>Blechnum semulatum</i>	Swamp Fern
<i>Ctenitis sloanei</i>	Florida Tree Fern
<i>Nepherolepis</i> spp.	Swordfern/Boston Fern
<i>Osmunda regalis</i>	Royal Fern
<i>Pteridium aquilinum</i>	Bracken

Recommended Plants - Native Aquatics
(Plants Listed Range from Zones 9, 10 and 11)

<u>Botanical Name</u>	<u>Common Name</u>
<i>Canna flaccida</i>	Yellow Canna
<i>Equisetum</i> spp.	Horsetail
<i>Juncus effusus</i>	Soft Rush
<i>Nuphar luteum</i>	Spatterdock
<i>Nymphaea odorata</i>	White Water Lily
<i>Pontederia lanceolata</i>	Pickereelweed
<i>Sagittaria</i> spp.	Arrowhead
<i>Scirpus</i> spp.	Giant Bulrush
<i>Thalia geniculata</i>	Alligator Flag

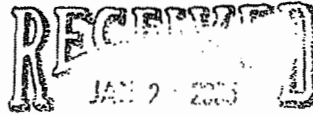
EXHIBIT "E"

Estero Design Review Committee

Public Informational Session Summary and Design Review Comments

December 21, 2004

Mr. Gene Allison
20233 Wildcat Run Drive
Estero, Florida 33928



PERMIT COUNTER

RE: Classic Car Wash at Plaza Del Sol
Public Informational Session Summary and Design Review Comments
Estero Design Review Committee Meeting of December 8, 2004
Location: The Estero Country Club at the Vines - Perry Room

Dear Applicant and County Staff:

The above referenced project was presented to EDRC on December 8, 2004, and has satisfied the public informational session as required per LDC, Sect.34-1042. The EDRC recommends the approval of the development order with the following suggestions/comments all of which the applicants agreed to pursue.

- The committee recommends "S" roof tile, profile or higher with flashing.
- Increase the size and number of dormers.
- Fire department requested 7'6" front and sides 4' rear.
- Applicant agreed to return before EDRC after submitting building colors, tile colors, sign package and landscaping to Plaza Del Sol for developer approval.

Per LDC Sect. 34-1042, the applicant must provide a proposal for how the applicant will respond to any issues that were raised. The EDRC recommends the applicant attach a response letter explaining how the EDRC suggestions/comments may or may not be addressed with revisions/changes to the Development Order submittal.

The EDRC would like to thank the applicant for the submittal and cooperation with the design review procedures.

Sincerely,

M. Gordon Lyons
Vice Chair, Estero Design Review Committee

ADD 00000016

EXHIBIT "F"

Estero Design Review Committee
Public Informational Session Summary and Design Review Comments

September 29, 2005

Mr. Brad Guarino
J.E.D. of Southwest Florida, Inc.
9130 Corsen Del Fontana Way
Naples, FL 34109

RE: Plaza Del Sol Parcels A, B & C
Public Informational Session Summary and Design Review Comments
Estero Design Review Committee Meeting of September 14, 2005
Location: The Estero Country Club at the Vines - Penny Room

Dear Applicant and County Staff:

The above referenced project was presented to EDRC on September 14, 2005, and has satisfied the public informational session as required per LDC, Sect. 34-1042. The EDRC recommends the approval of the Development Order with the following suggestions/comments all of which the applicants agreed to pursue.

Comments and Suggestions:

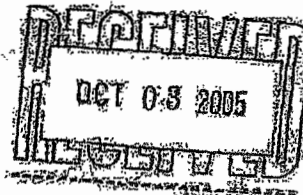
1. Recommended that turn black be used in parking area because of tree roots.
2. Trees should be 12 to 14", 45 gallon.
3. Because of the uniqueness of the site which has an existing lift station at the corner and the plan to retain existing trees there, the Committee agreed to support the applicants request for an 8" decorative wall in lieu of parking facade within the 75' buffer.
4. The Committee also would support a deviation to remove 2 parking spaces

Per EDC SECT. 34-1042, the applicant must provide a proposal for how the applicant will respond to any issues that were raised. The EDRC recommends the applicant attach a response letter explaining how the EDRC suggestions/comments may or may not be addressed with revisions/changes to the Development Order Submittal.

The EDRC, on behalf of the citizens of Estero, would like to thank the applicant for the submittal and cooperation with the design review procedures.

Sincerely,


Thomas J. O'Dea
Co-Chairman, Estero Design Review Committee



APPROVED plan

Subject to Code 100-2005-00197

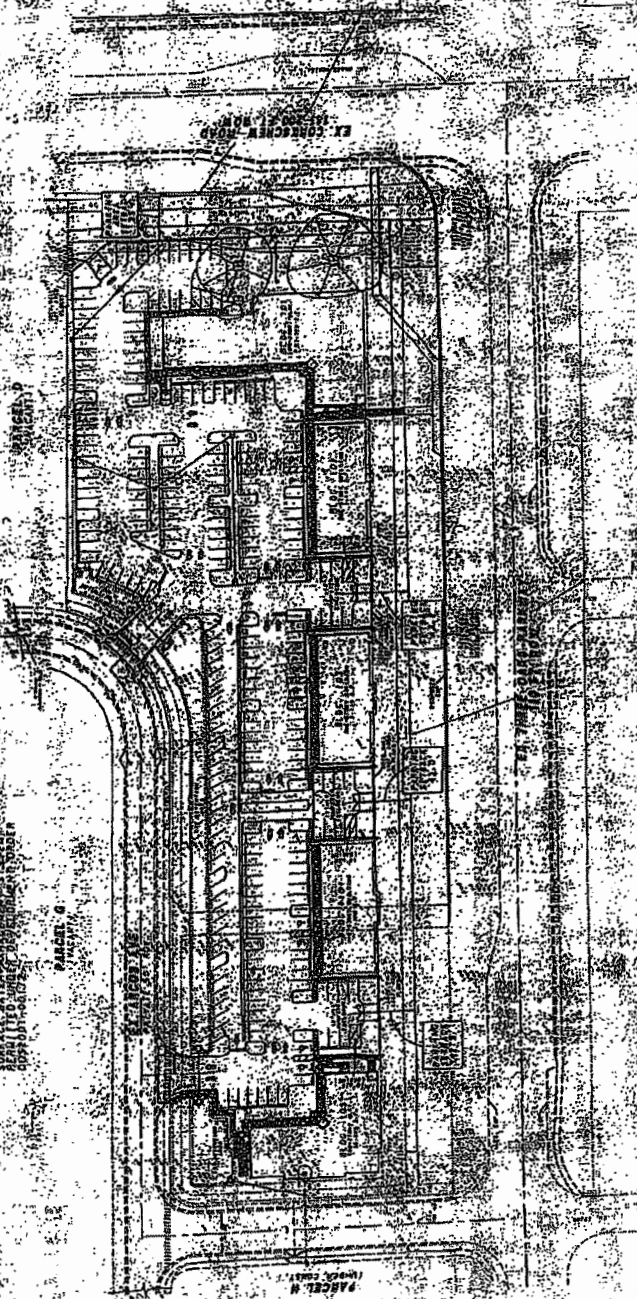
Date 11/15/25

PROPERTY DATA
 1. The lot is located in the City of Chicago, Cook County, Illinois.
 2. The lot is located in the City of Chicago, Cook County, Illinois.
 3. The lot is located in the City of Chicago, Cook County, Illinois.
 4. The lot is located in the City of Chicago, Cook County, Illinois.
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 10. The lot is located in the City of Chicago, Cook County, Illinois.

PARCEL 10
 1. The lot is located in the City of Chicago, Cook County, Illinois.
 2. The lot is located in the City of Chicago, Cook County, Illinois.
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 9. The lot is located in the City of Chicago, Cook County, Illinois.
 10. The lot is located in the City of Chicago, Cook County, Illinois.

PARCEL 11

PARCEL 12



ALL INFORMATION CONTAINED HEREIN IS UNCLASSIFIED DATE 11/15/25 BY 100-2005-00197	
PREPARED BY PLANNING DEPARTMENT 1115 COOK COUNTY BUILDING DEPARTMENT CHICAGO, ILLINOIS 60607	REVIEWED BY PLANNING DEPARTMENT 1115 COOK COUNTY BUILDING DEPARTMENT CHICAGO, ILLINOIS 60607
DATE 11/15/25	DATE 11/15/25
DRAWN BY 1115 COOK COUNTY BUILDING DEPARTMENT CHICAGO, ILLINOIS 60607	CHECKED BY 1115 COOK COUNTY BUILDING DEPARTMENT CHICAGO, ILLINOIS 60607
SCALE 1" = 100'	SCALE 1" = 100'
TITLE 1115 COOK COUNTY BUILDING DEPARTMENT CHICAGO, ILLINOIS 60607	TITLE 1115 COOK COUNTY BUILDING DEPARTMENT CHICAGO, ILLINOIS 60607
PROJECT NO. 1115 COOK COUNTY BUILDING DEPARTMENT CHICAGO, ILLINOIS 60607	PROJECT NO. 1115 COOK COUNTY BUILDING DEPARTMENT CHICAGO, ILLINOIS 60607
SHEET NO. 1115 COOK COUNTY BUILDING DEPARTMENT CHICAGO, ILLINOIS 60607	SHEET NO. 1115 COOK COUNTY BUILDING DEPARTMENT CHICAGO, ILLINOIS 60607
TOTAL SHEETS 1115 COOK COUNTY BUILDING DEPARTMENT CHICAGO, ILLINOIS 60607	TOTAL SHEETS 1115 COOK COUNTY BUILDING DEPARTMENT CHICAGO, ILLINOIS 60607

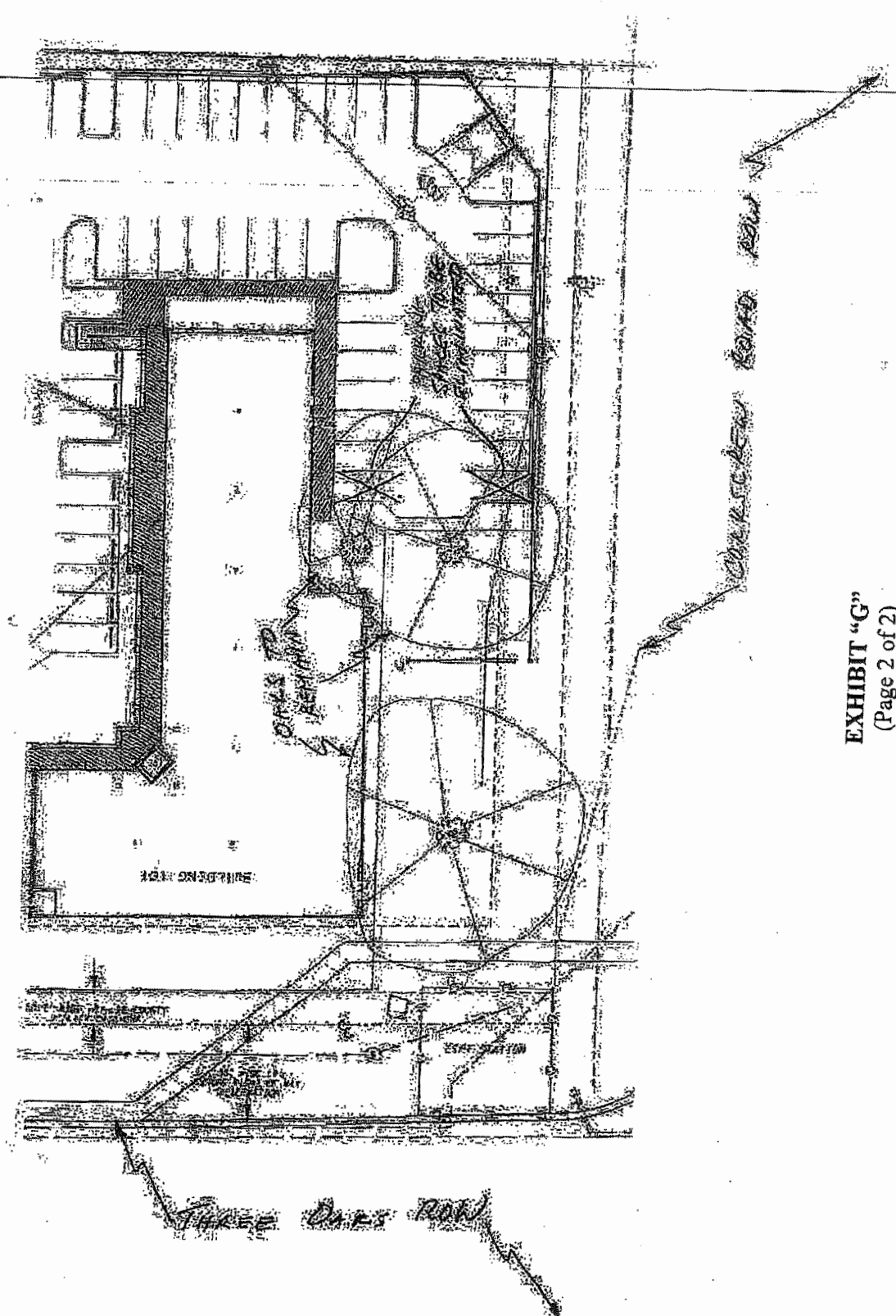


EXHIBIT "G"
(Page 2 of 2)

PLAZA DEL SOL

A SUBDIVISION
LYING IN
SECTION 35, TOWNSHIP 46 SOUTH, RANGE 25 EAST, LEE COUNTY, FLORIDA.

PLAT BOOK 80 PAGE 74

SHEET 1 OF 3

THIS INSTRUMENT PREPARED BY:
BEAN, WHITAKER, LUTZ & KAREH, INC.
CONSULTING ENGINEERS AND SURVEYORS
13041 MCGREGOR BLVD. (239) 481-1331
FORT MYERS, FLORIDA 33919

NOTICE:

THIS PLAT, AS RECORDED IN GRAPHIC FORM, IS THE OFFICIAL DEPICTION OF THE SUBDIVIDED LANDS DESCRIBED HEREIN AND WILL IN NO CIRCUMSTANCES BE SUPPLANTED IN AUTHORITY BY ANY OTHER GRAPHIC OR DIGITAL FORM OF THE PLAT. THERE MAY BE ADDITIONAL RESTRICTIONS THAT ARE NOT RECORDED ON THIS PLAT THAT MAY BE FOUND IN THE PUBLIC RECORDS OF THIS COUNTY.

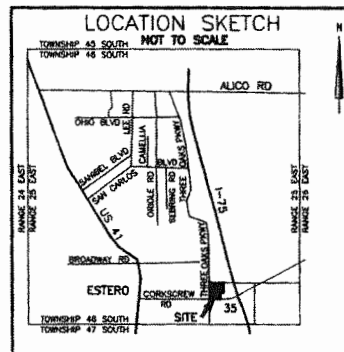
DESCRIPTION:

A PARCEL OF LAND SITUATED IN THE STATE OF FLORIDA, COUNTY OF LEE, SECTION 35, TOWNSHIP 46 SOUTH, RANGE 25 EAST AND FURTHER DESCRIBED AS FOLLOWS:

COMMENCING AT A CONCRETE MONUMENT MARKING THE NORTHWEST CORNER OF SAID SECTION 35; THENCE N89°42'56"E ALONG THE NORTH LINE OF SAID SECTION 35 FOR 120.66 FEET TO THE EASTERLY RIGHT-OF-WAY LINE OF THREE OAKS PARKWAY (120+/- FEET WIDE) AND THE POINT OF BEGINNING; THENCE CONTINUE N89°42'56"E ALONG THE NORTH LINE OF SAID SECTION 35 FOR 1461.38 FEET TO THE WESTERLY LINE OF A PARCEL DESCRIBED IN OFFICIAL RECORD BOOK 1454 AT PAGE 1828, PUBLIC RECORDS; THENCE S01°18'30"E ALONG THE WESTERLY LINE OF SAID PARCEL FOR 759.76 FEET TO THE NORTHEAST CORNER OF A PARCEL DESCRIBED IN OFFICIAL RECORD BOOK 2995 AT PAGE 410, PUBLIC RECORDS; THENCE S71°47'58"W ALONG THE NORTHERLY LINE OF SAID PARCEL FOR 360.00 FEET; THENCE S13°55'47"E ALONG THE WESTERLY LINE OF SAID PARCEL FOR 350.00 FEET TO THE NORTHERLY RIGHT-OF-WAY LINE OF CORKSCREW ROAD; THENCE S89°24'57"W ALONG SAID RIGHT-OF-WAY LINE FOR 137.80 FEET; THENCE S83°42'19"W ALONG SAID RIGHT-OF-WAY LINE FOR 100.50 FEET; THENCE S89°24'57"W ALONG SAID RIGHT-OF-WAY LINE FOR 500.00 FEET; THENCE N87°43'18"W ALONG SAID RIGHT-OF-WAY LINE FOR 100.12 FEET; THENCE S89°24'57"W ALONG SAID RIGHT-OF-WAY LINE FOR 200.00 FEET; THENCE N78°32'52"W ALONG SAID RIGHT-OF-WAY LINE FOR 103.08 FEET; THENCE S89°24'57"W ALONG SAID RIGHT-OF-WAY LINE FOR 54.58 FEET TO THE EASTERLY RIGHT-OF-WAY LINE OF THREE OAKS PARKWAY (120+/- FEET WIDE); THENCE N01°16'00"W ALONG SAID EASTERLY RIGHT-OF-WAY LINE FOR 1197.39 FEET TO THE POINT OF BEGINNING.

CONTAINING 38.01 ACRES, MORE OR LESS.

BEING THE SAME PARCEL AS DESCRIBED IN OFFICIAL RECORD BOOK 2883 AT PAGE 3068.



NOTICE

LANDS DESCRIBED IN THIS PLAT ARE SUBDIVIDED BY THE DEVELOPER WITHOUT THE ROADS, DRAINAGE AND SEWER FACILITIES BEING ACCEPTED FOR MAINTENANCE BY LEE COUNTY. ANY PURCHASER OF A LOT IN THIS SUBDIVISION IS ADVISED THAT HE MAY BE SUBJECT TO ASSESSMENT OR CALLED UPON TO BEAR A PORTION OR ALL OF THE EXPENSE OF CONSTRUCTION, MAINTENANCE OR IMPROVEMENT OF ROADS, DRAINAGE AND SEWER FACILITIES.

APPROVAL:

THIS PLAT IS ACCEPTED AND APPROVED BY THE BOARD OF COUNTY COMMISSIONERS, LEE COUNTY, FLORIDA THIS 26 DAY OF January, 2004.

Douglas B. St. Cyr
CHAIRMAN OF THE BOARD
NAME: DOUGLAS B. ST. CYR

Charlie Green
CLERK OF THE COURT
NAME: CHARLIE GREEN

David E. Perry
COUNTY ATTORNEY
NAME: DAVID E. PERRY - LEONIST

Peter J. Eckenrode
DIRECTOR, DIVISION OF DEVELOPMENT SERVICES
NAME: PETER J. ECKENRODE

Mark Gibbs
DIRECTOR, DEPARTMENT OF COMMUNITY DEVELOPMENT
NAME: MARK GIBBS

REVIEW BY THE DESIGNATED COUNTY PSM
DETERMINED THAT THIS PLAT CONFORMS
TO THE REQUIREMENTS OF F.S. CH. 177,
PART 1.
Michael L. Henderson
NAME: MICHAEL L. HENDERSON - PSM

CLERK'S CERTIFICATION:

6625081

I HEREBY CERTIFY THAT THE ATTACHED PLAT OF PLAZA DEL SOL, A SUBDIVISION LYING IN SECTION 35, TOWNSHIP 46 SOUTH, RANGE 25 EAST, LEE COUNTY, FLORIDA WAS FILED FOR RECORD AT 4:38 P.M. THIS 31 DAY OF January, 2004 AND DULY RECORDED IN PLAT BOOK 80, AT PAGES 74 THROUGH 76 OF THE PUBLIC RECORDS OF LEE COUNTY, FLORIDA.

Charlie Green
NAME: CHARLIE GREEN
CLERK OF THE CIRCUIT COURT IN AND FOR
LEE COUNTY, FLORIDA

DEDICATION:

KNOW ALL MEN BY THESE PRESENTS THAT SOL PROPERTY DEVELOPMENT, INC., A CORPORATION UNDER THE LAWS OF THE STATE OF TEXAS, THE OWNER OF THE HEREIN DESCRIBED LANDS, HAS CAUSED THIS PLAT OF PLAZA DEL SOL, A SUBDIVISION LYING IN SECTION 35, TOWNSHIP 46 SOUTH, RANGE 25 EAST, LEE COUNTY, FLORIDA TO BE MADE AND HEREBY:

1. DEDICATES TRACT "1" FOR LAKE, DRAINAGE, AND RETENTION PURPOSES TO THE PLAZA DEL SOL PROPERTY OWNERS ASSOCIATION, INC.
2. DEDICATES TRACT "2" TO THE PLAZA DEL SOL PROPERTY OWNERS ASSOCIATION, INC. FOR LANDSCAPE AND COMMON AREA PURPOSES SUBJECT TO A DRAINAGE EASEMENT OVER THE ENTIRE TRACT.
3. DEDICATES TRACT "3" FOR ROAD RIGHT-OF-WAY AND DRAINAGE PURPOSES TO THE PLAZA DEL SOL PROPERTY OWNERS ASSOCIATION, INC., SUBJECT TO A PUBLIC UTILITY EASEMENT AS DESCRIBED HEREIN AND DEPICTED ON THIS PLAT.
4. DEDICATES ALL DRAINAGE EASEMENTS FOR DRAINAGE AND STORM WATER MANAGEMENT PURPOSES AND LAKE MAINTENANCE EASEMENTS AND SEWER EASEMENTS TO THE PLAZA DEL SOL PROPERTY OWNERS ASSOCIATION, INC.
5. DEDICATES PUBLIC UTILITY EASEMENTS TO ALL PUBLIC AND PRIVATE UTILITIES IN PERPETUITY FOR OVERHEAD AND/OR UNDERGROUND PUBLIC UTILITIES AS DEPICTED ON THIS PLAT. THE PUBLIC UTILITY EASEMENTS ARE ALSO EASEMENTS FOR THE CONSTRUCTION, INSTALLATION, MAINTENANCE, AND OPERATION OF CABLE TELEVISION SERVICES, ELECTRIC, TELEPHONE, AND GAS OR OTHER PUBLIC UTILITY PURPOSES.
6. DEDICATES EASEMENTS LABELED L.C.U.E. AS SHOWN ON THIS PLAT TO LEE COUNTY UTILITIES FOR THE CONSTRUCTION, INSTALLATION, MAINTENANCE, AND OPERATION OF WATER AND SEWER FACILITIES.

SOL PROPERTY DEVELOPMENT, INC.,
A TEXAS CORPORATION

Marvin J. Gonzalez
MARVIN J. GONZALEZ - PRESIDENT

James M. Cortright
JAMES M. CORTRIGHT

Darrell L. Stevens
DARRELL L. STEVENS

Darrell L. Stevens
DARRELL L. STEVENS

ACKNOWLEDGEMENT:
STATE OF FLORIDA)
COUNTY OF LEE)

THE FOREGOING SUBDIVISION WAS ACKNOWLEDGED BEFORE ME THIS 26 DAY OF January, 2004, BY MARVIN J. GONZALEZ, PRESIDENT OF SOL PROPERTY DEVELOPMENT, INC., ON BEHALF OF THE CORPORATION HE IS PERSONALLY KNOWN TO ME, AND HE HAS PRODUCED

IDENTIFICATION
Darrell L. Stevens
DARRELL L. STEVENS

NOTARY PUBLIC
PRINT NAME: *Darrell L. Stevens*
MY COMMISSION EXPIRES

(SEAL)

NOTES:

1. DIMENSIONS SHOWN ARE IN FEET AND DECIMAL PARTS THEREOF.
2. ALL CURVES ARE CIRCULAR.
3. BEARINGS ARE STATE PLANE COORDINATE (FLORIDA WEST ZONE - M.A.D. 1983) WITH THE NORTH LINE OF THE NORTHWEST ONE QUARTER (NW 1/4) OF SECTION 35, TOWNSHIP 46 SOUTH, RANGE 25 EAST BEARING N48°42'56"E.

SURVEYOR'S CERTIFICATION:

I HEREBY CERTIFY THAT THE ATTACHED PLAT OF PLAZA DEL SOL, A SUBDIVISION LYING IN SECTION 35, TOWNSHIP 46 SOUTH, RANGE 25 EAST, WAS PREPARED UNDER MY DIRECTION AND SUPERVISION, AND COMPLES WITH ALL THE REQUIREMENTS OF CHAPTER 177, PART 1, FLORIDA STATUTES. I FURTHER CERTIFY THAT THE PERMANENT REFERENCE MONUMENTS (PRM'S) HAVE BEEN PLACED AT THE LOCATIONS SHOWN ON THIS PLAT.

BEAN, WHITAKER, LUTZ & KAREH, INC. LB 4919
13041-MCGREGOR BOULEVARD, FORT MYERS
FLORIDA 33919-5910 (239) 481-1331 DATE: 12-16-04

Scott C. Whitaker
SCOTT C. WHITAKER, P.S.M. - FLORIDA CERTIFICATE NO. 4324



NOTE: SEE SHEET 3 OF 3 FOR
EASEMENT DETAILS

O.R. 2934, PG. 2113
UNPLATTED

O.R. 2110, PG. 3142
UNPLATTED

O.R. 1454, PG. 1828

X	ARC LENGTH	TANGENT	CHORD	LENGTH	CHORD	BEARING
54.13	21.57	30.41	30.41	344° 7' 46" W		
34.99	22.44	31.82	31.82	345° 42' 14" E		
186.25	75.20	108.00	108.00	140° 08' 28" W		
137.08	100.00	146.42	146.42	345° 08' 28" W		
186.25	125.00	178.78	178.78	345° 08' 28" W		
51.25	51.25	34.84	34.84	90° 00' 00" E		
62.81	31.86	31.86	31.86	90° 00' 00" E		
34.50	18.36	36.33	36.33	88° 47' 11" W		
34.50	31.12	31.12	31.12	90° 00' 00" E		
34.50	22.80	31.12	31.12	84° 43' 12" E		
38.08	24.01	35.22	35.22	84° 38' 14" E		
44.89	24.19	36.49	36.49	84° 38' 14" E		
44.89	31.44	38.17	38.17	53° 34' 54" E		
11.28	5.85	11.28	11.28	51° 02' 31" E		
133.80	58.12	82.51	82.51	82° 51' 02" E		
133.80	78.92	123.80	123.80	51° 57' 08" E		
14.54	7.20	14.54	14.54	38° 00' 00" E		
14.54	23.17	23.17	23.17	45° 14' 49" E		
34.19	17.37	33.88	33.88	58° 50' 40" E		
34.19	17.37	17.37	17.37	58° 50' 40" E		
34.19	38.11	11.28	11.28	88° 47' 23" E		
20.43	10.22	20.43	20.43	47° 28' 17" E		
21.89	10.95	21.89	21.89	47° 28' 17" E		
21.89	21.89	21.89	21.89	47° 28' 17" E		
56.30	28.86	56.30	56.30	53° 08' 30" E		
42.98	21.72	41.43	41.43	53° 08' 30" E		
21.72	3.03	21.72	21.72	53° 08' 30" E		
44.81	22.85	44.81	44.81	85° 00' 00" E		
47.38	36.15	47.38	47.38	85° 00' 00" E		
21.89	13.64	45.83	45.83	85° 00' 00" E		
21.89	17.02	28.14	28.14	53° 34' 54" E		
70.88	48.00	63.84	63.84	54° 18' 30" E		
28.38	11.12	28.38	28.38	54° 18' 30" E		
157.54	131.29	153.77	153.77	53° 30' 54" E		
25.13	8.74	25.13	25.13	82° 58' 12" E		
17.35	11.83	21.09	21.09	82° 58' 12" E		
17.35	20.81	15.70	15.70	57° 00' 00" E		
17.35	18.73	33.03	33.03	56° 36' 38" E		
24.13	13.78	22.88	22.88	84° 34' 58" E		
48.03	24.22	47.88	47.88	84° 34' 58" E		
24.13	24.23	37.26	37.26	84° 34' 58" E		
48.14	33.02	39.87	39.87	85° 19' 19" E		
48.03	28.51	48.00	48.00	52° 05' 19" E		
18.81	13.80	18.81	18.81	52° 05' 19" E		

CURVE TABLE							
CURVE	RADIUS	DELTA ANGLE	ARC LENGTH	TANGENT	CHORD	CHORD LENGTH	CHORD BEARING
C1	21.00	90°22'29"	54.13	21.27	30.91	34.47	84°17'46"
C2	22.00	91°02'32"	34.89	22.44	31.42	34.52	84°42'14"
C3	23.00	91°42'35"	25.65	22.67	31.97	34.63	84°57'17"
C4	100.00	90°00'00"	157.08	100.00	161.42	165.08	90°00'00"
C5	125.00	90°00'00"	186.25	125.00	176.78	180.26	90°00'00"
C6	150.00	90°00'00"	217.01	150.00	201.84	204.78	90°00'00"
C7	125.00	88°42'00"	62.81	31.96	61.93	65.34	89°04'53"
C8	125.00	18°42'35"	22.58	18.36	36.33	38.71	18°47'11"
C9	125.00	90°00'00"	217.01	125.00	217.01	217.01	90°00'00"
C10	21.00	90°00'00"	34.50	22.00	31.11	34.43	84°43'13"
C11	21.00	89°57'52"	34.50	22.00	31.22	34.43	84°58'14"
C12	21.00	89°57'52"	34.50	22.00	31.22	34.43	84°58'14"
C13	21.00	103°00'44"	44.89	31.44	38.17	53.74	53°34'51"
C14	100.00	90°00'00"	157.08	5.95	11.51	51.92	91°02'13"
C15	100.00	90°00'00"	157.08	59.17	62.81	65.34	90°00'00"
C16	100.00	78°52'41"	133.00	79.80	123.00	131.50	81°57'08"
C17	100.00	90°00'00"	14.02	7.92	14.00	14.00	90°00'00"
C18	100.00	90°00'00"	14.02	14.02	14.02	14.02	90°00'00"
C19	100.00	78°52'41"	34.19	17.30	33.81	35.40	80°50'40"
C20	125.00	90°00'00"	17.23	8.77	17.22	17.22	90°00'00"
C21	100.00	89°57'52"	13.28	11.28	11.28	11.28	90°00'00"
C22	350.00	93°30'20"	20.43	10.92	20.42	47.32	47°32'17"
C23	375.00	93°30'20"	21.89	10.92	21.90	47.32	47°32'17"
C24	300.00	93°30'20"	20.43	10.92	20.43	47.32	47°32'17"
C25	150.00	93°18'09"	10.29	5.30	26.86	56.83	55°59'30"
C26	150.00	93°18'09"	42.98	21.72	41.41	93.99	55°59'30"
C27	150.00	93°18'09"	56.33	56.33	56.33	56.33	93°18'09"
C28	100.00	24°40'48"	44.81	22.85	44.80	85.00	91°00'00"
C29	100.00	91°28'19"	45.38	36.15	85.15	86.98	90°54'39"
C30	100.00	94°17'54"	45.38	3.64	45.38	45.38	94°17'54"
C31	25.00	90°00'00"	26.86	17.02	26.84	53.82	90°00'00"
C32	45.00	90°00'00"	76.88	45.00	83.84	84.18	90°00'00"
C33	75.00	90°00'00"	126.88	75.00	131.77	131.77	90°00'00"
C34	200.00	93°13'02"	157.54	81.29	153.77	163.97	93°13'02"
C35	25.00	91°57'55"	26.13	13.24	26.13	42.98	92°00'00"
C36	25.00	91°57'55"	26.13	13.24	26.13	42.98	92°00'00"
C37	25.00	91°57'55"	26.13	13.24	26.13	42.98	92°00'00"
C38	25.00	91°57'55"	26.13	13.24	26.13	42.98	92°00'00"
C39	25.00	91°57'55"	26.13	13.24	26.13	42.98	92°00'00"
C40	25.00	89°07'14"	24.13	13.78	22.88	86.54	89°04'53"
C41	180.00	18°20'48"	48.03	24.22	47.63	88.58	18°58'58"
C42	25.00	91°57'55"	24.13	13.78	22.88	86.54	89°04'53"
C43	25.00	106°44'33"	46.14	33.02	39.87	85.19	52°00'00"
C44	57.00	48°53'23"	48.83	38.01	48.00	52.95	52°00'00"
C45	57.00	48°53'23"	48.83	38.01	48.00	52.95	52°00'0

LEGEND:

PC = PAGE
(R) = RADIAL
P.S. = PLAT BOOK
COR. = CORNER
P.B. = PLAT BOOK
(NR) = NON-RADIAL
RP = RADIAL POINT
SF = SQUARE FEET
O.R. = OFFICIAL RECORDS BOOK
R/W = RIGHT OF WAY
(H) = CURVE HANDBOOK
ST = POINT OF TANGENCY
PC = POINT OF CURVATURE
PCC = POINT OF REVERSE CURVATURE
PI = POINT OF INTERSECTION
P.S. = PROFESSIONAL SURVEYOR AND MAPPER
D.E. = DRAINAGE EASEMENT
P.U.E. = PUBLIC UTILITY EASEMENT
L.W.E. = LAKE MAINTENANCE EASEMENT
U.E. = UTILITY EASEMENT
S.E. = SEWERAGE EASEMENT
L.C.U.E. = LOT COVENANT UTILITIES EASEMENT

TRACT IDENTIFICATION:

TRACT 1 - LAKE/DRAINAGE/RETENTION
TRACT 2 - LANDSCAPE/Common AREA/DRAINAGE EASEMENT
TRACT 3 - ROADWAY, DRAINAGE EASEMENT & P.U.E.
TRACT 4 - CONSERVATION EASEMENT

■ = PERMANENT REFERENCE "X"X"
CONCRETE MONUMENT (PMB)
PMB 4326/43 4819 (UNLESS OTHERWISE NOTED)

● = PERMANENT CONTROL POINT (PCP)
PMB 4326/43 4819 (UNLESS OTHERWISE NOTED)

● = SET 5/8" FROM ROAD & CAP LABELED

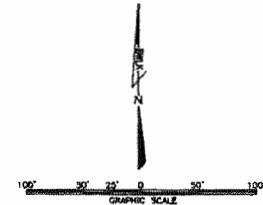
PLAZA DEL SOL

A SUBDIVISION
LYING IN

SECTION 35, TOWNSHIP 46 SOUTH, RANGE 25 EAST, LEE COUNTY, FLORIDA.

PLAT BOOK 70 PAGE 16
SHEET 3 OF 3

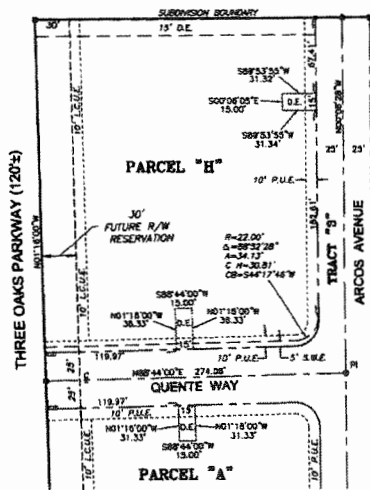
THIS INSTRUMENT PREPARED BY:
BEAN, WHITAKER, LUTZ & KAREH, INC.
CONSULTING ENGINEERS AND SURVEYORS
13041 MCCREORY BLVD. (239) 481-1331
FORT MYERS, FLORIDA 33919



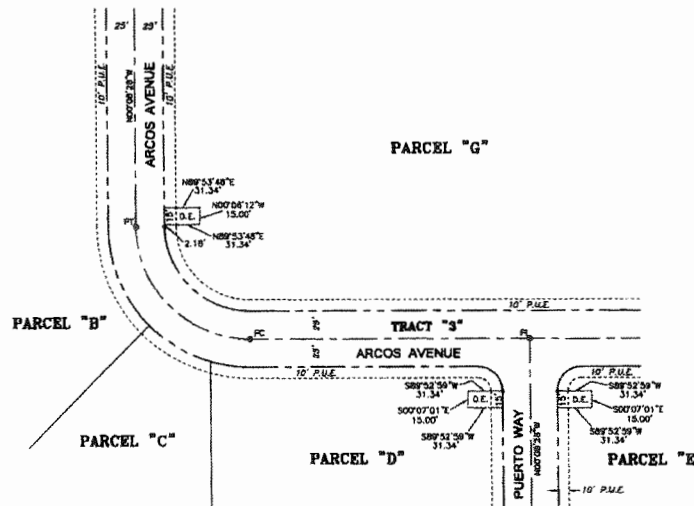
LEGEND:
PL = PLICE
(R) = RADIAL
FND. = FOUND
DCE = DECIMAL
COR. = CORNER
(W) = HIGH-WALL
(P) = RADIAL POINT
SF = SQUARE FEET
R/W = RIGHT OF WAY
(41) = CURVE NUMBER
PT = POINT OF TANGENCY
PC = POINT OF CURVATURE
PVC = POINT OF VERTICAL CURVATURE
PI = POINT OF INTERSECTION
D.E. = DEED RECORDS BOOK
PSM = PROFESSIONAL SURVEYOR AND MAPPER
D.E. = DISTANCE EASEMENT
P.U.E. = PUBLIC UTILITY EASEMENT
L.M.E. = LAKE MAINTENANCE EASEMENT
U.E. = UTILITY EASEMENT
S.W.E. = SIDEWALK EASEMENT
L.C.U.E. = LEE COUNTY UTILITIES EASEMENT

- SET PERMANENT REFERENCE 4"x4" CONCRETE MONUMENT (PRM) PSM 4324/13 4919 (UNLESS OTHERWISE NOTED)
- PERMANENT CONTROL POINT (PCP) NML & DCE PSM 4324/13 4919
- SET 3/8" IRON ROD & CAP LABELED BRK 4819 "ORG COR"

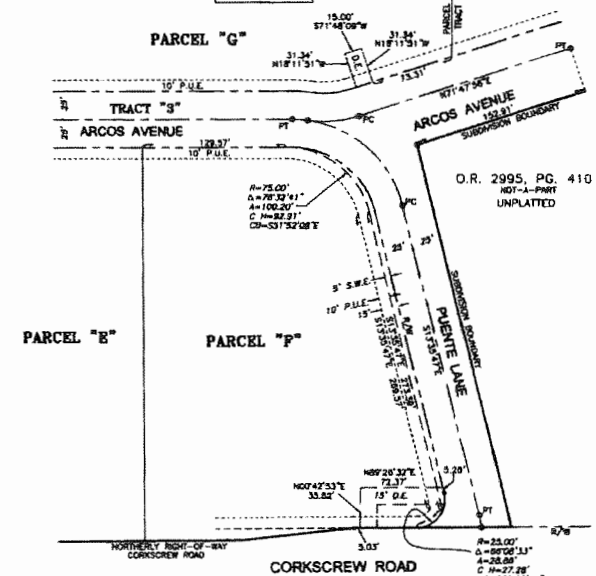
DETAIL #1



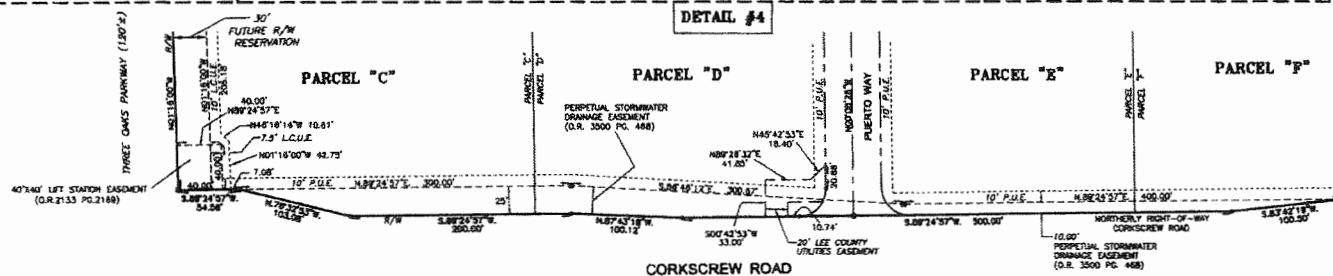
DETAIL #2



DETAIL #3



DETAIL #4



D.S. & 0050501-00172 CASE NO. PLS200-00044