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VILLAGE OF ESTERO, FLORIDA

ORDINANCE NO. 2015 - 21

A ZONING ORDINANCE OF THE VILLAGE COUNCIL OF THE VILLAGE OF ESTERO, FLORIDA; REZONING 21.36 ACRES LOCATED AT 9201 AND 9301 CORKSCREW ROAD, FROM COMMERCIAL PLANNED DEVELOPMENT TO RESIDENTIAL PLANNED DEVELOPMENT FOR THE VOLUNTEERS OF AMERICA CONTINUING CARE/ASSISTED LIVING PROJECT, WITH A MAXIMUM 340 BEDS AND MAXIMUM BUILDING HEIGHT OF 45 FEET, AND INCLUDING CONDITIONS OF DEVELOPMENT; APPROVING CERTAIN DEVIATIONS; PROVIDING FOR CONFLICT; PROVIDING FOR SEVERABILITY; AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, Gulf Care, Inc. dba Gulf Coast Village, filed an application to rezone a 21.36 acre parcel from Commercial Planned Development to Residential Planned Development with deviations for an assisted living, independent living and continuing care facility with a maximum of 340 beds for the project known as Volunteers of America (The Colonnade of Estero CCRC); and

WHEREAS, the subject property is located at 9201 and 9301 Corkscrew Road, Estero (Strap numbers 34-46-25-E1-U1986.2380 and 34-46-25-E1-U2011.2380); and

WHEREAS, a public hearing was held on November 17, 2015 by the Village of Estero Planning and Zoning Board which gave full consideration to the evidence available and recommended approval with conditions of the request (The record consists of the November 10, 2015 staff report prepared by Community Development, the evidence presented at the hearing on file with the Village Clerk and the testimony of interested parties); and

WHEREAS, a public hearing was held on January 13, 2016 by the Village Council who gave consideration to the evidence available and continued the meeting until January 20, 2016.

NOW, THEREFORE, be it ordained by the Village Council of the Village of Estero, Florida:

Section 1. Request

The Village Council of Estero hereby approves the applicant's request to rezone the property from Commercial Planned Development to Residential Planned Development, to allow a maximum of 340 beds of assisted living/independent living/continuing care with buildings not to exceed 45' in height with the following conditions and deviations.

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Section 2. Conditions and Deviations

1. Master Concept Plan/Development Parameters

The development of this project must be consistent with the one-page Master Concept Plan entitled “ESTERO CONTINUING CARE RETIREMENT COMMUNITY” last revised October 20, 2015, stamped received December 18, 2015 except as modified by the conditions below.

This development must comply with all of the requirements of the Land Development Code (“LDC”) at the time of local development order approval, except as may be granted by deviations approved as part of this planned development.

This rezoning allows a maximum of 340 beds/units of assisted living/independent living/continuing care (hereinafter referred to as assisted living) beds/units in any combination or configuration so long as the density does not exceed 128 standard dwelling units per LDC Sec. 34-1494 and LDC Sec. 34-1414(c) - as of the date of this Zoning Ordinance approval. Commercial use is limited to 15,000 square feet.

Resolution Z-05-038 Galleria at Corkscrew CPD is null and void as a result of this zoning action, and is superseded by this Zoning Ordinance.

Zoning Resolution Z-05-039 Design Parc CPD remains in full force and effect except as amended herein. In the event of any inconsistency between this zoning ordinance and zoning resolution Z-05-039 then the conditions and deviations approved in this ordinance shall prevail.

2. Uses and Site Development Regulations

The following limits apply to the project and uses:

Schedule of Uses

Residential

- Accessory Uses and Structures
- Accessory Commercial Support Uses, limited to a maximum of 2,500 square feet of floor area for each use. Must include a minimum of one of the following accessory commercial uses:
 - Banks and Financial Institutions, Group I (including ATM)
 - Barber or Beauty Shop
 - Business Services, Group I – limited to catering for on-site events
 - Convenience Store – (no self-service fuel pumps, not freestanding, located internal to site)
 - Laundry or Dry Cleaning, Group I and II
 - Restaurants, Group II and III

- 93 Administrative Office
- 94 Assisted Living Facility – See dwelling units below
- 95 Clubs, private
- 96 Community Garden per LDC Sec. 34-1716
- 97 Continuing Care Facility – See dwelling units below
- 98 Consumption on Premises, limited to project management, residents and guests
- 99 of the residents within the restaurant (not open to the public). Consumption on
- 100 premises for indoor use in the civic area (meeting rooms) for non-profit events
- 101 will require a temporary permit.
- 102 Dwelling Units:
- 103 Assisted Living Facility, Independent Living Facility, Continuing Care
- 104 Facility, Maximum 340 beds. See Condition #1 above
- 105 Essential Services
- 106 Essential Services Facilities, Group I
- 107 Excavation, Water Retention
- 108 Fences, Walls
- 109 Health Care Facilities, Group I, II, and III – accessory for on-site
- 110 patient/resident care only.
- 111 Home Occupation
- 112 Independent Living Facility, See dwelling units above
- 113 Medical Office – (15,000 square feet maximum per the Master Concept Plan)
- 114 Model Units and Real Estate Sales (See Condition #4)
- 115 Parking Lot, Accessory – includes covered parking per the Master Concept Plan
- 116 Recreational Facilities, Private, On Site (accessory to assisted living only)
- 117 Recreational Facilities, Indoor (accessory to assisted living only)
- 118 Residential Accessory Uses and Structures
- 119 Signs: Per Chapter 30 and Chapter 33 of the Land Development Code

120

121 Minimum Lot Areas and Dimensions including Amenities and Recreation

122

- 123 Lot Size: 10,000 square feet
- 124 Lot Width: 100 feet
- 125 Lot Depth: 100 feet
- 126 Minimum Setbacks
- 127 Street 25 feet (public)/5 feet (private)
- 128 Also see Deviations #2 and #6
- 129 Side 15 feet
- 130 Rear 20 feet
- 131 Water body 20 feet

- 132
- 133 All Accessory Uses: Per the LDC
- 134 Minimum Building Separation: 20 feet
- 135 Building Height: 45 feet/3 stories (whichever is less)
- 136 Maximum Lot Coverage: 45 percent
- 137
- 138

- 139 3. No Blasting
140 No development blasting is permitted as part of this project unless approved at a
141 subsequent public hearing as an amendment to the planned development.
142
- 143 4. Model Units/Real Estate Sales
144 A. Model units are limited to a maximum of 4.
145 B. Real estate sales are limited to recreational facilities/administrative offices and
146 within model units.
147 C. Real estate sales will be limited to the sale of lots or units within the development
148 only.
149 D. Hours of operation for model units and real estate sales in the residential area are
150 limited to Monday through Sunday 8 a.m. to 8 p.m.
151 E. No dry models are permitted.
152
- 153 5. Concurrency
154 Approval of this rezoning does not constitute a finding that the proposed project meets
155 the concurrency requirements set forth in LDC Chapter 2 and the Comprehensive Plan.
156 The developer is required to demonstrate compliance with all concurrency
157 requirements prior to issuance of a local development order.
158
- 159 6. Vehicular/Pedestrian Impacts
160 Approval of this rezoning request does not address mitigation of the project's vehicular
161 or pedestrian traffic impacts. Additional conditions consistent with the Land
162 Development Code may be required to obtain a local development order.
163
- 164 7. Plan Consistency/Concurrency
165 Approval of this rezoning does not guarantee local development order approval, or
166 issuance of a Concurrency Certificate. Future development order approvals must
167 satisfy the requirements of the Planning Communities Map and Acreage Allocation
168 Table, Map 16 and Table 1(b), be reviewed for, and found consistent with all other
169 Comprehensive Plan provisions.
170
- 171 8. Utilities
172 Water and sewer services are available to the site, and this development must connect
173 to those services as part of any local development order for the site for vertical
174 construction.
175
- 176 9. Lighting
177 Lighting of the subject property must be in compliance with the LDC Section 33-116
178 and Section 34-625 utilizing a maximum height of 20 feet for light structures except
179 that the maximum height of any light pole within 50 feet of residentially zoned property
180 or use, or along pedestrian ways, is limited to 15 feet. All lighting must be
181 architecturally designed and complementary to the buildings where the lighting is
182 located. Light fixtures will be full cut-off to direct light away from adjacent properties.

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10. Development Parameters

Development must include a unified “Old Florida” architectural theme for all buildings including the office buildings on the eastern part of the property. The applicant will provide an architectural pattern book applicable to the entire development (including uniform architectural patterns and renderings), subject to approval of the Design Review Board at the time of the first development order, consistent with the Old Florida architectural theme.

11. Signage

The development of the subject property must include a unified, common signage plan and graphic theme throughout the project. The signage and graphic design theme must be reviewed and approved by Village of Estero staff, prior to the issuance of the first development order for the project. Any monument sign must be reviewed and approved by the Design Review Board prior to the issuance of the first development order.

12. Pedestrian-Friendly Design

The development must be designed with all of the following design elements:

- A. Traffic calming measures within internal roadways, which may include but not be limited to: speed bumps or tables, if approved by the Village and Fire District, raised pedestrian crossings, street trees and pedestrian-friendly landscaping; street furniture or the use of pavers and contrasting materials within the roadways.
- B. Sidewalks must be constructed at the time of the first development order on Corkscrew Road and Sandy Lane and at all entrance points to provide connections to the existing sidewalk system on Corkscrew Road, and future sidewalk systems on Via Coconut/Sandy Lane.
- C. An internal sidewalk network connecting the uses within the development consistent with the approved Master Concept Plan.
- D. Pedestrian crosswalk across Corkscrew Road as depicted on the Mixed Use Development Exhibit dated November 17, 2015 and attached hereto as Exhibit 1, must be constructed at the time of the first development order.

13. Open Space

The overall project must provide a minimum of 8.5 acres of open space in substantial compliance with the approved Master Concept Plan.

14. Heritage Trees

Development order landscape plans must retain the two existing heritage oak trees located along Corkscrew Road to be preserved as part of a completed project.

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15. Cross Access Easement

The cross access easement for the pedestrian interconnection with The Estates at Estero River must be recorded at the time of the first development order for the project.

16. Landscape

- a. The applicant will landscape the ditch edges within the drainage easement along Corkscrew Road unless prohibited or restricted by the Lee County Department of Transportation. The landscape plan is subject to approval by Village staff and Design Review Board.
- b. The applicant will plant trees to provide shade, along the sidewalks on Sandy Lane and Corkscrew Road. Specifications will be subject to approval of Village staff and Design Review Board.
- c. The applicant will provide enhanced buffering on the north side of the northern wall to include 20 foot tall canopy trees at the time of installation during the time of the first development order for the project, with shrubs planted at installation, at 48 inches high, consistent with the conceptual landscaping drawing attached hereto and labeled as Exhibit 2.
- d. The area set aside for stand-alone medical offices on the Master Concept Plan will be graded, hydro seeded and maintained to provide a finished appearance until these areas are scheduled for construction activity through an approved permit.
- e. All landscape plans for the entire project must be reviewed and approved by the Design Review Board.
- f. The Developer agrees to install an enhanced Type “D” buffer along Corkscrew Road within the two (2) highlighted areas indicated on the Mixed Use Development Site Plan labeled as Exhibit 1. The enhancements to the buffer in these specific areas consist of increasing the size of the required shrubs to 36 inches tall with a 20 inch spread at the time of installation, to be maintained at a minimum of 48 inches tall. The required buffer in these areas will also be constructed on a berm of at least 2 feet in height.

17. Pedestrian Interconnection

A pedestrian interconnection will be provided in the northeast corner of the site to the Estates at Estero River, as depicted on the Mixed Use Development Exhibit dated November 17, 2015 and attached hereto as Exhibit 1 and must be depicted on the plans for the first development order. This interconnection will have a secure gate accessible only by the Estates at Estero River residents and the management and designees of the Colonnade of Estero CCRC project.

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18. Wall

The existing wall along the north property line must be rebuilt, replaced and/or repaired to bring the wall into good order and repair and in compliance with current codes. The wall must be maintained in that same condition in perpetuity.

19. Driveways

The project sidewalks, accesses, and driveways will be open to the public and will not be gated, except for the pedestrian gate to the adjacent community.

20. Seventy five hundred (7,500) square feet of the commercial phase (medical office buildings) must be constructed during the first phase of development of the project. The remaining 7,500 square feet must be constructed as part of the second phase of the project.

21. The project's civic spaces will be available to local non-profit groups to use for a reasonable fee in connection with appropriate events to be determined in the reasonable discretion of the developer.

22. The applicant will provide shuttle bus or van service to the residents, as Lee Tran bus service is not available.

Deviation Requests

Deviation #1 is approved granting relief from LDC 10-416(d)(6) which requires if roads, drives or parking areas are located less than 125 feet from a residential single-family subdivision, a solid wall or wall/berm combination must be provided not less than 8 in height to be constructed not less than 25 feet from the abutting property line and landscaped (between the wall and the abutting property) with a minimum of five trees, and 18 shrubs per 100 linear feet, to allow instead a solid wall or combination berm and solid wall not less than eight feet in height to be constructed not less than 15 feet from the abutting property line to the north and landscaped (between the wall and abutting property) with a double staggered row hedge maintained at 60 inches and 10 trees per 100 linear feet.

Deviation #2 is approved, granting relief from LDC Section 33-406 requiring a maximum 25-foot street setback in the Corkscrew Main Overlay district, to allow a setback of 110 feet along Corkscrew Road for the buildings as shown on the Master Concept Plan.

Deviation #5 is approved, with the following condition, granting relief from LDC Section 34-2015(2)d which requires exiting vehicles to leave a parking lot in a forward motion, to allow for parking as depicted on the master concept plan.

Condition: If vehicles back directly onto an internal access way, the posted speed limit of the access way must be 25 miles per hour or less, and the access way must be designed so that traffic calming devices are provided per Lee County Administrative Code AC-11-14. The design and location of traffic calming devices will be to the satisfaction of the Village of Estero staff.

315 Deviation #6 is approved, granting relief from LDC Section 33-403 which requires that
316 buildings on corner lots be designed with a maximum setback of 25 feet from each adjacent
317 right of way, to allow a setback of 185 feet from Sandy Lane and 110 feet from Corkscrew
318 Road.

319
320 Deviation #7 is approved, granting relief from LDC Section 34-2192(b)(5) which requires all
321 parking lots, access streets, and drives to be a minimum of 75 feet from the right of way, to
322 instead allow parking lots, access streets, and drives to be set back to a minimum of 50 feet
323 from the right of way as shown on the master concept plan.

324
325 Deviations 3, 4, and 8 were withdrawn by the Applicant.

326

327 **Section 3. Findings and Conclusions**

328 Based upon an analysis of the application and the standards for approval of planned
329 development rezonings, the Village Council makes the following findings of fact and
330 conclusions:

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332 1. The applicant has justification for the rezoning to Residential Planned Development
333 (RPD) by demonstrating compliance with the Comprehensive Plan, the Land
334 Development Code, and other applicable codes and regulations, as conditioned.

335

336 2. The requested zoning to Residential Planned Development (RPD), as conditioned:

337

338 a. Meets all performance and locational standards set forth for the potential uses
339 allowed by the request; and

340 b. Is consistent with the densities, intensities and general uses set forth in the
341 Comprehensive Plan; and

342 c. Is compatible with existing or planned uses in the surrounding area, as
343 conditioned; and

344 d. The request will not adversely affect environmentally critical areas or natural
345 resources.

346

347 3. Although there will be additional trips generated by the development, approval of the
348 request will not place an undue burden upon existing transportation or planned
349 infrastructure facilities and the site will be served by streets with the capacity to carry
350 traffic generated by the development.

351

352 4. Urban services, as defined in the Comprehensive Plan will be available and adequate
353 to serve the proposed land use.

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355 5. The proposed use or mix of uses, as conditioned, is appropriate at the subject location.

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357 6. The recommended conditions to the master concept plan and other applicable
358 regulations provide sufficient safeguards to the public interest.

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- 7. The recommended conditions are reasonably related to the impacts on the public's interest created by or expected from the proposed development.
- 8. The deviations as conditioned, will preserve and promote the general intent of the LDC to protect the public health, safety and welfare.
- 9. The project sufficiently complies with Village of Estero Resolution No. 2015-22, in that the project demonstrates principles of compact, walkable, transit supportive, mixed use development, with an emphasis on employment, housing and recreation uses.

Section 4. Exhibits

The following Exhibits are attached to this ordinance and incorporated by reference:

- EXHIBIT A Legal Description
- EXHIBIT B Master Concept Plan stamped received December 18, 2015.

Section 5. Effective Date

This ordinance shall take effect immediately upon adoption.

PASSED on first reading this 16th day of December, 2015.

PASSED AND ADOPTED BY THE VILLAGE COUNCIL of the Village of Estero, Florida this 20th day of January, 2016.

Attest:

VILLAGE OF ESTERO, FLORIDA

By: Kathy Hall
Kathy Hall, MMC
Village Clerk

By: Nicholas Batos
Nicholas Batos
Mayor

Reviewed for legal sufficiency:

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

Vote:	AYE	NAY
Mayor Batos	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Vice Mayor Levitan	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Councilmember Boesch	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Councilmember Brown	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Councilmember Errington	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Councilmember Ribble	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Councilmember Wilson	<input checked="" type="checkbox"/>	<input type="checkbox"/>

Date filed with the Village Clerk: January 26, 2016

Mixed Use Development



- CIVIC SPACE
 - POOL AMENITY
 - PASSIVE & ACTIVE COURTYARDS
 - PRIMARY OPEN SPACES, GREEN SPACES, BUFFERING AND ENHANCEMENTS
 - FUTURE MEDICAL OFFICES
- SHADED PEDESTRIAN WALKWAYS (OPEN TO THE PUBLIC)
 - ENHANCED LANDSCAPE BUFFER SEE EXHIBIT 3

ESTERO CCRC

MASTER PLAN - EXHIBIT

MASTER SITE PLAN - MIXED USE DEVELOPMENT

DATE: 11.17.15



SCALE: 1" = 100' 0"

PREPARED FOR



Exhibit 1

IN ASSOCIATION WITH

PREPARED BY



1204 Whiskey Creek Drive | Fort Myers, Florida 33919
 239.334.3154 | www.landarch.com | info@landarch.com

3D Animation | Virtual Design | Digital Imagery | Land Planning & Graphics | Landscape Architecture



NORTH BUFFER



ESTERO CCRC

GROUND LEVEL RESIDENTIAL VIEW / WALL, BUILDING INTERIOR LANDSCAPE AND BUFFER

DATE: 7-16-15

PREPARED BY



1201 Whiskey Creek Drive | Fort Myers, Florida 33919
735.334.9144 | www.LAPLA.com | mail@LAPLA.com

3D Animation | Virtual Design | Digital Imagery | Land Planning & Graphics | Landscape Architecture

PREPARED FOR



Volunteers
of America®

IN ASSOCIATION WITH

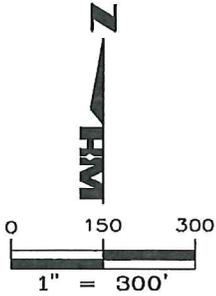


EXHIBIT A

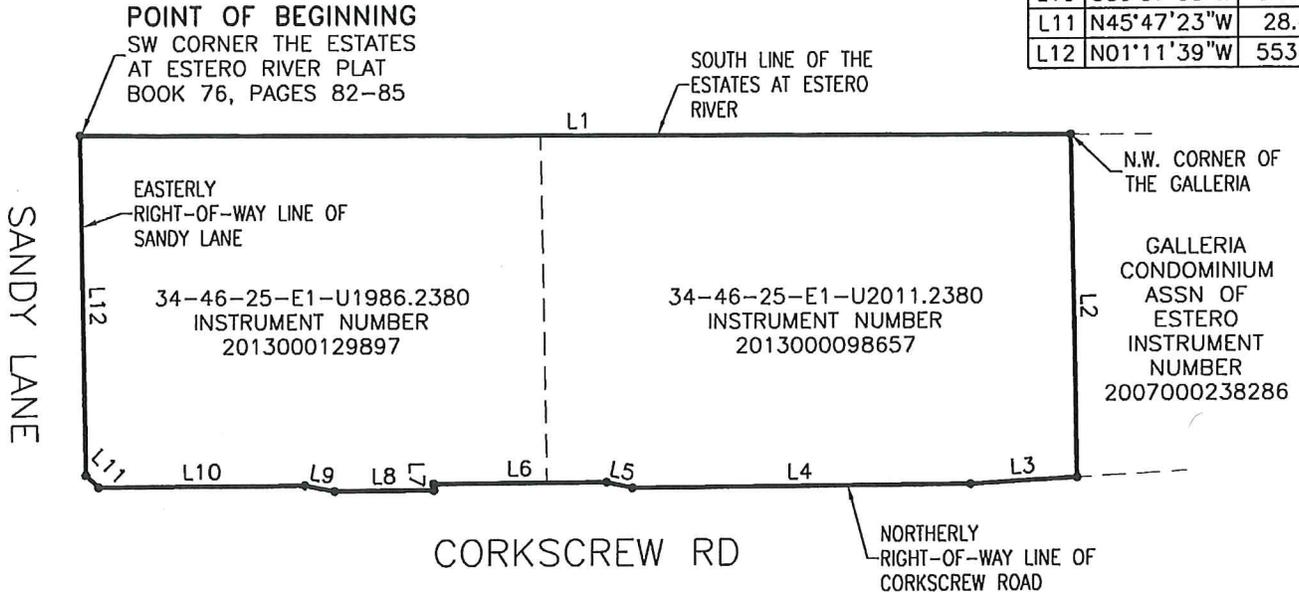
\\hm-data\HM\DATA-SV2\2014\2014078\DW\SU\SKETCH AND DESCRIPTION\P1-P2 Combined.dwg Tab: Layout1 Jun 22, 2015 - 10:12am Plotted by: RickKornell

THIS IS NOT A SURVEY

LINE	BEARING	DISTANCE
L1	S89°50'12"E	1630.46
L2	S01°07'24"E	559.25
L3	S86°45'18"W	175.38
L4	S89°37'03"W	557.88
L5	N77°01'36"W	43.29
L6	S89°37'03"W	281.88
L7	S00°22'57"E	10.00
L8	S89°37'03"W	161.34
L9	N79°04'21"W	50.99
L10	S89°37'03"W	341.11
L11	N45°47'23"W	28.48
L12	N01°11'39"W	553.56



THE ESTATES AT ESTERO RIVER
PLAT BOOK 76, PAGES 82-85



LEGAL DESCRIPTION

A TRACT OR PARCEL OF LAND SITUATED IN THE STATE OF FLORIDA, COUNTY OF LEE, LYING IN SECTION 34, TOWNSHIP 46 SOUTH, RANGE 25 EAST, SAID LEE COUNTY, FLORIDA, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGINNING AT THE SOUTHWEST CORNER OF THE ESTATES OF ESTERO RIVER, A SUBDIVISION RECORDED IN PLAT BOOK 76, PAGES 82 THROUGH 85 OF THE PUBLIC RECORDS OF LEE COUNTY, FLORIDA; THENCE ALONG THE SOUTH LINE OF SAID SUBDIVISION RUN S89°50'12"E FOR A DISTANCE OF 1630.46 FEET, TO THE NORTHWEST CORNER OF THE GALLERIA, A CONDOMINIUM, DECLARATION RECORDED IN INSTRUMENT NUMBER 2007000238286, OF THE PUBLIC RECORDS OF LEE COUNTY, FLORIDA; THENCE ALONG THE WEST LINE OF SAID GALLERIA RUN S01°07'24"E FOR A DISTANCE OF 559.25 FEET, TO A POINT ON THE NORTHERLY RIGHT-OF-WAY LINE OF CORKSCREW ROAD (S.R. S-850); THENCE ALONG SAID NORTHERLY RIGHT-OF-WAY LINE, THE FOLLOWING NINE (9) DESCRIBED COURSES: 1) THENCE RUN S86°45'18"W FOR A DISTANCE OF 175.38 FEET; 2) THENCE RUN S89°37'03"W FOR A DISTANCE OF 557.88 FEET; 3) THENCE RUN N77°01'36"W FOR A DISTANCE OF 43.29 FEET; 4) THENCE RUN S89°37'03"W FOR A DISTANCE OF 281.88 FEET; 5) THENCE RUN S00°22'57"E FOR A DISTANCE OF 10.00 FEET; 6) THENCE RUN S89°37'03"W FOR A DISTANCE OF 161.34 FEET; 7) THENCE RUN N79°04'21"W FOR A DISTANCE OF 50.99 FEET; 8) THENCE RUN S89°37'03"W FOR A DISTANCE OF 341.11 FEET; 9) THENCE RUN N45°47'23"W FOR A DISTANCE OF 28.48 FEET, TO A POINT ON THE EASTERLY RIGHT-OF-WAY LINE OF SANDY LANE; THENCE ALONG THE EASTERLY RIGHT-OF-WAY LINE OF SANDY LANE, RUN N01°11'39"W FOR A DISTANCE OF 553.56 FEET, TO THE POINT OF BEGINNING OF THE PARCEL HEREIN DESCRIBED, CONTAINING 930,474 SQUARE FEET OR 21.4 ACRES, MORE OR LESS.

HOLE MONTES, INC.
CERTIFICATE OF AUTHORIZATION NUMBER LB 1772

BY *Thomas M. Murphy*
THOMAS M. MURPHY

P.S.M. #5628
STATE OF FLORIDA

DRAWN BY: R.A.K.	DATE: 6/22/15
CHECKED BY: T.M.M.	DATE: 6/22/15
SEC-TWN-RGE: 34-46S-25E	SCALE: 1"=300'



950 Encore Way
Naples, FL. 34110
Phone: (239) 254-2000
Florida Certificate of
Authorization No.1772

SKETCH AND LEGAL DESCRIPTION

DRAWING NO. B-7178
PROJECT NO. 2014078
FILE NAME P1-P2 Combined.dwg

