



CITY OF LABELLE, FLORIDA
Planning Staff Report
For
Planned Unit Development PUD Rezone

Updates to the staff report since the City Commission first reading on March 14, 2024 have been highlighted for ease of review

TYPE OF CASE: PUD Rezone

STAFF REVIEWER: Alexis Crespo, AICP

DATE: December 12, 2024

APPLICANT: Birkland, LLC

AGENT: Johnson Engineering c/o Amanda Martin & Christine Fisher

REQUEST: To rezone 15.95+/- acres the subject property from R-1A to rezone to Planned Unit Development (PUD) zoning district to allow for mixed-use development known as Birkland to allow for **120 dwelling units and 30,000 SF of commercial uses.**

LOCATION: North of State Road 80 and west of E. Fort Thompson Ave. (See Location Map)

PROPERTY SIZE: 15.95+/- acres

FUTURE LAND USE DESIGNATION, CURRENT ZONING AND LAND USE:

Existing Future Land Use Designation: Outlying Mixed Use / Residential
Existing Zoning: R-1A
Land Use: Vacant / Agricultural

SURROUNDING LAND USE:

North: FLU – Residential
Zoning – Single-Family—Low Density (R-1A)
Land Use – Single Family Residential / Vacant

South: FLU – Commercial
Zoning – Business general (B-2)

Land Use – Church / Single Family Residential / Vacant

East: FLU – Outlying Mixed Use / Residential
Zoning – Single-Family—Low Density (R-1A)/ Planned Unit Development (PUD)
Land Use – Vacant / Single Family Residential

West: FLU – Outlying Mixed Use
Zoning – Single-Family—Low Density (R-1A) / Business general (B-2)
Land Use – Vacant / Single Family Residential

STAFF NARRATIVE:

Birkland, LLC (“Applicant”) is requesting approval to rezone the subject property to the City’s Planned Unit Development (PUD) zoning district to allow for 120 multi-family dwelling units and 30,000 SF of commercial uses, this reflects a reduction to the original request for 128 multi-family dwelling units and 40,000 SF of commercial uses.

After lengthy public input and discussion with the Applicant at the March 2024 first reading, the Applicant resubmitted an updated Master Concept Plan (MCP) and the enclosed Memorandum outlining the following changes to the proposed PUD:

- Reduced the residential density from 128 units to 120 units;
- Reduced the commercial intensity from 40,000 SF to 30,000 SF;
- Reduced all building heights to 2 stories/35 feet;
- Eliminated and relocated residential buildings to increase the separation from the northern property line from 170 feet to 205 feet, and from Fort Thompson Avenue to 224 feet;
- Increased preserve area by 0.65 acres resulting in fewer impacts to significant oak trees.

As discussed in the previous staff report, the Applicant correctly noted that SB 250 passed in 2023 pre-empts local governments within 100 miles of Hurricane Ian landfall from adopting more restrictive or burdensome procedures or amendments to their comprehensive plan or land development regulations before October 1, 2024. The preemption applies retroactively to September 28, 2022 and would limit the City’s enforcement of Ordinance 2022-08 adopted October 13, 2022, which decreased the maximum base residential density for projects within the Outlying Mixed Use future land use category and imposed a more onerous bonus density criteria; and Ordinance 2023-03 adopted May 4, 2023, which increased off-street parking space requirements for certain uses.

Thus, the below Comprehensive Plan Compliance analysis has been modified to evaluate the PUD based upon the Outlying Mixed-Use policy as it existed before Ordinance 2022-08, as well as the revised MCP, density and intensity. A copy of this ordinance is also included as an attachment to the Staff Report. Additional conditions relating to parking have also been amended pursuant to this legislative change.

BACKGROUND

The property is currently vacant and vegetated. The property is 15.95+/-acre and consists of seven (7) parcels. Pursuant to environmental data provided the Applicant, the site contains 0.53 acres of exotic wetland hardwoods located in the center of the site and no known listed species were observed on or in the immediately adjacent properties. Impacts to jurisdictional wetlands will require permitting and mitigation per state laws.

The underlying future land use includes 13.21 acres of Outlying Mixed Use future land use along the SR 80 frontage, while the northern 2.75 acres are designated Residential. The current zoning of the property is Single-Family—Low Density (R-1A).

PUD REZONING REQUEST

The Low Density (R-1A) is limited to low density single family residential uses and is not the most appropriate category for property with frontage to SR 80 – a major arterial roadway. PUD zoning is required for all properties seeking rezoning approval in the Outlying Mixed Use future land use category.

The applicant is proposing a PUD rezone with supportive Master Concept Plan to develop the site with 120 multifamily dwelling units and 30,000 square feet of commercial uses.

The Applicant is proposing a maximum height of 35 feet/2 stories for all buildings in the project based upon feedback from the public, LPA and City Commission. The Applicant is also proposing a minimum building setback of 205 feet from the northern property line and 224 feet from Fort Thompson Avenue

The commercial uses are limited to uses permitted by right or special exception within the Business Professional (B-1) the lowest intensity commercial zoning district within the city and are further limited to the area along SR 80 to avoid impacts to the surrounding neighborhood.

The main access is from SR 80 while one (1) secondary, emergency only access (i.e. stabilized but unpaved) will be provided from Fort Thompson Avenue, a local roadway serving residential single-family uses only, OR to N. Cypress Street, an unimproved local roadway. **In no case will emergency access be provided to both Fort Thompson Avenue and N. Cypress Street.**

An enhanced streetscape landscape buffer is proposed per SR 80 Overlay District – which entails a 25-foot-wide buffer with 6 trees per 100 linear feet and a continuous row of shrubs installed at 36". Native preserve areas are proposed to the east, west and north. The remaining property lines are buffered by existing native vegetation and do not require perimeter buffers per the LDC. The proposed Master Concept Plan demonstrates these buffers and native preserve areas.

The development includes on-site recreation within the residential development area including a pool, clubhouse and a recreation area as identified within the MCP.

Letters provided by Hendry County Sheriff's department, LaBelle Fire Department, and Hendry County Public Safety indicate no objections to either development option, and confirm services are available.

A letter was also provided by Hendry County School District indicating a lack of capacity for the students generated by the project, and willingness to meet with the developer to discuss resolution to school concurrency shortfalls. Staff has included a new condition of approval addressing school capacity based upon this correspondence.

- **Significant Oak Trees**

The Applicant has taken efforts to preserve the significant oak trees in the northern portion of the site to buffer the neighborhood. Despite these efforts the application is requesting removal and on-site replacement of the significant oak trees as shown on the attached tree mitigation plan. In total, 1,978 inches (formerly 2,249 inches) of significant oak trees will be removed and replaced on-site and 2,650 inches (formerly 2,576 inches) of significant oak trees will be preserved in existing conditions largely within preserve areas.

- **Compatibility**

The Applicant has provided development regulations and limited the schedule of uses to multi-family and low intensity commercial uses that provide a level of compatibility with surrounding existing development patterns, the SR 80 Overlay, nearby commercial properties, and internal residential and commercial uses. The development proposes additional development regulations in the form of additional setbacks, buffer enhancements and removal of outdoor uses for specific uses.

Staff's concerns relate to building height, traffic and density/intensity of the development compared to the adjacent single-family neighborhood. Staff has modified conditions of approval based upon the Applicant's proposed changes. These conditions are aimed at meeting the compatibility policies in the Comprehensive Plan and ensuring the development is consistent with surrounding land use patterns.

Staff has limited the commercial intensity to a FAR of 0.2 as this use area is located adjacent to Fort Thompson Avenue and nearby lower density residential uses. Additional buffering, including an opaque fence/wall, and a building setback of 50 feet are also proposed in Staff's revised conditions.

Comprehensive Plan Consistency:

The request, as conditioned by Staff, is consistent with the following objectives and policies of the City's Comprehensive Plan.

Future Land Use Policy 1.2.1

The PUD will provide opportunities for planned growth and support the expansion of the local economy and anticipated population growth in the City along SR 80. Conditions are recommended to ensure the development complies with compatibility measures in the plan.

Policy 1.3.2 Outlying Mixed Use Land Use Category

The Outlying Mixed-Use Category is established to provide for integrated planned developments where a mixture of land uses are permitted and encouraged. The most appropriate land uses for this area will continue to be residential with neighborhood and general commercial uses permitted at locations that meet the sub-category standards. No more than 30% of the total area of the Category will be used for single use commercial development, and no more than 70% will be used for single use residential development. These percentages are calculated on a city-wide basis.

The Outlying Mixed Use category further subdivides properties based on acreage to assign density, intensity and allowable uses. A site greater than 8 acres in size and less than 16 acres is considered a “Town Center” and is eligible for up to 14 units per acre and a FAR of 0.75 as follows:

“Town Centers provide for higher intensity retail, office, and service uses. The Town Center sub-category continues to encourage a higher residential density than the Regional Center, focusing populations close to the center of town. The Town Center sub-category provides proper location for larger establishments that will generally service most if not all of the community of Labelle. Allowable uses in this sub-category include residential, commercial, retail, personal services, offices, hotels/motels, institutional, public/semi-public and recreation and parks. Industrial uses are not permitted. Town Centers are comprised of slightly larger parcels that typically exist on the edges of the core of LaBelle. Commercial development will not exceed a floor area ratio (FAR) of 0.75. Residential density will not exceed 14 units per acre. Non-residential uses will be concentrated along major street frontages, and will have direct access to a collector or arterial street with interconnection between developments strongly encouraged. Access to a local street is strongly discouraged.”

The application proposes residential and commercial uses, both of which are permitted uses in the Town Center subdistrict.

Analyzing the 14+/- acres of residential land use area shown on the MCP, the proposed density is 8.5 du/acre and below the 14 du/acre permitted. Similarly, the Floor Area Ratio of 30,000 SF of commercial uses on the 2+/-acre commercial tract is 0.34 and below the 0.75 FAR threshold in the policy. Due to the redesign, reduced building height, increased separation and increased preserve, Staff can support the density of 120 units. Staff is recommending a reduction to proposed intensity to address compatibility with the Fort Thompson Avenue land use pattern.

It should be noted that the density and intensity in the Comprehensive Plan future land use categories are not permitted “by right” but rather based upon consistency with the Comprehensive Plan as a whole.

Objective 1.6 Compatibility and Neighborhood Protection

This policy states that all new development and redevelopment must be compatible with existing and planned surrounding development in order to protect the City’s established residential neighborhoods and ensure a high quality of life for its residents. For the purposes of this objective, compatibility is defined as the characteristics of different uses

or activities or design which allow them to be located near or adjacent to each other in harmony.

Some elements affecting compatibility include the following: height, scale, mass and bulk of structures, pedestrian or vehicular traffic, circulation, access and parking impacts, landscaping, lighting, noise, odor and architecture. Compatibility does not mean “the same as.” Rather, it refers to the sensitivity of development proposals in maintaining the character of existing development.

The neighborhood is entirely single-family detached dwelling types, developed on lots of 10,000 SF or greater per the R-1 zoning district. However, this must be balanced with the property’s substantial frontage on SR 80, an arterial roadway. Limiting the subject property’s usage to single-family to align with the surrounding neighborhood would underutilize the property for commercial and employment generating land uses desired by the City along one of the major thoroughfares and gateways to the City. Staff has modified conditions to address compatibility based upon the revised Master Concept Plan and design standards proffered by the Applicant, including increased buffering, separation and limiting square footage for the commercial uses.

Policy 1.6.1 Locational standards

The above policy states that densities in the upper limits of the allowable density range will be evaluated as to the availability and proximity of the road network; centralized sewer and water services; community facilities and services such as schools, EMS, fire and police protection, and other public facilities; compatibility with neighboring land uses; and any other relevant facts affecting the public health, safety, and welfare.

The revised plan better addresses compatibility with the neighboring land uses than previous iterations. To further ensure compatibility with the surrounding neighborhood as well as public safety relating to traffic, intensity is proposed at a maximum of 20,000 SF.

Policy 1.6.2 Higher Density and Intensity Land Uses

The above policy provides that higher density and intensity development shall occur in urbanized areas of the City, generally near Downtown and the arterial roadway network. While the property has substantial frontage on SR 80, an arterial roadway, the site also abuts the City’s lowest density Residential future land use category, which limits density to 3 du/acre and is not adjacent to or abutting the Downtown Business District.

Policy 1.6.3: Sensitive Site Design

The project has demonstrated sensitive site design as follows:

- Substantial native preserve that provides buffering and screening from the adjacent single-family residences;
- Sensitively located ponds and detention areas along the northern edge of the project.
- Substantial perimeter setbacks for residential buildings.
- Limited building heights.

- Limitations on access to adjacent local roads (i.e. emergency only to either Ft. Thompson Avenue OR North Cypress Street.

Concerns regarding the site design remain relating to the proposed intensity and have been addressed through additional conditions placed on the commercial component of the project.

Traffic Circulation Element Policy 2.5.2 & 2.5.3

The application includes a Traffic Impact Analysis and indicates that all of the adjacent roadway segments will operate at an acceptable Level of Service. The applicant has indicated that an analysis of potential turn land improvements will be determined during permitting with FDOT, but no roadway capacity improvements are indicated.

The Applicant reduced the access to one (1) point of ingress/egress from SR 80. One (1) additional stabilized, emergency only access must be provided to either Ft. Thompson Avenue OR N. Cypress Street.

Infrastructure Element Policy 4.1

Currently no utilities are in place to serve the site. The applicant has acknowledged that no residential or commercial development will be allowed until utility connections are extended to service the project, and there is demonstration of adequate capacity by the City of LaBelle as part of the site construction permitting process.

Infrastructure Element Policy 4.3.2 (Surface Water & Groundwater Quality)

The Master Concept Plan(s) indicate that on-site water management lakes will provide water quality through pretreatment and attenuation for the site, as well provide on-site fill materials. The developments outfall is anticipated to be on the eastern side, to the abutting conveyance ditch along the eastern property boundary.

STAFF RECOMMENDATION:

Staff finds that the rezoning to the Planned Unit Development (PUD) zoning district is consistent with the Land Development Code and Comprehensive plan and recommends APPROVAL subject to the following conditions. Staff finds the mixed-use development program consistent with the intent of the City’s Residential and Outlying Mixed Use future land use category.

1. The PUD Amendment request applied to the property is described in Exhibit ‘A’.
2. Allowable uses shall be limited to those listed in the Schedule of Uses, attached as Exhibit ‘B’.
3. On-site consumption on premises or alcohol sales for off-site consumption (as a principal or accessory use) requires a PUD amendment requiring public hearings.
4. Development Standards will conform to the Development Standards Table, attached as Exhibit ‘C’.
5. All development must conform to the general design of the Master Concept Plan contained in Exhibit ‘D’ and the requirements of the Land Development Code.
6. The maximum allowable unit count is 64 120 dwelling units.
7. The maximum allowable commercial square footage 40,000 20,000 square feet.

8. The maximum building height is 35 feet/2 stories.
9. Residential structures, including accessory and amenity structures, must be setback a minimum of 205 feet from the northern property line and 224 feet from the Fort Thompson Avenue right-of-way.
10. Commercial structures must be setback a minimum of 50 feet from the Fort Thompson Avenue right-of-way.
11. A decorative, opaque wall or fence not less than 6 feet in height must be installed along the Fort Thompson Avenue frontage, with all required plantings on the exterior of the wall.
12. Development must connect to the City's potable water and sanitary sewer system. A demonstration of capacity will be required at the time of site construction permitting, including demonstration of a hydrant system to provide adequate and continuous water flow for firefighting purposes.
13. Site construction plans must demonstrate an internal sidewalk system to connect the proposed buildings to on-site green space areas, parking, and to the external sidewalk network.
14. The project will provide parking spaces in accordance with the Land Development Code for both residential and non-residential uses, with the exception that the required off-street parking for multiple-family dwellings shall be 1.5 spaces per unit per the LDC in effect prior to May 4, 2023.
15. Access to SR 80 will require a permit from the Florida Department of Transportation and this approval does not guarantee or grant access as shown on the MCP.
16. The E. Fort Thompson Avenue entrance will be limited to a right out (egress only). One (1) additional point of emergency-only unpaved, stabilized ingress/egress will be required on either Ft. Thompson Avenue OR N. Cypress Street. Ingress will be permitted for emergency service providers only.
17. A Master Signage Plan shall be provided in accordance with the Land Development Code at the time of site construction permitting to ensure cohesive and consistent signage design for both residential and non-residential components.
18. A consistent Old Florida architectural vernacular must be applied to all residential and non-residential buildings. All commercial buildings shall adhere to the following design standards:
 - a. Old Florida vernacular to be displayed through inclusion of elements including but not limited to: front porches, covered corridors, walkways, pitched and/ or metal roofs, shutters, and paneled siding.
 - b. Roof overhangs are required on all commercial buildings.
 - c. If flat roofs are used, they are to be enclosed from State Road 80 view by parapets, mansards or a combination of the two.
 - d. Facade treatments are to be provided in accordance with LDC 4-91(b)(2).
 - e. Exterior building colors to be derived from earth tones with subtle hues of primary building color.
 - f. Structures shall reflect similar architectural features such as style, materials, details, and color.
19. All residential buildings shall adhere to the Old Florida vernacular architectural style compatible with design standards identified for commercial buildings through inclusion of a minimum of three (3) of the following elements: front porches, pitched and/ or metal roofs, shutters, gabled rooflines, and paneled siding.

20. The developer/owner or their designee, which may include a property owners association (POA) must maintain common areas, parking areas, and infrastructure within the project. If a POA is established, documents must be provided to the City at the time of site construction plan permitting.
21. 8 acres of open space must be provided within the project. A minimum of 1 acre of useable open space must be provided for dedicated passive and active recreational space for residents. These useable open space areas must be exclusive of perimeter buffers, stormwater lakes/ponds, detentions areas.
22. Dumpsters, recycling facilities and service areas must be setback a minimum of 50 feet from the PUD boundaries and screened via an opaque wall or fence.
23. A 25-foot-wide streetscape buffer must be provided along Fort Thompson Avenue and SR 80 and must comply with the State Road 80 Overlay including a minimum of six (6) trees per one hundred (100) linear feet and shrubs to form a hedge row installed at 36" and maintained at 60".
24. Where native vegetation is proposed for preservation along perimeters of the project, and plant materials meet or exceed a minimum of 10 trees per 100 linear feet and a minimum of 20 feet in width, no perimeter buffer is required.
25. Internal to the site, vehicle use areas and commercial area abutting residential uses or internal rights-of-way must provide a minimum buffer of 10 feet with 5 trees per 100 linear feet and a double hedgerow installed at 24" and maintained at 48".
26. This approval authorizes the removal of 1,978 2,249 inches of significant oak trees and the preservation of 2,379 2,650 total inches of significant oak trees on-site. At the time of site construction plan application, the developer must provide landscape plans demonstrating the mitigation in accordance with the LDC for replacement of 1 inch of live oak tree for each inch removed. All replacement trees must be replanted on-site.
27. The PUD Master Concept Plan will remain valid for not more than five (5) years from the date of City Commission approval. Horizontal construction must commence within five (5) years or the MCP will be deemed vacated. Upon such time a new PUD zoning approval must be filed and approved by the City Commission. A one (1) time extension of two (2) years may be submitted to the City prior to vacation of the MCP and approved administratively. All other extensions require City Commission approval, except for any tolling or extensions in accordance with State law.
28. The City is conducting a risk assessment and capital planning for adequate fire protection. The project may be subject in the future to impact fees or capital assessments to address the project impact.
29. In addition to applicable school impact fee payments required at the time of building permit issuance, the developer must obtain a letter of school concurrency prior to issuance of a site construction permit or enter into a proportionate fair share payment agreement with the Hendry County School District to mitigate the project's impacts.

SUGGESTED MOTION(S):

APPROVAL:

I make a motion to **APPROVE** the Birkland PUD rezoning of the subject property from R-1A to the the PUD zoning district.

DENIAL:

I make a motion to **DENY** the rezone of the subject property from R-1A to the PUD zoning district.

The request does not meet the rezoning criteria:

- 1)

APPROVAL WITH CONDITIONS:

I make a motion to approve Birkland PUD Rezone Amendment, with the following condition(s):

- 1) as outlined in the staff report;

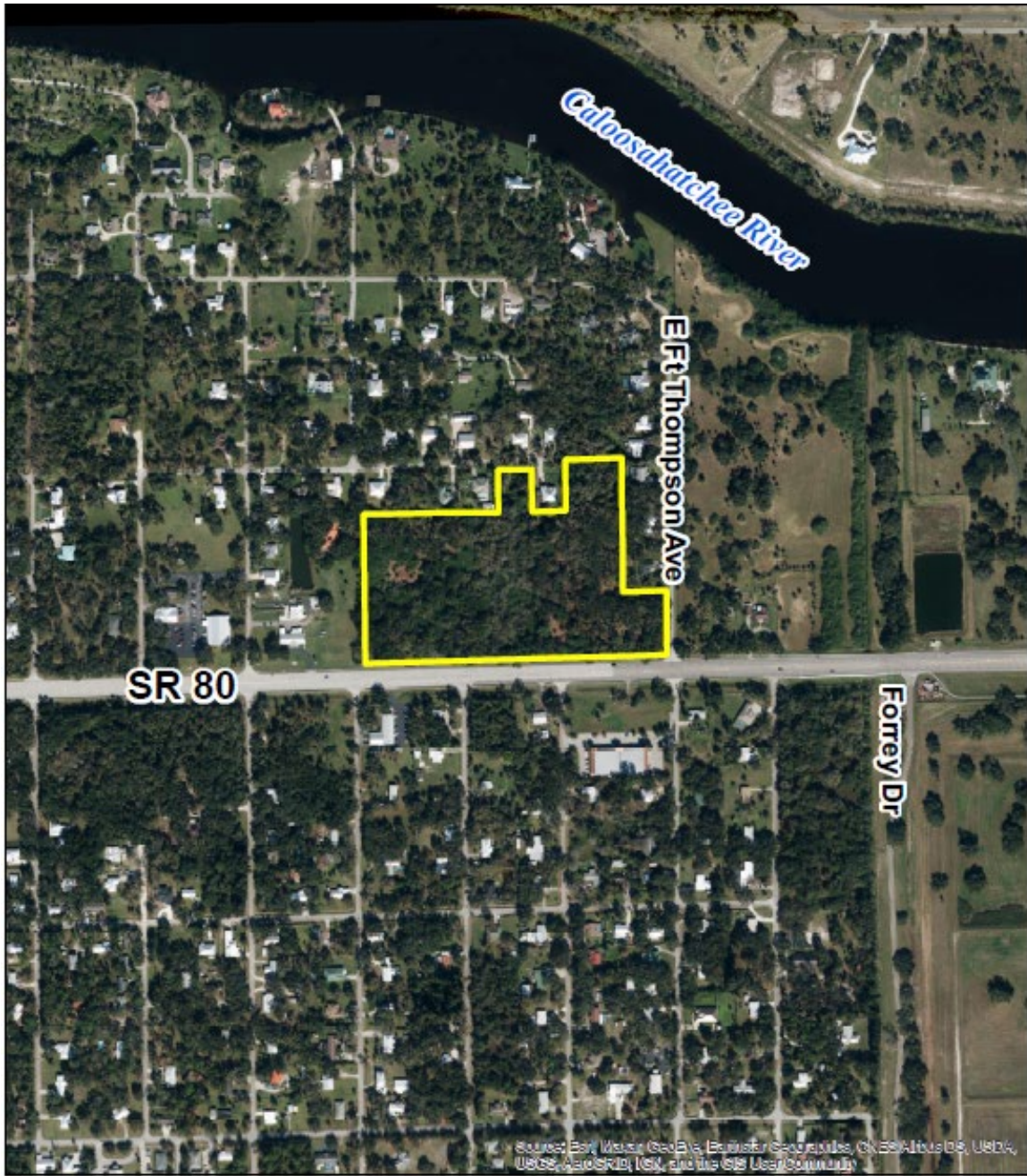
OR

- 2) as outlined in the staff report and amended as follows;

OR

- 3) with the following conditions:


LOCATION MAP



10401 Highland Manor Dr.
Suite 200
Tampa, FL 33610
Tel: 813.443.8282
www.rviplanning.com

BIRKLAND PUD • AERIAL MAP

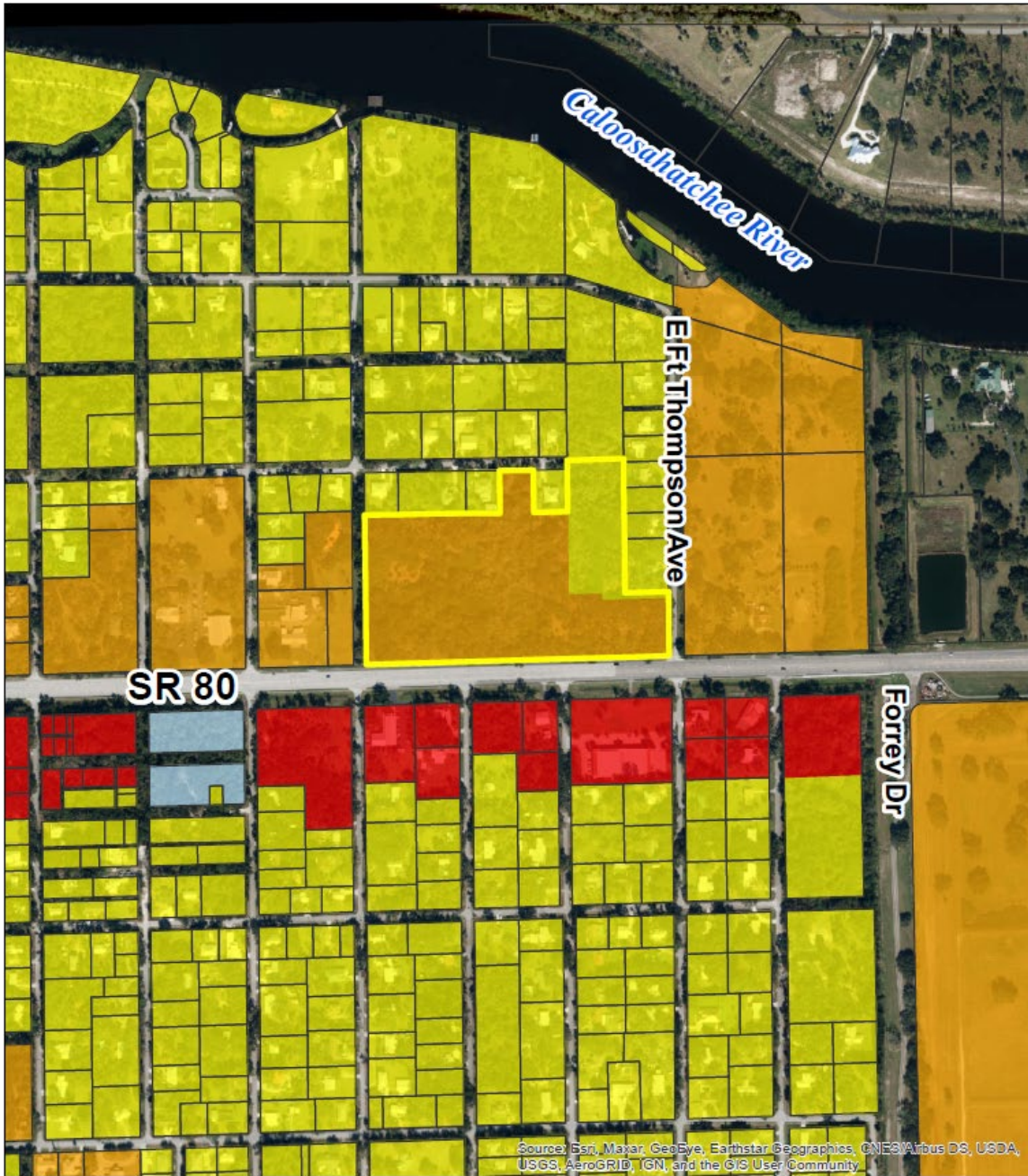


 Subject Boundary



Information furnished regarding this property is from sources deemed reliable. RVi has not made an independent investigation of these sources and no warranty is made as to their accuracy or completeness. This plan is conceptual, subject to change, and does not represent any regulatory approval.

CURRENT FUTURE LAND USE MAP



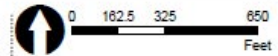
Copperfile RVi

RVi
 10401 Highland Manor Dr.
 Suite 220
 Tampa, FL 33610
 Tel: 813.443.8282
 www.rviplanning.com

BIRKLAND PUD • FUTURE LAND USE MAP

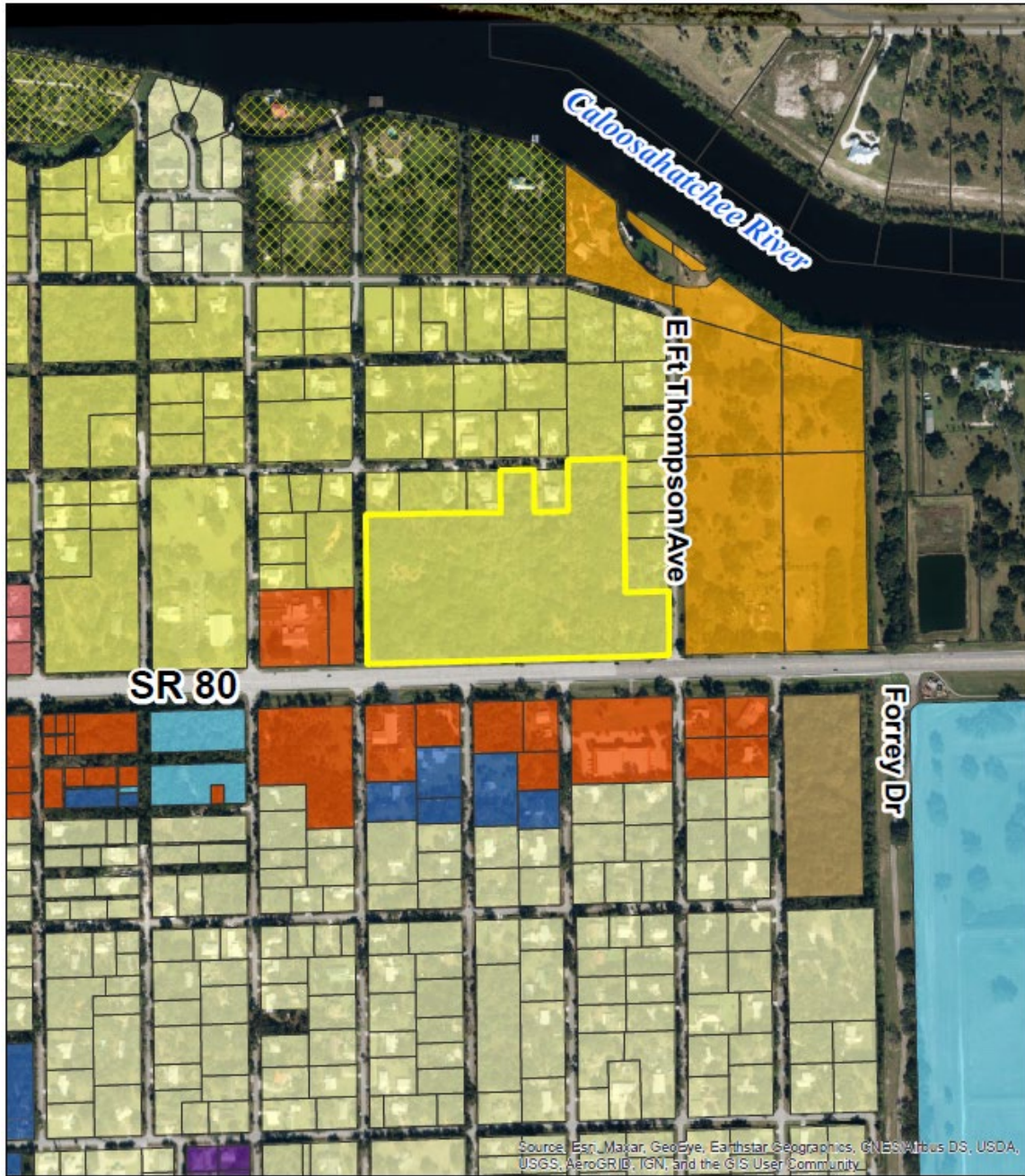


- Subject Boundary
- Parcels
- Commercial
- Outlying Mixed Use
- Public
- Residential



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CURRENT ZONING MAP



Source: Esri, Maxar, GeoEye, Earthstar Geographics, CNES/Airbus DS, USDA, USGS, AeroGRID, IGN, and the GIS User Community

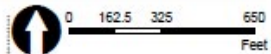
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 10401 Highland Manor Dr.
 Suite 220
 Tampa, FL 33610
 Tel: 813.443.8282
 www.rvplanning.com

BIRKLAND PUD • ZONING MAP

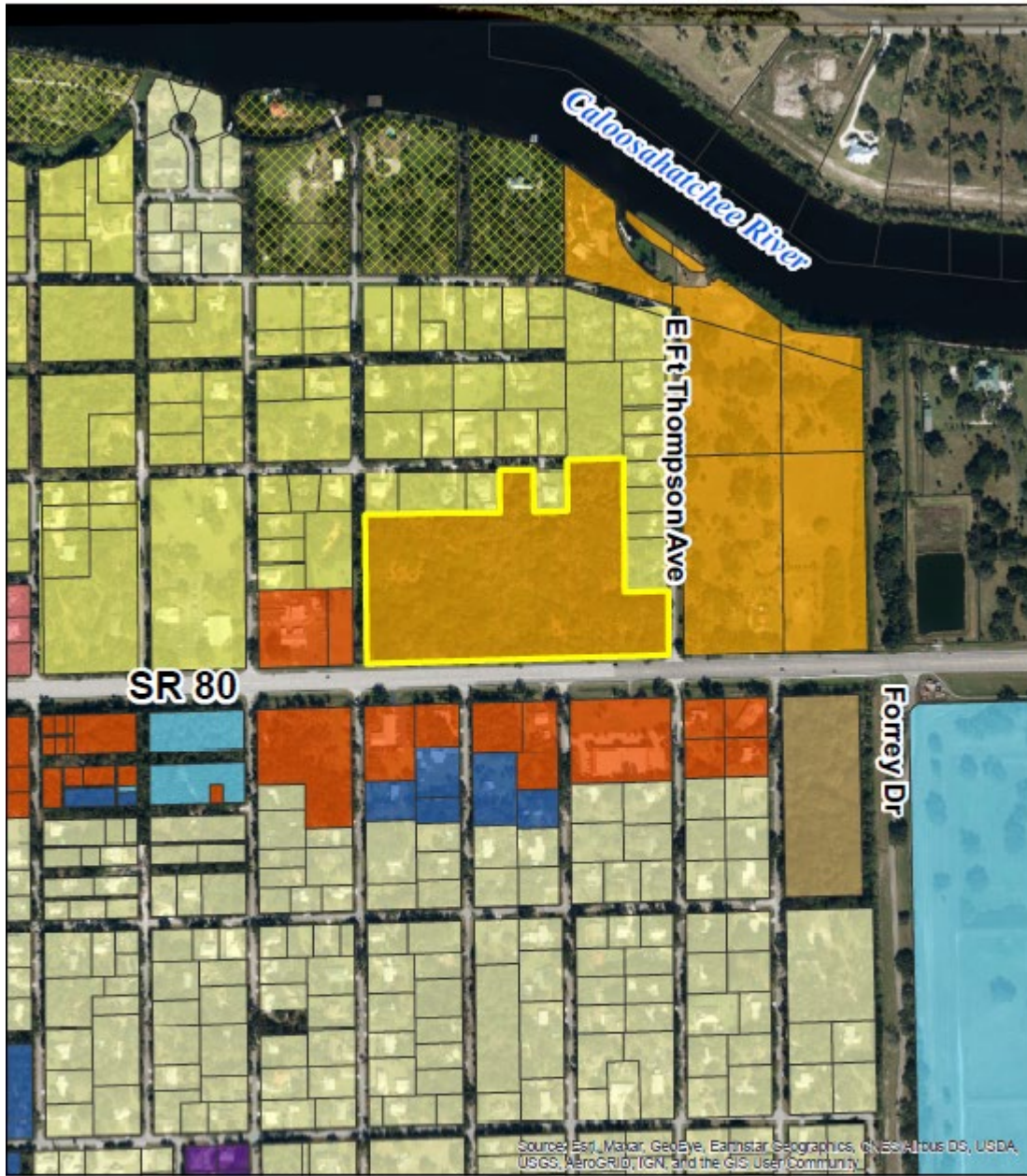


- | | | | |
|------------------|--------|------|-------|
| Subject Boundary | B-1 | PUD | R-1AA |
| Parcels | B-2 | R-1 | R-2 |
| | PUBLIC | R-1A | R-2T |
| | | | R-3 |



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PROPOSED ZONING MAP



Sources: Esri, Maxar, GeoEye, Earthstar Geographics, CNR Aero DS, USDA, USGS, AeroGRID, IGN, and the GIS User Community

RVI
 10401 Highland Manor Dr.
 Suite 200
 Tampa, FL 33610
 Tel: 813.443.8282
 www.rviplanning.com



BIRKLAND PUD • PROPOSED ZONING MAP

- Subject Boundary
- Parcels
- B-1
- PUD
- R-1
- PUBLIC
- R-1AA
- R-2
- R-2T
- R-3



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**EXHIBIT A
LEGAL DESCRIPTION**

A PARCEL OF LAND LYING AND BEING IN SECTION 4, TOWNSHIP 43 SOUTH, RANGE 29 EAST, HENDRY COUNTY, FLORIDA, SAID PARCEL BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS: COMMENCING AT THE NORTHEAST CORNER OF BLOCK 104, OF GOODNO'S ADDITION TO LABELLE, AS RECORDED IN PLAT BOOK 3, AT PAGE 3, OF THE PUBLIC RECORDS OF LEE COUNTY, FLORIDA, LYING AND BEING IN HENDRY COUNTY, FLORIDA; THENCE SOUTH 88 DEGREES 28 MINUTES 16 SECONDS WEST, ALONG THE NORTH LINE OF SAID BLOCK 104, 30.01 FEET TO THE WEST RIGHT-OF-WAY LINE OF FORT THOMPSON AVENUE; THENCE SOUTH 00 DEGREES 24 MINUTES 14 SECONDS EAST, ALONG SAID WEST RIGHT-OF-WAY LINE 522.99 FEET TO THE SOUTHEAST CORNER OF THE LANDS DESCRIBED IN OFFICIAL RECORDS BOOK (O.R.B.) 643, AT PAGE (PG.) 143, OF THE PUBLIC RECORDS OF HENDRY COUNTY, FLORIDA, SAID SOUTHEAST CORNER BEING THE POINT OF BEGINNING OF THE LANDS HEREIN DESCRIBED; THENCE SOUTH 88 DEGREES 28 MINUTES 56 SECONDS WEST, ALONG THE SOUTH LINE OF SAID LANDS, 170.00 FEET; THENCE NORTH 00 DEGREES 24 MINUTES 14 SECONDS WEST, PARALLEL TO SAID WEST RIGHT-OF-WAY LINE, AND ALONG THE WEST LINE OF SAID LANDS, AND THE WEST LINE OF YEOMAN'S SUBDIVISION UNIT NO. 1, AS RECORDED IN PLAT BOOK 4, AT PAGE 90, OF THE PUBLIC RECORDS OF HENDRY COUNTY, FLORIDA, 523.06 FEET TO THE NORTH LINE OF SAID BLOCK 104; THENCE SOUTH 88 DEGREES 28 MINUTES 16 SECONDS WEST, ALONG THE NORTH TINE OF SAID BLOCK 104, 218.9 FEET TO THE NORTHWEST CORNER OF SAID BLOCK 104; THENCE SOUTH 00 DEGREES 19 MINUTES 14 SECONDS EAST, ALONG THE WEST LINE OF SAID BLOCK 104, 773.16 FEET TO THE SOUTHWEST CORNER OF SAID BLOCK 104 AND THE NORTHERLY RIGHT-OF-WAY OF STATE ROAD NO. 80; THENCE NORTH 88 DEGREES 28 MINUTES 50 SECONDS EAST, ALONG SAID NORTHERLY RIGHT-OF-WAY LINE, 390.04 FEET TO SAID WEST RIGHT-OF-WAY LINE; THENCE NORTH 00 DEGREES 24 MINUTES 14 SECONDS WEST, ALONG SAID WEST RIGHT-OF-WAY LINE, 250.21 FEET TO THE POINT OF BEGINNING.

AND

BLOCKS 35 AND 36, OF LABELLE, ACCORDING TO THE PLAT THEREOF, AS RECORDED IN PLAT BOOK 1, AT PAGE 47, OF THE PUBLIC RECORDS OF LEE COUNTY, FLORIDA, LYING AND BEING IN HENDRY COUNTY, FLORIDA, LESS THE NORTH 25 FEET THEREOF FOR ROAD RIGHT-OF-WAY PURPOSES.

LESS AND EXCEPTING THEREFROM THE FOLLOWING DESCRIBED LANDS:

LOT 1

A PARCEL IN SECTION 4, TOWNSHIP 43 SOUTH, RANGE 29 EAST, HENDRY COUNTY, FLORIDA, BEING A PART OF BLOCK 36, GOODNO'S SUBDIVISION OF LABELLE AS RECORDED IN PLAT BOOK 1, PAGE 47, OF THE PUBLIC RECORDS OF LEE COUNTY, FLORIDA, MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGINNING AT THE INTERSECTION OF THE EAST LINE OF SAID BLOCK 36 AND THE SOUTH RIGHT OF WAY LINE OF OKLAHOMA AVENUE, THENCE: SOUTH 88°30'14" WEST, 263.56 FEET ALONG SAID SOUTH RIGHT OF WAY LINE OF

OKLAHOMA AVENUE TO THE TRUE POINT OF BEGINNING; THENCE SOUTH 00°19'44" EAST, 165.03 FEET TO A LINE 165 FEET SOUTH OF AND PARALLEL WITH SAID SOUTH RIGHT OF WAY LINE OF OKLAHOMA AVENUE; THENCE SOUTH 88°30'14" WEST, 131.64 FEET, ALONG SAID PARALLEL LINE; THENCE NORTH 00°22'27" WEST 165.03 FEET ALONG THE EASTERLY RIGHT OF WAY LINE OF CYPRESS STREET (NOT OPEN); THENCE NORTH 88°30'14" EAST, 131.77 FEET, ALONG SAID SOUTH RIGHT OF WAY LINE OF OKLAHOMA AVENUE TO THE TRUE POINT OF BEGINNING. THE SAME PARCEL BEING DESCRIBED IN O.R. BOOK 704, PAGE 1438, PUBLIC RECORDS, HENDRY COUNTY, FLORIDA.

AND

LESS: LOT 6

COMMENCING AT THE INTERSECTION OF THE EAST LINE OF BLOCK 36 OF GOODNO'S SUBDIVISION AND THE SOUTH RIGHT-OF-WAY LINE OF OKLAHOMA AVENUE THENCE NORTH 88 DEGREES, 30 MINUTES, 14 SECONDS EAST, 263.56 FEET ALONG THE SOUTH RIGHT OF WAY LINE OF OKLAHOMA AVENUE TO THE TRUE POINT OF BEGINNING, THENCE CONTINUE NORTH 88 DEGREES 30 MINUTES 14 SECONDS EAST, 131.87 FEET TO THE WEST LINE OF BLOCK 104 OF SAID GOODNO'S SUBDIVISION, THENCE; SOUTH 00 DEGREES 19 MINUTES 14 SECONDS EAST 165.03 FEET ALONG SAID WEST LINE TO A LINE 165 FEET SOUTH OF AND PARALLEL WITH SAID SOUTH RIGHT OF WAY LINE OF OKLAHOMA AVENUE, THENCE; SOUTH 88 DEGREES 30 MINUTES 14 SECONDS WEST 131.84 FEET ALONG SAID PARALLEL LINE, THENCE; N 00 DEGREES 19 MINUTES 44 SECONDS WEST 165.03 FEET TO THE TRUE POINT OF BEGINNING. THE SAME PARCEL BEING DESCRIBED IN O.R. BOOK 709, PAGE 1462, PUBLIC RECORDS, HENDRY COUNTY, FLORIDA.

AND

LESS: LOT 2

A PARCEL IN SECTION 4, TOWNSHIP 43 SOUTH, RANGE 29 EAST, HENDRY COUNTY, FLORIDA, BEING A PART OF BLOCK 36, GOODNO'S SUBDIVISION OF LABELLE AS RECORDED IN PLAT BOOK 1, PAGE 47 OF THE PUBLIC RECORDS OF LEE COUNTY, FLORIDA, MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGINNING AT THE INTERSECTION OF THE EAST LINE OF SAID BLOCK 36 AND THE SOUTH RIGHT OF WAY LINE OF OKLAHOMA AVENUE, THENCE: SOUTH 88°30'14" WEST, 131.78 FEET. ALONG SAID SOUTH RIGHT OF WAY LINE OF OKLAHOMA AVENUE TO THE TRUE POINT OF BEGINNING, THENCE; SOUTH 00°19'44" EAST, 165.03 FEET, TO A LINE 165 FEET SOUTH OF AND PARALLEL WITH SAID SOUTH RIGHT OF WAY LINE OF OKLAHOMA AVENUE, THENCE; SOUTH 88°30'14" WEST, 131.78 FEET ALONG SAID PARALLEL LINE, THENCE; NORTH 00°19'44" WEST 165.03 FEET, THENCE; NORTH 88°30'14" EAST 131.77 FEET. ALONG SAID SOUTH RIGHT OF WAY LINE TO THE TRUE POINT OF BEGINNING. BEING THE SAME LANDS AS DESCRIBED IN O.R. BOOK 707, PAGE 1814, PUBLIC RECORDS, HENDRY COUNTY, FLORIDA.

AND

LESS: LOT 3

A PARCEL IN SECTION 4, TOWNSHIP 43 SOUTH, RANGE 29 EAST, HENDRY COUNTY, FLORIDA, BEING A PART OF BLOCK 36, GOODNO'S SUBDIVISION OF

LABELLE AS RECORDED IN PLAT BOOK 1, PAGE 47 OF THE PUBLIC RECORDS OF LEE COUNTY, FLORIDA, MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGINNING AT THE INTERSECTION OF THE EAST LINE OF SAID BLOCK 36 AND THE SOUTH RIGHT OF WAY LINE OF OKLAHOMA AVENUE, THENCE; SOUTH 00°19'44" EAST, 165.03 FEET, ALONG SAID EAST LINE OF BLOCK 36 TO A LINE 165 FEET SOUTH OF AND PARALLEL WITH SAID SOUTH RIGHT OF WAY LINE OF OKLAHOMA AVENUE, THENCE; SOUTH 88°30'14" WEST, 131.78 FEET, ALONG SAID PARALLEL LINE, THENCE; NORTH 00°19'44" WEST, 165.03 FEET, THENCE; NORTH 88°30'14" EAST, 131.78 FEET, ALONG SAID SOUTH RIGHT OF WAY LINE TO THE TRUE POINT OF BEGINNING. BEING THE SAME LANDS DESCRIBED IN O.R. BOOK 726, PAGE 158, PUBLIC RECORDS, HENDRY COUNTY, FLORIDA.

AND

LESS: LOT 4

A PARCEL IN SECTION 4, TOWNSHIP 43 SOUTH, RANGE 29 EAST, HENDRY COUNTY, FLORIDA, BEING A PART OF BLOCK 36, GOODNO'S SUBDIVISION OF LABELLE AS RECORDED IN PLAT BOOK 1, PAGE 47 OF THE PUBLIC RECORDS OF LEE COUNTY, FLORIDA, MORE PARTICULARLY DESCRIBED AS FOLLOWS: BEGINNING AT THE INTERSECTION OF THE EAST LINE OF SAID BLOCK 36, GOODNO'S SUBDIVISION AND THE SOUTH RIGHT OF WAY LINE OF OKLAHOMA AVENUE, THENCE: NORTH 88 DEGREES 30'14" EAST, 131.78 FEET; ALONG SAID SOUTH RIGHT OF WAY LINE OF OKLAHOMA AVENUE, THENCE; SOUTH 00 DEGREES 19'44" EAST, 165.03 FEET TO A LINE 165 FEET SOUTH OF AND PARALLEL WITH THE SOUTH RIGHT OF WAY LINE OF OKLAHOMA AVENUE, THENCE; SOUTH 88 DEGREES 30'14" WEST 131.78 FEET ALONG SAID PARALLEL LINE, THENCE; NORTH 00'19'44" WEST 165.03 FEET TO THE POINT OF BEGINNING. BEING THE SAME LANDS DESCRIBED IN O.R. BOOK 747, PAGE 525, PUBLIC RECORDS, HENDRY COUNTY, FLORIDA.

CONTAINING A COMPUTED AREA OF 15.95 ACRES MORE OR LESS.

**EXHIBIT B
SCHEDULE OF USES**

Residential Tract

Administrative Offices
Accessory Uses and Structures
City of LaBelle Essential Public Utility Stations
Excavation, Water Retention
Fences, Walls
Dwellings, Multi-Family
Parking Lot
Public/Quasi-Public Utilities
Recreational Facilities (private)
Signs (in accordance with Appendix B, Section 4-81)

Commercial Tract

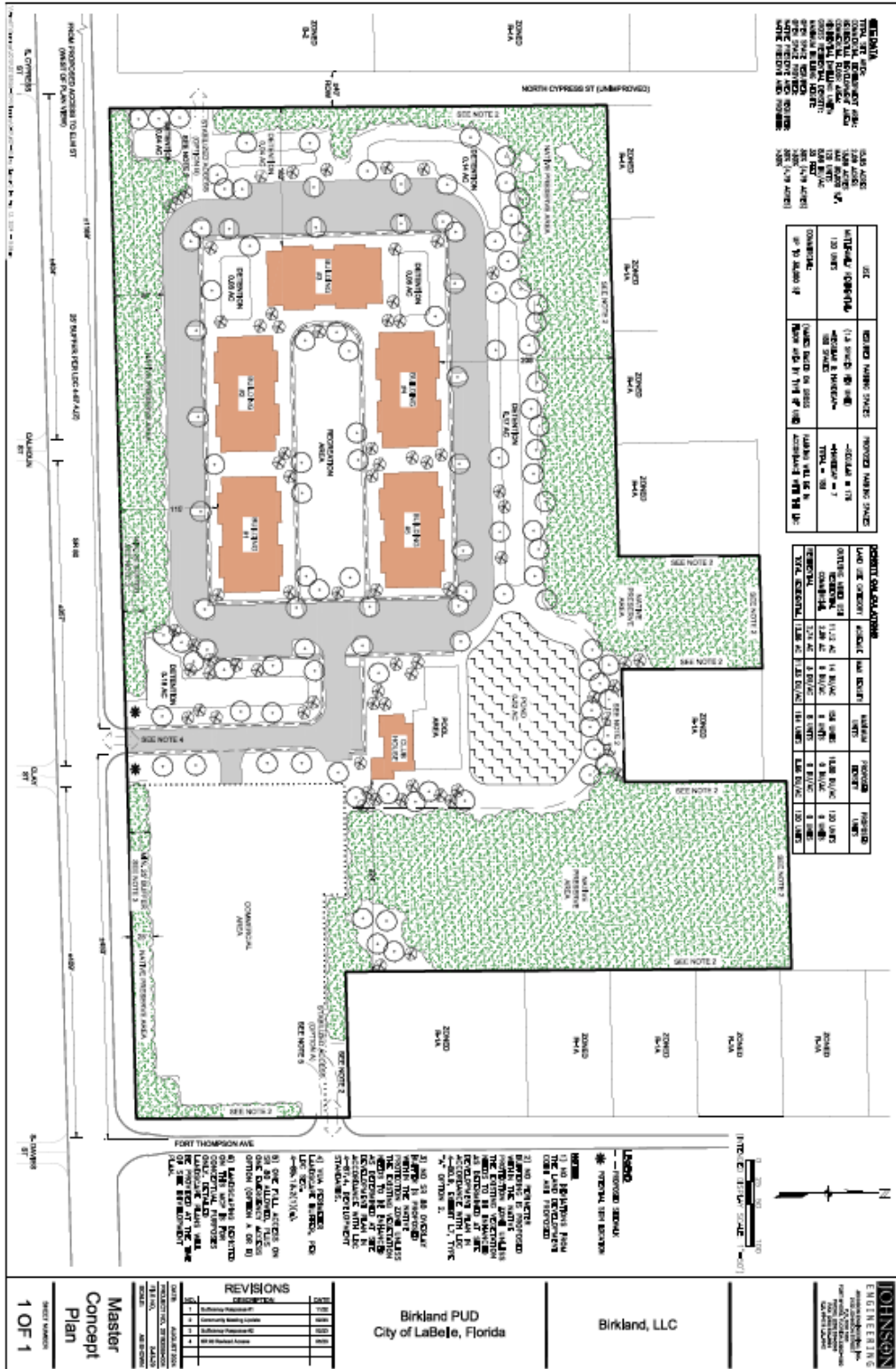
Accessory Uses and Structures
Business Services
City of LaBelle Utilities
Clubs/Lodges
Cultural institutions
Financial Institutions
Health Care Facilities
Government Offices
Medical Offices
Professional Offices
Personal Services
Pharmacies
Retail Sales
Restaurants **(on-site or off-site consumption of alcohol requires a PUD Amendment requiring public hearings)**

**EXHIBIT C
SITE DEVELOPMENT REGULATIONS**

	Commercial	Multi-Family
Min. Lot Area	20,000 SF	N/A
Min. Lot Width	100'	100'
Min. Lot Depth	100'	100'
Max Lot Coverage	40%	40%
Max Number of Habitable Floors	2 stories/35 feet	2 stories/35 feet
Minimum Setbacks ^(1, 2 & 3) :		
Front (External ROW)	50'	25'
Front (Internal ROW)	20'	20'
Side	40'	15'
Rear	40'	20'
Building Separation	40'	½ BH

1. Except that this may be reduced to 30 ft where buffered from the ROW by native preserve area from SR 80 only. See Note 3 for setbacks from Fort Thompson Avenue.
2. Minimum setback from northern property line for principal and accessory structures is 205 feet.
3. Minimum setback from Fort Thompson Avenue for residential principal and accessory structures is 224 feet, and 50 feet from commercial structures.

EXHIBIT D MASTER CONCEPT PLAN



GENERAL NOTES:
 1. ALL CONSTRUCTION SHALL BE IN ACCORDANCE WITH THE LATEST EDITIONS OF THE FLORIDA BUILDING CODE AND THE FLORIDA LAND DEVELOPMENT CODE.
 2. THE DEVELOPER SHALL BE RESPONSIBLE FOR OBTAINING ALL NECESSARY PERMITS AND APPROVALS FROM THE LOCAL GOVERNMENT AND STATE AGENCIES.
 3. THE DEVELOPER SHALL MAINTAIN ACCESS TO ALL ADJACENT PROPERTIES AT ALL TIMES.
 4. THE DEVELOPER SHALL MAINTAIN ALL EXISTING UTILITIES AND STRUCTURES UNLESS OTHERWISE NOTED.
 5. THE DEVELOPER SHALL MAINTAIN ALL EXISTING TREES AND LANDSCAPING UNLESS OTHERWISE NOTED.
 6. THE DEVELOPER SHALL MAINTAIN ALL EXISTING DRIVEWAYS AND SIDEWALKS UNLESS OTHERWISE NOTED.
 7. THE DEVELOPER SHALL MAINTAIN ALL EXISTING FENCES AND BARRIERS UNLESS OTHERWISE NOTED.
 8. THE DEVELOPER SHALL MAINTAIN ALL EXISTING SIGNAGE UNLESS OTHERWISE NOTED.
 9. THE DEVELOPER SHALL MAINTAIN ALL EXISTING UTILITIES AND STRUCTURES UNLESS OTHERWISE NOTED.
 10. THE DEVELOPER SHALL MAINTAIN ALL EXISTING TREES AND LANDSCAPING UNLESS OTHERWISE NOTED.

USE	PERMITTED BUILDING TYPES	PERMITTED PARKING TYPES
RESIDENTIAL - SINGLE-FAMILY	1.5 STORY DETACHED	PERMITTED
RESIDENTIAL - MULTIFAMILY	2-4 STORY APARTMENTS	PERMITTED
COMMERCIAL	OFFICE BUILDINGS, RESTAURANTS, RETAIL STORES	PERMITTED
INDUSTRIAL	WAREHOUSES, MANUFACTURING PLANTS	PERMITTED

PROJECT CHARACTERISTICS	PERMITTED BUILDING TYPES	PERMITTED PARKING TYPES
LOT AREA (SQ FT)	1.5 STORY DETACHED	PERMITTED
LOT AREA (SQ FT)	2-4 STORY APARTMENTS	PERMITTED
LOT AREA (SQ FT)	OFFICE BUILDINGS, RESTAURANTS, RETAIL STORES	PERMITTED
LOT AREA (SQ FT)	WAREHOUSES, MANUFACTURING PLANTS	PERMITTED

REVISIONS	DATE	DESCRIPTION
1	01/15/2024	ISSUED FOR PERMITTING
2	02/01/2024	REVISED PER SITE VISIT
3	02/15/2024	REVISED PER COMMENTS
4	03/01/2024	REVISED PER COMMENTS
5	03/15/2024	REVISED PER COMMENTS
6	04/01/2024	REVISED PER COMMENTS
7	04/15/2024	REVISED PER COMMENTS
8	05/01/2024	REVISED PER COMMENTS
9	05/15/2024	REVISED PER COMMENTS
10	06/01/2024	REVISED PER COMMENTS

LEGEND:
 * PERMITTED BUILDING TYPE
 * PERMITTED PARKING TYPE
 * PERMITTED LANDSCAPING TYPE
 * PERMITTED UTILITIES TYPE
 * PERMITTED STRUCTURES TYPE
 * PERMITTED SIGNAGE TYPE
 * PERMITTED FENCES AND BARRIERS TYPE
 * PERMITTED DRIVEWAYS AND SIDEWALKS TYPE
 * PERMITTED EXISTING UTILITIES AND STRUCTURES TYPE
 * PERMITTED EXISTING TREES AND LANDSCAPING TYPE
 * PERMITTED EXISTING FENCES AND BARRIERS TYPE
 * PERMITTED EXISTING SIGNAGE TYPE
 * PERMITTED EXISTING UTILITIES AND STRUCTURES TYPE
 * PERMITTED EXISTING TREES AND LANDSCAPING TYPE

JOHNSON ENGINEERING
 1000 N. UNIVERSITY BLVD., SUITE 100
 GAITHERSBURG, MD 20878
 TEL: 301-251-1000
 FAX: 301-251-1001
 WWW.JOHNSONENGINEERING.COM

Birkland, LLC
 Birkland PUD
 City of LaBelle, Florida

1 OF 1
 Master Concept Plan
 SHEET NUMBER

EXHIBIT E SIGNIFICANT OAK TREE MITIGATION

