



GIS Tracking Sheet

Case No.: **ADD2009-00001**

Intake Date: 1/7/09

Project Name: The Palms at Monterrey

STRAP Number(s): 33-45-24-13-00000.0010

Planner Name: Nettie Richardson

Ext. 387876

FILE ON PLANNER'S DESK

LEGAL DESCRIPTION VERIFICATION and INITIAL GIS MAPPING

Date: 1/12/09

INTAKE: ADD 2009-00001

LEGAL SUFFICIENT

☒ YES

☐ NO

Initials:

cf

If not, give brief explanation:

Approved legal & sketch

MAP UPDATE following FINAL ACTION

Date:

☐ Hearing Examiner Decision

☐ Board of County Commissioner's Resolution

☐ Administrative Approval

☐ Blue Sheet

Zoning Notes:

MAP UPDATED

4/2/09

☒ YES

☐ NO

Initials:

CF

If not, give brief explanation:

ZONE! CPD: 000233

ZONE! CPD: 014781

SHEET 2 OF 3

REC
JAN 07 2005

April 29, 2005

DESCRIPTION

ADD 2009-00001

**HEALTHPARK FLORIDA EAST
SECTION 33, TOWNSHIP 45 SOUTH, RANGE 24 EAST
AND
SECTION 4, TOWNSHIP 46 SOUTH, RANGE 24 EAST
LEE COUNTY, FLORIDA**

A tract or parcel of land lying in Section 33, Township 45 South, Range 24 East and Section 4, Township 46 South, Range 24 East, Lee County, Florida, being described as follows:

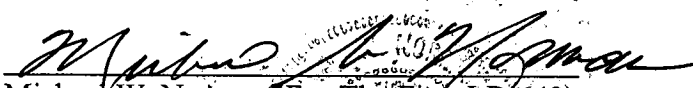
From the southeast corner of said Section 33 run N 01° 05' 59" W along the east line of said Section 33 for 433.12 feet to an intersection with the northwesterly right-of-way line of Summerlin Road (County Road 869) (225 feet wide) and the Point of Beginning.

From said Point of Beginning run S 44° 17' 24" W along said northwesterly right-of-way line of Summerlin Road for 3,613.16 feet to an intersection with the east right-of-way line of Bass Road (150 feet wide) as described in deed recorded in Official Record Book 2209 at Page 2942 of the Public Records of Lee County, Florida; thence run N 01° 16' 30" W along said east right-of-way line for 2,109.86 feet to an intersection with the north line of said Section 4, thence run N 01° 02' 25" W continuing along the east right-of-way line of Bass Road as described in deed recorded in Official Record Book 2413 at Page 2522 of said Public Records for 1,323.90 feet to an intersection with the north line of the South Half (S-1/2) of the Southeast Quarter (SE-1/4) of said Section 33; thence run N 88° 58' 18" E along said north line for 2,577.29 feet to an intersection with the east line of said Section 33; thence run S 01° 05' 59" E along said Section line for 893.09 feet to the Point of Beginning.

Parcel contains 5,579,214 square feet (128.08 acres), more or less.

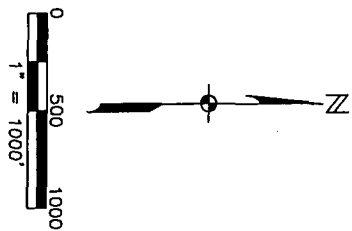
Bearings hereinabove mentioned are based on the north line of the Northeast Quarter (NE-1/4) of Section 4, Township 46 South, Range 24 East to bear S 89° 01' 22" W.

Applicant's Legal Checked
by BS 1/12/09


Michael W. Norman (For The Firm LB-642)
Professional Surveyor and Mapper
Florida Certificate No. 4500

200033872-02 HP FL East 128.08 Acres 042905

Exhibit AA-3.C.1



REK
JAN 27 2009

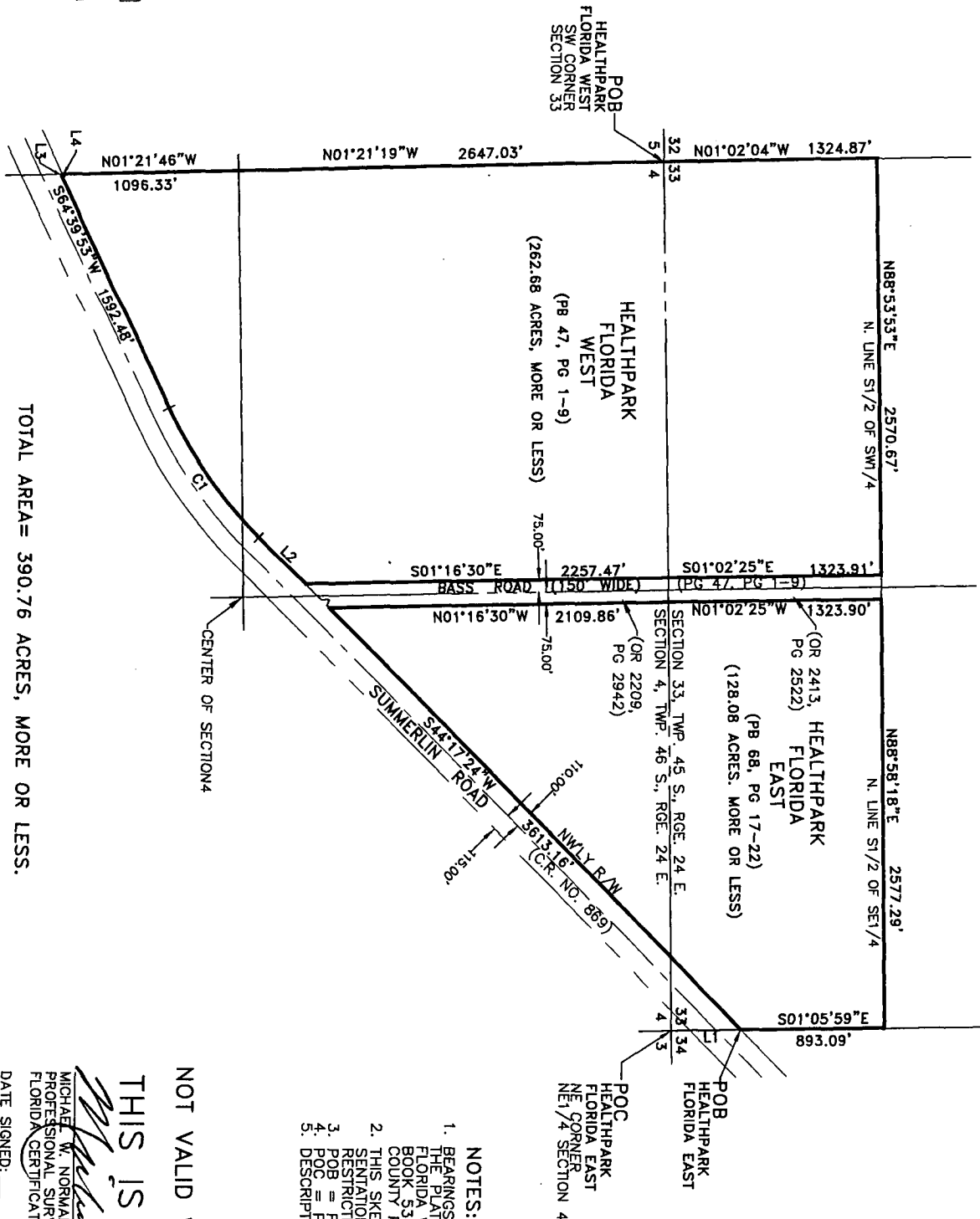
ADD 2009-00001

CURVE TABLE			
CURVE	RADIUS	DELTA	CHORD BEARING
C1	2754.79	20°22'29"	S54°28'38"W
			CHORD
			974.47
			979.62

LINE TABLE		
LINE	BEARING	LENGTH
L1	N01°05'59"W	433.12
L2	S44°17'25"W	408.74
L3	N25°20'07"W	10.00
L4	S64°39'53"W	10.78

Applicant's Legal Checked
by *EG* *4/16/09*

HEALTHPARK FLORIDA WEST
AND HEALTHPARK FLORIDA EAST
SECTION 33, TOWNSHIP 45 SOUTH, RANGE 24 EAST &
SECTION 4, TOWNSHIP 46 SOUTH, RANGE 24 EAST
LEE COUNTY, FLORIDA



TOTAL AREA= 390.76 ACRES, MORE OR LESS.

JOHNSON
ENGINEERING

2158 JOHNSON STREET
P.O. BOX 1550
FORT MYERS, FLORIDA 33902-1550
PHONE (239) 334-0046
FAX (239) 334-3661
E.B. #642 & L.B. #642

SKETCH TO ACCOMPANY
DESCRIPTION

DATE	PROJECT NO.	FILE NO.	SCALE	SHEET
03/22/06	20033872-02	33-45-24	1" = 1000'	3 OF 3

- NOTES:
1. BEARINGS SHOWN HEREON ARE BASED ON THE PLAT OF PHASE I-F, HEALTHPARK FLORIDA WEST AS RECORDED IN PLAT BOOK 53, PAGES 81-90, IN LEE COUNTY PUBLIC RECORDS.
 2. THIS SKETCH DOES NOT MAKE ANY REPRESENTATION AS TO ZONING OR DEVELOPMENT RESTRICTIONS ON SUBJECT PARCEL.
 3. POB = POINT OF BEGINNING
 4. POE = POINT OF EASEMENT
 5. DESCRIPTION ATTACHED.

NOT VALID WITHOUT SHEETS 1 & 2
THIS IS NOT A SURVEY
Michael M. Norman
MICHAEL M. NORMAN (FOR THE FIRM L.E. 642)
PROFESSIONAL SURVEYOR AND MAPPER
FLORIDA CERTIFICATE NO. 4500
DATE SIGNED: *NOV 4 2008*
NOT VALID WITHOUT THE SIGNATURE AND THE ORIGINAL RAISED SEAL OF A FLORIDA LICENSED SURVEYOR AND MAPPER.

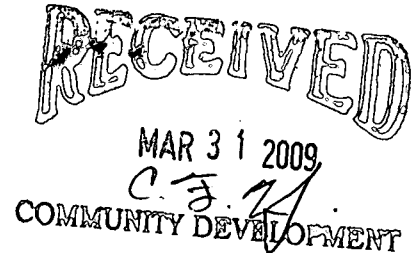


Reply to
Amanda L. Brock
Direct Fax Number 239.344.1543
Direct Dial Number 239.344.1269
E-Mail: amanda.brock@henlaw.com

March 31, 2009

VIA HAND DELIVERY

Nettie Richardson
Lee County Department of Community Development
1500 Monroe Street
Fort Myers, FL 33901



Re: ADD2009-00001

Dear Nettie:

Since the issuance of the above-referenced Administrative Amendment to Zoning Resolution Z-05-014 (the "Amendment"), it has come to our attention that the notation on page 2 of the Amendment incorrectly states the required parking spaces for the permitted Palms at Monterrey project as approved by DOS2000-00005. The Amendment indicates that 693 parking spaces are required under that approval, while the actual requirement is only 447 spaces.

We feel that this error is insignificant, as the approved Amendment does not contain any conditions affected by the parking space indication, but we desired to bring it to your attention and ask that this letter be placed in your file for the Amendment to avoid any future confusion or complication. The currently-existing project provides nearly twice the number of required parking spaces, and the Amendment, as conditioned, requires that any future remodeling of the existing project be done only with Development Order approval, which will address any change to parking space requirements at that time.

Thank you, and please do not hesitate to contact me with any questions.

Very truly yours,

Amanda L. Brock

ALB/

cc: Ms. Debi Pendlebury
Mr. Paul Schack

Henderson, Franklin, Starnes & Holt, P.A.

ADD 2009-00001

SEE Henderson-Franklin letter dated 3-31-09 concerning corrected parking requirements.

ADMINISTRATIVE AMENDMENT (PD) ADD2009-00001

ADMINISTRATIVE AMENDMENT
LEE COUNTY, FLORIDA

WHEREAS, BTS Monterrey Holdings, LLC., filed an application for administrative approval to amend Resolution Z-05-014 to allow the addition of timeshare units to the Schedule of Uses on a project known as The Palms of Monterrey located at Sonoma Drive, described more particularly as:

LEGAL DESCRIPTION: In Section 33, Township 45 South, Range 24 East, Lee County, Florida:

See Exhibit "A"

WHEREAS, the property was originally rezoned to Commercial Planned Development (CPD) in case number 87-3-10 DRI (with subsequent amendments in case numbers Z-93-081 (87-03-10 DRI (D)), Z-98-011 (96-02-220-.04Z), Z-01-002 (DCI2000-00054), Z-01-021 (DRI2000-00023 & DCI2000-00093), Z-05-014 (DRI2004-00007 & DCI2004-00048)); and

WHEREAS, the subject property is located in the Urban Community Future Land Use Category as designated by the Lee Plan; and

WHEREAS, the Lee County Land Development Code provides for certain administrative changes to planned development master concept plans and planned unit development final development plans; and

WHEREAS, Resolution Z-05-014 amended the DRI Development Order for HealthPark Florida which a) revised the Master Development Plan to change locations of various uses within the project; b) modify the Land Use Schedule to reflect increases and decreased in various land uses approved as part of the DRI; c) extend the build out date by four years to 2012; d) modified the transportation related conditions to reflect the results of traffic reassessment; and e) revised the frequency of filing monitoring reports from annually to bi-annually; and

WHEREAS, the amended Resolution Z-05-014 permitted the following: 1,015,413 square feet (558) beds of acute care, specialty hospital space, and future health care functions; 465,000 square feet of medical and general office space; 160,000 square feet of general retail space (food and beverage, financial, business and retail services); 478 independent living units; 445 beds of assisted living and skilled nursing care; 1,156 residential dwelling units; and 172 units of lodging. The approved maximum building height within this planned development is 124 feet for the hospital. Appurtenances necessary for mechanical or structure functions of the hospital may extend another 16 feet in height. All other development continues to be limited to a maximum building height of 95 feet; and

WHEREAS, the subject property was approved by DOS2000-00005 for the following:

- 408 multi-family rental units in 17 buildings (24 units per building),
- 144 1 - bedroom units,
- 204 - 2 bedroom units,

- 60 - 3 bedroom units,
- 693 required parking spaces; 805 parking spaces provided,
- streets,
- covered and open parking,
- utilities,
- stormwater management facilities,
- a 5,540 square feet building for a clubhouse,
- a swimming pool,
- two tennis courts,
- related site improvements; and

WHEREAS, the applicant has requested the Administrative Amendment to allow the conversion of the 408 multi-family rental units into 312 timeshare unit, leaving 96 units that will be used for various programs offered to the residents and guest of the timeshare units; and

WHEREAS, the applicant is changing the overall use of the existing multi-family development into a timeshare community with amenities. The timeshare community will function as a wellness community offering programs such as yoga instruction, informative lectures associated with wellness, nutrition, and physical improvement, food preparation instruction, art and dance studios etc. for the use of the residents and guest only of the timeshare units; and

WHEREAS, the Land Development Code (LDC) does not define a "wellness community" however Resolution Z-05-014 allows Personal Services Groups I, II, III, and IV as a permitted use which includes a health club at this location; and

WHEREAS, the remaining 96 units not converted into timeshare units will be used by the health club for various programs such as yoga instruction, informative lectures associated with wellness, nutrition, and physical improvement, food preparation instruction, art and dance studios etc. for the use of the residents and guest only of the timeshare units; and

WHEREAS, the 408 multi-family units were included in the density for the overall residential dwelling count of 1,156 residential dwelling units in HealthPark; and

WHEREAS, HealthPark is currently developed with a total of 1099 residential units based on the following residential developments:

- Portofino Springs apartments - 200 units;
- Sail Harbour at HealthPark - 473 units;
- The Palms at Monterrey - 408 units;
- Ronald McDonald House - 18 units

WHEREAS, Section 34-1494(b)(5) provides the density equivalency factors for timeshare units having lock-off accommodations. The 312 timeshare units will not have lock off units, therefore Section 34-2194(a) then states the permissible density may not exceed the density limitations set forth in the zoning district or land use category (whichever is less); and

WHEREAS, the conversion of the 408 dwelling units into 312 timeshare units will reduce the total residential unit count to 1003 and will continue to be consistent with the Urban Community land use density requirements and with the overall density approval for HealthPark; and

WHEREAS, Section 34-2020(1) 3.g. states timeshare units has the same parking requirements as for multi-family buildings unless the timeshare units have lock off units then additional parking spaces are required. The 312 timeshare units will not have lock off accommodations; and

WHEREAS, the timeshare units will be sold in increments of 1 week or longer; and

WHEREAS, the 312 timeshare units which contain an estimated 60 - 1 bedroom, 204 - 2 bedrooms and 48 - 3 bedrooms requires 543 parking spaces, leaving 200 parking spaces available for the various programs that will be used by the residents and guests of the timeshare; and

WHEREAS, after the conversion, the existing 805 parking spaces will provide adequate parking spaces for the timeshare units and the units used by the health club; and

WHEREAS, the applicant provided a Traffic Impact Statement(TIS) demonstrating the conversion of the 408 multi family unit rental complex to 312 timeshare units; and

WHEREAS, Lee County Development Services reviewed the TIS and finds the conversion of 408 multi-family rental units to 312 timeshare units that after the conversion the volume of AM peak hour project traffic will decrease, and the volume of PM peak hour project traffic will remain the same. The conversion will have no effect on the level of service of either Bass Road or Summerlin Road (see Exhibit "B"); and

WHEREAS, the subject application and plans have been reviewed by the Lee County Department of Community Development in accordance with applicable regulations for compliance with all terms of the administrative approval procedures; and

WHEREAS, it is found that the proposed amendment does not increase density or intensity within the development; does not decrease buffers or open space required by the LDC; does not underutilize public resources or infrastructure; does not reduce total open space, buffering, landscaping or preservation areas; and does not otherwise adversely impact on surrounding land uses.

NOW, THEREFORE, IT IS HEREBY DETERMINED that the application for administrative approval to amend Resolution Z-05-014 to allow the addition of timeshare units to the Schedule of Uses is APPROVED.

Approval is subject to the following conditions:

1. **The Schedule of Uses outlined in Resolution Z-05-014 is hereby amended to include Timeshare Units in conjunction with various programs such as yoga instruction, informative lectures associated with wellness, nutrition, and physical improvement, food preparation instruction, art and dance studios etc. for the use of the residents and guest only of the timeshare units; and**
2. **The ADD is limited to the conversion of 408 multi-family rental units into 312 timeshare units. Lock off units are not allowed.**

3. The remaining 96 units may not be converted back to residential units unless the entire project is converted back via an administrative amendment to a residential multi-family project of 408 units. The project may also request an increase of the number of timeshare units through a public hearing amendment to the zoning.
4. A Development Order or Building Permit for the remodeling of the remaining 96 units into rooms to be used for ancillary uses must be obtained prior to the issuance of a Certificate of Occupancy. The remaining 96 units must be converted into rooms for ancillary uses (such as yoga instruction, informative lectures associated with wellness, nutrition, and physical improvement, food preparation instruction, art and dance studios etc. for the use of the residents and guest only of the timeshare units) in connection with the timeshare units.
5. The conversion of the project units to timeshare use shall not be effective until and unless a Declaration of Timeshare is filed with the State of Florida. Until the filing of the Timeshare Declaration the project may continue to be used for 408 residential multi-family apartment units.
6. The timeshare units must be sold in increments of 1 week or longer.
7. The timeshare units may not be used as a hotel.
8. The terms and conditions of the original zoning resolutions as amended remain in full force and effect.

DULY SIGNED this 23rd day of March, A.D., 2009.

BY: _____

Pam Houck
Pam Houck, Director
Division of Zoning
Department of Community Development

Exhibits:

A - Legal Description

B - Memo from Development Services dated January 29, 2009

SHEET 2 OF 3

RECEIVED

JAN 07 2009

April 29, 2005

DESCRIPTION

ADD 2009-00001

**HEALTHPARK, FLORIDA EAST
SECTION 33, TOWNSHIP 45 SOUTH, RANGE 24 EAST
AND
SECTION 4, TOWNSHIP 46 SOUTH, RANGE 24 EAST
LEE COUNTY, FLORIDA**

A tract or parcel of land lying in Section 33, Township 45 South, Range 24 East and Section 4, Township 46 South, Range 24 East, Lee County, Florida, being described as follows:


From the southeast corner of said Section 33 run N 01° 05' 59" W along the east line of said Section 33 for 433.12 feet to an intersection with the northwesterly right-of-way line of Summerlin Road (County Road 869) (225 feet wide) and the Point of Beginning.

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Applicant's Legal Checked
by CS 1/12/09

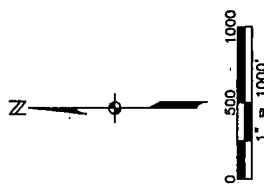

Michael W. Norman (For The Firm LB-642)
Professional Surveyor and Mapper
Florida Certificate No. 4500-4330

200033872-02 HP FL East 128.08 Acres 042905

Exhibit AA-3.C.1

EXHIBIT A

2122 Johnson Street ■ Post Office Box 1550 ■ Fort Myers, Florida 33902-1550
(239) 334-0046 ■ Fax (239) 334-3661



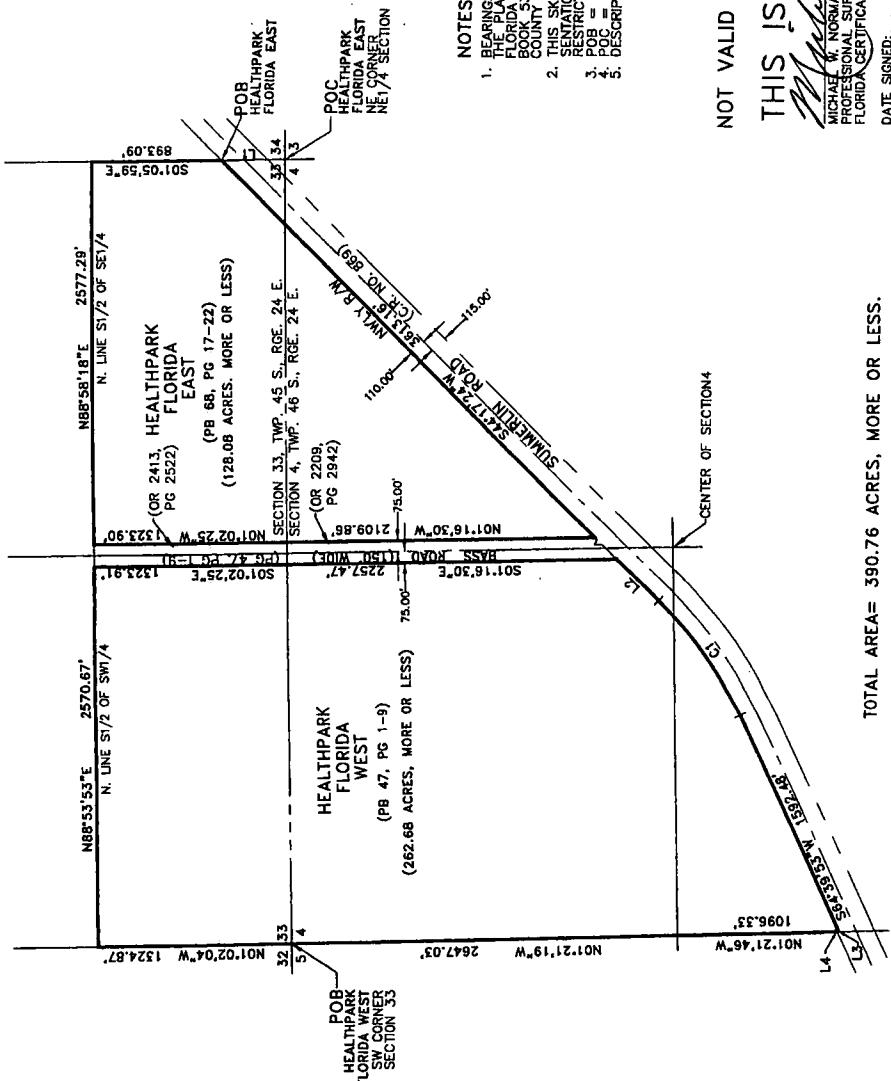
REC'D 2009-00001

JAN 07 2008

LINE TABLE		
LINE	BEARING	LENGTH
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CURVE TABLE			
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			979.62

Applicant's Legal Checked
by *[Signature]* 1/12/08



TOTAL AREA= 390.76 ACRES, MORE OR LESS.

- NOTES:
1. BEARINGS SHOWN HEREON ARE BASED ON THE PLAT OF PHASE I-F, HEALTHPARK FLORIDA WEST, RECORDED IN PLAT BOOK 53, PAGES 1-10, LEE COUNTY PUBLIC RECORDS.
 2. THIS SKETCH DOES NOT MAKE ANY REPRESENTATION AS TO ZONING OR DEVELOPMENT RESTRICTIONS ON SUBJECT PARCELS.
 3. POB = POINT OF BEGINNING.
 4. POC = POINT OF COMMENCEMENT.
 5. DESCRIPTION ATTACHED.

NOT VALID WITHOUT SURVEY NO. 2008-00001

THIS IS NOT A SURVEY

[Signature]
MICHAEL W. NORMAN
PROFESSIONAL SURVEYOR AND CARTOGRAPHER
FLORIDA CERTIFICATE NO. 4500
DATE SIGNED: NOV 2008
NOT VALID WITHOUT THE SIGNATURE OF THE SURVEYOR
SEAL OF A FLORIDA LICENSED SURVEYOR

HEALTHPARK FLORIDA WEST
AND HEALTHPARK FLORIDA EAST
SECTION 33, TOWNSHIP 45 SOUTH, RANGE 24 EAST &
SECTION 4, TOWNSHIP 46 SOUTH, RANGE 24 EAST
LEE COUNTY, FLORIDA

JOHNSON
ENGINEERING

2158 JOHNSON STREET
P.O. BOX 1550
FORT MYERS, FLORIDA 33902-1550
PHONE (239) 334-0046
FAX (239) 334-3661
E.B. #642 & L.B. #642

SKETCH TO ACCOMPANY
DESCRIPTION

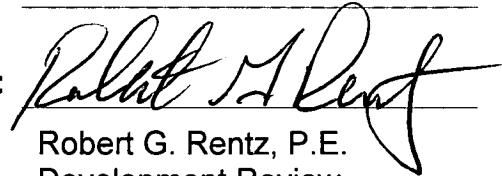
DATE	03/22/06	PROJECT NO.	20033872-02	FILE NO.	33-45-23	SHEET	1	OF 3
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MEMORANDUM
FROM THE
DEPARTMENT OF
COMMUNITY DEVELOPMENT
DEVELOPMENT SERVICES DIVISION

DATE: January 29, 2009

To: Nettie Richardson
Principal Planner

FROM:


Robert G. Rentz, P.E.
Development Review
Engineer

RE: **The Palms at Monterrey**
ADD2009-00001

The purpose of the proposed Administrative Deviation is to convert 408 Rental Apartments (ITE LUC 220) to 312 Timeshare Units (ITE LUC 265).

Based on the ITE Trip Generation Report, following the conversion the volume of AM peak hour project traffic will decrease, and the volume of PM peak hour project traffic will remain the same.

Also, based on the Lee County D.O.T. link-specific service volumes, and the Lee County Concurrency Report, the proposed conversion will have no effect on the level of service of either Bass Rd. or Summerlin Rd.

EXHIBIT B

BGR

S:/WRITERS/RENTZRG/ADD2009-00001TRIPGENERATION

ZONING DIVISION
LEE COUNTY
ADD TRANSMITTAL SHEET

TO: Distribution

FROM: Nettie Richardson

DATE: Jan. 12, 2009

Bob Rentz, Development Services

PROJECT NAME: The Palms at Monterrey CASE #: ADD2009-00001

INFORMATION SUMMARY:

XXX NEW SUBMITTAL

 RESUBMITTAL

RESPONSE REQUIRED BY January 23, 2009

Comments:

Requested is a conversion of 408 rental apartments units into 312 timeshare units within Health Park. The applicant has provided a Traffic Impact Statement that evaluates the conversion stating that the 312 timeshare units will produce the same amount of traffic as the 408 apartment units. Can you please review the attached TIS and make a recommendation if you believe this to be correct. If you need additional information, let me know. Thanks.

cc: ADD zoning file
Planner

ZONING DIVISION
LEE COUNTY
ADD TRANSMITTAL SHEET

TO: Distribution FROM: Nettie Richardson DATE: Jan. 28, 2009

Bob Rentz, Development Services

PROJECT NAME: The Palms at Monterrey CASE #: ADD2009-00001

INFORMATION SUMMARY:

 NEW SUBMITTAL

 XX RESUBMITTAL

RESPONSE REQUIRED BY Jan. 30, 2009

Comments:

Attached is a revised TIS for the above reference project. You have had discussions with Ryan Bell at Johnson Engineering regarding the previous submitted TIS. Based on your conversation, a revised TIS is attached for your review. Please provide a memo with your comments on the project. Should you need additional information, please let me know. Thanks.

cc: ADD zoning file

LETTER OF TRANSMITTAL

Via: ☐ Regular Mail
☐ Overnight Delivery
☒ Hand Delivery

To: **Ms. Nettie Richardson**
Lee County Community Development
Zoning Division
1500 Monroe Street, 2nd Floor
Fort Myers, FL 33901

Date: **January 28, 2009**
Project No. **ADD2009-00001**
Project Name **The Palms at Monterrey -
HealthPark Florida**

We are sending you the following: ☐ Attached ☐ Under Separate Cover

Copies	Drawing No.	Description
3		Revised Traffic Impact Statement

RECEIVED
JAN 28 2009

These are transmitted as checked below: **COMMUNITY DEVELOPMENT**

- | | | |
|--|---|---------------------------------------|
| <input checked="" type="checkbox"/> For approval | <input type="checkbox"/> Approved as submitted | <input type="checkbox"/> As requested |
| <input type="checkbox"/> For your information | <input type="checkbox"/> Approved as noted | <input type="checkbox"/> See remarks |
| <input type="checkbox"/> For review and comment | <input type="checkbox"/> Returned for corrections | |

Remarks: Nettie, Please find three (3) copies of the revised traffic impact statement for the above referenced project. If you have any questions or require additional information, please call me.

ADD 2009-00001

Copy: Chuck Basinait

Signed:

Name:

Title:

Debi Pendlebury

Principal Planner

RECEIVED

JAN 28 2009

COMMUNITY DEVELOPMENT

**MONTERREY TIMESHARE
TRAFFIC IMPACT STATEMENT**

Prepared for:

**JPS CAPITAL PARTNERS, LLC
Asset Manager for BTS Monterrey Holdings, LLC
200 West 57th Street, Suite 303
New York, NY 10019**

ADD 2009-00001

Prepared By:

**JOHNSON
ENGINEERING**

**3501 Del Prado Boulevard, Suite 110
Cape Coral, Florida 33904
(239) 334-0046
EB 642**

**November 25, 2008
Revised January 27, 2009**

RECEIVED

JAN 28 2009

MONTERREY TIMESHARE
TRAFFIC IMPACT STATEMENT

COMMUNITY DEVELOPMENT

Introduction

Monterrey is an existing apartment complex within the HealthPark Florida DRI. The complex is located on Park Royal Drive east of Bass Road and north of Summerlin Road in Lee County, Florida (Exhibit 1). Monterrey is proposing to convert the apartment complex into a timeshare complex with several health related amenities. In order to change the zoning to permit the timeshare use, Lee County staff has requested an analysis of the resulting trip generation and Level of Service (LOS) impacts of the existing apartments as compared to the proposed timeshare units.

Development Parameters

The existing and proposed development parameters are summarized below:

Monterrey Development Parameters

Land Use

Size

Apartments⁽¹⁾
Timeshare⁽²⁾

408 d.u.
312 d.u.

Footnotes:

(1) Existing 408 apartments, ITE LUC 220.

(2) Proposed 312 timeshare units, ITE LUC 265.

Trip Generation

The AM Peak Hour, PM Peak Hour and Daily traffic volumes for the existing apartments and proposed timeshare units were estimated using the Institute of Transportation Engineers report titled *Trip Generation (Eighth Edition)*. The directional splits for the timeshare peak hour volumes are not currently available. In order to establish the directional splits for timeshare, the directional split percentages for a hotel, ITE LUC 310, were used. Hotel land use directional split percentages were used as timeshare units travel patterns may more resemble that of hotel guest as opposed to the workforce residents of apartments. The trip generation calculations for the apartments, timeshare units and hotel rooms are included in the Appendix. The trip generation for the existing apartments and the proposed timeshare units is summarized below:

Trip Generation Summary

<u>Land Use</u>	<u>AM Peak Hour</u>			<u>PM Peak Hour</u>			<u>Daily</u>
	<u>In</u>	<u>Out</u>	<u>Total</u>	<u>In</u>	<u>Out</u>	<u>Total</u>	
Apartments ⁽¹⁾	41	163	204	157	85	242	2,596
Timeshare Units ⁽²⁾	<u>111</u>	<u>80</u>	<u>191</u>	<u>117</u>	<u>125</u>	<u>242</u>	<u>3,560</u>
Difference	+70	-83	+13	-40	+40	+0	-964

Footnotes:

(1) ITE LUC 220, 408 apartments.

(2) ITE LUC 265, 312 timeshare units.

ADD 2009-00001

RECEIVED

JAN 28 2009

Level of Service Analysis

COMMUNITY DEVELOPMENT

Level of Service (LOS) is a quality measure describing operational conditions within a given traffic stream. LOS is based primarily on the Directional Design-Hour Volume (DDHV), also referred to as the Peak Hour Peak Direction trips. Per the Highway Capacity Manual, the DDHV is calculated as:

$$DDHV = AADT * K * D$$

Since the variables K and D are constants it can be logically inferred that the change in DDHV ($\Delta DDHV$) is equal to the change in AADT ($\Delta AADT$) multiplied by the same constants K and D. In this case the total change in the AADT's for each use and respective number of units per the above reference trip generation estimates can be used to determine the change in DDHV and the corresponding effect on the existing LOS of the adjacent roadways. It is assumed the K-Factor (K) is equal to 0.095 (Rural Developed) and the Directional Factor (D) is equal to 0.50 (assuming comparable entering and exiting movements). This calculation is as follows:

$$\begin{aligned}\Delta DDHV &= \Delta AADT * K * D \\ &= 964 * .095 * .50 \\ &= 46\end{aligned}$$

Since the project is served by two adjacent existing roadways, Bass Road and Summerlin Road, this number must be further divided by two, assuming relatively equal distribution of trips amongst both roads. This calculation is as follows:

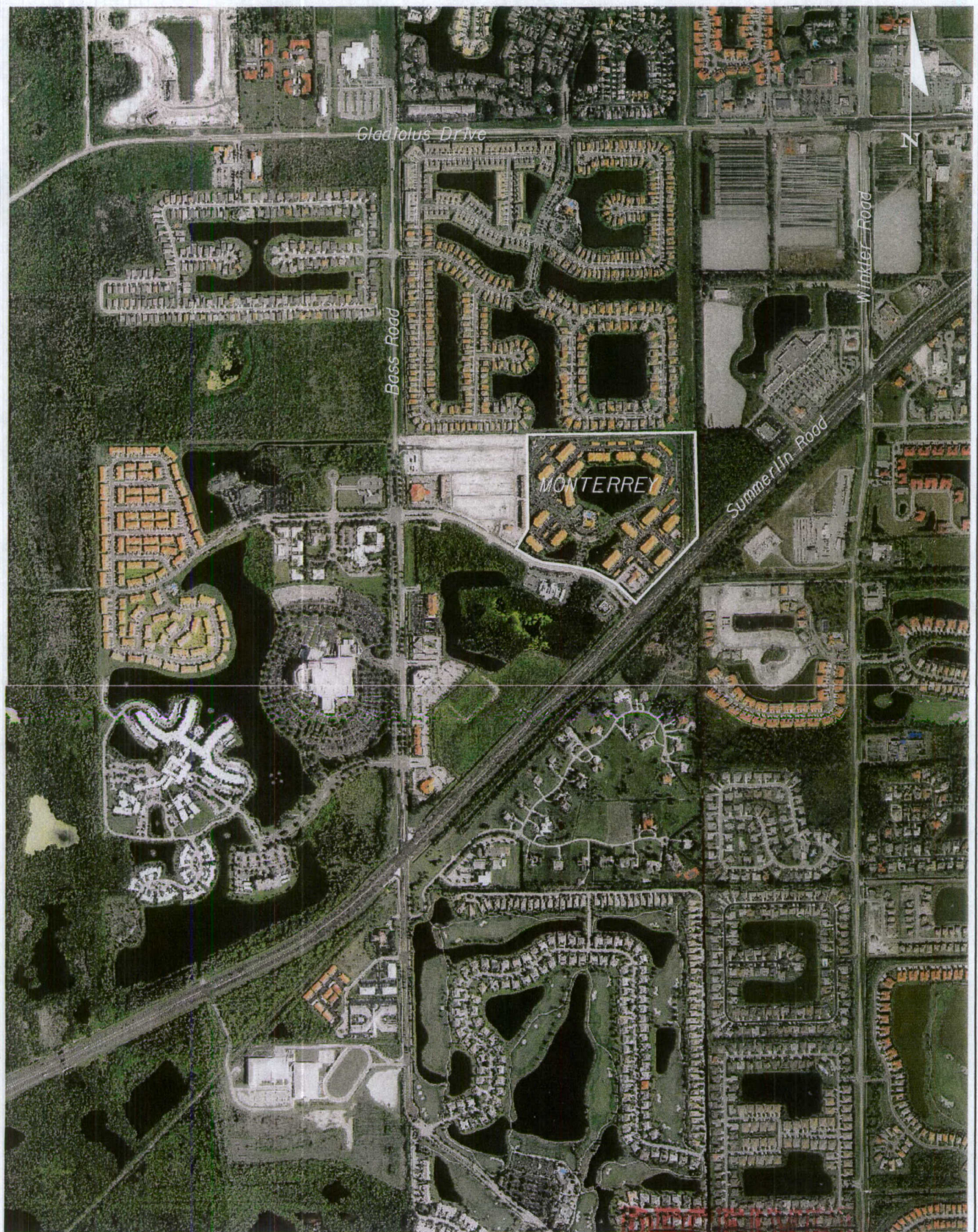
$$\begin{aligned}\Delta DDHV \text{ per Road} &= 46 / 2 \\ &= 23\end{aligned}$$

Thus, the estimated change in DDHV resulting from the proposed change in usage and respective units is 23 additional DDHV for each Bass Road and Summerlin Road.

Conclusion

The proposed change in usage and respective units generate less AM Peak Hour and the same PM Peak Hour traffic volumes as is existing. Furthermore, the proposed change in usage and respective units results in a slight increase of 23 Directional Design-Hour Volume (DDHV) trips. This slight increase in DDHV will have a negligible impact on the existing adjacent roadway LOS. As a result the conversion of 408 Apartment Units to 312 Timeshare Units will not have a negative impact on the surrounding roadway network during the peak hours of travel.

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MONTERREY TIMESHARE
TRAFFIC IMPACT STATEMENT

PROJECT LOCATION MAP
JAN 28 2009

EXHIBIT
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APPENDIX

TRIP GENERATION CALCULATIONS

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Monterrey Apartments, ITE LUC 220
Summary of Trip Generation Calculation
For 408 Dwelling Units of Apartments
November 21, 2008

COMMUNITY DEVELOPMENT

	Average Rate	Standard Deviation	Adjustment Factor	Driveway Volume
Avg. Weekday 2-Way Volume	6.36	0.00	1.00	2596
7-9 AM Peak Hour Enter	0.10	0.00	1.00	41
7-9 AM Peak Hour Exit	0.40	0.00	1.00	163
7-9 AM Peak Hour Total	0.50	0.00	1.00	204
4-6 PM Peak Hour Enter	0.39	0.00	1.00	157
4-6 PM Peak Hour Exit	0.21	0.00	1.00	85
4-6 PM Peak Hour Total	0.59	0.00	1.00	242
Saturday 2-Way Volume	7.22	0.00	1.00	2947
Saturday Peak Hour Enter	0.00	0.00	1.00	0
Saturday Peak Hour Exit	0.00	0.00	1.00	0
Saturday Peak Hour Total	0.46	0.00	1.00	187

Note: A zero indicates no data available.

The above rates were calculated from these equations:

24-Hr. 2-Way Volume: $T = 6.06(X) + 123.56$, $R^2 = 0.87$
 7-9 AM Peak Hr. Total: $T = .49(X) + 3.73$
 $R^2 = 0.83$, 0.2 Enter, 0.8 Exit
 4-6 PM Peak Hr. Total: $T = .55(X) + 17.65$
 $R^2 = 0.77$, 0.65 Enter, 0.35 Exit
 AM Gen Pk Hr. Total: $T = .54(X) + 2.45$
 $R^2 = 0.82$, 0.29 Enter, 0.71 Exit
 PM Gen Pk Hr. Total: $T = .6(X) + 14.91$
 $R^2 = 0.8$, 0.61 Enter, 0.39 Exit
 Sat. 2-Way Volume: $T = 7.85(X) + -256.19$, $R^2 = 0.85$
 Sat. Pk Hr. Total: $T = .41(X) + 19.23$
 $R^2 = 0.56$, 0 Enter, 0 Exit
 Sun. 2-Way Volume: $T = 6.42(X) + -101.12$, $R^2 = 0.82$
 Sun. Pk Hr. Total: 0
 $R^2 = 0$, 0 Enter, 0 Exit

Source: Institute of Transportation Engineers
Trip Generation, 8th Edition, 2008.

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Monterrey Apartments, ITE LUC 265
Summary of Trip Generation Calculation
For 312 Occupied Dwelling Units of Timeshare
November 21, 2008

COMMUNITY DEVELOPMENT

	Average Rate	Standard Deviation	Adjustment Factor	Driveway Volume
Avg. Weekday 2-Way Volume	11.41	0.00	1.00	3560
7-9 AM Peak Hour Enter	0.00	0.00	1.00	0
7-9 AM Peak Hour Exit	0.00	0.00	1.00	0
7-9 AM Peak Hour Total	0.61	0.00	1.00	191
4-6 PM Peak Hour Enter	0.00	0.00	1.00	0
4-6 PM Peak Hour Exit	0.00	0.00	1.00	0
4-6 PM Peak Hour Total	0.78	0.00	1.00	242
Saturday 2-Way Volume	0.00	0.00	1.00	0
Saturday Peak Hour Enter	0.00	0.00	1.00	0
Saturday Peak Hour Exit	0.00	0.00	1.00	0
Saturday Peak Hour Total	0.00	0.00	1.00	0

Note: A zero indicates no data available.

The above rates were calculated from these equations:

24-Hr. 2-Way Volume: $LN(T) = 1.06LN(X) + 2.09, R^2 = 0.85$
 7-9 AM Peak Hr. Total: $LN(T) = 1.16LN(X) + -1.41$
 $R^2 = 0.83, 0 \text{ Enter}, 0 \text{ Exit}$
 4-6 PM Peak Hr. Total: $LN(T) = 1.01LN(X) + -.31$
 $R^2 = 0.85, 0 \text{ Enter}, 0 \text{ Exit}$
 AM Gen Pk Hr. Total: 0
 $R^2 = 0, 0 \text{ Enter}, 0 \text{ Exit}$
 PM Gen Pk Hr. Total: 0
 $R^2 = 0, 0 \text{ Enter}, 0 \text{ Exit}$
 Sat. 2-Way Volume: 0, $R^2 = 0$
 Sat. Pk Hr. Total: 0
 $R^2 = 0, 0 \text{ Enter}, 0 \text{ Exit}$
 Sun. 2-Way Volume: 0, $R^2 = 0$
 Sun. Pk Hr. Total: 0
 $R^2 = 0, 0 \text{ Enter}, 0 \text{ Exit}$

Source: Institute of Transportation Engineers
Trip Generation, 8th Edition, 2008.

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Summary of Trip Generation Calculation
For 312 Occupied Rooms of Hotel
November 21, 2008

COMMUNITY DEVELOPMENT

	Average Rate	Standard Deviation	Adjustment Factor	Driveway Volume
Avg. Weekday 2-Way Volume	0.00	0.00	1.00	0
7-9 AM Peak Hour Enter	0.40	0.00	1.00	124
7-9 AM Peak Hour Exit	0.29	0.00	1.00	90
7-9 AM Peak Hour Total	0.68	0.00	1.00	214
4-6 PM Peak Hour Enter	0.33	0.00	1.00	102
4-6 PM Peak Hour Exit	0.34	0.00	1.00	107
4-6 PM Peak Hour Total	0.67	0.00	1.00	209
Saturday 2-Way Volume	0.00	0.00	1.00	0
Saturday Peak Hour Enter	0.00	0.00	1.00	0
Saturday Peak Hour Exit	0.00	0.00	1.00	0
Saturday Peak Hour Total	0.00	0.00	1.00	0

Note: A zero indicates no data available.

The above rates were calculated from these equations:

24-Hr. 2-Way Volume: $0, R^2 = 0$
 7-9 AM Peak Hr. Total: $T = .78(X) + -29.8$
 $R^2 = 0.69, 0.58$ Enter, 0.42 Exit
 4-6 PM Peak Hr. Total: $LN(T) = 1.2LN(X) + -1.55$
 $R^2 = 0.67, 0.49$ Enter, 0.51 Exit
 AM Gen Pk Hr. Total: $LN(T) = .91LN(X) + .01$
 $R^2 = 0.57, 0.55$ Enter, 0.45 Exit
 PM Gen Pk Hr. Total: $LN(T) = .94LN(X) + -.03$
 $R^2 = 0.6, 0.57$ Enter, 0.43 Exit
 Sat. 2-Way Volume: $0, R^2 = 0$
 Sat. Pk Hr. Total: 0
 $R^2 = 0, 0$ Enter, 0 Exit
 Sun. 2-Way Volume: $0, R^2 = 0$
 Sun. Pk Hr. Total: 0
 $R^2 = 0, 0$ Enter, 0 Exit

Source: Institute of Transportation Engineers
Trip Generation, 8th Edition, 2008.

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COMMUNITY DEVELOPMENT

**MONTERREY TIMESHARE
TRAFFIC IMPACT STATEMENT**

Prepared for:

**JPS CAPITAL PARTNERS, LLC
Asset Manager for BTS Monterrey Holdings, LLC
200 West 57th Street, Suite 303
New York, NY 10019**

Prepared By:

**JOHNSON
ENGINEERING**

**3501 Del Prado Boulevard, Suite 110
Cape Coral, Florida 33904
(239) 334-0046
EB 642**

**November 25, 2008
Revised January 27, 2009**

20087784-000

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MONTERREY TIMESHARE
TRAFFIC IMPACT STATEMENT

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Introduction

Monterrey is an existing apartment complex within the HealthPark Florida DRI. The complex is located on Park Royal Drive east of Bass Road and north of Summerlin Road in Lee County, Florida (Exhibit 1). Monterrey is proposing to convert the apartment complex into a timeshare complex with several health related amenities. In order to change the zoning to permit the timeshare use, Lee County staff has requested an analysis of the resulting trip generation and Level of Service (LOS) impacts of the existing apartments as compared to the proposed timeshare units.

Development Parameters

The existing and proposed development parameters are summarized below:

Monterrey Development Parameters

Land Use

Size

Apartments⁽¹⁾
Timeshare⁽²⁾

408 d.u.
312 d.u.

Footnotes:

(1) Existing 408 apartments, ITE LUC 220.

(2) Proposed 312 timeshare units, ITE LUC 265.

Trip Generation

The AM Peak Hour, PM Peak Hour and Daily traffic volumes for the existing apartments and proposed timeshare units were estimated using the Institute of Transportation Engineers report titled *Trip Generation (Eighth Edition)*. The directional splits for the timeshare peak hour volumes are not currently available. In order to establish the directional splits for timeshare, the directional split percentages for a hotel, ITE LUC 310, were used. Hotel land use directional split percentages were used as timeshare units travel patterns may more resemble that of hotel guest as opposed to the workforce residents of apartments. The trip generation calculations for the apartments, timeshare units and hotel rooms are included in the Appendix. The trip generation for the existing apartments and the proposed timeshare units is summarized below:

Trip Generation Summary

<u>Land Use</u>	<u>AM Peak Hour</u>			<u>PM Peak Hour</u>			<u>Daily</u>
	<u>In</u>	<u>Out</u>	<u>Total</u>	<u>In</u>	<u>Out</u>	<u>Total</u>	
Apartments ⁽¹⁾	41	163	204	157	85	242	2,596
Timeshare Units ⁽²⁾	<u>111</u>	<u>80</u>	<u>191</u>	<u>117</u>	<u>125</u>	<u>242</u>	<u>3,560</u>
Difference	+70	-83	+13	-40	+40	+0	-964

Footnotes:

(1) ITE LUC 220, 408 apartments.

(2) ITE LUC 265, 312 timeshare units.

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Level of Service Analysis

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Level of Service (LOS) is a quality measure describing operational conditions within a given traffic stream. LOS is based primarily on the Directional Design-Hour Volume (DDHV), also referred to as the Peak Hour Peak Direction trips. Per the Highway Capacity Manual, the DDHV is calculated as:

$$DDHV = AADT * K * D$$

Since the variables K and D are constants it can be logically inferred that the change in DDHV ($\Delta DDHV$) is equal to the change in AADT ($\Delta AADT$) multiplied by the same constants K and D. In this case the total change in the AADT's for each use and respective number of units per the above reference trip generation estimates can be used to determine the change in DDHV and the corresponding effect on the existing LOS of the adjacent roadways. It is assumed the K-Factor (K) is equal to 0.095 (Rural Developed) and the Directional Factor (D) is equal to 0.50 (assuming comparable entering and exiting movements). This calculation is as follows:

$$\begin{aligned}\Delta DDHV &= \Delta AADT * K * D \\ &= 964 * .095 * .50 \\ &= 46\end{aligned}$$

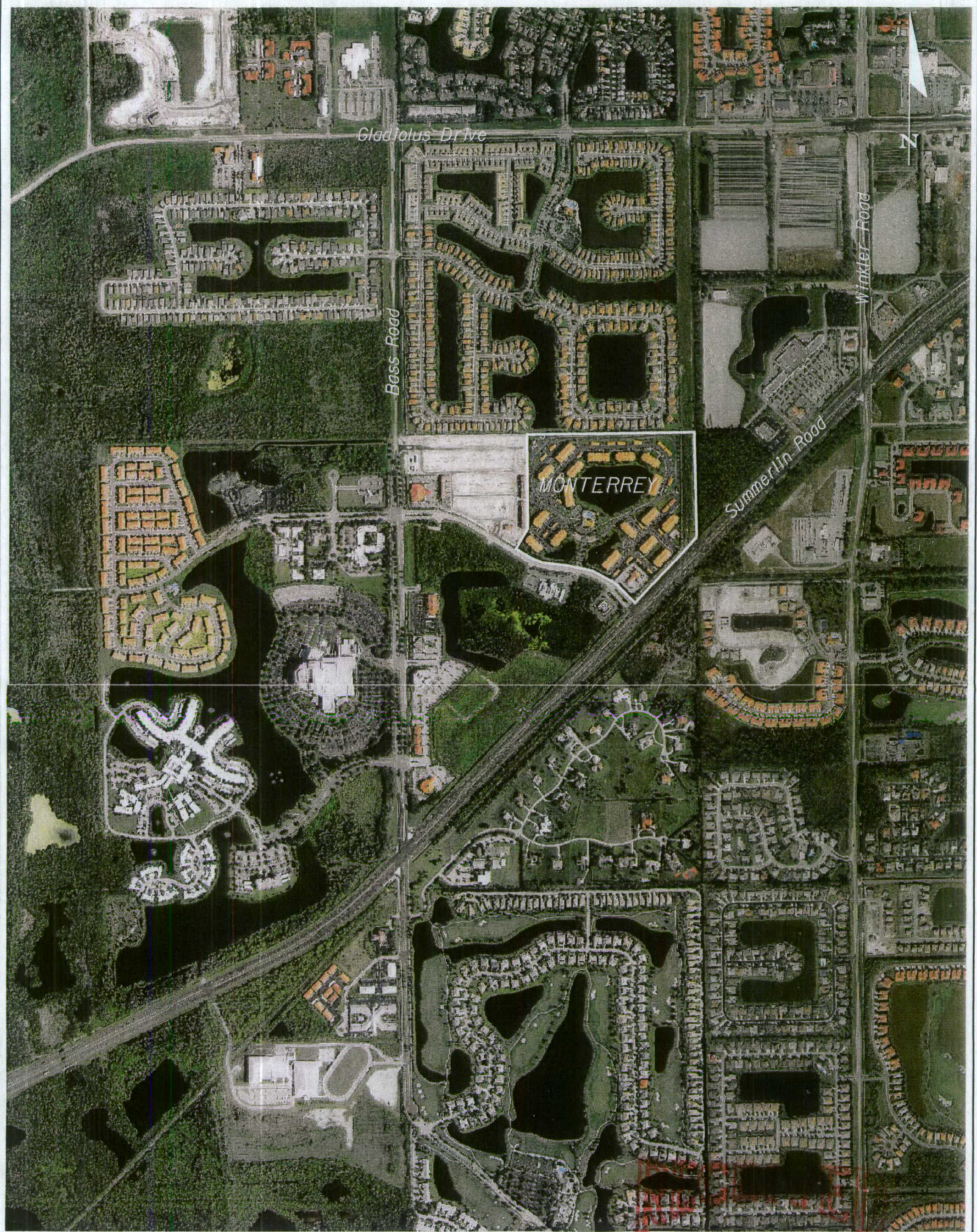
Since the project is served by two adjacent existing roadways, Bass Road and Summerlin Road, this number must be further divided by two, assuming relatively equal distribution of trips amongst both roads. This calculation is as follows:

$$\begin{aligned}\Delta DDHV \text{ per Road} &= 46 / 2 \\ &= 23\end{aligned}$$

Thus, the estimated change in DDHV resulting from the proposed change in usage and respective units is 23 additional DDHV for each Bass Road and Summerlin Road.

Conclusion

The proposed change in usage and respective units generate less AM Peak Hour and the same PM Peak Hour traffic volumes as is existing. Furthermore, the proposed change in usage and respective units results in a slight increase of 23 Directional Design-Hour Volume (DDHV) trips. This slight increase in DDHV will have a negligible impact on the existing adjacent roadway LOS. As a result the conversion of 408 Apartment Units to 312 Timeshare Units will not have a negative impact on the surrounding roadway network during the peak hours of travel.



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TRAFFIC IMPACT STATEMENT

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PROJECT LOCATION MAP
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APPENDIX

TRIP GENERATION CALCULATIONS

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Monterrey Apartments, ITE LUC 220
Summary of Trip Generation Calculation
For 408 Dwelling Units of Apartments
November 21, 2008

COMMUNITY DEVELOPMENT

	Average Rate	Standard Deviation	Adjustment Factor	Driveway Volume
Avg. Weekday 2-Way Volume	6.36	0.00	1.00	2596
7-9 AM Peak Hour Enter	0.10	0.00	1.00	41
7-9 AM Peak Hour Exit	0.40	0.00	1.00	163
7-9 AM Peak Hour Total	0.50	0.00	1.00	204
4-6 PM Peak Hour Enter	0.39	0.00	1.00	157
4-6 PM Peak Hour Exit	0.21	0.00	1.00	85
4-6 PM Peak Hour Total	0.59	0.00	1.00	242
Saturday 2-Way Volume	7.22	0.00	1.00	2947
Saturday Peak Hour Enter	0.00	0.00	1.00	0
Saturday Peak Hour Exit	0.00	0.00	1.00	0
Saturday Peak Hour Total	0.46	0.00	1.00	187

Note: A zero indicates no data available.

The above rates were calculated from these equations:

24-Hr. 2-Way Volume: $T = 6.06(X) + 123.56, R^2 = 0.87$
 7-9 AM Peak Hr. Total: $T = .49(X) + 3.73$
 $R^2 = 0.83, 0.2 \text{ Enter}, 0.8 \text{ Exit}$
 4-6 PM Peak Hr. Total: $T = .55(X) + 17.65$
 $R^2 = 0.77, 0.65 \text{ Enter}, 0.35 \text{ Exit}$
 AM Gen Pk Hr. Total: $T = .54(X) + 2.45$
 $R^2 = 0.82, 0.29 \text{ Enter}, 0.71 \text{ Exit}$
 PM Gen Pk Hr. Total: $T = .6(X) + 14.91$
 $R^2 = 0.8, 0.61 \text{ Enter}, 0.39 \text{ Exit}$
 Sat. 2-Way Volume: $T = 7.85(X) + -256.19, R^2 = 0.85$
 Sat. Pk Hr. Total: $T = .41(X) + 19.23$
 $R^2 = 0.56, 0 \text{ Enter}, 0 \text{ Exit}$
 Sun. 2-Way Volume: $T = 6.42(X) + -101.12, R^2 = 0.82$
 Sun. Pk Hr. Total: 0
 $R^2 = 0, 0 \text{ Enter}, 0 \text{ Exit}$

Source: Institute of Transportation Engineers
Trip Generation, 8th Edition, 2008.

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Monterrey Apartments, ITE LUC 265
Summary of Trip Generation Calculation
For 312 Occupied Dwelling Units of Timeshare
November 21, 2008

COMMUNITY DEVELOPMENT

	Average Rate	Standard Deviation	Adjustment Factor	Driveway Volume
Avg. Weekday 2-Way Volume	11.41	0.00	1.00	3560
7-9 AM Peak Hour Enter	0.00	0.00	1.00	0
7-9 AM Peak Hour Exit	0.00	0.00	1.00	0
7-9 AM Peak Hour Total	0.61	0.00	1.00	191
4-6 PM Peak Hour Enter	0.00	0.00	1.00	0
4-6 PM Peak Hour Exit	0.00	0.00	1.00	0
4-6 PM Peak Hour Total	0.78	0.00	1.00	242
Saturday 2-Way Volume	0.00	0.00	1.00	0
Saturday Peak Hour Enter	0.00	0.00	1.00	0
Saturday Peak Hour Exit	0.00	0.00	1.00	0
Saturday Peak Hour Total	0.00	0.00	1.00	0

Note: A zero indicates no data available.

The above rates were calculated from these equations:

24-Hr. 2-Way Volume: $LN(T) = 1.06LN(X) + 2.09, R^2 = 0.85$
 7-9 AM Peak Hr. Total: $LN(T) = 1.16LN(X) + -1.41$
 $R^2 = 0.83, 0 \text{ Enter}, 0 \text{ Exit}$
 4-6 PM Peak Hr. Total: $LN(T) = 1.01LN(X) + -.31$
 $R^2 = 0.85, 0 \text{ Enter}, 0 \text{ Exit}$
 AM Gen Pk Hr. Total: 0
 $R^2 = 0, 0 \text{ Enter}, 0 \text{ Exit}$
 PM Gen Pk Hr. Total: 0
 $R^2 = 0, 0 \text{ Enter}, 0 \text{ Exit}$
 Sat. 2-Way Volume: 0, $R^2 = 0$
 Sat. Pk Hr. Total: 0
 $R^2 = 0, 0 \text{ Enter}, 0 \text{ Exit}$
 Sun. 2-Way Volume: 0, $R^2 = 0$
 Sun. Pk Hr. Total: 0
 $R^2 = 0, 0 \text{ Enter}, 0 \text{ Exit}$

Source: Institute of Transportation Engineers
Trip Generation, 8th Edition, 2008.

TRIP GENERATION BY MICROTRANS

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Summary of Trip Generation Calculation
For 312 Occupied Rooms of Hotel
November 21, 2008

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	Average Rate	Standard Deviation	Adjustment Factor	Driveaway Volume COMMUNITY DEVELOPMENT
Avg. Weekday 2-Way Volume	0.00	0.00	1.00	0
7-9 AM Peak Hour Enter	0.40	0.00	1.00	124
7-9 AM Peak Hour Exit	0.29	0.00	1.00	90
7-9 AM Peak Hour Total	0.68	0.00	1.00	214
4-6 PM Peak Hour Enter	0.33	0.00	1.00	102
4-6 PM Peak Hour Exit	0.34	0.00	1.00	107
4-6 PM Peak Hour Total	0.67	0.00	1.00	209
Saturday 2-Way Volume	0.00	0.00	1.00	0
Saturday Peak Hour Enter	0.00	0.00	1.00	0
Saturday Peak Hour Exit	0.00	0.00	1.00	0
Saturday Peak Hour Total	0.00	0.00	1.00	0

Note: A zero indicates no data available.

The above rates were calculated from these equations:

24-Hr. 2-Way Volume: $0, R^2 = 0$
 7-9 AM Peak Hr. Total: $T = .78(X) + -29.8$
 $R^2 = 0.69, 0.58$ Enter, 0.42 Exit
 4-6 PM Peak Hr. Total: $LN(T) = 1.2LN(X) + -1.55$
 $R^2 = 0.67, 0.49$ Enter, 0.51 Exit
 AM Gen Pk Hr. Total: $LN(T) = .91LN(X) + .01$
 $R^2 = 0.57, 0.55$ Enter, 0.45 Exit
 PM Gen Pk Hr. Total: $LN(T) = .94LN(X) + -.03$
 $R^2 = 0.6, 0.57$ Enter, 0.43 Exit
 Sat. 2-Way Volume: $0, R^2 = 0$
 Sat. Pk Hr. Total: 0
 $R^2 = 0, 0$ Enter, 0 Exit
 Sun. 2-Way Volume: $0, R^2 = 0$
 Sun. Pk Hr. Total: 0
 $R^2 = 0, 0$ Enter, 0 Exit

Source: Institute of Transportation Engineers
Trip Generation, 8th Edition, 2008.

TRIP GENERATION BY MICROTRANS

ADD 2009-00001

**APPLICATION FOR ADMINISTRATIVE ACTION
FOR UNINCORPORATED AREAS ONLY**

**APPLICATION FOR ADMINISTRATIVE ACTION
FOR UNINCORPORATED AREAS ONLY**

Applicant's Name: BTS Monterrey Holdings, LLC

Project Name: The Palms of Monterrey

STRAP Number(s): 33-45-24-13-00000.0010

TYPE OF ADMINISTRATIVE APPLICATION:

- ☐ Administrative Variance (attach Supplement A)
☐ Commercial Lot Split (attach Supplement B)
☐ Consumption On Premises (attach Supplement C)
☐ Minimum Use Determination (attach Supplement D)
☐ LCLDC, Zoning District Boundaries, or Ordinance Interpretation (attach Supplement E)
☐ Relief for Designated Historic Resources (attach Supplement F)
☐ Relief for Easement Encroachment (attach Supplement G)
☒ Administrative Amendment to PUD or PD (attach Supplement H)
☐ Final Plan Approval for PD per Resolution: # _____ (attach Supplement H)
☐ Administrative Deviation from LCLDC Chapter 10, Section 10-104 (attach Supplement I)
☐ Placement of Model Home/Unit or Model Display Center (attach Supplement J)
☐ Dock & Shoreline Structures (attach Supplement K)
☐ Wireless Communication Facility Shared Use Plan Agreement (attach Supplement M)

Is this project located in the Estero Planning Community? ☐ YES ☒ NO

*If YES, please note that the applicant may be required to conduct one public informational session where the agent will provide a general overview of the project for any interested citizens.

STAFF USE ONLY

Case Number: ADD2009-00001 Commission District: 3
 Current Zoning: CPD Fee Amount: \$1,000
 Land Use Classification: Urban Community Intake by: NFR
 Planning Community: Iona/McGregor

LEE COUNTY
 COMMUNITY DEVELOPMENT
 P.O. BOX 398 (1500 MONROE STREET)
 FORT MYERS, FLORIDA 33902
 PHONE (239) 533-8585

PART 1
APPLICANT/AGENT INFORMATION

A. Name of applicant: BTS Monterrey Holdings, LLC

Address: **Street :** 200 West 57th Street, Suite 303

City: New York **State:** New York **Zip:** 10019

Phone: **Area Code:** 212 **Number:** 790.6703 **Ext:** _____

Fax: **Area Code:** 212 **Number:** 790.6790

E-mail address: tmiller@jpscap.com

B. Relationship of Applicant to owner (check one):

- ☒ **Applicant (including an individual or husband & wife) is the sole owner of the property. [34-201(a)(1)a.1.]**
- ☒ **Notarized Affidavit of Authorization form is attached as Exhibit AA-1.B.2. (See Part 1 Exhibit Form A1 attached hereto for suggested Affidavit Form for an individual.) [34-202(b)(1)c.]**
- ____ Applicant has been authorized by the owner(s) to represent them for this action.
- ____ **Notarized Affidavit of Authorization form is attached as Exhibit AA-1.B.2. (Please select the appropriate Affidavit Form from the suggested forms in Part 1 Exhibits attached hereto.) [34-202(b)(1)c.]**
- ____ Applicant is a contract purchaser/vendee. [34-202(b)(1)d.]
- ____ **Notarized Affidavit of Authorization form is attached as Exhibit AA-1.B.2. [34-202(b)(1)c.] (Please select the appropriate Affidavit Form from the suggested forms in Part 1 Exhibits attached hereto.)**

C. Authorized Agent: Name of the person who is to receive all County-initiated correspondence regarding this application. [34-202(b)(1)c.]

C.1. Company Name: HENDERSON, FRANKLIN, STARNES & HOLT, P.A.

Contact Person: AMANDA L. BROCK, ESQ.

Address: **Street :** 1715 MONROE STREET

City: FORT MYERS **State:** FLORIDA **Zip:** 33903

Phone: **Area Code:** 239 **Number:** 344.1269 **Ext:** _____

Fax: **Area Code:** 239 **Number:** 344.1543

E-mail address: amanda.brock@henlaw.com

C.2. ☒ Additional Agent(s): The names of other agents that the County may contact concerning this application are attached as Exhibit AA-1.C.2. [34-202(b)(1)c.]

PART 2
PROPERTY OWNERSHIP

Is this request specific to a particular tract of land? _____ NO ☒ YES. If the answer is YES, please complete the following items.

A. **Property Ownership:** **Single owner (individual or husband & wife only)** [34-201(a)(1)a.1.]

A.1. **Name:** _____

Mailing Address: **Street:** _____

City: _____ **State:** _____ **Zip:** _____

Phone: **Area Code:** _____ **Number:** _____ **Ext:** _____

Fax: **Area Code:** _____ **Number:** _____

E-mail: _____

B. **Property Ownership: Multiple owners (Corporation, partnership, trust, association)** [34-201(a)(1)].

B.1. ☒ **Disclosure of (Ownership) Interests Form is attached as Exhibit AA-2.B.1.** [34-201(b)2]

C. **Multiple parcels**

C.1. _____ **Property owners list is attached as Exhibit AA-2.C.1.** [34-202(a)(5)]

C.2. _____ **Property owners map is attached as Exhibit AA-2.C.2.** [34-202(a)(5)]

D. **Date property was acquired by present owner(s):** **MARCH 21, 2006**

PART 3
PROPERTY INFORMATION

Is this request specific to a particular tract of land? _____ **NO** ☒ **YES.** **If the answer is YES, please complete the following items.**

A. **STRAP Number(s):** **33-45-24-13-00000.0010** _____

B. **Street Address of Property:** **Sonoma Drive, Fort Myers 33908**

C. **Legal Description**

☒ **Legal description (on 8 1/2" by 11" paper) is attached as Exhibit AA-3.C.1.** [34-202(a)(1)]

☒ **Sealed sketch of the legal description is attached as Exhibit AA-3.C.2.** [34-202(a)(1)]

_____ **Electronic version of the legal description is attached as Exhibit AA-3.C.3.**

D. **Boundary Survey**

_____ **A Boundary survey, tied to the state plane coordinate system, is attached as Exhibit AA-3.D.1.**
[34-202(a)(2)]

☒ **The property consists of one or more undivided platted lots in a subdivision recorded in the Official County Plat Books. A copy of the applicable plat book page is attached as Exhibit AA-3.D.2.** [34-202(a)(2)]

E. **Planning Community:** **IONA/MCGREGOR**

F. General Location of Property:

F.1. X Area location map is attached as Exhibit AA-3.F. [34-202(a)(4)]

F.2. Directions to property: Proceed south on Summerlin Road. Subject property is on west side of Summerlin Road and is part of the HealthPark community.

G. Current Zoning of Property: CPD (Z-05-014)

H. Current use(s) of the property are: Developed per DOS2000-00005 with 408 apartment units and a clubhouse.

I. Property Dimensions [34-202(a)(8)]

<u>1.</u>	Width (average if irregular parcel):	<u>+/- 893</u>	Feet
<u>2.</u>	Depth (average if irregular parcel):	<u>+/- 1494</u>	Feet
<u>3.</u>	Total area:	<u>+/- 30.6</u>	Acres or square feet
<u>4.</u>	Frontage on road or street:	<u>+/- 1106</u>	Feet on <u>Summerlin Road</u>
	2 nd Frontage on road or street:		Feet on _____ Street

**PART 4
ACTION REQUESTED**

A. TYPE OF REQUEST (please check one)

- ☐ Administrative Variance (requires supplement A)
- ☐ Commercial Lot Split (requires supplement B)
- ☐ Consumption On Premises (requires supplement C)
- ☐ Minimum Use Determination (requires supplement D)
- ☐ LCLDC, Zoning District Boundaries, or Ordinance Interpretation (requires supplement E)
- ☐ Relief for Designated Historic Resources (requires supplement F)
- ☐ Easement Encroachment (requires supplement G)
- ☐ Administrative Amendment to a PUD or Planned Development (requires supplement H)
- ☒ Final Plan Approval for a Planned Development (requires supplement H)
- ☐ Administrative Deviation from Chapter 10 of the LDC (requires supplement I)
- ☐ Placement of Model Home/Unit or Model Display Center (requires supplement J)
- ☐ Dock & Shoreline Structure (requires supplement K)
- ☐ Wireless Communication Facility Shared Use Plan Agreement (requires supplement M)

B. NATURE OF REQUEST (please print): The applicant is seeking to add Timeshare to the permitted Schedule of Uses as a similar use to those already permitted per zoning resolution Z-05-014.

**PART 5
SUBMITTAL REQUIREMENTS**

THE NUMBER OF COPIES REQUIRED FOR EACH EXHIBIT IS BASED ON THE ACTION REQUESTED AS INDICATED BELOW. PLEASE NOTE THAT THE THREE (3) SETS OF REQUIRED SUBMITTAL AND SUPPLEMENTAL FORMS MUST BE SUBMITTED IN SETS OF THREE. ADDITIONAL SUBMITTAL ITEMS (listed below) SHOULD BE SUBMITTED AS A GROUP WITH THE APPROPRIATE NUMBER OF COPIES PROVIDED AS NOTED BELOW.

Copies Required*	Exhibit Number	SUBMITTAL ITEMS
3 ✓		Completed application for Administrative Action
1 ✓		Filing Fee - [34-202(a)(9)]

Copies Required*	SUP Number	SUPPLEMENTAL FORMS (select applicable request/form)
3	SUP A	Administrative Variance request
3	SUP B	Commercial Lot Split request
3	SUP C	Consumption On Premises request
3	SUP D	Minimum Use Determination request
3	SUP E	Ordinance Interpretation request
3	SUP F	Relief for Designated Historic Resources request
3	SUP G	Easement Encroachment request
3	SUP H	Administrative Amendment to a PUD or Planned Development request
3 ✓	SUP H	Final Plan Approval for a Planned Development request
3	SUP I	Administrative Deviation from Chapter 10 of the LDC request
3	SUP J	Placement of Model Home/Unit or Model Display Center request
3	SUP K	Dock & Shoreline Structure request
3	SUP M	Wireless Communication Facility Shared Use Plan Agreement

Copies Required*	Exhibit Number	ADDITIONAL SUBMITTAL ITEMS
3 ✓	AA-1.B.2	Notarized Affidavit of Authorization Form [34-202(b)(1)c]
3	AA-1.C.2	Additional Agents [34-202(b)(1)c.]
3 ✓	AA-2.B.1	Disclosure of Interest Form [34-201(b)(2)a]
3 ✓	AA-2.C.1	Subject property owners list (if applicable) [34-202(a)(5)]
3 ✓	AA-2.C.2	Subject Property Owners map (if applicable) [34-202(a)(5)]
3 ✓	AA-3.A.1	List of STRAP Numbers (if additional sheet is required) [34-202(a)(1)]
3 ✓	AA-3.C.1	Legal Description (2 originals required) [34-202(a)(1)]
3 ✓	AA-3.C.2	Sealed Sketch of the Legal Description (2 originals required) [34-202(a)(1)]
1	AA-3.C.2	Electronic version of legal description (if available)
3	AA-3.D.1	Boundary Survey (tied to State Plane Coordinate System) [34-202(a)(2)] {NOTE: This is a required submittal for all Planned Development Applications and for all properties of 10 acres or more. (2 originals required) [34-373(a)(4)a.]}
3 ✓	AA-3.D.2	Copy of Plat Book Page (if applicable) [34-202(a)(1)]
3 ✓	AA-3.F	Area Location Map on 8-1/2" by 11" paper pursuant to LCLDC Section 34-202(a)(4).

* At least one copy must be an original.



ADMINISTRATIVE ACTION REQUEST
SUPPLEMENT H
FOR UNINCORPORATED AREAS ONLY

ADMINISTRATIVE AMENDMENT TO A
PUD OR PLANNED DEVELOPMENT PER LCLDC
SECTION 34-380(b) or FINAL PLAN APPROVAL FOR
A PLANNED DEVELOPMENT

Case Number: _____
Project Name: The Palms of Monterrey **RECEIVED**
Applicant's Name: BTS Monterrey Holdings, LLC **IAN 07 2009**
STRAP Number(s): 33-45-24-13-00000.0010

Indicate whether REQUEST is for:

ADD 2009-00001

 X **ADMINISTRATIVE AMENDMENT** (please complete PART 1, PART 2., & PART 3.)
 FINAL PLAN APPROVAL (please complete PART 1, PART 2, & PART 4.)

*Planning District: IONA/MCGREGOR

**If located within the Estero Planning Community and the request includes administrative deviations amending the Master Concept Plan or other provisions of the applicable zoning resolution, please provide meeting summary document (see PART 2.C.). See LCLDC Section 33-54(a)(2).*

If the request is for an administrative amendment to a PUD or to a Planned Development or Final Plan Approval please submit the "Application for Administrative Action" form for unincorporated areas and Supplement H including the following:

**PART 1.
APPLICATION INFORMATION**

- A. **ORIGINAL PROJECT NAME** (if different than Project Name currently used):
HealthPark, The Palms of Monterrey
- B. **ORIGINAL REZONING RESOLUTION NUMBER:** Z-87-058
- C. **SUBSEQUENT ZONING ACTION RESOLUTION/CASE NUMBERS** (if any): Please list all previous zoning and administrative actions (approvals and denials) on this project subsequent to the original rezoning including Resolution Numbers and Case Numbers (provide added sheets, if necessary; label as Exhibit H-1.C.).
- | | |
|-----------------|-----------------|
| <u>Z-05-014</u> | <u>Z-01-021</u> |
| <u>Z-01-002</u> | <u>Z-98-011</u> |
| <u>Z-93-081</u> | <u>Z-87-058</u> |
| _____ | _____ |

- D. **DEVELOPMENT ORDER NUMBERS FOR PROJECT** (if any): Please list all local development orders approved on this project. Please indicate the status of each development order (provide added sheets, if necessary; label as **Exhibit H-1.D.**).

DOS2000-00005

PART 2. REQUESTED ACTION

- A. **WRITTEN NARRATIVE:** Please provide a written narrative statement explaining exactly what is proposed. Label as **Exhibit H-2.A.**
- B. **RELIEF/DEVIATIONS:** Is any relief requested from the provisions of the Lee County Land Development Code? X NO. YES.

If the answer is **YES**, provide a **written narrative statement** explaining the specific relief requested (a schedule of deviations). Include specific references to any section (number{s) and name{s}) of the Lee County Land Development Code (LCLDC) from which relief is sought including why the requested relief is necessary and how it will affect the project. Explain what conditions currently exist which warrant this request for relief from the regulations (a written justification for each of the requested deviations). Label narrative statement as **Exhibit H-2.B.1.**

Also provide three (3) sets of drawings detailing any proposed deviations or changes to the MASTER CONCEPT PLAN (MCP) in 11" X 17" size (two originals required) and one (1) 24" x 36" size. All deviation requests must be specifically keyed to the location on the MCP. Label deviation drawing(s) as **Exhibit H-2.B.2.**

- C. Is the property located within the Estero Planning Community and does the request include administrative deviations amending the Master Concept Plan or other provisions of the applicable zoning resolution? X NO. YES. IF YES, submit a copy of the Estero Planning Community Summary Document. Label **Exhibit H-2.C.**

PART 3. ADDITIONAL SUBMITTAL REQUIREMENTS FOR ADMINISTRATIVE AMENDMENT APPLICATIONS

Please submit the following for all Administrative Amendment Applications:

- A. **AREA LOCATION MAP:** An **Area Location Map** (on 8.5" by 11" paper) must be provided. The map must be marked to show the location of the property to be developed in relation to arterial and collector streets as well as the location of existing easements and rights-of-way on or abutting the property. Label as **Exhibit H-3.A.** [34-373(a)(4)b.]
- B. **APPROVED MASTER CONCEPT PLAN:** Provide one (1) APPROVED MASTER CONCEPT PLAN (MCP) and DETAILED DRAWINGS of any DEVIATIONS OR CHANGES BEING PROPOSED at a size of 24" X 36". Label as **Exhibit H-3.B.** [34-373(a)(6)]
- C. **REDUCED SIZE MASTER CONCEPT PLAN:** Provide three (3) copies of the MASTER CONCEPT PLAN REDUCED to a maximum size of 11" x 17" (two originals required). Label as **Exhibit H-3.C.**
- D. **ZONING RESOLUTIONS/ZONING DOCUMENTS:** Please attach three (3) copies of any zoning resolutions or documents that are still valid. Include the original rezoning resolution, final plan approval letters, Administrative Approval letters, and any other documentation granting relevant approvals. Label as **Exhibit H-3.D.**

PART 4.
ADDITIONAL SUBMITTAL REQUIREMENTS FOR FINAL PLAN APPROVAL APPLICATIONS

Please submit the following for all Final Plan Approval Applications:

- A. **AREA LOCATION MAP:** An **Area Location Map** (on 8.5" by 11" paper) must be provided. The map must be marked to show the location of the property to be developed in relation to arterial and collector streets as well as the location of existing easements and rights-of-way on or abutting the property. Label as **Exhibit H-4.A.** [34-373(a)(4)b.]
- B. **APPROVED MASTER CONCEPT PLAN:** Provide one (1) APPROVED MASTER CONCEPT PLAN (MCP) and DETAILED DRAWINGS of any DEVIATIONS OR CHANGES BEING PROPOSED. Label as **Exhibit H-4.B.** [34-373(a)(6)]
- C. **PROPOSED FINAL PLAN:** Please submit three (3) copies of the proposed Final Plan consistent with the approved Master Concept Plan and the approved Zoning Resolution. This proposed Final Plan must show any DEVIATION(s) keyed on the plan to identify the location of the specific deviation. Label as **Exhibit H-4.C.**
- D. **REDUCED SIZE COPY OF THE PROPOSED FINAL PLAN:** Please submit three (3) copies of the proposed Final Plan REDUCED to a maximum size of 11" x 17" (two originals required). Label as **Exhibit H-4.D.**
- E. **ZONING RESOLUTIONS/ZONING DOCUMENTS:** Please attach three (3) copies of any zoning resolutions or documents that are still valid. Include the original rezoning resolution, final plan approval letters, Administrative Approval letters, and any other documentation granting relevant approvals. Label as **Exhibit H-4.E.**

**PART 5.
SUBMITTAL REQUIREMENTS**

THE NUMBER OF COPIES REQUIRED FOR EACH SUBMITTAL ITEM/EXHIBIT IS INDICATED BELOW. PLEASE NOTE THAT THIS SUPPLEMENT NEEDS TO BE ACCOMPANIED BY THE APPLICATION FOR ADMINISTRATIVE ACTION. COPIES OF BOTH OF THESE APPLICATIONS SHOULD BE SUBMITTED TOGETHER IN SETS OF THREE ALONG WITH ALL OTHER REQUIRED DOCUMENTATION. ADDITIONAL SUBMITTAL ITEMS (listed below) SHOULD BE SUBMITTED AS A GROUP WITH THE APPROPRIATE NUMBER OF COPIES PROVIDED AS NOTED BELOW.

Copies Required*	Exhibit Number	SUBMITTAL ITEMS
		FOR ADMINISTRATIVE AMENDMENT APPLICATIONS and FOR FINAL PLAN APPROVAL APPLICATIONS
3 ✓		Completed Application for Administrative Action Form [34-201(b)]
1 ✓		Filing Fee - [34-202(a)(9)]
3 ✓	SUP H	Administrative Amendment to a PUD or Planned Development request Supplement Form
3 ✓	H-1.C	Subsequent Zoning Action Resolution/Case Numbers (if any and if added sheet is necessary)
3 ✓	H-1.D	Development Order Numbers for the Project (if any and if added sheets are necessary)
3 ✓	H-2.A	Written Narrative explaining what, exactly, is proposed
3 ✓ N/A	H-2.B.1	Schedule of Deviations and Justification Statement for each requested deviation (if YES was answered to Item # 2.B.)
3 ✓	H-2.B.2	Site plan (24" X 36" size) detailing each requested deviation (if YES was answered to Item # 2.B.)
3 ✓	H-2.B.2	Reduced site plans (11" X 17" size) detailing each requested deviation (if YES was answered to Item # 2.B.) - two originals required
		ADDITIONAL SUBMITTAL ITEMS FOR ADMINISTRATIVE AMENDMENT APPLICATIONS
3 ✓	H-3.A	Area Location Map (8 ½' X 11" size)
1 ✓	H-3.B	Approved Master Concept Plan and detailed drawings of any proposed deviations (24" X 36" size)
3 ✓	H-3.C	Master Concept Plan (11" X 17' maximum size) including detailed drawings of any proposed deviations - two originals required
3 ✓	H-3.D	Zoning Resolutions/Zoning Documents
		ADDITIONAL SUBMITTAL REQUIREMENTS FOR FINAL PLAN APPROVAL APPLICATIONS
3	H-4.A	Area Location Map (8 ½' X 11" size)
3	H-4.B	Approved Master Concept Plan and detailed drawings of any proposed deviations (24" X 36" size)
1	H-4.C	Proposed Final Plan including Deviations keyed to the plan (24" X 36" size)
3	H-4.D	Proposed Final Plan (11" X 17" maximum size) - two originals required
3	H-4.E	Zoning Resolutions/Zoning Documents

- At least one copy must be an original

EXHIBIT H-2.A

The subject property is currently being utilized as a 408 unit apartment complex with a clubhouse and related ancillary uses including tennis courts, swimming pools, etc. The Applicant proposes to utilize the existing residential units by converting the form of ownership of such units to timeshare rather than their current rental use. To accomplish this conversion, the Applicant is submitting this Administrative Amendment application to add Timeshare as a permitted residential use under its Commercial Planned Development zoning, most recently delineated in zoning resolution Z-05-014, attached hereto.

In addition to the change of form of ownership, the Applicant proposes to create what is commonly referred to as a Conscious Living Community on the subject property to promote a community of like-minded individuals interested in improving their health, body, and spirit through various amenity programs. Such programs will be made available only to timeshare owners and their guests, and will not be open to the general public. It is contemplated that the existing clubhouse may be expanded and redesigned to house the various amenities and member programs.

From a practical standpoint, the Applicant proposes to convert the existing 408 apartment units into 312 timeshare units. This conversion will not result in any additional traffic generation to affected roadways. To ensure that the proposed conversion would not result in increased trip generation beyond what is currently existing, Johnson Engineering prepared a Traffic Impact Statement to evaluate the potential impacts of converting the units from rental to timeshare ownership. That TIS concluded that 312 timeshare units produce the same amount of traffic as 408 apartment units. The TIS is attached hereto for your reference.

Any remaining units not being used as a timeshare unit will be converted to ancillary uses in connection with the primary timeshare use. Specifically, these units will be used as program rooms to host various amenity programs for the residents and guests of the timeshare. Examples of amenity programs include yoga instruction, informative lectures on topics associated with wellness, nutrition, and physical improvement, food preparation instruction, art and dance studios, etc. The timeshare conversion will result in a total of 312 timeshare units and none of the remaining units will be used for residential purposes. All ancillary uses will comply with governing zoning regulations and conform with the Schedule of Uses most recently identified in zoning resolution Z-05-014.

The Applicant is proposing changes only to the interior of the development which do not increase height, density or intensity beyond those approvals already contained in the existing CPD zoning resolution. The proposed changes do not result in substantial underutilization of public resources or public infrastructure committed to the support of the development. And finally, the proposed changes will not result in the reduction of open space, buffering, landscaping or preservation areas, and will have no adverse impacts on surrounding land uses.

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ADD 2009-00001
JAN 07 2009

MONTERREY TIMESHARE TRAFFIC IMPACT STATEMENT

Prepared for:

**JPS CAPITAL PARTNERS, LLC
Asset Manager for BTS Monterrey Holdings, LLC
200 West 57th Street, Suite 303
New York, NY 10019**

Prepared By:



**3501 Del Prado Boulevard, Suite 110
Cape Coral, Florida 33904
(239) 334-0046
EB 642**

November 25, 2008

MONTERREY TIMESHARE **TRAFFIC IMPACT STATEMENT**

Introduction

Monterrey is an existing apartment complex within the HealthPark Florida DRI. The complex is located on Park Royal Drive east of Bass Road and north of Summerlin Road in Lee County, Florida (Exhibit 1). Monterrey is proposing to convert the apartment complex into a timeshare complex with several health related amenities. In order to change the zoning to permit the timeshare use, Lee County staff has requested a comparison of the trip generation of existing apartments and proposed timeshare units.

Development Parameters

The existing and proposed development parameters are summarized below:

Monterrey Development Parameters

<u>Land Use</u>	<u>Size</u>
Apartments ⁽¹⁾	408 d.u.
Timeshare ⁽²⁾	312 d.u.

Footnotes:

(1) Existing 408 apartments, ITE LUC 220.

(2) Proposed 312 timeshare units, ITE LUC 265.

Trip Generation

The AM Peak Hour, PM Peak Hour and Daily traffic volumes for the existing apartments and proposed timeshare units were estimated using the Institute of Transportation Engineers report titled *Trip Generation (Eighth Edition)*. The directional splits for the timeshare peak hour volumes are not currently available. In order to establish the directional splits for timeshare, the directional split percentages for a hotel, ITE LUC 310, were used. Hotel land use directional split percentages were used as timeshare units travel patterns may more resemble that of hotel guest as apposed to the workforce residents of apartments. The trip generation calculations for the apartments, timeshare units and hotel rooms are included in the Appendix. The trip generation for the existing apartments and the proposed timeshare units is summarized below:

Trip Generation Summary

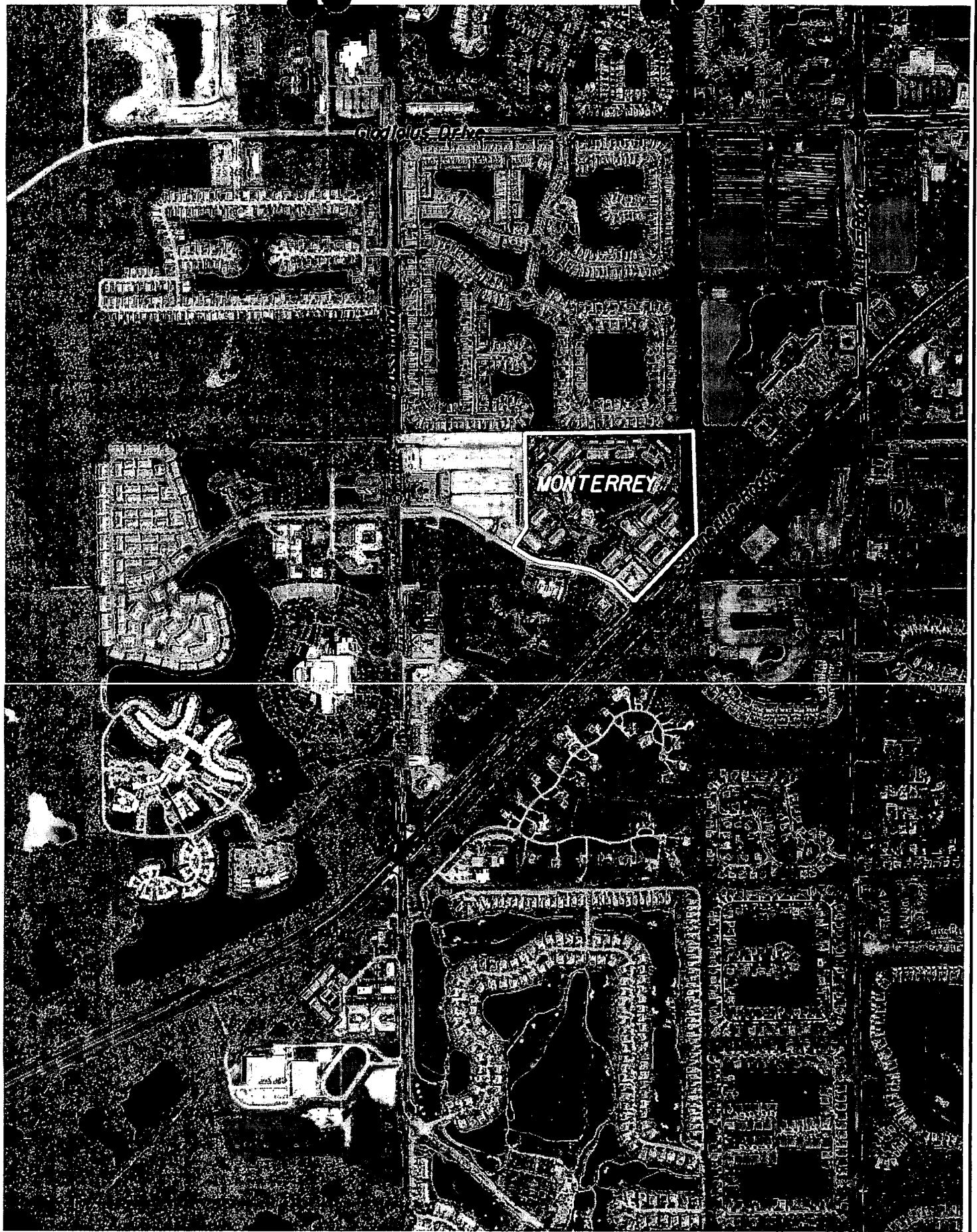
<u>Land Use</u>	<u>AM Peak Hour</u>			<u>PM Peak Hour</u>			<u>Daily</u>
	<u>In</u>	<u>Out</u>	<u>Total</u>	<u>In</u>	<u>Out</u>	<u>Total</u>	
Apartments ⁽¹⁾	41	163	204	157	85	242	2,596
Timeshare Units ⁽²⁾	<u>111</u>	<u>80</u>	<u>191</u>	<u>117</u>	<u>125</u>	<u>242</u>	<u>3,560</u>
Difference	+70	-83	+13	-40	+40	+0	-964

Footnotes:

(1) ITE LUC 220, 408 apartments.

(2) ITE LUC 265, 312 timeshare units.

As shown, the timeshare units generate less AM Peak Hour and the same PM Peak Hour traffic volumes as the existing apartments. As a result, the conversion of 408 apartment units to 312 timeshare units will not negatively affect the surrounding roadway network during the peak hours of travel.



JOHNSON
ENGINEERING

**MONTEREY TIMESHARE
TRAFFIC IMPACT STATEMENT**

PROJECT LOCATION MAP

EXHIBIT

1

APPENDIX

TRIP GENERATION CALCULATIONS

Monterrey Apartments, ITE LUC 220
Summary of Trip Generation Calculation
For 408 Dwelling Units of Apartments
November 21, 2008

	Average Rate	Standard Deviation	Adjustment Factor	Driveway Volume
Avg. Weekday 2-Way Volume	6.36	0.00	1.00	2596
7-9 AM Peak Hour Enter	0.10	0.00	1.00	41
7-9 AM Peak Hour Exit	0.40	0.00	1.00	163
7-9 AM Peak Hour Total	0.50	0.00	1.00	204
4-6 PM Peak Hour Enter	0.39	0.00	1.00	157
4-6 PM Peak Hour Exit	0.21	0.00	1.00	85
4-6 PM Peak Hour Total	0.59	0.00	1.00	242
Saturday 2-Way Volume	7.22	0.00	1.00	2947
Saturday Peak Hour Enter	0.00	0.00	1.00	0
Saturday Peak Hour Exit	0.00	0.00	1.00	0
Saturday Peak Hour Total	0.46	0.00	1.00	187

Note: A zero indicates no data available.
The above rates were calculated from these equations:

24-Hr. 2-Way Volume: $T = 6.06(X) + 123.56, R^2 = 0.87$
7-9 AM Peak Hr. Total: $T = .49(X) + 3.73$
 $R^2 = 0.83, 0.2 \text{ Enter}, 0.8 \text{ Exit}$
4-6 PM Peak Hr. Total: $T = .55(X) + 17.65$
 $R^2 = 0.77, 0.65 \text{ Enter}, 0.35 \text{ Exit}$
AM Gen Pk Hr. Total: $T = .54(X) + 2.45$
 $R^2 = 0.82, 0.29 \text{ Enter}, 0.71 \text{ Exit}$
PM Gen Pk Hr. Total: $T = .6(X) + 14.91$
 $R^2 = 0.8, 0.61 \text{ Enter}, 0.39 \text{ Exit}$
Sat. 2-Way Volume: $T = 7.85(X) + -256.19, R^2 = 0.85$
Sat. Pk Hr. Total: $T = .41(X) + 19.23$
 $R^2 = 0.56, 0 \text{ Enter}, 0 \text{ Exit}$
Sun. 2-Way Volume: $T = 6.42(X) + -101.12, R^2 = 0.82$
Sun. Pk Hr. Total: 0
 $R^2 = 0, 0 \text{ Enter}, 0 \text{ Exit}$

Source: Institute of Transportation Engineers
Trip Generation, 8th Edition, 2008.

TRIP GENERATION BY MICROTRANS

Monterrey Apartments, ITE LUC 265
Summary of Trip Generation Calculation
For 312 Occupied Dwelling Units of Timeshare
November 21, 2008

	Average Rate	Standard Deviation	Adjustment Factor	Driveway Volume
Avg. Weekday 2-Way Volume	11.41	0.00	1.00	3560
7-9 AM Peak Hour Enter	0.00	0.00	1.00	0
7-9 AM Peak Hour Exit	0.00	0.00	1.00	0
7-9 AM Peak Hour Total	0.61	0.00	1.00	191
4-6 PM Peak Hour Enter	0.00	0.00	1.00	0
4-6 PM Peak Hour Exit	0.00	0.00	1.00	0
4-6 PM Peak Hour Total	0.78	0.00	1.00	242
Saturday 2-Way Volume	0.00	0.00	1.00	0
Saturday Peak Hour Enter	0.00	0.00	1.00	0
Saturday Peak Hour Exit	0.00	0.00	1.00	0
Saturday Peak Hour Total	0.00	0.00	1.00	0

Note: A zero indicates no data available.

The above rates were calculated from these equations:

24-Hr. 2-Way Volume: $LN(T) = 1.06LN(X) + 2.09$, $R^2 = 0.85$
7-9 AM Peak Hr. Total: $LN(T) = 1.16LN(X) + -1.41$
 $R^2 = 0.83$, 0 Enter, 0 Exit
4-6 PM Peak Hr. Total: $LN(T) = 1.01LN(X) + -.31$
 $R^2 = 0.85$, 0 Enter, 0 Exit
AM Gen Pk Hr. Total: 0
 $R^2 = 0$, 0 Enter, 0 Exit
PM Gen Pk Hr. Total: 0
 $R^2 = 0$, 0 Enter, 0 Exit
Sat. 2-Way Volume: 0, $R^2 = 0$
Sat. Pk Hr. Total: 0
 $R^2 = 0$, 0 Enter, 0 Exit
Sun. 2-Way Volume: 0, $R^2 = 0$
Sun. Pk Hr. Total: 0
 $R^2 = 0$, 0 Enter, 0 Exit

Source: Institute of Transportation Engineers
Trip Generation, 8th Edition, 2008.

TRIP GENERATION BY MICROTRANS

Summary of Trip Generation Calculation
 For 312 Occupied Rooms of Hotel
 November 21, 2008

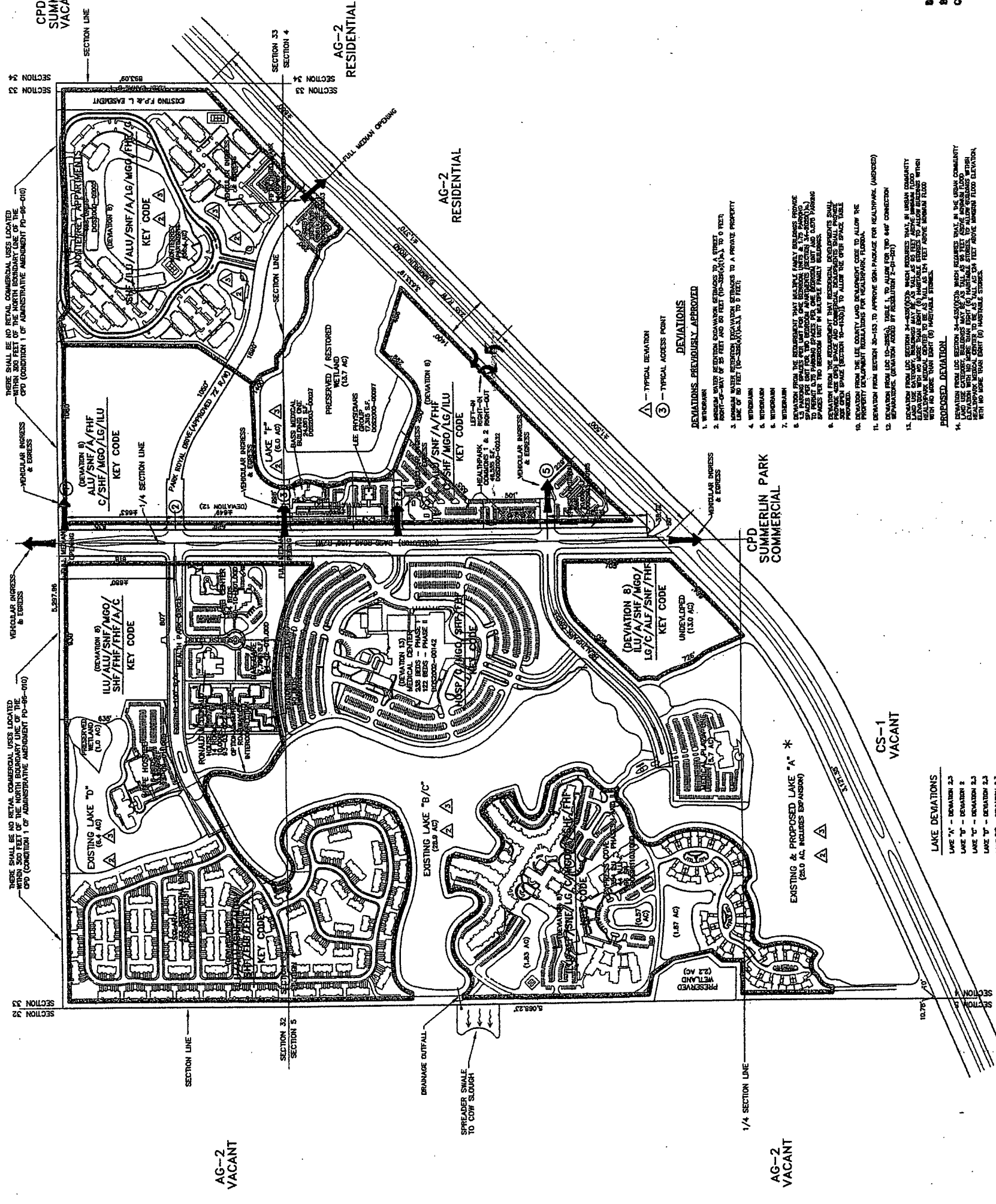
	Average Rate	Standard Deviation	Adjustment Factor	Driveway Volume
Avg. Weekday 2-Way Volume	0.00	0.00	1.00	0
7-9 AM Peak Hour Enter	0.40	0.00	1.00	124
7-9 AM Peak Hour Exit	0.29	0.00	1.00	90
7-9 AM Peak Hour Total	0.68	0.00	1.00	214
4-6 PM Peak Hour Enter	0.33	0.00	1.00	102
4-6 PM Peak Hour Exit	0.34	0.00	1.00	107
4-6 PM Peak Hour Total	0.67	0.00	1.00	209
Saturday 2-Way Volume	0.00	0.00	1.00	0
Saturday Peak Hour Enter	0.00	0.00	1.00	0
Saturday Peak Hour Exit	0.00	0.00	1.00	0
Saturday Peak Hour Total	0.00	0.00	1.00	0

Note: A zero indicates no data available.
 The above rates were calculated from these equations:

24-Hr. 2-Way Volume: $0, R^2 = 0$
 7-9 AM Peak Hr. Total: $T = .78(X) + -29.8$
 $R^2 = 0.69, 0.58$ Enter, 0.42 Exit
 4-6 PM Peak Hr. Total: $LN(T) = 1.2LN(X) + -1.55$
 $R^2 = 0.67, 0.49$ Enter, 0.51 Exit
 AM Gen Pk Hr. Total: $LN(T) = .91LN(X) + .01$
 $R^2 = 0.57, 0.55$ Enter, 0.45 Exit
 PM Gen Pk Hr. Total: $LN(T) = .94LN(X) + -.03$
 $R^2 = 0.6, 0.57$ Enter, 0.43 Exit
 Sat. 2-Way Volume: $0, R^2 = 0$
 Sat. Pk Hr. Total: 0
 $R^2 = 0, 0$ Enter, 0 Exit
 Sun. 2-Way Volume: $0, R^2 = 0$
 Sun. Pk Hr. Total: 0
 $R^2 = 0, 0$ Enter, 0 Exit

Source: Institute of Transportation Engineers
 Trip Generation, 8th Edition, 2008.

TRIP GENERATION BY MICROTRANS



MERLIN CROSSINGS
PLANT

RECORDED

JAN 07 2009

ADD 2009-00001

(DEVIATION 9)

OPEN SPACE TABLE

OPEN SPACE REQUIRED

180.2 ACRES X 302' (COMMERCIAL)
210.6 ACRES X 412' (RESIDENTIAL)
320.7 ACRES

54.1 ACRES
180.2 ACRES
180.2 ACRES

OPEN SPACE PROVIDED

COMMERCIAL PARCELS 180.2 ACRES X 246'
RESIDENTIAL PARCELS 180.2 ACRES X 284'
LARGEST (20% OF 761.9 ACRES)
ISLANDS

43.29 ACRES
180.2 ACRES
18.23 ACRES
18.60 ACRES
135.30 ACRES

TOTAL OPEN SPACE PROVIDED:

NOTE

EXISTING EASEMENTS ARE SHOWN ON THE PLAT OF HEALTHPARK FLORIDA WEST RECORDED IN PLAT BOOKS 4774, 49751, AND 53781 AND HEALTHPARK FLORIDA EAST RECORDED IN PLAT BOOKS 58717 AND 75786, OF THE PUBLIC RECORDS OF DEE COUNTY, FLORIDA.

HEALTHPARK FLORIDA LAND USES

LAND USE	BEDS	DEST CODES	UNITS/AC FT
RESIDENTIAL			
INDEPENDENT LIVING	476	LU	476 UNITS (3)
ASSISTED LIVING	443	ALU/SHF	1,443 UNITS (4)
LODGING - HOTEL		LO	172 UNITS (1)
SUBTOTAL	923		2,691 UNITS
INSTITUTIONAL			
LOUIE CAGE HOSPITAL	642	HOSP	559,613 SQ FT
SPECIALTY HOSPITALS & HEALTH CARE FACILITIES	18	SHF	55,000 SQ FT
RESEARCH & DEVELOPMENT		RD	10,000 SQ FT
FUTURE HEALTH CARE FUNCTIONS		PHF	20,000 SQ FT
SUBTOTAL	660		1,444,613 SQ FT
COMMERCIAL			
FUTURE COMMERCIAL		C	10,000 SQ FT
HEALTHPARK TOTAL	1,583		1,464,613 SQ FT

(1) INCLUDES ROOMS (BEDROOM AND BATHROOM) WITHIN RONALD MCDONALD HOUSE
(2) MEDICAL OFFICE AT 65,000 SQ FT
(3) RESIDENTIAL CONDOS OF MULTI-FAMILY, TOWNHOUSE AND SINGLE-FAMILY

APPROVED
MID H

This Plan # 05-014 Page 1 of 1
subject to conditions in Resolutions 2-05-044

see EDC12204-00067 & EDC2004-00083

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COUNTY

DPT 2004-00004

DPT 2004-00004

EXHIBITS 6-B, 6-C, 6-J, & 6-N

DCI 2004-00048

HEALTHPARK FLORIDA LAND USES			
LAND USE	BEDS	RST CODES	UNITS/SQ FT.
<u>RESIDENTIAL</u>			
INDEPENDENT LIVING	478	LU	478 UNITS
ASSISTED LIVING	443	ALU/BSF	1443 UNITS
LODGING - HOTEL	923	LO	172 UNITS (3)
SUBTOTAL			4,251 UNITS
<u>RECREATIONAL</u>			
ACUTE CARE HOSPITAL	642	HOSP	559,813 SQ FT
SPRINTZ CENTER			35,000 SQ FT
HEALTH CARE FACILITIES	18	BSF	45,000 SQ FT
MEDICAL OFFICE		MDO	20,000 SQ FT
PHYSICIAN HEALTH CARE FUNCTIONS		PHF	20,000 SQ FT
SUBTOTAL			1,454,813 SQ FT
<u>COMMERCIAL</u>			
FUTURE COMMERCIAL		C	160,000 SQ FT
SUBTOTAL			1,454,813 SQ FT
HEALTHPARK TOTAL	4,461		

(1) INCLUDES ROOMS PROVIDING LAB SUPPORT WITHIN RONALD MCDONALD HOUSE
 (2) MEDICAL OFFICE - 45,000 SQ FT
 (3) RESIDENTIAL CONSISTS OF MULTI-FAMILY, TOWNHOUSE AND SINGLE-FAMILY

APPROVED
Rep H
05-014 Page 1 of 1
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Site Plan # 05-014 Page 1 of 1 FEB 08 2005
 Subject to conditions in Resolutions Z-05-014
 DRY 2004-00007

DCI 2004-00048
EXHIBITS 6-B, 6-C, 6-J, & 6-N

AMENDED MASTER CONCEPT PLAN AND MAP H		JOHNSON ENGINEER ENGINEERS, SURVEYORS AND PLANNERS 2158 JOHNSON STREET, P.O. BOX 1590, FORT MYERS, FLORIDA 33 DATE: AUGUST 1997 PROJECT NO.: 20002184 FILE NO.: 33-45-24 SCALE: 1"=300' SHEET: 1
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LAKE #* - DENOMIN 2,3
* - DENOTES FUTURE POTENTIAL
LAKE LOCATION/SIZE
ALL LAKES ARE CONCEPTUAL AND
SUBJECT TO FINAL DESIGN

REVISED:	2-7-05
REVISED:	9-20-04
REVISED:	6-11-03
REVISED:	11-12-01
REVISED:	8-2-00
REVISED:	6-21-00
REVISED:	7-17-00
REVISED:	1-20-88

* - DENOTES FUTURE POTENTIAL LAKE LOCATION/SIZE

* - DENOTES FUTURE POTENTIAL LAKE LOCATION/SIZE

ADD 2009-00001

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RESOLUTION NUMBER Z-05-014

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

WHEREAS, an application was filed by the property owner, Lee Health Ventures, Inc., to amend the Commercial Planned Development (CPD) and Development of Regional Impact (DRI) approvals for a project known as Health Park Florida; and

WHEREAS, a public hearing was advertised and held on February 9, 2005, before the Lee County Zoning Hearing Examiner, Diana M. Parker, who gave full consideration to the evidence in the record for Case #'s DRI2004-00007 and DCI2004-00048; and

WHEREAS, a second public hearing was advertised and held on May 2, 2005, 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

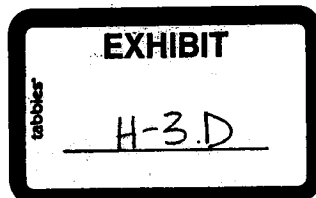
The applicant filed a request:

1. to amend the DRI Development Order approvals for HealthPark Florida (DRI# 5-8586-63) to: a) revise the Master Development Plan (Map H) to change the location of various uses within the project; b) modify the Land Use Schedule to reflect increases and decreases in various land uses approved as part of the DRI; c) extend the build-out date by four years to 2012; d) modify transportation related conditions to reflect the results of traffic reassessment; and e) revise the frequency of filing monitoring reports from annually to bi-annually in response to recent amendments to Chapter 380, F.S.; and
2. to evaluate whether the proposed amendments constitute a substantial deviation from the original development order approvals warranting further development of regional impact review; and
3. to amend existing CPD zoning approvals to: a) amend the land use table increasing the number of acute care beds, independent living units, assisted/skilled nursing units, and residential units, with a decrease in office space, commercial spaces, and hotel units; b) change the mix of uses on the approved Master Concept Plan (MCP); c) modify traffic mitigation conditions; d) revise of the Land Use Table consistent with the proposed changes to the DRI; and e) add a deviation related to the overall height of the hospital facility.

The request is APPROVED, SUBJECT TO the conditions and deviations specified in Sections B and C below.

CASE NOS.: DRI2004-00007 & DCI2004-00048

Z-05-014
Page 1 of 7



SECTION B. CONDITIONS:

All references to uses are as defined or listed in the Lee County Land Development Code (LDC).

1. All commitments and conditions included in the Health Park Florida DRI Development Order (DRI #5-8586-63), as amended, are hereby included as part of this zoning approval.
2. All conditions of the previous zoning approvals as reflected in Resolutions Z-87-058, Z-98-011, and Z-01-021, and Administrative Amendments PD-90-018, PD-91-018, PD-93-013, PD-96-010, ADD2001-00158, and ADD2003-00087(a) remain in full force and effect, except as specifically amended by the approvals set forth.
3. Development must be consistent with the two-page MCP entitled "Amended Master Concept Plan and Map H," stamped "Received February 8, 2005 Permit Counter" (last revised 2-7-05), except as modified by the conditions below. Development must comply with the LDC at time of local development order approval, except as may be granted by deviation as part of this planned development. If changes to the MCP are subsequently pursued, appropriate approvals will be necessary.

The project is permitted 1,015,413 square feet (558 beds) of acute care, specialty hospital space, and future health care functions; 465,000 square feet of medical and general office space; 160,000 square feet of general retail space (food and beverage, financial, business and retail services); 478 independent living units; 445 beds of assisted living and skilled nursing care; 1,156 residential dwelling units; and 172 units of lodging. The approved maximum building height within this planned development is 124 feet for the hospital. Appurtenances necessary for mechanical or structure functions of the hospital may extend another 16 feet in height. All other development continues to be limited to a maximum building height of 95 feet.

4. The new approved Schedule of Uses is as follows:

(Note: If the term "Code" plus a letter(s) appears after the use, the use is only permitted in those portions of the development coded for that use)

a. Schedule of Uses

ACCESSORY USES AND STRUCTURES (LDC §§ 34-1171 *et seq.*, 34-2441 *et seq.*, 34-1863, 34-2141 *et seq.*, and 34-3108)

ADMINISTRATIVE OFFICES

AIRCRAFT LANDING FACILITIES, private (LDC § 34-1231 *et seq.*) - limited to a helicopter landing pad for the hospital (Code HOSP)

ANIMALS: Clinic (LDC § 34-1321 *et seq.*) (Code C)

ASSISTED LIVING FACILITY (LDC §§ 34-1491 *et seq.*, and 34-1411) (Code ALU/SNF)

ATM (automatic teller machine)

AUTO PARTS STORE - with or without installation facilities (Code C)

AUTOMOBILE SERVICE STATION - (Code C)

AUTO REPAIR AND SERVICE (LDC § 34-622(c)(2)) - Limited to garages with general automotive repair and service (Code C)

BAIT AND TACKLE SHOP (Code C)
 BANKS AND FINANCIAL ESTABLISHMENTS (LDC § 34-622(c)(3)): Groups I, II
 (Code C)
 BAR OR COCKTAIL LOUNGE (LDC § 34-1261 *et seq.*) (Code C)
 BOATS: Boat parts store (Code C)
 Boat rental (Code C)
 Boat sales (Code C)
 BROADCAST STUDIO, COMMERCIAL RADIO AND TELEVISION (LDC
 § 34-1441 *et seq.*)
 BUSINESS SERVICES (LDC § 34-622(c)(5)): Group I, excluding bail bonding,
 collection agencies, and credit reporting services (Code C)
 BUS STATION/DEPOT (LDC § 34-1381 *et seq.*)
 CAR WASH (Code C)
 CARETAKERS RESIDENCE
 CLOTHING STORES, general (LDC § 34-622(c)(8)) (Code C)
 CLUBS: (Code C)
 Commercial
 Fraternal, membership organization (LDC § 34-2111)
 Private (LDC § 34-2111)
 COMMUNICATION TOWERS
 100 feet or less in height (LDC § 34-1441)
 CONSUMPTION ON PREMISES (LDC § 34-1261 *et seq.*) (Code C)
 CONVENIENCE FOOD AND BEVERAGE STORE (Code C)
 CULTURAL FACILITIES (LDC § 34-622(c)(10))
 DAY CARE CENTER, CHILD, ADULT
 DRIVE-THROUGH FACILITY FOR ANY PERMITTED USE (Code C)
 DRUGSTORE, PHARMACY (Code C and HOSP)
 DWELLING UNIT: (Code ILU, A, C and ALU/SNF)
 Townhouse
 Multiple-family building
 ENTRANCE GATES AND GATEHOUSE (LDC § 34-1741 *et seq.*)
 ESSENTIAL SERVICES (LDC §§ 34-1611 *et seq.*, and 34-1741 *et seq.*)
 ESSENTIAL SERVICE FACILITIES (LDC § 34-622(c)(13)): Group I (LDC
 §§ 34-1611 *et seq.*, 34-1741 *et seq.*, and 34-2141 *et seq.*)
 EXCAVATION: Water retention (LDC § 34-1651)
 FACTORY OUTLETS (point of manufacture only) (Code C)
 FENCES, WALLS (LDC § 34-1741)
 FOOD AND BEVERAGE SERVICE, LIMITED
 FOOD STORES (LDC § 34-622(c)(16)): Group I (Code C)
 FUNERAL HOME AND MORTUARY (with or without a crematory) (Code C)
 GIFT AND SOUVENIR SHOP
 HARDWARE STORE (Code C)
 HEALTH CARE FACILITIES (LDC § 34-622(c)(20)): Groups I, II, III, and IV (Code
 HOSP, C, MGO, SHF, and FHF)
 HELIPORT OR HELISTOP (Code HOSP)
 HOBBY, TOY AND GAME SHOPS (LDC § 34-622(c)(21)) (Code C)
 HOSPICE
 HOTEL/MOTEL (LDC § 34-1801 *et seq.*) (Code C)
 HOUSEHOLD AND OFFICE FURNISHINGS (LDC § 34-622(c)(22)), all groups
 (Code C)
 INSURANCE COMPANIES (LDC § 34-622(c)(23)) (Code C)
 LAUNDRY OR DRY CLEANING (LDC § 34-622(c)(24)): Group I (Code C)
 LAWN AND GARDEN SUPPLY STORES (LDC § 34-2081) (Code C)

LIBRARY

MEDICAL OFFICE (Code MGO and C)

MINI-WAREHOUSE (Code C)

MODELS: Display center (LDC § 34-1951 *et seq.*)

Model Home (LDC § 34-1951 *et seq.*)

Model Unit (LDC § 34-1951 *et seq.*)

NONSTORE RETAILERS (LDC § 34-622(c)(30)), all groups (Code C)

PACKAGE STORE (LDC § 34-1261 *et seq.*) (Code C)

PAINT, GLASS AND WALLPAPER (Code C)

PARKS (LDC § 34-622(c)(32)): Groups I or II

PARKING LOT:

Accessory

Commercial

Garage, public parking

Temporary (LDC § 34-2022)

PERSONAL SERVICES (LDC § 34-622(c)(33)): Groups I, II, III, IV Code C and HOSP)

PET SERVICES (Code C)

PET SHOP (Code C)

PHARMACY (Code C and HOSP)

PLACE OF WORSHIP (LDC § 34-2051 *et seq.*)

REAL ESTATE SALES OFFICE, (LDC §§ 34-1951 *et seq.*, and 34-3021)

RECREATIONAL FACILITIES:

Personal

Private, On-Site

RELIGIOUS FACILITIES (LDC § 34-2051 *et seq.*)

RENTAL OR LEASING ESTABLISHMENT (LDC § 34-622(c)(39)): Group I and IV
(LDC § 34-1201 *et seq.*, 34-1352, and 34-3001 *et seq.*) (Code C)

REPAIR SHOPS (34-622(c)(40)): Groups I and II (Code C)

RESEARCH AND DEVELOPMENT LABORATORIES (LDC § 34-622(c)(41)): Groups II and IV (Code HOSP, SHF, FHF, and C)

RESIDENTIAL ACCESSORY USES (LDC § 34-622(c)(42)) (LDC § 34-1171 *et seq.*) (Code ILU, A, and ALU/SNF)

RESTAURANT, FAST FOOD (Code C)

RESTAURANTS (LDC § 34-622(c)(43)): All Groups (Code C)

SCHOOLS: Commercial (LDC § 34-622(c)(45)) (LDC § 34-2381) (Code C)

SIGNS in accordance with approved Sign Package (dated Dec. 1997 as amended)

SOCIAL SERVICES (LDC § 34-622(c)(46)): Groups I, II, and III (Code C, HOSP, SHS, and FHF)

SPECIALTY RETAIL SHOPS (LDC § 34-622(c)(47)): Groups I, II, III, and IV (Code C)

STORAGE:

Indoor only, (LDC § 34-3001 *et seq.*)

Storage, open, (LDC § 34-3001 *et seq.*)

STUDIOS (LDC § 34-622(c)(49))

TEMPORARY USES (LDC § 34-3041 *et seq.*)

TRANSPORTATION SERVICES (LDC § 34-622(c)(53)): Group II (Code C)

USED MERCHANDISE STORES (LDC § 34-622(c)(54)): Groups I, II, and III (Code C)

b. Site Development Regulations

USE	MIN. LOT AREA (SF)	MIN. LOT DEPT H (FT)	MIN. LOT WIDTH (FT.)	MIN. SIDE SET- BACK (FT.)	MIN. REAR SET- BACK (FT.)	INTERNAL FRONTAG E ROAD SETBACK (FT.)	WATER BODY SET- BACK (FT.)	BASS ROAD SET- BACK (FT.)	SUMMERLIN ROAD SETBACK (FT.)
A.L.F., ETC.	10,000	100	100	15	15	20	20	25	25
MULTI-FAMILY	10,000	100	100	15	20	20	20	25	25
TOWNHOUSE	1,400	70	20	5/0	4	20	20	25	25
COMMERCIAL	10,000	100	100	15	20	20	20	25	25
OUTPARCEL	7,500	100	75	10	15	20	25	25	25

MINIMUM BUILDING SEPARATION DISTANCE: 20 FEET

MAXIMUM STRUCTURAL LOT COVERAGE: 55 PERCENT (TOWNHOUSE: 60 PERCENT)

NOTES:

1. PIE-SHAPED LOTS SHALL HAVE NO MINIMUM LOT WIDTH BUT WILL MEET LOT AREA REQUIREMENTS.
2. SEE LDC §§ 34-1174, 34-1176, 34-2191 AND 34-2194 FOR ACCESSORY STRUCTURAL SETBACKS UNLESS IN CONFLICT WITH ABOVE REGULATIONS.

SECTION C. DEVIATIONS:

All previously approved deviations remain in effect as part of this planned development.

1. Deviation (14) seeks relief from the LDC §34-935(f)(3)b. requirement to provide that, in the Urban Community future land use category, buildings may be as tall as 95 feet above the minimum flood elevation with no more than eight (8) habitable stories; to allow buildings within HealthPark Medical Center to be as tall as 140 feet above minimum flood elevation with no more than eight (8) habitable stories. This DEVIATION IS APPROVED, subject to the condition that it is limited to the medical center (hospital).

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 (subject parcel identified with shading)
Exhibit C: Master Concept Plan stamped received February 8, 2005, Permit Counter, last revised February 7, 2005
Exhibit D: Fifth Development Order Amendment for HealthPark Florida DRI

The applicant has indicated that the STRAP numbers for the property are:

04-46-24-02-0000D.0000	04-46-24-02-0000G.0000
04-46-24-04-00000.011A	04-46-24-04-000M0.0000
04-46-24-13-00000.0050	04-46-24-13-00000.0060
04-46-24-13-00000.0070	04-46-24-13-0000H.0000
33-45-24-03-0000C.0000	33-45-24-03-0000G.0000
33-45-24-04-00000.0070	33-45-24-04-00000.0080
33-45-24-04-00T00.0000	33-45-24-04-00W00.0000
33-45-24-04-00Y00.0000	33-45-24-13-00000.0080
33-45-24-13-00000.0090	33-45-24-13-00000.0100
33-45-24-13-0000D.0000	

SECTION E. FINDINGS AND CONCLUSIONS:

1. The applicant has proven entitlement to the requested amendments to the CPD zoning approvals by demonstrating compliance with the Lee Plan, the LDC, and other applicable codes and regulations.
2. The amended CPD zoning approval and Master Concept Plan, as conditioned:
 - a. meet or exceed the performance and locational standards set forth for the potential uses allowed by the request; and,
 - b. are consistent with the densities, intensities, and general uses set forth in the Lee Plan; and,
 - c. are compatible with existing or planned uses in the surrounding area; and,
 - d. will not place an undue burden upon existing transportation or planned infrastructure facilities and the site 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 approval of this request satisfies the following criteria:
 - a. the proposed use or mix of uses is appropriate at the subject location; and
 - b. the recommended conditions to the concept plan and other applicable regulations provide sufficient safeguard to the public interest; and
 - c. the recommended conditions are reasonably related to the impacts on the public interest created by or expected from the proposed development.
4. Urban services, as defined in the Lee Plan will be available and adequate to serve the proposed land use.

5. The approved deviation, as conditioned, enhances achievement of the planned development objectives, and preserve and promote the general intent of LDC Chapter 34 to protect the public health, safety, and welfare.
6. The proposed changes to the DRI Development Order approvals do not constitute a substantial deviation from the original development approvals warranting further DRI review.

The foregoing resolution was adopted by the Lee County Board of Commissioners upon the motion of Commissioner Judah, seconded by Commissioner Hall, and, upon being put to a vote, the result was as follows:

Robert P. Janes	Aye
Douglas R. St. Cerny	Aye
Ray Judah	Aye
Tammy Hall	Aye
John E. Albion	Aye

DULY PASSED AND ADOPTED this 2nd day of May 2005.

ATTEST:
CHARLIE GREEN, CLERK

BY: Michelle S. Cooper
Deputy Clerk

BOARD OF COUNTY COMMISSIONERS
OF LEE COUNTY, FLORIDA

BY: [Signature]
Douglas St. Cerny
Chairman



Approved as to form by:

[Signature]
Donna Marie Collins
County Attorney's Office

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2005 MAY 13 AM 10:45

EXHIBIT A
Legal Description
Property located in Lee County, F


Page 1 of 2

List of HealthPark Plats

HealthPark Florida West	Plat Book 47 at Page 1
Phase I-E, HealthPark Florida West	Plat Book 49 at Page 31
Phase I-F, HealthPark Florida West	Plat Book 53 at Page 81
HealthPark Florida East	Plat Book 68 at Page 17
HealthPark Florida E 2002-1	Plat Book 73 at Page 80

DCI 2004-00048

Applicant's Legal Checked

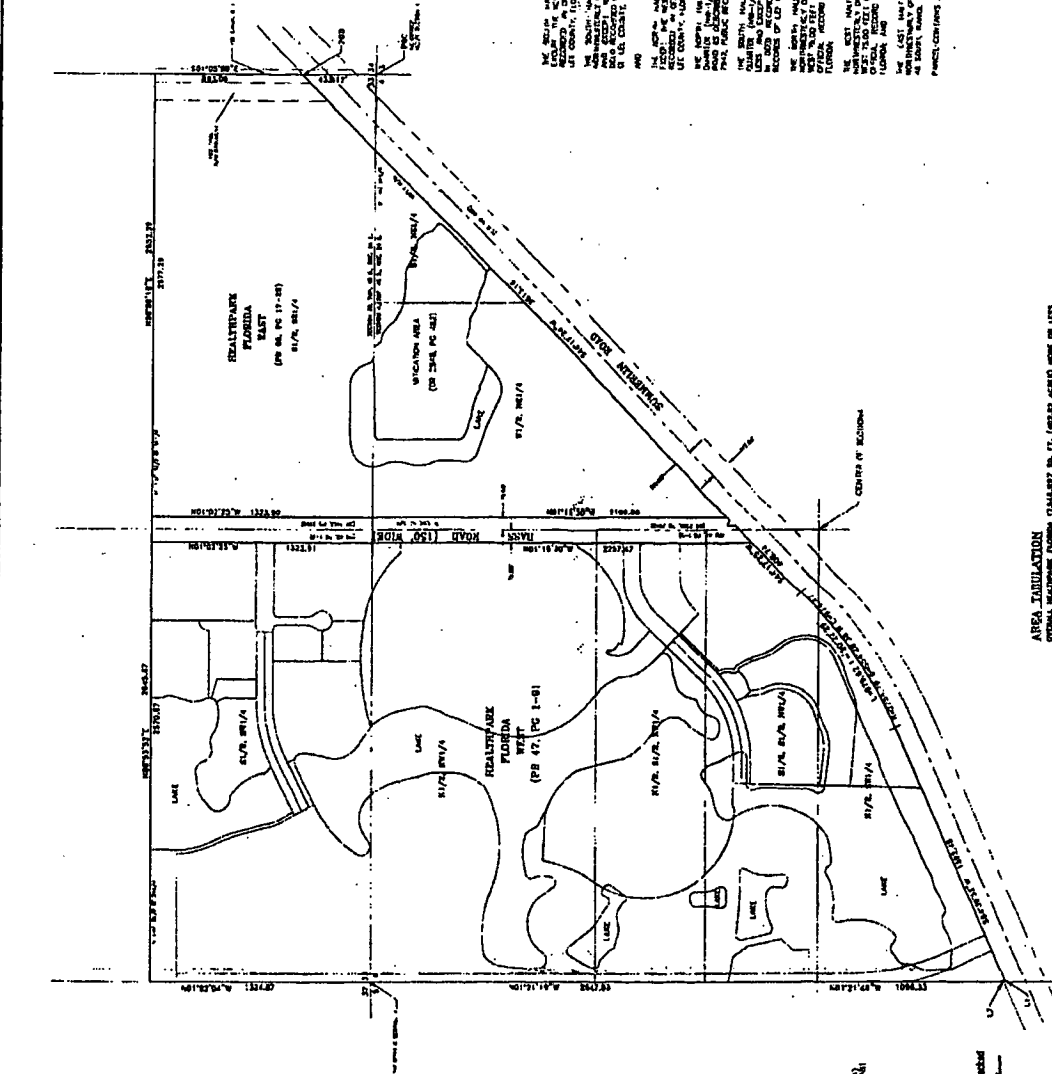
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ZONING

Page 2 of 2

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LEE COUNTY, FLORIDA
JOHNSON ENGINEERING, INC.

AREA TABULATION
OVERALL MEASURED FLOODS 17,648,897 SQ. FT. (402.22 ACRES) MORE OR LESS
BACK ROAD 124,247 SQ. FT. (2.86 ACRES) MORE OR LESS
OVERALL LEE BOSS ROAD 17,682,379 SQ. FT. (406.79 ACRES) MORE OR LESS

[illegible]

ALL INFORMATION CONTAINED HEREIN IS UNCLASSIFIED
DATE 08-27-2008 BY 60322 UCBAW

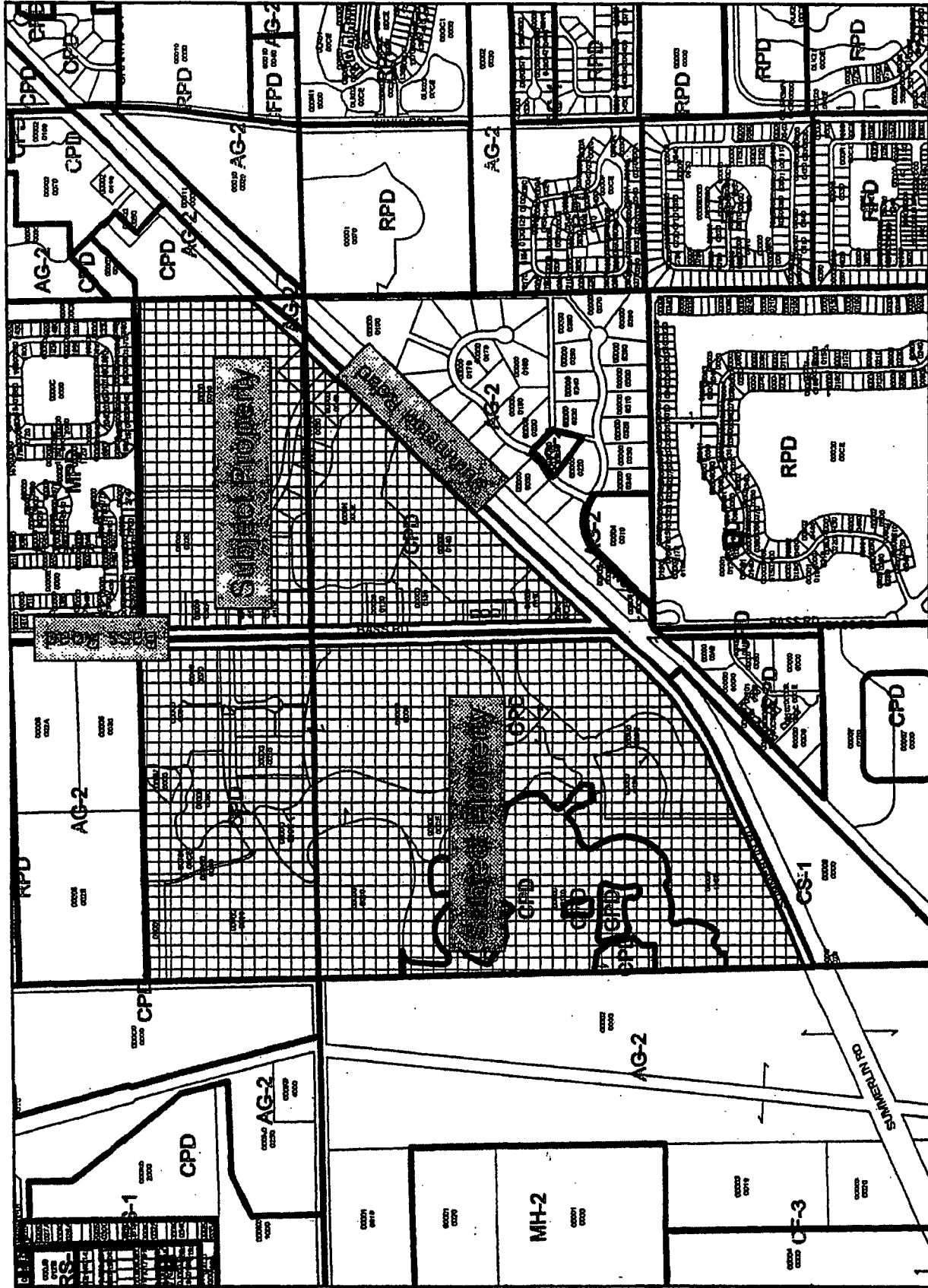
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U.S. DEPARTMENT OF AGRICULTURE
WASHINGTON, D.C. 20250

DCI 2004-00048

ZONING INTAKE MAP

1/19/2005



1,250 625 0 1,250 Feet

EXHIBIT B



EXHIBIT D

**FIFTH DEVELOPMENT ORDER AMENDMENT¹ FOR
HEALTHPARK FLORIDA**

A Development of Regional Impact

State DRI #5-8586-63
County Case #87-03-10-DRI(d)

DEVELOPMENT ORDER

FOR

HEALTHPARK FLORIDA

A DEVELOPMENT OF REGIONAL IMPACT

5-8586-63

LET It be known, that, pursuant to Section 380.06 of the Florida Statutes, the Board of County Commissioners of Lee County, Florida, has heard, at a public hearing convened on the eighth day of June, 1987, the application for development approval for HealthPark Florida, a hospital/commercial/residential/educational development which, after the amendment proposed herein, will consist of approximately Three Hundred Ninety Point Seven (390.7) acres to be developed in accordance with the application filed by Lee Health Care Resources, Inc.; Lee Memorial Hospital, Inc.; Lee County Hospital Board of Directors; and Lee County HealthPark Joint Venture (referred to herein collectively as "Applicant").

WHEREAS, the Board of County Commissioners of Lee County, Florida, (hereinafter, "the Board") considered the report and recommendations of the Southwest Florida Regional Planning Council, Lee County administrative staff, and the documents and comments made upon the record before the Board in a public hearing on the 8th day of June 1987, and after full consideration of those reports, recommendations, comments and documents the Board adopted the *original* development of regional impact development order for HealthPark Florida; and

¹This document represents a compilation of the original DRI Development Order approved on June 8, 1987; the First Development Order Amendment approved on October 13, 1993; and the Second Development Order Amendment approved on March 30, 1998; the third Development Order Amendment approved on August 20, 2001; and the Fourth Development Order Amendment approved on August 19, 2003. Proposed changes to this composite Development Order are also shown, with additions underlined and deletions struck through.

WHEREAS, the development order was subsequently amended for the first time on October 13, 1993 to extend the phasing and build out schedule for the project; and

WHEREAS, in March 1998, Lee Health Ventures, Inc., the owner/developer of HealthPark Florida Development of Regional Impact, amended the development order a second time: 1) to modify the land use schedule; 2) provide for mitigation of hurricane shelter impacts associated with the revised land use schedule; 3) provide for a Land Use Conversion Table to allow minor modifications to the revised land use schedule in the future; 4) delete references to roadway segments that are no longer planned for construction by Lee County; 5) amend the Master Plan for the project; and 6) extend the date until which the project will not be subject to down zoning or intensity reduction so as to be consistent with the modified build out date approved by the Board in the first development order amendment; and

WHEREAS, in January 2001, Lee Health Ventures, Inc., the owner/developer of HealthPark Florida Development of Regional Impact, requested a third amendment to the DRI Development Order to: 1) Modify the land use schedule; 2) amend Map H to reflect the addition of two access points on the east side of Bass Road; 3) revise the project legal description to delete the legal description for Bass Road; 4) extend the phasing and build-out dates for the project; and 5) modify the transportation mitigation conditions based on a traffic reassessment performed in connection with the Notice of Proposed Change; and

WHEREAS, in June 2003, Lee Health Ventures, Inc., doing business as the owner/developer of HealthPark Florida Development of Regional Impact, requested a fourth amendment to the DRI Development Order to revise the Master Development Plan (Map H) to allow for residential development on a 43± acre tract in the northwest corner of the project; and

WHEREAS, in July 2004, Lee Health Ventures, Inc., doing business as the owner/developer of HealthPark Florida Development of Regional Impact, requested a fifth amendment to the DRI Development Order to: 1) revise the Master Development Plan (Map H) to change the location of various uses within the project; 2) modify the Land Use Schedule to reflect increases and decreases in various land uses approved as part of the DRI; 3) extend the build-out date by four years to 2012; 4) modify transportation related conditions to reflect the results of traffic reassessment prepared in conjunction with the Notice of Proposed Change; and 5) revise the frequency of filing monitoring reports from annually to bi-annually in response to recent amendments to Chapter 380, F.S.

WHEREAS, the Southwest Florida Regional Planning Council (RPC) concluded that reassessment of the DRI is not necessary due to the proposed changes not creating a reasonable likelihood of additional regional impacts, or any type of regional impact not previously reviewed by the RPC; and

WHEREAS, pursuant to Florida Statutes Chapter 380.06(19)(f)5., the Board must determine whether the proposed changes require further Development of Regional Impact Review; and

WHEREAS, pursuant to Florida Statutes Chapter 380.06(19)(e)5.c., a proposed change consisting of simultaneous increases and decreases of at least two of the uses within a multi-use Development of Regional Impact that was originally approved with three or more uses is presumed to create a substantial deviation from the original development approvals, but that presumption may be rebutted by clear and convincing evidence; and

WHEREAS, the Board must consider the previous and current proposed changes in deciding whether those changes cumulatively constitute a substantial deviation requiring further Development of Regional Impact review; and

WHEREAS, the Board has reviewed the proposed amendment and finds that, based on the transportation analysis as conditioned herein, the change is not a substantial deviation; and

WHEREAS, the proposed change to the HealthPark Florida DRI Development Order described herein is consistent with the adopted Comprehensive Plan of Lee County and applicable local land development regulations; and

WHEREAS, the proposed change is consistent with the State Comprehensive Plan.

I. FINDINGS OF FACT/CONCLUSIONS OF LAW

A. The project will include ~~606,803~~ 1,015,413 square feet (~~456~~ 558 beds) of acute care, specialty hospital space, and future health care functions; ~~702,000~~ 465,000 square feet of medical and general office space; ~~175,000~~ 160,000 square feet of general retail space (food and beverage, financial, business and retail services); ~~363~~ 478 independent living units; ~~407~~ 445 beds of assisted living and skilled nursing care; ~~968~~ 1,156 residential dwelling units; ~~252~~ and 172 units of (hotel) lodgings; ~~and 75,000 square feet of recreational space (wellness center)~~. Buildings in the proposed development will not exceed eight (8) habitable floors. The project will have other such uses as permitted by the CPD category as modified by the Master Concept Plan.

B. The legal description of the property is as follows:

In Section 33, Township 45 South, Range 24 East and Section 4, Township 46 South, Range 24 East, Lee County, Florida: Healthpark Florida West subdivision, Plat Book 47, Pages 1 through 9, less and except Tract "A" of said subdivision for Bass Road; and Phase I-E Healthpark Florida West subdivision, Plat Book 49, Pages 31 through 34; and Phase I-F Healthpark Florida West subdivision, Plat Book 53, Pages 81 through 90; and Healthpark Florida East subdivision, Plat Book 68, Pages 17 through 22; Public Records of Lee County, Florida.

Parcel contains 390.7 acres, more or less.

C. The subject property is presently zoned Commercial Planned Development (CPD), pursuant to the authority of Chapter 125, Florida Statutes, Chapter 61-2405, Laws of Florida (Special Acts), and the Lee County Land Development Code; and

D. The Application for Development Approval is consistent with the requirements of Section 380.06, Florida Statutes; and

E. The development is not in an area designated as an Area of Critical State Concern pursuant to the provisions of Section 380.05, Florida Statutes; and

F. The development does not unreasonably interfere with the achievement of the objectives of an adopted State Land Development Plan applicable to the area; and

G. The original plan of development and all subsequent amendments thereto have been reviewed by the Southwest Florida Regional Planning Council and is the subject of various reports and recommendations adopted by the council and subsequently forwarded to Lee County pursuant to the provisions of Section 380.06, Florida Statutes; and the proposed development is consistent with the comments and observations of the staff report of the Southwest Florida Regional Planning Council.

H. The development is consistent with the Lee County Comprehensive Plan and Lee County's land development regulations if subject to the conditions contained in this Development Order.

I. Concurrently, with the adoption of this Development Order, the commercial planned development zoning of approvals on the property as will be amended. The Zoning Resolution contains additional details and conditions and also provides for certain deviations from Lee County property development regulations.

J. The proposed conditions below meet the criteria found in Section 380.06(15)(d), Florida Statutes.

II. ACTION ON REQUEST

NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF COUNTY COMMISSIONERS OF LEE COUNTY, FLORIDA, in public meeting, duly constituted and assembled on May 2, 2005, that the Fifth Development Order Amendment for the HealthPark Florida Development of Regional Impact is hereby APPROVED, subject to the following conditions, restrictions and limitations:

A. DRAINAGE/WATER QUALITY

1. All commitments provided in the A.D.A. and supplemental submittals, with respect to Question 22 (Drainage), are hereby incorporated as conditions to this approval.

2. The developer must implement an on-going maintenance and monitoring program that regularly inspects, maintains and samples the storm water discharge from the management system until the complete build out of HealthPark Florida. The Developer shall establish the legal entity which will carry out this program after tracts and/or units are sold. This monitoring system will be designed in conjunction with the South Florida Water Management District and will meet that agency's technical requirements.

3. The monitoring program for the wetland area east of Bass Road will address, among other objectives as identified by the Director, whether or not the final water management design should direct any flow to the Hendry Creek watershed.

4. The discharge from the water management system will be via a spreader swale system at the western boundary of the property to Cow Slough. This spreader swale system may require authorization from Lee County for lands owned by Lee County in the East ½ of the NE 1/4 of Section 5, Township 46 S, Range 24 E. Approval of this development order does hereby authorize any necessary water management improvements on County-owned property. The vacation of public rights to former IDD canals within the site may also be necessary.

5. If reclaimed wastewater cannot be obtained for irrigation purposes, then the developer must submit a feasibility study with any water use permit application which explores the utilization of the lowest acceptable quality of groundwater.

6. As a part of its surface water management program, the developer will submit a comprehensive program for the handling and disposal of any hazardous wastes.

7. A regularly scheduled vacuum sweeping program shall be initiated and continued by the applicant/developer, as a best management practice (b.m.p.).

B. ENERGY

The developer will incorporate, where appropriate in saving energy, the following energy conservation features into all site plans and architectural programs, or ensure that the following features are implemented whenever possible through deed restrictions and/or covenants with successors in title. All applications for site plan approvals and development permits shall be accompanied by a document detailing compliance with these conditions. If deed restrictions or covenants are utilized, such documents shall be approved by the Lee County Attorney's Office prior to recording. If no deed restrictions are approved and recorded, the prior alternative shall be utilized and the following features must be included.

These features are:

1. Provision of a bicycle/pedestrian system connecting all land uses, consistent with Lee County requirements.

2. Provision of bicycle racks or storage facilities in recreational, commercial and residential areas.

3. Cooperation in the locating of bus stops, shelters and other passenger and system accommodations for a transit system to serve the project area.

4. Use of energy-efficient features in window design (e.g., tinting and exterior shading).

5. Installation of energy-efficient appliances and equipment.

6. Use of water closets with a maximum flush of 3.5 gallons and shower heads and faucets with a maximum flow rate of 3.0 gallons per minute (at 60 pounds of pressure per square inch) as specified in the Water Conservation Act, Section 553.14, Florida Statutes, except where medical considerations suggest otherwise.

7. Selection of native plants, trees, and other vegetation and landscape design features that reduce requirements for water, fertilizer, maintenance and other needs.

8. Planting of native shade trees to provide reasonable shade for all recreation areas, streets and parking areas.

9. Placement of trees to provide needed shade in the warmer months while not overly reducing the benefits of sunlight in the winter.

10. Orientation of structures, as possible, to reduce solar heat gain by walls and to utilize the natural cooling effects of the wind.

11. Provision for structural shading (e.g., trellises, awnings, and roof overhangs) wherever practical when natural shading cannot be used effectively.

12. Inclusion of porch/patio areas in residential units.

13. Consideration by the project architectural review committee(s) of energy conservation measures (both those noted here and others) to assist builders and residents in their efforts to achieve greater energy efficiency in the development.

C. FLOOD PLAIN/HURRICANE EVACUATION

1. The developer must appoint a disaster coordinator experienced in emergency planning and operations to coordinate plan preparation for the entire project. The developer must also provide notice to prospective facility owners or renters that an emergency plan will be developed, consistent with applicable state and local requirements, and annually maintained for their specific facility. Plan development and maintenance will be coordinated with the project's disaster coordinator.

2. The developer must prepare to the satisfaction of the Director of the Lee County Division of Emergency Management, and prior to receiving a certificate of occupancy, an emergency preparedness plan covering the following aspects:

- a. Duties and responsibilities
- b. Plan coordination and activation
- c. Warning and notification
- d. Evacuation of population off-site
- e. In-place sheltering
- f. Off-site sheltering
- g. Transportation
- h. Support Services for in-place and off-site shelter
- i. Security for property and psychiatric patients sheltered off-site
- j. Training
- k. Communications
- l. Continuity of Patient Care on-site and off-site
- m. Damage Assessment
- n. Recovery

The plan shall be approved annually by the Lee County Department of Public Safety, and shall be coordinated with the existing plan for Lee Memorial Hospital.

3. In order to ensure that any structure on the HealthPark site that is planned for storm shelter purposes will be able to withstand a hurricane event, the developer must provide, prior to issuance of building permits, documentation to the Director of the Lee County Division of Emergency Management that those structures will be constructed to withstand wind loads of not less than 140 miles per hour utilizing the methodology described in the Jenkins & Charland, Incorporated report dated April 30, 1987.

4. The developer must implement a current, on-going, annually-updated program to educate residents, patients and staff in the matters of hurricane threat, hurricane planning, evacuation and sheltering.

5. The portions of the project to be used as refuge must have a minimum elevation of 17 feet NGVD. The building(s) used for refuge must be designed and constructed to withstand winds of 140 miles per hour utilizing the methodology described in the Jenkins & Charland, Incorporated report dated April 30, 1987, and be so certified by a licensed engineer. The building(s) must also be constructed with as little exposed glass as possible and must contain emergency power, food, potable water, sanitation facilities, adequate ventilation, medical supplies and communications equipment in sufficient quantities to sustain the refuge for seven days. The communications equipment needs and frequencies will be determined by the Lee County Division of Emergency Management. All emergency support facilities, water, power, sanitation, etc. must be located at a minimum of 17 feet above mean sea level.

6. The developer must construct at least one road connecting the central core of the project with Summerlin Road at the same elevation as Summerlin Road.

7. All first floor building heights must be elevated at least one foot in excess of the 100-year flood level (8 feet NGVD) as provided by the National Flood Insurance Program.

8. The developer must pay a fee-in-lieu of construction for hurricane shelter demand impacts in the amount of either: (1) \$51,554.64, if paid in one lump sum prior to or concurrent with the first building permit for a multi-family, independent living, or hotel/motel unit; or (2) \$46.30 per unit at the time each building permit is obtained for any multi-family, independent living, or hotel/motel unit. If additional county-wide administrative or other fees for hurricane sheltering are adopted in the future by the Board of County Commissioners of Lee County, those other fees will be applied prospectively to the remaining unbuilt units and paid at the time of building permit.

D. TRANSPORTATION

1. Development Phasing/Build out

The traffic impact assessment upon which this Development Order for HealthPark Florida DRI is based assumes expected completion of Phase I on December 31, 2004, and build out of the development on December 31, ~~2008~~ 2012. The traffic impact assessment included the expected impacts of the proposed land uses and phasing schedule shown in Exhibit "A." The Developer may, without further DRI review, convert land uses in accordance with the Land Use Conversion Table attached as Exhibit "C," provided: (a) the conversion does not require an alteration to the Master Concept Plan for the DRI and (b) the Developer gives 30 days notice of all proposed conversions to Lee County, the Southwest Florida Regional Planning Council, and the Florida Department of Community Affairs. All conversions must be identified in the subsequent monitoring report for the project. This condition is not intended to circumvent the thresholds established in Chapter 380 for further DRI review.

2. Bi-Annual Monitoring Program

a. An bi-annual traffic monitoring program performed by traffic engineers engaged by the developer must be established to monitor the development's impact upon the areas's roadways. The monitoring program will be designed in cooperation with the Lee County Department of Transportation and Engineering. The bi-annual monitoring report must contain traffic counts at the following locations: (Traffic counts may be obtained from original machine and manual peak hour counts, Lee County Traffic Volume Reports, Florida Department of Transportation, other ADA developments with similar monitoring requirements and other generally acceptable sources.)

	Development
(1) Location	Phase IPhase II (Build out)

(a) All project access points
onto Bass Road, Kelly Road and
A&W Bulb Road

x x

(b) The intersections of:

Summerlin Road/San Carlos Blvd.	x	x
Summerlin Road/Bass Road	x	x
Summerlin Road/Kelly Road	x	x
Summerlin Road/Winkler Road	x	x
Summerlin Road/Gladiolus Drive	x	x
Summerlin Road/Cypress Lake Drive	x	x
Gladiolus Drive/Winkler Road	x	x
Bass Road/Kelly Road	x	x

(2) The developer or his representative must submit the first monitoring report to the Lee County Engineer, the Southwest Florida Regional Planning Council and the Florida Department of Transportation one year after the issuance of the first certificate of occupancy for HealthPark Florida. Thereafter, reports will be submitted to the agencies ~~listed above~~ bi-annually each year until build out. The purpose of this program is to:

- (a) determine whether or not the traffic levels projected in the ADA are exceeded by actual traffic;
- (b) determine the Project's external trip generation; and
- (c) assist Lee County in determining the proper timing of necessary roadway improvements.

(3) In lieu of the obligation to annually monitor the above intersections, the developer, with the approval of the Lee County Department of Transportation, may contribute to Lee County a one time sum of \$50,000. This contribution will be applied towards expanding the Lee County inventory of permanent count stations by providing permanent count stations at the following intersections.

Summerlin Road/San Carlos Boulevard
Summerlin Road/Gladiolus Drive
Summerlin Road/Cypress Lake Drive
Summerlin Road/Winkler Road
Gladiolus Drive/Winkler Road

(4) The developer has contributed the funding for these permanent count locations identified above. Therefore, the developer will only be obligated to bi-annually monitor the following:

- (a) the development's access points onto Bass Road, Park Royal Drive and Summerlin Road.
- (b) the intersections of:
Summerlin Road/Bass Road
Summerlin Road/ Park Royal Drive
Bass Road/ Park Royal Drive

(5) The traffic impact assessment required in II.D.9.b. may replace the annual traffic monitoring report if it includes the traffic counts and intersection analyses required in section II.D.2.

3. Site Related Intersection Improvements

The developer must, at no cost to Lee County, fund the full costs of the construction of all site related intersection improvements serving HealthPark Florida as deemed necessary by the Lee County Engineer at the Project's access points onto Bass Road, Park Royal Drive and Summerlin Road. At a minimum, the developer must fund the following site related improvements:

- a. Bass Road /South HealthPark Drive:
NB left and right turn lanes.
SB left and right turn lanes.
EB left turn lane and thru/right turn lanes.
WB left turn lane and thru/right turn lanes.
- b. Bass Road /North HealthPark Circle:
NB left and right turn lanes.
SB left and right turn lanes.
EB left turn lane and thru/right turn lanes.
WB left turn lane and thru/right turn lanes.
- c. Bass Road /Park Royal Drive
WB left and thru lanes
SB left turn lane
- d. Summerlin Road/Park Royal Drive
EB (Summerlin Road) left turn lane
WB (Summerlin Road) right turn lane
SB (Park Royal Drive) left and thru lane

The developer is not eligible for credits against road impact fees for construction or dedication of right-of-way associated with improvements that are site related as defined by Chapter Two of the Land Development Code.

4. Site Related Roadway Improvements

a. The developer must construct, at no cost to Lee County, all internal roadways within HealthPark Florida including:

- (1) South HealthPark Drive.
- (2) North HealthPark Circle.
- (3) Park Royal Drive.

b. These roads will remain private roads, maintained privately, unless subsequently dedicated to and accepted by Lee County.

c. The developer is not eligible for credits against road impact fees for construction or dedication of right-of-way associated with the improvements that are site related as defined by Chapter Two of the Land Development Code.

5. Right-of-Way Dedication

a. The developer must dedicate the following ~~right-of-way~~ right-of-way within or contiguous to HealthPark Florida:

Sufficient right-of-way along the east and west property lines of Bass Road to provide a total of 150 feet of ~~right-of-way~~ right-of-way.

b. This right-of-way must be dedicated to Lee County as follows:

- (1) Bass Road, 150 feet of right-of-way from Summerlin Road to the northern intersection of West Lee Memorial Parkway with Bass Road at the time of the issuance of the first building permit for HealthPark.
- (2) Bass Road, 150 feet of right-of-way from the northern intersection of West Lee Memorial Parkway with Bass Road to the north property line, at the time of the issuance of the first building permits for future health care parcel A.

c. Credits against road impact fees for right-of-way dedication, if any, must be in accordance with the provisions of Chapter Two of the Land Development Code.

6. Road Impact Fees / Proportionate Share

The original 1987 DRI assessment, and all subsequent amendments to the DRI, confirmed that the payment of road impact fees will fully mitigate the impacts anticipated from the DRI.

- a. Therefore, the developer must pay the Lee County road impact fees in effect at the time building permits are issued for HealthPark Florida. These impact fee payments will represent proportionate share payments for the following roadway and associated intersection improvements identified in the original DRI traffic assessment and all subsequent amendments:

- (1) The addition of two lanes on U.S. 41 from the existing six lane section south of Daniels Road to Sanibel Boulevard.
- (2) The addition of four lanes on McGregor Boulevard from Cypress Lake Drive to A&W Bulb Road (or parallel facility).
- (3) The addition of four lanes on San Carlos Boulevard from Siesta Drive to Indian Parkway.
- (4) The addition of two lanes on Gladiolus Drive from A&W Bulb Road to Summerlin Road.
- (5) The addition of four lanes on Gladiolus Drive from Summerlin Road to the existing four lane section west of U.S. 41 and two lanes from the existing four lane section to U.S. 41.
- (6) The addition of two lanes on Summerlin Road from San Carlos Boulevard to College Parkway.
- (7) The addition of two lanes on Winkler Road from Gladiolus Drive to Cypress Lake Drive.
- (8) The reconstruction of Bass Road and addition of two lanes to Bass Road from Summerlin Road to Gladiolus Drive.
- (9) ~~The four lane extension of Bass Road from Gladiolus Drive to Cypress Lake Drive.~~
- (10) ~~The four lane extension of Bass Road from Gladiolus Drive to Cypress Lake Drive. The two lane extension of Kelly Road from Bass Road to Pine Ridge Road.~~

The addition of two lanes on Six Mile Cypress Parkway from U.S. 41 to Metro Parkway and from Daniels Parkway to Winkler Avenue.

- (10) The addition of two lanes on Summerlin Road (or a parallel facility from Cypress Lake Drive to Boy Scout Drive).

~~(12)~~(11) Intersection improvements at the following locations:

- (a) Summerlin Road/San Carlos Boulevard
- (b) Summerlin Road/Bass Road
- (c) Summerlin Road/~~Kelly Road~~Park Royal Drive
- (d) Summerlin Road/Gladiolus Drive
- (e) Summerlin Road/Cypress Lake Drive
- (f) Gladiolus Drive/Winkler Road
- (g) Gladiolus Drive/Bass Road
- (h) Gladiolus Drive/A&W Bulb Road
- (i) A&W Bulb Road/McGregor Boulevard
- (j) Summerlin Road/Winkler Road
- (k) Bass Road/~~Kelly Road~~Park Royal Drive
- (l) McGregor Blvd/Cypress Lake Drive
- (m) US 41/Gladiolus Drive/Six Mile Cypress Parkway

b. If the Land Development Code provisions governing roads impact fees are repealed, reduced or made unenforceable by court action, the developer of the project will continue to pay, per individual building permit, an amount equivalent to roads impact fees in effect prior to such repeal, reduction or court action.

7. Construction in Lieu of Impact Fees

- a. In lieu of payment of all or portions of road impact fees, the developer with the prior approval of Lee County may construct, or participate in the construction of, portions of, or all of, one or more of the following roadway improvements:
- (1) widening of Gladiolus Drive to four lanes from the existing four lane section west of U.S. 41 to Summerlin Road.
 - (2) widening of Gladiolus Drive to four lanes from Summerlin Road to Bass Road.
 - (3) improvements to the existing two lanes and the widening of Bass Road to four lanes from Summerlin Road to Gladiolus Drive.

(4) ~~extension of Kelly Road as four lanes from Summerlin Road to Bass Road.~~

(5) intersection improvements at Summerlin Road/Bass Road, ~~Summerlin Road/Kelly Road~~, Bass Road/Gladiolus Drive, Summerlin Road/San Carlos Boulevard, and Summerlin Road/Gladiolus Drive.

b. Construction in lieu of roads impact fees must be in accordance with the provisions of the roads impact fee regulations in effect at the time of construction and must be acceptable to Lee County and, if applicable, the Florida Department of Transportation.

c. The developer's desire and ability to construct or participate in the construction of portions of, or all of, one or more of the above improvements is intended to:

(1) substitute for impact fee payments,

(2) ensure that roadway construction occurs in a timely fashion to serve this development.

d. If undertaken by the developer, the developer will have no obligation for ~~right of way~~ right-of-way acquisition, reconstruction of the existing roadway to County standards, unusual and unexpected utility relocation and the like.

e. If the dollar value of such improvements (actual construction or dollar payments) during Phase I exceed roads impact fees, that excess value will be carried over to the next phase of development. In the event that the total dollar value of improvements during build out of HealthPark exceeds road impact fees, HealthPark will be eligible to recapture that excess value through a rebateable agreement that would include, but not be limited to reimbursement from other area developments and County Road Impact Fee revenues.

8. Concurrency

The project is subject to the Lee County Concurrency Management System for all development.

9. Traffic Reassessment.

a. Due to the uncertain status of several area roadway improvements including the extension of Bass Road from Gladiolus Drive to Cypress Lake Drive, A

& W Bulb Road from Summerlin Road to Gladiolus Drive, and Kelly Road from Summerlin Road to Pine Ridge Road, and changes to the development mix, the Developer was required to submit for review and approval a traffic reassessment prior to December 31, 2000. This traffic reassessment was submitted and addressed the traffic impacts and mitigation of the HealthPark Phase I (Stage 1) level of development. The reassessment demonstrated that it is appropriate to mitigate the project's traffic impacts through the payment of roads impact fees.

- b. Prior to initiating Phase II (Stage II) level of development, the Developer ~~is~~ was required to submit for review a traffic reassessment of Phase II (Stage II) development. The traffic reassessment, ~~must be~~ was submitted to the Department of Community Affairs, Southwest Florida Regional Planning Council and Lee County, and ~~will be an~~ was equivalent to an update of the developer's ADA assessment of Question 31 in the DRI Questionnaire, using current and up-to-date methodologies. The methodology ~~should be~~ was discussed and agreed upon by the developer and review agencies prior to submittal of the reassessment. The traffic reassessment ~~will~~ documented commitments in approved planning programs to fund future roadway improvements resulting from existing traffic, area developments and HealthPark Florida during the next phase of development, the HealthPark's and other area developments' contributions toward roadway improvements during the previous phase of development, and the HealthPark's obligations to mitigate additional traffic impacts through the next phase of development, if any. Development of land uses in Phases I and II (Exhibit "A") may continue in accordance with this Development Order pending review of this traffic assessment. The referenced traffic assessment was submitted as part of the Notice of Proposed Change filed in 2004 in connection with the Fifth Development Order Amendment. The assessment addressed the traffic impacts and mitigation of the DRI at build out. The 2004 assessment demonstrated that the project's traffic impacts will be fully mitigated through the payment of roads impact fees.

10. Municipal Services Benefit Unit

- a. This Development Order does not exempt this development from participation in the funding, through Municipal Services Benefit Units (MSBU's) or other special assessment districts, of improvements to various State and County arterial and collector roads to the degree to which this development generates demand or is benefitted. If, at that time, this funding is creditable against impact fees, then the appropriate credits will be taken.

E. VEGETATION AND WILDLIFE/WETLANDS

1. All commitments appearing in the A.D.A. and sufficiency responses pertaining to vegetation and wildlife are incorporated as conditions of approval herein.
2. To mitigate the encroachment of wetlands, the developer must create the same vegetation community type elsewhere on site, in accordance with the Master Concept Plan, and such other mitigation requirements as may be imposed as a result of wetland modification east of Bass Road. The areas to be used for the creation of wetlands must be appropriately scraped, contoured and sufficiently planted with the same type wetland vegetation found within the wetland areas encroached upon. Prior to the issuance of a Final Development Order for the site related improvements to Phase I (hereinafter referred to as FDO), the exact extent of encroachment must be field verified by county staff and the developer. A specific wetland creation plan and a timetable must be provided, both subject to approval by the Department of Community Development.
3. Prior to the issuance of a FDO for Phase I (site-related improvements), the developer must provide a detailed water management lake littoral zone creation plan for each segment to be permitted. The plan will be subject to approval by the Department of Community Development.
4. Prior to the issuance of a Certificate of Completion pursuant to the FDO for Phase I (site-related improvements), the developer must restore the natural connection of the wetland preservation area located at the southwestern property corner to Cow Slough by removing the existing north/south ditch and dike and by restoring the natural contour elevations of the area located along the western property boundary adjacent to this wetland preservation area.
5. The developer must remove all exotic vegetation (Brazilian Pepper, Melaleuca and Australian Pine) from each project segment prior to the completion of that segment.
6. Prior to the issuance of a Certificate of Completion pursuant to the FDO for Phase I, the developer must remove the exotic vegetation (Brazilian Pepper, Melaleuca and Australian Pine) located off-site on County owned property within Cow Slough adjacent to the wetland preservation area located at the southwestern property corner. The extent of exotic vegetation removal will be the amount necessary to aid in the reestablishment of the natural connection of this the wetland to Cow Slough and will be mutually agreed upon by county staff and the developer.
7. Prior to the issuance of a Final Order pursuant to the FDO for Phase I (site-related improvements), the developer must submit a proposed maintenance program to control the re-invasion of exotic vegetation (Brazilian Pepper, Melaleuca and Australian Pine) in the wetland preservation areas and the created wetland areas on the HealthPark Florida site. This program must be in effect for a minimum of three (3) years and must be approved by the Department of Community Development.

8. Prior to the issuance of a FDO for Phase I, the developer must provide a specific plan for monitoring the freshwater wetland area located east of Bass Road. This plan must include the methodology for monitoring the wetland with respect to hydrology, vegetation and wildlife habitat and will be subject to approval by the Department of Community Development.

9. The developer must monitor the existing storm water discharge that flows into the Hendry Creek Watershed to determine the appropriate future discharge route. All future coordination must be with the SFWMD, FDER and Lee County.

10. Prior to the issuance of an FDO for each parcel, the developer must submit a wetlands plan for that parcel to Lee County, SFWMD and SWFRPC showing all areas to be preserved within that parcel, all wetland areas to be created within that parcel and the total number of acres of each.

11. The developer must coordinate with appropriate agencies for the relocation of any threatened or endangered species found on the site or outline a program to insure their continued well being.

12. In order to address the recommendation contained in the staff report of the Regional Planning Council, the Master Concept Plan has been redrawn to indicate the relocation of A&W Bulb Road extension to the east of the wetland area.

F. WATER/WASTEWATER

1. The developer will design the buildings and facilities in light of modern water conserving principles. If irrigation from the site must be pumped, studies will be done to utilize the lowest acceptable water quality aquifers.

2. All efforts will be made to utilize public sewage treatment in the area, if available. If not available, on-site sewage treatment facilities will be flood proofed.

3. If a wastewater treatment facility is provided on site, it may be temporary only. If the temporary plant is still in use after 5 years from the date of approval of the final development order, the developer will be subject to review in order to make alternative wastewater treatment services. The Director of the Lee County Department of Community Development may provide for an extension of time for the continuation of the use of the temporary plant, if deemed necessary.

4. The developer will continue to explore the potential of receiving treated spray effluent from Lee County Utilities, in order to meet on-site nonpotable demands.

5. If spray irrigation proves infeasible for the HealthPark site, then the developer must conduct a hydrologic study under the guidance of the SFWMD and Lee County to determine the feasibility of utilizing ground water or surface water for satisfying nonpotable demands.

6. Any wastewater containing hazardous waste will be segregated from everyday wastewater or receive proper on-site pretreatment.

7. The developer must incorporate the use of water conserving devices, as required by State Law (Section 533.14, Florida Statutes).

8. The developer must conduct a phased monitoring program to determine if on-site surface water and groundwater parameters are improving, as a result of plugging on-site abandoned irrigation wells. This monitoring program should be coordinated with the SFWMD.

G. SOLID WASTE

1. If any method of hazardous waste disposal is utilized other than on-site incineration, then the developer must coordinate with Lee County and FDER for the provision of temporary storage/transfer of special and hazardous wastes that are generated by the development.

2. The developer and subsequent occupants of the project shall implement methods of reducing solid waste volume from the project.

3. The developer must identify to local EMS, Fire and Police officials the on-site storage locations and handling and disposal areas of all toxic, hazardous and radioactive materials.

4. All toxic, hazardous and radioactive materials must be stored above the category III SLOSH hurricane flood elevation.

H. GENERAL DEVELOPMENT CONDITIONS

1. The Master ~~Concept Plan of Development~~ (Map H) prepared by Johnson Engineering, dated ~~December 2000~~ February 7, 2005, stamped received by the Permit Counter on February 8, 2005, is incorporated into and made a part of this DRI Development Order. The permitted uses and conditions are shown on the Master Concept Plan corresponding zoning resolution and in this Development Order.

~~2. Although the land uses in Phases I and II have been approved, the developer cannot seek Lee County development order approvals for Phase II land uses until the developer timely submits the traffic reassessment required by Section H.D.9 above.~~

3: 2. The existing agricultural uses may continue or be discontinued and continued from time to time until the certificate of occupancy for the acute care hospital is obtained.

III. LEGAL EFFECT AND LIMITATIONS OF THIS
DEVELOPMENT ORDER AND ADMINISTRATIVE REQUIREMENTS

BE IT FURTHER RESOLVED by the Board of County Commissioners of Lee County, Florida, that:

A. Resolution. This resolution constitutes the Development Order of this Board issued in response to the Development of Regional Impact Application for Development Approval filed for HealthPark Florida.

B. Additional Developer Commitments. All commitments and impact mitigating actions volunteered by the developer in the Application for Development Approval and supplementary documents and not in conflict with conditions or stipulations specifically enumerated above are hereby adopted to this Development Order by reference, ~~provided, however, that the date of completion of Phase I is hereby extended to December 31, 2004, and the date of build out for the project is extended to December 31, 2008~~ 2012.

C. Binding Effect. This Development Order is binding upon the applicants and their heirs, assignees or successors in interest. Those portions of this Development Order which clearly apply only to the project developer, including but not limited to the initial construction of capital facilities, may not be construed to be binding upon future residents. It will be binding upon any builder/developer who acquires a tract of land within HealthPark Florida.

D. Reliance. The terms and conditions set out in this document constitute a basis upon which the developer and County may rely in future actions necessary to implement fully the final development contemplated by this Development Order.

E. Enforcement. All conditions, restrictions, stipulations and safeguards contained in this Development Order may be enforced by either party hereto by action at law or equity, and all costs of such proceedings, including reasonable attorney's fees, must be paid by the defaulting party.

F. Successor Agencies. References to governmental agency will be construed to mean any future instrumentality which may be created and designated as successor in interest to, or which otherwise possesses any of the powers and duties of any referenced governmental agency in existence on the effective date of this Development Order.

G. Severability. If any portion or section of this Development Order is determined to be invalid, illegal, or unconstitutional by a court of competent jurisdiction, such decisions will not affect the remaining portions or sections of the Development Order, which will remain in full force and effect.

H. Applicability of Regulations. The approval granted by this Development Order is limited. The approval does not obviate the duty of the developer to comply with all applicable local or state review and permitting procedures, except where otherwise specifically provided. The approval does

not obviate the duty of the developer to comply with any County Ordinance or other regulations adopted after the effective date of this Development Order.

I. Further Review. Subsequent requests for local development permits will require further review pursuant to Section 380.06, Florida Statutes, unless it is found by the Board of County Commissioners, after due notice and hearing, that one or more of the following is present:

1. A substantial deviation from the terms or conditions of this development order, or other changes to the approved development plans which create a reasonable likelihood of adverse regional impacts or the regional impacts which were not evaluated in the review by the Southwest Florida Regional Planning Council; or

2. An expiration of the period of effectiveness of this development order as provided herein.

Upon a finding that either of the above is present, the Board will order a termination of all development activity until a new DRI Application for Development Approval has been submitted, reviewed and approved in accordance with Section 380.06, Florida Statutes, and all local approvals have been obtained.

J. Commencement of Physical Development, Build out, and Termination Date. The deadline for commencing physical development under this the original Development Order shall be five (5) years from the date of adoption of the Order, provided that all conditions are met in a timely manner and further provided that this effective period may be extended by this Board upon a finding of excusable delay in any proposed development activity and that conditions have not changed sufficiently to warrant further consideration of the development. If the developer fails to commence significant physical development of that property identified in this development order within five (5) years from the date of rendition of this Development Order, development approval will terminate and the development will be subject to further consideration. Significant physical development includes obtaining a Certificate of Completion on some substantial portion of the project (e.g., water management system or a major road system). This Development Order will otherwise terminate in twenty (20) years from its approval date, unless an extension is approved. An extension may be granted by the Board of County Commissioners if the project has been developing substantially in conformance with the original plans and approval conditions, and if no substantial adverse impacts not known to the Southwest Florida Regional Planning Council or to Lee County at the time of their review and approval, or arising due to the extension, have been identified. However, an extension of the date of build out of a development by five (5) or more years will be presumed to create a substantial deviation subject to further development-of-regional-impact review. The presumption may be rebutted by substantial, competent evidence at the public hearing held by Lee County. For the purpose of calculating when a build out date has been exceeded, the time will be tolled during the pendency of administrative and judicial proceedings relating to development permits.

K. Protection of Development Rights. The development will not be subject to down-zoning, unit density reduction, or intensity reduction, until December 31, 2008 2012, unless the County demonstrates that substantial changes have occurred in the conditions underlying the approval of this Development Order including, but not limited to, such factors as a finding that the development order was based on substantially inaccurate information provided by the developer, or that the change is clearly established by local government to be essential to the public health, safety and welfare.

L. Assurance of Compliance. The Administrative Director of the Lee County Department of Community Development or his/her designee will be the local official responsible for assuring compliance with this Development Order.

M. Bi-annual Reports. The developer, or his successor(s) in title to the undeveloped portion of the property, must submit an bi-annual report to the Lee County Board of County Commissioners, the Southwest Florida Regional Planning Council, the State Land Planning Agency, and all affected permit agencies. This report must describe the state of development and compliance as of the date of submission and be consistent with the rules of the State Land Planning Agency. The bi-annual report must contain information specified in Exhibit "B." The first monitoring report must under the original development order was to be submitted to the Administrative Director of the Department of Community Development not later than August 1, 1988, and further reporting was to must be submitted not later than August 1st of subsequent calendar years. Failure to comply with this reporting procedure is governed by Section 380.06, Florida Statutes, and the developer must inform successors in title to any undeveloped portion of the real property covered by this Development Order.

The developer must also submit a Transportation Annual Report in accordance with the provisions set forth in Section II.D. of this development order.

N. Transmittal and Effective Dates. Certified copies of this Development Order will be forwarded to the Southwest Florida Regional Planning Council, the developer and appropriate state agencies. This Development Order is rendered as of the date of that transmittal, but is not effective until the expiration of the statutory appeals period (45 days from rendition) or until the completion of any appellate proceedings, whichever time is greater. Upon this Development Order becoming effective, the developer must record a notice of its adoption in the Office of the Clerk of the Circuit Court as provided in Chapter 380, Florida Statutes.

THE MOTION TO ADOPT the above resolution was offered by Commissioner Judah, and seconded by Commissioner Hall, and, upon poll of the members present, the vote was as follows:

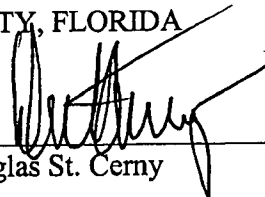
Commissioner Janes	Aye
Commissioner St. Cerny	Aye
Commissioner Judah	Aye
Commissioner Hall	Aye
Commissioner Albion	Aye

DULY PASSED AND ADOPTED this 2nd day of May 2005.



BOARD OF COUNTY COMMISSIONERS
LEE COUNTY, FLORIDA

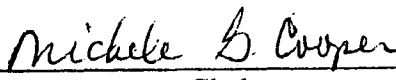
By


Douglas St. Cerny
Chairman

ATTEST:


Charlie Green, Clerk

By


Deputy Clerk

APPROVED AS TO FORM

By


Donna Marie Collins
County Attorney's Office

Exhibits:

- A. Land Use and Phasing Table
- B. Bi-Annual Monitoring Report Guidelines
- C. Land Use Conversion Table
- D. Map H.: Master Concept Plan of Development, dated February 7, 2005, stamped received by the Permit Counter on February 8, 2005.

RECEIVED
MINUTES OFFICE
mjc
2005 MAY 13 AM 10:46

EXHIBIT A
HEALTH PARK FLORIDA DRI
(Revised December 2000 2005)

LAND USE	PHASE I	PHASE II	TOTAL (2012)
<u>Residential</u> Independent Living Assisted Living & Skilled Nursing Res. Multi-Family Lodging-motel ¹	363 du 407 beds 468 du 252 172 rooms ¹	-0- 115 du -0- 38 beds 500 688 du -0- rooms	363 478 du 407 445 beds 968 1,156 du 252 172 rooms
<u>Institutional/Office</u> Acute Care Hospital Medical & General Office Specialized Hospitals & Health Care Facilities Wellness Center Future Health Care Functions	220 beds 340,000 sq. ft. 35,000 sq. ft. 16 beds 75,000 sq. ft. 17,200 sq. ft.	220 322 beds 362,000 125,000 sq. ft. -0- sq. ft. -0- beds -0- -0- 3,600 sq. ft.	440 542 beds (554,603 sq. ft.) 702,000 465,000 sq. ft. ² 35,000 sq. ft. 16 beds 75,000 sq. ft. 17,200 20,800 sq. ft.
<u>Commercial</u> Open Space, Lakes & Water Management	100,000 sq. ft. 99.0 ac.	75,000 60,000 sq. ft. 66.2 ac.	175,000 160,000 sq. ft. 165.2 ac.

¹Includes rooms (existing and future) within the Ronald McDonald House.

²Includes 340,000 sq. ft. of medical office and 362,000 sq. ft. of general office. Assumed to be medical office for traffic purposes.

EXHIBIT "B"

INFORMATION TO BE INCLUDED
IN BI-ANNUAL MONITORING REPORT

- a. Any changes in the plan of development, or in the representations contained in the ADA, or in the phasing for the reporting year and for the next year;
- b. A summary comparison of development activity proposed and actually conducted for the year;
- c. Undeveloped tracts of land, other than individual single family lots, that have been sold to a separate entity or developer;
- d. Identification and intended use of lands purchased, leased, or optioned by the developer adjacent to the original DRI site since the development order was issued;
- e. An assessment of the developer's and the local government's compliance with the conditions of approval contained in the DRI development order and the commitments which are contained in the Application for Development Approval and which have been identified by the local government, the Regional Planning Council, or the Department of Community Affairs as being significant;
- f. Any known incremental DRI applications for development approval or requests for a substantial deviation determination that were filed in the reporting year and to be filed during the next year;
- g. An indication of a change, if any, in local government jurisdiction for any portion of the development since the development order was issued;
- h. A list of significant local, state, and federal permits which have been obtained or which are pending by agency, including type of permit, permit number and purpose of each;
- i. A statement that all persons have been sent copies of the bi-annual report in conformance with Subsection 380.06(14) and (16), Florida Statutes; and
- j. A copy of any recorded notice of the adoption of a development order or the subsequent modification of an adopted development order that was recorded by the developer pursuant to Subsection 380.06(14)(d), Florida Statutes.

EXHIBIT "C"
HEALTHPARK FLORIDA
LAND USE CONVERSION

		To Use		
From Use	Medical Office	General Office	Residential Apts.	Specialty Hospital
Medical Office (1,000 sq. ft.)	N/A	3,000 sq. ft.	7.5 du	N/A
General Office (1,000 sq. ft.)	330 sq. ft.	N/A	2.4 du	N/A
Commercial (1,000 sq. ft.)	1,200 sq. ft.	3,400 sq. ft.	8.5 du	2.5 beds
Future Health Care (1,000 sq. ft.)	N/A	N/A	3.6 du	1.1 beds

<u>From Use</u>	<u>To Use</u>			
	<u>Independent Living (d.u.)</u>	<u>Multifamily (d.u.)</u>	<u>Lodging - Motel (units)</u>	<u>Medical Office (sq. ft.)</u>
<u>Multifamily (d.u.)</u>	<u>3.3</u>	<u>1.0</u>	<u>0.8</u>	<u>200</u>
<u>Lodging - Motel (units)</u>	<u>4.1</u>	<u>1.2</u>	<u>1.0</u>	<u>250</u>
<u>Hospital (bed)</u>	<u>7.8</u>	<u>2.3</u>	<u>1.9</u>	<u>470</u>
<u>Commercial (1,000 sq. ft.)</u>	<u>31.5</u>	<u>9.4</u>	<u>7.7</u>	<u>1,900</u>
<u>Medical Office (1,000 sq. ft.)</u>	<u>16.7</u>	<u>5.0</u>	<u>4.1</u>	<u>1,000</u>

This transfer of or conversion may occur in accordance with Section II.D.1 provided that: 1) the external trips originally approved for the DRI remain the same (i.e., 3,204 peak hour trips and 34,393 daily trips); and 2) no additional impact will occur to other public facilities (such as sewer and water) and; 3) the conversion will not create a need for additional affordable housing. Further, no alteration to the Master Concept Plan may occur as a result of the conversion. In addition, the amount of square feet, beds and units to be converted to other uses or from other uses would be limited to no more than the following:

EXHIBIT "C"
MAXIMUM CONVERSION THRESHOLDS¹

Land Use	Maximum Amount Converted From	Maximum Amount Converted To
Medical Office	60,000 sq. ft.	59,999 sq. ft.
General Office	60,000 sq. ft.	59,999 sq. ft.
Specialty Hospital	0 beds <u>60 beds</u>	59 beds <u>N/A</u>
Residential Apts: Multifamily	0 <u>58</u> du	49 <u>57</u> du
Commercial	50,000 sq. ft.	49,999 sq. ft. <u>N/A</u>
Future Health Care	50,000 sq. ft.	49,999 sq. ft.
<u>Independent Living</u>	<u>50 du</u>	<u>49 du</u>
<u>Lodging - Motel</u>	<u>75 units</u>	<u>74 units</u>

Footnote:

¹ Purpose of the maximum conversion thresholds is to allow flexibility in development without triggering the need for an amendment to the development approvals. Conversions outside the range will require a formal Notice of Proposed Change to the DRI Development Order.

Thirty (30) days notice of any conversion must be provided to the County, The Regional Planning Council, and The Department of Community Affairs. In addition, the amount of conversion must be reported as part of the subsequent bi-annual monitoring report.

EXHIBIT D

**FIFTH DEVELOPMENT ORDER AMENDMENT¹ FOR
HEALTHPARK FLORIDA**

A Development of Regional Impact

State DRI #5-8586-63
County Case #87-03-10-DRI(d)

DEVELOPMENT ORDER

FOR

HEALTHPARK FLORIDA

A DEVELOPMENT OF REGIONAL IMPACT

5-8586-63

LET It be known, that, pursuant to Section 380.06 of the Florida Statutes, the Board of County Commissioners of Lee County, Florida, has heard, at a public hearing convened on the eighth day of June, 1987, the application for development approval for HealthPark Florida, a hospital/commercial/residential/educational development which, after the amendment proposed herein, will consist of approximately Three Hundred Ninety Point Seven (390.7) acres to be developed in accordance with the application filed by Lee Health Care Resources, Inc.; Lee Memorial Hospital, Inc.; Lee County Hospital Board of Directors; and Lee County HealthPark Joint Venture (referred to herein collectively as "Applicant").

WHEREAS, the Board of County Commissioners of Lee County, Florida, (hereinafter, "the Board") considered the report and recommendations of the Southwest Florida Regional Planning Council, Lee County administrative staff, and the documents and comments made upon the record before the Board in a public hearing on the 8th day of June 1987, and after full consideration of those reports, recommendations, comments and documents the Board adopted the *original* development of regional impact development order for HealthPark Florida; and

¹This document represents a compilation of the original DRI Development Order approved on June 8, 1987; the First Development Order Amendment approved on October 13, 1993; and the Second Development Order Amendment approved on March 30, 1998; the third Development Order Amendment approved on August 20, 2001; and the Fourth Development Order Amendment approved on August 19, 2003. Proposed changes to this composite Development Order are also shown, with additions underlined and deletions struck through.

WHEREAS, the development order was subsequently amended for the first time on October 13, 1993 to extend the phasing and build out schedule for the project; and

WHEREAS, in March 1998, Lee Health Ventures, Inc., the owner/developer of HealthPark Florida Development of Regional Impact, amended the development order a second time: 1) to modify the land use schedule; 2) provide for mitigation of hurricane shelter impacts associated with the revised land use schedule; 3) provide for a Land Use Conversion Table to allow minor modifications to the revised land use schedule in the future; 4) delete references to roadway segments that are no longer planned for construction by Lee County; 5) amend the Master Plan for the project; and 6) extend the date until which the project will not be subject to down zoning or intensity reduction so as to be consistent with the modified build out date approved by the Board in the first development order amendment; and

WHEREAS, in January 2001, Lee Health Ventures, Inc., the owner/developer of HealthPark Florida Development of Regional Impact, requested a third amendment to the DRI Development Order to: 1) Modify the land use schedule; 2) amend Map H to reflect the addition of two access points on the east side of Bass Road; 3) revise the project legal description to delete the legal description for Bass Road; 4) extend the phasing and build-out dates for the project; and 5) modify the transportation mitigation conditions based on a traffic reassessment performed in connection with the Notice of Proposed Change; and

WHEREAS, in June 2003, Lee Health Ventures, Inc., doing business as the owner/developer of HealthPark Florida Development of Regional Impact, requested a fourth amendment to the DRI Development Order to revise the Master Development Plan (Map H) to allow for residential development on a 43± acre tract in the northwest corner of the project; and

WHEREAS, in July 2004, Lee Health Ventures, Inc., doing business as the owner/developer of HealthPark Florida Development of Regional Impact, requested a fifth amendment to the DRI Development Order to: 1) revise the Master Development Plan (Map H) to change the location of various uses within the project; 2) modify the Land Use Schedule to reflect increases and decreases in various land uses approved as part of the DRI; 3) extend the build-out date by four years to 2012; 4) modify transportation related conditions to reflect the results of traffic reassessment prepared in conjunction with the Notice of Proposed Change; and 5) revise the frequency of filing monitoring reports from annually to bi-annually in response to recent amendments to Chapter 380, F.S.

WHEREAS, the Southwest Florida Regional Planning Council (RPC) concluded that reassessment of the DRI is not necessary due to the proposed changes not creating a reasonable likelihood of additional regional impacts, or any type of regional impact not previously reviewed by the RPC; and

WHEREAS, pursuant to Florida Statutes Chapter 380.06(19)(f)5., the Board must determine whether the proposed changes require further Development of Regional Impact Review; and

WHEREAS, pursuant to Florida Statutes Chapter 380.06(19)(e)5.c., a proposed change consisting of simultaneous increases and decreases of at least two of the uses within a multi-use Development of Regional Impact that was originally approved with three or more uses is presumed to create a substantial deviation from the original development approvals, but that presumption may be rebutted by clear and convincing evidence; and

WHEREAS, the Board must consider the previous and current proposed changes in deciding whether those changes cumulatively constitute a substantial deviation requiring further Development of Regional Impact review; and

WHEREAS, the Board has reviewed the proposed amendment and finds that, based on the transportation analysis as conditioned herein, the change is not a substantial deviation; and

WHEREAS, the proposed change to the HealthPark Florida DRI Development Order described herein is consistent with the adopted Comprehensive Plan of Lee County and applicable local land development regulations; and

WHEREAS, the proposed change is consistent with the State Comprehensive Plan.

I. FINDINGS OF FACT/CONCLUSIONS OF LAW

A. The project will include ~~606,803~~ 1,015,413 square feet (~~456~~ 558 beds) of acute care, specialty hospital space, and future health care functions; ~~702,000~~ 465,000 square feet of medical and general office space; ~~175,000~~ 160,000 square feet of general retail space (food and beverage, financial, business and retail services); ~~363~~ 478 independent living units; ~~407~~ 445 beds of assisted living and skilled nursing care; ~~968~~ 1,156 residential dwelling units; ~~252~~ and 172 units of (hotel) lodging; ~~and 75,000 square feet of recreational space (wellness center).~~ Buildings in the proposed development will not exceed eight (8) habitable floors. The project will have other such uses as permitted by the CPD category as modified by the Master Concept Plan.

B. The legal description of the property is as follows:

In Section 33, Township 45 South, Range 24 East and Section 4, Township 46 South, Range 24 East, Lee County, Florida: Healthpark Florida West subdivision, Plat Book 47, Pages 1 through 9, less and except Tract "A" of said subdivision for Bass Road; and Phase I-E Healthpark Florida West subdivision, Plat Book 49, Pages 31 through 34; and Phase I-F Healthpark Florida West subdivision, Plat Book 53, Pages 81 through 90; and Healthpark Florida East subdivision, Plat Book 68, Pages 17 through 22; Public Records of Lee County, Florida.

Parcel contains 390.7 acres, more or less.

C. The subject property is presently zoned Commercial Planned Development (CPD), pursuant to the authority of Chapter 125, Florida Statutes, Chapter 61-2405, Laws of Florida (Special Acts), and the Lee County Land Development Code; and

D. The Application for Development Approval is consistent with the requirements of Section 380.06, Florida Statutes; and

E. The development is not in an area designated as an Area of Critical State Concern pursuant to the provisions of Section 380.05, Florida Statutes; and

F. The development does not unreasonably interfere with the achievement of the objectives of an adopted State Land Development Plan applicable to the area; and

G. The original plan of development and all subsequent amendments thereto have been reviewed by the Southwest Florida Regional Planning Council and is the subject of various reports and recommendations adopted by the council and subsequently forwarded to Lee County pursuant to the provisions of Section 380.06, Florida Statutes; and the proposed development is consistent with the comments and observations of the staff report of the Southwest Florida Regional Planning Council.

H. The development is consistent with the Lee County Comprehensive Plan and Lee County's land development regulations if subject to the conditions contained in this Development Order.

I. Concurrently, with the adoption of this Development Order, the commercial planned development zoning of approvals on the property as will be amended. The Zoning Resolution contains additional details and conditions and also provides for certain deviations from Lee County property development regulations.

J. The proposed conditions below meet the criteria found in Section 380.06(15)(d), Florida Statutes.

II. ACTION ON REQUEST

NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF COUNTY COMMISSIONERS OF LEE COUNTY, FLORIDA, in public meeting, duly constituted and assembled on May 2, 2005, that the Fifth Development Order Amendment for the HealthPark Florida Development of Regional Impact is hereby APPROVED, subject to the following conditions, restrictions and limitations:

A. DRAINAGE/WATER QUALITY

1. All commitments provided in the A.D.A. and supplemental submittals, with respect to Question 22 (Drainage), are hereby incorporated as conditions to this approval.

2. The developer must implement an on-going maintenance and monitoring program that regularly inspects, maintains and samples the storm water discharge from the management system until the complete build out of HealthPark Florida. The Developer shall establish the legal entity which will carry out this program after tracts and/or units are sold. This monitoring system will be designed in conjunction with the South Florida Water Management District and will meet that agency's technical requirements.

3. The monitoring program for the wetland area east of Bass Road will address, among other objectives as identified by the Director, whether or not the final water management design should direct any flow to the Hendry Creek watershed.

4. The discharge from the water management system will be via a spreader swale system at the western boundary of the property to Cow Slough. This spreader swale system may require authorization from Lee County for lands owned by Lee County in the East ½ of the NE 1/4 of Section 5, Township 46 S, Range 24 E. Approval of this development order does hereby authorize any necessary water management improvements on County-owned property. The vacation of public rights to former IDD canals within the site may also be necessary.

5. If reclaimed wastewater cannot be obtained for irrigation purposes, then the developer must submit a feasibility study with any water use permit application which explores the utilization of the lowest acceptable quality of groundwater.

6. As a part of its surface water management program, the developer will submit a comprehensive program for the handling and disposal of any hazardous wastes.

7. A regularly scheduled vacuum sweeping program shall be initiated and continued by the ~~applicant~~developer, as a best management practice (b.m.p.).

B. ENERGY

The developer will incorporate, where appropriate in saving energy, the following energy conservation features into all site plans and architectural programs, or ensure that the following features are implemented whenever possible through deed restrictions and/or covenants with successors in title. All applications for site plan approvals and development permits shall be accompanied by a document detailing compliance with these conditions. If deed restrictions or covenants are utilized, such documents shall be approved by the Lee County Attorney's Office prior to recording. If no deed restrictions are approved and recorded, the prior alternative shall be utilized and the following features must be included.

These features are:

1. Provision of a bicycle/pedestrian system connecting all land uses, consistent with Lee County requirements.

2. Provision of bicycle racks or storage facilities in recreational, commercial and residential areas.

3. Cooperation in the locating of bus stops, shelters and other passenger and system accommodations for a transit system to serve the project area.

4. Use of energy-efficient features in window design (e.g., tinting and exterior shading).

5. Installation of energy-efficient appliances and equipment.

6. Use of water closets with a maximum flush of 3.5 gallons and shower heads and faucets with a maximum flow rate of 3.0 gallons per minute (at 60 pounds of pressure per square inch) as specified in the Water Conservation Act, Section 553.14, Florida Statutes, except where medical considerations suggest otherwise.

7. Selection of native plants, trees, and other vegetation and landscape design features that reduce requirements for water, fertilizer, maintenance and other needs.

8. Planting of native shade trees to provide reasonable shade for all recreation areas, streets and parking areas.

9. Placement of trees to provide needed shade in the warmer months while not overly reducing the benefits of sunlight in the winter.

10. Orientation of structures, as possible, to reduce solar heat gain by walls and to utilize the natural cooling effects of the wind.

11. Provision for structural shading (e.g., trellises, awnings, and roof overhangs) wherever practical when natural shading cannot be used effectively.

12. Inclusion of porch/patio areas in residential units.

13. Consideration by the project architectural review committee(s) of energy conservation measures (both those noted here and others) to assist builders and residents in their efforts to achieve greater energy efficiency in the development.

C. FLOOD PLAIN/HURRICANE EVACUATION

1. The developer must appoint a disaster coordinator experienced in emergency planning and operations to coordinate plan preparation for the entire project. The developer must also provide notice to prospective facility owners or renters that an emergency plan will be developed, consistent with applicable state and local requirements, and annually maintained for their specific facility. Plan development and maintenance will be coordinated with the project's disaster coordinator.

2. The developer must prepare to the satisfaction of the Director of the Lee County Division of Emergency Management, and prior to receiving a certificate of occupancy, an emergency preparedness plan covering the following aspects:

- a. Duties and responsibilities
- b. Plan coordination and activation
- c. Warning and notification
- d. Evacuation of population off-site
- e. In-place sheltering
- f. Off-site sheltering
- g. Transportation
- h. Support Services for in-place and off-site shelter
- i. Security for property and psychiatric patients sheltered off-site
- j. Training
- k. Communications
- l. Continuity of Patient Care on-site and off-site
- m. Damage Assessment
- n. Recovery

The plan shall be approved annually by the Lee County Department of Public Safety, and shall be coordinated with the existing plan for Lee Memorial Hospital.

3. In order to ensure that any structure on the HealthPark site that is planned for storm shelter purposes will be able to withstand a hurricane event, the developer must provide, prior to issuance of building permits, documentation to the Director of the Lee County Division of Emergency Management that those structures will be constructed to withstand wind loads of not less than 140 miles per hour utilizing the methodology described in the Jenkins & Charland, Incorporated report dated April 30, 1987.

4. The developer must implement a current, on-going, annually-updated program to educate residents, patients and staff in the matters of hurricane threat, hurricane planning, evacuation and sheltering.

5. The portions of the project to be used as refuge must have a minimum elevation of 17 feet NGVD. The building(s) used for refuge must be designed and constructed to withstand winds of 140 miles per hour utilizing the methodology described in the Jenkins & Charland, Incorporated report dated April 30, 1987, and be so certified by a licensed engineer. The building(s) must also be constructed with as little exposed glass as possible and must contain emergency power, food, potable water, sanitation facilities, adequate ventilation, medical supplies and communications equipment in sufficient quantities to sustain the refuge for seven days. The communications equipment needs and frequencies will be determined by the Lee County Division of Emergency Management. All emergency support facilities, water, power, sanitation, etc. must be located at a minimum of 17 feet above mean sea level.

6. The developer must construct at least one road connecting the central core of the project with Summerlin Road at the same elevation as Summerlin Road.

7. All first floor building heights must be elevated at least one foot in excess of the 100-year flood level (8 feet NGVD) as provided by the National Flood Insurance Program.

8. The developer must pay a fee-in-lieu of construction for hurricane shelter demand impacts in the amount of either: (1) \$51,554.64, if paid in one lump sum prior to or concurrent with the first building permit for a multi-family, independent living, or hotel/motel unit; or (2) \$46.30 per unit at the time each building permit is obtained for any multi-family, independent living, or hotel/motel unit. If additional county-wide administrative or other fees for hurricane sheltering are adopted in the future by the Board of County Commissioners of Lee County, those other fees will be applied prospectively to the remaining unbuilt units and paid at the time of building permit.

D. TRANSPORTATION

1. Development Phasing/Build out

The traffic impact assessment upon which this Development Order for HealthPark Florida DRI is based assumes expected completion of Phase I on December 31, 2004, and build out of the development on December 31, ~~2008~~ 2012. The traffic impact assessment included the expected impacts of the proposed land uses and phasing schedule shown in Exhibit "A." The Developer may, without further DRI review, convert land uses in accordance with the Land Use Conversion Table attached as Exhibit "C," provided: (a) the conversion does not require an alteration to the Master Concept Plan for the DRI and (b) the Developer gives 30 days notice of all proposed conversions to Lee County, the Southwest Florida Regional Planning Council, and the Florida Department of Community Affairs. All conversions must be identified in the subsequent monitoring report for the project. This condition is not intended to circumvent the thresholds established in Chapter 380 for further DRI review.

2. Bi-Annual Monitoring Program

a. An bi-annual traffic monitoring program performed by traffic engineers engaged by the developer must be established to monitor the development's impact upon the areas's roadways. The monitoring program will be designed in cooperation with the Lee County Department of Transportation and Engineering. The bi-annual monitoring report must contain traffic counts at the following locations: (Traffic counts may be obtained from original machine and manual peak hour counts, Lee County Traffic Volume Reports, Florida Department of Transportation, other ADA developments with similar monitoring requirements and other generally acceptable sources.)

(1) Location

Development
Phase I Phase II (Build out)

(a) All project access points
onto Bass Road, Kelly Road and
A&W Bulb Road

x

x

(b) The intersections of:

Summerlin Road/San Carlos Blvd.

x

x

Summerlin Road/Bass Road

x

x

Summerlin Road/Kelly Road

x

x

Summerlin Road/Winkler Road

x

x

Summerlin Road/Gladiolus Drive

x

x

Summerlin Road/Cypress Lake Drive

x

x

Gladiolus Drive/Winkler Road

x

x

Bass Road/Kelly Road

x

x

(2) The developer or his representative must submit the first monitoring report to the Lee County Engineer, the Southwest Florida Regional Planning Council and the Florida Department of Transportation one year after the issuance of the first certificate of occupancy for HealthPark Florida. Thereafter, reports will be submitted to the agencies ~~listed above~~ bi-annually each year until build out. The purpose of this program is to:

- (a) determine whether or not the traffic levels projected in the ADA are exceeded by actual traffic;
- (b) determine the Project's external trip generation; and
- (c) assist Lee County in determining the proper timing of necessary roadway improvements.

(3) In lieu of the obligation to annually monitor the above intersections, the developer, with the approval of the Lee County Department of Transportation, may contribute to Lee County a one time sum of \$50,000. This contribution will be applied towards expanding the Lee County inventory of permanent count stations by providing permanent count stations at the following intersections.

Summerlin Road/San Carlos Boulevard

Summerlin Road/Gladiolus Drive

Summerlin Road/Cypress Lake Drive

Summerlin Road/Winkler Road

Gladiolus Drive/Winkler Road

(4) The developer has contributed the funding for these permanent count locations identified above. Therefore, the developer will only be obligated to bi-annually monitor the following:

- (a) the development's access points onto Bass Road, Park Royal Drive and Summerlin Road.
- (b) the intersections of:
Summerlin Road/Bass Road
Summerlin Road/ Park Royal Drive
Bass Road/ Park Royal Drive

(5) The traffic impact assessment required in II.D.9.b. may replace the annual traffic monitoring report if it includes the traffic counts and intersection analyses required in section II.D.2.

3. Site Related Intersection Improvements

The developer must, at no cost to Lee County, fund the full costs of the construction of all site related intersection improvements serving HealthPark Florida as deemed necessary by the Lee County Engineer at the Project's access points onto Bass Road, Park Royal Drive and Summerlin Road. At a minimum, the developer must fund the following site related improvements:

- a. Bass Road /South HealthPark Drive:
NB left and right turn lanes.
SB left and right turn lanes.
EB left turn lane and thru/right turn lanes.
WB left turn lane and thru/right turn lanes.
- b. Bass Road /North HealthPark Circle:
NB left and right turn lanes.
SB left and right turn lanes.
EB left turn lane and thru/right turn lanes.
WB left turn lane and thru/right turn lanes.
- c. Bass Road /Park Royal Drive
WB left and thru lanes
SB left turn lane
- d. Summerlin Road/Park Royal Drive
EB (Summerlin Road) left turn lane
WB (Summerlin Road) right turn lane
SB (Park Royal Drive) left and thru lane

The developer is not eligible for credits against road impact fees for construction or dedication of right-of-way associated with improvements that are site related as defined by Chapter Two of the Land Development Code.

4. Site Related Roadway Improvements

a. The developer must construct, at no cost to Lee County, all internal roadways within HealthPark Florida including:

- (1) South HealthPark Drive.
- (2) North HealthPark Circle.
- (3) Park Royal Drive.

b. These roads will remain private roads, maintained privately, unless subsequently dedicated to and accepted by Lee County.

c. The developer is not eligible for credits against road impact fees for construction or dedication of right-of-way associated with the improvements that are site related as defined by Chapter Two of the Land Development Code.

5. Right-of-Way Dedication

a. The developer must dedicate the following ~~right-of-way~~ right-of-way within or contiguous to HealthPark Florida:

Sufficient right-of-way along the east and west property lines of Bass Road to provide a total of 150 feet of ~~right-of-way~~ right-of-way.

b. This right-of-way must be dedicated to Lee County as follows:

- (1) Bass Road, 150 feet of right-of-way from Summerlin Road to the northern intersection of West Lee Memorial Parkway with Bass Road at the time of the issuance of the first building permit for HealthPark.
- (2) Bass Road, 150 feet of right-of-way from the northern intersection of West Lee Memorial Parkway with Bass Road to the north property line, at the time of the issuance of the first building permits for future health care parcel A.

c. Credits against road impact fees for right-of-way dedication, if any, must be in accordance with the provisions of Chapter Two of the Land Development Code.

6. Road Impact Fees / Proportionate Share

The original 1987 DRI assessment, and all subsequent amendments to the DRI confirmed that the payment of road impact fees will fully mitigate the impacts anticipated from the DRI.

- a. Therefore, the developer must pay the Lee County road impact fees in effect at the time building permits are issued for HealthPark Florida. These impact fee payments will represent proportionate share payments for the following roadway and associated intersection improvements identified in the original DRI traffic assessment and all subsequent amendments:

- (1) The addition of two lanes on U.S. 41 from the existing six lane section south of Daniels Road to Sanibel Boulevard.
- (2) The addition of four lanes on McGregor Boulevard from Cypress Lake Drive to A&W Bulb Road (or parallel facility).
- (3) The addition of four lanes on San Carlos Boulevard from Siesta Drive to Indian Parkway.
- (4) The addition of two lanes on Gladiolus Drive from A&W Bulb Road to Summerlin Road.
- (5) The addition of four lanes on Gladiolus Drive from Summerlin Road to the existing four lane section west of U.S. 41 and two lanes from the existing four lane section to U.S. 41.
- (6) The addition of two lanes on Summerlin Road from San Carlos Boulevard to College Parkway.
- (7) The addition of two lanes on Winkler Road from Gladiolus Drive to Cypress Lake Drive.
- (8) The reconstruction of Bass Road and addition of two lanes to Bass Road from Summerlin Road to Gladiolus Drive.
- (9) ~~The four lane extension of Bass Road from Gladiolus Drive to Cypress Lake Drive.~~
- (10) ~~The four lane extension of Bass Road from Gladiolus Drive to Cypress Lake Drive. The two lane extension of Kelly Road from Bass Road to Pine Ridge Road.~~

The addition of two lanes on Six Mile Cypress Parkway from U.S. 41 to Metro Parkway and from Daniels Parkway to Winkler Avenue.

- (10) The addition of two lanes on Summerlin Road (or a parallel facility from Cypress Lake Drive to Boy Scout Drive).

~~(12)~~(11) Intersection improvements at the following locations:

- (a) Summerlin Road/San Carlos Boulevard
- (b) Summerlin Road/Bass Road
- (c) Summerlin Road/~~Kelly Road~~Park Royal Drive
- (d) Summerlin Road/Gladiolus Drive
- (e) Summerlin Road/Cypress Lake Drive
- (f) Gladiolus Drive/Winkler Road
- (g) Gladiolus Drive/Bass Road
- (h) Gladiolus Drive/A&W Bulb Road
- (i) A&W Bulb Road/McGregor Boulevard
- (j) Summerlin Road/Winkler Road
- (k) Bass Road/~~Kelly Road~~Park Royal Drive
- (l) McGregor Blvd/Cypress Lake Drive
- (m) US 41/Gladiolus Drive/Six Mile Cypress Parkway

b. If the Land Development Code provisions governing roads impact fees are repealed, reduced or made unenforceable by court action, the developer of the project will continue to pay, per individual building permit, an amount equivalent to roads impact fees in effect prior to such repeal, reduction or court action.

7. Construction in Lieu of Impact Fees

- a. In lieu of payment of all or portions of road impact fees, the developer with the prior approval of Lee County may construct, or participate in the construction of, portions of, or all of, one or more of the following roadway improvements:
- (1) widening of Gladiolus Drive to four lanes from the existing four lane section west of U.S. 41 to Summerlin Road.
 - (2) widening of Gladiolus Drive to four lanes from Summerlin Road to Bass Road.
 - (3) improvements to the existing two lanes and the widening of Bass Road to four lanes from Summerlin Road to Gladiolus Drive.

- (4) ~~extension of Kelly Road as four lanes from Summerlin Road to Bass Road.~~
 - (5) intersection improvements at Summerlin Road/Bass Road, ~~Summerlin Road/Kelly Road~~, Bass Road/Gladiolus Drive, Summerlin Road/San Carlos Boulevard, and Summerlin Road/Gladiolus Drive.
- b. Construction in lieu of roads impact fees must be in accordance with the provisions of the roads impact fee regulations in effect at the time of construction and must be acceptable to Lee County and, if applicable, the Florida Department of Transportation.
 - c. The developer's desire and ability to construct or participate in the construction of portions of, or all of, one or more of the above improvements is intended to:
 - (1) substitute for impact fee payments,
 - (2) ensure that roadway construction occurs in a timely fashion to serve this development.
 - d. If undertaken by the developer, the developer will have no obligation for ~~right of way~~ right-of-way acquisition, reconstruction of the existing roadway to County standards, unusual and unexpected utility relocation and the like.
 - e. If the dollar value of such improvements (actual construction or dollar payments) during Phase I exceed roads impact fees, that excess value will be carried over to the next phase of development. In the event that the total dollar value of improvements during build out of HealthPark exceeds road impact fees, HealthPark will be eligible to recapture that excess value through a rebateable agreement that would include, but not be limited to reimbursement from other area developments and County Road Impact Fee revenues.

8. Concurrency

The project is subject to the Lee County Concurrency Management System for all development.

9. Traffic Reassessment.

- a. Due to the uncertain status of several area roadway improvements including the extension of Bass Road from Gladiolus Drive to Cypress Lake Drive, A

& W Bulb Road from Summerlin Road to Gladiolus Drive, and Kelly Road from Summerlin Road to Pine Ridge Road, and changes to the development mix, the Developer was required to submit for review and approval a traffic reassessment prior to December 31, 2000. This traffic reassessment was submitted and addressed the traffic impacts and mitigation of the HealthPark Phase I (Stage I) level of development. The reassessment demonstrated that it is appropriate to mitigate the project's traffic impacts through the payment of roads impact fees.

- b. Prior to initiating Phase II (Stage II) level of development, the Developer is was required to submit for review a traffic reassessment of Phase II (Stage II) development. The traffic reassessment, ~~must be~~ was submitted to the Department of Community Affairs, Southwest Florida Regional Planning Council and Lee County, and ~~will be an~~ was equivalent to an update of the developer's ADA assessment of Question 31 in the DRI Questionnaire, using current and up-to-date methodologies. The methodology ~~should be~~ was discussed and agreed upon by the developer and review agencies prior to submittal of the reassessment. The traffic reassessment ~~will~~ documented commitments in approved planning programs to fund future roadway improvements resulting from existing traffic, area developments and HealthPark Florida during the next phase of development, the HealthPark's and other area developments' contributions toward roadway improvements during the previous phase of development, and the HealthPark's obligations to mitigate additional traffic impacts through the next phase of development, if any. Development of land uses in Phases I and II (Exhibit "A") may continue in accordance with this Development Order pending review of this traffic assessment. The referenced traffic assessment was submitted as part of the Notice of Proposed Change filed in 2004 in connection with the Fifth Development Order Amendment. The assessment addressed the traffic impacts and mitigation of the DRI at build out. The 2004 assessment demonstrated that the project's traffic impacts will be fully mitigated through the payment of roads impact fees.

10. Municipal Services Benefit Unit

- a. This Development Order does not exempt this development from participation in the funding, through Municipal Services Benefit Units (MSBU's) or other special assessment districts, of improvements to various State and County arterial and collector roads to the degree to which this development generates demand or is benefitted. If, at that time, this funding is creditable against impact fees, then the appropriate credits will be taken.

E. VEGETATION AND WILDLIFE/WETLANDS

1. All commitments appearing in the A.D.A. and sufficiency responses pertaining to vegetation and wildlife are incorporated as conditions of approval herein.

2. To mitigate the encroachment of wetlands, the developer must create the same vegetation community type elsewhere on site, in accordance with the Master Concept Plan, and such other mitigation requirements as may be imposed as a result of wetland modification east of Bass Road. The areas to be used for the creation of wetlands must be appropriately scraped, contoured and sufficiently planted with the same type wetland vegetation found within the wetland areas encroached upon. Prior to the issuance of a Final Development Order for the site related improvements to Phase I (hereinafter referred to as FDO), the exact extent of encroachment must be field verified by county staff and the developer. A specific wetland creation plan and a timetable must be provided, both subject to approval by the Department of Community Development.

3. Prior to the issuance of a FDO for Phase I (site-related improvements), the developer must provide a detailed water management lake littoral zone creation plan for each segment to be permitted. The plan will be subject to approval by the Department of Community Development.

4. Prior to the issuance of a Certificate of Completion pursuant to the FDO for Phase I (site-related improvements), the developer must restore the natural connection of the wetland preservation area located at the southwestern property corner to Cow Slough by removing the existing north/south ditch and dike and by restoring the natural contour elevations of the area located along the western property boundary adjacent to this wetland preservation area.

5. The developer must remove all exotic vegetation (Brazilian Pepper, Melaleuca and Australian Pine) from each project segment prior to the completion of that segment.

6. Prior to the issuance of a Certificate of Completion pursuant to the FDO for Phase I, the developer must remove the exotic vegetation (Brazilian Pepper, Melaleuca and Australian Pine) located off-site on County owned property within Cow Slough adjacent to the wetland preservation area located at the southwestern property corner. The extent of exotic vegetation removal will be the amount necessary to aid in the reestablishment of the natural connection of this the wetland to Cow Slough and will be mutually agreed upon by county staff and the developer.

7. Prior to the issuance of a Final Order pursuant to the FDO for Phase I (site-related improvements), the developer must submit a proposed maintenance program to control the re-invasion of exotic vegetation (Brazilian Pepper, Melaleuca and Australian Pine) in the wetland preservation areas and the created wetland areas on the HealthPark Florida site. This program must be in effect for a minimum of three (3) years and must be approved by the Department of Community Development.

8. Prior to the issuance of a FDO for Phase I, the developer must provide a specific plan for monitoring the freshwater wetland area located east of Bass Road. This plan must include the methodology for monitoring the wetland with respect to hydrology, vegetation and wildlife habitat and will be subject to approval by the Department of Community Development.

9. The developer must monitor the existing storm water discharge that flows into the Hendry Creek Watershed to determine the appropriate future discharge route. All future coordination must be with the SFWMD, FDER and Lee County.

10. Prior to the issuance of an FDO for each parcel, the developer must submit a wetlands plan for that parcel to Lee County, SFWMD and SWFRPC showing all areas to be preserved within that parcel, all wetland areas to be created within that parcel and the total number of acres of each.

11. The developer must coordinate with appropriate agencies for the relocation of any threatened or endangered species found on the site or outline a program to insure their continued well being.

12. In order to address the recommendation contained in the staff report of the Regional Planning Council, the Master Concept Plan has been redrawn to indicate the relocation of A&W Bulb Road extension to the east of the wetland area.

F. WATER/WASTEWATER

1. The developer will design the buildings and facilities in light of modern water conserving principles. If irrigation from the site must be pumped, studies will be done to utilize the lowest acceptable water quality aquifers.

2. All efforts will be made to utilize public sewage treatment in the area, if available. If not available, on-site sewage treatment facilities will be flood proofed.

3. If a wastewater treatment facility is provided on site, it may be temporary only. If the temporary plant is still in use after 5 years from the date of approval of the final development order, the developer will be subject to review in order to make alternative wastewater treatment services. The Director of the Lee County Department of Community Development may provide for an extension of time for the continuation of the use of the temporary plant, if deemed necessary.

4. The developer will continue to explore the potential of receiving treated spray effluent from Lee County Utilities, in order to meet on-site nonpotable demands.

5. If spray irrigation proves infeasible for the HealthPark site, then the developer must conduct a hydrologic study under the guidance of the SFWMD and Lee County to determine the feasibility of utilizing ground water or surface water for satisfying nonpotable demands.

6. Any wastewater containing hazardous waste will be segregated from everyday wastewater or receive proper on-site pretreatment.

7. The developer must incorporate the use of water conserving devices, as required by State Law (Section 533.14, Florida Statutes).

8. The developer must conduct a phased monitoring program to determine if on-site surface water and groundwater parameters are improving, as a result of plugging on-site abandoned irrigation wells. This monitoring program should be coordinated with the SFWMD.

G. SOLID WASTE

1. If any method of hazardous waste disposal is utilized other than on-site incineration, then the developer must coordinate with Lee County and FDER for the provision of temporary storage/transfer of special and hazardous wastes that are generated by the development.

2. The developer and subsequent occupants of the project shall implement methods of reducing solid waste volume from the project.

3. The developer must identify to local EMS, Fire and Police officials the on-site storage locations and handling and disposal areas of all toxic, hazardous and radioactive materials.

4. All toxic, hazardous and radioactive materials must be stored above the category III SLOSH hurricane flood elevation.

H. GENERAL DEVELOPMENT CONDITIONS

1. The Master ~~Concept Plan of Development~~ (Map H) prepared by Johnson Engineering, dated ~~December 2000~~ February 7, 2005, stamped received by the Permit Counter on February 8, 2005, is incorporated into and made a part of this DRI Development Order. The permitted uses and conditions are shown on the Master Concept Plan corresponding zoning resolution and in this Development Order.

~~2. Although the land uses in Phases I and II have been approved, the developer cannot seek Lee County development order approvals for Phase II land uses until the developer timely submits the traffic reassessment required by Section H.D.9 above.~~

~~3.~~ 2. The existing agricultural uses may continue or be discontinued and continued from time to time until the certificate of occupancy for the acute care hospital is obtained.

**III. LEGAL EFFECT AND LIMITATIONS OF THIS
DEVELOPMENT ORDER AND ADMINISTRATIVE REQUIREMENTS**

BE IT FURTHER RESOLVED by the Board of County Commissioners of Lee County, Florida, that:

A. **Resolution.** This resolution constitutes the Development Order of this Board issued in response to the Development of Regional Impact Application for Development Approval filed for HealthPark Florida.

B. **Additional Developer Commitments.** All commitments and impact mitigating actions volunteered by the developer in the Application for Development Approval and supplementary documents and not in conflict with conditions or stipulations specifically enumerated above are hereby adopted to this Development Order by reference, ~~provided, however, that the date of completion of Phase I is hereby extended to December 31, 2004, and the date of build out for the project is extended to December 31, 2008~~ 2012.

C. **Binding Effect.** This Development Order is binding upon the applicants and their heirs, assignees or successors in interest. Those portions of this Development Order which clearly apply only to the project developer, including but not limited to the initial construction of capital facilities, may not be construed to be binding upon future residents. It will be binding upon any builder/developer who acquires a tract of land within HealthPark Florida.

D. **Reliance.** The terms and conditions set out in this document constitute a basis upon which the developer and County may rely in future actions necessary to implement fully the final development contemplated by this Development Order.

E. **Enforcement.** All conditions, restrictions, stipulations and safeguards contained in this Development Order may be enforced by either party hereto by action at law or equity, and all costs of such proceedings, including reasonable attorney's fees, must be paid by the defaulting party.

F. **Successor Agencies.** References to governmental agency will be construed to mean any future instrumentality which may be created and designated as successor in interest to, or which otherwise possesses any of the powers and duties of any referenced governmental agency in existence on the effective date of this Development Order.

G. **Severability.** If any portion or section of this Development Order is determined to be invalid, illegal, or unconstitutional by a court of competent jurisdiction, such decisions will not affect the remaining portions or sections of the Development Order, which will remain in full force and effect.

H. **Applicability of Regulations.** The approval granted by this Development Order is limited. The approval does not obviate the duty of the developer to comply with all applicable local or state review and permitting procedures, except where otherwise specifically provided. The approval does

not obviate the duty of the developer to comply with any County Ordinance or other regulations adopted after the effective date of this Development Order.

I. Further Review. Subsequent requests for local development permits will require further review pursuant to Section 380.06, Florida Statutes, unless it is found by the Board of County Commissioners, after due notice and hearing, that one or more of the following is present:

1. A substantial deviation from the terms or conditions of this development order, or other changes to the approved development plans which create a reasonable likelihood of adverse regional impacts or the regional impacts which were not evaluated in the review by the Southwest Florida Regional Planning Council; or

2. An expiration of the period of effectiveness of this development order as provided herein.

Upon a finding that either of the above is present, the Board will order a termination of all development activity until a new DRI Application for Development Approval has been submitted, reviewed and approved in accordance with Section 380.06, Florida Statutes, and all local approvals have been obtained.

J. Commencement of Physical Development, Build out, and Termination Date. The deadline for commencing physical development under this the original Development Order shall be five (5) years from the date of adoption of the Order, provided that all conditions are met in a timely manner and further provided that this effective period may be extended by this Board upon a finding of excusable delay in any proposed development activity and that conditions have not changed sufficiently to warrant further consideration of the development. If the developer fails to commence significant physical development of that property identified in this development order within five (5) years from the date of rendition of this Development Order, development approval will terminate and the development will be subject to further consideration. Significant physical development includes obtaining a Certificate of Completion on some substantial portion of the project (e.g., water management system or a major road system). This Development Order will otherwise terminate in twenty (20) years from its approval date, unless an extension is approved. An extension may be granted by the Board of County Commissioners if the project has been developing substantially in conformance with the original plans and approval conditions, and if no substantial adverse impacts not known to the Southwest Florida Regional Planning Council or to Lee County at the time of their review and approval, or arising due to the extension, have been identified. However, an extension of the date of build out of a development by five (5) or more years will be presumed to create a substantial deviation subject to further development-of-regional-impact review. The presumption may be rebutted by substantial, competent evidence at the public hearing held by Lee County. For the purpose of calculating when a build out date has been exceeded, the time will be tolled during the pendency of administrative and judicial proceedings relating to development permits.

K. Protection of Development Rights. The development will not be subject to down-zoning, unit density reduction, or intensity reduction, until December 31, ~~2008~~ 2012, unless the County demonstrates that substantial changes have occurred in the conditions underlying the approval of this Development Order including, but not limited to, such factors as a finding that the development order was based on substantially inaccurate information provided by the developer, or that the change is clearly established by local government to be essential to the public health, safety and welfare.

L. Assurance of Compliance. The Administrative Director of the Lee County Department of Community Development or his/her designee will be the local official responsible for assuring compliance with this Development Order.

M. Bi-annual Reports. The developer, or his successor(s) in title to the undeveloped portion of the property, must submit an bi-annual report to the Lee County Board of County Commissioners, the Southwest Florida Regional Planning Council, the State Land Planning Agency, and all affected permit agencies. This report must describe the state of development and compliance as of the date of submission and be consistent with the rules of the State Land Planning Agency. The bi-annual report must contain information specified in Exhibit "B." The first monitoring report must under the original development order was to be submitted to the Administrative Director of the Department of Community Development not later than August 1, 1988, and further reporting was to must be submitted not later than August 1st of subsequent calendar years. Failure to comply with this reporting procedure is governed by Section 380.06, Florida Statutes, and the developer must inform successors in title to any undeveloped portion of the real property covered by this Development Order.

The developer must also submit a Transportation Annual Report in accordance with the provisions set forth in Section II.D. of this development order.

N. Transmittal and Effective Dates. Certified copies of this Development Order will be forwarded to the Southwest Florida Regional Planning Council, the developer and appropriate state agencies. This Development Order is rendered as of the date of that transmittal, but is not effective until the expiration of the statutory appeals period (45 days from rendition) or until the completion of any appellate proceedings, whichever time is greater. Upon this Development Order becoming effective, the developer must record a notice of its adoption in the Office of the Clerk of the Circuit Court as provided in Chapter 380, Florida Statutes.

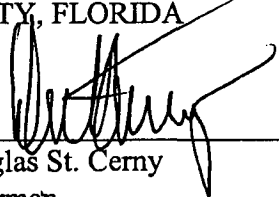
THE MOTION TO ADOPT the above resolution was offered by Commissioner Judah, and seconded by Commissioner Hall, and, upon poll of the members present, the vote was as follows:

Commissioner Janes	Aye
Commissioner St. Cerny	Aye
Commissioner Judah	Aye
Commissioner Hall	Aye
Commissioner Albion	Aye

DULY PASSED AND ADOPTED this 2nd day of May 2005.

BOARD OF COUNTY COMMISSIONERS
LEE COUNTY, FLORIDA

By


Douglas St. Cerny
Chairman



ATTEST:

Charlie Green, Clerk

APPROVED AS TO FORM

By Michele B. Cooper
Deputy Clerk

By Donna Marie Collins
County Attorney's Office

Exhibits:

- A. Land Use and Phasing Table
- B. Bi-Annual Monitoring Report Guidelines
- C. Land Use Conversion Table
- D. Map H.: Master Concept Plan of Development, dated February 7, 2005, stamped received by the Permit Counter on February 8, 2005.

RECEIVED
MINUTES OFFICE
mjc
2005 MAY 13 AM 10:46

State of Florida
County of Lee

I Charlie Green, Clerk of the Circuit Court for Lee County, Florida, do hereby certify this document to be a true and correct copy of the original document filed in the Minutes Department.

Given under my hand and official seal at Fort Myers, Florida, this 13th day of May, A.D. 2005

CHARLIE GREEN, CLERK

By Michele B. Cooper
Deputy Clerk

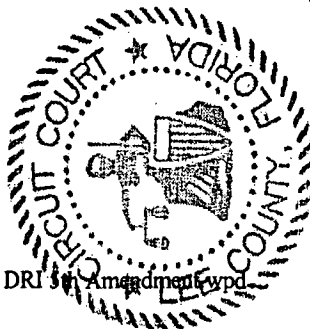


EXHIBIT A
HEALTH PARK FLORIDA DRI
(Revised December 2000 2005)

LAND USE	PHASE I	PHASE II	TOTAL (2012)
<u>Residential</u> Independent Living Assisted Living & Skilled Nursing Res. Multi-Family Lodging-motel ¹	363 du 407 beds 468 du 252 172 rooms ¹	-0- 115 du -0- 38 beds 500 688 du -0- rooms	363 478 du 407 445 beds 968 1,156 du 252 172 rooms
<u>Institutional/Office</u> Acute Care Hospital Medical & General Office Specialized Hospitals & Health Care Facilities Wellness Center Future Health Care Functions	220 beds 340,000 sq. ft. 35,000 sq. ft. 16 beds 75,000 sq. ft. 17,200 sq. ft.	220 322 beds 362,000 125,000 sq. ft. -0- sq. ft. -0- beds -0- -0- 3,600 sq. ft.	440 542 beds (554,603 sq. ft.) 702,000 465,000 sq. ft. ² 35,000 sq. ft. 16 beds 75,000 sq. ft. 17,200 20,800 sq. ft.
<u>Commercial</u>	100,000 sq. ft.	75,000 60,000 sq. ft.	175,000 160,000 sq. ft.
Open Space, Lakes & Water Management	99.0 ac.	66.2 ac.	165.2 ac.

¹Includes rooms (existing and future) within the Ronald McDonald House.

²Includes 340,000 sq. ft. of medical office and 362,000 sq. ft. of general office. Assumed to be medical office for traffic purposes.

EXHIBIT "B"

INFORMATION TO BE INCLUDED
IN BI-ANNUAL MONITORING REPORT

- a. Any changes in the plan of development, or in the representations contained in the ADA, or in the phasing for the reporting year and for the next year;
- b. A summary comparison of development activity proposed and actually conducted for the year;
- c. Undeveloped tracts of land, other than individual single family lots, that have been sold to a separate entity or developer;
- d. Identification and intended use of lands purchased, leased, or optioned by the developer adjacent to the original DRI site since the development order was issued;
- e. An assessment of the developer's and the local government's compliance with the conditions of approval contained in the DRI development order and the commitments which are contained in the Application for Development Approval and which have been identified by the local government, the Regional Planning Council, or the Department of Community Affairs as being significant;
- f. Any known incremental DRI applications for development approval or requests for a substantial deviation determination that were filed in the reporting year and to be filed during the next year;
- g. An indication of a change, if any, in local government jurisdiction for any portion of the development since the development order was issued;
- h. A list of significant local, state, and federal permits which have been obtained or which are pending by agency, including type of permit, permit number and purpose of each;
- i. A statement that all persons have been sent copies of the bi-annual report in conformance with Subsection 380.06(14) and (16), Florida Statutes; and
- j. A copy of any recorded notice of the adoption of a development order or the subsequent modification of an adopted development order that was recorded by the developer pursuant to Subsection 380.06(14)(d), Florida Statutes.

EXHIBIT "C"
HEALTHPARK FLORIDA
LAND USE CONVERSION

		To Use		
From Use	Medical Office	General Office	Residential Apts.	Specialty Hospital
Medical Office (1,000 sq. ft.)	N/A	3,000 sq. ft.	7.5 du	N/A
General Office (1,000 sq. ft.)	330 sq. ft.	N/A	2.4 du	N/A
Commercial (1,000 sq. ft.)	1,200 sq. ft.	3,400 sq. ft.	8.5 du	2.5 beds
Future Health Care (1,000 sq. ft.)	N/A	N/A	3.6 du	1.1 beds

<u>From Use</u>	<u>To Use</u>			
	<u>Independent Living (d.u.)</u>	<u>Multifamily (d.u.)</u>	<u>Lodging - Motel (units)</u>	<u>Medical Office (sq. ft.)</u>
<u>Multifamily (d.u.)</u>	<u>3.3</u>	<u>1.0</u>	<u>0.8</u>	<u>200</u>
<u>Lodging - Motel (units)</u>	<u>4.1</u>	<u>1.2</u>	<u>1.0</u>	<u>250</u>
<u>Hospital (bed)</u>	<u>7.8</u>	<u>2.3</u>	<u>1.9</u>	<u>470</u>
<u>Commercial (1,000 sq. ft.)</u>	<u>31.5</u>	<u>9.4</u>	<u>7.7</u>	<u>1,900</u>
<u>Medical Office (1,000 sq. ft.)</u>	<u>16.7</u>	<u>5.0</u>	<u>4.1</u>	<u>1,000</u>

This transfer of or conversion may occur in accordance with Section II.D.1 provided that: 1) the external trips originally approved for the DRI remain the same (i.e., 3,204 peak hour trips and 34,393 daily trips); and 2) no additional impact will occur to other public facilities (such as sewer and water) and; 3) the conversion will not create a need for additional affordable housing. Further, no alteration to the Master Concept Plan may occur as a result of the conversion. In addition, the amount of square feet, beds and units to be converted to other uses or from other uses would be limited to no more than the following:

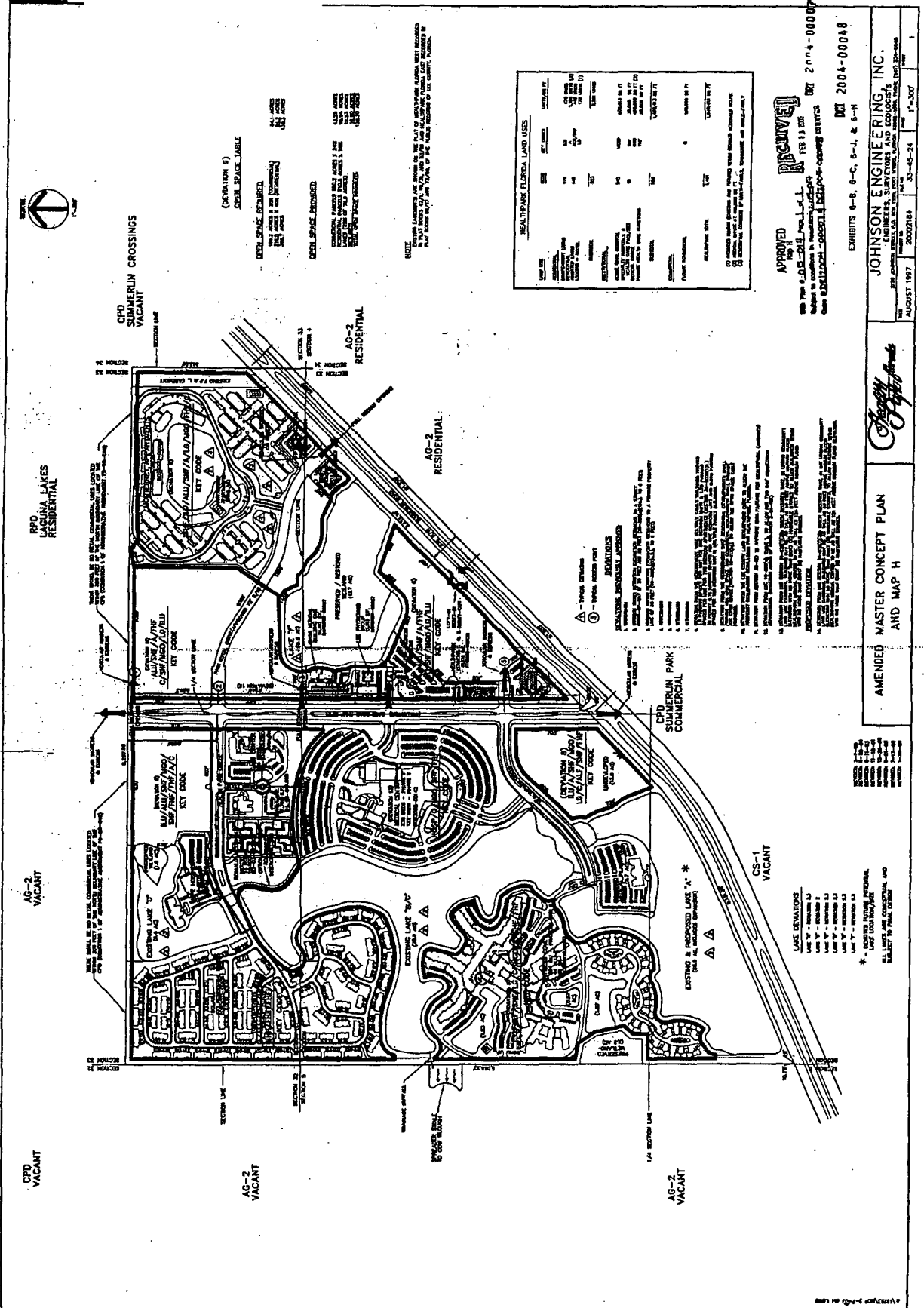
EXHIBIT "C"
MAXIMUM CONVERSION THRESHOLDS ¹

Land Use	Maximum Amount Converted From	Maximum Amount Converted To
Medical Office	60,000 sq. ft.	59,999 sq. ft.
General Office	60,000 sq. ft.	59,999 sq. ft.
Specialty Hospital	0 beds <u>60 beds</u>	59 beds <u>N/A</u>
Residential Apts: Multifamily	0 <u>58</u> du	49 <u>57</u> du
Commercial	50,000 sq. ft.	49,999 sq. ft. <u>N/A</u>
Future Health Care	50,000 sq. ft.	49,999 sq. ft.
<u>Independent Living</u>	<u>50 du</u>	<u>49 du</u>
<u>Lodging - Motel</u>	<u>75 units</u>	<u>74 units</u>

Footnote:

¹ Purpose of the maximum conversion thresholds is to allow flexibility in development without triggering the need for an amendment to the development approvals. Conversions outside the range will require a formal Notice of Proposed Change to the DRI Development Order.

Thirty (30) days notice of any conversion must be provided to the County, The Regional Planning Council, and The Department of Community Affairs. In addition, the amount of conversion must be reported as part of the subsequent bi-annual monitoring report.



APPROVED
May 18
Sally Pate 0-0-B-9B Approved
Subject to conditions in Resolution 7-12-04
Case # 00000001 - 0000014 Settlement-Cashier Sources
FEB 13 2005
RECEIVED

NO.	AUGUST 1987	2002184	33-45-24	1"=300'	1
JOHNSON ENGINEERING, INC. ENGINEERS, SURVEYORS AND ECOLOGISTS 2070 Golden Gate Pkwy. Suite 1000, San Francisco, CA 94112-5006 Phone (415) 231-0000					

AMENDED MASTER CONCEPT PLAN AND MAP H	<i>Joseph P. Pappalardo</i>
--	---------------------------------

F - COMBINE FUTURE POTENTIAL
LAST LOCATION/SEX

CONFIDENTIAL

2342006

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

WHEREAS, Lee Memorial Inc., has properly filed an application on a project known as Health Park Florida for:

In the AG-2 District:

- a) Consider the Application for Development Approval (ADA) for a Development of Regional Impact (DRI); and
- b) A rezoning from AG-2 to Commercial Planned Development District, to permit a mixed use commercial development on a total of 402.8 acres of land. The project will include 1,233,603 square feet of acute care and specialty hospital space (1236 beds), 545,000 square feet of medical and general office space, 200,000 square feet of medical education space, 350,000 square feet of medical and general retail space (food and beverage, financial and business services), 680 independent living units (ACLF), 280 assisted living units (ACLF), 240 nursing home beds, 170,000 square feet of recreational space (Wellness Center), and 160,000 square feet of campus services (maintenance, electric generator, laundry, security and hospital incineration facilities). Buildings in the proposed development will not exceed eight (8) habitable floors. The project will have three consumption on premises (COP) of alcoholic beverages and other such uses as permitted by the CPD category as modified by the Master Concept Plan.

NOTE:

If approved, the Master Concept Plan will deviate from the following Lee County standards:

- (1) Minimum water retention excavation setbacks to a section line of 75 feet (518.C.1), to 0 feet between Sections 33 and 4, and between Sections 4 and 5;
- (2) Minimum water retention excavation setbacks to a street right-of-way of 150 feet (518.C.4), to 0 feet;
- (3) Minimum water retention excavation setbacks to a private property line of 50 feet (518.C.4), to 0 feet;
- (4) Minimum setback between structures and a section line of 75 feet (202.15.B.3.a), to 0 feet between Sections 33 and 4, and between Sections 4 and 5;
- (5) Minimum water retention excavation setbacks to a quarter section line of 60 feet (518.C.2), to 0 feet for the east-west line in Section 4;
- (6) Minimum setback between structures and a quarter section line of 60 feet (202.15.B.3.b), to 0 feet for the east-west line in Section 4, and the north-south line in Sections 33 and 4;
- (7) Deviation from the Wetlands Protection Ordinance #86-31 for the excavation and/or filling of wetlands as identified on the site plan and in the ADA (as supplemented); and

OFF 944 PG 1351

RECORD VERIFIED - CHARLE GREEN, CLERK
BY: H. FERNSTROM, D.C.

RECEIVED

JAN 07 2007

ADD 2009-00001

WHEREAS, the subject property is located at the in section of Summerlin Road and Bass Road east of Cow Slough, described more particularly as:

LEGAL DESCRIPTION: In Section 04, Township 46 South, Range 24 East, and Section 33, Township 45 South, Range 24 East, Lee County, Florida:

All of that part of the south half (S ½) of the south half (S ½) of Section 33, Township 45 South, Range 24 East, Lee County Florida lying northwesterly of Summerlin Road (CR-869) and

All that part of Section 04, Township 46 South, Range 24 East, Lee County Florida lying northwesterly of Summerlin Road (CR-869).

Containing 402.83 acres more or less including 3.27 acres more or less in Bass Road (50 feet wide), 12.29 acres more or less in former Iona Drainage District Canals B-1, C-6, and C-8 and 2.2 acres more or less in Florida Power & Light Company right-of-way easement.

WHEREAS, the applicant has indicated the property's current STRAP numbers are: 33-45-24-00-00003.0000,

33-45-24-00-00005.0000,

04-46-24-00-00003.0000,

04-46-24-00-00005.0000,

04-46-24-00-00001.0000,

04-46-24-00-00002.0000,

04-46-24-00-00008.0010,

04-46-24-00-00001.2000,

04-46-24-00-00001.1000; and

WHEREAS, proper authorization has been given to Humphrey, Jones, & Myers, P.A., by Douglas A. Dodson, Executive Director, Lee Memorial Hospital, Inc. the fee simple owner of the subject parcel, to act as agent to pursue this zoning application; and

WHEREAS, a public hearing was legally and properly advertised and held before the Lee County Planning and Zoning Commission, with full consideration of all the evidence available to the Planning and Zoning Commission; and

WHEREAS, the Lee County Planning and Zoning Commission fully reviewed the matter and recommended PARTIAL APPROVAL of the request, based on the analysis contained in the Staff Report of April 29, 1987, and the testimony given at the May 4, 1987, Planning and Zoning Commission Hearing; and

WHEREAS, a public hearing was legally and properly advertised and held before the Lee County Board of County Commissioners; and

RESOLUTION NUMBER Z-87-058

HEARING NUMBER 87-3-10 DRI
State DRI No. 5-8586-63
Page 2 of 10

(2839Z)

OFF 944 PG 1352

WHEREAS, in the legislative process the Lee County Board of County Commissioners gave full and complete consideration to the recommendations of the staff, the Planning and Zoning Commission, the documents on file with the county, and the testimony of all interested persons:

LEGISLATIVE HISTORY:

The proposed Health Park development is a mixed use health-commercial facility located at the intersection of Summerlin and Bass Roads on a 402.8 acre site. As currently planned, the development will contain a 29.2 acres of residential uses; 120.5 acres of hospital, office, educational and other support services; 31.0 acres of commercial activities; 165.2 acres of open space, lakes, water management facilities and 56.9 acres of roads.

This case was originally scheduled to be heard by the Planning and Zoning Commission on March 2, 1987. At that hearing, the case was continued until April 6, 1987 at which time the case was again continued until May 4, 1987. At the May 4, 1987 hearing, the Planning and Zoning Commission rendered a finding of consistency with the Comprehensive Plan and recommended partial approval of the Development of Regional Impact and approval for Phase I of the Commercial Planned Development with conditions and conceptual approval for Phase II.

On March 23, 1987, the Board of County Commissioners deferred action until May 26, 1987. The May 26, 1987 hearing was rescheduled to June 8, 1987. At the beginning of the June 8, 1987 hearing, the absence of two commissioners was noted and the potential conflict of interest of a third commissioner was resolved. The only area of disagreement between staff and the applicant dealt with transportation impacts.

NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF COUNTY COMMISSIONERS, that the Board of County Commissioners does hereby APPROVE:

- (a) The Development Order (#5-8586-63) for a Development of Regional Impact (DRI); and

In the AG-2 District:

- (b) A rezoning from AG-2 to Commercial Planned Development District, to permit a mixed use commercial development on a total of 402.8 acres of land. The project will include 1,233,603 square feet of acute care and specialty hospital space (1236 beds), 545,000 square feet of medical and general office space, 200,000 square feet of medical education space, 350,000 square feet of medical and general retail space (food and beverage, financial and business services), 680 independent living units (ACLF), 280 assisted living units (ACLF), 240 nursing home beds, 170,000 square feet of recreational space (Wellness Center), and 160,000 square feet of campus services (maintenance, electric generator, laundry, security and hospital incineration facilities). Buildings in the proposed development will not exceed eight (8) habitable floors. The project will have three consumption on premises (COP) of alcoholic beverages and other such uses as permitted by the CPD category as modified by the Master Concept Plan.

Approval is subject to the following conditions:

1. Transportation

- a. Approval of this CPD shall include those conditions relating to transportation issues as identified in the approved Development Order on pages 6-15. (copy attached) and as further clarified as follows:

(1) Section D.2.d

While the developer may contribute to Lee County a sum of \$50,000 to expand the County's inventory of permanent count stations at the intersections identified in Condition D.2, it is understood by the developer that, as a part of the annual monitoring report, turning movement counts resulting from those permanent count stations and turning movement counts for all intersections identified in condition (1) and (2) will be provided to the reviewing agencies.

(2) Section D.9

It is understood by the developer that the statement in Condition D.9 which reads". . .(or the County adopted Level of Service policy in effect at the time of the annual report). . ." is not intended to circumvent the Regional Planning Council's Level of Service policy or significant impact criteria. The intent is that the developer will comply with the applicable policy in effect at the time for the specified roads. The statement in questions is intended to read ". . .(or adopted policy in effect at the time of the annual report for th specified roads)."

(3) Section D.5.

The second line of the third paragraph of Condition D.5 includes an editing error. That first sentence should read:

"The developer shall be obligated to reimburse Lee County for the additional right-of-way and construction costs, if any, for that shift in the roadway alignment (ie the difference between an arterial section line alignment and the northern alignment)"

(4) Section D.8.d

The exclusion referred to in Condition D.8.d was intended to apply only to Gladiolus Drive and not to Bass Road or Kelly Road. The improvement to Gladiolus Drive, if undertaken by the developer, would be the equivalent of adding two lanes to the existing two lane roadway.

2. Hurricane Evacuation

- a. The applicant shall appoint a disaster coordinator experienced in emergency planning and operations to coordinate plan preparation for the entire project. The applicant shall also provide notice to prospective facility owners or renters that an emergency plan will be developed, consistent with applicable state and local requirements, and annually maintained for their specific facility. Plan development and maintenance will be coordinated with the project's disaster coordinator.

- b. The applicant shall prepare to the satisfaction of the Director of the Lee County Division of Emergency Management and prior to receiving a certificate of occupancy, an emergency preparedness plan covering the following aspects:

1. Duties and responsibilities
2. Plan coordination and activation
3. Warning and notification
4. Evacuation of population off-site
5. In-place sheltering
6. Off-site sheltering
7. Transportation
8. Support Services for in-place and off-site shelter
9. Security for property and psychiatric patients sheltered off-site
10. Training
11. Communications
12. Continuity of Patient Care on-site and off-site
13. Damage Assessment
14. Recovery

The plan shall be approved annually by the Lee County Department of Public Safety, and shall be coordinated with the existing plans for the Southwest Florida Regional Planning Council and Lee Memorial Hospital.

- c. In order to insure that any structure on the Health Park site which is planned for storm shelter purposes will be able to withstand a hurricane event, the applicant shall provide, prior to issuance of building permits, documentation to the Director of the Division of Emergency Management that such structures shall be constructed to standards to survive a category 4 hurricane to withstand wind loads of not less than 140 mph, utilizing the methodology described in The Jenkins and Charland, Inc. report dated April 30, 1987.
- d. The applicant shall have a current, on-going, annually-updated program to educate residents, patients, and staff in the matters of hurricane threat, hurricane planning, evacuation and sheltering.
- e. The portions of the project to be used as refuge by the persons listed above shall have a minimum elevation of 17 feet above mean sea level. The building(s) used for refuge shall be designed and constructed to withstand winds of 140 mph utilizing the methodology described in The Jenkins and Charland, Inc. report dated April 30, 1987, and be so certified by a licensed engineer. The building(s) shall also be constructed with as little exposed glass as possible and protected by storm shutters. The refuge shall contain emergency power, food, potable water, sanitation facilities, adequate ventilation, medical supplies and communications equipment in sufficient quantities to sustain the refuge for seven days. The communications equipment needs and frequencies shall be determined by the Lee County Office of Emergency Management and shall include radios and a weather thermofax receiver so that Health Park is alerted as early as possible and may begin evacuating as early as possible. All emergency support facilities, water, power, sanitation, etc. shall be located at a minimum of 17 feet above mean sea level.
- f. At least one road connecting the central core of the project with Summerlin Road shall be constructed, as a minimum, at the same elevation as Summerlin Road. This will allow a maximum access to the project before, during and after a hurricane.

- g. All first floor building heights must be elevated at least one (1) foot in excess of the 100-year flood plain which is 8 feet above N.G.V.D. as per the National Flood Insurance Program.

3. Vegetation/Wetlands

- a. To mitigate the encroachment of wetlands, the developer shall create the same vegetation community type elsewhere on site, in accordance with the Master Concept Plan and such other mitigation requirements as may be imposed as a result of wetland modification east of Bass Road. The areas to be used for the creation of wetlands shall be appropriately scraped, contoured and sufficiently planted with the same type wetland vegetation as that found within the wetland areas encroached upon. The top soil of the wetland areas to be developed shall be utilized as mulching for the created wetlands. Prior to Final Development Order approval of Phase I, the exact extent of encroachment shall be field verified by county staff and a specific wetland creation plan, including a timetable shall be provided, both subject to approval by the Department of Community Development.
- b. Prior to Final Development Order approval of Phase I, a specific lake littoral zone creation plan shall be provided (for the proposed 11.4 acres of created lake littoral zone), subject to approval by the Department of Community Development.
- c. Prior to the issuance of a Certificate of Completion pursuant to the FDO for Phase I (site related improvements), the developer shall restore the natural connection of the wetland preservation area, located at the southwestern property corner to Cow Slough by removing the existing north/south ditch and dike and by restoring the natural contour elevations of the area located along the western property boundary adjacent to this wetland preservation area.
- d. All exotic vegetation (Brazilian Pepper, Melaleuca and Australian Pine) shall be removed from each project segment prior to the completion of that segment. Prior to Final Development Order approval, those areas where mechanical removal of exotic vegetation will be permitted shall be field flagged and approved by the Department of Community Development.
- e. Prior to the issuance of a Certificate of Completion for Phase I, the developer shall remove the exotic vegetation (Brazilian Pepper, Melaleuca, and Australian Pine) located off-site on County owned property within Cow Slough adjacent to the wetland preservation area located at the southwestern property corner. The extent of exotic vegetation removal shall be that area necessary to aid in the re-establishment of the natural connection of this wetland to Cow Slough and shall be mutually agreed upon by county staff and the developer.
- f. Prior to Final Development Order approval for Phase I, a maintenance program shall be provided to control the re-invasion of exotic vegetation in the wetland preservation areas and the created wetland areas. This program shall be in effect for a minimum of three (3) years and shall be approved by the Department of Community Development.
- g. Prior to Final Development Order approval of Phase I, the developer shall provide a specific plan for monitoring the freshwater wetland area located east of Bass Road. This plan shall include at a minimum the methodology for monitoring the wetland with respect to hydrology, vegetation and wildlife habitat and shall be subject to approval by the Department of Community Development.

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- h. The applicant shall monitor the existing stormwater discharge that flows into the Hendry Creek Watershed to determine the appropriate, future discharge route. All further coordination shall be with the SFWMD, FDER, and Lee County.
 - i. A regularly scheduled vacuum sweeping program shall be initiated and continued by the applicant, as a best management practice (b.m.p.).
 - j. Prior to the issuance of a Lee County Development Standard Ordinance pursuant to the FDO for each parcel, a wetlands use plan shall be submitted to Lee County, SFWMD and SWFRPC showing all areas to be preserved within that parcel, all wetland areas to be created within that parcel and the total number of acres of each.
4. Wildlife
- a. The applicant shall coordinate with appropriate agencies for relocating any threatened or endangered species found on site or to preserve their habitats.
5. Fire Protection
- a. Prior to final plan approval, the applicant shall have made acceptable provisions for off-setting any added net public costs or premature commitment of public funds needed to provide appropriate levels of fire protection services for the development. In particular, the applicant shall make all necessary arrangements with the Iona McGregor Fire District to off-set a proportionate share of the costs of the land, buildings, and equipment required to provide adequate fire protection services to the project.
6. Solid Waste
- a. If any method of hazardous waste disposal is utilized other than on-site incineration, then the applicant shall coordinate with Lee County and FDER for the provision of temporary storage/transfer of special and hazardous wastes that are generated by the development.
 - b. The applicant and subsequent tenants of the project shall implement methods of reducing solid waste volume from the project.
 - c. The applicant shall identify to local EMS, Fire and Police officials the on-site storage locations and handling and disposing areas of all toxic, hazardous and radioactive materials.
 - d. All toxic, hazardous and radioactive materials shall be stored above the category III SLOSH hurricane flood elevation.
7. Stormwater Quality/Drainage
- a. An on-going maintenance, monitoring, and sampling program that regularly inspects, maintains, and samples the stormwater drainage system shall be implemented by the applicant, or his successor, through the project's lifetime.
 - b. All commitments provided within the Health Park ADA and supplemental sufficiency documents, with respect to Question 22 (Drainage), shall be incorporated as conditions for approval.

8. Wastewater

- a. Hazardous waste (see solid waste) will be generated by the project. The applicant must provide assurance that any wastewater containing hazardous waste will be segregated from everyday wastewater or receive proper on-site pre-treatment.
- b. The wastewater treatment facility provided on the site shall be temporary only. The applicant shall hook up to the Florida Cities Fiesta Village Wastewater Treatment Plant as soon as possible. Should the temporary plant still be in use after 5 years from the date of approval the final development order, the applicant shall be subject to review in order to make alternative wastewater treatment services. The Director of the Lee County Department of Community Development may provide for an extension of time for the continuation of the use of the temporary plant, if deemed necessary.
- c. The applicant shall continue to explore the potential of receiving treated spray effluent from Lee County Utilities, in order to meet on-site non-potable demands.
- d. If spray irrigation proves infeasible for the Health Park site, then the applicant shall conduct a hydrologic study under the guidance of the SFWMD and Lee County to determine the feasibility of utilizing ground water or surface water for satisfying non-potable demands.

9. Permitted Uses

- a. Permitted uses and conditions are as shown on the Master Concept Plan dated February, 1987, received by the County on June 25, 1987, and as updated through 6-3-87, except as modified by these conditions or as further modified by the D.R.I. Development Order.

10. General Development Conditions

- a. All commitments and impacts mitigating actions provided by the applicant within the Application for Development Approval (and supplementary documents) that are not in conflict with specific conditions for project approval outlined above are officially adopted as conditions for approval.
- b. Deviations (1) through (7) are hereby APPROVED to the extent shown on the Master Concept Plan, and as described in these conditions.
- c. The Master Concept Plan is a single sheet prepared by Johnson Engineering, dated February, 1987 and as updated through 6-3-87, received by the County on June 25, 1987, as modified herein.
- d. That while the land uses in both Phase I and II have been approved, the Applicant cannot proceed to seek Lee County Development Order approvals under the DSO for areas east of Bass Road, except for the Medical Education facility, until such time as the extent of the permitted alteration of the wetland area identified on the Concept Plan and the alignment of Kelly Road have been determined. The Applicant shall submit any additional information to Lee County concerning transportation, wetland protection, and hurricane evacuation, as deemed necessary by the Director of the Lee County Department of Community Development as a result of those added issues.

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- e. The development, as part of the annual DRI monitoring report, shall include updated information on the Phase II, the 10-year buildout program and its progress towards obtaining project Certificate of Needs.

11. Potable Water

- a. The applicant shall incorporate the use of water conserving devices, as required by State Law (Chapter 533.14, Florida Statutes).
- b. The applicant shall conduct a phased monitoring program to determine if on-site surface water and groundwater parameters are improving, as a result of plugging on-site abandoned irrigation wells. This monitoring program should be coordinated with the South Florida Water Management District.

Site Plan-87-058 is attached hereto and incorporated herein by reference, as a reduced copy of the Master Concept Plan.

The Development Order for HEALTHPARK FLORIDA, a Development of Regional Impact, #5-8586-63, is attached hereto and incorporated herein by reference.

The following findings of fact were made in conjunction with this approval of CPD rezoning:

- a. The proposed uses are appropriate at the subject location;
- b. Sufficient safeguards to the public interest are provided by the recommended conditions to the Master Concept Plan and by other applicable regulations;
- c. All conditions found on the Master Concept Plan are reasonably related to the impacts on the public's interest created by or expected from the proposed development;
- d. The deviations being recommended for approval enhance the achievement of the objectives of the planned development; and
- e. The general intent of these regulations, to protect the public health, safety, and welfare, is preserved and promoted.

The following findings of fact were made in conjunction with the requested deviations:

Deviation (1) would allow water retention excavation to be constructed over several section lines on the site. No roadways are proposed for these section lines. Deviation (1) is hereby APPROVED.

Deviation (2) would allow water retention excavations to be built within zero feet of a street right-of-way. The Master Concept Plan shows several areas where the lakes either are located under the roadway or are located within 150 feet of the roadway. Deviation (2) is hereby APPROVED.

Deviation (3) would allow water retention lakes to be built over private property lines. The applicant proposes to sell portions of the site to the various service providers. Since some of the properties sold would border lakes this deviation is required. The water management system on the site is integrated and functions as a whole. Deviation (3) is hereby APPROVED.

Deviation (4) would allow the applicant to construct buildings over some of the section lines on the property. No road ways are proposed for these Section lines. Deviation (4) is hereby APPROVED.

Deviation (5) would allow water retention lakes to be built over the quarter section lines. No roadways are proposed for these section lines. Deviation (5) is hereby APPROVED.

Deviation (6) would allow water retention lakes to be built over the quarter section lines. Deviation (6) is hereby APPROVED.

Deviation (7) would allow the filling and/or excavation of some of the wetlands on site as shown on the Master Concept Plan and identified in the project Application for Development Approval. The county environmental staff has reviewed this request. Deviation (7) is hereby APPROVED.

The foregoing Resolution was adopted by the Lee County Board of County Commissioners upon a motion by Commissioner Goss, and seconded by Commissioner Fussell and, upon being put to a vote, the result was as follows:

Porter J. Goss	Aye
Charles L. Bigelow, Jr.	Aye
Mary Ann Wallace	Absent
Bill Fussell	Aye
Donald D. Slisher	Absent

DULY PASSED AND ADOPTED this 8th day of June, A.D., 1987.

ATTEST:
CHARLIE GREEN, CLERK

BY: Mary Ann Wallace
Deputy Clerk

BOARD OF COUNTY COMMISSIONERS
OF LEE COUNTY, FLORIDA

BY: Bill Fussell
Chairman

Approved as to form by:

[Signature]
County Attorney's Office

RECEIVED

SEP 21 1987

CHARLIE GREEN
CLERK CIRCUIT COURT
BY: Mary Ann Wallace D.C.

REC 944 PG 1360

100-100000-100000-100000



DEVELOPMENT ORDER
FOR
HEALTHPARK FLORIDA
A DEVELOPMENT OF REGIONAL IMPACT

#5-8586-63

LET IT BE KNOWN, THAT, PURSUANT TO SECTION 380.06 OF THE FLORIDA STATUTES, THE BOARD OF COUNTY COMMISSIONERS OF LEE COUNTY, FLORIDA, HAS HEARD, AT A PUBLIC HEARING CONVENED ON THE EIGHTH DAY OF JUNE, 1987, THE APPLICATION FOR DEVELOPMENT APPROVAL FOR HEALTHPARK FLORIDA, A HOSPITAL/COMMERCIAL/RESIDENTIAL/EDUCATIONAL DEVELOPMENT WHICH CONSISTS OF APPROXIMATELY FOUR HUNDRED TWO POINT EIGHT (402.8) ACRES TO BE DEVELOPED IN ACCORDANCE WITH THE APPLICATION FILED BY LEE HEALTH CARE RESOURCES, INC.; LEE MEMORIAL HOSPITAL, INC.; LEE COUNTY HOSPITAL BOARD OF DIRECTORS; AND LEE COUNTY HEALTHPARK JOINT VENTURE (REFERRED TO HEREIN COLLECTIVELY AS "APPLICANT").

WHEREAS, the Board of County Commissioners of Lee County, Florida, has considered the application for Development Approval, the report and recommendations of the Southwest Florida Regional Planning Council, the Lee County Administrative Staff, the Lee County Planning and Zoning Commission, and the documents and comments upon the record made before the Board in public hearing, and, after full consideration of said reports, recommendations, comments, and documents, the Board of County Commissioners of Lee County, Florida, hereby finds and determines that:

1. FINDINGS OF FACT/CONCLUSIONS OF LAW

A. The project will include 1,233,603 square feet of acute care and specialty hospital space (1236 beds), 545,000 square feet of medical and general office space, 200,000 square feet of medical education space, 350,000 square feet of medical and general retail space (food and beverage, financial and business services), 680 independent living units (ACLF), 280 bed (93 units) assisted living (ACLF), 240 bed (80 units) nursing home, 170,000 square feet of recreational space (Wellness Center), and 160,000 square feet of campus services (maintenance, electric generator, laundry, security and hospital incineration facilities). Buildings in the proposed development will not exceed eight (8) habitable floors. The project will have three consumption on premises (COP) of alcoholic beverages and other such uses as permitted by the CPD category as modified by the Master Concept Plan.

B. The legal description of the property is as follows:

All that part of the south half (S-1/2) of the south half (S-1/2) of Section 33, Township 45 South, Range 24 East, Lee County, Florida lying northwesterly of Summerlin Road (CR-869) and All that part of Section 4, Township 46 South, Range 24 East, Lee County, Florida lying northwesterly of Summerlin Road (CR-869).
Containing 402.83 acres more or less including 3.27 acres more or less in Bass Road (50 feet wide), 12.29 acres more or less in former Iona Drainage District Canals B-1, C-6 and C-8 and 2.2 acres more or less in Florida Power & Light Company right-of-way easement.

C. The subject property is presently zoned AG-2, pursuant to the authority of Chapter 125, Florida Statutes, Chapter 61-2405, Laws of Florida (Special Acts), and the Lee County Zoning Regulations of 1962, 1978, and 1986 as amended; and

D. This Application for Development Approval is consistent with the requirements of Section 380.06, Florida Statutes; and

E. The development is not in an area designated as an Area of Critical State Concern pursuant to the provisions of Section 380.05, Florida Statutes; and

F. The development does not unreasonably interfere with the achievement of the objectives of an adopted State Land Development Plan applicable to the area; and

G. The development has been reviewed by the Southwest Florida Regional Planning Council and is the subject of the report and recommendations adopted by the council on December 18, 1986 and subsequently forwarded to Lee County pursuant to the provisions of Section 380.06, Florida Statutes; and the proposed development is consistent with the comments and observations of the staff report of the Southwest Florida Regional Planning Council.

H. The development is consistent with the Lee County Comprehensive Plan and Lee County's land development regulations if subject to the conditions contained in this Development Order.

I. Concurrently, with the adoption of this Development Order, the subject property is being rezoned in accordance with Lee County Zoning Ordinance 86-17 as amended, and the Zoning Resolution contains additional details and conditions pertaining to the HealthPark and also provides for certain deviations from Lee County property development regulations.

J. The proposed conditions below meet the criteria found in Section 380.06(15)(d), Florida Statutes.

II. ACTION ON REQUEST

NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF COUNTY COMMISSIONERS OF LEE COUNTY, FLORIDA, in public meeting, duly constituted and assembled this Eighth day of June, 1987, that the Development of Regional Impact Application for Development Approval submitted by James T. Humphrey, authorized representative for the applicant, for the development known as "HealthPark Florida" is hereby APPROVED, subject to the following conditions, restrictions and limitations:

A. DRAINAGE/WATER QUALITY

1. All commitments provided in the A.D.A. and supplemental submittals, with respect to Question 22 (Drainage), are hereby incorporated as conditions to this approval.

2. The developer and/or his successor(s) shall implement an on-going maintenance and monitoring program that regularly inspects, maintains and samples the stormwater discharge from the management system until the complete buildout of HealthPark Florida. The Developer shall establish the legal entity which will carry out this program after tracts and/or units are sold. This monitoring system will be designed in conjunction with the South Florida Water Management District and will meet that agency's technical requirements.

3. The monitoring program for the wetland area east of Bass Road will address, among other objectives as identified by the Director, whether or not the final water management design should direct any flow to the Hendry Creek watershed.

4. The discharge from the water management system will be via a spreader swale system at the western boundary of the property to Cow Slough. This spreader swale system may require authorization from Lee County for lands owned by Lee County in the East 1/2 of the NE 1/4 of Section 5, Township 46 S, Range 24 E. Approval of this development order does hereby authorize any necessary water management improvements on County-owned property. The vacation of public rights to former IDD canals within the site may also be necessary.

5. If reclaimed wastewater cannot be obtained for irrigation purposes, then the applicant shall submit a feasibility study with any water use permit application which explores the utilization of the lowest acceptable quality of groundwater.

6. As a part of its surface water management program, the applicant will submit a comprehensive program for the handling and disposal of any hazardous wastes.

7. A regularly scheduled vacuum sweeping program shall be initiated and continued by the applicant, as a best management practice (b.m.p.).

B. ENERGY

The applicant shall incorporate, where appropriate in saving energy, the following energy conservation features into all site plans and architectural programs, or insure that the following features are implemented whenever possible through deed restrictions and/or covenants with successors in title. All applications for site plan approvals and development permits shall be accompanied by a document detailing compliance with these conditions. If deed restrictions or covenants are utilized, such documents shall be approved by the Lee County Attorney's Office prior to recording. If no deed restrictions are approved and recorded, the prior alternative shall be utilized and the following features must be included.

These features are:

1. Provision of a bicycle/pedestrian system connecting all land uses, consistent with Lee County requirements.
2. Provision of bicycle racks or storage facilities in recreational, commercial and residential areas.
3. Cooperation in the locating of bus stops, shelters and other passenger and system accommodations for a transit system to serve the project area.
4. Use of energy-efficient features in window design (e.g., tinting and exterior shading).
5. Installation of energy-efficient appliances and equipment.
6. Use of water closets with a maximum flush of 3.5 gallons and shower heads and faucets with a maximum flow rate of 3.0 gallons per minute (at 60 pounds of pressure per square inch) as specified in the Water Conservation Act, Section 553.14, Florida Statutes, except where medical considerations suggest otherwise.
7. Selection of native plants, trees, and other vegetation and landscape design features that reduce requirements for water, fertilizer, maintenance and other needs.
8. Planting of native shade trees to provide reasonable shade for all recreation areas, streets and parking areas.
9. Placement of trees to provide needed shade in the warmer months while not overly reducing the benefits of sunlight in the

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winter.

10. Orientation of structures, as possible, to reduce solar heat gain by walls and to utilize the natural cooling effects of the wind.

11. Provision for structural shading (e.g., trellises, awnings, and roof overhangs) wherever practical when natural shading cannot be used effectively.

12. Inclusion of porch/patio areas in residential units.

13. Consideration by the project architectural review committee(s) of energy conservation measures (both those noted here and others) to assist builders and residents in their efforts to achieve greater energy efficiency in the development.

C. FLOODPLAIN/HURRICANE EVACUATION

1. The applicant shall appoint a disaster coordinator experienced in emergency planning and operations to coordinate plan preparation for the entire project. The applicant shall also provide notice to prospective facility owners or renters that an emergency plan will be developed, consistent with applicable state and local requirements, and annually maintained for their specific facility. Plan development and maintenance will be coordinated with the project's disaster coordinator.

2. The applicant shall prepare to the satisfaction of the Director of the Lee County Division of Emergency Management, and prior to receiving a certificate of occupancy, an emergency preparedness plan covering the following aspects:

- (a) Duties and responsibilities
- (b) Plan coordination and activation
- (c) Warning and notification
- (d) Evacuation of population off-site
- (e) In-place sheltering
- (f) Off-site sheltering
- (g) Transportation
- (h) Support Services for in-place and off-site shelter
- (i) Security for property and psychiatric patients sheltered off-site
- (j) Training
- (k) Communications
- (l) Continuity of Patient Care on-site and off-site
- (m) Damage Assessment
- (n) Recovery

The plan shall be approved annually by the Lee County Department of Public Safety, and shall be coordinated with the existing plan for Lee Memorial Hospital.

3. In order to insure that any structure on the HealthPark

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site which is planned for storm shelter purposes will be able to withstand a hurricane event, the applicant shall provide, prior to issuance of building permits, documentation to the Director of the Lee County Division of Emergency Management that such structures shall be constructed to withstand wind loads of not less than 140 miles per hour utilizing the methodology described in the Jenkins & Charland, Incorporated report dated April 30, 1987.

4. The applicant shall have a current, on-going, annually-updated program to educate residents, patients and staff in the matters of hurricane threat, hurricane planning, evacuation and sheltering.

5. The portions of the project to be used as refuge shall have a minimum elevation of 17 feet NGVD. The building(s) used for refuge shall be designed and constructed to withstand winds of 140 miles per hour utilizing the methodology described in the Jenkins & Charland, Incorporated report dated April 30, 1987, and be so certified by a licensed engineer. The building(s) shall also be constructed with as little exposed glass as possible and shall contain emergency power, food, potable water, sanitation facilities, adequate ventilation, medical supplies and communications equipment in sufficient quantities to sustain the refuge for seven days. The communications equipment needs and frequencies shall be determined by the Lee County Division of Emergency Management. All emergency support facilities, water, power, sanitation, etc. shall be located at a minimum of 17 feet above mean sea level.

6. At least one road connecting the central core of the project with Summerlin Road shall be constructed, as a minimum, at the same elevation as Summerlin Road.

7. All first floor building heights must be elevated at least one foot in excess of the 100-year flood level (8 feet NGVD) as provided by the National Flood Insurance Program.

D. TRANSPORTATION

1. Development Phasing/Buildout

The traffic impact assessment upon which this Development Order for HealthPark Florida DRI is based assumes expected buildout in 1997. The traffic impact assessment included the expected impacts of the proposed land uses and phasing schedule shown in Exhibit "A".

2. Annual Monitoring Program

A. An annual traffic monitoring program to be performed by traffic engineers engaged by the developer shall be established to monitor the development's impact upon the area's roadways. The monitoring program shall be designed in cooperation with the

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Lee County Department of Transportation and Engineering. The annual monitoring report shall contain traffic counts at the following locations. (Traffic counts may be obtained from original machine and manual peak hour counts, Lee County Traffic Volume Reports, Florida Department of Transportation, other ADA developments with similar monitoring requirements and other generally acceptable sources.)

a. Location	Development	
	<u>Phase I</u>	<u>Phase II (Buildout)</u>
(1) All project access points onto Bass Road, Kelly Road and A&W Bulb road.	x	x
(2) The intersections of:		
Summerlin Road/San Carlos Blvd.	x	x
Summerlin Road/Bass Road	x	x
Summerlin Road/Kelly Road	x	x
Summerlin Road/Winkler Road	x	x
Summerlin Road/Gladiolus Drive	x	x
Summerlin Road/Cypress Lake Drive	x	x
Gladiolus Drive/Bass Road	x	x
Gladiolus Drive/Winkler Road	x	x
Bass Road/Kelly Road	x	x

b. The developer or his representative shall submit the first monitoring report to the Lee County Engineer, the Southwest Florida Regional Planning Council and the Florida Department of Transportation one year after the issuance of the first certificate of occupancy for HealthPark Florida. Reports shall then be submitted to the agencies listed above each year until buildout. The purpose of this program is to:

- (1) determine whether or not the traffic levels projected in the ADA are exceeded by actual traffic;
- (2) determine the Project's external trip generation; and
- (3) assist Lee County in determining the proper timing of necessary roadway improvements.

c. In lieu of the obligation to annually monitor the above intersections, the developer, with the approval of the Lee County Department of Transportation, may contribute to Lee County a one time sum of \$50,000. This contribution shall go towards expanding the Lee County inventory of permanent count stations by providing permanent count stations at the following intersections.

Summerlin Road/San Carlos Boulevard
Summerlin Road/Gladiolus Drive

Summerlin Road/Cypress Lake Drive
Summerlin Road/Winkler Road
Gladiolus Drive/Winkler Road

d. In the event that the developer contributes the funding for these permanent count locations, the developer shall only be obligated to annually monitor the following:

- (1) the development's access points onto Bass Road, Kelly Road and A & W Bulb Road.
- (2) the intersections of:
Summerlin Road/Bass Road
Summerlin Road/Kelly Road
Bass Road/Kelly Road

3. Site Related Intersection Improvements

The developer shall, at no cost to Lee County, fund the full costs of the construction of all site related intersection improvements serving HealthPark Florida as deemed necessary by the Lee County Engineer at the Project's access points onto Bass Road, Kelly Road and A&W Bulb Road. As a minimum, the developer shall fund the following site related improvements:

- a. Bass Road / West Lee Memorial Parkway:
NB left and right turn lanes.
SB left and right turn lanes.
EB left turn lane and thru/right turn lanes.
WB left turn lane and thru/right turn lanes.
- b. Bass Road / East Lee Memorial Parkway:
NB left and right turn lanes.
SB left and right turn lanes.
EB left turn lane and thru/right turn lanes.
WB left turn lane and thru/right turn lanes.
- c. A&W Bulb Road / South Loop Road (if applicable):
NB right turn lane.
SB left turn lane.
WB left and right turn lanes.
- d. A&W Bulb Road / North Loop Road (if applicable):
NB right turn lane.
SB left turn lane.
WB left and right turn lanes.
- e. Kelly Road / East Lee Memorial Parkway (if applicable):
WB left turn lane.
EB right turn lane.
NB left and right turn lanes.

The developer shall not be eligible for credits against road impact fees for construction or dedication of right of way associated with the improvements that are site related as defined by the Roads Impact Fee Ordinance.

4. Site Related Roadway Improvements

The developer shall construct, at no cost to Lee County, all internal roadways within HealthPark Florida including:

- a. West Lee Memorial Parkway.
- b. East Lee Memorial Parkway.
- c. North and south loop road connection of West Lee Memorial Parkway to A&W Bulb Road (if applicable).

B. These roads shall remain private roads, maintained privately, unless subsequently dedicated to and accepted by Lee County.

C. The developer shall not be eligible for credits against road impact fees for construction or dedication of right of way associated with the improvements that are site related as defined by the Roads Impact Fee Ordinance.

5. Kelly Road Realignment

If written approval is obtained from the Director of the Department of Transportation & Engineering, Kelly Road, as part of the HealthPark Florida Master Concept Plan, will be shifted from the present preliminary section line east/west alignment through HealthPark to the northern boundary of HealthPark. That realignment begins at Summerlin Road and returns to its original alignment approximately 1900 feet west of A&W Bulb Road. Approval of this site plan is not affected if Lee County Department of Transportation & Engineering approves the original alignment or an alternate Kelly Road alignment.

With that written approval from the Director of the Lee County Department of Transportation & Engineering, Lee County shall amend the Official Trafficways Map to reflect this alignment of Kelly Road and this alignment of Kelly Road shall be the roadway center line.

The developer shall be obligated to reimburse Lee County for the additional construction costs, if any, for that shift in the right-of-way and roadway alignment (i.e. the difference between an arterial section line alignment and the northern alignment). Construction cost estimates shall be prepared for both alignments by Lee County subject to review and approval by the developer. Right of way dedications and construction, if any, made by the developer shall be credited against this cost differential, if any.

6. Right-of-Way Dedication

a. The developer shall dedicate the following right of way within or contiguous to HealthPark Florida.

(1) Sufficient right-of-way along the east and west property lines of Bass Road to provide a total of 150 feet of right of way.

(2) Sufficient right-of-way along the north property line to provide 150 feet of right of way for Kelly Road from A&W Bulb Road to a point approximately 300 feet east of Bass Road.

(3) Sufficient right-of-way within the northeast quadrant of the Project to provide 150 feet of right of way for Kelly Road from a point approximately 300 feet east of Bass Road to Summerlin Road.

(4) Sufficient right-of-way along the west property line to provide 50 feet of right of way for A&W Bulb Road from Kelly Road to a point approximately 400 feet north of Summerlin Road.

(5) Sufficient right-of-way within the southwest quadrant of the project to provide a total of 100 feet of right of way for A&W Bulb Road from a point approximately 400 feet north of Summerlin Road to Summerlin Road.

b. This right-of-way shall be dedicated to Lee County as follows:

(1) Bass Road, 150 feet of right-of-way from Summerlin Road to the northern intersection of West Lee Memorial Parkway with Bass Road at the time of the issuance of the first building permit for HealthPark.

(2) Bass Road, 150 feet of right-of-way from the northern intersection of West Lee Memorial Parkway with Bass Road to the north property line, at the time of the issuance of the first building permits for future health care parcel A.

(3) Kelly Road, 150 feet of right-of-way from A&W Bulb Road to Summerlin Road, at the time of the issuance of the first building permits for future healthcare parcels A and commercial parcels A, B and C or prior to the construction of the Kelly Road extension by Lee County which ever comes first, provided, however, that should Kelly Road be developed as a limited access highway, the developer shall not be precluded from seeking damages relating to the condemnation of its otherwise unlimited access rights.

(4) A&W Bulb Road, 50 and 100 feet of right-of-way as described in 6(A)(4) and 6(A)(5) above, from Summerlin Road to Kelly Road, at the time of the issuance of the first building permit for Phase II of HealthPark.

c. Credits against road impact fees for right-of-way dedication shall be in accordance with the provisions of the Lee County Roads Impact Fee Ordinance.

7. Road Impact Fees / Proportionate Share

a. The developer shall pay to Lee County the road impact fees in effect at the time building permits are issued for HealthPark Florida. These impact fee payments shall represent

proportionate share payments for the following roadway and associated intersection improvements:

- (1) The addition of two lanes on U.S. 41 from the existing six lane section south of Daniels Road to Sanibel Boulevard.
- (2) The addition of four lanes on McGregor Boulevard from Cypress Lake Drive to A&W Bulb Road.
- (3) The addition of four lanes on San Carlos Boulevard from Siesta Drive to Indian Parkway.
- (4) The addition of two lanes on Gladiolus Drive from A&W Bulb Road to Summerlin Road.
- (5) The addition of four lanes on Gladiolus Drive from Summerlin Road to the existing four lane section west of U.S. 41 and two lanes from the existing four lane section to U.S. 41.
- (6) The addition of two lanes on Summerlin Road from San Carlos Boulevard to College Parkway.
- (7) The addition of two lanes on Winkler Road from Gladiolus Drive to Cypress Lake Drive.
- (8) The reconstruction of Bass Road and addition of two lanes to Bass Road from Summerlin Road to Gladiolus Drive.
- (9) The four lane extension of Bass Road from Gladiolus Drive to Cypress Lake Drive.
- (10) The four lane extension of Kelly Road from Summerlin Road to Bass Road.
- (11) The two lane extension of Kelly Road from Bass Road to Pine Ridge Road.
- (12) Intersection improvements at the following locations:
 - (a) Summerlin Road/San Carlos Boulevard
 - (b) Summerlin Road/Bass Road
 - (c) Summerlin Road/Kelly Road
 - (d) Summerlin Road/Gladiolus Drive
 - (e) Summerlin Road/Cypress Lake Drive
 - (f) Gladiolus Drive/Winkler Road
 - (g) Gladiolus Drive/Bass Road
 - (h) Gladiolus Drive/A&W Bulb Road
 - (i) A&W Bulb Road/McGregor Boulevard
 - (j) Summerlin Road/Winkler Road
 - (k) Bass Road/Kelly Road

b. Should the roads impact fees be repealed, reduced or made unenforceable by court action, the traffic impacts of HealthPark Florida shall be immediately reanalyzed to determine

appropriate alternative mitigation and the Development Order amended as appropriate to include such mitigation prior to the issuance of subsequent building permits.

8. Construction In Lieu of Impact Fees

a. In lieu of payment of all or portions of road impact fees, the developer with the prior approval of Lee County may construct, or participate in the construction of, portions of, or all of, one or more of the following roadway improvements:

(1) widening of Gladiolus Drive to four lanes from the existing four lane section west of US 41 to Summerlin Road.

(2) widening of Gladiolus Drive to four lanes from Summerlin Road to Bass Road.

(3) improvements to the existing two lanes and the widening of Bass Road to four lanes from Summerlin Road to Gladiolus Drive.

(4) extension of Kelly Road as four lanes from Summerlin Road to Bass Road.

(5) intersection improvements at Summerlin Road/Bass Road, Summerlin Road/Kelly Road, Bass Road/Gladiolus Drive, Summerlin Road/San Carlos Boulevard, and Summerlin Road/Gladiolus Drive.

b. Construction in lieu of roads impact fees must be in accordance with the provisions of the roads impact fee ordinance in effect at the time of construction and must be acceptable to Lee County and, if applicable, the Florida Department of Transportation.

c. The developer's desire and ability to construct or participate in the construction of portions of, or all of, one or more of the above improvements is intended to:

(1) substitute for impact fee payments,

(2) insure that roadway construction occurs in a timely fashion to serve this development.

d. If undertaken by the developer, the developer shall have no obligation for right of way acquisition, reconstruction of the existing roadway to County standards, unusual and unexpected utility relocation and the like.

e. If the dollar value of such improvements (actual construction or dollar payments) during Phase I exceed roads impact fees, that excess value shall be carried over to the next phase of development. In the event that the total dollar value of such improvements during buildout of HealthPark exceeds road impact fees, HealthPark shall be eligible to recapture that excess value through a rebateable agreement which would include,

but not be limited to, reimbursement from other area developments and County Road Impact Fee revenues.

9. Level of Service/Significant Impact

In the event that:

a. Level of Service "C" on an annual average daily basis (or the County adopted level of service policy in effect at the time of the annual report) be exceeded for any regional road segment and/or intersection identified above and which operates, at the effective date of this development order, at Level of Service "C" or better; or

b. the existing volume to capacity ratios for those regional road segments and/or intersections identified above and which operate, at the effective date of this development order, at worse than Level of Service "C" be exceeded; and

(1) the required road and/or intersection improvements necessary to bring the identified roadway back to Level of Service "C" (or the County adopted level of service policy in effect at the time of the annual report) or necessary to maintain and/or improve the existing volume to capacity ratios are not funded and programmed for construction during the next five years (or if such roadway and/or intersection improvement funded and programmed for construction during that five year period be deleted from the program, postponed beyond the five year period or not constructed within the five year period), and

(2) HealthPark Florida traffic is utilizing 5% or more, but less than 10% of the Level of Service "C" service volume on an annual average daily basis (or the County adopted level of service policy in effect at the time of the annual report) on the impacted regional road segment or intersection; then the Developer shall within ninety (90) days file a petition in accordance with Florida Statute 380.06 for determination of whether a substantial deviation has occurred.

c. If HealthPark Florida is utilizing 10% or more of the Level of Service "C" service volume on an annual average daily basis (or the adopted County level of service policy in effect at the time of the annual report) of the impacted regional road segment or intersection, and:

(1) The actual level of service on the said roadway, which at the effective date of this development order operates at level of Service "C" or better, falls below Level of Service "C" on an annual average daily basis (or the County adopted Level of Service policy in effect at the time of the annual report); or

(2) The actual volume to capacity ratio on the said roadway which at the effective date of this development order operates at

worse than Level of Service "C", is worse than that existing at the effective date of this development order; then a substantial deviation shall be deemed to have occurred and this development shall be subject to any moratorium imposed on all developments impacting that same road.

d. HealthPark Florida may continue development during substantial deviation DRI review if the Developer enters into an agreement with the Department of Community Affairs, the Southwest Florida Regional Planning Council, and Lee County specifying the scope of development allowed during the review period. This paragraph shall not be construed to guarantee to HealthPark Florida the right to continue development during the substantial deviation DRI review.

10. Traffic Reassessment

a. Due to the uncertain status of several area roadway improvements including the extension of Bass Road from Gladiolus Drive to Cypress Lake Drive and Kelly Road from Summerlin Road to Pine Ridge Road, the Developer may be required to submit for review and approval a traffic reassessment prior to the issuance of the first building permit for Phase II development (Exhibit A). The traffic reassessment shall be required if the following conditions are met.

(1) total HealthPark Florida external trip generation for Phase I development exceeds 19,500 trip ends on an annual average daily basis, or

(2) the extension of Bass Road from Gladiolus Drive to Cypress Lake Drive is not funded and programmed to be operational during the next five year development phase and Summerlin Road from Gladiolus Drive to Cypress Lake Drive operates at the end of Phase I or is projected to operate during the next phase of development at lower than the County's adopted level of service policy in effect at the time, and

(3) the extension of Kelly Road from Summerlin Road to Pine Ridge Road is not funded and programmed to be operational during the next five year phase of development and Summerlin Road from Winkler Road to San Carlos Boulevard and Gladiolus Drive from Winkler Road to McGregor Boulevard operate at the end of Phase I or are projected to operate during the next phase of development at lower than the County's adopted level of service policy in effect at the time.

b. The traffic reassessment, if required, shall be submitted to the Department of Community Affairs, Southwest Florida Regional Planning Council, and Lee County and will be an equivalent to an update of the developer's ADA assessment of Question 31 in the DRI Questionnaire. The traffic reassessment will document commitments in approved planning programs to fund future roadway improvements resulting from existing traffic, area developments and HealthPark Florida during the next phase of

development, the HealthPark's and other area developments' contributions toward roadway improvements during the previous phase of development, and the HealthPark's obligations, if any, to mitigate additional traffic impacts through the next phase of development.

11. Municipal Services Benefit Unit

A. Nothing contained in this Development Order shall be construed to exempt this development from participation in the funding, through Municipal Services Benefit Units (MSBU's) or other special assessment districts, of improvements to various State and County arterial and collector roads to the degree to which this development generates demand or is benefited. If, at that time, this funding is creditable against impact fees, then the appropriate credits will be taken.

E. VEGETATION AND WILDLIFE/WETLANDS

1. All commitments appearing in the A.D.A. and sufficiency responses pertaining to vegetation and wildlife are incorporated as conditions of approval herein.

2. To mitigate the encroachment of wetlands, the developer shall create the same vegetation community type elsewhere on site, in accordance with the Master Concept Plan, and such other mitigation requirements as may be imposed as a result of wetland modification east of Bass Road. The areas to be used for the creation of wetlands shall be appropriately scraped, contoured and sufficiently planted with the same type wetland vegetation as that found within the wetland areas encroached upon. Prior to the issuance of a Final Development Order for the site related improvements to Phase I, (hereinafter referred to as FDO), the exact extent of encroachment shall be field verified by county staff and the developer and a specific wetland creation plan and a timetable shall be provided, both subject to approval by the Department of Community Development.

3. Prior to the issuance of a FDO for Phase I (site-related improvements), a detailed water management lake littoral zone creation plan shall be provided for each segment to be permitted, subject to approval by the Department of Community Development.

4. Prior to the issuance of a Certificate of Completion pursuant to the FDO for Phase I (site-related improvements), the developer shall restore the natural connection of the wetland preservation area located at the southwestern property corner to Cow Slough by removing the existing north/south ditch and dike and by restoring the natural contour elevations of the area located along the western property boundary adjacent to this wetland preservation area.

5. All exotic vegetation (Brazilian Pepper, Melaleuca and Australian Pine) shall be removed from each project segment prior

to the completion of that segment.

6. Prior to the issuance of a Certificate of Completion pursuant to the FDO for Phase I, the developer shall remove the exotic vegetation (Brazilian Pepper, Melaleuca and Australian Pine) located off-site on County owned property within Cow Slough adjacent to the wetland preservation area located at the southwestern property corner. The extent of exotic vegetation removal shall be that area necessary to aid in the reestablishment of the natural connection of this wetland to Cow Slough and shall be mutually agreed upon by county staff and the developer.

7. Prior to the issuance of a Final Order pursuant to the FDO for Phase I (site-related improvements), a maintenance program shall be provided to control the reinvasion of exotic vegetation (Brazilian Pepper, Melaleuca and Australian Pine) in the wetland preservation areas and the created wetland areas on the HealthPark Florida site. This program shall be in effect for a minimum of three (3) years and shall be approved by the Department of Community Development.

8. Prior to the issuance of a FDO for Phase I, the developer shall provide a specific plan for monitoring the freshwater wetland area located east of Bass Road. This plan shall include at a minimum the methodology for monitoring the wetland with respect to hydrology, vegetation and wildlife habitat and shall be subject to approval by the Department of Community Development.

9. The applicant shall monitor the existing stormwater discharge that flows into the Hendry Creek Watershed to determine the appropriate future discharge route. All further coordination shall be with the SFWMD, FDER and Lee County.

10. Prior to the issuance of a Lee County Development Standards Ordinance pursuant to the FDO for each parcel, a wetlands plan for that parcel shall be submitted to Lee County, SFWMD and SWFRPC showing all areas to be preserved within that parcel, all wetland areas to be created within that parcel and the total number of acres of each.

11. The applicant shall coordinate with appropriate agencies for the relocation of any threatened or endangered species found on the site or outline a program to insure their continued well being.

12. In order to address the recommendation contained in the staff report of the Regional Planning Council, the master concept plan has been redrawn to indicate the relocation of A&W Bulb Road extension to the east of the wetland area.

F. WATER/WASTEWATER

1. The applicant will design the buildings and facilities

in light of modern water conserving principles. If irrigation from the site must be pumped, studies will be done to utilize the lowest acceptable water quality aquifers.

2. All efforts will be made to utilize public sewage treatment in the area, if available. If not available, on-site sewage treatment facilities will be flood proofed.

3. If a wastewater treatment facility is provided on site, it shall be temporary only and should the temporary plant still be in use after 5 years from the date of approval of the final development order, the applicant shall be subject to review in order to make alternative wastewater treatment services. The Director of the Lee County Department of Community Development may provide for an extension of time for the continuation of the use of the temporary plant, if deemed necessary.

4. The applicant shall continue to explore the potential of receiving treated spray effluent from Lee County Utilities, in order to meet on-site nonpotable demands.

5. If spray irrigation proves infeasible for the HealthPark site, then the applicant shall conduct a hydrologic study under the guidance of the SFWMD and Lee County to determine the feasibility of utilizing ground water or surface water for satisfying nonpotable demands.

6. Any wastewater containing hazardous waste will be segregated from everyday wastewater or receive proper on-site pretreatment.

7. The applicant shall incorporate the use of water conserving devices, as required by State Law (Section 533.14, Florida Statutes).

8. The applicant shall conduct a phased monitoring program to determine if on-site surface water and groundwater parameters are improving, as a result of plugging on-site abandoned irrigation wells. This monitoring program should be coordinated with the SFWMD.

G. SOLIDWASTE

1. If any method of hazardous waste disposal is utilized other than on-site incineration, then the applicant shall coordinate with Lee County and FDER for the provision of temporary storage/transfer of special and hazardous wastes that are generated by the development.

2. The applicant and subsequent occupants of the project shall implement methods of reducing solid waste volume from the project.

3. The applicant shall identify to local EMS, Fire and

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Police officials the on-site storage locations and handling and disposal areas of all toxic, hazardous and radioactive materials.

4. All toxic, hazardous and radioactive materials shall be stored above the category III SLOSH hurricane flood elevation.

H. GENERAL DEVELOPMENT CONDITIONS

1. The Master Concept Plan prepared by Johnson Engineering dated February 1987 as updated through June 3, 1987, as amended at the Public Hearing, is incorporated into and made a part of this Development Order. The permitted uses and conditions are as shown on the Master Concept Plan and the conditions contained within this development order.

2. While the land uses in both Phase I and II have been approved, the applicant cannot proceed to seek Lee County development order approvals under the DSO for the areas east of Bass Road, except for the medical education facility, until such time as the extent of permitted alteration of the wetland area identified on the concept plan and the alignment of Kelly Road can be determined. The applicant shall submit any additional information to Lee County concerning transportation, wetland protection and hurricane evacuation as deemed necessary by the Director of the Lee County Department of Community Development, as a result of added issues or impacts not addressed in the ADA arising from modification of the site plan to accommodate the wetland and Kelly Road alignment determinations. The information and changes, if any, will be reviewed to determine whether such changes cumulatively constitute a substantial deviation pursuant to subsection (19) of §380.06 F.S. Unless a substantial deviation is established, the site plan may be modified with the approval of the director of the Lee County Department of Community Development to accommodate the wetland and Kelly Road alignment determinations.

3. The existing agricultural uses may continue or be discontinued and recontinued from time to time until the certificate of occupancy for the acute care hospital is obtained.

III. LEGAL EFFECT AND LIMITATIONS OF THIS DEVELOPMENT ORDER AND ADMINISTRATIVE REQUIREMENTS

BE IT FURTHER RESOLVED by the Board of County Commissioners of Lee County, Florida, that:

A. This resolution shall constitute the Development Order of this Board issued in response to the Development of Regional Impact Application for Development Approval filed for HealthPark Florida.

B. All commitments and impact mitigating actions volunteered by the developer in the Application for Development Approval and supplementary documents and not in conflict with

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conditions or stipulations specifically enumerated above are hereby adopted to this Development Order by reference.

C. This Development Order shall be binding upon the applicants and their heirs, assignees or successors in interest. Those portions of this Development Order which clearly apply only to the project developer, including but not limited to the initial construction of capital facilities, shall not be construed to be binding upon future residents. It shall be binding upon any builder/developer who acquires any tract of land within HealthPark Florida.

D. The terms and conditions set out in this document constitute a basis upon which the developer and County may rely in future actions necessary to implement fully the final development contemplated by this Development Order.

E. All conditions, restrictions, stipulations and safeguards contained in this Development Order may be enforced by either party hereto by action at law or equity, and all costs of such proceedings, including reasonable attorney's fees, shall be paid by the defaulting party.

F. Any reference herein to any governmental agency shall be construed to mean any future instrumentality which may be created and designated as successor in interest to, or which otherwise possesses any of the powers and duties of any referenced governmental agency in existence on the effective date of this Development Order.

G. In the event that any portion or section of this Development Order is determined to be invalid, illegal, or unconstitutional by a court of competent jurisdiction, such decisions shall in no manner affect the remaining portions or sections of the Development Order which shall remain in full force and effect.

H. The approval granted by this Development Order is limited. Such approval shall not be construed to obviate the duty of the applicant to comply with all applicable local or state review and permitting procedures, except where otherwise specifically provided. Such approval shall also not obviate the duty of the applicant to comply with any County Ordinance or other regulations adopted after the effective date of this Development Order.

I. Subsequent requests for local development permits shall not require further review pursuant to Section 380.06, Florida Statutes, unless it is found by the Board of County Commissioners, after due notice and hearing, that one or more of the following is present:

1. A substantial deviation from the terms or conditions of this development order, or other changes to the approved development plans which create a reasonable likelihood of adverse

regional impacts or other regional impacts which were not evaluated in the review by the Southwest Florida Regional Planning Council; or

2. An expiration of the period of effectiveness of this development order as provided herein.

Upon a finding that either of the above is present, the Board shall order a termination of all development activity until such time as a new DRI Application for Development Approval has been submitted, reviewed and approved in accordance with Section 380.06, Florida Statutes, and all local approvals have been obtained.

J. The deadline for commencing physical development under this Development Order shall be five (5) years from the date of adoption of the Order, provided that all conditions are met in a timely manner and further provided that this effective period may be extended by this Board upon a finding of excusable delay in any proposed development activity and that conditions have not changed sufficiently to warrant further consideration of the development. In the event the developer fails to commence significant physical development of that property identified in this development order within five (5) years from the date of rendition of this Development Order, development approval shall terminate and the development shall be subject to further consideration. Significant physical development shall include obtaining a Certificate of Completion on some substantial portion of the project (e.g., water management system or a major road system). This Development Order shall otherwise terminate in twenty (20) years from its approval date, unless an extension is approved. An extension may be granted by the Board of County Commissioners if the project has been developing substantially in conformance with the original plans and approval conditions, and if no substantial adverse impacts not known to the Southwest Florida Regional Planning Council or to Lee County at the time of their review and approval, or arising due to the extension, have been identified. However, an extension of the date of buildout of a development by five (5) or more years shall be presumed to create a substantial deviation subject to further development-of-regional-impact review. The presumption may be rebutted by substantial, competent evidence at the public hearing held by Lee County. For the purpose of calculating when a buildout date has been exceeded, the time shall be tolled during the pendency of administrative and judicial proceedings relating to development permits.

K. The development will not be subject to down-zoning, unit density reduction, or intensity reduction, for five (5) years following the approval of zoning, unless the County demonstrates that substantial changes have occurred in the conditions underlying the approval of this Development Order including, but not limited to, such factors as a finding that the development order was based on substantially inaccurate information provided by the developer, or that the change is

clearly established by local government to be essential to the public health, safety and welfare.

L. The Administrative Director of the Lee County Department of Community Development or his/her designee shall be the local official responsible for assuring compliance with this Development Order.

M. The applicants, or their successor(s) in title to the undeveloped portion of the subject property, shall submit a report annually to the Lee County Board of County Commissioners, the Southwest Florida Regional Planning Council, the State Land Planning Agency, and all affected permit agencies. This report shall describe the state of development and compliance as of the date of submission, and shall further be consistent with the rules of the State Land Planning Agency. The annual report shall contain information as specified in Exhibit "B". The first monitoring report shall be submitted to the Administrative Director of the Department of Community Development not later than August 1, 1988, and further reporting shall be submitted not later than August 1st of subsequent calendar years. Failure to comply with this reporting procedure is governed by Section 380.06 Florida Statutes, and the applicant shall so inform any successor in title to any undeveloped portion of the real property covered by this Development Order.

N. Certified copies of this Development Order will be forwarded to the Southwest Florida Regional Planning Council, the developer and appropriate state agencies. This Development Order is rendered as of the date of that transmittal, but shall not be effective until the expiration of the statutory appeals period (45 days from rendition) or until the completion of any appellate proceedings, whichever time is greater. Upon this Development Order becoming effective, notice of its adoption shall be recorded in the Office of the Clerk of the Circuit Court by the developer, as provided in Chapter 380, Florida Statutes.

THE MOTION TO ADOPT the above resolution was offered by Commissioner Goss and seconded by Commissioner Fussell and upon poll of the members present, the vote was as follows:

Commissioner Goss	Aye
Commissioner Bigelow	Aye
Commissioner Wallace	Absent
Commissioner Fussell	Aye
Commissioner Slisner	Absent

OFF 944 P61383
REC

DULY PASSED AND ADOPTED this 8th day of June, 1987.

BOARD OF COUNTY COMMISSIONERS
LEE COUNTY, FLORIDA

By: *Proctor H. Kester*
(Vice-Chairman)

ATTEST:

Charlie Green
Charlie Green, Clerk

Janet S. Goshue
Deputy Clerk

APPROVED AS TO FORM

By: *Marion Hester*
County Attorney's Office

EXHIBIT "A"

	Phase I		Phase II		Total	Total
	Units	Beds	Units	Beds	Units	Beds
<u>Land Use</u>						
<u>Residential</u>						
Independent Living	440	440	240	240	680	680
Assisted Living & Skilled Nursing	87	260	86	260	173	520
Lodging - Motel	30		30		60	
Total		700		500		1,200
<u>Land Use</u>						
<u>Institutional</u>						
Acute Care Hospital (Incl. Women & Children Rehab & Cancer)	352,603	380	364,000	388	716	768
Doctor's Offices (Out Patients & Lab)	225,000		225,000		450,000	
Medical Services Mall	25,000		25,000		50,000	
Specialized Hospitals & Health Care Facilities	141,000	234	141,000	234	282,000	468
Medical Education	100,000		100,000		200,000	
Wellness Center	85,000		85,000		170,000	
Future Hospital Functions	110,000		125,000		235,000	
Support Facilities (Campus Services)	80,000		80,000		160,000	
Total	1,118,603		1,145,000		2,263,603	
<u>Commercial</u>						
Future Commercial A, B and D	100,000		200,000		300,000	
<u>Open Space</u>						
Open Space, Lakes Water Management Easements	99.0 acres		66.2 acres		165.2	

REF 944 P61385

<u>Roads</u>			
Roads (internal road network)	39.8 acres	17.1 acres	56.9
Total	138.8 acres	83.3 acres	222.1

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SEP 28 8 38 AM '87

REC-944 PG 1386

EXHIBIT "B"

INFORMATION TO BE INCLUDED
IN ANNUAL MONITORING REPORT

- a. Any changes in the plan of development, or in the representations contained in the ADA, or in the phasing for the reporting year and for the next year;
- b. A summary comparison of development activity proposed and actually conducted for the year;
- c. Undeveloped tracts of land, other than individual single family lots, that have been sold to a separate entity or developer;
- d. Identification and intended use of lands purchased, leased, or optioned by the developer adjacent to the original DRI site since the development order was issued;
- e. An assessment of the developer's and the local government's compliance with the conditions of approval contained in the DRI development order and the commitments which are contained in the Application for Development Approval and which have been identified by the local government, the Regional Planning Council, or the Department of Community Affairs as being significant;
- f. Any known incremental DRI applications for development approval or requests for a substantial deviation determination that were filed in the reporting year and to be filed during the next year;
- g. An indication of a change, if any, in local government jurisdiction for any portion of the development since the development order was issued;
- h. A list of significant local, state, and federal permits which have been obtained or which are pending by agency, including type of permit, permit number and purpose of each;
- i. A statement that all persons have been sent copies of the annual report in conformance with Subsection 380.06(14) and (16), Florida Statutes; and
- j. A copy of any recorded notice of the adoption of a development order or the subsequent modification of an adopted development order that was recorded by the developer pursuant to Subsection 380.06(14)(d), Florida Statutes.

PART 1 AFFIDAVIT A2
(EXHIBIT AA-1.B.2)

AFFIDAVIT FOR ADMINISTRATIVE ACTION
APPLICATION IS SIGNED BY A CORPORATION, LIMITED LIABILITY COMPANY (L.L.C.), LIMITED COMPANY
(L.C.), PARTNERSHIP, LIMITED PARTNERSHIP, OR TRUSTEE

I, Richard Rudy as Authorized Agent of BTS Monterrey Holdings, LLC, swear or affirm under oath, that I am the owner or the authorized representative of the owner(s) of the property and that:

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

ADD 2009-00001

BTS Monterrey Holdings, LLC
*Name of Entity (corporation, partnership, LLP, LC, etc)
[Signature]
Signature

Richard Rudy
(Type or printed name)

Authorized Agent
(title of signatory)

STATE OF New York
COUNTY OF New York

The foregoing instrument was sworn to (or affirmed) and subscribed before me this November 25 2008 (date) by Richard Rudy (name of person providing oath or affirmation), who is personally known to me or who has produced _____ (type of identification) as identification.

Jennifer Goldman
Signature of person taking oath or affirmation

Jennifer Goldman
Name typed, printed or stamped

JENNIFER GOLDMAN
NOTARY PUBLIC, STATE OF NEW YORK
Registration No. 01608155871
Qualified in Kings County
Commission Expires Nov. 20, 2010

Title or rank

Serial number, if any

*Notes:

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

**EXHIBIT AA-1.C.2
ADDITIONAL AGENTS**

Company Name: JOHNSON ENGINEERING

Contact Person: DEBI PENDLEBURY & GEORGE SWARTZ

Address: Street : 2122 JOHNSON STREET

City: FORT MYERS State: FLORIDA Zip: 33901

Phone: Area Code: 239 Number: 334.0046 Ext:

Fax: Area Code: 239 Number: 334.3661

E-mail address: dpendlebury@johnsoneng.com & gswartz@johnsoneng.com

Company Name:

Contact Person:

Address: Street :

City: State: Zip:

Phone: Area Code: Number: Ext:

Fax: Area Code: Number:

E-mail address:

Company Name:

Contact Person:

Address: Street :

City: State: Zip:

Phone: Area Code: Number: Ext:

Fax: Area Code: Number:

E-mail address:

Company Name:

Contact Person:

Address: Street :

City: State: Zip:

Phone: Area Code: Number: Ext:

Fax: Area Code: Number:

E-mail address:

**EXHIBIT AA-2.B.1
DISCLOSURE OF INTEREST FORM FOR:**

STRAP NO. 33-45-24-13-00000.0010 **CASE NO.** _____

1. If the property is owned in fee simple by an INDIVIDUAL, tenancy by the entirety, tenancy in common, or joint tenancy, list all parties with an ownership interest as well as the percentage of such interest.

Name and Address	Percentage of Ownership

2. If the property is owned by a CORPORATION, list the officers and stockholders and the percentage of stock owned by each.

Name and Address	Percentage of Stock
BTS Monterrey Holdings, LLC	
JPS Holdings I, LLC	Sole Member of BTS Monterrey Holdings, Inc.
Stillwater Capital Partners, Inc.	Manager, JPS Holdings I, LLC
Jack Doueck, President, Stillwater Capital Partners, Inc.	Officer, Stillwater Capital Partners, Inc.
Richard Rudy, Vice-President, Stillwater Capital Partners, Inc.	Officer, Stillwater Capital Partners, Inc.

3. If the property is in the name of a TRUSTEE, list the beneficiaries of the trust with percentage of interest.

Name and Address	Percentage of Interest

4. If the property is in the name of a GENERAL PARTNERSHIP OR LIMITED PARTNERSHIP, list the names of the general and limited partners.

Name and Address	Percentage of Ownership

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Page 1 of 2

ADD 2009-00001

5. If there is a CONTRACT FOR PURCHASE, whether contingent on this application or not, and whether a Corporation, Trustee, or Partnership, list the names of the contract purchasers below, including the officers, stockholders, beneficiaries, or partners.

Name and Address	Percentage of Stock

Date of Contract: _____

6. If any contingency clause or contract terms involve additional parties, list all individuals or officers, if a corporation, partnership, or trust.

Name and Address	

For any changes of ownership or changes in contracts for purchase subsequent to the date of the application, but prior to the date of final public hearing, a supplemental disclosure of interest shall be filed.

The above is a full disclosure of all parties of interest in this application, to the best of my knowledge and belief.

Signature: _____

(Applicant)

Richard Rudy, as Authorized Agent of BTS Monterrey Holdings, LLC

(Printed or typed name of applicant)

STATE OF FLORIDA
COUNTY OF LEE

The foregoing instrument was acknowledged before me this 25 day of November, 2008

by Richard Rudy who is personally known to me or who has produced
as identification.

Jennifer Goldman

Signature of Notary Public

Jennifer Goldman

Printed Name of Notary Public

JENNIFER GOLDMAN
NOTARY PUBLIC, STATE OF NEW YORK
Registration No. 01608156871
Qualified in Kings County
Commission Expires Nov. 20, 2010

Page 2 of 2

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JAN 07 2009

ADD 2009-00001

SHEET 1 OF 3

April 29, 2005

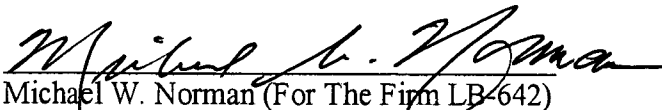
DESCRIPTION

ADD 2009-00001

**HEALTHPARK FLORIDA WEST
LYING IN SECTION 33, TOWNSHIP 45 SOUTH, RANGE 24 EAST
AND
SECTION 4, TOWNSHIP 46 SOUTH, RANGE 24 EAST
LEE COUNTY, FLORIDA**

A tract or parcel of land lying in Section 33, Township 45 South, Range 24 East and Section 4, Township 46 South, Range 24 East, Lee County, Florida which tract or parcel is described as follows:

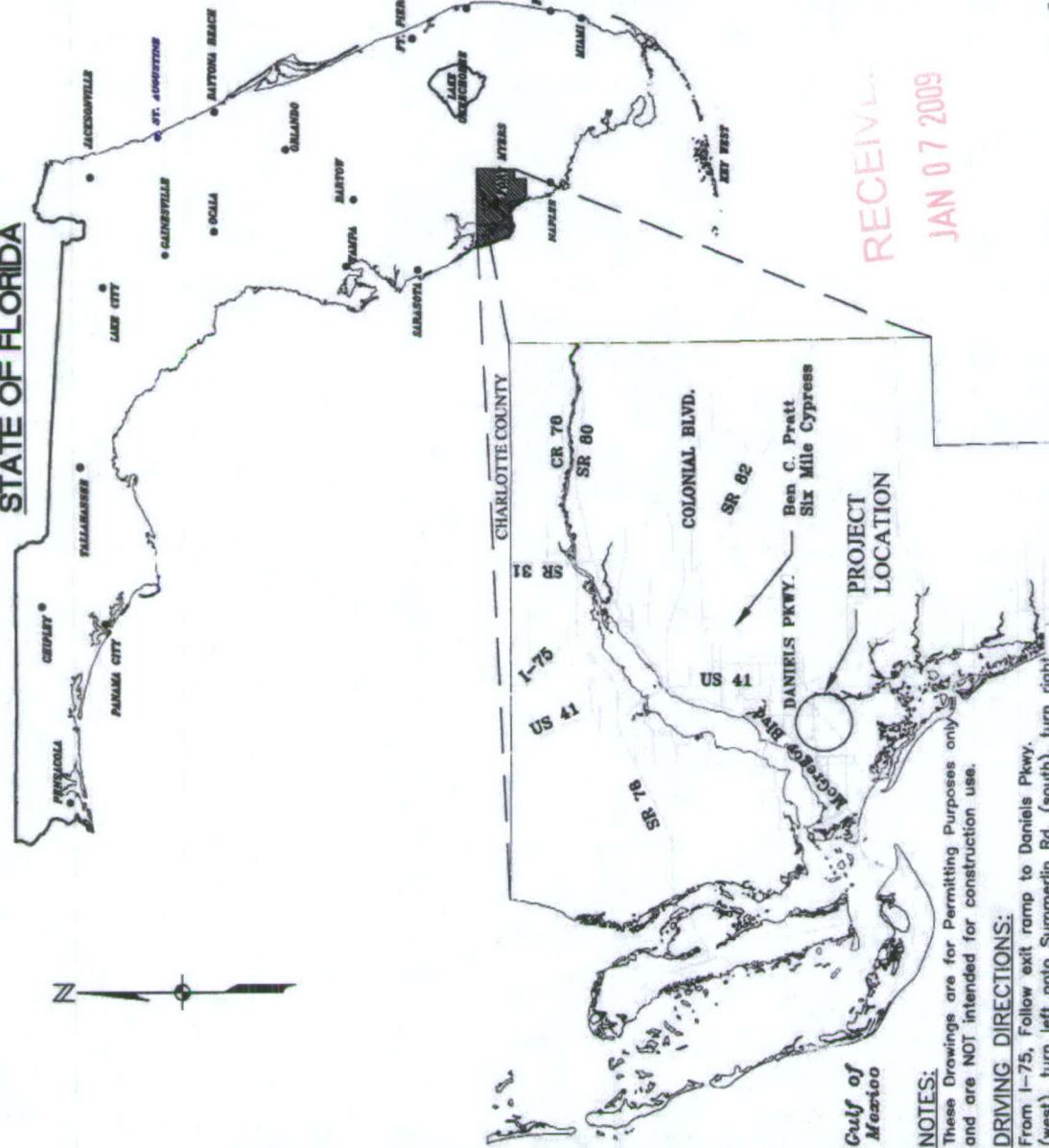
Beginning at a found 6" x 6" concrete monument at the southwest corner of Section 33, Township 45 South, Range 24 East run N 01° 02' 04" W along the common line between Section 33 and Section 32 for 1324.87 feet to the northwest corner of the South Half (S-1/2) of the Southwest Quarter (SW-1/4) of said Section 33; thence run N 88° 53' 53" E along the north line of the South Half (S-1/2) of the Southwest Quarter (SW-1/4) of said Section 33 for 2570.67 feet to the westerly right-of-way line of Bass Road (150 feet wide), said point being the northwest corner of Tract "A" as shown on the plat of HealthPark Florida West as recorded in Plat Book 47 at Pages 1 through 9 of the Public Records of Lee County, Florida; thence run S 01° 02' 25" E along said right-of-way line for 1323.91 feet to an intersection with the north line of Section 4, Township 46 South, Range 24 East; thence run S 01° 16' 30" E continuing along the said right-of-way line for 2257.47 feet to an intersection with the northwesterly right-of-way line of Summerlin Road (C.R. No. 869) (225 feet wide); thence run S 44° 17' 25" W along said northwesterly right-of-way line for 408.74 feet to a point of curvature; thence run southwesterly along the curved right-of-way line of said Summerlin Road to the right of radius 2754.79 feet (delta 20° 22' 29") (chord bearing S 54° 28' 38" W) (chord 974.47 feet) for 979.62 feet to a point of tangency; thence run S 64° 39' 53" W continuing along said northwesterly right-of-way line of Summerlin Road for 1592.48 feet to a jog in the right-of-way line of said Summerlin Road; thence run N 25° 20' 07" W along said jog for 10.00 feet; thence run S 64° 39' 53" W along the northwesterly right-of-way line of said Summerlin Road for 10.78 feet to an intersection with the west line of Section 4, Township 46 South, Range 24 East; thence run N 01° 21' 46" W along said west line of Section 4 for 1096.33 feet to the southwest corner of the Northwest Quarter (NW-1/4) of said Section 4; thence run N 01° 21' 19" W along the west line of said Northwest Quarter (NW-1/4) of Section 4 for 2647.03 feet to the Point of Beginning.
Subject to easements, restrictions and reservations of record.
Containing 262.68 acres, more or less.


Michael W. Norman (For The Firm LB-642)
Professional Surveyor and Mapper
Florida Certificate No. 4500

20033872-02 HP FL West 262.78 acres 042905

Exhibit AA-3.C.1

STATE OF FLORIDA



NOTES:

These Drawings are for Permitting Purposes only and are NOT intended for construction use.

DRIVING DIRECTIONS:

From I-75, Follow exit ramp to Daniels Pkwy. (west), turn left onto Summerlin Rd. (south), turn right onto Park Royal Dr. (northwest).

LEE COUNTY
N.T.S.

ADD

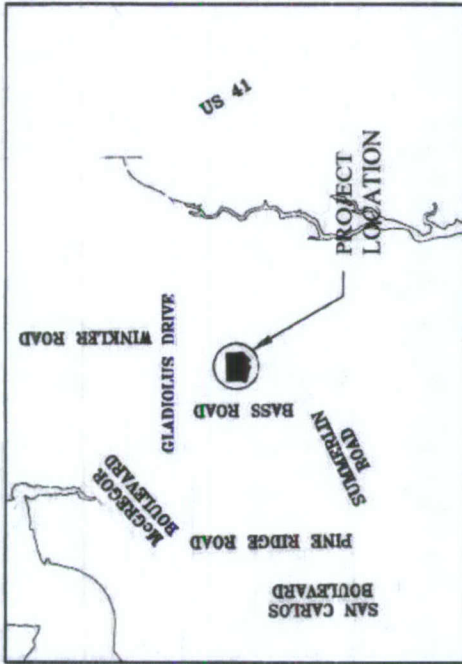
2009-00001

THE PALMS @ MONTERREY
HEALTHPARK

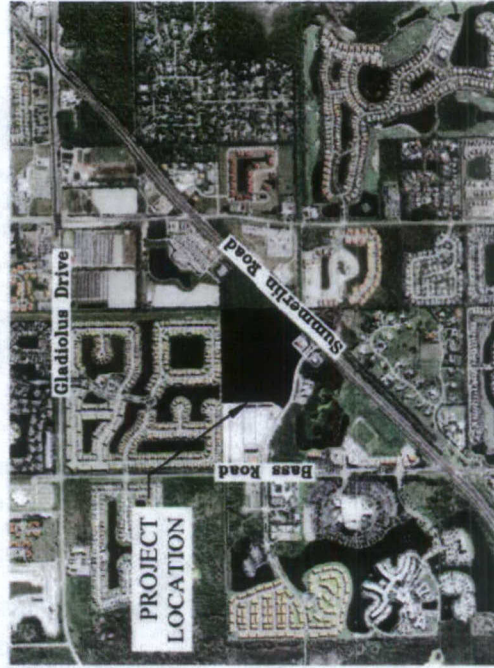
JOHNSON
ENGINEERING

2122 JOHNSON STREET
P.O. BOX 1550
FORT MYERS, FLORIDA 33902-1550
PHONE (239) 334-0046
FAX (239) 334-3661
E.B. #642 & L.B. #642

LOCATION MAP



STREET MAP
1" = 10,000'



VICINITY AERIAL
1" = 3,000'

SEC 04 - TSP 46 - RGE 24
LATITUDE 26° 30' 42.27", LONGITUDE 81° 54' 20.24"

DATE	PROJECT NO.	FILE NO.	SCALE	SHEET
NOV. 2008	20087784	4-46-24	AS SHOWN	1 OF 1

Exhibit AA-3.F./H-3.A.