

# GIS Tracking Sheet

Case No.: **ADD2009-00032**

Intake Date: April 20, 2009

Project Name: Extra Space Storage (Coconut Pt Area #3)

STRAP Number(s): 09-47-25-47-0003C2.0000

Planner Name: Chahram Badamtchian

Ext. 38372

FILE ON PLANNER'S DESK

## LEGAL DESCRIPTION VERIFICATION and INITIAL GIS MAPPING

Date: **4-23-09**

INTAKE: **ADD2009-00032**

LEGAL SUFFICIENT

☒ YES

☐ NO

Initials: **CSJ**

If not, give brief explanation:

**APPROVED - left hand corner**

## MAP UPDATE following FINAL ACTION

Date:

☐ Hearing Examiner Decision

☐ Board of County Commissioner's Resolution

☐ Administrative Approval

☐ Blue Sheet

Zoning Notes: **5/28/09**

MAP UPDATED

☒ YES

☐ NO

Initials: **CSJ**

If not, give brief explanation:

**ZONE: MPO 000761**

## **Legal Description**

Tract 3C-2, Coconut Point – Area 3- Tract 3C and a portion of Tract 3B Replat, a subdivision, Located in Section 09, Township 47 South, Range 25 East, according to the plat thereof on file and recorded in Instrument Number 2008000157280, of the Public Records of Lee County, Florida.

## **Strap Number**

09-47-25-47-003C2.0000

**ADD2009-00032**

**APPLICANT'S LEGAL CHECKED**

By CSS 4-23-09

OVERALL

LEGAL DESCRIPTION

ADD

APR 20 2003

0009 00032

A PORTION OF SECTION 9, TOWNSHIP 47 SOUTH, RANGE 25 EAST, LEE COUNTY, FLORIDA, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCE AT THE SOUTHEAST CORNER OF SECTION 9, TOWNSHIP 47 SOUTH, RANGE 25 EAST, LEE COUNTY, FLORIDA; THENCE RUN S.88°56'17"W., ALONG THE SOUTH LINE OF THE SOUTHEAST QUARTER OF SAID SECTION 9, FOR A DISTANCE OF 5.89 FEET TO A POINT ON THE WESTERLY RIGHT-OF-WAY LINE OF THE SEABOARD COASTLINE RAILROAD, A 130.00 FOOT RIGHT-OF-WAY, AND THE POINT OF BEGINNING OF THE PARCEL OF LAND HEREIN DESCRIBED; THENCE CONTINUE S.88°56'17"W., ALONG THE SOUTH LINE OF THE SOUTHEAST QUARTER OF SAID SECTION 9, FOR A DISTANCE OF 1,733.04 FEET TO A POINT ON THE EASTERLY RIGHT-OF-WAY LINE OF U.S. HWY. NO. 41 (FLORIDA STATE ROAD NO. 45), A 200.00 FOOT RIGHT-OF-WAY; THENCE RUN N.10°32'05"W., ALONG SAID EASTERLY RIGHT-OF-WAY LINE, FOR A DISTANCE OF 971.33 FEET TO THE BEGINNING OF A TANGENTIAL CIRCULAR CURVE, CONCAVE EASTERLY; THENCE RUN NORTHERLY, ALONG SAID EASTERLY RIGHT-OF-WAY LINE AND ALONG THE ARC OF SAID CURVE TO THE RIGHT, HAVING A RADIUS OF 5,605.39 FEET, THROUGH A CENTRAL ANGLE OF 04°03'11", SUBTENDED BY A CHORD OF 396.43 FEET AT A BEARING OF N.08°30'30"W., FOR A DISTANCE OF 396.52 FEET TO THE END OF SAID CURVE; THENCE RUN N.88°07'51"E. FOR A DISTANCE OF 747.22 FEET TO A POINT ON A CIRCULAR CURVE, CONCAVE EASTERLY, WHOSE RADIUS POINT BEARS N.82°31'42"E., A DISTANCE OF 3,909.60 FEET THEREFROM; THENCE RUN NORTHERLY, ALONG THE ARC OF SAID CURVE TO THE RIGHT, HAVING A RADIUS OF 3,909.60 FEET, THROUGH A CENTRAL ANGLE OF 08°29'31", SUBTENDED BY A CHORD OF 578.92 FEET AT A BEARING OF N.03°13'32"W., FOR A DISTANCE OF 579.45 FEET TO THE END OF SAID CURVE; THENCE RUN N.00°15'56"W., FOR A DISTANCE OF 583.09 FEET; THENCE RUN N.00°15'56"W., FOR A DISTANCE OF 47.04 FEET TO A POINT ON THE SOUTHERLY RIGHT-OF-WAY LINE OF COCONUT ROAD, A 150.00 FOOT RIGHT-OF-WAY, THE SAME BEING A POINT ON A CIRCULAR CURVE, CONCAVE NORTHERLY, WHOSE RADIUS POINT BEARS N.10°26'58"W., A DISTANCE OF 2,025.00 FEET THEREFROM; THENCE RUN EASTERLY, ALONG SAID SOUTHERLY RIGHT-OF-WAY LINE AND ALONG THE ARC OF SAID CURVE TO THE LEFT, HAVING A RADIUS OF 2,025.00 FEET, THROUGH A CENTRAL ANGLE OF 09°12'27", SUBTENDED BY A CHORD OF 325.07 FEET AT A BEARING OF N.74°56'48"E., FOR A DISTANCE OF 325.42 FEET TO THE END OF SAID CURVE; THENCE RUN N.70°20'35"E., ALONG SAID SOUTHERLY RIGHT-OF-WAY LINE FOR A DISTANCE OF 200.00 FEET TO THE BEGINNING OF A TANGENTIAL CIRCULAR CURVE, CONCAVE SOUTHERLY; THENCE RUN EASTERLY, ALONG SAID SOUTHERLY RIGHT-OF-WAY LINE AND ALONG THE ARC OF SAID CURVE TO THE RIGHT, HAVING A RADIUS OF 3,025.00 FEET, THROUGH A CENTRAL ANGLE OF 09°15'04", SUBTENDED BY A CHORD OF 487.89 FEET AT A BEARING OF N.74°58'07"E., FOR A DISTANCE OF 488.42 FEET TO THE END OF SAID CURVE; THENCE RUN N.79°35'39"E., ALONG SAID SOUTHERLY RIGHT-OF-WAY LINE, FOR A DISTANCE OF 238.23 FEET TO A POINT ON THE WESTERLY RIGHT-OF-WAY LINE OF THE SEABOARD COASTLINE RAILROAD, A 130.00 FOOT RIGHT-OF-WAY; THENCE RUN S.00°59'47"E., ALONG SAID WESTERLY RIGHT-OF-WAY LINE, FOR A DISTANCE OF 2,869.10 FEET TO THE POINT OF BEGINNING; CONTAINING 95.885 ACRES, MORE OR LESS.

AND

Applicant's Legal Checked

by BJ 4-23-09

A PORTION OF SECTIONS 3, 4, 9, AND 10, TOWNSHIP 47 SOUTH, RANGE 25 EAST, LEE COUNTY, FLORIDA, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCE AT THE SOUTHEAST CORNER OF SECTION 9, TOWNSHIP 47 SOUTH, RANGE 25 EAST, LEE COUNTY, FLORIDA; THENCE RUN S.88°56'17"W., ALONG THE SOUTH LINE OF THE SOUTHEAST QUARTER OF SAID SECTION 9, FOR A DISTANCE OF 5.89 FEET TO A POINT ON THE

WESTERLY RIGHT-OF-WAY LINE OF THE SEABOARD COASTLINE RAILROAD, A 130.00 FOOT RIGHT-OF-WAY; THENCE RUN N.00°59'47"W., ALONG SAID WESTERLY RIGHT-OF-WAY LINE, FOR A DISTANCE OF 3,021.15 FEET TO THE POINT OF BEGINNING OF THE PARCEL OF LAND HEREIN DESCRIBED; THENCE RUN N.00°59'47"W., ALONG SAID WESTERLY RIGHT-OF-WAY LINE, FOR A DISTANCE OF 2,320.56 FEET TO A POINT ON THE NORTH LINE OF THE NORTHWEST QUARTER OF SECTION 10, TOWNSHIP 47 SOUTH, RANGE 25 EAST; THENCE RUN N.00°59'47"W., ALONG SAID WESTERLY RIGHT-OF-WAY LINE, FOR A DISTANCE OF 2,692.32 FEET TO A POINT ON THE NORTH LINE OF THE SOUTHEAST QUARTER OF SECTION 4, TOWNSHIP 47 SOUTH, RANGE 25 EAST; THENCE RUN N.00°56'59"W., ALONG SAID WESTERLY RIGHT-OF-WAY LINE, FOR A DISTANCE OF 1,590.78 FEET TO THE BEGINNING OF A TANGENTIAL CIRCULAR CURVE, CONCAVE WESTERLY; THENCE RUN NORTHERLY, ALONG SAID WESTERLY RIGHT-OF-WAY LINE AND ALONG THE ARC OF SAID CURVE TO THE LEFT, HAVING A RADIUS OF 5,641.38 FEET, THROUGH A CENTRAL ANGLE OF 09°31'27", SUBTENDED BY A CHORD OF 936.68 FEET AT A BEARING OF N.05°42'42"W., FOR A DISTANCE OF 937.76 FEET TO THE END OF SAID CURVE; THENCE RUN N.10°28'26"W., ALONG SAID WESTERLY RIGHT-OF-WAY LINE, FOR A DISTANCE OF 98.54 FEET TO A POINT ON THE SOUTHERLY RIGHT-OF-WAY LINE OF WILLIAMS ROAD, A 100.00 FOOT RIGHT-OF-WAY; THENCE RUN S.88°20'53"W., ALONG SAID SOUTHERLY RIGHT-OF-WAY LINE, FOR A DISTANCE OF 1,029.70 FEET TO THE BEGINNING OF A TANGENTIAL CIRCULAR CURVE, CONCAVE NORTHERLY; THENCE RUN WESTERLY, ALONG SAID SOUTHERLY RIGHT-OF-WAY LINE AND ALONG THE ARC OF SAID CURVE TO THE RIGHT, HAVING A RADIUS OF 7,050.00 FEET, THROUGH A CENTRAL ANGLE OF 03°00'00", SUBTENDED BY A CHORD OF 369.09 FEET AT A BEARING OF S.89°50'53"W., FOR A DISTANCE OF 369.14 FEET TO THE END OF SAID CURVE; THENCE RUN N.88°39'07"W., ALONG SAID SOUTHERLY RIGHT-OF-WAY LINE, FOR A DISTANCE OF 674.92 FEET TO A POINT ON THE EASTERLY RIGHT-OF-WAY LINE OF U.S. HWY. NO. 41 (FLORIDA STATE ROAD NO. 45), A 200.00 FOOT RIGHT-OF-WAY; THENCE RUN S.04°52'41"W., ALONG SAID EASTERLY RIGHT-OF-WAY LINE, FOR A DISTANCE OF 1,901.57 FEET TO THE BEGINNING OF A TANGENTIAL CIRCULAR CURVE, CONCAVE EASTERLY; THENCE RUN SOUTHERLY, ALONG SAID EASTERLY RIGHT-OF-WAY LINE AND ALONG THE ARC OF SAID CURVE TO THE LEFT, HAVING A RADIUS OF 2,725.19 FEET, THROUGH A CENTRAL ANGLE OF 11°32'50", SUBTENDED BY A CHORD OF 548.30 FEET AT A BEARING OF S.00°53'44"E., FOR A DISTANCE OF 549.23 FEET TO THE END OF SAID CURVE; THENCE RUN S.06°40'09"E., ALONG SAID EASTERLY RIGHT-OF-WAY LINE FOR A DISTANCE OF 225.81 FEET TO A POINT ON THE NORTH LINE OF THE SOUTHEAST QUARTER OF SAID SECTION 4; THENCE CONTINUE S.06°40'09"E., ALONG SAID EASTERLY RIGHT-OF-WAY LINE, FOR A DISTANCE OF 2,710.61 FEET TO A POINT ON THE SOUTH LINE OF THE SOUTHEAST QUARTER OF SAID SECTION 4; THENCE CONTINUE S.06°40'09"E., ALONG SAID EASTERLY RIGHT-OF-WAY LINE, FOR A DISTANCE OF 626.03 FEET TO THE BEGINNING OF A TANGENTIAL CIRCULAR CURVE, CONCAVE WESTERLY; THENCE RUN SOUTHERLY, ALONG SAID EASTERLY RIGHT-OF-WAY LINE AND ALONG THE ARC OF SAID CURVE TO THE RIGHT, HAVING A RADIUS OF 11,584.73 FEET, THROUGH A CENTRAL ANGLE OF 06°24'13", SUBTENDED BY A CHORD OF 1,294.08 FEET AT A BEARING OF S.03°28'03"E., FOR A DISTANCE OF 1,294.76 FEET TO THE END OF SAID CURVE; THENCE RUN S.00°15'56"E., ALONG SAID EASTERLY RIGHT-OF-WAY LINE, FOR A DISTANCE OF 274.74 FEET; THENCE RUN S.46°02'16"E., FOR A DISTANCE OF 577.44 FEET; THENCE RUN S.01°57'26"E. FOR A DISTANCE OF 25.19 FEET TO A POINT ON THE NORTHERLY RIGHT-OF-WAY LINE OF COCONUT ROAD, A 150.00 FOOT RIGHT-OF-WAY; THENCE RUN N.88°02'34"E., ALONG SAID NORTHERLY RIGHT-OF-WAY LINE, FOR A DISTANCE OF 32.80 FEET TO THE BEGINNING OF A TANGENTIAL CIRCULAR CURVE, CONCAVE NORTHERLY; THENCE RUN EASTERLY, ALONG SAID NORTHERLY RIGHT-OF-WAY LINE AND ALONG THE ARC OF SAID CURVE TO THE LEFT, HAVING A RADIUS OF 1,875.00 FEET, THROUGH A CENTRAL ANGLE OF 17°41'59", SUBTENDED BY A CHORD OF 576.92 FEET AT A BEARING OF N.79°11'34"E., FOR A DISTANCE OF 579.22 FEET TO THE END OF SAID CURVE; THENCE RUN N.70°20'35"E., ALONG SAID NORTHERLY RIGHT-OF-WAY LINE, FOR A DISTANCE OF 200.00 FEET TO THE BEGINNING OF A TANGENTIAL CIRCULAR CURVE, CONCAVE



HM PROJECT #1997079

1/17/01

REF. DWG. #A-994-3

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SOUTHERLY; THENCE RUN EASTERLY, ALONG SAID NORTHERLY RIGHT-OF-WAY LINE AND ALONG THE ARC OF SAID CURVE TO THE RIGHT, HAVING A RADIUS OF 3,175.00 FEET, THROUGH A CENTRAL ANGLE OF 09°15'04", SUBTENDED BY A CHORD OF 512.09 FEET AT A BEARING OF N.74°58'07"E., FOR A DISTANCE OF 512.65 FEET TO THE END OF SAID CURVE; THENCE RUN N.79°35'39"E., ALONG SAID NORTHERLY RIGHT-OF-WAY LINE, FOR A DISTANCE OF 263.08 FEET TO THE POINT OF BEGINNING; CONTAINING 386.536 ACRES, MORE OR LESS.

NOTES:

THIS PROPERTY IS SUBJECT TO EASEMENTS, RESERVATIONS OR RESTRICTIONS OF RECORD.

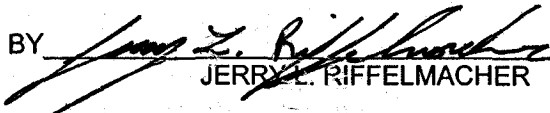
TOTAL PROPERTY AREA: 482.421 ACRES, MORE OR LESS.

INFORMATION RELATING TO BOUNDARY DATA OF SECTIONS 3, 4, 9 AND 10, TOWNSHIP 47 SOUTH, RANGE 25 EAST, LEE COUNTY, FLORIDA, TOGETHER WITH THE LOCATION OF THE US HIGHWAY #41 RIGHT-OF-WAY, WAS OBTAINED FROM A SURVEY OF THE SWEETWATER RANCH PREPARED BY DENI ASSOCIATES HAVING ORDER NUMBER 8409031, DATED 9/14/84. INFORMATION RELATING TO THE LOCATION OF COCONUT ROAD AND ADJOINING EXCEPTED PARCELS WAS OBTAINED FROM PROPERTY DESCRIPTIONS PROVIDED BY CLIENT.

BEARINGS REFER TO THE SOUTH LINE OF THE SOUTHEAST QUARTER OF SECTION 9, TOWNSHIP 47 SOUTH, RANGE 25 EAST, LEE COUNTY, FLORIDA, AS BEING S.88°56'17"W.

HOLE MONTES, INC.  
CERTIFICATE OF AUTHORIZATION LB #1772

BY

  
JERRY L. RIFFELMACHER

P.S.M. #6130  
STATE OF FLORIDA

**RECEIVED**  
APR 20 2009

COMMUNITY DEVELOPMENT

ADD 2009-00032

ADMINISTRATIVE AMENDMENT (PD) ADD2009-00032

ADMINISTRATIVE AMENDMENT  
LEE COUNTY, FLORIDA

WHEREAS, Extra Space Storage filed an application for administrative approval to a Mixed Use Planned Development known Coconut Point MPD for three deviations from Land Development Code Sections 33-56 (definitions, Monument sign area measurement), 30-153(3)(a)(1) and 30-153(3)(e) (Side and front setbacks for monument signs) for a monument sign for a project located at 8420 Murano Del Lago Drive, in Estero, described more particularly as:

LEGAL DESCRIPTION: In Section 09, Township 47 South, Range 25 East, Lee County, Florida:

See Exhibit "A".

WHEREAS, the property was originally rezoned in case number DCI2000-00015/DRI2001-00005 (with subsequent amendments in case numbers ADD2004-00060(C), ADD2004-00187(A), ADD2005-00080(A), DCI2006-00080/DRI2006-00009 (Z-07-040) and ADD2007-00207); 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, the applicant wishes to install a monument sign at the entrance to the parcel developed with a storage complex; and

WHEREAS, the storage business for security reasons contains a perimeter wall on all sides; and

WHEREAS, wall signs are not permitted in commercial and industrial districts; and

WHEREAS, placing a monument sign, in compliance with all the requirements of the Land Development Code will place the sign behind the perimeter wall and not visible from the outside; and

WHEREAS, the applicant has requested the following three deviations in order to place a monument sign at the entrance to the site. These deviations are requested because of the fact that the monument sign will also function as a part of the perimeter wall:

1. A deviation from Land Development Code Section 33-56, Definitions, which states that the face of sign area for a monument sign is measured as a rectangle enclosing the entire width and height of the sign structure, to allow for measurement of sign area to be calculated based on the outside edges of the lettering or sign frame.
2. A deviation from Land Development Code Section 30-153(3)(a)(1) that requires a monument sign to be no closer than 5 feet to any side property line to allow for a 2 feet setback.
3. A deviation from Land development Code Section 30-153(3)(e) that requires a minimum setback of 15 feet from any right-of-way or easement, to allow for a setback of 10 feet from the right-of-way of Murano Del Lago and for a setback of 0 feet from the existing surrounding drainage and public utility easements.

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; and

WHEREAS, the Estero Development Review Committee reviewed and approved a request for a sign packet with nine (9) signs for this site on January 14, 2009, which included the monument sign subject of this Administrative Amendment.


NOW, THEREFORE, IT IS HEREBY DETERMINED that the application for administrative approval to add the three deviations noted above amending the Mixed Use Planned Development are **APPROVED subject to the following conditions:**

1. **The terms and conditions of the original zoning resolutions remain in full force and effect.**

2. These three deviations are only applicable to Tract 3C-2 of Coconut Point MPD as depicted on the attached plan marked as Attachment "A", labeled as "Coconut Point - Area 3, Tract 3C-2-Extra space Storage Master Development Plan."
3. This amendment is only applicable to one monument sign, as depicted on Attachment "B", entitled Project Sign (by US Signs). All other signs must be in full compliance with the requirements of the Lee County Land Development Code.

DULY SIGNED this 20<sup>th</sup> day of May, A.D., 2009.

BY: \_\_\_\_\_

  
Pam Houck, Director  
Division of Zoning  
Department of Community Development

## **Legal Description**

Tract 3C-2, Coconut Point – Area 3- Tract 3C and a portion of Tract 3B Replat, a subdivision, Located in Section 09, Township 47 South, Range 25 East, according to the plat thereof on file and recorded in Instrument Number 2008000157280, of the Public Records of Lee County, Florida.

## **Strap Number**

09-47-25-47-003C2.0000

**ADD2009-00032**

**APPLICANT'S LEGAL CHECKED**

By CSJ 4-23-09

**EXHIBIT A**



Exh. AA-3.C.1  
Legal Description

6200 Whiskey Creek Drive • Fort Myers, Florida 33919 • Phone: 239.985.1200 • Fax: 239.985.1259

RECEIVED

HM PROJECT #1997079

1/17/01

REF. DWG. #A-994-3

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OVERALL

LEGAL DESCRIPTION

ADD

APR 20 2003

0009 00032

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AND

Applicant's Legal Checked

by BJ 4-23-03

A PORTION OF SECTIONS 3, 4, 9, AND 10, TOWNSHIP 47 SOUTH, RANGE 25 EAST, LEE COUNTY, FLORIDA, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCE AT THE SOUTHEAST CORNER OF SECTION 9, TOWNSHIP 47 SOUTH, RANGE 25 EAST, LEE COUNTY, FLORIDA; THENCE RUN S.88°56'17"W., ALONG THE SOUTH LINE OF THE SOUTHEAST QUARTER OF SAID SECTION 9, FOR A DISTANCE OF 5.89 FEET TO A POINT ON THE

WESTERLY RIGHT-OF-WAY LINE OF THE SEABOARD COASTLINE RAILROAD, A 130.00 FOOT RIGHT-OF-WAY; THENCE RUN N.00°59'47"W., ALONG SAID WESTERLY RIGHT-OF-WAY LINE, FOR A DISTANCE OF 3,021.15 FEET TO THE POINT OF BEGINNING OF THE PARCEL OF LAND HEREIN DESCRIBED; THENCE RUN N.00°59'47"W., ALONG SAID WESTERLY RIGHT-OF-WAY LINE, FOR A DISTANCE OF 2,320.56 FEET TO A POINT ON THE NORTH LINE OF THE NORTHWEST QUARTER OF SECTION 10, TOWNSHIP 47 SOUTH, RANGE 25 EAST; THENCE RUN N.00°59'47"W., ALONG SAID WESTERLY RIGHT-OF-WAY LINE, FOR A DISTANCE OF 2,692.32 FEET TO A POINT ON THE NORTH LINE OF THE SOUTHEAST QUARTER OF SECTION 4, TOWNSHIP 47 SOUTH, RANGE 25 EAST; THENCE RUN N.00°56'59"W., ALONG SAID WESTERLY RIGHT-OF-WAY LINE, FOR A DISTANCE OF 1,590.78 FEET TO THE BEGINNING OF A TANGENTIAL CIRCULAR CURVE, CONCAVE WESTERLY; THENCE RUN NORTHERLY, ALONG SAID WESTERLY RIGHT-OF-WAY LINE AND ALONG THE ARC OF SAID CURVE TO THE LEFT, HAVING A RADIUS OF 5,641.38 FEET, THROUGH A CENTRAL ANGLE OF 09°31'27", SUBTENDED BY A CHORD OF 936.68 FEET AT A BEARING OF N.05°42'42"W., FOR A DISTANCE OF 937.76 FEET TO THE END OF SAID CURVE; THENCE RUN N.10°28'26"W., ALONG SAID WESTERLY RIGHT-OF-WAY LINE, FOR A DISTANCE OF 98.54 FEET TO A POINT ON THE SOUTHERLY RIGHT-OF-WAY LINE OF WILLIAMS ROAD, A 100.00 FOOT RIGHT-OF-WAY; THENCE RUN S.88°20'53"W., ALONG SAID SOUTHERLY RIGHT-OF-WAY LINE, FOR A DISTANCE OF 1,029.70 FEET TO THE BEGINNING OF A TANGENTIAL CIRCULAR CURVE, CONCAVE NORTHERLY; THENCE RUN WESTERLY, ALONG SAID SOUTHERLY RIGHT-OF-WAY LINE AND ALONG THE ARC OF SAID CURVE TO THE RIGHT, HAVING A RADIUS OF 7,050.00 FEET, THROUGH A CENTRAL ANGLE OF 03°00'00", SUBTENDED BY A CHORD OF 369.09 FEET AT A BEARING OF S.89°50'53"W., FOR A DISTANCE OF 369.14 FEET TO THE END OF SAID CURVE; THENCE RUN N.88°39'07"W., ALONG SAID SOUTHERLY RIGHT-OF-WAY LINE, FOR A DISTANCE OF 674.92 FEET TO A POINT ON THE EASTERLY RIGHT-OF-WAY LINE OF U.S. HWY. NO. 41 (FLORIDA STATE ROAD NO. 45), A 200.00 FOOT RIGHT-OF-WAY; THENCE RUN S.04°52'41"W., ALONG SAID EASTERLY RIGHT-OF-WAY LINE, FOR A DISTANCE OF 1,901.57 FEET TO THE BEGINNING OF A TANGENTIAL CIRCULAR CURVE, CONCAVE EASTERLY; THENCE RUN SOUTHERLY, ALONG SAID EASTERLY RIGHT-OF-WAY LINE AND ALONG THE ARC OF SAID CURVE TO THE LEFT, HAVING A RADIUS OF 2,725.19 FEET, THROUGH A CENTRAL ANGLE OF 11°32'50", SUBTENDED BY A CHORD OF 548.30 FEET AT A BEARING OF S.00°53'44"E., FOR A DISTANCE OF 549.23 FEET TO THE END OF SAID CURVE; THENCE RUN S.06°40'09"E., ALONG SAID EASTERLY RIGHT-OF-WAY LINE FOR A DISTANCE OF 225.81 FEET TO A POINT ON THE NORTH LINE OF THE SOUTHEAST QUARTER OF SAID SECTION 4; THENCE CONTINUE S.06°40'09"E., ALONG SAID EASTERLY RIGHT-OF-WAY LINE, FOR A DISTANCE OF 2,710.61 FEET TO A POINT ON THE SOUTH LINE OF THE SOUTHEAST QUARTER OF SAID SECTION 4; THENCE CONTINUE S.06°40'09"E., ALONG SAID EASTERLY RIGHT-OF-WAY LINE, FOR A DISTANCE OF 626.03 FEET TO THE BEGINNING OF A TANGENTIAL CIRCULAR CURVE, CONCAVE WESTERLY; THENCE RUN SOUTHERLY, ALONG SAID EASTERLY RIGHT-OF-WAY LINE AND ALONG THE ARC OF SAID CURVE TO THE RIGHT, HAVING A RADIUS OF 11,584.73 FEET, THROUGH A CENTRAL ANGLE OF 06°24'13", SUBTENDED BY A CHORD OF 1,294.08 FEET AT A BEARING OF S.03°28'03"E., FOR A DISTANCE OF 1,294.76 FEET TO THE END OF SAID CURVE; THENCE RUN S.00°15'56"E., ALONG SAID EASTERLY RIGHT-OF-WAY LINE, FOR A DISTANCE OF 274.74 FEET; THENCE RUN S.46°02'16"E., FOR A DISTANCE OF 577.44 FEET; THENCE RUN S.01°57'26"E. FOR A DISTANCE OF 25.19 FEET TO A POINT ON THE NORTHERLY RIGHT-OF-WAY LINE OF COCONUT ROAD, A 150.00 FOOT RIGHT-OF-WAY; THENCE RUN N.88°02'34"E., ALONG SAID NORTHERLY RIGHT-OF-WAY LINE, FOR A DISTANCE OF 32.80 FEET TO THE BEGINNING OF A TANGENTIAL CIRCULAR CURVE, CONCAVE NORTHERLY; THENCE RUN EASTERLY, ALONG SAID NORTHERLY RIGHT-OF-WAY LINE AND ALONG THE ARC OF SAID CURVE TO THE LEFT, HAVING A RADIUS OF 1,875.00 FEET, THROUGH A CENTRAL ANGLE OF 17°41'59", SUBTENDED BY A CHORD OF 576.92 FEET AT A BEARING OF N.79°11'34"E., FOR A DISTANCE OF 579.22 FEET TO THE END OF SAID CURVE; THENCE RUN N.70°20'35"E., ALONG SAID NORTHERLY RIGHT-OF-WAY LINE, FOR A DISTANCE OF 200.00 FEET TO THE BEGINNING OF A TANGENTIAL CIRCULAR CURVE, CONCAVE

HM PROJECT #1997079

1/17/01

REF. DWG. #A-994-3

PAGE 3 OF 3

SOUTHERLY; THENCE RUN EASTERLY, ALONG SAID NORTHERLY RIGHT-OF-WAY LINE AND ALONG THE ARC OF SAID CURVE TO THE RIGHT, HAVING A RADIUS OF 3,175.00 FEET, THROUGH A CENTRAL ANGLE OF 09°15'04", SUBTENDED BY A CHORD OF 512.09 FEET AT A BEARING OF N.74°58'07"E., FOR A DISTANCE OF 512.65 FEET TO THE END OF SAID CURVE; THENCE RUN N.79°35'39"E., ALONG SAID NORTHERLY RIGHT-OF-WAY LINE, FOR A DISTANCE OF 263.08 FEET TO THE POINT OF BEGINNING; CONTAINING 386.536 ACRES, MORE OR LESS.

NOTES:

THIS PROPERTY IS SUBJECT TO EASEMENTS, RESERVATIONS OR RESTRICTIONS OF RECORD.

TOTAL PROPERTY AREA: 482.421 ACRES, MORE OR LESS.

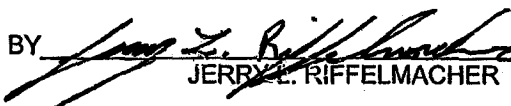
INFORMATION RELATING TO BOUNDARY DATA OF SECTIONS 3, 4, 9 AND 10, TOWNSHIP 47 SOUTH, RANGE 25 EAST, LEE COUNTY, FLORIDA, TOGETHER WITH THE LOCATION OF THE US HIGHWAY #41 RIGHT-OF-WAY, WAS OBTAINED FROM A SURVEY OF THE SWEETWATER RANCH PREPARED BY DENI ASSOCIATES HAVING ORDER NUMBER 8409031, DATED 9/14/84. INFORMATION RELATING TO THE LOCATION OF COCONUT ROAD AND ADJOINING EXCEPTED PARCELS WAS OBTAINED FROM PROPERTY DESCRIPTIONS PROVIDED BY CLIENT.

BEARINGS REFER TO THE SOUTH LINE OF THE SOUTHEAST QUARTER OF SECTION 9, TOWNSHIP 47 SOUTH, RANGE 25 EAST, LEE COUNTY, FLORIDA, AS BEING S.88°56'17"W.

HOLE MONTES, INC.

CERTIFICATE OF AUTHORIZATION LB #1772

BY

  
JERRY L. RIFFELMACHER

P.S.M. #6130

STATE OF FLORIDA

**RECEIVED**  
APR 20 2009

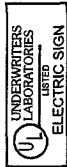
COMMUNITY DEVELOPMENT

ADD 2009-00032

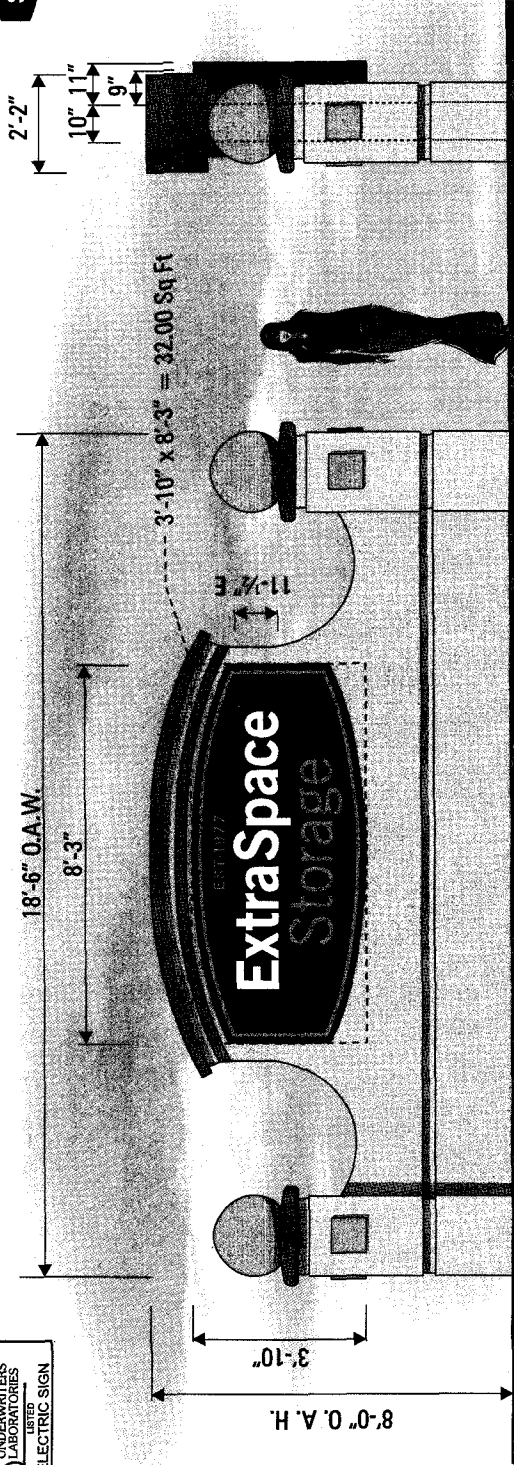




PROJECT SIGN



SIGN 8



FRONT ELEVATION - Scale: 1/4" = 1'-0"

PROJECT WALL  
SIDE FACING AWAY FROM  
THE BUILDING

SIDE ELEVATION  
Scale: 1/4" = 1'-0"

GENERAL SPECIFICATIONS

PROJECT SIGN

PROJECT WALL BY OTHERS.

SQUARE FEET CALCULATIONS		
Allowable	Existing	Proposed
		32.00

TOTAL ALLOWABLE FOR ALL SIGNS IS 300.0 SQ. FT

VINYL & PAINT COLOR SCHEME	
	TAN CALON #2500-05
	GREEN PMS #349C & CALON #2500-26
	WHITE
	OPAQUE BLACK CALON #2100-03

**SINGLE FACE ILLUMINATED WALL SIGN.**  
\*\*\* ALUMINUM CABINETS CONSTRUCTION.  
\*\*\* INTERNALLY ILLUMINATED WITH H.O.  
FLUORESCENT LAMPS.  
\*\*\* MOUNTED TO BUILDING WALL WITH  
FASTENERS AS REQUIRED.  
**MAIN I.D. CABINET:**  
\*\*\* FLEXIBLE SIGN FACE WITH VINYL GRAPHICS  
APPLIED 1ST SURFACE  
\*\*\* 2" w X 2" d RETAINERS.  
\*\*\* PAINT ALUMINUM RETURNS & RETAINERS  
TO MATCH "GREEN" PMS #349C.  
**BACKGROUND:**  
"GREEN" CALON #2500-26 OVER "IVORY"  
CALON #2500-05  
"WHITE" SHOW-THRU COPY;  
"IVORY" CALON #2500-05 INSIDE BORDER.

**"EXTRA SPACE" & "STORAGE":**  
"WHITE" WITH BLACK CALON #2100-03 DROP  
SHADOW.  
**"EST. 1977":**  
"IVORY" CALON #2500-05  
**PHONE CAPSULE:**  
\*\*\* POLYCARBONATE FACE WITH VINYL GRAPHICS  
APPLIED 1ST SURFACE.  
\*\*\* 1" w X 2" d RETAINERS  
**CABINET:**  
PTM "DARK BLUE" PMS #7463C.  
**BACKGROUND:**  
"DARK BLUE" CALON #2500-036 WITH WHITE  
SHOW-THRU COPY.  
**RETURNS/RETAINERS:**  
PTM "DARK BLUE" PMS #7463C.

ATTACHMENT B

THIS DESIGN AND ENGINEERING IS SUBMITTED AS OUR PROPOSAL, AND THE RIGHT TO USE OR EXHIBIT IN ANY FORM, IS NOT AUTHORIZED WITHOUT WRITTEN PERMISSION BY US SIGNS.



Houston • Dallas  
Buffalo • Austin

Austin Regional Office  
376 Canyon Circle Dr.  
Canyon Lake, Texas 78133  
830-935-4168  
FAX: 830-935-4175

Houston Corporate Office  
1800 Bering Drive  
Houston, TX 77057  
713-977-7900  
Fax 713-977-7903



ESTERO, FL

Address: 8420 MURANO DEL  
LARGO DR.

City: ESTERO

State: FL 34134

Account Rep: KEVIN B.

Sales Rep:

APPROVALS

CLIENT

DESIGN

PROD.

Designer:

Design No. 71772-R18

DATE 09-11-08

Rev. Date: 04-08-09

DESCRIPTION

PROJECT SIGN

11.11

The purchaser agrees to hold the seller harmless against any cause for action for damage which may occur as a result of drilling for piers and foundations, including but not limited to, sewer, gas lines or any other underground utilities which the purchaser or others may deem valuable.



**LEE COUNTY**  
SOUTHWEST FLORIDA

**BOARD OF COUNTY COMMISSIONERS**

Bob Janes  
*District One*

Brian Bigelow  
*District Two*

Ray Judah  
*District Three*

Tammy Hall  
*District Four*

Frank Mann  
*District Five*

Donald D. Stilwell  
*County Manager*

David M. Owen  
*County Attorney*

Diana M. Parker  
*County Hearing Examiner*

April 27, 2009

Mr. Thomas W. McLean, P.E.  
Hole Montes, Inc.  
6200 Whiskey Creek Drive  
Fort Myers, FL. 33919

RE: Extra Space Storage Administrative Amendment ADD2009-00032

Dear Mr. McLean;

We need the following information and drawings to complete our review of your request for an Administrative amendment to allow three deviations:

1. Explanation of each deviation requested and reason for that request. We need the exact Section of the Code that you are requesting a deviation from (i.e. Deviation #1: A deviation from the LDC Section 30-XXX (x)(1) which requires a XX-foot setback to allow for a XY-foot setback from the property line.) We need this for all three deviations. We need each of the three deviations explained in detail.
2. We need a drawing of the wall with the sign shown on it to scale with the dimensions of the sign indicated on the drawing.
3. We need a plan showing the setbacks of the sign/wall from the property line and ROW line.

Please forward the requested information and drawings to my attention with the ADD number above written on the cover letter.

Should you have any questions, please feel free to contact me at: 239-533-8372.

Sincerely,

Chahram Badamtchian, AICP  
Senior Planner  
Department of Community Development  
Division of Zoning



LEE COUNTY  
SOUTHWEST FLORIDA

ORIGINAL

## APPLICATION FOR ADMINISTRATIVE ACTION FOR UNINCORPORATED AREAS ONLY

Applicant's Name: Extra Space Storage

Project Name: Extra Space Storage

STRAP Number(s): 09-47-25- 47-003C2.0000

RECEIVED

APR 20 2009  
CWM 4:28pm

### 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: ADD 2009-00032 Commission District: 3  
Current Zoning: MPD Fee Amount: 1500<sup>00</sup>  
Land Use Classification: URBAN COMM. Intake by: CWM  
Planning Community: ESTERO

\*\*\*\*\*

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

ADD 2009-00032

**PART 1**  
**APPLICANT/AGENT INFORMATION**

**A. Name of applicant:** Extra Space Storage

---

Address: Street: 2795 E Cottonwood Pkwy., Suite 400

---

City: Salt Lake City State: UT Zip: 84121

---

Phone: Area Code: 912 Number: 265-8897 Ext:

---

Fax: Area Code: 912 Number: 280-9673

---

E-mail address: ntrudeau@extraspaces.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:** Hole Montes, Inc.

---

**Contact Person:** Thomas W. McLean, P.E.

---

Address: Street: 6200 Whiskey Creek Drive

---

City: Ft. Myers State: FL Zip: 33919

---

Phone: Area Code: 239 Number: 985-1200 Ext:

---

Fax: Area Code: 239 Number: 985-1259

---

E-mail address: tomclean@hmeng.com

---

**C.2. n/a 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): \_\_\_\_\_ January 11, 2008

**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):** 09-47-25-47-003C2.0000  
\_\_\_\_\_  
\_\_\_\_\_

**B. Street Address of Property:** 8420 Murano Del Lago Dr., Bonita Springs, FL 34134

**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:** \_\_\_\_\_ Estero

**F. General Location of Property:**

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

F.2. **Directions to property:** US 41 south to Pelican Colony Blvd (east)

G. **Current Zoning of Property:** MPD

H. **Current use(s) of the property are:** Commercial Storage Facility

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

1. Width (average if irregular parcel):	<u>275</u>	<u>Feet</u>
2. Depth (average if irregular parcel):	<u>311</u>	<u>Feet</u>
3. Total area:	<u>1.95</u>	<u>Acres or square feet</u>
4. Frontage on road or street:	<u>249</u>	<u>Feet on</u> <u>Access</u> <u>Street</u>
2 <sup>nd</sup> Frontage on road or street:	<u></u>	<u>Feet on</u> <u>Street</u>

**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):** Request is for deviations to the Land Development Code  
needed for a ground mounted sign.

**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 <b>(2 originals required)</b> [34-202(a)(1)]
3	AA-3.C.2	Sealed Sketch of the Legal Description <b>(2 originals required)</b> [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 <b>(2 originals required)</b> [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.



PART 1 AFFIDAVIT A2  
(EXHIBIT AA-1.B.2)

AFFIDAVIT FOR ADMINISTRATION ACTION  
APPLICATION IS SIGNED BY A CORPORATION, LIMITED LIABILITY COMPANY (L.L.C.), LIMITED COMPANY  
(L.C.), PARTNERSHIP, LIMITED PARTNERSHIP, OR TRUSTEE

I, \* Charles L. Allen as Manager of Extra Space of Coconut Point 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.

Extra Space of Coconut Point LLC  
\*Name of Entity (corporation, partnership, LLP, LC, etc)

[Signature]  
Signature

Charles L. Allen  
(Type or printed name)

Manager

(title of signatory)

STATE OF Utah  
COUNTY OF Salt Lake

The foregoing instrument was sworn to (or affirmed) and subscribed before me this April 8, 2009 (date) by Charles L. Allen (name of person providing oath or affirmation), who is personally known to me or who has produced \_\_\_\_\_ (type of identification) as identification.

[Signature]  
Signature of person taking oath or affirmation

Notary Public  
Title or rank

Amy N. Wood  
Name typed, printed or stamped

577639  
Serial number, if any



Notary Public  
**AMY N. WOOD**  
Commission #577639  
My Commission Expires  
February 20, 2013  
State of Utah

\* 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.

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**EXHIBIT AA-2.B.1  
DISCLOSURE OF INTEREST FORM FOR:**

**STRAP NO.** \_\_\_\_\_ **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
<u>N/A</u>	
_____	_____
_____	_____
_____	_____
_____	_____

**LIMITED LIABILITY COMPANY**

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
<u>Charles L. Allen, Manager</u>	<u>0%</u>
<u>Kent W. Christensen, Manager</u>	<u>0%</u>
<u>Extra Space Storage LLC, Sole Member and stock holder</u>	<u>100%</u>
_____	_____
_____	_____

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
<u>N/A</u>	
_____	_____
_____	_____
_____	_____
_____	_____

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
<u>N/A</u>	
_____	_____
_____	_____
_____	_____
_____	_____

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
N/A	

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	
N/A	

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: \_\_\_\_\_ EXTRA SPACE OF COCONUT POINT LLC

(Applicant)

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(Printed or typed name of applicant)

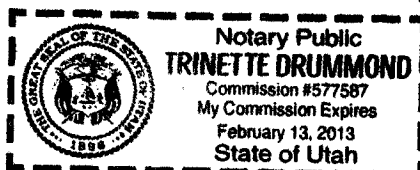
Charles L. Allen, Manager

STATE OF UTAH  
COUNTY OF SALT LAKE

ADD 2009-00032

The foregoing instrument was acknowledged before me this 17 day of APRIL 2009  
by Charles L. Allen who is personally known to me or who has produced  
\_\_\_\_\_ as identification.

(SEAL)



Signature of Notary Public

Trinette Drummond  
Printed Name of Notary Public

Page 2 of 2

ORIGINAL

Reset Form

Print Form



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: Extra Space Storage  
Applicant's Name: Extra Space Storage  
STRAP Number(s): 09-47-25- 47-003C2 .0000

Indicate whether REQUEST is for:

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

\*Planning District: Estero

*\*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:

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PART 1.  
APPLICATION INFORMATION

COMMUNITY DEVELOPMENT

- A. **ORIGINAL PROJECT NAME** (if different than Project Name currently used):  
Coconut Point - Area 3 - Tract 3C-2
- B. **ORIGINAL REZONING RESOLUTION NUMBER:** Z-02-009
- 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-02-009</u>	<u>Z-07-040</u>
<u>ADD2004-00060(C) / ADD2004-00187(A)</u>	<u>ADD2007-00207</u>
<u>ADD2005-00080(A)</u>	<u>ADD 2009-00032</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.**).

DOS2007-00220 (Approved)

DOS2004-00260 (Approved)

## **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?        NO.   X   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?        NO.   X   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
		<b>FOR ADMINISTRATIVE AMENDMENT APPLICATIONS and FOR FINAL PLAN APPROVAL APPLICATIONS</b>
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	H-2.B.1	Schedule of Deviations and Justification Statement for each requested deviation (if YES was answered to Item # 2.B.)
1	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.) - <b>two originals required</b>
		<b>ADDITIONAL SUBMITTAL ITEMS FOR ADMINISTRATIVE AMENDMENT APPLICATIONS</b>
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 - <b>two originals required</b>
3	H-3.D	Zoning Resolutions/Zoning Documents
		<b>ADDITIONAL SUBMITTAL REQUIREMENTS FOR FINAL PLAN APPROVAL APPLICATIONS</b>
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) - <b>two originals required</b>
3	H-4.E	Zoning Resolutions/Zoning Documents

\* At least one copy must be an original

**EXPLANATORY NOTES  
INSTRUCTIONS FOR COMPLETING COVER PAGE**

**Case number:** Will be inserted by County staff.

**Project Name (if applicable):** Provide the name that you wish to have assigned to this project. The name is limited to 30 characters and spaces and should be the same as provided on the Administrative Action Application Form.

**Applicant's Name-Authorized Agent:** The applicant's name must be provided. This is the person to whom all County correspondence will be directed. This is usually the person who signs the Applicant's "Statement Under Oath". (See Administrative Application Form, Part 1, Affidavit Form A1 or A2).

**STRAP(S):** The STRAP (Section, Township, Range, Area, Parcel) number is the 17- digit number used by the Property Appraiser to identify specific parcels. Where there is more than one parcel encompassed by the application, the STRAP number for every parcel must be provided and be the same as those listed in the Administrative Application Form, Part 2.F.

**PART 1.  
APPLICATION INFORMATION**

- A. ORIGINAL PROJECT NAME:** Please indicate the original project name if it is different than the current Project Name (as provided on the Application for Administrative Action Form and above).
- B. ORIGINAL ZONING RESOLUTION NUMBER:** Please list the Resolution Number per the original rezoning case.
- C. SUBSEQUENT ZONING ACTION RESOLUTION/CASE NUMBERS:** List the Resolution number(s) and case number(s) assigned to any public hearing or administrative actions granted or denied for this project since its original rezoning. Provide added sheets, if necessary; label as **Exhibit H-1.C..**
- D. DEVELOPMENT ORDER NUMBERS FOR PROJECT:** List the all local Development Order number(s) and current status of any local Lee County Development Orders issued for this project (e.g. status: Issued, Received, Finaled, Vacated, etc.). Provide added sheets, if necessary; label as **Exhibit H-1.C.**

**PART 2.  
ADDITIONAL SUBMITTAL ITEMS**

- A. WRITTEN NARRATIVE:** Please provide a written narrative statement explaining exactly what is proposed under this application. Please be most specific in terms of development parameters (square feet by specific use, number and type of dwelling units, etc.). Label as **Exhibit H-2.A.**
- B. RELIEF/DEVIATIONS:** Self explanatory. For further assistance see LCLDC Section 34-373(a)(9) and 34-373(b)(4).

**PART 3.  
ADDITIONAL SUBMITTAL REQUIREMENTS FOR ADMINISTRATIVE AMENDMENT APPLICATIONS**

**A.-D.** Self explanatory.

**PART 4.  
ADDITIONAL SUBMITTAL REQUIREMENTS FOR FINAL PLAN APPROVAL APPLICATIONS**

**A.-D.** Self explanatory.



**PART 5.**  
**SUBMITTAL REQUIREMENTS**

1. This table represents a summary of the required submittal items. The applicant is responsible for the accuracy and completeness of this application. Time delays or additional expenses necessitated by submitting inaccurate or incomplete information will be the responsibility of the applicant.
2. All information submitted with the application becomes a part of the public record and will be a permanent part of the file.
3. Please submit all applications in person. Mailed-in applications will not be processed.
4. All attachments and exhibits submitted must be legible, suitable for recording, and of a size that will fit or conveniently fold to fit into a letter size (8 1/2" x 11") folder.
5. Department staff will review this application for compliance with requirements of the Lee County Land Development Code. The applicant will be notified of any deficiencies.

**LIST OF DEVIATIONS AND JUSTIFICATION**

**Deviation #1**

A deviation from Estero Code Sec. 33-56, Definitions, which states that the face of sign area for a monument sign is measured as a rectangle enclosing the entire width and height of the sign structure to allow for measurement of sign area to be calculated based on the outside edges of the sign lettering or sign frame.

**Justification for Deviation #1**

In this particular case, the proposed monument sign is not a stand-alone sign structure. The sign is affixed to a structure that is a part of the project's perimeter wall system. The wall structure is designed to be consistent with the design of the perimeter wall as well as the design of the building. This request would be consistent with the manner in which the County defines sign area. In addition, the proposed sign area will be consistent with the County requirement for total project signage maximum area and will not exceed the maximum amount. The project signage package was reviewed and approved by the Coconut Point Design Review Authority and was presented to the Estero Design Review Committee as is required for project's with the Coconut Point DRI.

**Deviation #2**

A deviation from from Lee County Code Sec. 30-153 (3) a. 1 that requires a mounted sign to be no closer than 5 feet to any side property line to allow for a 2 feet setback to the proposed ground-mounted sign.

**Justification for Deviation #2**

The location of the project wall structure that is doubling as a ground mounted sign is affected by the location of two water system backflow preventers. The project wall has been designed to provide screening of the large utility devices and as such the project wall/ground mounted sign needs to be closer to the north property line than the minimum of 5 feet. Adherence to the code in this situation would cause the project wall/ground mounted sign to be placed behind the backflow preventers eliminating the screening feature of the wall/sign.

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COMMUNITY DEVELOPMENT **ADD** 2009-00032

### **Deviation #3**

**A deviation from from Lee County Code Sec. 30-153 (3) e. that requires a minimum setback of 15 feet from any right of way or easement, to allow for a setback of 10 feet from the right of way of Murano del Lago and for a setback of 0 feet from the existing surrounding drainage and public utility easements.**

### **Justification for Deviation #3**

**As mentioned in the previous deviation justifications, the subject sign is a part of the project's unified project wall system. The wall is designed to provide screening of the water facilities from public view and in order to provide effective screening the wall must be located closer to the rights of way and easements than would be allowed for a ground mounted sign. In the location of the wall/sign the right of way of Murano del Lago comes to a point and three way stop is created from the north and east leg of Murano del Lago and the entrances from Tracts 3C-1/3C-2. This stop condition will assist in keeping speeds low on the street and due to the low speeds the project wall/sign will not pose a hazard to wayward vehicles. The sign will not be located within the public utility easement so there should not be an impact to public utilities.**



6200 Whiskey Creek Drive • Fort Myers, Florida 33919 • Phone: 239.985.1200 • Fax: 239.985.1259

April 16, 2009

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Mr. Chip Block  
Division of Zoning  
Lee County Department of Community Development  
1500 Monroe Street  
Ft. Myers, Florida 33901

COMMUNITY DEVELOPMENT  
ADD 2009-00032

**RE: Coconut Point MPD**

**Res. No.:**

**Z-02-009/Z-07-040**

**Admin. Amendment(s):**

**ADD2004-00060  
ADD2004-00060(A)  
ADD2004-00060(B)  
ADD2004-00187  
ADD2005-00080A  
ADD2006-00024  
ADD2007-00207**

**REQUEST FOR AN ADMINISTRATIVE AMENDMENT**

**Coconut Point – Area #3 – Tract 3C-2**

**Project ID Sign/Wall Deviations**

**HM Project No. 2007.038**

Dear Mr. Block:

Hole Montes, Inc. is pleased to submit this application for Administrative Amendment for the above referenced project. The subject property is Area #3 of the Coconut Point MPD (Res. No. #Z-02-009, approved October 21<sup>st</sup>, 2002). This request is as follows:

- A request for three deviations to the Land Development Code to allow for a combination project wall/project ID sign to be located at the northeast corner of the project at the entrance from Murano del Lago.

This requested amendment will not increase height, density or intensity. This amendment will not result in the underutilization of public resources and public infrastructure committed to the support of the development. This amendment will not result in a reduction of total open space, buffering, landscaping or preservation areas. This amendment will not create adverse impacts to surrounding land uses.

Mr. Chip Block  
Coconut Point MPD  
Res. No.: Z-02-009/Z-07-040  
April 16, 2009  
Page 2 of 2

The Administrative Amendment filing fee of \$1,500 is included with this submittal. If you have any questions, or require additional information, please contact me.

Very truly yours,

**HOLE MONTES, INC.**

A handwritten signature in cursive script that reads "Thomas McLean / hlc".

Thomas W. McLean, P.E.  
Vice President

TWM/hk

Enclosures

cc: Nancy Trudeau



Home > EDRC > EDRC Minutes > January 2009 EDRC Minutes

## OFFICIAL PUBLIC MEETING MINUTES

(in accordance with Chapter 33 of the Lee County Land Development Code)

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The Estero Recreation Center  
9200 Corkscrew Palms Boulevard  
Estero, Florida

**Meeting Date:** Wednesday January 14, 2009

**Meeting Time:** 5:00 PM

**Members in Attendance:** Nancy Cohen, Gordon Lyons, Bob Melzer, Bill Prysi, Tom O'Dea, Al O'Donnell, Gerald Simons, Jim Wallace

**Members Absent:** Joseph McHarris

**Chaired By:** Tom O'Dea

**Minutes By:** Norma Reynolds

Meeting called to order by Tom O'Dea at 5:06 PM.

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APR 20 2009

**COMMUNITY DEVELOPMENT**

**ADD 2009-00032**

Bev announced the 2009 Arts of Estero event sponsored by the Estero Council of Community Leaders. The all day event is scheduled for March 28<sup>th</sup> from 11:00 AM to 6 PM at the Estero Community Park. Many volunteers are needed to make this a success.

Tom O'Dea explained there is a shortage of funds to support the work of the Estero committees. More information will be forthcoming.

:

Motion made by Gordon Lyons moved, seconded by Nancy Cohen to approve the November minutes. Unanimous

**Applicant 1: Extra Space Storage Signage**

Location of Project US 41 Tract 3C-2

Presented by: Ned Dewhirst, Senior VP Oakbrook Properties

Fee Paid: Yes

**SIGN or other Pertinent Issue:**

Presenter: Nancy Trudeau

Plans for 9 sign were submitted for review and comments. Filed.

**Committee and Public Comments:**

- Signs are appropriate to the site and the size of the building.
- Committee acknowledged that the types of sign being proposed here are the types normally prohibited in Estero. An exception is being made due to the project falling under the Coconut point DRC and the appropriateness of the scale and style which match the theme of the project.
- Address number(s) is required.
- May not meet the Lee County code.

**CONCLUSIONS:**

Letter with comments will be sent acknowledging the review with comments.

**Applicant 2: Stillwell Solar**

Location of Project 20778 Estero Court and US 41

Presented by: Trina Long

Fee Paid: No

**Landscaping:**

Presenter: Trina Long

US 41 is due to be widened in the future and will be taking part of the property. Stillwell Solar's landscaping will be impacted and possibly the septic system and drainage area. FDOT is not liable for damage to the septic area.

Lee County has recommended plants to be used on the slope including moving the Sabal Palms to that area.

**Suggestions and Comments:**

- Put up construction fence to prevent damage to the septic area.
- Native grasses will live on the septic field and could be used to meet the buffer requirements if the taking comes too close to the drain field.

**CONCLUSIONS:**

No action is necessary

**Applicant 3:                      North Point**

Location of Project                      US 41 and Williams

Presented by:                      Kim Scher Project Coordinator, Q.  
Grady Minor & Associates, PA.

Fee Paid:                      Yes

**SITE PLAN:**

Presenter: Heidi Williams

This is the first of many presentations expected to come before this committee.

Plans were presented indicating the location of three (3) sales trailers, three (3) construction trailers and supporting infrastructure. The committee was assured that the road and plans are consistent with the master plan presented in November 2006.

**Committee and Public Comments:**

- The perimeter buffer design is monotonous and is not in keeping with both the standard of the community or adjacent projects of similar scope. A very poor buffer design was presented. The interior landscape designs were good, but the buffers were not thought out and are not in keeping with the scale and magnitude of the project.
- The Committee encouraged the Applicant to rethink and readdress the US-41 and Williams Road Buffers to the degree appropriate to the Community standard. (See Coconut Point). The Committee would be favorable to an application that addressed these two portions of the property to the degree necessary and to allow the Applicant to forgo the installation of the buffers on the north and east sides due to the minimal impact the initial infrastructure indicated at this time.
- Interior Storage areas must be buffered in accordance with code.

Return with the completed plan for the buffers in direction of the



- Return with the completed plan for the buffers indicating what and when will be phased in.
- The Applicant should check with Wilson Miller regarding the entrance to the Art District on the South side of Williams Road. The Applicant should assure that they are aligned. t

#### CONCLUSIONS:

Bill Pryce moved that the buffers be redesigned to coordinate with the surrounding areas and that relief be granted from installing the North and East buffers at this time. Nancy Cohen seconded. The vote was unanimous. Applicant indicated they would return with revisions.

#### OLD BUSINESS:

Jim Wallace addressed his concern that builders are not complying with agreements made with this committee. For example, signs have been installed that have not been approved; color breaks have not been painted as agreed, architectural details have not been installed. Whether it's a misunderstanding or disregard for the agreements, there should be a system for enforcement.

In an effort to follow through with enforcement, it was agreed that a file system needed to be in place. Al O'Donnell will provide the file containers and Jim Wallace will keep the files according to project.

Al O'Donnell suggested that one completed project be reviewed at every meeting. Results could then be sent to the County for enforcement. No action taken.

#### Signage Code:

Tom O'Dea volunteered to write a letter to Lee County officials to help set guidelines for the committee to rewrite the signage codes. It was suggested he talk with Bob Stewart, Director of the building department and copy Mary Gibbs.

#### Meeting adjourned at 6:35 PM.

Next Meeting: Wednesday, February 11, 2009 @ 5:00 PM

The Estero Recreation Center.

---

For the Estero Design Review Committee

These Minutes do not reflect a verbatim record of the Public Meeting conducted in accordance with Chapter 33 of the Lee County Land Development Code. However, reflect specific issues addressed and noted by each presentation. These Minutes are Official with the original signed copy as approved by the Acting Committee Chair or Designee. Unauthorized reproduction or

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02/11/2009

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**COCONUT POINT DESIGN REVIEW AUTHORITY**  
**NORTH AND SOUTH VILLAGE**  
**FINAL SITE PLAN REVIEW**  
**12/5/08**

X APPROVED

       DENIED; MODIFICATIONS REQUIRED

**DEVELOPMENT AREA:** TRACT 3C-2 ExtraSpace Storage

**DATE OF PLANS RECEIVED:** December 3, 2008

**PLANS RECEIVED:**

1. US SIGNS Proposed Sign Package Revision Date 12/2/08 / Sheets 1.9-9.9

**REVIEW COMMENTS:**

SIGNS

- The proposed signs comply with the Coconut Point DRGs
- Sign #13 should include additional / complementary landscaping

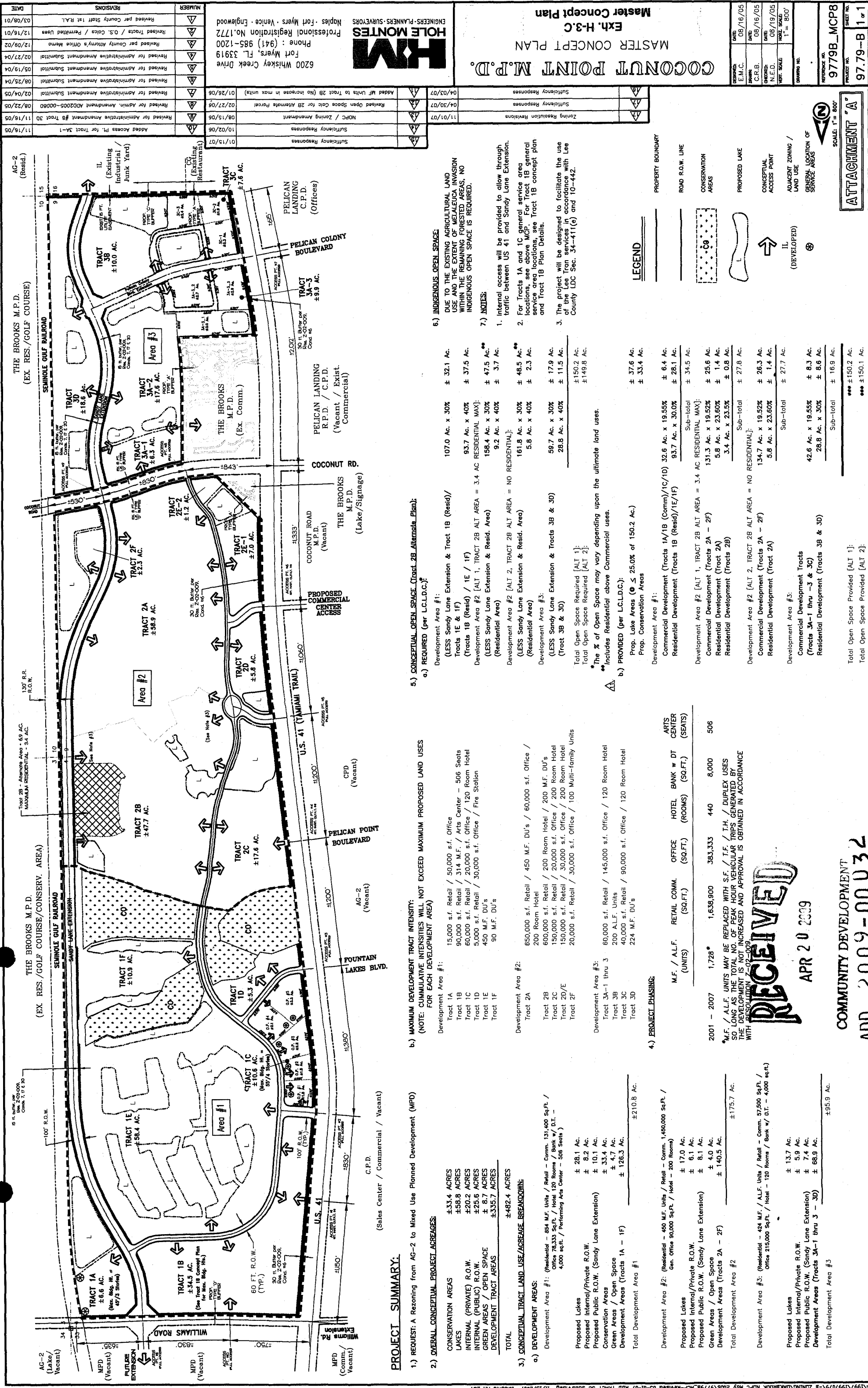
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**COMMUNITY DEVELOPMENT**

GENERAL

**ADD 2009-00032**

- Please coordinate with Oakbrook for a presentation date in December or January to the Estero Design Review Committee (EDRC) prior to construction
- Project needs to comply with Lee Co and Estero LDC regulations



PROJECT SUMMARY:

1.) REQUEST: A Rezoning from AG-2 to Mixed Use Planned Development (MPD)

2.) OVERALL CONCEPTUAL PROJECT AREAS:

CONSERVATION AREAS	±33.4 ACRES
INTERNAL (PRIVATE) R.O.W.	±58.8 ACRES
INTERNAL (PUBLIC) R.O.W.	±20.2 ACRES
GREEN AREAS / OPEN SPACE	±25.6 ACRES
DEVELOPMENT TRACT AREAS	±335.7 ACRES
TOTAL	±482.4 ACRES

3.) CONCEPTUAL TRACT LAND USE/ACREAGE BREAKDOWN:

a.) DEVELOPMENT AREAS:	
Development Area #1: (Residential - 854 M.F. Units / Retail - Comm. 131,400 Sq.Ft. / Office 78,333 Sq.Ft. / Hotel 120 Rooms / Bank w/ O.T. - 4,000 sq.ft. / Performing Arts Center - 500 Seats)	
Proposed Lakes	± 28.1 Ac.
Proposed Internal/Private R.O.W.	± 8.2 Ac.
Proposed Public R.O.W. (Sandy Lane Extension)	± 10.1 Ac.
Conservation Areas	± 33.4 Ac.
Green Areas / Open Space	± 4.7 Ac.
Development Areas (Tracts 1A - 1F)	± 126.3 Ac.
Total Development Area #1	±210.8 Ac.
Development Area #2: (Residential - 450 M.F. Units / Retail - Comm. 1,450,000 Sq.Ft. / Proposed Internal/Private R.O.W.	
Proposed Lakes	± 17.0 Ac.
Proposed Internal/Private R.O.W.	± 6.1 Ac.
Proposed Public R.O.W. (Sandy Lane Extension)	± 8.1 Ac.
Green Areas / Open Space	± 4.0 Ac.
Development Areas (Tracts 2A - 2F)	± 140.5 Ac.
Total Development Area #2	±175.7 Ac.
Development Area #3: (Residential - 424 M.F. / ALF Units / Retail - Comm. 57,500 Sq.Ft. / Office 215,000 Sq.Ft. / Hotel - 120 Rooms / Bank w/ O.T. - 4,000 sq.ft.)	
Proposed Lakes	± 13.7 Ac.
Proposed Internal/Private R.O.W.	± 5.9 Ac.
Proposed Public R.O.W. (Sandy Lane Extension)	± 7.4 Ac.
Development Areas (Tracts 3A-1 thru 3 - 3D)	± 68.9 Ac.
Total Development Area #3	±95.9 Ac.

b.) MAXIMUM DEVELOPMENT TRACT INTENSITY:

(NOTE: CUMULATIVE INTENSITIES WILL NOT EXCEED MAXIMUM PROPOSED LAND USES FOR EACH DEVELOPMENT AREA)

Development Area #1:	
Tract 1A	15,000 s.f. Retail / 50,000 s.f. Office
Tract 1B	90,000 s.f. Retail / 314 M.F. / Arts Center - 506 Seats
Tract 1C	60,000 s.f. Retail / 20,000 s.f. Office / 120 Room Hotel
Tract 1D	5,000 s.f. Retail / 30,000 s.f. Office / Fire Station
Tract 1E	450 M.F. DU's
Tract 1F	90 M.F. DU's
Development Area #2:	
Tract 2A	650,000 s.f. Retail / 450 M.F. DU's / 60,000 s.f. Office / 200 Room Hotel
Tract 2B	600,000 s.f. Retail / 200 Room Hotel / 200 M.F. DU's
Tract 2C	150,000 s.f. Retail / 20,000 s.f. Office / 200 Room Hotel
Tract 2D/E	150,000 s.f. Retail / 30,000 s.f. Office / 200 Room Hotel
Tract 2F	20,000 s.f. Retail / 30,000 s.f. Office / 100 Multi-family Units
Development Area #3:	
Tract 3A-1 thru 3	60,000 s.f. Retail / 145,000 s.f. Office / 120 Room Hotel
Tract 3B	200 ALF Units
Tract 3C	40,000 s.f. Retail / 90,000 s.f. Office / 120 Room Hotel
Tract 3D	224 M.F. DU's

4.) PROJECT PHASING:

	M.F. / ALF. (UNITS)	RETAIL COMM. (SQ.FT.)	OFFICE (SQ.FT.)	HOTEL (ROOMS)	BANK w DT (SQ.FT.)	ARTS CENTER (SEATS)
2001 - 2007	1,728*	1,638,900	383,333	440	8,000	506

\*M.F. / ALF. UNITS MAY BE REPLACED WITH S.F. / T.F. / T.H. / DUPLEX USES SO LONG AS THE TOTAL NO. OF PEAK HOUR VEHICULAR TRIPS GENERATED BY THE DEVELOPMENT IS NOT INCREASED AND APPROVAL IS OBTAINED IN ACCORDANCE WITH RESOLUTION 7-02-009.

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ADD 2009-00032

5.) CONCEPTUAL OPEN SPACE (Tract 2B Alternate Plan):

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

Development Area #1:	
(LESS Sandy Lane Extension & Tract 1B (Resid)/ Tracts 1E & 1F)	107.0 Ac. x 30% ± 32.1 Ac.
(Tract 1B (Resid) / 1E / 1F)	93.7 Ac. x 40% ± 37.5 Ac.
Development Area #2 [ALT 1, TRACT 2B ALT AREA = 3.4 AC RESIDENTIAL MAX]:	
(LESS Sandy Lane Extension & Resid. Area)	158.4 Ac. x 30% ± 47.5 Ac.
(Residential Area)	9.2 Ac. x 40% ± 3.7 Ac.
Development Area #2 [ALT 2, TRACT 2B ALT AREA = NO RESIDENTIAL]:	
(LESS Sandy Lane Extension & Resid. Area)	161.8 Ac. x 30% ± 48.5 Ac.
(Residential Area)	5.8 Ac. x 40% ± 2.3 Ac.
Development Area #3:	
(LESS Sandy Lane Extension & Tracts 3B & 3D)	58.7 Ac. x 30% ± 17.9 Ac.
(Tract 3B & 3D)	28.8 Ac. x 40% ± 11.5 Ac.
Total Open Space Required [ALT 1]:	±150.2 Ac.
Total Open Space Required [ALT 2]:	±149.8 Ac.
*The % of Open Space may vary depending upon the ultimate land uses.	
**Includes Residential above Commercial uses.	
b.) PROVIDED (per L.C.L.D.C.):	
Prop. Lake Areas (± 25.0% of 150.2 Ac.)	± 37.6 Ac.
Prop. Conservation Areas	± 33.4 Ac.
Development Area #1:	
Commercial Development (Tracts 1A/1B (Comm)/1C/1D)	± 6.4 Ac.
Residential Development (Tracts 1B (Resid)/1E/1F)	± 28.1 Ac.
Development Area #2 [ALT 1, TRACT 2B ALT AREA = 3.4 AC RESIDENTIAL MAX]:	
Commercial Development (Tracts 2A - 2F)	± 25.6 Ac.
Residential Development (Tract 2A)	± 1.4 Ac.
Residential Development (Tracts 2B)	± 0.8 Ac.
Development Area #2 [ALT 2, TRACT 2B ALT AREA = NO RESIDENTIAL]:	
Commercial Development (Tracts 2A - 2F)	± 26.3 Ac.
Residential Development (Tract 2A)	± 1.4 Ac.
Development Area #3:	
Commercial Development Tracts (Tracts 3A-1 thru -3 & 3C)	± 8.3 Ac.
Residential Development (Tracts 3B & 3D)	± 8.6 Ac.
Sub-total	± 27.7 Ac.
Sub-total	± 16.9 Ac.
Sub-total	± 8.3 Ac.
Sub-total	± 8.6 Ac.
Sub-total	± 16.9 Ac.
Sub-total	± 150.2 Ac.
Sub-total	± 150.1 Ac.

Total Open Space Provided [ALT 1]:

Total Open Space Provided [ALT 2]:

COCONUT POINT M.P.D.  
MASTER CONCEPT PLAN  
Exh. H-3.C  
Master Concept Plan

H.M.  
HOLE MONTES  
ENGINEERS-PLANNERS-SURVEYORS  
Professional Registration No. 1772  
Phone: (941) 985-1200  
Fort Myers, FL 33919  
6200 Whiskey Creek Drive  
Naples - Fort Myers - Venice - Englewood

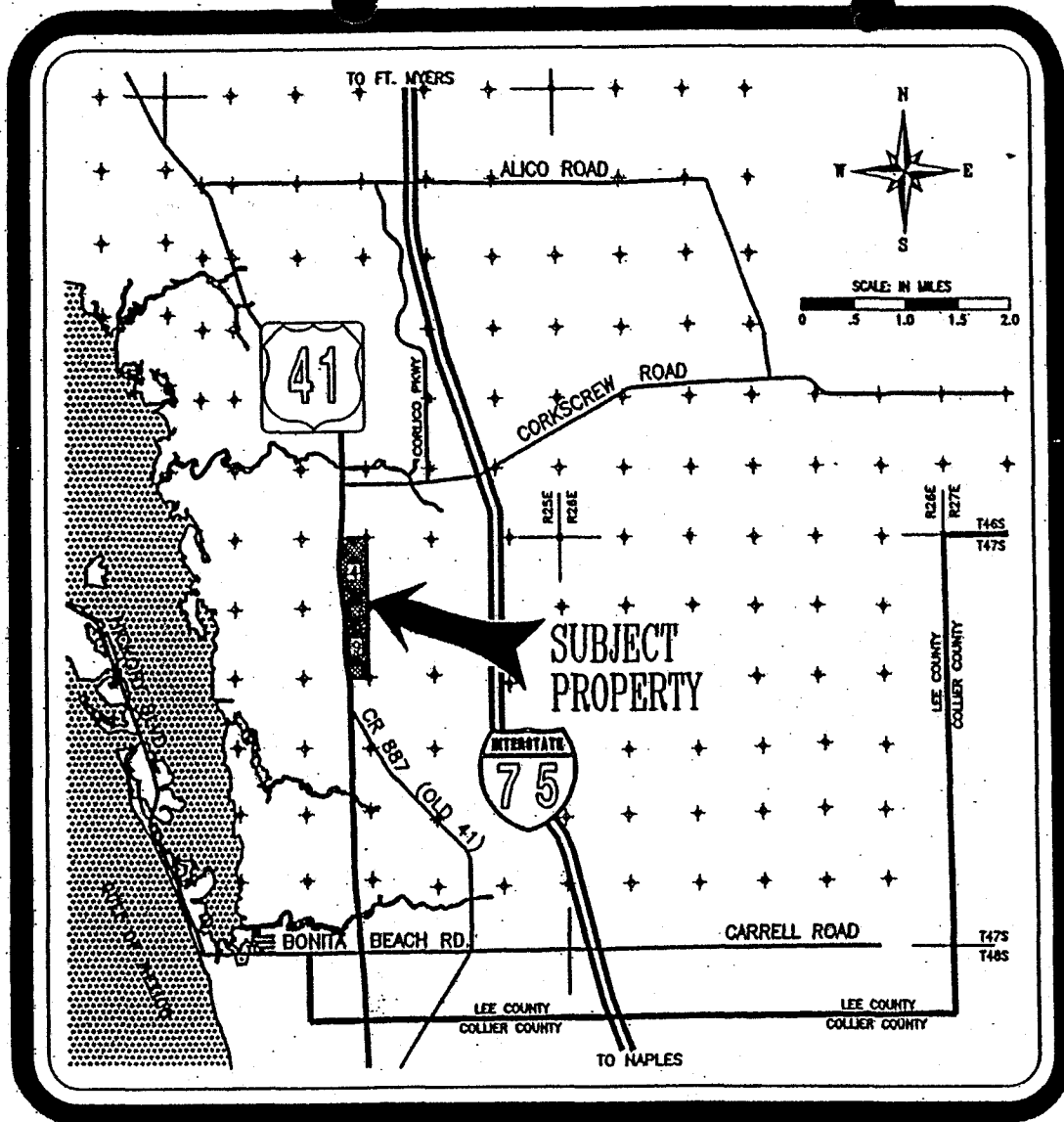
11/16/05	Added Access Pt. for Tract 3A-1	Sufficiency Responses	10/02/06	Sufficiency Responses	01/15/07	Sufficiency Responses
08/25/04	Revised for Administrative Amendment Submittal		08/15/06	NPCC / Zoning Amendment	04/03/07	Sufficiency Responses
02/04/05	Revised for Administrative Amendment Submittal		02/27/06	Revised Open Space Calc for 2B Alternate Parcel	04/30/07	Sufficiency Responses
09/22/05	Revised for Admin. Amendment ADD0005-00080					
02/09/02	Revised per County Attorney's Office Memo					
12/16/01	Revised Tracts / 'S' Colors / Permitted Uses					
03/08/01	Revised per County Staff 1st R.A.I.					

DATE	08/16/05	DESIGNED	E.M.C.
DATE	08/16/05	DRAWN	C.R.B.
DATE	08/16/05	CHECKED	N.E.D.
DATE	08/16/05	VERIFIED	N.E.D.
SCALE	1" = 800'		

9779B\_MCP8  
PROJECT NO.  
97.79-B  
SHEET NO.  
1 of 1

ATTACHMENT 'A'  
SCALE: 1" = 800'

# SITE LOCATION MAP



Sections 4 & 9  
Twp. 47 S., Rng. 25 E.  
Lee County, Fl.

## COCONUT POINT M.P.D.

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PROJECT LOCATION MAP

COMMUNITY DEVELOPMENT

ADD

2003-EXH. AA-3-F  
EXH. H-3A2

Area Location Map



**EXH. H-3.D**  
**Zoning Resolutions / Zoning Documents**

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2 DEC 20 AM 8:57

COMM. DEV.  
PUB. WORKS CNTR.  
SECOND FLOOR

714  
RESOLUTION NUMBER Z-02-009

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

WHEREAS, Simon Property Group and Oakbrook Properties, Inc. filed an application on behalf of the property owner, Edward J. McArdle, Trustee, to consider an Application for Development Approval (ADA) for a Development of Regional Impact (DRI) and rezone from Agriculture (AG-2) to a Mixed Use Planned Development (MPD), in reference to Coconut Point DRI (f/n/a Simon Suncoast DRI); and

WHEREAS, the initial public hearing was advertised and held on January 30, 2002, and continued to January 31, 2002, March 19, 2002, March 20, 2002, and March 22, 2002 before the Lee County Zoning Hearing Examiner, who gave full consideration to the evidence in the record for Case #DRI2000-00015 and DCI2001-00005; and

WHEREAS, a second public hearing was advertised and held on October 21, 2002 before the Lee County Board of Commissioners, who gave full and complete consideration to the recommendations of the staff, the Hearing Examiner, the documents on record and the testimony of all interested persons.

NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF COUNTY COMMISSIONERS:

SECTION A. REQUEST

The applicant filed a request to:

- a) consider an Application for Development Approval for a Development of Regional Impact known as Coconut Point DRI (f/n/a Simon Suncoast DRI); and
- b) rezone a 482.4± acre parcel from AG-2 to MPD to permit a regional mall development consisting of 1,800,000 square feet of retail floor area, 300,000 square feet of office floor area, 1,200 dwelling units and 600 hotel units, all not to exceed 60 feet in height.

The property is located in the Rural and Wetlands Land Use Category and legally described in attached Exhibit A. The request is APPROVED, SUBJECT TO the conditions specified in Section B below.

SECTION B. CONDITIONS:

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

1. The development of this project must be consistent with the two-page Master Concept Plan entitled "Simon Suncoast," prepared by Hole Montes, dated October 9, 2000, last revised

CASE NO: DRI2000-00015 & DCI2001-00005

Z-02-009  
Page 1 of 18

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2009-00032

COMMUNITY DEVELOPMENT



December 9, 2002, and stamped "Received Dec 12 2002 Community Development." The development must also be consistent with the approved DRI Development Order for Coconut Point DRI (DRI#09-2001-153). This development must comply with all requirements of the Lee County 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 Master Concept Plan are subsequently pursued, appropriate approvals will be necessary.

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

a. Schedule of Uses

**Permitted uses within Tracts 1A, 1B and 1C:**

Accessory Uses and Structures permitted ancillary to a permitted principal use  
Administrative offices  
Animal clinic  
ATM (automatic teller machine)  
Auto parts store  
Auto repair and service, Group I, limited to one  
Banks and financial establishments, Group I  
Banks and financial establishments, Group II, limited to SIC Codes 604, 621, 672, 673 and 674  
Business services, Groups I and II  
Car wash (limited to one)  
Cleaning and maintenance services  
Clothing stores, general  
Contractors and Builders, Groups I and II  
Convenience Food and Beverage Store (limited to one with attendant service station: however, the entire site is limited to a maximum of two)  
Consumption on premises in compliance with LDC §34-1264 (limited to and in conjunction with a standard restaurant)  
Cultural facilities, excluding zoos  
Day care center, adult, child  
Department Store  
Drive thru facility for any permitted use  
Drugstore (limited to one total, however, the entire site is limited to two)  
Entrance gates and gatehouse, in compliance with LDC §34-1748  
Essential services  
Essential service facilities, Group I  
Excavation, water retention (as shown on the Master Concept Plan)  
Fences, walls  
Food Stores, Groups I and II  
Gift and souvenir shop  
Hardware store  
Health care facility, Group III  
Hobby, toy, and game shops  
Household and office furnishings, Groups I, II, III (no outdoor display)  
Insurance companies

Laundromat  
 Laundry or dry cleaning Group I  
 Lawn and garden supply store  
 Medical office  
 Nonstore retailers, all groups  
 Paint glass and wallpaper store  
 Parking lot: Accessory  
 Personal services, Groups I, II, and III (excluding escort services, palm readers, fortunetellers, card readers, and tattoo parlors)  
 Pet services  
 Pet shop  
 Pharmacy  
 Printing and publishing  
 Real estate sales office  
 Recreation facilities, commercial, Groups I and IV  
 Rental or leasing establishments Groups I & II (excluding passenger car pick up and drop off)  
 Repair shops, Groups I, II and III  
 Research and development laboratories Groups II and IV  
 Restaurant, fast food (limited to two, however, the entire site is limited to a maximum of four outside of the Regional food court/service area)  
 Restaurants, Groups I, II, III, and IV  
 Self service fuel pumps (limited to one in conjunction with a Convenience Food and Beverage Store, however entire site is limited to a maximum of two)  
 Signs, in accordance with Chapter 30  
 Social Services, Groups I and II  
 Specialty retail shops, Groups I, II, III and IV  
 Storage: Indoor only §34-3001 et seq.  
 Used merchandise stores, Group I  
 Variety store

#### **Permitted uses within Tract 1D**

Accessory Uses and Structures permitted ancillary to a permitted principal use  
 Administrative offices  
 Business services, Group I  
 Cultural facilities, excluding zoos  
 Day care center, adult, child  
 Emergency medical services station  
 Entrance Gate and Gatehouse, in compliance with LDC §34-1748  
 Essential Services  
 Essential Service Facilities, Group I  
 Fences, walls  
 Fire station  
 Health care facility, Group III  
 Hobby, toy, and game shops  
 Household and office furnishings, Groups I, II, III (no outdoor display)  
 Insurance companies

Library  
Medical office  
Parks, Group II, limited to community park  
Parking lot: Accessory  
Personal services, Groups I, II, and III (excluding escort services, palm readers, fortunetellers, card readers, and tattoo parlors)  
Place of worship  
Police or sheriff's station  
Post office  
Real estate sales office  
Religious facilities  
Restaurants, Groups I, II, and III  
Signs, in compliance with LDC Chapter 30  
Social Services, Groups I and II  
Specialty retail shops, Groups I and II  
Storage: Indoor only §34-3001 *et seq.*

**Permitted uses within Tracts 1E and 1F**

Accessory Uses and Structures permitted ancillary to a permitted principal use  
Administrative offices  
Club, private  
Dwelling Units:  
    \*Single-family  
    \*Duplex  
    Multiple-Family Building  
    Townhouse  
    \*Two-family attached  
    \*Zero lot line  
        \*(may be approved administratively upon findings that the use is compatible with other uses in the tract and consistent with the Traffic Conversion Table)  
Entrance Gate and Gatehouse, in compliance with LDC §34-1748  
Essential Services  
Essential Service Facilities, Group I  
Excavation, water retention (as shown on the Master Concept Plan)  
Fences, walls  
Home occupation, with no outside help  
Model display center  
Model home  
Model unit  
Parking lot, accessory only  
Parks, Group I, limited to neighborhood park  
Parks, Group II, limited to community park  
Recreation Facilities, Private on-site, Personal  
Residential Accessory Uses  
Signs, in compliance with LDC Chapter 30

### **Permitted uses within Tract 2A (Regional Mall Parcel)**

Accessory Uses and Structures permitted ancillary to a permitted principal use  
Administrative offices  
Animal clinic  
ATM (automatic teller machine)  
Auto parts store  
Auto repair and service, Group I, if accessory to a department store  
Banks and financial establishments, Group I  
Banks and financial establishments, Group II, limited to SIC Codes 604, 621, 672, 673 and 674  
Business services, Groups I and II  
Cleaning and maintenance services  
Clothing stores, general  
Convenience Food and Beverage Store (limited to one, however, the entire site is limited to a maximum of two)  
Consumption on premises in compliance with LDC §34-1264 (limited to and in conjunction with a standard restaurant)  
Cultural facilities, excluding zoos  
Day care center, adult, child  
Department Store  
Drive thru facility for any permitted use  
Dwelling Units:  
    \*Single-family  
    \*Duplex  
    Multiple-Family Building  
    Townhouse  
    \*Two-family attached  
    \*Zero lot line  
        \*(may be approved administratively upon findings that the use is compatible with other uses in the tract and consistent with the Traffic Conversion Table)  
Entrance gates and gatehouse, in compliance with LDC §34-1748  
Essential services  
Essential service facilities, Group I  
Excavation, water retention (as shown on the Master Concept Plan)  
Fences, walls  
Food Store, Group I  
Gift and souvenir shop  
Hardware store  
Hobby, toy, and game shops  
Hotel/motel  
Household and office furnishings, Groups I, II, III (no outdoor display)  
Insurance companies  
Laundry or dry cleaning Group I  
Lawn and garden stores  
Nonstore retailers, all groups  
Paint glass and wallpaper store

- Parking garage
- Parking lot: Accessory
- Personal services, Groups I, II, and III (excluding escort services, palm readers, fortunetellers, card readers, and tattoo parlors)
- Pet services
- Pet shop
- Pharmacy
- Police or sheriffs station
- Real estate sales office
- Recreation facilities, commercial, Groups I and IV (limited to indoor theater)
- Rental or leasing establishments Groups I & II (excluding passenger car pick up and drop off)
- Repair shops, Groups I and II, limited to clocks, jewelry, music, cameras, calculators, computers and optical devices
- Restaurant, fast food (limited to one outside of food court/service area and the entire site is limited to a maximum of four outside of Regional Center food court/service area)
- Restaurants, Groups I, II, III, and IV
- Self service fuel pumps (limited to one in conjunction with a Convenience Food and Beverage Store, however entire site is limited to a maximum of two)
- Signs, in accordance with Chapter 30
- Specialty retail shops, Groups I, II, III and IV
- Storage: Indoor only §34-3001 *et seq.*
- Used merchandise stores, Group I
- Variety store

#### **Permitted uses within Tract 2B - 1**

- Accessory Uses and Structures permitted ancillary to a permitted principal use
- Administrative offices
- Animal clinic
- ATM (automatic teller machine)
- Banks and financial establishments, Group I
- Banks and financial establishments, Group II, limited to SIC Codes 604, 621, 672, 673 and 674
- Business services, Group I
- Business services, Group II, limited to parcel and express services and packaging services
- Cleaning and maintenance services
- Clothing stores, general
- Consumption on Premises, only in connection with a Group III restaurant
- Day Care Center, adult or child
- Drugstores, limited to one and the entire site is limited to a maximum of two
- Essential services
- Essential service facilities, Group I
- Excavation, water retention (as shown on the Master Concept Plan)
- Fences, walls
- Gift and souvenir shop

- Hardware store
- Hobby, toy, and game shops
- Household and office furnishings, Groups I and II
- Insurance companies
- Laundry or dry cleaning Group I
- Lawn and garden store
- Non-store retailers, all groups
- Paint glass and wallpaper store
- Parking lot: Accessory
- Personal services, Groups I, II, and III (excluding escort services, palm readers, fortunetellers, card readers, and tattoo parlors)
- Pet services
- Pet shop
- Pharmacy
- Police or sheriffs station
- Real estate sales office
- Recreational facilities, commercial, Group IV, limited to Health Clubs
- Rental and leasing establishments, Groups I and II, passenger car pickup and drop off excluded
- Repair shops, Groups I and II
- Restaurants, Groups I - IV
- Signs, in accordance with Chapter 30
- Specialty retail shops, Groups I, II, III and IV
- Storage: Indoor only §34-3001 et seq.
- Used merchandise stores, Group I
- Variety store

#### **Permitted uses within Tract 2B - 2**

Accessory Uses and Structures permitted ancillary to a permitted principal use

Administrative offices

Club, private

Dwelling Units:

- \*Single-Family

- \*Duplex

- Multiple-Family Building

- Townhouse

- \*Two-family attached

- \*Zero lot line

\*(may be approved administratively upon finding that the use is compatible with other uses in the tract and consistent with the Traffic Conversion Table)

Entrance Gate and Gatehouse, in compliance with LDC §34-1748

Essential Services

Essential Service Facilities, Group I

Excavation, water retention

Fences, walls

Home occupation, with no outside help

Model display center  
Model home  
Model unit  
Parking lot, accessory only  
Parks, Group I, limited to neighborhood park  
Parks, Group II, limited to community park  
Recreation Facilities, Private on-site, Personal  
Residential Accessory Uses  
Signs, in compliance with LDC Chapter 30

**Permitted uses within Tracts 2C, 2D, and 2E**  
(Uses on Tract 2E are subject to condition 20)

Accessory Uses and Structures permitted ancillary to a permitted principal use  
Administrative offices  
Animal clinic  
ATM (automatic teller machine)  
Auto parts store (Tracts 2C and 2D only)  
Auto repair and service, Group I (Tracts 2C and 2D only)  
Banks and financial establishments, Group I  
Banks and financial establishments, Group II, limited to SIC Codes 604, 621, 672, 673 and 674  
Business services, Groups I and II  
Cleaning and maintenance services  
Clothing stores, general  
Contractors and Builders, Group I  
Consumption on premises in compliance with LDC §34-1264 (limited to and in conjunction with a standard restaurant)  
Convenience Food and Beverage Stores, limited to one (on either Tract 2C or 2D only), however, the entire site is limited to a maximum of two  
Cultural facilities, excluding zoos  
Day care center, adult, child  
Department Store  
Drive thru facility for any permitted use (subject to condition 19)  
Drugstores, limited to one (total), however, the entire site is limited to a maximum of two  
Entrance gates and gatehouse, in compliance with LDC §34-1748  
Essential services  
Essential service facilities, Group I  
Excavation for water retention (as shown on the Master Concept Plan)  
Fences, walls  
Fire Station (limited to Tract 2C only)  
Food Stores, Groups I and II (prohibited on Tract 2E except for specialty stores such as health food store, vitamin store or similar type stores)  
Gift and souvenir shop  
Hardware store  
Health care facility, Group III  
Hobby, toy, and game shops

- Hotel/motel (Tract 2D only)
- Household and office furnishings, Groups I, II, III-(no outdoor display)
- Insurance companies
- Laundromat (Tracts 2C and 2D only)
- Laundry or dry cleaning Group I
- Lawn and garden supply store
- Medical office
- Nonstore retailers, all groups
- Paint glass and wallpaper store
- Parking lot: Accessory only
- Personal services, Groups I, II, and III ((Tracts 2C and 2D only, excluding escort services, palm readers, fortunetellers, card readers, and tattoo parlors and stand alone massage parlors)
- Pet services
- Pet shop
- Pharmacy
- Printing and publishing (Tracts 2C and 2D only)
- Real estate sales office
- Recreation facilities, commercial, Groups I and IV (limited to indoor theater)
- Rental or leasing establishments Groups I & II (excluding passenger car pick up and drop off)
- Repair shops, Groups I, II and III
- Research and development laboratories Groups II and IV
- Restaurants, Fast-food, limited to one (total), however, the entire site is limited to a maximum of four outside of the Regional Center food court/service area
- Restaurants, Groups I, II, III, and IV
- Signs, in accordance with Chapter 30
- Social Services, Groups I and II (Tracts 2C and 2D only)
- Specialty retail shops, Groups I, II, III and IV
- Storage: Indoor only §34-3001 et seq.
- Used merchandise stores, Group I
- Variety Store

#### **Permitted uses within Tracts 3A and 3C**

- Accessory Uses and Structures permitted ancillary to a permitted principal use
- Administrative offices
- Animal clinic
- ATM (automatic teller machine)
- Auto parts store
- Banks and financial establishments, Group I
- Banks and financial establishments, Group II, limited to SIC Codes 604, 621, 672, 673 and 674
- Business services, Groups I and II
- Cleaning and maintenance services
- Clothing stores, general
- Contractors and Builders, Group I



Consumption on premises in compliance with LDC §34-1264 (limited to and in conjunction with a standard restaurant)  
 Convenience Food and Beverage Store, limited to one (total), however, the entire site is limited to a maximum of two  
 Cultural facilities, excluding zoos  
 Day care center, adult, child  
 Department Store  
 Drive thru facility for any permitted use  
 Drugstores, limited to one (total), however, the entire site is limited to a maximum of two  
 Entrance gates and gatehouse, in compliance with LDC §34-1748  
 Essential services  
 Essential service facilities, Group I  
 Excavation, water retention (as shown on the Master Concept Plan)  
 Fences, walls  
 Food Stores, Groups I and II  
 Gift and souvenir shop  
 Hardware store  
 Health care facility, Group III  
 Hobby, toy, and game shops  
 Hotel/motel  
 Household and office furnishings, Groups I, II, III (no outdoor display)  
 Insurance companies  
 Laundromat  
 Laundry or dry cleaning Group I  
 Lawn and garden supply store  
 Medical office  
 Nonstore retailers, all groups  
 Paint glass and wallpaper store  
 Parking lot: Accessory only  
 Personal services, Groups I, II, and III (excluding escort services, palm readers, fortunetellers, card readers, and tattoo parlors)  
 Pet services  
 Pet shop  
 Pharmacy  
 Printing and publishing  
 Real estate sales office  
 Recreation facilities, commercial, Groups I and IV (limited to indoor theater)  
 Rental or leasing establishments Groups I & II (excluding passenger car pick up and drop off)  
 Repair shops, Groups I, II and III  
 Research and development laboratories Groups II and IV  
 Restaurants, Fast-food, limited to one (total), however, the entire site is limited to a maximum of four outside the Regional Center food court/service area  
 Restaurants, Groups I, II, III, and IV  
 Signs, in accordance with Chapter 30  
 Social Services, Groups I and II  
 Specialty retail shops, Groups I, II, III and IV

Storage: Indoor only §34-3001 et seq.  
Used merchandise stores, Group-I

**Permitted uses within Tracts 3B and 3D**

Accessory Uses and Structures permitted ancillary to a permitted principal use

Administrative offices

Adult Living Facilities (ALF) (Tract 3B only)

Club, private

Dwelling Unit:

\*Single-Family

\*Duplex

Multiple-Family Building

Townhouse

\*Two-family attached

\*Zero lot line

\*(may be approved administratively upon findings that the use is compatible with other uses in the tract and consistent with the Traffic Conversion Table)

Entrance Gate and Gatehouse, in compliance with LDC §34-1748

Essential Services

Essential Service Facilities, Group I

Excavation, water retention

Fences, walls

Home occupation, with no outside help

Model display center

Model home

Model unit

Parking lot, accessory only

Parks, Group I, limited to neighborhood park

Recreation Facilities, Private on-site, Personal

Residential Accessory Uses

Signs, in compliance with LDC Chapter 30

b. Site Development Regulations (See also c. below)

**Tract 1A, 1B 1C and 1D**

Lot Width	100 feet
Lot Depth	100 feet
Lot Area	20,000 square feet
Maximum Lot Coverage	40 percent

**Minimum Setbacks**

Front (street)	25 feet
Side	10 feet
Rear	25 feet (5 feet for an accessory structure)

Water body 25 feet (20 feet for an accessory structure)

Minimum Building Separation: one-half the sum of the building heights but not less than 20 feet

Maximum Building Height: 45 feet / 3 stories

Tracts 1E, 1F, 2B-2, 3D and 3B

Minimum Lot Size: Townhouse

Lot Width Per Unit 25 feet  
Lot Depth Per Unit 80 feet  
Lot Area Per Unit 2,000 square feet  
Maximum Building Height 35 feet / 2 stories  
Maximum Lot Coverage 50 percent

Minimum Setbacks:

Front (street, private) 20 feet  
Front (street, public) 25 feet  
Side 10 feet  
Side (interior) 0 feet  
Rear 15 feet (5 feet for an accessory structure)  
Waterbody 25 feet (10 feet for an accessory structure)

Minimum Lot Size: Multiple Family Building

Lot Width 100 feet  
Lot Depth 100 feet  
Lot Area 10,000 square feet  
Maximum Lot Coverage 40 percent

Minimum Setbacks

Front (street) 25 feet  
Side 10 feet  
Rear 20 feet (5 feet for an accessory structure)  
Water body 25 feet (20 feet for an accessory structure)

Minimum Building Separation: one-half the sum of the building heights but not less than 20 feet

Maximum Building Height: 45 feet / 3 stories

Tracts 2A, 2B-1, 2C, 2D, 3A and 3C

Lot Width	100 feet
Lot Depth	100 feet
Lot Area	20,000 square feet
Maximum Lot Coverage	40 percent

Minimum Setbacks

Front (street)	25 feet
Side	10 feet
Rear	25 feet (5 feet for an accessory structure)
Water body	25 feet (20 feet for an accessory structure)

Minimum Building Separation: one-half the sum of the building heights but not less than 20 feet

Maximum Building Height for Tract 2B-1, 2C, 2D and 3C: 45 feet / 3 stories

Maximum Building Height for Tract 2A and Tract 3A: 60 feet / 5 stories \*

\*subject to the following setback from Sandy Lane Extension:

Tract 2A	300 feet
Tract 3A	100 feet

Tract 2E

Lot Width	100 feet
Lot Depth	100 feet
Lot Area	20,000 square feet
Maximum Lot Coverage	40 percent

Minimum Setbacks

Front (street)	25 feet
Side	10 feet
Rear	25 feet (5 feet for an accessory structure)
Water body	25 feet (20 feet for an accessory structure)

Minimum Building Separation: one-half the sum of the building heights but not less than 20 feet

Maximum Building Height: 40 feet / 2 stories

- c. Additional Site Development Regulations for Tracts 1E, 1F, 2A, 2B-2, 3B and 3D

- Single-family, Duplex, Two-family attached and Zero lot line dwelling units consistent with the Master Concept Plan and the following Conversion Table:

<u>From Multi-Family (MF)</u>	<u>To Single-family (SF)</u>
100 MF Apartments	53 SF dwelling units
100 MF Residential condos	40 SF dwelling units
100 ALF units	13 SF dwelling units

- The development of the subject property must include a regional shopping center, which incorporates a shopping center and commercial and residential tracts all developed with a common architectural theme. The entire project must include a common landscaping and graphic theme throughout the project. The architectural theme, landscaping and graphic design theme must be reviewed and approved by the Lee County Department of Community Development prior to the issuance of any local development order for the property. Any change from the proposed "regional mall" development will necessitate an amendment to the MPD zoning approval through the public hearing process.
- Subject to Condition 3 above, the development of the subject property is limited to a maximum of 1,800,000 gross square feet of retail floor area and 300,000 gross square feet of office floor area. These limitations are further restricted to the maximum totals allowed for each Development "Area" and the maximum totals allowed for each Development "Tract" as indicated on the approved Master Concept Plan.
- This development, including the proposed regional shopping center, must incorporate a common architectural theme on all sides of all buildings that are visible from the Brooks MPD, U.S. 41, Coconut Road, Williams Road and Sandy Lane Extension rights-of-way to ensure an equally attractive architectural elevation for all facets of the development. The common architectural theme must include streetscape landscaping and enhanced building architectural features. This condition is applicable to the entire development including any proposed outparcels within the MPD. A plan reflecting the design standards required by this condition must be submitted for review and approval by the Lee County Department of Community Development prior to the issuance of any local development order for property within this MPD.
- A 30-foot-wide buffer is required along the entire length of U.S. 41. The buffer must be designed to utilize the entire 30-foot width by meandering and clustering plants. The buffer must be planted with a minimum of the following:
  - 10 trees per 100 linear foot; minimum 10-foot 2-inch caliper with 4-foot spread -or- minimum 10-foot clear trunk for palms. A minimum of 50 percent of the trees must be canopy type trees (i.e. not palms); and
  - Double staggered shrub hedge; minimum 24-inch height 3-gallon container size at planting to be maintained at 36 inches of height.

The buffer must be installed along U.S. 41 for the entire frontage of the development area (#1, #2 or #3) shown on the Master Concept Plan prior to the issuance of a Certificate of

-Compliance for any development (excluding public uses mandated by the DRI Development Order) within that development area.

7. Any property abutting the Sandy Lane extension must provide a 15-foot-wide street tree planting area along Sandy Lane. Residential developments must provide five live oak trees per 100 linear feet that must be planted in the street tree planting area. Commercial developments must provide five live oak trees per 100 linear feet and a double staggered hedge within the street tree planting area. Plantings must meet the minimum size standards referenced in LDC §10-420. Utility easements must be located in accordance with LDC §10-421(a).
8. A Type "C" buffer must be provided along the southern boundary of Tract 3B.
9. Prior to local development order approval, open space must be provided as detailed in the open space table on the Master Concept Plan with the condition that any residential dwelling units requiring open space per LDC §10-415(a) must provide 30 percent common open space within Tracts 1-E, 1-F, 2-B2, 3-B, and 3-D.
10. Prior to local development order approval for any development order, a detailed exotic removal plan for the preserved wetland area must be submitted for the Division of Environmental Sciences staff review and approval. Removal methods must not disturb the soil or existing native vegetation.

Prior to the issuance of a Certificate of Compliance for any development order, the exotic vegetation must be removed from the preserved wetlands per an approved exotic removal plan, and a detailed wetland enhancement planting plan must be submitted for the Division of Environmental Sciences staff review and approval. Lee County recognizes that the wetland restoration planting efforts can be utilized as compensatory mitigation for the proposed wetland impacts shown on Exhibit "D" during subsequent permitting review processes with the state and federal regulatory agencies. The wetland restoration planting plan will be subject to the review and approval of the South Florida Water Management District and the Department of the Army Corps of Engineers, and will include:

- a) documentation of existing native vegetation/baseline monitoring with photographs; and
  - b) plant specifications including species, size and number of native wetland plants to be installed. Both herbaceous plants and trees must be included; and
  - c) planting schedule including a starting and completion date; and
  - d) 5-year monitoring plan.
11. The MPD zoning and DRI development order, as conditioned, will only be effective upon the adoption and finding of compliance of the Lee Plan Future Land Use Map and Text amendment that is being concurrently reviewed with this rezoning and DRI application for development approval (Lee County Plan Amendment CPA2000-00030).

12. A minimum of one acre of the property must be provided or set aside for use as an Estero Fire District fire station. The location of the fire station property must be mutually agreed upon by the developer/property owner and representatives of the Estero Fire District.
13. A minimum of five acres of the property, or an equivalent amount of property in this general location must be provided or set aside for use as a Lee County public school. The location of the public school property must be mutually agreed upon by the developer/property owner and representatives of the Lee County School District.
14. The development must provide separate pedestrian connections (i.e., sidewalks or pedestrian paths) between the commercial and residential tracts within the development. A generalized pedestrian circulation plan for the entire property must be submitted to the County for Administrative Approval prior to the approval of the first local development order for the project.
15. Approval of this zoning request does not address mitigation of the project's local vehicular or pedestrian traffic impacts. Additional conditions consistent with the Lee County LDC may be required to obtain a local development order.
16. Approval of this rezoning does not guarantee local development order approval. Future development order approvals must satisfy the requirements of the Lee Plan Planning Communities Map and Acreage Allocation Table, Map 16 and Table 1(b), be reviewed for, and found consistent with, the retail commercial standards for site area, including range of gross floor area, location, tenant mix and general function, as well as all other Lee Plan provisions.
17. A Type "C" buffer, as that term is defined in LDC section 10-416, must be shown on local development order plans and must be installed along the eastern side of Sandy Lane whenever any existing or proposed residences in The Brooks are or would be located within 250 feet of the eastern edge of the pavement of Sandy Lane before Sandy Lane is determined to be substantially complete.
18. Lighting within the project and along Sandy Lane must be designed to prevent direct glare and light spillage on the Brooks.
19. Any drive-thru facility that is constructed on Tract 2E must be oriented towards Sandy Lane or Coconut Road.
20. A 15 foot wide buffer including a berm or berm/wall combination 8 feet in height, 10 trees per 100 linear feet and a hedge is required along the eastern boundary of parcel 2E as a condition of local development order approval for any use on Tract 2E that typically operates prior to 8:00am or after 6:00pm.

SECTION C. EXHIBITS AND STRAP NUMBER:

The following exhibits are attached to this resolution and incorporated by reference:

- Exhibit A: The legal description of the property
- Exhibit B: Zoning Map (subject parcel identified with shading)
- Exhibit C: The Master Concept Plan
- Exhibit D: Wetlands Map
- Exhibit E: Coconut Point DRI Development Order

The applicant has indicated that the STRAP numbers for the subject property are: 04-47-25-00-00001.0000 & 09-47-25-00-00001.0010.

SECTION D. FINDINGS AND CONCLUSIONS:

1. The applicant has proven entitlement to the MPD rezoning by demonstrating compliance with Florida Statutes Chapter 380, the Lee Plan, the LDC, and any other applicable code or regulation.
2. The rezoning, as approved:
  - a. meets or exceeds all performance and locational standards set forth for the potential uses allowed by the request; and,
  - b. is consistent with the densities, intensities and general uses set forth in the Lee Plan; and,
  - c. is compatible with existing or planned uses in the surrounding area; and,
  - d. will not place an undue burden upon existing transportation or planned infrastructure facilities and will be served by streets with the capacity to carry traffic generated by the development; and,
  - e. will not adversely affect environmentally critical areas or natural resources.
3. The rezoning satisfies the following criteria:
  - a. the proposed use or mix of uses is appropriate at the subject location; and
  - b. the recommended conditions to the concept plan and other applicable regulations provide sufficient safeguard to the public interest; and
  - c. the recommended conditions are reasonably related to the impacts on the public interest created by or expected from the proposed development.
4. Urban services, as defined in the Lee Plan, are, or will be, available and adequate to serve the proposed land use.



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

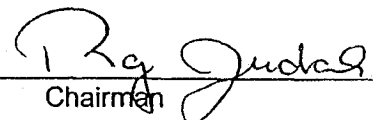
Robert P. Janes	Aye
Douglas R. St. Cerny	Aye
Ray Judah	Aye
Andrew W. Coy	Absent
John E. Albion	Aye

DULY PASSED AND ADOPTED this 21st day of October 2002.

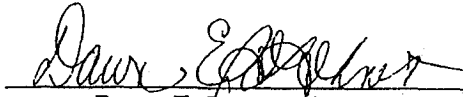
ATTEST:  
CHARLIE GREEN, CLERK

BY:   
Deputy Clerk

BOARD OF COUNTY COMMISSIONERS  
OF LEE COUNTY, FLORIDA

BY:   
Chairman

Approved as to form by:

  
Dawn E. Perry-Lehnert  
County Attorney's Office

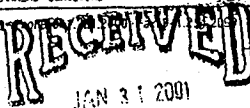


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MINUTES OFFICE  
2002 DEC 19 AM 11:40

**EXHIBIT "A"**  
**LEGAL DESCRIPTION**  
Property located in Lee County, Florida  
PAGE 1 OF 3



950 Encore Way - Naples, Florida 34110



PROJECT #1997079  
1/17/01  
REF. DWG. #A-994-2  
PAGE 1 OF 23

PERMIT COUNTER

**LEGAL DESCRIPTION**

A PORTION OF SECTION 9, TOWNSHIP 47 SOUTH, RANGE 25 EAST, LEE COUNTY, FLORIDA, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCE AT THE SOUTHEAST CORNER OF SECTION 9, TOWNSHIP 47 SOUTH, RANGE 25 EAST, LEE COUNTY, FLORIDA; THENCE RUN S.88°56'17"W., ALONG THE SOUTH LINE OF THE SOUTHEAST QUARTER OF SAID SECTION 9, FOR A DISTANCE OF 5.89 FEET TO A POINT ON THE WESTERLY RIGHT-OF-WAY LINE OF THE SEABOARD COASTLINE RAILROAD, A 130.00 FOOT RIGHT-OF-WAY, AND THE POINT OF BEGINNING OF THE PARCEL OF LAND HEREIN DESCRIBED; THENCE CONTINUE S.88°56'17"W., ALONG THE SOUTH LINE OF THE SOUTHEAST QUARTER OF SAID SECTION 9, FOR A DISTANCE OF 1,733.04 FEET TO A POINT ON THE EASTERLY RIGHT-OF-WAY LINE OF U.S. HWY. NO. 41 (FLORIDA STATE ROAD NO. 45), A 200.00 FOOT RIGHT-OF-WAY; THENCE RUN N.10°32'05"W., ALONG SAID EASTERLY RIGHT-OF-WAY LINE, FOR A DISTANCE OF 971.33 FEET TO THE BEGINNING OF A TANGENTIAL CIRCULAR CURVE, CONCAVE EASTERLY; THENCE RUN NORTHERLY, ALONG SAID EASTERLY RIGHT-OF-WAY LINE AND ALONG THE ARC OF SAID CURVE TO THE RIGHT, HAVING A RADIUS OF 5,605.39 FEET, THROUGH A CENTRAL ANGLE OF 04°03'11", SUBTENDED BY A CHORD OF 396.43 FEET AT A BEARING OF N.08°30'30"W., FOR A DISTANCE OF 396.52 FEET TO THE END OF SAID CURVE; THENCE RUN N.88°07'51"E. FOR A DISTANCE OF 747.22 FEET TO A POINT ON A CIRCULAR CURVE, CONCAVE EASTERLY, WHOSE RADIUS POINT BEARS N.82°31'42"E., A DISTANCE OF 3,909.60 FEET THEREFROM; THENCE RUN NORTHERLY, ALONG THE ARC OF SAID CURVE TO THE RIGHT, HAVING A RADIUS OF 3,909.60 FEET, THROUGH A CENTRAL ANGLE OF 08°29'31", SUBTENDED BY A CHORD OF 578.92 FEET AT A BEARING OF N.03°13'32"W., FOR A DISTANCE OF 579.45 FEET TO THE END OF SAID CURVE; THENCE RUN N.00°15'56"W., FOR A DISTANCE OF 583.09 FEET; THENCE RUN N.00°15'56"W., FOR A DISTANCE OF 47.04 FEET TO A POINT ON THE SOUTHERLY RIGHT-OF-WAY LINE OF COCONUT ROAD, A 150.00 FOOT RIGHT-OF-WAY, THE SAME BEING A POINT ON A CIRCULAR CURVE, CONCAVE NORTHERLY, WHOSE RADIUS POINT BEARS N.10°26'58"W., A DISTANCE OF 2,025.00 FEET THEREFROM; THENCE RUN EASTERLY, ALONG SAID SOUTHERLY RIGHT-OF-WAY LINE AND ALONG THE ARC OF SAID CURVE TO THE LEFT, HAVING A RADIUS OF 2,025.00 FEET, THROUGH A CENTRAL ANGLE OF 09°12'27", SUBTENDED BY A CHORD OF 325.07 FEET AT A BEARING OF N.74°56'48"E., FOR A DISTANCE OF 325.42 FEET TO THE END OF SAID CURVE; THENCE RUN N.70°20'35"E., ALONG SAID SOUTHERLY RIGHT-OF-WAY LINE FOR A DISTANCE OF 200.00 FEET TO THE BEGINNING OF A TANGENTIAL CIRCULAR CURVE, CONCAVE SOUTHERLY; THENCE RUN EASTERLY, ALONG SAID SOUTHERLY RIGHT-OF-WAY LINE AND ALONG THE ARC OF SAID CURVE TO THE RIGHT, HAVING A RADIUS OF 3,025.00 FEET, THROUGH A CENTRAL ANGLE OF 09°15'04", SUBTENDED BY A CHORD OF 487.89 FEET AT A BEARING OF N.74°58'07"E., FOR A DISTANCE OF 488.42 FEET TO THE END OF SAID CURVE; THENCE RUN N.79°35'39"E., ALONG SAID SOUTHERLY RIGHT-OF-WAY LINE, FOR A DISTANCE OF 238.23 FEET TO A POINT ON THE WESTERLY RIGHT-OF-WAY LINE OF THE SEABOARD COASTLINE RAILROAD, A 130.00 FOOT RIGHT-OF-WAY; THENCE RUN S.00°59'47"E., ALONG SAID WESTERLY RIGHT-OF-WAY LINE, FOR A DISTANCE OF 2,869.10 FEET TO THE POINT OF BEGINNING; CONTAINING 95.885 ACRES, MORE OR LESS.

AND

A PORTION OF SECTIONS 3, 4, 9, AND 10, TOWNSHIP 47 SOUTH, RANGE 25 EAST, LEE COUNTY, FLORIDA, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCE AT THE SOUTHEAST CORNER OF SECTION 9, TOWNSHIP 47 SOUTH, RANGE 25 EAST, LEE COUNTY, FLORIDA; THENCE RUN S.88°56'17"W., ALONG THE SOUTH LINE OF THE

DCI 2001-00005

Naples - Fort Myers - Venice - Estero

HM PROJECT #1997079

1/17/01

REF. DWG. #A-994-2

PAGE 2 OF 23

SOUTHEAST QUARTER OF SAID SECTION 9, FOR A DISTANCE OF 5.89 FEET TO A POINT ON THE WESTERLY RIGHT-OF-WAY LINE OF THE SEABOARD COASTLINE RAILROAD, A 130.00 FOOT RIGHT-OF-WAY; THENCE RUN N.00°59'47"W., ALONG SAID WESTERLY RIGHT-OF-WAY LINE, FOR A DISTANCE OF 3,021.15 FEET TO THE POINT OF BEGINNING OF THE PARCEL OF LAND HEREIN DESCRIBED; THENCE RUN N.00°59'47"W., ALONG SAID WESTERLY RIGHT-OF-WAY LINE, FOR A DISTANCE OF 2,320.56 FEET TO A POINT ON THE NORTH LINE OF THE NORTHWEST QUARTER OF SECTION 10, TOWNSHIP 47 SOUTH, RANGE 25 EAST; THENCE RUN N.00°59'47"W., ALONG SAID WESTERLY RIGHT-OF-WAY LINE, FOR A DISTANCE OF 2,692.32 FEET TO A POINT ON THE NORTH LINE OF THE SOUTHEAST QUARTER OF SECTION 4, TOWNSHIP 47 SOUTH, RANGE 25 EAST; THENCE RUN N.00°56'59"W., ALONG SAID WESTERLY RIGHT-OF-WAY LINE, FOR A DISTANCE OF 1,590.78 FEET TO THE BEGINNING OF A TANGENTIAL CIRCULAR CURVE, CONCAVE WESTERLY; THENCE RUN NORTHERLY, ALONG SAID WESTERLY RIGHT-OF-WAY LINE AND ALONG THE ARC OF SAID CURVE TO THE LEFT, HAVING A RADIUS OF 5,641.38 FEET, THROUGH A CENTRAL ANGLE OF 09°31'27", SUBTENDED BY A CHORD OF 936.68 FEET AT A BEARING OF N.05°42'42"W., FOR A DISTANCE OF 937.76 FEET TO THE END OF SAID CURVE; THENCE RUN N.10°28'26"W., ALONG SAID WESTERLY RIGHT-OF-WAY LINE, FOR A DISTANCE OF 98.54 FEET TO A POINT ON THE SOUTHERLY RIGHT-OF-WAY LINE OF WILLIAMS ROAD, A 100.00 FOOT RIGHT-OF-WAY; THENCE RUN S.88°20'53"W., ALONG SAID SOUTHERLY RIGHT-OF-WAY LINE, FOR A DISTANCE OF 1,029.70 FEET TO THE BEGINNING OF A TANGENTIAL CIRCULAR CURVE, CONCAVE NORTHERLY; THENCE RUN WESTERLY, ALONG SAID SOUTHERLY RIGHT-OF-WAY LINE AND ALONG THE ARC OF SAID CURVE TO THE RIGHT, HAVING A RADIUS OF 7,050.00 FEET, THROUGH A CENTRAL ANGLE OF 03°00'00", SUBTENDED BY A CHORD OF 369.09 FEET AT A BEARING OF S.89°50'53"W., FOR A DISTANCE OF 369.14 FEET TO THE END OF SAID CURVE; THENCE RUN N.88°39'07"W., ALONG SAID SOUTHERLY RIGHT-OF-WAY LINE, FOR A DISTANCE OF 674.92 FEET TO A POINT ON THE EASTERLY RIGHT-OF-WAY LINE OF U.S. HWY. NO. 41 (FLORIDA STATE ROAD NO. 45), A 200.00 FOOT RIGHT-OF-WAY; THENCE RUN S.04°52'41"W., ALONG SAID EASTERLY RIGHT-OF-WAY LINE, FOR A DISTANCE OF 1,901.57 FEET TO THE BEGINNING OF A TANGENTIAL CIRCULAR CURVE, CONCAVE EASTERLY; THENCE RUN SOUTHERLY, ALONG SAID EASTERLY RIGHT-OF-WAY LINE AND ALONG THE ARC OF SAID CURVE TO THE LEFT, HAVING A RADIUS OF 2,725.19 FEET, THROUGH A CENTRAL ANGLE OF 11°32'50", SUBTENDED BY A CHORD OF 548.30 FEET AT A BEARING OF S.00°53'44"E., FOR A DISTANCE OF 549.23 FEET TO THE END OF SAID CURVE; THENCE RUN S.06°40'09"E., ALONG SAID EASTERLY RIGHT-OF-WAY LINE FOR A DISTANCE OF 225.81 FEET TO A POINT ON THE NORTH LINE OF THE SOUTHEAST QUARTER OF SAID SECTION 4; THENCE CONTINUE S.06°40'09"E., ALONG SAID EASTERLY RIGHT-OF-WAY LINE, FOR A DISTANCE OF 2,710.61 FEET TO A POINT ON THE SOUTH LINE OF THE SOUTHEAST QUARTER OF SAID SECTION 4; THENCE CONTINUE S.06°40'09"E., ALONG SAID EASTERLY RIGHT-OF-WAY LINE, FOR A DISTANCE OF 626.03 FEET TO THE BEGINNING OF A TANGENTIAL CIRCULAR CURVE, CONCAVE WESTERLY; THENCE RUN SOUTHERLY, ALONG SAID EASTERLY RIGHT-OF-WAY LINE AND ALONG THE ARC OF SAID CURVE TO THE RIGHT, HAVING A RADIUS OF 11,584.73 FEET, THROUGH A CENTRAL ANGLE OF 06°24'13", SUBTENDED BY A CHORD OF 1,294.08 FEET AT A BEARING OF S.03°28'03"E., FOR A DISTANCE OF 1,294.76 FEET TO THE END OF SAID CURVE; THENCE RUN S.00°15'56"E., ALONG SAID EASTERLY RIGHT-OF-WAY LINE, FOR A DISTANCE OF 274.74 FEET; THENCE RUN S.46°02'16"E., FOR A DISTANCE OF 577.44 FEET; THENCE RUN S.01°57'26"E. FOR A DISTANCE OF 25.19 FEET TO A POINT ON THE NORTHERLY RIGHT-OF-WAY LINE OF COCONUT ROAD, A 150.00 FOOT RIGHT-OF-WAY; THENCE RUN N.88°02'34"E., ALONG SAID NORTHERLY RIGHT-OF-WAY LINE, FOR A DISTANCE OF 32.80 FEET TO THE BEGINNING OF A TANGENTIAL CIRCULAR CURVE, CONCAVE NORTHERLY; THENCE RUN EASTERLY, ALONG SAID NORTHERLY RIGHT-OF-WAY LINE AND ALONG THE ARC OF SAID CURVE TO THE LEFT, HAVING A RADIUS OF 1,875.00 FEET, THROUGH A CENTRAL ANGLE OF 17°41'59", SUBTENDED BY A CHORD OF 576.92 FEET AT A BEARING OF N.79°11'34"E., FOR A DISTANCE OF 579.22 FEET TO THE END OF SAID

DRI 2000-00015

DRI 2000-00015

EXHIBIT "A" PAGE 3 OF 3

HM PROJECT #1997079

1/17/01

REF. DWG. #A-994-2

PAGE 3 OF 23

CURVE; THENCE RUN N.70°20'35"E., ALONG SAID NORTHERLY RIGHT-OF-WAY LINE, FOR A DISTANCE OF 200.00 FEET TO THE BEGINNING OF A TANGENTIAL CIRCULAR CURVE, CONCAVE SOUTHERLY; THENCE RUN EASTERLY, ALONG SAID NORTHERLY RIGHT-OF-WAY LINE AND ALONG THE ARC OF SAID CURVE TO THE RIGHT, HAVING A RADIUS OF 3,175.00 FEET, THROUGH A CENTRAL ANGLE OF 09°15'04", SUBTENDED BY A CHORD OF 512.09 FEET AT A BEARING OF N.74°58'07"E., FOR A DISTANCE OF 512.65 FEET TO THE END OF SAID CURVE; THENCE RUN N.79°35'39"E., ALONG SAID NORTHERLY RIGHT-OF-WAY LINE, FOR A DISTANCE OF 263.08 FEET TO THE POINT OF BEGINNING; CONTAINING 386.536 ACRES, MORE OR LESS.

NOTES:

THIS PROPERTY IS SUBJECT TO EASEMENTS, RESERVATIONS OR RESTRICTIONS OF RECORD.

TOTAL PROPERTY AREA: 482.421 ACRES, MORE OR LESS.

INFORMATION RELATING TO BOUNDARY DATA OF SECTIONS 3, 4, 9 AND 10, TOWNSHIP 47 SOUTH, RANGE 25 EAST, LEE COUNTY, FLORIDA, TOGETHER WITH THE LOCATION OF THE US HIGHWAY #41 RIGHT-OF-WAY, WAS OBTAINED FROM A SURVEY OF THE SWEETWATER RANCH PREPARED BY DENI ASSOCIATES HAVING ORDER NUMBER 8409031, DATED 9/14/84. INFORMATION RELATING TO THE LOCATION OF COCONUT ROAD AND ADJOINING EXCEPTED PARCELS WAS OBTAINED FROM PROPERTY DESCRIPTIONS PROVIDED BY CLIENT.

BEARINGS REFER TO THE SOUTH LINE OF THE SOUTHEAST QUARTER OF SECTION 9, TOWNSHIP 47 SOUTH, RANGE 25 EAST, LEE COUNTY, FLORIDA, AS BEING S.88°56'17"W.

HOLE, MONTES, INC.

CERTIFICATE OF AUTHORIZATION LB #1772

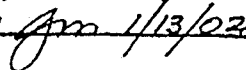
BY

  
THOMAS J. GARRISS

P.L.S. #3741  
STATE OF FLORIDA



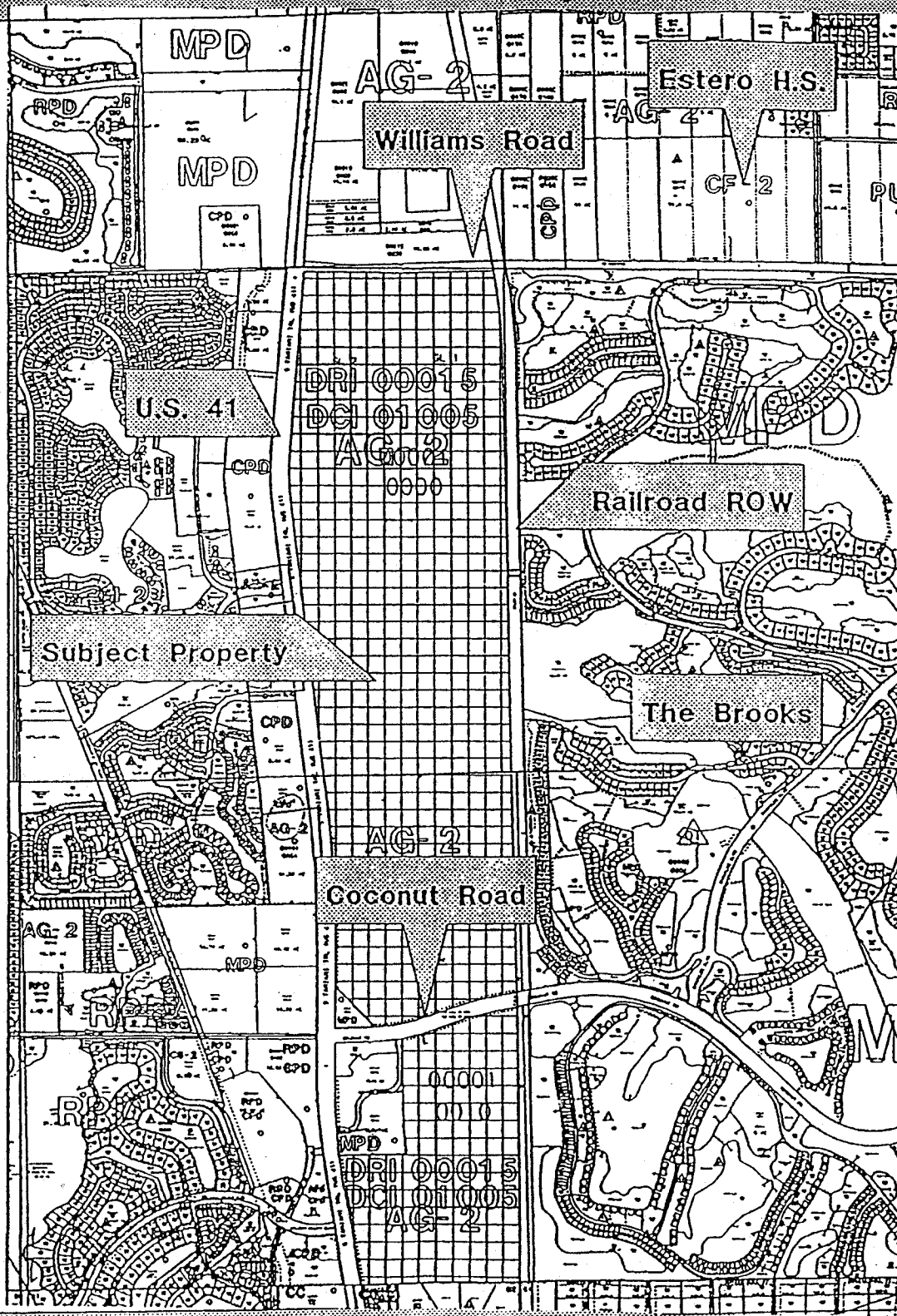
Applicant's Legal Checked

by  4/13/02

WS190711907079LEGALDESIGN-2.doc

DCI 2001-00005  
DRI 2000-00015

# ZONING MAP



COCONUT POINT  
MASTER CONCEPT PLAN

6202-F Presidential Court  
Fort Myers, FL 33919  
Phone: (941) 985-1200  
National Registration No. 1772  
Fort Myers - Venice - Englewood



DATE	ATTENDANCE
03/08/01	Refused per County Health 1st Ref.
11/14/01	Refused Home / O.S. Code / Permitted None
11/05/03	Refused per County Health's Office Memo

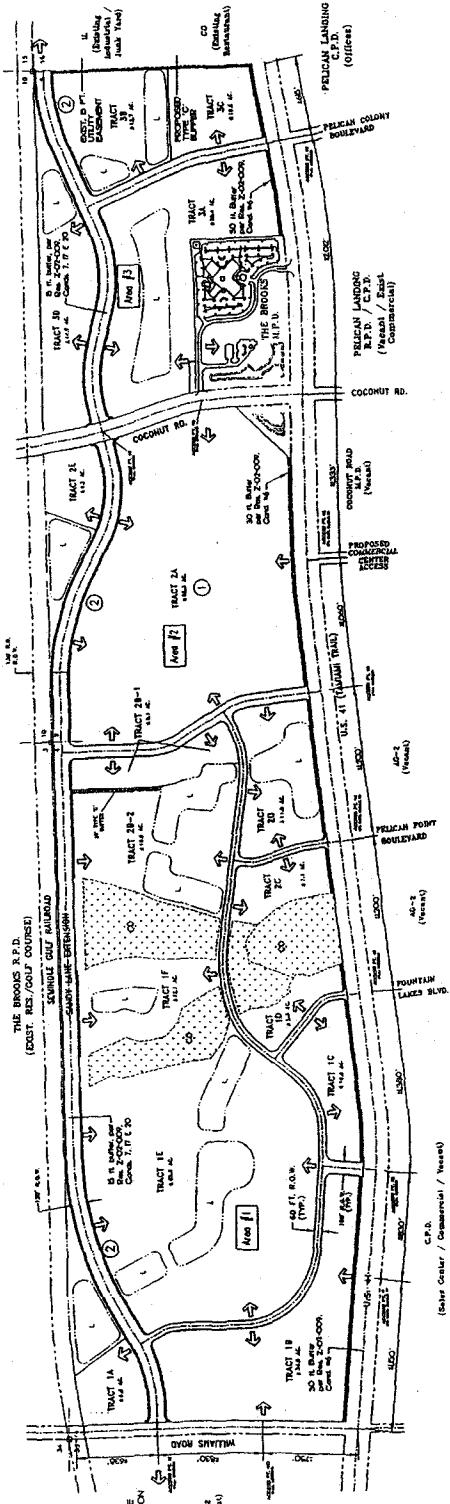
## EXHIBIT IV-E

2002 01 30

ORI 2000-00015  
ORI 2001-00005

APPROVED  
Initiator's Command Print  
Date Recd: 02-009 Page 1  
Subject for consideration in legislation  
Title of Bill: DPH 5 - NCI 2000-00005  
PRINTED 01 330

97.798	1.2
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PROJECT SUMMARY:

- | 1) REQUEST - A Requesting form Ac-2 to listed Use Planned Development (PUD) |  |  |             |             |   |             |             |                                     |             |             |  |             |             |                               |             |             |
|---|--|--|-------------|-------------|---|-------------|-------------|-------------------------------------|-------------|-------------|--|-------------|-------------|-------------------------------|-------------|-------------|
| 2) <u>ADDITIONAL CONCEPTUAL AREAS</u>                                       |  |  |             |             |   |             |             |                                     |             |             |  |             |             |                               |             |             |
| CONSERVATION AREAS  | 435.7 ACRES  |  |             |             |   |             |             |                                     |             |             |  |             |             |                               |             |             |
| LAKES   | 442.1 ACRES  |  |             |             |   |             |             |                                     |             |             |  |             |             |                               |             |             |
| INTERNAL PERMANENT B.O.W.   | 4.2 ACRES  |  |             |             |   |             |             |                                     |             |             |  |             |             |                               |             |             |
| INTERNAL PERMANENT R.O.W.   | 5.000 ACRES  |  |             |             |   |             |             |                                     |             |             |  |             |             |                               |             |             |
| GREEN AREAS   | 5.114 ACRES  |  |             |             |   |             |             |                                     |             |             |  |             |             |                               |             |             |
| OPEN SPACE / OPEN AREAS   | 5.114 ACRES  |  |             |             |   |             |             |                                     |             |             |  |             |             |                               |             |             |
| DEVELOPMENT TRACT AREAS   | 5,110.8 ACRES  |  |             |             |   |             |             |                                     |             |             |  |             |             |                               |             |             |
| TOTAL   | 6,483.4 ACRES  |  |             |             |   |             |             |                                     |             |             |  |             |             |                               |             |             |
| 3) <u>CONCEPTUAL TRACT AREA AND LANDSCAPE REQUIREMENTS</u>                  |  |  |             |             |   |             |             |                                     |             |             |  |             |             |                               |             |             |
| a) DEVELOPMENT AREA #1:   | <table border="0"> <tr> <td>1) Industrial - 100 AC. / Acres / Acres</td> <td>1,000.0 AC.</td> <td>1,000.0 AC.</td> </tr> <tr> <td>2) Commercial - 100 AC. / Acres / Acres</td> <td>1,000.0 AC.</td> <td>1,000.0 AC.</td> </tr> <tr> <td>3) Office - 100 AC. / Acres / Acres</td> <td>1,000.0 AC.</td> <td>1,000.0 AC.</td> </tr> <tr> <td>4) Other (PUD) - 100 AC. / Acres / Acres</td> <td>1,000.0 AC.</td> <td>1,000.0 AC.</td> </tr> <tr> <td>5) Total Development Area #1</td> <td>4,000.0 AC.</td> <td>4,000.0 AC.</td> </tr> </table>  | 1) Industrial - 100 AC. / Acres / Acres  | 1,000.0 AC. | 1,000.0 AC. | 2) Commercial - 100 AC. / Acres / Acres | 1,000.0 AC. | 1,000.0 AC. | 3) Office - 100 AC. / Acres / Acres | 1,000.0 AC. | 1,000.0 AC. | 4) Other (PUD) - 100 AC. / Acres / Acres | 1,000.0 AC. | 1,000.0 AC. | 5) Total Development Area #1  | 4,000.0 AC. | 4,000.0 AC. |
| 1) Industrial - 100 AC. / Acres / Acres                                     | 1,000.0 AC.  | 1,000.0 AC.                              |             |             |   |             |             |                                     |             |             |  |             |             |                               |             |             |
| 2) Commercial - 100 AC. / Acres / Acres                                     | 1,000.0 AC.  | 1,000.0 AC.                              |             |             |   |             |             |                                     |             |             |  |             |             |                               |             |             |
| 3) Office - 100 AC. / Acres / Acres   | 1,000.0 AC.  | 1,000.0 AC.                              |             |             |   |             |             |                                     |             |             |  |             |             |                               |             |             |
| 4) Other (PUD) - 100 AC. / Acres / Acres                                    | 1,000.0 AC.  | 1,000.0 AC.                              |             |             |   |             |             |                                     |             |             |  |             |             |                               |             |             |
| 5) Total Development Area #1  | 4,000.0 AC.  | 4,000.0 AC.                              |             |             |   |             |             |                                     |             |             |  |             |             |                               |             |             |
| b) DEVELOPMENT AREA #2:   | <table border="0"> <tr> <td>1) Residential - 100 AC. / Acres / Acres</td> <td>1,000.0 AC.</td> <td>1,000.0 AC.</td> </tr> <tr> <td>2) Commercial - 100 AC. / Acres / Acres</td> <td>1,000.0 AC.</td> <td>1,000.0 AC.</td> </tr> <tr> <td>3) Office - 100 AC. / Acres / Acres</td> <td>1,000.0 AC.</td> <td>1,000.0 AC.</td> </tr> <tr> <td>4) Other (PUD) - 100 AC. / Acres / Acres</td> <td>1,000.0 AC.</td> <td>1,000.0 AC.</td> </tr> <tr> <td>5) Total Development Area #2</td> <td>4,000.0 AC.</td> <td>4,000.0 AC.</td> </tr> </table> | 1) Residential - 100 AC. / Acres / Acres | 1,000.0 AC. | 1,000.0 AC. | 2) Commercial - 100 AC. / Acres / Acres | 1,000.0 AC. | 1,000.0 AC. | 3) Office - 100 AC. / Acres / Acres | 1,000.0 AC. | 1,000.0 AC. | 4) Other (PUD) - 100 AC. / Acres / Acres | 1,000.0 AC. | 1,000.0 AC. | 5) Total Development Area #2  | 4,000.0 AC. | 4,000.0 AC. |
| 1) Residential - 100 AC. / Acres / Acres                                    | 1,000.0 AC.  | 1,000.0 AC.                              |             |             |   |             |             |                                     |             |             |  |             |             |                               |             |             |
| 2) Commercial - 100 AC. / Acres / Acres                                     | 1,000.0 AC.  | 1,000.0 AC.                              |             |             |   |             |             |                                     |             |             |  |             |             |                               |             |             |
| 3) Office - 100 AC. / Acres / Acres   | 1,000.0 AC.  | 1,000.0 AC.                              |             |             |   |             |             |                                     |             |             |  |             |             |                               |             |             |
| 4) Other (PUD) - 100 AC. / Acres / Acres                                    | 1,000.0 AC.  | 1,000.0 AC.                              |             |             |   |             |             |                                     |             |             |  |             |             |                               |             |             |
| 5) Total Development Area #2  | 4,000.0 AC.  | 4,000.0 AC.                              |             |             |   |             |             |                                     |             |             |  |             |             |                               |             |             |
| c) DEVELOPMENT AREA #3:   | <table border="0"> <tr> <td>1) Industrial - 100 AC. / Acres / Acres</td> <td>1,000.0 AC.</td> <td>1,000.0 AC.</td> </tr> <tr> <td>2) Commercial - 100 AC. / Acres / Acres</td> <td>1,000.0 AC.</td> <td>1,000.0 AC.</td> </tr> <tr> <td>3) Office - 100 AC. / Acres / Acres</td> <td>1,000.0 AC.</td> <td>1,000.0 AC.</td> </tr> <tr> <td>4) Other (PUD) - 100 AC. / Acres / Acres</td> <td>1,000.0 AC.</td> <td>1,000.0 AC.</td> </tr> <tr> <td>5) Total Development Area #3</td> <td>4,000.0 AC.</td> <td>4,000.0 AC.</td> </tr> </table>  | 1) Industrial - 100 AC. / Acres / Acres  | 1,000.0 AC. | 1,000.0 AC. | 2) Commercial - 100 AC. / Acres / Acres | 1,000.0 AC. | 1,000.0 AC. | 3) Office - 100 AC. / Acres / Acres | 1,000.0 AC. | 1,000.0 AC. | 4) Other (PUD) - 100 AC. / Acres / Acres | 1,000.0 AC. | 1,000.0 AC. | 5) Total Development Area #3  | 4,000.0 AC. | 4,000.0 AC. |
| 1) Industrial - 100 AC. / Acres / Acres                                     | 1,000.0 AC.  | 1,000.0 AC.                              |             |             |   |             |             |                                     |             |             |  |             |             |                               |             |             |
| 2) Commercial - 100 AC. / Acres / Acres                                     | 1,000.0 AC.  | 1,000.0 AC.                              |             |             |   |             |             |                                     |             |             |  |             |             |                               |             |             |
| 3) Office - 100 AC. / Acres / Acres   | 1,000.0 AC.  | 1,000.0 AC.                              |             |             |   |             |             |                                     |             |             |  |             |             |                               |             |             |
| 4) Other (PUD) - 100 AC. / Acres / Acres                                    | 1,000.0 AC.  | 1,000.0 AC.                              |             |             |   |             |             |                                     |             |             |  |             |             |                               |             |             |
| 5) Total Development Area #3  | 4,000.0 AC.  | 4,000.0 AC.                              |             |             |   |             |             |                                     |             |             |  |             |             |                               |             |             |
| d) DEVELOPMENT AREA #4:   | <table border="0"> <tr> <td>1) Industrial - 100 AC. / Acres / Acres</td> <td>1,000.0 AC.</td> <td>1,000.0 AC.</td> </tr> <tr> <td>2) Commercial - 100 AC. / Acres / Acres</td> <td>1,000.0 AC.</td> <td>1,000.0 AC.</td> </tr> <tr> <td>3) Office - 100 AC. / Acres / Acres</td> <td>1,000.0 AC.</td> <td>1,000.0 AC.</td> </tr> <tr> <td>4) Other (PUD) - 100 AC. / Acres / Acres</td> <td>1,000.0 AC.</td> <td>1,000.0 AC.</td> </tr> <tr> <td>5) Total Development Area #4</td> <td>4,000.0 AC.</td> <td>4,000.0 AC.</td> </tr> </table>  | 1) Industrial - 100 AC. / Acres / Acres  | 1,000.0 AC. | 1,000.0 AC. | 2) Commercial - 100 AC. / Acres / Acres | 1,000.0 AC. | 1,000.0 AC. | 3) Office - 100 AC. / Acres / Acres | 1,000.0 AC. | 1,000.0 AC. | 4) Other (PUD) - 100 AC. / Acres / Acres | 1,000.0 AC. | 1,000.0 AC. | 5) Total Development Area #4  | 4,000.0 AC. | 4,000.0 AC. |
| 1) Industrial - 100 AC. / Acres / Acres                                     | 1,000.0 AC.  | 1,000.0 AC.                              |             |             |   |             |             |                                     |             |             |  |             |             |                               |             |             |
| 2) Commercial - 100 AC. / Acres / Acres                                     | 1,000.0 AC.  | 1,000.0 AC.                              |             |             |   |             |             |                                     |             |             |  |             |             |                               |             |             |
| 3) Office - 100 AC. / Acres / Acres   | 1,000.0 AC.  | 1,000.0 AC.                              |             |             |   |             |             |                                     |             |             |  |             |             |                               |             |             |
| 4) Other (PUD) - 100 AC. / Acres / Acres                                    | 1,000.0 AC.  | 1,000.0 AC.                              |             |             |   |             |             |                                     |             |             |  |             |             |                               |             |             |
| 5) Total Development Area #4  | 4,000.0 AC.  | 4,000.0 AC.                              |             |             |   |             |             |                                     |             |             |  |             |             |                               |             |             |
| e) DEVELOPMENT AREA #5:   | <table border="0"> <tr> <td>1) Industrial - 100 AC. / Acres / Acres</td> <td>1,000.0 AC.</td> <td>1,000.0 AC.</td> </tr> <tr> <td>2) Commercial - 100 AC. / Acres / Acres</td> <td>1,000.0 AC.</td> <td>1,000.0 AC.</td> </tr> <tr> <td>3) Office - 100 AC. / Acres / Acres</td> <td>1,000.0 AC.</td> <td>1,000.0 AC.</td> </tr> <tr> <td>4) Other (PUD) - 100 AC. / Acres / Acres</td> <td>1,000.0 AC.</td> <td>1,000.0 AC.</td> </tr> <tr> <td>5) Total Development Area #5</td> <td>4,000.0 AC.</td> <td>4,000.0 AC.</td> </tr> </table>  | 1) Industrial - 100 AC. / Acres / Acres  | 1,000.0 AC. | 1,000.0 AC. | 2) Commercial - 100 AC. / Acres / Acres | 1,000.0 AC. | 1,000.0 AC. | 3) Office - 100 AC. / Acres / Acres | 1,000.0 AC. | 1,000.0 AC. | 4) Other (PUD) - 100 AC. / Acres / Acres | 1,000.0 AC. | 1,000.0 AC. | 5) Total Development Area #5  | 4,000.0 AC. | 4,000.0 AC. |
| 1) Industrial - 100 AC. / Acres / Acres                                     | 1,000.0 AC.  | 1,000.0 AC.                              |             |             |   |             |             |                                     |             |             |  |             |             |                               |             |             |
| 2) Commercial - 100 AC. / Acres / Acres                                     | 1,000.0 AC.  | 1,000.0 AC.                              |             |             |   |             |             |                                     |             |             |  |             |             |                               |             |             |
| 3) Office - 100 AC. / Acres / Acres   | 1,000.0 AC.  | 1,000.0 AC.                              |             |             |   |             |             |                                     |             |             |  |             |             |                               |             |             |
| 4) Other (PUD) - 100 AC. / Acres / Acres                                    | 1,000.0 AC.  | 1,000.0 AC.                              |             |             |   |             |             |                                     |             |             |  |             |             |                               |             |             |
| 5) Total Development Area #5  | 4,000.0 AC.  | 4,000.0 AC.                              |             |             |   |             |             |                                     |             |             |  |             |             |                               |             |             |
| f) DEVELOPMENT AREA #6:   | <table border="0"> <tr> <td>1) Industrial - 100 AC. / Acres / Acres</td> <td>1,000.0 AC.</td> <td>1,000.0 AC.</td> </tr> <tr> <td>2) Commercial - 100 AC. / Acres / Acres</td> <td>1,000.0 AC.</td> <td>1,000.0 AC.</td> </tr> <tr> <td>3) Office - 100 AC. / Acres / Acres</td> <td>1,000.0 AC.</td> <td>1,000.0 AC.</td> </tr> <tr> <td>4) Other (PUD) - 100 AC. / Acres / Acres</td> <td>1,000.0 AC.</td> <td>1,000.0 AC.</td> </tr> <tr> <td>5) Total Development Area #6</td> <td>4,000.0 AC.</td> <td>4,000.0 AC.</td> </tr> </table>  | 1) Industrial - 100 AC. / Acres / Acres  | 1,000.0 AC. | 1,000.0 AC. | 2) Commercial - 100 AC. / Acres / Acres | 1,000.0 AC. | 1,000.0 AC. | 3) Office - 100 AC. / Acres / Acres | 1,000.0 AC. | 1,000.0 AC. | 4) Other (PUD) - 100 AC. / Acres / Acres | 1,000.0 AC. | 1,000.0 AC. | 5) Total Development Area #6  | 4,000.0 AC. | 4,000.0 AC. |
| 1) Industrial - 100 AC. / Acres / Acres                                     | 1,000.0 AC.  | 1,000.0 AC.                              |             |             |   |             |             |                                     |             |             |  |             |             |                               |             |             |
| 2) Commercial - 100 AC. / Acres / Acres                                     | 1,000.0 AC.  | 1,000.0 AC.                              |             |             |   |             |             |                                     |             |             |  |             |             |                               |             |             |
| 3) Office - 100 AC. / Acres / Acres   | 1,000.0 AC.  | 1,000.0 AC.                              |             |             |   |             |             |                                     |             |             |  |             |             |                               |             |             |
| 4) Other (PUD) - 100 AC. / Acres / Acres                                    | 1,000.0 AC.  | 1,000.0 AC.                              |             |             |   |             |             |                                     |             |             |  |             |             |                               |             |             |
| 5) Total Development Area #6  | 4,000.0 AC.  | 4,000.0 AC.                              |             |             |   |             |             |                                     |             |             |  |             |             |                               |             |             |
| g) DEVELOPMENT AREA #7:   | <table border="0"> <tr> <td>1) Industrial - 100 AC. / Acres / Acres</td> <td>1,000.0 AC.</td> <td>1,000.0 AC.</td> </tr> <tr> <td>2) Commercial - 100 AC. / Acres / Acres</td> <td>1,000.0 AC.</td> <td>1,000.0 AC.</td> </tr> <tr> <td>3) Office - 100 AC. / Acres / Acres</td> <td>1,000.0 AC.</td> <td>1,000.0 AC.</td> </tr> <tr> <td>4) Other (PUD) - 100 AC. / Acres / Acres</td> <td>1,000.0 AC.</td> <td>1,000.0 AC.</td> </tr> <tr> <td>5) Total Development Area #7</td> <td>4,000.0 AC.</td> <td>4,000.0 AC.</td> </tr> </table>  | 1) Industrial - 100 AC. / Acres / Acres  | 1,000.0 AC. | 1,000.0 AC. | 2) Commercial - 100 AC. / Acres / Acres | 1,000.0 AC. | 1,000.0 AC. | 3) Office - 100 AC. / Acres / Acres | 1,000.0 AC. | 1,000.0 AC. | 4) Other (PUD) - 100 AC. / Acres / Acres | 1,000.0 AC. | 1,000.0 AC. | 5) Total Development Area #7  | 4,000.0 AC. | 4,000.0 AC. |
| 1) Industrial - 100 AC. / Acres / Acres                                     | 1,000.0 AC.  | 1,000.0 AC.                              |             |             |   |             |             |                                     |             |             |  |             |             |                               |             |             |
| 2) Commercial - 100 AC. / Acres / Acres                                     | 1,000.0 AC.  | 1,000.0 AC.                              |             |             |   |             |             |                                     |             |             |  |             |             |                               |             |             |
| 3) Office - 100 AC. / Acres / Acres   | 1,000.0 AC.  | 1,000.0 AC.                              |             |             |   |             |             |                                     |             |             |  |             |             |                               |             |             |
| 4) Other (PUD) - 100 AC. / Acres / Acres                                    | 1,000.0 AC.  | 1,000.0 AC.                              |             |             |   |             |             |                                     |             |             |  |             |             |                               |             |             |
| 5) Total Development Area #7  | 4,000.0 AC.  | 4,000.0 AC.                              |             |             |   |             |             |                                     |             |             |  |             |             |                               |             |             |
| h) DEVELOPMENT AREA #8:   | <table border="0"> <tr> <td>1) Industrial - 100 AC. / Acres / Acres</td> <td>1,000.0 AC.</td> <td>1,000.0 AC.</td> </tr> <tr> <td>2) Commercial - 100 AC. / Acres / Acres</td> <td>1,000.0 AC.</td> <td>1,000.0 AC.</td> </tr> <tr> <td>3) Office - 100 AC. / Acres / Acres</td> <td>1,000.0 AC.</td> <td>1,000.0 AC.</td> </tr> <tr> <td>4) Other (PUD) - 100 AC. / Acres / Acres</td> <td>1,000.0 AC.</td> <td>1,000.0 AC.</td> </tr> <tr> <td>5) Total Development Area #8</td> <td>4,000.0 AC.</td> <td>4,000.0 AC.</td> </tr> </table>  | 1) Industrial - 100 AC. / Acres / Acres  | 1,000.0 AC. | 1,000.0 AC. | 2) Commercial - 100 AC. / Acres / Acres | 1,000.0 AC. | 1,000.0 AC. | 3) Office - 100 AC. / Acres / Acres | 1,000.0 AC. | 1,000.0 AC. | 4) Other (PUD) - 100 AC. / Acres / Acres | 1,000.0 AC. | 1,000.0 AC. | 5) Total Development Area #8  | 4,000.0 AC. | 4,000.0 AC. |
| 1) Industrial - 100 AC. / Acres / Acres                                     | 1,000.0 AC.  | 1,000.0 AC.                              |             |             |   |             |             |                                     |             |             |  |             |             |                               |             |             |
| 2) Commercial - 100 AC. / Acres / Acres                                     | 1,000.0 AC.  | 1,000.0 AC.                              |             |             |   |             |             |                                     |             |             |  |             |             |                               |             |             |
| 3) Office - 100 AC. / Acres / Acres   | 1,000.0 AC.  | 1,000.0 AC.                              |             |             |   |             |             |                                     |             |             |  |             |             |                               |             |             |
| 4) Other (PUD) - 100 AC. / Acres / Acres                                    | 1,000.0 AC.  | 1,000.0 AC.                              |             |             |   |             |             |                                     |             |             |  |             |             |                               |             |             |
| 5) Total Development Area #8  | 4,000.0 AC.  | 4,000.0 AC.                              |             |             |   |             |             |                                     |             |             |  |             |             |                               |             |             |
| i) DEVELOPMENT AREA #9:   | <table border="0"> <tr> <td>1) Industrial - 100 AC. / Acres / Acres</td> <td>1,000.0 AC.</td> <td>1,000.0 AC.</td> </tr> <tr> <td>2) Commercial - 100 AC. / Acres / Acres</td> <td>1,000.0 AC.</td> <td>1,000.0 AC.</td> </tr> <tr> <td>3) Office - 100 AC. / Acres / Acres</td> <td>1,000.0 AC.</td> <td>1,000.0 AC.</td> </tr> <tr> <td>4) Other (PUD) - 100 AC. / Acres / Acres</td> <td>1,000.0 AC.</td> <td>1,000.0 AC.</td> </tr> <tr> <td>5) Total Development Area #9</td> <td>4,000.0 AC.</td> <td>4,000.0 AC.</td> </tr> </table>  | 1) Industrial - 100 AC. / Acres / Acres  | 1,000.0 AC. | 1,000.0 AC. | 2) Commercial - 100 AC. / Acres / Acres | 1,000.0 AC. | 1,000.0 AC. | 3) Office - 100 AC. / Acres / Acres | 1,000.0 AC. | 1,000.0 AC. | 4) Other (PUD) - 100 AC. / Acres / Acres | 1,000.0 AC. | 1,000.0 AC. | 5) Total Development Area #9  | 4,000.0 AC. | 4,000.0 AC. |
| 1) Industrial - 100 AC. / Acres / Acres                                     | 1,000.0 AC.  | 1,000.0 AC.                              |             |             |   |             |             |                                     |             |             |  |             |             |                               |             |             |
| 2) Commercial - 100 AC. / Acres / Acres                                     | 1,000.0 AC.  | 1,000.0 AC.                              |             |             |   |             |             |                                     |             |             |  |             |             |                               |             |             |
| 3) Office - 100 AC. / Acres / Acres   | 1,000.0 AC.  | 1,000.0 AC.                              |             |             |   |             |             |                                     |             |             |  |             |             |                               |             |             |
| 4) Other (PUD) - 100 AC. / Acres / Acres                                    | 1,000.0 AC.  | 1,000.0 AC.                              |             |             |   |             |             |                                     |             |             |  |             |             |                               |             |             |
| 5) Total Development Area #9  | 4,000.0 AC.  | 4,000.0 AC.                              |             |             |   |             |             |                                     |             |             |  |             |             |                               |             |             |
| j) DEVELOPMENT AREA #10:  | <table border="0"> <tr> <td>1) Industrial - 100 AC. / Acres / Acres</td> <td>1,000.0 AC.</td> <td>1,000.0 AC.</td> </tr> <tr> <td>2) Commercial - 100 AC. / Acres / Acres</td> <td>1,000.0 AC.</td> <td>1,000.0 AC.</td> </tr> <tr> <td>3) Office - 100 AC. / Acres / Acres</td> <td>1,000.0 AC.</td> <td>1,000.0 AC.</td> </tr> <tr> <td>4) Other (PUD) - 100 AC. / Acres / Acres</td> <td>1,000.0 AC.</td> <td>1,000.0 AC.</td> </tr> <tr> <td>5) Total Development Area #10</td> <td>4,000.0 AC.</td> <td>4,000.0 AC.</td> </tr> </table> | 1) Industrial - 100 AC. / Acres / Acres  | 1,000.0 AC. | 1,000.0 AC. | 2) Commercial - 100 AC. / Acres / Acres | 1,000.0 AC. | 1,000.0 AC. | 3) Office - 100 AC. / Acres / Acres | 1,000.0 AC. | 1,000.0 AC. | 4) Other (PUD) - 100 AC. / Acres / Acres | 1,000.0 AC. | 1,000.0 AC. | 5) Total Development Area #10 | 4,000.0 AC. | 4,000.0 AC. |
| 1) Industrial - 100 AC. / Acres / Acres                                     | 1,000.0 AC.  | 1,000.0 AC.                              |             |             |   |             |             |                                     |             |             |  |             |             |                               |             |             |
| 2) Commercial - 100 AC. / Acres / Acres                                     | 1,000.0 AC.  | 1,000.0 AC.                              |             |             |   |             |             |                                     |             |             |  |             |             |                               |             |             |
| 3) Office - 100 AC. / Acres / Acres   | 1,000.0 AC.  | 1,000.0 AC.                              |             |             |   |             |             |                                     |             |             |  |             |             |                               |             |             |
| 4) Other (PUD) - 100 AC. / Acres / Acres                                    | 1,000.0 AC.  | 1,000.0 AC.                              |             |             |   |             |             |                                     |             |             |  |             |             |                               |             |             |
| 5) Total Development Area #10   | 4,000.0 AC.  | 4,000.0 AC.                              |             |             |   |             |             |                                     |             |             |  |             |             |                               |             |             |
| k) DEVELOPMENT AREA #11:  | <table border="0"> <tr> <td>1) Industrial - 100 AC. / Acres / Acres</td> <td>1,000.0 AC.</td> <td>1,000.0 AC.</td> </tr> <tr> <td>2) Commercial - 100 AC. / Acres / Acres</td> <td>1,000.0 AC.</td> <td>1,000.0 AC.</td> </tr> <tr> <td>3) Office - 100 AC. / Acres / Acres</td> <td>1,000.0 AC.</td> <td>1,000.0 AC.</td> </tr> <tr> <td>4) Other (PUD) - 100 AC. / Acres / Acres</td> <td>1,000.0 AC.</td> <td>1,000.0 AC.</td> </tr> <tr> <td>5) Total Development Area #11</td> <td>4,000.0 AC.</td> <td>4,000.0 AC.</td> </tr> </table> | 1) Industrial - 100 AC. / Acres / Acres  | 1,000.0 AC. | 1,000.0 AC. | 2) Commercial - 100 AC. / Acres / Acres | 1,000.0 AC. | 1,000.0 AC. | 3) Office - 100 AC. / Acres / Acres | 1,000.0 AC. | 1,000.0 AC. | 4) Other (PUD) - 100 AC. / Acres / Acres | 1,000.0 AC. | 1,000.0 AC. | 5) Total Development Area #11 | 4,000.0 AC. | 4,000.0 AC. |
| 1) Industrial - 100 AC. / Acres / Acres                                     | 1,000.0 AC.  | 1,000.0 AC.                              |             |             |   |             |             |                                     |             |             |  |             |             |                               |             |             |
| 2) Commercial - 100 AC. / Acres / Acres                                     | 1,000.0 AC.  | 1,000.0 AC.                              |             |             |   |             |             |                                     |             |             |  |             |             |                               |             |             |
| 3) Office - 100 AC. / Acres / Acres   | 1,000.0 AC.  | 1,000.0 AC.                              |             |             |   |             |             |                                     |             |             |  |             |             |                               |             |             |
| 4) Other (PUD) - 100 AC. / Acres / Acres                                    | 1,000.0 AC.  | 1,000.0 AC.                              |             |             |   |             |             |                                     |             |             |  |             |             |                               |             |             |
| 5) Total Development Area #11   | 4,000.0 AC.  | 4,000.0 AC.                              |             |             |   |             |             |                                     |             |             |  |             |             |                               |             |             |
| l) DEVELOPMENT AREA #12:  | <table border="0"> <tr> <td>1) Industrial - 100 AC. / Acres / Acres</td> <td>1,000.0 AC.</td> <td>1,000.0 AC.</td> </tr> <tr> <td>2) Commercial - 100 AC. / Acres / Acres</td> <td>1,000.0 AC.</td> <td>1,000.0 AC.</td> </tr> <tr> <td>3) Office - 100 AC. / Acres / Acres</td> <td>1,000.0 AC.</td> <td>1,000.0 AC.</td> </tr> <tr> <td>4) Other (PUD) - 100 AC. / Acres / Acres</td> <td>1,000.0 AC.</td> <td>1,000.0 AC.</td> </tr> <tr> <td>5) Total Development Area #12</td> <td>4,000.0 AC.</td> <td>4,000.0 AC.</td> </tr> </table> | 1) Industrial - 100 AC. / Acres / Acres  | 1,000.0 AC. | 1,000.0 AC. | 2) Commercial - 100 AC. / Acres / Acres | 1,000.0 AC. | 1,000.0 AC. | 3) Office - 100 AC. / Acres / Acres | 1,000.0 AC. | 1,000.0 AC. | 4) Other (PUD) - 100 AC. / Acres / Acres | 1,000.0 AC. | 1,000.0 AC. | 5) Total Development Area #12 | 4,000.0 AC. | 4,000.0 AC. |
| 1) Industrial - 100 AC. / Acres / Acres                                     | 1,000.0 AC.  | 1,000.0 AC.                              |             |             |   |             |             |                                     |             |             |  |             |             |                               |             |             |
| 2) Commercial - 100 AC. / Acres / Acres                                     | 1,000.0 AC.  | 1,000.0 AC.                              |             |             |   |             |             |                                     |             |             |  |             |             |                               |             |             |
| 3) Office - 100 AC. / Acres / Acres   | 1,000.0 AC.  | 1,000.0 AC.                              |             |             |   |             |             |                                     |             |             |  |             |             |                               |             |             |
| 4) Other (PUD) - 100 AC. / Acres / Acres                                    | 1,000.0 AC.  | 1,000.0 AC.                              |             |             |   |             |             |                                     |             |             |  |             |             |                               |             |             |
| 5) Total Development Area #12   | 4,000.0 AC.  | 4,000.0 AC.                              |             |             |   |             |             |                                     |             |             |  |             |             |                               |             |             |
| m) DEVELOPMENT AREA #13:  | <table border="0"> </table>  |  |             |             |   |             |             |                                     |             |             |  |             |             |                               |             |             |

b.) MAXIMUM DEVELOPMENT TRACT INTENSITY:

- [illegible]

5.) CONCENTRUAL OPEN SPACE  
a.) IMPOUND (see L.C.L.D.)

- [illegible]

1985-1986

- 7) NOTES
1. Locations / conditions of proposed land uses, such as wetlands, riparian areas, etc. are shown on the map. The proposed project is located within the riparian area of the proposed project. The project is located within the riparian area of the proposed project.
  2. The project is located within the riparian area of the proposed project. The project is located within the riparian area of the proposed project.

## RECEIVED

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DEVELOPMENT ORDER  
FOR  
COCONUT POINT DRI  
STATE DRI # 09-2001-153  
CASE #DRI2000-00015

Let it Be Known That, pursuant to Florida Statutes §380.06, the Board of County Commissioners of Lee County, Florida, has heard at a public hearing convened on October 21, 2002, the Application For Development Approval submitted by The Simon Property Group, L.P. and Oakbrook Properties, Inc., for Coconut Point DRI (originally known as Simon Suncoast DRI), a mixed use development in Lee County, consisting of approximately 482.4 +/- acres.

WHEREAS, the Board of County Commissioners of Lee County, Florida has considered the report and recommendations of the Southwest Florida Regional Planning Council, the Lee County Staff, the Lee County Hearing Examiner, the application and sufficiency submittals, and the documents and comments made on the record in public hearing, and after full consideration of those reports, recommendations, documents and comments, the Board of County Commissioners of Lee County, Florida, finds and determines that:

**I. FINDINGS OF FACT AND CONCLUSIONS OF LAW**

A. The Coconut Point DRI is a master planned commercial development consisting of 482.4+/- acres located in unincorporated south central Lee County at the intersection of US 41 and Coconut Road. The Coconut Point DRI is a mixed use development that will consist of: 1,450,000 gross leasable square feet of retail/regional mall (Regional Retail Center), 350,000 gross leasable square feet of retail on other parcels adjacent to the regional mall (Community Commercial Retail), 300,000 square feet of office, of which no more than 100,000 square feet may be medical office, 600 hotel rooms, 1,000 multi-family units and a 200 unit assisted living facility. The project will include 32.7 acres of conservation areas, 47.1 acres of lakes, 50.2 acres of road rights-of-way and 11.6 acres of green area/open space.

Water and wastewater treatment will be provided by Bonita Springs Utilities.

The project phasing schedule consists of one phase with buildout in 2006.

B. The terms of this Development Order apply to the property located and described in attached Exhibit A.

C. The property was zoned AG-2, and coincident with the approval of this Development Order the property will be rezoned to Mixed Planned Development (MPD).



The property is currently in active agricultural use.

D. The Application for Development Approval (ADA), submitted on September 12, 2000, is consistent with the requirements of §380.06, Florida Statutes. The application went through two sufficiency reviews.

E. The development is not located in an area designated as an Area of Critical State Concern under the provision of §380.05, Florida Statutes.

F. The development will *not* unreasonably interfere with the achievement of the objectives of the adopted State Land Development Plan. The development is consistent with the State Comprehensive Plan if developed in accordance with the conditions set forth herein.

G. The development has been reviewed by the Southwest Florida Regional Planning Council (SWFRPC) and is the subject of the report and recommendations adopted by that body on January 17, 2001. The SWFRPC report and recommendations were subsequently forwarded to Lee County. The development, as proposed in the ADA and modified by this Development Order, is generally consistent with the report and recommendations of the SWFRPC pursuant to §380.06(11), Florida Statutes.

H. The development is located in the Rural and Wetlands future land use categories. The development proposed is currently not consistent with the Lee Plan and can not be conditioned to attain consistency. However, a Lee Plan amendment is currently being considered by DCA that will, if ultimately adopted, allow the project as conditioned to be consistent with the Lee County Comprehensive Plan and the Lee County Land Development Code (LDC).

I. The conditions set forth below meet the criteria found in §380.06(15)(d), Florida Statutes.

## **II. ACTION ON THE REQUEST AND CONDITIONS OF APPROVAL**

NOW THEREFORE, be it resolved by the Board of County Commissioners of Lee County, Florida, in a public meeting duly advertised, constituted and assembled that the Development of Regional Impact Application for Development Approval submitted on behalf of Simon Property Group, L.P. and the Oakbrook Properties, Inc., for the project known as the Coconut Point DRI, is hereby Approved subject to the conditions, restrictions and limitations that follow. For the purpose of this Development Order, the term "Developer" refers to Simon Property Group, L.P. and Oakbrook Properties, Inc., and includes all successors or assigns, and all references to County Ordinances or other regulations, including future amendments.

**A. AFFORDABLE HOUSING**

**1. 150 Affordable Housing Units (\$600,000).**

- a. The Developer must provide, either directly or through third parties, 150 units (combined total) of affordable housing for very low, low, and moderate-income persons within the identified DRI housing assessment area on or before December 31, 2006.
- b. In the event the Developer does not provide all of the 150 units required above prior to December 31, 2006, the Developer may satisfy the remaining affordable housing obligation by paying \$4,000 (\$600,000 divided by 150 units) for each unit of the shortfall to the Lee County Affordable Housing Trust Fund.

**2. University Student Housing (\$400,000).** In addition to the above, the Developer will subsidize University student housing by giving \$400,000 to the Florida Gulf Coast University prior to the issuance of the first development order allowing vertical construction within the DRI (excepting any public uses mandated by this Development Order). These funds must be specifically earmarked for University student housing.

**B. ENERGY**

The Developer must incorporate, as a minimum, the following energy conservation features into all site plans and architectural programs, or insure that the following features are implemented through deed restrictions or covenants with successors in title. All applications for site plan approvals and building permits must be accompanied by a documents detailing proposed compliance with these conditions. If deed restrictions or covenants are utilized to insure compliance, those documents must be approved by the County Attorney's Office prior to recording.

These features are:

1. A bicycle/pedestrian system connecting all land uses, to be placed along arterial and collector roads within the project and also along Sandy Lane. This system will be consistent with LDC regulations.
2. Bicycle racks or storage facilities in recreational, commercial and multi-family residential areas.
3. Bus stops, shelters and other passenger and system accommodations for a

transit system to service the project area.

4. Energy efficient features in window design (e.g. tinting and exterior shading), operable windows, ceiling fans, appliances and equipment.

5. Minimize coverage by asphalt, concrete, rock and similar substances in street, parking lots and other area to reduce local air temperatures and reflecting light and heat.

6. Energy-efficient lighting for streets, parking area, recreation area and other interior and exterior public areas.

7. Water closets with a maximum flush of 1.6 gallons and shower heads and faucets with a maximum flow rate of 2.5 gallons per minute (at 80 pounds of water pressure per square inch).

8. Selecting, planting and maintaining native plants, trees and other vegetation and landscape design features that reduce requirements for water, fertilizer, maintenance and other needs.

9. Planting native shade trees to provide reasonable shade for all recreation areas, street and parking areas. Planting native shade trees for each residential unit.

10. Placing trees to provide needed shade in the warmer months while not overly reducing the benefits of sunlight in the cooler months. Orienting structures, whenever possible, to reduce solar heat gain by walls and utilize the natural cooling effects of the wind.

11. Including porch and patio areas in residential units.

12. Establishing project architectural review committees that will consider energy conservation measure to assist builders and residents in the efforts to achieve greater energy efficiency in the development.

### **C. STORMWATER MANAGEMENT**

1. The Developer must meet the criteria set forth in Chapter 40E, Florida Administrative Code, and the South Florida Water Management District (SFWMD) Basis of Review: The Developer must obtain a modification of SFWMD Permit No. 36-00288-S for the construction and operation of the surface water management system. This permit must address any impacts created by the development to wetlands and other surface waters. Halfway Creek is classified as an Outstanding Florida Water (OFW). Any discharge to an OFW requires additional water quality consideration. Prior to the

issuance of the permit modification, the District will evaluate this issue in greater detail.

2. The Developer must obtain all necessary approvals from the Florida Department of Transportation for any proposed discharge points and water control structures associated with US 41.

3. At the time of permit modification application, the Developer must provide finalized information regarding the size of proposed project lakes, the location of major water control structures, the correct identification of control structures within pre-treatment areas and verification of adequate dimensions for pre-treatment areas.

4. Best management practices are subject to Lee County review and approval and must be included on all construction plans for development.

5. All internal stormwater management lakes and ditches as well as any onsite preserved or enhanced wetland areas, must be set aside as private drainage or conservation easements on the recorded plat. Stormwater lakes must include, where practical, adequate maintenance easements around the lakes with access to a paved roadway.

6. During construction activities, the applicant must employ best management practices for erosion and sedimentation control. These practices must be included with, or presented on, all construction plans, and are subject to approval by the appropriate agencies prior to implementation.

7. The final stormwater management plan must consider, as applicable, measures to reduce runoff rates and volumes, including, but not limited to, fixed control structures, perforated pipes, and grass swale conveyances. Swales, rather than closed systems, must be used whenever possible.

8. Any shoreline banks created along the onsite stormwater management system must include littoral zones constructed on slopes consistent with District and Lee County requirements and be planted in native emergent or submergent aquatic vegetation. The applicant must ensure, by supplemental replanting if necessary, that at least 80% cover by native aquatic vegetation is established/maintained within the littoral zone for the duration of the project.

9. The applicant must conduct annual inspections of the Master Stormwater Management System and any preserved/enhanced wetland areas on the project site to ensure that these areas are maintained in keeping with the final approved designs, and that the water management system is capable of accomplishing the level of stormwater storage and treatment for which it was intended. The Developer or operating entity must undertake any cleaning and repair determined to be necessary based upon the annual

inspection.

10. The applicant must confirm, to the satisfaction of all applicable federal, state, and local review agencies, and the South Florida Water Management District, that the proposed stormwater management system will not impact habitats of any state or federally listed plant and/or animal species potentially occurring onsite, or that such impacts will be mitigated to the benefit of onsite populations of those species.

11. The Developer must undertake a regularly scheduled vacuum sweeping of all common streets and parking areas within the development.

12. If Lee County establishes a County-wide stormwater management system, the Developer must participate to the extent the system benefits the development.

13. Ditch and swale slopes must be designed to minimize discharges so that these facilities may provide some additional water quality treatment prior to discharge. Treatment swales must be grassed.

14. The grassed stormwater treatment areas must be mowed on a regular basis as part of the normal lawn maintenance of the development. Any debris that may accumulate in project lakes, ditches or swales, or which may interfere with the normal flow of water through discharge structures and under drain systems, must be cleaned from the detention/retention areas on a regular basis. Any erosion to banks must be replaced immediately.

15. Under drain systems and grease baffles, if utilized within the Coconut Point DRI, must be inspected and cleaned and/or repaired on a regular basis. In no instance may the period between such inspections exceed eighteen months.

16. Stormwater management system maintenance requirements include removal of any mosquito-productive nuisance plant species (e.g., water lettuce, water hyacinth, cattails and primrose willows) from all system nodes, reaches, and percolation basins, as well as from the lake littoral zones employed in the system.

17. When required by the SFWMD permit, any isolated wading bird "pools" constructed in lake littoral zones must be excavated to a depth that provides aquatic habitat for mosquito larvae predators, such as *Gambusia affinis*.

18. The Developer will establish a legal operating entity in accordance with the SFWMD Basis of Review and Lee County Land Development Code to maintain the internal stormwater management lakes, ditches and wetlands. Easements, common areas or other legal mechanisms may be utilized to ensure there is sufficient access to the stormwater management areas for maintenance purposes.

## D. TRANSPORTATION

### 1. Significant Impacts

#### a. Assessment Parameters

The traffic impact assessment for the Project assumes the following development parameters, as a single phase:

	<u>Buildout (2006)</u>
Multifamily Apartments (ITE LUC 220) (200 d.u. Town Center, 250 d.u. South Village)	450 d.u.
Multifamily Condominiums (ITE LUC 230) (550 d.u. North Village)	550 d.u.
Assisted Living Facility (ITE LUC 252) (200 d.u. South Village)	200 d.u.
Hotel (ITE LUC 310) (450 rooms Town Center, 150 rooms South Village)	600 rooms
Community Retail (ITE LUC 820) (280,000 square feet North Village, 70,000 square feet South Village)	350,000 sq. ft. (gla)
Regional Retail Center (ITE LUC 820) (1,450,000 square feet Town Center)	1,450,000 sq. ft. (gla)
General Office (ITE LUC 710) (70,000 square feet North Village, 90,000 square Town Center, 40,000 square feet South Village)	200,000 sq. ft.
Medical Office (ITE LUC 720) (100,000 square feet South Village)	100,000 sq. ft.

The above parameters form the basis for the Project impacts and the mitigation requirements contained herein. The assumed land uses associated with the general parameters are identified by the Land Use Code (LUC) from the Institute of Transportation Engineers (ITE) Trip Generation Manual, 6<sup>th</sup> Edition. While approved zoning categories may allow a wider range of uses, from a DRI standpoint the Project impacts are based on the above parameters and assumed uses. If the Developer exercises Mitigation

Option 2 and is granted concurrency vesting for all or a portion of the DRI, any significant change in the assumed uses, mix of uses or location of uses on the Master Concept Plan will require a re-evaluation of the DRI transportation impacts. A significant change is one that would increase the external project traffic by 5% or more or that would change the projected distribution and assignment of project traffic so as to result in a net increase in road miles of significantly and adversely impacted roadway links. This condition does not apply if Mitigation Option 1 is selected.

The overall traffic at the Project driveway entrances based on the above parameters is estimated to be 5,909 trips. They include 4,120 PM net new external peak hour trips, 757 pass-by trips, and 1,032 interzonal trip ends at buildout in 2006. ("Interzonal trip ends" are from one part of the project to another that travel along or across public roadways.)

b. *Buildout Impacts*

The assessment on an existing-plus-committed network assuming the advancement of certain projects indicates that the significantly impacted roadways and intersections described below will be operating below acceptable levels of service at the end of Buildout (2006):

Roadway Improvements Needed

<u>Roadways</u>	<u>Needed Improvement</u>
I-75	
- Corkscrew Road to Daniels Parkway	Widen to 6 lanes
Three Oaks Parkway	
- Williams Road to Corkscrew Road	Widen to 6 lanes
US 41	
- Koreshan Boulevard to San Carlos Boulevard	Widen to 6 lanes
- Bonita Beach Road to Coconut Road	Widen to 6 lanes
Old US 41	
- Rosemary Drive to US 41	Widen to 4 lanes

Intersection Improvements Needed

Bonita Beach Road @ Old 41 <sup>(1)</sup>	Add 2 <sup>nd</sup> SB left turn lane
Coconut Road @ Driveway 9/Regional Retail Center <sup>(2)</sup>	Add WB right turn lane

Coconut Road @ Sandy Lane<sup>(2)</sup>

Corkscrew Road @ Ben Hill Griffin Parkway<sup>(1)</sup>

Corkscrew Road @ River Ranch Road<sup>(1)</sup>  
Corkscrew Road @ Three Oaks Parkway

I-75 @ Corkscrew Road<sup>(1)</sup>

Old 41 @ Dean Street<sup>(1)</sup>  
Old 41 @ Pennsylvania Avenue<sup>(1)</sup>  
Old 41 @ West Terry Street<sup>(1)</sup>

Three Oaks Parkway @ Koreshan Boulevard<sup>(1)</sup>  
Three Oaks Parkway @ Williams Road<sup>(1)</sup>  
Three Oaks Parkway @ Coconut Road<sup>(1)</sup>  
US 41 @ Immokalee Road<sup>(1)</sup>  
US 41 @ Old 41<sup>(1)</sup> (Collier County)  
US 41 @ Bonita Beach Road  
US 41 @ West Terry Street  
US 41 @ Old 41/Pelican Landing Parkway

US 41 @ Pelican Colony Boulevard

Add SB right turn lane  
Add SB left turn lane  
Add dual EB left turn lane  
Signalization<sup>(3)</sup>  
Add WB left turn lane  
Add WB right turn lane  
Add NB right turn lane  
Add NB left turn lane  
Add SB left turn lane  
Add SB right turn lane  
Add EB left turn lane  
Add EB right turn lane  
Signalization<sup>(3)</sup>  
Add 2<sup>nd</sup> EB left turn lane  
Add 2<sup>nd</sup> NB left turn lane  
Add 2<sup>nd</sup> SB left turn lane  
Signal retiming  
Add 2<sup>nd</sup> WB left turn lane  
Add 2<sup>nd</sup> NB left turn lane  
Add 2<sup>nd</sup> SB left turn lane  
Add 2<sup>nd</sup> EB left turn lane<sup>(4)</sup>  
Add 2<sup>nd</sup> WB left turn lane<sup>(4)</sup>  
Add 2<sup>nd</sup> NB left turn lane  
Add 2<sup>nd</sup> SB left turn lane  
Signalization<sup>(3)</sup>  
Signal retiming  
Add 2<sup>nd</sup> NB thru lane  
Add 2<sup>nd</sup> SB thru lane  
Signalization<sup>(3)</sup>  
Signalization<sup>(3)</sup>  
Signalization<sup>(3)</sup>  
Signal retiming  
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Signal retiming  
Add 2<sup>nd</sup> WB right turn lane  
Add 2<sup>nd</sup> NB left turn lane  
Add 2<sup>nd</sup> SB left turn lane  
Add 2<sup>nd</sup> EB left turn lane  
Add dual WB left turn lane<sup>(2)</sup>  
Add WB right turn lane<sup>(2)</sup>  
Add NB right turn lane<sup>(2)</sup>  
Add 2<sup>nd</sup> NB left turn lane



US 41 @ Coconut Road

US 41 @ Driveway 6/Regional Retail Center<sup>(1)</sup>

US 41 @ Driveway 5/Internal East-west Road<sup>(1)</sup>

US 41 @ Driveway 4/Pelican Point Boulevard<sup>(1)</sup>

US 41 @ Driveway 3/Fountain Lakes Boulevard<sup>(1)</sup>

US 41 @ Driveway 2/Estero Greens<sup>(1)</sup>

US 41 @ Driveway 1/Community Commercial<sup>(1)</sup>

US 41 @ Williams Road<sup>(1)</sup>

US 41 @ Corkscrew Road<sup>(1)</sup>

US 41 @ Broadway<sup>(1)</sup>

US 41 @ Koreshan Boulevard

Add dual SB left turn lane<sup>(2)</sup>

Add 2<sup>nd</sup> EB left turn lane

Add EB right turn lane

Add 2<sup>nd</sup> WB left turn lane

Add 2<sup>nd</sup> NB right turn lane

Add 2<sup>nd</sup> NB left turn lane

Add 2<sup>nd</sup> SB left turn lane

Add 2<sup>nd</sup> EB left turn lane

Add EB right turn lane

Add NB right turn lane<sup>(2)</sup>

Add SB left turn lane<sup>(2)(3)</sup>

Add WB right turn lane<sup>(2)</sup>

Signalization<sup>(2)(3)</sup>

Add NB right turn lane<sup>(2)</sup>

Add dual SB left turn lane<sup>(2)</sup>

Add dual WB left turn lane<sup>(2)</sup>

Add WB right turn lane<sup>(2)</sup>

Signalization<sup>(2)(3)</sup>

Add NB right turn lane<sup>(2)</sup>

Add SB Left turn lane<sup>(2)</sup>

Add WB right turn lane<sup>(2)</sup>

Signalization<sup>(2)(3)</sup>

Add NB right turn lane<sup>(2)</sup>

Add SB left turn lane<sup>(2)</sup>

Add dual WB left turn lane<sup>(2)</sup>

Add WB thru lane<sup>(2)</sup>

Add WB right turn lane<sup>(2)</sup>

Signalization<sup>(2)(3)</sup>

Add NB right turn lane<sup>(2)</sup>

Add dual SB left turn lane<sup>(2)</sup>

Add dual WB left turn lane<sup>(2)</sup>

Add WB thru lane<sup>(2)</sup>

Add WB right turn lane<sup>(2)</sup>

Add EB right turn lane<sup>(2)</sup>

Signalization<sup>(2)(3)</sup>

Add NB right turn lane<sup>(2)</sup>

Add SB left turn lane<sup>(2)</sup>

Add WB right turn lane<sup>(2)</sup>

Add 2<sup>nd</sup> SB left turn lane

Add 2<sup>nd</sup> WB left turn lane

Add 2<sup>nd</sup> WB left turn lane

Signal retiming

Signalization<sup>(3)</sup>

US 41 @ Sanibel Boulevard<sup>(1)</sup>  
 US 41 @ Metro Parkway<sup>(1)</sup>  
 US 41 @ Allico Road<sup>(1)</sup>  
 US 41 @ Island Park Road<sup>(1)</sup>  
 US 41 @ Ben Pratt/Six Mile Cypress Parkway<sup>(1)</sup>

Williams Road @ Driveway 1/Comm Commercial<sup>(1)</sup>  
 Williams Road @ River Ranch Road<sup>(1)</sup>  
 Williams Road @ Sandy Lane<sup>(2)</sup>

Signal retiming  
 Add 2<sup>nd</sup> NB right turn lane  
 Signal retiming  
 Signal retiming  
 Add EB thru lane  
 Add WB thru lane  
 Signalization<sup>(3)</sup>  
 Signalization<sup>(3)</sup>  
 Signalization<sup>(3)</sup>  
 Add WB left turn lane  
 Add NB right turn lane  
 Add NB left turn lane  
 Add EB right turn lane  
 Signalization<sup>(3)</sup>

Williams Road @ Three Oaks Parkway

- (1) *This intersection is not included in a significantly and adversely impacted roadway segment.*
- (2) *This intersection is considered a site-related improvement.*
- (3) *Signalization only if warranted and subject to approval by the maintaining agency.*
- (4) *Dual EB and WB left turn lanes should be provided if they can be constructed without requiring reconstruction of the I-75 overpass bridge structure.*

The intersection improvements include at grade geometric improvements, such as turn lanes and signalization when warranted. Intersection improvements are accounted for in the overall proportionate share calculation. Site-related needs at the Project entrances are not addressed in the proportionate share calculation and must be addressed by the Developer at the time of local development order approval.

## 2. Mitigation

### a. Buildout Proportionate Share

The buildout proportionate share is \$14,600,000 in year 2002 dollars. This figure represents the Developer's share of necessary roadway and intersection improvements based on the development parameters set forth in Section II.D.1.a. The estimated roads impact fees based on the schedule effective July 1, 2000 is \$10,196,250, which is lower than the proportionate share estimate.

As noted in Condition D.3 below, the Developer must pay \$170,000 as

mitigation for the project's Comprehensive Plan impacts to the 2020 level of service on US 41 from Koreshan Boulevard to Alico Road. Therefore, the total proportionate share obligation deemed sufficient to mitigate both the buildout DRI-related transportation impacts on the non-site related roads and intersections set forth in Paragraph D.1.b and the project's Comprehensive Plan impacts is \$14,770,000. However, if the reanalysis described in section D.2.d.1 demonstrates that additional funds are necessary to mitigate the project's transportation impacts, then the Developer will be required to pay the higher mitigation amount.

No independent fee calculation will be permitted for the project, or a subpart thereof, absent a Notice of Proposed Change.

b. *Mitigation Options*

The Developer must choose one of the two mitigation options identified below to satisfy the proportionate share obligation.

(1) Traffic Mitigation Option 1

(a) Payment

All development within the project must pay roads impact fees in effect at the time of building permit issuance. In addition to roads impact fees, and prior to the issuance of the first building permit for vertical construction of any portion of the Regional Retail Center, the Developer must make a lump sum cash payment of \$4,573,750 in year 2002 dollars. This lump sum cash payment is intended to mitigate the transportation impacts associated with the Regional Retail Center and satisfy the proportionate share obligation that is due over and above road impact fees.

In accordance with local policies and regulations, the Developer may be entitled to roads impact fee credits for road improvements constructed within the area surrounding the project.

(b) Concurrency

All development within the project will be subject to the County's Concurrency Management System at the time it obtains a local development order.

(2) Traffic Mitigation Option 2

(a) Payment

The Developer may vest, for concurrency purposes, up to 400,000 square feet of retail uses and all of the non-retail uses by making an up-front payment of \$6,270,000 in 2002 dollars on or before December 31, 2003 or the issuance of the first building permit for the site, whichever comes first (excepting any public uses mandated by this Development Order). The remaining portion of the project will be entitled to concurrency vesting upon the payment of \$8,500,000 in 2002 dollars on or before December 31, 2004 or the issuance of the first building permit for the retail uses of the project over 400,000 square feet, whichever comes first. The value of creditable pipelined improvements identified in the Development Agreement may be subtracted from the second payment only.

Concurrency certificates issued pursuant to this option will be effective until December 31, 2006, or for three (3) years, whichever is later; provided, however, that the concurrency certificates will be extended upon approval of an extension pursuant to Section D. 2. d(2) for the period of the extension not to exceed one year.

(b) Development Agreement

Exercise of traffic mitigation option 2 requires a Local Government Development Agreement executed pursuant to §163.3220, Florida Statutes, and Chapter 2, Article III of the Lee County Land Development Code. The Developer must submit a draft Development Agreement to Lee County within 6 months of the adoption of the original DRI Development Order or prior to submittal of any local development order application for the Regional Retail Center or the Community Commercial Retail. The Development Agreement must be executed prior to issuance of a local development order allowing vertical construction anywhere on the site, excepting public uses mandated by this Development Order. The agreement must specify the payment schedule for the total proportionate share obligation in accordance with subparagraph (2)(a) above.

c. *Application of Payments*

(1) Cash.

The County will apply all impact fees and cash payments made by the DRI toward the non-site related improvements identified in Section D.1.b. In the alternative, the County will apply the fees toward improvements that relieve those roadways, provided those improvements are deemed necessary to maintain the County's adopted level of service standards. If the improvements identified in Section D.1.b are ultimately funded through other sources, in whole or in part, or deemed unnecessary to maintain the adopted level of service standards, Lee County may apply the impact fees and cash payments paid by the DRI to other improvements consistent with the requirements of Lee County LDC Chapter 2. Potential applications of the cash payment can be specified in the Development Agreement.

(2) Pipelined Improvements.

The Developer may propose in the Development Agreement to provide a specific roadway improvement or improvements in lieu of the second cash payment to the County of \$8,500,000 in 2002 dollars, which is referenced in Section D.2.b.(2)(a). The proposed pipeline improvements are subject to County approval. In addition to the improvements listed in Section D. 1. b, potential improvements for pipelining consideration include (but are not limited to):

- (a) Sandy Lane 2-lane Extension, from the south property line to the north property line (Williams Road) and from Williams Road to Corkscrew Road. Consistent with the County's long-range plan for Sandy Lane as a 2-lane collector and the County's standards for collector roads, no more than 100 feet of right-of-way and 2 lanes of construction will be eligible for credits against the proportionate share obligation. The reasonable cost of providing the railroad crossing between Williams Road and Corkscrew Road will be eligible for credits against the project's proportionate share obligation. If the Developer chooses to build more than 2 lanes, it will be

at the Developer's sole expense.

- (b) Interim improvements not requiring right-of-way at the Corkscrew Road/I-75 interchange (subject to FDOT approval).

The estimated costs of any improvements made by the Developer (including design, right-of-way acquisition, drainage, permitting, water retention, construction, and the like) must be documented and submitted to the County for review and approval. The County reserves the right to obtain its own estimates for comparison purposes. Credit against the proportionate share obligation will be based on the final actual costs of the agreed upon improvements. Any right-of-way granted to the County will be valued as of the day prior to the DRI and zoning approval and subject to the compliance with applicable LDC provisions. Credit for the construction costs will be subject to the provisions of the County Land Development Code and standard practice related to project timing. The improvements must be built to applicable County or State standards and accepted for maintenance in accordance with the requirements of the responsible jurisdiction.

d. *Buildout Extension*

(1) Requirement for Reanalysis

Extension of the buildout date beyond 2006 may alter the project's impact to the area road network. Therefore, if the Developer: (a) files a Notice of Proposed Change resulting in an extension of project buildout beyond December 31, 2006; or (b) desires to extend the concurrency certificates issued pursuant to Condition D.2.b(2), then the Developer must provide a detailed traffic assessment to Lee County DOT for review and approval.

The assessment must include, but is not limited to, identification of the adjusted phasing, the level of development anticipated for the revised phasing, estimated traffic impacts, needed improvements, and the project's proportionate share of those improvements.

The assessment must include a cumulative analysis of the project's traffic impacts. The assessment must also identify mitigation for significantly and adversely impacted road segments by cumulative project traffic at the extended buildout year in accordance with the Transportation Uniform Standard Rule in the Florida Administrative Code. Prior to conducting a reassessment analysis, the Developer must attend a transportation methodology meeting with the County, and other review agencies as necessary, to establish the appropriate methodology.

The traffic assessment will be prepared by the Developer following generally acceptable transportation planning procedures consistent with the standards in effect at the time of reanalysis. Payment of additional mitigation, if any, resulting from the traffic assessment must be specified in an amended development order. The development order must be amended via a Notice of Proposed Change to reflect the revised phasing and additional mitigation.

The County will provide credit against the recalculated proportionate share for all mitigation paid through the date of the new traffic assessment. Proportionate share payments previously made by the Developer will be adjusted to then current year dollars. This will be accomplished by increasing the principal amount paid by an amount equal to the increase as determined in the State Highway Bid Index for the State of Florida, published in the Engineering News Record, using an average of the last four quarterly factors. This increase will be expressed as a percentage and will be measured from the index published for the fourth quarter of 2001 to the index published in the then latest available edition.

Under no circumstances will reimbursement be granted for any portion of a payment made in exchange for concurrency vesting, regardless of the outcome of a reanalysis.

(2) Alternative for Reanalysis

If all or a part of the Regional Retail Center has received building permits prior to December 31, 2006, the Developer may choose to pay the traffic mitigation for some or all of the balance of the development through buildout in a lump sum at

the time the extension application is approved. Full payment of the required mitigation pursuant to Mitigation Option 2 constitutes an election under this section. In this case a cumulative traffic reanalysis is not required for the portion of the balance that is mitigated as part of the original DRI Development order. This section is not intended to supersede the standard submittal requirements for a typical Notice of Proposed Change under state law.

### **3. Comprehensive Plan Mitigation**

An amendment to the Future Land Use Map, to change 435 acres from "Rural" to "Urban Community" was necessary to accommodate the approval of this DRI. To support the Map amendment, an analysis different from the DRI Transportation Analysis was necessary. This Comprehensive Plan analysis required review of the effects of the proposed DRI project in the year 2020 on the planned, financially feasible roadway network. The result of this analysis indicated that four road segments, beyond those planned for improvement as part of the 2020 financially feasible roadways network plan, will fail with the addition of the Coconut Point (aka Simon Suncoast) project. The failure for three of the identified segments will likely be addressed through other means, but the segment of US 41 from Koreshan Boulevard to Alico Road is projected to fail even after the six-lane improvement identified in paragraph D.1.b.

The comprehensive plan amendment transmittal package approved by the Board of County Commissioners on December 13, 2001, indicated that appropriate traffic impact mitigation must be provided at the time of rezoning or DRI development approval.

The costs for needed improvements beyond those planned in the 2020 Financially Feasible Plan are solely the responsibility of the applicant, and are treated much as a proportionate share obligation. In this case, the applicant has estimated that the provision of dual left turn lanes at a number of key intersections along the impacted segment of US 41 will improve the capacity enough to allow satisfactory operation. The applicant estimated that the cost of providing these turn lanes would be roughly \$692,000, not including the costs of maintenance of traffic, mobilization and permitting. The applicant's proportionate share of the cost of the turn lanes is \$170,000. This figure has been added to the project's DRI proportionate share, as noted above.

### **4. Access and Site Related Improvements**

In addition to the proportionate share obligation set forth above, the Developer is responsible for its share of the following site-related roadway and intersection improvements: all internal roadways, all intersection improvements, including signalization, turn lanes, deceleration lanes, and other improvements deemed necessary by the County



EXHIBIT "A" PAGE 3 OF 3

HM PROJECT #1997079  
1/17/01  
REF. DWG. #A-994-2  
PAGE 3 OF 23

CURVE; THENCE RUN N.70°20'35"E., ALONG SAID NORTHERLY RIGHT-OF-WAY LINE, FOR A DISTANCE OF 200.00 FEET TO THE BEGINNING OF A TANGENTIAL CIRCULAR CURVE, CONCAVE SOUTHERLY; THENCE RUN EASTERLY, ALONG SAID NORTHERLY RIGHT-OF-WAY LINE AND ALONG THE ARC OF SAID CURVE TO THE RIGHT, HAVING A RADIUS OF 3,175.00 FEET, THROUGH A CENTRAL ANGLE OF 09°15'04", SUBTENDED BY A CHORD OF 512.09 FEET AT A BEARING OF N.74°58'07"E., FOR A DISTANCE OF 512.65 FEET TO THE END OF SAID CURVE; THENCE RUN N.79°35'39"E., ALONG SAID NORTHERLY RIGHT-OF-WAY LINE, FOR A DISTANCE OF 263.08 FEET TO THE POINT OF BEGINNING; CONTAINING 386.536 ACRES, MORE OR LESS.

NOTES:

THIS PROPERTY IS SUBJECT TO EASEMENTS, RESERVATIONS OR RESTRICTIONS OF RECORD.

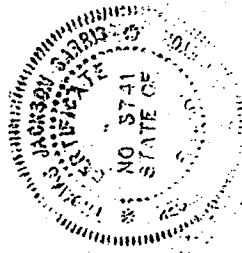
TOTAL PROPERTY AREA: 482.421 ACRES, MORE OR LESS.

INFORMATION RELATING TO BOUNDARY DATA OF SECTIONS 3, 4, 9 AND 10, TOWNSHIP 47 SOUTH, RANGE 25 EAST, LEE COUNTY, FLORIDA, TOGETHER WITH THE LOCATION OF THE US HIGHWAY #41 RIGHT-OF-WAY, WAS OBTAINED FROM A SURVEY OF THE SWEETWATER RANCH PREPARED BY DENI ASSOCIATES HAVING ORDER NUMBER 8409031, DATED 9/14/84. INFORMATION RELATING TO THE LOCATION OF COCONUT ROAD AND ADJOINING EXCEPTED PARCELS WAS OBTAINED FROM PROPERTY DESCRIPTIONS PROVIDED BY CLIENT.

BEARINGS REFER TO THE SOUTH LINE OF THE SOUTHEAST QUARTER OF SECTION 9, TOWNSHIP 47 SOUTH, RANGE 25 EAST, LEE COUNTY, FLORIDA, AS BEING S.88°56'17"W.

HOLE, MONTES, INC.  
CERTIFICATE OF AUTHORIZATION LB #1772

BY Thomas J. Garriss P.L.S. #3741  
THOMAS J. GARRISS STATE OF FLORIDA



Applicant's Legal Checked  
by Jm 1/13/02

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DCI 2001-00005  
DRI 2000-00015

Engineer and consistent with the Lee County Land Development Code for the Project's access points onto U.S. 41, Coconut Road, and Williams Road. The improvements include the installation of a signal coordination system on U.S. 41 from Pelican Colony Boulevard to Williams Road. During the local development order review process, site-related improvements must be evaluated based on weekday, PM peak hour conditions. Saturday mid-day conditions must be considered in the design of turn lanes due to the retail component of the DRI. Site-related improvements are not eligible for credit against impact fees and may not be used to offset the proportionate share obligation. Project accesses onto US 41 are subject to obtaining a connection permit from FDOT.

## 5. Committed Improvements

### Roadway Improvements

<u>Roadways</u>	<u>Start Year</u>	<u>Improvement</u>
Alico Road		
– US 41 to Seminole Gulf Railway	02	4 Lanes
– Seminole Gulf Railway to I-75 West Ramps	02	6 Lanes
Ben Hill Griffin Parkway/Treeline Avenue		
– Alico Road to Daniels Parkway	02	4 Lane Ext.
Bonita Beach Road		
– Imperial Street to I-75	03	6 Lanes
Livingston/Imperial Connection		
– Immokalee Road to Bonita Beach Road	U/C	2 Lane Ext.
Metro Parkway		
– U.S. 41/Alico Road to Ben Pratt/Six Mile Cypress Pkwy (including interchange)	04	6 Lane Ext.
Three Oaks Parkway		
– S. of Coconut Road to Williams Road	U/C	4 Lane Ext.
– Williams Road to Corkscrew Road	U/C	4 Lane Ext.
– Corkscrew Road to Alico Road	03	4 Lanes
– Alico Road to Daniels Parkway	03	4 Lane Ext.

US 41  
 - Old 41 (Collier County) 03 6 Lanes  
 to N. of Bonita Beach Road

- San Carlos Boulevard to Alico Road U/C 6 Lanes

Williams Road  
 - River Ranch Road to Three Oaks Parkway 02 2 Lane Ext.

The Regional Retail Center has the potential to create a temporary burden on the transportation network. The following Staging Schedule is an effort to minimize the temporary transportation burden while providing the Developer with the ability to obtain building permits for vertical construction of retail uses. Issuance of any building permit for vertical construction will require prior compliance with the mitigation options set forth in condition D.2. The "Maximum Square Footage" column identifies the maximum gross retail square footage for which building permits allowing vertical construction may be issued prior to the corresponding date, unless the improvements identified "to Avoid Interim Level of Service Problem" are under construction on or before the identified date. If all required interim improvements are completed or under construction on or before the identified date, then building permits for the maximum amount of retail square footage as identified in conjunction with the corresponding date may be issued.

<u>Date</u>	<u>Maximum Square Footage</u>	<u>Needed Improvements to Avoid Interim Level of Service Problem</u>	
		<u>Route</u>	<u>Limit</u>
Adoption of DRI+DO AND Compliance with Cond. D.2	400,000	Not Applicable	Not Applicable
July 1, 2004	800,000	U. S. 41 - 6 Lane	Collier County line to Bonita Beach Road
July 1, 2005	1,200,000	Three Oaks Ext. 4L OR Livingston Rd./ Imperial St. 4 Lane	Terry St. to Coconut Rd. Immokalee Rd. to E.Terry St.
July 1, 2006	1,800,000	US 41-6Lane  AND	Corkscrew Rd. to San Carlos

Three Oaks Ext. 4 Lane	Terry St. to Coconut Rd.
AND	
Old 41 - 4 lane	Rosemary dr. to US 41
AND	
Metro Pkwy. Ext.- 6 Lane	Alico Rd. to ben C Pratt/ Six Mile Cypress Pkwy
AND	
Three Oaks Ext- 4 Lane	Alico Rd. to Daniels Pkwy
or	
Treeline Ext.-4L	Alico Rd. to Daniels Pkwy.

## 6. Annual Transportation Monitoring Program

### a. *Design of Monitoring Program*

The transportation monitoring program will be designed in cooperation with the Lee County Department of Transportation, the Florida Department of Transportation (FDOT), the Southwest Florida Regional Planning Council (SWFRPC), and the Florida Department of Community Affairs (FDCA) prior to submittal of the first report. The methodology of the annual transportation monitoring report may be revised if agreed upon by all parties.

### b. *Submittal of Monitoring Report*

The Developer must submit an annual transportation monitoring report to the following entities for review and approval: Lee County Department of Transportation, FDOT, FDCA, and SWFRPC. The first monitoring report will be submitted one year after the effective date of the DRI Development Order. The Developer must provide written notice to the above review agencies if the Developer concludes that a traffic monitoring report is not required because no traffic impacts have been created. Once an annual transportation monitoring report has been submitted, a report must be submitted annually thereafter until Project buildout, whether actual or declared.

### c. *Minimum Requirements for Report Contents*

The monitoring report will measure the Project's actual external roadway impacts and the level of service conditions on the impacted roads and intersections, and determine the timing for needed improvements. The annual traffic monitoring report must also contain the following information:

- (1) P.M. peak Signalization<sup>(2)(3)</sup> hour traffic counts with turning movements at the Project's access points onto U.S. 41, Coconut Road, Williams Road, Pelican Colony Boulevard and Sandy Lane, and on the external road segments and intersections identified in Paragraph D.1.b. (Traffic counts/volumes may be obtained from original traffic counts, public agency reports, other monitoring reports, and other available data.)
- (2) A comparison of field measured external Project traffic volumes to the 5,909 total P.M. Peak hour external (including 757 pass-by and 1,032 interzonal trip ends) project trip generation from all driveways onto U.S. 41, Coconut Road, Williams Road, Pelican Colony Boulevard and Sandy Lane assumed in the DRI analysis. If an interconnection is provided to The Brooks parcel at the southeast corner of U.S. 41 and Coconut Road, a methodology must be developed to identify pass-through trips generated by The Brooks parcel.
- (3) Estimated existing levels of service and needed improvements for the roads and intersections specified in Paragraph D.1.b. above.
- (4) Estimated future levels of service and needed improvements for the roads and intersections specified in Paragraph D.1.b. above, based on a one-year projection of future volumes. A summary of the status of road improvements assumed to be committed by Collier County, Lee County and FDOT.

d. *Implications*

- (1) If the annual transportation monitoring report reveals that the Project trip generation exceeds the original assumptions contained herein, then the statutory provisions regarding substantial deviations will govern.
- (2) Changes to development parameters or buildout may require the Developer to rebut the statutory presumption of substantial deviation. In some instances, the evidence necessary to rebut the presumption may involve a comparison of Project trip distribution and assignment.

## **7. Pedestrian/Bicycle and Transit Facilities**

The Developer will provide for pedestrian and bicycle facilities and bus stop locations in accordance with the map attached as Exhibit F.

## **E. VEGETATION AND WILDLIFE/WETLANDS**

1. Impacts to the habitat value of the site (i.e. habitat utilized by dispersing juveniles and possible habitat available to adults occupying the Corkscrew area) must be considered during the permitting review process with the SFWMD and the Department of Army Corps of Engineers (ACOE). This impact must be assessed in terms of the type and function of the forested habitat on site, and the site's contribution as a connection between preserve lands to support wide-ranging and wetland dependent species. The Developer will coordinate with the U.S. Fish and Wildlife Service (USFWS) and Florida Fish and Wildlife Conservation Commission (FFWCC) to address the impacts the proposed project may have on habitat utilized by wide-ranging listed species including the Florida Panther and Florida Black Bear.

2. The lake designs must include draw down pool features in littoral shelf slopes to favor use by woodstork and other wading birds.

3. The Developer must follow the Standard U.S. Fish and Wildlife Service Protection Measures for the Eastern Indigo Snake; and an Eastern Indigo Snake Protection Plan to be submitted for review and approval by the FFWCC as a condition of local development order approval.

4. The Developer must provide an on-site preserve management plan for review and approval by the FFWCC as a condition of local development order approval.

5. The 482± acre site originally consisted of 36.23± acres of SFWMD jurisdictional wetlands. The Developer is committed to conserving 22.15 acres of jurisdictional wetlands and 4.81 acres of jurisdictional surface waters. An estimated 9.27 acres of jurisdictional wetlands are proposed to be impacted with an additional 14.56 acres of non-jurisdictional surface waters to be filled (borrow lakes). 3.76 acres of the proposed wetland impacts have been previously permitted by the SFWMD and the Army Corp of Engineers (ACOE) under the Sweetwater MPD/Brooks project (e.g., eradication of exotic vegetation and wetland hydroperiod enhancement).

6. Prior to impacting the additional 5.51 acres of jurisdictional wetlands, the Developer must modify existing SFWMD and ACOE permits and provide additional mitigation.

7. Wetlands and surface waters remaining on the project site must be protected

during construction through the implementation of temporary erosion and sedimentation control procedures.

8. Littoral plantings will be incorporated into the final design of the proposed stormwater management ponds. Plantings of desirable wetland herbaceous plants, to include species such as pickerelweed, maiden cane, and blue flag iris, cypress and black gum.

9. The existing flow-way is part of the Halfway Creek Watershed and headwaters. The 32.7 acre flow-way must be preserved and enhanced. An enhancement plan must be submitted as part of the local development order approval process. This plan must include a restoration planting plan for the 8.49± acres melaleuca dominated slash pine-cypress mixed wetland forest and the 6.84± acre area located in the southeast branch of the flow-way that was previously cleared/disturbed. The restoration planting plan, which is outside of the mitigation requirements under the existing permits, can be utilized as compensatory mitigation for additional wetland impacts during subsequent permitting review processes with the state and federal regulatory agencies.

#### F. HURRICANE PREPAREDNESS

1. The applicant has stated an intention to utilize various community buildings, which are to be built in several locations throughout the development, as onsite emergency shelters for the project's residents. Based on the estimate of needed shelter space prepared by the staff of the Southwest Florida Regional Planning Council, the total shelter space provided by the applicant within Coconut Point DRI will be 10,480 square feet.

2. Construction of the buildings to serve, as onsite shelters must be started no later than the issuance of the 100th residential unit certificate of occupancy within each separate community in the overall development. All buildings to be utilized, as shelters must meet the following criteria:

- a. elevated above the Category 3 storm surge level;
- b. constructed in accordance with the requirements in Rule 9J-2.0257(6)(e), FAC, to withstand winds of at least one hundred twenty (120) miles per hour;
- c. all windows in the building are shuttered;
- d. equipped with an emergency power generator with adequate capacity to handle the following:
  - (1) ventilation fans;

- (2) emergency lighting;
- (3) life safety equipment (i.e., intercom, fire and smoke alarms); and
- (4) refrigeration and cooking equipment.

e. have an auxiliary potable water supply.

3. As an alternative to providing all or part of the shelter space in on-site buildings, the Developer may limit the onsite shelter demand of the project by elevating all or portion of the residential units above 15.9 to 16.8 feet NGVD, if the units are located in these elevation ranges, which is the maximum predicted Category 3 storm surge flooding level. The amount of shelter space to be constructed or shelter impact fees to be paid will be determined by the Lee County Office of Emergency Management.

4. All deeds to property located within the Coconut Point DRI must include or be accompanied by a disclosure statement in the form of a covenant stating the property is located in a hurricane vulnerability zone and that the hurricane evacuation clearance time for Lee County or the Southwest Florida Region is high and hurricane shelter spaces are limited.

5. The applicant is also proposing to develop 600 hotel or motel rooms, within the Coconut Point DRI. Prior to issuance of a local development order for the hotel/motel, the hotel/motel developer must contact Lee County Emergency Management with respect to establishing written hurricane preparation and evacuation/sheltering procedures. These procedures must be reduced to a written plan, prepared by the hotel/motel developer, and approved by Lee County Emergency Management prior to occupancy of the hotel/motel.

6. Mitigation for hurricane evacuation route impacts will be accomplished through implementation of one of the following provisions. The mitigation option to be used must be identified by the Developer as part of the local development order process.

- a. Establish and maintain a public information program within the proposed homeowners associations for the purpose of educating the development's residents regarding the potential hurricane threat; the need for timely evacuation in the event of an impending hurricane; the availability and location of hurricane shelters (specifically including the onsite shelters); and the identification of steps to minimize property damage and protect human life.

In order to use the above mitigation option, the Developer must provide a continuing hurricane awareness program and a hurricane evacuation plan. The hurricane evacuation plan must address and include, at a minimum, the



following items: operational procedures for the warning and notification of all residents and visitors prior to and during a hurricane watch and warning period; a public awareness program that addresses vulnerability, hurricane evacuation, hurricane shelter alternatives including hotels, the locations of both the onsite hurricane shelters and onsite or offsite public shelters, and other protective actions that may be specific to the development; identification of who is responsible for implementing the plan; and other items as deemed appropriate. The plan must be developed in coordination with local emergency management officials. In order to use this mitigation option, the final plan must be found sufficient by the reviewing agencies and must address the recommendations provided by the reviewing agencies; or

- b. Alternatively, the applicant must commit to providing roadway capacity improvements above and beyond those improvements required by Rule 9J-2.0255, FAC; or
- c. The applicant must commit to providing funds to be used for the purpose of procuring communications equipment, which would upgrade the existing warning and notification capability of local emergency management officials. In order to use this mitigation option, the Developer must provide reasonable assurance to local emergency management officials regarding the provision's ability to reduce the development's hurricane evacuation impacts. The amount of the funding will be determined and approved by the local emergency management officials.

#### **G. WASTEWATER MANAGEMENT/WATER SUPPLY**

- 1. The Developer will obtain a SFWMD permit for groundwater withdrawals for landscape irrigation, for irrigation well construction, as well as for any dewatering needed to construct the project lakes, roads or building foundations.
- 2. The Developer will utilize water conserving devices and methods necessary to meet the criteria established in the water conservation plan of the public water supply permit issued to Bonita Springs Utilities (BSU).
- 3. The Developer will coordinate with BSU or other water supplier to ensure that adequate potable water is available to meet the demands of the project.
- 4. The Developer will provide any necessary verification to the SFWMD that the Developer's plumbing and irrigation designs are consistent with District rules.
- 5. The Developer must demonstrate at the time of local development order approval that sufficient potable water and wastewater treatment capacity is available. If

BSU cannot provide the necessary service, then the Developer must obtain service from an alternate provider with capacity or construct on-site interim facilities that satisfy BSU Standards. Interim facilities must be dismantled at the Developer's expense when service by BSU is available.

6. The on-site lakes, wetlands, and stormwater management system must be buffered from treated effluent contamination in accordance with SFWMD regulations.

7. Septic systems utilized in conjunction with construction trailers, sales offices and model homes must be temporary. When it is feasible to connect the temporary uses to the regional wastewater treatment facilities, all temporary septic systems must be abandoned or removed by a licensed septic system firm, in accordance with all applicable regulations.

8. The Developer must submit copies of all local development order application plans that include potable water or wastewater collection and distribution systems to BSU. BSU will review the plans for compliance with the BSU specifications manual.

9. Lee County will evaluate all potable water facilities to ensure that the facilities are properly sized to meet average, peak day, and fire flow demands in accordance with the LDC. Lee County will consult with the appropriate fire protection district to confirm that the fire flow demands will be satisfied by the proposed potable water facility.

10. The Developer must use the lowest, yet acceptable for the intended purpose, quality of water available for all non-potable water purposes.

#### **H. COMPREHENSIVE PLAN**

Lee County may not issue a local development order unless the proposed development order is consistent with the County's Comprehensive Plan, Land Development Code.<sup>1</sup>

#### **I. POLICE AND FIRE PROTECTION**

1. The Developer will ensure that first responders to the area are adequately trained by TECO/People Gas to address accidental natural gas releases from the natural gas pipelines that are to be located on or adjacent to the site to ensure the safety of the residents and visitors to the area.

2. The project must be constructed and maintained in accordance with the

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<sup>1</sup> On October 21, 2002 the Board adopted a resolution amending the Lee Plan to reclassify the DRI site to the Urban Community land use category.

adopted Life Safety and Fire Code requirements.

3. The owner or operator of a facility qualifying under the Superfund Amendments Reauthorization Act (SARA) Title III of 1986, and the Florida Hazardous Materials Emergency Response and Community Right to Know Act of 1988, must file hazardous materials reporting applications in accordance with §§302, 303, 304, 311, 312, or 313. The applications must be updated annually by each reporting facility.

4. The Developer will provide the Lee County Sheriff's Department with finished shell space in the main regional mall complex (Regional Retail Center) for use as a Sheriff's substation to facilitate law enforcement activities. This space will be provided at nominal cost to the Sheriff's Department.

5. The Fire and EMS impacts of this project will be mitigated by the payment of impact fees in accordance with the schedules set forth in the LDC. However, the Developer must provide the Estero Fire Rescue District with an appropriate parcel (not less than 1 acre in size) for the location of a fire-rescue station and emergency medical services facility on the project site. Upon transfer of this site to the Fire District, the Developer will be entitled to fire impact fee credits in accordance with the LDC.

6. The Developer will conduct a comprehensive security study and evaluation during the design and construction of each retail development phase. The purpose of this study is to design and implement site specific security measures. The plan must provide for review on a quarterly basis by regional security audits. A copy of this plan must be submitted to the County as a condition of local development order approval.

7. The water mains, fire hydrants, and site access must be designed and constructed in accordance with Lee County regulations and BSU guidelines by providing large water mains meeting minimum diameters based upon proposed land use, and installation of fire hydrants in suitable locations to provide adequate fire protection coverage. Internal fire sprinkler systems may be required for structures to meet supplemental fire protection.

8. Any on-site facilities with commercial pool operations must comply with appropriate codes and statutes including required safety measures such as chemical sensors, internal alarm systems, or emergency shutdown systems.

## **J. EDUCATION**

1. The education impact of this project will be mitigated by the payment of school impact fees in accordance with the schedules set forth in the LDC. However, the Developer must provide a site at least five acres in size and appropriately located to accommodate the growing school needs in this area of the county. Upon transfer of this

site to the School District, the Developer may be entitled to seek school impact fee credits in accordance with the LDC.

2. This project will have an impact on the Estero High School and surrounding neighborhood traffic. The Developer will use reasonable efforts to prevent the project's construction traffic from using Williams Road east of the railroad tracks.

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

A. Resolution. This Development Order constitutes a resolution of Lee County adopted by the Board of County Commissioners in response to the DRI ADA filed for Coconut Point DRI.

B. Additional Developer Commitments. All commitments and impact mitigating actions volunteered by the Developer in the ADA and supplementary documents that are not in conflict with conditions or stipulations specifically enumerated above are incorporated by reference into this Development Order. These documents include, but are not limited to the following:

1. The Coconut Point (f/n/a Simon Suncoast) Application for Development Approval, stamped received on September 12, 2000;
2. The Coconut Point DRI sufficiency responses stamped received on February 7, 2001 and April 10, 2001 (transportation) and April 13, 2001; and
3. The governing zoning resolution for the Coconut Point (f/n/a Simon Suncoast) MPD.

C. Master Plan of Development. Map H, stamped received at the Zoning Counter on February 7, 2001 and attached hereto as Exhibit "B", and is incorporated by reference. It is understood that because it is a concept plan it is very general. The Developer may modify the boundaries of development areas and the locations of internal roadways to accommodate topography, vegetation, market conditions, traffic circulation, or other site related conditions as long as the modifications meet local development regulations. This provision may not be used to reduce the size of wetland preserve areas. Precise wetland boundaries will be determined by the South Florida Water Management District, as delegated by the Department of Environmental Protection and the Army Corp of Engineers.

D. Binding Effect. The Development Order is binding upon the Developer, its successors and assigns. Where the Development Order refers to lot owners, business

owners or other specific reference, those provisions are binding on the entities or individuals referenced. Those portions of this Development Order that clearly apply only to the project Developer are binding upon any builder/developer who acquires a tract of land within the DRI. The Developer may impose or pass on the requirements of this DRI development order to ultimate purchasers through covenants that run with the land and phasing schedule.

E. Reliance. The terms and conditions set out in this Development Order constitute a basis upon which the Developer and the County may rely with respect to future actions necessary to fully implement the final development contemplated by this Development Order. The development parameters and phasing schedule upon which this development order approval is based is set forth in Exhibit C. Change to the development mix or phasing schedule may require a reanalysis of project impacts in order to rebut a presumption of substantial deviation.

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

G. Successor Agencies. References to governmental agencies will be construed to mean future instrumentalities that may be created and designated as successors in interest to, or which otherwise possess, the powers and duties of the referenced governmental agencies in existence on the effective date of this Development Order.

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

I. Applicability of Regulations. This Development Order does not negate the Developer's responsibility to comply with federal, state, regional and local regulations.

J. Further Review. Subsequent requests for local development permits do not require further DRI review pursuant to §380.06, Florida Statutes. However, upon a finding at a public hearing by the Board that any of the following conditions exist, the Board must order a termination of all development activity in that portion of the development affected by substantial deviation until a DRI Application for Development Approval, Notice of Substantial Deviation or Notice of Proposed Change has been submitted, reviewed and approved in accordance with §380.06, Florida Statutes.

1. There is a substantial deviation from the terms or conditions of this

Development Order or other changes to the approved development plans that create a reasonable likelihood of an additional regional impact or any other regional impact created by the change that has not been evaluated and reviewed by the Regional Planning Council; or

2. Expiration of the period of effectiveness of the Development Order. Any request to extend the effectiveness of this Development Order will be evaluated based on the criteria for the extension of the buildout date set forth in §380.06(19), Florida Statutes.

3. Conditions in this development order that specify circumstances in which the development will be required to undergo additional DRI review. See 9J-2.025(10).

K. Buildout and Termination Dates. The project has a buildout date of December 31, 2006, and a termination date of December 31, 2012. The termination date is based on a 4 year buildout and the recognition that a local Development Order, which is valid for six years, may be obtained prior to December 31, 2012. No permits for development will be issued by the County subsequent to the termination date or expiration date unless the conditions set forth in §380.06(15)(g) are applicable.

L. Commencement of Physical Development. Commencement of substantial physical development of the project must occur no later than December 31, 2004. Further development must occur in accordance with the development parameters and phasing schedule set forth in Exhibit C.

M. Assurance of Compliance. The administrative director of the Lee County Department of Community Development, or their designee, will be the local official responsible for assuring compliance with this Development Order. Lee County is primarily responsible for monitoring the development and enforcing the provisions of the development order. No permits or approvals will be issued if the Developer fails to act in substantial compliance with the development order.

N. Credits Against Local Impact Fees. Pursuant to §380.06(16), Florida Statutes, the Developer may be eligible for credits for contributions, construction, expansion, or acquisition of public facilities, if the Developer is also subject by local ordinances to impact fees or exactions to meet the same needs. However, no credit will be provided for internal or external site-related facilities required by County regulations, or to any off-site facilities to the extent those facilities are necessary to provide safe and adequate services to the development.

O. Protection of Development Rights. The project will not be subject to down-zoning, unit density reduction, or intensity reduction prior to December 31, 2013. If the

County demonstrates at a public hearing that substantial changes have occurred in the conditions underlying the approval of this Development Order, or finds that the Development Order was based on substantially inaccurate information provided by the Developer, or that the change is clearly established by Lee County to be essential to public health, safety and welfare, then down-zoning, unit density reduction, or intensity reduction may occur. [See 9J-2.025(3)(b)13]

P. Annual Reports. The Developer must submit a report annually to the Lee County Department of Community Development, the SWFRPC and Florida DCA on Form RPM-BSP-Annual Report-1. The content of the annual report must include the information set forth in Exhibit D, and must also be consistent with the rules of the FDCA. The first monitoring report must be submitted to the DRI coordinator for SWFRPC, DCA, and Lee County no later than one year after the effective date of this Development Order. Further reporting must be submitted not later than one year for subsequent calendar years thereafter, until buildout, whether actual or declared. Failure to comply with this annual reporting procedure is governed by §380.06(18), Florida Statutes, which provides for the temporary suspension of the DRI Development Order.

The Developer must file the annual monitoring reports until actual or declared buildout of the project. The Simon Property Group is the party responsible for filing the annual monitoring reports until one or more successor entities are named in the development order. The Developer must inform successors in title to the undeveloped portion of the real property covered by this development order of the annual reporting requirement. Tenants or owners of individual lots or units have no obligation to comply with this reporting condition.

The Developer must also submit a transportation annual report in accordance with the provisions set forth in Section II.D. of this development order.

Q. Community Development District. The Developer might elect to petition for the formation of a Uniform Community Development District to serve all or a portion of the project pursuant to Florida Statutes, Chapter 190, as it may be in effect from time to time. Lee County hereby gives its approval that any such district may undertake the construction and/or funding of all or any of the mitigation and public infrastructure projects for which the Developer is responsible under the terms of this development order, whether within or without the boundaries of the district, and including the payment of mitigation amounts provided for in this development order, as a co-obligor hereunder. This provision may not be construed to require the approval of any petition to form such a district, and in no event will the Developer be released from its obligations under this development order.

R. Transmittal and Effective Date. The County will forward certified copies of this Development Order to the SWFRPC, the Developer, and appropriate state agencies. This Development Order is rendered as of the date of that transmittal, but will not be

effective until the expiration of the statutory appeal period (45 days from rendition) or until FDCA has completed their review and has determined not to take an appeal, should that occur prior to the expiration of the 45-day period, or until the completion of any appellate proceedings, whichever time is greater. In accordance with the requirements of §380.06(15)f, Florida Statutes, once this development order is effective, the Developer must record notice of its adoption in the office of the Clerk of the Circuit Court of Lee County.

S. Continued Agricultural Use of Property. Bona fide agricultural uses in existence on the date of this DRI approval may continue until the first development order approval for a site within the particular tract, as designed on Map H, (excluding public uses mandated by this Development Order). No development activity of any kind may occur on the property, including the clearing of vegetation or cutting of trees, unless such activity is reviewed and approved in accordance with Lee County regulations as if no agricultural use existed on the property. The purpose of the limitation is to eliminate any exemption or other special considerations or procedures that might otherwise be available under Lee County regulations by virtue of the existing agriculture on the property.

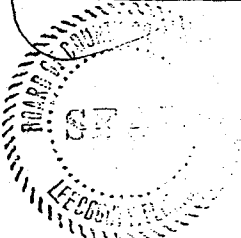
THE MOTION TO ADOPT this Development Order was offered by Commissioner Ray Judah, and seconded by Commissioner Douglas St. Cerny and upon a poll of the members present, the vote was as follows:

Robert Janes	Aye
Douglas St. Cerny	Aye
Ray Judah	Aye
Andrew W. Coy	Absent
John E. Albion	Aye

DULY PASSED AND ADOPTED this 21st day of October 2002

ATTEST:  
CHARLIE GREEN, CLERK

By: 



BOARD OF COUNTY COMMISSIONERS  
OF LEE COUNTY, FLORIDA

By: 

Approved as to form

By: 

Dawn E. Perry-Lehnert  
Assistant County Attorney  
Office of the County Attorney

S:\L\UDRI\FINALDO\Coconut Point DRI.wpd  
Final

Page 32 of 33

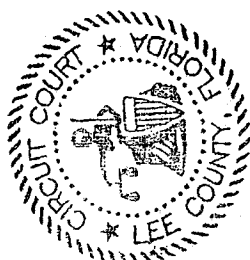
State of Florida  
County of Lee

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 Highways Department.

Given under my hand and official seal at Fort Myers, Florida, this 20th day of December, A.D. 2002

CHARLIE GREEN, CLERK

By:   
Deputy Clerk





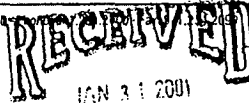
Exhibits:

- A. Legal Description
- B. Master Plan of Development (Map H) Stamped Received February 7, 2001
- C. Development Parameters and Phasing Schedule
- D. Annual Monitoring Report Requirements
- E. Calculation of Road Impact Fee Obligation
- F. Pedestrian, Bicycle and Bus Stop Plan

**EXHIBIT "A"**  
**LEGAL DESCRIPTION**  
Property located in Lee County, Florida  
PAGE 1 OF 3



950 Encore Way - Naples, Florida 34110



PROJECT #1997079  
1/17/01  
REF. DWG. #A-994-2  
PAGE 1 OF 23

PERMIT COUNTER

**LEGAL DESCRIPTION**

A PORTION OF SECTION 9, TOWNSHIP 47 SOUTH, RANGE 25 EAST, LEE COUNTY, FLORIDA, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCE AT THE SOUTHEAST CORNER OF SECTION 9, TOWNSHIP 47 SOUTH, RANGE 25 EAST, LEE COUNTY, FLORIDA; THENCE RUN S.88°56'17"W., ALONG THE SOUTH LINE OF THE SOUTHEAST QUARTER OF SAID SECTION 9, FOR A DISTANCE OF 5.89 FEET TO A POINT ON THE WESTERLY RIGHT-OF-WAY LINE OF THE SEABOARD COASTLINE RAILROAD, A 130.00 FOOT RIGHT-OF-WAY, AND THE POINT OF BEGINNING OF THE PARCEL OF LAND HEREIN DESCRIBED; THENCE CONTINUE S.88°56'17"W., ALONG THE SOUTH LINE OF THE SOUTHEAST QUARTER OF SAID SECTION 9, FOR A DISTANCE OF 1,733.04 FEET TO A POINT ON THE EASTERLY RIGHT-OF-WAY LINE OF U.S. HWY. NO. 41 (FLORIDA STATE ROAD NO. 45), A 200.00 FOOT RIGHT-OF-WAY; THENCE RUN N.10°32'05"W., ALONG SAID EASTERLY RIGHT-OF-WAY LINE, FOR A DISTANCE OF 971.33 FEET TO THE BEGINNING OF A TANGENTIAL CIRCULAR CURVE, CONCAVE EASTERLY; THENCE RUN NORTHERLY, ALONG SAID EASTERLY RIGHT-OF-WAY LINE AND ALONG THE ARC OF SAID CURVE TO THE RIGHT, HAVING A RADIUS OF 5,605.39 FEET, THROUGH A CENTRAL ANGLE OF 04°03'11", SUBTENDED BY A CHORD OF 396.43 FEET AT A BEARING OF N.08°30'30"W., FOR A DISTANCE OF 396.52 FEET TO THE END OF SAID CURVE; THENCE RUN N.88°07'51"E. FOR A DISTANCE OF 747.22 FEET TO A POINT ON A CIRCULAR CURVE, CONCAVE EASTERLY, WHOSE RADIUS POINT BEARS N.82°31'42"E., A DISTANCE OF 3,909.60 FEET THEREFROM; THENCE RUN NORTHERLY, ALONG THE ARC OF SAID CURVE TO THE RIGHT, HAVING A RADIUS OF 3,909.60 FEET, THROUGH A CENTRAL ANGLE OF 08°29'31", SUBTENDED BY A CHORD OF 578.92 FEET AT A BEARING OF N.03°13'32"W., FOR A DISTANCE OF 579.45 FEET TO THE END OF SAID CURVE; THENCE RUN N.00°15'56"W., FOR A DISTANCE OF 583.09 FEET; THENCE RUN N.00°15'56"W., FOR A DISTANCE OF 47.04 FEET TO A POINT ON THE SOUTHERLY RIGHT-OF-WAY LINE OF COCONUT ROAD, A 150.00 FOOT RIGHT-OF-WAY, THE SAME BEING A POINT ON A CIRCULAR CURVE, CONCAVE NORTHERLY, WHOSE RADIUS POINT BEARS N.10°28'58"W., A DISTANCE OF 2,025.00 FEET THEREFROM; THENCE RUN EASTERLY, ALONG SAID SOUTHERLY RIGHT-OF-WAY LINE AND ALONG THE ARC OF SAID CURVE TO THE LEFT, HAVING A RADIUS OF 2,025.00 FEET, THROUGH A CENTRAL ANGLE OF 09°12'27", SUBTENDED BY A CHORD OF 325.07 FEET AT A BEARING OF N.74°56'48"E., FOR A DISTANCE OF 325.42 FEET TO THE END OF SAID CURVE; THENCE RUN N.70°20'35"E., ALONG SAID SOUTHERLY RIGHT-OF-WAY LINE FOR A DISTANCE OF 200.00 FEET TO THE BEGINNING OF A TANGENTIAL CIRCULAR CURVE, CONCAVE SOUTHERLY; THENCE RUN EASTERLY, ALONG SAID SOUTHERLY RIGHT-OF-WAY LINE AND ALONG THE ARC OF SAID CURVE TO THE RIGHT, HAVING A RADIUS OF 3,025.00 FEET, THROUGH A CENTRAL ANGLE OF 09°15'04", SUBTENDED BY A CHORD OF 487.89 FEET AT A BEARING OF N.74°58'07"E., FOR A DISTANCE OF 488.42 FEET TO THE END OF SAID CURVE; THENCE RUN N.79°35'39"E., ALONG SAID SOUTHERLY RIGHT-OF-WAY LINE, FOR A DISTANCE OF 238.23 FEET TO A POINT ON THE WESTERLY RIGHT-OF-WAY LINE OF THE SEABOARD COASTLINE RAILROAD, A 130.00 FOOT RIGHT-OF-WAY; THENCE RUN S.00°59'47"E., ALONG SAID WESTERLY RIGHT-OF-WAY LINE, FOR A DISTANCE OF 2,869.10 FEET TO THE POINT OF BEGINNING; CONTAINING 95.885 ACRES, MORE OR LESS.

AND

A PORTION OF SECTIONS 3, 4, 9, AND 10, TOWNSHIP 47 SOUTH, RANGE 25 EAST, LEE COUNTY, FLORIDA, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCE AT THE SOUTHEAST CORNER OF SECTION 9, TOWNSHIP 47 SOUTH, RANGE 25 EAST, LEE COUNTY, FLORIDA; THENCE RUN S.88°56'17"W., ALONG THE SOUTH LINE OF THE

DCI 2001-00005

Naples - Fort Myers - Venice - Englewood

HM PROJECT #1997079

1/17/01

REF. DWG. #A-994-2

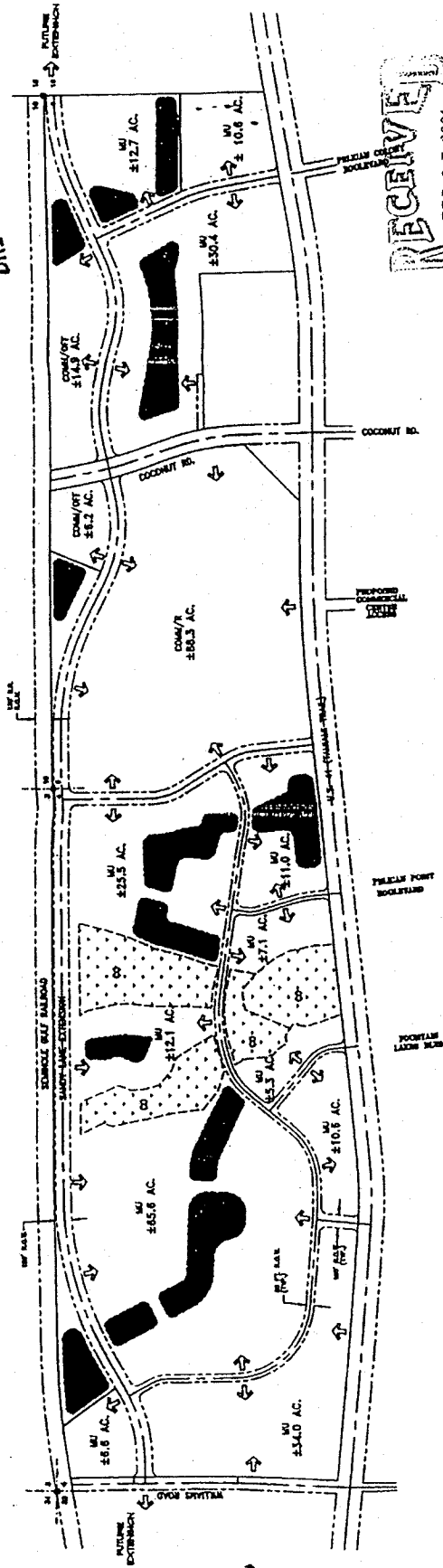
PAGE 2 OF 23

SOUTHEAST QUARTER OF SAID SECTION 9, FOR A DISTANCE OF 5.89 FEET TO A POINT ON THE WESTERLY RIGHT-OF-WAY LINE OF THE SEABOARD COASTLINE RAILROAD, A 130.00 FOOT RIGHT-OF-WAY; THENCE RUN N.00°59'47"W., ALONG SAID WESTERLY RIGHT-OF-WAY LINE, FOR A DISTANCE OF 3,021.15 FEET TO THE POINT OF BEGINNING OF THE PARCEL OF LAND HEREIN DESCRIBED; THENCE RUN N.00°59'47"W., ALONG SAID WESTERLY RIGHT-OF-WAY LINE, FOR A DISTANCE OF 2,320.56 FEET TO A POINT ON THE NORTH LINE OF THE NORTHWEST QUARTER OF SECTION 10, TOWNSHIP 47 SOUTH, RANGE 25 EAST; THENCE RUN N.00°59'47"W., ALONG SAID WESTERLY RIGHT-OF-WAY LINE, FOR A DISTANCE OF 2,692.32 FEET TO A POINT ON THE NORTH LINE OF THE SOUTHEAST QUARTER OF SECTION 4, TOWNSHIP 47 SOUTH, RANGE 25 EAST; THENCE RUN N.00°56'59"W., ALONG SAID WESTERLY RIGHT-OF-WAY LINE, FOR A DISTANCE OF 1,590.78 FEET TO THE BEGINNING OF A TANGENTIAL CIRCULAR CURVE, CONCAVE WESTERLY; THENCE RUN NORTHERLY, ALONG SAID WESTERLY RIGHT-OF-WAY LINE AND ALONG THE ARC OF SAID CURVE TO THE LEFT, HAVING A RADIUS OF 5,641.38 FEET, THROUGH A CENTRAL ANGLE OF 09°31'27", SUBTENDED BY A CHORD OF 936.68 FEET AT A BEARING OF N.05°42'42"W., FOR A DISTANCE OF 937.76 FEET TO THE END OF SAID CURVE; THENCE RUN N.10°28'26"W., ALONG SAID WESTERLY RIGHT-OF-WAY LINE, FOR A DISTANCE OF 98.54 FEET TO A POINT ON THE SOUTHERLY RIGHT-OF-WAY LINE OF WILLIAMS ROAD, A 100.00 FOOT RIGHT-OF-WAY; THENCE RUN S.88°20'53"W., ALONG SAID SOUTHERLY RIGHT-OF-WAY LINE, FOR A DISTANCE OF 1,029.70 FEET TO THE BEGINNING OF A TANGENTIAL CIRCULAR CURVE, CONCAVE NORTHERLY; THENCE RUN WESTERLY, ALONG SAID SOUTHERLY RIGHT-OF-WAY LINE AND ALONG THE ARC OF SAID CURVE TO THE RIGHT, HAVING A RADIUS OF 7,050.00 FEET, THROUGH A CENTRAL ANGLE OF 03°00'00", SUBTENDED BY A CHORD OF 369.09 FEET AT A BEARING OF S.89°50'53"W., FOR A DISTANCE OF 369.14 FEET TO THE END OF SAID CURVE; THENCE RUN N.88°39'07"W., ALONG SAID SOUTHERLY RIGHT-OF-WAY LINE, FOR A DISTANCE OF 674.92 FEET TO A POINT ON THE EASTERLY RIGHT-OF-WAY LINE OF U.S. HWY. NO. 41 (FLORIDA STATE ROAD NO. 45), A 200.00 FOOT RIGHT-OF-WAY; THENCE RUN S.04°52'41"W., ALONG SAID EASTERLY RIGHT-OF-WAY LINE, FOR A DISTANCE OF 1,901.57 FEET TO THE BEGINNING OF A TANGENTIAL CIRCULAR CURVE, CONCAVE EASTERLY; THENCE RUN SOUTHERLY, ALONG SAID EASTERLY RIGHT-OF-WAY LINE AND ALONG THE ARC OF SAID CURVE TO THE LEFT, HAVING A RADIUS OF 2,725.19 FEET, THROUGH A CENTRAL ANGLE OF 11°32'50", SUBTENDED BY A CHORD OF 548.30 FEET AT A BEARING OF S.00°53'44"E., FOR A DISTANCE OF 549.23 FEET TO THE END OF SAID CURVE; THENCE RUN S.06°40'09"E., ALONG SAID EASTERLY RIGHT-OF-WAY LINE FOR A DISTANCE OF 225.81 FEET TO A POINT ON THE NORTH LINE OF THE SOUTHEAST QUARTER OF SAID SECTION 4; THENCE CONTINUE S.06°40'09"E., ALONG SAID EASTERLY RIGHT-OF-WAY LINE, FOR A DISTANCE OF 2,710.61 FEET TO A POINT ON THE SOUTH LINE OF THE SOUTHEAST QUARTER OF SAID SECTION 4; THENCE CONTINUE S.06°40'09"E., ALONG SAID EASTERLY RIGHT-OF-WAY LINE, FOR A DISTANCE OF 626.03 FEET TO THE BEGINNING OF A TANGENTIAL CIRCULAR CURVE, CONCAVE WESTERLY; THENCE RUN SOUTHERLY, ALONG SAID EASTERLY RIGHT-OF-WAY LINE AND ALONG THE ARC OF SAID CURVE TO THE RIGHT, HAVING A RADIUS OF 11,584.73 FEET, THROUGH A CENTRAL ANGLE OF 06°24'13", SUBTENDED BY A CHORD OF 1,294.08 FEET AT A BEARING OF S.03°28'03"E., FOR A DISTANCE OF 1,294.76 FEET TO THE END OF SAID CURVE; THENCE RUN S.00°15'56"E., ALONG SAID EASTERLY RIGHT-OF-WAY LINE, FOR A DISTANCE OF 274.74 FEET; THENCE RUN S.46°02'16"E., FOR A DISTANCE OF 577.44 FEET; THENCE RUN S.01°57'26"E. FOR A DISTANCE OF 25.19 FEET TO A POINT ON THE NORTHERLY RIGHT-OF-WAY LINE OF COCONUT ROAD, A 150.00 FOOT RIGHT-OF-WAY; THENCE RUN N.88°02'34"E., ALONG SAID NORTHERLY RIGHT-OF-WAY LINE, FOR A DISTANCE OF 32.80 FEET TO THE BEGINNING OF A TANGENTIAL CIRCULAR CURVE, CONCAVE NORTHERLY; THENCE RUN EASTERLY, ALONG SAID NORTHERLY RIGHT-OF-WAY LINE AND ALONG THE ARC OF SAID CURVE TO THE LEFT, HAVING A RADIUS OF 1,875.00 FEET, THROUGH A CENTRAL ANGLE OF 17°41'59", SUBTENDED BY A CHORD OF 576.92 FEET AT A BEARING OF N.79°11'34"E., FOR A DISTANCE OF 579.22 FEET TO THE END OF SAID

DRI 2000-00015

REF. DWG. #A-994-2

DRI 2000-00015



# ZONING COUNTER

## LEGEND

- RETAIL/COMMERCIAL
- COMM
- RESIDENTIAL
- OFFICE/MEDICAL
- PROPERTY BOUNDARY
- ROAD R.O.E. LINE
- CONSERVATION AREAS
- PROPOSED LAKE
- CONCEPTUAL ACCESS POINT

PROJECT INTENSITY	
RESIDENTIAL UNITS	1,500
COMMERCIAL/RETAIL	150,000
(GROSS LEASABLE AREA)	
GENERAL OFFICE (M.F.)	20,000
MEDICAL OFFICE (M.F.)	100,000
HOTEL (ROOMS)	400

LAND USE BREAKDOWN	
CONSERVATION AREAS	4,327 ACRES
LAKE	4,713 ACRES
INTERNAL R.O.E.	3,945 ACRES
GREEN AREA / OPEN SPACE	1,115 ACRES
DEVELOPMENT AREAS	1,343 ACRES
TOTAL	14,443 ACRES

- NOTES:
- LOCATIONS/CONFIGURATIONS OF PROPOSED LAND USES, SUCH AS LAKE, CONSERVATION AREAS, ROADS, AND OPEN SPACE, ARE SUBJECT TO CHANGE DURING FINAL DESIGN/PERMITTING.
  - THE USED USE (M.D.) EXHIBITION CONTAINS A LOT OF RETAIL/COMMERCIAL, HOTEL, OFFICE, RESIDENTIAL, M.F., AND PUBLIC FACILITY LAND USES.

*Simon* *Suncoast*  
Map H - Master Development Plan



September 2000  
Not to Scale

DRI  
EXHIBIT C

Development Parameters and Phasing Schedule

		<u>Buildout</u>
Regional Retail Commercial	1,450,000* sq. ft.	2006
Community Retail	350,000* sq. ft.	2006
Office	300,000** sq. ft.	2006
Hotel	600 Rooms	2006
Residential, Multi-family	1000 du	2006
Assisted Living Facility	200 units	2006

\* Gross Leasable Area

\*\*Up to 100,000 sq. ft., may be medical office

DRI  
EXHIBIT D

ANNUAL MONITORING REPORT REQUIREMENTS

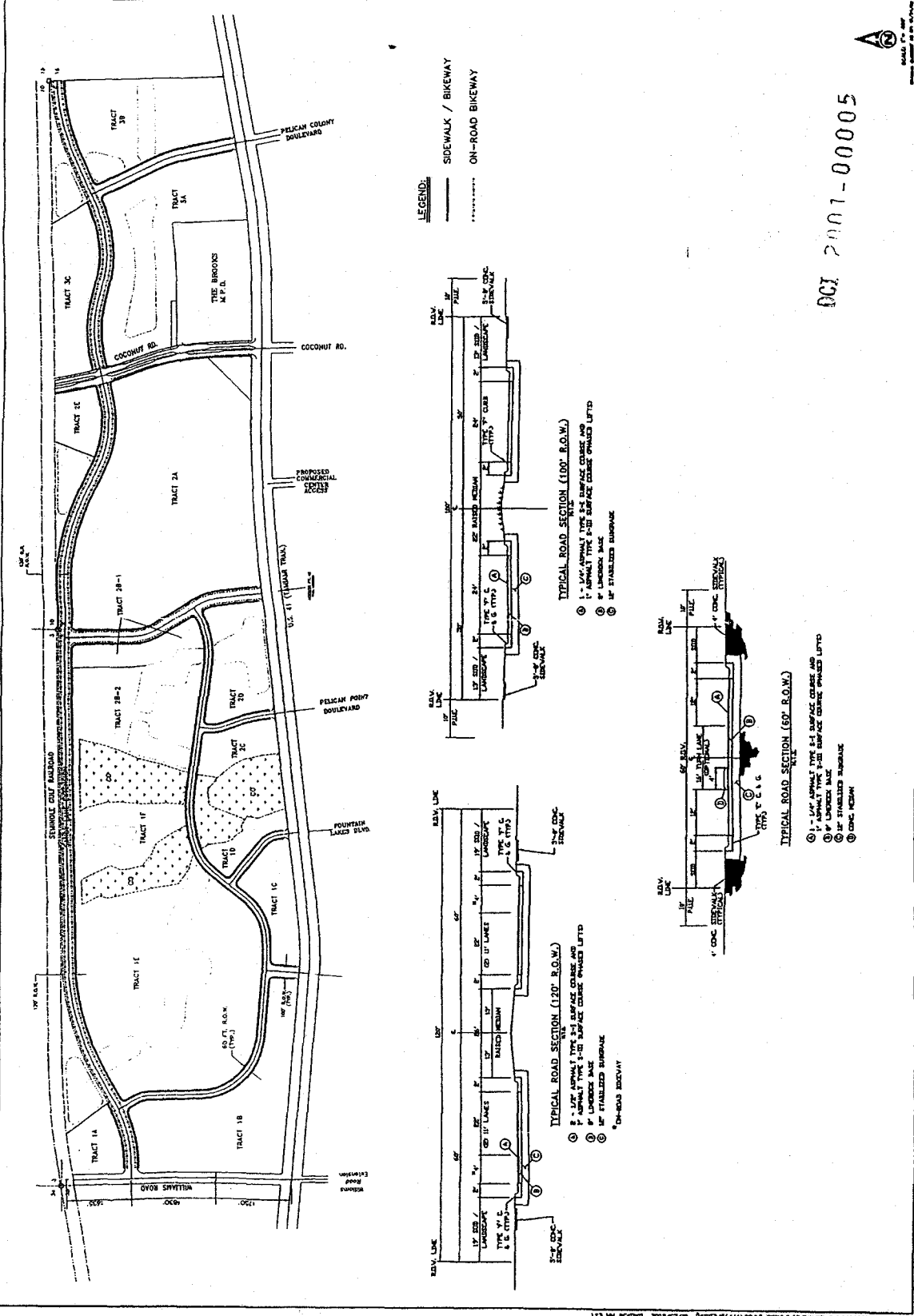
The Annual Monitoring Report that must be submitted by the Developer in accordance with Subsections 380.06(15) and 380.06(18), Florida Statutes, and 9J-2.025(7), Florida Administrative Code, must include the following:

- A. Any changes in the plan of development or in the representations contained in the application for development approval, 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. Identification of undeveloped tracts of land, other than individual single family lots, that have been sold to separate entities or developers.
- 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. A specific assessment of the Developer's and the local government's compliance with each individual condition 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 RPC, or the DCA as being significant;
- F. Any requests for substantial deviation determination that were filed in the reporting year and to be filed during the following 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, 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 Subsections 380.06(15) and (18), Florida Statutes;
- 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 Paragraph 380.06(15)(f), Florida Statutes.

NOTE: The Florida Administrative Code specifically requires that the development order specify the requirements for the annual report. The Administrative Code requires that the annual report will be submitted to DCA, the RPC, and the local government on Form RPM-BSP-Annual Report-1.

DRI  
EXHIBIT E  
Calculation of Road Impact Fee Obligation

LAND USE	ITE LUC	UNIT	RATE	SIZE	AMOUNT
GENERAL INDUSTRIAL	130	1000 SF	\$1,681.00	0	\$ -
WAREHOUSE	150	1000 SF	\$1,198.00	0	\$ -
MINI-WAREHOUSE	151	1000 SF	\$ 419.00	0	\$ -
SINGLE-FAMILY DETACHED	210	DU	\$2,436.00	0	\$ -
MULTI-FAMILY	220	DU	\$1,687.00	1000	\$ 1,687,000.00
MOBILE HOME (PARK UNIT)/RV SITE	240	DU	\$1,221.00	0	\$ -
ACLF	252	DU	\$ 550.00	200	\$ 110,000.00
HOTEL	310	ROOM	\$1,834.00	600	\$ 1,100,400.00
TIMESHARE	310	DU	\$1,834.00	0	\$ -
GOLF COURSE	430	ACRE	\$ 711.00	0	\$ -
MOVIE THEATRE	443	1000 SF	\$5,600.00	0	\$ -
ELEMENTARY/SECONDARY SCHOOL (PRIVATE)	520	1000 SF	\$ 611.00	0	\$ -
CHURCH	560	1000 SF	\$1,402.00	0	\$ -
DAYCARE	565	1000 SF	\$3,900.00	0	\$ -
HOSPITAL	610	1000 SF	\$2,941.00	0	\$ -
NURSING HOME	620	1000 SF	\$ 824.00	0	\$ -
OFFICE UNDER 100,000 SF	710	1000 SF	\$2,254.00	100	\$ 225,400.00
OFFICE 100,000 SF AND OVER	710	1000 SF	\$1,918.00	100	\$ 191,800.00
MEDICAL OFFICE	720	1000 SF	\$6,334.00	100	\$ 633,400.00
RETAIL UNDER 100,000 SF	820	1000 SF	\$3,992.00	100	\$ 399,200.00
RETAIL 100,000 SF TO 250,000 SF	820	1000 SF	\$3,869.00	150	\$ 580,350.00
RETAIL 250,000 SF TO 500,000	820	1000 SF	\$3,634.00	250	\$ 908,500.00
RETAIL 500,000 SF AND OVER	820	1000 SF	\$3,354.00	1300	\$ 4,360,200.00
STANDARD RESTAURANT	831	1000 SF	\$8,715.00	0	\$ -
FAST FOOD RESTAURANT	834	1000 SF	\$9,886.00	0	\$ -
CAR WASH, SELF-SERVICE	847	STALL	\$7,749.00	0	\$ -
CONVENIENCE FOOD AND BEVERAGE STORE	851	1000 SF	\$8,715.00	0	\$ -
BANK	911	1000 SF	\$6,063.00	0	\$ -
TOTAL					\$10,196,250.00





ADMINISTRATIVE AMENDMENT (PD) ADD2005-00080A

ADMINISTRATIVE AMENDMENT  
LEE COUNTY, FLORIDA

WHEREAS, Coconut Point Developers, LLC filed an application for administrative approval to a Mixed Use Planned Development on a project known as Coconut Point M.P.D. to **revise Resolution Z-02-009 changing Condition 2.b concerning the approved Property Development Regulations for Tract 2A and revise Condition 9 concerning the distribution of required open space within Tract 2** for property located at Coconut and Williams Roads, described more particularly as:

LEGAL DESCRIPTION: In Section 09, Township 47 South, Range 25 East, Lee County, Florida:

See attached Exhibit A

WHEREAS, the property was originally rezoned in case number DRI2000-00015 & DCI2001-00005 (with subsequent amendments in case numbers ADD2004-00048, ADD2004-00060, ADD2004-00060(A), ADD2004-00060(B), ADD2004-00206, ADD2005-00011 and ADD2005-00026); 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, 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, staff finds that the proposed redistribution of open space within Tract 2 will not result in an overall decrease of open space within the project; and

WHEREAS, staff finds that the change in the proposed Property Development Regulations within Tract 2A will not result in an increase of intensity or density; 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.

CASE NO. ADD2005-00080A

**RECEIVED**

APR 20 2009

ADD 2009-00032

Page 1 of 3

COMMUNITY DEVELOPMENT

NOW, THEREFORE, IT IS HEREBY DETERMINED that the application for administrative approval for the amendment to the Mixed Use Planned Development zoning to revise Resolution Z-02-009 changing Condition 2.b concerning the approved Property Development Regulations for Tract 2A and revise Condition 9 concerning the distribution of required open space within Tract 2 is APPROVED, subject to the following conditions:

1. No substantial change to the approved Master Concept Plan has been authorized as part of this approved administrative amendment, except as specifically stated in the following.
2. Resolution Z-02-009, Condition 2.b. is hereby amended to adopt the following Property Development Regulations for this portion of the development of Tract 2A, as depicted on the Master Development Plan for Coconut Point Area 2, Phase 2B - The Residences at Coconut Point, stamped Received on June 24, 2005 (Attachment B to this action):

Tract 2A (portion only as depicted on the attached Master Concept Plan)

Lot Width	100 feet
Lot Depth	100 feet
Lot Area	20,000 square feet
Maximum Lot Coverage	55%

Minimum Setbacks

Front (street)	25 feet
Side	5 feet
Rear/Street	5 feet (0 (zero) feet for an accessory structure)
Water body	25 feet (20 feet for an accessory structure)

Minimum Building Separation: 10 feet (subject to Condition 4) or ½ the sum of the building heights but not less than 20 feet

Maximum Building Height: 45 feet / 3 stories

Maximum Building Height Hotel (where permitted): 60 feet / 5 stories

3. The minimum building separation may be reduced from 1/2 the sum of the building heights but no less than 20 feet, to 10 feet provided that the local fire district has reviewed and approved the plans prior to the approval of a local development order for the construction of the buildings.
4. Condition 9 of Resolution Z-02-009 is hereby amended to read:
  9. Prior to local development order approval for the first local development order for vertical development of any buildings, open space must be

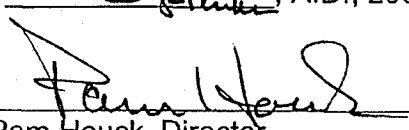
provided as detailed in the open space table on the Master Concept Plan stamped received August 26, 2005 (found as Attachment A to this action) with the condition that any residential dwelling units requiring open space per LDC Section 10-415(a) must provide 30 percent common open space within Tracts 1-E, 1-F, 2-B2, 3-B, and 3-D.

A minimum of 27.7 acres of open space must be provided within Area 2. Any residential parcel within Area 2 must provide a minimum 20% open space. Any commercial parcel within Area 2 must provide a minimum 10% open space. The provided open space for Area 2 must be tracked on all development orders within Area 2 to insure the 27.7 acres of open space is provided within the overall tract.

The only exception to the above language is the development of a building for the Estero Fire District.

DULY SIGNED this 7<sup>th</sup> day of September, A.D., 2005.

BY: \_\_\_\_\_

  
Pam Houck, Director  
Division of Zoning  
Department of Community Development

**LEGAL DESCRIPTION**

A PORTION OF SECTION 9, TOWNSHIP 47 SOUTH, RANGE 25 EAST, LEE COUNTY, FLORIDA, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCE AT THE SOUTHEAST CORNER OF SECTION 9, TOWNSHIP 47 SOUTH, RANGE 25 EAST, LEE COUNTY, FLORIDA; THENCE RUN S.88°56'17"W., ALONG THE SOUTH LINE OF THE SOUTHEAST QUARTER OF SAID SECTION 9, FOR A DISTANCE OF 5.89 FEET TO A POINT ON THE WESTERLY RIGHT-OF-WAY LINE OF THE SEABOARD COASTLINE RAILROAD, A 130.00 FOOT RIGHT-OF-WAY, AND THE POINT OF BEGINNING OF THE PARCEL OF LAND HEREIN DESCRIBED; THENCE CONTINUE S.88°56'17"W., ALONG THE SOUTH LINE OF THE SOUTHEAST QUARTER OF SAID SECTION 9, FOR A DISTANCE OF 1,733.04 FEET TO A POINT ON THE EASTERLY RIGHT-OF-WAY LINE OF U.S. HWY. NO. 41 (FLORIDA STATE ROAD NO. 45), A 200.00 FOOT RIGHT-OF-WAY; THENCE RUN N.10°32'05"W., ALONG SAID EASTERLY RIGHT-OF-WAY LINE, FOR A DISTANCE OF 971.33 FEET TO THE BEGINNING OF A TANGENTIAL CIRCULAR CURVE, CONCAVE EASTERLY; THENCE RUN NORTHERLY, ALONG SAID EASTERLY RIGHT-OF-WAY LINE AND ALONG THE ARC OF SAID CURVE TO THE RIGHT, HAVING A RADIUS OF 5,605.39 FEET, THROUGH A CENTRAL ANGLE OF 04°03'11", SUBTENDED BY A CHORD OF 396.43 FEET AT A BEARING OF N.08°30'30"W., FOR A DISTANCE OF 396.52 FEET TO THE END OF SAID CURVE; THENCE RUN N.88°07'51"E. FOR A DISTANCE OF 747.22 FEET TO A POINT ON A CIRCULAR CURVE, CONCAVE EASTERLY, WHOSE RADIUS POINT BEARS N.82°31'42"E., A DISTANCE OF 3,909.60 FEET THEREFROM; THENCE RUN NORTHERLY, ALONG THE ARC OF SAID CURVE TO THE RIGHT, HAVING A RADIUS OF 3,909.60 FEET, THROUGH A CENTRAL ANGLE OF 08°29'31", SUBTENDED BY A CHORD OF 578.92 FEET AT A BEARING OF N.03°13'32"W., FOR A DISTANCE OF 579.45 FEET TO THE END OF SAID CURVE; THENCE RUN N.00°15'56"W., FOR A DISTANCE OF 583.09 FEET; THENCE RUN N.00°15'56"W., FOR A DISTANCE OF 47.04 FEET TO A POINT ON THE SOUTHERLY RIGHT-OF-WAY LINE OF COCONUT ROAD, A 150.00 FOOT RIGHT-OF-WAY, THE SAME BEING A POINT ON A CIRCULAR CURVE, CONCAVE NORTHERLY, WHOSE RADIUS POINT BEARS N.10°26'58"W., A DISTANCE OF 2,025.00 FEET THEREFROM; THENCE RUN EASTERLY, ALONG SAID SOUTHERLY RIGHT-OF-WAY LINE AND ALONG THE ARC OF SAID CURVE TO THE LEFT, HAVING A RADIUS OF 2,025.00 FEET, THROUGH A CENTRAL ANGLE OF 09°12'27", SUBTENDED BY A CHORD OF 325.07 FEET AT A BEARING OF N.74°56'48"E., FOR A DISTANCE OF 325.42 FEET TO THE END OF SAID CURVE; THENCE RUN N.70°20'35"E., ALONG SAID SOUTHERLY RIGHT-OF-WAY LINE FOR A DISTANCE OF 200.00 FEET TO THE BEGINNING OF A TANGENTIAL CIRCULAR CURVE, CONCAVE SOUTHERLY; THENCE RUN EASTERLY, ALONG SAID SOUTHERLY RIGHT-OF-WAY LINE AND ALONG THE ARC OF SAID CURVE TO THE RIGHT, HAVING A RADIUS OF 3,025.00 FEET, THROUGH A CENTRAL ANGLE OF 09°15'04", SUBTENDED BY A CHORD OF 487.89 FEET AT A BEARING OF N.74°58'07"E., FOR A DISTANCE OF 488.42 FEET TO THE END OF SAID CURVE; THENCE RUN N.79°35'39"E., ALONG SAID SOUTHERLY RIGHT-OF-WAY LINE, FOR A DISTANCE OF 238.23 FEET TO A POINT ON THE WESTERLY RIGHT-OF-WAY LINE OF THE SEABOARD COASTLINE RAILROAD, A 130.00 FOOT RIGHT-OF-WAY; THENCE RUN S.00°59'47"E., ALONG SAID WESTERLY RIGHT-OF-WAY LINE, FOR A DISTANCE OF 2,869.10 FEET TO THE POINT OF BEGINNING; CONTAINING 95.885 ACRES, MORE OR LESS.

AND

A PORTION OF SECTIONS 3, 4, 9, AND 10, TOWNSHIP 47 SOUTH, RANGE 25 EAST, LEE COUNTY, FLORIDA, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCE AT THE SOUTHEAST CORNER OF SECTION 9, TOWNSHIP 47 SOUTH, RANGE 25 EAST, LEE COUNTY, FLORIDA; THENCE RUN S.88°56'17"W., ALONG THE SOUTH LINE OF THE SOUTHEAST QUARTER OF SAID SECTION 9, FOR A DISTANCE OF 5.89 FEET TO A POINT ON THE

**EXHIBIT A**

ADD 2005-00080

HM PROJECT #1997079

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REF. DWG. #A-994-3

PAGE 2 OF 3

WESTERLY RIGHT-OF-WAY LINE OF THE SEABOARD COASTLINE RAILROAD, A 130.00 FOOT RIGHT-OF-WAY; THENCE RUN N.00°59'47"W., ALONG SAID WESTERLY RIGHT-OF-WAY LINE, FOR A DISTANCE OF 3,021.15 FEET TO THE POINT OF BEGINNING OF THE PARCEL OF LAND HEREIN DESCRIBED; THENCE RUN N.00°59'47"W., ALONG SAID WESTERLY RIGHT-OF-WAY LINE, FOR A DISTANCE OF 2,320.56 FEET TO A POINT ON THE NORTH LINE OF THE NORTHWEST QUARTER OF SECTION 10, TOWNSHIP 47 SOUTH, RANGE 25 EAST; THENCE RUN N.00°59'47"W., ALONG SAID WESTERLY RIGHT-OF-WAY LINE, FOR A DISTANCE OF 2,692.32 FEET TO A POINT ON THE NORTH LINE OF THE SOUTHEAST QUARTER OF SECTION 4, TOWNSHIP 47 SOUTH, RANGE 25 EAST; THENCE RUN N.00°56'59"W., ALONG SAID WESTERLY RIGHT-OF-WAY LINE, FOR A DISTANCE OF 1,590.78 FEET TO THE BEGINNING OF A TANGENTIAL CIRCULAR CURVE, CONCAVE WESTERLY; THENCE RUN NORTHERLY, ALONG SAID WESTERLY RIGHT-OF-WAY LINE AND ALONG THE ARC OF SAID CURVE TO THE LEFT, HAVING A RADIUS OF 5,641.38 FEET, THROUGH A CENTRAL ANGLE OF 09°31'27", SUBTENDED BY A CHORD OF 936.68 FEET AT A BEARING OF N.05°42'42"W., FOR A DISTANCE OF 937.76 FEET TO THE END OF SAID CURVE; THENCE RUN N.10°28'26"W., ALONG SAID WESTERLY RIGHT-OF-WAY LINE, FOR A DISTANCE OF 98.54 FEET TO A POINT ON THE SOUTHERLY RIGHT-OF-WAY LINE OF WILLIAMS ROAD, A 100.00 FOOT RIGHT-OF-WAY; THENCE RUN S.88°20'53"W., ALONG SAID SOUTHERLY RIGHT-OF-WAY LINE, FOR A DISTANCE OF 1,029.70 FEET TO THE BEGINNING OF A TANGENTIAL CIRCULAR CURVE, CONCAVE NORTHERLY; THENCE RUN WESTERLY, ALONG SAID SOUTHERLY RIGHT-OF-WAY LINE AND ALONG THE ARC OF SAID CURVE TO THE RIGHT, HAVING A RADIUS OF 7,050.00 FEET, THROUGH A CENTRAL ANGLE OF 03°00'00", SUBTENDED BY A CHORD OF 369.09 FEET AT A BEARING OF S.89°50'53"W., FOR A DISTANCE OF 369.14 FEET TO THE END OF SAID CURVE; THENCE RUN N.88°39'07"W., ALONG SAID SOUTHERLY RIGHT-OF-WAY LINE, FOR A DISTANCE OF 674.92 FEET TO A POINT ON THE EASTERLY RIGHT-OF-WAY LINE OF U.S. HWY. NO. 41 (FLORIDA STATE ROAD NO. 45), A 200.00 FOOT RIGHT-OF-WAY; THENCE RUN S.04°52'41"W., ALONG SAID EASTERLY RIGHT-OF-WAY LINE, FOR A DISTANCE OF 1,901.57 FEET TO THE BEGINNING OF A TANGENTIAL CIRCULAR CURVE, CONCAVE EASTERLY; THENCE RUN SOUTHERLY, ALONG SAID EASTERLY RIGHT-OF-WAY LINE AND ALONG THE ARC OF SAID CURVE TO THE LEFT, HAVING A RADIUS OF 2,725.19 FEET, THROUGH A CENTRAL ANGLE OF 11°32'50", SUBTENDED BY A CHORD OF 548.30 FEET AT A BEARING OF S.00°53'44"E., FOR A DISTANCE OF 549.23 FEET TO THE END OF SAID CURVE; THENCE RUN S.06°40'09"E., ALONG SAID EASTERLY RIGHT-OF-WAY LINE FOR A DISTANCE OF 225.81 FEET TO A POINT ON THE NORTH LINE OF THE SOUTHEAST QUARTER OF SAID SECTION 4; THENCE CONTINUE S.06°40'09"E., ALONG SAID EASTERLY RIGHT-OF-WAY LINE, FOR A DISTANCE OF 2,710.61 FEET TO A POINT ON THE SOUTH LINE OF THE SOUTHEAST QUARTER OF SAID SECTION 4; THENCE CONTINUE S.06°40'09"E., ALONG SAID EASTERLY RIGHT-OF-WAY LINE, FOR A DISTANCE OF 626.03 FEET TO THE BEGINNING OF A TANGENTIAL CIRCULAR CURVE, CONCAVE WESTERLY; THENCE RUN SOUTHERLY, ALONG SAID EASTERLY RIGHT-OF-WAY LINE AND ALONG THE ARC OF SAID CURVE TO THE RIGHT, HAVING A RADIUS OF 11,584.73 FEET, THROUGH A CENTRAL ANGLE OF 06°24'13", SUBTENDED BY A CHORD OF 1,294.08 FEET AT A BEARING OF S.03°28'03"E., FOR A DISTANCE OF 1,294.76 FEET TO THE END OF SAID CURVE; THENCE RUN S.00°15'56"E., ALONG SAID EASTERLY RIGHT-OF-WAY LINE, FOR A DISTANCE OF 274.74 FEET; THENCE RUN S.46°02'16"E., FOR A DISTANCE OF 577.44 FEET; THENCE RUN S.01°57'26"E. FOR A DISTANCE OF 25.19 FEET TO A POINT ON THE NORTHERLY RIGHT-OF-WAY LINE OF COCONUT ROAD, A 150.00 FOOT RIGHT-OF-WAY; THENCE RUN N.88°02'34"E., ALONG SAID NORTHERLY RIGHT-OF-WAY LINE, FOR A DISTANCE OF 32.80 FEET TO THE BEGINNING OF A TANGENTIAL CIRCULAR CURVE, CONCAVE NORTHERLY; THENCE RUN EASTERLY, ALONG SAID NORTHERLY RIGHT-OF-WAY LINE AND ALONG THE ARC OF SAID CURVE TO THE LEFT, HAVING A RADIUS OF 1,875.00 FEET, THROUGH A CENTRAL ANGLE OF 17°41'59", SUBTENDED BY A CHORD OF 576.92 FEET AT A BEARING OF N.79°11'34"E., FOR A DISTANCE OF 579.22 FEET TO THE END OF SAID CURVE; THENCE RUN N.70°20'35"E., ALONG SAID NORTHERLY RIGHT-OF-WAY LINE, FOR A DISTANCE OF 200.00 FEET TO THE BEGINNING OF A TANGENTIAL CIRCULAR CURVE, CONCAVE

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1/17/01

REF. DWG. #A-994-3

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SOUTHERLY; THENCE RUN EASTERLY, ALONG SAID NORTHERLY RIGHT-OF-WAY LINE AND ALONG THE ARC OF SAID CURVE TO THE RIGHT, HAVING A RADIUS OF 3,175.00 FEET, THROUGH A CENTRAL ANGLE OF 09°15'04", SUBTENDED BY A CHORD OF 512.09 FEET AT A BEARING OF N.74°58'07"E., FOR A DISTANCE OF 512.65 FEET TO THE END OF SAID CURVE; THENCE RUN N.79°35'39"E., ALONG SAID NORTHERLY RIGHT-OF-WAY LINE, FOR A DISTANCE OF 263.08 FEET TO THE POINT OF BEGINNING; CONTAINING 386.536 ACRES, MORE OR LESS.

NOTES:

THIS PROPERTY IS SUBJECT TO EASEMENTS, RESERVATIONS OR RESTRICTIONS OF RECORD.

TOTAL PROPERTY AREA: 482.421 ACRES, MORE OR LESS.

INFORMATION RELATING TO BOUNDARY DATA OF SECTIONS 3, 4, 9 AND 10, TOWNSHIP 47 SOUTH, RANGE 25 EAST, LEE COUNTY, FLORIDA, TOGETHER WITH THE LOCATION OF THE US HIGHWAY #41 RIGHT-OF-WAY, WAS OBTAINED FROM A SURVEY OF THE SWEETWATER RANCH PREPARED BY DENI ASSOCIATES HAVING ORDER NUMBER 8409031, DATED 9/14/84. INFORMATION RELATING TO THE LOCATION OF COCONUT ROAD AND ADJOINING EXCEPTED PARCELS WAS OBTAINED FROM PROPERTY DESCRIPTIONS PROVIDED BY CLIENT.

BEARINGS REFER TO THE SOUTH LINE OF THE SOUTHEAST QUARTER OF SECTION 9, TOWNSHIP 47 SOUTH, RANGE 25 EAST, LEE COUNTY, FLORIDA, AS BEING S.88°56'17"W.

HOLE MONTES, INC.  
CERTIFICATE OF AUTHORIZATION LB #1772

Applicant's Legal Checked

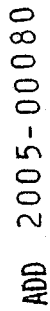
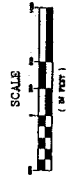
by My 29 JUNE 05

BY

  
JERRY E. RIFFELMACHER

P.S.M. #6130  
STATE OF FLORIDA

ADD 2005-00080



Applicant's Legal Checked  
by AMM 29 JUNE 05

CURVE TABLE						
CURVE	RADIUS	LONGIT.	CORRD.	SE/ANG	DETA	
C1	2025.00	323.61	323.67	87138.547	87227	
C2	2025.00	468.57	467.89	87138.072	87354	
C3	7060.00	548.14	549.00	86136.537	387.97	
C4	21543.18	549.23	548.30	86032.541	1214.97	
C5	11543.18	1294.76	1294.40	80023.541	674.17	
C6	1976.00	879.22	876.87	81031.517	1741.96	
C7	3176.00	813.69	812.00	81031.517	1741.96	

[illegible]

**LEGEND**

POC	POINT OF COMMENCEMENT
POB	POINT OF BEGINNING

**"NOT A SURVEY"**

[illegible]

PARTY CHECK	DATE
DRAWN BY	DATE
CHECKED BY	DATE
VERTICAL SCALE	HORIZONTAL SCALE
1" = 500'	



**HMM**  
HOLTE MONTESS  
ENGINEERING PLANNING SURVEILLANCE

850 Encore Way  
Naples, FL 34110  
Phone: (941) 254-2000  
Florida Certificate of  
Authorization No. 1772

SKETCH AND LEGAL DESCRIPTION  
OF A PORTION OF SECTIONS  
3, 4, 9 AND 10,  
TOWNSHIP 47 SOUTH, RANGE 25 EAST  
T

FLORIDA SWEETREVS

[illegible]







**MEMORANDUM**  
FROM THE  
**DEPARTMENT OF**  
**COMMUNITY DEVELOPMENT**  
**ZONING DIVISION**

RECEIVED

JAN 23 2006

HOLE MONTES, INC.

DATE: January 20, 2006

TO: WHOM IT MAY CONCERN

FROM: Debbie Carpenter  
Administrative Assistant

RE: ADMINISTRATIVE AMENDMENT

<u>Case Number</u>	<u>Case Name</u>
ADD2004-00060(C)	Coconut Point - Corrective Amendment
ADD2004-00187(A)	

**RECEIVED**  
APR 20 2009

COMMUNITY DEVELOPMENT

cc: Coconut Point Developers LLC., Applicant (c/o Hole Montes, Ned Dewhirst, Agent)  
Julie Dalton, Property Appraiser Office  
Matt Noble, Planning  
Sharon Mihm, Development Services  
File

ADD 2009-00032

ADMINISTRATIVE AMENDMENTS (PD) ADD2004-00060(C) and ADD2004-00187(A)

**CORRECTIVE ADMINISTRATIVE AMENDMENT  
LEE COUNTY, FLORIDA**

WHEREAS, Coconut Point Developers LLC, filed an application for administrative approval to a Mixed Use Planned Development on a project known as Coconut Point MPD; and

WHEREAS, in the actions taken in Case Numbers ADD2004-00060, ADD2004-00060A, ADD2004-00060B and ADD2004-00187 this did not completely address all of the applicant's requested changes; and

WHEREAS, it is found that it is appropriate to correct the actions taken for these two cases by adding the following action; and

WHEREAS, Staff and the applicant have reviewed this document finding that it completes the actions for Case Numbers ADD2004-00060, ADD2004-00060A, ADD2004-00060B and ADD2004-00187.

The subject property is located on US 41 between Williams and Coconut Roads in Estero, described more particularly as:

LEGAL DESCRIPTION: In Section 04, Township 47 South, Range 25 East, Lee County, Florida:

See attached Exhibit A

WHEREAS, the property was originally rezoned in Resolution Number Z-02-009; and

WHEREAS, the subject property is located within the Urban Community Future Land Use Category of 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, the subject applications 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 amendments do not increase density or intensity within the development; do not decrease buffers or open space required by the LDC; do not underutilize public resources or infrastructure; do not reduce total open space, buffering, landscaping or preservation areas; and do not otherwise adversely impact on surrounding land uses.

NOW, THEREFORE, IT IS HEREBY DETERMINED that this action corrects the

administrative approvals taken in ADD2004-00060, ADD2004-00060A, ADD2004-00060B and ADD2004-00187 **APPROVING** the following:

1. The approved Schedule of Uses is hereby revised as provided for in attached Exhibit B. No other changes have been approved to the Schedule of Uses allowed within this planned development. The approved Property Development Regulations are hereby revised as provided for in attached Exhibit C. No other changes have been approved to the Property Development Regulations within this planned development.
2. In order to clarify the intent of the previous actions, the use of Dwelling Unit; multiple family building is a permitted use within Tract 2F.
3. In order to clarify the intent of the previous actions, the building height within Tract 2F is limited to a maximum of 40 feet. Buildings within Tract 2F may be constructed with a maximum of 3 stories over parking, so long as the building height of 40 feet is not exceeded.

DULY SIGNED this 11<sup>th</sup> day of January A.D., 2006.

BY: Pam Houck

Pam Houck, Director

Division of Zoning

Department of Community Development

**EXHIBIT B**  
**SCHEDULE OF PERMITTED USES**

**Permitted uses within Tract 1D**

Accessory Uses and Structures permitted ancillary to a permitted principal use

Administrative offices

Banks and financial establishments, Group I (limited to 3 drive-thru teller lanes)

Banks and financial establishments, Group II, limited to SIC Codes 604, 621, 672, 673  
and 674

Business services, Groups I and II

Cultural facilities, excluding zoos

Day care center, adult, child

Emergency medical services station

Entrance gates and gatehouse, in compliance with LDC §34 1748

Essential services

Essential service facilities, Group I

Fences, walls

Fire station

Health care facility, Group III

Hobby, toy, and game shops

Household and office furnishings, Groups I, II, III (no outdoor display)

Insurance companies

Library

Medical office

Parks, Group II, limited to community park

Parking lot: Accessory

Personal services, Groups I, II, and III (excluding escort services, palm readers,  
fortunetellers, card readers, and tattoo parlors)

Place of worship

Police or sheriffs station

Post office

Real estate sales office

Religious facilities

Restaurants, Groups I, II, and III

Signs, in accordance with Chapter 30

Social Services, Groups I and II

Specialty retail shops, Groups I and II

Storage: Indoor only §34-3001 et seq.

**Permitted uses within Tracts 2A and Tract 2B**  
(Regional Mall Parcel)

Accessory Uses and Structures permitted ancillary to a permitted principal use

Administrative offices

Animal clinic

ATM (automatic teller machine)

Auto parts store

Auto repair and service, Group I, if accessory to a department store

Banks and financial establishments, Group I

Banks and financial establishments, Group II, limited to SIC Codes 604, 621, 672, 673  
and 674

Business services, Groups I and II

Cleaning and maintenance services

Clothing stores, general

Convenience Food and Beverage Store (limited to one, however, the entire site is limited  
to a maximum of two)

Consumption on premises in compliance with LDC §34-1264 (limited to and in conjunction  
with a standard restaurant)

Cultural facilities, excluding zoos

Day care center, adult, child

Department Store

Drive thru facility for any permitted use

Dwelling Units: (Tract 2A only)

\*Single-family

\*Duplex

Multiple-Family Building

Townhouse

\*Two-family attached

\*Zero lot line

\*(may be approved administratively upon findings that the use is compatible with  
other uses in the tract and consistent with the Traffic Conversion Table)

Entrance gates and gatehouse, in compliance with LDC §34 1748

Essential services

Essential service facilities, Group I

Excavation, water retention (as shown on the Master Concept Plan)

Fences, walls

Food Store, Group I

Gift and souvenir shop

Hardware store

Hobby, toy, and game shops

Hotel/motel (Tract 2A only)

Household and office furnishings, Groups I, II, III (no outdoor display)

Insurance companies

Laundry or dry cleaning Group I

Lawn and garden stores  
 Nonstore retailers, all groups  
 Paint glass and wallpaper store  
 Parking garage  
 Parking lot: Accessory  
 Personal services, Groups I, II, and III (excluding escort services, palm readers, fortunetellers, card readers, and tattoo parlors)  
 Pet services  
 Pet shop  
 Pharmacy  
 Police or sheriffs station  
 Real estate sales office  
 Recreation facilities, commercial, Groups I and IV (limited to indoor theater)  
 Rental or leasing establishments Groups I & II (excluding passenger car pick up and drop off)  
 Repair shops, Groups I and II, limited to clocks, jewelry, music, cameras, calculators, computers and optical devices  
 Restaurant, fast food (limited to one outside of food court/service area and the entire site is limited to a maximum of four outside of Regional Center food court/service area)  
 Restaurants, Groups I, II, III, and IV  
 Self service fuel pumps (limited to one in conjunction with a Convenience Food and Beverage Store, however entire site is limited to a maximum of two)  
 Signs, in accordance with Chapter 30  
 Specialty retail shops, Groups I, II, III and IV  
 Storage: Indoor only §34-3001 et seq.  
 Used merchandise stores, Group I  
 Variety store

**Permitted uses within Tracts 2C, 2D, 2E and 2F**  
 (Uses on Tract 2F are subject to Condition #20)

Accessory Uses and Structures permitted ancillary to a permitted principal use  
 Administrative offices  
 Animal clinic  
 ATM (automatic teller machine)  
 Auto parts store (Tracts 2C, 2D and 2E only)  
 Auto repair and service, Group I (Tracts 2C, 2D and 2E only)  
 Banks and financial establishments, Group I  
 Banks and financial establishments, Group II, limited to SIC Codes 604, 621, 672, 673 and 674  
 Business services, Group I and II  
 Cleaning and maintenance services  
 Clothing stores, general  
 Consumption on Premises, in compliance with LDC §34 1264 (limited to and in

conjunction with a standard restaurant)  
 Convenience Food and Beverage Stores, limited to one (on either Tract 2C, 2D or 2E only) however, the entire site is limited to a maximum of two.  
 Cultural facilities (excluding zoos)  
 Day Care Center, adult or child  
 Department Store  
 Drive thru facility for any permitted use (subject to Condition #19)  
 Drugstores, limited to one and the entire site is limited to a maximum of two  
 Dwelling Units: (Tract 2F only)  
     Multiple-Family Building  
 Entrance gates and gatehouse, in compliance with LDC §34 1748  
 Essential services  
 Essential service facilities, Group I  
 Excavation, water retention (as shown on the Master Concept Plan)  
 Fences, walls  
 Fire Station (limited to Tract 2C only)  
 Food Stores, Groups I and II (prohibited on Tract 2F except for specialty stores such as health food store, vitamin store or similar type stores)  
 Gift and souvenir shop  
 Hardware store  
 Health care facility, Group III  
 Hobby, toy, and game shops  
 Hotel/motel (Tract 2C only)  
 Household and office furnishings, Groups I, II, III (no outdoor display)  
 Insurance companies  
 Laundromat (Tract 2C only)  
 Laundry or dry cleaning Group I  
 Lawn and garden store  
 Medical office  
 Non-store retailers, all groups  
 Paint glass and wallpaper store  
 Parking lot: Accessory only  
 Personal services, Groups I, II, and III (Tract 2C only, excluding escort services, palm readers, fortunetellers, card readers, and tattoo parlors)  
 Pet services  
 Pet shop  
 Pharmacy  
 Printing and publishing (Tract 2C only)  
 Real estate sales office  
 Recreational facilities, commercial, Groups I and IV (limited to indoor theater)  
 Rental and leasing establishments, Groups I and II (excluding passenger car pickup and drop off)  
 Repair shops, Groups I, II and III  
 Research and development laboratories, Groups II and IV



Restaurants, Fast-food, limited to one (total), however, the entire site is limited to a maximum of four outside of the Regional Center food court/service area

Restaurants, Groups I, II, III and IV

Signs, in accordance with Chapter 30

Social Services, Groups I and II (Tract 2C only)

Specialty retail shops, Groups I, II, III and IV

Storage: Indoor only §34-3001 et seq.

Used merchandise stores, Group I

Variety store

**EXHIBIT C**  
**DEVELOPMENT REGULATIONS**

**Tract 1A, 1B, 1C and 1D:**

Lot Width	100 feet
Lot Depth	100 feet
Lot Area	20,000 square feet
Maximum Lot Coverage	40 percent

**Minimum Setbacks**

Front (street)	25 feet
Side	10 feet

Rear	25 feet (5 feet for an accessory structure)
Water body	25 feet (20 feet for an accessory structure)

**Minimum Building Separation:** one-half the sum of the building heights but not less than 20 feet

**Maximum Building Height:** 45 feet / 3 stories

**Tracts 1E, 1F, 3D and 3B:**  
**(formerly included Tract 2B-2)**

**Minimum Lot Size:** Townhouse

Lot Width Per Unit	25 feet
Lot Depth Per Unit	80 feet
Lot Area Per Unit	2,000 square feet
Maximum Building Height	35 feet / 2 stories
Maximum Lot Coverage	50 percent

**Minimum Setbacks:**

Front (street, private)	20 feet
Front (street, public)	25 feet
Side	10 feet
Side (interior)	0 feet
Rear	15 feet (5 feet for an accessory structure)
Waterbody	25 feet (10 feet for an accessory structure)

**Minimum Lot Size: Multiple Family Building**

Lot Width	100 feet
Lot Depth	100 feet
Lot Area	10,000 square feet
Maximum Lot Coverage	40 percent

**Minimum Setbacks**

Front (street)	25 feet
Side	10 feet
Rear	20 feet (5 feet for an accessory structure)
Water body	25 feet (20 feet for an accessory structure)

**Minimum Building Separation:** one-half the sum of the building heights but not less than 20 feet

**Maximum Building Height:** 45 feet / 3 stories

**Tracts 2A, 2B, 2C, 2D, 2E, 3A and 3C:  
(formerly included Tract 2B-1)**

Lot Width	100 feet
Lot Depth	100 feet
Lot Area	20,000 square feet
Maximum Lot Coverage	40 percent

**Minimum Setbacks**

Front (street)	25 feet
Side	10 feet
Rear	25 feet (5 feet for an accessory structure)
Water body	25 feet (20 feet for an accessory structure)

**Minimum Building Separation:** one-half the sum of the building heights but not less than 20 feet

**Maximum Building Height for Tract 2B and 3C:** 45 feet / 3 stories

**Maximum Building Height for Tract 2A and Tract 3A:** 45 feet / 3 stories;  
above 45 feet / 3 stories, not to  
exceed 60 feet / 5 stories \*

\*subject to the following setback from Sandy Lane Extension:

Tract 2A     300 feet  
Tract 3A     100 feet

**RESIDENTIAL USES: (Tract 2A only)**

**Minimum Lot Size: Townhouse**

Lot Width Per Unit            25 feet  
Lot Depth Per Unit            80 feet  
Lot Area Per Unit            2,000 square feet  
Maximum Building Height    35 feet / 2 stories  
Maximum Lot Coverage       50 percent

**Minimum Setbacks:**

Front (street, private)       20 feet  
Front (street, public)       25 feet  
Side                               10 feet  
Side (interior)                0 feet  
Rear                               15 feet (5 feet for an accessory structure)  
Waterbody                       25 feet (10 feet for an accessory structure)

**Minimum Lot Size: Multiple Family Building**

Lot Width                       100 feet  
Lot Depth                       100 feet  
Lot Area                        10,000 square feet  
Maximum Lot Coverage       40 percent

**Minimum Setbacks**

Front (street)                25 feet  
Side                               10 feet  
Rear                               20 feet (5 feet for an accessory structure)  
Water body                    25 feet (20 feet for an accessory structure)

Minimum Building Separation:    one-half the sum of the building heights but not less than 20 feet

Maximum Building Height:        45 feet / 3 stories

**TRACT 2F: (formerly Tract 2E)**

Lot Width	100 feet
Lot Depth	100 feet
Lot Area	20,000 square feet
Maximum Lot Coverage	40 percent

**Minimum Setbacks**

Front (street)	25 feet
Side	10 feet
Rear	25 feet (5 feet for an accessory structure)
Water body	25 feet (20 feet for an accessory structure)

**Minimum Building Separation:** one-half the sum of the building heights but not less than 20 feet

**Maximum Building Height:** 40 feet /3 stories over parking

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

WHEREAS, Oakbrook Properties, Inc., filed an application on behalf of the property owner, Edward J. McArdle Declaration of Trust and Edward J. McArdle Tr., to amend the Coconut Point Development of Regional Impact (DRI) Development Order and amend the existing Mixed Use Planned Development (MPD) in reference to Coconut Point DRI/MPD; and

WHEREAS, a public hearing was advertised and held on July 26, 2007 and August 2, 2007, before the Lee County Zoning Hearing Examiner, Diana M. Parker, who gave full consideration to the evidence in the record for Case #DRI2006-00009 and DCI2006-00080; and

WHEREAS, a second public hearing was advertised and held on October 29, 2007, before the Lee County Board of Commissioners, who gave full and complete consideration to the recommendations of the staff, the Hearing Examiner, the documents on record and the testimony of all interested persons.

NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF COUNTY COMMISSIONERS:

SECTION A. REQUEST

The applicant filed a request to:

- A. Amend the Coconut Point Development of Regional Impact (DRI) Development Order to:
- (1) increase multi-family units from 1250 to 1528;
  - (2) decrease community retail square footage from 350,000 to 188,900;
  - (3) increase office square footage from 300,000 to 383,333 (of which not more than 68,333 square feet may be medical offices);
  - (4) increase hotel units from 350 to 440;
  - (5) add a 506 seat performing arts theater;
  - (6) add a land use conversion table; and,
  - (7) amend Map H.
- B. Determine whether the requested DRI amendment constitutes a substantial deviation from the original development approvals requiring further Development of Regional Impact (DRI) review; and,

CASE NO: DRI2006-00009 and DCI2006-00080

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Page 1 of 16

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COMMUNITY DEVELOPMENT

C. Amend the existing Mixed Use Planned Development (MPD) to:

- (1) reduce commercial use and intensity and increase residential intensity within Area #1 (North Village);
- (2) revise approved Schedule of Uses to add Hotel/Motel (Tract 1C), Dwelling Units, Multiple-family buildings (Tract 1B) and Theater, indoor (Tract 1B);
- (3) relocate and increase the lakes within Tract 1F;
- (4) redistribute land uses within Area #3;
- (5) reduce the buffer along the southern property line of Tract 3C, including the removal of a wall;
- (6) revise the approved Schedule of Uses to add Warehouse, mini-warehouse and public (Tract 3C);
- (7) adopt a new Master Concept Plan; and,
- (8) add a land use conversion table.

The property is located in the Urban Community Land Use Category and is legally described in attached Exhibit A. The request is APPROVED, SUBJECT TO the conditions and deviations specified in Sections B and C below.

SECTION B. CONDITIONS:

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

1. *MASTER CONCEPT PLAN*

The development of this project must be consistent with the 4-page Master Concept Plan for Coconut Point MPD, prepared by Hole Montes, stamped Received Nov 06 2007 (Exhibit C). The development must also be consistent with the approved amended DRI Development Order for Coconut Point DRI (DRI#09-2001-153). This development must comply with all requirements of the Lee County 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 Master Concept Plan are subsequently pursued, appropriate approvals will be necessary.

The intensity of the approved planned development is amended to allow a maximum of 1,528 residential units; 200 Assisted Living Units; retail square footage of 1,638,000; office square footage of 383,333 (of which not more than 68,333 square feet may be medical offices); 440 hotel units; and a 506 seat performing arts theater. Approval is also subject to the Land Conversion Table (Exhibit D).

The developer must provide a cumulative land development summary table as part of any local development order application demonstrating compliance with the intensity of the development as conditioned above.

2. **SCHEDULE OF USES**

The approved Schedule of Uses is amended as follows:

Schedule of Uses

**Permitted uses within Tracts 1A, 1B and 1C:**

Accessory Uses and Structures allowed ancillary to a permitted principal use

Administrative Offices

Animal Clinic

ATM (Automatic Teller Machine)

Auto Parts Store

Auto Repair and Service, Group I, limited to one

Banks and Financial Establishments, Group I

Banks and Financial Establishments, Group II, Limited to SIC Codes 604, 621, 672, 673 and 674

Business services, Groups I and II

Car wash (limited to one)

Cleaning and maintenance services

Clothing stores, general

Contractors and Builders, Groups I and II

Convenience Food and Beverage Store (limited to one with attendant service station: however, the entire site is limited to a maximum of two)

Consumption on premises in compliance with LDC §34-1264 (limited to and in conjunction with a standard restaurant)

Cultural facilities, excluding zoos

Day care center, adult, child

Department Store

Drive thru facility for any permitted use

Drugstore (limited to one total, however, the entire site is limited to two)

Dwelling Units: multiple family building (Tract 1B only)

Entrance gates and gatehouse, in compliance with LDC §34-1748

Essential services

Essential service facilities, Group I

Excavation, water retention (as shown on the Master Concept Plan)

Fences, walls

Food Stores, Groups I and II

Gift and souvenir shop

Hardware store

Health care facility, Group III

Hobby, toy, and game shops

Hotel/motel (Parcel 1C only)

Household and office furnishings, Groups I, II, III (no outdoor display)



Insurance companies  
 Laundromat  
 Laundry or dry cleaning Group I  
 Lawn and garden supply store  
 Medical office  
 Nonstore retailers, all groups  
 Paint glass and wallpaper store  
 Parking lot: Accessory  
 Personal services, Groups I, II, and III (excluding escort services, palm readers, fortunetellers, card readers, and tattoo parlors)  
 Pet services  
 Pet shop  
 Pharmacy  
 Printing and publishing  
 Real estate sales office  
 Recreation facilities, commercial, Groups I and IV  
 Recreational facilities, private (Tract 1B)  
 Rental or leasing establishments Groups I & II (excluding passenger car pick up and drop off)  
 Repair shops, Groups I, II and III  
 Research and development laboratories Groups II and IV  
 Restaurant, fast food (limited to two, however, the entire site is limited to a maximum of four outside of the Regional food court/service area)  
 Restaurants, Groups I, II, III, and IV  
 Self service fuel pumps (limited to one in conjunction with a Convenience Food and Beverage Store, however entire site is limited to a maximum of two)  
 Signs, in accordance with Chapter 30  
 Social Services, Groups I and II  
 Specialty retail shops, Groups I, II, III and IV  
 Storage: Indoor only §34-3001 et seq.  
 Used merchandise stores, Group I  
 Variety store

**Permitted uses within Tract 1D:**

Accessory Uses and Structures permitted ancillary to a permitted principal use  
 Administrative offices  
 Banks and financial establishments, Group I (limited to three drive-thru teller lanes)  
 Banks and financial establishments, Group II, limited to SIC Codes 604, 621, 672, 673 and 674  
 Business services, Groups I and II  
 Cultural facilities, excluding zoos  
 Day care center, adult, child  
 Emergency medical services station  
 Entrance gates and gatehouse, in compliance with LDC §34-1748  
 Essential services  
 Essential service facilities, Group I  
 Fences, walls

Fire station  
 Health care facility, Group III  
 Hobby, toy, and game shops  
 Household and office furnishings, Groups I, II, III (no outdoor display)  
 Insurance companies  
 Library  
 Medical office  
 Parks, Group II, limited to community park  
 Parking lot: Accessory  
 Personal services, Groups I, II, and III (excluding escort services, palm readers, fortunetellers, card readers, and tattoo parlors)  
 Place of worship  
 Police or sheriffs station  
 Post office  
 Real estate sales office  
 Religious facilities  
 Restaurants, Groups I, II, and III  
 Signs, in accordance with Chapter 30  
 Social Services, Groups I and II  
 Specialty retail shops, Groups I and II  
 Storage: Indoor only §34-3001 *et seq.*

**Permitted uses within Tracts 2A and Tract 2B:**  
 (Regional Mall Parcel)

Accessory Uses and Structures permitted ancillary to a permitted principal use  
 Administrative offices  
 Animal clinic  
 ATM (automatic teller machine)  
 Auto parts store  
 Auto repair and service, Group I, if accessory to a department store  
 Banks and financial establishments, Group I  
 Banks and financial establishments, Group II, limited to SIC Codes 604, 621, 672, 673 and 674  
 Business services, Groups I and II  
 Cleaning and maintenance services  
 Clothing stores, general  
 Convenience Food and Beverage Store (limited to one, however, the entire site is limited to a maximum of two)  
 Consumption on premises in compliance with LDC §34-1264 (limited to and in conjunction with a standard restaurant)  
 Cultural facilities, excluding zoos  
 Day care center, adult, child  
 Department Store  
 Drive thru facility for any permitted use  
 Dwelling Units: (Tract 2A only)  
     \*Single-family  
     \*Duplex

Multiple-Family Building  
 Townhouse  
 \*Two-family attached  
 \*Zero lot line-  
 \*(may be approved administratively upon findings that the use is compatible with other uses in the tract and consistent with the Traffic Conversion Table)  
 Entrance gates and gatehouse, in compliance with LDC §34-1748  
 Essential services  
 Essential service facilities, Group I  
 Excavation, water retention (as shown on the Master Concept Plan)  
 Fences, walls  
 Food Store, Group I  
 Gift and souvenir shop  
 Hardware store  
 Hobby, toy, and game shops  
 Hotel/motel (amended by ADD2006-00024)  
 Household and office furnishings, Groups I, II, III (no outdoor display)  
 Insurance companies  
 Laundry or dry cleaning Group I  
 Lawn and garden stores  
 Nonstore retailers, all groups  
 Paint glass and wallpaper store  
 Parking garage  
 Parking lot: Accessory  
 Personal services, Groups I, II, and III (excluding escort services, palm readers, fortunetellers, card readers, and tattoo parlors)  
 Pet services  
 Pet shop  
 Pharmacy  
 Police or sheriffs station  
 Real estate sales office  
 Recreation facilities, commercial, Groups I and IV (limited to indoor theater)  
 Rental or leasing establishments Groups I & II (excluding passenger car pick up and drop off)  
 Repair shops, Groups I and II, limited to clocks, jewelry, music, cameras, calculators, computers and optical devices  
 Restaurant, fast food (limited to one outside of food court/service area and the entire site is limited to a maximum of four outside of Regional Center food court/service area)  
 Restaurants, Groups I, II, III, and IV  
 Self service fuel pumps (limited to one in conjunction with a Convenience Food and Beverage Store, however entire site is limited to a maximum of two)  
 Signs, in accordance with Chapter 30  
 Specialty retail shops, Groups I, II, III and IV  
 Storage: Indoor only §34-3001 *et seq.*  
 Used merchandise stores, Group I  
 Variety store

**Permitted uses within Tracts 2C, 2D, 2E and 2F:**

(Uses on Tract 2F are subject to Condition #20 of original zoning approval)

Accessory Uses and Structures permitted ancillary to a permitted principal use

Administrative offices

Animal clinic

ATM (automatic teller machine)

Auto parts store (Tracts 2C, 2D and 2E only)

Auto repair and service, Group I (Tracts 2C, 2D and 2E only)

Banks and financial establishments, Group I

Banks and financial establishments, Group II, limited to SIC Codes 604, 621, 672, 673 and 674

Business services, Group I and II

Cleaning and maintenance services

Clothing stores, general

Consumption on Premises, in compliance with LDC §34-1264 (limited to and in conjunction with a standard restaurant)

Convenience Food and Beverage Stores, limited to one (on either Tract 2C, 2D or 2E only) however, the entire site is limited to a maximum of two)

Cultural facilities (excluding zoos)

Day Care Center, adult or child

Department Store

Drive thru facility for any permitted use (subject to Condition 19)

Drugstores, limited to one and the entire site is limited to a maximum of two

Dwelling Units: (Tract 2F only)

Multiple-Family Building

Entrance gates and gatehouse, in compliance with LDC §34-1748

Essential services

Essential service facilities, Group I

Excavation, water retention (as shown on the Master Concept Plan)

Fences, walls

Fire Station (limited to Tract 2C only)

Food Stores, Groups I and II (prohibited on Tract 2F except for specialty stores such as health food store, vitamin store or similar type stores)

Gift and souvenir shop

Hardware store

Health care facility, Group III

Hobby, toy, and game shops

Hotel/motel (except Tract 2F) (amended by ADD2006-00024)

Household and office furnishings, Groups I, II, III (no outdoor display)

Insurance companies

Laundromat (Tract 2C only)

Laundry or dry cleaning Group I

Lawn and garden store

Medical office

Non-store retailers, all groups

Paint glass and wallpaper store

- Parking lot: Accessory only
- Personal services, Groups I, II, and III (Tract 2C only, excluding escort services, palm readers, fortunetellers, card readers, and tattoo parlors)
- Pet services
  - Pet shop
  - Pharmacy
  - Printing and publishing (Tract 2C only)
  - Real estate sales office
  - Recreational facilities, commercial, Groups I and IV (limited to indoor theater)
  - Rental and leasing establishments, Groups I and II (excluding passenger car pickup and drop off)
  - Repair shops, Groups I, II and III
  - Research and development laboratories, Groups II and IV
  - Restaurants, Fast-food, limited to one (total), however, the entire site is limited to a maximum of four outside of the Regional Center food court/service area
  - Restaurants, Groups I, II, III and IV
  - Signs, in accordance with Chapter 30
  - Social Services, Groups I and II (Tract 2C only)
  - Specialty retail shops, Groups I, II, III and IV
  - Storage: Indoor only §34-3001 *et seq.*
  - Used merchandise stores, Group I
  - Variety store

**Permitted uses within Tracts 3A and 3C:**

- Accessory Uses and Structures permitted ancillary to a permitted principal use
- Administrative offices
- Animal clinic
- ATM (automatic teller machine)
- Auto parts store
- Banks and financial establishments, Group I
- Banks and financial establishments, Group II, limited to SIC Codes 604, 621, 672, 673 and 674
- Business services, Groups I and II
- Caretaker's Residence (only in conjunction with a mini-warehouse)
- Cleaning and maintenance services
- Clothing stores, general
- Contractors and Builders, Group I
- Consumption on premises in compliance with LDC §34-1264 (limited to and in conjunction with a standard restaurant)
- Convenience Food and Beverage Store, limited to one (total), however, the entire site is limited to a maximum of two
- Cultural facilities, excluding zoos
- Day care center, adult, child
- Department Store
- Drive thru facility for any permitted use
- Drugstores, limited to one (total), however, the entire site is limited to a maximum of two

Entrance gates and gatehouse, in compliance with LDC §34-1748  
 Essential services  
 Essential service facilities, Group I  
 Excavation, water retention (as shown on the Master Concept Plan)  
 Fences, walls  
 Food Stores, Groups I and II  
 Gift and souvenir shop  
 Hardware store  
 Health care facility, Group III  
 Hobby, toy, and game shops  
 Hotel/motel  
 Household and office furnishings, Groups I, II, III (no outdoor display)  
 Insurance companies  
 Laundromat  
*Laundry or dry cleaning Group I*  
 Lawn and garden supply store  
 Medical office  
 Nonstore retailers, all groups  
 Paint glass and wallpaper store  
 Parking lot: Accessory only  
 Personal services, Groups I, II, and III (excluding escort services, palm readers, fortunetellers, card readers, and tattoo parlors)  
 Pet services  
 Pet shop  
 Pharmacy  
 Printing and publishing  
 Real estate sales office  
 Recreation facilities, commercial, Groups I and IV (limited to indoor theater)  
*Rental or leasing establishments Groups I & II (excluding passenger car pick up and drop off)*  
 Repair shops, Groups I, II and III  
 Research and development laboratories Groups II and IV  
 Restaurants, Fast-food, limited to one (total), however, the entire site is limited to a maximum of four outside the Regional Center food court/service area  
 Restaurants, Groups I, II, III, and IV  
 Signs, in accordance with Chapter 30  
 Social Services, Groups I and II  
 Specialty retail shops, Groups I, II, III and IV  
 Storage: Indoor only §34-3001 et seq.  
 Used merchandise stores, Group I  
 Warehouse: mini-warehouse and public (Tract 3C only)

**Permitted uses within Tracts 3B and 3D:**

Accessory Uses and Structures permitted ancillary to a permitted principal use  
 Administrative offices  
 Adult Living Facilities (ALF) (Tract 3B only)

Club, private

Dwelling Unit:

\*Single-Family

\*Duplex

Multiple-Family Building

Townhouse

\*Two-family attached

\*Zero lot line

\*(may be approved administratively upon findings that the use is compatible with other uses in the tract and consistent with the Traffic Conversion Table)

Entrance Gate and Gatehouse, in compliance with LDC §34-1748

Essential Services

Essential Service Facilities, Group I

Excavation, water retention

Fences, walls

Home occupation, with no outside help

Model display center

Model home

Model unit

Parking lot, accessory only

Parks, Group I, limited to neighborhood park

Recreation Facilities, Private on-site, Personal

Residential Accessory Uses

Signs, in compliance with LDC Chapter 30

3. *TRACTS 1A, 1B, 1C, and 1D PROPERTY DEVELOPMENT REGULATIONS*

**Tract 1A, 1C and 1D**

Lot Width	100 feet
Lot Depth	100 feet
Lot Area	20,000 square feet
Maximum Lot Coverage	40 percent

NOTE: Tract 1 A will not be subdivided

Minimum Setbacks

Front (street)	25 feet
Side	10 feet
Rear	25 feet (5 feet for an accessory structure)
Water body	25 feet (20 feet for accessory structure)

Minimum Building Separation: one-half the sum of the building heights but not less than 20 feet

Maximum Building Height: 45 feet / 3 stories  
55 feet / 4 stories (Tract 1 C only)

**Tract 1B**

Min Lot Width (north/south) 600 feet  
Min Lot Depth (east/west) 280 feet  
Min Lot Area 34.0 acres  
Maximum Lot Coverage (Building) 40 percent

NOTE: Tract 1B will not be subdivided

***Multiple Family (Alternative #2)***

Minimum Setbacks

Front (street) 15 feet  
Side 10 feet / 0 feet (interior) for villa unit  
8 feet / 0 feet (interior) for detached garages  
Rear 15 feet between villa unit and detached garage  
8 feet (street/lane)  
Water body 20 feet

Maximum Building Height: 45 feet / 3 stories

***Multiple Family (Alternative #1)***

Minimum Setbacks

Front (street) 20 feet  
Side (street) 20 feet  
Rear 25 feet between buildings  
Water body 20 feet

Minimum Building Separation: 20 feet

Maximum Building Height: 45 feet / 3 stories

***Multiple Family (Alternative #3)***

Minimum Setbacks

Front (street/parking) 10 feet  
Side (street/lane) 10 feet  
Rear (street/lane) 8 feet  
Water body 20 feet



Minimum Building Separation: 20 feet  
Maximum Building Height: 45 feet / 3 stories

***Multiple Family (Alternative #4)***

Minimum Setbacks

Front (parking) 10 feet  
Side (street/accessway) 10 feet  
Rear (US 41) 30 feet  
Water body 20 feet

Minimum Building Separation: 30 feet

Maximum Building Height: 55 feet / 4 stories

***Performing Arts Center***

Minimum Setbacks

Rear (US 41 / Williams Road) 30 feet  
Rear (parking) 10 feet  
Side (parking) 10 feet  
Front (street/accessway) 10 feet  
Water body 20 feet

Minimum Building Separation: 30 feet

Maximum Building Height: 45 feet / 3 stories

***Tract Buffering:***

No required internal landscape buffers (excluding perimeter) between parcels of different uses in order to create an integrated, pedestrian-friendly community without separation or barriers.

***Street Design:***

Width 20 feet plus 2-foot valley gutter  
Radius 15 feet min (EOP) for internal roads / accessways / alleys only  
Horizontal Curve Radius 25 feet min for one-way alleys and lanes with design speed of 10 mph or less

4. *TRACT 3C BUFFER (specifically 3C-2 and 3C-3)*

The buffer along the southern perimeter property line of Tract 3C must be a Type C buffer (15 feet wide with five trees and 18 shrubs per 100 linear feet and an 8-foot-high wall or berm and wall combination), except where Tract 3C abuts adjoining commercial development where a Type A buffer (5 feet in width with 4 trees per 100 linear feet) is required.

5. *TRACT 1F LAKE AREA*

Within Tract 1F, the lake area has been increased from approximately 2 acres to 3.7 acres.

6. *Concurrency*

Approval of this rezoning does not guarantee local development order approval. Future development order approvals must satisfy the requirements of the Lee Plan Planning Communities Map and Acreage Allocations Table, Map 16 and Table 1(b).

7. *Subdivision / Platting*

The owner/developer of Tract 1B cannot utilize the provisions of Section 10-174(5), Lee County LDC, to undertake a commercial lot split because the parent parcel has already utilized the allotted number of four commercial lot splits.

SECTION C. DEVIATIONS:

1. Deviation (1) seeks relief from the LDC §34-2020 requirement to provide one parking space per 25 storage units with a minimum of five spaces, to allow one parking space per 100 storage units for the mini-warehouse/storage facility on Tract 3C. This deviation is APPROVED, SUBJECT TO the following conditions:

- a. The Deviation is restricted to the uses of "Warehouse, mini-warehouse and public" located on Tract 3C only; and
- b. A minimum of eight off-street parking spaces must be provided outside the security gate to support the administrative office and caretaker's residence; and eight off-street loading spaces must be provided inside the security gate, as depicted on Exhibit E.

2. Deviation (2) seeks relief from the LDC §2020 provision regarding minimum off-street parking requirements for the mixed residential and commercial uses as follows:

- a. To allow the Tract 1B mixed use development to reduce the required commercial spaces from 342 to 326 spaces; and

- b. To allow the Performing Arts Center (Recreational Facilities, commercial, Group IV, indoor theater) to reduce the required parking from 179 to 155 spaces.

This deviation is APPROVED, SUBJECT TO the following conditions:

- a. All residential uses in Tract 1B, including the mixed use buildings, must provide the required number of off-street parking spaces consistent with the LDC; and
- b. *Alternative Parking Plan*
  - (1) Prior to development order approval allowing vertical construction of the theater, the developer must submit a generic plan describing available, alternative, potential means or actions for addressing any additional future parking deficiency for Tract 1B. (i.e., valet parking, shuttle service from off-site parking areas or communities, etc.) Said list of actions or means is intended only to be a representation of possible solutions to the parking deficiency, but does not commit the developer to utilizing any of these actions.
  - (2) The developer must advise Lee County Development Review Staff - at the time the deficiency is found to exist - of the means or actions selected to alleviate the situation, and provide documentation of its implementation. For the purposes of this condition, a parking deficiency exists when the surrounding parking lots are full, and there is consistent or continuous use of non-parking areas, i.e., grassy areas; driveways; roadsides, etc. for events at the performing arts center.

SECTION D. EXHIBITS AND STRAP NUMBER:

The following exhibits are attached to this resolution and incorporated by reference:

- Exhibit A: Legal description of the property
- Exhibit B: Zoning Map (with the subject parcel indicated)
- Exhibit C: The Master Concept Plan
- Exhibit D: Land Conversion Table
- Exhibit E: Parking Deviation
- Exhibit F: Third Development Order Amendment

The applicant has indicated that the STRAP numbers for the subject property are:  
04-47-25-00-00001.0000, 04-47-25-30-0001A.0000, 04-47-25-30-0001B.0000,  
04-47-25-30-0001C.0000, 04-47-25-30-000R1.0000, 04-47-25-30-000R2.0000,  
04-47-25-30-000R3.0000, 04-47-25-30-001D3.0000, and 09-47-25-00-00001.0010

SECTION E. FINDINGS AND CONCLUSIONS:

1. The applicant has proven entitlement to the rezoning by demonstrating compliance with the Lee Plan, the LDC, and any other applicable code or regulation.
2. The rezoning, as approved:
  - a. meets or exceeds all performance and locational standards set forth for the potential uses allowed by the request; and,
  - b. is consistent with the densities, intensities and general uses set forth in the Lee Plan; and,
  - c. is compatible with existing or planned uses in the surrounding area; and,
  - d. will not place an undue burden upon existing transportation or planned infrastructure facilities and will be served by streets with the capacity to carry traffic generated by the development; and,
  - e. will not adversely affect environmentally critical areas or natural resources.
3. The rezoning satisfies the following criteria:
  - a. the proposed use or mix of uses is appropriate at the subject location; and
  - b. the recommended conditions to the concept plan and other applicable regulations provide sufficient safeguard to the public interest; and
  - c. the recommended conditions are reasonably related to the impacts on the public interest created by or expected from the proposed development.
4. Urban services, as defined in the Lee Plan, are, or will be, available and adequate to serve the proposed land use.
5. The approved deviations, as conditioned, enhance achievement of the planned development objectives, and preserve and promote the general intent of LDC Chapter 34, to protect the public health, safety and welfare.
6. The requests, as conditioned, do not create new or additional unreviewed regional impacts and do not constitute a Substantial Deviation under Section 380.06(19), Fla. Stat.

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

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

DULY PASSED AND ADOPTED this 29<sup>th</sup> day of October 2007.

ATTEST:  
CHARLIE GREEN, CLERK

BOARD OF COUNTY COMMISSIONERS  
OF LEE COUNTY, FLORIDA

BY: Marcia Wilson  
Deputy Clerk

BY: Robert P. Janes  
Chair



Approved as to form by:

Dawn E. Perry-Lehnert  
Dawn E. Perry-Lehnert  
County Attorney's Office

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HM PROJECT #1997079  
1/17/01  
REF. DWG. #A-994-3  
PAGE 1 OF 3

LEGAL DESCRIPTION

COMMUNITY DEVELOPMENT

A PORTION OF SECTION 9, TOWNSHIP 47 SOUTH, RANGE 25 EAST, LEE COUNTY, FLORIDA, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCE AT THE SOUTHEAST CORNER OF SECTION 9, TOWNSHIP 47 SOUTH, RANGE 25 EAST, LEE COUNTY, FLORIDA; THENCE RUN S.88°56'17"W., ALONG THE SOUTH LINE OF THE SOUTHEAST QUARTER OF SAID SECTION 9, FOR A DISTANCE OF 5.89 FEET TO A POINT ON THE WESTERLY RIGHT-OF-WAY LINE OF THE SEABOARD COASTLINE RAILROAD, A 130.00 FOOT RIGHT-OF-WAY, AND THE POINT OF BEGINNING OF THE PARCEL OF LAND HEREIN DESCRIBED; THENCE CONTINUE S.88°56'17"W., ALONG THE SOUTH LINE OF THE SOUTHEAST QUARTER OF SAID SECTION 9, FOR A DISTANCE OF 1,733.04 FEET TO A POINT ON THE EASTERLY RIGHT-OF-WAY LINE OF U.S. HWY. NO. 41 (FLORIDA STATE ROAD NO. 45), A 200.00 FOOT RIGHT-OF-WAY; THENCE RUN N.10°32'05"W., ALONG SAID EASTERLY RIGHT-OF-WAY LINE, FOR A DISTANCE OF 971.33 FEET TO THE BEGINNING OF A TANGENTIAL CIRCULAR CURVE, CONCAVE EASTERLY; THENCE RUN NORTHERLY, ALONG SAID EASTERLY RIGHT-OF-WAY LINE AND ALONG THE ARC OF SAID CURVE TO THE RIGHT, HAVING A RADIUS OF 5,605.39 FEET, THROUGH A CENTRAL ANGLE OF 04°03'11", SUBTENDED BY A CHORD OF 396.43 FEET AT A BEARING OF N.08°30'30"W., FOR A DISTANCE OF 396.52 FEET TO THE END OF SAID CURVE; THENCE RUN N.88°07'51"E. FOR A DISTANCE OF 747.22 FEET TO A POINT ON A CIRCULAR CURVE, CONCAVE EASTERLY, WHOSE RADIUS POINT BEARS N.82°31'42"E., A DISTANCE OF 3,909.60 FEET THEREFROM; THENCE RUN NORTHERLY, ALONG THE ARC OF SAID CURVE TO THE RIGHT, HAVING A RADIUS OF 3,909.60 FEET, THROUGH A CENTRAL ANGLE OF 08°29'31", SUBTENDED BY A CHORD OF 578.92 FEET AT A BEARING OF N.03°13'32"W., FOR A DISTANCE OF 579.45 FEET TO THE END OF SAID CURVE; THENCE RUN N.00°15'56"W., FOR A DISTANCE OF 583.09 FEET; THENCE RUN N.00°15'56"W., FOR A DISTANCE OF 47.04 FEET TO A POINT ON THE SOUTHERLY RIGHT-OF-WAY LINE OF COCONUT ROAD, A 150.00 FOOT RIGHT-OF-WAY, THE SAME BEING A POINT ON A CIRCULAR CURVE, CONCAVE NORTHERLY, WHOSE RADIUS POINT BEARS N.10°26'58"W., A DISTANCE OF 2,025.00 FEET THEREFROM; THENCE RUN EASTERLY, ALONG SAID SOUTHERLY RIGHT-OF-WAY LINE AND ALONG THE ARC OF SAID CURVE TO THE LEFT, HAVING A RADIUS OF 2,025.00 FEET, THROUGH A CENTRAL ANGLE OF 09°12'27", SUBTENDED BY A CHORD OF 325.07 FEET AT A BEARING OF N.74°56'48"E., FOR A DISTANCE OF 325.42 FEET TO THE END OF SAID CURVE; THENCE RUN N.70°20'35"E., ALONG SAID SOUTHERLY RIGHT-OF-WAY LINE FOR A DISTANCE OF 200.00 FEET TO THE BEGINNING OF A TANGENTIAL CIRCULAR CURVE, CONCAVE SOUTHERLY; THENCE RUN EASTERLY, ALONG SAID SOUTHERLY RIGHT-OF-WAY LINE AND ALONG THE ARC OF SAID CURVE TO THE RIGHT, HAVING A RADIUS OF 3,025.00 FEET, THROUGH A CENTRAL ANGLE OF 09°15'04", SUBTENDED BY A CHORD OF 487.89 FEET AT A BEARING OF N.74°58'07"E., FOR A DISTANCE OF 488.42 FEET TO THE END OF SAID CURVE; THENCE RUN N.79°35'39"E., ALONG SAID SOUTHERLY RIGHT-OF-WAY LINE, FOR A DISTANCE OF 238.23 FEET TO A POINT ON THE WESTERLY RIGHT-OF-WAY LINE OF THE SEABOARD COASTLINE RAILROAD, A 130.00 FOOT RIGHT-OF-WAY; THENCE RUN S.00°59'47"E., ALONG SAID WESTERLY RIGHT-OF-WAY LINE, FOR A DISTANCE OF 2,869.10 FEET TO THE POINT OF BEGINNING; CONTAINING 95.885 ACRES, MORE OR LESS.

AND

A PORTION OF SECTIONS 3, 4, 9, AND 10, TOWNSHIP 47 SOUTH, RANGE 25 EAST, LEE COUNTY, FLORIDA, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCE AT THE SOUTHEAST CORNER OF SECTION 9, TOWNSHIP 47 SOUTH, RANGE 25 EAST, LEE COUNTY, FLORIDA; THENCE RUN S.88°56'17"W., ALONG THE SOUTH LINE OF THE SOUTHEAST QUARTER OF SAID SECTION 9, FOR A DISTANCE OF 5.89 FEET TO A POINT ON THE

WESTERLY RIGHT-OF-WAY LINE OF THE SEABOARD COASTLINE RAILROAD, A 130.00 FOOT RIGHT-OF-WAY; THENCE RUN N.00°59'47"W., ALONG SAID WESTERLY RIGHT-OF-WAY LINE, FOR A DISTANCE OF 3,021.15 FEET TO THE POINT OF BEGINNING OF THE PARCEL OF LAND HEREIN DESCRIBED; THENCE RUN N.00°59'47"W., ALONG SAID WESTERLY RIGHT-OF-WAY LINE, FOR A DISTANCE OF 2,320.56 FEET TO A POINT ON THE NORTH LINE OF THE NORTHWEST QUARTER OF SECTION 10, TOWNSHIP 47 SOUTH, RANGE 25 EAST; THENCE RUN N.00°59'47"W., ALONG SAID WESTERLY RIGHT-OF-WAY LINE, FOR A DISTANCE OF 2,692.32 FEET TO A POINT ON THE NORTH LINE OF THE SOUTHEAST QUARTER OF SECTION 4, TOWNSHIP 47 SOUTH, RANGE 25 EAST; THENCE RUN N.00°56'59"W., ALONG SAID WESTERLY RIGHT-OF-WAY LINE, FOR A DISTANCE OF 1,590.78 FEET TO THE BEGINNING OF A TANGENTIAL CIRCULAR CURVE, CONCAVE WESTERLY; THENCE RUN NORTHERLY, ALONG SAID WESTERLY RIGHT-OF-WAY LINE AND ALONG THE ARC OF SAID CURVE TO THE LEFT, HAVING A RADIUS OF 5,641.38 FEET, THROUGH A CENTRAL ANGLE OF 09°31'27", SUBTENDED BY A CHORD OF 936.68 FEET AT A BEARING OF N.05°42'42"W., FOR A DISTANCE OF 937.76 FEET TO THE END OF SAID CURVE; THENCE RUN N.10°28'26"W., ALONG SAID WESTERLY RIGHT-OF-WAY LINE, FOR A DISTANCE OF 98.54 FEET TO A POINT ON THE SOUTHERLY RIGHT-OF-WAY LINE OF WILLIAMS ROAD, A 100.00 FOOT RIGHT-OF-WAY; THENCE RUN S.88°20'53"W., ALONG SAID SOUTHERLY RIGHT-OF-WAY LINE, FOR A DISTANCE OF 1,029.70 FEET TO THE BEGINNING OF A TANGENTIAL CIRCULAR CURVE, CONCAVE NORTHERLY; THENCE RUN WESTERLY, ALONG SAID SOUTHERLY RIGHT-OF-WAY LINE AND ALONG THE ARC OF SAID CURVE TO THE RIGHT, HAVING A RADIUS OF 7,050.00 FEET, THROUGH A CENTRAL ANGLE OF 03°00'00", SUBTENDED BY A CHORD OF 369.09 FEET AT A BEARING OF S.89°50'53"W., FOR A DISTANCE OF 369.14 FEET TO THE END OF SAID CURVE; THENCE RUN N.88°39'07"W., ALONG SAID SOUTHERLY RIGHT-OF-WAY LINE, FOR A DISTANCE OF 674.92 FEET TO A POINT ON THE EASTERLY RIGHT-OF-WAY LINE OF U.S. HWY. NO. 41 (FLORIDA STATE ROAD NO. 45), A 200.00 FOOT RIGHT-OF-WAY; THENCE RUN S.04°52'41"W., ALONG SAID EASTERLY RIGHT-OF-WAY LINE, FOR A DISTANCE OF 1,901.57 FEET TO THE BEGINNING OF A TANGENTIAL CIRCULAR CURVE, CONCAVE EASTERLY; THENCE RUN SOUTHERLY, ALONG SAID EASTERLY RIGHT-OF-WAY LINE AND ALONG THE ARC OF SAID CURVE TO THE LEFT, HAVING A RADIUS OF 2,725.19 FEET, THROUGH A CENTRAL ANGLE OF 11°32'50", SUBTENDED BY A CHORD OF 548.30 FEET AT A BEARING OF S.00°53'44"E., FOR A DISTANCE OF 549.23 FEET TO THE END OF SAID CURVE; THENCE RUN S.06°40'09"E., ALONG SAID EASTERLY RIGHT-OF-WAY LINE, FOR A DISTANCE OF 225.81 FEET TO A POINT ON THE NORTH LINE OF THE SOUTHEAST QUARTER OF SAID SECTION 4; THENCE CONTINUE S.06°40'09"E., ALONG SAID EASTERLY RIGHT-OF-WAY LINE, FOR A DISTANCE OF 2,710.61 FEET TO A POINT ON THE SOUTH LINE OF THE SOUTHEAST QUARTER OF SAID SECTION 4; THENCE CONTINUE S.06°40'09"E., ALONG SAID EASTERLY RIGHT-OF-WAY LINE, FOR A DISTANCE OF 626.03 FEET TO THE BEGINNING OF A TANGENTIAL CIRCULAR CURVE, CONCAVE WESTERLY; THENCE RUN SOUTHERLY, ALONG SAID EASTERLY RIGHT-OF-WAY LINE AND ALONG THE ARC OF SAID CURVE TO THE RIGHT, HAVING A RADIUS OF 11,584.73 FEET, THROUGH A CENTRAL ANGLE OF 06°24'13", SUBTENDED BY A CHORD OF 1,294.08 FEET AT A BEARING OF S.03°28'03"E., FOR A DISTANCE OF 1,294.76 FEET TO THE END OF SAID CURVE; THENCE RUN S.00°15'56"E., ALONG SAID EASTERLY RIGHT-OF-WAY LINE, FOR A DISTANCE OF 274.74 FEET; THENCE RUN S.46°02'16"E., FOR A DISTANCE OF 577.44 FEET; THENCE RUN S.01°57'26"E. FOR A DISTANCE OF 25.19 FEET TO A POINT ON THE NORTHERLY RIGHT-OF-WAY LINE OF COCONUT ROAD, A 150.00 FOOT RIGHT-OF-WAY; THENCE RUN N.88°02'34"E., ALONG SAID NORTHERLY RIGHT-OF-WAY LINE, FOR A DISTANCE OF 32.80 FEET TO THE BEGINNING OF A TANGENTIAL CIRCULAR CURVE, CONCAVE NORTHERLY; THENCE RUN EASTERLY, ALONG SAID NORTHERLY RIGHT-OF-WAY LINE AND ALONG THE ARC OF SAID CURVE TO THE LEFT, HAVING A RADIUS OF 1,875.00 FEET, THROUGH A CENTRAL ANGLE OF 17°41'59", SUBTENDED BY A CHORD OF 576.92 FEET AT A BEARING OF N.79°11'34"E., FOR A DISTANCE OF 579.22 FEET TO THE END OF SAID CURVE; THENCE RUN N.70°20'35"E., ALONG SAID NORTHERLY RIGHT-OF-WAY LINE, FOR A DISTANCE OF 200.00 FEET TO THE BEGINNING OF A TANGENTIAL CIRCULAR CURVE, CONCAVE

HM PROJECT #1997079

1/17/01

REF. DWG. #A-994-3

PAGE 3 OF 3

SOUTHERLY; THENCE RUN EASTERLY, ALONG SAID NORTHERLY RIGHT-OF-WAY LINE AND ALONG THE ARC OF SAID CURVE TO THE RIGHT, HAVING A RADIUS OF 3,175.00 FEET, THROUGH A CENTRAL ANGLE OF 09°15'04", SUBTENDED BY A CHORD OF 512.09 FEET AT A BEARING OF N.74°58'07"E., FOR A DISTANCE OF 512.65 FEET TO THE END OF SAID CURVE; THENCE RUN N.79°35'39"E., ALONG SAID NORTHERLY RIGHT-OF-WAY LINE, FOR A DISTANCE OF 263.08 FEET TO THE POINT OF BEGINNING; CONTAINING 386.536 ACRES, MORE OR LESS.

NOTES:

THIS PROPERTY IS SUBJECT TO EASEMENTS, RESERVATIONS OR RESTRICTIONS OF RECORD.

TOTAL PROPERTY AREA: 482.421 ACRES, MORE OR LESS.

INFORMATION RELATING TO BOUNDARY DATA OF SECTIONS 3, 4, 9 AND 10, TOWNSHIP 47 SOUTH, RANGE 25 EAST, LEE COUNTY, FLORIDA, TOGETHER WITH THE LOCATION OF THE US HIGHWAY #41 RIGHT-OF-WAY, WAS OBTAINED FROM A SURVEY OF THE SWEETWATER RANCH PREPARED BY DENI ASSOCIATES HAVING ORDER NUMBER 8409031, DATED 9/14/84. INFORMATION RELATING TO THE LOCATION OF COCONUT ROAD AND ADJOINING EXCEPTED PARCELS WAS OBTAINED FROM PROPERTY DESCRIPTIONS PROVIDED BY CLIENT.

BEARINGS REFER TO THE SOUTH LINE OF THE SOUTHEAST QUARTER OF SECTION 9, TOWNSHIP 47 SOUTH, RANGE 25 EAST, LEE COUNTY, FLORIDA, AS BEING S.88°56'17"W.

HOLE MONTES, INC.

CERTIFICATE OF AUTHORIZATION LB #1772

DCI 2006-00080

BY  JERRY L. RIFFELMACHER

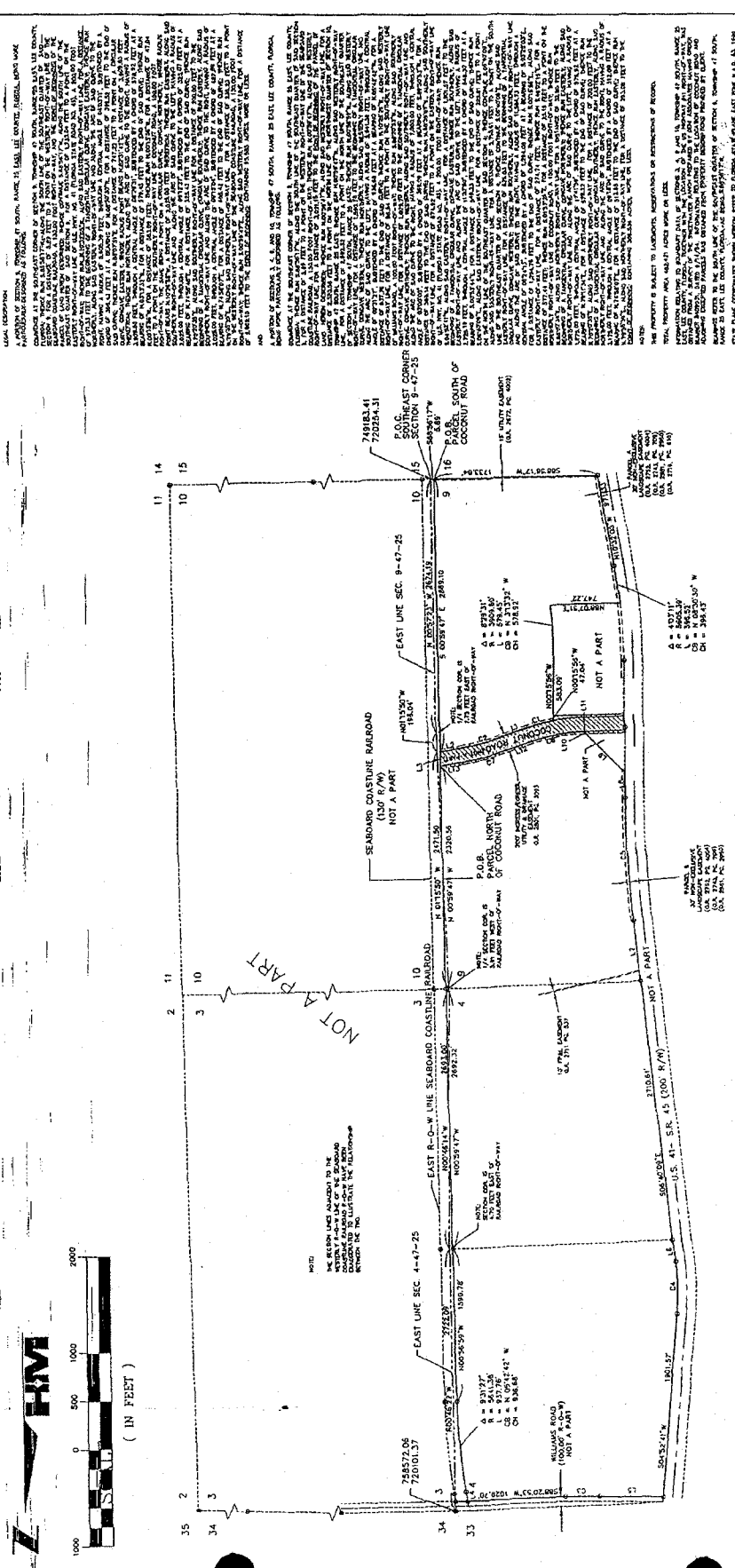
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COMMUNITY DEVELOPMENT

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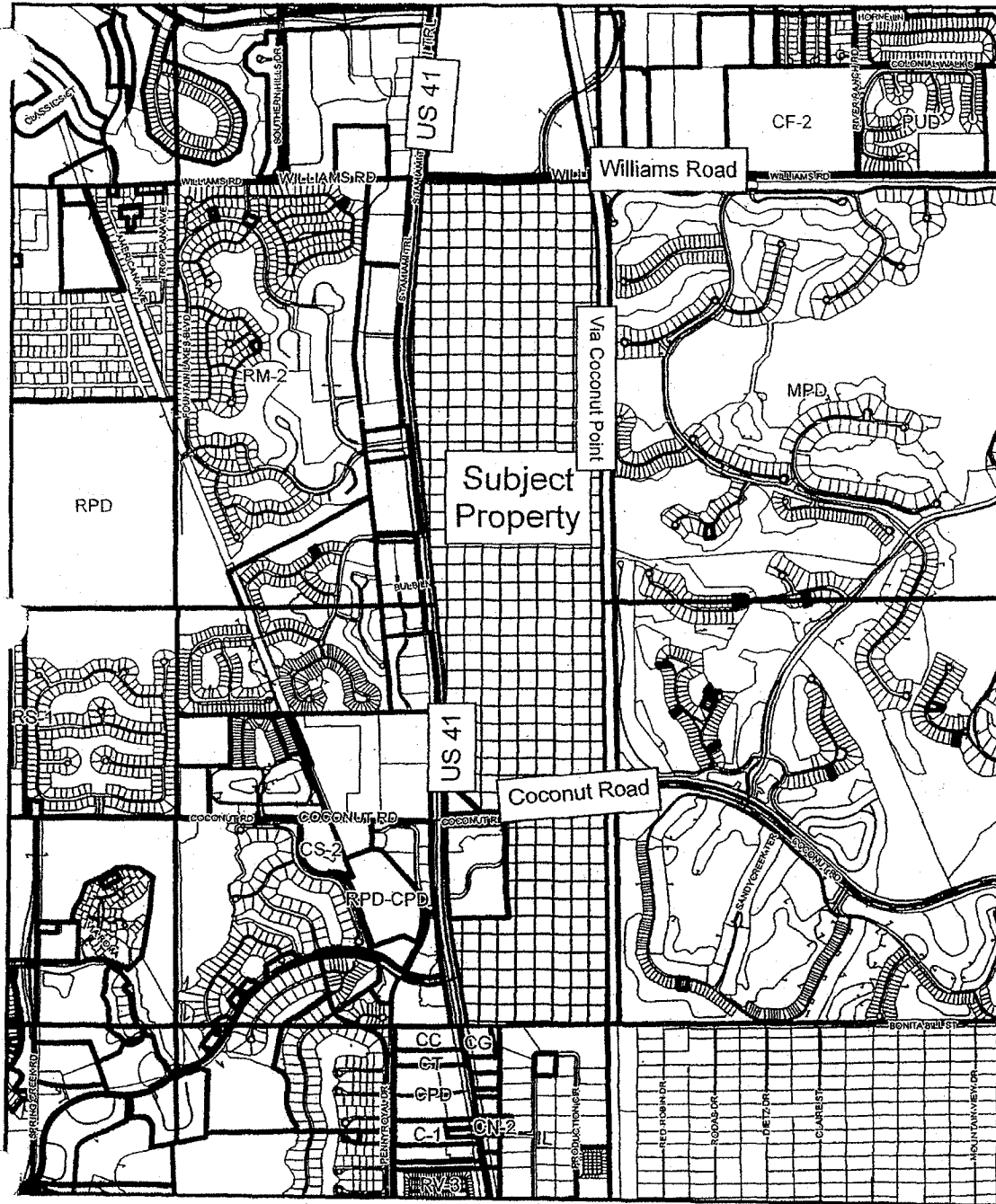
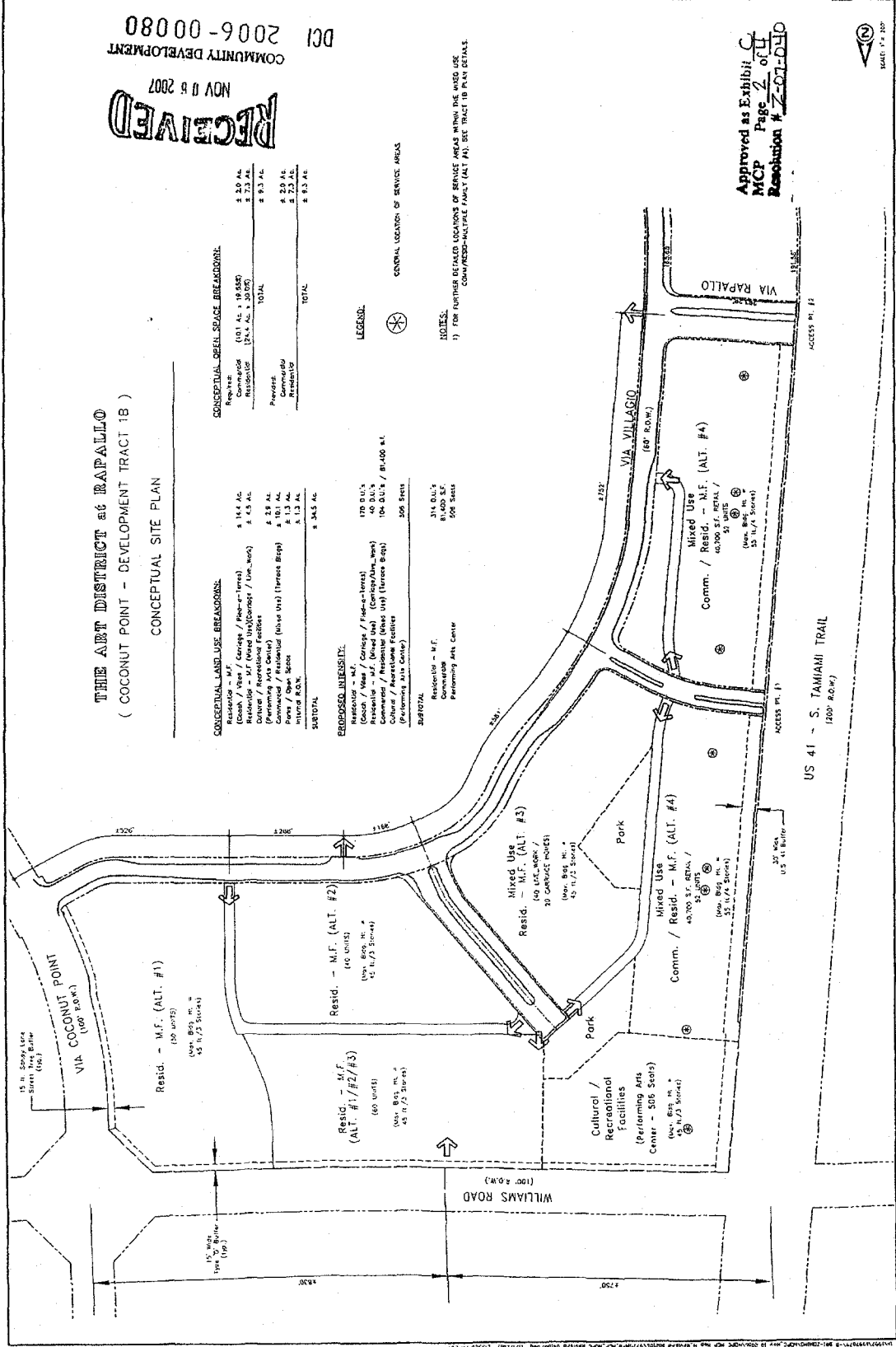


Exhibit B

980 490 0 980 1,960  
Feet





### MULTIPLE FAMILY UNIT TYPE DEFINITIONS

**ALTERNATIVE #1**

2-Story Buildings with 6-10 units per building and entrance on one end and other front- or rear-located units and lots with 2-3 bedrooms

**ALTERNATIVE #2**

2-Story Buildings with 4-8 units per building (including the 2-story townhouse unit) and detached garages in the back. Units are 2-story, with 2-4 bedrooms. Garages are detached with one car space. There is one detached unit per building. There is one detached unit per building and the unit is a lot with 2-3 bedrooms.

**RESID - MULTIPLE FAMILY (ALTERNATIVE #1) - SITE PLAN**

x1/8"

**RESID - MULTIPLE FAMILY (ALTERNATIVE #2) - SITE PLAN**

x1/8"

### TYPICAL CROSS-SECTION: MULTIPLE FAMILY (ALTERNATIVE #1)

x1/8"

**TYPICAL CROSS-SECTION: MULTIPLE FAMILY (ALTERNATIVE #1)**

x1/8"

### TYPICAL CROSS-SECTION: MULTIPLE FAMILY (ALTERNATIVE #2)

x1/8"

**TYPICAL CROSS-SECTION: MULTIPLE FAMILY (ALTERNATIVE #2)**

x1/8"

### TYPICAL CROSS-SECTION: MULTIPLE FAMILY (ALTERNATIVE #2)

x1/8"

**TYPICAL CROSS-SECTION: MULTIPLE FAMILY (ALTERNATIVE #2)**

x1/8"





Coconut Point DRI

Land Use Conversion Chart

Land Use	Max Increase*
Retail	54,999 sf
Office (Gen / Med)	65,999 sf
Residential	54 MF
Hotel	82 rms

\* Conversion increase may occur provided no increase in the original DRI's trip generation

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PERMIT COUNTER

DRI 2006-00009

#03528, RPC Conversion table land uses Exh G 021507 .xls

Exhibit D

3/1/2007



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**MEMORANDUM**  
FROM THE  
**DEPARTMENT OF**  
**COMMUNITY DEVELOPMENT**  
**ZONING DIVISION**

RECEIVED

DEC 26 2007

HOLE MONTES, INC.

DATE: December 19, 2007

TO: WHOM IT MAY CONCERN

FROM: Debbie Carpenter  
Administrative Assistant

RE: ADMINISTRATIVE AMENDMENT

Case Number

Case Name

ADD2007-00207

Coconut Point - Tract 3C - 2

**RECEIVED**  
APR 20 2009

COMMUNITY DEVELOPMENT

ADD 2009-00032

cc: Extra Space Storage, Applicant (c/o Hole Montes, Tom McLean, Agent)  
Julie Dalton, Property Appraiser Office  
Matt Noble, Planning  
Chick Jakacki, Zoning  
Bob Stewart, Building Official  
File

ADMINISTRATIVE AMENDMENT (PD) ADD2007-00207

ADMINISTRATIVE AMENDMENT  
LEE COUNTY, FLORIDA

WHEREAS, Extra Space Storage filed an application for administrative approval to a Mixed Use Planned Development on a project known as Coconut Point - Area 3 - Tract3C-2 for an **increase in the number of allowable stories from 3 to 4 within the existing 45-foot maximum height requirement for Tract 3C-2 only** on property located south of the Pelican Colony Boulevard Extension, described more particularly as:

LEGAL DESCRIPTION: In Section 09, Township 47 South, Range 25 East, Lee County, Florida:

SEE ATTACHED FOUR-PAGE "EXHIBIT A"

WHEREAS, the property was originally rezoned in case number DRI2000-00015 and DCI2001-00005 (Resolution Z-02-009), with subsequent amendments in case numbers DRI2004-00008 (Resolution Z-04-079), ADD2004-00060/60A/60B/60C, ADD2004-00187/187A, ADD2004-00206, ADD2005-00026, ADD2005-00080/80A, ADD2005-00177, ADD2005-00233, ADD2006-00024, ADD2006-00168, ADD2006-00229, DCI2006-00080 (Resolution Z-07-040), ADD2007-00028, ADD2007-00087, and ADD2007-00182; and

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

WHEREAS, Edward J. McArdle, TR, the owner of the subject property, has authorized Tom McLean to act as agent to pursue the proposed administrative amendment to the Coconut Point MPD; and

WHEREAS, the applicant has provided an updated table titled "Proposed Development Regulations" depicting the above-requested change for an additional floor in the proposed Extra Space Storage building from 3 stories to 4 stories, without an increase in the overall maximum height of 45 feet; and

WHEREAS, a copy of the "Proposed Development Regulations" is attached as "Exhibit B;" and

WHEREAS, the applicant has provided a drawing to depict the proposed 4-story building fitting into the 45-foot height requirement, while retaining the look of a 3-story building; and

WHEREAS, a copy of this drawing is attached as "Exhibit C;"

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, 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 for an amendment to the property development regulations for Tract 3C-2 in a Mixed-Use Planned Development is **APPROVED**, subject to the following conditions:

1. The only change approved as part of this administrative amendment is the increase in the number of allowable floors for Tract 3C-2 from 3 stories to 4 stories. The height requirement of a maximum of 45 feet remains in effect. No other changes have been approved as part of this administrative amendment.
2. Development of the proposed "Extra Space Storage" on Tract 3C-2 must be in compliance with the "Proposed Development Regulations" attached as "Exhibit B."
3. The terms and conditions of the original zoning resolutions remain in full force and effect, except as herein amended.

DULY SIGNED this 19<sup>th</sup> day of December, A.D., 2007.

BY: 

Pam Houck, Director  
Division of Zoning  
Department of Community Development

**EXHIBIT A**

950 Encore Way, Naples, Florida 34110 • Phone: 239.254.2000 • Fax: 239.254.2099

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HM PROJECT #1997079

1/17/01

REF. DWG. #A-994-3

PAGE 1 OF 3

**LEGAL DESCRIPTION**

**PERMIT COUNTER**

A PORTION OF SECTION 9, TOWNSHIP 47 SOUTH, RANGE 25 EAST, LEE COUNTY, FLORIDA, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCE AT THE SOUTHEAST CORNER OF SECTION 9, TOWNSHIP 47 SOUTH, RANGE 25 EAST, LEE COUNTY, FLORIDA; THENCE RUN S.88°56'17"W., ALONG THE SOUTH LINE OF THE SOUTHEAST QUARTER OF SAID SECTION 9, FOR A DISTANCE OF 5.89 FEET TO A POINT ON THE WESTERLY RIGHT-OF-WAY LINE OF THE SEABOARD COASTLINE RAILROAD, A 130.00 FOOT RIGHT-OF-WAY, AND THE POINT OF BEGINNING OF THE PARCEL OF LAND HEREIN DESCRIBED; THENCE CONTINUE S.88°56'17"W., ALONG THE SOUTH LINE OF THE SOUTHEAST QUARTER OF SAID SECTION 9, FOR A DISTANCE OF 1,733.04 FEET TO A POINT ON THE EASTERLY RIGHT-OF-WAY LINE OF U.S. HWY. NO. 41 (FLORIDA STATE ROAD NO. 45), A 200.00 FOOT RIGHT-OF-WAY; THENCE RUN N.10°32'05"W., ALONG SAID EASTERLY RIGHT-OF-WAY LINE, FOR A DISTANCE OF 971.33 FEET TO THE BEGINNING OF A TANGENTIAL CIRCULAR CURVE, CONCAVE EASTERLY; THENCE RUN NORTHERLY, ALONG SAID EASTERLY RIGHT-OF-WAY LINE AND ALONG THE ARC OF SAID CURVE TO THE RIGHT, HAVING A RADIUS OF 5,605.39 FEET, THROUGH A CENTRAL ANGLE OF 04°03'11", SUBTENDED BY A CHORD OF 396.43 FEET AT A BEARING OF N.08°30'30"W., FOR A DISTANCE OF 396.52 FEET TO THE END OF SAID CURVE; THENCE RUN N.88°07'51"E. FOR A DISTANCE OF 747.22 FEET TO A POINT ON A CIRCULAR CURVE, CONCAVE EASTERLY, WHOSE RADIUS POINT BEARS N.82°31'42"E., A DISTANCE OF 3,909.60 FEET THEREFROM; THENCE RUN NORTHERLY, ALONG THE ARC OF SAID CURVE TO THE RIGHT, HAVING A RADIUS OF 3,909.60 FEET, THROUGH A CENTRAL ANGLE OF 08°29'31", SUBTENDED BY A CHORD OF 578.92 FEET AT A BEARING OF N.03°13'32"W., FOR A DISTANCE OF 579.45 FEET TO THE END OF SAID CURVE; THENCE RUN N.00°15'56"W., FOR A DISTANCE OF 583.09 FEET; THENCE RUN N.00°15'56"W., FOR A DISTANCE OF 47.04 FEET TO A POINT ON THE SOUTHERLY RIGHT-OF-WAY LINE OF COCONUT ROAD, A 150.00 FOOT RIGHT-OF-WAY, THE SAME BEING A POINT ON A CIRCULAR CURVE, CONCAVE NORTHERLY, WHOSE RADIUS POINT BEARS N.10°26'58"W., A DISTANCE OF 2,025.00 FEET THEREFROM; THENCE RUN EASTERLY, ALONG SAID SOUTHERLY RIGHT-OF-WAY LINE AND ALONG THE ARC OF SAID CURVE TO THE LEFT, HAVING A RADIUS OF 2,025.00 FEET, THROUGH A CENTRAL ANGLE OF 09°12'27", SUBTENDED BY A CHORD OF 325.07 FEET AT A BEARING OF N.74°56'48"E., FOR A DISTANCE OF 325.42 FEET TO THE END OF SAID CURVE; THENCE RUN N.70°20'35"E., ALONG SAID SOUTHERLY RIGHT-OF-WAY LINE FOR A DISTANCE OF 200.00 FEET TO THE BEGINNING OF A TANGENTIAL CIRCULAR CURVE, CONCAVE SOUTHERLY; THENCE RUN EASTERLY, ALONG SAID SOUTHERLY RIGHT-OF-WAY LINE AND ALONG THE ARC OF SAID CURVE TO THE RIGHT, HAVING A RADIUS OF 3,025.00 FEET, THROUGH A CENTRAL ANGLE OF 09°15'04", SUBTENDED BY A CHORD OF 487.89 FEET AT A BEARING OF N.74°58'07"E., FOR A DISTANCE OF 488.42 FEET TO THE END OF SAID CURVE; THENCE RUN N.79°35'39"E., ALONG SAID SOUTHERLY RIGHT-OF-WAY LINE, FOR A DISTANCE OF 238.23 FEET TO A POINT ON THE WESTERLY RIGHT-OF-WAY LINE OF THE SEABOARD COASTLINE RAILROAD, A 130.00 FOOT RIGHT-OF-WAY; THENCE RUN S.00°59'47"E., ALONG SAID WESTERLY RIGHT-OF-WAY LINE, FOR A DISTANCE OF 2,869.10 FEET TO THE POINT OF BEGINNING; CONTAINING 95.885 ACRES, MORE OR LESS.

AND

**ADD 2007-00207**

A PORTION OF SECTIONS 3, 4, 9, AND 10, TOWNSHIP 47 SOUTH, RANGE 25 EAST, LEE COUNTY, FLORIDA, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCE AT THE SOUTHEAST CORNER OF SECTION 9, TOWNSHIP 47 SOUTH, RANGE 25 EAST, LEE COUNTY, FLORIDA; THENCE RUN S.88°56'17"W., ALONG THE SOUTH LINE OF THE SOUTHEAST QUARTER OF SAID SECTION 9, FOR A DISTANCE OF 5.89 FEET TO A POINT ON THE

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PERMIT COUNTER

HM PROJECT #1997079

1/17/01

REF. DWG. #A-994-3

PAGE 2 OF 3

WESTERLY RIGHT-OF-WAY LINE OF THE SEABOARD COASTLINE RAILROAD, A 130.00 FOOT RIGHT-OF-WAY; THENCE RUN N.00°59'47"W., ALONG SAID WESTERLY RIGHT-OF-WAY LINE, FOR A DISTANCE OF 3,021.15 FEET TO THE POINT OF BEGINNING OF THE PARCEL OF LAND HEREIN DESCRIBED; THENCE RUN N.00°59'47"W., ALONG SAID WESTERLY RIGHT-OF-WAY LINE, FOR A DISTANCE OF 2,320.56 FEET TO A POINT ON THE NORTH LINE OF THE NORTHWEST QUARTER OF SECTION 10, TOWNSHIP 47 SOUTH, RANGE 25 EAST; THENCE RUN N.00°59'47"W., ALONG SAID WESTERLY RIGHT-OF-WAY LINE, FOR A DISTANCE OF 2,692.32 FEET TO A POINT ON THE NORTH LINE OF THE SOUTHEAST QUARTER OF SECTION 4, TOWNSHIP 47 SOUTH, RANGE 25 EAST; THENCE RUN N.00°56'59"W., ALONG SAID WESTERLY RIGHT-OF-WAY LINE, FOR A DISTANCE OF 1,590.78 FEET TO THE BEGINNING OF A TANGENTIAL CIRCULAR CURVE, CONCAVE WESTERLY; THENCE RUN NORTHERLY, ALONG SAID WESTERLY RIGHT-OF-WAY LINE AND ALONG THE ARC OF SAID CURVE TO THE LEFT, HAVING A RADIUS OF 5,641.38 FEET, THROUGH A CENTRAL ANGLE OF 09°31'27", SUBTENDED BY A CHORD OF 936.68 FEET AT A BEARING OF N.05°42'42"W., FOR A DISTANCE OF 937.76 FEET TO THE END OF SAID CURVE; THENCE RUN N.10°28'26"W., ALONG SAID WESTERLY RIGHT-OF-WAY LINE, FOR A DISTANCE OF 98.54 FEET TO A POINT ON THE SOUTHERLY RIGHT-OF-WAY LINE OF WILLIAMS ROAD, A 100.00 FOOT RIGHT-OF-WAY; THENCE RUN S.88°20'53"W., ALONG SAID SOUTHERLY RIGHT-OF-WAY LINE, FOR A DISTANCE OF 1,029.70 FEET TO THE BEGINNING OF A TANGENTIAL CIRCULAR CURVE, CONCAVE NORTHERLY; THENCE RUN WESTERLY, ALONG SAID SOUTHERLY RIGHT-OF-WAY LINE AND ALONG THE ARC OF SAID CURVE TO THE RIGHT, HAVING A RADIUS OF 7,050.00 FEET, THROUGH A CENTRAL ANGLE OF 03°00'00", SUBTENDED BY A CHORD OF 369.09 FEET AT A BEARING OF S.89°50'53"W., FOR A DISTANCE OF 369.14 FEET TO THE END OF SAID CURVE; THENCE RUN N.88°39'07"W., ALONG SAID SOUTHERLY RIGHT-OF-WAY LINE, FOR A DISTANCE OF 674.92 FEET TO A POINT ON THE EASTERLY RIGHT-OF-WAY LINE OF U.S. HWY. NO. 41 (FLORIDA STATE ROAD NO. 45), A 200.00 FOOT RIGHT-OF-WAY; THENCE RUN S.04°52'41"W., ALONG SAID EASTERLY RIGHT-OF-WAY LINE, FOR A DISTANCE OF 1,901.57 FEET TO THE BEGINNING OF A TANGENTIAL CIRCULAR CURVE, CONCAVE EASTERLY; THENCE RUN SOUTHERLY, ALONG SAID EASTERLY RIGHT-OF-WAY LINE AND ALONG THE ARC OF SAID CURVE TO THE LEFT, HAVING A RADIUS OF 2,725.19 FEET, THROUGH A CENTRAL ANGLE OF 11°32'50", SUBTENDED BY A CHORD OF 548.30 FEET AT A BEARING OF S.00°53'44"E., FOR A DISTANCE OF 549.23 FEET TO THE END OF SAID CURVE; THENCE RUN S.06°40'09"E., ALONG SAID EASTERLY RIGHT-OF-WAY LINE FOR A DISTANCE OF 225.81 FEET TO A POINT ON THE NORTH LINE OF THE SOUTHEAST QUARTER OF SAID SECTION 4; THENCE CONTINUE S.06°40'09"E., ALONG SAID EASTERLY RIGHT-OF-WAY LINE, FOR A DISTANCE OF 2,710.61 FEET TO A POINT ON THE SOUTH LINE OF THE SOUTHEAST QUARTER OF SAID SECTION 4; THENCE CONTINUE S.06°40'09"E., ALONG SAID EASTERLY RIGHT-OF-WAY LINE, FOR A DISTANCE OF 626.03 FEET TO THE BEGINNING OF A TANGENTIAL CIRCULAR CURVE, CONCAVE WESTERLY; THENCE RUN SOUTHERLY, ALONG SAID EASTERLY RIGHT-OF-WAY LINE AND ALONG THE ARC OF SAID CURVE TO THE RIGHT, HAVING A RADIUS OF 11,584.73 FEET, THROUGH A CENTRAL ANGLE OF 06°24'13", SUBTENDED BY A CHORD OF 1,294.08 FEET AT A BEARING OF S.03°28'03"E., FOR A DISTANCE OF 1,294.76 FEET TO THE END OF SAID CURVE; THENCE RUN S.00°15'56"E., ALONG SAID EASTERLY RIGHT-OF-WAY LINE, FOR A DISTANCE OF 274.74 FEET; THENCE RUN S.46°02'16"E., FOR A DISTANCE OF 577.44 FEET; THENCE RUN S.01°57'26"E. FOR A DISTANCE OF 25.19 FEET TO A POINT ON THE NORTHERLY RIGHT-OF-WAY LINE OF COCONUT ROAD, A 150.00 FOOT RIGHT-OF-WAY; THENCE RUN N.88°02'34"E., ALONG SAID NORTHERLY RIGHT-OF-WAY LINE, FOR A DISTANCE OF 32.80 FEET TO THE BEGINNING OF A TANGENTIAL CIRCULAR CURVE, CONCAVE NORTHERLY; THENCE RUN EASTERLY, ALONG SAID NORTHERLY RIGHT-OF-WAY LINE AND ALONG THE ARC OF SAID CURVE TO THE LEFT, HAVING A RADIUS OF 1,875.00 FEET, THROUGH A CENTRAL ANGLE OF 17°41'59", SUBTENDED BY A CHORD OF 576.92 FEET AT A BEARING OF N.79°11'34"E., FOR A DISTANCE OF 579.22 FEET TO THE END OF SAID CURVE; THENCE RUN N.70°20'35"E., ALONG SAID NORTHERLY RIGHT-OF-WAY LINE, FOR A DISTANCE OF 200.00 FEET TO THE BEGINNING OF A TANGENTIAL CIRCULAR CURVE, CONCAVE

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SOUTHERLY; THENCE RUN EASTERLY, ALONG SAID NORTHERLY RIGHT-OF-WAY LINE AND ALONG THE ARC OF SAID CURVE TO THE RIGHT, HAVING A RADIUS OF 3,175.00 FEET, THROUGH A CENTRAL ANGLE OF 09°15'04", SUBTENDED BY A CHORD OF 512.09 FEET AT A BEARING OF N.74°58'07"E., FOR A DISTANCE OF 512.65 FEET TO THE END OF SAID CURVE; THENCE RUN N.79°35'39"E., ALONG SAID NORTHERLY RIGHT-OF-WAY LINE, FOR A DISTANCE OF 263.08 FEET TO THE POINT OF BEGINNING; CONTAINING 386.536 ACRES, MORE OR LESS.

NOTES:

THIS PROPERTY IS SUBJECT TO EASEMENTS, RESERVATIONS OR RESTRICTIONS OF RECORD.

TOTAL PROPERTY AREA: 482.421 ACRES, MORE OR LESS.

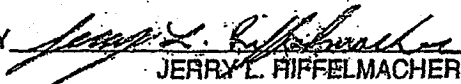
INFORMATION RELATING TO BOUNDARY DATA OF SECTIONS 3, 4, 9 AND 10, TOWNSHIP 47 SOUTH, RANGE 25 EAST, LEE COUNTY, FLORIDA, TOGETHER WITH THE LOCATION OF THE US HIGHWAY #41 RIGHT-OF-WAY, WAS OBTAINED FROM A SURVEY OF THE SWEETWATER RANCH PREPARED BY DENI ASSOCIATES HAVING ORDER NUMBER 8409031, DATED 9/14/84. INFORMATION RELATING TO THE LOCATION OF COCONUT ROAD AND ADJOINING EXCEPTED PARCELS WAS OBTAINED FROM PROPERTY DESCRIPTIONS PROVIDED BY CLIENT.

BEARINGS REFER TO THE SOUTH LINE OF THE SOUTHEAST QUARTER OF SECTION 9, TOWNSHIP 47 SOUTH, RANGE 25 EAST, LEE COUNTY, FLORIDA, AS BEING S.88°56'17"W.

HOLE MONTES, INC.

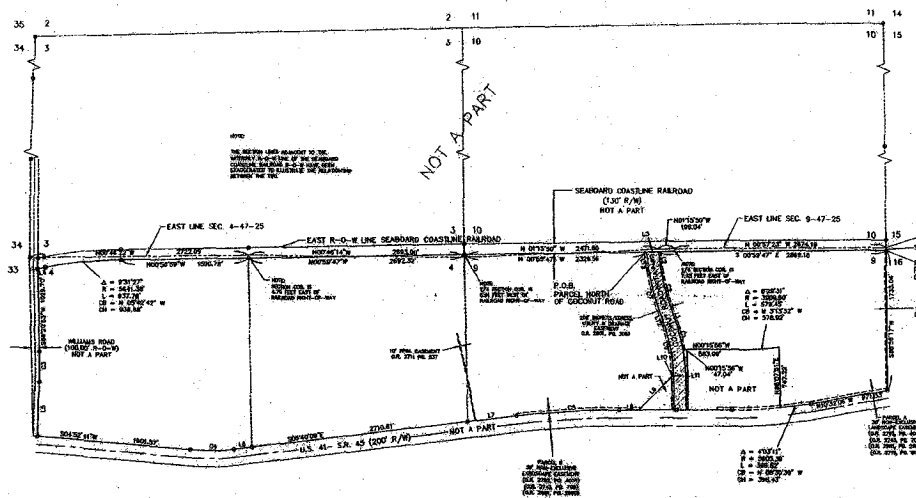
CERTIFICATE OF AUTHORIZATION LB #1772

BY

  
JERRY L. RIFFELMACHER

P.S.M. #6130

STATE OF FLORIDA

[illegible][illegible]

**LEGEND**

POC	Point of commencement
POB	Point of termination

**"NOT A SURVEY"**



850 Encina Way  
Naples, FL 34110  
Phone: (813) 254-2006  
Florida Certificate of  
Authorization No. 1772

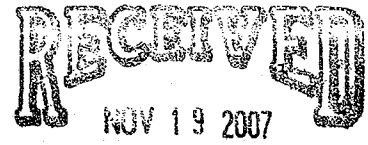
SKETCH AND LEGAL DESCRIPTION  
OF A PORTION OF SECTIONS  
3, 4, 9 AND 10,  
TOWNSHIP 47 SOUTH, RANGE 25 EAST

PERMIT OVERVIEW  
P.O. #100  
STATE OF FLORIDA  
MORTGAGE & SURVEY DIVISION  
DATE: 12-10-2011  
A-204-3  
19070708  
SNEETREYS

NOV 2007-00207

**EXHIBIT B**

**PROPOSED**  
**DEVELOPMENT REGULATIONS**



**PERMIT COUNTER**

**Tract 1A, 1B, 1C and 1D**

Lot Width	100 feet
Lot Depth	100 feet
Lot Area	20,000 square feet
Maximum Lot Coverage	40 percent

**Minimum Setbacks**

Front (street)	25 feet
Side	10 feet
Rear	25 feet (5 feet for an accessory structure)
Water body	25 feet (20 feet for an accessory structure)

**Minimum Building Separation:** one-half the sum of the building heights but not less than 20 feet

**Maximum Building Height:** 45 feet / 3 stories

**Tracts 1E, 1F, 3D and 3B**  
(formerly included Tract 2B-2)

**Minimum Lot Size:** Townhouse

Lot Width Per Unit	25 feet
Lot Depth Per Unit	80 feet
Lot Area Per Unit	2,000 square feet
Maximum Building Height	35 feet / 2 stories
Maximum Lot Coverage	50 percent

**Minimum Setbacks:**

Front (street, private)	20 feet
Front (street, public)	25 feet
Side	10 feet
Side (interior)	0 feet
Rear	15 feet (5 feet for an accessory structure)
Waterbody	25 feet (10 feet for an accessory structure)

**Minimum Lot Size:** Multiple Family Building

Lot Width	100 feet
Lot Depth	100 feet

**ADD 2007-00207**



Lot Area	10,000 square feet
Maximum Lot Coverage	40 percent

Minimum Setbacks

Front (street)	25 feet
Side	10 feet
Rear	20 feet (5 feet for an accessory structure)
Water body	25 feet (20 feet for an accessory structure)

Minimum Building Separation: one-half the sum of the building heights but not less than 20 feet

Maximum Building Height: 45 feet / 3 stories

Tracts 2A, 2B, 2C, 2D, 2E, 3A and 3C  
(formerly included Tract 2B-1)  
(Excludes Regulations set forth in ADD2005-00080A)

Lot Width	100 feet
Lot Depth	100 feet
Lot Area	20,000 square feet
Maximum Lot Coverage	40 percent

Minimum Setbacks

Front (street)	25 feet
Side	10 feet
Rear	25 feet (5 feet for an accessory structure)
Water body	25 feet (20 feet for an accessory structure)

Water body (Bldg PBA #2) 8 feet

Minimum Building Separation: one-half the sum of the building heights but not less than 20 feet

Minimum Building Separation  
Bldg G/Bldg PBA #1 26 feet

Minimum Building Separation  
Muvico/Bldg K/Bldg L-1 6.3 feet

Maximum Building Height for  
Tract 3C: 45 feet / 3 stories (Tracts 3C-1 and 3C-3)  
45 feet / 4 stories (Tract 3C-2)

Maximum Building Height for:  
Tract 2A, 2B, 2C, 2D, 2E:

Within 300 feet of Via Coconut  
Point (fka Sandy Lane): 45 feet/3 stories

Outside of 300 feet from Via  
Coconut Point (fka Sandy Lane): 60 feet/5 stories

Maximum Building Height for:  
Tract 3A:

Within 100 feet of Via Coconut  
Point (fka Sandy Lane): 45 feet/3 stories over parking

Outside of 100 feet from Via  
Coconut Point (fka Sandy Lane): 60 feet/5 stories over parking

RESIDENTIAL USES: (Tract 2A, 2B and 2F only)  
(Excludes Regulations set forth in ADD2005-00080A)

TRACT 2A and 2B:  
Minimum Lot Size: Townhouse

Lot Width Per Unit	25 feet
Lot Depth Per Unit	80 feet
Lot Area Per Unit	2,000 square feet
Maximum Building Height	35 feet / 2 stories
Maximum Lot Coverage	50 percent

Minimum Setbacks:

Front (street, private)	20 feet
Front (street, public)	25 feet
Side	10 feet
Side (interior)	0 feet
Rear	15 feet (5 feet for an accessory structure)
Waterbody	25 feet (10 feet for an accessory structure)

Minimum Lot Size: Multiple Family Building

Lot Width	100 feet
Lot Depth	100 feet
Lot Area	10,000 square feet
Maximum Lot Coverage	40 percent

Minimum Setbacks

Front (street)	25 feet
Side	10 feet
Rear	20 feet (5 feet for an accessory structure)
Water body	25 feet (20 feet for an accessory structure)

Minimum Building Separation:

one-half the sum of the building heights but not less than 20 feet

Maximum Building Height:

Within 300 feet of Via Coconut Point (fka Sandy Lane): 45 feet/3 stories over parking

Outside of 300 feet from Via Coconut Point (fka Sandy Lane): 60 feet/5 stories over parking

TRACT 2F: (formerly Tract 2E)

Lot Width	100 feet
Lot Depth	100 feet
Lot Area	20,000 square feet
Maximum Lot Coverage	40 percent

Minimum Setbacks

Front (street)	25 feet
Side	10 feet
Rear	25 feet (5 feet for an accessory structure)
Water body	25 feet (20 feet for an accessory structure)

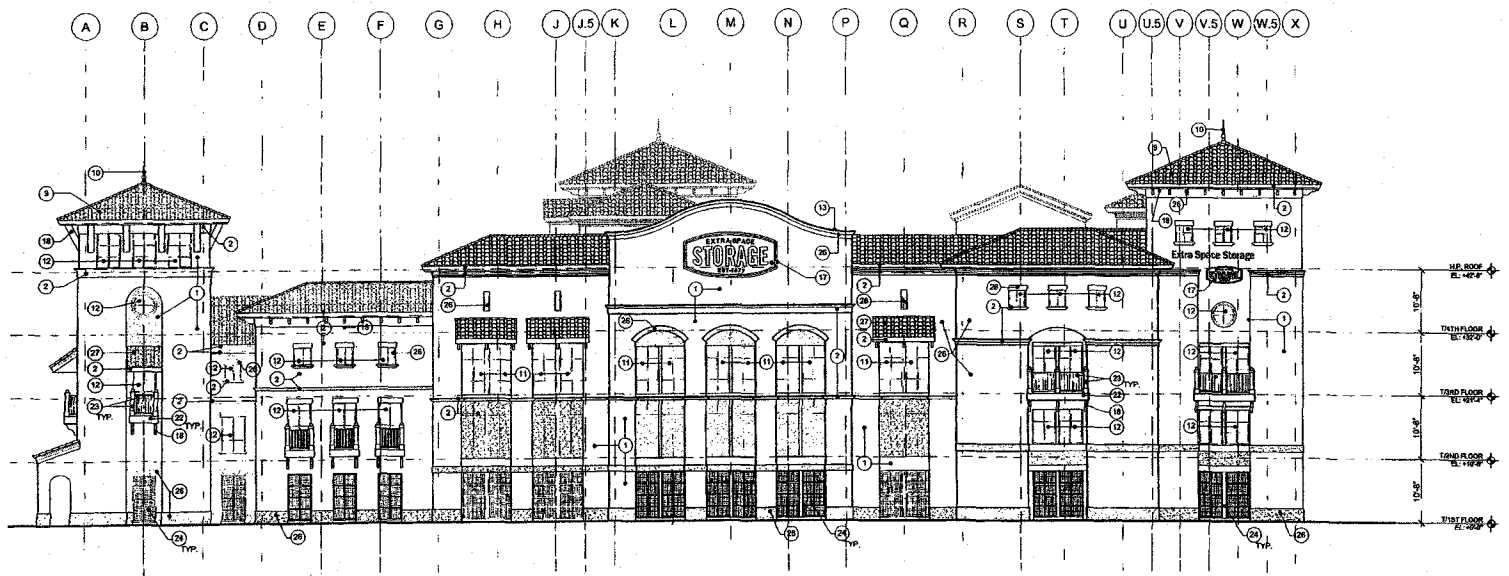
Minimum Building Separation:

one-half the sum of the building heights but not less than 20 feet

Maximum Building Height:

40 feet /3 stories over parking

EXHIBIT C



1 WEST ELEVATION  
SCALE: 3/32"=1'-0"