



# GIS Tracking Sheet

Case No.: **ADD2008-00092**

Intake Date: 6-17-08

Project Name: Hyatt Place Estero

STRAP Number(s): 09-47-25-36-00000.003A

Planner Name: Mikki Rozdolski

Ext. 38317

## FILE ON PLANNER'S DESK

## LEGAL DESCRIPTION VERIFICATION and INITIAL GIS MAPPING

Date: 6-26-08

INTAKE: ADD2008-00092

LEGAL SUFFICIENT

☒ YES

☐ NO

Initials: CJ

If not, give brief explanation:

Approver

## MAP UPDATE following FINAL ACTION

Date:

☐ Hearing Examiner Decision

☐ Board of County Commissioner's Resolution

☐ Administrative Approval

☐ Blue Sheet

Zoning Notes:

MAP UPDATED

10/15/08 ☒ YES

☐ NO

Initials: CJ

If not, give brief explanation:

ZONE MAP: 00006

REC'D JUN 17 2008 PERMIT COUNTY

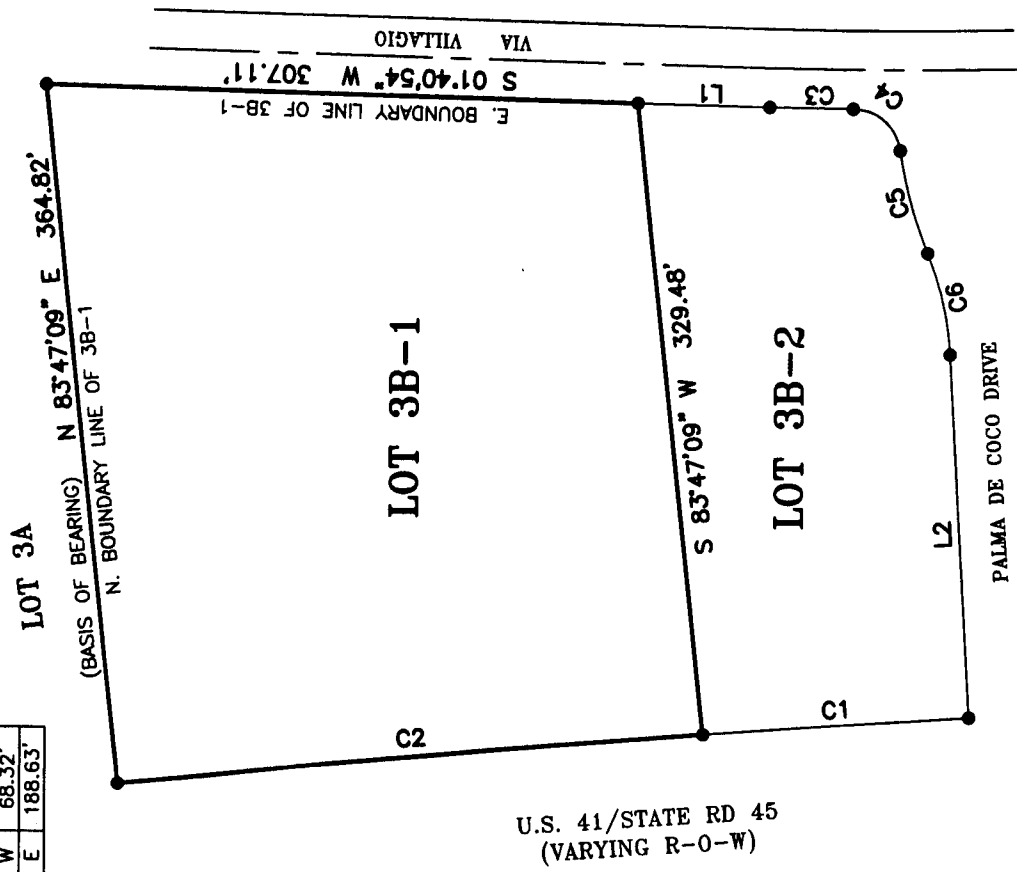
ADD 2008-00092



( IN FEET )  
1 inch = 100 ft.

LINE	BEARING	DISTANCE
L1	S 01°40'54" W	68.32'
L2	N 86°41'37" E	188.63'

CURVE	RADIUS	DELTA	CHORD	BEARING	LENGTH
C1	11591.16'	00°40'52"	137.81'	N 03°49'56" W	137.81'
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C4	25.00'	80°50'19"	32.42'	S 41°07'00" W	35.28'
C5	233.50'	13°31'26"	54.99'	N 74°46'27" E	55.11'
C6	166.50'	18°40'53"	54.05'	S 77°21'10" W	54.29'



LEGEND

POB POINT OF BEGINNING  
POC POINT OF COMMENCEMENT

SEC-TWN-RGE:	9-47-25
DRAWN BY:	JRD/AK
CHECKED BY:	JLR
DATE	5/08
DRAWING NO.	E-427-2

**H-M**  
**HOLE MONTES**  
ENGINEERS PLANNERS SURVEYORS  
LANDSCAPE ARCHITECTS

6224 Whiskey Creek Drive  
Fort Myers, FL 33919  
Phone: (239) 985-1200  
Florida Certificate of  
Authorization No. 1772

\* NOT A SURVEY \*

NOT VALID WITHOUT  
THE SIGNATURE AND  
THE ORIGINAL RAISED  
SEAL OF A FLORIDA  
LICENSED SURVEYOR  
AND MAPPER.

SKETCH AND LEGAL DESCRIPTION

PROJECT NO.

07.012

REFERENCE NO.  
3B-1SL-2

Applicant's Legal Checked  
by JRD 6-20-08

LEGAL DESCRIPTION:

ALL OF LOT 3B-1 OF COCONUT POINT AREA 2 LOT 3B REPLAT, ACCORDING TO THE PLAT THEREOF, AS RECORDED IN INSTRUMENT NO. 2008000055764 OF THE PUBLIC RECORDS OF LEE COUNTY, FLORIDA.

PROPERTY AREA = 3.463 ACRES

NOTES:

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

BEARINGS SHOWN HEREON REFER TO THE NORTH LINE OF LOT 3B-1 OF COCONUT POINT AREA 2 LOT 3B REPLAT, ACCORDING TO THE PLAT THEREOF, AS RECORDED IN INSTRUMENT NO. 2008000055764 OF THE PUBLIC RECORDS OF LEE COUNTY, FLORIDA AS BEING N.83°47'09"E.

HOLE MONTES, INC.  
CERTIFICATE OF AUTHORIZATION NUMBER LB 1772

BY Jerry L. Riffelmacher  
JERRY L. RIFFELMACHER  
P.S.M. #6130  
STATE OF FLORIDA

HM PROJECT #2007012

5/21/2008

REF. DWG. #D-138

**PROPERTY DESCRIPTION:**

ALL OF LOT 3B-1 OF COCONUT POINT AREA 2 LOT 3B REPLAT, ACCORDING TO THE PLAT THEREOF, AS RECORDED IN INSTRUMENT NO. 2008000055764 OF THE PUBLIC RECORDS OF LEE COUNTY, FLORIDA.

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HOLE MONTES, INC.

CERTIFICATE OF AUTHORIZATION NUMBER LB 1772

BY

  
JERRY L. RIFFELMACHER

P.S.M. #6130  
STATE OF FLORIDA

Applicant's Legal Checked  
by 6-20-08 C.G.

ADD 2008-00092

**RECEIVED**  
JUN 17 2008

**PERMIT COUNTER**

ADMINISTRATIVE AMENDMENT (PD) ADD2008-00092

ADMINISTRATIVE AMENDMENT  
LEE COUNTY, FLORIDA

WHEREAS, BRE/Amerisuites Properties, LLC filed an application for an administrative amendment to a Mixed Use Planned Development (MPD) on a project known as Coconut Point MPD to add Consumption on premises of beer and wine in compliance with LDC §34-1264 in conjunction with a hotel/motel (Tract 2D Only) to the Schedule of Uses of Resolution Number Z-02-009 for a 2COP Alcoholic Beverage License in conjunction with indoor and outdoor seating and room service at a hotel known as Hyatt Place on property located at 23120 Via Villagio, described more particularly as:

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

See attachment A.

WHEREAS, the property was zoned MPD in case number Z-02-009 and subsequently amended in case numbers Z-04-079, ADD2004-00048, ADD2004-00060, ADD2004-00206, ADD2004-00187, ADD2005-00011, ADD2005-00026, ADD2005-00080, ADD2005-00122, ADD2005-00177, ADD2005-00233, ADD2006-00024, ADD2006-00168, ADD2006-00229, ADD2007-00028, ADD2007-00087, ADD2007-00184, ADD2008-00054; 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 requests to add Consumption on premises of beer and wine in compliance with LDC §34-1264 in conjunction with a hotel/motel (Tract 2D Only) to the Schedule of Uses of Resolution Number Z-02-009 for a 2COP Alcoholic Beverage License in conjunction with indoor and outdoor seating at a hotel known as Hyatt Place; and

WHEREAS, development order number DOS2007-00202 was issued for the construction of a 75,000 square foot, 5 story, 108 unit hotel (see Master Development Plan, attachment B) on Tract 2D of the Coconut Point Master Concept Plan (see Coconut Point MPD Master Concept Plan, attachment C); and

WHEREAS, pursuant to LDC §34-1264(b)(2)c, the hotel, under one roof, contains at least 100 guest rooms and a restaurant with beer and wine service in conjunction with a 2COP Alcoholic Beverage License; and

WHEREAS, indoor seating will be provided for approximately 58 people in a 2,173 square feet restaurant/lobby area (see 1st Floor Plan, attachment D); and



WHEREAS, outdoor seating and service for consumption on premises will be offered in the enclosed pool area with 8 tables and seating for a total of 40 persons (see Pool Area Plan, attachment E) and a veranda with seating for 16 persons (see 1st Floor Plan, attachment D); and

WHEREAS, the outdoor seating/pool area will be fully enclosed by a fence with access only through the hotel; and

WHEREAS, on premise consumption of beer and wine will also be offered through room service; 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 an administrative amendment to the Coconut Point MPD to add Consumption on premises of beer and wine in compliance with LDC §34-1264 in conjunction with a hotel/motel (Tract 2D Only) to the Schedule of Uses of Resolution Number Z-02-009 for a 2COP Alcoholic Beverage License in conjunction with indoor and outdoor seating at a hotel is **APPROVED**, **subject to the following conditions:**

1. **This Administrative Amendment is limited to:**
  - a. **The addition of Consumption on premises of beer and wine in compliance with LDC §34-1264 in conjunction with a hotel/motel (Tract 2D Only) to the Schedule of Uses of Resolution Number Z-02-009.**
  - b. **A 2COP Alcoholic Beverage License in conjunction with indoor and outdoor seating and room service at the hotel. If any other type of license is sought, a new approval in accordance with the LDC will be required.**
2. **Consumption on premises is limited to the 75,000 square foot, 5 story, 108 unit hotel on Tract 2D of the Coconut Point Master Concept Plan (see Master Development Plan, attachment B) with indoor restaurant/lobby seating available for approximately 58 persons (see 1st Floor Plan, attachment D), outdoor seating in the enclosed pool area for approximately 40 persons (see Pool Plan Area, attachment E) and in the veranda for approximately 16 persons (see 1st Floor Plan, attachment D), and room service available within the 75,000 square foot, 5 story, 108 unit hotel (see Master Development Plan, attachment B).**

3. The sale of beer and wine is limited to the hours between 10:00 a.m. and 1:00 a.m. daily in the indoor restaurant/lobby seating and outdoor/pool seating areas.
4. Music for outdoor seating areas must be piped and is limited to the hours of 10:00 a.m. to 10:00 p.m. The volume must be at or below conversation level.
5. The terms and conditions of the original zoning resolutions remain in full force and effect.

DULY SIGNED this 29<sup>th</sup> day of July, A.D., 2008.

BY: Pam Houck

Pam Houck, Director

Division of Zoning

Department of Community Development

**Attachments:**

- A - Legal Description
- B - Master Development Plan
- C - Coconut Point MPD Master Concept Plan
- D - 1st Floor Plan
- E - Pool Area Plan

HM PROJECT #2007012

5/21/2008

REF. DWG. #D-138

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HOLE MONTES, INC.

CERTIFICATE OF AUTHORIZATION NUMBER LB 1772

BY

  
JERRY L. RIFFELMÄCHER

P.S.M. #6130

STATE OF FLORIDA

Applicant's Legal Checked  
by 6-20-08 CG

ADD 2008-00092

RECEIVED  
JUN 11 2008

PERMIT COUNTER



GRAPHIC SCALE

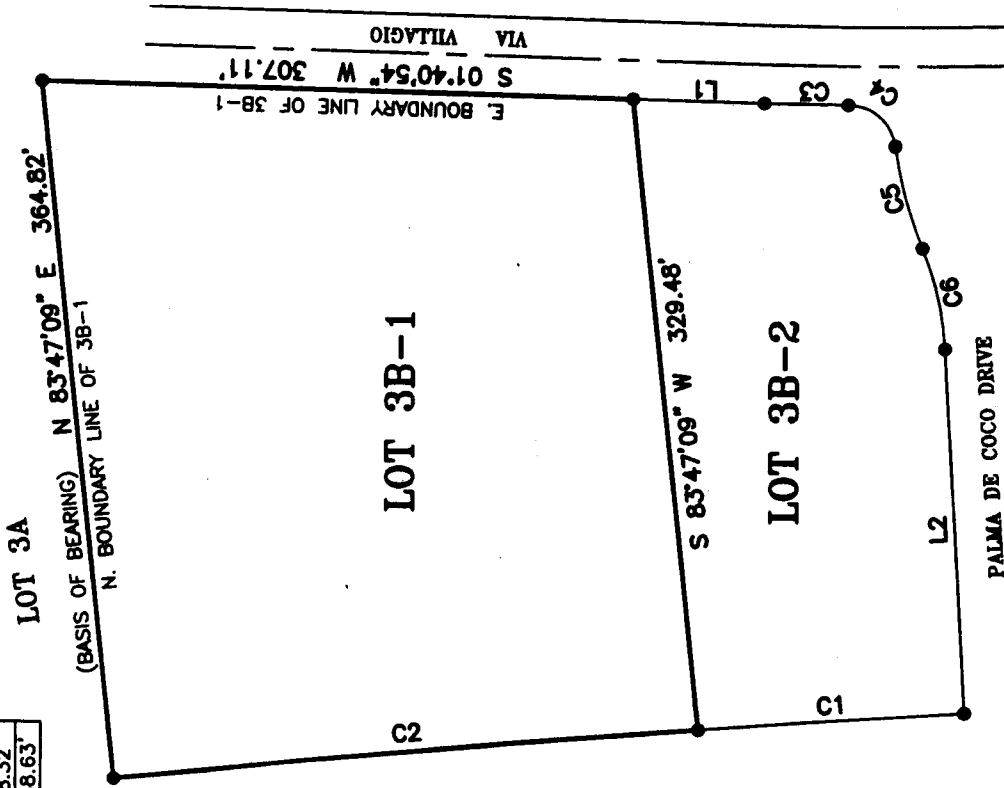


( IN FEET )

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LEGEND

POB POINT OF BEGINNING  
POC POINT OF COMMENCEMENT

SEC-TWN-RGE:	9-47-25
DRAWN BY:	JRD/AK
CHECKED BY:	JLR
DATE	5/08
DRAWING NO.	E-427-2

**H&M**  
**HOLE MONTES**  
BUSINESS PLANNERS - ARCHITECTS  
LANDSCAPE ARCHITECTS

6224 Whiskey Creek Drive  
Fort Myers, FL 33919  
Phone: (239) 985-1200  
Florida Certificate of  
Authorization No. 1772

NOT VALID WITHOUT  
THE SIGNATURE AND  
THE ORIGINAL BASED  
SEAL OF A FLORIDA  
LICENSED SURVEYOR  
AND MAPPER.

\* NOT A SURVEY \*

BY

JERRY L. KIFFELMACHER

P.S.M. #6130  
STATE OF FLORIDA

PROJECT NO.

07.012

REFERENCE NO.

3B-1SL-2

SKETCH AND LEGAL DESCRIPTION

Applicant's Legal Checked  
by JLR, 6-20-08

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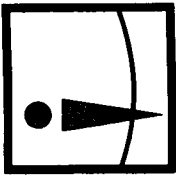
HOLE MONTES, INC.  
CERTIFICATE OF AUTHORIZATION NUMBER 181772

RECEIVED  
JUN 17 2008  
PERMIT COORDINATOR

ADD 2008-00092







Overcash & Depmitt  
Architects

2010 South Lynn Street, Suite 10  
Charlotte, North Carolina 28202  
Phone: 704.333.1111  
Fax: 704.333.1112  
Web: www.ovdarch.com

STATION 22212



HYATT PLACE

Hyatt Place

EXTERNAL FLOOR

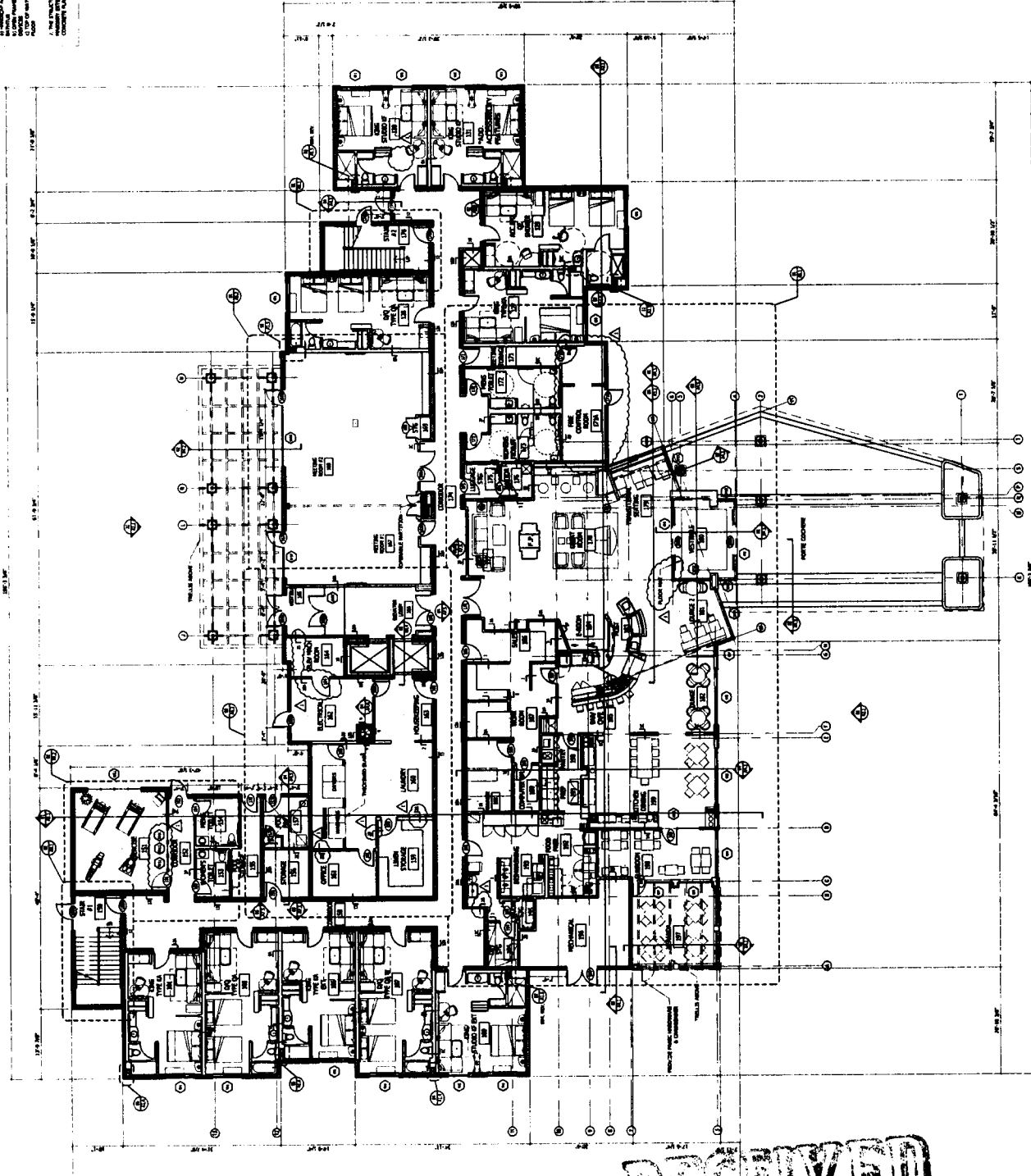
REVISION	DATE	BY	DESCRIPTION
1	05/11/08	AD	ISSUED FOR PERMIT
2	05/11/08	AD	REVISED TO SHOW EXTERIOR FLOOR
3	05/11/08	AD	REVISED TO SHOW EXTERIOR FLOOR
4	05/11/08	AD	REVISED TO SHOW EXTERIOR FLOOR
5	05/11/08	AD	REVISED TO SHOW EXTERIOR FLOOR
6	05/11/08	AD	REVISED TO SHOW EXTERIOR FLOOR
7	05/11/08	AD	REVISED TO SHOW EXTERIOR FLOOR
8	05/11/08	AD	REVISED TO SHOW EXTERIOR FLOOR
9	05/11/08	AD	REVISED TO SHOW EXTERIOR FLOOR
10	05/11/08	AD	REVISED TO SHOW EXTERIOR FLOOR

1ST FLOOR PLAN

A1.1

01 FIRST FLOOR PLAN

ADD 2008-00092



RECEIVED  
JUN 17 2008

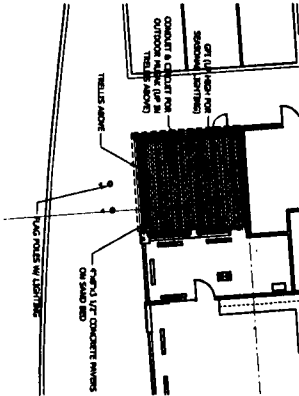
PERMIT COUNTER

RECEIVED  
JUN 17 2008

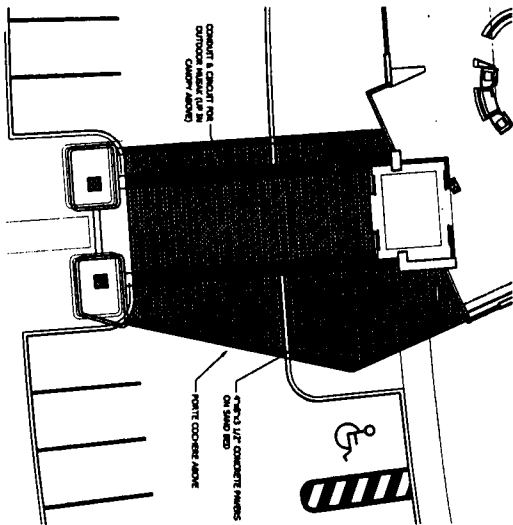
ADD 2008-00092

PERMIT COUNTER

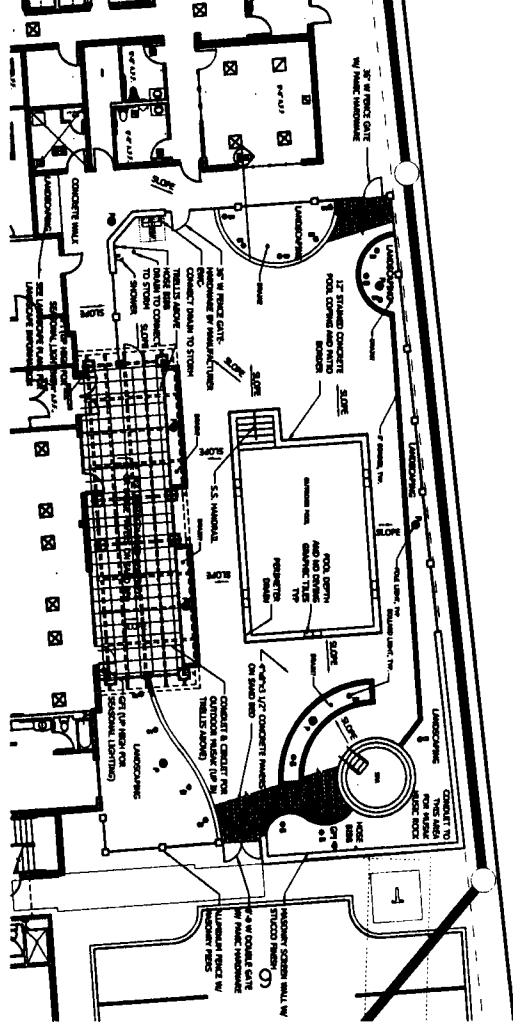
02 VERANDA AREA PLAN



01 PORTE COCHERE PAVEMENT PLAN



03 POOL AREA PLAN



A1.0A

ENLARGED POOL  
AREA PLAN

REVISION	1	REVISION
REVISION	2	REVISION
REVISION	3	REVISION
REVISION	4	REVISION
REVISION	5	REVISION
REVISION	6	REVISION
REVISION	7	REVISION
REVISION	8	REVISION
REVISION	9	REVISION
REVISION	10	REVISION

Hyatt Place  
ESTERO, FLORIDA



Overcash, Dennis  
ARCHITECTS  
2001 South Palm Street, Suite 10  
Fort Myers, FL 33901  
Phone: 774.333.1818  
Fax: 774.333.0117  
Web: www.dennisovercash.com





## Rozdolski, Mikki

---

**From:** Lauren White [LWhite@gray-robinson.com]  
**Sent:** Thursday, July 24, 2008 4:21 PM  
**To:** Rozdolski, Mikki  
**Subject:** RE: Information for Pool at Hyatt Place Estero located at 23120 Via Villagio, Estero, FL

Hi Mikki,

After conferring with Rob Lewis, Esq. and the client, we are applying for the 2COP because the client would like to serve only beer and wine.  
The hotel license would provide for the service of beer, wine, and liquor.

Please let me know if there are any problems with this type of application.

Thank you,  
Lauren White

Lauren White  
Licensing Specialist  
GrayRobinson, P.A.  
1221 Brickell Avenue, Suite 1650  
Miami, Florida 33131  
Main: 305-416-6880 | Fax: 305-416-6887

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-----Original Message-----

**From:** Rozdolski, Mikki [mailto:MRozdolski@leegov.com]  
**Sent:** Thursday, July 24, 2008 8:52 AM  
**To:** Lauren White  
**Subject:** RE: Information for Pool at Hyatt Place Estero located at 23120 Via Villagio, Estero, FL

One question came up - why are you applying for a 2COP license instead of a Hotel license?

Mikki Rozdolski, Planner  
Department of Community Development  
1500 Monroe Street  
Fort Myers, Florida 33901  
mrozdolski@leegov.com  
Phone 239-533-8317  
Fax 239-485-8300

-----Original Message-----

## Rozdolski, Mikki

---

**From:** Lynett Perez [LPerez@gray-robinson.com]  
**Sent:** Tuesday, July 15, 2008 5:50 PM  
**To:** Rozdolski, Mikki  
**Subject:** RE: Information for Pool at Hyatt Place Estero located at 23120 Via Villagio, Estero, FL

Mikki,

I am having problems with my email and just wanted to resend you this incase you did not receive it on Monday.

There are 2173 square feet in the HP Prototype lobby/food and beverage area.

Please contact us should you have any further questions.

Thank you,  
Lynett Perez

Lynett Perez  
Licensing Specialist  
GrayRobinson, P.A.  
1221 Brickell Avenue, Suite 1650  
Miami, Florida 33131  
Main: 305-416-6880 | Fax: 305-416-6887

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-----Original Message-----

**From:** Rozdolski, Mikki [mailto:MRozdolski@leegov.com]  
**Sent:** Monday, July 14, 2008 9:15 AM  
**To:** Lynett Perez  
**Subject:** RE: Information for Pool at Hyatt Place Estero located at 23120 Via Villagio, Estero, FL

Lynett,

Thank you for this information. Please forward the additional information upon receipt.

Thanks,

Mikki Rozdolski, Planner  
Department of Community Development  
1500 Monroe Street  
Fort Myers, Florida 33901  
mrozdolski@leegov.com

## Rozdolski, Mikki

---

**From:** Lynett Perez [LPerez@gray-robinson.com]  
**Sent:** Monday, June 30, 2008 11:30 AM  
**To:** Rozdolski, Mikki  
**Cc:** Robert F. Lewis, Esquire  
**Subject:** RE: Information for Pool at Hyatt Place Estero located at 23120 Via Villagio, Estero, FL

Mikki,

Please be advised that 8 tables and seating for 40 will compromise the outdoor seating area. The seating for 40 includes 8 reclining chairs. I will forward the square footage for the restaurant area upon receipt.  
Please contact us should you have any questions.

Thank you,  
Lynett Perez

Lynett Perez  
Licensing Specialist  
GrayRobinson, P.A.  
1221 Brickell Avenue, Suite 1650  
Miami, Florida 33131  
Main: 305-416-6880 | Fax: 305-416-6887

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-----Original Message-----

**From:** Rozdolski, Mikki [mailto:MRozdolski@leegov.com]  
**Sent:** Thursday, June 26, 2008 7:53 AM  
**To:** Lynett Perez  
**Cc:** Robert F. Lewis, Esquire  
**Subject:** RE: Information for Pool at Hyatt Place Estero located at 23120 Via Villagio, Estero, FL

Hi Lynett,

Thank you for the attachments. Please forward the additional information upon receipt!

Thank you,

Mikki Rozdolski, Planner  
Department of Community Development  
1500 Monroe Street  
Fort Myers, Florida 33901

**GRAY | ROBINSON**  
ATTORNEYS AT LAW

**ADD 2008-00092**

June 13, 2008

**VIA HAND SUBMITTAL**

Mikki Rozdolski  
Planner of Lee County  
P.O. Box 398  
Fort Myers, Florida 33902-0398

**RECEIVED**  
JUN 1 / 2008

**PERMIT COUNTER**

Re: Administrative Amendment to PUD (the "Application")  
BRE/Amerisuites Properties, LLC (the "Applicant")  
Hyatt Place at 23120 Via Villagio, Estero, Florida 33928 (the "Location")  
Strap No. 09-47-25-36-00000.003A

Dear Ms. Rozdolski:

Please be advised that this correspondence shall serve as the written narrative section relating to the above-captioned Application. The subject hotel is located within the Coconut Point Mixed Use Planned Development ("MPD") within the Urban Community category as defined by the Future Land Use Map of Lee County. Further, the hotel is specifically located on Tract 2D. As previously discussed, our client, BRE/AMERISUITES PROPERTIES, LLC ("BRE"), proposes to own a Hyatt Place Hotel at the above-referenced Location. As part of the hotel's operating model, BRE intends to utilize a 2COP alcoholic beverage license which permits the retail sale of beer and wine for consumption on the premises. As such, BRE would like to offer guests the opportunity to purchase and consume beer and wine on the premises in the "Galley" style restaurant, at the pool, and through room service.

Additionally, BRE proposes to have beer and wine consumption outside at the pool area, which is located at the hotel. Accordingly, BRE requests an amendment to the schedule of uses for Tract 2D, to include the consumption of beer and wine on the premise in compliance with Section 34-1264, Land Development Code ("LDC"). Pursuant to Section 34.1264, LDC, the granting of the requested administrative amendment will not result in either an apparent deleterious effect upon surrounding properties, or the immediate neighborhood as represented by property owners within 500 feet of the hotel. Also, the hotel is suitable with respect to its location, site characteristics, and its intended purpose.

As such, BRE respectfully requests that the Director of the Department of Community Development administratively approve the sale and service of beer and wine for consumption on the premises for the intended uses as described herein.

**SUITE 1850**  
401 EAST LAS OLAS BOULEVARD  
FORT LAUDERDALE, FL 33301  
TEL 954-761-8111  
FAX 954-761-8112  
gray-robinson.com

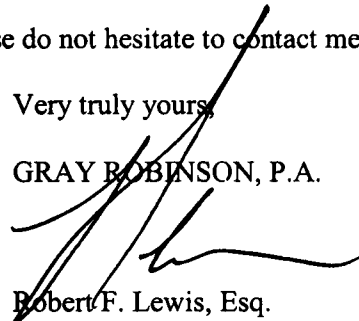
**FORT LAUDERDALE**  
**JACKSONVILLE**  
**KEY WEST**  
**LAKELAND**  
**MELBOURNE**  
**MIAMI**  
**NAPLES**  
**ORLANDO**  
**TALLAHASSEE**  
**TAMPA**

Mikki Rozdolski  
June 13, 2008  
Page 2

Of course, should you have any questions, please do not hesitate to contact me at 305.913.0349.

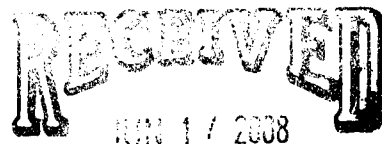
Very truly yours,

GRAY ROBINSON, P.A.



Robert F. Lewis, Esq.

RFL/av



PERMIT COUNTER

ADD 2008-00092

ADD 2008-00092

**Administrative Amendment Application  
for Hyatt Place**

**Estero, Florida**



**PERMIT COUNTER**

## Table of Contents

\*Front Pocket- correspondence (note that plans can be submitted as copies)

- Original Power of Attorney

1. Completed Application for Administrative Action form with:

- supplement H

- written narrative explaining proposal (H-2.A)

2. Legal Description (AA-3.C.1)

3. Sealed Sketch of the Legal Description (AA-3.C.2)

4. Boundary Survey (AA-3.D.1)

5. Copy of Plat Book Page (AA-3.D.2)

6. Area Location Map (AA-3.F)

7. Site plan (24" by 36") (H-2.B.2)

- floor plans

8. Reduced site plan (11" by 17") (H-2.B.2)

9. Area Location Map (H-3.A)

10. Approved Master Concept Plan (24" by 36") (H-3.B)

11. Master Concept Plan (11" by 17") (H-3.C)

12. Zoning Resolutions/Zoning Documents (H-3.D)

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**ADD 2008-00092**

13. Area Location Map (*H-4.A*)
14. Approved Master Concept Plan (24" by 36") (*H-4.B*)
15. Proposed Final Plan (24" by 36") (*H-4.C*)
16. Proposed Final Plan (11" by 17") (*H-4.D*)
17. Zoning Resolutions/Zoning Documents (*H-4.E*)



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POWER OF ATTORNEY  
Known All Men By These Presents:

PERMIT COUNTER

That Brad Carson as Vice President - Accounting of BRE/AMERISUITES PROPERTIES, LLC. has made constituted and appointed, and by these presents does make, constitute and appoint ROBERT F. LEWIS, MARBET MIER LEWIS, and LAUREN WHITE true and lawful attorney for him and in his name, place and stead;

This instrument authorizes ROBERT F. LEWIS, MARBET MIER LEWIS, and LAUREN WHITE to: Receive or obtain any and all confidential information, submit any changes to any part of any application and to substitute for said taxpayer, applicant, permit holder or licensee, solely, specifically, and exclusively in conjunction with any Certificate of Occupancy/Use, Occupational License application, zoning application and/or any alcoholic beverage license application, before the State of Florida's Department of Revenue; Department of Public Health; Division of Hotels and Restaurants; the Division of Alcoholic Beverages and Tobacco; and all municipal and county Business Tax, Building, Planning and Zoning Departments.

Giving and granting unto ROBERT F. LEWIS, MARBET MIER LEWIS, and LAUREN WHITE said attorney full power and authority to do and perform all and every act and thing whatsoever requisite and necessary to be done in and about the premises as fully, to all intents and purposes, as he might or could do if personally present, with full power of substitution and revocation, hereby ratifying and confirming all that ROBERT F. LEWIS, MARBET MIER, and LAUREN WHITE said attorney of their substitute shall lawfully do or cause to be done by virtue hereof.

IN WITNESS WHEREOF, I have hereunto set my hand and seal the 30<sup>th</sup> day of April, 2008.

Sealed and delivered in the presence of:

BRE/AMERISUITES PROPERTIES, LLC.

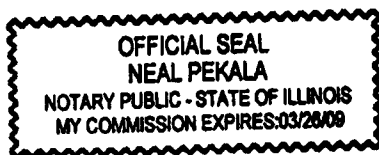
By: Brad Carson  
Name: Brad Carson  
Title: Vice President - Accounting

STATE OF ILLINOIS )

) ss:

COUNTY OF Cook )

The foregoing instrument was acknowledged before me this 30<sup>th</sup> day of April, 2008, by Brad Carson, who personally appeared before me at the time of notarization, and who is personally known to me ~~or who has produced~~ \_\_\_\_\_ as identification.



Neal Pekala  
NOTARY PUBLIC, State of Illinois  
at Large

My Commission Expires: 3/26/09



LEE COUNTY  
SOUTHWEST FLORIDA

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PERMIT COUNTER

APPLICATION FOR ADMINISTRATIVE ACTION  
FOR UNINCORPORATED AREAS ONLY

Applicant's Name: BRE/Amerisuites Properties, LLC

Project Name: Hyatt Place Estero

STRAP Number(s): 09-47-25-36-00000.003A

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)

ADD 2008-00092

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: ADD2008 00092 Commission District: \_\_\_\_\_  
Current Zoning: MPD Fee Amount: 100000  
Land Use Classification: \_\_\_\_\_ Intake by: CW  
Planning Community: ESTERO

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

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JUN 17 2008

COMMUNITY DEVELOPMENT

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

**A. Name of applicant:** BRE/Amerisuites Properties LLC  
**Address:** **Street:** 71 S. Wacker Drive; 14th Floor  
**City:** Chicago **State:** IL **Zip:** 60606  
**Phone:** **Area Code:** \_\_\_\_\_ **Number:** \_\_\_\_\_ **Ext:** \_\_\_\_\_  
**Fax:** **Area Code:** 312 **Number:** 780-5284  
**E-mail address:** \_\_\_\_\_

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

- ☒ Applicant (including an individual or husband & wife) is the <sup>CO</sup>~~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:** Gray-Robinson, PA  
**Contact Person:** Robert F. Lewis, PA  
**Address:** **Street:** 1221 Brickell Avenue, Suite 1650  
**City:** Miami **State:** FL **Zip:** 33131  
**Phone:** **Area Code:** (305) **Number:** 913-0349 **Ext:** \_\_\_\_\_  
**Fax:** **Area Code:** (305) **Number:** 416-6887  
**E-mail address:** rlewis@gray-robinson.com

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

**PART 2**  
**PROPERTY OWNERSHIP**

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

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

**A.1. Name:** \_\_\_\_\_

Mailing Address: Street: \_\_\_\_\_  
City: \_\_\_\_\_ State: \_\_\_\_\_ Zip: \_\_\_\_\_  
Phone: Area Code: \_\_\_\_\_ Number: \_\_\_\_\_ Ext: \_\_\_\_\_  
Fax: Area Code: \_\_\_\_\_ Number: \_\_\_\_\_  
E-mail: \_\_\_\_\_

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

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

**C. Multiple parcels**

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

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

**D. Date property was acquired by present owner(s):** December 19, 2007

**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):** 09-47-25-36-00000.003A

**B. Street Address of Property:** 23120 Via Villagio, Estero, Fl 33928

**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:** Coconut Point Mixed Use Planned Development

**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:** From the government center: Head southeast on Monroe, turn left on Dr. Martin Luther King Jr. Blvd., take the I-75 ramp S, exit 123 to merge onto Corkscrew Rd./

CR-850 toward Estero; turn left at Tamiami Trail S.; turn left at (pls see attached)

G. **Current Zoning of Property:** Coconut Point Mixed Use Planned Development

H. **Current use(s) of the property are:** New construction as the property is being developed.

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

1. Width (average if irregular parcel):	<u>304.28</u>	Feet west by <u>307.11</u> feet east
2. Depth (average if irregular parcel):	<u>364.82</u>	Feet north by <u>329.48</u> feet south
3. Total area:	<u>2.420</u>	Acres or square feet
4. Frontage on road or street:	<u>304.28</u>	Feet on _____ Street
2 <sup>nd</sup> Frontage on road or street:	<u>N/A</u>	Feet on _____ Street

**PART 4  
ACTION REQUESTED**

**A. TYPE OF REQUEST (please check one)**

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

**B. NATURE OF REQUEST (please print):** Administrative Amendment to a PUD in order to have on premise consumption of beer and wine and additionally have outdoor seating and service by the pool and beer and wine service offered through room service

**Continued Directions to Property**

(continued from previous page) Village shops way;

At the traffic circle take the 4<sup>th</sup> exit onto Via Villagio Parkway;

End at subject location.

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, BRAD CARSON as Vice President - Accounting of  
BRE/Amerisuites Properties, LLC, swear or affirm under oath, that I am the \_\_\_\_\_ or the authorized  
representative of the owner(s) of the property and that: \_\_\_\_\_ co-owner

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.

BRE/Amerisuites Properties, L.L.C.  
\*Name of Entity (corporation, partnership, LLP, LC, etc)

(X) Brad Carson  
Signature  
Vice President - Accounting  
(title of signatory)

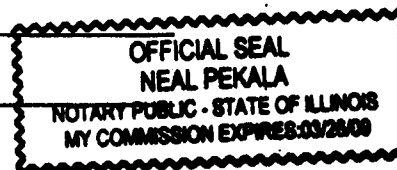
BRAD CARSON  
(Type or printed name)

STATE OF Illinois  
COUNTY OF COOK

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

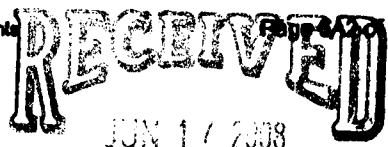
Neal Pekala  
Signature of person taking oath or affirmation  
Notary Public  
Title or rank

Neal Pekala  
Name typed, printed or stamped  
Serial number, if any



\*Notes:

- If the applicant is a corporation, then it is usually executed by the corp. pres. or v. pres.
- If the applicant is a Limited Liability Company (L.L.C.) or Limited Company (L.C.), then the documents should typically be signed by the Company's "Managing Member."
- If the applicant is a partnership, then typically a partner can sign on behalf of the partnership.
- If the applicant is a limited partnership, then the general partner must sign and be identified as the "general partner" of the named partnership.
- If the applicant is a trustee, then they must include their title of "trustee."
- In each instance, first determine the applicant's status, e.g., individual, corporate, trust, partnership, estate, etc., and then use the appropriate format for that ownership.



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

**STRAP NO.** 09-47-25-36-00000.003A      **CASE NO.** ZVL2008-00020

1. If the property is owned in fee simple by an INDIVIDUAL, tenancy by the entirety, tenancy in common, or joint tenancy, list all parties with an ownership interest as well as the percentage of such interest.

Name and Address	Percentage of Ownership
_____	_____
_____	_____
_____	_____
_____	_____
_____	_____

2. If the property is owned by a CORPORATION, list the officers and stockholders and the percentage of stock owned by each.

Name and Address	Percentage of Stock
_____	_____
_____	_____
_____	_____
_____	_____
_____	_____

3. If the property is in the name of a TRUSTEE, list the beneficiaries of the trust with percentage of interest.

Name and Address	Percentage of Interest
_____	_____
_____	_____
_____	_____
_____	_____
_____	_____

4. If the property is in the name of a Limited Liability Company, list the names of the general and limited partners.

**BRE/Amerisuites Properties, LLC**

Name and Address	Percentage of Ownership
<u>Jeffrey Peterson - 1248 Haddington Court Palatine, IL 60067</u>	<u>0</u>
<u>Harold S. Handelsman - 823 Greenleaf Glencoe, IL 60022</u>	<u>0</u>
<u>Christine Maki - 6755 Fieldstone Drive Burr Ridge, IL 60521</u>	<u>0</u>
<u>Kirk A. Rose - 403 North Dine Hinsdale, IL 60521</u>	<u>0</u>
<u>Bradford Corson - 103 South Williston St. Wheaton, IL 60187</u>	<u>0</u>
<u>Select Hotels Group, LLC 200 West Monroe, 8th Flr. Chicago, IL 60606</u>	<u>100%</u>

Please see attached Exhibit B for co-owner.

Page 1 of 2



**EXHIBIT B**

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

**STRAP NO.** 09-47-25-36-00000.003A **CASE NO.** ZVL2008-00020

1. If the property is owned in fee simple by an INDIVIDUAL, tenancy by the entirety, tenancy in common, or joint tenancy, list all parties with an ownership interest as well as the percentage of such interest.

Name and Address	Percentage of Ownership

2. If the property is owned by a CORPORATION, list the officers and stockholders and the percentage of stock owned by each.

Name and Address	Percentage of Stock

3. If the property is in the name of a TRUSTEE, list the beneficiaries of the trust with percentage of interest.

Name and Address	Percentage of Interest

4. If the property is in the name of a Limited Liability Company, list the names of the general and limited partners.

SHCP Hotel, LLC

Name and Address	Percentage of Ownership
Simon Property Group, LP-225 W. Washington St, Indianapolis, IN	50%
Select Hotels Group, LLC - 71 S. Wacker Dr, Chicago, IL	50%

5. If there is a CONTRACT FOR PURCHASE, whether contingent on this application or not, and whether a Corporation, Trustee, or Partnership, list the names of the contract purchasers below, including the officers, stockholders, beneficiaries, or partners.

Name and Address

Percentage of Stock


Date of Contract: \_\_\_\_\_

6. If any contingency clause or contract terms involve additional parties, list all individuals or officers, if a corporation, partnership, or trust.

Name and Address


For any changes of ownership or changes in contracts for purchase subsequent to the date of the application, but prior to the date of final public hearing, a supplemental disclosure of interest shall be filed.

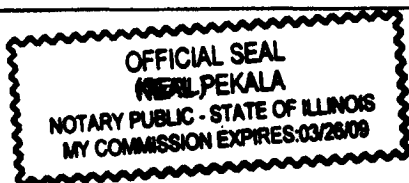
The above is a full disclosure of all parties of interest in this application, to the best of my knowledge and belief.

Signature: (X) Brad Carson  
(Applicant)

Brad Carson, Vice President - Accounting, Bre/Ameri Suites  
(Printed or typed name of applicant) Properties, L.L.C.

STATE OF FLORIDA  
COUNTY OF LEE

The foregoing instrument was acknowledged before me this 28 day of May 2008  
by Brad Carson who is personally known to me or who has produced  
as identification.



Signature of Notary Public

Printed Name of Notary Public

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JUN 1 / 2008

Page 2 of 2

(Updated 08/2006 - thru Ord. 05-29) P:\WEBPage\Public Hearing Submittal Requirements

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ADD 2008-000921

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**EXHIBIT AA-1.C.2  
ADDITIONAL AGENTS**

**Company Name:** Gray-Robinson, PA

**Contact Person:** Marbet Mier Lewis, Esq.

**Address:** **Street :** 1221 Brickell Avenue, Suite 1650

**City:** Miami **State:** FL **Zip:** 33131

**Phone: Area Code:** (305) **Number:** 913-0348 **Ext:**

**Fax: Area Code:** (305) **Number:** 913-6887

**E-mail address:**

**Company Name:**

**Contact Person:**

**Address:** **Street :**

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

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

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

**E-mail address:**

**Company Name:**

**Contact Person:**

**Address:** **Street :**

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

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

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

**E-mail address:**

**Company Name:**

**Contact Person:**

**Address:** **Street :**

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

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

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

**E-mail address:**



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: ZVL2008-00020

Project Name: Hyatt Place Estero

Applicant's Name: BRE/Amerisuites Properties, LLC

STRAP Number(s): 09-47-25-36-00000.003A

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Indicate whether REQUEST is for:

- ☒ ADMINISTRATIVE AMENDMENT (please complete PART 1, PART 2, & PART 3.)  
☐ FINAL PLAN APPROVAL (please complete PART 1, PART 2, & PART 4.)

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

PART 1.  
APPLICATION INFORMATION

- A. ORIGINAL PROJECT NAME (if different than Project Name currently used):  
Not Applicable
- 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.).


ADD 2008-00092

- 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.).

DOS2007-00202

_____	_____
_____	_____
_____	_____
_____	_____

**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. ☐ 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 four (6) 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.

**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 one (6) 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 six (6) 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 six (6) 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 six (6) 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 six (6) 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.



6200 Whiskey Creek Drive • Fort Myers, Florida 33919 • Phone: 239.985.1200 • Fax: 239.985.1258 • Fax: 239.985.1259

HM PROJECT #2007012  
5/21/2008  
REF. DWG. #D-138

PROPERTY DESCRIPTION:

ALL OF LOT 3B-1 OF COCONUT POINT AREA 2 LOT 3B REPLAT, ACCORDING TO THE PLAT THEREOF, AS RECORDED IN INSTRUMENT NO. 2008000055764 OF THE PUBLIC RECORDS OF LEE COUNTY, FLORIDA.

PROPERTY AREA = 3.463 ACRES

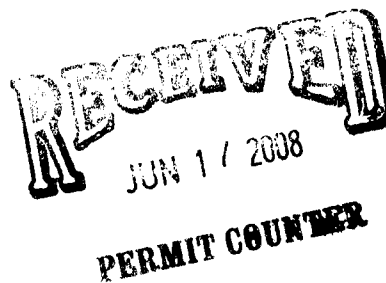
NOTES:

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

BEARINGS SHOWN HEREON REFER TO THE NORTH LINE OF LOT 3B-1 OF COCONUT POINT AREA 2 LOT 3B REPLAT, ACCORDING TO THE PLAT THEREOF, AS RECORDED IN INSTRUMENT NO. 2008000055764 OF THE PUBLIC RECORDS OF LEE COUNTY, FLORIDA. AS BEING N.83°47'09"E.

HOLE MONTES, INC.  
CERTIFICATE OF AUTHORIZATION NUMBER LB 1772

BY  P.S.M. #6130  
JERRY L. RIFFELMACHER STATE OF FLORIDA



ADD 2008-00092

GRAPHIC SCALE



( IN FEET )

1 inch = 100 ft.

LINE	BEARING	DISTANCE
L1	S 01°40'54" W	68.32'
L2	N 86°41'37" E	188.63'

CURVE	RADIUS	DELTA	CHORD	BEARING	LENGTH
C1	11591.16'	00°40'52"	137.81'	N 03°49'56" W	137.81'
C2	11591.16'	01°30'15"	304.27'	N 04°55'29" W	304.28'
C3	2520.00'	00°59'04"	43.30'	N 01°11'22" E	43.30'
C4	25.00'	80°50'19"	32.42'	S 41°07'00" W	35.28'
C5	233.50'	13°31'26"	54.99'	N 74°46'27" E	55.11'
C6	166.50'	18°40'53"	54.05'	S 77°21'10" W	54.29'

LOT 3A

(BASIS OF BEARING) N 83°47'09" E 364.82'

N. BOUNDARY LINE OF 3B-1

LOT 3B-1

U.S. 41/STATE RD 45  
(VARYING R-0-W)

S 83°47'09" W 329.48'

LOT 3B-2

L2  
PALMA DE COCO DRIVE

E. BOUNDARY LINE OF 3B-1  
S 01°40'54" W 307.11'

VIA VILLAGIO

LEGEND

POB POINT OF BEGINNING  
POC POINT OF COMMENCEMENT

SEC-TWN-RGE: 9-47-25

DRAWN BY:	DATE
JRD/AK	5/08
CHECKED BY:	DRAWING NO.
JLR	E-427-2

**H&M**  
**HOLE MONTES**  
ENGINEERS-PLANNERS-SURVEYORS  
LANDSCAPE ARCHITECTS

6224 Whiskey Creek Drive  
Fort Myers, FL 33919  
Phone: (239) 985-1200  
Florida Certificate of  
Authorization No. 1772

NOT VALID WITHOUT  
THE SIGNATURE AND  
THE ORIGINAL RAISED  
SEAL OF A FLORIDA  
LICENSED SURVEYOR  
AND MAPPER.

\* NOT A SURVEY \*

BY  JERRY L. RIFFELMACHER  
P.S.M. #6130  
STATE OF FLORIDA

PROJECT NO.

07.012

REFERENCE NO.  
3B-1SL-2

SKETCH AND LEGAL DESCRIPTION

LEGAL DESCRIPTION:  
ALL OF LOT 3B-1 OF COCONUT POINT AREA 2 LOT 3B REPLAT, ACCORDING TO THE PLAT THEREOF,  
AS RECORDED IN INSTRUMENT NO. 2008000055764 OF THE PUBLIC RECORDS-OF LEE COUNTY,  
FLORIDA

PROPERTY AREA = 3.463 ACRES

NOTES:

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

BEARINGS SHOWN HEREON REFER TO THE NORTH LINE OF LOT 3B-1 OF COCONUT POINT AREA 2  
LOT 3B REPLAT, ACCORDING TO THE PLAT THEREOF, AS RECORDED IN INSTRUMENT NO.  
2008000055764 OF THE PUBLIC RECORDS OF LEE COUNTY, FLORIDA. AS BEING N.83°47'09"E.

HOLE MONTES, INC.  
CERTIFICATE OF AUTHORIZATION NUMBER LB 1772

PERMIT COUNTER

PROJECT REVIEW  
JUN 1 / 2008

ADD 2008-00092



ADD 2008-00092

LEE COUNTY PROPERTY APPRAISER

PROPERTY DATA FOR PARCEL 09-47-25-36-00000.003A  
TAX YEAR 2007RECEIVED  
JUN 1 / 2008

Parcel data is available for the following tax years:

[ 2001 | 2002 | 2003 | 2004 | 2005 | 2006 | 2007 ]

PERMIT COUNTER

[ [Next Lower Parcel Number](#) | [Next Higher Parcel Number](#) | [Display Tangible Accounts on this Parcel](#) | [Display Tax Bills on this Parcel](#) | [Tax Estimator](#) ]

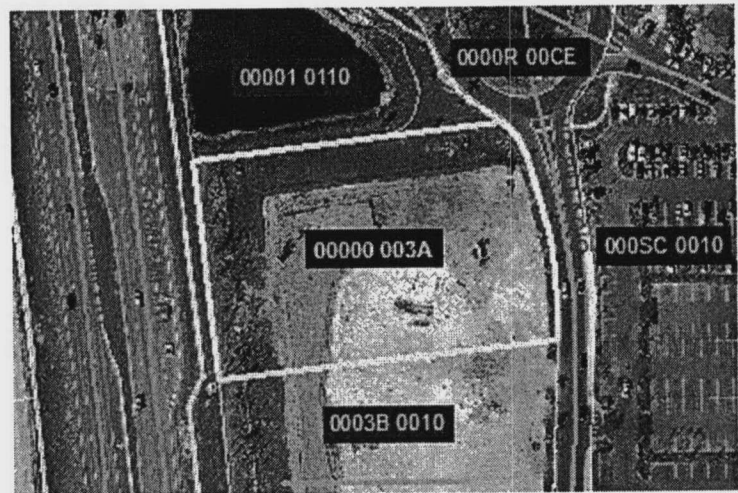
OWNERSHIP, LEGAL, SALES AND DISTRICT DATA ARE FROM THE CURRENT DATABASE. LAND, BUILDING, VALUE AND EXEMPTION DATA ARE FROM THE 2007 ROLL.

## PROPERTY DETAILS

## OWNER OF RECORD

WACHOVIA BANK NA  
225 WATER ST  
JACKSONVILLE FL 32202[ [VIEWER](#) ] [TAX MAP](#) [ [PRINT](#) ]

## SITE ADDRESS

23100 VIA VILLAGIO  
ESTERO FL 33928

## LEGAL DESCRIPTION

COCONUT POINT AREA 2  
DESC IN INST#2006-409925  
LOT 3-A[ [PICTOMETRY](#) ]

## TAXING DISTRICT

079 - ESTERO FIRE

## DOR CODE

10 - VACANT COMMERCIAL

PROPERTY VALUES (TAX  
ROLL 2007)[ [HISTORY CHART](#) ]

## EXEMPTIONS

## ATTRIBUTES

JUST	1,722,180	HOMESTEAD	0	LAND UNITS OF MEASURE	SF
ASSESSED	1,722,180	AGRICULTURE	0	TOTAL NUMBER OF LAND UNITS	86,109.22
ASSESSED SOH	1,722,180	WIDOW	0	FRONTAGE	0
TAXABLE	1,722,180	WIDOWER	0	DEPTH	0
BUILDING		0 DISABILITY	0	BEDROOMS	

LAND	1,722,180 WHOLLY	0 BATHROOMS
BUILDING FEATURES	0 SOH DIFFERENCE	0 TOTAL BUILDING SQFT
LAND FEATURES	0	1ST YEAR BUILDING ON TAX ROLL
		HISTORIC DISTRICT
		No

## SALES/TRANSACTIONS

SALE PRICE	DATE	OR NUMBER	TYPE	TRANSACTION DETAILS DESCRIPTION	VACANT / IMPROVED
2,070,000	11/28/2007	<u>2007000357721</u>	06	Qualified (Fair Market Value / Arms Length / One STRAP #)	V
100	2/17/2006	<u>2006000080230</u>	04	Disqualified (Multiple STRAP # - 01,03,04,07) There are 355 additional parcel(s) with this document (may have been split after the transaction date)... <u>04-47-25-00-00001.013A, 04-47-25-36-00000.0040, 04-47-25-36-00000.0050, 04-47-25-36-00000.0060, 04-47-25-36-0000L.01CE, 04-47-25-36-0000L.02CE, 04-47-25-36-0000L.03CE, 04-47-25-36-0000R.00CE, 04-47-25-36-000SC.0010, 04-47-25-36-000SC.0020, 04-47-25-36-000SC.0030, 04-47-25-36-000SC.0050...</u> <i>Remaining parcels not listed.</i>	V
37,250,000	6/6/2004	<u>4339/1857</u>	02	Qualified (Multiple STRAP # / 06-09I) There are 356 additional parcel(s) with this document (may have been split after the transaction date)... <u>04-47-25-00-00001.013A, 04-47-25-36-00000.0040, 04-47-25-36-00000.0050, 04-47-25-36-00000.0060, 04-47-25-36-0000L.01CE, 04-47-25-36-0000L.02CE, 04-47-25-36-0000L.03CE, 04-47-25-36-0000R.00CE, 04-47-25-36-000SC.0010, 04-47-25-36-000SC.0020, 04-47-25-36-</u>	V

			000SC.0030, <u>04-47-25-36-000SC.0050...</u> <i>Remaining parcels not listed.</i>	
100	12/13/1995	<u>2669/1047</u>	04 Disqualified (Multiple STRAP # - 01,03,04,07) There are 2869 additional parcel(s) with this document (may have been split after the transaction date)... <u>02-47-25-00-00001.0030, 02-47-25-00-00001.0050, 02-47-25-00-00001.0120, 02-47-25-02-00000.0510, 02-47-25-02-00000.0520, 02-47-25-02-00000.0530, 02-47-25-02-00000.0540, 02-47-25-02-00000.0550, 02-47-25-02-00000.0560, 02-47-25-02-00000.0570, 02-47-25-02-00000.0580, 02-47-25-02-00000.0590...</u> <i>Remaining parcels not listed.</i>	V
100	11/1/1981	<u>1560/304</u>	04 Disqualified (Multiple STRAP # - 01,03,04,07) There are 1518 additional parcel(s) with this document (may have been split after the transaction date)... <u>02-47-25-00-00001.0030, 02-47-25-00-00001.0050, 02-47-25-00-00001.0120, 02-47-25-18-0000B.0130, 02-47-25-18-0000B.0140, 02-47-25-18-0000B.0150, 02-47-25-18-0000B.0160, 02-47-25-18-0000B.0170, 02-47-25-18-0000B.0180, 02-47-25-18-0000B.0190, 02-47-25-18-0000B.0200, 02-47-25-18-0000B.0210...</u> <i>Remaining parcels not listed.</i>	V
1,493,200	10/1/1981	<u>1560/256</u>	02 Qualified (Multiple STRAP # / 06-09I) There are 285 additional parcel(s) with this document (may have been split after the transaction date)... <u>09-47-25-00-00001.0110, 09-47-25-00-00001.0180, 09-47-25-00-00001.16CE, 09-47-25-00-00001.20CE, 09-47-25-36-00000.0010, 09-47-25-36-00000.002A, 09-47-25-36-</u>	V

00000.002B, 09-47-25-36-  
 00000.002C, 09-47-25-36-  
 00000.0070, 09-47-25-36-  
 00005.5101, 09-47-25-36-  
 00005.5102, 09-47-25-36-  
 00005.5103...

*Remaining parcels not listed.*

## PARCEL NUMBERING HISTORY

CREATION DATE - 2/16/2007

PRIOR STRAP	RENUMBER REASON	RENUMBER DATE
09-47-25-00-00001.0020	Split (From another Parcel)	Friday, February 16, 2007

## SOLID WASTE (GARBAGE) ROLL DATA

SOLID WASTE DISTRICT	ROLL TYPE	CATEGORY	UNIT/AREA	TAX AMOUNT
003 - Service Area 3	C - Commercial Category	C	0	0.00

**COLLECTION DAYS**

GARBAGE	RECYCLING	HORTICULTURE
Tuesday	Tuesday	Monday

## ELEVATION INFORMATION

THIS CATEGORY MAY CHANGE IN SEPTEMBER 2008. TO VIEW THE NEW CATEGORY, [CLICK HERE](#)

STORM SURGE CATEGORY	RATE CODE	COMMUNITY	PANEL	VERSION	DATE
3	B	125124	0475	B	

**FLOOD INSURANCE ([FIRM FAQ](#))**

[ [Show](#) ]

## APPRAISAL DETAILS

TRIM (*proposed* tax) Notices are available for the following tax years:  
 [ [2007](#) ]

[ [Next Lower Parcel Number](#) | [Next Higher Parcel Number](#) ]

[ [New Query](#) | [Parcel Queries Page](#) | [Lee PA Home](#) ]

SPECIAL WARRANTY DEED

THIS INDENTURE (the "Deed"), made this 28 day of November, 2007,  
by COCONUT POINT DEVELOPERS, LLC, a Delaware limited liability company, 225 W.  
Washington Street, Indianapolis, Indiana 46204 ("Grantor"), to and in favor of WACHOVIA  
BANK, NATIONAL ASSOCIATION, a national banking association, 225 Water Street,  
Jacksonville, Florida 32202 ("Grantee");

WITNESSETH THAT:

Grantor, for valuable consideration, does hereby grant, with special warranty covenants,  
unto the Grantee, its successors and assigns, all of the parcel of land lying and being in Lee  
County, Florida, consisting of approximately 1.98 acres, as more fully described in Exhibit "A"  
attached hereto and made a part hereof (hereinafter referred to as the "Parcel");

TOGETHER, with all and singular the hereditaments and appurtenances thereunto  
belonging, or in anywise appertaining, and the reversion and reversions, remainder and  
remainders, rents, issues and profits thereof, and all the estate, right, title, interest, claim or  
demand whatsoever, of Grantor either in law or in equity, of, in and to the Parcel, with the  
hereditaments and appurtenances;

**BUT SUBJECT TO:**

- (i) all streets and public rights of way;
- (ii) all laws, rules and/or regulations (federal, state and/or local) now in effect;
- (iii) restrictions, encumbrances, reservations, limitations, conditions, easements,  
agreements and/or other matters affecting the Parcel, if of public record; and
- (iv) all real estate taxes and assessments not due and payable as of the date hereof.

TO HAVE AND TO HOLD, the same, together with all the hereditaments and  
appurtenances thereunto belonging or in anywise appertaining, to the said Grantee, its successors  
and assigns, forever.

\_\_\_\_\_  
This instrument was prepared by and  
after recording should be returned to:

Return to Interstate Title Services  
5 Harvard Circle, Ste. 110  
West Palm Beach, Fl. 33409

File# I-7087

11-14-07 (revised).doc

And Grantor will warrant and defend title to the Parcel against all parties lawfully claiming the same from, through or under it, but against no others.

And Grantor hereby covenants and warrants that it is fully authorized to convey the Parcel as set forth herein.

By acceptance of this Deed, Grantee acknowledges that the Parcel being deeded hereby is part of the Coconut Point Development of Regional Impact. Grantee, for itself and its successors, assigns and grantees, by acceptance of this Deed hereby covenants and agrees that the Parcel is and shall be subject to the following covenants, which covenants shall run with the land in perpetuity.

1. Neither Grantee nor any of its successors, assigns or grantees shall apply for, obtain or seek to obtain any substantial deviation from the Development Order for Coconut Point DRI State DRI #09-2001-153, Case #DRI2000-00015 (the "Coconut Point DRI DO"), the Resolution of the Board of County Commissioners of Lee County, Florida Number Z-02-009 or the Development Agreement for Coconut Point (collectively the "Approvals").
2. Grantee and its successors, assigns and grantees shall, if requested, promptly join in the execution of, and authorize the filing of, any instrument necessary or required to extend the time periods established under the Coconut Point DRI DO.
3. Grantee and its successors, assigns and grantees shall at all times comply with the requirements of the Approvals.
4. The Parcel is located in a hurricane vulnerability zone and the hurricane clearance time for Lee County or the Southwest Florida Region is high and hurricane shelter spaces are limited.
5. Specific performance shall be an available remedy in the event of a breach of the covenants contained herein.
6. Any deed conveying any interest in this Parcel shall include the provisions, acknowledgments and covenants of the Grantee provided in this Deed and the grantee under such deed shall take title to the property conveyed subject thereto.

EXCEPTING AND RESERVING to Grantor, its successors and assigns for the benefit of the shopping center site commonly known as The Shops at Coconut Point (the "Center"), described in Exhibit "B" attached hereto and made a part hereof, a perpetual, non-exclusive right, privilege and easement in, under, on and through that area described in Exhibit "C" attached hereto and made a part hereof (the "Reserved Utility Easement Area"), together with such rights of access thereto, thereon and therein as are reasonably necessary to fully enjoy such reserved

M:\Legal Development\STAFF\ALAN\Coconut Point\Wachovia\Special Warranty Deed 11-14-07 (revised).doc

easement rights, for the limited purpose of constructing, installing, operating, inspecting, maintaining, repairing and/or replacing underground general utility facilities and related surface and subsurface appurtenances (the "Reserved Utilities"), and for no other purpose (the "Reserved Utility Easement"). Grantee shall retain on behalf of itself, its successors and assigns, the perpetual right to landscape, pave and make such other uses of the surface of the Reserved Utility Easement Area as are not inconsistent with the Reserved Utility Easement, but not the right to construct or install any permanent structures thereon or thereto which would or might restrict access to the Reserved Utility Easement Area or access to and use of the Reserved Utilities. If the surface and/or subsurface of the Reserved Utility Easement Area (including any Improvements located thereon and/or therein which are not permanent structures (e.g., paving, curbs, gutters and the like)) are disturbed by any party entitled to do so pursuant to the provisions hereof, such party shall, in consideration of its use and enjoyment of the Reserved Utility Easement and at its sole cost and expense, promptly restore the surface and/or subsurface thereof (and all such improvements located thereon and/or therein) to the same general condition in which they existed immediately prior to such disturbance.]

[The remainder of this page is intentionally blank.]

IN WITNESS WHEREOF, the said Grantor has caused these presents to be duly executed, the day and year first above written.

GRANTOR

COCONUT POINT DEVELOPERS, LLC, a Delaware limited liability company

By: SIMON PROPERTY GROUP, L.P., a Delaware limited partnership, its managing member

By: SIMON PROPERTY GROUP, INC., a Delaware corporation, its general partner

WITNESSES:

Sign: Alan E. Hale  
Print: Alan E. Hale

Sign: Paul E. Locke  
Print: Paul E. Locke

By: David Simon  
David Simon  
Chairman  
and Chief Executive Officer

STATE OF INDIANA )  
 ) SS:  
COUNTY OF MARION )

Before me, a Notary Public in and for said County and State, personally appeared David Simon, to me personally known as the Chairman and Chief Executive Officer of SIMON PROPERTY GROUP, INC., a Delaware corporation, as general partner of SIMON PROPERTY GROUP, L.P., a Delaware limited partnership, as managing member of COCONUT POINT DEVELOPERS, LLC, a Delaware limited liability company, who acknowledged his execution of the foregoing instrument for and on behalf of said corporation by authority of its Board of Directors.

WITNESS my hand and notarial seal this 27<sup>th</sup> day of November, 2007.

Darlene E. Garvey  
Notary Public



DARLENE E. GARVEY  
Res. of Johnson Co.  
Comm. Exp. 1-18-2008



**EXHIBIT A TO SPECIAL WARRANTY DEED**

**Legal Description of the Parcel**

**Lot 3A, Coconut Point – Area 2 Subdivision as recorded October 27, 2006 in Instrument Number 2006000409925, in the Office of the Circuit Court for Lee County, Florida**

**EXHIBIT B TO SPECIAL WARRANTY DEED**

**Legal Description of the Center**

All of Tracts SC-1, SC-2, SC-3, SC-4, SC-5, L-1, L-2, L-3, L-4, L-5, A, and R and Lots 1, 2A, 2B, 3A, 3B, 4, 5, 6 and 7, Coconut Point Area 2, according to the Plat thereof as recorded in Instrument # 2006000409925 of the Public Records of Lee County, Florida



**DESCRIPTION  
OF AN EASEMENT  
LYING IN  
SECTION 9, TOWNSHIP 47 SOUTH, RANGE 25 EAST  
LEE COUNTY, FLORIDA  
(5' RESERVED GENERAL UTILITY EASEMENT)**

AN EASEMENT LYING IN THE STATE OF FLORIDA, COUNTY OF LEE, IN SECTION 9, TOWNSHIP 47 SOUTH, RANGE 25 EAST, BEING A PART OF LOT 3A, AS SHOWN ON THE RECORD PLAT OF COCONUT POINT - AREA 2, AS RECORDED IN INSTRUMENT NUMBER 2006000409925 OF THE PUBLIC RECORDS OF LEE COUNTY, FLORIDA, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

**COMMENCING** AT THE NORTHWEST CORNER OF SAID LOT 3A AND THE INTERSECTION OF THE NORTH LINE OF SAID LOT 3A AND THE EASTERLY RIGHT-OF-WAY LINE OF U.S. 41/TAMIAMI TRAIL; THENCE N.83°19'53"E. ALONG THE NORTH LINE OF SAID LOT 3A, A DISTANCE OF 63.50 FEET TO THE **POINT OF BEGINNING**; THENCE CONTINUE N.83°19'53"E. ALONG THE NORTH LINE OF SAID LOT 3A, A DISTANCE OF 271.46 FEET TO THE WESTERLY RIGHT-OF-WAY LINE OF VIA VILLAGIO AND A POINT OF CURVE OF A NON-TANGENT CURVE TO THE RIGHT, OF WHICH THE RADIUS POINT LIES S.38°42'28"W., A RADIAL DISTANCE OF 75.00 FEET; THENCE SOUTHEASTERLY ALONG THE ARC AND THE WESTERLY RIGHT-OF-WAY LINE OF VIA VILLAGIO, THROUGH A CENTRAL ANGLE OF 05°08'45", A DISTANCE OF 6.74 FEET; THENCE S.83°19'53"W., A DISTANCE OF 270.97 FEET; THENCE S.06°40'07"E., A DISTANCE OF 29.96 FEET TO A POINT OF CURVE TO THE RIGHT HAVING A RADIUS OF 11,659.66 FEET AND A CENTRAL ANGLE OF 00°59'19"; THENCE SOUTHERLY ALONG THE ARC, A DISTANCE OF 201.19 FEET TO AN INTERSECTION WITH THE SOUTH LINE OF SAID LOT 3A; THENCE S.83°47'09"W. ALONG THE SOUTH LINE OF SAID LOT 3A, A DISTANCE OF 5.00 FEET TO A POINT OF CURVE OF A NON-TANGENT CURVE TO THE LEFT, OF WHICH THE RADIUS POINT LIES S.84°19'13"W., A RADIAL DISTANCE OF 11,654.66 FEET; THENCE NORTHERLY ALONG THE ARC THROUGH A CENTRAL ANGLE OF 00°59'20", A DISTANCE OF 201.15 FEET; THENCE N.06°40'07"W., A DISTANCE OF 34.96 FEET TO THE **POINT OF BEGINNING**.

SUBJECT TO EASEMENTS, RESTRICTIONS, RESERVATIONS AND RIGHTS-OF-WAY OF RECORD (WRITTEN AND UNWRITTEN, RECORDED AND UNRECORDED).

BEARINGS ARE BASED ON THE NORTH LINE OF LOT 3A, COCONUT POINT - AREA 2, AS BEARING N.83°19'53"E.

Certification for Boundary Description  
Surveyor AND Mapper in Responsible Charge:  
Denis J. O'Connell, Jr., LS #5430  
Metron Surveying & Mapping, LLC, LB #7071  
10970 S. Cleveland Ave., Suite #605  
Fort Myers, FL 33907

Signed: \_\_\_\_\_

Date: 11/26/07

SHEET 1 OF 2

9976SK2.doc

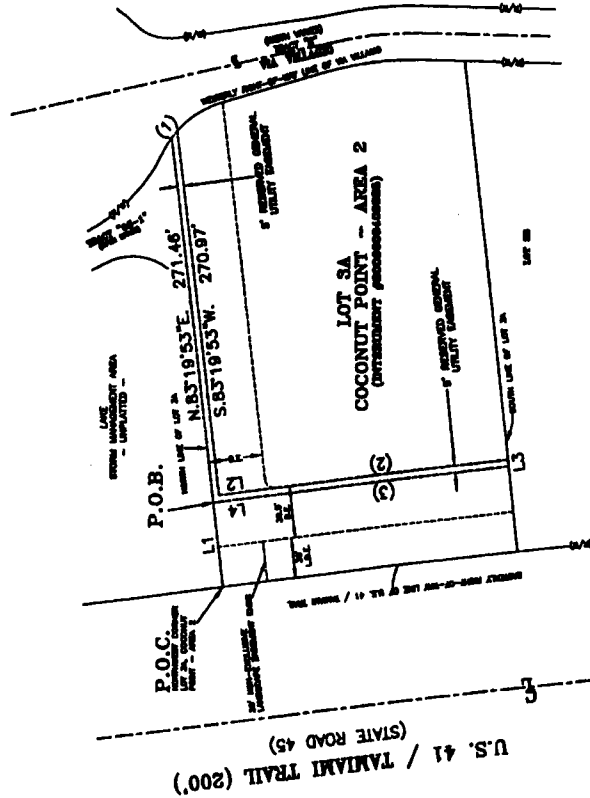
10970 S. CLEVELAND AVE., SUITE #605 • FORT MYERS, FLORIDA 33907 • PHONE (239) 275-8575 • FAX (239) 275-8457  
www.metronfl.com

Exhibit "C"

# SKETCH TO ACCOMPANY DESCRIPTION

OF AN EASEMENT LYING IN  
SECTION 9, TOWNSHIP 47 SOUTH, RANGE 25 EAST,  
LEE COUNTY, FLORIDA

LEGEND:  
P.O.B. = POINT OF BEGINNING  
P.O.C. = POINT OF COMMENCEMENT  
R/W = RIGHT-OF-WAY



## LINE TABLE

Line	Bearing	Distance
L1	N.83°19'53"E	83.50'
L2	S.08°40'07"E	29.96'
L3	S.83°47'09"W	3.06'
L4	N.08°40'07"W	34.96'

\* THIS IS NOT A SURVEY \*

BY: DENNIS L. O'CONNELL, JR.  
PROFESSIONAL SURVEYOR AND MAPPER  
FLORIDA CERTIFICATE NO. LS #5430

DATE SIGNED: 11/24/07

NOT VALID WITHOUT THE SIGNATURE AND THE ORIGINAL RAISED SEAL OF A  
FLORIDA LICENSED SURVEYOR AND MAPPER.

5' RESERVED GENERAL UTILITY EASEMENT  
LOT 3A, COCONUT POINT - AREA 2

## SKETCH OF DESCRIPTION

## CURVE TABLE

NO.	RADIUS	DELTA	ARC	TANGENT	CHORD	CHORD BEARING
1	75.00'	05°08'45"	6.74'	3.37'	6.73'	S.48°43'10"E
2	11859.66'	00°59'19"	201.19'	100.60'	201.15'	S.08°10'27"E
3	11854.86'	00°59'20"	201.15'	100.58'	201.15'	N.08°10'27"W

\* SEE SHEET 1 OF 2 FOR DESCRIPTION \*

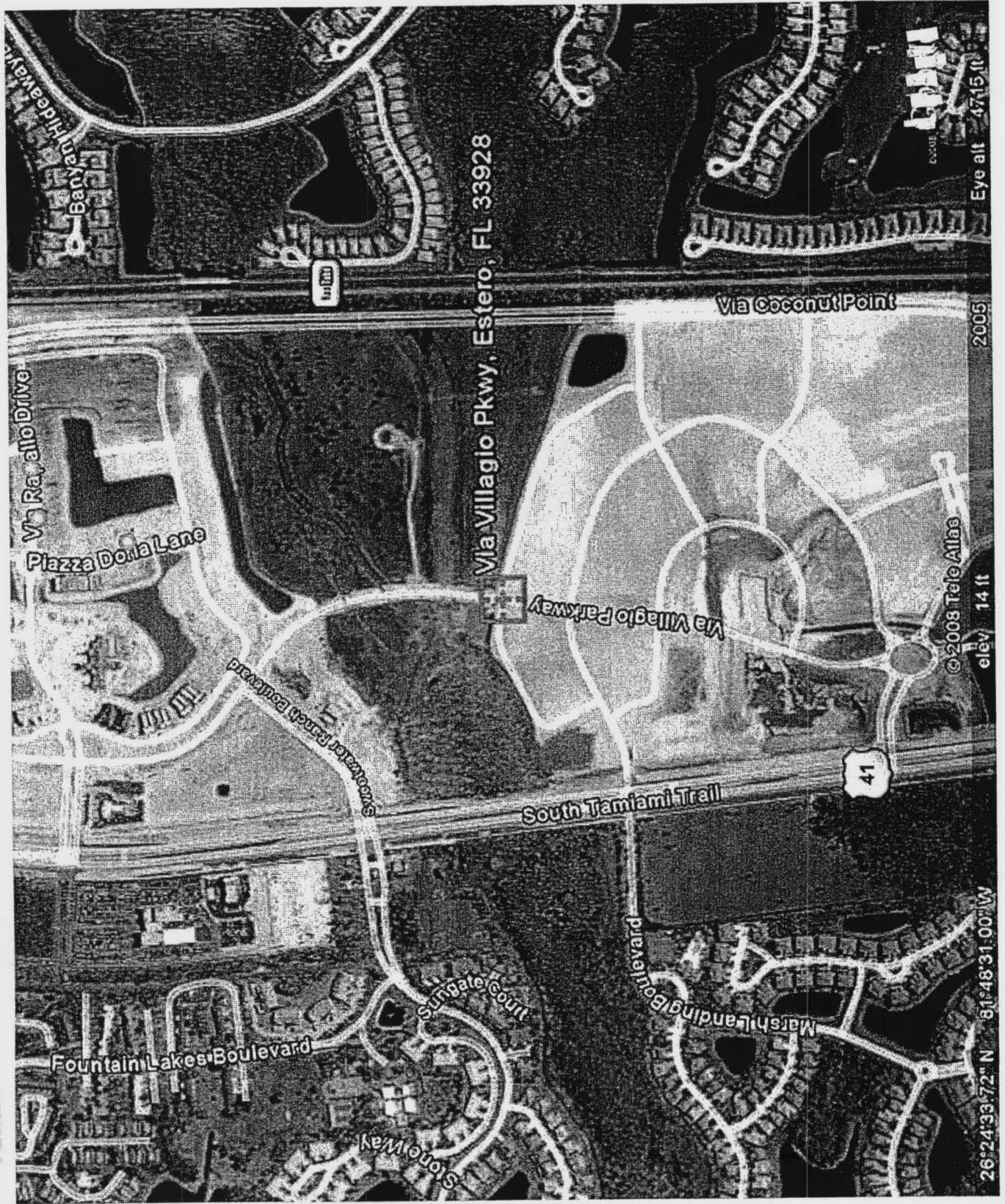
**METRON**  
SURVEYING & MAPPING, LLC  
LAND SURVEYORS-PLANNERS  
LB #7071

10870 E. CLEVELAND AVE.  
SUITE 100  
FORT MYERS, FLORIDA 33907  
PHONE: (239) 275-6575  
FAX: (239) 275-6577  
www.metronfl.com

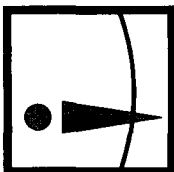
FILE NAME	90778502.dwg	FIELD DATA/PLANS	N/A	PROJECT NO.	9076	SHEET	2 OF 2
PROJECT DATE	11-15-2007	ISSUED BY	MAC	ISSUED IN	DUO	FILE NO.	0-7-06
							DB-47-25

JUN 1 / 2008

PERMIT COUNCIL



2008-00092



**Overcash & Deppmitt  
Architects**

2010 South Tyler Street, Suite 10  
Charlotte, NC 28203  
Phone: 704.332.1815  
Fax: 704.332.0117  
Web: www.odarch.com

**SIMON** PARTNERSHIP



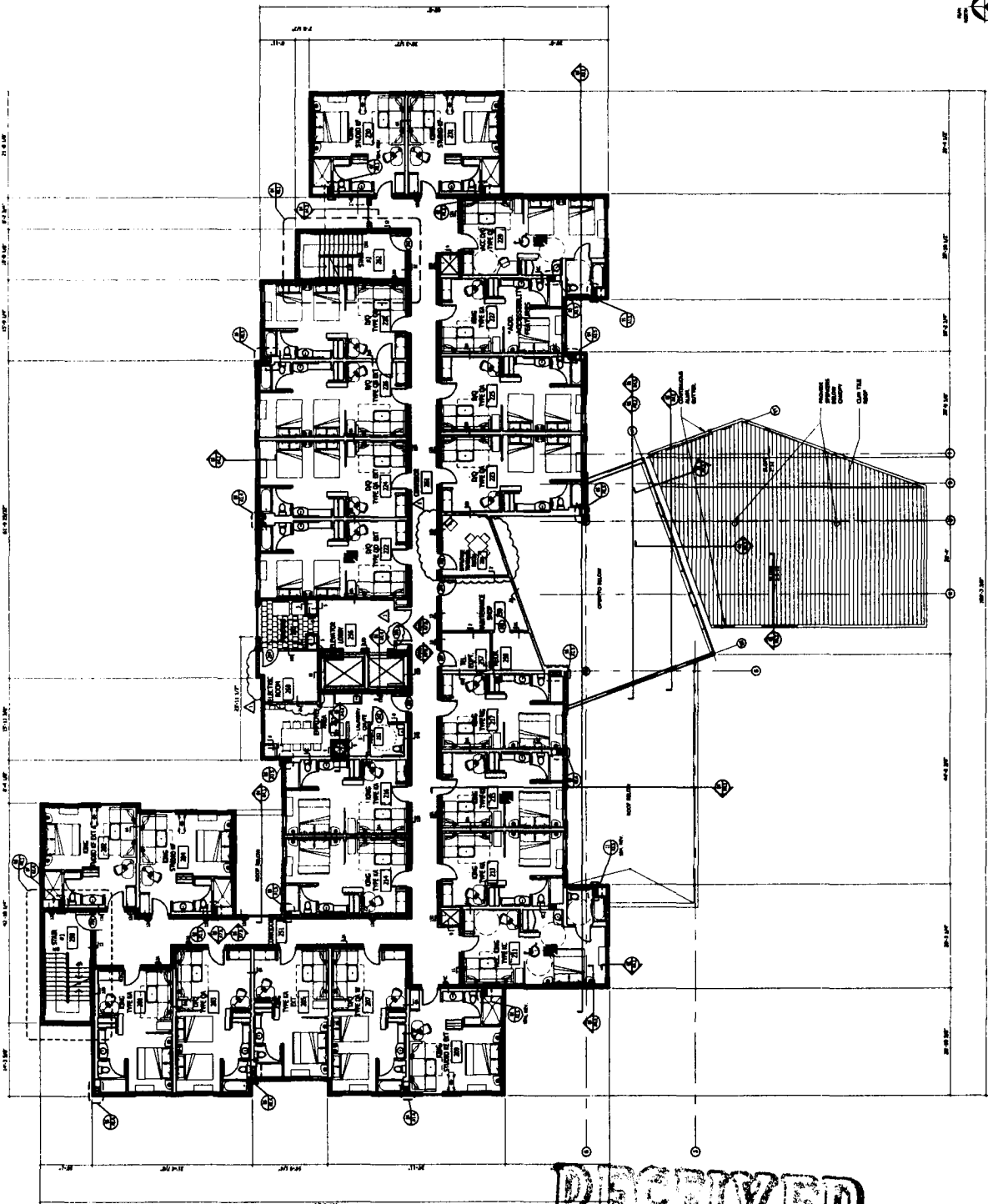
**Hyatt Place**  
ESTERO, FLORIDA

PROJECT NO.	00000000
PROJECT NAME	HYATT PLACE
PROJECT ADDRESS	ESTERO, FLORIDA
PROJECT DATE	01/17/08
PROJECT STATUS	01/17/08
PROJECT TYPE	01/17/08
PROJECT SIZE	01/17/08
PROJECT COST	01/17/08
PROJECT OWNER	01/17/08
PROJECT ARCHITECT	01/17/08
PROJECT ENGINEER	01/17/08
PROJECT LANDSCAPE	01/17/08
PROJECT INTERIOR	01/17/08
PROJECT EXTERIOR	01/17/08
PROJECT MECHANICAL	01/17/08
PROJECT ELECTRICAL	01/17/08
PROJECT PLUMBING	01/17/08
PROJECT FIRE	01/17/08
PROJECT SAFETY	01/17/08
PROJECT ACCESSIBILITY	01/17/08
PROJECT HISTORIC	01/17/08
PROJECT OTHER	01/17/08

**2ND  
FLOOR PLAN**

**A1.2**  
SECOND FLOOR PLAN  
01/17/08

NOTES:  
1. THE ARCHITECT HAS CONDUCTED VISUAL GENERAL VERIFICATION OF THE EXISTING CONDITIONS AND HAS NOT CONDUCTED A DETAILED SURVEY OF THE EXISTING CONDITIONS.  
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SCALE: 1/8" = 1'-0"

01 SECOND FLOOR PLAN

**RECEIVED**  
JUN 17 2008

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Architects

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charlotte north carolina 28203  
voice • 704.332.1615  
fax • 704.332.0117  
web • www.odarch.com

**SIMON**  
PROPERTY GROUP INC.

HYATT  
PLACE:

## Hyatt Place

ESTERO, FLORIDA

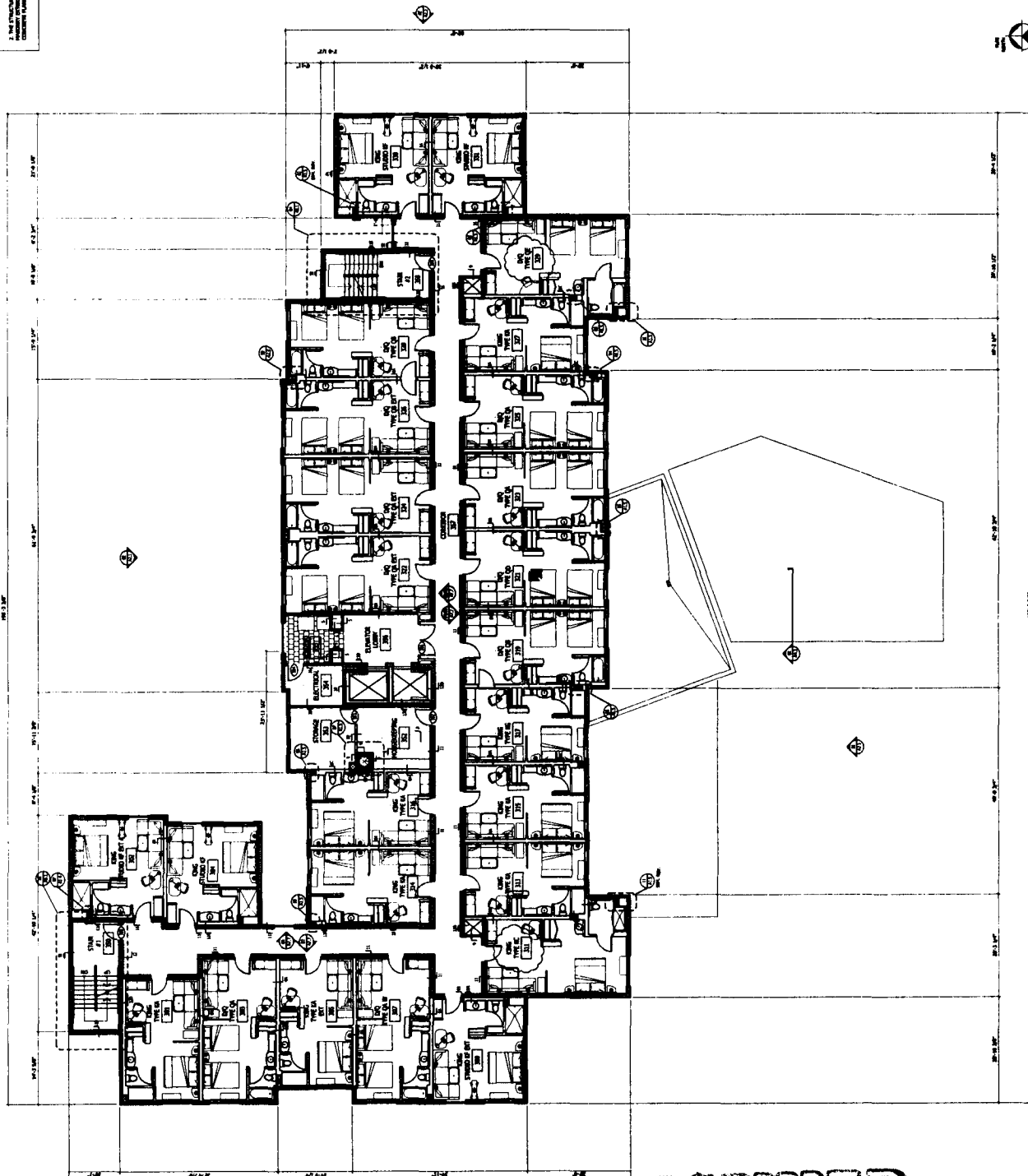
[illegible]

### 3RD FLOOR PLAN

### A1.3

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All rights reserved.

1. The STATIONARY SYSTEM IS USED SPECIFICALLY TO FACILITATE INTERIOR AND EXTERIOR WALLS WITH A CONCRETE FRAME BODY.
2. THE STATIONARY SYSTEM IS USED SPECIFICALLY FOR EXTERIOR WALLS WITH AN ALUMINUM FRAME BODY.



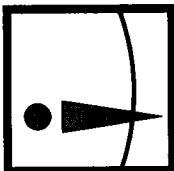
1998-1999 = 1.00

### 01 THIRD FLOOR PLAN

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**ADD 2008-00092**



**Overcash & Depmitt Architects**  
 2010 South Lytle Street, Suite 10  
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 Fax: 704.375.1118  
 www.ochd.com

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 Charlotte, North Carolina 28203  
 Phone: 704.375.1117  
 Fax: 704.375.1118  
 www.ochd.com

**SIMON**  
 10000  
 10000



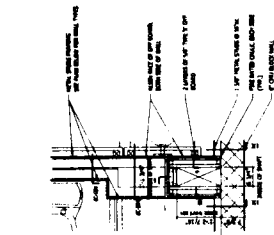
**Hyatt Place**

ESTER, FLORIDA

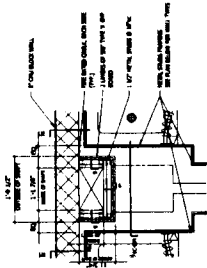
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4TH FLOOR PLAN

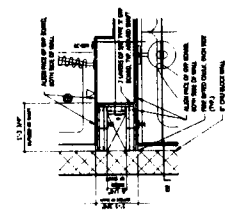
**A1.4**  
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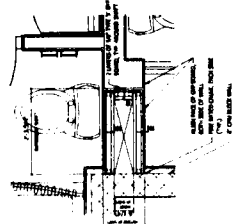
02 PLAN DETAIL SCALE: 3/4\"/>



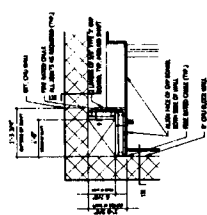
03 PLAN DETAIL SCALE: 3/4\"/>



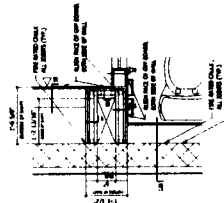
04 PLAN DETAIL SCALE: 3/4\"/>



05 PLAN DETAIL SCALE: 3/4\"/>

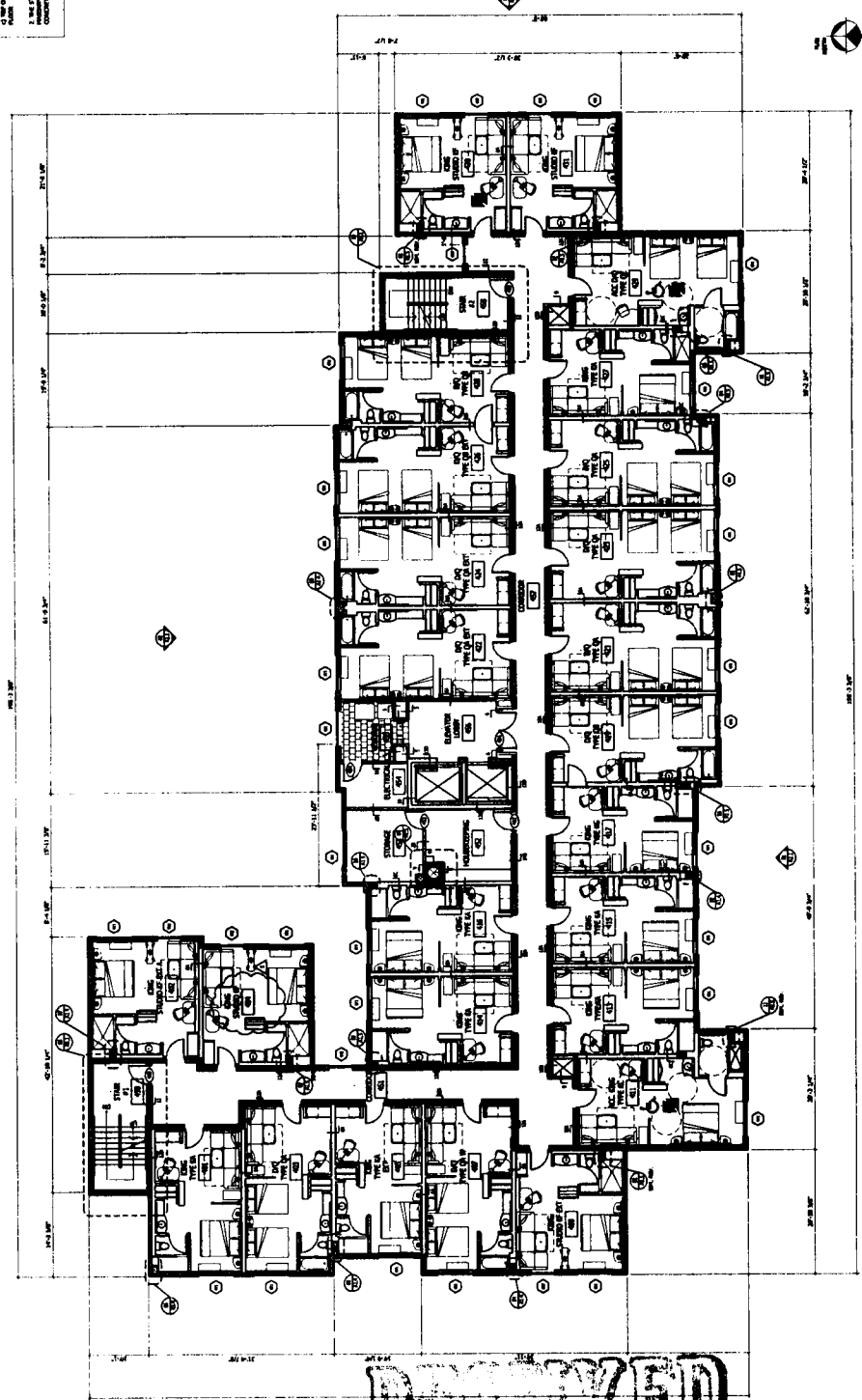


06 PLAN DETAIL SCALE: 3/4\"/>



07 PLAN DETAIL SCALE: 3/4\"/>

NOTES:  
 1. ALL STRUCTURAL MEMBERS SHALL BE CONCRETE UNLESS OTHERWISE NOTED.  
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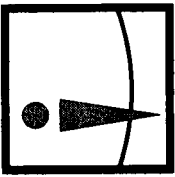


01 FOURTH FLOOR PLAN SCALE: 1/4\"/>

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SIMON  
BROOKLYN



Hyatt Place

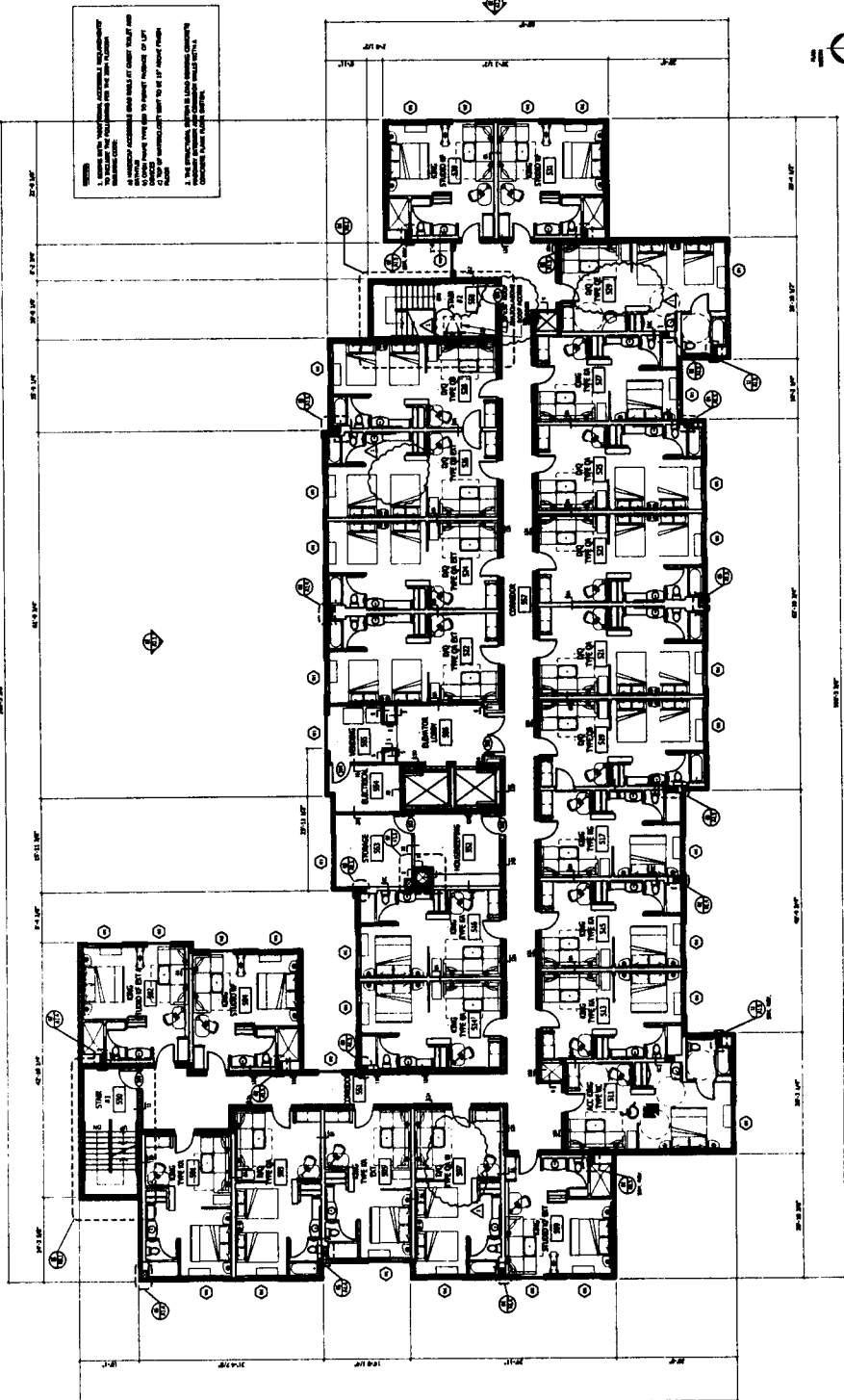
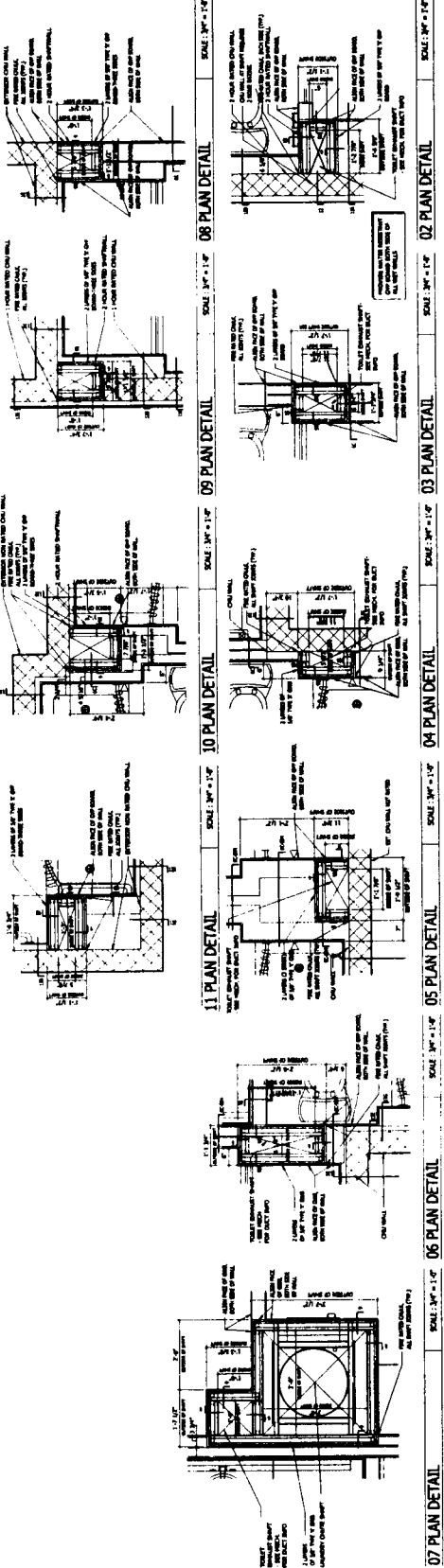
ESTERO, FLORIDA

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5TH FLOOR PLAN

A1.5

DATE: 06/11/2008  
BY: [Signature]  
CHECKED: [Signature]  
SCALE: 1/8" = 1'-0"

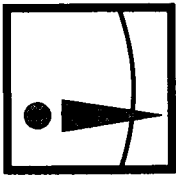


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01 FIFTH FLOOR PLAN

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www.owdarchitects.com

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Hyatt Place

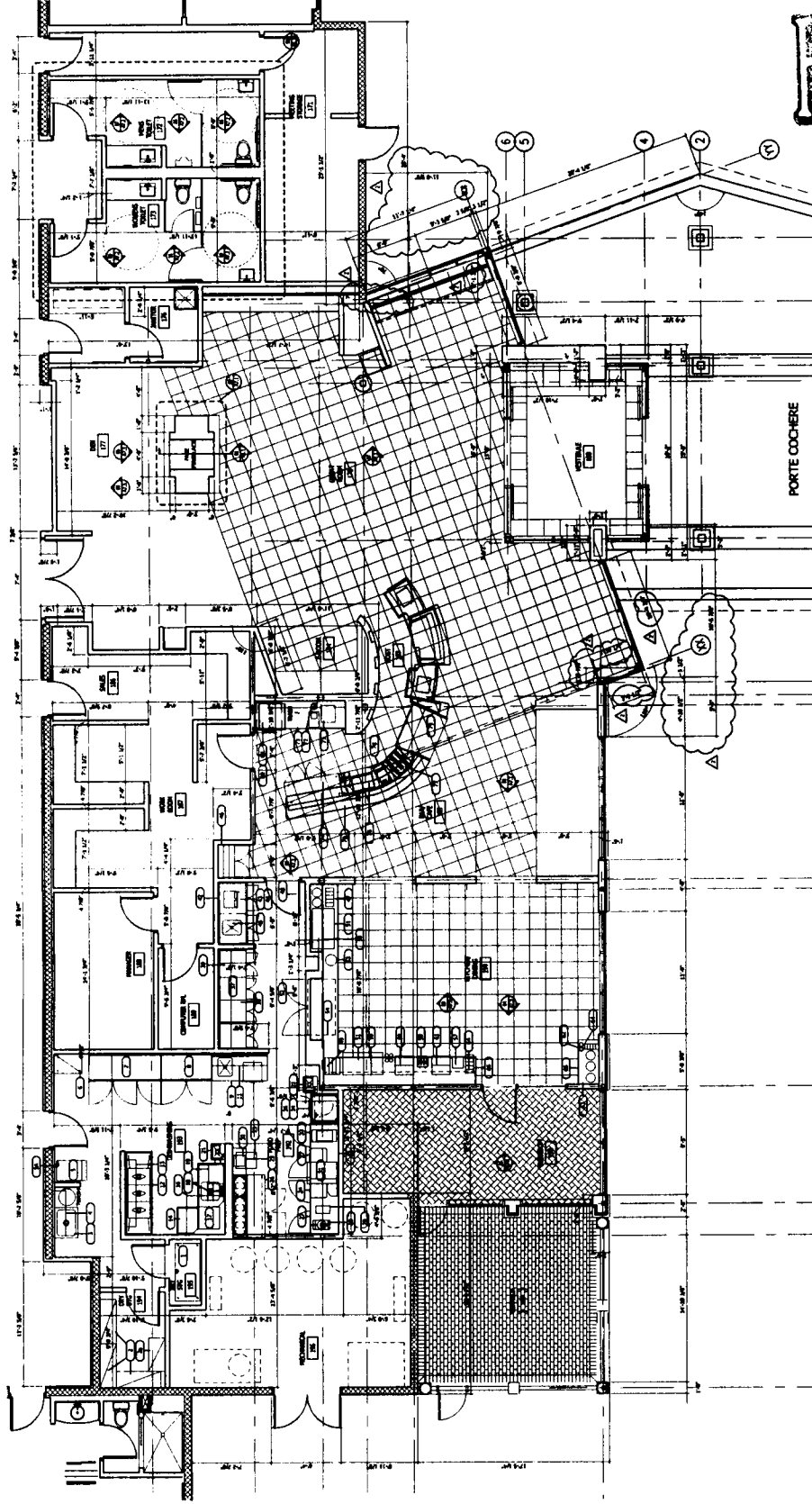
ESTER, FLORIDA

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ENLARGED  
FLOOR PLAN  
LOBBY

A5.1

SCALE: 1/4" = 1'-0"



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JUN 17 2008

PERMIT COUNTER

ADD 2008-00092

EQUIPMENT SCHEDULE		
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01 ENLARGED FLOOR PLAN

LOT SUMMARY

LOT 3B-1	AVERAGE LOT WIDTH: 146.00'	AVERAGE LOT DEPTH: 324.17'	LOT AREA: 48,796 SF
LOT 3B-2	AVERAGE LOT WIDTH: 294.14'	AVERAGE LOT DEPTH: 347.24'	LOT AREA: 102,072 SF

**ADD 2008-00092**  
JUN 1 / 2008

PERMIT COUNTER

**APPROVED**  
Plan

Subject to Case # ADD 2007-00184  
Date 2/5/2008

ADD 2007-00184

**RECEIVED**  
OCT 11 2007

COMMUNITY DEVELOPMENT	REFERENCE NO.	07012MDP	1149-07A
THESE DOCUMENTS ARE NOT TO BE USED FOR ANY OTHER PROJECT WITHOUT THE WRITTEN PERMISSION OF THE ENGINEER	PROJECT NO.	07,012-D	7A of 14
DATE			

LOT SPLIT PLAN

6200 Whiskey Creek Drive  
Fort Myers, FL 33919  
Phone: (239) 985-1200  
Florida Certificate of Authorization No. 1772  
Naples - Fort Myers - Venice - Englewood

**H.M.**  
**HOLE MONTES**  
ENGINEERS, PLANNERS, ARCHITECTS  
LANDSCAPE ARCHITECTURE

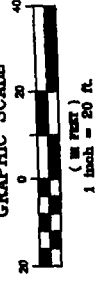
**HYATT HOTEL AT COCONUT POINT**  
COCONUT POINT - AREA 2, OUTLOT 3B  
ESTERO, FLORIDA

NUMBER	REVISIONS	DATE
1	UPDATED RETAIL FOOTPRINT	07/26/07

VA VILLAGIO (40' PRIVATE R-O-W)  
(MFD)

PALMA DE COCO DRIVE  
(75' PRIVATE R-O-W)  
(MFD)

US HWY 41/5R 45 (200' ROW)



S9°12'00"UDL  
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00.052=R

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N01°40'54"E

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ADD 2008-00092

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**LEE COUNTY**  
SOUTHWEST FLORIDA

BOARD OF COUNTY COMMISSIONERS

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February 20, 2008

Gray Robinson  
Attn: Lauren M. White  
401 East Las Olas Blvd.  
Fort Lauderdale, Florida 33301

ADD 2008-00092

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JUN 17 2008

RE: 23120 Via Villago, Estero  
STRAP # 09-47-25-36-00000.003A  
Case No. ZVL2008-00020

PERMIT COUNTER

Dear Ms. White:

In response to your letter dated February 6, 2008, please be advised that the above-referenced property is located within the Coconut Point Mixed Use Planned Development (MPD) and is located in the Urban Community category according to the Future Land Use Map of Lee County. Resolution Z-02-009 (attached) outlines the schedule of uses permitted in each Tract of the MPD. The subject property is located in Tract 2D, a Hotel/motel is a permitted use. Consumption on premises in compliance with LDC Section 34-1264 (attached) (limited to and in conjunction with a standard restaurant) is a permitted use in Tract 2D.

A hotel utilizing a 2COP alcohol beverage license for the sale and service of beer and wine for on premise consumption (without outdoor seating) would not be a permitted use on the property, since the Resolution limits consumption on premises in conjunction with a standard restaurant. The Land Development Code does not specifically address consumption on premises in conjunction with room service, however it does exempt hotels/motels from consumption on premises location standards subject to LDC Section 34-1264(b)(2)(c).

In order to permit consumption on premises in the proposed hotel, the Schedule of Uses for Tract 2D will have to be amended to include Consumption on premises in compliance with LDC Section 34-1264 (limited to and in conjunction with Hotel/motel (Tract 2D only).


Please find attached an Application for Administrative Action and Administrative Action Request Supplement H. This application is required for administrative amendments to a Planned Development. The application and subject fee must be submitted in person at the Zoning Counter at 1500 Monroe Street, Fort Myers.

Please be advised that the information provided herein is based on current regulations and may be subject to change as ordinances are enacted or amended.

Should you have further questions, please do not hesitate to contact our office.

Sincerely,

DEPARTMENT OF COMMUNITY DEVELOPMENT  
Zoning Division

  
Mikki Rozdolski  
Planner

MJR/dxc

U:\200802\ZVL20080.002\0\ZONING VERIFICATION LETTER.WPD

P.O. Box 398, Fort Myers, Florida 33902-0398 (239) 335-2111  
Internet address <http://www.lee-county.com>  
AN EQUAL OPPORTUNITY AFFIRMATIVE ACTION EMPLOYER

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2 DEC 20 AM 8:57

**PERMIT COUNTER**  
RESOLUTION NUMBER Z-02-009

COMM. DEV/  
PUB. WORKS, CNTR.  
SECOND FLOOR

**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

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)
<u>Minimum Building Separation:</u>	one-half the sum of the building heights but not less than 20 feet
<u>Maximum Building Height:</u>	45 feet / 3 stories
<u>Tracts 1E, 1F, 2B-2, 3D and 3B</u>	
<u>Minimum Lot Size:</u>	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
<u>Minimum Setbacks:</u>	
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)
<u>Minimum Lot Size:</u>	Multiple Family Building
Lot Width	100 feet
Lot Depth	100 feet
Lot Area	10,000 square feet
Maximum Lot Coverage	40 percent
<u>Minimum Setbacks</u>	
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)
<u>Minimum Building Separation:</u>	one-half the sum of the building heights but not less than 20 feet
<u>Maximum Building Height:</u>	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

3. 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.
4. 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.
5. 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.
6. 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:
  - a) 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
  - b) 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:

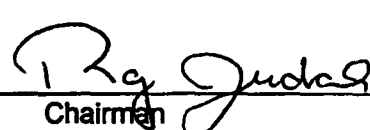
Robert P. Janes	Aye
Douglas R. St. Cerny	Aye
Ray Judah	Aye
Andrew W. Coy	Absent
John E. Albion	Aye

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

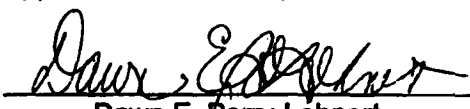
ATTEST:  
CHARLIE GREEN, CLERK

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



RECEIVED  
MINUTES OFFICE

2002 DEC 19 AM 11:40



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



990 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 6.89 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 5,805.39 FEET, THROUGH A CENTRAL ANGLE OF 04°03'11", SUBTENDED BY A CHORD OF 398.43 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°15'58"W., FOR A DISTANCE OF 583.09 FEET; THENCE RUN N.00°15'58"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

DCT 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 938.68 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 88.54 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 874.92 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 2,710.81 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 08°24'13", SUBTENDED BY A CHORD OF 1,294.08 FEET AT A BEARING OF S.03°28'03"E., FOR A DISTANCE OF 1,294.78 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

MAP 1000 1000 1000

EXHIBIT "A" PAGE 3 OF 3

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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.

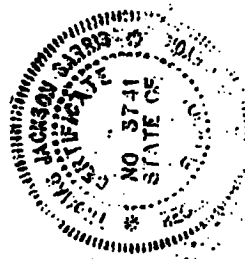
TOTAL PROPERTY AREA: 482.421 ACRES, MORE OR LESS.

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 gm 1/13/02

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# ZONING MAP

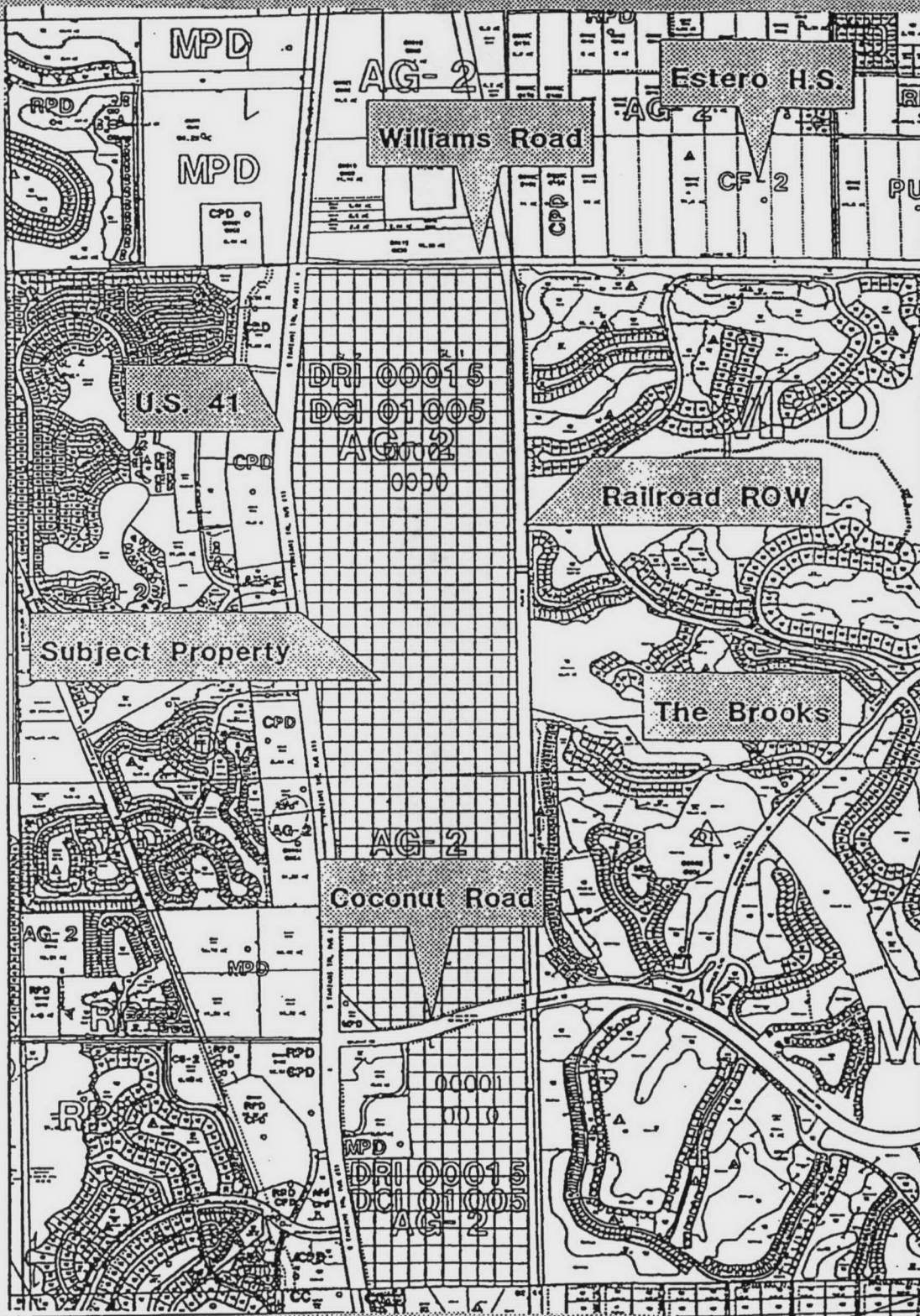






EXHIBIT E

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 feet 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  
Signal retiming  
Signal retiming  
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	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
US 41 @ Driveway 6/Regional Retail Center <sup>(1)</sup>	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>
US 41 @ Driveway 5/Internal East-west Road <sup>(1)</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>
US 41 @ Driveway 4/Pelican Point Boulevard <sup>(1)</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>
US 41 @ Driveway 3/Fountain Lakes Boulevard <sup>(1)</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>
US 41 @ Driveway 2/Estero Greens <sup>(1)</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>
US 41 @ Driveway 1/Community Commercial <sup>(1)</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>
US 41 @ Williams Road <sup>(1)</sup>	Add 2 <sup>nd</sup> SB left turn lane Add 2 <sup>nd</sup> WB left turn lane
US 41 @ Corkscrew Road <sup>(1)</sup>	Add 2 <sup>nd</sup> WB left turn lane
US 41 @ Broadway <sup>(1)</sup>	Signal retiming
US 41 @ Koreschan Boulevard	Signalization <sup>(3)</sup>



US 41 @ Sanibel Boulevard <sup>(1)</sup>	Signal retiming
US 41 @ Metro Parkway <sup>(1)</sup>	Add 2 <sup>nd</sup> NB right turn lane
US 41 @ Alico Road <sup>(1)</sup>	Signal retiming
US 41 @ Island Park Road <sup>(1)</sup>	Signal retiming
US 41 @ Ben Pratt/Six Mile Cypress Parkway <sup>(1)</sup>	Add EB thru lane
	Add WB thru lane
Williams Road @ Driveway 1/Comm Commercial <sup>(1)</sup>	Signalization <sup>(3)</sup>
Williams Road @ River Ranch Road <sup>(1)</sup>	Signalization <sup>(3)</sup>
Williams Road @ Sandy Lane <sup>(2)</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
Williams Road @ Three Oaks Parkway	Signalization <sup>(3)</sup>

- <sup>(1)</sup> *This intersection is not included in a significantly and adversely impacted roadway segment.*
- <sup>(2)</sup> *This intersection is considered a site-related improvement.*
- <sup>(3)</sup> *Signalization only if warranted and subject to approval by the maintaining agency.*
- <sup>(4)</sup> *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.

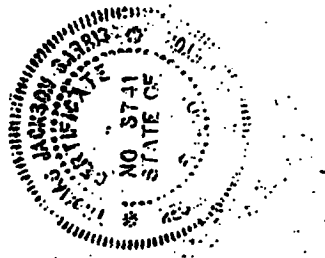
TOTAL PROPERTY AREA: 482.421 ACRES, MORE OR LESS.

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 Jim 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)  
to N. of Bonita Beach Road

03

6 Lanes

- 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 DR+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 Terry St. to Coconut Rd. OR Livingston Rd./ Imperial St. 4 Lane	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.

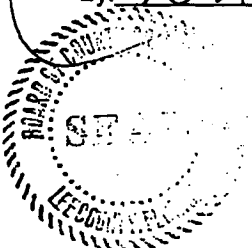
THE MOTION TO ADOPT this Development Order was offered by Commissioner Ray Judah, and seconded by Commissioner Douglas St. Cerny and upon a poll of the members present, the vote was as follows:

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:\LUDRI\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 Minutes 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

**RECEIVED**  
JAN 31 2001

PROJECT #1997079  
1/17/01  
REF. DWG. #A-894-2  
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 5,805.39 FEET, THROUGH A CENTRAL ANGLE OF 04°03'11", SUBTENDED BY A CHORD OF 398.43 FEET AT A BEARING OF N.08°30'30"W., FOR A DISTANCE OF 398.52 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 583.00 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°25'58"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

## EXHIBIT "A" PAGE 2 OF 3

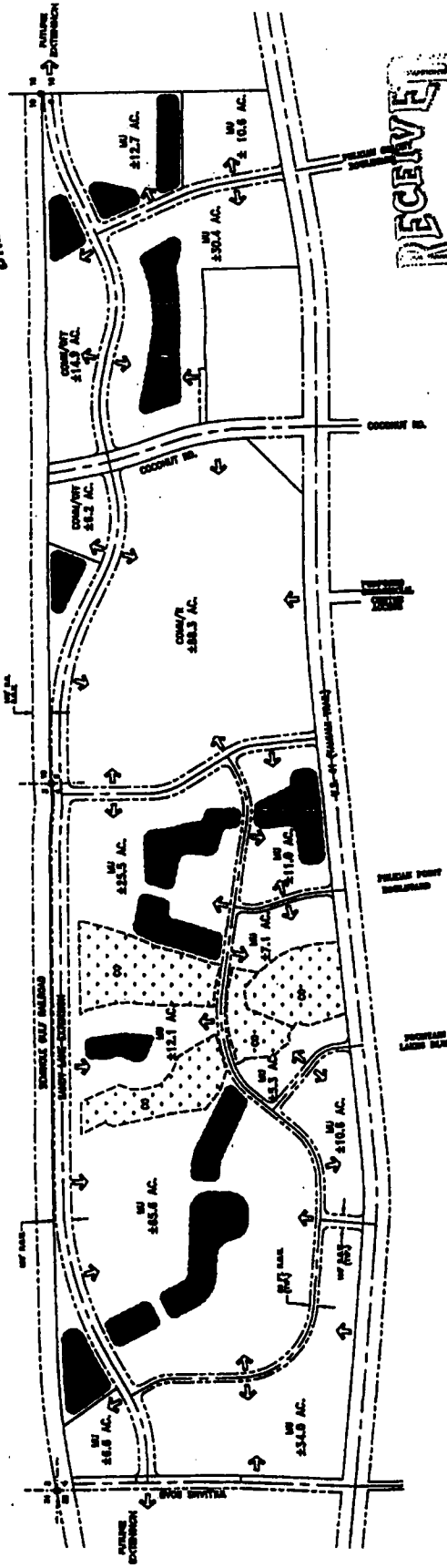
HM PROJECT #1997079  
1/17/01  
REF. DWG. #A-994-2  
PAGE 2 OF 23

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 938.68 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 874.92 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.08°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.08°40'09"E., ALONG SAID EASTERLY RIGHT-OF-WAY LINE, FOR A DISTANCE OF 2,710.81 FEET TO A POINT ON THE SOUTH LINE OF THE SOUTHEAST QUARTER OF SAID SECTION 4; THENCE CONTINUE S.08°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

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NOT TO SCALE

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# ZONING COUNTER

## LEGEND

CONV	INDUS/COMMERCIAL
IND	INDUS USE
OFF	OFFICE/RESEARCH
RES	RESIDENTIAL
PRO	PROPERTY BOUNDARY
ROAD	ROAD RIGHT OF WAY
CON	CONSERVATION AREA
PRO	PROPOSED LAKE
ACC	CONCEPTUAL ACCESS POINT

## PROJECT INTENSITY

INDUS/COMMERCIAL	INDUS
INDUS/COMMERCIAL	INDUS
INDUS/COMMERCIAL	INDUS
INDUS/COMMERCIAL	INDUS
INDUS/COMMERCIAL	INDUS
INDUS/COMMERCIAL	INDUS
INDUS/COMMERCIAL	INDUS
INDUS/COMMERCIAL	INDUS
INDUS/COMMERCIAL	INDUS
INDUS/COMMERCIAL	INDUS

## LAND USE BREAKDOWN

INDUS/COMMERCIAL	INDUS
INDUS/COMMERCIAL	INDUS
INDUS/COMMERCIAL	INDUS
INDUS/COMMERCIAL	INDUS
INDUS/COMMERCIAL	INDUS
INDUS/COMMERCIAL	INDUS
INDUS/COMMERCIAL	INDUS
INDUS/COMMERCIAL	INDUS
INDUS/COMMERCIAL	INDUS
INDUS/COMMERCIAL	INDUS

- NOTES:
1. LOCATIONS/CONTRIBUTIONS OF PROPOSED LAND USES, AS WELL AS LANDS, CONSERVATION AREAS, BARRIERS AND OPEN SPACE ARE SHOWN ON THIS MAP. THE LOCATION OF PROPOSED LAKE IS ALSO SHOWN ON THIS MAP.
  2. THE LAND USE AND ZONING COUNTERS ARE A SET OF INDUS/COMMERCIAL, INDUS, OFFICE, RESEARCH, RES, AND PUBLIC FACILITY LAND USES.

*Square*  
Map H - Master Development Plan



September 2000  
Not to Scale

EXHIBIT B

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**

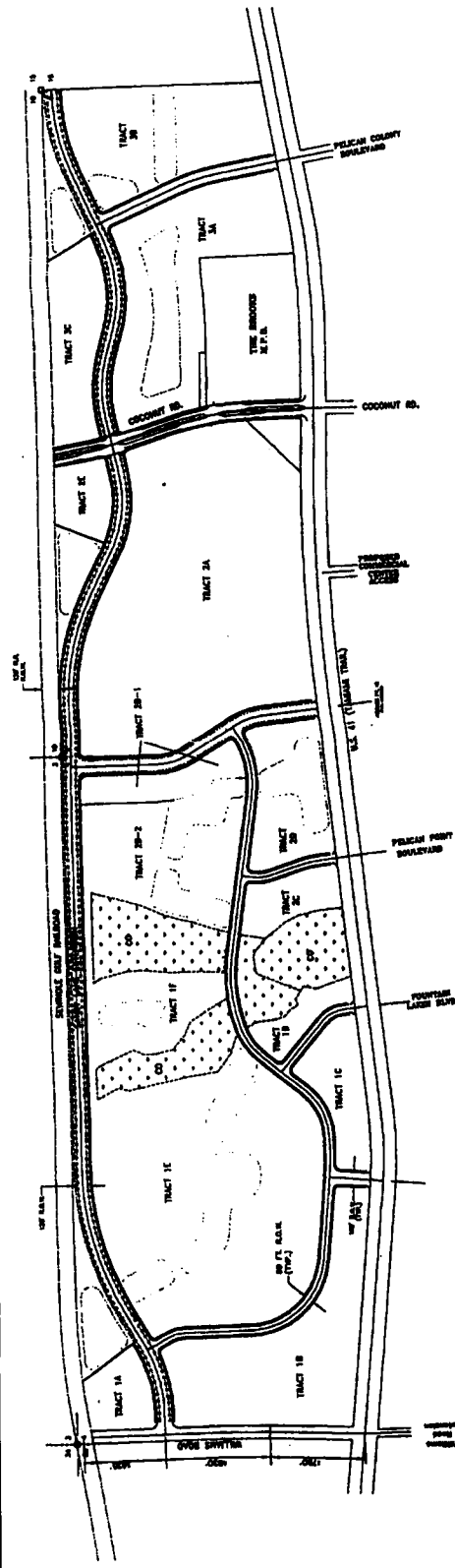
The Annual Monitoring Report that must be submitted by the Developer in accordance with Subsections 380.06(15) and 380.06(18), Florida Statutes, and 9J-2.025(7), Florida Administrative Code, must include the following:

- 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.

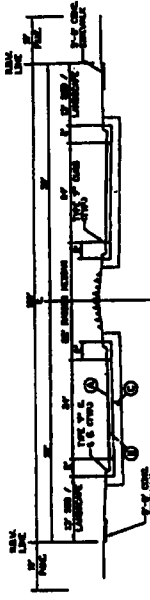
**NOTE:** The Florida Administrative Code specifically requires that the development order specify the requirements for the annual report. The Administrative Code requires that the annual report will be submitted to DCA, the RPC, and the local government on Form RPM-BSP-Annual Report-1.

**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	\$ -
<b>TOTAL</b>					<b>\$10,196,250.00</b>

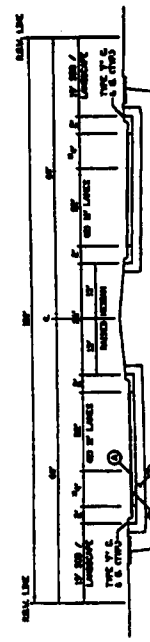


\_\_\_\_\_ SIDEWALK / BIKEWAY  
 \_\_\_\_\_ ON-ROAD BIKEWAY  
 .....



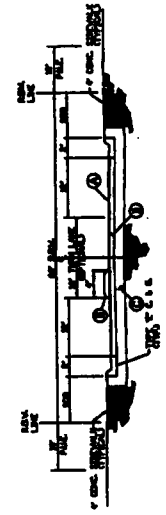
**TYPICAL ROAD SECTION (10' R.O.W.)**

- ① 1 - 10' APPROXLY TYPE B-1 SURFACE CRACK AND
- 1 - APPROXLY TYPE B-1B SURFACE CRACK OPENED UP
- ② 8' LENGTH CRACK
- ③ 10' STABILIZED CRACKS



**TYPICAL ROAD SECTION (120' R.O.W.)**

- ② 2 - 1/4" APPROX. TYPE 3-1 BLASTING CORDS AND 1 APPROX. TYPE 3-16 BLASTING CORDS CHAINED LIFTED
- ③ 2" LONGEST BONE
- ④ 1/2" STABILIZED SANDPAPER



**TYPICAL ROAD SECTION (60' R.O.W.)**

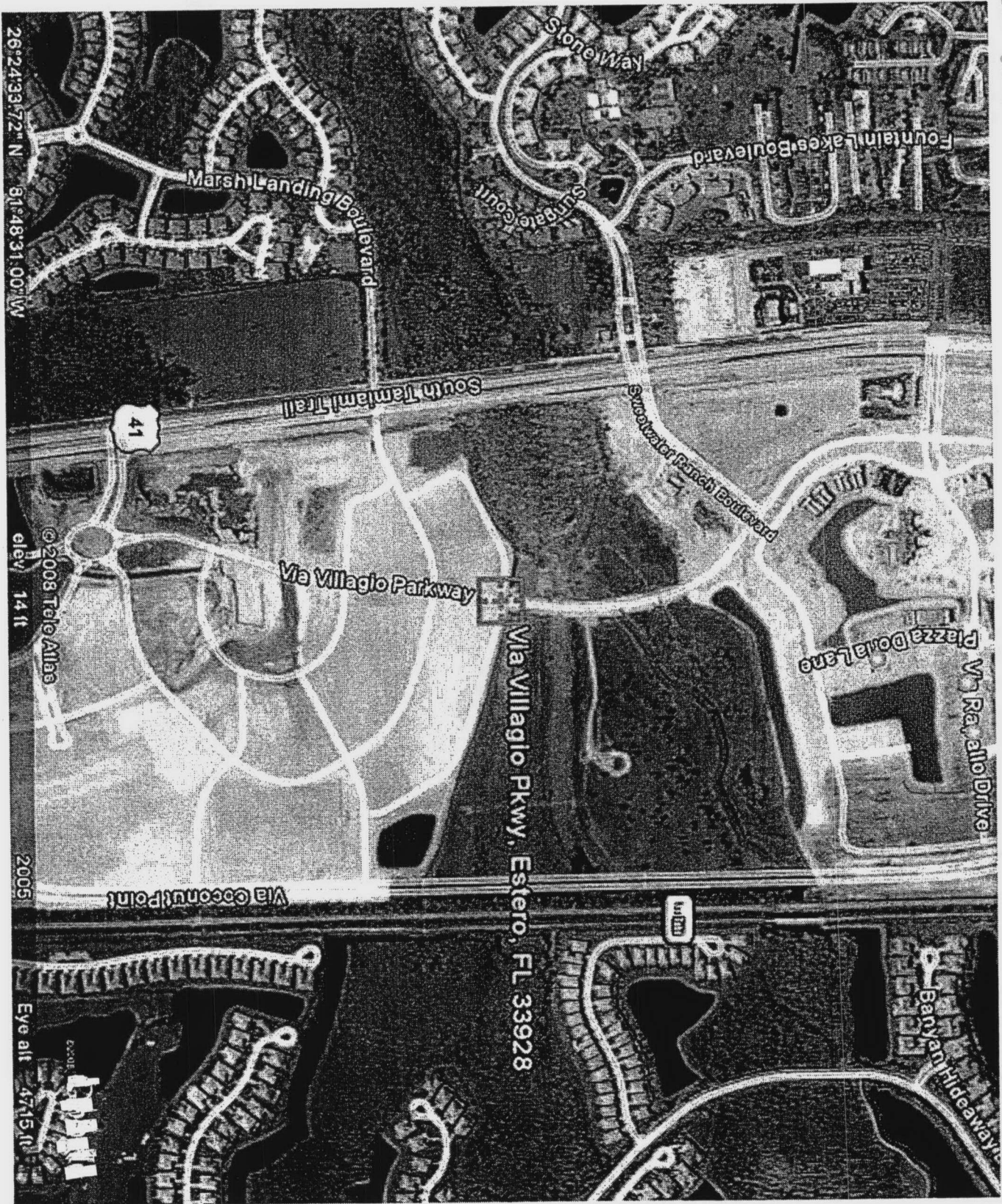
- ② 1 - LAY AIRFIELD TYPE 8-1 SURFACE CRACK AND
- 1 - AIRFIELD TYPE 8-10 SURFACE CRACK SPALLS LIFTED
- ③ 2 - LINDEN BARK
- ④ 10 - STIMULATED SLACKING
- ⑤ CONC. REPAIR

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26°24'33.72" N 81°48'31.00" W

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elev 14 ft

2005

Eye alt 47-15 ft

Via Villagio Pkwy, Estero, FL 33928



