



GIS Tracking Sheet

Case No.: **ADD2009-00008**

Intake Date: 1-15-09

Project Name: Art District at Rapallo

STRAP Number(s): 04-47-25-30-0001B.0000

Planner Name: Lisa Hines

Ext. 38777

FILE ON PLANNER'S DESK

LEGAL DESCRIPTION VERIFICATION and INITIAL GIS MAPPING

Date:

1/16/09

INTAKE:

LEGAL SUFFICIENT

☒ YES

☐ NO

Initials: ADD2009-00008
cf

If not, give brief explanation:

Approved - Platted Lot.

MAP UPDATE following FINAL ACTION

Date:

☐ Hearing Examiner Decision

☐ Board of County Commissioner's Resolution

☐ Administrative Approval

☐ Blue Sheet

Zoning Notes:

5/18/09

MAP UPDATED

☒ YES

☐ NO

Initials: cf

If not, give brief explanation:

ZONE! MAP 2 000760

Legal Description The Art District at Rapallo

All of Tract "1B", Coconut Point-Area 1, according to Plat Book 83, pages 1-13, of the public records of Lee County, Florida.

Containing 34.25 Acres more or less

Subject to easements and restrictions of record.

Bearings are based on the West line of said Tract "1B", being North 04°52'28" East.

Certificate of authorization #LB-43.

WilsonMiller, Inc.

Registered Engineers and Land Surveyors

By: 

Lance T. Miller, Professional Surveyor and Mapper #LS5627

Date: October 22, 2007

Ref. 5K-512

Not valid unless embossed with the Professional's seal.

PARCE Number

04-47-25-30-000/B.0000

Applicant's Legal Checked
by  1/16/09

RECEIVED

JAN 15 2009

COMMUNITY DEVELOPMENT

ADD 2009-00008

ADMINISTRATIVE AMENDMENT (PD) ADD2009-00008

ADMINISTRATIVE AMENDMENT
LEE COUNTY, FLORIDA

WHEREAS, James Wallace, Touchstone at The Art District, Inc. filed an application for administrative approval to a Mixed Use Planned Development on a project known as Art District at Rapallo to deviate from Land Development Code (LDC) Section 10-261 to permit the use of curbside solid waste disposal for multiple-family residential uses on the property located at the southwest corner of US 41 and Williams Road in Estero, described more particularly as:

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

ALL OF TRACT "1B", COCONUT POINT - AREA 1, ACCORDING TO PLAT BOOK 83, PAGES 1-13, OF THE PUBLIC RECORDS OF LEE COUNTY, FLORIDA

WHEREAS, the property was originally rezoned in case number Z-02-009 (with subsequent amendments in case numbers Z-07-040, DRI2006-00009 & DCI2006-00080, ADD2008-00010, ADD2008-00011, ADD2008-00012 and ADD2008-00139); and

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

WHEREAS, the subject property is proposed for development of four three-story mixed use buildings comprised of 20,000 square feet each encompassing retail uses on the first floor and residential dwelling units on the second and third floors; and

WHEREAS, the Art District at Rapallo also includes a 506-seat theater, amenity parks and eight commercial/residential buildings known as villa buildings and live/work buildings with open parking and parking garages; and

WHEREAS, the Departments of Public Works and Development Services has reviewed the request in accord with local development order, case number DOS2007-00154 for mixed use commercial and multiple-family development with associated roads, parking, drainage and utilities; and

WHEREAS, the applicant is requesting a deviation from LDC Section 10-261 to permit curbside pick-up of solid waste from a total of 54 multiple-family residential units, consisting of 18 in the Live/Work Buildings and 36 in the Villa Buildings that have attached individual garages and driveways as depicted on Exhibit 3; and

WHEREAS, ADD2008-00012 (refer to Exhibits 2 and 4) approved a deviation from LDC Section 10-296(i)(1)a. permitting a 12-foot pavement width with valley gutter for one-way traffic for The Art District at Rapallo; and

WHEREAS, the applicant has demonstrated adequate vehicular access for curbside pickup and storage space for individual waste containers in accord with ADD2008-00012; and

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

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

WHEREAS, the applicant has received approval from the Estero Community Planning Panel via e-mail responses, copies of which are included in the file; and

WHEREAS, the applicant has provided a letter from Waste Pro, dated March 27, 2009, indicating that they are able to provide curbside collection service for the subject property (see Exhibit 5);

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

NOW, THEREFORE, IT IS HEREBY DETERMINED that the application for administrative approval to the Mixed Use Planned Development to deviate from LDC Section 10-261 to permit curbside pickup of solid waste to multiple-family residential alternatives is **APPROVED, subject to the following conditions:**

1. **The Development must be in compliance with the amended Master Concept Plan, dated January 15, 2009. The Master Concept Plan for ADD2009-00008 is hereby APPROVED and adopted. A reduced copy is attached hereto as Exhibit A.**
2. **The approval of this deviation is limited to 54 multiple-family residential dwelling units (18 in the Live/Work Buildings and 36 in the Villa Buildings) of the Art District at Rapallo equipped with individual garages and driveways depicted on the MCP as Building Numbers 80, 81, 82, 83, 84, 85, 86 and 87 as depicted on Exhibit C.**
3. **Units that do not have attached garages and the non-residential uses within the Art District at Rapallo are required to utilize dumpster space provided in accord with LDC Section 10-261 and Ordinance No. 08-10 and consistent with the "typical dumpster pad detail" as shown in Exhibit F.**
4. **Each unit is limited to a maximum of one curbside solid waste container.**

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

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

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

Exhibits:

- A. Master Concept Plan stamped received January 15, 2009 (3 pages)
- B. Copy of ADD2008-00012
- C. Copy of Waste Collection Summary depicting the location of curbside pickup for multiple-family residential buildings
- D. Copy of Typical Alley Way Section depicting the approved 12-foot wide one-way internal alleys
- E. Copy of letter from Waste Pro dated March 27, 2009
- F. Typical dumpster pad detail (2 pages)

EXHIBIT A

APPROVED
Amendment to
Master Concept Plan
Subject to Case # HDD 2009-00008
Date 4/23/2009

SCALE: 1" = 60'

VIA FERRARI (PRIVATE)

VILLA BUILDING #83

VILLA BUILDING #82

PRIVATE WASTE CART TO BE STORED
IN GARAGE FOR CURB-SIDE SERVICE
WASTE COLLECTION VEHICLE REQUIRE
DEVIATION FROM SECTION 10-26.1 OF
THE RULES COUNTY LDC# (172)

VILLA BUILDING #81

VILLA BUILDING #80

APPROXIMATE SIZE OF
WASTE CART (12' x 30')

16'
ACCESS
WAY

PORTO CRISTOFORO (PRIVATE)

EX VIA VILLAGGIO (60' R.O.W.)

PROJECT BOUNDARY
(TYP.)

LEGEND

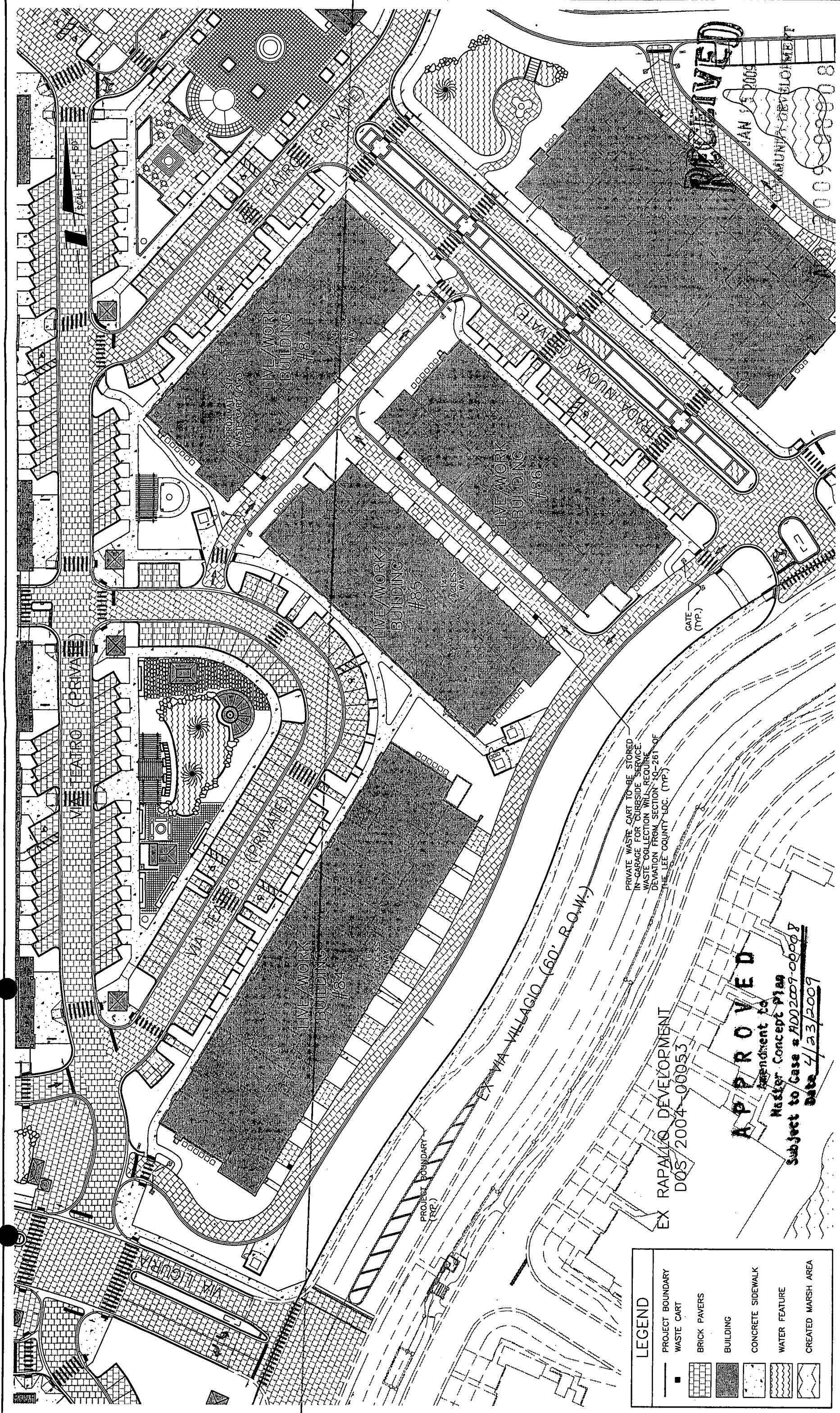
- PROJECT BOUNDARY
- WASTE CART
- BRICK PAVERS
- BUILDING
- CONCRETE SIDEWALK
- WATER FEATURE

RECEIVED
JAN 15 2009
COMMUNITY DEVELOPMENT

DATE	NOV. 2008	TITLE	VILLA BUILDING WASTE COLLECTION ADMINISTRATIVE AMENDMENT
HORIZONTAL SCALE	1" = 100'	PROJECT	TOUCHSTONE AT RAPALLO, INC.
VERTICAL SCALE	N/A	PROJECT NUMBER	05082-002-000
DATE	NOV. 2008	CROSS REFERENCE FILE NO.	DD-05082-006V22
DESIGNED BY:		PROJECT NUMBER	05082-002-000
DRAWN BY:		CROSS REFERENCE FILE NO.	DD-05082-006V22
CHECKED BY:		PROJECT NUMBER	05082-002-000
CONTRACT ADMIN. BY:		CROSS REFERENCE FILE NO.	DD-05082-006V22
DATE		PROJECT NUMBER	05082-002-000
DESIGNED BY / DATE		CROSS REFERENCE FILE NO.	DD-05082-006V22
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CONTRACT ADMIN. BY / DATE		PROJECT NUMBER	05082-002-000

WilsonMiller

Planners • Engineers • Ecologists • Surveyors • Landscape Architects • Transportation Consultants
WilsonMiller, Inc.
2200 Bayline Lane, Suite 200 • Naples, Florida 34102-2200 • Phone 239-449-4400 • Fax 239-449-4401 • Web Site: wilsonmiller.com



LEGEND	
PROJECT BOUNDARY	WASTE CART
BRICK PAVERS	BUILDING
CONCRETE SIDEWALK	WATER FEATURE
CREATED MARSH AREA	

EX RAPALLO DEVELOPMENT
DQS 2004-00053

APPROVED
Amendment to
Master Concept Plan
Subject to Case # HD02009-00007
Date 4/23/2009

PRIVATE WASTE CART TO BE STORED
IN GARAGE FOR CURBSIDE SERVICE.
WASTE COLLECTION WILL REQUIRE
DEVIATION FROM SECTION 10-261 OF
THE LEE COUNTY LOC. (TYP.)

<div><div>WilsonMiller</div><div>Planners • Engineers • Ecologists • Surveyors • Landscape Architects • Transportation Consultants</div><div>WilsonMiller, Inc.</div><div>2300 Babcock Ave. Suite 200 • Naples, Florida 34105-8507 • Phone 239-549-0406 • Fax 239-549-0406 • Web Site www.wilsonmiller.com</div></div>										DATE: NOV. 2008		TITLE: LIVE/WORK WASTE COLLECTION ADMINISTRATIVE AMENDMENT					
INTAKES/EXP. NO.		DESIGNED BY:		DRAWN BY:		CHECKED BY:		CONTRACT ADMIN. BY:		PROJECT NUMBER: 05082-002-000							
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11/20/08		11/20/08		11/20/08		11/20/08		11/20/08		SHEET NUMBER: 1 of 1							
11/20/08		11/20/08		11/20/08		11/20/08		11/20/08		PROJECT NUMBER: 05082-002-000							
11/20/08		11/20/08		11/20/08		11/20/08		11/20/08		SHEET NUMBER: 1 of 1							
11/20/08		11/20/08		11/20/08		11/20/08		11/20/08		PROJECT NUMBER: 05082-002-000							
11/20/08		11/20/08		11/20/08		11/20/08		11/20/08		SHEET NUMBER: 1 of 1							
11/20/08		11/20/08		11/20/08		11/20/08		11/20/08		PROJECT NUMBER: 05082-002-000							
11/20/08		11/20/08		11/20/08		11/20/08		11/20/08		SHEET NUMBER: 1 of 1							
11/20/08		11/20/08		11/20/08		11/20/08		11/20/08		PROJECT NUMBER: 05082-002-000							
11/20/08		11/20/08		11/20/08		11/20/08		11/20/08		SHEET NUMBER: 1 of 1							
11/20/08		11/20/08		11/20/08		11/20/08		11/20/08		PROJECT NUMBER: 05082-002-000							
11/20/08		11/20/08		11/20/08		11/20/08		11/20/08		SHEET NUMBER: 1 of 1							
11/20/08		11/20/08		11/2													

DATE	REVISIONS
01/23/06	Administrative Amendment
11/01/07	Zoning Resolution Revisions
04/18/07	Unit Relocations
01/15/07	Surficiency Responses
10/02/06	Surficiency Responses

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



COCONUT POINT
Area #1 - Tract 1B Concept Plan

DESIGNED:	DATE:	DRAWN:	DATE:	CHECKED:	DATE:	VERT. SCALE:	HORIZ. SCALE:	REFERENCE NO.	PROJECT NO.	SHEET NO.
		C.R.B.	10/02/06			1" = 200'	1" = 200'	9779MB_MCP	97.79M-B	1 of 3

THE ART DISTRICT at RAPALLO
(COCONUT POINT - DEVELOPMENT TRACT 1B)

CONCEPTUAL SITE PLAN

CONCEPTUAL LAND USE BREAKDOWN:

Residential - M.F. (Coach / Villas / Carriage / Pied-a-Terrae)	± 14.4 Ac.
Residential - M.F. (Mixed Use)(Carriage / Live_Work)	± 4.5 Ac.
Cultural / Recreational Facilities (Performing Arts Center)	± 2.9 Ac.
Commercial / Residential (Mixed Use) (Terrace Bldgs)	± 10.1 Ac.
Parks / Open Space	± 1.3 Ac.
Internal R.O.W.	± 1.3 Ac.
SUBTOTAL	± 34.5 Ac.

CONCEPTUAL OPEN SPACE BREAKDOWN:

Required:	± 2.0 Ac.
Commercial	± 7.3 Ac.
Residential	± 9.3 Ac.
TOTAL	± 9.3 Ac.
Provided:	± 2.0 Ac.
Commercial	± 7.3 Ac.
Residential	± 9.3 Ac.
TOTAL	± 9.3 Ac.

PROPOSED INTENSITY:

Residential - M.F. (Coach / Villas / Carriage / Pied-a-Terrae)	170 D.U.'s
Residential - M.F. (Mixed Use) (Carriage/Live_Work)	40 D.U.'s
Commercial / Residential (Mixed Use) (Terrace Bldgs)	104 D.U.'s / 81,400 s.f.
Cultural / Recreational Facilities (Performing Arts Center)	506 Seats
SUBTOTAL	314 D.U.'s

Residential - M.F. Commercial Performing Arts Center	81,400 S.F. 506 Seats
--	--------------------------

LEGEND:



GENERAL LOCATION OF SERVICE AREAS

NOTES:

- 1) FOR FURTHER DETAILED LOCATIONS OF SERVICE AREAS WITHIN THE MIXED USE COMM/RESID-MULTIPLE FAMILY (ALT #4), SEE TRACT 1B PLAN DETAILS.

APPROVED

Amendment to

Master Concept Plan

Subject to Case #ADD2009-00008

Date 4/23/2009

RECEIVED

JAN 15 2009

COMMUNITY DEVELOPMENT

ADD 2009-00008

ACCESS PT. #2

US 41 - S. TAMiami TRAIL
(200' R.O.W.)

ACCESS PT. #1

30' Wide
U.S. 41 Buffer



SCALE: 1" = 200'



LEE COUNTY

SOUTHWEST FLORIDA

BOARD OF COUNTY COMMISSIONERS

239-533-8585

Bob Janes
District One

A. Brian Bigelow
District Two

Ray Judah
District Three

Tammy Hall
District Four

Frank Mann
District Five

Donald D. Stilwell
County Manager

David M. Owen
County Attorney

Diana M. Parker
County Hearing
Examiner

February 28, 2008

Allyson Swanson, E.I.,
Wilson Miller, Inc.
3200 Bailey Lane, Suite 200,
Naples, FL 34105

Re: Administrative Deviation
ADD2008-00012
The Art District At Rapallo

Dear Ms. Swanson:

Attached please find approved Administrative Deviation to allow for proposed alternatives to provide the following:

1. APPROVED for a deviation from the L.D.C. Section 10-285(a)(Connection Separation); to reduce the connection separation on Via Villagio, Porta Cristoforo, privately maintained roads from the required 125 feet, to allow 83+/- feet from the entry on Via Villagio to the intersection of Strada Nuova and Porto Cristoforo; 79+/- feet separation from the entry on Via Villagio to the intersection of Via Ferrari and Porto Cristoforo; and 84+/- feet separation from the entry on Williams Road to the Porto Cristoforo intersection for a commercial and multi-family development, as measured centerline to centerline; and Section 10-296(i) (1) a.(Pavement width one-way traffic); to request relief to permit 12-foot pavement with valley gutter for one-way traffic which requires 14-foot pavement for one-way traffic with swale and drainage or valley gutter drainage.

If you have any questions, please do not hesitate to contact this office.

Sincerely,

DEPARTMENT OF COMMUNITY DEVELOPMENT
Development Services Division

Peter J. Eckenrode
Director

PJE/RSK

Attachments: Administrative Deviation
Reduced Plan

cc: Project File #DOS2007-00154

**DSO ADMINISTRATIVE DEVIATION
LEE COUNTY, FLORIDA**

WHEREAS, **Wilson Miller, Inc.** has filed an application on behalf of **Edward J. McArdle Trust** for approval of an administrative deviation from technical requirements of the Lee County Land Development Code for **The Art District At Rapallo**, which property is located at the **southwest corner of US 41 and Williams Road in Estero, FL 33928**, described more particularly as:

LEGAL DESCRIPTION

See attached Exhibit "A"; and

WHEREAS, the applicant has indicated that the property's current STRAP number is **04-47-25-30-0001B.0000**; and

WHEREAS, the property is zoned MPD; and

WHEREAS, an application for an administrative deviation from technical requirements of Chapter 10 of the Lee County Land Development Code has been filed; and

WHEREAS, Lee County Land Development Code, as amended, provides for administrative deviation from certain technical requirements for matters involving streets, access streets, intersections, rights-of-way, drainage swales, public water, public sewer, water mains, mass transit facilities, setbacks for water retention/detention excavations, indigenous native vegetation, landscaping of vehicle use areas and site design standards and guidelines for commercial developments and similar matters not related to a change in use of the property in question; and

WHEREAS, deviation is requested in the MPD district from Lee County Land Development Code:

Section 10-285(a)(Connection Separation); to reduce the connection separation on Via Villagio, Porta Cristoforo, privately maintained roads from the required 125 feet, to allow 83+/- feet from the entry on Via Villagio to the intersection of Strada Nuova and Porto Cristoforo; 79+/- feet separation from the entry on Via Villagio to the intersection of Via Ferrari and Porto Cristoforo; and 84+/- feet separation from the entry on Williams Road to the Porto Cristoforo intersection for a commercial and multi-family development, as measured centerline to centerline, and

Section 10-296(i) (1) a.(Pavement width one-way traffic); to request relief to permit 12-foot pavement with valley gutter for one-way traffic which requires 14-foot pavement for one-way traffic with swale and drainage or valley gutter drainage.

WHEREAS, the subject application, engineer's representations, and sealed

engineering plans have been reviewed by the *Lee County Development Services Division* in accordance with applicable regulations for compliance with all terms of the administrative deviation approval; and

WHEREAS, the following findings of fact are offered:

- a) That the proposed alternative to reduce the connection separation on Via Villagio, Porta Cristoforo, privately maintained roads from the required 125 feet, to allow 83+/- feet from the entry on Via Villagio to the intersection of Strada Nuova and Porto Christoforo; 79+/- feet separation from the entry on Via Villagio to the intersection of Via Ferrari and Porto Christoforo; and 84+/- feet separation from the entry on Williams Road to the Porto Christoforo intersection for a commercial and multi-family development, as measured centerline to centerline;
and to request relief to permit 12-foot pavement with valley gutter for one-way traffic which requires 14-foot pavement for one-way traffic with swale and drainage or valley gutter drainage is based on sound engineering practice as follows:

(i) The intersection spacing layout, and the street widths, are designed to create a more livable, pedestrian friendly community by promoting lower vehicle speeds, enhanced pedestrian access, and better compatibility between vehicles, pedestrians and cyclists.
- b) That said proposed alternative is no less consistent with the health, safety, and welfare of abutting land owners and the general public than the standard from which the deviation was requested; and
- c) The granting of the deviation is not inconsistent with any specific directive of the Board of County Commissioners, any other ordinance, or any Lee Plan Provision.

NOW, THEREFORE, IT IS HEREBY DETERMINED that the application for an Administrative Deviation in the MPD zoning district from the Lee County Land Development Code, **Section 10-285(a) (Connection Separation)** and **Section 10-296(i) (1) a. (Pavement width one-way traffic)** is **APPROVED, limited by the following conditions:**

- a) That approval is subject to the basic conceptual site plan, date stamped 1/18/08, submitted for this administrative deviation (copy attached); and
- b) That this approval is subject to further review and approval by the Lee County Development Services Division at the time of Development Order approval for lands herein described; and
- c) That approval is limited to lands herein described.

DULY SIGNED this 28th day of February, A.D., 2008.

By: 
Peter J. Eckenrode, Director Development Services

EXHIBIT "A"

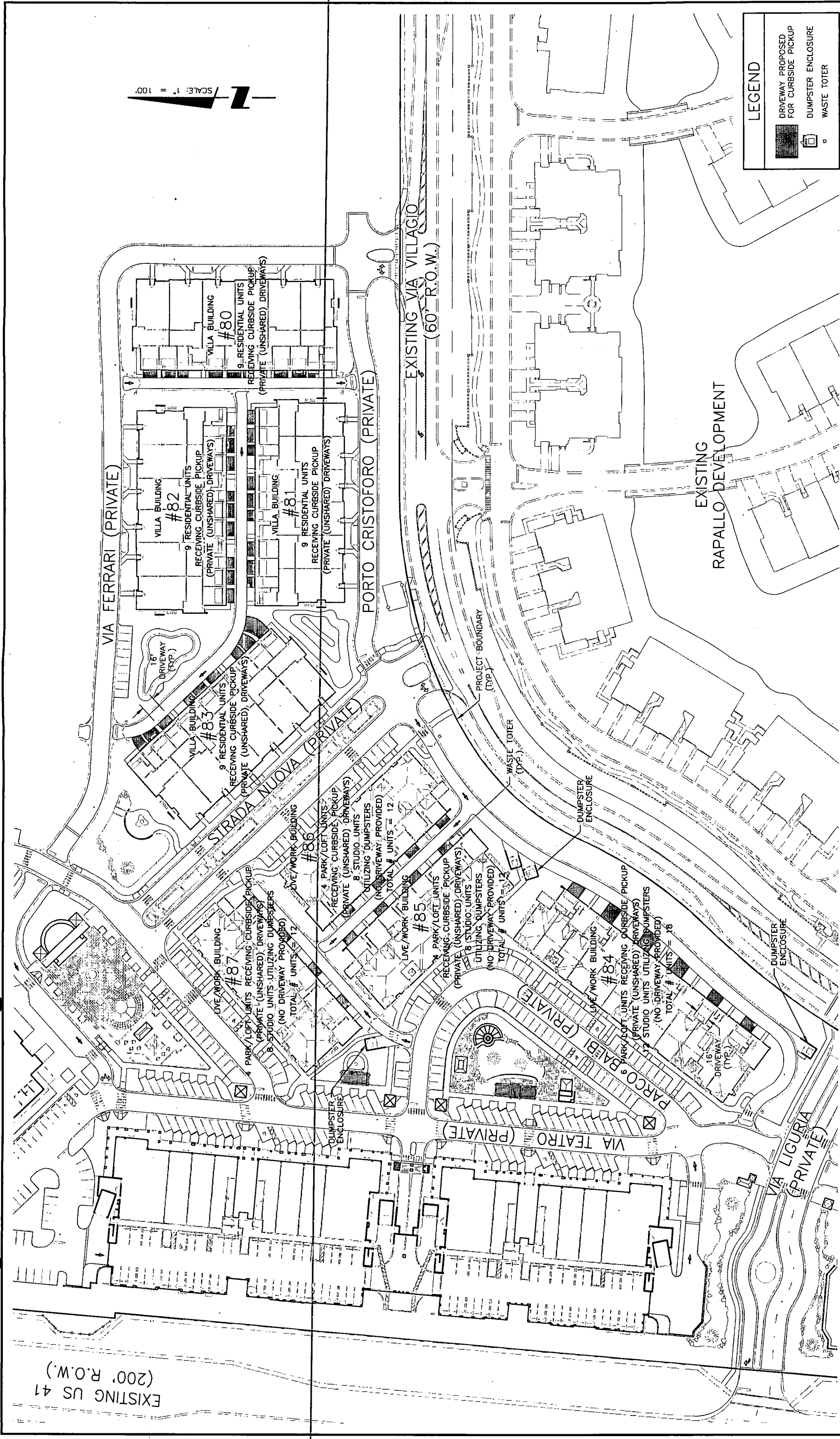
DESCRIPTION

MAP OF BOUNDARY SURVEY OF TRACT "1B", COCONUT POINT - AREA 1,
PLAT BOOK 83, PAGES 1-13, LEE COUNTY, FLORIDA.

Applicant's Legal Checked
by *R. M. Smith*

05-17-07

EXHIBIT C

[illegible]

Mar 10, 2009 - 10:52:59 DSTIEGLEIX\ENG\05082\006\REV05\Exhibits\05082-006X24_WasteCollection\DD-05082-006X24_Dumpsters.dwg

EXHIBIT E

WASTE PRO®

"THE WASTE PROFESSIONALS"

P.O. Box 60717 • Ft. Myers, FL 33906

Phone: (239) 337-0800

Fax: (239) 225-2758

March 27, 2009

Chad M. McKimm, E.I.
WilsonMiller, Inc.
3200 Bailey Lane, Suite 200
Naples, FL 34105

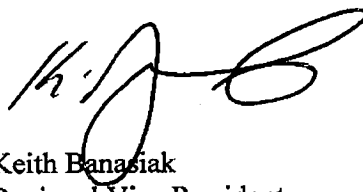
Dear Mr. McKimm,

Subject: Administrative Amendment Number ADD2009-00008.

I have reviewed the Autoturn plan for the live/work waste collection at the Art District at Rapallo. I have determined that we are able to provide "Commercial Curbside Can Collection Service" for this project.

If you need any additional response, please feel free to contact me at my office at 239-337-0800 ext. 227.

Sincerely,

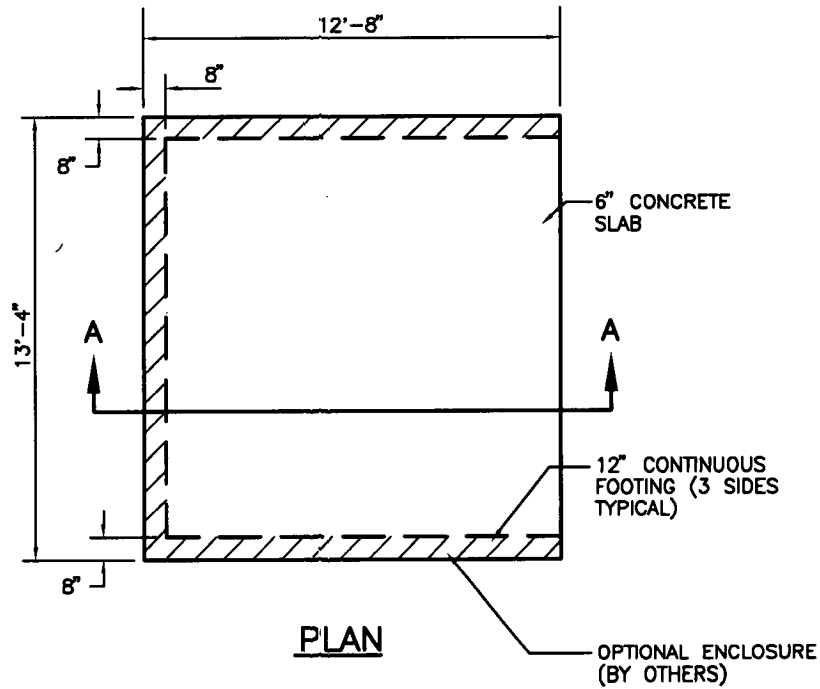


Keith Banasiak
Regional Vice President
Waste Pro of Florida

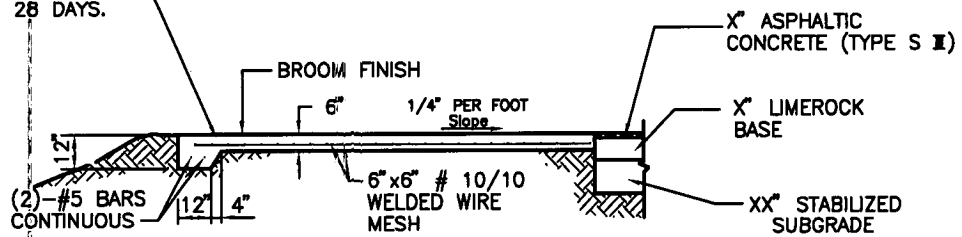
cc: Bill Newman, Lee County Division of Solid Waste



EXHIBIT F



CONCRETE SHALL HAVE A COMPRESSIVE STRENGTH OF 3000 P.S.I. IN 28 DAYS.



NOTE

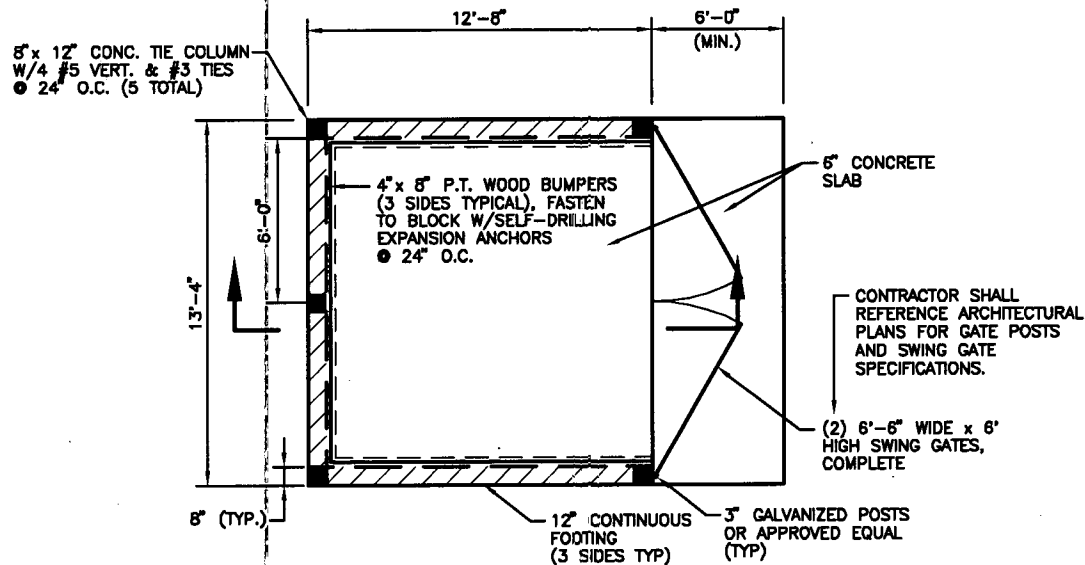
THE PROPOSED FILL SHALL BE COMPACTED IN 12" LIFTS TO 95% MAXIMUM DENSITY IN ACCORDANCE WITH AASHTO T-180 AND THE ENGINEER'S TECHNICAL SPECIFICATIONS

SECTION A-A

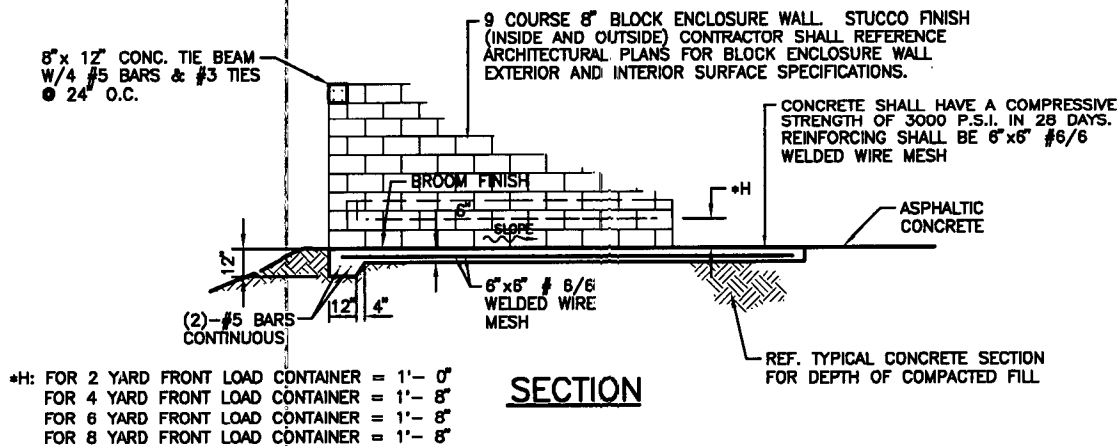
TYPICAL DUMPSTER PAD DETAIL

N.T.S.

P001



PLAN



(W/ BLOCK WALL CLOSURE)

TYPICAL DUMPSTER PAD DETAIL

N.T.S.

Hines, Lisa

From: Hines, Lisa
Sent: Thursday, March 26, 2009 4:16 PM
To: 'Chad McKimm'
Subject: RE: Art District Waste Disposal ADD2009-00008

Hello Chad. I have noted in the case file that you are actively pursuing the required documentation requested by Staff for the above-referenced administrative request. Therefore, a formal request for extension will not be necessary. Thank you.

From: Chad McKimm [mailto:ChadMcKimm@wilsonmiller.com]
Sent: Thursday, March 26, 2009 4:13 PM
To: Hines, Lisa
Cc: Daniel Waters; Neale Montgomery
Subject: Art District Waste Disposal ADD2009-00008

Lisa,

I appreciate your help in the Art District waste disposal matter. I am waiting on a letter from the waste disposal contractor supporting the requested deviation. I have spoken with Bill Newman and Keith Banasiak (waste disposal contractor for Lee County) on the matter and expect a response in the next few days. Tomorrow ends our 60 day response window so I wanted to formally request an extension on the application so we may submit a complete package to the County upon receipt of this letter. Please let me know if this is acceptable to you.

Regards,

Chad M. McKimm, E.I.
Engineer Intern
WilsonMiller, Inc.
3200 Bailey Lane, Suite 200
Naples, FL 34105
239.649-4040 ext. 7134
WilsonMiller.com

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3/26/2009

Hines, Lisa

From: Neale Montgomery [NealeMontgomery@Paveselaw.com]
Sent: Tuesday, March 24, 2009 10:02 AM
To: Hines, Lisa
Cc: Daniel Waters
Subject: FW: In response to your query on "Waste Toters" re: Art District

Hi Lisa,

Please check below. Jack gave the official blessing that we don't have to go to the panel. It is my understanding that you are still looking for some communication from Waste Pro. Is there anything else that you need?

Neale Montgomery, Esq.
Pavese Law Firm

1833 Hendry Street
Fort Myers, FL 33901
Direct: (239) 336-6235
Main: (239) 334-2195
Fax: (239) 332-2243
Email: NealeMontgomery@PaveseLaw.com
Web: www.PAVESELAW.com

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From: Kathleen A. Cline
Sent: Tuesday, March 24, 2009 8:40 AM
To: 'Jack Lienesch'; Neale Montgomery
Cc: Nancy Cohen; Gordon Lyons; Joe McHarris; Bob Melzer; Tom O'Dea; Al O'Donnell; Bill Prysi; Gerald Simons; Jim Wallace; Bill Brown; Dan Delisi; Erik Dickens; John Goodrich; Beverly MacNellis; Neal Noethlich; Jim Ramsburg; Greg Toth; Lin Welch
Subject: RE: In response to your query on "Waste Toters" re: Art District

Thank you very kindly, Mr. Lienesch. I've copied Ms. Montgomery on this email to ensure she's aware of the panel and committee's findings.

Kathleen A. Cline
Legal Secretary to Neale Montgomery, Esq.
Pavese Law Firm
1833 Hendry Street
Fort Myers, FL 33901

Tel: 239-336-6235
Fax: 239-334-3539
Email: kathleencline@paveselaw.com
Web: www.paveselaw.com

3/24/2009

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From: Jack Lienesch [mailto:jacklienesch@yahoo.com]

Sent: Monday, March 23, 2009 10:17 PM

To: Kathleen A. Cline

Cc: Nancy Cohen; Gordon Lyons; Joe McHarris; Bob Melzer; Tom O'Dea; Al O'Donnell; Bill Prysi; Gerald Simons; Jim Wallace; Bill Brown; Dan Delisi; Erik Dickens; John Goodrich; Beverly MacNellis; Neal Noethlich; Jim Ramsburg; Greg Toth; Lin Welch

Subject: Re: In response to your query on "Waste Toters" re: Art District

Kathleen --

Please tell Neale that we have no problem with the proposed change in your previous correspondence. None of the panel or design review committee had anything but positive comments. No need to schedule a public meeting on this issue.

Regards,

-- Jack Lienesch

Chairman, Estero Community Planning Panel

From: Kathleen A. Cline <KathleenCline@Paveselaw.com>

To: Jack Lienesch <jacklienesch@yahoo.com>; emailerik@eahdholdings.com

Cc: Neale Montgomery <NealeMontgomery@Paveselaw.com>; simonsthearchitect@msn.com; CohenNancyB@aol.com; lopakadesignstudio@yahoo.com; lwelch@ccturner.com; greg@SelectRE.net; Dan Delisi <Dan@delisifitzgerald.com>; johnbarbgoodrich@comcast.net; aquillab@embarqmail.com; beverlyann@comcast.net; jpramsburg@hotmail.com; nen13@aol.com

Sent: Monday, March 23, 2009 9:24:44 AM

Subject: In response to your query on "Waste Toters" re: Art District

Good morning,

Ms. Montgomery is out of the office this morning, but requested I reply to you on her behalf that a waste toter is the trash container that will be kept in the garages and wheeled down to the curb on pick up days by the residents. It will be typical of what can be seen in other communities with curbside pick-up.

Trusting this information will be helpful, please feel free to contact her with any other questions you may have. Thank you,

Kathleen A. Cline

Legal Secretary to Neale Montgomery, Esq.

Pavese Law Firm

1833 Hendry Street

Fort Myers, FL 33901

Tel: 239-336-6235

Fax: 239-334-3539

3/24/2009

Email: kathleencline@paveselaw.com

Web: www.paveselaw.com

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

From: Erik Dickens <emailerik@eahdholdings.com>
To: 'Jack Lienesch' <jacklienesch@yahoo.com>; 'Gerald Simons' <simonsthearchitect@msn.com>; 'Nancy Cohen' <CohenNancyB@aol.com>; 'Bob Melzer' <lopakadesignstudio@yahoo.com>; 'Bill Brown' <aguilla@embarqmail.com>; 'Dan Delisi' <Dan@DelisiFitzgerald.com>; 'John Goodrich' <johnbarbgoodrich@comcast.net>; 'Beverly MacNellis' <beverlyann@comcast.net>; 'Neal Noethlich' <nen13@earthlink.net>; 'Jim Ramsburg' <jpramsburg@hotmail.com>; 'Greg Toth' <greg@selectre.net>; 'Lin Welch' <linwelch222@aol.com>
Cc: Neale Montgomery
Sent: Sun Mar 22 22:28:14 2009
Subject: RE: Art District

Quick question: what is a Waste Toter?

From: Jack Lienesch [mailto:jacklienesch@yahoo.com]
Sent: Thursday, March 19, 2009 3:36 PM
To: Gerald Simons; Nancy Cohen; Bob Melzer; Bill Brown; Dan Delisi; Erik Dickens; John Goodrich; Beverly MacNellis; Neal Noethlich; Jim Ramsburg; Greg Toth; Lin Welch
Cc: Neale Montgomery
Subject: Fw: Art District

Team --

Please review this...I'm not sure I can understand exactly what is being proposed here. It appears that they will build some sort of a structure around the dumpster area for those homes w/o driveways. I assume for homes with garages, the trash containers will be in there. For those w/o, there is a general enclosed storage area.

If Dan, Greg and the architects are OK with it, I don't see a reason to drag everyone back into a meeting.

3/24/2009

I'll wait for your feedback before I respond to Neale.

Regards,

-- Jack Lienesch

----- Forwarded Message -----

From: Neale Montgomery <NealeMontgomery@Paveselaw.com>
To: jacklienesch@yahoo.com; Lin Welch <lwelch@ccturner.com>;
greg@SelectRE.net; johnbarbgoodrich@comcast.net; Dan Delisi
<Dan@delisifitzgerald.com>; jpramsburg@hotmail.com; NEN13@earthlink.net;
parsifal300@yahoo.com
Sent: Thursday, March 19, 2009 1:52:16 PM
Subject: Art District

Hi Jack,

I don't know if you recall that about a month ago we had an email dialogue about the administrative deviation for the trash pick up at the Art District at Rapallo. You indicated at the time that you didn't necessarily have a problem with the approval of the administrative deviation and we didn't necessarily have to do a presentation, but you wanted to see a site plan. The goal is to permit curbside pick up and eliminate unattractive dumpsters, to the extent possible. A deviation is needed to permit curbside pickup.

Thanks

Neale

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3/24/2009

Hines, Lisa

From: Neale Montgomery [NealeMontgomery@Paveselaw.com]
Sent: Friday, March 20, 2009 5:11 PM
To: Hines, Lisa
Subject: FW: Art District

Here is part of the email chain of directors indicating they are ok.

Neale Montgomery, Esq.
Pavese Law Firm

1833 Hendry Street
Fort Myers, FL 33901
Direct: (239) 336-6235
Main: (239) 334-2195
Fax: (239) 332-2243
Email: NealeMontgomery@PaveseLaw.com
Web: www.PAVESELAW.com

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From: Neale Montgomery
Sent: Friday, March 20, 2009 8:57 AM
To: 'Block, Alvin'
Subject: FW: Art District

The emails keep coming in that everyone is ok. I don't know if I have the final one.

Neale Montgomery, Esq.
Pavese Law Firm

1833 Hendry Street
Fort Myers, FL 33901
Direct: (239) 336-6235
Main: (239) 334-2195
Fax: (239) 332-2243
Email: NealeMontgomery@PaveseLaw.com
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3/23/2009

From: John Goodrich [mailto:johnbarbgoodrich@comcast.net]

Sent: Friday, March 20, 2009 8:55 AM

To: 'Jack Lienesch'; 'Gerald Simons'; 'Nancy Cohen'; 'Bob Melzer'; 'Bill Brown'; 'Dan Delisi'; 'Erik Dickens'; 'Beverly MacNellis'; 'Neal Noethlich'; 'Jim Ramsburg'; 'Greg Toth'; 'Lin Welch'

Cc: Neale Montgomery

Subject: RE: Art District

Jack,

This developer has been upfront and forthright in the past and I do not see a need for a meeting. I am fine with their proposal.

John Goodrich

(239) 948-1485

johnbarbgoodrich@comcast.net

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

From: Jack Lienesch [mailto:jacklienesch@yahoo.com]

Sent: Thursday, March 19, 2009 3:36 PM

To: Gerald Simons; Nancy Cohen; Bob Melzer; Bill Brown; Dan Delisi; Erik Dickens; John Goodrich; Beverly MacNellis; Neal Noethlich; Jim Ramsburg; Greg Toth; Lin Welch

Cc: Neale Montgomery

Subject: Fw: Art District

Team --

Please review this...I'm not sure I can understand exactly what is being proposed here. It appears that they will build some sort of a structure around the dumpster area for those homes w/o driveways. I assume for homes with garages, the trash containers will be in there. For those w/o, there is a general enclosed storage area.

If Dan, Greg and the architects are OK with it, I don't see a reason to drag everyone back into a meeting.

I'll wait for your feedback before I respond to Neale.

Regards,

-- Jack Lienesch

----- Forwarded Message -----

From: Neale Montgomery <NealeMontgomery@Paveselaw.com>

To: jacklienesch@yahoo.com; Lin Welch <lwelch@ccturner.com>; greg@SelectRE.net; johnbarbgoodrich@comcast.net; Dan Delisi <Dan@delisifitzgerald.com>; jpramsburg@hotmail.com; NEN13@earthlink.net; parsifal300@yahoo.com

Sent: Thursday, March 19, 2009 1:52:16 PM

Subject: Art District

Hi Jack,

I don't know if you recall that about a month ago we had an email dialogue about the administrative deviation for the trash pick up at the Art District at Rapallo. You indicated at the time that you didn't necessarily have a problem with the approval of the administrative deviation and we didn't necessarily have to do a presentation, but you wanted to see a site plan. The goal is to permit curbside pick up and eliminate unattractive dumpsters, to the extent possible. A deviation is needed to permit curbside pickup.

3/23/2009

Exhibit H-2.B.1

Written Narrative

Proposed Request:

The applicant proposes to deviate from section 10-261 of the Lee County LDC to allow for curbside pick-up of solid waste from multifamily residential units that have attached garages. The villa buildings and the park loft units within the Live/Work buildings have garages attached to the units that will provide the unit owners with storage space for roll out garbage containers in individual units instead of the required space for dumpsters outlined in section 10-261 (a). These units are proposed for curbside service for waste disposal; the remaining multifamily units that do not have attached garages and the non-residential uses within the Art District will have dumpster space provided for them in accordance with Lee County LDC Section 10-261.

Justification for Administrative Amendment:

The proposed Art District is a commercial and multifamily development. The applicant is requesting the use of curbside pickup of solid waste for dumpster pickup for multifamily units that are provided with attached garages. The use of curbside pickup will provide the aesthetic benefit of fewer trash enclosures as well as greater convenience for residents in units that would be served by the curbside pickup.

The proposed plan provides adequate vehicular access for curbside pickup and adequate storage space for the containers on pickup days. Each unit is provided with an individual driveway from the access way to the units attached garage. The driveways will provide for adequate storage area outside of the access way on pickup days. Please reference the attached exhibit for the access way layout and driveway locations.

In accordance with the requirements of the Lee County LDC, enclosures for dumpsters have been provided adjacent to the live/work buildings to serve the first floor units that do not have attached garages.

ADC 1009 11009

Exhibit H-2.A

Written Narrative

Proposed Project:

The site proposed for the Art District at Rapallo is located in Section 4, Township 47 South, Range 25 East, of Lee County, Florida. The parcel is 34.3 acres in size and is bound to the north by Williams Road, to the south by Via Villago Way and the subdivision Rapallo, to the west by US 41/Tamiami Trail, and to the east by Sandy Lane.

The applicant proposes to construct 4 three story mixed use buildings of approximately 20,000 SF each, restaurants and retail will occupy the first floor and residential units will occupy the second and third floors. The project also includes a 506 seat theatre, amenity parks, and an additional eight commercial/residential buildings known as Villa Buildings and Live/Work buildings. The project includes non-covered parking for the theatre and the residential buildings and parking garages for the 4-story terrace buildings.

This Administrative Amendment applies specifically to solid waste disposal for multifamily buildings proposed within the property. This amendment proposes to allow for curbside solid waste collection for multifamily units that are provided with an attached garage.

ADD 2019-00008

- 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.**).

<u>DOS2007-00154</u>	<u>Under Review</u>
<u> </u>	<u> </u>
<u> </u>	<u> </u>

PART 2.
REQUESTED ACTION

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

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

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

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

PART 3.
ADDITIONAL SUBMITTAL REQUIREMENTS FOR ADMINISTRATIVE AMENDMENT APPLICATIONS

Please submit the following for all Administrative Amendment Applications:

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



ADMINISTRATIVE ACTION REQUEST
SUPPLEMENT H
FOR UNINCORPORATED AREAS ONLY

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

Case Number: _____
Project Name: Art District at Rapallo
Applicant's Name: James Wallace, Touchstone at The Art District, Inc.
STRAP Number(s): 04-47-25-30-0001B.0000

Indicate whether REQUEST is for:

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

*Planning District: Estero Planning Community

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

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

PART 1.
APPLICATION INFORMATION

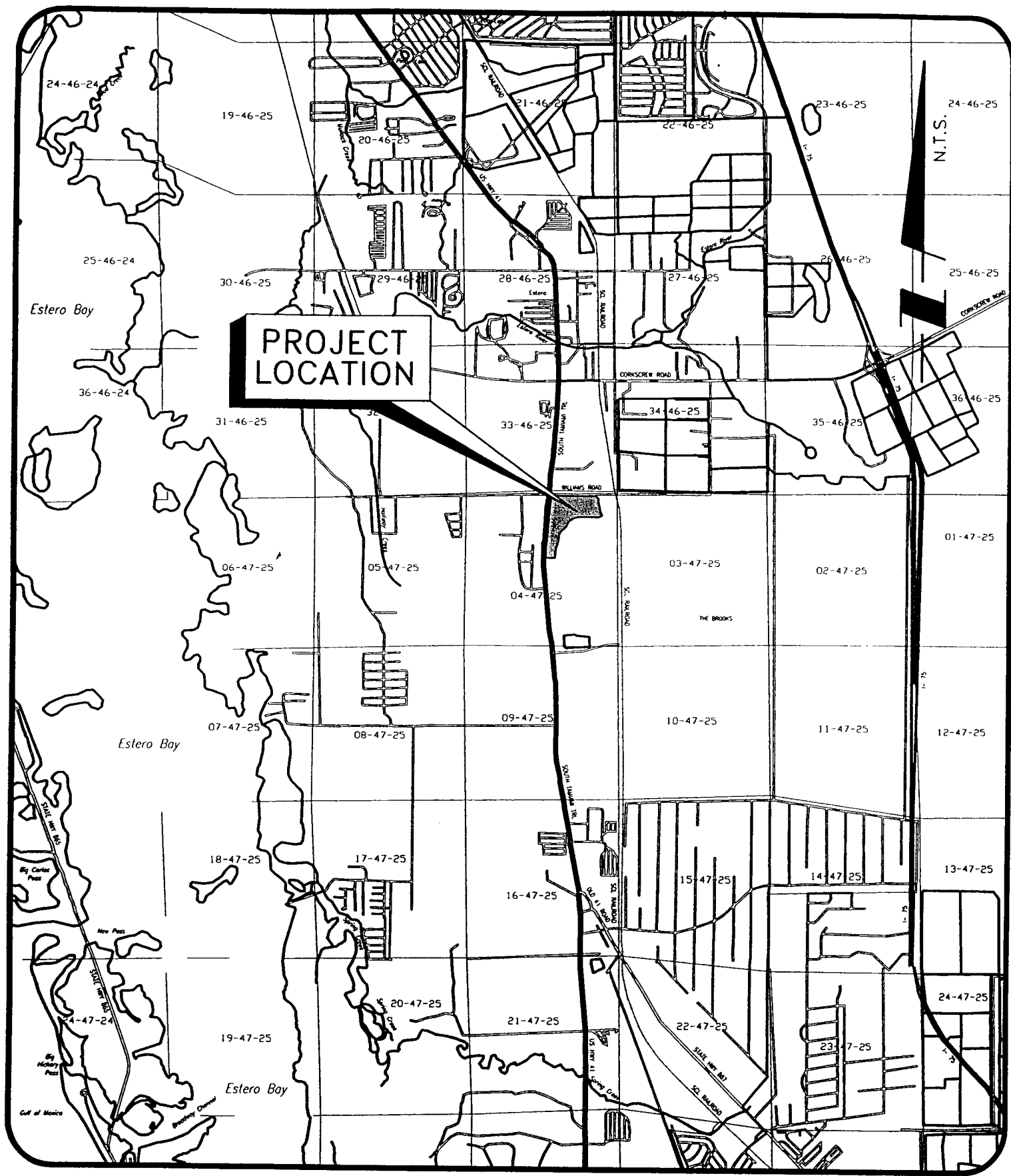
- A. ORIGINAL PROJECT NAME (if different than Project Name currently used):

—
- 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.).

DRI2006-00009 & DCI2006-00080
ADD2008-00139
ADD2008-00012
ADD2008-00011

Z-07-040

ADD 2009-00008



LOCATION MAP

10008

Hines, Lisa

From: Neale Montgomery [NealeMontgomery@Paveselaw.com]
Sent: Friday, March 20, 2009 5:12 PM
To: Hines, Lisa
Subject: FW: Art District

Here is another one.

Neale Montgomery, Esq.
Pavese Law Firm

1833 Hendry Street
Fort Myers, FL 33901
Direct: (239) 336-6235
Main: (239) 334-2195
Fax: (239) 332-2243
Email: NealeMontgomery@PaveseLaw.com
Web: www.PAVESELAW.com

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From: Neale Montgomery
Sent: Thursday, March 19, 2009 9:50 PM
To: 'Houck, Pamela'
Subject: FW: Art District

For some reason I can not get chip's email address to come up on my lap top at home. Can you let Chip know that so far everyone is ok with the dumpster and trash pick up layout. They don't realize...even though I told them...that it is a deviation to not have dumpsters.

From: Gerald Simons [mailto:simonsthearchitect@msn.com]
Sent: Thursday, March 19, 2009 7:59 PM
To: lopakadesignstudio@yahoo.com; Nancy Cohen; aquilla@embarqmail.com; dan@delisifitzgerald.com; emailerik@eahdholdings.com; johnbarbgoodrich@comcast.net; beverlyann@comcast.net; nen13@earthlink.net; jpramsburg@hotmail.com; greg@selectre.net; linwelch222@aol.com; Jack Lienesch
Cc: Neale Montgomery
Subject: RE: Art District

Jack:
I do not have any problem with the dumpsters. I am confident they will be handled tastefully; I am also confident this developer will not allow the dumpsters to detract from the quality of the project.
Gerald Simons

Date: Thu, 19 Mar 2009 12:53:29 -0700
From: lopakadesignstudio@yahoo.com
Subject: Re: Fw: Art District
To: simonsthearchitect@msn.com; CohenNancyB@aol.com; aquilla@embarqmail.com;

3/23/2009

Dan@DelisiFitzgerald.com; email@eahdholdings.com; johnbarbgoodrich@comcast.net;
beverlyann@comcast.net; nen13@earthlink.net; jpramsburg@hotmail.com; greg@selectre.net;
linwelch222@aol.com; jacklienesch@yahoo.com
CC: NealeMontgomery@PaveseLaw.com

Jack,

I do not see any problems with the proposed dumpster and trash pickup locations. The majority of them are to be private pickup and the larger community styled dumpsters appear to be in locations that could easily be enhanced with proper landscape materials. And I am confident that the larger dumpster areas will have some sort of Architecture details to the exterior walls and gates that make the community themed architecture.

As always this project continues to be a Golden Jewel of Estero.

Bob Melzer, RLA, ASLA

President of:
Lopaka Design Studio, Inc

ph: 239.823.2724

--- On **Thu, 3/19/09**, **Jack Lienesch** <jacklienesch@yahoo.com> wrote:

From: Jack Lienesch <jacklienesch@yahoo.com>
Subject: Fw: Art District
To: "Gerald Simons" <simonsthearchitect@msn.com>, "Nancy Cohen" <CohenNancyB@aol.com>, "Bob Melzer" <lopakadesignstudio@yahoo.com>, "Bill Brown" <aquilla@embarqmail.com>, "Dan Delisi" <Dan@DelisiFitzgerald.com>, "Erik Dickens" <emailerik@eahdholdings.com>, "John Goodrich" <johnbarbgoodrich@comcast.net>, "Beverly MacNellis" <beverlyann@comcast.net>, "Neal Noethlich" <nen13@earthlink.net>, "Jim Ramsburg" <jpramsburg@hotmail.com>, "Greg Toth" <greg@selectre.net>, "Lin Welch" <linwelch222@aol.com>
Cc: "Neale Montgomery" <NealeMontgomery@PaveseLaw.com>
Date: Thursday, March 19, 2009, 7:35 PM

Team --

Please review this...I'm not sure I can understand exactly what is being proposed here. It appears that they will build some sort of a structure around the dumpster area for those homes w/o driveways. I assume for homes with garages, the trash containers will be in there. For those w/o, there is a general enclosed storage area.

If Dan, Greg and the architects are OK with it, I don't see a reason to drag everyone back into a meeting.

I'll wait for your feedback before I respond to Neale.

Regards,

-- Jack Lienesch

----- Forwarded Message -----

From: Neale Montgomery <NealeMontgomery@Paveselaw.com>
To: jacklienesch@yahoo.com; Lin Welch <lwelch@ccturner.com>; greg@SelectRE.net; johnbarbgoodrich@comcast.net; Dan Delisi <Dan@delisifitzgerald.com>; jpramsburg@hotmail.com; NEN13@earthlink.net; parsifal300@yahoo.com
Sent: Thursday, March 19, 2009 1:52:16 PM

3/23/2009

Subject: Art District

Hi Jack,

I don't know if you recall that about a month ago we had an email dialogue about the administrative deviation for the trash pick up at the Art District at Rapallo. You indicated at the time that you didn't necessarily have a problem with the approval of the administrative deviation and we didn't necessarily have to do a presentation, but you wanted to see a site plan. The goal is to permit curbside pick up and eliminate unattractive dumpsters, to the extent possible. A deviation is needed to permit curbside pickup.

**Thanks
Neale**

3/23/2009

Hines, Lisa

From: Neale Montgomery [NealeMontgomery@Paveselaw.com]
Sent: Friday, March 20, 2009 5:16 PM
To: Hines, Lisa
Subject: FW: Fw: Art District

I have another one.

Neale Montgomery, Esq.
Pavese Law Firm

1833 Hendry Street
Fort Myers, FL 33901
Direct: (239) 336-6235
Main: (239) 334-2195
Fax: (239) 332-2243
Email: NealeMontgomery@PaveseLaw.com
Web: www.PAVESELAW.com

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From: Robert Melzer [mailto:lopakadesignstudio@yahoo.com]
Sent: Thursday, March 19, 2009 3:53 PM
To: Gerald Simons; Nancy Cohen; Bill Brown; Dan Delisi; Erik Dickens; John Goodrich; Beverly MacNellis; Neal Noethlich; Jim Ramsburg; Greg Toth; Lin Welch; Jack Lienesch
Cc: Neale Montgomery
Subject: Re: Fw: Art District

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Bob Melzer, RLA, ASLA

President of:
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ph: 239.823.2724

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3/23/2009

From: Jack Lienesch <jacklienesch@yahoo.com>

Subject: Fw: Art District

To: "Gerald Simons" <simonsthearchitect@msn.com>, "Nancy Cohen" <CohenNancyB@aol.com>, "Bob Melzer" <lopakadesignstudio@yahoo.com>, "Bill Brown" <aquilla@embarqmail.com>, "Dan Delisi" <Dan@DelisiFitzgerald.com>, "Erik Dickens" <emailerik@eahdholdings.com>, "John Goodrich" <johnbarbgoodrich@comcast.net>, "Beverly MacNellis" <beverlyann@comcast.net>, "Neal Noethlich" <nen13@earthlink.net>, "Jim Ramsburg" <jpramsburg@hotmail.com>, "Greg Toth" <greg@selectre.net>, "Lin Welch" <linwelch222@aol.com>

Cc: "Neale Montgomery" <NealeMontgomery@PaveseLaw.com>

Date: Thursday, March 19, 2009, 7:35 PM

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To: jacklienesch@yahoo.com; Lin Welch <lwelch@ccturner.com>; greg@SelectRE.net; johnbarbgoodrich@comcast.net; Dan Delisi <Dan@delisifitzgerald.com>; jpramsburg@hotmail.com; NEN13@earthlink.net; parsifal300@yahoo.com

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Thanks

Neale

Hines, Lisa

From: Chad McKimm [ChadMcKimm@wilsonmiller.com]
Sent: Wednesday, March 25, 2009 4:17 PM
To: Hines, Lisa
Cc: Daniel Waters
Subject: Art District Dumpster Details
Attachments: Dumpster.pdf; Dumpster_Enclosure.pdf

Lisa,

Enclosed are our typical dumpster details. This is for the slab as well as the walls. The owner has expressed an interest in making these enclosures aesthetically pleasing, but regardless of what is on the outside they will have a minimum of three sides to the enclosure and a minimum interior width of 12 feet to ensure access by the waste disposal vehicles. If you need further information please call me.

Regards,

Chad M. McKimm, E.I.

Engineer Intern
WilsonMiller, Inc.
3200 Bailey Lane, Suite 200
Naples, FL 34105
239.649-4040 ext. 7134

WilsonMiller.com

<<Dumpster.pdf>> <<Dumpster_Enclosure.pdf>>

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3/25/2009

Hines, Lisa

From: Kathleen A. Cline [KathleenCline@PaveseLaw.com]
Sent: Monday, March 23, 2009 9:45 AM
To: Hines, Lisa
Cc: Neale Montgomery
Subject: Estero Planning Panel query on "Waste Toters" re: Art District

Good morning, Ms. Hines.

Please accept my apologies, as Ms. Montgomery had requested I copy you on the email below and having failed to do so, I'm forwarding same to you.

Thank you kindly,

Kathleen A. Cline

Legal Secretary to Neale Montgomery, Esq.

Pavese Law Firm

1833 Hendry Street

Fort Myers, FL 33901

Tel: 239-336-6235

Fax: 239-334-3539

Email: kathleencline@paveselaw.com

Web: www.paveselaw.com

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

From: Kathleen A. Cline
Sent: Monday, March 23, 2009 9:25 AM
To: 'Jack Lienesch'; 'emailerik@eahdholdings.com'
Cc: Neale Montgomery; 'simonsthearchitect@msn.com'; 'CohenNancyB@aol.com'; 'lopakadesignstudio@yahoo.com'; 'lwelch@ccturner.com'; 'greg@SelectRE.net'; 'Dan Delisi'; 'johnbarbgoodrich@comcast.net'; 'aquillab@embarqmail.com'; 'beverlyann@comcast.net'; 'jpramsburg@hotmail.com'; 'nen13@aol.com'
Subject: In response to your query on "Waste Toters" re: Art District

Good morning,

Ms. Montgomery is out of the office this morning, but requested I reply to you on her behalf that a waste toter is the trash container that will be kept in the garages and wheeled down to the curb on pick up days by the residents. It will be typical of what can be seen in other communities with curbside pick-up.

Trusting this information will be helpful, please feel free to contact her with any other questions you may have. Thank you,

Kathleen A. Cline

Legal Secretary to Neale Montgomery, Esq.

Pavese Law Firm

1833 Hendry Street

Fort Myers, FL 33901

Tel: 239-336-6235

Fax: 239-334-3539

Email: kathleencline@paveselaw.com

Web: www.paveselaw.com

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

From: Erik Dickens <emailerik@eahdholdings.com>

To: 'Jack Lienesch' <jacklienesch@yahoo.com>; 'Gerald Simons'

<simonsthearchitect@msn.com>; 'Nancy Cohen' <CohenNancyB@aol.com>; 'Bob Melzer'

<lopakadesignstudio@yahoo.com>; 'Bill Brown'

<aquilla@embarqmail.com>; 'Dan Delisi' <Dan@DelisiFitzgerald.com>; 'John Goodrich'

<johnbarbgoodrich@comcast.net>; 'Beverly MacNellis'

<beverlyann@comcast.net>; 'Neal Noethlich' <nen13@earthlink.net>; 'Jim Ramsburg' <jpramsburg@hotmail.com>; 'Greg

Toth' <greg@selectre.net>; 'Lin Welch' <linwelch222@aol.com>

Cc: Neale Montgomery

Sent: Sun Mar 22 22:28:14 2009

Subject: RE: Art District

Quick question: what is a Waste Toter?

From: Jack Lienesch [mailto:jacklienesch@yahoo.com]

Sent: Thursday, March 19, 2009 3:36 PM

To: Gerald Simons; Nancy Cohen; Bob Melzer; Bill Brown; Dan Delisi; Erik Dickens; John Goodrich; Beverly MacNellis; Neal Noethlich; Jim Ramsburg; Greg Toth; Lin Welch

Cc: Neale Montgomery

Subject: Fw: Art District

Team --

Please review this...I'm not sure I can understand exactly what is being proposed here. It appears that they will build some sort of a structure around the dumpster area for those homes w/o driveways. I assume for homes with garages, the trash containers will be in there. For those w/o, there is a general enclosed storage area.

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I'll wait for your feedback before I respond to Neale.

Regards,

-- Jack Lienesch

----- Forwarded Message -----

From: Neale Montgomery <NealeMontgomery@Paveselaw.com>

To: jacklienesch@yahoo.com; Lin Welch <lwelch@ccturner.com>; greg@SelectRE.net; johnbarbgoodrich@comcast.net; Dan Delisi <Dan@delisifitzgerald.com>; jpramsburg@hotmail.com; NEN13@earthlink.net; parsifal300@yahoo.com

Sent: Thursday, March 19, 2009 1:52:16 PM

Subject: Art District

Hi Jack,

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Thanks

Neale

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Hines, Lisa

From: Daniel Waters [DanielWaters@wilsonmiller.com]
Sent: Wednesday, March 11, 2009 1:52 PM
To: Hines, Lisa
Subject: RE: ADD2009-00008

Lisa,

Sorry to not get back to you sooner. Neale Montgomery is working with the ECPP to get a letter of no objection from them. I anticipate that we will have that in the next couple of weeks and will respond to you then. The number of units that specifically require deviation for curbside pickup is 54 (18 in the Live / Work Buildings and 36 in the Villa Buildings). Please give me a call if you have any questions or need anything else. Thanks.

Dan Waters, P.E.
Senior Project Manager
Associate
WilsonMiller, Inc.
3200 Bailey Lane, Suite 200
Naples, FL 34105
(239) 649-4040
WilsonMiller.com

From: Hines, Lisa [mailto:LHINES@LEEGOV.COM]
Sent: Tuesday, March 10, 2009 4:08 PM
To: Daniel Waters
Subject: ADD2009-00008

Hello Daniel. I also need the total number of units that this deviation encompasses. Thank you again.

*Lisa Hines, Senior Planner
Department of Community Development
1500 Monroe Street - P. O. Box 398
Fort Myers, FL 33902-0398
Phone: 239-533-8777
Fax: 239-485-8344
E-mail: lhines@leegov.com*

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3/11/2009



LEE COUNTY
SOUTHWEST FLORIDA

BOARD OF COUNTY COMMISSIONERS

Writer's Direct Dial Number: 239-533-8777

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District One

A. Brian Bigelow
District Two

Ray Judah
District Three

Tammy Hall
District Four

Frank Mann
District Five

Donald D. Stilwell
County Manager

David Owen
County Attorney

Diana M. Parker
County Hearing
Examiner

January 26, 2009

DANIEL WATERS
3200 BAILEY LANE
SUITE 200
NAPLES, FL 34105

Re: ART DISTRICT AT RAPALLO
ADD2009-00008 - PDZ Application (PD Admin)

Dear DANIEL WATERS :

The Department of Community Development has reviewed the information provided for the above referenced administrative action application. The Land Development Code requires additional information for the application to be complete. Please respond to each requirement not satisfied on the attached checklists. For your assistance, we have enclosed any additional memoranda from the various Lee County reviewing agencies.

This application will be pending until each requirement of the checklist is satisfied. If you do not provide the requested supplements or corrections within 60 calendar days of this letter, this application will be considered withdrawn.

DANIEL WATERS
RE: ART DISTRICT AT RAPALLO
ADD2009-00008
January 26, 2009
Page 2

Please feel free to contact me or the staff reviewers if you have any questions.

Sincerely,

DEPARTMENT OF COMMUNITY DEVELOPMENT
Zoning Division

copy w/o attachments:
Pamela Houck, Zoning Division Director
Paul O'Connor, Planning Director
Pete Eckenrode, Development Services Director
Susie Derheimer, Environmental Division
Jamie Prining, DCD Administration
Zoning/ADD Files

DANIEL WATERS
RE: ART DISTRICT AT RAPALLO
ADD2009-00008
January 26, 2009
Page 3

13) Miscellaneous items.

In accordance with LDC Section 33-54(2), please contact the Estero Community Planning Panel (ECP) to schedule an informational meeting regarding the requested deviation to the Planned Development. Please provide Staff with the time, date and minutes of the meeting.

Please provide a cross-section of the proposed area to locate the curbside waste and recycling containers to demonstrate adequate space for storage prior to and after pick-up. There must be adequate space to prevent containers from being on the sidewalks or in the roadway.

Please demonstrate that the internal roadways have adequate width to accommodate waste management/collection vehicles and turn-around areas.

Please demonstrate the specific live/work and multiple-family buildings on the MCP that are the subject of the ADD request.

Please demonstrate that the service vehicles will have access through the gated, private roadways.

Will the request interfere with the service areas required for the commercial uses in the "live/work" buildings?

Please clarify if each driveway shown as part of the live/work and multiple-family product is a shared or private driveway.

How many units are within each building for the live/work and multiple-family development? Will each unit utilize curbside pickup or will some utilize the on-site dumpster facilities?

What are the "typical" dimensions of the dumpster facilities shown on the submitted plans?

Please note that all future resubmittals must be submitted through the Zoning Counter located on the first floor of the Public Works Building located at 1500 Monroe Street to the attention of Lisa Hines, Senior Planner.

14) Contact. The Staff reviewer may be contacted regarding any questions on the LC Administrative Action Supplement I Application for Administrative Deviation from Chapter 10 of the Lee County Land Development Code Checklist.

Please contact Lisa Hines, Senior Planner at 533-8777 Monday through Friday between the hours of Monday through Friday.



LEE COUNTY
SOUTHWEST FLORIDA

APPLICATION FOR ADMINISTRATIVE ACTION
FOR UNINCORPORATED AREAS ONLY

APPLICATION FOR ADMINISTRATIVE ACTION
FOR UNINCORPORATED AREAS ONLY

Applicant's Name: James Wallace, Touchstone at The Art District, Inc.

Project Name: Art District at Rapallo

STRAP Number(s): 04-47-25-30-0001B.0000

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COMMUNITY DEVELOPMENT

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 2009-00008

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

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

STAFF USE ONLY

Case Number: ADD2009-00008 Commission District: 3
 Current Zoning: MPD Fee Amount: \$1,500
 Land Use Classification: Urban Community Intake by: VFR
 Planning Community: Estero

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

PART 1
APPLICANT/AGENT INFORMATION

A. Name of applicant: James Wallace, Touchstone at The Art District, Inc.

Address: Street : 8551 Via Rapallo Drive

City: Estero State: FL Zip: 33928

Phone: Area Code: 239 Number: 948-2929 Ext:

Fax: Area Code: 239 Number: 948-2971

E-mail address: jmwallace@earthlink.net

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

Applicant (including an individual or husband & wife) is the sole owner of the property. [34-201(a)(1)a.1.]

Notarized Affidavit of Authorization form is attached as Exhibit AA-1.B.2. (See Part 1 Exhibit Form A1 attached hereto for suggested Affidavit Form for an individual.) [34-202(b)(1)c.]

Applicant has been authorized by the owner(s) to represent them for this action.

Notarized Affidavit of Authorization form is attached as Exhibit AA-1.B.2. (Please select the appropriate Affidavit Form from the suggested forms in Part 1 Exhibits attached hereto.) [34-202(b)(1)c.]

☒ Applicant is a contract purchaser/vendee. [34-202(b)(1)d.]

Notarized Affidavit of Authorization form is attached as Exhibit AA-1.B.2. [34-202(b)(1)c.] (Please select the appropriate Affidavit Form from the suggested forms in Part 1 Exhibits attached hereto.)

☒ 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: WilsonMiller, Inc.

Contact Person: Daniel Waters, PE

Address: Street : 3200 Bailey Lane, Suite 200

City: Naples State: FL Zip: 34105

Phone: Area Code: 239 Number: 649-4040 Ext: 6319

Fax: Area Code: 239 Number: 263-6494

E-mail address: danielwaters@wilsonmiller.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. X **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):** June 21, 2002 (Recorded 06/26/2002)

**PART 3
PROPERTY INFORMATION**

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

A. **STRAP Number(s):** 04-47-25-30-0001B.000

B. **Street Address of Property:** Southwest corner of US 41 and Williams Road in Estero, FL

C. **Legal Description**

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

 X **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**

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

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

E. **Planning Community:** Estero

F. General Location of Property:

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

F.2. **Directions to property:** The property is located on the south west corner of US 41 and Williams Road in Estero, FL

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

H. **Current use(s) of the property are:** The property is currently vacant.

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

1. Width (average if irregular parcel): 1287 Feet
2. Depth (average if irregular parcel): 900 Feet
3. Total area: 34.3 acres Acres or square feet
4. Frontage on road or street: 1,915 +/- Feet on US 41 Street
- 2nd Frontage on road or street: 1,500 +/- Feet on Williams Rd Street
- 3rd Frontage on road or street: 2,254 +/- Feet on Via Villagio

**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)
- X Administrative Amendment to a PUD or Planned Development (requires supplement H)
- Final Plan Approval for a Planned Development (requires supplement I)
- Administrative Deviation from Chapter 10 of the LDC (requires supplement I)
- Placement of Model Home/Unit or Model Display Center (requires supplement J)
- Dock & Shoreline Structure (requires supplement K)
- Wireless Communication Facility Shared Use Plan Agreement (requires supplement M)

B. NATURE OF REQUEST (please print): Request the use of curbside solid waste disposal for multifamily residential alternatives 1,2,and 3 (coach homes, villas, and park loft units,) of the Art District at Rapallo MPD.

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

AFFIDAVIT FOR ADMINISTRATIVE ACTION

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

I, * James Wallace, as President of Touchstone at The Art District, Inc., swear or affirm under oath, that I am the owner or the authorized representative of the owner(s) of the property and that:

1. I have full authority to secure the approval(s) requested and to impose covenants and restrictions on the referenced property as a result of any action approved by the County in accordance with this application and the Land Development Code;
2. All answers to the questions in this application and any sketches, data or other supplementary matter attached hereto and made a part of this application are honest and true;
3. I am hereby authorizing the staff of Lee County Community Development to enter upon the property during normal working hours for the purpose of investigating and evaluating the request made thru this application; and that
4. The property will not be transferred, conveyed, sold or subdivided unencumbered by the conditions and restrictions imposed by the approved action.

Touchstone at The Art District, Inc.

*Name of Entity (corporation, partnership, LLP, LC, etc)

[Signature]
Signature

President

(title of signatory)

James Wallace

(Type or printed name)



STATE OF Florida
COUNTY OF Lee

The foregoing instrument was sworn to (or affirmed) and subscribed before me this 12/10/08 (date) by James Wallace (name of person providing oath or affirmation), who is personally known to me or who has produced _____ (type of identification) as identification.

Gina Marie Chiki
Signature of person taking oath or affirmation

GINA MARIE CHIKI
Name typed, printed or stamped

Notary Public
Title or rank

DD# 403607
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. 04-47-25-30-0001B.0000 **CASE NO.** _____

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

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

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

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

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

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

4. If the property is in the name of a GENERAL PARTNERSHIP OR LIMITED PARTNERSHIP, list the names of the general and limited partners.

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

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COMMUNITY DEVELOPMENT
ADD 2009-00008

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
James Wallace, President	100%
Touchstone at The Art District, Inc.	
8551 Via Rapallo Drive	
Estero, FL 33928	

Date of Contract: March 16, 2006

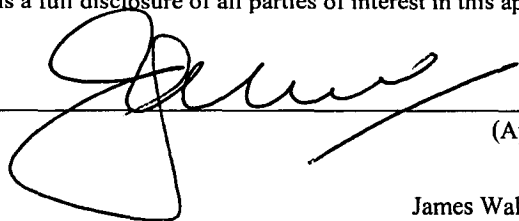
6. If any contingency clause or contract terms involve additional parties, list all individuals or officers, if a corporation, partnership, or trust.

Name and Address	

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

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

Signature: _____



(Applicant)

James Wallace, President

(Printed or typed name of applicant)

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STATE OF FLORIDA
COUNTY OF LEE

ADD 2009-00008

The foregoing instrument was acknowledged before me this 10 day of December 20 08
by James Wallace who is personally known to me or who has produced
as identification.

(SEAL)



Gina Marie Chiki
Signature of Notary Public

GINA MARIE CHIKI
Printed Name of Notary Public

Page 2 of 2

WILLIAMS ROAD

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N.T.S.

100' ROW

SANDY LANE

200' ROW

U.S. 41

PERFORMING ARTS CENTER

TERRACE #88

LIVE/WORK #87

VILLA #83

VILLA #82

VILLA #80

VILLA #81

LIVE/WORK #86

LIVE/WORK #85

TERRACE #89

PARCO BALBI

LIVE/WORK #84

TERRACE #96

TERRACE #97

VIA VILLAGIO

VIA LIGURIA

VIA DUCALE

RAPALLO

VIA RAPALLO

LEGEND



EXISTING BONITA SPRINGS UTILITY EASEMENT



EXISTING PUBLIC UTILITY EASEMENT



EXISTING FPL EASEMENT



EXISTING SIGNAGE EASEMENT

PROJECT: THE ART DISTRICT AT RAPALLO — EXISTING EASEMENTS EXHIBIT

CLIENT: TOUCHSTONE HOMES AT RAPALLO, INC.

WilsonMiller

Planners • Engineers • Ecologists • Surveyors • Landscape Architects • Transportation Consultants

WilsonMiller, Inc.

3200 Bailey Lane, Suite 200 • Naples, Florida 34105-8507 • Phone 239-649-4040 • Fax 239-263-6494 • Web-Site www.wilsonmiller.com

WilsonMiller, Inc. - FL Lic# LC-000070
WilsonMiller, Inc. - Certificate of Authorization #43

SCALE:	N.T.S.	DATE:	DEC 2008
SEC:	4	TWP:	47S
		RGE:	25E
PROJECT NO.	05082-002-000	INDEX NO.	DD-05082-006X23
DRWN BY/EMP NO.	D.E.S./2363	SHEET NO.	1 OF 1

WilsonMiller®

January 14, 2009

Mr. Peter J. Eckenrode
Director of Department Review
Department of Community Development
1500 Monroe Street
Fort Myers, FL 33902

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**Subject: The Art District at Rapallo
DOS2007-00154
Request for Administrative Amendment**

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COMMUNITY DEVELOPMENT

Dear Mr. Eckenrode:

ADD 2009-00008

Pursuant to meeting with Lee County Community Development staff regarding the subject project, please find enclosed an Application for Administrative Action for an Administrative Amendment, and the associated Supplement H. Please also find enclosed check number 1076, payable to Lee County Board of County Commissioners in the amount of \$1,500.00, representing the application and review fees.

We trust that the enclosed application and required documents should be sufficient for staff review and approval. Should you have any questions or need additional information, please do not hesitate to call me at (239) 649-4040.

Sincerely,

WilsonMiller, Inc.


Chad McKimm, E.I.
Engineer Intern

Enclosures as stated

C: James Wallace, Touchstone at Rapallo, Inc., w/ enclosures
Neale Montgomery, Esq., Pavese, Haverfield, Dalton, Harrison, Jensen, L.L.P.
Dan Waters, P.E., WilsonMiller, Inc. w/o enclosures



**Community Development/ Public Works**

www.lee-county.com/econnect

Permitting Information Line 239-533-8329

Receipt #: 1200900000000000620**Date: 01/15/2009**

Case No.	Description	Amount Due	Amount Paid
ADD2009-00008	PD Admin Amend & Changes	1,500.00	1,500.00
Total Amount:		1,500.00	1,500.00

Method	Payer/ Exp. Date	Check #/Auth #	How Received	Amount Paid
Check	THE ART DISTRICT AT RAPALLO	1076	In Person	1,500.00
Payment Total:				\$1,500.00

THE ART DISTRICT AT RAPALLO DEVELOPMENT, LLC**1076**

CHECK NO.

1076

Invoice #	Type	Date	Description	Total Amount	Discount
11/25/08	Inv	11/26/2008	D.O. Amendment	\$1,500.00	\$0.00

Remittance For: LEE COUNTY BOARD OF COUNTY

Date: 11/26/2008

Totals:

\$1,500.00

\$0.00

Check Amount:

\$1,500.00

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COMMUNITY DEVELOPMENT



LEE COUNTY

Fee History

Case #: ADD2009-00008

PERMIT RECEIVED DATE: 1/15/2009

Case #: ADD2009-00008

Property Owner CP LAND INVESTMENT LLC

Property Address ACCESS UNDETERMINED ESTER
Contractor

License Number

Fax Number

Permit Description APPLICATION FOR amendment to the planned development to allow
for curbside solid waste collection for multifamily units

Description	Fees	Paid	Date Paid	Due
PD Admin Amend & Changes	1,500.00			1,500.00

Total Fees: \$1,500.00

Paid: \$ 0.00

TOTAL REMAINING DUE: \$1,500.00

Documents Required for Pick-up:

You can track your application on line at www.lee-county.com/econnect and insert your case number ADD2009-00008

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

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

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

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

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

SECTION A. REQUEST

The applicant filed a request to:

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

COPY

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

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

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

SECTION B. CONDITIONS:

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

1. *MASTER CONCEPT PLAN*

The development of this project must be consistent with the 4-page Master Concept Plan for Coconut Point MPD, prepared by Hole Montes, stamped Received Nov 06 2007 (Exhibit C). The development must also be consistent with the approved amended DRI Development Order for Coconut Point DRI (DRI#09-2001-153). This development must comply with all requirements of the Lee County LDC at time of local development order approval, except as may be granted by deviation as part of this planned development. If changes to the Master Concept Plan are subsequently pursued, appropriate approvals will be necessary.

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

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

2. **SCHEDULE OF USES**

The approved Schedule of Uses is amended as follows:

Schedule of Uses

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

Accessory Uses and Structures allowed ancillary to a permitted principal use
Administrative Offices
Animal Clinic
ATM (Automatic Teller Machine)
Auto Parts Store
Auto Repair and Service, Group I, limited to one
Banks and Financial Establishments, Group I
Banks and Financial Establishments, Group II, Limited to SIC Codes 604, 621, 672, 673 and 674
Business services, Groups I and II
Car wash (limited to one)
Cleaning and maintenance services
Clothing stores, general
Contractors and Builders, Groups I and II
Convenience Food and Beverage Store (limited to one with attendant service station: however, the entire site is limited to a maximum of two)
Consumption on premises in compliance with LDC §34-1264 (limited to and in conjunction with a standard restaurant)
Cultural facilities, excluding zoos
Day care center, adult, child
Department Store
Drive thru facility for any permitted use
Drugstore (limited to one total, however, the entire site is limited to two)
Dwelling Units: multiple family building (Tract 1B only)
Entrance gates and gatehouse, in compliance with LDC §34-1748
Essential services
Essential service facilities, Group I
Excavation, water retention (as shown on the Master Concept Plan)
Fences, walls
Food Stores, Groups I and II
Gift and souvenir shop
Hardware store
Health care facility, Group III
Hobby, toy, and game shops
Hotel/motel (Parcel 1C only)
Household and office furnishings, Groups I, II, III (no outdoor display)

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

Permitted uses within Tract 1D:

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

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

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

Accessory Uses and Structures permitted ancillary to a permitted principal use

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

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

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

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

Accessory Uses and Structures permitted ancillary to a permitted principal use

Administrative offices

Animal clinic

ATM (automatic teller machine)

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

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

Banks and financial establishments, Group I

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

Business services, Group I and II

Cleaning and maintenance services

Clothing stores, general

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

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

Cultural facilities (excluding zoos)

Day Care Center, adult or child

Department Store

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

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

Dwelling Units: (Tract 2F only)

Multiple-Family Building

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

Essential services

Essential service facilities, Group I

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

Fences, walls

Fire Station (limited to Tract 2C only)

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

Gift and souvenir shop

Hardware store

Health care facility, Group III

Hobby, toy, and game shops

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

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

Insurance companies

Laundromat (Tract 2C only)

Laundry or dry cleaning Group I

Lawn and garden store

Medical office

Non-store retailers, all groups

Paint glass and wallpaper store

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

Permitted uses within Tracts 3A and 3C:

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

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

Permitted uses within Tracts 3B and 3D:

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

Club, private

Dwelling Unit:

*Single-Family

*Duplex

Multiple-Family Building

Townhouse

*Two-family attached

*Zero lot line

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

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

Essential Services

Essential Service Facilities, Group I

Excavation, water retention

Fences, walls

Home occupation, with no outside help

Model display center

Model home

Model unit

Parking lot, accessory only

Parks, Group I, limited to neighborhood park

Recreation Facilities, Private on-site, Personal

Residential Accessory Uses

Signs, in compliance with LDC Chapter 30

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

Tract 1A, 1C and 1D

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

NOTE: Tract 1 A will not be subdivided

Minimum Setbacks

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

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

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

Tract 1B

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

NOTE: Tract 1B will not be subdivided

Multiple Family (Alternative #2)

Minimum Setbacks

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

Maximum Building Height: 45 feet / 3 stories

Multiple Family (Alternative #1)

Minimum Setbacks

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

Minimum Building Separation: 20 feet

Maximum Building Height: 45 feet / 3 stories

Multiple Family (Alternative #3)

Minimum Setbacks

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

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

Multiple Family (Alternative #4)

Minimum Setbacks

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

<u>Minimum Building Separation:</u>	30 feet
<u>Maximum Building Height:</u>	55 feet / 4 stories

Performing Arts Center

Minimum Setbacks

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

<u>Minimum Building Separation:</u>	30 feet
<u>Maximum Building Height:</u>	45 feet / 3 stories

Tract Buffering:

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

Street Design:

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

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

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

5. *TRACT 1F LAKE AREA*

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

6. *Concurrency*

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

7. *Subdivision / Platting*

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

SECTION C. DEVIATIONS:

1. Deviation (1) seeks relief from the LDC §34-2020 requirement to provide one parking space per 25 storage units with a minimum of five spaces, to allow one parking space per 100 storage units for the mini-warehouse/storage facility on Tract 3C. This deviation is APPROVED, SUBJECT TO the following conditions:
 - a. The Deviation is restricted to the uses of "Warehouse, mini-warehouse and public" located on Tract 3C only; and
 - b. A minimum of eight off-street parking spaces must be provided outside the security gate to support the administrative office and caretaker's residence; and eight off-street loading spaces must be provided inside the security gate, as depicted on Exhibit E.
2. Deviation (2) seeks relief from the LDC §2020 provision regarding minimum off-street parking requirements for the mixed residential and commercial uses as follows:
 - a. To allow the Tract 1B mixed use development to reduce the required commercial spaces from 342 to 326 spaces; and

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

This deviation is APPROVED, SUBJECT TO the following conditions:

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

SECTION D. EXHIBITS AND STRAP NUMBER:

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

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

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

SECTION E. FINDINGS AND CONCLUSIONS:

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

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

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

DULY PASSED AND ADOPTED this 29th day of October 2007.

ATTEST:
CHARLIE GREEN, CLERK

BOARD OF COUNTY COMMISSIONERS
OF LEE COUNTY, FLORIDA

BY: Marcia Wilson
Deputy Clerk

BY: Robert P. Janes
Chair



Approved as to form by:

Dawn E. Perry-Lehnert
County Attorney's Office

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LEGAL DESCRIPTION

COMMUNITY DEVELOPMENT

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

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

AND

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

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

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

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1/17/01

REF. DWG. #A-994-3

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

NOTES:

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

TOTAL PROPERTY AREA: 482.421 ACRES, MORE OR LESS.

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


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

HOLE MONTES, INC.

CERTIFICATE OF AUTHORIZATION LB #1772

DCI 2006-00080

BY


JERRY L. RIFFELMACHER

P.S.M. #6130
STATE OF FLORIDA

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COMMUNITY DEVELOPMENT

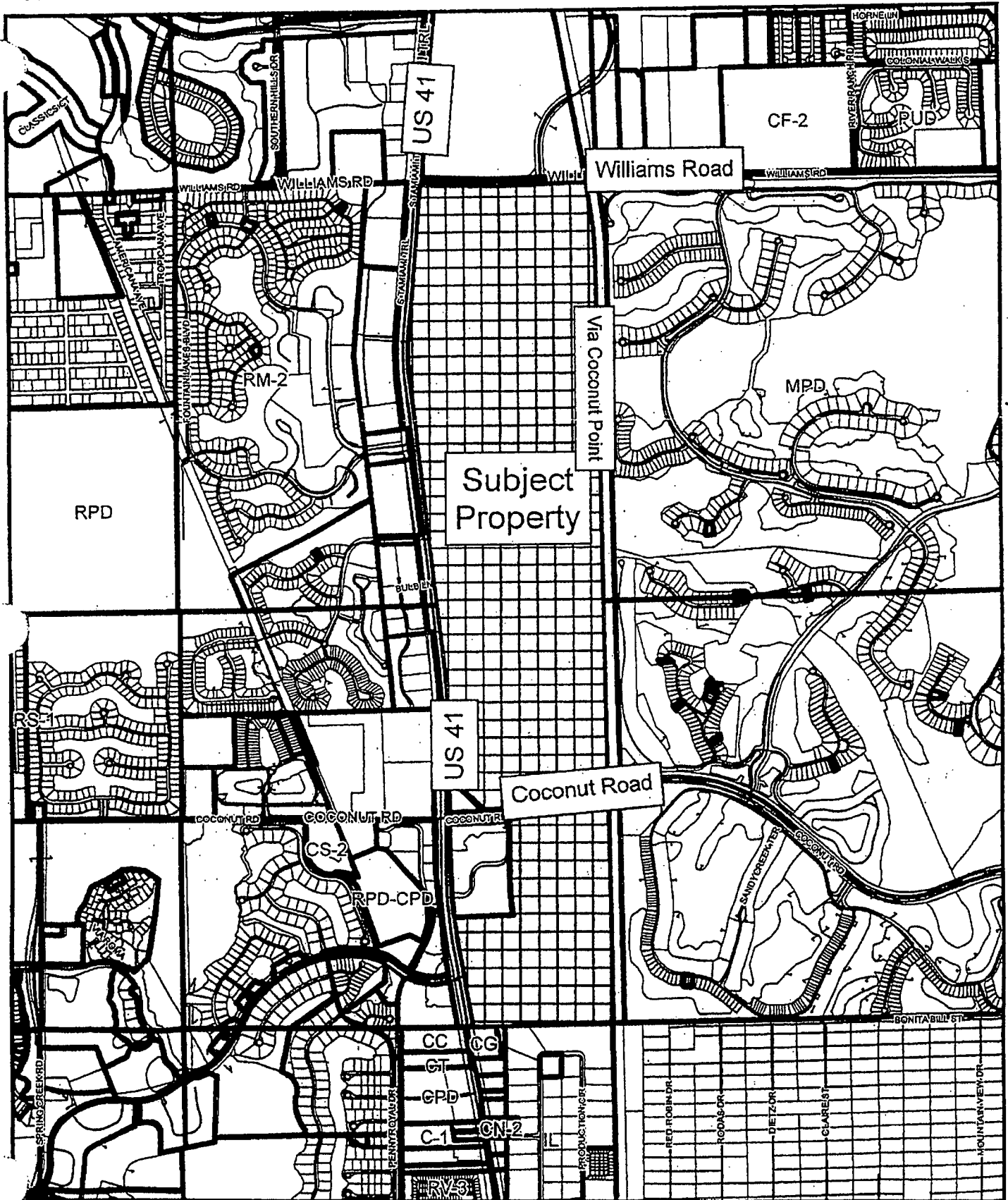
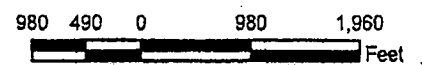
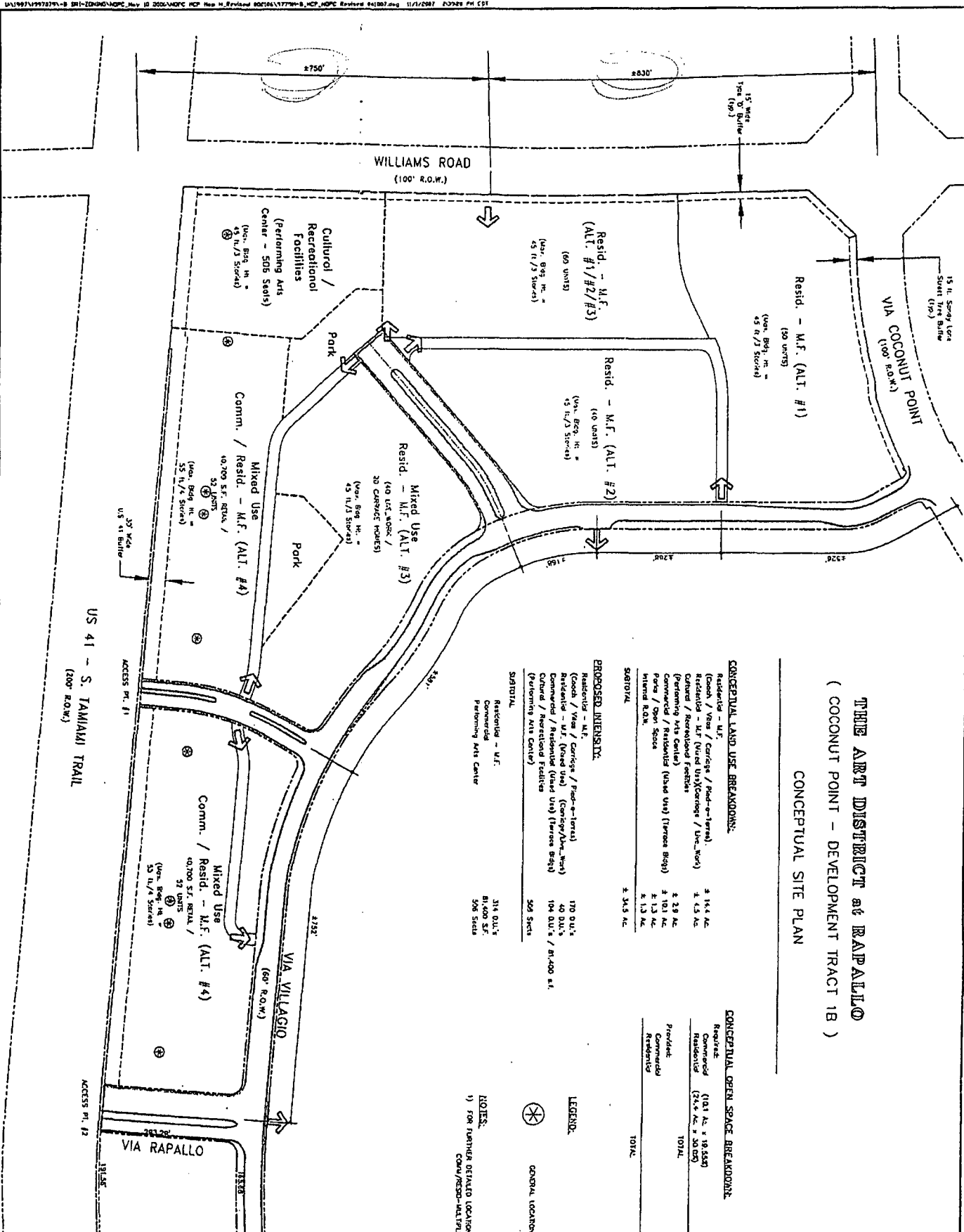


Exhibit B





THE ART DISTRICT at RAPALLO
(COCONUT POINT - DEVELOPMENT TRACT 1B)

CONCEPTUAL SITE PLAN

CONCEPTUAL LAND USE BREAKDOWN:

(Cook / Vase / Carriage / Pond → Verb)	
Realistic → Ur (Used Ur) (Carriage / Live... Now)	3 14.4 Ac
Cultural / Recreational Fashion	3 4.5 Ac
(Performing Arts Center)	
Connected / Realistic (Used Ur) (Termos Bq)	2 2.9 Ac
Paper / Deep Space	3 10.1 Ac
Internal R.O.M.	3 1.3 Ac
	3 1.3 Ac
5087074	2 34.5 Ac

CONCEPTUAL OPEN SPACE BREAKDOWN

Commercial Residential (111 Ac. v 19.433) (24 + Ac. v 20.05)	± 2.0 Ac. ± 7.5 Ac.
107AL	± 9.3 Ac.
Provident Commercial Residential	± 2.0 Ac. ± 7.3 Ac.
TOTAL	± 9.3 Ac.

PROPOSED INTENSITY:

Residence - M.F.	178 D.U.'s
Religion - C.	144 D.U.'s
Education - M.F. (Diploma)	144 D.U.'s
Commercial / Residential (Self Use) (Various Segs)	190 D.U.'s <i>N. 400</i>
Cultural / Recreational Facilities (Performing Arts Center)	500 Seats

SUBTOTAL	
Residence - M.F.	315 D.U.'s
Commercial	81,400 S.F.
Performing Arts Center	500 Seats

LEGEND:



GENERAL LOCATION OF SERVICE AREAS

NOTES:

1) FOR FURTHER DETAILED LOCATIONS OF SERVICE AREAS WITHIN THE MIXED USE COMM/RESID-MULTIPLE FAMILY (A17 #6). SEE TRACT 10 PLAN DETAILS

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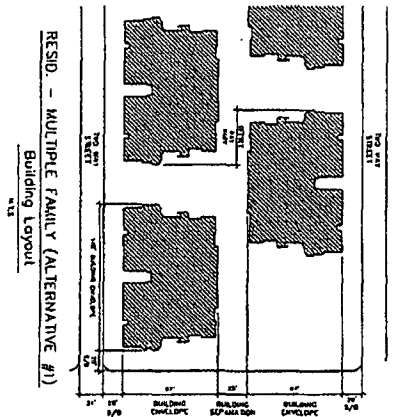
COCONUT POINT

Area #1 - Tract 1B Concept Plan



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

△		
△		
△	Zoning Amendment Revisions	11/01/07
△	Unit Revisions	04/18/07
△	Sufficiency Responses	01/15/07
△	Sufficiency Responses	10/02/06
NUMBER	REVISION	DATE

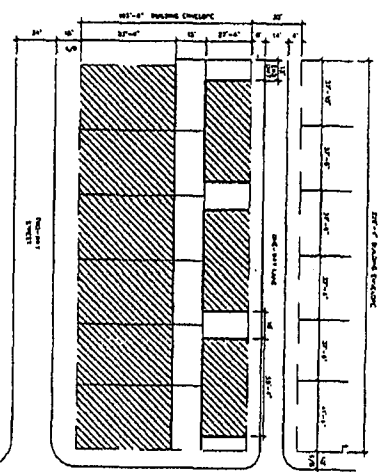


RESID. - MULTIPLE FAMILY (ALTERNATIVE #1)
Building layout
NLS

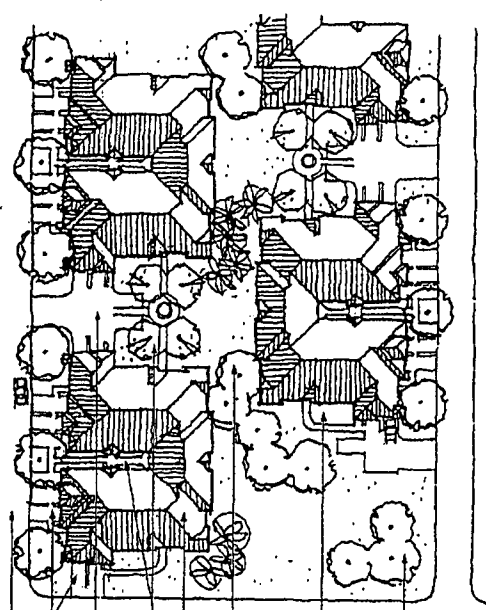
MULTIPLE FAMILY UNIT TYPE DEFINITIONS

ALTERNATIVE 01:
2-Story Buildings with 6-10 units per building and attached garages which are either front- or side-loaded. Units are built with 2-3 bedrooms

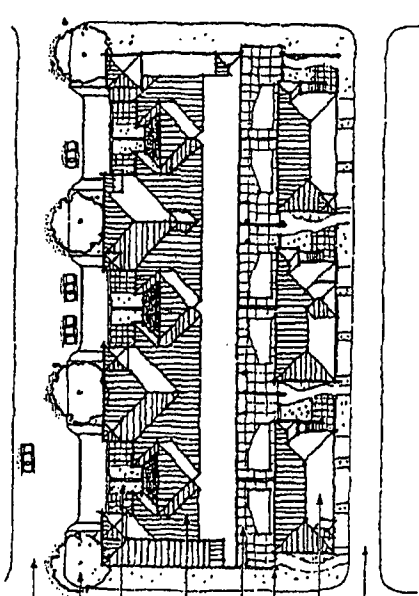
ALTERNATIVE 12:
2-story buildings with 4-8 units per building (including the Pent-a-terrest units) and detached garages in the back lots. One 2-story, with 2-4 bedrooms. Garages are off-street, with one space per garage building. The garage building also houses one Pent-a-terrest unit, which is located above the garages. Units are one and-a-half-terrest unit per building and the unit is a not mid-2-3 bedrooms.



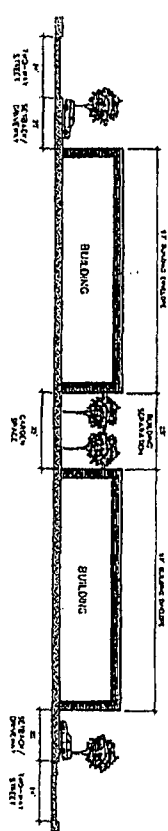
RESID. - MULTIPLE FAMILY (ALTERNATIVE #2)
BUILDING LAYOUT
N 15



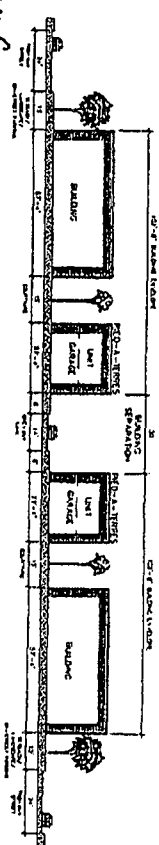
TYPICAL RESID. - MULTIPLE FAMILY (ALTERNATIVE #1) SITE PLAN



TYPICAL RESID. - MULTIPLE FAMILY (ALTERNATIVE #2) SITE PLAN
N 7.5



TYPICAL CROSS-SECTION RESID. - MULTIPLE FAMILY (ALTERNATIVE #1)



TYPICAL CROSS-SECTION MULTIPLE FAMILY (ALTERNATIVE #2)

Approved as Exhibit C
MCP Page 3 of 7
Resolution # Z-07-040

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COCONUT POINT
Area #1 - Tract 1B Plan Details



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

△		
△		
△		
△		
△	Unit Reviews	04/10/07
△	Subjacency	10/12/06
NUMBER	REVISIONS	DATE

Parking Summary:

Land Use	Total Parking Required (spaces)	Total Parking Provided (spaces)	Surplus/(Deficit) (spaces)	Reason for Reduction Request	Location of Compensating Spaces
Residential (M.F. Alt. # 1, 2, & 3)	Per LDC	Per LDC	n/a	n/a	n/a
Residential (M.F. Alt. # 3)	Per LDC	Per LDC	n/a	n/a	n/a
Mixed Use - Residential	Per LDC	Per LDC	n/a	n/a	n/a
Mixed Use - Commercial	342	328	-16	Internal Capture	n/a
Arts Center	179	155	-24	Shared Use/Differing Peak Hours	Mixed Use/Commercial

Notes:

1) The reduction requested for the Mixed Use/Commercial use is based on the following:

- *Parking required = # of trips in the peak hour x duration of parking event
- *Utilizing Lee County's required parking intensity for the individual uses, solve for assumed duration of parking event
- *ITE trip capture allotment for Mixed Use/Commercial use is 5 captured trips
- *Utilizing Lee County's assumed duration of parking event and ITE trip capture allotment for mixed use development, solve for number of captured parking events
- *# of captured parking events is 7 per pair of Mixed Use/Commercial use
- *Calculated reduction in parking spaces required = 7 spaces per Mixed Use/Commercial use = 14 spaces
- *Requested reduction in parking spaces required = 16, to allow some flexibility for site plan layout at the time of local Development Order

2) The reduction requested for the Arts Center is based on the following:

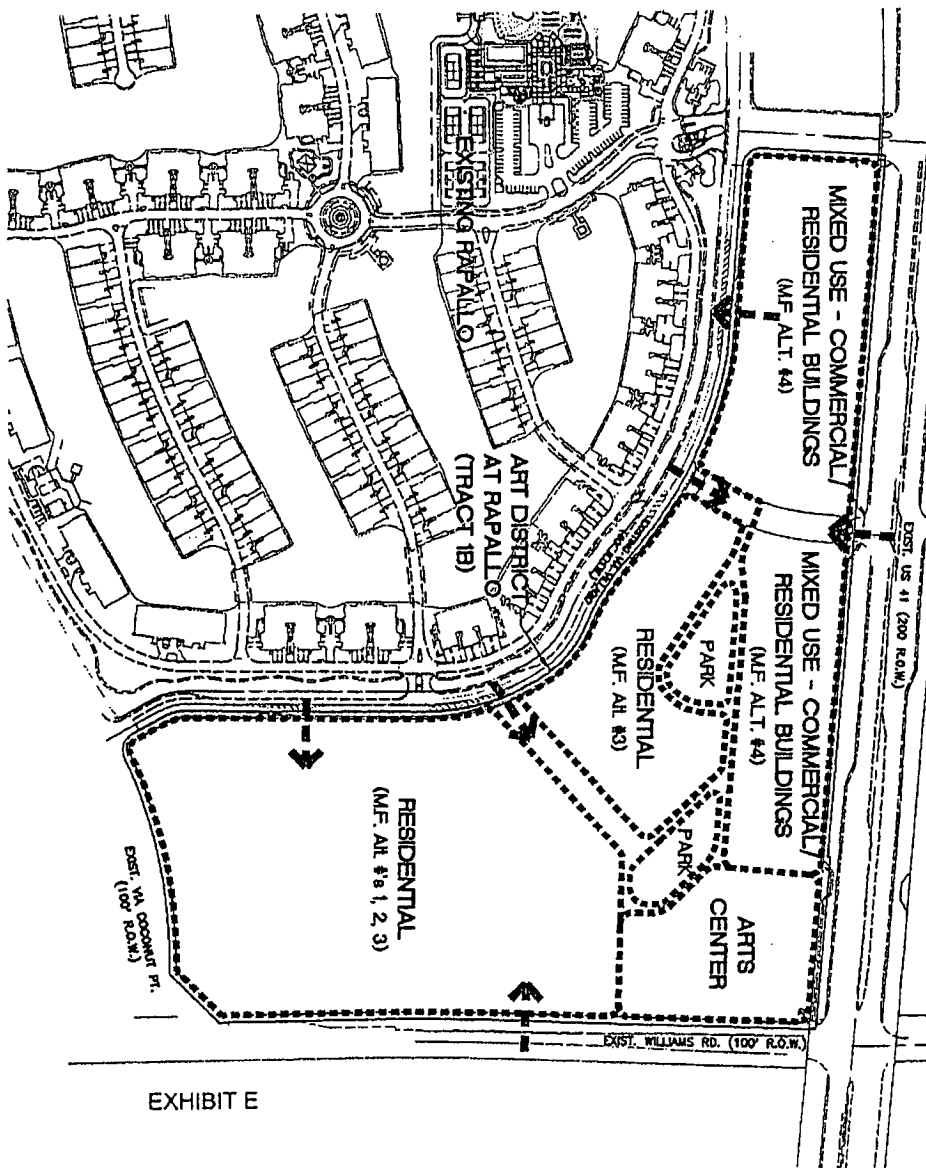
- *The Arts Center will experience a peak hour of operation at a different hour than the peak hours of operation for the Mixed Use - Commercial use.
- *As such, the Arts Center will be able to utilize available spaces in the Mixed Use - Commercial area during the Arts Center peak hour.
- *Group tickets and group travel will be encouraged
- *The theater is a community theater in the midst of 832 homes at Rapallo
- *Although the anticipated deficit of dedicated spaces at the Arts Center is 20 spaces, the reduction of request is for 24 spaces at time of zoning, to allow some flexibility for site plan layout at the time of local Development Order.

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NOTE:
ALL BOUNDARIES ARE CONCEPTUAL
AND APPROXIMATE FOR ILLUSTRATIVE
PURPOSES ONLY.

LEGEND	
■■■■	LAND USE BOUNDARY
■■■■	PARK BOUNDARY
→	ENTRANCES

PROJECT NO.	DATE	PROJECT NO.	DATE
1	11/27/07	1	11/27/07
2	12/11/07	2	12/11/07
3	12/11/07	3	12/11/07
4	12/11/07	4	12/11/07
5	12/11/07	5	12/11/07
6	12/11/07	6	12/11/07
7	12/11/07	7	12/11/07
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14	12/11/07	14	12/11/07
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97	12/11/07	97	12/11/07
98	12/11/07	98	12/11/07
99	12/11/07	99	12/11/07
100	12/11/07	100	12/11/07

Coconut Point DRI

Land Use Conversion Chart

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

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

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PERMIT COUNTER

DRI 2006-00009

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

Exhibit D

3/1/2007

DATE	REVISIONS
01/23/08	Administrative Amendment
11/01/07	Zoning Resolution Revisions
04/18/07	Unit Revisions
01/15/07	Sufficiency Responses
10/02/06	Sufficiency Responses

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COCONUT POINT
Area #1 - Tract 1B Concept Plan

DESIGNED	DATE	DRAWN	DATE	CHECKED	DATE	VERT. SCALE	HORIZ. SCALE	REFERENCE NO.	PROJECT NO.	SHEET NO.
			10/02/06			1" = 200'	1" = 200'	9779MB_MCP	9779MB_MCP	1 of 3

THE ART DISTRICT at RAPALLO
(COCONUT POINT - DEVELOPMENT TRACT 1B)

CONCEPTUAL SITE PLAN

CONCEPTUAL LAND USE BREAKDOWN:

Residential - M.F.	
(Coach / Villas / Carriage / Pied-a-Terres)	± 14.4 Ac.
Residential - M.F. (Mixed Use)(Carriage / Live_Work)	± 4.5 Ac.
Cultural / Recreational Facilities	
(Performing Arts Center)	± 2.9 Ac.
Commercial / Residential (Mixed Use) (Terrace Bldgs)	± 10.1 Ac.
Parks / Open Space	± 1.3 Ac.
Internal R.O.W.	± 1.3 Ac.
SUBTOTAL	± 34.5 Ac.

CONCEPTUAL OPEN SPACE BREAKDOWN:

Required:	(10.1 Ac. x 19.55%)	± 2.0 Ac.
Commercial	(24.4 Ac. x 30.0%)	± 7.3 Ac.
Residential		
TOTAL		± 9.3 Ac.
Provided:		
Commercial		± 2.0 Ac.
Residential		± 7.3 Ac.
TOTAL		± 9.3 Ac.

PROPOSED INTENSITY:

Residential - M.F.	
(Coach / Villas / Carriage / Pied-a-Terres)	170 D.U.'s
Residential - M.F. (Mixed Use) (Carriage/Live_Work)	40 D.U.'s
Commercial / Residential (Mixed Use) (Terrace Bldgs)	104 D.U.'s / 81,400 s.f.
Cultural / Recreational Facilities	
(Performing Arts Center)	506 Seats
SUBTOTAL	
Residential - M.F.	314 D.U.'s
Commercial	81,400 S.F.
Performing Arts Center	506 Seats

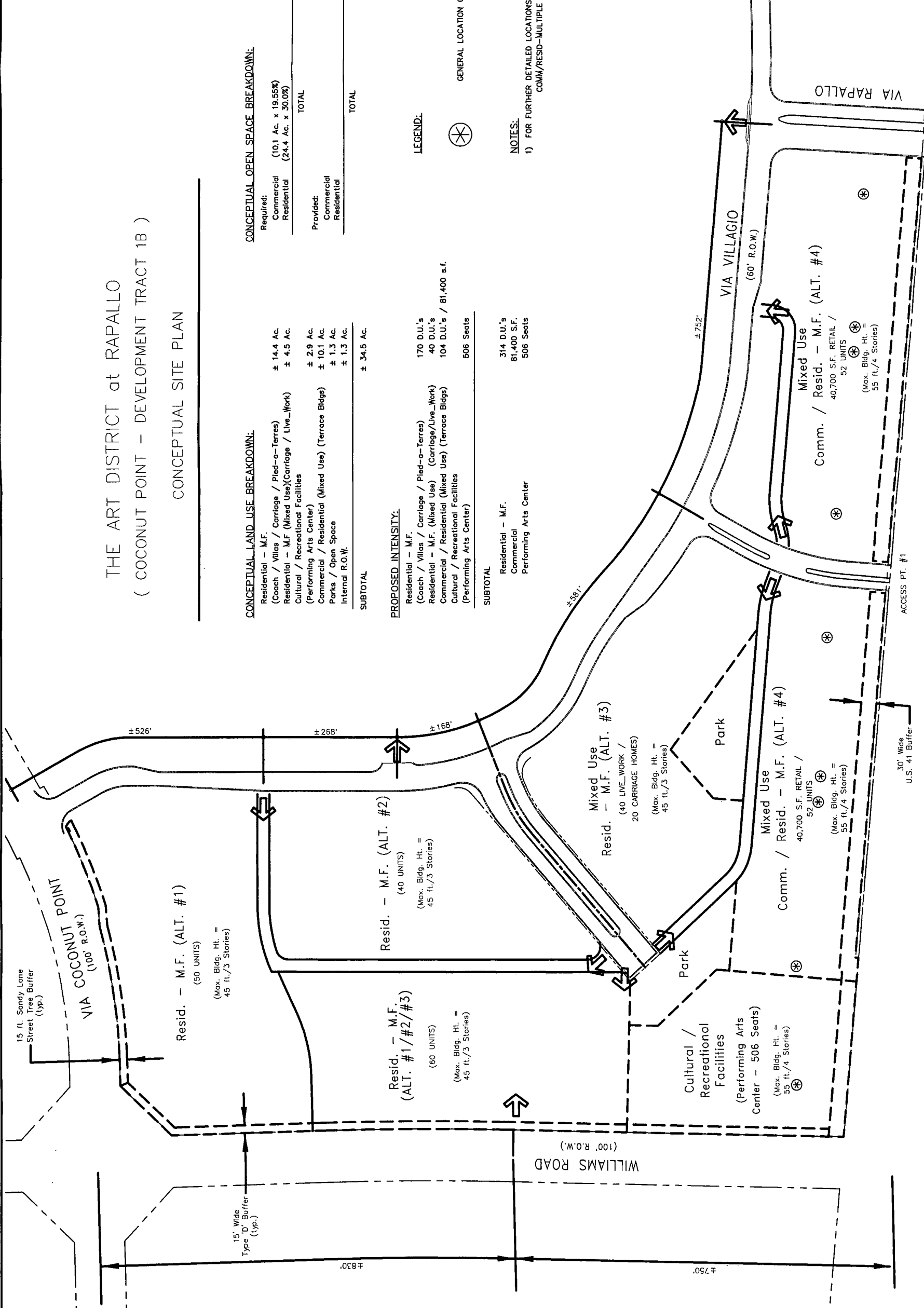
GENERAL LOCATION OF SERVICE AREAS



LEGEND:

NOTES:

- 1) FOR FURTHER DETAILED LOCATIONS OF SERVICE AREAS WITHIN THE MIXED USE COMM/RESID-MULTIPLE FAMILY (ALT #4), SEE TRACT 1B PLAN DETAILS.



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COMMUNITY DEVELOPMENT

ADD 2009-00008

ACCESS PT. #2

US 41 - S. TAMiami TRAIL
(200' R.O.W.)



SCALE: 1" = 200'