



6200 Whiskey Creek Drive
Fort Myers, Florida 33919
(239) 985.1200 Fax (239) 985.1259



ORIGINAL

Letter of Transmittal

HM Job No. 2010.070-D
Date: 11/18/10

To: **Mr. Chip Block**
Division of Zoning
Lee Co Community Development
1500 Monroe Street
Fort Myers, FL

From: **Tom McLean**
Copy To: **Ned Dewhirst**
Orlando Sorrento
Alan (Doppco)
File
Re: **Coconut Pt – Area 3 – Pelican Colony Blvd**
ADMIN AMENDMENT (PUD)

Via: ☐ U.S. Mail ☒ Courier ☐ Federal Express ☐ UPS ☐ Other

We are sending the following items: ☒ Attached ☐ Under Separate Cover

☐ Shop drawings ☐ Prints ☒ Plans ☐ Samples ☐ Specifications
☒ Copy of Letter ☐ Change Order ☒ Other _____

COPIES	DATE	NO.	DESCRIPTION
1	11/17/10	210	Check in the amount of \$1,500.00
3	11/16/10	Exh. H-2.A	Letter of Explanation from Hole Montes, Inc.
3			Lee County Application for Admin Action
3		Exh. AA-3.C.1	Legal Description
3		Exh. AA-3.D.2	Plat Book Page
3		Exh. AA-3.F	Area Location Map
3			Lee County Supplement H
3		Exh. H-2.B.1	List of Deviations and Justifications
3		Exh. H-2.C	Estero Planning Community Summary Document
3		Exh. H-3.D	Zoning Res/Zoning Docs
3		Exh. H-3.B	Master Concept Plan
3		Exh H-3.C	Master Concept Plan (11x17)
3			Landscape Plan
3			Sign Location Plan

THESE ARE TRANSMITTED AS CHECKED BELOW:

<input type="checkbox"/> For Approval	<input type="checkbox"/> Approved as Submitted	<input type="checkbox"/> Copies for Approval _____
<input type="checkbox"/> For Your Use	<input type="checkbox"/> Approved as Noted	<input type="checkbox"/> Copies for Distribution _____
<input type="checkbox"/> As Requested	<input type="checkbox"/> Returned for Corrections	<input type="checkbox"/> Corrected Prints _____
<input type="checkbox"/> For Review & Comment	<input type="checkbox"/> For Bids Due _____	
<input type="checkbox"/> Prints Returned After Loan To Us	<input type="checkbox"/> Other _____	

Comments:

If you have any questions or comments, please feel free to contact me.

Signature: Thomas McLean

Name: Thomas W. McLean, PE, Vice President



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

November 16, 2010

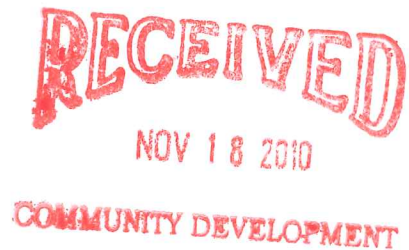
Mr. Chip Block
Division of Zoning
Lee County Department of Community Development
1500 Monroe Street
Ft. Myers, Florida 33901

RE: Coconut Point MPD
Res. No.:

Z-02-009
Z-07-040

Admin. Amendment(s):

ADD2004-00060
ADD2004-00060(A)
ADD2004-00060(B)
ADD2004-00187



REQUEST FOR AN ADMINISTRATIVE AMENDMENT
Coconut Point – Area #3 – Pelican Colony Boulevard
Addition of Project Identification Signs and Sign Setback Deviation
HM Project No. 2010.070

Dear Mr. Block:

ADD 2010-00093

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

- Revision to the Coconut Point Sign Location Plan as approved through ADD2004-00060 to allow for Entry Sign Walls and a Medium Scale Monument Sign at the intersection of US 41 and Pelican Colony Boulevard.
- Deviation from LDC Section 30-1053 (2) 4. to reduce the minimum sign setback from 15 feet to 2 feet from the US 41 right of way at Pelican Colony Boulevard.

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

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

Very truly yours,

HOLE MONTES, INC.



Thomas W. McLean, P.E.
Vice President

TWM/jt

Enclosures

cc: Ned Dewhirst
Orlando Sorrento

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COMMUNITY DEVELOPMENT

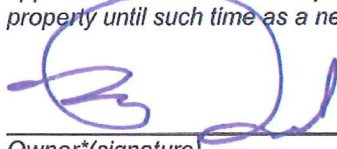
ADD 2010-00093

LETTER OF AUTHORIZATION

TO LEE COUNTY COMMUNITY DEVELOPMENT

The undersigned do hereby swear or affirm that they are the fee simple title holders and owners of record of property commonly known as Tract R-1 of Coconut Point Area 3 and legally described in exhibit A attached hereto.

The property described herein is the subject of an application for zoning or development. We hereby designate Bonita Springs-Falls Creek Development LLC as the legal representative of the property and as such, this individual is authorized to legally bind all owners of the property in the course of seeking the necessary approvals to develop. This authority includes but is not limited to the hiring and authorizing of agents to assist in the preparation of applications, plans, surveys, and studies necessary to obtain zoning and development approval on the site. This representative will remain the only entity to authorize development activity on the property until such time as a new or amended authorization is delivered to Lee County.



Owner*(signature)

Ned E. Dewhirst
Printed Name

Owner*(signature)

, PRES. OF COCONUT POINT SOUTH VILLAGE ASSOCIATION, INC.
Printed Name

Owner*(signature)

Printed Name

Owner*(signature)

Printed Name

Owner*(signature)

Printed Name

Owner*(signature)

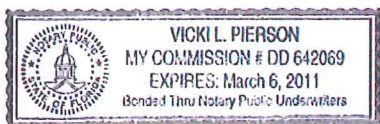
Printed Name

STATE OF FLORIDA
COUNTY OF LEE

Sworn to (or affirmed) and subscribed before me this 17th day of November, 2002010, by Ned Dewhirst, who is personally known to me or who has produced _____ as identification and who did (did not) take an oath.

(SEAL)

Vicki Pierson
Notary Public
VICKI PIERSON
(Name typed, printed or stamped)



ADD 2010-00093
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APPLICATION FOR ADMINISTRATIVE ACTION FOR UNINCORPORATED AREAS ONLY

Applicant's Name: Bonita Springs-Falls Creek Development LLC

Project Name: Coconut Point - Area 3/Pelican Colony Boulevard

STRAP Number(s): 09-47-25-37-000R1.00CE

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TYPE OF ADMINISTRATIVE APPLICATION:

COMMUNITY DEVELOPMENT

- ☐ 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)
- ☐ Community Gardens (attach Supplement N)
- ☐ Modification of Existing 86-36 MH/RV Park Site Plan (attach Supplement O)

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

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

STAFF USE ONLY

Case Number: ADD 2010-00093 Commission District: 3
Current Zoning: MPD Fee Amount: \$1,500
Land Use Classification: URBAN COM Intake by: P. F. N.
Planning Community: ESTERO

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

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COMMUNITY DEVELOPMENT

ADD 2010-00093

PART 1
APPLICANT/AGENT INFORMATION

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A. Name of applicant: Coconut Point South Village Association, Inc. **COMMUNITY DEVELOPMENT**
Street Address: 24880 Burnt Pine Drive, Bldg #8
City, State, Zip: Bonita Springs, Florida 34134
Phone Number: 239-992-5529 (403) Fax Number: (239) 992-9476
E-mail address: ndewhirst@oakbrookco.com

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

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

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

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

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

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

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

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

C.1. Company Name: Hole Montes, Inc.
Contact Person: Thomas W. McLean, P.E.
Street Address: 6200 Whiskey Creek Drive
City, State, Zip: Fort Myers, Florida 33919
Phone Number: 239-985-1203 Fax Number: 239-985-1259
E-mail address: tommclean@hmeng.com

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

PART 2
PROPERTY OWNERSHIP

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

ADD 2010-00093

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 Number: _____ Fax Number: _____

E-mail: _____

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

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

C. Multiple parcels

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

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

D. Date property was acquired by present owner(s): August 12, 2008

**PART 3
PROPERTY INFORMATION**

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

A. STRAP Number(s): 09-47-25-37-000R1.00CE

B. Street Address of Property: Pelican Colony Boulevard - Right of Way

C. Legal Description

☒ Legal description (on 8 1/2" by 11" paper) is attached as Exhibit AA-3.C.1. [34-202(a)(1)]
_____ Sealed sketch of the legal description is attached as Exhibit AA-3.C.2. [34-202(a)(1)]
_____ Electronic version of the legal description is attached as Exhibit AA-3.C.3.

D. Boundary Survey

_____ A Boundary survey, tied to the state plane coordinate system, is attached as Exhibit AA-3.D.1. [34-202(a)(2)]
☒ The property consists of one or more undivided platted lots in a subdivision recorded in the Official County Plat Books. A copy of the applicable plat book page is attached as Exhibit AA-3.D.2. [34-202(a)(2)]

E. Planning Community: Estero

F. General Location of Property:

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

F.2. Directions to property:

Take US 41 south past Coconut Road. Turn left onto Pelican Colony Boulevard into Coconut Point.

G. Current Zoning of Property:

MPD

H. Current use(s) of the property are:

Right of Way

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

1. Width (average if irregular parcel):	<u>106 (avg)</u>	Feet
2. Depth (average if irregular parcel):	<u>1394 (avg)</u>	Feet
3. Total area:	<u>3.39 ac</u>	Acres or square feet
4. Frontage on road or street:	<u>106</u>	Feet on <u>US 41</u> Street
2 nd Frontage on road or street:	<u>102</u>	Feet on <u>Via Coconut Pt</u> Street

**PART 4
ACTION REQUESTED**

A. TYPE OF REQUEST (please check one)

- ☐ Administrative Variance (requires supplement A)
- ☐ Commercial Lot Split (requires supplement B)
- ☐ Consumption On Premises (requires supplement C)
- ☐ Minimum Use Determination (requires supplement D)
- ☐ LCLDC, Zoning District Boundaries, or Ordinance Interpretation (requires supplement E)
- ☐ Relief for Designated Historic Resources (requires supplement F)
- ☐ Easement Encroachment (requires supplement G)
- ☒ Administrative Amendment to a PUD or Planned Development (requires supplement H)
- ☐ Final Plan Approval for a Planned Development (requires supplement H)
- ☐ Administrative Deviation from Chapter 10 of the LDC (requires supplement I)
- ☐ Placement of Model Home/Unit or Model Display Center (requires supplement J)
- ☐ Dock & Shoreline Structure (requires supplement K)
- ☐ Wireless Communication Facility Shared Use Plan Agreement (requires supplement M)
- ☐ Community Gardens (requires supplement N)
- ☐ Modification of Existing 86-36 MH/RV Park Site Plan (requires supplement O)

B. NATURE OF REQUEST (please print):

Request is for amendment to the unified signage plan for Coconut Point as approved through ADD2004-00060 to add project identity signs on each side of the Pelican Colony Blvd ROW and to allow for a reduced ROW setback for a medium scale monument sign within the Pelican Colony Blvd median at US 41.

**PART 5
SUBMITTAL REQUIREMENTS**

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

Copies Required*	Exhibit Number	SUBMITTAL ITEMS
3 ✓		Completed application for Administrative Action
1		Filing Fee - [34-202(a)(9)]
Copies Required*	SUP Number	SUPPLEMENTAL FORMS (select applicable request/form)
3	SUP A	Administrative Variance request
3	SUP B	Commercial Lot Split request
3	SUP C	Consumption On Premises request
3	SUP D	Minimum Use Determination request
3	SUP E	Ordinance Interpretation request
3	SUP F	Relief for Designated Historic Resources request
3	SUP G	Easement Encroachment request
3 ✓	SUP H	Administrative Amendment to a PUD or Planned Development request
3	SUP H	Final Plan Approval for a Planned Development request
3	SUP I	Administrative Deviation from Chapter 10 of the LDC request
3	SUP J	Placement of Model Home/Unit or Model Display Center request
3	SUP K	Dock & Shoreline Structure request
3	SUP M	Wireless Communication Facility Shared Use Plan Agreement request
3	SUP N	Community Gardens request
Copies Required*	Exhibit Number	ADDITIONAL SUBMITTAL ITEMS
3 ✓	AA-1.B.2	Notarized Affidavit of Authorization Form [34-202(b)(1)c]
3 ✓	AA-1.C.2	Additional Agents [34-202(b)(1)c.]
3 ✓	AA-2.B.1	Disclosure of Interest Form [34-201(b)(2)a]
3 ✓	AA-2.C.1	Subject property owners list (if applicable) [34-202(a)(5)]
3 ✓	AA-2.C.2	Subject Property Owners map (if applicable) [34-202(a)(5)]
3 ✓	AA-3.A.1	List of STRAP Numbers (if additional sheet is required) [34-202(a)(1)]
3	AA-3.C.1	Legal Description (2 originals required) [34-202(a)(1)]
3	AA-3.C.2	Sealed Sketch of the Legal Description (2 originals required) [34-202(a)(1)]
1	AA-3.C.2	Electronic version of legal description (if available)
3 ✓	AA-3.D.1	Boundary Survey (tied to State Plane Coordinate System) [34-202(a)(2)] {NOTE: This is a required submittal for all Planned Development Applications and for all properties of 10 acres or more (2 originals required) [34-373(a)(4)a.]}
3 ✓	AA-3.D.2	Copy of Plat Book Page (if applicable) [34-202(a)(1)]
3 ✓	AA-3.F	Area Location Map on 8-1/2" by 11" paper pursuant to LCLDC Section 34-202(a)(4).

* At least one copy must be an original.

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

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

I, * ALAN J. BERGER as President
of Bonita Springs-Falls Creek Development LLC, swear or affirm under oath, that I am the owner
or the authorized representative of the owner(s) of the property and that:

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

Bonita Springs-Falls Creek Development LLC

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

ALAN J. BERGER
Signature
President
(title of signatory)

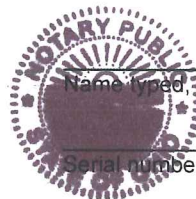
ALAN J. BERGER
(Type or printed name)

STATE OF OHIO
COUNTY OF CLEVELAND

The foregoing instrument was sworn to (or affirmed) and subscribed before me this Nov. 17, 2010 (date) by ALAN J. BERGER (name of person providing oath or affirmation), who is personally known to me or who has produced _____ (type of identification) as identification.

Eleanore M. Newbines
Signature of person taking oath or affirmation

Title or rank



ELEANORE M. NEWBINES
Name typed, printed or stamped of Ohio
Recorded in Geauga County
My Commission Expires
December 11, 2011
Serial number, if any

*Notes:

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

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

STRAP NO. 09-47-25-37-000R1.00CE **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
<u>Ned E. Dewhirst</u>	<u>0%</u>
<u>Keith Cantwell</u>	<u>0%</u>
<u>Rodney A. Welty</u>	<u>0%</u>
<u>Vicki Pierson</u>	<u>0%</u>
<u>william D. White</u>	<u>0%</u>
_____	_____

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

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

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
_____	_____
_____	_____
_____	_____
_____	_____
_____	_____

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

Name and Address	Percentage of Stock

Date of Contract: _____

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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	Percentage of Stock

COMMUNITY DEVELOPMENT

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)

Thomas W. McLean, P.E. - Agent

(Printed or typed name of applicant)

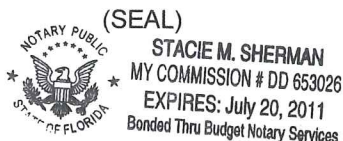
STATE OF FLORIDA
COUNTY OF LEE

The foregoing instrument was acknowledged before me this Nov. 18, 2010 (date)

by Thomas W. McLean who is personally known to me or who has produced
_____ as identification.

Stacie M. Sherman
Signature of Notary Public

Stacie M. Sherman
Printed Name of Notary Public



Page 2 of 2

ADD 2010-00093



950 Encore Way • Naples, Florida 34110 • Phone: 239.254.2000 • Fax: 239.254.2075

LEGAL DESCRIPTION

ALL OF TRACT R-1 OF COCONUT POINT - AREA 3 AS RECORDED AT INSTRUMENT NUMBER
2006000470844 OF THE PUBLIC RECORDS OF LEE COUNTY, FLORIDA.

HOLE MONTES, INC.

CERTIFICATE OF AUTHORIZATION NUMBER LB 1772.

BY Thomas M. Murphy
THOMAS M. MURPHY

P.S.M. #5628
STATE OF FLORIDA

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COMMUNITY DEVELOPMENT

COCONUT POINT - AREA 3

A SUBDIVISION LOCATED IN A PORTION OF SECTION 9, TOWNSHIP 47 SOUTH, RANGE 25 EAST, LEE COUNTY, FLORIDA

INSTR. # **2006000470844**
SHEET 1 of 8

DEDICATION

KNOW ALL MEN BY THESE PRESENTS, THAT EDWARD J. MCARDLE, AS TRUSTEE OF THE EDWARD J. MCARDLE GRANTOR TRUST DATED JANUARY 6, 1992, LEE MEMORIAL HEALTH SYSTEM A PUBLIC BODY CREATED BY CHAPTER 2000-439, LAWS OF FLORIDA; CENTRUM-ESTERO LIMITED PARTNERSHIP, A FLORIDA LIMITED PARTNERSHIP; ALY COCONUT POINT LLP, A FLORIDA LIMITED LIABILITY LIMITED PARTNERSHIP; BONITA SPRINGS - FALLS CREEK DEVELOPMENT LLC, AN OHIO LIMITED LIABILITY COMPANY, THE OWNERS OF THE HEREIN DESCRIBED LANDS HAVE CAUSED THIS PLAT OF COCONUT POINT - AREA 3, A SUBDIVISION LOCATED IN A PORTION OF SECTION 9, TOWNSHIP 47 SOUTH, RANGE 25 EAST, TO BE MADE AND HEREBY:

- A. DEDICATE TO COCONUT POINT - SOUTH VILLAGE ASSOCIATION, INC., A FLORIDA NOT-FOR-PROFIT CORPORATION, ITS SUCCESSORS AND ASSIGNS, INCLUDING THE OBLIGATION TO MAINTAIN THE SAME:
 1. TRACTS "R-1", AND "R-2", AS SHOWN HEREON ARE HEREBY DEDICATED IN FEE SIMPLE FOR ROAD RIGHT-OF-WAY (R-O-W), DRAINAGE, LANDSCAPING AND UTILITY PURPOSES (SUBJECT TO ANY OTHER EASEMENTS WITHIN TRACT "R" AS CREATED BY THIS PLAT).
 2. LAKE TRACTS "6-1", "6-2", "6-3", "6-4", "6-5", "6-6", "6-7", AND "6-8", AS SHOWN HEREON ARE HEREBY DEDICATED AS PERPETUAL WATER MANAGEMENT EASEMENTS (W.M.E.) FOR WATER MANAGEMENT, STORM WATER DRAINAGE, IRRIGATION, LANDSCAPING PURPOSES.
 3. ALL LAKE MAINTENANCE EASEMENTS (L.M.E.) AS SHOWN HEREON FOR THE PURPOSE OF WATER MANAGEMENT, STORM WATER DRAINAGE, IRRIGATION, CONSTRUCTION, OPERATION, AND MAINTENANCE OF LAKES AND LITTORAL ZONE LANDSCAPING.
 4. ALL DRAINAGE EASEMENTS (D.E.) AS SHOWN HEREON FOR THE PURPOSE OF CONSTRUCTION, OPERATION, MAINTENANCE AND MAINTENANCE ACCESS OF AND TO DRAINAGE FACILITIES.
 5. ALL LANDSCAPE BUFFER EASEMENTS (L.B.E.) AS SHOWN HEREON FOR THE PURPOSE OF CONSTRUCTION, OPERATION AND MAINTENANCE OF DRAINAGE, IRRIGATION AND LANDSCAPING FACILITIES.
 6. TRACT OS-1 AS OPEN SPACE SUBJECT TO EASEMENTS AS CREATED BY THIS PLAT.
- B. RESERVE TO EDWARD J. MCARDLE, AS TRUSTEE OF THE EDWARD J. MCARDLE GRANTOR TRUST DATED JANUARY 6, 1992:
 1. TRACTS "3A-1", "3A-2", "3A-3", "3A-4", "3A-5", "3A-6", "3A-7", "3A-8", "3A-9", "3A-10", "3A-11", "3A-12", "3A-13", "3A-14", "3A-15", "3A-16", "3A-17", "3A-18", "3A-19", "3A-20", "3A-21", "3A-22", "3A-23", "3A-24", "3A-25", "3A-26", "3A-27", "3A-28", "3A-29", "3A-30", "3A-31", "3A-32", "3A-33", "3A-34", "3A-35", "3A-36", "3A-37", "3A-38", "3A-39", "3A-40", "3A-41", "3A-42", "3A-43", "3A-44", "3A-45", "3A-46", "3A-47", "3A-48", "3A-49", "3A-50", "3A-51", "3A-52", "3A-53", "3A-54", "3A-55", "3A-56", "3A-57", "3A-58", "3A-59", "3A-60", "3A-61", "3A-62", "3A-63", "3A-64", "3A-65", "3A-66", "3A-67", "3A-68", "3A-69", "3A-70", "3A-71", "3A-72", "3A-73", "3A-74", "3A-75", "3A-76", "3A-77", "3A-78", "3A-79", "3A-80", "3A-81", "3A-82", "3A-83", "3A-84", "3A-85", "3A-86", "3A-87", "3A-88", "3A-89", "3A-90", "3A-91", "3A-92", "3A-93", "3A-94", "3A-95", "3A-96", "3A-97", "3A-98", "3A-99", "3A-100", "3A-101", "3A-102", "3A-103", "3A-104", "3A-105", "3A-106", "3A-107", "3A-108", "3A-109", "3A-110", 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"3A-1374

PLT 2005-00053 / DOS 2004-00260 & DOS 2005-00145



COCONUT POINT - AREA 3

A SUBDIVISION LOCATED IN A PORTION OF SECTION 9, TOWNSHIP 47 SOUTH, RANGE 25 EAST,
LEE COUNTY, FLORIDA

KEY MAP
NOT TO SCALE

LEGAL DESCRIPTION:

LEGAL DESCRIPTION: PARCEL 1

A PARCEL OF LAND LOCATED IN 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°56'31"W, ALONG THE SOUTH LINE OF SAID SECTION 9, FOR A DISTANCE OF 5.90 FEET, TO A POINT ON THE WESTERLY RIGHT-OF-WAY LINE OF SEABOARD COASTLINE RAILROAD, HAVING A RIGHT-OF-WAY WIDTH OF 130.00 FEET, SAME POINT BEING THE POINT OF BEGINNING OF THE PARCEL OF LAND HEREIN DESCRIBED; THENCE CONTINUE S.88°56'31"W, ALONG THE SOUTH LINE OF SAID SECTION 9, FOR A DISTANCE OF 316.87 FEET TO A POINT ON A CIRCULAR CURVE, CONCAVE EASTERLY, WHOSE RADIUS POINT BEARS S.74°27'26"E, A DISTANCE OF 670.00 FEET THEREFROM; THENCE RUN NORTHERLY, ALONG THE ARC OF SAID CURVE TO THE RIGHT, HAVING A RADIUS OF 670.00 FEET, THROUGH A CENTRAL ANGLE OF 04°01'20", SUBTENDED BY A CHORD OF 47.02 FEET AT A BEARING OF N.17°33'14"E, FOR A DISTANCE OF 47.03 FEET TO THE END OF SAID CURVE; THENCE RUN N.19°33'54"E, FOR A DISTANCE OF 216.00 FEET TO THE BEGINNING OF A TANGENTIAL CIRCULAR CURVE, CONCAVE WESTERLY; THENCE RUN NORTHERLY, ALONG THE ARC OF SAID CURVE TO THE LEFT, HAVING A RADIUS OF 770.00 FEET, THROUGH A CENTRAL ANGLE OF 43°55'13", SUBTENDED BY A CHORD OF 575.90 FEET AT A BEARING OF N.02°23'43"W, FOR A DISTANCE OF 590.25 FEET TO THE END OF SAID CURVE; THENCE RUN N.24°21'19"W, FOR A DISTANCE OF 169.24 FEET; THENCE RUN N.10°01'58"E, FOR A DISTANCE OF 98.73 FEET; THENCE RUN N.24°21'19"W, FOR A DISTANCE OF 81.74 FEET; THENCE RUN N.71°00'49"W, FOR A DISTANCE OF 43.00 FEET; THENCE RUN N.24°21'19"W, FOR A DISTANCE OF 97.08 FEET TO THE BEGINNING OF A TANGENTIAL CIRCULAR CURVE, CONCAVE EASTERLY; THENCE RUN NORTHERLY, ALONG THE ARC OF SAID CURVE TO THE RIGHT, HAVING A RADIUS OF 940.00 FEET, THROUGH A CENTRAL ANGLE OF 38°08'12", SUBTENDED BY A CHORD OF 614.19 FEET AT A BEARING OF N.05°17'13"W, FOR A DISTANCE OF 625.67 FEET TO THE END OF SAID CURVE; THENCE RUN N.13°46'53"E, FOR A DISTANCE OF 300.00 FEET TO THE BEGINNING OF A TANGENTIAL CIRCULAR CURVE, CONCAVE WESTERLY; THENCE RUN NORTHERLY, ALONG THE ARC OF SAID CURVE TO THE LEFT, HAVING A RADIUS OF 1,060.00 FEET, THROUGH A CENTRAL ANGLE OF 17°41'57", SUBTENDED BY A CHORD OF 326.14 FEET AT A BEARING OF N.04°55'54"E, FOR A DISTANCE OF 327.44 FEET TO THE END OF SAID CURVE; THENCE RUN N.08°40'49"E, FOR A DISTANCE OF 37.98 FEET TO A POINT ON A CIRCULAR CURVE, CONCAVE WESTERLY, WHOSE RADIUS POINT BEARS S.85°07'32"W, A DISTANCE OF 1794.49 FEET THEREFROM; THENCE RUN NORTHERLY, ALONG THE ARC OF SAID CURVE TO THE LEFT, HAVING A RADIUS OF 1794.49 FEET, THROUGH A CENTRAL ANGLE OF 08°30'05", SUBTENDED BY A CHORD OF 266.02 FEET AT A BEARING OF N.09°07'30"W, FOR A DISTANCE OF 266.26 FEET TO THE END OF SAID CURVE; THENCE RUN N.31°40'19"E, FOR A DISTANCE OF 33.24 FEET, TO A POINT ON THE SOUTHERLY RIGHT-OF-WAY LINE OF COCONUT ROAD, HAVING A RIGHT-OF-WAY WIDTH OF 150.00 FEET, THE SAME POINT BEING A POINT ON A CIRCULAR CURVE, CONCAVE SOUTHERLY, WHOSE RADIUS POINT BEARS S.12°35'43"E, A DISTANCE OF 3,025.00 FEET THEREFROM; THENCE RUN EASTERLY, ALONG THE SOUTHERLY RIGHT-OF-WAY LINE OF SAID COCONUT ROAD AND ALONG THE ARC OF SAID CURVE TO THE RIGHT, HAVING A RADIUS OF 3,025.00 FEET, THROUGH A CENTRAL ANGLE OF 02°11'36", SUBTENDED BY A CHORD OF 115.81 FEET AT A BEARING OF N.78°30'05"E, FOR A DISTANCE OF 115.81 FEET TO THE END OF SAID CURVE; THENCE RUN N.79°35'53"E, ALONG THE SOUTHERLY RIGHT-OF-WAY LINE OF SAID COCONUT ROAD, FOR A DISTANCE OF 238.22 FEET TO A POINT ON THE WESTERLY RIGHT-OF-WAY LINE OF SAID SEABOARD COASTLINE RAILROAD; THENCE RUN S.00°59'33"E, ALONG THE WESTERLY RIGHT-OF-WAY LINE OF SAID SEABOARD COASTLINE RAILROAD, FOR A DISTANCE OF 2,869.10 FEET TO THE POINT OF BEGINNING, CONTAINING 21.736 ACRES, MORE OR LESS.

INSTR. # 2006000470844

SHEET 2 of 8

LEGAL DESCRIPTION:

LEGAL DESCRIPTION: PARCEL 2

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

COMMENCE AT SOUTHEAST CORNER OF SECTION 9, TOWNSHIP 47 SOUTH, RANGE 25 EAST, LEE COUNTY, FLORIDA; THENCE RUN S.88°56'31"W, ALONG THE SOUTH LINE OF SAID SECTION 9, FOR A DISTANCE OF 426.52 FEET, TO THE POINT OF BEGINNING OF THE PARCEL OF LAND HEREIN DESCRIBED; THENCE CONTINUE S.88°56'31"W, ALONG THE SOUTH LINE OF SAID SECTION 9, FOR A DISTANCE OF 1,313.56 FEET TO A POINT ON THE EASTERLY RIGHT-OF-WAY LINE OF U.S. 41 (STATE ROAD 45), HAVING A RIGHT-OF-WAY OF VARYING WIDTH; THENCE RUN N.10°31'43"W, ALONG THE EASTERLY RIGHT-OF-WAY LINE OF SAID U.S. 41, FOR A DISTANCE OF 199.32 FEET; THENCE RUN N.79°28'17"E, FOR A DISTANCE OF 10.00 FEET; THENCE RUN N.10°31'43"W, FOR A DISTANCE OF 429.44 FEET; THENCE RUN S.79°28'17"W, FOR A DISTANCE OF 10.00 FEET TO A POINT ON THE EASTERLY RIGHT-OF-WAY LINE OF SAID U.S. 41; THENCE RUN N.10°31'43"W, ALONG THE EASTERLY RIGHT-OF-WAY LINE OF SAID U.S. 41, FOR A DISTANCE OF 326.61 FEET TO THE BEGINNING OF A TANGENTIAL CIRCULAR CURVE, CONCAVE EASTERLY; THENCE RUN NORTHERLY, ALONG THE EASTERLY RIGHT-OF-WAY LINE OF SAID U.S. 41, AND ALONG THE ARC OF SAID CURVE TO THE RIGHT, HAVING A RADIUS OF 5,697.58 FEET, THROUGH A CENTRAL ANGLE OF 04°08'48", SUBTENDED BY A CHORD OF 412.26 FEET AT A BEARING OF N.08°27'19"W, FOR A DISTANCE OF 412.35 FEET TO THE END OF SAID CURVE; THENCE RUN N.88°08'05"E, FOR A DISTANCE OF 747.41 FEET TO A POINT ON A CIRCULAR CURVE, CONCAVE EASTERLY, WHOSE RADIUS POINT BEARS N.82°31'56"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°13'19"W, FOR A DISTANCE OF 579.45 FEET TO THE END OF SAID CURVE; THENCE RUN N.00°15'42"W, FOR A DISTANCE OF 630.13 FEET TO A POINT ON THE SOUTHERLY RIGHT-OF-WAY LINE OF COCONUT ROAD, HAVING A RIGHT-OF-WAY WIDTH OF 150.00 FEET, THE SAME POINT BEING A POINT ON A CIRCULAR CURVE, CONCAVE NORTHERLY, WHOSE RADIUS POINT BEARS N.10°26'43"W, A DISTANCE OF 2,025.00 FEET THEREFROM; THENCE RUN EASTERLY, ALONG THE SOUTHERLY RIGHT-OF-WAY LINE OF SAID COCONUT ROAD AND ALONG THE ARC OF SAID CURVE TO THE LEFT, HAVING A RADIUS OF 2,025.00 FEET, THROUGH A CENTRAL ANGLE OF 09°12'28", SUBTENDED BY A CHORD OF 325.08 FEET AT A BEARING OF N.74°57'03"E, FOR A DISTANCE OF 325.43 FEET TO THE END OF SAID CURVE; THENCE RUN N.70°20'49"E, ALONG THE SOUTHERLY RIGHT-OF-WAY LINE OF SAID COCONUT ROAD, FOR A DISTANCE OF 200.00 FEET TO THE BEGINNING OF A TANGENTIAL CIRCULAR CURVE, CONCAVE SOUTHERLY; THENCE RUN EASTERLY, ALONG THE SOUTHERLY RIGHT-OF-WAY LINE OF SAID COCONUT ROAD AND ALONG THE ARC OF SAID CURVE TO THE RIGHT, HAVING A RADIUS OF 3,025.00 FEET, THROUGH A CENTRAL ANGLE OF 03°45'16", SUBTENDED BY A CHORD OF 198.19 FEET AT A BEARING OF N.72°13'28"E, FOR A DISTANCE OF 198.22 FEET TO THE END OF SAID CURVE; THENCE RUN S.60°02'12"E, FOR A DISTANCE OF 43.06 FEET; THENCE RUN S.13°20'36"E, FOR A DISTANCE OF 118.13 FEET TO THE BEGINNING OF A TANGENTIAL CIRCULAR CURVE, CONCAVE WESTERLY; THENCE RUN SOUTHERLY, ALONG THE ARC OF SAID CURVE TO THE RIGHT, HAVING A RADIUS OF 960.00 FEET, THROUGH A CENTRAL ANGLE OF 27°07'29", SUBTENDED BY A CHORD OF 450.25 FEET AT A BEARING OF S.00°13'08"W, FOR A DISTANCE OF 454.48 FEET TO THE END OF SAID CURVE; THENCE RUN S.13°46'53"W, FOR A DISTANCE OF 300.00 FEET TO THE BEGINNING OF A TANGENTIAL CIRCULAR CURVE, CONCAVE EASTERLY; THENCE RUN SOUTHERLY, ALONG THE ARC OF SAID CURVE TO THE LEFT, HAVING A RADIUS OF 1,040.00 FEET, THROUGH A CENTRAL ANGLE OF 38°08'12", SUBTENDED BY A CHORD OF 679.53 FEET AT A BEARING OF S.05°17'13"E, FOR A DISTANCE OF 692.24 FEET TO THE END OF SAID CURVE; THENCE RUN S.24°21'19"E, FOR A DISTANCE OF 40.82 FEET; THENCE RUN S.21°23'37"W, FOR A DISTANCE OF 107.75 FEET; THENCE RUN S.14°05'33"E, FOR A DISTANCE OF 101.63 FEET; THENCE RUN S.68°09'33"E, FOR A DISTANCE OF 102.28 FEET; THENCE RUN S.24°21'19"E, FOR A DISTANCE OF 169.24 FEET TO THE BEGINNING OF A TANGENTIAL CIRCULAR CURVE, CONCAVE WESTERLY; THENCE RUN SOUTHERLY, ALONG THE ARC OF SAID CURVE TO THE RIGHT, HAVING A RADIUS OF 670.00 FEET, THROUGH A CENTRAL ANGLE OF 43°55'13", SUBTENDED BY A CHORD OF 501.11 FEET AT A BEARING OF S.02°23'43"E, FOR A DISTANCE OF 513.59 FEET TO THE END OF SAID CURVE; THENCE RUN S.19°33'54"W, FOR A DISTANCE OF 216.00 FEET TO THE BEGINNING OF A TANGENTIAL CIRCULAR CURVE, CONCAVE EASTERLY; THENCE RUN SOUTHERLY, ALONG THE ARC OF SAID CURVE TO THE LEFT, HAVING A RADIUS OF 770.00 FEET, THROUGH A CENTRAL ANGLE OF 06°13'42", SUBTENDED BY A CHORD OF 83.66 FEET AT A BEARING OF S.16°27'03"W, FOR A DISTANCE OF 83.70 FEET TO THE POINT OF BEGINNING, CONTAINING 66.908 ACRES, MORE OR LESS.

ADD 2010-00093

AREA TABLE

TRACT "3A-1"	273,820.88 S.F. ±
TRACT "3A-2"	903,334.39 S.F. ±
TRACT "3A-3.1"	179,378.70 S.F. ±
TRACT "3A-3.2"	118,948.39 S.F. ±
TRACT "3A-3.3"	128,119.72 S.F. ±
TRACT "3-B"	633,412.02 S.F. ±
TRACT "3-C"	469,168.57 S.F. ±
TRACT "3-D"	944,305.18 S.F. ±
TRACT "OS-1"	2,223.45 S.F. ±
TRACT "R-1"	147,824.33 S.F. ±
TRACT "R-2"	58,271.17 S.F. ±
TRACT "R-3"	2,521.44 S.F. ±
TOTAL	3,861,328.245 S.F. ±/88.64 ACRES ±

THIS INSTRUMENT WAS PREPARED BY
JERRY L. RIFFELMACHER, P.S.M. #6130



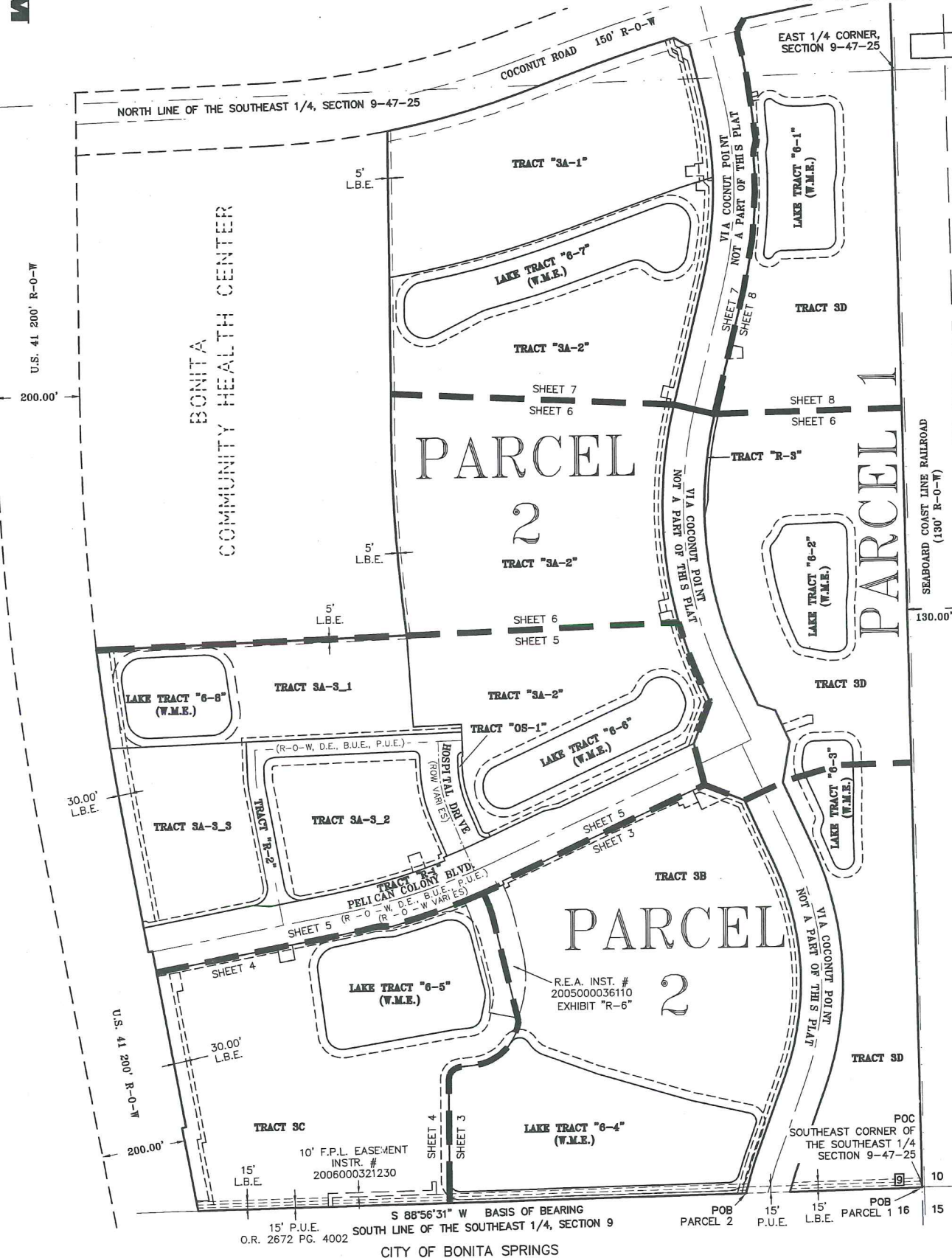
6202F Presidential Court
Ft. Myers, FL 33919
Phone: (239) 985-1200

Florida Certificate of
Authorization No. 1772

REFERENCE NO. AREA3PLT DRAWN BY TH/AK

NOTES

- ALL DIMENSIONS ARE IN FEET AND DECIMALS THEREOF.
BEARINGS SHOWN HEREON REFER TO SOUTH LINE OF THE SOUTHEAST QUARTER OF SECTION 9, TOWNSHIP 47 SOUTH, RANGE 25 EAST AS BEING S.88°56'31"W.
- INDICATES PERMANENT REFERENCE MONUMENT FOUND (P.R.M.) LB 1772.
 - INDICATES PERMANENT REFERENCE MONUMENT SET (P.R.M.) LB 1772.
 - INDICATES PERMANENT CONTROL POINT (P.C.P.).
 - INDICATES POINTS OF INTERSECTION, POINTS OF CURVATURE, POINTS OF TANGENCY, POINTS OF COMPOUND CURVATURE OR POINTS OF REVERSE CURVATURE.
 - L1 INDICATES LINE IN LINE TABLE.
 - C1 INDICATES CURVE IN CURVE TABLE.
 - D.E. INDICATES DRAINAGE EASEMENT.
 - B.U.E. INDICATES BONITA SPRINGS UTILITIES EASEMENT.
 - L.M.E. INDICATES LAKE MAINTENANCE EASEMENT.
 - P.U.E. INDICATES PUBLIC UTILITY EASEMENT.
 - W.M.E. INDICATES WATER MANAGEMENT EASEMENT.
 - L.B.E. INDICATES LANDSCAPE BUFFER EASEMENT.
 - R.E.A. INDICATES RECIPROCAL EASEMENT AGREEMENT.

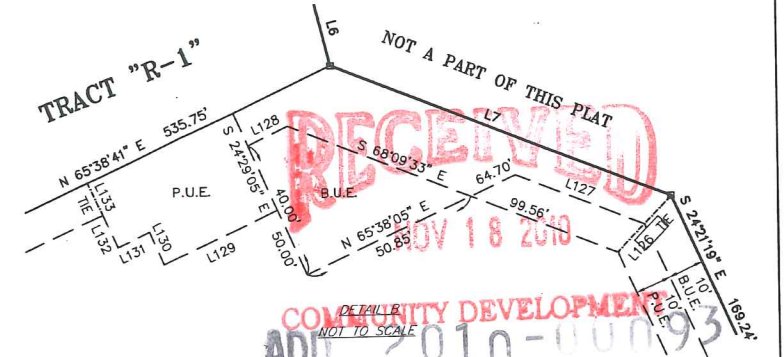
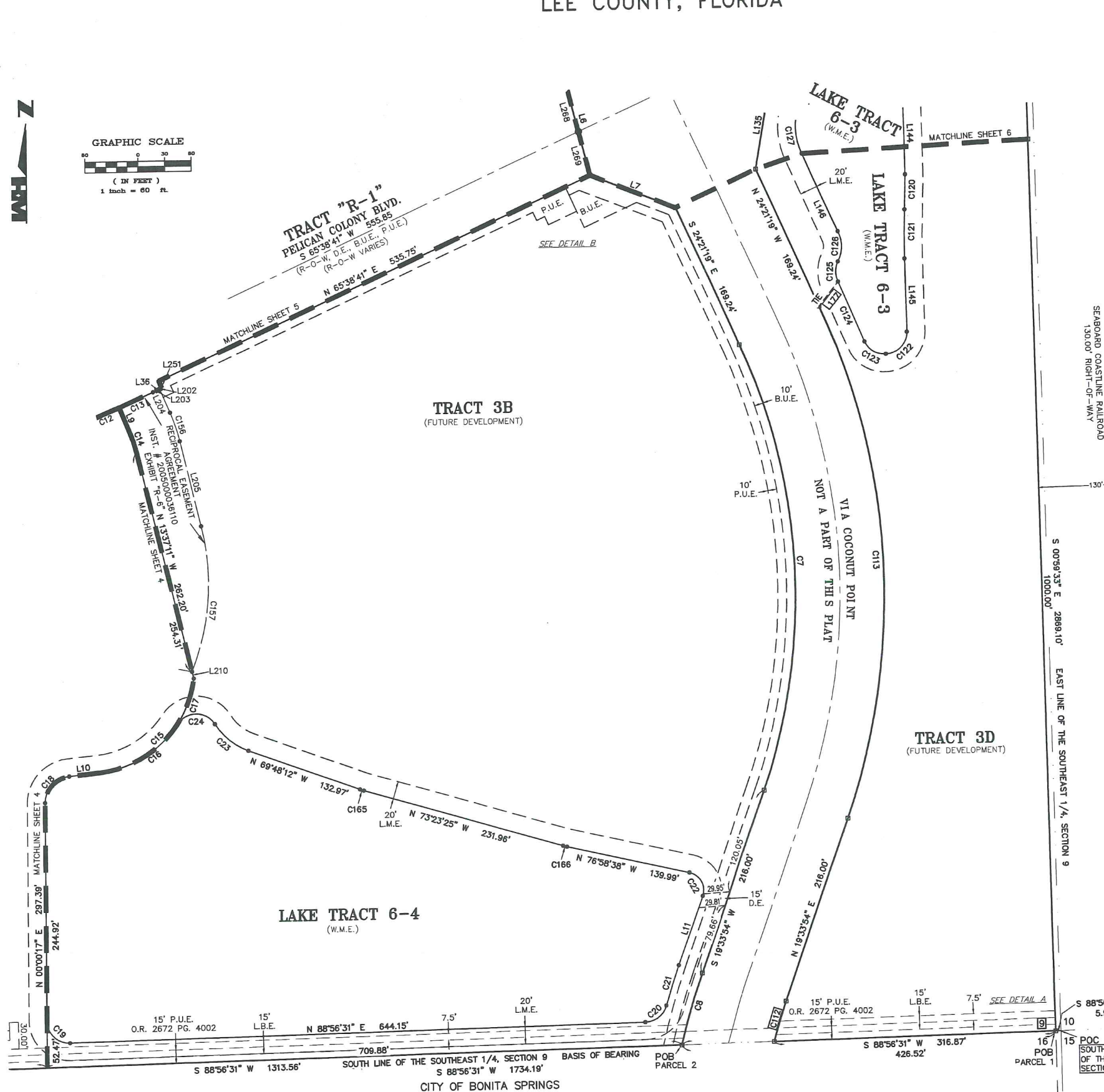


15' P.U.E.
O.R. 2672 PG. 4002
S 88°56'31" W BASIS OF BEARING
SOUTH LINE OF THE SOUTHEAST 1/4, SECTION 9
CITY OF BONITA SPRINGS

COCONUT POINT - AREA 3

A SUBDIVISION LOCATED IN A PORTION OF SECTION 9, TOWNSHIP 47 SOUTH, RANGE 25 EAST,
LEE COUNTY, FLORIDA

INSTR. # 2006000470844
SHEET 3 of 8



CURVE	RADIUS	DELTA	CHORD	BEARING	LENGTH
C1	5697.58'	04°08'48"	412.26'	N 08°27'19" W	412.35'
C7	670.00'	43°55'13"	501.11'	S 02°23'43" E	513.59'
C8	770.00'	06°13'42"	83.66'	S 16°27'03" W	83.70'
C9	1650.00'	02°58'31"	85.67'	N 77°58'39" E	85.68'
C12	1658.50'	01°43'39"	50.01'	N 67°57'06" E	50.01'
C13	1658.50'	01°26'36"	41.78'	N 66°21'59" E	41.78'
C14	160.00'	09°17'32"	25.92'	N 18°15'57" W	25.95'
C15	120.00'	76°59'45"	149.40'	N 45°52'20" E	161.26'
C16	120.00'	50°50'45"	103.03'	N 58°56'50" E	106.49'
C17	120.00'	26°09'00"	54.29'	N 20°26'57" E	54.77'
C18	30.00'	83°59'48"	40.15'	S 42°22'18" W	43.98'
C19	25.00'	91°03'07"	35.68'	S 45°31'55" E	39.73'
C20	25.00'	72°47'21"	29.67'	N 52°32'51" E	31.76'
C21	797.50'	03°24'29"	47.43'	S 17°51'25" W	47.44'
C22	20.00'	96°32'17"	29.65'	N 28°42'29" W	33.70'
C23	74.00'	38°06'14"	48.31'	S 50°45'05" E	49.21'
C24	25.00'	114°46'34"	42.12'	N 89°05'16" W	50.08'
C40	208.00'	39°55'48"	142.04'	N 08°25'24" E	144.96'
C41	200.00'	09°17'32"	32.40'	N 18°15'57" W	32.44'
C105	208.00'	06°14'34"	22.65'	N 10°25'13" W	22.66'
C106	208.00'	05°04'41"	18.43'	N 04°45'36" E	18.44'
C107	208.00'	18°07'38"	65.53'	N 06°50'34" E	65.81'
C108	208.00'	10°28'55"	38.00'	N 21°08'50" E	38.05'
C109	228.00'	08°38'15"	34.34'	N 09°13'23" W	34.37'
C110	218.00'	06°10'46"	23.50'	N 10°27'07" W	23.51'
C111	218.00'	31°07'09"	116.95'	N 10°49'43" E	118.40'
C112	670.00'	04°01'20"	47.02'	N 17°33'14" E	47.03'
C113	770.00'	43°55'13"	575.90'	N 02°23'43" W	590.25'
C120	1180.42'	01°54'27"	39.30'	N 01°41'49" E	39.30'
C121	859.43'	03°38'42"	54.66'	S 00°49'42" W	54.67'
C122	24.00'	90°52'08"	34.20'	N 44°26'25" E	38.06'
C123	24.10'	70°42'46"	27.90'	S 58°49'16" E	29.75'
C124	4880.18'	00°51'38"	73.31'	N 23°02'26" W	73.31'
C125	27.03'	49°21'22"	22.57'	S 00°12'55" W	23.28'
C126	35.96'	55°39'56"	33.58'	N 00°37'29" E	34.94'
C127	69.32'	35°23'33"	42.14'	S 07°50'48" E	42.82'
C165	72.00'	03°35'13"	4.51'	S 71°35'49" E	4.51'
C166	72.00'	03°35'13"	4.51'	S 75°11'01" E	4.51'

LINE	DIRECTION	DISTANCE
L6	S 14°05'33" E	101.63'
L7	S 68°09'33" E	102.28'
L126	S 43°44'34" W	21.56'
L127	S 68°09'33" E	38.57'
L128	N 65°38'41" E	12.57'
L129	N 65°38'41" E	35.00'
L130	S 24°29'05" E	10.00'
L131	N 65°38'41" E	10.00'
L132	S 24°29'05" E	10.00'
L133	S 24°29'05" E	10.00'
L134	N 88°56'31" E	5.90'
L135	N 10°01'58" E	98.73'
L144	N 00°59'39" W	83.03'
L145	N 00°59'39" W	81.76'
L146	S 24°12'16" E	96.02'
L177	N 38°36'45" E	34.49'

LINE	DIRECTION	DISTANCE
L1	N 79°28'17" E	10.00'
L2	S 79°28'17" W	10.00'
L9	N 22°54'43" W	28.17'
L10	N 84°22'12" E	33.89'
L11	N 19°33'39" E	81.95'
L12	S 10°32'05" E	25.00'
L13	S 21°37'14" E	25.17'
L34	N 13°37'01" W	96.23'
L35	N 22°54'43" W	17.27'
L36	N 65°38'41" E	11.02'
L121	N 76°27'30" E	20.00'
L122	S 81°19'25" W	10.00'
L123	S 72°32'03" W	26.98'
L124	S 17°27'57" E	59.72'
L125	S 81°19'25" W	10.02'
L210	S 13°37'11" E	7.90'
L268	S 14°05'33" E	50.81'
L269	S 14°05'33" E	50.81'



THIS INSTRUMENT WAS PREPARED BY
JERRY L. RIFFELMACHER, P.S.M. #6130



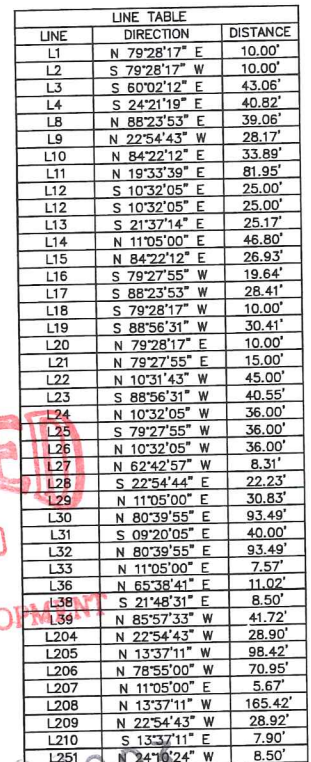
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ENGINEERS PLANNERS SURVEYORS
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Ft. Myers, FL 33919
Phone: (239) 985-1200
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INSTR. #	2006000470844		
SHEET	4	of	8

SHEET 4 of 8



CURVE	RADIUS	DELTA	CHORD	BEARING	LENGTH
C1	5697.58'	04°08'48"	412.26'	N 08°27'19" W	412.35'
C9	1550.00'	02°58'31"	85.67'	N 77°58'39" E	85.68'
C10	1658.50'	09°31'30"	275.39'	N 70°24'26" E	275.71'
C11	1658.50'	06°21'15"	183.83'	N 71°59'33" E	183.93'
C12	1658.50'	01°43'39"	50.01'	N 67°57'06" E	50.01'
C13	1658.50'	01°26'36"	41.78'	N 66°21'59" E	41.78'
C14	1600.00'	09°17'32"	25.92'	N 18°15'57" W	25.95'
C15	1200.00'	76°59'45"	149.40'	S 45°52'20" E	161.26'
C16	1200.00'	50°50'45"	103.03'	N 58°56'50" E	106.49'
C17	1200.00'	26°09'00"	54.29'	N 20°26'57" E	54.77'
C18	300.00'	83°59'48"	40.15'	S 42°22'18" W	43.98'
C19	25.00'	9103'07"	35.68'	S 45°31'55" E	39.73'
C24	25.00'	114°46'34"	42.12'	N 89°05'16" W	50.08'
C25	1683.50'	04°05'09"	120.03'	N 73°01'31" E	120.05'
C26	50.00'	95°23'53"	73.96'	N 61°19'07" W	83.25'
C27	42.00'	24°42'10"	17.97'	N 01°16'05" W	18.11'
C28	300.00'	73°17'12"	35.81'	N 47°43'36" E	38.37'
C29	200.00'	03°42'16"	12.93'	S 82°31'04" W	12.93'
C30	40.00'	92°00'52"	57.55'	S 53°19'38" E	64.24'
C31	50.00'	86°47'07"	68.70'	S 36°04'21" W	75.73'
C32	1675.00'	02°42'46"	79.30'	N 78°06'32" E	79.30'
C33	50.00'	11°38'44"	10.15'	S 82°34'31" W	10.16'
C34	50.00'	13°19'47"	11.61'	N 81°43'59" E	11.63'
C35	121.32'	09°17'33"	19.65'	N 18°15'58" W	19.68'
C36	92.00'	24°42'11"	39.36'	N 01°16'06" W	39.67'
C37	55.00'	69°34'56"	62.76'	N 45°52'28" E	66.79'
C38	95.00'	69°34'56"	108.41'	N 45°52'28" E	115.37'
C39	90.00'	15°18'18"	24.50'	S 18°44'09" W	24.58'
C42	1541.50'	03°26'42"	92.67'	N 67°22'02" E	92.68'
C43	1550.00'	10°22'50"	280.44'	N 74°16'30" E	280.82'
C46	40.00'	90°00'00"	56.57'	N 34°27'55" E	62.83'
C60	1541.50'	03°06'58"	83.83'	N 67°12'10" E	83.84'
C66	40.00'	90°00'00"	56.57'	S 55°32'05" E	62.83'
C67	1550.00'	01°49'54"	49.55'	N 70°00'02" E	49.55'
C68	1550.00'	01°08'18"	30.79'	N 71°29'08" E	30.80'
C69	1550.00'	07°24'38"	200.34'	N 75°45'36" E	200.48'
C156	210.00'	09°17'32"	34.02'	N 18°15'57" W	34.06'
C157	268.00'	35°34'02"	163.71'	N 04°09'50" E	166.37'
C158	107.00'	11°38'39"	21.71'	N 05°15'40" E	21.75'
C159	1735.89'	00°22'53"	11.55'	N 00°45'05" W	11.55'
C160	102.00'	10°23'07"	22.42'	N 07°15'06" W	22.46'
C161	1100.00'	09°17'32"	17.82'	N 18°15'57" W	17.84'
C179	1658.50'	00°30'00"	14.47'	N 74°55'11" E	14.47'
C184	1600.00'	13°49'14"	385.01'	N 72°33'18" E	385.94'
C185	1600.00'	12°22'38"	344.97'	N 73°16'36" E	345.64'
C186	1600.00'	01°26'36"	40.30'	N 66°21'59" E	40.30'



HOLE MONTES
ENGINEERS PLANNERS

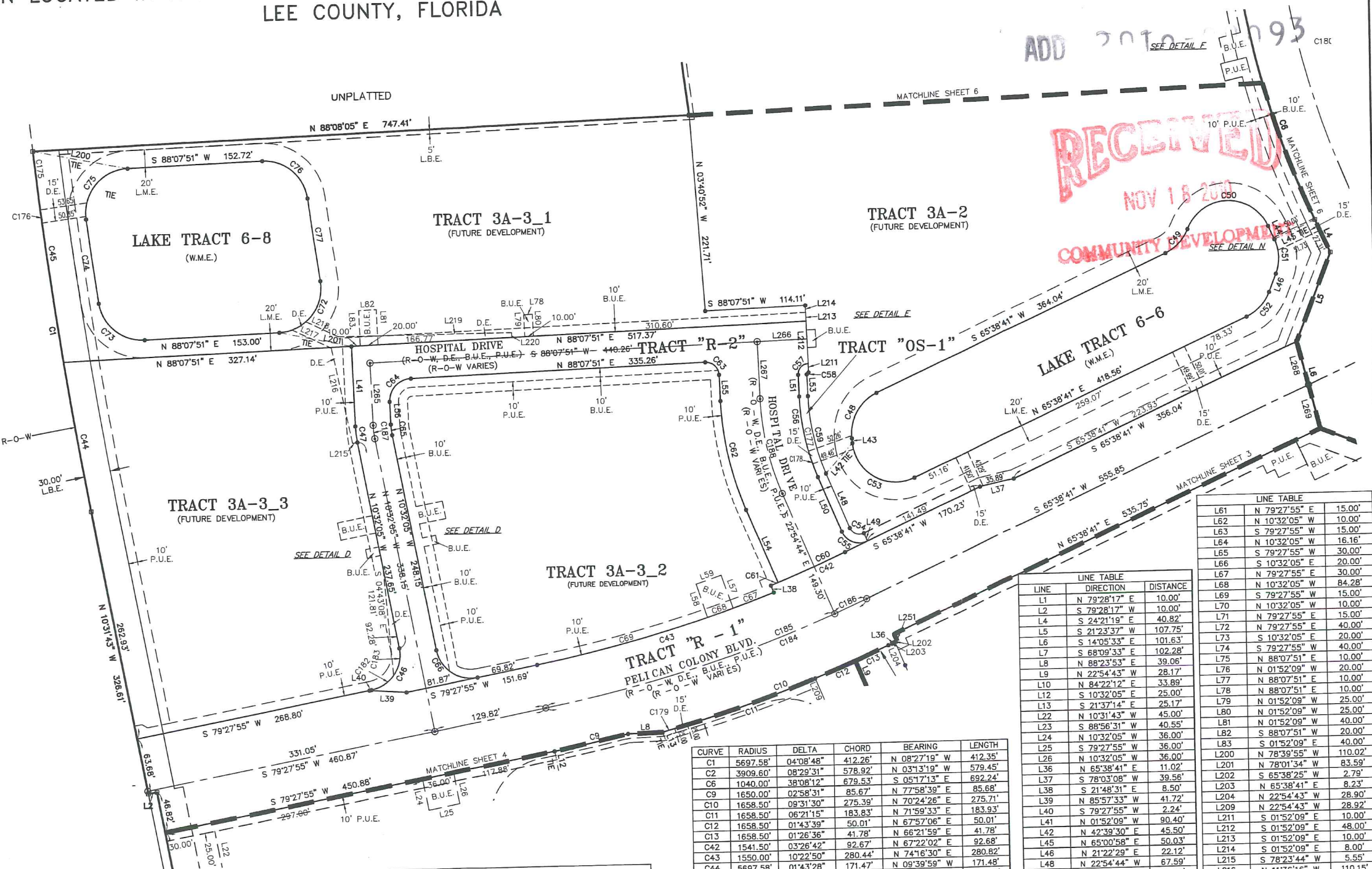
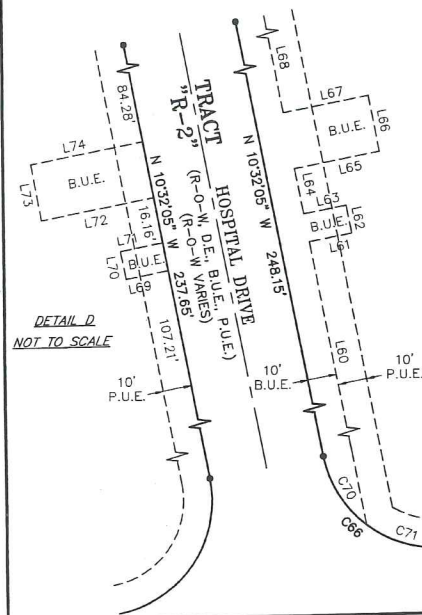
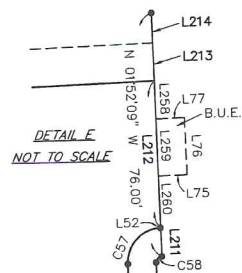
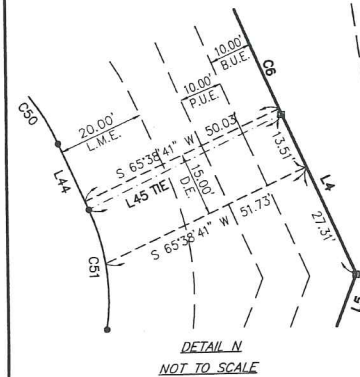
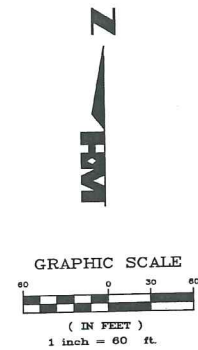
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Ft. Myers, FL. 33919
Phone: (239) 985-1200
Florida Certificate of
Authorization No. 1772

REFERENCE NO.	AREA3PLT	DRAWN BY	TH/AK
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PLT 2005-00053 / DOS 2004-00260 & DOS 2005-00145

INSTR. # 2006000470844
SHEET 5 of 8

A SUBDIVISION LOCATED IN A PORTION OF SECTION 9, TOWNSHIP 47 SOUTH, RANGE 25 EAST,
LEE COUNTY, FLORIDA



CURVE TABLE					
CURVE	RADIUS	DELTA	CHORD	BEARING	LENGTH
C58	2.00'	93°05'03"	2.91'	S 44°43'40" W	3.26'
C59	245.00'	21°02'35"	89.48'	S 12°23'26" E	89.98'
C60	1541.50'	03°06'58"	83.83'	N 67°12'10" E	83.84'
C61	1541.50'	00°19'44"	8.85'	N 68°55'31" E	8.85'
C62	345.00'	21°02'35"	126.00'	S 12°23'26" E	126.71'
C63	15.00'	90°00'00"	21.21'	N 46°52'09" W	23.56'
C64	25.00'	90°00'00"	35.36'	S 43°07'51" W	39.27'
C65	80.00'	08°39'56"	12.09'	S 06°12'07" E	12.10'
C66	40.00'	90°00'00"	56.57'	S 55°32'05" E	62.83'
C67	1550.00'	01°19'54"	49.55'	N 70°00'02" E	49.55'
C68	1550.00'	01°08'18"	30.79'	N 71°29'08" E	30.80'
C69	1550.00'	07°24'38"	200.34'	N 75°45'36" E	200.48'
C70	40.00'	41°24'35"	28.28'	S 31°44'22" E	28.91'
C71	40.00'	48°35'25"	32.92'	S 76°14'22" E	33.92'
C72	50.00'	96°39'14"	74.70'	N 39°48'14" E	84.35'
C73	50.00'	83°31'51"	66.61'	S 50°06'13" E	72.89'
C74	5555.39'	00°59'21"	95.90'	S 07°50'38" E	95.90'
C75	50.00'	95°28'49"	74.01'	S 40°23'27" W	83.32'
C76	50.00'	84°21'49"	67.15'	N 49°41'14" W	73.62'
C77	5303.39'	01°10'03"	94.18'	S 08°00'51" E	94.18'
C182	40.00'	4344'35"	29.80'	N 57°35'37" E	30.54'
C183	40.00'	4615'25"	31.42'	N 12°35'37" E	32.29'

CURVE	RADIUS	DELTA	CHORD	BEARING	LENGTH
C1	5697.58"	04°08'48"	412.26"	N 08°27'19" W	412.35'
C2	3909.60"	08°29'31"	578.92"	N 03°31'19" W	579.45'
C6	1040.00"	38°08'12"	679.53"	S 05°17'13" E	692.24'
C9	1650.00"	02°58'31"	85.67"	N 77°58'39" E	85.68'
C10	1658.50"	09°31'30"	275.39"	N 70°24'26" E	275.75'
C11	1658.50"	06°21'15"	183.83"	N 71°59'33" E	183.93'
C12	1658.50"	01°43'39"	50.01"	N 67°50'06" E	50.01'
C13	1658.50"	01°26'36"	41.78"	N 66°21'59" E	41.78'
C42	1541.50"	03°26'42"	92.67"	N 67°22'02" E	92.68'
C43	1550.00"	10°22'50"	280.44"	N 74°16'30" E	280.82'
C44	5697.58"	01°43'28"	171.47"	N 09°39'59" W	171.48'
C45	5697.58"	02°25'20"	240.85"	S 07°35'35" E	240.87'
C46	40.00"	90°00'00"	56.57"	N 34°27'55" E	62.83'
C47	120.00"	08°39'56"	18.13"	S 06°12'07" E	18.15'
C48	50.00"	71°09'53"	58.19"	S 30°03'45" W	62.10'
C49	50.00"	43°21'28"	36.94"	N 43°57'57" E	37.84'
C50	50.00"	133°20'22"	91.82"	S 88°57'23" W	116.36'
C51	50.00"	45°44'55"	38.87"	N 01°29'58" W	39.92'
C52	50.00"	44°16'12"	37.68"	N 43°30'35" E	38.63'
C53	50.00"	108°50'07"	81.33"	S 59°56'15" E	94.98'
C54	12.00"	91°26'27"	17.18"	S 68°37'58" E	19.15'
C55	22.00"	91°26'27"	31.50"	S 68°37'58" E	35.11'
C56	255.00"	21°02'35"	93.13"	S 12°23'26" E	93.65'
C57	12.00"	90°00'00"	16.97"	S 43°07'51" W	18.85'
C175	5697.58"	00°40'11"	66.59"	S 06°43'00" E	66.59'
C176	5697.58"	00°09'03"	15.00"	S 07°07'37" E	15.00'
C177	255.00"	14°03'08"	62.38"	S 08°53'43" E	62.54'
C178	255.00"	03°22'15"	15.00"	S 17°35'25" E	15.00'
C179	1658.50"	00°30'00"	14.47"	N 74°55'11" E	14.47'
C184	1600.00"	13°49'14"	385.01"	N 72°33'18" E	385.94'
C185	1600.00"	12°22'38"	344.97"	N 73°16'36" E	345.64'
C186	1600.00"	01°26'36"	40.30"	N 66°21'59" E	40.30'
C187	100.00"	08°39'56"	15.11"	S 06°12'07" E	15.12'
C188	300.00"	21°02'35"	109.56"	S 12°23'26" E	110.18'

LINE TABLE		
LINE	DIRECTION	DISTANCE
L1	N 79°28'17" E	10.00'
L2	S 79°28'17" W	10.00'
L4	S 24°21'19" E	40.82'
L5	S 21°23'37" W	107.75'
L6	S 14°05'33" E	101.63'
L7	S 68°09'33" E	102.28'
L8	N 88°23'53" E	39.06'
L9	N 22°54'43" W	28.17'
L10	N 84°22'12" E	33.89'
L11	S 10°32'05" E	25.00'
L12	S 21°37'14" E	25.17'
L22	N 10°31'43" W	45.00'
L23	S 88°56'31" W	40.55'
L24	N 10°32'05" W	36.00'
L25	S 79°27'55" W	36.00'
L26	N 10°32'05" W	36.00'
L36	N 65°38'41" E	11.02'
L37	S 78°03'08" W	39.56'
L38	S 21°48'31" E	8.50'
L39	N 85°57'33" W	41.72'
L40	S 79°27'55" W	2.72'
L41	N 01°52'09" W	90.40'
L42	N 42°39'30" E	45.50'
L45	N 65°00'58" E	50.03'
L46	N 21°22'29" E	22.12'
L47	N 22°54'44" W	67.59'
L49	N 24°21'19" W	10.00'
L50	S 22°54'44" E	67.59'
L51	S 01°52'09" E	24.69'
L52	S 88°07'51" W	0.11'
L53	N 01°52'09" W	24.69'
L54	S 22°54'44" E	90.14'
L55	S 01°52'09" E	29.69'
L56	N 01°52'09" W	25.40'
L57	S 19°05'01" E	40.00'
L58	S 17°56'43" E	40.00'
L59	S 71°29'08" W	30.00'
L60	N 10°32'05" W	144.17'

	LINE TABLE		
L61	N 79°27'55" E	15.00'	
L62	N 10°32'05" W	10.00'	
L63	S 79°27'55" W	15.00'	
L64	N 10°32'05" W	15.16'	
L65	S 79°27'55" W	30.00'	
L66	S 10°32'05" E	30.00'	
L67	N 79°27'55" E	30.00'	
L68	N 10°32'05" W	84.28'	
L69	S 79°27'55" W	15.00'	
L70	N 10°32'05" W	10.00'	
L71	N 79°27'55" E	15.00'	
L72	N 79°27'55" E	40.00'	
L73	S 10°32'05" E	20.00'	
L74	S 79°27'55" W	40.00'	
L75	N 88°07'51" E	10.00'	
L76	N 01°52'09" W	20.00'	
L77	N 88°07'51" E	10.00'	
L78	N 88°07'51" E	10.00'	
L79	N 01°52'09" W	25.00'	
L80	N 01°52'09" W	25.00'	
L81	N 01°52'09" W	40.00'	
L82	S 88°07'51" W	20.00'	
L83	S 01°52'09" E	40.00'	
L200	N 78°39'55" W	110.02'	
L201	N 78°01'34" W	83.59'	
L202	S 65°38'25" W	2.79'	
L203	N 65°38'41" E	8.23'	
L204	N 22°54'43" W	28.90'	
L209	N 22°54'43" W	28.92'	
L211	S 01°52'09" E	10.00'	
L212	S 01°52'09" E	48.00'	
L213	S 01°52'09" E	10.00'	
L214	S 01°52'09" E	8.00'	
L215	S 78°23'44" W	5.55'	
L216	N 11°36'16" W	110.15'	
L217	N 64°01'58" W	49.41'	
L219	N 89°52'39" E	195.81'	
L220	N 00°07'21" W	5.54'	
L258	N 01°52'09" W	10.00'	
L259	N 01°52'09" W	20.00'	
L260	N 01°52'09" W	18.00'	
L265	S 01°52'09" E	70.40'	
L266	S 88°07'51" W	57.11'	
L267	S 01°52'09" E	64.69'	
L268	S 14°05'33" E	50.81'	
L269	S 14°05'33" E	50.81'	

THIS INSTRUMENT WAS PREPARED BY
JERRY L. RIFFELMACHER, P.S.M. #6130



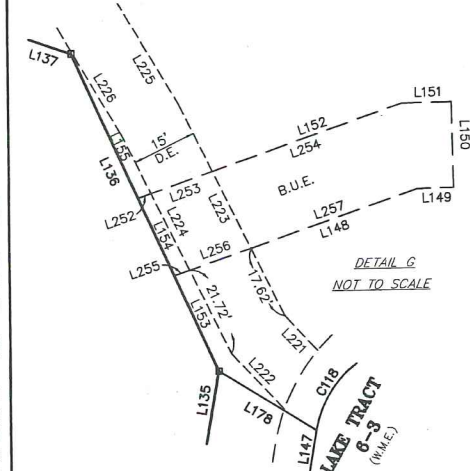
6202F Presidential Court
Ft. Myers, FL. 33919
Phone: (239) 985-1200
Florida Certificate of
Authorization No.1772

REFERENCE NO.	AREA3PLT	DRAWN BY	TH/AK
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PLT 2005-00053 / DOS 2004-00260 & DOS 2005-00145

INSTR. #	2006000470844
SHEET	6 of 8

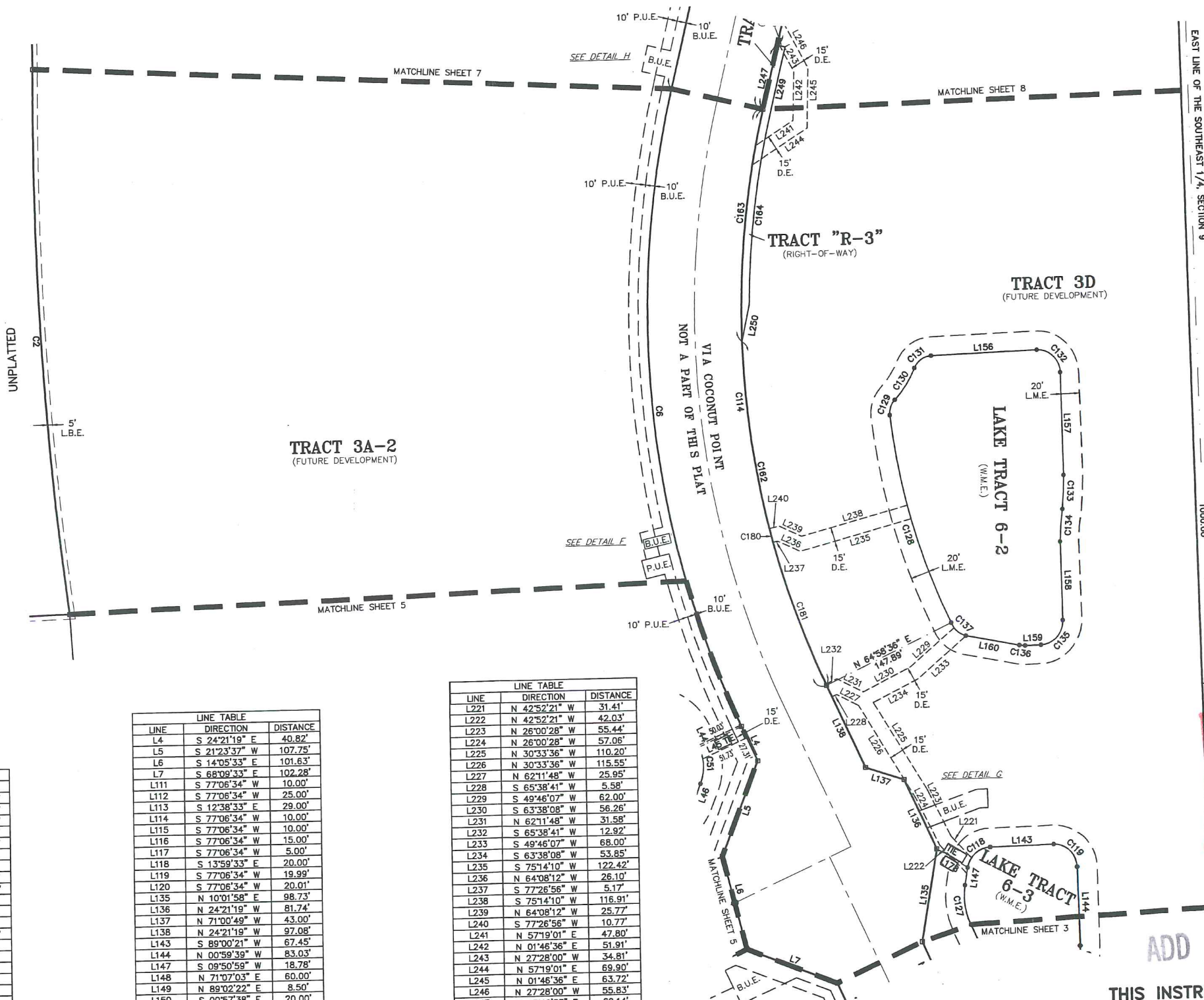
A SUBDIVISION LOCATED IN A PORTION OF SECTION 9, TOWNSHIP 47 SOUTH, RANGE 25 EAST,
LEE COUNTY, FLORIDA



CURVE	RADIUS	DELTA	CHORD	BEARING	LENGTH
C1	5697.58'	04°08'48"	412.26'	N 08°27'19" W	412.35'
C2	3909.60'	08°29'31"	578.92'	N 03°13'19" W	579.45'
C3	2025.00'	09°12'28"	325.08'	N 74°57'03" E	325.43'
C6	1040.00'	38°08'12"	679.53'	S 05°17'13" E	692.24'
C7	670.00'	43°55'13"	501.11'	S 02°23'43" E	513.59'
C101	1040.00'	25°37'30"	461.26'	S 00°58'08" W	465.13'
C102	1040.00'	01°35'52"	29.00'	S 12°38'33" E	29.00'
C103	1040.00'	01°06'07"	20.00'	S 13°59'33" E	20.00'
C104	1040.00'	09°48'43"	177.88'	S 19°26'58" E	178.10'
C114	940.00'	38°08'12"	614.19'	S 05°17'13" E	625.67'
C118	25.00'	78°58'30"	31.80'	S 49°31'06" W	34.46'
C119	25.00'	90°00'00"	35.36'	N 45°59'39" W	39.27'
C127	69.32'	35°23'33"	42.14'	S 07°50'41" E	42.82'
C128	687.89'	18°15'07"	230.05'	S 15°31'48" E	231.14'
C129	20.00'	50°03'10"	16.92'	S 19°07'28" W	17.47'
C130	102.00'	22°15'54"	39.39'	N 33°01'06" E	39.64'
C131	20.00'	66°31'45"	21.94'	S 55°08'01" W	23.22'
C132	25.00'	90°00'00"	35.36'	N 45°59'33" W	39.27'
C133	594.28'	03°28'21"	36.01'	N 03°07'14" E	36.02'
C134	250.94'	07°54'37"	34.62'	S 05°13'38" W	34.64'
C135	25.00'	90°00'00"	35.36'	N 44°00'27" E	39.27'
C136	25.00'	13°27'24"	5.86'	S 84°15'50" E	5.87'
C137	21.98'	57°09'37"	21.03'	S 47°15'09" E	21.92'
C162	940.00'	23°02'10"	375.39'	N 12°50'15" W	377.93'
C163	940.00'	15°06'03"	247.03'	N 06°15'52" E	247.74'
C164	931.50'	12°40'18"	205.59'	N 28°26'44" E	206.01'
C171	1040.00'	00°04'56"	1.49'	S 04°18'51" E	1.49'
C180	940.00'	00°54'53"	15.00'	S 13°59'08" E	15.00'
C181	940.00'	09°54'45"	162.42'	S 19°23'57" E	162.63'

LINE TABLE		
LINE	DIRECTION	DISTANCE
L4	S 24°21'19" E	40.82'
L5	S 21°23'37" W	107.75'
L6	S 14°05'33" E	101.63'
L7	S 68°09'33" E	102.28'
L111	S 77°06'34" W	10.00'
L112	S 77°06'34" W	25.00'
L113	S 12°38'33" E	29.00'
L114	S 77°06'34" W	10.00'
L115	S 77°06'34" W	10.00'
L116	S 77°06'34" W	15.00'
L117	S 77°06'34" W	5.00'
L118	S 13°59'33" E	20.00'
L119	S 77°06'34" W	19.99'
L120	S 77°06'34" W	20.01'
L135	N 10°01'58" E	98.73'
L136	N 24°21'19" W	81.74'
L137	N 12°00'49" W	43.00'
L138	N 24°21'19" W	97.08'
L143	S 89°00'21" W	67.45'
L144	N 00°59'39" W	83.03'
L147	S 09°50'59" W	18.78'
L148	N 71°07'03" E	60.00'
L149	N 89°02'22" E	8.50'
L150	S 00°57'38" E	20.00'
L151	N 89°02'22" E	11.65'
L152	N 71°07'03" E	65.07'
L153	S 24°21'19" E	24.50'
L154	S 24°21'19" E	20.09'
L155	S 24°21'19" E	37.15'
L156	S 88°24'54" W	112.16'
L157	N 00°59'33" W	108.41'
L158	N 00°59'33" W	83.67'
L159	N 89°00'27" E	16.90'
L160	S 78°23'29" E	57.63'
L172	N 57°54'42" W	38.55'

LINE TABLE		
LINE	DIRECTION	DISTANCE
Z221	N 42°52'21" W	31.41'
Z222	N 42°52'21" W	42.03'
Z223	N 26°00'28" W	55.44'
Z224	N 26°00'28" W	57.08'
Z225	N 30°33'36" W	110.20'
Z226	N 30°33'36" W	115.55'
Z227	N 62°11'48" W	25.95'
Z228	S 65°38'41" W	5.58'
Z229	S 49°46'07" W	62.00'
Z230	S 63°38'08" W	56.26'
Z231	N 62°11'48" W	31.58'
Z232	S 65°38'41" W	12.92'
Z233	S 49°46'07" W	68.00'
Z234	S 63°38'08" W	53.85'
Z235	S 75°14'10" W	122.42'
Z236	N 64°08'12" W	26.10'
Z237	S 77°26'56" W	5.17'
Z238	S 75°14'10" W	116.91'
Z239	N 64°08'12" W	25.77'
Z240	S 77°26'56" W	10.77'
Z241	N 57°19'01" E	47.80'
Z242	N 01°46'36" E	51.91'
Z243	N 27°28'00" W	34.81'
Z244	N 57°19'01" E	69.90'
Z245	N 01°46'36" E	63.72'
Z246	N 27°28'00" W	55.83'
Z247	N 13°46'53" E	69.14'
Z248	S 76°13'03" E	8.50'
Z249	N 13°46'53" E	69.14'
Z250	S 11°59'06" W	40.57'
Z251	N 24°10'24" W	8.50'
Z252	N 71°07'03" E	3.17'
Z253	N 71°07'03" E	15.12'
Z254	N 71°07'03" E	46.79'
Z255	N 71°07'03" E	3.75'
Z256	N 71°07'03" E	15.12'
Z257	N 71°07'03" E	41.13'



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Ft. Myers, FL. 33919
Phone: (239) 985-1200
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Authorization No. 1772

REFERENCE NO.	AREA3PLT	DRAWN BY	TH/AK
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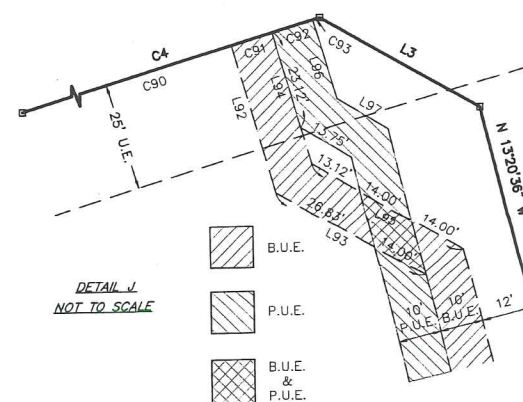
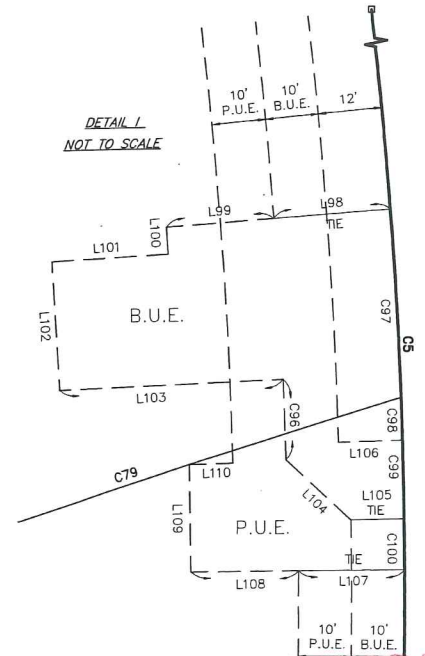
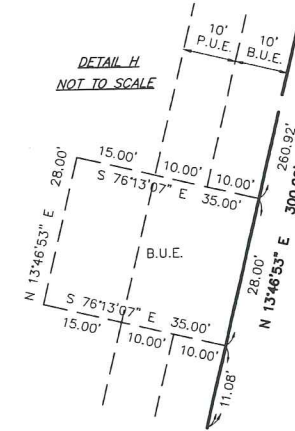
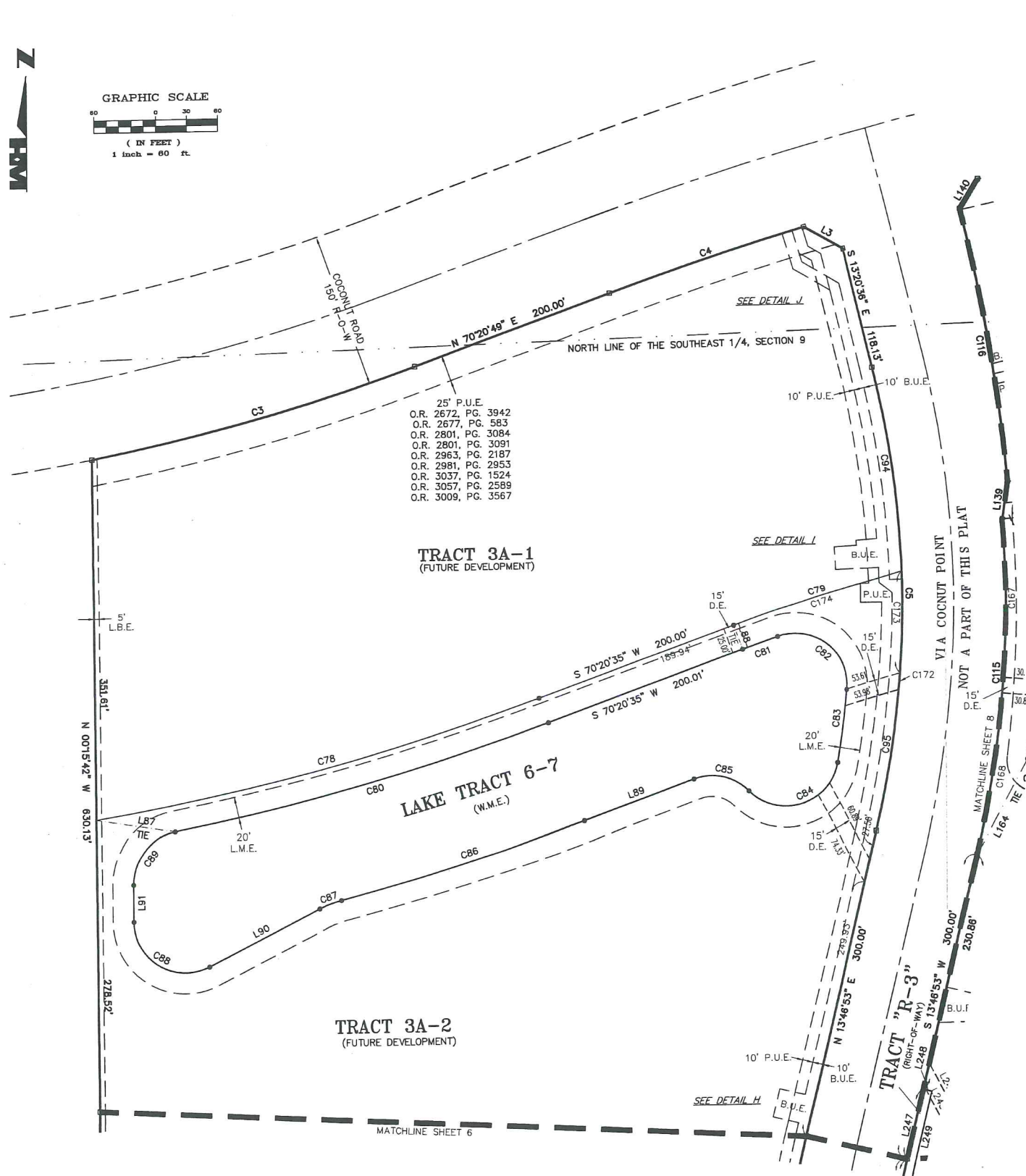
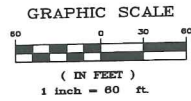
PLT 2005-00053 / DOS 2004-00260 & DOS 2005-00145

PLT 2005-00053 / DOS 2004-00260 & DOS 2005-00145

COCONUT POINT - AREA 3

A SUBDIVISION LOCATED IN A PORTION OF SECTION 9, TOWNSHIP 47 SOUTH, RANGE 25 EAST,
LEE COUNTY, FLORIDA

INSTR. # 2006000470844
SHEET 7 of 8



CURVE	RADIUS	DELTA	CHORD	BEARING	LENGTH
C1	5697.58'	04°08'48"	412.26'	N 08°27'19" W	412.35'
C3	2025.00'	09°12'28"	325.08'	N 74°57'03" E	325.43'
C4	3025.00'	03°45'16"	198.19'	N 72°13'28" E	198.22'
C5	960.00'	27°07'29"	450.25'	S 00°13'08" W	454.48'
C78	2372.00'	10°42'02"	442.35'	N 75°41'35" E	443.00'
C79	2678.00'	03°39'21"	170.84'	S 72°10'15" W	170.87'
C80	2397.00'	08°57'03"	374.08'	N 74°49'06" E	374.46'
C81	2653.00'	00°46'22"	35.79'	S 70°43'46" W	35.79'
C82	50.00'	11°46'22"	84.23'	N 51°29'52" W	100.16'
C83	910.00'	04°25'02"	70.14'	N 08°05'50" E	70.16'
C84	50.00'	125°46'00"	89.01'	N 73°11'21" E	109.75'
C85	50.00'	65°43'45"	54.27'	N 76°47'32" W	57.36'
C86	2497.00'	05°38'35"	245.83'	N 73°09'52" E	245.93'
C87	100.00'	12°56'26"	22.54'	S 69°30'57" W	22.59'
C88	50.00'	116°57'16"	85.24'	S 58°28'38" E	102.06'
C89	50.00'	79°17'38"	63.81'	S 39°38'49" W	69.20'
C90	3025.00'	03°20'38"	176.53'	S 72°01'09" W	176.55'
C91	3025.00'	00°11'22"	10.00'	S 73°47'09" W	10.00'
C92	3025.00'	00°11'22"	10.00'	S 73°58'31" W	10.00'
C93	3025.00'	00°01'54"	1.67'	S 74°05'09" W	1.67'
C94	960.00'	11°57'49"	200.09'	S 07°21'42" E	200.45'
C95	960.00'	15°09'40"	253.29'	N 06°12'03" E	254.03'
C96	938.00'	00°54'53"	14.98'	N 01°11'00" W	14.98'
C97	960.00'	02°05'36"	35.07'	N 02°25'35" W	35.08'
C98	960.00'	00°28'34"	7.98'	N 01°08'30" W	7.98'
C99	960.00'	00°36'11"	10.11'	N 00°36'08" W	10.11'
C100	960.00'	00°50'17"	14.04'	N 00°07'06" E	14.04'
C115	1060.00'	17°41'57"	326.14'	N 04°55'54" E	327.44'
C116	1794.49'	08°30'05"	266.02'	N 09°07'30" W	266.26'
C167	1060.00'	08°29'55"	157.09'	N 0019'54" E	157.23'
C168	1060.00'	08°23'23"	155.07'	N 09°35'11" E	155.21'
C172	960.00'	00°57'33"	16.07'	N 05°09'46" E	16.07'
C173	960.00'	06°03'46"	101.54'	N 01°39'06" E	101.58'
C174	2678.00'	03°33'00"	165.90'	S 72°13'25" W	165.93'

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LINE TABLE

LINE	DIRECTION	DISTANCE
L3	S 60°02'12" E	43.06'
L5	S 21°23'37" W	107.75'
L87	N 80°53'01" W	76.98'
L88	N 19°39'25" W	25.00'
L89	N 70°20'35" E	113.09'
L90	N 63°02'44" E	119.26'
L91	S 00°00'00" W	35.65'
L92	N 16°15'55" W	35.81'
L93	N 58°55'23" W	40.83'
L94	S 16°15'55" E	31.90'
L95	S 58°55'23" E	41.13'
L96	N 16°15'55" W	19.17'
L97	N 58°55'23" W	14.05'
L98	N 86°31'37" E	22.00'
L99	N 86°31'37" E	20.00'
L100	S 02°33'25" E	5.00'
L101	N 87°26'35" E	22.00'
L102	S 02°33'25" E	24.00'
L103	N 88°21'34" E	42.00'
L104	N 46°29'20" E	16.65'
L105	N 89°58'29" E	10.00'
L106	N 89°05'47" E	12.00'
L107	S 89°27'45" E	20.00'
L108	S 89°27'45" E	20.00'
L109	S 00°04'38" E	20.00'
L110	N 89°17'30" E	8.00'
L139	N 08°40'49" E	37.98'
L140	N 31°40'19" E	33.24'
L247	N 13°46'53" E	69.14'

THIS INSTRUMENT WAS PREPARED BY
JERRY L. RIFFELMACHER, P.S.M. #6130



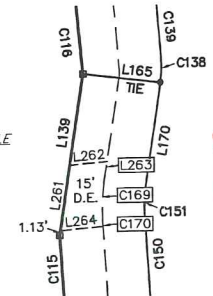
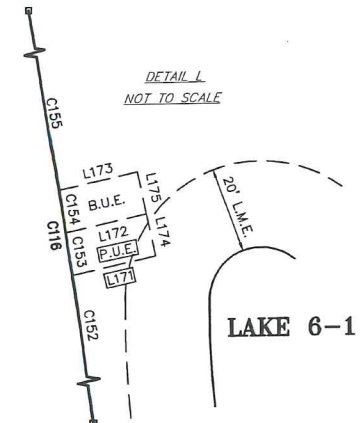
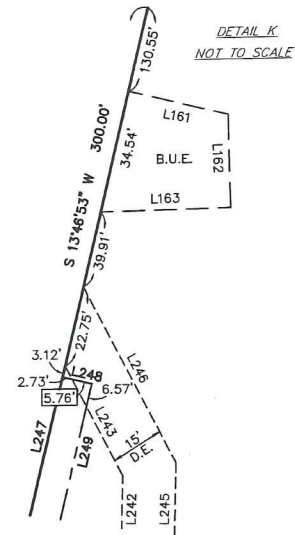
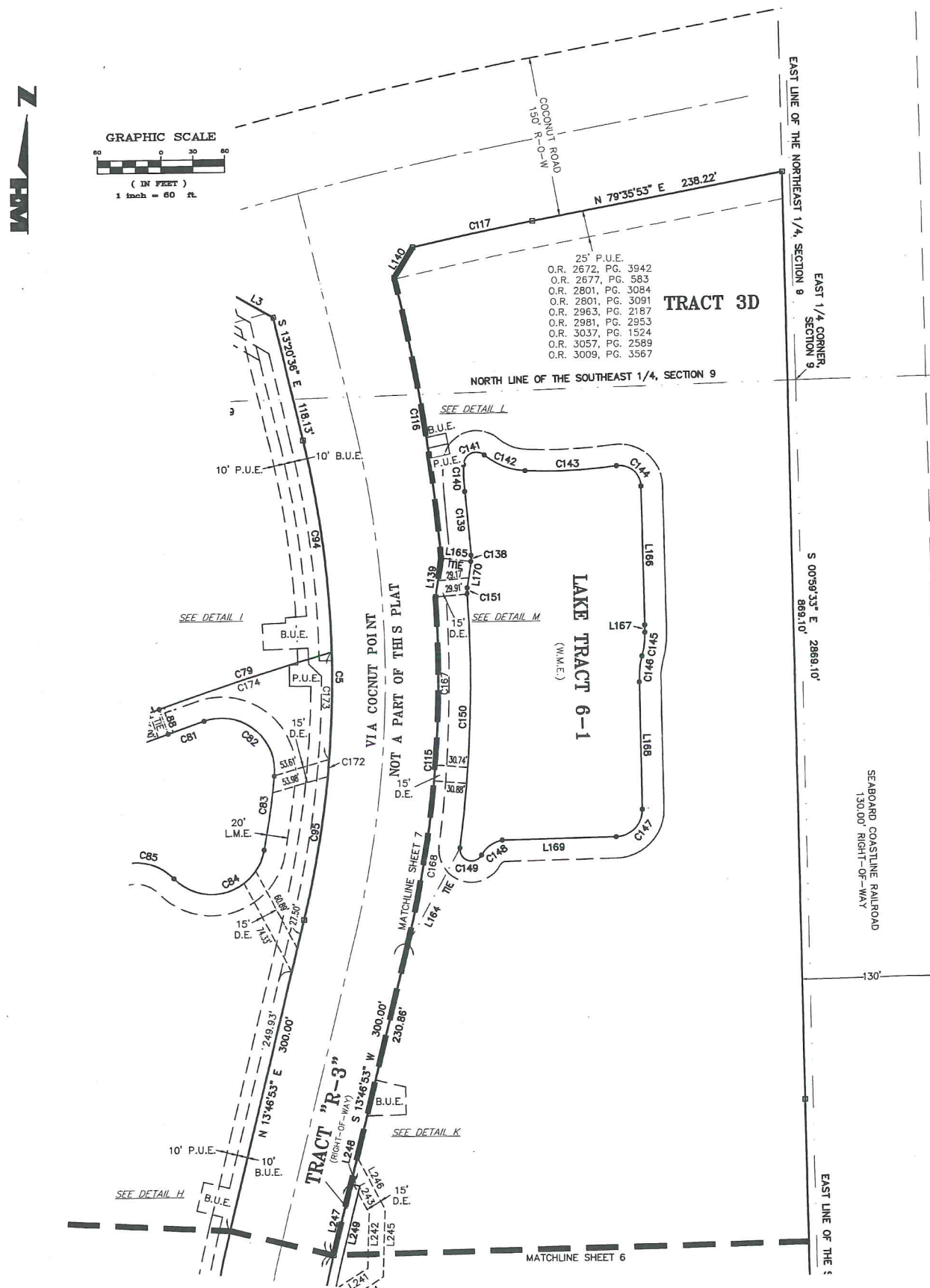
6202F Presidential Court
Ft. Myers, FL. 33919
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REFERENCE NO. AREA3PLT DRAWN BY TH/AK

INSTR. # 2006000470844

SHEET 8 of 8

A SUBDIVISION LOCATED IN A PORTION OF SECTION 9, TOWNSHIP 47 SOUTH, RANGE 25 EAST,
LEE COUNTY, FLORIDA



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ADD 2010-00093

CURVE	RADIUS	DELTA	CHORD	BEARING	LENGTH
C1	5697.58'	04°08'48"	412.28'	N 08°27'19" W	412.35'
C5	960.00'	27°07'29"	450.25'	S 00°13'08" W	454.48'
C81	2653.00'	00°46'22"	35.79'	S 70°43'46" W	35.79'
C82	50.00'	11°44'22"	84.23'	N 51°29'52" W	100.16'
C83	910.00'	04°25'02"	70.14'	N 08°05'50" E	70.16'
C84	50.00'	125°46'00"	89.01'	N 73°12'21" E	109.75'
C85	50.00'	65°43'45"	54.27'	N 76°47'32" W	57.35'
C94	960.00'	11°57'49"	200.09'	S 07°21'42" E	200.45'
C95	960.00'	15°09'40"	253.29'	N 06°12'03" E	254.03'
C115	1060.00'	17°41'57"	326.14'	N 04°55'54" E	327.44'
C116	1794.49'	08°30'05"	266.02'	N 09°30'30" W	266.26'
C117	3025.00'	02°11'36"	115.80'	N 78°30'05" E	115.81'
C138	25.00'	13°33'37"	5.90'	N 01°54'00" E	5.92'
C139	2147.24'	01°35'52"	59.88'	N 05°22'40" W	59.88'
C140	202.54'	07°08'44"	25.24'	S 02°08'47" E	25.25'
C141	12.00'	128°48'59"	21.65'	S 65°00'50" W	28.98'
C142	65.00'	37°12'33"	41.47'	S 68°21'43" E	42.21'
C143	450.00'	10°56'29"	85.80'	N 87°33'46" E	85.93'
C144	20.00'	96°47'07"	29.91'	N 49°30'55" W	33.78'
C145	77.45'	16°32'01"	22.27'	N 07°16'28" E	22.35'
C146	76.71'	18°24'15"	24.53'	S 06°20'21" W	24.64'
C147	25.00'	89°57'52"	35.34'	N 43°59'23" E	39.25'
C148	27.07'	52°23'09"	23.90'	S 55°25'25" W	24.75'
C149	11.00'	158°23'22"	21.61'	N 71°25'28" E	30.41'
C150	1175.53'	11°40'38"	239.17'	N 01°55'54" W	239.58'
C151	25.00'	12°42'22"	5.53'	S 02°22'12" W	5.54'
C152	1794.49'	02°39'28"	93.67'	N 07°19'32" W	93.68'
C153	1794.49'	00°19'12"	10.02'	N 08°01'32" W	10.02'
C154	1794.49'	00°19'12"	10.02'	N 08°20'34" W	10.02'
C155	1794.49'	04°52'13"	152.49'	N 10°56'26" W	152.54'
C169	45.00'	12°40'33"	9.84'	S 02°20'33" W	9.98'
C170	1155.53'	00°01'56"	0.65'	N 03°53'24" W	0.65'
C171	1040.00'	00°04'56"	1.18'	S 24°18'51" E	1.49'
C172	960.00'	00°57'33"	16.07'	N 05°09'48" E	16.07'
C173	960.00'	06°03'46"	101.54'	N 01°31'06" E	101.58'
C174	2678.00'	03°33'00"	165.90'	S 72°13'25" W	165.93'

LINE TABLE		
LINE	DIRECTION	DISTANCE
L3	S 06°02'12" E	43.06'
L139	N 08°40'49" E	37.98'
L140	N 31°04'19" E	33.24'
L161	S 76°10'07" E	29.00'
L162	S 00°59'47" E	28.00'
L163	S 89°00'13" W	36.85'
L164	S 29°04'14" W	102.77'
L165	S 82°47'08" E	28.42'
L166	N 01°07'21" W	130.03'
L167	N 00°59'33" W	6.96'
L168	N 00°59'33" W	120.24'
L169	N 88°58'19" E	106.95'
L170	S 08°40'49" W	24.82'
L171	N 78°01'23" E	20.00'
L172	N 78°01'23" E	19.31'
L173	N 78°01'23" E	18.67'
L174	S 11°58'37" E	10.00'
L175	S 11°58'37" E	10.00'
L247	N 13°46'53" E	69.14'
L248	S 76°13'07" E	8.50'

THIS INSTRUMENT WAS PREPARED BY
JERRY L. RIFFELMACHER, P.S.M. #6130



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6202F Presidential Court
Ft. Myers, FL. 33919
Phone: (239) 985-1200
Florida Certificate of
EYOR Authorization No.1772

REFERENCE NO.	AREA3PLT	DRAWN BY	TH/AK
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PLT 2005-00053 / DOS 2004-00260 & DOS 2005-00145



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: Coconut Point - Area 3/Pelican Colony Boulevard

Applicant's Name: Coconut Point South Village Association

STRAP Number(s): 09-47-25-37-000R1.00CE

Indicate whether REQUEST is for:

 x **ADMINISTRATIVE AMENDMENT** (please complete PART 1, PART 2., & PART 3.)

 FINAL PLAN APPROVAL (please complete PART 1, PART 2, & PART 4.)

*Planning District: Estero

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

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

PART 1. APPLICATION INFORMATION

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A. **ORIGINAL PROJECT NAME** (if different than Project Name currently used): Coconut Point - Area 3/Pelican Colony Boulevard

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.).

ADD2004-00060, ADD2004-00187 Z-07-040

ADD2006-00024, ADD2006-00229 _____

ADD2007-00028, ADD2007-00207 _____

- 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.**).

DOS2004-00260

PART 2. REQUESTED ACTION

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

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

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

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

PART 3. ADDITIONAL SUBMITTAL REQUIREMENTS FOR ADMINISTRATIVE AMENDMENT APPLICATIONS

Please submit the following for all Administrative Amendment Applications:

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

PART 4.
ADDITIONAL SUBMITTAL REQUIREMENTS FOR FINAL PLAN APPROVAL APPLICATIONS

Please submit the following for all Final Plan Approval Applications:

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

**PART 5.
SUBMITTAL REQUIREMENTS**

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

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

* At least one copy must be an original

LIST OF DEVIATIONS AND JUSTIFICATION

Deviation #1

Deviation from LDC Section 30-153 (2) 4. which requires signs to be set back a minimum of 15 feet from any street right-of-way or easement , to allow for a minimum of 2 feet setback from the US 41 right of way.

Justification for Deviation #1

A medium scale monument sign is proposed to be located within the median of Pelican Colony Boulevard. The median contains mature landscaping and a 24" RCP drainage pipe crosses under the median in the vicinity of the proposed sign. For the purposes of avoiding the existing drainage culvert and an existing royal palm tree, it is requested that the sign be installed at a location that will be 2 feet from the existing right of way. At this location the right of way of US 41 has an east-west jog of 10 feet. To the north of the sign the distance to the right of way will be 12 feet. To the south the distance is two feet. Placement of the sign at this location will not cause visibility or sight distance issues as the sign location will meet the FDOT sight distance criteria as detailed in FDOT Index No. 546. There will be a distance of more than 43 feet from the sign to the east edge of the northbound to eastbound right turn lane and more than 61 feet from the sign to the eastern edge of the US 41 northbound through lane. As such the granting of the deviation will not affect the health, safety and welfare of the public.

ADD 2010-00093
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NOV 18 2010
COMMUNITY DEVELOPMENT



ADP

10-00093

COCONUT POINT DESIGN REVIEW AUTHORITY
NORTH AND SOUTH VILLAGE

November 5, 2010

RECEIVED
NOV 18 2010

X APPROVED

 DENIED; MODIFICATIONS REQUIRED

COMMUNITY DEVELOPMENT

DEVELOPMENT AREA: Tract 3-3_3 DOPPCO / CP SVA Common Area

DATE OF PLANS RECEIVED: November 5, 2010

PLANS RECEIVED:

1. Hole Montes plans #1288-01 thru 03 (Sign Location Plan / PC Blvd-Median Sign Landscape Plan / US 41 Buffer Rev Landscape Plan) dated 11/10
2. Riggins Associates sign plan #1586-R1(Relocate & Refurbish Existing Medium Tenant Sign) dated 11/5/10

REVIEW COMMENTS:

1. Ownership and maintenance of sign to be with the Coconut Point South Village Association. Proper conveyance and legal agreement to be completed prior to construction.
2. Signage to be shared with other Coconut Point South Village owners per legal agreement. Annual expenses and reserves for repair and maintenance to be allocated by association to the actual users.
3. All landscape plant material removed from PC Blvd median and US 41 buffer to be relocated within the Coconut Point South Village common areas as directed by association.

Ned Dewhirst, P.E.
President, South Village Association Inc.

11/5/10

Date

Exh. H-3.D

Zoning Res/Zoning Docs

RECEIVED

NOV 18 2010

COMMUNITY DEVELOPMENT

ADD 2010-00093

LEE COUNTY
RECEIVED

12 DEC 20 AM 8:57

CO. HL. DEV/
PUB. WORKS. CNTR.
SECOND FLOOR

714
RESOLUTION NUMBER Z-02-009

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

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

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

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

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

SECTION A. REQUEST

The applicant filed a request to:

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

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

SECTION B. CONDITIONS:

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

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

CASE NO: DRI2000-00015 & DCI2001-00005

Z-02-009

Page 1 of 18

RECEIVED

NOV 18 2010

ADD 2010-00093

COMMUNITY DEVELOPMENT

December 9, 2002, and stamped "Received Dec 12 2002 Community Development." The development must also be consistent with the approved DRI Development Order for Coconut Point DRI (DRI#09-2001-153). This development must comply with all requirements of the Lee County LDC at time of local development order approval, except as may be granted by deviation as part of this planned development. If changes to the Master Concept Plan are subsequently pursued, appropriate approvals will be necessary.

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

a. Schedule of Uses

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

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

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

Permitted uses within Tract 1D

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

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

Permitted uses within Tracts 1E and 1F

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

Permitted uses within Tract 2A (Regional Mall Parcel)

Accessory Uses and Structures permitted ancillary to a permitted principal use

Administrative offices

Animal clinic

ATM (automatic teller machine)

Auto parts store

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

Banks and financial establishments, Group I

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

Business services, Groups I and II

Cleaning and maintenance services

Clothing stores, general

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

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

Cultural facilities, excluding zoos

Day care center, adult, child

Department Store

Drive thru facility for any permitted use

Dwelling Units:

- *Single-family

- *Duplex

- Multiple-Family Building

- Townhouse

- *Two-family attached

- *Zero lot line

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

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

Essential services

Essential service facilities, Group I

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

Fences, walls

Food Store, Group I

Gift and souvenir shop

Hardware store

Hobby, toy, and game shops

Hotel/motel

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

Insurance companies

Laundry or dry cleaning Group I

Lawn and garden stores

Nonstore retailers, all groups

Paint glass and wallpaper store

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

Permitted uses within Tract 2B - 1

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

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

Permitted uses within Tract 2B - 2

- Accessory Uses and Structures permitted ancillary to a permitted principal use
- Administrative offices
- Club, private
- Dwelling Units:
 - *Single-Family
 - *Duplex
 - Multiple-Family Building
 - Townhouse
 - *Two-family attached
 - *Zero lot line
 - *(may be approved administratively upon finding that the use is compatible with other uses in the tract and consistent with the Traffic Conversion Table)
- Entrance Gate and Gatehouse, in compliance with LDC §34-1748
- Essential Services
- Essential Service Facilities, Group I
- Excavation, water retention
- Fences, walls
- Home occupation, with no outside help

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

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

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

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

Permitted uses within Tracts 3A and 3C

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

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

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

Permitted uses within Tracts 3B and 3D

Accessory Uses and Structures permitted ancillary to a permitted principal use

Administrative offices
Adult Living Facilities (ALF) (Tract 3B only)
Club, private
Dwelling Unit:

- *Single-Family
- *Duplex
- Multiple-Family Building
- Townhouse
- *Two-family attached
- *Zero lot line

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

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

Essential Services
Essential Service Facilities, Group I
Excavation, water retention
Fences, walls
Home occupation, with no outside help
Model display center
Model home
Model unit
Parking lot, accessory only
Parks, Group I, limited to neighborhood park
Recreation Facilities, Private on-site, Personal
Residential Accessory Uses
Signs, in compliance with LDC Chapter 30

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

Tract 1A, 1B 1C and 1D

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

Minimum Setbacks

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

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

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

Maximum Building Height: 45 feet / 3 stories

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

Minimum Lot Size: Townhouse

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

Minimum Setbacks:

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

Minimum Lot Size: Multiple Family Building

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

Minimum Setbacks

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

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

Maximum Building Height: 45 feet / 3 stories

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

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

Minimum Setbacks

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

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

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

<u>Maximum Building Height for: Tract 2A and Tract 3A:</u>	60 feet / 5 stories *
---	-----------------------

*subject to the following setback from Sandy Lane Extension:	
	Tract 2A 300 feet
	Tract 3A 100 feet

Tract 2E

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

Minimum Setbacks

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

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

<u>Maximum Building Height:</u>	40 feet / 2 stories
--	---------------------

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

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

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

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

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

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

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

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

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

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

SECTION C. EXHIBITS AND STRAP NUMBER:

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

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

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

SECTION D. FINDINGS AND CONCLUSIONS:

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

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

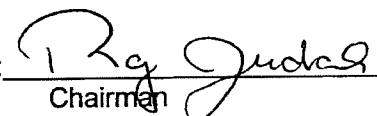
Robert P. Janes	Aye
Douglas R. St. Cerny	Aye
Ray Judah	Aye
Andrew W. Coy	Absent
John E. Albion	Aye

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

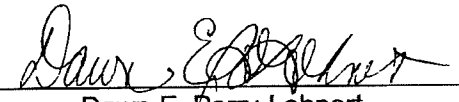
ATTEST:
CHARLIE GREEN, CLERK

BY: 
Deputy Clerk

BOARD OF COUNTY COMMISSIONERS
OF LEE COUNTY, FLORIDA

BY: 
Chairman

Approved as to form by:


Dawn E. Perry-Lehnert
County Attorney's Office

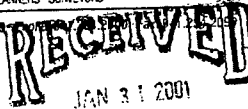


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EXHIBIT "A"
LEGAL DESCRIPTION
Property located in Lee County, Florida
PAGE 1 OF 3



950 Encore Way - Naples, Florida 34110



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

PERMIT COUNTER

LEGAL DESCRIPTION

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

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

AND

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

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

DCI 2001-00005

Naples - Fort Myers - Venice - Englewood

HM PROJECT #1997079
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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

APP. 3 0 0 1 5

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EXHIBIT "A" PAGE 3 OF 3

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PAGE 3 OF 23

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

NOTES:

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

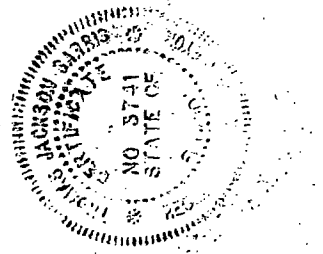
TOTAL PROPERTY AREA: 482.421 ACRES, MORE OR LESS.

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

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

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

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



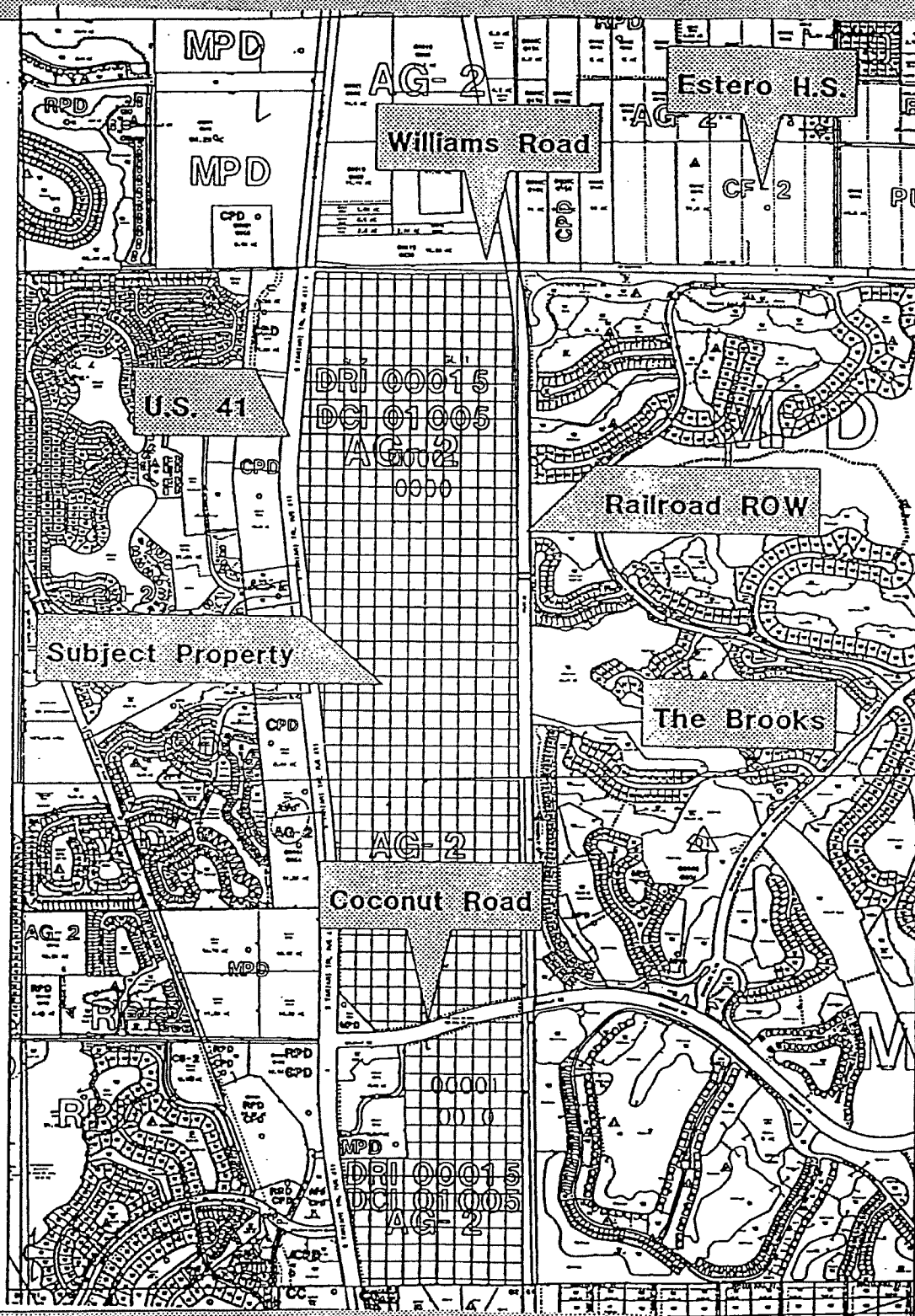
Applicant's Legal Checked

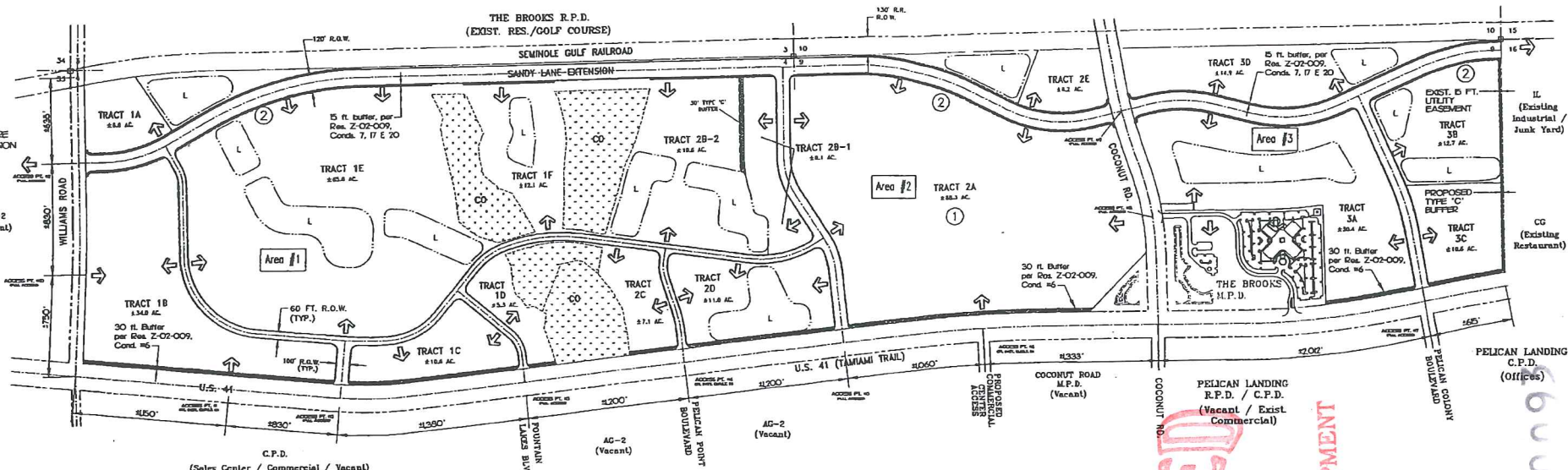
by Jm 1/13/02

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DCI 2001-00005
DRI 2000-00015

ZONING MAP





PROJECT SUMMARY:

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

2.) OVERALL CONCEPTUAL PROJECT ACREAGES:

CONSERVATION AREAS	± 32.7 ACRES
INTERNAL (PRIVATE) R.O.W.	± 47.1 ACRES
INTERNAL (PUBLIC) R.O.W.	± 20.2 ACRES
INTERNAL (PUBLIC) R.O.W.	± 30.0 ACRES
GREEN AREAS / OPEN SPACE	± 11.6 ACRES
DEVELOPMENT TRACT AREAS	± 340.8 ACRES
TOTAL	± 482.4 ACRES

3.) CONCEPTUAL TRACT LAND USE/ACREAGE BREAKDOWN:

a.) DEVELOPMENT AREAS:

Development Area #1: (Residential - 330 M.F. Units / Retail - Comm. 280,000 Sq.Ft. / Office 70,000 Sq.Ft.)	
Proposed Lakes	± 17.3 Ac.
Proposed Internal/Private R.O.W.	± 8.1 Ac.
Proposed Public R.O.W. (Sandy Lane Extension)	± 12.1 Ac.
Conservation Areas	± 32.7 Ac.
Green Areas / Open Space	± 6.5 Ac.
Development Areas (Tracts 1A - 1F)	± 134.2 Ac.

Total Development Area #1 ± 210.9 Ac.

Development Area #2: (Residential - 700 M.F. Units / Retail - Comm. 1,430,000 Sq.Ft. / Office 93,000 Sq.Ft. / Hotel - 430 Rooms)

Proposed Lakes	± 16.1 Ac.
Proposed Internal/Private R.O.W.	± 8.0 Ac.
Proposed Public R.O.W. (Sandy Lane Extension)	± 9.9 Ac.
Green Areas / Open Space	± 2.2 Ac.
Development Areas (Tracts 2A - 2E)	± 139.5 Ac.

Total Development Area #2 ± 175.7 Ac.

Development Area #3: (Residential - 450 M.F. Units / A.L.F. Units / Retail - Comm. 70,000 Sq.Ft. / Office 140,000 Sq.Ft. / Hotel - 150 Rooms)

Proposed Lakes	± 13.7 Ac.
Proposed Internal/Private R.O.W.	± 4.1 Ac.
Proposed Public R.O.W. (Sandy Lane Extension)	± 8.0 Ac.
Green Areas / Open Space	± 1.4 Ac.
Development Areas (Tracts 3A - 3D)	± 68.6 Ac.

Total Development Area #3 ± 95.8 Ac.

b.) MAXIMUM DEVELOPMENT TRACT INTENSITY:

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

Development Area #1:

Tract 1A	15,000 s.f. Retail / 30,000 s.f. Office
Tract 1B	250,000 s.f. Retail / 30,000 s.f. Office
Tract 1C	40,000 s.f. Retail / 20,000 s.f. Office
Tract 1D	15,000 s.f. Retail / 20,000 s.f. Office
Tract 1E	500 M.F. DU's
Tract 1F	100 M.F. DU's

Development Area #2:

Tract 2A	1,300,000 s.f. Retail / 100 M.F. DU's / 200 Room Hotel
Tract 2B-1	60,000 s.f. Retail / 20,000 s.f. Office / 200 Room Hotel
Tract 2B-2	200 M.F. DU's
Tract 2C	40,000 s.f. Retail / 20,000 s.f. Office / 200 Room Hotel
Tract 2D	50,000 s.f. Retail / 30,000 s.f. Office / 200 Room Hotel
Tract 2E	20,000 s.f. Retail / 30,000 s.f. Office

Development Area #3:

Tract 3A	60,000 s.f. Retail / 130,000 s.f. Office / 150 Room Hotel
Tract 3B	250 M.F. DU's
Tract 3C	40,000 s.f. Retail / 30,000 s.f. Office / 150 Room Hotel
Tract 3D	250 M.F. DU's

4.) PROJECT PHASING:

	M.F. / A.L.F. (UNITS)	RETAIL (SQ.FT.)	COMM. (SQ.FT.)	OFFICE (SQ.FT.)	HOTEL (ROOMS)
--	-----------------------	-----------------	----------------	-----------------	---------------

2001 - 2006 1,200* 1,800,000 300,000 600

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

5.) CONCEPTUAL OPEN SPACE:

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

Development Area #1:			
(LESS Sandy Lane Ext. & Tracts 1E & 1F)	121.1 Ac. ± 30%	± 36.3 Ac.	
(Tracts 1E & 1F)	77.7 Ac. ± 40%	± 31.1 Ac.	
Development Area #2:			
(LESS Sandy Lane Ext. & Tract 2B-2)	147.0 Ac. ± 30%	± 44.1 Ac.	
(Tract 2B-2)	18.8 Ac. ± 40%	± 7.5 Ac.	
Development Area #3:			
(LESS Sandy Lane Ext. & Tracts 3B & 3D)	60.2 Ac. ± 30%	± 18.1 Ac.	
(Tract 3B & 3D)	27.6 Ac. ± 40%	± 11.0 Ac.	
Total Open Space Required:		± 148.1 Ac.	

The % of Open Space may vary depending upon the ultimate land uses.

b.) PROVIDED (per L.C.D.C.):

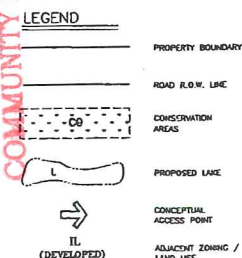
Prop. Lake Areas (0.5% of 148.1 Ac.)	± 37.8 Ac.
Prop. Conservation Areas	± 32.7 Ac.
Prop. Green Areas / Open Space	± 11.1 Ac.
Residential Development:	
(Tracts 1E, 1F, 2B-2, 3B & 3D) (± 130 B Ac. @ 30%)	± 39.2 Ac.
Commercial Development:	
(Tracts 1A - 1D, 2A, 2B-1, 2C - 2E, 3A & 3C) (± 210.1 Ac. @ 13.4%)	± 28.1 Ac.
Total Open Space Provided:	± 148.1 Ac.

6.) INDIGENOUS OPEN SPACE:

DUE TO THE EXISTING AGRICULTURAL LAND USE AND THE EXTENT OF MELALEUCA INVASION, WITHIN THE REMAINING FORESTED AREAS, NO INDIGENOUS OPEN SPACE IS REQUIRED.

7.) NOTES:

- Locations / configurations of proposed land uses, such as lakes, conservator areas, roadways and open space are conceptually shown and subject to change during final design / permitting.
- The suggestion of proposed commercial tracts 1B and 2A for abutting principle buildings is subject to L.D.C. Sec. 34-222(1)(b).



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DEC 12 2002
COMMUNITY DEVELOPMENT

DRI 2000-00015
And
DCI 2001-00005

APPROVED
Master Concept Plan
Site Plan # 03-009 Page 1 of 1
Subject to conditions in Resolution Z-02-009
Case # DCI 2001-00015 - DCI 2001-00005

PRINTED
DEC 10 2002
SCALE: 1" = 400'
DRAWING CURRENT AS OF: 12/04/02

12/09/02	Revised per County Attorney's Office Memo
12/19/02	Revised Tracts / B.S. Cuts / Permitted Units
03/09/03	Revised per County Staff 1st P.A.L.
DATE	REVISIONS

6202-F Presidential Court
Fort Myers, FL 33919
Phone : (941) 885-1200
Professional Registration No. 1772
Noplas - Fort Myers - Venice - Englewood



COCONUT POINT
MASTER CONCEPT PLAN

DATE	DATE
D.P.W. /	10/09/00
C.R.B.	10/09/00
H.E.D.	10/09/00
PER. SCALE	1" = 400'
DRAWING NO.	
REFERENCE NO.	9779BMCP
PROJECT NO.	97.79B
SHEET NO.	1 of 2

EXHIBIT C

EXHIBIT IV-E

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

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

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

I. FINDINGS OF FACT AND CONCLUSIONS OF LAW

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

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

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

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

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

RECEIVED

NOV 18 2010

ADD 2010-00093

COMMUNITY DEVELOPMENT

The property is currently in active agricultural use.

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

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

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

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

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

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

II. ACTION ON THE REQUEST AND CONDITIONS OF APPROVAL

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

A. AFFORDABLE HOUSING

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

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

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

B. ENERGY

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

These features are:

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

transit system to service the project area.

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

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

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

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

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

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

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

11. Including porch and patio areas in residential units.

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

C. STORMWATER MANAGEMENT

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

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

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

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

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

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

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

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

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

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

inspection.

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

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

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

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

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

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

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

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

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

D. TRANSPORTATION

1. Significant Impacts

a. Assessment Parameters

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

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

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

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

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

b. *Buildout Impacts*

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

Roadway Improvements Needed

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

Intersection Improvements Needed

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

Coconut Road @ Sandy Lane⁽²⁾

Corkscrew Road @ Ben Hill Griffin Parkway⁽¹⁾

Corkscrew Road @ River Ranch Road⁽¹⁾
Corkscrew Road @ Three Oaks Parkway

I-75 @ Corkscrew Road⁽¹⁾

Old 41 @ Dean Street⁽¹⁾
Old 41 @ Pennsylvania Avenue⁽¹⁾
Old 41 @ West Terry Street⁽¹⁾

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

US 41 @ Pelican Colony Boulevard

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

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

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

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

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

2. Mitigation

a. Buildout Proportionate Share

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

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

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

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

b. *Mitigation Options*

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

(1) Traffic Mitigation Option 1

(a) Payment

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

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

(b) Concurrency

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

(2) Traffic Mitigation Option 2

(a) Payment

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

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

(b) Development Agreement

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

c. *Application of Payments*

(1) Cash.

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

(2) Pipelined Improvements.

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

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

at the Developer's sole expense.

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

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

d. *Buildout Extension*

(1) Requirement for Reanalysis

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

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

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

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

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

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

(2) Alternative for Reanalysis

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

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

3. Comprehensive Plan Mitigation

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

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

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

4. Access and Site Related Improvements

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

EXHIBIT "A" PAGE 3 OF 3

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

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

NOTES:

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

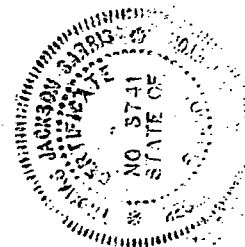
TOTAL PROPERTY AREA: 482.421 ACRES, MORE OR LESS.

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

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

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

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



Applicant's Legal Checked

by Jm 1/13/02

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DCI 2001-00005
DRI 2000-00015

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

5. Committed Improvements

Roadway Improvements

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

US 41		
- Old 41 (Collier County)	03	6 Lanes
to N. of Bonita Beach Road		
- San Carlos Boulevard to Alico Road	U/C	6 Lanes
Williams Road		
- River Ranch Road to Three Oaks Parkway	02	2 Lane Ext.

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

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

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

6. Annual Transportation Monitoring Program

a. *Design of Monitoring Program*

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

b. *Submittal of Monitoring Report*

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

c. *Minimum Requirements for Report Contents*

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

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

d. *Implications*

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

7. Pedestrian/Bicycle and Transit Facilities

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

E. VEGETATION AND WILDLIFE/WETLANDS

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

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

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

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

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

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

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

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

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

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

F. HURRICANE PREPAREDNESS

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

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

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

- (2) emergency lighting;
 - (3) life safety equipment (i.e., intercom, fire and smoke alarms); and
 - (4) refrigeration and cooking equipment.
- e. have an auxiliary potable water supply.

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

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

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

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

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

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

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

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

G. WASTEWATER MANAGEMENT/WATER SUPPLY

1. The Developer will obtain a SFWMD permit for groundwater withdrawals for landscape irrigation, for irrigation well construction, as well as for any dewatering needed to construct the project lakes, roads or building foundations.

2. The Developer will utilize water conserving devices and methods necessary to meet the criteria established in the water conservation plan of the public water supply permit issued to Bonita Springs Utilities (BSU).

3. The Developer will coordinate with BSU or other water supplier to ensure that adequate potable water is available to meet the demands of the project.

4. The Developer will provide any necessary verification to the SFWMD that the Developer's plumbing and irrigation designs are consistent with District rules.

5. The Developer must demonstrate at the time of local development order approval that sufficient potable water and wastewater treatment capacity is available. If

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

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

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

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

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

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

H. COMPREHENSIVE PLAN

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

I. POLICE AND FIRE PROTECTION

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

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

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

adopted Life Safety and Fire Code requirements.

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

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

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

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

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

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

J. EDUCATION

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

RECEIVED
NOV 18 2010

COMMUNITY DEVELOPMENT

DULY PASSED AND ADOPTED this 21st day of October 2002

ATTEST:
CHARLIE GREEN, CLERK

By: Charlie Green

BOARD OF COUNTY COMMISSIONERS
OF LEE COUNTY, FLORIDA

By: Ray Judah

Approved as to form

By: Dawn E. Perry-Lehnert

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

S:\LUDRI\FINALDO\Coconut Point DRI.wpd
Final

ADD 2010-00093

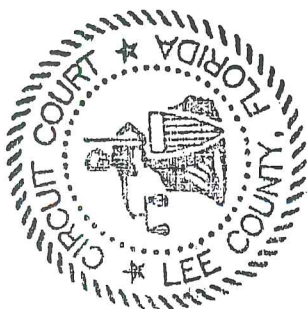
State of Florida
County of Lee

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

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

CHARLIE GREEN, CLERK

By: Charlie Green
Deputy Clerk



Exhibits:

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

RECEIVED

NOV 18 2010

COMMUNITY DEVELOPMENT

ADD 2010-00093

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



950 Encore Way - Naples, Florida 34110



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

PERMIT COUNTER

LEGAL DESCRIPTION

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

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

AND

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

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

DCI 2001-00005

Naples - Fort Myers - Venice - Englewood

EXHIBIT "A" PAGE 2 OF 3

HM PROJECT #1997079

1/17/01

REF. DWG. #A-994-2

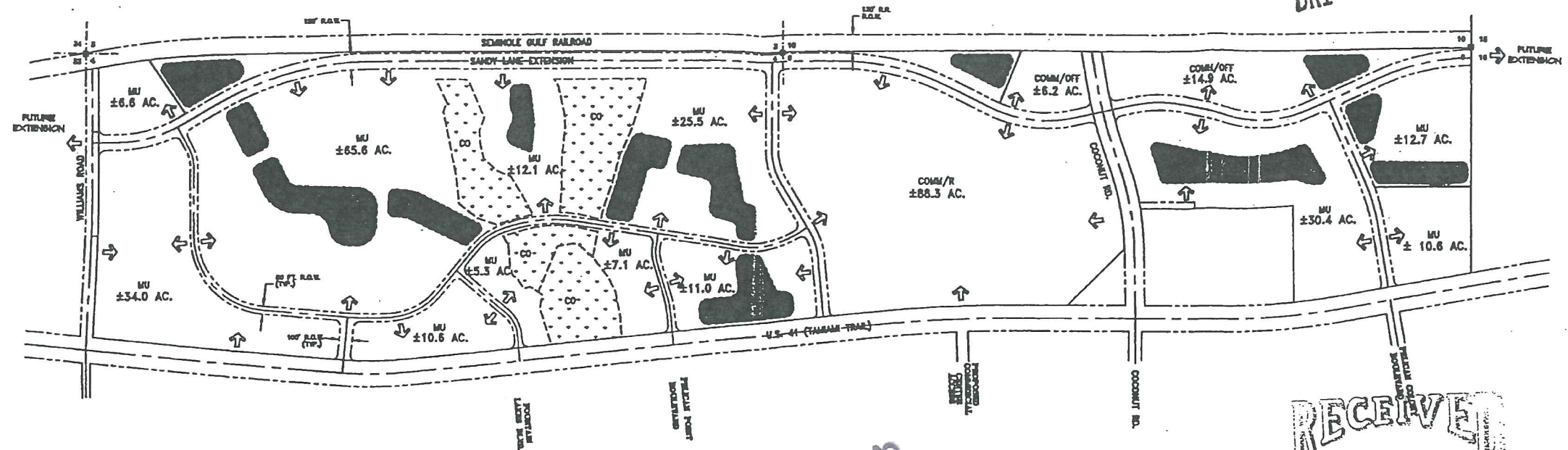
PAGE 2 OF 23

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

DRI 2000-00015

NOT TO SCALE

DRI 2000-00015



LAND USE BREAKDOWN

CONSERVATION AREAS	±32.7 ACRES
LAKES	±47.1 ACRES
INTERNAL R.O.W.	±80.2 ACRES
GREEN AREA / OPEN SPACE	±11.8 ACRES
DEVELOPMENT AREAS	±340.8 ACRES
TOTAL	±462.4 ACRES

PROJECT INTENSITY

RESIDENTIAL UNITS	1,200
COMMERCIAL/RETAIL (GROSS LEASABLE AREA)	1,800,000
GENERAL OFFICE (S.F.)	200,000
MEDICAL OFFICE (S.F.)	100,000
HOTEL (ROOMS)	800

- NOTES:**
1. LOCATIONS/CONFIGURATIONS OF PROPOSED LAND USES, SUCH AS LAKES, CONSERVATION AREAS, ROADWAYS AND OPEN SPACE ARE CONCEPTUALLY SHOWN AND SUBJECT TO CHANGE DURING FINAL DESIGN/PERMITTING.
 2. THE MIXED USE (MU) DESIGNATION CONTAINS A MIX OF RETAIL/COMMERCIAL, HOTEL, OFFICE, RESIDENTIAL, ALF, AND PUBLIC FACILITY LAND USES.

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FEB 07 2001

ZONING COUNTER

LEGEND

- | | |
|---------------|-------------------------|
| COMM | RETAIL/COMMERCIAL |
| MU | MIXED USE |
| OFF | OFFICE/MEDICAL |
| R | RESIDENTIAL |
| --- | PROPERTY BOUNDARY |
| --- | ROAD R.O.W. LINE |
| [Pattern] | CONSERVATION AREAS |
| [Solid Black] | PROPOSED LAKE |
| [Arrow] | CONCEPTUAL ACCESS POINT |

ADD 2010-00093

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COMMUNITY DEVELOPMENT

EXHIBIT B

September 2000
Not to Scale



Simon Suncoast

Map H - Master Development Plan

DRI
EXHIBIT C

Development Parameters and Phasing Schedule

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

* Gross Leasable Area

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

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COMMUNITY DEVELOPMENT

ADD 2010-00093

DRI
EXHIBIT D

ANNUAL MONITORING REPORT REQUIREMENTS

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

- A. Any changes in the plan of development or in the representations contained in the application for development approval, or in the phasing for the reporting year and for the next year;
- B. A summary comparison of development activity proposed and actually conducted for the year;
- C. Identification of undeveloped tracts of land, other than individual single family lots, that have been sold to separate entities or developers.
- D. Identification and intended use of lands purchased, leased, or optioned by the Developer adjacent to the original DRI site since the development order was issued;
- E. A specific assessment of the Developer's and the local government's compliance with each individual condition of approval contained in the DRI Development Order and the commitments which are contained in the application for development approval and which have been identified by the local government, the RPC, or the DCA as being significant;
- F. Any requests for substantial deviation determination that were filed in the reporting year and to be filed during the following year;
- G. An indication of a change, if any, in local government jurisdiction for any portion of the development since the development order was issued;
- H. A list of significant local, state, and federal permits which have been obtained or which are pending by agency, type of permit, permit number and purpose of each;
- I. A statement that all persons have been sent copies of the annual report in conformance with Subsections 380.06(15) and (18), Florida Statutes;
- J. A copy of any recorded notice of the adoption of a development order or the subsequent modification of an adopted development order that was recorded by the Developer pursuant to Paragraph 380.06(15)(f), Florida Statutes.

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

DRI
EXHIBIT E
Calculation of Road Impact Fee Obligation

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

ADMINISTRATIVE AMENDMENT (PD) ADD2004-00060

ADMINISTRATIVE AMENDMENT
LEE COUNTY, FLORIDA

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

1. **Revise the approved Master Concept Plan to change the tract layout for Area #2 with related changes to the land use table, open space calculations, internal access points, and Schedule of Uses.**
2. **Revise the waiver and re-wording of Conditions #3, #5, and #9 of Resolution Z-02-009 granted in ADD2003-00060 to allow work to proceed on lake excavation and ground preparation and development of a building for the Estero Fire District and a temporary sales facility for the Rapallo development.**
3. **Approval of a pedestrian circulation plan as provided for in Condition #14 of Resolution Z-02-009.**
4.
 - a. **Confirmation of off-street parking regulations for the development.**
 - b. **Confirmation of parking ratios for restaurants and retail use when part of the Regional Shopping or Community Center when not part of the outparcels.**
5. **Approval of the Site Lighting Standards in accordance with Condition #18 of Resolution Z-02-009.**
6. **Deviation from LDC Section 34-2016(2) a.2. requiring the use of parking bumpers, to eliminate this requirement where enlarged medians and green space is provided within the parking areas.**
7. **Temporary Site Signage (already approved as part of ADD2004-00060(A)).**
8. **Revision of the Schedule of Uses to allow the development of Bank and Financial Establishment on Tract 1D.**
9. **Clarification of open space for residential uses above commercial uses.**
10. **Revise Conditions 3 and 5 allowing site development work but not allowing vertical development until the Conditions are met. (Approved in ADD2003-00060 and re-stated in this action)**

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

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

See attached Exhibit A

WHEREAS, the property was originally rezoned in case number Z-02-009 (with subsequent amendments in case numbers DRI2000-00015; DCI2001-00005); 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 has been reviewed by the Lee County Department of Community Development in accordance with applicable regulations for compliance with all terms of the administrative approval procedures; and

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

NOW, THEREFORE, IT IS HEREBY DETERMINED that the application for administrative approval for to amend the existing Mixed Use Planned Development to allow the following changes is approved with conditions:

- 1. Revise the approved Master Concept Plan to change the tract layout for Area #2 with related changes to the land use table, open space calculations, internal access points, and Schedule of Uses.**
- 2. Revise the waiver and re-wording of Conditions #3, #5, and #9 of Resolution Z-02-009 granted in ADD2003-00060 to allow work to proceed on lake excavation and ground preparation and development of a building for the Estero Fire District and a temporary sales facility for the Rapallo development.**
- 3. Approval of a pedestrian circulation plan as provided for in Condition #14 of Resolution Z-02-009.**
- 4. a. Confirmation of off-street parking regulations for the development.**

- b. Confirmation of parking ratios for restaurants and retail use when part of the Regional Shopping or Community Center when not part of the outparcels.
5. Approval of the Site Lighting Standards in accordance with Condition #18 of Resolution Z-02-009.
6. Deviation from LDC Section 34-2016(2) a.2. requiring the use of parking bumpers, to eliminate this requirement where enlarged medians and green space is provided within the parking areas.
7. Temporary Site Signage (already approved as part of ADD2004-00060(A)).
8. Revision of the Schedule of Uses to allow the development of Bank and Financial Establishment on Tract 1D.
9. Clarification of open space for residential uses above commercial uses.
10. Revise Conditions 3 and 5 allowing site development work but not allowing vertical development until the Conditions are met. (Approved in ADD2003-00060 and re-stated in this action)

1. Condition 1 of Resolution Z-02-009 is hereby amended to read as follows:
 1. The development of this project must be consistent with the one- page Master Concept Plan, stamped received May 24, 2004, except as modified by the conditions below. 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.

This includes the change to the Plan permitting the development of a Temporary Sales Facility on Tract 1C. Development of this facility must comply with the Design Review Guidelines for this project.
2. Condition 3 of Resolution Z-02-009 is hereby amended to read as follows:
 3. The development of the subject property must include a regional shopping center, which incorporates a shopping center and commercial and residential tracts all developed with a common architectural theme. The entire project

must include a common landscaping and graphic theme throughout the project. The architectural theme, landscaping and graphic design theme must be reviewed and approved by the Lee County Department of Community Development prior to the issuance of any local development order for the first local development order for vertical development of any buildings on the property. Any change from the proposed "regional mall" development will necessitate an amendment to the MPD zoning approval through the public hearing process.

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

3. Condition 5 of Resolution Z-02-009 is hereby amended to read as follows:

5. This development, including the proposed regional shopping center, must incorporate a common architectural theme on all sides of all buildings that are visible from the Brooks MPD, YU.S. 41, Coconut Road, Williams Road and Sandy Lane Extension rights-of-way to ensure an equally attractive architectural elevation for all facets of the development. The common architectural theme must include streetscape landscaping and enhanced building architectural features. This condition is applicable to the entire development including any proposed outparcels within the MPD. A plan reflecting the design standards required by this condition must be submitted for review and approval by the Lee County Department of Community Development prior to the issuance of any local Development Order for the first local development order for vertical development of any buildings on for the property within the MPD.

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

4. Condition 9 of Resolution Z-02-009 is hereby amended to read as follows:

9. Prior to local development order for the first local development order for vertical development of any buildings, open space must be provided as detailed in the open space table on the Master Concept plan with the condition that any residential dwelling units requiring open space per LDC§10-415(a) must provide 30 percent common open space within Tracts 1-E, 1-F, 2-B2, 3-B, and 3-D.

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

5. Coupled with the approval of the changes to Condition 1 of Resolution Z-00-009 the following condition is hereby adopted:

Prior to local development order approval, the development order plans must include a detailed planting plan for the upland preservation area north of Tract 2B that provides the specifications for the native shrubs (species, size and number) to be installed prior to issuance of a Certificate of Compliance. A minimum of 500 shrubs must be planted provided this does not contradict the preserve management plan per Florida Fish and Wildlife Conservation Commission requirements of the Development of Regional Impact Development Order. The shrubs must be planted in a random manner to mimic a natural system. The shrubs must be native species tolerant of periodic flooding such as wax myrtle, myrsine, and cocoplum. Fifty percent of the shrubs must be a minimum 4-foot height, and fifty percent must be a minimum 3-gallon container size at time of installation. All shrubs must be mulched with a pine straw (3-inch layer; 24-inch radius).

6. Condition 2.a. is hereby amended to adopt a new Schedule of Uses as found in attached Exhibit A.
7. The Land Use Breakdown Table must be consistent with Note 3 on the approved Master Concept Plan in Condition 1.
8. In accordance with Condition #14 of Resolution Z-02-009, the three-page Attachment D (Sheet 1 through Sheet 3) is approved and adopted as the pedestrian circulation plan for this development.
9. The calculation of parking may be calculated as a whole for each of the proposed three (3) phases. Within each Phase as long as each Phase contains less than 600,000 square feet then parking maybe calculated at a rate of 4.5 parking spaces per thousand square feet. Included in this calculation may be restaurants and retail shops not attached to but incorporated in the individual Phase.

Excluded from this provision are all areas identified as "outlots", depicted in Attachment E. These must be developed with sufficient parking to support the use located in these outlots.

10. Deviation seeking relief from LDC Section 34-625(d)(4)a. which requires a maximum height of 25 feet for light poles for parking lots and vehicular use areas; to allow 30 feet. This deviation is **APPROVED**.
11. Deviation seeking relief from LDC Section 34-2016(2)a.2 which requires the use of parking pumps in parking lots; to eliminate this requirement subject to use of landscape medians in the parking areas. This deviation is **APPROVED subject to the condition that the parking lots are designed with landscaped medians substantially consistent with attached plan noted as Attachment J, "Proposed Project Parking/Landscaping Plan"**.

12. As a clarification of the original approval, if residential uses are proposed within buildings with commercial uses on the ground floor, the open space requirement is 30%.
13. Deviation seeking relief from LDC Section 10-329(d)(4) which requires slopes along the banks of excavation, to allow the use of bulkheads as delineated on the Plan noted as Attachment O, Bulkhead Exhibit. This deviation is APPROVED subject to the following condition:

If bulkheads are utilized in the final site design, then the Paving and Grading, and Landscape Plans must delineate the location of the bulkheads in substantial compliance with the attached Bulkhead Exhibit (attached hereto). The design of the lake adjacent to the bulkheads must include a compensatory littoral zone with a 4:1 slope with a 5-foot littoral shelf equivalent to the linear footage of the bulkhead along the bulkhead, or an alternative compensatory littoral zone reviewed and approved by the Division of Environmental Sciences. The littoral planting requirements within any lake utilizing bulkheads must be calculated as two (2) herbaceous littoral plants per linear foot of shoreline for the lakes delineated on the Bulkhead Planting Exhibit (attached hereto), and the placement of the littoral vegetation must be concentrated within the compensatory littoral zone. Native wetland trees and/or shrubs may be used to meet the littoral planting requirement with one 7-gallon tree or two 3-gallon shrubs credited as 10 herbaceous littoral plants.

14. In accordance with Conditions 3 and 5 of Resolution Z-02-009, the submitted Design Review Guidelines are conceptually approved. All vertical development and signage must be consistent with these guidelines and the Lee County Land Development Code.

DULY SIGNED this 11th day of June, A.D., 2004.

BY: 

Pam Houck, Director

Division of Zoning

Department of Community Development

EXHIBIT A

HM PROJECT #1997079

1/17/01

REF. DWG. #A-994-2

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LEGAL DESCRIPTION

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

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

AND

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

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

SOUTHEAST QUARTER OF SAID SECTION 9, FOR A DISTANCE OF 5.89 FEET TO A POINT ON THE 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

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

NOTES:

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

TOTAL PROPERTY AREA: 482.421 ACRES, MORE OR LESS.

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

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

Applicant's Legal Checked
by *AM* 01 APRIL 04

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,

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

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

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

SECTION B. CONDITIONS:

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

1. *MASTER CONCEPT PLAN*

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

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

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

2. **SCHEDULE OF USES**

The approved Schedule of Uses is amended as follows:

Schedule of Uses

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

Accessory Uses and Structures allowed ancillary to a permitted principal use

Administrative Offices

Animal Clinic

ATM (Automatic Teller Machine)

Auto Parts Store

Auto Repair and Service, Group I, limited to one

Banks and Financial Establishments, Group I

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

Business services, Groups I and II

Car wash (limited to one)

Cleaning and maintenance services

Clothing stores, general

Contractors and Builders, Groups I and II

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

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

Cultural facilities, excluding zoos

Day care center, adult, child

Department Store

Drive thru facility for any permitted use

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

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

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

Essential services

Essential service facilities, Group I

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

Fences, walls

Food Stores, Groups I and II

Gift and souvenir shop

Hardware store

Health care facility, Group III

Hobby, toy, and game shops

Hotel/motel (Parcel 1C only)

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

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

Permitted uses within Tract 1D:

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

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

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

Accessory Uses and Structures permitted ancillary to a permitted principal use

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

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

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

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

Accessory Uses and Structures permitted ancillary to a permitted principal use

Administrative offices

Animal clinic

ATM (automatic teller machine)

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

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

Banks and financial establishments, Group I

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

Business services, Group I and II

Cleaning and maintenance services

Clothing stores, general

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

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

Cultural facilities (excluding zoos)

Day Care Center, adult or child

Department Store

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

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

Dwelling Units: (Tract 2F only)

Multiple-Family Building

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

Essential services

Essential service facilities, Group I

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

Fences, walls

Fire Station (limited to Tract 2C only)

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

Gift and souvenir shop

Hardware store

Health care facility, Group III

Hobby, toy, and game shops

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

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

Insurance companies

Laundromat (Tract 2C only)

Laundry or dry cleaning Group I

Lawn and garden store

Medical office

Non-store retailers, all groups

Paint glass and wallpaper store

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

Permitted uses within Tracts 3A and 3C:

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

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

Permitted uses within Tracts 3B and 3D:

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

Club, private

Dwelling Unit:

*Single-Family

*Duplex

Multiple-Family Building

Townhouse

*Two-family attached

*Zero lot line

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

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

Essential Services

Essential Service Facilities, Group I

Excavation, water retention

Fences, walls

Home occupation, with no outside help

Model display center

Model home

Model unit

Parking lot, accessory only

Parks, Group I, limited to neighborhood park

Recreation Facilities, Private on-site, Personal

Residential Accessory Uses

Signs, in compliance with LDC Chapter 30

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

Tract 1A, 1C and 1D

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

NOTE: Tract 1 A will not be subdivided

Minimum Setbacks

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

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

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

Tract 1B

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

NOTE: Tract 1B will not be subdivided

Multiple Family (Alternative #2)

Minimum Setbacks

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

Maximum Building Height: 45 feet / 3 stories

Multiple Family (Alternative #1)

Minimum Setbacks

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

Minimum Building Separation: 20 feet

Maximum Building Height: 45 feet / 3 stories

Multiple Family (Alternative #3)

Minimum Setbacks

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

Minimum Building Separation: 20 feet

Maximum Building Height: 45 feet / 3 stories

Multiple Family (Alternative #4)

Minimum Setbacks

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

Minimum Building Separation: 30 feet

Maximum Building Height: 55 feet / 4 stories

Performing Arts Center

Minimum Setbacks

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

Minimum Building Separation: 30 feet

Maximum Building Height: 45 feet / 3 stories

Tract Buffering:

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

Street Design:

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

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

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

5. *TRACT 1F LAKE AREA*

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

6. *Concurrency*

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

7. *Subdivision / Platting*

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

SECTION C. DEVIATIONS:

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

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

This deviation is APPROVED, SUBJECT TO the following conditions:

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

SECTION D. EXHIBITS AND STRAP NUMBER:

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

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

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

SECTION E. FINDINGS AND CONCLUSIONS:

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

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

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

DULY PASSED AND ADOPTED this 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
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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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.

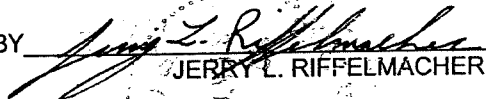
BEARINGS REFER TO THE SOUTH LINE OF THE SOUTHEAST QUARTER OF SECTION 9, TOWNSHIP 47 SOUTH, RANGE 25 EAST, LEE COUNTY, FLORIDA, AS BEING S.88°56'17"W.

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

ADMINISTRATIVE AMENDMENT (PD) ADD2007-00028

ADMINISTRATIVE AMENDMENT
LEE COUNTY, FLORIDA

WHEREAS, Gates McVey filed an application for administrative approval to a Mixed-Use Planned Development (MPD) on a project known as Coconut Point (Tract 3B) Adult Living Community for:

- a. an increase in the allowable maximum height of the four buildings west of the clubhouse from 45 feet to 55 feet,
- b. a deviation from LDC Sec. 34-2020(a) to allow guest parking to be provided as the clubhouse parking, due to the nature of the use and proximity of buildings to the clubhouse, thereby reducing the required parking from 365 spaces to 337; and
- c. a deviation from LDC Sec. 34-1748(1)(c) for a reduction in the setback requirement for an entry gate from 100 feet to Zero feet

on property located off of Pelican Colony Boulevard Extension, described more particularly as:

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

SEE ATTACHED FOUR-PAGE "EXHIBIT A"

WHEREAS, the property was originally rezoned in case number DRI2000-00013; DCI2000-00046, Resolution Z-02-009 (with subsequent amendments in case numbers Z-04-079, ADD2005-00026, ADD2005-00177, ADD2005-00233, and Resolution No. 06-08-23); and

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

WHEREAS, the applicant indicates that the property's current STRAP # is 09-47-25-00-00001.0240; and

WHEREAS, Centrum Estero, LP, the owner of the subject property, has authorized Gates McVey to act as agent for the case of administrative approval to the Coconut Point MPD for Tract 3B Adult Living Community; and

WHEREAS, the Coconut Point MPD was approved for 200 Assisted Living Facility (ALF) units; and

WHEREAS, Tract 3B is proposed to be developed with 150 ALF units; and

WHEREAS, the 150 ALF units are proposed to be developed in 7 buildings, 3 of which will be a maximum of 45 feet in height, and 4 with a maximum 55 feet in height; and

WHEREAS, a Local Development Order has been filed for the project for 150 ALF units under Development Order # DOS2007-00053; and

WHEREAS, the entire Coconut Point MPD has a maximum building height of 65 feet; and

WHEREAS, the 45-foot tall buildings will contain 18 units in 3 stories over parking; and

WHEREAS, the 55-foot tall building will contain 24 units in 4 stories over parking; and

WHEREAS, in the original approval for the Coconut Point Development of Regional Impact (DRI), residents of The Brooks requested that buildings within 150 feet of the boundary between the two projects be limited to 45 feet in height; and

WHEREAS, the applicant has requested to allow a maximum of 55 feet in height for four buildings west of the clubhouse; and

WHEREAS, each of the four 55-foot tall buildings will be located at least 275 feet from the internal property line, which is separated by Sandy Lane and Tract 3D from The Brooks boundary line; and

WHEREAS, the applicant has also requested a deviation from LDC Sec. 34-2020(1) to allow for a reduction in the amount of required parking spaces for the 150-unit Assisted Living Facility from 365 to 337; and

WHEREAS, due to the nature of an ALF community, fewer parking spaces are usually needed than traditional Multi-Family developments; and

WHEREAS, due to the layout of the ALF community, four of the seven buildings are located less than 300 feet from the clubhouse, with two buildings being less than 50 feet from the clubhouse; and

WHEREAS, many residents will choose to walk rather than drive to the clubhouse, due to their proximity to the clubhouse, thereby reducing the amount of parking needed at the clubhouse; and

WHEREAS, guest parking will be provided throughout the community; and

WHEREAS, any events held within the clubhouse will be residents-only; and

WHEREAS, the applicant's third request is a deviation from LDC Sec. 34-1748(1)(c) for a reduction in the setback requirement for an entry gate from 100 feet to Zero feet; and

WHEREAS, the entrance to the subject property is located more than 200 feet from the public right-of-way via a shared private access way with their neighbor to the west; and

WHEREAS, a turn lane in the shared drive will provide stacking for four to five vehicles, as shown on the attached Master Concept Plan "Attachment A;" and

WHEREAS, the Transportation Impact Study reveals that there will be only 10 peak-hour entries into the ALF community; and

WHEREAS, the turn lane in the shared private drive will provide sufficient stacking for the limited number of users of the entrance gate; 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, it is found that the proposed amendment does not increase density or intensity within the development; does not decrease buffers or open space required by the LDC; does not underutilize public resources or infrastructure; does not reduce total open space, buffering, landscaping or preservation areas; and does not otherwise adversely impact on surrounding land uses.

NOW, THEREFORE, IT IS HEREBY DETERMINED that the application for administrative approval for an amendment to Tract 3B of the Coconut Point Mixed-Use Planned Development is **APPROVED**, subject to the following conditions:

1. The Development must be in compliance with the amended Master Concept Plan, stamped received March 8, 2007. Master Concept Plan for ADD2007-00028 is hereby **APPROVED** and adopted. A reduced copy is attached hereto.
2. The approval is limited to an increase in height for four buildings west of the clubhouse, a reduction in the minimum parking requirements from 365 spaces to 337 spaces, and a deviation from LDC Sec. 34-1748(1)(c) for a reduction in the setback requirement for an entry gate from 100 feet to Zero feet. No other changes have been approved as part of this administrative approval request.
3. The terms and conditions of the original zoning resolutions remain in full force and effect, except as herein amended.

DULY SIGNED this 4th day of May, A.D., 2007.

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



EXHIBIT A

6200 Whiskey Creek Drive • Fort Myers, Florida 33919 • Phone: 239.985.1200 • Fax: 239.985.1250

HM PROJECT #1997079

1/17/01

REF. DWG. #A-994-3

PAGE 1 OF 3

LEGAL DESCRIPTION

ADD 2007-00028

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

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1/17/01

REF. DWG. #A-994-3

PAGE 2 OF 3

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

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

NOTES:

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

TOTAL PROPERTY AREA: 482.421 ACRES, MORE OR LESS.

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

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

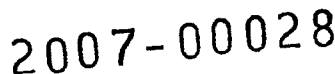
HOLE MONTES, INC.
CERTIFICATE OF AUTHORIZATION LB #1772

Applicant's Legal Checked

by SMY 20 FEB 07

BY JERRY L. RIFFELMACHER

P.S.M. #6130
STATE OF FLORIDA



A PORTION OF SECTION 8, TOWNSHIP 47 SOUTH, RANGE 28 EAST, LEE COUNTY, FLORIDA, BEING MORE PARTICULARLY DESIGNATED AS FOLLOWS:

[illegible]

A PORTION OF SECTIONS 3, 4, 8, AND 10, TOWNSHIP 47 SOUTH, RANGE 25 EAST, LEE COUNTY, FLORIDA
BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

[illegible]

112

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

TOTAL PROPERTY AREA 462.421 ACRES MORE OR LESS

INFORMATION RELATING TO BOUNDARY DATA OF SECTIONS 3, 4, 9 AND 10, TOWNSHIP 47 SOUTH, RANGE 25
 1ST, LEE COUNTY, FLORIDA, TOGETHER WITH THE LOCATION OF THE US HIGHWAY #41 NORTH-OF-HAY, WAS
 OBTAINED FROM A SURVEY OF THE SWEETWATER RANCH, PREPARED BY DENN ASSOCIATES HAVING ORIGIN-
 ALER MOOREN, DATED 9/14/84. INFORMATION RELATING TO THE LOCATION OF COCONUT ROAD AND
 ADJACENT EXCEPTED PARCELS WAS OBTAINED FROM PROPERTY DESCRIPTIONS PROVIDED BY CLIENT.

ADJACENT REFER TO THE SOUTH LINE OF THE SOUTHEAST QUARTER OF SECTION 9, TOWNSHIP 47 SOUTH,
 RANGE 25 EAST, LEE COUNTY, FLORIDA, AS BEING SUBMITTAL.

LE MONTE, INC.
 CERTIFICATE OF AUTHORIZATION LB #1772

1000

P.S.M. #6130
STATE OF FLORIDA

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

FLORIDA	DRAWING NO.	A-994-3
	PROJECT NO.	19970798
	REFERENCE NO.	SWEETREV3

LEGEND

POC POINT OF COMMENCEMENT
POB POINT OF BEGINNING

LINE TABLE		
LINE	LINE#	NAME
L1	500.00	10000000
L2	230.25	10000000
L3	182.05	10000000
L4	88.84	10000000
L5	674.82	10000000
L6	275.01	10000000
L7	626.03	10000000
L8	224.74	10000000
L9	577.44	10000000
L10	25.19	10000000
L11	32.80	10000000
L12	500.00	10000000
L13	230.25	10000000

FIELD BOOK		
▲		
▲		
▲		
▲		
LETTER	REVISION	DATE



ADMINISTRATIVE AMENDMENT (PD) ADD2007-00207

ADMINISTRATIVE AMENDMENT
LEE COUNTY, FLORIDA

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

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

SEE ATTACHED FOUR-PAGE "EXHIBIT A"

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

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

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

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

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

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

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

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

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

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

NOW, THEREFORE, IT IS HEREBY DETERMINED that the application for administrative approval for an amendment to the property development regulations for Tract 3C-2 in a Mixed-Use Planned Development is **APPROVED, subject to the following conditions:**

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

DULY SIGNED this 19th day of December, A.D., 2007.

BY: 

Pam Houck, Director
Division of Zoning
Department of Community Development

EXHIBIT A

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

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NOV 19 2007

HM PROJECT #1997079

1/17/01

REF. DWG. #A-994-3

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LEGAL DESCRIPTION

PERMIT COUNTER

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

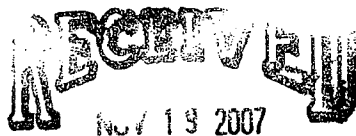
COMMENCE AT THE SOUTHEAST CORNER OF SECTION 9, TOWNSHIP 47 SOUTH, RANGE 25 EAST, LEE COUNTY, FLORIDA; THENCE RUN S.88°56'17"W., ALONG THE SOUTH LINE OF THE SOUTHEAST QUARTER OF SAID SECTION 9, FOR A DISTANCE OF 5.89 FEET TO A POINT ON THE WESTERLY RIGHT-OF-WAY LINE OF THE SEABOARD COASTLINE RAILROAD,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

AND

ADD 2007-00207

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

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



PERMIT COUNTER

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1/17/01

REF. DWG. #A-994-3

PAGE 2 OF 3

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

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1/17/01

REF. DWG. #A-994-3

PAGE 3 OF 3

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

NOTES:

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

TOTAL PROPERTY AREA: 482.421 ACRES, MORE OR LESS.

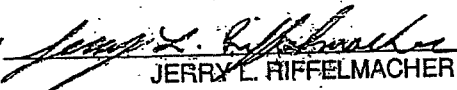
INFORMATION RELATING TO BOUNDARY DATA OF SECTIONS 3, 4, 9 AND 10, TOWNSHIP 47 SOUTH, RANGE 25 EAST, LEE COUNTY, FLORIDA, TOGETHER WITH THE LOCATION OF THE US HIGHWAY #41 RIGHT-OF-WAY, WAS OBTAINED FROM A SURVEY OF THE SWEETWATER RANCH PREPARED BY DENI ASSOCIATES HAVING ORDER NUMBER 8409031, DATED 9/14/84.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

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

HOLE MONTES, INC.

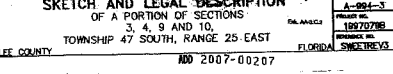
CERTIFICATE OF AUTHORIZATION LB #1772

BY


JERRY L. RIFFELMACHER

P.S.M. #6130

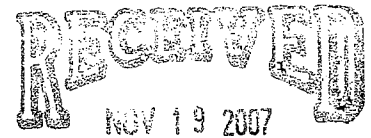
STATE OF FLORIDA



1. NAME EDWARD
 2. DATE OF BIRTH 1907
 3. PLACE OF BIRTH NEW YORK
 4. EDUCATION GRADUATE OF COLLEGE
 5. PRESENT ADDRESS NEW YORK
 6. DATE OF DEPARTURE 1907
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EXHIBIT B

PROPOSED DEVELOPMENT REGULATIONS



PERMIT COUNTER

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

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

Minimum Setbacks

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

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

Maximum Building Height: 45 feet / 3 stories

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

Minimum Lot Size: Townhouse

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

Minimum Setbacks:

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

Minimum Lot Size: Multiple Family Building

Lot Width	100 feet
Lot Depth	100 feet

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

Minimum Setbacks

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

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

Maximum Building Height: 45 feet / 3 stories

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

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

Minimum Setbacks

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

Water body (Bldg PBA #2) 8 feet

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

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

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

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

45 feet / 4 stories (Tract 3C-2)

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

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

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

Maximum Building Height for:
Tract 3A:

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

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

RESIDENTIAL USES: (Tract 2A, 2B and 2F only)
(Excludes Regulations set forth in ADD2005-00080A)

TRACT 2A and 2B:

Minimum Lot Size: Townhouse

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

Minimum Setbacks:

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

Minimum Lot Size: Multiple Family Building

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

Minimum Setbacks

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

Minimum Building Separation:

one-half the sum of the building heights but not less than 20 feet

Maximum Building Height:

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

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

TRACT 2F: (formerly Tract 2E)

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

Minimum Setbacks

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

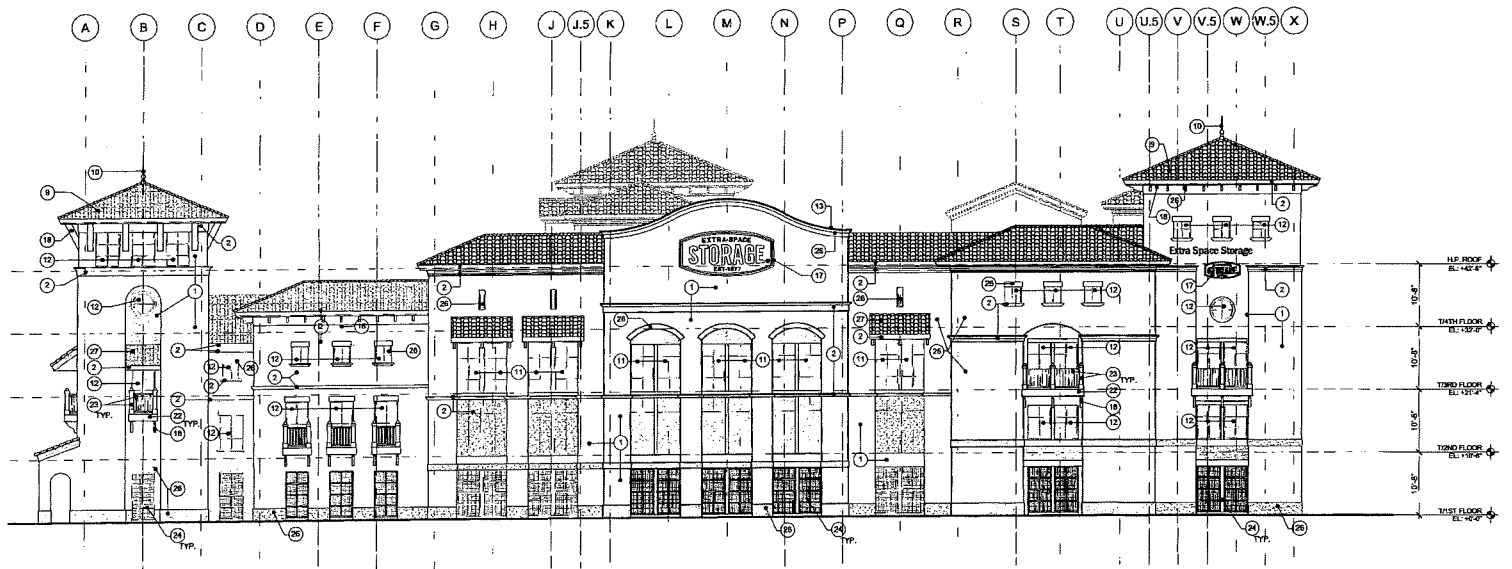
Minimum Building Separation:

one-half the sum of the building heights but not less than 20 feet

Maximum Building Height:

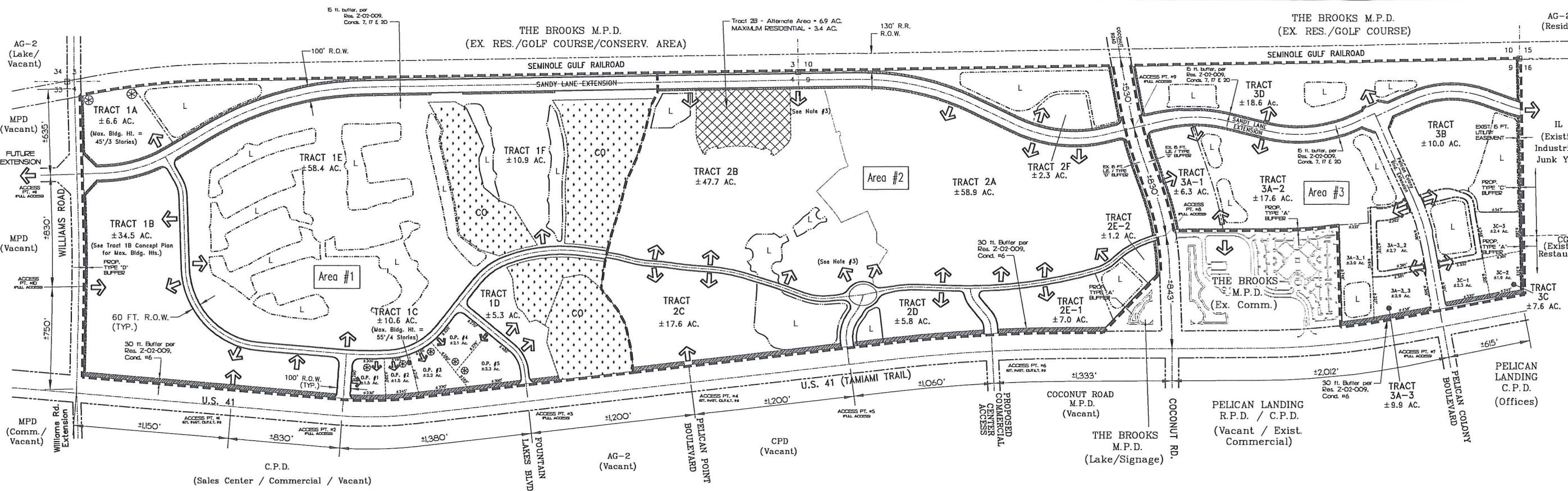
40 feet /3 stories over parking

EXHIBIT C



1 WEST ELEVATION
SCALE: 3/32"=1'-0"

UN1997\1997079-B ZONING\BROOK M.P.D. May 2006\9779B_MCP-REVISED 05-01-07 ADD TRACT 3C SUBDIV.dwg 11/6/2007 7:16:54 AM EST



PROJECT SUMMARY:

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

2.) OVERALL CONCEPTUAL PROJECT ACREAGES:

CONSERVATION AREAS	±33.4 ACRES
LAKES	±58.8 ACRES
INTERNAL (PRIVATE) R.O.W.	±20.2 ACRES
INTERNAL (PUBLIC) R.O.W.	±25.6 ACRES
GREEN AREAS / OPEN SPACE	± 8.7 ACRES
DEVELOPMENT TRACT AREAS	±335.7 ACRES
TOTAL	±482.4 ACRES

3.) CONCEPTUAL TRACT LAND USE/ACREAGE BREAKDOWN:

a.) DEVELOPMENT AREAS:

Development Area #1: (Residential - 854 M.F. Units / Retail - Comm. 131,400 Sq.Ft. / Office 78,333 Sq.Ft. / Hotel 120 Rooms / Bank w/ D.T. - 4,000 sq.ft. / Performing Arts Center - 506 Seats)

Proposed Lakes	± 28.1 Ac.
Proposed Internal/Private R.O.W.	± 8.2 Ac.
Proposed Public R.O.W. (Sandy Lane Extension)	± 10.1 Ac.
Conservation Areas	± 33.4 Ac.
Green Areas / Open Space	± 4.7 Ac.
Development Areas (Tracts 1A - 1F)	± 126.3 Ac.
Total Development Area #1	±210.8 Ac.

Development Area #2: (Residential - 450 M.F. Units / Retail - Comm. 1,450,000 Sq.Ft. / Gen. Office 90,000 Sq.Ft. / Hotel - 200 Rooms)

Proposed Lakes	± 17.0 Ac.
Proposed Internal/Private R.O.W.	± 6.1 Ac.
Proposed Public R.O.W. (Sandy Lane Extension)	± 8.1 Ac.
Green Areas / Open Space	± 4.0 Ac.
Development Areas (Tracts 2A - 2F)	± 140.5 Ac.
Total Development Area #2	±175.7 Ac.

Development Area #3: (Residential - 424 M.F. / A.L.F. Units / Retail - Comm. 57,500 Sq.Ft. / Office 215,000 Sq.Ft. / Hotel - 120 Rooms / Bank w/ D.T. - 4,000 sq.ft.)

Proposed Lakes	± 13.7 Ac.
Proposed Internal/Private R.O.W.	± 5.9 Ac.
Proposed Public R.O.W. (Sandy Lane Extension)	± 7.4 Ac.
Development Areas (Tracts 3A-1 thru 3 - 3D)	± 68.9 Ac.
Total Development Area #3	±95.9 Ac.

b.) MAXIMUM DEVELOPMENT TRACT INTENSITY:

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

Development Area #1:

Tract 1A	15,000 s.f. Retail / 50,000 s.f. Office
Tract 1B	90,000 s.f. Retail / 314 M.F. / Arts Center - 506 Seats
Tract 1C	60,000 s.f. Retail / 20,000 s.f. Office / 120 Room Hotel
Tract 1D	5,000 s.f. Retail / 30,000 s.f. Office / Fire Station
Tract 1E	450 M.F. DU's
Tract 1F	90 M.F. DU's

Development Area #2:

Tract 2A	650,000 s.f. Retail / 450 M.F. DU's / 60,000 s.f. Office / 200 Room Hotel
Tract 2B	600,000 s.f. Retail / 200 Room Hotel / 200 M.F. DU's
Tract 2C	150,000 s.f. Retail / 20,000 s.f. Office / 200 Room Hotel
Tract 2D/E	150,000 s.f. Retail / 30,000 s.f. Office / 200 Room Hotel
Tract 2F	20,000 s.f. Retail / 30,000 s.f. Office / 100 Multi-family Units

Development Area #3:

Tract 3A-1 thru 3	60,000 s.f. Retail / 145,000 s.f. Office / 120 Room Hotel
Tract 3B	200 A.L.F. Units
Tract 3C	40,000 s.f. Retail / 90,000 s.f. Office / 120 Room Hotel
Tract 3D	224 M.F. DU's

4.) PROJECT PHASING:

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

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

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

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

Development Area #1:	(LESS Sandy Lane Extension & Tract 1B (Resid)/ Tracts 1E & 1F)	107.0 Ac. x 30%	± 32.1 Ac.
(Tracts 1B (Resid) / 1E / 1F)		93.7 Ac. x 40%	± 37.5 Ac.
Development Area #2 [ALT 1, TRACT 2B ALT AREA = 3.4 AC RESIDENTIAL MAX]:	(LESS Sandy Lane Extension & Resid. Area)	158.4 Ac. x 30%	± 47.5 Ac.**
(Residential Area)		9.2 Ac. x 40%	± 3.7 Ac.
Development Area #2 [ALT 2, TRACT 2B ALT AREA = NO RESIDENTIAL]:	(LESS Sandy Lane Extension & Resid. Area)	161.8 Ac. x 30%	± 48.5 Ac.**
(Residential Area)		5.8 Ac. x 40%	± 2.3 Ac.
Development Area #3:	(LESS Sandy Lane Extension & Tracts 3B & 3D)	59.7 Ac. x 30%	± 17.9 Ac.
(Tract 3B & 3D)		28.8 Ac. x 40%	± 11.5 Ac.
Total Open Space Required [ALT 1]:			±150.2 Ac.
Total Open Space Required [ALT 2]:			±149.8 Ac.

*The % of Open Space may vary depending upon the ultimate land uses.

**Includes Residential above Commercial uses.

b.) PROVIDED (per L.C.L.D.C.):

Prop. Lake Areas (@ ≤ 25.0% of 150.2 Ac.)		± 37.6 Ac.
Prop. Conservation Areas		± 33.4 Ac.
Development Area #1:		
Commercial Development (Tracts 1A/1B (Comm)/1C/1D)	32.6 Ac. x 19.55%	± 6.4 Ac.
Residential Development (Tracts 1B (Resid)/1E/1F)	93.7 Ac. x 30.0%	± 28.1 Ac.
Sub-total		± 34.5 Ac.
Development Area #2 [ALT 1, TRACT 2B ALT AREA = 3.4 AC RESIDENTIAL MAX]:		
Commercial Development (Tracts 2A - 2F)	131.3 Ac. x 19.52%	± 25.6 Ac.
Residential Development (Tract 2A)	5.8 Ac. x 23.60%	± 1.4 Ac.
Residential Development (Tracts 2B)	3.4 Ac. x 23.5%	± 0.8 Ac.
Sub-total		± 27.8 Ac.
Development Area #2 [ALT 2, TRACT 2B ALT AREA = NO RESIDENTIAL]:		
Commercial Development (Tracts 2A - 2F)	134.7 Ac. x 19.52%	± 26.3 Ac.
Residential Development (Tract 2A)	5.8 Ac. x 23.60%	± 1.4 Ac.
Sub-total		± 27.7 Ac.
Development Area #3:		
Commercial Development Tracts (Tracts 3A-1 thru -3 & 3C)	42.6 Ac. x 19.55%	± 8.3 Ac.
Residential Development (Tracts 3B & 3D)	28.8 Ac. x 30%	± 8.6 Ac.
Sub-total		± 16.9 Ac.

Total Open Space Provided [ALT 1]: ±150.2 Ac.
Total Open Space Provided [ALT 2]: ±150.1 Ac.

ADD 2010-0009

6.) INDIGENOUS OPEN SPACE:

DUE TO THE EXISTING AGRICULTURAL LAND USE AND THE EXTENT OF MELALEUCA INVASION WITHIN THE REMAINING FORESTED AREAS, NO INDIGENOUS OPEN SPACE IS REQUIRED.

7.) NOTES:

- Internal access will be provided to allow through traffic between US 41 and Sandy Lane Extension.
- For Tracts 1A and 1C general service area locations, see above MCP. For Tract 1B general service area locations, see Tract 1B concept plan and Tract 1B Plan Details.
- The project will be designed to facilitate the use of the Lee Tron services in accordance with Lee County LDC Sec. 34-411(e) and 10-442.

NOV 18 2010

LEGEND

PROPERTY BOUNDARY	
ROAD R.O.W. LINE	
CONSERVATION AREAS	
PROPOSED LAKE	
CONCEPTUAL ACCESS POINT	
ADJACENT ZONING / LAND USE	
GENERAL LOCATION OF SERVICE AREAS	

SCALE: 1" = 800'

ATTACHMENT "A"

DATE	REVISIONS	NUMBER
11/16/05	Added Access Pt. for Tract 3A-1	
11/16/05	Revised for Administrative Amendment #8 Tract 3D	
08/22/05	Revised for Admin. Amendment ADD2005-00080	
02/04/05	Revised for Administrative Amendment Submittal	
02/04/05	Revised for Administrative Amendment Submittal	
05/19/04	Revised for Administrative Amendment Submittal	
02/27/04	Revised for Administrative Amendment Submittal	
12/09/02	Revised per County Attorney's Office Memo	
12/16/01	Revised Tracts / O.S. Cores / Permitted Uses	
03/06/01	Revised per County Staff 1st R.A.L.	

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

COCONUT POINT M.P.D.
MASTER CONCEPT PLAN
EXHIBIT IV-E

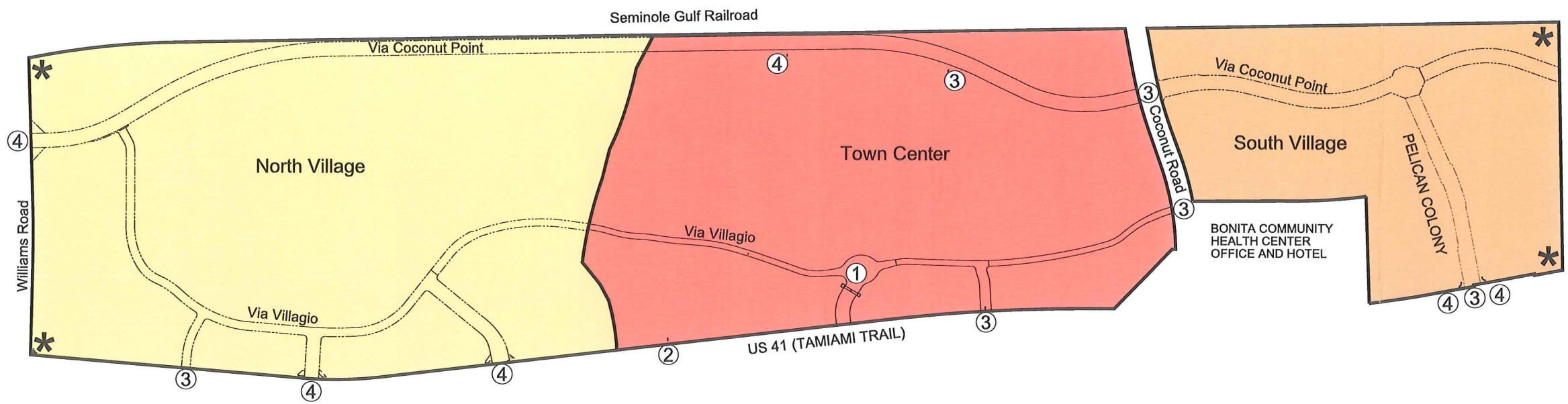
DESIGNED: E.M.C.	DATE: 08/16/05
DRAWN: C.R.B.	DATE: 08/16/05
CHECKED: N.E.D.	DATE: 08/19/05
VERT. SCALE: 1" = 800'	HORIZ. SCALE: 1" = 800'
DRAWING NO.	
REFERENCE NO.	9779B_MCP8
PROJECT NO.	97.79-B
SHEET NO.	1 of 1



II. GENERAL CHARACTERISTICS OF SIGNAGE AT COCONUT POINT

1. Project Identity Signage

- Project Identity Towers - Project Identity Sign Type 1
- Large Scale Monument Signs - Project Identity Sign Type 2
- Medium Scale Monument Signs - Project Identity Sign Type 3
- Entry Sign Walls - Project Identity Sign Type 4
- Project Identity Sign (shown on keyplan as *)



November 3, 2010

ADD 1010-0009

RECEIVED
NOV 18 2010

COMMUNITY DEVELOPMENT

DATE	11/10	DATE	11/10	DATE	11/10	DATE	11/10
DESIGNED BY	TWM	DESIGNED BY	TWM	DESIGNED BY	TWM	DESIGNED BY	TWM
DRAWN BY	TWM	DRAWN BY	TWM	DRAWN BY	TWM	DRAWN BY	TWM
CHECKED BY	TWM	CHECKED BY	TWM	CHECKED BY	TWM	CHECKED BY	TWM
IN CHARGE	TWM	IN CHARGE	TWM	IN CHARGE	TWM	IN CHARGE	TWM
DATE	11/10	DATE	11/10	DATE	11/10	DATE	11/10
SCALE	1" = 400'	SCALE	1" = 400'	SCALE	1" = 400'	SCALE	1" = 400'
PROJECT NO.	1288-01	PROJECT NO.	1288-01	PROJECT NO.	1288-01	PROJECT NO.	1288-01
REFERENCE NO.	10.070-D	REFERENCE NO.	10.070-D	REFERENCE NO.	10.070-D	REFERENCE NO.	10.070-D
SHEET NO.	1	SHEET NO.	1	SHEET NO.	1	SHEET NO.	1
NO.	3	NO.	3	NO.	3	NO.	3
REVISIONS		REVISIONS		REVISIONS		REVISIONS	
NUMBER		NUMBER		NUMBER		NUMBER	
DATE		DATE		DATE		DATE	

COCONUT POINT
SIGN LOCATION PLAN

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

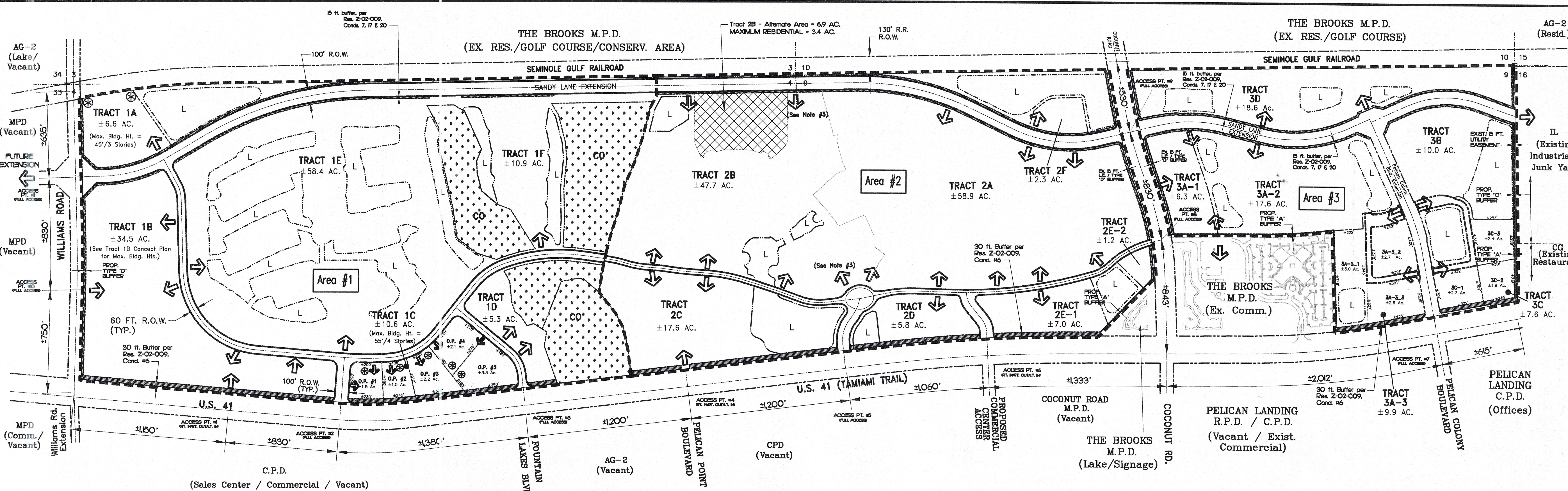


PLEASE DRAWINGS ARE NOT
APPROVED UNLESS SIGNED
AND SEALED BELOW :

THOMAS W. MCLEAN, P.E.
PROFESSIONAL ENGINEER
FLORIDA REGISTRATION #6880

DATE

UN:\97\19970793\B-ZONING\EXHIBIT\KCP-REVISED 05-01-07 ADD TRACT 3C SUBDIV.dwg 11/6/2007 7:16:54 AM EST



PROJECT SUMMARY:

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

2.) OVERALL CONCEPTUAL PROJECT ACRES:

CONSERVATION AREAS	±33.4 ACRES
LAKES	±58.8 ACRES
INTERNAL (PRIVATE) R.O.W.	±20.2 ACRES
INTERNAL (PUBLIC) R.O.W.	±25.6 ACRES
GREEN AREAS / OPEN SPACE	± 8.7 ACRES
DEVELOPMENT TRACT AREAS	±335.7 ACRES
TOTAL	±482.4 ACRES

3.) CONCEPTUAL TRACT LAND USE/ACREAGE BREAKDOWN:

a.) DEVELOPMENT AREAS:

Development Area #1: (Residential - 854 M.F. Units / Retail - Comm. 131,400 Sq.Ft. / Office 78,333 Sq.Ft. / Hotel 120 Rooms / Bank w/ D.T. - 4,000 sq.ft. / Performing Arts Center - 506 Seats)

Proposed Lakes	± 28.1 Ac.
Proposed Internal/Private R.O.W.	± 8.2 Ac.
Proposed Public R.O.W. (Sandy Lane Extension)	± 10.1 Ac.
Conservation Areas	± 33.4 Ac.
Green Areas / Open Space	± 4.7 Ac.
Development Areas (Tracts 1A - 1F)	± 126.3 Ac.

Total Development Area #1 ±210.8 Ac.

Development Area #2: (Residential - 450 M.F. Units / Retail - Comm. 1,450,000 Sq.Ft. / Gen. Office 90,000 Sq.Ft. / Hotel - 200 Rooms)

Proposed Lakes	± 17.0 Ac.
Proposed Internal/Private R.O.W.	± 6.1 Ac.
Proposed Public R.O.W. (Sandy Lane Extension)	± 8.1 Ac.
Green Areas / Open Space	± 4.0 Ac.
Development Areas (Tracts 2A - 2F)	± 140.5 Ac.

Total Development Area #2 ±175.7 Ac.

Development Area #3: (Residential - 424 M.F. / A.L.F. Units / Retail - Comm. 57,500 Sq.Ft. / Office 215,000 Sq.Ft. / Hotel - 120 Rooms / Bank w/ D.T. - 4,000 sq.ft.)

Proposed Lakes	± 13.7 Ac.
Proposed Internal/Private R.O.W.	± 5.9 Ac.
Proposed Public R.O.W. (Sandy Lane Extension)	± 7.4 Ac.
Development Areas (Tracts 3A-1 thru 3 - 3D)	± 68.9 Ac.

Total Development Area #3 ±95.9 Ac.

b.) MAXIMUM DEVELOPMENT TRACT INTENSITY:

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

Development Area #1:

Tract 1A	15,000 s.f. Retail / 50,000 s.f. Office
Tract 1B	90,000 s.f. Retail / 314 M.F. / Arts Center - 506 Seats
Tract 1C	60,000 s.f. Retail / 20,000 s.f. Office / 120 Room Hotel
Tract 1D	5,000 s.f. Retail / 30,000 s.f. Office / Fire Station
Tract 1E	450 M.F. DU's
Tract 1F	90 M.F. DU's

Development Area #2:

Tract 2A	650,000 s.f. Retail / 450 M.F. DU's / 60,000 s.f. Office / 200 Room Hotel
Tract 2B	600,000 s.f. Retail / 200 Room Hotel / 200 M.F. DU's
Tract 2C	150,000 s.f. Retail / 20,000 s.f. Office / 200 Room Hotel
Tract 2D/E	150,000 s.f. Retail / 30,000 s.f. Office / 200 Room Hotel
Tract 2F	20,000 s.f. Retail / 30,000 s.f. Office / 100 Multi-family Units

Development Area #3:

Tract 3A-1 thru 3	60,000 s.f. Retail / 145,000 s.f. Office / 120 Room Hotel
Tract 3B	200 A.L.F. Units
Tract 3C	40,000 s.f. Retail / 90,000 s.f. Office / 120 Room Hotel
Tract 3D	224 M.F. DU's

4.) PROJECT PHASING:

	M.F. / A.L.F. (UNITS)	RETAIL COMM. (SQ.FT.)	OFFICE (SQ.FT.)	HOTEL (ROOMS)	BANK w DT (SQ.FT.)	ARTS CENTER (SEATS)
2011 - 2007	1,728*	1,638,900	383,333	440	8,000	506

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

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

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

Development Area #1:	(LESS Sandy Lane Extension & Tract 1B (Resid)/ Tracts 1E & 1F)	107.0 Ac. x 30%	± 32.1 Ac.
	(Tracts 1B (Resid) / 1E / 1F)	93.7 Ac. x 40%	± 37.5 Ac.
Development Area #2 [ALT 1, TRACT 2B ALT AREA = 3.4 AC RESIDENTIAL MAX]:	(LESS Sandy Lane Extension & Resid. Area)	158.4 Ac. x 30%	± 47.5 Ac.**
	(Residential Area)	9.2 Ac. x 40%	± 3.7 Ac.
Development Area #2 [ALT 2, TRACT 2B ALT AREA = NO RESIDENTIAL]:	(LESS Sandy Lane Extension & Resid. Area)	161.8 Ac. x 30%	± 48.5 Ac.**
	(Residential Area)	5.8 Ac. x 40%	± 2.3 Ac.
Development Area #3:	(LESS Sandy Lane Extension & Tracts 3B & 3D)	59.7 Ac. x 30%	± 17.9 Ac.
	(Tract 3B & 3D)	28.8 Ac. x 40%	± 11.5 Ac.

Total Open Space Required [ALT 1]: ±150.2 Ac.
Total Open Space Required [ALT 2]: ±149.8 Ac.

*The % of Open Space may vary depending upon the ultimate land uses.
**Includes Residential above Commercial uses.

b.) PROVIDED (per L.C.L.D.C.):

Prop. Lake Areas (@ ≤ 25.0% of 150.2 Ac.)		± 37.6 Ac.
Prop. Conservation Areas		± 33.4 Ac.
Development Area #1:		
Commercial Development (Tracts 1A/1B (Comm)/1C/1D)	32.6 Ac. x 19.55%	± 6.4 Ac.
Residential Development (Tracts 1B (Resid)/1E/1F)	93.7 Ac. x 30.0%	± 28.1 Ac.
	Sub-total	± 34.5 Ac.
Development Area #2 [ALT 1, TRACT 2B ALT AREA = 3.4 AC RESIDENTIAL MAX]:		
Commercial Development (Tracts 2A – 2F)	131.3 Ac. x 19.52%	± 25.6 Ac.
Residential Development (Tract 2A)	5.8 Ac. x 23.60%	± 1.4 Ac.
Residential Development (Tracts 2B)	3.4 Ac. x 23.5%	± 0.8 Ac.
	Sub-total	± 27.8 Ac.
Development Area #2 [ALT 2, TRACT 2B ALT AREA = NO RESIDENTIAL]:		
Commercial Development (Tracts 2A – 2F)	134.7 Ac. x 19.52%	± 26.3 Ac.
Residential Development (Tract 2A)	5.8 Ac. x 23.60%	± 1.4 Ac.
	Sub-total	± 27.7 Ac.
Development Area #3:		
Commercial Development Tracts (Tracts 3A-1 thru -3 & 3C)	42.6 Ac. x 19.55%	± 8.3 Ac.
Residential Development (Tracts 3B & 3D)	28.8 Ac. x 30%	± 8.6 Ac.
	Sub-total	± 16.9 Ac.

Total Open Space Provided [ALT 1]: *** ±150.2 Ac.
Total Open Space Provided [ALT 2]: *** ±150.1 Ac.

6.) INDIGENOUS OPEN SPACE:

DUE TO THE EXISTING AGRICULTURAL LAND USE AND THE EXTENT OF MELALEUCA INVASION WITHIN THE REMAINING FORESTED AREAS, NO INDIGENOUS OPEN SPACE IS REQUIRED.

7.) NOTES:

- Internal access will be provided to allow through traffic between US 41 and Sandy Lane Extension.
- For Tracts 1A and 1C general service area locations, see above MCP. For Tract 1B general service area locations, see Tract 1B concept plan and Tract 1B Plan Details.
- The project will be designed to facilitate the use of the Lee Tran services in accordance with Lee County LDC Sec. 34-411(e) and 10-442.

LEGEND

PROPERTY BOUNDARY	ROAD R.O.W. LINE
CONSERVATION AREAS	PROPOSED LAKE
CONCEPTUAL ACCESS POINT	ADJACENT ZONING / LAND USE
GENERAL LOCATION OF SERVICE AREAS	

ATTACHMENT "A"

11/16/05	Added Access Pt. for Tract 3A-1	11/16/05	11/16/05
08/22/05	Revised for Administrative Amendment #8 Tract 3D	08/22/05	08/22/05
02/04/05	Revised for Administrative Amendment Submittal	02/04/05	02/04/05
05/19/04	Revised for Administrative Amendment Submittal	05/19/04	05/19/04
12/27/04	Revised for Administrative Amendment Submittal	12/27/04	12/27/04
12/08/02	Revised per County Attorney's Office Memo	12/08/02	12/08/02
12/16/01	Revised Tracts / O.S. Colas / Permitted Uses	12/16/01	12/16/01
03/08/01	Revised per County Staff 1st R.A.L.	03/08/01	03/08/01

6200 Whiskey Creek Drive Fort Myers, FL 33919 Phone : (941) 985-1200 Professional Registration No.1772 Nolpes - Fort Myers - Venice - Englewood ENGINEERS-PLANNERS-SURVEYORS	H.M. HOLE MONTES
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COCONUT POINT M.P.D. MASTER CONCEPT PLAN EXHIBIT IV-E	DESIGNED: E.M.C. DATE: 08/16/05 DRAWING: C.R.B. DATE: 08/16/05 CHECKED: N.E.D. DATE: 08/19/05 VERT. SCALE: 1"= 800' DRAWING NO. 9779B_MCP8 PROJECT NO. 97.79-B SHEET NO. 1 of 1
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