



This file is combined with Case #:

DCI2004 - 00021

GIS Tracking Sheet

Case No.: DR12004-00004

Intake Date: 4/9/04

Project Name: Park lands DR1

STRAP Number(s): 04-48-26-B2-00001-0000

Planner Name: Bryan Kelner Ext. 8363

LEGAL DESCRIPTION VERIFICATION and INITIAL GIS MAPPING

Date: 21 AUG 04

INTAKE: DR104004

LEGAL SUFFICIENT

☒ YES

☐ NO

Initials:

If not, give brief explanation:

MAP UPDATE following FINAL ACTION

Date: 07 APRIL 06

☐ Hearing Examiner Decision

☐ Board of County Commissioner's Resolution

☐ Administrative Approval

☐ Blue Sheet

Zoning Notes: DR1.2004-00004 AND DCI.2004-00021, 22NOV04,
BS ORD # 04-17, AMEND PARKLANDS RPD-CPD, INCREASING
CPD FROM 9.96 TO 27.79 ACRES, ADD MODEL CENTER,
CONVERT TO SINGLE FAMILY, ADD 3 CONSUMPTION ON
PREMISES, CONDS

MAP UPDATED

☒ YES

☐ NO

Initials:

If not, give brief explanation:

CREATED CPD: 501160

Banks Engineering, Inc.

Professional Engineers, Planners & Land Surveyors
FORT MYERS ♦ NAPLES ♦ SARASOTA ♦ ANNA MARIA ISLAND

DESCRIPTION OF A PARCEL OF LAND
LYING IN
SECTION 4, TOWNSHIP 48 SOUTH, RANGE 26 EAST
CITY OF BONITA SPRINGS
LEE COUNTY, FLORIDA
(PARKLANDS PARCEL)

A TRACT OR PARCEL OF LAND SITUATED IN THE STATE OF FLORIDA, COUNTY OF LEE, CITY OF BONITA SPRINGS, LYING IN SECTION 4, TOWNSHIP 48 SOUTH, RANGE 26 EAST, AND BEING FURTHER DESCRIBED AS FOLLOWS:

COMMENCING AT THE NORTHEAST CORNER OF THE NORTHWEST QUARTER OF SAID SECTION; THENCE S.00°53'52"E. ALONG THE WEST LINE OF SAID FRACTION FOR 150.01 FEET TO THE SOUTHERLY RIGHT-OF-WAY LINE OF BONITA BEACH ROAD AND THE NORTHEAST CORNER OF PALMIRA GOLF AND COUNTRY CLUB, A SUBDIVISION RECORDED IN PLAT BOOK 68, AT PAGES 59 THROUGH 67 OF THE PUBLIC RECORDS OF LEE COUNTY, FLORIDA AND TO THE **POINT OF BEGINNING**; THENCE CONTINUE S.00°53'52"E. ALONG THE EAST LINE OF SAID SUBDIVISION AND THE WEST LINE OF THE EAST HALF OF SAID SECTION FOR 5226.21 FEET TO THE SOUTHWEST CORNER OF THE SOUTHEAST QUARTER OF SAID SECTION; THENCE N.89°57'36"E. ALONG THE SOUTH LINE OF SAID SOUTHEAST QUARTER FOR 2620.84 FEET TO THE SOUTHEAST CORNER OF SAID SOUTHEAST QUARTER; THENCE N.00°48'13"W. ALONG THE EAST LINE OF SAID SECTION 4 FOR 5229.51 FEET TO A POINT ON THE SOUTH RIGHT-OF-WAY LINE OF BONITA BEACH ROAD; THENCE S.89°53'08"W. ALONG SAID SOUTH LINE FOR 2629.40 FEET TO THE **POINT OF BEGINNING**.

PARENT PARCEL CONTAINS 315.03 ACRES, MORE OR LESS.

BEARINGS ARE BASED ON THE WEST LINE OF THE NORTHEAST QUARTER OF SAID SECTION 4 AS BEARING S.00°53'52"E.

SUBJECT TO EASEMENTS, RESTRICTIONS, RESERVATIONS AND RIGHTS-OF-WAY OF RECORD.

DESCRIPTION PREPARED MARCH 18, 2004.

Applicant's Legal Checked
by [Signature] August 03, 2004.

RECEIVED

APR 09 2004

[Signature] 3-18-04
THOMAS C. SHAW
PROFESSIONAL SURVEYOR & MAPPER
FLORIDA CERTIFICATION NO. 4672

COMMUNITY DEVELOPMENT SHEET 1 OF 2

S:\Jobs\13xx\1303w\survey\1303 PARKLANDS .doc

6640 Willow Park Drive, Suite B, Naples, Florida 34109 • (239) 597-2061 • Fax (239) 597-3082

DRI 2004-00004



NOT TO SCALE

SKETCH TO ACCOMPANY DESCRIPTION

OF A
PARCEL OF LAND
LYING IN

SECTION 4, TOWNSHIP 48 SOUTH, RANGE 26 EAST
CITY OF BONITA SPRINGS, LEE COUNTY, FLORIDA

**POINT OF
COMMENCEMENT**
NORTHEAST CORNER
NORTHWEST QUARTER
SECTION 4

NORTH LINE NORTHEAST 1/4

S 00°53'52"E
150.01'

S 89°53'08" W 2629.40'

SOUTH LINE OF BONITA BEACH ROAD

**POINT OF
BEGINNING**
NORTHEAST CORNER
PALMIRA GOLF AND
COUNTRY CLUB
(P.B. 68, PGS. 59-67)

PALMIRA GOLF AND COUNTRY CLUB

WEST LINE OF NORTHEAST 1/4

S 00°53'52" E 5226.21'

EAST LINE OF SOUTHWEST 1/4

UNPLATTED

EAST LINE OF SECTION 4
N 00°48'13" W 5229.51'

SOUTHWEST
CORNER
SE 1/4
SECTION 4

SOUTHEAST
CORNER
SE 1/4
SECTION 4

SOUTH LINE SOUTHEAST 1/4
N 89°57'36" E 2620.84'

NOTES:

SEE SHEET 1 OF 2 FOR DESCRIPTION.
BEARINGS ARE ASSUMED AND BASED
ON THE WEST LINE OF THE
NORTHEAST QUARTER OF SECTION 4
AS BEARING S.00°53'52"E.

THIS IS NOT A SURVEY

Applicant's ^{Sketch} Survey Checked
By [Signature] August 03, 2004

LEGEND

C1 CURVE 1 OF CURVE TABLE
L1 LINE 1 OF LINE TABLE
P.B. PLAT BOOK
PGS. PAGES

APR 09 2004

COMM. CITY DEVELOPMENT

SHEET 2 OF 2

THOMAS C. SHAW
PROFESSIONAL SURVEYOR & MAPPER
FLORIDA CERTIFICATION NO. 4672
THIS SKETCH IS NOT VALID UNLESS IT BEARS THE
SIGNATURE AND ORIGINAL RAISED SEAL OF A FLORIDA
PROFESSIONAL SURVEYOR AND MAPPER
-PREPARED MARCH 18, 2004

PREPARED BY:

Banks Engineering, Inc.

ENGINEERING, SURVEYING & LAND PLANNING

2150-701 GOODLETTE ROAD
NAPLES, FLORIDA 34102
(941) 403-8888

FLORIDA SURVEYING BUSINESS CERTIFICATION NO. 6890

DRI 2004-00004

Banks Engineering, Inc.

Professional Engineers, Planners & Land Surveyors
FORT MYERS ♦ NAPLES ♦ SARASOTA ♦ ANNA MARIA ISLAND
DESCRIPTION OF A PARCEL OF LAND

LYING IN
SECTION 4, TOWNSHIP 48 SOUTH, RANGE 26 EAST
CITY OF BONITA SPRINGS
LEE COUNTY, FLORIDA
(PARKLANDS LESS CPD PARCEL)

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PARENT PARCEL CONTAINS 315.03 ACRES, MORE OR LESS.

LESS AND EXCEPT

COMMENCING AT THE NORTHWEST CORNER OF THE NORTHEAST QUARTER OF SAID SECTION THENCE S.00°53'52"E. ALONG THE WEST LINE OF SAID FRACTION FOR 150.01 FEET TO THE SOUTHERLY RIGHT-OF-WAY LINE OF BONITA BEACH ROAD AND THE NORTHEAST CORNER OF PALMIRA GOLF AND COUNTRY CLUB, A SUBDIVISION RECORDED IN PLAT BOOK 68 AT PAGES 59 THROUGH 67 OF THE PUBLIC RECORDS OF LEE COUNTY, FLORIDA AND TO THE **POINT OF BEGINNING**; THENCE CONTINUE S.00°53'52"E. ALONG THE EAST LINE OF SAID SUBDIVISION AND THE WEST LINE OF THE NORTHEAST QUARTER OF SAID SECTION FOR 1239.59 FEET; THENCE N.41°03'52"E. FOR 58.61 FEET; THENCE N.67°01'44"E. FOR 217.84 FEET; THENCE S.22°53'52"E. FOR 86.43 FEET; THENCE N.89°06'08"E. FOR 101.31 FEET TO THE BEGINNING OF A CURVE TO THE RIGHT HAVING A RADIUS OF 246.11 FEET; THENCE EASTERLY ALONG SAID CURVE THROUGH A CENTRAL ANGLE OF 37°55'49" FOR 162.93 FEET; THENCE N.37°05'35"E. FOR 194.31 FEET TO AN

SHEET 1 OF 3

APR 09 2004

DRI 2004-00004

S:\Jobs\13xx\1303w\survey\1303 PARKLANDS LESS-CPD.doc

Banks Engineering, Inc.

Professional Engineers, Planners & Land Surveyors
FORT MYERS ♦ NAPLES ♦ SARASOTA ♦ ANNA MARIA ISLAND

INTERSECTION WITH A NON-TANGENT CURVE TO THE LEFT HAVING A RADIUS OF 212.83 FEET AND TO WHICH POINT A RADIAL LINE BEARS S.48°46'44"W.; THENCE SOUTHEASTERLY ALONG SAID CURVE THROUGH A CENTRAL ANGLE OF 33°46'33" FOR 125.46 FEET TO A POINT OF COMPOUND CURVE HAVING A RADIUS OF 45.00 FEET; THENCE NORTHEASTERLY ALONG SAID CURVE THROUGH A CENTRAL ANGLE OF 95°51'11" FOR 75.28 FEET TO A POINT OF REVERSE CURVE HAVING A RADIUS OF 545.00 FEET; THENCE NORTHERLY ALONG SAID CURVE THROUGH A CENTRAL ANGLE OF 18°15'46" FOR 173.72 FEET; THENCE N.27°24'45"E. FOR 630.41 FEET TO THE BEGINNING OF A CURVE TO THE LEFT HAVING A RADIUS OF 337.00 FEET; THENCE NORTHERLY ALONG SAID CURVE THROUGH A CENTRAL ANGLE OF 39°41'40" FOR 233.47 FEET TO A POINT OF REVERSE CURVE HAVING A RADIUS OF 445.00 FEET; THENCE NORTHERLY ALONG SAID CURVE THROUGH A CENTRAL ANGLE OF 12°10'03" FOR 94.50 FEET; THENCE N.00°06'52"W. FOR 52.44 FEET TO THE BEGINNING OF A CURVE TO THE LEFT HAVING A RADIUS OF 43.00 FEET; THENCE NORTHERLY ALONG SAID CURVE THROUGH A CENTRAL ANGLE OF 23°47'48" FOR 17.86 FEET TO THE SOUTHERLY RIGHT-OF-WAY LINE OF BONITA BEACH ROAD; THENCE S.89°53'08"W. FOR 1184.41 FEET TO THE **POINT OF BEGINNING.**

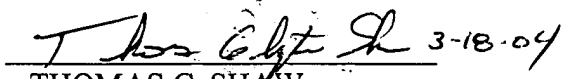
LESS PARCEL CONTAINS 27.79 ACRES, MORE OR LESS.

NET AREA IS 287.24ACRES, MORE OR LESS.

BEARINGS ARE BASED ON THE WEST LINE OF THE NORTHEAST QUARTER OF SAID SECTION 4 AS BEARING S.00°53'52"E.

SUBJECT TO EASEMENTS, RESTRICTIONS, RESERVATIONS AND RIGHTS-OF-WAY OF RECORD.

DESCRIPTION PREPARED MARCH 18, 2004.


THOMAS C. SHAW
PROFESSIONAL SURVEYOR & MAPPER
FLORIDA CERTIFICATION NO. 4672

RECORDED

APR 09 2004

COMMUNITY DEVELOPMENT

SHEET 2 OF 3

DRI 2004-00004



NOT TO SCALE

SKETCH TO ACCOMPANY DESCRIPTION

OF A
PARCEL OF LAND
LYING IN

SECTION 4, TOWNSHIP 48 SOUTH, RANGE 26 EAST
CITY OF BONITA SPRINGS, LEE COUNTY, FLORIDA

**POINT OF
COMMENCEMENT**
NORTHEAST CORNER
NORTHWEST QUARTER
SECTION 4

NORTH LINE NORTHEAST 1/4

S 00°53'52" E
150.01'

S 89°53'08" W 2629.40'

SOUTH LINE OF BONITA BEACH ROAD

**POINT OF
BEGINNING**

NORTHEAST CORNER
PALMIRA GOLF AND
COUNTRY CLUB
(P.B. 68, PGS. 59-67)

LESS PARCEL

LINE TABLE

LINE	BEARING	DISTANCE
L1	N 41°03'52" E	58.61'
L2	N 67°01'44" E	217.84'
L3	S 22°53'52" E	86.43'
L4	N 89°06'08" E	101.31'
L5	N 37°05'35" E	194.31'
L6	N 00°06'52" W	52.44'

UNPLATTED

PALMIRA GOLF AND COUNTRY CLUB

WEST LINE OF NORTHEAST 1/4
S 00°53'52" E 5226.21'

EAST LINE OF SECTION 4
N 00°48'13" W 5229.51'

UNPLATTED

SOUTHWEST
CORNER
SE 1/4
SECTION 4

SOUTHEAST
CORNER
SE 1/4
SECTION 4

SOUTH LINE SOUTHEAST 1/4
N 89°57'36" E 2620.84'

NOTES:

SEE SHEET 1 & 2 OF 3 FOR DESCRIPTION.
BEARINGS ARE ASSUMED AND BASED
ON THE WEST LINE OF THE
NORTHEAST QUARTER OF SECTION 4
AS BEARING S.00°53'52"E.

LEGEND

C1	CURVE 1 OF CURVE TABLE
L1	LINE 1 OF LINE TABLE
P.B.	PLAT BOOK
PGS.	PAGES

THIS IS NOT A SURVEY

Thomas C. Shaw 3-18-04

THOMAS C. SHAW
PROFESSIONAL SURVEYOR & MAPPER
FLORIDA CERTIFICATION NO. 4672

—THIS SKETCH IS NOT VALID UNLESS IT BEARS THE
SIGNATURE AND ORIGINAL RAISED SEAL OF A FLORIDA
PROFESSIONAL SURVEYOR AND MAPPER

—PREPARED MARCH 18, 2004.

PREPARED BY:

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ENGINEERING, SURVEYING & LAND PLANNING

2150-701 GOODLETTE ROAD

NAPLES, FLORIDA 34102

(941) 403-8868

FLORIDA SURVEYING BUSINESS CERTIFICATION NO. 6690

CURVE TABLE APR 09 2004

CURVE	RADIUS	DELTA ANGLE	ARC	CHORD	BEARING
C1	246.11'	37°55'49"	62.93'	159.97'	S 71°55'57" E
C2	212.83'	33°46'33"	125.46'	223.66'	S 58°06'33" W
C3	45.00'	95°51'11"	75.28'	66.81'	S 57°04'35" W
C4	545.00'	18°15'46"	173.72'	172.98'	N 18°16'52" E
C5	337.00'	39°41'40"	233.47'	228.83'	S 07°33'55" W
C6	445.00'	12°10'03"	94.50'	94.32'	N 06°11'53" W
C7	43.00'	23°47'48"	17.86'	17.73'	S 12°00'46" E

Banks Engineering, Inc.

Professional Engineers, Planners & Land Surveyors
FORT MYERS ♦ NAPLES ♦ SARASOTA ♦ ANNA MARIA ISLAND
DESCRIPTION OF A PARCEL OF LAND
LYING IN

SECTION 4, TOWNSHIP 48 SOUTH, RANGE 26 EAST
CITY OF BONITA SPRINGS
LEE COUNTY, FLORIDA
(PARKLANDS CPD PARCEL)

RECEIVED
JUL 13 2004

PERMIT COUNTER

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PARCEL CONTAINS 27.79 ACRES, MORE OR LESS.

BEARINGS ARE BASED ON THE WEST LINE OF THE NORTHEAST QUARTER OF SAID SECTION 4 AS BEARING S.00°53'52"E.

SUBJECT TO EASEMENTS, RESTRICTIONS, RESERVATIONS AND RIGHTS-OF-WAY OF RECORD.

DESCRIPTION PREPARED MARCH 16, 2004.

Applicant's Legal Checked

by ES August 03, 2004.

THOMAS CLAYTON SHAW
CERTIFICATE
Thomas C. Shaw 7-12-04
THOMAS C. SHAW
PROFESSIONAL SURVEYOR & MAPPER
FLORIDA CERTIFICATION NO. 4672



NOT TO SCALE

POINT OF COMMENCEMENT
NORTHEAST CORNER
NORTHWEST QUARTER
SECTION 4

Applicant's Survey Checked
By *[Signature]* August 03, 2004

Sketch

SKETCH TO ACCOMPANY DESCRIPTION

PARCEL OF LAND
LYING IN

DESCRIPTION:
(PARKLANDS CPD PARCEL)

BONITA BEACH ROAD
SOUTH RIGHT-OF-WAY LINE
589°53'08"W 1184.41'

SECTION 4, TOWNSHIP 48 SOUTH, RANGE 26 EAST
CITY OF BONITA SPRINGS, LEE COUNTY, FLORIDA

A TRACT OR PARCEL OF LAND SITUATED IN THE STATE OF FLORIDA, COUNTY OF LEE, CITY OF BONITA SPRINGS,
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LINE TABLE

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C7	43.00'	23°47'48"	17.86'	17.73'	N12°00'46"W

LEGEND

- L.D.M.A.E. LAKE DRAINAGE MAINTENANCE
- G.C. GOLF COURSE TRACT
- C1 CURVE 1 OF CURVE TABLE
- L1 LINE 1 OF LINE TABLE

SHEET 2 OF 2

THIS IS NOT A SURVEY
[Signature] 1-12-04
THOMAS C. SHAW
PROFESSIONAL SURVEYOR & MAPPER
FLORIDA CERTIFICATION NO. 16672
— THIS SKETCH IS NOT VALID UNLESS IT BEARS THE
SIGNATURE AND ORIGINAL RAISED SEAL OF A FLORIDA
PROFESSIONAL SURVEYOR AND MAPPER —
— PREPARED BY: *[Signature]* 1-12-04
— PREPARED BY: *[Signature]* 1-12-04
PREPARED BY: *[Signature]* 1-12-04

Shanks Engineering, Inc.
ENGINEERING, SURVEYING & LAND PLANNING
6640 WILLOW PARK DRIVE - SUITE "B"
NAPLES, FLORIDA 34109
(239) 597-2081

FLORIDA SURVEYING BUSINESS CERTIFICATION NO. 6690

Banks Engineering, Inc.

Professional Engineers, Planners & Land Surveyors
FORT MYERS ♦ NAPLES ♦ SARASOTA ♦ ANNA MARIA ISLAND
DESCRIPTION OF A PARCEL OF LAND
LYING IN
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CITY OF BONITA SPRINGS
LEE COUNTY, FLORIDA
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PERMIT COUNTER

A TRACT OR PARCEL OF LAND SITUATED IN THE STATE OF FLORIDA, COUNTY OF LEE, CITY OF BONITA SPRINGS, LYING IN SECTION 4, TOWNSHIP 48 SOUTH, RANGE 26 EAST, AND BEING FURTHER DESCRIBED AS FOLLOWS:

COMMENCING AT THE NORTHEAST CORNER OF THE NORTHWEST QUARTER OF SAID SECTION; THENCE S.00°53'52"E. ALONG THE WEST LINE OF SAID FRACTION FOR 150.01 FEET TO THE SOUTHERLY RIGHT-OF-WAY LINE OF BONITA BEACH ROAD AND THE NORTHEAST CORNER OF PALMIRA GOLF AND COUNTRY CLUB, A SUBDIVISION RECORDED IN PLAT BOOK 68, AT PAGES 59 THROUGH 67 OF THE PUBLIC RECORDS OF LEE COUNTY, FLORIDA; THENCE CONTINUE S.00°53'52"E. ALONG THE EAST LINE OF SAID SUBDIVISION AND THE WEST LINE OF THE NORTHEAST QUARTER OF SAID SECTION FOR 1239.59 FEET TO THE **POINT OF BEGINNING**; THENCE N.41°03'52"E. FOR 58.61 FEET; THENCE N.67°01'44"E. FOR 217.84 FEET; THENCE S.22°53'52"E. FOR 86.43 FEET; THENCE N.89°06'08"E. FOR 101.31 FEET TO THE BEGINNING OF A CURVE TO THE RIGHT HAVING A RADIUS OF 246.11 FEET; THENCE EASTERLY ALONG SAID CURVE THROUGH A CENTRAL ANGLE OF 37°55'49" FOR 162.93 FEET; THENCE N.37°05'35"E. FOR 194.31 FEET TO AN INTERSECTION WITH A NON-TANGENT CURVE TO THE LEFT HAVING A RADIUS OF 212.83 FEET AND TO WHICH POINT A RADIAL LINE BEARS S.48°46'44"W.; THENCE SOUTHEASTERLY ALONG SAID CURVE THROUGH A CENTRAL ANGLE OF 33°46'33" FOR 125.46 FEET TO A POINT OF COMPOUND CURVE HAVING A RADIUS OF 45.00 FEET; THENCE NORTHEASTERLY ALONG SAID CURVE THROUGH A CENTRAL ANGLE OF 95°51'11" FOR 75.28 FEET TO A POINT OF REVERSE CURVE HAVING A RADIUS OF 545.00 FEET; THENCE NORTHERLY ALONG SAID CURVE THROUGH A CENTRAL ANGLE OF 18°15'46" FOR 173.72 FEET; THENCE N.27°24'45"E. FOR 630.41 FEET TO THE BEGINNING OF A CURVE TO THE LEFT HAVING A RADIUS OF 337.00 FEET; THENCE NORTHERLY ALONG SAID CURVE THROUGH A CENTRAL ANGLE OF 39°41'40" FOR 233.47 FEET TO A POINT OF REVERSE CURVE HAVING A RADIUS OF 445.00 FEET; THENCE NORTHERLY ALONG SAID CURVE THROUGH A CENTRAL ANGLE OF 12°10'03" FOR 94.50 FEET; THENCE N.00°06'52"W. FOR 52.44 FEET TO THE BEGINNING OF A CURVE TO THE LEFT HAVING A RADIUS OF 43.00 FEET; THENCE NORTHERLY ALONG SAID CURVE THROUGH A CENTRAL ANGLE OF 23°47'48" FOR 17.86 FEET TO THE SOUTHERLY RIGHT-OF-WAY LINE OF BONITA BEACH ROAD; THENCE N.89°53'08"E. ALONG SAID SOUTHERLY RIGHT-OF-WAY FOR 1444.99 FEET TO THE EAST LINE OF SAID SECTION 4; THENCE S.00°48'13"E. ALONG THE EAST LINE OF SAID SECTION 4 FOR 5229.51 FEET TO THE SOUTHEAST QUARTER OF SAID SECTION; THENCE S.89°57'36"W. ALONG THE SOUTH LINE OF SAID SOUTHEAST QUARTER FOR 2620.84 FEET TO THE SOUTHWEST CORNER OF SAID SOUTHEAST QUARTER; THENCE N.00°53'52"W. ALONG THE WEST LINE OF THE EAST HALF OF SAID SECTION 4 AND ALONG THE EAST LINE OF THE AFORESAID PALMIRA GOLF AND COUNTRY CLUB FOR 3986.62 FEET AND TO THE **POINT OF BEGINNING**.

PARCEL CONTAINS 287.24 ACRES, MORE OR LESS.

DRI2004-00004

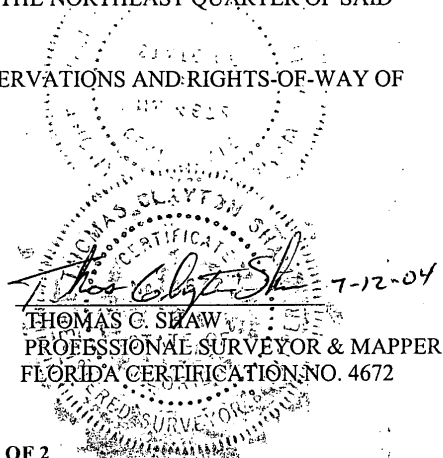
BEARINGS ARE BASED ON THE WEST LINE OF THE NORTHEAST QUARTER OF SAID SECTION 4 AS BEARING S.00°53'52"E.

SUBJECT TO EASEMENTS, RESTRICTIONS, RESERVATIONS AND RIGHTS-OF-WAY OF RECORD.

DESCRIPTION PREPARED JUNE 18, 2004.

Applicant's Legal Checked

by AG August 23, 2004.



SHEET 1 OF 2



NOT TO SCALE

SKETCH TO ACCOMPANY DESCRIPTION

OF A
PARCEL OF LAND

LYING IN
SECTION 4, TOWNSHIP 48 SOUTH, RANGE 26 EAST
CITY OF BONITA SPRINGS, LEE COUNTY, FLORIDA

**POINT OF
COMMENCEMENT**

NORTHEAST CORNER
NORTHWEST QUARTER
SECTION 4

NORTH LINE NORTHEAST 1/4

S 00°53'52" E
150.01'

SOUTH LINE OF BONITA BEACH ROAD S 89°53'08" W 2629.40'
S 89°53'08" W 1184.41' C7 N 89°53'08" E 1444.99'

NORTHEAST CORNER
PALMIRA GOLF AND
COUNTRY CLUB
(P.B. 68, PGS. 59-67)

WEST LINE OF NORTHEAST 1/4
S 00°53'52" E 1239.59'

S 48°46'44" W
RADIAL LINE N 27°24'45" E
830.41'

UNPLATTED

**POINT OF
BEGINNING**

PALMIRA GOLF AND COUNTRY CLUB

LINE TABLE

LINE	BEARING	DISTANCE
L1	N 41°03'52" E	58.61'
L2	N 67°01'44" E	217.84'
L3	S 22°53'52" E	86.43'
L4	N 89°06'08" E	101.31'
L5	N 37°05'35" E	194.31'
L6	N 00°06'52" W	52.44'

S 00°53'52" E 5226.21'
N 00°53'52" W 3986.62'

EAST LINE OF SECTION 4
S 00°48'13" E 5229.51'

UNPLATTED
RECEIVED
JUL 13 2004

PERMIT COUNTER

DR12004-00004

SOUTHWEST
CORNER
SE 1/4
SECTION 4

SOUTH LINE SOUTHEAST 1/4
S 89°57'36" W 2620.84'

SOUTHEAST
CORNER
SE 1/4
SECTION 4

Applicant's ^{Sketch} Survey Checked
By TS August 03, 2004.

LEGEND

C1 CURVE 1 OF CURVE TABLE
L1 LINE 1 OF LINE TABLE
P.B. PLAT BOOK
PGS. PAGES

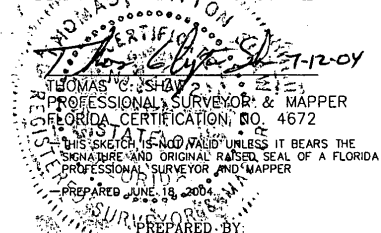
NOTES:

SEE SHEET 1 OF 2 FOR DESCRIPTION.
BEARINGS ARE BASED ON
THE WEST LINE OF THE
NORTHEAST QUARTER OF SECTION 4
AS BEARING S.00°53'52"E.

CURVE TABLE

CURVE	RADIUS	DELTA ANGLE	ARC	CHORD	BEARING
C1	246.11'	37°55'49"	162.93'	159.97'	S 71°55'57" E
C2	212.83'	33°46'33"	125.46'	123.66'	S 58°06'33" E
C3	45.00'	95°51'11"	75.28'	66.81'	N 57°04'35" E
C4	545.00'	18°15'46"	173.72'	172.98'	N 18°16'52" E
C5	337.00'	39°41'40"	233.47'	228.83'	N 07°33'55" E
C6	445.00'	12°10'03"	94.50'	94.32'	N 06°11'53" W
C7	43.00'	23°47'48"	17.86'	17.73'	N 12°00'46" W

THIS IS NOT A SURVEY



Banks Engineering, Inc.

ENGINEERING, SURVEYING & LAND PLANNING

6640 WILLOW PARK ROAD - SUITE "B"
NAPLES, FLORIDA 34109
(239) 597-2061

FLORIDA SURVEYING BUSINESS CERTIFICATION NO. 6690

CITY OF BONITA SPRINGS
ZONING ORDINANCE NO. 04-17

A ZONING ORDINANCE OF THE CITY OF BONITA SPRINGS, FLORIDA; APPROVING A REQUEST BY PARKLAND DEVELOPMENT L.P. IN REFERENCE TO PARKLANDS FOR A NOTICE OF PROPOSED CHANGE (NOPC) TO THE PARKLANDS DRI; TO DETERMINE WHETHER THE PROPOSED CHANGES CONSTITUTE A SUBSTANTIAL DEVIATION FROM THE ORIGINAL DEVELOPMENT ORDER APPROVALS WARRANTING FURTHER DEVELOPMENT OF REGIONAL IMPACT REVIEW; AMENDING THE PARKLANDS RESIDENTIAL COMMERCIAL PLANNED DEVELOPMENT (RPD/CPD) TO MOVE THE BONITA BEACH ROAD ACCESS 260 FEET TO THE WEST; INCREASE THE CPD AREA FROM 9.96 TO 27.79 ACRES; ADD A MODEL CENTER; CONVERT THE PREVIOUSLY APPROVED MULTIPLE-FAMILY/TWO-FAMILY USES IN SOUTHWEST CORNER TO SINGLE FAMILY DEVELOPMENT; AND ADD THREE (3) CONSUMPTION ON PREMISES ON LAND LOCATED AT 14751 BONITA BEACH ROAD, BONITA SPRINGS, FLORIDA, (STRAP NO. 04-48-26-B2-00001.0000), ON 315.03 +/- ACRES; PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, Parkland Development Limited Partnership, in reference to Parklands has filed an application for:

- (1) Requesting a Notice of Proposed Change (NOPC) to the Parklands DRI incorporating the following changes:
 - (a.) Increase the size of the commercial planned development (CPD) development area from 9.96 acres to 27.79 acres; and
 - (b.) Shift the Bonita Beach Road access to the CPD development area 260 feet to the west.
- (2) Determine whether the proposed changes constitute a substantial deviation from the original development order approvals warranting further Development of Regional Impact review.
- (3) Amend the Parklands residential/commercial planned development (RPD/CPD) to: move the Bonita Beach Road access to the CPD 260 feet to the west; increase the CPD development area from 9.96 to 27.79 acres and decrease the RPD development area from 305.06 to 287.24 acres; add a model center as a use within the CPD development area; convert the previously approved multiple-family/two-family uses in southwest corner to single-family development; and add three (3) consumption on premises.

WHEREAS, the subject property is located at 14751 Bonita Beach Road, Bonita Springs, Florida, and is described more particularly as:

"See Exhibit A"

WHEREAS, a Public Hearing was advertised and heard on October 1, 2004 by the City of Bonita Springs Board for Land Use Hearings and Adjustments and Zoning Board of Appeals ("Zoning Board") on Cases DCI 2004-00021 and DRI 2004-00004 who gave full consideration to the evidence available and recommended approval and granting the deviation(4-0); and gave full and complete consideration of the record, consisting of the Staff Recommendation, the Zoning Board, the documents on file with the City and the testimony of all interested parties. The September 23, 2004 Staff Report prepared by Lee County Development Services Division and evidence submitted at the Zoning Board hearing is on file with the City Clerk.

NOW, THEREFORE, BE IT ORDAINED by the City Council of the City of Bonita Springs, Lee County, Florida:

SECTION ONE: APPROVAL OF REQUEST

City Council of Bonita Springs hereby makes the following findings and approvals:

A. CASE NUMBER DRI 2004-00004

- 1)
 - a. Approve increasing the size of the commercial planned development (CPD) development area (sketch and legal description attached hereto and labeled as Exhibit B) from 9.96 acres to 27.79 acres and approve decreasing the size of the residential planned development (RPD) development area (sketch and legal description attached hereto and labeled as Exhibit C) from 305.06 to 287.24; and
 - b. Approve converting the multiple-family/two-family (M/T) uses in southwest corner to single family (S) uses; and
 - c. Approve relocation of the Bonita Beach Road access point to the CPD development area approximately 260 feet to the west.
 - 2) City Council hereby makes the finding that the proposed change does not constitute a substantial deviation from the original development approvals thereby warranting further Development of Regional Impact review, subject to the following conditions:
-

1. The development of this project must be in compliance with the Parklands DRI Development Order #6-8384-43, as amended, stamped received by zoning on September 16, 2004 and DRI Map H, as amended, dated 03-22-04 and stamped received by the zoning counter on April 9, 2004 attached hereto as EXHIBIT "D"
2. This development must comply with all of the requirements of the Bonita Springs Land Development Code at the time of local development order approval except as may be modified by previously approved deviations.

B. CASE NUMBER DCI 2004-00021

1. Approve amending the Parklands residential/commercial planned development (RPD/CPD) to:
 - (a) increase the CPD development area (sketch and legal description attached hereto and labeled as Exhibit B) from 9.96 to 27.79 acres and decrease the RPD development area (sketch and legal description attached hereto and labeled as Exhibit C) from 305.06 acres to 287.24 acres; and
 - (b) add a model center as a use within the CPD development area; and
 - (c) convert the previously approved multiple-family/two family uses in southwest corner to single-family development; and
 - (d) add three (3) consumption on premises.
 - (e) approve relocation of the Bonita Beach Road access point to the CPD development area approximately 260 feet to the west.

Conditions of approval:

1. The development of this project must be consistent with the one-page Master Concept Plan entitled "AMENDED MASTER CONCEPT PLAN; PARKLANDS," stamped received by the permit counter on April 9, 2004, last revised 03-22-04 and attached hereto and labeled as Exhibit "E", except as modified by the conditions below. This development must comply with all requirements of the Bonita Springs 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. All terms and conditions of the original zoning resolution (ZAB 85-131) and amendments thereto, remain in full force and effect except as modified by this approval.
3. Section 2.a., City of Bonita Springs Zoning Ordinance No. 03-03, page 2 of 8, listing the uses permitted in the RPD portion of the development, is hereby amended by adding new language in underline format as follows:

Clubs, Country and Private (Limited to Rec tract)

CONSUMPTION ON PREMISES, in compliance with LDC 34-1262, limited to two (2) alcoholic beverage license.

CONSUMPTION ON PREMISES, limited to two (2) alcoholic beverage license in association with the golf course (GC)

4. Section 2.a., city of Bonita Springs Zoning Ordinance No. 03-03, page 2 of 8, listing the uses permitted in the CPD portion of the development, is hereby amended by adding new language in underline format as follows:

CONSUMPTION ON PREMISES in compliance with LDC 34-1262, limited to two (2) alcoholic beverage licenses

MODEL CENTER

B. Deviations

Deviation 1 is granted, granting relief from the City of Bonita Springs LDC Section 10-285(a), Table 1, regulating the connection separations on arterial roads from the required 660 feet to 333 for the access to the CPD parcel off Bonita Beach Road subject to the access being a right in, right out at the time Bonita Beach Road is four-laned.

5. This development must comply with all of the requirements of the LDC at the time of local development order approval, except as may be granted by deviations approved as part of this planned development.

Findings and Conclusions:

Based upon an analysis of the application and the standards for approval of planned development rezonings, Bonita Springs City Council makes the following findings and conclusions:

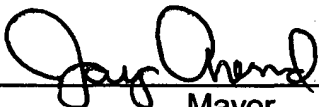
1. The applicant has proven entitlement to the rezoning by demonstrating compliance with the Bonita Springs Comprehensive Plan, the Land Development Code, and other applicable codes and regulations.
2. The requested zoning:
 - a) meets or exceeds all performance and locational standards set forth for the potential uses allowed by the request;
 - b) is consistent with the densities, intensities and general uses set forth in the Bonita Springs Comprehensive Plan;
 - c) is compatible with existing or planned uses in the surrounding area; and
 - d) will not adversely affect environmentally critical areas or natural resources.
3. Approval of the request will not place an undue burden upon existing transportation or planned infrastructure facilities and the site will be served by streets with the capacity to carry traffic generated by the development.
4. Urban services, as defined in the Bonita Springs Comprehensive Plan, are, or will be, available and adequate to serve the proposed land use.
5. The proposed use or mix of uses is appropriate at the subject location.
6. The recommended conditions to the concept plan and other applicable regulations provide sufficient safeguards to the public interest.
7. The recommended conditions are reasonably related to the impacts on the public's interest created by or expected from the proposed development.
8. The deviations:
 - a) will enhance the objectives of the planned development; and
 - b) will preserve and promote the general intent of the LDC to protect the public health, safety and welfare.

SECTION TWO: EFFECTIVE DATE

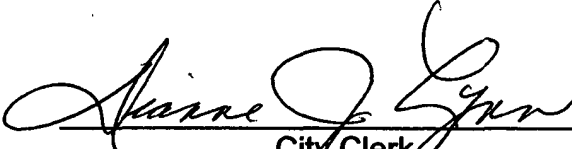
This ordinance shall take effect thirty (30) days from the date of adoption.

DULY PASSED AND ENACTED by the Council of the City of Bonita Springs, Lee County, Florida, this 22nd day of November, 2004.

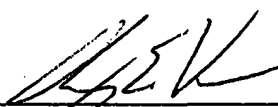
AUTHENTICATION:



Mayor



City Clerk

APPROVED AS TO FORM: 

City Attorney

Vote:

Arend	Aye	Nelson	Aye
Edsall	Absent	Piper	Aye
Grantt	Aye	Wagner	Aye
Joyce	Aye		

Date filed with City Clerk: 11-23-04

Exhibits:

- A. Subject Property Legal Description And Sketch
- B. CPD Area Legal Description and Sketch
- C. RPD Area Legal Description and Sketch
- D. Map H
- E. RPD/CPD Master Concept Plan

Banks Engineering, Inc.

Exhibit "A"

Professional Engineers, Planners & Land Surveyors
FORT MYERS ♦ NAPLES ♦ SARASOTA ♦ ANNA MARIA ISLAND

DESCRIPTION OF A PARCEL OF LAND

LYING IN

SECTION 4, TOWNSHIP 48 SOUTH, RANGE 26 EAST

CITY OF BONITA SPRINGS

LEE COUNTY, FLORIDA

(PARKLANDS PARCEL)

A TRACT OR PARCEL OF LAND SITUATED IN THE STATE OF FLORIDA, COUNTY OF LEE, CITY OF BONITA SPRINGS, LYING IN SECTION 4, TOWNSHIP 48 SOUTH, RANGE 26 EAST, AND BEING FURTHER DESCRIBED AS FOLLOWS:

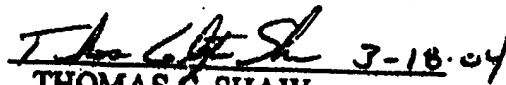
COMMENCING AT THE NORTHEAST CORNER OF THE NORTHWEST QUARTER OF SAID SECTION; THENCE S.00°53'52"E. ALONG THE WEST LINE OF SAID FRACTION FOR 150.01 FEET TO THE SOUTHERLY RIGHT-OF-WAY LINE OF BONITA BEACH ROAD AND THE NORTHEAST CORNER OF PALMIRA GOLF AND COUNTRY CLUB, A SUBDIVISION RECORDED IN PLAT BOOK 68, AT PAGES 59 THROUGH 67 OF THE PUBLIC RECORDS OF LEE COUNTY, FLORIDA AND TO THE POINT OF BEGINNING; THENCE CONTINUE S.00°53'52"E. ALONG THE EAST LINE OF SAID SUBDIVISION AND THE WEST LINE OF THE EAST HALF OF SAID SECTION FOR 5226.21 FEET TO THE SOUTHWEST CORNER OF THE SOUTHEAST QUARTER OF SAID SECTION; THENCE N.89°57'36"E. ALONG THE SOUTH LINE OF SAID SOUTHEAST QUARTER FOR 2620.84 FEET TO THE SOUTHEAST CORNER OF SAID SOUTHEAST QUARTER; THENCE N.00°48'13"W. ALONG THE EAST LINE OF SAID SECTION 4 FOR 5229.51 FEET TO A POINT ON THE SOUTH RIGHT-OF-WAY LINE OF BONITA BEACH ROAD; THENCE S.89°53'08"W. ALONG SAID SOUTH LINE FOR 2629.40 FEET TO THE POINT OF BEGINNING.

PARENT PARCEL CONTAINS 315.03 ACRES, MORE OR LESS.

BEARINGS ARE BASED ON THE WEST LINE OF THE NORTHEAST QUARTER OF SAID SECTION 4 AS BEARING S.00°53'52"E.

SUBJECT TO EASEMENTS, RESTRICTIONS, RESERVATIONS AND RIGHTS-OF-WAY OF RECORD.

DESCRIPTION PREPARED MARCH 18, 2004.


THOMAS C. SHAW
PROFESSIONAL SURVEYOR & MAPPER
FLORIDA CERTIFICATION NO. 4672

SHEET 1 OF 2

S:\Jobs\13xx\1303\murray\1303 PARKLANDS.doc

6640 Willow Park Drive, Suite B, Naples, Florida 34109 • (239) 597-2061 • Fax (239) 597-3082



NOT TO SCALE

SKETCH TO ACCOMPANY DESCRIPTION

OF A
PARCEL OF LAND

LYING IN
SECTION 4, TOWNSHIP 48 SOUTH, RANGE 26 EAST
CITY OF BONTA SPRINGS, LEE COUNTY, FLORIDA

POINT OF
COMMENCEMENT
NORTHEAST CORNER
NORTHWEST QUARTER
SECTION 4

NORTH LINE NORTHEAST 1/4

S00°53'32"E
150.01'

S 89°53'04" W 2822.40'

SOUTH LINE OF BONTA BEACH ROAD

POINT OF
BEGINNING

NORTHEAST CORNER
PALMIRA GOLF AND
COUNTRY CLUB
(P.B. 68, PGS. 59-67)

WEST LINE OF NORTHEAST 1/4

S 00°53'32" E 5222.51'

EAST LINE OF SOUTHWEST 1/4

PALMIRA GOLF AND COUNTRY CLUB

UNPLATTED

EAST LINE OF SECTION 4
N 00°46'13" W 5222.51'

SOUTHWEST
CORNER
SW 1/4
SECTION 4

SOUTHEAST
CORNER
SE 1/4
SECTION 4

SOUTH LINE SOUTHEAST 1/4
N 89°57'36" E 2820.84'

9 10

NOTES:

SEE SHEET 1 OF 2 FOR DESCRIPTION.
BEARINGS ARE ASSUMED AND BASED
ON THE WEST LINE OF THE
NORTHEAST QUARTER OF SECTION 4
AS BEARING S.00°53'32"E.

THIS IS NOT A SURVEY

LEGEND

C1	CURVE 1 OF CURVE TABLE
L1	LINE 1 OF LINE TABLE
P.B.	PLAT BOOK
PGS.	PAGES

Thomas C. Shaw
THOMAS C. SHAW
PROFESSIONAL SURVEYOR & MAPPER
FLORIDA CERTIFICATION NO. 4672

-THE SKETCH IS NOT VALID UNLESS IT BEARS THE
SIGNATURE AND ORIGINAL SURVEYOR SEAL OF A FLORIDA
PROFESSIONAL SURVEYOR AND MAPPER
-PREPARED MARCH 18, 2004.

PREPARED BY:
Banks Engineering, Inc.

ENGINEERING, SURVEYING & LAND PLANNING
2100-TH COMPLEXT ROAD
DADE COUNTY, FLORIDA 33126
(305) 422-0000
FLORIDA SURVEYING BUSINESS CERTIFICATION NO. 0000

SHEET 1 OF 2

S:\Data\13001230-4-survey\13001_0000-4672-PAWENT.dwg, 2/18/2004 3:24:50 PM, Clay Shaw

Shanks Engineering, Inc.

Professional Engineers, Planners & Land Surveyors
FORT MYERS • NAPLES • SARASOTA • ANNA MARIA ISLAND
DESCRIPTION OF A PARCEL OF LAND

LYING IN

SECTION 4, TOWNSHIP 48 SOUTH, RANGE 26 EAST
CITY OF BONITA SPRINGS
LEE COUNTY, FLORIDA
(PARKLANDS CTD PARCEL)

Exhibit "B"

A TRACT OR PARCEL OF LAND SITUATED IN THE STATE OF FLORIDA, COUNTY OF LEE, CITY OF BONITA SPRINGS, LYING IN SECTION 4, TOWNSHIP 48 SOUTH, RANGE 26 EAST, AND BEING FURTHER DESCRIBED AS FOLLOWS:

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PARCEL CONTAINS 27.79 ACRES, MORE OR LESS.

BEARINGS ARE BASED ON THE WEST LINE OF THE NORTHEAST QUARTER OF SAID SECTION 4 AS BEARING S.00°33'32"E.

SUBJECT TO EASEMENTS, RESTRICTIONS, RESERVATIONS AND RIGHTS-OF-WAY OF RECORD.

DESCRIPTION PREPARED MARCH 16, 2004.

Thomas C. Shaw 3-16-04
THOMAS C. SHAW
PROFESSIONAL SURVEYOR & MAPPER
FLORIDA CERTIFICATION NO. 4672

SKETCH TO ACCOMPANY DESCRIPTION

OF A

PARCEL OF LAND

LIVING IN

SECTION 1, TOWNSHIP 28 SOUTH, RANGE 28 EAST
CITY OF TAMPA, HILLSBOROUGH COUNTY, FLORIDA

SECTION 1, TOWNSHIP 28 SOUTH, RANGE 28 EAST
CITY OF TAMPA, HILLSBOROUGH COUNTY, FLORIDA

A TRACT OF LAND BEING PART OF THE ESTATE OF JAMES C. SMITH, DECEASED, AND HIS WIFE, MARY C. SMITH, DECEASED, AND THEIR HEIRS, AS SHOWN ON THE MAP OF THE CITY OF TAMPA, FLORIDA, AND AS SHOWN ON THE MAP OF THE CITY OF TAMPA, FLORIDA, AND AS SHOWN ON THE MAP OF THE CITY OF TAMPA, FLORIDA.

THE TRACT OF LAND BEING PART OF THE ESTATE OF JAMES C. SMITH, DECEASED, AND HIS WIFE, MARY C. SMITH, DECEASED, AND THEIR HEIRS, AS SHOWN ON THE MAP OF THE CITY OF TAMPA, FLORIDA, AND AS SHOWN ON THE MAP OF THE CITY OF TAMPA, FLORIDA, AND AS SHOWN ON THE MAP OF THE CITY OF TAMPA, FLORIDA.

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THE TRACT OF LAND BEING PART OF THE ESTATE OF JAMES C. SMITH, DECEASED, AND HIS WIFE, MARY C. SMITH, DECEASED, AND THEIR HEIRS, AS SHOWN ON THE MAP OF THE CITY OF TAMPA, FLORIDA, AND AS SHOWN ON THE MAP OF THE CITY OF TAMPA, FLORIDA, AND AS SHOWN ON THE MAP OF THE CITY OF TAMPA, FLORIDA.

THIS IS NOT A SURVEY

The City of Tampa

THE CITY OF TAMPA, FLORIDA
PLANNING, DESIGN & MAPS
FLORIDA CORPORATION NO. 4072

THE CITY OF TAMPA, FLORIDA
PLANNING, DESIGN & MAPS
FLORIDA CORPORATION NO. 4072

THE CITY OF TAMPA, FLORIDA

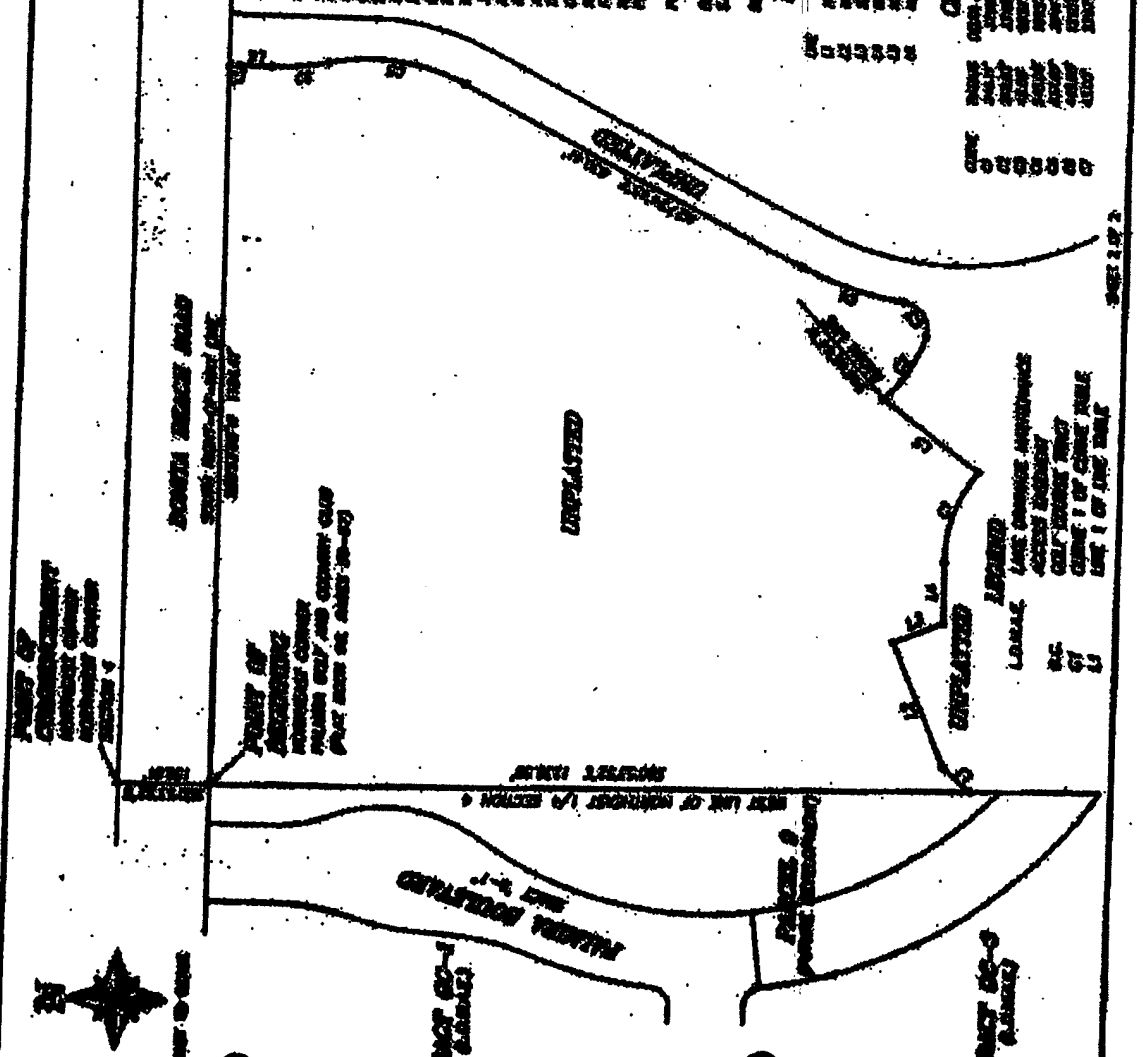
THE CITY OF TAMPA, FLORIDA

THE CITY OF TAMPA, FLORIDA

THE CITY OF TAMPA, FLORIDA

THE CITY OF TAMPA, FLORIDA

THE CITY OF TAMPA, FLORIDA



Banks Engineering, Inc.

Professional Engineers, Planners & Land Surveyors
 FORT MYERS ♦ NAPLES ♦ SARASOTA ♦ ANNA MARIA ISLAND
 DESCRIPTION OF A PARCEL OF LAND
 LYING IN
 SECTION 4, TOWNSHIP 48 SOUTH, RANGE 26 EAST
 CITY OF BONITA SPRINGS
 LEE COUNTY, FLORIDA
 (PARKLANDS RFD PARCEL)

A TRACT OR PARCEL OF LAND SITUATED IN THE STATE OF FLORIDA, COUNTY OF LEE, CITY OF BONITA SPRINGS, LYING IN SECTION 4, TOWNSHIP 48 SOUTH, RANGE 26 EAST, AND BEING FURTHER DESCRIBED AS FOLLOWS:

COMMENCING AT THE NORTHEAST CORNER OF THE NORTHWEST QUARTER OF SAID SECTION; THENCE S.00°53'52"E. ALONG THE WEST LINE OF SAID FRACTION FOR 150.01 FEET TO THE SOUTHERLY RIGHT-OF-WAY LINE OF BONITA BEACH ROAD AND THE NORTHEAST CORNER OF PALMIRA GOLF AND COUNTRY CLUB, A SUBDIVISION RECORDED IN PLAT BOOK 68, AT PAGES 59 THROUGH 67 OF THE PUBLIC RECORDS OF LEE COUNTY, FLORIDA; THENCE CONTINUE S.00°53'52"E. ALONG THE EAST LINE OF SAID SUBDIVISION AND THE WEST LINE OF THE NORTHEAST QUARTER OF SAID SECTION FOR 1239.59 FEET TO THE POINT OF BEGINNING; THENCE N.41°03'52"E. FOR 58.61 FEET; THENCE N.67°01'44"E. FOR 217.84 FEET; THENCE S.22°53'52"E. FOR 86.43 FEET; THENCE N.89°06'08"E. FOR 101.31 FEET TO THE BEGINNING OF A CURVE TO THE RIGHT HAVING A RADIUS OF 246.11 FEET; THENCE EASTERLY ALONG SAID CURVE THROUGH A CENTRAL ANGLE OF 37°55'49" FOR 162.93 FEET; THENCE N.37°05'35"E. FOR 194.31 FEET TO AN INTERSECTION WITH A NON-TANGENT CURVE TO THE LEFT HAVING A RADIUS OF 212.83 FEET AND TO WHICH POINT A RADIAL LINE BEARS S.48°46'44"W.; THENCE SOUTHEASTERLY ALONG SAID CURVE THROUGH A CENTRAL ANGLE OF 33°46'33" FOR 125.46 FEET TO A POINT OF COMPOUND CURVE HAVING A RADIUS OF 45.00 FEET; THENCE NORTHEASTERLY ALONG SAID CURVE THROUGH A CENTRAL ANGLE OF 95°31'11" FOR 75.28 FEET TO A POINT OF REVERSE CURVE HAVING A RADIUS OF 545.00 FEET; THENCE NORTHERLY ALONG SAID CURVE THROUGH A CENTRAL ANGLE OF 18°18'00" FOR 173.72 FEET; THENCE N.27°24'45"E. FOR 630.41 FEET TO THE BEGINNING OF A CURVE TO THE LEFT HAVING A RADIUS OF 337.00 FEET; THENCE NORTHERLY ALONG SAID CURVE THROUGH A CENTRAL ANGLE OF 39°41'40" FOR 233.47 FEET TO A POINT OF REVERSE CURVE HAVING A RADIUS OF 445.00 FEET; THENCE NORTHERLY ALONG SAID CURVE THROUGH A CENTRAL ANGLE OF 12°10'03" FOR 94.50 FEET; THENCE N.00°06'52"W. FOR 15.44 FEET TO THE BEGINNING OF A CURVE TO THE LEFT HAVING A RADIUS OF 43.89 FEET; THENCE NORTHERLY ALONG SAID CURVE THROUGH A CENTRAL ANGLE OF 29°41'00" FOR 17.86 FEET TO THE SOUTHERLY RIGHT-OF-WAY LINE OF BONITA BEACH ROAD; THENCE N.89°53'08"E. ALONG SAID SOUTHERLY RIGHT-OF-WAY FOR 1444.99 FEET TO THE EAST LINE OF SAID SECTION 4; THENCE S.00°48'13"E. ALONG THE EAST LINE OF SAID SECTION 4 FOR 5229.51 FEET TO THE SOUTHEAST QUARTER OF SAID SECTION; THENCE S.89°57'36"W. ALONG THE SOUTH LINE OF SAID SOUTHEAST QUARTER FOR 2620.84 FEET TO THE SOUTHWEST CORNER OF SAID SOUTHEAST QUARTER; THENCE N.00°53'52"W. ALONG THE WEST LINE OF THE EAST HALF OF SAID SECTION 4 AND ALONG THE EAST LINE OF THE AFORESAID PALMIRA GOLF AND COUNTRY CLUB FOR 3986.67 FEET AND TO THE POINT OF BEGINNING.

PARCEL CONTAINS 287.24ACRES, MORE OR LESS.

BEARINGS ARE BASED ON THE WEST LINE OF THE NORTHEAST QUARTER OF SAID SECTION 4 AS BEARING S.00°53'52"E.

SUBJECT TO EASEMENTS, RESTRICTIONS, RESERVATIONS AND RIGHTS-OF-WAY OF RECORD.

DESCRIPTION PREPARED JUNE 18, 2004.

Thomas C. Shaw 10-12-04
 THOMAS C. SHAW
 PROFESSIONAL SURVEYOR & MAPPER
 FLORIDA CERTIFICATION NO. 4672



NOT TO SCALE

SKETCH TO ACCOMPANY DESCRIPTION

PARCEL OF LAND

SECTION 4, TOWNSHIP 48 SOUTH, RANGE 26 EAST
CITY OF BONITA SPRINGS, LEE COUNTY, FLORIDA

POINT OF
COMMENCEMENT
NORTHWEST CORNER
NORTHWEST QUARTER
SECTION 4

NORTH LINE NORTHEAST 1/4

S00°33'32"E
150.01'

SOUTH LINE OF BONITA BEACH ROAD S 89°33'08" W. 2022.40'
S 89°33'08" W 1184.41' C1 N 89°33'08" E 1444.88'

NORTHEAST CORNER
PALMIRA GOLF AND
COUNTRY CLUB
(P.B. 68, PGS. 59-67)

WEST LINE OF NORTHEAST 1/4
S 00°33'32" E 1236.59'

S 89°33'08" W
RADIUS LINE
N 89°33'08" E

UNPLATTED

POINT OF
BEGINNING

PALMIRA GOLF AND COUNTRY CLUB

LINE TABLE

LINE	BEARING	DISTANCE
L1	N 41°03'52" E	58.81'
L2	N 67°01'44" E	217.84'
L3	S 22°53'32" E	86.43'
L4	N 89°08'08" E	101.31'
L5	N 37°05'35" E	184.31'
L6	N 00°06'32" W	52.44'

WEST LINE OF EAST 1/2 OF SECTION 4
S 00°33'32" E 3228.21'
N 00°33'32" W 3886.62'

UNPLATTED

EAST LINE OF SECTION 4
S 00°46'13" E 5328.97'

SOUTHWEST
CORNER
SE 1/4
SECTION 4

SOUTHEAST
CORNER
SE 1/4
SECTION 4

SOUTH LINE SOUTHEAST 1/4
S 89°37'38" W 2820.84'

9 10

LEGEND

C1 CURVE 1 OF CURVE TABLE
L1 LINE 1 OF LINE TABLE
P.B. PLAT BOOK
PGS. PAGES

NOTES:

SEE SHEET 1 OF 2 FOR DESCRIPTION.
BEARINGS ARE BASED ON
THE WEST LINE OF THE
NORTHEAST QUARTER OF SECTION 4
AS BEARING S.00°33'32"E.

THIS IS NOT A SURVEY

Thomas C. Shaw
THOMAS C. SHAW
PROFESSIONAL SURVEYOR & MAPPER
FLORIDA CERTIFICATION NO. 4672

- THIS SKETCH IS NOT VALID UNLESS IT BEARS THE
SIGNATURE AND ORIGINAL AMBED SEAL OF A FLORIDA
PROFESSIONAL SURVEYOR AND MAPPER

- PREPARED JUNE 18, 2004

CURVE TABLE

CURVE	RADIUS	DELTA ANGLE	ARC	CHORD	BEARING
C1	248.71'	37°55'49"	182.83'	159.97'	S 71°55'57" E
C2	212.83'	33°40'33"	125.46'	123.86'	S 58°06'33" E
C3	45.00'	89°51'11"	73.28'	68.81'	N 57°04'38" E
C4	545.00'	18°15'46"	173.72'	172.98'	N 18°16'52" E
C5	337.00'	39°41'40"	233.47'	228.85'	N 07°33'55" E
C6	445.00'	12°10'03"	84.80'	84.32'	N 06°11'53" W
C7	43.00'	23°47'48"	17.86'	17.73'	N 12°00'46" W

PREPARED BY:

Hanks Engineering, Inc.

ENGINEERING, SURVEYING & LAND PLANNING

6040 WILLOW PARK ROAD - SUITE 10
FORT WORTH, TEXAS 76106
(817) 497-0001

FLORIDA SURVEYING BUSINESS CERTIFICATION NO. 0880

NOTES

1. ALL DIMENSIONS ARE IN FEET AND INCHES.

2. ALL DIMENSIONS ARE TO THE CENTERLINE OF THE ROAD OR TO THE CENTERLINE OF THE LOT.

3. ALL DIMENSIONS ARE TO THE CENTERLINE OF THE ROAD OR TO THE CENTERLINE OF THE LOT.

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LEGEND

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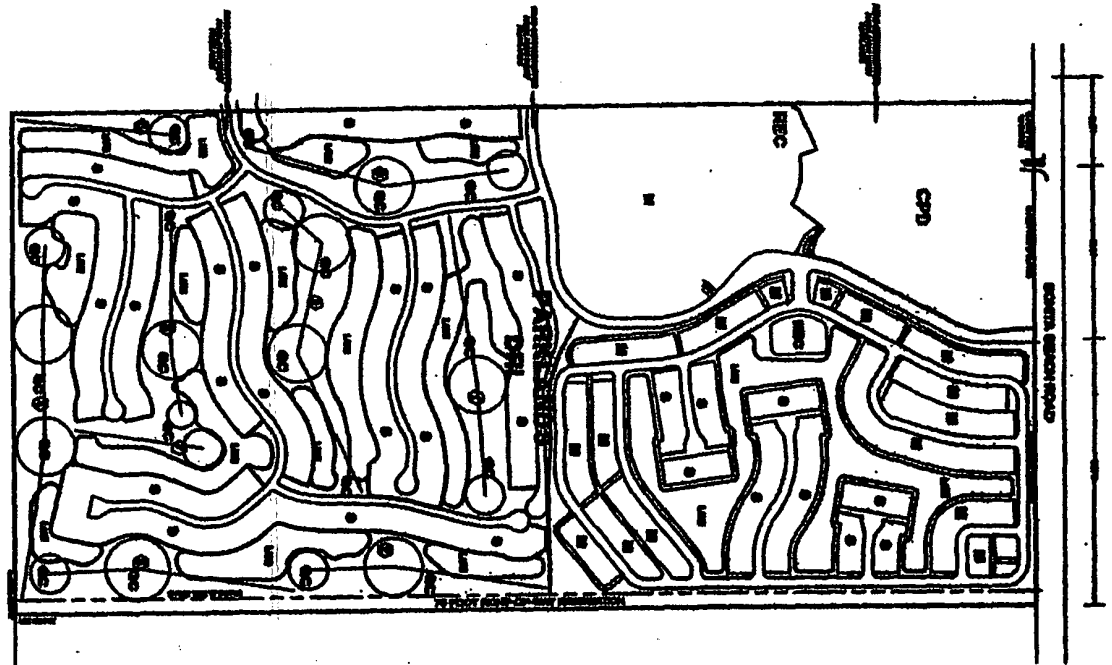
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- 1. ALL DIMENSIONS ARE IN FEET AND INCHES.
- 2. ALL DIMENSIONS ARE TO THE CENTERLINE OF THE ROAD OR TO THE CENTERLINE OF THE LOT.
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- 10. ALL DIMENSIONS ARE TO THE CENTERLINE OF THE ROAD OR TO THE CENTERLINE OF THE LOT.



Exhibit "D"

MAP "H"

**A DEVELOPMENT OF REGIONAL IMPACT
STATE DRI #6-8384-43
COUNTY CASE #85-06-01-DRI**

WHEREAS, on October 2, 2002, _____, 2004, Ronto Developments Parklands, Inc., the Developer of the Parklands DRI, filed an application to amend the Parklands DRI; and

WHEREAS, the portion of the Parklands DRI that is the subject of this Notice of Proposed Change ("NOPC") is a Development of Regional Impact located in the City of Bonita Springs, Lee County; and

WHEREAS, the issues raised in connection with the Notice of Proposed Change dated October 2, 2002, was filed for relating to the purpose of adding; and WHEREAS, a Notice of Proposed Change dated October 2, 2002, was filed for the purpose of adding an additional nine holes of golf to the project, providing for single family dwelling units as a permitted use within the project, providing for single family dwelling units as a permitted use within the project, providing for modifications to the internal roadway system, including three interconnections to the Parklands West Sixth Development, Order Amendment dated November 22, 2004 are the following: (1) providing for modifications to the boundaries of the commercial and residential areas of the project, and (2) providing for multiple family dwelling units within relocation of the commercial area as part of a proposed Town Center design concept and providing for a conversion table to allow conversion of retail square footage and multiple family dwelling units to single family dwelling units western access point into the Parklands DRI from Bonita Beach Road; and

WHEREAS, the City of Bonita Springs has reviewed the current DRI Development Order and has evaluated the current Notice of Proposed Change at a public hearing scheduled in accordance with Section 380.06, F.S. and has concluded that the proposed changes are not a substantial deviation from the terms of the existing Development Order.

NOW, THEREFORE, LET IT BE ORDAINED BY THE CITY COUNCIL OF THE CITY OF BONITA SPRINGS, HEREINAFTER REFERRED TO AS THE CITY COUNCIL, that the conditions of the Development Order for The Parklands DRI adopted by Lee County on April 14, 1986 and last amended by the City of Bonita Springs on September 23, 2002, March 21, 2003, is further amended as follows, with new language underlined and deletions struck through. All other portions of the original Development Order and subsequent amendments shall remain in full force and effect.

~~FINDINGS OF FACT~~

A. The Developer proposes to develop a mixed-use project in both the City of Bonita Springs, and Collier County that includes a total of 2,893 residential dwelling units, a golf course with 27 holes, and 120,000 square feet of commercial space on approximately 966.3950.18 acres. The portion of the project located in the City of Bonita Springs is proposed to contain 1,290 multiple and single family residential units and, 120,000 square feet of commercial space and nine holes of golf. Specific land use information is provided in Exhibit "A".

The legal description of the property is as follows:

The east one-half (E ½) of Section 4, Township 48 South, Range 26 East, Lee County, Florida, less the north 150 feet for road right-of-way.

AND

Section 9, Township 48 South, Range 26 East, Collier County, Florida containing 966.31950.18 acres more or less (both counties).

The property is generally located as reflected in the sketch attached as Exhibit "B".

B. The property located in the City of Bonita Springs is zoned Commercial Planned Development (CPD) and Residential Planned Development (RPD) pursuant to zoning resolution numbers ZAB-85-131, Z-89-098, and Z-99-004 and Bonita Springs Zoning Ordinance 02-14, 03-03; and 03-08.

C. The Application for Development Approval was found to be consistent with the requirements of Chapter 380.06, Florida Statutes; and

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

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

F. The proposed development has been reviewed by the Southwest Florida Regional Planning Council and is consistent with the report and recommendations of the Southwest Florida Regional Planning Council; and

G. The proposed conditions below meet the criteria found in Chapter 380.06 (15) (d), Florida Statutes; and

H. The 1989 Lee Plan amendment changing the Future Land Uses Category of the City of Bonita Springs portion of the project had the effect of reducing the allowable residential density in the City of Bonita Springs from 6 dwelling units per acre to 3 dwelling units per acre. The approved 1290 dwelling units in the City of Bonita Springs portion of the project results in a density of 4.1 dwelling units per acre.

I. The proposed development order is consistent with the adopted City of Bonita Springs Comprehensive Plan, notwithstanding the intervening Lee Plan amendment to the Future Land Use category of the property since there has been no substantial deviation from the original development approvals.

CONCLUSIONS OF LAW

A. FISCAL REQUIREMENTS

1. The development is required to generate sufficient funds to provide the necessary infrastructure for the support of each phase of development. The capital, operating, and maintenance costs of services will be borne by the developer, either by directly providing the infrastructure, or by an assured tax base. The developer has proposed and will carry out a fiscal monitoring program to enable City of Bonita Springs to insure that shortfalls in revenue will be fully mitigated and to verify that this development is generating sufficient funds to provide the necessary infrastructure for the support of each phase of the development. "Fiscal neutrality" will mean that the revenues generated by The Parklands and going to the City of Bonita Springs or the various service providing districts are equal to, or greater than, the costs imposed upon the City of Bonita Springs or those districts as determined by the monitoring and modeling system. The monitoring will be performed to verify the accuracy of assumptions upon which the fiscal analysis is based. The critical assumptions to be monitored include, but are not limited to:

- (a) The number of dwelling units built and other constructed improvements and their sales prices;
- (b) Percentage of units receiving homestead exemption and other applicable exemptions;
- (c) The number of undeveloped acres and their value as assessed by the Lee County Property Appraisers;
- (d) Factors relating to property taxes (assessment ratio, cost of sale factor, millage rate);
- (e) Factors relating to expenditures (per capita expenditures for capital and operating);
- (f) Factors relating to revenues; and
- (g) Cost factors relating to parks (acquisition and development cost per acre and acreage standards for parks).

2. The fiscal monitoring program for monitoring assumptions and methodology will be reviewed by the City of Bonita Springs, and within twelve (12) months of the effective-date of this Development Order, the program shall be brought before the City of Bonita Springs by for adoption of an amendment to the Zoning resolution which was adopted simultaneously with the Lee County Development Order. This amendment shall include at least the following:

- (a) A dispute resolution mechanism in the event that the reviewing authorities and The Parklands disagree about the results of the program; and
- (b) The identification and establishment of the means whereby any fiscal deficits would be offset (e.g., an M.S.T.U. or C.D.D.).

B. DRAINAGE/WATER QUALITY

1. The surface water management system for The Parklands ~~implement~~implements the design standards and water quality "best management practices" ~~outlined in the Application for Development Approval, response to Question 22, and in the sufficiency responses.~~ The commitments include, but are not limited to, the use of grassed conveyance swales (flow ways), spreader discharge swales, dry detention areas including unfilled portions of the golf courses, and the use of seasonal ponds and freshwater ponded wetlands as integral parts of the surface water management system has been reviewed and approved by South Florida Water Management District and deemed to be in compliance with state requirements. The design and permit conditions require the implementation of "Best Management Practices".

2. The developer and his successor(s) must implement and maintain an ongoing maintenance and monitoring program that regularly inspects, maintains, and samples the stormwater drainage system, including wetlands monitoring, during and after the development of The Parklands. The developer must establish MSTU or other legal entity to carry out this program after tracts and/or units are sold. The documents creating such entity must be approved by the City Attorney of Bonita Springs and South Florida Water Management District prior to the implementation of the monitoring program. The program will be designed in consultation with the staffs of the Southwest Florida Regional Planning Council, the South Florida Water Management District, and City of Bonita Springs. Final approval of the program rests with the City of Bonita Springs. The purpose of this program is to insure that the stormwater drainage system functions as planned. If the monitoring program shows the system is not functioning as planned, or is not constructed in accordance with all approved plans, permits, or ~~County~~City requirements, the City of Bonita Springs will notify the developer of the deficiencies and the mitigation measures necessary to take corrective action, further local development approvals will not be granted until the developer has completed such corrective measures or provided an acceptable security to complete the corrective measures within a reasonable time.

3. The use of pesticides are prohibited.

4. ~~Prior to the initiation of the project construction, the developer will provide the information specified within the South Florida Water Management District Impact Assessment report to the SFWMD, SWFRPC, Collier County and the City of Bonita Springs for review. In addition, a conceptual~~A Surface Water Management Permit must be obtained from the SFWMD which authorizes construction of the surface water management system. The City of Bonita Springs~~This permit number 36-04235-P has been issued and Collier County's review will be conducted according to portions of the provisions of Chapter 380.06, Florida Statutes~~project are under construction.

C. ENERGY

All site plans or architectural programs must incorporate the energy conservation features set forth below. In the alternative, the property owner/developer must insure that the features set forth below are implemented through deed restrictions or covenants with successors in title. All applications for site plan approvals and building permits must include a document detailing proposed compliance with these conditions. If deed restrictions or covenants are utilized to insure compliance, such documents must be reviewed and approved by the City Attorney of Bonita Springs prior to recording.

These energy conservation features are:

1. Bicycle/pedestrian systems connecting all land uses, placed along arterial and collector roads within the project, ~~and also, The required bicycle/pedestrian path along the Bonita Beach Road Extension has been constructed along the project frontage.~~ This system must be constructed in accordance with City of Bonita Springs standards, and must include internal bikeways, and pedestrian paths substantially as shown on (but not limited to) Exhibit "H" from the A.D.A., the proposed Master Development Plan, attached to this DRI Development Order as Exhibit "C".
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 future transit system to serve the project area, to specifications of the appropriate City of Bonita Springs agency.
4. Energy-efficient features in window design (e.g., tinting and exterior shading), and operable windows and ceiling fans in residential units.
5. Energy-efficient appliances and equipment.
6. Prohibition against deed restrictions or covenants that would prevent or unnecessarily hamper energy conservation efforts (e.g., building orientation, clotheslines, and solar water heating systems).
7. Minimum necessary coverage by asphalt, concrete, rock, and similar substances in the streets, parking lots, and other areas to reduce local air temperatures and reflected light and heat, as determined by the City of Bonita Springs.
8. Energy-efficient lighting for streets, parking areas, and other interior and exterior public areas.
9. Water closets with a maximum flush of 3.5 gallons and shower heads and faucets with a maximum flow rate of 3.0 gallons per minute (at 60 pounds of pressure per square inch) as specified in the Water Conservation Act, Chapter 553.14, F.S.)
10. Selection, installation, and maintenance of native plants, trees, and other vegetative and landscape design features that can be shown to reduce requirements for water, fertilizer, maintenance, and other needs, compared to non-native exotic plant species.

11. Native shade trees to provide shade for all streets and parking areas.
12. Placement of trees to provide shade in the warmer months while not overly reducing the benefits of sunlight in the cooler months.
13. Orientation of structures, to reduce solar heat gain by walls and to utilize the natural cooling effects of the wind.
14. Structural shading (e.g., trellises, awnings, and roof overhangs) wherever practical when natural shading cannot be used effectively.
15. Porch/patio areas in residential units whenever possible.
16. Establishment of an architectural review committee and consideration by the project architectural review committee(s) of energy conservation measures (both those noted here and others) to assist builders and tenants in their efforts to achieve greater energy efficiency in the development and compliance with conditions 1 through 15.

D. TRANSPORTATION

1. An annual monitoring program, to be performed by the developer, shall be established to monitor the development's impact upon the area's roadways. The monitoring program shall be designed in cooperation with the City of Bonita Springs, Collier County and Lee County. As a minimum, the monitoring report shall contain traffic counts, taken in peak season, with turning movements at the project's access points and compared to the estimate of 1,217 net new P. M. peak hour trip ends. The monitoring report shall also contain level of service analyses for the project significantly impacted roadway segments and intersections. The roadway segments and intersections to be studied will be determined based on the Traffic Impact Statement required in D.6.(b). At a minimum, the roadway segments of Bonita Beach Road east of I-75 to the project will be studied. Also, at a minimum, the intersections of project access points, Bonita Beach Road with I-75 ramps, and Bonita Beach Road with Bonita Grande Drive will be analyzed with traffic counts, taken in peak season with turning movements. The first monitoring report shall be submitted to the Southwest Florida Regional Planning Council, the Lee County Department of Transportation, the Lee County Division of Zoning and Development Review, and the Florida Department of Transportation. Reports shall be thereafter be submitted by the developer to the agencies above listed each year until actual buildout or declared buildout.

2. The developer of The Parklands has completed the construction of, two paved lanes on Bonita Beach Road from the existing pavement east of I-75 to the eastern boundary of The Parklands at no cost to the City of Bonita Springs.

Costs paid by the developer included the full costs of design/engineering, utility relocation, right-of-way acquisition, construction, and relocation of drainage facilities. The cross-section for this road was designed to allow eventual four-laning of Bonita Beach Road. The alignment, design, and construction schedule for this project was approved by the City of Bonita Springs.

The developer of The Parklands has provided 150 feet of right-of-way for construction of Bonita Beach Road improvements at no cost to Bonita Springs.

The developer is not eligible for credits against Road Impact Fees for construction or dedication of right-of-way associated with the Bonita Beach Road improvements since they are "site-related" as this term is defined in the Lee County Land Development Code. However, proportionate share payments or reimbursements from other users of these roads will, if obtained, reduce the cost to The Parklands' developer if supported as stated in subparagraph 5 below.

3. The Developer of The Parklands must dedicate to City of Bonita Springs 75 feet of right-of-way along the eastern boundary of The Parklands from Bonita Beach Road to the Lee County/Collier County line for the eventual construction of the 951 extension and/or Logan Boulevard Extension. If the County and the City determine that the 951 Extension and/or Logan Boulevard Extension will be not be located along the eastern boundary of The Parklands then the 75 foot reservation shall no longer be required.

4. During each applicable phase of development the developer, must make all intersection improvements, including signalization (if warranted), turn lanes, and deceleration lanes, deemed necessary by the City of Bonita Springs or Lee County at The Parklands access points on Bonita Beach Road. Approval of local Development Order plans for the affected phase will be granted only if these improvements are included in construction of that phase.

The developer is not eligible for credits against the Road Impact Fee for these intersection improvements because they are "site-related" as this term is defined in the Lee County Land Development Code as adopted by the City of Bonita Springs.

5. To mitigate adverse traffic impacts caused by all portions of The Parklands on arterial and collector roads west of I-75 and at the intersections of Bonita Beach Road and C.R. 887 (Old 41) and the Bonita Beach Road/I-75 interchange, the developer must do the greater of either:

- (a) Pay road impact fees in accordance with the Land Development Code for the City of Bonita Springs portion of The Parklands,
- (b) Pay an amount equivalent to The Parklands' proportionate share of its adverse traffic impacts on the identified arterial and collector roadways located west of I-75. Proportionate share is to be defined in accordance with Lee County Administrative Code 13-16 Exhibit "D".

Prior to the issuance of a local Development Order for the City of Bonita Springs portion of the Parklands, the developer must submit a Traffic Impact Statement in accordance with City of Bonita Springs development regulations and the Lee County administrative code requirements in effect at the time of the local development order submittal. City of Bonita Springs will determine the proportionate share for the Parklands in accordance with the governing Lee County Administrative Code AC-13-16, Attachment D. The City of Bonita Springs will also determine the road impact fees in accordance with the Land Development Code. If the proportionate share amount identified in 65(b) above is greater than the road impact

fee amount, then prior to the issuance of a local Development Order the applicant must prepare and submit a payment schedule acceptable to the Lee County Department of Transportation, that will determine the method of payments sufficient to mitigate Parklands' proportionate share of any adverse traffic impacts at the time that the adverse impact occurs. If the impact fees are greater than the proportionate share, the developer must pay impact fees in accordance with the schedule set forth in the Land Development Code. The roads/intersections described in subsections D.2, D.3, and D.4 are not eligible for road impact fee credits.

Construction schedules for improvements west of I-75 and at the intersections noted above must be designed to have the improvements in place coincident with the development of The Parklands or as noted otherwise herein.

6. This Development Order will be construed to exempt this development from participation in the funding, through Municipal Services Benefit Unit (MSBU's) or other special assessment districts, of improvements to various state or County arterial and collector roads or intersections to the degree to which the Parklands generates demand, and to the extent that such impacts have not already been mitigated by this development through other means.

7. The development will be subject to the City of Bonita Springs Concurrency Management System.

8. In all instances under this Section D where developer is not eligible for credits against Road Impact Fees for construction or acquisition of right-of-way, and where appropriate, a rebateable agreement may be used whereby a proportionate share of the money would be returned to the developer if or when other developments are approved in the general area served by the road construction or right-of-way acquisition.

9. The developer agrees to provide access from Bonita Beach Road and interconnections with the Parklands West DRI in accordance with the Master Plan of Development (Map H).

10. Multi-family units may be converted to single-family units at a rate of 2.0 multi-family units per single-family unit. Retail square feet may be converted to single-family units at a rate of 156 feet per single-family unit. Further, up to 1,290 multi-family units and up to 120,000 square feet of retail floor area may be converted to single-family units such that the number of dwelling units does not exceed 1,290. Multi-family units and retail floor area may only be converted to single-family units. No conversion may occur from single-family units to either multi-family units or retail floor area.

E. EDUCATION

1. The developer must provide school bus stops within the project, in conjunction with the roadway phasing. Design features and specific locations will be determined with input from the Lee County School Board at the time of local final development review approval.

2. The development shall provide a total cash contribution of \$1.2 million ~~(\$1,200,000.00)~~ to mitigate the education impact of the Parklands and Parklands West DRI. The cash payments must be made in four equal installments of \$300,000.00. The first installment

was paid on July 12, 2001, with each successive installment to be paid on or before June 1st of each consecutive year. Failure to make timely payments will result in the cessation of permit issuance for development within The Parklands and Parklands West DRI. Should a school impact fee ordinance be adopted, the developer shall make the first and second payments referenced above, but will not be obligated to make the third or fourth payment obligation in the event a school impact fee ordinance is in effect prior to the payment date. Developer will be issued school impact fee credits for use at Parklands West DRI and/or Parklands DRI or anywhere else in the impact fee district in which Parklands and Parklands West DRI's are located in an amount equal to the full amount of cash contributions. If the school impact fee ordinance is adopted, the cash contribution identified in this development order shall not be considered a cap or a satisfaction of the impact fee application for both projects, but will be used to offset the impact fee requirements. The credits or offset shall only be available to the Developer or entity that made the actual payments. Transferability of the impact fee credits will be provided for in the school impact fee ordinance. The funds received to mitigate the impacts of development within the City of Bonita Springs must be spent within the corporate boundaries of the City, or within the impact fee district provided for in the proposed school impact fee ordinance, whichever is more restrictive. The funds must be used for capital improvements or other expenditures that are consistent with state law with the expenditure of impact fee revenues.

F. HOUSING

The developer shall provide a housing analysis in accordance with 9J-2.048, Florida Administrative Code prior to the development of the commercial center and provide mitigation in accordance with the rule for any regionally significant unmet demand for low income housing to mitigate the impacts for prospective employees of the proposed commercial and office establishments.

In addition, the Developer will participate in any lawfully adopted City of Bonita Springs ordinance which establishes more stringent mitigative measures than those delineated in Rule 9J-2.048, Florida Administrative Code, in a manner which is consistent with the dictates of §380.06(15)(e)(1), Florida Statutes, should an ordinance be adopted by the City prior to the commencement of the local development order process.

G. VEGETATION

The developer of his successor(s) must utilize a strong native landscaping program throughout the project, with an effort to save or create native upland habitat. This program must be submitted to the City of Bonita Springs for review as part of the local final development review process.

H. COMMUNITY SERVICES

1. The developer must mitigate the project's negative fiscal impact by paying fire impact fees in accordance with the Lee County Land Development Code. This condition is consistent with the agreement dated October 14, 1985, with the Bonita Springs Fire Control and Rescue District. (Agreement is attached as Exhibit "E".) Fiscal impacts on the District will be

further examined in the monitoring program described in Section A. (Fiscal Requirements). Further contributions may be required based on the outcome of that program.

2. If the height of buildings in the development exceed three (3) habitable stories, or if other construction styles or occupancy types so warrant, the developer must purchase the ladder trucks and other equipment deemed necessary for this specialized fire protection by the Bonita Springs Fire District, and donate the equipment to the District.

3. The Bonita Springs Fire Control and Rescue District is encouraged to coordinate with the North Naples Fire Control District to formalize a response policy to assure that Collier County residences are protected at all phases of Parklands' residential and access road construction.

4. The Lee County Sheriff's Department is encouraged to coordinate with the Collier County Sheriff's Department to formalize a response policy that will assure police protection when necessary to the Collier County Parklands residents, at all phases of access road residential construction.

5. The Lee County Emergency Medical Services is encouraged to coordinate with the applicable Collier County Agency to assure a coordinated response policy for providing emergency medical services to the project during all phases of development.

I. RECREATIONAL FACILITIES AND OPEN SPACE

1. The developer must pay community and regional parks impact fees in accordance with the Lee County Land Development Code. Open space must be provided in accordance with the Land Development Code as well.

J. WATER SUPPLY

Water conserving devices must be installed in all new construction in accordance with state law (Chapter 553.14, F.S.). The development will be served by the Bonita Springs Water System. Adequate information has been submitted to confirm that the Bonita Springs Water System will not be adversely impacted by the development. If an on-site wellfield is developed for all or part of the project, more detailed information will be required at the time of permit application to confirm that the proposed wellfield will not adversely impact the resource, other existing legal users, or the environment.

K. COMMERCIAL AREA

The commercial area located in the northwest corner of the project is being enlarged and reconfigured in response to reflect the portion of the commercial area that was dedicated to Lee County as part of Bonita Beach Road. In addition, the commercial area is being reconfigured to provide for certain internal road realignments evolving market conditions. The new commercial area will remain ten be increased to twenty-seven and seventy-nine one hundredths (1027.79) acres in size. The sketch and legal description for the new commercial area is attached hereto and incorporated herein as Exhibit F.

L. RESIDENTIAL AREA

The residential portion of the project is being reconfigured in response to evolving market conditions. The new residential area for the portion of the project located in the City of Bonita Springs will be two hundred eighty-seven and twenty-four one hundredths (287.24) acres in size. The sketch and legal description for the residential area is attached hereto and incorporated herein as Exhibit G.

M. L-TOWN CENTER CONCEPT

A Town Center concept is being introduced as part of the commercial area in the northwest corner of the project. Multiple family dwelling units will be allowed to be located within the Town Center area subject to Condition No. 4 of City of Bonita Springs Zoning Ordinance No. 03-03.

N. M-DENSITY AND LAND USE CONVERSION

The RPD portion of the project located in the City of Bonita Springs, Florida, is limited to 1,290 residential dwelling units (all of which were initially approved as multi-family units) and a nine-hole golf course. The CPD portion of the project located in the City of Bonita Springs, Florida, is limited to 120,000 square feet of retail.

Multi-family units may be converted to single family units at a rate of 2.0 multi-family units per single family unit and retail square footage may be converted to single family units at a rate of 156 square feet per single family unit. Further, up to 1,290 multi-family dwelling units and up to 120,000 square feet of retail floor area may be converted to single family dwelling units, so long as the cumulative P.M. peak hour net new trip generation does not exceed 1,217 net new trips and such that the number of dwelling units does not exceed 1,290. Multi-family units and retail floor area may only be converted to single family units. No conversion may occur from single family units to multi-family units or retail floor area. Any other change in land uses will require filing of a Notice of Proposed Change.

PARKLANDS
UNIT CONVERSION TABLE

	<u>Single Family</u> (DU's)
<u>Multi-Family</u> (0.52 T.E./DU)	<u>2.0 DU</u>
<u>Retail</u> (6.28 T.E./1 KSF)	<u>156 s.f.</u>

NOTES:

- (1) 2.0 multi-family units converts to one (1) single family unit.
- (2) 156 square feet of Retail converts to one (1) single family unit.

O. ~~N.~~ OTHER

1. The master plan as incorporated into the zoning resolution adopted for the property is subject to modification, as the following issues have not been resolved:

- (a) The Bonita Springs Water System's wellfield expansion program could place potable water wells in proximity to The Parklands. Local, regional, or state resolutions concerning allowable land uses within a wellfield zone of influence may require significant changes to the master plan.
- (b) The South Florida Water Management District has indicated that only a governmental agency or special taxing district may accept responsibility for the operation and maintenance of the proposed "pumped" surface water management system. If no such entity accepts this responsibility, the entire system may require major redesigning, thereby altering the master plan.

BE IT FURTHER ORDAINED, by the City Council of the City of Bonita Springs, Florida, that:

1. This ordinance shall constitute the Development Order of the City Council issued in response to the Notice of Proposed Change filed on behalf of The Parklands.

2. All commitments and impact mitigating actions volunteered by the developer in the Application for Development Approval and supplementary documents and not in conflict with conditions or stipulations specifically enumerated above are hereby adopted to this Development Order by reference.

3. This Development Order is binding upon the developers and their heirs, assignees or successors in interest. Those portions of this Development Order that clearly apply only to the Project developer, including but not limited to the initial construction of capital facilities, will not be construed to be binding upon future residents of dwelling units or persons purchasing individual sites for personal residential purposes. The development order is binding upon any builder/developer who acquires any tract of land within The Parklands.

It is hereby declared that the terms and conditions set out in this document constitute a basis upon which the developer and City may rely in future actions necessary to implement fully the final development contemplated by this Ordinance and Development Order.

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

4. It is understood that any reference herein to any governmental agency will be construed to mean future instrumentalities created and designate as successor in interest to, or which otherwise possesses the powers and duties of the referenced governmental agency in existence on the effective date of this Development Order.

5. If any portion or section of this Development Order is determined to be invalid, illegal, or unconstitutional by a court of competent jurisdiction, such decision will not affect the remaining portions or sections of the Development Order.

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

7. Subsequent requests for local development permits will not be subject to further review pursuant to Section 380.06, Florida Statutes, unless the City Council finds, after due notice and hearing, that one or more of the following is present:

- (a) A substantial deviation from the terms or conditions of this development order, or other changes to the approved development plans create a reasonable likelihood of adverse regional impacts or other regional impacts that were not evaluated in the review by the Southwest Florida Regional Planning Council; or
- (b) An expiration of the period of effectiveness of this development order.

Upon a finding that either of the above is present, the City Council must order a termination of all development activity until the developer submits a new DRI Application for Development Approval, and that ADA is reviewed and approved in accordance with Section 380.06, Florida Statutes.

8. Physical development has commenced pursuant to this Development Order. This Development Order will terminate on November 18, 2011, unless an extension is approved. An extension may be granted by the City Council if the project has been developing substantially in conformance with the original plans and approval conditions, and if no substantial adverse impacts not known to the Southwest Florida Regional Planning Council or to City of Bonita Springs at the time of their review and approval, or arising due to the extension, have been identified. Future requests to extend time will be evaluated cumulatively with past request in accordance with Chapter 380.06(19). For the purpose of calculating when a buildout date has been exceeded, the time will be tolled during a pendency of administrative and judicial proceedings relating to development permits.

9. The City Manager of the City of Bonita Springs or his/her designee, will be the local official responsible for assuring compliance with this Development Order.

10. The developer, or his successor(s) in title to the undeveloped portions of the property, must submit a monitoring report annually to the City of Bonita Springs City Council, and Collier County Board of County Commissioners, the Southwest Florida Regional Planning Council, the State land planning agency, and all affected permit agencies. This report must

describe the status of development and compliance as of the date of submission, and must be consistent with the rules of the State land planning agency. The first monitoring report must be submitted to the City of Bonita Springs not later than June 1, 2003, and further reporting must be submitted not later than June 1st of subsequent calendar years. Failure to comply with this reporting procedure is governed by Section 380.06, Florida Statutes. The developer must inform successors in title to the undeveloped portion of the real property covered by this Development Order of this reporting obligation. Successors in interest must comply with all terms and conditions of this Development Order. The failure of a predecessor in interest to inform any successors in interest of all the terms and conditions of this Development Order will not negate the requirement that every developer of the property comply with all the terms and conditions contained herein. The monitoring requirement does not require reporting from residents or successor of individual homesites.

11. The development will not be subject to down-zoning, unit density reduction, or intensity reduction, for five (5) years following the approval of zoning, or amendments thereto unless the City demonstrates that substantial changes have occurred in the conditions underlying the approval of the development order including, but not limited to, a substantial deviation occurring due to the provisions requiring at least fiscal neutrality as described at the end of Section A, or that the development order was based on substantially inaccurate information provided by the developer, or that the change is clearly established by local government to be essential to the public health, safety, and welfare.

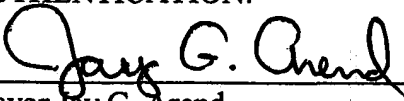
12. Certified copies of this Development Order will be forwarded to the Southwest Florida Regional Planning Council, the developer, and appropriate state agencies by the City. This Development Order is rendered as of the date of that transmittal, but is not effective until the expiration of the statutory appeals period (45 days from rendition) or until the completion of any appellate proceedings, whichever time is greater. Upon this Development Order becoming effective, the developer must record a notice of this adoption in accordance with Chapter 380.06, Florida Statutes.

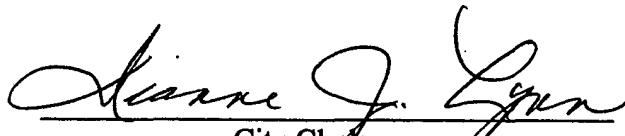
THE MOTION TO ADOPT the above amendments to the Development Order was offered by Councilman Nelson and seconded by Councilman Piper, and, upon pool of the members present, the vote was as follows:

Arend	Aye	Nelson	Aye
Edsall	Absent	Piper	Aye
Grantt	Aye	Wagner	Aye
Joyce	Aye		

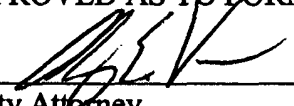
DULY PASSED AND ENACTED BY THE COUNCIL OF THE CITY OF BONITA SPRINGS, LEE COUNTY, FLORIDA THIS 22nd DAY OF NOVEMBER, 2004.

AUTHENTICATION:


Mayor Jay G. Arend


City Clerk

APPROVED AS TO FORM:

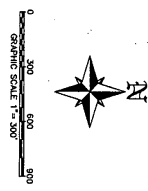


City Attorney

Date filed with City Clerk:

11-23-04

- Exhibits:
- A. Land Use Table
 - B. Sketch of Land Area comprising the Parklands
 - C. Master Development Plan (Map H) (Parklands - Lee)
 - D. Lee County Administrative Code 13-16
 - E. Agreement with Bonita Springs Fire & Rescue District dated October 14, 1985.
 - F. Legal Description and Sketch for CPD Area
 - G. Legal Description and Sketch for RPD Area



LEGEND
M DUPLEX, TWO-FAMILY ATTACHED
 MULTIPLE FAMILY BUILDING, TOWNHOUSE
S SINGLE FAMILY, ZERO LOT LINE
REC RECREATION AREA
 GOLF COURSE HOLE NUMBER
CPD COMMERCIAL

MAP "H"

PREPARED FOR:		CONCEPT, MASTER PLAN	
RONTO DEVELOPMENTS PARKLANDS, INC. 3100 N. RAYMOND, SUITE 100 FT. WORTH, TEXAS 76104 TEL (817) 644-4151 FAX (817) 644-4819		PARKLANDS, INC. 2004 - 00004	
Garth's Engineering, Inc. Professional Design & Engineering 10000 Lakeshore Blvd., Suite 1000 Dallas, Texas 75244 Tel: (214) 343-7000 Fax: (214) 343-7001 Email: garth@garthseng.com Website: www.garthseng.com		LEE COUNTY, FLORIDA DATE: 7-15-02 PROJECT: 1503 DRAWING: 4001P-242 DESIGN: 0000 CONSTRUCTION: 0000 OWNER: LEE COUNTY SCALE: 1"=300' SHEET: 01 FILE NO. (S-1-0): 4-0-432-20E	

**City of Bonita Springs
City Council Zoning Hearing
Monday, November 22, 2004
9:00 am
Bonita Springs Utilities' Board Room
11900 East Terry Street
Bonita Springs, Florida 34135
MINUTES**

I. CALL TO ORDER.

Mayor Jay Arend called the meeting to order at 9:00 A.M.

II. PLEDGE OF ALLEGIANCE.

Mayor Arend led in the pledge of allegiance.

III. ROLL CALL.

Mayor Arend and all Council Members were in attendance, with Council Member David Piper entering the meeting at 9:15 A.M. Council Member Wayne Edsall received an excused absence from the Mayor.

IV. SECOND READING:

A. Mobil Service Station 11257 DCI2003-00056

A ZONING ORDINANCE OF THE CITY OF BONITA SPRINGS, FLORIDA; APPROVING A REQUEST BY Progressive Development Group, Inc. in ref. to Mobil Service Station RAS No. 11257 To rezone from Community Commercial (CC) to Commercial Planned Development (CPD); ON LAND LOCATED AT 28175 South Tamiami Trail, BONITA SPRINGS, FLORIDA, (STRAP NO.04-48-25-B2-00027.003B), on 1.0137 +/- ACRES; PROVIDING FOR AN EFFECTIVE DATE.

Assistant City Attorney Kami Corbett read the title block of the Zoning Ordinance into the record.

Chip Block, Zoning Division, stated that this case involved a rezoning of property from Community Commercial (CC) to Commercial Planned Development (CPD). Both Staff and the Zoning Board have recommended approval with conditions.

No public comments were made.

Council Member Robert Wagner motioned approval of the Zoning Ordinance; Council Member Ben Nelson seconded; and the motion carried unanimously (Council Member David Piper was not in attendance). **Adopted Zoning Ordinance No. 04-15.**

B. Cusson's CPD DCI2004-00003

A ZONING ORDINANCE OF THE CITY OF BONITA SPRINGS, FLORIDA; APPROVING A REQUEST BY CUSSON'S CPD TO REZONE FROM AGRICULTURE (AG-2) AND COMMERCIAL PLANNED DEVELOPMENT (CPD) TO COMMERCIAL PLANNED DEVELOPMENT (CPD); TO ALLOW USES

TO INCLUDE, BUT NOT LIMITED TO RV SALES AND STORAGE, MINI-WAREHOUSE, VEHICLE DEALER, AND FAST FOOD RESTAURANT ON LAND LOCATED AT 25271 AND 25211 OLD 41 ROAD, BONITA SPRINGS, FLORIDA, (STRAP NOS. 22-47-25-B1-00002.401A AND 22-47-25-B1-00002.4010), ON 10 +/- ACRES; PROVIDING FOR AN EFFECTIVE DATE.

Assistant City Attorney Kami Corbett read the title block of the Zoning Ordinance into the record.

Chip Block, Zoning Division, stated that this case involved a rezoning from Agricultural (AG-2) and Commercial Planned Development (CPD) to CPD to allow uses to include, but not limited to RV sales and storage, mini-warehouse, vehicle dealer, and fast food restaurant. Both the Staff and the Zoning Board have recommended approval with conditions.

No public comments were made.

Council Member Wagner motioned approval of the Zoning Ordinance (as amended by the Zoning Board); Council Member John Joyce seconded; and the motion carried unanimously. (Council Member David Piper was not in attendance). Adopted Zoning Ordinance No. 04-16.

C. Parklands DRI NOPC DRI2004-00004 & DCI2004-00021

A ZONING ORDINANCE OF THE CITY OF BONITA SPRINGS, FLORIDA; APPROVING A REQUEST BY PARKLAND DEVELOPMENT L.P. IN REFERENCE TO PARKLANDS FOR A NOTICE OF PROPOSED CHANGE (NOPC) TO THE PARKLANDS DRI (A/K/A SAN REMO); TO DETERMINE WHETHER THE PROPOSED CHANGES CONSTITUTE A SUBSTANTIAL DEVIATION FROM THE ORIGINAL DEVELOPMENT ORDER APPROVALS WARRANTING FURTHER DEVELOPMENT OF REGIONAL IMPACT REVIEW; AMENDING THE PARKLANDS RESIDENTIAL COMMERCIAL PLANNED DEVELOPMENT (RPD/CPD) TO MOVE THE BONITA BEACH ROAD ACCESS 260 FEET TO THE WEST; INCREASE THE CPD AREA FROM 10.02 TO 27.90 ACRES; ADD A MODEL CENTER; CONVERT THE PREVIOUSLY APPROVED MULTIPLE-FAMILY/TWO-FAMILY USES IN SOUTHWEST CORNER TO SINGLE FAMILY DEVELOPMENT; AND ADD THREE (3) CONSUMPTION ON PREMISES ON LAND LOCATED AT 14751 BONITA BEACH ROAD, BONITA SPRINGS, FLORIDA, (STRAP NO. 04-48-26-B2-00001.0000), ON 315.03 +/- ACRES; PROVIDING FOR AN EFFECTIVE DATE.

Assistant City Attorney Kami Corbett read the title block of the Zoning Ordinance into the record. City Attorney Audrey Vance stated that she would remove the reference of "San Remo."

Chip Block, Zoning Division, addressed the request, which involves a determination as to whether the change constitutes a substantial deviation from the original development order; amending the Residential Commercial Planned Development (RPD/CPD) to move the Bonita Beach Road access 260 feet to the west, increase the CPD area; adding a model center; converting the previously approved multiple-family/two-family uses in the southwest corner to single family development; and adding three consumption on premises. Both Staff and the Zoning Board have recommended approval.

Bryan Kelner, Zoning Division, expanded on the amendment process.

Council Member Alex Grantt questioned cash contributions as reflected on page 9 of the Development Order. Attorney Chuck Basinait, representing Parklands, responded. City Council made the decision that it would be more appropriate to accept \$1.2 million from the developers, who to date have paid \$600,000. An additional \$600,000 would be paid in a different fashion.

Mr. Basinait next furnished an overview of the request, stating that the only concern regarded their deviation request for access into the Commercial Planned Development. The Zoning Board recommended approval of the deviation with the proviso that once Bonita Beach Road is four laned, that this access would be a right-in/right-out only.

No public comments were made.

Council Member Ben Nelson motioned approval of the Zoning Ordinance (and Development Order Amendment); Council Member David Piper seconded; and the motion carried unanimously. Adopted Zoning Ordinance No. 04-17.

D. Parklands WEST DRI DRI2004-00005 & DCI2004-00022

A ZONING ORDINANCE OF THE CITY OF BONITA SPRINGS, FLORIDA; APPROVING A REQUEST BY PARKLAND DEVELOPMENT L.P. IN REFERENCE TO PARKLANDS WEST (A/K/A PALMIRA GOLF AND COUNTRY CLUB); FOR A NOTICE OF PROPOSED CHANGE (NOPC) TO THE PARKLANDS WEST DRI TO DETERMINE WHETHER THE PROPOSED CHANGES CONSTITUTE A SUBSTANTIAL DEVIATION FROM THE ORIGINAL DEVELOPMENT ORDER APPROVALS WARRANTING FURTHER DEVELOPMENT OF REGIONAL IMPACT REVIEW; AMENDING THE PARKLANDS WEST RESIDENTIAL/COMMERCIAL PLANNED DEVELOPMENT (RPD/CPD) TO MODIFY THE BOUNDARIES OF THE CPD, ELIMINATE THE NORTH-SOUTH ROADWAY CONNECTION TO THE PARKLANDS DRI IN COLLIER COUNTY, AND ADD FOUR (4) CONSUMPTION ON PREMISES, ON LAND LOCATED AT 14011 BONITA BEACH ROAD, BONITA SPRINGS, FLORIDA, (STRAP NO. 04-48-26-B1-0010A.0000), ON 314.91 +/- ACRES; PROVIDING FOR AN EFFECTIVE DATE.

Assistant City Attorney Kami Corbett read the title block of the Zoning Ordinance into the record.

City Attorney Audrey Vance addressed the updated ordinance and revisions made. The Development Order is the Third Development Order for Parklands.

Chip Block, Zoning Division, furnished an overview of the request. He stated that both the Zoning Board and Staff have recommended approval with conditions.

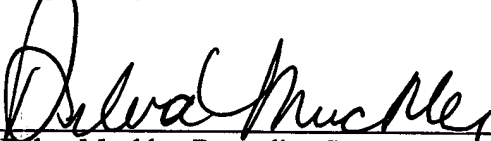
No public comments were made.

Council Member Nelson motioned approval of the Zoning Ordinance (and Development Order Amendment); Council Member Alex Grantt seconded; and the motion carried unanimously. Adopted Zoning Ordinance No. 04-18.

V. ADJOURNMENT.

There being no further cases to discuss, the meeting adjourned at 9:32 A.M.

Respectfully submitted,

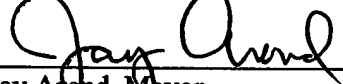

Debra Muchler, Recording Secretary

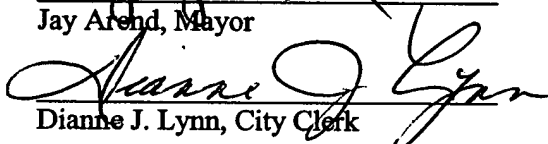
APPROVED:

BONITA SPRINGS CITY COUNCIL:

Date: 12-1-04

AUTHENTICATED:


Jay Arend, Mayor


Dianne J. Lynn, City Clerk

**City of Bonita Springs
Board for Land Use Hearings & Adjustments
And Zoning Board of Appeals
Friday, October 1, 2004
Bonita Springs Utilities' Board Room
11860 East Terry Street
Bonita Springs, FL 34135
MINUTES**

I. CALL TO ORDER.

Chairman Pete Pastore called the meeting to order at 9:00 A.M.

II. INVOCATION

Board Member Robert Incerpi furnished the invocation.

III. PLEDGE OF ALLEGIANCE

Chairman Pastore led in the pledge of allegiance.

IV. ROLL CALL.

Board Members Present:

Chairman Pete Pastore
Chris Bielski
Robert Incerpi
Wes Norris
Frank Howe
James Brandreth

Board Members Absent:

Bill Pescosolido

V. PUBLIC HEARINGS:

A. 9:00 a.m.

CASE NO. DCI2003-00056

CASE NAME:

Progressive Development Group, Inc. in ref. to Mobil Service Station RAS No. 11257

REQUEST:

To rezone the 1.015 +/- acre property from Community Commercial (CC), to Commercial Planned Development (CPD), to allow a Convenience Food and Beverage Store (4,060 square feet) with 10 pumps, and a car wash. No blasting is proposed on-site.

LOCATION: 28175 South Tamiami Trail (0.25 miles south of Bonita Beach Rd. on the east side of Tamiami Trail, located in Springs Plaza Center)

STRAP NO. 04-48-25-B2-00027.003B

SIZE OF PROPERTY: 1.015± acres

STAFF REPORT: Direct inquiries to Jeff Laurien, Senior Planner, at 479-8336, at the Lee County Department of Community Development, 1500 Monroe Street, Ft. Myers, Florida.

City Attorney Audrey Vance introduced the case, read the request into the record, and placed all witnesses under oath. Brett Nevaril, representing the Applicant, stated his qualifications and experience, after which he was tendered as an expert witness in engineering and land use.

Mr. Nevaril addressed the request, which he stated was to rezone the subject property from Community Commercial (CC) to Commercial Planned Development (CPD). The site is currently developed with a mobile station that was built in 1987 that consists of a convenience store, a car wash, and four gas pumps. The intent is to tear down the existing station and build a 4,060-square-foot facility, inclusive of five pump islands and an accessory car wash. The new facility will entail improved architecture, incorporating all of the design elements required per the regulations. It will also entail improved landscaping and a reduction in driveways from four to two for purposes of improving circulation, pedestrian access, and turning movements. Signage will also be improved by the removal of the existing 20-foot pole sign which will be replaced with a monument type sign. The current lighting on the site does not comply with the existing regulations, and so they plan to include lighting that will comply resulting in a reduction of lights, illumination, and spillage.

The subject property is basically surrounded by commercial uses. They see this as a desirable location for their proposed use, and as such, should be approved.

The request is to increase the amount of pumps from four to five, which result in an increase of 13 P.M. new peak hour trips. The trip generation rate will increase by two, which will result in 13 new peak hour trips. U.S. 41 is currently operating at a Level of Service "D" and will remain at this level as a result of this new facility.

He concluded by stating that he has worked diligently with Staff for over a year on modifications to the site plan, including architecture for the site. They were going to save the existing canopy, however, Staff felt it did not fit in, so they have agreed to remove the existing canopy and replace it with a state-of-the-art canopy. They also waived color rights. Mobil usually has the blue illuminated banding, which they agreed to also eliminate.

The proposed development meets all performance and locational standards. The existing facility has been there for 17 years, and so they feel they have the right to be here. They will comply with all Land Development Code (LDC) regulations. They have reviewed the Staff Report and agree with all the stipulations and comments contained therein.

Jeff Laurien, Zoning Division, addressed the request, which he stated was to rezone the site from CC to CPD. The reason for the requested CPD is to allow the Applicant to increase the number of pumps from eight to 10. The CC zoning district allows a maximum of 8 pumps. The site is also within the Bonita Beach Road Corridor Overlay, which required the Applicant to submit architectural renderings to Staff to review for architectural compliance. Staff has worked very closely with the Applicant on the development of architectural drawings, compliance with the LDC and the Comprehensive Plan, and all the other pertinent regulations. Staff recommends approval of the request with the six conditions reflected in the Staff Report.

No public comments were made.

Board Member Frank Howe motioned to uphold Staff's recommendation of approval, as conditioned; Board Member Chris Bielski seconded; and the motion carried unanimously.

APPLICANT(S)/AGENT(S)/OWNER(S):

1. Brett Nevaril, Richard Hernandez, and Nisit Sapparkhao, Progressive Development Group, Inc., 4929 Bayshore Boulevard, Tampa, FL 33611 (Applicant/Agent).
2. ExxonMobil Oil Corporation, 325 Gallows Road, Fairfax, VA 33037 (Owner).

B. 10:00 a.m. CASE NO. DCI2004-00003

CASE NAME: Cusson's CPD

REQUEST: Request to rezone approximately 10+/- acres from Agriculture (AG-2) and Commercial Planned Development (CPD) to Commercial Planned Development (CPD) to allow additional uses to include, but not limited to, Mini-Warehouse, Vehicle Dealer, and Fast Food Restaurant.

LOCATION: 25271 & 25211 Old 41 Road (on east side of Old 41 Road, approximately ½ mile south of the intersection of Old 41 Road and US 41 immediately north of the Old 41 MPD)

STRAP NO. 22-47-25-B1-00002.401A & 22-47-25-B1-00002.4010

SIZE OF PROPERTY: 10± acres

STAFF REPORT: Direct inquiries to Josh Philpott, Planner, at 479-8365, at the Lee County Department of Community Development, 1500 Monroe Street, Ft. Myers, Florida.

Assistant City Attorney Kami Corbett introduced the case, read the request into the record, and placed all witnesses under oath.

Attorney Neale Montgomery, representing the Applicant, stated that the subject property is located on Old 41 Road. She next addressed the surrounding uses, as reflected on page 1 of 9 of the Staff

Report, noting that the site is surrounded by commercial and light industrial uses. The only question the Applicant has regards the uses. She referred to Condition 3. b., and a clarification that needed to be made to the second sentence as follows:

Only removal of invasive exotics will be allowed within the buffer area unless other means are field approved

Bob Thinner, also representing the Applicant, referred to the Future Land Use Map (FLUM; Board Exhibit) to address the uses surrounding the site. He stated the subject property is located within the General Commercial land use category. The Old 41 MPD (Mixed Planned Development) is also within the commercial designation. To the north and across the street is property within the Industrial land use category. The subject site consists of 10 acres, nine acres of which is zoned Commercial Planned Development (CPD). The remaining one acre is zoned AG-2 (Agricultural). The existing CPD zoning on the site was approved in 1987 and allowed for the maintenance and storage of Recreational Vehicles (RVs). The AG-2 parcel is developed residentially. The intent is to combine both parcels into one. The existing CC zoning is very restrictive in that it only allows the repair and storage of RVs.

He next referred to an aerial photograph to address the uses surrounding the site, which include the Moose Lodge; S & S Structural, which manufactures steel beams, the Rinker facility; and the Bernwood Business Park. There is also a sewage treatment plant. He further addressed photographs he furnished the Board to address other uses in the area, including the railroad track.

The original approval states that the only use allowed on the site is open storage for the long term parking of RVs, travel trailers, boats on trailers, and other types of recreational vehicles. It also allows vehicle repair with a building not exceeding a maximum gross floor area of 11,000 square feet. It also refers to an open repair area and automotive repair service Group I, as well as engine repair. He stated that it is a very restrictive zoning in terms of one's ability to do certain things on the property that everyone to the north and west can do. Therefore, they feel their request is appropriate and involves uses that should be permitted on the site.

He next referred to the MPD to the south and stated that when the zoning for that property was approved in 2003, the Applicant had two options – 1) to build the entire site as a commercial use, or 2) to put in residential, which was placed near Cusson's, leaving them with a compatibility issue to deal with. Fortunately, the owner was responsible for that compatibility issue, so in working with Staff they tried to find a way to handle this compatibility issue and ended up creating two development areas – one adjacent to the residential and one outside that residential area. Referring to Master Concept Plan (MCP; Board Exhibit) he showed the areas where the two lines differentiated with respect to the residential and the commercial portions as it relates to compatibility. He also showed the location of a frontage road that existed at one time that was vacated in September 2004, which was no longer an issue. With respect to traffic, turning movements will be alleviated with the widening of Old 41.

He next addressed compatibility by referring to Policy 1.1.14.a. on page 7 of the Staff Report which states:

Appropriate uses include a wide range of commercial retail and service uses for residents and visitors; hotels/motels; offices; light industrial uses; schools; recreation; public and

semi-public uses; multi-family uses up to 10 units per acre; and mixed residential and commercial use in planned developments.

The above policy allows for a mixture of uses, including residential. His belief is that perhaps the uses that Staff removed from the list need to be considered because of this policy. Mr. Block next informed the Board of the intent of the previously approved, more restrictive, zoning on the site that took place in 1987. At that time the Applicant chose to be more restrictive on what they wanted to do since they didn't have any plans for the future. They furnished Staff with a specific schedule of uses, which the Lee County Board of Commissioners approved at that time.

Mr. Thinnes next referred to submittal titled "SUMMARY OF USES" to address those uses they have agreed with Staff to delete and those they do not agree should be deleted. They agree that the car wash would not be a permitted use, but rather an accessory use. Discussion ensued, specifically with respect to the issues relating to drive-thru facilities as set out in items 10, 11, and 24. They believe that Mobile Home Dealers; Plant Nurseries; Processing and Warehousing; Groups III and IV of Rental and Leasing Establishments; Vehicle and Equipment Dealers, Groups III and IV for property on the north half of the site); and Wholesale Establishments, should all be allowed to remain. Discussion ensued.

Tape 1 Side 2

Ms. Montgomery asked Mr. Thinnes whether most of the uses that Staff didn't include that he asked be included were less noisy than those uses that already surround the site. Mr. Thinnes stated that the concrete facility is extremely noisy. The S & S facility was also noisy. He was not sure about the Moose Lodge. The Processing and Warehousing use reflected in item 22. of his submittal is a use that can be conducted indoors without resulting in any impacts to any of the adjacent residential uses. Discussion ensued.

Ms. Montgomery referred to Policy 1.1.22 on page 8 of the Staff Report which states that when you have incompatibility with commercial, industrial, or more intense uses and they share a common boundary with residential, then you address that incompatibility through fences, walls, vegetation and spatial buffers. The Applicant has provided for a buffer. What it doesn't say is that you eliminate uses. The General Commercial land use category is supposed to provide for a wide range of commercial retail, office and light industrial uses. The subject property is the area within the City where the light industrial and heavier commercial uses are suppose to be located. If those uses were inherently incompatible with residential, that land use category wouldn't permit residential and wouldn't encourage a mix of those uses. It's a land use category that envisions this wide range of commercial, industrial and office uses with residential of up to 10 units per acre.

Josh Philpott, Zoning Division, addressed the issue of compatibility between residential, commercial, and industrial uses and stated that residential uses are an option for the property to the south. He showed the portion of the property that could potentially be developed as residential. Staff had some concerns with compatibility with some of the uses proposed for this area, which is why they came up with Development Areas "A" and "B." He next referred to Policy 1.1.14.a. and stated that the Applicant's argument is that because it's a planned development, these uses are mixed and should be allowed together. However, some of the uses in Area "B" are more light industrial uses, i.e., warehousing. Development Area "A" allows for general office and moderate commercial uses to address the potential for residential uses there. Should the parcel to the south be developed commercially Staff has included

Condition 6. which states that the uses that are allowed in both development areas will be permitted along that shared boundary to help mitigate some of the compatibility issues.

Referring to the Applicant's submittal titled "SUMMARY OF USES" he addressed those uses that Staff and the Applicant disagree on. Staff has no problem with item 7. regarding the Boat Parts Store. They do, however, have an issue with dry storage which could involve "dockominiums" which would entail warehouses with boats. Open storage is permitted in Area "B." He next referred to item 10, concerning drive-thrus for fast food establishments, which he stated involves certain stacking distances. Referring to the current MCP he explained that to place those at the end of a building could result in problems with traffic circulation and the movement of traffic throughout the site. Staff, has therefore, recommended denial of the drive-thru facility for fast food restaurants. The same issue pertains to item 11. regarding the drive-thru facility for drugstores. Staff agrees with items 15. and 17. Items 19. and 25. involve Vehicle and Equipment Dealers. There are no locations on the MCP where the storage of cars and vehicles will be allowed without amending the MCP. Staff, therefore, believes it's a use that needs to appear before the Zoning Board and City Council, to show the location. Item 21. concerning the Plant Nursery is a use that usually involves large plant growing operations. The MCP also does not show any large planting areas. Item 22. pertains to Processing and Warehousing. Staff agrees with this and the Applicant. Rental and Leasing Establishments in item 23. involve the same issue with vehicle dealers in which there would need to be a large storage area for the parking of vehicles, which also would not be accommodated on the MCP. Staff disagrees with the Applicant regarding this use. Staff denies item 24., regarding the drive-thru for fast food. Item 26. pertains to Wholesale Establishments which are large establishments that distribute mass quantities of items. Staff's concern regards truck traffic, however, with it being in the Industrial Development, it's a use Staff feels can be accommodated at time of development order, so they agree.

Board Member Bielski questioned whether the Applicant sold RVs from the site. Mr. Philpott stated that he did not believe so. They repair, service and store large boats and vehicles. There is also some automotive repair.

Tape 2 Side 1

Ms. Montgomery stated that she agreed with Mr. Block that the areas to the west and north are heavy industrial, however, they are not requesting any heavy industrial uses. The land use category for the site permits light industrial, of which they are requesting some uses. With respect to Item 7. regarding dry storage, it's a use that would occur inside a building that is not particularly noisy. Item 11. regarding the drive-thru is something she feels Development Review Staff would not let happen without the proper stacking and internal circulation. In addition to limiting the uses in Development Area "A," there will also be an intense buffer. Therefore, the uses being requested in Development Area "B" should be considered because of the buffer, the buildings and the development area that's adjacent to the heavy industrial.

Don Colapietro, with Cusson's RV, commented on the 1987 rezoning of the property, which he stated involved a second request, with uses Staff informed them could be approved on the site, which they agreed to. He further addressed noise resulting from the Rinker's facility and the Structural Systems operations. There is also the railroad. Overall, he can't see anyone living in that back area because of the noise. Their residence is a stilt home located on the north end of the property.

Jane Colapietro, also with Cusson's RV, referred to the MCP and stated that the entire property was to be storage. With storage buildings being built, indoor storage might be wanted for RVs or whatever. The MCP was done in phases so that they didn't have to build all six buildings at one time, so they could see how it went. She reiterated that the entire internal area was intended to be open storage.

Mr. Block referred to the definition of storage in the Land Development Code which states "The safe keeping of goods, wares, products, or other commodities, in an area for more than 48 hours." Storage includes the keeping of boats, cars, RVs, etc. Therefore, storage is a use they want to have on the site. Indoor storage, as requested, has been recommended for Development Area "A," which is then inclusive in Development Area "B." Open storage is permissible in Development Area "B." Dry storage is not necessary, and is a completely separate use, and a use that has not been requested. They are asking to be allowed to store boats and RVs on the site that belong to others, which Staff has already recommended approval of.

Anne Glowacki, also with Cusson's RV, stated that they are here to get the proper zoning for the site for whoever uses the property.

Discussion ensued on the uses, specifically the use of drive-thru. Ms. Montgomery addressed Staff's concerns regarding stacking and agreed with Mr. Block that it would be appropriate if a drive-thru use is permitted that it be submitted to Staff for administrative review to ensure proper stacking. Mr. Block added that if one of the items in the administrative amendment process cannot be adequately addressed, then it would have to go back through the public hearing process.

He suggested a motion to address drive-thru facilities as a permitted use, a permitted use only approved through the administrative amendment process, or to not include drive-thru facilities as a permitted use.

Ms. Montgomery addressed the outstanding items of concern. Her understanding on item 7. regarding boat storage is that they can still have indoor storage. Items 10. and 11. pertain to the drive-thru issues just discussed. Items still outstanding include item 19. regarding Mobile Home Dealers; item 21. regarding the Plant Nursery; item 23. regarding Rental and Leasing Establishments; and item 25. regarding the Vehicle and Equipment Dealers. Mr. Block agreed.

Ms. Bielski recommended that items 10, 11. and 24 be combined and addressed, leaving Plant Nurseries and Rental Establishments as the issues remaining for discussion. The Board consensus was to address the drive-thru facilities through the administrative amendment process. Mr. Block stated that item 25 regarding Vehicle and Equipment Dealers and item 19. regarding Mobile Home Dealers were also outstanding. Mr. Philpott stated that Staff's recommendation of denial for Vehicle and Equipment Dealers and Mobile Home Dealers was due to the MCP not allowing for these uses without amending the MCP. Discussion ensued.

Mr. Block, in response to a question posed by Board Member Bielski regarding whether the Mobile Home Dealers and Plant Nurseries could also be addressed administratively, explained that this would be more difficult since they were uses that involved much larger facilities and area. They may also not be considered as being interior to the project. There are also different buffering standards between certain land uses per Land Development Section 34-1352. Additionally, a change in buffering is one of those things that triggers the need for a public hearing.

Ms. Montgomery stated that the uses they disagree on pertain to Development Area "B," and are not near the residential.

Board Member Bielski left the meeting at 11:35 A.M.

Discussion ensued on the motion with respect to the uses.

Board Member Incerpi motioned to uphold Staff's recommendation of approval, with the conditions as revised (set out below); Board Member Howe seconded; and the motion carried unanimously.

Assistant City Attorney Corbett referring to the SUMMARY OF USES reiterated the revisions, in which the Board was amending the uses in the Staff Report to add the following uses in Development Area "B": Group II Food Stores; Group III Household and Office Furnishing Stores, making a correction as it relates to Manufacturing to be in accordance with Section 34-622(c)(24); Mobile Home Dealers; Processing and Warehousing; Plant Nurseries to prohibit growing, allowing selling only; Group III Leasing of Recreational Vehicles; Groups II and IV Vehicle and Equipment Dealers (motorcycles, lawnmowers, and RVs); Wholesale Establishments; and Drive-thru uses approved only through the administrative process.

APPLICANT(S)/AGENT(S)/OWNER(S):

1. David Cusson and Margaret T. Cusson, 1840 Monticello Drive, Naples, Florida 34110
(Applicants/Owners).
2. Wayne Arnold and Bob Thinnies, Q. Grady Minor & Associates, P.A. 3800 Via Del Rey, Bonita Springs, Florida 34134 (Agents).

PARTIES OF RECORD:

1. Charles R. Moore, P.O. Box 1886, Bonita Springs, Florida 34133
2. Anne Glowacki, 10286 St. Patrick Lane, Bonita Springs, Florida 34135
3. David Cusson, 25211 Old 41 Road, Bonita Springs, Florida 34135
4. Jane Colapietro, 25211 Old 41 Road, Bonita Springs, Florida 34135
5. Don Colapietro, 10575 Shangri La Road, Bonita Springs, Florida 34135

INTERESTED PARTIES:

None.

C. 11:00 a.m. CASE NO. DRI2004-00004 & DCI2004-00021

CASE NAME: Parkland Development Limited Partnership in reference to Parklands

REQUEST:

- 1) Requesting a Notice of Proposed Change (NOPC) to the Parklands DRI incorporating the following changes:
 - a. Increase the size of the commercial planned development (CPD) development area from 10.02 acres to 27.90 acres; and
 - b. Shift the Bonita Beach Road access to the CPD development area 260± feet to the west.
- 2) Determine whether the proposed changes constitute a substantial deviation from the original development order approvals warranting further Development of Regional Impact review.
- 3) Amend the Parklands residential/commercial planned development (RPD/CPD) to: move the Bonita Beach Road access to the CPD 260± to the west; increase the CPD development area from 10.02 to 27.90 acres; add a model center as a use within the CPD development area; convert the previously approved multiple-family/two-family uses in southwest corner to single family development; and add 3 consumption on premises.

LOCATION: 14751 Bonita Beach Road (the property is located on the south side of Bonita Beach Road, approximately 2 1/4 miles east of I-75)

STRAP NO. 04-48-26-B2-00001.0000

SIZE OF PROPERTY: 315.03± acres

STAFF REPORT: Direct inquiries to Bryan Kelner, Principal Planner, at 479-8363, at the Lee County Department of Community Development, 1500 Monroe Street, Ft. Myers, Florida.

City Attorney Vance began by reading the requests for both items C. and D. of the agenda into the record and placing all witnesses under oath. In attendance on behalf of the Applicant were Attorney Charles Basinait, Gary Muller, Brian Farrar, David Underhill, and Ted Treesh. Present on behalf of Staff were Bryan Kelner, Chip Block, and Andy Getch.

City Attorney Vance stated that all witnesses have been placed under oath in the prior case (Agenda Item D.).

Mr. Basinait, representing the Applicant, introduced the Applicant's Agents. He stated that they are here to amend the Parklands DRI development order as well as the zoning that currently exists on the subject property. They are in agreement with Staff's conditions, and a majority of the recommendations, with a disagreement on Staff's position regarding Deviation (1) to relocate the access into the CPD further

to the west. The Regional Planning Council (RPC) has reviewed their request to amend the DRI, including their request to relocate the CPD access, and have no objections. They have also made a finding of no substantial deviation.

Gary Muller, representing the Applicant, furnished the history of the project, which he stated involves a 996-acre development located in both Lee and Collier Counties. The project was previously approved for 2,893 dwelling units and 120,000 square feet of commercial floor area. The Lee County portion was incorporated into the City of Bonita Springs on January 1, 2000. The 315-acre portion is located on the south side of Bonita Beach Road, approximately 2 ¼ miles east of I-75, and immediately east of Parklands West.

The Bonita Springs portion of Parklands received a Development of Regional Impact (DRI) development order from Lee County in April 1986 that granted RPD approval for 1,290 multi family dwelling units, and CPD zoning approval for 120,000 square feet of commercial floor area on 10 acres located in the northwest corner of the site. The DRI development order and zoning approval have been amended five times, with the most recent having occurred in January 2003. This amendment incorporated numerous changes to the project, including modifications to the internal roadway system, the addition of a golf course and single family units as permitted uses, and approving a conversion table to allow retail square footage and multi family to be converted to single family units. The project is currently under construction and the infrastructure and nine hole golf course are scheduled to be completed in the spring of 2005. To date 364 units have been sold, including 352 in San Remo and 12 coach homes south of the lake.

The request is for a Notice of Proposed Change (NOPC) to the Parklands DRI development order, and an amendment to the RPD/CPD zoning approval to incorporate five changes to the existing development plan. The first change would increase the size of the CPD from 10.02 acres to 27.9 acres to develop a town center to include a mix of retail shops, office space, and residential dwelling units. The maximum square foot floor area will remain at 120,000, as previously approved.

The second change would allow the Bonita Beach Road access to the CPD area to be shifted 260 feet to the west. He explained their intent to expand the CPD boundary to the main entrance road to extend southward a bit, while shifting the access 260 feet to the west. Incorporation of these changes has resulted in a much larger contiguous tract for utilization of the town center. It will also allow a better integration of the proposed commercial and residential uses, and more design flexibility with the town center.

Both changes are being proposed under the zoning amendment and the NOPC. The remaining three changes are being requested as part of the RPD/CPD zoning amendment, and include the addition of a model center as a permitted use in the CPD area. They are also asking to change the multi and two family attached uses to single family uses in the southwest corner of the property. Additionally, they are requesting 3 COPs, for a total of 6.

Deviation (1) would allow them to shift the access point 260 feet to expand the town center area. He explained that the normal intersection spacing requirements for arterial roads is 660 feet. By shifting the access 260 feet to the west they would have an intersection separation distance of 333 feet, to a minor access point located on the north side of Bonita Beach Road, 462 feet from the entrance to Palmira. Approval of this deviation will help the project and benefit the town center. Lee County Department of

Transportation (LCDOT) has recommended denial of this deviation. He concluded, by stating that the original development order allowed two accesses into the CPD area with the road shifted further to the west. They were now requesting one access into the CPD which is located almost identically to where the original approval was shown. He concurred with Mr. Basinait that the modifications they were requesting for the DRI and zoning were compatible with the uses surrounding the site as well as the City's Comprehensive Plan.

Ted Treesh, the Applicant's Traffic Engineer, addressed Deviation (1), stating that the subject property has approximately 2,600 feet of frontage on Bonita Beach Road, therefore, if the 660 spacing was adhered to along the frontage of the project, they could potentially have three to four access drives depending on access drives on either side of the property line. They were requesting only two access drives on this section of Bonita Beach Road. He clarified that they currently have two access drives and that they were simply asking to relocate one of those accesses. He continued that they were asking for an intersection separation of 333 feet, which was measured from their requested location on the south side to a small driveway located on the north side of Bonita Beach Road. From the driveway nearest the site on the south side is the entrance to Palmira, of which they are 462 feet. The distance they are requesting they feel is sufficient to provide a right turn lane into the project, which they will be constructing. All of the driveways on the south side of Bonita Beach Road will have right turn lanes. As Corkscrew Growers and other projects grow, the right turning movements will be accommodated and will keep traffic on Bonita Beach Road moving in a safe and efficient manner.

He next referred to the memorandum from LCDOT (Attachment B to the Staff Report) to address the future C.R. 951 Extension, which he stated indicated that the western property line of Parklands as well as the project frontage along Bonita Beach Road, entail potential future alignments that are under consideration (the eastern alignment of the Parklands). The Applicant's response is that the subject property is quite a distance from any of these two proposed future alignments. The traffic study shows that as development occurs further east, as C.R. 951 potentially connects to Bonita Beach Road, that Bonita Beach Road will ultimately be four laned. He would anticipate that when that four laning occurs, it will include a median with a raised curb through that section. Also, the driveway they are requesting for the CPD will become a right-in/right-out only, therefore, as traffic increases in the future and the road is widened, the movements of that drive will be limited to right-in/right-out only.

Both the Lee County LDC and the City's LDC require an intersection separation of 660 feet, however, it doesn't differentiate between a right-in/right-out or a full access. Collier County's LDC entails a spacing of 330 feet for right-in/right-out movements. To conclude he stated that the shifting of this approved access to the west does not present a health, safety, or welfare issue to the motoring public. The Applicant intends to provide the proper distance of turn lanes at the time Bonita Beach Road is widened with the access in the form of a right-in/right-out only. He agreed with Mr. Basinait that the access proposed is consistent with the existing character of Bonita Beach Road in this area. It was also his opinion that from a public health, safety and welfare standpoint, this type of access was operationally safe and made more sense from a functional standpoint. Discussion ensued.

Tape 3 Side 2

Bryan Kelner, Zoning Division, addressed the Staff Report. He stated that Staff has recommended approval of the amendment as it relates to Case DRI2004-00004 to increase the size of the CPD to 27.9 acres, and convert the multi family uses in the southwest corner to single family. They also have found that the proposed change does not constitute a substantial deviation from the original

development order. Staff recommends approval of adoption of the Parklands DRI Development Order, with the adoption of DRI Map "H."

With respect to Case DCI2004-00021 involving the amendment to the RPD/CPD, Staff has recommended approval of increasing the development area, adding the model center, converting the multi family uses in the southwest corner, and adding the three COPs. He next furnished an overview of Staff's recommended conditions of approval (reflected on pages 2 and 3 of the Staff Report).

Staff has recommended denial of the deviation for the separation reduction because they believe the justification does not relate to the health, safety and welfare of the traveling public. They believe that the Applicant's internal traffic concerns would be more appropriately addressed through the design of the projects internal circulation. The RPC has determined that the proposed change does not constitute a substantial deviation. Staff finds that the increase in the commercial area to 27 acres is compatible with the surrounding area. There are no environmental issues associated with the site. LCDOT does have a concern with the requested deviation.

Andy Getch, with Lee County Department of Transportation (LCDOT), addressed Deviation (1). He stated that most of the Applicant's presentation was factual as to how they got to where they are today. He referred to the last paragraph on the first page of his memorandum dated September 7, 2004 (Attachment "B" to the Staff Report), which should be revised to indicate the "eastern" property line of the Parklands; not the western.

He stated that he would also agree with most of Mr. Treesh's characterization of the access request, emphasizing that the reason they are requesting the access connection separation and want to move the access point, is for internal purposes for the project. He didn't hear any reasons as to how that would enhance the health, safety and welfare of the traveling public on Bonita Beach Road. He would agree with the Applicant that they still have two driveways on the half mile frontage of Bonita Beach Road and that the Parklands West DRI also has two driveways on it's half mile of frontage, resulting in four driveways on one mile of frontage. He stated that the reason for the minimal number of driveways on the eastern end of Bonita Beach Road compared to the increased number of driveways that exist further into the City, west of I-75, is because of the existing parcel configurations. The parcels on the west side of I-75 have only a few hundred feet of frontage, which is why the driveways are closer together as you get closer into the town. A lengthy discussion ensued on the issue of Deviation (1).

Board Member Incerpi motioned to uphold Staff's recommendation of approval, approving Deviation (1) to allow a 333 connection separation for access to the CPD parcel off Bonita Beach Road subject to the access being a right-in/right-out at the time Bonita Beach Road is four laned; Board Member Brandreth seconded; and the motion carried unanimously. (Board Member Bielski was not in attendance).

APPLICANT(S)/AGENT(S)/OWNER(S):

1. Parklands Development Limited Partnership, 3185 Horseshoe Drive South, Naples, Florida 34104 (Applicant/Owner).
2. Gary F. Muller, AICP, 1482 Argyle Drive, Ft. Myers, Florida 33919 (Agent).
3. Charles Basinait, Esq., Henderson, Franklin, Starnes & Holt, P.A., P.O. Box 280, Ft. Myers, Florida 33902 (Agent).

4. Ted Treesh, 12651 McGregor Blvd., Suite 4-403, Ft. Myers, Florida 33919-4489 (Agent).
5. Dave Underhill, Banks Engineering, Inc., 6640 Willow Park Drive, Suite B, Naples, Florida 34109 (Agent).

INTERESTED PARTIES:

1. Bill Kaufman, 28633 San Lucas Lane, #201, Bonita Springs, Florida 34135

D. 11:30 a.m. CASE NO. DRI2004-00005 & DCI2004-00022

CASE NAME: Parkland Development Limited Partnership in reference to Parklands West

REQUEST: 1) Requesting a Notice of Proposed Change (NOPC) to the Parklands West DRI incorporating the following changes:

- a. Modifying the boundaries of the commercial planned development (CPD) development area to correspond to the existing road network; and
- b. and eliminate the north-south roadway connection to the Parklands DRI in Collier County.

2) Determine whether the proposed changes constitute a substantial deviation from the original development order approvals warranting further Development of Regional Impact review.

3) Amend the Parklands West residential/commercial planned development (RPD/CPD) to: modify the boundaries of the CPD; eliminate the north-south roadway connection to the Parklands DRI in Collier County; and add four consumption on premises.

LOCATION: 14011 Bonita Beach Road (the property is located on the south side of Bonita Beach Road, approximately 1 3/4 miles east of I-75), in S04-T48S-R26E, Bonita Springs, Florida.

STRAP NUMBER: The applicant indicates there are numerous and varied STRAP numbers which are on file and available for inspection at the Department of Community Development, 1500 Monroe St., Ft. Myers, FL.

SIZE OF PROPERTY: 314.91± acres

STAFF REPORT: Direct inquiries to Bryan Kelner, Principal Planner, at 239-479-

8363, at the Lee County Department of Community Development, 1500 Monroe St., Ft. Myers, FL.

LOCATION: 14011 Bonita Beach Road (the property is located on the south side of Bonita Beach Road, approximately 1 3/4 miles east of I-75)

STRAP NO. 04-48-26-B1-0010A.0000

SIZE OF PROPERTY: 314.91± acres

STAFF REPORT: Direct inquiries to Bryan Kelner, Principal Planner, at 479-8363, at the Lee County Department of Community Development, 1500 Monroe Street, Ft. Myers, Florida.

The case began 12:00 noon.

Mr. Basinait stated that they agree with the conditions and recommendations reflected in the Staff Report. The Regional Planning Council (RPC) has also reviewed the request and has found that it does not constitute a substantial deviation.

Gary Muller, the Project Planner, next furnished the history of the project, explaining that Parklands West is also known as the Palmira Golf and Country Club, which is a 314.9-acre mixed use development located on the south side of Bonita Beach Road, 1 3/4 miles east of I-75. The DRI Development Order for the project was approved by Lee County in March 1990, approving 1,296 dwelling units, 72,000 square feet of commercial floor area, and an 18-hole golf course. The residential breakdown for the project at that time included 120 single-family units and 1,176 multi family units.

Since the original approval, the DRI Development Order has been amended four times. The most recent amendment was adopted by the Bonita Springs City Council in September 2002 and approved a conversion table to allow a retail square footage and multi-family dwelling units to be converted to single family units based on the trip generation rate. The aerial photograph shows the 18-hole golf course, the clubhouse, the Renaissance activity center, and most of the project infrastructure. A total of 286 units have been sold, including 207 single family units and 79 multi family units.

The request today is for a Notice of Proposed Change (NOPC) to the Parklands West DRI Development Order, and an amendment to the existing Residential Planned Development (RPD) and Commercial Planned Development (CPD) zoning to incorporate three changes to the existing development plan (as reflected on page 2 of 7 of the Staff Report). The intent of the first change is to modify the boundaries of the CPD portion to go along the eastern edge of the main entrance road, extending it a bit further south, resulting in the proposed CPD boundary for Parklands. The second request is to eliminate the north south road connection to the Parklands DRI in Collier County. The existing plan depicts a north-south roadway interconnection with the Parklands Collier development, which has been removed. They were now providing three interconnections to the Parklands Development to the east to replace the previously approved connection. The third change is to add four consumption on premises (COP) as part of the RPD/CPD zoning amendment.

The current Zoning Resolution allows one Consumption on Premises (COP) within the CPD area and one COP in the RPD area for the clubhouse. The proposed request would allow two additional COPs within the CPD development area, allowing one for the snack shop at the Renaissance center and another for a proposed future restaurant. The RPD area will also have two additional COPs, with one being for the snack shop at the clubhouse, and the other for the golf course.

Lee County Staff and the RPC have found the proposed changes do not constitute a substantial deviation from the original development order approvals, and that the request remains consistent with the City of Bonita Springs Comprehensive Plan.

Mr. Basinait referred to the three interconnections that were previously approved which he stated have been constructed. The point is that since they have these three interconnections there isn't any need for the interconnection to the south.

Tape 3 Side 1

Bryan Kelner, Zoning Division, stated that Staff has recommended approval of the change to the DRI, with a finding that the proposed change does not constitute a substantial deviation. He next addressed the conditions of approval as reflected on pages 2 and 3 of the Staff Report. No deviations have been requested. Staff has found the request to be consistent with the City of Bonita Springs Comprehensive Plan. There are no environmental issues associated with the request. Lee County Department of Transportation also has reviewed the request and has no concerns with the amendment.

Board Member Howe motioned to uphold Staff's recommendation of approval, as conditioned; Board Member Incerpi seconded; and the motion carried unanimously. (Board Members Bielski was not in attendance).

APPLICANT(S)/AGENT(S)/OWNER(S):

6. Parklands Development Limited Partnership, 3185 Horseshoe Drive South, Naples, Florida 34104 (Applicant/Owner).
7. Gary F. Muller, AICP, 1482 Argyle Drive, Ft. Myers, Florida 33919 (Agent).
8. Charles Basinait, Esq., Henderson, Franklin, Starnes & Holt, P.A., P.O. Box 280, Ft. Myers, Florida 33902 (Agent).
9. Ted Treesh, 12651 McGregor Blvd., Suite 4-403, Ft. Myers, Florida 33919-4489 (Agent).
10. Dave Underhill, Banks Engineering, Inc., 6640 Willow Park Drive, Suite B, Naples, Florida 34109 (Agent).

INTERESTED PARTIES:

1. Bill Kaufman, 28633 San Lucas Lane, #201, Bonita Springs, Florida 34135

VI. APPROVAL OF MINUTES: 09/24/04

Board Member Pastore motioned approval of the minutes; Board Member Incerpi seconded; and the motion carried unanimously.

VII. ADJOURNMENT.

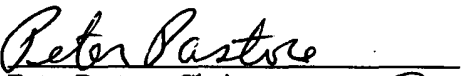
There being no further cases to discuss, the meeting adjourned at 1:20 P.M.

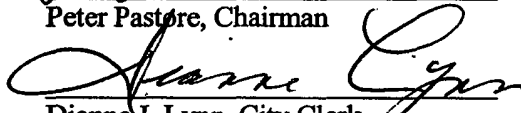
Respectfully submitted,


Debra Muchler, Recording Secretary

APPROVED:
ZONING BOARD

Date: 12-3-04
AUTHENTICATED:


Peter Pastore, Chairman


Dianne J. Lynn, City Clerk

BONITA SPRINGS, FLORIDA
DEPARTMENT OF COMMUNITY DEVELOPMENT
ZONING DIVISION
STAFF REPORT

TYPE OF CASE: PLANNED DEVELOPMENT/DCI
CASE NUMBER: DCI2004-00021 and DRI 2004-00004
HEARING DATE: October 1, 2004

I. APPLICATION SUMMARY:

- A. Applicant: Parkland Development Limited Partnership in reference to Parklands
- B. Request:
- 1) Requesting a Notice of Proposed Change (NOPC) to the Parklands DRI incorporating the following changes:
 - a. Increase the size of the commercial planned development (CPD) development area from 10.02 acres to 27.90 acres; and
 - b. Shift the Bonita Beach Road access to the CPD development area 260± feet to the west.
 - 2) Determine whether the proposed changes constitute a substantial deviation from the original development order approvals warranting further Development of Regional Impact review.
 - 3) Amend the Parklands residential/commercial planned development (RPD/CPD) to: move the Bonita Beach Road access to the CPD 260± to the west; increase the CPD development area from 10.02 to 27.90 acres; add a model center as a use within the CPD development area; convert the previously approved multiple-family/two-family uses in southwest corner to single family development; and add 3 consumption on premises.
- C. Location: The subject property is located at 14751 Bonita Beach Road (the property is located on the south side of Bonita Beach Road, approximately 2 1/4 miles east of I-75), in S04-T48S-R26E, Lee County, FL.
- D. Future Land Use Plan Designation, Current Zoning and Use of Subject Property:

Existing Zoning & Land Use

The subject property is currently under development as a residential/commercial planned development

Future Land Use Map

Moderate Density Mixed Use/Planned Development

E. Surrounding Land Use:

<u>Existing Zoning & Land Use</u>	<u>Future Land Use Map</u>
North: Bonita Beach Road; then mostly undeveloped land and agriculture uses, zoned agriculture (AG-2) and industrial planned development, Plumosa Farms, Inc. (IPD)	Lee County - Density Reduction/ Ground Water Resource
East: Parklands West DRI, zoned residential/commercial planned development (RPD/CPD)	Moderate Density Mixed Use/Planned Development
South: Undeveloped	Collier County
West: Undeveloped land zoned residential planned development (Village Walk of Bonita Springs - RPD)	Moderate Density Mixed Use/Planned Development

Size of Property: 315.03± Acres

II. RECOMMENDATION:

A. **Case Number DRI2004-00004:** Staff recommends:

- 1) a. **APPROVAL** to increase the size of the commercial planned development (CPD) development area from 10.02 acres to 27.90 acres; and
- b. convert the multiple-family/two-family (M/T) uses in southwest corner to single family (S) uses; and
- 2) a finding that the proposed change does not constitute a substantial deviation from the original development approvals thereby warranting further Development of Regional Impact review, subject to the following conditions:

Conditions of approval

1. The development of this project must be in compliance with the Parklands DRI Development Order # 6-8384-43, as amended, stamped received by zoning on September 16, 2004 and DRI Map H, as amended, dated 03-22-04 and stamped received by the zoning counter on April 9, 2004 attached hereto as EXHIBIT "C", subject to Map "H" being modified to retain the existing access onto Bonita Beach Road for the CPD development area.
2. This development must comply with all of the requirements of the Bonita Springs Land Development Code at the time of local development order approval except as may be modified by previously approved deviations

B. **Case Number DCI2004-00021:** Staff recommends **APPROVAL:**

- 1) to amend the Parklands residential/commercial planned development (RPD/CPD) to:

- a. increase the CPD development area from 10.02 to 27.90 acres; and
- b. add a model center as a use within the CPD development area; and
- c. convert the previously approved multiple-family/two-family uses in southwest corner to single family development; and
- d. add 3 consumption on premises.

Conditions of approval:

1. The development of this project must be consistent with the one page Master Concept Plan entitled "AMENDED MASTER CONCEPT PLAN: PARKLANDS," stamped received by the permit counter on April 9, 2004, last revised 03-22-04, except as modified by the conditions below. This development must comply with all requirements of the Bonita Springs 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. All terms and conditions of the original zoning resolution (ZAB-85-131) and amendments thereto, remain in full force and effect except as modified by this approval.
3. Section 2.a., City of Bonita Springs Zoning Ordinance No.03-03, page 2 of 8, listing the uses permitted in the RPD portion of the development, is hereby amended by adding and deleting language in strikethrough and underline format as follows:

Clubs, Country and Private (Limited to Rec tract)

CONSUMPTION ON PREMISES, in compliance with LDC 34-1262, limited to two (2) alcoholic beverage license

CONSUMPTION ON PREMISES, limited to two (2) alcoholic beverage license in association with the golf course (GC)

4. Section 2.a., City of Bonita Springs Zoning Ordinance No.03-03, page 2 of 8, listing the uses permitted in the CPD portion of the development, is hereby amended by adding and deleting language in strike through and underline format as follows

CONSUMPTION ON PREMISES in compliance with LDC 34-1262, limited to two (2) alcoholic beverage licenses

MODEL CENTER

B. Deviations

Deviation 1: Seeks relief from the City of Bonita Springs LDC Section 10-285(a), Table 1, regulating the connection separations on arterial roads from the required 660 feet to 333 for the access to the CPD parcel off Bonita Beach Road. The applicant is requesting this change in conjunction with the proposed modification to the town center boundary.

Lee County Department of Transportation (LCDOT) has received the applicant's request to relocate the approved access point along Bonita Beach Road. The location of the approved access point on the existing master concept plan is depicted as 696 feet east of the entrance to Palmira (aka Parklands West) and 660 feet west of the main entrance to Parklands DRI. The request is to locate the driveway approximately 240 feet west of the approved location. The applicant's justification is that the proposed location will enhance the project by segregating commercial traffic and enhancing vehicular circulation patterns throughout the community. The new location will not result in detrimental impacts to the surrounding roadway system due to the fact that turn lanes will be provided. In addition the applicant has indicated that the location of the existing minor driveways on the north side of Bonita Beach Road already preclude the access points within Parklands development from meeting spacing requirements (See Attachment E).

Lee County Department of Transportation stated that the justification does not relate to health, safety and welfare of the traveling public on Bonita Beach Road. While it's possible to construct a right turn lane between the proposed relocated access and the Palmira entrance, the applicant's internal traffic concerns would more appropriately be addressed through the design of internal circulation. Lee County Department of Transportation indicated that previous traffic studies for projects along the south side of Bonita Beach Road indicate the need to widen Bonita Beach Road to 4-lanes when the projects are developed. At the time of 4-laning, introduction of a median would limit the measurement between connections points to each side. Further, the western property line of Parklands as well as Bonita Beach Road along the project frontage are among alignments under consideration in the CR 951 Preliminary Development and Environmental (PD&E) Study. A recommendation on the PD&E is anticipated in 2005 (See Attachment B).

Therefore, Lee County Department of Transportation (LCDOT) staff does not recommend the request for reduced connection separation and staff recommends **DENIAL** of the deviation request.

However, Lee County Department of Transportation (LCDOT) staff indicated that should the City of Bonita Springs choose to approve the proposed driveway location on the master concept plan, LCDOT would issue a right-of-way permit for a driveway at the proposed location.

Findings and Conclusions:

Based upon an analysis of the application and the standards for approval of planned development rezonings, staff makes the following findings and conclusions:

1. The applicant has proven entitlement to the rezoning by demonstrating compliance with the Lee Plan, the Land Development Code, and other applicable codes and regulations.
2. The requested zoning, as conditioned:
 - a) meets or exceeds all performance and locational standards set forth for the potential uses allowed by the request;
 - b) is consistent with the densities, intensities and general uses set forth in the Lee Plan;
 - c) is compatible with existing or planned uses in the surrounding area; and

- d) will not adversely affect environmentally critical areas or natural resources.
- 3. Approval of the request will not place an undue burden upon existing transportation or planned infrastructure facilities and the site will be served by streets with the capacity to carry traffic generated by the development.
- 4. Urban services, as defined in the Lee Plan, are, or will be, available and adequate to serve the proposed land use.
- 5. The proposed use or mix of uses is appropriate at the subject location.
- 6. The recommended conditions to the concept plan and other applicable regulations provide sufficient safeguards to the public interest.
- 7. The recommended conditions are reasonably related to the impacts on the public's interest created by or expected from the proposed development.
- 8. The deviation:
 - a) will not enhance the objectives of the planned development; and
 - b) will not preserve and promote the general intent of the LDC to protect the public health, safety and welfare.

III. BACKGROUND INFORMATION AND ANALYSIS:

Introduction/Synopsis

The Parklands DRI is an approximately 996 acre multi-use development, located in both Collier and Lee Counties. The current Notice of Proposed Change concerns an amendment only to the City of Bonita Springs portion of the DRI. The City of Bonita Springs portion of the development is currently approved for 1,290 multiple family and single family dwelling units, 120,000 square feet of commercial floor area, and nine holes of golf.

The Lee County Board of County Commissioners approved the Lee County portion of the project on April 14, 1986. The total approved uses for the DRI (totaling both Counties) are 2,893 residential units (123 single family homes and 2,770 multi-family units) and 120,000 square feet of commercial space (including both retail and office).

There have been five previous changes to the Development Orders for the Parklands DRI. The first amendment in December, 1985 amended the Development Order by addressing the timing of transportation improvements, provided a finding of not substantial deviation, and amended the Development Order of the Lee County portion of the development not approved.

In July and August of 1993 the DRI Development Orders were amended a second time. On July 27, 1993, and August 2, 1993, the Collier and Lee County Commissions(respectively) amended the development orders for the Parklands DRI to extend the buildout date, remove a portion of the DRI (including approved development units therein), and to modify transportation conditions.

The third amendment occurred on February 15, 1999, when the Lee County Board of County Commissioners approved an additional two-year extension to the commencement date for the

Lee County portion of the DRI. The extension date was changed from November 19, 1998, to November 19, 2000.

The fourth amendment, to modify language to reflect that the project is located in the City of Bonita Springs, codify the approved DRI Development Order to incorporate all previous amendments, extend the commencement date from November 19, 2000, until November 19, 2002, and modify conditions pertaining to education and affordable housing was approved by the Bonita Springs City Council on September 23, 2002 (Zoning Ordinance No. 02-14).

The fifth and most recent DRI amendment added a nine holes of golf; single family residential dwelling units as permitted uses; eliminated a proposed north-south collector road through the project; and incorporated a conversion table to permit the conversion of retail square footage and multiple family units to single family residential units. The internal road network was also revised to add three interconnections to the adjacent Parklands West residential/golf course development (Zoning Ordinance No.03-08).

This Notice of Proposed Change (NOPC) is to amend the Parklands DRI Development Order #6-8384-43, as amended, and DRI Map H, as amended, to: increase the size of the commercial planned development (CPD) development area from 10.02 acres to 27.90 acres; shift the Bonita Beach Road access to the CPD development area 260± feet to the west and convert the multiple-family/two-family (M/T) uses in southwest corner to single family (S) uses.

In addition to amending the DRI Development Order, the applicant is also amending the master concept plan and requesting a deviation to move the Bonita Beach Road access to the CPD 240± to the west from its current location. The master concept plan amendments also include the applicant's request to amend the residential/commercial planned development (RPD/CPD) to increase the CPD development area from 10.02 to 27.90 acres; add a model center as a use within the CPD development area; convert the previously approved multiple-family/two-family uses in southwest corner to single family development; and add 3 consumption on premises to the schedule of uses.

Master Concept Plan

The approved Master Concept Plan for the existing Residential Planned Development (RPD) and Commercial Planned Development (CPD) is being proposed to modify: the Bonita Beach Road access to the CPD by moving it 240± to the west; the CPD development area by increasing the area from 10.02 acres to 27.90 acres; the schedule of uses by adding a model center to the CPD development area; the previously approved multiple-family/two-family development area, in southwest corner, to single family development; and adding 3 consumption on premises to the schedule of uses. Also, the master concept plan will be consistent with Map "H" of the Parklands DRI.

City of Bonita Springs Comprehensive Plan

The subject property is located in the Moderate Density Mixed Use/Planned Development land use category. As referenced in Policy 1.1.10:

Policy 1.1.10. states that the Moderate Density Mixed Use/Planned Development areas are intended to accommodate and provide continued flexibility of development within mixed use and residential planned developments of up to nine dwelling units per gross acre having been granted development orders prior to the adoption of the City's Comprehensive Plan. The

standard maximum density is six (6) dwelling unit per gross acre with a transfer of density provision, which will allow a maximum upland density after transfer of 7.5 dwelling units per gross upland acre.

The uses currently permitted within this development are consistent with those uses which are intended within this land use category. The approved density will not be increased as a result of the this amendment. The project was previously found consistent with both Lee County and the City of Bonita Springs Comprehensive Land Use Plans. Approval of this request to amend the DRI Development and the master concept plan will not alter the previous finding of consistency.

Substantial Deviation Determination

The proposed changes to the DRI development order are subject to Subsection 380.06(19)(e)3. Florida Statutes which states in part:

“.....any change not specified in paragraph (b) or paragraph (c) shall be presumed to create a substantial deviation. This presumption may be rebutted by clear and convincing evidence.”

Therefore the proposed changes are presumed to create a substantial deviation. The applicant is required to rebut the presumption of a substantial deviation or the proposed change would require the applicant to complete and submit a Substantial Deviation Application for Development Approval (DRI Application). The request has been reviewed by the Southwest Florida Regional Planning Council (SWFRPC). A copy of the SWFRPC analysis and recommendation is attached as Exhibit “B”.

Regional Council staff believes that the proposed change to increase the size of the commercial development area will not result in the creation of additional regional impacts. The increase in commercial land area will not result in an increase in commercial retail floor area and the increase is taken to provide for a reconfiguration of the commercial structures to reflect market conditions.

Regional Council staff does not consider the applicant's request to move the access point from Bonita Beach Road to 462 feet from the Parklands West entrance off Bonita Beach Road to be significant and is not able to identify any movements from the Parklands commercial area will conflict with adjacent traffic movements. Regional staff find the movement of the access point minor and that the request is not regionally significant.

Also, Regional Council staff finds that applicant's request to change wording in several of the Development Order sections to be minor and reflecting the realities that have taken place with respect to permits obtained by the developer since the last NOPC.

Therefore, SWFRPC staff determined that the proposed changes is not a substantial deviation in accordance with Chapter 380.06(19)(e)3 F.S. and does not "create a reasonable likelihood of additional regional impacts, or any type of regional impact not previously reviewed by the regional planning agency. On Thursday, May 20, 2004 the Southwest Florida Regional Planning Council adopted the Notice of Proposed change staff assessment for the Parklands DRI NOPC without Changes (See Exhibit “B”).

Neighborhood Compatibility

The applicant is proposing to increase the commercial planned development (CPD) area from 10.02 acres to 27.90 acres, which will result in a corresponding decrease in the size of the residential area of the project from 305.01 acres to 287.13 acres. The 17.88 acre increase in commercial land area will not result in an increase in the total square footage of commercial development already approved for the project. The expanded commercial area was previously shown as duplex, two-family attached, multiple family building, and townhouse/two-family attached (M/T). The proposed change will not preclude residential development on the 27.90 acres, since multiple family building is permitted in the CPD (Zoning Ordinance No. 03-03). However, as the applicant as indicated this will allow the developer to develop a Town Center design concept that would include a mixture of retail shops and office space having a maximum combined commercial floor area of 120,000 square feet (as previously approved), residential dwelling units and a park. The existing multiple family residential development (San Remo at Palmira) immediately to the east of the proposed commercial area is separated from the proposed commercial development by the main accessway to Parklands and a wall, which runs parallel to the main access drive. Therefore, staff finds the proposed expansion of the commercial development area compatible with the existing development.

Environmental Issues

The Division of Environmental Sciences (ES) staff have reviewed the Notice of Proposed Change and the proposed amendments to the residential/commercial planned development master concept plan.

The proposed changes do not affect any requirements reviewed by Environmental Sciences staff. Therefore, Environmental Sciences staff does not have any issue with approving the Notice of Proposed Change or amendments to the master concept plan.

Transportation

Lee County Department of Transportation concerns are with the requested deviation and have been incorporated into the response to the deviation request (See Attachment B).

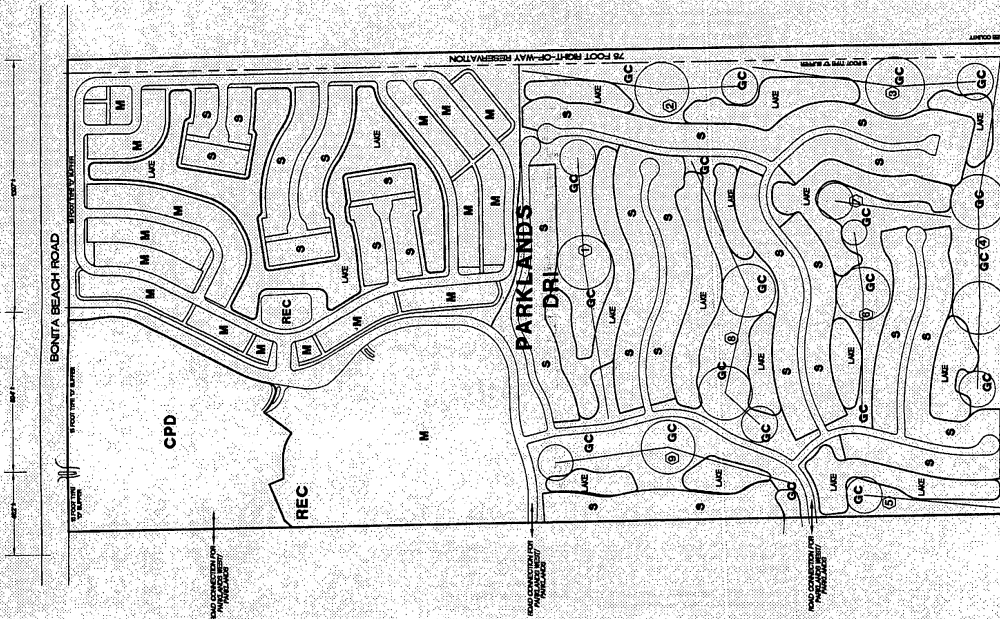
IV. ATTACHMENTS:

- A. Map of surrounding zoning
- B. Comments from Lee County Department of Transportation, dated September 7, 2004
- C. School District of Lee County comments on DRI, dated September 1, 2004
- D. School District of Lee County comments on DCI, dated September 1, 2004
- E. Applicant's deviation request and justification, dated July 13, 2004
- F. Applicant's DCI description of the proposed development
- G. Applicant's Comprehensive Plan Compliance narrative
- H. Applicant's request for public hearing submittal requirement waivers
- I. Applicant's DRI narrative

V. EXHIBITS:

- A. SWFRPC staff assessment of NOPC, dated May 20, 2004
- B. SWFRPC correspondence adopting staff assessment, dated May 20, 2004
- C. Draft Development Order for Parklands West DRI, a development of regional impact, State DRI #4-8788-82, stamped received by the zoning counter on April 9, 2004
- D. One page Master Concept Plan entitled "Amended_Master Concept plan, Parklands," stamped received by the zoning counter on April 9, 2004

cc: Applicant
City Attorney
DCI Zoning file
DCI Planner file



PROJECT SUMMARY DATA	
TOTAL SITE AREA:	315.03 ACRES
CPD DEVELOPMENT AREA:	27.90 ACRES
PPD DEVELOPMENT AREA:	287.13 ACRES
PROPOSED LAKE AREA:	60.90 ACRES
PROPOSED GOLF COURSE AREA:	29.00 ACRES
FUTURE ROAD R.O.W.:	9.00 ACRES
RESIDENTIAL DEVELOPMENT TRACTS:	182.23 ACRES
COMMERCIAL FLOOR AREA:	170,000 S.F.
UNBUILT RECREATIONAL TRACTS:	2.90 ACRES

RECEIVED
JUL 13 2004
PERMIT COUNTDOWN

MAR "H" 0012004-00004

**TRONTO DEVELOPMENTS
PARKLANDS, INC.**

Banks Engineering, Inc.
Professional Engineers, Planners & Land Surveyors

CONCEPTUAL MASTER PLAN PARKLANDS

DATE	PROJECT	DRAWING	DESIGN	ROWIN	CHECKED	SCALE	SHEET	OF	FILE NO. (S-T-40)
7-15-02	1 303	-UPY-242	DRU	GAM	DRU	1" = 300'	1	1	4.9-485-26E

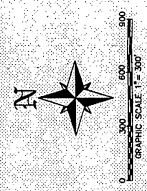
Engineering License Number EB-00064618 - Surveyors License Number LJ 6850
6840 WILLOW PARK DRIVE - SUITE 701 MAPLE, FLORIDA 34109
PHONE: (941)297-2081 FAX: (941)297-3282

10251 SIX MILE CYPRESS PARKWAY - SUITE 301 FORT WENDS, FLORIDA 33012
PHONE: (941)739-5160 FAX: (941)739-2523

1144 TALLHAVST ROAD - SUITE 115 SARASOTA, FLORIDA 34243
PHONE: (941)555-2811 FAX: (941)555-2818

3	07-09-04	SHOW ROADWAY CONNECTIONS TO PARADISE WEST	60
2	03-22-04	REVISED CPO BOUNDARY	60
1	12-12-02	CHANGE RESIDENTIAL UNITS TO 1290	60
001	01/18/00	200-250-0000000001	60

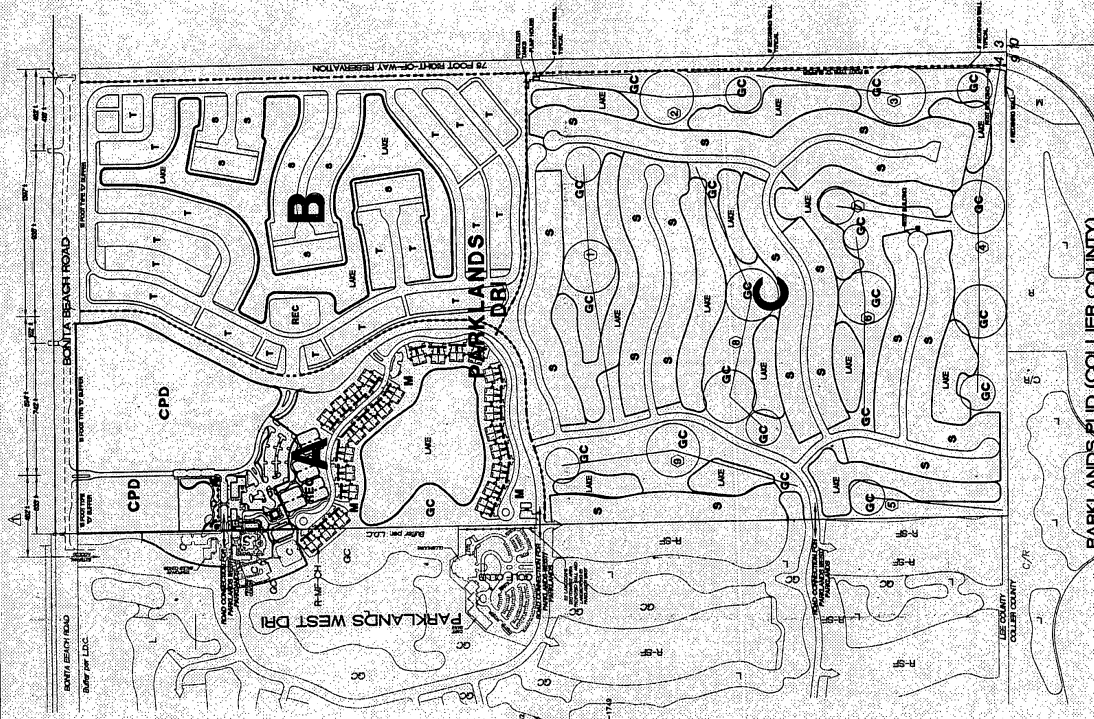
RECEIVED
APR 09 2004
BIOGRAPHY CENTER



LEGEND

M	DUPLICATE TWO-FAMILY ATTACHED, MULTIPLE FAMILY BUILDING, TOWNHOUSE
9	SINGLE FAMILY, END OF LOT
T	TWO-FAMILY ATTACHED
L	LAKE
GC	GOLF COURSE
REC	RECREATION AREA
A	SENIOR CENTER
5	SELF-CONTROLLED HOLE NUMBER
CPD = C	COMMERCIAL

CORKSGREW GROWERS RPD/CPD



PROJECT SUMMARY DATA	
TOTAL AREA	315.03 ACRES
SPS DEVELOPMENT AREA	27.80 ACRES
SPS DEVELOPMENT AREA	287.13 ACRES
PROPOSED LAKE AREA	60.90 ACRES
FUTURE PARKING & SERVICE AREA	8.00 ACRES
RESIDENTIAL DEVELOPMENT TRACTS	188.23 ACRES
COMMERCIAL FLOOR AREA	129,000 S.F.
RESIDENTIAL DRILLING UNITS	120 UNITS
WATER TREATMENT PLANT	100,000 GPD
WINDMILL SP OPEN SPACE AREA	40 PERCENT
MAXIMUM BUILDING HEIGHT	45 FEET/3 STORIES

[illegible][illegible][illegible]

GENERAL NOTES

- 1) THIS MASTER CONCEPT PLAN EXPLORES THE PROJECT'S GENERAL CONFIGURATION FOR CONCEPTUAL DESIGN REVIEW AND APPROVAL. THE PLAN, RESIDENTIAL, RECREATIONAL AND COMMERCIAL USES, FUNCTIONAL PROGRAMS, AND LANDSCAPE DESIGN ELEMENTS WILL BE DEVELOPED IN ORDER OF PRECEDENCE. FUNCTIONAL ELEMENTS WILL BE EXTENDED AT THE TIME OF DEVELOPMENT ORDERING.
- 2) TOTAL SQUARE FOOTAGE AND MULTI-FAMILY UNITS MAY BE CONVERTED TO SINGLE FAMILY UNITS BASED ON THE FOLLOWING:
 - a) 1,200 TOTAL UNITS (SINGLE UNITS) BASED ON THE FOLLOWING TWO CONVERSION EQUIVALENCY RATES:
 - i) 150 S.F. OF RETAIL USE EQUALS ONE SINGLE FAMILY UNIT
 - ii) 250 MULTI-FAMILY UNITS EQUALS ONE SINGLE FAMILY UNIT
 - b) 250 MULTI-FAMILY UNITS EQUALS ONE SINGLE FAMILY UNIT
- 3) THE DENSITY FOR THE INDIVIDUAL DEVELOPMENT AREAS ARE NOT INTENDED TO LIMIT OR REDUCE THE DENSITY FOR THE OVERALL DEVELOPMENT AREAS.
- 4) SERVICE AREAS WITHIN THE CORE PORTION OF THE DEVELOPMENT WILL BE PROVIDED IN ACCORDANCE WITH THE CITY OF CHICAGO ZONING ORDINANCES.

EXHIBIT D

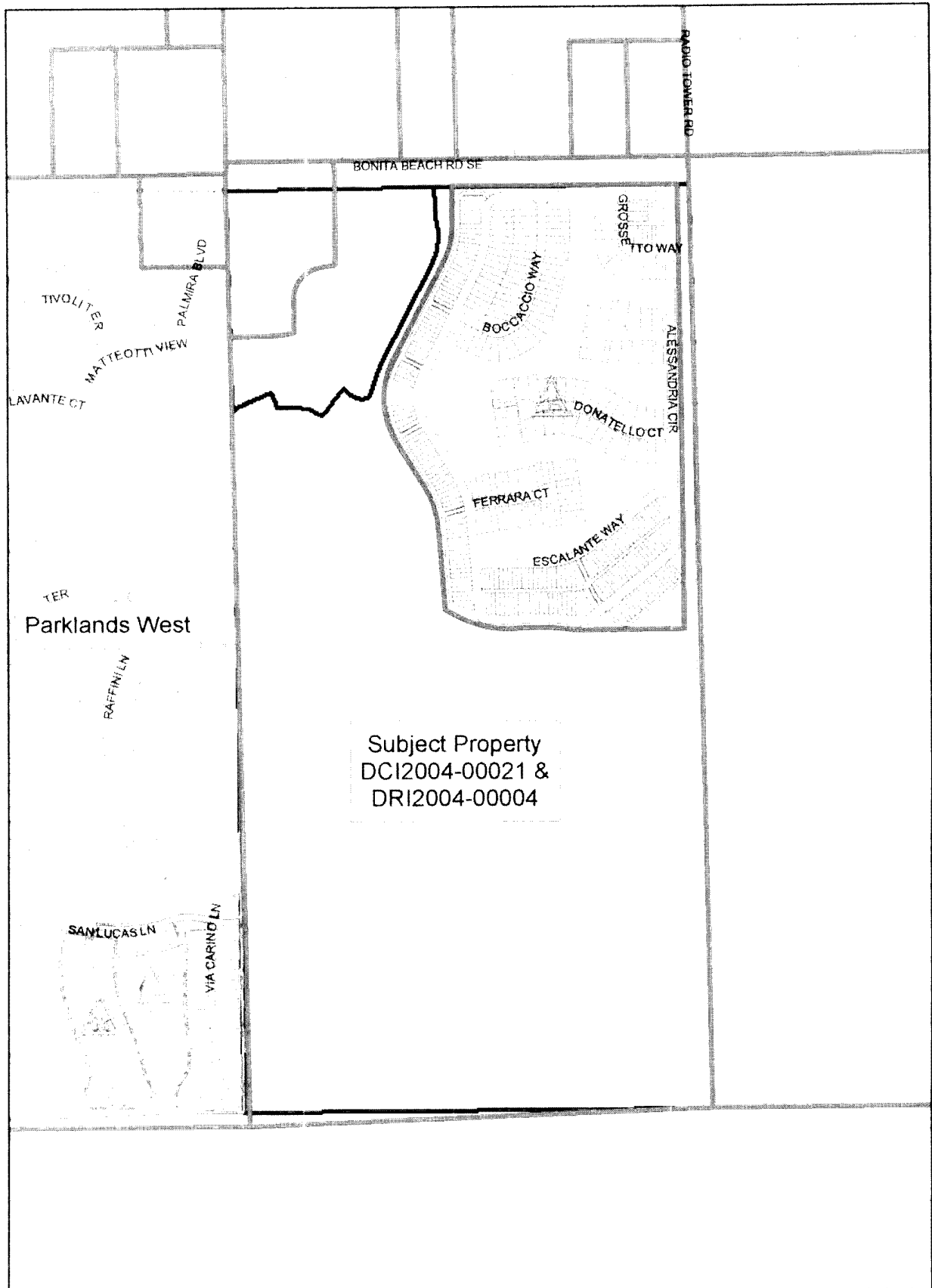
A REQUESTED DEVIATIONS
DEVIATION FROM LDC SECTION 10-225-(c) - TABLE 1 WHICH REQUIRES 860" CONNECTION SPACING ON ARTERIAL ROADWAYS TO ALLOW A CONNECTION SPACING OF 330" FOR THE ACCESS TO THE CPO PARCEL.

RONTO DEVELOPMENTS PARKLANDS, INC.
 3115 HORSESHOE DRIVE SOUTH
 MALES, FLORIDA 34104
 PH: (811) 848-8310
 FX: (811) 648-8878

DATE	PROJECT	DRAWING	DESIGN	DRAWN	CHECKED	SCALE	SHEET
12-17-43	1.503	AMERCO-REV	JEA	JEA	JEA	1" = 300'	1

ZONING INTAKE MAP

9/23/2004



Subject Property
DCI2004-00021 &
DRI2004-00004



940 470 0 940 Feet



LEE COUNTY
SOUTHWEST FLORIDA

LEE COUNTY
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04 SEP -8 PM 1:04

DEPARTMENT OF
TRANSPORTATION

COMM. DEV/
PUB. WRKS. CNTR.
SECOND FLOOR

Memo

To: Bryan Kelner
Principal Planner

From:

Andrew J. Getch
Andrew Getch, P.E.
Senior Engineer

Date: September 7, 2004

Re: Parklands NOPC
DRI2004-00004 & DCI2004-00021

The Lee County Department of Transportation (LCDOT) has received this request to the City of Bonita Springs to revise the DRI and Zoning Master Concept Plan (MCP). Of concern to LCDOT is the request to relocate an approved access point along Bonita Beach Road to be less than 660 feet arterial connection separation. Bonita Beach Road is an arterial currently maintained by Lee County.

The location of the approved access point on the existing MCP is depicted as 696 feet east of the entrance to Palmira (aka Parklands West) and 660 feet west of the main entrance to Parklands DRI. The proposed MCP revised July 9, 2004 depicts a separation of 462 feet. The minimum arterial connection separation standard in LDC Section 10-285 is 660 feet. The request is to relocate the approved driveway approximately 198 feet west. Justification provided to staff relates to mixture of internal project traffic in the CPD portion of the mixed-use development. The justification does not relate to the health, safety and welfare of the traveling public on Bonita Beach Road. While it is possible to construct a right turn lane between the proposed relocated access and the Palmira entrance, the applicant's internal traffic concerns would more appropriately be addressed through the design of internal circulation.

Similar to Bonita Beach Road west of I-75, smaller parcels on the north side of Bonita Beach Road east of I-75 may make achievement of connection separation more difficult. However, previous traffic studies for projects along the south side of Bonita Beach Road indicate the need to widen Bonita Beach Road to 4 lanes when the projects are developed. At the time of 4-laning, introduction of a median would limit the measurement between connection points to each side.

The Lee County MPO 2020 Financially Feasible Highway Plan shows 4-laning of Bonita Beach Road. The western property line of the Parklands as well as Bonita Beach Road along the project frontage are among alignments under consideration in the CR 951 Preliminary Development and Environmental (PD&E) Study. A recommendation on the PD&E is anticipated in 2005.

Based upon the above, staff does not recommend the request for reduced connection separation. However, should the City choose to approve the proposed driveway location on the MCP, LCDOT would issue a right of way permit for a driveway at the proposed location.

AJG/mlb

cc: John Fredyma, Assistant County Attorney



THE SCHOOL DISTRICT OF LEE COUNTY

2055 CENTRAL AVENUE • FORT MYERS, FLORIDA 33901-3916 • (239) 334-1102 • TTD/TTY (239) 335-1512

04 SEP -2 AM 9:05

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PUB. WORKS. CNTR.
SECOND FLOOR

September 1, 2004

Mr. Bryan Kelner
Lee County Development Services Division
P.O. Box 398
Fort Myers, FL 33902-0398

JEANNE S. DOZIER
CHAIRMAN • DISTRICT 2

ELINOR C. SCRICCA, Ph.D.
VICE CHAIRMAN • DISTRICT 5

ROBERT D. CHILMONIK
DISTRICT 1

JANE E. KUCKEL, Ph.D.
DISTRICT 3

STEVEN K. TEUBER
DISTRICT 4

JAMES W. BROWDER, Ed.D.
SUPERINTENDENT

KEITH B. MARTIN
BOARD ATTORNEY

Re: Parklands DRI NOPC, DRI Substantive Review, Case #DRI2004-00004

Dear Mr. Kelner:

Thank you for the opportunity to review Parklands for substantive comments with regard to educational impacts. This proposed development is in the South Choice Zone of the District, on Bonita Beach Road east of I-75 in the City of Bonita Springs Planning Area. This letter is in response to your request dated August 27, 2004.

Although the applicant states that a maximum of 1,290 residential dwelling units will be constructed, the breakdown between single family and multifamily units was not provided. Therefore, the School District of Lee County is assuming that all of the units are single family. Based on the proposed maximum total of 1,290 single family residential dwelling units, the Lee County School District is estimating that the proposal could generate up to 454 additional school-aged children. This uses a generation rate of 0.352 students per unit generated in the South Choice Zone of Lee County for single family units. This would create the need for approximately 21 new classrooms in the system, as well as additional staff and core facilities. Using the new small classroom legislative guidelines, additional classrooms may be generated.

The Lee County Board of County Commissioners adopted a School Impact Fee Ordinance on November 27, 2001, effective at this time. As such, the Parklands developers will be expected to pay the impact fee at the appropriate time.

Thank you for your attention to this issue. If I may be of further assistance, please give me a call at (239) 479-4205.

Sincerely,

Kathy Babcock, Long Range Planner
Department of Construction and Planning

Cc: William G. Moore, Jr.
Executive Director, School Support

ATTACHMENT C

DISTRICT VISION

TO PREPARE EVERY STUDENT FOR SUCCESS

DISTRICT MISSION

TO PROVIDE A QUALITY EDUCATION IN A SAFE AND WELL-MANAGED ENVIRONMENT



THE SCHOOL DISTRICT OF LEE COUNTY

2055 CENTRAL AVENUE • FORT MYERS, FLORIDA 33901-3916 • (239) 334-1102 • TTD/TTY (239) 335-1512

04 SEP -2 AM 9:05

RECEIVED
COMM. DEV/
PUB. WRKS. CNTR.
SECOND FLOOR

September 1, 2004

Mr. Bryan Kelner
Lee County Development Services Division
P.O. Box 398
Fort Myers, FL 33902-0398

JEANNE S. DOZIER
CHAIRMAN • DISTRICT 2

ELINOR C. SCRIPCA, PH.D.
VICE CHAIRMAN • DISTRICT 5

ROBERT D. CHILMONIK
DISTRICT 1

JANE E. KUCKEL, PH.D.
DISTRICT 3

STEVEN K. TEUBER
DISTRICT 4

JAMES W. BROWDER, ED.D.
SUPERINTENDENT

KEITH B. MARTIN
BOARD ATTORNEY

Re: Parklands, DCI Substantive Review, Case #DCI2004-00021

Dear Mr. Kelner:

Thank you for the opportunity to review Parklands for substantive comments with regard to educational impacts. This proposed development is in the South Choice Zone of the District, on Bonita Beach Road east of I-75 in the City of Bonita Springs Planning Area. This letter is in response to your request dated August 27, 2004.

Although the applicant states that a maximum of 1,290 residential dwelling units will be constructed, the breakdown between single family and multifamily units was not provided. Therefore, the School District of Lee County is assuming that all of the units are single family. Based on the proposed maximum total of 1,290 single family residential dwelling units, the Lee County School District is estimating that the proposal could generate up to 454 additional school-aged children. This uses a generation rate of 0.352 students per unit generated in the South Choice Zone of Lee County for single family units. This would create the need for approximately 21 new classrooms in the system, as well as additional staff and core facilities. Using the new small classroom legislative guidelines, additional classrooms may be generated.

The Lee County Board of County Commissioners adopted a School Impact Fee Ordinance on November 27, 2001, effective at this time. As such, the Parklands developers will be expected to pay the impact fee at the appropriate time.

Thank you for your attention to this issue. If I may be of further assistance, please give me a call at (239) 479-4205.

Sincerely,

Kathy Babcock, Long Range Planner
Department of Construction and Planning

Cc: William G. Moore, Jr.
Executive Director, School Support

DISTRICT VISION
TO PREPARE EVERY STUDENT FOR SUCCESS

DISTRICT MISSION
TO PROVIDE A QUALITY EDUCATION IN A SAFE AND WELL-MANAGED ENVIRONMENT

ATTACHMENT D

EXHIBIT IV-H

PROPOSED SCHEDULE OF DEVIATIONS

- 1) Deviation from the requirement that the connection separation along arterial streets must be a minimum centerline distance of 660 feet, per LDC Section 10-285 (a) Table 1, to allow a connection separation spacing of 333 feet along Bonita Beach Road for the access to the CPD parcel.

JUSTIFICATION: The Parklands project currently has two permitted access points - one approximately at the half-way point of the project frontage along Bonita Beach Road (1227 feet east of the west property line) and one 696 feet east of the western project boundary which provides ingress and egress to the CPD development area.

The proposed request would allow the existing CPD access point to be moved approximately 260 feet to the west. This location will provide a separation distance of approximately 333 feet from an existing minor access point on the north side of Bonita Beach Road and approximately 462 feet of separation between the existing entrance to Parklands West.

Providing a direct access to the CPD development area from Bonita Beach Road will enhance the project by segregating commercial traffic and enhancing vehicular circulation patterns throughout the community. The proposed request to shift the location of the secondary CPD access point will not result in detrimental impacts to the surrounding roadway system due to the fact that right turn lanes will be provided at this location. Furthermore, the location of the existing minor driveways on the north side of Bonita Beach Road already preclude the access points within the Parklands development from meeting County spacing requirements.

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PERMIT COUNTER

ATTACHMENT E

DCI 2004-00021

EXHIBIT IV-D

DESCRIPTION OF PROPOSED DEVELOPMENT

The applicant is requesting an amendment to the existing RPD/CPD zoning approval on the Lee County portion of Parklands Development of Regional Impact, located in the City of Bonita Springs. The DRI Development Order for the project was originally adopted by Lee County on April 14, 1986 to allow a mixed use development consisting of 1,290 multiple family residential units and 120,000 square feet of commercial floor area pursuant to Zoning Resolution ZAB-85-131. The zoning approval was then amended on January 8, 1989, to extend the expiration date of the Master Concept Plan from three years to seven years, and again on February 15, 1999, to extend the commencement date and build out date for an additional two years, pursuant to Zoning Resolutions Z-89-098 and Z-99-004.

In January, 2003 the Bonita Springs City Council adopted Zoning Ordinance #03-03 which modified the boundaries of the RPD and CPD development areas and amended the zoning approval to incorporate updated property development regulations, add single family residential units and a golf course as permitted uses, incorporate a conversion table to convert retail square footage and multiple family units to single family units, delete a 20 acre school/park site, and modify the internal roadway system to allow three interconnections to the Parklands West development. Since then, the development has received several administrative zoning approvals to further integrate the project with Parklands West.

The proposed zoning amendment would be limited to the following changes shown on the revised Master Concept Plan:

- 1) Increasing the size of the CPD development area from 10.02 acres to 27.90 acres in order to develop a Town Center design concept that would include a mixture of retail shops and office space having a maximum combined commercial floor area of 120,000 square feet (as previously approved), residential dwelling units, and a park;
- 2) Shifting the Bonita Beach Road access to the CPD development area approximately 260 feet to the west in conjunction with the proposed modification to the Town Center boundary;
- 3) Adding a model center as a permitted use within the CPD development area;
- 4) Converting the previously approved multiple family/two-family attached residential uses in the southwest corner of the site to single family development and;
- 5) Adding three consumption on premises for the development including an additional COP within the recreation tract, an additional COP within the CPD development area, and a COP for the golf course.

EXHIBIT IV-G

PROPOSED SCHEDULE OF USES

RPD Schedule of Uses

Accessory Uses and Structures

Clubs, Country and Private - limited to the Recreation Area Tract:

Consumption on Premises in compliance with LDC Section 34-1262

Day Care Center, child and adult

Food and Beverage Service, limited, including outdoor seating in compliance with LDC Section 34-1262

Health Club and Spa

Parking Lot, accessory

Specialty Retail Shops limited to Golf and Tennis Pro Shop

Dwelling Units:

Duplex, Single Family

Two-Family Attached

Townhouse, Multiple Family Building

Zero Lot Line

Entrance Gates and Gatehouses

Essential Services

Essential Service Facilities - Group I

Excavation, water retention

Fences, Walls

Golf Course

Home Occupation

Model Homes, Model Units

Recreation Facilities, personal and private on-site

Residential Accessory Uses

Signs in accordance with Chapter 30

Temporary Uses (LDC Section 34-3041)

Temporary Real Estate Sales Office

CPD Schedule of Uses

Accessory Uses and Structures

Administrative Offices

Animal Clinic (no outdoor runs)

Automatic Teller Machine (ATM)

Banks and Financial Establishments - Group I

Business Services - Groups I and II

Clothing Stores, general

Clubs, commercial and private

Consumption on Premises in compliance with LDC Section 34-1262

Day Care Center, child and adult

Drive Through Facility, limited to pharmacy and bank use only

Dwelling Unit:

Multiple Family Building

Essential Services

Essential Service Facilities - Group I

Excavation, water retention

Fences, Walls

Food Store - Group I

Health Care Facilities - Group III

Laundry and Dry Cleaning - Group I

Model Center

Medical Offices

Package Store

Parking Lot, accessory

Personal Services - Groups I, II and IV

Pet Shop

Pharmacy

Place of Worship

Real Estate Sales Office

Restaurants - Groups I, II and III

Signs in compliance with Chapter 30

Specialty Retail Shops - Groups I and II

Storage, Indoor

Studios

Temporary Uses (LDC Section 34-3041)

Note:

Almost all of the RPD and CPD uses listed above have been previously approved pursuant to the City of Bonita Springs Zoning Ordinance #03-03. The only modifications to the approved schedule of uses that are being requested as part of the proposed zoning amendment are to allow a Model Center as a permitted use within the CPD Development Area and three additional consumption on premises.

EXHIBIT II-E-2

COMPREHENSIVE PLAN COMPLIANCE

The project is vested under an approved DRI Development Order and has previously been found to be consistent with the comprehensive plans for both Lee County and the City of Bonita Springs. The minor changes that are being requested by the proposed zoning amendment will not create any new issues pertaining to comprehensive plan compliance.



REQUEST FOR PUBLIC HEARING SUBMITTAL REQUIREMENT WAIVER

Upon written request, the director may modify the submittal requirements for Public Hearings where it can be clearly demonstrated that the submission will have no bearing on the review and processing of the application. The request and the director's written response must accompany the application submitted and will become a part of the permanent file.

APPLICATION FOR WAIVER OF SUBMITTAL ITEMS REQUIRED FOR PUBLIC HEARING

- Public Hearing - General Requirements (34-202)
- ☒ Public Hearing - Additional requirements for:
- ☐ Development of Regional Impact (34-203(a))
- ☒ Planned Developments (34-203(b))
- ☐ Rezoning other than Planned Developments (34-203 (c))
- ☐ Mobile Home Park (34-203(d))
- ☐ Special Exception (34-203(e))
- ☐ Variances (34-203(f))

RECEIVED
APR 09 2004

PLEASE PRINT OR TYPE:

STRAP Number: 04-48-26-B2-00001.0000 **PERMIT COUNTER**

Name of Project: Parklands

Name of Applicant*: Parklands Development Limited Partnership

Street Address: 3185 Horseshoe Drive South

City: Naples State: FL Zip: 34104

Phone #: (239)649-6310 Fax #: (239) 430-1181 E-mail: _____

* If applicant is not the owner, a letter of authorization from the owner must be submitted.

SPECIFIC SECTION(S) AND REQUIREMENT(S) FOR WHICH A WAIVER IS SOUGHT:

Section Number	Requirement
<u>34-1573</u>	<u>Environmental Assessment</u>
<u>34-373(a)(4)b.</u>	<u>Soils, Topography, Vegetation and Ground Cover Maps</u>
<u>34-373(a)(5) & 34-491</u>	<u>Narrative on Comprehensive Plan Compliance</u>
<u>34-373(a)(6)a.</u>	<u>Traffic Impact Statement</u>
<u>34-373(b)(1)</u>	<u>Surface Water Management Plan</u>
<u>34-373(b)(2)</u>	<u>Protected Species Management Plan</u>
_____	_____

OCI 2004-00021

ATTACHMENT H

SCOPE OF PROJECT AND REASON(S) FOR REQUEST

Please provide an explanation for the scope of the project and the reason(s) why you think the request for submittal waiver should be approved. Use additional sheets if necessary.
(Please print or type)

The applicant is requesting an amendment to the CPD/RPD zoning approval for the Parklands development in Bonita Springs to incorporate the following changes:

- 1) Modifications to the location of the CPD entrance road;
- 2) Modifications to the boundaries of the RPD and CPD development areas;
- 3) Adding Model Center as a permitted use within the CPD development area;
- 4) Converting some of the multi-family parcels to single family development; and
- 5) Adding 3 consumption on premises.

The project has an approved DRI Development Order for 1,290 dwelling units and 120,000 square feet of commercial floor area and is presently under construction. The proposed amendment will not alter the previously approved residential density or commercial square footage and therefore will not result in any increase in the overall trip generation for the development or create any new issues related to comprehensive plan consistency. In addition, no changes are being proposed that will pertain to any water management areas or environmental issues. Based on this information, the preparation of a Traffic Impact Statement, Comprehensive Plan Narrative, Surface Water Management Plan, Environmental Assessment, Protected Species Management Plan, and Soils, Topography, Vegetation and Ground Cover Maps are not warranted for the review of the proposed request and would merely be a duplication of documents that have been previously submitted. The applicant therefore requests that these submittal items be waived.

Under penalties of perjury, I declare that I have read the foregoing application and that the facts stated in it are true.

Signature of Agent

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APR 09 2004

Director's Decision:

Request Approved *

PERMIT COUNTER
Request Denied

Comments:

* Comp Plan Narrative must be submitted

Signature:

Date: 3-25-04

DCI 2004-00021

EXHIBIT III-C

NARRATIVE

The applicant is requesting a Notice of Proposed Change (NOPC) for the Lee County portion of the Parklands Development of Regional Impact (DRI). The proposed changes incorporated in the NOPC will include the following items:

- 1) Increasing the size of the CPD development area from 10.02 acres to 27.90 acres in order to develop a Town Center design concept that would include a mixture of retail shops and office space having a maximum combined commercial floor area of 120,000 square feet (as previously approved), residential dwelling units, and a park.
- 2) Shifting the Bonita Beach Road access to the CPD development area approximately 260 feet to the west in conjunction with the proposed modification to the Town Center boundary.

These two changes are also being requested concurrently as part of a RPD/CPD zoning amendment which would also allow a model center as a permitted use within the CPD development area, the conversion of some multi-family and two-family attached dwelling units to single family development, and three additional consumption on premises for the project.

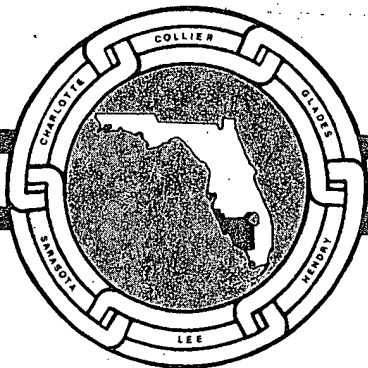
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APR 09 2004

COMMUNITY DEVELOPMENT

ORI 2004-00004

ATTACHMENT I



Southwest Florida Regional Planning Council

LEE COUNTY
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4980 Bayline Drive, 4th Floor, N. Ft. Myers, FL 33912-3909 (239) 456-7724

P.O. Box 3455, N. Ft. Myers, FL 33918-3455 SUNCOM CORP. DEV/
PUB. WRKS. CNTR.
SECOND FLOOR
FAX (239) 656-7724

May 20, 2004

Mr. Gary F. Muller, AICP
1482 Argyle Drive
Fort Myers, FL 33919

RE: **Parklands DRI - NOPC**

Dear Mr. Muller:

On Thursday, May 20, 2004, the Southwest Florida Regional Planning Council (SWFRPC) adopted the Notice of Proposed Change (NOPC) staff assessment for the Parklands DRI NOPC without changes. If you have any questions or comments, please let me know.

Sincerely,

SOUTHWEST FLORIDA REGIONAL PLANNING COUNCIL

Marisa Erika Morr
Regional Planner/Assistant DRI Coordinator

cc: Chip Block, Lee County Board of County Commissioners
Ray Bellows, Collier County Planning Services
Bernard Piawah, Department of Community Affairs
David Underhill Jr., P.E., Banks Engineering
Ted Treesh, Metro Transportation Group
Charles Basinait, Esq., Benderson, Franklin, Starnes & Holt, P.A.

MEM/mem

EXHIBIT A



Printed on
Recycled Paper



LEE COUNTY
Southwest Florida Regional Planning Council

4980 Bayshore Drive, N. Ft. Myers, FL 33917-3909 (239) 656-7720

P.O. Box 6100, N. Ft. Myers, FL 33918-3455 SUNCOM 749-7720
PUB. WRKS. CNTR. FAX (239) 656-7724
SECOND FLOOR

AGENDA

9:30 AM

MAY 20, 2004

COUNCIL'S OFFICES

NORTH FORT MYERS, FL

INVOCATION - Commissioner Rue Berryman

PLEDGE OF ALLEGIANCE

ROLL CALL

- 1. AGENDA**
- 2. MINUTES OF APRIL 15, 2004**
- 3. NEW BUSINESS: CONSENT AGENDA OF MAY 20, 2004**
 - (a) Developments of Regional Impact (DRIs)
 1. Coastland Center NOPC
 2. Parklands NOPC
 3. Parklands West NOPC
 4. Creek Walk at Town Center Proposed FQD Preapplication Meeting Results
 - (b) Local Government Comprehensive Plan Amendments
 1. City of LaBelle Local Comprehensive Plan Amendment (DCA 04-1)
 2. City of Cape Coral Local Comprehensive Plan Amendment (DCA 04-1)
 - (c) Intergovernmental Coordination and Review
 - (d) Financial Statement for April 30, 2004
- 4. DEVELOPMENTS OF REGIONAL IMPACT STAFF ASSESSMENTS**
 - (a) Palmer Ranch Increment XVIII Staff Assessment

D1B

Agenda Item (3)(a)2

**The Parklands
DRI #06-8384-43
NOTICE OF PROPOSED CHANGE**

Background:

The Parklands Development of Regional Impact (DRI) is located in both Lee and Collier Counties. The Collier portion of the DRI was approved by the Collier County Board of County Commissioners via the Parklands Development Order 85-4 on September 10, 1985. At that time, the Collier County portion of the project contained a 965.4 acres. In 1993, the DRI was amended to remove the westerly one-third of the Collier portion of the project site to reach its present size of 642.2 acres. Likewise, the development parameters of the project were reduced to coincide with the smaller site.

The existing Collier portion of the Parklands DRI site now includes 642.2 acres (all of Section 9) in northern Collier County (see Attachment I - Location Map). The northern property line of the development site is the Lee/Collier County line. As presently approved, the Collier portion of the development includes 1,603 residential units (both single and multi-family) on approximately 331.7 acres with a density of 2.5 units per acre, recreation and open space (approximately 310.5 acres) which will include a golf course, clubhouse and maintenance facility on approximately 110.3 acres, a 7.23 acre County Park site, a 15.0 acre school site, infrastructure, including sewer and potable water facilities, and the required rights-of-way.

The current Lee County portion of the Parklands DRI is located in the City of Bonita Springs jurisdiction (see Attachment I - Location Map). The Developer proposed to developed a mixed-use project in both the City of Bonita Springs and Collier County that includes a total of 2,893 residential dwelling units, a golf course with 27 holes, and 120,000 square feet of commercial space on approximately 966.3 950.18 acres.

The portion of the project located in the City of Bonita Springs is proposed by the Developer of the project to contain 1,290 multiple and single family residential units and, 120,000 square feet of commercial space and nine of the total twenty-seven holes of golf. Specific land use information is provided in Exhibit "A".

Previous Changes

There have been Five (5) previous changes to the Parklands Development Order. These changes were as follows:

(1) Resolution 85-267 - December 17, 1985

Amended the DO by addressing the timing of transportation improvements, provided a finding of no Substantial Deviation, and amend the DO of the Lee County portion of the development not approved;

(2) Resolution 93-287 - July 27, 1993

Determination that revisions to DO 85-4 do not constitute a substantial deviation;

(3) Resolution 99-382 - September 28, 1999

Amended the date the development remains in effect, while extending the date by which time significant physical development is to begin;

(4) Ordinance #02-14 - September 23, 2002

Amended to reflect that the Lee County portion of the project was located within the City of Bonita Springs, incorporated all previous amendments into a re-codified D.O. for the City of Bonita Springs, extended the commencement date from November 19, 2000 to November 19, 2002 and modified conditions pertaining to the DRI's education and affordable housing requirements.

(5) Ordinance #03-08 - February 27, 2003

Amended to add golf (nine holes) and single family dwelling units as permitted uses, incorporated a conversion table to permit the conversion of retail floor area and multiple family units to single family units, and eliminated a proposed North-South collector road through the project.

Proposed Changes:

The applicant for the proposed change is the current developer of the Parklands DRI, Ronto Developments, LP. The Notice Of Proposed Change (NOPC) was submitted to Regional staff on April 8, 2002. The applicant is requesting to amend the Bonita Springs/Lee County portion of the DRI Development Order and Map H as follows:

1. Increase the size of the commercial area of the project from 10.02 acres to 27.90 acres and decreasing the size of the residential area of the project from 305.01 acres to 287.13 acres. The applicant has stated in the application that there will be no change in the amount of previously approved commercial floor area or the total number of dwelling units;
2. Relocate of the western access point onto Bonita Beach Boulevard; and
3. Modify the wording in several of the Development Order sections, including the Findings of Fact, Drainage/Water Quality, Energy, Commercial Area and Residential

Area sections, along with minor identification letter changes for the Town Center Concept, Density and Land Use Conversion, and Other.

There will be no changes to the approved land uses or the conditions and restriction place on those uses.

Staff Analysis:

With respect to the increase in the size of the commercial area, the Council staff does not believe that the change in the development site size will result in the creation of addition regional impacts. Because the increased size of the commercial area will not be used for increase retail floor area, there does not appear to be addition traffic or other significant impacts. It is the understanding of the Council staff that this action is being taken to provide for a reconfiguration of the commercial structures to reflect market conditions on the parcel and will not result in increased commercial uses.

In coordination with the commercial configuration on the subject site, the applicant is requesting to move the access point from Bonita Beach Road from the existing 500 feet from the western property line to 462 feet from the western property line. Council staff does not consider the movement of the access to be significant and is not able to identify any movements from the Parklands commercial area that will conflict with adjacent traffic movements. Because the movement of the access point is minor and does not create a negative health, safety or welfare issue and facilitates the applicant's commercial area reconfiguration, Council staff finds that the request is not regionally significant.

Finally, Council staff finds that the applicant's request to change the wording in several of the Development Order sections to be minor and reflecting the realities that have taken place with respect to the permits obtained by the developer since the last NOPC.

Character, Magnitude, Location:

The proposed change will not affect the character, magnitude or location of the DRI.

Regional Goals, Resources or Facilities:

Regional staff has examined the NOPC in order to determine the potential for adverse regional impacts. Because the project is not changing any of the previously approved parameters for the project, nor are any of the buildout or phasing dates being changed, and the requested change is deemed to be consistent with the Regional Goals, Resources and Facilities as previously determined through the previous DRI and Substantial Deviation reviews.

Multi-Jurisdictional Issues:

Regional staff has not identified any adverse regional impacts due to the proposed changes.

Need For Reassessment Of The DRI:

If the applicant is proposing to amend the Development Order language of the DRI and Map H and by the standards set in Chapter 380.06(19)(c), F.S. The requested changes are determined not to be a Substantial Deviation and will therefore not require a reassessment.

Acceptance Of Proposed D.O. Language:

The amended Sections of the Bonita Springs DRI Development Order would be changed and read as follows:

- **First WHEREAS statement –**

WHEREAS, on October 2, 2002, _____, 2004 Ronto Developments Parklands, Inc., the Developer of the Parklands DRI, filed an applicant to amend the Parklands DRI; and

- **Third WHEREAS statement –**

WHEREAS, the issues raised in connection with the Notice of Proposed Change dated October 2, 2002, was filed for relating to the purposed of adding; and ~~WHEREAS, a Notice of Proposed Change dated October 2, 2002, was filed for the purpose of adding an additional nine holes of golf to the project, providing for single family dwelling units as a permitted use within the project, providing for modifications to the internal roadway system, including three interconnections to the Parklands West Sixth Development Order Amendment dated _____, 2004 are the following: (1) providing for modifications to the boundaries of the commercial and residential areas of the project; and (2) providing for Multiple family dwelling units within relocation of the eommercial area as part of a proposed Town Center design concept and providing for a conversion table to allow conversion of retail square footage and multiple family dwelling units to single family dwelling units~~ western access point into the Parklands DRI from Bonita Beach Road; and

- **NOW, THEREFORE statement –**

NOW, THEREFORE, LET IT BE ORDAINED BY THE CITY COUNCIL OF THE CITY OF BONITA SPRINGS, HEREINAFTER REFERRED TO AS THE CITY COUNCIL, that the conditions of the Development Order for the Parklands DRI adopted by Lee County on April 14, 1986 and last amended by the City of Bonita Springs on ~~September 23, 2002,~~ March 21, 2003, is further amended as follows, with new language underlined and deletions struck through. All other portions or the original Development Order and subsequent amendments shall remain the same.

- **FINDINGS OF FACT statement –**

FINDINGS OF FACT

- A. The Developer proposed to developed a mixed-use project in both the City of Bonita Springs, and Collier County that includes a total of 2,893 residential dwelling units, a golf course with 27 holes, and 120,000 square feet of commercial space on approximately ~~966.3~~ 950.18 acres. The portion of the project located in the City of Bonita Springs is proposed to contain 1,290 multiple and single family residential units and, 120,000 square feet of commercial space and nine holes of golf. Specific land use information is provided in Exhibit "A".

The legal description of the property is as follows:

The east one-half of Section 4, Township 48 South, Range 26 East, Lee County, Florida, less the north 150 feet for road right-of-way.

AND

Section 9, Township 48 South, Range 26 East, Collier County, Florida containing ~~966.34~~ 950.18 acres more or less (both counties).

The property is generally located as reflected in the sketch attached as Exhibit "B".

- B. The property located in the City of Bonita Springs is zoned Commercial Planned Development (CPD) and Residential Planned Development (RPD) pursuant to zoning resolution numbers ZAB-85-131, Z-89-098, and Z-99-004 and Bonita Springs Zoning Ordinance 02-14, 03-03, and _____.

- **B. DRAINAGE/WATER QUALITY statement –**

1. The surface water management system for The Parklands ~~implement~~ implements the design standards and water quality "best management practices" ~~outlined in the Application for Development approval, response to Question 22, and in the sufficiency responses.~~ The commitments include, but are not limited to, the use of grassed conveyance swales (flow ways), spreader discharge swales, dry detention areas including unfilled portions of the golf courses, and the use of seasonal ponds and freshwater ponded wetlands as integral parts of the surface water management system has been reviewed and approved by South Florida Water Management District and deemed to be in compliance with state requirements. The design and permit conditions require the implementation of "Best Management Practices".

2. The developer and his successor(s) must implement and maintain an ongoing maintenance and monitoring program that regularly inspects, maintains, and samples the stormwater drainage system, including wetlands monitoring, during and after the development of

The Parklands. The developer must establish MSTU or other legal entity to carry out this program after tracts and/or units are sold. The documents creating such entity must be approved by the City Attorney of Bonita Springs and South Florida Water Management District prior to the implementation of the monitoring program. The program will be designed in consultation with the staffs of the ~~Southwest Florida Regional Planning Council~~, the South Florida Water Management District, and city of Bonita Springs. The purpose of this program is to insure that the stormwater drainage system functions as planned. If the monitoring program shows the system is not functioning as planned, or is not constructed in accordance with all approved plans, permits, or ~~County City~~ requirements, the City of Bonita Springs will notify the developer of the deficiencies and the mitigation measures necessary to take corrective action, further local development approvals will not be granted until the developer has completed such corrective measures or provided an acceptable security to complete the corrective measures with a reasonable time.

~~4. Prior to the initiation of the project construction, the developer will provide the information specified within the South Florida Water Management District Impact Assessment report to the SFWMD, SWFRPC, Collier County and the City of Bonita Springs for review. In addition, a conceptual A Surface Water Management Permit must be obtained from the SFWMD which authorizes construction of the surface water management system. The City of Bonita Springs This permit number 36-04235-P has been issued and Collier County's review will be conducted according to portions of the provisions of Chapter 390.06, Florida Statutes project are under construction.~~

• **C. ENERGY statement –**

1. Bicycle/pedestrian systems connecting all land uses, placed along arterial and collector roads with the project, and also, The required bicycle/pedestrian path along the Bonita Beach Road Extension has been constructed along the project frontage. This system must be constructed in accordance with City of Bonita Springs Standards, and must include internal bikeways, and pedestrian paths substantially as shown on (but not limited to) Exhibit "H" from the A.S.A., the proposed Master Development Plan, attached to this DRI Development Order as Exhibit "C".

• **K. COMMERCIAL AREA statement –**

The Commercial area located in the northwest corner of the project is being enlarged and reconfigured in response to reflect the portion of the commercial area that was dedicated to Lee County as part of Bonita Beach Road. In addition, the commercial area is being reconfigured to provide for certain internal road realignments evolving market conditions. The new commercial area will remain ten be increased to twenty-seven and nine tenths (4027.9±) acres in size. The sketch and legal description for the new commercial area is attached hereto and incorporated herein as Exhibit "F".

- **L. RESIDENTIAL AREA statement –**

The Residential portion of the project is being reconfigured in response to evolving market conditions. The new residential area will be nine hundred twenty-two and twenty-eight one hundredths (922.28±) acres in size. The sketch and legal description for the residential area is attached hereto and incorporated herein as Exhibit "G".

- **M. L. TOWN CENTER CONCEPT statement –**

- **N. M. DENSITY AND LAND USE CONVERSION statement –**

- **O. N. OTHER statement –**

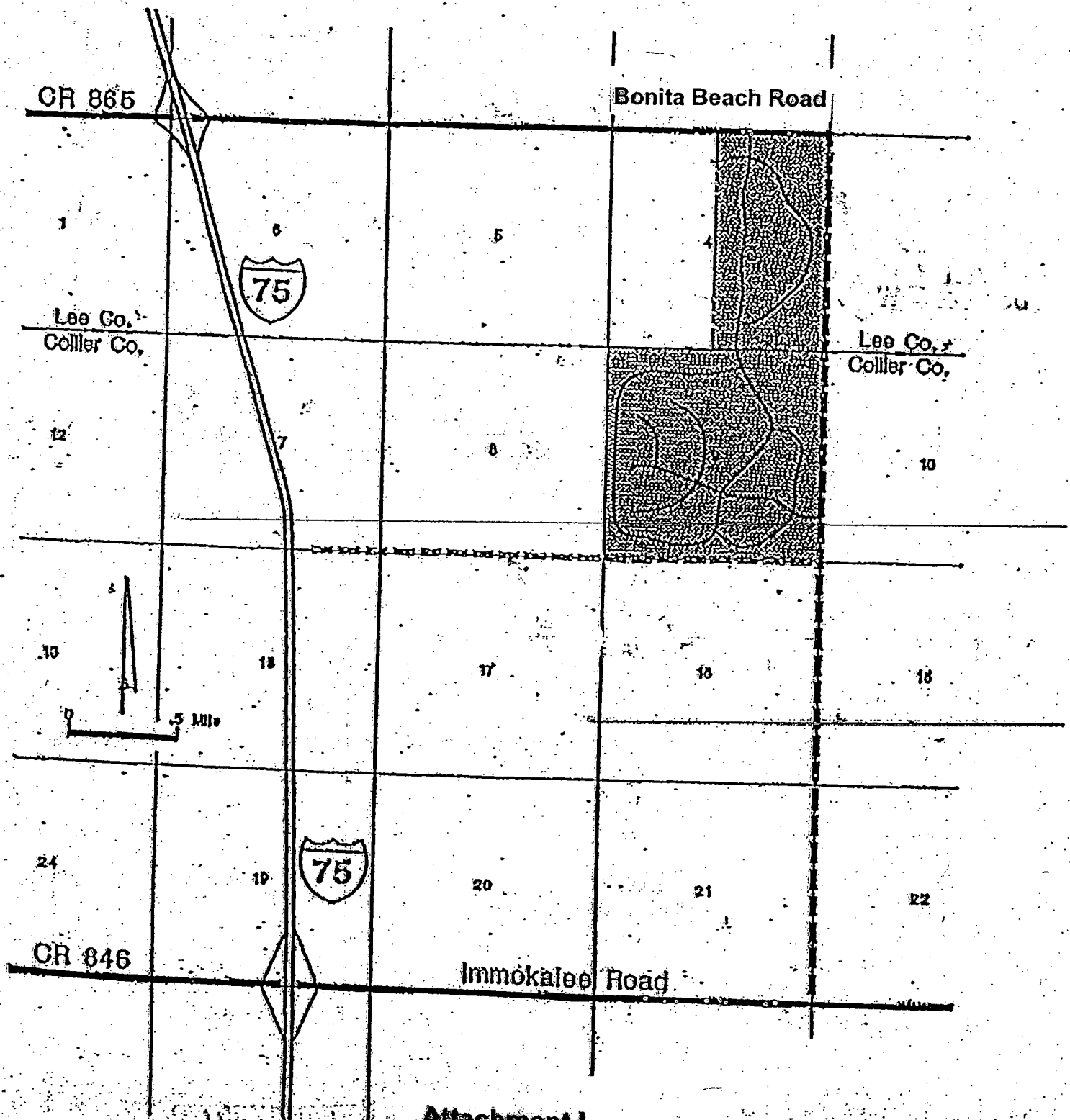
- **Map H**

The Master Development Plan for the Parklands West DRI has been revised to meet the changes requested in this proposed amendment. The revised Map is shown as Attachment II.

Council staff recommends that the City of Bonita Spring City Council accept the proposed development order language.

- RECOMMENDED ACTIONS:**
1. Notify City of Bonita Springs, the Florida Department of Community Affairs and the applicant that the proposed DRI DO language changes and the Map H changes does not appear to create a reasonable likelihood of additional regional impacts on regional resources or facilities not previously reviewed by the SWFRPC and that Council participation at the local public hearing is not necessary, unless requested by the City for technical assistance purposes.
 2. Request that City of Bonita Springs provide a copy of the proposed DO amendment to the Council to assure that it is consistent with the NOPC.

THE PARKLANDS



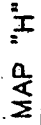


Exhibit "A"
PROPOSED LAND USE PLAN
THE PARKLANDS

COLLIER COUNTY BONITA SPRINGS TOTAL

	Units	Acres	Units	Acres	Units	Acres	% of Site
RESIDENTIAL							
Single Family	*	---	**	---			
Multi-Family	*	---	**	---			
Total	1,603	130.0	1,290	485.3	2,893	318.2	33.2 33.5

COMMERCIAL	Sq. Ft.	Acres	Sq. Ft.	Acres	Sq. Ft.	Acres	% of Site
	0	0.0	120,000	40.0	120,000	40.0	4.0 2.0

RECREATION/ OPEN SPACE							
Golf Course	177.2		64.4	29.0	238.3	206.2	25.4 21.7
Preserve Areas	155.4		0.0		155.4		16.4
Lakes	107.0		49.6	60.9	456.6	167.9	46.6 17.7
Total	439.6		440.7	89.9	550.3	529.5	58.0 55.8

ROAD RIGHT-OF-WAY	45.6		9.0		54.6		5.7
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SCHOOL SITE	20.0		0.0		20.0		2.1
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TOTAL	635.2		315.0		950.2		100.0
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* The breakdown between single family and multiple family dwelling units for the Collier County portion of the development will be determined by the following trip generation equivalency rates which will allow and multiple family units to be converted to single family units as long as the total number of dwelling units listed above is not exceeded:

- For every single family unit permitted in excess of 123 units, 1.67 multiple family units convert to 1 single family unit.

** The breakdown between single family and multiple family dwelling units for the Bonita Springs portion of the development will be determined by the following trip generation equivalency rates which will allow retail square footage to be converted to residential dwelling units and multiple family units to be converted to single family units as long as the total number of dwelling units listed above is not exceeded:

- 1,000 square feet of retail use equals 14.75 multiple family units;
- 2.6 multiple family units equals one single family unit.



Henderson Franklin
ATTORNEYS AT LAW

1715 Monroe Street • Fort Myers, FL 33901
Post Office Box 280 • Fort Myers, FL 33902
Tel: 239.334.4121 • Fax: 239.334.4100 • www.henlaw.com

Bonita Springs • Sanibel

Reply to
Charles J. Basinait
Direct Dial Number 239.337.8433
E-Mail: charles.basinaid@henlaw.com

September 15, 2004

Mr. Bryan Kelner
Department of Community Development
1500 Monroe Street
Fort Myers, FL 33901

Re: Parklands DRI Amendment/DRI Development Order Revision
Our File No. 13085/2

Dear Bryan:

Enclosed please find the revised Parklands DRI Development Order. The only changes from the April 6, 2004 document are contained on the last two pages and simply reflect the change in membership of the City Council.

Please let me know if you have any questions, or if I may be of further assistance.

Very truly yours,

Charles J. Basinait

CJB/jma

Enclosure Parklands Revised DO

cc: Brian Farrar
Gary Muller
Ted Treesh
Dave Underhill
(All copied w/enclosure)

EXHIBIT C

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

LEE COUNTY
RECEIVED
04 SEP 16 11:48
COMM. DIV.
PUB. WORKS CNTR.
STATION 200R

**DEVELOPMENT ORDER
FOR
PARKLANDS
A DEVELOPMENT OF REGIONAL IMPACT
STATE DRI #6-8384-43
COUNTY CASE #85-06-01-DRI**

WHEREAS, on October 2, 2002, _____, 2004, Ronto Developments Parklands, Inc., the Developer of the Parklands DRI, filed an application to amend the Parklands DRI; and

WHEREAS, the portion of the Parklands DRI that is the subject of this Notice of Proposed Change ("NOPC") is a Development of Regional Impact located in the City of Bonita Springs, Lee County; and

WHEREAS, the issues raised in connection with the Notice of Proposed Change dated October 2, 2002, ~~was filed for relating to the purpose of adding; and~~ WHEREAS, a Notice of Proposed Change dated October 2, 2002, was filed for the purpose of adding an additional nine holes of golf to the project, providing for single family dwelling units as a permitted use within the project, providing for single family dwelling units as a permitted use within the project, providing for modifications to the internal roadway system, including three interconnections to the Parklands WestSixth Development, Order Amendment dated _____ 200 are the following: (1) providing for modifications to the boundaries of the commercial and residential areas of the project, and (2) providing for multiple family dwelling units within relocation of the commercial area as part of a proposed Town Center design concept and providing for a conversion table to allow conversion of retail square footage and multiple family dwelling units to single family dwelling units western access point into the Parklands DRI from Bonita Beach Road; and

WHEREAS, the City of Bonita Springs has reviewed the current DRI Development Order and has evaluated the current Notice of Proposed Change at a public hearing scheduled in accordance with Section 380.06, F.S. and has concluded that the proposed changes are not a substantial deviation from the terms of the existing Development Order.

NOW, THEREFORE, LET IT BE ORDAINED BY THE CITY COUNCIL OF THE CITY OF BONITA SPRINGS, HEREINAFTER REFERRED TO AS THE CITY COUNCIL, that the conditions of the Development Order for The Parklands DRI adopted by Lee County on April 14, 1986 and last amended by the City of Bonita Springs on ~~September 23, 2002~~, March 21, 2003, is further amended as follows, with new language underlined and deletions struck through. All other portions of the original Development Order and subsequent amendments shall remain in full force and effect.

FINDINGS OF FACT

A. The Developer proposes to develop a mixed-use project in both the City of Bonita Springs, and Collier County that includes a total of 2,893 residential dwelling units, a golf course with 27 holes, and 120,000 square feet of commercial space on approximately ~~966.39~~950.18 acres. The portion of the project located in the City of Bonita Springs is proposed to contain 1,290 multiple and single family residential units and, 120,000 square feet of commercial space and nine holes of golf. Specific land use information is provided in Exhibit "A".

The legal description of the property is as follows:

The east one-half (E ½) of Section 4, Township 48 South, Range 26 East, Lee County, Florida, less the north 150 feet for road right-of-way.

AND

Section 9, Township 48 South, Range 26 East, Collier County, Florida containing ~~966.34~~950.18 acres more or less (both counties).

The property is generally located as reflected in the sketch attached as Exhibit "B".

B. The property located in the City of Bonita Springs is zoned Commercial Planned Development (CPD) and Residential Planned Development (RPD) pursuant to zoning resolution numbers ZAB-85-131, Z-89-098, and Z-99-004 and Bonita Springs Zoning Ordinance 02-14, 03-03; and _____.

C. The Application for Development Approval was found to be consistent with the requirements of Chapter 380.06, Florida Statutes; and

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

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

F. The proposed development has been reviewed by the Southwest Florida Regional Planning Council and is consistent with the report and recommendations of the Southwest Florida Regional Planning Council; and

G. The proposed conditions below meet the criteria found in Chapter 380.06 (15) (d), Florida Statutes; and

H. The 1989 Lee Plan amendment changing the Future Land Uses Category of the City of Bonita Springs portion of the project had the effect of reducing the allowable residential density in the City of Bonita Springs from 6 dwelling units per acre to 3 dwelling units per acre. The approved 1290 dwelling units in the City of Bonita Springs portion of the project results in a density of 4.1 dwelling units per acre.

I. The proposed development order is consistent with the adopted City of Bonita Springs Comprehensive Plan, notwithstanding the intervening Lee Plan amendment to the Future Land Use category of the property since there has been no substantial deviation from the original development approvals.

CONCLUSIONS OF LAW

A. FISCAL REQUIREMENTS

1. The development is required to generate sufficient funds to provide the necessary infrastructure for the support of each phase of development. The capital, operating, and maintenance costs of services will be borne by the developer, either by directly providing the infrastructure, or by an assured tax base. The developer has proposed and will carry out a fiscal monitoring program to enable City of Bonita Springs to insure that shortfalls in revenue will be fully mitigated and to verify that this development is generating sufficient funds to provide the necessary infrastructure for the support of each phase of the development. "Fiscal neutrality" will mean that the revenues generated by The Parklands and going to the City of Bonita Springs or the various service providing districts are equal to, or greater than, the costs imposed upon the City of Bonita Springs or those districts as determined by the monitoring and modeling system. The monitoring will be performed to verify the accuracy of assumptions upon which the fiscal analysis is based. The critical assumptions to be monitored include, but are not limited to:

- (a) The number of dwelling units built and other constructed improvements and their sales prices;
- (b) Percentage of units receiving homestead exemption and other applicable exemptions;

- (c) The number of undeveloped acres and their value as assessed by the Lee County Property Appraisers;
- (d) Factors relating to property taxes (assessment ratio, cost of sale factor, millage rate);
- (e) Factors relating to expenditures (per capita expenditures for capital and operating);
- (f) Factors relating to revenues; and
- (g) Cost factors relating to parks (acquisition and development cost per acre and acreage standards for parks).

2. The fiscal monitoring program for monitoring assumptions and methodology will be reviewed by the City of Bonita Springs, and within twelve (12) months of the effective-date of this Development Order, the program shall be brought before the City of Bonita Springs by for adoption of an amendment to the Zoning resolution which was adopted simultaneously with the Lee County Development Order. This amendment shall include at least the following:

- (a) A dispute resolution mechanism in the event that the reviewing authorities and The Parklands disagree about the results of the program; and
- (b) The identification and establishment of the means whereby any fiscal deficits would be offset (e.g., an M.S.T.U. or C.D.D.).

B. DRAINAGE/WATER QUALITY

1. The surface water management system for The Parklands ~~implement~~implements the design standards and water quality "best management practices" ~~outlined in the Application for Development Approval, response to Question 22, and in the sufficiency responses.~~ The commitments include, but are not limited to, the use of grassed conveyance swales (flow-ways), spreader discharge swales, dry detention areas including unfilled portions of the golf courses, and the use of seasonal ponds and freshwater ponded wetlands as integral parts of the surface water management system has been reviewed and approved by South Florida Water Management District and deemed to be in compliance with state requirements. The design and permit conditions require the implementation of "Best Management Practices".

2. The developer and his successor(s) must implement and maintain an ongoing maintenance and monitoring program that regularly inspects, maintains, and

samples the stormwater drainage system, including wetlands monitoring, during and after the development of The Parklands. The developer must establish MSTU or other legal entity to carry out this program after tracts and/or units are sold. The documents creating such entity must be approved by the City Attorney of Bonita Springs and South Florida Water Management District prior to the implementation of the monitoring program. The program will be designed in consultation with the staffs of the ~~Southwest Florida Regional Planning Council~~, the South Florida Water Management District, and City of Bonita Springs. Final approval of the program rests with the City of Bonita Springs. The purpose of this program is to insure that the stormwater drainage system functions as planned. If the monitoring program shows the system is not functioning as planned, or is not constructed in accordance with all approved plans, permits, or ~~County~~City requirements, the City of Bonita Springs will notify the developer of the deficiencies and the mitigation measures necessary to take corrective action, further local development approvals will not be granted until the developer has completed such corrective measures or provided an acceptable security to complete the corrective measures within a reasonable time.

3. The use of pesticides are prohibited.

4. ~~Prior to the initiation of the project construction, the developer will provide the information specified within the South Florida Water Management District Impact Assessment report to the SFWMD, SWFRPC, Collier County and the City of Bonita Springs for review. In addition, a conceptual~~A Surface Water Management Permit must be obtained from the SFWMD which authorizes construction of the surface water management system. The City of Bonita Springs~~This permit number 36-04235-P has been issued and Collier County's review will be conducted according to portions of the provisions of Chapter 380.06, Florida Statutes~~project are under construction.

C. ENERGY

All site plans or architectural programs must incorporate the energy conservation features set forth below. In the alternative, the property owner/developer must insure that the features set forth below are implemented through deed restrictions or covenants with successors in title. All applications for site plan approvals and building permits must include a document detailing proposed compliance with these conditions. If deed restrictions or covenants are utilized to insure compliance, such documents must be reviewed and approved by the City Attorney of Bonita Springs prior to recording.

These energy conservation features are:

1. Bicycle/pedestrian systems connecting all land uses, placed along arterial and collector roads within the project, ~~and also.~~ The required bicycle/pedestrian path

along the Bonita Beach Road Extension has been constructed along the project frontage. This system must be constructed in accordance with City of Bonita Springs standards, and must include internal bikeways, and pedestrian paths substantially as shown on (but not limited to) Exhibit "H" from the A.D.A., the proposed Master Development Plan, attached to this DRI Development Order as Exhibit "C".

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 future transit system to serve the project area, to specifications of the appropriate City of Bonita Springs agency.

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

5. Energy-efficient appliances and equipment.

6. Prohibition against deed restrictions or covenants that would prevent or unnecessarily hamper energy conservation efforts (e.g., building orientation, clotheslines, and solar water heating systems).

7. Minimum necessary coverage by asphalt, concrete, rock, and similar substances in the streets, parking lots, and other areas to reduce local air temperatures and reflected light and heat, as determined by the City of Bonita Springs.

8. Energy-efficient lighting for streets, parking areas, and other interior and exterior public areas.

9. Water closets with a maximum flush of 3.5 gallons and shower heads and faucets with a maximum flow rate of 3.0 gallons per minute (at 60 pounds of pressure per square inch) as specified in the Water Conservation Act, Chapter 553.14, F.S.)

10. Selection, installation, and maintenance of native plants, trees, and other vegetative and landscape design features that can be shown to reduce requirements for water, fertilizer, maintenance, and other needs, compared to non-native exotic plant species.

11. Native shade trees to provide shade for all streets and parking areas.

12. Placement of trees to provide shade in the warmer months while not overly reducing the benefits of sunlight in the cooler months.

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

14. Structural shading (e.g., trellises, awnings, and roof overhangs) wherever practical when natural shading cannot be used effectively.

15. Porch/patio areas in residential units whenever possible.

16. Establishment of an architectural review committee and consideration by the project architectural review committee(s) of energy conservation measures (both those noted here and others) to assist builders and tenants in their efforts to achieve greater energy efficiency in the development and compliance with conditions 1 through 15.

D. TRANSPORTATION

1. An annual monitoring program, to be performed by the developer, shall be established to monitor the development's impact upon the area's roadways. The monitoring program shall be designed in cooperation with the City of Bonita Springs, Collier County and Lee County. As a minimum, the monitoring report shall contain traffic counts, taken in peak season, with turning movements at the project's access points and compared to the estimate of 1,217 net new P. M. peak hour trip ends. The monitoring report shall also contain level of service analyses for the project significantly impacted roadway segments and intersections. The roadway segments and intersections to be studied will be determined based on the Traffic Impact Statement required in D.6.(b). At a minimum, the roadway segments of Bonita Beach Road east of I-75 to the project will be studied. Also, at a minimum, the intersections of project access points, Bonita Beach Road with I-75 ramps, and Bonita Beach Road with Bonita Grande Drive will be analyzed with traffic counts, taken in peak season with turning movements. The first monitoring report shall be submitted to the Southwest Florida Regional Planning Council, the Lee County Department of Transportation, the Lee County Division of Zoning and Development Review, and the Florida Department of Transportation. Reports shall be thereafter be submitted by the developer to the agencies above listed each year until actual buildout or declared buildout.

2. The developer of The Parklands has completed the construction of, two paved lanes on Bonita Beach Road from the existing pavement east of I-75 to the eastern boundary of The Parklands at no cost to the City of Bonita Springs.

Costs paid by the developer included the full costs of design/engineering, utility relocation, right-of-way acquisition, construction, and relocation of drainage facilities. The cross-section for this road was designed to allow eventual four-laning of

Bonita Beach Road. The alignment, design, and construction schedule for this project was approved by the City of Bonita Springs.

The developer of The Parklands has provided 150 feet of right-of-way for construction of Bonita Beach Road improvements at no cost to Bonita Springs.

The developer is not eligible for credits against Road Impact Fees for construction or dedication of right-of-way associated with the Bonita Beach Road improvements since they are "site-related" as this term is defined in the Lee County Land Development Code. However, proportionate share payments or reimbursements from other users of these roads will, if obtained, reduce the cost to The Parklands' developer if supported as stated in subparagraph 5 below.

3. The Developer of The Parklands must dedicate to City of Bonita Springs 75 feet of right-of-way along the eastern boundary of The Parklands from Bonita Beach Road to the Lee County/Collier County line for the eventual construction of the 951 extension and/or Logan Boulevard Extension. If the County and the City determine that the 951 Extension and/or Logan Boulevard Extension will be not be located along the eastern boundary of The Parklands then the 75 foot reservation shall no longer be required.

4. During each applicable phase of development the developer, must make all intersection improvements, including signalization (if warranted), turn lanes, and deceleration lanes, deemed necessary by the City of Bonita Springs or Lee County at The Parklands access points on Bonita Beach Road. Approval of local Development Order plans for the affected phase will be granted only if these improvements are included in construction of that phase.

The developer is not eligible for credits against the Road Impact Fee for these intersection improvements because they are "site-related" as this term is defined in the Lee County Land Development Code as adopted by the City of Bonita Springs.

5. To mitigate adverse traffic impacts caused by all portions of The Parklands on arterial and collector roads west of I-75 and at the intersections of Bonita Beach Road and C.R. 887 (Old 41) and the Bonita Beach Road/I-75 interchange, the developer must do the greater of either:

- (a) Pay road impact fees in accordance with the Land Development Code for the City of Bonita Springs portion of The Parklands,
- (b) Pay an amount equivalent to The Parklands' proportionate share of its adverse traffic impacts on the identified arterial and collector roadways located west of I-75. Proportionate share is to be defined

in accordance with Lee County Administrative Code 13-16 Exhibit "D".

Prior to the issuance of a local Development Order for the City of Bonita Springs portion of the Parklands, the developer must submit a Traffic Impact Statement in accordance with City of Bonita Springs development regulations and the Lee County administrative code requirements in effect at the time of the local development order submittal. City of Bonita Springs will determine the proportionate share for the Parklands in accordance with the governing Lee County Administrative Code AC-13-16, Attachment D. The City of Bonita Springs will also determine the road impact fees in accordance with the Land Development Code. If the proportionate share amount identified in 65(b) above is greater than the road impact fee amount, then prior to the issuance of a local Development Order the applicant must prepare and submit a payment schedule acceptable to the Lee County Department of Transportation, that will determine the method of payments sufficient to mitigate Parklands' proportionate share of any adverse traffic impacts at the time that the adverse impact occurs. If the impact fees are greater than the proportionate share, the developer must pay impact fees in accordance with the schedule set forth in the Land Development Code. The roads/intersections described in subsections D.2, D.3, and D.4 are not eligible for road impact fee credits.

Construction schedules for improvements west of I-75 and at the intersections noted above must be designed to have the improvements in place coincident with the development of The Parklands or as noted otherwise herein.

6. This Development Order will be construed to exempt this development from participation in the funding, through Municipal Services Benefit Unit (MSBU's) or other special assessment districts, of improvements to various state or County arterial and collector roads or intersections to the degree to which the Parklands generates demand, and to the extent that such impacts have not already been mitigated by this development through other means.

7. The development will be subject to the City of Bonita Springs Concurrency Management System.

8. In all instances under this Section D where developer is not eligible for credits against Road Impact Fees for construction or acquisition of right-of-way, and where appropriate, a rebateable agreement may be used whereby a proportionate share of the money would be returned to the developer if or when other developments are approved in the general area served by the road construction or right-of-way acquisition.

9. The developer agrees to provide access from Bonita Beach Road and interconnections with the Parklands West DRI in accordance with the Master Plan of Development (Map H).

10. Multi-family units may be converted to single-family units at a rate of 2.0 multi-family units per single-family unit. Retail square feet may be converted to single-family units at a rate of 156 feet per single-family unit. Further, up to 1,290 multi-family units and up to 120,000 square feet of retail floor area may be converted to single-family units such that the number of dwelling units does not exceed 1,290. Multi-family units and retail floor area may only be converted to single-family units. No conversion may occur from single-family units to either multi-family units or retail floor area.

E. EDUCATION

1. The developer must provide school bus stops within the project, in conjunction with the roadway phasing. Design features and specific locations will be determined with input from the Lee County School Board at the time of local final development review approval.

2. The development shall provide a total cash contribution of \$1.2 million (\$1,200,000.00) to mitigate the education impact of the Parklands and Parklands West DRI. The cash payments must be made in four equal installments of \$300,000.00. The first installment was paid on July 12, 2001, with each successive installment to be paid on or before June 1st of each consecutive year. Failure to make timely payments will result in the cessation of permit issuance for development within The Parklands and Parklands West DRI. Should a school impact fee ordinance be adopted, the developer shall make the first and second payments referenced above, but will not be obligated to make the third or fourth payment obligation in the event a school impact fee ordinance is in effect prior to the payment date. Developer will be issued school impact fee credits for use at Parklands West DRI and/or Parklands DRI or anywhere else in the impact fee district in which Parklands and Parklands West DRI's are located in an amount equal to the full amount of cash contributions. If the school impact fee ordinance is adopted, the cash contribution identified in this development order shall not be considered a cap or a satisfaction of the impact fee application for both projects, but will be used to offset the impact fee requirements. The credits or offset shall only be available to the Developer or entity that made the actual payments. Transferability of the impact fee credits will be provided for in the school impact fee ordinance. The funds received to mitigate the impacts of development within the City of Bonita Springs must be spent within the corporate boundaries of the City, or within the impact fee district provided for in the proposed school impact fee ordinance, whichever is more restrictive. The funds must be used for capital improvements or other expenditures that are consistent with state law with the expenditure of impact fee revenues.

F. HOUSING

The developer shall provide a housing analysis in accordance with 9J-2.048, Florida Administrative Code prior to the development of the commercial center and provide mitigation in accordance with the rule for any regionally significant unmet demand for low income housing to mitigate the impacts for prospective employees of the proposed commercial and office establishments.

In addition, the Developer will participate in any lawfully adopted City of Bonita Springs ordinance which establishes more stringent mitigative measures than those delineated in Rule 9J-2.048, Florida Administrative Code, in a manner which is consistent with the dictates of §380.06(15)(e)(1), Florida Statutes, should an ordinance

be adopted by the City prior to the commencement of the local development order process.

G. VEGETATION

The developer of his successor(s) must utilize a strong native landscaping program throughout the project, with an effort to save or create native upland habitat. This program must be submitted to the City of Bonita Springs for review as part of the local final development review process.

H. COMMUNITY SERVICES

1. The developer must mitigate the project's negative fiscal impact by paying fire impact fees in accordance with the Lee County Land Development Code. This condition is consistent with the agreement dated October 14, 1985, with the Bonita Springs Fire Control and Rescue District. (Agreement is attached as Exhibit "E".) Fiscal impacts on the District will be further examined in the monitoring program described in Section A. (Fiscal Requirements). Further contributions may be required based on the outcome of that program.

2. If the height of buildings in the development exceed three (3) habitable stores, or if other construction styles or occupancy types so warrant, the developer must purchase the ladder trucks and other equipment deemed necessary for this specialized fire protection by the Bonita Springs Fire District, and donate the equipment to the District.

3. The Bonita Springs Fire Control and Rescue District is encouraged to coordinate with the North Naples Fire Control District to formalize a response policy to assure that Collier County residences are protected at all phases of Parklands' residential and access road construction.

4. The Lee County Sheriff's Department is encouraged to coordinate with the Collier County Sheriff's Department to formalize a response policy that will assure police protection when necessary to the Collier County Parklands residents, at all phases of access road residential construction.

5. The Lee County Emergency Medical Services is encouraged to coordinate with the applicable Collier County Agency to assure a coordinated response policy for providing emergency medical services to the project during all phases of development.

I. RECREATIONAL FACILITIES AND OPEN SPACE

1. The developer must pay community and regional parks impact fees in accordance with the Lee County Land Development Code. Open space must be provided in accordance with the Land Development Code as well.

J. WATER SUPPLY

Water conserving devices must be installed in all new construction in accordance with state law (Chapter 553.14, F.S.). The development will be served by the Bonita Springs Water System. Adequate information has been submitted to confirm that the Bonita Springs Water System will not be adversely impacted by the development. If an on-site wellfield is developed for all or part of the project, more detailed information will be required at the time of permit application to confirm that the proposed wellfield will not adversely impact the resource, other existing legal users, or the environment.

K. COMMERCIAL AREA

The commercial area located in the northwest corner of the project is being enlarged and reconfigured in response to reflect the portion of the commercial area that was dedicated to Lee County as part of Bonita Beach Road. In addition, the commercial area is being reconfigured to provide for certain internal road realignmentsevolving market conditions. The new commercial area will remain tenbe increased to twenty-seven and nine tenths (1027.9±) acres in size. The sketch and legal description for the new commercial area is attached hereto and incorporated herein as Exhibit F.

L. RESIDENTIAL AREA

The residential portion of the project is being reconfigured in response to evolving market conditions. The new residential area will be nine hundred twenty-two and twenty-eight one hundredths (922.28±) acres in size. The sketch and legal description for the residential area is attached hereto and incorporated herein as Exhibit G.

M. TOWN CENTER CONCEPT

A Town Center concept is being introduced as part of the commercial area in the northwest corner of the project. Multiple family dwelling units will be allowed to be located within the Town Center area subject to Condition No. 4 of City of Bonita Springs Zoning Ordinance No. 03-03.

N. M-DENSITY AND LAND USE CONVERSION

The RPD portion of the project located in the City of Bonita Springs, Florida, is limited to 1,290 residential dwelling units (all of which were initially approved as multi-

family units) and a nine-hole golf course. The CPD portion of the project located in the City of Bonita Springs, Florida, is limited to 120,000 square feet of retail.

Multi-family units may be converted to single family units at a rate of 2.0 multi-family units per single family unit and retail square footage may be converted to single family units at a rate of 156 square feet per single family unit. Further, up to 1,290 multi-family dwelling units and up to 120,000 square feet of retail floor area may be converted to single family dwelling units, so long as the cumulative P.M. peak hour net new trip generation does not exceed 1,217 net new trips and such that the number of dwelling units does not exceed 1,290. Multi-family units and retail floor area may only be converted to single family units. No conversion may occur from single family units to multi-family units or retail floor area. Any other change in land uses will require filing of a Notice of Proposed Change.

PARKLANDS
UNIT CONVERSION TABLE

	<u>Single Family</u> (DU's)
<u>Multi-Family</u> (0.52 T.E./DU)	<u>2.0 DU</u>
<u>Retail</u> (6.28 T.E./1 KSF)	<u>156 s.f.</u>

NOTES:

- (1) 2.0 multi-family units converts to one (1) single family unit.
- (2) 156 square feet of Retail converts to one (1) single family unit.

O. ~~N.~~ OTHER

1. The master plan as incorporated into the zoning resolution adopted for the property is subject to modification, as the following issues have not been resolved:

- (a) The Bonita Springs Water System's wellfield expansion program could place potable water wells in proximity to The Parklands. Local, regional, or state resolutions concerning allowable land uses within a wellfield zone of influence may require significant changes to the master plan.

- (b) The South Florida Water Management District has indicated that only a governmental agency or special taxing district may accept responsibility for the operation and maintenance of the proposed "pumped" surface water management system. If no such entity accepts this responsibility, the entire system may require major redesigning, thereby altering the master plan.

BE IT FURTHER ORDAINED, by the City Council of the City of Bonita Springs, Florida, that:

1. This ordinance shall constitute the Development Order of the City Council issued in response to the Notice of Proposed Change filed on behalf of The Parklands.

2. All commitments and impact mitigating actions volunteered by the developer in the Application for Development Approval and supplementary documents and not in conflict with conditions or stipulations specifically enumerated above are hereby adopted to this Development Order by reference.

3. This Development Order is binding upon the developers and their heirs, assignees or successors in interest. Those portions of this Development Order that clearly apply only to the Project developer, including but not limited to the initial construction of capital facilities, will not be construed to be binding upon future residents of dwelling units or persons purchasing individual sites for personal residential purposes. The development order is binding upon any builder/developer who acquires any tract of land within The Parklands.

It is hereby declared that the terms and conditions set out in this document constitute a basis upon which the developer and City may rely in future actions necessary to implement fully the final development contemplated by this Ordinance and Development Order.

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

4. It is understood that any reference herein to any governmental agency will be construed to mean future instrumentalities created and designate as successor in interest to, or which otherwise possesses the powers and duties of the referenced governmental agency in existence on the effective date of this Development Order.

5. If any portion or section of this Development Order is determined to be invalid, illegal, or unconstitutional by a court of competent jurisdiction, such decision will not affect the remaining portions or sections of the Development Order.

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

7. Subsequent requests for local development permits will not be subject to further review pursuant to Section 380.06, Florida Statutes, unless the City Council finds, after due notice and hearing, that one or more of the following is present:

- (a) A substantial deviation from the terms or conditions of this development order, or other changes to the approved development plans create a reasonable likelihood of adverse regional impacts or other regional impacts that were not evaluated in the review by the Southwest Florida Regional Planning Council; or
- (b) An expiration of the period of effectiveness of this development order.

Upon a finding that either of the above is present, the City Council must order a termination of all development activity until the developer submits a new DRI Application for Development Approval, and that ADA is reviewed and approved in accordance with Section 380.06, Florida Statutes.

8. Physical development has commenced pursuant to this Development Order. This Development Order will terminate on November 18, 2011, unless an extension is approved. An extension may be granted by the City Council if the project has been developing substantially in conformance with the original plans and approval conditions, and if no substantial adverse impacts not known to the Southwest Florida Regional Planning Council or to City of Bonita Springs at the time of their review and approval, or arising due to the extension, have been identified. Future requests to extend time will be evaluated cumulatively with past request in accordance with Chapter 380.06(19). For the purpose of calculating when a buildout date has been exceeded, the time will be tolled during a pendency of administrative and judicial proceedings relating to development permits.

9. The City Manager of the City of Bonita Springs or his/her designee, will be the local official responsible for assuring compliance with this Development Order.

10. The developer, or his successor(s) in title to the undeveloped portions of the property, must submit a monitoring report annually to the City of Bonita Springs City Council, and Collier County Board of County Commissioners, the Southwest Florida Regional Planning Council, the State land planning agency, and all affected permit agencies. This report must describe the status of development and compliance as of the date of submission, and must be consistent with the rules of the State land planning

agency. The first monitoring report must be submitted to the City of Bonita Springs not later than June 1, 2003, and further reporting must be submitted not later than June 1st of subsequent calendar years. Failure to comply with this reporting procedure is governed by Section 380.06, Florida Statutes. The developer must inform successors in title to the undeveloped portion of the real property covered by this Development Order of this reporting obligation. Successors in interest must comply with all terms and conditions of this Development Order. The failure of a predecessor in interest to inform any successors in interest of all the terms and conditions of this Development Order will not negate the requirement that every developer of the property comply with all the terms and conditions contained herein. The monitoring requirement does not require reporting from residents or successor of individual homesites.

11. The development will not be subject to down-zoning, unit density reduction, or intensity reduction, for five (5) years following the approval of zoning, or amendments thereto unless the City demonstrates that substantial changes have occurred in the conditions underlying the approval of the development order including, but not limited to, a substantial deviation occurring due to the provisions requiring at least fiscal neutrality as described at the end of Section A, or that the development order was based on substantially inaccurate information provided by the developer, or that the change is clearly established by local government to be essential to the public health, safety, and welfare.

12. Certified copies of this Development Order will be forwarded to the Southwest Florida Regional Planning Council, the developer, and appropriate state agencies by the City. This Development Order is rendered as of the date of that transmittal, but is not effective until the expiration of the statutory appeals period (45 days from rendition) or until the completion of any appellate proceedings, whichever time is greater. Upon this Development Order becoming effective, the developer must record a notice of this adoption in accordance with Chapter 380.06, Florida Statutes.

THE MOTION TO ADOPT the above amendments to the Development Order was offered by Councilman _____ and seconded by Councilman _____ and, upon pool of the members present, the vote was as follows:

Jay G. Arend _____
Wayne Edsall _____
Ben Nelson, Jr. _____
Alex Grantt _____

David Piper, Jr. _____
Robert Wagner _____
John Joyce _____

DULY PASSED AND ENACTED BY THE COUNCIL OF THE CITY OF BONITA
SPRINGS, LEE COUNTY, FLORIDA THIS _____ DAY OF _____, 2004.

AUTHENTICATION:

Mayor Jay G. Arend

City Clerk

APPROVED AS TO FORM:

City Attorney

Date filed with City Clerk:

- _____
Exhibits:
- A. Land Use Table
 - B. Sketch of Land Area comprising the Parklands
 - C. Master Concept Plan (Map H) (Parklands - Lee)
 - D. Lee County Administrative Code 13-16
 - E. Agreement with Bonita Springs Fire & Rescue District dated
October 14, 1985.
 - F. Legal Description and Sketch for CPD Area
 - G. Legal Description and Sketch for RPD Area

INSTRUCTIONS

(Section C.1.c., Lee County Administrative Code AC 2-8)

A zoning sign must be posted on the parcel subject to any zoning application for a minimum of fifteen CALENDAR (15) days in advance of the Zoning Board of the City of Bonita Springs and maintained through the Bonita Springs City Council Hearing. This sign will be provided by the Zoning Division in the following manner:

- Signs for case **#DRI2004-00004 & DCI2004-00021** must be posted by **September 16, 2004**
- The sign must be erected in full view of the public, not more than five (5) feet from the nearest street right-of-way or easement.
- The sign must be securely affixed by nails, staples or other means to a wood frame or to a wood panel and then fastened securely to a post, or other structure. The sign may not be affixed to a tree or other foliage.
- The applicant must make a good faith effort to maintain the sign in place, and readable condition until the requested action has been heard and a final decision rendered.
- If the sign is destroyed, lost, or rendered unreadable, the applicant must report the condition to the Zoning Division, and obtain duplicate copies of the sign from the Zoning Division.

The Division may require the applicant to erect additional signs where large parcels are involved with street frontages extending over considerable distances. If required, such additional signs must be placed not more than three hundred (300) feet apart.

When a parcel abuts more than one (1) street, the applicant must post signs along each street. When a subject parcel does not front a public road, the applicant must post the sign at a point on a public road which leads to the property, and the sign must include a notation which generally indicates the distance and direction to the parcel boundaries and the dimensions of the parcel.

NOTE: AFTER THE SIGN HAS BEEN POSTED, THE AFFIDAVIT OF POSTING NOTICE, BELOW, SHOULD BE RETURNED NO LATER THAN THREE (3) WORKING DAYS BEFORE THE INITIAL HEARING DATE TO LEE COUNTY ZONING DIVISION, 1500 MONROE ST., FT. MYERS, FL 33901.

(Return the completed Affidavit below to the Zoning Division as indicated in previous paragraph.)

AFFIDAVIT OF POSTING NOTICE

STATE OF FLORIDA
COUNTY OF LEE

I HAVE

BEFORE THE UNDERSIGNED AUTHORITY, PERSONALLY APPEARED **Brian F. Farrar, Director of Land Dev.** WHO ON OATH SAYS THAT ~~HE/SHE HAS~~ POSTED PROPER NOTICE AS REQUIRED BY SECTION 34-236(b) OF THE LEE COUNTY LAND DEVELOPMENT CODE ON THE PARCEL COVERED IN THE ZONING APPLICATION REFERENCED BELOW:

[Signature]
SIGNATURE OF APPLICANT OR AGENT

Brian F. Farrar

NAME (TYPED OR PRINTED)

3185 Horseshoe Drive South
ST. OR PO BOX

Naples, FL 34104
CITY, STATE & ZIP

#DRI2004-00004 & DCI2004-00021/Parkland Development Limited Partnership in reference to Parklands/ 10/01/04 / JLP

Parklands Development, L.P.,
a Delaware Limited Partnership
BY: Ronto Development Parklands, Inc.,
as a general partner

STATE OF FLORIDA
COUNTY OF LEE

The foregoing instrument was sworn to and subscribed before me this 16 day of September

2004, by Brian F. Farrar, personally known to me or who produced

as identification and who ~~did~~/did not take an oath.

Carol L. Sparks
Signature of Notary Public

Carol L. Sparks
Printed Name of Notary Public

My Commission Expires **10-15-05**

(Stamp with serial number)



LEE COUNTY
RECEIVED
04 SEP 20 PM 1:05
JUDICIAL DEPT.
FUD. DEPT. CLERK

RK



APR 09 2004
COMMUNITY DEVELOPMENT

APPLICATION FOR PUBLIC HEARING FOR A DEVELOPMENT OF REGIONAL IMPACT (DRI) BONITA SPRINGS

IF REQUEST WILL INVOLVE REZONING, PLEASE USE THE "APPLICATION
FOR PUBLIC HEARING FOR PLANNED DEVELOPMENT" FORM.

Applicant's Name: Parklands Development Limited Partnership Phone #: (239) 649-6310
Project Name: Parklands
STRAP Number(s): 04-48-26-B2-00001.0000
Application Form: X Computer Generated* County Printed

* By signing this application, the applicant affirms that the form has not been altered

STAFF USE ONLY

Commission District: Land Use Classification: Mod Den m/ PD
Current Zoning: CPD / RPD Lee Plan Density Range:
Hearing Number: DRI 2004-00004 Fee: 4,000 -
Date of Application: 4/9/04 Date Fee Paid: 4/9/04
Date of Public Hearing: Receipt Number:
Intake By:
Staff Recommendation:

LEE COUNTY
COMMUNITY DEVELOPMENT
P.O. BOX 398 (1500 MONROE STREET)
FORT MYERS, FLORIDA 33902
PHONE (941) 479-8585

DRI 2004-00004

PART I
APPLICANT/PROPERTY OWNERSHIP INFORMATION

A. Name(s) of Applicant(s): Parklands Development Limited Partnership

Mailing Address: Street: 3185 Horseshoe Drive South

City: Naples State: Florida Zip: 34104

Phone Number: Area Code: (239) Number: 649-6310 Ext. _____

Fax Number: Area Code: (239) Number: 430-1181

B. Relationship of applicant to property:

_____ Owner	_____ Trustee*	_____ Option holder*
_____ Lessee*	_____ Contract Purchaser*	
_____ Other (indicate)*	_____	

*If applicant is NOT the owner he must submit a notarized Authorization Form from the owner to the applicant labeled Exhibit I-B.

C. Name of owner(s) of property: Parklands Development Limited Partnership

Mailing Address: Street: 3185 Horseshoe Drive South

City: Naples State: Florida Zip: 34104

Phone Number: Area Code: (239) Number: 649-6310 Ext. _____

Fax Number: Area Code: (239) Number: 430-1181

D. Date property was acquired by present owner(s): October 4, 2002

E. Is the property subject to a sales contract or sales option? X NO _____ YES

F. Is owner(s) or contract purchaser(s) required to file a disclosure form? _____ NO X YES
If yes, please complete and submit Exhibit I-F (attached).

G. Authorized Agent(s): List names of authorized agents (submit additional sheets if necessary)

Name: Gary F. Muller, AICP Contact Person: Gary Muller

Address: 1482 Argyle Drive Fort Myers, Florida 33919

Phone: (239) 939-0111 Fax: (239) 939-0611

E-mail: gfmuller@peganet.com

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APR 09 2004

G.1. Additional Agents:

G.1.a. Company Name: Henderson, Franklin, Starnes & Holt, P.A.

Address: P.O. Box 280 Fort Myers, FL 33902-0280

Contact Person: Chuck Basinait

Phone Number: (239) 337-8433 Fax Number: (239) 334-4100

E-mail: charles.basinait@henlaw.com

G.1.b. Company Name: Banks Engineering, Inc.

Address: 6640 Willow Park Drive, Suite B Naples, Florida 34109

Contact Person: Dave Underhill

Phone Number: (239) 597-2061 Fax Number: (239) 597-3082

E-mail: dunderhill@bankseng.com

G.1.c. Company Name: Metro Transportation Group, Inc.

Address: 12651 McGregor Boulevard, Suite 4-403 Fort Myers, FL 33919-4489

Contact Person: Ted Treesh

Phone Number: (239) 278-3090 Fax Number: (239) 278-1906

E-mail: tbt@metrotransportation.com

G.1.d. Company Name: _____

Address: _____

Contact Person: _____

Phone Number: _____ Fax Number: _____

E-mail: _____

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APR 09 2004

COMMUNITY DEVELOPMENT
Page 2a of 10

**PART II
GENERAL INFORMATION**

A. Legal Description: Is property within a platted subdivision recorded in the official Plat Books of Lee County?

 X NO. Attach a legible copy of the legal description (labeled Exhibit II-A-1) and a certified sketch of description as set out in Chapter 61G 17-6.006, Florida Administrative Code, unless the subject property consists of one or more undivided platted lots (labeled Exhibit II-A-2). If the application includes multiple abutting property owners, the legal description must describe the perimeter boundary of the total area, but need not describe each individual parcel. However, STRAP number for each parcel must be included.

 YES. Property is identified as:

Subdivision Name: N/A

Plat Book: Page: Unit: Block: Lot:

STRAP NUMBER: 04-48-26-B2-00001.0000

B. Project Street Address: 14751 Bonita Beach Road, SE

C. General location of property (referenced to major streets): The property is located on the south side of Bonita Beach Road, approximately 2 1/4 miles east of I-75.

D. Request is for: X DRI FQD AMDA (Check applicable answers)

 Application for development approval Substantial Deviation

 Changes per LDC 34-145(d)(1)(c) Abandonment

 X Notice of Proposed Change (Non-standard deviation)

 Other:

E. Property Dimensions:

1. Width (average if irregular): 2,625 Feet 2. Depth (average if irregular): 5,228 Feet

3. Frontage on road or street: 2,629 Feet Name of street Bonita Beach Road

4. Width along waterbody (if applicable): N/A Feet

5. Total land area: 315.03 Acres

F. Present Use of Property: Is the property vacant? X NO YES

Briefly describe current use of the property: Development has commenced in the northeast corner of the site in accordance with previous development approvals.

G. Property Restrictions: Are there any covenants, deed restrictions, or other restrictions which affect this request? X NO YES. If yes, submit a copy of the restriction(s) and a statement as to how they affect this request.

**PART III
SUBMITTAL REQUIREMENTS**

	APPLICATIONS	COPIES	EXHIBIT	ITEM
	All	13		Completed Application
	All	1		Application Fee
	All	12	I-B	Notarized Authorization Form (if applicable)
	All	12	I-F	Notarized Disclosure Form (if applicable)
	All	12	II-A-1	Legal Description
	All	12	II-A-2	Certified Sketch of Description (if applicable)
	All	12	II-G	Plat Book Page (if applicable)
	All	12	III-A	Property Owners List
	All	12	III-B	Property Owners Map
	All	12	III-C	Narrative Regarding Request
	Notice of Proposed Change Substantial Deviations	12		Form RPM-BSP-Proposed Change - 1 pursuant to Section 380.06(19) F.S.
	DRI, AMDA, FQD	12		Form RPM-BSP-ADA - 1. Application for Development Approval pursuant to Section 380.06 F.S.
	Abandonment	12		Form RPM-BSP-Abandonment-DRI-1 Application for Abandonment of a DRI

REC

APR 09 2004

PART IV
AFFIDAVIT

I, Brian F. Farrar certify that I am the owner or authorized representative of the property described herein, and that all answers to the questions in this application and any sketches, data or other supplementary matter attached to and made a part of this application, are honest and true to the best of my knowledge and belief. I also authorize 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.



Signature of Owner or Owner-authorized Agent

1/5/04

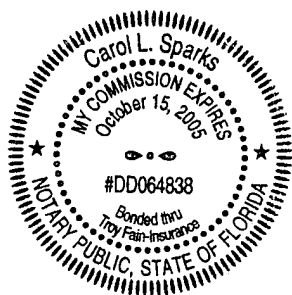
Date

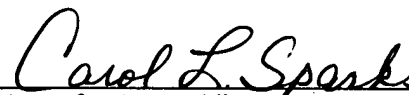
Brian F. Farrar, Director of Land Development - Ronto Developments Parklands, Inc.
Typed or printed name and title

STATE OF FLORIDA)
COUNTY OF LEE)

The foregoing instrument was certified and subscribed before me this 5th day of Jan. 2004 by Brian F. Farrar, , who is personally known to me or has produced N/A as identification.

(SEAL)





Signature of notary public

CAROL L. SPARKS

Printed name of notary public

**EXPLANATORY NOTES
GENERAL**

ALL APPLICANTS MUST PAY THE APPLICATION FEE SET FORTH IN THE COUNTY EXTERNAL FEES AND CHARGES MANUAL. (ADMINISTRATIVE CODE 3-10 APPENDIX C)

UPON WRITTEN REQUEST, THE DIRECTOR MAY MODIFY THE SUBMITTAL REQUIREMENTS CONTAINED IN THIS SECTION WHERE IT CAN BE CLEARLY DEMONSTRATED THAT THE SUBMISSION WILL HAVE NO BEARING ON THE REVIEW AND PROCESSING OF THE APPLICATION. THE REQUEST AND THE DIRECTOR'S WRITTEN RESPONSE MUST ACCOMPANY THE APPLICATION SUBMITTED AND WILL BECOME A PART OF THE PERMANENT FILE.

EXPLANATORY NOTES FOR PART I

A. Applicant's Name: Application may be made by the landowner or the authorized agent. [Sec. 34-201(a)] Where there is more than one owner, either legal or equitable, then all such owners must jointly initiate the application. Exceptions to this are where:

- 1) The property is owned by husband and wife. It is not necessary that both husband and wife initiate the application on private real property.
- 2) The property is subject to a land trust agreement. The trustee may initiate the application.
- 3) The fee owner is a corporation. Any duly authorized corporate official may initiate the application.
- 4) The fee owner is a partnership. The general partner may initiate the application.
- 5) The fee owner is an association. The association may appoint an agent to initiate the application on behalf of the association.
- 6) The property is a condominium or time-share condominium. Refer to Sec. 34-201(a)(1)b. for rules.
- 7) The property is a subdivision. Refer to Sec. 34-201(a)(1)c. for rules.

B. Relationship of applicant to owner: If the applicant is not the owner of the property or the person authorized to represent the owner through the Covenant of Unified Control, the applicant must submit proof of authority to represent the owner. This may be accomplished with a notarized authorization form from the owner or his authorized representative. Label this submittal as Exhibit I-B. [Sec. 34-202(b)(1)].

If the owner does not desire to sign the attached Covenant of Unified Control he may submit an alternate document for consideration by the County Attorney's office prior to submitting the application for rezoning.

C. Name of owner (s): see F. below

D. Date property was acquired by present owner(s).

F. Name of Owner(s): A Disclosure Form (Exhibit I-F, attached) must be submitted for any entity whose interest in the property is other than solely equity interest(s) which are regularly traded on an established commodities market in the United States or another Country. [Sec. 34-201(b)(2)]

G. Authorized Agents: If the owner or applicant has authorized agents to act on his/her behalf, list the agent(s) name, mailing address and phone number. [Sec. 34-202(b)(1)]

EXPLANATORY NOTES FOR PART II

A. Legal Description: If the property is not within a platted subdivision recorded in the official plat books of Lee County, a complete legal description must be attached which is sufficiently detailed and legible so as to be able to locate the property on county maps or aerial photographs. Also include the Section, Township, Range, and parcel number(s).

If the application includes multiple contiguous parcels, the legal description may describe the perimeter boundary of the total area, and need not describe each individual parcel. Label the legal description as Exhibit II-A-1.

A survey or a certified sketch of description as set out in chapter 61G 17-6.006, Florida Administrative Code must be submitted. , unless the subject property consists of one or more undivided platted lots. If the application includes multiple abutting parcels, the legal description must describe the perimeter boundary of the total area, but need not describe each individual parcel. However, the STRAP number for each parcel must be included. Label the Sketch as Exhibit II-A-2. [34-202(a)]

If the request is owner-initiated and a boundary survey is required, the survey must include the location of any existing structures on the property. Label the Boundary Survey as Exhibit II-A-2. [Sec. 34-202(a)(2)]

The Director has the right to reject any legal description which is not sufficiently detailed or legible so as to locate said property, and may require a certified survey or boundary-survey prepared by a surveyor meeting the minimum technical standards for land surveying in the state, as set out in chapter 61G 17-6, F. A.C. Boundaries must be clearly marked with a heavy line. The boundary line must include the entire area to be developed. If the request is owner-initiated the Federal Emergency Management Agency flood zone and required finished floor elevation must be shown as well as the location of existing structures on the property. [Sec. 34-202(b)(2)]

A copy of the plat may be purchased from the County Clerks office.

- B. Project Street Address: If the street address is unknown, the address may be obtained from the Lee County E-911 Addressing Division at (239) 338-3200.
- C. General Location: The general location should reference known major streets so as to indicate to the general public the location of the property.
- E. Property Dimensions: If the parcel is irregularly shaped, indicate the average width and depth of the property. Indicate the length of property abutting any existing street rights-of-way or easements. If property abuts more than one street, indicate frontage on each street.
- F. If the property is not vacant, the owner or applicant's signature on this application indicates that the Owner agrees to either remove all existing buildings and structures, OR that the use of the building or structure(s) will be in compliance with all applicable requirements of the land development code. [Sec.34-202(b)(3)].
- G. Deed Restrictions: A copy of the deed restrictions on the subject property, if any, and a written statement as to how the deed restrictions may affect the requested action. Label as Exhibit II-G. (Sec. 34-202(b)(2))

EXPLANATORY NOTES FOR PART III

- A. The applicant is responsible for the accuracy and completeness of this application. Any time delays or additional expenses necessitated by the submittal of inaccurate or incomplete information will be the responsibility of the applicant.
- B. All information submitted with the application or submitted at the public hearing becomes a part of the public record and will be a permanent part of the file.
- C. All applications must be submitted in person. Mailed-in applications will not be processed.
- D. All attachments and exhibits submitted must be of a size that will fit or conveniently fold to fit into a letter size (8 1/2" x 11") folder.

REC
APR 09 2004
COMMUNITY DEVELOPMENT

- E. The Department staff will review this application for compliance with requirements of the Lee County Land Development Code. If any deficiencies are noted, the applicant will be notified.

Property Owners List: A complete list of all property owners, and their mailing addresses, for all property within three hundred seventy-five (375) feet of the perimeter of the subject property. Names and addresses of property owners will be deemed to be those appearing on the latest tax rolls of the County. Information may be obtained from the Lee County Property Appraiser's office. The applicant is responsible for the accuracy of the list. Label as Exhibit III-A. [Sec. 34-202(a)(6)]

Property Owners Map: A County Zoning map or other similar map displaying all of the parcels of property within three hundred seventy-five feet (375) of the perimeter of the subject parcel or the portion thereof that is the subject of the request, referenced by number or other symbol to the names on the property owners list. The applicant is responsible for the accuracy of the map. Label as Exhibit III-B. [Sec. 34-202(a)(7)].

Narrative Statement: Label as Exhibit III-C. State the basis or reason(s) for the requested action.

RE

APR 09 2004

COMMUN

**EXHIBIT I-F
DISCLOSURE OF INTEREST FORM**

STRAP NO. 04-48-26-B2-00001.0000

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, Address, and Office

Percentage of Stock

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

Name and Address

Percentage of Interest

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

Name and Address

Percentage of Ownership

<u>Parklands Development, L.P.</u>
<u>A. Jack Solomon, President</u>
<u>Mark S. Taylor, Vice President</u>
<u>Dave C. Bennett, Vice President</u>

100%
0%
0%
0%

COMMUNITY DEVELOPMENT

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

Name, Address, & Office (If applicable)

Percentage of Stock

Date of Contract: _____

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

Name and Address

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

Brian F. Farrar, Director of Land Development
(Printed or typed name of applicant)

STATE OF FLORIDA)
COUNTY OF LEE)

Sworn to (or affirmed) and subscribed before me this 5th day of Jan, 2004 by

Brian F. Farrar

who is personally known to me or has produced

N/A

as identification.

Carol L. Sparks
Notary Public

(SEAL)



(08/01/2003)

CAROL L. SPARKS
Name typed, printed or stamped

APR 09 2004

DRI

2004-00004

Page 10 of 10

COMMUNITY DEVELOPMENT

ZONING DIVISION
CITY OF BONITA SPRINGS

DEVELOPMENT OF REGIONAL IMPACT SUFFICIENCY REVIEW
TRANSMITTAL SHEET

TO: Distribution

FROM: Bryan Kelner

DATE: 07/13/2004

Audrey Vance, City Attorney
TIS Reviewer - Bob Rentz
DS Reviewer - Don Blackburn
Paul O'Connor, Planning
Kim Trebatoski, Environmental Sciences
Andy Getch, LCDOT
Kathy Babcock, Lee County School District
Roland Ottolini, Natural Resources
Luis Machado, Zoning

*** REVIEWERS - remember permit plan checklists should now be used.**

PROJECT NAME: PARKLANDS DRI NOPC

CASE #: DRI2004-00004

INFORMATION SUMMARY:

RESUBMITTAL

To update your file
☒ Review and forward sufficiency
questions or make finding of
sufficiency

RESPONSE REQUIRED BY: 08/03/2004

Additional Comments:

(DRI) Lee County LDC Section 34-373(d)(1).
Sufficiency and Completeness

No hearing will be scheduled for an application for a Planned Development until the application has been found sufficient. All applications for Planned Developments will be deemed sufficient unless a letter advising the applicant of any insufficiencies has been mailed within fifteen (15) working days of submittal of the application. All amended applications will be deemed sufficient unless a subsequent letter advising the applicant of any insufficiencies has been mailed within fifteen (15) working days of the date of the resubmittal. The contents of insufficiency letters will be limited to brief explanations of the manner in which insufficient applications do not comply with the formal requirements in Section 34-373.

cc: DRI planner/working file
DRI Zone File

Distributed by: Billie Jacoby

Date: 07/14/2004

1482 Argyle Drive
Fort Myers, FL 33919
(239) 939-0111
Fax: (239) 939-0611

Gary F. Muller, AICP

LETTER OF TRANSMITTAL

RECEIVED
JUL 13 2004

To: Bryan Kelner

Date: 7/9/04

Re: Parklands DRI NOPC
DRI2004-00004

PERMIT COUNTER

The following items are being transmitted:

Copies	Description
1	Sufficiency Response Cover Letter
12	Revised Sketch & Legal Description - Parklands ~~West~~ CPD Parcel
12	Revised Sketch & Legal Description - Parklands ~~West~~ RPD Parcel
12	Revised Zoning Affidavit
12	Revised Authorization Letter
12	Revised Disclosure of Interest Form
12	Revised Covenant of Unified Control
12	Revised Map H

☐ As Requested

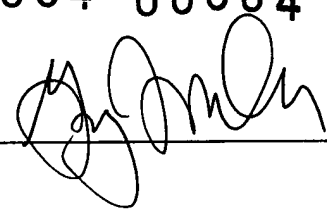
☐ For Your Use

☒ For Review and Comment

Remarks:

Copy To:

DRI2004-00004

Signed: 



GARY F. MULLER, AICP

1482 ARGYLE DRIVE • FORT MYERS, FLORIDA 33919 • 813/939-0111 • FAX 813/939-0611

July 8, 2004

Mr. Bryan Kelner, Principal Planner
Lee County DCD
Zoning Division
Post Office Box 398
Fort Myers, Florida 33902-0398

RE: Parklands DRI NOPC
DRI2004-00004

RECEIVED
JUL 13 2004

PERMIT COUNTER

Dear Mr. Kelner:

Attached please find the information requested in your sufficiency review of the above referenced rezoning case. The issues raised on the checklists from the various Lee County reviewing agencies have been addressed as follows:

LCDOT Sufficiency Checklist

a) The request to move an approved access point from a location that meets the arterial connection separation of 660 feet between project access points to move the access 260 feet west is not convincing. The applicant has not provided traffic analysis or addressed turn lanes to justify the request. The proposed MCP shows the CPD expanding to the east and south while the access point is requested to be shifted west. The south boundary of the CPD is shown on the Zoning MCP to interconnect with the Parklands West entrance. The interconnection is not shown on the DRI MCP.

RESPONSE: The applicant has met with Lee County D.O.T. and is presently working on a traffic analysis to further justify the deviation request based on staff comments. While it appears that staff cannot support this request until additional information is provided, please note that it is not a requirement to have a recommendation for approval on a deviation request in order for a zoning application to be deemed sufficient. Map H has been revised to show the interconnection with Parklands West at the southern boundary of the CPD development area. Twelve copies are attached.

b) The northern and western project boundaries are one of the remaining alternative alignments identified in the CR 951 PD&E.

RESPONSE: This will be taken in consideration in the traffic analysis.

DRI2004-00004

Bonita Springs Sufficiency Checklist for Planned Developments, Amendments and Existing Developments Requesting Planned Development Zoning

1d1) The names of all parties having an interest in the subject property including the names of all stockholders and the names of beneficiaries of trusts must be provided. [34-201(b)(2)a. & 34-202(b)(1)a.]

Parklands Development LP appears to be made up of two companies Ronto Developments Parklands, Inc. And Parklands Development LLC. However, this is not indicated in the Disclosure of Interest form. Please clarify or provide a new updated disclosure form.

RESPONSE: One original and eleven copies of a revised Disclosure of Interest form are attached.

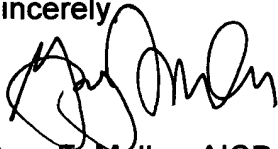
21) *Miscellaneous Items*

See attached comments from The School District of Lee County

RESPONSE: Please refer to Section D.2 of the DRI Development Order in regard to comments from the Lee County School Board.

I hope that this letter and the attached information has adequately addressed staffs' comments and the rezoning application can now be considered sufficient and ready to be scheduled for public hearings. If you have any further questions, please let me know.

Sincerely



Gary F. Muller, AICP

cc: Brian Farrar
Chuck Basinait
Dave Underhill

Legal Requirements Sufficiency Checklist

6) All applications requiring a public hearing must include the following: [34-202(a)]

See below.

6a1) The legal description must be sufficiently detailed so as to locate the property on county maps or section aerial photographs. [34-202(a)(1)]

Please refer to the following:

Legal 1 (Parklands Parcel): Sufficient

Legal 2 (Parklands CPD Parcel): Insufficient. Please re-orient (when applicable) the radial line bearing calls on curves 2, 3, 5 & 7. [See (6b)].

Legal 3 (Parklands Less CPD Parcel): Insufficient because includes "less and except language". Please provide a metes and bounds description & sketch that excludes "less and except language" by providing accurate bearings and distances for every boundary line of the RPD net area of 287.24 acres. Identify this legal as Parklands RPD parcel.

6b) Certified sketch of description. A certified sketch of description as set out in Chapter 61G 17-6.006, Florida Administrative Code, must be provided unless the subject property consists of one or more undivided platted lots in a subdivision recorded in the Official County Plat Books. [34-202(a)(2)]

Please refer to the following:

Curve Table for Parklands CPD Parcel: Please revise and correct the following:

- a. Curve 2 = its chord bearing should bear S56-06-33E instead of N56-06-33W
- b. Curve 3 = should bear N/E instead of S/W
- c. Curve 5 = should bear N/E instead of S/W
- d. Curve 7 = should bear N/W instead of S/E

RESPONSE: The legal descriptions and sketches for the Parklands CPD parcel (Legal 2) and the Parklands Less CPD Parcel (Legal 3) have been revised as requested. Twelve copies are attached.

7) Miscellaneous Items.

Re: Easements, Rights-of-Way and other Encumbrances:

If any easements, restrictions, reservations, rights, interest or claims do encroach the property subject to this request and will be affected by the proposed development as depicted on the modified MCP, proof of releases or agreements must be provided prior to local development order approval or the MCP must be redrawn to accommodate the easements. In the interim, all existing easements must be shown on the MCP.

RESPONSE: The proposed NOPC request will not effect any areas of the subject property that have been previously platted. All existing easements on the subject property have been shown on an "Existing Right-of-Way and Easement Exhibit" and also on a copy of the approved plat for San Remo at Palmira which were previously submitted.

PART IV
AFFIDAVIT

Brian F. Farrar certify that I am the owner or authorized representative of the property described herein, and that all answers to the questions in this application and any sketches, data or other supplementary matter attached to and made a part of this application, are honest and true to the best of my knowledge and belief. I also authorize 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.

Brian F. Farrar
Signature of Owner or Owner-authorized Agent

7/8/04
Date

Brian F. Farrar, Director of Land Development
Typed or printed name and title

STATE OF FLORIDA)
COUNTY OF LEE)

The foregoing instrument was certified and subscribed before me this 8th day of July 2004, by

Brian Farrar, who is personally known to me or has produced _____

as identification.

(SEAL)



Carol L. Sparks
Signature of notary public

Carol L. Sparks
Printed name of notary public

RECEIVED
JUL 13 2004

PERMIT COUNTER

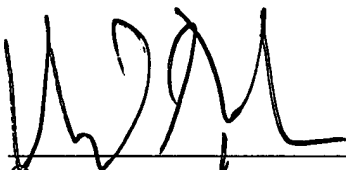
DRI2004-00004

LETTER OF AUTHORIZATION

The undersigned do hereby swear or affirm that they are the owners or authorized representative of property legally described as Parklands Lee.

The property described herein is the subject of an application for zoning and development. We hereby designate Brian F. Farrar 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 all development approvals on the site.

By: Parklands Development, L.P.


Owner

7-2-04
Date

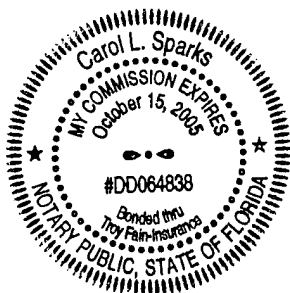
Mark. S. Taylor – Sr. Vice President
Printed Name

RECEIVED
JUL 13 2004

STATE OF FLORIDA
COUNTY OF COLLIER

PERMIT COUNTER

Sworn to (or affirmed) and subscribed before me this 8th day of July, 2004, by Mark. S. Taylor, who is personally known to me.



Carol L. Sparks
Notary Public
Carol L. Sparks
Printed Name

ORI2004-00004

**EXHIBIT I-F
DISCLOSURE OF INTEREST FORM**

STRAP NO. ~~see attached~~ 04-48-26-B2-00001.0000

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, Address, and Office

Percentage of Stock

RECEIVED
JUL 13 2004

PERMIT COUNTER

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

Parklands Development, L.L.C.,	1%
as a general partner	
Ronto Developments Parklands, Inc.,	20%
as a general partner	
Westbrook Real Estate Fund II, L.P.,	70.4098324%
as a limited partner	
Westbrook Real Estate Company Investment	8.5901676%
Partnership II, L.P., as a limited partner	

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

Name, Address, & Office (If applicable)

Percentage of Stock

Date of Contract: _____

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

Name and Address

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

Brian F. Farrar - Director of Land Development
(Printed or typed name of applicant)

Parklands Development, L.P., a Delaware Limited Partnership

BY: Ronto Developments Parklands, Inc.
as a general partner

STATE OF FLORIDA)
COUNTY OF LEE)

Sworn to (or affirmed) and subscribed before me this 8th day of July, 2004 by

Brian F. Farrar

who is personally known to me or has produced

as identification.

Carol L. Sparks
Notary Public

Carol L. Sparks
Name typed, printed or stamped

(SEAL)



(08/01/2003)

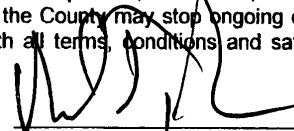
EXHIBIT I-B-4
COVENANT OF UNIFIED CONTROL

The undersigned do hereby swear or affirm that they are the fee simple title holders and owners of record of property commonly known as Parklands Lee and legally described in Exhibit A attached hereto.

The property described herein is the subject of an application for planned development zoning. We hereby designate Brian F. Farrar 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 authorization 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 covenant of unified control is delivered to Lee County.

The undersigned recognize the following and will be guided accordingly in the pursuit of the development of the project:

1. The property will be developed and used in conformity with the approved master concept plan including all conditions placed on this development and all commitments agreed to by the applicant in connection with the planned development rezoning.
2. The legal representative identified herein is responsible for compliance with all terms, conditions, safeguards, and stipulations made at the time of approval of the master concept plan, even if the property is subsequently sold in whole or in part, unless and until a new or amended covenant of unified control is delivered to and recorded by Lee County.
3. A departure from the provisions of the approved plans or a failure to comply with any requirements, conditions, or safeguards provided for in the planned development process will constitute a violation of the Land Development Code.
4. All terms and conditions of the planned development approval will be incorporated into covenants and restrictions which run with the land so as to provide notice to subsequent owners that all development activity within the planned development must be consistent with those terms and conditions.
5. So long as this covenant is in force, Lee County can, upon the discovery of noncompliance with the terms, safeguards, and conditions of the planned development, seek equitable relief as necessary to compel compliance. The County will not issue permits, certificates, or licenses to occupy or use any part of the planned development and the County may stop ongoing construction activity until the project is brought into compliance with all terms, conditions and safeguards of the planned development.


Owner

Mark S. Taylor - Sr. Vice President
Printed Name

STATE OF FLORIDA)
COUNTY OF LEE)

The foregoing instrument was certified and subscribed before me this 8th day of July 2004, by

Mark S. Taylor, who is personally known to me or has produced N/A
as identification.

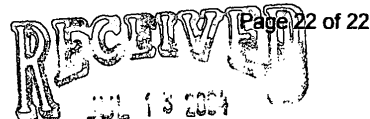
(SEAL)

(08/01/2003)



Carol L. Sparks
Signature of notary public

Carol L. Sparks
Printed name of notary public



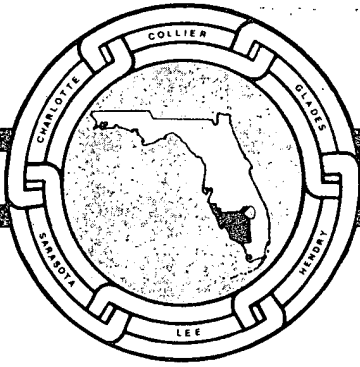
PERMIT COUNTER

DR12004-00004



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To: file
DRI 2004-00004



Southwest Florida Regional Planning Council

LEE COUNTY
RECEIVED

4980 Bayline Drive, 4th Floor, N. Ft. Myers, FL 33912-3909 (239) 656-7720

P.O. Box 3455, N. Ft. Myers, FL 33918-3455 SUNCOM 749-7720

FAX (239) 656-7724

COUNCIL LEV/
PUB. WORKS. CNTR.
SECOND FLOOR

May 20, 2004

Mr. Gary F. Muller, AICP
1482 Argyle Drive
Fort Myers, FL 33919

RE: **Parklands DRI - NOPC**

Dear Mr. Muller:

On Thursday, May 20, 2004, the Southwest Florida Regional Planning Council (SWFRPC) adopted the Notice of Proposed Change (NOPC) staff assessment for the Parklands DRI NOPC without changes. If you have any questions or comments, please let me know.

Sincerely,

SOUTHWEST FLORIDA REGIONAL PLANNING COUNCIL

Marisa Erika Morr
Regional Planner/Assistant DRI Coordinator

cc: Chip Block, Lee County Board of County Commissioners
Ray Bellows, Collier County Planning Services
Bernard Piawah, Department of Community Affairs
David Underhill Jr., P.E., Banks Engineering
Ted Treesh, Metro Transportation Group
Charles Basinait, Esq., Benderson, Franklin, Starnes & Holt, P.A.

MEM/mem



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Recycled Paper

to chip
DMS



LEE COUNTY
Southwest Florida Regional Planning Council

4980 Sandalwood Drive, North, N. Ft. Myers, FL 33917-3909 (239) 656-7720

P.O. Box 8455, N. Ft. Myers, FL 33918-3455 SUNCOM 749-7720
COMM. DEV. /
PUB. WRKS. CNTR.
SECOND FLOOR FAX (239) 656-7724

AGENDA

9:30 AM

MAY 20, 2004

**COUNCIL'S OFFICES
NORTH FORT MYERS, FL**

**INVOCATION - Commissioner Rue Berryman
PLEDGE OF ALLEGIANCE
ROLL CALL**

- 1. AGENDA**
- 2. MINUTES OF APRIL 15, 2004**
- 3. NEW BUSINESS: CONSENT AGENDA OF MAY 20, 2004**
 - (a) Developments of Regional Impact (DRIs)
 1. Coastland Center NOPC
 2. Parklands NOPC
 3. Parklands West NOPC
 4. Creek Walk at Town Center Proposed FQD Preapplication Meeting Results
 - (b) Local Government Comprehensive Plan Amendments
 1. City of LaBelle Local Comprehensive Plan Amendment (DCA 04-1)
 2. City of Cape Coral Local Comprehensive Plan Amendment (DCA 04-1)
 - (c) Intergovernmental Coordination and Review
 - (d) Financial Statement for April 30, 2004
- 4. DEVELOPMENTS OF REGIONAL IMPACT STAFF ASSESSMENTS**
 - (a) Palmer Ranch Increment XVIII Staff Assessment

D1B

**The Parklands
DRI #06-8384-43
NOTICE OF PROPOSED CHANGE**

Background:

The Parklands Development of Regional Impact (DRI) is located in both Lee and Collier Counties. The Collier portion of the DRI was approved by the Collier County Board of County Commissioners via the Parklands Development Order 85-4 on September 10, 1985. At that time, the Collier County portion of the project contained a 965.4 acres. In 1993, the DRI was amended to remove the westerly one-third of the Collier portion of the project site to reach its present size of 642.2 acres. Likewise, the development parameters of the project were reduced to coincide with the smaller site.

The existing Collier portion of the Parklands DRI site now includes 642.2 acres (all of Section 9) in northern Collier County (see Attachment I - Location Map). The northern property line of the development site is the Lee/Collier County line. As presently approved, the Collier portion of the development includes 1,603 residential units (both single and multi-family) on approximately 331.7 acres with a density of 2.5 units per acre, recreation and open space (approximately 310.5 acres) which will include a golf course, clubhouse and maintenance facility on approximately 110.3 acres, a 7.23 acre County Park site, a 15.0 acre school site, infrastructure, including sewer and potable water facilities, and the required rights-of-way.

The current Lee County portion of the Parklands DRI is located in the City of Bonita Springs jurisdiction (see Attachment I - Location Map). The Developer proposed to developed a mixed-use project in both the City of Bonita Springs and Collier County that includes a total of 2,893 residential dwelling units, a golf course with 27 holes, and 120,000 square feet of commercial space on approximately ~~966.3~~ 950.18 acres.

The portion of the project located in the City of Bonita Springs is proposed by the Developer of the project to contain 1,290 multiple and single family residential units and, 120,000 square feet of commercial space and nine of the total twenty-seven holes of golf. Specific land use information is provided in Exhibit "A".

Previous Changes

There have been Five (5) previous changes to the Parklands Development Order. These changes were as follows:

(1) Resolution 85-267 - December 17, 1985

Amended the DO by addressing the timing of transportation improvements, provided a finding of no Substantial Deviation, and amend the DO of the Lee County portion of the development not approved;

(2) Resolution 93-287 - July 27, 1993

Determination that revisions to DO 85-4 do not constitute a substantial deviation;

(3) Resolution 99-382 - September 28, 1999

Amended the date the development remains in effect, while extending the date by which time significant physical development is to begin;

(4) Ordinance #02-14 - September 23, 2002

Amended to reflect that the Lee County portion of the project was located within the City of Bonita Springs, incorporated all previous amendments into a re-codified D.O. for the City of Bonita Springs, extended the commencement date from November 19, 2000 to November 19, 2002 and modified conditions pertaining to the DRI's education and affordable housing requirements.

(5) Ordinance #03-08 - February 27, 2003

Amended to add golf (nine holes) and single family dwelling units as permitted uses, incorporated a conversion table to permit the conversion table to permit the conversion of retail floor area and multiple family units to single family units, and eliminated a proposed North-South collector road through the project.

Proposed Changes:

The applicant for the proposed change is the current developer of the Parklands DRI, Ronto Developments, LP. The Notice Of Proposed Change (NOPC) was submitted to Regional staff on April 8, 2002. The applicant is requesting to amend the Bonita Springs/Lee County portion of the DRI Development Order and Map H as follows:

1. Increase the size of the commercial area of the project from 10.02 acres to 27.90 acres and decreasing the size of the residential area of the project from 305.01 acres to 287.13 acres. The applicant has stated in the application that there will be no change in the amount of previously approved commercial floor area or the total number of dwelling units;
2. Relocate of the western access point onto Bonita Beach Boulevard; and
3. Modify the wording in several of the Development Order sections, including the Findings of Fact, Drainage/Water Quality, Energy, Commercial Area and Residential

Area sections, along with minor identification letter changes for the Town Center Concept, Density and Land Use Conversion, and Other.

There will be no changes to the approved land uses or the conditions and restriction place on those uses.

Staff Analysis:

With respect to the increase in the size of the commercial area, the Council staff does not believe that the change in the development site size will result in the creation of addition regional impacts. Because the increased size of the commercial area will not be used for increase retail floor area, there does not appear to be addition traffic or other significant impacts. It is the understanding of the Council staff that this action is being taken to provide for a reconfiguration of the commercial structures to reflect market conditions on the parcel and will not result in increased commercial uses.

In coordination with the commercial configuration on the subject site, the applicant is requesting to move the access point from Bonita Beach Road from the existing 500 feet from the western property line to 462 feet from the western property line. Council staff does not consider the movement of the access to be significant and is not able to identify any movements from the Parklands commercial area that will conflict with adjacent traffic movements. Because the movement of the access point is minor and does not create a negative health, safety or welfare issue and facilitates the applicant's commercial area reconfiguration, Council staff finds that the request is not regionally significant.

Finally, Council staff finds that the applicant's request to change the wording in several of the Development Order sections to be minor and reflecting the realities that have taken place with respect to the permits obtained by the developer since the last NOPC.

Character, Magnitude, Location:

The proposed change will not affect the character, magnitude or location of the DRI.

Regional Goals, Resources or Facilities:

Regional staff has examined the NOPC in order to determine the potential for adverse regional impacts. Because the project is not changing any of the previously approved parameters for the project, nor are any of the buildout or phasing dates being changed, and the requested change is deemed to be consistent with the Regional Goals, Resources and Facilities as previously determined through the previous DRI and Substantial Deviation reviews.

Multi-Jurisdictional Issues:

Regional staff has not identified any adverse regional impacts due to the proposed changes.

Need For Reassessment Of The DRI:

If the applicant is proposing to amend the Development Order language of the DRI and Map H and by the standards set in Chapter 380.06(19)(c), F.S. The requested changes are determined not to be a Substantial Deviation and will therefore not require a reassessment.

Acceptance Of Proposed D.O. Language:

The amended Sections of the Bonita Springs DRI Development Order would be changed and read as follows:

- **First WHEREAS statement –**

WHEREAS, on October 2, 2002, _____, 2004 Ronto Developments Parklands, Inc., the Developer of the Parklands DRI, filed an applicant to amend the Parklands DRI; and

- **Third WHEREAS statement –**

WHEREAS, the issues raised in connection with the Notice of Proposed Change dated October 2, 2002, was filed for relating to the purposed of adding; and ~~WHEREAS, a Notice of Proposed Change dated October 2, 2002, was filed for the purpose of adding an additional nine holes of golf to the project, providing for single family dwelling units as a permitted use within the project, providing for modifications to the internal roadway system, including three interconnections to the Parklands West Sixth Development Order Amendment dated _____, 2004 are the following: (1) providing for modifications to the boundaries of the commercial and residential areas of the project; and (2) providing for Multiple family dwelling units within relocation of the commercial area as part of a proposed Town Center design concept and providing for a conversion table to allow conversion of retail square footage and multiple family dwelling units to single family dwelling units~~ western access point into the Parklands DRI from Bonita Beach Road; and

- **NOW, THEREFORE statement –**

NOW, THEREFORE, LET IT BE ORDAINED BY THE CITY COUNCIL OF THE CITY OF BONITA SPRINGS, HEREINAFTER REFERRED TO AS THE CITY COUNCIL, that the conditions of the Development Order for the Parklands DRI adopted by Lee County on April 14, 1986 and last amended by the City of Bonita Springs on ~~September 23, 2002, March 21, 2003,~~ is further amended as follows, with new language underlined and deletions struck through. All other portions or the original Development Order and subsequent amendments shall remain the same.

• **FINDINGS OF FACT statement –**

FINDINGS OF FACT

- A. The Developer proposed to developed a mixed-use project in both the City of Bonita Springs, and Collier County that includes a total of 2,893 residential dwelling units, a golf course with 27 holes, and 120,000 square feet of commercial space on approximately ~~966.3~~ 950.18 acres. The portion of the project located in the City of Bonita Springs is proposed to contain 1,290 multiple and single family residential units and, 120,000 square feet of commercial space and nine holes of golf. Specific land use information is provided in Exhibit "A".

The legal description of the property is as follows:

The east one-half of Section 4, Township 48 South, Range 26 East, Lee County, Florida, less the north 150 feet for road right-of-way.

AND

Section 9, Township 48 South, Range 26 East, Collier County, Florida containing ~~966.31~~ 950.18 acres more or less (both counties).

The property is generally located as reflected in the sketch attached as Exhibit "B".

- B. The property located in the City of Bonita Springs is zoned Commercial Planned Development (CPD) and Residential Planned Development (RPD) pursuant to zoning resolution numbers ZAB-85-131, Z-89-098, and Z-99-004 and Bonita Springs Zoning Ordinance 02-14, 03-03, and _____.

• **B. DRAINAGE/WATER QUALITY statement –**

1. The surface water management system for The Parklands ~~implement~~ implements the design standards and water quality "best management practices" ~~outlined in the Application for Development approval, response to Question 22, and in the sufficiency responses,~~ The commitments include, but are not limited to, the use of grassed conveyance swales (flow ways), spreader discharge swales, dry detention areas including unfilled portions of the golf courses, and the use of seasonal ponds and freshwater ponded wetlands as integral parts of the surface water management system has been reviewed and approved by South Florida Water Management District and deemed to be in compliance with state requirements. The design and permit conditions require the implementation of "Best Management Practices".

2. The developer and his successor(s) must implement and maintain an ongoing maintenance and monitoring program that regularly inspects, maintains, and samples the stormwater drainage system, including wetlands monitoring, during and after the development of

The Parklands. The developer must establish MSTU or other legal entity to carry out this program after tracts and/or units are sold. The documents creating such entity must be approved by the City Attorney of Bonita Springs and South Florida Water Management District prior to the implementation of the monitoring program. The program will be designed in consultation with the staffs of the ~~Southwest Florida Regional Planning Council~~, the South Florida Water Management District, and city of Bonita Springs. The purpose of this program is to insure that the stormwater drainage system functions as planned. If the monitoring program shows the system is not functioning as planned, or is not constructed in accordance with all approved plans, permits, or ~~County~~ City requirements, the City of Bonita Springs will notify the developer of the deficiencies and the mitigation measures necessary to take corrective action, further local development approvals will not be granted until the developer has completed such corrective measures or provided an acceptable security to complete the corrective measures with a reasonable time.

~~4. Prior to the initiation of the project construction, the developer will provide the information specified within the South Florida Water Management District Impact Assessment report to the SFWMD, SWFRPC, Collier County and the City of Bonita Springs for review. In addition, a conceptual A Surface Water Management Permit must be obtained from the SFWMD which authorizes construction of the surface water management system. The City of Bonita Springs This permit number 36-04235-P has been issued and Collier County's review will be conducted according to portions of the provisions of Chapter 390.06, Florida Statutes project are under construction.~~

- **C. ENERGY statement –**

1. Bicycle/pedestrian systems connecting all land uses, placed along arterial and collector roads with the project, ~~and also, The required bicycle/pedestrian path along the Bonita Beach Road Extension~~ has been constructed along the project frontage. This system must be constructed in accordance with City of Bonita Springs Standards, and must include internal bikeways, and pedestrian paths substantially as shown on (but not limited to) Exhibit "H" from the A.S.A., the proposed Master Development Plan, attached to this DRI Development Order as Exhibit "C".

- **K. COMMERCIAL AREA statement –**

The Commercial area located in the northwest corner of the project is being enlarged and reconfigured in response ~~to reflect the portion of the commercial area that was dedicated to Lee County as part of Bonita Beach Road. In addition, the commercial area is being reconfigured to provide for certain internal road realignments~~ evolving market conditions. The new commercial area will ~~remain ten~~ be increased to twenty-seven and nine tenths (±27.9±) acres in size. The sketch and legal description for the new commercial area is attached hereto and incorporated herein as Exhibit "F".

- **L. RESIDENTIAL AREA statement –**

The Residential portion of the project is being reconfigured in response to evolving market conditions. The new residential area will be nine hundred twenty-two and twenty-eight one hundredths (922.28±) acres in size. The sketch and legal description for the residential area is attached hereto and incorporated herein as Exhibit "G".

- **M. TOWN CENTER CONCEPT statement –**

- **N. DENSITY AND LAND USE CONVERSION statement –**

- **O. OTHER statement –**

- **Map H**

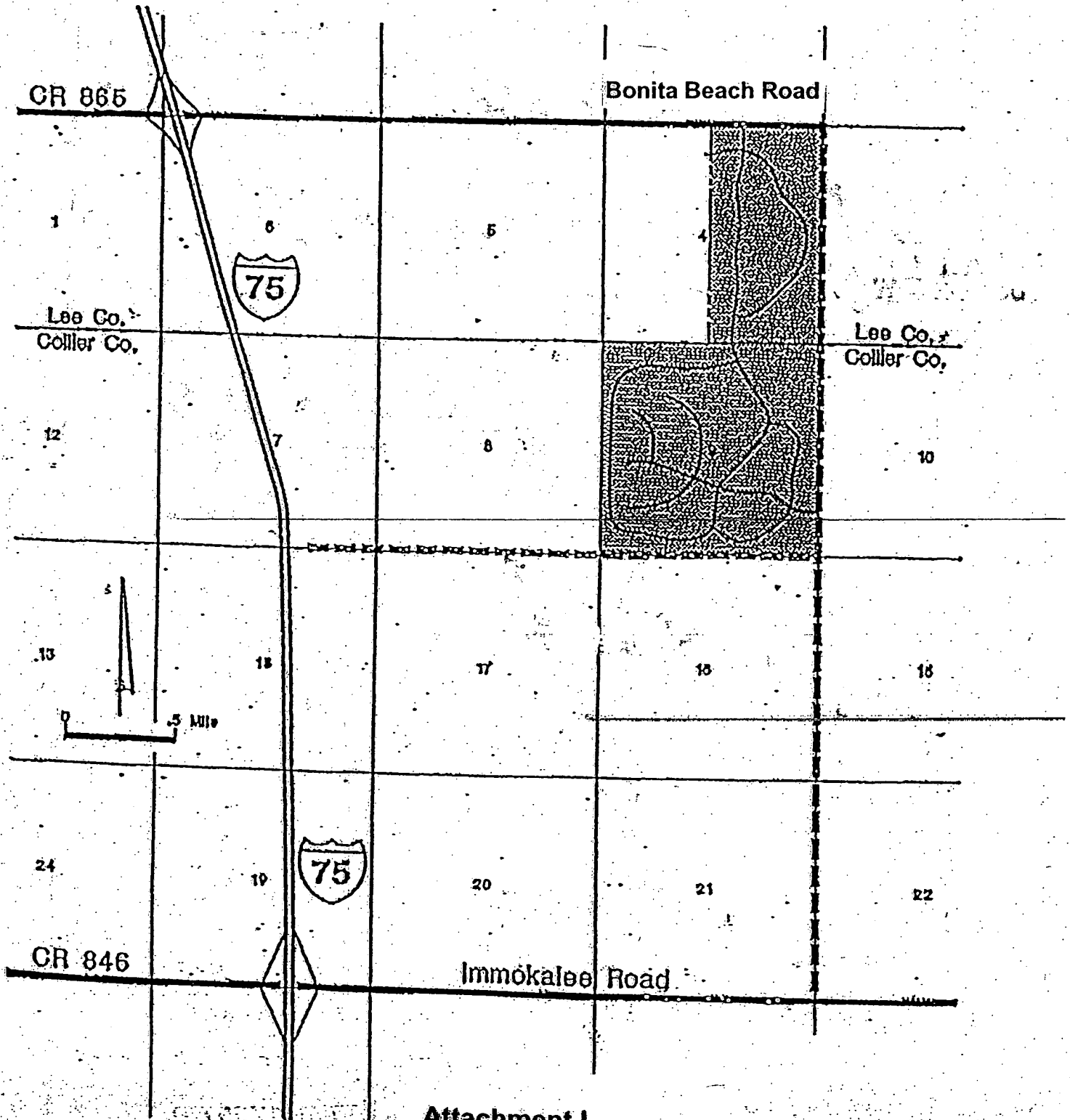
The Master Development Plan for the Parklands West DRI has been revised to meet the changes requested in this proposed amendment. The revised Map is shown as Attachment II.

Council staff recommends that the City of Bonita Spring City Council accept the proposed development order language.

RECOMMENDED ACTIONS:

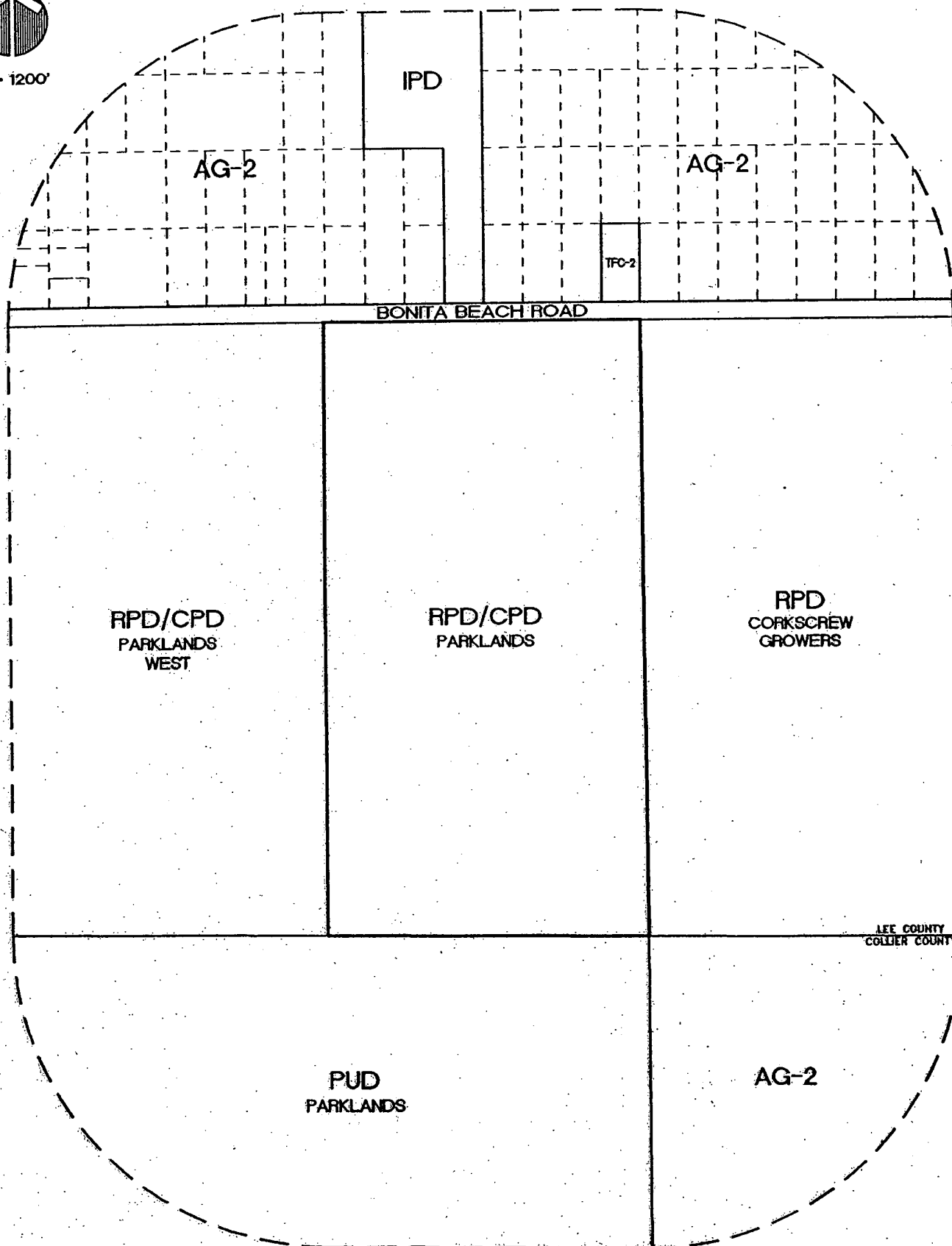
1. Notify City of Bonita Springs, the Florida Department of Community Affairs and the applicant that the proposed DRI DO language changes and the Map H changes does not appear to create a reasonable likelihood of additional regional impacts on regional resources or facilities not previously reviewed by the SWFRPC and that Council participation at the local public hearing is not necessary, unless requested by the City for technical assistance purposes.
2. Request that City of Bonita Springs provide a copy of the proposed DO amendment to the Council to assure that it is consistent with the NOPC.

THE PARKLANDS





1" = 1200'



Attachment I

0101	SURROUNDING LAND USE MAP PARKLANDS	SEC 04, TWP 48S, RGE 28E LEE COUNTY, FLORIDA		GARY F. MULLER, AICP 1402 ANDALY DRIVE • FT. MYERS, FLORIDA 33909 • (888) 838-0111	DATE	APPROVED
					SCALE	NOTES
					REVISION	BY
					REVISION	BY
					REVISION	BY



Exhibit "A"
PROPOSED LAND USE PLAN
THE PARKLANDS

	COLLIER COUNTY			BONITA SPRINGS			TOTAL		
	Units	Acres		Units	Acres		Units	Acres	% of Site
RESIDENTIAL									
Single Family	*	---		**	---	---			
Multi-Family	*	---		**	---	---			
Total	1,603	130.0		1,290	~~485.3~~	<u>188.2</u>	2,893	~~345.3~~	<u>33.2</u> <u>33.5</u>
COMMERCIAL	Sq. Ft.	Acres		Sq. Ft.	Acres		Sq. Ft.	Acres	% of Site
	0	0.0		120,000	~~40.0~~	<u>27.9</u>	120,000	~~40.0~~	<u>4.0</u> <u>2.9</u>
RECREATION/ OPEN SPACE									
Golf Course		177.2			~~64.4~~	<u>29.0</u>		~~238.3~~	<u>25.4</u> <u>21.7</u>
Preserve Areas		155.4			0.0			<u>155.4</u>	<u>16.4</u>
Lakes		107.0			~~49.6~~	<u>60.9</u>		~~456.6~~	<u>46.6</u> <u>17.7</u>
Total		439.6			~~114.0~~	<u>89.9</u>		~~550.3~~	<u>58.0</u> <u>55.8</u>
ROAD RIGHT-OF-WAY		45.6			9.0			54.6	5.7
SCHOOL SITE		20.0			0.0			20.0	2.1
TOTAL		635.2			315.0			950.2	100.0

* The breakdown between single family and multiple family dwelling units for the Collier County portion of the development will be determined by the following trip generation equivalency rates which will allow and multiple family units to be converted to single family units as long as the total number of dwelling units listed above is not exceeded:

- For every single family unit permitted in excess of 123 units, 1.67 multiple family units convert to 1 single family unit.

** The breakdown between single family and multiple family dwelling units for the Bonita Springs portion of the development will be determined by the following trip generation equivalency rates which will allow retail square footage to be converted to residential dwelling units and multiple family units to be converted to single family units as long as the total number of dwelling units listed above is not exceeded:

- 1,000 square feet of retail use equals 14.75 multiple family units;
- 2.6 multiple family units equals one single family unit.

EXHIBIT III-C

NARRATIVE

The applicant is requesting a Notice of Proposed Change (NOPC) for the Lee County portion of the Parklands Development of Regional Impact (DRI). The proposed changes incorporated in the NOPC will include the following items:

- 1) Increasing the size of the CPD development area from 10.02 acres to 27.90 acres in order to develop a Town Center design concept that would include a mixture of retail shops and office space having a maximum combined commercial floor area of 120,000 square feet (as previously approved), residential dwelling units, and a park.
- 2) Shifting the Bonita Beach Road access to the CPD development area approximately 260 feet to the west in conjunction with the proposed modification to the Town Center boundary.

These two changes are also being requested concurrently as part of a RPD/CPD zoning amendment which would also allow a model center as a permitted use within the CPD development area, the conversion of some multi-family and two-family attached dwelling units to single family development, and three additional consumption on premises for the project.

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COMMUNITY DEVELOPMENT

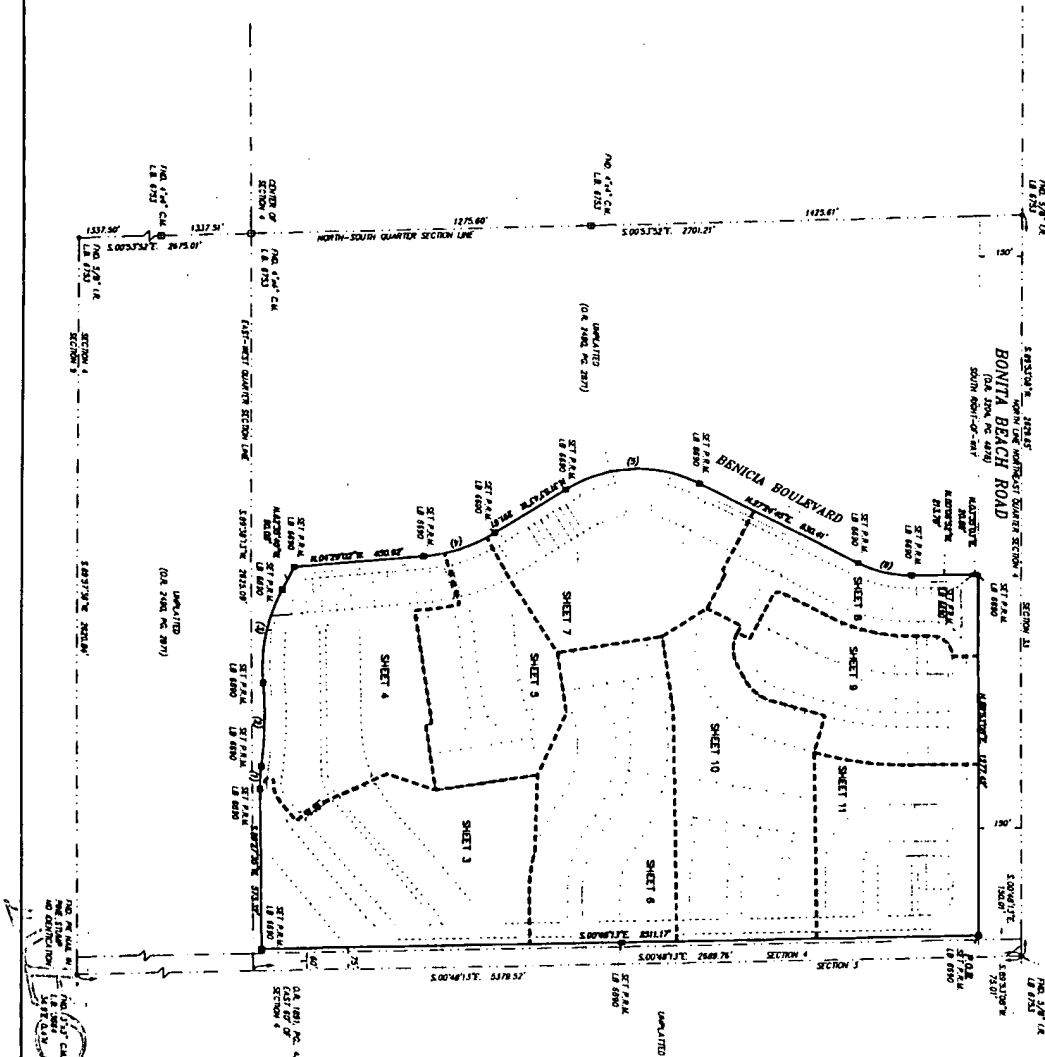
DRI 2004-00004

SAN REMO AT PALMIRA

A SUBDIVISION LYING IN
SECTION 4, TOWNSHIP 48 SOUTH, RANGE 26 EAST,
CITY OF BONITA SPRINGS,
LEE COUNTY, FLORIDA

KEY SHEET MAP

OVERALL BOUNDARY INFORMATION



0 200' 400' 600'

GRAPHIC SCALE 1" = 200'



TRACT USE TABLE	EXPLORED USE
TRACT 1: _____	PRIVATE AND NON-PROFIT USES, RESIDENTIAL, COMMERCIAL, INDUSTRIAL, OFFICE, EDUCATIONAL, AND PUBLIC UTILITY
TRACT 2: _____	LAND REDEVELOPMENT AND PUBLIC UTILITY
TRACT 3: _____	LAND REDEVELOPMENT AND PUBLIC UTILITY
TRACT 4: _____	LAND REDEVELOPMENT AND PUBLIC UTILITY
TRACT 5: _____	LAND REDEVELOPMENT AND PUBLIC UTILITY
TRACT 6: _____	LAND REDEVELOPMENT AND PUBLIC UTILITY
TRACT 7: _____	LAND REDEVELOPMENT AND PUBLIC UTILITY
TRACT 8: _____	LAND REDEVELOPMENT AND PUBLIC UTILITY
TRACT 9: _____	LAND REDEVELOPMENT AND PUBLIC UTILITY
TRACT 10: _____	LAND REDEVELOPMENT AND PUBLIC UTILITY
TRACT 11: _____	LAND REDEVELOPMENT AND PUBLIC UTILITY
TRACT 12: _____	LAND REDEVELOPMENT AND PUBLIC UTILITY
TRACT 13: _____	LAND REDEVELOPMENT AND PUBLIC UTILITY
TRACT 14: _____	LAND REDEVELOPMENT AND PUBLIC UTILITY
TRACT 15: _____	LAND REDEVELOPMENT AND PUBLIC UTILITY
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TRACT 19: _____	LAND REDEVELOPMENT AND PUBLIC UTILITY
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TRACT 21: _____	LAND REDEVELOPMENT AND PUBLIC UTILITY
TRACT 22: _____	LAND REDEVELOPMENT AND PUBLIC UTILITY
TRACT 23: _____	LAND REDEVELOPMENT AND PUBLIC UTILITY
TRACT 24: _____	LAND REDEVELOPMENT AND PUBLIC UTILITY
TRACT 25: _____	LAND REDEVELOPMENT AND PUBLIC UTILITY
TRACT 26: _____	LAND REDEVELOPMENT AND PUBLIC UTILITY
TRACT 27: _____	LAND REDEVELOPMENT AND PUBLIC UTILITY
TRACT 28: _____	LAND REDEVELOPMENT AND PUBLIC UTILITY
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TRACT 33: _____	LAND REDEVELOPMENT AND PUBLIC UTILITY
TRACT 34: _____	LAND REDEVELOPMENT AND PUBLIC UTILITY
TRACT 35: _____	LAND REDEVELOPMENT AND PUBLIC UTILITY
TRACT 36: _____	LAND REDEVELOPMENT AND PUBLIC UTILITY
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TRACT 40: _____	LAND REDEVELOPMENT AND PUBLIC UTILITY
TRACT 41: _____	LAND REDEVELOPMENT AND PUBLIC UTILITY
TRACT 42: _____	LAND REDEVELOPMENT AND PUBLIC UTILITY
TRACT 43: _____	LAND REDEVELOPMENT AND PUBLIC UTILITY
TRACT 44: _____	LAND REDEVELOPMENT AND PUBLIC UTILITY
TRACT 45: _____	LAND REDEVELOPMENT AND PUBLIC UTILITY
TRACT 46: _____	LAND REDEVELOPMENT AND PUBLIC UTILITY
TRACT 47: _____	LAND REDEVELOPMENT AND PUBLIC UTILITY
TRACT 48: _____	LAND REDEVELOPMENT AND PUBLIC UTILITY
TRACT 49: _____	LAND REDEVELOPMENT AND PUBLIC UTILITY
TRACT 50: _____	LAND REDEVELOPMENT AND PUBLIC UTILITY

CURVE TABLE			
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6	200.00	08:35.27	72.51
7	225.00	08:45.37	70.41
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LEGEND:

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ALL LOT UNITS ARE NON-RADIAL (N.R.) UNLESS OTHERWISE NOTED.

ALL DIVISIONS "LET IN" AND DECIMAL PARTS THEREOF

ALL CHURCHES ARE CROWDING OUT OTHERS

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2019

DEATH

STUDENT

COMMUNITY DEVELOPMENT
DRI
2004-00004

2004-00004

APR 09 2004

D.O. NO. DQS2002-00192



SAN REMO AT PALMIRA
A SUBDIVISION LYING IN
TOWNSHIP 48 SOUTH, RANGE 26 EAST,
SECTION 4,
CITY OF BONITA SPRINGS,
LEE COUNTY, FLORIDA

PLAT BOOK 74 PAGE 60

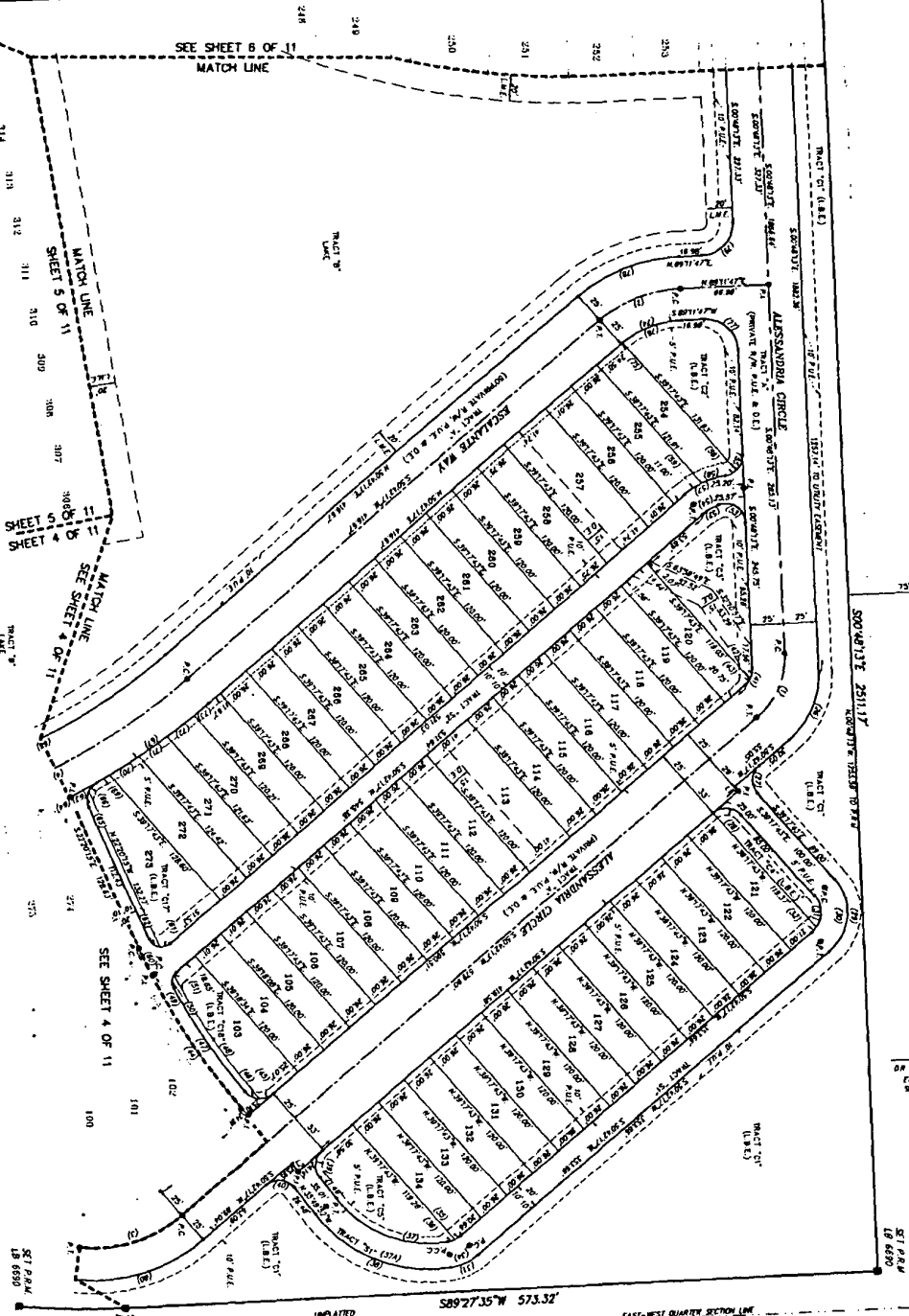
SHEET 3 OF 11

Wankar Engineering, Inc.

Professional Engineers, Planners & Land Surveyors

6640 VILLAGE PARK DRIVE - SUITE 200
PHOENIX, AZ 85032
PHONE (602) 987-8281 FAX (602) 987-2002
FLORIDA BUSINESS CERTIFICATE NUMBER LB 0070
© 1997 BY MICHAEL P. SHAW P.E.M. NO. 6472

TUESDAY EVENING FEBRUARY 17 THURSDAY 6:00 PM

[illegible]

LINE TABLE

DATE	READING	DISTANCE
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NOTE:
ALL LOT UNITS ARE NON-RADIAL (N.R.) UNLESS OTHERWISE
NOTED.

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LB 6690
RADIUS=600.00'
DELTA=07'49"29"
ARC=81.94'
CHORD=81.88'
BEARING=N.86°37'41"

APR 09 2014

DRI 2004-00004

COMMUNITY DEVELOPMENT

Surveyors, Planners & Land Surveyors
6640 RYAN PARK DRIVE - SUITE 7 NARVON, FLORIDA 34108
PHONE: (760)667-2621 FAX: (760)667-3088
FLORIDA SURVEYOR CERTIFICATE NUMBER 12 8990
THIS INSTRUMENT PREPARED BY THOMAS C. SMAY, P.E.M., NO. 4478

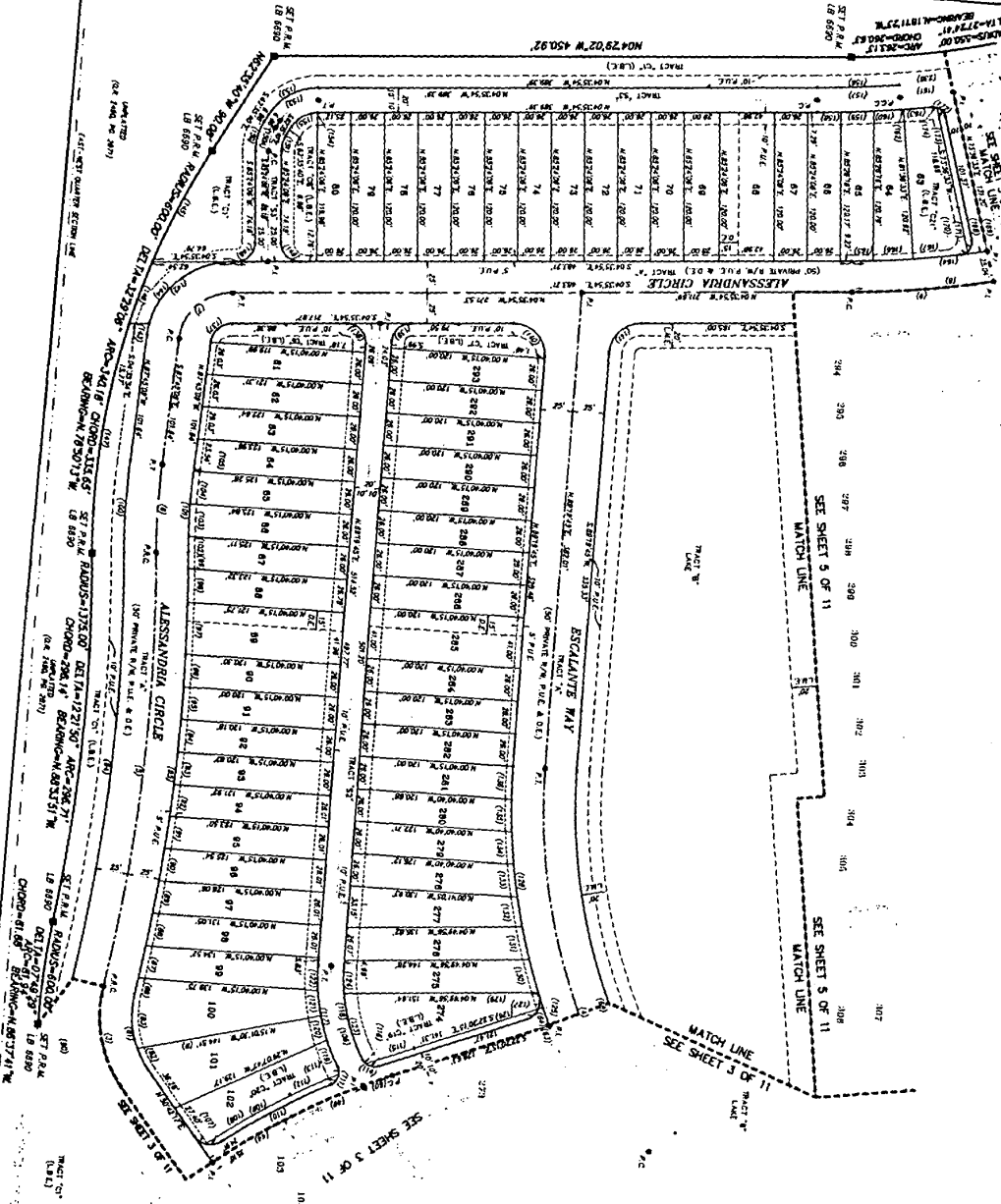
SECTION 4, TOWNSHIP 48 SOUTH, RANGE 26 EAST,
CITY OF BONITA SPRINGS,
LEE COUNTY, FLORIDA

DRI 2004-00004

BOOK 74 PAGE 61
SHEET 4 OF 11



CURVE TABLE

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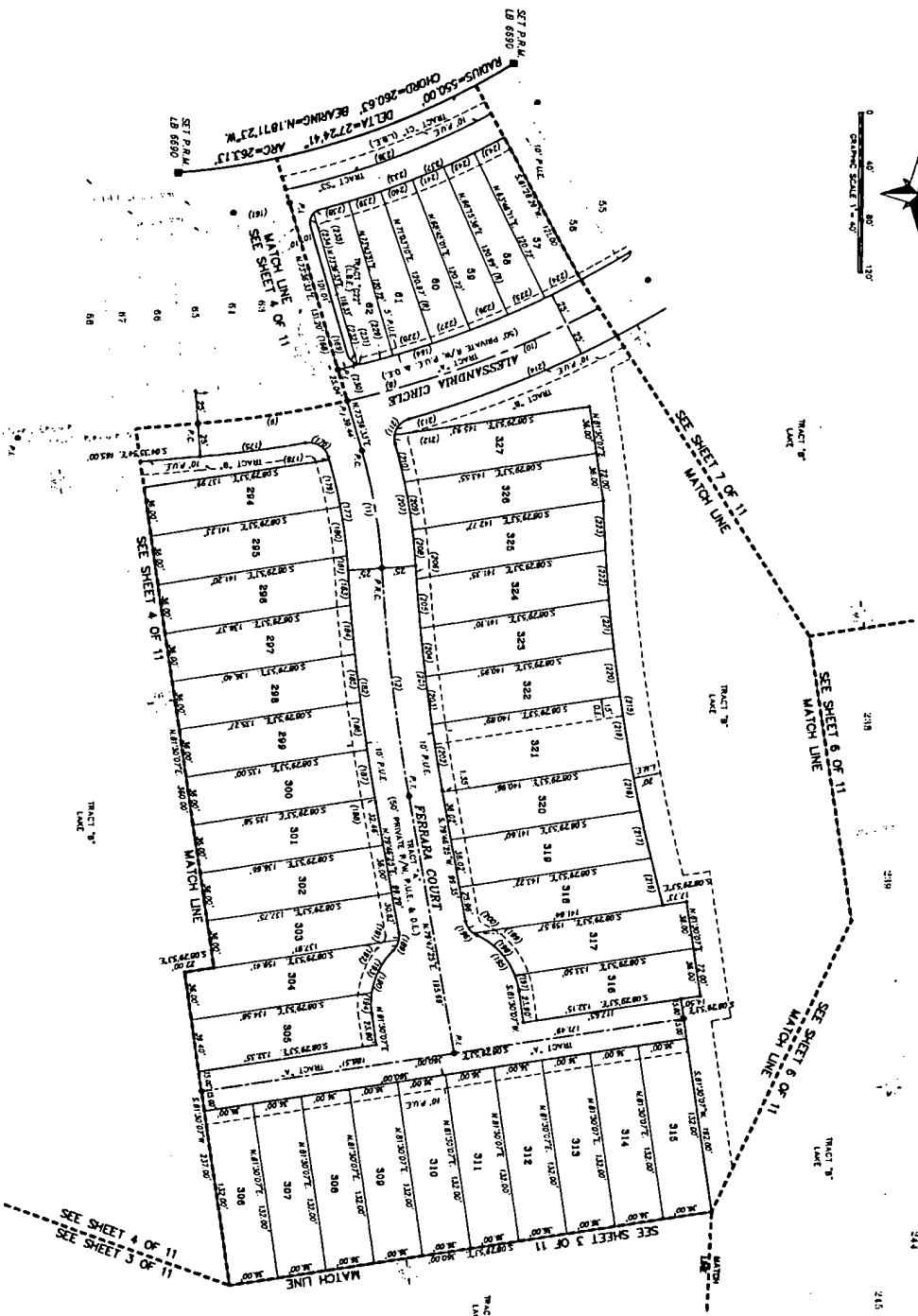
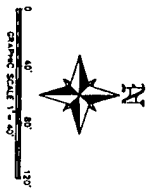
DRI 2004-00004

COMMUNITY DEVELOPMENT

~~APR 03 2001~~

SAN REMO AT PALMIRA
A SUBDIVISION LYING IN
TOWNSHIP 48 SOUTH, RANGE 26 EAST,
CITY OF BONITA SPRINGS,
LEE COUNTY, FLORIDA

PLAT BOOK 74 PAGE 62
SHEET 5 OF 11

[illegible]

NOTE:
ALL LOT LINES ARE NON-RADIAL (N.R.) UNLESS OTHERWISE
NOTED.

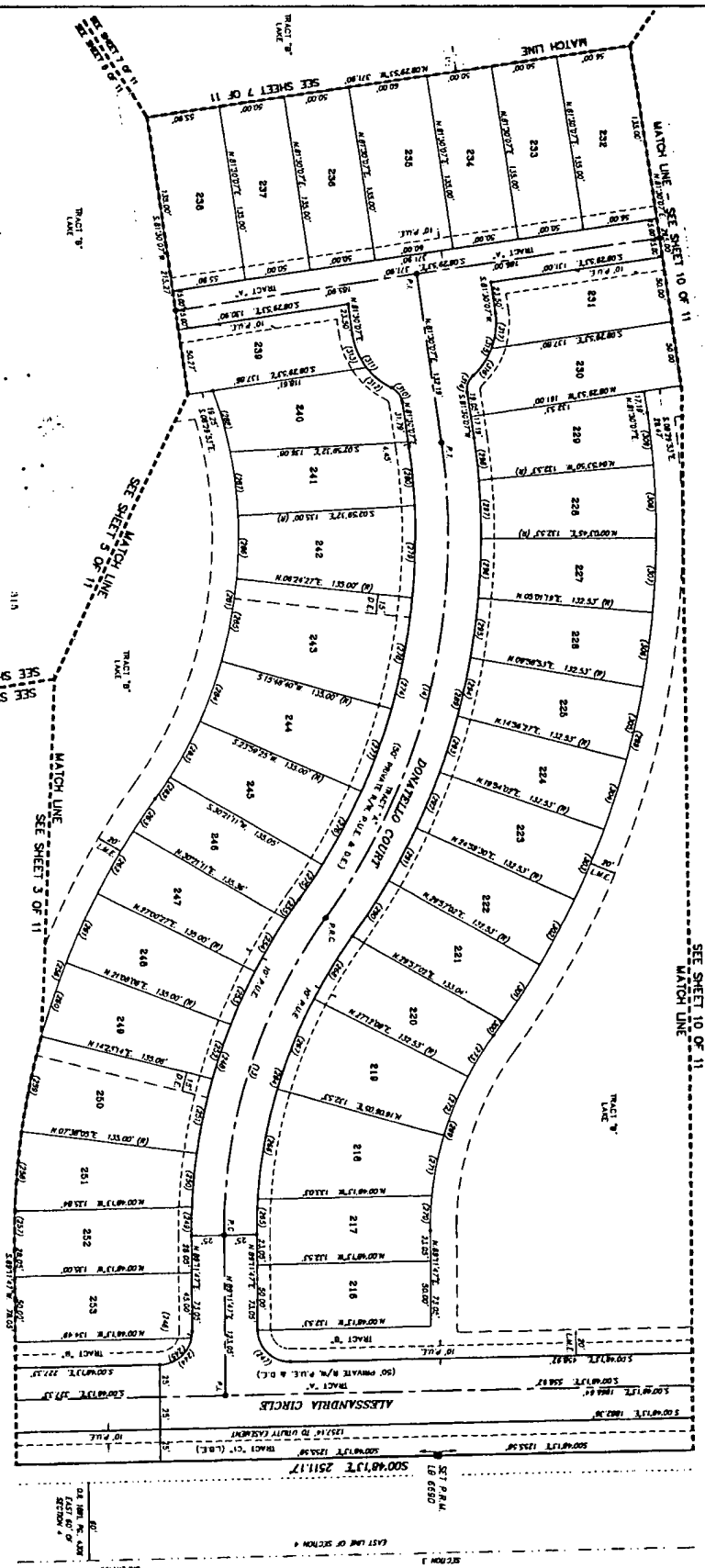
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APR 09 2004

ORI 2004-0006 COMMUNITY DEVELOPMENT

Shanks Engineering, Inc.
Professional Engineers, Planners & Land Surveyors
8440 WILLOW PARK DRIVE - SUITE "A" MAPLES, FLORIDA 34109
PHONE: (727) 947-5841 FAX: (727) 947-5344
FLORIDA LICENSED PROFESSIONAL ENGINEERS NO. 0000
THIS DOCUMENT PREPARED BY THOMAS C. SHANKS, P.E., NO. 04773

PLAT BOOK 79 PAGE 23
SHEET 6 OF 11



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CURVE TABLE	
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0.0051	0.0051
0.0052	0.0052
0.0053	0.0053
0.0054	0.0054
0.0055	0.0055
0.0056	0.0056
0.0057	0.0057
0.0058	0.0058
0.0059	0.0059
0.0060	0.0060
0.0061	0.0061
0.0062	0.0062
0.0063	0.0063
0.0064	0.0064
0.0065	0.0065
0.0066	0.0066
0.0067	0.0067
0.0068	0.0068
0.0069	0.0069
0.0070	0.0070
0.0071	0.0071
0.0072	0.0072
0.0073	0.0073
0.0074	0.0074
0.0075	0.0075
0.0076	0.0076
0.0077	0.0077
0.0078	0.0078
0.0079	0.0079
0.0080	0.0080
0.0081	0.0081
0.0082	0.0082
0.0083	0.0083
0.0084	0.0084
0.0085	0.0085
0.0086	0.0086
0.0087	0.0087
0.0088	0.0088
0.0089	0.0089
0.0090	0.0090
0.0091	0.0091
0.0092	0.0092
0.0093	0.0093
0.0094	0.0094
0.0095	0.0095
0.0096	0.0096
0.0097	0.0097
0.0098	0.0098
0.0099	0.0099
0.0100	0.0100

[illegible][illegible]

NOTE:
ALL LOT LINES ARE NON-RADIAL (N.R.) UNLESS OTHERWISE
NOTED.

DRI 2004-00004

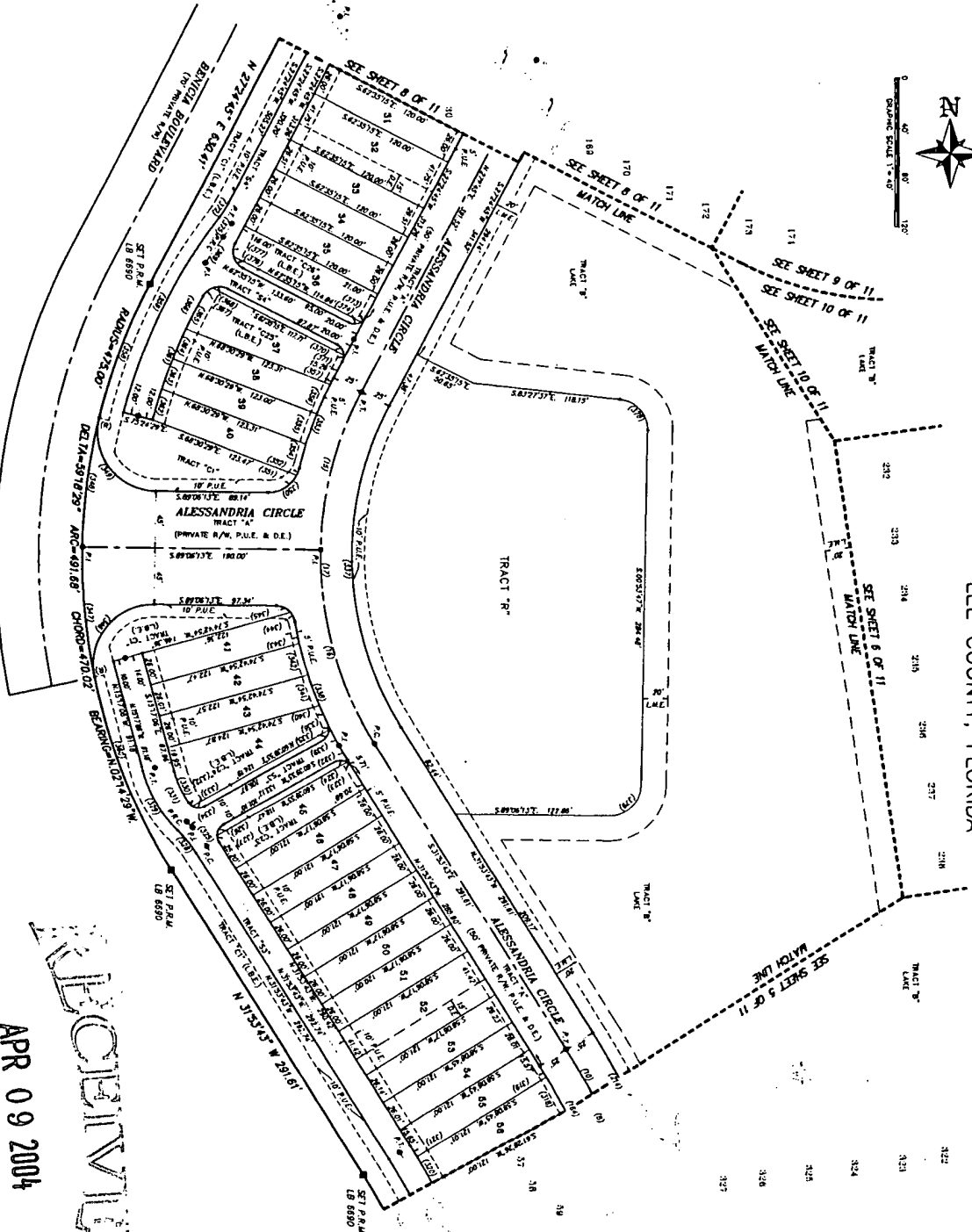
APR 09 2004

COMMUNITY DEVELOPMENT

Shanks Engineering, Inc.
Professional Engineers, Planners & Land Surveyors
6440 MUIR PARK DRIVE - SUITE 300 NORTH ROCKY HILL
FEDERAL BUSINESS CENTER/ROCKY HILL, CT 06106
PHONE: (203) 957-2601 FAX: (203) 957-3262
FIRM DISTRIBUTION PROVIDED BY MICHAEL S. BAYL, P.E., NO. 4472

SAN REMO AT PALMIRA
A SUBDIVISION LYING IN
TOWNSHIP 48 SOUTH, RANGE 26 EAST,
CITY OF BONITA SPRINGS,
LEE COUNTY, FLORIDA

DRT 2004-00004

PLAT BOOK 24 PAGE 64
SHEET 7 OF 11[illegible]

NOTE:
ALL LOT UNITS ARE NON-RADIAL (N.R.) UNLESS OTHERWISE NOTED.

APR 09 2004

RECEIVED

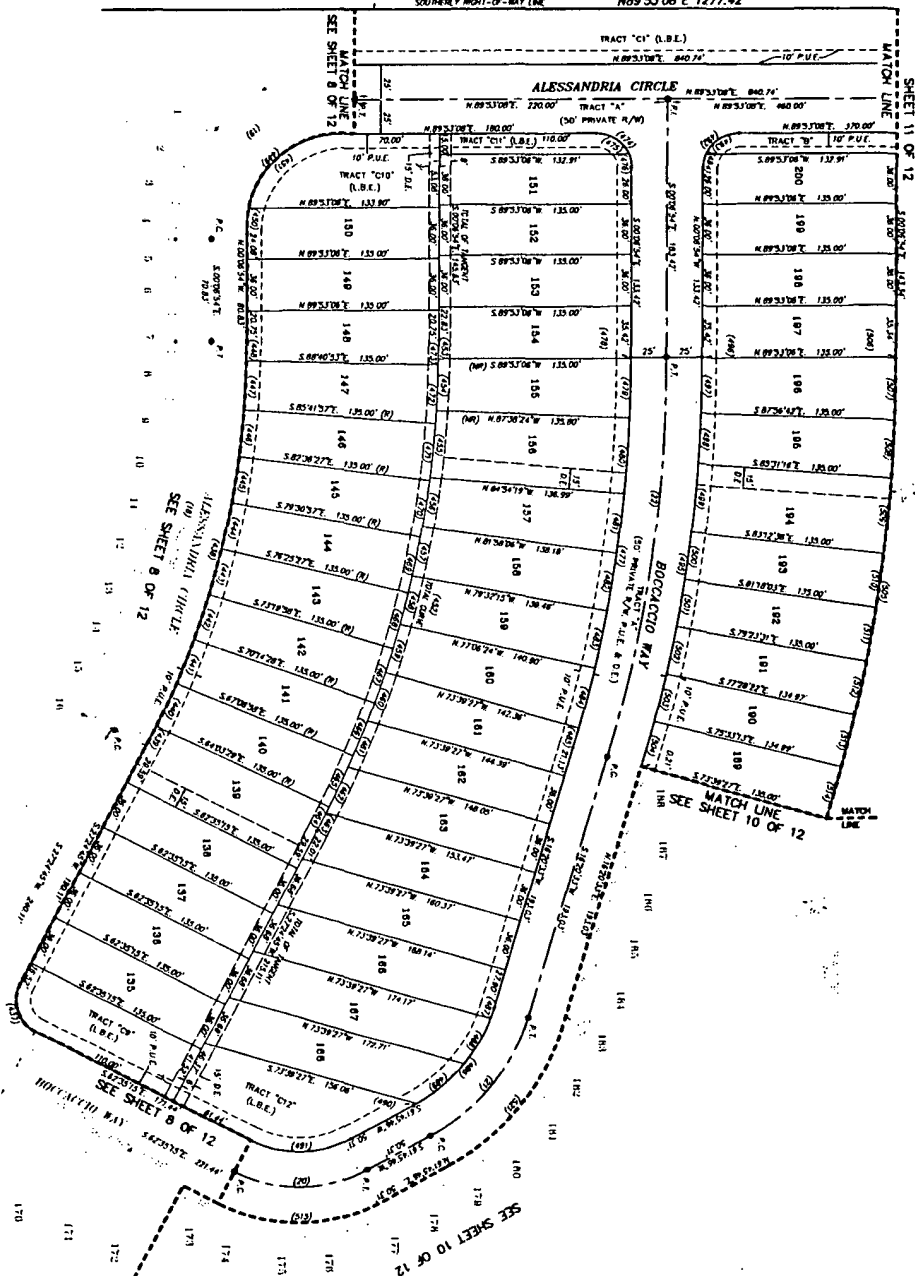
COMMUNITY DEVELOP.

2004-00004



(28 USC 532, 536, 537)

N89°53'08"E 1277.42'



SAN REMO AT PALMIRA
A SUBDIVISION LYING IN
TOWNSHIP 48 SOUTH, RANGE 26 EAST,
CITY OF BONITA SPRINGS,
LEE COUNTY, FLORIDA

PLAT BOOK 24 PAGE 56

SHEET 9 OF 11

Widhans Engineering, Inc.

6640 VILLOE PARK DRIVE - SUITE 301
PHOENIX, ARIZONA 85018
PHONE (602) 997-8201 FAX (602) 997-8202

FLORIDA BUSINESS CERTIFICATE NUMBER LB 0000
THIS DOCUMENT PREPARED BY THOMAS C. GALT, P.E.B., INC. 4877

CURVE TABLE

NOTE:
ALL LOT LINES ARE NON-RADIAL (N R) UNLESS OTHERWISE NOTED

2004-00004
COMMUNITY DEVELOPMENT
DRT

DFT 2004-00004

PLAT BOOK 24 PAGE 61

Wank Engineering, Inc.

PROFESSIONAL ENGINEER, FINDER AND LAND SURVEYOR
6640 TULLOY PARK DRIVE - SUITE 7, MAPLES, FLORIDA 34108
PHONE: (813) 947-0001 FAX: (813) 947-3062
FLOIDA BUSINESS CERTIFICATE NUMBER LA 0000
THIS DISTRIBUTION PREPARED BY THOMAS C. SHAW, P.E., NO. 04772



CURVE TABLE	
DO 14	APC
1273.13	11.77
4723.40	3.34
5536.13	2.34
6010.52	1.84
6411.87	1.41
6745.13	1.07
7013.78	0.81
7217.21	0.61
7347.33	0.46
DO 20	APC
11.77	11.77
3.34	3.34
2.34	2.34
1.84	1.84
1.41	1.41
1.07	1.07
0.81	0.81
0.61	0.61
0.46	0.46
DO 25	APC
11.77	11.77
3.34	3.34
2.34	2.34
1.84	1.84
1.41	1.41
1.07	1.07
0.81	0.81
0.61	0.61
0.46	0.46
DO 30	APC
11.77	11.77
3.34	3.34
2.34	2.34
1.84	1.84
1.41	1.41
1.07	1.07
0.81	0.81
0.61	0.61
0.46	0.46
DO 35	APC
11.77	11.77
3.34	3.34
2.34	2.34
1.84	1.84
1.41	1.41
1.07	1.07
0.81	0.81
0.61	0.61
0.46	0.46
DO 40	APC
11.77	11.77
3.34	3.34
2.34	2.34
1.84	1.84
1.41	1.41
1.07	1.07
0.81	0.81
0.61	0.61
0.46	0.46
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11.77	11.77
3.34	3.34
2.34	2.34
1.84	1.84
1.41	1.41
1.07	1.07
0.81	0.81
0.61	0.61
0.46	0.46
DO 50	APC
11.77	11.77
3.34	3.34
2.34	2.34
1.84	1.84
1.41	1.41
1.07	1.07
0.81	0.81
0.61	0.61
0.46	0.46
DO 55	APC
11.77	11.77
3.34	3.34
2.34	2.34
1.84	1.84
1.41	1.41
1.07	1.07
0.81	0.81
0.61	0.61
0.46	0.46
DO 60	APC
11.77	11.77
3.34	3.34
2.34	2.34
1.84	1.84
1.41	1.41
1.07	1.07
0.81	0.81
0.61	0.61
0.46	0.46
DO 65	APC
11.77	11.77
3.34	3.34
2.34	2.34
1.84	1.84
1.41	1.41
1.07	1.07
0.81	0.81
0.61	0.61
0.46	0.46
DO 70	APC
11.77	11.77
3.34	3.34
2.34	2.34
1.84	1.84
1.41	1.41
1.07	1.07
0.81	0.81
0.61	0.61
0.46	0.46
DO 75	APC
11.77	11.77
3.34	3.34
2.34	2.34
1.84	1.84
1.41	1.41
1.07	1.07
0.81	0.81
0.61	0.61
0.46	0.46
DO 80	APC
11.77	11.77
3.34	3.34
2.34	2.34
1.84	1.84
1.41	1.41
1.07	1.07
0.81	0.81
0.61	0.61
0.46	0.46
DO 85	APC
11.77	11.77
3.34	3.34
2.34	2.34
1.84	1.84
1.41	1.41
1.07	1.07
0.81	0.81
0.61	0.61
0.46	0.46
DO 90	APC
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3.34	3.34
2.34	2.34
1.84	1.84
1.41	1.41
1.07	1.07
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0.61	0.61
0.46	0.46
DO 95	APC
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2.34	2.34
1.84	1.84
1.41	1.41
1.07	1.07
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0.61	0.61
0.46	0.46
DO 100	APC
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3.34	3.34
2.34	2.34
1.84	1.84
1.41	1.41
1.07	1.07
0.81	0.81
0.61	0.61
0.46	0.46

NOTE:
ALL LOT LINES ARE NON-RADIAL (N.R.) UNLESS OTHERWISE
NOTED.

Banks Engineering, Inc.
Professional Engineers, Planners & Land Surveyors
4440 TULSA PARK DRIVE - SUITE 300, TULSA, OKLAHOMA 74116
PHONE: (918) 971-2001 FAX: (918) 971-2003
THIS INSTRUMENT HAS BEEN FILED WITH THE PUBLIC RECORDS OF THE STATE OF OKLAHOMA, COUNTY OF TULSA, BOOK 17, PAGE 478.

SAN REMO AT PALMIRA
A SUBDIVISION LYING IN
SECTION 4, TOWNSHIP 48 SOUTH, RANGE 26 EAST,
CITY OF BONITA SPRINGS,
LEE COUNTY, FLORIDA

PLAT BOOK 114 PAGE 169

SHEET 11 OF 11



GRAPHIC SCALE 1" = 40'

BONITA BEACH ROAD
(24' 200' W. 40' 00')

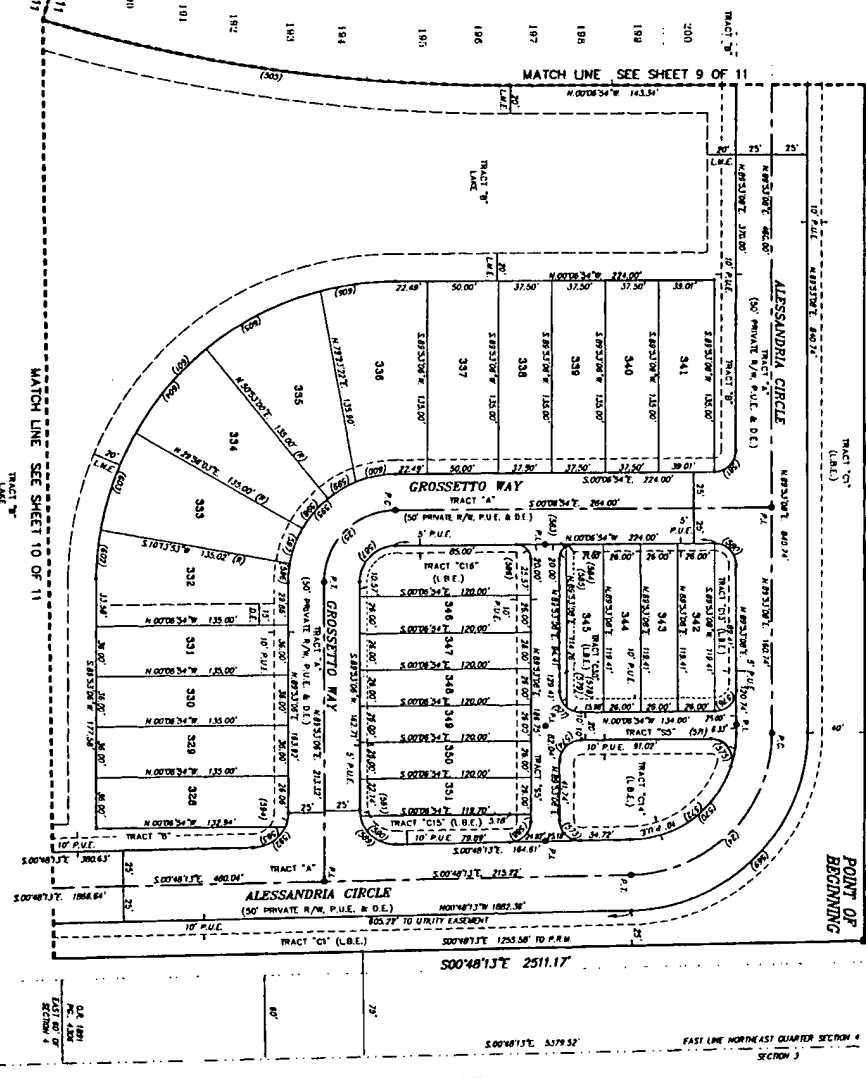
SECTION 4
NORTH LINE NORTHWEST QUARTER SECTION 4
SECTION 4

POINT OF BEGINNING
S.T. 164
18 6620

SECTION 3
EAST LINE NORTHWEST QUARTER SECTION 3
SECTION 3

MATCH LINE SEE SHEET 9 OF 11

SEE SHEET 9 OF 11
MATCH LINE SEE SHEET 10 OF 11



UNPLATTED

CURVE TABLE

STATION	CHORD BEARING	CHORD DISTANCE	CHORD BEARING	STATION
18 6620	N 00° 00' 00" E	1.00	N 00° 00' 00" E	18 6620
18 6621	N 00° 00' 00" E	1.00	N 00° 00' 00" E	18 6621
18 6622	N 00° 00' 00" E	1.00	N 00° 00' 00" E	18 6622
18 6623	N 00° 00' 00" E	1.00	N 00° 00' 00" E	18 6623
18 6624	N 00° 00' 00" E	1.00	N 00° 00' 00" E	18 6624
18 6625	N 00° 00' 00" E	1.00	N 00° 00' 00" E	18 6625
18 6626	N 00° 00' 00" E	1.00	N 00° 00' 00" E	18 6626
18 6627	N 00° 00' 00" E	1.00	N 00° 00' 00" E	18 6627
18 6628	N 00° 00' 00" E	1.00	N 00° 00' 00" E	18 6628
18 6629	N 00° 00' 00" E	1.00	N 00° 00' 00" E	18 6629
18 6630	N 00° 00' 00" E	1.00	N 00° 00' 00" E	18 6630
18 6631	N 00° 00' 00" E	1.00	N 00° 00' 00" E	18 6631
18 6632	N 00° 00' 00" E	1.00	N 00° 00' 00" E	18 6632
18 6633	N 00° 00' 00" E	1.00	N 00° 00' 00" E	18 6633
18 6634	N 00° 00' 00" E	1.00	N 00° 00' 00" E	18 6634
18 6635	N 00° 00' 00" E	1.00	N 00° 00' 00" E	18 6635
18 6636	N 00° 00' 00" E	1.00	N 00° 00' 00" E	18 6636
18 6637	N 00° 00' 00" E	1.00	N 00° 00' 00" E	18 6637
18 6638	N 00° 00' 00" E	1.00	N 00° 00' 00" E	18 6638
18 6639	N 00° 00' 00" E	1.00	N 00° 00' 00" E	18 6639
18 6640	N 00° 00' 00" E	1.00	N 00° 00' 00" E	18 6640
18 6641	N 00° 00' 00" E	1.00	N 00° 00' 00" E	18 6641
18 6642	N 00° 00' 00" E	1.00	N 00° 00' 00" E	18 6642
18 6643	N 00° 00' 00" E	1.00	N 00° 00' 00" E	18 6643
18 6644	N 00° 00' 00" E	1.00	N 00° 00' 00" E	18 6644
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18 6649	N 00° 00' 00" E	1.00	N 00° 00' 00" E	18 6649
18 6650	N 00° 00' 00" E	1.00	N 00° 00' 00" E	18 6650
18 6651	N 00° 00' 00" E	1.00	N 00° 00' 00" E	18 6651
18 6652	N 00° 00' 00" E	1.00	N 00° 00' 00" E	18 6652
18 6653	N 00° 00' 00" E	1.00	N 00° 00' 00" E	18 6653
18 6654	N 00° 00' 00" E	1.00	N 00° 00' 00" E	18 6654
18 6655	N 00° 00' 00" E	1.00	N 00° 00' 00" E	18 6655
18 6656	N 00° 00' 00" E	1.00	N 00° 00' 00" E	18 6656
18 6657	N 00° 00' 00" E	1.00	N 00° 00' 00" E	18 6657
18 6658	N 00° 00' 00" E	1.00	N 00° 00' 00" E	18 6658
18 6659	N 00° 00' 00" E	1.00	N 00° 00' 00" E	18 6659
18 6660	N 00° 00' 00" E	1.00	N 00° 00' 00" E	18 6660
18 6661	N 00° 00' 00" E	1.00	N 00° 00' 00" E	18 6661
18 6662	N 00° 00' 00" E	1.00	N 00° 00' 00" E	18 6662
18 6663	N 00° 00' 00" E	1.00	N 00° 00' 00" E	18 6663
18 6664	N 00° 00' 00" E	1.00	N 00° 00' 00" E	18 6664
18 6665	N 00° 00' 00" E	1.00	N 00° 00' 00" E	18 6665
18 6666	N 00° 00' 00" E	1.00	N 00° 00' 00" E	18 6666
18 6667	N 00° 00' 00" E	1.00	N 00° 00' 00" E	18 6667
18 6668	N 00° 00' 00" E	1.00	N 00° 00' 00" E	18 6668
18 6669	N 00° 00' 00" E	1.00	N 00° 00' 00" E	18 6669
18 6670	N 00° 00' 00" E	1.00	N 00° 00' 00" E	18 6670
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18 6676	N 00° 00' 00" E	1.00	N 00° 00' 00" E	18 6676
18 6677	N 00° 00' 00" E	1.00	N 00° 00' 00" E	18 6677
18 6678	N 00° 00' 00" E	1.00	N 00° 00' 00" E	18 6678
18 6679	N 00° 00' 00" E	1.00	N 00° 00' 00" E	18 6679
18 6680	N 00° 00' 00" E	1.00	N 00° 00' 00" E	18 6680
18 6681	N 00° 00' 00" E	1.00	N 00° 00' 00" E	18 6681
18 6682	N 00° 00' 00" E	1.00	N 00° 00' 00" E	18 6682
18 6683	N 00° 00' 00" E	1.00	N 00° 00' 00" E	18 6683
18 6684	N 00° 00' 00" E	1.00	N 00° 00' 00" E	18 6684
18 6685	N 00° 00' 00" E	1.00	N 00° 00' 00" E	18 6685
18 6686	N 00° 00' 00" E	1.00	N 00° 00' 00" E	18 6686
18 6687	N 00° 00' 00" E	1.00	N 00° 00' 00" E	18 6687
18 6688	N 00° 00' 00" E	1.00	N 00° 00' 00" E	18 6688
18 6689	N 00° 00' 00" E	1.00	N 00° 00' 00" E	18 6689
18 6690	N 00° 00' 00" E	1.00	N 00° 00' 00" E	18 6690
18 6691	N 00° 00' 00" E	1.00	N 00° 00' 00" E	18 6691
18 6692	N 00° 00' 00" E	1.00	N 00° 00' 00" E	18 6692
18 6693	N 00° 00' 00" E	1.00	N 00° 00' 00" E	18 6693
18 6694	N 00° 00' 00" E	1.00	N 00° 00' 00" E	18 6694
18 6695	N 00° 00' 00" E	1.00	N 00° 00' 00" E	18 6695
18 6696	N 00° 00' 00" E	1.00	N 00° 00' 00" E	18 6696
18 6697	N 00° 00' 00" E	1.00	N 00° 00' 00" E	18 6697
18 6698	N 00° 00' 00" E	1.00	N 00° 00' 00" E	18 6698
18 6699	N 00° 00' 00" E	1.00	N 00° 00' 00" E	18 6699
18 6700	N 00° 00' 00" E	1.00	N 00° 00' 00" E	18 6700

NOTE:
ALL LOT LINES ARE NON-ADJACENT (N.A.) UNLESS OTHERWISE
NOTED.

RECEIVED

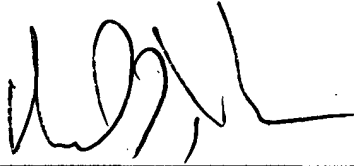
APR 09 2004

LETTER OF AUTHORIZATION

The undersigned do hereby swear or affirm that they are the owners or authorized representative of property legally described as Parklands Lee.

The property described herein is the subject of an application for zoning and development. We hereby designate Brian F. Farrar 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 all development approvals on the site.

By: Ronto Development Parklands, Inc.



Owner/Authorized Representative

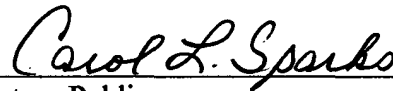
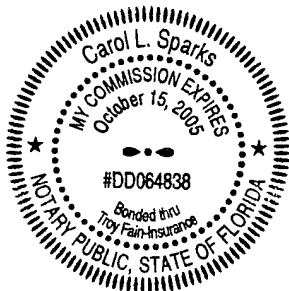
1.05.04

Date

Mark S. Taylor – Vice President
Printed Name

STATE OF FLORIDA
COUNTY OF COLLIER

Sworn to (or affirmed) and subscribed before me this 5th day of January, 2004, by Mark S. Taylor, who is personally known to me.



Notary Public

Carol L. Sparks
Printed Name

RECEIVED

APR 09 2004

DRI 2004-00004

COMMUNITY DEVELOPMENT

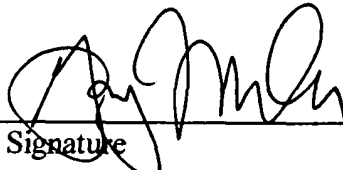
STATE OF FLORIDA
DEPARTMENT OF COMMUNITY AFFAIRS
DIVISION OF COMMUNITY PLANNING
BUREAU OF LOCAL PLANNING
2555 Shumard Oak Boulevard
Tallahassee, Florida 32399
(850) 488-4925

**NOTIFICATION OF A PROPOSED CHANGE TO A PREVIOUSLY APPROVED
DEVELOPMENT OF REGIONAL IMPACT
SUBSECTION 380.06(19), FLORIDA STATUTES**

Subsection 380.06(19), Florida Statutes, requires that submittal of a proposed change to a previously approved DRI be made to the local government, the regional planning agency, and state land planning agency according to this form.

1. I, Gary F. Muller, AICP, the undersigned authorized representative of Parklands Development Limited Partnership, hereby give notice of a proposed change to a previously approved Development of Regional Impact in accordance with Subsection 380.06(19), Florida Statutes. In support thereof, I submit the following information concerning the Parklands development, which information is true and correct to the best of my knowledge. I have submitted today, under separate cover, copies of this completed notification to Lee County, to the Southwest Florida Regional Planning Council, and to the Bureau of Local Planning, Department of Community Affairs.

4/6/04
Date


Signature

APR 09 2004
COMMUNITY DEVELOPMENT

2. Applicant (name, address, phone).

Parklands Development Limited Partnership
3185 Horseshoe Drive South
Naples, Florida 34104
(239) 649-6310

3. Authorized Agents (name, address, phone).

Gary F. Muller, AICP
1482 Argyle Drive
Fort Myers, Florida 33919
(239) 939-0111

David R. Underhill, Jr., P.E.
Banks Engineering, Inc.
6640 Willow Park Drive, Suite B
Naples, Florida 34109
(239) 597-2061

Ted Treesh
Metro Transportation Group
12651 McGregor Boulevard, Suite 4-403
Fort Myers, Florida 33919-4489
(239) 278-3090

Charles Basinait, Esquire
Henderson, Franklin, Starnes & Holt, P.A.
P.O. Box 280
Fort Myers, Florida 33902-0280
(239) 337-8433

4. Location (City, County, Township/Range/Section) of approved DRI and proposed change.

The subject property is located in the east half of Section 4, Township 48 South, Range 26 East, Lee County, Florida within the City of Bonita Springs.

5. Provide a complete description of the proposed change. Include any proposed changes to the plan of development, phasing, additional lands, commencement date, build-out date, development order conditions and requirements, or to the representations contained in either the development order or the Application for Development Approval.

Indicate such changes on the project master site plan, supplementing with other detailed maps, as appropriate. Additional information may be requested by the Department or any reviewing agency to clarify the nature of the or resulting impacts.

The applicant is proposing the following changes to the Bonita Springs/Lee County portion of the project as shown on the revised master site plan labeled Exhibit "H":

1. Increasing the size of the commercial area of the project from 10.02 acres to 27.90 acres and decreasing the size of the residential area of the project from 305.01 acres to 287.13 acres (with no change to the amount of previously approved commercial floor area or the total number of dwelling units); and
 2. The relocation of the western access point along Bonita Beach Road.
6. **Complete the attached Substantial Deviation Determination Chart for all land use types approved in the development. If no change is proposed or has occurred, indicate no change.**

See attached revised Exhibit "A".

7. **List all dates and resolution numbers (or appropriate identification numbers) of all modifications or amendments to the originally approved DRI development order that have been adopted by the local government, and provide a brief description of the previous changes (i.e., any information not already addressed in the Substantial Deviation Determination Chart). Has there been a change in local government jurisdiction for any portion of the development since the last approval or development order was issued? If so. Has the annexing local government adopted a new DRI development Order for the project?**

The Development Order for the Parklands DRI was originally approved by Lee County on April 14, 1986 pursuant to Zoning Resolution ZAB 85-131 and has been modified five times as follows:

	Resolution #	Date	Modification
1.	None	10/27/86	Amended Transportation Section D.8.
2.	Z-93-028	08/02/93	Amended to extend the build-out date, delete acreage from the Collier County portion of the DRI, and modify transportation conditions.
3.	Z-99-0004	02/15/99	Amended to extend commencement date from November 19, 1998 to November 19, 2000.
4.	Ord. #02-14	09/23/02	Amended to reflect that the Lee County portion of the project is now located within

the City of Bonita Springs, incorporated all previous amendments into a re-codified D.O. for the City of Bonita Springs, extended the commencement date from November 19, 2000 to November 19, 2002 and modify conditions pertaining to education and affordable housing requirements.

5. Ord. #03-08 02/27/03 Amended to add golf (9 holes) and single family dwelling units as permitted uses, incorporate a conversion table to permit the conversion of retail floor area and multiple family units to single family units and eliminate a proposed North-South collector road through the project.

- 8. Describe any lands purchased or optioned within 1/4 mile of the original DRI site subsequent to the original approval or issuance of the DRI development order. Identify such land, its size, intended use, and adjacent non-project land uses within 1/2 mile on a project master site plan or other map.**

The applicant is an equitable owner of a contract to purchase approximately 649 acres abutting the eastern boundary of the Lee County portion of the site that is owned by Corkscrew Growers, Inc. and has received zoning approval for 45,000 square feet of retail floor area and 1,990 dwelling units. Please refer to the attached correspondence regarding the status of this matter and the attached map showing adjacent land uses within 1/2 mile of the project.

- 9. Indicate if the proposed change is less than 40% (cumulatively with any other previous changes) of any of the criteria listed in Paragraph 380.06(19)(b), Florida Statutes.**

The proposed change will have no impact on the criteria listed in Paragraph 380.06(19)(b), Florida Statutes.

- 10. Does the proposed change result in a change to the build-out date or any phasing date of the project? If so, indicate the proposed new build-out date or phasing dates.**

No, the proposed change will not result in a change to the build-out date or any phasing date of the project.

- 11. Will the proposed change require an amendment to the local government comprehensive plan?**

No, the proposed change will not require an amendment to the comprehensive plan.

Provide the following for incorporation into such an amended development order, pursuant to Subsections 380.06(15), F.S., and 9J-2.025, Florida Administrative Code.

- 12. An updated master site plan or other map of the development portraying and distinguishing the proposed changes to the previously approved DRI or development order conditions.**

See attached master site plan labeled as Exhibit "H".

- 13. Pursuant to Subsection 380.06(19)(f), F.S., include the precise language that is being proposed to be deleted or added as an amendment to the development order. This language should address and quantify:**

- a. All proposed specific changes to the nature, phasing, and build-out date of the development; to development order conditions and requirements; to commitments and representations in the Application for Development Approval; to the acreage attributable to each described proposed change of land use, open space, areas for presentation, green belts; to structures or to other improvements including locations, square footage, number of units; and other major characteristics or components of the proposed change;**

All proposed changes are indicted in the revised Parklands DRI Development Order. See attached.

- b. An updated legal description of the property, if any project acreage is/has been added or deleted to the previously approved plan of development;**

No changes have been made to the overall project acreage.

- c. A proposed amended development order deadline for commencing physical development of the proposed changes, if applicable;**

Not applicable. The deadline for commencing physical development has already been met.

- d. A proposed amended development order termination date that reasonably reflects the time required to complete the development;**

Not applicable. No changes are being proposed as part of this application that pertain to the time required to complete the development.

- e. A proposed amended development order date until which the local government agrees that the changes to the DRI shall not be subject to down-zoning, unit density reduction, or intensity reduction, if applicable.**

Not applicable. The vested density has been previously determined to be consistent with the Comprehensive Plan.

- f. Proposed amended development order specifications for the annual report, including the date of submission, contents, and parties to whom the report is submitted as specified in Subsection 9J-2.025(7), F.A.C.**

Not applicable. No changes are being proposed as part of this application pertaining to specifications for the annual report.

Year Ending	Commuter	Govt Employees
FY82 (FY81)	0.40-0.310	
FY83 (FY82)	0.40-0.370	

Exhibit "A"
PROPOSED LAND USE PLAN
THE PARKLANDS

	COLLIER COUNTY			BONITA SPRINGS			TOTAL		
	Units	Acres		Units	Acres		Units	Acres	% of Site
RESIDENTIAL									
Single Family	*	---		**	---				
Multi-Family	*	---		**	---				
Total	1,603	130.0		1,290	485.3	188.2	2,893	345.3	33.2 33.5
COMMERCIAL	Sq. Ft. 0	Acres 0.0		Sq. Ft. 120,000	Acres 40.0	27.9	Sq. Ft. 120,000	Acres 40.0	% of Site 4.0 2.9
RECREATION/ OPEN SPACE									
Golf Course		177.2			64.1	29.0		238.3	25.1 21.7
Preserve Areas		155.4			0.0			155.4	16.4
Lakes		107.0			49.6	60.9		456.6	46.5 17.7
Total		439.6			110.7	89.9		550.3	58.0 55.8
ROAD RIGHT-OF-WAY		45.6			9.0			54.6	5.7
SCHOOL SITE		20.0			0.0			20.0	2.1
TOTAL		635.2			315.0			950.2	100.0

* The breakdown between single family and multiple family dwelling units for the Collier County portion of the development will be determined by the following trip generation equivalency rates which will allow and multiple family units to be converted to single family units as long as the total number of dwelling units listed above is not exceeded:

- For every single family unit permitted in excess of 123 units, 1.67 multiple family units convert to 1 single family unit.

** The breakdown between single family and multiple family dwelling units for the Bonita Springs portion of the development will be determined by the following trip generation equivalency rates which will allow retail square footage to be converted to residential dwelling units and multiple family units to be converted to single family units as long as the total number of dwelling units listed above is not exceeded:

- 1,000 square feet of retail use equals 14.75 multiple family units;
- 2.6 multiple family units equals one single family unit.

**Southwest Florida Regional Planning Council**

4980 Bayline Drive, 4th Floor, N. Ft. Myers, FL 33917-3909 (239) 656-7730

P.O. Box 3455, N. Ft. Myers, FL 33918-3455 SUNCOM 749-7720

FAX (239) 656-7724

April 16, 2003

Ms. Margaret-Ray Kemper
Ruden, McClosky, Smith, Schuster & Russell, P.A.
215 South Monroe Street
Suite 815
Tallahassee, FL 32301

Re: Parklands Aggregation

Dear Ms. Kemper:

The Southwest Florida Regional Planning Council (SWFRPC) and Florida Department of Community Affairs (DCA) staffs have received and reviewed your letter dated April 10, 2003 concerning the potential aggregation of the lands currently under contract by the Ronto Group in Section 3 within the City of Bonita Springs and the Parklands and Parklands West Developments of Regional Impact. Council and DCA staffs find that the letter sufficiently explains the current status of the Section 3 lands as they relate to the Parklands and Parklands West Developments of Regional Impact.

While the proposed project located in Section 3 and the Parklands and Parklands West (Palmira Golf and Country Club) projects are physically proximate to each other, which subjects them to a potential aggregation, Council and DCA staffs find that the properties in question do not have a common plan of development, in that while they do have common ownership as defined in Chapter 380.0651(4)(c), they do not share a reasonable closeness in time, a common master plan of development, a voluntary sharing of infrastructure, nor a common advertising scheme. Therefore, it is the SWFRPC and the DCA staff's opinion that the Section 3 lands, based on the information in your letter, do not meet the tests dealing with aggregation as identified in Chapter 380.0651(4) F.S. and Chapter 9J-2.0275 F.A.C. and therefore they do not require aggregation and no further Development of Regional Impact review is necessary at this time.

Sincerely,

SOUTHWEST FLORIDA REGIONAL PLANNING COUNCIL

Daniel L. Trescott
Principal Planner/DRI Coordinator

DLT/DEC

Cc: Bernard Piawah, DCA
Chip Block, Lee County/Bonita Springs
Brian Farrar, Ronto Group
Russell Schropp, Henderson, Franklin

APR 09 2004

COMMUNITY DEVELOPMENT



DRI 2004-00004

**RUDEN
McClosky
SMITH
SCHUSTER &
RUSSELL, P.A.
ATTORNEYS AT LAW**

215 SOUTH MONROE STREET
SUITE 815
TALLAHASSEE, FLORIDA 32301

(850) 412-2000
FAX: (850) 224-2032
MARGARET.RAY.KEMPER@RUDEN.COM

April 10, 2003

Daniel L. Trescott
DRI Coordinator
Southwest Florida Regional Planning Council
4980 Bayline Drive
North Ft. Myers, Florida 33917

Re: Your Request for Aggregation Statement

Dear Mr. Trescott:

The following information is provided in response to your March 26, 2003 letter to Mr. Brian Farrar.

Parklands Development Limited Partnership ("Parklands") is the developer and fee owner of the Parklands West DRI and the Parklands DRI.

The Parklands West DRI is in the City of Bonita Springs and is approved for 72,000 square feet of retail, a maximum of 1,296 residential units, most of which are multifamily units, and an eighteen hole golf course. Up to 960 multifamily units and up to 50,000 square feet of retail may be converted to single family units so long as the PM peak hour generation does not exceed 919 net new trips. The Parklands West DRI is to be developed in three five year phases. The first phase of 432 units extends to 2005. The buildout date is March 11, 2015. Development within the Parklands West DRI (also known as Palmira Golf and Country Club) commenced in the spring of 2000, and 332 single family units, 152 multifamily units, approximately 20,000 square feet of commercial/recreational space, and an eighteen hole golf course have been site planned, platted and are being developed.

The Parklands DRI is within both Collier County and the City of Bonita Springs and is approved for 2,893 residential units, a golf course, and 120,000 square feet of commercial. Buildout is to be achieved by November 18, 2011. Development within the City of Bonita Springs portion of the Parklands DRI has commenced.

Parklands is also the equitable owner of a contract to purchase approximately 649 acres in Section 3 on Bonita Beach Road within the City of Bonita Springs owned by Corkscrew

TAL:42414:1

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Daniel L. Trescott

April 10, 2003

Page 2

Growers, Inc. ("Corkscrew Property"). Corkscrew Growers, Inc. does not own any property within the Parklands West DRI or the Parklands DRI.

DiVosta and Company, Inc. (DiVosta") has a contract to purchase the Corkscrew Property and owns approximately 84 acres within the City of Bonita Springs portion of the Parklands DRI. The Parklands DRI Development Order, as amended, authorizes the development of residential units on the DRI property owned by DiVosta, and that property will be developed in accordance with the terms and conditions of Development Order, as amended.

The Corkscrew Property was recently annexed into the City of Bonita Springs and has been designated mixed use planned development on the City's Future Land Use Map. A zoning application for the Corkscrew Property requesting approval of a RPD/CPD with 1,999 residential units and 45,000 square feet of retail has been submitted and found sufficient by staff. Development of the Corkscrew Property is expected to begin in the last half of 2003.

The Parklands West DRI is adjacent to the Parklands DRI. The Parklands DRI is adjacent to the Corkscrew Property. The distance between the Parklands West DRI and the Corkscrew Property is approximately one half mile.

Under Section 380.0651(4)(c)2, F.S., aggregation is not applicable when the developments at issue are each an approved development of regional impact. For that reason, the Parklands West DRI and the Parklands DRI cannot be aggregated. In like manner, aggregation is not applicable when one of the properties at issue is a DRI, but the aggregation criteria are used in evaluating whether a development such as the Corkscrew Property should be added to an existing DRI through the substantial deviation process. See Section 380.0651(4)(c)1, F.S.

The Parklands West DRI, the Parklands DRI, and the Corkscrew Property are physically proximate as that term is defined in the Department of Community Affairs' aggregation rule (Rule 9J-2.0275, F.A.C.). Parklands will have an ownership interest in all three properties, and after the conveyance of the Corkscrew Property to DiVosta, DiVosta will have an ownership interest in the Corkscrew Property and 84 acres within the Parklands DRI. However, none of the other aggregation criteria set forth in Section 380.0651(4), F.S., and Rule 9J-2.0275, F.A.C., are met.

There is no master plan or common plan of development for the properties, and no master plan or drawing which includes one or both of the DRIs and the Corkscrew Property has been submitted to a local government or permitting agency. While the properties will be developed concurrently, the reasonable closeness in time criterion is not met as that criterion requires the submittal to a governmental agency of a master plan indicative of a common plan of development. As noted above, no such plan has been submitted. The property within the Parklands West DRI and the Parklands DRI will be developed in accordance with the respective

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Daniel L. Trescott
April 10, 2003
Page 3

DRI Development Orders, as amended. The Corkscrew Property will be developed as a separate and distinct community by DiVosta.

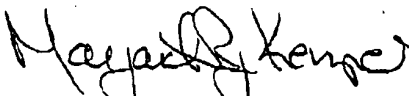
The three properties will not share infrastructure unless the sharing is required by the city, the county, or a permitting agency. Four different surface water management systems will serve the properties, and the drainage facilities of one development will not be shared by either of the other two developments. Access to all three properties in the City of Bonita Springs will be provided by Bonita Beach Road, an existing public road. Access to the Parklands DRI will also be provided by the Logan Boulevard extension, the location of which is now planned to run along the section line between the Parklands DRI and the Corkscrew Property. The Logan Boulevard extension will also be a public road. Water and waste water service to the City of Bonita Springs portion of the Parklands DRI, the Parklands West DRI, and the Corkscrew Property will be provided by Bonita Springs Utilities, Inc., a public utility unrelated to either Parklands or DiVosta. Water and waste water service to the Collier County portion of the Parklands DRI will be provided by Collier County. Electric service to all three developments will be provided by Florida Power and Light. Finally, there will not be a common advertising scheme or promotional plan for the properties.

Because none of the aggregation criteria are met except proximity and ownership, the Corkscrew Property does not have to be added to either the Parklands West DRI or the Parklands DRI through the substantial deviation process.

If you have any questions or wish additional information, please call me.

Sincerely,

RUDEN, McCLOSKEY, SMITH,
SCHUSTER & RUSSELL, P.A.



Margaret-Rhy Kemper

MRK/mrk

Cc: Bernard Piawah
David Crawford
Brian Farrar
Russell Schropp

RECEIVED

APR 09 2004

COMMUNITY DEVELOPMENT

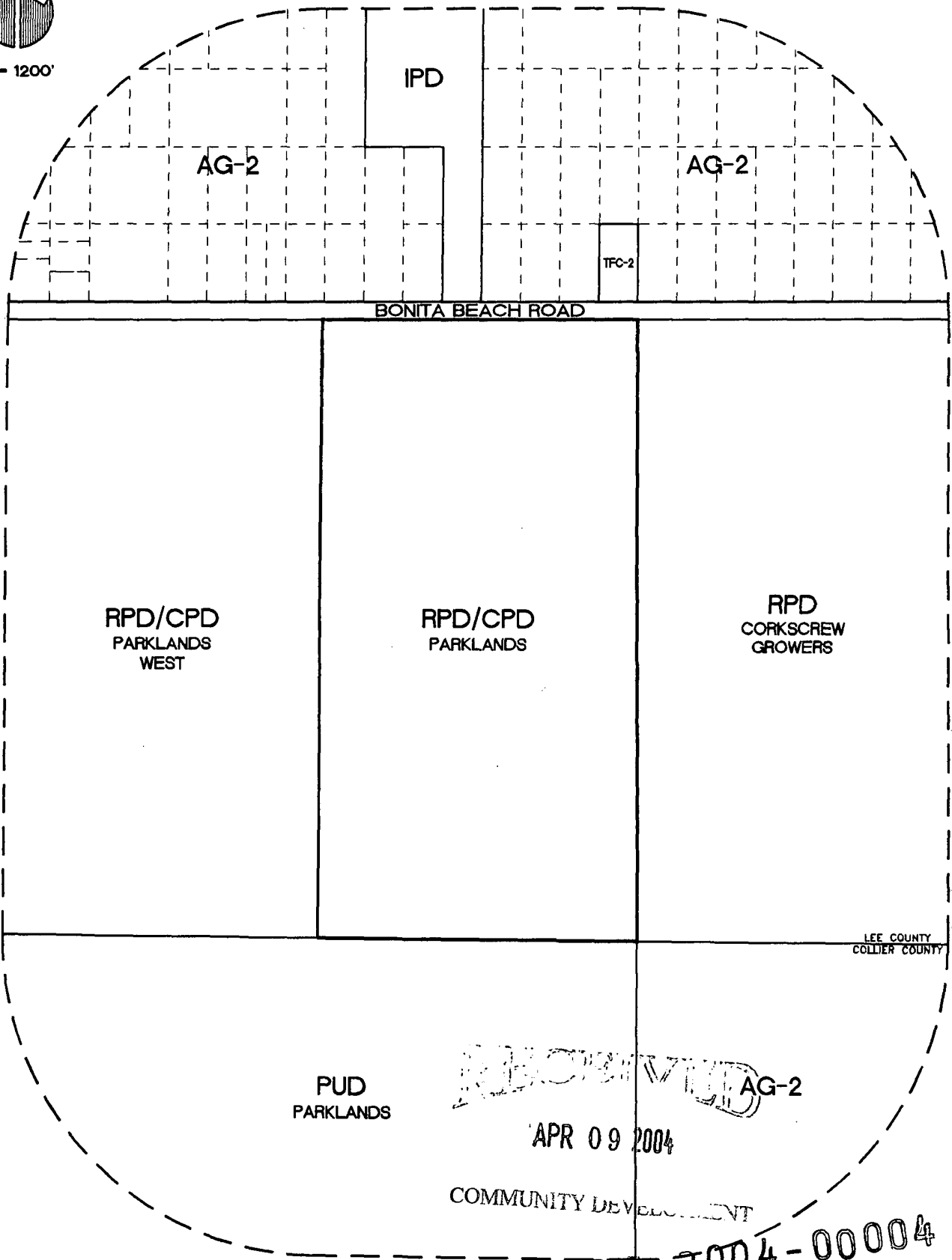
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DRI 2004-00004



1" = 1200'



RECEIVED

APR 09 2004

COMMUNITY DEVELOPMENT

DRI 2004-00004

0101

SURROUNDING LAND USE MAP PARKLANDS

SEC 04, TWP 48S, RGE 28E
LEE COUNTY, FLORIDA



GARY F. MULLER, AICP

1462 ARDYLE DRIVE • FT. MYERS, FLORIDA 33919 • (813) 938-0111

DATE	03/04	DATE	REVISION
SCALE	NOTED		
DESIGN	GF		
DRAWN	GF		
CHECK			
APPROVED			

MEMORANDUM
FROM THE
DEPARTMENT OF
COMMUNITY DEVELOPMENT
DEVELOPMENT SERVICES DIVISION

DATE: October 15, 2002

TO: File - DRI2004-00004 &
DCI2004-00021

FROM: Jamie Prancing
Secretary, Internal Services

RE: Notice of Zoning Board for Land Use Hearings of the City of Bonita Springs
October 1, 2002

I, Jamie Prancing, Secretary, Internal Services, Development Services Division, do hereby certify that I have mailed notices to the **adjacent property owners** on the above referenced date, in the attached style, pursuant to the list marked and attached hereto and made a part of this certification.

NOTICE TO PROPERTY OWNERS WITHIN 375 FEET

CASE NUMBER: DRI2004-00004 & DCI2004-00021

CASE NAME: PARKLANDS DRI NOPC

REQUEST:

- 1) Requesting a Notice of Proposed Change (NOPC) to the Parklands DRI incorporating the following changes:
 - a. Increase the size of the commercial planned development (CPD) development area from 10.02 acres to 27.90 acres; and
 - b. Shift the Bonita Beach Road access to the CPD development area 260± feet to the west.
- 2) Determine whether the proposed changes constitute a substantial deviation from the original development order approvals warranting further Development of Regional Impact review.
- 3) Amend the Parklands residential/commercial planned development (RPD/CPD) to: move the Bonita Beach Road access to the CPD 260± to the west; increase the CPD development area from 10.02 to 27.90 acres; add a model center as a use within the CPD development area; convert the previously approved multiple-family/two-family uses in southwest corner to single family development; and add 3 consumption on premises.

LOCATION: The subject property is located at 14751 Bonita Beach Road (the property is located on the south side of Bonita Beach Road, approximately 2 1/4 miles east of I-75), in S04 (Section)-T48 (Township)S-R26 (Range)E, Lee County, Florida.

SIZE OF PROPERTY: 315.03 Acres ±

STAFF REPORT: Direct inquiries to Bryan Kelner, Principal Planner, at 239-479-8363, at the Department of Community Development, 1500 Monroe St., Ft. Myers, FL 33901.

PROPERTY OWNERS REPRESENTATIVE: MR. GARY F MULLER
239-939-0111

Notice is hereby given that the City of Bonita Springs Zoning Board for Land Use will hold a public hearing at 11:00 a.m. on October 01, 2004, on the above case. The public hearing will be held in the Bonita Springs Utilities Board Room, 11860 East Terry Street, Bonita Springs, FL 34135.

You must appear in person, or through counsel, or an authorized agent and provide testimony, legal argument or other evidence at the hearing to become a participant with the right to address the City Council.

After the Zoning Board for Land Use has made a written recommendation, the case will be scheduled for a public hearing before the City Council of the City of Bonita Springs who will review the recommendation and make a final decision.

If you do not appear before the Zoning Board for Land Use you will not be allowed to appear before the City Council at the final hearing in this case.

Copies of the staff report will be available two weeks prior to the hearing. The file may be reviewed at the Development Services Division, 1500 Monroe St., Fort Myers, FL 33901. Call 239/479-8585 for additional information.

In accordance with the Americans with Disabilities Act, reasonable accommodations will be made upon request. If you are in need of a reasonable accommodation, please contact Gary A. Price, City Manager, at 239/390-1000 at least 48 hours prior to the hearing.

LEE COUNTY
DEPARTMENT OF COMMUNITY DEVELOPMENT
Development Services Division

33-47-26-00-00001.002A
PLUMOSA FARMS INC
% C LABERMEIER
6080 CYPRESS HOLLOW WAY
NAPLES, FL 34109

33-47-26-00-00001.0040
LIN JULIE S TR 50% +
4753 PINFISH CT
BONITA SPRINGS, FL 34134

33-47-26-00-00001.0120
LIN STUTZ JULIE TR
4735 PINFISH CT
BONITA SPRINGS, FL 34134

33-47-26-00-00001.0140
HIGHGATE CORPORATION
P O BOX 2467
BONITA SPRINGS, FL 34133

33-47-26-00-00001.0370
LOMBARDI DOMINIC F TR
135 ALDRICH ST
GRANBY, MA 01033

34-47-26-00-00001.0100
SOUTH FL WATER MANAGEMENT
C/O DEPT OF ENVIRON PROT
3900 COMMONWEALTH BLVD
TALLAHASSEE, FL 32399

03-48-26-B1-00001.0000
CORKSCREW GROWERS INC
7373 VANDERBILT BEACH RD EXT
NAPLES, FL 34119

04-48-26-B1-00109.0000
PARKLANDS DEVELOPMENT
3185 HORSESHOE DR S
NAPLES, FL 34105

04-48-26-B1-0010B.0000
PARKLANDS DEVELOPMENT
3185 HORSESHOE DR S
NAPLES, FL 34105

04-48-26-B1-001GC.1000
PARKLANDS DEVELOPMENT
3185 HORSESHOE DR S
NAPLES, FL 34105

33-47-26-00-00001.0030
B + C INVESTMENTS OF NAPLES
209 RIDGE DR
NAPLES, FL 34108

33-47-26-00-00001.0110
FRISBEE EDWARD + MARY
601 NW 63RD AVE
HOLLYWOOD, FL 33024

33-47-26-00-00001.012C
MATTHEW MARTHA
4900 N OHIO ST
GROVERTOWN, IN 46531

33-47-26-00-00001.0210
GODFREY G T + VIRGINIA
2341 NW 70TH AVE
HOLLYWOOD, FL 33024

33-47-26-00-00001.043A
SALDIVAR RAUL SR TR
FOR RAUL SALDIVAR SR TRUST
13520 BONITA BEACH RD
BONITA SPRINGS, FL 34135

34-47-26-00-00001.0500
S FL WATER MGMT DIST
P O BOX 24680
W PALM BEACH, FL 33416

03-48-26-B4-00001.0010
DIVOSTA AND COMPANY INC
4500 PGA BLVD STE 400
PALM BEACH GARDENS, FL 33418

04-48-26-B1-0010A.0000
PARKLANDS DEVELOPMENT
3185 HORSESHOE DR S
NAPLES, FL 34105

04-48-26-B1-001A1.0000
PARKLANDS WEST COMMUNITY
10300 NW 11TH MANOR
CORAL SPRINGS, FL 33071

04-48-26-B1-001GC.1010
PARKLANDS WEST COMMUNITY
10300 NW 11TH MANOR
CORAL SPRINGS, FL 33071

04-48-26-B1-001GC.1120
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10300 NW 11TH MANOR
CORAL SPRINGS, FL 33071

04-48-26-B2-00500.1500
DOMINICK CATHERINE E
29011 ALLESSANDRIA CIR
NAPLES, FL 34135

04-48-26-B4-001GC.1100
PARKLANDS WEST COMMUNITY
10300 NW 11TH MANOR
CORAL SPRINGS, FL 33071

04-48-26-B4-00400.0060
CENTEX HOMES
5801 PELICAN BAY BLVD STE 600
NAPLES, FL 34108

04-48-26-B4-00400.0080
PARKLANDS DEVELOPMENT
3185 HORSESHOE DR S
NAPLES, FL 34105

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04-48-26-B1-001GC.3010
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CORAL SPRINGS, FL 33071

04-48-26-B4-00106.0000
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3185 HORSESHOE DR S
NAPLES, FL 34105

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CORAL SPRINGS, FL 33071

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NAPLES, FL 34105

DCI 2004-00021

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NAPLES, FL 34105

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NAPLES, FL 34105

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04-48-26-B4-00400.0250
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NAPLES, FL 34105

04-48-26-B4-0040C.0000
PARKLANDS DEVELOPMENT
3185 HORSESHOE DR S
NAPLES, FL 34105

Mr. Gary Muller
1482 Argyle Drive
Fort Myers, FL 33919

Metro Transportation Group, Inc.
Mr. Ted Treesh
12651 MCGregor Blvd., Ste. 4-403
Fort Myers, FL 33919

Christine Bielski (*Bonita Springs)
BBIA
27566 Hickory Blvd.
Bonita Springs, FL 34134

04-48-26-B4-00400.0410
PARKLANDS DEVELOPMENT
3185 HORSESHOE DR S
NAPLES, FL 34105

04-48-26-B4-0040A.0000
PARKLANDS DEVELOPMENT
3185 HORSESHOE DR S
NAPLES, FL 34105

04-48-26-B4-0040D.0000
PARKLANDS DEVELOPMENT
3185 HORSESHOE DR S
NAPLES, FL 34105

Henderson, Franklin, Starnes & Holt, P.A.
Mr. Chuck Basinait
P.O. Box 280
Fort Myers, FL 33902-0280

Banks Engineering, Inc
Mr. Dave Underhill
6640 Willow Park Drive, Ste. B
Naples, FL 34109

Don Sedota (*Bonita Springs)
Spanish Wells Homeowners Assoc.
P.O. Box 219
Bonita Springs, FL 34133

04-48-26-B4-0040D.0000
PARKLANDS DEVELOPMENT
3185 HORSESHOE DR S
NAPLES, FL 34105

04-48-26-B4-0040A.0000
PARKLANDS DEVELOPMENT
3185 HORSESHOE DR S
NAPLES, FL 34105

04-48-26-B4-00400.0410
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3185 HORSESHOE DR S
NAPLES, FL 34105

04-48-26-B4-0040C.0000
PARKLANDS DEVELOPMENT
3185 HORSESHOE DR S
NAPLES, FL 34105

04-48-26-B4-00400.0420
PARKLANDS DEVELOPMENT
3185 HORSESHOE DR S
NAPLES, FL 34105

04-48-26-B4-00400.0400
PARKLANDS DEVELOPMENT
3185 HORSESHOE DR S
NAPLES, FL 34105

Parklands Development, LP
3185 Horseshoe Drive South
Naples, FL 34104
Imcollier Joint Venture
c/o Robert Clausen
6025 Carlton Lakes Boulevard
Naples, FL 34110-2401

DCI 2004-00021

MEMORANDUM
From The
Department Of
Community Development
Development Services Division

Date: October 20, 2004

To: FILE - DRI2004-00004 &
DCI2004-00021

FROM: Jamie Princing

RE: Notice of Public Hearing - November 3, 2004
Bonita Springs Council Zoning Hearing (1st reading)

I, Jamie Princing, Internal Services Secretary, Development Services Division, do hereby certify that I have mailed notices to the participants in regard to the above referenced meeting, in the attached style, pursuant to the list marked and attached hereto and made a part of the certification.

NOTICE TO PARTICIPANT

CASE NUMBER: DRI2004-00004 & DCI2004-00021

NAME: Parklands DRI

REQUEST: A ZONING ORDINANCE OF THE CITY OF BONITA SPRINGS, FLORIDA; APPROVING A REQUEST BY PARKLAND DEVELOPMENT L.P. IN REFERENCE TO PARKLANDS FOR A NOTICE OF PROPOSED CHANGE (NOPC) TO THE PARKLANDS DRI (A/K/A SAN REMO); TO DETERMINE WHETHER THE PROPOSED CHANGES CONSTITUTE A SUBSTANTIAL DEVIATION FROM THE ORIGINAL DEVELOPMENT ORDER APPROVALS WARRANTING FURTHER DEVELOPMENT OF REGIONAL IMPACT REVIEW; AMENDING THE PARKLANDS RESIDENTIAL COMMERCIAL PLANNED DEVELOPMENT (RPD/CPD) TO MOVE THE BONITA BEACH ROAD ACCESS 260' FEET TO THE WEST; INCREASE THE CPD AREA FROM 10.02 TO 27.90 ACRES; ADD A MODEL CENTER; CONVERT THE PREVIOUSLY APPROVED MULTIPLE-FAMILY/TWO-FAMILY USES IN SOUTHWEST CORNER TO SINGLE FAMILY DEVELOPMENT; AND ADD THREE (3) CONSUMPTION ON PREMISES ON LAND LOCATED AT 14751 BONITA BEACH ROAD, BONITA SPRINGS, FLORIDA, (STRAP NO. 04-48-26-B2-00001.0000), ON 315.03 +/- ACRES; PROVIDING FOR AN EFFECTIVE DATE.

No public participation will be heard at the first reading.

The first reading of the zoning ordinance is a reading of the request and the second reading is the hearing.

Notice is hereby given that on November 3, 2004 the City Council of the City of Bonita Springs will hold a public hearing at 5:30 p.m. for a **FIRST READING** of an ordinance on the referenced matter and to review the Zoning Board for Land Use Hearings recommendation. This hearing will be held in the Bonita Springs Utilities Board Room 11900 East Terry Street Bonita Springs, FL 34135.

A **SECOND READING** on this matter is tentatively scheduled for November 22, 2004 at 9:00 a.m. at the same location.

NO FURTHER NOTICES WILL BE DISTRIBUTED UNLESS THE SECOND READING DATE IS CHANGED.

The law states that, as a participant, you have the right to appear and address the Council on this case. However, the law strictly limits all testimony before the Council to statements challenging the correctness of findings and conclusions contained in the record, or statements alleging the discovery of relevant new evidence which was not known by the speaker at the time of the Zoning Board for Land Use Hearings and not otherwise disclosed in the record.

In accordance with the Americans with Disabilities Act, reasonable accommodations will be made upon request. If you are in need of a reasonable accommodation, please contact Gary A. Price, City Manager at 239-390-1000, at least 48 hours prior to the meeting.

Additional copies of the Zoning Board for Land Use Hearing's recommendation may be obtained or the file reviewed at the Zoning Division, 1500 Monroe St., Ft. Myers, FL. Telephone 479-8585 for additional information.

DEPARTMENT OF COMMUNITY DEVELOPMENT
Zoning Division

U:\200410\DR20040.000\4\NOTICETOPARTICIPANT.WPD



DRI2004-00004 & DCI2004-00021 / Paklands DRI

Parklands Development Limited Partnership
3185 Horseshoe Drive South
Naples, Florida 34104 (Applicant/Owner)

Gary F. Muller, AICP
1482 Argyle Drive
Ft. Myers, Florida 33919 (Agent)

Charles Basinait, Esq.
Henderson, Franklin, Starnes & Holt, P.A.
P.O. Box 280
Ft. Myers, Florida 33902 (Agent)

Ted Treesh
12651 McGregor Blvd., Suite 4-403
Ft. Myers, Florida 33919-4489 (Agent)

Dave Underhill
Banks Engineering, Inc.
6640 Willow Park Drive, Suite B
Naples, Florida 34109 (Agent).



**Memorandum
from the
Bonita Springs City Attorneys Office**

LEE COUNTY
RECEIVED

14 DEC 22 PM 12:00

Date: December 20, 2004

DEV/
CNTR.
FOR

To: Dianne Lynn, City Clerk

From: 
Audrey E. Vance
City Attorney

Re: Parklands and Parklands West revised DRI Development Orders
(Corrected)

Attached are corrected DRI Development Orders for Parklands/Lee and Parklands West as referenced above. Bryan Kelner discovered a glitch in the replacement documents for both DRI, to wit, numbering of the respective development orders and the November 22, 2004 public hearing date. Accordingly, I have corrected the matter as a scrivener's error. Please replace the first page of Parklands/Lee and the first and second page of Parklands West.

By copy to those below, I am proving the corrected pages for their files. Thank you for your attention to this matter.

AEV/

Attachment

cc: Gary A. Price, City Manager
Debbie Muchler, Deputy City Clerk
✓ Bryan Kelner, Principal Planner
Chuck Basinait, Esquire
Gary Muller, AICP
With attachment (corrected pages only)

SIXTH DEVELOPMENT ORDER AMENDMENT
FOR
PARKLANDS/LEE
A DEVELOPMENT OF REGIONAL IMPACT
STATE DRI #6-8384-43
COUNTY CASE #85-06-01-DRI

WHEREAS, on ~~October 2, 2002~~, April 9, 2004, Ronto Developments Parklands, Inc., the Developer of the Parklands DRI, filed an application to amend the Parklands DRI; and

WHEREAS, the portion of the Parklands DRI that is the subject of this Notice of Proposed Change ("NOPC") is a Development of Regional Impact located in the City of Bonita Springs, Lee County; and

WHEREAS, the issues raised in connection with the Notice of Proposed Change dated October 2, 2002, was filed for relating to the purpose of adding; and WHEREAS, ~~a Notice of Proposed Change dated October 2, 2002, was filed for the purpose of adding an additional nine holes of golf to the project, providing for single family dwelling units as a permitted use within the project, providing for single family dwelling units as a permitted use within the project, providing for modifications to the internal roadway system, including three interconnections to the Parklands West~~Sixth Development, Order Amendment dated November 22, 2004 are the following: (1) providing for modifications to the boundaries of the commercial and residential areas of the project; and (2) providing for multiple family dwelling units within a relocation of the commercial area as part of a proposed Town Center design concept and providing for a conversion table to allow conversion of retail square footage and multiple family dwelling units to single family dwelling units~~western access point into the Parklands DRI from Bonita Beach Road;~~ and

WHEREAS, the City of Bonita Springs has reviewed the current DRI Development Order and has evaluated the current Notice of Proposed Change at a public hearing scheduled in accordance with Section 380.06, F.S. and has concluded that the proposed changes are not a substantial deviation from the terms of the existing Development Order.

NOW, THEREFORE, LET IT BE ORDAINED BY THE CITY COUNCIL OF THE CITY OF BONITA SPRINGS, HEREINAFTER REFERRED TO AS THE CITY COUNCIL, that the conditions of the Development Order for The Parklands DRI adopted by Lee County on April 14, 1986 and last amended by the City of Bonita Springs on ~~September 23, 2002~~, March 21, 2003, is further amended as follows, with new language underlined and deletions struck through. All other portions of the original Development Order and subsequent amendments shall remain in full force and effect.

FOURTH DEVELOPMENT ORDER AMENDMENT
FOR
PARKLANDS WEST
A DEVELOPMENT OF REGIONAL IMPACT
STATE DRI #4-8788-82

LET IT BE KNOWN, that pursuant to Section 380.06 of the Florida Statutes, the City Council of the City of Bonita Springs, Florida, heard at a public hearing convened on September 23, 2003, November 22, 2004, a Notice of Proposed Change to the Development of Regional Impact (DRI) Development Order for Parklands West, a Residential/Commercial Development in Bonita Springs, Lee County, Florida.

WHEREAS, the Board of County Commissioners of Lee County, Florida, adopted the original DRI Development Order on March 12, 1990, after consideration of the report and recommendations of the ~~southwest~~Southwest Florida Regional Planning Council, the ~~Lee county~~County Staff, the Lee County Hearing Examiner, and the documents and comments upon the record made before the Board in public hearing, and

WHEREAS, the Parklands West DRI Development Order was subsequently amended on April ~~12, 18,~~ 1994 (First Development Order Amendment), to extend the commencement date, phase end dates, buildout, and termination dates by four years and 364 days; and on July 25, 2001 (Second Development Order Amendment), to amend Map H, acknowledge that the project will be served by Bonita Springs Utilities, revise transportation conditions, modify the housing condition, modify the education condition, modify the legal description, modify a drainage condition, delete a fire condition and delineate the City of Bonita Springs as the governmental entity with jurisdiction over the project, and amended on September 23, 2002 (Third Development Order Amendment) to amend the master plan of development set forth in Map H (Exhibit "A") and included a conversion table to permit the conversion of multi-family units and retail square footage to single family units; and

WHEREAS, the Parklands West DRI was included within the jurisdictional boundaries of the City of Bonita Springs, and said incorporation occurred subsequent to the filing of the Notice of Proposed Change by Ronto Developments Parklands, Inc., and

WHEREAS, the applicant, Ronto Developments Parklands, Inc., filed a Notice of Proposed Change to Amend the DRI Development Order prior to the incorporation, and subsequently recognized the need to adopt a new DRI Development Order for the City of Bonita Springs, and

WHEREAS, the Notice of Proposed Change filed in connection with the Second Development Order Amendment was revised to reflect that the City of Bonita Springs had jurisdiction over the project; and

WHEREAS, the issues raised in connection with the Notice of Proposed Change relating to the ~~Third~~Fourth Development Order Amendment are: ~~(1) amend~~modify the master plan ~~boundaries and legal descriptions of development set forth in Map H (the Commercial Planned Development (CPD) (see Exhibit "AB"))~~; ~~2) include a conversion table which would permit the conversion of multiple family units and commercial retail floor area to single family dwelling units; acknowledge that the project will be served by the Bonita Springs Utility Company for water and waster water services;~~ ~~3) revise the transportation conditions to include the proportionate share obligation based on a current analysis of the impacts to the significant and adversely impacted road network;~~ ~~4) modify the housing condition~~Residential Planned Development (RPD) (see Exhibit "C") areas to reflect current practice; ~~5) modify the education condition to delete the obligation to donate a twenty acre site to the School Board of Lee development plans;~~ ~~(2) eliminate the road connection between Parklands West and Collier County;~~ ~~6) modify the legal description;~~ ~~7) modify the condition under Drainage Water Quality to delete the reference to pumping; ; and~~ ~~8) delete the condition under Fire Proect9ion that obligates the Developer to reserve a 1.34 acre site for a fire station and to provide potable water and sewer service to the site and replace with conditions agreed to with the Bonita springs Fire Control and Rescue District (BSFCRD)~~(3) minor changes in education provisions; and

WHEREAS, some of the above-changes are presumed to create a substantial deviation from the original Development Approval, but such presumption has been rebutted by clear and convincing evidence.

NOW, THEREFORE, be it resolved by the City Council of the City of Bonita Springs, Florida, in a public meeting which was duly advertised, constituted and assembled the 23rd~~22~~ day of ~~September~~November, 2003,2004, that the Development of Regional Impact (DRI) Development Order is codified and amended as follows:

I. FINDINGS OF FACT/CONCLUSIONS OF LAW

A. The Parklands West DRI is a mixed use development in the southeastern part of the City of Bonita Springs, Lee County, Florida, which consists of 314.90 acres. The development is proposed to consist of 72,000 square feet of retail use, a maximum of 1,296 dwelling units, and a 110-acre 18 hole golf course. The construction of the project has commenced. There are three five-year phases totaling fifteen years, with buildout before the 11th day of March 2015. The phasing schedule is attached as Exhibit "A-4BD".

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

A tract or parcel of land lying in the West Half (W ½) of Section 04, Township 48 South, Range 26 East, in Lee county, Florida.

Containing 314.90 acres more or less.



Henderson Franklin
ATTORNEYS AT LAW

1715 Monroe Street • Fort Myers, FL 33901
Post Office Box 280 • Fort Myers, FL 33902
Tel: 239.334.4121 • Fax: 239.334.4100 • www.henlaw.com

Bonita Springs • Sanibel

to file
DRI 2004-00004

Reply to
Charles J. Basinait
Direct Dial Number 239.337.8433
E-Mail: charles.basinaid@henlaw.com

September 15, 2004

Mr. Bryan Kelner
Department of Community Development
1500 Monroe Street
Fort Myers, FL 33901

Re: Parklands DRI Amendment/DRI Development Order Revision
Our File No. 13085/2

Dear Bryan:

Enclosed please find the revised Parklands DRI Development Order. The only changes from the April 6, 2004 document are contained on the last two pages and simply reflect the change in membership of the City Council.

Please let me know if you have any questions, or if I may be of further assistance.

Very truly yours,

Charles J. Basinait

CJB/jma

Enclosure Parklands Revised DO

cc: Brian Farrar
Gary Muller
Ted Treesh
Dave Underhill
(All copied w/enclosure)

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

LEE COUNTY
RECEIVED
04 SEP 16 11:48
COUNTY
PUB. WORKS CNTR.
SEC. 2000-00004

**DEVELOPMENT ORDER
FOR
PARKLANDS
A DEVELOPMENT OF REGIONAL IMPACT
STATE DRI #6-8384-43
COUNTY CASE #85-06-01-DRI**

WHEREAS, on October 2, 2002, _____, 2004, Ronto Developments Parklands, Inc., the Developer of the Parklands DRI, filed an application to amend the Parklands DRI; and

WHEREAS, the portion of the Parklands DRI that is the subject of this Notice of Proposed Change ("NOPC") is a Development of Regional Impact located in the City of Bonita Springs, Lee County; and

WHEREAS, the issues raised in connection with the Notice of Proposed Change dated October 2, 2002, ~~was filed for relating to the purpose of adding; and WHEREAS, a Notice of Proposed Change dated October 2, 2002, was filed for the purpose of adding an additional nine holes of golf to the project, providing for single family dwelling units as a permitted use within the project, providing for single family dwelling units as a permitted use within the project, providing for modifications to the internal roadway system, including three interconnections to the Parklands WestSixth Development, Order Amendment dated _____ 200~~ are the following: (1) providing for modifications to the boundaries of the commercial and residential areas of the project; and (2) providing for multiple family dwelling units within relocation of the commercial area as part of a proposed Town Center design concept and providing for a conversion table to allow conversion of retail square footage and multiple family dwelling units to single family dwelling units western access point into the Parklands DRI from Bonita Beach Road; and

WHEREAS, the City of Bonita Springs has reviewed the current DRI Development Order and has evaluated the current Notice of Proposed Change at a public hearing scheduled in accordance with Section 380.06, F.S. and has concluded that the proposed changes are not a substantial deviation from the terms of the existing Development Order.

NOW, THEREFORE, LET IT BE ORDAINED BY THE CITY COUNCIL OF THE CITY OF BONITA SPRINGS, HEREINAFTER REFERRED TO AS THE CITY COUNCIL, that the conditions of the Development Order for The Parklands DRI adopted by Lee County on April 14, 1986 and last amended by the City of Bonita Springs on ~~September 23, 2002, March 21, 2003~~, is further amended as follows, with new language underlined and deletions struck through. All other portions of the original Development Order and subsequent amendments shall remain in full force and effect.

FINDINGS OF FACT

A. The Developer proposes to develop a mixed-use project in both the City of Bonita Springs, and Collier County that includes a total of 2,893 residential dwelling units, a golf course with 27 holes, and 120,000 square feet of commercial space on approximately ~~966.3~~950.18 acres. The portion of the project located in the City of Bonita Springs is proposed to contain 1,290 multiple and single family residential units and, 120,000 square feet of commercial space and nine holes of golf. Specific land use information is provided in Exhibit "A".

The legal description of the property is as follows:

The east one-half (E ½) of Section 4, Township 48 South, Range 26 East, Lee County, Florida, less the north 150 feet for road right-of-way.

AND

Section 9, Township 48 South, Range 26 East, Collier County, Florida containing ~~966.3~~950.18 acres more or less (both counties).

The property is generally located as reflected in the sketch attached as Exhibit "B".

B. The property located in the City of Bonita Springs is zoned Commercial Planned Development (CPD) and Residential Planned Development (RPD) pursuant to zoning resolution numbers ZAB-85-131, Z-89-098, and Z-99-004 and Bonita Springs Zoning Ordinance 02-14, 03-03; and _____.

C. The Application for Development Approval was found to be consistent with the requirements of Chapter 380.06, Florida Statutes; and

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

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

F. The proposed development has been reviewed by the Southwest Florida Regional Planning Council and is consistent with the report and recommendations of the Southwest Florida Regional Planning Council; and

G. The proposed conditions below meet the criteria found in Chapter 380.06 (15) (d), Florida Statutes; and

H. The 1989 Lee Plan amendment changing the Future Land Uses Category of the City of Bonita Springs portion of the project had the effect of reducing the allowable residential density in the City of Bonita Springs from 6 dwelling units per acre to 3 dwelling units per acre. The approved 1290 dwelling units in the City of Bonita Springs portion of the project results in a density of 4.1 dwelling units per acre.

I. The proposed development order is consistent with the adopted City of Bonita Springs Comprehensive Plan, notwithstanding the intervening Lee Plan amendment to the Future Land Use category of the property since there has been no substantial deviation from the original development approvals.

CONCLUSIONS OF LAW

A. FISCAL REQUIREMENTS

1. The development is required to generate sufficient funds to provide the necessary infrastructure for the support of each phase of development. The capital, operating, and maintenance costs of services will be borne by the developer, either by directly providing the infrastructure, or by an assured tax base. The developer has proposed and will carry out a fiscal monitoring program to enable City of Bonita Springs to insure that shortfalls in revenue will be fully mitigated and to verify that this development is generating sufficient funds to provide the necessary infrastructure for the support of each phase of the development. "Fiscal neutrality" will mean that the revenues generated by The Parklands and going to the City of Bonita Springs or the various service providing districts are equal to, or greater than, the costs imposed upon the City of Bonita Springs or those districts as determined by the monitoring and modeling system. The monitoring will be performed to verify the accuracy of assumptions upon which the fiscal analysis is based. The critical assumptions to be monitored include, but are not limited to:

- (a) The number of dwelling units built and other constructed improvements and their sales prices;
- (b) Percentage of units receiving homestead exemption and other applicable exemptions;

- (c) The number of undeveloped acres and their value as assessed by the Lee County Property Appraisers;
- (d) Factors relating to property taxes (assessment ratio, cost of sale factor, millage rate);
- (e) Factors relating to expenditures (per capita expenditures for capital and operating);
- (f) Factors relating to revenues; and
- (g) Cost factors relating to parks (acquisition and development cost per acre and acreage standards for parks).

2. The fiscal monitoring program for monitoring assumptions and methodology will be reviewed by the City of Bonita Springs, and within twelve (12) months of the effective-date of this Development Order, the program shall be brought before the City of Bonita Springs by for adoption of an amendment to the Zoning resolution which was adopted simultaneously with the Lee County Development Order. This amendment shall include at least the following:

- (a) A dispute resolution mechanism in the event that the reviewing authorities and The Parklands disagree about the results of the program; and
- (b) The identification and establishment of the means whereby any fiscal deficits would be offset (e.g., an M.S.T.U. or C.D.D.).

B. DRAINAGE/WATER QUALITY

1. The surface water management system for The Parklands ~~implement~~implements the design standards and water quality "best management practices" ~~outlined in the Application for Development Approval, response to Question 22, and in the sufficiency responses.~~ The commitments include, but are not limited to, the use of grassed conveyance swales (flow-ways), spreader discharge swales, dry detention areas including unfilled portions of the golf courses, and the use of seasonal ponds and freshwater ponded wetlands as integral parts of the surface water management system has been reviewed and approved by South Florida Water Management District and deemed to be in compliance with state requirements. The design and permit conditions require the implementation of "Best Management Practices".

2. The developer and his successor(s) must implement and maintain an ongoing maintenance and monitoring program that regularly inspects, maintains, and

samples the stormwater drainage system, including wetlands monitoring, during and after the development of The Parklands. The developer must establish MSTU or other legal entity to carry out this program after tracts and/or units are sold. The documents creating such entity must be approved by the City Attorney of Bonita Springs and South Florida Water Management District prior to the implementation of the monitoring program. The program will be designed in consultation with the staffs of the ~~Southwest Florida Regional Planning Council~~, the South Florida Water Management District, and City of Bonita Springs. Final approval of the program rests with the City of Bonita Springs. The purpose of this program is to insure that the stormwater drainage system functions as planned. If the monitoring program shows the system is not functioning as planned, or is not constructed in accordance with all approved plans, permits, or ~~County~~City requirements, the City of Bonita Springs will notify the developer of the deficiencies and the mitigation measures necessary to take corrective action, further local development approvals will not be granted until the developer has completed such corrective measures or provided an acceptable security to complete the corrective measures within a reasonable time.

3. The use of pesticides are prohibited.

4. ~~Prior to the initiation of the project construction, the developer will provide the information specified within the South Florida Water Management District Impact Assessment report to the SFWMD, SWFRPC, Collier County and the City of Bonita Springs for review. In addition, a conceptual~~A Surface Water Management Permit must be obtained from the SFWMD which authorizes construction of the surface water management system. The City of Bonita Springs~~This permit number 36-04235-P has been issued and Collier County's review will be conducted according to portions of the provisions of Chapter 380.06, Florida Statutes~~project are under construction.

C. ENERGY

All site plans or architectural programs must incorporate the energy conservation features set forth below. In the alternative, the property owner/developer must insure that the features set forth below are implemented through deed restrictions or covenants with successors in title. All applications for site plan approvals and building permits must include a document detailing proposed compliance with these conditions. If deed restrictions or covenants are utilized to insure compliance, such documents must be reviewed and approved by the City Attorney of Bonita Springs prior to recording.

These energy conservation features are:

1. Bicycle/pedestrian systems connecting all land uses, placed along arterial and collector roads within the project, ~~and also~~. The required bicycle/pedestrian path

along the Bonita Beach Road Extension has been constructed along the project frontage. This system must be constructed in accordance with City of Bonita Springs standards, and must include internal bikeways, and pedestrian paths substantially as shown on (but not limited to) Exhibit "H" from the A.D.A., the proposed Master Development Plan, attached to this DRI Development Order as Exhibit "C".

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 future transit system to serve the project area, to specifications of the appropriate City of Bonita Springs agency.

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

5. Energy-efficient appliances and equipment.

6. Prohibition against deed restrictions or covenants that would prevent or unnecessarily hamper energy conservation efforts (e.g., building orientation, clotheslines, and solar water heating systems).

7. Minimum necessary coverage by asphalt, concrete, rock, and similar substances in the streets, parking lots, and other areas to reduce local air temperatures and reflected light and heat, as determined by the City of Bonita Springs.

8. Energy-efficient lighting for streets, parking areas, and other interior and exterior public areas.

9. Water closets with a maximum flush of 3.5 gallons and shower heads and faucets with a maximum flow rate of 3.0 gallons per minute (at 60 pounds of pressure per square inch) as specified in the Water Conservation Act, Chapter 553.14, F.S.)

10. Selection, installation, and maintenance of native plants, trees, and other vegetative and landscape design features that can be shown to reduce requirements for water, fertilizer, maintenance, and other needs, compared to non-native exotic plant species.

11. Native shade trees to provide shade for all streets and parking areas.

12. Placement of trees to provide shade in the warmer months while not overly reducing the benefits of sunlight in the cooler months.

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

14. Structural shading (e.g., trellises, awnings, and roof overhangs) wherever practical when natural shading cannot be used effectively.

15. Porch/patio areas in residential units whenever possible.

16. Establishment of an architectural review committee and consideration by the project architectural review committee(s) of energy conservation measures (both those noted here and others) to assist builders and tenants in their efforts to achieve greater energy efficiency in the development and compliance with conditions 1 through 15.

D. TRANSPORTATION

1. An annual monitoring program, to be performed by the developer, shall be established to monitor the development's impact upon the area's roadways. The monitoring program shall be designed in cooperation with the City of Bonita Springs, Collier County and Lee County. As a minimum, the monitoring report shall contain traffic counts, taken in peak season, with turning movements at the project's access points and compared to the estimate of 1,217 net new P. M. peak hour trip ends. The monitoring report shall also contain level of service analyses for the project significantly impacted roadway segments and intersections. The roadway segments and intersections to be studied will be determined based on the Traffic Impact Statement required in D.6.(b). At a minimum, the roadway segments of Bonita Beach Road east of I-75 to the project will be studied. Also, at a minimum, the intersections of project access points, Bonita Beach Road with I-75 ramps, and Bonita Beach Road with Bonita Grande Drive will be analyzed with traffic counts, taken in peak season with turning movements. The first monitoring report shall be submitted to the Southwest Florida Regional Planning Council, the Lee County Department of Transportation, the Lee County Division of Zoning and Development Review, and the Florida Department of Transportation. Reports shall be thereafter be submitted by the developer to the agencies above listed each year until actual buildout or declared buildout.

2. The developer of The Parklands has completed the construction of, two paved lanes on Bonita Beach Road from the existing pavement east of I-75 to the eastern boundary of The Parklands at no cost to the City of Bonita Springs.

Costs paid by the developer included the full costs of design/engineering, utility relocation, right-of-way acquisition, construction, and relocation of drainage facilities. The cross-section for this road was designed to allow eventual four-laning of

Bonita Beach Road. The alignment, design, and construction schedule for this project was approved by the City of Bonita Springs.

The developer of The Parklands has provided 150 feet of right-of-way for construction of Bonita Beach Road improvements at no cost to Bonita Springs.

The developer is not eligible for credits against Road Impact Fees for construction or dedication of right-of-way associated with the Bonita Beach Road improvements since they are "site-related" as this term is defined in the Lee County Land Development Code. However, proportionate share payments or reimbursements from other users of these roads will, if obtained, reduce the cost to The Parklands' developer if supported as stated in subparagraph 5 below.

3. The Developer of The Parklands must dedicate to City of Bonita Springs 75 feet of right-of-way along the eastern boundary of The Parklands from Bonita Beach Road to the Lee County/Collier County line for the eventual construction of the 951 extension and/or Logan Boulevard Extension. If the County and the City determine that the 951 Extension and/or Logan Boulevard Extension will be not be located along the eastern boundary of The Parklands then the 75 foot reservation shall no longer be required.

4. During each applicable phase of development the developer, must make all intersection improvements, including signalization (if warranted), turn lanes, and deceleration lanes, deemed necessary by the City of Bonita Springs or Lee County at The Parklands access points on Bonita Beach Road. Approval of local Development Order plans for the affected phase will be granted only if these improvements are included in construction of that phase.

The developer is not eligible for credits against the Road Impact Fee for these intersection improvements because they are "site-related" as this term is defined in the Lee County Land Development Code as adopted by the City of Bonita Springs.

5. To mitigate adverse traffic impacts caused by all portions of The Parklands on arterial and collector roads west of I-75 and at the intersections of Bonita Beach Road and C.R. 887 (Old 41) and the Bonita Beach Road/I-75 interchange, the developer must do the greater of either:

- (a) Pay road impact fees in accordance with the Land Development Code for the City of Bonita Springs portion of The Parklands,
- (b) Pay an amount equivalent to The Parklands' proportionate share of its adverse traffic impacts on the identified arterial and collector roadways located west of I-75. Proportionate share is to be defined

in accordance with Lee County Administrative Code 13-16 Exhibit "D".

Prior to the issuance of a local Development Order for the City of Bonita Springs portion of the Parklands, the developer must submit a Traffic Impact Statement in accordance with City of Bonita Springs development regulations and the Lee County administrative code requirements in effect at the time of the local development order submittal. City of Bonita Springs will determine the proportionate share for the Parklands in accordance with the governing Lee County Administrative Code AC-13-16, Attachment D. The City of Bonita Springs will also determine the road impact fees in accordance with the Land Development Code. If the proportionate share amount identified in 65(b) above is greater than the road impact fee amount, then prior to the issuance of a local Development Order the applicant must prepare and submit a payment schedule acceptable to the Lee County Department of Transportation, that will determine the method of payments sufficient to mitigate Parklands' proportionate share of any adverse traffic impacts at the time that the adverse impact occurs. If the impact fees are greater than the proportionate share, the developer must pay impact fees in accordance with the schedule set forth in the Land Development Code. The roads/intersections described in subsections D.2, D.3, and D.4 are not eligible for road impact fee credits.

Construction schedules for improvements west of I-75 and at the intersections noted above must be designed to have the improvements in place coincident with the development of The Parklands or as noted otherwise herein.

6. This Development Order will be construed to exempt this development from participation in the funding, through Municipal Services Benefit Unit (MSBU's) or other special assessment districts, of improvements to various state or County arterial and collector roads or intersections to the degree to which the Parklands generates demand, and to the extent that such impacts have not already been mitigated by this development through other means.

7. The development will be subject to the City of Bonita Springs Concurrency Management System.

8. In all instances under this Section D where developer is not eligible for credits against Road Impact Fees for construction or acquisition of right-of-way, and where appropriate, a rebateable agreement may be used whereby a proportionate share of the money would be returned to the developer if or when other developments are approved in the general area served by the road construction or right-of-way acquisition.

9. The developer agrees to provide access from Bonita Beach Road and interconnections with the Parklands West DRI in accordance with the Master Plan of Development (Map H).

10. Multi-family units may be converted to single-family units at a rate of 2.0 multi-family units per single-family unit. Retail square feet may be converted to single-family units at a rate of 156 feet per single-family unit. Further, up to 1,290 multi-family units and up to 120,000 square feet of retail floor area may be converted to single-family units such that the number of dwelling units does not exceed 1,290. Multi-family units and retail floor area may only be converted to single-family units. No conversion may occur from single-family units to either multi-family units or retail floor area.

E. EDUCATION

1. The developer must provide school bus stops within the project, in conjunction with the roadway phasing. Design features and specific locations will be determined with input from the Lee County School Board at the time of local final development review approval.

2. The development shall provide a total cash contribution of \$1.2 million (\$1,200,000.00) to mitigate the education impact of the Parklands and Parklands West DRI. The cash payments must be made in four equal installments of \$300,000.00. The first installment was paid on July 12, 2001, with each successive installment to be paid on or before June 1st of each consecutive year. Failure to make timely payments will result in the cessation of permit issuance for development within The Parklands and Parklands West DRI. Should a school impact fee ordinance be adopted, the developer shall make the first and second payments referenced above, but will not be obligated to make the third or fourth payment obligation in the event a school impact fee ordinance is in effect prior to the payment date. Developer will be issued school impact fee credits for use at Parklands West DRI and/or Parklands DRI or anywhere else in the impact fee district in which Parklands and Parklands West DRI's are located in an amount equal to the full amount of cash contributions. If the school impact fee ordinance is adopted, the cash contribution identified in this development order shall not be considered a cap or a satisfaction of the impact fee application for both projects, but will be used to offset the impact fee requirements. The credits or offset shall only be available to the Developer or entity that made the actual payments. Transferability of the impact fee credits will be provided for in the school impact fee ordinance. The funds received to mitigate the impacts of development within the City of Bonita Springs must be spent within the corporate boundaries of the City, or within the impact fee district provided for in the proposed school impact fee ordinance, whichever is more restrictive. The funds must be used for capital improvements or other expenditures that are consistent with state law with the expenditure of impact fee revenues.

F. HOUSING

The developer shall provide a housing analysis in accordance with 9J-2.048, Florida Administrative Code prior to the development of the commercial center and provide mitigation in accordance with the rule for any regionally significant unmet demand for low income housing to mitigate the impacts for prospective employees of the proposed commercial and office establishments.

In addition, the Developer will participate in any lawfully adopted City of Bonita Springs ordinance which establishes more stringent mitigative measures than those delineated in Rule 9J-2.048, Florida Administrative Code, in a manner which is consistent with the dictates of §380.06(15)(e)(1), Florida Statutes, should an ordinance

be adopted by the City prior to the commencement of the local development order process.

G. VEGETATION

The developer of his successor(s) must utilize a strong native landscaping program throughout the project, with an effort to save or create native upland habitat. This program must be submitted to the City of Bonita Springs for review as part of the local final development review process.

H. COMMUNITY SERVICES

1. The developer must mitigate the project's negative fiscal impact by paying fire impact fees in accordance with the Lee County Land Development Code. This condition is consistent with the agreement dated October 14, 1985, with the Bonita Springs Fire Control and Rescue District. (Agreement is attached as Exhibit "E".) Fiscal impacts on the District will be further examined in the monitoring program described in Section A. (Fiscal Requirements). Further contributions may be required based on the outcome of that program.

2. If the height of buildings in the development exceed three (3) habitable stores, or if other construction styles or occupancy types so warrant, the developer must purchase the ladder trucks and other equipment deemed necessary for this specialized fire protection by the Bonita Springs Fire District, and donate the equipment to the District.

3. The Bonita Springs Fire Control and Rescue District is encouraged to coordinate with the North Naples Fire Control District to formalize a response policy to assure that Collier County residences are protected at all phases of Parklands' residential and access road construction.

4. The Lee County Sheriff's Department is encouraged to coordinate with the Collier County Sheriff's Department to formalize a response policy that will assure police protection when necessary to the Collier County Parklands residents, at all phases of access road residential construction.

5. The Lee County Emergency Medical Services is encouraged to coordinate with the applicable Collier County Agency to assure a coordinated response policy for providing emergency medical services to the project during all phases of development.

I. RECREATIONAL FACILITIES AND OPEN SPACE

1. The developer must pay community and regional parks impact fees in accordance with the Lee County Land Development Code. Open space must be provided in accordance with the Land Development Code as well.

J. WATER SUPPLY

Water conserving devices must be installed in all new construction in accordance with state law (Chapter 553.14, F.S.). The development will be served by the Bonita Springs Water System. Adequate information has been submitted to confirm that the Bonita Springs Water System will not be adversely impacted by the development. If an on-site wellfield is developed for all or part of the project, more detailed information will be required at the time of permit application to confirm that the proposed wellfield will not adversely impact the resource, other existing legal users, or the environment.

K. COMMERCIAL AREA

The commercial area located in the northwest corner of the project is being enlarged and reconfigured in response to reflect the portion of the commercial area that was dedicated to Lee County as part of Bonita Beach Road. In addition, the commercial area is being reconfigured to provide for certain internal road realignments evolving market conditions. The new commercial area will remain ten be increased to twenty-seven and nine tenths (27.9±) acres in size. The sketch and legal description for the new commercial area is attached hereto and incorporated herein as Exhibit F.

L. RESIDENTIAL AREA

The residential portion of the project is being reconfigured in response to evolving market conditions. The new residential area will be nine hundred twenty-two and twenty-eight one hundredths (922.28±) acres in size. The sketch and legal description for the residential area is attached hereto and incorporated herein as Exhibit G.

M. L-TOWN CENTER CONCEPT

A Town Center concept is being introduced as part of the commercial area in the northwest corner of the project. Multiple family dwelling units will be allowed to be located within the Town Center area subject to Condition No. 4 of City of Bonita Springs Zoning Ordinance No. 03-03.

N. M-DENSITY AND LAND USE CONVERSION

The RPD portion of the project located in the City of Bonita Springs, Florida, is limited to 1,290 residential dwelling units (all of which were initially approved as multi-

family units) and a nine-hole golf course. The CPD portion of the project located in the City of Bonita Springs, Florida, is limited to 120,000 square feet of retail.

Multi-family units may be converted to single family units at a rate of 2.0 multi-family units per single family unit and retail square footage may be converted to single family units at a rate of 156 square feet per single family unit. Further, up to 1,290 multi-family dwelling units and up to 120,000 square feet of retail floor area may be converted to single family dwelling units, so long as the cumulative P.M. peak hour net new trip generation does not exceed 1,217 net new trips and such that the number of dwelling units does not exceed 1,290. Multi-family units and retail floor area may only be converted to single family units. No conversion may occur from single family units to multi-family units or retail floor area. Any other change in land uses will require filing of a Notice of Proposed Change.

PARKLANDS
UNIT CONVERSION TABLE

	<u>Single Family</u> (DU's)
<u>Multi-Family</u> (0.52 T.E./DU)	<u>2.0 DU</u>
<u>Retail</u> (6.28 T.E./1 KSF)	<u>156 s.f.</u>

NOTES:

- (1) 2.0 multi-family units converts to one (1) single family unit.
- (2) 156 square feet of Retail converts to one (1) single family unit.

O. ~~N.~~ OTHER

1. The master plan as incorporated into the zoning resolution adopted for the property is subject to modification, as the following issues have not been resolved:

- (a) The Bonita Springs Water System's wellfield expansion program could place potable water wells in proximity to The Parklands. Local, regional, or state resolutions concerning allowable land uses within a wellfield zone of influence may require significant changes to the master plan.

- (b) The South Florida Water Management District has indicated that only a governmental agency or special taxing district may accept responsibility for the operation and maintenance of the proposed "pumped" surface water management system. If no such entity accepts this responsibility, the entire system may require major redesigning, thereby altering the master plan.

BE IT FURTHER ORDAINED, by the City Council of the City of Bonita Springs, Florida, that:

1. This ordinance shall constitute the Development Order of the City Council issued in response to the Notice of Proposed Change filed on behalf of The Parklands.

2. All commitments and impact mitigating actions volunteered by the developer in the Application for Development Approval and supplementary documents and not in conflict with conditions or stipulations specifically enumerated above are hereby adopted to this Development Order by reference.

3. This Development Order is binding upon the developers and their heirs, assignees or successors in interest. Those portions of this Development Order that clearly apply only to the Project developer, including but not limited to the initial construction of capital facilities, will not be construed to be binding upon future residents of dwelling units or persons purchasing individual sites for personal residential purposes. The development order is binding upon any builder/developer who acquires any tract of land within The Parklands.

It is hereby declared that the terms and conditions set out in this document constitute a basis upon which the developer and City may rely in future actions necessary to implement fully the final development contemplated by this Ordinance and Development Order.

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

4. It is understood that any reference herein to any governmental agency will be construed to mean future instrumentalities created and designate as successor in interest to, or which otherwise possesses the powers and duties of the referenced governmental agency in existence on the effective date of this Development Order.

5. If any portion or section of this Development Order is determined to be invalid, illegal, or unconstitutional by a court of competent jurisdiction, such decision will not affect the remaining portions or sections of the Development Order.

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

7. Subsequent requests for local development permits will not be subject to further review pursuant to Section 380.06, Florida Statutes, unless the City Council finds, after due notice and hearing, that one or more of the following is present:

- (a) A substantial deviation from the terms or conditions of this development order, or other changes to the approved development plans create a reasonable likelihood of adverse regional impacts or other regional impacts that were not evaluated in the review by the Southwest Florida Regional Planning Council; or
- (b) An expiration of the period of effectiveness of this development order.

Upon a finding that either of the above is present, the City Council must order a termination of all development activity until the developer submits a new DRI Application for Development Approval, and that ADA is reviewed and approved in accordance with Section 380.06, Florida Statutes.

8. Physical development has commenced pursuant to this Development Order. This Development Order will terminate on November 18, 2011, unless an extension is approved. An extension may be granted by the City Council if the project has been developing substantially in conformance with the original plans and approval conditions, and if no substantial adverse impacts not known to the Southwest Florida Regional Planning Council or to City of Bonita Springs at the time of their review and approval, or arising due to the extension, have been identified. Future requests to extend time will be evaluated cumulatively with past request in accordance with Chapter 380.06(19). For the purpose of calculating when a buildout date has been exceeded, the time will be tolled during a pendency of administrative and judicial proceedings relating to development permits.

9. The City Manager of the City of Bonita Springs or his/her designee, will be the local official responsible for assuring compliance with this Development Order.

10. The developer, or his successor(s) in title to the undeveloped portions of the property, must submit a monitoring report annually to the City of Bonita Springs City Council, and Collier County Board of County Commissioners, the Southwest Florida Regional Planning Council, the State land planning agency, and all affected permit agencies. This report must describe the status of development and compliance as of the date of submission, and must be consistent with the rules of the State land planning

agency. The first monitoring report must be submitted to the City of Bonita Springs not later than June 1, 2003, and further reporting must be submitted not later than June 1st of subsequent calendar years. Failure to comply with this reporting procedure is governed by Section 380.06, Florida Statutes. The developer must inform successors in title to the undeveloped portion of the real property covered by this Development Order of this reporting obligation. Successors in interest must comply with all terms and conditions of this Development Order. The failure of a predecessor in interest to inform any successors in interest of all the terms and conditions of this Development Order will not negate the requirement that every developer of the property comply with all the terms and conditions contained herein. The monitoring requirement does not require reporting from residents or successor of individual homesites.

11. The development will not be subject to down-zoning, unit density reduction, or intensity reduction, for five (5) years following the approval of zoning, or amendments thereto unless the City demonstrates that substantial changes have occurred in the conditions underlying the approval of the development order including, but not limited to, a substantial deviation occurring due to the provisions requiring at least fiscal neutrality as described at the end of Section A, or that the development order was based on substantially inaccurate information provided by the developer, or that the change is clearly established by local government to be essential to the public health, safety, and welfare.

12. Certified copies of this Development Order will be forwarded to the Southwest Florida Regional Planning Council, the developer, and appropriate state agencies by the City. This Development Order is rendered as of the date of that transmittal, but is not effective until the expiration of the statutory appeals period (45 days from rendition) or until the completion of any appellate proceedings, whichever time is greater. Upon this Development Order becoming effective, the developer must record a notice of this adoption in accordance with Chapter 380.06, Florida Statutes.

THE MOTION TO ADOPT the above amendments to the Development Order was offered by Councilman _____ and seconded by Councilman _____ and, upon pool of the members present, the vote was as follows:

Jay G. Arend _____
Wayne Edsall _____
Ben Nelson, Jr. _____
Alex Grantt _____

David Piper, Jr. _____
Robert Wagner _____
John Joyce _____

DULY PASSED AND ENACTED BY THE COUNCIL OF THE CITY OF BONITA
SPRINGS, LEE COUNTY, FLORIDA THIS _____ DAY OF _____, 2004.

AUTHENTICATION:

Mayor Jay G. Arend

City Clerk

APPROVED AS TO FORM:

City Attorney

Date filed with City Clerk:

Exhibits: A. Land Use Table
 B. Sketch of Land Area comprising the Parklands
 C. Master Concept Plan (Map H) (Parklands - Lee)
 D. Lee County Administrative Code 13-16
 E. Agreement with Bonita Springs Fire & Rescue District dated
 October 14, 1985.
 F. Legal Description and Sketch for CPD Area
 G. Legal Description and Sketch for RPD Area



LEE COUNTY
SOUTHWEST FLORIDA

BOARD OF COUNTY COMMISSIONERS

Writer's Direct Dial Number: 479-8585

Bob Janes
District One

November 3, 2004

Douglas R. St. Cerny
District Two

Ray Judah
District Three

Mr. Gary Muller
1482 Argyle Drive
Fort Myers, FL 33919

Andrew W. Coy
District Four

John E. Albion
District Five

Re: **Agenda Schedule for Parklands DRI**
Case No. DRI2004-00004 & DCI2004-00021

Donald D. Stilwell
County Manager

Dear Mr. Gary Muller:

James G. Yaeger
County Attorney

Your request has been scheduled before the City Council of the City of Bonita Springs for a **SECOND READING** of an ordinance on the referenced matter. Public comment by participants will be taken during this hearing.

Diana M. Parker
County Hearing Examiner

DATE & TIME: November 22, 2004, Meeting commences at 9:00 a.m.

LOCATION: Bonita Springs Utilities Board Room
11900 East Terry Street
Bonita Springs, FL 34135

Be advised all exhibits presented to City Council are required to be retained by the City Clerk for the minutes and records. The City encourages the applicant to provide reduced copies of these exhibits for the record as an alternative to a full size copy, for reproduction purposes.

Call if you have any questions.

DEPARTMENT OF COMMUNITY DEVELOPMENT
Zoning Division


Jamie Prining
Administrative Assistant

cc: Parklands Development Limited Partnership
Henderson, Franklin, Starnes & Holt, P.A.
Metro Transportation Group, Inc.
Banks Engineering, Inc.
Bryan Kelner, Principal Planner
Zoning File

U:\200411\DR20040.000\4\APPLETTERCOUNCIL 2ND.WPD

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

AN EQUAL OPPORTUNITY AFFIRMATIVE ACTION EMPLOYER



LEE COUNTY
SOUTHWEST FLORIDA

BOARD OF COUNTY COMMISSIONERS

Writer's Direct Dial Number: 479-8585

Bob Janes
District One

October 13, 2004

Douglas R. St. Cerny
District Two

Ray Judah
District Three

Andrew W. Coy
District Four

John E. Albion
District Five

Donald D. Stilwell
County Manager

James G. Yaeger
County Attorney

Diana M. Parker
County Hearing
Examiner

Mr. Gary Muller
1482 Argyle Drive
Fort Myers, FL 33919

Re: Agenda Schedule for Parklands DRI
Case No. DRI2004-00004 & DCI2004-00021

Dear Mr. Gary Muller:

Your request has been scheduled before the City Council of the City of Bonita Springs for a **FIRST READING** of an ordinance on the referenced matter. Public comment will not be taken at the First Reading.

DATE & TIME: November 3, 2004, Meeting commences at 5:30 p.m.

LOCATION: Bonita Springs Utilities Board Room
11900 East Terry Street
Bonita Springs, FL 34135

The first reading is a reading of the request and the second reading is the hearing.

A second reading on this matter is tentatively scheduled for November 22, 2004 at 9:00 a.m. at the same location.

Be advised all exhibits presented to City Council are required to be retained by the City Clerk for the minutes and records. The City encourages the applicant to provide reduced copies of these exhibits for the record as an alternative to a full size copy for reproduction purposes.

Call if you have any questions.

DEPARTMENT OF COMMUNITY DEVELOPMENT
Zoning Division

Jamie Princing
Jamie Princing
Administrative Assistant

cc: Parklands Development Limited Partnership
Henderson, Franklin, Starnes & Holt, P.A.
Metro Transportation Group, Inc.
Banks Engineering, Inc
Bryan Kelner, Principal Planner
Zoning File

U:\200410\VDRI20040.000\4\APPLETTERCOUNCIL.WPD

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

From: "Charles Basinait" <Charles.Basinait@henlaw.com>
To: <audrey.vance@cityofbonitasprings.org>
Date: 10/12/2004 2:48 PM
Subject: Parklands DRI2004-00004 AND DCI 2004-00021
CC: <farrarb@ronto.com>, <gfmuller@peganet.com>, "Treesh, Ted"
<TBT@metrotransportation.com>, <DUnderhill@BanksEng.com>,
<KELNERBJ@leegov.com>

Audrey

As we discussed this morning I would like an additional modification to the draft Ordinance re the above. I am requesting that the legal and sketch for the CPD and RPD areas be referenced and added as exhibits. Also since we are indicating that the CPD area is increasing in size we should probably mention that the RPD area is decreasing in size. I would recommend the following:

1. Please modify section A.1)a. of the Ordinance to read as follows:

"Approve increasing the size of the commercial planned development (CPD) development area (sketch and legal description attached hereto and labeled as Exhibit B) from 10.02 acres to 27.90 acres and approve decreasing the size of the residential planned development (RPD) development area (sketch and legal description attached hereto and labeled as Exhibit C) from 305.01 to 287.13 acres;" and

2. Please modify section B.1.(a) of the Ordinance to read as follows:

"increase the CPD development area (sketch and legal description attached hereto and labeled as Exhibit B) from 10.02 acres to 27.90 acres and decrease the RPD development area (sketch and legal description attached hereto and labeled as Exhibit C) from 305.01 acres to 287.13 acres"; and

3. As a side note you also need to change the Exhibit letter in paragraph A.2)1. -----Map H should be labeled as Exhibit D, not Exhibit C.

Let me know if you have any concerns about these changes.

Thanks

Chuck

PS I am sending you a similar email on Parklands West.

PSS---to Dave Underhill---Dave-please check my numbers and make sure they are right.

Charles J. Basinait, Esq.
Henderson, Franklin, Starnes & Holt, P.A.
1715 Monroe Street
Post Office Box 280
Fort Myers, Florida 33902-8433
Telephone: 239.337.8433
Facsimile: 239.334.4100
Email: charles.basinait@henlaw.com

b1e

Bryan Kelner - RE: Parklands Case No. DRI 2004-00004 and DCI 2004-00021

From: Bryan Kelner
To: Vance, Audrey
Date: 10/12/2004 3:36 PM
Subject: RE: Parklands Case No. DRI 2004-00004 and DCI 2004-00021
CC: Basinait, Charles; Muller, Gary

Audrey,

I reviewed the changes suggested by Chuck and have no concern with number 1 or 2 (DRI2004-00004), since they reflect the decision of the Zoning Board.

With regard to number 3 (DCI2004-00021), I think this added condition is redundant, since the relocation of the access is covered in the deviation request and is shown on the MCP in reference to the deviation request. The only benefit to adding the language, suggested by Chuck, is that it provides a common reference between the DRI and the DCI with respect to the relocation of the Bonita Beach Road access. The numbers should still give the same location for the Bonita Beach Road access (+ or -).

>>> "Audrey Vance" <audrey.vance@cityofbonitasprings.org> 10/12/04 11:07AM >>>

Bryan:

Changes suggested by Chuck.

Audrey E. Vance
City Attorney
City of Bonita Springs
9220 Bonita Beach Road #108
Bonita Springs, Florida 34135
(239) 390-1000 FAX (239) 390-3274
audrey.vance@cityofbonitasprings.org

From: Charles Basinait [mailto:Charles.Basinait@henlaw.com]
Sent: Tuesday, October 12, 2004 10:40 AM
To: Audrey Vance
Cc: farrarb@ronto.com; TBT@metrotransportation.com; DUnderhill@BanksEng.com; gfmuller@peganet.com
Subject: Parklands Case No. DRI 2004-00004 and DCI 2004-00021

Audrey

I would suggest the following changes to the Parklands DRI/DCI Ordinance:

1. In section "A. CASE NUMBER DRI 2004-00004" please add a new paragraph 1)c. to read as follows: "Approve relocation of the Bonita Beach Road access point to the CPD development area approximately 260 feet to the west."
2. In section "A. CASE NUMBER DRI 2004-00004" in paragraph 2.1. you should delete the following: "subject to Map 'H' being modified to retain the existing access onto Bonita Beach Road for the CPD development area." As a consequence, section A.2)1. should end after the reference to Exhibit C.
3. In section "B. CASE NUMBER DCI 2004-00021" please add a new paragraph 1.e. to read as follows: "approve relocation of the Bonita Beach Road access point to the CPD development area approximately 260 feet to the west."

Presuming that the above changes are made to the document then we have no further comments.

Please let me know if you have any questions or any concerns re the above.

Charles J. Basinait, Esq.
Henderson, Franklin, Starnes & Holt, P.A.
1715 Monroe Street
Post Office Box 280
Fort Myers, Florida 33902-8433
Telephone: 239.337.8433
Facsimile: 239.334.4100
Email: charles.basinait@henlaw.com

Please note: Florida has a very broad public records law. Most written communications to or from Bonita Springs officials regarding City business are public records available to the public and media upon request. Your e-mail communications may be subject to public disclosure.

From: "Audrey Vance" <audrey.vance@cityofbonitasprings.org>
To: <KELNERBJ@leegov.com>
Date: 10/12/2004 11:02 AM
Subject: RE: Parklands Case No. DRI 2004-00004 and DCI 2004-00021
CC: <farrarb@ronto.com>, <TBT@metrotransportation.com>, <DUnderhill@BanksEng.com>, <gfmuller@peganet.com>, "Charles Basinait" <Charles.Basinait@henlaw.com>

Bryan:

Changes suggested by Chuck.

Audrey E. Vance
City Attorney
City of Bonita Springs
9220 Bonita Beach Road #108
Bonita Springs, Florida 34135
(239) 390-1000 FAX (239) 390-3274
audrey.vance@cityofbonitasprings.org

From: Charles Basinait [mailto:Charles.Basinait@henlaw.com]
Sent: Tuesday, October 12, 2004 10:40 AM
To: Audrey Vance
Cc: farrarb@ronto.com; TBT@metrotransportation.com; DUnderhill@BanksEng.com; gfmuller@peganet.com
Subject: Parklands Case No. DRI 2004-00004 and DCI 2004-00021

Audrey

I would suggest the following changes to the Parklands DRI/DCI Ordinance:

1. In section "A. CASE NUMBER DRI 2004-00004" please add a new paragraph 1)c. to read as follows: "Approve relocation of the Bonita Beach Road access point to the CPD development area approximately 260 feet to the west."
2. In section "A. CASE NUMBER DRI 2004-00004" in paragraph 2.1. you should delete the following: "subject to Map 'H' being modified to retain the existing access onto Bonita Beach Road for the CPD development area." As a consequence, section A.2)1. should end after the reference to Exhibit C.
3. In section "B. CASE NUMBER DCI 2004-00021" please add a new paragraph 1.e. to read as follows: "approve relocation of the Bonita Beach Road access point to the CPD development area approximately 260 feet to the west."

Presuming that the above changes are made to the document then we have no further comments.

Please let me know if you have any questions or any concerns re the above.

Charles J. Basinait, Esq.
Henderson, Franklin, Starnes & Holt, P.A.
1715 Monroe Street
Post Office Box 280
Fort Myers, Florida 33902-8433

Telephone: 239.337.8433

Facsimile: 239.334.4100

Email: charles.basinait@henlaw.com

Please note: Florida has a very broad public records law. Most written communications to or from Bonita Springs officials regarding City business are public records available to the public and media upon request. Your e-mail communications may be subject to public disclosure.

Bryan Kelner - RE: Revised DRI Development Orders for Parklands (DRI 2004-00004) and Parklands West (DRI 2004-00005)

To 3000 file

From: Bryan Kelner
To: Vance, Audrey
Date: 10/12/2004 11:00 AM
Subject: RE: Revised DRI Development Orders for Parklands (DRI 2004-00004) and Parklands West (DRI 2004-00005)
CC: Basinait, Charles

Audry,

I looked at both DRI amendments and the changes proposed are what Chuck had previously submitted in the draft DRI amendments. However, I offer the following comments:

Parklands West:

1. No list of Exhibits were attached to the DRI amendment as referenced in the DRI development order.

Parklands:

1. Page 2, of the DRI amendment, Item B., references various City Ordinances. Should Ordinance 03-08 be added to this list?
2. The Exhibits cited were not attached and therefore could not be reviewed.

>>> "Audrey Vance" <audrey.vance@cityofbonitasprings.org> 10/06/04 02:48PM >>>
Chuck:

Thank you. I look forward to reviewing with Bryan.

Audrey E. Vance
City Attorney
City of Bonita Springs
9220 Bonita Beach Road #108
Bonita Springs, Florida 34135
(239) 390-1000 FAX (239) 390-3274
audrey.vance@cityofbonitasprings.org

From: Charles Basinait [mailto:Charles.Basinait@henlaw.com]
Sent: Wednesday, October 06, 2004 2:21 PM
To: Audrey Vance; farrarb@ronto.com; gfmuller@peganet.com; Treesh, Ted; DUnderhill@BanksEng.com; KELNERBJ@leegov.com
Subject: Revised DRI Development Orders for Parklands (DRI 2004-00004) and Parklands West (DRI 2004-00005)

I have attached revised DRI DO's for both Parklands and Parklands West. The changes were all clean-up matters and were not substantive in nature. Please let me know if you have any questions.

Charles J. Basinait, Esq.
Henderson, Franklin, Starnes & Holt, P.A.
1715 Monroe Street
Post Office Box 280

Fort Myers, Florida 33902-8433

Telephone: 239.337.8433

Facsimile: 239.334.4100

Email: charles.basinait@henlaw.com

Please note: Florida has a very broad public records law. Most written communications to or from Bonita Springs officials regarding City business are public records available to the public and media upon request. Your e-mail communications may be subject to public disclosure.



GARY F. MULLER, AICP

1482 ARGYLE DRIVE • FORT MYERS, FLORIDA 33919 • 813/939-0111 • FAX 813/939-0611

to zone file.

September 9, 2004

Mr. Bryan Kelner, Principal Planner
Lee County DCD
Zoning Division
Post Office Box 398
Fort Myers, Florida 33902-0398

**RE: Parklands DRI
DRI2004-00004**

Dear Mr. Kelner:

I have reviewed your drafted language for the requested Notice of Proposed Change (NOPC) on the above-referenced project and am writing to confirm that the wording is satisfactory. In lieu of a formal pre-hearing conference, the applicant would prefer to meet informally with staff, after the staff report has been issued.

If you have any further questions regarding these matters, please let me know.

Sincerely,

Gary F. Muller, AICP

cc: Brian Farrar
Chuck Basinait
Dave Underhill

RECEIVED

SEP 09 2004

ZONING



LEE COUNTY
SOUTHWEST FLORIDA

LEE COUNTY
RECEIVED

04 SEP -8 PM 1:04

COMM. DEV/
PUB. WRKS. CNTR.
SECOND FLOOR

DEPARTMENT OF
TRANSPORTATION

To same file
DLI 2004-00004.

Memo

To: Bryan Kelner
Principal Planner

From:

Andrew J. Getch
Andrew Getch, P.E.
Senior Engineer

Date: September 7, 2004

Re: Parklands NOPC
DRI2004-00004 & DCI2004-00021

The Lee County Department of Transportation (LCDOT) has received this request to the City of Bonita Springs to revise the DRI and Zoning Master Concept Plan (MCP). Of concern to LCDOT is the request to relocate an approved access point along Bonita Beach Road to be less than 660 feet arterial connection separation. Bonita Beach Road is an arterial currently maintained by Lee County.

The location of the approved access point on the existing MCP is depicted as 696 feet east of the entrance to Palmira (aka Parklands West) and 660 feet west of the main entrance to Parklands DRI. The proposed MCP revised July 9, 2004 depicts a separation of 462 feet. The minimum arterial connection separation standard in LDC Section 10-285 is 660 feet. The request is to relocate the approved driveway approximately 198 feet west. Justification provided to staff relates to mixture of internal project traffic in the CPD portion of the mixed-use development. The justification does not relate to the health, safety and welfare of the traveling public on Bonita Beach Road. While it is possible to construct a right turn lane between the proposed relocated access and the Palmira entrance, the applicant's internal traffic concerns would more appropriately be addressed through the design of internal circulation.

Similar to Bonita Beach Road west of I-75, smaller parcels on the north side of Bonita Beach Road east of I-75 may make achievement of connection separation more difficult. However, previous traffic studies for projects along the south side of Bonita Beach Road indicate the need to widen Bonita Beach Road to 4 lanes when the projects are developed. At the time of 4-laning, introduction of a median would limit the measurement between connection points to each side.

The Lee County MPO 2020 Financially Feasible Highway Plan shows 4-laning of Bonita Beach Road. The western property line of the Parklands as well as Bonita Beach Road along the project frontage are among alignments under consideration in the CR 951 Preliminary Development and Environmental (PD&E) Study. A recommendation on the PD&E is anticipated in 2005.

Based upon the above, staff does not recommend the request for reduced connection separation. However, should the City choose to approve the proposed driveway location on the MCP, LCDOT would issue a right of way permit for a driveway at the proposed location.

AJG/mlb

cc: John Fredyma, Assistant County Attorney



LEE COUNTY
SOUTHWEST FLORIDA

BOARD OF COUNTY COMMISSIONERS

Writer's Direct Dial Number: 479-8585

Bob Janes
District One

September 7, 2004

Douglas R. St. Cerny
District Two

Ray Judah
District Three

Andrew W. Coy
District Four

John E. Albion
District Five

Donald D. Stilwell
County Manager

James G. Yaeger
County Attorney

Diana M. Parker
County Hearing Examiner

Mr. Gary Muller
1482 Argyle Drive
Fort Myers, FL 33919

Re: Agenda Schedule for Parklands DRI NOPC
Case No. DRI2004-00004 & DCI2004-00021

Dear Mr. Gary Muller:

Your zoning request has been scheduled before the Zoning Board for Land Use Hearings of the City of Bonita Springs on October 1, 2004, at 11:00 a.m.. The hearing will be conducted in the Bonita Springs Utilities Board Room, 11860 East Terry Street, Bonita Springs, FL 34135.

Your zoning sign will be ready for pickup any time after September 3, 2004, at the drive-thru window at 1500 Monroe St., Ft. Myers, FL. This sign must be posted in accordance with Department procedures no later than September 16, 2004, and is to remain posted until final decision is rendered.

Call if you have any questions.

DEPARTMENT OF COMMUNITY DEVELOPMENT
Zoning Division


Jamie Princing
Administrative Assistant

cc: Parklands Development Limited Partnership
Henderson, Franklin, Starnes & Holt, P.A.
Metro Transportation Group, Inc.
Banks Engineering, Inc
Bryan Kelner, Principal Planner
Zoning File

to: son f. h

From: Kim Trebatoski
To: Kelner, Bryan
Date: 9/2/04 10:08AM
Subject: DRI2004-00004

Bryan - There are no environmental issues with the proposed changes to the DRI.

Kim Trebatoski
Principal Environmental Planner
DCD - Environmental Sciences
trebatkm@leegov.com
239-479-8183
FAX 239-479-8319



THE SCHOOL DISTRICT OF LEE COUNTY

2055 CENTRAL AVENUE • FORT MYERS, FLORIDA 33901-3916 • (239) 334-1102 • TTD/TTY (239) 335-1512

04 SEP -2 AM 9:05

COMM. DEV/
PUB. WRKS. CNTR.
SECOND FLOOR

JEANNE S. DOZIER
CHAIRMAN • DISTRICT 2

ELINOR C. SCRICCA, PH.D.
VICE CHAIRMAN • DISTRICT 5

ROBERT D. CHILMONIK
DISTRICT 1

JANE E. KUCKEL, PH.D.
DISTRICT 3

STEVEN K. TEUBER
DISTRICT 4

JAMES W. BROWDER, ED.D.
SUPERINTENDENT

KEITH B. MARTIN
BOARD ATTORNEY

September 1, 2004

Mr. Bryan Kelner
Lee County Development Services Division
P.O. Box 398
Fort Myers, FL 33902-0398

Re: Parklands DRI NOPC, DRI Substantive Review, Case #DRI2004-00004

Dear Mr. Kelner:

Thank you for the opportunity to review Parklands for substantive comments with regard to educational impacts. This proposed development is in the South Choice Zone of the District, on Bonita Beach Road east of I-75 in the City of Bonita Springs Planning Area. This letter is in response to your request dated August 27, 2004.

Although the applicant states that a maximum of 1,290 residential dwelling units will be constructed, the breakdown between single family and multifamily units was not provided. Therefore, the School District of Lee County is assuming that all of the units are single family. Based on the proposed maximum total of 1,290 single family residential dwelling units, the Lee County School District is estimating that the proposal could generate up to 454 additional school-aged children. This uses a generation rate of 0.352 students per unit generated in the South Choice Zone of Lee County for single family units. This would create the need for approximately 21 new classrooms in the system, as well as additional staff and core facilities. Using the new small classroom legislative guidelines, additional classrooms may be generated.

The Lee County Board of County Commissioners adopted a School Impact Fee Ordinance on November 27, 2001, effective at this time. As such, the Parklands developers will be expected to pay the impact fee at the appropriate time.

Thank you for your attention to this issue. If I may be of further assistance, please give me a call at (239) 479-4205.

Sincerely,

Kathy Babcock, Long Range Planner
Department of Construction and Planning

Cc: William G. Moore, Jr.
Executive Director, School Support

DISTRICT VISION

TO PREPARE EVERY STUDENT FOR SUCCESS

DISTRICT MISSION

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zoning file

ZONING DIVISION
CITY OF BONITA SPRINGS
DEVELOPMENT OF REGIONAL IMPACT SUBSTANTIVE REVIEW
TRANSMITTAL SHEET

TO: Distribution

FROM: Bryan Kelner

DATE: 08/27/2004

Audrey Vance, City Attorney
TIS Reviewer - Bob Rentz
DS Reviewer - Don Blackburn
Paul O'Connor, Planning
Kim Trebatoski, Environmental Sciences
Andy Getch, LCDOT
Kathy Babcock, Lee County School District
Roland Ottolini, Natural Resources
Luis Machado, Zoning

PROJECT NAME: PARKLANDS DRI NOPC

CASE #: DRI2004-00004

INFORMATION SUMMARY:

To update your file
X Review and forward substantive comments **ASAP**.

RESPONSE REQUIRED BY: 09/06/2004

Additional Comments:

cc: DRI planner/working file
DRI Zone File

Distributed by: Shawn Meredith

Date: 08/27/2004



Writer's Direct Dial Number: 239-479-8363

CITY OF BONITA SPRINGS

Jay G. Arend
Mayor

Wayne Edsall
District One

Alex Grantt
District Two

Robert Wagner
District Three

John Joyce
District Four

David Piper, Jr.
District Five

Ben L. Nelson, Jr.
District Six

Gary A. Price
City Manager

Audrey E. Vance
City Attorney

August 27, 2004

MR. GARY F. MULLER
1482 ARGYLE DRIVE
FORT MYERS, FL 33919

Re: PARKLANDS DRI NOPC
DRI2004-00004 - NPC Application (NOPC)

Dear MR. GARY F. MULLER :

The Zoning Division has reviewed the information provided and supplemented for the Development or Regional Impact request referenced above. The application is now sufficient and the formal request has been drafted from your application as follows:

Requesting a Notice of Proposed Change (NOPC) to the Parklands DRI incorporating the following changes: Increase the size of the commercial planned development (CPD) development area from 10.02 acres to 27.90 acres; and shift the Bonita Beach Road access to the CPD development area 260± feet to the west. These two changes are being done concurrently with the Parklands RPD/CPD zoning amendment DCI2004-00021.

NOTE: If approved, the Master Concept Plan (available for inspection at 1500 Monroe St., in Ft. Myers) may deviate from certain Land Development Code (LDC) standards.

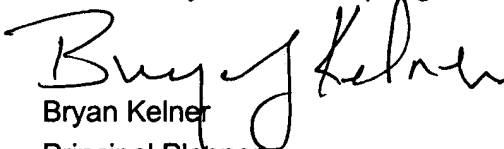
Please review this language carefully, and notify me in writing by September 10, 2004 whether or not this wording is satisfactory. Staff's substantive comments, along with the staff report, are being prepared. This request has been tentatively scheduled for public hearing before the Bonita Springs Zoning Board of Adjustments and Appeals on October 1, 2004. However, please note that this is a tentative date that is subject to change and that Lee County will be held harmless for any potential delay in effectuating compliance with the tentative hearing date.

MR. GARY F. MULLER
RE: PARKLANDS DRI NOPC
DRI2004-00004
August 27, 2004
Page 2

You may schedule or waive a formal pre-hearing conference to discuss substantive issues. Contact me if you have any questions or if you would like to meet informally prior to the public hearings.

Sincerely,

LEE COUNTY
DEPARTMENT OF COMMUNITY DEVELOPMENT
Zoning Division
For the City of Bonita Springs


Bryan Kelner
Principal Planner

copy w/o attachments:

Pamela Houck, Division Director
Audrey Vance, City Attorney
DS Reviewer - Don Blackburn
Paul O'Connor, Planning
Kim Trebatoski, Environmental Sciences
Roland Ottolini, Natural Resources
Andy Getch, LCDOT
Kathy Babcock, Lee County School District
Billie Jacoby, DCD Admin
DRI Zoning File
DRI Working File



Writer's Direct Dial Number: 239-479-8363

CITY OF BONITA SPRINGS

Jay G. Arend
Mayor

June 3, 2004

Wayne Edsall
District One

Alex Grantt
District Two

Robert Wagner
District Three

John Joyce
District Four

David Piper, Jr.
District Five

Ben L. Nelson, Jr.
District Six

Gary A. Price
City Manager

Audrey E. Vance
City Attorney

MR. GARY F. MULLER
1482 ARGYLE DRIVE
FORT MYERS, FL 33919

Re: PARKLANDS DRI NOPC
DRI2004-00004 - NPC Application (NOPC)

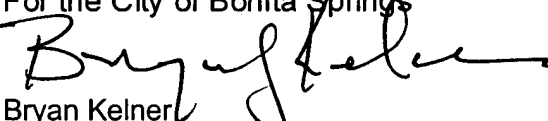
Dear MR. GARY F. MULLER :

The Zoning Division has reviewed the information provided for the above Development of Regional Impact application. The Land Development Code requires additional information for the applicant to be sufficient. Please respond to each requirement not satisfied on the attached sufficiency checklists. For your assistance, we have enclosed any additional memoranda from the various Lee County reviewing agencies.

If you do not provide the requested supplements or corrections within 60 calendar days of this letter, the Code requires that this application be considered withdrawn. Please feel free to contact me or the staff reviewers if you have any questions.

Sincerely,

LEE COUNTY
DEPARTMENT OF COMMUNITY DEVELOPMENT
Zoning Division
For the City of Bonita Springs


Bryan Kelner
Principal Planner

MR. GARY F. MULLER
RE: PARKLANDS DRI NOPC
DRI2004-00004
June 3, 2004
Page 2

cc: Pamela Houck, Division Director
Audrey Vance, City Attorney
Paul O'Connor, Planning
Kim Trebatoski, Environmental Sciences
Roland Ottolini, Natural Resources
Andy Getch, LCDOT
Billie Jacoby, DCD Admin
DRI Zoning File
DRI Working File

MR. GARY F. MULLER
RE: PARKLANDS DRI NOPC
DRI2004-00004
June 3, 2004
Page 3

LCDOT Sufficiency Checklist

1) Sufficiency Comments.

- a) The requested to move an approved access point from a location that meets the arterial connection separation of 660 feet between project access points to move the access 260 feet west is not convincing. The applicant has not provided traffic analysis or addressed turn lanes to justify the request. The proposed MCP shows the CPD expanding to the east and south while the access point is requested to be shifted west. The south boundary of the CPD is shown on the Zoning MCP to interconnect with the Parklands West entrance. The interconnection is not shown on the DRI MCP.
- b) The northern and western project boundaries are one of the remaining alternative alignments identified in the C.R. 951 PD&E.

2) The LCDOT reviewer may be contacted regarding any questions on the LCDOT Checklist.

Andy Getch @ 479-8510

Legal Requirements Sufficiency Checklist

6) All applications requiring a public hearing must include the following: [34-202(a)]

See below.

6a1) The legal description must be sufficiently detailed so as to locate the property on county maps or section aerial photographs. [34-202(a)(1)]

Please refer to the following:

Legal 1 (Parklands Parcel): Sufficient.

Legal 2 (Parklands CPD Parcel): Insufficient. Please re-orient (when applicable) the radial line bearing calls on curves 2, 3, 5 & 7. [See (6b)].

Legal 3 (Parklands Less CPD Parcel): Insufficient because includes "less and except language". Please provide a metes and bounds description & sketch that "excludes less & except language" by providing accurate bearings and distances for every boundary line of the RPD net area of (287.24 ac). Identify this legal as Parklands RPD parcel.

MR. GARY F. MULLER
RE: PARKLANDS DRI NOPC
DRI2004-00004
June 3, 2004
Page 4

6b) Certified sketch of description. A certified sketch of description as set out in chapter 61G 17-6.006, Florida Administrative Code, must be provided unless the subject property consists of one or more undivided platted lots in a subdivision recorded in the Official County Plat Books. [34-202(a)(2)]

Please refer to the following:

Curve Table for (Parklands CPD Parcel): Please revise & correct the following:

- a. curve 2 = its chord bearing should bear S58-06-33E instead of N58-06-33W
- b. curve 3 = should bear N/E instead of S/W
- c. curve 5 = should bear N/E instead of S/W
- d. curve 7 = should bear N/W instead of S/E

7) Miscellaneous Items.

Re: Easements Rights-of-Way & other Encumbrances:

If any easements, restrictions, reservations, rights, interests or claims do encroach the property subject to this request and will be affected by the proposed development as depicted on the modified MCP, proof of releases or agreements must be provided prior to local development order approval or the MCP must be redrawn to accommodate the easements. In the interim, all existing easements must be indicated on the MCP.

Note: "Sufficiency or non-applicability of Legal Requirements subject to change upon review of subsequent resubmittals."

8) Contact. The Planner may be contacted regarding any questions on this Checklist.

Please contact Luis G. Machado, Planning Technician / Zoning at (239) 479-8485 or e-mail: lmachado@leegov.com

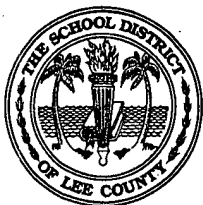
Bonita Springs Sufficiency Checklist for Planned Developments, Amendments, and Existing Developments Requesting Planned Development Zoning

1d1) The names of all parties having interest in the subject property including the names of all stockholders and the names of beneficiaries of trusts must be provided. [34-201(b)(2)a. & 34-202(b)(1)a]

Parklands Development LP appears to be made up of two companies: Ronto Development Parklands, Inc. and Parklands Development LLC. However, this is not indicated in the disclosure of Interest form. Please clarify or provide a new updated disclosure of interest form.

21) Miscellaneous Items.

See attached comments from The School District of Lee County.



THE SCHOOL DISTRICT OF LEE COUNTY

2055 CENTRAL AVENUE • FORT MYERS, FLORIDA 33901-3916 • (239) 334-1102 • TTD/TTY (239) 335-1512

04 MAY 21 AM 9:00

LEE COUNTY
RECEIVED
COMM. DEV/
PUB. WRKS. CNTR.
SECOND FLOOR

May 18, 2004

Mr. Bryan Kelner
Lee County Development Services Division
P.O. Box 398
Fort Myers, FL 33902-0398

JEANNE S. DOZIER
CHAIRMAN • DISTRICT 2

ELINOR C. SCRICCA, PH.D.
VICE CHAIRMAN • DISTRICT 5

ROBERT D. CHILMONIK
DISTRICT 1

JANE E. KUCKEL, PH.D.
DISTRICT 3

STEVEN K. TEUBER
DISTRICT 4

JAMES W. BROWDER, ED.D.
SUPERINTENDENT

KEITH B. MARTIN
BOARD ATTORNEY

Re: Parklands, DCI Substantive Review, Case #DRI2004-00004

Dear Mr. Kelner:

Thank you for the opportunity to review Parklands for substantive comments with regard to educational impacts. This proposed development is in the South Choice Zone of the District, on Bonita Beach Road east of I-75 in the City of Bonita Springs Planning Area. This letter is in response to your request dated April 9, 2004 and replaces my earlier letter dated April 28, 2004.

Although the applicant states that a maximum of 1,290 residential dwelling units will be constructed, the breakdown between single family and multifamily units was not provided. Therefore, the School District of Lee County is assuming that all of the units are single family. Based on the proposed maximum total of 1,290 single family residential dwelling units, the Lee County School District is estimating that the proposal could generate up to 454 additional school-aged children. This uses a generation rate of 0.352 students per unit generated in the South Choice Zone of Lee County for single family uses. This would create the need for approximately 21 new classrooms in the system, as well as additional staff and core facilities. Using the new small classroom legislative guidelines, additional classrooms may be generated.

The Lee County Board of County Commissioners adopted a School Impact Fee Ordinance on November 27, 2001, effective at this time. As such, the Parklands developers will be expected to pay the impact fee at the appropriate time.

Thank you for your attention to this issue. If I may be of further assistance, please give me a call at (239) 479-4205.

Sincerely,

Kathy Babcock, Long Range Planner
Department of Construction and Planning

Cc: William G. Moore, Jr.
Executive Director, School Support

DISTRICT VISION

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DISTRICT MISSION

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THE SCHOOL DISTRICT OF LEE COUNTY

2055 CENTRAL AVENUE • FORT MYERS, FLORIDA 33901-3916 • (239) 334-1102 • TTD/TTY (239) 335-1512

JEANNE S. DOZIER
CHAIRMAN • DISTRICT 2

ELINOR C. SCRICCA, PH.D.
VICE CHAIRMAN • DISTRICT 5

ROBERT D. CHILMONIK
DISTRICT 1

JANE E. KUCKEL, PH.D.
DISTRICT 3

STEVEN K. TEUBER
DISTRICT 4

JAMES W. BROWDER, ED.D.
SUPERINTENDENT

KEITH B. MARTIN
BOARD ATTORNEY

April 28, 2004

Mr. Bryan Kelner
Lee County Development Services Division

P.O. Box 398
Fort Myers, FL 33902-0398

Re: Parklands, DCI Substantive Review, Case #DRI2004-00004

Dear Mr. Kelner:

Thank you for the opportunity to review Parklands for substantive comments with regard to educational impacts. This proposed development is in the South Choice Zone of the District, on Bonita Beach Road east of I-75 in the City of Bonita Springs Planning Area. This letter is in response to your request dated April 9, 2004.

The application as submitted is **INSUFFICIENT** for review. Although the applicant states that a maximum of 1,290 residential dwelling units will be constructed, the breakdown between single family and multifamily units was not provided. Therefore, the School District of Lee County is assuming that all of the units are single family. Based on the proposed maximum total of 1,290 single family residential dwelling units, the Lee County School District is estimating that the proposal could generate up to 454 additional school-aged children. This uses a generation rate of 0.352 students per unit generated in the South Choice Zone of Lee County for single family uses. This would create the need for approximately 21 new classrooms in the system, as well as additional staff and core facilities. Using the new small classroom legislative guidelines, additional classrooms may be generated.

The Lee County Board of County Commissioners adopted a School Impact Fee Ordinance on November 27, 2001, effective at this time. As such, the Parklands developers will be expected to pay the impact fee at the appropriate time.

Thank you for your attention to this issue. If I may be of further assistance, please give me a call at (239) 479-4205.

Sincerely,

Kathy Babcock, Long Range Planner
Department of Construction and Planning

Cc: William G. Moore, Jr.
Executive Director, School Support

DISTRICT VISION

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DISTRICT MISSION

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LEE COUNTY
RECEIVED

04 APR 30 AM 11:34

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PUB. WRKS. CNTR.
SECOND FLOOR



ZONING DIVISION
CITY OF BONITA SPRINGS
DEVELOPMENT OF REGIONAL IMPACT SUFFICIENCY REVIEW
TRANSMITTAL SHEET

TO: Distribution

FROM: Bryan Kelner

DATE: 04/09/2004

Audrey Vance, City Attorney
TIS Reviewer - Bob Rentz
DS Reviewer - *Susan Hollingsworth*
Paul O'Connor, Planning
Kim Trebatoski, Environmental Sciences
Andy Getch, LCDOT
Kathy Babcock, Lee County School District
Roland Ottolini, Natural Resources
Jerry Murphy, Zoning

*** REVIEWERS - remember permit plan checklists should now be used.**

PROJECT NAME: PARKLANDS DRI NOPC

CASE #: DRI2004-00004

INFORMATION SUMMARY:

NEW SUBMITTAL

To update your file
X Review and forward sufficiency
questions or make finding of
sufficiency

RESPONSE REQUIRED BY: 04/30/2004

Additional Comments:

(DRI) Lee County LDC Section 34-373(d)(1).

Sufficiency and Completeness

No hearing will be scheduled for an application for a Planned Development until the application has been found sufficient. All applications for Planned Developments will be deemed sufficient unless a letter advising the applicant of any insufficiencies has been mailed within fifteen (15) working days of submittal of the application. All amended applications will be deemed sufficient unless a subsequent letter advising the applicant of any insufficiencies has been mailed within fifteen (15) working days of the date of the resubmittal. The contents of insufficiency letters will be limited to brief explanations of the manner in which insufficient applications do not comply with the formal requirements in Section 34-373.

cc: DRI planner/working file
DRI Zone File

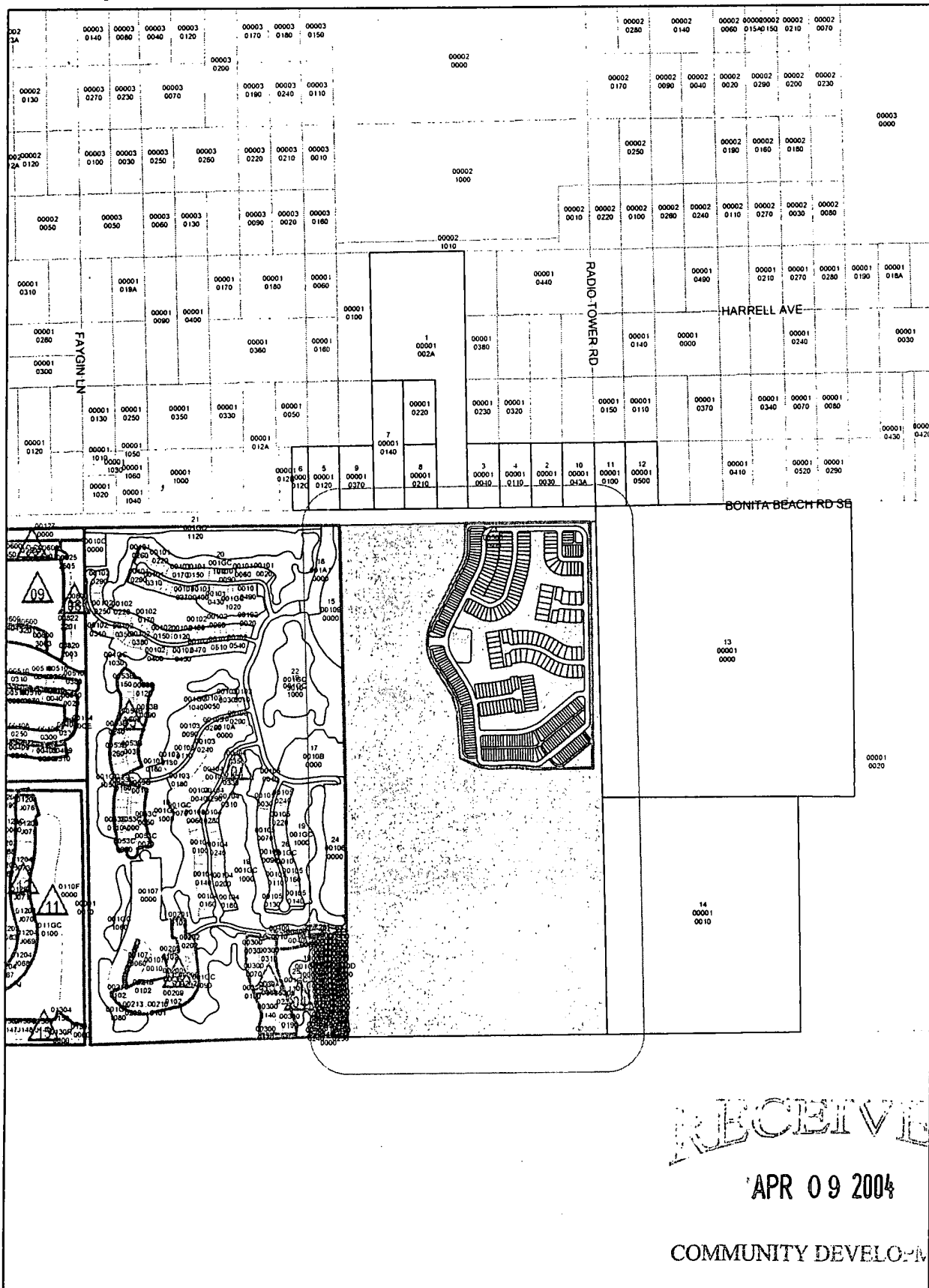
Distributed by: Jessica M Smith

Date: 04/12/2004

VARIANCE REPORT

1/26/2004

Subject Parcels : 381 Affected Parcels : 66 Buffer Distance : 375 ft



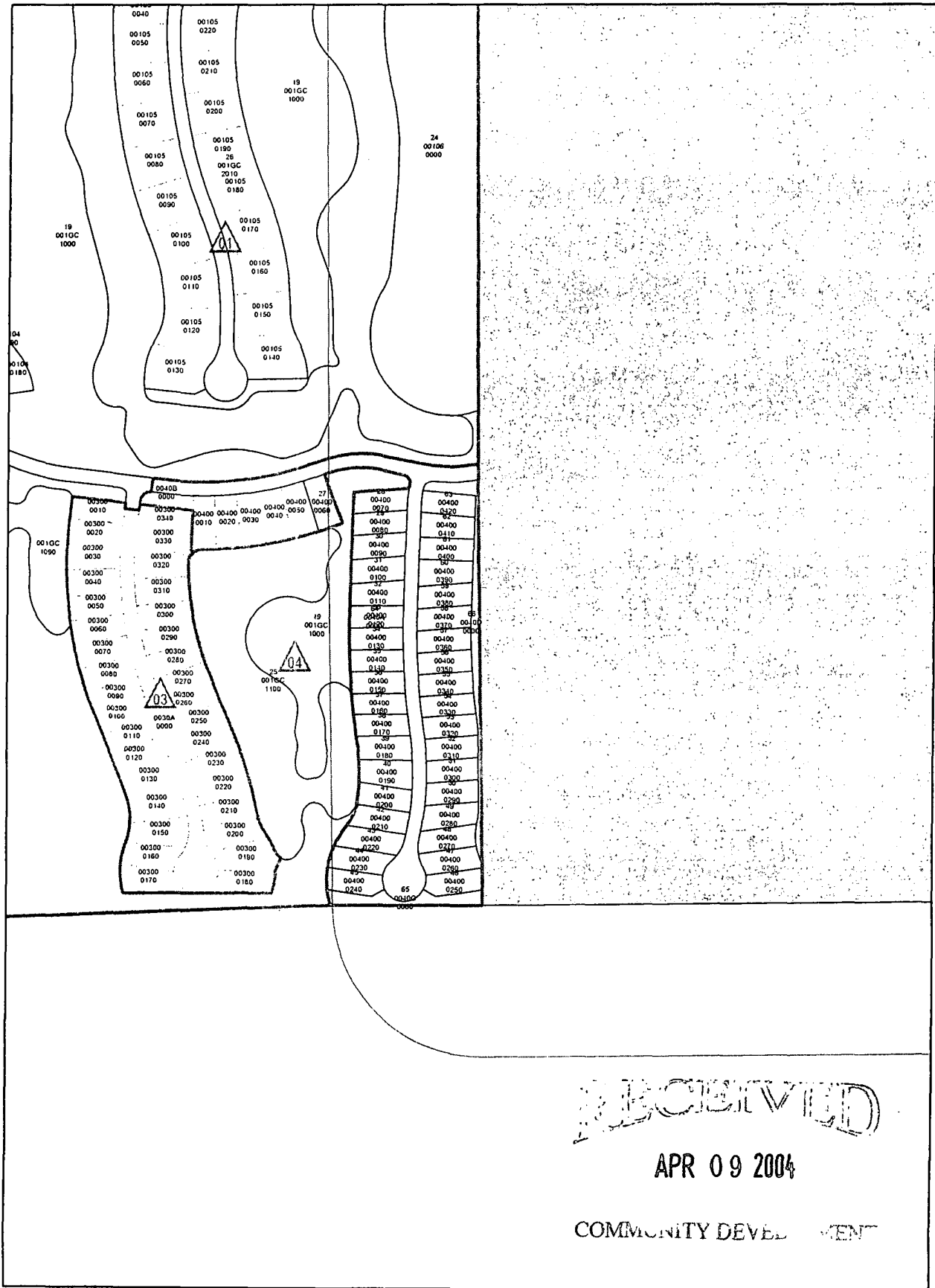
DRI 2004-00004

04-48-26-B2-00001.0000 et al. 1,600 800 0 1,600 Feet

VARIANCE REPORT

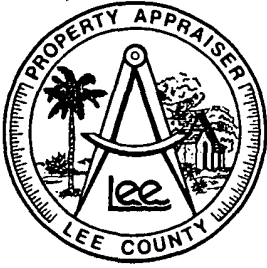
1/26/2004

Subject Parcels : 381 Affected Parcels : 66 Buffer Distance : 375 ft



04-48-26-B2-00001.0000 et al.

420 210 0 420 Feet



Lee County Property Appraiser

Kenneth M. Wilkinson, C.F.A.

GIS Department / Map Room

Phone: (239) 339-6159 • Fax: (239) 339-6139 • eMail: MapRoom@LeePA.org

VARIANCE REPORT

Date of Report: January 26, 2004
Buffer Distance: 375 ft
Parcels Affected: 66
Subject Parcel: 04-48-26-B2-00001.0000, 04-48-26-B2-00500.0010,
04-48-26-B2-00500.0020, 04-48-26-B2-00500.0030,
04-48-26-B2-00500.0040, 04-48-26-B2-00500.0050,
04-48-26-B2-00500.0060, 04-48-26-B2-00500.0070,
04-48-26-B2-00500.0080, 04-48-26-B2-00500.0090,
04-48-26-B2-00500.0100, 04-48-26-B2-00500.0110,
04-48-26-B2-00500.0120, 04-48-26-B2-00500.0130,
04-48-26-B2-00500.0140, 04-48-26-B2-00500.0150,
04-48-26-B2-00500.0160, 04-48-26-B2-00500.0170,
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RECEIVED

APR 09 2004

COMMUNITY DEVELOPMENT

DRI 2004-00004

[illegible]

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 04-48-26-B2-005S1.0000, 04-48-26-B2-005S2.0000,
 04-48-26-B2-005S3.0000, 04-48-26-B2-005S4.0000,
 04-48-26-B2-005S5.0000

OWNER NAME AND ADDRESS

PLUMOSA FARMS INC
 % C LABERMEIER
 6080 CYPRESS HOLLOW WAY
 NAPLES FL 34109

STRAP AND LOCATION

33-47-26-00-00001.002A
 0 ACCESS UNDETERMINED
 BONITA SPRINGS FL 34135

LEGAL DESCRIPTION

E3/4 OF NW 1/4 OF SE 1/4 +
 E1/2 OF E1/2 OF SW1/4
 OF SE 1/4

OWNER NAME AND ADDRESS**STRAP AND LOCATION****LEGAL DESCRIPTION**

B + C INVESTMENTS OF NAPLES
209 RIDGE DR
NAPLES FL 34108

33-47-26-00-00001.0030
14920 BONITA BEACH RD SE
BONITA SPRINGS FL 34135

THE W 1/2 OF SE 1/4 OF SE
1/4 OF SE 1/4

LIN JULIE S TR 50% +
4753 PINFISH CT
BONITA SPRINGS FL 34134

33-47-26-00-00001.0040
14820 BONITA BEACH RD SE
BONITA SPRINGS FL 34135

W 1/2 OF SW 1/4 OF SE 1/4
OF SE 1/4

FRISBEE EDWARD + MARY
601 NW 63RD AVE
HOLLYWOOD FL 33024

33-47-26-00-00001.0110
14860 BONITA BEACH RD SE
BONITA SPRINGS FL 34135

E 1/2 OF SW 1/4 OF SE 1/4
OF SE 1/4

LIN STUTZ JULIE TR
4735 PINFISH CT
BONITA SPRINGS FL 34134

33-47-26-00-00001.0120
14450 BONITA BEACH RD SE
BONITA SPRINGS FL 34135

E 1/2 OF SE 1/4 OF SE 1/4
OF SW 1/4 LESS W 1.29 FT
+ S 25 FT + E 25 FT R/WS

MATTHEW MARTHA
4900 N OHIO ST
GROVERTOWN IN 46531

33-47-26-00-00001.012C
14430 BONITA BEACH RD SE
BONITA SPRINGS FL 34135

PARL IN SE 1/4 OF SE 1/4
OF SW 1/4 DESC IN
OR 1506 PG 1477

HIGHGATE CORPORATION
P O BOX 2467
BONITA SPRINGS FL 34133

33-47-26-00-00001.0140
14700 BONITA BEACH RD SE
BONITA SPRINGS FL 34135

E 1/2 OF NW 1/4 OF SW 1/4
OF SE 1/4 AND E 1/2 OF SW
1/4 OF SW 1/4 OF SE 1/4

GODFREY G T + VIRGINIA
2341 NW 70TH AVE
HOLLYWOOD FL 33024

33-47-26-00-00001.0210
14730 BONITA BEACH RD SE
BONITA SPRINGS FL 34135

W 1/2 OF SE 1/4 OF SW 1/4
OF SE 1/4

LOMBARDI DOMINIC F TR
135 ALDRICH ST
GRANBY MA 01033

33-47-26-00-00001.0370
14650 BONITA BEACH RD SE
BONITA SPRINGS FL 34135

THE W 1/2 OF SW 1/4 OF SW
1/4 OF SE 1/4 LESS RD R/W

SALDIVAR RAUL SR TR
FOR RAUL SALDIVAR SR TRUST
13520 BONITA BEACH RD
BONITA SPRINGS FL 34135

33-47-26-00-00001.043A
14980 BONITA BEACH RD SE
BONITA SPRINGS FL 34135

E 1/2 OF SE 1/4 OF SE 1/4
OF SE 1/4
FR 33-47-26-00-00001.0430

SOUTH FL WATER MANAGEMENT
C/O DEPT OF ENVIRON PROT
3900 COMMONWEALTH BLVD
TALLAHASSEE FL 32399

34-47-26-00-00001.0100
15030 BONITA BEACH RD SE
BONITA SPRINGS FL 34135

W 1/2 OF SW 1/4 OF SW 1/4
OF SW 1/4

S FL WATER MGMT DIST
P O BOX 24680
W PALM BEACH FL 33416

34-47-26-00-00001.0500
15080 BONITA BEACH RD SE
BONITA SPRINGS FL 34135

THE E 1/2 OF SW 1/4 OF SW
1/4 OF SW 1/4

CORKSCREW GROWERS INC
7373 VANDERBILT BEACH RD EXT
NAPLES FL 34119

03-48-26-B1-00001.0000
15501 BONITA BEACH RD SE
BONITA SPRINGS FL 34135

ALL SEC 3. LESS OR 4019 PG
2893

DIVOSTA AND COMPANY INC
4500 PGA BLVD STE 400
PALM BEACH GARDENS FL 33418

03-48-26-B4-00001.0010
ACCESS UNDETERMINED
FL

PARL LOC IN THE SW 1/4 OF
SW 1/4 DESC IN OR 3920/4635

PARKLANDS DEVELOPMENT
3185 HORSESHOE DR S
NAPLES FL 34105

04-48-26-B1-00109.0000
RESERVED
FL

PALMIRA GOLF + COUNTRY
CLUB
DESC IN PB 68 PGS 59-68
PARCEL 9

PARKLANDS DEVELOPMENT
3185 HORSESHOE DR S
NAPLES FL 34105

04-48-26-B1-0010A.0000
RIGHT-OF-WAY
FL

PALMIRA GOLF + COUNTRY
CLUB
DESC IN PB 68 PGS 59-68
TRACT A

PARKLANDS DEVELOPMENT
3185 HORSESHOE DR S
NAPLES FL 34105

04-48-26-B1-0010B.0000
28501 MATTEOTTI VIEW
BONITA SPRINGS FL 34135

PALMIRA GOLF + COUNTRY
CLUB
DESC IN PB 68 PGS 59-68
TRACT B

PARKLANDS WEST COMMUNITY
10300 NW 11TH MANOR
CORAL SPRINGS FL 33071

04-48-26-B1-001A1.0000
RIGHT-OF-WAY
FL

PALMIRA GOLF + COUNTRY
CLUB
DESC IN PB 68 PGS 59-68
TRACT A-1

PARKLANDS DEVELOPMENT
3185 HORSESHOE DR S
NAPLES FL 34105

04-48-26-B1-001GC.1000
GOLF COURSE
FL

PALMIRA GOLF + COUNTRY
CLUB
DESC IN PB 68 PGS 59-68
POR OF TRACT GC-1 LESS OR
3472 PG 4768

OWNER NAME AND ADDRESS**STRAP AND LOCATION****LEGAL DESCRIPTION**

PARKLANDS WEST COMMUNITY
10300 NW 11TH MANOR
CORAL SPRINGS FL 33071

04-48-26-B1-001GC.1010
SUMBERGED
FL

PALMIRA GOLF + COUNTRY
CLUB
DESC IN PB 68 PGS 59-68
POR TR GC-1 DESC OR
3472/4768

PARKLANDS WEST COMMUNITY
10300 NW 11TH MANOR
CORAL SPRINGS FL 33071

04-48-26-B1-001GC.1120
GOLF COURSE
FL

PALMIRA GOLF + COUNTRY
CLUB
DESC IN PB 68 PGS 59-68
POR TR GC-1 + POR OF TRACT
C DESC OR 3472/4768

PARKLANDS WEST COMMUNITY
10300 NW 11TH MANOR
CORAL SPRINGS FL 33071

04-48-26-B1-001GC.3010
SUBMERGED
BONITA SPRINGS FL 34135

PALMIRA GOLF + COUNTRY
CLUB
DESC IN PB 68 PGS 59-68
POR TR GC-3 DESC OR
3472/4768

DOMINICK CATHERINE E
29011 ALESSANDRIA CIR
NAPLES FL 34135

04-48-26-B2-00500.1500
29011 ALESSANDRIA CIR
BONITA SPRINGS FL 34135

SAN REMO AT PALMIRA
DESC IN PB 74 PGS 55-68
LOT 150

PARKLANDS DEVELOPMENT
3185 HORSESHOE DR S
NAPLES FL 34105

04-48-26-B4-00106.0000
RESERVED
FL

PALMIRA GOLF + COUNTRY
CLUB
DESC IN PB 68 PGS 59-68
PARCEL 6

PARKLANDS WEST COMMUNITY
10300 NW 11TH MANOR
CORAL SPRINGS FL 33071

04-48-26-B4-001GC.1100
SUBMERGED
FL

PALMIRA GOLF + COUNTRY
CLUB
DESC IN PB 68 PGS 59-68
POR TR GC-1 DESC OR
3472/4768

PARKLANDS WEST COMMUNITY
10300 NW 11TH MANOR
CORAL SPRINGS FL 33071

04-48-26-B4-001GC.2010
GOLF COURSE
FL

PALMIRA GOLF + COUNTRY
CLUB
DESC IN PB 68 PGS 59-68
POR TR GC-2 DESC OR
3472/4768

CENTEX HOMES
5801 PELICAN BAY BLVD STE 600
NAPLES FL 34108

04-48-26-B4-00400.0060
14184 GIUSTINO WAY
BONITA SPRINGS FL 34135

PALMIRA GOLF + C C PARCEL
8-B
PB 72 PGS 90 + 91
LOT 6

PARKLANDS DEVELOPMENT
3185 HORSESHOE DR S
NAPLES FL 34105

04-48-26-B4-00400.0070
23606 VIA CARINO LN
BONITA SPRINGS FL 34135

PALMIRA GOLF + C C PARCEL
8-B
PB 72 PGS 90 + 91
LOT 7

PARKLANDS DEVELOPMENT
3185 HORSESHOE DR S
NAPLES FL 34105

04-48-26-B4-00400.0080
23612 VIA CARINO LN
BONITA SPRINGS FL 34135

PALMIRA GOLF + C C PARCEL
8-B
PB 72 PGS 90 + 91
LOT 8

PARKLANDS DEVELOPMENT
3185 HORSESHOE DR S
NAPLES FL 34105

04-48-26-B4-00400.0090
23616 VIA CARINO LN
BONITA SPRINGS FL 34135

PALMIRA GOLF + C C PARCEL
8-B
PB 72 PGS 90 + 91
LOT 9

PARKLANDS DEVELOPMENT
3185 HORSESHOE DR S
NAPLES FL 34105

04-48-26-B4-00400.0100
23620 VIA CARINO LN
BONITA SPRINGS FL 34135

PALMIRA GOLF + C C PARCEL
8-B
PB 72 PGS 90 + 91
LOT 10

PARKLANDS DEVELOPMENT
3185 HORSESHOE DR S
NAPLES FL 34105

04-48-26-B4-00400.0110
23624 VIA CARINO LN
BONITA SPRINGS FL 34135

PALMIRA GOLF + C C PARCEL
8-B
PB 72 PGS 90 + 91
LOT 11

PARKLANDS DEVELOPMENT
3185 HORSESHOE DR S
NAPLES FL 34105

04-48-26-B4-00400.0120
23628 VIA CARINO LN
BONITA SPRINGS FL 34135

PALMIRA GOLF + C C PARCEL
8-B
PB 72 PGS 90 + 91
LOT 12

PARKLANDS DEVELOPMENT
3185 HORSESHOE DR S
NAPLES FL 34105

04-48-26-B4-00400.0130
23632 VIA CARINO LN
BONITA SPRINGS FL 34135

PALMIRA GOLF + C C PARCEL
8-B
PB 72 PGS 90 + 91
LOT 13

PARKLANDS DEVELOPMENT
3185 HORSESHOE DR S
NAPLES FL 34105

04-48-26-B4-00400.0140
23636 VIA CARINO LN
BONITA SPRINGS FL 34135

PALMIRA GOLF + C C PARCEL
8-B
PB 72 PGS 90 + 91
LOT 14

PARKLANDS DEVELOPMENT
3185 HORSESHOE DR S
NAPLES FL 34105

04-48-26-B4-00400.0150
23640 VIA CARINO LN
BONITA SPRINGS FL 34135

PALMIRA GOLF + C C PARCEL
8-B
PB 72 PGS 90 + 91
LOT 15

<u>OWNER NAME AND ADDRESS</u>	<u>STRAP AND LOCATION</u>	<u>LEGAL DESCRIPTION</u>
PARKLANDS DEVELOPMENT 3185 HORSESHOE DR S NAPLES FL 34105	04-48-26-B4-00400.0160 23644 VIA CARINO LN BONITA SPRINGS FL 34135	PALMIRA GOLF + C C PARCEL 8-B PB 72 PGS 90 + 91 LOT 16
PARKLANDS DEVELOPMENT 3185 HORSESHOE DR S NAPLES FL 34105	04-48-26-B4-00400.0170 23648 VIA CARINO LN BONITA SPRINGS FL 34135	PALMIRA GOLF + C C PARCEL 8-B PB 72 PGS 90 + 91 LOT 17
PARKLANDS DEVELOPMENT 3185 HORSESHOE DR S NAPLES FL 34105	04-48-26-B4-00400.0180 23652 VIA CARINO LN BONITA SPRINGS FL 34135	PALMIRA GOLF + C C PARCEL 8-B PB 72 PGS 90 + 91 LOT 18
PARKLANDS DEVELOPMENT 3185 HORSESHOE DR S NAPLES FL 34105	04-48-26-B4-00400.0190 23656 VIA CARINO LN BONITA SPRINGS FL 34135	PALMIRA GOLF + C C PARCEL 8-B PB 72 PGS 90 + 91 LOT 19
PARKLANDS DEVELOPMENT 3185 HORSESHOE DR S NAPLES FL 34105	04-48-26-B4-00400.0200 23660 VIA CARINO LN BONITA SPRINGS FL 34135	PALMIRA GOLF + C C PARCEL 8-B PB 72 PGS 90 + 91 LOT 20
PARKLANDS DEVELOPMENT 3185 HORSESHOE DR S NAPLES FL 34105	04-48-26-B4-00400.0210 23664 VIA CARINO LN BONITA SPRINGS FL 34135	PALMIRA GOLF + C C PARCEL 8-B PB 72 PGS 90 + 91 LOT 21
PARKLANDS DEVELOPMENT 3185 HORSESHOE DR S NAPLES FL 34105	04-48-26-B4-00400.0220 23668 VIA CARINO LN BONITA SPRINGS FL 34135	PALMIRA GOLF + C C PARCEL 8-B PB 72 PGS 90 + 91 LOT 22
PARKLANDS DEVELOPMENT 3185 HORSESHOE DR S NAPLES FL 34105	04-48-26-B4-00400.0230 23672 VIA CARINO LN BONITA SPRINGS FL 34135	PALMIRA GOLF + C C PARCEL 8-B PB 72 PGS 90 + 91 LOT 23
PARKLANDS DEVELOPMENT 3185 HORSESHOE DR S NAPLES FL 34105	04-48-26-B4-00400.0240 23676 VIA CARINO LN BONITA SPRINGS FL 34135	PALMIRA GOLF + C C PARCEL 8-B PB 72 PGS 90 + 91 LOT 24
PARKLANDS DEVELOPMENT 3185 HORSESHOE DR S NAPLES FL 34105	04-48-26-B4-00400.0250 23675 VIA CARINO LN BONITA SPRINGS FL 34135	PALMIRA GOLF + C C PARCEL 8-B PB 72 PGS 90 + 91 LOT 25
PARKLANDS DEVELOPMENT 3185 HORSESHOE DR S NAPLES FL 34105	04-48-26-B4-00400.0260 23671 VIA CARINO LN BONITA SPRINGS FL 34135	PALMIRA GOLF + C C PARCEL 8-B PB 72 PGS 90 + 91 LOT 26
PARKLANDS DEVELOPMENT 3185 HORSESHOE DR S NAPLES FL 34105	04-48-26-B4-00400.0270 23667 VIA CARINO LN BONITA SPRINGS FL 34135	PALMIRA GOLF + C C PARCEL 8-B PB 72 PGS 90 + 91 LOT 27
PARKLANDS DEVELOPMENT 3185 HORSESHOE DR S NAPLES FL 34105	04-48-26-B4-00400.0280 23663 VIA CARINO LN BONITA SPRINGS FL 34135	PALMIRA GOLF + C C PARCEL 8-B PB 72 PGS 90 + 91 LOT 28
PARKLANDS DEVELOPMENT 3185 HORSESHOE DR S NAPLES FL 34105	04-48-26-B4-00400.0290 23659 VIA CARINO LN BONITA SPRINGS FL 34135	PALMIRA GOLF + C C PARCEL 8-B PB 72 PGS 90 + 91 LOT 29
PARKLANDS DEVELOPMENT 3185 HORSESHOE DR S NAPLES FL 34105	04-48-26-B4-00400.0300 23655 VIA CARINO LN BONITA SPRINGS FL 34135	PALMIRA GOLF + C C PARCEL 8-B PB 72 PGS 90 + 91 LOT 30
PARKLANDS DEVELOPMENT 3185 HORSESHOE DR S NAPLES FL 34105	04-48-26-B4-00400.0310 23651 VIA CARINO LN BONITA SPRINGS FL 34135	PALMIRA GOLF + C C PARCEL 8-B PB 72 PGS 90 + 91 LOT 31
PARKLANDS DEVELOPMENT 3185 HORSESHOE DR S NAPLES FL 34105	04-48-26-B4-00400.0320 23647 VIA CARINO LN BONITA SPRINGS FL 34135	PALMIRA GOLF + C C PARCEL 8-B PB 72 PGS 90 + 91 LOT 32
PARKLANDS DEVELOPMENT 3185 HORSESHOE DR S NAPLES FL 34105	04-48-26-B4-00400.0330 23643 VIA CARINO LN BONITA SPRINGS FL 34135	PALMIRA GOLF + C C PARCEL 8-B PB 72 PGS 90 + 91 LOT 33

<u>OWNER NAME AND ADDRESS</u>	<u>STRAP AND LOCATION</u>	<u>LEGAL DESCRIPTION</u>
PARKLANDS DEVELOPMENT 3185 HORSESHOE DR S NAPLES FL 34105	04-48-26-B4-00400.0340 23639 VIA CARINO LN BONITA SPRINGS FL 34135	PALMIRA GOLF + C C PARCEL 8-B PB 72 PGS 90 + 91 LOT 34
PARKLANDS DEVELOPMENT 3185 HORSESHOE DR S NAPLES FL 34105	04-48-26-B4-00400.0350 23635 VIA CARINO LN BONITA SPRINGS FL 34135	PALMIRA GOLF + C C PARCEL 8-B PB 72 PGS 90 + 91 LOT 35
PARKLANDS DEVELOPMENT 3185 HORSESHOE DR S NAPLES FL 34105	04-48-26-B4-00400.0360 23631 VIA CARINO LN BONITA SPRINGS FL 34135	PALMIRA GOLF + C C PARCEL 8-B PB 72 PGS 90 + 91 LOT 36
PARKLANDS DEVELOPMENT 3185 HORSESHOE DR S NAPLES FL 34105	04-48-26-B4-00400.0370 23627 VIA CARINO LN BONITA SPRINGS FL 34135	PALMIRA GOLF + C C PARCEL 8-B PB 72 PGS 90 + 91 LOT 37
PARKLANDS DEVELOPMENT 3185 HORSESHOE DR S NAPLES FL 34105	04-48-26-B4-00400.0380 23623 VIA CARINO LN BONITA SPRINGS FL 34135	PALMIRA GOLF + C C PARCEL 8-B PB 72 PGS 90 + 91 LOT 38
PARKLANDS DEVELOPMENT 3185 HORSESHOE DR S NAPLES FL 34105	04-48-26-B4-00400.0390 23619 VIA CARINO LN BONITA SPRINGS FL 34135	PALMIRA GOLF + C C PARCEL 8-B PB 72 PGS 90 + 91 LOT 39
PARKLANDS DEVELOPMENT 3185 HORSESHOE DR S NAPLES FL 34105	04-48-26-B4-00400.0400 23615 VIA CARINO LN BONITA SPRINGS FL 34135	PALMIRA GOLF + C C PARCEL 8-B PB 72 PGS 90 + 91 LOT 40
PARKLANDS DEVELOPMENT 3185 HORSESHOE DR S NAPLES FL 34105	04-48-26-B4-00400.0410 23611 VIA CARINO LN BONITA SPRINGS FL 34135	PALMIRA GOLF + C C PARCEL 8-B PB 72 PGS 90 + 91 LOT 41
PARKLANDS DEVELOPMENT 3185 HORSESHOE DR S NAPLES FL 34105	04-48-26-B4-00400.0420 23605 VIA CARINO LN BONITA SPRINGS FL 34135	PALMIRA GOLF + C C PARCEL 8-B PB 72 PGS 90 + 91 LOT 42
PARKLANDS DEVELOPMENT 3185 HORSESHOE DR S NAPLES FL 34105	04-48-26-B4-0040A.0000 RIGHT OF WAY BONITA SPRINGS FL 34135	PALMIRA GOLF + C C PARCEL 8-B PB 72 PGS 90 + 91 TRACT A
PARKLANDS DEVELOPMENT 3185 HORSESHOE DR S NAPLES FL 34105	04-48-26-B4-0040C.0000 GOLF COURSE FL	PALMIRA GOLF + C C PARCEL 8-B PB 72 PGS 90 + 91 TRACT C
PARKLANDS DEVELOPMENT 3185 HORSESHOE DR S NAPLES FL 34105	04-48-26-B4-0040D.0000 GOLF COURSE FL	PALMIRA GOLF + C C PARCEL 8-B PB 72 PGS 90 + 91 TRACT D

66 RECORDS PRINTED

00177600003

Parklands Development, LP
3185 Horseshoe Drive South
Naples, FL 34104

00178240006

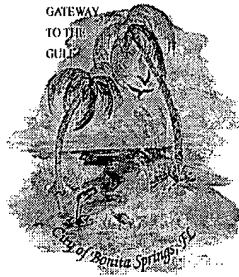
Imcollier Joint Venture
c/o Robert Clausen
6025 Carlton Lakes Boulevard
Naples, FL 34110-2401

Memo

To: FILE
From: Jessica Smith
Date: April 20, 2004
Subject: Courtesy Notice

A courtesy notice for this case was sent to all associations and to Gary Price, City Manager of Bonita Springs. A copy of the notice is attached.

Thank you,
Jessica Smith.



CITY OF BONITA SPRINGS

COURTESY NOTICE OF RECEIPT OF ZONING APPLICATION

Date: April 20, 2004

Case Number: DRI2004-00004

Case Name: PARKLANDS DRI NOPC

Request: Requesting a Notice of Proposed Change (NOPC) to the Parklands DRI incorporating the following changes: Increase the size of the commercial planned development (CPD) development area from 10.02 acres to 27.90 acres; and shift the Bonita Beach Road access to the CPD development area 260± feet to the west. These two changes are being done concurrently with the Parklands RPD/CPD zoning amendment DCI2004-00021.

Location: 14751 Bonita Beach Road (the property is located on the south side of Bonita Beach Road, approximately 2 1/4 miles east of I-75)

**PROPERTY OWNER'S
REPRESENTATIVE:**

MR. GARY F MULLER
239-939-0111

MR CHARLES BASINAIT
HENDERSON, FRANKLIN, STARNES &
239-334-4121

Lee County Planner:

Bryan Kelner
239-479-8363

The file may be reviewed Monday through Friday between the hours of 7:30 a.m. and 4:30 p.m. at the Lee County Development Services Division, 1500 Monroe St., Fort Myers, FL 33901. Call 239/479-8585 for additional information.

This is a courtesy notice. A public hearing date has not yet been set. You will receive another notice once the hearing date and time have been established.