



This case is also combined with

Case#: **DCI 2004-00085**

GIS Tracking Sheet

Case No.: DR12005-00003 & DCI2004-00085

Intake Date: 4-4-05

Project Name: Central Park

STRAP Number(s): 23-45-24-61-00000.00CE and 23-45-24-60-00000.2010

Planner Name: Ext.

Chip Block

8371

LEGAL DESCRIPTION VERIFICATION and INITIAL GIS MAPPING

Date: 4/25/05

ARC GIS

INTAKE: DR105003

LEGAL SUFFICIENT

☒ YES

☐ NO

Initials: LGM

If not, give brief explanation:

MAP UPDATE following FINAL ACTION

Date: 30 JAN 06

☐ Hearing Examiner Decision

☒ Board of County Commissioner's Resolution

☐ Administrative Approval

☐ Blue Sheet

Zoning Notes: 2-05-064, DR12005-00003 & DCI2004-00085, 07NOV05, AMEND CYPRESS LAKE CENTER DRI DEV. ORD TO EXTEND BUILD OUT DATE, REZONE 9.2 ACRES FROM CPD TO MPD TO ALLOW COMMERCIAL OFFICE, UNDERGROUND PARKING & RESIDENTIAL UNITS, CONDAS

MAP UPDATED

☒ YES

☐ NO

Initials: Jgg

If not, give brief explanation:

Created 501237
MPD: SAZILA

RECEIVED
APR 25 2005
ZONING

LEGAL DESCRIPTION

Lot 6 and Tract B, SUBDIVISION Cypress Lake Center Phase II, as recorded in Plat Book 39, Page 22-24 less phase B-1 Cypress Lake Center, Plat Book 43, Page 11, of the Public Records of Lee County, Florida, lying in Section 23, Township 45 South, Range 24 East, Lee County, Florida.

A subdivision in the East 1/2 of Section 23, Township 45 South, Range 24 East, Lee County, Florida.

Applicant's Legal Checked
by Lgm 4/25/2005

EXHIBIT PH-3.C.1

DRI 2005-00003

APR 25 2005

BOUNDARY SURVEY

TRACT "B" AND LOT 6
CYPRESS LAKE CENTER PHASE II
RECORDED IN PLAT BOOK 39, PAGES 22-24
SECTION 23, TOWNSHIP 45 SOUTH, RANGE 24 EAST
LEE COUNTY, FLORIDA

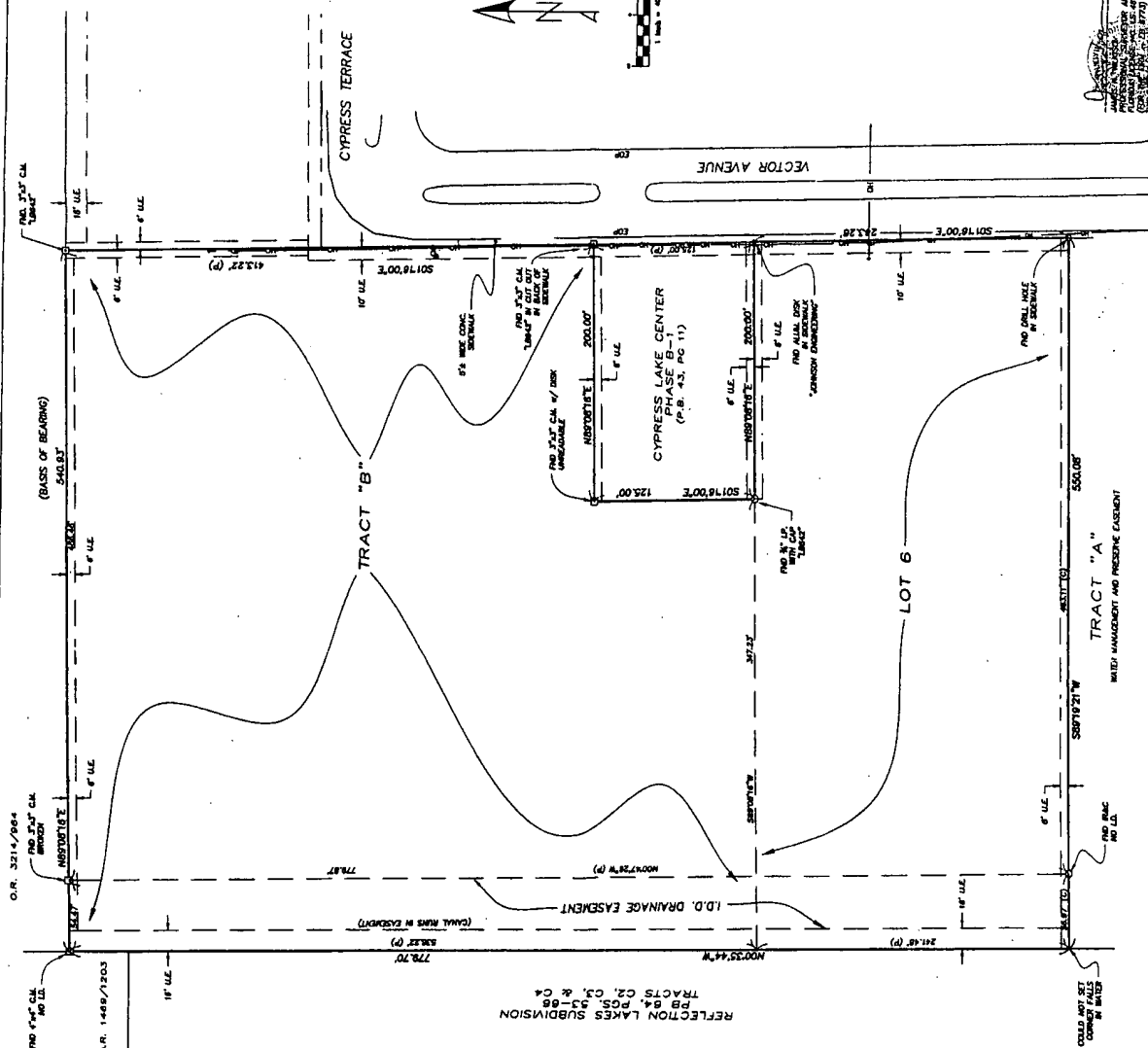
[illegible]

EXHIBIT PH-3.D.3 & 6-A

JEFFREY C. COONER AND ASSOCIATES, INC.
SURVEYING AND MAPPING
3900 COLONIAL BOULEVARD, SUITE 4, FORT MYERS, FLORIDA 33912
PHONE: (239) 277-0722 FAX: (239) 277-7179 EMAIL: SURVEYING@COONER.COM

Applicant's Survey Checked

By Lgm 4/25/2005.

CYPRESS LAKE CENTER PHASE II

SHEET 1 OF 3

RECEIVED

APR 25 2005

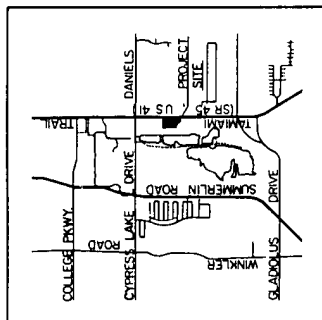
ZONING

A SUBDIVISION IN

THE EAST 1/2 OF THE SOUTHEAST 1/4 OF
SECTION 23, TOWNSHIP 45 SOUTH, RANGE 24 EAST
LEE COUNTY, FLORIDA

JUNE, 1987

JOHNSON ENGINEERING, INC.
CIVIL ENGINEERS - LAND SURVEYORS
FORT MYERS, FLORIDA

VICINITY MAP
SCALE: 1" = 1 MILE

APPROVALS

THIS PLAY ACCEPTED THIS 4th DAY OF August 1987 IN OPEN MEETING OF THE BOARD OF COUNTY COMMISSIONERS OF LEE COUNTY, FLORIDA

Bee Funnell
CHAIRMAN

Carol M. Chyzak
COUNTY ATTORNEY

COUNTY ENGINEER

Charlie Green
CLERK OF COURT

Director, Div. of Comm. Dev.

I HEREBY CERTIFY THAT THIS PLAT OF CYPRESS LAKE CENTER PHASE 11 WAS EXAMINED BY ME AND MY TEAM OF EXAMINERS ON 11/10/1977 AND THAT SAID PLAT COMPLIES WITH THE REQUIREMENTS OF CHAPTER 177, F.L.

THIS 11th DAY OF November 1977 A.D. AND WAS DULY RECORDED IN PLAT BOOK 34 AT PAGES 226-227 OF THE PUBLIC RECORDS OF LEE COUNTY, FLORIDA.

23163220

Charlie Green
CLERK OF THE CIRCUIT COURT
IN AND FOR LEE COUNTY

CLERK OF THE CIRCUIT COURT
IN AND FOR LEE COUNTY

CERTIFICATE

I HEREBY CERTIFY THAT THIS PLAT OF CYPRESS LAKE CENTER PHASE II IS A TRUE AND CORRECT REPRESENTATION OF THE HEREIN DESCRIBED LAND ACCORDING TO A RECENT SURVEY MADE AND PLATTED UNDER MY DIRECTION AND SUPERVISION, AND IN ACCORDANCE WITH THE LOWLAND SURVEYING REQUIREMENTS OF CHAPTER 217, FLORIDA STATUTES, AND MEETS THE MINIMUM TECHNICAL STANDARDS SET FORTH IN CHAPTER 214H-6, FLORIDA ADMINISTRATIVE CODE.

DONE THIS 23^{AD} DAY OF JUNE 1987 A.D.

JEFFREY C. COONER
PROFESSIONAL LAND SURVEYOR
FLORIDA CERTIFICATE NO. 4052

DRI 2005-00003



DEDICATION

WE KNOW ALL TEN BY THESE NAMES: THE VECTOR LAND GROUP, INC.; A FLORIDA CORPORATION, OWNER OF THE VECTER LANDS DESCRIBED ABOVE. AS WE KNOW THEM, THEY ARE THE SAME PERSONS WHOSE NAMES ARE ON THE DEEDS HEREBY DEDICATE TO THE PERPETUAL USE OF THE PUBLIC ALL DRIVES, ROADS, TRAILS, DRAINAGE CANALS, AND PUBLIC UTILITY EXCISEMENTS SHOWN AND DESCRIBED ON THE ATTACHED MAP. THE PURPOSES OF THE DEDICATION ARE: IMPROVING, VACATING AND AUGMENTING ALL PLAT DR PLATS OF SAID LANDS HERETOFORE MADE; AND CARRYING OUT THE PURPOSES OF SAID PLATS. THIS DEED IS BEING SIGNED BY ITS PRESIDENT, ARTHUR ROSES. THIS DAY OF JUNE, 1967 A.D.

ARTHUR MOSES, PRESIDENT

WITNESS

Eric M. Stein
WITNESS

WITNESS

ACKNOWLEDGMENT

[illegible]

Thomas Jay Woodard
NOTARY PUBLIC STATE OF FLORIDA AT LARGE
MY COMMISSION EXPIRES 1 July 1989

NOTARY PUBLIC STATE OF FLORIDA AT LARGE
MY COMMISSION EXPIRES 1 July 1989

MORTGAGEE'S CONSENT TO DEDICATION

KNOW ALL MEN BY THESE PRESENTS THAT BRIAN REITER, VICE PRESIDENT OF COMMERCIAL LOANS FOR CHASE FEDERAL SAVINGS AND LOAN ASSOCIATION, OF CORPORATION, HOLDER OF A CERTAIN MORTGAGE RECORDED IN OFFICIAL RECORD BOOK 7841 AT PAGES 3065 THROUGH 3067 OF THE PUBLIC RECORDS OF LEE COUNTY FLORIDA ON THE HEREIN DESCRIBED LANDS DOES HEREBY JOIN IN THE PLAT DEDICATION APPEARING HEREON THIS 16 DAY OF 7 MAY, 1987 A.D.

Brian Reiter
BRIAN REITER, VICE PRESIDENT

Colleen Hapnig
WITNESS

Angela D. Chin
WITNESS

ACKNOWLEDGMENT

STATE OF FLORIDA
COUNTY OF DADE
I HEREBY CERTIFY THAT ON THIS DAY BEFORE ME PERSONALLY APPEARED
MERRIAN REITER TO BE KNOWN TO BE THE PERSONS DESCRIBED IN AND
WHO EXECUTED THE FOREGOING DEDICATION AND HE ACKNOWLEDGED THE
EXECUTION THEREOF FOR THE USES AND PURPOSES HEREIN MENTIONED.
WITNESS MY HAND AND SEAL AT MIAMI COUNTY AND
DATE OF 24th DAY OF June 1987 A.D.

Angela S. Chin
NOTARY PUBLIC STATE OF FLORIDA, ~~MY~~ ~~COMMISSION~~ ~~EXPIRES~~
MY COMMISSION EXPIRES

NOTARY PUBLIC STATE OF FLORIDA, ~~AT-LARGE~~
MY COMMISSION EXPIRES 5/25/2014

CYPRESS LAKE CENTER PHASE II

SHEET 2 OF 3

THE EAST 1/2 OF THE SOUTHEAST 1/4 OF
SECTION 23, TOWNSHIP 45 SOUTH, RANGE 24 EAST
LEE COUNTY, FLORIDA

RECEIVED

APR 25 2005

ZONING

DRI 2005-00003

DESCRIPTION

PARCEL IN THE EAST HALF OF THE SOUTHEAST QUARTER
SECTION 23, TOWNSHIP 45 SOUTH, RANGE 24 EAST
LEE COUNTY, FLORIDA

A TRACT OR PARCEL OF LAND LYING IN THE EAST HALF (E 1/2) OF THE
SOUTHEAST QUARTER (SE 1/4) OF SECTION 23, TOWNSHIP 45 SOUTH, RANGE
24 EAST, LEE COUNTY, FLORIDA, WHICH TRACT OR PARCEL IS DESCRIBED
AS FOLLOWS:

FROM THE NORTHWEST CORNER OF THE EAST HALF OF THE
SOUTHEAST QUARTER (SE 1/4) OF SECTION 23, TOWNSHIP 45
SOUTH, RANGE 24 EAST, LEE COUNTY, FLORIDA, BEGIN AT THE
LINE OF SAID EAST HALF FOR 116.00 FEET TO THE SOUTH
LINE OF CYPRESS LAKE DRIVE, THENCE CONTINUE
S 00° 35' 44" E ALONG SAID WEST LINE FOR 1153.30 FEET
TO THE POINT OF BEGINNING, RUN N 89° 08' 18" E
FOR 116.00 FEET TO THE SOUTH RIGHT-OF-WAY LINE OF SAID
CYPRESS LAKE DRIVE FOR 1181.15 FEET TO THE WEST RIGHT-
OF-WAY LINE OF TAMIAMI TRAIL (SR 45 - US 41), THENCE
RUN S 01° 00' 00" E ALONG SAID RIGHT-OF-WAY LINE FOR
116.00 FEET, THENCE CONTINUE S 01° 00' 00" E ALONG SAID
RIGHT-OF-WAY FOR 17.77 FEET TO THE SOUTH LINE OF SAID
SECTION 23, THENCE RUN S 89° 19' 21" W ALONG SAID SOUTH
LINE FOR 1197.07 FEET TO THE WEST LINE OF SAID EAST
HALF OF THE SOUTHEAST QUARTER (SE 1/4), THENCE RUN
N 89° 08' 18" E ALONG SAID WEST LINE FOR 1374.70 FEET
TO THE POINT OF BEGINNING,
CONTAINING 37.58 ACRES MORE OR LESS.
BEARINGS HEREINAFORE MENTIONED ARE DERIVED FROM THE CENTERLINE
SURVEY OF STATE ROAD 45 (U.S. 41).

CURVE DATA

CHORD BEARING	CHORD DIST.	DELTA	RADIUS	LENGTH	TANGENT
N 43° 51' 44" W	42.43	90° 00' 00"	30.00	47.12	30.00
S 44° 08' 16" W	42.43	90° 00' 00"	30.00	47.12	30.00
N 43° 56' 08" E	42.57	90° 24' 16"	30.00	47.33	30.21
N 46° 03' 52" W	42.28	89° 35' 44"	30.00	46.91	29.79
S 10° 49' 09" E	49.79	19° 06' 19"	150.00	50.02	25.24
S 15° 31' 38" E	20.66	09° 41' 22"	122.33	20.69	10.37
S 05° 58' 28" E	20.08	09° 24' 57"	122.33	20.10	10.07
N 43° 56' 08" E	42.58	90° 24' 16"	30.00	47.34	30.21
S 10° 49' 09" E	40.60	19° 06' 19"	122.33	40.79	20.59
N 21° 10' 15" E	110.63	43° 41' 48"	148.64	113.36	59.60
N 45° 40' 39" W	176.78	90° 00' 00"	125.00	196.35	125.00
N 21° 10' 15" E	127.27	43° 41' 48"	170.99	130.41	68.56

RECEIVED
APR 25 2005
ZONING

PHASE B-1 CYPRESS LAKE CENTER

A REPLAT OF PART OF TRACT B, CYPRESS LAKE CENTER PHASE II

SHEET 1 OF 1

PLAT BOOK 39, PAGE 22 - 24, LEE COUNTY RECORDS

A SUBDIVISION IN
THE EAST 1/2 OF THE SOUTHEAST 1/4 OF
SECTION 23, TOWNSHIP 45 SOUTH, RANGE 24 EAST
LEE COUNTY, FLORIDA



APPROVALS
THIS PLAT ACCEPTED THIS 17th DAY OF MAY 1989 IN OPEN
MEETING OF THE BOARD OF COUNTY COMMISSIONERS OF LEE COUNTY, FLORIDA

Chairman
CHAIRMAN
County Engineer
COUNTY ENGINEER
Director, Dept. of Corri. Dev.
DIRECTOR, DEPT. OF CORRI. DEV.
Clerk of Court
CLERK OF COURT

I HEREBY CERTIFY THAT THIS PLAT OF PHASE B-1 CYPRESS LAKE CENTER, A
SUBDIVISION OF TRACT B, CYPRESS LAKE CENTER PHASE II, HAS BEEN
EXAMINED BY ME AND FROM MY EXAMINATION I FIND THAT SAID
PLAT COMPLIES IN FORM WITH THE REQUIREMENTS OF CHAPTER 177,
FLORIDA STATUTES.
I, FURTHER CERTIFY THAT SAID PLAT WAS FILED FOR RECORD AT 11:30 AM,
THIS 17th DAY OF MAY 1989, AND WAS DULY RECORDED
IN PLAT BOOK 39, AT PAGES 22 - 24, OF THE PUBLIC RECORDS OF
LEE COUNTY, FLORIDA.

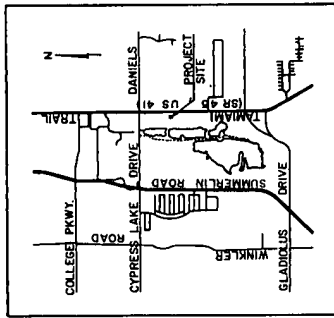
Clerk of the Circuit Court
CLERK OF THE CIRCUIT COURT
IN AND FOR LEE COUNTY

2654711

JOHNSON ENGINEERING, INC.
CIVIL ENGINEERS - LAND SURVEYORS
FORT MYERS, FLORIDA

APRIL, 1989

SCALE: 1" = 40'



VICINITY MAP

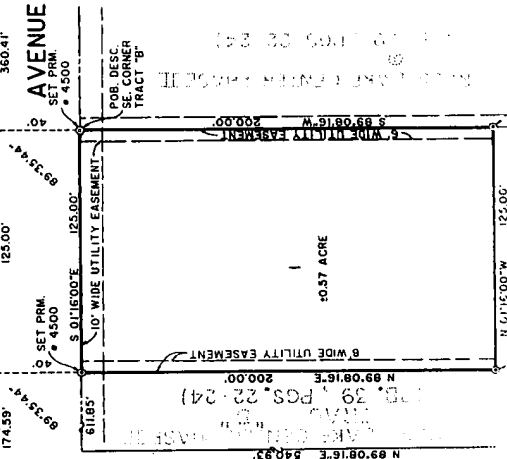
SCALE: 1" = 1 MILE

CYPRESS
TERRACE

VECTOR

LAKES
TERRACE

AVENUE



DESCRIPTION

A TRACT OR PARCEL OF LAND LYING IN THE EAST HALF (E-1/2) OF THE
SOUTHEAST QUARTER (SE-1/4) OF SECTION 23, TOWNSHIP 45 SOUTH, RANGE
24 EAST, A RE-PLAT OF A PORTION OF TRACT "B", CYPRESS LAKE CENTER,
PHASE II AS RECORDED IN PLAT BOOK 39, AT PAGES 22 THROUGH 24 OF
THE PUBLIC RECORDS OF LEE COUNTY, FLORIDA WHICH TRACT OR PARCEL IS
DESCRIBED AS FOLLOWS:
S 89° 08' 16" W ALONG THE SOUTHEAST CORNER OF SAID TRACT "B" RUN
11 FOR 200.00 FEET TO AN INTERSECTION WITH A LINE 200.00
FEET WEST OF THE CORNER OF SAID TRACT "B" AND A PERPENDICULAR LINE
"B" PARALLEL RUN N 01° 15' 00" W ALONG SAID PARALLEL LINE
FOR 125.00 FEET TO AN INTERSECTION WITH A LINE 125.00
FEET NORTH OF THE SOUTH BOUNDARY LINE OF SAID TRACT "B".
THENCE RUN N 89° 08' 16" E ALONG SAID PARALLEL LINE FOR
200.00 FEET TO THE INTERSECTION OF THE WESTERLY
BOUNDARY OF SAID TRACT "B". THENCE RUN S 01° 15' 00" E
ALONG SAID EASTERLY BOUNDARY, ALSO BEING THE WESTERLY
RIGHT-OF-WAY LINE OF VECTOR AVENUE (80 FEET WIDE) FOR
125.00 FEET TO THE POINT OF BEGINNING.
CONTAINING 25.000 SQUARE FEET MORE OR LESS.

NOTICE
THERE MAY BE ADDITIONAL RESTRICTIONS THAT ARE NOT RECORDED
ON THIS PLAT THAT MAY BE FOUND IN THE PUBLIC RECORDS OF
THIS COUNTY

DEDICATION

KNOW ALL MEN BY THESE PRESENTS THAT VECTOR LAND GROUP, INC., A
FLORIDA CORPORATION, AS OWNER OF THE HEREIN DESCRIBED LANDS HAS
CAUSED THIS PLAT OF PHASE B-1 CYPRESS LAKE CENTER, A RE-PLAT OF
A PORTION OF TRACT B, CYPRESS LAKE CENTER PHASE II, TO BE
DEDICATED TO THE PERPETUAL USE OF THE PUBLIC, ALL PUBLIC UTILITY
EASEMENTS AS SHOWN HEREON, SAID EASEMENTS BEING DEDICATED SOLELY
FOR THE USES AND PURPOSES INDICATED, HEREBY REVOKING, VACATING AND
ABROGATING ANY PLATS OF SAID LANDS HERETOFORE MADE.
IN WITNESS WHEREOF VECTOR LAND GROUP, INC. HAS CAUSED THIS DEDICATION
TO BE SIGNED BY ITS PRESIDENT, ARTHUR MOSES, THIS 17th DAY OF
MAY 1989 A.D.

VECTOR LAND GROUP, INC.

ARTHUR MOSES, PRESIDENT

ACKNOWLEDGMENT

STATE OF FLORIDA
COUNTY OF DAKOTA
I HEREBY CERTIFY THAT ON THIS DAY BEFORE ME PERSONALLY APPEARED
ARTHUR MOSES, PRESIDENT OF VECTOR LAND GROUP, INC., A FLORIDA
CORPORATION UNDER THE LAWS OF FLORIDA, TO ME, THE KNOWN TO BE THE
PERSON DESCRIBED IN THE FOREGOING INSTRUMENT, AND THAT HE HAS
PURPOSES THEREIN MENTIONED.
WITNESS MY HAND AND OFFICIAL SEAL AT 11:30 AM, SAID COUNTY AND
STATE THIS 17th DAY OF May 1989 A.D.

NOTARY PUBLIC STATE OF FLORIDA AT LARGE
MY COMMISSION EXPIRES 3-7-91

NOTES

- PERMANENT REFERENCE MONUMENTS (P.R.M.'S) ARE TAPERED
CONCRETE PIPES SET IN TOP BEARING
BEARINGS ARE DERIVED FROM THE PLAT OF CYPRESS LAKE
CENTER PHASE II AS RECORDED IN PLAT BOOK 39, PAGES
22 THROUGH 24, LEE COUNTY RECORDS.

CERTIFICATE

I HEREBY CERTIFY THAT THE ATTACHED PLAT OF PHASE B-1
CYPRESS LAKE CENTER, A REPLAT OF PART OF
TRACT B, CYPRESS LAKE CENTER
PHASE II, IS A TRUE AND CORRECT REPRESENTATION OF THE
MADE AND SURVEYED UNDER MY DIRECTION AND SUPERVISION
AND THAT THE SURVEY DATA COMPLIES WITH ALL OF THE
REQUIREMENTS OF CHAPTER 177 FLORIDA STATUTES. I MONUMENTS
FURTHER CERTIFY THAT THE PERMANENT REFERENCE MONUMENTS
(P.R.M.'S) HAVE BEEN PLACED AT LOCATIONS SHOWN ON
THIS PLAT.

DONE THIS 10th DAY OF April 1989 A.D.

Michael W. Norman
MICHAEL W. NORMAN
PROFESSIONAL LAND SURVEYOR
NO. 12587

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

WHEREAS, an application was filed by the property owner, Keith Basik, to amend the Cypress Lake Center DRI development order approvals and to rezone a 9.2± acre parcel within the DRI from Commercial Planned Development (CPD) to Mixed Use Planned Development (MPD), in reference to Cypress Lake Center; and,

WHEREAS, a public hearing was advertised and held on August 17, 2005, before Lee County Zoning Hearing Examiner, Diana Parker, who gave full consideration to the evidence in the record for the proposed amendment to Case #DRI2005-00003 (Cypress Lake Center DRI) and case DCI2004-00085 (Central Park MPD); and

WHEREAS, a second public hearing was advertised and held on November 7, 2005, before the Lee County Board of Commissioners, who gave full and complete consideration to the recommendations of the staff, the Hearing Examiner, the documents on record and the testimony of all interested persons.

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

SECTION A. REQUEST

The applicant filed a request for the Board to:

1. Amend the Cypress Lake Center DRI Development Order to extend the build out date and modify the land use designations on Map H (Master Development Plan);
2. Find that the proposed changes to the DRI Development Order do not constitute a substantial deviation from the original approvals warranting further DRI review;
3. Rezone a 9.2 acre parcel within the DRI from Commercial Planned Development to Mixed Use Planned Development, to allow an additional 58,200 square feet of Commercial office uses, underground parking, and 166 residential units. Proposed height will not exceed 12 habitable floors and 150 feet. The property is located in the Intensive Development Land Use Category and is legally described in attached Exhibit A. At the hearing examiner hearing, the applicant requested to amend the frequency of filing DRI monitoring reports to reflect the current statutory requirement of biennial reporting.

All requests are APPROVED SUBJECT TO the conditions and deviations specified in Sections B and C below.

SECTION B. CONDITIONS:

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

1. The development of the 9.2 acre parcel must be consistent with the 1-page Master Concept Plan entitled "Park Center," stamped received November 29, 2005, last revised November 4, 2005, except as modified by the conditions below.

The project is approved for a maximum of 58,200 square feet commercial office uses (22,000 medical office), and 166 residential units in three buildings, in accordance with Condition 9 below.

In addition, development of the 9.2 acre parcel rezoned to MPD herein, must be consistent with the Cypress Lake Center DRI development order approvals.

2. The following limits apply to the 9.2 acre MPD parcel and uses (any Note referenced is taken from LDC §34-934):

- a. Schedule of Uses

TRACT A

Accessory uses and structures: Note (1), 34-1171 *et seq.*, 34-2441 *et seq.*, 34-2141 *et seq.*, & 34-3106

Administrative offices: Note (1)

ATM (automatic teller machine)

Banks and financial establishments (34-622(c)(3)): Groups I and II

Business services (34-622(c)(5)): Groups I and II

Computer and data processing services

Entrance gates and gatehouse (34-1741)

Essential services (Note 1, 34-1611, 34-1741)

Essential service facilities (34-622(c)(13)): Group I

Fences, walls (Note 1, 34-1741)

Health care facilities (34-622(c)(20)): Group III (subject to the 22,000 sq. ft. limit for medical office between Tracts A and B)

Insurance companies (34-622(c)(23))

Medical office

(limited to 22,000 sq. ft. of gross floor area between Tracts A and B)

Parking lot: Accessory

Personal services (34-622(c)(33)): Group I (34-3021)

Post office

Real estate sales office (Note 23, 34-1951, 34-3021)

Rental or leasing establishment (34-622(c)(39)): Groups I (34-1352, 34-3001 *et seq.*), II (34-1352, 34-3001 *et seq.*)

Schools: Commercial (34-622(c)(45))

Signs (in accordance with chapter 30)

Temporary uses (Note 1, 34-3041) limited to 30-3044, Temporary contractor's office and equipment storage shed

TRACT B

Accessory Uses and Structures: Note (1), 34-1171 *et seq.*, 34-2441 *et seq.*,
34-2141 *et seq.*, & 34-3106

Administrative Offices: Note (1)

ATM (Automatic Teller Machine)

Banks and Financial Establishments (34-622(c)(3)): Groups I and II

Business Services (34-622(c)(5)): Groups I and II

Computer and Data Processing Services

Dwelling Units (limited to 166): Multiple-Family Building (Note 28)

Entrance Gates and Gatehouse (34-1741)

Essential Services (Note 1, 34-1611, 34-1741)

Essential Service Facilities (34-622(c)(13)): Group I

Fences, Walls (Note 1, 34-1741)

Health Care Facilities (34-622(c)(20)): Group III (subject to the 22,000 sq. ft. limit
for Medical Office between Tracts A and B)

Medical Office

(limited to 22,000 sq. ft. of gross floor area between Tracts A and B)

Models: Model Units (34-1951 *et seq.*)

Parking Lot: Accessory

Personal Services (34-622(c)(33)): Group I (34-3021)

Real Estate Sales Office (Note 23, 34-1951, 34-3021)

Rental or Leasing Establishment (34-622(c)(39)): Groups I (34-1352, 34-3001 *et seq.*), II (34-1352, 34-3001 *et seq.*)

Schools: Commercial (34-622(c)(45))

Signs (in accordance with chapter 30)

Temporary Uses (Note 1, 34-3041) limited to 30-3044, Temporary Contractor's
Office and Equipment Storage Shed

b. Site Development Regulations for the 9.2 acre MPD parcel

TRACT AMinimum Lot Area and Dimensions:

Area	2.7 acres
Width	400 feet
Depth	200 feet
Maximum Building Height	45 feet

TRACT BMinimum Lot Area and Dimensions:

Area	4.1 acres
Width	200 feet
Depth	400 feet
Maximum Building Height	100 or 120 feet and one level of understory parking- in accordance with Condition 9

GENERAL

Minimum Building Setbacks:

Vector Avenue	25 feet
Internal Streets	10 feet
MPD perimeter	15 feet
Side (internal)	10 feet
Rear	25 feet
Water Body	25 feet

Accessory Structures	10 feet
Minimum Building Separation	15 feet
Maximum Lot Coverage	40 percent

3. Prior to local development order approval, the development order plans must demonstrate how the open space and indigenous preservation requirements will be met based upon the use of the property as follows:

- a. If the entire planned development is developed as commercial uses then 30 percent or 2.76 acres of open space must be provided, of which 1.38 acres must be indigenous preservation.

-OR-

- b. If the planned development is developed as commercial and/or residential above ground floor commercial uses, then 30 percent or 2.76 acres of open space must be provided, of which 1.38 acres must be indigenous preservation.

-OR-

- c. If Tract A remains commercial, and Tract B is developed as residential uses, then 3.38 acres of open space must be provided of which 1.69 acres must be indigenous preservation. A total of 1.38 acres of indigenous preservation must be provided as shown on the MCP. The developer must demonstrate that the remaining 0.31 acres of indigenous preservation requirement can be met within the Central Park DRI with areas not used for open space or indigenous preservation for other portions of the DRI. If the 0.31 acres of indigenous preservation cannot be met with existing indigenous within the Central Park DRI, then an indigenous restoration plan for 0.31 acres within the Central Park MPD must be submitted for the Division of Environmental Sciences staff review and approval.

-OR-

- d. If the entire planned development is developed as residential uses then 40 percent or 3.65 acres of open space must be provided, of which 1.83 acres must be

indigenous preservation. 1.38 acres of indigenous preservation must be provided as shown on the MCP. The developer must demonstrate that the remaining 0.45 acres of indigenous preservation requirement can be met within the Central Park DRI with areas not used for open space or indigenous preservation for other portions of the DRI. If the 0.45 acres of indigenous preservation cannot be met with existing indigenous within the Central Park DRI, then an indigenous restoration plan for 0.45 acres within the Central Park MPD must be submitted for the Division of Environmental Sciences staff review and approval.

4. Prior to local development order approval, the development order plans must delineate 20-foot-wide buffers to the west of Building C and to the south of Building A - at least 10 feet of that 20-foot width must be outside any utility or drainage easement. The buffer plantings must include a staggered row of staggered height palms (planted 10-foot on center; 50 percent sabal palms and 50 percent Washingtonian palms) and a continuous double staggered hedge of cocoplum. The sabal palms must have a minimum 10-foot clear trunk. The Washingtonian palms must have a minimum 20-foot clear trunk. The palms must be allowed to grow to their natural form and no trimming is permitted. The cocoplum must have a minimum 48-inch height, and be allowed to grow to its natural form with no trimming.
5. Commercial activities approved for Tract B are limited to the ground and/or the first habitable floor of a residential building or in a stand alone building.
6. Approval of this zoning request does not address mitigation of the project's vehicular or pedestrian traffic impacts. Additional conditions consistent with the Lee County LDC may be required to obtain a local development order.
7. Approval of this rezoning does not guarantee local development order approval. Future development order approvals must satisfy the requirements of the Lee Plan Planning Communities Map and Acreage Allocation Table, Map 16 and Table 1(b), be reviewed for, and found consistent with, the retail commercial standards for site area, including range of gross floor area, location, tenant mix and general function, as well as all other Lee Plan provisions.
8. Development must comply with all of the requirements of the Lee County LDC at the time of local development order approval, except as may be granted by deviations approved as part of this planned development. If changes to the Master Concept Plan are subsequently pursued, appropriate approvals will be necessary.
9. The westernmost two buildings must not exceed 100 feet in height, and the easternmost building must not exceed 120 feet in height.
10. Blasting is not approved, nor permitted as part of this rezoning request.
11. Accessory uses must be located on the same tract, parcel or outparcel where the principal use is located. Accessory uses must be incidental and subordinate to the principal use of the tract, parcel or outparcel.

12. Development of this parcel is also subject to the Seventh Amendment to the Cypress Lake DRI development order approved on October 31, 2005 in conjunction with this rezoning.

SECTION C. DEVIATIONS:

1. Deviation (1) seeks relief from the LDC§10-285(a) requirement to provide a 125-foot intersection separation distance for local roads (Vector Avenue), to allow a separation of 50± feet from the UTS/Sprint telecommunications facility service entrance to the north. This deviation is APPROVED SUBJECT TO the condition that the ingress/egress to the subject property is right-in/right-out only as previously approved under Resolution Z-00-003.
2. Deviation (2) seeks relief from the LDC§10-416(d)(3) requirement to provide Type "A" buffers between commercially zoned lands, to eliminate buffer requirements on the northern boundary of the UTS/Sprint. This deviation is APPROVED for elimination of the Type "A" buffer on the northern boundary of the UTS/Sprint property.
3. Deviation (3) seeks relief from the LDC§10-416(d)(3) requirement to provide Type "A" buffers between commercially zoned lands, to eliminate buffer requirements for the northern property boundary abutting the existing Cypress Lake Center. This deviation is APPROVED.
4. Deviation (4) seeks relief from the LDC§10-296 requirement to provide the wearing surface specified in Table 4(7)(c)(2) for local access roads, to allow decorative pavers on private streets internal to the project. This deviation is APPROVED SUBJECT TO the condition that at the time of local development order review, the pavers are determined to not reduce the requirements of the road surface, but only seek to directly substitute, so that quality is not downgraded, only appearance is altered.
5. Deviation (5) seeks relief from the LDC§34-935(b)(1) requirement establishing building setbacks from development perimeter boundaries a distance equal to the greater of fifteen feet for residential and commercial portions of the development or one-half the height of the building or structure, to allow a 20-foot setback along the southern and western property boundaries irrespective of building height. This deviation is APPROVED SUBJECT TO the condition that the Applicant installs the buffer described in Condition 4 along the southern boundary.

SECTION D. EXHIBITS AND STRAP NUMBER:

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

- Exhibit A: Legal description of the 9.2 parcel
Exhibit B: Zoning Map (with the subject parcel indicated)
Exhibit C: The Master Concept Plan stamped received November 29, 2005
Exhibit D: Seventh Amendment to the Cypress Lake Center DRI Development Order

The applicant has indicated that the STRAP numbers for the 9.2 acre property subject to the MPD rezoning are: 23-46-24-65-00000.00CE & 23-45-24-60-00000.2010

SECTION E. FINDINGS AND CONCLUSIONS:

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

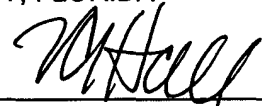
The foregoing resolution was adopted by the Lee County Board of Commissioners upon the motion of Commissioner Ray Judah, seconded by Commissioner Robert P. Janes and, upon being put to a vote, the result was as follows:

Robert P. Janes	Aye
Douglas R. St. Cerny	Absent
Ray Judah	Aye
Tammara Hall	Aye
John E. Albion	Aye

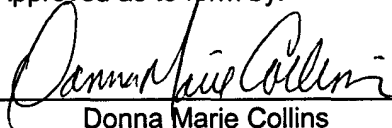
DULY PASSED AND ADOPTED this 7th day of November 2005.

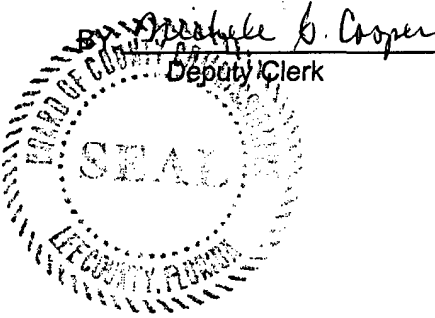
ATTEST:
CHARLIE GREEN, CLERK

BOARD OF COUNTY COMMISSIONERS
OF LEE COUNTY, FLORIDA

BY: 
Tammara Hall, Chairwoman

Approved as to form by:


Donna Marie Collins
County Attorney's Office



RECEIVED
MINUTES OFFICE
Mgc
2005 DEC 15 AM 10:24

RECEIVED

APR 25 2005

ZONING

LEGAL DESCRIPTION

Lot 6 and Tract B, SUBDIVISION Cypress Lake Center Phase II, as recorded in Plat Book 39, Page 22-24 less phase B-1 Cypress Lake Center, Plat Book 43, Page 11, of the Public Records of Lee County, Florida, lying in Section 23, Township 45 South, Range 24 East, Lee County, Florida.

A subdivision in the East 1/2 of Section 23, Township 45 South, Range 24 East, Lee County, Florida.

Applicant's Legal Checked

by Lgm 4/25/2005

EXHIBIT PH-3.C.1

DRI 2005-00003

Exhibit A
(Page 1 of 6)

APR 25 2005

BOUNDARY SURVEY

TRACT "B" AND LOT 8
CYPRESS LAKE CENTER, PHASE II
RECORDED IN PLAT BOOK 38, PAGES 99-104
SECTION 23, TOWNSHIP 46 SOUTH, RANGE 24 EAST
LEE COUNTY, FLORIDA

REFLECTION LAKES SUBDIVISION
TRACTS 64, 65, 66, 67, 68, 69, 70, 71, 72, 73, 74, 75, 76, 77, 78, 79, 80, 81, 82, 83, 84, 85, 86, 87, 88, 89, 90, 91, 92, 93, 94, 95, 96, 97, 98, 99, 100, 101, 102, 103, 104, 105, 106, 107, 108, 109, 110, 111, 112, 113, 114, 115, 116, 117, 118, 119, 120, 121, 122, 123, 124, 125, 126, 127, 128, 129, 130, 131, 132, 133, 134, 135, 136, 137, 138, 139, 140, 141, 142, 143, 144, 145, 146, 147, 148, 149, 150, 151, 152, 153, 154, 155, 156, 157, 158, 159, 160, 161, 162, 163, 164, 165, 166, 167, 168, 169, 170, 171, 172, 173, 174, 175, 176, 177, 178, 179, 180, 181, 182, 183, 184, 185, 186, 187, 188, 189, 190, 191, 192, 193, 194, 195, 196, 197, 198, 199, 200, 201, 202, 203, 204, 205, 206, 207, 208, 209, 210, 211, 212, 213, 214, 215, 216, 217, 218, 219, 220, 221, 222, 223, 224, 225, 226, 227, 228, 229, 230, 231, 232, 233, 234, 235, 236, 237, 238, 239, 240, 241, 242, 243, 244, 245, 246, 247, 248, 249, 250, 251, 252, 253, 254, 255, 256, 257, 258, 259, 260, 261, 262, 263, 264, 265, 266, 267, 268, 269, 270, 271, 272, 273, 274, 275, 276, 277, 278, 279, 280, 281, 282, 283, 284, 285, 286, 287, 288, 289, 290, 291, 292, 293, 294, 295, 296, 297, 298, 299, 300, 301, 302, 303, 304, 305, 306, 307, 308, 309, 310, 311, 312, 313, 314, 315, 316, 317, 318, 319, 320, 321, 322, 323, 324, 325, 326, 327, 328, 329, 330, 331, 332, 333, 334, 335, 336, 337, 338, 339, 340, 341, 342, 343, 344, 345, 346, 347, 348, 349, 350, 351, 352, 353, 354, 355, 356, 357, 358, 359, 360, 361, 362, 363, 364, 365, 366, 367, 368, 369, 370, 371, 372, 373, 374, 375, 376, 377, 378, 379, 380, 381, 382, 383, 384, 385, 386, 387, 388, 389, 390, 391, 392, 393, 394, 395, 396, 397, 398, 399, 400, 401, 402, 403, 404, 405, 406, 407, 408, 409, 410, 411, 412, 413, 414, 415, 416, 417, 418, 419, 420, 421, 422, 423, 424, 425, 426, 427, 428, 429, 430, 431, 432, 433, 434, 435, 436, 437, 438, 439, 440, 441, 442, 443, 444, 445, 446, 447, 448, 449, 450, 451, 452, 453, 454, 455, 456, 457, 458, 459, 460, 461, 462, 463, 464, 465, 466, 467, 468, 469, 470, 471, 472, 473, 474, 475, 476, 477, 478, 479, 480, 481, 482, 483, 484, 485, 486, 487, 488, 489, 490, 491, 492, 493, 494, 495, 496, 497, 498, 499, 500, 501, 502, 503, 504, 505, 506, 507, 508, 509, 510, 511, 512, 513, 514, 515, 516, 517, 518, 519, 520, 521, 522, 523, 524, 525, 526, 527, 528, 529, 530, 531, 532, 533, 534, 535, 536, 537, 538, 539, 540, 541, 542, 543, 544, 545, 546, 547, 548, 549, 550, 551, 552, 553, 554, 555, 556, 557, 558, 559, 560, 561, 562, 563, 564, 565, 566, 567, 568, 569, 570, 571, 572, 573, 574, 575, 576, 577, 578, 579, 580, 581, 582, 583, 584, 585, 586, 587, 588, 589, 590, 591, 592, 593, 594, 595, 596, 597, 598, 599, 600, 601, 602, 603, 604, 605, 606, 607, 608, 609, 610, 611, 612, 613, 614, 615, 616, 617, 618, 619, 620, 621, 622, 623, 624, 625, 626, 627, 628, 629, 630, 631, 632, 633, 634, 635, 636, 637, 638, 639, 640, 641, 642, 643, 644, 645, 646, 647, 648, 649, 650, 651, 652, 653, 654, 655, 656, 657, 658, 659, 660, 661, 662, 663, 664, 665, 666, 667, 668, 669, 670, 671, 672, 673, 674, 675, 676, 677, 678, 679, 680, 681, 682, 683, 684, 685, 686, 687, 688, 689, 690, 691, 692, 693, 694, 695, 696, 697, 698, 699, 700, 701, 702, 703, 704, 705, 706, 707, 708, 709, 710, 711, 712, 713, 714, 715, 716, 717, 718, 719, 720, 721, 722, 723, 724, 725, 726, 727, 728, 729, 730, 731, 732, 733, 734, 735, 736, 737, 738, 739, 740, 741, 742, 743, 744, 745, 746, 747, 748, 749, 750, 751, 752, 753, 754, 755, 756, 757, 758, 759, 760, 761, 762, 763, 764, 765, 766, 767, 768, 769, 770, 771, 772, 773, 774, 775, 776, 777, 77

Applicant's Survey Checked
By Lgm 4/25/2005

CYPRESS LAKE CENTER PHASE II

SHEET 1 OF 3

RECEIVED

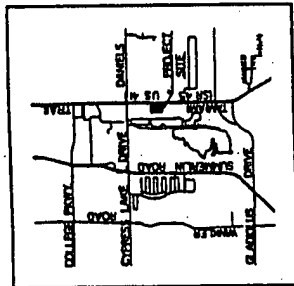
APR 25 2005

ZONING

A SUBDIVISION IN
THE EAST 1/2 OF THE SOUTHEAST 1/4 OF
SECTION 23, TOWNSHIP 45 SOUTH, RANGE 24 EAST
LEE COUNTY, FLORIDA

JUNE, 1987

JOHNSON ENGINEERING, INC.
CIVIL ENGINEERS - LAND SURVEYORS
FORT MYERS, FLORIDA



APPROVALS
THIS PLAT ACCEPTED THIS 23rd DAY OF August 1987 IN OPEN
MEETING OF THE BOARD OF COUNTY COMMISSIONERS OF LEE COUNTY, FLORIDA

Don J. Zane
CHAIRMAN

Paul M. Davis
COUNTY ATTORNEY

Charles Greene
CLERK OF COURT

Michael Monahan
COUNTY ENGINEER

James H. Smith
DEPUTY CLERK OF COURT

20183200

I HEREBY CERTIFY THAT THIS PLAT OF CYPRESS LAKE CENTER PHASE II
HAS BEEN EXAMINED BY ME WITH THE REQUIREMENTS OF CHAPTER 177,
FLORIDA STATUTES, AND THAT THE PLAT IS IN ACCORDANCE WITH ALL OF THE
REQUIREMENTS OF CHAPTER 177, FLORIDA STATUTES, AND WAS DULY RECORDED
IN PLAT BOOK 37 OF THE PUBLIC RECORDS OF LEE COUNTY, FLORIDA.
AT WASHINGTON, D.C. THIS 23rd DAY OF August 1987 A.D.

Charles Greene
CLERK OF THE CIRCUIT COURT
IN AND FOR LEE COUNTY

CERTIFICATE

I HEREBY CERTIFY THAT THIS PLAT OF CYPRESS LAKE CENTER
PHASE II IS A TRUE AND CORRECT REPRESENTATION
OF THE SURVEY DESCRIBED IN THE FOREGOING AND SUPERVISION
AND THAT THE SURVEY DATA COMPLY WITH ALL OF THE
REQUIREMENTS OF CHAPTER 177, FLORIDA STATUTES, SET FORTH IN
CHAPTER 177, FLORIDA STATUTES, AND THE FLORIDA
ADMINISTRATIVE CODE.

DONE THIS 23rd DAY OF August 1987 A.D.

Robert S. Cooper
PROFESSIONAL LAND SURVEYOR
FLORIDA CERTIFICATE NO. 0082

NOTES

1. 0.50 PERCENT REFERENCE DIMENSIONS OF 0.50 IN. ARE
TYPED CONCRETE DIMENSIONS WITH METAL DIMENSION
IN THE TOP BEARING THE SURVEYOR'S CERTIFICATE NUMBER.
2. 0.50 PERCENT REFERENCE DIMENSIONS OF 0.50 IN. ARE
TYPED CONCRETE DIMENSIONS WITH METAL DIMENSION
IN THE TOP BEARING THE SURVEYOR'S CERTIFICATE NUMBER.
3. THERE IS A UTILITY EASEMENT OF 10 FEET WIDE ALONG EACH SIDE
OF THE DEVELOPMENT PARCEL IN WHICH CASE THE EASEMENT WILL
BE ALONG THE SIDE LOT LINES OF THE DEVELOPMENT PARCEL.
4. EACH LOT WILL HAVE A PUBLIC UTILITY EASEMENT OF 10 FEET
WIDE ALONG THE REAR LOT LINE TO 10 FEET WIDE ALONG ALL
SUBSIDIARY STREET BOUNDARIES OF ALL LOTS.
5. THERE IS A UTILITY EASEMENT OF 10 FEET WIDE ALONG THE REAR OF
STATE ROAD 45 (U.S. 90).
6. THE SURVEY IS BASED ON THE DATUM 1983.
7. BY JOHNSON ENGINEERING, INC. DATED 9-23-87.
8. ALL DIMENSIONS IN FIGURE DATA ON PLAT ARE IN FEET

DEDICATION

FROM ALL MEN BY THESE PRESENTS THAT VECTER LAND GROUP, INC., A
FLORIDA CORPORATION, HAS CAUSED THIS PLAT OF CYPRESS LAKE CENTER PHASE II TO BE MADE AND DOES
HEREBY DEDICATE TO THE PERPETUAL USE OF THE LANDS ALL RIGHTS, TITLE,
EQUITY, TRUST, CLAIM, DEMAND, AND INTEREST IN THE LANDS AND IN THE
RIGHTS THEREIN, INCLUDING THE RIGHT OF EASEMENT, FOR THE USES AND
PURPOSES INDICATED, VECTER LAND GROUP, INC., HAS CAUSED THIS DEDICATION
ANY PLAT OF SAID LANDS HEREUPON HAS CAUSED THIS DEDICATION
IN WITNESS WHEREOF, I HAVE HEREON SET MY HAND AND SEAL OF OFFICE
AT FORT MYERS, FLORIDA, THIS 23rd DAY OF August 1987 A.D.

Arthur Rosen
ARTHUR ROSEN, PRESIDENT

Frederic M. Blinn
WITNESS

ACKNOWLEDGMENT

STATE OF FLORIDA
COUNTY OF LEE
I HEREBY CERTIFY THAT ON THIS DAY BEFORE ME PERSONALLY APPEARED
ARTHUR ROSEN, PRESIDENT OF VECTER LAND GROUP, INC., A FLORIDA
CORPORATION, AND THAT HE HAS CAUSED THIS PLAT OF CYPRESS LAKE CENTER
PHASE II TO BE MADE AND DOES HEREBY DEDICATE TO THE PERPETUAL USE OF THE LANDS
ALL RIGHTS, TITLE, EQUITY, TRUST, CLAIM, DEMAND, AND INTEREST IN THE LANDS
AND IN THE RIGHTS THEREIN, INCLUDING THE RIGHT OF EASEMENT, FOR THE USES AND
PURPOSES INDICATED, VECTER LAND GROUP, INC., HAS CAUSED THIS DEDICATION
ANY PLAT OF SAID LANDS HEREUPON HAS CAUSED THIS DEDICATION
IN WITNESS WHEREOF, I HAVE HEREON SET MY HAND AND SEAL OF OFFICE
AT FORT MYERS, FLORIDA, THIS 23rd DAY OF August 1987 A.D.

James H. Smith
NOTARY PUBLIC STATE OF FLORIDA AT LARGE
MY COMMISSION EXPIRES 1-1-1988

MORTGAGEE'S CONSENT TO DEDICATION

FROM ALL MEN BY THESE PRESENTS THAT BRIAN REITER, VICE PRESIDENT
OF CYPRESS LAKE CENTER PHASE II, HAS CAUSED THIS PLAT OF CYPRESS LAKE CENTER
PHASE II TO BE MADE AND DOES HEREBY DEDICATE TO THE PERPETUAL USE OF THE LANDS
ALL RIGHTS, TITLE, EQUITY, TRUST, CLAIM, DEMAND, AND INTEREST IN THE LANDS
AND IN THE RIGHTS THEREIN, INCLUDING THE RIGHT OF EASEMENT, FOR THE USES AND
PURPOSES INDICATED, VECTER LAND GROUP, INC., HAS CAUSED THIS DEDICATION
ANY PLAT OF SAID LANDS HEREUPON HAS CAUSED THIS DEDICATION
IN WITNESS WHEREOF, I HAVE HEREON SET MY HAND AND SEAL OF OFFICE
AT FORT MYERS, FLORIDA, THIS 23rd DAY OF August 1987 A.D.

Brian Reiter
BRIAN REITER, VICE PRESIDENT

Frederic M. Blinn
WITNESS

ACKNOWLEDGMENT

STATE OF FLORIDA
COUNTY OF LEE
I HEREBY CERTIFY THAT ON THIS DAY BEFORE ME PERSONALLY APPEARED
ARTHUR ROSEN, PRESIDENT OF VECTER LAND GROUP, INC., A FLORIDA
CORPORATION, AND THAT HE HAS CAUSED THIS PLAT OF CYPRESS LAKE CENTER
PHASE II TO BE MADE AND DOES HEREBY DEDICATE TO THE PERPETUAL USE OF THE LANDS
ALL RIGHTS, TITLE, EQUITY, TRUST, CLAIM, DEMAND, AND INTEREST IN THE LANDS
AND IN THE RIGHTS THEREIN, INCLUDING THE RIGHT OF EASEMENT, FOR THE USES AND
PURPOSES INDICATED, VECTER LAND GROUP, INC., HAS CAUSED THIS DEDICATION
ANY PLAT OF SAID LANDS HEREUPON HAS CAUSED THIS DEDICATION
IN WITNESS WHEREOF, I HAVE HEREON SET MY HAND AND SEAL OF OFFICE
AT FORT MYERS, FLORIDA, THIS 23rd DAY OF August 1987 A.D.

Arthur Rosen
NOTARY PUBLIC STATE OF FLORIDA AT LARGE
MY COMMISSION EXPIRES 1-1-1988

DRI 2005-00003

CYPRESS LAKE CENTER PHASE II

SHEET 2 OF 3

A SUBDIVISION IN
THE EAST 1/2 OF THE SOUTHEAST 1/4 OF
SECTION 23, TOWNSHIP 45 SOUTH, RANGE 24 EAST
LEE COUNTY, FLORIDA

RECEIVED

APR 25 2005

ZONING

DRI 2005-00003

DESCRIPTION

PARCEL IN THE EAST HALF OF THE SOUTHEAST QUARTER
SECTION 23, TOWNSHIP 45 SOUTH, RANGE 24 EAST
LEE COUNTY, FLORIDA

A TRACT OF LAND LYING IN THE EAST HALF RE 1/23 OF THE
SOUTHEAST QUARTER DE 1/41 OF SECTION 23, TOWNSHIP 45 SOUTH, RANGE
24 EAST, LEE COUNTY, FLORIDA, WHICH TRACT OR PARCEL IS DESCRIBED
AS FOLLOWS:

FROM THE NORTHEAST CORNER OF THE EAST HALF OF THE
SOUTHEAST QUARTER DE 1/41 OF SECTION 23, TOWNSHIP 45
SOUTH, RANGE 24 EAST, RUN S 00° 35' 44" E ALONG THE WEST
LINE OF SAID EAST HALF FOR 116.00 FEET TO THE SOUTH
1/2 CORNER OF SAID EAST HALF; THENCE S 00° 35' 44" E
116.00 FEET ALONG SAID WEST LINE FOR 113.30 FEET
TO THE POINT OF BEGINNING.

FROM SAID POINT OF BEGINNING, RUN N 89° 00' 10" E
113.30 FEET TO THE SOUTHWEST CORNER OF SAID EAST HALF;
THENCE S 00° 35' 44" E ALONG THE WEST LINE OF SAID
EAST HALF FOR 116.00 FEET TO THE SOUTH 1/2 CORNER OF
SAID EAST HALF; THENCE S 00° 35' 44" E ALONG THE WEST
LINE OF SAID EAST HALF FOR 116.00 FEET TO THE SOUTH
1/2 CORNER OF SAID EAST HALF; THENCE S 00° 35' 44" E
116.00 FEET ALONG SAID WEST LINE FOR 113.30 FEET
TO THE POINT OF BEGINNING.

FROM SAID POINT OF BEGINNING, RUN N 89° 00' 10" E
113.30 FEET TO THE SOUTHWEST CORNER OF SAID EAST HALF;
THENCE S 00° 35' 44" E ALONG THE WEST LINE OF SAID
EAST HALF FOR 116.00 FEET TO THE SOUTH 1/2 CORNER OF
SAID EAST HALF; THENCE S 00° 35' 44" E ALONG THE WEST
LINE OF SAID EAST HALF FOR 116.00 FEET TO THE SOUTH
1/2 CORNER OF SAID EAST HALF; THENCE S 00° 35' 44" E
116.00 FEET ALONG SAID WEST LINE FOR 113.30 FEET
TO THE POINT OF BEGINNING.

TO THE POINT OF BEGINNING, BEARINGS AND DISTANCES
DERIVED FROM THE CENTERLINE
SURVEY OF STATE ROAD 45 (U.S. 41).

CURVE DATA

DELTA	RADIUS	LENGTH	TANGENT	CHORD BEARING	CHORD DIST.
90°00'00"	30.00	47.12	30.00	S 45°01'41"W	42.43
90°00'00"	30.00	47.12	30.00	S 44°03'13"W	42.43
90°24'18"	30.00	47.23	30.21	S 43°30'08"W	42.57
89°25'44"	30.00	46.91	29.79	S 40°03'02"W	42.38
19°06'19"	122.33	20.02	25.24	S 10°45'09"E	42.78
09°41'22"	122.33	20.02	18.37	S 13°31'38"E	29.85
09°24'57"	122.33	20.10	18.07	S 00°50'28"E	29.08
09°24'18"	30.00	47.24	30.21	S 43°54'08"E	42.58
19°06'19"	122.33	20.02	25.24	S 10°45'09"E	42.78
43°41'48"	146.54	113.35	58.60	S 21°10'15"E	110.83
90°00'00"	125.00	198.35	125.00	S 42°40'28"W	176.78
43°41'48"	176.89	130.41	85.26	S 21°10'15"E	127.37

ZONING

EXPRESS LANE
LEE COUNTY DEVELOPMENT
LANES NO. 03-14-84

[illegible]

CYPRESS

2654711

NOTICE
THERE MAY BE ADDITIONAL RESTRICTIONS THAT ARE NOT RECORDED
ON THIS PLAT THAT MAY BE FOUND IN THE PUBLIC RECORDS OF
THIS COUNTY.

DESCRIPTION

[illegible]

4711

CYRESS TERRACE

VECTOR

VICINITY MAP

SCALE, 1" = 1 MILE

LAKES

TERRACE

40'

100'

500'

1000'

2000'

4000'

8000'

16000'

32000'

64000'

128000'

256000'

512000'

1024000'

2048000'

4096000'

8192000'

16384000'

32768000'

65536000'

131072000'

262144000'

524288000'

1048576000'

2097152000'

4194304000'

8388608000'

16777216000'

33554432000'

67108864000'

134217728000'

268435456000'

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9903520314283042199192993792000'

19807040628566084398385987584000'

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79228162514264337593543950336000'

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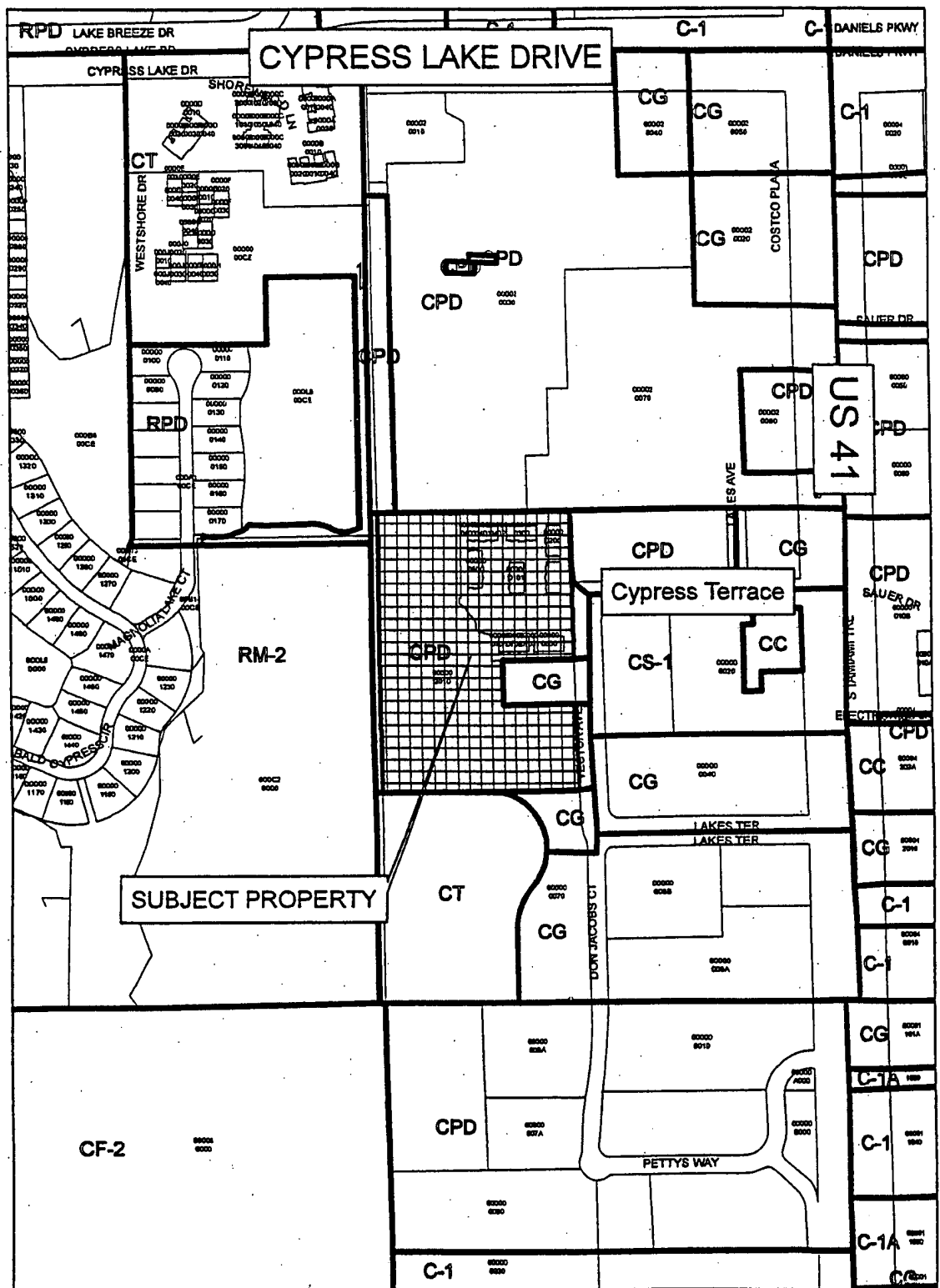
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NOTICE
THERE MAY BE ADDITIONAL RESTRICTIONS THAT ARE NOT RECORDED
ON THIS PLAT THAT MAY BE FOUND IN THE PUBLIC RECORDS OF
THIS COUNTY.

DESCRIPTION

[illegible]

6/29/2005



350 175 0 350 Feet



EXHIBIT B

OPEN SPACE TABLE - SEE CONDITION #4

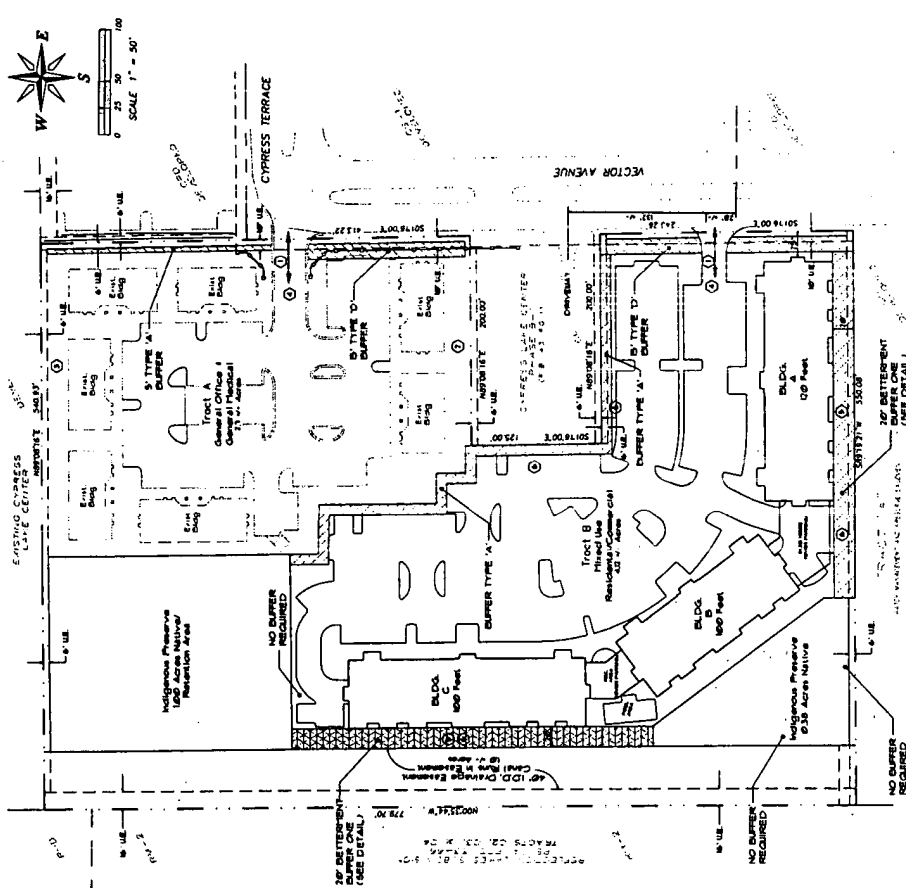
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COMMUNITY DEVELOPMENT

Approved as Exhibit C
MCP Page 1 of 1
Resolution # Z-D5-DH



**CODIFIED SEVENTH DEVELOPMENT ORDER AMENDMENT¹
FOR
CYPRESS LAKE CENTER**

A DEVELOPMENT OF REGIONAL IMPACT

#7-8384-47

LET IT BE KNOWN, THAT, PURSUANT TO SECTION 380.06 OF THE FLORIDA STATUTES, THE BOARD OF COUNTY COMMISSIONERS OF LEE COUNTY, FLORIDA, HEARD, AT A PUBLIC HEARING CONVENED ON MAY 20, 1985, THE REQUEST TO ADOPT THE DEVELOPMENT OF REGIONAL IMPACT DEVELOPMENT ORDER FOR CYPRESS LAKE CENTER, A COMMERCIAL (SHOPPING CENTER/OFFICE PARK) DEVELOPMENT CONSISTING OF APPROXIMATELY 68.5 ACRES TO BE DEVELOPED IN ACCORDANCE WITH THE APPLICATION FILED ON JULY 17, 1984, BY ARTHUR L. MOSES, TRUSTEE, AUTHORIZED REPRESENTATIVE OF CYPRESS LAKE VENTURE, LTD.

WHEREAS, the original Cypress Lake Center DRI Development Order was approved on May 20, 1985; and

WHEREAS, the Development Order was subsequently amended six times. The first amendment was approved on June 8, 1987 to allow 336,400 square feet of retail commercial and 270,000 square feet of office development; and

WHEREAS, the Development Order was amended a second time on November 9, 1987 to allow refund of traffic mitigation funds under certain circumstances; and

WHEREAS, the Development Order was amended a third time on November 29, 1993 to extend the effective date of the Development Order to June 19, 2000; and

WHEREAS, the Development Order was amended a fourth time on March 29, 1999, to adopt a new Master Development Plan, Map H which reflected approval of a shopping center (336,340 square feet on 40 acres); business corporate office area (40,000 square feet); an executive business office park (165,000 square feet); hotel complex (275 room hotel, 200-seat restaurant, 100-seat conference center); and, 210 multi-family residential units on approximately 68.5 acres, and to extend the buildout date to June 19, 2000; and

¹This codified Development Order (DO) includes all development order amendment thru the 7th DRI DO Amendment adopted by the Board on November 7, 2005, and may be relied on to state the terms of the original DRI DO, as amended. The seventh amendment to this development order is reflected by deleted text being ~~struck through~~ and new text being under-lined.

WHEREAS, the Development Order was amended on May 12, 2000, for a fifth time to adopt a new Master Development Plan (Map H) to reflect the change in Tract B and Lot 6 of Phase II, to replace "Proposed Multifamily uses (210 units)" with "Mixed Use Development," and to extend the buildout and termination dates to June 19, 2003; and

WHEREAS, the Development Order was amended for the sixth time on September 3, 2002, revising the Master Development Plan (Map H) to redesignate a .67~~+~~-acre parcel from Office to Retail Commercial; and

WHEREAS, an application has been filed to amend the DRI development order approvals a seventh time to amend the land use designations set forth on Map H (Master Development Plan) to extend build out to June 19, 2009, and to change the frequency of filing monitoring reports from annually to biennially; and

WHEREAS, the Board of County Commissioners of Lee County, Florida desire to adopt a codified Development Order to consolidate all of the past actions taken in regard to this approved development; and

WHEREAS, the Board of County Commissioners of Lee County, Florida, considered the report and recommendations of the Southwest Florida Regional Planning Council, the Lee County Administrative Staff, the Lee County Local Planning Agency, and the documents and comments upon the record made before the Board in public hearing, and after full consideration of those reports, recommendations, comments, and documents, the Board of County Commissioners of Lee County, Florida, finds and determines that:

I. FINDINGS OF FACT AND CONCLUSIONS OF LAW

A. This development, as amended, will be a mixed use project including a shopping center (336,340 square feet on 40 acres); business corporate office area (40,000 square feet); an executive business office park (165,000 square feet); hotel complex (275 room hotel, 200-seat restaurant, 100-seat conference center); and, 210 multi-family residential units on approximately 68.5 acres. The proposed development constitutes a Development of Regional Impact on the real property described as:

A tract or parcel of land lying in the southeast quarter of Section 23, Township 45 South, range 24 East, which tract or parcel is described as follows:

The east one-half of the southeast one-quarter, less than north 116 feet lying west of State Road No. 45, of said Section 23, Township 45 South, Range 24 East, Lee County, Florida.

B. The subject property is presently zoned MPD, CPD, RPD, CG, CS and CT.

C. The Application for Development Approval (ADA) is consistent with the requirements of Section 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 Section 380.05, Florida Statutes; and

E. The proposed development has been reviewed by the Southwest Florida Regional Planning Council and is the subject of the report and recommendations adopted by that body, and subsequently forwarded to Lee County pursuant to the provisions of Section 380.06, Florida Statutes, and the proposed development is consistent with this report and recommendations of the Southwest Florida Regional Planning Council; and

F. The proposed development is consistent with the adopted Lee County Comprehensive Plan, subject to the following conditions.

NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF COUNTY COMMISSIONERS OF LEE COUNTY, FLORIDA, in public meeting duly constituted and assembled on November 7, 2005, that the proposed amendments to the Cypress Lake Development of Regional Impact Development Approvals are APPROVED, subject to the following conditions, restrictions, and limitations:

II. CONDITIONS OF DEVELOPMENT APPROVAL

A. COMMUNITY SERVICES

1. The developer must meet with the Chief of the South Trail Fire Department and the Director of Lee County Division of Public Safety or his designee, prior to project construction, to discuss fire protection and Emergency Medical Service needs and appropriate measures to meet these needs.

2. The developer must demonstrate, to the satisfaction of the Lee County Division of Community Development prior to project construction, that there will be no adverse fiscal impacts (costs exceeding revenues) upon fire protection and Emergency Medical Service providers resulting from the development.

B. DRAINAGE/WATER QUALITY

1. The drainage system for the proposed project must be redesigned to provide greater upland (dry) retention/detention of runoff prior to discharge into the on-site lake system. Areas of natural vegetation as described in condition "E" below may be used where feasible.

2. The discharge structure must include a baffle, skimmer, or other mechanism suitable for preventing oil and grease from discharging from retention/detention areas.

3. The drainage system must implement the design standards and "best management practices" outlined in the ADA and in all supplementary material.

4. The developer and/or his successor(s), must implement an on-going maintenance and monitoring program that regularly inspects, maintains and samples the stormwater drainage system. The program must be designed in consultation with the staffs of the Southwest Florida Regional Planning Council, the South Florida Water Management District, and Lee County. Final approval of the program rests with Lee County. The program must be redesigned, if necessary, to incorporate any County ordinances and/or policies relating to the Lakes Park drainage basin. If the quality of surface water runoff does not meet any present or future standards, then the developer must take remedial measures to improve the system to meet these standards, entirely at the developer's expense. The developer is responsible for any remedial measures required by the County, including all costs.

5. A regular program of vacuum sweeping of all project parking lots must be utilized both during and after project construction.

6. The project must be served by a central sewage system.

7. The project is subject to all regulations of Lee County for the protection of the Lakes Regional Park Watershed and Lakes Regional Park water quality.

C. ENERGY

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

These features are:

1. Provision of bicycle racks or storage facilities.

2. Location of bus stops, shelters, and other passenger and system accommodations for a transit system to serve the project area, in cooperation with the appropriate Lee County agencies.

3. Use of energy-efficient features in window design (e.g., tinting and exterior shading), and use of operable windows and ceiling fans.

4. Installation of energy-efficient appliances and equipment.
5. Prohibition of deed restrictions or covenants that would prevent or unnecessarily hamper energy conservation efforts (e.g., building orientation and solar water heating systems).
6. Reduced coverage by asphalt, concrete, rock, and similar substances in streets, parking lots, and other areas to reduce local air temperatures and reflected light and heat.
7. Installation of energy-efficient lighting for streets, parking areas, and other interior and exterior public areas.
8. Installation of water closets with a maximum flush of 3.5 gallons and shower heads and faucets with a minimum flow rate of 3.0 gallons per minute (at 60 pounds of pressure per square inch) as specified in the Water Conservation Act, (Section 553.14, F.S.).
9. Selection, installation and maintenance of native plants, trees, and other vegetation and landscape design features that reduce requirements for water, fertilizer, maintenance, and other needs, for all parking lot landscaping and required vegetated buffer areas.
10. Placement of native trees to provide shade in the warmer months while not overly reducing the benefits of sunlight in the cooler months, and to provide shade for all streets and parking areas.
11. Orientation of structures, to reduce solar heat gain by walls and to utilize the natural cooling effects of the wind, whenever feasible.
12. Provision for structural shading (e.g., trellises, awnings, and roof overhangs) wherever practical when natural shading cannot be used effectively.
13. 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.

D. TRANSPORTATION

1. The developer must construct, cause to be constructed or pay the full costs for intersection improvements deemed necessary by the Lee County Engineer for the project's access points onto U.S. 41 and Cypress Lake Drive. These improvements must be made prior to the issuance of the first certificate of occupancy for the project.

2. The developer must pay a proportionate share of the cost of constructing two additional lanes, on the following road segments:

- a. U.S. 41 from Cypress Lake Drive/Daniels Parkway to and including the intersection of Island Park Road with U.S. 41.
- b. Daniels Parkway from the Bell Tower Mall entrance east of U.S. 41 to the beginning of four lanes west of I-75.
- c. Cypress Lake Drive from the terminus of four lanes west of U.S. 41 to the intersection of McGregor Boulevard with Cypress Lake Drive.
- d. Gladiolus Drive from the terminus of four lanes west of U.S. 41 to and including the intersection of Summerlin Road with Gladiolus Drive.

The developer's proportionate share must be determined by the County Engineer and be paid at the time that the first local Development Order is issued under Lee County regulations.

3. The developer must pay a proportionate share of the cost of signalization, turn lanes, additional approach lanes, or other improvements deemed necessary by the Lee County Engineer or FDOT in order to maintain level of service "C" at the following intersections:

- a. U.S. 41 at Daniels Parkway/Cypress Lake Drive
- b. U.S. 41 at Gladiolus Drive/Six Mile Parkway
- c. U.S. 41 at College Parkway
- d. Cypress Lake Drive at Summerlin Road
- e. Daniels Parkway at Metro Parkway

The developer's proportionate share will be determined by the County Engineer and be paid upon commencement of the intersection improvement.

4. If more than two additional lanes are required to maintain level of service "C" on a road segment specified in D.2 above during project build out, then the developer must pay a proportionate share of the cost of constructing these lanes. The developer's proportionate share will be determined by the County Engineer and be paid upon commencement of the roadway improvement.

5. The developer must submit an annual monitoring report to the Lee County Engineer, the Lee County MPO, FDOT and the Southwest Florida Regional Planning Council for review. This monitoring report must include average daily and peak-hour traffic counts, with turning movements, at the project's access points on U.S. 41 and Cypress Lake Drive and at the intersections listed in D.3 above. The first report must be submitted one year following the issuance of the first certificate of occupancy for the project. Reports must be submitted annually until build out of the project.

6. Nothing contained in this Development Order may be construed to exempt this development from participation in the funding, through Municipal Services Benefit Units (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 this development generates demand.

ALTERNATIVES

1. In lieu of the obligations and payments required by D.1 through D.3 above, the developer may contribute a base amount of \$1,300,000 (in 1985 dollars) for the mitigation of adverse traffic impacts due to this project. Payment must be made subject to the provisions listed below:

- a. The developer must design and construct, or cause to be designed and constructed, two additional lanes on U.S. 41 from the southern boundary line of the Cypress Lake Center DRI to Daniels Parkway/Cypress Lake Drive plus intersection improvements deemed necessary by the Lee County Engineer for the project's access points onto U.S. 41 and for the south leg of the U.S. 41/Daniels Parkway/Cypress Lake Drive intersection. The developer's contract(s) for the design and construction of these improvements must be reviewed and approved by the County Engineer. These improvements must be substantially completed to the satisfaction of the County Engineer prior to issuance of the first certification of occupancy for this project.
- b. Funds must be expended first for the U.S. 41 improvements specified in Alternative 1.a above, with the balance of the base amount of \$1,300,000 paid by the developer into a fund established by Lee County for the purpose of mitigating other adverse impacts due to the project, including improvements described in D.2 and D.3 above, plus intersection improvements deemed necessary by the County Engineer for the project's access points onto Cypress Lake Drive. At the time that construction contracts are let for the specified improvements on U.S. 41, and after consultation and agreement with the County Engineer, the developer must pay an amount estimated to be the balance of the \$1,300,000 minus the cost for design and construction of the U.S. 41 improvements into the fund established by

Lee County. Within one month of the completion of the U.S. 41 contracts, the County Engineer will determine the exact amount of this balance based on actual design and construction costs. The developer will receive a refund or make an additional payment to Lee County so that the total amount paid by the developer equals the base payment of \$1,300,000.

- c. If the construction contracts have not been let prior to October 1, 1985, the base payment of \$1,300,000 will be adjusted quarterly thereafter using the most current Construction Price Index (C.P.I.) published by the Engineer News Record (McGraw-Hill Publications) until the construction contracts are let. The base price index for these adjustments is the price index in the Second Quarterly Cost Round-Up for 1985.
- d. If Lee County adopts a Roads Impact Fee ordinance, the amount of this base payment will remain the same (\$1,300,000), except for adjustments required by Alternative 1.c above. This base payment will be credited against the roads impact fee when adopted.
- e. The Board of County Commissioners, in its discretion, may equitably refund monies to the developer for transportation mitigation fees paid in excess of those reasonably necessary to mitigate the development's adverse impacts. If the total refunding of such fees equals or exceeds 15% of the mitigation amount required by the Development Order, it will be deemed a substantial deviation. The refund in this case is not to exceed \$49,537 and is to be refunded only after staff has determined that all transportation commitments made in the Development Order have been met.

2. If the developer foregoes Alternative 1 and Lee County adopts a Roads Impact Fee ordinance before the first building permit is issued, this fee may be credited toward off-site improvements listed in D.2 through D.4 above. Site-related improvements remain the developer's responsibility and obligation. Payments already made for these off-site improvements will be credited toward the overall fee.

E. VEGETATION AND WILDLIFE

1. The developer must preserve no less than 15 percent of the total site as unaltered native vegetation, including understory, generally along the project's north, east, and west boundaries. These areas may be utilized as dry detention basins (excavation prohibited) in the water management system to purify surface run-off. Plans for this preserve area must be submitted to the Lee County Planning Department for approval. Native species must be utilized for all parking lot landscaping and required vegetated buffer areas.

F. WATER SUPPLY

1. The developer must incorporate the use of water-conserving devices, as required by state law (Chapter 553.14, F.S.).
2. The developer must utilize water-conserving features in irrigation system design and use, including the use of native or low water use plants and turf.
3. The developer must utilize either surface water from the on-site lake system or groundwater for irrigation, unless demonstrated infeasible.

G. HURRICANE EVACUATION

The developer must meet with Lee County Division of Public Safety officials to discuss the use of project common areas for storm shelter purposes, and establish and maintain a hotel/motel hurricane evacuation program of education and information describing the risks of environmental hazards, as well as the actions necessary to mitigate the dangers these hazards present.

H. OTHER

The project may not exceed a total of 336,340 square feet of retail commercial use as defined by the Lee County Comprehensive Plan. These uses may also include automobile dealerships, auto centers, automobile service stations, or indoor movie theaters (up to 800 permanent seats). The total project is approved for and limited to the following development parameters: 336,340 square feet of shopping center (on a total of 40 acres); 40,000 square feet of business corporate office area; 165,000 square feet of executive business office park; 275 room hotel (with 200 seat restaurant, and 100 seat conference center); and, 210 multiple family dwelling units.

BE IT FURTHER RESOLVED, by the Board of County Commissioners of Lee County, Florida, that:

III. FURTHER CONDITIONS OF DEVELOPMENT APPROVAL

1. This resolution constitutes the Development Order of this Board issued in response to the original Development of Regional Impact application for Development Approval filed by Cypress Lake Venture, Ltd. and all amendments approved through and including ~~May 15, 2000~~ November 7, 2005. Map H, attached as Attachment 1, revised and ~~dated~~ on November 7, 2005, is incorporated as part of this Development Order.

2. All commitments and impact mitigating actions volunteered by the developer in the Application for Development Approval and supplementary documents, not in conflict with conditions or stipulations specifically enumerated above, are adopted into this Development Order by reference. The commitments incorporated by reference are binding on the developer as if set forth herein.

3. This Development Order is binding upon the developer and the developer's heirs, assignees or successors in interest.

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

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

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

5. In the event that 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 in no manner affect the remaining portions or sections of the Development Order, which will remain in full force and effect provided that the portion of the Development Order that is invalidated does not cause the remainder of the development area to be inconsistent with the purpose and intent of Lee County adopting this Development Order.

6. The approval granted by this Development Order is limited. Approval may not be construed to obviate the duty of the applicant to comply with all other applicable local or state review and permitting procedures.

7. Subsequent request for local development permits may not require further review pursuant to Section 380.06, Florida Statutes, unless it is found by the Board of County Commissioners, 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 which create a reasonable likelihood of adverse regional impacts or other regional impacts which 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 as provided herein.

Upon finding that either of the above is present, the Board may order a termination of all development activity until such time as a new DRI Application for Development Approval has been submitted, reviewed and approved in accordance with Section 380.06, Florida Statutes, and all local approvals have been obtained.

8. This Development Order will remain in effect until June 19, 2003⁹, provided that this effective period may be extended by this Board upon a finding of excusable delay in any proposed development activity and that conditions have not changed sufficiently to warrant further consideration of the development. In the event the developer fails to commence significant physical development of that property identified in this development order within five (5) years from the date of rendition of this Development Order, development approval will terminate and the development may be subject to further consideration. Significant physical development includes obtaining a Certificate of Completion on some substantial portion of the project. The project buildout date is June 19, 2003⁹.

9. The Administrative Director of the Lee County Division of Community Development or his/her designee, is the local official responsible for assuring compliance with this Development Order.

10. The developer, or his successor(s) in title to the undeveloped portion of the subject property, must submit a report biennially to the Lee 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 state of development and compliance as of the date of submission, and be consistent with the rules of the State land planning agency. The first monitoring report must be submitted to the Administrative Director of the Division of Community Development not later than May 1, 1986, and further reporting must be submitted not later than January 1st of subsequent calendar years. Failure to comply with this reporting procedure is governed by Section 380.06 (16) F.S. and the developer must inform any successor in title to any undeveloped portion of the real property covered by this Development Order.

11. Certified copies of this Development Order will be forwarded to the Southwest Florida Regional Planning Council, the developer, and appropriate state agencies. This Development Order is rendered as of the date of that transmittal, but will not be effective until the expiration of the statutory appeals period (45 days from rendition) or until the completion of any appellate proceedings, whichever time is greater. Upon this Development Order becoming effective, notice of its adoption must be recorded as provided in Chapter 380, Florida Statutes.

THE MOTION TO ADOPT the above codified Development Order was offered by Commissioner Ray Judah, and seconded by Commissioner Robert P. Janes and upon poll of the members present, the vote was as follows:

Douglas St. Cerny	Absent
Ray Judah	Aye
Robert P. Janes	Aye
Tammara Hall	Aye
John Albion	Aye

DULY PASSED AND ADOPTED this 7th day of November 2005.

BOARD OF COUNTY COMMISSIONERS
LEE COUNTY, FLORIDA

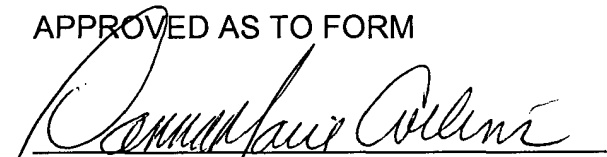


Tammara Hall, Chairwoman

ATTEST:
Charlie Green, Clerk

APPROVED AS TO FORM

by Michele S. Cooper
Deputy Clerk


Donna Marie Collins
County Attorney

Attachment:

1 Master Development Plan (Map H), revised November 7, 2005



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2005 DEC 15 AM 10:24

State of Florida
County of Lee

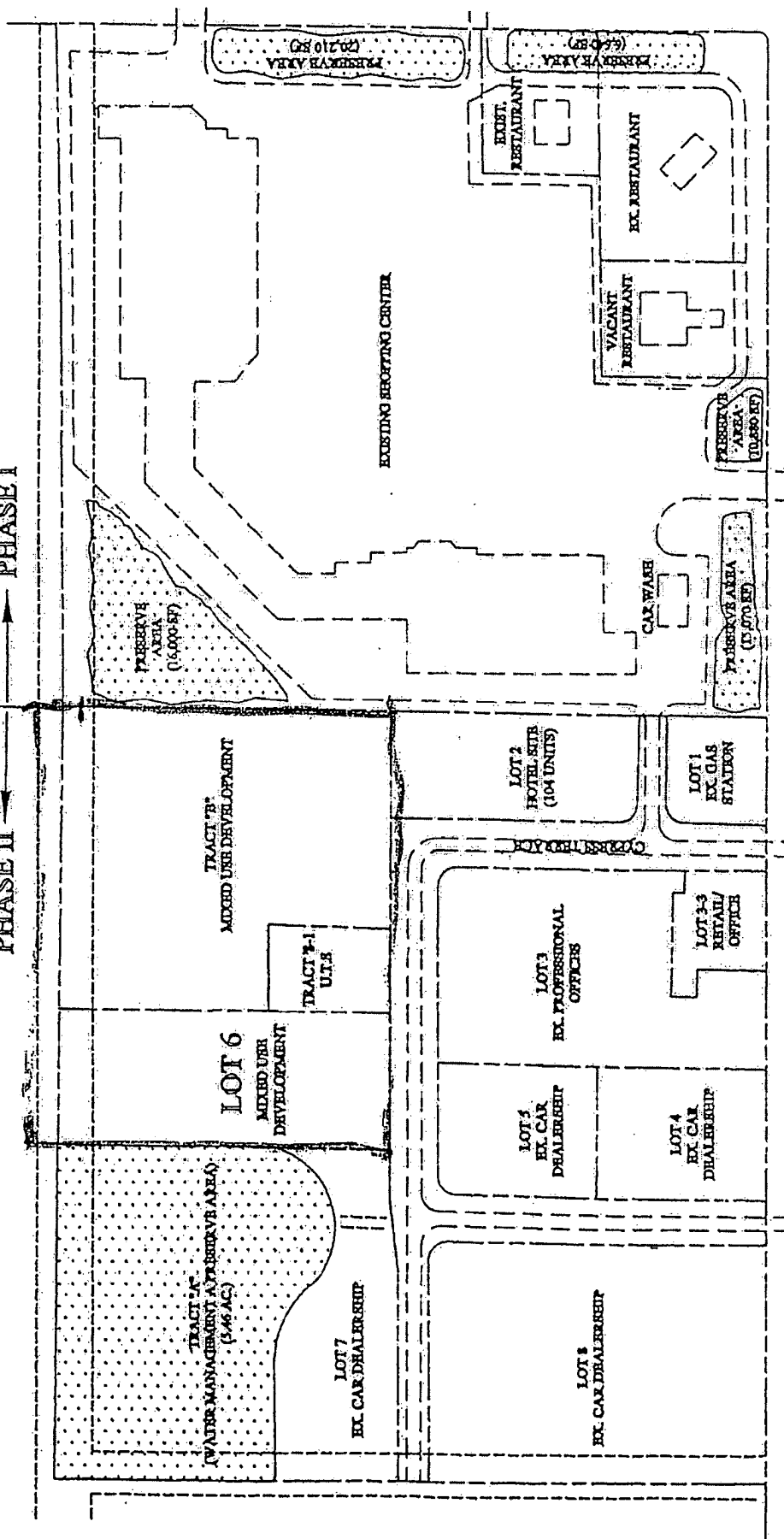
I Charlie Green, Clerk of the Circuit Court for Lee County, Florida, do hereby certify this document to be a true and correct copy of the original document filed in the Minutes Department.

Given under my hand and official seal at Fort Myers, Florida, this 15th day of December, A.D. 2005

CHARLIE GREEN, CLERK

By Michele S. Cooper
Deputy Clerk

PHASE I



U.S. 41 (TAMIAMI TRAIL)

CYPRESS LAKE CENTER DRI

REVISED NOV. 07-2005
AMENDED BY THE SEVENTH AMENDMENT
TO THE DRI DO

MASTER DEVELOPMENT PLAN MAP "H"

10-10-68

ATTACHMENT 1

DRI 2005-00003

OFFICE OF THE HEARING EXAMINER, LEE COUNTY, FLORIDA

RECEIVED
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HEARING EXAMINER RECOMMENDATION

COMMUNITY DEVELOPMENT

REZONING: DRI2005-00003 & DCI2004-00085
APPLICANT: KEITH BASIK, in reference to CYPRESS LAKE CENTER
(fka CENTRAL PARK)
HEARING DATE: AUGUST 17, 2005

I. APPLICATION:

This matter came before the Lee County Hearing Examiner as an Application to Amend a Development of Regional Impact (DRI) and Rezone to a Mixed Use Planned Development (MPD) pursuant to the Lee County Land Development Code (LDC).

Filed by KEITH BASIK, 720 Goodlette Road, Suite 305, Naples, Florida 34102 (Applicant/Owner); VANASSE & DAYLOR, LLP, c/o RONALD NINO, 12730 New Brittany Boulevard, Suite 600, Fort Myers, Florida 33908 (Agent).

Request is for:

A) Notice of Proposed Change to DRI Development Order for Cypress Lake Center (DRI#7-8384-47) to extend the build-out date to June 19, 2009 and DRI Development Order language changes noting a seventh amendment of the DRI and clerical corrections.

B) Evaluate whether the amendment constitutes a substantial deviation from the original development order approvals warranting further development of regional impact review.

C) Rezone 9.2± acres from Commercial Planned Development (CPD) to Mixed Use Planned Development (MPD), in reference to Cypress Lake Center, to allow a maximum of 58,200 square feet commercial office uses, understory parking, and up to 166 residential units, 12 habitable floors, and 150 feet. No blasting is requested.

The subject property is located at 13820 and 13870 Vector Avenue, in Section 23, Township 45 South, Range 24 East, Lee County, Florida (District #5).

II. STAFF REPORT AND RECOMMENDATION: APPROVE WITH CONDITIONS

The Department of Community Development Staff Report was prepared by Chip Block. The Staff Report is incorporated herein by this reference.

III. RECOMMENDATION OF HEARING EXAMINER:

The undersigned Lee County Hearing Examiner recommends that the Lee County Board of County Commissioners:

A) **APPROVE** Notice of Proposed Change to DRI Development Order for Cypress Lake Center (DRI#7-8384-47) to extend the build-out date to June 19, 2009 and DRI Development Order language changes noting a seventh amendment of the DRI and clerical corrections; and

B) **MAKE A FINDING** that the amendment **DOES NOT** constitute a substantial deviation from the original development order approvals warranting further Development of Regional Impact review.

The undersigned Lee County Hearing Examiner also recommends that the Lee County Board of County Commissioners **APPROVE** the Applicant's request to rezone 9.2± acres from Commercial Planned Development (CPD) to Mixed Use Planned Development (MPD) for the real estate described in Section IX. Legal Description WITH THE FOLLOWING CONDITIONS AND DEVIATIONS:

A. CONDITIONS:

1. The development of this project must be consistent with the 1-page Master Concept Plan entitled "Park Center," stamped received July 29, 2005, last revised July 28, 2005, except as modified by the conditions below.

The project is approved for a maximum of 58,200 square feet commercial office uses (22,000 medical office), and 166 residential units in three buildings, in accordance with Condition 9 below.

2. The following limits apply to the project and uses (any Note referenced is taken from LDC Section 34-934):

a. Schedule of Uses

TRACT A

Accessory uses and structures: Note (1), 34-1171 et seq., 34-2441 et seq., 34-2141 et seq., & 34-3106

Administrative offices: Note (1)

ATM (automatic teller machine)

Banks and financial establishments (34-622(c)(3)): Groups I and II

Business services (34-622(c)(5)): Groups I and II

Computer and data processing services

Entrance gates and gatehouse (34-1741)

Essential services (Note 1, 34-1611, 34-1741)

Essential service facilities (34-622(c)(13)): Group I

Fences, walls (Note 1, 34-1741)

Health care facilities (34-622(c)(20)): Group III (subject to the 22,000 sq. ft. limit for medical office between Tracts A and B)

Insurance companies (34-622(c)(23))

Medical office
(limited to 22,000 sq. ft. of gross floor area between Tracts A and B)
Parking lot: Accessory
Personal services (34-622(c)(33)): Group I (34-3021)
Post office
Real estate sales office (Note 23, 34-1951, 34-3021)
Rental or leasing establishment (34-622(c)(39)): Groups I (34-1352, 34-3001 et seq.), II (34-1352, 34-3001 et seq.)
Schools: Commercial (34-622(c)(45))
Signs (in accordance with chapter 30)
Temporary uses (Note 1, 34-3041) limited to 30-3044, Temporary contractor's office and equipment storage shed

TRACT B

Accessory Uses and Structures: Note (1), 34-1171 et seq., 34-2441 et seq., 34-2141 et seq., & 34-3106
Administrative Offices: Note (1)
ATM (Automatic Teller Machine)
Banks and Financial Establishments (34-622(c)(3)): Groups I and II
Business Services (34-622(c)(5)): Groups I and II
Computer and Data Processing Services
Dwelling Units (limited to 166): Multiple-Family Building (Note 28)
Entrance Gates and Gatehouse (34-1741)
Essential Services (Note 1, 34-1611, 34-1741)
Essential Service Facilities (34-622(c)(13)): Group I
Fences, Walls (Note 1, 34-1741)
Health Care Facilities (34-622(c)(20)): Group III (subject to the 22,000 sq. ft. limit for Medical Office between Tracts A and B)
Medical Office
(limited to 22,000 sq. ft. of gross floor area between Tracts A and B)
Models: Model Units (34-1951 et seq.)
Parking Lot: Accessory
Personal Services (34-622(c)(33)): Group I (34-3021)
Real Estate Sales Office (Note 23, 34-1951, 34-3021)
Rental or Leasing Establishment (34-622(c)(39)): Groups I (34-1352, 34-3001 et seq.), II (34-1352, 34-3001 et seq.)
Schools: Commercial (34-622(c)(45))
Signs (in accordance with chapter 30)
Temporary Uses (Note 1, 34-3041) limited to 30-3044, Temporary Contractor's Office and Equipment Storage Shed

b. Site Development Regulations

TRACT A

Minimum Lot Area and Dimensions:

Area	2.7 acres
Width	400 feet
Depth	200 feet

Maximum Building Height 45 feet

TRACT B

Minimum Lot Area and Dimensions:

Area	4.1 acres
Width	200 feet
Depth	400 feet
Maximum Building Height	120 feet and one level of understory parking- See Condition 9

GENERAL

Minimum Building Setbacks:

Vector Avenue	25 feet
Internal Streets	10 feet
MPD perimeter	15 feet
Side (internal)	10 feet
Rear	25 feet
Water Body	25 feet

Accessory Structures	10 feet
Minimum Building Separation	15 feet
Maximum Lot Coverage	40 percent

3. Prior to local development order approval, the development order plans must demonstrate how the open space and indigenous preservation requirements will be met based upon the use of the property as follows:

a. If the entire planned development is developed as commercial uses then 30 percent or 2.76 acres of open space must be provided, of which 1.38 acres must be indigenous preservation.

-OR-

b. If the planned development is developed as commercial and/or residential above ground floor commercial uses, then 30 percent or 2.76 acres of open space must be provided, of which 1.38 acres must be indigenous preservation.

-OR-

c. If Tract A remains commercial, and Tract B is developed as residential uses, then 3.38 acres of open space must be provided of which 1.69 acres must be indigenous preservation. A total of 1.38 acres of indigenous preservation must be provided as shown on the MCP. The developer must demonstrate that the remaining 0.31 acres of indigenous preservation requirement can be met within the Central Park DRI with areas not used for open space or indigenous preservation for other portions of the DRI. If the 0.31 acres of indigenous preservation cannot be met with existing indigenous within the Central Park DRI, then an indigenous restoration plan for 0.31 acres within the Central Park MPD must be submitted for the Division of Environmental Sciences staff review and approval.

-OR-

d. If the entire planned development is developed as residential uses then 40 percent or 3.65 acres of open space must be provided, of which 1.83 acres must be indigenous preservation. 1.38 acres of indigenous preservation must be provided as shown on the MCP. The developer must demonstrate that the remaining 0.45 acres of indigenous preservation requirement can be met within the Central Park DRI with areas not used for open space or indigenous preservation for other portions of the DRI. If the 0.45 acres of indigenous preservation cannot be met with existing indigenous within the Central Park DRI, then an indigenous restoration plan for 0.45 acres within the Central Park MPD must be submitted for the Division of Environmental Sciences staff review and approval.

4. Prior to local development order approval, the development order plans must delineate 20-foot-wide buffers to the west of Building C and to the south of Building A - at least 10 feet of that 20-foot width must be outside any utility or drainage easement. The buffer plantings must include a staggered row of staggered height palms (planted 10-foot on center; 50 percent sabal palms and 50 percent Washingtonian palms) and a continuous double staggered hedge of cocoplum. The sabal palms must have a minimum 10-foot clear trunk. The Washingtonian palms must have a minimum 20-foot clear trunk. The palms must be allowed to grow to their natural form and no trimming is permitted. The cocoplum must have a minimum 48-inch height, and be allowed to grow to its natural form with no trimming.

5. Commercial activities approved for Tract B are limited to the ground and/or the first habitable floor of a residential building or in a stand alone building.

6. Approval of this zoning request does not address mitigation of the project's vehicular or pedestrian traffic impacts. Additional conditions consistent with the Lee County LDC may be required to obtain a local development order.

7. Approval of this rezoning does not guarantee local development order approval. Future development order approvals must satisfy the requirements of the Lee Plan Planning Communities Map and Acreage Allocation Table, Map 16 and Table 1(b), be reviewed for, and found consistent with, the retail commercial standards for site area, including range of gross floor area, location, tenant mix and general function, as well as all other Lee Plan provisions.

8. This development must comply with all of the requirements of the Lee County Land Development Code at the time of local development order approval, except as may be granted by deviations approved as part of this planned development. If changes to the Master Concept Plan are subsequently pursued, appropriate approvals will be necessary.

9. The westernmost two buildings must not exceed 100 feet in height, and the easternmost building must not exceed 120 feet in height.

10. Basting is not approved, nor permitted as part of this rezoning request.

11. Accessory uses must be located on the same tract, parcel or outparcel where the principal use is located. Accessory uses must be incidental and subordinate to the principal use of the tract, parcel or outparcel.

12. Development of this parcel is also subject to the rights, obligations and requirements of the DRI Development Order #7-8384-47 - Seventh Amendment - which is being approved in conjunction with this rezoning.

B. DEVIATIONS:

Deviation 1 seeks relief from Land Development Code §10-285(a) requiring a 125-foot intersection separation distance for local roads (Vector Avenue), to allow a separation of 50± feet from the UTS/Sprint telecommunications facility service entrance to the north. The Hearing Examiner recommends **APPROVAL** of this deviation request, provided the ingress/egress to the subject property is right-in/right-out only as previously approved under Resolution Z-00-003.

Deviation 2 seeks relief from Land Development Code §10-416(d)(3) requiring Type "A" buffers between commercially zoned lands, to eliminate buffer requirements the northern boundary of the UTS/Sprint. The Hearing Examiner recommends **APPROVAL** of this deviation request for elimination of the Type "A" buffer on the northern boundary of the UTS/Sprint property.

Deviation 3 seeks relief from Land Development Code §10-416(d)(3) requiring Type "A" buffers between commercially zoned lands, to eliminate buffer requirements for the northern property boundary abutting the existing Cypress Lake Center. The Hearing Examiner recommends **APPROVAL** of this deviation request.

Deviation 4 seeks relief from Land Development Code §10-296, Table 4(7)(c)(2) specifying minimum construction requirements types B and C for local access roads, to allow decorative pavers on private streets internal to the project. The Hearing Examiner recommends **APPROVAL** of this deviation request, provided that, at the time of local development order review, the pavers are determined to not reduce the requirements of the road surface, but only seek to directly substitute, so that quality is not downgraded, only appearance is altered.

Deviation 5 seeks relief from Land Development Code §34-935(b)(1) establishing building setbacks from development perimeter boundaries a distance equal to the greater of fifteen feet for residential and commercial portions of the development or one-half the height of the building or structure, to allow a 20-foot setback along the southern and western property boundaries irrespective of building height. The Hearing Examiner recommends **APPROVAL** of this deviation request along the southern boundary, provided the Applicant installs the buffer described in Condition 4.

Deviation 6 - Withdrawn at public hearing.

IV. HEARING EXAMINER DISCUSSION:

This is a request to rezone a 9.2-acre parcel, located on a reverse frontage road in the southwest quadrant of the U.S. 41/Cypress Lake Drive intersection, from CPD to MPD (Mixed Use Planned Development) to allow a mixture of commercial and multi-story residential uses. The subject property is part of the 68.5±-acre Cypress Lake Center Development of Regional Impact (DRI), the majority of which has been developed. The request herein also includes the amendment of that DRI Development Order to extend the build-out date to June 2009, and the determination of whether the requested extension constitutes a Substantial Deviation under the requirements of Section 380.06(19), Florida

Statutes. The subject property is abutted on the north, east and south by the developed lands of the DRI, and on the west by a developing Residential Planned Development (Reflections RPD). The subject property is designated "Intensive Development" in the Lee Plan, as are the abutting lands.

Issues

The only outstanding issue in this rezoning is the requested height of the three proposed residential structures - two at 100 feet and the third at 120 feet - that would house the 166 dwelling units as well as one story of commercial uses and understory parking that is to form the base for the three buildings. The two shorter buildings would be located on the west boundary, about 600 feet away from the dwelling units in the Reflections RPD. The taller building would be set back into the southeast corner of the subject property, adjacent to the reverse frontage roadway (Vector Avenue), and would be partially blocked from view of the two other buildings. Staff recommended only an 85-foot height for all three buildings, asserting concerns about the visual impacts on the residential uses to the west, and pointing out that the previous CPD zoning allowed only an 85-foot height.

Background

The Cypress Lake DRI was originally approved in 1985 for 300,000 square feet of commercial retail and 306,340 square feet of office uses. The DRI DO has been amended at least six previous times to: change the mix of uses and adopt new Map H's and Master Concept Plans; extend the termination dates; and reduce the transportation mitigation amounts due from the developer.

The currently approved development plan includes 336,340 square feet of commercial shopping center; 205,000 square feet of office uses; a 275-room hotel with restaurant and conference center; and 210 multi-family dwelling units. The subject 9.2-acre parcel was previously approved, in 2000, for 100,000 square feet of office, and 171 hotel units and 145 assisted living units in 85-foot-high buildings. Of that approved amount, only about 23,000 square feet of mixed general and medical office uses have been developed in the northeast corner of the site, adjacent to the parcel containing a 3-story hotel.

Applicant desires to develop the subject property with the 166 dwelling units, instead of the hotel and assisted living units, and to reduce the commercial uses to a maximum of 58,200 square feet. The Master Concept Plan (MCP) depicts the subject property divided into two development tracts - Tract A - General office; and Tract B - a mixture of the high rise dwelling units and commercial uses. Tract A is the already developed portion of the subject property and has an entrance point onto Cypress Terrace, which leads eastward into an intersection with U.S. 41. A 1-acre indigenous preserve parcel is located in the northwest corner of Tract A, and abuts the north property line of Tract B.

Tract B is located in the south portion of the squarish-shaped subject property, and will have a right-in/right-out entrance onto Vector Avenue, the reverse frontage road that turns into Cypress Terrace, which then intersects with U.S. 41. A 1/3-acre indigenous preserve is located in the southwest corner of Tract B, and the three buildings are situated, in an arc, along the west and south boundaries. Applicant described the three buildings as "towers" sharing a 2-story base - one level being parking for the dwelling units, and one level being for the commercial uses and its associated parking. The balance of Tract B will be open parking areas.

Tract A is separated from Tract B by a buffer, which will not allow vehicular access between the two Tracts. Applicant explained that they could provide a pedestrian opening for cross-access, but did not believe it was appropriate for an exchange of vehicular traffic.

Applicant also requested six Deviations, but withdrew the last one (#6) at the public hearing. The remaining Deviations relate to a shorter intersection separation for the accesses into Tracts A and B; the elimination of the buffer along the north and south sides of Tract A (commercial to commercial uses); use of pavers on the internal streets of Tracts A and B; and having a 20-foot setback along the southern boundary for the 120-foot-high building. Staff recommended approval of those five Deviations, with conditions.

Staff also recommended approval of the rezoning request, with conditions, finding that the request, as conditioned, is consistent with the Lee Plan and the Land Development Code, and will be compatible and consistent with the uses and development in the area. They found that the requested uses and the development plan, as conditioned with the shorter height, would not be detrimental to the neighborhood or the public health, safety and welfare.

Staff recommended approval of the extension of the build-out date to June 2009, and the amendments to the DRI DO. They found that the requested build-out extension would not create new or additional unreviewed regional impacts, and would not be a Substantial Deviation under the provisions of Section 380.06(19), Florida Statutes. Thus, the requested amendment will not be required to undergo an in-depth DRI review. Staff's findings and recommendation mirrored the findings and recommendation of the Southwest Florida Regional Planning Council Staff, and the Council's ultimate action.

Staff was recommending the 85-foot height because they believed that the 100- and 120-foot heights would not be compatible with the residential uses along the west boundary. They pointed out that the previously approved multi-story buildings on this property were limited to 85 feet, and they believed that was the appropriate height for this property. Staff expressed concerns that the three buildings would "loom" over the 1- and 2-story single-family homes on the adjacent property, and would not be visually compatible with the rest of the skyline in that area.

Staff acknowledged the 22-story residential buildings being constructed further south - closer to Gladiolus Drive, noting that those buildings were about 1/2-mile from the subject property and the Reflections RPD. They did not believe that the impacts from those two buildings would be the same on that RPD as the impact from the proposed three buildings. They acknowledged the proposed buildings would be shorter in height than the 22-story buildings, but noted that these three buildings will be considerably closer to the RPD's residents. The proximity was the problem because the "shorter" buildings would still have a greater visual impact than those 22-story buildings. They also expressed the opinion that one set of very high buildings does not become the basis for the determination of the appropriate height for other buildings in the area.

Staff asserted there has been clear precedent, in past rezoning cases, that mid- to high-rise residential buildings are not always compatible with single-family or multi-family uses, when those multi-story buildings are in close proximity to the shorter, smaller and less dense dwelling units. They cited several cases in which that issue was reviewed and the height of

the proposed structures was limited because of visual incompatibility.¹ They asserted that Applicant's proposed buffers would not be sufficient to hide or camouflage the height of these buildings or alleviate their oppressive feel on the nearby residents.

Staff pointed out that Applicant was relying on the presence of the very tall Australian Pines and other exotics to help screen those buildings. However, those exotics would have to be removed and they felt that, then, Applicant's buildings will really stand out. To help camouflage the bulk and height of the buildings at the recommended height of 85 feet, Environmental Staff required Applicant to plant tall sabal palms, Washingtonian palms and cocoplum shrubs in their buffer. These two types of palms will grow quite tall in relatively short periods of time, and the cocoplums will fill in around the trunks of those trees and will reach heights of 20 to 30 feet in just a few years. Staff believed this buffer and plantings were more likely to camouflage the height and bulk of those buildings than would some of the other plants/trees/shrubs proposed by Applicant.

Applicant had prepared and submitted three line-of-sight drawings, taken from the view of a resident in the adjacent RPD (Applicant's Exhibit 7), that indicated there was a 600-foot distance between the dwelling units and the first building. In the first drawing, Applicant showed that the existing 70-foot-tall Australian pines in or abutting the canal easement (to the west of the subject property) would clearly hide the bulk of the 100-foot-high buildings from open view or those residents. In the event those Australian Pines had to be removed, Applicant proposed to install a "betterment" buffer along the property line - with taller trees - that would cover the bottom half or so of the building. Applicant understood that the top portion of those buildings would be easily visible, but believed that the 600-foot distance would relieve any feelings of overshadowing or oppression caused by the 100+-foot height.

Applicant also pointed out that the subject property is located in the Intensive Development land use category, which was the appropriate place for higher density and higher building heights. Staff conceded the point that such density and heights were appropriate in this land use category, but stressed that compatibility was a factor that looked beyond the bounds of consistency with the intent of the land use category. Consistency with the land use category was a threshold finding in the "ladder" of rezoning review, but compatibility was a higher rung on that "ladder." Consistency with the land use category was not enough to make Staff overlook or ignore the proximity of these structures to the shorter, less dense single-family residences to the west and the potential effect on those residents.

Applicant responded that none of the residents of Reflections RPD were in attendance at the public hearing, and believed the residents would have been if they had felt threatened by the proposed height and size of Applicant's buildings. They pointed out that, in other cases of high-rises adjacent to typical single-family homes, many of the affected single-family homeowners attended the public hearing or submitted letters of objection to the Hearing Examiner. Nothing had been sent and no one had attended the public hearing, so Applicant felt that Staff was trying to protect residents who were really not concerned about the proposed development.

¹ The Legends Golf & Country Club (fka Section 28 - Cypress Links), Case #95-02-273-03Z (August 1995); The Legends Golf & Country Club, Case #95-02-273-03Z 02.01 (March 2000); and West Bay Club, Case# DCI2004-00046 (February 2005).

Applicant also raised the argument that no planning principles established open, unimpaired "skyline" visibility as a nuisance criteria, which would be reviewed for findings of compatibility. The accepted nuisance factors included such things as noise, odors, bulk, and other adverse impacts such as traffic, and were all utilized in determinations of compatibility. They believed that Staff was creating a "factor" that was not acceptable in planning principles and attempting to apply it to the facts of this case. They argued that no one is "guaranteed" an open, unimpaired skyline view. Staff responded by citing to the previous rezoning hearings in which that issue had been decided in favor of the adjacent property owners.

Nevertheless, Applicant was willing to attempt to address the visibility issue in a rather unique way. Applicant found that planting very large trees closer to the single-family residences would actually provide better screening and buffering effects than any buffer on their property. Their third line-of-sight drawing depicted the residents' view when large trees were planted in close proximity to their homes, which indicated that such a planting would prevent the residents from seeing the buildings at all.

Applicant then volunteered to set aside an escrow account to pay for the installation of the canopy type and other tall trees along the east boundary of the individual single-family homesites, and asked that the Hearing Examiner include that as a condition of approval. The Hearing Examiner and County Attorney advised Applicant that such a condition could not be inserted in this case, as the County was without authority to administer those funds and should not be placed in the position of having to enforce what was actually a private agreement between this developer and the adjacent property owners.

Public Input

No members of the public appeared at the public hearing, and the Hearing Examiner's files do not contain any correspondences or notifications in support or in objection to the requested rezoning and DRI Do amendment.

Hearing Examiner Discussion

The undersigned Hearing Examiner concurs, for the most part, with Staff's analysis, findings and recommendation of approval, with conditions, finding that the request, as conditioned herein, meets the criteria for approval set out in LDC Section 34-145, and will be consistent and compatible with the other uses in the area. She also finds that the proposed uses, as conditioned herein, are appropriate in this area and will not be detrimental to the other uses in the area.

The Hearing Examiner understands and agrees, basically, with Staff's reasoning in their denial of the 100+-foot heights, but finds that the facts in this situation are not as strong as the facts in other cases in which the higher heights have been denied. She finds that the 600-foot distance between the buildings and the nearest single-family residential units, and the property's location in the Intensive Development land use category are two factors that cannot be lightly dismissed.

The Hearing Examiner notes that Staff and Applicant agreed that the proposed uses and intensity of development is consistent and appropriate with the intent of the Intensive Development land use category, as well as the and the surrounding development. Staff had no objections to the requested 166 dwelling units or the 58,000+ commercial square footage;

their sole concern was the height of the buildings and the potential for adverse impacts on the adjacent residents.

The Hearing Examiner reviewed the cases cited by Staff, and notes that, as with any other rezoning case, this case must be decided on its own merits - regardless of any precedential decisions on a similar height issue. If this were a situation of a less intensive land use category or a much shorter distance between the uses, the Hearing Examiner could have supported Staff's position wholeheartedly. Staff has recommended 85-foot heights, which they believe will have a lesser visual impact on the residents than would the 100-foot-high buildings. The Hearing Examiner, however, cannot believe that a 15-foot difference in height (between 85 and 100 feet) will be that noticeable to the abutting residents - particularly in light of the 600-foot separation. She concedes that, if the distance between the uses and structures had been even 300 feet, she might have agreed with Staff's recommended 85-foot height.

However, given the 600-foot separation, Staff's required buffer with the taller trees and shrubs, the intent of the Intensive Development land use category, and the lack of comment from the adjoining residents, the Hearing Examiner is recommending the BOCC approve the two westerly buildings at 100 feet in height and the easterly building at 120 feet. The easterly building will be set further back from the adjacent residences, and will be partially concealed by the westerly two buildings, so the additional 20 feet in height should not be evident to the adjacent residents.

The Hearing Examiner also concurs with Staff's recommendation of approval, with conditions, of the five Deviations; finding that the Deviations, as conditioned, will enhance the proposed development, and will promote and protect the public health, safety and welfare.

She also agrees with the SWFRPC and Staff's findings that the proposed request, as conditioned, does not constitute a Substantial Deviation under the provisions of Section 380.06(19), Fla. Stat., and does not require a more in-depth DRI review.

It is the opinion of the Hearing Examiner that the conditions imposed herein are reasonably related to the impacts anticipated from the proposed uses and, with other regulations, will safeguard the public's interests.

V. FINDINGS AND CONCLUSIONS:

Based upon the Staff Report, the testimony and exhibits presented in connection with this matter, the undersigned Hearing Examiner makes the following findings and conclusions:

- A. That the Applicant has proved entitlement to the MPD zoning, as conditioned, by demonstrating compliance with the Lee Plan, the Land Development Code, and other applicable codes or regulations.
- B. That the requested uses, as conditioned, will meet or exceed all performance and locational standards set forth for the potential uses allowed by the request.
- C. That the request uses, as conditioned, are consistent with the densities, intensities and general uses set forth in the Lee Plan.

D. That the requested uses, as conditioned, are compatible with existing or planned uses in the surrounding area.

E. That approval of the MPD zoning, as conditioned, will not place an undue burden upon existing transportation or planned infrastructure facilities, and the development will be served by streets with the capacity to carry traffic it generates.

F. That the requested use and development plan, as conditioned, will not adversely affect environmentally critical areas and natural resources.

G. That the proposed mix and height of uses, as conditioned, are appropriate at the subject location.

H. That the recommended conditions to the Master Concept Plan are reasonably related to the impacts anticipated from the proposed development, and, with other regulations, will provide sufficient safeguard to the public interest.

I. That the approved Deviations, as conditioned, will enhance the objective of the proposed development, and will promote the protection of the public health, safety and welfare.

J. That urban services, as defined in the Lee Plan, are available and adequate to serve the proposed land use.

K. That the requests, as conditioned, do not create new or additional unreviewed regional impacts and do not constitute a Substantial Deviation under Section 380.06(19), Fla. Stat.

VI. LIST OF EXHIBITS:

STAFF'S EXHIBITS

Résumés of Lee County Staff are on file with the Hearing Examiner's Office and are incorporated herein.

APPLICANT'S EXHIBITS

- 1 Master Concept Plan, prepared by Vanasse Daylor, dated 08/15/05 [Board]
- 2 Ronald F. Nino Resume
- 3 Transportation Impact Assessment, prepared by Vanasse & Daylor, dated 03/30/05
- 4 Aerial Photograph, dated December 2004 [color]
- 5 Central Park FLUM Overlay Aerial Photograph, dated December 2004 [colored]
- 6A Central Park Photographs Central Park - Bald Eagle Circle & Magnolia Lake Court
- 6B Central Park Photographs - Mostly Southerly Residential Lots on Preserve Area

- 7A Central Park Line of Sight Exhibit One
- 7B Central Park Line of Sight Exhibit Two
- 7C Central Park Line of Sight Exhibit Three
- 8 February 3, 2005 Letter from Ronald Nino to Mr. Drovdic
- 9 Proposed 2005 LDC Amendment
- 10 Excerpt - Florida Statutes §380.06(15)
- 11 Lee Plan Goal E Excerpt

Résumés of Applicant's consultants are on file with the Hearing Examiner's Office and are incorporated herein.

VII. PRESENTATION SUMMARY:

See Official Court Reporter Transcript

VIII. OTHER PARTICIPANTS AND SUBMITTALS:

ADDITIONAL APPLICANT'S REPRESENTATIVES:

- 1. E. Randy Spradling, PE, % Vanasse Daylor, 12730 New Brittany Boulevard, Suite. 600, Fort Myers, Florida 33907
- 2. Steven Hartsell, Esquire, Pavese Law Firm, 1833 Hendry Street, Fort Myers, Florida 33901

ADDITIONAL COUNTY STAFF:

- 1. Chip Block, Department of Community Development, P. O. Box 398, Fort Myers, Florida 33902-0398
- 2. Andy Getch, Lee County Department of Transportation, P. O. Box 398, Fort Myers, Florida 33902-0398
- 3. Joan Henry, Assistant County Attorney, P. O. Box 398, Fort Myers, Florida 33902-0398
- 4. Kim Trebatoski, Environmental Sciences, P. O. Box 398, Fort Myers, Florida 33902-0398

PUBLIC PARTICIPATION:

A. THE FOLLOWING PERSONS TESTIFIED OR SUBMITTED EVIDENCE FOR THE RECORD AT THE HEARING (SEE SECTION VII.):

For: NONE

Against: NONE

B. THE FOLLOWING PERSONS SUBMITTED A LETTER/COMMENT CARD, OR OTHERWISE REQUESTED A COPY OF THE HEARING EXAMINER RECOMMENDATION:

For: NONE

Against: NONE

IX. LEGAL DESCRIPTION:

See Exhibit A (scanned legal description).

X. UNAUTHORIZED COMMUNICATIONS:

Unauthorized communications shall include any direct or indirect communication in any form, whether written, verbal or graphic, with the Hearing Examiner, or the Hearing Examiner's staff, any individual County Commissioner or their executive assistant, by any person outside of a public hearing and not on the record concerning substantive issues in any proposed or pending matter relating to appeals, variances, rezonings, special exceptions, or any other matter assigned by statute, ordinance or administrative code to the Hearing Examiner for decision or recommendation. . . . [Administrative Code AC-2-5]

No person shall knowingly have or attempt to initiate an unauthorized communication with the Hearing Examiner or any county commissioner [or their staff]. . . . [LDC Section 34-52(a)(1), emphasis added]

Any person who knowingly makes or attempts to initiate an unauthorized communication . . . [may] be subject to civil or criminal penalties which may include: [Section 34-52(b)(1), emphasis added]

Revocation, suspension or amendment of any permit variance, special exception or rezoning granted as a result of the Hearing Examiner action which is the subject of the unauthorized communication. [LDC Section 34-52(b)(1)b.2.]; OR

A fine not exceeding \$500.00 per offense, by imprisonment in the county jail for a term not exceeding 60 days, or by both such fine and imprisonment. [LDC Section 1-5(c)]

XI. HEARING BEFORE LEE COUNTY BOARD OF COUNTY COMMISSIONERS:

A. This recommendation is made this 11th day of October, 2005. Notice or copies will be forwarded to the offices of the Lee County Board of County Commissioners.

B. The original file and documents used at the hearing will remain in the care and custody of the Department of Community Development. The documents are available for examination and copying by all interested parties during normal business hours.

C. The Board of County Commissioners will hold a hearing at which they will consider the record made before the Hearing Examiner. The Department of Community Development will send written notice to all hearing participants of the date of this hearing before the Board

of County Commissioners. Only participants, or their representatives, will be allowed to address the Board. The content of all statements by persons addressing the Board shall be strictly limited to the correctness of Findings of Fact or Conclusions of Law contained in the recommendation, or to allege the discovery of relevant new evidence which was not known by the speaker at the time of the earlier hearing before the Hearing Examiner and not otherwise disclosed in the record.

D. The original file containing the original documents used in the hearing before the Hearing Examiner will be brought by the Staff to the hearing before the Board of County Commissioners. Any or all of the documents in the file are available on request at any time to any County Commissioner.

XII. COPIES OF TESTIMONY AND TRANSCRIPTS:

A verbatim transcript of the testimony presented at the hearing can be purchased from the court reporting service under contract to the Hearing Examiner's Office. The original documents and file in connection with this matter are located at the Lee County Department of Community Development, 1500 Monroe Street, Fort Myers, Florida.



DIANA M. PARKER
LEE COUNTY CHIEF HEARING EXAMINER
1500 Monroe Street, Suite 218
Post Office Box 398
Fort Myers, Florida 33902-0398
Telephone: 239/479-8100
Facsimile: 239/479-8106

RECEIVED

APR 25 2005

ZONING

LEGAL DESCRIPTION

Lot 6 and Tract B, SUBDIVISION Cypress Lake Center Phase II, as recorded in Plat Book 39, Page 22-24 less phase B-1 Cypress Lake Center, Plat Book 43, Page 11, of the Public Records of Lee County, Florida, lying in Section 23, Township 45 South, Range 24 East, Lee County, Florida.

A subdivision in the East 1/2 of Section 23, Township 45 South, Range 24 East, Lee County, Florida.

Applicant's Legal Checked

by Lgm 4/25/2005

EXHIBIT PH-3.C.1

DRI 2005-00003

EXHIBIT A

**LEE COUNTY, FLORIDA
ZONING DIVISION
STAFF REPORT**

TYPE OF CASE: PLANNED DEVELOPMENT/DRI

CASE NUMBER: DRI2005-00003 & DCI2004-00085

HEARING EXAMINER DATE: August 17, 2005

I. APPLICATION SUMMARY:

- A. Applicant: Mr. Keith Basik in ref to Cypress Lake Center, fka Central Park
- B. Request:
- a. Notice of Proposed Change to DRI Development Order for Cypress Lake Center (DRI#7-8384-47) to extend the build-out date to June 19, 2009 and DRI Development Order language changes noting a seventh amendment of the DRI and clerical corrections.
 - b. Evaluate whether the amendment constitutes a substantial deviation from the original development order approvals warranting further development of regional impact review.
 - c. Rezone 9.2± acres from Commercial Planned Development (CPD) to Mixed Use Planned Development (MPD), in reference to Cypress Lake Center, to allow a maximum of 58,200 square feet commercial office uses, understory parking, and up to 166 residential units, 12 habitable floors, and 150 feet. No blasting is requested.
- C. Location: The subject property is located at 13820 and 13870 Vector Avenue, in S23-T45S-24E, Lee County, FL. (District #5)
- D. Future Land Use Plan Designation, Current Zoning and Use of Subject Property:
The subject property is designated as Intensive Development on the Future Land Use map. The site is currently zoned Commercial Planned Development. The overall development of the project consists of retail commercial (Costco, Office Max, etc.), service uses (automobile service, car wash), restaurants (Appleby's and Chick-Fil-A), professional offices, hotel, and vacant land.
- E. Surrounding Land Use:

Existing Zoning & Land Use

North: Cypress Lake Drive, C-1, shopping center

East: US 41; then, CPD, shopping center and restaurants

South: CS-1, CG, and CT; offices and automobile dealers

West: RPD, developed residential

Future Land Use Map

Intensive Development

Intensive Development

Intensive Development

Intensive Development & Central Urban

F. Size of Property: 9.2± acres

II. RECOMMENDATION:

Staff recommends **APPROVAL** of Request a) to extend the build-out date to June 19, 2009 and amend the DRI Development Order with the conditions noted in the Development Order Amendment (Attachment E).

Staff recommends for Request b) that it is determined that the proposed amendment does not constitute a substantial deviation from the original development order approvals and therefore it does not warrant further development of regional impact review.

For Request c), staff recommends **APPROVAL** of the Applicant's request for rezoning from CPD to MPD with the following conditions and deviations:

A. Conditions

1. The development of this project must be consistent with the 1-page Master Concept Plan entitled "Park Center," stamped received July 29, 2005, last revised July 28, 2005, except as modified by the conditions below.

The project is approved for a maximum of 58,200 square feet commercial office uses (22,000 medical office), 144 residential units up to 85 feet in height (6 floors and one level of understory parking).

2. The following limits apply to the project and uses (any Note referenced is taken from LDC Section 34-934):

a. Schedule of Uses

TRACT A

Accessory uses and structures: Note (1), 34-1171 et seq., 34-2441 et seq., 34-1863, 34-2141 et seq., 34-3106

Administrative offices: Note (1)

ATM (automatic teller machine)

Banks and financial establishments (34-622(c)(3)): Groups I and II

Business services (34-622(c)(5)): Groups I and II

Computer and data processing services

Entrance gates and gatehouse (34-1741)

Essential services (Note 1, 34-1611, 34-1741)

Essential service facilities (34-622(c)(13)): Group I

Fences, walls (Note 1, 34-1741)

Health care facilities (34-622(c)(20)): Group III (subject to the 22,000 sq. ft. limit for medical office between Tracts A and B)

Insurance companies (34-622(c)(23))

Medical office

(limited to 22,000 sq. ft. of gross floor area between Tracts A and B)

Parking lot: Accessory

Personal services (34-622(c)(33)): Group I (34-3021)

Post office

Real estate sales office (Note 23, 34-1951, 34-3021)

Rental or leasing establishment (34-622(c)(39)): Groups I (34-1352, 34-3001 et seq.), II (34-1201 et seq., 34-1352, 34-3001 et seq.), III (34-1352, 34-3001 et seq.)

Schools: Commercial (34-622(c)(45))

Signs (in accordance with chapter 30)

Temporary uses (Note 1, 34-3041) limited to 30-3044, Temporary contractor's office and equipment storage shed

TRACT B

Accessory uses and structures: Note (1), 34-1171 et seq., 34-2441 et seq., 34-1863, 34-2141 et seq., 34-3106

Administrative offices: Note (1)

ATM (automatic teller machine)

Banks and financial establishments (34-622(c)(3)): Groups I and II

Business services (34-622(c)(5)): Groups I and II

Computer and data processing services

Dwelling units (limited to 144): Multiple-family building (Note 28)

Entrance gates and gatehouse (34-1741)

Essential services (Note 1, 34-1611, 34-1741)

Essential service facilities (34-622(c)(13)): Group I

Fences, walls (Note 1, 34-1741)

Health care facilities (34-622(c)(20)): Group III (subject to the 22,000 sq. ft. limit for medical office between Tracts A and B)

Medical office

(limited to 22,000 sq. ft. of gross floor area between Tracts A and B)

Models: Model units (34-1951 et seq.)

Parking lot: Accessory

Personal services (34-622(c)(33)): Group I (34-3021)

Real estate sales office (Note 23, 34-1951, 34-3021)

Rental or leasing establishment (34-622(c)(39)): Groups I (34-1352, 34-3001 et seq.), II (34-1201 et seq., 34-1352, 34-3001 et seq.), III (34-1352, 34-3001 et seq.)

Schools: Commercial (34-622(c)(45))

Signs (in accordance with chapter 30)

Temporary uses (Note 1, 34-3041) limited to 30-3044, Temporary contractor's office and equipment storage shed

b. Site Development Regulations

TRACT A

Minimum Lot Area and Dimensions:

Area	2.7 acres
Width	400 feet
Depth	200 feet
Maximum Building Height	45 feet

TRACT B

Minimum Lot Area and Dimensions:

Area	4.1 acres
Width	200 feet
Depth	400 feet

Maximum Building Height

85 feet, 6 floors and one
level of understory parking

GENERAL

Minimum Building Setbacks:

Vector Avenue	25 feet
Internal Streets	10 feet
MPD perimeter	15 feet
Side (internal)	10 feet
Rear	25 feet
Water Body	25 feet

Accessory Structures	10 feet
Minimum Building Separation	15 feet
Maximum Lot Coverage	40%

3. Prior to local development order approval, the development order plans must demonstrate how the open space and indigenous preservation requirements will be met based upon the use of the property as follows:
 - a. If the entire planned development is developed as commercial uses then 30% or 2.76 acres of open space must be provided, of which 1.38 acres must be indigenous preservation.
-OR-
 - b. If the planned development is developed as commercial and/or residential above ground floor commercial uses, then 30% or 2.76 acres of open space must be provided, of which 1.38 acres must be indigenous preservation.
-OR-
 - c. If Tract A remains commercial, and Tract B is developed as residential uses, then 3.38 acres of open space must be provided of which 1.69 acres must be indigenous preservation. 1.38 acres of indigenous preservation must be provided as shown on the MCP. The developer must demonstrate that the remaining 0.31 acres of indigenous preservation requirement can be met within the Central Park DRI with areas not used for open space or indigenous preservation for other portions of the DRI. If the 0.31 acres of indigenous preservation cannot be met with existing indigenous within the Central Park DRI, then an indigenous restoration plan for 0.31 acres within the Central Park MPD must be submitted for the Division of Environmental Sciences staff review and approval.
-OR-
 - d. If the entire planned development is developed as residential uses then 40% or 3.65 acres of open space must be provided, of which 1.83 acres must be indigenous preservation. 1.38 acres of indigenous preservation must be provided as shown on the MCP. The developer must demonstrate that the remaining 0.45 acres of indigenous preservation requirement can be met within the Central Park DRI with areas not used for open space or indigenous preservation for other portions of the DRI. If the 0.45 acres of indigenous preservation cannot be met with existing indigenous within the Central Park

DRI, then an indigenous restoration plan for 0.45 acres within the Central Park MPD must be submitted for the Division of Environmental Sciences staff review and approval.

4. Prior to local development order approval, the development order plans must delineate 20-foot wide buffers to the west of Building C and to the south of Building A. The buffer plantings must include a staggered row of staggered height palms (planted 10-foot on center; 50% sabal palms and 50% Washingtonian palms) and a continuous double staggered hedge of cocoplum. The sabal palms must have a minimum 10-foot clear trunk. The Washingtonian palms must have a minimum 20-foot clear trunk. The palms must be allowed to grow to their natural form and no trimming is permitted. The cocoplum must have a minimum 48-inch height, and be allowed to grow to its natural form with no trimming.
5. Commercial activities approved for Tract B are limited to the first floor of a residential building or in a stand alone building.
6. Approval of this zoning request does not address mitigation of the project's vehicular or pedestrian traffic impacts. Additional conditions consistent with the Lee County LDC may be required to obtain a local development order.
7. Approval of this rezoning does not guarantee local development order approval. Future development order approvals must satisfy the requirements of the Lee Plan Planning Communities Map and Acreage Allocation Table, Map 16 and Table 1(b), be reviewed for, and found consistent with, the retail commercial standards for site area, including range of gross floor area, location, tenant mix and general function, as well as all other Lee Plan provisions.
8. This development must comply with all of the requirements of the Lee County Land Development Code at the time of local development order approval, except as may be granted by deviations approved as part of this planned development. If changes to the Master Concept Plan are subsequently pursued, appropriate approvals will be necessary.

B. Deviations

1. *Deviate from Land Development Code §10-285(a) requiring a 125 foot intersection separation distance for local roads (Vector Avenue), to allow a separation of 50± feet from the UTS/Sprint telecommunications facility service entrance to the north.*

Staff recommends **APPROVAL** of the deviation request, provided that the ingress/egress to the subject property is right-in, right-out only as previously approved under Resolution Z-00-003.

Staff finds that the entrance is to an unmanned building used by service vehicles only, therefore generating very low traffic volumes unaffected by the intersection to the subject property.

2. *Deviate from Land Development Code §10-416(d)(3) requiring Type "A" buffers between commercially zoned lands, to eliminate buffer requirements the northern boundary of the UTS/Sprint.*

Staff recommends **APPROVAL** of the deviation request for elimination of the Type "A" buffer on the northern boundary of the UTS/Sprint property.

The deviation was previously approved under Resolution Z-00-003 noting that since the UTS/Sprint site is not a manned operation there would not be a negative effect if the buffer is eliminated. Staff continues to agree. Also, the area north of the UTS/Sprint boundary is currently developed without buffers.

3. *Deviate from Land Development Code §10-416(d)(3) requiring Type "A" buffers between commercially zoned lands, to eliminate buffer requirements for the northern property boundary abutting the existing Cypress Lake Center.*

Staff recommends **APPROVAL** of the deviation request.

The deviation was previously approved under Resolution Z-00-003. The deviation was approved because the property abutted preserve area of the abutting CPD (part of the overall DRI) making additional buffers unnecessary. The deviation has been in effect and Tract A has nearly 23,000 square feet of office constructed, thus requiring the buffer would negatively impact existing development. The northwest portion of the northern property boundary is indigenous preserve so buffers are not necessary.

4. *Deviate from Land Development Code §10-296, Table 4(7)(c)(2) specifying minimum construction requirements types B and C for local access roads to allow decorative pavers on private streets internal to the project.*

Staff recommends **APPROVAL** of the deviation request, provided that at the time of local development order review, the pavers are determined to not reduce the requirements of the road surface, but only seek to directly substitute so that quality is not downgraded, only appearance is altered.

5. *Deviate from Land Development Code §34-935(b)(1) establishing building setbacks from development perimeter boundaries a distance equal to the greater of fifteen feet for residential and commercial portions of the development or one-half the height of the building or structure, to allow a 20 foot setback along the southern and western property boundaries irrespective of building height.*

Staff recommends **APPROVAL** of the deviation request along the southern boundary, provided the applicant installs the buffer described in Condition 4.

The staff is recommending building height limited to 85 feet, which would result in a 40 foot setback along the southern boundary for Building A. The property to the south is used as a parking lot and is zoned General Commercial (CG) and will experience very little impact from the reduction in setback, especially considering the improved buffer.

A deviation on the western boundary is not necessary since the building setback provided is 76 feet (including the 40 foot I.D.D. drainage easement and 16 foot utility easement within the applicants property).

6. *Deviate from Land Development Code §34-935(b)(1) establishing building setbacks from development perimeter boundaries a distance equal to the greater of fifteen feet for residential and commercial portions of the development or one-half the height of the building or structure, to permit residential accessory structures to be within 10 feet of the UTS/Sprint property.*

Staff recommends **DENIAL** of the deviation request.

The recommenced property development regulations for accessory structures is 10 feet so the deviation request is not necessary. Additional setbacks should not apply to residential accessory structures - they typically do not exceed 35 feet in height. If an accessory structure does exceed 35 feet in height then all regulations apply.

Findings and Conclusions:

Cypress Lake Center DRI

For the DRI, staff offers the following:

Based upon an analysis of the application and the standards for approval of Developments of Regional Impact Amendments, staff offers the following findings and conclusions.

1. The request to amend the Cypress Lakes Center DRI to extend the build-out date to June 19, 2009 and DRI Development Order language changes noting a seventh amendment of the DRI and clerical corrections is not presumed to be a substantial deviation from the original development order approvals under Florida Statutes section 380.06(19). Staff concludes that the proposed changes to the DRI Development Order and the extension of the build out will not create any additional regional impacts, and
2. The proposed changes do not constitute a substantial deviation from the original development order approvals warranting further DRI review.

Mixed Use Planned Development (MPD) Rezone

For the MPD rezoning, 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 rezone the property to MPD by demonstrating compliance with the Lee Plan, the Land Development Code, and other applicable codes and regulations.
2. The requested zoning to MPD, 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 and 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 available and adequate to serve the proposed land use.
5. The proposed mix of uses, as conditioned, 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 granted, as conditioned:
 - a) enhance the objectives of the planned development; and
 - b) preserve and promote the general intent of the LDC to protect the public health, safety and welfare.

III. BACKGROUND INFORMATION AND ANALYSIS:

Introduction/Synopsis

Cypress Lake Center DRI

This application seeks three actions: (1) consideration of a Notice of Proposed Change (NOPC) to the DRI Development Order for Cypress Lake Center (DRI#7-8384-47) to extend the build-out date to June 19, 2009 and DRI Development Order language changes noting a seventh amendment of the DRI and clerical corrections, (2) evaluate if the amendment constitutes a substantial deviation from the original development order approvals which warrants further development of regional impact review, and (3) adoption of a revised Master Concept Plan to allow development of this portion of the development for a mixture of commercial and residential development.

Mixed Use Planned Development (MPD) Rezone

The rezoning request is for a 9.2± acre parcel, which is part of the Cypress Lake Center DRI project. The request proposes a mixed use development with residential, general office and medical office uses. The current resolution (Z-00-003) rezoned the property from RPD to CPD to allow a maximum of 100,000 square feet of commercial office floor area of which up to 50,000 square feet may be medical office uses, in buildings not to exceed 45 feet in height within a maximum of four stories; as well as 171 motel/hotel units and up to 145 assisted living units in buildings not to exceed 85 feet in height within a maximum of six stories.

The rezoning seeks to eliminate 171 motel/hotel and 145 assisted living units, reduce the commercial square footage permitted from 100,000 to 58,200 square feet (22,000 sq. ft. medical office), add 166 residential units and increase the buildable height limit for the project to 12 habitable floors above grade and up to 150 feet, including two floors of understory parking in a mixed use development (commercial uses in residential towers). As of July 29, 2005 the applicant amended the master concept plan requesting two 100 foot towers and one 120 foot tower, both including understory parking. The primary general office and medical office area identified as Tract A has all ready been partially developed containing almost 23,000 square feet of buildings. The residential/commercial mixed use area, Tract B, was partially improved with parking and access, but will be reconstructed with the residential units and some commercial activity. The revised Master Concept Plan did not alter previously approved 1.38 acres of indigenous preserve areas.

The recommendation for the project is for a maximum of 58,200 square feet commercial office uses (22,000 medical office) and 144 residential units with a maximum of 6 stories (85 feet) over one level of parking. The reduction in units from 166 to 144 is based on the floor plans provided to staff showing eight units per floor, the site density appropriate considering the reduced height and number of habitable floors, the reduced potential understory parking from one two levels two a single story, and the loss of buildable area due to buffer requirements.

Zoning History

The property development regulations have changed substantially over time. The current request represents the fourth rezoning of the subject property since 1990. On October 8, 1990 resolution Z-90-070 rezoned from General Commercial (CG) and Commercial Tourist (CT) to Commercial Planned Development (CPD) permitting up to 61,805 square feet of retail, 265,136 square feet of office and a 275-unit hotel/motel. Proposed structures were not to exceed 135 feet above finished grade. On March 29, 1999 resolution Z-98-034 rezoned a portion of the property from CPD to Residential Planned Development (RPD) eliminating the hotel/motel units from the CPD and adding 210 residential units limited to 45 feet. On February 7, 2000 resolution Z-00-003 rezoned the property from RPD to CPD permitting 100,000 square feet of commercial office (50,000 medical office) not to exceed 45 feet (23,000 square feet of office is currently developed), 171 hotel/motel units and up to 145 assisted living units not to exceed 85 feet/maximum of six stories.

The current rezoning from CPD to Mixed Use Planned Development (MPD) requests (as amended July 29, 2005) 166 residential units in three towers: two towers to not exceed 100 feet, and one tower to not exceed 120 feet, both including up to two levels of understory of parking.

The primary concern over the height request is the single-family homes on Bald Cypress Circle approximately 650 feet west of the subject property in the Reflection Lakes subdivision. The Reflection Lakes subdivision was part of the Cypress Lake DRI in 1994 when a portion of the DRI was abandoned reverting land west of the subject property to conventionally zoned RM-2 parcels. During that time the property development regulations of the subject property permitted building heights of 135 feet with intense commercial uses. The lots for the homes on Bald Cypress Circle were created through a development order (DOS2000-00010) initially approved on April 14, 2000, two months after the current zoning resolution for the subject property was approved permitting heights of up to 85 feet for assisted living units and hotel/motel. All homeowners with single-family houses on Bald Cypress Circle purchased after the subject property had the right to construct up to 85 foot high buildings.

Master Concept Plan

The current Master Concept Plan is entitled "Park Center," was stamped received July 29, 2005, last revised July 28, 2005. The MCP identifies four primary areas: 1) Tract A of 2.7 acres to contain general and medical offices. Tract A is currently developed; 2) Tract B of 4.12 acres that is to contain residential housing units and commercial as a mixed use parcel in three buildings: "Buildings B and C", two towers to not exceed 100 feet, and "Building A", a tower to not exceed 120 feet; 3) In the northwestern most corner a one acre indigenous preserve; and 4) A .38 acre tract in the southwestern most corner of indigenous preserve. Access to the project site is through two access point from Vector Avenue.

Lee Plan Considerations

The subject property is in the Intensive Development Future Land Use designation. The Lee Plan defines the Central Urban Future Land Use as follows:

POLICY 1.1.3: *The Intensive Development areas are located along major arterial roads in Fort, Myers, North Fort Myers, and Cape Coral. By virtue of their location, the county's current development patterns, and the available and potential levels of public services, they are well suited to accommodate high densities and intensities. Planned mixed-use centers of high-density residential, commercial, limited light industrial (see Policy 7.1.6), and office uses are appropriate in these locations. As Lee County moves toward becoming a metropolitan complex of a halfmillion people, these centrally located urban nodes can offer a diversity of lifestyles, cosmopolitan shopping opportunities, and specialized professional services that befit such a region. The standard density range is from seven dwelling units per acre (7 du/acre) to fourteen dwelling units per acre (14 du/acre). Maximum density is twenty-two dwelling units per acre (22 du/acre). (Amended by Ordinance No. 94-30)*

The subject property is part of Cypress Lake Center (DRI#7-8384-47) located on the southwestern corner of Cypress Lake Drive/Daniels Parkway and Route 41. The area is highly developed with intense commercial projects (Costco, multiple restaurants, vehicle dealerships, plazas, car washes and service stations in all directions including Bell Tower to the north east), moderate density multi-family housing (Reflection Lakes to the west), and two high density residential multi-family towers of 22 stories and 222 feet (Riva Del Lago south) ½ mile to the south in front of Lakes Regional Park. The projects commercial square footage request is compatible; however, the 166 multi-family units in a tower of up to 12 stories and 150 feet is not appropriate and compatible with surrounding land uses. Staff also finds that the July 29, 2005 revised request for two 100 foot towers and a third 120 foot tower is not compatible. Single-family housing in the Reflection Lakes subdivision, particularly along Bald Cypress Circle, were purchased while the maximum height for the subject property was limited to 85 feet - the maximum height staff feels is compatible and appropriate abutting single-family housing in this area.

The project, as conditioned, is **CONSISTENT** with this objective.

OBJECTIVE 2.1: *Contiguous and compact growth patterns will be promoted through the rezoning process to contain urban sprawl, minimize energy costs, conserve land, water, and natural resources, minimize the cost of services, prevent development patterns where large tracts of land are by-passed in favor of development more distant from services and existing communities. (Amended by Ordinance No. 94-30, 00-22)*

The project is within the Intensive Development Future Land Use category and is considered a Future Urban Area, in fact, the area is currently urbanized. Below are the surrounding land uses:

- North -** Costco and outparcel restaurants; then Cypress Lake Drive; then a large shopping plaza (Cypress Trace DRI). To the north east across Route 41 along Daniels Parkway are the Bell Tower Shops.
- South -** Cypress Lake DRI land dedicated as a water mitigation lake and wooded area and a commercially zoned parking lot serving as overflow storage of cars for abutting auto dealership. Approximately ½ mile to the south is the Riva Del Lago development - two 222 foot, 22 story residential high-rise towers conventionally zoned RM-2.

- East -** Vector avenue right-of-way; medical office building, hotel and auto dealership; then Route 41; then the Target shopping plaza (Market Square DRI).
- West -** South Florida Water Management District water mitigation lakes for the Reflection Lakes subdivision; then the conventionally zoned RM-2 land formerly part of the Cypress Lake DRI occupied by Reflection Lakes single family and two-family housing development.

The project, as conditioned, is **CONSISTENT** with this objective.

POLICY 6.1.2: *All commercial development must be consistent with the location criteria in this policy, except where specifically excepted by this policy or by Policy 6.1.7, or in Lehigh Acres by Policies 1.8.1 through 1.8.3.*

Because the project is within an approved DRI located on the Daniels Parkway/Cypress Lake Drive/US 41 arterial intersection - one of the largest intersections in the county, it is consistent.

POLICY 6.1.4: *Commercial development shall be approved only when compatible with adjacent existing and proposed land uses.*

The request for high rise residential development over 85 feet is **NOT CONSISTENT** nor **COMPATIBLE**.

Compatibility and Bubble Plan Issues

At the initial drafting of this staff report, the applicant was requesting a "mixed" use development, which could be a combination of commercial and residential uses, or strictly residential project, or commercial only. No details of any kind had been provided and the site plan was a "bubble plan". The staff repeatedly asked the applicant for more detail but was refused. Because there are no details regarding location, design, buffers or setbacks, the staff is reluctant to approve high rises with parking garages, where the adjacent project to the west consists of single-family dwellings. The submitted plan did not address staff's concerns, and the deviations requested for setbacks, height and open space could not be supported. Therefore, staff conditioned the request for a maximum height of 4 stories.

On July 29, 2005 the applicant responded to staff concerns and submitted a revised master concept plan accompanied by an amended request reducing buildable height. The revised master concept plan depicts building placement, parking, and buffers along the perimeter of the development tract. The applicant revised its deviation requests withdrawing those which minimized or eliminated buffers along the southern and western parcel. The height request was reduced from 150 feet in a single 12 story tower to 120 feet maximum height for a single tower and two 100 foot towers.

The detail shown and the buffers the applicant depicted on the master concept plan marginally increased staff's comfort that the project may be compatible and appropriate abutting the single-family housing in the Reflection Lakes subdivision. In order to increase compatibility staff has revised the buffers along the southern and western property lines with Condition 4 and limited the heights, reluctantly accepting buildings up to 85 feet since that height was permitted at the time the abutting single-family houses were constructed.

Environmental Issues

The Division of Environmental Sciences (ES) staff have reviewed the proposed revision from Commercial Planned Development (CPD) to Mixed-Use Planned Development (MPD). The property was previously cleared and partially developed under the CPD. Tract A has been developed as office buildings. The addition of residential units to the planned development increases the open space requirement. The amount of open space will be dependent on how the residential units are provided. If the residential units are placed above an office or commercial ground floor use, then the open space requirement for this mixed use area will be 30%. However, if any portion of Tract B is developed as stand alone residential building(s) then 40% open space is required.

The MCP delineates the development tracts separate from the preservation tracts. However, the open space must be calculated on the entire 9.2 acre property. If the entire property is developed as commercial or mixed-use with residential units only provided above commercial uses, then 30% or 2.76 acres of open space is required. Fifty percent or 1.38 acres of the open space must be provided as indigenous preservation, which is delineated on the MCP. The open space calculation becomes more complicated if Tract B is developed solely as residential building(s). ES staff determined that as the Tracts are shown on the MCP, Tract B represents 60% of the development tracts and therefore 5.56 acres or 60% of the 9.12 acre project should be considered residential. Under this scenario, 3.38 acres of open space must be provided or which 1.69 acres must be met through indigenous preservation. See Condition 3.

Transportation

Lee County DOT in Attachment C, provides written analysis and recommended action on the DRI and DCI applications. DOT reviewed the DRI request that simply seeks an extension of the DRI build out to 2009 and that no other changes have been sought. They have reviewed the TIS as prepared by the applicant's agent based upon the 1999 development parameters. They have identified the roadway segments that the project's development parameters project will be significantly and adversely impacts by the development.

Lee County DOT concludes that there is not a need to revise any existing conditions of the previous approvals based on the submitted transportation analysis, but they will work with the applicant and the County Attorney's office on revisions to the DRI Development Order, as needed.

Southwest Florida Regional Planning Council

The Council heard and acted on this NOPC on May 19, 2005 approving their staff analysis finding that the changes proposed do not create additional regional impact. Attachment D is a copy of the agenda item and the Regional staff analysis of the request.

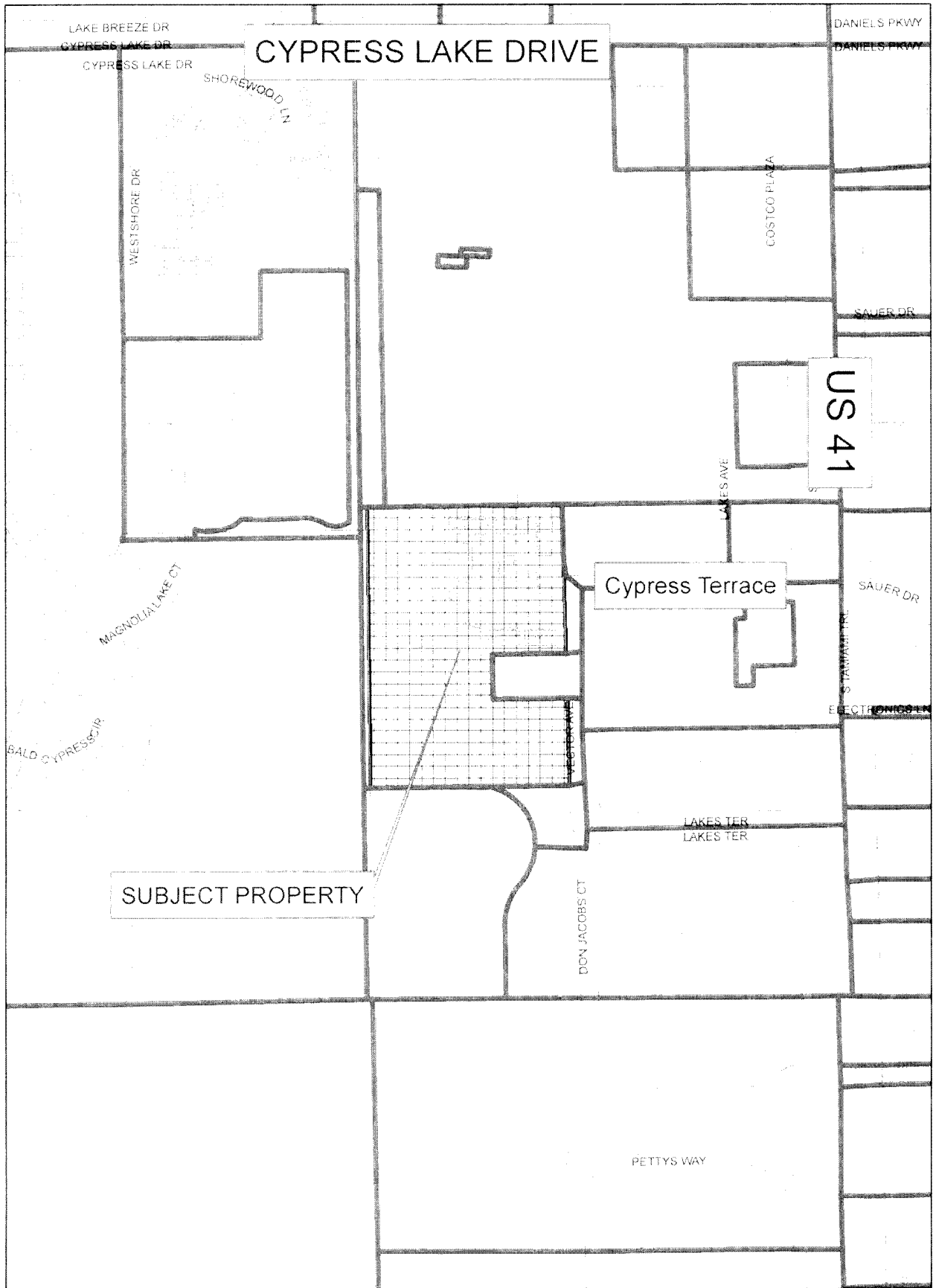
IV. ATTACHMENTS:

- A. Map of surrounding zoning
- B. Applicant's background documentation for DRI
- C. Comments from Lee County DOT, dated June 3, 2005
- D. Agenda Item from Southwest Florida Regional Planning Council & Staff Report
- E. Codified Seventh Development Order Amendment
- F. December 2004 Aerial Photo
- G. Comments from Environmental Sciences, dated July 14, 2005
- H. Master Concept Plan

cc: Applicant
County Attorney
Zoning/DCI File

ZONING MAP

6/29/2005



350 175 0 350 Feet



STATE OF FLORIDA
DEPARTMENT OF COMMUNITY AFFAIRS
DIVISION OF RESOURCE PLANNING AND MANAGEMENT
BUREAU OF STATE PLANNING
2555 Shumard Oak Blvd.
Tallahassee, Florida 32399-2100
850/488-4925

RECEIVED
MAY 11 2005

PERMIT COUNTER


**NOTIFICATION OF A PROPOSED CHANGE TO A PREVIOUSLY APPROVED
DEVELOPMENT OF REGIONAL IMPACT (DRI)
SUBSECTION 380.06(10), 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 the state land planning agency according to this form.

1. We, **STEVEN C. HARTSELL** and **RONALD F. NINO**, the undersigned authorized representatives of **CENTRAL PARK DEVELOPMENT OF S.W. FLORIDA, LLC**, 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, we submit the following information concerning the **CYPRESS LAKES CENTER DRI**, which information is true and correct to the best of our knowledge. We have submitted today, under separate cover, copies of this completed notification to **LEE COUNTY COMMUNITY DEVELOPMENT** to the **SOUTHWEST FLORIDA** Regional Planning Council, and to the Bureau of Local Planning, Department of Community Affairs.

3-30-2005
Date

4-01-2005
Date


Signature


Signature

DRI 2005 00003

2. **APPLICANT (NAME, ADDRESS, PHONE)**

Central Park Development of S.W. Florida, LLC
c/o Mr. Keith Basik
720 Goodlette Road, Suite 305
Naples, Florida 34102
239/262-4622

3. **AUTHORIZED AGENTS (NAME, ADDRESS, PHONE)**

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RECEIVED
MAY 11 2005
PERMIT COUNTER

4. **LOCATION (CITY, COUNTY, TOWNSHIP/RANGE/SECTION) OF APPROVED DRI AND PROPOSED CHANGE.**

DRI 2005 00003

Fort Myers, Lee County, Township 45 South, Range 24 East, Section 23

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 THE REPRESENTATIONS CONTAINED IN EITHER THE DEVELOPMENT ORDER OR THE APPLICATION FOR DEVELOPMENT ORDER.**

The build-out date is to be extended to June 19, 2009, for the remaining development in all phases. See Exhibit "A" for existing development parameters.

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 CHANGE OR THE RESULTING IMPACTS.

See Map H attached.

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 Exhibit A

7. LIST ALL THE DATES AND RESOLUTION NUMBERS (OR OTHER 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?

Lee County BCC
Resolution Number

Date

Description

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Lee County BCC Resolution Number	Date	Description
ZAB-85-45	05-20-85	Original development PERMIT COUNTER
ZAB-85-45(a)	09-22-86	Amendment to legal description to add 7.9 acres to the CT parcel.
Z-87-089	06-08-87	Amended to 336,340 square feet of retail commercial, 270,000 square feet of office park and 275 room hotel/motel.
Z-87-220	11-09-87	Amend to allow refund of traffic mitigation funds.
Z-93-060	11-29-93	Amend to extend termination date until June 19, 2000.
Z-98-034	03-29-99	Amended to adopt new Map H and revise use thresholds to 210 multi-family residential units, decrease business office park to 165,000 square feet and to extend build out date to June 19, 2000.
Z-00-020	05-15-00	Amend D.O to adopt new Map H and revise threshold for 210 multi-family residential units to Mixed Use Development and to extend the termination and build-out date to June 19, 2003.

DRI 2005 00003

02-09-04

09-03-02

Amend D.O to amend the MDP Map
H to re-designate a 0.67 acre parcel
from Office to Retail Commercial

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There have been no governmental jurisdictional changes since the **COUNTER** was first approved.
PERMIT COURT

8. **DESCRIBE ANY LANDS PURCHASED OR OPTIONED WITHIN ¼ MILE OF THE ORIGINAL DRI SITE SUBSEQUENT TO THE ORIGINAL APPROVAL OR ISSUANCE OF THE DRI DEVELOPMENT ORDER. IDENTIFY SUCH LAND, IT'S SIZE, INTENDED USE, AND ADJACENT NON-PROJECT LAND USES WITHIN ½ MILE ON A PROJECT MASTER SITE PLAN OR OTHER MAP.**

None.

9. **INDICATE IF THE PROPOSED CHANGE IS LESS THAN 40% (CUMULATIVELY WITH OTHER PREVIOUS CHANGE(S)) OF ANY OF THE CRITERIA LISTED IN PARAGRAPH 380.06(19)(b), FLORIDA STATUTES.**

Yes.

DO YOU BELIEVE THIS NOTIFICATION OF CHANGE PROPOSES A CHANGE WHICH MEETS THE CRITERIA OF SUBPARAGRAPH 380.06(19)(e)2., F.S.

YES X

NO

10. **DOES THE PROPOSED CHANGE RESULT IN A CHANGE TO THE BUILDOUT DATE OR ANY PHASING DATE OF THE PROJECT? IF SO, INDICATE THE PROPOSED NEW BUILDOUT OF PHASING DATES.**

Yes. All phases will have the same new buildout date of June 19, 2009.

11. **WILL THE PROPOSED CHANGE REQUIRE AN AMENDMENT TO THE LOCAL GOVERNMENT COMPREHENSIVE PLAN?**

No.

DRI 2005 00003

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 Exhibit "B" (MCP Map H)

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13. PURSUANT TO SUBSECTION 380.06(10)(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:

See Exhibit C attached.

- 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 PRESERVATION, 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;

The build-out date is to be extended to June 19, 2009 for the remaining development in all phases. No other revisions are proposed.

- 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;

N/A

- C. A PROPOSED AMENDED DEVELOPMENT ORDER DEADLINE FOR COMMENCING PHYSICAL DEVELOPMENT OF THE PROPOSED CHANGES, IF APPLICABLE;

N/A

DRI 2005 00003

- D. A PROPOSED AMENDED DEVELOPMENT ORDER TERMINATION DATE THAT REASONABLY REFLECTS THE TIME REQUIRED TO COMPLETE THE DEVELOPMENT;

June 19, 2009

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- 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; AND

June 19, 2009

- 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, F.A.C.

N/A

DRI 2005 00003

EXHIBIT "A"

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PERMIT COUNTER

AUTHORIZED DEVELOPMENT THRESHOLDS

Land Use	Original DRI Approved	1987	1999	2005 NOPC Proposed Change
Commercial (incl: Retail/Office & Business)	646,340 sq ft	No Change	No Change	No Change
Retail/Business		336,340 sq ft	336,340 sq ft	No Change
Office*		310,000 sq ft		N/A
Business Corporate			40,000 sq ft	No Change
Executive Business			165,000 sq ft	No Change
Hotel/Motel	275 rooms	275 rooms	275 rooms	No Change
Residential Multi-Family			210 units	No Change

* Note: In 1999 the "Office" category became
"Business Corporate" & "Executive Business"

DRI 2005 00003

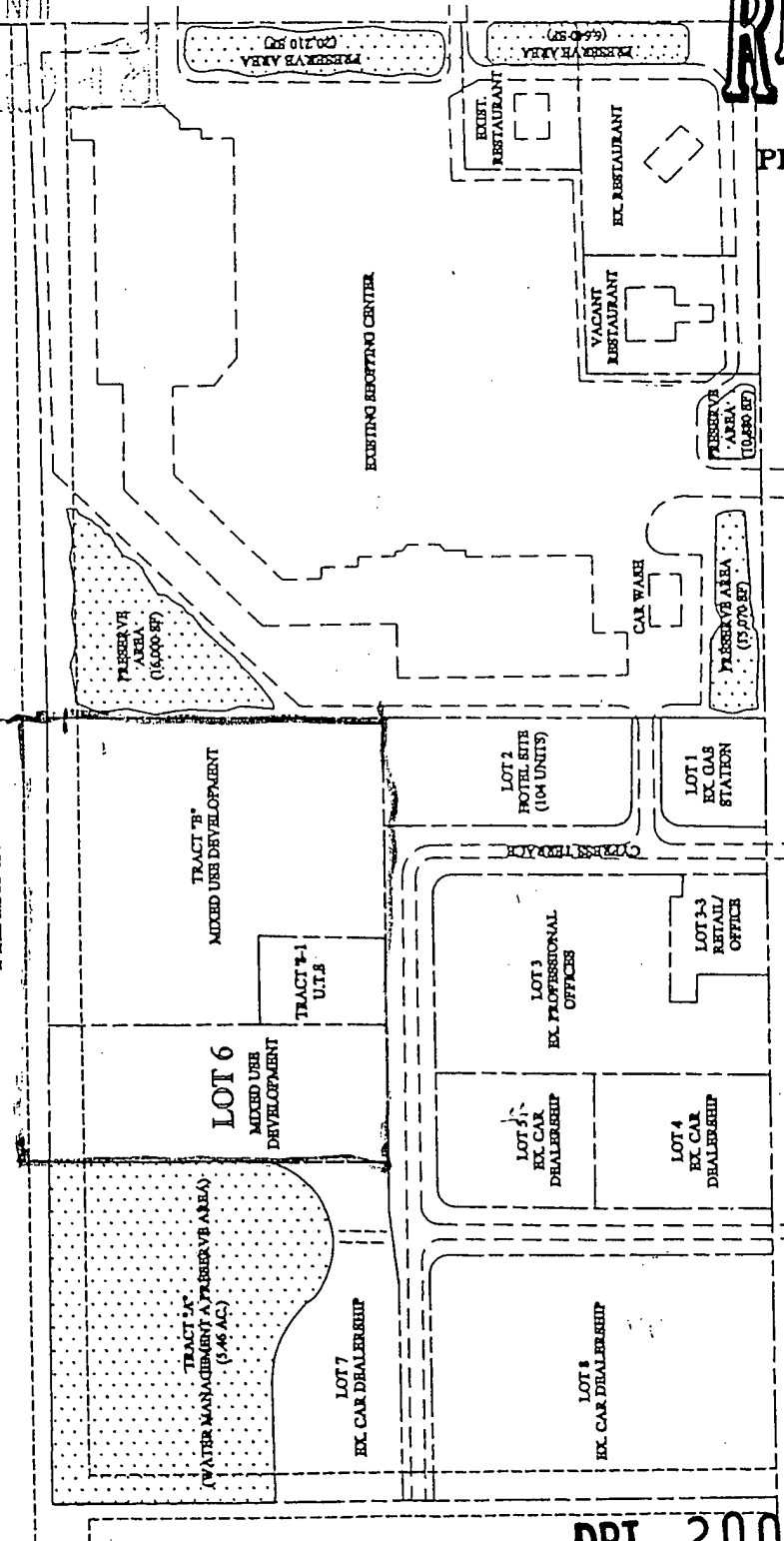
EXHIBIT B

COMMUNITY DEVELOPMENT

JUN 28 2002

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PHASE II ← PHASE I →



RECEIVED MAY 11 2005

PERMIT COUNTER

MASTER DEVELOPMENT PLAN

CYPRESS LAKE CENTER DRI
REVISED: JUNE 2002

U.S. 41 (TAMiami TRAIL)

DRI 2005 00003

DRI1999-00019

EXHIBIT C to NOPC

RESOLUTION #2005-_____

A RESOLUTION OF THE BOARD OF COUNTY COMMISSIONERS OF LEE COUNTY, FLORIDA, ISSUING A DEVELOPMENT ORDER AMENDMENT AND AMENDING RESOLUTION #Z-00-020 FOR CYPRESS LAKE CENTER, A DEVELOPMENT OF REGIONAL IMPACT, DEVELOPMENT ORDER #7-8384-47, THE ~~FIFTH~~ SEVENTH CODIFIED DEVELOPMENT ORDER, AS PREVIOUSLY AMENDED BY RESOLUTIONS #ZAB-85-45, ZAB-85-45(a), Z-87-089, Z-87-220, Z-93-060 and Z-98-034, and Z-02-09-04:

WHEREAS, pursuant to Section 380.06 of the Florida Statutes, the Board of County Commissioners for Lee County has heard at a public hearing held _____, 2005, the Application for the Notice of Proposed Change to the Development Approval for "Cypress Lake Center," a Development of Regional Impact; and

WHEREAS, the Lee County Board of County Commissioners, taking into full consideration the report and recommendation of the Southwest Florida Regional Planning Council, Department of Community Affairs, the County staff, and the documents, including a revised Map H (revised June 2002, and stamped "Received June 28, 2002, Community Development" and attached as Exhibit A), and comments made at the public hearing, hereby finds that:

A. The project and property known as Cypress Lake Center are fully and accurately described in the Application for the Notice of Proposed Change, as amended by additional submittals, on file in the office of the Lee County Clerk.

B. The Application is in conformance with Chapter 380, Florida Statutes, and does not constitute a substantial deviation pursuant to Section 380.06(19), Florida Statutes.

C. The proposed development is not in an Area of Critical State Concern, pursuant to Chapter 380, Florida Statutes.

D. The proposed development is consistent with the Lee County Comprehensive Master Plan.

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COUNTY CLERK

E. The proposed development is consistent with local land development regulations; and, together with the conditions set forth below, with the report and recommendations of the Southwest Florida Regional Planning Council.

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

1. **Development Approval.** The Notice of Proposed Change for the Application for Development Approval for the Cypress Lake Center Development of Regional Impact is hereby approved subject to the following conditions being amended in the Development Order [deletions struck through, additions **bolded and underlined**]:

. . .

WHEREAS, ~~Douglas Hannah, Trustee,~~ **Central Park Development, LLC,** has submitted an application ~~on behalf of~~ **as** the current property owner ~~Muriel Hattenbach,~~ for a ~~fifth~~ **Seventh** amendment to the development order ~~[Note: the Sixth Amendment, Z-02-09-04, was not a codified development order.]~~ to adopt a new Map H to reflect the change in Tract B and Lot 6 of Phase II, to replace "Proposed Multifamily uses (210 units)" with "Mixed Use Development" and to extend the buildout and termination dates to June 19, 2003 **2009**, and

. . .

I. FINDINGS OF FACT/CONCLUSIONS OF LAW

A. This development, as amended, will be a mixed use project including a shopping center (336,340 square feet on 40 acres); business corporate office area (40,000 square feet); an executive business office park (165,000 square feet); hotel complex (275 room hotel, 200 seat restaurant, 100-seat conference center) and 210 multi-family residential units on approximately 68.5 acres. The proposed development constitutes a Development of Regional Impact on the real property described as:

A tract or parcel of land lying in the southeast quarter of Section 23, Township 45 South, Range 24 East, which tract or parcel is described as follows: The east one-half of the southeast one-quarter, less than **the** north 116 feet lying west of State Road No. 45, of said Section 23, Township 45 South, Range 24 East, Lee County, Florida.

. . .

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PERMIT COUNTER

II. CONDITIONS OF DEVELOPMENT APPROVAL

. . .

H. OTHER

The project may not exceed a total of 336,340 square feet of retail commercial use as defined by the Lee County Comprehensive Plan. These uses may also include automobile dealerships, auto centers, automobile service stations, or indoor movie theaters (up to 800 permanent seats). The total project is approved for and limited to the following development parameters: 336,340 square feet of shopping center (on a total of 40 acres); 40,000 square feet of business corporate office area; 165,000 square feet of executive business office park; 275 room hotel (with 200 seat restaurant, and 100 seat conference center); and 210 multiple family dwelling units.

BE IT FURTHER RESOLVED, by the Board of County Commissioners of Lee County, Florida, that:

III. FURTHER CONDITIONS OF DEVELOPMENT APPROVAL

1. This resolution constitutes the Development Order of this Board issued in response to the original Development of Regional Impact application for Development Approval filed by Cypress Lake Venture, Ltd., and all amendments approved through and including May 15, 2000 August 2005. Map H (revised June 2002, and stamped "Received June 28, 2002, Community Development as part of Resolution 02-09-04) has not been amended and is attached as Exhibit A and incorporated herein by reference.

. . .

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8. This Development Order will remain in effect until June 19, 2003 ~~2009~~ provided that this effective period may be extended by this Board upon a finding of excusable delay in any proposed development activity and that conditions have not changed sufficiently to warrant further consideration of the development. In the event that the developer fails to commence significant physical development of that property identified in this development order within five (5) years from the date of rendition of this Development Order, development approval will terminate and the development may be subject to further consideration. Significant physical development includes obtaining a Certificate of Completion on some substantial portion of the project. The project buildout date is June 19, 2003 2009.

. . .

3 **DRI 2005 00003**

2. **Effective Date.** This Resolution shall become effective immediately upon adoption.

3. **Passed in Public Session** of the Board of County Commissioners of Lee County, Florida this _____ day of _____, 2005.

THE MOTION TO ADOPT this RESOLUTION was offered by Commissioner _____ and seconded by Commissioner _____ and upon poll of the members present, the vote was as follows:

Robert P. Janes
Douglas R. St. Cerny
Ray Judah
Tamara Hall
John E. Albion

ATTEST
CHARLIE GREEN, CLERK

BOARD OF COUNTY COMMISSIONERS
LEE COUNTY, FLORIDA

BY: _____
Deputy Clerk

BY: _____
Chairman

APPROVED AS TO FORM

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MAY 11 2005

By:
County Attorney's Office

PERMIT COUNTER

Attachment: Exhibit A

DRI 2005 00003

Exhibit C to NOPC 5-10-05 - Resolution 2005.wpd

Memo

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JUN 08 2005

COMMUNITY DEVELOPMENT

To: Alvin "Chip" Block, AICP
Development Services Principal Planner

From: 
Andy Getch, P.E.
LCDOT Senior Engineer

Date: June 3, 2005

Re: Cypress Lake Center (Central Park) DRI NOPC
DRI2005-00003 & DCI2004-00085

LCDOT has reviewed the Application For Public Hearing for the Notice of Proposed Change (NOPC) to the Development of Regional Impact (DRI) and the application to rezone the property. It is LCDOT's understanding that the NOPC is proposing to extend the build-out date to 2009 but is not proposing any further changes to the development parameters. The Traffic Impact Statement (TIS) submitted by the applicant's consultant, Vanasse & Daylor, LLP, dated March 30, 2003, Table 4A, analyzes the regional impacts for the "permitted" development parameters. The parameters included in the 1999 NOPC are 205,000 SF office, 336,340 SF commercial, 210 multi-family dwelling units and 275 hotel rooms.

The roadway segments projected by the TIS to be significant and adversely impacted are U.S. 41 north of College Parkway and north of South Road. These impacts are less than the original impacts identified in the ADA to U.S. 41, Daniels Parkway, Cypress Lake Drive and Gladiolus Drive. U.S 41 from south of Daniels Parkway to North Airport Road is also identified as a constrained facility in Table 2a of the LeePlan for ROW. It is also anticipated that programmed improvements to Summerlin Road, Metro Parkway and I-75 will provide relief to U.S. 41.

LCDOT does not have any specific revisions to existing conditions based on the submitted transportation analysis but will work with the applicant and the County Attorney's Office on revisions, as necessary, to the DRI DO.

AJG/mlb

cc: Dawn Lehnert – Assistant County Attorney
Ken Heatherington – Southwest Florida Regional Planning Council
John Czerepak – Florida Department of Transportation
Bernard Piawah – Florida Department of Community Affairs
Randy Spradling, P.E. – Vanasse & Daylor

CONSENT AGENDA

Agenda Item #3(a)1 - Gulf Harbour (aka River's Edge) DRI – NOPC

Notify Lee County, the Florida Department of Community Affairs and the applicant of the Southwest Florida Regional Planning Council's finding that change does not create additional regional impacts not previously reviewed by the Council and that participation at the local public hearing is not necessary, unless requested by Lee County for technical assistance purposes.

Request that Lee County provide a copy of the proposed Development Order Amendment if any additional changes are made other than proposed in the NOPC, and any related materials to the Council in order to ensure that the Development Order Amendment is consistent with Council's findings.

Agenda Item #3(a)2 - Cypress Lake Center DRI – NOPC

Notify Lee County, the Florida Department of Community Affairs, and the applicant that the proposed change does not create additional regional impacts not previously reviewed by the SWFRPC and that Council participation at the local public hearing is not necessary, unless requested by the County for technical assistance purposes.

Request that Lee County provide a copy of the proposed Development Order Amendment, and any related materials to the Council in order to ensure that the amendment is consistent with the Notice of Proposed Change.

Agenda Item #3(b)1 - City of Fort Myers Comprehensive Plan Amendment (DCA 05-2)

Approve staff comments. Authorize staff to forward comments to the Department of Community Affairs and the City of Fort Myers.

Agenda Item #3(b)2 - City of Sarasota Comprehensive Plan Amendment (DCA 05-1)

Approve staff comments. Authorize staff to forward comments to the Department of Community Affairs and the City of Sarasota.

Agenda Item #3(c) - Intergovernmental Coordination and Review

Approval of the administrative action on Clearinghouse Review items.

Agenda Item #3(d) – Financial Statement for April 30, 2005

Approve the Financial Statement for April 30, 2005.

RECOMMENDED ACTION: Approve consent agenda as presented.

5/2005

**CYPRESS LAKE CENTER
DRI #7-8384-47
NOTICE OF PROPOSED CHANGE**

Background

On February 28, 1985, the SWFRPC recommended conditional approval of the Cypress Lake Center DRI located in central Lee County on the southeast corner of Cypress Lake Drive and Daniel's Parkway intersection at U.S. 41. Development approval consisted of a total of 336,340 square feet of commercial, 310,000 square feet of office, and a 275-room hotel/motel. Lee County approved the project on May 20, 1985, consistent with Comprehensive Plan, for a total of 300,000 square feet of commercial shopping and 306,340 square feet of office park. The reduction in development levels from what was submitted in the ADA to what was approved by the County was based on consistency with the Comprehensive Plan. The general project location is shown in Attachment I. Based on previous changes the project is now approved for 336,340 square feet of retail commercial, 205,000 square feet of office, a 275-room hotel/motel and 210 multi-family units.

Previous Changes

There have been 7 previous changes to the development order (DO) described as follows.

1. On September 22, 1986 the legal description was amended to add 7.9 acres to the commercial parcel.
2. On June 8, 1987, the DO order was amended to reflect the development levels originally proposed in the ADA. Subsequently, the Lee County Comprehensive Plan was amended to allow for a total of 336,340 square feet of commercial, 310,000 square feet of office and a 275-room hotel/motel.
3. On November 9, 1987 the DO was amended to allow refund of traffic mitigation funds under certain circumstances.
4. On November 29, 1993, the DO was amended to extend the DRI termination date until June 19, 2000.
5. The DO was amended on March 29, 1999 to adopt a new Master Development Plan, Map H to accommodate the addition of 210 multi-family residential units, decrease business office park to 165,000 square feet; add a business corporate office area of 40,000 square feet; and extend the build out date to June 19, 2000.
6. The DO was amended on May 15, 2000 to adopt a new Master Development Plan (MDP) Map H and to revise the 210 multi-family units to Mixed Use Development and to extend

the termination and buildout date to June 19, 2003.

7. The DO was amended on September 3, 2002 to again revise the MDP Map H to redesignate a .67 acres parcel from Office to Retail Commercial.

The most recent revised Cypress Lake Center Master Plan is shown in Attachment II.

Proposed Changes

The applicant Central Park Development of S.W. Florida, LLC is proposing to extend the buildout from June 19, 2003 to June 19, 2009. The original buildout/effective DO period was May 20, 1995. Therefore, the cumulative extended buildout is a total of fourteen years two months. However, a full traffic reanalysis was provided with the fifth DO amendment in 2000 which showed a 27 percent reduction in external trip due to the fourth DO amendment reducing the office and adding the 210 residential units. Assuming the clock starts over for cumulative extension purposes after the full traffic reanalysis was completed for the fifth amendment, which assumed a new buildout of June 19, 2003, the current extension might be considered only a six year extension. Regardless of how many years the extension is for Chapter 380.06(19)(c) purposes, the applicant provided another traffic reanalysis to rebut the presumption of a substantial deviation.

Character, Magnitude, Location

The proposed change to buildout does not alter the character, magnitude or location of the DRI.

Regional Resources and Facilities Impacts

Based on the applicant's traffic impact statement, local government and regional staff review the proposed change does not create a reasonable likelihood of additional regional impacts on regional facilities not previously reviewed by the SWFRPC.

Potential Multi-Jurisdictional Issues

The proposed change will not have any multi-jurisdictional impacts since no significant additional regional impacts are anticipated to occur.

Need for Reassessment of the DRI

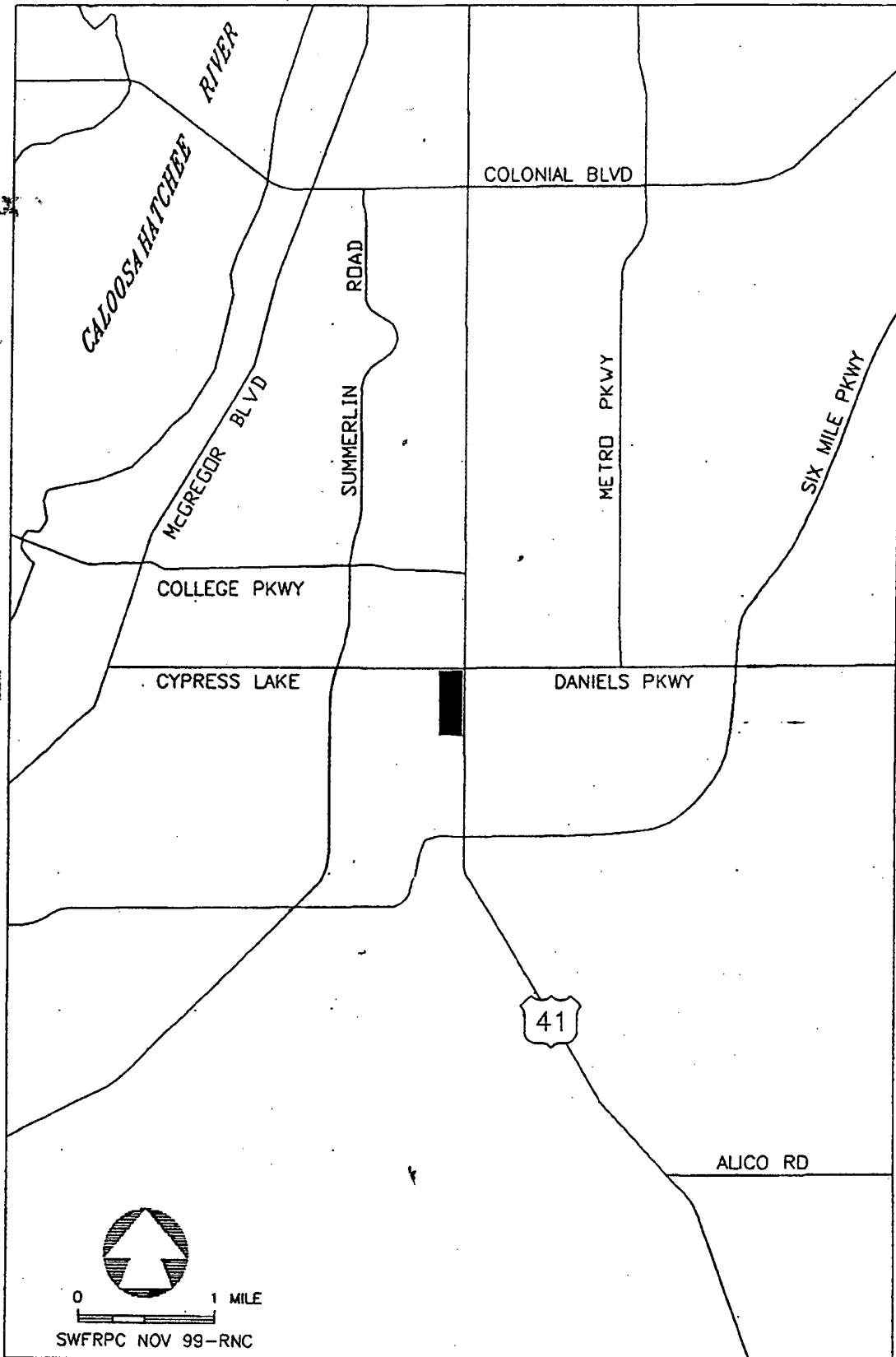
Other than the reassessment of the traffic impacts submitted with the NOPC for an extended buildout there is no need to reassess other issues of the DRI.

Acceptance of Proposed D.O. Language:

Staff finds the proposed DO amendment language acceptable. However, since the sixth amendment, Chapter 380.06(18) has changed from annual monitoring to biennial monitoring. Therefore, if the applicant request this change it would also be acceptable.

RECOMMENDED ACTIONS:

1. Notify Lee County, the Florida Department of Community Affairs and the applicant that the proposed change does not create additional regional impacts not previously reviewed by the SWFRPC and that Council participation at the local public hearing is not necessary, unless requested by the County for technical assistance purposes.
2. Request that Lee County provide a copy of the proposed Development Order Amendment, and any related materials, to the Council in order to ensure that the Amendment is consistent with the Notice of Proposed Change.



CYPRESS LAKE CENTER

STUDY AREA
Exhibit III

**CODIFIED SEVENTH DEVELOPMENT ORDER AMENDMENT¹
FOR
CYPRESS LAKE CENTER**

A DEVELOPMENT OF REGIONAL IMPACT

#7-8384-47

LET IT BE KNOWN, THAT, PURSUANT TO SECTION 380.06 OF THE FLORIDA STATUTES, THE BOARD OF COUNTY COMMISSIONERS OF LEE COUNTY, FLORIDA, HAS HEARD, AT A PUBLIC HEARING CONVENED ON _____, 2005, THE REQUEST TO AMEND THE DEVELOPMENT OF REGIONAL IMPACT DEVELOPMENT ORDER FOR CYPRESS LAKE CENTER, A COMMERCIAL (SHOPPING CENTER/OFFICE PARK) DEVELOPMENT CONSISTING OF APPROXIMATELY 68.5 ACRES TO BE DEVELOPED IN ACCORDANCE WITH THE APPLICATION FILED ON JULY 17, 1984, BY ARTHUR L. MOSES, TRUSTEE, AUTHORIZED REPRESENTATIVE OF CYPRESS LAKE VENTURE, LTD., FOR SAID DEVELOPMENT AND AS SUBSEQUENTLY AMENDED.

WHEREAS, the original Cypress Lake Center DRI Development Order was approved on May 20, 1985; and

WHEREAS, the Development Order was first amended on June 8, 1987 to allow 336,400 square feet of retail commercial and 270,000 square feet of office development; and

WHEREAS, the Development Order was amended a second time on November 9, 1987 to allow refund of traffic mitigation funds under certain circumstances; and

WHEREAS, the Development Order was amended a third time on November 29, 1993 to extend the effective date of the Development Order to June 19, 2000; and

WHEREAS, the Development Order was amended a fourth time on March 29, 1999, to adopt a new Master Development Plan, Map H which reflected approval of a shopping center (336,340 square feet on 40 acres); business corporate office area (40,000 square feet); an executive business office park (165,000 square feet); hotel complex (275 room hotel, 200-seat restaurant, 100-seat conference center); and, 210 multi-family residential units on approximately 68.5 acres, and to extend the buildout date to June 19, 2000; and

¹This codified Development Order (DO) includes all development order amendment thru the 7th DRI DO Amendment adopted by the Board on _____, 2005, and may be relied on to state the terms of the original DRI DO, as amended. The seventh amendment to this development order is reflected by deleted text being ~~struck through~~ and new text being under-lined.

APR 25 2005

BOUNDARY SURVEY

TRACT "B" AND LOT 6
CYPRESS LAKE CENTER PHASE II
RECORDED IN PLAT BOOK 39, PAGES 22-24
SECTION 23, TOWNSHIP 45 SOUTH, RANGE 24 EAST
LEE COUNTY, FLORIDA

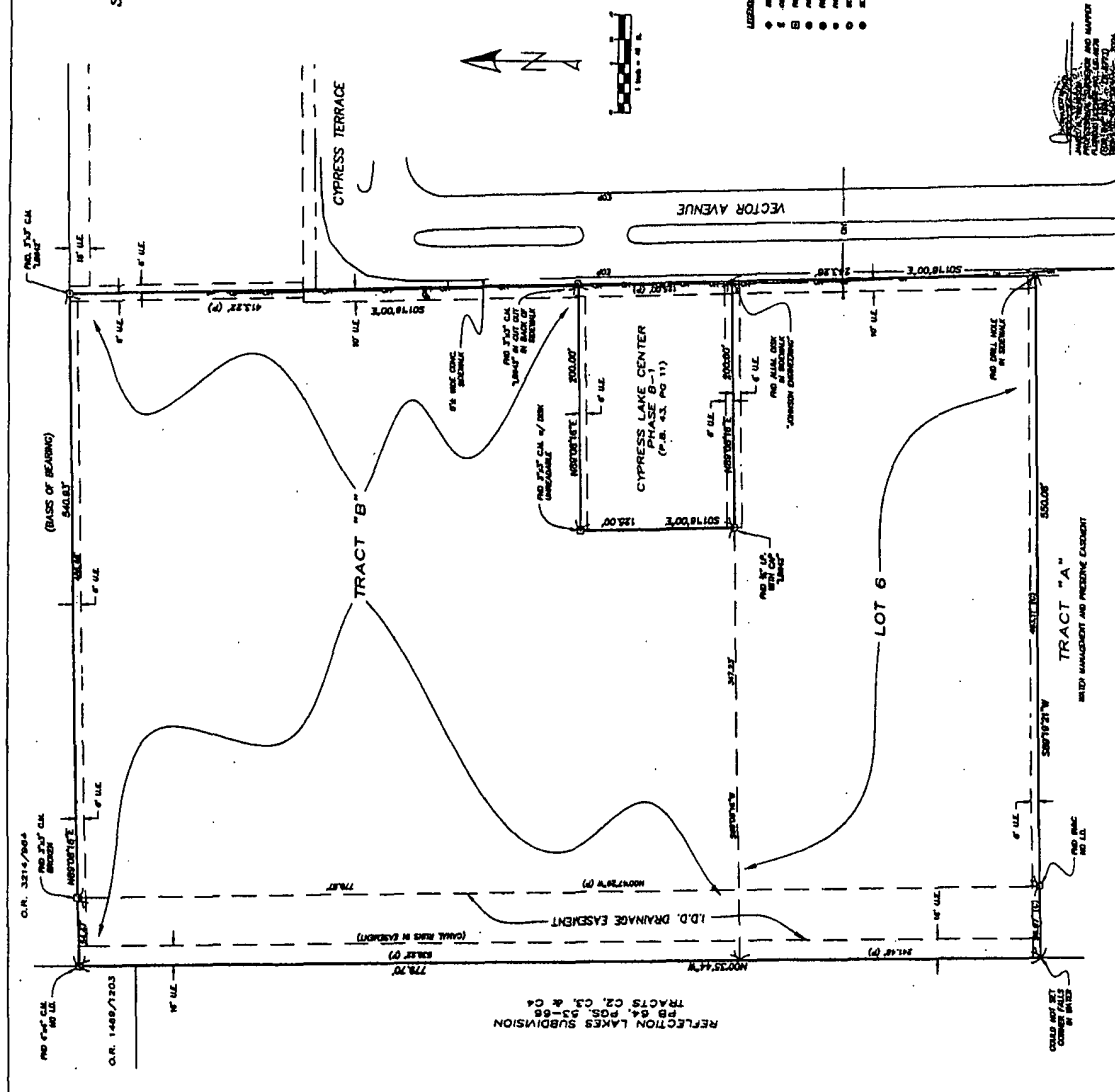


EXHIBIT PH-3.D.3 & 6-A

WILLIAM J. JACKSON AND MARGARET
JACKSON, JR., 101 E. 10TH
ST., ST. LOUIS, MO. 63102

JEFFREY C. COONER AND ASSOCIATES, INC.
SURVEYING AND MAPPING
3900 COLDMAN BOULEVARD, SUITE 4, FORT MYERS, FLORIDA 33912
PHONE: (238) 277-0722 FAX: (238) 277-7178 EMAIL: SURVEYING@COONER.COM

Applicant's Survey Checked

By Lgm 4/25/2005.

CYPRESS LAKE CENTER PHASE II

SHEET 1 OF 3

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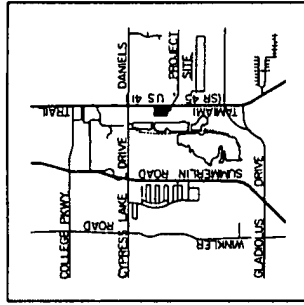
APR 25 2005

ZONING

A SUBDIVISION IN
THE EAST 1/2 OF THE SOUTHEAST 1/4 OF
SECTION 23, TOWNSHIP 45 SOUTH, RANGE 24 EAST
LEE COUNTY, FLORIDA

JUNE, 1987

JOHNSON ENGINEERING, INC.
CIVIL ENGINEERS - LAND SURVEYORS
FORT MYERS, FLORIDA



VICINITY MAP
SCALE: 1" = 1 MILE

APPROVALS

THIS PLAT ACCEPTED THIS 15th DAY OF August 1987 IN OPEN MEETING OF THE BOARD OF COUNTY COMMISSIONERS OF LEE COUNTY, FLORIDA

Brian Reiter
CHAIRMAN

Paul K. Chas
COUNTY ATTORNEY

Charlie Green
CLERK OF COURT

Michael W. Moore
GRANT ENGINEER

James H. Smith
DIRECTOR, D.P.A. OF CORP. DEV.

I HEREBY CERTIFY THAT THIS PLAT OF CYPRESS LAKE CENTER PHASE II HAS BEEN EXAMINED BY ME AND FROM MY EXAMINATION I FIND THAT SAID PLAT COMPLES IN FORM WITH THE REQUIREMENTS OF CHAPTER 177, FLORIDA STATUTES. I CERTIFY THAT SAID PLAT WAS FILED FOR RECORD AT 2:25 P.M. THIS 15th DAY OF August 1987 A.D. AND WAS DAILY RECORDED IN PLAT BOOK 32 AT PAGES 22-23 OF THE PUBLIC RECORDS OF LEE COUNTY, FLORIDA.

Charlie Green
CLERK OF THE CIRCUIT COURT
IN AND FOR LEE COUNTY

DEDICATION

KNOW ALL MEN BY THESE PRESENTS THAT VECTOR LAND GROUP, INC., A FLORIDA CORPORATION, AS OWNER OF THE HEREIN DESCRIBED LANDS HAS CAUSED THIS PLAT OF CYPRESS LAKE CENTER PHASE II TO BE MADE AND DOES HEREBY DEDICATE TO THE PUBLIC THE FOLLOWING DESCRIBED EASEMENTS, ROADS, TRACTS, DRAINAGE AND PUBLIC UTILITY EASEMENTS SHOWN HEREIN. SAID EASEMENTS BEING DEDICATED SOLELY FOR THE USES AND PURPOSES INDICATED, HEREBY REVOKING, VACATING AND ABROGATING IN FULL ALL EASEMENTS, ROADS, TRACTS, DRAINAGE AND PUBLIC UTILITY EASEMENTS IN WHICHEVER VECTOR LAND GROUP, INC. HAS CAUSED THIS DEDICATION TO BE SIGNED BY ITS PRESIDENT, ARTHUR MOSES. THIS 13th DAY OF JUNE, 1987 A.D.

Arthur Moses
ARTHUR MOSES, PRESIDENT

William J. Miller
WITNESS

Frederic M. Stine
WITNESS

ACKNOWLEDGMENT

STATE OF FLORIDA
I HEREBY CERTIFY THAT ON THIS DAY BEFORE ME PERSONALLY APPEARED ARTHUR MOSES, PRESIDENT OF VECTOR LAND GROUP, INC., A FLORIDA CORPORATION UNDER THE LAWS OF FLORIDA, TO BE KNOWN TO BE THE PERSON WHO CAUSED THE FOREGOING DEDICATION AND HE ACKNOWLEDGED THE EXECUTION THEREOF FOR THE USES AND PURPOSES THEREIN MENTIONED. I HEREBY REVOKED, VACATED AND ABROGATED IN FULL ALL EASEMENTS, ROADS, TRACTS, DRAINAGE AND PUBLIC UTILITY EASEMENTS IN WHICHEVER VECTOR LAND GROUP, INC. HAS CAUSED THIS DEDICATION TO BE SIGNED BY ITS PRESIDENT, ARTHUR MOSES. THIS 13th DAY OF JUNE, 1987 A.D.

Thomas J. Wiegand
NOTARY PUBLIC STATE OF FLORIDA AT LARGE
MY COMMISSION EXPIRES 1-1-1988

MORTGAGEE'S CONSENT TO DEDICATION

KNOW ALL MEN BY THESE PRESENTS THAT BRIAN REITER, VICE PRESIDENT OF COMMERCIAL LOANS FOR CHASE FEDERAL SAVINGS AND LOAN ASSOCIATION, A U.S. CORPORATION, HOLDER OF A CERTAIN MORTGAGE RECORDED IN OFFICIAL RECORDED BOOK 1841 AT PAGES 3065 THROUGH 3067 OF THE PUBLIC RECORDS OF LEE COUNTY, FLORIDA, HAS REVIEWED THE FOREGOING DEDICATION AND HAS HEREBY JOIN IN THE PLAT DEDICATION APPEARING HEREON THIS 11th DAY OF JUNE, 1987 A.D.

Brian Reiter
BRIAN REITER, VICE PRESIDENT

William J. Miller
WITNESS

Raymond E. Clin
WITNESS

ACKNOWLEDGMENT

STATE OF FLORIDA
COUNTY OF DADE
I HEREBY CERTIFY THAT ON THIS DAY BEFORE ME PERSONALLY APPEARED BRIAN REITER TO BE KNOWN TO BE THE PERSONS DESCRIBED IN AND WHO EXECUTED THE FOREGOING DEDICATION AND HE ACKNOWLEDGED THE EXECUTION THEREOF FOR THE USES AND PURPOSES THEREIN MENTIONED. I HEREBY REVOKED, VACATED AND ABROGATED IN FULL ALL EASEMENTS, ROADS, TRACTS, DRAINAGE AND PUBLIC UTILITY EASEMENTS IN WHICHEVER VECTOR LAND GROUP, INC. HAS CAUSED THIS DEDICATION TO BE SIGNED BY ITS PRESIDENT, ARTHUR MOSES. THIS 13th DAY OF JUNE, 1987 A.D.

Charles E. Clin
NOTARY PUBLIC STATE OF FLORIDA AT LARGE
MY COMMISSION EXPIRES 1-1-1988

NOTES

1. 0- PERMANENT REFERENCE MONUMENTS (P.R.M.'S) ARE TAPERED CONCRETE MONUMENTS WITH METAL DISKS SET IN THE TOP BEARING THE SURVEYOR'S CERTIFICATE NUMBER.
2. 0- PERMANENT CONTROL POINTS (P.C.P.'S) ARE METAL MARKERS BEARING THE SURVEYOR'S CERTIFICATE NUMBER.
3. THERE IS A UTILITY EASEMENT 8 FEET WIDE ALONG EACH SIDE LOT LINE EXCEPT WHERE TWO OR MORE LOTS ARE USED AS ONE DEVELOPMENT PARCEL IN WHICH CASE THE EASEMENT WILL BE 16 FEET WIDE.
4. THERE IS A UTILITY EASEMENT 16 FEET WIDE ALONG THE REAR OF EACH LOT UNLESS THE REAR OF A LOT ADJOINS ANOTHER LOT, THEN EACH LOT WILL HAVE A PUBLIC UTILITY EASEMENT 8 FEET WIDE.
5. SUBDIVISION STREET BOUNDARIES OF ALL LOTS BEARINGS ARE DERIVED FROM THE CENTERLINE SURVEY BEARINGS.
6. APPROXIMATE EDGE OF LAKE SHOWN FROM BOUNDARY SURVEY BY JOHNSON ENGINEERING, INC. DATED 9/23/86.
7. ALL DIMENSIONS IN CURVE DATA ON PLAT ARE IN FEET.

CERTIFICATE

I HEREBY CERTIFY THAT THIS PLAT OF CYPRESS LAKE CENTER PHASE II IS A TRUE AND CORRECT REPRESENTATION OF THE HEREIN DESCRIBED LAND ACCORDING TO A RECENT SURVEY MADE BY ME AND THAT THE SURVEY DATA COMPLIES WITH ALL OF THE REQUIREMENTS OF CHAPTER 177, FLORIDA STATUTES, AND MEETS THE MINIMUM TECHNICAL STANDARDS SET FORTH IN CHAPTER 200-6, FLORIDA ADMINISTRATIVE CODE.

DONE THIS 23rd DAY OF June 1987 A.D.

Jeffrey C. Cooner
JEFFREY C. COONER, SURVEYOR
MY COMMISSION EXPIRES 1-1-1988
FLORIDA CERTIFICATE NO. 1002

DRI 2005-00003

CYPRESS LAKE CENTER PHASE II

SHEET 2 OF 3

A SUBDIVISION IN

THE EAST 1/2 OF THE SOUTHEAST 1/4 OF
SECTION 23, TOWNSHIP 45 SOUTH, RANGE 24 EAST
LEE COUNTY, FLORIDA

RECEIVED

APR 25 2005

ZONING

DRI 2005-00003

DESCRIPTION

PARCEL IN THE EAST HALF OF THE SOUTHEAST QUARTER
SECTION 23, TOWNSHIP 45 SOUTH, RANGE 24 EAST
LEE COUNTY, FLORIDA

A TRACT OR PARCEL OF LAND LYING IN THE EAST HALF (E 1/2) OF THE
SOUTHEAST QUARTER (SE 1/4) OF SECTION 23, TOWNSHIP 45 SOUTH, RANGE
24 EAST, LEE COUNTY, FLORIDA, WHICH TRACT OR PARCEL IS DESCRIBED
AS FOLLOWS:

FROM THE NORTHWEST CORNER OF THE EAST HALF OF THE
SOUTHEAST QUARTER (SE 1/4) OF SECTION 23, TOWNSHIP 45
SOUTH, RANGE 24 EAST, RUN S 00° 35' 44" E ALONG THE WEST
LINE OF SAID EAST HALF FOR 116.00 FEET TO THE SOUTH
LINE OF CYPRESS LAKE DRIVE, THENCE CONTINUE
TO THE POINT OF BEGINNING, WEST LINE FOR 1153.30 FEET
FROM SAID POINT OF BEGINNING, RUN N 89° 08' 16" E
PARALLEL WITH THE SOUTH RIGHT-OF-WAY LINE OF SAID
CYPRESS LAKE DRIVE, DISTANCE 1153.30 FEET, TO THE
POINT OF BEGINNING, THENCE CONTINUE ALONG THE
RIGHT-OF-WAY LINE OF TAMPA TRAIL, (S 45° 41' 48" E)
RUN S 01° 16' 00" E ALONG SAID RIGHT-OF-WAY LINE FOR
1360.81 FEET, THENCE RUN S 00° 33' 38" E ALONG SAID
RIGHT-OF-WAY LINE FOR 1174.70 FEET, TO THE SOUTHWEST
CORNER OF THE SOUTHEAST QUARTER (SE 1/4) OF SECTION 23,
TOWNSHIP 45 SOUTH, RANGE 24 EAST, THENCE RUN
N 89° 08' 16" E ALONG SAID WEST LINE FOR 1374.70 FEET
TO THE POINT OF BEGINNING, THENCE CONTINUE
CONTAINING 37.58 ACRES MORE OR LESS.
BEARINGS HEREIN ABOVE MENTIONED ARE DERIVED FROM THE CENTERLINE
SURVEY OF STATE ROAD 45 (U.S. 41).

CURVE DATA

DELTA	RADIUS	LENGTH	TANGENT	CHORD BEARING	CHORD DIST.
90°00'00"	30.00	47.12	30.00	N 45°51'44"W	42.43
90°00'00"	30.00	47.12	30.00	S 44°08'16"W	42.43
90°24'18"	30.00	47.33	30.21	N 43°56'08"E	42.57
89°35'44"	30.00	46.91	29.79	N 46°03'52"W	42.28
19°06'19"	150.00	50.02	25.24	S 10°49'09"E	49.78
09°41'22"	122.33	20.69	10.37	S 15°31'38"E	20.66
09°24'57"	122.33	20.10	10.07	S 05°58'28"E	20.08
90°24'18"	30.00	47.34	30.21	N 43°56'08"E	42.58
19°06'19"	122.33	40.79	20.59	S 10°49'09"E	40.60
43°41'48"	148.64	113.36	59.60	N 21°10'15"E	110.63
90°00'00"	125.00	195.35	125.00	N 45°40'39"W	176.78
43°41'48"	170.99	130.41	68.58	N 21°10'15"E	127.27

CYPRESS LAKE CENTER PHASE II

SHEET 3 OF 3

RECEIVED

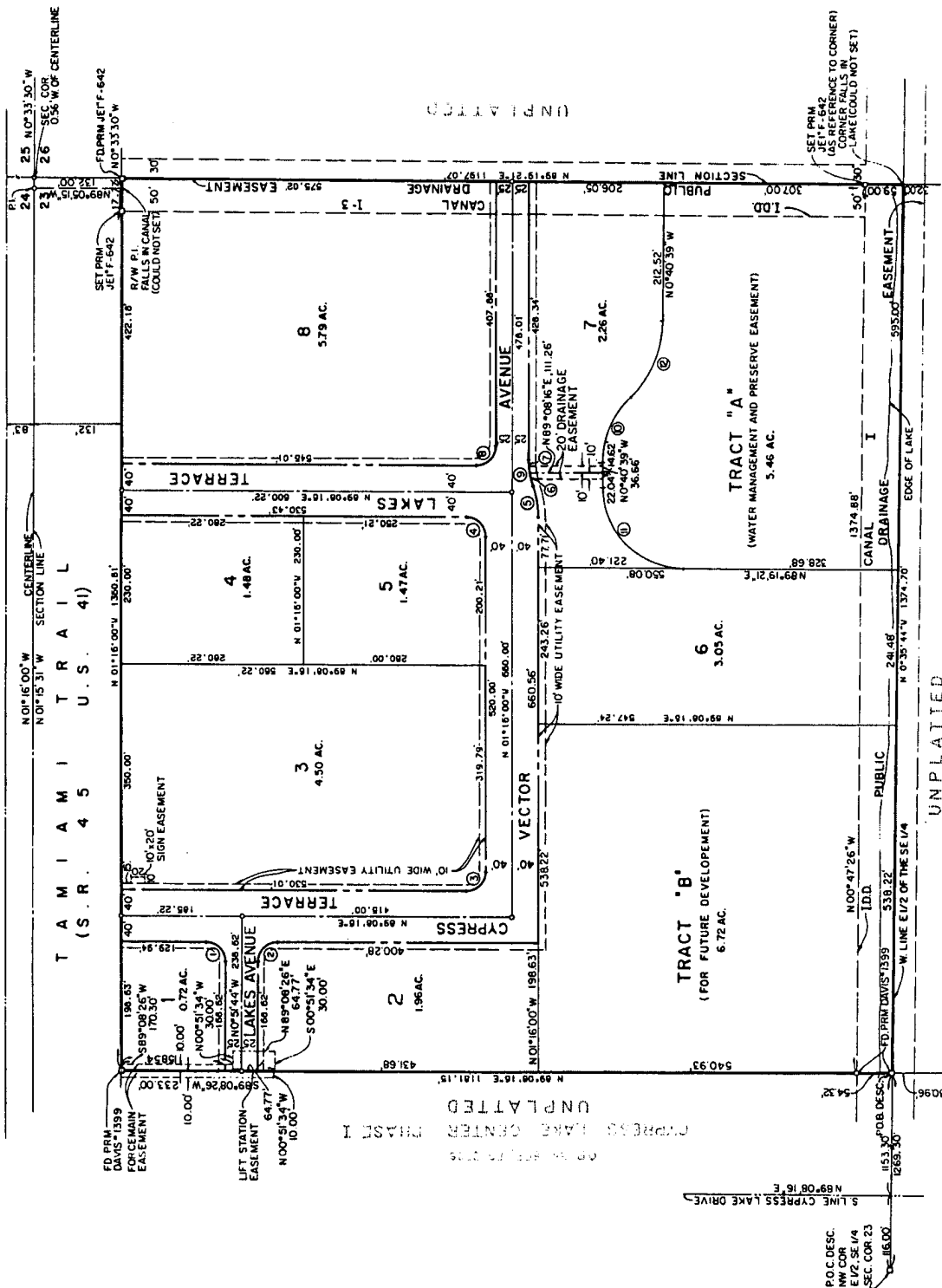
APR 25 2005

ZONING

A SUBDIVISION IN
THE EAST 1/2 OF THE SOUTHEAST 1/4 OF
SECTION 23, TOWNSHIP 45 SOUTH, RANGE 24 EAST
LEE COUNTY, FLORIDA

DRI 2005-00003

SCALE: 1" = 100'
0 100 200 300



RECEIVED
OCT 11 2005

**CODIFIED SEVENTH DEVELOPMENT ORDER AMENDMENT¹
FOR
CYPRESS LAKE CENTER**

COMMUNITY DEVELOPMENT

A DEVELOPMENT OF REGIONAL IMPACT

#7-8384-47

LET IT BE KNOWN, THAT, PURSUANT TO SECTION 380.06 OF THE FLORIDA STATUTES, THE BOARD OF COUNTY COMMISSIONERS OF LEE COUNTY, FLORIDA, HAS HEARD, AT A PUBLIC HEARING CONVENED ON _____, 2005, THE REQUEST TO AMEND THE DEVELOPMENT OF REGIONAL IMPACT DEVELOPMENT ORDER FOR CYPRESS LAKE CENTER, A COMMERCIAL (SHOPPING CENTER/OFFICE PARK) DEVELOPMENT CONSISTING OF APPROXIMATELY 68.5 ACRES TO BE DEVELOPED IN ACCORDANCE WITH THE APPLICATION FILED ON JULY 17, 1984, BY ARTHUR L. MOSES, TRUSTEE, AUTHORIZED REPRESENTATIVE OF CYPRESS LAKE VENTURE, LTD., FOR SAID DEVELOPMENT AND AS SUBSEQUENTLY AMENDED.

WHEREAS, the original Cypress Lake Center DRI Development Order was approved on May 20, 1985; and

WHEREAS, the Development Order was first amended on June 8, 1987 to allow 336,400 square feet of retail commercial and 270,000 square feet of office development; and

WHEREAS, the Development Order was amended a second time on November 9, 1987 to allow refund of traffic mitigation funds under certain circumstances; and

WHEREAS, the Development Order was amended a third time on November 29, 1993 to extend the effective date of the Development Order to June 19, 2000; and

WHEREAS, the Development Order was amended a fourth time on March 29, 1999, to adopt a new Master Development Plan, Map H which reflected approval of a shopping center (336,340 square feet on 40 acres); business corporate office area (40,000 square feet); an executive business office park (165,000 square feet); hotel complex (275 room hotel, 200-seat restaurant, 100-seat conference center); and, 210 multi-family residential units on approximately 68.5 acres, and to extend the build-out date to June 19, 2000; and

¹This codified Development Order (DO) includes all development order amendment thru the 7th DRI DO Amendment adopted by the Board on _____, 2005, and may be relied on to state the terms of the original DRI DO, as amended. The seventh amendment to this development order is reflected by deleted text being ~~struck through~~ and new text being under-lined.

WHEREAS, the Development Order was amended on May 12, 2000, for a fifth amendment to adopt a new Map H to reflect the change in Tract B and Lot 6 of Phase II, to replace "Proposed Multifamily uses (210 units)" with "Mixed Use Development," and to extend the build-out and termination dates to June 19, 2003; and

WHEREAS, the Development Order was amended for the sixth time on September 3, 2002, revising the Master Development Plan (Map H) to redesignate a .67+-acre parcel from Office to Retail Commercial; and

WHEREAS, the Board of County Commissioners of Lee County, Florida desire to adopt a codified Development Order to consolidate all of the past actions taken in regard to this approved development; and

WHEREAS, in order to retain a clear understanding of the history of Cypress Lake Center DRI project, this codification includes all of the conditions of the original DRI DO and amendments thereto, but the inclusion of such conditions herein is not intended to resurrect or reimpose any conditions that have already been satisfied; and

WHEREAS, the Board of County Commissioners of Lee County, Florida, considered the report and recommendations of the Southwest Florida Regional Planning Council, the Lee County Administrative Staff, the Lee County Local Planning Agency, and the documents and comments upon the record made before the Board in public hearing, and after full consideration of those reports, recommendations, comments, and documents, the Board of County Commissioners of Lee County, Florida, finds and determines that:

I. FINDINGS OF FACT AND CONCLUSIONS OF LAW

A. This development, as amended, will be a mixed use project including a shopping center (336,340 square feet on 40 acres); business corporate office area (40,000 square feet); an executive business office park (165,000 square feet); hotel complex (275 room hotel, 200-seat restaurant, 100-seat conference center); and, 210 multi-family residential units on approximately 68.5 acres. The proposed development constitutes a Development of Regional Impact on the real property described as:

A tract or parcel of land lying in the southeast quarter of Section 23, Township 45 South, range 24 East, which tract or parcel is described as follows:

The east one-half of the southeast one-quarter, less than north 116 feet lying west of State Road No. 45, of said Section 23, Township 45 South, Range 24 East, Lee County, Florida.

B. The subject property is presently zoned CPD, RPD, CG, CS and CT.

C. The Application for Development Approval (ADA) is consistent with the requirements of Section 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 Section 380.05, Florida Statutes; and

E. The proposed development has been reviewed by the Southwest Florida Regional Planning Council and is the subject of the report and recommendations adopted by that body, and subsequently forwarded to Lee County pursuant to the provisions of Section 380.06, Florida Statutes, and the proposed development is consistent with this report and recommendations of the Southwest Florida Regional Planning Council; and

F. The proposed development is consistent with the adopted Lee County Comprehensive Plan, subject to the following conditions.

NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF COUNTY COMMISSIONERS OF LEE COUNTY, FLORIDA, in public meeting duly constituted and assembled on _____, 2005, that the Development of Regional Impact Application for Development Approval submitted by Cypress Lake Venture, Ltd. (referred to hereinafter as "developer") and as subsequently amended, is APPROVED, subject to the following conditions, restrictions, and limitations:

II. CONDITIONS OF DEVELOPMENT APPROVAL

A. COMMUNITY SERVICES

1. The developer must meet with the Chief of the South Trail Fire Department and the Director of Lee County Division of Public Safety or his designee, prior to project construction, to discuss fire protection and Emergency Medical Service needs and appropriate measures to meet these needs.

2. The developer must demonstrate, to the satisfaction of the Lee County Division of Community Development prior to project construction, that there will be no adverse fiscal impacts (costs exceeding revenues) upon fire protection and Emergency Medical Service providers resulting from the development.

B. DRAINAGE/WATER QUALITY

1. The drainage system for the proposed project must be redesigned to provide greater upland (dry) retention/detention of runoff prior to discharge into the on-site lake system. Areas of natural vegetation as described in condition "E" below may be used where feasible.

2. The discharge structure must include a baffle, skimmer, or other mechanism suitable for preventing oil and grease from discharging from retention/detention areas.

3. The drainage system must implement the design standards and "best management practices" outlined in the ADA and in all supplementary material.

4. The developer and/or his successor(s), must implement an on-going maintenance and monitoring program that regularly inspects, maintains and samples the stormwater drainage system. The program must be designed in consultation with the staffs of the Southwest Florida Regional Planning Council, the South Florida Water Management District, and Lee County. Final approval of the program rests with Lee County. The program must be redesigned, if necessary, to incorporate any County ordinances and/or policies relating to the Lakes Park drainage basin. If the quality of surface water runoff does not meet any present or future standards, then the developer must take remedial measures to improve the system to meet these standards, entirely at the developer's expense. The developer is responsible for any remedial measures required by the County, including all costs.

5. A regular program of vacuum sweeping of all project parking lots must be utilized both during and after project construction.

6. The project must be served by a central sewage system.

7. The project is subject to all regulations of Lee County for the protection of the Lakes Regional Park Watershed and Lakes Regional Park water quality.

C. ENERGY

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

These features are:

1. Provision of bicycle racks or storage facilities.

2. Location of bus stops, shelters, and other passenger and system accommodations for a transit system to serve the project area, in cooperation with the appropriate Lee County agencies.

3. Use of energy-efficient features in window design (e.g., tinting and exterior shading), and use of operable windows and ceiling fans.

4. Installation of energy-efficient appliances and equipment.
5. Prohibition of deed restrictions or covenants that would prevent or unnecessarily hamper energy conservation efforts (e.g., building orientation and solar water heating systems).
6. Reduced coverage by asphalt, concrete, rock, and similar substances in streets, parking lots, and other areas to reduce local air temperatures and reflected light and heat.
7. Installation of energy-efficient lighting for streets, parking areas, and other interior and exterior public areas.
8. Installation of water closets with a maximum flush of 3.5 gallons and shower heads and faucets with a minimum flow rate of 3.0 gallons per minute (at 60 pounds of pressure per square inch) as specified in the Water Conservation Act, (Section 553.14, F.S.).
9. Selection, installation and maintenance of native plants, trees, and other vegetation and landscape design features that reduce requirements for water, fertilizer, maintenance, and other needs, for all parking lot landscaping and required vegetated buffer areas.
10. Placement of native trees to provide shade in the warmer months while not overly reducing the benefits of sunlight in the cooler months, and to provide shade for all streets and parking areas.
11. Orientation of structures, to reduce solar heat gain by walls and to utilize the natural cooling effects of the wind, whenever feasible.
12. Provision for structural shading (e.g., trellises, awnings, and roof overhangs) wherever practical when natural shading cannot be used effectively.
13. 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.

D. TRANSPORTATION

1. The developer must construct, cause to be constructed or pay the full costs for intersection improvements deemed necessary by the Lee County Engineer for the project's access points onto U.S. 41 and Cypress Lake Drive. These improvements must be made prior to the issuance of the first certificate of occupancy for the project.

2. The developer must pay a proportionate share of the cost of constructing two additional lanes, on the following road segments:

- a. U.S. 41 from Cypress Lake Drive/Daniels Parkway to and including the intersection of Island Park Road with U.S. 41.
- b. Daniels Parkway from the Bell Tower Mall entrance east of U.S. 41 to the beginning of four lanes west of I-75.
- c. Cypress Lake Drive from the terminus of four lanes west of U.S. 41 to the intersection of McGregor Boulevard with Cypress Lake Drive.
- d. Gladiolus Drive from the terminus of four lanes west of U.S. 41 to and including the intersection of Summerlin Road with Gladiolus Drive.

The developer's proportionate share must be determined by the County Engineer and be paid at the time that the first local Development Order is issued under Lee County regulations.

3. The developer must pay a proportionate share of the cost of signalization, turn lanes, additional approach lanes, or other improvements deemed necessary by the Lee County Engineer or FDOT in order to maintain level of service "C" at the following intersections:

- a. U.S. 41 at Daniels Parkway/Cypress Lake Drive
- b. U.S. 41 at Gladiolus Drive/Six Mile Parkway
- c. U.S. 41 at College Parkway
- d. Cypress Lake Drive at Summerlin Road
- e. Daniels Parkway at Metro Parkway

The developer's proportionate share will be determined by the County Engineer and be paid upon commencement of the intersection improvement.

4. If more than two additional lanes are required to maintain level of service "C" on a road segment specified in D.2 above during project build out, then the developer must pay a proportionate share of the cost of constructing these lanes. The developer's proportionate share will be determined by the County Engineer and be paid upon commencement of the roadway improvement.

5. The developer must submit an annual monitoring report to the Lee County Engineer, the Lee County MPO, FDOT and the Southwest Florida Regional Planning Council for review. This monitoring report must include average daily and peak-hour traffic counts, with turning movements, at the project's access points on U.S. 41 and Cypress Lake Drive and at the intersections listed in D.3 above. The first report must be submitted one year following the issuance of the first certificate of occupancy for the project. Reports must be submitted annually until build out of the project.

6. Nothing contained in this Development Order may be construed to exempt this development from participation in the funding, through Municipal Services Benefit Units (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 this development generates demand.

ALTERNATIVES

1. In lieu of the obligations and payments required by D.1 through D.3 above, the developer may contribute a base amount of \$1,300,000 (in 1985 dollars) for the mitigation of adverse traffic impacts due to this project. Payment must be made subject to the provisions listed below:

- a. The developer must design and construct, or cause to be designed and constructed, two additional lanes on U.S. 41 from the southern boundary line of the Cypress Lake Center DRI to Daniels Parkway/Cypress Lake Drive plus intersection improvements deemed necessary by the Lee County Engineer for the project's access points onto U.S. 41 and for the south leg of the U.S. 41/Daniels Parkway/Cypress Lake Drive intersection. The developer's contract(s) for the design and construction of these improvements must be reviewed and approved by the County Engineer. These improvements must be substantially completed to the satisfaction of the County Engineer prior to issuance of the first certification of occupancy for this project.
- b. Funds must be expended first for the U.S. 41 improvements specified in Alternative 1.a above, with the balance of the base amount of \$1,300,000 paid by the developer into a fund established by Lee County for the purpose of mitigating other adverse impacts due to the project, including improvements described in D.2 and D.3 above, plus intersection improvements deemed necessary by the County Engineer for the project's access points onto Cypress Lake Drive. At the time that construction contracts are let for the specified improvements on U.S. 41, and after consultation and agreement with the County Engineer, the developer must pay an amount estimated to be the balance of the \$1,300,00 minus the cost for design and construction of the U.S. 41 improvements into the fund established by

Lee County. Within one month of the completion of the U.S. 41 contracts, the County Engineer will determine the exact amount of this balance based on actual design and construction costs. The developer will receive a refund or make an additional payment to Lee County so that the total amount paid by the developer equals the base payment of \$1,300,000.

- c. If the construction contracts have not been let prior to October 1, 1985, the base payment of \$1,300,000 will be adjusted quarterly thereafter using the most current Construction Price Index (C.P.I.) published by the Engineer News Record (McGraw-Hill Publications) until the construction contracts are let. The base price index for these adjustments is the price index in the Second Quarterly Cost Round-Up for 1985.
- d. If Lee County adopts a Roads Impact Fee ordinance, the amount of this base payment will remain the same (\$1,300,000), except for adjustments required by Alternative 1.c above. This base payment will be credited against the roads impact fee when adopted.
- e. The Board of County Commissioners, in its discretion, may equitably refund monies to the developer for transportation mitigation fees paid in excess of those reasonably necessary to mitigate the development's adverse impacts. If the total refunding of such fees equals or exceeds 15% of the mitigation amount required by the Development Order, it will be deemed a substantial deviation. The refund in this case is not to exceed \$49,537 and is to be refunded only after staff has determined that all transportation commitments made in the Development Order have been met.

2. If the developer foregoes Alternative 1 and Lee County adopts a Roads Impact Fee ordinance before the first building permit is issued, this fee may be credited toward off-site improvements listed in D.2 through D.4 above. Site-related improvements remain the developer's responsibility and obligation. Payments already made for these off-site improvements will be credited toward the overall fee.

E. VEGETATION AND WILDLIFE

1. The developer must preserve no less than 15 percent of the total site as unaltered native vegetation, including understory, generally along the project's north, east, and west boundaries. These areas may be utilized as dry detention basins (excavation prohibited) in the water management system to purify surface run-off. Plans for this preserve area must be submitted to the Lee County Planning Department for approval. Native species must be utilized for all parking lot landscaping and required vegetated buffer areas.

F. WATER SUPPLY

1. The developer must incorporate the use of water-conserving devices, as required by state law (Chapter 553.14, F.S.).
2. The developer must utilize water-conserving features in irrigation system design and use, including the use of native or low water use plants and turf.
3. The developer must utilize either surface water from the on-site lake system or groundwater for irrigation, unless demonstrated infeasible.

G. HURRICANE EVACUATION

The developer must meet with Lee County Division of Public Safety officials to discuss the use of project common areas for storm shelter purposes, and establish and maintain a hotel/motel hurricane evacuation program of education and information describing the risks of environmental hazards, as well as the actions necessary to mitigate the dangers these hazards present.

H. OTHER

The project may not exceed a total of 336,340 square feet of retail commercial use as defined by the Lee County Comprehensive Plan. These uses may also include automobile dealerships, auto centers, automobile service stations, or indoor movie theaters (up to 800 permanent seats). The total project is approved for and limited to the following development parameters: 336,340 square feet of shopping center (on a total of 40 acres); 40,000 square feet of business corporate office area; 165,000 square feet of executive business office park; 275 room hotel (with 200 seat restaurant, and 100 seat conference center); and, 210 multiple family dwelling units.

BE IT FURTHER RESOLVED, by the Board of County Commissioners of Lee County, Florida, that:

III. FURTHER CONDITIONS OF DEVELOPMENT APPROVAL

1. This resolution constitutes the Development Order of this Board issued in response to the original Development of Regional Impact application for Development Approval filed by Cypress Lake Venture, Ltd. and all amendments approved through and including ~~May 15, 2000~~ _____. Map H, attached as Attachment 1, revised and dated June 2002, is incorporated as part of this Development Order.
2. All commitments and impact mitigating actions volunteered by the developer in the Application for Development Approval and supplementary documents, not in conflict with conditions or stipulations specifically enumerated above, are adopted into this Development Order by reference. The commitments incorporated by reference are binding on the developer as if set forth herein.

3. This Development Order is binding upon the developer and the developer's heirs, assignees or successors in interest.

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

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

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

5. In the event that 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 in no manner affect the remaining portions or sections of the Development Order, which will remain in full force and effect provided that the portion of the Development Order that is invalidated does not cause the remainder of the development area to be inconsistent with the purpose and intent of Lee County adopting this Development Order.

6. The approval granted by this Development Order is limited. Approval may not be construed to obviate the duty of the applicant to comply with all other applicable local or state review and permitting procedures.

7. Subsequent request for local development permits may not require further review pursuant to Section 380.06, Florida Statutes, unless it is found by the Board of County Commissioners, 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 which create a reasonable likelihood of adverse regional impacts or other regional impacts which 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 as provided herein.

Upon finding that either of the above is present, the Board may order a termination of all development activity until such time as a new DRI Application for Development Approval has been submitted, reviewed and approved in accordance with Section 380.06, Florida Statutes, and all local approvals have been obtained.

8. This Development Order will remain in effect until June 19, 20039, provided that this effective period may be extended by this Board upon a finding of excusable delay in any proposed development activity and that conditions have not changed sufficiently to warrant further consideration of the development. In the event the developer fails to commence significant physical development of that property identified in this development order within five (5) years from the date of rendition of this Development Order, development approval will terminate and the development may be subject to further consideration. Significant physical development includes obtaining a Certificate of Completion on some substantial portion of the project. The project build-out date is June 19, 20039.

9. The Administrative Director of the Lee County Division of Community Development or his/her designee, is the local official responsible for assuring compliance with this Development Order.

10. The developer, or his successor(s) in title to the undeveloped portion of the subject property, must submit a report ~~annually~~ biannually to the Lee 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 state of development and compliance as of the date of submission, and be consistent with the rules of the State land planning agency. The first monitoring report must be submitted to the Administrative Director of the Division of Community Development not later than May 1, 1986, and further reporting must be submitted not later than January 1st of the appropriate subsequent calendar years. Failure to comply with this reporting procedure is governed by Section 380.06 (16) F.S. and the developer must inform any successor in title to any undeveloped portion of the real property covered by this Development Order.

11. Certified copies of this Development Order will be forwarded to the Southwest Florida Regional Planning Council, the developer, and appropriate state agencies. This Development Order is rendered as of the date of that transmittal, but will not be effective until the expiration of the statutory appeals period (45 days from rendition) or until the completion of any appellate proceedings, whichever time is greater. Upon this Development Order becoming effective, notice of its adoption must be recorded as provided in Chapter 380, Florida Statutes.

THE MOTION TO ADOPT the above codified Development Order was offered by Commissioner _____, and seconded by Commissioner _____ and upon poll of the members present, the vote was as follows:

Douglas St. Cerny
Ray Judah
Robert P. Janes
Tammy Hall
John Albion

DULY PASSED AND ADOPTED this — day of _____, 2005.

BOARD OF COUNTY COMMISSIONERS
LEE COUNTY, FLORIDA

(Chairman)

ATTEST:
Charlie Green, Clerk

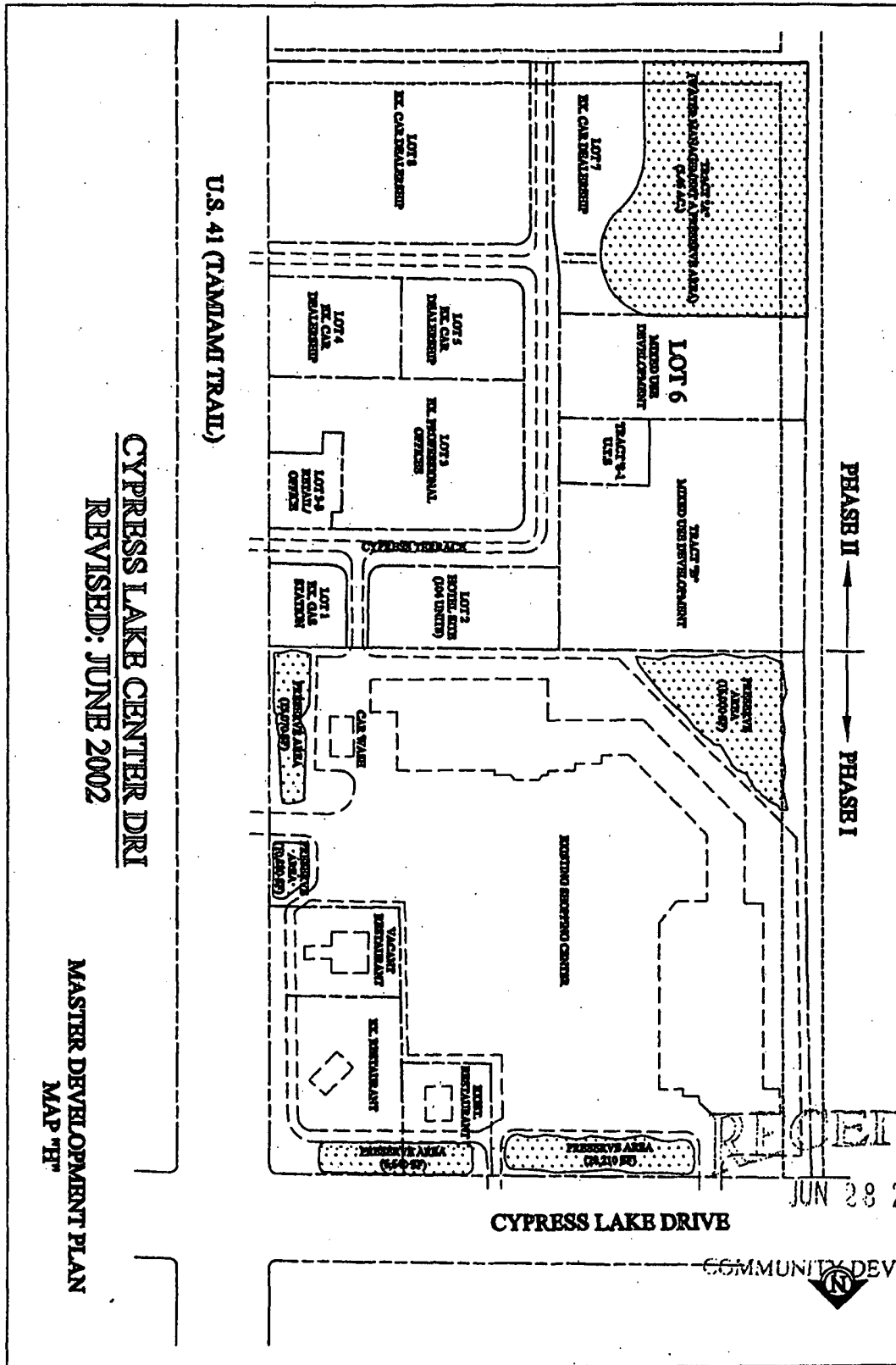
APPROVED AS TO FORM

County Attorney

Attachments:

1. Master Development Plan (Map H), revised June 2002.

INSERT MAP H



DRI1999-00019

WHEREAS, the Development Order was amended on May 12, 2000, for a fifth amendment to adopt a new Map H to reflect the change in Tract B and Lot 6 of Phase II, to replace "Proposed Multifamily uses (210 units)" with "Mixed Use Development," and to extend the buildout and termination dates to June 19, 2003; and

WHEREAS, the Development Order was amended for the sixth time on September 3, 2002, revising the Master Development Plan (Map H) to redesignate a .67+-acre parcel from Office to Retail Commercial; and

WHEREAS, the Board of County Commissioners of Lee County, Florida desire to adopt a codified Development Order to consolidate all of the past actions taken in regard to this approved development; and

WHEREAS, in order to retain a clear understanding of the history of Cypress Lake Center DRI project this codification includes all of the conditions of the original DRI DO and amendments thereto, but the inclusion of such conditions herein is not intended to resurrect or reimpose any conditions that have already been satisfied; and

WHEREAS, the Board of County Commissioners of Lee County, Florida, considered the report and recommendations of the Southwest Florida Regional Planning Council, the Lee County Administrative Staff, the Lee County Local Planning Agency, and the documents and comments upon the record made before the Board in public hearing, and after full consideration of those reports, recommendations, comments, and documents, the Board of County Commissioners of Lee County, Florida, finds and determines that:

I. FINDINGS OF FACT AND CONCLUSIONS OF LAW

A. This development, as amended, will be a mixed use project including a shopping center (336,340 square feet on 40 acres); business corporate office area (40,000 square feet); an executive business office park (165,000 square feet); hotel complex (275 room hotel, 200-seat restaurant, 100-seat conference center); and, 210 multi-family residential units on approximately 68.5 acres. The proposed development constitutes a Development of Regional Impact on the real property described as:

A tract or parcel of land lying in the southeast quarter of Section 23, Township 45 South, range 24 East, which tract or parcel is described as follows:

The east one-half of the southeast one-quarter, less than north 116 feet lying west of State Road No. 45, of said Section 23, Township 45 South, Range 24 East, Lee County, Florida.

B. The subject property is presently zoned CPD, RPD, CG, CS and CT.

C. The Application for Development Approval (ADA) is consistent with the requirements of Section 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 Section 380.05, Florida Statutes; and

E. The proposed development has been reviewed by the Southwest Florida Regional Planning Council and is the subject of the report and recommendations adopted by that body, and subsequently forwarded to Lee County pursuant to the provisions of Section 380.06, Florida Statutes, and the proposed development is consistent with this report and recommendations of the Southwest Florida Regional Planning Council; and

F. The proposed development is consistent with the adopted Lee County Comprehensive Plan, subject to the following conditions.

NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF COUNTY COMMISSIONERS OF LEE COUNTY, FLORIDA, in public meeting duly constituted and assembled on _____, 2005, that the Development of Regional Impact Application for Development Approval submitted by Cypress Lake Venture, Ltd. (referred to hereinafter as "developer") and as subsequently amended, is APPROVED, subject to the following conditions, restrictions, and limitations:

II. CONDITIONS OF DEVELOPMENT APPROVAL

A. COMMUNITY SERVICES

1. The developer must meet with the Chief of the South Trail Fire Department and the Director of Lee County Division of Public Safety or his designee, prior to project construction, to discuss fire protection and Emergency Medical Service needs and appropriate measures to meet these needs.

2. The developer must demonstrate, to the satisfaction of the Lee County Division of Community Development prior to project construction, that there will be no adverse fiscal impacts (costs exceeding revenues) upon fire protection and Emergency Medical Service providers resulting from the development.

B. DRAINAGE/WATER QUALITY

1. The drainage system for the proposed project must be redesigned to provide greater upland (dry) retention/detention of runoff prior to discharge into the on-site lake system. Areas of natural vegetation as described in condition "E" below may be used where feasible.

2. The discharge structure must include a baffle, skimmer, or other mechanism suitable for preventing oil and grease from discharging from retention/detention areas.

3. The drainage system must implement the design standards and “best management practices” outlined in the ADA and in all supplementary material.

4. The developer and/or his successor(s), must implement an on-going maintenance and monitoring program that regularly inspects, maintains and samples the stormwater drainage system. The program must be designed in consultation with the staffs of the Southwest Florida Regional Planning Council, the South Florida Water Management District, and Lee County. Final approval of the program rests with Lee County. The program must be redesigned, if necessary, to incorporate any County ordinances and/or policies relating to the Lakes Park drainage basin. If the quality of surface water runoff does not meet any present or future standards, then the developer must take remedial measures to improve the system to meet these standards, entirely at the developer's expense. The developer is responsible for any remedial measures required by the County, including all costs.

5. A regular program of vacuum sweeping of all project parking lots must be utilized both during and after project construction.

6. The project must be served by a central sewage system.

7. The project is subject to all regulations of Lee County for the protection of the Lakes Regional Park Watershed and Lakes Regional Park water quality.

C. ENERGY

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

These features are:

1. Provision of bicycle racks or storage facilities.

2. Location of bus stops, shelters, and other passenger and system accommodations for a transit system to serve the project area, in cooperation with the appropriate Lee County agencies.

3. Use of energy-efficient features in window design (e.g., tinting and exterior shading), and use of operable windows and ceiling fans.

4. Installation of energy-efficient appliances and equipment.
5. Prohibition of deed restrictions or covenants that would prevent or unnecessarily hamper energy conservation efforts (e.g., building orientation and solar water heating systems).
6. Reduced coverage by asphalt, concrete, rock, and similar substances in streets, parking lots, and other areas to reduce local air temperatures and reflected light and heat.
7. Installation of energy-efficient lighting for streets, parking areas, and other interior and exterior public areas.
8. Installation of water closets with a maximum flush of 3.5 gallons and shower heads and faucets with a minimum flow rate of 3.0 gallons per minute (at 60 pounds of pressure per square inch) as specified in the Water Conservation Act, (Section 553.14, F.S.).
9. Selection, installation and maintenance of native plants, trees, and other vegetation and landscape design features that reduce requirements for water, fertilizer, maintenance, and other needs, for all parking lot landscaping and required vegetated buffer areas.
10. Placement of native trees to provide shade in the warmer months while not overly reducing the benefits of sunlight in the cooler months, and to provide shade for all streets and parking areas.
11. Orientation of structures, to reduce solar heat gain by walls and to utilize the natural cooling effects of the wind, whenever feasible.
12. Provision for structural shading (e.g., trellises, awnings, and roof overhangs) wherever practical when natural shading cannot be used effectively.
13. 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.

D. TRANSPORTATION

1. The developer must construct, cause to be constructed or pay the full costs for intersection improvements deemed necessary by the Lee County Engineer for the project's access points onto U.S. 41 and Cypress Lake Drive. These improvements must be made prior to the issuance of the first certificate of occupancy for the project.

2. The developer must pay a proportionate share of the cost of constructing two additional lanes, on the following road segments:

- a. U.S. 41 from Cypress Lake Drive/Daniels Parkway to and including the intersection of Island Park Road with U.S. 41.
- b. Daniels Parkway from the Bell Tower Mall entrance east of U.S. 41 to the beginning of four lanes west of I-75.
- c. Cypress Lake Drive from the terminus of four lanes west of U.S. 41 to the intersection of McGregor Boulevard with Cypress Lake Drive.
- d. Gladiolus Drive from the terminus of four lanes west of U.S. 41 to and including the intersection of Summerlin Road with Gladiolus Drive.

The developer's proportionate share must be determined by the County Engineer and be paid at the time that the first local Development Order is issued under Lee County regulations.

3. The developer must pay a proportionate share of the cost of signalization, turn lanes, additional approach lanes, or other improvements deemed necessary by the Lee County Engineer or FDOT in order to maintain level of service "C" at the following intersections:

- a. U.S. 41 at Daniels Parkway/Cypress Lake Drive
- b. U.S. 41 at Gladiolus Drive/Six Mile Parkway
- c. U.S. 41 at College Parkway
- d. Cypress Lake Drive at Summerlin Road
- e. Daniels Parkway at Metro Parkway

The developer's proportionate share will be determined by the County Engineer and be paid upon commencement of the intersection improvement.

4. If more than two additional lanes are required to maintain level of service "C" on a road segment specified in D.2 above during project build out, then the developer must pay a proportionate share of the cost of constructing these lanes. The developer's proportionate share will be determined by the County Engineer and be paid upon commencement of the roadway improvement.

5. The developer must submit an annual monitoring report to the Lee County Engineer, the Lee County MPO, FDOT and the Southwest Florida Regional Planning Council for review. This monitoring report must include average daily and peak-hour traffic counts, with turning movements, at the project's access points on U.S. 41 and Cypress Lake Drive and at the intersections listed in D.3 above. The first report must be submitted one year following the issuance of the first certificate of occupancy for the project. Reports must be submitted annually until build out of the project.

6. Nothing contained in this Development Order may be construed to exempt this development from participation in the funding, through Municipal Services Benefit Units (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 this development generates demand.

ALTERNATIVES

1. In lieu of the obligations and payments required by D.1 through D.3 above, the developer may contribute a base amount of \$1,300,000 (in 1985 dollars) for the mitigation of adverse traffic impacts due to this project. Payment must be made subject to the provisions listed below:

- a. The developer must design and construct, or cause to be designed and constructed, two additional lanes on U.S. 41 from the southern boundary line of the Cypress Lake Center DRI to Daniels Parkway/Cypress Lake Drive plus intersection improvements deemed necessary by the Lee County Engineer for the project's access points onto U.S. 41 and for the south leg of the U.S. 41/Daniels Parkway/Cypress Lake Drive intersection. The developer's contract(s) for the design and construction of these improvements must be reviewed and approved by the County Engineer. These improvements must be substantially completed to the satisfaction of the County Engineer prior to issuance of the first certification of occupancy for this project.
- b. Funds must be expended first for the U.S. 41 improvements specified in Alternative 1.a above, with the balance of the base amount of \$1,300,000 paid by the developer into a fund established by Lee County for the purpose of mitigating other adverse impacts due to the project, including improvements described in D.2 and D.3 above, plus intersection improvements deemed necessary by the County Engineer for the project's access points onto Cypress Lake Drive. At the time that construction contracts are let for the specified improvements on U.S. 41, and after consultation and agreement with the County Engineer, the developer must pay an amount estimated to be the balance of the \$1,300,00 minus the cost for design and construction of the U.S. 41 improvements into the fund established by

Lee County. Within one month of the completion of the U.S. 41 contracts, the County Engineer will determine the exact amount of this balance based on actual design and construction costs. The developer will receive a refund or make an additional payment to Lee County so that the total amount paid by the developer equals the base payment of \$1,300,000.

- c. If the construction contracts have not been let prior to October 1, 1985, the base payment of \$1,300,000 will be adjusted quarterly thereafter using the most current Construction Price Index (C.P.I.) published by the Engineer News Record (McGraw-Hill Publications) until the construction contracts are let. The base price index for these adjustments is the price index in the Second Quarterly Cost Round-Up for 1985.
- d. If Lee County adopts a Roads Impact Fee ordinance, the amount of this base payment will remain the same (\$1,300,000), except for adjustments required by Alternative 1.c above. This base payment will be credited against the roads impact fee when adopted.
- e. The Board of County Commissioners, in its discretion, may equitably refund monies to the developer for transportation mitigation fees paid in excess of those reasonably necessary to mitigate the development's adverse impacts. If the total refunding of such fees equals or exceeds 15% of the mitigation amount required by the Development Order, it will be deemed a substantial deviation. The refund in this case is not to exceed \$49,537 and is to be refunded only after staff has determined that all transportation commitments made in the Development Order have been met.

2. If the developer foregoes Alternative 1 and Lee County adopts a Roads Impact Fee ordinance before the first building permit is issued, this fee may be credited toward off-site improvements listed in D.2 through D.4 above. Site-related improvements remain the developer's responsibility and obligation. Payments already made for these off-site improvements will be credited toward the overall fee.

E. VEGETATION AND WILDLIFE

1. The developer must preserve no less than 15 percent of the total site as unaltered native vegetation, including understory, generally along the project's north, east, and west boundaries. These areas may be utilized as dry detention basins (excavation prohibited) in the water management system to purify surface run-off. Plans for this preserve area must be submitted to the Lee County Planning Department for approval. Native species must be utilized for all parking lot landscaping and required vegetated buffer areas.

F. WATER SUPPLY

1. The developer must incorporate the use of water-conserving devices, as required by state law (Chapter 553.14, F.S.).
2. The developer must utilize water-conserving features in irrigation system design and use, including the use of native or low water use plants and turf.
3. The developer must utilize either surface water from the on-site lake system or groundwater for irrigation, unless demonstrated infeasible.

G. HURRICANE EVACUATION

The developer must meet with Lee County Division of Public Safety officials to discuss the use of project common areas for storm shelter purposes, and establish and maintain a hotel/motel hurricane evacuation program of education and information describing the risks of environmental hazards, as well as the actions necessary to mitigate the dangers these hazards present.

H. OTHER

The project may not exceed a total of 336,340 square feet of retail commercial use as defined by the Lee County Comprehensive Plan. These uses may also include automobile dealerships, auto centers, automobile service stations, or indoor movie theaters (up to 800 permanent seats). The total project is approved for and limited to the following development parameters: 336,340 square feet of shopping center (on a total of 40 acres); 40,000 square feet of business corporate office area; 165,000 square feet of executive business office park; 275 room hotel (with 200 seat restaurant, and 100 seat conference center); and, 210 multiple family dwelling units.

BE IT FURTHER RESOLVED, by the Board of County Commissioners of Lee County, Florida, that:

III. FURTHER CONDITIONS OF DEVELOPMENT APPROVAL

1. This resolution constitutes the Development Order of this Board issued in response to the original Development of Regional Impact application for Development Approval filed by Cypress Lake Venture, Ltd. and all amendments approved through and including ~~May 15, 2000~~ _____. Map H, attached as Attachment 1, revised and dated June 2002, is incorporated as part of this Development Order.

2. All commitments and impact mitigating actions volunteered by the developer in the Application for Development Approval and supplementary documents, not in conflict with conditions or stipulations specifically enumerated above, are adopted into this Development Order by reference. The commitments incorporated by reference are binding on the developer as if set forth herein.

3. This Development Order is binding upon the developer and the developer's heirs, assignees or successors in interest.

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

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

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

5. In the event that 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 in no manner affect the remaining portions or sections of the Development Order, which will remain in full force and effect provided that the portion of the Development Order that is invalidated does not cause the remainder of the development area to be inconsistent with the purpose and intent of Lee County adopting this Development Order.

6. The approval granted by this Development Order is limited. Approval may not be construed to obviate the duty of the applicant to comply with all other applicable local or state review and permitting procedures.

7. Subsequent request for local development permits may not require further review pursuant to Section 380.06, Florida Statutes, unless it is found by the Board of County Commissioners, 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 which create a reasonable likelihood of adverse regional impacts or other regional impacts which 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 as provided herein.

Upon finding that either of the above is present, the Board may order a termination of all development activity until such time as a new DRI Application for Development Approval has been submitted, reviewed and approved in accordance with Section 380.06, Florida Statutes, and all local approvals have been obtained.

8. This Development Order will remain in effect until June 19, 20039, provided that this effective period may be extended by this Board upon a finding of excusable delay in any proposed development activity and that conditions have not changed sufficiently to warrant further consideration of the development. In the event the developer fails to commence significant physical development of that property identified in this development order within five (5) years from the date of rendition of this Development Order, development approval will terminate and the development may be subject to further consideration. Significant physical development includes obtaining a Certificate of Completion on some substantial portion of the project. The project buildout date is June 19, 20039.

9. The Administrative Director of the Lee County Division of Community Development or his/her designee, is the local official responsible for assuring compliance with this Development Order.

10. The developer, or his successor(s) in title to the undeveloped portion of the subject property, must submit a report annually to the Lee 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 state of development and compliance as of the date of submission, and be consistent with the rules of the State land planning agency. The first monitoring report must be submitted to the Administrative Director of the Division of Community Development not later than May 1, 1986, and further reporting must be submitted not later than January 1st of subsequent calendar years. Failure to comply with this reporting procedure is governed by Section 380.06 (16) F.S. and the developer must inform any successor in title to any undeveloped portion of the real property covered by this Development Order.

11. Certified copies of this Development Order will be forwarded to the Southwest Florida Regional Planning Council, the developer, and appropriate state agencies. This Development Order is rendered as of the date of that transmittal, but will not be effective until the expiration of the statutory appeals period (45 days from rendition) or until the completion of any appellate proceedings, whichever time is greater. Upon this Development Order becoming effective, notice of its adoption must be recorded as provided in Chapter 380, Florida Statutes.

THE MOTION TO ADOPT the above codified Development Order was offered by Commissioner _____, and seconded by Commissioner _____ and upon poll of the members present, the vote was as follows:

Douglas St. Cerny
Ray Judah
Robert P. Janes
Tammy Hall
John Albion

DULY PASSED AND ADOPTED this ____ day of _____, 2005.

BOARD OF COUNTY COMMISSIONERS
LEE COUNTY, FLORIDA

(Chairman)

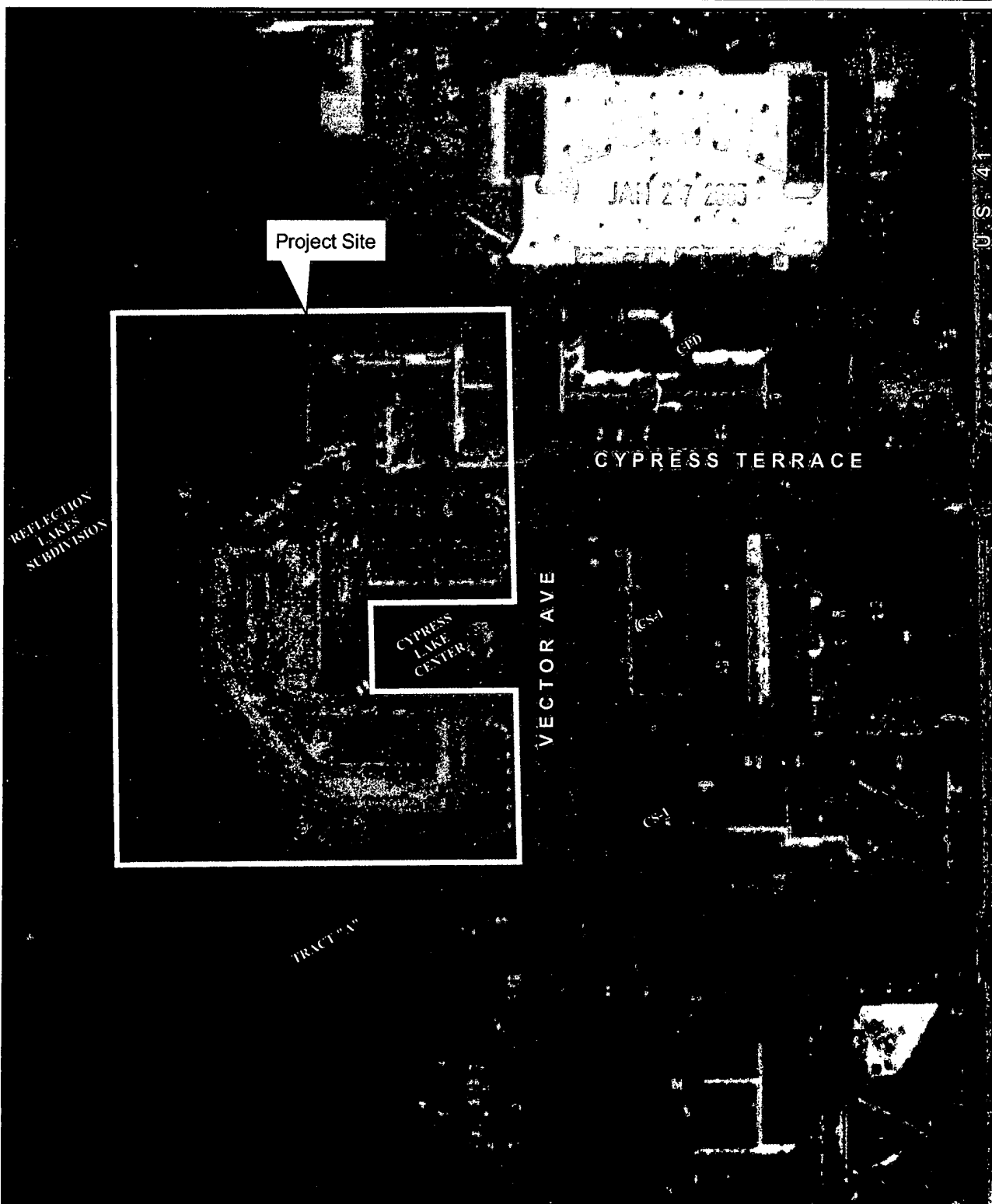
ATTEST:
Charlie Green, Clerk

APPROVED AS TO FORM

County Attorney

Attachments:

1. Master Development Plan (Map H), revised June 2002.



Central Park

Aerial Photo Date: Dec. 2004

Exhibit 6-D

Date: 01/17/05

Central Park
Basik Development, LLC

200 0 200 Feet

720 Goodlette Road, Suite 305
Naples, Florida 34102



Vanasse
Daylor



Urban Planning
Landscape Architecture
Civil Engineering
Traffic Engineering
Environmental Science
FL 336

Sources: Lee County Property Appraisers Office
It is the end user's responsibility to verify the data contained hereon.

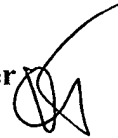
DCI2004-00085

Project Number: 80817
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DCI2004-00085

**STAFF REPORT
FROM
DEPARTMENT OF COMMUNITY DEVELOPMENT
DIVISION OF ENVIRONMENTAL SCIENCES**

Date: July 14, 2005

To: Fred Drovdic, Senior Planner
From: Kim Trebatoski, Principal Environmental Planner
Phone: (239) 479-8183
E-mail: trebatkm@leegov.com



Project: Central Park MPD
Case: DCI2004-00085
STRAP: 23-45-24-61-00000.00CE& 23-45-24-60-00000.2010

The Division of Environmental Sciences (ES) staff have reviewed the proposed revision from Commercial Planned Development (CPD) to Mixed-Use Planned Development (MPD). The property was previously cleared and partially developed under the CPD. Tract A has been developed as office buildings. The addition of residential units to the planned development increases the open space requirement. The amount of open space will be dependent on how the residential units are provided. If the residential units are placed above an office or commercial ground floor use, then the open space requirement for this mixed use area will be 30%. However, if any portion of Tract B is developed as stand alone residential building(s) then 40% open space is required.

The MCP delineates the development tracts separate from the preservation tracts. However, the open space must be calculated on the entire 9.2 acre property. If the entire property is developed as commercial or mixed-use with residential units only provided above commercial uses, then 30% or 2.76 acres of open space is required. Fifty percent or 1.38 acres of the open space must be provided as indigenous preservation, which is delineated on the MCP. The open space calculation becomes more complicated if Tract B is developed solely as residential building(s). ES staff determined that as the Tracts are shown on the MCP, Tract B represents 60% of the development tracts and therefore 5.56 acres or 60% of the 9.12 acre project should be considered residential. Under this scenario, 3.38 acres of open space must be provided or which 1.69 acres must be met through indigenous preservation.

The applicant has provided an aerial showing approximately 11.1 acres of indigenous areas throughout the DRI, and a table showing less than 11 acres of required indigenous preservation for the entire DRI. However, no evaluation of the existing development orders has been conducted to confirm how these areas were applied to LDC requirements. Further details would need to be provided at time of local development order review.

ES staff recommend the following condition to confirm open space requirements:

Prior to local development order approval, the development order plans must demonstrate how the open space and indigenous preservation requirements will be met based upon the use of the property as follows:

- a. *If the entire planned development is developed as commercial uses then 30% or 2.76 acres of open space must be provided, of which 1.38 acres must be indigenous preservation. -OR-*
- b. *If the planned development is developed as commercial and/or residential above ground floor commercial uses, then 30% or 2.76 acres of open space must be provided, of which 1.38 acres must be indigenous preservation. -OR-*
- c. *If Tract A remains commercial, and Tract B is developed as residential uses, then 3.38 acres of open space must be provided of which 1.69 acres must be indigenous preservation. 1.38 acres of indigenous preservation must be provided as shown on the MCP. The developer must demonstrate that the remaining 0.31 acres of indigenous preservation requirement can be met within the Central Park DRI with areas not used for open space or indigenous preservation for other portions of the DRI. If the 0.31 acres of indigenous preservation cannot be met with existing indigenous within the Central Park DRI, then an indigenous restoration plan for 0.31 acres within the Central Park MPD must be submitted for the Division of Environmental Sciences staff review and approval. -OR-*
- d. *If the entire planned development is developed as residential uses then 40% or 3.65 acres of open space must be provided, of which 1.83 acres must be indigenous preservation. 1.38 acres of indigenous preservation must be provided as shown on the MCP. The developer must demonstrate that the remaining 0.45 acres of indigenous preservation requirement can be met within the Central Park DRI with areas not used for open space or indigenous preservation for other portions of the DRI. If the 0.45 acres of indigenous preservation cannot be met with existing indigenous within the Central Park DRI, then an indigenous restoration plan for 0.45 acres within the Central Park MPD must be submitted for the Division of Environmental Sciences staff review and approval*

ATTACHMENT H

SCHEDULE OF USES

Tract A
 Accessory Uses and Structures
 Animal Clinics/Veterinary Offices
 Banks and Financial Establishments, Group 1
 Barber and Beauty Establishments, Group 1
 Child Daycare Centers
 Computer and Data Processing Services
 Dry Cleaning and Laundry
 Food and Beverage Establishments
 Funeral Homes
 Gas Stations
 Health Care Facilities, Group 1, II, III
 Insurance Companies
 Landscaping Services
 Medical and Dental Offices
 Motor Vehicle Sales and Leasing
 Personal Services, Group 1
 Pet Services
 Real Estate Sales Offices
 Signs, in accordance with the LDC
 Temporary Construction Trailer LDC Section 34-534 (note 1) 34-504(4)
Tract B
 Accessory Uses and Structures
 Banks and Financial Establishments, Group 1
 Barber and Beauty Establishments, Group 1
 Child Daycare Centers
 Computer and Data Processing Services
 Dry Cleaning and Laundry
 Food and Beverage Establishments
 Funeral Homes
 Gas Stations
 Health Care Facilities, Group 1, II, III
 Insurance Companies
 Landscaping Services
 Medical and Dental Offices
 Motor Vehicle Sales and Leasing
 Personal Services, Group 1
 Pet Services
 Real Estate Sales Offices
 Signs, in accordance with the LDC
 Temporary Construction Trailer LDC Section 34-534 (note 1) 34-504(4)

PROJECT SUMMARY

PROJECT SUMMARY
 Project Name: Vanasse Daylor
 Project Location: Lee County, Florida
 Project Address: 720 Cascade Road, Naples, Florida 34102
 Project Owner: Brask Development, LLC
 Project Description: 15' Berleimant Buffer One (Plants Per 100 LF)
 Project Date: July 29, 2005
 Project Status: Approved

LAND USE AND DEVELOPMENT SUMMARY

LAND USE AND DEVELOPMENT SUMMARY
 Land Use: Residential Single-Family
 Development: Up to 100,000 square feet of which up to 50,000 square feet may be used for office space.
 Notes: (i) Additional and if any required for Open Space will be determined by the applicant and approved by the Lee County Board of Commissioners. Said calculations shall include assessment of open space on Tract A and Tract B and shall be based on the entire Open Space, Lee County DRI.

PROPERTY DEVELOPMENT REGULATIONS

PROPERTY DEVELOPMENT REGULATIONS
 A. FPD Perimeter Boundary and Minimum Road Setback Requirements:
 1. From Vector Avenue: Twenty-Five (25) feet.
 2. From Interior Private Street: Ten (10) feet.
 3. From Perimeter-Side: Twenty-Five (25) feet.
 4. From Perimeter-Back: Twenty-Five (25) feet.
 5. Internal-Side: Ten (10) feet, except as provided by LDC 34-514 (a) and 34-535 (a).
 6. Space Between Buildings: Ten (10) feet, except as provided by LDC 34-514 (a) and 34-535 (a).
 B. Building Height: Tract A - Polytechnic (40 feet) and Tract B (40 feet) shall not contain more than 6 and 10 stories respectively. Polytechnic shall not exceed 10 stories. Building height shall be measured from the finished ground level under existing parking under existing parking wall not exceed two levels.
 C. Maximum Coverage Forty (40%) Percent.
 D. Recreational Facilities, Setbacks for on-site recreational facilities shall be in accordance with the requirements of the LDC Section 34-514 (a) and 34-535 (a).

PLANT SCHEDULE - 15' Berleimant Buffer One (Plants Per 100 LF)

QTY.	BOTANICAL NAME	COMMON NAME	SPECIFICATION	NATIVE
3	Quercus virginiana	Highway Live Oak	20" Min. H., 5" Cal. & 5" Pr.	Y
1	Pinus elliotii	Slash Pine	20" Min. H., 5" Cal. & 5" Pr.	Y
1	Pinus palustris	Longleaf Pine	18" Cal. & 4" Pr.	Y
1	Pinus taeda	Shortleaf Pine	18" Cal. & 4" Pr.	Y
1	Pinus strobus	White Pine	18" Cal. & 4" Pr.	Y
1	Pinus resinosa	Resin Pine	18" Cal. & 4" Pr.	Y
1	Pinus rigida	Pitch Pine	18" Cal. & 4" Pr.	Y
1	Pinus serotina	Pitch Pine	18" Cal. & 4" Pr.	Y
1	Pinus taeda	Shortleaf Pine	18" Cal. & 4" Pr.	Y
1	Pinus strobus	White Pine	18" Cal. & 4" Pr.	Y
1	Pinus resinosa	Resin Pine	18" Cal. & 4" Pr.	Y
1	Pinus rigida	Pitch Pine	18" Cal. & 4" Pr.	Y
1	Pinus serotina	Pitch Pine	18" Cal. & 4" Pr.	Y
1	Pinus taeda	Shortleaf Pine	18" Cal. & 4" Pr.	Y
1	Pinus strobus	White Pine	18" Cal. & 4" Pr.	Y
1	Pinus resinosa	Resin Pine	18" Cal. & 4" Pr.	Y
1	Pinus rigida	Pitch Pine	18" Cal. & 4" Pr.	Y
1	Pinus serotina	Pitch Pine	18" Cal. & 4" Pr.	Y
1	Pinus taeda	Shortleaf Pine	18" Cal. & 4" Pr.	Y
1	Pinus strobus	White Pine	18" Cal. & 4" Pr.	Y
1	Pinus resinosa	Resin Pine	18" Cal. & 4" Pr.	Y
1	Pinus rigida	Pitch Pine	18" Cal. & 4" Pr.	Y
1	Pinus serotina	Pitch Pine	18" Cal. & 4" Pr.	Y
1	Pinus taeda	Shortleaf Pine	18" Cal. & 4" Pr.	Y
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1	Pinus taeda	Shortleaf Pine</		

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 Hearing Examiner's Public Hearing and maintained through the Board of County Commissioners Hearing, if any. This sign will be provided by the Zoning Division in the following manner:

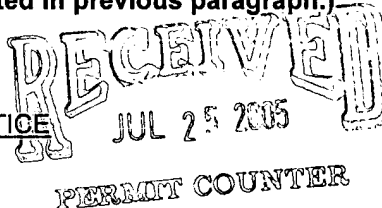
- Signs for case #DRI2005-00003 must be posted by **Tuesday, July 19, 2005**.
 - The sign must be erected in full view of the public, not more than five (5) feet from the nearest street right-of-way or easement.
 - The sign must be securely affixed by nails, staples or other means to a wood frame or 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 read 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

BEFORE THE UNDERSIGNED AUTHORITY, PERSONALLY APPEARED RONALD F. NINO 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 REFERENCE BELOW:

SIGNATURE OF APPLICANT OR AGENT

RONALD F. NINO, AICP

NAME (TYPED OR PRINTED)

12730 NEW BRITTANY BLVD, #600

ST. OR PO BOX

FT MYERS FL 33907

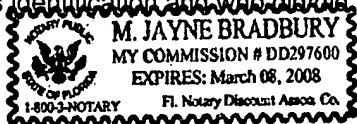
CITY, STATE & ZIP

CASE #DRI2005-00003/CENTRAL PARK/08/04/2005/JSS

STATE OF FLORIDA

COUNTY OF LEE

The foregoing instrument was sworn to and subscribed before me this 25th day of July 2005, by RONALD F. NINO, personally known to me or who produced _____ as identification and who did not take an oath.



Signature of Notary Public

M. Jayne Bradbury

Printed Name of Notary Public

M. JAYNE BRADBURY

My Commission Expires:
(Stamp with serial number)



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

IF REQUEST WILL INVOLVE REZONING, PLEASE INCLUDE THE A PUBLIC HEARING
FOR PLANNED DEVELOPMENT FORM.

Applicant's Name: Central Park Development of S.W. Florida, LLC Phone #: 239-262-4622

Project Name: Central Park

STRAP Number: 23-45-24-61-00000.00CE, 23-45-24-60-00000.2010

STAFF USE ONLY

Case Number: DCI2005-00003 Commission District: 5
Current Zoning: _____ Fee Amount: \$ 4000.00
Land Use Classification: _____ Intake by: MKW
Planning Community: S.Ft. Myers

LEE COUNTY
COMMUNITY DEVELOPMENT
P.O. BOX 398 (1500 MONROE STREET)
FORT MYERS, FLORIDA 33902
PHONE (239) 479-8585

DRI 2005 00003

RECEIVED
MAY 11 2005

PERMIT COUNTER

**PART II
GENERAL INFORMATION**

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

☒ 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 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.

☐ YES. Property is identified as:

Subdivision Name: _____

Plat Book: _____ Page: _____ Unit: _____ Block: _____ Lot: _____

STRAP NUMBER: _____

B. Project Street Address: 13820 and 13870 Vector Avenue

C. General Location Of Property (referenced to major streets):

South of the intersection of Daniels/Cypress Parkway on US 41 Tamiami Trail at
Cypress Terrace west approximately 300 ft

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

☐ Application for development approval. ☒ Substantial Deviation.

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

☐ Development Agreement ☐ Development Agreement Amendment

☐ Notice of Proposed Change (Non-substantial deviation).

☐ Other: _____

E. Property Dimensions

1. Width (average if irregular): 1120± Feet 2. Depth (average if irregular): 2520± Feet

3. Frontage on road or street: 1120/2520± Feet Name of street: Cypress Lakes Dr & US 41 Tamiami Trl

4. Width along waterbody (If applicable): _____ Feet

5. Total land area: 68.5 acres Acres or Square Feet

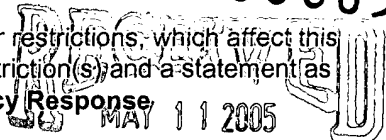
F. Present Use of Property: Is the property vacant? ☐ Yes ☒ No

Briefly describe current use of the property:

Offices and undeveloped portion with utilities (sewer & water) and electrical service

G. Property Restrictions: Are there any covenants, deed restrictions, or other restrictions, which affect this request? ☐ NO ☒ YES. If yes, submit a copy of the restriction(s) and a statement as to how they affect this request. **Submitted with Jan 27, 2005 Sufficiency Response**

DRI 2005 00003

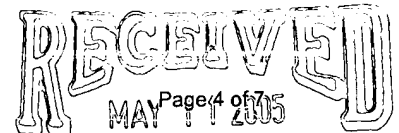


**PART III
SUBMITTAL REQUIREMENTS**

	APPLICATIONS	COPIES	EXHIBIT	ITEM
	All	12		Completed application
	All	12		Application Fee
	All	12	Part IV; A1 or A2	Applicant's Affidavit of Authorization
	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-A-3	Plat Book Page (if applicable)
	All	12	II -G	Deed Restrictions & Narrative (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.

* These forms are available through the SW Florida Regional Planning Council. They are also accessible via their web page at www.swfrpc.org/Pubs/DRI/DRI.htm.

DRI 2005 00003



PART VII AFFIDAVIT A2

AFFIDAVIT FOR PUBLIC HEARING

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

I, * Keith Basik, swear or affirm under oath, that I am the owner or the authorized representative of the owner(s) of the property and that:

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

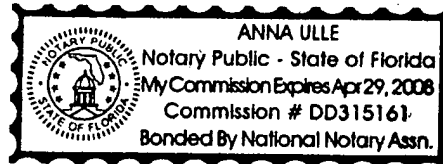
Central Park Development of SW Florida, LLC

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

[Signature]
Signature

Keith Basik
(Type or printed name)

Managing Partners
(Title of signatory)



STATE OF FLORIDA

COUNTY OF CAUF

The foregoing instrument was sworn to (or affirmed) and subscribed before me this 4/1/05 (date) by Keith Basik (name of person providing oath or affirmation), who is personally known to me or who has produced personally known (type of identification) as identification.

[Signature]
Signature Of person taking oath or affirmation

ANNA ULLE
Name of typed

Secretary
Title or Rank

DD315161
Serial Number, if any

*Notes:

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

DRI 2005 00003

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MAY 11 2005

DRI 2005 00003

PERMIT COUNTER

**PART II
GENERAL INFORMATION**

PERMIT COUNTER

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

☒ 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 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.

☐ YES. Property is identified as:

Subdivision Name: _____

Plat Book: _____ Page: _____ Unit: _____ Block: _____ Lot: _____

STRAP NUMBER: _____

B. Project Street Address: 13820 and 13870 Vector Avenue

C. General Location Of Property (referenced to major streets):

South of the intersection of Daniels/Cypress Parkway on US 41 Tamiami Trail at

Cypress Terrace west approximately 300 ft

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

☐ Application for development approval. ☒ Substantial Deviation.

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

☐ Development Agreement ☐ Development Agreement Amendment

☐ Notice of Proposed Change (Non-substantial deviation).

☐ Other: _____

E. Property Dimensions

1. Width (average if irregular): 1120± Feet 2. Depth (average if irregular): 2520± Feet

3. Frontage on road or street: 1120/2520± Feet Name of street: Cypress Lakes Dr & US 41 Tamiami Trl

4. Width along waterbody (If applicable): _____ Feet

5. Total land area: 68.5 acres Acres or Square Feet

F. Present Use of Property: Is the property vacant? ☐ Yes ☒ No

Briefly describe current use of the property:

Offices and undeveloped portion with utilities (sewer & water) and electrical service

G. Property Restrictions: Are there any covenants, deed restrictions, or other restrictions, which affect this request? ☐ NO ☒ YES. If yes, submit a copy of the restriction(s) and a statement as to how they affect this request. **Submitted with Jan 27, 2005 Sufficiency Response**

EXHIBIT "A"

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PERMIT COUNTER

AUTHORIZED DEVELOPMENT THRESHOLDS

Land Use	Original DRI Approved	1987	1999	2005 NOPC Proposed Change
Commercial (incl: Retail/Office & Business)	646,340 sq ft	No Change	No Change	No Change
Retail/Business		336,340 sq ft	336,340 sq ft	No Change
Office*		310,000 sq ft		N/A
Business Corporate			40,000 sq ft	Reduce to 30,000 s.f.
Executive Business			165,000 sq ft	Reduce to 102,200 s.f.
Hotel/Motel	275 rooms	275 rooms	275 rooms	Reduce to 104 rooms
Residential Multi-Family			210 units	Reduce to 168 units

* Note: In 1999 the "Office" category became
"Business Corporate" & "Executive Business"

DRI 0005-00003

EXHIBIT II-A-1

CYPRESS LAKE CENTER LEGAL DESCRIPTION

CG PARCEL:

A tract or parcel of land lying in the east half (E $\frac{1}{2}$) of the southeast quarter (SE $\frac{1}{4}$) of Section 23, Township 45 South, Range 24 East, Lee County, Florida which tract or parcel is described as follows:

From the northwest corner of the east half (E $\frac{1}{2}$) of the southeast quarter (SE $\frac{1}{4}$) of said Section 23 run S 00° 35' 44" E along the west line of said east half (E $\frac{1}{2}$) for 1,597.52 feet to the Point of Beginning.

From said Point of Beginning run N 89° 08' 16" E, parallel with the north line of said fraction, for 584.78 feet; thence run S 01° 16' 00" E, parallel with the west right-of-way line (132 feet from the centerline) of State Road No. 45, for 210.00 feet to point designated "A"; thence run S 89° 08' 16" W, parallel with the north line of said fraction, for 382.24 feet; thence run S 39° 47' 40" W for 316.36 feet to the west line of said east half (E $\frac{1}{2}$); thence run W 00° 35' 44" W along said west line for 450.00 feet to the Point of Beginning.

Containing 3.39 acres, more or less.

ALSO

From the aforementioned point designated "A" run S 01° 16' 00" E for 90.00 feet to the Point of Beginning.

From said Point of Beginning run N 89° 08' 16" E, parallel with the north line of said fraction, for 190.00 feet; thence S 01° 16' 00" E, parallel with the west right-of-way line (132 feet from the centerline) of State Road No. 45, for 300.00 feet; thence run N 89° 08' 16" E, parallel with the north line of said fraction, for 410.00 feet to said west right-of-way line of State Road No. 45, thence run S 01° 16' 00" E along said right-of-way line for 450.35 feet to the south line of said fraction of a section; thence run S 89° 19' 21" W along said south line for 886.63 feet; thence run N 00° 40' 39" W for 447.49 feet; thence run N 89° 08' 16" E for 282.00 feet; thence run N 01° 16' 00" W for 300.00 feet to the Point of Beginning.

Containing 10.42 acres, more or less.

ALSO

DRI 2005 00003
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MAY 11 2005

From the northwest corner of the east half (E ½) of the southeast quarter (SE ¼) of Section 23, Township 45 South, Range 24 East run S 00° 35' 44" E along the west line of said east half (E ½) for 116.00 feet to the south line of Cypress Lake Drive and the Point of Beginning.

From said Point of Beginning run N 89° 08' 16" E along said south line for 1,167.43 feet to an intersection with the west right-of-way line (132 feet from the centerline) of State Road No. 45; thence run S 01° 16' 00" E along said west line for 1,481.54 feet; thence run S 89° 08' 16" W parallel with said south line of Cypress Lake Drive for 1,184.78 feet to said west line of said east half (E ½); thence run N 00° 35' 44" W along said west line for 1,481.52 feet to the Point of Beginning.

Containing 40.00 acres more or less.

Bearings hereinabove mentioned are from the centerline survey of State Road No. 45.

CT PARCEL:

A tract or parcel of land lying in the east half (E ½) of the southeast quarter (SE ¼) of Section 23, Township 45 South, Range 24 East, Lee County, Florida which tract or parcel is described as follows:

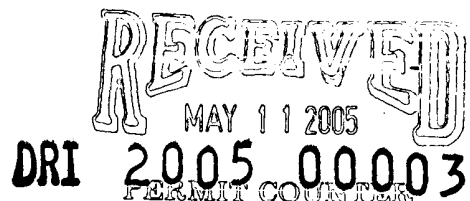
From the northwest corner of the east half (E ½) of the southeast quarter (SE ¼) of said Section 23 run S 00° 35' 44" E along the west line of said east half (E ½) for 1,597.52 feet; thence run N 89° 08' 16" E, parallel with the north line of said fraction, for 584.78 feet; thence run S 01° 16' 00" E for 300.00 feet; thence run N 89° 08' 16" E for 190.00 feet to the Point of Beginning.

From said Point of Beginning continue N 89° 08' 16" E, parallel with said north line, for 410.00 feet to the west right-of-way line (132 feet from the centerline) of State Road No. 45; thence run S 01° 16' 00" E along said west line for 300.00 feet; thence run S 89° 08' 16" W, parallel with the north line of said fraction, for 410.00 feet; thence run N 01° 16' 00" W, parallel with said west line, for 300.00 feet to the Point of Beginning.

Containing 2.82 acres more or less.

CS PARCEL:

A tract or parcel of land lying in the east half (E ½) of the southeast quarter (SE ¼) of Section 23, Township 45 South, Range 24 East, Lee County, Florida which tract or parcel is described as follows:



From the northwest corner of the east half (E $\frac{1}{2}$) of the southeast quarter (SE $\frac{1}{4}$) of said Section 23, run S 00° 35' 44" E along the west line of said east half (E $\frac{1}{2}$) for 1,597.52 feet; thence run N 89° 08' 16" E, parallel with the north line of said fraction, for 584.78 feet to the Point of Beginning.

From said Point of Beginning continue N 89° 08' 16" E along said parallel line for 600.00 feet to an intersection with the west right-of-way line (132 feet from the centerline) of State Road No. 45; thence run S 01° 16' 00" E along said west line for 300.00 feet; thence run S 89° 08' 16" W, parallel with the north line of said fraction, for 600.00 feet; thence run N 01° 16' 00" W, parallel with said west right-of-way line, for 300.00 feet to the Point of Beginning.

Bearings hereinabove mentioned are from the centerline survey of State Road No. 45.

(124-A)

DRI 2005 00003

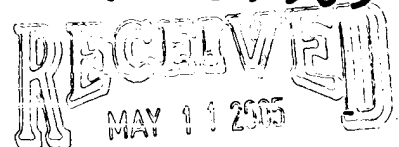


EXHIBIT II-A-2

COMMUNITY DEVELOPMENT

JUN 29 2002

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PHASE II PHASE I

CYPRESS LAKE DRIVE

RESERVE AREA
(16,000 SF)

TRACT "B"
MIXED USE DEVELOPMENT

LOT 6
MIXED USE DEVELOPMENT

TRACT "A"
(WATER MANAGEMENT & RESERVE AREA)
(1.46 AC)

LOT 7
EX CAR DEALERSHIP

EXISTING SHOPPING CENTER

LOT 2
HOTEL SITE
(104 UNITS)

LOT 1
EX PROFESSIONAL OFFICES

LOT 5
EX CAR DEALERSHIP

LOT 8
EX CAR DEALERSHIP

CAR WASH

VACANT RESTAURANT

EXIST. RESTAURANT

EX RESTAURANT

RESERVE AREA
(13,070 SF)

RESERVE AREA
(10,440 SF)

LOT 1
EX GAS STATION

LOT 3-3
EX RETAIL OFFICE

LOT 4
EX CAR DEALERSHIP

U.S. 41 (TAMIAMI TRAIL)

CYPRESS LAKE CENTER DRI

REVISED: JUNE 2002

MASTER DEVELOPMENT PLAN

MAP "H"

DRI 2005 00003

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DRI1999-00019

EXHIBIT IIIC

NARRATIVE REGARDING REQUEST

The build-out date is to be extended to June 19, 2009, for the remaining development in all phases.

See Exhibit "A" for existing development parameters.

DRI 2005 00003

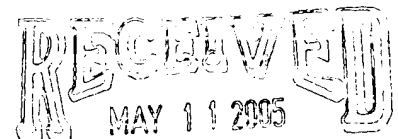


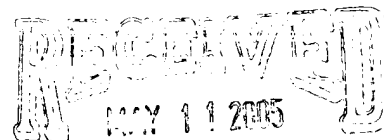
EXHIBIT "A"

AUTHORIZED DEVELOPMENT THRESHOLDS

Land Use	Original DRI Approved	1987	1999	2005 NOPC Proposed Change
Commercial (incl: Retail/Office & Business)	646,340 sq ft	No Change	No Change	No Change
Retail/Business		336,340 sq ft	336,340 sq ft	No Change
Office*		310,000 sq ft		N/A
Business Corporate			40,000 sq ft	No Change
Executive Business			165,000 sq ft	No Change
Hotel/Motel	275 rooms	275 rooms	275 rooms	No Change
Residential Multi-Family			210 units	No Change

* Note: In 1999 the "Office" category became
"Business Corporate" & "Executive Business"

DRI 2005 00003




STATE OF FLORIDA
DEPARTMENT OF COMMUNITY AFFAIRS
DIVISION OF RESOURCE PLANNING AND MANAGEMENT
BUREAU OF STATE PLANNING
2555 Shumard Oak Blvd.
Tallahassee, Florida 32399-2100
850/488-4925

**NOTIFICATION OF A PROPOSED CHANGE TO A PREVIOUSLY APPROVED
DEVELOPMENT OF REGIONAL IMPACT (DRI)
SUBSECTION 380.06(10), FLORIDA STATUTES**

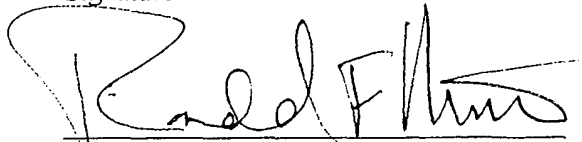
Subsection 380.06(19), Florida Statutes, requires that submittal of a proposed change to a previously approved DRI be made to the local government, the regional planning agency, and the state land planning agency according to this form.

1. We, **STEVEN C. HARTSELL** and **RONALD F. NINO**, the undersigned authorized representatives of **CENTRAL PARK DEVELOPMENT OF S.W. FLORIDA, LLC**, 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, we submit the following information concerning the **CYPRESS LAKES CENTER DRI**, which information is true and correct to the best of our knowledge. We have submitted today, under separate cover, copies of this completed notification to **LEE COUNTY COMMUNITY DEVELOPMENT** to the **SOUTHWEST FLORIDA** Regional Planning Council, and to the Bureau of Local Planning, Department of Community Affairs.

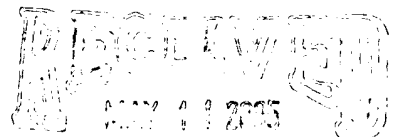
3-30-2005
Date


Signature

4-01-2005
Date


Signature

DRI 2005 00003



PERMIT COUNTER

2. APPLICANT (NAME, ADDRESS, PHONE)

Central Park Development of S.W. Florida, LLC
c/o Mr. Keith Basik
720 Goodlette Road, Suite 305
Naples, Florida 34102
239/262-4622

3. AUTHORIZED AGENTS (NAME, ADDRESS, PHONE)

Steven C. Hartsell, Esquire
Pavese, Haverfield, Dalton, Harrison & Jensen, L.L.P.
P.O. Drawer 1507
Fort Myers, Florida 33902-1507
239/336-6244

Ronald F. Nino, AICP
Vanasse & Daylor, LLP
12730 New Brittany Blvd, Suite 600
Fort Myers, Florida 33907
239/437-4601

4. LOCATION (CITY, COUNTY, TOWNSHIP/RANGE/SECTION) OF APPROVED DRI AND PROPOSED CHANGE.

Fort Myers, Lee County, Township 45 South, Range 24 East, Section 23

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 THE REPRESENTATIONS CONTAINED IN EITHER THE DEVELOPMENT ORDER OR THE APPLICATION FOR DEVELOPMENT ORDER.

The build-out date is to be extended to June 19, 2009, for the remaining development in all phases. See Exhibit "A" for existing development parameters.

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 CHANGE OR THE RESULTING IMPACTS.

See Map H attached.

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 Exhibit A

DRI 2005 00003
MAY 11 2005

PERMIT COUNTER

7. LIST ALL THE DATES AND RESOLUTION NUMBERS (OR OTHER 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?

Lee County BCC Resolution Number	Date	Description
ZAB-85-45	05-20-85	Original development order.
ZAB-85-45(a)	09-22-86	Amendment to legal description to add 7.9 acres to the CT parcel.
Z-87-089	06-08-87	Amended to 336,340 square feet of retail commercial, 270,000 square feet of office park and 275 room hotel/motel.
Z-87-220	11-09-87	Amend to allow refund of traffic mitigation funds.
Z-93-060	11-29-93	Amend to extend termination date until June 19, 2000.
Z-98-034	03-29-99	Amended to adopt new Map H and revise use thresholds to 210 multi-family residential units, decrease business office park to 165,000 square feet and to extend build out date to June 19, 2000.
Z-00-020	05-15-00	Amend D.O to adopt new Map H and revise threshold for 210 multi-family residential units to Mixed Use Development and to extend the termination and build-out date to June 19, 2003.

DRI 2005 00003

MAY 11 2005
PERMIT COUNTER

02-09-04

09-03-02

Amend D.O to amend the MDP Map
H to re-designate a 0.67 acre parcel
from Office to Retail Commercial.

There have been no governmental jurisdictional changes since the DRI was first approved.

8. **DESCRIBE ANY LANDS PURCHASED OR OPTIONED WITHIN ¼ MILE OF THE ORIGINAL DRI SITE SUBSEQUENT TO THE ORIGINAL APPROVAL OR ISSUANCE OF THE DRI DEVELOPMENT ORDER. IDENTIFY SUCH LAND, IT'S SIZE, INTENDED USE, AND ADJACENT NON-PROJECT LAND USES WITHIN ½ MILE ON A PROJECT MASTER SITE PLAN OR OTHER MAP.**

None.

9. **INDICATE IF THE PROPOSED CHANGE IS LESS THAN 40% (CUMULATIVELY WITH OTHER PREVIOUS CHANGE(S) OF ANY OF THE CRITERIA LISTED IN PARAGRAPH 380.06(19)(b), FLORIDA STATUTES.**

Yes.

DO YOU BELIEVE THIS NOTIFICATION OF CHANGE PROPOSES A CHANGE WHICH MEETS THE CRITERIA OF SUBPARAGRAPH 380.06(19)(e)2., F.S.

YES X

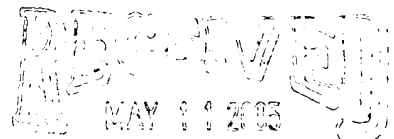
NO _____

10. **DOES THE PROPOSED CHANGE RESULT IN A CHANGE TO THE BUILDOUT DATE OR ANY PHASING DATE OF THE PROJECT? IF SO, INDICATE THE PROPOSED NEW BUILDOUT OF PHASING DATES.**

Yes. All phases will have the same new buildout date of June 19, 2009.

11. **WILL THE PROPOSED CHANGE REQUIRE AN AMENDMENT TO THE LOCAL GOVERNMENT COMPREHENSIVE PLAN?**

No.



DRI 2005 00003

PERMIT COUNTER

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 Exhibit "B" (MCP Map H)

13. PURSUANT TO SUBSECTION 380.06(10)(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:

See Exhibit C attached.

- 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 PRESERVATION, 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;

The build-out date is to be extended to June 19, 2009 for the remaining development in all phases. No other revisions are proposed.

- 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;

N/A

- C. A PROPOSED AMENDED DEVELOPMENT ORDER DEADLINE FOR COMMENCING PHYSICAL DEVELOPMENT OF THE PROPOSED CHANGES, IF APPLICABLE;

N/A



DRI 2005 00003

- D. A PROPOSED AMENDED DEVELOPMENT ORDER TERMINATION DATE THAT REASONABLY REFLECTS THE TIME REQUIRED TO COMPLETE THE DEVELOPMENT;**

June 19, 2009

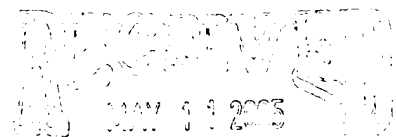
- E. A PROPOSED AMENDED DEVELOPMENT ORDER DATE UNTIL WHICH THE LOCAL GOVERNMENT AGREES THAT THE CHANGES TO THE DRI SHALL NOT BE SUBJECT TO DOWN-ZONING, UNIT DENSITY REDUCTION, OR INTENSITY REDUCTION, IF APPLICABLE; AND**

June 19, 2009

- 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, F.A.C.**

N/A

DRI 2005 00003



PERMIT COUNTER

EXHIBIT "A"

AUTHORIZED DEVELOPMENT THRESHOLDS

Land Use	Original DRI Approved	1987	1999	2005 NOPC Proposed Change
Commercial (incl: Retail/Office & Business)	646,340 sq ft	No Change	No Change	No Change
Retail/Business		336,340 sq ft	336,340 sq ft	No Change
Office*		310,000 sq ft		N/A
Business Corporate			40,000 sq ft	No Change
Executive Business			165,000 sq ft	No Change
Hotel/Motel	275 rooms	275 rooms	275 rooms	No Change
Residential Multi-Family			210 units	No Change

* Note: In 1999 the "Office" category became
"Business Corporate" & "Executive Business"

DRI 2005 00003

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BY: [illegible]
DATE: NOV 11 2005

EXHIBIT B

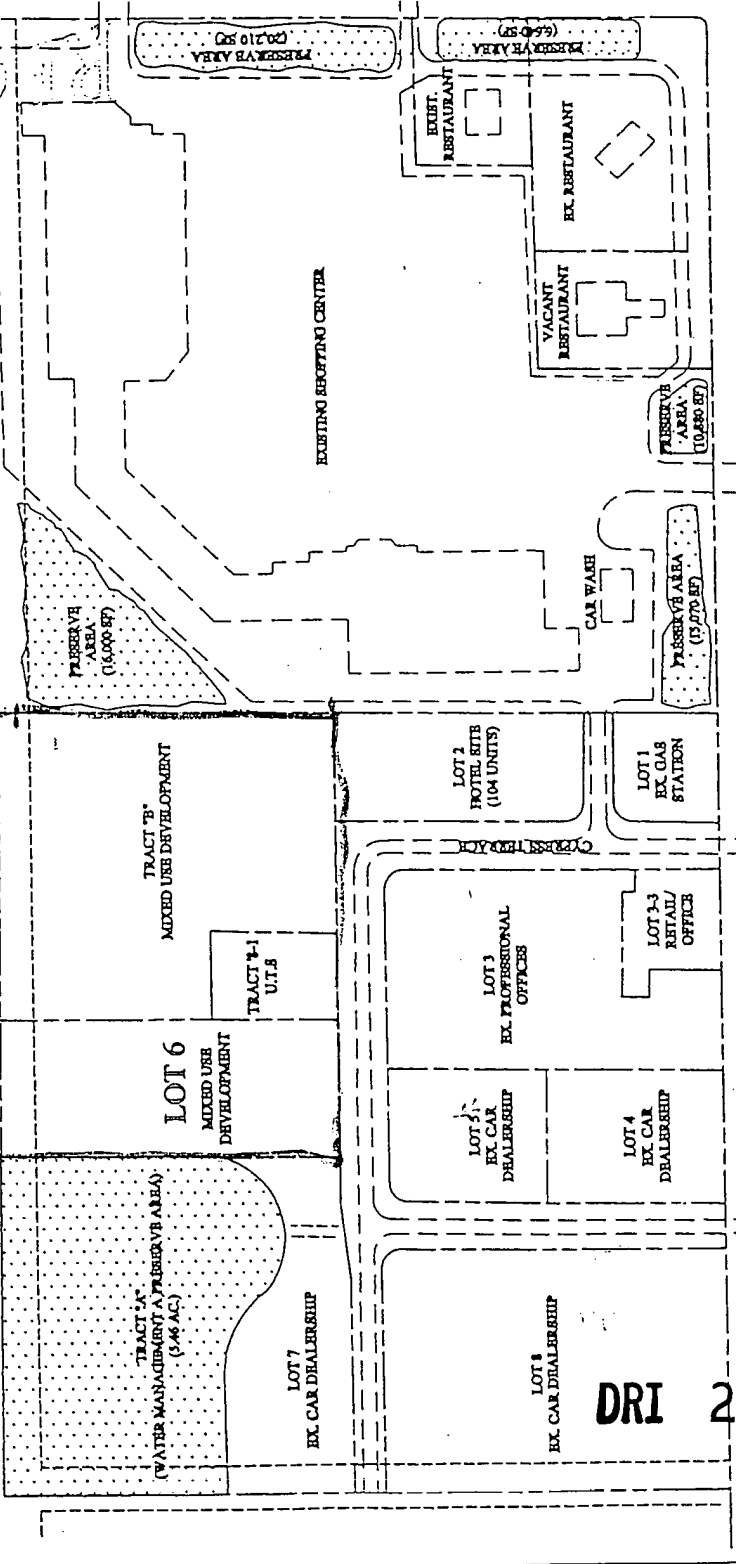
COMMUNITY DEVELOPMENT

JUN 29 2002

RECEIVED

PHASE II ← PHASE I →

CYPRESS LAKE DRIVE



U.S. 41 (TAMiami TRAIL)

CYPRESS LAKE CENTER DRI
REVISED: JUNE 2002

MASTER DEVELOPMENT PLAN
MAP "H"

DRI 2005 00003

DRI1999-00019

PERMIT COUNTER

EXHIBIT C to NOPC

RESOLUTION #2005-_____

A RESOLUTION OF THE BOARD OF COUNTY COMMISSIONERS OF LEE COUNTY, FLORIDA, ISSUING A DEVELOPMENT ORDER AMENDMENT AND AMENDING RESOLUTION #Z-00-020 FOR CYPRESS LAKE CENTER, A DEVELOPMENT OF REGIONAL IMPACT, DEVELOPMENT ORDER #7-8384-47, THE ~~FIFTH~~ **SEVENTH** CODIFIED DEVELOPMENT ORDER, AS PREVIOUSLY AMENDED BY RESOLUTIONS #ZAB-85-45, ZAB-85-45(a), Z-87-089, Z-87-220, Z-93-060 and Z-98-034, and Z-02-09-04:

WHEREAS, pursuant to Section 380.06 of the Florida Statutes, the Board of County Commissioners for Lee County has heard at a public hearing held _____, 2005, the Application for the Notice of Proposed Change to the Development Approval for "Cypress Lake Center," a Development of Regional Impact; and

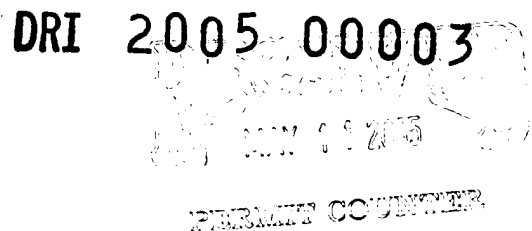
WHEREAS, the Lee County Board of County Commissioners, taking into full consideration the report and recommendation of the Southwest Florida Regional Planning Council, Department of Community Affairs, the County staff, and the documents, including a revised Map H (revised June 2002, and stamped "Received June 28, 2002, Community Development" and attached as Exhibit A), and comments made at the public hearing, hereby finds that:

A. The project and property known as Cypress Lake Center are fully and accurately described in the Application for the Notice of Proposed Change, as amended by additional submittals, on file in the office of the Lee County Clerk.

B. The Application is in conformance with Chapter 380, Florida Statutes, and does not constitute a substantial deviation pursuant to Section 380.06(19), Florida Statutes.

C. The proposed development is not in an Area of Critical State Concern, pursuant to Chapter 380, Florida Statutes.

D. The proposed development is consistent with the Lee County Comprehensive Plan.



E. The proposed development is consistent with local land development regulations; and, together with the conditions set forth below, with the report and recommendations of the Southwest Florida Regional Planning Council.

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

1. **Development Approval.** The Notice of Proposed Change for the Application for Development Approval for the Cypress Lake Center Development of Regional Impact is hereby approved subject to the following conditions being amended in the Development Order [deletions ~~struck through~~, additions **bolded and underlined**]:

. . .

WHEREAS, ~~Douglas Hannah, Trustee,~~ **Central Park Development, LLC,** has submitted an application ~~on behalf of~~ **as** the current property owner ~~Muriel Hattenbach,~~ for a ~~fifth~~ **Seventh** amendment to the development order **[Note: the Sixth Amendment, Z-02-09-04, was not a codified development order]** to adopt a new Map H to reflect the change in Tract B and Lot 6 of Phase II, to replace ~~"Proposed Multifamily uses (210 units)"~~ with **"Mixed Use Development"** and to extend the buildout and termination dates to June 19, 2003 **2009**, and

. . .

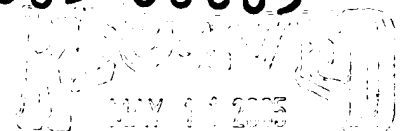
I. FINDINGS OF FACT/CONCLUSIONS OF LAW

A. This development, as amended, will be a mixed use project including a shopping center (336,340 square feet on 40 acres); business corporate office area (40,000 square feet); an executive business office park (165,000 square feet); hotel complex (275 room hotel, 200 seat restaurant, 100-seat conference center) and 210 multi-family residential units on approximately 68.5 acres. The proposed development constitutes a Development of Regional Impact on the real property described as:

A tract or parcel of land lying in the southeast quarter of Section 23, Township 45 South, Range 24 East, which tract or parcel is described as follows: The east one-half of the southeast one-quarter, less ~~than~~ **the** north 116 feet lying west of State Road No. 45, of said Section 23, Township 45 South, Range 24 East, Lee County, Florida.

. . .

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II. CONDITIONS OF DEVELOPMENT APPROVAL

. . .

H. OTHER

The project may not exceed a total of 336,340 square feet of retail commercial use as defined by the Lee County Comprehensive Plan. These uses may also include automobile dealerships, auto centers, automobile service stations, or indoor movie theaters (up to 800 permanent seats). The total project is approved for and limited to the following development parameters: 336,340 square feet of shopping center (on a total of 40 acres); 40,000 square feet of business corporate office area; 165,000 square feet of executive business office park; 275 room hotel (with 200 seat restaurant, and 100 seat conference center); and 210 multiple family dwelling units.

BE IT FURTHER RESOLVED, by the Board of County Commissioners of Lee County, Florida, that:

III. FURTHER CONDITIONS OF DEVELOPMENT APPROVAL

1. This resolution constitutes the Development Order of this Board issued in response to the original Development of Regional Impact application for Development Approval filed by Cypress Lake Venture, Ltd., and all amendments approved through and including May 15, 2000 August , 2005. Map H (revised June 2002, and stamped "Received June 28, 2002, Community Development" as part of Resolution 02-09-04) has not been amended and is attached as Exhibit A and incorporated herein by reference.

. . .

8. This Development Order will remain in effect until June 19, 2003 2009, provided that this effective period may be extended by this Board upon a finding of excusable delay in any proposed development activity and that conditions have not changed sufficiently to warrant further consideration of the development. In the event that the developer fails to commence significant physical development of that property identified in this development order within five (5) years from the date of rendition of this Development Order, development approval will terminate and the development may be subject to further consideration. Significant physical development includes obtaining a Certificate of Completion on some substantial portion of the project. The project buildout date is June 19, 2003 2009.

. . .

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PRELIMINARY COUNCIL

2. **Effective Date.** This Resolution shall become effective immediately upon adoption.

3. **Passed in Public Session** of the Board of County Commissioners of Lee County, Florida this _____ day of _____, 2005.

THE MOTION TO ADOPT this RESOLUTION was offered by Commissioner _____ and seconded by Commissioner _____ and upon poll of the members present, the vote was as follows:

Robert P. Janes
Douglas R. St. Cerny
Ray Judah
Tamara Hall
John E. Albion

ATTEST
CHARLIE GREEN, CLERK

BOARD OF COUNTY COMMISSIONERS
LEE COUNTY, FLORIDA

BY: _____
Deputy Clerk

BY: _____
Chairman

APPROVED AS TO FORM

By:
County Attorney's Office

Attachment: Exhibit A

Exhibit C to NOPC 5-10-05 - Resolution 2005.wpd

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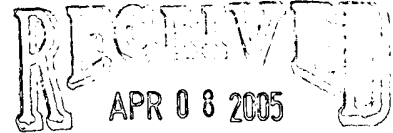
PERMIT COUNTER

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DECLARATION OF CONDOMINIUM

OF

**CENTRAL PARK,
A CONDOMINIUM**

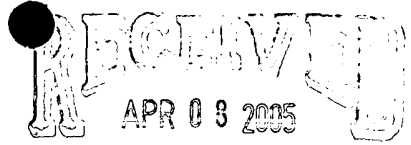


MADE this 20th day of May, 2003, CENTRAL PARK DEVELOPMENT OF SOUTHWEST FLORIDA, LLC, a Florida limited liability company, hereinafter called the "Developer", as the Owner of fee simple title to the real property described herein, for itself and its successors, grantees and assigns.

WHEREIN the Developer makes the following declarations:

1. **THE LAND:** The Developer owns certain real property located in Lee County, Florida, as more particularly described on Exhibit "A" attached hereto (the "Land").
2. **SUBMISSION STATEMENT:** The Developer hereby submits the Land and all improvements erected or to be erected thereon, all easements, rights and appurtenances belonging thereto, and all other property, real, personal or fixed, located on and intended for use in connection therewith, to the condominium form of ownership and use in the manner provided by the Florida Condominium Act as it exists on the date of the recording of this Declaration; excluding therefrom, however, any public utility installations, cable television lines, and other similar equipment that are owned by the utility furnishing services to the Condominium. The covenants and restrictions contained in this Declaration shall run with the land and be binding upon and inure to the benefit of all present and future owners of condominium parcels. The acquisition of title to a Unit, or any other interest in the condominium property, or the lease, occupancy, or use of any portion of the condominium property shall constitute an acceptance and ratification of all provisions of this Declaration as it may be amended from time to time, and shall signify agreement to be bound by its terms. The provisions of this Declaration shall be liberally construed to effectuate the purpose of creating a uniform plan of condominium ownership.
3. **NAME:** The name by which this condominium shall be identified is Central Park, a Condominium, (the "Condominium") and its address is _____ Cypress Terrace Court, Fort Myers, Florida.
4. **DEFINITIONS:** The terms used in this Declaration and its exhibits shall have the meanings stated below and in Chapter 718, Florida Statutes, (The "Condominium Act"), unless the context otherwise requires.
 - 4.1 **"Assessment"** means a share of the funds required for the payment of common expenses which from time to time is assessed against the Owner.

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4.2 "Association" means Central Park Owners' Association, Inc., a Florida corporation not for profit, the entity responsible for the operation of this Condominium.

4.3 "Association Property" means that property, real and personal, which is owned or leased by the Association for the use and benefit of the its members.

4.4 "Board of Directors" or "Board" means the representative body which is responsible for the administration of the Association's affairs, and is the same body referred to in the Condominium Act as the "Board of Administration".

4.5 "By-laws" means the By-laws of the Association, as they exist from time to time.

4.6 "Condominium Documents" means and includes this Declaration and all recorded exhibits hereto, as amended from time to time.

4.7 "Condominium Parcel" means a Unit together with the undivided share in common elements which is appurtenant to the Unit.

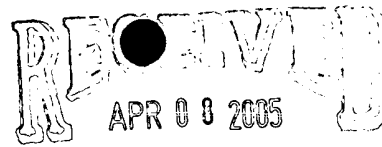
4.8 "Fixtures" means those items of tangible personal property which by being physically annexed or constructively affixed to the Unit have become accessory to it and part and parcel of it, including but not limited to, interior partitions, walls, appliances which have been built in or permanently affixed, and plumbing fixtures in kitchens and bathrooms. Fixtures do not include floor, wall or ceiling coverings.

4.9 "Institutional Mortgagee" means the mortgagee (or its assignee) of a mortgage against a condominium parcel, which mortgagee is a bank, savings and loan association, mortgage company, insurance company, real estate or mortgage investment trust, pension or profit sharing trust, the Federal Housing Administration, the Veterans Administration, or any agency of the United States of America. The term also refers to any holder of a mortgage against a condominium parcel which mortgage is guaranteed or insured by the Federal Housing Administration, the Veterans Administration, any agency of the United States of America, or by any other public or private corporation engaged in the business of guaranteeing or insuring residential mortgage loans, and their successors and assigns.

4.10 "Invitees" means, customers, clients, patients, delivery persons, employees and all others who have reasonable cause to enter the condominium property in connection with the business of any Unit owner or lessee.

4.11 "Lease" means the grant by a Unit owner of a temporary right of possession and use of the owner's Unit for valuable consideration.

4.12 "Limited Common Elements" means and includes those common elements which are reserved for the use of a certain Unit or Units to the exclusion of other Units.



4.13 "Master Association" means and refers to the Central Park Land Condominium Owner's Association, Inc., a Florida not for profit, the entity responsible for the operation of the Central Park Land Condominium, of which this Condominium is a part.

4.14 "The Central Park Buildings" means and refers to the name to be given the buildings constructed on the land herein submitted to the condominium.

4.15 "Office Suite" means a building defined by a Unit number within the Condominium under common ownership separated from other Units.

4.16 "Owner" has the same meaning as the term "Unit owner" as defined in the Condominium Act.

4.17 "Primary Institutional Mortgagee" means that institutional mortgagee which, at the time a determination is made, holds first mortgages on more square feet in the Condominium than any other institutional mortgagee, such determination to be made by reference to the total square footage encumbered, and not by the dollar amount of such mortgages.

4.18 "Rules and Regulations" means those rules and regulations promulgated by the Board of Directors, governing the use of the common elements and the operation of the Association.

4.19 "Unit" generally refers to all that contiguous space as described in Section 5.2 which is owned by an owner.

4.20 "Voting Interest" means and refers to the arrangement established in this Declaration and the Bylaws by which the owners of each Unit collectively are entitled to vote the Unit's proportionate number of voting shares in Association matters. The Voting Interest shall be equal to the shares of ownership which are determined as a fraction, the numerator of which is the number of square feet of floor space in the Unit as determined by the survey and plot plan attached hereto as Exhibit "B" and the denominator of which is the total number of square feet of floor space in all Units combined, which shall be 24,290 square feet. As an example, the voting interest of Unit 500 shall be 4,200/24,290, or 17.28%.

5. DESCRIPTION OF IMPROVEMENTS; SURVEY AND PLANS:

5.1 Survey and Plot Plans. Attached hereto as Exhibit "B", and incorporated by reference herein, are a survey of the Land, and plot plans, which graphically describe the improvements in which Units are located, and which show all the Units including their identification numbers, locations and approximate dimensions and the common elements and limited common elements. Together with this Declaration, the Exhibit "B" is in sufficient detail to identify each Unit, the common elements, limited common elements, and their relative locations and dimensions. Notwithstanding anything to the contrary herein, so long as the Developer does not alter the plot plans for units owned by a bona fide third party purchaser, Developer may at any time reconfigure the plot plans on Exhibit "B" to construct buildings of varying sizes and locations which suit the needs of prospective purchasers.

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5.2 Unit Boundaries. Each Unit shall include the entire building as described on Exhibit "B" which lies within the following boundaries:

- (A) Upper and Lower Boundaries. The upper and lower boundaries of the Unit shall be the following boundaries extended to their intersections with the perimeter boundaries:
 - (1) Upper Boundaries. The plane of the lower surface of the roof trusses of the Unit.
 - (2) Lower Boundaries. The horizontal plane of the unfinished lower surface of the concrete floor of the Unit, and shall include the lower surface of the soffit on any and all overhangs.
- (B) Perimeter Boundaries. The perimetrical boundaries shall be the vertical planes of the unfinished interior surfaces of all concrete block walls and/or the unfinished interior surfaces of the plasterboard walls of the interior partition walls, if applicable, extended to their intersections with each other and with the upper and lower boundaries; the perimetrical boundaries of such Unit shall be as shown on said Exhibit "B".
- (C) Interior Walls. No part of the non-structural interior partition walls within a Unit shall be considered part of a boundary of a Unit.
- (D) Apertures. Where there are openings in any boundary, including, without limitation, windows, doors and skylights, the boundaries of the Unit shall extend to the exterior surfaces of such openings, and their frameworks thereof. Therefore, windows, doors, surfaces made of glass or other transparent material and all framings casings and hardware therefor, are included in the Unit.

In cases not specifically covered in this Section 5.2, or in any case of conflict or ambiguity, the provisions of 5.2 above shall control over Exhibit "B".

5.3 Alteration of Unit Perimeter Dimensions; Subdivision of Units. A Unit owner may change the perimeter boundaries of a Unit or subdivide the Unit to create one or more additional condominium Units. Changes to the Unit perimeter boundaries and/or the subdivision of a Unit to create additional Units shall require an amendment to Exhibit "B" to the Declaration to graphically identify the changes and reallocate the Unit owner's voting interest and the percentage of ownership in the common elements and common surplus. An amendment to subdivide a Unit or substantially alter perimeter configuration of a Unit shall be proposed and approved in as set forth in Sections 20 and 21 of the Declaration. No reconfigured Unit shall be subdivided to less than five hundred (500) square feet of floor space, and all modifications and renovations must otherwise comply with the Condominium Documents, and the Association's rules regarding pre-construction architectural review approvals. All costs associated with any such alteration or subdivision shall be borne by the Unit owner including the costs of amending this Declaration.



6. CONDOMINIUM PARCELS; APPURTENANCES AND USE:

6.1 Shares of Ownership. The owner of each Unit shall also own an undivided share in the common elements and the common surplus equal to its voting interest.

6.2 Appurtenances to Each Unit. The owner of each Unit shall have certain rights and own a certain interest in the condominium property, including without limitation the following:

- (A) An undivided ownership share in the Land and other common elements and the common surplus, as specifically set forth in Section 6.1 above.
- (B) Membership and voting rights in the Association, which shall be acquired and exercised as provided in the Articles of Incorporation and the Bylaws of the Association attached hereto as Exhibits "C" and "D" respectively.
- (C) The exclusive right to use the limited common elements reserved for the Unit, and the non-exclusive right to use the common elements.
- (D) An exclusive easement for the use of the airspace occupied by the Office Suite or Unit as it exists at any particular time and as the Office Suite or Unit may lawfully be altered or reconstructed from time to time. An easement in airspace which is vacated shall be terminated automatically.
- (E) Other appurtenances as may be provided in this Declaration and its exhibits.

Each Office Suite or Unit and its appurtenances constitutes a "condominium parcel".

6.3 Use and Possession. A Unit owner is entitled to exclusive use and possession of his or her Unit. He or she is entitled to use the common elements in accordance with the purposes for which they are intended, but no use of the Unit or of the common elements may unreasonably interfere with the rights of other Unit owners or other persons having rights to use the condominium property. The use of the Units, common elements and limited common elements shall be governed by the condominium documents and by the rules and regulations adopted by the Board of Directors, as provided in the Bylaws.

6.4 Reconfiguration of Unit Interiors. Subject to applicable building and permitting codes and compliance with the provisions of the Condominium Documents, a Unit owner may alter the interior configuration of a Unit. No such alterations to the interior of a Unit shall require an amendment to the Declaration except for alterations which change the perimeter boundaries of a Unit or which subdivide a Unit into one or more additional Units.

7. COMMON ELEMENTS; EASEMENTS:

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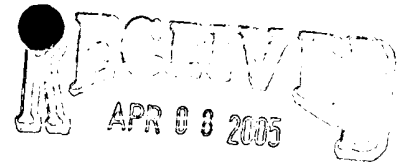


7.1 Definition. The term "common elements" means all of the property submitted to condominium ownership that is not within the Office Suite or Unit boundaries set forth in Section 5 above. The common elements include without limitation the following:

- (A) The Land.
- (B) All limited common elements.
- (C) Easements through each Office Suite or Unit for conduits, ducts, plumbing, wiring, and other facilities for furnishing utility services to Office Suite or Units and the common elements.
- (D) An easement of support in every portion of the Condominium which contributes to the support of a building.
- (E) The property, fixtures and installations required for access and utility services to more than one Office Suite or Unit or to the common elements.

7.2 Easements. Each of the following easements and easement rights is reserved through the condominium property and is a covenant running with the land of the Condominium and, notwithstanding any of the other provisions of this Declaration, may not be revoked and shall survive the exclusion of any land from the Condominium. None of these easements may be encumbered by any leasehold or lien other than those on the condominium parcels. Any lien encumbering these easements shall automatically be subordinate to the rights of Unit owners with respect to such easements. Any expense incurred in granting such easement shall be an Association expense.

- (A) Utility and other Easements. The Association has the power, without the joinder of any Unit owner, to grant, modify or move easements such as electric, gas, cable television, or other utility or service easements, or relocate any existing easements, in any portion of the common elements or Association Property, and to grant access easements or relocate any existing access easements in any portion of the common elements or Association Property, as the Association shall deem necessary or desirable for the proper operation and maintenance of the Condominium. Such easements, or the relocation of existing easements, may not prevent or unreasonably interfere with the use of the Office Suite or Units. The Association may also transfer title to utility-related equipment, facilities or material, and to take any other action to satisfy the requirements of any utility company or governmental agency to which any such utility-related equipment, facilities or material are to be so transferred.
- (B) Encroachments. If any Office Suite or Unit encroaches upon any of the common elements or upon any other Office Suite or Unit for any reason other than the intentional act of the Unit owner, or if any common element encroaches upon any Office Suite or Unit, then an easement shall exist to the extent of that encroachment as long as the encroachment exists.



- (C) Ingress and Egress. A non-exclusive easement shall exist in favor of each Unit owner and occupant, their respective guests, tenants, licensees and invitees for pedestrian traffic over, through, and across sidewalks, streets, paths, walks, and other portions of the common elements as from time to time may be intended and designated for such purpose and use, and for vehicular and pedestrian traffic over, through, and across such portions of the common elements as from time to time may be paved or intended for such purposes, and for purposes of ingress and egress to the public ways.
- (D) Construction; Maintenance. The Developer (including its designees and contractors) shall have the right to enter the condominium property and take any action reasonably necessary or convenient for the purpose of completing the construction thereof, provided such activity does not prevent or unreasonably interfere with the use or enjoyment by the Unit owners of the condominium property.
- (E) Sales Activity. The Developer and its designees shall have the right to use, without charge, any Office Suite owned by it, and the common elements in order to establish, modify, maintain and utilize, as it and they deem appropriate, model or sales offices. Without limiting the generality of the foregoing, the Developer and its designees may show Office Suites or the common elements to prospective purchasers or tenants, erect signs on the condominium property, and take all other action helpful for sales, leases and promotion of the Condominium.
- (F) Termination. The easements and rights described in (D) and (E) above shall terminate upon the sale of all Units in the Central Park to purchasers other than a successor Developer.
- (G) Developer's Right to Grant Easements. The Developer, during any period in which the Developer has any ownership interest in the condominium property, shall have the right to grant such electric, telephone, gas water, sewer, irrigation, drainage, cable television or other easements, and to relocate any existing easement in any portion of the common elements and to grant access easements and to relocate any existing access easements in any portion of the common elements as the Developer shall deem necessary or desirable. Such easements or the relocation of existing easements may not prevent or unreasonably interfere with the use of the Units.
- (H) Easement for Repair and Installation. The Association shall have an easement for repair and installation in each Unit for persons authorized by the Board to enter Units or Office Suites for the purpose of performing installations, alterations or repairs for any common elements or for the provision of any utilities to other Units provided requests for entry are made in advance and at a time convenient to each owner; and further provided that the entered Unit is left in substantially the same condition as existed immediately preceding such entry.

7.3 Restraint Upon Separation and Partition. The undivided share of ownership in the common elements and common surplus appurtenant to a Unit cannot be conveyed or encumbered separately from the Unit and shall pass with the title to the Unit, whether or not separately described.



As long as the Condominium exists, the common elements cannot be partitioned. The shares in the funds and assets of the Association cannot be assigned, pledged or transferred except as an appurtenance to the Units.

8. LIMITED COMMON ELEMENTS:

8.1 Description of Limited Common Elements. Certain common elements have been reserved for the use of a particular Unit or Units, to the exclusion of the other Units. The limited common elements and the Units to which their exclusive use is appurtenant, are as described in this Declaration and its recorded exhibits. The following common elements are hereby designated as limited common elements:

- (A) Air Conditioning and Heating Equipment. All equipment, fixtures and installations located inside or outside of a Unit, which furnish air conditioning or heating exclusively to that Unit, shall be limited common elements, and shall be maintained, repaired and replaced by, and solely at the expense of, the owner of the Unit.
- (B) Parking Spaces. There will be designated on the attached survey and plot plan labeled Exhibit "B" or the Developer may so designate, by a recorded instrument in the future, certain parking spaces as limited common elements. These parking spaces, which may or may not be covered parking spaces, will be sold and assigned to the exclusive use of specific Units by the Developer. The cost of maintenance of all uncovered parking spaces shall be assessed as a common expense to all Units. The maintenance of covered parking spaces, if any, shall be the obligation of the Association. The cost of maintenance of covered parking spaces shall borne by owners of the covered parking spaces, pro-rata, and shall be assessed by the Association. General parking will be available to all Units.
- (C) Attic Space. The space above lower surface of the roof trusses of the Unit and below the framed surface of the roof of the Unit shall be a limited common element of the Unit Owner over which the defined space sits. The Unit Owner shall only be permitted to use this limited common element for storage.
- (D) Others. Any part of the common elements that is connected to or exclusively serves a single Unit, and is specifically required in Section 11 of this Declaration to be maintained, repaired or replaced by or at the expense of the Unit owner, shall be deemed a limited common element appurtenant to that Unit, whether specifically described above or not.

8.2 Exclusive Use; Transfer of Use Rights. The exclusive use of a limited common element is appurtenant to the Unit or Units to which it is designated or assigned. The right to such use shall pass with the Unit on transfer, whether or not separately described, and cannot be separated from it; except that the use rights may be transferred to another Unit or exchanged between Units by the following procedure:



- (A) The Unit owners desiring to exchange or transfer such use rights (e.g. parking spaces) shall submit a written request to the Board of Directors who shall then execute a Certificate of Transfer which shall include the recording data identifying this Declaration and be executed in the form required for the execution of a deed.
- (B) The transfer of rights shall be complete and effective when the certificate is recorded in the public records of Lee County, Florida.

9. **ASSOCIATION:** The operation of the Condominium is by Central Park Condominium Association, Inc., a Florida corporation not for profit, which shall perform its function pursuant to the following:

9.1 **Articles of Incorporation.** A copy of the Articles of Incorporation of the Association is attached as Exhibit "C".

9.2 **Bylaws.** The Bylaws of the Association shall be the Bylaws attached as Exhibit "D", as they may be amended from time to time.

9.3 **Delegation of Management.** The Association may contract for the management and maintenance of the condominium property and authorize a licensed management agent to assist the Association in carrying out its powers and duties by performing such functions as the submission of proposals, collection of assessments, keeping of records, enforcement of rules and maintenance, repair and replacement of the common elements with funds made available by the Association for such purposes. The Association and its officers however, shall retain at all times the powers and duties provided in the Condominium Act.

9.4 **Membership.** The membership of the Association shall be comprised of owners of the Units, as further provided in the Bylaws.

9.5 **Acts of the Association.** Unless the approval or affirmative vote of the Unit owners is specifically made necessary by some provision of the Condominium Act or these condominium documents, all approvals or actions permitted or required to be given or taken by the Association may be given or taken by its Board of Directors, without a vote of the Unit owners. The officers and Directors of the Association have a fiduciary relationship to the Unit owners. A Unit owner does not have the authority to act for the Association by reason of being a Unit owner.

9.6 **Powers and Duties.** The powers and duties of the Association include those set forth in the Condominium Act and the condominium documents. The Association may contract, sue, or be sued with respect to the exercise or nonexercise of its powers and duties. For these purposes, the powers of the Association include, but are not limited to, the maintenance, management, and operation of the condominium property and association property and collection of assessments for the Land's share in the Master Association and voting the interests of the Association in the Master Association. The Association may impose fees for the use of common elements or association property. The association has the power to enter into agreements to acquire leaseholds, membership, and other ownership, possessions or use interests in land or facility, regardless of whether the lands or facilities are contiguous to the lands of the condominium.

9.7 Official Records. The Association shall maintain its Official Records as required by law. The records shall be open to inspection by members or their authorized representatives at all reasonable times. The right to inspect the records includes a right to make or obtain photocopies at the reasonable expense of the member seeking copies.

9.8 Purchase of Units. The Association has the power to purchase Units in the Condominium and to hold, lease, mortgage, or convey them, such power to be exercised by the Board of Directors.

9.9 Acquisition of Property. The association has the power to acquire property, both real and personal. The power to acquire personal property shall be exercised by the Board of Directors. Except as otherwise provided in Section 9.8 above, the power to acquire ownership interests in real property shall be exercised by the Board of Directors, but only after approval by at least a majority of the voting interests.

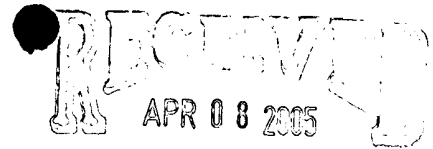
9.10 Disposition of Property. Any property owned by the Association, whether real, personal or mixed, may be mortgaged, sold, or otherwise encumbered or disposed of by the affirmative vote of a majority of the entire Board of Directors, without need for authorization by the Unit owners.

9.11 Roster. The Association shall maintain a current roster of names and mailing addresses of Unit owners, based upon information supplied by the Unit owners. A copy of the roster shall be made available to any member upon request.

9.12 Limitation on Liability. Notwithstanding its duty to maintain and repair condominium or association property, the Association shall not be liable to Unit owners for injury or damage, other than the cost of maintenance and repair, caused by any latent condition of the property to be maintained and repaired by the Association, or caused by the elements or Unit owners or other persons.

9.13 Member Approval of Certain Litigation. Notwithstanding any other provisions of the condominium documents, the Board of Directors shall be required to obtain the prior approval of at least a majority of the voting interests prior to the payment of, or contracting for the payment of, legal fees to any person engaged by the Association for the purpose of commencing any lawsuit, other than for the following purposes:

- (A) the collection of assessments;
- (B) the collection of other charges which owners are obligated to pay;
- (C) the enforcement of the use and occupancy restrictions applicable to the Condominium;
- (D) the enforcement of any restrictions on the sale, lease and other transfer of Units;



- (E) in an emergency, when waiting to obtain the approval of the members creates a substantial risk of irreparable injury to the Association or its members; or
- (F) filing a compulsory counterclaim.

10. **ASSESSMENTS AND LIENS:** The Association has the power to levy and collect assessments against each Unit and Unit owner in order to provide the necessary funds for proper operation and management of the Condominium and for the operation of the Association, as well as to make assessments for payment of the Land's portion of common expenses in the Master Association. This power includes both "regular" assessments for each Unit's share of the common expenses as set forth in the annual budget and "special" assessments for unusual, nonrecurring or unbudgeted common expenses. The Association may also levy special charges against any individual Unit for any amounts, other than for common expenses, which are properly chargeable against such Unit under this Declaration or the Bylaws. Assessments shall be levied and payment enforced as provided in the Bylaws, and as follows:

10.1 **Common Expenses.** Common expenses include all expenses of the operation, maintenance, repair, replacement or insurance of the common elements and association property, the expenses of operating the Association, and any other expenses properly incurred by the Association for the Condominium and the Land's portion of common expenses in the Master Association, including any amounts budgeted for the purpose of funding reserve accounts. The cost of water and sewer service to the Units shall be a common expense. If the Board of Directors contracts for services in bulk for the entire Condominium, the cost of such services shall be a common expense.

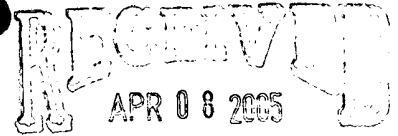
10.2 **Share of Common Expenses.** The owner of each Unit shall be liable for a share of the common expenses equal to his or her share of ownership of the common elements and the common surplus, as set forth in Section 6.1 above.

10.3 **Ownership.** Assessments and other funds collected by or on behalf of the Association become the property of the Association; no Unit owner has the right to claim, assign or transfer any interest therein except as an appurtenance to his or her Unit. No owner can withdraw or receive distribution of his or her share of the common surplus, except as otherwise provided herein or by law.

10.4 **Who is Liable for Assessments.** The owner of each Unit, regardless of how title was acquired, is liable for all assessments or installments thereon coming due while he or she is the owner. Multiple owners are jointly and severally liable. The obligation to pay assessments may not be delegated to a lessee. Except as provided in Section 19.3 below, whenever title to a condominium parcel is transferred for any reason, the transferee is jointly and severally liable with the transferor for all unpaid assessments against the transferor, regardless of when incurred, without prejudice to any right the transferee may have to recover from the transferor any amounts paid by the transferee.

10.5 **No Waiver or Excuse from Payment.** The liability for assessments may not be avoided or abated by waiver of the use or enjoyment of any common elements, by abandonment of the Unit on which the assessments are made, or by interruption in the availability of the Unit or the common elements for any reason whatsoever. No Unit owner may be excused from payment of his or her share of the common expenses unless all Unit owners are likewise proportionately excused from

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payment, except as otherwise provided in Section 19.3 below as to certain mortgagees, and as to the Developer in Section 10.13.

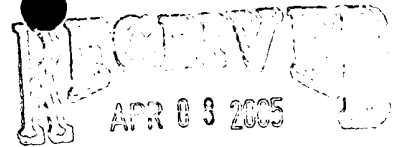
10.6 Application of Payments; Failure to Pay; Interest. Assessments and installments thereon paid on or before ten (10) days after the date due shall not bear interest, but all sums not so paid shall bear interest at the highest rate allowed by law, calculated from the date due until paid. The Association may also impose a late payment fee (in addition to interest) to the extent permitted by law. Assessments and installments thereon shall become due, and the Unit owner shall become liable for said assessments or installments, on the date established in the Bylaws or otherwise set by the Board of Directors for payment. All payments on account shall be applied to interest, late payment fees, court costs and attorney's fees, and delinquent assessments, in such manner as is provided by law. The Association may refuse to accept a partial payment which bears a restrictive endorsement and such will be the equivalent of no payment. No payment by check is deemed received until the check has cleared.

10.7 Acceleration. If any special assessment or installment of a regular assessment as to a Unit becomes more than thirty (30) days past due, and a Claim of Lien is recorded, the Association shall have the right to accelerate the due date of the entire unpaid balance of the Unit's assessments for that fiscal year. The due date for all accelerated amounts shall be the date the Claim of Lien was recorded in the public records. The Association's Claim of Lien shall secure payment of the entire accelerated obligation, together with interest on the entire balance, attorneys' fees and costs as provided by law; and said Claim of Lien shall not be satisfied or released until all sums secured by it have been paid. The right to accelerate shall be exercised by sending to the delinquent owner a notice of the exercise, which notice shall be sent by certified or registered mail to the owner's last known address, and shall be deemed given upon mailing of the notice, postpaid. The notice may be given as part of the notice of intent to foreclose, as required by Section 718.116 of the Condominium Act, or may be sent separately.

10.8 Liens. The Association has a lien on each condominium parcel securing payment of past due assessments, including interest and attorney's fees and costs incurred by the Association incident to the collection of the assessment or enforcement of the lien, whether before, during or after a lien foreclosure suit. The lien is perfected upon recording a Claim of Lien in the Public Records of Lee County, Florida, stating the description of the condominium parcel, the name of the record owner, the name and address of the association, the assessments past due and the due dates. The lien is in effect until barred by law. The Claim of Lien secures all unpaid assessments coming due prior to a final judgment of foreclosure. Upon full payment, the person making the payment is entitled to a satisfaction of the lien.

10.9 Priority of Lien. The Association's lien for unpaid assessments shall be subordinate and inferior to any recorded institutional mortgage or mortgage of the Developer unless the Association's Claim of Lien was recorded prior to the mortgage. The Association's lien shall be superior to, and take priority over, any other mortgage or lien regardless of when the mortgage was recorded. Any lease of a Unit shall be subordinate and inferior to the Association's lien, regardless of when the lease was executed.

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10.10 Foreclosure of Lien. The Association may bring an action in its name to foreclose its lien for unpaid assessments in the manner provided in the Condominium Act, and may also bring an action to recover a money judgment for the unpaid assessments without waiving any lien rights.

10.11 Transfer of Ownership of Foreclosed Unit. If a foreclosure action is brought against the owner of a Unit and the interest of the owner in the Unit is sold, the owner's membership shall be canceled and membership shall be issued to the purchaser at the foreclosure sale.

10.12 Certificate As To Assessments. Within fifteen (15) days after receiving written request by a Unit owner or mortgagee, the Association shall provide a certificate (sometimes referred to as an "estoppel letter") stating whether all assessments and other monies owed to the Association by the Unit owner with respect to the condominium parcel have been paid. Any person other than the owner who relies upon such certificate shall be protected thereby.

10.13 Liability of Developer for Common Expenses. The Developer guarantees that from the recording of this Declaration in the Public Records until control of the Association is turned over to Unit owners other than the Developer, assessments against Unit owners for common expenses will not exceed \$3.00 per square foot per year (\$0.25 per square foot per month) exclusive of the cost of electricity to the Units and real estate taxes on the Units. During this period, the Developer and all Units owned by the Developer shall not be subject to assessment for common expenses as provided herein. Instead, the Developer will fund the difference, if any, between assessments at the guaranteed level and the actual common expenses incurred during the guarantee period. If, at any time during this period, funds collected from assessments are not sufficient to provide timely payments, of all common expenses, the Developer will fund the deficits at the time such payments are due. The Developer's obligation to fund deficits excludes the obligation to pay unusual expenses not ordinarily anticipated in the day-to-day management of the Association including expenses related to injuries to persons or property damage or destruction or other unusual expenses. After the end of the guarantee period the Developer shall provide an accounting, if required by the Florida Administrative Code, and fund any outstanding deficits.

10.14 Special Assessments. So long as the Developer holds any Unit for sale in the ordinary course of business the Developer shall be exempt from assessments of the Developer as a Unit owner for capital improvements unless the Developer gives its approval in writing. The Developer shall further be exempt from any action by the Association that would be detrimental to the sales of Units by the Developer unless the Developer approves the action in writing.

11. MAINTENANCE; LIMITATIONS UPON ALTERATIONS AND IMPROVEMENTS: Responsibility for the protection, maintenance, repair and replacement of the condominium property, and restrictions on its alteration and improvement shall be as follows:

11.1 Association Maintenance. The Association is responsible for the protection, maintenance, repair and replacement of all common elements and association property (other than the limited common elements that are required elsewhere herein to be maintained by the Unit owner). The cost is a common expense. The Association's responsibilities include, without limitation:

- (A) Electrical wiring up to the building Unit.

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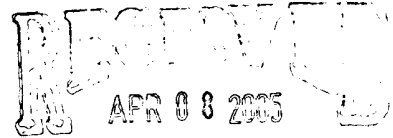
- (B) Rough plumbing up to the supply value.
- (C) All parking lot maintenance and restriping.
- (E) All landscaping of common areas.
- (F) Infrastructure not dedicated to Lee County.

The Association's responsibility does not include roof, exterior building walls, interior wall switches or receptacles, plumbing fixtures, or other electrical, plumbing or mechanical installations located within the Unit. All incidental damage caused to a Unit or limited common elements by work performed or ordered to be performed by the Association shall be promptly repaired by and at the expense of the Association, which shall restore the property as nearly as practical to its condition before the damage, and the cost shall be a common expense. In the event a portion of the Common Area causes damage to a Unit, the Association shall make all necessary repairs to the Unit at the expense of the Association.

11.2 Unit Owner Maintenance. Each Unit owner is responsible, at his or her own expense, for all maintenance, repairs, and replacements of his or her own Unit and certain limited common elements. The owner's responsibilities include, without limitation:

- (A) Maintenance, repair and replacement of roofs, exterior building walls, screens, windows and window glass.
- (B) The entrance door and all other doors within or affording access to the Unit including its exterior and its interior surface.
- (C) The electrical, mechanical and plumbing fixtures and outlets (including connections).
- (D) The circuit breaker panel.
- (E) Appliances and water heaters.
- (F) All air conditioning and heating equipment, ducts and installations serving the office suite exclusively.
- (G) Carpeting and other floor covering.
- (H) Door and window hardware and locks.
- (I) Other facilities or fixtures which are located or contained entirely within the Unit, or which serve only the Unit.
- (J) All interior, nonstructural partition walls which do not form part of the boundary of the Unit.

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(K) Any vault or security system serving the Unit.

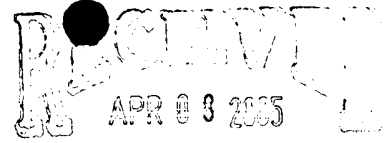
However, any insurance proceeds paid to the Association with respect to any loss or damage within the Unit which is covered by the Association's casualty insurance policy, and which loss would otherwise be borne by the Unit owner, shall be paid to the Unit owner.

11.3 Unit Owner Maintenance Expense Allocations. In the event a limited common element is an appurtenance to more than one Unit within a building, the costs to maintain, repair and replace the limited common element shall be ratably shared by the Unit owners to which the limited common element is appurtenant. Each Unit owner shall share pro rata in the costs based upon a formula determined as a fraction, the numerator of which is the number of square feet of floor space in the Unit as determined by the survey and plot plan attached hereto as Exhibit "B" and the denominator of which is the total number of square feet of floor space of all of the Units to which the limited common element is an appurtenance, also as determined by the survey and plot plan attached hereto as Exhibit "B." Notwithstanding anything to the contrary above, a Unit Owner's share of covered parking spaces shall be solely based upon the number of spaces within the parking garage.

11.4 Other Unit Owner Responsibilities. The Unit owner shall also have the following responsibilities:

- (A) Interior Decorating. Each Unit owner is responsible for all decorating within his or her own Unit, including painting, wallpapering, paneling, floor covering, draperies, window shades, curtains, lamps and other light fixtures, and other furnishings and interior decorating.
- (B) Common Areas. The common areas shall not be obstructed, littered, defaced or misused in any manner, including but not limited to unapproved signs, fliers and the like.
- (C) Flooring. All Units above the ground floor shall always have the floors covered with wall-to-wall carpeting installed over high quality padding or other acceptable hard surface floor covering, except carpeting is not required in kitchenettes or bathrooms.
- (D) Window Coverings. The covering and appearance of windows and doors, whether by draperies, shades, reflective film or other items, whether installed within or outside of the Unit, visible from the exterior of the Unit, shall be subject to the rules and regulations of the Association, and shall be white, off-white or beige in color and such colors must be approved by the Association prior to installation.
- (E) Building Exterior. No Unit owner shall paint, decorate or change the appearance of any exterior portion of the building or the common elements, without the approval of the Board of Directors. The roof and building exterior must be cleaned and painted periodically by the Unit owner, in accordance with a schedule promulgated by the Board of Directors.

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- (F) Modifications and Alterations. If a Unit owner makes any modifications, installations or additions to his or her Unit or the common elements, the Unit owner and his or her successors in title shall be financially responsible for the insurance, maintenance, repair and replacement of the modifications, installations or additions:
- (G) Use of Licensed and Insured Contractors. Whenever a Unit owner contracts for maintenance, repair, replacement, alteration, addition or improvement of any portion of the Unit or common elements, whether with or without Association approval, such owner shall be deemed to have warranted to the Association and its members that his or her contractor(s) are properly licensed and fully insured, and that the owner will be financially responsible for any resulting damage to persons or property not paid by the contractor's insurance.

11.4 Alteration to Units, Limited Common Elements or Common Elements by Unit Owners. Except as provided in this paragraph, a Unit owner shall not make any alterations to his or her Unit which would add to or remove any portion of the common elements, nor do anything which would adversely affect the safety or soundness of any portion of the condominium property. Subject to the foregoing, a Unit owner shall have the right to make alterations within a Unit without the prior approval of the Board so long as the changes are in compliance with all applicable building codes. The Association may require submission of detailed plans for any such alterations in advance, and may grant or deny approval or require modifications of the plans. Any glass, screen, curtain, blind, shutter, awning, or other similar structure which may be installed where visible from outside the Unit is subject to regulation by the Board of Directors. No owner may alter the landscaping in any way without prior Board approval. If any Unit owner requests approval of an alteration or modification involving the removal of any interior partition wall, the Association may permit such removal if the removal would not materially affect or interfere with the utility services constituting common elements, if any, located therein. No owner shall cause any of the limited common elements appurtenant to his or her Unit to be enclosed or cause any changes to be made outside of the Unit, including painting or other decoration, or the installation of any electrical wiring, television antennas, appliances or air conditioning Units which may protrude through the walls of the condominium or in any manner change the exterior appearance of any portion of the condominium, without the prior written consent of the Board of Directors. The Association shall have the power to employ architects, engineers, or other professional persons with technical expertise to review proposed improvements and alterations to Units or common elements prior to Association approval thereof. The reasonable cost of employing such professionals shall be assessed against the Unit owner proposing that such alterations or improvements be made.

11.5 Alterations and Additions to Common Elements and Association Property. The protection, maintenance, repair, insurance and replacement of the common elements and association property is the responsibility of the Association and the cost is a common expense. Beyond this function, the Association shall make no material alteration of, nor substantial additions to, the common elements, which result in a material expense or a material change in the common elements without the prior approval of at least fifty-one percent (51%) of the voting interests unless required by a governmental agency.

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11.6 Enforcement of Maintenance. If after reasonable notice the owner of a Unit fails to maintain the Unit or its appurtenant limited common elements as required above, specifically including the obligation to monitor the exterior roof of a building, the Association shall have the right to institute legal proceedings to enforce compliance, or may take any and all other lawful actions to remedy such violation, including but not limited to repairing, replacing, or maintaining any item. Any expenses incurred by the Association in performing work within the Unit as authorized by this Declaration shall be charged to the Unit owner, together with reasonable attorney's fees and other expenses of collection, if any.

11.7 Negligence; Damage Caused by Condition in Unit. Each owner shall be liable for the expenses of any maintenance, repair or replacement of common elements or personal property made necessary by his or her act or negligence, or by that of any of his or her guests, employees, agents, or tenants. Each Unit owner has a duty to maintain his or her Unit and personal property therein in such a manner as to prevent foreseeable and reasonably preventable damage to the common elements or the property of other owners and residents. If any condition, defect or malfunction existing within a Unit, resulting from the owner's failure to perform this duty, shall cause damage to the common elements or property within other Units, the owner of the offending Unit shall be liable to the person or entity responsible for repairing the damaged property for all costs of repair or replacement not paid by insurance. If one or more of the Units involved is not occupied at the time the damage is discovered, the Association may enter the Unit without prior notice to the owner and take reasonable action to mitigate damage or prevent its spread to the common elements or to other Units.

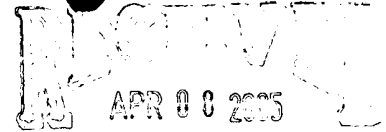
11.8 Association's Access to Units. The Association has an irrevocable right of access to the Units during reasonable hours for the purposes of maintaining, repairing and replacing the common elements or portions of a Unit to be maintained by the Association under this Declaration, and as necessary to prevent damage to the common elements or to one or more Units. The exercise of the Association's rights of access to the Unit shall be accomplished with due respect for the rights of occupants to privacy and freedom from unreasonable annoyance, as well as with appropriate precautions to protect the personal property within the Unit. The Association may retain a pass-key to all Units. If a Unit owner alters any lock or installs a new lock, the Unit owner shall provide the Association with a key.

12. USE RESTRICTIONS: The use of the condominium property shall be in accordance with the following provisions:

12.1 Units. Each Unit shall be used and occupied as the specific type of commercial or professional office for which it initially received approval, or for such other lawful purpose as may be approved by the Board of Directors, and shall be used only for purposes which are consistent with and appropriate to the design of the building, and for which adequate ventilation, plumbing, parking and similar and related facilities exist. No Unit may be occupied as a temporary or permanent residence.

12.2 Common Elements. The common elements shall be used only for the purposes for which they are intended in the furnishing of services and facilities for the enjoyment of the Units, unless combined in accordance with Section 11.4 herein.

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12.3 Signs, Advertising. No owner, tenant, or occupant of office space shall place or maintain any advertising matter visible from the exterior of his Unit, or install any sign, awning or canopy, decoration, lettering, or advertising matter or other thing of any kind on any exterior door, wall or window of the common elements without the written approval of the Association or the Developer so long as the Developer owns one Unit in the condominium. The Association shall establish reasonable and uniform regulations permitting the placement and maintenance by each owner of identifying signs and insignia of such size and materials and in such locations as shall be architecturally suitable and appropriate to the design and function of the building.

12.4 Lawful Use. No unlawful use shall be made of the condominium property nor any part of it; and all valid laws, zoning ordinances and regulations of all governmental bodies having jurisdiction shall be observed. The responsibility of meeting the requirements of governmental bodies for maintenance, modification or repair of the condominium property shall be the same as the responsibility for the maintenance and repair of the property concerned.

12.5 Nuisances. No owner shall use his or her Unit, or permit it to be used, in any manner which constitutes or causes an unreasonable amount of annoyance or nuisance to the occupant of another Unit, or which would not be consistent with the maintenance of the highest standards for a first class commercial condominium, nor permit the premises to be used in a disorderly or unlawful way. The use of each Unit shall be consistent with existing laws and the condominium documents, and occupants shall at all times conduct themselves in a peaceful and orderly manner.

12.6 Regulations. Reasonable regulations concerning the use of the Condominium property may be made and amended from time to time by the Board of Directors of the Association in the manner provided by its Articles of Incorporation and bylaws. Copies of such regulations and amendments shall be furnished by the Association to all Unit owners upon request. Each Unit owner shall abide by the regulations so promulgated.

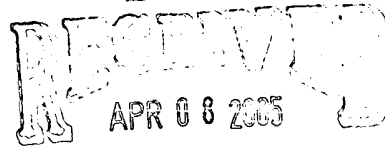
12.7 Signs. No Unit owner other than the Developer may post or display "For Sale", "For Rent", "Open House" or other similar signs anywhere on the condominium property.

13. SALE, LEASE OR SUBLEASE OF UNITS

13.1 Transfer of Units. An owner desiring to sell, lease, or otherwise transfer all or any part of his or her office suite shall, subject to the prior approval of the Association and to the provisions of this Section 13, effect such transfer by conveying, leasing or encumbering those Units or portions of Units of which his or her office space is comprised. A conveyance or encumbrance of a portion of a Unit shall include the corresponding portion of that Unit's interest in the common elements. See also Section 6.

13.2 Association's Rights of Prior Approval. No owner of a Unit (and where the provision of this Section refers to a sublease, the term "owner" herein shall be deemed to mean the lessor under the sublease) shall sell, lease or sublease all or any part of same, without obtaining the prior approval of the Association in accordance with the provisions of this Declaration.

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13.3 Requirement of Association Approval of Offer. An owner intending to make a sale or lease of his Unit, or any interest therein, shall give the Board of Directors, or its designee, a written notice of such intention at least thirty (30) days before the intended closing date, together with the name and address of the proposed purchaser, or lessee, as well as a copy of the executed sales contract or lease, and any other such information as the Board may reasonably require. The Board may require a personal interview with any purchaser, or lessee, as a precondition to approval. If no notice is given, the Board of Directors, at its election, may approve or disapprove said sale or lease, at the time it learns of the transfer. If any owner fails to obtain the Associations' approval prior to selling an interest in a Unit, such failure shall create a rebuttal presumption that the seller and the purchaser intended to violate the covenants of this Declaration and shall constitute good cause for Association disapproval.

Within fourteen (14) days after receipt of the required notice and all information or interviews requested, the Board shall approve or disapprove the transfer or lease. If the Board neither approves nor disapproves the transfer or lease within that time, its failure to act shall be deemed the equivalent of an approval, and on demand, the Board shall issue a written letter of approval to the purchaser or lessee.

The Association shall review the information provided and shall notify the owner in writing, sent by certified mail, within the above time period after receipt of such notice as to whether or not the transaction contemplated by the offer is approved by the Association. The Association shall have broad discretion in approving or rejecting the offer, and its decision shall be final and binding upon the parties. It may, from time to time, establish criteria in reviewing offers, among which shall be whether consummation of the transaction contemplated by the offer:

- A. will involve a use which may be expected to result in an unusual increase in pedestrian and vehicular traffic on the condominium property or increased parking requirements;
- B. will increase common expenses, whether by added utility use or otherwise;
- C. will result in a situation which may diminish the quality of the building or adversely affect the property values of other owners;
- D. will involve a use which has been restricted or prohibited by this Declaration.

Any sale, lease or transfer which is not approved, or which is disapproved pursuant to the terms of this Declaration shall be void unless subsequently approved in writing by the Board. The minimum lease term shall be one (1) year. Any sublease or assignment of lease right shall be deemed a new lease. The Board may approve a lease shorter than one (1) year to avoid undue hardship and inequity.

13.4 Regulation by Association. All of the provisions of the condominium documents and the rules and regulations of the Association shall be applicable and enforceable against any person occupying a Unit as a lessee to the same extent as against the owner. A covenant on the part of each lessee to abide by the rules and regulations of the Association and the provisions of the condominium documents, designating the Association as the owner's agent with the authority to terminate any lease

agreement and evict the tenants in the event of breach of such covenant, shall be deemed included in every lease agreement, wither oral or written, and whether specifically expressed in such agreement or not.

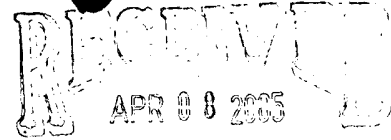
13.5 Forms of Ownership:

- A. One Person. A Unit may be owned by one natural person who has qualified and been approved as provided herein.
- B. Two or More Persons. Co-ownership of Units by two or more natural person is permitted.
- C. Ownership by Corporations, Partnerships or Trusts. A Unit may be owned in trust, or by a corporation, partnership or other entity which is not a natural person, if approved in the manner provided elsewhere herein.
- D. Designation of Primary Occupant. Within thirty (30) days after the effective date of this provision, each owner of a Unit which is owned in the forms of ownership stated in preceding subsections shall designate a primary occupant in writing to the association. If any Unit owner fails to do so, the Board of Directors may make the initial designation for the owner, and shall notify the owner in writing of its action.
- E. Life Estate. A Unit may be subject to a life estate. In that event, the life tenant shall be the only association member from such Unit, and occupancy of the Unit shall be as if the life tenant was the only owner. Upon termination of the life estate, the holders of the remainder interest shall have no occupancy rights unless separately approved by the association. The life tenant shall be liable for all assessments and charges against the Unit. Any consent or approval required of association members may be given by the life tenant alone, and the consent or approval of the holders of the remainder interest shall not be required. If there is more than one life tenant, they shall be treated as co-owners for purposes of determining voting and occupancy rights under Section 13.4(B) above.

13.6 Exception. The provisions of Sections 13 and 14 are not applicable to the acquisition of title by a first mortgagee who acquires title through the mortgage, whether by foreclosure or deed in lieu of foreclosure.

14. INSURANCE: In order to adequately protect the Association and its members, insurance shall be carried and kept in force at all times in accordance with the following provisions:

14.1 The Unit Owner. Each Unit owner is responsible for insuring his or her own Unit, and the personal property therein, including all electrical fixtures, appliances, air conditioner or heating equipment, water heaters, built in cabinets, trade fixtures, floor, wall and ceiling coverings,



and all alterations, additions and improvements made to the Unit or the common elements by the owner or his or her predecessors in title. Each Unit owner shall carry content's insurance, naming the Association as an additional insured, with endorsements for leakage, seepage and wind-driven rain, additions and alterations, and loss assessment protection, or recognize that he or she bears financial responsibility for any damage to his or her property otherwise covered by such insurance.

14.2 Association Insurance; Duty and Authority to Obtain. The Board of Directors shall obtain and keep in force the insurance coverage which it is required to carry by law and under the condominium documents, and may obtain and keep in force any or all additional insurance coverage as it deems necessary. The name of the insured shall be the Association and the Unit owners without naming them, and their mortgagees, as their interests shall appear. To the extent permitted by law, the Association may self-insure. Premiums for all insurance obtained and purchased by the Association shall be paid by the Association. Such premiums and all incidental costs shall be assessed against and collected from the Unit owners as common expenses.

14.3 Required Coverage. The Association shall maintain adequate insurance covering all of the buildings and the common elements as well as all association property, in amounts determined annually by the Board of Directors, such insurance to afford the following protection:

- (A) Property. Loss or damage by fire, extended coverage, including windstorm, vandalism and malicious mischief, and other hazards covered by the standard "All Risk" property contract.
- (B) Flood. In amounts deemed adequate by the Board of Directors, as available through the National Flood Insurance Program.
- (C) Liability. Premises and operations liability for bodily injury and property damage in such limits of protection and with such coverage as are determined by the Board of Directors, with cross liability endorsement to cover liabilities of the Unit owners as a group to a Unit owner.
- (D) Automobile. Automobile liability for bodily injury and property damage for all owned and non-owned motor vehicles, in such limits of protection and with such coverage as may be determined by the Board of Directors.
- (E) Worker's Compensation. The Association shall maintain Workers' Compensation insurance on at least a minimum premium basis.
- (F) Statutory Dishonesty Bond. In amounts deemed adequate by the Board of Directors, or as required by law, for each person having access to Association funds.

14.4 Optional Coverage. The Association may purchase and carry other such insurance coverage as the Board of Directors may determine to be in the best interest of the Association and Unit owners. Director's liability insurance may be obtained as an Association expense.

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14.5 Description of Coverage. A detailed summary of the coverage included in the master policies, and copies of the master policies, shall be available for inspection by Unit owners or their authorized representatives upon request.

14.6 Waiver of Subrogation. If available and where applicable, the Board of Directors shall endeavor to obtain insurance policies which provide that the insurer waives its right to subrogation as to any claim against the Association Unit owners, or their respective servants, agents, invitees or guests, except for any claim based upon gross negligence evidencing reckless, willful or wanton disregard for life or property.

14.7 Insurance Proceeds. All insurance policies purchased solely by the Association shall be for the benefit of the Association, the Unit owners and their mortgagees as their interests may appear, and all proceeds shall be payable to the Association. The duty of the Association shall be to receive such proceeds as are paid and hold and disburse the same in trust for the purposes stated herein and for the benefit of the Unit owners and their respective mortgagees in the following shares:

- (A) Common Elements. Proceeds on account of damage to common elements shall be held in as many undivided shares as there are Units, the shares of each Unit owner being the same as his or her share in the common elements.
- (B) Units. Proceeds on account of damage within the Units shall be held in undivided shares based on the prorated amount of damage within each damaged Unit as a percentage of the total damage within all Units.
- (C) Mortgagee. If a mortgagee endorsement has been issued as to a Unit, the shares of the mortgagee and the Unit owner shall be as their interests appear. In no event shall any mortgagee have the right to demand application of insurance proceeds to any mortgage or mortgages which it may hold against Unit or Units, except to the extent that insurance proceeds exceed the actual cost of repair or restoration of the damaged building or buildings. No mortgagee shall have any right to participate in determining whether improvements will be restored after casualty.

The foregoing notwithstanding, insurance proceeds on account of NFIP flood insurance policies (if any) covering specific Units purchased by the Association or various Unit owners shall be used only for the purpose of repairing or replacing the Unit to which the respective policy applies and that Unit's appurtenant share of the common elements, and no other Unit owner or Unit may benefit from said proceeds. If the Condominium is not to be restored or rebuilt, the proceeds shall accrue to the benefit of the respective Unit owner and his or her mortgagees, if any.

14.8 Distribution of Proceeds. Proceeds of insurance policies received by the Association shall be distributed to or for the benefit of the Unit owners in the following manner:

- (A) Cost of Reconstruction or Repair. If the damage for which the proceeds are paid is to be reconstructed or repaired by the Association, the remaining proceeds shall be paid to defray the costs thereof. Any proceeds remaining after defraying costs shall be

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distributed to the beneficial owners, remittances to Unit owners and their mortgagees being paid jointly to them.

- (B) Failure to Reconstruct or Repair. If it is determined in the manner elsewhere provided herein that the damages for which the proceeds are paid shall not be reconstructed or repaired, the remaining proceeds shall be distributed to the beneficial owners, remittances to Unit owners and their mortgagees being payable jointly to them.

14.9 Association as Agent. The Association is hereby irrevocably appointed as agent for each Unit owner to adjust all claims arising under insurance policies purchased by the Association for damage or loss to the condominium property.

15. RECONSTRUCTION OR REPAIR AFTER CASUALTY: If any part of the condominium property is damaged by casualty, whether and how it shall be reconstructed or repaired shall be determined as follows:

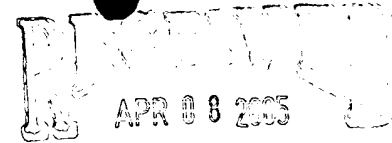
15.1 Damage to Units. Where loss or damage occurs within one or more Units, any Association insurance proceeds on account of the loss or damage, less the deductible, shall be distributed to the owner(s) of the damaged Unit(s) in shares as provided in Section 14.7 above. The owner(s) of the damaged Unit(s) shall be responsible for reconstruction and repair, except that upon the failure or refusal of the Unit owner to timely effect the repairs or reconstruction, the Association may thereafter complete the same as provided herein.

15.2 Damage to Common Elements - Less than "Very Substantial". Where loss or damage occurs to the common elements, but the loss is less than "very substantial", as hereinafter defined, it shall be mandatory for the Association to repair, restore and rebuild the damage caused by the loss, and the following procedures shall apply:

- (A) The Board of Directors shall promptly obtain reliable and detailed estimates of the cost of repair and restoration, and shall negotiate and contract for repair and reconstruction.
- (B) If the proceeds of insurance and available reserves are insufficient to pay for the cost of repair and reconstruction of the common elements, the Association shall promptly, upon determination of the deficiency, levy a special assessment against all Unit owners in proportion to their shares in the common elements for the deficiency. Such special assessments need not be approved by the Unit owners. The special assessments shall be added to the funds available for repair and restoration of the property.

15.3 "Very Substantial" Damage. As used in this Declaration, the term "very substantial" damage shall mean loss or damage whereby three-fourths (3/4ths) or more of the total Units are rendered uninhabitable. Should such "very substantial" damage occur then:

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- (A) The Board of Directors shall promptly obtain reliable and detailed estimates of the cost of repair and restoration.
- (B) A membership meeting shall be called by the Board of Directors to be held not later than sixty (60) days after the casualty, to determine the opinion of the membership with reference to rebuilding or termination of the Condominium, subject to the following:
 - (1) If the insurance proceeds and reserves available for restoration and repair are sufficient to cover the cost thereof so that no special assessment will be required, then the Condominium shall be restored or repaired unless two-thirds (2/3rds) of the total voting interests shall vote for termination, or unless the then applicable zoning or other regulatory laws will not allow reconstruction of the same number and general types of Units, in either of which cases the Condominium shall be terminated.
 - (2) If the insurance proceeds and reserves available for restoration and repair are not sufficient to cover the cost thereof so that a special assessment will be required, then unless two-thirds (2/3rds) of the total voting interests vote in favor of such special assessment and against termination of the Condominium, it shall be terminated and the property removed from the provisions of the Condominium Act. If two-thirds (2/3rds) of the total voting interests approve the special assessment, the Association, through its Board of Directors, shall levy such assessment and shall proceed to negotiate and contract for necessary repairs and restoration. The special assessment shall be added to the funds available for repair and restoration of the property.
- (C) If any dispute shall arise as to whether "very substantial" damage has occurred, a determination by the Board of Directors shall be binding upon all Unit owners.

15.4 Application of Insurance Proceeds. It shall be presumed that the first monies disbursed for repair and restoration are from the insurance proceeds; if there is a balance in the funds held by the Association after the payment of all costs of repair and restoration, such balance shall be distributed to the Unit owners, except as otherwise provided in Section 14.7(C) above.

15.5 Equitable Relief. In the event of damage to the common elements which renders any Unit uninhabitable, and the damage is not repaired, reconstructed, or rebuilt within a reasonable period of time, the owner of the uninhabitable Unit may petition a court for equitable relief, which may include a termination of the Condominium and a partition. For the purposes of this provision, it shall be presumed that repair, reconstruction or rebuilding has occurred within a reasonable period of time if substantial work is commenced within five (5) months following the damage or destruction and is completed within ten (10) months thereafter.

15.6 Plans and Specifications. Any reconstruction or repairs must be substantially in accordance with the plans and specifications for the original buildings, or according to different plans



and specifications approved by the Board of Directors, by the owners of three-fourths (3/4ths) of the Units, and by the Primary Institutional Mortgagee, if any.

16. CONDEMNATION:

16.1 Deposit of Awards with Association. The taking of all or any part of the condominium property by condemnation or eminent domain shall be deemed to be a casualty to the portion taken and the awards for that taking shall be deemed to be proceeds from insurance on account of the casualty. Even though the awards may be payable to Unit owners, the Unit owners shall deposit the awards with the Association; and if any fail to do so, a special charge shall be made against a defaulting Unit owner in the amount of his or her award, or the amount of that award shall be set off against any sums payable to that owner.

16.2 Determination Whether to Continue Condominium. Whether the Condominium will be continued after condemnation will be determined in the same manner provided for determining whether damaged property will be reconstructed and repaired after a casualty.

16.3 Disbursement of Funds. If the Condominium is terminated after condemnation, the proceeds of all awards and special assessments will be deemed to be condominium property and shall be owned and distributed in the manner provided for insurance proceeds when the Condominium is terminated after a casualty. If the Condominium is not terminated after condemnation, the size of the Condominium will be reduced, the owners of condemned Units, if any, will be made whole, and any property damaged by the taking will be made usable in the manner provided below. Proceeds of awards and special assessments shall be used for these purposes and shall be disbursed in the manner provided for disbursements of funds after a casualty.

16.4 Association as Agent. The Association is hereby irrevocably appointed as each Unit owner's attorney-in-fact for purposes of negotiating or litigating with the condemning authority for the purpose of realizing just compensation.

16.5 Units Reduced but Habitable. If the condemnation reduces the size of a Unit and the remaining portion of the Unit can be made habitable, the awards for the taking of a portion of that Unit shall be used for the following purposes in the order stated, and the following changes shall be effected in the Condominium:

- (A) Restoration of Unit. The Unit shall be made habitable. If the cost of the restoration exceeds the amount of the award, the additional funds required shall be paid by the owner of the Unit.
- (B) Distribution of Surplus. The balance of the award, if any, shall be distributed to the owner of the Unit and to each mortgagee of the Unit, the remittance being made payable jointly to the owner and mortgagees.



- (C) Adjustment of Shares of Common Elements. If the floor area of a Unit is reduced by the taking, the number representing the share in the common elements appurtenant to the Unit shall be reduced in the proportion by which the floor area of the Unit is reduced by the taking, and then the shares of all Unit owners in the common elements shall be restated as percentages of the total of the numbers representing their original shares as reduced by the taking.

16.6 Unit Made Not Habitable. If the condemnation is of an entire Unit or reduces the size of a Unit so that it cannot be made habitable, the award for the taking of the Unit shall be used for the following purposes in the order stated, and the following changes shall be effected in the Condominium:

- (A) Payment of Award. The fair market value of the Unit immediately prior to the taking shall be paid to the owner of the Unit and to each mortgagee of the Unit, the remittance being made payable jointly to the owner and mortgagee(s).
- (B) Distribution of Surplus. If possible and practical, the remaining portion of the Unit shall become a part of the common elements and shall be placed in condition for use by some or all Unit owners in a manner approved by the Board of Directors.
- (C) Adjustment of Shares in Common Elements. The shares in the common elements appurtenant to the Units that continue as part of the Condominium shall be adjusted to distribute the ownership of the common elements among the reduced number of Unit owners. This shall be done by restating the shares of continuing Unit owners in the common elements as percentages of the total of the numbers representing the shares of these as they existed prior to the adjustment.
- (D) Assessments. If the amount of the award for the taking is not sufficient to pay the fair market value of the condemned Unit to the Unit owner and to condition the remaining portion of the Unit for use as a part of the common elements, the additional funds required for those purposes shall be raised by special assessment against all Unit owners who will continue as owners of Units after the changes in the Condominium affected by the taking. The assessments shall be made in proportion to the shares of those owners in the common elements after the changes affected by the taking.
- (E) Arbitration. If the fair market value of a Unit prior to the taking cannot be determined by agreement between the Unit owner and the Association within thirty (30) days after notice by either party, the value shall be determined by appraisal in accordance with the following. The Unit owner, the first mortgagee, if any, and the Association shall each appoint one certified real property appraiser, who shall appraise the Unit and determine the fair market value by computing the arithmetic average of their appraisals of the Unit. A judgment of specific performance upon the fair market value calculated in this way may be entered in any court of competent jurisdiction. Each party shall bear the cost of his or her own appraiser.

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16.7 Taking of Common Elements. Awards for the taking of common elements shall be used to make the remaining portion of the common elements usable in a manner approved by the Board of Directors. The balance of such awards, if any, shall be distributed to the Unit owners in the shares in which they own the common elements after adjustment of these shares on account of the condemnation, if any. If a Unit is mortgaged, the remittance shall be paid jointly to the owner and mortgagee(s) of the Unit.

16.8 Amendment of Declaration. Any changes in Units and in the common elements, in the ownership of the common elements, and in the sharing of common expenses that are necessitated by condemnation shall be accomplished by amending this Declaration. Such amendment need be approved only by a majority of all Directors. The consent of Unit owners or lien holders is not required for any such amendment.

16.9 Trade Fixtures. Where all or part of the Condominium is taken by eminent domain, each owner shall have the exclusive right to claim all of the award made for trade fixtures installed by such owner, and any relocation, moving expense, or other allowance of a similar nature designated to facilitate his or her relocation.

17. TERMINATION: The Condominium may be terminated in the following manner:

17.1 Agreement. The Condominium may be terminated at any time by written agreement of the owners of at least eighty percent (80%) of the Units, and the Primary Institutional Mortgagee.

17.2 Very Substantial Damage. If the Condominium, as a result of casualty, suffers "very substantial damage" to the extent defined in Section 15.3, and it is not decided as therein provided that it will be reconstructed or repaired, the condominium form of ownership of the property in this Condominium will thereby terminate without agreement.

17.3 General Provisions. Upon termination, the former Unit owners shall become the owners, as tenants in common, of all condominium and association property and the assets of the Association. The shares of such tenants in common shall be the same as were their shares of the common elements. The mortgagee or lienor of a Unit owner, shall have a mortgage or lien solely and exclusively upon the undivided share of such tenant in common in and to the lands and other properties and rights which he or she may receive by reason of such termination. The termination of the Condominium shall be evidenced by a certificate of the Association, executed with the formalities of a deed, and certifying as to the facts effecting the termination. Termination shall become effective when that certificate is recorded in the Public Records of Lee County, Florida.

17.4 New Condominium. The termination of the Condominium does not bar creation of another Condominium affecting all or any portion of the same property.

17.5 Partition; Sale. Following termination, the former condominium property and association property may be partitioned and sold upon the application of any Unit owner. If following a termination, at least seventy-five percent (75%) of the voting interests agree to accept an offer for the sale of the property, all owners shall be bound to execute deeds and other documents reasonably required to effect the sale. In that event, any action for partition of the property shall be

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held in abeyance pending the sale, and upon the consummation of the sale shall be discontinued by all parties thereto.

17.6 Last Board. The termination of the Condominium does not, by itself, terminate the Association. The members of the last Board of Directors shall continue to have the powers granted in this Declaration for the purpose of winding up the affairs of the Association.

17.7 Provisions Survive Termination. The provisions of this Section 17 are covenants running with the land, and shall survive the termination of the Condominium until all matters covered by those provisions have been completed.

18. **OBLIGATIONS OF OWNERS AND ENFORCEMENT:**

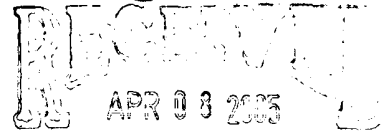
18.1 Duty to Comply; Right to Sue. Each Unit owner, his or her tenants and guests, and the Association shall be governed by and shall comply with the provisions of the Condominium Act, to the extent it controls a commercial condominium, the condominium documents and the Rules and Regulations. Actions for damages or for injunctive relief, or both, for failure to comply may be brought by the Association or by a Unit owner against:

- (A) The Association;
- (B) A Unit owner;
- (C) Anyone who occupies or is a tenant or guest in a Unit; or
- (D) Any member of the Board of Directors who willfully and knowingly fails to comply with these provisions.

18.2 Waiver of Rights. The failure of the Association or any member to enforce a right, provision, covenant or condition which may be granted by the condominium documents shall not constitute a waiver of the right of the Association or member to enforce such right, provision, covenant or condition in the future. A provision of the Condominium Act may not be waived by a Unit owner if the waiver would adversely affect the rights of the owner or defeat the purpose of the provision, except that Unit owners or Directors may waive notice of specific meetings as provided in the Bylaws. Any written instrument or instruction given by a purchaser or Unit owner to an escrow agent may be relied upon by the escrow agent, whether or not such instruction and the payment of funds thereunder might otherwise constitute a waiver of any provision of the Condominium Act or the condominium documents.

18.3 Attorney's Fees. In any legal proceeding arising out of an alleged failure of a guest, tenant, Unit owner or the Association to comply with the requirements of the Condominium Act, the condominium documents, or the rules and regulations as they may be amended from time to time, the prevailing party shall be entitled to recover the costs of the proceeding and such attorneys fees as may be awarded.

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18.4 No Election of Remedies. All rights, remedies and privileges granted to the Association or Unit owners under the law and the condominium documents shall be cumulative, and the exercise of any one or more shall not be deemed to constitute an election of remedies, nor shall it preclude the party from exercising any other rights, remedies, or privileges that may be available.

19. RIGHTS OF MORTGAGEES:

19.1 Approvals. Written consent of the institutional mortgagee of a Unit shall be required for any amendment to the Declaration which would decrease the Units share of ownership of the common elements, except as otherwise provided in Sections 16.5(C), 16.6(C) and 16.8.

19.2 Notice of Casualty or Condemnation. In the event of condemnation, eminent domain proceedings, or very substantial damage to, or destruction of, any Unit or any part of the common elements, the record holder of any first mortgage on an affected Unit shall be entitled to notice.

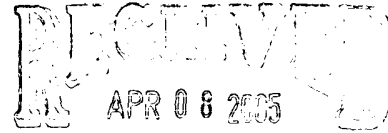
19.3 Mortgage Foreclosure. Unless otherwise provided by law, if the mortgagee of a first mortgage or an institutional mortgage of record acquires title to a condominium parcel as a result of foreclosure of the mortgage, or as the result of a deed given in lieu of foreclosure, such acquirer of title shall not be liable for the share of common expenses or assessments attributable to the condominium parcel, or chargeable to the former owner of the parcel, which came due prior to the mortgagee's acquisition of title. In the event the law requires the Mortgagee to be liable, the Mortgagee's liability shall be limited to the amount required by law. Any other person acquiring title shall pay the amount owed to the Association within 30 days after the transfer of title. Failure to pay the full amount when due shall entitle the Association to record a claim of lien against the parcel and proceed in the same manner as provided for the collection of unpaid assessments. Any unpaid share of common expenses for which such acquirer is exempt from liability becomes a common expense collectible from all Unit owners, including such acquirer and his successors and assigns. No owner or acquirer of title to a condominium parcel by foreclosure, or by a deed in lieu of foreclosure, may be excused from the payment of any assessments coming due during the period of such ownership.

19.4 Redemption. If proceedings are instituted to foreclose any mortgage or lien on any Unit, the Association, on behalf of one or more Unit owners and with the permission of the mortgagee, may redeem the mortgage or lien for the amount due thereon and be thereby subrogated to all of the mortgagee's or lienor's rights of action, or the Association may purchase the Unit at the foreclosure sale. Any mortgagee shall have an unrestricted, absolute right to accept title to the Unit in settlement and satisfaction of the mortgage or to foreclose its mortgage in accordance with its terms, and to bid upon the Unit at the foreclosure sale.

19.5 Right to Inspect Books. The Association shall make available to institutional mortgagees requesting same current copies of the condominium documents and the books, records and financial statements of the Association. "Available" shall mean ready for inspection, upon written request, during normal business hours, or under other reasonable circumstances. Photocopies shall be provided at the expense of the person requesting them.

19.6 Financial Statement. Any institutional mortgagee is entitled, upon written request, to a copy of the financial statement of the Association for the immediately preceding fiscal year.

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19.7 Lender's Notices. Upon written request to the Association, any institutional mortgagee shall be entitled to timely written notice of:

- (A) A sixty (60) day or longer delinquency in the payment of assessments or charges owed by the owner of any Unit on which it holds a mortgage.
- (B) A lapse, cancellation, or material modification of any insurance policy or fidelity bond maintained by the Association.
- (C) Any proposed action that requires the consent of a specified percentage of mortgage holders.

20. DEVELOPER'S RIGHTS AND DUTIES: Notwithstanding the other provisions of this Declaration, as long as the Developer or any assignee of the Developer's rights holds any Units in Central Park for sale in the ordinary course of business, the following shall apply:

20.1 Developer's Use. Until the Developer has completed all of the contemplated improvements and has sold all of the Units in the Condominium, neither the Unit owners nor the Association, nor either party's use of the condominium property shall interfere with the completion of the contemplated improvements or the sale of Units. The Developer may make any use of the unsold Units and the common elements and association property as may reasonably be expected to facilitate completion of contemplated improvements and sales of Units, including, but not limited to, maintaining a sales office and/or model Units, displaying signs, leasing Units, and showing Units to prospective purchasers.

20.2 Assignment. All or any of the rights, privileges, powers and immunities granted or reserved to the Developer in the condominium documents may be assigned by the Developer to any successor developer, without the consent of any other Unit owner or any holder of a mortgage secured by any Unit. In the event of the foreclosure of any mortgage owed by the Developer, or deed in lieu of such foreclosure, the person first acquiring title to such interest by reason of such foreclosure, or deed in lieu of foreclosure, shall succeed to all rights, powers, privileges and immunities of the Developer.

20.3 Amendment of Plans and Alteration of Boundaries and Unit Dimensions. The Developer reserves the right to change the interior design and arrangement of any Unit without the approval of Unit owners or the Board. The Developer further reserves the right to change the size and configuration of Units owned by the Developer as follows: there may be variations in floor plans; the number of Units may be increased or decreased; the Unit sizes may range in size from 500 square feet to 4,200 square feet; the boundaries between Units may be altered and Units may be subdivided, the limited common elements serving a Unit may vary or changes may be made to fulfill requirements of governmental entities, the appurtenances to the Unit may be altered, provided that the condominium documents are amended as needed to reflect the changes. Any such amendment which substantially alters the size or configuration of the Unit owned by the Developer need be signed and acknowledged by the Developer, and shall require the approval of fifty-one percent (51%) of the

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Voting Interest in the Association, the contract purchasers and lien holders on the particular Unit(s) in question.

20.4 Amendments by Developer. As long as the Developer owns any Unit for sale or lease in the ordinary course of business, the Developer reserves the right up to the time of turnover of control of the Association, to amend this Declaration and its exhibits in any manner and for any purpose the Developer deems desirable, except that an amendment which substantially changes the size or configuration of a Unit shall require the approval of fifty-one percent (51%) of the Voting Interests of the Association. Amendments which do not change the size or configuration of a Unit may be made and executed solely by the Developer and recorded in the Public Records of Lee County, Florida, without any requirement of securing the consent of any Unit owner or the owner or holder of any lien encumbering a condominium parcel. After turnover of control, amendments to this Declaration shall be made pursuant to the procedures contained in Section 21 below.

20.5 Sales/Leases of Units. The Developer shall have the right to sell, lease or transfer ownership of any Unit owned by it to any person or entity, on such terms and conditions as the Developer deems in its own best interest.

20.6 Turnover. The Developer may turn over control of the Association to Unit owners other than the Developer prior to the statutory dates by causing all of its appointed Directors to resign, whereupon it shall be the affirmative obligation of Unit owners other than the Developer to elect Directors and assume control of the Association. Provided that at least thirty (30) days notice of the Developer's decision to cause its appointees to resign is given to Unit owners, neither the Developer, nor such appointees, shall be liable in any manner in connection with such resignations, even if Unit owners other than the Developer refuse or fail to assume control of the Association. If the Developer holds Units for sale in the ordinary course of business, none of the following actions may be taken without approval in writing by the Developer: assessment of the Developer as a Unit owner for capital improvements; or, any action by the Association that would be detrimental to the sales or leases of Units by the Developer. However, an increase in assessments for common expenses without discrimination against the Developer shall not be deemed to be detrimental to the sales or leases of Units.

21. AMENDMENT OF DECLARATION: Except as otherwise provided above as to amendments made by the Board of Directors, all amendments to this Declaration shall be proposed and adopted in the following manner:

21.1 Proposal. Amendments to this Declaration may be proposed by the Board of Directors, or by written petition to the Board signed by the owners of at least Twenty Five percent (25%) of the Voting Interests.

21.2 Procedure. Upon any amendment or amendments to this Declaration being proposed as provided above, the proposed amendment or amendments shall be submitted to a vote of the members not later than the next annual meeting, unless insufficient time to give proper notice remains before that meeting.

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21.3 Vote Required. Except as otherwise provided by law, or by specific provision of the condominium documents, this Declaration may be amended by concurrence of at least sixty-six and two-thirds percent (66 2/3%) of those voting interests who are present and voting, in person or by proxy, at any annual or special meeting called for the purpose. Alternatively, amendments may be adopted without a meeting following the procedure set forth in Section 3.13 of the Bylaws.

21.4 Certificate; Recording. A copy of each adopted amendment shall be attached to a certificate that the amendment was duly adopted as an amendment to the Declaration, which certificate shall be in the form required by law and shall be executed by the President or Vice President of the Association with the formalities of a deed. The amendment shall be effective when the certificate and copy of the amendment are recorded in the Public Records of Lee County, Florida.

21.5 Provision. No amendment may change the configuration or size of any Unit owned by a person or entity other than the Developer in any material fashion, materially alter or modify the appurtenances to the Unit, or change the proportion or percentage by which the owner of a parcel shares the common expenses and owns the common surplus (except as provided in Section 6.1 herein), unless the record owner of the Unit, and all record owners of liens on it join in the execution of the amendment. No other consents or approvals shall be required. This proviso does not apply to changes caused by condemnation or a taking by eminent domain as provided in Section 16.

21.6 Enlargement of Common Elements. The common elements designated by this Declaration may be enlarged to add real property acquired by the Association through amendment of this Declaration. The amendment must be approved by at least fifty-one percent (51%) of the voting interests, but no other person need join in or consent to the amendment. The amendment vests title in the Association and becomes appurtenant to the Units without naming the Unit owners or Units and without further conveyance, in the same proportion as the undivided shares in the common elements that are appurtenant to the Units.

21.7 Correction of Errors and Amendments. If there is an omission or error in this Declaration of Condominium or in other documents required by Florida law to establish the Condominium, the Association may correct the error or omission by following the procedures set forth in the Condominium Act. Until control of the Association is turned over to Unit owners other than the Developer the Association may amend this Declaration and its exhibits in any manner convenient or necessary to the development process including for the purpose of adding to or withdrawing property from this Declaration. Said amendments may be made and executed solely by the Association and recorded in the Public Records of Lee County, Florida, and without any requirement of securing the consent of any Unit owner, or the owner and holder of any lien encumbering a condominium parcel, provided such amendments shall not increase the number of Units nor alter the boundaries of the common elements beyond the extent permitted in Section 20.3, nor shall such amendments adversely affect the lien or priority of any institutional mortgage recorded prior to the amendment.

21.8 Amendment of Provision Relating to Developer. As long as the Developer holds any Unit in the Condominium for sale or lease in the ordinary course of business, no amendment shall be effective to change any provision relating specifically to the Developer without the Developer's prior written consent.

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21.9 No Time Share. No time share estates will be created with respect to any Units.

22. MISCELLANEOUS:

22.1 Severability. The invalidity or unenforceability in whole or in part of any covenant or restriction or any section, subsection, sentence, clause, phrase or word or other provision of this Declaration, or any recorded exhibit to this Declaration, shall not affect the remaining portions thereof.

22.2 Applicable Statutes. The validity, application and construction of this Declaration and its recorded exhibits shall be governed by the Laws of Florida, particularly the Condominium Act, as it exists on the date hereof.

22.3 Conflicts. If there is a conflict between any provision of this Declaration and the Condominium Act, the Condominium Act to the extent it applies to a commercial condominium shall control. If there is a conflict between this Declaration and the Association's Articles of Incorporation or Bylaws, the Declaration shall control.

22.4 Interpretation. The Board of Directors is responsible for interpreting the provisions of this Declaration and its exhibits. Such interpretation shall be binding upon all parties unless wholly unreasonable. A written opinion rendered by legal counsel that an interpretation adopted by the Board is not unreasonable shall conclusively establish the validity of such interpretation.

22.5 Exhibits. There is hereby incorporated within this Declaration any materials contained in the exhibits hereto which, under the Condominium Act, are required to be part of the Declaration.

22.6 Singular, Plural and Gender. Whenever the context so requires, the use of the plural shall include the singular and the plural, and the use of any gender shall be deemed to include all genders.

22.7 Headings. The headings used in the condominium documents are for reference purposes only, and do not constitute substantive matter to be considered in construing the terms and provisions of these documents.

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IN WITNESS WHEREOF, the Developer has executed this Declaration the day and year first above written.

Signed in the presence of:

**CENTRAL PARK DEVELOPMENT OF
SOUTHWEST FLORIDA, L.L.C.,
a Florida Limited Liability Company**

By: VECTOR, L.L.C., a Florida Limited Liability
Company, as Managing Member of Central Park
Development of Southwest Florida, L.L.C.

Karen B. Oakley
Witness #1 (print name below)
Karen B. Oakley

Donna DelVerno
Witness #2 (print name below)
Donna DelVerno

Karen B. Oakley
Witness #1 (print name below)

Keith Basik
Witness #2 (print name below)
Keith Basik

By: Gates McVey Capital Group, L.L.C., a
Florida limited liability company, as Managing
Member of Vector, L.L.C.

By: Stephen V. Robison
Stephen V. Robison, Managing Member

By: Larry Basik
Larry Basik, as Managing Member of Vector,
L.L.C.

By: CHLOE-RAMSEY, L.L.C., a Kentucky Limited
Liability Company, as Managing Member of Central
Park Development of Southwest Florida, L.L.C.

William M. Ramsey Jr.
Witness #1 (print name below)
William Ramsey Jr.

Shelia Collins
Witness #2 (print name below)
Shelia Collins

By: Chloe Partners, L.L.C., a Kentucky limited
liability company, as Managing Member of
Chloe-Ramsey, L.L.C.

By: John Rasnick
John Rasnick, Managing Member



Witness

#1
William N. Ramsey Jr.
William Ramsey Jr.

(print name below)
 By: George Franklin Ramsey

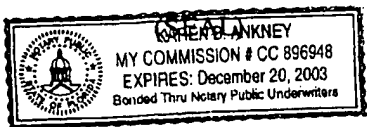
George Franklin Ramsey, as Trustee of the
 William N. Ramsey, Jr. Children's Trust, as
 Managing Member of Chloe-Ramsey, L.L.C.

Shelia Collins
 Witness #2 (print name below)
Shelia Collins

STATE OF FLORIDA
 COUNTY OF COLLIER

The foregoing instrument was acknowledged before me this 20th day of May, 2003 by STEPHEN V. ROBISON, as Managing Member of GATES MCVEY CAPITAL GROUP, L.L.C., a Florida limited liability company, as Managing Member of VECTOR, L.L.C., a Florida limited liability company as Managing Member of CENTRAL PARK DEVELOPMENT OF SOUTHWEST FLORIDA, L.L.C., a Florida limited liability company, authorized to do business in the State of Florida, on behalf of the limited liability company. He is personally known to me or has produced _____ (type of identification) as identification and did (did not) take an oath.

NOTE: If a type of identification is not inserted in the blank provided, then the person executing this instrument was personally known to me. If the words in the parenthetical "did not" are not circled, then the person executing this instrument did take an oath.



Karen B. Ankney
 Signature

(Type or print Name of Acknowledger)

STATE OF FLORIDA
 COUNTY OF COLLIER

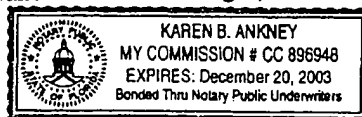
The foregoing instrument was acknowledged before me this 20th day of May, 2003 by LARRY BASIK, as Managing Member of VECTOR, L.L.C., a Florida limited liability company as Managing Member of CENTRAL PARK DEVELOPMENT OF SOUTHWEST FLORIDA, L.L.C., a Florida limited liability company, authorized to do business in the State of Florida, on behalf of the limited liability company. He is personally known to me or has produced _____ (type of identification) as identification and did (did not) take an oath. NOTE: If a type of identification is not inserted in the blank provided, then the person executing this instrument was personally known to me. If the words in the parenthetical "did not" are not circled, then the person executing this instrument did take an oath.



Karen B. Ankney
 Signature

(Type or print Name of Acknowledger)

STATE OF FLORIDA
 COUNTY OF COLLIER



DRI2005-00003



State of Kentucky
County of Pike

The foregoing instrument was acknowledged before me this 19th day of May, 2003 by John Rasnick, as Managing Member of CHLOE PARTNERS, L.L.C., a Kentucky limited liability company, as Managing Member of CHLOE-RAMSEY, L.L.C., a Kentucky Limited Liability Company, as Managing Member of CENTRAL PARK DEVELOPMENT OF SOUTHWEST FLORIDA, L.L.C., a Florida limited liability company, authorized to do business in the State of Florida, on behalf of the limited liability company. He is personally known to me or has produced _____ (type of identification) as identification and did (did not) take an oath.

NOTE: If a type of identification is not inserted in the blank provided, then the person executing this instrument was personally known to me. If the words in the parenthetical "did not" are not circled, then the person executing this instrument did take an oath.

(SEAL)

Vikki W. Ward

Signature

VIKKI W. WARD

(Type or print Name of Acknowledger)

COMMISSION EXPIRES: 10-9-04

STATE OF ~~FLORIDA~~ Kentucky
COUNTY OF ~~COLLIER~~ Pike

The foregoing instrument was acknowledged before me this 19th day of May, 2003 by GEORGE FRANKLIN RAMSEY, as Trustee of the William N. Ramsey, Jr. Children's Trust, as Managing Member of CHLOE-RAMSEY, L.L.C., a Kentucky Limited Liability Company, as Managing Member of CENTRAL PARK DEVELOPMENT OF SOUTHWEST FLORIDA, L.L.C., a Florida limited liability company, authorized to do business in the State of Florida, on behalf of the limited liability company. He is personally known to me or has produced _____ (type of identification) as identification and did (did not) take an oath.

NOTE: If a type of identification is not inserted in the blank provided, then the person executing this instrument was personally known to me. If the words in the parenthetical "did not" are not circled, then the person executing this instrument did take an oath.

(SEAL)

Vikki W. Ward

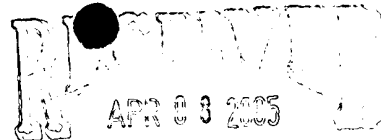
Signature

VIKKI W. WARD

(Type or print Name of Acknowledger)

COMMISSION EXPIRES: 10-9-04

DRI2005-00003



JOINDER

LENDER, as holder of the mortgage encumbering the Property, hereby joins in this Declaration of Condominium for Central Park, a Condominium on this 19 day of May, 2003.

LENDER

Melissa Rhodes
Witness #1

(Print name below)

Melissa Rhodes

Barbara C. Mullins
Witness #2

(Print name below)

Barbara C. Mullins

Kentucky
STATE OF ~~FLORIDA~~)
COUNTY OF Pike) ss.

COMMUNITY TRUST BANK, N.A.

Steve Belcher

By: Steve Belcher

Its: Senior Vice President

The foregoing instrument was acknowledged before me this 19th day of May, 2003 by Steve Belcher, as Senior Vice President of COMMUNITY TRUST BANK, N.A., on behalf of the Lender. He is personally known to me or has produced _____ (type of identification) as identification and did (did not) take an oath. NOTE: If a type of identification is not inserted in the blank provided, then the person executing this instrument was personally known to me. If the words in the parenthetical "did not" are not circled, then the person executing this instrument did take an oath.

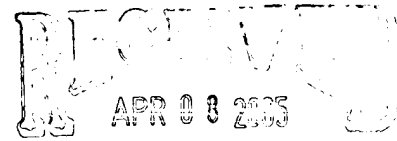
Sandra K. Scalf
Signature

Sandra K. Scalf
(Type or print Name of Acknowledger)

My Commission Expires: 10-25-2003

JFC\Condo\CentralPark\Declaration

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Section 10

Bylaws

**ARTICLES OF INCORPORATION****OF****CENTRAL PARK OWNERS' ASSOCIATION, INC.****FILED**
02 FEB 20 PM 1:36
SECRETARY OF STATE
TALLAHASSEE, FLORIDA

The undersigned hereby establishes the following for the purpose of becoming a non-profit corporation under the laws of the State of Florida, by and under the provisions of the Statutes of the State of Florida providing for the formation, liability, rights, privileges and immunities of a corporation not-for-profit.

**ARTICLE I
NAME OF CORPORATION**

The name of this Corporation (hereinafter the "Corporation") shall be:

CENTRAL PARK OWNERS' ASSOCIATION, INC.

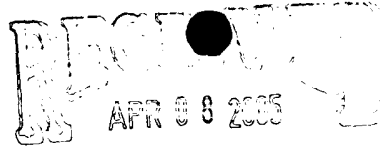
**ARTICLE II
PURPOSES**

Central Park Owners' Association, Inc. is maintaining, operating and/or administering certain property within or related to the Property described in Exhibit "A" attached hereto.

**ARTICLE III
POWERS AND LIMITATIONS**

Section 1. The Corporation shall have the power:

- a. To own, lease, operate, maintain, and administer the Common Areas, and other property within or related to the Park.
- b. To establish, through its Board of Directors, reasonable rules and regulations regarding the property within the Park.
- c. To carry out all the powers and duties vested in the Corporation pursuant to these Articles and any Bylaws of the Corporation.
- d. To do all things necessary to carry out the operation of the corporation as a natural person might or could do and to exercise and enjoy all the powers, rights and privileges granted to or conferred upon corporations of similar



character by the provisions of Chapter §617, Florida Statutes, and Chapter §607, Florida Statutes, respectively.

- e. To engage professional management agents to manage its affairs, and pay a fee therefor.
- f. To grant easements and leases to any Person over, under, through, and/or across the Common Areas, for or without compensation to this Corporation, without any need to obtain the approval or joinder of any member or lienholder thereof.
- g. To assess members of the Corporation.

Section 2. The Corporation is not organized for profit, nor shall it have the power to issue certificates of stock or pay dividends.

Section 3. All funds and title to all interests in property acquired by the Corporation, whether fee simple, leasehold, dedication or otherwise, and the proceeds thereof shall be held in trust for members of the Corporation.

Section 4. The Corporation shall not be authorized to make any unreasonable accumulations of cash or assets as determined by the Internal Revenue Code or the rules and regulations pursuant thereto.

ARTICLE IV CORPORATE EXISTENCE

This Corporation shall have perpetual existence unless sooner dissolved by law. The Corporation may be dissolved upon unanimous resolution to that effect being adopted by the members of the Board of Directors and approved by an affirmative vote of all of the total Voting Rights in the Park, and, after receipt of an appropriate decree of dissolution, if such decree is necessary at the time of dissolution as set forth in Florida Statutes, Chapter 617, Chapter 607, or statute of similar import.

ARTICLE V QUALIFICATIONS FOR MEMBERS AND MANNER OF ADMISSION AND VOTING RIGHTS

Section 1. All Owners in the Park shall be members of the Corporation. An Owner shall automatically be a member of the Corporation upon the recording in the Public Records of Collier County, Florida, of the document evidencing the Owner's fee simple title to a Lot.

Section 2. Voting Rights shall be established in accordance with the Corporation's Bylaws.

**ARTICLE VI
DIRECTORS**

Section 1. The business of this Corporation shall be conducted by a Board of Directors, consisting of at least three (3) Directors.

Section 2. The election of directors, their removal and the filling of vacancies on the Board of Directors shall be in accordance with the Bylaws of this Corporation.

Section 3. The Directors herein named (see Article VIII) shall serve until their successors are duly elected and qualified, or until they are removed in the manner elsewhere provided, or until they resign, whichever first occurs, and any vacancies in their number occurring before a successor has been duly elected and qualified shall be filled in accordance with the Bylaws of this Corporation.

**ARTICLE VII
OFFICERS**

The affairs of the Corporation shall be managed by a president, vice-president, secretary and treasurer, and such other officers as may be authorized by the Board of Directors. A person may hold more than one office except that the offices of President and Secretary shall not be held simultaneously by the same individual. Said officers shall be elected annually by the Board of Directors at the annual meeting of the Board of Directors and shall hold office until their successors shall be duly elected and qualified, or until they are removed, or until they resign, whichever first occurs. The first officers of the Corporation shall be:

President: Stephen V. Robison
5405 Park Central Court
Naples, Florida 34109

Vice-President: Todd Gates
5405 Park Central Court
Naples, Florida 34109

Secretary/Treasurer: Glenn Vereen
5405 Park Central Court
Naples, Florida 34109

**ARTICLE VIII
NAMES AND POST OFFICE ADDRESSES OF DIRECTORS**

The names and post office addresses of the members of the first Board of Directors who shall hold office pursuant to the terms and provisions of these Articles of Incorporation and Bylaws of the Corporation shall be:

1. Stephen V. Robison, 5405 Park Central Court, Naples, Florida 34109.
2. Todd Gates, 5405 Park Central Court, Naples, Florida 34109.
3. Glenn Vereen, 5405 Park Central Court, Naples, Florida 34109.

ARTICLE IX BYLAWS

The first Bylaws of the Corporation shall be adopted by the Board of Directors named herein and may be altered, amended or rescinded in the manner provided in the Bylaws.

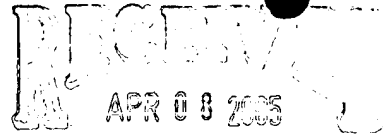
ARTICLE X INDEMNIFICATION

Section 1. The Corporation shall indemnify any Director or Officer of the Corporation, and/or any member of the Development Review Committee (collectively referred to herein as the "Indemnities" and individually referred to herein as an "Indemnitee") made a party or threatened to be made a party to any threatened, pending or completed action, suit or proceeding as follows: This indemnification shall extend to any action of a judicial, administrative, criminal, or investigative nature (including but not limited to, an action by the Corporation), brought by or against an Indemnitee, based on an act, or acts, alleged to have been committed by such Indemnitee, in his capacity as an Officer, Director or member of the Development Review Committee. In any such action, the Indemnitee shall be indemnified against judgments, losses, liabilities, costs, fines, amounts paid in settlement, and reasonable expenses, including attorney's fees, actually and necessarily incurred as a result of such action, suit, or proceeding or any appeal therein, provided such Indemnitee did not act with gross negligence or willful misconduct. The termination of any such action, suit, or proceeding by judgment, order, settlement, conviction, or upon a plea of nolo contendere or its equivalent shall not, in itself, create a presumption that any such Indemnitee acted with gross negligence or willful misconduct.

Section 2. Indemnification as provided in this Article shall continue as to a person who has ceased to be a Director, officer, or member of the Development Review Committee, and shall inure to the benefit of his heirs, executors, and administrators of such person. References herein to Directors, officers and members of the Development Review Committee, shall include not only current Directors, officers, and members of the Development Review Committee, but former Directors, former officers, and former members of the Development Review Committee as well.

Section 3. The Corporation shall have the power to purchase and maintain insurance on behalf of any person who is a Director or officer of the Corporation, or a member of the Development Review Committee, against any liability asserted against him and incurred by him in any such capacity or arising out of his status as such, whether or not the Corporation would have the power to indemnify him against such liability under the provisions of this Article.

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Section 4. The aforementioned rights shall be in addition to, and not exclusive of, all other rights to which such Director, officer or member of the Development Review Committee may be entitled under Florida law.

**ARTICLE XI
TRANSACTIONS IN WHICH DIRECTORS OR OFFICERS ARE INTERESTED**

No contract or transaction between the Corporation and one (1) or more of its officers or directors, or between the Corporation and any other corporation, partnership, association or other organization in which one (1) or more of its directors or officers are directors or officers of this Corporation, or have a financial interest in this Corporation, shall be invalid, void or voidable solely for this reason, or solely because the director or officer is present at, or participates in the meeting of the board or committee thereof which authorized the contract or transaction, or solely because his or their votes are counted for such purpose. No directors or officers of the Corporation shall incur liability merely by reason of the fact that he is or may be interested in any such contract or transaction.

**ARTICLE XII
AMENDMENTS**

Section 1. These Articles of Incorporation may be amended upon:

- a. The affirmative consent of at least two-thirds ($\frac{2}{3}$) of the entire membership of the Board of Directors and of at least a majority of the total Voting Rights in the Park;
- b. The affirmative consent of at least sixty-five percent (65%) of the total Voting Rights in the Park; or
- c. By the Declarant, Central Park Development of Southwest Florida, L.L.C., for any reason whatsoever.

Section 2. A copy of each amendment to the Articles of Incorporation as approved must be accepted by the Secretary of State of the State of Florida, or such other person required by Florida law, and shall be recorded in the Public Records of Collier County, Florida.

Section 3. The Corporation expressly elects not to be governed by Section §607.108, Florida Statutes.

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ARTICLE XIII
INCORPORATOR

The name and post office address of the Incorporator of these Article of Incorporation is Glenn Vereen, 5405 Park Central Court, Naples, Florida 34109, which is the principal office and mailing address of the Corporation.

ARTICLE XIV
INITIAL REGISTERED OFFICE AND AGENT

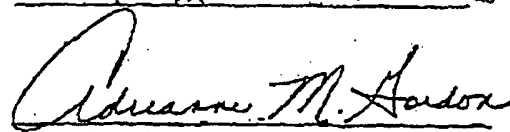
The street address of the initial registered office of this Corporation is 5405 Park Central Court, Naples, Florida 34109, and the name of the initial registered agent of this Corporation is Glenn Vereen. The principal address of the corporation is 5405 Park Central Court, Naples, Florida 34109.

IN WITNESS OF THE FOREGOING, the undersigned has hereunto set his hand and seal in acknowledgment of the foregoing Articles of Incorporation this 12th day of February, 2002, which Articles are to be filed in the Office of the Secretary of State.


Glenn Vereen, Incorporator

STATE OF FLORIDA)
COUNTY OF COLLIER)

The foregoing instrument was sworn to and subscribed before me this 12th day of February, 2002, by Glenn Vereen, Incorporator of Central Park Owners' Association, Inc. ☒ who is personally known to me or () who provided N/A as identification.


Notary Public
ADRIANNE M. GORDON
Notary Printed Name

My Commission Expires: MAY 21, 2003



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CERTIFICATE OF DESIGNATION

Registered Agent/Registered Office

Pursuant to the provisions of Section §607.051, Florida Statutes, the undersigned corporation, organized under the laws of the State of Florida, submits the following statement in designating the registered office/registered agent, in the State of Florida:

The name of the Corporation is: CENTRAL PARK OWNERS' ASSOCIATION, INC.

The name and address of the Registered Agent and office is:

Glenn Vereen
5405 Park Central Court
Naples, Florida 34109

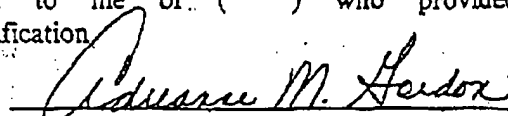

Glenn Vereen, Incorporator

Having been named as Registered Agent and to accept service of process for the above stated corporation at the place designated in this certificate, I hereby accept the appointment as Resident Agent and agree to act in this capacity. I further agree to comply with the provisions of all statutes relating to the proper and complete performance of my duties, and I am familiar with and accept the obligations of my position as Resident Agent.


Glenn Vereen, Registered Agent

STATE OF FLORIDA)
COUNTY OF COLLIER)

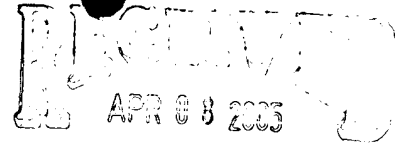
The foregoing instrument was sworn to and subscribed before me this 12th day of February, 2002, by Glenn Vereen, Registered Agent of Central Park Owners' Association, Inc., (X) who is personally known to me or () who provided N/A as identification.


Notary Public
Adrienne M. Gordon
Notary Printed Name

My Commission Expires:



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02 FEB 20 PM 1:36
TALLAHASSEE, FLORIDA
SECRETARY OF STATE



BYLAWS
OF
CENTRAL PARK OWNERS' ASSOCIATION, INC.

I. IDENTITY

These are the Bylaws of CENTRAL PARK OWNERS' ASSOCIATION, INC., a corporation not for profit under the laws of the state of Florida ("the Association"), organized for the purpose of operating that certain condominium located in Collier County, Florida, and known as Central Park, a condominium ("the Condominium").

1.1 Principal Office. The principal office of the Association shall be on the Condominium Property or at such other place as may be designated by the Board of Directors.

1.2 Fiscal Year. The fiscal year of the Association shall be the calendar year.

1.3 Seal. The seal of the Association shall bear the name of the corporation, the word "Florida," the words "Corporation Not for Profit," and the year of incorporation.

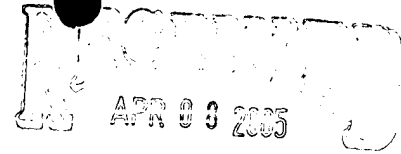
1.4 Definitions. For convenience, these Bylaws shall be referred to as "the Bylaws"; the Articles of Incorporation of the Association as "the Articles"; and the Declaration of Condominium for the Condominium as "the Declaration." The other terms used in these Bylaws shall have the same definitions and meanings as those in F.S. Chapter 718, the Condominium Act ("the Act"), as well as those in the Declaration and the Articles, unless otherwise provided in these Bylaws or unless the context otherwise requires.

II. MEETINGS OF MEMBERS AND VOTING

2.1 Annual Meeting. The annual meeting of the members shall be held on the date and at the place and time determined by the Board of Directors from time to time, provided that there shall be an annual meeting every calendar year and no later than 13 months after the last annual meeting. The purpose of the meeting shall be to elect Directors and to transact any other business authorized to be transacted by the members.

2.2 Special Meetings. Special meetings of the members shall be held at such places as provided for annual meetings and may be called by the President or by a majority of the Board of Directors of the Association, and must be called by the President or Secretary on receipt of a written request from at least 10% of the voting interests of the Association. Requests for a meeting by the members shall state the purpose for the meeting. Business conducted at any special meeting shall be limited to the matters stated in the notice for the meeting. The provisions of this section, as

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applicable, shall be modified by the provisions of F.S. 718.112(2)(e), concerning budget meetings; F.S. 718.112(2)(k), concerning recall; F.S. 718.112(2)(f), concerning budget reserves; and F.S. 718.301(1)-(2), concerning election of Directors by Unit Owners other than the Developer.

2.3 Notice of Annual Meeting. Written notice of the annual meeting shall be mailed or hand delivered to each Unit Owner at least 14 days and not more than 60 days before the annual meeting. A copy of the notice shall be posted in a conspicuous place on the Condominium property at least 14 continuous days before the annual meeting. An Officer of the Association shall provide an Affidavit or United States Post Office Certificate of Mailing, to be included in the official records of the Association, affirming that notices of the Association meeting were mailed or hand delivered to each Unit Owner at the address last furnished to the Association. Unit Owners may waive notice of the annual meeting.

2.4 Notice of Special Meetings, Generally. Except as modified by the specific requirements for special kinds of members' meetings as set out in these Bylaws, notice of special meetings generally shall be in writing, state the place, day, and hour of the meeting, and state the purpose or purposes for which the meeting is called. The notice shall be delivered to each Unit Owner not less than 10 nor more than 60 days before the date of the meeting, either personally or by first class mail, by or at the direction of the President, the Secretary, or the Officer or persons calling the meeting. If mailed, the notice shall be considered delivered when deposited in the United States mail addressed to the Unit Owner at the address that appears in the records of the Association, with postage prepaid. Payment of postage for notice of any special meeting, by whomever called, shall be an obligation of the Association.

2.5 Notice of Budget Meeting. The Board of Directors shall mail or hand deliver to each Unit Owner at the address last furnished to the association a notice and a copy of the proposed annual budget, not less than 14 days before the meeting at which the Board will consider the budget.

2.6 Notice of Meeting to Consider Excessive Budget. If a budget adopted by the Board of Directors requires assessment against the Unit Owners for any calendar year exceeding 115% of the assessment for the preceding year (less any lawfully excluded items), the Board, on written application of 10% of the voting interests to the Board, shall call a special meeting of the Unit Owners within 30 days, on not less than 10 days' written notice to each Unit Owner.

2.7 Notice of Meeting to Consider Recall of Board Members. A special meeting of the Unit Owners to recall a member or members of the Board of Directors may be called by 10% of the voting interests giving notice of the meeting as required for a meeting of Unit Owners, stating the purpose of the meeting. The notice must be accompanied by a dated copy of a signature list of at least 10% of the Unit Owners. The meeting shall be held not less than 10 days nor more than 60 days from the date the notice of the meeting is given.



2.8 Notice of Meeting to Elect Nondeveloper Directors. Within 75 days after the unit owners other than the developer are entitled to elect a member or members of the board of directors of the Association, the Association shall call an election for the members of the board of directors, and shall give at least 60 days notice thereof.

2.9 Quorum. A quorum at meetings of members shall consist of persons entitled to exercise, either in person or by proxy, a majority of the voting interests of the entire membership.

2.10 Voting.

a. Voting Rights / Voting Interests. The members of the Association are entitled to cast one (1) vote consisting of their Voting Interest, which is determined in the same way as the shares of ownership in the common elements and the common surplus for each unit owned by them. There shall be one (1) vote per unit. The vote of a unit may be divided if the unit is subdivided as provided in the Declaration. If a condominium unit is owned by one natural person his or her right to vote shall be established by the record title to the unit. If a unit is owned jointly by two or more natural persons who are not acting as trustees, that unit's vote may be cast by any one of the record owners. If two or more owners of a unit do not agree among themselves how their one vote shall be cast, that vote shall not be counted. If the owner of a unit is not a natural person or is a trustee, the vote of that unit shall be cast by the unit's primary occupant ("Voting Member") designated on the application to the Association for approval.

b. Majority Vote. The acts approved by a majority of the voting interests present in person or by proxy at a meeting at which a quorum is present shall be binding on all Unit Owners for all purposes unless the Act, the Declaration, the Articles, or these Bylaws require a larger percentage, in which case that larger percentage shall control.

2.11 Membership-Designation of Voting Member. Persons or entities shall become members of the Association on the acquisition of fee title to a Unit in the Condominium after approval of the acquisition in the manner provided in the Declaration. Membership shall be terminated when a person or entity no longer owns a Unit in the Condominium. If a Unit is owned by more than one natural person (other than a husband and wife), or a corporation, partnership, or other artificial entity, the voting interest of that Unit shall be exercised only by the natural person named in a voting certificate signed by all the natural persons who are owners or by the chief executive officer of the artificial entity and filed with the Secretary of the Association in its official records.

2.12 Proxies; Powers of Attorney. Voting interests may be exercised in person or by proxy. Each proxy shall set forth specifically the name of the person voting by proxy, the name of the person authorized to vote the proxy for him or her, and the date the proxy was given. Each proxy shall contain the date, time, and place of the meeting for which the proxy is given. If the proxy is a limited proxy, it shall set forth those items that the holder of the proxy may vote and the manner in which the vote is to be cast. The proxy shall be effective only for the specific meeting for which originally given

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and any lawfully adjourned meetings. No proxy shall be valid for more than 90 days after the date of the first meeting for which it was given, and may be revoked at any time at the pleasure of the Unit Owner executing it. The proxy shall be signed by the Unit Owner or by the designated person mentioned in section 2.11, or the duly authorized attorney-in-fact of that person or entity (provided the power of attorney is filed with the Secretary of the Association). The proxy shall be filed with the Secretary before or at the meeting for which the proxy is given. One holding a power of attorney from a Unit Owner, properly executed and granting the authority, may exercise the voting interest of that Unit. If the proxy expressly provides, any proxy holder may appoint, in writing, a substitute to act in his or her place. If this provision is not made, substitution is not authorized.

2.13 Adjourned Meetings. If any meeting of members cannot be organized because a quorum is not present, the members who are present, either in person or by proxy, may adjourn the meeting from time to time until a quorum is present; except that when meetings have been called to consider the enactment of a budget to replace a proposed budget that exceeds 115% of the assessments for the preceding year, the meetings may not be adjourned for lack of a quorum and if a quorum is not present the excessive budget shall go into effect as scheduled. The time and place to which the meeting is adjourned shall be announced at the meeting at which the adjournment is taken and a notice shall be posted in a conspicuous place on the Condominium property as soon thereafter as may be practical stating the time and place to which the meeting is adjourned.

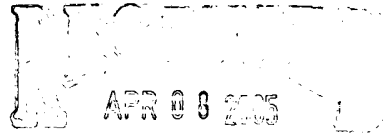
2.14 Waiver of Notice. Unit owners may waive their right to receive notice of any meeting, whether annual or special, by a writing signed by them to that effect. The waiver shall be filed with the Secretary of the Association either before, at, or after the meeting for which the waiver is given.

2.15 Action by Members Without a Meeting. Unit owners may take action by written agreement without a meeting, provided written notice is given to the Unit Owners in the manner prescribed elsewhere in these Bylaws appropriate to the subject matter to be agreed on, unless that notice is waived as provided in these Bylaws. The decision of a majority of the Unit Owners, or a larger percentage vote as otherwise may be required by the Act, the Declaration, the Articles, or these Bylaws (the decision to be evidenced by written response to be solicited in the notice), shall be binding on the membership. The notice shall set forth a time period within which responses must be made by the members, and responses received after that shall not be considered.

2.16 Minutes of Meetings. The minutes of all meetings of Unit Owners shall be kept in a book open to inspection at all reasonable times by any Association member, any authorized representative of the member, and Board members. The minutes shall be retained by the Association for a period of not less than seven years. Association members and their authorized representatives shall have the right to make or obtain copies at the reasonable expense, if any, of the Association member.

2.17 Order of Business. The order of business at annual meetings of members and, as far as practical, at other members' meetings, shall be:

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- a. Call to order.
- b. Election of a chairman of the meeting, unless the President or Vice President is present, in which case he or she shall preside.
- c. Calling of the roll, certifying of proxies, determination of a quorum.
- d. Proof of notice of meeting or waiver of notice.
- e. Reading and disposal of any unapproved minutes.
- f. Reports of Officers.
- g. Reports of committees.
- h. Appointment of inspectors of election.
- i. Determination of number of Directors.
- j. Election of Directors.
- k. Unfinished business.
- l. New business.
- m. Adjournment.

2.18 Actions Specifically Requiring Unit Owner Approval. The following actions require approval by the Unit Owners and may not be taken by the Board of Directors acting alone:

- a. Amendments to the Declaration, except those made by the Developer recording a Certificate of Surveyor, or as otherwise provided specifically in the Declaration.
- b. Merger of two or more independent condominiums of a single complex to form a single condominium.
- c. Purchase of land or recreation lease.
- d. Cancellation of grants or reservations made by the Declaration, a lease, or other document and any contract made by the Association before the transfer of control of the Association

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from the Developer to Unit Owners other than the Developer, that provides for operation, maintenance, or management of the Condominium Association or property serving the Unit Owners.

- e. Exercise of option to purchase recreational or other commonly used facilities lease.
- f. Providing no reserves, or less than adequate reserves.
- g. Recall of members of Board of Directors.
- h. Other matters contained in the Declaration, the Articles, or these Bylaws that specifically require a vote of the members.

III. DIRECTORS

3.1 Number and Qualifications. The affairs of the Association shall be managed initially by a Board of three Directors selected by the Developer. When Unit Owners other than the Developer are entitled to elect a majority of the Directors, the Board shall be composed of any odd number of Directors that the Board may decide. The number of Directors, however, shall never be less than three. Other than those selected by the Developer, Directors must be either Unit Owners, tenants within the Condominium, officers of a corporate Unit Owner, or partners of a partnership Unit Owner. No Director (except those selected by the Developer) shall continue to serve on the Board after ceasing to meet those requirements.

3.2 Election of Directors. Directors shall be elected at the annual meeting in the following manner:

- a. The Board of Directors shall be elected by written ballot or voting machine.
- b. Proxies shall not be used to elect the Board of Directors, either in general elections or elections to fill vacancies caused by recall, resignation, or otherwise, unless the unit owners by affirmative vote approve the use of proxies for that purpose.
- c. The Association shall mail or deliver, whether separately or included in other mailings, a first notice of the date of the election to each Unit Owner no less than 60 days before the scheduled election. The Association shall mail or deliver to the Unit Owners at the addresses listed in the official records of the association a second notice of the election, ballot, and any information sheets timely submitted by the candidates no less than 30 days prior to the scheduled election. The second notice and accompanying documents shall not contain any communication from the Board that endorses, disapproves, or otherwise comments on any candidate.

3.3 Term. Each Director's term of service shall extend until the next annual meeting of the members and thereafter until his or her successor is duly elected and qualified or until he or she is

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removed in the manner provided in section 3.5. However, at any annual meeting after the Developer has relinquished control of the Association and in order to provide a continuity of experience, the members may vote to create classes of directorships having a term of one, two, or three years so that a system of staggered terms will be initiated.

3.4 Vacancies. Except for vacancies resulting from removal of Directors by members, vacancies in the Board of Directors occurring between annual meetings of members shall be filled by majority vote of the remaining Directors. Any Director elected to fill a vacancy shall hold office only until the next election of Directors by the members, irrespective of the length of the remaining term of the vacating Director.

3.5 Removal. Any Director may be recalled and removed from office with or without cause by the affirmative vote or agreement in writing of a majority of all voting interests. A special meeting of the Unit Owners may be called for this purpose by 10% of the voting interests on giving notice of the meeting as required in these Bylaws. The notice shall state the purpose of the special meeting. Any vacancy on the Board of Directors thus created shall be filled by the members of the Association at the same meeting. No Director shall continue to serve on the Board if, during the Board member's term of office, the Board member's membership in the Association is terminated for any reason.

3.6 Resignation. Any Director may resign at any time by sending or personally delivering a written notice of resignation to the Association, addressed to the Secretary. The resignation shall take effect on receipt of the notice by the Association, unless it states some fixed date in the resignation, and then from the date so fixed. Acceptance of a resignation shall not be required to make it effective.

3.7 Organizational Meeting. The organizational meeting of a newly elected Board of Directors shall be held within 10 days of the election at a place and time that shall be fixed by the Directors at the meeting at which they were elected and without further notice except notice to Unit Owners required by F.S. 718.112(2)(c). The Board of Directors may meet immediately following the meeting at which they are elected for the purpose of electing officers and changing banking resolutions without further notice, except for an announcement at the Unit Owners' meeting.

3.8 Regular Meetings. The Board of Directors may establish a schedule of regular meetings to be held at a time and place as a majority of them shall determine from time to time. Notice of regular meetings, however, shall be given to each Director personally or by mail, telephone, or telegraph at least three days before the day named for the meeting with the notice of each meeting posted conspicuously on the Condominium property at least 48 continuous hours before the meeting, except in an emergency.

3.9 Special Meetings. Special meetings of the Board of Directors may be called by the President and, in his or her absence, by the Vice President, and must be called by the Secretary at the

written request of one third of the Directors. Notice of the meeting shall be given personally or by mail, telephone, or telegraph. The notice shall state the time, place, and purpose of the meeting and shall be transmitted not less than three days before the meeting. A copy of the notice of any special meeting shall be posted conspicuously on the Condominium property at least 48 continuous hours before the meeting, except in an emergency.

3.10 Waiver of Notice. Any Director may waive notice of a meeting before, at, or after the meeting and that waiver shall be considered equivalent to the giving of notice. Attendance by any Director at a meeting shall constitute a waiver of notice of the meeting, except when the Director's attendance is for the express purpose of objecting at the beginning of the meeting to the transaction of business because the meeting is not lawfully called.

3.11 Quorum. A quorum at the meetings of the Directors shall consist of a majority of the entire Board of Directors. The acts approved by a majority of those present at a meeting at which a quorum is present shall constitute the acts of the Board of Directors except when approval by a greater number of Directors is required by the Declaration, the Articles, or these Bylaws.

3.12 Adjourned Meetings. If there is less than a quorum present at any meeting of the Board of Directors, the majority of those present may adjourn the meeting until a quorum is present. At any adjourned meeting, any business that might have been transacted at the meeting originally called may be transacted without further notice.

3.13 No Proxy. There shall be no voting by proxy at any meeting of the Board of Directors.

3.14 Presumed Assent. A Director present at any Board meeting at which action on any corporate matter is taken shall be presumed to have assented to the action taken unless he or she votes against the action or abstains from voting because of an asserted conflict of interest.

3.15 Joinder in Meeting by Approval of Minutes. A Director may join in the action of a meeting by signing and concurring in the minutes of that meeting. That concurrence, however, shall not constitute the presence of that Director for the purpose of determining a quorum.

3.16 Attendance by Conference Telephone. When telephone conference is used, a telephone speaker shall be attached so that the discussion may be heard by the Board members and by any Unit Owners present in an open meeting. Board members utilizing telephone conference calls may be counted toward obtaining a quorum and may vote over the telephone.

3.17 Meetings Open to Members. Meetings of the Board of Directors shall be open to all Unit Owners to attend, observe, and speak with reference to all designated agenda items. Notice of any meeting in which assessments against Unit Owners are to be considered for any reason shall specifically contain a statement that assessments will be considered and set out the nature of the assessments.

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3.18 Presiding Officer. The presiding Officer at Board meetings shall be the President or, in his or her absence, the Vice President, and in his or her absence, the Directors present shall designate any one of their number to preside.

3.19 Minutes of Meetings. The minutes of all meetings of the Board of Directors shall be kept in a book open to inspection by any Association member or the authorized representative of the member and Board members at all reasonable times. The Association shall retain these minutes for a period of not less than seven years. Association members and their authorized representatives shall have the right to make or obtain copies, at the reasonable expense, if any, of the Association member.

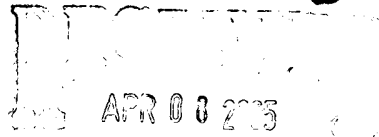
3.20 Executive Committee. The Board of Directors, by resolution, may appoint an executive committee to consist of three or more members of the Board. The executive committee shall have and may exercise all of the powers of the Board in the management of the business and affairs of the Condominium during the intervals between the meetings of the Board insofar as may be permitted by law. The executive committee, however, shall not have power to: (1) determine the common expenses required for the operation of the Condominium; (2) determine the assessments payable by the Unit Owners to meet the common expenses of the Condominium; (3) adopt or amend rules and regulations covering the details of the operation and use of the Common Elements; (4) purchase, lease, or otherwise acquire Units in the Condominium in the name of the Association; (5) approve any actions or proposals required by the Act, the Declaration, the Articles, or these Bylaws to be approved by Unit Owners; or (6) fill vacancies on the Board of Directors. Meetings of the executive committee shall be open to Unit Owners and shall be noticed in the same manner as a regular board meeting.

3.21 Compensation. Directors shall serve without pay but shall be entitled to reimbursement for expenses reasonably incurred in the discharge of their duties.

3.22 Order of Business. The order of business at meetings of Directors shall be:

- a. Calling of roll.
- b. Proof of notice of meeting or waiver of notice.
- c. Reading and disposal of any unapproved minutes.
- d. Reports of Officers and committees.
- e. Unfinished business.
- f. New business.

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g. Adjournment.

3.23 Election of Directors by Unit Owners Other than Developer. Unit owners other than the developer are entitled to elect a member or members of the Board of Directors of the Association, under the following schedule:

a. When Unit Owners other than the Developer own 15% or more of the units in the Condominium that will be operated ultimately by the Association, the Unit Owners other than the Developer shall be entitled to elect one third of the members of the Board of Directors of the Association.

b. Unit Owners other than the Developer are entitled to elect a majority of the members of the Board of Directors of the Association on the earliest of the following events:

1. Three years after 50% of the units that will be operated ultimately by the Association have been conveyed to purchasers.

2. Three months after 90% of the units that will be operated ultimately by the Association have been conveyed to purchasers.

3. When all the units that will be operated ultimately by the Association have been completed, some of them have been completed, some of them have been conveyed to purchasers, and none of the others are being offered for sale by the Developer in the ordinary course of business.

4. When some of the units have been conveyed to purchasers and none of the others are being constructed or offered for sale by the Developer in the ordinary course of business.

5. Seven years after recordation of the Declaration of Condominium, or, in the case of an Association that may ultimately operate more than one Condominium, seven years after recordation of the Declaration for the first Condominium it operates, or, in the case of an Association operating a phase condominium created under F.S. 718.403, seven years after recordation of the Declaration creating the initial phase, whichever occurs first. The Developer is entitled to elect at least one member of the Board of Directors of the Association as long as the Developer holds for sale in the ordinary course of business at least 5% of the units in a Condominium operated by the Association. Following the time the Developer relinquishes control of the Association, the Developer may exercise the right to vote any developer-owned units in the same manner as any other Unit Owner except for purposes of reacquiring control of the Association or selecting the majority members of the Board of Directors.

3.24 Relinquishment of Control. At the time the Unit Owners other than the Developer elect a majority of the members of the Board of Directors of the Association, the Developer shall

relinquish control of the Association and the Unit Owners shall accept control. Simultaneously, but no more than 90 days thereafter, the Developer shall deliver to the Association at the Developer's expense, all property of the Unit Owners and of the Association held or controlled by the Developer, including but not limited to those items specified in the Act. Nothing contained in these Bylaws shall be deemed to prevent the Developer from transferring control of the Association to Unit Owners other than the Developer before the occurrence of the events described in this subsection.

3.25 Failure to Elect Director Quorum. If the Association or the Board of Directors fails to fill vacancies on the Board of Directors sufficient to constitute a quorum, any Unit Owner may apply to the circuit court within whose jurisdiction the Condominium is situated for the appointment of a receiver to manage the affairs of the Association, in the manner prescribed in the Act. If a receiver is appointed, the Association shall be responsible for the salary of the receiver, court costs, and attorneys' fees. The receiver shall have all the powers and duties of a duly-constituted Board of Directors and shall serve until the Association fills vacancies on the Board sufficient to constitute a quorum.

IV. POWERS AND DUTIES OF THE BOARD OF DIRECTORS

All of the powers and duties of the Association existing under the Act, the Declaration, the Articles, and these Bylaws shall be exercised exclusively by the Board of Directors, or its duly authorized agents, contractors, or employees, subject only to the approval by Unit Owners when that approval specifically is required. The powers and duties of the Board shall include, but shall not be limited to, the following:

4.1 Maintenance, Management, and Operation of Condominium Property.

4.2 Contract, Sue, or be Sued. The Association may institute, maintain, settle, or appeal actions or hearings in its name on behalf of all Unit Owners concerning matters of common interest, including but not limited to the common elements and commonly-used facilities.

4.3 Right of Access to Units. The Association has the irrevocable right of access to each Unit during reasonable hours as necessary for the maintenance, repair, or replacement of any common elements or for making emergency repairs necessary to prevent damage to the common elements or to another Unit or Units.

4.4 Make and Collect Assessments.

4.5 Lease, Maintain, Repair, and Replace the Common Elements.

4.6 Lien and Foreclosure for Unpaid Assessments. The Association has a lien on each Condominium parcel for any unpaid assessments with interest and for reasonable attorneys' fees, costs, and expenses incurred in the collection of the assessment or enforcement of the lien. It also has

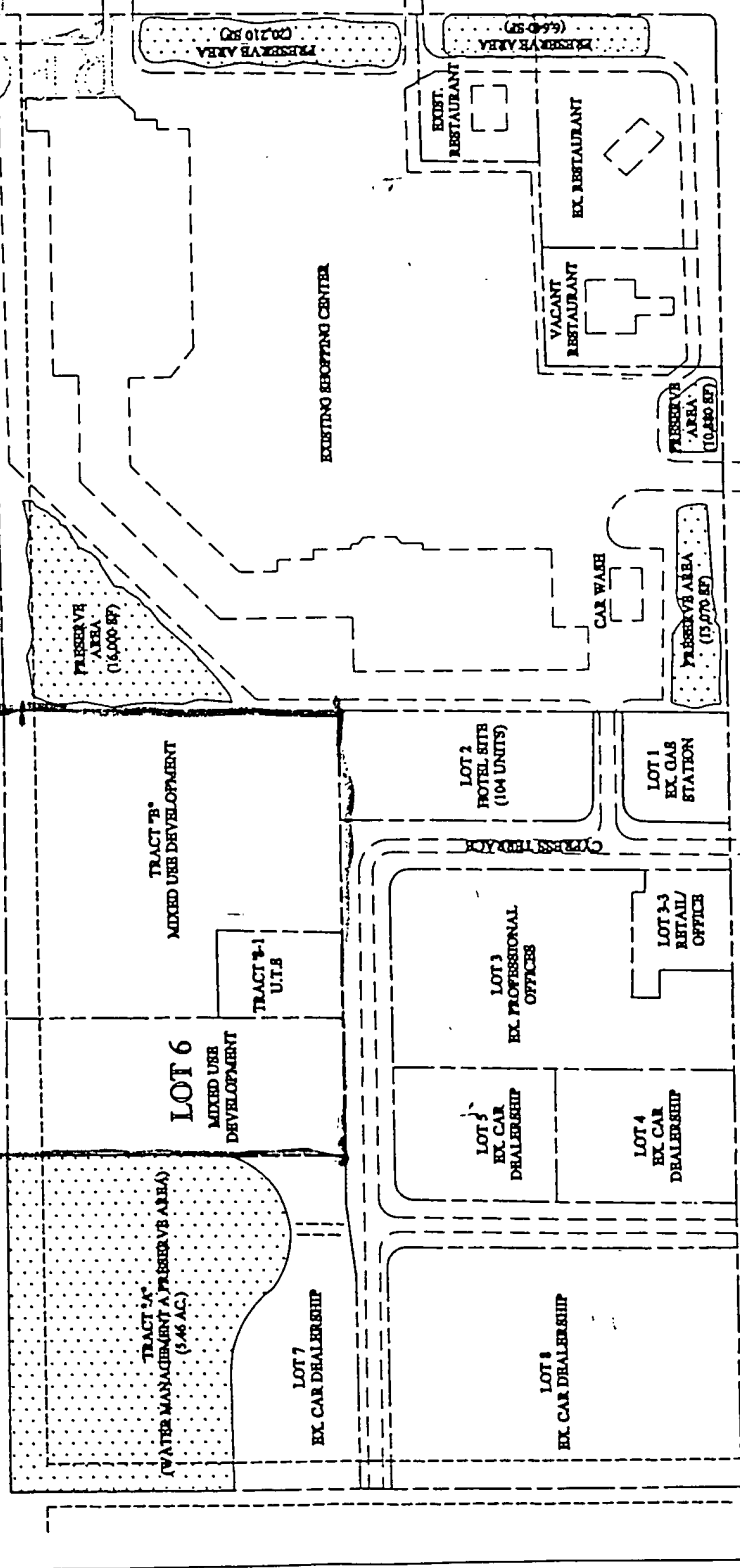
EXHIBIT II-A-2

COMMUNITY DEVELOPMENT

JUN 28 2002

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PHASE II ← PHASE I →



U.S. 41 (TAMiami TRAIL)

CYPRESS LAKE CENTER DRI

REVISED: JUNE 2002

MASTER DEVELOPMENT PLAN
MAP "H"

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DRI2005-00003

PERMIT COUNTER

DRI1999-00019

EXHIBIT IIC

NARRATIVE REGARDING REQUEST

The build-out date is to be extended to June 18, 2009, for the remaining development in all phases.

The uses and square footages/density allowed will decrease as a result of this NOPC submittal. See Exhibit "A" for existing development parameters.

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PERMIT COUNTER

DRI2005-00003

EXHIBIT "A"

AUTHORIZED DEVELOPMENT THRESHOLDS

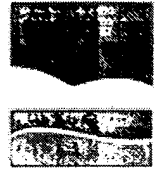
Land Use	Original DRI Approved	1987	1999	2005 NOPC Proposed Change
Commercial (incl: Retail/Office & Business)	646,340 sq ft	N/A	N/A	N/A
Retail/Business		336,340 sq ft	336,340 sq ft	No Change
Office		310,000 sq ft	N/A	N/A
Business Corporate			40,000 sq ft	30,000
Executive Business			165,000 sq ft	102,200
Hotel/Motel	275 rooms	275 rooms	275 rooms	104
Residential Multi-Family			210	168

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DRI2005-00003

Vanasse
Daylor



CYPRESS LAKE CENTER NOPC TRANSPORTATION IMPACT ASSESSMENT

MARCH 30, 2005

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APR 04 2005

PERMIT COUNTER

**US 41 & Cypress Lake Drive
Lee County, Florida**

ORI 2005-00003

Prepared For:
Central Park Development of
Southwest Florida, LLC
720 Goodlette Road, Suite 305
Naples, Florida 34102

Prepared By:
Vanasse & Daylor, LLP

Job # 80817.09

CYPRESS LAKE CENTER

NOPC Transportation Impact Assessment

Purpose

Vanasse & Daylor LLP was commissioned by the applicant to prepare this Cypress Lake Center Land Development Transportation Assessment. This Traffic Assessment was prepared in order to address projected transportation conditions resulting from extending the buildout of the Cypress Lake Center Development of Regional Impact (DRI) by four years. According to Chapter 380.06(19)(c), (e)5.a and (e)5.c., the proposed change is presumed to be a substantial deviation; however, the presumption can be rebutted by clear and convincing evidence.

In order to provide the evidence needed to rebut the presumption, the Lee County Department of Transportation recommended to the applicant that they submit a traffic impact study. This assessment was prepared in accordance with the requirements set forth by the Southwest Florida Regional Planning Council and Lee County, as outlined in the Memorandum of Understanding dated March 24th, 2005 following a meeting between representatives from the Southwest Florida Regional Planning Council (SWFRPC), Lee County Department of Transportation (LeeCo DOT) and Department of Community Development (LeeCo DCD), and the applicant.

Background

On February 28, 1985, the SWFRPC recommended conditional approval of the Cypress Lake Center DRI located in central Lee County on the southeast corner of Cypress Lake Drive and Daniel's Parkway intersection at U.S. 41. The general project location is shown on **Exhibit 1**.

The 1985 Application for Development Approval (ADA) consisted of a total of 336,340 sq ft of commercial uses, 310,000 sq ft of office uses, and a 275-room hotel/motel with conference room and internal restaurant facilities. The Lee County Board of County Commissioners approved the project on May 20, 1985, consistent with Comprehensive Plan, for a total of 300,000 sq ft of commercial shopping and 306,340 sq ft of office park uses. The reduction in development levels

from what was submitted in the ADA to what was approved by the County was based on consistency with the Comprehensive Plan (ZAB-85-45).

The overall Cypress Lake project is nearly built out, with all site accesses to the arterial roadway network constructed and with all traffic associated with the existing development composing part of the background traffic volumes. Additionally, the transportation improvements that were committed for construction and/or funding as part of the Cypress Lake DRI have already been constructed.

Previous Changes

The development order was amended on September 22, 1986 to amend the legal description to add 7.9 acres to the CT parcel (ZAB-85-45(a)).

On June 8, 1987, the development order was amended a second time to reflect the development levels originally proposed in the ADA. Subsequently, the Lee County Comprehensive Plan was amended to allow for a total of 336,340 sq ft of commercial uses, 310,000 sq ft of office uses, and a 275-room hotel/motel with conference room and internal restaurant facilities (Z-87-089).

On November 9, 1987, the development order was amended a third time to allow refund of traffic mitigation funds under certain circumstances (Z-87-220).

On November 29, 1993, the development order was amended a fourth time to extend the DRI termination date until June 19, 2000 (Z-93-060).

The development order was amended a fifth time on March 29, 1999 to adopt a new Master Development Plan, a revised Map H, and revised use thresholds to accommodate the addition of 210 multi-family residential units, decrease business office park to 165,000 sq ft; add a business corporate office area of 40,000 sq ft; maintain 336,340 sq ft of commercial uses; maintain the 275 room hotel, 200 seat restaurant, 100 seat conference center uses; and extend the buildout date to June 19, 2000 (Z-98-034).

On June 19, 2000, the development order was amended a sixth time to adopt a new Map H, to revised the threshold for 210 multi-family residential units to Mixed Use Development and to extend the buildout and termination date to June 19, 2003 (00-020).

The development order was amended a seventh time on March 9, 2002 to amend the MDP Map H to redesignate a 0.67-acre parcel from office to retail commercial uses (02-04).

The development, as amended, describes a mixed use project including, a shopping center (336,340 square feet on 40 acres); business corporate office area (40,000 square feet); an executive business office park (165,000 square feet); hotel complex (275 room hotel, 200 seat restaurant, 100 seat conference center); and 210 multi-family residential units on approximately 68.5 acres.

The previously revised Cypress Lake Center Master Plan is attached as **Exhibit 2**.

Proposed Changes

The applicant (Central Park Development of Southwest Florida LLC) is proposing minor revisions to the Cypress Lake Center Master Plan to reflect changes in the previously approved land uses. To accommodate market conditions, refine the plan, and mitigate any additional regional impacts the following changes are proposed:

- The applicant, Central Park Development of Southwest Florida LLC, Owner, is proposing to:
 - extend the build out date to June 19, 2009; and
 - revise the DRI thresholds.

Below are the permitted and proposed uses along with their respective intensities:

Land Use	Permitted	Proposed	Change
Shopping Center	336,340 sq ft	336,340 sq ft	No Change
Business Corporate Office	40,000 sq ft	30,000 sq ft	-10,000 sq ft
Executive Business Office Park	165,000 sq ft	102,200 sq ft	-62,800 sq ft
Hotel complex (including 200 seat restaurant and 100 seat conference center)	275 rooms	104 rooms	-171 rooms
Multi-family Residential	210 du	168 du	-42 du

Character, Magnitude, Location

The location of the DRI is unaffected by the proposed changes.

The proposed change does not alter the shopping center component of the project.

With the extended build out, considered cumulatively with the previous NOPC, the Cypress Lake Center DRI has been reduced by 177,800 square feet (gfa) of office-related uses, 171 hotel room uses, and 42 residential dwelling units since the 1985 DO was issued. These changes are considered positive and will reduce the magnitude of the DRI and thus the regional impacts.

Regional Resources and Facilities

No additional land is being added to the Cypress Lake Center; however, there is a proposed change to the phasing of development or buildout.

Study Area

The SWFRPC report presented a preliminary study area that was later found to be considerably greater than that needed to determine the significance of the transportation impacts. This preliminary study area was consistent with that contained in the ADA submittal; however, several of the regionally significant roadway segments have been substantially improved since the 1985 Development Order approval, which would allow a reduced study area to be used for this study. The preliminary study area was therefore reduced to reflect the improved facilities now in place. The study area is shown in **Exhibit 3**. The following roadways or facilities bound the preliminary study area:

North: Boy Scout Drive
South: Six Mile Cypress Parkway
East: Six Mile Cypress Parkway
West: McGregor Boulevard

US 41 between Cypress Lake Drive and North Airport Road, and Daniels Parkway between Metro Parkway and I-75, have been designated “constrained facilities” by Lee County, and are recorded as such in The Lee Plan. According to Policy 22.2.2 of The Lee Plan, a maximum

volume-to-capacity (v/c) ratio of 1.85 has been established for constrained roads in unincorporated Lee County. As long as the maximum v/c ratio is not exceeded, building permits may be issued on property impacting these facilities. Operational Improvement Programs have been established for these facilities (See the Appendix).

Committed Improvements

Only those roadways that are programmed for construction within the first three years of the Florida Department of Transportation Adopted Work Program – District I, FY 2004/2005 – 2008/2009 or the Lee County Capital Improvement Plan (CIP) are considered to be committed improvements. The most notable improvements considered to be committed for this study include:

- Summerlin Rd from San Carlos Blvd to Gladiolus Dr (FY 04/05) 6 lanes;
- Summerlin Rd from Cypress Lake Dr to Boy Scout Dr (FY 05/06) 6 lanes;
- Alico Rd from US 41 to Three Oaks Pkwy (UC 02/03) 6 lanes;
- Alico Rd Three Oaks Pkwy to Ben Hill Griffin Blvd (FY 04/05) 6 lanes;
- Metro Pkwy Extension from Six Mile Cypress Pkwy to US 41 (FY 04/05) 6 lanes;
- Treeline Avenue extension from Daniels Pkwy to Alico Rd (UC 04) 4 lanes;
- Three Oaks Pkwy from Corkscrew Rd to Alico Rd (FY 04/05) 4 lanes;
- Three Oaks Pkwy extension from Daniels Pkwy to Alico Road 4 lanes.

Some of these improvements, such as the Summerlin Road widening and the Metro Parkway Extension, will create additional link capacity that may divert some of the background traffic volumes from the constrained segments of US 41.

Trip Generation

The vehicle trips anticipated to be generated by the Cypress Lake DRI were calculated based on information contained in the Institute of Transportation Engineers (ITE) publication Trip Generation 7th Edition. Internal Capture deductions associated with the mixed-use nature of the development and pass-by deductions associated with the retail uses were estimated using data and procedures contained in the ITE Trip Generation Handbook 2nd Edition. Site-generated trip estimates were made for the Permitted Uses, Existing Uses, and the Uses Proposed in the Amendment. The Weekday Daily and PM Peak Hour trip estimates associated with this development are summarized in **Table 1A**.

TABLE 1A**Site-generated Trip Estimates****Permitted Thresholds**

(ITE Trip Generation 7th Edition equations)

(ITE Trip Generation 7th Edition equations)

<u>Land Use</u>		PM PK HR Trip Ends					
		<u>Trip Ends</u>	<u>Rate</u>	<u>Total</u>	<u>Enter</u>	<u>Exit</u>	
Shopping Center (LU 820)	336,340 SF	14,940		1,394	669	725	
Internal Capture Deduction		4% (671)	4%	(61)	(27)	(34)	
Net External Trips		96%	14,269	96%	1,333	642	691
Pass-by Deduction $\ln(T)=-2.09\ln(X)+5.00$	27 %	(4,103)		(365)	(183)	(183)	
Net External Primary Trips		10,166		968	460	508	
Business Corporate (Medical) Office (LU 720)	40,000 SF	1,422		134	36	98	
Executive Office Center (LU 710)	165,000 SF	678		121	21	100	
Internal Capture Deduction (All Office Uses)		19% (389)	13%	(32)	(18)	(14)	
Net External Trips		81%	1,711	87%	223	39	184
Hotel/Motel Complex (Incl Ancillary Uses) (LU 320)	275 Rooms	2,318		108	18	90	
Multi-family Residential (LU 230)	210 DU	792		78	51	27	
Internal Capture Deduction		37% (294)	40%	(31)	(17)	(14)	
Net External Trips		63%	498	60%	47	34	13
Net New Total Trips		14,693		1,346	551	795	

The Applicant proposes to reduce the threshold values of the site to correspond with the available developable land remaining in Cypress Lake Center (Tract B and Lot 6 of Phase II). The proposed reductions would reflect the reduced scale of development on the tract and lot. The resulting trip end estimates are presented in **Table 1B**.

TABLE 1B**Proposed Thresholds**

(ITE Trip Generation 7th Edition equations)

(ITE Trip Generation 7th Edition equations)			WKDY	PM	PK	HR	Trip Ends
Land Use			Trip Ends	Total	Enter	Exit	
Shopping Center (LU 820)	336,340	SF	14,940	1,394	669	725	
Internal Capture Deduction			(518)	(52)	(25)	(27)	
Net External Trips			14,422	1,342	644	698	
Pass-by Deduction $\ln(T)=-2.09\ln(X)+5.00$	27	%	(4,103)	(368)	(184)	(184)	
Net External Primary Trips			10,319	974	460	514	
Business Corporate (Medical) Office (LU 720)	30,000	SF	1,013	103	28	75	
Executive Office Center (LU 710)	102,200	SF	453	98	17	81	
Internal Capture Deduction (All Office Uses)			(281)	(28)	(14)	(14)	
Net External Trips			1,185	173	30	143	
Hotel/Motel Complex (Incl Ancillary Uses) (LU 320)	104	Rooms	902	44	7	37	
Multi-family Residential (LU 230)	168	DU	696	65	43	22	
Internal Capture Deduction			(257)	(26)	(14)	(12)	
Net External Trips			439	39	29	10	
Net New Total Trips			12,845	1,230	527	703	

The site under study is partially built out. In order to avoid double counting, it was necessary to estimate the number of site-generated trips for the current development. These trips were estimated as a proportionate amount of the total DRI Net External Primary Trips (See **Table 1C**).

TABLE 1C

Existing DRI Development as of 2004

(Proportionate share of Net External Primary Site-generated Trip Estimates)

<u>Land Use</u>				WKDY Daily	PM PK HR Trip Ends		
				<u>Trip Ends</u>	<u>Total</u>	<u>Enter</u>	<u>Exit</u>
Shopping Center (LU 820)	314,494 SF	94%		9,506	905	430	475
Business Corporate (Medical) Office (LU 720)	0 SF	0%		-	-	-	-
Executive Office Center (LU 710)	107,375 SF	65%		442	79	14	65
Hotel/Motel Complex (Incl Ancillary Uses) (LU 320)	104 Rooms	38%		878	41	7	34
Multi-family Residential (LU 230)	0 DU	0%		-	-	-	-
Existing Uses Total Trips				10,826	1,025	451	574

Trip Generation Comparison

The daily trip generation associated with the current notification for a time extension was compared to the trip generation associated with the 2000 NOPC and the originally approved DRI (See **Table 2**). As noted above, the previous development order change of June 2000 describes the mix of land use and project trip generation as proposed by this notification. Based on this comparison of the approved trips and revised development parameters, a reduction of 17 percent in net new external trips can be expected as a result of the proposed change in land use mix.

TABLE 2

Trip Generation Comparison

Two-way Daily

<u>Trip Generation</u>	<u>Net New Trips</u>	Threshold Changes from			
		Approved DRI		2000 NOPC	
		<u>Trips</u>	<u>PCT</u>	<u>Trips</u>	<u>PCT</u>
Approved DRI	21,405				
2000 NOPC	15,570	(5,835)	-27%		
Proposed	12,845	(8,560)	-40%	(2,725)	-17%

Trip Distribution and Assignment

The Project trip distribution percentages contained in the NOPC Land Development Transportation Assessment prepared by SWFLRPC dated December 28, 1999, used to assign the site-generated trips to the roadway links. These distribution proportions were derived by using the Florida Standard Urban Transportation Model Structure (FSUTMS) HASSIGN module. These distribution percentages were used for assigning Permitted and Existing DRI trips to the roadway network. These assignments were used in the computations shown in **Tables 3A, 3B, and 3C**.

Future Background Traffic

Due to the short (four-year) timeframe associated with the NOPC, historical growth patterns established in the area were considered the most accurate method of determining future background traffic volumes, although simply using historical growth rates will not account for background traffic volumes that will be diverted to the improved or new facilities. Information contained in the Lee County Traffic Count Report 2004 was used to determine historical growth rates and background traffic volumes on each roadway link with the study area.

These estimates were rounded to the nearest hundred vehicles in accordance with Section 1.12 of the FDOT Traffic Forecasting Handbook. Since the existing site-generated trips were assumed to be part of the background traffic, they were assigned to the roadway network and were subtracted from the historical 2004 traffic volumes to derive 2004 traffic volumes without the DRI.

The reported annual average daily traffic (AADT) was adjusted to Peak Season Peak Hour volumes using 2004 K_{100} factors contained in the Traffic Count Report. The **Appendix** contains copies of the data used in developing the projected background traffic used in these analyses.

Future traffic volumes were estimated by combining the background traffic and project traffic at the anticipated build-out. Transportation network impacts were analyzed to determine the effect of any proposed change upon the external trips generated by the project.

Roadway Segment Analysis

To determine the operational characteristics of the roadway segments, an analysis was performed to measure the project's significant impact. Significant impact is measured as the project traffic volumes representing 5% or more of the existing plus committed (E+C) roadway level of service (LOS) volume. A roadway segment is adversely impacted if it operates below the adopted level of service. Lee County has adopted LOS E as the performance standard on roadways within the county, and has identified segments of US 41 and Daniels Parkway within the study area as constrained facilities, which will allow development to be approved provided the v/c ratio does not exceed 1.85.

Tables 3A, 3B, and 3C show the project's significance on the surrounding network. **Tables 4A and 4B** show the roadway segment levels of service for the permitted and proposed thresholds. Although the US 41 segments from Cypress Lake Drive to Boy Scout Drive are projected to operate at LOS F, the v/c ratios do not exceed the 1.85 limitation adopted by Lee County for constrained facilities. As depicted in Tables 4A and 4B, the project does not significantly and adversely impact any of the segments within the study area.

Conclusions

The previous change in land use and the currently proposed build out extension do not create a likelihood of additional transportation impacts. The revised development parameters have resulted in 17 percent fewer net new external trips than the approved DRI; therefore, the revised development does not, from a traffic standpoint, result in a substantial deviation. Further, as depicted in Tables 4A and 4B, the Cypress Lake Center is not projected to significantly and adversely impact any of the roadway segments within the study area. Subsequently, no additional mitigation is necessary to accommodate the change in land use referenced above; the Notice of Proposed Change (NOPC) does not create a substantial deviation.

Table 3A

Study Area Determination (Total DRI)

WKDY Daily Net New Trips (ITE Estimates) 14,693

PM Peak Hour Net New Trips (ITE Estimates) 1,346

Route	Link	Segment	Trip Pct	DRI Trips		E + C # Lanes	# Signals per mile	LOS STD	2-way Maximum Service Flowrates (SF _{max})					LOS STD	PCT of Impact	Significant? >5%
				Daily	PM PK				LOS A	LOS B	LOS C	LOS D	LOS E			
US 41	N of South Rd	N of South Rd	7%	1,029	94	6	2.7	E	-	-	-	2,400	5,220	5,220	1.80%	N
		N of College Pkwy	20%	2,939	269	6	2.7	E	-	-	-	2,400	5,220	5,220	5.15%	Y
		N of Cypress Lake Dr	21%	3,086	283	6	2.7	E	-	-	-	2,400	5,220	5,220	5.42%	Y
		Project to Cypress Lake	39%	5,730	525	6	2.7	E	-	-	-	2,400	5,220	5,220	10.06%	Y
		Six Mile Cypress to Project	20%	2,939	269	6	1.1	E	-	3,350	5,170	5,480	5,480	5,480	4.91%	N
		N of Jamaica Bay West	14%	2,057	188	6	1.1	E	-	3,350	5,170	5,480	5,480	5,480	3.43%	N
Cypress Lake Dr	W of South Pointe Blvd	W of South Pointe Blvd	8%	1,175	108	4	3.3	E	-	-	1,670	3,210	3,650	3,650	2.96%	N
		W of Summerlin Rd	17%	2,498	229	4	3.3	E	-	-	1,670	3,210	3,650	3,650	6.27%	Y
		Summerlin Rd to Project	35%	5,143	471	4	3.3	E	1,180	4,360	4,990	5,120	5,120	5,120	9.20%	Y
		Project to US 41	4%	588	54	6	3.3	E	-	-	-	3,400	5,190	5,190	1.04%	N
Daniels Pkwy	W of Metro Pkwy	W of Metro Pkwy	22%	3,233	296	6	2.9	E	-	-	-	3,400	5,190	5,190	5.70%	Y
		W of Six Mile Cypress Pkwy	16%	2,351	215	6	1.5	E	-	2,490	5,460	5,860	5,960	5,960	3.61%	N
Summerlin Rd	N of Gladiolus Dr	N of Gladiolus Dr	7%	1,029	94	4	1.1	E	1,180	4,360	4,990	5,120	5,120	5,120	1.84%	N
		N of Cypress Lake Dr	12%	1,763	162	4	1.1	E	1,180	4,360	4,990	5,120	5,120	5,120	3.16%	N

Table 3B

Existing DRI Trips

WKDY Daily Net New Trips (ITE Estimates) 10,826

PM Peak Hour Net New Trips (ITE Estimates) 1,025

Route	Link	Segment	Trip Pct	DRI Trips		E + C # Lanes	# Signals per mile	LOS STD	2-way Maximum Service Flowrates (SF _{max})					LOS STD	PCT of Impact	Significant? >5%
				Daily	PM PK				LOS A	LOS B	LOS C	LOS D	LOS E			
US 41	N of South Rd	N of South Rd	7%	758	72	6	2.7	E	-	-	-	2,400	5,220	5,220	1.38%	N
		N of College Pkwy	20%	2,165	205	6	2.7	E	-	-	-	2,400	5,220	5,220	3.93%	N
		N of Cypress Lake Dr	21%	2,273	215	6	2.7	E	-	-	-	2,400	5,220	5,220	4.12%	N
		Project to Cypress Lake	39%	4,222	400	6	2.7	E	-	-	-	2,400	5,220	5,220	7.66%	Y
		Six Mile Cypress to Project	20%	2,165	205	6	1.1	E	-	3,350	5,170	5,480	5,480	5,480	3.74%	N
		N of Jamaica Bay West	14%	1,516	144	6	1.1	E	-	3,350	5,170	5,480	5,480	5,480	2.63%	N
Cypress Lake Dr	W of South Pointe Blvd	W of South Pointe Blvd	8%	866	82	4	3.3	E	-	-	1,670	3,210	3,650	3,650	2.25%	N
		W of Summerlin Rd	17%	1,840	174	4	3.3	E	-	-	1,670	3,210	3,650	3,650	4.77%	N
		Summerlin Rd to Project	35%	3,789	359	4	3.3	E	1,180	4,360	4,990	5,120	5,120	5,120	7.01%	Y
		Project to US 41	4%	433	41	6	3.3	E	-	-	-	3,400	5,190	5,190	0.79%	N
Daniels Pkwy	W of Metro Pkwy	W of Metro Pkwy	22%	2,382	226	6	2.9	E	-	-	-	3,400	5,190	5,190	4.35%	N
		W of Six Mile Cypress Pkwy	16%	1,732	164	6	1.5	E	-	2,490	5,460	5,860	5,960	5,960	2.75%	N
Summerlin Rd	N of Gladiolus Dr	N of Gladiolus Dr	7%	758	94	4	1.1	E	1,180	4,360	4,990	5,120	5,120	5,120	1.84%	N
		N of Cypress Lake Dr	12%	1,299	162	4	1.1	E	1,180	4,360	4,990	5,120	5,120	5,120	3.16%	N

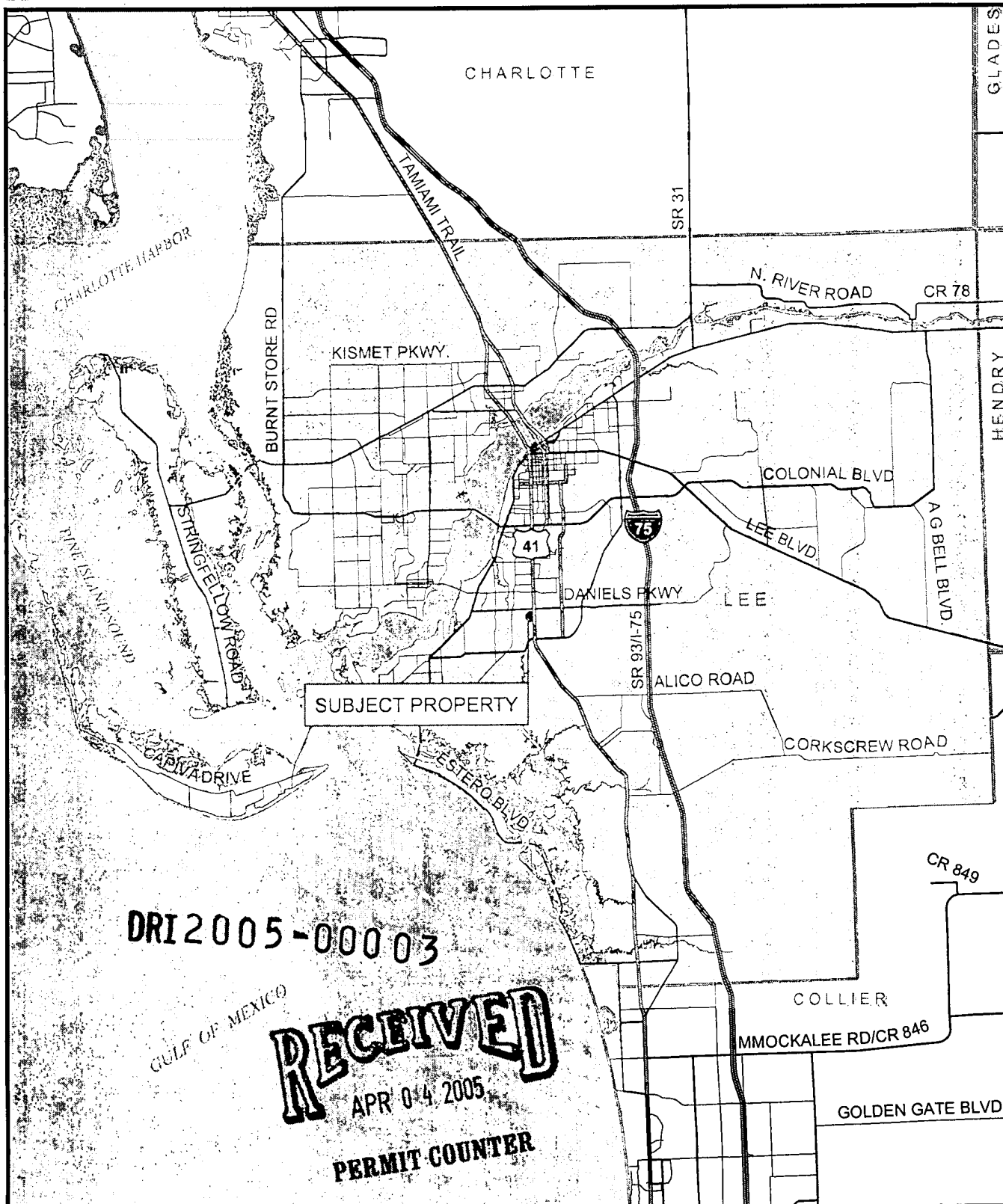
Table 3C

Proposed DRI Assignments

WKDY Daily Net New Trips (ITE Estimates) 12,845

PM Peak Hour Net New Trips (ITE Estimates) 1,230

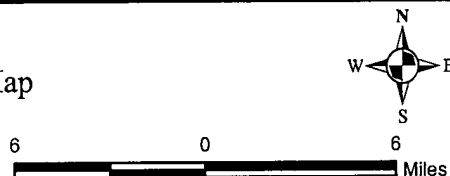
Route	Link	Segment	Trip Pct	DRI Trips		E + C # Lanes	# Signals per mile	LOS STD	2-way Maximum Service Flowrates (SF _{max})					LOS STD	PCT of Impact	Significant? >5%
				Daily	PM PK				LOS A	LOS B	LOS C	LOS D	LOS E			
US 41	N of South Rd	N of South Rd	7%	899	86	6	2.7	E	-	-	-	2,400	5,220	5,220	1.65%	N
		N of College Pkwy	20%	2,569	246	6	2.7	E	-	-	-	2,400	5,220	5,220	4.71%	N
		N of Cypress Lake Dr	21%	2,698	258	6	2.7	E	-	-	-	2,400	5,220	5,220	4.94%	N
		Project to Cypress Lake	39%	5,010	480	6	2.7	E	-	-	-	2,400	5,220	5,220	9.20%	Y
		Six Mile Cypress to Project	20%	2,569	246	6	1.1	E	-	3,350	5,170	5,480	5,480	5,480	4.49%	N
		N of Jamaica Bay West	14%	1,798	172	6	1.1	E	-	3,350	5,170	5,480	5,480	5,480	3.14%	N
Cypress Lake Dr	W of South Pointe Blvd	W of South Pointe Blvd	8%	1,028	98	4	3.3	E	-	-	1,670	3,210	3,650	3,650	2.68%	N
		W of Summerlin Rd	17%	2,184	209	4	3.3	E	-	-	1,670	3,210	3,650	3,650	5.73%	Y
		Summerlin Rd to Project	35%	4,496	431	4	3.3	E	1,180	4,360	4,990	5,120	5,120	5,120	8.42%	Y
		Project to US 41	4%	514	49	6	3.3	E	-	-	-	3,400	5,190	5,190	0.94%	N
Daniels Pkwy	W of Metro Pkwy	W of Metro Pkwy	22%	2,826	271	6	2.9	E	-	-	-	3,400	5,190	5,190	5.22%	Y
		W of Six Mile Cypress Pkwy	16%	2,055	197	6	1.5	E	-	2,490	5,460	5,860	5,960	5,960	3.31%	N
Summerlin Rd	N of Gladiolus Dr	N of Gladiolus Dr	7%	899	86	4	1.1	E	1,180	4,360	4,990	5,120	5,120	5,120	1.68%	N
		N of Cypress Lake Dr	12%	1,541	148	4	1.1	E	1,180	4,360	4,990	5,120	5,120	5,120	2.89%	N



Central Park General Location Map

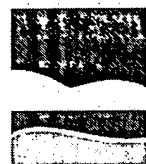
Date: 03-31-05

Basik Development
720 Goodlette Rd



Suite 305
Naples, FL 34102

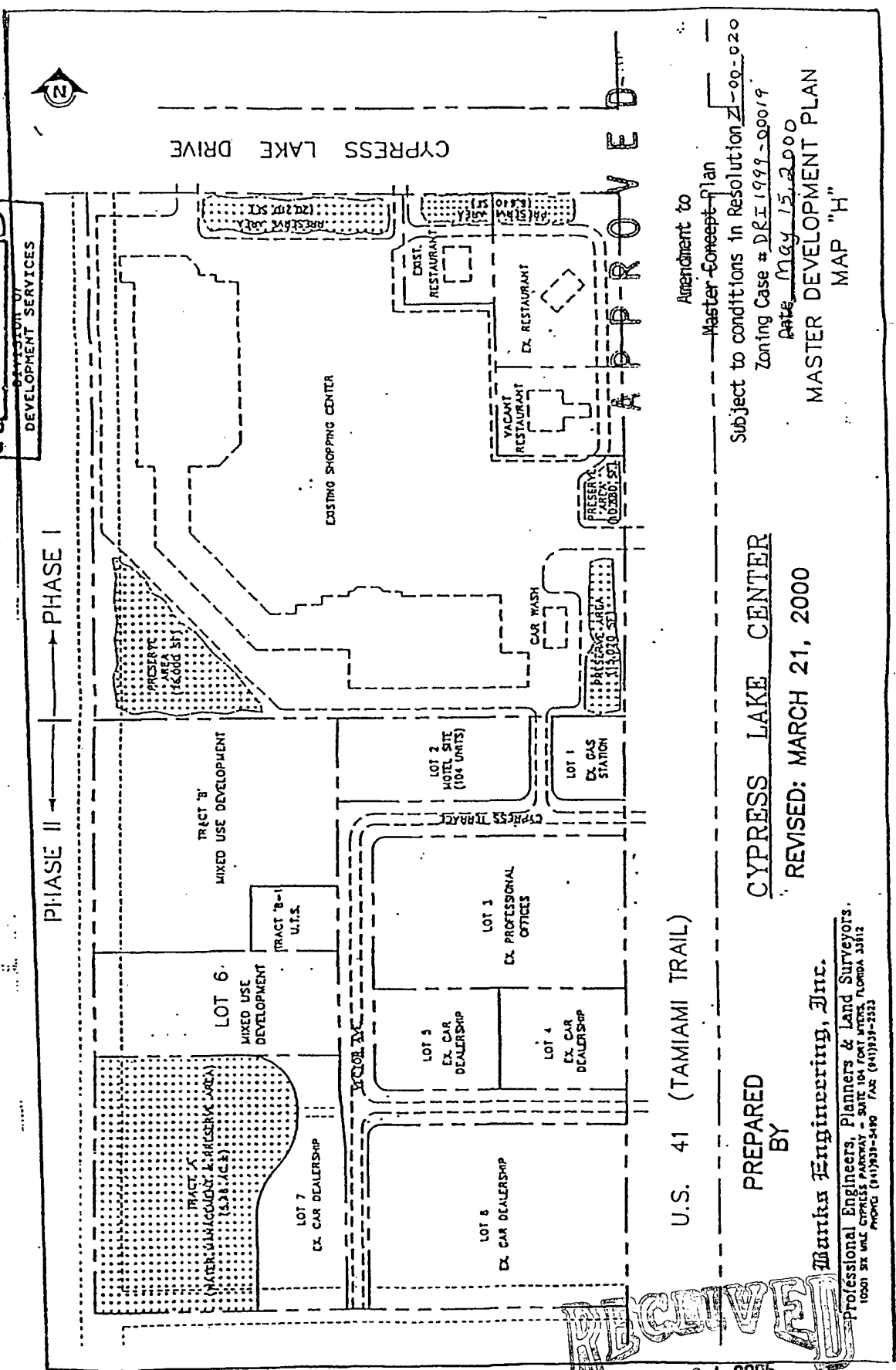
Vanasse Daylor



Urban Planning
Landscape Architecture
Civil Engineering
Traffic Engineering
Environmental Science
FL 336

Sources: FGD and Lee County Property Appraiser
It is the end user's responsibility to verify the data contained herein.

RECEIVED
MAR 22 2000
DEPARTMENT OF
DEVELOPMENT SERVICES



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APR 04 2005

DRI2005-00003 EXHIBIT 2 PERMIT COUNTER

U.S. 41 (TAMiami TRAIL)

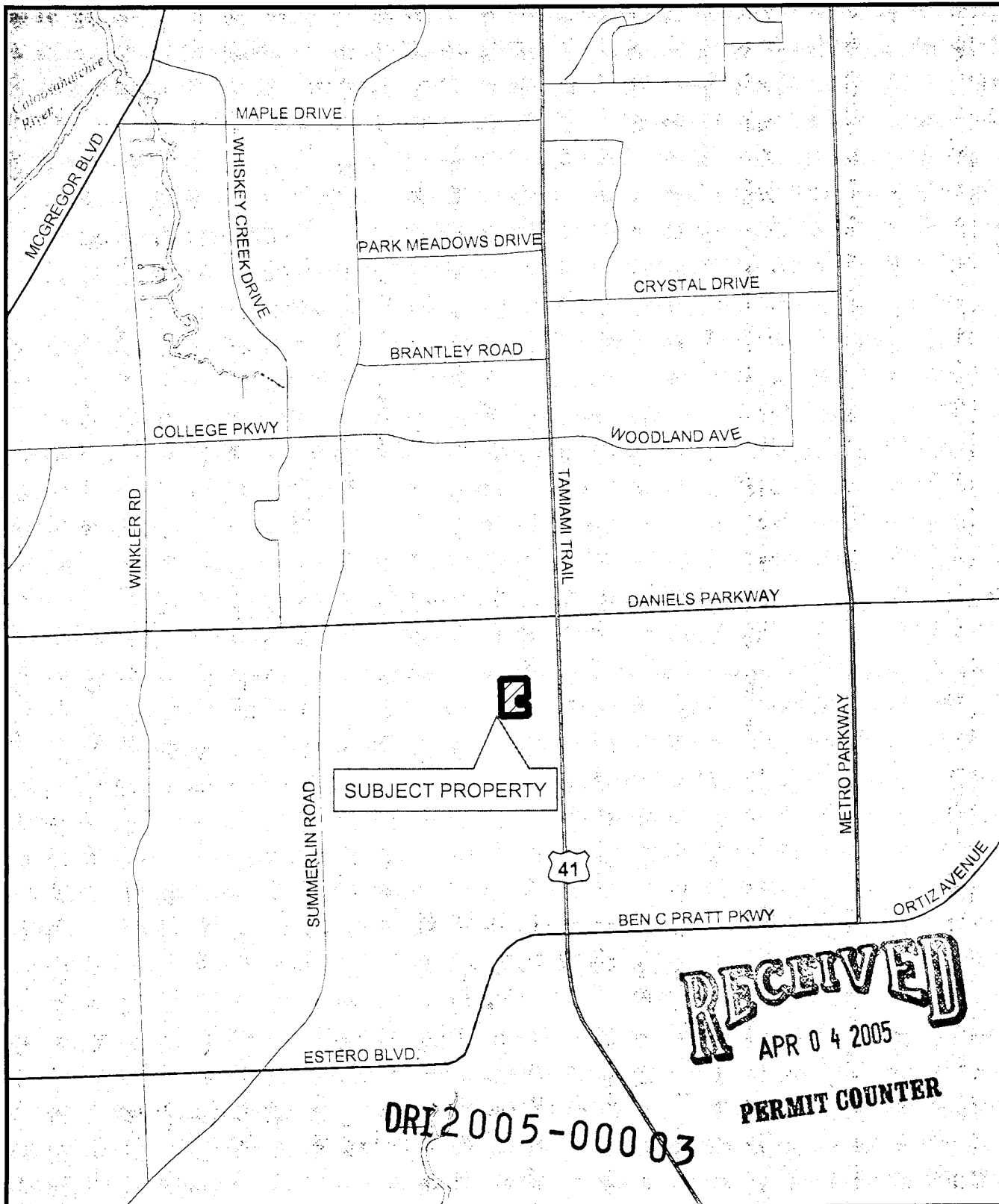
PREPARED BY

Barks Engineering, Inc.
Professional Engineers, Planners & Land Surveyors.
10001 SW 1st AVE, SUITE 101, FORT MYERS, FLORIDA 33912
PHONE (813) 938-5490 FAX (813) 938-2333

CYPRESS LAKE CENTER

REVISED: MARCH 21, 2000

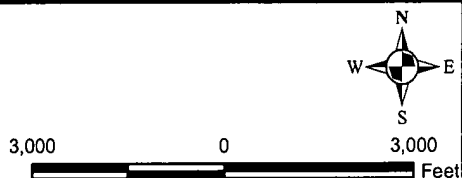
Amendment to
Master Concept Plan
Subject to conditions in Resolution Z-90-020
Zoning Case # DRI 1999-00019
Date May 15, 2000
MASTER DEVELOPMENT PLAN
MAP "H"



Central Park Study Area

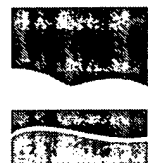
Date: 03-31-05

Basik Development
720 Goodlette Rd



Suite 305
Naples, FL 34102

Vanasse Daylor



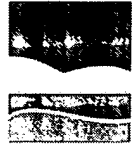
Urban Planning
Landscape Architecture
Civil Engineering
Traffic Engineering
Environmental Science
FL 336

Sources: FGDL and Lee County Property Appraiser

It is the end user's responsibility to verify the data contained hereon.

APPENDIX

- *Study Methodology Memorandum of Understanding & Follow-up Correspondence*
- *The Lee Plan Excerpts*
- *Lee County Generalized and Link-specific Service Volume Tables*
- *Lee County Traffic Count Data*
- *Internal Capture Deduction Computations*



Project no. 80817.01

MEMORANDUM

To: PARTICIPANTS
From: E. Randy Spradling, P.E.
Date: March 24, 2005
Re: Central Park MPD/Cypress Lake Center
NOPC Traffic Methodology Memorandum of Understanding

A meeting was held today at Lee County DCD to discuss the proposed traffic study methodology for the subject project, with the following attendees:

Keith Basik
 Robert G. Rentz, P.E., Lee County Department of Community Development
 Andy Getch, P.E., Lee County Department of Transportation
 Ken Heatherington, Southwest Florida Regional Planning Council
 Randy Spradling, P.E., Vanasse & Daylor LLP

Project information:

Project is located on approximately 68.5 acres on the southwest quadrant of the US 41 (SR 45) & Cypress Lake Drive intersection in unincorporated Lee County south of Fort Myers. The purpose of the proposed sixth amendment is to adopt a new Map H to reflect the change in Tract B and Lot 6 of Phase II, to reduce the office square footage and number of hotel rooms, and to eliminate the ALF uses, and to extend the buildout and termination dates to June 19, 2009.

Below are the permitted and proposed uses along with their respective intensities:

Land Use	Permitted	Proposed	Change
Shopping Center	336,340 sq ft	336,340 sq ft	No Change
Business Corporate Office	40,000 sq ft	30,000 sq ft	-10,000 sq ft
Executive Business Office Park	165,000 sq ft	102,200 sq ft	-62,800 sq ft
Hotel complex (including 200 seat restaurant and 100 seat conference center)	275 rooms	104 rooms	-171 rooms
Multi-family Residential	210 du	168 du	-42 du

The overall Cypress Lake project is nearly built out, with all site accesses to the arterial roadway network constructed and with all traffic associated with the existing development composing part of the background traffic volumes. Additionally, the transportation improvements that were committed for construction and/or funding as part of the Cypress Lake DRI have already been constructed.

TIS Methodology:

Background traffic volume projections will be made using the 2004 Lee County traffic count data as a basis and using a 2009 Planning Horizon.

Trip Generation estimates will be based on the following assumptions:

Develop a comparative trip generation analysis using the assumptions outlined in the original ADA Submittal, estimating the site-generated trips for the permitted, existing, and proposed land use programs using the current ITE *Trip Generation*, 7th Edition under the following land use codes:

Retail commercial uses will be aggregated into Shopping Center (ITE LUC 820)
Business Corporate Office trips using Medical-Dental Office Building (LUC 720)
Executive Business Office Park trips using General Office Building (LUC 710)
Hotel Complex trips using the Motel (LUC 320)
Multi-family Residential trips using Residential Condominium/Townhouse (LUC 230)

These land use program assumptions are consistent with those used in the 1985 ADA submittal Question 31 response authored by Barr, Dunlop & Associates, Inc., and the fourth codified amendment that added the multi-family residential component to the DRI.

Use the data and methodologies contained in the ITE *Trip Generation Handbook*, 2nd Edition, to estimate Internal Capture and Pass-by deductions.

Since the existing development in Cypress Lake Center is already part of the Background traffic, a proportionate share of the permitted trips representing the existing development will be computed and will be subtracted from the permitted use and proposed use trips. These remaining trips will be used in the Link LOS analyses once they are distributed on the roadway network.

Site-generated Trip Distribution and Assignment will be consistent with the distributions and assignments contained in the SWFRPC NOPC Land Development Transportation Assessment dated December 28, 1999.

Link LOS and Significance analyses will be conducted to determine significance (5 percent of the Performance Standard Maximum Service Flowrate for each specific link) and to verify whether adverse regional impacts are projected to occur because of the proposed change. No intersection analyses will be provided. Lee County has established LOS E as the performance standard. The Lee County Link-specific service flowrates will be used in this analysis, except for those links that have been improved since 2002: those links will use the Generalized LOS tables.

A *Report* will be prepared documenting the assumptions, findings, conclusions, and recommendations.

If your recollection differs from this, please contact me by 1200 Noon, Monday, March 28, 2005.

End of Memorandum

Randy Spradling

From: Randy Spradling
Sent: Monday, March 28, 2005 2:34 PM
To: 'Andrew Getch'
Cc: kbasik@aol.com; john.czerepak@dot.state.fl.us; Robert Rentz; kheatherington@swfrpc.org; Ron Nino
Subject: RE: Central Park/Cypress Lake Center DRI

Andy -

THX for getting these reports to me. While it may be simpler to use monitoring report data for subtracting the existing site trips from the background volumes, I'm uncertain whether the land use mix in 1999 is the same as it was in 2004? Absent a monitoring report that is more recent than 1999, I would be hesitant about following this procedure. Further, in order to be consistent, the TMR material should be used to develop an overall site trip generation rate, although that would require more effort than using the procedure that SWFRPC appears to have used in developing the 1999 report.

The SWFRPC report left a few steps out of the narrative that would have explained how they reached their conclusions. I have been "reverse engineering" the spreadsheets and have concluded that both the existing and proposed trip end rates were developed using ITE Trip generation rates. Tables 3 and 3A allude to it.

On closer examination of the SWFRPC report, it appears that the "existing DRI trips" that were subtracted from the background traffic were also estimated using ITE Trip Generation rates (See Table 3A). These trips were then subtracted from the 1998 AADT volumes in Table 4, after which the 2002 projected peak hour volumes were estimated. The total DRI trip assignments were added back into the projections for use in determining significance and adversity.

We have the general land use data for the in place development; it isn't that much effort to determine a proportionate share of the trips based on the site-generated trip estimates for the buildout program. This will allow some procedural consistency in development of the estimated trips.

E. Randy Spradling, P.E.
Director of Transportation
VanasseDaylor
12730 New Brittany Blvd., Ste. 600
Fort Myers, Florida 33907
PH: 239-437-4601
FX: 239-437-4636
www.vanday.com

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

From: Andrew Getch [mailto:GETCHAJ@leegov.com]
Sent: Monday, March 28, 2005 2:19 PM
To: Randy Spradling
Cc: kbasik@aol.com; john.czerepak@dot.state.fl.us; Robert Rentz; kheatherington@swfrpc.org; Ron Nino
Subject: RE: Central Park/Cypress Lake Center DRI

Unless I missed it, we don't appear to have a copy of the 1999 report in our scanned files. Attached are the 1996 and 1997 reports which are the most recent in our file. The 1996 report would appear to have the highest P.M. peak hour trip generation at 1,270 total driveway trips. The 1997 report shows 952 P.M. peak hour. If I remember correctly, 1996 was the last report when Wal-Mart was still in Cypress Lake Center.

Andy Getch, P.E.
Senior Engineer

Lee County Department of Transportation
getchaj@leegov.com
PHONE (239) 479-8510
FAX (239) 479-8520

>>> "Randy Spradling" <RSpradling@VANDAY.com> 03/28/05 11:36AM >>>
Thank you for your clarification; Do you have a traffic monitoring
report that is later than the 1999 report provided by FTE?

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

From: Andrew Getch [mailto:GETCHAJ@leegov.com]
Sent: Monday, March 28, 2005 11:34 AM
To: Randy Spradling
Cc: kbasik@aol.com; john.czerepak@dot.state.fl.us; Robert Rentz;
kheatherington@swfrpc.org; Ron Nino
Subject: Re: Central Park/Cypress Lake Center DRI

Randy,
Here are my comments on the revised methodology. You had called me
after the meeting about how to estimate the amount of existing site
traffic to "remove" from the background traffic, To keep it simple, I
would recommend using the last available monitoring report to estimate
the existing site trip generation to "remove" from total AADT in the
2004 traffic count report. As a clarification, a recalculation of the
trip generation for the permitted uses is probably not necessary. Only
a
calculation of the trip generation for the proposed uses.
I would add that the significance and adversity tests are based on
F.A.C. 9J-2.045. The purpose is to determine if the NOPC has
additional
regional impacts. A demonstration that the NOPC has equal or fewer
significant and adverse roadway segments than the ADA will allow staff
to determine that the NOPC is unlikely to have additional
transportation
regional impacts.
The proposed development parameters are the choice of the developer.

Andy Getch, P.E.
Senior Engineer
Lee County Department of Transportation
getchaj@leegov.com
PHONE (239) 479-8510
FAX (239) 479-8520

>>> "Randy Spradling" <RSpradling@VANDAY.com> 03/28/05 08:53AM >>>
Attached is the revised Traffic MOU for the subject project. PLS let
me know by Noon Tuesday, March 29th, 2005 if your recollections differ
from what is outlined in the MOU.

E. Randy Spradling, P.E.
Director of Transportation
VanasseDaylor
12730 New Brittany Blvd., Ste. 600
Fort Myers, Florida 33907
PH: 239-437-4601
FX: 239-437-4636
www.vanday.com
<<80817MOU1rev.doc>>

POLICY 22.1.4: Lee County will continue to use the 2000 Highway Capacity Manual and the 1998 Florida Department of Transportation Level of Service Manual to calculate levels of service, service volumes, and volume-to-capacity ratios. (Amended by Ordinance No. 98-09, Relocated by Ordinance No. 99-15)

OBJECTIVE 22.2: CONSTRAINED ROADS. Due to scenic, historic, environmental, aesthetic, and right-of-way characteristics and considerations, Lee County has determined that certain roadway segments will be deemed “constrained” and therefore will not be widened. Reduced peak hour levels of service will be accepted on those constrained roads as a trade-off for the preservation of the scenic, historic, environmental, and aesthetic character of the community. (Amended by Ordinance No. 99-15, 00-08)

POLICY 22.2.1: Constrained roads are identified in Table 2(a). (Added by Ordinance No. 99-15, Amended by Ordinance No. 00-08)

POLICY 22.2.2: A maximum volume-to-capacity (v/c) ratio of 1.85 is established for the constrained roads identified in Table 2(a) that lie in the unincorporated area. No permits will be issued by Lee County that cause the maximum volume-to-capacity ratio to be exceeded or that affect the maximum volume-to-capacity ratio once exceeded. Permits will only be issued when capacity enhancements and operational improvements are identified and committed for implementation that will maintain the volume-to-capacity ratio on the constrained segment at or below 1.85. (Amended and Relocated by Ordinance No. 99-15, Amended by Ordinance No. 00-08)

POLICY 22.2.3: For each constrained road identified in Table 2(a), an Operational Improvement Program is hereby established. This program identifies operational and capacity-enhancing improvements that can be implemented within the context of that constrained system. The Operational Improvement Program for constrained roads is identified in Table 2(b). (Amended and Relocated by Ordinance No. 99-15, Amended by Ordinance No. 00-08)

OBJECTIVE 22.3: TRANSPORTATION CONCURRENCY MANAGEMENT SYSTEM. Lee County will utilize a transportation concurrency management system consistent with the requirements of Chapter 163.3180, F.S., and Rule 9J-5.0055, F.A.C. (Added by Ordinance No. 99-15, Amended by Ordinance No. 00-08)

POLICY 22.3.1: Lee County will measure concurrency on all roads on a roadway segment-by-segment basis, except for constrained roads and where alternatives are established pursuant to Chapter 163.3180, F.S., and Rule 9J-5.0055, F.A.C. (Amended by Ordinance No. 98-09, Amended and Relocated by Ordinance No. 99-15, Amended by Ordinance No. 00-08)

POLICY 22.3.2: Lee County will continue to annually identify roadway conditions and available capacity as part of its concurrency management report. The report will identify both existing traffic conditions and forecast traffic conditions. The available capacity for existing conditions will include the added capacity of roadway improvements programmed in the first three years of an adopted County Capital Improvement Program or State Five-Year Work Program. (Added by Ordinance No. 00-08)

POLICY 22.3.3: All proposed development activity (local development order requests), except that which affects constrained roads and roads subject to concurrency alternatives, will be reviewed against the available capacity identified in the annual concurrency report based on

TABLE 2(a)
CONSTRAINED ROADS
STATE AND COUNTY ROADS

ROADWAY	SEGMENT	MAINTENANCE RESPONSIBILITY	CONSTRAINED CONDITIONS
Captiva Road	Blind Pass/South Seas Plantation	County	ROW, Scenic, Aesthetic, Environmental
Daniels Parkway	Metro Parkway/I-75	County	ROW
Estero Boulevard	Center Street/Big Carlos Pass	County	ROW, Scenic, Aesthetic
Hickory Boulevard	Big Carlos Pass/Bonita Beach Road	County	Scenic, Aesthetic, Environmental
McGregor Boulevard (SR 867)	Colonial Boulevard/ College Parkway	State	ROW, Scenic, Aesthetic, Historic, Environmental
Pine Island Road (Matlacha)	Shoreview Drive/Little Pine Island	County	ROW, Scenic, Aesthetic, Environmental
San Carlos Boulevard (SR 865) (Matanzas Pass Bridge)	Center Street/Main Street	State	ROW, Scenic, Aesthetic, Environmental
US 41	South of Daniels Road/North Airport Road	State	ROW
Old 41	Bonita Beach Road/ Terry Street	County	ROW, Scenic, Aesthetic, Historic
Gulf Boulevard	Boca Grande	County	Scenic, Aesthetic, Historic, Environmental

TABLE 2(b)
RECOMMENDED OPERATIONAL IMPROVEMENTS ON CONSTRAINED ROADS

ROADWAY	SEGMENT (or INTERSECTION)	AUXILIARY LANES	GEOMETRICS	SIGNAL TIMING PROGRESSION	MISC.
Captiva Road	Blind Pass/South Seas Plantation	(1)	(1)	(1)	
Daniels Parkway	Metro Parkway/I-75	Provide frontage road connections	Potential removal of direct left turns @ Brookshire/International ⁽²⁾ ; Close median openings at minor side street approaches ⁽²⁾ ; Potentially eliminate EB left turn and NB/SB left turns at Danport Blvd. signal ⁽²⁾ .	Continue monitoring/updating of signal system.	Access management.
Estero Boulevard	Center Street/Big Carlos Pass	(1)	(1)	(1)	
Hickory Boulevard	Big Carlos Pass/Bonita Beach Rd	Left turn lane at new park entrance on Lovers Key.	(1)	(1)	
McGregor Boulevard (SR 867)	Colonial Boulevard/Winkler Road	Provide a NB right-turn lane from Davis Dr. to Colonial Blvd. ⁽²⁾	(1)	(1)	
Pine Island Road (Matlacha)	Shoreview Drive/Little Pine Island	Construct left turn lanes at inter-sections with local roads, where feasible.	(1)	(1)	
San Carlos Boulevard (SR 865) (Matanzas Pass Bridge)	Center Street/Main Street	(1)	(1)	Consider alternating signal for southbound approach lanes and signal/ lane controls to create a preferential transit lane.	Encourage transit ridership.
US 41	S. of Daniels Parkway/North Airport Road	(1)	(1)	Continue monitoring/updating of signal system.	Maintain access control. Pursue installation of bike paths through MPO process.
Gulf Boulevard	Boca Grande	(1)	(1)	(1)	

Footnotes:

⁽¹⁾ No specific operational improvement identified at this time, but operational improvements may still be possible and warranted in relation to development approval requests.

⁽²⁾ Indicates that the recommended improvement should increase the estimated service volume of the facility.

Lee County
Generalized Peak Hour Two-Way Service Volumes
Urbanized Areas

d:\los02\input1

Uninterrupted Flow Highway
Level of Service

Lane	Divided	A	B	C	D	E
2	Undivided	170	590	1200	1700	2,280
4	Divided	1,740	2,820	4,080	5,280	6,000
6	Divided	2,610	4,230	6,120	7,920	9,000

Arterials

Class I (>0.00 to 1.99 signalized intersections per mile)

Level of Service

Lane	Divided	A	B	C	D	E
2	Undivided	*	500	1,330	1,570	1,620
4	Divided	790	2,860	3,330	3,410	**
6	Divided	1,180	4,360	4,990	5,120	**
8	Divided	1,550	5,640	6,340	6,480	**

Class II (>2.00 to 4.50 signalized intersections per mile)

Level of Service

Lane	Divided	A	B	C	D	E
2	Undivided	*	370	1,160	1,480	1,570
4	Divided	*	850	2,570	3,150	3,310
6	Divided	*	1,330	3,930	4,740	4,970
8	Divided	*	1,750	5,210	6,130	6,430

Class III (more than 4.50 signalized intersections per mile)

Level of Service

Lane	Divided	A	B	C	D	E
2	Undivided	*	*	640	1,270	1,490
4	Divided	*	*	1,520	2,870	3,140
6	Divided	*	*	2,360	4,400	4,720
8	Divided	*	*	3,100	5,740	6,100

Controlled Access Facilities

Level of Service

Lane	Divided	A	B	C	D	E
2	Undivided	220	1,300	1,640	1,690	**
4	Divided	480	2,840	3,460	3,560	**
6	Divided	720	4,370	5,190	5,340	**

Collectors

Level of Service

Lane	Divided	A	B	C	D	E
2	Undivided	*	*	930	1,400	1,500
2	Divided	*	*	980	1,470	1,580
4	Undivided	*	*	2,070	2,850	3,010
4	Divided	*	*	2,170	3,000	3,160

Note: the service volumes for I-75 (freeway) should be from FDOT's most current version of LOS Handbook.

PERIODIC COUNT STATION DATA

STREET	LOCATION	Station #	Map	Daily Traffic Volume (AADT)												PERM ANENT STATION
				1995	1996	1997	1998	1999	2000	2001	2002	2003	2004	2005		
CYPRESS LAKE DR	W OF SOUTH POINTE BLVD	256	G	13000	11600	14300	13900	13800	12800	14600	16800	17200	19000	30		
	E OF SOUTH POINTE BLVD	257	G	18700	17800	18700	19900	20400	19000	18500	22900	22100	23800	30		
	W OF SUMMERLIN RD	259	G	24400	25300	25600	26400	25400	23400	25500	28400	25700	30900	30		
	W OF US 41	258	G	30500	30900	29500	31100	29100	28000	33400	31400	31900	32200	30		
DANIELS PKWY	W OF METRO PKWY	30	G	31600	32800	34500	32800	33800	34400	35500	38100	36700	39900			
	W OF PLANTATION RD	263	G									49700	New	30		
	E OF SIX MILE PKWY	31	G	33100	35100	39100	42800	43900	43700	45500	48400	54100	60700			
	W OF I-75	264	E	29400	28700	32700	37100	38400	39300	43300	46400	46800	53700	31		
	E OF I-75	52	E							42300	44700	53500				
	E OF TREELINE DR	32	E	18500	22000	24500	26500	28100	28900	35200	36400	39500	Removed			
	E OF CHAMBERLIN PKWY	48	E		8100	9700	11400	12400	13100	18000	21200	23900	25600			
	S OF IMMOKOLEE RD	524	F							9200	12800	14100	16800	48		
DANLEY RD	W OF METRO PKWY	518	B					5800	4900	5500	6000	9900	7000	45		
DAVIS RD	N OF MCGREGOR BLVD	265	G	2300	2400	2000	1800	2100	2200	2200	2100	2200	1900	36		
DEL PRADO BLVD	S OF SE 46TH LN	266	C	25800	26800	25100	21200	23900	26800	26700	27800	28400	30700	2		
	S OF CORONADO PKWY	268	C	27500	29600	28600	25200	27800	26200	27800	29300	29500	33100	2		
	S OF CORNWALLIS PKWY	2	C	39400	39600	40400	37000	38000	37800	40300	41600	42000	43700			
	S OF EVEREST PKWY	515	C				44400	41000	48200	45500	47700	51100	53900	40		
	N OF VETERANS PKWY	516	C				42800	49100	51300	51700	53800	53900	57700	40		
	S OF CORAL POINT DR		C	44500	44100	41900	46000	48300	50700	48700						
	AT FOUR MILE COVERD	40	C						44800	46100	49800	53700	56800	40		
	S OF HANCOCK PKWY	270	C	33500	31200	31500	30200	34000	32700	33500	35100	37400	40500	40		
	S OF PINE ISLAND RD	267	C	16700	17200	17400	19300	20100	21800	20400	20600	22300	25000	2		
	N OF PINE ISLAND RD	24	C	6900	8400	9300	10100	11000	12000	12800	13900	14200	16500	24		
	E OF US 41	443	I						2200	3500	4400	5500	4900	24		
	S OF PINE ISLAND RD	267	C	16700	17200	17400	19300	20100	21800	20400	20600	22300	25000	2		
	N OF PINE ISLAND RD	24	C	6900	8400	9300	10100	11000	12000	12800	13900	14200	16500	24		
E 21 ST	E OF JOEL BLVD	475	D			300	300	300	500	400	400	400	44			
EDGEWOOD AVE	W OF SHOEMAKER BLVD	632	A									1600	1600	5		

U/C - Area under construction
NEW - New count this year

[illegible]

U/C - Area under construction
NEW - New count this year

PERIODIC COUNT STATION DATA

STREET	LOCATION	Station #	Map	Daily Traffic Volume (AADT)												PERM. STATION
				1995	1996	1997	1998	1999	2000	2001	2002	2003	2004			
SUNRISE BLVD	E OF BELL BLVD	480	F			200	200	300	200	200	300	300			6	
SUNSHINE BLVD	N OF IMMOKALEE RD	413	F			700	1000	1300	1100	1200	1300	1000	1800	2800	22	
	N OF LEE BLVD (CR 884)	412	F			1300	1600	2300	3000	2800	3100	3400	5000	4600	22	
	N OF W 12TH ST	479	F			700	2400	2500	2300	N/A	2900	3400	4000		22	
TAMIAMI TRAIL - SEE US 41 OR BUSINESS US 41																
THREE OAKS PKWY	S OF CORKSCREW RD	525	H										8400	10700	12500	15
	N OF CORKSCREW RD	415	H			3100	3000	4000	4500	5600	5900	7200	8500	11100	12700	15
	S OF ALICO RD	414	H			4500	4200	5000	5100	5700	5600	5700	6400	6300	7800	10
TICE ST	W OF ORTIZ AV	417	A			3300	3400	3400	3000	4000	3700	4100	4000	3300	3700	5
	W OF 175	416	E			2600	2500	2400	2200	2300	2400	2500	2100	2600	2400	5
TREELINE AVE	S OF DANIELS PKWY	502	E					900	900	2200	2600	2900	2700	2200	U/C	32
12 ST W	E OF GUNNERY RD	472	F					1800	3000	2100		1800	2500	2700	3000	22
23RD ST SW	E OF GUNNERY RD	469	F					4300	5100	2900	3400	4600	4900	5100	7800	22
US 41 (SR 45)	N OF COLLIER CO LINE	23	H			24900	24200	28000	27400	28800	30700	31300	34000	35300	U/C	
	N OF BONITA BEACH RD	437	H			30900	31700	33400	34500	36400	35700	39900	43900	42100	U/C	23
	N OF WEST TERRY ST	433	H			25100	27500	29000	29200	30200	32500	35500	38200	38000	U/C	25
	N OF OLD 41	436	H			28800	30600	30700	30100	32900	31600	30800	43100	N/A	U/C	25
	S OF HICKORY DR	25	H			27700	29400	29400	27100	29000	31500	35100	N/A	37700	40800	
	N OF SANIBEL BLVD	424	H			28400	28900	28800	25700	27700	30400	34400	34700	40100	42500	25
	N OF ALICO RD	420	G			41300	40300	41200	39400	41300	41100	48500	47800	52500	58700	25
	N OF ISLAND PARK RD	434	G			45600	44200	42800	42500	41700	48800	48600	54700	55900		25
	N OF JAMAICA BAY WEST	435	G			53100	51100	52700	49000	48400	58900	52700	63700	66800		25
	N OF SIX MILE CYPRESS PKWY	418	G			40600	43200	39900			35700	38300	41100	43500	47100	29

U/C - Area under construction
NEW - New count this year

PERIODIC COUNT STATION DATA

		Daily Traffic Volume (AADT)												PERMANENT STATION
		1995	1996	1997	1998	1999	2000	2001	2002	2003	2004	2005	2006	2007
US 41 (SR 45)	LOCATIONS	Station #	Map	1995	1996	1997	1998	1999	2000	2001	2002	2003	2004	2005
	N OF CYPRESS LAKE DR	426	G	46200	45600	47200	43600	43600	50800	47700	55400	54400	60100	9
	N OF BRANTLEY RD	9	B	53300	54200	51400	49000	49500	52800	54400	55700	57100	62100	9
	N OF SOUTH RD	422	B	50100	53500	47500	46800	51200	42700	53700	50900	48400	61200	9
	N OF BOY SCOUT DR	430	B	53900	57100	40700	38400	40900	39600	39900	42000	42200	45900	9
	N OF W AIRPORT RD	427	B	42800	44500		37000	42000	44200	43800	43900	44800	52900	9
	N OF COLONIAL BLVD	432	B	49100	49200	40600	42800	46800	48600	44600	51000	48200	49200	9
	N OF WINKLER AVE	429	B	44700	45800	38900	40000	41300	41900	43700	45300	44500	48200	9
	N OF HANSON ST	428	B	43500	43500	39700	38800	39700	40700	45700	43900	43800	47400	9
	N OF NORTH KEY DR	1	C	50000	48300	47800	40600	38500	39700	41700	43500	45600	49900	2
	N OF HANCOCK BR PWY	421	C	31100	30700	30100	27000	28000	28500	29500	29700	31600	31600	1
	N OF PONDELLA RD	431	C	24000	21800	21700	22400	21900	21000	23800	25000	25900	28900	1
	N OF PINE ISLAND RD	419	C	20000	16800	17000	18000	19700	20000	22500	22900	24300	24700	1
	N OF LITTLETON RD	425	C	19100	15500	15400	16000	15500	15600	17100	17400	18200	20000	1
	S OF CHARLOTTE CO	449	I	14100	11800	11700	11500	13100	12800	14600	14800	15400	18000	1
	S OF BONITA BEACH RD	491	H			5400	6600	7200	8500	N/A	7300	9300	9000	23
	S OF PINE ISLAND RD	527	I							6100	8200	10600		50
	E OF SURF SIDE BLVD	526	I							9100	12000	15900	19200	50
	E OF CHIQUITA BLVD	523	C							15900	19200	23400	26700	50
	E OF SKYLINE BLVD	522	C							13100	22600	26800	31400	50
	E OF SANTA BARBARA BLVD	50	C							33800	40300	44300	48000	
	E OF COUNTRY CLUB BLVD	513	C				27800	34500	36800	38700	44800	45900	50800	50
	AT TOLL PLAZA	101	C				26900	32000	37500	37700	41800	44500	47600	
	E OF US 41	440	H				7600	8600	9500	9200	10400	10800	11100	42
	S OF LEE BLVD	470	F										7300	22
	N OF COLLEGE PKWY	441	B				7000	7200	6900	6500	7500	6400	6500	35
	E OF MCGREGOR BLVD	442	B				3400	3200	3000	2900	3600	3200	3100	35
	N OF LEE BLVD	471	F				5600	5900	7500	7200	7400	8400	9300	22
	E OF US 41	468	H				2100	2600	2700	3100	3500	3700	3900	22

U/C - Area under construction
NEW - New count this year

K₃₀ and K₁₀₀ Factors at Permanent Count Stations

STATION

#	K ₃₀	K ₁₀₀
1	0.095	0.092
2	0.097	0.094
3	0.104	0.094
4	0.101	0.096
5	0.100	0.093
6	0.106	0.097
7	0.105	0.099
8	0.082	0.072
9	0.083	0.080
10	Under Construction	
11	0.109	0.102
12	0.102	0.083
13	0.094	0.090
14	0.087	0.085
15	0.109	0.102
16	0.098	0.093
17	0.108	0.094
18	0.110	0.102
19	0.093	0.087
20	0.104	0.096
21	0.110	0.101
22	0.107	0.101
23	Under Construction	
24	0.085	0.077
25	0.105	0.095
27	0.103	0.088
28	0.099	0.093
29	0.102	0.099

STATION

#	K ₃₀	K ₁₀₀
30	0.100	0.091
31	0.093	0.089
33	0.128	0.112
34	0.099	0.095
36	0.124	0.115
37	0.097	0.091
38	0.118	0.109
39	0.089	0.082
40	0.096	0.088
42	Under Construction	
43	0.109	0.103
44	0.086	0.082
45	0.114	0.107
46	0.108	0.101
47	0.096	0.090
48	0.126	0.119
49	0.092	0.087
50	0.098	0.093
51	0.132	0.112
52	0.100	0.091
53	0.107	0.095
54	0.094	0.087
55	0.087	0.082
56	0.093	0.088
57	0.102	0.095
58	0.096	0.091

Analyst ERS

Date 23 Mar 05

MULTI-USE DEVELOPMENT TRIP GENERATION AND INTERNAL CAPTURE SUMMARY

Central Park /
Congress Lake Ctr
Time Period WKDY DAILY

PERMITTED LAND USE
THRESHOLDS

LAND USE A Retail

ITE LU Code	820	Total	Internal	External
Size	336,340 #			
Enter	3470	382		
Exit	3470	289		
Total	14,940	671	14,269	
%	100%	4%	96%	

Exit to External

Enter from External

11% 822 Demand	9% 672 Demand	3% 224 Demand	4% 289 Demand
131 Balanced	151 Balanced	158 Balanced	231 Balanced
33% 131 Demand	38% 151 Demand	15% 158 Demand	22% 231 Demand

LAND USE B Residential

ITE LU Code 230

Size 210 D.U.

Enter	396	143		
Exit	396	151		
Total	792	294	498	
%	100%	37%	63%	

Exit to External

Enter from External

LAND USE C Office

ITE LU Code 710/720

Size 205,000 #

Enter	1,050	158		
Exit	1,050	231		
Total	2,100	389	1711	
%	100%	19%	81%	

Enter from External

Exit to External

Net External Trips for Multi-Use Development

	LAND USE A	LAND USE B	LAND USE C	TOTAL
Enter				
Exit				
Total				
Single-Use Trip Gen. Est.				

Source: Kaku Associates, Inc.

INTERNAL CAPTURE

Analyst ERS
Date 23 Mar 05

**MULTI-USE DEVELOPMENT
TRIP GENERATION
AND INTERNAL CAPTURE SUMMARY**

Central Park /
Name of Dvlpt Cypress Lake Ctr.
Time Period WKDY PM PK
**PERMITTED LAND USE
THRESHOLDS**

ITE LU Code 820
Size 336,340 Φ

	Total	Internal	External
Enter	669	27	642
Exit	725	34	691
Total	1394	61	1333
%	100%	4%	96%

Exit to External 691
Enter from External 642

12% 87 Demand
16 Balanced
31% 16 Demand
9% 60 Demand
14 Balanced
53% 14 Demand
3% 22 Demand
18 Balanced
31% 18 Demand
2% 13 Demand
13 Balanced
23% 46 Demand

LAND USE B Residential

ITE LU Code 230
Size 210 D.U.

	Total	Internal	External
Enter	51	17	34
Exit	27	14	13
Total	78	31	47
%	100%	40%	60%

Exit to External 34
Enter from External 47

LAND USE C Office

ITE LU Code 710/720
Size 205,000 Φ

	Total	Internal	External
Enter	57	18	39
Exit	198	14	184
Total	255	32	223
%	100%	13%	87%

Enter from External 39
Exit to External 184

Net External Trips for Multi-Use Development

	LAND USE A	LAND USE B	LAND USE C	TOTAL
Enter				
Exit				
Total				
Single-Use Trip Gen. Est.				

Source: Kaku Associates, Inc.

INTERNAL CAPTURE

Date 29 Mar 05

AND USE A Retu, l

Exit to External

5,160

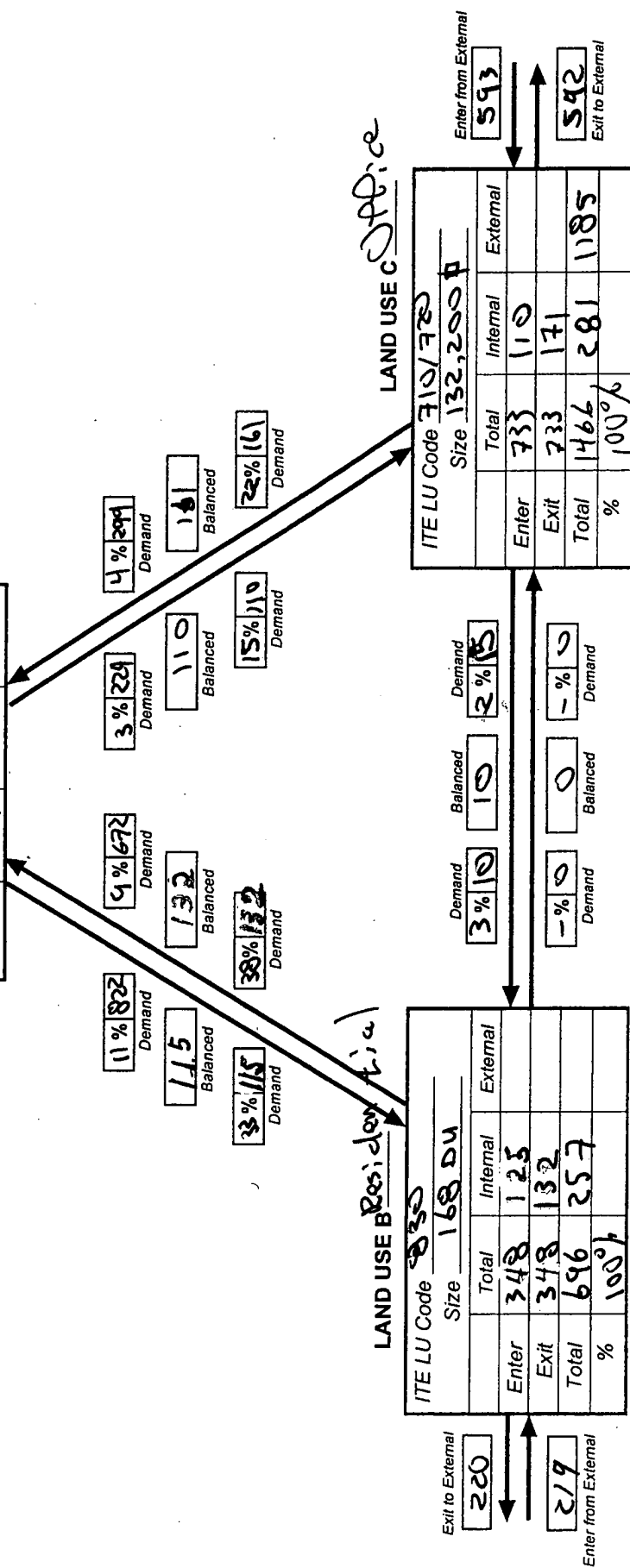
↓

↑

5,159

Enter from External

Central Park/
Name of Divlt Cypress Lake Ctr
Time Period WEEK DAILY
Proposed Land Use
Thresholds



Net External Trips for Multi-Use Development				
	LAND USE A	LAND USE B	LAND USE C	TOTAL
Enter				
Exit				
Total				
Single-Use Trip Gen. Est.				

Source: Kaku Associates, Inc.

Analyst ERS

Date 29 Mar 05

MULTI-USE DEVELOPMENT TRIP GENERATION AND INTERNAL CAPTURE SUMMARY

LAND USE A Retail

ITE LU Code <u>820</u>		Size <u>336340</u> <u>sq ft</u>	
Enter	669	Internal	25
Exit	725	External	27
Total	1394		52
%	100%		

Exit to External

Enter from External

12% 89	13	12% 60	14	2% 13	13
Demand	Balanced	Demand	Balanced	Demand	Balanced
31% 13	13	3% 22	14	23% 34	14
Demand	Balanced	Demand	Balanced	Demand	Balanced

LAND USE B Residential

ITE LU Code <u>830</u>		Size <u>16800</u>	
Enter	43	Internal	14
Exit	22	External	12
Total	65		26
%	100%		

Exit to External

Enter from External

LAND USE C Office

ITE LU Code <u>710/720</u>		Size <u>132,200</u> <u>sq ft</u>	
Enter	45	Internal	14
Exit	156	External	14
Total	201		28
%	100%		

Enter from External

Exit to External

Net External Trips for Multi-Use Development

	LAND USE A	LAND USE B	LAND USE C	TOTAL
Enter				
Exit				
Total				
Single-Use Trip Gen. Est.				

Source: Kaku Associates, Inc.

INTERNAL CAPTURE



LEE COUNTY
SOUTHWEST FLORIDA

BOARD OF COUNTY COMMISSIONERS

Writer's Direct Dial Number: **479-8371**

Bob Janes
District One

Douglas R. St. Cerny
District Two

Ray Judah
District Three

Tammy Hall
District Four

John E. Albion
District Five

Donald D. Stilwell
County Manager

Diana M. Parker
County Hearing Examiner

April 26, 2005

Mr. Dan Trescott
Southwest Florida Regional Planning Council
1926 Victoria Avenue
Fort Myers, Florida 33901

RE: Cypress Lake Center NOPC (Lee County Case #DRI2005-0003)

Dear Mr. Trescott:

This letter is in response to your request for comments on the application currently filed with the Southwest Florida Regional Planning Council. Lee County staff offers the following comments:

Notification of Proposed Change (NOPC)

Lee County Staff would like to note for the record that in the Cypress Lake Center NOPC Transportation Impact Statement, page 2, Purpose section, notes the assessment was prepared for the extension of the buildout by four years. In reality, staff must note that the build out date being sought is at least 9 years from the original build out date.

Otherwise, County staff finds this application for NOPC is complete.

Lee County Application for Public Hearing

For purposes of putting the applicant on notice, this letter also provides the following comments concerning the completeness of the Application for Public Hearing filed with Lee County.

1. Part II.D. has been marked as a "Notice of Proposed Change (Non-substantial deviation). Since this is a Notice of Proposed Change that is for a Substantial Deviation, but one that may be rebutted by substantial and competent evidence, staff believes it is necessary to revise this to mark Substantial Deviation instead.
2. Part II.E.5. notes the Total Land Area is 9.2 acres. However, in reality, the DRI is on 68 acres. This portion of the application should be revised to accurately reflect the entire acreage of the DRI.

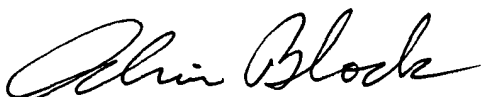
Mr. Dan Trescott - Southwest Florida Regional Planning Council
RE: Cypress Lake Center NOPC (Lee County Case #DRI2005-0003)
April 26, 2005
Page Two

3. Staff requests that Exhibit "A" of Exhibit IIIC (Narrative Regarding Request) be revised. This table is not very clear and should clearly indicate what the previous approval was, and most importantly what is being requested. This clear, concise language will help the administrating agencies know what has been approved.
4. The Lee County Attorney's office advises that they do not see where the applicant has provided documentation showing their authority to reduce the square footage in the Business Corporate and Executive Business categories. Staff is requesting the applicant notify all of the owners within the DRI (and 500' beyond) by certified mail of the proposed change. County staff will be asking that the letter provide a definitive contact on the applicant's end and also a staff contact. The notice needs to specify that the approval of the DRI Development Order amendment may impact the property owners' redevelopment of their sites. Please advise the applicant to provide a letter for our review and comment prior to sending it.

Please feel free to contact me if I can be of any assistance or can answer any questions.

Sincerely,

DEPARTMENT OF COMMUNITY DEVELOPMENT
Zoning Division



Alvin Block, AICP
Principal Planner

cc: Zoning File
Steve Hartsell, Pavese Law
Ron Nino, Vanesse Daylor
Donna Marie Collins, Assistant County Attorney
Joan Henry, Assistant County Attorney
Andy Getch, Lee County DOT
Kim Trebatoski, Environmental Sciences


STATE OF FLORIDA
DEPARTMENT OF COMMUNITY AFFAIRS
DIVISION OF RESOURCE PLANNING AND MANAGEMENT
BUREAU OF STATE PLANNING
2555 Shumard Oak Blvd.
Tallahassee, Florida 32399-2100
850/488-4925

**NOTIFICATION OF A PROPOSED CHANGE TO A PREVIOUSLY APPROVED
DEVELOPMENT OF REGIONAL IMPACT (DRI)
SUBSECTION 380.06(10), FLORIDA STATUTES**

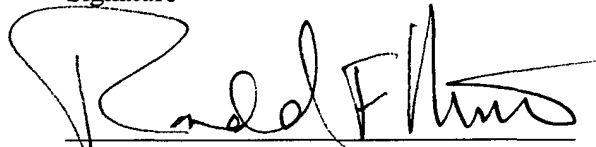
Subsection 380.06(19), Florida Statutes, requires that submittal of a proposed change to a previously approved DRI be made to the local government, the regional planning agency, and the state land planning agency according to this form.

1. We, **STEVEN C. HARTSELL** and **RONALD F. NINO**, the undersigned authorized representatives of **CENTRAL PARK DEVELOPMENT OF S.W. FLORIDA, LLC**, 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, we submit the following information concerning the **CYPRESS LAKES CENTER DRI**, which information is true and correct to the best of our knowledge. We have submitted today, under separate cover, copies of this completed notification to **LEE COUNTY COMMUNITY DEVELOPMENT** to the **SOUTHWEST FLORIDA** Regional Planning Council, and to the Bureau of Local Planning, Department of Community Affairs.

3-30-2005
Date


Signature

4-01-2005
Date


Signature

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PERMIT COUNTER

2. APPLICANT (NAME, ADDRESS, PHONE)

Central Park Development of S.W. Florida, LLC
c/o Mr. Keith Basik
720 Goodlette Road, Suite 305
Naples, Florida 34102
239/262-4622

3. AUTHORIZED AGENTS (NAME, ADDRESS, PHONE)

Steven C. Hartsell, Esquire
Pavese, Haverfield, Dalton, Harrison & Jensen, L.L.P.
P.O. Drawer 1507
Fort Myers, Florida 33902-1507
239/336-6244

Ronald F. Nino, AICP
Vanasse & Daylor, LLP
12730 New Brittany Blvd, Suite 600
Fort Myers, Florida 33907
239/437-4601

4. LOCATION (CITY, COUNTY, TOWNSHIP/RANGE/SECTION) OF APPROVED DRI AND PROPOSED CHANGE.

Fort Myers, Lee County, Township 45 South, Range 24 East, Section 23

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 THE REPRESENTATIONS CONTAINED IN EITHER THE DEVELOPMENT ORDER OR THE APPLICATION FOR DEVELOPMENT ORDER.

The build-out date is to be extended to June 18, 2009, for the remaining development in all phases.

The uses and square footages/density allowed will decrease as a result of this NOPC submittal. See Exhibit "A" for existing development parameters.

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 CHANGE OR THE RESULTING IMPACTS.

See Map H attached.

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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 Exhibit A

7. **LIST ALL THE DATES AND RESOLUTION NUMBERS (OR OTHER 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?**

Lee County BCC Resolution Number	Date	Description
ZAB-85-45	05-20-85	Original development order.
ZAB-85-45(a)	09-22-86	Amendment to legal description to add 7.9 acres to the CT parcel.
Z-87-089	06-08-87	Amended to 336,340 square feet of retail commercial, 270,000 square feet of office park and 275 room hotel/motel.
Z-87-220	11-09-87	Amend to allow refund of traffic mitigation funds.
Z-93-060	11-29-93	Amend to extend termination date until June 19, 2000.
Z-98-034	03-29-99	Amended to adopt new Map H and revise use thresholds to 210 multi-family residential units, decrease business office park to 165,000 square feet and to extend build out date to June 19, 2000.

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Z-00-020

05-15-00

Amend D.O to adopt new Map H and revise threshold for 210 multi-family residential units to Mixed Use Development and to extend the termination and build-out date to June 19, 2003.

02-09-04

09-03-02

Amend D.O to amend the MDP Map H to re-designate a 0.67 acre parcel from Office to Retail Commercial.

There have been no governmental jurisdictional changes since the DRI was first approved.

8. **DESCRIBE ANY LANDS PURCHASED OR OPTIONED WITHIN ¼ MILE OF THE ORIGINAL DRI SITE SUBSEQUENT TO THE ORIGINAL APPROVAL OR ISSUANCE OF THE DRI DEVELOPMENT ORDER. IDENTIFY SUCH LAND, IT'S SIZE, INTENDED USE, AND ADJACENT NON-PROJECT LAND USES WITHIN ½ MILE ON A PROJECT MASTER SITE PLAN OR OTHER MAP.**

None.

9. **INDICATE IF THE PROPOSED CHANGE IS LESS THAN 40% (CUMULATIVELY WITH OTHER PREVIOUS CHANGE(S) OF ANY OF THE CRITERIA LISTED IN PARAGRAPH 380.06(19)(b), FLORIDA STATUTES.**

Yes. Along with the extension of the buildout date is a reduction in office square footage, hotel rooms and ALF units.

DO YOU BELIEVE THIS NOTIFICATION OF CHANGE PROPOSES A CHANGE WHICH MEETS THE CRITERIA OF SUBPARAGRAPH 380.06(19)(e)2., F.S.

YES X **NO**

Yes. As noted above, this change eliminates uses already approved [FS 380.06(e)2.g] as shown in 13. A below, and therefore reduces impacts.

10. **DOES THE PROPOSED CHANGE RESULT IN A CHANGE TO THE BUILDOUT DATE OR ANY PHASING DATE OF THE PROJECT? IF SO, INDICATE THE PROPOSED NEW BUILDOUT OF PHASING DATES.**

Yes. All phases will have the same new buildout date of June 18, 2009.

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11. WILL THE PROPOSED CHANGE REQUIRE AN AMENDMENT TO THE LOCAL GOVERNMENT COMPREHENSIVE PLAN?

No.

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 Exhibit "B" (MCP Map H)

13. PURSUANT TO SUBSECTION 380.06(10)(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:

See Exhibit C attached.

- 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 PRESERVATION, 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;

This development is a mixed-use project including a shopping center (336,340 square feet on 40 acres); business corporate office area (~~40,000~~-30,000 square feet); an executive business office park (~~165,000~~-102,200 square feet); hotel complex (~~275~~-104 room hotel, 200 seat restaurant, 100 seat conference center) and ~~240~~-168 multi-family residential units on approximately 68.5 acres.

- 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;

N/A

- C. A PROPOSED AMENDED DEVELOPMENT ORDER DEADLINE FOR COMMENCING PHYSICAL DEVELOPMENT OF THE PROPOSED CHANGES, IF APPLICABLE;

N/A

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- D. A PROPOSED AMENDED DEVELOPMENT ORDER TERMINATION DATE THAT REASONABLY REFLECTS THE TIME REQUIRED TO COMPLETE THE DEVELOPMENT;**

June 19, 2009

- 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; AND**

June 19, 2009

- 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, F.A.C.**

N/A

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EXHIBIT "A"

AUTHORIZED DEVELOPMENT THRESHOLDS

Land Use	Original DRI Approved	1987	1999	2005 NOPC Proposed Change
Commercial (incl: Retail/Office & Business)	646,340 sq ft	N/A	N/A	N/A
Retail/Business		336,340 sq ft	336,340 sq ft	No Change
Office		310,000 sq ft	N/A	N/A
Business Corporate			40,000 sq ft	30,000
Executive Business			165,000 sq ft	102,200
Hotel/Motel	275 rooms	275 rooms	275 rooms	104
Residential Multi-Family			210	168

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COMMUNITY DEVELOPMENT

2007 6 8 MON



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EXHIBIT C to NOPC

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RESOLUTION #2005-_____

A RESOLUTION OF THE BOARD OF COUNTY COMMISSIONERS OF LEE COUNTY, FLORIDA, ISSUING A DEVELOPMENT ORDER AMENDMENT AND AMENDING RESOLUTION #Z-00-020 FOR CYPRESS LAKE CENTER, A DEVELOPMENT OF REGIONAL IMPACT, DEVELOPMENT ORDER #7-8384-47, THE FIFTH CODIFIED DEVELOPMENT ORDER, AS PREVIOUSLY AMENDED BY RESOLUTIONS # ZAB-85-45, ZAB-85-45(a), Z-87-089, Z-87-220, Z-93-060 and Z-98-034:

WHEREAS, pursuant to Section 380.06 of the Florida Statutes, the Board of County Commissioners for Lee County has heard at a public hearing held _____, 2005, the Application for the Notice of Proposed Change to the Development Approval for "Cypress Lake Center," a Development of Regional Impact; and

WHEREAS, the Lee County Board of County Commissioners, taking into full consideration the report and recommendation of the Southwest Florida Regional Planning Council, Department of Community Affairs, the County staff, and the documents, including a revised Map H (revised _____, 20____, and attached as Exhibit A), and comments made at the public hearing, hereby finds that:

- A. The project and property known as Cypress Lake Center are fully and accurately described in the Application for the Notice of Proposed Change, as amended by additional submittals, on file in the office of the Lee County Clerk.
- B. The Application is in conformance with Chapter 380, Florida Statutes, and does not constitute a substantial deviation pursuant to Section 380.06(19), Florida Statutes.
- C. The proposed development is not in an Area of Critical State Concern, pursuant to Chapter 380, Florida Statutes.
- D. The proposed development is consistent with the Lee County Comprehensive Plan.

- E. The proposed development is consistent with local land development regulations; and, together with the conditions set forth below, with the report and recommendations of the Southwest Florida Regional Planning Council.

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

1. **Development Approval.** The Notice of Proposed Change for the Application for Development Approval for the Cypress Lake Center Development of Regional Impact is hereby approved subject to the following conditions being amended in the Development Order [deletions ~~struck through~~, additions **bolded and underlined**]:

. . .

WHEREAS, ~~Douglas Hannah, Trustee,~~ **Central Park Development, LLC,** has submitted an application ~~on behalf of~~ **as** the current property owner Muriel Hattenbach, for a ~~fifth~~ **Seventh** amendment to the development order [Note: the Sixth Amendment, Z-02-09-04, was not a codified development order] to adopt a new Map H to reflect the change in Tract B and Lot 6 of Phase II, to ~~replace "Proposed Multifamily uses (210 units)" with "Mixed Use Development"~~ **reduce the office square footage and number of hotel rooms, and to eliminate ALF uses,** and to extend the buildout and termination dates to June 19, 2003 **2009,** and

. . .

I. FINDINGS OF FACT/CONCLUSIONS OF LAW

- A. This development, as amended, will be a mixed use project including a shopping center (336,340 square feet on 40 acres); business corporate office area (40,000 **30,000** square feet); an executive business office park (165,000 **102,200** square feet); hotel complex (~~275~~ **104** room hotel, 200 seat restaurant, 100-seat conference center) and ~~210~~ **168** multi-family residential units on approximately 68.5 acres. The proposed development constitutes a Development of Regional Impact on the real property described as:

A tract or parcel of land lying in the southeast quarter of Section 23, Township 45 South, Range 24 East, which tract or parcel is described as follows: The east one-half of the southeast one-quarter, less ~~than~~ **the** north 116 feet lying west of State Road No. 45, of said Section 23, Township 45 South, Range 24 East, Lee County, Florida.

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II. CONDITIONS OF DEVELOPMENT APPROVAL

. . .

H. OTHER

The project may not exceed a total of 336,340 square feet of retail commercial use as defined by the Lee County Comprehensive Plan. These uses may also include automobile dealerships, auto centers, automobile service stations, or indoor movie theaters (up to 800 permanent seats). The total project is approved for and limited to the following development parameters: 336,340 square feet of shopping center (on a total of 40 acres); ~~40,000~~ 30,000 square feet of business corporate office area; ~~165,000~~ 102,200 square feet of executive business office park; ~~275~~ 104 room hotel (with 200 seat restaurant, and 100 seat conference center); and ~~240~~ 168 multiple family dwelling units.

BE IT FURTHER RESOLVED, by the Board of County Commissioners of Lee County, Florida, that:

III. FURTHER CONDITIONS OF DEVELOPMENT APPROVAL

1. This resolution constitutes the Development Order of this Board issued in response to the original Development of Regional Impact application for Development Approval filed by Cypress Lake Venture, Ltd., and all amendments approved through and including ~~May 15, 2000~~ March, ~~2000~~ 2005. Map H, attached as Attachment 1, revised and dated ~~March 21, 2000~~ 2005.

. . .

8. This Development Order will remain in effect until June 19, ~~2003~~ 2009, provided that this effective period may be extended by this Board upon a finding of excusable delay in any proposed development activity and that conditions have not changed sufficiently to warrant further consideration of the development. In the event that the developer fails to commence significant physical development of that property identified in this development order within five (5) years from the date of rendition of this Development Order, development approval will terminate and the development may be subject to further consideration. Significant physical development includes obtaining a Certificate of Completion on some substantial portion of the project. The project buildout date is June 19, ~~2003~~ 2009.

. . .

2. **Effective Date.** This Resolution shall become effective immediately upon adoption.

3. **Passed in Public Session** of the Board of County Commissioners of Lee County, Florida this _____ day of _____, 2005.

THE MOTION TO ADOPT this RESOLUTION was offered by Commissioner _____ and seconded by Commissioner _____ and upon poll of the members present, the vote was as follows:

Robert P. Janes
Douglas R. St. Cerny
Ray Judah
Tamara Hall
John E. Albion

ATTEST
CHARLIE GREEN, CLERK

BOARD OF COUNTY COMMISSIONERS
LEE COUNTY, FLORIDA

BY: _____
Deputy Clerk

BY: _____
Chairman

APPROVED AS TO FORM

By:
County Attorney's Office

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Attachment: Exhibit A

EXHIBIT II-A-1

CYPRESS LAKE CENTER LEGAL DESCRIPTION

CG PARCEL:

A tract or parcel of land lying in the east half (E $\frac{1}{2}$) of the southeast quarter (SE $\frac{1}{4}$) of Section 23, Township 45 South, Range 24 East, Lee County, Florida which tract or parcel is described as follows:

From the northwest corner of the east half (E $\frac{1}{2}$) of the southeast quarter (SE $\frac{1}{4}$) of said Section 23 run S 00° 35' 44" E along the west line of said east half (E $\frac{1}{2}$) for 1,597.52 feet to the Point of Beginning.

From said Point of Beginning run N 89° 08' 16" E, parallel with the north line of said fraction, for 584.78 feet; thence run S 01° 16' 00" E, parallel with the west right-of-way line (132 feet from the centerline) of State Road No. 45, for 210.00 feet to point designated "A"; thence run S 89° 08' 16" W, parallel with the north line of said fraction, for 382.24 feet; thence run S 39° 47' 40" W for 316.36 feet to the west line of said east half (E $\frac{1}{2}$); thence run W 00° 35' 44" W along said west line for 450.00 feet to the Point of Beginning.

Containing 3.39 acres, more or less.

ALSO

From the aforementioned point designated "A" run S 01° 16' 00" E for 90.00 feet to the Point of Beginning.

From said Point of Beginning run N 89° 08' 16" E, parallel with the north line of said fraction, for 190.00 feet; thence S 01° 16' 00" E, parallel with the west right-of-way line (132 feet from the centerline) of State Road No. 45, for 300.00 feet; thence run N 89° 08' 16" E, parallel with the north line of said fraction, for 410.00 feet to said west right-of-way line of State Road No. 45, thence run S 01° 16' 00" E along said right-of-way line for 450.35 feet to the south line of said fraction of a section; thence run S 89° 19' 21" W along said south line for 886.63 feet; thence run N 00° 40' 39" W for 447.49 feet; thence run N 89° 08' 16" E for 282.00 feet; thence run N 01° 16' 00" W for 300.00 feet to the Point of Beginning.

Containing 10.42 acres, more or less.

ALSO

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From the northwest corner of the east half (E $\frac{1}{2}$) of the southeast quarter (SE $\frac{1}{4}$) of Section 23, Township 45 South, Range 24 East run S 00° 35' 44" E along the west line of said east half (E $\frac{1}{2}$) for 116.00 feet to the south line of Cypress Lake Drive and the Point of Beginning.

From said Point of Beginning run N 89° 08' 16" E along said south line for 1,167.43 feet to an intersection with the west right-of-way line (132 feet from the centerline) of State Road No. 45; thence run S 01° 16' 00" E along said west line for 1,481.54 feet; thence run S 89° 08' 16" W parallel with said south line of Cypress Lake Drive for 1,184.78 feet to said west line of said east half (E $\frac{1}{2}$); thence run N 00° 35' 44" W along said west line for 1,481.52 feet to the Point of Beginning.

Containing 40.00 acres more or less.

Bearings hereinabove mentioned are from the centerline survey of State Road No. 45.

CT PARCEL:

A tract or parcel of land lying in the east half (E $\frac{1}{2}$) of the southeast quarter (SE $\frac{1}{4}$) of Section 23, Township 45 South, Range 24 East, Lee County, Florida which tract or parcel is described as follows:

From the northwest corner of the east half (E $\frac{1}{2}$) of the southeast quarter (SE $\frac{1}{4}$) of said Section 23 run S 00° 35' 44" E along the west line of said east half (E $\frac{1}{2}$) for 1,597.52 feet; thence run N 89° 08' 16" E, parallel with the north line of said fraction, for 584.78 feet; thence run S 01° 16' 00" E for 300.00 feet; thence run N 89° 08' 16" E for 190.00 feet to the Point of Beginning.

From said Point of Beginning continue N 89° 08' 16" E, parallel with said north line, for 410.00 feet to the west right-of-way line (132 feet from the centerline) of State Road No. 45; thence run S 01° 16' 00" E along said west line for 300.00 feet; thence run S 89° 08' 16" W, parallel with the north line of said fraction, for 410.00 feet; thence run N 01° 16' 00" W, parallel with said west line, for 300.00 feet to the Point of Beginning.

Containing 2.82 acres more or less.

CS PARCEL:

A tract or parcel of land lying in the east half (E $\frac{1}{2}$) of the southeast quarter (SE $\frac{1}{4}$) of Section 23, Township 45 South, Range 24 East, Lee County, Florida which tract or parcel is described as follows:

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From the northwest corner of the east half ($E \frac{1}{2}$) of the southeast quarter ($SE \frac{1}{4}$) of said Section 23 run S $00^{\circ} 35' 44''$ E along the west line of said east half ($E \frac{1}{2}$) for 1,597.52 feet; thence run N $89^{\circ} 08' 16''$ E, parallel with the north line of said fraction, for 584.78 feet to the Point of Beginning.

From said Point of Beginning continue N $89^{\circ} 08' 16''$ E along said parallel line for 600.00 feet to an intersection with the west right-of-way line (132 feet from the centerline) of State Road No. 45; thence run S $01^{\circ} 16' 00''$ E along said west line for 300.00 feet; thence run S $89^{\circ} 08' 16''$ W, parallel with the north line of said fraction, for 600.00 feet; thence run N $01^{\circ} 16' 00''$ W, parallel with said west right-of-way line, for 300.00 feet to the Point of Beginning.

Bearings hereinabove mentioned are from the centerline survey of State Road No. 45.

(124-A)

DRI2005-00003

PLAT BOOK 39 PAGE 22

PHASE B-1 CYPRESS LAKE CENTER

A REPLAT OF PART OF TRACT B, CYPRESS LAKE CENTER PHASE II

SHEET 1 OF 1

PLAT BOOK 39, PAGE 22 - 24, LEE COUNTY RECORDS

A SUBDIVISION IN

THE EAST 1/2 OF THE SOUTHEAST 1/4 OF
SECTION 23, TOWNSHIP 45 SOUTH, RANGE 24 EAST
LEE COUNTY, FLORIDA

SCALE: 1" = 40'

APRIL, 1989

JOHNSON ENGINEERING, INC.
CIVIL ENGINEERS - LAND SURVEYORS
FORT MYERS, FLORIDA



APPROVALS

THIS PLAT ACCEPTED THIS 17TH DAY OF MAY, 1989 IN OPEN MEETING OF THE BOARD OF COUNTY COMMISSIONERS OF LEE COUNTY, FLORIDA

[Signature]
CHAIRMAN

[Signature]
CLERK OF COURT

[Signature]
DIRECTOR, DEPT. OF CORR. DEV.

I HEREBY CERTIFY THAT THIS PLAT OF PHASE B-1 CYPRESS LAKE CENTER, A REPLAT OF PART OF TRACT B, CYPRESS LAKE CENTER PHASE II, HAS BEEN EXAMINED BY ME AND FROM MY EXAMINATION I FIND THAT SAID PLAT COMPLIES IN FORM WITH THE REQUIREMENTS OF CHAPTER 177, FLORIDA STATUTES.

I FURTHER CERTIFY THAT SAID PLAT WAS FILED FOR RECORD AT 11:24 A.M. THIS 17TH DAY OF MAY, 1989 A.D. AND WAS DULY RECORDED IN PLAT BOOK 39, AT PAGES 22, 23, AND 24 OF THE PUBLIC RECORDS OF LEE COUNTY, FLORIDA.

[Signature]
CLERK OF THE CIRCUIT COURT
IN AND FOR LEE COUNTY

2654711

NOTICE

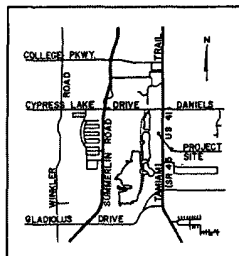
THERE MAY BE ADDITIONAL RESTRICTIONS THAT ARE NOT RECORDED ON THIS PLAT THAT MAY BE FOUND IN THE PUBLIC RECORDS OF THIS COUNTY.

DESCRIPTION

A TRACT OR PARCEL OF LAND LYING IN THE EAST HALF (E-1/2) OF THE SOUTHEAST QUARTER (SE-1/4) OF SECTION 23, TOWNSHIP 45 SOUTH, RANGE 24 EAST. A REPLAT OF A PORTION OF TRACT "B", CYPRESS LAKE CENTER, PHASE II AS RECORDED IN PLAT BOOK 39, AT PAGES 22 THROUGH 24 OF THE PUBLIC RECORDS OF LEE COUNTY, FLORIDA WHICH TRACT OR PARCEL IS DESCRIBED AS FOLLOWS:

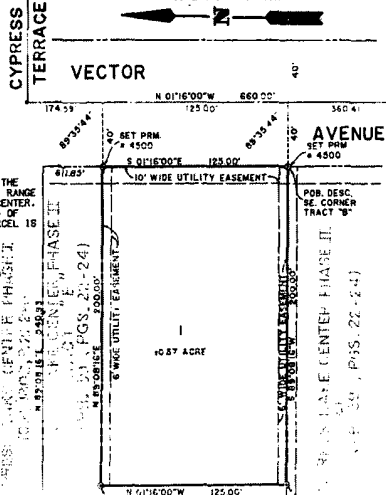
BEGINNING AT THE SOUTHWEST CORNER OF SAID TRACT "B" RUN S 89°00' 10" E ALONG THE COMMON BOUNDARY LINE OF SAID TRACT "B" AND LOT 6 OF SAID CYPRESS LAKE CENTER, PHASE II FOR 200.00 FEET TO AN INTERSECTION WITH A LINE 200.00 FEET WEST OF (AS MEASURED ON A PERPENDICULAR) AND PARALLEL WITH THE EASTERLY BOUNDARY LINE OF SAID TRACT "B"; THENCE RUN N 01°16' 00" E ALONG SAID PARALLEL LINE FOR 125.00 FEET TO AN INTERSECTION WITH A LINE 125.00 FEET NORTH OF (AS MEASURED ON A PERPENDICULAR) AND PARALLEL WITH THE SOUTH BOUNDARY LINE OF SAID TRACT "B"; THENCE RUN N 89°00' 10" E ALONG SAID PARALLEL LINE FOR 200.00 FEET TO AN INTERSECTION WITH THE EASTERLY BOUNDARY OF SAID TRACT "B"; THENCE RUN S 01°16' 00" E ALONG SAID EASTERLY BOUNDARY, ALSO BEING THE VESTERLY RIGHT-OF-WAY LINE OF VECTOR AVENUE (60 FEET WIDE) FOR 125.00 FEET TO THE POINT OF BEGINNING, CONTAINING 25,000 SQUARE FEET MORE OR LESS.

CYPRESS LAKE
LEE COUNTY DEVELOPMENT
ORDER NO. 03-15-86



VICINITY MAP

SCALE: 1" = 1 MILE



DEDICATION

KNOW ALL MEN BY THESE PRESENTS THAT VECTOR LAND GROUP, INC., A FLORIDA CORPORATION, AS OWNER OF THE HEREIN DESCRIBED LANDS HAS CAUSED THIS PLAT OF PHASE B-1 CYPRESS LAKE CENTER, A REPLAT OF PART OF TRACT B, CYPRESS LAKE CENTER PHASE II TO BE MADE AND DOES HEREBY DEDICATE TO THE PORTHUAL USE OF THE PUBLIC ALL PUBLIC UTILITY EASEMENTS AS SHOWN HEREON, SAID EASEMENTS BEING DEDICATED SOLELY FOR THE USES AND PURPOSES INDICATED, HEREBY REVOKING, VACATING AND ABROGATING ANY PLATS OF SAID LANDS HERETOFORE MADE IN WITNESS WHEREOF VECTOR LAND GROUP, INC. HAS CAUSED THIS DEDICATION TO BE SIGNED BY ITS PRESIDENT, ARTHUR MOSES, THIS 17TH DAY OF MAY, 1989 A.D.

VECTOR LAND GROUP, INC.

[Signature]
ARTHUR MOSES, PRESIDENT

ACKNOWLEDGMENT

STATE OF FLORIDA
COUNTY OF DADE
I HEREBY CERTIFY THAT ON THIS DAY BEFORE ME PERSONALLY APPEARED ARTHUR MOSES, PRESIDENT OF VECTOR LAND GROUP, INC., A FLORIDA CORPORATION UNDER THE LAWS OF FLORIDA, TO ME KNOWN TO BE THE PERSON DESCRIBED IN AND WHO EXECUTED THE FOREGOING DEDICATION AND HE ACKNOWLEDGED THE EXECUTION THEREOF FOR THE USES AND PURPOSES THEREIN MENTIONED.

WITNESS MY HAND AND OFFICIAL SEAL AT *[Signature]* SAID COUNTY AND STATE THIS 17TH DAY OF May, 1989 A.D.

NOTARY PUBLIC STATE OF FLORIDA AT LARGE
MY COMMISSION EXPIRES 2-2-94

NOTES

1. PERMANENT REFERENCE MONUMENTS (P.R.M.'S) ARE TAPERED CONCRETE MONUMENTS WITH METAL DISKS SET IN TOP BEARING THE SURVEYOR'S CERTIFICATE NUMBER.
2. BEARINGS AND DISTANCES DERIVED FROM THE PLAT OF CYPRESS LAKE CENTER PHASE II AS RECORDED IN PLAT BOOK 39, PAGES 22 THROUGH 24, LEE COUNTY RECORDS.

CERTIFICATE

I HEREBY CERTIFY THAT THE ATTACHED PLAT OF PHASE B-1 CYPRESS LAKE CENTER, A REPLAT OF PART OF TRACT B, CYPRESS LAKE CENTER, PHASE II IS A TRUE AND CORRECT REPRESENTATION OF THE HEREIN DESCRIBED LAND ACCORDING TO A RECENT SURVEY MADE AND PLATTED UNDER MY DIRECTION AND SUPERVISION AND THAT THE SURVEY DATA COMPLIES WITH ALL OF THE REQUIREMENTS OF CHAPTER 177 FLORIDA STATUTES. I FURTHER CERTIFY THAT THE PERMANENT REFERENCE MONUMENTS (P.R.M.'S) HAVE BEEN PLACED AT LOCATIONS SHOWN ON THIS PLAT.

DONE THIS 17TH DAY OF May, 1989 A.D.

[Signature]
MICHAEL E. JOHNSON
SURVEYOR

DRI2005-00003

RECEIVED
APR 08 2005

DRI2005-00003

PLAT BOOK 27 PAGE 22

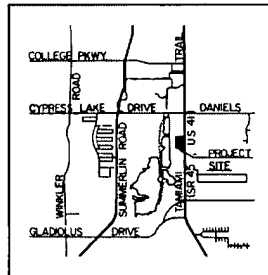
CYPRESS LAKE CENTER PHASE II

SHEET 1 OF 3

A SUBDIVISION IN
THE EAST 1/2 OF THE SOUTHEAST 1/4 OF
SECTION 23, TOWNSHIP 45 SOUTH, RANGE 24 EAST
LEE COUNTY, FLORIDA

JUNE, 1987

JOHNSON ENGINEERING, INC.
CIVIL ENGINEERS - LAND SURVEYORS
FORT MYERS, FLORIDA



VICINITY MAP
SCALE: 1" = 1 MILE

APPROVALS
THIS PLAT ACCEPTED THIS 4th DAY OF August, 1987 IN OPEN
MEETING OF THE BOARD OF COUNTY COMMISSIONERS OF LEE COUNTY, FLORIDA

Bice Fumelle
CHAIRMAN
Paul H. Chyler
COUNTY ATTORNEY
Michael Umoria
COUNTY ENGINEER
Charlie Green
CLERK OF COURT
Samuel H. Jones
DIRECTOR, DIV. OF COMM. DEV.

I HEREBY CERTIFY THAT THIS PLAT OF CYPRESS LAKE CENTER PHASE II
HAS BEEN EXAMINED BY ME AND FROM MY EXAMINATION I FIND THAT SAID
PLAT COMPLIES IN FORM WITH THE REQUIREMENTS OF CHAPTER 177,
FLORIDA STATUTES.
I FURTHER CERTIFY THAT SAID PLAT WAS FILED FOR RECORD AT 2:25 P.M.
THIS 17th DAY OF August, 1987 A.D. AND WAS DULY RECORDED
IN PLAT BOOK 27 AT PAGES 22-23 OF THE PUBLIC RECORDS OF
LEE COUNTY, FLORIDA.

Charlie Green
CLERK OF THE CIRCUIT COURT
IN AND FOR LEE COUNTY

2018320

NOTES

1. D PERMANENT REFERENCE MONUMENTS (P.R.M.'S) ARE
TAPERED CONCRETE MONUMENTS WITH METAL DISKS SET
IN THE TOP BEARING THE SURVEYOR'S CERTIFICATE NUMBER.
2. O PERMANENT CONTROL POINTS (P.C.P.'S) ARE METAL MARKERS
BEARING THE SURVEYOR'S CERTIFICATE NUMBER.
3. THERE IS A UTILITY EASEMENT 6 FEET WIDE ALONG EACH SIDE
LOT LINE EXCEPT WHERE TWO OR MORE LOTS ARE USED AS
ONE DEVELOPMENT PARCEL IN WHICH CASE THE EASEMENT WILL
BE ALONG THE SIDE LOT LINES OF THE DEVELOPMENT PARCEL.
4. THERE IS A UTILITY EASEMENT 16 FEET WIDE ALONG THE REAR OF
EACH LOT UNLESS THE REAR OF A LOT ADJOINS ANOTHER LOT, THEN
EACH LOT WILL HAVE A PUBLIC UTILITY EASEMENT 8 FEET
WIDE ALONG THE REAR LOT LINE.
5. THERE IS A UTILITY EASEMENT 10 FEET WIDE ALONG ALL
SUBDIVISION STREET BOUNDARIES OF ALL LOTS.
6. BEARINGS ARE DERIVED FROM THE CENTERLINE SURVEY
OF STATE ROAD 45 (U.S. 41).
7. APPROXIMATE EDGE OF LAKE SHOWN FROM BOUNDARY SURVEY
BY JOHNSON ENGINEERING, INC. DATED 9/23/86.
8. ALL DIMENSIONS IN CURVE DATA ON PLAT ARE IN FEET.

CERTIFICATE

I HEREBY CERTIFY THAT THIS PLAT OF CYPRESS LAKE CENTER
PHASE II IS A TRUE AND CORRECT REPRESENTATION
OF THE HEREIN DESCRIBED LAND ACCORDING TO A RECENT SURVEY
MADE AND PLATTED UNDER MY DIRECTION AND SUPERVISION,
AND THAT THE SURVEY DATA COMPLIES WITH ALL OF THE
REQUIREMENTS OF CHAPTER 177, FLORIDA STATUTES,
AND MEETS THE MINIMUM TECHNICAL STANDARDS SET FORTH IN
CHAPTER 20H-6, FLORIDA ADMINISTRATIVE CODE.

DONE THIS 23rd DAY OF JUNE, 1987 A.D.

Jeffrey C. Cooner
JEFFREY C. COONER
PROFESSIONAL LAND SURVEYOR
FLORIDA CERTIFICATE NO. 4052



DEDICATION

KNOW ALL MEN BY THESE PRESENTS THAT VECTOR LAND GROUP, INC., A
FLORIDA CORPORATION, AS OWNER OF THE HEREIN DESCRIBED LANDS HAS
CAUSED THIS PLAT OF CYPRESS LAKE CENTER PHASE II TO BE MADE AND
HEREBY DEDICATE TO THE PERPETUAL USE OF THE PUBLIC ALL DRIVES,
ROADS, TRACTS, DRAINAGE AND PUBLIC UTILITY EASEMENTS SHOWN
HEREON, SAID EASEMENTS BEING DEDICATED SOLELY FOR THE USES AND
PURPOSES INDICATED, HEREBY REVOKING, VACATING AND ABROGATING
ANY PLAT OR PLATS OF SAID LANDS HERETOFORE MADE
IN WITNESS WHEREOF VECTOR LAND GROUP, INC. HAS CAUSED THIS DEDI-
CATION TO BE SIGNED BY ITS PRESIDENT, ARTHUR MOSES, THIS 13
DAY OF JUNE, 1987 A.D.

Arthur Moses
ARTHUR MOSES, PRESIDENT

Walter
WITNESS

Eric M. Stein
WITNESS

ACKNOWLEDGMENT

STATE OF FLORIDA
COUNTY OF DADE
I HEREBY CERTIFY THAT ON THIS DAY BEFORE ME PERSONALLY APPEARED
ARTHUR MOSES, PRESIDENT OF VECTOR LAND GROUP, INC., A FLORIDA
CORPORATION UNDER THE LAWS OF FLORIDA, TO ME KNOWN TO BE THE
PERSON DESCRIBED IN AND WHO EXECUTED THE FOREGOING DEDICATION AND HE
ACKNOWLEDGED THE EXECUTION THEREOF FOR THE USES AND PURPOSES
THEREIN MENTIONED.
WITNESS MY HAND AND OFFICIAL SEAL AT Coconut Grove, SAID COUNTY AND
STATE THIS 16 DAY OF June, 1987 A.D.

Shirley Ann Vargo
NOTARY PUBLIC STATE OF FLORIDA AT LARGE
MY COMMISSION EXPIRES 1 July 1989

MORTGAGEE'S CONSENT TO DEDICATION

KNOW ALL MEN BY THESE PRESENTS THAT BRIAN REITER, VICE PRESIDENT
OF COMMERCIAL LOANS FOR CHASE FEDERAL SAVINGS AND LOAN ASSOCIATION,
A U.S. CORPORATION, HOLDER OF A CERTAIN MORTGAGE RECORDED IN
OFFICIAL RECORD BOOK 1841 AT PAGES 3065 THROUGH 3067 OF THE PUBLIC
RECORDS OF LEE COUNTY FLORIDA ON THE HEREIN DESCRIBED LANDS, DOES
HEREBY JOIN IN THE PLAT DEDICATION APPEARING HEREON THIS 16 DAY
OF June, 1987 A.D.

Brian Reiter
BRIAN REITER, VICE PRESIDENT

Allen Hennigan
WITNESS

Angela B. Clin
WITNESS

ACKNOWLEDGMENT

STATE OF FLORIDA
COUNTY OF DADE
I HEREBY CERTIFY THAT ON THIS DAY BEFORE ME PERSONALLY APPEARED
BRIAN REITER TO ME KNOWN TO BE THE PERSONS DESCRIBED IN AND
WHO EXECUTED THE FOREGOING DEDICATION AND HE ACKNOWLEDGED THE
EXECUTION THEREOF FOR THE USES AND PURPOSES THEREIN MENTIONED.
WITNESS MY HAND AND OFFICIAL SEAL AT Miami, SAID COUNTY AND
STATE THIS 16th DAY OF June, 1987 A.D.

Angela B. Clin
NOTARY PUBLIC STATE OF FLORIDA AT LARGE
MY COMMISSION EXPIRES 26 May 1989

DRI2005-00003

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APR 08 2005

CYPRESS LAKE CENTER PHASE II

SHEET 2 OF 3

A SUBDIVISION IN
THE EAST 1/2 OF THE SOUTHEAST 1/4 OF
SECTION 23, TOWNSHIP 45 SOUTH, RANGE 24 EAST
LEE COUNTY, FLORIDA

DESCRIPTION

PARCEL IN THE EAST HALF OF THE SOUTHEAST QUARTER
SECTION 23, TOWNSHIP 45 SOUTH, RANGE 24 EAST
LEE COUNTY, FLORIDA

A TRACT OR PARCEL OF LAND LYING IN THE EAST HALF (E 1/2) OF THE
SOUTHEAST QUARTER (SE 1/4) OF SECTION 23, TOWNSHIP 45 SOUTH, RANGE
24 EAST, LEE COUNTY, FLORIDA, WHICH TRACT OR PARCEL IS DESCRIBED
AS FOLLOWS:

FROM THE NORTHWEST CORNER OF THE EAST HALF OF THE
SOUTHEAST QUARTER (SE 1/4) OF SECTION 23, TOWNSHIP 45
SOUTH, RANGE 24 EAST RUN S 00° 35' 44" E ALONG THE WEST
LINE OF SAID EAST HALF FOR 116.00 FEET TO THE SOUTH
LINE OF CYPRESS LAKE DRIVE; THENCE CONTINUE
S 00° 35' 44" E ALONG SAID WEST LINE FOR 1153.30 FEET
TO THE POINT OF BEGINNING.

FROM SAID POINT OF BEGINNING RUN N 89° 08' 16" E
PARALLEL WITH THE SOUTH RIGHT-OF-WAY LINE OF SAID
CYPRESS LAKE DRIVE FOR 1181.15 FEET TO THE WEST RIGHT-
OF-WAY LINE OF TAMIAHI TRAIL (SR 45 - US 41); THENCE
RUN S 01° 18' 00" E ALONG SAID RIGHT-OF-WAY LINE FOR
1360.81 FEET; THENCE RUN S 00° 33' 30" E ALONG SAID
RIGHT-OF-WAY FOR 17.77 FEET TO THE SOUTH LINE OF SAID
SECTION 23; THENCE RUN S 89° 19' 21" W ALONG SAID SOUTH
LINE FOR 1197.07 FEET TO THE WEST LINE OF SAID EAST
HALF OF THE SOUTHEAST QUARTER (SE 1/4); THENCE RUN
N 00° 35' 44" W ALONG SAID WEST LINE FOR 1374.70 FEET
TO THE POINT OF BEGINNING.
CONTAINING 37.58 ACRES MORE OR LESS.
BEARINGS HEREINAFORE MENTIONED ARE DERIVED FROM THE CENTERLINE
SURVEY OF STATE ROAD 45 (U.S. 41).

CURVE DATA

Δ	DELTA	RADIUS	LENGTH	TANGENT	CHORD BEARING	CHORD DIST.
①	90°00'00"	30.00	47.12	30.00	N 45°51'44"W	42.43
②	90°00'00"	30.00	47.12	30.00	S 44°08'16"W	42.43
③	90°24'16"	30.00	47.33	30.21	N 43°56'08"E	42.57
④	89°35'44"	30.00	46.91	29.79	N 46°03'52"W	42.28
⑤	19°06'19"	150.00	50.02	25.24	S 10°49'09"E	49.79
⑥	09°41'22"	122.33	20.69	10.37	S 15°31'38"E	20.66
⑦	08°24'57"	122.33	20.10	10.07	S 05°58'28"E	20.08
⑧	90°24'16"	30.00	47.34	30.21	N 43°56'08"E	42.58
⑨	19°06'19"	122.33	40.79	20.59	S 10°49'09"E	40.60
⑩	43°41'48"	148.64	113.36	59.60	N 21°10'15"E	110.63
⑪	90°00'00"	125.00	196.35	125.00	N 45°40'39"W	176.78
⑫	43°41'48"	170.99	130.41	69.56	N 21°10'15"E	127.27

DRI2005-00003

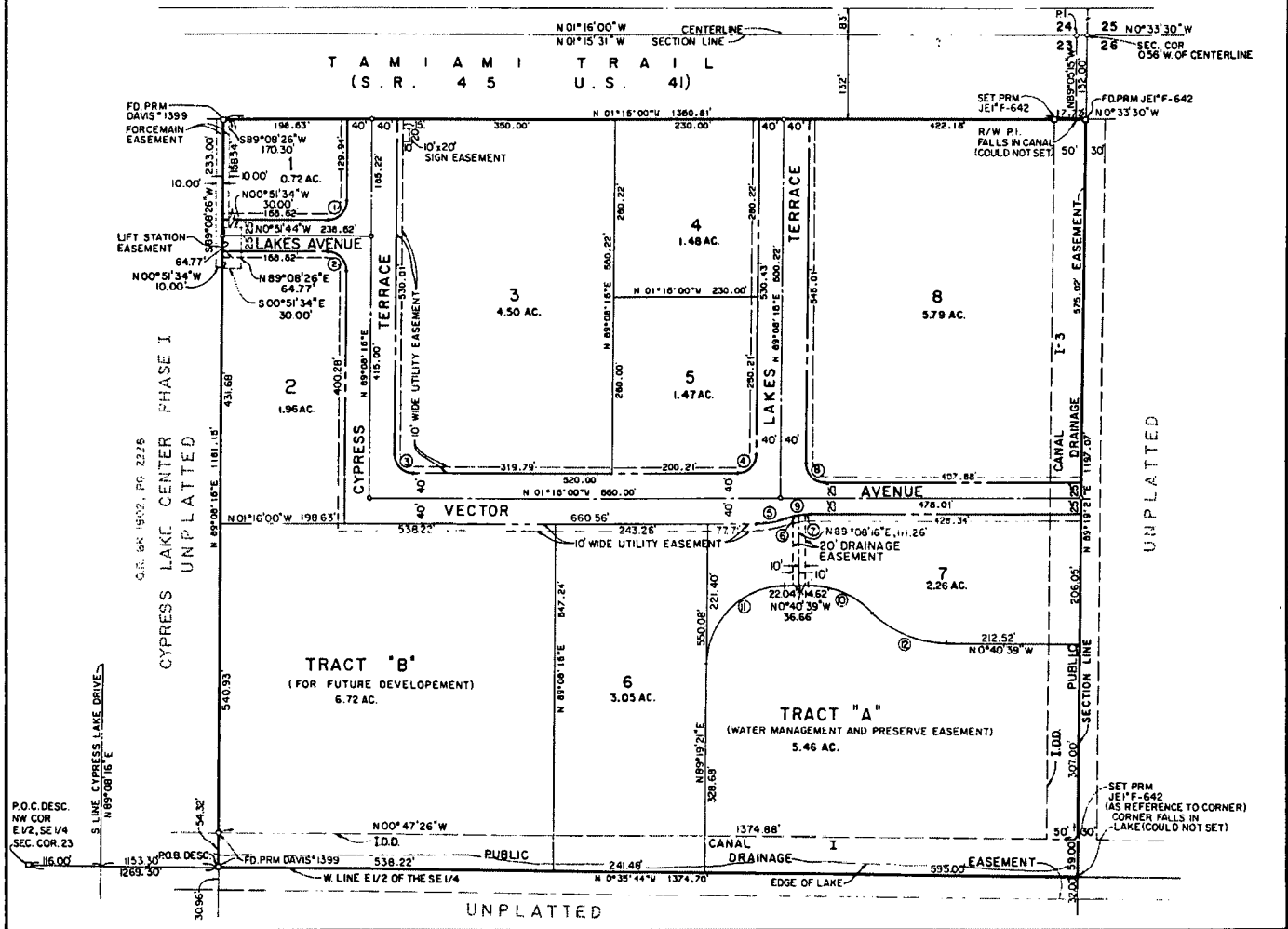
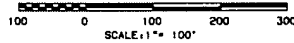
RECEIVED
APR 08 2005

CYPRESS LAKE CENTER PHASE II

PLAT BOOK 32 PAGE 27

SHEET 3 OF 3

A SUBDIVISION IN
THE EAST 1/2 OF THE SOUTHEAST 1/4 OF
SECTION 23, TOWNSHIP 45 SOUTH, RANGE 24 EAST
LEE COUNTY, FLORIDA



DRI2005-00003

RECEIVED
APR 08 2005

BOARD OF COUNTY COMMISSIONERS

Bob Janes
District One

October 18, 2005

479-8585

Douglas R. St. Cerny
District Two

Ray Judah
District Three

Tammy Hall
District Four

John E. Albion
District Five

Donald D. Stilwell
County Manager

James G. Yeager
County Attorney

Diana M. Parker
County Hearing
Examiner

MR. RONALD F. NINO
VANASSE DAYLOR
12730 NEW BRITTANY BLVD
SUITE 600
FORT MYERS, FL 33907

**RE: Agenda Schedule for CYPRESS LAKE CTR.-CENTRAL PARK
Case No. DRI2005-00003 + DCI2004-00085**

Dear MR. RONALD F. NINO :


Your zoning request has been scheduled before the Board of County Commissioners to take final action after reviewing the Hearing Examiner's recommendation.

DATE & TIME: Monday, November 7, 2005. Meeting commences at 9:30 a.m.

LOCATION: Commissioners' Meeting Room
2120 Main Street
Ft. Myers, Florida

Call if you have any questions.

DEPARTMENT OF COMMUNITY DEVELOPMENT
Zoning Division


Jamie Princing
Administrative Assistant

cc: MR. KEITH BASIK
VECTOR LLC
GEORGE & JOYCE KOPIDAKIS
GLOBAL FINANCIAL ADVISORY
FSC PARTNERS LLC
CHRISTOPHE MCGINNIS
ROY WASSON, CFP
VAN DAVIS
DR. GRACE SZENKIEL
EMMANUEL & MARIANNA KOPIDAKIS
JOSE & CATALINA LAGO
CHLOE-RAMSEY, LLC
Fred Drovdic, Senior Planner
Alvin Block, AICP, Principal Planner
Zoning File

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

DATE: July 19, 2005

TO: File - LR12005-00003
4 DC12004-00085

FROM: Jessica Smith
Secretary, Internal Services

RE: Notice of Public Hearing - August 4, 2005 HEX

I, Jessica Smith, 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 500 FEET

CASE NUMBER: DRI2005-00003 & DCI2004-00085

CASE NAME: CYPRESS LAKE CTR.-CENTRAL PARK

REQUEST:

- a. Notice of Proposed Change to DRI Development Order for Cypress Lake Center (DRI#7-8384-47) to extend the build-out date to June 19, 2009 and DRI Development Order language changes noting a seventh amendment of the DRI and clerical corrections.
- b. Evaluate whether the amendment constitutes a substantial deviation from the original development order approvals warranting further development of regional impact review.
- c. Rezone 9.2± acres from Commercial Planned Development (CPD) to Mixed Use Planned Development (MPD), in reference to Cypress Lake Center, to allow a maximum of 58,200 square feet commercial office uses, underground parking, and up to 166 residential units, 12 habitable floors, and 150 feet. No blasting is requested.

LOCATION: The subject property is located at 13820 and 13870 Vector Avenue, in S23 (Section)-T45 (Township)S-R24 (Range)E, Lee County, Florida.

SIZE OF PROPERTY: 68.50 Acres ±

STAFF REPORT: Direct inquiries to Alvin Block, AICP, Principal Planner, at (239) 479-8371, at the Department of Community Development, 1500 Monroe St., Ft. Myers, FL 33901.

PROPERTY OWNERS MR. RONALD F NINO
VANASSE DAYLOR, LLP
239-437-4601

Notice is hereby given that the Lee County Hearing Examiner will hold a public hearing at 1:00 PM on 08/04/2005 on the above case. The public hearing will be held in the Hearing Examiner's Meeting Room, 1500 Monroe St., Ft. Myers, FL 33901.

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 Board of County Commissioners.

After the Hearing Examiner has made a written recommendation, the case will be scheduled for a public hearing before the Board of County Commissioners who will review the recommendation and make a final decision.

If you do not appear before the Hearing Examiner, by law, you will not be allowed to appear before the Board of County Commissioners 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 Jessica M Smith at 239/479-8585.

DEPARTMENT OF COMMUNITY DEVELOPMENT
Development Services Division

23-45-24-00-00002.0030
COSTCO WHOLESALE CORP
ATTN: PROP TAX #351
999 LAKE DR
ISSAQUAH, WA 98027

23-45-24-00-00002.0070
VALLEY CYPRESS LAKE LLC +
PARAGON MANAGEMENT GROUP LLC
SOUTHPORT PLACE
30 JELLIFF LANE STE 201
SOUTHPORT, CT 06890

~~23-45-24-08-000B8.00CE
REFLECTION LAKES MASTER ASSN
123 NW 13TH ST STE 300
BOCA RATON, FL 33432~~

23-45-24-44-00000.0010
MESSINEO JOSEPH M
7010 CYPRESS TER
FORT MYERS, FL 33907

23-45-24-44-00000.0040
CAR SONFREE LLC
C/O CAPITAL AUTOMOTIVE
8270 GREENSBORO DR STE 950
MCLEAN, VA 22102

~~23-45-24-44-00000.0080
CAR SONFREE LLC
C/O CAPITAL AUTOMOTIVE
8270 GREENSBORO DR STE 950
MCLEAN, VA 22102~~

~~23-45-24-44-00000.008B
CAR SONFREE LLC
C/O CAPITAL AUTOMOTIVE
8270 GREENSBORO DR STE 950
MCLEAN, VA 22102~~

23-45-24-48-00000.0010
TWELVE THOUSAND LLC
783 CAL COVE DR
FORT MYERS, FL 33919

~~23-45-24-48-00000.0030
PALM TERRACE COMPANY
CAPITAL RES GROUP OF NAPLES
50 BROAD AVE S
NAPLES, FL 34102~~

23-45-24-58-00000.0120
WAKS RICK M + LAURA G
13709 MAGNOLIA LAKE CT
FORT MYERS, FL 33907

23-45-24-00-00002.0060
SHAFFER GARY + SANDRA
13709 BRYNWOOD LN
FT MYERS, FL 33912

23-45-24-06-000C2.0000
REFLECTION LAKES STORMWATER
123 NW 13TH ST STE 300
BOCA RATON, FL 33432

23-45-24-41-00000.00CE
SPRING LAKE II RPD H/O ASSN
BENSONS INC.
12650 WHITEHALL DR
FORT MYERS, FL 33907

23-45-24-44-00000.0020
CYPRESS LAKE HOTEL LTD PRTRNSP
C/O RONALD E FRANKLIN
7090 CYPRESS TERR
FT MYERS, FL 33907

~~23-45-24-44-00000.0070
CAR SONFREE LLC
C/O CAPITAL AUTOMOTIVE
8270 GREENSBORO DR STE 950
MCLEAN, VA 22102~~

~~23-45-24-44-00000.008A
CAR SONFREE LLC
C/O CAPITAL AUTOMOTIVE
8270 GREENSBORO DR STE 950
MCLEAN, VA 22102~~

~~23-45-24-44-00000.00CE
CYPRESS LAKE CENTER PH II ASSN~~

23-45-24-48-00000.0020
PALM TERRACE COMPANY
CAPITAL RES GROUP OF NAPLES
50 BROAD AVE S
NAPLES, FL 34102

23-45-24-50-00000.0010
SPRINT-FLORIDA INC
C/O CLAIRE CHASE TAX ADMIN
PO BOX 12913
SHAWNEE MISSION, KS 66282

23-45-24-58-00000.0130
LOUKANOVA MILENA M
13717 MAGNOLIA LAKE COURT
FORT MYERS, FL 33907

23-45-24-58-00000.0140
WHITE ERNIE L
34483 BRETTON DR
LIVONIA, MI 48152

23-45-24-58-00000.0160
SU QI M + QUING Z
13739 MAGNOLIA LAKE CT
FT MYERS, FL 33907

23-45-24-58-000L8.00CE
TOUSA HOMES INC
REFLECTION LAKES OWNERS ASSN
123 NW 13TH ST STE 300
BOCA RATON, FL 33432

23-45-24-60-00000.00CE
CENTRAL PARK LAND CONDO ASSN
5405 PARK CENTRAL CT
NAPLES, FL 34108

23-45-24-61-00000.0101
CENTRAL PARK DEVELOPMENT OF
720 GOODLETTE RD STE 305
NAPLES, FL 34102

23-45-24-61-00000.0300
FSC PARTNERS LLC
7870 EAGLES FLIGHT LN
FORT MYERS, FL 33912

23-45-24-61-00000.0402
WASSON ROY
13730 CYPRESS TER CIR STE 402
FORT MYERS, FL 33907

23-45-24-61-00000.0500
SZENKIEL GRAZYNA
469 CORNELL ST
PERTH AMBOY, NJ 08861

23-45-24-61-00000.0701
LAGO JOSE O + CATALINA 50% +
3940 WEST FLAGLER ST
1ST FLOOR
MIAMI, FL 33134

~~23-45-24-61-00000.0703
LAGO JOSE O + CATALINA 50% +
3940 WEST FLAGLER ST
1ST FLOOR
MIAMI, FL 33134~~

23-45-24-58-00000.0150
SCRICCA DOMENIC T + ELINOR C
13731 MAGNOLIA LAKE CRT
FORT MYERS, FL 33907

23-45-24-58-00000.0170
GOFF RANDY W + CINDI K
13747 MAGNOLIA LAKE CRT
FORT MYERS, FL 33907

23-45-24-58-00B14.00CE
TOUSA HOMES INC
~~REFLECTION LAKES OWNERS ASSN
123 NW 13TH ST STE 300
BOCA RATON, FL 33432~~

23-45-24-61-00000.0100
KOPIDAKIS GEORGE + JOYCE
30 EDISON AVE
EDISON, NJ 08820

23-45-24-61-00000.0200
GSB PROPERTY LLC
13710 CYPRESS TERR CIR #200
FORT MYERS, FL 33907

23-45-24-61-00000.0401
~~CENTRAL PARK DEVELOPMENT OF
720 GOODLETTE RD STE 305
NAPLES, FL 34102~~

23-45-24-61-00000.0403
DAVIS VAN D
6941 HONEYCOMB LANE
FORT MYERS, FL 33912

23-45-24-61-00000.0600
KOPIDAKIS EMMANUEL + MARIANNA
95 KINGSWOOD CT
EDISON, NJ 08820

~~23-45-24-61-00000.0702
LAGO JOSE O + CATALINA 50% +
3940 WEST FLAGLER ST
1ST FLOOR
MIAMI, FL 33134~~



23-45-24-00-00002.0010
WHITE ROSE VENTURES LLC
3998 INVERNESS
HOUSTON TX 77019

23-45-24-00-00002.0020
CHICK-FIL-A INC
5200 BUFFINGTON RD
ATLANTA GA 30349

23-45-24-00-00002.0040
BOB EVANS FARMS INC
PO BOX 07863
COLUMBUS OH 43207

23-45-24-00-00002.0050
GLW PROPERTIES WEST LLC
3700 STATE ST STE 200
SANTA BARBARA CA 93105

~~23-45-24-00-00002.0010
WHITE ROSE VENTURES LLC
3998 INVERNESS
HOUSTON TX 77019~~

~~23-45-24-00-00002.0020
CHICK-FIL-A INC
5200 BUFFINGTON RD
ATLANTA GA 30349~~

~~23-45-24-00-00002.0040
BOB EVANS FARMS INC
PO BOX 07863
COLUMBUS OH 43207~~

~~23-45-24-00-00002.0050
GLW PROPERTIES WEST LLC
3700 STATE ST STE 200
SANTA BARBARA CA 93105~~

Mr. Ronald F. Nino
Vaneese Daylor
12730 New Brittany Blvd. Suite 600
Fort Myers, FL 33907

*agent

Mr. Keith Basik
720 Goodlette Road Suite 305
Naples, FL 34102

*applicant/owner

Seymour Roche, President
Page Park Community Association
507 Center Road
Fort Myers, FL 33907

*association

Sean O'Connell
Page Park Community Association
110 Danley Drive
Fort Myers, FL 33907

*association

William B. Horner
Lee County Port Authority
16000 Chamberlin Pkwy Suite 8671
Fort Myers, FL 33913-8899

*association





LEE COUNTY
SOUTHWEST FLORIDA

APPLICATION FOR

REQUEST FOR

CONTINUANCE,
DEFERRAL, WITHDRAWAL, OR REHEARING

REQUEST FOR: (refer to back of sheet for special notes)

☒ CONTINUANCE ☐ DEFERRAL ☐ WITHDRAWAL
☐ REHEARING ☐ WITHDRAWAL OF ADMINISTRATIVE APPEAL

If a DEFERRAL OR CONTINUANCE is requested, please indicate:

Length of time To August 17, 2005

From: ☒ Hearing Examiner ☐ BOCC

1. Date of Scheduled Hearing: August 4, 2005
2. Applicant/Project Name: Central Park Development of S.W. Florida, LLC
3. Tracking/Hearing/Application Number: DCI 2004-00085/ DRI 2005-00003
4. Date Decision was Rendered: N/A
5. Type of Application-Check CPD/DRI Amendment
☒ Rezoning ☐ Special Exception ☐ Variance ☐ Other
6. Reason for request (If rehearing is requested, see Special Notes on Back):

Additional time to respond to Staff issue.

Steven C. Hartsell 7-20-05
Signature of applicant or authorized agent Date

Steven C. Hartsell
Name (typed or printed legibly)

Post office Drawer 1507, Ft. Myers FL 33902
Address

STATE OF FLORIDA
COUNTY OF LEE

The foregoing instrument was acknowledged before me this 20th day of July
20 05 by Steven C. Hartsell who is personally known to me or who produced
as identification.



Laurie L. Giarrusso
My Commission DD281039
Expires May 08, 2008

Laurie L. Giarrusso
Signature of Notary Public

Laurie L. Giarrusso
Printed Name of Notary Public

FEE \$ _____ RECEIPT NUMBER: _____
DATE PAID: _____ INTAKE BY: _____

Jayne Bradbury

From: Ron Nino
Sent: Wednesday, November 09, 2005 10:12 AM
To: Jayne Bradbury
Subject: FW: Central Park/Cypress Lake Center

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

From: Alvin Chip Block [mailto:BLOCKAH@leegov.com]
Sent: Wednesday, November 09, 2005 9:54 AM
To: SteveHartsell@PaveseLaw.com; Ron Nino
Cc: Jamie Prancing
Subject: Central Park/Cypress Lake Center

We are in receipt of the reduced Map H for the DRI portion of this project. However, no full sized versions were submitted.

Please have 11 full sized copies of Map H submitted since we are required to have both the full sized and reduced sized copies.

I have directed our staff to be on the lookout for these and as soon as they come in transmit them out for review with the same response time. I trust you can produce and submit the full sized copies within the next few days.

Thanks
Chip

Chip Block
Principal Planner
Department of Community Development
239-479-8371

RECEIVED
NOV 10 2005

DRI 2005-00003

80817.06

RECEIVED BY
LEE CO. ATTORNEY

Urban Planning
Landscape Architecture
Civil Engineering
Traffic Engineering
Environmental Science
FL 366

**RE: Legal Description for Cypress Lake Center -Central Park
Case No. DRI2005-00003 + DCI2004-00085
Resolution Z-05-064**

This is to verify the legal description, contained in Resolution Z-05-064 and identified as Exhibit PH-3.C.1, as this relates to the above referenced case numbers, is a correct legal description.

Sincerely,
Vanasse & Daylor, LLP

Ronald F. Nino, AICP
Senior Planner

**MEMORANDUM
FROM THE
OFFICE OF COUNTY ATTORNEY**

RECEIVED
NOV - 7 2005

COMMUNITY DEVELOPMENT

DATE: November 7, 2005

To: Jamie Princing

Community Development - ISA

FROM: Maria M. Encarnacion

Legal Administrative Secretary

Cypress Lake Center - Central Park

**RE: Zoning Case #DRI2005-00003 & DCI2004-00085
Resolution No. Z-05-064**

Attached hereto please find a legal verification letter in connection with the above matter.
Please place this letter in the appropriate file.

Thank you.

/mme
Attachment



April 1, 2005

Mr. Fred Drovdic, AICP
Senior Planner
Department of community Development
P.O. box 398
Fort Myers, Florida 33902-0398

RE: Application of NOPC Cypress Lakes Center DRI 1999-00019

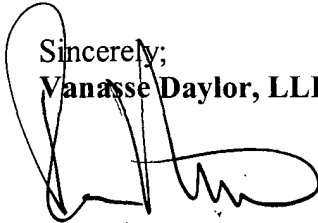
Dear Mr. Drovdic

Please find enclosed an application to amend the Cypress Lakes Center DRI by a Notice of Proposed Change application (NOPC).

This application is in response to the ruling by staff that any further review of its application DCI2004-00085-PDL would not be possible until a NOPC was filed with the SWRPC, DCA and Lee County. The purpose of the NOPC is to extend the termination and the build out date and to reduce certain thresholds of development authorized by the Cypress Lakes Center DRI.

We trust that our application will be approved and that you concurrently continue your review of DCI2004-00085. We would appreciate your expeditious review of the application given what has transpired. Your assistance has been much appreciated.

Sincerely;
Vanasse Daylor, LLP


Ron Nino
Senior Planner, AICP

CC. Keith Basik
Steve Hartsell

DRI2005-00003

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APR 04 2005

PERMIT COUNTER

OLD DRI

Tidemark Advantage

File Edit Options Window Help

Close Edit Project Group Add Clone Parcel Activity People Maps Valuation Conditions Case Notes Tags Documents GIS

Development of Regional Impact -- DRI1999-00019 Status A...

Name: **HATTENBACH MURIEL** Updated: 1/18/2000 KLD

Address: 18820 VECTOR AV

Mstr #: **DRI1999-00019** Project: **CYPRESS LAKE CENTER**

FKA/ 85-03-01-DRI-e/7 TIS SUB. ON 01-07-00/

STRAP #: **234524440000000000**

Staff/Contact: **KLD**

Type of Application: **Time Extensions & Minor Chg**

Community:

Dates

Received: **12/29/1999**

Due:

Expired:

Deemed Sufficient: **3/2/2005**

General
Legal Desc
Dimen & Use
Current Land Use
DRI
NOPC

Cancel

Ready

Start Novell-delivered... Tidemark Adv. HATTENBACH MURIEL 2:32 PM

Now DRI 2005-00003

ZONING DIVISION
LEE COUNTY
DEVELOPMENT OF REGIONAL IMPACT SUBSTANTIVE REVIEW
TRANSMITTAL SHEET

TO: Distribution

FROM: Alvin Block, AICP

DATE: 05/25/2005

Joan Henry, Asst County Attorney
DS Reviewer - Susan Hollingsworth
TIS Reviewer - Bob Rentz
Paul O'Connor, Planning
Kim Trebatoski, Environmental Sciences
Andy Getch, LCDOT
Tina Silcox, Lee County School District
Roland Ottolini, Natural Resources
Luis Machado, Zoning

PROJECT NAME: CENTRAL PARK

CASE #: DRI2005-00003

INFORMATION SUMMARY:

To update your file
☒ Review and forward substantive comments ASAP.

RESPONSE REQUIRED BY: 06/06/2005

Additional Comments:

Sufficiency letter distribution

cc: DRI planner/working file
DRI Zone File

Distributed by: Luisa V Villa

Date: 05/25/2005

BOARD OF COUNTY COMMISSIONERS

Writer's Direct Dial Number: 479-8371

Bob Janes
District One

Douglas R. St. Cerny
District Two

Ray Judah
District Three

Tammy Hall
District Four

John E. Albion
District Five

Donald D. Stilwell
County Manager

David M. Owen
County Attorney

Diana M. Parker
County Hearing
Examiner

May 25, 2005

Mr. Steven Hartsell, Esq.
Pavese Law Firm
1833 Hendry Street
Fort Myers, Florida 33901

Subject: DRI2005-00003, Cypress Lake Center DRI (Central Park)

Dear Mr. Hartsell:

The Zoning Division has reviewed the information provided for the Development of Regional Impact request referenced above. The application is now sufficient and the formal request has been drafted from your application as follows:

- a. Notice of Proposed Change to DRI Development Order for Cypress Lake Center (DRI#7-8384-47) to extend the build-out date to June 18, 2009, adjust development intensity within the project, and adopt a new Map H depicting these changes.
- b. Evaluate whether the amendment constitutes a substantial deviation from the original development order approvals warranting further development of regional impact review.

Please review this language carefully and advise me in writing whether or not this wording is satisfactory. Staff's substantive comments are now being prepared.

This case will be tentatively scheduled with the current planned development application so that they may proceed through the public hearing process together. When that case (DCI2004-00085) is found sufficient a public hearing date will be tentatively set for both cases.

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.

Mr. Steven Hartsell, Esq. - Pavese Law Firm
Subject: DRI2005-00003, Cypress Lake Center DRI (Central Park)
May 25, 2005
Page Two

Sincerely,

DEPARTMENT OF COMMUNITY DEVELOPMENT
Zoning Division



Alvin Block
Principal Planner

cc: Dawn Lehnert, Assistant County Attorney
Susan Hollingsworth, Development Services
Bob Rentz, Development Services
Paul O'Connor, Planning
Kim Trebatoski, Environmental Sciences
Andy Getch, LCDOT
Tina Silcox, Lee County School District
Brad Vance, Natural Resources

ZONING DIVISION
LEE COUNTY
DEVELOPMENT OF REGIONAL IMPACT SUFFICIENCY REVIEW
TRANSMITTAL SHEET

TO: Distribution

FROM: Alvin Block, AICP

DATE: 05/11/2005

Joan Henry, Asst County Attorney
DS Reviewer - Susan Hollingsworth
TIS Reviewer - Bob Rentz
Paul O'Connor, Planning
Kim Trebatoski, Environmental Sciences
Andy Getch, LCDOT
Tina Silcox, Lee County School District
Roland Ottolini, Natural Resources
Luis Machado, Zoning

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

PROJECT NAME: CENTRAL PARK

CASE #: DRI2005-00003

INFORMATION SUMMARY:

RESUBMITTAL

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

RESPONSE REQUIRED BY: 06/01/2005

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: Luisa V Villa

Date: 05/13/2005



Project No. 80817.08
May 10, 2005

Mr. Alvin Chip Block, AICP
Principal Planner
Department of Community Development
1500 Monroe Street
Fort Myers, FL. 33901

Urban Planning
Landscape Architecture
Civil Engineering
Traffic Engineering
Environmental Science
FL 366

RE: Cypress Lakes Center NOPC DRI2005-00003

Dear Mr. Block:

As we indicated in our letter dated May 4, 2005, we are revising the above noted application originally dated April 1, 2005 and subsequently amended by our letter to you on May 4.

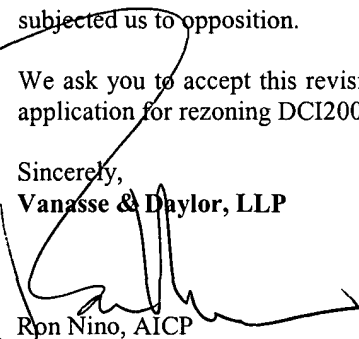
The thrust of the amendment is that we no longer propose reducing the allowable thresholds of certain uses as described by said original submission. An amended NOPC application and companion exhibits is herewith sent to your office in which the sole purpose of the NOPC is to extend the termination and build-out date.

We have consulted with your transportation planning staff and with Ken Heatherington, AICP, Director of Planning for the SWFRPC who have stated that the TIS as initially submitted included a significant/adverse test for the approved development threshold and that there were no significant/adverse links. Further that the committed improvements have all been constructed, and that Lee County found the TIS sufficient as written.

As you know our original application as proposed would have subjected us to potential objections from other property owners within the Cypress Lakes Center DRI. We proposed these reductions in some measure in response to staff's concerns, and because we assumed they were necessary to rebut a substantial determination. As it worked out these reductions to thresholds were not necessary to rebut the presumption of a substantial determination and consequently there is no need to reduce thresholds that would have subjected us to opposition.

We ask you to accept this revision and to process the NOPC as quickly as possible concurrently with our application for rezoning DCI2004-00085.

Sincerely,
Vanasse & Daylor, LLP


Ron Nino, AICP
Senior Planner

cc. Steve Hartsell
Keith Basik
Dan Trescott
Ken Heatherington

DRI 2005 00003

RECEIVED
MAY 11 2005

PERMIT COUNTER

ZONING DIVISION

LEE COUNTY

DEVELOPMENT OF REGIONAL IMPACT SUFFICIENCY REVIEW

TRANSMITTAL SHEET

TO: Distribution

FROM: Alvin Block, AICP

DATE: 05/04/2005

Joan Henry, Asst County Attorney
DS Reviewer - Susan Hollingsworth
TIS Reviewer - Bob Rentz
Paul O'Connor, Planning
Kim Trebatoski, Environmental Sciences
Andy Getch, LCDOT
Tina Silcox, Lee County School District
Roland Ottolini, Natural Resources
Luis Machado, Zoning

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

PROJECT NAME: CENTRAL PARK

CASE #: DRI2005-00003

INFORMATION SUMMARY:

RESUBMITTAL

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

RESPONSE REQUIRED BY: 05/25/2005

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

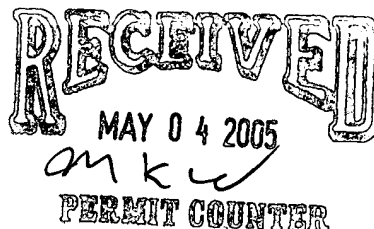
Date: 05/06/2005



Project #80817

May 4, 2005

Mr. Alvin Chip Block
Principal Planner
Department of Community Development
1500 Monroe Street
Fort Myers, FL. 33901



Urban Planning
Landscape Architecture
Civil Engineering
Traffic Engineering
Environmental Science
FL 366

RE: Cypress Lakes Center NOPC-DRI2005-00003

Dear Mr. Block:

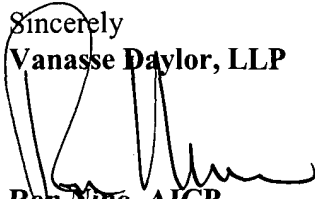
Pursuant to your recent comments, in which county staff requests a large copy of Map H, the Master Plan for the Cypress Lakes Center DRI, we have blown Map H up to 24 by 36 in the absence of not being able to find a copy of said size in your files. This condition follows retrieving the pertinent records and searching them for said enlarged map on two occasions this week.

Steve Hartsell by way of a copy of your e-mail indicated other areas of concern for which you requested revision, namely that we had indicated the incorrect acreage of the project and further that Exhibit A be revised to show more explicitly the changes from previous approvals. Please find enclosed revisions to the pertinent page of the application and to Exhibit A. We hope this is acceptable for your sufficiency determination process.

We further advise that it is our intention to further modify our NOPC application to remove the request to revise any of the currently authorized thresholds so that the NOPC only deals with the matter of extending the termination and build out date. We understand that the traffic analysis affirmatively addresses the substantial deviation rebuttal without any requirement to reduce thresholds. Mr. Andy Getch has confirmed this in an email to our traffic planner. We have advised Dan Trescott of the SWFRPC of our wish to revise the NOPC application.

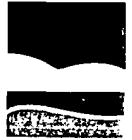
Have a nice day.

Sincerely
Vanasse Daylor, LLP



Ron Nino, AICP
Senior Planner

cc. Steve Hartsell
Dan Trescott
Keith Basik



Project 80817.08

Urban Planning

Landscape Architecture

Civil Engineering

Traffic Engineering

Environmental Science

May 4, 2005

Mr. Dan Trescott
Southwest Florida Regional Planning Council
1926 Victoria Avenue
Fort Myers, Florida 33901

RE: Cypress Lakes Center NOPC (Lee county Case #DRI2005-0003)

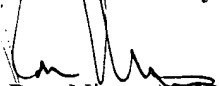
Dear Mr. Trescott:

Further to our discussion regarding the necessity to reduce authorized thresholds as reflected in our most recent application, we advised you that we did not believe these reductions were necessary to rebut the presumption that our application is a substantial deviation. We believe these reductions, while well intentioned, was a mistake on our part. After much thought we have decided to amend our application to deal only with the matter of extending the termination and build-out dates.

At your suggestion, we are writing you to so advise that we do not wish to reduce thresholds as described by our NOPC application. We are of the opinion that the TIS submitted rebutted the presumption of a substantial deviation without the threshold reductions that we had proposed. This was recently confirmed by LEE DOT staff member Andy Getch.

We are of the opinion that this action does nothing to affect the date that staff will make its recommendation to the Regional Council on May 16, 2005. If that is not the case, please advise, as we may have no choice but to go forward with our application to the Regional Council as it is and hope that the final order, as approved by Lee County, is one consistent with our goal.

Sincerely:
Vanasse & Daylor, LLP


Ron Nino, ATCP
Senior Planner

cc. Steve Hartsell
Chip Block
Keith Basik

RECEIVED
MAY 04 2005

PERMIT COUNTER

ZONING DIVISION
LEE COUNTY
DEVELOPMENT OF REGIONAL IMPACT SUFFICIENCY REVIEW
TRANSMITTAL SHEET

TO: Distribution

FROM: Alvin Block, AICP

DATE: 04/04/2005

Donna Marie Collins, Asst County Attorney
DS Reviewer - Susan Hollingsworth
TIS Reviewer - Bob Rentz
Paul O'Connor, Planning
Kim Trebatoski, Environmental Sciences
Andy Getch, LCDOT
Tina Silcox, Lee County School District
Roland Ottolini, Natural Resources
Luis Machado, Zoning

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

PROJECT NAME: CENTRAL PARK

CASE #: DRI2005-00003

INFORMATION SUMMARY:

NEW SUBMITTAL

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

RESPONSE REQUIRED BY: 04/25/2005

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: Jodi M Payne

Date: 04/07/2005

Alvin Chip Block - DRI2005-00003, Central Park

From: Alvin Chip Block
To: Nino, Ron
Date: 4/7/2005 8:23 AM
Subject: DRI2005-00003, Central Park
CC: Lehnert, Dawn

Ron, this application does not contain the following information:

1. Plat Book Page. It appears at least a portion of this property is located within a platted subdivision. Please submit copies of the subdivision.
2. This is a new application, and the response for submitting a copy of the deed restrictions indicates it was done in a January 27, 2005 resubmittal. However, this application was just filed on April 4, 2005. Please submit a copy of the deed restrictions so that they may be included in this file.
3. The adjoining property ownership list, mailing labels, and drawing (variance report) was not included. This is needed as immediate as possible since we must mail out courtesy notices to the adjoining property owners. Please have those delivered to our zoning counter for submittal for this file (DRI2005-00003) immediately.

This does not constitute a finding of completeness or incompleteness of the application, just notification that the original application failed to contain these items. This should have been caught by the Zoning Counter and the application should not have been taken in at that time.

Thanks. A complete review by staff will be completed in the near future and you will be advised if more information or clarifications are needed.

Thanks
Chip Block

RECEIVED
NOV 10 2005

BOARD OF COUNTY COMMISSIONERS

COMMUNITY DEVELOPMENT Writer's Direct Dial Number: (239) 335-2236
Facsimile: (239) 335-2606

Bob Janes
District One

Douglas R. St. Cerny
District Two

Ray Judah
District Three

Tammy Hall
District Four

John E. Albion
District Five

Donald D. Stilwell
County Manager

David M. Owen
County Attorney

Diana M. Parker
County Hearing
Examiner

November 8, 2005

Steven C. Hartsell, Esq.
Pavese Law Firm
1833 Hendry Street
P.O. Box 1507
Fort Myers, FL 33902-1507

Re: Zoning Case #DRI2005-00003 (Cypress Lake Center DRI)
and Case #DCI2004-00085 (Central Park MPD)
Resolution No. Z-05-064

Dear Mr. Hartsell:


Yesterday, the Board approved a request for a DRI amendment and a rezoning for a project known as Cypress Lake Center DRI. The enclosed draft resolution reflects the Board's approval. However, before this document may be sent to the Chairman for execution, the applicant must prepare a revised Master Concept Plan (MCP) and an updated DRI Map H.

The MCP and Map H currently on file do not accurately reflect the Board's action. Please submit a revised MCP and Map H to the Department of Community Development for review, approval, and transmittal to our office for attachment to the resolution and DRI Development Order amendment. Marked copies of the available MCP and Map H are attached to assist in compliance with this request.

Once prepared, please deliver the revised MCP and Map H, including the required 11 copies (in both full-sized and reduced 11" by 17" sheets) to County Staff at the first floor zoning counter at the Department of Community Development (1500 Monroe Street). After the revised MCP and Map H have been received, they will be reviewed for conformity with the Board's approval and, if correct, will be attached to the zoning resolution and DRI Development Order amendment and directed to the Chairman for execution.

At your request, our office will be happy to schedule a meeting that includes appropriate County staff to discuss the required changes to the MCP and resolution to conform to the Board's action.

Kind regards,


Donna Marie Collins
Assistant County Attorney

DMC/amp
Enclosure

cc w/ enclosure: Pam Houck, Director, Zoning Division
Chip Block, Zoning Division
Fred Drovdic, Senior Planner, Zoning
Dawn E. Perry-Lehnert, Assistant County Attorney
Kim Trebatoski, Senior Environmental Planner
Billie Jacoby, Administrative Specialist, DCD/Administration



LEE COUNTY
SOUTHWEST FLORIDA

BOARD OF COUNTY COMMISSIONERS

Bob Janes
District One

Douglas R. St. Cerny
District Two

Ray Judah
District Three

Tammy Hall
District Four

John E. Albion
District Five

Donald D. Stilwell
County Manager

David M. Owen
County Attorney

Diana M. Parker
County Hearing Examiner

Writer's Direct Dial Number: (239) 335-2236

Facsimile 239-335-2606

October 31, 2005

RECEIVED
NOV - 2 2005

COMMUNITY DEVELOPMENT

Steven C. Hartsell, Esquire
Pavese Law Firm
1833 Hendry Street
P.O. Box 1507
Fort Myers, FL 33902-1507

Re: Case #DRI2005-00003 (Cypress Lake Center DRI)
and Case #DCI2004-00085 (Central Park MPD)
Resolution No. Z-05-064

Dear Mr. Hartsell:

On August 17, 2005, the Board approved a request for a DRI amendment and a rezoning for a project known as Cypress Lake Center DRI. The enclosed resolution draft has been prepared to reflect the Board's approval. However, before this document may be sent to the Chairman for execution, a revised Master Concept Plan (MCP) and DRI Map H must be attached.

The MCP currently on file does not accurately reflect the Board's action. Please submit a revised MCP to the Department of Community Development for review, approval, and transmittal to our office for attachment to the resolution. A marked copy of the available MCP is attached to assist in compliance with this request.

The DRI Map H should be redated to 2005 and include a footnote as part of the seventh amendment to the DRI.

Once prepared, please deliver the revised MCP and DRI Map H, including the required 11 copies (in both full-sized and reduced 11" by 17" sheets), to County Staff at the first floor zoning counter at the Department of Community Development (1500 Monroe Street). After the revised MCP and DRI Map H has been received, it will be reviewed for conformity with the Board's approval and, if correct, will be attached to the zoning resolution and directed to the Chairman for execution.

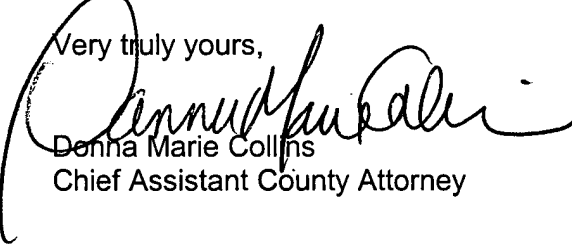
If you have questions concerning the above, do not hesitate to contact me. At your request, our office will be happy to schedule a meeting that includes appropriate County staff to discuss the required changes to the MCP and DRI Map H to conform these documents to the Board's action.

Steven C. Hartsell, Esquire
October 31, 2005
Page 2

Re: Resolution No. Z-05-064

Please contact me if you have any questions.

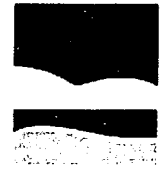
Very truly yours,

A handwritten signature in black ink, appearing to read "Donna Marie Collins". The signature is fluid and cursive, with a large initial "D".

Donna Marie Collins
Chief Assistant County Attorney

DMC/tmv
Enclosure

cc: w/ enclosure
Pam Houck, Director, Zoning Division
Chip Block, Senior Planner, Zoning
Fred Drovdic, Senior Planner, Zoning
Dawn E. Perry-Lehnert, Assistant County Attorney
Kim Trebatoski, Senior Environmental Planner
Billie Jacoby, Administrative Specialist, DCD, Administration (*via e-mail also*)



TRANSMITTAL MEMORANDUM

DRI2005-00003

To: Pam Houck
Zoning Director
Lee County DCD
1500 Monroe Street
Fort Myers, FL 33902

From: Ron Nino
Senior Planner
rnino@vanday.com

Date: November 07, 2005

Cc: Steve Hartsell, Pavese Law Group,
Keith Basik, Basik Development

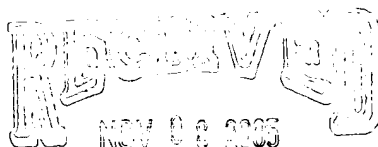
Re: DRI2005-00003 Cypress Lakes Center DRI &
DCI2004-00085 Central Park MPD

We are sending you via By Hand the following:

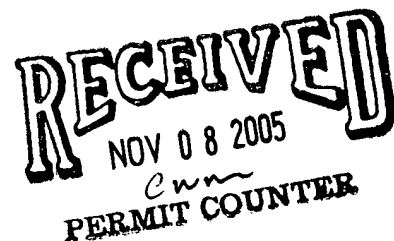
Copies	Date	Description
11		Revised Master Concept Plan (24 x 36)
11		Revised Master Concept Plan (11 x 17)
11		Revised Map "H"

Remarks:

Per the instructions of Donna Marie Collins, Chief Assistant County Attorney
(see attached letter)



PERMIT COUNTER



ZONING DIVISION
LEE COUNTY
DEVELOPMENT OF REGIONAL IMPACT SUBSTANTIVE REVIEW
PLANNED DEVELOPMENT SUBSTANTIVE REVIEW
TRANSMITTAL SHEET

TO: Distribution

John Fredyma, Asst County Attorney
Paul O'Connor, Planning
Kim Trebatoski, Environmental Sciences
Andy Getch, LCDOT

FROM: Alvin Block, AICP/ Fred Drovdic

DATE: 11/08/2005

PROJECT NAME: CYPRESS LAKE CTR.-CENTRAL PARK

CASE #: DRI2005-00003 &
DCI2004-00085

INFORMATION SUMMARY:

To update your file

☒ Review and forward substantive comments **ASAP**.

RESPONSE REQUIRED BY: 11/18/2005

Additional Comments:

Please review the attached plan to determine if it accurately reflects the approval by the BoCC on November 7, 2005 in accordance with LDC 34-377(b)(6).

cc: DRI/DCI planner/working file
DRI/DCI Zone File

Distributed by: Jamie Princing

Date: 11/09/2005

ZONING DIVISION
LEE COUNTY
DEVELOPMENT OF REGIONAL IMPACT SUBSTANTIVE REVIEW
TRANSMITTAL SHEET

TO: Distribution
John Fredyma, Asst County Attorney
Paul O'Connor, Planning
Kim Trebatoski, Environmental Sciences
Andy Getch, LCDOT

FROM: Alvin Block, AICP

DATE: 11/10/2005

PROJECT NAME: CYPRESS LAKE CTR.-CENTRAL PARK

CASE #: DRI2005-00003

INFORMATION SUMMARY:

To update your file

☒ Review and forward substantive comments **ASAP**.

RESPONSE REQUIRED BY: 11/18/2005

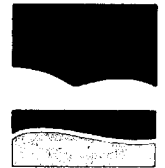
Additional Comments:

Please review the attached plan to determine if it accurately reflects the approval by the BoCC on November 7, 2005 in accordance with LDC 34-377(b)(6).

cc: DRI planner/working fileDRI Zone File

Distributed by: Jamie Princing

Date: 11/14/2005



TRANSMITTAL MEMORANDUM

To: Chip Block
Principle Planner
Lee County DCD
1500 Monroe Street
Fort Myers, FL 33902

From: Ron Nino
Senior Planner
rnino@vanday.com

Date: November 10, 2005

Cc: Steve Hartsell, Pavese Law Group,
Keith Basik, Basik Development

Re: DRI2005-00003 Cypress Lakes Center DRI

We are sending you via By Hand the following:

Copies	Date	Description
11		Revised Map "H" 24" x 36"

Remarks:

Per your email request

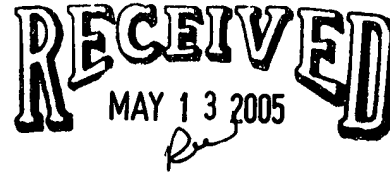
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COMMUNITY DEVELOPMENT

RECEIVED
NOV 10 2005

DRI 2005-00003



TRANSMITTAL MEMORANDUM



To: Chip Block
Lee County DCD
1500 Monroe St
Ft Myers, FL 33902

From: Ron Nino
Senior Planner
rnino@vanday.com

Date: May 12, 2005

Cc: Steve Hartsell, Pavese Law Firm

Re: Cypress Lake Center NOPC - DRI2005-00003

We are sending you via By Hand the following:

Copies	Date	Description
2		Additional Mailing Labels

Remarks:

Please add to the adjacent owners list the attached four 4 properties.
Labels for the owners are also included

<u>Owner Name & Address</u>	<u>Strap & Location</u>	<u>Legal Description</u>
White Rose Ventures LLC 3998 Inverness Houston, TX 77019	23-45-24-00-00002.0010 7101/7191 Cypress Lake Dr Ft Myers FL 33907	Par in NE ¼ of SE ¼ as desc in OR 4236/126
Chick-Fil-A Inc 5200 Buffington Rd Atlanta GA 30349	23-45-24-00-00002.0020 13610 S Tamiami Trl Ft Myers FL 33912	Parl in NE ¼ of SE ¼ W of US 41 S of Cypress Lake Dr desc in OR 1851, Pg 3718
Bob Evans Farms Inc PO Box 07863 Columbus OH 43207	23-45-24-00-00002.0040 7011 Cypress Lake Dr Ft Myers FL 33907	Parl in N ½ of NE ¼ of SE ¼ of Cypress Lake Dr W of US 41
GLW Properties West LLC 3700 State St Ste 200 Santa Barbara CA 93105	23-45-24-00-00002.0050 13550 S Tamiami Trl Ft Myers FL 33912	Par in NE ¼ of NE ¼ of SE ¼ W of US 41 as desc in OR 1906, Pg 1177

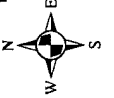
DRI 2005-00003

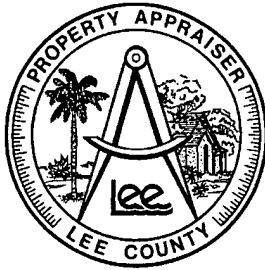
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URI 2005-00003

4/8/2005

600 300 0
600 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: April 08, 2005
Buffer Distance: 500 ft
Parcels Affected: 39
Subject Parcel: 23-45-24-61-00000.00CE, 23-45-24-60-00000.2010

DRI2005-00003

<u>OWNER NAME AND ADDRESS</u>	<u>STRAP AND LOCATION</u>	<u>LEGAL DESCRIPTION</u>	<u>Map Index</u>
COSTCO WHOLESALE CORP ATTN: PROP TAX #351 999 LAKE DR ISSAQUAH WA 98027	23-45-24-00-00002.0030 7171 CYPRESS LAKE DR FORT MYERS FL 33907	COMM NE COR OF SE 1/4 THEN W 132 FT THEN S 116 FT THEN W 465 FT TO POB AS DESC IN OR 3214 PG 964	1
SHAFFER GARY + SANDRA 13709 BRYNWOOD LN FT MYERS FL 33912	23-45-24-00-00002.0060 13730/740 S TAMIAMI TRL FORT MYERS FL 33912	PARL IN NE 1/4 OF SE 1/4 AS DESC IN OR 1958 PG 3664	2
VALLEY CYPRESS LAKE LLC + PARAGON MANAGEMENT GROUP LLC SOUTHPORT PLACE 30 JELLIFF LANE STE 201 SOUTHPORT CT 06890	23-45-24-00-00002.0070 7191 CYPRESS LAKE DR FT MYERS FL 33907	PARCEL IN SE 1/4 AS DESC IN OR 4156 PG 4885	3
REFLECTION LAKES STORMWATER 123 NW 13TH ST STE 300 BOCA RATON FL 33432	23-45-24-06-000C2.0000 RESERVED FT MYERS FL 33907	REFLECTION LAKES SUBD PB 64 PGS 53-66 TRACTS C2 + C3 + C4	4
REFLECTION LAKES MASTER ASSN 123 NW 13TH ST STE 300 BOCA RATON FL 33432	23-45-24-08-000B8.00CE COMMON ELEMENT FT MYERS FL 33907	REFLECTION LAKES UNIT 3 PB 67 PGS 2-6 TRACTS B-8 + B-9 LESS OR3577 PG 4085 + B-10 THRU B-12 COMMON ELEMENT	5
SPRING LAKE II RPD H/O ASSN BENSONS INC 12650 WHITEHALL DR FORT MYERS FL 33907	23-45-24-41-00000.00CE 6292 WESTSHORE DR FT MYERS FL 33907	RESIDENTIAL PLANNED DEV SEC 23 TWP 45 RGE 24 AS DESC OR 1469 PG 1203	6
MESSINEO JOSEPH M 7010 CYPRESS TER FORT MYERS FL 33907	23-45-24-44-00000.0010 7010 CYPRESS TER FORT MYERS FL 33907	CYPRESS LAKE CENTER PH II PB 39 PG 24 LOT 1	7
CYPRESS LAKE HOTEL LTD PRTRSP C/O RONALD E FRANKLIN 7090 CYPRESS TERR FT MYERS FL 33907	23-45-24-44-00000.0020 7090 CYPRESS TER FORT MYERS FL 33907	CYPRESS LAKE CENTER PH II PB 39 PG 24 LOT 2	8
CAR SONFREE LLC C/O CAPITAL AUTOMOTIVE 8270 GREENSBORO DR STE 950 MCLEAN VA 22102	23-45-24-44-00000.0040 13880 S TAMIAMI TRL FORT MYERS FL 33912	CYPRESS LAKE CENTER PH II PB 39 PG 24 LOTS 4 + 5	9
CAR SONFREE LLC C/O CAPITAL AUTOMOTIVE 8270 GREENSBORO DR STE 950 MCLEAN VA 22102	23-45-24-44-00000.0070 13950 VECTOR AVE FORT MYERS FL 33907	CYPRESS LAKE CENTER PH II PB 39 PG 24 LOT 7	10
CAR SONFREE LLC C/O CAPITAL AUTOMOTIVE 8270 GREENSBORO DR STE 950 MCLEAN VA 22102	23-45-24-44-00000.0080 13950 S TAMIAMI TRL FORT MYERS FL 33912	CYPRESS LAKE CENTER PH II PB 39 PG 24 LOT 8 LES 8A+8B	11

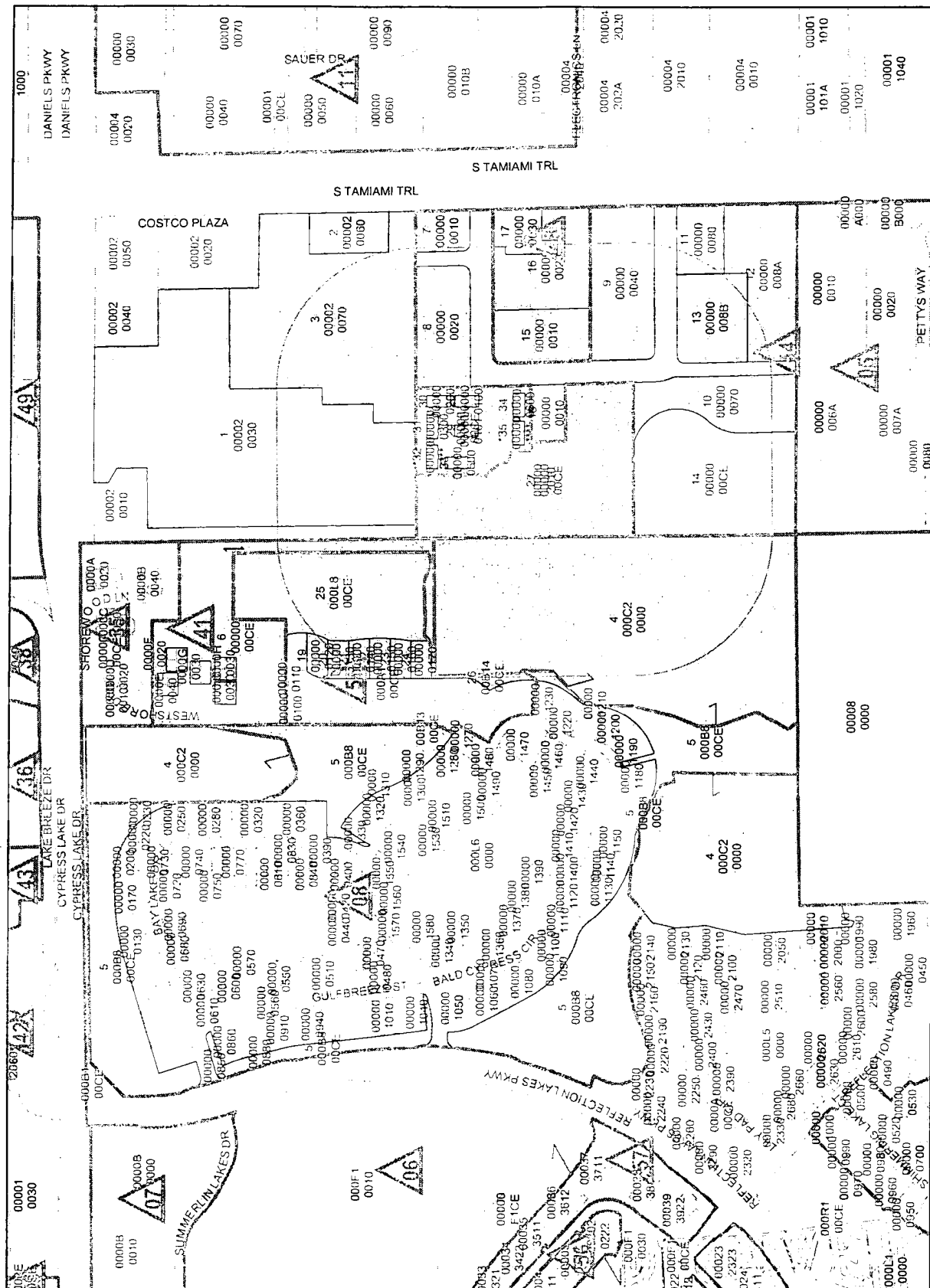
<u>OWNER NAME AND ADDRESS</u>	<u>STRAP AND LOCATION</u>	<u>LEGAL DESCRIPTION</u>	<u>Map Index</u>
CAR SONFREE LLC C/O CAPITAL AUTOMOTIVE 8270 GREENSBORO DR STE 950 MCLEAN VA 22102	23-45-24-44-00000.008A 0 S TAMIAMI TRL FORT MYERS FL 33912	CYPRESS LAKE CENTER PH II PB 39 PG 24 PT LT 8 DESC OR 2591 PG 2651	12
CAR SONFREE LLC C/O CAPITAL AUTOMOTIVE 8270 GREENSBORO DR STE 950 MCLEAN VA 22102	23-45-24-44-00000.008B 7070 LAKES TER FORT MYERS FL 33907	CYPRESS LAKE CENTER PH II PB 39 PG 24 PT LT 8 OR 2592 PG 2651	13
CYPRESS LAKE CENTER PH II ASSN	23-45-24-44-00000.00CE COMMON ELEMENT FL	CYPRESS LAKE CENTER PH II PB 39 PG 24 COMMON ELEMENTS	14
TWELVE THOUSAND LLC 783 CAL COVE DR FORT MYERS FL 33919	23-45-24-48-00000.0010 13831 VECTOR AVE FORT MYERS FL 33907	MED CENTER US 41 SOUTH PB 41 PG 92 LOT 1	15
PALM TERRACE COMPANY CAPITAL RES GROUP OF NAPLES 50 BROAD AVE S NAPLES FL 34102	23-45-24-48-00000.0020 7011/51 CYPRESS TER FORT MYERS FL 33907	MED CENTER US 41 SOUTH PB 41 PG 92 LOT 2	16
PALM TERRACE COMPANY CAPITAL RES GROUP OF NAPLES 50 BROAD AVE S NAPLES FL 34102	23-45-24-48-00000.0030 7001 CYPRESS TER FORT MYERS FL 33907	MED CENTER US 41 SOUTH PB 41 PG 92 LOT 3	17
SPRINT-FLORIDA INC C/O CLAIRE CHASE TAX ADMIN PO BOX 12913 SHAWNEE MISSION KS 66282	23-45-24-50-00000.0010 13840 VECTOR AVE FORT MYERS FL 33907	CYPRESS LAKE CENTER PH B-1 PB 43 PG 11 LOT 1	18
WAKS RICK M + LAURA G 13709 MAGNOLIA LAKE CT FORT MYERS FL 33907	23-45-24-58-00000.0120 13709 MAGNOLIA LAKE CT FT MYERS FL 33907	REFLECTION LAKES UNIT 4 PB 71 PGS 21-22 LOT 12	19
LOUKANOVA MILENA M 13717 MAGNOLIA LAKE COURT FORT MYERS FL 33907	23-45-24-58-00000.0130 13717 MAGNOLIA LAKE CT FT MYERS FL 33907	REFLECTION LAKES UNIT 4 PB 71 PGS 21-22 LOT 13	20
WHITE ERNIE L 34483 BRETTON DR LIVONIA MI 48152	23-45-24-58-00000.0140 13723 MAGNOLIA LAKE CT FT MYERS FL 33907	REFLECTION LAKES UNIT 4 PB 71 PGS 21-22 LOT 14	21
SCRICCA DOMENIC T + ELINOR C 13731 MAGNOLIA LAKE CRT FORT MYERS FL 33907	23-45-24-58-00000.0150 13731 MAGNOLIA LAKE CT FT MYERS FL 33907	REFLECTION LAKES UNIT 4 PB 71 PGS 21-22 LOT 15	22
SU QI M + QUING Z 13739 MAGNOLIA LAKE CT FT MYERS FL 33907	23-45-24-58-00000.0160 13739 MAGNOLIA LAKE CT FT MYERS FL 33907	REFLECTION LAKES UNIT 4 PB 71 PGS 21-22 LOT 16	23
GOFF RANDY W + CINDI K 13747 MAGNOLIA LAKE CRT FORT MYERS FL 33907	23-45-24-58-00000.0170 13747 MAGNOLIA LAKE CT FT MYERS FL 33907	REFLECTION LAKES UNIT 4 PB 71 PGS 21-22 LOT 17	24
TOUSA HOMES INC REFLECTION LAKES OWNERS ASSN 123 NW 13TH ST STE 300 BOCA RATON FL 33432	23-45-24-58-000L8.00CE SUBMERGED FL	REFLECTION LAKES UNIT 4 PB 71 PGS 21-22 TRACT L-8	25
TOUSA HOMES INC REFLECTION LAKES OWNERS ASSN 123 NW 13TH ST STE 300 BOCA RATON FL 33432	23-45-24-58-00B14.00CE COMMON ELEMENT FL	REFLECTION LAKES UNIT 4 PB 71 PGS 21-22 TRACT B-14	26
CENTRAL PARK LAND CONDO ASSN 5405 PARK CENTRAL CT NAPLES FL 34108	23-45-24-60-00000.00CE COMMON ELEMENT FT MYERS FL 33907	CENTRAL PARK LAND CONDO DESC IN OR 3946/832 + OR 3960/1230 COMMON ELEMENTS	27
KOPIDAKIS GEORGE + JOYCE 30 EDISON AVE EDISON NJ 08820	23-45-24-61-00000.0100 13700 CYPRESS TERRACE CIR FT MYERS FL 33907	CENTRAL PARK DESC OR3946/758 + OR3960/1310 UNIT 100	28

OWNER NAME AND ADDRESS	STRAP AND LOCATION	LEGAL DESCRIPTION	Map Index
CENTRAL PARK DEVELOPMENT OF 720 GOODLETTE RD STE 305 NAPLES FL 34102	23-45-24-61-00000.0101 ACCESS UNDETERMINED FT MYERS FL 33907	CENTRAL PARK DESC OR3946/758 + OR3960/1310 UNIT 101	29
GSB PROPERTY LLC 13710 CYPRESS TERR CIR #200 FORT MYERS FL 33907	23-45-24-61-00000.0200 13710 CYPRESS TERRACE CIR #200 FT MYERS FL 33907	CENTRAL PARK DESC OR3946/758 + OR3960/1310 UNIT 200	30
FSC PARTNERS LLC 7870 EAGLES FLIGHT LN FORT MYERS FL 33912	23-45-24-61-00000.0300 13720 CYPRESS TERRACE CIR #300 FT MYERS FL 33907	CENTRAL PARK DESC OR3946/758 + OR3960/1310 UNIT 300	31
CENTRAL PARK DEVELOPMENT OF 720 GOODLETTE RD STE 305 NAPLES FL 34102	23-45-24-61-00000.0401 13730 CYPRESS TERRACE CIR #400 FT MYERS FL 33907	CENTRAL PARK DESC OR3946/758 + OR3960/1310 + OR 4266/4262 UNIT 401	*32
WASSON ROY 13730 CYPRESS TER CIR STE 402 FORT MYERS FL 33907	23-45-24-61-00000.0402 13730 CYPRESS TERRACE CIR #402 FT MYERS FL 33907	CENTRAL PARK DESC OR 3946/758 + 3960/1310 + OR 4266/4262 UNIT 402	*32
DAVIS VAN D 6941 HONEYCOMB LANE FORT MYERS FL 33912	23-45-24-61-00000.0403 13730 CYPRESS TERRACE CIR #403 FT MYERS FL 33907	CENTRAL PARK DESC OR 3946/758 + 3960/1310 + OR 4266/4262 UNIT 403	*32
SZENKIEL GRAZYNA 469 CORNELL ST PERTH AMBOY NJ 08861	23-45-24-61-00000.0500 13740 CYPRESS TERRACE CIR #500 FT MYERS FL 33907	CENTRAL PARK DESC OR3946/758 + OR3960/1310 UNIT 500	33
KOPIDAKIS EMMANUEL + MARIANNA 95 KINGSWOOD CT EDISON NJ 08820	23-45-24-61-00000.0600 13701 CYPRESS TERRACE CIR #600 FT MYERS FL 33907	CENTRAL PARK DESC OR3946/758 + OR3960/1310 UNIT 600	34
LAGO JOSE O + CATALINA 50% + 3940 WEST FLAGLER ST 1ST FLOOR MIAMI FL 33134	23-45-24-61-00000.0701 13721 CYPRESS TERRACE CIR #700 FT MYERS FL 33907	CENTRAL PARK DESC OR3946/758 + OR3960/1310 + OR 4287/3920 UNIT 701	*35
LAGO JOSE O + CATALINA 50% + 3940 WEST FLAGLER ST 1ST FLOOR MIAMI FL 33134	23-45-24-61-00000.0702 13721 CYPRESS TERRACE CIR #702 FT MYERS FL 33907	CENTRAL PARK DESC IN OR 4287 PG 3920 UNIT 702	*35
LAGO JOSE O + CATALINA 50% + 3940 WEST FLAGLER ST 1ST FLOOR MIAMI FL 33134	23-45-24-61-00000.0703 13721 CYPRESS TERRACE CIR #703 FT MYERS FL 33907	CENTRAL PARK DESC IN OR 4287 PG 3920 UNIT 703	*35

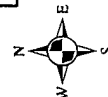
39 RECORDS PRINTED

VARIANCE REPORT

Subject Parcels : 2 Affected Parcels : 39 Buffer Distance : 500 ft

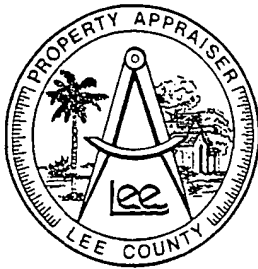


DRI 2005 00003
MAY 11 2005
PERMIT COUNTER



23-45-24-61-00000,00CE et al.

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Lee County Property Appraiser

Kenneth M. Wilkinson, C.F.A.

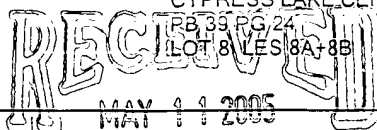
GIS Department / Map Room

Phone: (239) 339-6159 • Fax: (239) 339-6139 • eMail: MapRoom@LeePA.org

VARIANCE REPORT


Date of Report: April 08, 2005
Buffer Distance: 500 ft
Parcels Affected: 39
Subject Parcel: 23-45-24-61-00000.00CE, 23-45-24-60-00000.2010

<u>OWNER NAME AND ADDRESS</u>	<u>STRAP AND LOCATION</u>	<u>LEGAL DESCRIPTION</u>	<u>Map Index</u>
COSTCO WHOLESALE CORP ATTN: PROP TAX #351 999 LAKE DR ISSAQUAH WA 98027	23-45-24-00-00002.0030 7171 CYPRESS LAKE DR FORT MYERS FL 33907	COMM NE COR OF SE 1/4 THEN W 132 FT THEN S 116 FT THEN W 465 FT TO POB AS DESC IN OR 3214 PG 964	1
SHAFFER GARY + SANDRA 13709 BRYNWOOD LN FT MYERS FL 33912	23-45-24-00-00002.0060 13730/740 S TAMIAMI TRL FORT MYERS FL 33912	PARL IN NE 1/4 OF SE 1/4 AS DESC IN OR 1958 PG 3664	2
VALLEY CYPRESS LAKE LLC + PARAGON MANAGEMENT GROUP LLC SOUTHPORT PLACE 30 JELLIFF LANE STE 201 SOUTHPORT CT 06890	23-45-24-00-00002.0070 7191 CYPRESS LAKE DR FT MYERS FL 33907	PARCEL IN SE 1/4 AS DESC IN OR 4156 PG 4885	3
REFLECTION LAKES STORMWATER 123 NW 13TH ST STE 300 BOCA RATON FL 33432	23-45-24-06-000C2.0000 RESERVED FT MYERS FL 33907	REFLECTION LAKES SUBD PB 64 PGS 53-66 TRACTS C2 + C3 + C4	4
REFLECTION LAKES MASTER ASSN 123 NW 13TH ST STE 300 BOCA RATON FL 33432	23-45-24-08-000B8.00CE COMMON ELEMENT FT MYERS FL 33907	REFLECTION LAKES UNIT 3 PB 67 PGS 2-6 TRACTS B-8 + B-9 LESS OR3577 PG 4085 + B-10 THRU B-12 COMMON ELEMENT	5
SPRING LAKE II RPD H/O ASSN BENSONS INC 12650 WHITEHALL DR FORT MYERS FL 33907	23-45-24-41-00000.00CE 6292 WESTSHORE DR FT MYERS FL 33907	RESIDENTIAL PLANNED DEV SEC 23 TWP 45 RGE 24 AS DESC OR 1469 PG 1203	6
MESSINEO JOSEPH M 7010 CYPRESS TER FORT MYERS FL 33907	23-45-24-44-00000.0010 7010 CYPRESS TER FORT MYERS FL 33907	CYPRESS LAKE CENTER PH II PB 39 PG 24 LOT 1	7
CYPRESS LAKE HOTEL LTD PRTRSP C/O RONALD E FRANKLIN 7090 CYPRESS TERR FT MYERS FL 33907	23-45-24-44-00000.0020 7090 CYPRESS TER FORT MYERS FL 33907	CYPRESS LAKE CENTER PH II PB 39 PG 24 LOT 2	8
CAR SONFREE LLC C/O CAPITAL AUTOMOTIVE 8270 GREENSBORO DR STE 950 MCLEAN VA 22102	23-45-24-44-00000.0040 13880 S TAMIAMI TRL FORT MYERS FL 33912	CYPRESS LAKE CENTER PH II PB 39 PG 24 LOTS 4 + 5	9
CAR SONFREE LLC C/O CAPITAL AUTOMOTIVE 8270 GREENSBORO DR STE 950 MCLEAN VA 22102	23-45-24-44-00000.0070 13950 VECTOR AVE FORT MYERS FL 33907	CYPRESS LAKE CENTER PH II PB 39 PG 24 LOT 7	10
CAR SONFREE LLC C/O CAPITAL AUTOMOTIVE 8270 GREENSBORO DR STE 950 MCLEAN VA 22102	23-45-24-44-00000.0080 13950 S TAMIAMI TRL FORT MYERS FL 33912	CYPRESS LAKE CENTER PH II PB 39 PG 24 LOT 8 LES 8A+8B	11



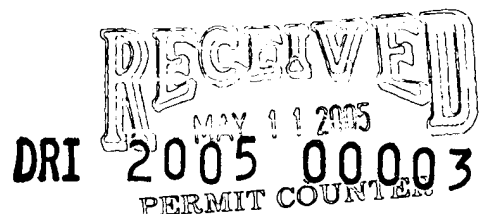
DRI 2005 00003
PERMIT COUNTE

<u>OWNER NAME AND ADDRESS</u>	<u>STRAP AND LOCATION</u>	<u>LEGAL DESCRIPTION</u>	<u>Map Index</u>
CAR SONFREE LLC C/O CAPITAL AUTOMOTIVE 8270 GREENSBORO DR STE 950 MCLEAN VA 22102	23-45-24-44-00000.008A 0 S TAMIAMI TRL FORT MYERS FL 33912	CYPRESS LAKE CENTER PH II PB 39 PG 24 PT LT 8 DESC OR 2591 PG 2651	12
CAR SONFREE LLC C/O CAPITAL AUTOMOTIVE 8270 GREENSBORO DR STE 950 MCLEAN VA 22102	23-45-24-44-00000.008B 7070 LAKES TER FORT MYERS FL 33907	CYPRESS LAKE CENTER PH II PB 39 PG 24 PT LT 8 OR 2592 PG 2651	13
CYPRESS LAKE CENTER PH II ASSN	23-45-24-44-00000.00CE COMMON ELEMENT FL	CYPRESS LAKE CENTER PH II PB 39 PG 24 COMMON ELEMENTS	14
TWELVE THOUSAND LLC 783 CAL COVE DR FORT MYERS FL 33919	23-45-24-48-00000.0010 13831 VECTOR AVE FORT MYERS FL 33907	MED CENTER US 41 SOUTH PB 41 PG 92 LOT 1	15
PALM TERRACE COMPANY CAPITAL RES GROUP OF NAPLES 50 BROAD AVE S NAPLES FL 34102	23-45-24-48-00000.0020 7011/51 CYPRESS TER FORT MYERS FL 33907	MED CENTER US 41 SOUTH PB 41 PG 92 LOT 2	16
PALM TERRACE COMPANY CAPITAL RES GROUP OF NAPLES 50 BROAD AVE S NAPLES FL 34102	23-45-24-48-00000.0030 7001 CYPRESS TER FORT MYERS FL 33907	MED CENTER US 41 SOUTH PB 41 PG 92 LOT 3	17
SPRINT-FLORIDA INC C/O CLAIRE CHASE TAX ADMIN PO BOX 12913 SHAWNEE MISSION KS 66282	23-45-24-50-00000.0010 13840 VECTOR AVE FORT MYERS FL 33907	CYPRESS LAKE CENTER PH B-1 PB 43 PG 11 LOT 1	18
WAKS RICK M + LAURA G 13709 MAGNOLIA LAKE CT FORT MYERS FL 33907	23-45-24-58-00000.0120 13709 MAGNOLIA LAKE CT FT MYERS FL 33907	REFLECTION LAKES UNIT 4 PB 71 PGS 21-22 LOT 12	19
LOUKANOVA MILENA M 13717 MAGNOLIA LAKE COURT FORT MYERS FL 33907	23-45-24-58-00000.0130 13717 MAGNOLIA LAKE CT FT MYERS FL 33907	REFLECTION LAKES UNIT 4 PB 71 PGS 21-22 LOT 13	20
WHITE ERNIE L 34483 BRETTON DR LIVONIA MI 48152	23-45-24-58-00000.0140 13723 MAGNOLIA LAKE CT FT MYERS FL 33907	REFLECTION LAKES UNIT 4 PB 71 PGS 21-22 LOT 14	21
SCRICCA DOMENIC T + ELINOR C 13731 MAGNOLIA LAKE CRT FORT MYERS FL 33907	23-45-24-58-00000.0150 13731 MAGNOLIA LAKE CT FT MYERS FL 33907	REFLECTION LAKES UNIT 4 PB 71 PGS 21-22 LOT 15	22
SU QI M + QUING Z 13739 MAGNOLIA LAKE CT FT MYERS FL 33907	23-45-24-58-00000.0160 13739 MAGNOLIA LAKE CT FT MYERS FL 33907	REFLECTION LAKES UNIT 4 PB 71 PGS 21-22 LOT 16	23
GOFF RANDY W + CINDI K 13747 MAGNOLIA LAKE CRT FORT MYERS FL 33907	23-45-24-58-00000.0170 13747 MAGNOLIA LAKE CT FT MYERS FL 33907	REFLECTION LAKES UNIT 4 PB 71 PGS 21-22 LOT 17	24
TOUSA HOMES INC REFLECTION LAKES OWNERS ASSN 123 NW 13TH ST STE 300 BOCA RATON FL 33432	23-45-24-58-000L8.00CE SUBMERGED FL	REFLECTION LAKES UNIT 4 PB 71 PGS 21-22 TRACT L-8	25
TOUSA HOMES INC REFLECTION LAKES OWNERS ASSN 123 NW 13TH ST STE 300 BOCA RATON FL 33432	23-45-24-58-00B14.00CE COMMON ELEMENT FL	REFLECTION LAKES UNIT 4 PB 71 PGS 21-22 TRACT B-14	26
CENTRAL PARK LAND CONDO ASSN 5405 PARK CENTRAL CT NAPLES FL 34108	23-45-24-60-00000.00CE COMMON ELEMENT FT MYERS FL 33907	CENTRAL PARK LAND CONDO DESC IN OR 3946/832 + OR 3960/1230 COMMON ELEMENTS	27
KOPIDAKIS GEORGE + JOYCE 30 EDISON AVE EDISON NJ 08820	23-45-24-61-00000.0100 13700 CYPRESS TERRACE CIR FT MYERS FL 33907	CENTRAL PARK DESC OR 3946/758 + OR 3960/1840 UNCL 100	28


DRI 2005 00003
 PERMIT COUNTER

<u>OWNER NAME AND ADDRESS</u>	<u>STRAP AND LOCATION</u>	<u>LEGAL DESCRIPTION</u>	<u>Map Index</u>
CENTRAL PARK DEVELOPMENT OF 720 GOODLETTE RD STE 305 NAPLES FL 34102	23-45-24-61-00000.0101 ACCESS UNDETERMINED FT MYERS FL 33907	CENTRAL PARK DESC OR3946/758 + OR3960/1310 UNIT 101	29
GSB PROPERTY LLC 13710 CYPRESS TERR CIR #200 FORT MYERS FL 33907	23-45-24-61-00000.0200 13710 CYPRESS TERRACE CIR #200 FT MYERS FL 33907	CENTRAL PARK DESC OR3946/758 + OR3960/1310 UNIT 200	30
FSC PARTNERS LLC 7870 EAGLES FLIGHT LN FORT MYERS FL 33912	23-45-24-61-00000.0300 13720 CYPRESS TERRACE CIR #300 FT MYERS FL 33907	CENTRAL PARK DESC OR3946/758 + OR3960/1310 UNIT 300	31
CENTRAL PARK DEVELOPMENT OF 720 GOODLETTE RD STE 305 NAPLES FL 34102	23-45-24-61-00000.0401 13730 CYPRESS TERRACE CIR #400 FT MYERS FL 33907	CENTRAL PARK DESC OR3946/758 + OR3960/1310 + OR 4266/4262 UNIT 401	*32
WASSON ROY 13730 CYPRESS TER CIR STE 402 FORT MYERS FL 33907	23-45-24-61-00000.0402 13730 CYPRESS TERRACE CIR #402 FT MYERS FL 33907	CENTRAL PARK DESC OR 3946/758 + 3960/1310 + OR 4266/4262 UNIT 402	*32
DAVIS VAN D 6941 HONEYCOMB LANE FORT MYERS FL 33912	23-45-24-61-00000.0403 13730 CYPRESS TERRACE CIR #403 FT MYERS FL 33907	CENTRAL PARK DESC OR 3946/758 + 3960/1310 + OR 4266/4262 UNIT 403	*32
SZENKIEL GRAZYNA 469 CORNELL ST PERTH AMBOY NJ 08861	23-45-24-61-00000.0500 13740 CYPRESS TERRACE CIR #500 FT MYERS FL 33907	CENTRAL PARK DESC OR3946/758 + OR3960/1310 UNIT 500	33
KOPIDAKIS EMMANUEL + MARIANNA 95 KINGSWOOD CT EDISON NJ 08820	23-45-24-61-00000.0600 13701 CYPRESS TERRACE CIR #600 FT MYERS FL 33907	CENTRAL PARK DESC OR3946/758 + OR3960/1310 UNIT 600	34
LAGO JOSE O + CATALINA 50% + 3940 WEST FLAGLER ST 1ST FLOOR MIAMI FL 33134	23-45-24-61-00000.0701 13721 CYPRESS TERRACE CIR #700 FT MYERS FL 33907	CENTRAL PARK DESC OR3946/758 + OR3960/1310 + OR 4287/3920 UNIT 701	*35
LAGO JOSE O + CATALINA 50% + 3940 WEST FLAGLER ST 1ST FLOOR MIAMI FL 33134	23-45-24-61-00000.0702 13721 CYPRESS TERRACE CIR #702 FT MYERS FL 33907	CENTRAL PARK DESC IN OR 4287 PG 3920 UNIT 702	*35
LAGO JOSE O + CATALINA 50% + 3940 WEST FLAGLER ST 1ST FLOOR MIAMI FL 33134	23-45-24-61-00000.0703 13721 CYPRESS TERRACE CIR #703 FT MYERS FL 33907	CENTRAL PARK DESC IN OR 4287 PG 3920 UNIT 703	*35

39 RECORDS PRINTED



23-45-24-00-00002.0030
COSTCO WHOLESALE CORP
ATTN: PROP TAX #351
999 LAKE DR
ISSAQUAH, WA 98027

23-45-24-00-00002.0070
VALLEY CYPRESS LAKE LLC +
PARAGON MANAGEMENT GROUP LLC
SOUTHPORT PLACE
30 JELLIFF LANE STE 201
SOUTHPORT, CT 06890

23-45-24-08-000B8.00CE
REFLECTION LAKES MASTER ASSN
123 NW 13TH ST STE 300
BOCA RATON, FL 33432

23-45-24-44-00000.0010
MESSINEO JOSEPH M
7010 CYPRESS TER
FORT MYERS, FL 33907

23-45-24-44-00000.0040
CAR SONFREE LLC
C/O CAPITAL AUTOMOTIVE
8270 GREENSBORO DR STE 950
MCLEAN, VA 22102

23-45-24-44-00000.0080
CAR SONFREE LLC
C/O CAPITAL AUTOMOTIVE
8270 GREENSBORO DR STE 950
MCLEAN, VA 22102

23-45-24-44-00000.008B
CAR SONFREE LLC
C/O CAPITAL AUTOMOTIVE
8270 GREENSBORO DR STE 950
MCLEAN, VA 22102

23-45-24-48-00000.0010
TWELVE THOUSAND LLC
783 CAL COVE DR
FORT MYERS, FL 33919

23-45-24-48-00000.0030
PALM TERRACE COMPANY
CAPITAL RES GROUP OF NAPLES
50 BROAD AVE S
NAPLES, FL 34102

23-45-24-58-00000.0120
WAKS RICK M + LAURA G
13709 MAGNOLIA LAKE CT
FORT MYERS, FL 33907

23-45-24-00-00002.0060
SHAFFER GARY + SANDRA
13709 BRYNWOOD LN
FT MYERS, FL 33912

23-45-24-06-000C2.0000
REFLECTION LAKES STORMWATER
123 NW 13TH ST STE 300
BOCA RATON, FL 33432

23-45-24-41-00000.00CE
SPRING LAKE II RPD H/O ASSN
BENSONS INC
12650 WHITEHALL DR
FORT MYERS, FL 33907

23-45-24-44-00000.0020
CYPRESS LAKE HOTEL LTD PRTRNSP
C/O RONALD E FRANKLIN
7090 CYPRESS TERR
FT MYERS, FL 33907

23-45-24-44-00000.0070
CAR SONFREE LLC
C/O CAPITAL AUTOMOTIVE
8270 GREENSBORO DR STE 950
MCLEAN, VA 22102

23-45-24-44-00000.008A
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8270 GREENSBORO DR STE 950
MCLEAN, VA 22102

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CYPRESS LAKE CENTER PH II ASSN

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PALM TERRACE COMPANY
CAPITAL RES GROUP OF NAPLES
50 BROAD AVE S
NAPLES, FL 34102

23-45-24-50-00000.0010
SPRINT-FLORIDA INC
C/O CLAIRE CHASE TAX ADMIN
PO BOX 12913
SHAWNEE MISSION, KS 66282

23-45-24-58-00000.0130
LOUKANOVA MILENA M
13717 MAGNOLIA LAKE COURT
FORT MYERS, FL 33907

RECEIVED
MAY 11 2005

PERMIT COUNTER

DRI 2005 00003

23-45-24-58-00000.0140
WHITE ERNIE L
34483 BRETTON DR
LIVONIA, MI 48152

23-45-24-58-00000.0150
SCRICCA DOMENIC T + ELINOR C
13731 MAGNOLIA LAKE CRT
FORT MYERS, FL 33907

23-45-24-58-00000.0160
SU QI M + QUING Z
13739 MAGNOLIA LAKE CT
FT MYERS, FL 33907

23-45-24-58-00000.0170
GOFF RANDY W + CINDI K
13747 MAGNOLIA LAKE CRT
FORT MYERS, FL 33907

23-45-24-58-000L8.00CE
TOUSA HOMES INC
REFLECTION LAKES OWNERS ASSN
123 NW 13TH ST STE 300
BOCA RATON, FL 33432

23-45-24-58-00B14.00CE
TOUSA HOMES INC
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123 NW 13TH ST STE 300
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23-45-24-60-00000.00CE
CENTRAL PARK LAND CONDO ASSN
5405 PARK CENTRAL CT
NAPLES, FL 34108

23-45-24-61-00000.0100
KOPIDAKIS GEORGE + JOYCE
30 EDISON AVE
EDISON, NJ 08820

23-45-24-61-00000.0101
CENTRAL PARK DEVELOPMENT OF
720 GOODLETTE RD STE 305
NAPLES, FL 34102

23-45-24-61-00000.0200
GSB PROPERTY LLC
13710 CYPRESS TERR CIR #200
FORT MYERS, FL 33907

23-45-24-61-00000.0300
FSC PARTNERS LLC
7870 EAGLES FLIGHT LN
FORT MYERS, FL 33912

23-45-24-61-00000.0401
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23-45-24-61-00000.0402
WASSON ROY
13730 CYPRESS TER CIR STE 402
FORT MYERS, FL 33907

23-45-24-61-00000.0403
DAVIS VAN D
6941 HONEYCOMB LANE
FORT MYERS, FL 33912

23-45-24-61-00000.0500
SZENKIEL GRAZYNA
469 CORNELL ST
PERTH AMBOY, NJ 08861

23-45-24-61-00000.0600
KOPIDAKIS EMMANUEL + MARIANNA
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LAGO JOSE O + CATALINA 50% +
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MIAMI, FL 33134

23-45-24-61-00000.0702
LAGO JOSE O + CATALINA 50% +
3940 WEST FLAGLER ST
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MIAMI, FL 33134

23-45-24-61-00000.0703
LAGO JOSE O + CATALINA 50% +
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1ST FLOOR
MIAMI, FL 33134

RECEIVED
MAY 11 2005

PERMIT COUNTER DRI 2005 00003



COURTESY NOTICE TO ADJACENT PROPERTY OWNERS OF RECEIPT OF ZONING APPLICATION

Date: April 20, 2005

Case Number: DRI2005-00003

Case Name: CENTRAL PARK

Request: Notice of Proposed Change to DRI Development Order for Cypress Lake Center (DRI#7-8384-47) to extend the build-out date to June 18, 2009, adjust development intensity within the project, and adopt a new Map H depicting these changes.

Location: 13820 and 13870 Vector Avenue

PROPERTY OWNER'S
REPRESENTATIVE: MR. RONALD F NINO
VANASSE DAYLOR
239-437-4601

Lee County Planner: Alvin Block, AICP
(239) 479-8371

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.

JMP

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[REDACTED] ST STE 300
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MIAMI, FL 33134

Seymour Roche, President (*South Ft. Myers)
Page Park Community Association
507 Center Road
Fort Myers, FL 33907

Sean O'Connell (*South Ft. Myers)
Page Park Community Association
110 Danley Drive
Fort Myers, FL 33907

William B. Horner (*South Ft. Myers)
Lee County Port Authority
16000 Chamberlin Pkwy. Ste 8671
Ft. Myers, FL 33913-8899