



APPLICATION TO AMEND A
PLANNED DEVELOPMENT OR PUD
and/or

APPLICATION FOR FINAL PLAN APPROVAL
IN UNINCORPORATED AREAS ONLY

[LDC Section 34-380 or 34-1037]

Project Name: \_\_\_\_\_

Current Zoning: \_\_\_\_\_

[ ] Amendment to a PD or PUD to allow: \_\_\_\_\_

[ ] Final Plan Approval for: \_\_\_\_\_

1. Name of Applicant: \_\_\_\_\_
Address: \_\_\_\_\_
City, State, Zip: \_\_\_\_\_
Phone Number: \_\_\_\_\_
E-mail Address: \_\_\_\_\_

2. Relationship of Applicant to owner (check one) and provide Affidavit of Authorization form:
[ ] Applicant is the sole owner of the property. [34-201; 34-204]
[ ] Applicant has been authorized by the owner(s) to represent them for this action. [34-202; 34-204]

3. Authorized Agent: (If different than applicant) Name of the person who is to receive all County-initiated correspondence regarding this application. [34-202; 34-204]
a. Company Name: \_\_\_\_\_
Contact Person: \_\_\_\_\_
Address: \_\_\_\_\_
City, State, Zip: \_\_\_\_\_
Phone Number: \_\_\_\_\_ Email: \_\_\_\_\_

b. Additional Agent(s): Provide the names of other agents that the County may contact concerning this application. [34-202; 34-204]

4. Property owner(s): If multiple owners (corporation, partnership, trust, association), provide a list with owner interest. [34-201; 34-204]
Name: \_\_\_\_\_
Address: \_\_\_\_\_
City, State, Zip: \_\_\_\_\_
Phone Number: \_\_\_\_\_ E-mail: \_\_\_\_\_

5. Disclosure of Interest [34-201; 34-204]:
[ ] Attach Disclosure of Interest Form. [34-201; 34-204]

6. STRAP Number(s) [34-204]: \_\_\_\_\_

7. Street Address of Property: \_\_\_\_\_

LEE COUNTY COMMUNITY DEVELOPMENT
PO BOX 398 (1500 MONROE STREET), FORT MYERS, FL 33902
PHONE (239) 533-8585

8. **Legal Description (must submit one):**  
 Legal description (metes and bounds) and sealed sketch of the legal description. [34-204]  
**OR**  
 Legal description (NO metes and bounds) if the property is located within a subdivision platted per F.S. Chapter 177, and is recorded in the Official Records of Lee County under Instruments or Plat Books. ([Click here](#) to see an example of a legal description with no metes and bounds.) [34-204]
9. **Lee Plan (Future Land Use) Designation [34-204]:** \_\_\_\_\_
10. **Original Project Name:** \_\_\_\_\_
11. **Original Rezoning Resolution Number:** \_\_\_\_\_
12. **Subsequent Zoning Action Resolution/Case Numbers** (if any): Please list all previous zoning and administrative actions (approvals and denials) on this project subsequent to original rezoning. Include Resolution Numbers and Case Numbers (provide added sheets, if necessary).  
 \_\_\_\_\_  
 \_\_\_\_\_  
 \_\_\_\_\_
13. **Development Order Numbers** (if any): List all local development orders approved on this project. Please indicate the status of each development order (provide added sheets, if necessary).  
 \_\_\_\_\_  
 \_\_\_\_\_  
 \_\_\_\_\_
14. **Written Narrative:** Provide a written narrative statement explaining exactly what is proposed.
15. **Deviations:** If any relief is requested from the provisions of the Lee County Land Development Code (LDC), provide a **written explanation** of the specific relief requested (a schedule of deviations). Explain what conditions currently exist which warrant this request for relief from the regulations (a written justification for each of the requested deviations). Include specific references to any section (number{s} and name{s}) of the LDC from which relief is sought including why the requested relief is necessary and how it will affect the project. All deviation requests must be specifically keyed to the location on the Master Concept Plan or Final Plan. [34-373]
16. **Planning Community or Community Plan Area\*:** \_\_\_\_\_  
 \*If in Caloosahatchee Shores [33-1482], Captiva [33-1612], Estero [33-64], Lehigh Acres [33-1401], North Fort Myers [33-1532], North (Upper) Captiva [33-1711], or Page Park [33-1203], attach meeting summary from informational meeting.
17. **Approved Master Concept Plan (MCP):** Provide an APPROVED MCP and DETAILED DRAWINGS of any DEVIATIONS OR CHANGES BEING PROPOSED at a size of 24"x36". [34-204; 34-373]
18. **Proposed Final Plan (for Final Plan Approval applications only):** Provide a copy of the proposed Final Plan consistent with the approved Master Concept Plan and the approved Zoning Resolution at a size of 24"x36". This proposed Final Plan must show any DEVIATION(s) keyed on the plan to identify the location of the specific deviation. [34-204]

## SUBMITTAL REQUIREMENT CHECKLIST

*Clearly label your attachments as noted in bold below.*

<input type="checkbox"/>	Completed application [34-204]
<input type="checkbox"/>	Filing Fee [34-204]
<input type="checkbox"/>	<a href="#">Affidavit of Authorization</a> Form [34-204; 34-202]
<input type="checkbox"/>	<a href="#">Additional Agents</a> [34-204; 34-202]
<input type="checkbox"/>	<b>Multiple Owners</b> List (if applicable) [34-201; 34-204]
<input type="checkbox"/>	<a href="#">Disclosure of Interest</a> Form [34-204; 34-201]
<input type="checkbox"/>	<b>Legal description (must submit one)</b> [34-204]
<input type="checkbox"/>	Legal description (metes and bounds) and sealed sketch of legal description
	<b>OR</b>
<input type="checkbox"/>	Legal description (NO metes and bounds) if the property is located within a subdivision platted per F.S. Chapter 177, and is recorded in the Official Records of Lee County under Instruments or Plat Books. ( <a href="#">Click here</a> to see an example of a legal description with no metes and bounds.)
<input type="checkbox"/>	<b>Previous Zoning Actions</b> (if applicable)
<input type="checkbox"/>	<b>DO Numbers</b> (if applicable)
<input type="checkbox"/>	<b>Narrative of Request</b> [34-204]
<input type="checkbox"/>	<b>Schedule of Deviations</b> (if applicable) [34-373]
<input type="checkbox"/>	<b>Meeting Summary</b> (if applicable) [34-204]
<input type="checkbox"/>	<b>MCP</b> and detailed drawings of any proposed deviations (if applicable) (24"x36") [34-204]
<input type="checkbox"/>	<b>Proposed Final Plan</b> including deviations keyed to the plan (24"x36") [34-204]

**Note:** All information submitted with the application becomes a part of the public record and will be a permanent part of the file. Department staff will review this application for compliance with requirements of the Lee County Land Development Code. The applicant will be notified of any deficiencies.

Acceptance of an application for an administrative amendment in no way guarantees its approval. If the Director determines that the requested amendment is beyond the scope of Land Development Code Section 34-380 or 34-1036 and that a public hearing is necessary, then all fees paid toward the administrative application may be applied toward an application for public hearing.

The Director's decision on an administrative amendment is final and can not be appealed. In the event the Director denies the request, the applicant's only recourse is to apply for a public hearing. No fees paid for the administrative application will be refunded or applied towards the public hearing.

If it is determined that inaccurate or misleading information was provided to the county or the decision does not comply with the Land Development Code when rendered, then, at any time, the Director may issue a modified decision that complies with the Code or revoke the decision. If the approval is revoked, the applicant may acquire the necessary approvals by filing an application for public hearing in accordance with Chapter 34.

**AFFIDAVIT OF AUTHORIZATION**

**APPLICATION IS SIGNED BY INDIVIDUAL OWNER, APPLICANT, CORPORATION, LIMITED LIABILITY COMPANY (L.L.C.), LIMITED COMPANY (L.C.), PARTNERSHIP, LIMITED PARTNERSHIP, OR TRUSTEE**

I, William E. Pysi, PLA, ASLA (name), as President/CEO (owner/title) of Land Architects, Inc. (company/property), swear or affirm under oath, that I am the owner or the authorized representative of the owner(s) of the property and that:

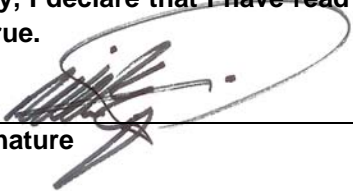
1. I have full authority to secure the approval(s) requested and to impose covenants and restrictions on the referenced property as a result of any action approved by the County in accordance with this application and the Land Development Code;
2. All answers to the questions in this application and any sketches, data or other supplementary matter attached hereto and made a part of this application are honest and true;
3. I have authorized 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.

**\*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.

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

\_\_\_\_\_  
**Signature**



\_\_\_\_\_  
**08/10/2015**

**Date**

**\*\*\*\*\*NOTE: NOTARY PUBLIC IS NOT REQUIRED FOR ADMINISTRATIVE APPROVALS\*\*\*\*\*  
ALL OTHER APPLICATION TYPES MUST BE NOTARIZED**

**STATE OF FLORIDA  
COUNTY OF LEE**

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

**STAMP/SEAL**

\_\_\_\_\_  
**Signature of Notary Public**

**DISCLOSURE OF INTEREST  
AFFIDAVIT**

BEFORE ME this day appeared Brenda K. Brantley, CFO, The LaSalle Group, Inc. as Sole Member of LaSalle Estero Management, LLC., Managing Member of Estero Memory Care, LLC, Property Owner, who, being first duly sworn and deposed says:

1. That I am the record owner, or a legal representative of the record owner, of the property that is located at 22900 Lyden Drive Estero, FL 33928 and is the subject of an Application for zoning action (hereinafter the "Property").

2. That I am familiar with the legal ownership of the Property and have full knowledge of the names of all individuals that have an ownership interest in the Property or a legal entity owning an interest in the Property.

[OPTIONAL PROVISION IF APPLICANT IS CONTRACT PURCHASER: In addition, I am familiar with the individuals that have an ownership interest in the legal entity that is under contract to purchase the Property.]

3. That, unless otherwise specified in paragraph 6 below, no Lee County Employee, County Commissioner, or Hearing Examiner has an Ownership Interest in the Property or any legal entity (Corporation, Company, Partnership, Limited Partnership, Trust, etc.) that has an Ownership Interest in the Property or that has contracted to purchase the Property.

4. That the disclosure identified herein does not include any beneficial Ownership Interest that a Lee County Employee, County Commissioner, or Hearing Examiner may have in any entity registered with the Federal Securities Exchange Commission or registered pursuant to Chapter 517, whose interest is for sale to the general public.

5. That, if the Ownership Interest in the Property changes and results in this affidavit no longer being accurate, the undersigned will file a supplemental Affidavit that identifies the name of any Lee County Employee, County Commissioner, or Hearing Examiner that subsequently acquires an interest in the Property.

6. Disclosure of Interest held by a Lee County Employee, County Commissioner, or Hearing Examiner.

Name and Address	Percentage of Ownership
NONE	NONE
_____	_____
_____	_____
_____	_____
_____	_____
_____	_____

Under penalty of perjury, I declare that I have read the foregoing and the facts alleged are true to the best of my knowledge and belief.

B.K. Brantley  
Property Owner  
Brenda K. Brantley  
Print Name

\*\*\*\*\*NOTE: NOTARY PUBLIC IS NOT REQUIRED FOR ADMINISTRATIVE APPROVALS\*\*\*\*\*  
ALL OTHER APPLICATION TYPES MUST BE NOTARIZED

STATE OF FLORIDA  
COUNTY OF LEE

The foregoing instrument was sworn to (or affirmed) and subscribed before me on 8/2/15 (date) by Brenda Brantley (name of person providing oath or affirmation), who is personally known to me or who has produced \_\_\_\_\_ (type of identification) as identification.

STAMP/SEAL

Margaret Fletcher  
Signature of Notary Public



## EXHIBIT A

### LEGAL DESCRIPTION

A PORTION OF OUTPARCEL C-D AND A PORTION OF OUTPARCEL E, BLOCK "A", COCONUT TRACE, A SUBDIVISION, LOCATED IN SECTION 09, RANGE 47 EAST, TOWNSHIP 25 SOUTH, ACCORDING TO THE PLAT THEREOF ON FILE AND RECORDED AS INSTRUMENT NUMBER 2006000423660, OF THE PUBLIC RECORDS OF LEE COUNTY, FLORIDA

STRAP NO

04-47-25-35-0000A.00C0

04-47-25-35-0000A.00E0





6208 Whiskey Creek Drive | Fort Myers, Florida 33919  
239.334.9144 | [www.LAIFLA.com](http://www.LAIFLA.com) | [mail@LAIFLA.com](mailto:mail@LAIFLA.com)

3D Animation | Virtual Design | Digital Imagery | Land Planning & Graphics | Landscape Architecture

## NARRATIVE REQUEST – EXHIBIT ‘A’

The Applicant seeks a variance from the setback standards of a permanent ground mounted sign as defined in LDC Sec 30-153.(2)a.4 and a deviation for allowable quantities of ground mounted monument style signs defined in LDC Sec 30-153.(3).

- The deviation for setbacks being sought is for a reduced setback of ten feet (10’) versus the required fifteen feet (15’) defined by code. There are also two (2) decorative Columns along the main entry at Lyden Drive that are proposed to be 1 foot (1’) off of the property line. These are not signage elements. However, are decorative architectural elements that announce the arrival to the project.
- The deviation for sign quantities being sought is for an increase of two (2) separate directional signs versus the single “V-style” sign previously proposed. The proposal does not increase the allowable sign area, it only provides for two ‘separated’ directional signs that are necessary due to the improvements made to the public bus stop along US-41.

### REASONING FOR REQUEST

The Project Site is located within an existing approved CPD (Coconut Trace) on the west side of US-41 across from Coconut Point in Estero. Under the requirements of the Lee County LDC and conditions set forth in the relevant Zoning Resolution for the CPD (Z-00-010 and ADD2004-00256), a buffer along US-41 and on the west side of the property has already been installed but will be redesigned in the following Amendment consistent with the approved Development Order (as amended) should this ADD be approved.

#### SETBACK REASONING TO LDC 30-153.(2)a.4

In response to the difficulties of building a ground mounted monument style sign under the standards defined in Estero behind a buffer not designed to be conducive to this standard, the need to design and locate a sign in concert with the project and the need to advertise its location on the adjacent arterial road is apparent.

In keeping with the noted direction that Estero’s EDRC has made in terms of their planned revisions to code and with many other projects throughout the community to have these types of signs located closer to the property lines and to better integrated with the required landscape buffers, moving the sign closer to the property line in this specific case is both proper and consistent with community standards and public opinion.





SETBACK REASONING... Continued

The Minutes of the Public Meeting and project presentation provided to the EDRC on September 12, 2014 are of public record. The EDRC and the public in attendance at that meeting supported the deviation to move the sign closer (to 5 feet) to the property line and to redesign the buffer in the general location of this sign to better integrate both. *This deviation was previously granted under ADD2014-00190. Should this deviation request be granted, the previous ADD2014-00190 will be withdrawn.* The proposed design and differing relationship to the redesigned buffer will work better with a ten foot (10') setback than the previously five foot (5') setback granted.

We respectfully request a favorable review of this request as being consistent with the design of the project and intend of the underlying code.

QUANTITY REASONING TO LDC 30-153.(3)

The Applicant previously requested and obtained a deviation for a setback deviation for the proposed sign design to be consistent with project design (see image of proposed sign design below; Figure 1). Due to the improvement to the public bus stop immediately in front of and nearly in the middle of the site's frontage on US-41, the placement of the previously proposed sign has been compromised. The Applicant recognizes the importance of the public element that has been placed in front of the project and also acknowledges its benefit as well. However, the physical presence on this public transit improvement creates a visual obstruction that needs to be addressed accordingly. Please see photos of current improvements for reference herein attached.



FIGURE 1: Previously Proposed V-Shaped Sign Design

Through several design scenarios, the Applicant has determined that a single two sided sign will not work in relationship to this bust stop improvements due to the limited frontage this project has on the adjacent US-41. Whether the sign is placed to the north or south of the bus stop, the bust stop improvements (most notably the railings) will obstruct visibility from the opposing direction of traffic. If the sign is placed directly behind the bust stop to allow for visibility, the bust stop itself compromises the architectural value of the monument. The solution to this problem seems evident and is consistent with the intent of the sign code in terms of allowable signage area.

The Applicant proposes to take the previously designed "V-shaped" sign and to merely split it into two parts; one sign that is directional to the north of the bust stop and one sign that is directional to the south (see proposed redesign of the two signs – Exhibit B). This will afford the appropriate visibility and architectural design relationships of the signs purposes without adding any actual sign area. See Exhibit-B for the proposed Designs and setbacks for the signs/features in question.

QUANTITY REASONING TO LDC 30-153.(3)... Continued

We respectfully request a favorable review of this request as being consistent with the design of the project and intend of the underlying code.

*See Attached Exhibit C for the Site Plan (Provided as the proposed Landscape Plan illustrating the sign locations to be included with the associated Development Order Minor Change Application).*

## ADDITIONAL INFORMATION

Request to Amend Zoning Resolution (Z-00-010) and to deviate from **LDC Section 30-153.(3)** that limits the number of ground mounted monument style signs on this type of parcel from one (1) to two (2) and to deviate from **LDC Section 30-153.(2).a.4** that requires a minimum setback of fifteen feet (15') from the adjacent property line to five ten (10'). Note; that a deviation was previously approved to allow the single sing setback to five (5').

PHOTOGRAPHS:

The following Photographs are offered to illustrate the site conditions that warrant the requests associated with this request. Raising the bus stop elevation and the addition of the bike rack and FDOT style railing creates a visual obstruction that is not conducive to a monument sign within its view triangle.



**Picture 1:** Bus Stop Improvements looking into site from North



**ADDITIONAL INFORMATION... Cont.**



**Picture 2:** Bus Stop improvements looking south along sidewalk

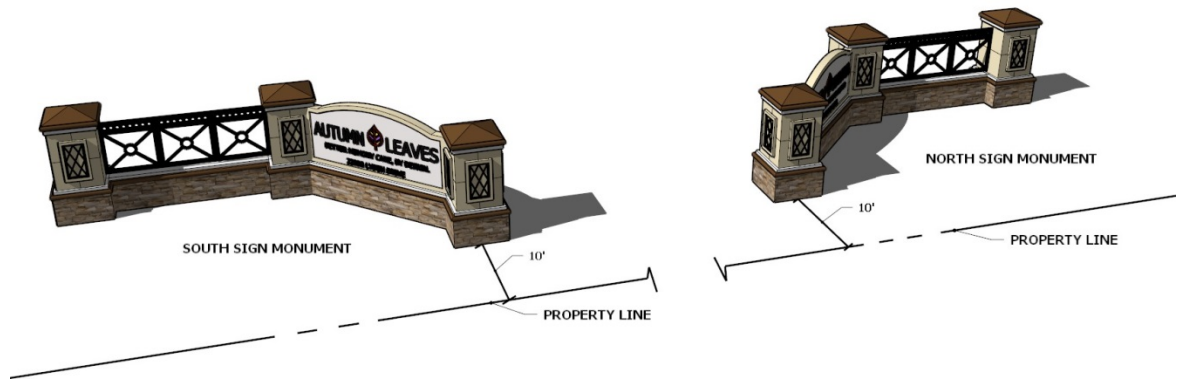


**Picture 3:** Bus Stop Improvements looking into site from South

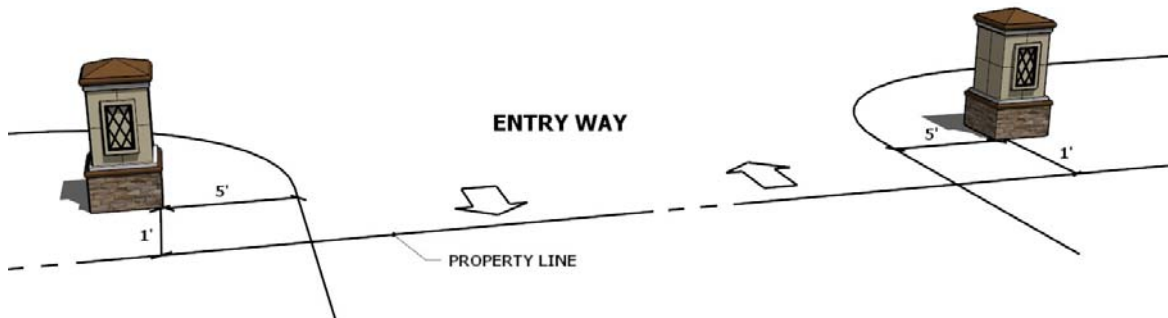
## PROPOSED GROUND MOUNTED MONUMENT STYLE SIGNS THAT DEVIATE FROM THE LEE COUNTY LDC

The proposed dual bookend style monument signs are similar to original design, but are merely split in two. The need to push the proposed signs apart into two separate signs is necessary due to the advent of the Public Bus Stop. Setback deviation for new signs increased to ten feet (10') versus the five feet (5') previously granted. The Entry Columns remain at a one foot (1') setback, but do not contain any signage.

**Figure 1: PROPOSED TWO (2) DIRECTIONAL GROUND MOUNTED MONUMENT STYLE SIGNS**



**Figure 2: PROPOSED ENTRY COLUMNS (No Signage)**



**Note:** See Exhibit-B for Site Plan



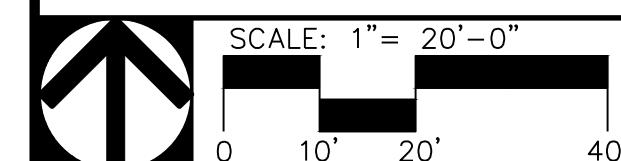
**AUTUMN LEAVES OF ESTERO**  
 AN ADULT LIVING FACILITY  
 ESTERO, FLORIDA

PREPARED FOR:  
 THE LASALLE GROUP  
 3675 CRESTWOOD PARKWAY, SUITE 202  
 DULUTH, GEORGIA 30096

Sheet Title: SITE  
**SITE PLAN FOR SIGN VARIANCE 2**  
 (Sheet 1 of 1)

Land Architects, Inc.

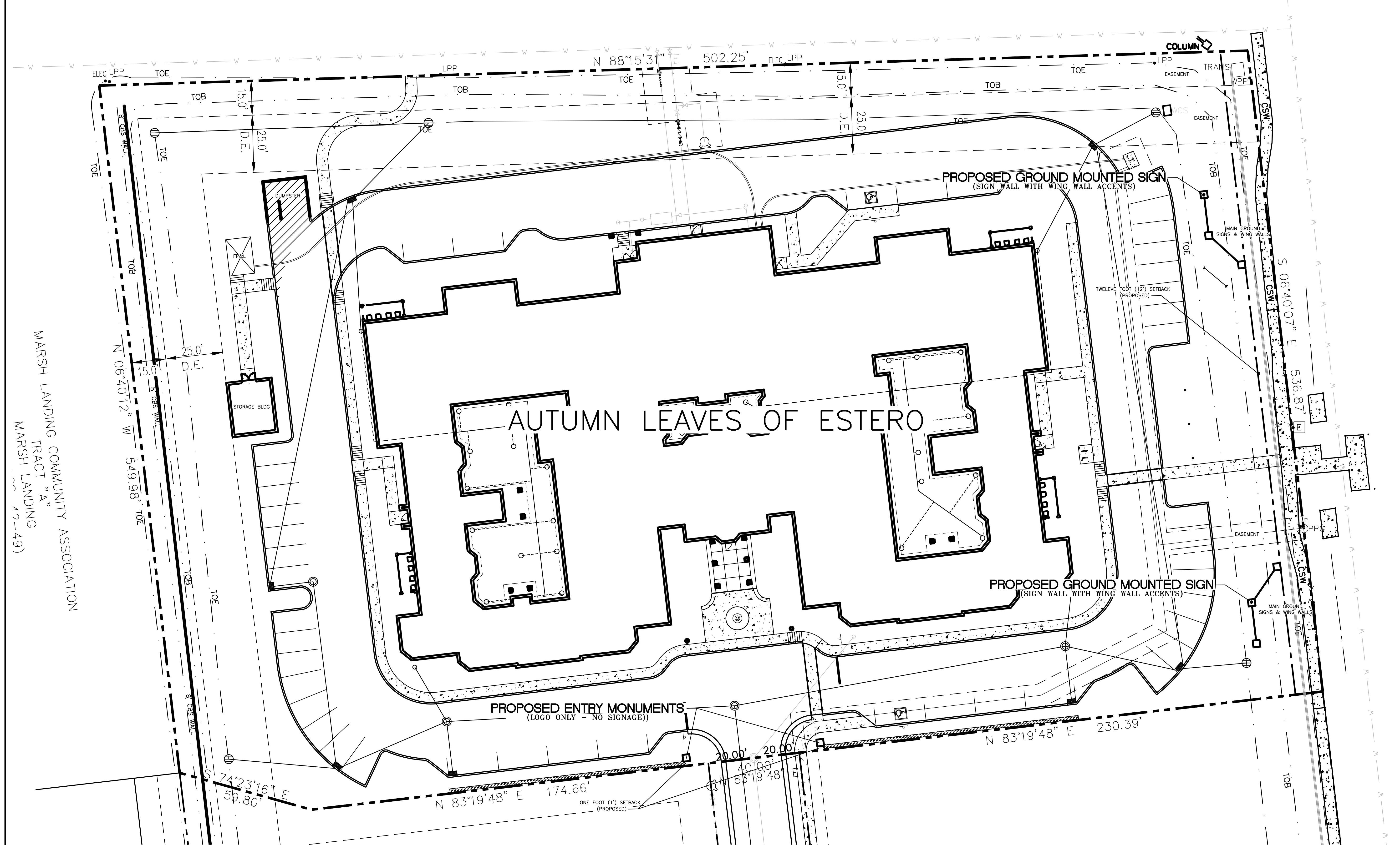
WILLIAM E. PRYSI, RLA, ASLA  
 REGISTERED LANDSCAPE ARCHITECT  
 FLORIDA LICENSE NO. 00001342



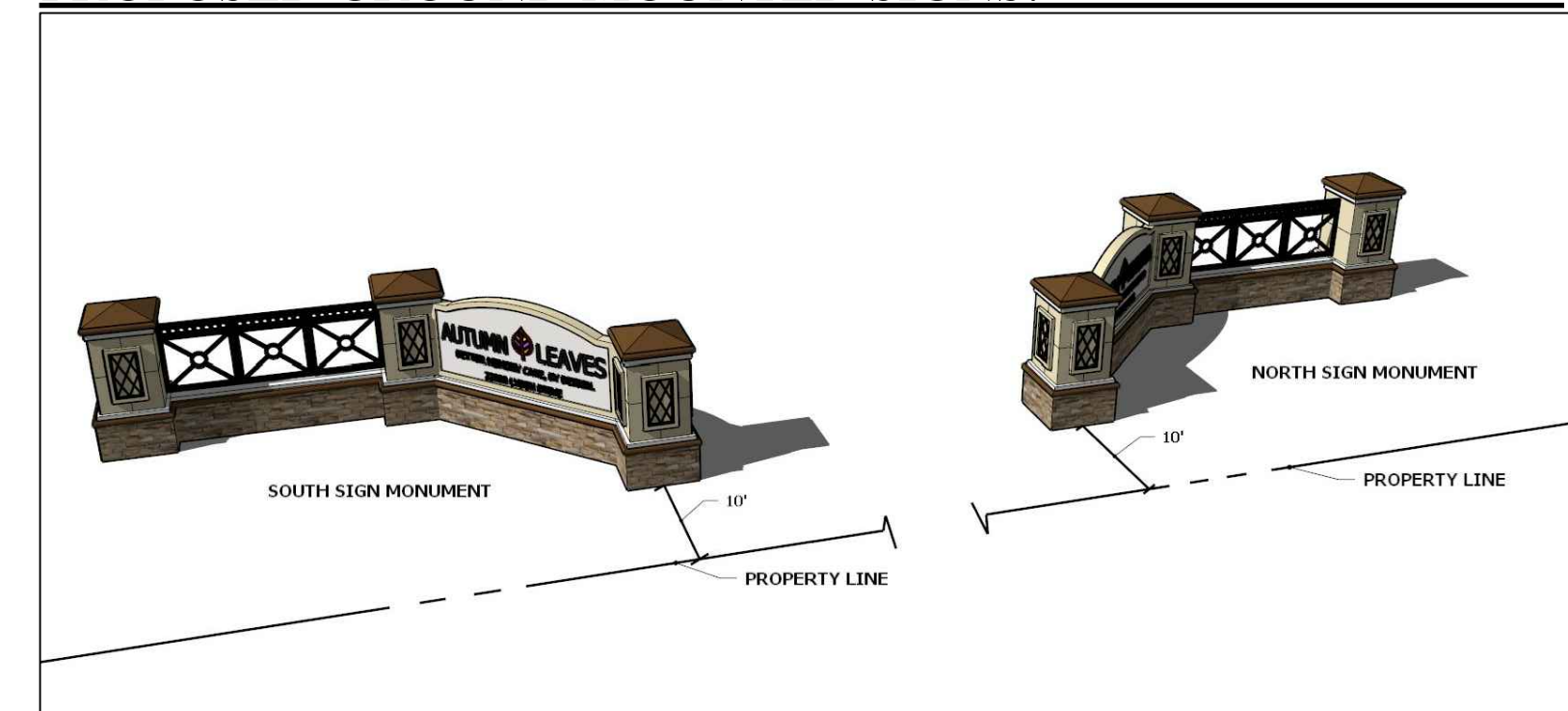
Notice of Copyright:  
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Project No.:	14024-1	Date:	2014-08-13
Principal-in-Charge:	WEP	REVISIONS:	DATE: BY:
Design / Drawn By:	WEP/WEP		
Plot CTB File:	LA-CTB_20120		
File No.:	14042-VAR-Autumn_Leaves_v2		
Master Attachments:	14042-MasterCode_v30 14042-ATB_v10		

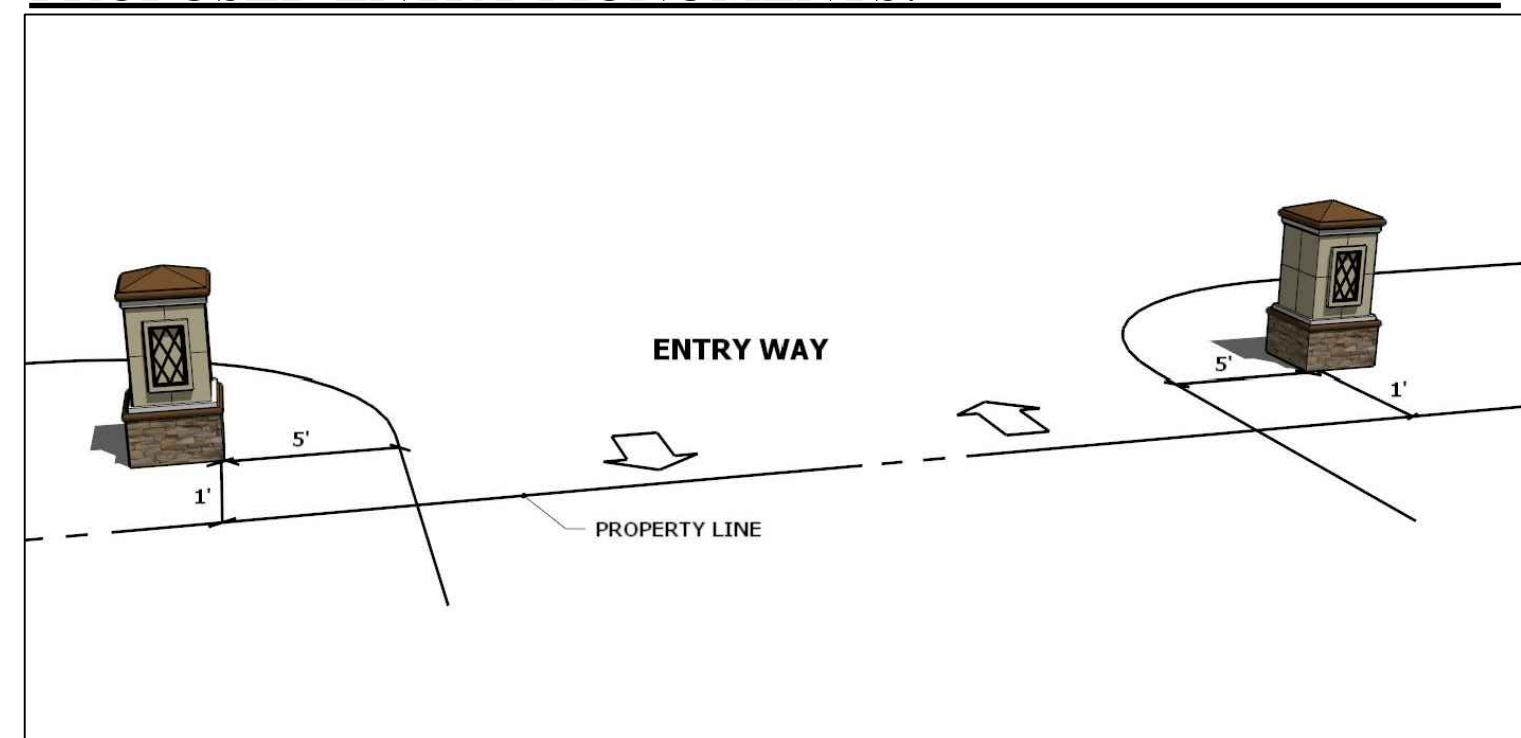
Sheet No.:  
**VAR-1**  
 SHEET OF



**PROPOSED GROUND MOUNTED SIGNS:**



**PROPOSED ENTRY MONUMENTS:**



**GENERAL NOTES:**

- PREVIOUS PERMIT/VARIANCE NOTES:**
- A PUBLIC MEETING WAS HELD THROUGH THE EDCR ON SEPTEMBER 9, 2014 TO PRESENT THE PROJECT SITE PLAN AND GROUND MOUNTED SIGN CONCEPTS. THE RESPONSES TO THAT MEETING ARE NOTED IN THE MINUTES PROVIDED BY THE EDCR.
  - THE MAIN SIGN LOCATED ALONG US-41 IS PROPOSED TO BE CLOSER TO THE PROPERTY LINE (FIVE FEET) TO PROVIDED FOR BETTER VISIBILITY AND EASE OF VIEWING IN CONCERT WITH THE REQUIRED BUFFERS FOR THE PROJECT.
  - THE PROPOSED ENTRY MONUMENTS ARE DESIGNED FOR WAYFINDING ELEMENTS TO HELP IDENTIFY THE PRESENCE OF THE PROJECT ALONG THE ADJACENT PRIVATE REVERSE FRONTAGE ROAD. NO SIGNAGE (ON LOGO) WILL BE ASSOCIATED WITH THESE ELEMENTS.
- PERMIT/VARIANCE NOTES:**
- A PUBLIC INFORMATION MEETING FOR THE ZONING VARIANCE WILL BE HELD THROUGH THE ESTERO PZB ON AUGUST 18, 2015 TO PRESENT THE PROPOSED SIGN PLAN. THE RESPONSES TO THAT MEETING WILL BE NOTED AND ADDRESSED PRIOR TO THE REQUIRED SUBSEQUENT PZB HEARING.
  - THE MAIN SIGNS LOCATED ALONG US-41 ARE PROPOSED TO BE CLOSER TO THE PROPERTY LINE (TWELVE FEET) TO PROVIDED FOR BETTER VISIBILITY AND EASE OF VIEWING IN CONCERT WITH THE REQUIRED BUFFERS FOR THE PROJECT. DUE TO THE TYPE OD DESIGN AND INTENDED ANGLES, THESE SIGNS WILL BE FARTHER BACK THAN THE PREVIOUSLY APPROVED DEVIATIONS TO BE FIVE FEET FROM THE PROPERTY LINE.
  - THE NEED FOR THE TWO GROUND MOUNTED MONUMENT STYLE SIGNS ARE NECESSARY DUE TO THE LOCATION OF THE RECENTLY INSTALLED PUBLIC BUST STOP SHELTER IMPROVEMENTS.
  - THE PROPOSED ENTRY MONUMENTS ARE DESIGNED FOR WAYFINDING ELEMENTS TO HELP IDENTIFY THE PRESENCE OF THE PROJECT ALONG THE ADJACENT PRIVATE REVERSE FRONTAGE ROAD. NO SIGNAGE (ON LOGO) WILL BE ASSOCIATED WITH THESE ELEMENTS.



ADMINISTRATIVE AMENDMENT (PD) ADD2004-00256

ADMINISTRATIVE AMENDMENT  
LEE COUNTY, FLORIDA

WHEREAS, Tulip Associates, L.L.C., filed an application for administrative approval to a Commercial Planned Development on a project known as Tulip Associates CPD (now named Coconut Trace CPD) **to remove the proposed lake or dry retention area adjoining the western property line and revise the buffer along the western property line to include an eight-foot wall on property located at 23168 So. Tamiami Trail, described more particularly as:**

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

See Exhibit A attached

WHEREAS, the property was originally rezoned in Resolution number Z-00-010 (with subsequent amendments in case number ADD2003-00002); and

WHEREAS, the current STRAP numbers of the property are 04-47-25-00-00001.0020 and 09-47-25-00-00001.0050; and

WHEREAS, the Board of County Commissioners approved Resolution number Z-00-010 on March 20, 2000; and

WHEREAS, Administrative Amendment ADD2003-00002 was approved April 15, 2003 to permit a shared access point to US 41 with the adjoining property to the south, adjustment of the buffer to accommodate the shared connection, and adjustment of the internal road to accommodate the shared access point; and

WHEREAS, the Land Development Code provides that a master concept plan is deemed vacated unless a development order for a substantial portion of the project is approved within five years of the date of the approval of the planned development; and

WHEREAS, the master concept plan for the planned development would vacate on March 20, 2005, unless the owner applies for an extension of the master concept plan through the public hearing process in accordance with LDC Section 34-381(c); and

WHEREAS, if the master concept plan is vacated, the owner may apply to reinstate the master concept plan through the public hearing process in accordance with LDC Section 34-381(d); and

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

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



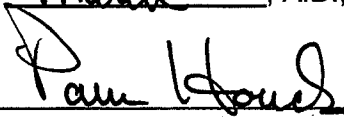
WHEREAS, the proposed changes have been presented to the Estero Community Planning Panel during a public informational meeting and these changes were found to be acceptable to the Panel; and

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

NOW, THEREFORE, IT IS HEREBY DETERMINED that the application for administrative approval for an amendment to the existing Commercial Planned Development to **remove the proposed lake or dry retention area adjoining the western property line and revise the buffer along the western property line to include an eight-foot wall** is APPROVED, subject to the following conditions:

1. The only changes approved as part of this administrative amendment are to remove the proposed lake or dry retention areas adjoining the western property line and revising the buffer along the western property line to include an eight-foot wall. No other changes have been authorized as part of this amendment and development must remain in compliance with Resolution Z-00-010, and specifically amended by ADD2003-00002 and the approval granted in this action.
2. The Development must be in compliance with the amended Master Concept Plan, entitled Coconut Trace, dated 11/11/04, Project No. 2004.56-B, stamped received on FEB 21, 2005, except as conditioned herein. In addition, the perimeter berm must be consistent with the two attached drawings entitled Perimeter Berm North & West Section and Perimeter Berm West Section @ Preserve. Master Concept Plan for ADD2004-00256 is hereby APPROVED and adopted. A reduced copy is attached hereto.
3. Condition 6 of Resolution Z-00-010 is hereby amended to specifically require an eight-foot wall as part of this buffer. All requirements for landscaping as provided for in this condition remain in effect as part of this zoning.
4. The owner/developer must have a Chapter 177 Subdivision Plat for lots within this development recorded in the public records within 18 months of the date of the local development order for this project, or the Master Concept Plan for this planned development will be deemed to have vacated.
5. No changes have been authorized to the Estero Point CPD as part of the approval of this request.

DULY SIGNED this 10<sup>th</sup> day of March, A.D., 2005.

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

HM PROJECT # 2004056  
2/17/05  
REF. DWG. # A-1723  
Page 1 of 1

PARCEL E

LEGAL DESCRIPTION

A TRACT OR PARCEL OF LAND LYING IN SECTIONS 4 AND 9, TOWNSHIP 47 SOUTH, RANGE 25 EAST, LEE COUNTY, FLORIDA, DESCRIBED AS FOLLOWS:

COMMENCE AT THE SOUTHEAST CORNER OF SECTION 4, TOWNSHIP 47 SOUTH, RANGE 25 EAST; THENCE SOUTH 88°14'22" WEST FOR 2266.44 FEET ALONG THE SOUTH LINE OF THE SOUTHEAST ONE QUARTER (SE ¼) OF SAID SECTION 4 TO AN INTERSECTION WITH THE WESTERLY RIGHT-OF-WAY LINE OF U.S. 41 (S.R. 45, TAMiami TRAIL) AND THE POINT OF BEGINNING;

THENCE NORTH 06°41'21" WEST FOR 825.79 FEET ALONG SAID WESTERLY RIGHT-OF-WAY; THENCE SOUTH 88°14'22" WEST FOR 501.86 FEET ALONG THE SOUTHERLY LINE OF A ROAD RIGHT-OF-WAY (50.00 FEET FROM THE CENTERLINE) AS DESCRIBED IN OFFICIAL BOOK 1994 AT PAGE 267 OF THE PUBLIC RECORDS OF LEE COUNTY, FLORIDA TO AN INTERSECTION WITH A LINE PARALLEL WITH AND LYING 500.00 FEET WESTERLY OF (AS MEASURED PERPENDICULAR TO) THE AFOREMENTIONED WESTERLY RIGHT-OF-WAY LINE OF U.S. 41; THENCE SOUTH 06°41'21" EAST FOR 1,194.76 FEET ALONG SAID PARALLEL LINE AND A LINE COMMON WITH A TRACT OR PARCEL OF LAND AS DESCRIBED IN OFFICIAL RECORD BOOK 1775 AT PAGE 2026 OF SAID PUBLIC RECORDS; THENCE NORTH 83°18'39" EAST FOR 500.00 FEET; THENCE NORTH 06°41'21" WEST FOR 325.85 FEET ALONG THE AFOREMENTIONED WESTERLY RIGHT-OF-WAY OF U.S. 41 TO THE POINT OF BEGINNING.

CONTAINING 13.467 ACRES, MORE OR LESS

Applicant's Legal Checked  
by Amy 24 FEB 05  
PARCEL "E"

NOTES:

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

BEARINGS SHOWN HEREON REFER TO THE SOUTH LINE OF THE SOUTHEAST QUARTER OF SECTION 4, TOWNSHIP 47 SOUTH, RANGE 25 EAST AS BEING S.88°14'22"W.

HOLE MONTES, INC.  
CERTIFICATE OF AUTHORIZATION LB #1772

BY

Thomas M. Murphy  
THOMAS M. MURPHY  
REGISTERED SURVEYOR & MAPPER  
FLORIDA

P.S.M. #5628  
STATE OF FLORIDA

**RECEIVED**  
FEB 21 2005

**PERMIT COUNTER**

ADD 2004 00256

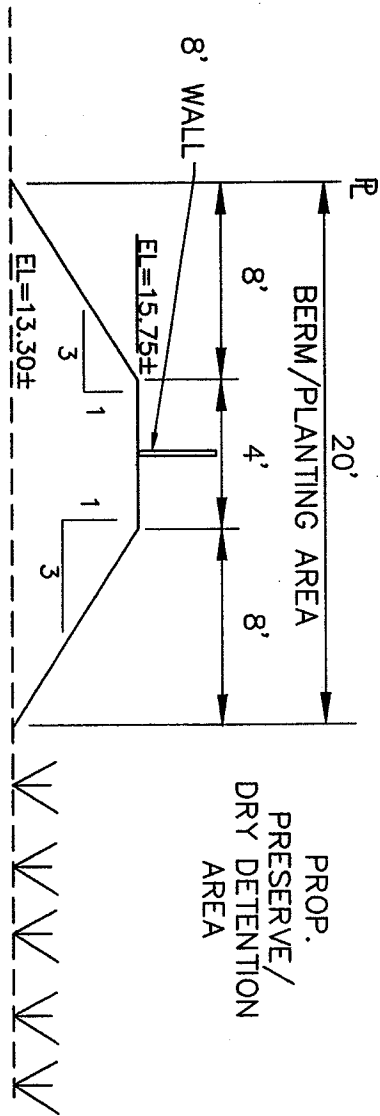
TYPE "F" BUFFER

30'

**RECEIVED**  
FEB 21 2005


PERMIT COUNTER

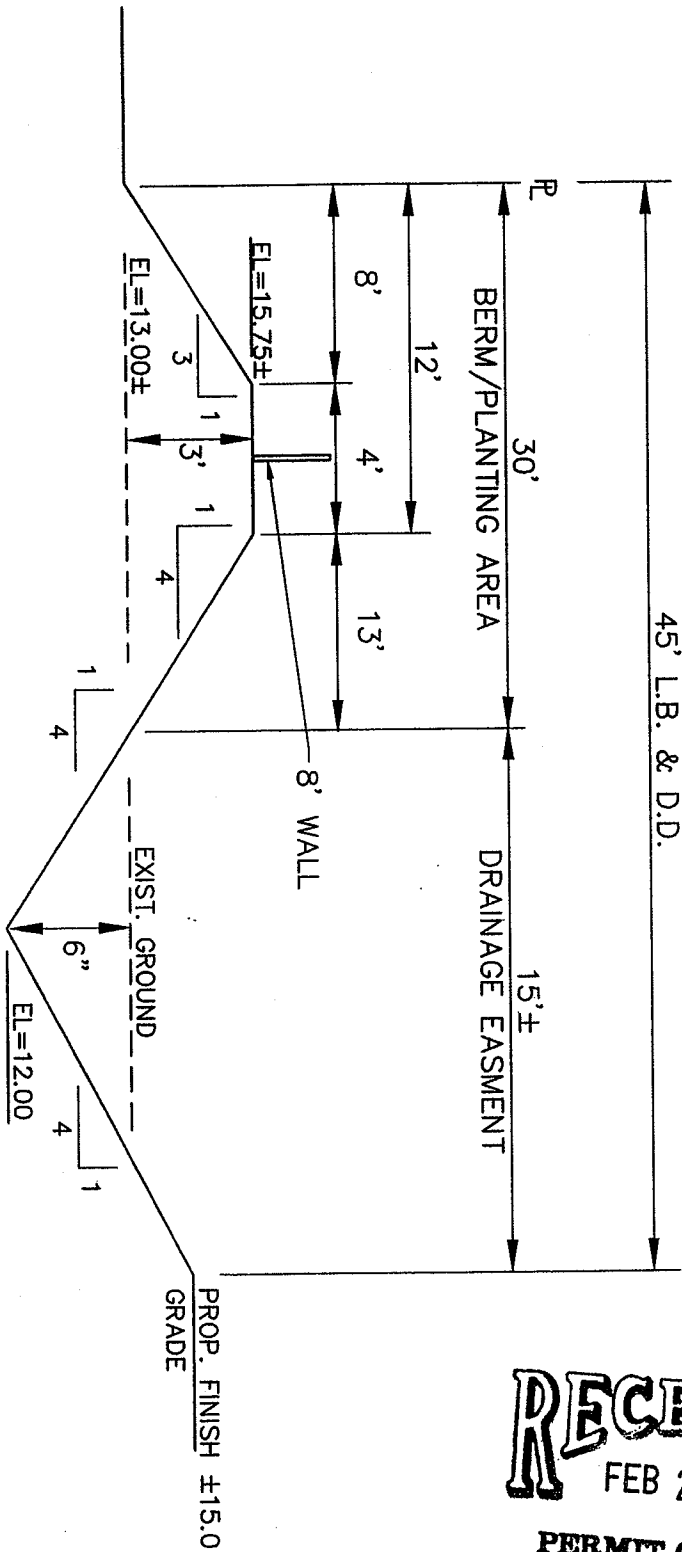
ADD 2004 00256



**PERIMETER BERM  
WEST SECTION @ PRESERVE**

N.T.S.

PERIMETER BERM  
 NORTH & WEST SECTION  
 D-D   
 N.T.S.



**RECEIVED**  
 FEB 21 2005

PERMIT COUNTER

ADD 2004 00256







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

WHEREAS, Carron Day and Brian Bigelow filed an application on behalf of the contract purchaser, Dennis J. Lynch, with the consent of the property owner, Steven H. Paletsky, M.D., Trustee, to rezone a 13.47±-acre parcel from Agricultural (AG-2) to Commercial Planned Development (CPD) in reference to Tulip Associates CPD; and

WHEREAS, a public hearing was advertised and held on February 9, 2000, and continued to February 15, 2000, before the Lee County Zoning Hearing Examiner, who gave full consideration to the evidence in the record for Case #99-09-162.03Z 01.01; and

WHEREAS, a second public hearing was advertised and held on March 20, 2000, before the Lee County Board of Commissioners, who gave full and complete consideration to the recommendations of the staff, the Hearing Examiner, the documents on record and the testimony of all interested persons.

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

SECTION A. REQUEST

The applicant filed a request to rezone a 13.47±-acre parcel from AG-2 to CPD, to allow a maximum of 130,500 square feet of commercial floor area with buildings not to exceed 45 feet in height. The property is located in the Suburban Land Use Category and legally described in attached Exhibit A. The request is APPROVED SUBJECT TO the conditions and deviations specified in Sections B and C below.

SECTION B. CONDITIONS:

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

1. Development must be consistent with the one-page Master Concept Plan (MCP) entitled "Conceptual Master Plan," stamped received January 25, 2000, last revised January 18, 2000, prepared by Florida Land Planning, except as modified by the conditions below. This development must comply with the Lee County LDC at time of local development order approval, except as may be granted by deviation as part of this planned development. If changes to the MCP are subsequently pursued, appropriate approvals will be necessary.

The second Site Development Note on the approved MCP (relating to the project uses and intensity; the combination of or addition of other uses to the project provided that the number of peak, PM trips do not exceed the level in the August 1999 Traffic Impact Statement) has not been approved and has no force or effect as part of this planned development.

The third Site Development Note on the approved MCP is intended to provide some flexibility in the location of access points, internal roadways, and parcel boundary lines; it is not intended, and will not be construed, to allow a developer to completely reconfigure the overall site plan in a fashion that would render the conditions herein below inapplicable.

The approved intensity of this development may not exceed the following:

Tracts "A" through "F" are limited to a maximum overall total gross floor area of 130,500 square feet with not more than 30,000 square feet of this total devoted to uses that must meet the Lee Plan Commercial Site Location Standards. The 30,000 square feet which must meet Lee Plan Commercial Site Location Standards must be located on Tracts "A" through "D".

2. The following is the approved Schedule of Uses for this planned development replacing the Schedule requested on the approved MCP:

### **SCHEDULE OF USES**

#### **Tracts "A" through "D":**

ACCESSORY USES AND STRUCTURES (LDC §§ 34-1171 *et seq.*, 34-2441 *et seq.*, 34-1863, and 34-2141 *et seq.*)

ADMINISTRATIVE OFFICES

ANIMALS: Clinic (LDC § 34-1321 *et seq.*)

ASSISTED LIVING FACILITY - maximum of 100 beds

★AUTO PARTS STORE - without installation facilities

BANKS AND FINANCIAL ESTABLISHMENTS [LDC § 34-622(c)(3)]: Groups I and II (excluding Federal Reserve Banks and Security and Commodity Exchanges)

BUSINESS SERVICES [LDC § 34-622(c)(5)]: Group I

CLOTHING STORES, general [LDC § 34-622(c)(8)]

CONSUMPTION ON PREMISES - accessory to full service restaurant use ONLY as restricted in Condition 15

DAY CARE CENTER, CHILD, ADULT

\*DRUGSTORE, PHARMACY

DRIVE THRU FOR ANY PERMITTED USE - NO outside speaker systems, loud speakers, or public address systems are allowed in conjunction with this use.

ENTRANCE GATES AND GATEHOUSE (LDC § 34-1741 *et seq.*)

ESSENTIAL SERVICES (LDC §§ 34-1611 *et seq.*, and 34-1741 *et seq.*)  
 ESSENTIAL SERVICE FACILITIES [LDC § 34-622(c)(13)]: Group I (LDC §§ 34-1611 *et seq.*, 34-1741 *et seq.*, and 34-2141 *et seq.*)  
 EXCAVATION: Water retention (LDC § 34-1651)  
 FENCES, WALLS (LDC § 34-1741)  
 \*FOOD STORES [LDC § 34-622(c)(16)]: Groups I and II  
 GIFT AND SOUVENIR SHOP  
 \*HARDWARE STORE  
 HEALTH CARE FACILITIES [LDC § 34-622(c)(20)]: Groups I, II & III  
 HOBBY, TOY AND GAME SHOPS [LDC § 34-622(c)(21)]  
 HOTEL/MOTEL - limited to 130 rooms  
     Accessory uses to include full service restaurant and consumption on premises as limited in Condition 15  
 INSURANCE COMPANIES  
 LAUNDRY OR DRY CLEANING [LDC § 34-622(c)(24)]: Group I  
 MEDICAL OFFICE  
 NON-STORE RETAILERS [LDC § 34-622(c)(30)]: All Groups  
 \*PACKAGE STORE (LDC § 34-1261 *et seq.*)  
 PAINT, GLASS & WALLPAPER - limited to 5,000-square-foot store  
 PARKING LOT: Accessory  
 PERSONAL SERVICES [LDC § 34-622(c)(33)]: Groups I and IV, and beauty spa and health club  
 PET SERVICES  
 PET SHOP  
 PLACE OF WORSHIP (LDC § 34-2051 *et seq.*)  
 RELIGIOUS FACILITIES (LDC § 34-2051 *et seq.*)  
 RENTAL OR LEASING ESTABLISHMENT [LDC § 34-622(c)(39)]: Groups I and II (LDC § 34-1201 *et seq.*, 34-1352, and 34-3001 *et seq.*)  
 \*REPAIR SHOPS [LDC § 34-622(c)(40)]: Group I  
 RESTAURANTS [LDC § 34-622(c)(43)]: Groups I, II, and III, as limited in Condition 15  
 SIGNS, in accordance with Chapter 30  
 SPECIALTY RETAIL SHOPS [LDC § 34-622(c)(47)]: Groups I and II  
 \*STORAGE: Indoor only, (LDC § 34-3001 *et seq.*)  
 STUDIOS  
 TEMPORARY USES - limited to Christmas tree or other seasonal sales  
 USED MERCHANDISE STORES [LDC § 34-622(c)(54)]: Group I  
 \*VARIETY STORE

★Uses noted with this symbol are limited to the following hours of operation: 8:00 a.m. through 9:00 p.m., Monday through Saturday ONLY

\*Uses noted with this symbol are limited to the following hours of operation: 8:00 a.m. through 9:00 p.m., Monday through Saturday, and from 12:00 p.m. (noon) through 6:00 p.m. on Sunday.

**Tracts "E" and "F":**

ACCESSORY USES & STRUCTURES (LDC §§ 34-1171, *et seq.*, 34-2441 *et seq.*, 34-1863 and 34-2141 *et seq.*)  
ADMINISTRATIVE OFFICES  
AGRICULTURAL USES, continuation of existing bonafide use - ONLY until first development approval is received.  
ASSISTED LIVING FACILITIES - maximum of 100 beds  
BANKS AND FINANCIAL ESTABLISHMENTS [LDC § 34-622(c)(3)]: Groups I and II (excluding Federal Reserve Banks and Security and Commodity Exchanges) - NO drive-thru uses  
BUSINESS SERVICES [LDC § 34-622(c)(5)]: Group I  
DAY CARE CENTER, CHILD, ADULT  
ENTRANCE GATES AND GATEHOUSES  
ESSENTIAL SERVICES (LDC §§ 34-1611 *et seq.* and 34-1741 *et seq.*)  
ESSENTIAL SERVICE FACILITIES [LDC § 34-622(c)(13)]: Group I (LDC §§ 34-1611 *et seq.*, 34-1741 *et seq.*, and 34-2141 *et seq.*)  
EXCAVATION: Water retention (LDC § 34-1651)  
FENCES, WALLS (LDC § 34-1741)  
HEALTH CARE FACILITIES, Group III  
INSURANCE COMPANIES  
MEDICAL OFFICE  
PARKING LOT: Accessory  
PERSONAL SERVICES [LDC § 34-622(c)(33)]: Group I, and beauty spas and tax preparation services  
PLACE OF WORSHIP (LDC § 34-2051 *et seq.*)  
SIGNS, in accordance with Chapter 30  
STUDIOS

**Conservation Area:**

Forest management activities, limited to removal of intrusive exotic species or diseased or dead trees, and pest control  
Hiking and nature study, clearing, including pedestrian boardwalks  
Recreational activities, outdoor only, to include only passive recreation activities  
Nature study center, non-commercial

3. The following Property Development Regulations replace the requested regulations shown on the approved MCP:

**Minimum Lot Area and Dimensions:**

Area: 1 acre  
Width: 100 feet  
Depth: 100 feet

Minimum Setbacks:

Street: variable according to the functional classification of the street or road (§ 34-2191, *et seq.*)  
Side: 15 feet  
Rear: 25 feet  
Water Body: 25 feet

Accessory Use and Structure setbacks must comply with LDC §§ 34-1171 *et seq.* and 34-2194.

Maximum Lot Coverage: 55 percent

Maximum Building Height: 45 feet - Tracts "A" through "D" ONLY  
30 feet - Tract "E"  
40 feet - Tract "F"

4. a. Prior to local development order approval, the entire site must be resurveyed specifically for Big Cypress fox squirrel presence. The protected species survey must be prepared per LDC § 10-473, and submitted to the Division of Planning, Environmental Sciences for review. If fox squirrel use of the site is verified, final management details per LDC § 10-474, must be submitted for Division of Planning/Environmental Sciences Staff review and approval.
- b. Thirty percent open space must be provided for the entire CPD development area. Individual tracts must provide a minimum of 10 percent open space. Prior to local development order approval, the development order plan must include an open space table and delineation of open space provided to demonstrate that the open space requirements are met for the entire CPD development area.
5. The approximately 0.7-acre cypress area (FLUCCS 621) must be delineated on the local development order plans as an indigenous preserve. The cypress area is the only indigenous vegetation community on-site.
6. No direct vehicular access to any parcel may be permitted from adjoining streets or roads. All parcels must be accessed from the internal road or driveway network of the project. The internal road of the project from Marsh Landing Boulevard to U.S. 41 must be constructed in accordance with Lee County local road standards. Connection separation along this internal road is a minimum of 125 feet. The internal road will not be considered an access street for impact fee credit purposes and is not eligible for impact fee credits.
7. Driveway connections with U.S. 41 are the jurisdiction of the State of Florida. This zoning action does not represent County endorsement of proposed access points since they do not meet County or State standards.

8. Buffering requirements:

a. As committed to on the MCP, the buffer along the western property line must be no less than 30 feet wide, consisting of 10 trees, of which at least five must be native shade (large canopy-type) trees, per 100 linear feet, and a hedge. No wall is required, but the developer must install a 6-foot-high security-type fence along the westerly property line as part of the buffer. The hedge must be planted in double staggered rows, be 48 inches high at installation, and maintained at 60 inches of height forming a continuous visual screen within one year after time of planting. Tree plantings within the project and in this buffer must, at a minimum, be consistent with the requirements of LDC § 10-420 for code required trees.

b. In conjunction with the buffer committed above, the developer must provide the following along the northerly 550 feet of the project's westerly property line:

either

1) a 2-foot-high berm with the height of the berm not considered in calculating the tree heights required in the LDC;

or

2) install trees that are a minimum of 2-feet taller upon installation than the tree heights required in the LDC..

c. The buffer along the westerly property line must be installed before commencement of vertical development of this project.

9. All buildings on Tracts "E" and "F" must be situated on the west side of the tracts with parking located on the east side of the buildings - away from the adjacent residential property.

10. Since the MCP shows a subdivision is a feature of this project, it must be platted in accordance with the LDC and Chapter 177 requirements of Florida Statutes.

11. All lighting of this project must be in conformance with the LDC. No parking lot lights over six feet in height may be located on Tracts "E" and "F" between the buildings and the west property line. No noise may be generated by this development that exceeds the requirements of Lee County.

12. A pedestrian/bike path may be provided, at developer's discretion, along the internal streets of this development; however, no interconnection is required into the Marsh Landing residential development.



13. 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.
14. 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).
15.
  - a. Hours of operation for restaurants are limited to 6:00 a.m. to 11:00 p.m. Outdoor seating must be located on the east sides of the buildings and may not be utilized after 9:00 p.m. on weekdays and 11:00 p.m. on Friday and Saturday nights. Outside speaker systems, loud speakers, and public address systems are prohibited.
  - b. Outside consumption on premises is prohibited at all restaurants and hotels except in conjunction with a restaurant or hotel meal service outside.
16. Deliveries to businesses are prohibited between the hours of 8:00 p.m. and 6:00 a.m.

#### SECTION C. DEVIATIONS:

Deviation (1) seeks relief from the LDC Section 10-296(d) requirement to provide that wearing surfaces of local and access streets for Category A development must be 12-inch asphaltic concrete, to allow for cement concrete and/or decorative pavers. This deviation is APPROVED SUBJECT TO the following conditions:

1. The alternative wearing surface is permitted only on the internal privately-maintained streets; and
2. The alternative street cross-section will be structurally equivalent to the standard flexible pavement cross-section specified in the LDC.

#### SECTION D. EXHIBITS:

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

- Exhibit A: The legal description and STRAP number of the property.  
Exhibit B: Zoning Map (subject parcel identified with shading)  
Exhibit C: The Master Concept Plan

#### SECTION E. FINDINGS AND CONCLUSIONS:

1. The applicant has proven entitlement to the rezoning by demonstrating compliance with the Lee Plan, the LDC, and other applicable codes or regulations.

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

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

John E. Manning	Absent
Douglas R. St. Cerny	Aye
Ray Judah	Aye
Andrew W. Coy	Aye
John E. Albion	Aye

DULY PASSED AND ADOPTED this 20th day of March, 2000.

ATTEST:  
CHARLIE GREEN, CLERK

BY: *Patricia Fryman*  
Deputy Clerk

BOARD OF COUNTY COMMISSIONERS  
OF LEE COUNTY, FLORIDA

BY: *John E. Albis*  
Chairman

Approved as to form by:  
*AnnMarie Collins*  
County Attorney's Office

MINUTES OFFICE

*Ryan F*  
FILED MAR 30 2000

## EXHIBIT "A"

### LEGAL DESCRIPTION

A tract or parcel of land lying in Sections 04 and 09, Township 47 South, Range 25 East, Lee County, Florida, described as follows:

Commence at the Southeast corner of Section 04, Township 47 South, Range 25 East;  
THENCE S88°14'22"W for 2,266.44 feet along the South line of the Southeast Quarter (SE¼) of said Section 04 to an intersection with the Westerly right-of-way line of US 41 (SR 45, Tamiami Trail) and the POINT OF BEGINNING;  
THENCE N06°41'21"W for 825.79 feet along said Westerly right-of-way;  
THENCE S88°14'22"W for 501.86 feet along the Southerly line of a road right-of-way (50.00 feet from the centerline) as described in OR Book 1994 at Page 267 of the public records of Lee County, Florida to an intersection with a line parallel with and lying 500.00 feet Westerly of (as measured perpendicular to) the aforementioned Westerly right-of-way line of US 41;  
THENCE S06°41'21"E for 1,194.76 feet along said parallel line and a line common with a tract or parcel of land as described in OR Book 1775 at Page 2026 of said public records;  
THENCE N83°18'39"E for 500.00 feet;  
THENCE N06°41'21"W for 325.85 feet along the aforementioned Westerly right-of-way of US 41 to the POINT OF BEGINNING.  
Containing 13.467 acres, more or less.

The applicant has indicated that the STRAP numbers for the subject property are:  
04-47-25-00-00001.0020 and 09-47-25-00-00001.0050

# ZONING MAP

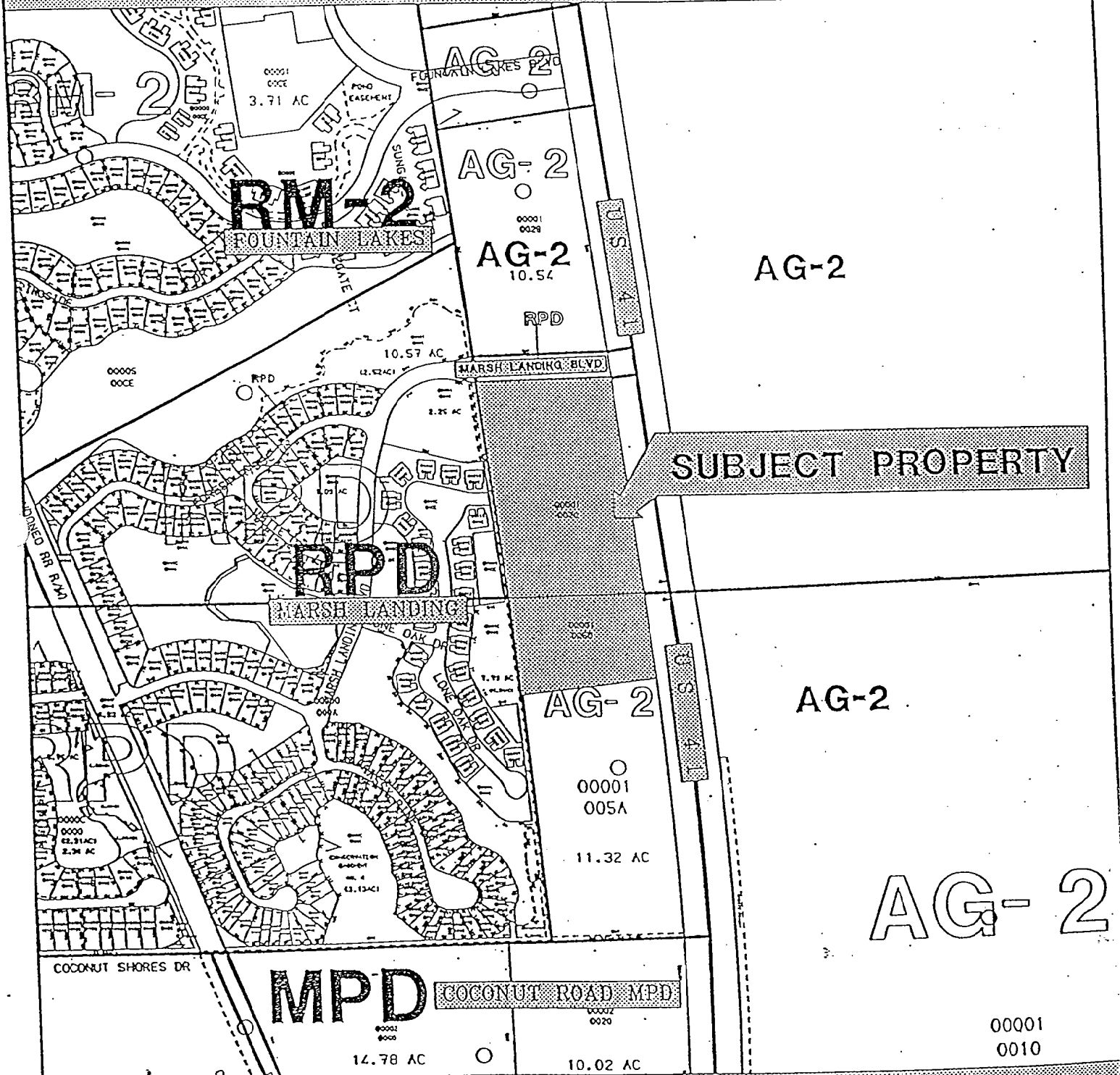


EXHIBIT B

**PERMITTED USES**

The definitions and list of permitted uses within the Groups refer to Lee County Development Code in effect as of the effective date of the zoning resolution.

**TRACT E AND F**

Accessory Uses and Structures customarily associated with the uses permitted in this district.  
**Administrative Offices**  
 Agriculture Uses, continuation of existing bona fide use only.  
 Assisted Living Facility  
 ATM (Automatic Teller Machine)  
 Banks and Financial Establishments, Groups I and II  
 Bed and Breakfast  
 Broadcast Studio, Commercial Radio and Television  
 Business Services, Group I (excluding: bail bonding and blood donor, stations) and Group II

Carpetaker Residence  
 Computer and Data Processing  
 Cultural Facilities  
 Day Care Center, Adult, Child  
 Entrance Gates and Gatehouses  
 Essential Services  
 Essential Service Facilities, Group I  
 Excavation Water Retention  
 Fences, Walls  
 General and Professional Offices  
 Gift and Souvenir Shop  
 Hospice  
 Hotel, Motel and accessory uses including but are not limited to the following:  
 Consumption on premises  
 Food and beverage service  
 Restaurant(s), Standard Groups I, II, III (includes outdoor seating)  
 Specialty retail shops  
 Personal services, limited to ATM, barbershops or beauty shops, photo agents, health clubs, steam baths, massage and the like.  
 Insurance Companies  
 Medical Office  
 Mini Warehouse  
 Model Homes, Model Units and Model Display Center  
 Parking Lot  
 Accessory  
 Temporary (Subject to LDC Section 34-3022)  
 Personal Services, Groups I, II, III and IV  
 Place of Worship  
 Plant Nurseries  
 Post Office  
 Printing and Publishing  
 Real Estate Sales and Rental  
 Recreational Facilities, Personal and Private (On-site, Off-site)  
 Rental and Leasing Establishments, Group I, II and III  
 Repair Shops, Groups I and II  
 Schools, Commercial  
 Schools, Non-Commercial  
 Signs  
 Social Services, Groups I, II and III  
 Specialty Retail Shops, Groups I, II, III and IV  
 Storage, Indoor only  
 Studios  
 Temporary Uses (LDC Section 34-3041)  
 Towers, communication, only when accessory to a permitted use  
 Water Retention

Any commercial use or professional service which is comparable in nature with the foregoing uses and which the Director of Lee County Department of Community Development determines to be compatible with this proposed development.

Any commercial use or professional service which is comparable in nature with the foregoing uses and which the Director of Lee County Department of Community Development determines to be compatible with this proposed development.

**TRACT A, B, C AND D**

All uses and structures shown in Tracts E and F plus the following:  
 Animals, Clinic  
 Auto Parts Store  
 Automobile Service Station  
 Bar and Cocktail Lounge  
 Building Material Sales  
 Cleaning and Maintenance Services  
 Clothing Stores  
 Consumption on Premises  
 Convenience Food and Beverage Store  
 Department Store  
 Drive-Through Facility for any Permitted Use  
 Drug Store, Pharmacy  
 Emergency Medical Service (ambulance station)  
 Food Stores, Group I and II  
 Fire Station  
 Gasoline Dispensing System, Special  
 Hardware Store  
 Health Care Facility, Group I, II, III and IV  
 Hobby, Toy, Game Shops  
 Household and Office Furnishings, Groups I and II  
 Laundry or Dry Cleaning, Group I (excluding Plant)

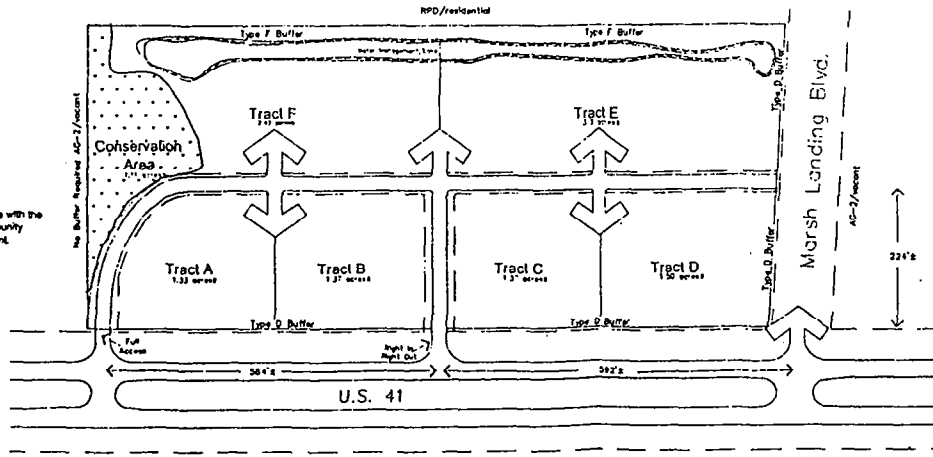
Lawn and Garden Supply Store  
 Non-store Retailers, all Groups  
 Package Store  
 Paint, Glass and Wallpaper  
 Pet Services  
 Pet Shop  
 Pharmacy  
 Recreational Facilities, Commercial  
 Religious Facilities  
 Restaurant(s) Fast Food (includes outdoor seating)  
 Restaurant(s), Standard Groups I, II, III and IV (includes outdoor seating)  
 Self Service Fuel Pumps and Stations  
 Used Merchandise Store, Groups I and II  
 Variety Store  
 Wholesale Establishment, Group III

Any commercial use or professional service which is comparable in nature with the foregoing uses and which the Director of Lee County Department of Community Development determines to be compatible with this proposed development.

**CONSERVATION AREA**

**PERMITTED USES AND STRUCTURES**

Interactive centers, rain shelters, gazebos  
 Nature and foot trails including boardwalks and jogging paths  
 Paths, boardwalks and bridges to provide access from the uplands to the wetlands.  
 Recreational shelters, restroom facilities, passive parks, and picnic areas.  
 Signs  
 Waste Management Facilities  
 Wildlife Management  
 Mitigation Activities  
 Accessory uses and structures customarily associated with the uses permitted in this district.  
 Other activities which are comparable in nature with the foregoing uses and which the Director of the Lee County Department determines to be compatible with this Conservation Area.



**PROPERTY DEVELOPMENT REGULATIONS**

**Minimum Building Setbacks:**

Street (US41): 25 feet  
 Internal Accessway: 20 feet  
 Side: 15 feet  
 Rear: 25 feet  
 Water Management Area: 20 feet  
 Building Separation: 20 feet (if no lot line exists)  
 Internal Building Setbacks: Should the subject property be subdivided, a 0' building setback to any internal lot lines will be required.

**Maximum Lot Coverage: 55%**

**Maximum Building Height:**  
 Buildings may not exceed 45 feet or three stories. However, no building taller than two stories is permitted within 200 feet of any lot zoned or used for residential purposes.

**Minimum Lot Size: 20,000 square feet**

**Parking**

Parking will meet the requirements of the LDC. Parking will be calculated based upon the developed specific uses within this project.

**Required Open Space**

On a project-wide basis, the subject property will provide the 30% open space required by the LDC. However, a minimum of 10% open space will be provided in all commercial tracts with the remaining open space provided in other tracts. Each local development order application will demonstrate that open space requirements are met.

**Required Indigenous Vegetation**

On a project-wide basis, the subject property will meet the indigenous vegetation percentage required by the LDC.

**SITE DEVELOPMENT NOTES**

Maximum overall commercial development is limited to 130,500 square feet, with commercial retail uses limited to 30,000 square feet.

The project can be comprised of retail or services uses, medical, general office, hotel use, or any combination of those uses (in compliance with the Schedule of Uses), up to the maximum square footage, provided that the number of peak, P.M. trips do not exceed the level established in the August 1999 Traffic Impact Statement and provided that all limiting conditions and parking, open space, buffering and water management requirements are met.

Conceptual parcel areas, internal access points, and dimensions, shown on the Master Concept Plan may be combined, reconfigured or divided.

The internal accessway will meet Lee County requirements. Currently internal access separations are shown as a minimum of 274 feet.

Access to public transit will be provided within the project in accordance with LDC Section 10-442.

Project lighting must be shielded and directed away from any lot zoned or used for residential purposes.

**DEVIATION**

Deviation from LDC Section 10-296(d), Table 4(7)(c) which requires that wearing surfaces of local and access streets for category A development to be 1 1/2 inch asphaltic concrete to allow for cement concrete and/or decorative pavers. This deviation may be applied throughout the development.

Conservation  
**APPROVED**  
 Project  
 Master Concept Plan

**RECEIVED**  
 JAN 25 2006  
 ZONING COUNCIL

Site Plan # 20-010 Page 1 Of 1  
 Subject to conditions in Resolution Z-00-010  
 Zoning Case # 19-09-162.03Z 0101



ADMINISTRATIVE AMENDMENT (PD) ADD2014-00136

ADMINISTRATIVE AMENDMENT  
LEE COUNTY, FLORIDA

WHEREAS, Tulip Associates, LLC filed an application for an administrative amendment to a Commercial Planned Development for a project known as Coconut Trace to amend the Tract designations on the Master Concept Plan and revise the Tract designation within the Schedule of Uses.

The property is located along the west side of US 41 generally south of Marsh Landing Boulevard and north of Vanderburg Way, described more particularly as:

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

ATTACHED AS EXHIBIT "A"

WHEREAS, the property was originally rezoned in Zoning Resolution Z-00-010 (with subsequent amendments in case numbers (ADD2003-00002, ADD2004-00256, ADD2013-00104, ADD2013-00178, ADD2014-00037, and ADD2014-00079); and

WHEREAS, the subject property is located in the Suburban Future Land Use Category as designated on the Future Land Use Map of the Lee County Comprehensive Plan; and

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

WHEREAS, the applicant desires to revise the Master Concept Plan combining portions of Tracts D and E originally depicted on the Master Concept Plan approved as part of Zoning Resolution Z-00-010, subsequently amended by ADD2003-00002 and ADD2004-00256; and

WHEREAS, the proposed change includes a change in the designation of the Tracts identified in Condition 2 of Resolution Z-00-010 providing for the approved Schedule of Uses; and

WHEREAS, the changes in the Tracts and Schedule of Uses results in keeping the original Schedule of Uses adjoining the Marsh Landing residential development intact thereby not increasing the intensity or density of the development next to Marsh Landing; and

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

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

NOW, THEREFORE, IT IS HEREBY DETERMINED that the application for administrative approval for an amendment to Commercial Planned Development is **APPROVED, subject to the following conditions:**

1. **The terms and conditions of the original zoning resolution, as subsequently amended, remain in full force and effect, except as amended by this action.**
2. **The approved Master Concept Plan adopted by Resolution Z-00-010 (as subsequently amended, is hereby amended. Development and use within this planned development must be in compliance with the amended Master Concept Plan, found as Exhibit B to this action.**
3. **Condition 2 of Resolution Z-00-010, as amended, is hereby replaced with the following reflecting the changes to the Master Concept Plan :**
  2. **The following is the approved Schedule of Uses for this planned development replacing the Schedule requested on the approved Master Concept Plan:**

**SCHEDULE OF USES**

**Tracts “A” through “D” “A”, “B”, and “D” only**

- ACCESSORY USES AND STRUCTURES (LDC Sections 34-1171 et seq., 34-2441 et seq., 34-1863, and 34-2141 et seq.)**
- ADMINISTRATIVE OFFICES**
- AGRICULTURAL USES, continuation of existing bonafide use - ONLY until first development approval is received.**
- ANIMALS: Clinic (LDC Section 34-1321 et seq.)**
- ASSISTED LIVING FACILITY - maximum of 100 beds**
- AUTO PARTS STORE - without installation facilities**
- AUTOMOBILE SERVICE STATION WITH SELF-SERVICE GAS PUMPS - Tracts “A” & “B” ONLY; open 6:00 a.m. to 12:00 midnight; NO repairs**
- BANKS AND FINANCIAL ESTABLISHMENTS [LDC Section 34-622(c)(3)]: Groups I and II (excluding Federal Reserve Banks and Security and Commodity Exchanges)**



**BUSINESS SERVICES [LDC Section 34-622(c)(5)]: Group I**  
**CLOTHING STORES, general [LDC Section 34-622(c)(8)]**  
**CONSUMPTION ON PREMISES - accessory to full service restaurant use ONLY as restricted in Condition 15**  
**CONVENIENCE FOOD & BEVERAGE STORE - Tracts "A" & "B" only; open 6:00 a.m. to 12:00 midnight**  
**DAY CARE CENTER, CHILD, ADULT**  
**DRUGSTORE, PHARMACY**  
**DRIVE THRU FOR ANY PERMITTED USE - NO outside speaker systems, loud speakers, or public address systems are allowed in conjunction with this use; for fast food restaurants - see also Condition 15**  
**ENTRANCE GATES AND GATEHOUSE (LDC Section 34-1741 et seq.)**  
**ESSENTIAL SERVICES (LDC Sections 34-1611 et seq., and 34-1741 et seq.)**  
**ESSENTIAL SERVICE FACILITIES [LDC Section 34-622(c)(13)]: Group I (LDC Sections 34-1611 et seq., 34-1741 et seq., and 34-2141 et seq.)**  
**EXCAVATION: Water retention (LDC Section 34-1651)**  
**FENCES, WALLS (LDC Section 34-1741)**  
**FOOD STORES [LDC Section 34-622(c)(16)]: Groups I and II - 6:00 a.m. to 12:00 midnight ONLY**  
**GIFT AND SOUVENIR SHOP**  
**HARDWARE STORE**  
**HEALTH CARE FACILITIES [LDC Section 34-622(c)(20)]: Groups I, II & III**  
**HOBBY, TOY AND GAME SHOPS [LDC Section 34-622(c)(21)]**  
**HOTEL/MOTEL - limited to 130 rooms**  
**Accessory uses to include full service restaurant and consumption on premises as limited in Condition 15**  
**HOUSEHOLD AND OFFICE FURNISHINGS, Group I (added by ADD2013-00104)**  
**INSURANCE COMPANIES**  
**LAUNDRY OR DRY CLEANING [LDC Section 34-622(c)(24)]: Group I**  
**MEDICAL OFFICE**  
**NON-STORE RETAILERS [LDC Section 34-622(c)(30)]: All Groups**  
**PACKAGE STORE (LDC Section 34-1261 et seq.) - 10:00 a.m. to 12:00 midnight**  
**PAINT, GLASS & WALLPAPER - limited to 5,000-square-foot store**  
**PARKING LOT: Accessory**  
**PERSONAL SERVICES [LDC Section 34-622(c)(33)]: Groups I and IV, and beauty spa and health club**  
**PET SERVICES**  
**PET SHOP**  
**PLACE OF WORSHIP (LDC Section 34-2051 et seq.)**  
**RELIGIOUS FACILITIES (LDC Section 34-2051 et seq.)**  
**RENTAL OR LEASING ESTABLISHMENT [LDC Section 34-622(c)(39)]: Groups I and II (LDC Section 34-1201 et seq., 34-1352, and 34-3001 et seq.)**

REPAIR SHOPS [LDC Section 34-622(c)(40)]: Group I  
RESTAURANT, FAST FOOD - Tract "A," "B" or "C" ONLY; as limited in  
Condition 15  
RESTAURANTS [LDC Section 34-622(c)(43)]: Groups I, II, and III, as  
limited in Condition 15  
SIGNS, in accordance with Chapter 30  
SPECIALTY RETAIL SHOPS [LDC Section 34-622(c)(47)]: Groups I and II  
STORAGE: Indoor only, (LDC Section 34-3001 et seq.)  
STUDIOS  
TEMPORARY USES - limited to Christmas tree or other seasonal sales  
USED MERCHANDISE STORES [LDC Section 34-622(c)(54)]: Group I  
VARIETY STORE

Tracts "C", "E" and "F":

ACCESSORY USES & STRUCTURES (LDC Sections 34-1171, et seq.,  
34-2441 et seq., 34-1863 and 34-2141 et seq.)  
ADMINISTRATIVE OFFICES  
AGRICULTURAL USES, continuation of existing bonafide use - ONLY  
until first development approval is received.  
ASSISTED LIVING FACILITIES - maximum of 100 beds  
BANKS AND FINANCIAL ESTABLISHMENTS [LDC Section 34-622(c)(3)]:  
Groups I and II (excluding Federal Reserve Banks and Security and  
Commodity Exchanges) - NO drive-thru uses  
BUSINESS SERVICES [LDC Section 34-622(c)(5)]: Group I  
DAY CARE CENTER, CHILD, ADULT  
ENTRANCE GATES AND GATEHOUSES  
ESSENTIAL SERVICES (LDC Sections 34-1611 et seq. and 34-1741 et  
seq.)  
ESSENTIAL SERVICE FACILITIES [LDC Section 34-622(c)(13)]: Group I  
(LDC Sections 34-1611 et seq., 34-1741 et seq., and 34-2141 et seq.)  
EXCAVATION: Water retention (LDC Section 34-1651)  
FENCES, WALLS (LDC Section 34-1741)  
HEALTH CARE FACILITIES, Group III  
INSURANCE COMPANIES  
MEDICAL OFFICE  
PARKING LOT: Accessory  
PERSONAL SERVICES [LDC Section 34-622(c)(33)]: Group I, and beauty  
spas and tax preparation services  
PLACE OF WORSHIP (LDC Section 34-2051 et seq.)  
SIGNS, in accordance with Chapter 30  
STUDIOS

**Conservation Area:**

**Forest management activities, limited to removal of intrusive exotic species or diseased or dead trees, and pest control**

**Hiking and nature study, clearing, including pedestrian boardwalks**

**Recreational activities, outdoor only to include only passive recreation activities**

**Nature study center, non-commercial**

- 4. Prior to the approval of a local development order for vertical development, the existing Subdivision Plat (recorded in Instrument 2006000423660) must be replatted consistent with the lot designations as shown on the approved Master Concept Plan adopted as part of this administrative amendment.**
  
- 5. If it is determined that inaccurate or misleading information was provided to the County or if this decision does not comply with the LDC when rendered, then, at any time, the Director may issue a modified decision that complies with the Code or revoke the decision. If the approval is revoked, the applicant may acquire the necessary approvals by filing an application for public hearing in accordance with Chapter 34.**

DULY PASSED AND ADOPTED ON 10/13/2014

BY:   
\_\_\_\_\_  
Electronically Signed by  
Pam Houck, Director  
Division of Zoning  
Department of Community Development

**EXHIBITS:**

- A. Legal Description**
- B. Master Concept Plan**

# COCONUT TRACE

A SUBDIVISION LOCATED IN SECTIONS 4 & 9, TOWNSHIP 47 SOUTH, RANGE 25 EAST, LEE COUNTY, FLORIDA

INSTR. # 2006000423660  
SHEET 1 of 3

# EXHIBIT A

**APPROVED**  
**ADD2014-00136**  
**Chick Jakacki, Planner**  
**Lee Co Division of Zoning**  
**7/24/2014**

### PROPERTY DESCRIPTION:

A PARCEL OF LAND LOCATED IN A PORTION OF SECTIONS 4 AND 9, TOWNSHIP 47 SOUTH, RANGE 25 EAST, LEE COUNTY, FLORIDA, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:  
BEGIN AT THE NORTHEAST CORNER OF TRACT "A" MARSH LANDING ACCORDING TO THE PLAT THEREOF AS RECORDED IN PLAT BOOK 58, PAGES 42 THROUGH 49 OF THE PUBLIC RECORDS OF LEE COUNTY, FLORIDA; THENCE RUN N.88°15'31"E, ALONG THE BOUNDARY OF SAID MARSH LANDING, FOR A DISTANCE OF 502.25 FEET TO A POINT ON THE WESTERLY RIGHT-OF-WAY OF U.S. 41 (S.R. 45, TAMMIAMI TRAIL), HAVING A 200.00 FOOT WIDE RIGHT-OF-WAY; THENCE RUN S.08°40'07"E, ALONG THE WESTERLY RIGHT-OF-WAY LINE OF SAID U.S. 41, FOR A DISTANCE OF 1,468.04 FEET TO THE BEGINNING OF A TANGENTIAL CIRCULAR CURVE, CONCAVE WESTERLY; THENCE RUN SOUTHERLY ALONG THE WESTERLY RIGHT-OF-WAY LINE OF SAID U.S. 41 AND ALONG THE ARC OF SAID CURVE TO THE RIGHT, HAVING A RADIUS OF 11,391.18 FEET, THROUGH A CENTRAL ANGLE OF 03°28'02", SUBTENDED BY A CHORD OF 689.20 FEET AT A BEARING OF S.04°36'06"E, FOR A DISTANCE OF 689.31 FEET TO A POINT ON THE SOUTH LINE OF NORTH HALF OF THE NORTHEAST QUARTER OF SECTION 9, TOWNSHIP 47 SOUTH, RANGE 25 EAST, LEE COUNTY, FLORIDA; THENCE RUN S.08°23'00"W, ALONG THE SOUTH LINE OF NORTH HALF OF THE NORTHEAST QUARTER OF SAID SECTION 9, FOR A DISTANCE OF 200.58 FEET TO A POINT ON THE BOUNDARY OF SAID MARSH LANDING, THE SAME BEING A POINT ON A CIRCULAR CURVE, CONCAVE WESTERLY, WHOSE RADIUS POINT BEARS S.66°43'38"W, A DISTANCE OF 10,891.16 FEET THEREFROM; THENCE RUN NORTHERLY ALONG THE BOUNDARY OF SAID MARSH LANDING AND ALONG THE ARC OF SAID CURVE TO THE LEFT, HAVING A RADIUS OF 10,891.16 FEET, THROUGH A CENTRAL ANGLE OF 03°23'50", SUBTENDED BY A CHORD OF 645.66 FEET AT A BEARING OF N.04°58'17"W, FOR A DISTANCE OF 645.78 FEET TO THE END OF SAID CURVE; THENCE RUN N.08°40'12"W, ALONG THE BOUNDARY OF SAID MARSH LANDING, FOR A DISTANCE OF 1,511.69 FEET TO THE POINT OF BEGINNING; CONTAINING 24.787 ACRES, MORE OR LESS.

### DEDICATION

KNOW ALL MEN BY THESE PRESENTS, THAT TULIP ASSOCIATES, L.L.C., A FLORIDA LIMITED LIABILITY COMPANY, THE OWNER OF THE HEREBY DESCRIBED LANDS HAS CAUSED THIS PLAT OF COCONUT TRACE, A SUBDIVISION LOCATED IN A PORTION OF SECTIONS 4 & 9, TOWNSHIP 47 SOUTH, RANGE 25 EAST, TO BE MADE AND HEREBY:  
A. DEDICATES TO COCONUT TRACE OWNERS ASSOCIATION, INC., A FLORIDA NOT-FOR-PROFIT CORPORATION, ITS SUCCESSORS AND ASSIGNS:  
1. TRACT "R" FOR ROAD RIGHT-OF-WAY (R-O-W), DRAINAGE, LANDSCAPING AND UTILITY PURPOSES (SUBJECT TO ANY OTHER EASEMENTS WITHIN TRACT "R" AS CREATED BY THIS PLAT).  
2. TRACTS "P" AS A CONSERVATION AND WETLAND/UPLAND PRESERVE AREA TO BE MAINTAINED IN ITS NATURAL STATE.  
3. ALL DRAINAGE EASEMENTS (D.E.) AS SHOWN HEREON FOR THE PURPOSE OF CONSTRUCTION, OPERATION, MAINTENANCE AND MAINTENANCE ACCESS OF AND TO DRAINAGE FACILITIES.  
B. RESERVES TO TULIP ASSOCIATES, L.L.C., A FLORIDA LIMITED LIABILITY COMPANY:  
OUT-PARCELS A THROUGH F, OF BLOCK A, AND OUT-PARCELS A THROUGH D, OF BLOCK B FOR FUTURE DEVELOPMENT SUBJECT TO EASEMENTS AS DEDICATED AND SHOWN HEREON.  
C. DEDICATES ALL PUBLIC UTILITY EASEMENTS (P.U.E.) AS SHOWN HEREON, TO THE PUBLIC AND PRIVATE UTILITIES HAVING THE AUTHORITY TO PROVIDE UTILITY SERVICES, INCLUDING CABLE TELEVISION, ELECTRIC, TELEPHONE, GAS OR OTHER PUBLIC AND PRIVATE UTILITIES, FOR THE CONSTRUCTION AND MAINTENANCE OF PUBLIC AND PRIVATE UTILITIES.  
D. DEDICATES ALL BONITA SPRINGS UTILITIES EASEMENTS (B.S.U.) TO BONITA SPRINGS UTILITIES, INC., AND ITS SUCCESSORS AND ASSIGNS AS NON-EXCLUSIVE UTILITY EASEMENTS AND RIGHTS-OF-WAY, UPON, OVER, ACROSS, AND BELOW THE SURFACE AS SHOWN HEREON FOR THE PURPOSES OF CONSTRUCTION, OPERATION, MAINTENANCE IMPROVING OR REPLACING OF ONE OR MORE WATER, SEWER AND/OR UTILITY TRANSMISSION OR DISTRIBUTION LINES, AND ALL NORMAL APPURTENANCES THERETO.

IN WITNESS WHEREOF TULIP ASSOCIATES, L.L.C., A FLORIDA LIMITED LIABILITY COMPANY HAS CAUSED THIS DEDICATION TO BE MADE THIS 1 DAY OF November 2006.

TULIP ASSOCIATES, L.L.C.  
BY: Dennis J. Lynch  
DENNIS J. LYNCH  
ITS MANAGING MEMBER  
WITNESS: Dean Nowicki  
DEAN NOWICKI  
PRINTED NAME  
Andrea Malins  
ANDREA MALINS  
WITNESS  
Andree Morland  
ANDREE MORLAND  
PRINTED NAME

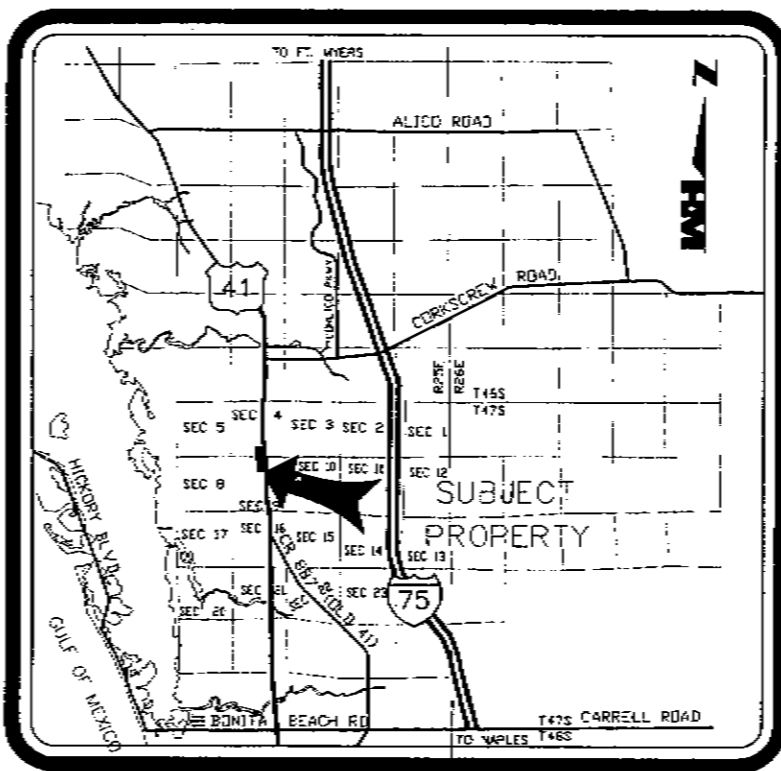
### NOTICE:

LANDS DESCRIBED IN THIS PLAT MAY BE SUBDIVIDED BY THE DEVELOPER WITHOUT THE ROADS, DRAINAGE, WATER AND SEWER FACILITIES BEING ACCEPTED FOR MAINTENANCE BY LEE COUNTY. ANY PURCHASER OF A LOT IN THIS SUBDIVISION IS ADVISED TO DETERMINE WHETHER THE LOT MAY BE SUBJECT TO ASSESSMENT OR CALLED UPON TO BEAR A PORTION OF OR ALL OF THE EXPENSE OF CONSTRUCTION, MAINTENANCE OR IMPROVEMENT OF ROADS, DRAINAGE, WATER AND SEWER FACILITIES.

### ACKNOWLEDGEMENT

STATE OF Florida  
COUNTY OF Collier  
THE FOREGOING DEDICATION WAS ACKNOWLEDGED BEFORE ME THIS 1st DAY OF November 2006 BY DENNIS J. LYNCH, AS MANAGING MEMBER OF TULIP ASSOCIATES, L.L.C., A FLORIDA LIMITED LIABILITY COMPANY, WHO IS PERSONALLY KNOWN TO ME OR HAS PRODUCED AS IDENTIFICATION.  
D. Cree  
DORIS CREE  
NOTARY PUBLIC - STATE OF FLORIDA  
NAME (PRINTED)  
DP 561673 9-22-2010  
COMMISSION # COMMISSION EXPIRES

### LOCATION MAP



### CLERK OF COURT CERTIFICATION:

I HEREBY CERTIFY THAT THE ATTACHED PLAT OF COCONUT TRACE, A SUBDIVISION LOCATED IN SECTIONS 4 & 9, TOWNSHIP 47 SOUTH, RANGE 25 EAST, LEE COUNTY, FLORIDA, WAS FILED FOR RECORD AT 4:14 P.M. THIS 8 DAY OF November 2006 AND DULY RECORDED AS INSTRUMENT # 2006000423660 IN THE PUBLIC RECORDS OF LEE COUNTY, FLORIDA.

Charley Green  
CHARLEY GREEN  
LEE COUNTY CLERK OF COURTS



### COUNTY APPROVALS:

THIS PLAT IS ACCEPTED AND APPROVED BY THE BOARD OF COUNTY COMMISSIONERS, LEE COUNTY, FLORIDA THIS 1st DAY OF November 2006.

Tamara A. Hall  
TAMARA A. HALL  
CHAIRMAN  
Mary Gibbs  
MARY GIBBS, DIRECTOR  
DEPARTMENT OF COMMUNITY  
DEVELOPMENT  
John J. Fredyma  
JOHN J. FREDYMA  
ASSISTANT COUNTY ATTORNEY

Charley Green  
CHARLEY GREEN  
CLERK OF COURT  
Peter Eckenrode  
PETER ECKENRODE, DIRECTOR  
DIVISION OF DEVELOPMENT  
SERVICES

### REVIEW BY COUNTY PROFESSIONAL SURVEYOR & MAPPER:

REVIEW BY THE DESIGNATED COUNTY PSM DETERMINED THAT THIS PLAT CONFORMS TO THE REQUIREMENT OF F.S. CH. 177, PART 1.  
Michael Harmon  
MICHAEL HARMON, P.S.M.  
LEE COUNTY DESIGNATED P.S.M.

### SURVEYOR'S CERTIFICATION:

I HEREBY CERTIFY THAT THE ATTACHED PLAT OF COCONUT TRACE, A SUBDIVISION LOCATED IN SECTIONS 4 & 9, TOWNSHIP 47 SOUTH, RANGE 25 EAST, LEE COUNTY, FLORIDA, WAS PREPARED UNDER MY DIRECTION AND SUPERVISION AND COMPLES WITH ALL THE SURVEY REQUIREMENTS OF CHAPTER 177, FLORIDA STATUTES. I FURTHER CERTIFY THAT THE PERMANENT REFERENCE MONUMENTS (PRM'S) HAVE BEEN PLACED AT THE LOCATIONS SHOWN ON THE PLAT.

HOLE MONTES, INC.  
CERTIFICATE OF AUTHORIZATION NUMBER LB 1772  
DATE: 11/2/06  
Thomas M. Murphy  
THOMAS M. MURPHY P.S.M. #5628  
STATE OF FLORIDA

THIS INSTRUMENT WAS PREPARED BY THOMAS M. MURPHY, P.S.M. #5628



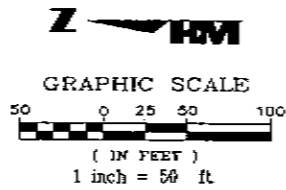
**H.M.**  
HOLE MONTES  
ENGINEERS & PLANNERS SURVEYORS  
950 Encore Way  
Naples, FL 34110  
Phone: (239) 254-2000  
Florida Certificate of  
Authorization No. 1772  
REFERENCE NO. 0405780 340 DRAWN BY JEN

DOS 2004-00243 / PLT 2005-00002

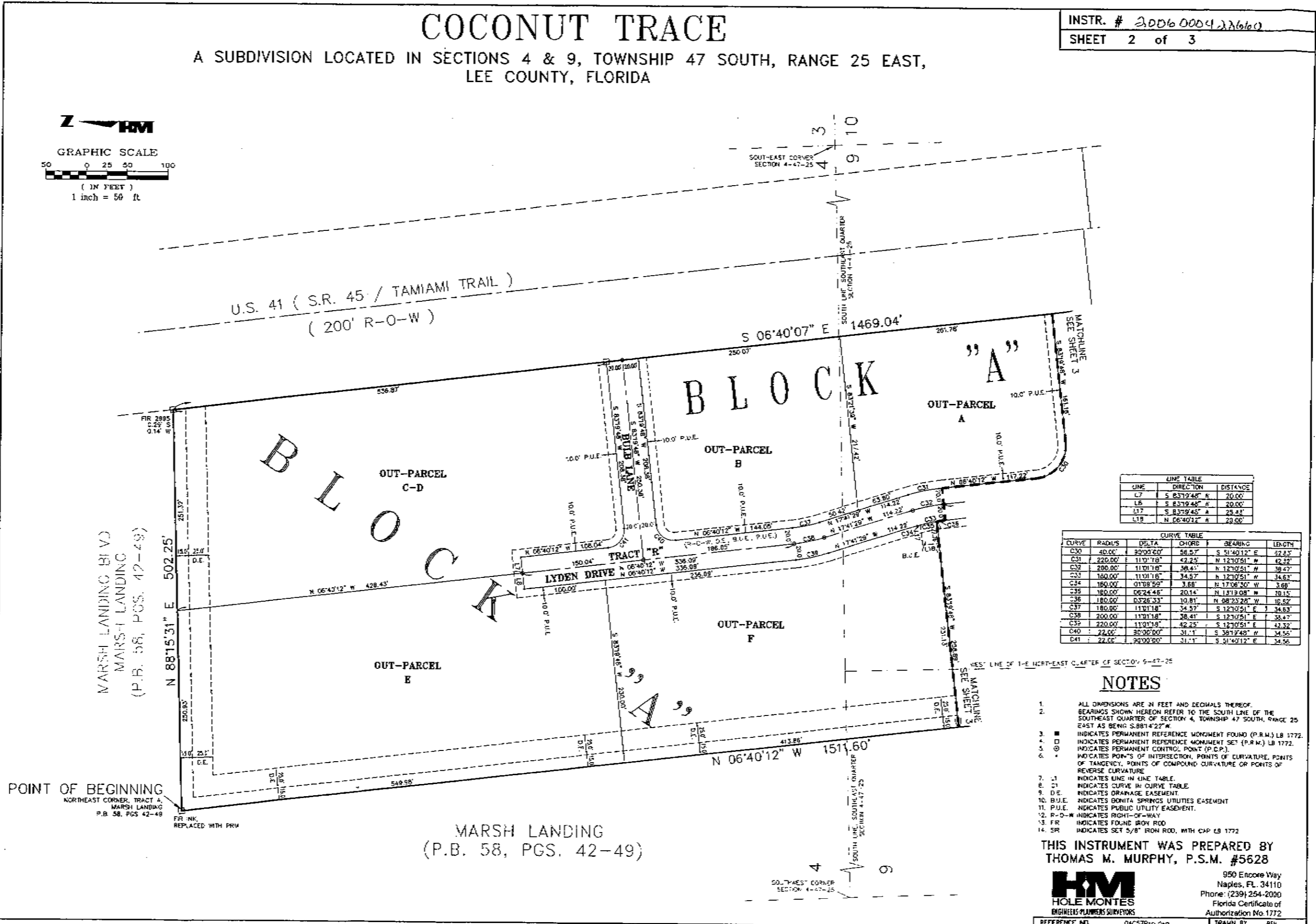
# COCONUT TRACE

A SUBDIVISION LOCATED IN SECTIONS 4 & 9, TOWNSHIP 47 SOUTH, RANGE 25 EAST, LEE COUNTY, FLORIDA

INSTR. # 2006000422660  
SHEET 2 of 3



DOS 2004-00243 / PLT 2005-00002



LINE	DIRECTION	DISTANCE
L7	S 83°19'48" W	20.00'
L17	S 83°19'48" W	25.43'
L18	N 06°40'12" E	20.00'

CURVE	RADIUS	DELTA	CHORD	BEARING	LENGTH
C30	40.00'	30°00'00"	56.57'	S 51°40'12" E	52.23'
C31	220.00'	11°01'18"	42.25'	N 12°01'51" W	42.22'
C32	200.00'	11°01'18"	38.41'	N 12°01'51" W	38.47'
C33	180.00'	01°08'59"	34.57'	N 12°01'51" W	34.63'
C34	180.00'	01°08'59"	3.66'	N 17°08'50" W	3.68'
C35	180.00'	06°24'46"	20.14'	N 13°13'08" W	20.15'
C36	180.00'	03°26'33"	10.81'	N 08°23'28" W	10.52'
C37	180.00'	11°01'18"	34.57'	S 12°01'51" E	34.63'
C38	200.00'	11°01'18"	38.41'	S 12°01'51" E	38.47'
C39	220.00'	11°01'18"	42.25'	S 12°01'51" E	42.22'
C40	22.00'	30°00'00"	31.17'	S 38°19'48" W	34.55'
C41	22.00'	30°00'00"	31.17'	S 51°40'12" E	34.56'

### NOTES

- ALL DIMENSIONS ARE IN FEET AND DECIMALS THEREOF.
- BEARINGS SHOWN HEREON REFER TO THE SOUTH LINE OF THE SOUTHEAST QUARTER OF SECTION 4, TOWNSHIP 47 SOUTH, RANGE 25 EAST AS BEING S.881°42'27" W.
- INDICATES PERMANENT REFERENCE MONUMENT FOUND (P.R.M.) LB 1772.
- INDICATES PERMANENT REFERENCE MONUMENT SET (P.R.M.) LB 1772.
- INDICATES PERMANENT CONTROL POINT (P.C.P.).
- INDICATES POINTS OF INTERSECTION, POINTS OF CURVATURE, POINTS OF TANGENCY, POINTS OF COMPOUND CURVATURE OR POINTS OF REVERSE CURVATURE.
- INDICATES LINE IN CURVE TABLE.
- INDICATES CURVE IN CURVE TABLE.
- INDICATES DRAINAGE EASEMENT.
- INDICATES DITCH, SPRINGS, UTILITIES EASEMENT.
- INDICATES PUBLIC UTILITY EASEMENT.
- INDICATES RIGHT-OF-WAY.
- INDICATES FOUND IRON ROD.
- INDICATES SET 5/8" IRON ROD, WITH CAP LB 1772.

THIS INSTRUMENT WAS PREPARED BY  
THOMAS W. MURPHY, P.S.M. #5628



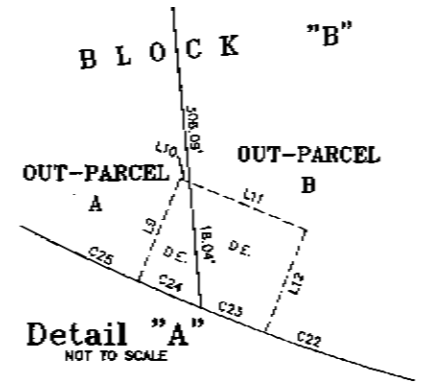
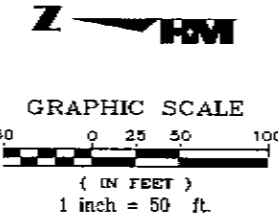
950 Encore Way  
Naples, FL 34110  
Phone: (239) 254-2000  
Florida Certificate of  
Authorization No. 1772



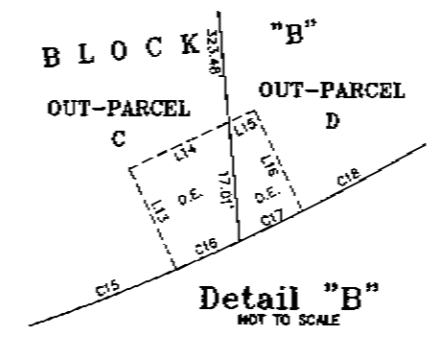
# COCONUT TRACE

A SUBDIVISION LOCATED IN SECTIONS 4 & 9, TOWNSHIP 47 SOUTH, RANGE 25 EAST, LEE COUNTY, FLORIDA

INSTR. # 20060004231610  
SHEET 3 of 3



AREA TABLE	SQUARE FEET
BLOCK A, OUT-PARCEL A	53,019.60
BLOCK A, OUT-PARCEL B	57,051.28
BLOCK A, OUT-PARCEL C-D	134,425.65
BLOCK A, OUT-PARCEL E	132,801.26
BLOCK A, OUT-PARCEL F	97,576.39
BLOCK B, OUT-PARCEL A	58,031.28
BLOCK B, OUT-PARCEL B	82,750.84
BLOCK B, OUT-PARCEL C	83,721.79
BLOCK B, OUT-PARCEL D	70,669.02
TRACT "P"	207,776.67
TRACT "R"	101,811.73
TOTAL	1,079,725.59

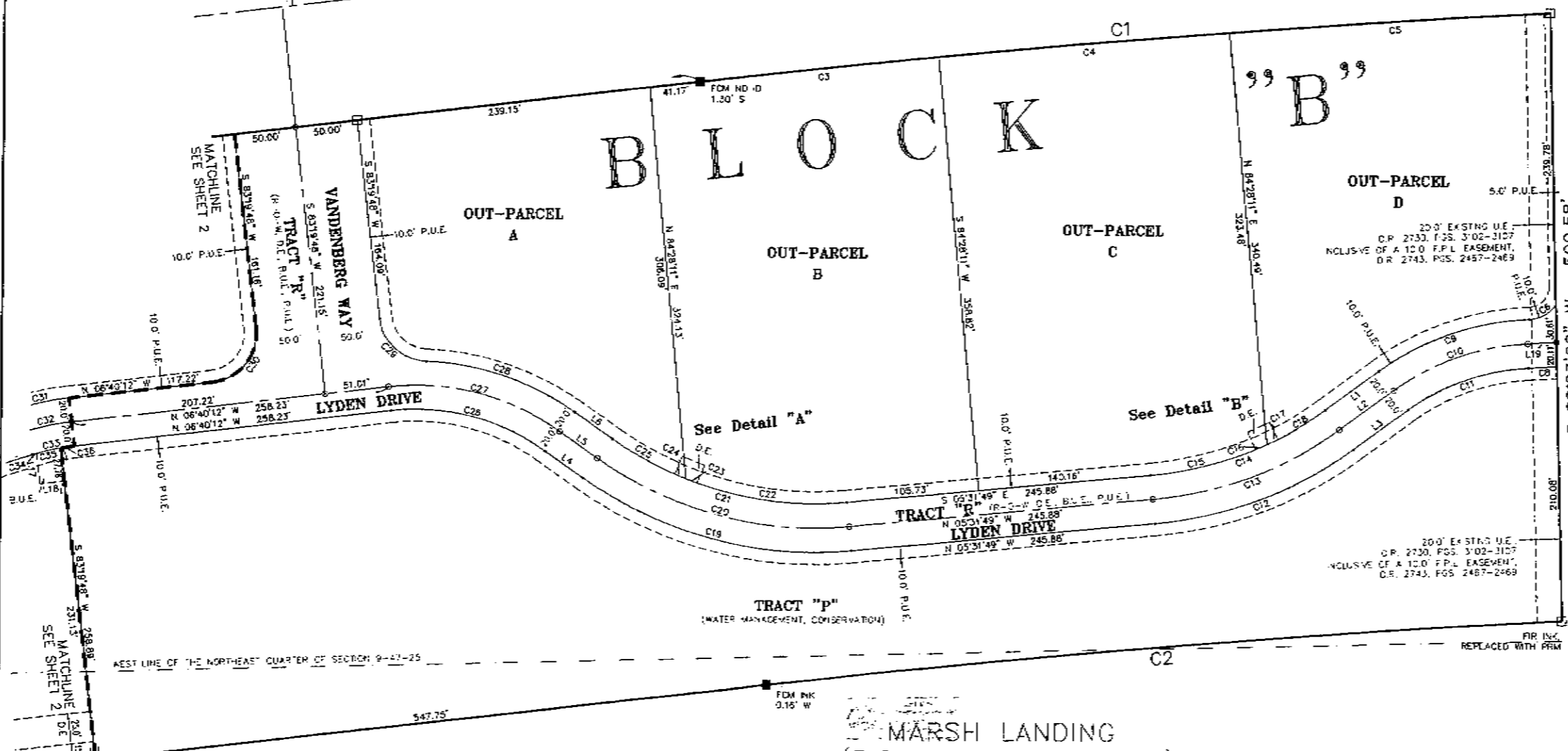


LINE	DIRECTION	DISTANCE
L1	S 36°43'17" E	54.79'
L2	N 36°43'17" W	54.79'
L3	N 36°43'17" W	54.79'
L4	N 35°52'48" E	37.80'
L5	N 35°52'48" E	37.80'
L6	N 35°52'48" E	37.80'
L9	N 68°00'58" W	15.83'
L10	S 21°59'02" W	1.42'
L11	S 21°59'02" W	18.08'
L12	N 68°00'58" W	15.83'
L13	N 64°39'14" E	15.83'
L14	S 25°20'46" E	3.88'
L15	S 25°20'46" E	3.88'
L16	S 64°39'14" W	15.83'
L17	S 83°19'48" W	23.43'
L18	N 05°40'12" W	20.00'
L19	S 03°32'28" E	23.24'

U.S. 41 ( S.R. 45 / TAMiami TRAIL )  
( 200' R-O-W )

CURVE	RADIUS	DELTA	CHORD	BEARING	LENGTH
C1	11391.16'	03°28'02"	689.20'	S 04°58'06" E	689.31'
C2	10881.16'	03°23'56"	645.66'	N 04°58'17" W	645.76'
C3	11391.16'	00°58'32"	193.93'	N 06°10'51" W	193.84'
C4	11391.16'	01°0'57"	235.06'	N 05°08'07" W	235.09'
C5	11391.16'	01°18'33"	280.27'	N 03°51'22" W	280.28'
C6	27.00'	53°26'42"	24.28'	S 29°27'47" E	24.19'
C8	11181.16'	00°07'01"	22.63'	N 03°17'58" W	22.63'
C9	220.00'	33°58'51"	128.97'	N 49°43'52" W	130.48'
C10	200.00'	33°21'45"	114.82'	N 20°02'23" W	116.46'
C11	180.00'	33°21'45"	103.34'	N 20°02'23" W	104.82'
C12	320.00'	31°11'26"	372.06'	S 21°07'33" E	374.20'
C13	300.00'	31°11'26"	181.31'	S 21°07'33" E	183.32'
C14	280.00'	31°11'26"	150.55'	S 21°07'33" E	152.43'
C15	280.00'	17°49'13"	86.74'	S 14°28'25" E	87.09'
C16	280.00'	01°59'46"	9.75'	S 24°20'55" E	9.76'
C17	280.00'	01°59'41"	9.75'	S 26°20'59" E	9.76'
C18	280.00'	09°22'47"	45.79'	S 32°01'54" E	45.84'
C19	320.00'	41°24'36"	226.28'	S 15°10'29" W	231.26'
C20	300.00'	41°24'36"	212.13'	S 15°10'29" W	216.82'
C21	280.00'	41°24'36"	197.98'	S 15°10'29" W	202.37'
C22	280.00'	25°31'07"	123.66'	S 07°13'45" W	124.71'
C23	280.00'	01°39'44"	9.75'	S 22°58'11" W	9.75'
C24	280.00'	01°39'44"	9.75'	S 22°58'11" W	9.75'
C25	280.00'	11°54'02"	58.05'	S 25°55'47" W	58.16'
C26	180.00'	42°32'55"	130.82'	N 4°36'18" E	133.67'
C27	200.00'	42°32'55"	145.14'	N 14°36'18" E	148.53'
C28	220.00'	33°55'28"	126.37'	N 18°58'03" E	130.86'
C29	40.00'	81°22'28"	52.15'	S 42°36'34" W	58.81'
C30	40.00'	80°06'04"	56.57'	S 51°40'12" E	62.83'
C31	220.00'	11°01'18"	42.25'	N 12°10'51" W	42.32'
C32	250.00'	11°01'18"	38.41'	N 12°10'51" W	38.47'
C33	180.00'	11°01'18"	34.57'	N 12°10'51" W	34.63'
C34	180.00'	01°39'56"	3.66'	N 17°06'30" W	3.66'
C35	180.00'	02°24'46"	20.14'	N 13°19'08" W	20.15'
C36	180.00'	02°26'33"	18.81'	N 08°23'28" W	18.82'

2004-00243 / PLT 2005-00002



UNPLATTED  
S 88°23'00" W 500.58'

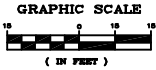
## NOTES

- ALL DIMENSIONS ARE IN FEET AND DECIMALS THEREOF.
- BEARINGS SHOWN HEREON REFER TO THE SOUTH LINE OF THE SOUTHEAST QUARTER OF SECTION 4, TOWNSHIP 47 SOUTH, RANGE 25 EAST AS BEING S 88°14'22" W.
- INDICATES PERMANENT REFERENCE MONUMENT FOUND (P.R.M.) LB 1772.
- INDICATES PERMANENT REFERENCE MONUMENT SET (P.R.M.) LB 1772.
- INDICATES PERMANENT CONTROL POINT (P.C.P.).
- INDICATES POINTS OF INTERSECTION, POINTS OF CURVATURE, POINTS OF TANGENCY, POINTS OF COMPOUND CURVATURE OR POINTS OF REVERSE CURVATURE.
- L1 INDICATES LINE IN LINE TABLE.
- C1 INDICATES CURVE IN CURVE TABLE.
- D.E. INDICATES DRAINAGE EASEMENT.
- B.U.E. INDICATES BONTA SPRINGS UTILITIES EASEMENT.
- P.U.E. INDICATES PUBLIC UTILITY EASEMENT.
- R-O-W INDICATES RIGHT-OF-WAY.
- FIR INDICATES FOUND IRON ROD.
- SIR INDICATES SET 5/8" IRON ROD, WITH CAP LB 1772.

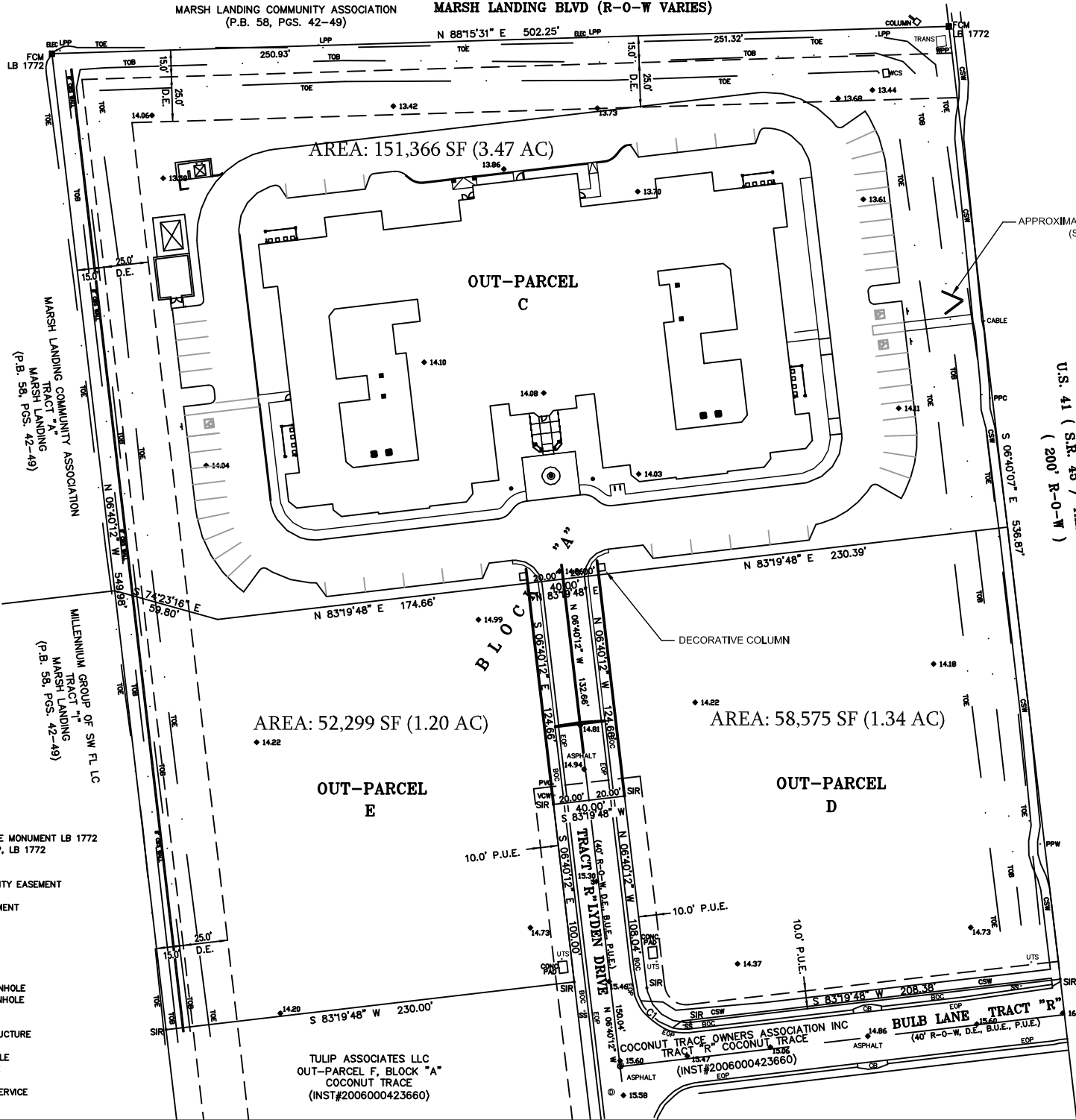
THIS INSTRUMENT WAS PREPARED BY  
THOMAS M. MURPHY, P.S.M. #5628



950 Encore Way  
Naples, FL 34110



MARSH LANDING COMMUNITY ASSOCIATION MARSH LANDING BLVD (R-O-W VARIES)  
(P.B. 58, PGS. 42-49) N 88°15'31" E 502.25'



APPROXIMATE SIGN LOCATION (SIZE TBD)

U.S. 41 ( S.R. 45 / TAMAMI TRAIL )  
( 200' R-O-W )

**LEGEND**

- FCM FOUND 4X4 CONCRETE MONUMENT LB 1772
- SIR SET IRON ROD W CAP, LB 1772
- ◆ 15.58 GROUND TOPO
- R-O-W RIGHT-OF-WAY
- B.U.E. BONITA SPRINGS UTILITY EASEMENT
- D.E. DRAINAGE EASEMENT
- P.U.E. PUBLIC UTILITY EASEMENT
- PVC PVC PIPE
- TRANS FP&L TRANSFORMER
- CABLE CABLE SERVICE
- BOC BACK OF CURB
- EOP EDGE OF PAVEMENT
- CSW CONCRETE SIDEWALK
- ⊙ STORM DRAINAGE MANHOLE
- ⊙ SANITARY SEWER MANHOLE
- CB CATCH BASIN
- WV WATER VALVE
- WCS WATER CONTROL STRUCTURE
- ELEC ELECTRIC SERVICE
- PPC CONCRETE POWER POLE
- PPW WOODEN POWER POLE
- LPP PLASTIC LIGHT POLE
- UTS UNITED TELEPHONE SERVICE
- SS STOP/STREET SIGN
- TOB TOP OF BANK

TULIP ASSOCIATES LLC  
OUT-PARCEL F, BLOCK "A"  
COCONUT TRACE  
(INST#2006000423660)

COCONUT TRACE OWNERS ASSOCIATION INC  
TRACT "R" COCONUT TRACE  
(INST#2006000423660)  
BULB LANE TRACT "R"  
(40' R-O-W, D.E., B.U.E., P.U.E.)

EXHIBIT A

LEGAL DESCRIPTION

A PORTION OF OUTPARCEL C-D AND A PORTION OF OUTPARCEL E, BLOCK "A", COCONUT TRACE, A SUBDIVISION, LOCATED IN SECTION 09, RANGE 47 EAST, TOWNSHIP 25 SOUTH, ACCORDING TO THE PLAT THEREOF ON FILE AND RECORDED AS INSTRUMENT NUMBER 2006000423660, OF THE PUBLIC RECORDS OF LEE COUNTY, FLORIDA

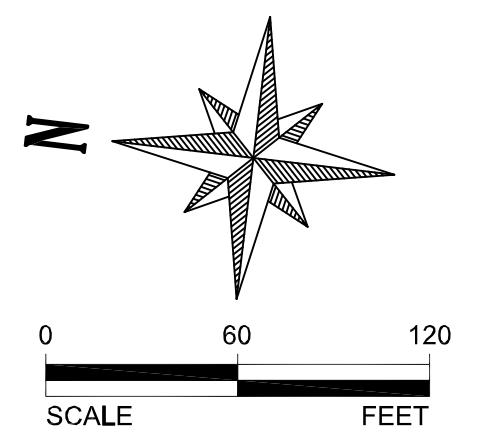
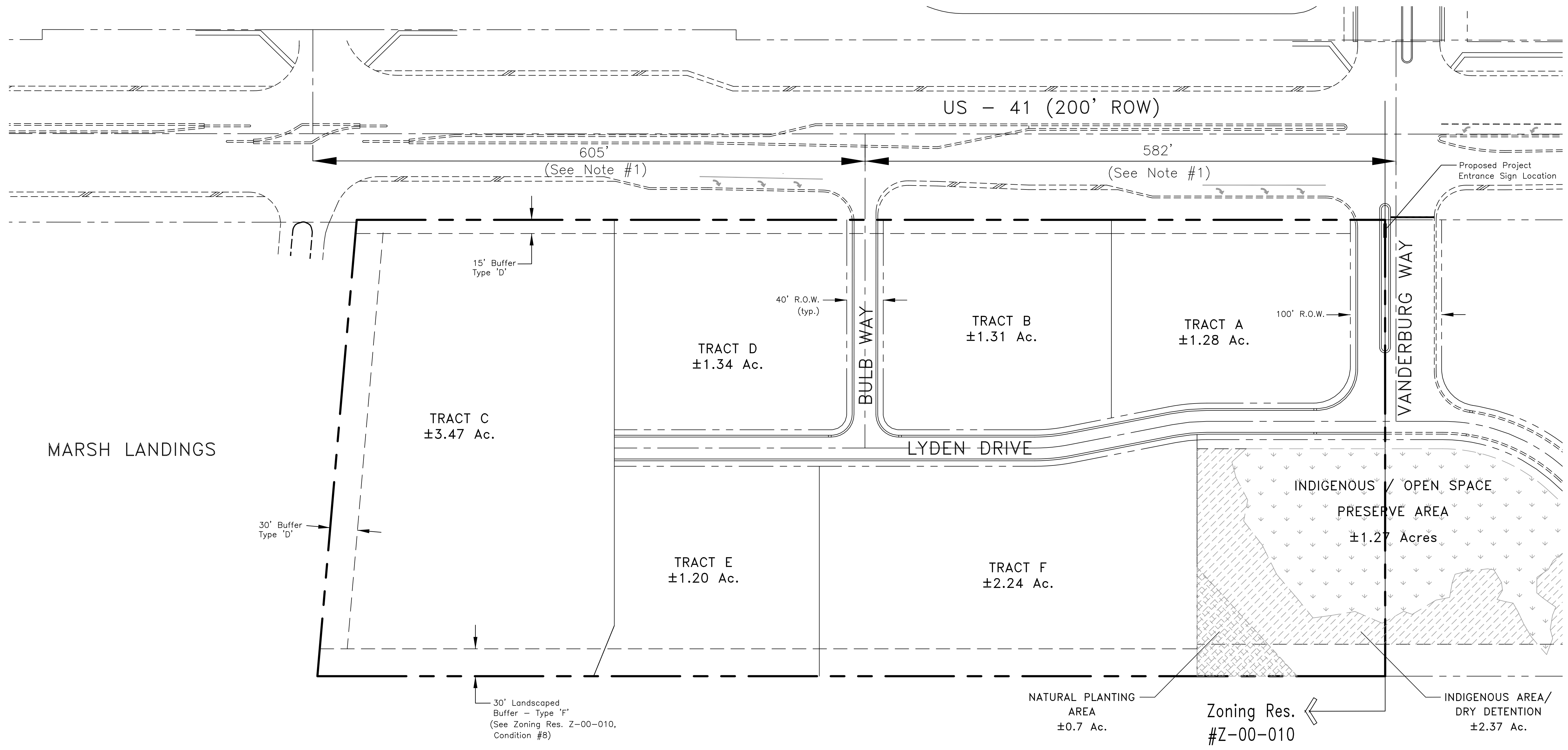
STRAP NO

04-47-25-35-0000A.00C0

04-47-25-35-0000A.00E0



Plotted By: Erik - September 15, 2014 - 02:32:52pm - M:\001\_LoSaila\001-01\_Coconut\_Trace\_Estero\CAD\C-105\_MASTER\_PLAN.dwg  
 This document, together with the concepts and designs presented herein, is intended only for the specific purpose and client for which it was prepared. Reuse of and improper reliance on this document without written authorization and adaptation by Keen Engineering, Inc. shall be without liability to Keen Engineering, Inc.



**APPROVED  
EXHIBIT B**

**NOTES:**  
 1.) ENTRANCE LOCATION ALONG US 41 APPROVED UNDER ZONING Z-00-010

PROJECT # 001-01		DATE 09-09-2014		SCALE		DESIGNED BY TZ		DRAWN BY TZ		CHECKED BY EW	
TULIP ASSOC. LLC & MANCHESTER ASSOC. LLC		COCONUT TRACE		LEE COUNTY, FL		ESTERO		REVISIONS		No.	
KEEN Engineering Inc.		7280 West Palmetto Park Road, Suite 302, Boca Raton, Florida 33433		PHONE: 561-325-6700		ERIK J. WILCZEK		FL LICENSE NUMBER		58216	
MASTER CONCEPT PLAN		SHEET NUMBER		MCP		DATE		BY			

ADD2014-00136 Lee County ePlan