



**VILLAGE OF ESTERO**  
**Zoning**  
**STAFF REPORT**

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**PROJECT NAME:** COCONUT SQUARE LOT 5 HOTEL  
**CASE TYPE:** FINAL PLAN APPROVAL  
**CASE NUMBER:** ADD2017-E012  
**PLANNING & ZONING BOARD DATE:** MARCH 20, 2018 (CONTINUED FROM  
FEBRUARY 20, 2018)  
**VILLAGE COUNCIL DATE:** TBD

**REQUEST AND STAFF RECOMMENDATION**

This is a request for final plan approval with one deviation for the development of a proposed 128-room hotel located at 23400 Walden Center Drive south of Coconut Road. Staff recommends that the Planning and Zoning Board recommend to the Council approval with conditions in the attached Resolution.

**APPLICATION SUMMARY**

Applicant: ComTerra Development, LLC

Request: Final plan approval for the development of a 128-room, 5-story, hotel. The applicant also requests a deviation from Section 10-261 (a) of the Land Development Code (LDC) for trash enclosure size requirements.

Location: The property is located at 23400 Walden Center Drive and near the southwest corner of Coconut Road and US 41 and in Area D of the Pelican Landing Development. The applicant indicates the STRAP number is 09-47-25-E3-31000.0050.

**FUTURE LAND USE**

Village Center

**PUBLIC INFORMATION MEETING**

A Public Informational meeting was held at the Planning and Zoning Board on January 16, 2018. Meeting notes from the applicant are attached.

## **PROJECT HISTORY**

The property is a 2.6 acre site which is part of the 2,100 acre Pelican Landing Development of Regional Impact (DRI). The larger site was originally rezoned by Lee County in Resolution Z-94-014 from Agricultural (AG-2), Residential Planned Development (RPD), Residential Two-Family Conservation District (TFC-2) and Marine Industrial District (IM) to Residential Planned Development (RPD) and Commercial Planned Development (CPD). The subject property is located in Area D on the Master Concept Plan. A subsequent Resolution Z-97-073 was approved on November 17, 1997 (County Case 95-01-050.04Z06.01). This resolution added a hotel as a permitted use in the CPD district (Tract D only). A fourth amendment for the Pelican Landing DRI was approved on November 21, 1997. This amendment reduced the retail square footage and total parking spaces and increased the number of hotel units from 450 to 750. This amendment also allowed a permitted maximum height of 95 feet.

A Development Order application was recently submitted to the Village for review.

## **STAFF ANALYSIS**

### *Project Description*

The Final Plan Approval request is for a proposed hotel on 2.6 acres located near the southwest corner of Coconut Road and US 41. The site is part of the larger Pelican Landing DRI development which consists of approximately 2,100 acres. The proposed hotel will include 128 rooms (5 stories). On-site amenities will include a pool, business center, and inside and outside gathering areas.

### *Final Plan Approval*

The applicant requested Final Plan Approval for the proposed hotel on a parcel which was designated as "Residential Planned Development/Commercial Planned Development" on the Master Concept Plan. Due to the overall size of the development and limited specificity of the master concept plan, Condition 1 of resolution Z-94-014 requires a final zoning plan approval.

*As stated in Condition 1 of Resolution Z-94-014, "As a prerequisite to approval of any local Development Order for property located within the Commercial Planned Development and Residential Planned Development, approval of a Final Zoning Plan must be received which specifies the type, intensity and configuration of development for a particular site. The objective of this process is to ensure compliance with the DRI Development Order, Zoning Resolution, and Land Development Code, to allow detailed review of deviations conceptually approved herein, while allowing the development flexibility to respond to changing conditions."*

Condition 18 of Resolution Z-94-014 requires the following information for submittal of a Final Zoning Plan:

- Uses: type and amount, number of dwellings or square feet of commercial use
- Location and dimensions of internal roadways
- Location and dimensions of buildings and structures
- Boundary of development tract
- Adjacent zoning and land uses
- Master Concept Plan detail for the Final Zoning Plan

- A cumulative analysis of the total number of dwelling units, hotel units, commercial square footage and marina development that have received local Development Order approval.

The Final Zoning Plan Master Concept Plan includes the information specified above, as well as an "Entitlement Inventory Table" that depicts 750 maximum hotel units for Pelican Landing. To date, there are 578 units, with 128 proposed in this application.

The proposed hotel site is located in the Commercial Planned Development Zoning District and located in Tract D on the Master Concept Plan which was approved with Resolution Z-94-014. Forty-one (41) permitted commercial uses were listed under Tract D of the CPD. A hotel use was not listed as a permitted use in this tract in this resolution.

Resolution Z-97-073 amended Resolution Z-94-014 which added a hotel (Area D only) to the CPD to the schedule of permitted uses. The applicant has requested a deviation from Section 10-261 (a) of the Land Development Code.

### Master Concept Plan

The Final Zoning Plan Master Concept Plan (MCP) for the hotel parcel shows a 128 room hotel with 5 stories. Some of the on-site features include a pool, common outdoor gathering area, onsite parking to include 154 parking spaces (required by the Land Development Code), a porte-cochere at entrance to hotel, pedestrian connectivity, landscaped buffers, dumpster enclosure and stormwater management areas.

### Surrounding Property

The properties located to the north across Coconut Road are vacant and zoned as Mixed Planned Development (MPD). Properties to the west are zoned as Commercial Planned Development (CPD) and Commercial (CS-2) and developed with commercial buildings. Existing residential multi-family homes are located to the south with a designation of RPD-CPD and existing commercial development is located to the east.

The Tides at Pelican Landing, an existing multi-family residential complex is located to the south of the proposed hotel. The residential buildings comprising the Tides consist of 3 stories with a height of 45 feet. The closest multi-family building is located 115 feet southwest of the proposed hotel site. The hotel at a height of 5 stories with a maximum allowable height of 95 feet is taller than the closest residential building in the Tides. The fourth amendment for the Pelican Landing DRI permits a maximum building height of 95 feet.

### Village Center

The property is located in the Village Center Land Use Category. The applicant believes the proposed project is vested under the terms of the DRI Development Order, but has also provided information to show that the proposed project is compliant with the Village Center land use and land development code regulations. The Village Center Land Use category requires a rezoning under the new Village Center standards if the DRI density is increased by 10% of the approved density, or if an increase in intensity is requested. The applicant is not requesting an increase in intensity or density beyond what is permitted in its DRI and zoning resolution.

The proposed hotel includes onsite sidewalks with connectivity to building entrances and on-site features. These features include a building entrance with pavers and a covered porte-cochere, enhanced landscaping, covered outdoor patio, pool area, interior seating areas, business center, and a shaded pedestrian seating area with public access adjacent to the existing pond on-site. A sidewalk is also proposed along the perimeter of the site which will connect to the existing sidewalk on Coconut Road. This sidewalk will provide public access to the site and also provide connection to the Lee Tran facilities and the Coconut Point life style center located across US 41.

### Deviation

The Applicant has requested a deviation from Section 10-261 (a) of the Land Development Code for refuse and solid waste facilities. The proposed hotel building consists of an estimated gross building area of 90,000 square feet. Based on the provisions in this section a trash enclosure with 750 square feet in area would be required for the proposed hotel. The applicant proposes a 288 square feet trash enclosure rather than the 750 square feet required by the Land Development Code.

The application and the deviation request from Section 10-261 (a through e) of the Land Development Code was reviewed by Lee County Solid Waste. The County confirmed that the trash enclosure was compliant with the requirements of Section 10-261 (b through e). The County staff indicated that this size is similar to other hotels with similar foot prints and capacity. As the waste hauler will pick up trash at least twice a week the proposed size should not pose any threat to the environment or human health.

Staff recommends approval of the deviation request for a 228 square feet trash enclosure.

### **FINDINGS**

Based on review of the Land Development Code, Comprehensive Plan and previous resolutions, Staff offers the following:

1. The Final Zoning Plan is compliant with the allowed uses and conditions in Resolutions Z-94-014 and Z-97-073.
2. The Final Zoning Plan is compliant with the Pelican Landing DRI Development Order.
3. The deviation meets the criteria of the Land Development Code.

### **CONDITIONS**

Staff has reviewed the application and recommends that the Board recommend approval with the conditions as stated in the Resolution.

### **ATTACHMENTS**

- A. Zoning Map
- B. Final Zoning Plan Master Concept Plan dated January 26, 2018
- C. Applicant's Meeting Minutes from January 16, 2018 Planning and Zoning Board
- D. Resolution Z-94-014
- E. Resolution Z-97-073
- F. Applicant's Deviation Request
- G. Lee County Solid Waste (e-mail)



# ZONING MAP



### Legend

- Property
- City Boundary
- Low Resolution 15m Imagery

### Notes

0.1 0 0.07 0.1 Miles

WGS\_1984\_Web\_Mercator\_Auxiliary\_Sphere  
© Latitude Geographics Group Ltd.

This map is a user generated static output from an Internet mapping site and is for reference only. Data layers that appear on this map may or may not be accurate, current, or otherwise reliable.

THIS MAP IS A QUICK VIEW PRESENTED BY CGA

# Attachment B

PROPERTY INFORMATION	
STRAP #	09-47-25-E3-31000.0050
DESCRIPTION	LOT 5, COCONUT SQUARE, PLAT BOOK 75, PAGES 38 AND 39
ZONING	CPD

SITE DEVELOPMENT REGULATIONS PER RESOLUTION Z-94-014		
CATEGORY	REQUIRED	PROVIDED
MINIMUM BUILDING SETBACKS		
STREET	1/2 RIGHT-OF-WAY PLUS 20 FT (40 FT)	81 FT
SIDE	0 FT OR 10 FT FOR AN INTERIOR LOT AND 15 FT FOR A CORNER LOT	54 FT
WATER BODY	20 FT <sup>(1)</sup>	74 FT
MAXIMUM BUILDING HEIGHT	95 FT	60 FT

(1) 20 FEET PER DEVIATION 3.

BUFFER REQUIREMENTS		
PROPERTY LINE	ADJACENT USE	BUFFER REQUIRED
NORTH	R.O.W. (CPD)	20' TYPE 'D'
EAST	R.O.W. (CPD)	20' TYPE 'D'
SOUTH	LAKE (CPD)	NONE REQUIRED
SOUTHWEST	MF RESIDENTIAL (RPD)	20' TYPE 'C'
WEST	LAKE (CPD)	NONE REQUIRED

NOTES:  
1. BUFFERS MAY OVERLAP EASEMENTS PER DEVIATION 10.

LAND USE SUMMARY		
CATEGORY	AREA	PERCENTAGE
BUILDING	0.42 AC.	16%
PAVEMENT / SIDEWALK	1.52 AC.	58%
PERVIOUS	0.67 AC.	26%
TOTAL	2.61 AC.	100.0%

OPEN SPACE REQUIREMENT		
PER RESOLUTION Z-94-014		
REQUIRED OPEN SPACE IS 20% MINIMUM OF PROPERTY AREA		
REQUIRED (2.61 AC. x 0.20)	AREA	PERCENTAGE
	0.52 AC.	20%
PROVIDED	0.67 AC.	26%

PARKING SUMMARY				
USE	RATIO	REQUIRED	PROVIDED	
HOTEL	1.2 SPACES PER RENTAL UNIT (128 UNITS)	154	154 (9)	

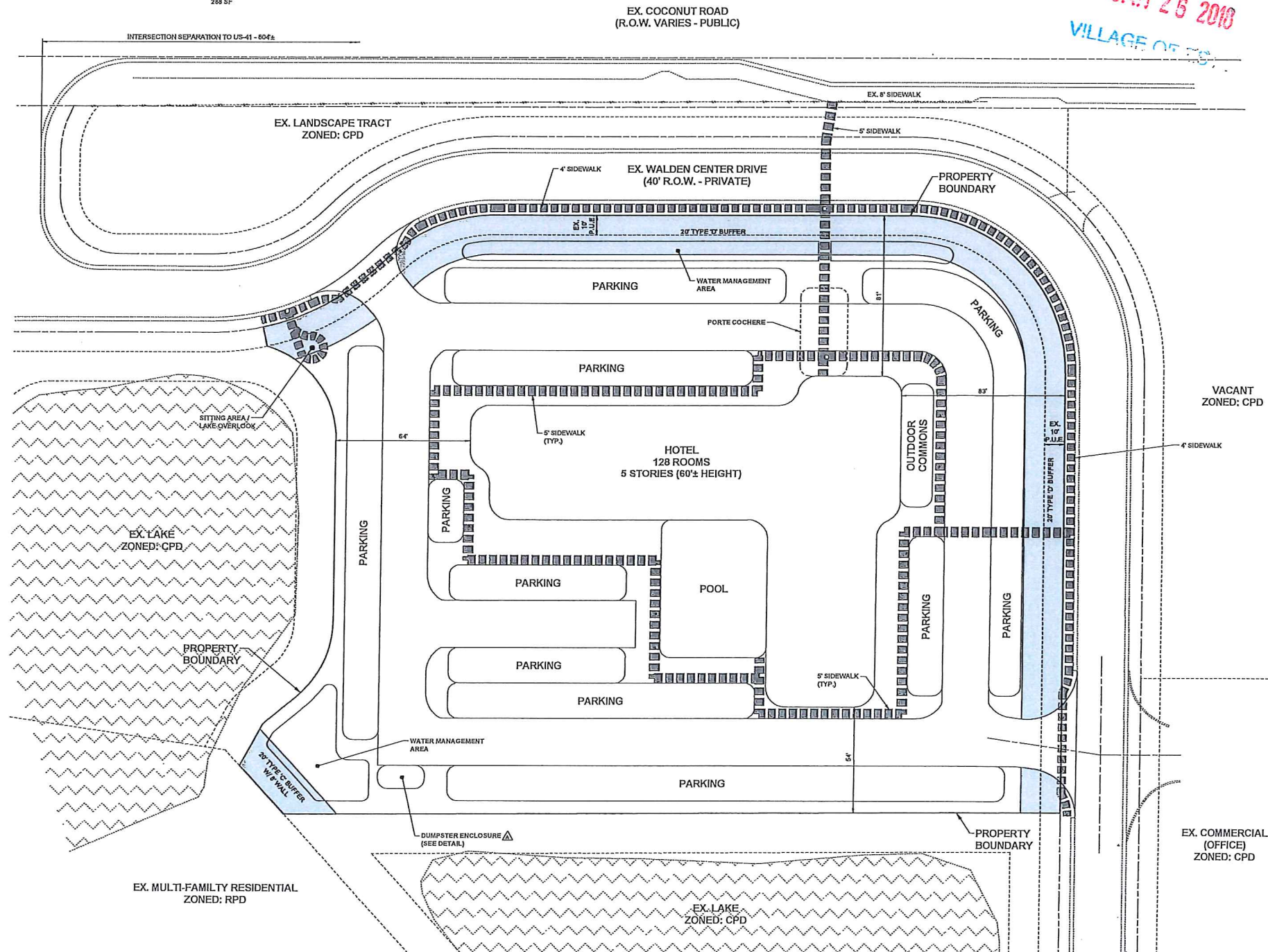
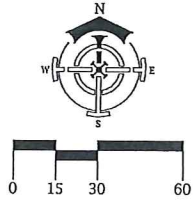
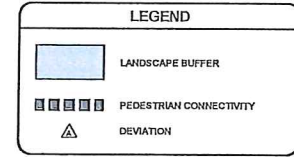
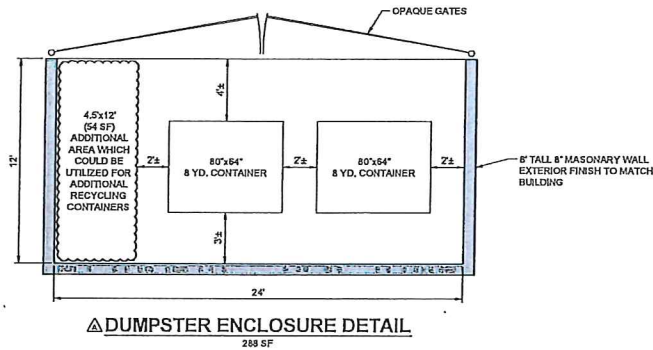
NOTES:  
1. "(9)" REPRESENTS THE NUMBER OF HANDICAP SPACES INCLUDED IN THE TOTAL SPACES.

ENTITLEMENT INVENTORY TABLE				
USE	MAX INTENSITY <sup>(1)</sup>	PROPOSED	TOTAL TO DATE	
HOTEL	750 UNITS	128 UNITS	578 UNITS	

(1) MAXIMUM INTENSITIES PER RESOLUTION Z-97-073.

REFUSE & SOLID WASTE DISPOSAL FACILITIES		
REQUIRED	PROVIDED	
PER PENDING DEVIATION 288 SF OF REFUSE & SOLID WASTE AREA WILL BE REQUIRED.	12' x 24' ENCLOSURE PROVIDED (12' MIN. GATE)	288 SF

DEVIATIONS APPROVED WITH RESOLUTION Z-94-014:	
DEVIATIONS 1-2:	NOT APPLICABLE
DEVIATION 3:	LDC SECTION 14-219(a)(9) REQUIREMENT TO PROVIDE A MINIMUM SETBACK FROM A STRUCTURE TO A WATER BODY OF 25 FEET TO ALLOW 20 FEET. (NOT UTILIZED FOR THIS PROJECT)
DEVIATIONS 4-5:	NOT APPLICABLE
DEVIATION 10:	LDC SECTION 10-414 (CURRENT LDC SECTION 10-421(a)(9)) REQUIREMENT THAT NO PORTION OF A BUFFER AREA THAT CONSISTS OF TREES AND SHRUBS SHALL BE LOCATED IN ANY EASEMENT TO ALLOW PLANTED BUFFERS IN EASEMENTS. CONDITION: SHOULD ANY REQUIRED BUFFER PLANTINGS, WHICH HAVE BEEN PLANTED WITHIN AN EASEMENT, HAVE TO BE REMOVED, THEN THE PROPERTY OWNER SHALL REPLACE THESE PLANTINGS, AT NO COST TO LEE COUNTY, WITH LIKE SIZE AND SPECIES OF THIS PROJECT. NOT UTILIZED FOR THIS PROJECT.
DEVIATIONS 11-13:	NOT APPLICABLE
DEVIATION A:	LDC SECTION 10-261(a) REQUIREMENT TO PROVIDE 216 SF FOR THE FIRST 25,000 SF & 8 SF FOR EACH ADDITIONAL 1,000 SF OF CONTAINER SPACE FOR SOLID WASTE, REFUSE AND RECYCLING TO ALLOW 288 SF OF CONTAINER SPACE FOR THE 128 ROOM HOTEL.



RECEIVED  
JAN 26 2010  
VILLAGE OF ES.

**DELISI FITZGERALD, INC.**  
Planning - Engineering - Project Management  
Florida Certificate of Authorization  
Engineering LB #26978  
1605 Hendry Street  
Fort Myers, FL 33901  
(239) 418-0691  
(239) 418-0692, fax

OWNER / DEVELOPER:  
**COMTERRA DEVELOPMENT, LLC**  
23150 FASHION DRIVE, SUITE 202  
ESTERO, FL 33928

PROJECT:  
**COCONUT SQUARE  
LOT 5 HOTEL**

PLAN REVISIONS	
#	DATE
1	12/08
2	12/08

MASTER CONCEPT PLAN (FINAL PLAN APPROVAL)	
Project Manager:	JTW
Drawn By:	CAS
Checked By:	JTW
Project Number:	21452
Part of Section(s):	9
Township:	47 S Range: 25 E
County, State:	LEE COUNTY, FL

Status:  
FOR SUBMITTAL PURPOSES ONLY  
NOT FOR CONSTRUCTION

Sheet Number: 1

K31482 - COCONUT SQUARE LOT 5 HOTEL PLAN LANE 165-51-PPA-DWG 12/20/08 1:05 PM

**Public Informational Session Summary**

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**Date:** January 16, 2018

**Location:** Village of Estero , Council Chambers  
9401 Corkscrew Palms Circle, Estero, FL 33928

**Coconut Square Lot 5 Presenter:** John Wojdak, P.E., Engineering Consultant

**Other Team Members present:** Jose Fernandez, Architect Consultant

Greg Diserio, Landscape Consultant

Mike Liggins, Comterra Development

Neale Montgomery, Legal Counsel

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VILLAGE OF ESTERO  
RECEIVED  
JAN 26 2018

John Wojdak of Delisi Fitzgerald began the discussion of the Final Plan Approval for the Coconut Square Lot 5 Hotel by introducing the representative and consultants present at the meeting. Once all the representatives were introduced Wojdak went on to provide an overview of the property which included:

- Located on Walden Center Drive near Coconut Road and US 41
- 2.6 acres in size
- Within the Pelican Landing DRI (Area D)
- CDP Zoning

After the overview Wojdak explained the application was for Final Plan Approval, a process created in the late 90's for large scale DRI/PUD projects to provide a more detailed zoning review at the time of development.

Wojdak then provided an overview of the existing entitlements for the subject parcel:

- Zoned CPD
- Maximum Height 95'
- Buffers required per LDC
- 750 Maximum Hotel Rooms in Pelican Landing (450 Existing)
- Surrounding roadway and lakes constructed under DOS 98-03-072

Following the entitlement overview, Wojdak presented the proposed plan which includes a national flag hotel with 128 hotel rooms, 5 stories and the necessary parking, stormwater and utility infrastructure. Buffers are provided per the LDC. The site also includes an offsite sidewalk along the sites frontage on Walden Center Drive with two connections to the internal sidewalk network around

the hotel and a connection to the existing sidewalk on Coconut Road. A pedestrian shaded sitting area is also being provided as a site amenity. There is also a deviation from 10-261 for the dumpster enclosure size that has been reviewed by Lee County solid waste.

The few comments from the board are as follows:

1. What is the distance between the Walden Center Drive intersection on Coconut Road and US 41.  
*Wojdak noted it was greater than 660' but did not know the exact distance.*
2. A Board member asked about the total number of hotel rooms in Pelican Landing and if that included the Hyatt Resort.  
*Wojdak responded the existing 450 room are all the Coconut Point Hyatt.*

The Board asked if anyone from the public had any comments:

1. A resident from a community west of the project on Coconut Road commented the project would add traffic to Coconut Road and could be a problem during a hurricane.  
*Ms. Montgomery responded noting the proposed hotel rooms are vested as part of the Pelican Landing DRI and also noted hotel typically do not take reservations and will evacuate their hotel quite early when a storm is imminent so the use would not contribute to evacuation traffic in the event of a hurricane.*

The public information session was closed after hearing the comments and suggestions from the board.



Attachment D

RESOLUTION NUMBER Z-94-014

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

RECEIVED  
DEC 07 2017  
VILLAGE OF ESTERO

WHEREAS, Pelican Landing Communities, Inc., formerly Westinghouse Bayside Communities, Inc., in reference to Pelican Landing DRI and Pelican Landing CPD/RPD, has properly filed an application for:

- a) Consideration of the Application for Development Approval (ADA) for a Development of Regional Impact (DRI) on 2,100± acres known as Pelican Landing, State DRI #1-9293-121; and
- b) A rezoning of a portion of the DRI from AG-2, RPD, TFC-2 and IM to Residential Planned Development and Commercial Planned Development districts, to permit 2,616 dwelling units, 520,000 square feet of office commercial and a 450 unit convention hotel on a total of 1,121.5± acres. Building heights are proposed to range from 35 feet above average grade to 200 feet above flood elevation; and

WHEREAS, the subject property is located between US 41 and Estero Bay, north of Spring Creek to north and south of Coconut Road, described more particularly as:

LEGAL DESCRIPTION: In Sections 05, 07, 08, 09, 16, 17, 18, 20, and 21, Township 47 South, Range 25 East, and Sections 13 and 24, Township 47 South, Range 24 East, Lee County, Florida:

DRI Parcel 1

A tract or parcel of land lying in Sections 08, 09, 16, 17, 20 and 21, Township 47 South, Range 25 East, Lee County, Florida, which tract or parcel is described as follows:

Beginning at a concrete monument marking the Northeast corner of said Section 20, run S00°35'25"E along the East line of said section for 2,659.47 feet to the Southeast corner of the Northeast Quarter (NE1/4) of said section;

THENCE run N88°52'49"E along the North line of the Southwest Quarter (SW1/4) of said Section 21 for 2,040.41 feet;

THENCE run S00°51'35"E for 801.04 feet to the waters of Spring Creek;

THENCE run along Spring Creek for 3,630 feet, more or less to an intersection of the East line of said Section 20 and the approximate centerline of Spring Creek;

THENCE run along said centerline the following courses:

S78°50'00"W for 181.31 feet,  
 N34°24'12"W for 230.22 feet,  
 N30°59'12"W for 174.93 feet,  
 N24°25'16"E for 120.83 feet,  
 S65°47'43"E for 219.32 feet,  
 N18°24'43"E for 158.11 feet,  
 N75°11'47"W for 351.71 feet,  
 N65°09'33"W for 451.88 feet,  
 N84°18'44"W for 351.75 feet,  
 N66°54'31"W for 445.79 feet,  
 S63°24'43"W for 134.16 feet,  
 S03°23'22"E for 170.29 feet,  
 S50°30'17"W for 220.23 feet,  
 N84°49'43"W for 331.36 feet,  
 S62°13'07"W for 214.71 feet,  
 S22°08'36"W for 291.55 feet,  
 S72°15'11"W for 131.22 feet to an intersection with the East line of the Southwest Quarter (SW1/4) of said Section 20;

THENCE run N00°50'19"W along said East line for 520.00 feet to the Northeast corner of said fraction;

THENCE run S89°58'37"W along the North line of said fraction for 290.00 feet to an intersection with the approximate centerline of the most Easterly branch of said Spring Creek;

continued...

THENCE run along said centerline the following courses:  
N09°13'28"W for 137.34 feet,  
N29°08'22"W for 590.59 feet,  
N38°31'58"W for 278.03 feet,  
N65°16'43"W for 254.95 feet,  
N37°18'28"W for 286.01 feet,  
N32°51'05"E for 252.39 feet,  
N20°11'00"E for 236.69 feet,  
N27°23'47"W for 369.25 feet,  
N89°15'43"E for 50 feet, more or less to the Easterly shore of said Spring Creek;  
THENCE run along said Easterly shore for 1,220 feet, more or less to an intersection with the North line of said Section 20;  
THENCE run N89°15'13"E along said North line of said Section for 970 feet, more or less to a concrete monument marking the Northwest corner of the Northeast Quarter (NE1/4) of said Section 20;  
THENCE run N00°31'30"E along the West line of the Southeast Quarter (SE1/4) of said Section 17 for 2,644.38 feet to an intersection with the South line of Spring Creek Road as described in Deed Book 305 at Page 276, Lee County Records;  
THENCE run S89°58'35"E along said South line for 739.45 feet;  
THENCE run N00°07'58"E for 30.00 feet to an intersection with the North line of the Southeast Quarter (SE1/4) of said Section 17;  
THENCE run S89°58'35"E along the North line of said fraction for 375.91 feet to the Southeast corner of lands described in Official Record Book 1713 at Page 1188 of said Public Records;  
THENCE run N00°41'04"W for 668.20 feet to the Northeast corner of said lands;  
THENCE run N89°50'32"W along the North line of said lands for 366.38 feet to the Easterly line of said Spring Creek Road (50 feet wide);  
THENCE run N00°07'58"E for 2,007.04 feet to an intersection with the South line of the Southeast Quarter (SE1/4) of said Section 08;  
THENCE continue N00°07'17"E along said East line for 343.54 feet;  
THENCE run S89°38'58"E for 10.00 feet;  
THENCE run N00°07'17"E along said East line for 849.27 feet to the Southwest corner of lands described in Official Record Book 2039 at Page 3364 said Public Records;  
THENCE run S89°21'02"E along the South line of said lands for 189.98 feet;  
THENCE run N00°07'17"E along the East line of said lands for 125.01 feet;  
THENCE run N89°21'02"W along the North line of said lands for 199.98 feet to an intersection with the Easterly line of said Spring Creek Road;  
THENCE run N00°07'17"E along said East line for 1,292.76 feet to an intersection with the South line of Coconut Road (50 feet wide);  
THENCE run S89°16'14"E along said South line for 1,802.38 feet to an intersection with the West line of said Section 09;  
THENCE run N00°39'58"W along said West line for 25.00 feet to a concrete monument marking the Northwest corner of the Southwest Quarter (SW1/4) of said Section;  
THENCE continue along said West line N00°39'58"W for 5.00 feet to an intersection with the South line of said Coconut Road as described in Official Record Book 1738 at Page 2538, said Public Records;  
THENCE run S89°35'50"E along said South line for 3,164.37 feet to an intersection with the West line of Tamiami Trail (SR 45);  
THENCE run S00°10'56"W along said West line for 621.81 feet to a POINT OF CURVATURE;  
THENCE run Southerly and Southeasterly along said West line, along the arc of a curve to the left of radius 5,797.58 feet (chord bearing S04°57'34"E) (chord 1,039.14 feet) (delta 10°17'00") for 1,040.54 feet to a POINT OF TANGENCY;  
THENCE run S10°06'04"E along said Westerly line for 938.08 feet to an intersection with the North line of the Northeast Quarter (NE1/4) of said Section 16;  
THENCE run S89°23'00"W along said North line for 708.94 feet to the Northwest corner of said Northeast Quarter (NE1/4) of Section 16;

continued...

THENCE run S00°02'54"W along said West line of the Northeast Quarter (NE1/4) for 2,643.98 feet to the Southwest corner of the Northeast Quarter (NE1/4) of said Section;  
THENCE run N89°10'38"E along the South line of said fraction for 538.06 feet;  
THENCE run S00°06'43"E for 1,085.91 feet;  
THENCE run N89°06'43"E for 744.41 feet to an intersection with the West line of said Tamiami Trail;  
THENCE run Southerly along said West line, along the arc of a non-tangent curve to the right of radius 5,619.58 feet (chord bearing S00°22'05"E) (chord 50.21 feet) (delta 00°30'42") for 50.21 feet to a POINT OF TANGENCY;  
THENCE run S00°06'43"E along said West line for 49.81 feet;  
THENCE run S89°06'43"W for 300.00 feet;  
THENCE run S00°06'43"E for 1,445.82 feet to an intersection with the South line of the Southeast Quarter (SE1/4) of said Section 16;  
THENCE run S89°16'54"W along said South line of said fraction for 989.41 feet to the Southeast corner of the Southwest Quarter (SW1/4) of said Section 16;  
THENCE run S88°38'34"W along said South line of said Southwest Quarter (SW1/4) for 2,627.98 feet to the POINT OF BEGINNING.

ALSO

DRI Parcel 2

A tract or parcel of land lying in Sections 07, 08, 17 and 18 which tract or parcel is described as follows:

From a railroad spike marking the Northwest corner of the Southwest Quarter (SW1/4) of said Section 08 run S00°23'24"E along the West line of said fraction for 25.00 feet to an intersection with the South line of Coconut Road (50 feet wide) and the POINT OF BEGINNING.  
From said POINT OF BEGINNING run S89°16'14"E along said South line for 3,253.00 feet to an intersection with the West line of Spring Creek Road;  
THENCE run S00°07'17"W along said West line for 2,610.71 feet to an intersection with the South line of said Section 08;  
THENCE run S00°07'58"W along said West line for 2,646.47 feet;  
THENCE run N89°58'35"W along the North line of Coconut Road for 689.04 feet to an intersection with the East line of the Northwest Quarter (NW1/4) of said Section 17;  
THENCE run N89°59'08"W along said North line for 404.79 feet to the Southeast corner of lands described in Official Record Book 411 at Page 759 of said Public Records;  
THENCE run N01°31'36"E along the East line of said lands for 960.34 feet;  
THENCE run N89°59'08"W along the North line of said lands for 2,200.77 feet to an intersection with the East line of the Northeast Quarter (NE1/4) of said Section 18;  
THENCE continue N89°59'08"W for 1,840 feet more or less to the waters of Estero Bay;  
THENCE run Northerly along the waters of Estero Bay for 8,300 feet more or less to an intersection with the North line of the South Half (S1/2) of Government Lot 2 of said Section 07;  
THENCE run N89°32'15"E along the North line of said Government Lot 2 for 545 feet more or less to the Northwest corner of lands described in Official Record Book 1895 at Page 3817 of said Public Records;  
THENCE run S08°50'45"E along the West line of said lands for 199.50 feet;  
THENCE run N89°32'15"E along the South line of said lands for 247.50 feet;  
THENCE run N89°35'27"E for 666.22 feet;  
THENCE run N89°32'15"E for 239.00 feet to an intersection with the West line of Coconut Road;  
THENCE run S01°07'45"E along said West line for 488.63 feet;  
THENCE run N89°40'05"E along the South line of said Coconut Road for 24.69 feet to the POINT OF BEGINNING.

continued ...

LESS and EXCEPT lands described in Official Record Book 1677 at Page 3516 of the Public Records of Lee County, Florida.

ALSO:

DRI Parcel 3

A tract or parcel of land lying in Sections 05 and 08, Township 47 South, Range 25 East, Lee County, Florida, consisting of Lots 8B, 9B, 10B, 11B, 12B, 21B, 22B, 23B, 24B and 25B of FLORIDA GULF LAND COMPANY SUBDIVISION as recorded in Plat Book 1 at Page 59 of the Public Records of Lee County, also Lot 8, Block 14 of ELDORADO ACRES (an Unrecorded Subdivision), as shown in Deed Book 310 at Page 183 of the Public Records of Lee County;

ALSO the East Three-quarters (E-3/4) of the Northwest Quarter (NW1/4) of the Southwest Quarter (SW1/4) of said Section 05;  
ALSO the East Two-thirds (E-2/3) of the Southwest Quarter (SW1/4) of the Southwest Quarter (SW1/4) of said Section 05;  
ALSO the East Two-thirds (E-2/3) of the Western Half (W1/2) of the Northwest Quarter (NW1/4) of said Section 08; being more particularly described by metes and bounds as follows:

From the Northwest corner of the Southwest Quarter (SW1/4) of said Section 08 run S89°16'14"E along the North line of said Southwest Quarter (SW1/4) for 422.61 feet;  
THENCE run N01°05'22"W for 40.02 feet to the POINT OF BEGINNING.  
From said POINT OF BEGINNING continue N01°05'22"W for 2,610.06 feet;  
THENCE run N01°22'23"W for 1,304.41 feet;  
THENCE run N89°56'22"W for 107.12 feet;  
THENCE run N01°22'55"W for 1,303.87 feet;  
THENCE run N89°34'15"E for 2,593.81 feet;  
THENCE run S00°26'45"E for 2,655.42 feet;  
THENCE run N88°48'50"W along the North line of said Section 08 for 322.66 feet;  
THENCE run N89°25'01"W for 587.55 feet;  
THENCE run S00°50'16"E for 132.58 feet;  
THENCE run N89°11'54"W for 75.00 feet;  
THENCE run N00°50'16"W for 132.30 feet;  
THENCE run N89°25'01"W for 610.69 feet;  
THENCE run S01°00'35"E for 2,612.12 feet to an intersection with the North right-of-way line of Coconut Road;  
THENCE run N89°16'14"W along said North right-of-way line for 845.23 feet to the POINT OF BEGINNING.

ALSO

DRI Parcel 4

All of Government Lot 1, Section 07, Township 47 South, Range 25 East, Lee County, Florida, being more particularly described as follows:

Beginning at a concrete monument marking the Northeast corner of Government Lot 1 of said Section 07, run S01°07'45"E along the East line of said Section 07 for 1,324.52 feet to the Southeast corner of said Government Lot 1;  
THENCE run S89°33'42"W along the South line of said Government Lot for 1,747.82 feet to a concrete post at the waters of Estero Bay;  
THENCE run Northerly and Westerly along the waters of Estero Bay to an intersection with the North line of said Section 07;  
THENCE run N89°48'31"E along said North line for 2,575 feet more or less to the POINT OF BEGINNING.

Containing 2.409 acres, more or less.  
Bearings hereinabove mentioned are based on the East boundary line of Pelican's Nest Unit No. 1 as recorded in Plat Book 41 at Pages 58 through 60 of the Public Records of Lee County, Florida.

AND

continued...

DRI Beach Parcel

A tract or parcel of land lying in Government Lot 3, Section 13, and Government Lot 2, Section 24, Township 47 South, Range 24 East, Big Hickory Island, Lee County, Florida, which tract or parcel is described as follows:

From the center of a turnaround on SR 865 (Bonita Beach Road) being S.R.D. Station 19184.75 and N24°28'41"W along the northern prolongation of said centerline of SR 865 for 266.00 feet;  
THENCE run S62°26'49"W for 98.40 feet;  
THENCE run N27°33'11"W for 1,863.42 feet;  
THENCE run N20°00'41"W for 1,403.30 feet;  
THENCE run N65°00'00"E for 313.91 feet to the POINT OF BEGINNING.  
From said POINT OF BEGINNING run N18°55'11"W for 97.51 feet,  
N22°26'23"W for 100.53 feet,  
N23°09'50"W for 100.14 feet,  
N14°51'19"W for 73.01 feet,  
N27°40'10"W for 88.01 feet,  
N29°33'57"W for 46.01 feet,  
N22°14'53"W for 47.27 feet,  
N20°39'23"W for 46.98 feet,  
N11°15'38"W for 29.80 feet,  
N26°10'46"W for 46.87 feet,  
N09°09'45"W for 48.26 feet,  
N17°35'56"W for 46.04 feet,  
N12°49'07"W for 50.04 feet,  
N29°20'48"W for 69.12 feet,  
N20°48'58"W for 63.82 feet;  
THENCE run N79°23'51"W for 247 feet more or less to an intersection with the Approximate Mean High Water Line of the Gulf of Mexico;  
THENCE run Northerly and Northeasterly along said waters for 1,140 feet more or less to an intersection with the South line of lands described in Official Record Book 198 at Page 188 of the Public Records of Lee County, Florida;  
THENCE run along said South line, along the arc of a curve to the right of radius 12,000.00 feet for 783 feet to an intersection with the Waters of New Pass;  
THENCE run Southerly, Easterly, Southwesterly and Southerly along said waters for 4,080 feet more or less to an intersection with a line bearing N65°00'00"E and passing through the POINT OF BEGINNING;  
THENCE run S65°00'00"W for 181 feet more or less to the POINT OF BEGINNING.

AND

From said POINT OF BEGINNING run S13°03'59"E for 94.16 feet;  
THENCE run S19°13'48"E for 50.64 feet;  
THENCE run S04°34'15"E for 54.63 feet;  
THENCE run S24°53'12"E for 50.09 feet;  
THENCE run S27°10'29"E for 50.01 feet;  
THENCE run S31°01'44"E for 42.51 feet to an intersection with the South line of lands described in Official Record Book 2246 at Page 4413 of the Lee County Records;  
THENCE run N65°00'00"E along said South line for 134 feet, more or less to the waters of Estero Bay;  
THENCE Northerly along said waters for 358 feet, more or less to an intersection with a line bearing N65°00'00"E and passing through the POINT OF BEGINNING;  
THENCE run S65°00'00"W for 181 feet, more or less to the POINT OF BEGINNING.

Bearings hereinabove mentioned are Plane Coordinate for the Florida West Zone.

RPD Parcel 1

Tracts or parcels lying in Section 05 and Section 08, Township 47 South, Range 25 East, Lee County, Florida, being more particularly described as follows and all consisting of 203.85 acres, more or less.

continued...

Lots 8B, 9B, 10B, 11B, 12B, and Lots 21B, 22B, 23B, 24B, and 25B of Florida Gulf Land Company's Subdivision, all in Section 05, Lee County, Florida (recorded in Plat Book 1 at Page 59), consisting of 100 acres more or less.

ALSO:

The East Three-Quarters (E-3/4) of the Northwest Quarter (NW1/4) of the Southwest Quarter (SW1/4), of said Section 05, consisting of 30 acres, more or less.

ALSO:

The East Two-Thirds (E-2/3) of the Southwest Quarter (SW1/4) of the Southwest Quarter (SW1/4), of said Section 05, consisting of 26.67 acres, more or less.

The East Two-Thirds (E-2/3) of the West Half (W1/2) of the Northwest Quarter (NW1/4) of said Section 08, consisting of approximately 53.55 acres, more or less, less the Southerly 40.00 feet for the right-of-way of Coconut Road.

RPD Parcel 2

All of Government Lot 1, Section 07, Township 47 South, Range 25 East, Lee County, Florida, being more particularly described as follows:

Beginning at a concrete monument marking the Northeast corner of Government Lot 1 of said Section 07 run S01°07'45"E along the East line of said Section 07 for 1,324.52 feet to the Southeast corner of said Government Lot 1;  
THENCE run S89°33'42"W along the South line of said Government Lot 1 for 1,747.82 feet to a concrete post at the waters of Estero Bay;  
THENCE run Northerly and Westerly along the waters of Estero Bay to an intersection with the North line of said Section 07;  
THENCE run N89°48'31"E along said North line for 2,575 feet, more or less to the POINT OF BEGINNING.

Containing 60 acres, more or less.

RPD Parcel 3

A tract or parcel of land lying in Sections 07, 08, 17 and 18, Township 47 South, Range 25 East, Lee County, Florida, being more particularly described as follows:

From a railroad spike marking the Northwest corner of the Southwest Quarter (SW1/4) of said Section 08 run S00°23'24"E along the West line of said fraction for 25.00 feet to an intersection with the South line of Coconut Road (50 feet wide);  
THENCE run S89°16'14"E along said South line for 1,478.58 feet to the POINT OF BEGINNING;  
THENCE continue S89°16'14"E along said South line for 1,774.42 feet to an intersection with the West line of Spring Creek Road as described in County Commissioners Minute Book 6 at Page 210, Public Records, Lee County, Florida;  
THENCE run S00°07'17"W along said West line for 2,610.71 feet to an intersection with the South line of said Section 08;  
THENCE run S00°07'58"W along said West line for 1,612.27 feet;  
THENCE run N89°52'02"W for 5.00 feet to a point on a curve;  
THENCE along the arc of a non-tangent curve to the right of radius 1,070.00 feet (delta 91°03'07") (chord bearing S45°39'32"W) (chord 1,527.04 feet) for 1,700.40 feet;  
THENCE run N01°31'36"E for 33.48 feet to the Southeast corner of lands described in Official Record Book 411 at Page 759 of said Public Records;  
THENCE continue N01°31'36"E along the East line of said lands for 960.34 feet;  
THENCE run N89°59'08"W along the North line of said lands for 2,200.77 feet to an intersection with the East line of the Northeast Quarter (NE1/4) of said Section 18;

continued...

THENCE continue N89°59'08"W for 1,840 feet, more or less, to the waters of Estero Bay;  
THENCE run Northerly along the waters of Estero Bay for 6,490 feet, more or less, to an intersection with the South line of Government Lot 2, of said Section 07;  
THENCE run N89°40'05"E along said South line for 745 feet, more or less;  
THENCE run S00°19'55"E for 650.00 feet;  
THENCE run N89°40'05"E for 1,107.21 feet to an intersection with the West line of said Section 08;  
THENCE run S00°23'24"E along the West line of said Section for 375.11 feet;  
THENCE run S89°15'18"E for 1,458.78 feet;  
THENCE run N00°44'42"E for 1,000.00 feet to an intersection with the South line of said Coconut Road and said POINT OF BEGINNING.

Containing 513.7 acres, more or less.

RPD Parcel 4

A tract or parcel of land lying in Sections 08, 09, 16 and 17, Township 47 South, Range 25 East, Lee County, Florida, being more particularly described as follows:

From a concrete monument marking the Northwest corner of the Southwest Quarter (SW1/4) of said Section 09 run N00°41'48"W along the West line of said Section 09 for 5.00 feet to an intersection with the South line of Coconut Road (50 feet wide) as described in Official Record Book 1738 at Page 2538, Public Records, Lee County, Florida;  
THENCE run S89°35'50"E along said South line for 1,549.14 feet to a POINT OF CUSP;  
THENCE run along the arc of a curve to the left of radius 30.00 feet (delta 90°00'00") (chord bearing S45°24'10"W) (chord 42.43 feet) for 47.12 feet to a POINT OF TANGENCY;  
THENCE run S00°24'10"W for 336.31 feet to a POINT OF CURVATURE;  
THENCE run along the arc of the curve to the left of radius 270.00 feet (delta 90°00'00") (chord bearing S44°35'50"E) (chord 381.84 feet) for 424.12 feet to a POINT OF TANGENCY;  
THENCE run S89°35'50"E for 99.41 feet to a POINT OF CURVATURE;  
THENCE run along the arc of a curve to the right of radius 530.00 feet (delta 27°42'00") (chord bearing S75°44'50"E) (chord 253.74 feet) for 256.23 feet;  
THENCE run S20°53'52"E for 1,008.12 feet to a point on a non-tangent curve;  
THENCE run along the arc of a curve to the left of radius 840.00 feet (delta 34°20'28") (chord bearing N66°42'56"W) (chord 495.96 feet) for 503.47 feet to a POINT OF COMPOUND CURVATURE;  
THENCE along the arc of a curve to the left of radius 1,652.50 feet (delta 21°34'22") (chord bearing S85°19'39"W) (chord 618.53 feet) for 622.20 feet;  
THENCE S15°27'32"E along a radial line for 10.00 feet to a point on a non-tangent curve;  
THENCE along the arc of a curve to the left of radius 1,642.50 feet (delta 34°59'45") (chord bearing S57°02'36"W) (chord 987.70 feet) for 1,003.22 feet to a POINT OF COMPOUND CURVATURE;  
THENCE along the arc of a curve to the left of radius 1,120.00 feet (delta 21°31'30") (chord bearing S28°55'59"W) (chord 412.53 feet) for 414.90 feet to a POINT OF REVERSE CURVATURE;  
THENCE along the arc of a curve to the right of radius 935.00 feet (delta 43°04'19") (chord bearing S39°51'23"W) (chord 686.45 feet) for 702.88 feet to a POINT OF COMPOUND CURVATURE;  
THENCE along the arc of a curve to the right of radius 2,760.00 feet (delta 24°20'33") (chord bearing S73°33'49"W) (chord 1,163.81 feet) for 1,172.61 feet;  
THENCE N20°00'00"W for 580.12 feet;  
THENCE N89°52'02"W for 657.66 feet to an intersection with the East line of Spring Creek Road as described in County Commissioners Minute Book 6 at Page 210, Public Records, Lee County, Florida;

continued...

THENCE run N00°07'58"E along said East line for 240.32 feet to an intersection with the South line of the Southeast Quarter (SE1/4) of said Section 08;  
THENCE continue N00°07'17"E along said East line for 343.49 feet;  
THENCE run S89°38'58"E for 10.00 feet;  
THENCE run N00°07'17"E along said East line for 499.94 feet to the Southwest corner of lands described in Official Record Book 428 at Page 349, said Public Records;  
THENCE run S89°21'02"E along the South line of said lands for 536.00 feet;  
THENCE run N00°07'17"E along the East line of said lands for 474.33 feet;  
THENCE run N89°21'02"W along the North line of said lands for 546.00 feet to an intersection with the Easterly line of said Spring Creek Road;  
THENCE run N00°07'17"E along said East line for 1,292.76 feet to an intersection with the South line of said Coconut Road;  
THENCE run S89°16'14"E along the South line of said Coconut Road 1,802.38 feet to an intersection with the West line of said Section 09;  
THENCE run N00°41'48"W along said West line for 25.00 feet to the POINT OF BEGINNING.

Containing 222.36 acres, more or less.

CPD Parcel 1

A tract or parcel of land lying in Sections 07 and 08, Township 47 South, Range 25 East, Lee County, Florida, being more particularly described as follows:

From a railroad spike marking the Northwest corner of the Southwest Quarter (SW1/4) of said Section 08 run S00°23'24"E along the West line of said fraction for 25.00 feet to an intersection with the South line of Coconut Road (50 feet wide) and the POINT OF BEGINNING.

From said POINT OF BEGINNING run S89°16'14"E along said South line for 1,478.58 feet;  
THENCE run S00°44'42"W for 1,000.00 feet;  
THENCE run N89°15'18"W for 1,458.78 feet to an intersection with the West line of said Section 08;  
THENCE run N00°23'24"W along said West Section line for 375.11 feet;  
THENCE run S89°40'05"W for 1,107.21 feet;  
THENCE run N00°19'55"W for 650.00 feet to an intersection with the South line of Government Lot 2 of said Section 07;  
THENCE run S89°40'05"W along said South line for 745 feet, more or less, to an intersection with the waters of Estero Bay;  
THENCE run along the waters of Estero Bay for 1,810 feet, more or less, to a point which intercepts the North line of the South Half (S1/2) of said Government Lot 2;  
THENCE run N89°32'15"E along said North line of the South Half (S1/2) of said Government Lot 2 for 545 feet, more or less, to the Northwest corner of lands described in Official Record Book 1895 at Page 3817, Public Records, Lee County, Florida;  
THENCE S08°50'45"E along the West line of said lands for 199.50 feet;  
THENCE N89°32'15"E along the South line of said lands for 247.50 feet;  
THENCE run N89°35'27"E for 666.22 feet;  
THENCE run N89°32'15"E for 239.00 feet to an intersection with the West line of Coconut Road;  
THENCE run S01°07'45"E along said West line for 488.63 feet to an intersection with the South line of said Coconut Road;  
THENCE run N89°40'05"E along the South line of said Coconut Road for 24.55 feet to the POINT OF BEGINNING.

LESS and EXCEPT lands described in Official Record Book 1677 at Page 3516, Public Records, Lee County, Florida.

Containing 72.8 acres, more or less.

continued...



CPD Parcel 2

A tract or parcel of land lying in the South Half (S1/2) of Section 09, Township 47 South, Range 25 East, Lee County, Florida, being more particularly described as follows:

From the Northwest corner of the Southwest Quarter (SW1/4) of said Section 09 run N00°41'48"W for 5.00 feet to the South right-of-way line of Coconut Road (50 foot right-of-way);  
THENCE run S89°35'50"E for 1,863.14 feet to the POINT OF BEGINNING.

From said POINT OF BEGINNING continue S89°35'50"E along said South right-of-way line for 1,301.22 feet to an intersection with the West line of Tamiami Trail (SR 45);

THENCE run S00°10'56"W along said West line for 621.81 feet to a POINT OF CURVATURE;

THENCE run Southerly and Southeasterly along the arc of a curve to the left of radius 5,797.58 feet (delta 10°17'00") (chord bearing S04°57'34"E) (chord 1,039.14 feet) for 1,040.54 feet to a POINT OF TANGENCY;

THENCE run S10°06'04"E along said Westerly line for 230.98 feet;

THENCE run S79°53'56"W for 70.57 feet to a POINT OF CURVATURE;

THENCE run along the arc of a curve to the right of radius 650.00 feet (delta 49°49'26") (chord bearing N75°11'21"W) (chord 547.59 feet) for 565.23 feet to a POINT OF REVERSE CURVATURE;

THENCE along the arc of a curve to the left of radius 840.00 feet (delta 16°23'49") (chord bearing N58°28'33"W) (chord 239.57 feet) for 240.39 feet;

THENCE run N20°53'52"W for 1,756.27 feet to an intersection with the South line of said Coconut Road and the POINT OF BEGINNING.

Containing 41.09 acres, more or less.

CPD Parcel 3

A tract or parcel of land lying in the Southeast Quarter (SE1/4) of Section 09, Township 47 South, Range 25 East, Lee County, Florida, being more particularly described as follows:

Beginning at the Southwest corner of the Southeast Quarter (SE1/4) of said Section 09 run N01°00'24"W along the West line of said Southeast Quarter (SE1/4) for 587.77 feet to a point on a non-tangent curve;

THENCE along the arc of a curve to the left of radius 850.00 feet (delta 39°04'25") (chord bearing S80°33'52"E) (chord 568.50 feet) for 579.67 feet to a POINT OF TANGENCY;

THENCE run N79°53'56"E for 70.57 feet to an intersection with the West line of Tamiami Trail (SR 45);

THENCE run S10°06'04"E along said West line for 507.09 feet to an intersection with the South line of said Section 09;

THENCE run S89°23'00"W along said South line for 708.94 feet to the POINT OF BEGINNING.

Containing 7.73 acres, more or less.

WHEREAS, a public hearing was legally and properly advertised and held before the Lee County Hearing Examiner, with full consideration of all the evidence available; and the Lee County Hearing Examiner fully reviewed the matter in a public hearing held on May 31, 1994, and subsequently continued to June 1, 2, 3, 1994; and

WHEREAS, a public hearing was legally and properly advertised and held before the Lee County Board of County Commissioners on August 29, 1994; and the Lee County Board of County Commissioners gave full and complete consideration to the recommendations of the staff, the Hearing Examiner, the documents on file with the county, and the testimony of all interested persons.

NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF COUNTY COMMISSIONERS, that the Board of County Commissioners does hereby APPROVE the rezoning of AG-2, RPD, TFC-2, and IM to RPD and CPD districts with the following conditions and deviations:

1. The development of the subject property shall be in accordance with the three-page Master Concept Plan for Pelican Landing RPD/CPD, stamped received on May 16, 1994, except as modified by the conditions herein. Unless specifically approved as part of this rezoning, development shall be in accordance with all applicable local development regulations, including the Pelican Landing Development of Regional Impact Development Order. No deviations from the Land Development Code are granted unless specifically identified herein.

As a prerequisite to approval of any local Development Order for property located within the Commercial Planned Development and Residential Planned Development, approval of a Final Zoning Plan must be received which specifies the type, intensity and configuration of development for the particular site. The objective of the process is to ensure compliance with the DRI Development Order, Zoning Resolution, and Land Development Code, to allow detailed review of deviations conceptually approved herein, while allowing the development flexibility to respond to changing conditions. Application materials shall be the same as for an Administrative Amendment supplemented per Condition 18.b. Any substantial change in the type, intensity, or configuration of development within the RPD/CPD will require further review through a public hearing. The necessity of said review shall be determined by the Director of Community Development.

#### Commercial Planned Development

2. Permitted uses in CPD land development Area A: Marina

Administrative Offices  
Bait and Tackle Shop  
Boat Parts Store  
Cocktail Lounge, only in conjunction with a restaurant  
Club, Private  
Consumption on Premises, only in conjunction with a restaurant  
Food Store, Group I  
Fishhouse  
Specialty Retail, Group I  
Marina (df) including those uses defined with a maximum 150 space dry boat storage building and 48 wet slips  
Rental and Charter Facilities for Boats, limited to residents and guests in Pelican Landing  
Restaurants, Standard  
Sale of Fuel and Lubricants  
School, Commercial limited to sailing, water safety and other marine oriented schools  
Shower and Restroom Facilities

The following property development regulations shall apply to CPD land development Area A: Marina

- a. Minimum building setbacks for all Marina/Commercial District uses:

Street	-	1/2 right-of-way plus 20 feet
Side	-	10 feet
Water Body	-	0 feet
Wetlands	-	20 feet

- b. Minimum distance between buildings:

Single story buildings	-	10 feet
Multiple story buildings	-	20 feet
Multiple story buildings with sprinkler systems	-	15 feet

- c. Maximum building height - 45 feet above minimum flood elevation

- d. Dry boat storage shall be limited to a height of 45 feet.

- e. Prior to any local Development Order for the marina, a parking plan shall be submitted which demonstrates location and adequacy of parking and methods of vehicular and pedestrian movement. County staff shall ensure protection of public safety and compliance with applicable standards. Should vacation of a portion of Coconut Road not occur, developer shall be restricted accordingly.
  - f. Live-aboards (defined by Ordinance 85-21, as amended) and personal watercraft (defined by Ordinance 90-15, as amended) are prohibited.
  - g. Marina sanitation facilities are required.
3. Permitted uses in CPD land development Area B:

Hotel/Convention Center (per Ord.):

Hotel or Motel, Convention

Hotel or Motel Accessory Uses - including, but not limited to:

- Tennis Courts
- Swimming Pools
- Bar or Cocktail Lounge
- ATM within the Hotel or Other Building
- Consumption on Premises and
- Package Store within the Hotel or Motel
- Conference Meeting Rooms

Club, Private

Resort

Restaurant, Standard - Groups I, II and III with Consumption on Premises

Specialty Retail Shops - Groups I and II

Business Services - Group I (excluding blood banks, blood donor stations, bail bonding, check exchange, detective agencies)

Studios

Dwelling Units, including but not limited to:

- Two Family Attached
- Townhouse
- Duplex
- Multiple Family Building

Residential Accessory Uses, including but not limited to:

- private garages, carports and parking areas
- private swimming pools and enclosures
- private tennis courts

Model Homes, Model Units and Model Display Center - limited to residential uses within Pelican Landing

Home Occupation

Entrance Gates and Gatehouses

The following property development regulations shall apply to CPD land development Area B: Hotel and Conference Center:

a. Minimum building setbacks:

- Street - 1/2 right-of-way plus 20 feet
- Side - 0 feet or 10 feet for an interior lot and 15 feet for a corner lot
- Water Body - 20 feet
- Wetlands - 20 feet

b. Minimum distance between buildings:

- Single story buildings - 10 feet
- Multiple story buildings - 20 feet
- Multiple story buildings with sprinkler systems - 15 feet

c. Maximum building height - no more than 20 habitable floors

d. Development of CPD Area B for Hotel and Conference Center shall comply with Condition 12 (High Rise Development Regulations).

4. Permitted Uses in CPD land development Area C: Office

Administrative Offices  
Bank and Financial Establishments - Group I and II  
Day Care (child/adult)  
Food and Beverage Service  
Insurance Companies  
Library  
Medical Office  
Business Services - Group I (excluding blood banks, blood donor stations,  
bail bonding, check exchange, detective agencies)  
Pharmacy  
Post Office  
Restaurants  
Business Services - Group II (no outdoor storage of vehicles or equipment  
is permitted)  
Contractors and Builders - Group I (no storage facilities permitted)  
Cultural Facilities, limited to Art Gallery or Museum  
Health Care Facilities - Group III  
Personal Services - Group II (health club or beauty spa only)  
Commercial School, limited to:  
- Art School  
- Business School  
- Clerical  
- Computer Drafting  
- Law  
- Real Estate  
- Aerobics  
Social Services - Group I (limited to family and marriage counseling or  
nutritionists counseling)

The following property development regulations shall apply to CPD land  
development Area C: Office

a. Minimum building setbacks:

Street - 1/2 right-of-way plus 20 feet  
Side - 0 feet or 10 feet for an interior lot and  
15 feet for a corner lot  
Water Body - 25 feet  
Wetlands - 20 feet

b. Minimum distance between buildings:

Single story buildings - 10 feet  
Multiple story buildings - 20 feet  
Multiple story buildings  
with sprinkler systems - 15 feet

c. Maximum building height - 95 feet above minimum flood  
elevation, with no more than  
8 habitable floors

5. Permitted Uses in CPD land development Area D: Mixed Use Commercial

Administrative Offices  
Business Services - Group I (excluding blood banks, blood donor  
stations, bail bonding, check exchange, detective agencies)  
Business Services - Group II (no outdoor storage of vehicles or  
equipment)  
Banks and Financial Establishments - Groups I and II with drive-thru  
Broadcasting Studio  
Commercial Radio and Television  
Place of Worship  
Religious Facilities  
Private Club  
Food Store - Group I  
Repair Shops - Groups I and II  
Restaurant, Standard - Groups I, II and III with consumption on premises  
Specialty Retail Shops - Groups I, II and III

Used Merchandise Shops - Group I  
 Pharmacy and Drug Stores  
 Commercial School  
 Social Services - Group I (excluding Public Welfare Centers)  
 Studios  
 Health Care Facilities - Group III  
 Adult Congregate Living Facilities  
 Insurance Companies  
 Medical Office  
 Standard Offices  
 Cocktail Lounge  
 Consumption on Premises  
 Package Store  
 Automobile Service Station  
 Self-Service Fuel Pumps  
 Convenience Food and Beverage Store  
 Residential Uses, including but not limited to:  
 - Two family attached  
 - Townhouse  
 - Duplex  
 - Multi-family building  
 Residential Accessory Uses, including  
 - Private garages, carports, parking areas  
 - Swimming pools, tennis courts  
 - Model Homes, Model Units and Model Display Centers  
 - Home Occupation  
 Clothing Stores, General  
 Contractors and Builders - Group I (no outdoor storage of heavy equipment)  
 Cultural Facilities (limited to Art Galleries, Museums)  
 Hobby, Toy, Game Shops  
 Household/Office Furnishings - Groups I and II  
 Personal Services - Group I  
 (excluding coin operated laundries Laundromat)  
 Personal Services - Group II (limited to hearing aids, optical supplies and other similar health related devices (excluding massage establishments, massage parlors, steam or Turkish baths)  
 Personal Services - Group IV (limited to debt counseling, portrait copying, and tax return service)  
 Recreation, Commercial (limited to Health Club)  
 Theatres

The following property development regulations shall apply to CPD Area D:  
 Mixed Use Commercial

a. Minimum building setbacks:

Street - 1/2 right-of-way plus 20 feet  
 Side - 0 feet or 10 feet for an interior lot and 15 feet for a corner lot  
 Water Body - 20 feet (0 feet for seawalled/bulkheaded, manmade water bodies)  
 Wetlands - 20 feet

b. Minimum distance between buildings:

Single story buildings - 10 feet  
 Multiple story buildings - 20 feet  
 Multiple story buildings with sprinkler systems - 15 feet

c. Maximum building height - 95 feet above minimum flood elevation with no more than 8 habitable floors

6. Permitted uses in CPD land development Area E: Retail

Administrative Offices  
 Club, Private  
 Food Store - Group I

Personal Services - Groups I (limited to ATM, beauty shop only) and II  
 (limited to Health Club only)  
 Restaurant, Standard - Groups I, II and III with consumption on premises  
 Specialty Retail Shops - Groups I, II and III  
 Studios  
 Cocktail Lounge, only in conjunction with a restaurant  
 Multiple Family Residential Uses, including but not limited to:  
 - Two family attached  
 - Townhouse  
 - Duplex  
 - Multiple family building  
 Residential Accessory Uses, including but not limited to:  
 - Private garages, carports and parking areas  
 - Private swimming pools and enclosures  
 - Private tennis courts  
 Model Homes, Model Units and Model Display Center, limited to  
 residential uses within Pelican Landing  
 Home Occupation  
 Entrance Gates and Gatehouses  
 Used Merchandise, Group I, excluding Pawn Shops

The following property development regulations shall apply to CPD Area E:

a. Minimum building setbacks:

Internal Streets	-	1/2 right-of-way plus 20 feet
Side	-	0 feet or 10 feet for an interior lot
and		15 feet for a corner lot
Water Body	-	20 feet (0 feet for seawalled/bulkheaded, manmade water bodies)
Wetlands	-	20 feet

b. Minimum distance between buildings:

Single story buildings	-	10 feet
Multiple story buildings	-	20 feet
Multiple story buildings with sprinkler systems	-	15 feet

c. Maximum building height - 75 feet above minimum flood elevation

7. The following property development regulations apply to residential uses permitted in CPD Areas B, D, and E:

The residential uses in the CPD land development areas shall be permitted only when in conjunction with at least 50,000 square feet or more of commercial uses.

a. Minimum building setbacks:

Street	-	1/2 right-of-way plus 20 feet
Side	-	0 feet or 10 feet for an interior lot and 15 feet for a corner lot
Water Body	-	20 feet
Wetlands	-	20 feet

b. Minimum distance between buildings:

Single story buildings	-	10 feet
Multiple story buildings	-	20 feet
Multiple story buildings with sprinkler systems	-	15 feet

c. Maximum building height - 75 feet above minimum flood elevation in CPD Areas B & E; 95 feet above minimum flood elevation in CPD Area D

Residential Planned Development

8. Permitted uses in RPD land development Area A:

Zero lot line, Single-Family, Two-Family Attached  
Residential Accessory Uses, including but not limited to:  
- Private garages, carports and parking areas  
- Private swimming pools and enclosures  
- Private tennis courts  
Model Homes, Model Units and Model Display Center, limited to residential  
uses within Pelican Landing  
Speculative Home  
Temporary Sales and/or Construction Office  
Administrative Offices  
Home Occupation  
Entrance Gates and Gatehouses  
Public and Private Parks, Playgrounds, Tot Lots, Community  
Swimming Pools, Tennis Courts or other community recreational amenity,  
Playfields and Commonly Owned Open Space  
Essential Services  
Signs

9. Permitted Uses in RPD land development Areas B, C, D and F:

Residential Uses, including but not limited to:  
- Zero lot line  
- Two family attached  
- Townhouse  
- Duplex  
- Single family  
- Multiple family buildings  
Residential Accessory Uses, including but not limited to:  
- Private garages, carports and parking areas  
- Private swimming pools and enclosures  
- Private tennis courts  
- Private boat docks (where permitted by DRI Development Order)  
Model Homes, Model Units and Model Display Center,  
limited to residential uses within Pelican Landing  
Temporary Sales and/or Construction Office  
Administrative Offices  
Golf Courses, Golf Course Accessory and Associate Uses,  
including but not limited to:  
- Club house  
- Maintenance facility  
- Pro shop  
- Alcoholic beverage consumption in the club house  
- Snack bar at the ninth hole or other appropriate location  
- Ball washers  
- Restrooms and other uses which are normal and accessory to the golf  
course  
Club, country  
Club, private  
Home Occupation  
Entrance Gates and Gatehouse  
Public and Private Parks  
Playground, Tot Lots  
Community Swimming Pools  
Tennis Courts or other community recreational amenity  
Playfields  
Essential Services  
Essential Service Facilities  
Signs  
Excavation-water retention

10. Permitted uses in RPD land development Area E:

Residential uses, including but not limited to:  
- Zero Lot Line  
- Two Family  
- Town House





Duplex	
Street	= 1/2 ROW + 20 feet (except for cul-de-sac 1/2 ROW + 15)
Side	= 7 feet (no side setback required from common side lot line)
Rear	= 20 feet
Waterbody	= 20 feet

c. Building heights:

RPD Areas B and D located in the Outlying Suburban land use category shall have a maximum building height of 75 feet above minimum flood elevation with no more than 6 habitable stories.

RPD Areas A, C and D located in the Urban Community land use category shall have maximum building height of 95 feet above minimum flood elevation with no more than 8 habitable stories.

RPD Area E located in the Outlying Suburban land use category shall have a maximum building height of 75 feet above minimum flood elevation with no more than 6 habitable floors.

12. Deviation (12) is approved for RPD Area F, and CPD Area B. These areas may be developed with a maximum building height exceeding 75 feet above minimum flood elevation only if in compliance with the following development regulations. All buildings 45 feet in height or less shall comply with normal setbacks required of conventional multi-family zoning districts. All buildings over 45 feet shall provide one foot of setback from the Pelican Landing perimeter property line for every foot of elevation. In recognition of the wetlands north of Coconut Road, the setback for structures in excess of 75 feet in CPD Area B and the RPD Area F that is adjacent to Coconut Road may be per LDC Section 34-2174.

The regulations set forth below in 12.a through 12.e apply to the development of buildings greater than 75 feet above minimum flood elevation:

a. Minimum Lot Area and Dimensions:

Lot Size	10,000 square feet
Lot Area per Unit	1,000 square feet
Width	100 feet
Depth	100 feet

b. Minimum Setbacks

Private Road	25 feet
Side Yard	50 feet
Rear Yard	10 feet
Waterbody	20 feet

- c. A minimum building separation of 125 feet shall be provided between those buildings above 75 feet.
- d. A maximum of 8 residential buildings and one hotel building with a height of greater than 75 feet, above minimum flood elevation may be permitted. Such buildings may be located within RPD Area F (residential) and CPD Area B (Hotel).
- e. A minimum of 15% open space shall be provided for each multi-family building site that is or exceeds 75 feet in height.

ECO-PARK

13. Permitted Uses in Eco-Park (RPD AREA G):

Uses permitted in the Eco-Park District are limited to activities which make this area available for resource-based recreational activities, enjoyment of nature and educational enrichment, including but not limited to:

Picnic areas, trails, benches, boardwalks, biking/jogging trails, vita course, bird viewing blinds/towers and interpretative facilities, signs, on-going maintenance and removal of exotic vegetation and compliance with management plan required per FGFWFC.

#### INTERFACE AREA

##### 14.a. Permitted Uses in the Interface Area:

Uses permitted in the Interface Area are limited to golf courses, developed to the guidelines similar to the New York Audubon Society Standards and any related appurtenances or uses, stormwater management; and created wetland marsh and any other created vegetative system or lake system which will promote wildlife diversity, activities which make this area available for resource-based recreational activities, enjoyment of nature and education enrichment, including but not limited to:

Picnic areas, trails, benches, boardwalks, biking/jogging trails, vita course, bird viewing blinds/towers and interpretive facilities, signs, access to the southern segmented ridge, on-going maintenance and removal of invasive exotic vegetation and compliance with the wildlife diversity monitoring plan prepared in conjunction with the Lee County School Board Department of Environmental Education.

- b. The Zoning Master Concept Plan shall be adjusted, including revisions to the legal description. The changes shall reflect the terms of this condition and be consistent with the exhibit entitled "Pelican Landing Interface Area Illustration", stamped received August 26, 1994. The shifts in the zoning Master Concept Plan will allow for the Interface Area described above. The western boundary of the Interface Area is the jurisdictional mangrove wetland line. The Interface area is 100 feet in width at the north and south ends of the property, and it is approximately 500 feet in width elsewhere. The creation of the Interface Area will cause Residential Development Area F to shift to the east. RPD Area F will begin at the eastern boundary line of the Interface Area. The CPD Area B (the hotel use) will shift to the west to the present location of CPD Area E/RPD Area E and RPD Area B on the May 16, 1994, Zoning Master Concept Plan, and shall be a third alternative development scenario for that property. RPD Area D, located west of Spring Creek Drive, will be reduced in size due to the relocation of RPD Area F. That portion of the former CPD Area B that does not become the Interface Area will become an RPD Area F. The internal traffic circulation will be adjusted to accommodate the revised design. The southern upland area (proposed RPD Area E) bounded by the south property line, with estuarine wetlands and upland buffers to the west, and the oak hammock to the east shall be redesignated Residential Development Area E. No development can occur within CPD Areas E or B, or RPD Areas E, F, or D until a final zoning plan approval is obtained through the final administrative review process which properly reflects the Interface Area as described herein.
- c. The Interface Area will serve two purposes. First, it allows for a buffer area or interface between the residential high-rise development areas and the jurisdictional mangrove wetlands to the west. The buffering function will also extend to some of the interior wetland and upland systems. Residential units within Residential Development Area F shall be located a minimum of 500 feet from the jurisdictional mangrove area, except for the RPD Area F located at the site of the former CPD Area B (hotel site). No golf course uses shall be located any closer to the jurisdictional mangrove system than 100 feet. Secondly, the Interface Area will provide habitat and a vegetative corridor which will enable wildlife to safely access the onsite interior wetland systems.
- d. All invasive exotic vegetation shall be removed from the Interface Area. The invasive exotic removal process shall coincide with the construction of a surface water management system within the Interface Area.
- e. Where necessary, a vegetation restoration program shall commence subsequent to the removal of the invasive exotics. The program should facilitate diversity in wildlife. The revegetation shall commence within six months of invasive exotic removal. Vegetation to facilitate wildlife diversity shall be used in the restorative planting.

- f. Where appropriate, and subject to permitting approval, the developer will construct "kidney filter" marshes for additional water quality treatment prior to final outfall. These marshes will most likely be located in areas currently infested with invasive exotic vegetation, and will be replanted with plant species such as juncus and spartina grass, cabbage palms and slash pines.
- g. The developer has volunteered to monitor the Interface Area to assess its effectiveness in facilitating wildlife diversity. Information on flora and fauna produced for the DRI shall be the baseline data for the monitoring. The database shall be updated through a program of Winter/Summer monitoring. The monitoring shall generally consist of looking for, and reporting on, evidence of foraging, nesting, scat, and other territorial markings. This monitoring program shall be for a period of five years from the commencement of development activity in the Interface Area. The information gathered through the monitoring program shall be provided to the Lee County Division of Natural Resources Management and the Lee County Schools, Department of Environmental Education.
- h. Subject to permitting approval, the treated stormwater from the Residential and Commercial Development Areas will be conveyed across the Interface Area via a series of excavated lakes and created marsh areas that will emphasize both the water management function and the improvement of wildlife diversity within the Interface Area. The lakes will be designed and located to mimic natural flows and to enhance wildlife values.
- i. The access to the southern segmented ridge has been shifted to the south to the location previously approved by the BOGC in Resolution #Z-88-193. There are less wetland impacts with the southerly access.

#### GENERAL/ADMINISTRATION

15. All conditions relating to the Development of Regional Impact Development Order are hereby incorporated by this action. If conflicting conditions exist between this approval and the DRI Development Order, the more restrictive shall apply.
16. Transportation mitigation shall be provided as outlined in the Development of Regional Impact Development Order. However, site related improvements may be required at the time of local Development Order in accordance with the provisions of the Land Development Code. Also, a Traffic Impact Statement (TIS) shall be submitted with each application for a local Development Order. The TIS must include:
  - a. The trip generation data for the type of development being proposed, using the trip generation rates in the latest edition of ITE, Trip Generation or those of the Lee County FSUTMS.
  - b. The distribution of traffic at the entrance(s) to that specific area to be developed.
  - c. An analysis of the need for turn lanes or other site related improvements at the entrance(s) to that specific area to be developed based upon the projected future volume of traffic on the street being accessed. Projected future volume represents volumes at buildout of the DRI.
  - d. An analysis of each intersection of a minor collector with the same or higher functionally classified road internally to Pelican Landing that is influenced by traffic from that proposed development. Influence is measured as project traffic as 5% or more of Level of Service D service volume. That analysis to be based on existing traffic counts, plus traffic from the specific development.

- e. A table showing each segment of minor collectors and higher classified roads influenced by the proposed development, traffic volumes with specific development, and the capacity of the road segment at LOS E.
  - f. A table showing the cumulative development parameters for the entire Pelican Landing DRI. Development parameters to be categorized consistent with the categories identified in the original DRI.
17. The development shall comply with the Lee Plan's 2010 Overlay as it may be amended, and pursuant to DRI Development Order Condition III.14.
- 18.a. Prior to any development within that area legally described as Pelican Landing RPD/CPD (that property rezoned as a result of this action) the applicant must revise the MCP to reflect the final decision by the Lee County Board of County Commissioners regarding this rezoning and DRI approval.
- b. Prior to any local Development Order approval within the land development areas delineated on the MCP as revised, pursuant to the final decision by the Lee County Board of County Commissioners, the developer must receive approval of a Final Zoning Plan.

The following information shall be provided:

- Uses: type and amount, i.e. number of dwelling units or square feet of commercial use
  - access
  - location and dimensions of internal roadways
  - location and dimensions of buildings/structures
  - boundary of development tract
  - adjacent zoning and land uses
  - Master Concept Plan
  - A cumulative analysis of the total number of dwelling units, hotel units, commercial square footage and marina development that have received local Development Order approval (to be compared to the amount of development approved pursuant to the DRI and this rezoning).
19. The density of the residential units within both the RPD and CPD districts approved by this rezoning shall be flexible regarding the distribution of the residential dwelling units as long as they do not exceed the following parameters:
- a. Those lands located within the Urban Community land use category per the Lee Plan shall be permitted a maximum of 350 residential units.
  - b. Those lands located within the Outlying Suburban land use category per the Lee Plan shall be permitted a maximum of 2,266 residential units.
20. The maximum amount of commercial square footage within the RPD and CPD districts approved by this rezoning shall be as stated below:
- a. Those lands located within the Urban Community land use category per the Lee Plan shall be permitted a maximum of 390,000 square feet of floor area of retail use and 125,000 square feet of office use.
  - b. Those lands located within the Outlying Suburban land use category per the Lee Plan shall be permitted a maximum of 110,000 square feet of floor area of retail use and 45,000 square feet of office use. Of the retail uses, up to 20,000 square feet may be permitted if ancillary to the marina and up to 30,000 square feet may be permitted if ancillary to the hotel. Up to 60,000 square feet may be developed within CPD Areas E. Prior to approval of any Administrative Amendment for commercial use ancillary to the marina or hotel, the developer shall demonstrate that the retail is in fact ancillary to the principal use.

ENVIRONMENTAL

21. Open space commitments shall be consistent with the open space table on the Master Concept Plan as restated below:

Indigenous Open Space in Preserve:

Upland Preserve 106.13± acres  
(Eco-Park, Indian Mound, Northern & Southern Upland "Islands" and Historical Cemetery)  
Wetland Preserve 371.19± acres  
(Freshwater and Saltwater)

Golf Course Open Space:

Golf Course 100.00± acres minimum  
(To include extra indigenous preservation where possible)

Commercial Open Space to be Provided by Percentage:

All Commercial (except Marina Parcel) 20% minimum on each lot, tract or outparcel  
Marina Parcel 10% of tract

Residential Private Open Space to be Provided by Percentage:

All Single-Family lots 10% minimum  
Multi-Family Parcels 15% minimum

22. If a proposed bald eagle management plan includes development within 750 feet of an eagle's nest, the plan must be submitted to the Lee County Eagle Technical Advisory Committee (ETAC). ETAC will review the plan and forward recommendations to the FGFWFC and USFWS.
23. As a condition of approval, the County and FGFWFC shall review and approve the results of all studies and surveys required for implementation of a Final Management Plan required by the preliminary management plan approved as part of local Development Order 90-10-003.00D. These approvals shall be obtained prior to Certificate of Compliance for local Development Order #90-10-003.00D, or new/amended local Development Orders on the beach park.
24. The area identified as the Pelican Landing Eco-Park on the Master Concept Plan will be set aside as a 78± acre preserve area of xeric scrub and pine flatwoods to mitigate the impacts to gopher tortoise habitat.
25. The developer shall obtain an Incidental Take Permit prior to development within any gopher tortoise habitat areas. The gopher tortoises addressed by the Incidental Take Permit must be relocated to the Eco-Park, or other appropriate open space areas within Pelican Landing.
26. Should any orchids, wild pine air plants, Florida Coontie, Gatesby's lilies, leather ferns, royal ferns, or cabbage palms with golden polypody and shoestring ferns be located within development areas, then best efforts must be used to relocate these plants to open space and landscaped areas.
27. All areas designated as Preserve on the adopted Master Concept Plan and the DRI Map H must remain undeveloped and be owned, maintained, and managed by a Uniform Community Improvement District or other similar legal entity. No lot lines shall be allowed within any Preserve area. The following uses are permitted within Preserves: habitat management activities, hiking and nature study, outdoor education, recreational fishing, gates and fencing, and boardwalks. Trimming of mangroves for visual access shall be prohibited in wetland areas #14 and 21 (as identified in DRI ADA) and Bay Cedar Phase II (along Spring Creek).
28. Boardwalk location and alignment within "Preserve Areas" shall be submitted to and approved by the Division of Natural Resources Management prior to construction. The maximum width must be limited to that which

is adequate for pedestrian and handicap access. With the exception of wheelchairs, motorized vehicle use is prohibited. Nothing herein prohibits the developer from seeking permits in the future to establish a tramway via an alignment which proceeds as directly as feasible from the hotel to Coconut Point.

29. As part of local Development Order approval for any phase of the development, an invasive exotic vegetation removal and maintenance plan must be submitted to the Division of Natural Resources Management for approval. At a minimum, this plan must be structured to provide for the phased removal of invasive exotic vegetation and maintenance to control exotic re-invasion within the wetland and upland preserve areas. Removal within preserve areas may be done on a pro rata basis as phased local Development Orders are obtained.
30. The developer must incorporate native vegetation into the design of future golf holes, open space and landscaped areas, where feasible.
31. The developer must design the golf course and conduct maintenance, which includes fertilization and irrigation, in a manner which is sensitive to the water and nutrient needs of the native xeric vegetation in and around the golf course. However, this condition will not be interpreted in a manner which forces the applicant to jeopardize the health and viability of the golf course.
32. Areas identified as saltern (FLUGCS Designation 720) must be preserved and protected from human activity through the installation of signage or other measures. Areas identified as Cabbage Palm Hammock (FLUGCS 428, also included in areas identified as 433) may be developed using techniques designed to avoid impacts and retain the native vegetative community as much as possible.
33. Deviation (9) - Withdrawn. Deviations (3) and (7) are hereby approved. Deviations (1), (2), (4), (5), (6), (8), (10), (11), (12) and (13) are hereby approved, with conditions.

Deviation (1) is a request to deviate from the requirement that properties which exhibit soils, hydrology and vegetation characteristic of saltwater inundation or freshwater ponding be subject to certain additional regulations and ordinances, Zoning Ordinance Section 202.11.B.1. b.1 [LDC Section 34-1574], Development Standards Ordinance Section 7.C.4. [LDC Section 10-253] and Ordinance 86-31 Section 6.03 [LDC Section 14-298], to allow access road crossings. Deviation (1) is hereby APPROVED with the following conditions:

- a. A maximum of 1.74± acres of Lee County jurisdictional wetlands may be impacted within the entire Pelican Landing DRI. A mitigation plan, subject to Division of Natural Resources Management approval, must be submitted prior to local Development Order approval for each wetland impact. Each mitigation plan must include the following minimum criteria:
  - 1) The designated mitigation ratio of 5:1, 5:1 acres of mitigation for each acre of impact.
  - 2) Replacement plants of like species as those removed.
  - 3) The number of replacement plants. Ratios shall be determined by the proposed size of the replacement plants (the closer the size of the replacement plant to that of the removed plant, the smaller the replacement ratio).
  - 4) An exotic removal maintenance plan.
  - 5) A monitoring plan.

Deviation (2) is a request to deviate from the requirement that all parking lots shall be designed so as to permit vehicles exiting the

parking lot to enter the street right-of-way or easement in a forward motion, Zoning Ordinance Section 202.16.C.1. [LDC Section 34-2013(a)], to allow individual parking spaces to back onto right-of-way easement. Deviation (2) is hereby APPROVED with the following condition:

This deviation shall apply to guest parking internal to the residential development areas.

Deviation (3) is a request to deviate from the minimum setback from a structure to a water body of 25 feet, Zoning Ordinance Section 202.18.B.4.b. [LDC Section 34-2194(b)] to allow 20 feet. Deviation (3) is hereby APPROVED.

Deviation (4) is a request to deviate from the minimum setback from a structure to a seawalled natural body of water of 25 feet, Zoning Ordinance Section 202.18.B.4.b. [LDC 34-2194(b)], to 0 feet. Deviation (4) is hereby APPROVED with the following condition:

This deviation shall apply to the marina site only.

Deviation (5) is a request to deviate from the requirement that internal roads with drives shall not be closer to the development perimeters than 25 feet, Zoning Ordinance Section 480.04.B.1. [LDC Section 34-935(b)(1)], to 15-foot minimum. Deviation (5) is hereby APPROVED with the following condition:

This deviation shall only apply to development perimeters internal to the Pelican Landing DRI.

Deviation (6) is a request to deviate from the requirement that all buildings shall set back from the development perimeter at a distance of 25 feet, Zoning Ordinance Section 480.04.B.1. [LDC Section 34-935(b)(1)], to 15 feet. Deviation (6) is hereby APPROVED with the following condition:

This deviation shall only apply to development perimeters internal to the Pelican Landing DRI.

Deviation (7) is a request to deviate from the requirement that recreation centers and ancillary facilities shall be located at least 40 feet away from any residential dwelling, Zoning Ordinance Section 526.C.2.c.6. [LDC Section 34-2474 (b)(6)], to allow a minimum of 20 feet. Deviation (7) is hereby APPROVED.

Deviation (8) is a request to deviate from the requirement that a roadway width of 35 feet for two-way closed drainage, rear lot drainage, or inverted crown, Development Standards Ordinance Table 9-3 [LDC Section 10-296(b) Table 3.], to allow roadway width to coincide with back of curb. Deviation (8) is hereby APPROVED with the following condition:

This deviation shall only apply to roads classified as local streets within each of the RPD development areas.

DEVIATION (9) IS WITHDRAWN.

Deviation (10) is a request to deviate from the requirement that no portion of a buffer area that consists of trees and shrubs shall be located in any easement, Development Standards Ordinance Section 13.D.1. [LDC Section 10-414], to allow planted buffers in easements. (The maintenance and replacement responsibility shall rest with the developer or homeowner's association or the improvement district). Deviation (10) is hereby APPROVED with the following condition:

Should any required buffer plantings, which have been planted within an easement, have to be removed, then the property owner shall replace these plantings, at no cost to Lee County, with like size and species of plants.

Deviation (11) is a request to deviate from the Lee County Sign Ordinance 85-26, as amended, Section IV.B.2. [LDC Section 30-152], which requires identification signs to be set back a minimum of 15 feet from any right-of-way or easement, to 0 feet. Deviation (11) is hereby APPROVED with the following conditions:

A minimum sight distance of 200 feet shall be maintained, and this shall only be permitted on a right-of-way internal to the overall Pelican Landing development.

Deviation (12) is a request to deviate from the requirement limiting the height of buildings in the Residential Planned Development zoning category within the Outlying Suburban land use category of 45 feet, Zoning Ordinance Section 480.04.F.3.e. [LDC Section 34-935(f)(3)(e)], to allow 20 stories over parking. Deviation (12) is hereby APPROVED subject to condition 12.

Deviation (13) is a request to deviate from the minimum setback from a non-roofed structure to a seawalled artificial body of water, Zoning Ordinance Section 202.18.B.4. [LDC Section 34-2194], to allow a 0-foot setback. Deviation (13) is hereby APPROVED with the following condition:

The required lake maintenance easement shall be provided.

Site Plan 94-014 is attached hereto and incorporated herein by reference, as a reduced copy of the Master Concept Plan.

The following findings and conclusions were made in conjunction with this approval of RPD and CPD zoning:

- A. That Estero Bay is an aquatic preserve and an Outstanding Florida Water.
- B. That the mangrove wetlands on the western edge of Applicant's property are not contained within the aquatic preserve, but are part of the estuarine ecosystem that supplies waters to Estero Bay.
- C. That the proposed development constitutes a Development of Regional Impact (DRI) under the provisions of Section 380.06, Florida Statutes, and that all adverse impacts are appropriately conditioned in the DRI Development Order.
- D. That the eastern portion of the DRI has been developing pursuant to a Preliminary Development Agreement with the Florida Department of Community Affairs.
- E. That the westernmost uplands portion of the DRI site lies in a FEMA Zone A Flood Zone, and is susceptible to being flooded in a minimal tropical storm or severe coastal storm event.
- F. That there is no error or ambiguity which must be corrected by the approval of the DRI or the CPD/RPD rezoning.
- G. That the area surrounding the DRI site is being developed with several large mixed residential/commercial developments, which make approval of this DRI and RPD/CPD appropriate.
- H. That the RPD/CPD zoning, as conditioned herein, will not have an adverse effect on the intent of the Zoning chapter of the Land Development Code.
- I. That the RPD/CPD zoning, as conditioned herein, is consistent with the Goals, Objectives, Policies and intent of the Lee Plan, and with the densities, intensities, and general uses set forth in the Lee Plan.
- J. That the RPD/CPD zoning, as conditioned herein, meets or exceeds all performance and locational standards set forth for the proposed uses.
- K. That the RPD/CPD zoning, as conditioned herein, will protect, conserve or preserve environmentally critical areas and natural resources.

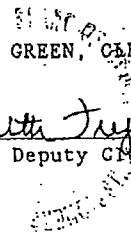


- L. That the RPD/CPD zoning, as conditioned herein, will be compatible with existing or planned uses, and will not cause damage, hazard, nuisance or other detriment to persons or property.
- M. That the RPD/CPD zoning, as conditioned herein, will not place an undue burden upon the transportation or other services and facilities, and will be served by streets having the capacity to carry traffic generated by the development.
- N. That the RPD/CPD zoning, as conditioned herein, will comply with all other applicable general zoning provisions and supplemental regulations pertaining to the uses, as set forth in the Land Development Code.
- O. That the proposed mix of uses, as conditioned herein, is appropriate at the subject location.
- P. That the recommended conditions in the DRI Development Order and the RPD/CPD zoning and other applicable Lee County regulations provide sufficient safeguards to the public interests.
- Q. That all recommended conditions in the DRI Development Order and the RPD/CPD zoning are reasonably related to the impacts on the public's interest created by or expected from the proposed development.
- R. That each approved deviation enhances the achievement of the objectives of the planned development.
- S. That each approved deviation preserves and promotes the general intent of the Zoning chapter of the Land Development Code to protect the public health, safety and welfare.
- T. That the Lee Plan Amendment of the 2010 Overlay reallocating residential and commercial acreages from the subdistricts containing the Westinghouse/Gateway DRI must be approved prior to the approval of this DRI and CPD/CPD zoning.

The foregoing Resolution was adopted by the Lee County Board of County Commissioners upon a motion by Commissioner John E. Manning, and seconded by Commissioner Douglas R. St. Cerny and, upon being put to a vote, the result was as follows:

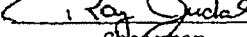
John E. Manning	Aye
Douglas R. St. Cerny	Aye
Ray Judah	Nay
Franklin B. Mann	Aye
John E. Albion	Aye

DULY PASSED AND ADOPTED this 29th day of August, A.D., 1994.

ATTEST:   
CHARLIE GREEN, CLERK

BOARD OF COUNTY COMMISSIONERS  
OF LEE COUNTY, FLORIDA

BY:   
Deputy Clerk

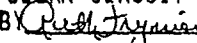
BY:   
Chairman

**FILED**

SEP 23 1994

Approved as to form by:

  
County Attorney's Office

CLERK CIRCUIT COURT  
BY:  D.C.



Attachment E

RESOLUTION NUMBER Z-97-073

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

WHEREAS, WCI Communities, L.P. in reference to Pelican Landing, filed an application for:

- a) An amendment to the Pelican Landing DRI Development Order #1-9293-121, as amended, and DRI Map H, as amended, to acknowledge the conversion of commercial retail floor area to hotel units and a reduction in the total number of parking spaces; and
- b) A finding of no substantial deviation under the provisions of Section 380.06(19), Florida Statutes; and
- c) An amendment to the Pelican Landing RPD/CPD approval, and the corresponding Master Concept Plan, to add hotel/motel as a permitted use in RPD/CPD Area D; and

WHEREAS, the subject property is located at 28300 S Tamiami Trail, Bonita Springs, and is described more particularly as:

LEGAL DESCRIPTION: In Sections 05, 07, 08, 09, 16, 17, 18, 20, and 21, Township 47 South, Range 25 East, and Sections 13 and 24, Township 47 South, Range 24 East, Lee County, Florida:

**PARCEL 1**

A tract or parcel of land lying in Sections 08, 09, 16, 17, 20 and 21, Township 47 South, Range 25 East, Lee County, Florida, which tract or parcel is described as follows:

Beginning at a concrete monument marking the Northeast corner of said Section 20, run S00°35'25"E along the East line of said section for 2,659.47 feet to the Southeast corner of the Northeast Quarter (NE¼) of said section; THENCE run N88°52'49"E along the North line of the Southwest Quarter (SW¼) of said Section 21 for 2,040.41 feet;

THENCE run S00°51'35"E for 801.04 feet to the waters of Spring Creek; THENCE run along Spring Creek for 3,630 feet, more or less to an intersection of the East line of said Section 20 and the approximate centerline of Spring Creek;

THENCE run along said centerline the following courses:

- S78°50'00"W for 181.31 feet;
- N34°24'12"W for 230.22 feet;
- N30°59'12"W for 174.93 feet;
- N24°25'16"E for 120.83 feet;
- S65°47'43"E for 219.32 feet;

N18°24'43"E for 158.11 feet;  
 N75°11'47"W for 351.71 feet;  
 N65°09'33"W for 451.88 feet;  
 N84°18'44"W for 351.75 feet;  
 N66°54'31"W for 445.79 feet;  
 S63°24'43"W for 134.16 feet;  
 S03°23'22"E for 170.29 feet;  
 S50°30'17"W for 220.23 feet;  
 N84°49'43"W for 331.36 feet;  
 S62°13'07"W for 214.71 feet;  
 S22°08'36"W for 291.55 feet;  
 S72°15'11"W for 131.22 feet to an intersection with the East line of the Southwest Quarter (SW¼) of said Section 20;  
 THENCE run N00°50'19"W along said East line for 520.00 feet to the Northeast corner of said fraction;  
 THENCE run S89°58'37"W along the North line of said fraction for 290.00 feet to an intersection with the approximate centerline of the most Easterly branch of said Spring Creek;  
 THENCE run along said centerline the following courses:  
 N09°13'28"W for 137.34 feet;  
 N29°08'22"W for 590.59 feet;  
 N38°31'58"W for 278.03 feet;  
 N65°16'43"W for 254.95 feet;  
 N37°18'28"W for 286.01 feet;  
 N32°51'05"E for 252.39 feet;  
 N20°11'00"E for 236.69 feet;  
 N27°23'47"W for 369.25 feet;  
 N89°15'43"E for 50 feet, more or less to the Easterly shore of said Spring Creek;  
 THENCE run along said Easterly shore for 1,220 feet, more or less to an intersection with the North line of said Section 20;  
 THENCE run N89°15'13"E along said North line of said Section for 970 feet, more or less to a concrete monument marking the Northwest corner of the Northeast Quarter (NE¼) of said Section 20;  
 THENCE run N00°31'30"E along the West line of the Southeast Quarter (SE¼) of said Section 17 for 2,644.38 feet to an intersection with the South line of Spring Creek Road as described in Deed Book 305 at Page 276, Lee County Records;  
 THENCE run S89°58'35"E along said South line for 739.45 feet;  
 THENCE run N00°07'58"E for 30.00 feet to an intersection with the North line of the Southeast Quarter (SE¼) of said Section 17;  
 THENCE run S89°58'35"E along the North line of said fraction for 375.91 feet to the Southeast corner of lands described in Official Record Book 1713 at Page 1188 of said Public Records;

THENCE run N00°41'04"W for 668.20 feet to the Northeast corner of said lands;  
 THENCE run N89°50'32"W along the North line of said lands for 366.38 feet to the Easterly line of said Spring Creek Road (50 feet wide);  
 THENCE run N00°07'58"E for 2,007.04 feet to an intersection with the South line of the Southeast Quarter (SE¼) of said Section 08;  
 THENCE continue N00°07'17"E along said East line for 343.54 feet;  
 THENCE run S89°38'58"E for 10.00 feet;  
 THENCE run N00°07'17"E along said East line for 849.27 feet to the Southwest corner of lands described in Official Record Book 2039 at Page 3364 said Public Records;  
 THENCE run S89°21'02"E along the South line of said lands for 189.98 feet;  
 THENCE run N00°07'17"E along the East line of said lands for 125.01 feet;  
 THENCE run N89°21'02"W along the North line of said lands for 199.98 feet to an intersection with the Easterly line of said Spring Creek Road;  
 THENCE run N00°07'17"E along said East line for 1,292.76 feet to an intersection with the South line of Coconut Road (50 feet wide);  
 THENCE run S89°16'14"E along said South line for 1,802.38 feet to an intersection with the West line of said Section 09;  
 THENCE run N00°39'58"W along said West line for 25.00 feet to a concrete monument marking the Northwest corner of the Southwest Quarter (SW¼) of said Section;  
 THENCE continue along said West line N00°39'58"W for 5.00 feet to an intersection with the South line of said Coconut Road as described in Official Record Book 1738 at Page 2538, said Public Records;  
 THENCE run S89°35'50"E along said South line for 3,164.37 feet to an intersection with the West line of Tamiami Trail (SR 45);  
 THENCE run S00°10'56"W along said West line for 621.81 feet to a Point of Curvature;  
 THENCE run Southerly and Southeasterly along said West line, along the arc of a curve to the left of radius 5,797.58 feet (chord bearing S04°57'34"E) (chord 1,039.14 feet) (delta 10°17'00") for 1,040.54 feet to a Point of Tangency;  
 THENCE run S10°06'04"E along said Westerly line for 938.08 feet to an intersection with the North line of the Northeast Quarter (NE¼) of said Section 16;  
 THENCE run S89°23'00"W along said North line for 708.94 feet to the Northwest corner of said Northeast Quarter (NE¼) of Section 16;  
 THENCE run S00°02'54"W along said West line of the Northeast Quarter (NE¼) for 2,643.98 feet to the Southwest corner of the Northeast Quarter (NE¼) of said Section;  
 THENCE run N89°10'38"E along the South line of said fraction for 538.06 feet;  
 THENCE run S00°06'43"E for 1,085.91 feet;

THENCE run N89°06'43"E for 744.41 feet to an intersection with the West line of said Tamiami Trail;  
THENCE run Southerly along said West line, along the arc of a non-tangent curve to the right of radius 5,619.58 feet (chord bearing S00°22'05"E) (chord 50.21 feet) (delta 00°30'42") for 50.21 feet to a Point of Tangency;  
THENCE run S00°06'43"E along said West line for 49.81 feet;  
THENCE run S89°06'43"W for 300.00 feet;  
THENCE run S00°06'43"E for 1,445.82 feet to an intersection with the South line of the Southeast Quarter (SE¼) of said Section 16;  
THENCE run S89°16'54"W along said South line of said fraction for 989.41 feet to the Southeast corner of the Southwest Quarter (SW¼) of said Section 16;  
THENCE run S88°38'34"W along said South line of said Southwest Quarter (SW¼) for 2,627.98 feet to the POINT OF BEGINNING;  
**ALSO PARCEL 2:**

A tract or parcel of land lying in Sections 07, 08, 17 and 18 which tract or parcel is described as follows:

From a railroad spike marking the Northwest corner of the Southwest Quarter (SW¼) of said Section 08 run S00°23'24"E along the West line of said fraction for 25.00 feet to an intersection with the South line of Coconut Road (50 feet wide) and the POINT OF BEGINNING.

From said POINT OF BEGINNING run S89°16'14"E along said South line for 3,253.00 feet to an intersection with the West line of Spring Creek Road;  
THENCE run S00°07'17"W along said West line for 2,610.71 feet to an intersection with the South line of said Section 08;

THENCE run S00°07'58"W along said West line for 2,646.47 feet;  
THENCE run N89°58'35"W along the North line of Coconut Road for 689.04 feet to an intersection with the East line of the Northwest Quarter (NW¼) of said Section 17;

THENCE run N89°59'08"W along said North line for 404.79 feet to the Southeast corner of lands described in Official Record Book 411 at Page 759 of said Public Records;

THENCE run N01°31'36"E along the East line of said lands for 960.34 feet;

THENCE run N89°59'08"W along the North line of said lands for 2,200.77 feet to an intersection with the East line of the Northeast Quarter (NE¼) of said Section 18;

THENCE continue N89°59'08"W for 1,840 feet more or less to the waters of Estero Bay;

THENCE run Northerly along the waters of Estero Bay for 8,300 feet more or less to an intersection with the North line of the South Half (S½) of Government Lot 2 of said Section 07;

THENCE run N89°32'15"E along the North line of said Government Lot 2 for 545 feet more or less to the Northwest corner of lands described in Official Record Book 1895 at Page 3817 of said Public Records;

THENCE run S08°50'45"E along the West line of said lands for 199.50 feet;

THENCE run N89°32'15"E along the South line of said lands for 247.50 feet;  
THENCE run N89°35'27"E for 666.22 feet;  
THENCE run N89°32'15"E for 239.00 feet to an intersection with the West  
line of Coconut Road;  
THENCE run S01°07'45"E along said West line for 488.63 feet;  
THENCE run N89°40'05"E along the South line of said Coconut Road for  
24.69 feet to the POINT OF BEGINNING.

LESS AND EXCEPT lands described in Official Record Book 1677 at Page  
3516 of the Public Records of Lee County, Florida;

**ALSO PARCEL 3:**

A tract or parcel of land lying in Sections 05 and 08, Township 47 South,  
Range 25 East, Lee County, Florida, consisting of Lots 8B, 9B, 10B, 11B,  
12B, 21B, 22B, 23B, 24B and 25B of FLORIDA GULF LAND COMPANY  
SUBDIVISION as recorded in Plat Book 1 at Page 59 of the Public Records  
of Lee County, also Lot 8, Block 14 of ELDORADO ACRES (an Unrecorded  
Subdivision), as shown in Deed Book 310 at Page 183 of the Public Records  
of Lee County;

**ALSO** the East Three-quarters ( $E\frac{3}{4}$ ) of the Northwest Quarter ( $NW\frac{1}{4}$ ) of the  
Southwest Quarter ( $SW\frac{1}{4}$ ) of said Section 05;

**ALSO** the East Two-thirds ( $E\frac{2}{3}$ ) of the Southwest Quarter ( $SW\frac{1}{4}$ ) of the  
Southwest Quarter ( $SW\frac{1}{4}$ ) of said Section 05;

**ALSO** the East Two-thirds ( $E\frac{2}{3}$ ) of the Western Half ( $W\frac{1}{2}$ ) of the Northwest  
Quarter ( $NW\frac{1}{4}$ ) of said Section 08; being more particularly described by  
metes and bounds as follows:

From the Northwest corner of the Southwest Quarter ( $SW\frac{1}{4}$ ) of said Section  
08 run S89°16'14"E along the North line of said Southwest Quarter ( $SW\frac{1}{4}$ )  
for 422.61 feet;

THENCE run N01°05'22"W for 40.02 feet to the POINT OF BEGINNING;

From said POINT OF BEGINNING continue N01°05'22"W for 2,610.06 feet;

THENCE run N01°22'23"W for 1,304.41 feet;

THENCE run N89°56'22"W for 107.12 feet;

THENCE run N01°22'55"W for 1,303.87 feet;

THENCE run N89°34'15"E for 2,593.81 feet;

THENCE run S00°26'45"E for 2,655.42 feet;

THENCE run N88°48'50"W along the North line of said Section 08 for  
322.66 feet;

THENCE run N89°25'01"W for 587.55 feet;

THENCE run S00°50'16"E for 132.58 feet;

THENCE run N89°11'54"W for 75.00 feet;

THENCE run N00°50'16"W for 132.30 feet;

THENCE run N89°25'01"W for 610.69 feet;

THENCE run S01°00'35"E for 2,612.12 feet to an intersection with the North  
right-of-way line of Coconut Road;

THENCE run N89°16'14"W along said North right-of-way line for 845.23 feet  
to the POINT OF BEGINNING;

**ALSO PARCEL 4**

All of Government Lot 1, Section 07, Township 47 South, Range 25 East, Lee County, Florida, being more particularly described as follows:  
Beginning at a concrete monument marking the Northeast corner of Government Lot 1 of said Section 07, run S01°07'45"E along the East line of said Section 07 for 1,324.52 feet to the Southeast corner of said Government Lot 1;

THENCE run S89°33'42"W along the South line of said Government Lot for 1,747.82 feet to a concrete post at the waters of Estero Bay;

THENCE run Northerly and Westerly along the waters of Estero Bay to an intersection with the North line of said Section 07;

THENCE run N89°48'31"E along said North line for 2,575 feet more or less to the POINT OF BEGINNING;

Containing 2,409 acres, more or less.

Bearings hereinabove mentioned are based on the East boundary line of Pelican's Nest Unit No. 1 as recorded in Plat Book 41 at Pages 58 through 60 of the Public Records of Lee County, Florida.

**ALSO BEACH PARCEL**

A tract or parcel of land lying in Government Lot 3, Section 13, and Government Lot 2, Section 24, Township 47 South, Range 24 East, Big Hickory Island, Lee County, Florida, which tract or parcel is described as follows:

From the center of a turnaround on SR 865 (Bonita Beach Road) being S.R.D. Station 19184.75 and N24°28'41"W along the northern prolongation of said centerline of SR 865 for 266.00 feet;

THENCE run S62°26'49"W for 98.40 feet;

THENCE run N27°33'11"W for 1,863.42 feet;

THENCE run N20°00'41"W for 1,403.30 feet;

THENCE run N65°00'00"E for 313.91 feet to the POINT OF BEGINNING.

From said POINT OF BEGINNING run N18°55'11"W for 97.51 feet,

N22°26'23"W for 100.53 feet;

N23°09'50"W for 100.14 feet;

N14°51'19"W for 73.01 feet;

N27°40'10"W for 88.01 feet;

N29°33'57"W for 46.01 feet;

N22°14'53"W for 47.27 feet;

N20°39'23"W for 46.98 feet;

N11°15'38"W for 29.80 feet;

N26°10'46"W for 46.87 feet;

N09°09'45"W for 48.26 feet;

N17°35'56"W for 46.04 feet;

N12°49'07"W for 50.04 feet;

N29°20'48"W for 69.12 feet;

N20°48'58"W for 63.82 feet;



THENCE run N79°23'51"W for 247 feet more or less to an intersection with the Approximate Mean High Water Line of the Gulf of Mexico;

THENCE run Northerly and Northeasterly along said waters for 1,140 feet more or less to an intersection with the South line of lands described in Official Record Book 198 at Page 188 of the Public Records of Lee County, Florida;

THENCE run along said South line, along the arc of a curve to the right of radius 12,000.00 feet for 783 feet to an intersection with the Waters of New Pass;

THENCE run Southerly, Easterly, Southwesterly and Southerly along said waters for 4,080 feet more or less to an intersection with a line bearing N65°00'00"E and passing through the POINT OF BEGINNING;

THENCE run S65°00'00"W for 181 feet more or less to the POINT OF BEGINNING;

**AND**

From said POINT OF BEGINNING run S13°03'59"E for 94.16 feet;

THENCE run S19°13'48"E for 50.64 feet;

THENCE run S04°34'15"E for 54.63 feet;

THENCE run S24°53'12"E for 50.09 feet;

THENCE run S27°10'29"E for 50.01 feet;

THENCE run S31°01'44"E for 42.51 feet to an intersection with the South line of lands described in Official Record Book 2246 at Page 4413 of the Lee County Records;

THENCE run N65°00'00"E along said South line for 134 feet, more or less to the waters of Estero Bay;

THENCE Northerly along said waters for 358 feet, more or less to an intersection with a line bearing N65°00'00"E and passing through the POINT OF BEGINNING;

THENCE run S65°00'00"W for 181 feet, more or less to the POINT OF BEGINNING.

Bearings hereinabove mentioned are Plane Coordinate for the Florida West Zone;

**ALSO Spring Creek West DRI Parcel**

All of the Northwest Quarter (NW¼) of Section 21, Township 47 South, Range 25 East, Lee County, Florida;

**ALSO included thereto:** All of the Northeast Quarter (NE¼) lying West of Tamiami Trail (US 41) of Section 21, Township 47 South, Range 25 East, Lee County, Florida;

**ALSO included thereto:** All of the East Half (E½) of the Southwest Quarter (SW¼) lying North of Spring Creek, LESS the East 600 feet thereof, Section 21, Township 47 South, Range 25 East, Lee County, Florida;

**ALSO included thereto:** All of the Southeast Quarter (SE¼) of Section 21, lying West of Tamiami Trail (US 41) and North of Spring Creek, Township 47 South, Range 25 East, Lee County, Florida;

Containing 273.1 acres, more or less;

AND: The East 600 feet of the East Half (E½) of the Southwest Quarter (SW¼) of Section 21, Township 47 South, Range 25 East, Lee County, Florida;

Parcel contains 9.7 acres, more or less.

**RPD/CPD AREA "D"**

A tract or parcel of land lying in the South Half (S½) of Section 09, Township 47 South, Range 25 East, Lee County, Florida, being more particularly described as follows:

From the Northwest corner of the Southwest Quarter (SW¼) of said Section 09 run N00°41'48"W for 5.00 feet to the South right-of-way line of Coconut Road (50 foot right-of-way);

THENCE run S89°35'50"E for 1,863.14 feet to the centerline of a certain Florida Power and Light transmission line easement (100 feet wide) as described in Deed Book 229 at Page 48, Public Records, Lee County, Florida, and the POINT OF BEGINNING.

From said POINT OF BEGINNING continue S89°35'50"E along said South right-of-way line for 1,301.22 feet to an intersection with the West line of Tamiami Trail (SR 45);

THENCE run S00°10'56"W along said West line for 621.81 feet to a Point of Curvature;

THENCE run along the arc of a curve to the left of radius 5,797.58 feet (delta 10°17'00") (chord bearing S04°57'34"E) (chord 1,039.14 feet) for 1,040.54 feet to a Point of Tangency;

THENCE run S10°06'04"E along said Westerly line for 230.98 feet;

THENCE run S79°53'56"W for 70.57 feet to a Point of Curvature;

THENCE run along the arc of a curve to the right of radius 650.00 feet (delta 49°49'26") (chord bearing N75°11'21"W) (chord 547.59 feet) for 565.23 feet to a Point of Reverse Curvature;

THENCE along the arc of a curve to the left of radius 840.00 feet (delta 22°49'21") (chord bearing N61°41'18"W) (chord 332.39 feet) for 334.60 feet to a point on a non-tangent curve;

THENCE along the arc of a curve to the left of radius 180.00 feet (delta 27°59'03") (chord bearing N06°54'21"W) (chord 87.04 feet) for 87.91 feet to a Point of Tangency on the Western line of said Florida Power and Light easement;

THENCE run N20°53'52"W along said Western easement line for 721.03 feet to a Point of Curvature;

THENCE along the arc of a curve to the left of radius 330.00 feet (delta 68°41'58") (chord bearing N55°14'51"W) (chord 372.40 feet) for 395.68 feet to a Point of Cusp;

THENCE run S89°35'50"E for 56.51 feet to a Point of Curvature;

THENCE run along the arc of a curve to the right of radius 530.00 feet (delta 27°42'00") (chord bearing S75°44'50"E) (chord 253.74 feet) for 256.23 feet to an intersection with said centerline of said easement;

THENCE run N20°53'52"W along said centerline for 748.16 feet to an intersection with the South line of said Coconut Road and the POINT OF BEGINNING.

Containing 42.44 acres, more or less; and

WHEREAS, WCI Communities, L.P., the owner of the subject parcel, authorized Pavese, Garner, Haverfield, Dalton, Harrison and Jensen to act as agent to pursue this zoning application; and

WHEREAS, a public hearing was advertised and held on October 22, 1997 before the Lee County Hearing Examiner in Case Nos. 95-01-050.03Z 01.01 and 95-01-050.04Z 06.01, who gave full consideration to the evidence available; and

WHEREAS, a public hearing was advertised and held on November 17, 1997 before the Lee County Board of County Commissioners who gave full and complete consideration to the recommendations of staff, the Hearing Examiner, the documents on file with the county, and the testimony of all interested persons.

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

- a) **APPROVES** an amendment to the Pelican Landing DRI Development Order #1-9293-121;
- b) makes a finding of NO SUBSTANTIAL DEVIATION; and
- c) **APPROVES with conditions** the amendment to RPD/CPD Area D of the Pelican Landing RPD/CPD, as follows:

SECTION A. CONDITIONS:

The amendment to RPD/CPD Area D of the Pelican Landing RPD/CPD and Master Concept Plan are subject to the following conditions:

1. The development of this project must be in compliance with the one-page Master Concept Plan entitled "Pelican Landing RPD/CPD," as prepared by Wilson, Miller, Barton & Peek Inc., dated March 1994, last revised May 27, 1997, and stamped received at the permit counter on October 7, 1997; the Pelican Landing DRI Development Order #1-9293-121, as amended; and DRI Map H, last revised May 27, 1997, and stamped received at the permit counter on June 13, 1997.
2. All deviations and conditions approved by Resolutions Z-94-094, Z-95-061, and Z-96-055, except as specifically modified herein and by the amended Master Concept Plan, will remain in full force and effect.
3. The addition of a hotel as a permitted use is limited to RPD/CPD Area D only.

SECTION B. Master Concept Plan:

A one page reduced copy of the Master Concept Plan is attached and incorporated into this resolution by reference, as modified herein.

SECTION C. FINDINGS AND CONCLUSIONS:

The following findings and conclusions were made in conjunction with the approval of the planned development amendment:

1. The RPD/CPD Area D is a portion of the mixed use, 2100-acre Pelican Landing Development of Regional Impact, which was originally approved in 1994.
2. The Applicant has proven entitlement to the additional hotel/motel use in RPD/CPD Area D by demonstrating compliance with the Lee Plan, the Land Development Code, and Section 380.06, Florida Statutes, and other applicable codes or regulations.
3. The proposed hotel/motel use, as conditioned, will meet or exceed all performance and locational standards set forth for the potential use in the Land Development Code.
4. The proposed hotel/motel use, as conditioned, is consistent with the densities, intensities and general uses set forth in the Lee Plan.
5. The proposed hotel/motel use, as conditioned, is compatible with existing or planned uses in the surrounding area.
6. Approval of the proposed hotel/motel, as conditioned, and the decrease of 78,950 square feet of retail commercial uses, will result in the addition of only 20 peak hour trips to the number of trips anticipated and approved for the overall DRI, which will not place an undue burden upon existing transportation or planned infrastructure facilities.
7. The development will be served by streets with the capacity to carry the traffic it generates, and will not result in an unacceptable level of service on those streets.
8. The Applicant will pay approximately \$106,000 to \$166,000 in road additional impact fees for the additional 20 peak hour trips resulting from the increase in hotel rooms. This amount will be added to the DRI's estimated road impact mitigation amount of \$8,783,000, as calculated in the DRI Development Order.
9. The proposed hotel/motel use, as conditioned, will not adversely affect environmentally critical areas or natural resources.
10. The additional hotel/motel rooms, as conditioned, will not generate any additional mitigation for hurricane evacuation or shelter demand impacts, as the provisions of the

Hurricane Preparedness section of the DRI Development Order will adequately address any of those potential impacts.

- 11. The proposed use, as conditioned, is appropriate at the subject location.
- 12. The recommended conditions are reasonably related to the impacts on the public interest created by or expected from the proposed development, and will provide sufficient safeguard to the public interest.
- 13. That the proposed changes, as conditioned, will comply with the intent and provisions of the Concurrency Management Plan, as urban services, as defined in the Lee Plan, will be available and adequate to serve the proposed land use, or the development permits will not be issued.
- 14. Amendment of the DRI Development Order, specifically Map H and the Land Use Table/Summary, are necessitated by the provisions of Section 380.06, Florida Statutes, to reflect the changes in the development plan and any potential impacts resulting therefrom.
- 15. The proposed changes, as conditioned, do not constitute a Substantial Deviation under the provisions of Section 380.06(19), Florida Statutes, and do not warrant additional DRI review.

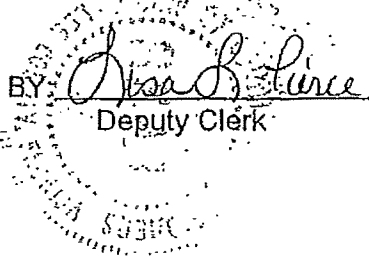
The foregoing resolution was adopted by the Lee County Board of County Commissioners upon a motion by Commissioner John E. Manning, and seconded by Commissioner Ray Judah and, upon being put to a vote, the result was as follows:

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

DULY PASSED AND ADOPTED this 17th day of November, 1997.

ATTEST:  
CHARLIE GREEN, CLERK

BY: *Joan A. Purcell*  
Deputy Clerk



BOARD OF COUNTY COMMISSIONERS  
OF LEE COUNTY, FLORIDA

BY: *John E. Albion*  
Vice-Chairman

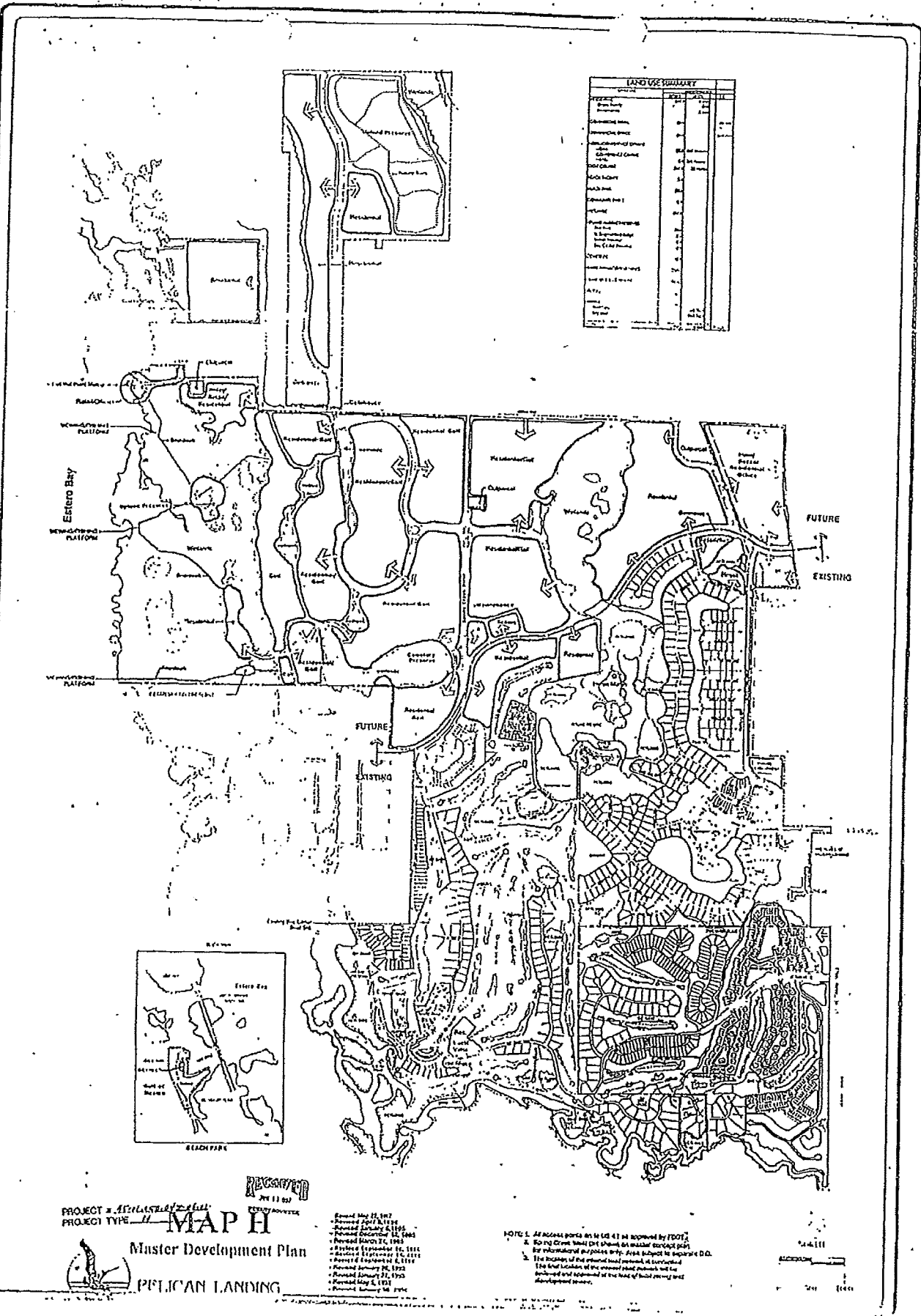
Approved as to form by:

*David E. [Signature]*  
County Attorney's Office

**FILED**

NOV 21 1997

CLERK *Charlie Green*  
BY: *Joan A. Purcell*

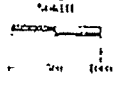


LAND USE SUMMARY	
Category	Area (Acres)
Residential	1,200
Commercial	500
Industrial	100
Public Use	200
Open Space	300
Water	1,000
Other	100
<b>Total</b>	<b>3,300</b>

PROJECT # *AP/11/87/01/01*  
 PROJECT TYPE **MAP H**  
**Master Development Plan**  
**PELICAN LANDING**

- REVISIONS
- Revised May 25, 1987
  - Revised July 15, 1987
  - Revised January 6, 1991
  - Revised December 15, 1993
  - Revised March 27, 1993
  - Revised September 10, 1993
  - Revised February 12, 1994
  - Revised February 12, 1994
  - Revised January 27, 1995
  - Revised May 5, 1995
  - Revised January 16, 1996

NOTE 1. All access points are to be approved by TDOZ.  
 2. All 100' Drive Width DPT shown as marked on-site post by informational purposes only. Area subject to separate D.D.  
 3. The location of the proposed road network is for informational purposes only. The final location of the proposed road network will be determined and approved at the time of final zoning and development review.





**DELISI FITZGERALD, INC.**  
*Planning – Engineering – Project Management*

**COCONUT SQUARE LOT 5 HOTEL  
PELICAN LANDING DRI (AREA D)  
FINAL PLAN APPROVAL**

VILLAGE OF ESTERO  
JAN 26 2018  
RECEIVED

**Introduction:**

The attached application is for Final Plan Approval for the proposed Coconut Square Lot 5 Hotel within the Pelican Landing DRI. The 2.6 acre site is located on Walden Center drive near the southwest corner of Coconut Road and US 41 within Area D of the Pelican Landing project.

The site is zoned CPD per Resolution Z-94-014. Resolution Z-97-073 modified Area D to allow Hotel as approved use and increased the overall number of hotel rooms allowed in the overall DRI from 450 to 750.

Condition 1 of the original resolution requires the submittal of a “Final Zoning Plan” which specifies the type, intensity and configuration of development for the particular parcel to ensure compliance with the DRI Development Order, Zoning Resolution and Land Development Code. Information necessary for this review is contained in this narrative, Master Concept Plan and Final Plan Approval application for the Estero Hyatt House.

**Adjacent Uses:**

The subject property was created in the late 1990’s with the platting of a portion of Area D. The plat is known as Coconut Square, and was recorded in Plat Book 75, Page 38. The Plat created Walden Center Drive, several development parcels and the necessary stormwater management and common area tracts; the subject property is Lot 5.

The subject property is bordered on the north and east by Walden Center Drive, on the west and south by stormwater management lakes, and the southwest corner or bordered by existing multi-family residential.

**Access:**

The overall Coconut Square project created Walden Center Drive, which extended from a new driveway on Coconut Road, south to an access drive which connects to US41. The proposed hotel will connect directly to Walden Center Drive in two locations as shown on the MCP.



### **Pedestrian Connectivity:**

The original DO for Coconut Square (DOS 98-03-072) did not include sidewalks along Walden Center Drive. Current LDC requirements (LDC 10-256(b)) will require a sidewalk to be constructed along the project's Walden Center Drive frontage.

LDC 10-256(c)(1)d. will also require a connection to the existing pedestrian way and bikeway facilities. Crosswalk across Walden Center Drive and sidewalk connection to the existing sidewalk on Coconut Road, subject to approval by the POA/CDD, is proposed to meet this requirement.

An additional sidewalk pedestrian resting area is proposed in the northwest corner of the property overlooking the existing lake.

### **Phasing:**

There is no phasing proposed with the Hotel.

### **Zoning Justification:**

The Hotel is a proposed 128 standard room hotel. The CPD Zoning is Area D allows hotel use. The proposed site is also in compliance with the approved DRI Development Order.

### **Deviations**

The original zoning resolution included 13 deviations from the Land Development Code. Deviation 3 (allows a 20' water body setback) and 10 (allows buffer to overlap PUEs) are applicable to the subject property, however, the deviations are not utilized in the design of the project.

Deviations 1, 2, 4 -9 & 11-13 are not applicable the site.

An additional deviation is being requested related to the required area for solid waste per LDC 10-261(a). For 'commercial' uses, the LDC calculation requires 216 square feet of enclosure area for the first 25,000 square feet, plus an additional 8 square feet of storage for each additional 1,000 square feet building area. There is separate calculation based on number of units for residential uses.

Based on the estimated gross square feet of the hotel building (90,000 SF+/-), an enclosure of nearly 750 square feet would be required. The calculation in the LDC was developed focusing on retail/office type 'commercial' uses. When applied to the hotel building, the calculation yields an excessively large area.

The deviation is requested to allow an enclosure area of 288 square feet.

The intent of the request is to approve the minimum deviation necessary to provide an adequately sized dumpster enclosure which meets the access and clear opening

requirements. In an effort demonstrate the requested meets established evaluation criteria, the following is a summary of how the request is consistent Section LDC 10-104(b):

1. The request is based on sound engineering practices (not applicable to sections 10-352, 10-353 and division 7, article III, chapter 10): [Note: Criteria 3 & 5 not applicable to request]

The proposed dumpster enclosure of 288 square feet is adequately sized. The existing Hyatt Place across US 41 has enclosure of approximately 240 square feet with no issues reported by their operations staff. The proposed 288 square feet can easily accommodate two 6 to 10 yard dumpster containers (typical size for commercial customers) as well as recycling containers.

2. The request is no less consistent with the health, safety, and welfare of abutting landowners and the general public than the standard from which the deviation is being requested:

As noted above, the proposed area is adequate for the proposed containers. The other provisions of LDC 10-261 related to clear opening and vertical clearance will be met.

4. The granting of the deviation is not inconsistent with any specific policy directive of the Board of County Commissioners, any other ordinance or any Lee Plan provision:

There is no known policy directive, ordinance or Lee Plan provision that would conflict with the request.

In addition to the above formal criteria, the proposed enclosure will be architecturally consistent with the proposed building. Providing a property sized enclosure avoid the visual impact of an excessively large enclosure. Eliminating the unnecessary enclosure area allows the remaining site improvements to be better planed and spread out across the site creating additional green areas.

It should also be noted, while the LDC dictates the referenced solid waste requirements, the Village of Estero, or Lee County, is not responsible for the waste hauling. Commercial uses must contract directly with the solid waste hauler. The calculation does not consider the ability of the developer to utilize a higher pick up frequency to reduce the area or containers necessary for solid waste.

The hotel will be managed by Interstate Hotels & Resorts who manage a global portfolio of 400 hotels and resorts which includes the local Hyatt Place at the Forum and South Seas Island Resort. Based on their experience, Interstate is anticipating 2-8 yard containers, picked up twice per week for this particular 128 room hotel. The included graphic demonstrates these facilities fit within the proposed 288 square feet enclosure.

## **Village Center Future Land Use Category**

The development of Coconut Square Lot 5 with a hotel use is vested under the Pelican Landing DRI. Per Policy 19.8.4. Properties located in the village center area which have vested rights may proceed under the vested rights. Florida Statutes 163.3167, F.S. further protects this right stating, “nothing in this act shall limit or modify the rights of any person to complete any development that has been authorized as a development of regional impact pursuant to chapter 380...”

Although the project as proposed is fully vested, it includes design elements and features consistent with the vision of the Village Center Future Land Use Category outlined in Objective 19.8 of the Village’s Comprehensive Plan. The Policies under this objective and the corresponding Land Development Code provisions were developed to promote a walkable, connected aesthetically pleasing environment within the Village Center. The proposed Coconut Square Lot 5 Hotel has a network of onsite sidewalks connecting to the building entrances, the main entry of the building is enhanced with pavers and a covered porte-cochere, and enhanced landscaping is provided. Amenities include a covered outdoor patio, separate pool area, interior seating areas and a business center. A sidewalk is being constructed offsite along the parcels entire frontage on Walden Center Drive with a connection to the existing sidewalk on Coconut Road which will provide a pedestrian connection to existing Lee Tran facilitates and the Coconut Pointe lifestyle center across US 41. In addition, a shaded pedestrian seating area is proposed onsite adjacent to the existing pond which can be utilized by hotel guests as well as the other residents of Pelican Landing and employees and patrons of the nearby offices.

In summary, although not required, the project is consistent with the objective and policies of the Village Center.

# Attachment G

**From:** Kantor, Brigitte  
**To:** [Ross Morgan](#)  
**Subject:** ADD2017-E012; Coconut Square Lot 5 Hotel Administrative Application  
**Date:** Wednesday, December 13, 2017 8:47:23 AM

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Hello Ross,

I have reviewed this application and the request for deviation from LDC10-261 and approve the proposed dumpster enclosure size with the planned square footage of 288 sqft. I have visited other hotels with similar footprint and room capacity and found that their enclosures are of similar size and pose no threat to the environment and human health. The applicant is correct, the waste hauler will likely perform the service at least twice a week (hotels generally serve food and as such are required by Ordinance 11-27 to have twice a week service) and service can be increased if that is not sufficient.

I see no problem granting this variance. Let me know if you have any questions.

Regards,  
Brigitte

**Brigitte Kantor | Manager, Public Utilities**  
**Lee County Solid Waste Division**  
**(239) 533-8000, Extension 38005 | fax: (239) 533-8025**  
**BKantor@leegov.com**  
**visit us on the web at [www.leegov.com/solidwaste](http://www.leegov.com/solidwaste)**

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Please note: Florida has a very broad public records law. Most written communications to or from County Employees and officials regarding County business are public records available to the public and media upon request. Your email communication may be subject to public disclosure.

Under Florida law, email addresses are public records. If you do not want your email address released in response to a public records request, do not send electronic mail to this entity. Instead, contact this office by phone or in writing.