

**VILLAGE OF ESTERO, FLORIDA
ZONING
ORDINANCE NO. 2025-02**

**AN ORDINANCE OF THE VILLAGE COUNCIL OF THE
VILLAGE OF ESTERO, FLORIDA, APPROVING WITH
CONDITIONS AN AMENDMENT TO THE MIXED USE
PLANNED DEVELOPMENT ZONING AND DEVIATIONS
FOR A 2.37-ACRE PROPERTY LOCATED IN THE COCONUT
POINT DEVELOPMENT OF REGIONAL IMPACT (DRI); AND
APPROVING DRI DEVELOPMENT ORDER AMENDMENTS
FOR PROPERTY BOUNDED BY US 41 ON THE WEST,
WILLIAMS ROAD ON THE NORTH, SEMINOLE GULF
RAILROAD RIGHT-OF-WAY ON THE EAST AND THE
SOUTHERN BOUNDARY FOR THE VILLAGE OF ESTERO
LIMITS, ALL IN THE VILLAGE OF ESTERO, FLORIDA;
PROVIDING FOR SEVERABILITY; AND PROVIDING AN
EFFECTIVE DATE.**

WHEREAS, PHG Acquisitions, LLC, represented by Ingenium Enterprises, Inc. (the “Applicant”), filed an application to amend the Mixed Use Planned Development zoning and DRI Development Order for property located within **Coconut Point**, consisting of approximately 2.37 acres for the rezoning parcel (the “Property”) for a 111-room proposed Home2 Suites hotel within Tract 2A of the 482.4-acre DRI, along with a decrease of 2,000 square feet of commercial retail floor area in Development Area 2; and

WHEREAS, the Coconut Point Development of Regional Impact (DRI) and the Coconut Point Mixed Planned Development (MPD) were approved by the Lee County Board of County Commissioners on October 21, 2002; and

WHEREAS, the zoning and DRI have been amended numerous times over the years by Lee County; and

WHEREAS, the Coconut Point DRI and Coconut Point MPD are now under the jurisdiction of the Village of Estero; and

WHEREAS, the Village of Estero adopted Ordinance 2017-02 which approved zoning amendments and the Ninth Development Order Amendment and Restatement for Coconut Point DRI on June 21, 2017; and

WHEREAS, numerous time extensions provided for by law have been submitted and accepted by Lee County and the Village of Estero; and

WHEREAS, the zoning case number is DCI2024-E005; and

47 **WHEREAS**, the Applicant proposes a 111-room, 4-story hotel (Home2 Suites), with a
48 Master Concept Plan, supplemental Pattern Book, and two deviations; and
49

50 **WHEREAS**, a noticed Public Information Meeting was held on December 12, 2023 at the
51 Planning Zoning and Design Board; and
52

53 **WHEREAS**, a duly noticed public hearing was held at the Planning Zoning and Design
54 Board on February 11, 2025; and
55

56 **WHEREAS**, a duly noticed first reading was held before the Village Council on May 21,
57 2025; and
58

59 **WHEREAS**, a duly noticed second reading and public hearing was held before the Village
60 Council on June 4, 2025, at which time the Village Council gave consideration to the evidence
61 presented by the Applicant and the Village staff, the recommendations of the Planning Zoning and
62 Design Board, and the comments of the public and continued the hearing to July 2, 2025 for
63 discussion of Condition 10 only.
64

65 **NOW, THEREFORE**, be it ordained by the Village Council of the Village of Estero,
66 Florida:
67

68 **Section 1. DRI and Zoning Amendments.**
69

70 The Village Council approves with conditions the amendment to the zoning subject to the
71 following conditions and deviations. The Tenth Development Order Amendment and
72 Restatement for Coconut Point DRI is also approved and incorporated herein as Exhibit E.
73

74 **Section 2. Conditions.**
75

76 1. Previous Resolutions and Ordinances
77

78 The terms and conditions contained in previous Resolutions and Ordinances that have
79 not been deleted or amended remain in effect except as modified by the conditions in
80 this approval.
81

82 2. Master Concept Plan and Site Plan
83

84 Development of this project for the proposed hotel on 2.37 acres must be consistent
85 with the Coconut Point MPD Master Concept Plan dated April 17, 2025 (Exhibit A),
86 and the two-page site plan titled “Home2 Suites Site Plan” stamped “Received May 8,
87 2025”. (Exhibit B)
88
89

3. Development Parameters and Uses for 2.37-Acre Parcel

Development is permitted at a maximum as follows:

Hotel – 111 Rooms

Consumption on premises for hotel, per state liquor license

4. Development Intensity

The approved development intensity for the DRI and MPD is as follows:

1,214 MF Dwelling Units

180 MF-Apartment Units

200 Assisted Living Units

1,438,110 sq. ft. Regional Retail

106,100 sq. ft. Community Retail

835,777 sq. ft. Office (of which 234,000 sq. ft. for medical office max)

8,000 sq. ft Bank with Drive-Thru

453 Hotel Rooms

The intensity of development in each Development Area and each individual tract is limited as provided for on the approved zoning Master Concept Plan for Coconut Point. (Exhibit A)

This hotel project is approved to develop a maximum of 111 hotel rooms.

5. DRI

Development must be consistent with the Tenth Development Order Amendment and Restatement for Coconut Point DRI attached hereto as Exhibit E and the Map H Master Concept Plan attached to said Development Order.

6. Maximum Building Height and Property Development Regulations (2.37-Acre Tract)

Height: 48 feet to the main parapet and 58 feet 6 inches to the top of the architectural tower element: see Deviation 2.

Minimum Building Setbacks:

Front: 30 feet

Side (East): 30 feet

Side (West): 20 feet

Rear: 30 feet

Open Space Requirements: 28% minimum: see Deviation 1.

Property Development Regulations for other tracts in the DRI are not amended and remain as per Ordinance 2017-02.

7. No Blasting

No development blasting is permitted as part of this project.

8. Utilities

This development must connect to water and sanitary sewer service at time of local development order. Underground electric utilities will be provided per the Land Development Code.

9. Pattern Book (2.37-Acre Tract)

The development must be consistent with the Pattern Book “Home2 Suites At Coconut Point Supplemental Pattern Book” stamped “Received May 8, 2025.”

10. Construction

~~Construction of buildings will be of concrete block, not wood frame.~~ Construction of the exterior walls of the hotel will be concrete masonry (concrete block), and all load-bearing elements will be of concrete with reinforcing steel as required by relevant codes and engineering standards.

11. Buffers

As part of local development order approval, the development order plans must demonstrate buffering consistent with the Home2 Suites Site Plan (Exhibit B), the Land Development Code, and the Pattern Book. As part of local development order approval, all required buffer planting must be 100% native vegetation.

12. Via Coconut Point Median Landscaping

The applicant has agreed to install and maintain median landscaping, including irrigation, in the median east of the property as shown in the location in the Pattern Book. The applicant will coordinate with Village of Estero Public Works staff to develop the palette of landscaping. The specific plantings will be determined at the time of local development order.

13. Concurrency

Approval of this rezoning does not constitute a finding that the proposed project meets the mandatory concurrency requirements set forth in the Land Development Code and the Comprehensive Plan. The developer is required to demonstrate compliance with all mandatory concurrency requirements prior to issuance of a local development order.

182 14. Lighting

183
184 Lighting will be reviewed at the time of local development order.

185
186 15. Radio Enhancement

187
188 The owner or owner's representative shall conduct an assessment model at the time of
189 local development order to determine if the minimum radio signal's strength for the
190 fire department communication is in compliance with NFPA1:11.10, NFPA
191 1221:11.3.9, standards for inbound and outbound signal strength and quality. If
192 minimum signal strength is not available, the applicant shall install radio enhancement
193 in the building.

194
195 16. Hurricane Preparedness

196
197 Hurricane impacts and the required mitigation will be evaluated during the review of
198 the local development order. The evaluation will be in accordance with Section 7-501
199 through 7-505, Land Development Code.

200
201 17. Replat

202
203 Prior to a local development order for the hotel being issued, a replat of the subject
204 property must be submitted, reviewed, and approved.

205
206 18. Land Development Code (LDC)

207
208 Where the Village LDC is referenced in these conditions of approval for
209 implementation of the condition at the time of development order issuance, the LDC in
210 effect at the time of the local development order shall be applicable.

211
212 **Section 3. Deviations.**

213
214 Deviation 1 requests to deviate from the Land Development Code (LDC) Section 5-408.C
215 Open Space Standards, which requires a minimum of 30% open space, to allow 28% open
216 space for this development.

217
218 Deviation 1 is approved.

219
220 Deviation 2 requests to deviate from the Land Development Code (LDC) Section 3-706.C
221 Intensity and Dimensional standards, which allows a maximum building height of 45 feet,
222 to allow a maximum building height of 48 feet to the main parapet and 58 feet 6 inches to
223 the top of the architectural tower element.

224
225 Deviation 2 is approved.

Section 4. Findings and Conclusions.

Based upon an analysis of the application and the standards for approval in the Land Development Code, and the conditions of approval, the Council finds and concludes as follows:

1. The Planned Development Amendment as conditioned will be consistent with the goals, objectives, and policies of the Comprehensive Plan.
2. The Planned Development Amendment as conditioned will not conflict with any portion of the Land Development Code.
3. The Planned Development Amendment will address a community need.
4. The Planned Development Amendment as conditioned will be compatible with existing and planned uses surrounding the subject land.
5. The Planned Development Amendment will result in a logical and orderly development pattern.
6. The Planned Development Amendment will not adversely affect the property values in the area.
7. The Planned Development Amendment will result in development that is adequately served by public facilities (roads, potable water, wastewater, solid waste, storm water, schools, parks, police, and fire and emergency medical facilities.)
8. The Planned Development Amendment as conditioned will not result in significantly adverse impacts on the natural environment, including but not limited to water, air, noise, storm water management, wildlife, vegetation, wetlands, and the natural functioning of the environment.
9. The Planned Development Amendment is compatible with existing or planned uses in the surrounding area.

Section 5. Exhibits.

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

Exhibit A Coconut Point MPD Master Concept Plan dated April 17, 2025

Exhibit B Two-page Site Plan titled “Home2 Suites Site Plan” stamped “Received May 8, 2025”

Exhibit C Legal Description

Exhibit D Pattern Book titled “Home2 Suites Supplemental Pattern Book” marked “Received May 8, 2025”.

Exhibit E Tenth Development Order Amendment and Restatement for Coconut Point DRI and attached Map H Master Concept Plan (plan dated April 17, 2025)

Section 6. Severability.

Should any section, paragraph, sentence, clause, phrase, or other part of this Ordinance subsequent to its effective date be declared by a court of competent jurisdiction to be invalid, such decision shall not affect the validity of this Ordinance as a whole or any portion thereof, other than the part so declared to be invalid.

Section 7. Effective Date.

This Ordinance shall take effect immediately upon adoption.

PASSED on first reading the 21st day of May, 2025.

PASSED AND ADOPTED BY THE VILLAGE COUNCIL of the Village of Estero, Florida on second reading this 2nd day of July, 2025.

Attest:

VILLAGE OF ESTERO, FLORIDA

By: 

Carol Sadco, Village Clerk

By: 

Joanne Ribble, Mayor

Reviewed for legal sufficiency:

By: 

Nancy E. Stroud, Village Land Use Attorney

Vote:	AYE	NAY
Mayor Ribble	<u>X</u>	_____
Councilmember Hunt	<u>X</u>	_____
Councilmember McLain	<u>X</u>	_____
Councilmember Fayhee	<u>X</u>	_____
Councilmember Lopez	<u>X</u>	_____
Councilmember Ward	<u>X</u>	_____
Vice Mayor Zalucki	<u>X</u>	_____



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

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

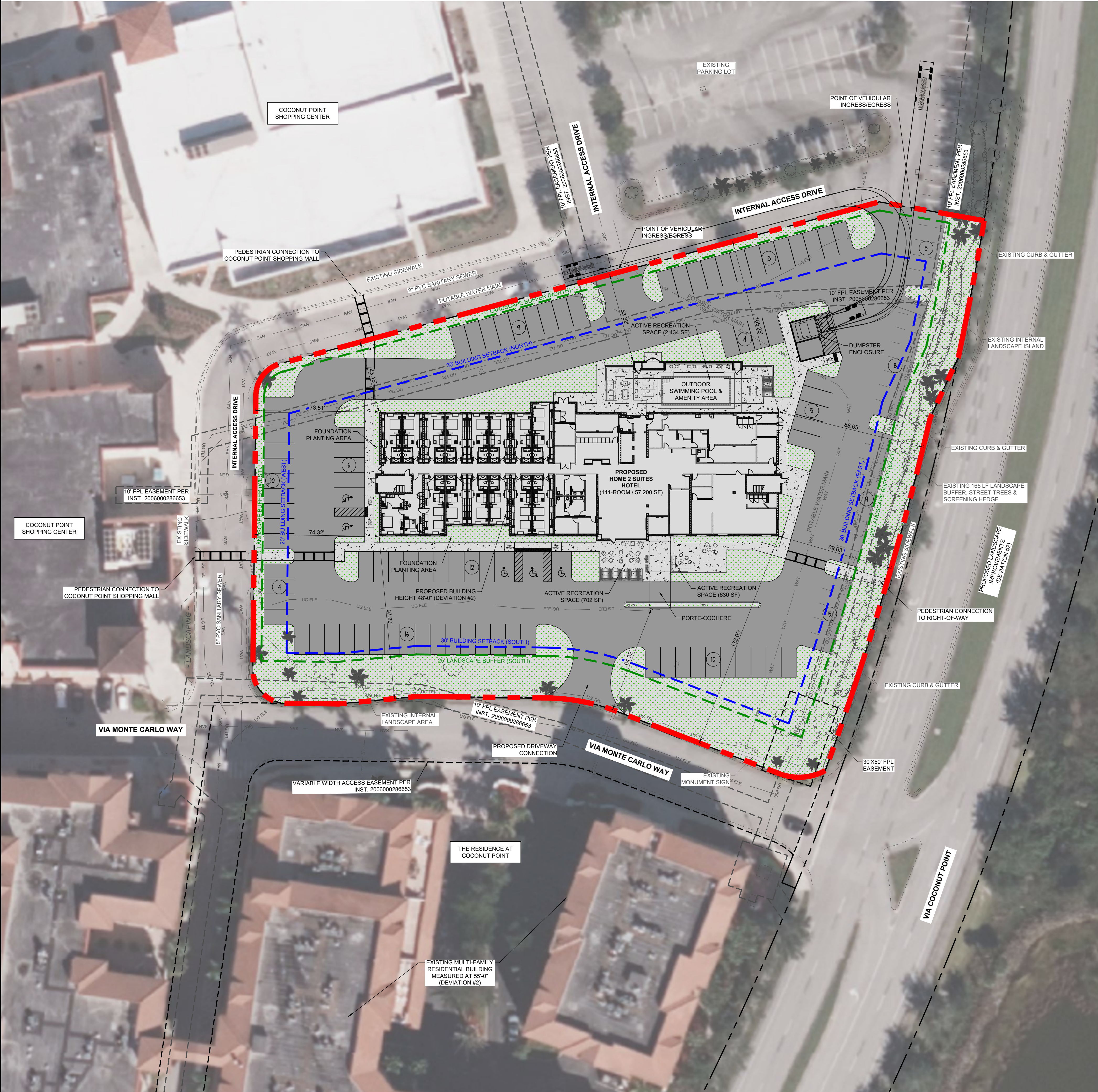
* M.F. / A.L.F./APT. UNITS MAY BE REPLACED WITH S.F. / T.F. / T.H. / DUPLEX USES SO LONG AS THE TOTAL NO. OF PEAK HOUR VEHICULAR TRIPS GENERATED BY THE DEVELOPMENT IS NOT INCREASED AND APPROVAL IS OBTAINED IN ACCORDANCE WITH RESOLUTION Z-02-009.

Development Area #2 [ALT 2, TRACT 2B ALT AREA = NO RESIDENTIAL]:		
Commercial Development (Tracts 2A - 2F)	134.7 Ac. x 19.52%	± 26.3 Ac.
Residential Development (Tract 2A)	5.8 Ac. x 23.60%	± 1.4 Ac.
	Sub-total:	± 27.7 Ac.

C. The project will be designed to facilitate the use of the Lee Tran services in accordance with Lee County LDC Sec. 34-411(e) and 10-442.

⊗ GENERAL LOCATION OF SERVICE AREAS

E.M.C DESIGN	C.R.B. DRAWN	C.L.K. CHKD
SCALE 1" = 400'		
JOB No. 340000-01-00		
DRAWING No. 340000		
DATE 4/17/25		
CONCEPT PLAN		
EXHIBIT IV-E		
SHEET		



PROPERTY INFORMATION		
PARCEL ID #:	09-47-25-E2-360SC.0010	
JURISDICTION:	VILLAGE OF ESTERO	
ZONING DISTRICT:	MIXED-USE PLANNED DEVELOPMENT (MPD) & US HWY-41 OVERLAY	
TOTAL SITE AREA:	2.372 AC / 103,310 SF	
LAND USE SCHEDULE		
SUBJECT PROPERTY	PROPOSED HOME2SUITES HOTEL	
NORTH:	COCONUT POINT (VACANT CINEMA)	
SOUTH:	THE RESIDENCES AT COCONUT POINT	
EAST:	SHADOW WOOD COMMUNITY & COUNTRY CLUB	
WEST:	COCONUT POINT (AMERICAN EAGLE & BUCKLE)	
PROPOSED BUILDING DATA		
TOTAL FLOORS:	4-STORY	
GROSS BUILDING AREA:	57,200 SF	
TOTAL ROOMS:	111-KEYS	
NON-RESIDENTIAL INTENSITY:	0.69	
SETBACKS & BUFFERS		
DIRECTION	BUILDING SETBACK	LANDSCAPE BUFFER
NORTH	30'-0"	5'-0"
SOUTH	30'-0"	25'-0"
EAST	30'-0"	20'-0"
WEST	20'-0"	5'-0"
MINIMUM PARKING REQUIREMENTS		
MINIMUM PARKING CRITERIA:	1 SPACES : 1.2 ROOM	
CALCULATION (MINIMUM):	93	
MAXIMUM PARKING CRITERIA:	125% OF MINIMUM	
CALCULATION (MAXIMUM):	116	
PROPOSED PARKING		
SPACE TYPE	SIZE	NO. PROPOSED
PROPOSED REGULAR	9' X 18'	111
PROPOSED ACCESSIBLE	12' X 18'	5
TOTAL		116
OPEN SPACE CRITERIA		
OPEN SPACE REQUIRED:	30%	30,993 SF
OPEN SPACE PROVIDED:	28%	28,885 SF

REQUESTED DEVIATIONS

1. DEVIATION 1 - OPEN SPACE CRITERIA (SECTION 5-408.C)
THE APPLICANT IS SEEKING RELIEF FOR THE MINIMUM 30% OPEN SPACE REQUIREMENT. DUE TO THE LOT SIZE AND CONFIGURATION THE MSP WAS DESIGNED TO MAXIMIZE THE OFF-STREET PARKING PROPOSED AND MAINTAIN THE EXISTING LANDSCAPE BUFFER ALONG THE RIGHT-OF-WAY. THE MCP HAS PROPOSED A TOTAL 28% OPEN SPACE AND PROPOSES TO INCREASE THE LANDSCAPE AREA ON-SITE FROM THE EXISTING PARKING LOT CONDITIONS. ADDITIONALLY, THE MCP HAS PROPOSED TO INSTALL LANDSCAPED AREAS AND STREET TREES WITHIN CENTER MEDIAN FOR THE VIA COCONUT POINT RIGHT-OF-WAY.

2. DEVIATION 2 - MAX. BUILDING HEIGHT (SECTION 3-706.C)
THE APPLICANT IS SEEKING RELIEF FOR THE MAXIMUM 45'-0" BUILDING HEIGHT REQUIREMENT. THE PROPOSED HOMES2SUITES BUILDING MEASURES 48'-0" IN HEIGHT TO THE MAIN PARAPET AND 58'-6" TO THE TOP OF THE ARCHITECTURAL TOWER ELEMENT PROPOSED, ON THE ADJACENT LOT TO THE SOUTH THERE IS AN EXISTING MULTI-FAMILY RESIDENTIAL COMMUNITY, THE RESIDENCE AT COCONUT POINT WITH 4-STORY BUILDINGS MEASURING 55'-0" IN HEIGHT.

MASTER CONCEPT PLAN NOTES

3-702.D.1.A
EXISTING EASEMENTS ARE SHOWN AND ARE LABELED ON THIS MASTER CONCEPT PLAN.

3-702.D.1.B
ALL VEHICULAR POINTS OF INGRESS/EGRESS ARE NOTED ON THE MASTER CONCEPT PLAN.

3-702.D.1.C
NONRESIDENTIAL FLOOR AREA: 71,316 SF (17,682 SF ON GROUND FLOOR)
NONRESIDENTIAL INTENSITY: 0.69 (103,310.68 SF / 71,316 SF)

3-702.D.1.D
THE PROPOSED PLANNED DEVELOPMENT IS NOT DIVIDED INTO LOTS OR PARCELS.

3-702.D.1.E
THE PROPOSED BUFFERS AND BUILDING SETBACKS ALONG EACH PROPERTY LINE ARE LABELED ON THE MASTER CONCEPT PLAN.

3-702.D.1.F
THE OPEN SPACE DESIGN PLAN TO DELINEATE INDIGENOUS PRESERVES AND/OR NATIVE TREE PRESERVATION AREAS IS NOT APPLICABLE AS THE SUBJECT PROPERTY IS AN EXISTING PARKING LOT.

3-702.D.1.G
OPEN SPACE REQUIRED: 30% (30,993 SF)
OPEN SPACE PROVIDED: 28% (28,471 SF)

3-702.D.1.H
THE PROPOSED ACTIVE RECREATION OPEN SPACES ARE LABELED ON THE MASTER CONCEPT PLAN.

3-702.D.1.I
THE LOCATION OF PROPOSED RECREATION AREAS AND PROPOSED PARKING SPACES ARE LABELED ON THE MASTER CONCEPT PLAN. NO INDIGENOUS AREAS OR FLOW WAYS ARE REQUIRED TO BE PRESERVED, RESTORED, OR CREATED; THEREFORE, THOSE ARE NOT SHOWN ON THE PLAN.

3-702.D.1.J
NO ENVIRONMENTALLY SENSITIVE LANDS EXIST ON THE SUBJECT PROPERTY.

3-702.D.1.K
THE ON-SITE PEDESTRIAN CIRCULATION SYSTEM IS SHOWN VIA THE PROPOSED SIDEWALKS ON THE MASTER CONCEPT PLAN. THE CONNECTION POINTS TO THE OFF-SITE PEDESTRIAN SYSTEM ARE LABELED ON THE MASTER CONCEPT PLAN.

3-702.D.1.L
THE CONNECTION POINTS TO THE OFF-SITE ROADS HAVE BEEN LABELED AND EACH OFF-SITE ROAD HAS BEEN LABELED ON THE MASTER CONCEPT PLAN.

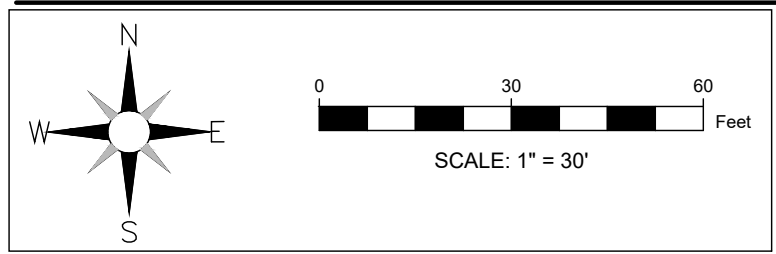
3-702.D.1.N
THE LOCATIONS OF THE EXISTING POTABLE WATER AND WASTEWATER LINES HAVE BEEN LABELED ON THE MASTER CONCEPT PLAN. CONNECTIONS TO THE MAIN LINES WILL BE PER BONITA SPRINGS UTILITIES, INC. REQUIREMENTS.

3-702.D.1.O
THERE ARE SEVERAL EXISTING STORM DRAINAGE STRUCTURES ON-SITE. THE PROPOSED DEVELOPMENT WILL CONNECT TO THESE EXISTING STRUCTURES. THE EXISTING STRUCTURES CONVEY STORMWATER TO AN EXISTING POND.

3-702.D.1.P
THE EXISTING DEVELOPMENT WHICH THIS PROPOSED HOTEL WILL BE JOINING, IS ALREADY SERVED BY OFF-SITE PUBLIC FACILITIES FOR FIRE PROTECTION, POLICE PROTECTION, EMERGENCY MANAGEMENT, AND SOLID WASTE MANAGEMENT.

CONCEPTUAL LAND USE BREAKDOWN	
HOTEL:	0.40 ACRES
HARDSCAPE/GREENSPACE/AMENITY AREAS:	1.97 ACRES
TOTAL:	2.37 ACRES
CONCEPTUAL OPEN SPACE BREAKDOWN	
OPEN SPACE REQUIRED:	30% (30,993 SF)
OPEN SPACE PROVIDED:	28% (28,471 SF)
PROPOSED NONRESIDENTIAL INTENSITY	
NONRESIDENTIAL FLOOR AREA:	71,316 SF
SITE AREA:	103,310 SF
NONRESIDENTIAL INTENSITY:	0.69

Received May 8, 2025



INGENIUM ENTERPRISES, INC.
19445 SHUMARD OAK DR.
SUITE 102
LAND O' LAKES, FL 34638
PHONE: (813) 387-0084

FBPE CERT. OF AUTHORITY #8370

INGENIUM PROJECT: 220037

PROJECT PM: NK

PROJECT RE: LW

ISSUE DATE: 10/18/2024

DWG NAME: 220037 MASTER CONCEPT PLAN DWG

THE CIVIL ENGINEER REGULARLY UPDATES ELECTRONIC FILES DURING THE DEVELOPMENT OF A PROJECT. AS A RESULT, THE DATA INCLUDED IN ANY CAD FILE OR DRAWING PRIOR TO ITS FINAL RELEASE DOES NOT NECESSARILY REFLECT THE COMPLETE SCOPE OR CONTENT AS DEFINED IN THE CONTRACT. THE CONTENTS IN THESE FILES MAY THEREFORE BE PRELIMINARY, INCOMPLETE WORK IN PROGRESS, AND SUBJECT TO CHANGE. FURTHERMORE, THE INFORMATION CONTAINED HEREIN IS THE EXCLUSIVE PROPERTY OF THE CIVIL ENGINEER. THE ORIGINAL IDEAS REPRESENTED HERE BY THIS INFORMATION SHALL NOT BE USED, ALTERED, OR REPRODUCED IN ANY MANNER WITHOUT THE EXPRESSED WRITTEN CONSENT OF THE CIVIL ENGINEER. THESE PLANS ARE SUBJECT TO FEDERAL COPYRIGHT LAWS. ANY USE OF SAME WITHOUT EXPRESSED WRITTEN PERMISSION OF THE CIVIL ENGINEER IS PROHIBITED.

CLIENT:
Peachtree Hotel Group
3500 Lenox Road - Suite 625
Atlanta, GA 30326
Phone: (470) 298-3648

HOME2
SUITES BY HILTON
COCONUT POINT
23106 FASHION DRIVE
ESTERO, FLORIDA 33928

REV.	DATE	DESCRIPTION

SEALED BY ENGINEER NAME, PE ON THE DATE ADJACENT TO THE SEAL ON THE COVER SHEET (COT.D).

PRINTED COPIES OF THIS DOCUMENT ARE NOT CONSIDERED SIGNED AND SEALED AND THE SIGNATURE MUST BE VERIFIED ON ANY ELECTRONIC

SEAL

SHEET NAME
SITE PLAN

SHEET NUMBER

1 OF 2

SUBMIT FOR APPROVAL



INGENIUM ENTERPRISES, INC.
19445 SHUMARD OAK DR.
SUITE 102
LAND O' LAKES, FL 34638
PHONE: (813) 387-0084

FBPE CERT. OF AUTHORITY #8370

INGENIUM PROJECT: 220037

PROJECT PM: NK

PROJECT RE: LW

ISSUE DATE: 10/18/2024

DWG NAME: 220037 MASTER CONCEPT PLAN DWG

THE CIVIL ENGINEER REGULARLY UPDATES ELECTRONIC FILES DURING THE DEVELOPMENT OF A PROJECT. AS A RESULT, THE DATA INCLUDED IN ANY CAD FILE OR DRAWING PRIOR TO ITS FINAL RELEASE DOES NOT NECESSARILY REFLECT THE COMPLETE SCOPE OR CONTENT AS DEFINED IN THE CONTRACT. THE CONTENTS IN THESE FILES MAY THEREFORE BE PRELIMINARY, INCOMPLETE WORK IN PROGRESS, AND SUBJECT TO CHANGE. FURTHERMORE, THE INFORMATION CONTAINED HEREIN IS THE EXCLUSIVE PROPERTY OF THE CIVIL ENGINEER. THE ORIGINAL IDEAS REPRESENTED HERE BY THIS INFORMATION SHALL NOT BE USED, ALTERED, OR REPRODUCED IN ANY MANNER WITHOUT THE EXPRESSED WRITTEN CONSENT OF THE CIVIL ENGINEER. THESE PLANS ARE SUBJECT TO FEDERAL COPYRIGHT LAWS. ANY USE OF SAME WITHOUT EXPRESSED WRITTEN PERMISSION OF THE CIVIL ENGINEER IS PROHIBITED.

CLIENT:

Peachtree Hotel Group
3500 Lenox Road - Suite 625
Atlanta, GA 30326
Phone: (470) 298-3648

HOMER2
SUITES BY HILTON
COCONUT POINT
23106 FASHION DRIVE
ESTERO, FLORIDA 33928

REV. DATE DESCRIPTION

PRINTED COPIES OF THIS DOCUMENT ARE NOT CONSIDERED SIGNED AND SEALED AND THE SIGNATURE MUST BE VERIFIED ON ANY ELECTRONIC

SEAL

SHEET NAME

SITE PLAN

SHEET NUMBER

SUBMIT FOR APPROVAL

PROPERTY INFORMATION		
PARCEL ID #:	09-47-25-E2-360SC.0010	
JURISDICTION:	VILLAGE OF ESTERO	
ZONING DISTRICT:	MIXED-USE PLANNED DEVELOPMENT (MPD) & US HWY-41 OVERLAY	
TOTAL SITE AREA:	2.372 AC / 103,310 SF	
LAND USE SCHEDULE		
SUBJECT PROPERTY	PROPOSED HOME2SUITES HOTEL	
NORTH:	COCONUT POINT (VACANT CINEMA)	
SOUTH:	THE RESIDENCES AT COCONUT POINT	
EAST:	SHADOW WOOD COMMUNITY & COUNTRY CLUB	
WEST:	COCONUT POINT (AMERICAN EAGLE & BUCKLE)	
PROPOSED BUILDING DATA		
TOTAL FLOORS:	4-STORY	
GROSS BUILDING AREA:	57,200 SF	
TOTAL ROOMS:	111-KEYS	
NON-RESIDENTIAL INTENSITY:	0.69	
SETBACKS & BUFFERS		
DIRECTION	BUILDING SETBACK	LANDSCAPE BUFFER
NORTH	30'-0"	5'-0"
SOUTH	30'-0"	25'-0"
EAST	30'-0"	20'-0"
WEST	20'-0"	5'-0"
MINIMUM PARKING REQUIREMENTS		
MINIMUM PARKING CRITERIA:	1 SPACES : 1.2 ROOM	
CALCULATION (MINIMUM):	93	
MAXIMUM PARKING CRITERIA:	125% OF MINIMUM	
CALCULATION (MAXIMUM):	116	
PROPOSED PARKING		
SPACE TYPE	SIZE	NO. PROPOSED
PROPOSED REGULAR	9' X 18'	111
PROPOSED ACCESSIBLE	12' X 18'	5
TOTAL		116
OPEN SPACE CRITERIA		
OPEN SPACE REQUIRED:	30%	30,993 SF
OPEN SPACE PROVIDED:	28%	28,885 SF

REQUESTED DEVIATIONS

- DEVIATION 1 - OPEN SPACE CRITERIA (SECTION 5-408.C)**
THE APPLICANT IS SEEKING RELIEF FOR THE MINIMUM 30% OPEN SPACE REQUIREMENT. DUE TO THE LOT SIZE AND CONFIGURATION THE MSP WAS DESIGNED TO MAXIMIZE THE OFF-STREET PARKING PROPOSED AND MAINTAIN THE EXISTING LANDSCAPE BUFFER ALONG THE RIGHT-OF-WAY. THE MCP HAS PROPOSED A TOTAL 28% OPEN SPACE AND PROPOSES TO INCREASE THE LANDSCAPE AREA ON-SITE FROM THE EXISTING PARKING LOT CONDITIONS. ADDITIONALLY, THE MCP HAS PROPOSED TO INSTALL LANDSCAPED AREAS AND STREET TREES WITHIN CENTER MEDIAN FOR THE VIA COCONUT POINT RIGHT-OF-WAY.
- DEVIATION 2 - MAX. BUILDING HEIGHT (SECTION 3-706.C)**
THE APPLICANT IS SEEKING RELIEF FOR THE MAXIMUM 45'-0" BUILDING HEIGHT REQUIREMENT. THE PROPOSED HOMES2SUITES BUILDING MEASURES 48'-0" IN HEIGHT TO THE MAIN PARAPET AND 58'-6" TO THE TOP OF THE ARCHITECTURAL TOWER ELEMENT PROPOSED, ON THE ADJACENT LOT TO THE SOUTH THERE IS AN EXISTING MULTI-FAMILY RESIDENTIAL COMMUNITY, THE RESIDENCE AT COCONUT POINT WITH 4-STORY BUILDINGS MEASURING 55'-0" IN HEIGHT.

MASTER CONCEPT PLAN NOTES

- 3-702.D.1.A
EXISTING EASEMENTS ARE SHOWN AND ARE LABELED ON THIS MASTER CONCEPT PLAN.
- 3-702.D.1.B
ALL VEHICULAR POINTS OF INGRESS/EGRESS ARE NOTED ON THE MASTER CONCEPT PLAN.
- 3-702.D.1.C
NONRESIDENTIAL FLOOR AREA: 71,316 SF (17,682 SF ON GROUND FLOOR)
NONRESIDENTIAL INTENSITY: 0.69 (103,310.68 SF / 71,316 SF)
- 3-702.D.1.D
THE PROPOSED PLANNED DEVELOPMENT IS NOT DIVIDED INTO LOTS OR PARCELS.
- 3-702.D.1.E
THE PROPOSED BUFFERS AND BUILDING SETBACKS ALONG EACH PROPERTY LINE ARE LABELED ON THE MASTER CONCEPT PLAN.
- 3-702.D.1.F
THE OPEN SPACE DESIGN PLAN TO DELINEATE INDIGENOUS PRESERVES AND/OR NATIVE TREE PRESERVATION AREAS IS NOT APPLICABLE AS THE SUBJECT PROPERTY IS AN EXISTING PARKING LOT.
- 3-702.D.1.G
OPEN SPACE REQUIRED: 30% (30,993 SF)
OPEN SPACE PROVIDED: 28% (28,471 SF)
- 3-702.D.1.H
THE PROPOSED ACTIVE RECREATION OPEN SPACES ARE LABELED ON THE MASTER CONCEPT PLAN.
- 3-702.D.1.I
THE LOCATION OF PROPOSED RECREATION AREAS AND PROPOSED PARKING SPACES ARE LABELED ON THE MASTER CONCEPT PLAN. NO INDIGENOUS AREAS OR FLOW WAYS ARE REQUIRED TO BE PRESERVED, RESTORED, OR CREATED; THEREFORE, THOSE ARE NOT SHOWN ON THE PLAN.
- 3-702.D.1.J
NO ENVIRONMENTALLY SENSITIVE LANDS EXIST ON THE SUBJECT PROPERTY.
- 3-702.D.1.K
THE ON-SITE PEDESTRIAN CIRCULATION SYSTEM IS SHOWN VIA THE PROPOSED SIDEWALKS ON THE MASTER CONCEPT PLAN. THE CONNECTION POINTS TO THE OFF-SITE PEDESTRIAN SYSTEM ARE LABELED ON THE MASTER CONCEPT PLAN.
- 3-702.D.1.L
THE CONNECTION POINTS TO THE OFF-SITE ROADS HAVE BEEN LABELED AND EACH OFF-SITE ROAD HAS BEEN LABELED ON THE MASTER CONCEPT PLAN.
- 3-702.D.1.N
THE LOCATIONS OF THE EXISTING POTABLE WATER AND WASTEWATER LINES HAVE BEEN LABELED ON THE MASTER CONCEPT PLAN. CONNECTIONS TO THE MAIN LINES WILL BE PER BONITA SPRINGS UTILITIES, INC. REQUIREMENTS.
- 3-702.D.1.O
THERE ARE SEVERAL EXISTING STORM DRAINAGE STRUCTURES ON-SITE. THE PROPOSED DEVELOPMENT WILL CONNECT TO THESE EXISTING STRUCTURES. THE EXISTING STRUCTURES CONVEY STORMWATER TO AN EXISTING POND.
- 3-702.D.1.P
THE EXISTING DEVELOPMENT WHICH THIS PROPOSED HOTEL WILL BE JOINING, IS ALREADY SERVED BY OFF-SITE PUBLIC FACILITIES FOR FIRE PROTECTION, POLICE PROTECTION, EMERGENCY MANAGEMENT, AND SOLID WASTE MANAGEMENT.

CONCEPTUAL LAND USE BREAKDOWN

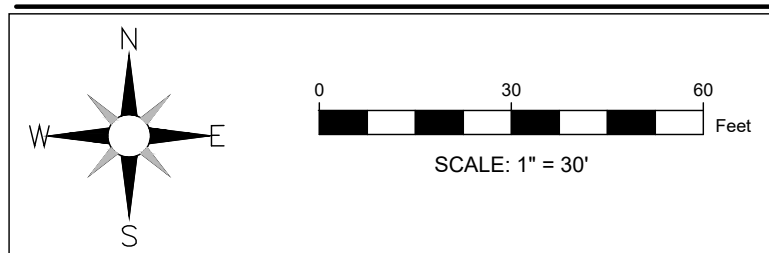
HOTEL:	0.40 ACRES
HARDSCAPE/GREENSPACE/AMENITY AREAS:	1.97 ACRES
TOTAL:	2.37 ACRES

CONCEPTUAL OPEN SPACE BREAKDOWN

OPEN SPACE REQUIRED:	30% (30,993 SF)
OPEN SPACE PROVIDED:	28% (28,471 SF)

PROPOSED NONRESIDENTIAL INTENSITY

NONRESIDENTIAL FLOOR AREA:	71,316 SF
SITE AREA:	103,310 SF
NONRESIDENTIAL INTENSITY:	0.69



Legal Description

A portion of Tract SC-1, Coconut Point - Area 2, s subdivision according to the map or plat thereof, as recorded in Official Records Instrument Number 2006000409925, of the Public Records of Lee County, Florida, being more particularly described as follows:

Commence at the Northeast corner of the Northeast quarter of Section 9, Township 47 South, Range 25 East for a point of reference; thence run along the Northerly line of said Northeast quarter of Section 9 South $88^{\circ} 15' 46''$ West 10.31 feet to a point in the Easterly right-of-way line of Via Coconut Point, a 100 foot public right-of-way, thence departing said Northerly line of the Northeast quarter of Section 9 and along said Easterly right-of-way line, South $00^{\circ} 59' 47''$ East 442.94 feet to a point marking the point of curvature of said Via Coconut Point; thence departing said Easterly right-of-way line South $89^{\circ} 00' 13''$ West 100.00 feet to a point in the Westerly right-of-way line of Via Coconut Point, and the point of curvature of such; thence curving to the right on a circular curve concave Westerly along said Westerly right-of-way line, having a radius of 1853.89 feet, a central angle of $10^{\circ} 24' 00''$, subtended by a chord bearing of South $04^{\circ} 12' 28''$ West a chord distance of 336.05 feet and an arc distance of 336.51 feet to the Point of Beginning; thence continuing along said Westerly right-of-way line, curving to the right on a circular curve concave Westerly, having a radius of 1853.89 feet, a central angle of $02^{\circ} 33' 26''$, subtended by a chord bearing of South $10^{\circ} 41' 11''$ West a chord distance of 82.74 feet and an arc distance of 82.74 feet to a point being the Northeast corner to Tract R-7 (an 8.50 foot roadway widening tract) as shown on aforementioned plat recorded in Official Records Instrument Number 2006000409925, Sheet 5; thence along the Westerly line of said Tract R-7, South $2449' 37''$ West 40.04 feet to a point of curvature; thence departing said Westerly line of Tract R-7, along the Northerly line of a variable width access easement, curving to the right on a circular curve concave Westerly along said Westerly line of Tract R-7, having a radius of 1845.39 feet, a central angle of $06^{\circ} 48' 38''$, subtended by a chord bearing of South $16^{\circ} 34' 56''$ West a chord distance of 219.22 feet and an arc distance of 219.35; thence curving to the right on a circular curve concave to the North, having a radius of 33.00 feet, a central angle of $49^{\circ} 17' 13''$, subtended by a chord bearing of South $86^{\circ} 20' 48''$ West a chord distance of 27.52 feet and an arc distance of 28.39 feet; thence continuing along said Northerly line of a variable width access easement, North $69^{\circ} 00' 36''$ West a distance of 103.35 feet to a point of curvature; thence continuing along said Northerly line of an access easement, curving to the left on a circular curve concave Southerly, having a radius of 122.00 feet, a central angle of $20^{\circ} 19' 13''$, subtended by a chord bearing of North $79^{\circ} 10' 13''$ West a chord distance of 43.04 feet and on arc distance of 43.27 feet; thence continuing along said Northerly line of a variable width access easement North $89^{\circ} 19' 49''$ West a distance of 76.50 feet; thence, still along said Northerly line, South $84^{\circ} 35' 41''$ West a distance of 47.35 feet; thence continuing along the Northerly line of a variable width access easement, North $89^{\circ} 18' 43''$ West a distance of 31.48 feet to a point of curvature; thence, departing said Northerly line of a variable width access easement, curving to the right on a circular curve concave Northeastwardly with a radius of 20.00 feet, a central angle of $89^{\circ} 56' 24''$, subtended by a chord bearing of North $44^{\circ} 20' 31''$ West a chord distance of 28.27 and an arc distance of 31.40; thence North $00^{\circ} 37' 41''$ East a distance of 163.18 feet to a point of curvature; thence curving to the right on a circular curve concave to the Southeast with a radius of 20.00 feet, a central angle of $74^{\circ} 15' 39''$, subtended by a chord bearing of North

$37^{\circ} 45' 31''$ East a chord distance of 24.15 feet and an arc distance of 25.92 feet; thence North $74^{\circ} 53' 20''$ East a distance of 369.50 feet; thence South $79^{\circ} 49' 41''$ East a distance of 63.52 feet returning to the Point of Beginning.

Containing 103,310.68 square feet, or 2.372 acres, more or less.

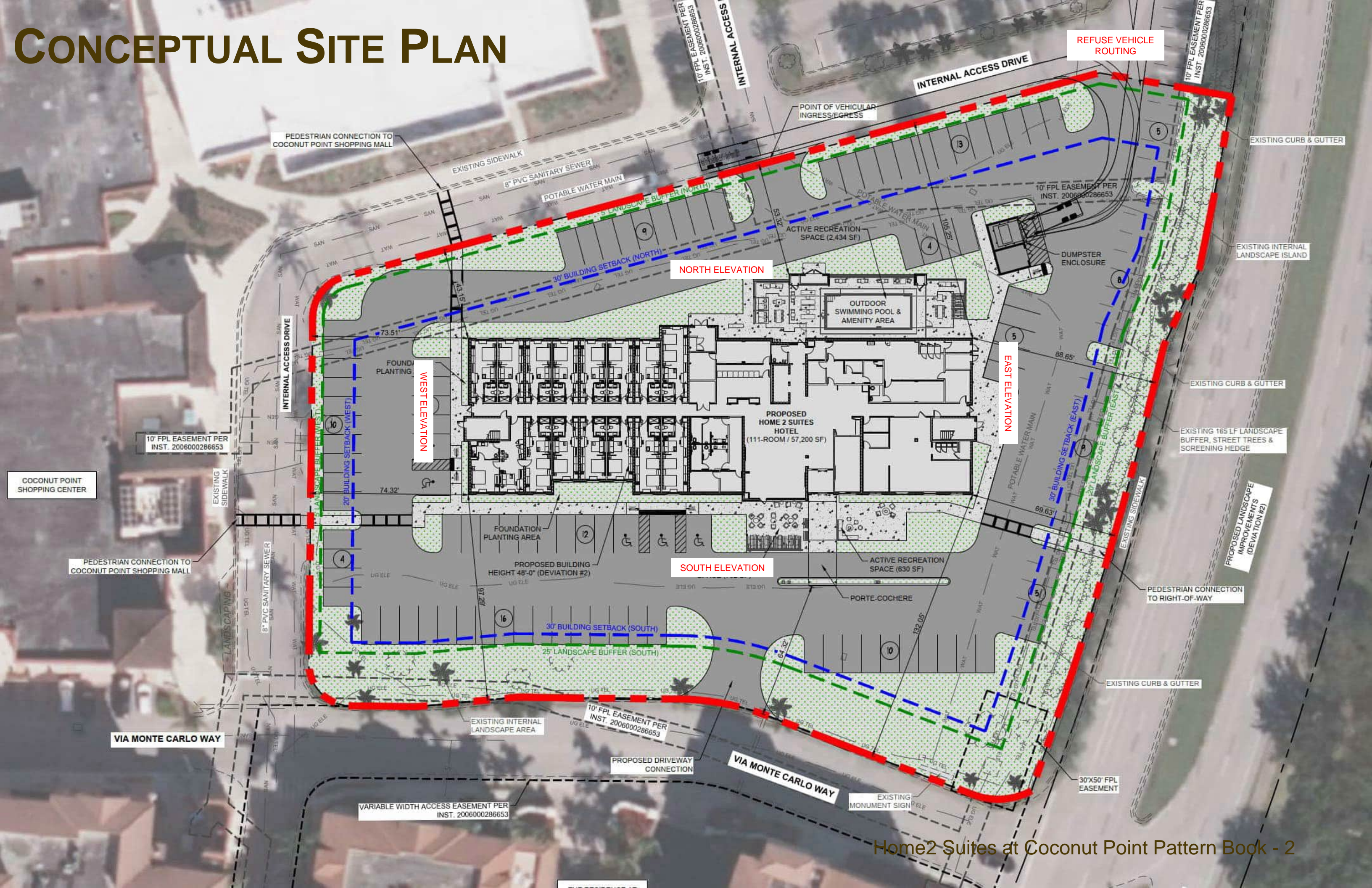
HOME2 SUITES AT COCONUT POINT SUPPLEMENTAL PATTERN BOOK

Received May 8, 2025

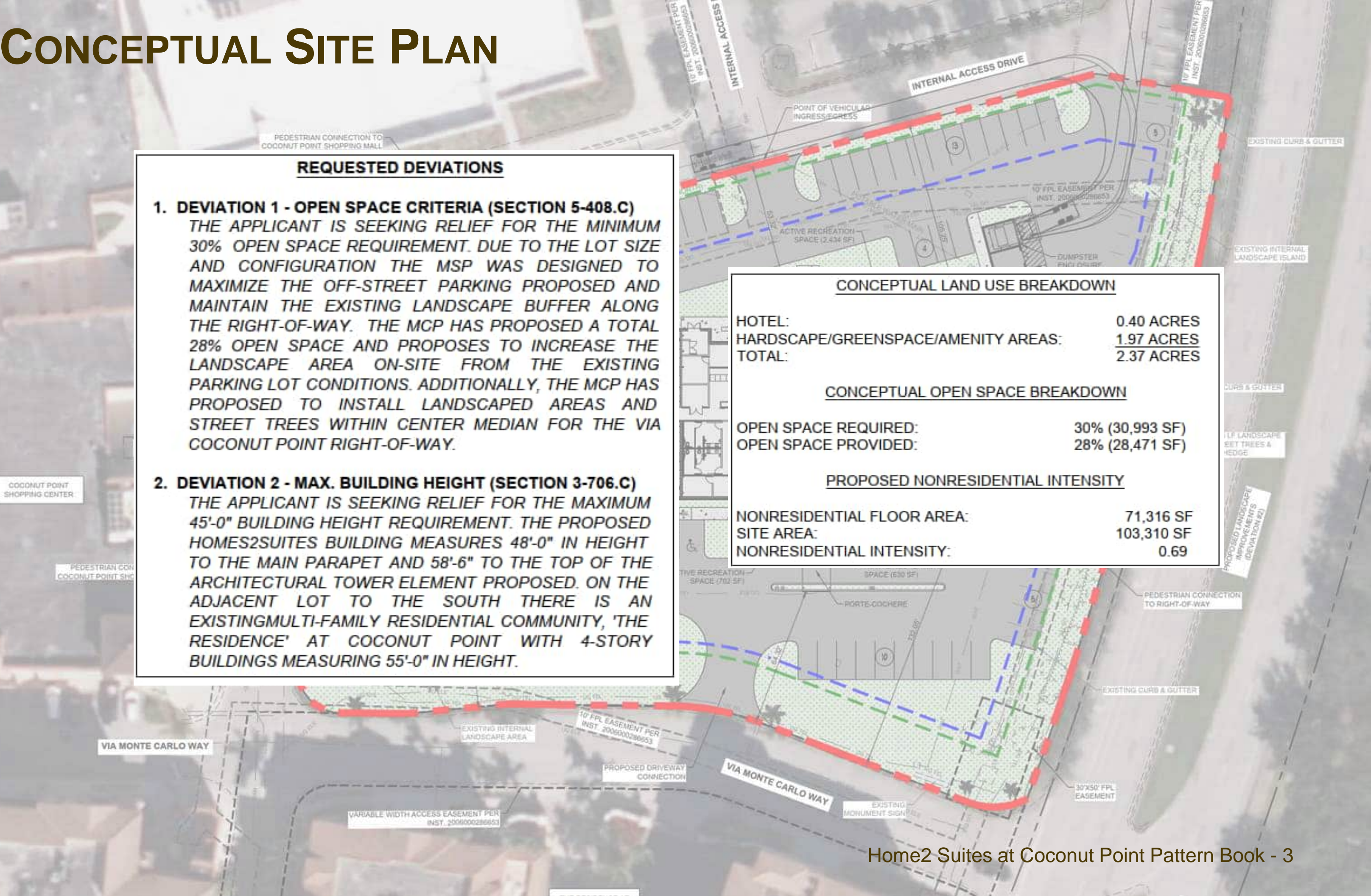


Peachtree
Group

CONCEPTUAL SITE PLAN



CONCEPTUAL SITE PLAN



REQUESTED DEVIATIONS

- 1. DEVIATION 1 - OPEN SPACE CRITERIA (SECTION 5-408.C)**

THE APPLICANT IS SEEKING RELIEF FOR THE MINIMUM 30% OPEN SPACE REQUIREMENT. DUE TO THE LOT SIZE AND CONFIGURATION THE MSP WAS DESIGNED TO MAXIMIZE THE OFF-STREET PARKING PROPOSED AND MAINTAIN THE EXISTING LANDSCAPE BUFFER ALONG THE RIGHT-OF-WAY. THE MCP HAS PROPOSED A TOTAL 28% OPEN SPACE AND PROPOSES TO INCREASE THE LANDSCAPE AREA ON-SITE FROM THE EXISTING PARKING LOT CONDITIONS. ADDITIONALLY, THE MCP HAS PROPOSED TO INSTALL LANDSCAPED AREAS AND STREET TREES WITHIN CENTER MEDIAN FOR THE VIA COCONUT POINT RIGHT-OF-WAY.
- 2. DEVIATION 2 - MAX. BUILDING HEIGHT (SECTION 3-706.C)**

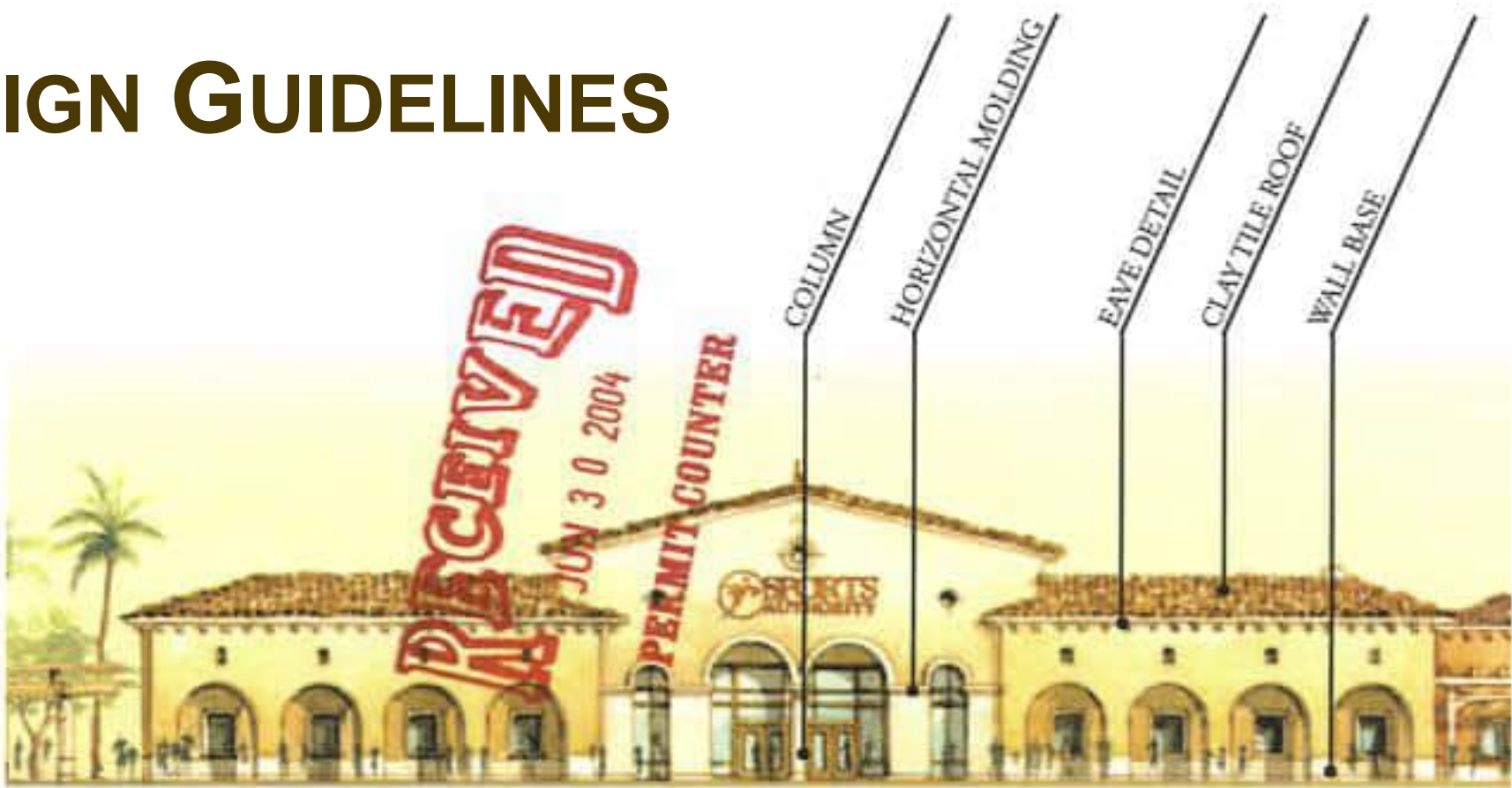
THE APPLICANT IS SEEKING RELIEF FOR THE MAXIMUM 45'-0" BUILDING HEIGHT REQUIREMENT. THE PROPOSED HOMES2SUITES BUILDING MEASURES 48'-0" IN HEIGHT TO THE MAIN PARAPET AND 58'-6" TO THE TOP OF THE ARCHITECTURAL TOWER ELEMENT PROPOSED. ON THE ADJACENT LOT TO THE SOUTH THERE IS AN EXISTING MULTI-FAMILY RESIDENTIAL COMMUNITY, 'THE RESIDENCE' AT COCONUT POINT WITH 4-STORY BUILDINGS MEASURING 55'-0" IN HEIGHT.

CONCEPTUAL LAND USE BREAKDOWN	
HOTEL:	0.40 ACRES
HARDSCAPE/GREENSPACE/AMENITY AREAS:	1.97 ACRES
TOTAL:	2.37 ACRES

CONCEPTUAL OPEN SPACE BREAKDOWN	
OPEN SPACE REQUIRED:	30% (30,993 SF)
OPEN SPACE PROVIDED:	28% (28,471 SF)

PROPOSED NONRESIDENTIAL INTENSITY	
NONRESIDENTIAL FLOOR AREA:	71,316 SF
SITE AREA:	103,310 SF
NONRESIDENTIAL INTENSITY:	0.69

COCONUT POINT DESIGN GUIDELINES



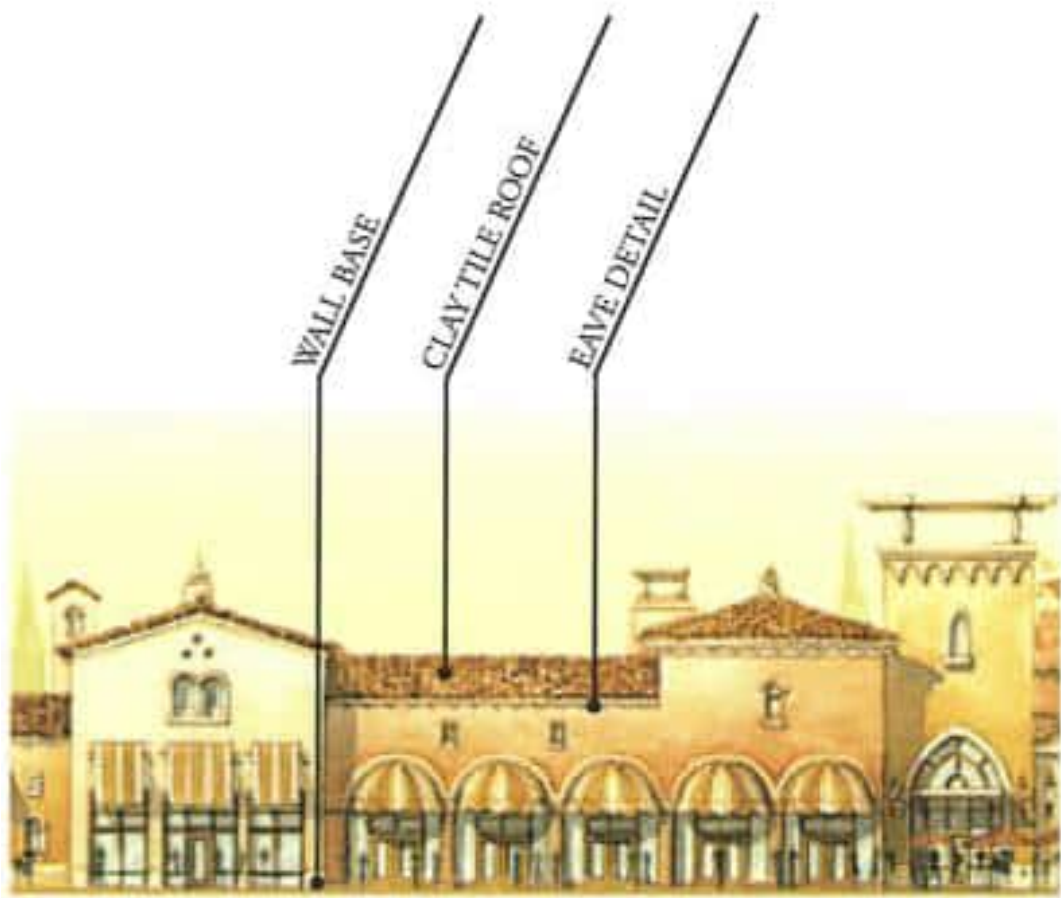
Elevation - Type A2

ADD 2004-00060

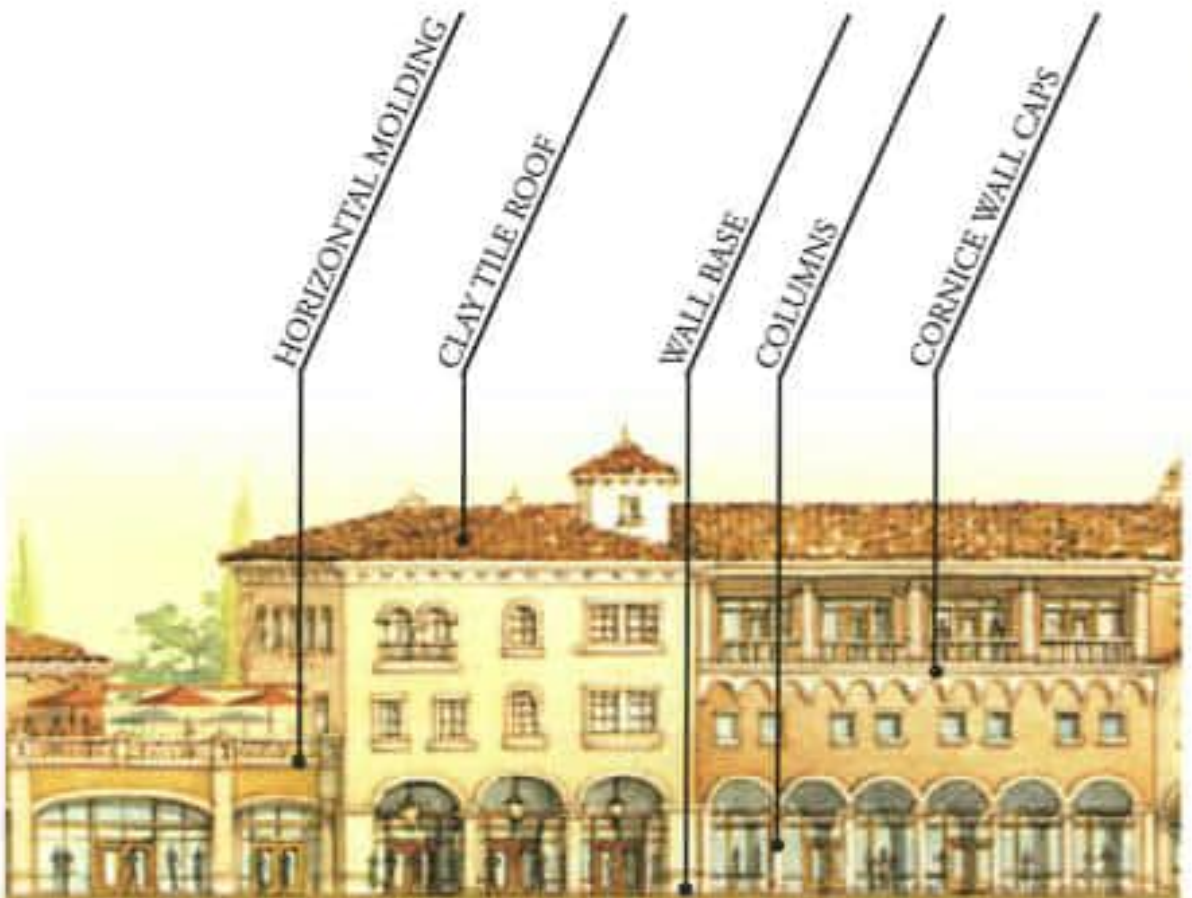
35

PART 2

ARCHITECTURE



Elevation - Type A3



Elevation - Type A4

EXISTING SITE PHOTOGRAPHS



FRONT



FRONT



FRONT ENTRY



REAR



REAR



REAR ENTRY



NORTH AND SOUTH ELEVATIONS



NORTH BUILDING ELEVATION (REAR)
SCALE: 1/8" = 1'-0"



SOUTH BUILDING ELEVATION (FRONT)
SCALE: 1/8" = 1'-0"

EAST AND WEST ELEVATIONS



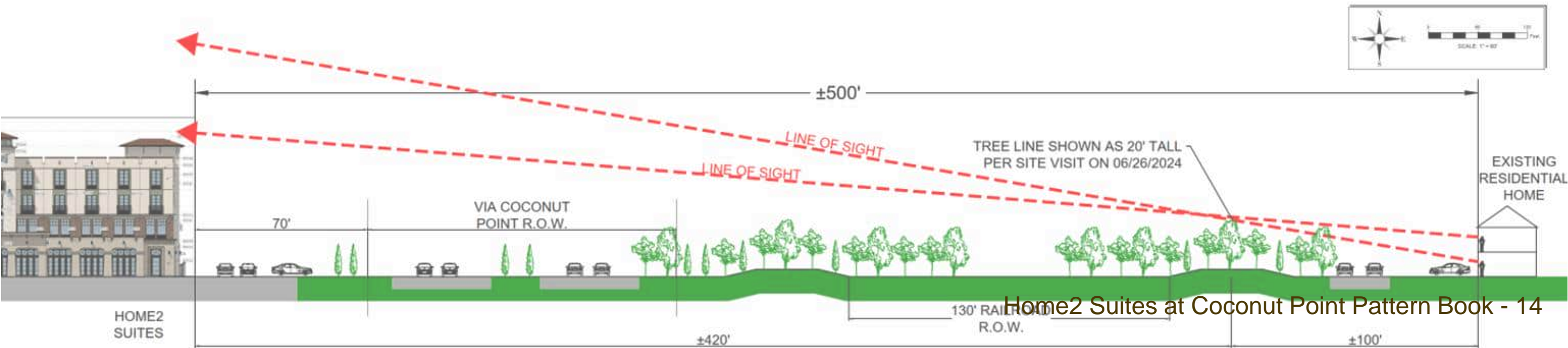
EAST BUILDING ELEVATION (RIGHT)
SCALE: 1/8" = 1'-0"



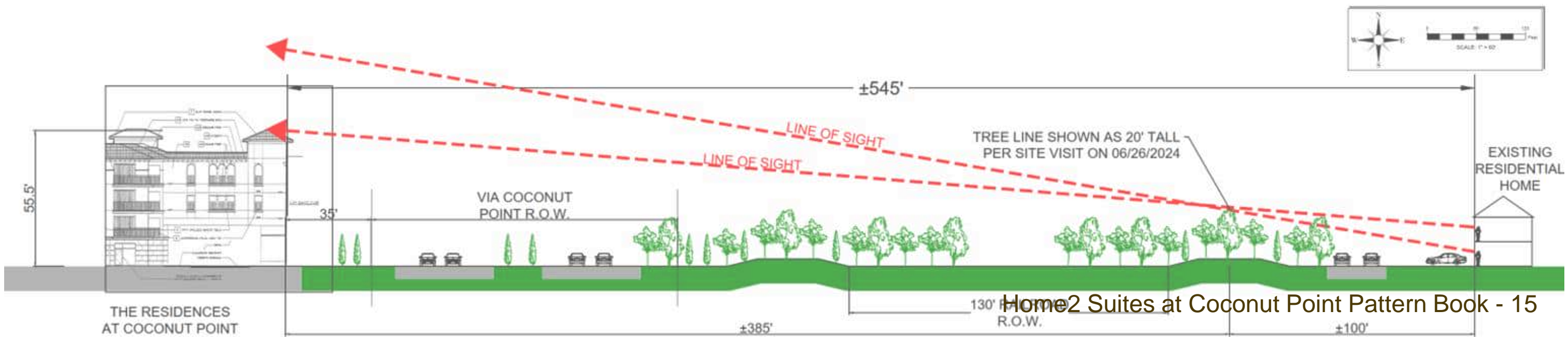
WEST BUILDING ELEVATION (LEFT)
SCALE: 1/8" = 1'-0"

- s1**
EXTERIOR STUCCO SYSTEM
TEXTURE:
LIGHT SAND FINISH
COLOR TO MATCH:
SW 6178 - CLARY SAGE
- s2**
EXTERIOR STUCCO SYSTEM
TEXTURE:
LIMESTONE FINISH
COLOR TO MATCH:
SW 7035 - AESTHETIC WHITE
- s3**
EXTERIOR STUCCO SYSTEM
TEXTURE:
LIGHT SAND FINISH
COLOR TO MATCH:
SW 9025 - CORIANDER POWDER
- s4**
EXTERIOR STUCCO SYSTEM
TEXTURE:
LIGHT SAND FINISH
COLOR TO MATCH:
SW 7534 - OUTERBANKS
- s5**
EXTERIOR STUCCO SYSTEM
TEXTURE:
LARGE FORMAT STONE
COLOR TO MATCH:
VARIED COLOR TO MATCH
SW 7534 & SW7035
- s6**
EXTERIOR STUCCO SYSTEM
TEXTURE:
LARGE FORMAT CORAL STONE
COLOR TO MATCH:
COLOR TO MATCH
SW 7534
- s7**
CEMETITIOUS BARREL TILE ROOFING
COLOR TO MATCH:
ADOBE

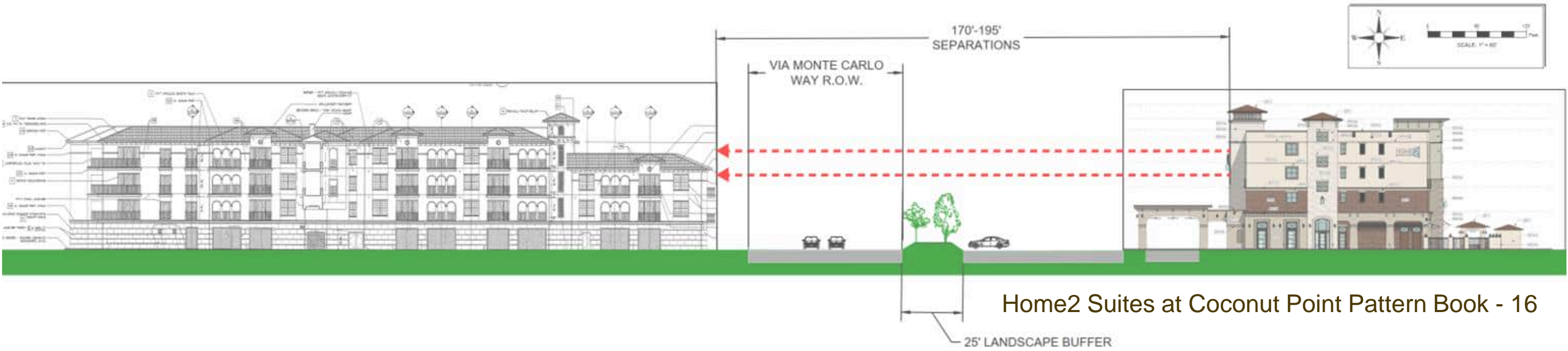
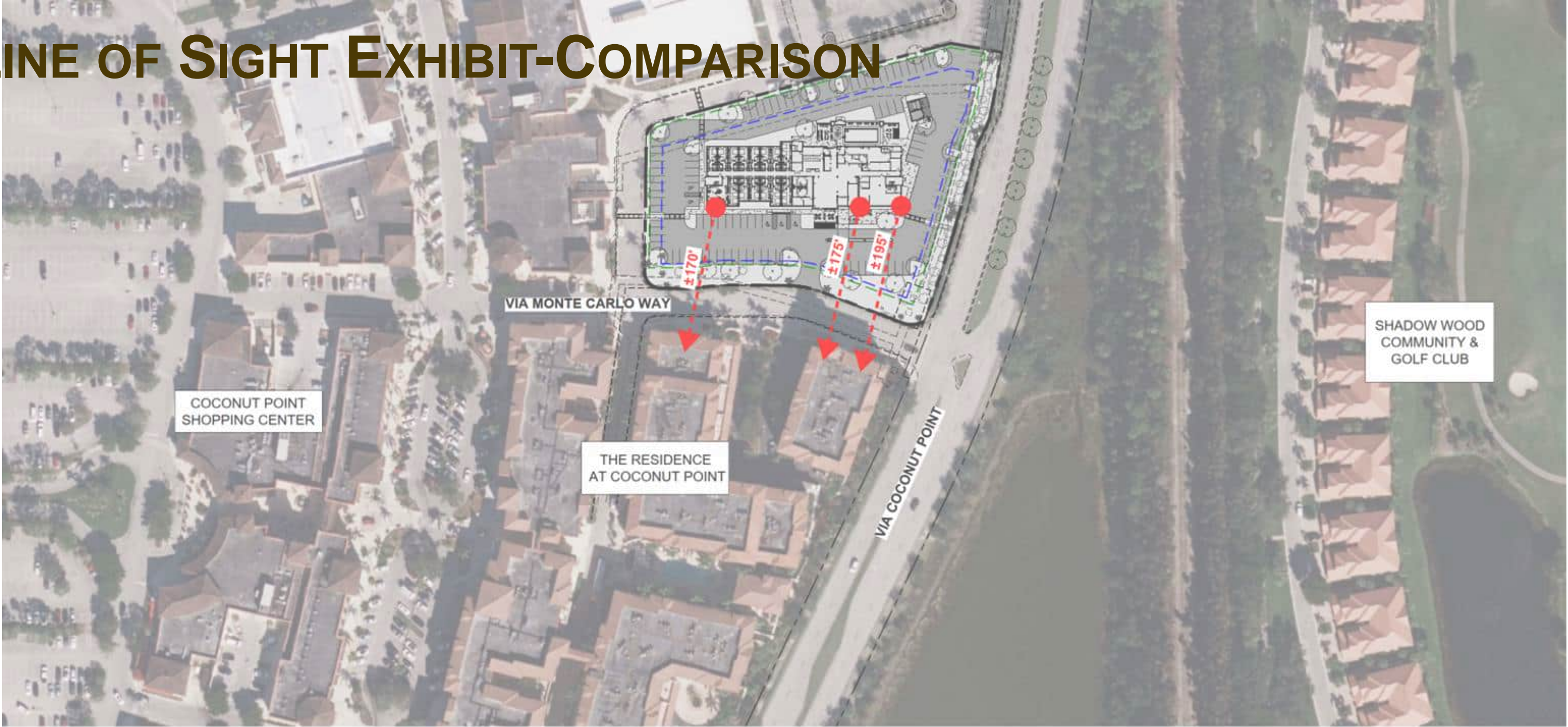
LINE OF SIGHT EXHIBIT-HOME2 SUITES



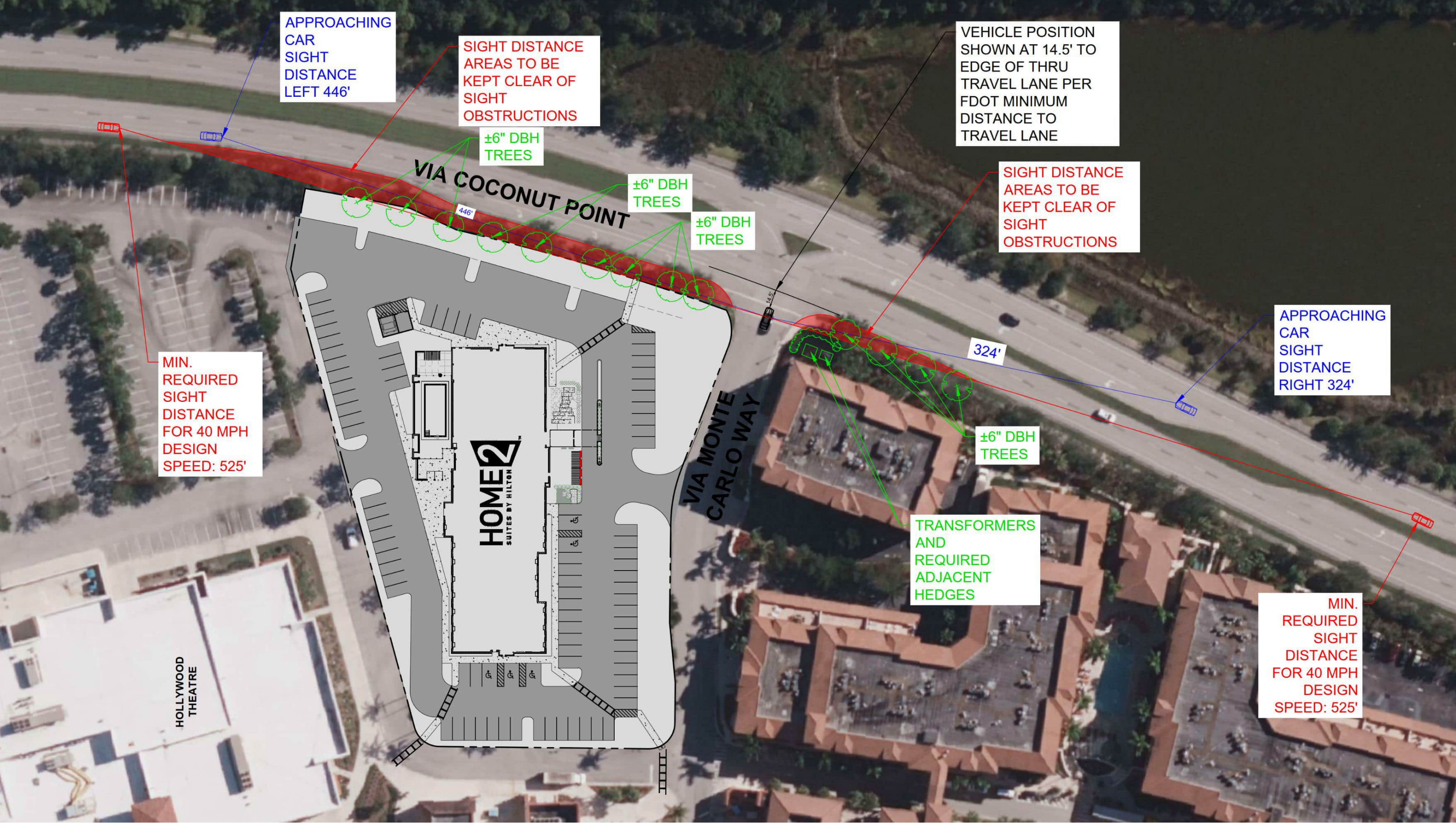
LINE OF SIGHT EXHIBIT-EXISTING



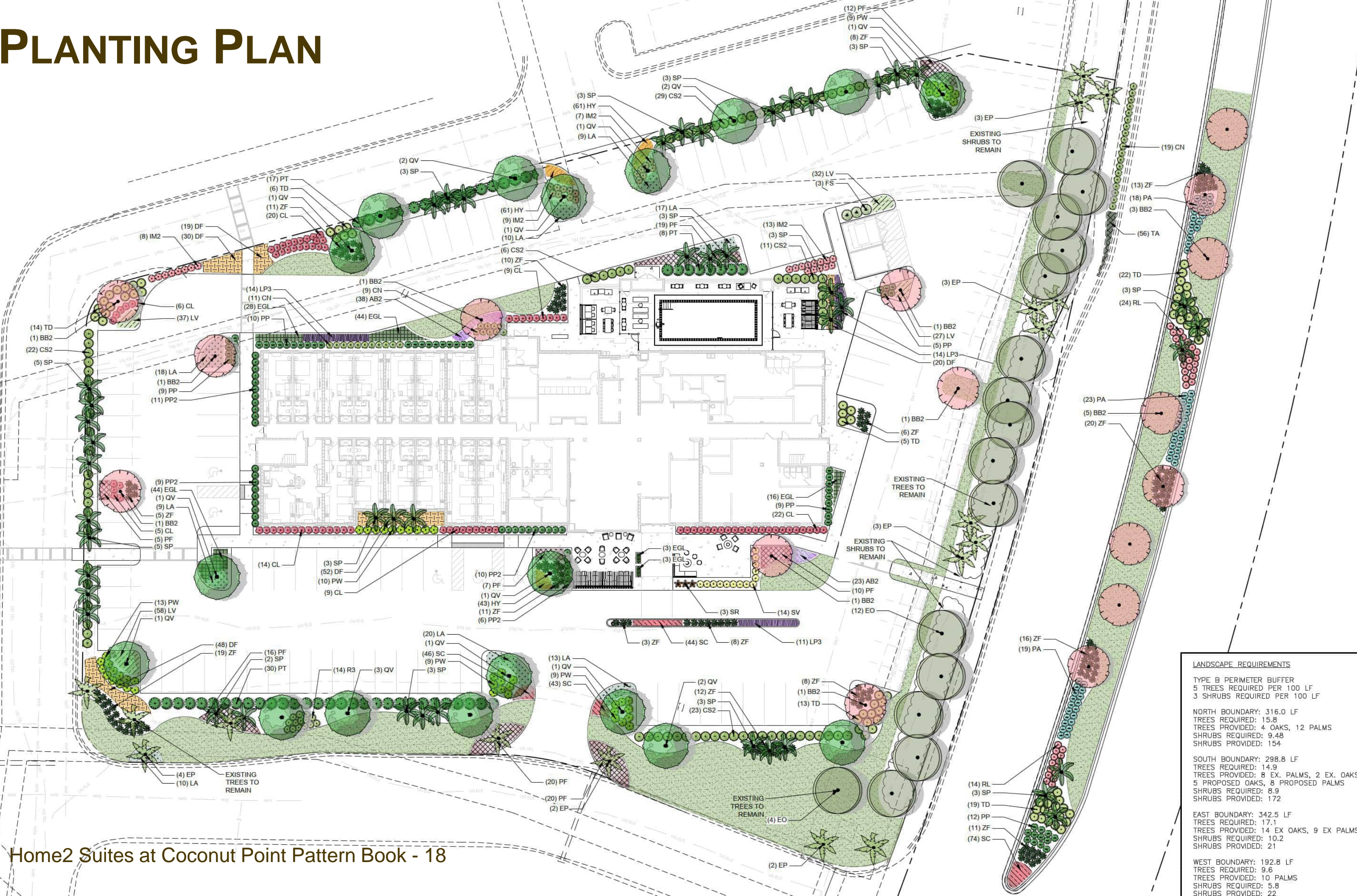
LINE OF SIGHT EXHIBIT-COMPARISON



EXISTING SIGHT DISTANCE EXHIBIT






























PLANTING PLAN



LANDSCAPE REQUIREMENTS	
TYPE B PERIMETER BUFFER	
5 TREES REQUIRED PER 100 LF	
3 SHRUBS REQUIRED PER 100 LF	
NORTH BOUNDARY: 316.0 LF	
TREES REQUIRED: 15.8	
TREES PROVIDED: 4 OAKS, 12 PALMS	
SHRUBS REQUIRED: 9.48	
SHRUBS PROVIDED: 154	
SOUTH BOUNDARY: 298.8 LF	
TREES REQUIRED: 14.9	
TREES PROVIDED: 8 EX. PALMS, 2 EX. OAKS,	
5 PROPOSED OAKS, 8 PROPOSED PALMS	
SHRUBS REQUIRED: 8.9	
SHRUBS PROVIDED: 172	
EAST BOUNDARY: 342.5 LF	
TREES REQUIRED: 17.1	
TREES PROVIDED: 14 EX OAKS, 9 EX PALMS	
SHRUBS REQUIRED: 10.2	
SHRUBS PROVIDED: 21	
WEST BOUNDARY: 192.8 LF	
TREES REQUIRED: 9.6	
TREES PROVIDED: 10 PALMS	
SHRUBS REQUIRED: 5.8	
SHRUBS PROVIDED: 22	

PLANT SCHEDULE COCONUT POINT HOTEL

SYMBOL	CODE	QTY	BOTANICAL NAME	COMMON NAME	CONT	CAL	HT	REMARKS
TREES								
	BB2	8	DELONIX REGIA	ROYAL POINCIANA	B&B OR CONT	3"CAL	12-14' HT	FULL HEAD, SPECIMEN QUALITY, MIN. 12' CLEAR TRUNK
	EO	17	EXISTING OAK	EXISTING OAK	N/A			EXISTING OAK TO REMAIN
	EP	17	EXISTING PALM	EXISTING PALM	N/A			EXISTING PALM TO REMAIN
	QV	18	QUERCUS VIRGINIANA	SOUTHERN LIVE OAK	B&B OR CONT	3"CAL	12'-14'	FULL HEAD, SPECIMEN QUALITY, MIN. 6' CLEAR TRUNK
	SP	39	SABAL PALMETTO	SABAL PALM	FG		14-16' H	CLEAR-TRUNK HEIGHT NOTED
SYMBOL	CODE	QTY	BOTANICAL NAME	COMMON NAME	CONT	HT	SPACING	REMARKS
SHRUBS								
	CL	85	CALLISTEMON CITRINUS 'LITTLE JOHN'	LITTLE JOHN DWARF BOTTLEBRUSH	N/A	24" MIN.	36" o.c.	FULL FORM
	CN	20	CLUSIA GLUTTIFERA 'NANA'	DWARF CLUSIA	3 GAL		36" o.c.	FULL FORM
	CS2	91	CLUSIA GUTTIFERA	CLUSIA	N/A	36" MIN.	48" o.c.	FULL FORM
	FS	3	FEIJOA SELLOWIANA	PINEAPPLE GUAVA	N/A	24" MIN.	54" o.c.	FULL FORM
	IM2	37	IXORA COCCINEA 'NORA GRANT'	NORA GRANT IXORA	N/A	24" MIN.	36" o.c.	FULL FORM
	PT	55	PITTOSPORUM TOBIRA	PITTOSPORUM	N/A	36" MIN.	60" o.c.	FULL FORM
	PW	50	PITTOSPORUM TOBIRA 'WHEELERS DWARF'	WHEELER'S DWARF PITTOSPORUM	N/A	18"	42" o.c.	FULL FORM
	PP	43	PODOCARPUS MACROPHYLLUS 'PRINGLES'	PRINGLES DWARF PODOCARPUS	N/A	24" MIN.	36" o.c.	FULL FORM
	PP2	36	PODOCARPUS MACROPHYLLUS MAKI	SHRUBBY YEW PODOCARPUS	15 GAL	48"	36" o.c.	FULL FORM
	R3	14	ROSA HYBRID 'MEIZORLAND'	WHITE DRIFT ROSE	N/A	24" MIN.	36" o.c.	FULL FORM
	SV	14	SCHEFFLERA ARBORICOLA 'VARIEGATA'	DWARF VARIEGATED SCHEFFLERA	N/A	24" MIN.	36" o.c.	FULL FORM
	SR	3	STRELITZIA REGINAE	BIRD OF PARADISE	N/A	24" MIN.	36" o.c.	FULL FORM
	TD	38	TRIPSACUM DACTYLOIDES	FAKAHATCHEE GRASS	N/A	24" MIN.	48" o.c.	FULL FORM
	ZF	101	ZAMIA FLORIDANA	COONTIE PALM	N/A	12" MIN.	36" o.c.	FULL FORM
SHRUB AREAS								
	DF	169	PENNISETUM ALOPECUROIDES 'HAMELN'	DWARF FOUNTAIN GRASS	N/A	24" MIN.	24" o.c.	FULL FORM
	PF	109	PENNISETUM SETACEUM 'RUBRUM'	PURPLE FOUNTAIN GRASS	N/A	24" MIN.	36" o.c.	FULL FORM
GROUND COVERS								
	AB2	61	AGAPANTHUS AFRICANUS 'BLUE'	BLUE LILY OF THE NILE	1 GAL		18" o.c.	FULL FORM
	HY	165	HEMEROCALLIS 'WF-479'	EVERGREEN STELLA DAYLILY	1 GAL		12" o.c.	FULL FORM
	LP3	39	LANTANA MONTEVIDENSIS	PURPLE TRAILING LANTANA	4"POT		30" o.c.	FULL FORM
	LA	106	LANTANA MONTEVIDENSIS 'ALBA'	WHITE TRAILING LANTANA	4"POT		30" o.c.	FULL FORM
	LV	154	LIRIOPE MUSCARI	LIRIOPE	1 GAL		15" o.c.	FULL FORM
	EGL	138	LIRIOPE MUSCARI 'EVERGREEN GIANT'	EVERGREEN GIANT LIRIOPE	1 GAL		18" o.c.	FULL FORM
	SC	133	SEASONAL COLOR		4"POT		12" o.c.	
SOD/SEED								
	SOD	9,524 SF	STENOTAPHRUM SECUNDATUM	ST. AUGUSTINE GRASS	SOD			

PLANTING SCHEDULES

PLANT SCHEDULE MEDIAN

SYMBOL	CODE	QTY	BOTANICAL NAME	COMMON NAME	CONT	CAL	HT	REMARKS
TREES								
	BB2	8	DELONIX REGIA	ROYAL POINCIANA	B&B OR CONT	3"CAL	12-14' HT	FULL HEAD, SPECIMEN QUALITY, MIN. 12' CLEAR TRUNK
	SP	6	SABAL PALMETTO	SABAL PALM	FG		14-16' H	CLEAR-TRUNK HEIGHT NOTED
SYMBOL	CODE	QTY	BOTANICAL NAME	COMMON NAME	CONT	HT	SPACING	REMARKS
SHRUBS								
	CN	19	CLUSIA GLUTTIFERA 'NANA'	DWARF CLUSIA	3 GAL		36" o.c.	FULL FORM
	PA	60	PLUMBAGO AURICULATA	BLUE PLUMBAGO	N/A	24" MIN.	36" o.c.	FULL FORM
	PP	12	PODOCARPUS MACROPHYLLUS 'PRINGLES'	PRINGLES DWARF PODOCARPUS	N/A	24" MIN.	36" o.c.	FULL FORM
	RL	38	RONDELETIA LEUCOPHYLLA	PANAMA ROSE	3 GAL		36" o.c.	FULL FORM
	TD	41	TRIPSACUM DACTYLOIDES	FAKAHATCHEE GRASS	N/A	24" MIN.	48" o.c.	FULL FORM
	ZF	60	ZAMIA FLORIDANA	COONTIE PALM	N/A	12" MIN.	36" o.c.	FULL FORM
GROUND COVERS								
	SC	74	SEASONAL COLOR		4"POT		12" o.c.	
	TA	56	TRACHELOSPERMUM ASIATICUM	ASIATIC JASMINE	4"POT@		12" o.c.	
SOD/SEED								
	SOD	3,727 SF	STENOTAPHRUM SECUNDATUM	ST. AUGUSTINE GRASS	SOD			

PLANTINGS IMAGES

TREES



Sabal Palm



Southern Live Oak



Royal Poinciana

GRASSES



Fakahatchee Grass



Hamein Dwarf Fountain Grass



Purple Fountain Grass



Evergreen Giant Liriope

GROUNDCOVER



Agapanthus



Evergreen Daylily



Purple Trailing Lantana



White Trailing Lantana



Variegated Liriope

PLANTINGS IMAGES



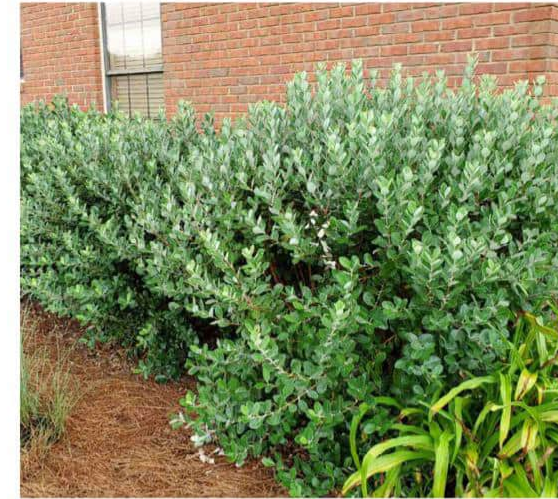
Shrubby Yew Podocarpus



Pittosporum tobira



Clusia



Pineapple Guava



Bird of Paradise



Dwarf Variegated Schefflera



Dwarf Palmetto



Pringles Dwarf Podocarpus



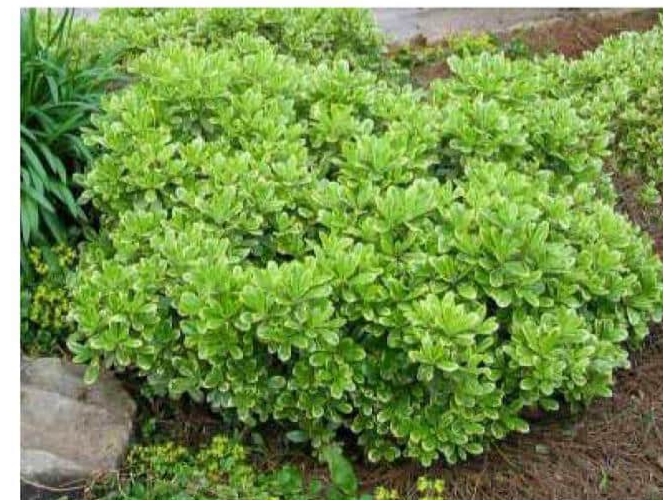
Nora Grant Ixora



White Drift Rose



Little John Dwarf Bottlebrush



Wheeler's Dwarf Pittosporum



Coontie

SHRUBS

MEDIAN PLANTING RENDERING



**~~NINTH~~TENTH DEVELOPMENT ORDER AMENDMENT
AND RESTATEMENT¹ FOR COCONUT POINT DRI
STATE DRI # 09-2001-153**

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

WHEREAS, the Board of County Commissioners of Lee County, Florida considered the report and recommendations of the Southwest Florida Regional Planning Council, the Lee County Staff, the Lee County Hearing Examiner, the application and sufficiency submittals, and the documents and comments made on the record in public hearing, and after full consideration of those reports, recommendations, documents and comments, the Board of County Commissioners of Lee County, Florida, adopted the Coconut Point Development of Regional Impact (DRI) Development Order; and

WHEREAS, the original Development Order for the Coconut Point DRI was approved on October 21, 2002; and

WHEREAS, the DRI Development Order was subsequently amended on February 7, 2005, to reduce the number of hotel rooms from 600 to 350, decrease the number of apartments from 450 to 250, and increase the number of residential condominiums from 550 to 1,000; and

WHEREAS, on August 1, 2006, the DRI Development Order was amended a second time to extend the build-out date one year to December 31, 2007; and

WHEREAS, on August 30, 2006, the DRI Development Order was amended a third time to: (1) increase condominium units from 1,000 to 1,528; (2) decrease apartment units from 250 to 0; (3) increase hotel units from 350 to 440; (4) decrease retail commercial square footage from 1,800,000 to 1,638,900; (5) increase commercial square footage for banks by 8,000 square feet; (6) increase general office square footage from 200,000 to 315,000; (7) decrease medical office square footage from 100,000 to 68,333; (8) add a 506-seat performing arts center; and (9) add a land use conversion chart; and

WHEREAS, the Coconut Point DRI was amended a fourth time on March 18, 2008, to provide the benefit of the statutory extension to all phase build-out and expiration dates as provided under HB 7203; and

¹ This is an amendment of a codification and restatement of the Ninth Development Order Amendment and Restatement for Coconut Point DRI Development Orders as amended through July 26, 2017 to amend and to update the Ninth Amendment to eliminate original requirements either fulfilled by the Applicant or no longer relevant.

WHEREAS, the Coconut Point DRI was amended a fifth time on December 19, 2009, to provide the benefit of the statutory extension to all phase build-out and expiration dates as provided under SB 360; and

WHEREAS, on June 2, 2011, House Bill 7207 (HB 7207) was signed into law by the Governor of the State of Florida. HB 7207, as codified in Chapter 2011-139, Laws of Florida, authorizes a four-year extension for all valid DRI Development Orders. At the option of the developer, all commencement, phase, build-out and expiration dates for valid Developments of Regional Impacts may be extended by four (4) years regardless of previous extensions issued in the past; and

WHEREAS, on June 29, 2011, Lee County received a request to extend the DRI compliance dates as contemplated under HB 7207, resulting in an extension to December 31, 2016; and

WHEREAS, Executive Order Number 11-128 provided for an extension of 60 days (extended an additional 60 days by Executive Order 11-172 and an additional 30 days by Executive Order 11-202), for build-out, commencement and completion dates for valid DRI Development Orders at the option of the developer; and

WHEREAS, under Florida Statutes §252.363 (effective July 1, 2011) build-out dates for valid DRI Development Orders were extended an additional 6 months; and

WHEREAS, on January 26, 2012, Lee County received a request to extend the DRI compliance dates as contemplated under Executive Order Number 11-128 (extended by 11-172 and 11-202) and Florida Statutes §252.363, resulting in an extension to November 6, 2017; and

WHEREAS, Executive Order Number 12-140 provided for an extension of 60 days (extended an additional 30 days by Executive Order 12-192 and an additional 5 days by Executive Order 12-217) for build-out, commencement and completion dates for valid DRI Development Orders at the option of the developer; and

WHEREAS, under Florida Statutes §252.363, build-out dates for valid DRI Development Orders were extended an additional 6 months; and

WHEREAS, on July 2, 2012, Lee County received a request to extend the DRI compliance dates as contemplated under Executive Order Number 12-140 (extended by 12-192 and 12-217) and Florida Statutes §252.363, resulting in an extension to August 8, 2018; and

WHEREAS, Executive Order Number 12-199 provided for an extension of 60 days for build-out, commencement and completion dates for valid DRI Development Orders at the option of the developer; and

WHEREAS, under Florida Statutes §252.363, Executive Order Number 12-199 extended the build-out dates for valid DRI Development Orders an additional 6 months; and

WHEREAS, on October 2, 2012, Lee County received a request to extend the DRI compliance dates as contemplated under Executive Order Number 12-199 and Florida Statutes §252.363, resulting in an extension to April 7, 2019; and

WHEREAS, on January 8, 2013, the Coconut Point DRI was amended a sixth time to extend the build-out and termination dates to April 7, 2019, and April 7, 2025, respectively; and

WHEREAS, on August 5, 2013, the DRI Development Order was amended a seventh time to: (a) decrease the number of residential units from 1,528 to 1,214; (b) decrease the retail square footage from 1,638,900 to 1,607,500; (c) increase the office square footage from 315,000 to 782,777; (d) eliminate the performing arts center; (e) increase the number of ALF units from 200 to 400; (f) reduce the number of hotel units from 440 to 320; and (g) extend the build-out and termination dates to December 31, 2019, and December 31, 2025, respectively; and

WHEREAS, on September 20, 2013, Lee County received a request for an Eighth Amendment to the Coconut Point DRI Development Order to: (1) add an acute care hospital and increase the amount of medical office from 104,333 sf. to 234,000 sf. and (2) extend the build-out date and termination date to December 31, 2024, and December 31, 2030, respectively; and

WHEREAS, the Eighth Amendment (1) provided an option to develop an acute care hospital within Tract 3A; (2) increased the square footage of office that can be constructed within Tract 3A so long as net new external trips from Tract 3A do not exceed 614; and (3) extended the buildout and termination dates to December 31, 2024, and December 31, 2030, respectively; and;

WHEREAS, the Eighth Amendment application was reviewed by the Southwest Florida Regional Planning Council and the Lee County Hearing Examiner, who found it consistent with the Lee County Comprehensive Plan; and

WHEREAS, the Board approved the Eighth Amendment on May 7, 2014, finding the proposed changes did not constitute a substantial deviation from the original development approvals; and

WHEREAS, the Village of Estero was created on or about December 31, 2014, and the Coconut Point DRI is now under the jurisdiction of the Village of Estero; and

~~WHEREAS, an application was submitted by Lee Memorial Health System to make corrections to the DRI DO created by the Eighth Amendment. These corrections allowed Tract 3A-1, 3A-2, and 3A-3-1 in the South Village to be developed with (1) a 160-bed~~

~~acute care hospital constructed only within Tracts 3A-1, 3A-2 and 3A-3_1, and (2) with any of the following land uses or combinations so long as they do not exceed 479 total net new external trips: up to 60,000 gross leasable square feet of retail, 300,000 square feet office (of which a maximum of 198,000 square feet may be medical office), 160 acute care hospital beds. These corrections were approved by the Village Council as by Ordinance 2016-10 adopted on August 31, 2016 amended the Eighth Amendment to allow within Tracts 3A-1, 3A-2 and 3A-3 a 160 bed acute care hospital and the following land uses or combinations which shall not exceed 479 total net new external trips: up to 60,000 gross leasable square feet of retail, and 300,000 square feet office (of which a maximum of 198,000 square feet may be medical office). The corrections approved by Ordinance 2016-10 are included in this Ninth Development Order Amendment and Restatement ("Ninth Amendment"); and~~

WHEREAS, an application to further amend the Eighth DRI Development Order was submitted by Coconut Point Holdings, LP on or about August 16, 2016, to (1) reduce 200 assisted living facility (ALF) units in Tract 1A; (2) reduce 18,900 square feet of commercial retail in Tract 1C; and (3) to add 180 multi-family apartment (MF-APT) units within Tract 1A ~~Development Area 1~~; and

~~WHEREAS, Department of Economic Opportunity (DEO) issued a letter on or about July 19, 2016, finding that the amendment is a change pursuant to Section 380.06(19)(e).2.k., Florida Statutes and not a substantial deviation; and~~

~~WHEREAS, the Village of Estero Council has determined that the amendment is not a substantial deviation and concurred with DEO that the amendment is a Section 380.06(19)(e).2.k. change; and~~

WHEREAS, ~~this the Village approved the Ninth Amendment Development Order Amendment and Restatement ("Ninth Amendment") by Ordinance 2017-02 on July 26, 2017 permitting said changes; and will correct correcting~~ certain inconsistencies of land use intensity changes that were approved by previous amendments but not corrected in the previous amendments; and

WHEREAS, the applicant PHG Acquisitions, LLC, applied on May 2, 2024 to amend the Ninth Amendment to incorporate build-out date extensions approved pursuant to §252.361, Florida Statutes, and to permit an increase of 83 hotel units and a decrease of 2,000 square feet of commercial retail floor area, all within Development Area 2; and

NOW, THEREFORE, be it resolved by the Village Council of the Village of Estero, Florida, that the Development Order for the Coconut Point DRI is hereby amended by this Tenth Development Order Amendment and Restatement as follows:

I. FINDINGS OF FACT AND CONCLUSIONS OF LAW

A. The Coconut Point DRI is a master planned commercial development consisting of 482.4+/- acres located in ~~unincorporated south central Lee County~~ the

Village of Estero at the intersection of US 41 and Coconut Road. The Coconut Point DRI is a mixed use development that will consist of: ~~1,440,110~~ 1,438,110 gross leasable square feet of retail/regional mall (Regional Retail Center), 106,100 gross leasable square feet of retail on other parcels adjacent to the regional mall (Community Commercial Retail), 8,000 gross leasable square feet of Banks, 835,777 square feet of office, of which no more than 234,000 square feet may be medical office, ~~370~~ 453 hotel rooms, 1,214 condominium units, 180 multi-family apartment units, and a 200 unit assisted living facility. The project will include 33.4 acres of conservation areas, 57.1 acres of lakes, 43.2 acres of road rights-of-way and 9.0 acres of green area/open space.

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

C. The project phasing schedule consists of one phase with build-out in ~~2038~~2028.

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

DE. The property is zoned Mixed-use Planned Development (MPD). ~~Undeveloped portions of the property are currently in active agricultural use.~~

EF. The Application for Development Approval (ADA) as originally approved and further amended is consistent with the requirements of §380.06, Florida Statutes, ~~and was found sufficient by the Southwest Florida Regional Planning Council (SWFRPC) on January 17, 2001.~~

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

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

~~H. On July 19, 2016, the Department of Economic Opportunity determined that the Ninth Amendment was not a substantial deviation and did not require the filing of a Notice of Proposed Change.~~

I. The development is located in the Urban-Community Transitional Mixed Use, Conservation and Wetlands future land use categories. The project, as proposed and conditioned herein, is consistent with the Village of Estero Comprehensive Plan and the Village of Estero Land Development Code.

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

II. ACTION ON THE REQUEST AND CONDITIONS OF APPROVAL

NOW THEREFORE, be it resolved by the Village Council of the Village of Estero, Florida, in a public meeting duly advertised, constituted and assembled that the Development of Regional Impact Application for Development Approval submitted on behalf of Simon Property Group, L.P., and Oakbrook Properties, Inc., for the project known as the Coconut Point DRI, originally approved October 21, 2002, is hereby further amended subject to the following conditions, restrictions and limitations. For the purpose of this Development Order, the term "Developer" refers to Simon Property Group, L.P., Oakbrook Properties, Inc., and Coconut Point Developers, LLC, and includes all successors or assigns. All references to County Ordinances or other regulations, including amendments thereto up to and including the date at which the Village was incorporated. References to Village Ordinances and regulations include all amendments that may take effect in the future.

A. AFFORDABLE HOUSING

1. 150 Affordable Housing Units (\$600,000).²

~~a. The Developer must provide, either directly or through third parties, 150 units (combined total) of affordable housing for very low, low, and moderate-income persons within the identified DRI housing assessment area on or before December 31, 2006.~~

~~b. In the event the Developer does not provide all of the 150 units required above prior to December 31, 2006, t~~ The Developer may satisfy the remaining satisfied the affordable housing obligation by paying \$4,000 (\$600,000 divided by 150 units) for each unit of the shortfall to the Lee County Affordable Housing Trust Fund \$600,000 to Lee County on December 20, 2006, which was accepted by the County in March, 2007.

2. University Student Housing (\$400,000).³ In addition to the above, the Developer ~~will subsidize~~ subsidized University student housing by giving \$400,000 to the Florida Gulf Coast University in October, 2004, ~~prior to the issuance of the first development order allowing vertical construction within the DRI (excepting any public uses mandated by this Development Order).~~ These funds must be specifically earmarked for University student housing.

~~3. The changes to the development parameters proposed in the Ninth Amendment do not create impacts to affordable housing warranting further mitigation.~~

²~~The Developer paid \$600,000 to Lee County on December 20, 2006, to satisfy this condition. These funds were accepted by the Board via Blue Sheet 20070290 in March 2007.~~

³~~This requirement was satisfied in October 2004.~~

B. ENERGY

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

These features are:

1. A bicycle/pedestrian system connecting all land uses, to be placed along arterial and collector roads within the project and also along Sandy Lane. This system will be consistent with LDC regulations.
2. Bicycle racks or storage facilities in recreational, commercial and multi-family residential areas.
3. Bus stops, shelters and other passenger and system accommodations for a transit system to service the project area.
4. Energy efficient features in window design (e.g., tinting and exterior shading), operable windows, ceiling fans, appliances and equipment.
5. Minimize coverage by asphalt, concrete, rock and similar substances in street, parking lots and other areas to reduce local air temperatures and reflect light and heat.
6. Energy-efficient lighting for streets, parking area, recreation area and other interior and exterior public areas.
7. Water closets with a maximum flush of 1.6 gallons and shower heads and faucets with a maximum flow rate of 2.5 gallons per minute (at 80 pounds of water pressure per square inch).
8. Selecting, planting and maintaining native plants, trees and other vegetation and landscape design features that reduce requirements for water, fertilizer, maintenance and other needs.
9. Planting native shade trees to provide reasonable shade for all recreation areas, street and parking areas. Planting native shade trees for each residential unit.
10. Placing trees to provide needed shade in the warmer months while not overly reducing the benefits of sunlight in the cooler months. Orienting structures,

whenever possible, to reduce solar heat gain by walls and utilize the natural cooling effects of the wind.

11. Including porch and patio areas in residential units.

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

C. STORMWATER MANAGEMENT

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

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

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

4. Best management practices are subject to the Village of Estero review and approval and must be included on all construction plans for development.

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

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

7. The final storm water management plan must consider, as applicable, measures to reduce runoff rates and volumes, including, but not limited to, fixed control

structures, perforated pipes, and grass swale conveyances. Swales, rather than closed systems, must be used whenever possible.

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

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

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

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

12. If the Village of Estero establishes a Village-wide storm water management system, the Developer must participate to the extent the system benefits the development.

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

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

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

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

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

18. The Developer will ~~establish~~ maintain a legal operating entity in accordance with the SFWMD ~~Basis of Review~~ Applicant's Handbook Volume 1 and the applicable Lee County or the Village of Estero Land Development Code to maintain the internal storm water management lakes, ditches and wetlands. Easements, common areas or other legal mechanisms may be utilized to ensure there is sufficient access to the storm water management areas for maintenance purposes.

D. TRANSPORTATION

1. Significant Impacts

a. Assessment Parameters

The traffic impact assessment for the Project assumed the following development parameters as a worst-case traffic scenario achievable under the maximum potential development parameters identified in ~~Exhibit C,~~ below.

	Build-out (2028)
Multifamily Condominiums (ITE LUC 230) (450 d.u. Town Center, 540 d.u. North Village) 224 d.u. South Village	1,214 d.u.
Multifamily Apartments (ITE LUC 220) (180 d.u. North Village)	180 d.u.
Assisted Living Facility (ITE LUC 252) (200 d.u. South Village)	200 d.u.
Hotel (ITE LUC 310) (250 rooms Town Center, 120 rooms South Village)	370 rooms
Community Retail (ITE LUC 820) (66,100 square feet North Village, 40,000 square feet South Village*)	106,100 sq. ft. (gla)
Regional Retail Center (ITE LUC 820)	1,440,110 sq.ft (gla)

1,440,110 square feet Town Center)

General Office (ITE LUC 710) (481,277 square feet North Village, 90,000 square feet Town Center, 30,500 square feet South Village*)	601,777 sq. ft.
--	-----------------

Medical Office (ITE LUC 720) (234,000 square feet South Village*)	234,000 sq. ft.
--	-----------------

Bank with drive-thru (8,000 square feet North Village)	8,000 sq. ft.
--	---------------

*Tracts 3A-1, 3A-2, and 3A-3 1 in the South Village (shown on page 3 of Map H attached hereto as Exhibit "B") may be developed with up to 60,000 gross leasable sq. ft. retail, 300,000 sq. ft. office (of which a maximum of 198,000 sq. ft. may be medical office), 160 acute care hospital beds, or any combination of these uses that do not exceed 479 net new external trips.

The above parameters form the basis for the original Project impacts and the mitigation requirements contained ~~herein~~ in the original Development Order approval. The assumed land uses associated with the general parameters ~~are~~ were identified by the Land Use Code (LUC) from the Institute of Transportation Engineers (ITE) Trip Generation Manual, 6th Edition. While approved zoning categories may allow a wider range of uses, from a DRI standpoint the Project impacts are based on the above parameters and assumed uses. ~~If the Developer exercises Mitigation Option 2 and is granted concurrency vesting for all or a portion of the DRI, any significant change in the assumed uses, mix of uses or location of uses on the Master Concept Plan will require a re-evaluation of the DRI transportation impacts. A significant change is one that would increase the external project traffic by 5% or more or that would change the projected distribution and assignment of project traffic so as to result in a net increase in road miles of significantly and adversely impacted roadway links. This condition does not apply if Mitigation Option 1 is selected.~~

The overall traffic at the Project driveway entrances, based on the 2002 development parameters, was estimated to be 5,909 trips, including 4,120 PM net new external peak hour trips. The approval of the Seventh Development Order Amendment increased the overall traffic at the driveway entrances to 6,467 trips, including 4,565 PM net new external peak hour trips. The approval of the Eighth Amendment increased the overall traffic at the driveway entrances to 6,588 trips, including 4,734 PM net new external peak hour. The approval of the Tenth amendment does not alter the number of net new external peak hour trips because of the simultaneous increase and decrease in the development parameters.

b. *Build-out Impacts*

The original assessment on an existing-plus-committed network assuming the advancement of certain projects indicates~~ed~~ that the significantly impacted roadways and intersections described below ~~will~~would be operating below acceptable levels of service at the end of the original 2006 Build-out:

Roadway Improvements Needed

<u>Roadways</u>	<u>Needed Improvement</u>
I-75 – Corkscrew Road to Daniels Parkway	Widen to 6 lanes
Three Oaks Parkway - Williams Road to Corkscrew Road	Widen to 6 lanes
US 41 – Koreshan Boulevard to San Carlos Boulevard - Bonita Beach Road to Coconut Road	Widen to 6 lanes Widen to 6 lanes
Old US 41 - Rosemary Drive to US 41	Widen to 4 lanes
<u>Intersection Improvements Needed</u>	
Bonita Beach Road @ Old 41 ⁽¹⁾	Add 2 nd SB left turn lane
Coconut Road @ Driveway 9/ Regional Retail Center ⁽²⁾	Add WB right turn lane Add SB right turn lane Add SB left turn lane Add dual EB left turn lane Signalization ⁽³⁾
Coconut Road @ Sandy Lane ⁽²⁾	Add WB left turn lane Add WB right turn lane Add NB right turn lane Add NB left turn lane Add SB left turn lane Add SB right turn lane Add EB left turn lane Add EB right turn lane Signalization ⁽³⁾

Corkscrew Road @ Ben Hill Griffin Parkway ⁽¹⁾	Add 2 nd EB left turn lane Add 2 nd NB left turn lane Add 2 nd SB left turn lane
Corkscrew Road @ River Ranch Road ⁽¹⁾	Signal retiming
Corkscrew Road @ Three Oaks Parkway	Add 2 nd WB left turn lane Add 2 nd NB left turn lane Add 2 nd SB left turn lane
I-75 @ Corkscrew Road ⁽¹⁾	Add 2 nd EB left turn lane ⁽⁴⁾ Add 2 nd WB left turn lane ⁽⁴⁾ Add 2 nd NB left turn lane Add 2 nd SB left turn lane
Old 41 @ Dean Street ⁽¹⁾	Signalization ⁽³⁾
Old 41 @ Pennsylvania Avenue ⁽¹⁾	Signal retiming
Old 41 @ West Terry Street ⁽¹⁾	Add 2 nd NB thru lane Add 2 nd SB thru lane
Three Oaks Parkway @ Koreshan Boulevard ⁽¹⁾	Signalization ⁽³⁾
Three Oaks Parkway @ Williams Road ⁽¹⁾	Signalization ⁽³⁾
Three Oaks Parkway @ Coconut Road ⁽¹⁾	Signalization ⁽³⁾
US 41 @ Immokalee Road ⁽¹⁾	Signal retiming
US 41 @ Old 41 ⁽¹⁾ (Collier County)	Signal retiming
US 41 @ Bonita Beach Road	Signal retiming
US 41 @ West Terry Street	Signal retiming
US 41 @ Old 41/Pelican Landing Parkway	Add 2 nd WB right turn lane Add 2 nd NB left turn lane Add 2 nd SB left turn lane Add 2 nd EB left turn lane
US 41 @ Pelican Colony Boulevard	Add dual WB left turn lane ⁽²⁾ Add WB right turn lane ⁽²⁾ Add NB right turn lane ⁽²⁾

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

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

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

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

2. Mitigation

a. *Build-out Proportionate Share*

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

As noted in Condition D.3, the Developer ~~must~~ was required to pay \$170,000 as mitigation for the project's Comprehensive Plan impacts to the 2020 level of service on US 41 from Koreshan Boulevard to Alico Road. Therefore, the total proportionate share obligation deemed sufficient to mitigate both the build-out DRI-related transportation impacts on the non-site related roads and intersections set forth in Paragraph D.1.b and the project's Comprehensive Plan impacts ~~is~~ was \$14,770,000. ~~However, if the reanalysis described in section D.2.d.1 demonstrates that additional funds are necessary to mitigate the project's transportation impacts, then the Developer will be required to pay the higher mitigation amount.~~

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

- b. Traffic Mitigation. The Developer ~~must choose~~ was provided a choice of one of the two mitigation options ~~identified below~~ to satisfy the proportionate share obligation. The Developer chose Traffic Mitigation Option 2 as described in (1) below and provided the entire traffic mitigation up front to Lee County which provided for concurrency vesting.

~~(1) — Traffic Mitigation Option 1~~

~~(a) — Payment~~

~~All development within the project must pay roads impact fees in effect at the time of building permit issuance. In addition to roads impact fees, and prior to the issuance of the first~~

~~building permit for vertical construction of any portion of the Regional Retail Center, the Developer must make a lump-sum cash payment of \$4,573,750 in year 2002 dollars. This lump-sum cash payment is intended to mitigate the transportation impacts associated with the Regional Retail Center and satisfy the proportionate share obligation that is due over and above road impact fees.~~

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

~~(b) Concurrency~~

~~All development within the project will be subject to the Village of Estero Concurrency Management System at the time it obtains a local development order~~

~~(2) Traffic Mitigation Option 2⁴~~

~~(a1) Payment~~

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

~~Concurrency certificates issued pursuant to this option will be were effective until December 31, 2019⁷, or for three (3) years~~

~~⁴The Developer chose Option 2 and made the two installment payments in a timely manner.~~

~~⁷In Lee County concurrency is reviewed at the time of local development order approval, which is independent of the DRI review process. However, the Developer submitted a traffic analysis for a new build out scenario resulting from HB 7207 demonstrating that the DRI project will not significantly or adversely impact any of the relevant road segments. Based upon this analysis, concurrency vesting rights were extended to December 31, 2017. Analysis during the May 10, 2013 NOPC resulted in an extension of~~

from the date a local development order is issued, whichever is later. Concurrency vesting rights were extended by Lee County to December 31, 2017. Analysis during the May 10, 2013 NOPC resulted in an extension of concurrency vesting until December 31, 2019. Concurrency vesting was subsequently extended to December 31, 2024 as a result of analyses performed for the seventh and eighth amendments to the DRI.

(b2) Development Agreement

~~Exercise of traffic mitigation option 2 requires Lee County required execution of a Local Government Development Agreement executed for Mitigation Option 2 pursuant to §163.3220, Florida Statutes, and Chapter 2, Article III of the Lee County Land Development Code. The Developer must submit a draft Development Agreement to Lee County within 6 months of the adoption of the original DRI Development Order or prior to submittal of any local development order application for the Regional Retail Center or the Community Commercial Retail. The Development Agreement must be executed prior to issuance of a local development order allowing vertical construction anywhere on the site, excepting public uses mandated by this Development Order. The agreement must specify the payment schedule for the total proportionate share obligation in accordance with subparagraph (2)(a) above. An agreement was entered into with Lee County pursuant to this provision prior to incorporation of the Village of Estero. As of November 2004, all requirements of the Interlocal Agreement were fulfilled and the Agreement is considered terminated by its own terms.~~

e. (3) Application of Payments

(4a) Cash.

The County ~~will~~ committed originally to apply all impact fees and cash payments made by the DRI toward the non-site related improvements identified in Section D.1.b. In the alternative, the County ~~will~~ agreed to apply the fees toward improvements that relieve those roadways, provided those improvements were deemed necessary to maintain the County's adopted level of service standards. If the

~~concurrency vesting until December 31, 2019. Concurrency vesting was subsequently extended to December 31, 2024, as a result of analyses performed for the seventh and eighth amendments to the DRI.~~

improvements identified in Section D.1.b ~~are~~ were ultimately funded through other sources, in whole or in part, or deemed unnecessary to maintain the adopted level of service standards, Lee County agreed that it may apply the impact fees and cash payments paid by the DRI to other improvements consistent with the requirements of Lee County LDC Chapter 2. Potential applications of the cash payment ~~will~~ could also be specified in the Development Agreement. The funds were paid, and improvements made prior to incorporation of the Village of Estero.⁻⁸

(2b) Pipelined Improvements.⁹

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

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

⁸ ~~An Interlocal Agreement addressing the traffic impacts to the City of Bonita Springs precipitated by approval of the Coconut Point DRI was approved by the Board of County Commissioners on March 23, 2003. The Agreement required the County to: (1) conduct the Sandy Lane Alignment Study; (2) transfer \$2.184 million to the City for the DRI impacts to Old U.S. 41 between Rosemary Drive and the intersection of Old U.S. 41 with U.S. 41 and Pelican Colony Boulevard; (3) transfer \$138,000 for specified intersection improvements; and, (4) set the alignment of Sandy Lane between Pelican Landing Boulevard and the southern DRI boundary. As of November 2004, all requirements of the Interlocal Agreement have been fulfilled and the Interlocal is considered terminated by its own terms.~~

⁹ ~~The developer chose to pipeline improvements by constructing Sandy Lane Extension (now known as via Coconut Point) from Pelican Colony Boulevard to Corkscrew Road. Lee County accepted that portion of Sandy Lane Extension from Pelican Colony Boulevard to Williams Road for maintenance on January 16, 2007; and, the portion of Sandy Lane Extension from Williams Road to Corkscrew Road was accepted for maintenance on August 5, 2008.~~

~~credits against the project's proportionate share obligation. If the Developer chooses to build more than 2 lanes, it will be at the Developer's sole expense.~~

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

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

The Developer chose to pipeline improvements by constructing Sandy Lane Extension (now known as Via Coconut Point) from Pelican Colony Boulevard to Corkscrew Road. Lee County accepted that portion of Sandy Lane Extension from Pelican Colony Boulevard to Williams Road for maintenance on January 16, 2007; and the portion of Sandy Lane Extension from Williams Road to Corkscrew Road was accepted for maintenance on August 5, 2008. The Village after its incorporation then accepted this portion for maintenance.

(4)d. *Build-out Extension*

~~(1)~~ Requirement for Reanalysis

The original DRI Development Order approval indicated that extension of the build-out date beyond 2007 may alter the project's impact to the area road network. Under the Second DRI Development Order amendment, the Developer was obligated to file a complete traffic re-analysis in order to achieve an extension of the build-out date beyond December

2007. The DRI rules were amended and other legislation was adopted, and the Developer applied for legislative and State of Emergency time extensions which were granted. The current build-out date is September 4, December 7, 2038. However, a three-year statutory extension of the build-out date was granted by 2007 legislation; and a two-year statutory extension of the build-out date was granted by 2009 legislation.

As a result of Florida HB 7207, Executive Order Numbers 11-128 (extended by 11-172 and 11-202), 12-140 (extended by 12-192 and 12-217) and 12-199, and §252.363, the DRI build-out date was automatically extended to April 7, 2019. However, concurrency vesting was not automatically extended. The traffic analysis submitted by the Developer demonstrated that the DRI project will not significantly or adversely impact any of the relevant road segments up to December 31, 2017. A subsequent analysis included in the May 10, 2013, NOPC resulted in an extension of concurrency vesting until December 31, 2019. Analyses performed for subsequent seventh and eighth amendments to the DRI resulted in an extension of concurrency vesting to December 31, 2024.

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

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

The traffic assessment will be prepared by the Developer following generally acceptable transportation planning procedures consistent with the standards in effect at the time of reanalysis. Payment of additional mitigation, if any, resulting from the traffic assessment must be specified in an

~~amended development order. The development order must be amended via a Notice of Proposed Change to reflect the revised phasing and additional mitigation.~~

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

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

~~(2) Alternative for Reanalysis~~

~~(a) Extension of Build-out.¹²~~

~~If all or a part of the Regional Retail Center has received building permits prior to December 31, 2006, the Developer may choose to pay the traffic mitigation for some or all of the balance of the development through build-out in a lump sum at the time the extension application is approved. Full payment of the~~

¹² ~~The developer paid the lump sums required to exercise Mitigation Option 2 in December 2004 and December 2005. The second DRI Development Order Amendment adopted August 1, 2006 served to extend the build out date to December 31, 2007. In accord with the terms of the original DRI Development Order approval, the one-year extension to 2007 was the maximum extension that could be approved without a complete traffic reanalysis. Adoption of HB7203 resulted in a three-year statutory extension of the DRI build out date to December 31, 2010. The Developer submitted an abridged traffic analysis demonstrating that the concurrent status of the project could also be extended to December 31, 2010 because no additional roadways would be significantly or adversely impacted by the statutory extension of the build out date.~~

~~———— A second statutory extension of the build out date was granted to 2012 under SB 360 as adopted June 1, 2009. This second extension was not based upon additional traffic analysis due to the Board adoption of Resolution 09-06-22. Therefore, impacts from 2010 forward must be addressed in a subsequent extension of the build out beyond 2012.~~

~~———— A third statutory extension of the build out date was granted under HB 7207 and Executive Orders 11-128 and 12-140. With this third extension the Developer submitted a traffic analysis for a new build out scenario demonstrating that the DRI project will not significantly or adversely impact any of the relevant road segments. Based upon this analysis, concurrency vesting was extended to December 31, 2017.~~

~~———— Concurrency vesting was subsequently extended to December 31, 2024 pursuant to subsequent seventh and eighth amendments.~~

~~required mitigation pursuant to Mitigation Option 2 constitutes an election under this section. This section is not intended to supersede the standard submittal requirements for a typical Notice of Proposed Change under state law.~~

~~(b) —NOPC filed to extend build-out beyond 2012.~~

~~If the entirety of the Coconut Point DRI is not built-out by September 4, 2028, the NOPC requesting a build-out date extension must be accompanied by a complete cumulative traffic reanalysis, as contemplated by the June 15, 2005, RPC recommendation. The traffic impact analysis must date back to 2010 and address all relevant impacts moving forward from December 31, 2010.~~

3. Comprehensive Plan Mitigation

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

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

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

4. Access and Site Related Improvements

In addition to the proportionate share obligation set forth above, the Developer is was responsible for its share of the following site-related roadway and intersection improvements: all internal roadways, all intersection improvements, including signalization, turn lanes, deceleration lanes, and other improvements deemed necessary by the County Engineer and consistent with the Village of Estero Land Development Code for the Project's access points onto U.S. 41, Coconut Road, and Williams Road. The improvements include the installation of a signal coordination system on US 41 from Pelican Colony Boulevard to Williams Road. During the local development order review process, site-related improvements must be evaluated based on weekday, PM peak hour conditions. Saturday mid-day conditions must be considered in the design of turn lanes due to the retail component of the DRI. Site-related improvements are not eligible for credit against impact fees and may not be used to offset the proportionate share obligation. Project accesses onto US 41 are subject to obtaining a connection permit from FDOT.

5. Committed Improvements^{13 14}

The following improvements were required of the Developer and have been fulfilled.

<u>Roadway Improvements</u>		
<u>Roadways</u>	<u>Start Year</u>	<u>Improvement</u>
Alico Road		
– US 41 to Seminole Gulf Railway	02	4 Lanes
– Seminole Gulf Railway to I-75 West Ramps	02	6 Lanes
Ben Hill Griffin Parkway/Treeline Avenue		
– Alico Road to Daniels Parkway	02	4 Lane Ext.
Bonita Beach Road		
- Imperial Street to I-75	03	6 Lanes

¹³ ~~As of the date the Third DRI DO was adopted, many of the improvements identified as committed are complete. The completed improvements include Alico Road, Ben Hill Griffin/Treeline, Bonita Beach Road, Livingston/Imperial, Three Oaks from Coconut Road to Corkscrew Road, US 41 and Williams Road. Three Oaks from Corkscrew Road to Alico Road is currently under construction. Construction of Three Oaks Parkway from Alico to Daniels Parkway is delayed; and the Metro Parkway project is currently not funded.~~

¹⁴ ~~As of the date the Fifth DRI DO was adopted the following improvements were under construction: Metro Parkway Extension and the widening of a portion of I-75 to six lanes; and the segment of Three Oaks from Alico to Corkscrew is complete.~~

Livingston/Imperial Connection		
– Immokalee Road to Bonita Beach Road	U/C	2 Lane Ext.
Metro Parkway		
– U.S. 41/Alico Road to Ben Pratt/Six Mile Cypress Pkwy (including interchange) 04		6 Lane Ext.
Three Oaks Parkway		
– S. of Coconut Road to Williams Road	U/C	4 Lane Ext.
– Williams Road to Corkscrew Road	U/C	4 Lane Ext.
– Corkscrew Road to Alico Road	03	4 Lanes
– Alico Road to Daniels Parkway	03	4 Lane Ext.
US 41		
– Old 41 (Collier County) to N. of Bonita Beach Road	03	6 Lanes
- San Carlos Boulevard to Alico Road	U/C	6 Lanes
Williams Road		
– River Ranch Road to Three Oaks Parkway	02	2 Lane Ext.

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

<u>Date</u>	<u>Maximum Square Footage</u>	<u>Needed Improvements to Avoid Interim Level of Service Problem</u>
		<u>Route</u> <u>Limit</u>
Adoption of DRI DO AND	400,000	Not Applicable Not Applicable

Compliance
with Cond. D.2

July 1, 2004	800,000	U. S. 41 - 6 Lane	Collier County line to Bonita Beach Road
July 1, 2005	1,200,000	Three Oaks Ext. 4L OR Livingston Rd./ Imperial St. 4 Lane	Terry St. to Coconut Rd. Immokalee Rd. to E. Terry St.
July 1, 2006	1,800,000	US 41-6Lane AND Three Oaks Ext. 4 Lane AND Old 41 - 4 lane AND Metro Pkwy. Ext. 6 Lane AND Three Oaks Ext. 4 Lane or Treeline Ext. 4L	Corkscrew Rd. to San Carlos Terry St. to Coconut Rd. Rosemary dr. to US 41 Alico Rd. to ben C Pratt/ Six Mile Cypress Pkwy Alico Rd. to Daniels Pkw Alico Rd. to Daniels Pkw.

6. ~~Annual Transportation Monitoring Program~~

a. ~~Design of Monitoring Program~~

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

~~b. Submittal of Monitoring Report~~

~~The Developer must submit an annual transportation monitoring report to the following entities for review and approval: Village of Estero, Lee County Department of Transportation, FDOT, FDCA, and SWFRPC. The first monitoring report will be submitted one year after the effective date of the DRI Development Order.¹⁵ The Developer must provide written notice to the above review agencies if the Developer concludes that a traffic monitoring report is not required because no traffic impacts have been created. Once the transportation monitoring report has been submitted, a report must be submitted annually thereafter until Project build-out, whether actual or declared.~~

~~c. Minimum Requirements for Report Contents~~

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

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

¹⁵ ~~The first monitoring report was submitted in January 2004.~~¹⁶ ~~The statutory two-year extension granted under SB 360 did not serve to suspend the Developer's obligation to address impacts identified under this subsection in the event the monitoring report indicates a substantial deviation has occurred.~~

~~committed by Village of Estero, City of Bonita Springs, Collier County, Lee County and FDOT.~~

~~d. *Implications*~~¹⁶

~~_____ (1) If the transportation monitoring report reveals that the Project trip generation exceeds the original assumptions contained herein, then the statutory provisions regarding substantial deviations will govern.~~

~~(2) Changes to development parameters or build-out may require the Developer to rebut the statutory presumption of substantial deviation. In some instances, the evidence necessary to rebut the presumption may involve a comparison of Project trip distribution and assignment.~~

76. Pedestrian/Bicycle and Transit Facilities

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

E. VEGETATION AND WILDLIFE/WETLANDS

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

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

3. The Developer ~~must~~ has followed the Standard U.S. Fish and Wildlife Service Protection Measures for the Eastern Indigo Snake; and an Eastern Indigo Snake

¹⁶~~The statutory two-year extension granted under SB 360 did not serve to suspend the Developer's obligation to address impacts identified under this subsection in the event the monitoring report indicates a substantial deviation has occurred.~~

¹⁷~~The requirement to provide property to the Estero Fire Rescue District was satisfied by the recording of a deed at OR Book 4097 Page 0672, dated July 31, 2003.~~

Protection Plan ~~to be~~ has been submitted for review and approval by the FFWCC as a condition of local development order approval.

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

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

6. Prior to impacting the additional 5.51 acres of jurisdictional wetlands, the Developer ~~must~~ has modified existing SFWMD and ACOE permits and provided additional mitigation.

7. Wetlands and surface water remaining on the project site must be protected during construction through the implementation of temporary erosion and sedimentation control procedures.

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

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

F. HURRICANE PREPAREDNESS

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

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

- ~~a. elevated above the Category 3 storm surge level;~~
- ~~b. constructed in accordance with the requirements in Rule 9J-2.0257(6)(e), FAC, to withstand winds of at least one hundred twenty (120) miles per hour;~~
- ~~c. all windows in the building are shuttered;~~
- ~~d. equipped with an emergency power generator with adequate capacity to handle the following:~~
 - ~~(1) ventilation fans;~~
 - ~~(2) emergency lighting;~~
 - ~~(3) life safety equipment (i.e., intercom, fire and smoke alarms); and~~
 - ~~(4) refrigeration and cooking equipment.~~
- ~~e. have an auxiliary potable water supply.~~

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

~~4. All deeds to property located within the Coconut Point DRI must include or be accompanied by a disclosure statement in the form of a covenant stating the property is located in a hurricane vulnerability zone and that the hurricane evacuation clearance~~

time for Lee County or the Southwest Florida Region is high and hurricane shelter spaces are limited.

~~5. The Developer is also proposing to develop 370 hotel or motel rooms, within the Coconut Point DRI. Prior to issuance of a local development order for the hotel/motel, the hotel/motel Developer must contact Lee County Emergency Management with respect to establishing written hurricane preparation and evacuation/sheltering procedures. These procedures must be reduced to a written plan, prepared by the hotel/motel Developer, and approved by Lee County Emergency Management prior to occupancy of the hotel/motel.~~

~~62. Mitigation for hurricane evacuation route impacts will be accomplished through implementation of one of the following provisions. The mitigation option to be used must be identified~~ were provided by the Developer as part of the original local development order process.

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

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

- ~~b. Alternatively, the Developer must commit to providing roadway capacity improvements above and beyond those improvements required by Rule 9J-2.0255, FAG; or~~

- ~~63. The Developer must commit to providing funds to be used for the purpose of procuring communications equipment, which would upgrade the existing~~

warning and notification capability of local emergency management officials. In order to use this mitigation option, the Developer must provide reasonable assurance to local emergency management officials regarding the provision's ability to reduce the development's hurricane evacuation impacts. The amount of the funding will be determined and approved by the local emergency management officials. Hurricane impacts and the required mitigation will be evaluated during the review of the local development order. The evaluation will be in accordance with Section 7-501 through 7-505, Land Development Code.

G. WASTEWATER MANAGEMENT/WATER SUPPLY

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

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

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

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

5. The Developer must demonstrate at the time of local development order approval that sufficient potable water and wastewater treatment capacity is available. ~~If BSU cannot provide the necessary service, then the Developer must obtain service from an alternate provider with capacity or construct on-site interim facilities that satisfy BSU Standards. Interim facilities must be dismantled at the Developer's expense when service by BSU is available.~~

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

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

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

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

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

H. COMPREHENSIVE PLAN

On October 21, 2002, the Board adopted a resolution amending the Lee Plan to reclassify the DRI site to the Urban Community land use category. The Village of Estero adopted a comprehensive plan for the Village of Estero on June 13, 2018 and designated the DRI site as Transitional Mixed Use, Wetlands and Conservation.

I. POLICE AND FIRE PROTECTION

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

2. The project must be constructed and maintained in accordance with the adopted Life Safety and Fire Code requirements.

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

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

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

services facility on the project site, ~~Upon transfer of this site to the Fire District, the Developer will be entitled to fire impact fee credits in accordance with the LDC.~~¹⁷

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

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

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

J. EDUCATION

1. The education impact of this project will be mitigated by the payment of school impact fees in accordance with the schedules set forth in the LDC. ~~However, the Developer must on February 14, 2008 provide a site at least two five acres in size and appropriately located to accommodate the growing school needs in this area of the county. Upon transfer of this sites located adjacent to Estero High School to the School District, the Developer may be entitled to seek and obtained school impact fee credits from the County. in accordance with the LDC.~~¹⁸

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

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

A. Resolution. This Development Order constitutes a resolution of the Village of Estero adopted by the Village in response to the proposed Tenth amendment to the DRI filed for Coconut Point DRI.

¹⁷ ~~The requirement to provide property to the Estero Fire Rescue District was satisfied by the recording of a deed at OR Book 4097 Page 0672, dated July 31, 2003.~~

¹⁸ ~~Developer transferred two 5-acre parcels to the School Board (instr # 2008000042208) on February 14, 2008. School impact fee credits in the amount of \$280,000 were issued to DMM Development, LLC (acct # 200805851).~~

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

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

C. Master Plan of Development. Map H, dated April 17, 2025, attached hereto as Exhibit "B", is for the current DRI revision and is incorporated by reference. It is understood that because it is a concept plan it is very general. The Developer may modify the boundaries of development areas and the locations of internal roadways to accommodate topography, vegetation, market conditions, traffic circulation, or other site related conditions as long as the modifications meet local development regulations. This provision may not be used to reduce the size of wetland preserve areas. Precise wetland boundaries will be determined by the SFWMD, as delegated by the Department of Environmental Protection (FDEP) and the Army Corp of Engineers (ACOE).

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

E. Reliance. The terms and conditions set out in this Development Order constitute a basis upon which the Developer and the Village of Estero may rely with respect to future actions necessary to fully implement the final development contemplated by this Development Order. The development parameters and phasing schedule upon which this development order approval is based is are set forth in Exhibit C. These development parameters may be adjusted to the extent contemplated by, and in accordance with, the Land Use Conversion Table set forth in Exhibit C-1. ~~Change to the development mix or phasing schedule may require a reanalysis of project impacts in order to rebut a presumption of substantial deviation.~~

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

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

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

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

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

~~1. There is a substantial deviation from the terms or conditions of this Development Order or other changes to the approved development plans that create a reasonable likelihood of an additional regional impact or any other regional impact created by the change that has not been evaluated and reviewed by the Regional Planning Council; or~~

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

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

K. Build-out and Termination Dates. The project has a build-out date of September 4, 2028, December 7, 2038, and a termination date of September 5, 2034December 7, 2044. The termination date is based on the recognition that a local

Development Order is valid for six years after the build-out date. ~~No permits for development will be issued by the Village subsequent to the termination date or expiration date unless the conditions set forth in §380.06(15)(g) are applicable.~~

L. Commencement of Physical Development. As of November 2004, commencement of substantial physical development of the project has occurred. Further development must occur in accordance with the development parameters and phasing schedule set forth in Exhibit C.

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

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

O. Protection of Development Rights. The project will not be subject to down-zoning, unit density reduction, or intensity reduction prior to ~~September 4, 2028~~ December 7, 2038. If the Village demonstrates at a public hearing that substantial changes have occurred in the conditions underlying the approval of this Development Order, or finds that the Development Order was based on substantially inaccurate information provided by the Developer, or that the change is clearly established by the Village of Estero to be essential to public health, safety and welfare, then down-zoning, unit density reduction, or intensity reduction may occur.

P. Biennial Monitoring Reports. ~~At the request of the Director of Community Development during permitting review, the Developer shall provide a report regarding the status of the development or part of the development within the DRI, and any conditions applied to the development by the Development Order. The Director of Community Development may request supplemental traffic analysis if the applicant seeks to amend the development parameters set forth in the DRI Development Order in a manner which creates a substantial increase (5%). This condition shall cease to be in effect upon the build-out of the project. The Developer must submit a report biennial to the Village of Estero Department of Community Development, the SWFRPC and Florida DCA on Form RPM-BSP Annual Report-1. The content of the report must include the information set forth in Exhibit D, and must also be consistent with the rules of the FDCA. The first monitoring report was submitted to the DRI coordinator for SWFRPC, DCA, and Lee~~

~~County no later than one year after the effective date of this Development Order²⁰. Further reporting must be submitted every two years for subsequent calendar years thereafter, until build-out, whether actual or declared. Failure to comply with this reporting procedure is governed by §380.06(18), Florida Statutes, which provides for the temporary suspension of the DRI Development Order.~~

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

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

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

~~R. Transmittal and Effective Date. The Village will forward certified copies of this Development Order to the SWFRPC, the Developer, and appropriate state agencies. This Development Order is effective at the time of its adoption by the Village of Estero Village Council, rendered as of the date of that transmittal, but will not be effective until the expiration of the statutory appeal period (45 days from rendition) or until the Florida Department of Economic Opportunity (DEO) has completed its review and has determined not to take an appeal, should that occur prior to the expiration of the 45-day period, or until the completion of any appellate proceedings, whichever time is greater. In accordance with the requirements of §380.06(15)f, Florida Statutes, once this development order is effective, tThe Developer must record notice of its adoption in the office of the Clerk of the Circuit Court of Lee County.~~

~~S. Continued Agricultural Use of Property. Bona fide agricultural uses in existence on the date of this DRI initially approved October 21, 2005 have ceased. may~~

²⁰~~The first monitoring report was submitted in January 2004.~~

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

Councilmember _____ made a motion to adopt the ~~Ninth~~Tenth Development Order Amendment and Restatement, seconded by Councilmember _____. The vote was as follows:

	AYE	NAY
Mayor Joanne Ribble	_____	_____
Vice Mayor George Zalucki	_____	_____
Councilmember Lori Fayhee	_____	_____
Councilmember Jeff Hunt	_____	_____
Councilmember Rafael Lopez	_____	_____
Councilmember Jon McLain	_____	_____
Councilmember Jim Ward	_____	_____

DULY PASSED AND ADOPTED this ____ day of _____, ~~2017~~2025

ATTEST: VILLAGE OF ESTERO, FLORIDA

BY: _____
Carol Sacco, Village Clerk

By: _____
Joanne Ribble, Mayor

Reviewed for legal sufficiency:

By: _____
Nancy Stroud, Esq., Village Land Use Attorney

Exhibits:

- A. Legal Description
- B. Master Plan of Development (Map H) dated 4/17/25
- C. Development Parameters and Phasing Schedule
- C-1 Land Use Conversion Table
- ~~D. Biennial Monitoring Report Requirements~~
- ~~E. Calculation of Road Impact Fee Obligation~~
- FD. Pedestrian, Bicycle and Bus Stop Plan

Exhibit A



950 Encore Way • Naples, Florida 34108 • Phone: 239.254.2000 • Fax: 239.254.2099

Applicant's Legal Checked

by CS 5/15/13

Pgs 1 thru 3

RECEIVED

MAY 10 2013

HM PROJECT #1997079

06/03/13

REF. DWG. #A-994-3

PAGE 1 OF 3

LEGAL DESCRIPTION:

COMMUNITY DEVELOPMENT

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

COMMENCE AT THE SOUTHEAST CORNER OF SECTION 9, TOWNSHIP 47 SOUTH, RANGE 26 EAST, LEE COUNTY, FLORIDA; THENCE RUN S.88°56'17"W., ALONG THE SOUTH LINE OF THE SOUTHEAST QUARTER OF SAID SECTION 9, FOR A DISTANCE OF 6.89 FEET TO A POINT ON THE WESTERLY RIGHT-OF-WAY LINE OF THE SEABOARD COASTLINE RAILROAD, A 130.00 FOOT RIGHT-OF-WAY, AND THE POINT OF BEGINNING OF THE PARCEL OF LAND HEREIN DESCRIBED; THENCE CONTINUE S.88°56'17"W., ALONG THE SOUTH LINE OF THE SOUTHEAST QUARTER OF SAID SECTION 9, FOR A DISTANCE OF 1,733.04 FEET TO A POINT ON THE EASTERLY RIGHT-OF-WAY LINE OF U.S. HWY. NO. 41 (FLORIDA STATE ROAD NO. 45), A 200.00 FOOT RIGHT-OF-WAY; THENCE RUN N.10°32'05"W., ALONG SAID EASTERLY RIGHT-OF-WAY LINE, FOR A DISTANCE OF 971.33 FEET TO THE BEGINNING OF A TANGENTIAL CIRCULAR CURVE, CONCAVE EASTERLY; THENCE RUN NORTHERLY, ALONG SAID EASTERLY RIGHT-OF-WAY LINE AND ALONG THE ARC OF SAID CURVE TO THE RIGHT, HAVING A RADIUS OF 5,605.39 FEET, THROUGH A CENTRAL ANGLE OF 04°03'11", SUBTENDED BY A CHORD OF 396.43 FEET AT A BEARING OF N.08°30'30"W., FOR A DISTANCE OF 396.52 FEET TO THE END OF SAID CURVE; THENCE RUN N.88°07'51"E. FOR A DISTANCE OF 747.22 FEET TO A POINT ON A CIRCULAR CURVE, CONCAVE EASTERLY, WHOSE RADIUS POINT BEARS N.82°31'42"E., A DISTANCE OF 3,909.60 FEET THEREFROM; THENCE RUN NORTHERLY, ALONG THE ARC OF SAID CURVE TO THE RIGHT, HAVING A RADIUS OF 3,909.60 FEET, THROUGH A CENTRAL ANGLE OF 08°29'31", SUBTENDED BY A CHORD OF 578.92 FEET AT A BEARING OF N.03°13'32"W., FOR A DISTANCE OF 579.45 FEET TO THE END OF SAID CURVE; THENCE RUN N.00°16'56"W., FOR A DISTANCE OF 583.09 FEET; THENCE RUN N.00°16'56"W., FOR A DISTANCE OF 47.04 FEET TO A POINT ON THE SOUTHERLY RIGHT-OF-WAY LINE OF COCONUT ROAD, A 150.00 FOOT RIGHT-OF-WAY, THE SAME BEING A POINT ON A CIRCULAR CURVE, CONCAVE NORTHERLY, WHOSE RADIUS POINT BEARS N.10°26'58"W., A DISTANCE OF 2,025.00 FEET THEREFROM; THENCE RUN EASTERLY, ALONG SAID SOUTHERLY RIGHT-OF-WAY LINE AND ALONG THE ARC OF SAID CURVE TO THE LEFT, HAVING A RADIUS OF 2,025.00 FEET, THROUGH A CENTRAL ANGLE OF 09°12'27", SUBTENDED BY A CHORD OF 325.07 FEET AT A BEARING OF N.74°56'48"E., FOR A DISTANCE OF 325.42 FEET TO THE END OF SAID CURVE; THENCE RUN N.70°20'35"E., ALONG SAID SOUTHERLY RIGHT-OF-WAY LINE FOR A DISTANCE OF 200.00 FEET TO THE BEGINNING OF A TANGENTIAL CIRCULAR CURVE, CONCAVE SOUTHERLY; THENCE RUN EASTERLY, ALONG SAID SOUTHERLY RIGHT-OF-WAY LINE AND ALONG THE ARC OF SAID CURVE TO THE RIGHT, HAVING A RADIUS OF 3,025.00 FEET, THROUGH A CENTRAL ANGLE OF 09°15'04", SUBTENDED BY A CHORD OF 487.89 FEET AT A BEARING OF N.74°58'07"E., FOR A DISTANCE OF 488.42 FEET TO THE END OF SAID CURVE; THENCE RUN N.79°35'39"E., ALONG SAID SOUTHERLY RIGHT-OF-WAY LINE, FOR A DISTANCE OF 238.23 FEET TO A POINT ON THE WESTERLY RIGHT-OF-WAY LINE OF THE SEABOARD COASTLINE RAILROAD, A 130.00 FOOT RIGHT-OF-WAY; THENCE RUN S.00°59'47"E., ALONG SAID WESTERLY RIGHT-OF-WAY LINE, FOR A DISTANCE OF 2,869.10 FEET TO THE POINT OF BEGINNING; CONTAINING 95.885 ACRES, MORE OR LESS.

AND

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

COMMENCE AT THE SOUTHEAST CORNER OF SECTION 9, TOWNSHIP 47 SOUTH, RANGE 25 EAST, LEE COUNTY, FLORIDA; THENCE RUN S.88°56'17"W., ALONG THE SOUTH LINE OF THE SOUTHEAST QUARTER OF SAID SECTION 9, FOR A DISTANCE OF 6.89 FEET TO A POINT ON THE

DCI 2013-00070

Naples • Fort Myers

ORI 2013-00003

EXHIBIT

A

WESTERLY RIGHT-OF-WAY LINE OF THE SEABOARD COASTLINE RAILROAD, A 130.00 FOOT RIGHT-OF-WAY; THENCE RUN N.00°59'47"W., ALONG SAID WESTERLY RIGHT-OF-WAY LINE, FOR A DISTANCE OF 3,021.15 FEET TO THE POINT OF BEGINNING OF THE PARCEL OF LAND HEREIN DESCRIBED; THENCE RUN N.00°59'47"W., ALONG SAID WESTERLY RIGHT-OF-WAY LINE, FOR A DISTANCE OF 2,320.56 FEET TO A POINT ON THE NORTH LINE OF THE NORTHWEST QUARTER OF SECTION 10, TOWNSHIP 47 SOUTH, RANGE 26 EAST; THENCE RUN N.00°59'47"W., ALONG SAID WESTERLY RIGHT-OF-WAY LINE, FOR A DISTANCE OF 2,692.32 FEET TO A POINT ON THE NORTH LINE OF THE SOUTHEAST QUARTER OF SECTION 4, TOWNSHIP 47 SOUTH, RANGE 26 EAST; THENCE RUN N.00°56'59"W., ALONG SAID WESTERLY RIGHT-OF-WAY LINE, FOR A DISTANCE OF 1,590.78 FEET TO THE BEGINNING OF A TANGENTIAL CIRCULAR CURVE, CONCAVE WESTERLY; THENCE RUN NORTHERLY, ALONG SAID WESTERLY RIGHT-OF-WAY LINE AND ALONG THE ARC OF SAID CURVE TO THE LEFT, HAVING A RADIUS OF 5,641.38 FEET, THROUGH A CENTRAL ANGLE OF 09°31'27", SUBTENDED BY A CHORD OF 936.68 FEET AT A BEARING OF N.05°42'42"W., FOR A DISTANCE OF 937.76 FEET TO THE END OF SAID CURVE; THENCE RUN N.10°28'26"W., ALONG SAID WESTERLY RIGHT-OF-WAY LINE, FOR A DISTANCE OF 98.54 FEET TO A POINT ON THE SOUTHERLY RIGHT-OF-WAY LINE OF WILLIAMS ROAD, A 100.00 FOOT RIGHT-OF-WAY; THENCE RUN S.88°20'53"W., ALONG SAID SOUTHERLY RIGHT-OF-WAY LINE, FOR A DISTANCE OF 1,029.70 FEET TO THE BEGINNING OF A TANGENTIAL CIRCULAR CURVE, CONCAVE NORTHERLY; THENCE RUN WESTERLY, ALONG SAID SOUTHERLY RIGHT-OF-WAY LINE AND ALONG THE ARC OF SAID CURVE TO THE RIGHT, HAVING A RADIUS OF 7,050.00 FEET, THROUGH A CENTRAL ANGLE OF 03°00'00", SUBTENDED BY A CHORD OF 369.09 FEET AT A BEARING OF S.89°50'53"W., FOR A DISTANCE OF 369.14 FEET TO THE END OF SAID CURVE; THENCE RUN N.88°39'07"W., ALONG SAID SOUTHERLY RIGHT-OF-WAY LINE, FOR A DISTANCE OF 674.92 FEET TO A POINT ON THE EASTERLY RIGHT-OF-WAY LINE OF U.S. HWY. NO. 41 (FLORIDA STATE ROAD NO. 45), A 200.00 FOOT RIGHT-OF-WAY; THENCE RUN S.04°52'41"W., ALONG SAID EASTERLY RIGHT-OF-WAY LINE, FOR A DISTANCE OF 1,901.67 FEET TO THE BEGINNING OF A TANGENTIAL CIRCULAR CURVE, CONCAVE EASTERLY; THENCE RUN SOUTHERLY, ALONG SAID EASTERLY RIGHT-OF-WAY LINE AND ALONG THE ARC OF SAID CURVE TO THE LEFT, HAVING A RADIUS OF 2,725.19 FEET, THROUGH A CENTRAL ANGLE OF 11°32'50", SUBTENDED BY A CHORD OF 648.30 FEET AT A BEARING OF S.00°53'44"E., FOR A DISTANCE OF 549.23 FEET TO THE END OF SAID CURVE; THENCE RUN S.06°40'09"E., ALONG SAID EASTERLY RIGHT-OF-WAY LINE, FOR A DISTANCE OF 225.81 FEET TO A POINT ON THE NORTH LINE OF THE SOUTHEAST QUARTER OF SAID SECTION 4; THENCE CONTINUE S.06°40'09"E., ALONG SAID EASTERLY RIGHT-OF-WAY LINE, FOR A DISTANCE OF 2,710.61 FEET TO A POINT ON THE SOUTH LINE OF THE SOUTHEAST QUARTER OF SAID SECTION 4; THENCE CONTINUE S.06°40'09"E., ALONG SAID EASTERLY RIGHT-OF-WAY LINE, FOR A DISTANCE OF 628.03 FEET TO THE BEGINNING OF A TANGENTIAL CIRCULAR CURVE, CONCAVE WESTERLY; THENCE RUN SOUTHERLY, ALONG SAID EASTERLY RIGHT-OF-WAY LINE AND ALONG THE ARC OF SAID CURVE TO THE RIGHT, HAVING A RADIUS OF 11,584.73 FEET, THROUGH A CENTRAL ANGLE OF 06°24'13", SUBTENDED BY A CHORD OF 1,294.08 FEET AT A BEARING OF S.03°28'03"E., FOR A DISTANCE OF 1,294.76 FEET TO THE END OF SAID CURVE; THENCE RUN S.00°15'56"E., ALONG SAID EASTERLY RIGHT-OF-WAY LINE, FOR A DISTANCE OF 274.74 FEET; THENCE RUN S.46°02'16"E., FOR A DISTANCE OF 577.44 FEET; THENCE RUN S.01°57'26"E. FOR A DISTANCE OF 25.19 FEET TO A POINT ON THE NORTHERLY RIGHT-OF-WAY LINE OF COCONUT ROAD, A 150.00 FOOT RIGHT-OF-WAY; THENCE RUN N.86°02'34"E., ALONG SAID NORTHERLY RIGHT-OF-WAY LINE, FOR A DISTANCE OF 32.80 FEET TO THE BEGINNING OF A TANGENTIAL CIRCULAR CURVE, CONCAVE NORTHERLY; THENCE RUN EASTERLY, ALONG SAID NORTHERLY RIGHT-OF-WAY LINE AND ALONG THE ARC OF SAID CURVE TO THE LEFT, HAVING A RADIUS OF 1,875.00 FEET, THROUGH A CENTRAL ANGLE OF 17°41'59", SUBTENDED BY A CHORD OF 576.92 FEET AT A BEARING OF N.79°11'34"E., FOR A DISTANCE OF 579.22 FEET TO THE END OF SAID CURVE; THENCE RUN N.70°20'35"E., ALONG SAID NORTHERLY RIGHT-OF-WAY LINE, FOR A DISTANCE OF 200.00 FEET TO THE BEGINNING OF A TANGENTIAL CIRCULAR CURVE, CONCAVE

HM PROJECT #1997079

05/03/13

REF. DWG. #A-994-3

PAGE 3 OF 3

SOUTHERLY; THENCE RUN EASTERLY, ALONG SAID NORTHERLY RIGHT-OF-WAY LINE AND ALONG THE ARC OF SAID CURVE TO THE RIGHT, HAVING A RADIUS OF 3,175.00 FEET, THROUGH A CENTRAL ANGLE OF 09°16'04", SUBTENDED BY A CHORD OF 512.09 FEET AT A BEARING OF N.74°58'07"E., FOR A DISTANCE OF 512.65 FEET TO THE END OF SAID CURVE; THENCE RUN N.79°35'39"E., ALONG SAID NORTHERLY RIGHT-OF-WAY LINE, FOR A DISTANCE OF 263.08 FEET TO THE POINT OF BEGINNING; CONTAINING 386.636 ACRES, MORE OR LESS.

NOTES:

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

TOTAL PROPERTY AREA: 482.421 ACRES, MORE OR LESS.

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

HOLE MONTES, INC.

CERTIFICATE OF AUTHORIZATION LB #1772

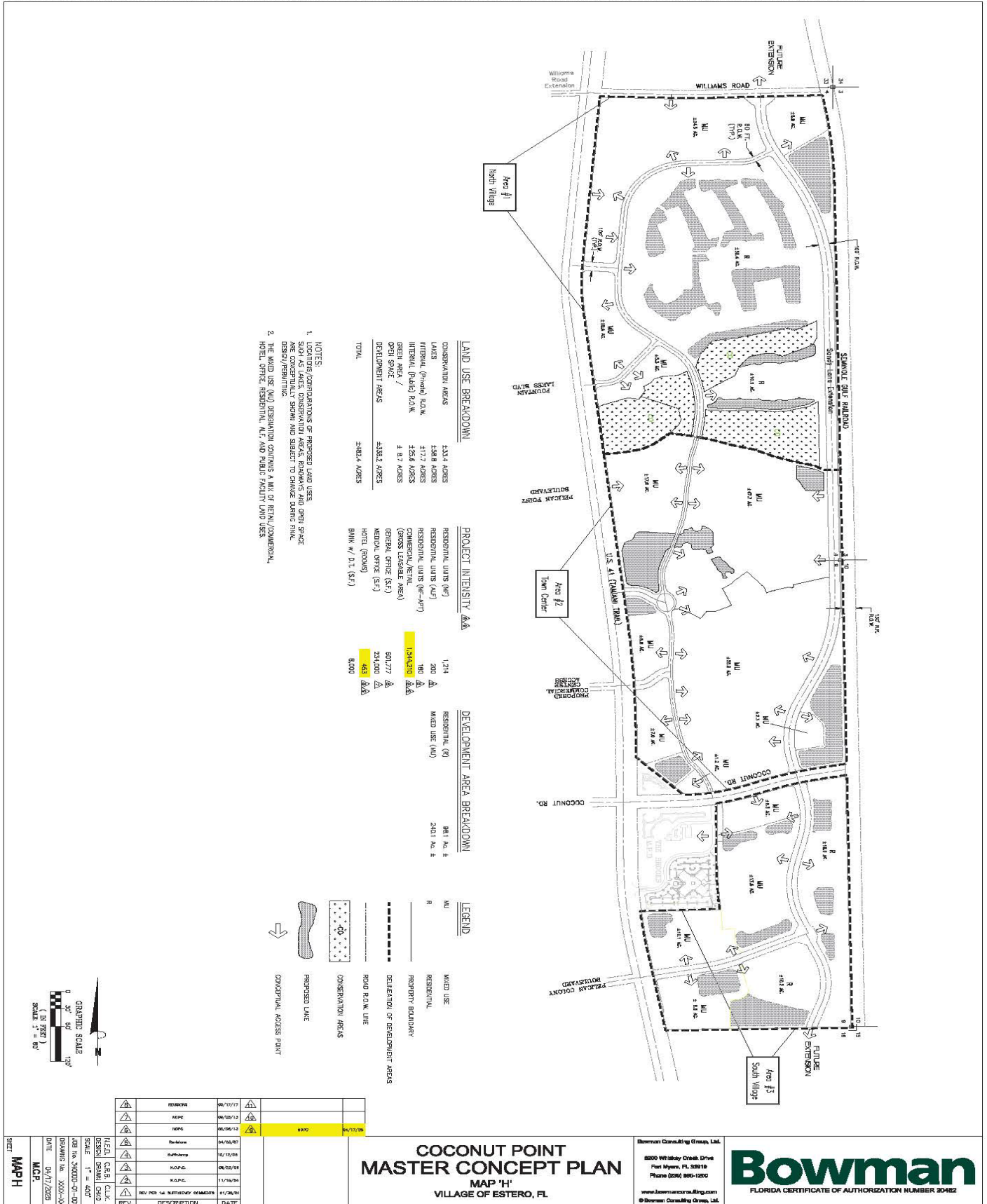
BY


THOMAS M. MURPHY

P.S.M. #5628

STATE OF FLORIDA

QAD file name: G:\FL-FTMY-HMF\HMDATA-FM\B2004A-Marketing\25\GLK\Simon - Coconut Point DRI Attachment\Exhibits & Qad Files\QRI Map H\13008MAPH - 20220417.dwg 4/17/2025



DRI
EXHIBIT C

Development Parameters and Phasing Schedule

		<u>Buildout</u>
Regional Retail Commercial	4440,110 <u>1,438,110</u> * sq. ft.	2038 <u>2028</u>
Community Retail	106,100* sq. ft.	2038 <u>2028</u>
Office	835,777** sq. ft.	2038 <u>2028</u>
Hotel	370 <u>453</u> Rooms	2038 <u>2028</u>
Residential, Multi-family	1,214 du	2038 <u>2028</u>
Residential, MF Apartments	180 units	2038 <u>2028</u>
Assisted Living Facility	200 units	2038 <u>2028</u>
Banks	8,000 sq. ft.	2038 <u>2028</u>

* Gross Leasable Area

**Up to 234,000 sq. ft., may be medical office

Note (1): a 160 acute care bed hospital may only be constructed within Tracts 3A-1, 3A-2 and 3A-3_1 and; (2) Tracts 3A-1, 3A-2, and 3A-3_1 may be developed with any of the following land uses or combinations so long as the uses do not exceed 479 total net new external trips: up to 60,000 gross leasable sq. ft. retail, 300,000 sq. ft. office (of which a maximum of 198,000 sq. ft. may be medical office), 160 acute care hospital beds.

DRI EXHIBIT C-1

Land Use Conversion Table

Land Use	Max Increase*
Retail	54,999 sf
Office (Gen / Med)	65,999 sf
Residential	54 MF
Hotel	82 rms

*The purpose of this table is to permit one land use to be converted to a different use. The conversion may be approved only if the project's overall trips do not exceed the parameters set forth in Condition II.D.1.a.

~~DRI
EXHIBIT D~~

~~BIENNIAL MONITORING REPORT REQUIREMENTS~~

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

~~A. Any changes in the plan of development or in the representations contained in the application for development approval, or in the phasing for the reporting year and for the next year;~~

~~B. A summary comparison of development activity proposed and actually conducted for the year;~~

~~C. Identification of undeveloped tracts of land, other than individual single family lots, that have been sold to separate entities or developers.~~

~~D. Identification and intended use of lands purchased, leased, or optioned by the Developer adjacent to the original DRI site since the development order was issued;~~

~~E. A specific assessment of the Developer's and the local government's compliance with each individual condition of approval contained in the DRI Development Order and the commitments contained in the application for development approval that have been identified by the local government, the RPC, or the DCA as being significant;~~

~~F. Any requests for substantial deviation determination that were filed in the reporting year and to be filed during the following year;~~

~~G. — An indication of a change, if any, in local government jurisdiction for any portion of the development since the development order was issued;~~

~~H. — A list of significant local, state, and federal permits that have been obtained or are pending by agency, type of permit, permit number and purpose of each;~~

~~I. — A statement that all persons have been sent copies of the report in conformance with Subsections 380.06(15) and (18), Florida Statutes;~~

~~J. — A copy of any recorded notice of the adoption of a development order or the subsequent modification of an adopted development order that was recorded by the Developer pursuant to Paragraph 380.06(15)(f), Florida Statutes.~~

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

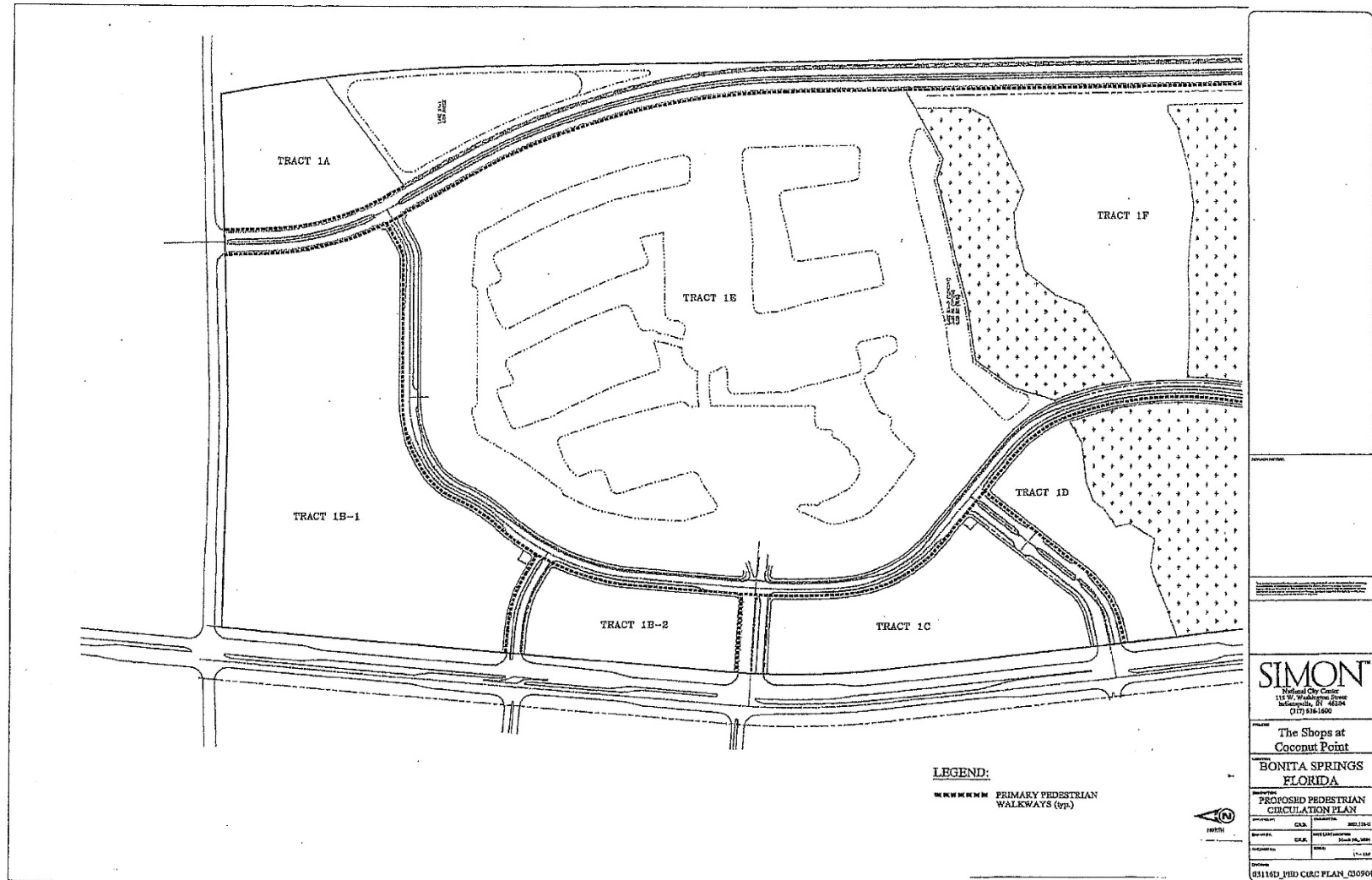
DRI
EXHIBIT E
Calculation of Road Impact Fee Obligation²⁴

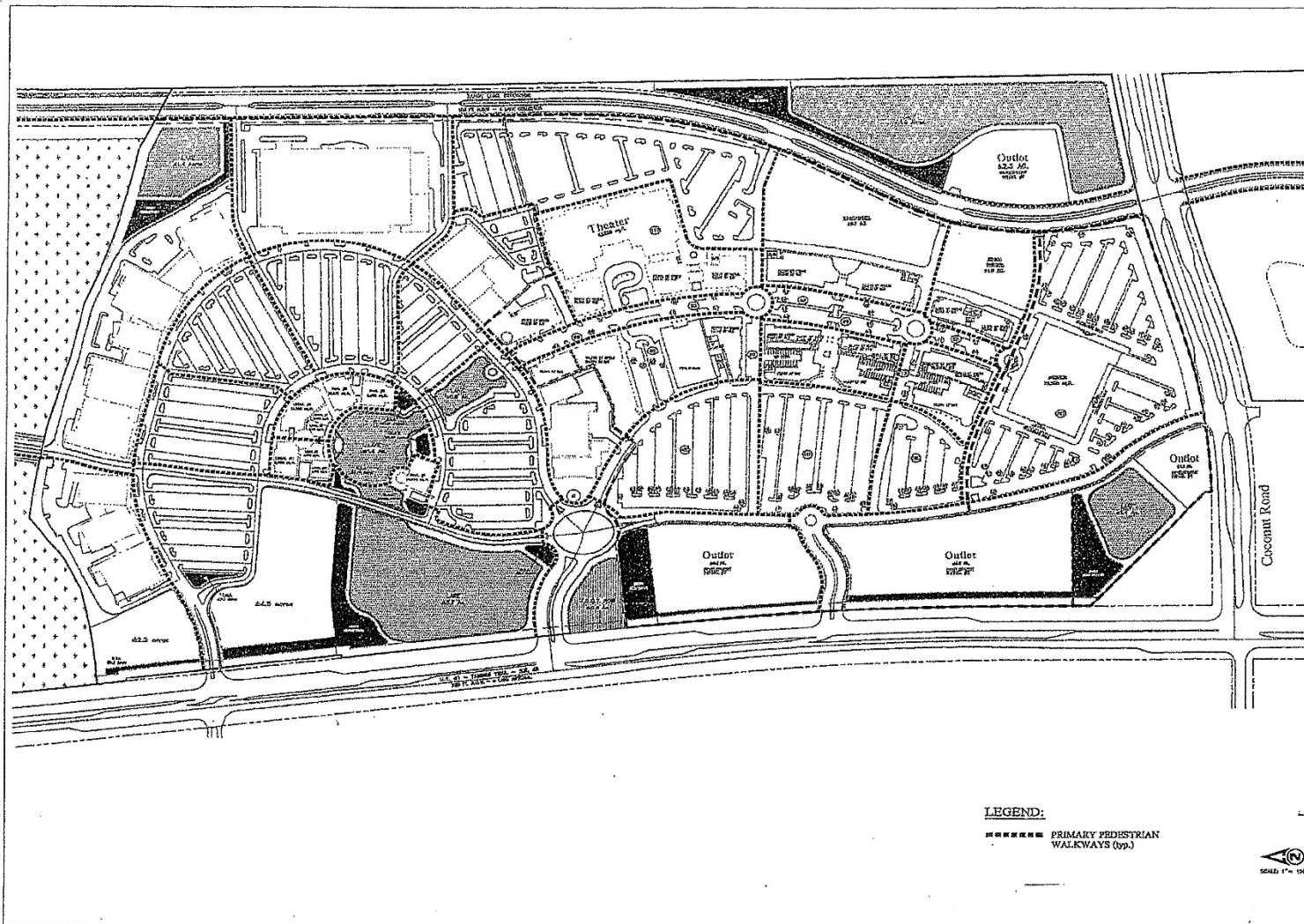
LAND USE	ITE LUG	UNIT	RATE	SIZE	AMOUNT
GENERAL INDUSTRIAL	130	1000 SF	\$1,681.00	0	\$ —
WAREHOUSE	150	1000 SF	\$1,198.00	0	\$ —
MINI-WAREHOUSE	151	1000 SF	\$ 419.00	0	\$ —
SINGLE FAMILY DETACHED	210	DU	\$2,436.00	0	\$ —
MULTI-FAMILY	220	DU	\$1,687.00	1000	\$ 1,687,000.00
MOBILE HOME (PARK UNIT)/RV SITE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

²⁴The calculations included here are based upon the impact fee schedule effective July 1, 2000.

The fee schedule was used as a basis for establishing traffic mitigation option 1. The Developer did not ultimately choose option 1.

Exhibit D





LEGEND:
 ----- PRIMARY PEDESTRIAN
 WALKWAYS (typ.)

SCALE 1" = 150'

SIMON
 National City Group
 111 W. Washington Street
 Indianapolis, IN 46204
 (317) 616-6000

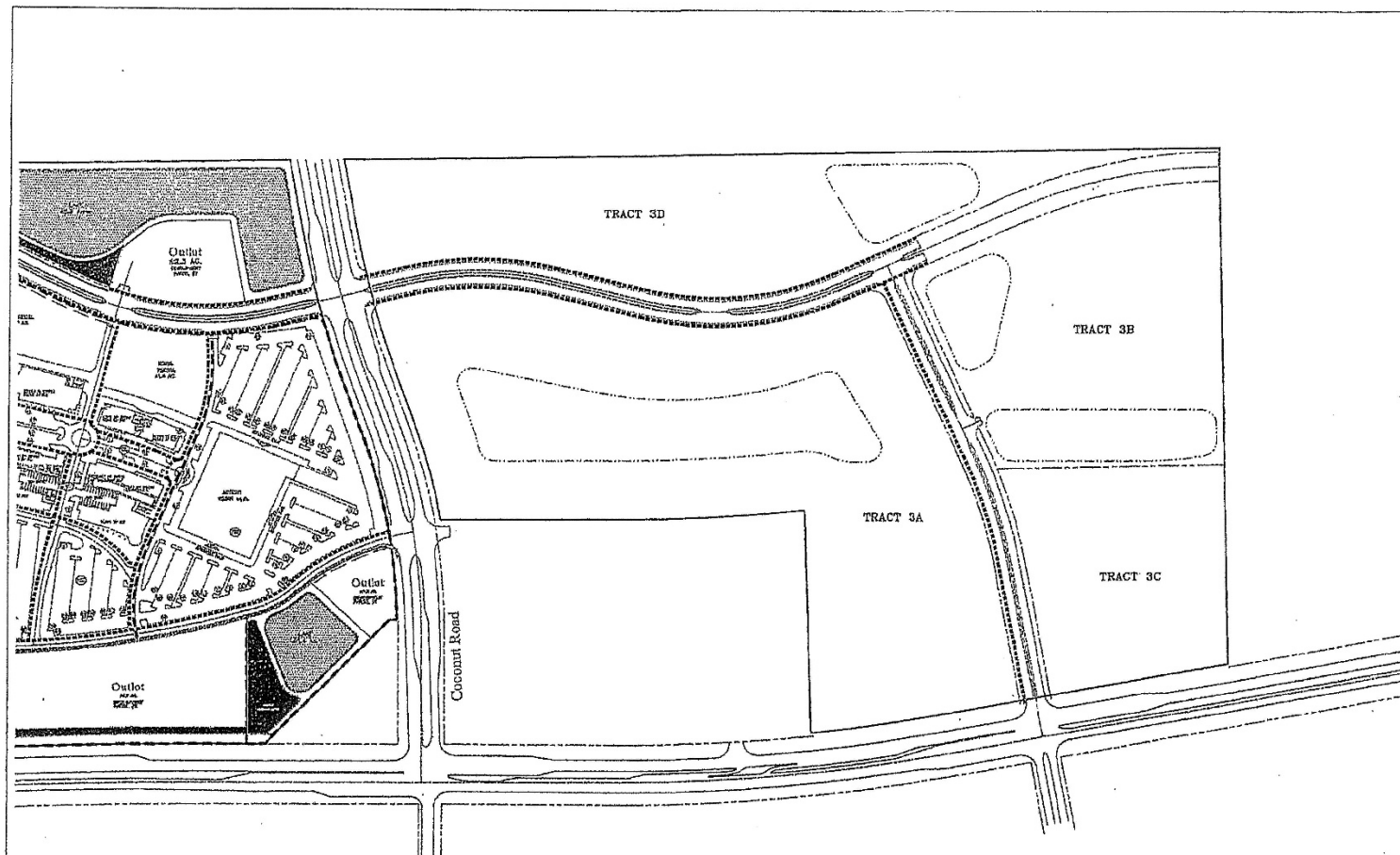
PROJECT
**The Shops at
 Coconut Point**

**BONITA SPRINGS
 FLORIDA**

PROPOSED PEDESTRIAN
 CIRCULATION PLAN

DESIGNED BY	DATE	REVISION	DATE
DRN	03/04	REVISED	03/04
REVISION	DATE	REVISION	DATE
DRN	03/04	REVISED	03/04

03116D_PED CIRC PLAN_030904



LEGEND:
 ----- PRIMARY PEDESTRIAN WALKWAYS (typ.)

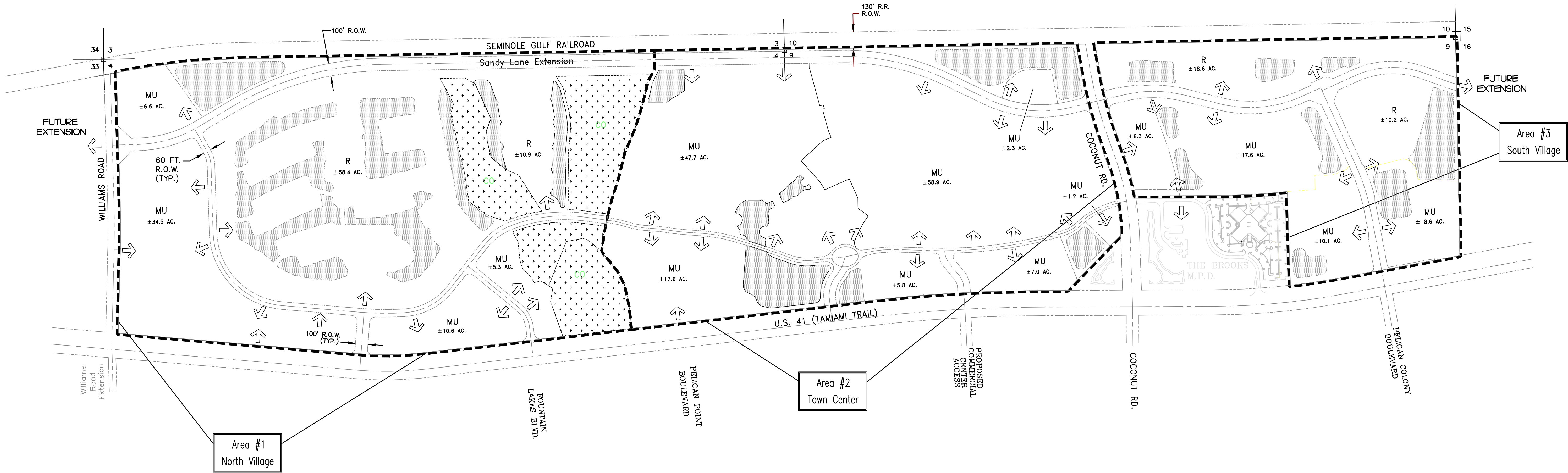
SIMON
 Related City Center
 115 W. Washington Street
 Indianapolis, IN 46204
 (317) 634-1600

**The Shops at
 Coconut Point**
**BONITA SPRINGS
 FLORIDA**

**PROPOSED PEDESTRIAN
 CIRCULATION PLAN**
 SHEET NO. 031162
 DATE: 08/01/2014
 SCALE: 1" = 100'
 031162_PED CIRC PLAN_030904



CAD file name: Q:\FL-FTMY-HM\HDATA-FA\8200\A-Marketing\25\CLK\Simon - Coconut Point DRI Amendment\Exhibits & Cad Files\ORI Map H\1306MAPH - 20250417.dwg 4/17/2025
THIS DOCUMENT, TOGETHER WITH THE CONCEPTS AND DESIGNS PRESENTED HEREIN, AS AN INSTRUMENT OF SERVICE, IS INTENDED ONLY FOR THE SPECIFIC PURPOSE AND CLIENT FOR WHICH IT WAS PREPARED. REUSE OF AND IMPROPER RELIANCE ON THIS DOCUMENT WITHOUT WRITTEN AUTHORIZATION AND ADAPTATION BY BOWMAN CONSULTING SHALL BE WITHOUT LIABILITY TO BOWMAN CONSULTING.



LAND USE BREAKDOWN

CONSERVATION AREAS	±33.4 ACRES
LAKES	±58.8 ACRES
INTERNAL (Private) R.O.W.	±17.7 ACRES
INTERNAL (Public) R.O.W.	±25.6 ACRES
GREEN AREA / OPEN SPACE	± 8.7 ACRES
DEVELOPMENT AREAS	±338.2 ACRES
TOTAL	±482.4 ACRES

NOTES:

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

PROJECT INTENSITY

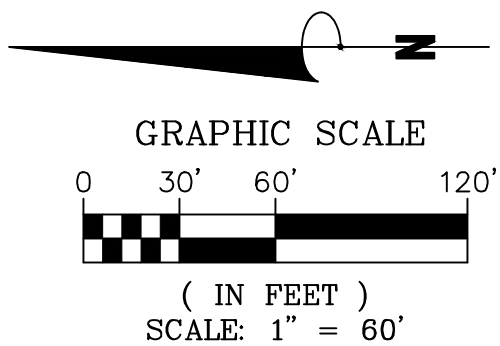
RESIDENTIAL UNITS (MF)	1,214
RESIDENTIAL UNITS (ALF)	200
RESIDENTIAL UNITS (MF-APT)	180
COMMERCIAL/RETAIL (GROSS LEASABLE AREA)	1,544,210
GENERAL OFFICE (S.F.)	601,777
MEDICAL OFFICE (S.F.)	234,000
HOTEL (ROOMS)	453
BANK w/ D.T. (S.F.)	8,000

DEVELOPMENT AREA BREAKDOWN

RESIDENTIAL (R)	98.1 Ac. ±
MIXED USE (MU)	240.1 Ac. ±

LEGEND

MU	MIXED USE
R	RESIDENTIAL
---	PROPERTY BOUNDARY
---	DELINEATION OF DEVELOPMENT AREAS
---	ROAD R.O.W. LINE
CO	CONSERVATION AREAS
LAKE	PROPOSED LAKE
→	CONCEPTUAL ACCESS POINT



REVISIONS	06/17/17	09/03/13	06/06/13	04/03/07	10/12/06	08/22/06	11/10/04	01/26/01
NPC	NPC	NPC	Revisions	Sufficiency	N.O.P.C.	N.O.P.C.	REV PER 1st SUPPLEMENT COMMENTS	DATE
REV.	REV.	REV.	REV.	REV.	REV.	REV.	REV.	REV.

N.E.D. DESIGN	C.R.B. DRAWN	C.L.K. CHKD
SCALE	1" = 400'	
JOB No.	340000-01-001	
DRAWING No.	XXXX-XX	
DATE	04/17/2025	
M.C.P.		
SHEET	MAP H	

COCONUT POINT
MASTER CONCEPT PLAN
MAP 'H'
VILLAGE OF ESTERO, FL

Bowman Consulting Group, Ltd.
6200 Whiskey Creek Drive
Fort Myers, FL 33919
Phone (239) 985-1200
www.bowmanconsulting.com
© Bowman Consulting Group, Ltd.

Bowman
FLORIDA CERTIFICATE OF AUTHORIZATION NUMBER 30462