VILLAGE OF ESTERO
PLANNED DEVELOPMENT and DRI AMENDMENT
STAFF REPORT

PROJECT NAME: **COCONUT POINT TRACT 1-A**
CASE TYPE: **PLANNED DEVELOPMENT/DEVELOPMENT OF REGIONAL IMPACT AMENDMENT**
CASE NUMBER: **DCI 2016E-02**

PLANNING & ZONING BOARD DATE: **November 15, 2016 & December 13, 2016**

REQUEST AND STAFF RECOMMENDATION

The applicant is requesting a Planned Development amendment of the Coconut Point Mixed Use Planned Development/Development of Regional Impact (MPD/DRI) to allow a multifamily development of 200 dwelling units. The development approval for Tract 1A was last amended by Lee County Zoning Resolution Z-13-016 and provided for 200 assisted living facility (ALF) units on the Master Concept Plan. The current request would modify the Mixed Planned Development (MPD) to permit multifamily development in lieu of 200 assisted living facility (ALF) units. Multifamily development is not currently a permitted use. As part of the MPD amendment, the applicant is also requesting three deviations; however staff's interpretation is that five deviations are required. These include one means of access to the property, reduced parking, a reduction in building separation, not providing solid waste containers with the appropriate vehicular clearance and to allow four stories where three stories are permitted. Originally, the applicant did request five deviations. Subsequent to the Planning and Zoning Board meeting, the applicant submitted information indicating they would not need the solid waste deviation. The applicant's supplemental information states that they are proposing 1,740 square feet of solid waste containers rather than the required 1,616 square feet of solid waste containers by placing containers within the buildings and between the buildings. Staff does not object to the square footage provided, however, Code Section 10-261 states that not only 1,616 square feet is required, but also a minimum overhead clearance of 22 feet is required and a 12-foot wide unobstructed access opening must be provided to accommodate all storage areas/containers. The applicant has not provided the adequate clearance. At the Planning and Zoning Board meeting the applicant also verbally modified the parking deviation to a reduction in parking from 440 parking spaces to 371 parking spaces with 12 parking spaces held in abeyance to equal 383, rather than the original request of 383 spaces.

After the Planning and Zoning Board meeting, the applicant submitted additional information and requested to withdraw the height deviation. The applicant has indicated that the property development regulations for Tract 1-A do not have a limitation on stories and rely on the height maximum of 45 feet, which would not require a deviation. Staff's continued position is that the Land Development Code, Section 33-229, has an additional restriction on the number of stories. This

specific code provision is within the Estero Community Planning section of the Land Development Code and therefore the deviation is still applicable.

This property is part of the Coconut Point DRI. The Florida Statutes state a project is not a substantial deviation from the original DRI approval if it does not increase the number of external peak hour trips and does not reduce open space and conserved areas. The applicant proposes to reduce the commercial retail square footage permitted in Development Area #1 by 21,300 square feet, from 85,000 square feet to 63,700 square feet. Therefore, the proposed 200 residential dwelling units will not result in an increase in the number of external peak hour trips and the DRI amendment is not considered a substantial deviation.

Staff recognizes that this site is part of an overall DRI, therefore the density distributed throughout the DRI. The issue is that the number of units proposed on this 6.62 acre parcel is one of the highest concentrations of units on a parcel of land in the Village and therefore is not compatible with the neighboring properties. Further, the deviations result in additional number of units on the site than if it were proposed without the deviations.

APPLICATION SUMMARY

Applicant: Arnaud Karsenti, Managing Principal

Location: The subject property is located East of Via Coconut Point and South of Williams Road. The subject property STRAP number is 04-47-25-E2-3001A.0000.

Request: Amend the MPD for Tract 1-A of the Coconut Point DRI to allow a multifamily development of 200 dwelling units, and the Coconut Point DRI to reduce the commercial retail square footage permitted in Development Area #1 by 21,300 square feet, from 85,000 square feet to 63,700 square feet. The request also includes five deviations:

Deviation 1: One means of access to the property instead of two means of access
Deviation 2: A reduction in parking from 440 parking spaces to 371 parking spaces with 12 parking space held in abeyance to equal 383.
Deviation 3: A reduction of required building separation from 45 feet to 25 feet.
Deviation 4: A reduction in overhead clearance for solid waste containers placed within the buildings.
Deviation 5: Allowing four stories where three stories are permitted.

LAND USE CATEGORY

Urban Community and Mixed Use Overlay

PUBLIC INFORMATION WORKSHOP

A public information workshop for this application was held at the Planning and Zoning Board on September 20, 2016.

PROJECT HISTORY

The site is currently vacant and is part of the Coconut Point MPD/DRI. The property is owned by CP Land Investment, LLC.

The Coconut Point MPD/DRI was approved in 2002 by Lee County as a mixed-use project consisting of residential, office, and retail development, which has been approved for numerous amendments since its initial adoption. The overall project has developed with a variety of residential and commercial uses, including the Hertz Corporate Headquarters. The current request for an amendment to the MPD/DRI affects Tract 1-A, a 6.62 acre parcel at the northern end of the MPD/DRI, at the southeast corner of the intersection of Williams Road and Via Coconut Point.

The development approval for Tract 1-A was last amended in August 2013 by Lee County Zoning Resolution Z-13-016. That application amended the Coconut Point Development of Regional Impact development order and MPD zoning approvals to modify the project development parameters as follows: Decreased number of dwelling units, decreased retail floor area, decreased number of hotel units, increased office square footage and deleted performing arts center use. In addition, extended compliance dates for project build out, termination and transportation concurrency vesting.

The Master Concept Plan (MCP) shows 200 ALF units/50,000 square feet of office allowed on Tract 1-A; however the list of Permitted Uses within the Zoning Resolution text does not include the ALF use. The applicant seeks to amend the MPD for Tract 1-A to permit the development of 200 multifamily dwelling units, developed as apartments, rather than the ALF units currently permitted by the MCP.

PROJECT DESCRIPTION

The subject property is located east of Via Coconut Point and south of Williams Road, within the Coconut Point MPD/DRI. The applicant is requesting an Amendment to allow a multifamily development of 200 dwelling units as well as three deviations on Tract 1-A and to reduce the commercial retail square footage permitted in Development Area #1 outside of Tract 1-A by 21,300 square feet, from 85,000 square feet to 63,700 square feet. Staff's interpretation is that five deviations are required.

The Coconut Point MPD/DRI was approved in 2002 by Lee County as a mixed-use project consisting of residential, office, and retail development, which has been approved for numerous amendments since its initial adoption. The overall project has developed with a variety of residential and commercial uses, including the Hertz Corporate Headquarters. The property immediately north of the site has recently been reviewed by the Village for a land use amendment known as the Village Center. The current request for an amendment to the MPD affects Tract 1-A, a 6.62 acre parcel at the northern end of the MPD/DRI, at the southeast corner of the intersection of Williams Road and Via Coconut Point. The applicant seeks to develop Tract 1-A with 200 multifamily dwelling units.

MASTER CONCEPT PLAN

The applicant is proposing a gated ingress/egress onto Via Coconut Point. The 200 dwelling units are arranged in four buildings, a total of four stories in height. The first story is parking with a liner building of dwelling units and three additional stories of residential. These buildings are located around the perimeter of the site with surface parking located internal to the site. The development also provides a pool and amenity center for residents. The architectural style is Mediterranean, consistent with the architectural vision of the Village of Estero as well as the Coconut Point Design Review Guidelines.

At the Planning and Zoning Board meeting, the applicant further clarified that they were proposing a liner building on the first floor, which would provide apartments to conceal the parking structure. Therefore, units would be located on all four levels of the structure. This was demonstrated on revised elevations and renderings submitted to the Village subsequent to the Planning and Zoning Board meeting. Another modification that was proposed by the applicant at the Planning and Zoning Board meeting was to modify the Conceptual Site Plan by reducing the parking to 371 parking spaces rather than the 383 parking spaces they were proposing to provide additional greenspace. The applicant indicated that if there was a need for additional parking, the 12 parking spaces held in abeyance could be converted to paved parking spaces. This was then modified on their plan and submitted to the Village.

The site will connect to the existing five foot sidewalk system along Via Coconut Point and to the sidewalk on the north side of Williams Road. The internal accessway forms a "loop" around the property, and sidewalks are provided throughout the project, with pedestrian access to all buildings and parking areas. At the Planning and Zoning Board meeting the applicant stated that they would be modifying the Conceptual Site Plan to provide a sidewalk connection on Via Coconut Point, which would provide access to a proposed transit stop/pedestrian shelter. The applicant submitted a revised Conceptual Site Plan following the Planning and Zoning Board meeting which depicted the proposed sidewalk as well as the proposed transit stop/pedestrian shelter.

The applicant has indicated that landscaping will be enhanced above minimum code requirements by providing additional plantings along the eastern property line, both trees and shrubs; additional tall palms along the northern and western property lines; and additional canopy trees along the southern property line. At the Planning and Zoning Board meeting, the applicant has indicated there would be landscape improvements offsite. According to the applicant, the Coconut Point Design Review Authority has given preliminary approval to the architectural elevation and off-site landscaping within the median on Via Coconut Point. Subsequent to the meeting, the applicant has submitted a roadway median landscape plan for improvements on Via Coconut Point and Williams Road along the project boundaries. The plantings proposed include 44 Sabal Palms, 30 shrubs and 1,047 groundcovers.

In the supplemental submittal, the applicant has provided emergency access to Williams Road. The deviation remains a requirement; however emergency vehicles will have access.

The applicant also presented a housing analysis at the Planning and Zoning Board. The analysis indicated there is a need for affordable housing. The testimony presented indicated that the units will be approximately $1,500 per month.

SURROUNDING ZONING AND LAND USE

North of the subject property is designated under the Future Land Use Element as Village Center land use designation. This designation allows for four 'tiers' or levels of development. Additional density may be available in exchange for a mixed-use design and public features offered by developers such as enhanced streetscapes, public hiking and bicycling trails, gathering places (including outdoor cafes), and other amenities or improvements. The site immediately north of the property is vacant, and part of an approved Development of Regional Impact known as North Point, which has an MPD zoning designation and a conceptual site plan which allows mixed uses including hotel, office and residential uses.

East of the subject property, separated by the SCL rail line is the Brooks DRI, which is developed as a master planned development for single family residential and other uses under an MPD zoning. The land use designation is Rural which allows one unit per acre.

South of the subject property is a retention area. Southwest is the Rapallo residential community. The zoning is MPD. The land use designation is Urban Community within the Mixed-Use Overlay. The Rapallo community is developed as multifamily condominiums, with associated amenities, at a density of 5.8 units per acre.

West of the subject property is the recently developed Hertz facility as well as a vacant parcel. The zoning is MPD with permitted uses of office. The land use designation is Urban Community within the Mixed-Use Overlay.

STAFF ANALYSIS

The staff analysis section of this report includes information on various issues, such as environmental issues, transportation impacts, density, height, compatibility, and Comprehensive Plan considerations (including Estero-specific goals and policies).

When the Planning and Zoning Board evaluates a zoning case, it must review these issues and provide a recommendation to Council, including whether the proposal is consistent with the Comprehensive Plan and with the Land Development Code. In order to assist, staff has provided a summary of the project's advantages and disadvantages below. Following this section is more information on each of the issues.

Summary of Advantages and Disadvantages

Disadvantages:

- Although the subject parcel is part of the Coconut Point DRI, the property functions as a separate parcel. It is separated from the remainder of the DRI by Via Coconut Point, resulting in a 6.62 acre outparcel which is not connected to the overall DRI. The proposed development is a gated, multifamily development with only one point of access for the guests and residents with one additional emergency access point.
- There are 200 units proposed on this parcel. Per the application, the parcel is 6.62 acres. Although this is part of the DRI and density is distributed, staff reviewed compatibility of neighboring properties and found that 200 units on this site will results in over 30 units per

acre, which is higher than most sites in the Village. The closest municipalities with similar densities include Fort Myers and Marco Island. This proposed project does not offer additional performance standards and is also outside of the Village Center land use designation. It should be noted that the applicant stated at the Planning and Zoning Board meeting that the density was closer to 20 units an acre rather than 30 units an acre.

- The numerous deviations do not enhance the project. Instead, all deviations together would permit a project more intensive than permitted under the code.
- The proposed request of 200 dwelling units is more intensive than the original approval of 200 ALF units. Due to the demographics, ALF facilities typically require less parking demands and result in less trips due to fewer residents owning their own vehicles and instead utilizing shuttle type services.
- The approval of this project could result in additional requests for higher density projects in the Village.

Advantages:

- Although the applicant is requesting a deviation on the number of stories, the intent is for some of the required parking to be integrated into the building to reduce surface parking.
- The surface parking is internal to the site and not visible from the rights-of-ways.
- The landscape buffer is proposed to be enhanced on all sides of the subject property by providing additional plantings along the eastern property line, both trees and shrubs; additional tall palms along the northern and western property lines; and additional canopy trees along the southern property line.
- The architectural style is attractive and consistent with Coconut Point.
- The applicant is proposing a bike share program for its residents.
- The applicant is proposing a trolley system, which is an extension of the golf cart system currently in place at Coconut Point.
- Landscape improvements on Via Coconut Point and Williams Road along the project boundaries are proposed which include 44 Sabal Palms, 30 shrubs and 1,047 groundcovers

Height and Density

Section 33-229 of the Land Development Code limits height in the Residential Planned Development districts to 45 feet/three stories. The proposed maximum height of this development will be 45 feet/four stories. The applicant had initially requested a deviation for the additional story, but has indicated in the supplemental submittal that they do not believe they need the height deviation. The applicant has stated that the property development regulations govern this development, rather than the Land Development Code. Staff does not agree with this argument as the Land Development Code, Section 33-229 states that the height is limited to 45 feet/three stories. The intent is to use the first story for parking purposes with residential units in a liner building and three additional levels of residential above the garage. Height is measured from grade to the mean height level between eaves and ridge of gable, hip and gambrel roofs. Therefore, the pitch of the roof as well as the architectural features will exceed 45 feet in height.

The Comprehensive Plan regulates the density. The Urban Community Land Use designation limits density to 6 units per acre. This site is within the Coconut Point MPD/DRI. The requested number of residential units may be allowed by the DRI within the overall project, but the MPD must be amended

to allow the density on this particular site. The amendment would result in over 30 units per acre on this 6.62 acre parcel.

Environmental Issues

Staff performed an environmental inspection on the property. The following are the findings:

- There are no wetlands on the site.
- There are no native vegetative communities or critical habitat that could support listed species.
- There are no imperiled (listed) species on the site and no potential since there is no critical habitat.
- There are no floodways.
- The site falls within the Special Flood Hazard Area and therefore will need to adhere to the criteria in LDC Sections 6-401, which applies to development in a flood hazard area and 10-253, regarding soil conditions in a flood hazard area.
- This is a highly disturbed site. Most of it is maintained in a mowed state but there is a mix of some native and non-native vegetation on the site. The applicant has stated that the site is cleared; however there appears to be some vegetation on site. The provisions of the Land Development Code relating to removal of vegetation will apply.

Transportation Issues

Coconut Point Tract 1-A will be served by a new full access driveway connection along Via Coconut Point at the existing "T" (three-way) intersection with Via Villagio. There will be an additional access opening along Williams Road for emergency vehicles only. The proposed parcel within the Coconut Point MPD/DRI will include 200 apartment units. The 200 apartments will generate 1,336 daily two way trips as well as 128 weekday P.M. peak hour trips. The 200 Assisted Living Facility (ALF) units would generate 404 daily two way trips as well as 34 weekday P.M. peak hour trips. The multifamily traffic would be more than 2.5 times the amount of traffic generated by an ALF. The applicant has proposed to delete the 200 ALF units as well as eliminating 21,300 square feet of retail square footage from a different parcel (Tract 1-C) of the Coconut Point MPD/DRI. The combined effect of the change in land uses results in the identical number of weekday P.M. peak hour trips and a slight reduction of 112 daily trips in the Coconut Point MPD/DRI.

The closest major intersection for the Tract 1-A parcel is the Williams Road and Via Coconut Point Roundabout. The applicant's traffic statement provided a road segment analysis for existing and future conditions on Williams Road (east and west of Via Coconut Point) and on Via Coconut Point (north and south of Williams Road). Traffic count data used for the road segment analysis in the applicant's traffic impact statement was taken from the Lee County 2016 Concurrency Report and the Lee County Department of Transportation Traffic Count Data. An annual growth rate of 7.5% was applied to the 2015 peak hour peak direction volume for Williams Road and the project trips were added in order to provide the 2022 peak hour peak direction volume. An annual growth rate of 4.0% was applied to the 2015 peak hour peak direction volume for Via Coconut Point and the project trips were added in order to provide the 2022 peak hour peak direction volume. The table indicates that each of the road segments will operate at an acceptable level of service at project buildout in the year 2022.

Roadway Link	Roadway Link Location	2015 Peak Hour Peak Direction Volume	2015 LOS	2022 Peak Hour Peak Direction Volume	2022 LOS
Williams Road	East of Via Coconut Point	269	C	468	D
Williams Road	West of Via Coconut Point	269	C	461	D
Via Coconut Point	North of Williams Road	249	C	349	C
Via Coconut Point	South of Williams Road	249	C	342	C
Note(s): Information taken from Traffic Impact Statement for Coconut Point Tract 1-A prepared by Transportation Consultants, Inc. dated 05/25/16 as Amended					

The applicant's traffic statement evaluated the future traffic operations of the Via Coconut Point and Via Villagio/Tract 1-A driveway. The unsignalized intersection operates at a LOS A (2.5 seconds of delay) in the P.M. peak hour in 2022 with a 95th percentile vehicle queue stacking of 38 lineal feet for the eastbound left turn vehicles on Via Villagio. The existing roundabout at Via Coconut Point and Williams Road is projected to operate at a LOS A (10 seconds of delay) in the P.M. peak hour in 2022. The applicant's traffic statement projects a volume to capacity ratio that does not exceed 0.53 (or 53%) for any approach movement.

The portion of Via Coconut Point road segment south of Williams Road is on a horizontal curve and is in close proximity to the intersection with Via Villagio. There is only approximately 580 lineal feet between the Via Villagio intersection and the Williams Road roundabout which does not allow for a lot of vehicle stacking on Via Coconut Point. The vehicles on Via Villagio attempting to make an eastbound left turn onto Via Coconut Point to travel northbound will have to evaluate if proper gaps in the traffic are available as well as the sight distance concerns based on Via Coconut Point being on a horizontal curve. This potential safety issue must be further evaluated if this project is considered for approval.

Additionally, if the project is approved, staff recommends a northbound right turn lane be provided on Via Coconut Point at the new driveway connection to the unsignalized Via Villagio intersection. Via Coconut Point is at the end of a horizontal curve near the future new driveway connection at Via Villagio and a separate northbound right turn lane with sufficient storage and transition will aid in the safe and adequate access for vehicles.

The applicant should also provide a supplemental corridor and safety analysis along Williams Road from Via Coconut Point to Three Oaks Parkway. The following items should be included:

- Evaluation of traffic operations along the corridor during arrival and dismissal on a normal school day.
- A travel time and delay analysis that would provide the average travel speed on Williams Road between Via Coconut Point and Three Oaks Parkway.
- A review of the 5 year crash history along Williams Road between Via Coconut Point and Three Oaks Parkway inclusive of all approaches to the existing roundabout
- A vehicle queueing analysis that includes vehicle stacking at the existing roundabout at Williams Road and Via Coconut Point due to factors such as a potential train crossing at the existing tracks.

There is only one access point to this 200 unit project for regular vehicle traffic. A secondary point of ingress and egress is being proposed from Williams Road for emergency vehicles only.

Tract 1-A is part of the Coconut Point MPD/DRI. Traffic mitigation was previously paid to Lee County in order to satisfy the DRI's proportionate fair share obligation. A development agreement specified road construction and mitigation obligations.

Neighborhood Compatibility Issues

The properties to the west across Via Coconut Point are part of the Coconut Point DRI and include a vacant lot as well as the Hertz Corporate Headquarters Facility. The Village Center, located directly north of the subject parcel, is where Estero envisioned higher density projects. The Village Center land use has a tiered approach to density. Increasing the density of parcels in the Village Center requires that the developer provide a more urban design, which may include mixed uses and public amenities. The Village Center highest density tier, tier four has a base density of 21 units per acre plus 6 units per acre after consideration of accepted incentive offers, for a maximum of 27 units per acre.

One project has been approved recently within The Village Center. Genova, located at the southeast corner of Via Coconut Point and Corkscrew Road, was approved at approximately 11 units per acre. There is a second pending project which is requesting approximately 15 units per acre.

The Village Center is separated by Williams Road from the subject parcel. The subject property is outside of the Village Center. Therefore, the higher concentration of units on this parcel (over 30 units per acre) does not have the same requirements for incentives and is being proposed in an area outside of the community's desired location for higher density parcels. Although the applicant has indicated at the Planning and Zoning Board meeting that off-site landscaping improvements are proposed, no community benefit specific to this project and apart from the requirements of the overall DRI has been proffered with this project and there is no relationship established to the remainder of the DRI. It functions as a stand-alone outparcel.

The Brooks, which is to the east of this parcel and separated by the SCL rail line, has a density of 1-2 units per acre.

Immediately south of this parcel is a retention area. Southwest of the subject parcel is Rapallo, which is a multifamily development within the Urban Community land use designation. This land use designation has a standard density range of one dwelling unit per acre to six dwelling units per acre. This property consists of 77.39 acres with 450 dwelling units resulting in an overall density of 5.8 units per acre. Rapallo's buildings are visually similar to the architecture of the proposed project; however the density is substantially lower (by 80%).

This project has substantially more units per acre than any nearby project. The proposal is not compatible. The height of 4 stories is taller than the adjacent Brooks development of one and two stories.

The applicant stated at the Planning and Zoning Board that the Residences are a higher density project within the Village. However, this is not adjacent to the subject property and therefore not applicable in Staff's consideration of neighborhood compatibility. The adjacent residential properties include Rapallo with 5.8 units per acre and the Brooks with 1-2 units per acre.

Comprehensive Plan Considerations

The Future Land Use designation of this property is Urban Community. The Urban Community designation is intended for areas characterized by a mixture of relatively intense commercial and residential uses with future development in this category encouraged to be developed as a mixed-use where appropriate. Standard density ranges from one dwelling unit per acre (1 du/acre) to six dwelling units per acre (6 du/acre), with a maximum total density of ten dwelling units per acre (10 du/acre) only with "bonus" density. This property is also located in the Mixed-Use Overlay per the Comprehensive Plan. Sites within this overlay are locations desirable for mixed use located in close proximity to: public transit routes; education facilities; recreation opportunities; and, existing residential, shopping and employment centers. Appropriate locations will have a positive impact on transportation facilities though increased transit service, internal trip capture, and reduced travel distance.

This site is part of the Coconut Point DRI. The 200 dwelling units proposed are within the allowable units of the DRI. However, the specific site is not functionally integrated into the DRI and instead operates as an outparcel. The approval of this project, including the multiple deviations, would permit 30 units per acre on the subject property, which is higher than most parcels in the Village, including the Village Center.

An evaluation of pertinent Comprehensive Plan Policies is below.

POLICY 1.1.4: *The Urban Community areas are areas outside of Fort Myers and Cape Coral that are characterized by a mixture of relatively intense commercial and residential uses. Included among them, for example, are parts of Lehigh Acres, San Carlos Park, South Fort Myers, Iona/McGregor, Pine Island, and Gasparilla Island. Although the Urban Communities have a distinctly urban character, they should be developed at slightly lower densities. As the vacant portions of these communities are urbanized, they will need to maintain their existing bases of urban services and expand and strengthen them accordingly. As in the Central Urban area, predominant land uses in the Urban Communities will be residential, commercial, public and quasi-public, and limited light industry (see Policy 7.1.6) with future development in this category encouraged to be developed as a mixed-use, as described in Policy 2.12.3., where appropriate. Standard density ranges from one dwelling unit per acre (1 du/acre) to six dwelling units per acre (6 du/acre), with a maximum total density of ten dwelling units per acre (10 du/acre).*

The Comprehensive Plan encourages a "slightly lower density" (1-6 units per acre) for properties with an Urban Community land use designation. This project would provide a much higher density than other properties with this land use designation and is therefore not consistent with the comprehensive plan nor is it consistent with the surrounding areas.

OBJECTIVE 4.3: *Development, redevelopment, and infill rezonings located within the Mixed Use Overlay that utilize the Mixed Use Planned Development (MPD) zoning category and that*

incorporate the following Mixed Use, New Urbanism, Traditional Neighborhood Development (TND), and Transit Oriented Development (TOD) criteria will be allowed to use the area of commercial, office, light industrial, natural water bodies and other non-residential uses in their density calculations. These areas will be compact, multi-purpose, mixed use centers which integrate commercial development with residential, civic, and open space within the same neighborhood and buildings.

The Comprehensive Plan envisions new development in a MPD zoning within the Mixed Use Overlay to be multi-purposed and integrated. If so, then the applicant has the benefit of potentially gaining additional density by utilizing the strategies within Objective 4.3. The subject proposal does not incorporate mixed use features, but instead provides for a single use with more units per acre than most properties in the Village.

POLICY 4.3.2: *Mixed Uses: A balanced mixture of uses will be provided to reduce overall trip lengths, to support pedestrian, bicycle and transit opportunities and create pedestrian friendly streetscapes.*

a. Mixed uses will be encouraged within individual buildings (e.g. residential above retail or office space).
b. Mixed Use Overlay areas will provide civic uses, such as green spaces or community centers.
*c. Mixed uses will be integrated within an overall design framework to create a pedestrian friendly, human scale environment, through objective, measurable criteria including siz*e, scale, proportion, *and materials detailed in the land development regulations. Flexibility in design will allow for choice and variety in architectural style.*
d. Primary and secondary uses will be determined based upon the needs of the community, character of the surrounding area, and characteristics of the transportation network.

The property is within the mixed-use overlay, but is not utilizing any mixed-use components. Its design does not create a pedestrian friendly environment, since it is a single purpose multi-family development.

POLICY 4.3.3*: Site and Building Design: Integrate commercial, residential, civic, and open spaces to create multipurpose developments that feature unique style and ambiance through design, encouraging civic involvement and events to promote community interaction.*

a. Provisions for outdoor livability, including interconnected pedestrian and bike facilities, walkways, public plazas, ample seating, and walkable block size.
b. Well defined centers and edges with public or civic space creating an element around which other development is located.
c. Development plans will create focal points of signature buildings, civic spaces, natural amenities, and other prominent features through placement or street layout.
d. Link pedestrian routes and bikeways with the street system or other public space such as parks or squares avoiding routes through parking lots and other locations out of the public realm.
e. When necessary, development density and intensity will gradient from the center to the edge suitable to integrated surrounding land uses.
f. The designs will include a pedestrian circulation system to connect the nonresidential uses with residential uses and areas.

g. Local climate and history will dictate the architectural and landscape design and natural methods of cooling and heating will be encouraged. Evaluate Green Building techniques as an alternative way to provide open space.
h. Streets and roads will be fronted by design features including sidewalks which define and contribute to a pedestrian street character. Building design, placement, and entrances will be at a pedestrian scale and oriented towards streets or other public space such as parks or squares.
i. The street system will equally serve automobile and non-automobile modes of transportation. Development will provide pedestrian and bicycle- friendly access, and will provide transit facilities to the development and the surrounding community.

j. Large scale nonresidential establishments will incorporate development design techniques to integrate the establishment into the surrounding community. Such design techniques will include:

1. creation of a series of smaller, well defined customer entrances to break up long facades and provide pedestrian scale and variety, that may be achieved through the use of liner buildings.
2. limited number and size of signs.
3. landscaping and use of pocket parks and courtyards adequate to soften large building masses.

k. An "A/B" street grid system may be utilized where "A" streets meet all pedestrian oriented standards and create a continuous uninterrupted pedestrian friendly streetscape, while "B" streets may include a limited amount of properly designed non-pedestrian oriented uses.
l. Crime Prevention Through Environmental Design (CPTED) guidelines will be incorporated to the maximum extent possible.

The proposed development is solely related to multifamily dwelling units. It is not integrated into the overall MPD/DRI. It does not provide well defined edges or civic spaces. It is an inwardly facing, 200 unit traditional style, multi-family development, rather than a mixed-use or development that is integrated into the neighborhood. It is not designed at a pedestrian scale and the height deviation to add an additional story furthers this inconsistency with the comprehensive plan.

OBJECTIVE 19.1 CHARACTER AND LAND USE

Promote the community character through the implementation of planning and development practices that create a visually attractive community, an enhanced quality of life, and foster a unique sense of place.

The proposed project does not provide a sense of place within the community. It is located on a corner property, with the potential for integration with the neighboring properties. The proposed development has four stories of residential and more units per acre than its neighbors, which is not compatible with the character of the surrounding properties.

POLICY 19.1.3: *Encourage new developments that achieve the Estero community's vision and planning goal and policies and are consistent with mixed-use design, architectural, location, connectivity and public access standards by establishing and implementing development incentives within the Comprehensive Plan and Land Development Code that:*

a. Promote mixed use patterns in targeted areas, especially those designated Village Center on the future land use map or identified on the Mixed-Use
Overlay;
b. Promote targeted industries in appropriate areas of Estero—e.g.: healthcare, arts and culture, technology, and research and development facilities;
c. Promote the use of green design, sustainable energy, water, and other environmental features;
d. Expedite development projects particularly in targeted incentive zones where the community has adopted mixed-use plans and LDC standards; and
e. Enable infill of underutilized commercial and residential lands.

Estero's vision included the concentration of higher density within the Village Center. The intent of the higher density at that location is to provide a true walkable, mixed use environment where more density helps to create a "village." This site is outside of the Village Center and due to its location east of Via Coconut Point, does not correlate to the overall DRI. The site plan does not provide a public benefit such as increased connectivity or a community feature.

POLICY 19.2.1: *Where feasible, provide for the development of walkable mixed-use centers and economic areas featuring diverse housing options; government offices and public facilities; medical facilities; employment centers; public gathering places, parks, outdoor plazas, and other public spaces; greenway trails and pathways; and public access to the community's natural resources through comprehensive plan policies and LDC regulations that support Estero's distinct community character and the following community priorities:*
a. Support the development of a village center to unify the community;
b. Improve the connectivity between Estero's residential neighborhoods, economic areas, civic uses, and park and recreational facilities;
c. Diversify the community's economic base and employment opportunities;
d. Encourage the development of targeted industry clusters—particularly health industries, professional services and businesses, and technology, research, and development;
e. Expand multi-modal transportation options through improved pedestrian access, bikeways, transit service, and rail opportunities;
f. Improve access to the community's blueways—particularly the Estero river—, greenway trails, other open spaces;
g. Promote the community's cultural and historic resources; public spaces, parks, and recreational facilities; and other community amenities;
h. Provide ample and varied public gathering places, including, without limitation, parks, plazas, sidewalks, benches, restaurants, shop, civic spaces, green spaces, community recreation centers, and other recreational facilities;
i. Maintain a unified and consistent aesthetic/visual quality in landscaping, architecture, lighting, and signage in all commercial and mixed-use developments; and
j. Promote and incentivize private investment within mixed-use centers and economic areas.

The proposed project does not provide connectivity as it functions as a separate outparcel, not connected to the overall DRI. Public or community amenities are not included specific to this project. Providing multimodal options as well as improving connectivity between residential and commercial areas is a specific provision of the Estero policies in the Comprehensive Plan. The proposed plan does not provide for pedestrian connectivity and therefore the proposal is not consistent with the Comprehensive Plan.

POLICY 19.4.1: *Establish land development code standards that ensure the development of a well-connected transportation system that includes pedestrian pathways, bikeways, transit, and roadways. These standards should:*
a. Require, where feasible, interconnects with adjacent uses;
b. To the extent feasible, minimize access points onto primary road corridors by providing multiple access to adjacent properties;
c. Link neighborhoods, commercial and mixed-use centers, public facilities, and parks; and
d. Enable multi-modal transportation access (pedestrian, bike, vehicular, and transit) within and between the different neighborhoods, economic and employment centers, civic uses, and public space, park, and recreational facilities within the Estero Community.

The proposed project does not interconnect with adjacent uses and the applicant is requesting one point of vehicular access to the property rather than the required two access points. The applicant is providing emergency access only to Williams Road.

Deviations

The applicant has requested several deviations from the Land Development Code. The applicant's Deviations and Justification document is found as an attachment to this report.

1. Deviation (1) seeks relief from the LDC §10-291(3) requirement, that residential developments of more than five acres must provide more than one means of ingress or egress for the development, to allow for one point of ingress and egress into the development.

   Comment: The applicant has indicated that the deviation is justified due to the approved Master Concept Plan for the subject property showing only one access point into the property, from Via Coconut Point and aligned with Via Villagio. The applicant has offered to provide a second access point for emergency vehicles only. However, a second access point for residents and guests is important for safety purposes, especially with the proposed increase in vehicles to be expected by the shift from ALF to standard multifamily units. Staff does not support this deviation since the request is not consistent with the Comprehensive Plan's policies for connectivity, specifically Policy 19.4.1.

2. Deviation (2) seeks relief from the LDC §34-2020(a) requirement to provide a minimum of two (2) parking spaces per multiple-family unit which results in a reduction in parking from 440 parking spaces to 371 parking spaces with 12 parking spaces held in abeyance to equal 383 parking spaces.

   Comment: The applicant has indicated that the justification for the parking reduction is based on an industry standard for suburban apartments as well as the potential for employment at Hertz and nearby amenities in Coconut Point. While internal capture of trips related to residential near commercial uses may be a legitimate justification for a reduction of parking for commercial uses, it is not a justification for reducing residential parking. Staff does not support this deviation.

3. Deviation (3) seeks relief from the LDC §34-935(e)(4) requirement to provide a minimum building separation of one-half the sum of the building heights or 20 feet, whichever is greater. The request would allow a minimum building separation of 20 feet where 45 feet is required.

   Comment: The applicant has indicated that the deviation requested would be applicable in two places, as shown on the Concept Plan, and would allow for flexibility in the design of the site. The 20 foot building separation is adequate to accommodate access by fire trucks and the buildings will meet the requirements from the Florida Building Code for required building separation in order to protect public safety. However, the reduction of required building separation also creates a more crowded site and allows for additional units that create an inappropriate density on the site, and does not enhance the project. Staff does not support the deviation.

4. Deviation (4) seeks relief from the LDC §10-261(a) requirement that all new multifamily residential developments provide container space at a minimum square footage of 1,616 square feet for this property. The original request is to provide multiple containers totaling 700 square feet. After the Planning and Zoning Board meeting, the applicant indicated they would be placing containers between the buildings to provide solid waste capacity to exceed the required 1,616 square feet.

   Comment: The applicant has justified this deviation by designing the site to accommodate trash and recycling containers within each of the four buildings on the ground (parking) level, rather than providing a single disposal facility location. Garbage and recycling trucks will enter the site, back up into a loading area between the buildings, and wheel trash and recyclable receptacles to the trucks for disposal. The Land Development Code requires the additional clearance for the garbage and recycling trucks, which is not provided in this application. Lee County Solid Waste has issued a letter of no objection to this deviation. However, the Land Development Code states that a minimum overhead clearance of 22 feet is required and a 12-foot wide unobstructed access opening must be provided to accommodate all storage areas/containers. The garages do not provide this clearance. Staff does not support the deviation due to the staff recommendation of denial for the project.

5. Deviation (5) seeks relief from the LDC §33-229 requirement that buildings outside of the Interstate Highway Interchange Areas are limited to a maximum of three stories or 45 feet, to allow a maximum of four stories, no greater than 45 feet.

   The deviation requested would not change the overall height of the buildings, but would permit four floors instead of the permitted three floors. The building is designed to incorporate the parking on the first floor as well as a liner building for units on the first floor to conceal the parking. The additional story permits the applicant to provide four floors, without reducing the number of units they are proposing. The result is a higher density project at an inappropriate density. Therefore, staff does not support this deviation due to the staff recommendation of denial for the project.

FINDINGS AND CONCLUSIONS

After balancing the advantages and disadvantages of this project and its impacts, the Planning and Zoning Board will make a recommendation to the Village Council for the amendment to the Mixed Planned Development. Staff has reviewed the entirety of the application and is recommending denial. The denial recommendation is based on the project being too dense for the property and would result in some of the highest density in the Village. The height is not comparable to the adjacent Brooks project and the additional story allows more units to be constructed. The request is not consistent with the Comprehensive Plan. The deviations do not enhance the project, instead they contribute to allowing more density on the site. Based upon an analysis of the application and the standards for approval in the Land Development Code, staff has proposed the following Findings of Fact for review:

1. The applicant has not provided justification for the deviations or demonstrated how they enhance the project.

2. The applicant has not demonstrated compliance with the Comprehensive Plan relating to the Estero specific policies and the Mixed Use Overlay.

3. Included in the justification provided by the applicant for the request of 200 residential units is that a scriveners error was made that did not list 200 ALF units on the permitted use list. The Land Development Code recognizes differences in the equivalency of ALF units and standard multifamily units.

4. The project may meet the design guidelines within the Beauty Book, but no public space or amenities are provided.

5. The density proposed is higher than most other sites in the Village.

6. The Village Center is preferred location for higher density and the subject property is outside of the Village Center.

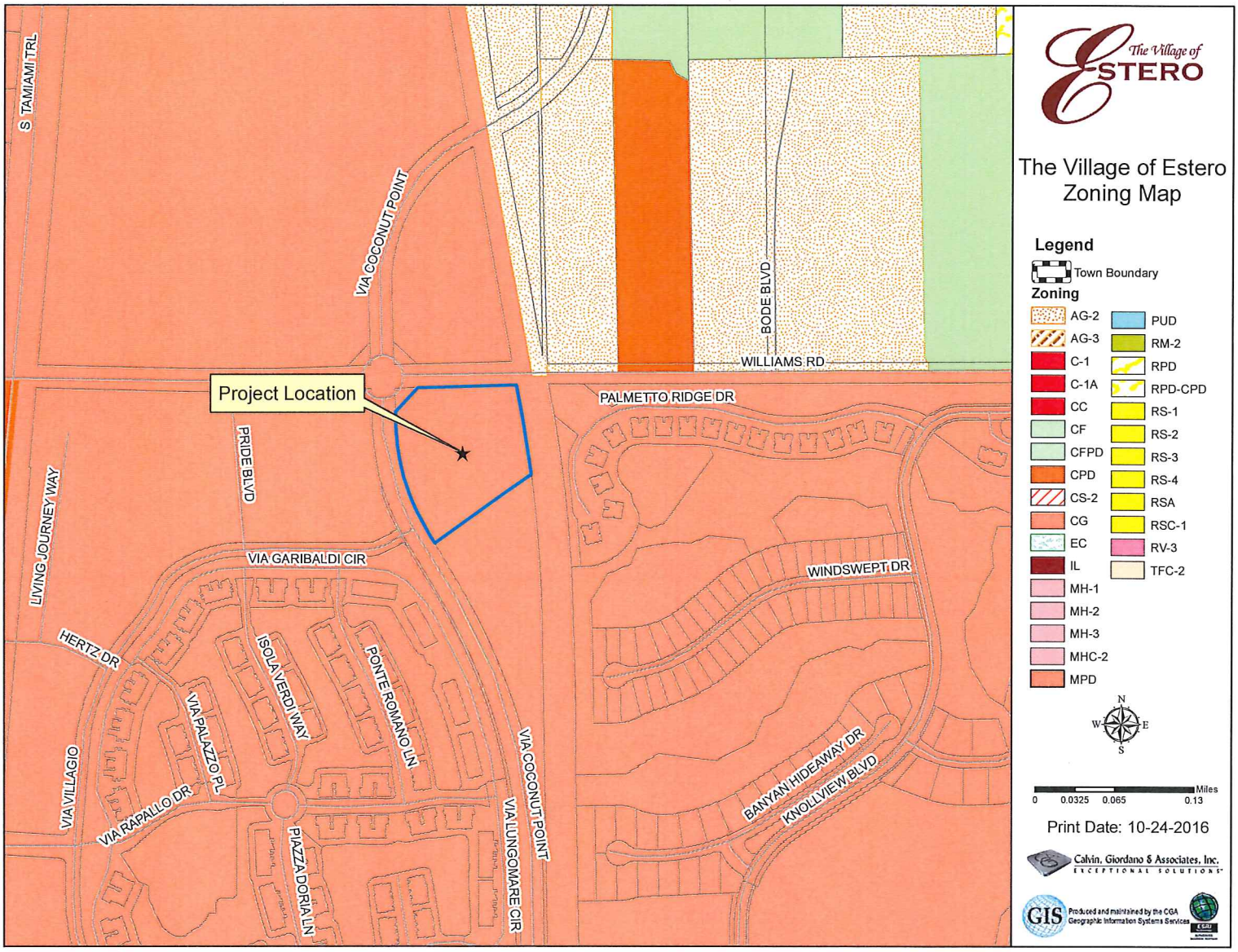
7. The combined deviations allow for more residential units on site. If the applicant were to meet the code requirements, fewer units may have been able to be provided.

8. Only one access for ingress and egress poses a potential safety concern for traffic. Although an emergency exit has been provided, only one general vehicular exit is not appropriate for the proposed number of units. The Estero specific policies within the Comprehensive Plan promote connectivity, which is not provided in this application.

9. The proposed development is not compatible with the adjacent properties relating to density and height. The applicant is requesting four stories, which results in more units than would have been permitted without the deviation.

ATTACHMENTS

A. Zoning Map
B. Land Use Map
C. Zoning Resolution
D. Master Concept Plan
E. Applicant's Additional Submittal


The Village of ESTERO
The Village of Estero Zoning Map
Legend
Town Boundary
Zoning
AG-2
AG-3
C-1
C-1A
CC
CF
CFPD
CPD
CS-2
CG
EC
IL
MH-1
MH-2
MH-3
MHC-2
MPD
PUD
RM-2
RPD
RPD-CPD
RS-1
RS-2
RS-3
RS-4
RSA
RSC-1
RV-3
TFC-2
N
W
E
S
Miles
0
0.0325
0.065
0.13
Print Date: 10-24-2016
Calvin, Giordano & Associates, Inc.
EXCEPTIONAL SOLUTIONS
GIS
Produced and maintained by the CGA Geographic Information Systems Services
Project Location
S TAMIAMI TRL
VIA COCONUT POINT
BODE BLVD
WILLIAMS RD
PALMETTO RIDGE DR
PRIDE BLVD
LIVING JOURNEY WAY
VIA GARIBALDI CIR
WINDSWEPT DR
HERTZ DR
ISOLA VERDI WAY
PONTE ROMANO LN
VIA PALAZZO PL
VIA VILLAGIO
VIA RAPALLO DR
PIAZZA DORIA LN
VIA LUNGOMARE CIR
BANYAN HIDEAWAY DR
KNOLLVIEW BLVD

The Village of ESTERO
The Village of Estero
Future Land Use Map
Legend
Town Boundary
Land Use
Conservation Lands Upland
Conservation Lands Wetland
Density Reduction/ Groundwater Resource
General Interchange
Intensive Development
Outlying Suburban
Public Facilities
Rural
Suburban
University Community
Urban Community
Wetlands
N
W
E
S
Miles
0
0.0325
0.065
0.13
Print Date: 10-24-2016
Calvin, Giordano & Associates, Inc.
EXCEPTIONAL SOLUTIONS
GIS
Produced and maintained by the CGA Geographic Information Systems Services
VILLAGE CENTER
VIA COCONUT POINT
BODE BLVD
WILLIAMS RD
S TAMIAMI TRL
Project Location
PALMETTO RIDGE DR
PRIDE BLVD
LIVING JOURNEY WAY
VIA GARIBALDI CIR
WINDSWEPT DR
KNOLLVIEW BLVD
HERTZ DR
VIA PALAZZO RL
ISOLA VERDI WAY
PONTE ROMANO LN
VIA COCONUT POINT
VIA VILLAGIO
VIA RAPALLO DR
VIA LUNGOMARE CIR
BANYAN HIDEAWAY DR

Zoning Resolutions

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

WHEREAS, The Hertz Corporation filed an application on behalf of the property owner, CP Land Investment, LLC to amend the Coconut Point Development of Regional Impact Development Order and MPD zoning approvals; and

WHEREAS, a public hearing before the Lee County Zoning Hearing Examiner, Laura B. Belflower, was advertised and held on June 27, 2013; and

WHEREAS, the Hearing Examiner gave full consideration to the evidence in the record for Case #DRI2013-00003 & DCI2013-00010 and recommended APPROVAL of the Request; and

WHEREAS, a second public hearing was advertised and held on August 5, 2013 before the Lee County Board of Commissioners; and,

WHEREAS, the Lee County Board of Commissioners gave full and complete consideration to the recommendations of the staff, the Hearing Examiner, the documents on record and the testimony of all interested persons.

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

SECTION A. REQUEST

The Applicant filed a Request to amend the Coconut Point Development of Regional Impact development order and MPD zoning approvals to modify the project development parameters as follows:

> Decrease number of dwelling units, decrease retail floor area, decrease number of hotel units, increase office square footage and delete performing arts center use. In addition, extend compliance dates for project build out, termination and transportation concurrency vesting.

The property is located in the Urban Community Future Land Use Category and is legally described in attached Exhibit A. The request is APPROVED, SUBJECT TO the conditions and deviations specified in Sections B and C below.

SECTION B. CONDITIONS:

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

1. Master Concept Plan/Development Parameters

Development of this project must be consistent with the one-page Master Concept Plan (MCP) date stamped received MAY 16 2013 entitled "Coconut Point M.P.D." prepared by Hole Montes, and one page Area #1 – Tract 1B Concept Plan date stamped received JUN 12 2013 attached hereto as Exhibit B, except as modified by the conditions below. Development must comply with all requirements of the LDC at time of local development order approval, except as may be granted by deviation as part of this planned development. If changes to the MCP are subsequently pursued, appropriate approvals will be necessary.

Development and use of the property must be consistent with the original zoning approval adopted in Zoning Resolution Z-02-009, as amended by subsequent action and the actions herein.

Attachment D provides a list of the zoning actions governing development on this site. Actions inadvertently left off of this list that have not been amended remain valid.

2. Development Intensity

The approved overall development intensity is as follows:

1,214 Multiple Family dwelling units,
400 Assisted Living Units,
320 Hotel/Motel rooms,
1,607,500 square feet of Retail floor area,
8,000 square feet of Bank(s), and
782,777 square feet of Office, of which not more than 104,333 may be Medical office.

The intensity of development in each Development Area and each individual tract is limited as provided for on the approved Master Concept Plan.

3. Schedule of Uses

The revised Schedule of Uses for Tracts 1A, 1B, and 1C is set forth below. There is no change to the approved Schedule of Uses for the remaining Development Areas/Tracts within the planned development.

Permitted Uses within Tracts 1A, 1B and 1C:

Accessory Uses and Structures permitted ancillary to a permitted principal use
Administrative offices
Animals Clinic
ATM (automatic teller machine)
Auto parts store
Auto repair and service, Group I, limited to one
Banks and Financial Establishments, Group I
Banks and Financial Establishments, Group II, limited to SIC Codes 604, 621, 672, 673 and 674
Business services, Groups I and II
Car wash (limited to one)
Cleaning and maintenance services
Clothing stores, general
Contractors and builders, Groups I and II
Convenience Food & Beverage store (limited to one with attendant service station: however, the entire site is limited to a maximum of two)
Consumption on premises in compliance with LDC §34-1264 (limited to and in conjunction with a standard restaurant)
Cultural facilities, excluding zoos
Day care center, child, adult
Department Store
Drive thru facility for any permitted use
Drug store (limited to one total, however, the entire site is limited to two)
Entrance gates and gatehouse, in compliance with LDC §34-1748
Essential services
Essential service facilities, Group I
Excavation, water retention (as shown on the Master Concept Plan)
Fences, walls
Food Stores, Groups I and II
Gift and souvenir shop
Hardware store
Health care facility, Group III
Hobby, toy and game shops
Hotel/Motel (Tract 1 C only)
Household and office furnishings, Groups I, II, III (no outdoor display)
Insurance companies
Laundromat
Laundry or dry cleaning Group I
Lawn and garden supply store
Medical office
Non-store retailers, all groups

Paint, glass and wallpaper store
Parking lot: Accessory
Garage
Personal services, Groups I, II and III (excluding escort services, palm readers, fortune tellers, card readers and tattoo parlors)
Pet services
Pet shop
Pharmacy
Printing and publishing
Real estate sales office
Recreation facilities, commercial, Groups I and IV
Recreational facilities, private (Tract 1B)
Rental or leasing establishments Groups I and II (excluding passenger car pick up and drop off for Tracts 1A and 1C only)
Repair shops, Groups I, II and III
Research and development laboratories Groups II and IV
Restaurant, fast food (limited to two, however, the entire site is limited to a maximum of four outside of the Regional food court/service area)
Restaurants, Groups I, II, III and IV
Self service fuel pumps (limited to one in conjunction with a Convenience Food and Beverage Store, however, entire site is limited to a maximum of two)
Signs, in accordance with Chapter 30
Social Services, Groups I and II
Specialty retail shops, Groups I, II, III and IV
Storage: Indoor only §34-3001 *et seq.*
Used merchandise stores, Group I
Variety store
Vehicle and equipment dealers (Section 34-1352), Group I (Tract 1B only / No incidental servicing, repairs and stocking of replacement parts) (Outdoor display limited to a maximum of 1 acre)

4. <u>Property Development Regulations</u>

Tract 1A. 1B. 1C and 1D:

Lot Width	100 feet
Lot Depth	100 feet
Lot Area	20,000 square feet
Maximum Lot Coverage	40 percent

NOTE: Tract 1A may not be subdivided

Minimum Setbacks:

Front (street)	25 feet
Side	10 feet

Rear	25 feet (5 feet for accessory structure)
Water body	25 feet (20 feet for accessory structure)

Minimum Building Separation: one-half sum of the building heights but not less than 20 feet

Maximum Building Height:

Tracts 1A and 1D	45 feet / 3 stories
Tract 1B	55 feet (As conditioned in Section C Deviation)
Tract 1C	55 feet / 4 stories

5. Condition 9 of Resolution Z-02-009 (as amended) is replaced with the following:

   Prior to local development order approval for the first local development order for vertical development of any buildings, open space must be provided as detailed in the open space table on the Master Concept Plan stamped received May 16, 2013 with the condition that any residential dwelling units requiring open space per LDC §10-415(a) must provide 30 percent common open space within Tracts 1-E, 1-F, 3-B, and 3-D.

   A minimum of 27.7 acres of open space must be provided within Area 2. If Tract 2B-Alternate Area is to developed as a mix of residential and commercial uses, then the development order plans must calculate the required open space as 40% for the residential area and 30% for the commercial area. Any residential parcel within Area 2 must provide a minimum 20% open space. Any commercial parcel within Area 2 must provide a minimum 10% open space. The provided open space for Area 2 must be tracked on all development orders within Area 2 to insure the required open space is provided within the overall tract.

   The only exception to the above language is the development of a building for the Estero Fire District.

SECTION C. HEIGHT DEVIATION:

1. Deviation (1) seeks relief from the LDC §33-229 requirement to provide buildings in specified areas of the Estero Planning Community to a maximum height of three stories or 45 feet, whichever is less, to allow three stories or 55 feet. This height deviation is APPROVED SUBJECT TO the condition that buildings within Coconut Point Area 1B utilizing the maximum building height of 55 feet be no closer than 200 feet from existing residential uses.

SECTION D. EXHIBITS:

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

Exhibit A: Legal description of the property
Exhibit B: The Master Concept Plan
Exhibit C: Zoning Map (with the subject parcel indicated)
Exhibit D: List of Zoning Actions
Exhibit E: Coconut Point DRI DO 7th Amendment

SECTION E. FINDINGS AND CONCLUSIONS:

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

2. The rezoning, as approved:

   a. meets or exceeds all performance and locational standards set forth for the potential uses allowed by the request;

   b. is consistent with the densities, intensities and general uses set forth in the Lee Plan;

   c. is compatible with existing or planned uses in the surrounding area;

   d. will not place an undue burden upon existing transportation or planned infrastructure facilities and will be served by streets with the capacity to carry traffic generated by the development; and

   e. will not adversely affect environmentally critical areas or natural resources.

3. The rezoning satisfies the following criteria:

   a. the proposed use or mix of uses is appropriate at the subject location;

   b. the recommended conditions to the concept plan and other applicable regulations provide sufficient safeguard to the public interest; and

   c. the recommended conditions are reasonably related to the impacts on the public interest created by or expected from the proposed development.

4. Urban services, as defined in the Lee Plan, are, or will be, available and adequate to serve the proposed land use.

5. The approved height deviation, as conditioned, enhances achievement of the planned development objectives, and preserves and promotes the general intent of LDC Chapter 34, to protect the public health, safety and welfare.

6. The requests, as conditioned, in the Seventh Amendment to the Coconut Point DRI Development Order attached as Exhibit E, do not create a new or additional un-reviewed regional impacts, and do not constitute a substantial Deviation, as that term is defined in §380.06(19) of the Florida Statutes.

Commissioner Manning made a motion to adopt the foregoing resolution, seconded by Commissioner Hall. The vote was as follows:

John Manning	Aye
Cecil L Pendergrass	Aye
Larry Kiker	Aye
Tammara Hall	Aye
Frank Mann	Aye

DULY PASSED AND ADOPTED this 5th day of August, 2013.

ATTEST:
LINDA DOGGETT, CLERK

BY: Joyce Townsend
Deputy Clerk

BOARD OF COUNTY COMMISSIONERS
OF LEE COUNTY, FLORIDA

BY: _____
Cecil L Pendergrass, Chair

Approved as to form by:

Donna Marie Collins
Donna Marie Collins
Chief Assistant County Attorney
County Attorney's Office

BOARD OF COUNTY COMMISSIONERS SEAL LEE COUNTY, FLORIDA

RECEIVED
AUG - 6, 2013
MINUTES OFFICE

Case No. DRI2013-00003 & DCI2013-00010

HOLE MONTES
ENGINEERS • PLANNERS • SURVEYORS
950 Encore Way • Naples, Florida 34110 • Phone: 239.254.2000 • Fax: 239.254.2099

Applicant's Legal Checked
by CSJ 5/15/13
Pgs 1 thru 3

RECEIVED
MAY 10 2013
COMMUNITY DEVELOPMENT

HM PROJECT #1997079
05/03/13
REF. DWG. #A-994-3

LEGAL DESCRIPTION:

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 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 5.89 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°15'56"W., FOR A DISTANCE OF 583.09 FEET; THENCE RUN N.00°15'56"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 5.89 FEET TO A POINT ON THE

DCI 2013-00010 DRI 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 25 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 25 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 1,901.57 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 548.30 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 626.03 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.88°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

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°15'04", 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 386.536 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
THOMAS M. MURPHY STATE OF FLORIDA

SCALE (IN FEET)

1000 0 500 1000 2000

RECEIVED
MAY 10 2013
COMMUNITY DEVELOPMENT

NOTE:
THE SECTION LINES ADJACENT TO THE WESTERLY R-O-W LINE OF THE SEABOARD COASTLINE RAILROAD R-O-W HAVE BEEN EXAGGERATED TO ILLUSTRATE THE RELATIONSHIP BETWEEN THE TWO.

NOT A PART

SEABOARD COASTLINE RAILROAD (130' R/W) NOT A PART

EAST LINE SEC. 4-47-25

EAST R-O-W LINE SEABOARD COASTLINE RAILROAD

EAST LINE SEC. 9-47-25

758572.06
720101.37

749183.41
720254.31

P.O.C. SOUTHEAST CORNER SECTION 9-47-25

P.O.B. PARCEL SOUTH OF COCONUT ROAD

P.O.B. PARCEL NORTH OF COCONUT ROAD

WILLIAMS ROAD (100.00' R-O-W) NOT A PART

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

NOT A PART

COCONUT ROAD (PRIVATE)

15' UTILITY EASEMENT (O.R. 2672, PG. 4002)

15' FPL EASEMENT O.R. 2711 PG. 537

200' INGRESS/EGRESS, UTILITY & DRAINAGE EASEMENT O.R. 2901, PG. 2013

PARCEL B 20' NON-EXCLUSIVE LANDSCAPE EASEMENT (O.R. 2742, PG. 4004) (O.R. 2743, PG. 709) (O.R. 2901, PG. 2990)

PARCEL A 20' NON-EXCLUSIVE LANDSCAPE EASEMENT (O.R. 2742, PG. 4004) (O.R. 2743, PG. 709) (O.R. 2901, PG. 2990) (O.R. 2719, PG. 810)

DCI 2013-00010
DRI 2013-00003

Applicant's Legal Checked by CG 5/15/13

LINE TABLE		
LINE	LENGTH	BEARING
L1	200.00	N79°26'26"E
L2	236.23	N79°26'26"E
L3	152.05	N00°15'56"W
L4	98.54	N00°28'26"W
L5	674.52	N88°39'03"W
L6	325.81	S06°40'09"E
L7	626.03	S06°40'09"E
L8	374.74	S00°15'56"E
L9	372.44	S85°53'16"E
L10	35.10	S00°15'56"E
L11	32.00	N89°02'26"E
L12	200.00	N79°26'26"E
L13	252.02	N79°26'26"E

CURVE TABLE					
CURVE	RADIUS	LENGTH	CHORD	BEARING	DELTA
C1	2025.00	325.42	325.07	N74°56'48"E	9°12'27"
C2	2025.00	488.42	487.09	N74°58'07"E	13°49'06"
C3	7030.00	368.14	368.09	S85°08'53"W	3°00'07"
C4	2725.19	549.23	548.20	S88°32'44"E	11°32'05"
C5	11544.73	1294.28	1294.03	S82°28'07"E	6°24'37"
C6	1625.00	378.22	376.92	N78°11'24"E	17°01'52"
C7	3175.00	507.63	507.03	N74°08'07"E	9°15'54"

* NOT A SURVEY *

LEGEND
POC POINT OF COMMENCEMENT
POB POINT OF BEGINNING

HOLE MONTES
ENGINEERS · PLANNERS · SURVEYORS

6202F Presidential Court
Ft. Myers, FL 33919
Phone: (239) 985-1200
Florida Certificate of Authorization No.1772

NOT VALID WITHOUT THE SIGNATURE AND THE ORIGINAL RAISED SEAL OF A FLORIDA LICENSED SURVEYOR AND MAPPER.

SKETCH AND LEGAL DESCRIPTION OF A PORTION OF SECTIONS

3,4,9 AND 10
TOWNSHIP 47 SOUTH, RANGE 25 EAST

LEE COUNTY FLORIDA

REVISION No.	DESCRIPTION	DATE
1	REVISE SIGNING SURVEYOR	05/03/13

DRAWN BY: BA	DATE 1/01	SECTION 3,4,9,10	PROJECT No. 1997079B
	F.B.	TOWNSHIP 47	
CHECKED BY: TJG	PAGE	RANGE 25	DRAWING No. E-231
	REFERENCE SWEETREV3-1 11X17		

LEGAL DESCRIPTION:

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 25 EAST, LEE COUNTY, FLORIDA; THENCE RUN S88°56'17"W, ALONG THE SOUTH LINE OF THE SOUTHEAST QUARTER OF SAID SECTION 9, FOR A DISTANCE OF 5.89 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 S88°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 N10°33'05"W, ALONG SAID EASTERLY RIGHT-OF-WAY LINE, FOR A DISTANCE OF 871.23 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 5,695.39 FEET, THROUGH A CENTRAL ANGLE OF 9°12'31", SUBTENDED BY A CHORD OF 366.43 FEET AT A BEARING OF N15°09'20"W, FOR A DISTANCE OF 366.52 FEET TO THE END OF SAID CURVE; THENCE RUN N85°07'36"E, FOR A DISTANCE OF 747.22 FEET TO A POINT ON A CIRCULAR CURVE, CONCAVE EASTERLY, WHOSE RADIUS POINT BEARS N82°31'42"E, A DISTANCE OF 3,009.60 FEET THEREFROM; THENCE RUN NORTHERLY, ALONG THE ARC OF SAID CURVE TO THE RIGHT, HAVING A RADIUS OF 3,009.60 FEET, THROUGH A CENTRAL ANGLE OF 06°28'31", SUBTENDED BY A CHORD OF 339.62 FEET AT A BEARING OF N02°13'29"W, FOR A DISTANCE OF 339.45 FEET TO THE END OF SAID CURVE; THENCE RUN N00°15'56"W, FOR A DISTANCE OF 383.09 FEET; THENCE RUN N00°15'56"W, FOR A DISTANCE OF 47.04 FEET TO A POINT ON THE SOUTHERLY RIGHT-OF-WAY LINE OF COCONUT ROAD, A 100.00 FOOT RIGHT-OF-WAY; THENCE RUN N89°02'26"E, A DISTANCE OF 32.00 FEET TO A POINT ON A CIRCULAR CURVE, CONCAVE NORTHERLY, WHOSE RADIUS POINT BEARS N19°26'26"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 N74°56'48"E, FOR A DISTANCE OF 325.42 FEET TO THE END OF SAID CURVE; THENCE RUN N79°26'26"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 2,025.00 FEET, THROUGH A CENTRAL ANGLE OF 09°15'04", SUBTENDED BY A CHORD OF 487.09 FEET AT A BEARING OF N74°58'07"E, FOR A DISTANCE OF 488.42 FEET TO THE END OF SAID CURVE; THENCE RUN N79°26'26"E, ALONG SAID SOUTHERLY RIGHT-OF-WAY LINE, FOR A DISTANCE OF 236.23 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 S10°33'51"E, ALONG SAID WESTERLY RIGHT-OF-WAY LINE, FOR A DISTANCE OF 2,808.10 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 S88°56'17"W, ALONG THE SOUTH LINE OF THE SOUTHEAST QUARTER OF SAID SECTION 9, FOR A DISTANCE OF 5.89 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 N10°33'51"W, ALONG SAID WESTERLY RIGHT-OF-WAY LINE, FOR A DISTANCE OF 2,821.15 FEET TO THE POINT OF BEGINNING OF THE PARCEL OF LAND HEREIN DESCRIBED; THENCE RUN N00°15'43"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 SOUTHWEST QUARTER OF SECTION 10, TOWNSHIP 47 SOUTH, RANGE 25 EAST; THENCE RUN N00°58'47"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 25 EAST; THENCE RUN N00°59'59"W, ALONG SAID WESTERLY RIGHT-OF-WAY LINE, FOR A DISTANCE OF 1,586.70 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 3,641.28 FEET, THROUGH A CENTRAL ANGLE OF 09°37'27", SUBTENDED BY A CHORD OF 638.68 FEET AT A BEARING OF N05°42'43"W, FOR A DISTANCE OF 639.75 FEET TO THE END OF SAID CURVE; THENCE RUN N10°25'26"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°28'53"W., ALONG SAID SOUTHERLY RIGHT-OF-WAY LINE, FOR A DISTANCE OF 1,828.70 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 7,030.00 FEET, THROUGH A CENTRAL ANGLE OF 03°00'07", SUBTENDED BY A CHORD OF 368.09 FEET AT A BEARING OF S.85°08'53"W., FOR A DISTANCE OF 368.14 FEET TO THE END OF SAID CURVE; THENCE RUN N.88°32'26"W., ALONG SAID SOUTHERLY RIGHT-OF-WAY LINE, FOR A DISTANCE OF 674.52 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 1,901.53 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°32'05", SUBTENDED BY A CHORD OF 548.20 FEET AT A BEARING OF S.00°40'09"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 325.81 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 3,716.61 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 626.03 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 11,544.73 FEET, THROUGH A CENTRAL ANGLE OF 06°24'37", SUBTENDED BY A CHORD OF 1,294.03 FEET AT A BEARING OF S.03°28'07"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 374.74 FEET; THENCE RUN S.85°53'16"E., FOR A DISTANCE OF 372.44 FEET; THENCE RUN S.85°53'16"E., FOR A DISTANCE OF 25.19 FEET TO A POINT ON THE NORTHERLY RIGHT-OF-WAY LINE OF COCONUT ROAD, A 100.00 FOOT RIGHT-OF-WAY; THENCE RUN N.88°02'24"E., ALONG SAID NORTHERLY RIGHT-OF-WAY LINE, FOR A DISTANCE OF 32.00 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 1,625.00 FEET, THROUGH A CENTRAL ANGLE OF 17°01'52", SUBTENDED BY A CHORD OF 376.92 FEET AT A BEARING OF N.78°11'24"E., FOR A DISTANCE OF 378.22 FEET TO THE END OF SAID CURVE; THENCE RUN N.79°26'26"E., ALONG SAID NORTHERLY 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 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°15'54", SUBTENDED BY A CHORD OF 512.08 FEET AT A BEARING OF N.74°08'07"E., FOR A DISTANCE OF 512.63 FEET TO THE END OF SAID CURVE; THENCE RUN N.79°26'26"E., ALONG SAID NORTHERLY RIGHT-OF-WAY LINE, FOR A DISTANCE OF 252.02 FEET TO THE POINT OF BEGINNING; CONTAINING 388.536 ACRES, MORE OR LESS.

NOTES:

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

TOTAL PROPERTY AREA 483.421 ACRES MORE OR LESS.

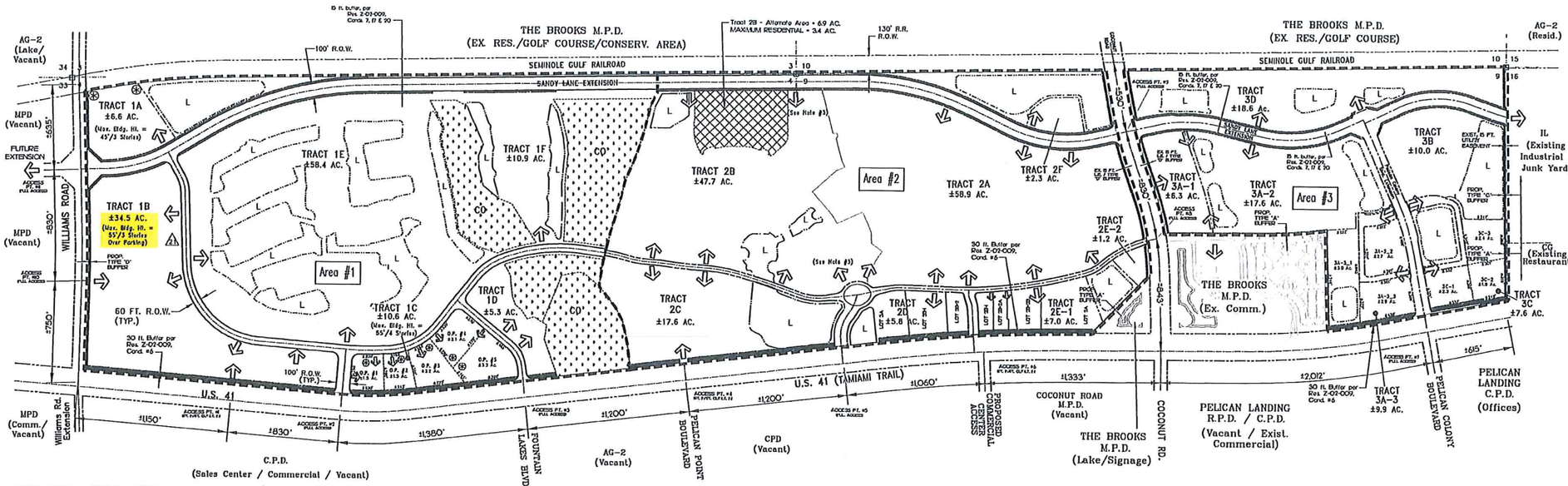
INFORMATION RELATING TO BOUNDARY DATA OF SECTIONS 3, 4, 9 AND 10, TOWNSHIP 47 SOUTH, RANGE 25 EAST, LEE COUNTY, FLORIDA, TOGETHER WITH THE LOCATION OF THE US HIGHWAY #41 RIGHT-OF-WAY, WAS OBTAINED FROM A SURVEY OF THE SHULMAN RANCH PREPARED BY SEAL ASSOCIATES (WING ORDER NUMBER 840903A, DATED 9/14/84. INFORMATION RELATING TO THE LOCATION OF COCONUT ROAD AND ADJOINING EXCEPTED PARCELS WAS OBTAINED FROM PROPERTY DESCRIPTIONS PROVIDED BY CLIENT.

BEARINGS REFER TO THE SOUTH LINE OF THE SOUTHEAST QUARTER OF SECTION 9, TOWNSHIP 47 SOUTH, RANGE 25 EAST, LEE COUNTY, FLORIDA AS BEING S88°56'17"W.

STATE PLANE COORDINATES SHOWN HEREON REFER TO FLORIDA STATE PLANE EAST ZONE N.A.D. 83, 1990 ADJUSTMENT.

HOLE, MONTES, INC.
CERTIFICATE OF AUTHORIZATION LB 1772

BY: RICHARD M. MURPHY P.S.M. #5628 STATE OF FLORIDA



PROJECT SUMMARY:

1.) REQUEST: A Rezoning from AG-2 to Mixed Use Planned Development (MPD)

2.) OVERALL CONCEPTUAL PROJECT ACREAGES:

CONSERVATION AREAS	±33.4 ACRES
LAKES	±58.8 ACRES
INTERNAL (PRIVATE) R.O.W.	±20.2 ACRES
INTERNAL (PUBLIC) R.O.W.	±25.6 ACRES
GREEN AREAS / OPEN SPACE	± 8.7 ACRES
DEVELOPMENT TRACT AREAS	±335.7 ACRES
TOTAL	±482.4 ACRES

3.) CONCEPTUAL TRACT LAND USE/ACREAGE BREAKDOWN:

a.) DEVELOPMENT AREAS:

Development Area #1: (Residential – 740 M.F./ALF Units / Retail – Comm. 85,000 Sq.Ft. / Office 481,277 Sq.Ft.) / Hotel 120 Rooms / Bank w/ D.T. – 8,000 Sq.Ft. 2A

Proposed Lakes	± 28.1 Ac.
Proposed Internal/Private R.O.W.	± 8.2 Ac.
Proposed Public R.O.W. (Sandy Lane Extension)	± 10.1 Ac.
Conservation Areas	± 33.4 Ac.
Green Areas / Open Space	± 4.7 Ac.
Development Areas (Tracts 1A – 1F)	± 126.3 Ac.
Total Development Area #1	±210.8 Ac.

Development Area #2: (Residential – 450 M.F. Units / Retail – Comm. 1,450,000 Sq.Ft. / Gen. Office 90,000 Sq.Ft. / Hotel – 200 Rooms)

Proposed Lakes	± 17.0 Ac.
Proposed Internal/Private R.O.W.	± 6.1 Ac.
Proposed Public R.O.W. (Sandy Lane Extension)	± 8.1 Ac.
Green Areas / Open Space	± 4.0 Ac.
Development Areas (Tracts 2A – 2F)	± 140.5 Ac.
Total Development Area #2	±175.7 Ac.

Development Area #3: (Residential – 424 M.F. / A.L.F. Units / Retail – Comm. 72,500 Sq.Ft. / Office 211,500 Sq.Ft.) 2A

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)	± 68.9 Ac.
Total Development Area #3	±95.9 Ac.

b.) MAXIMUM DEVELOPMENT TRACT INTENSITY:
(NOTE: CUMMULATIVE INTENSITIES WILL NOT EXCEED MAXIMUM PROPOSED LAND USES FOR EACH DEVELOPMENT AREA)

Development Area #1:

Tract 1A	200 ALF Units / 50,000 s.f. Office 2A
Tract 1B	450,000 s.f. Office 2A
Tract 1C	2A 90,000 s.f. Retail / 20,000 s.f. Office / 120 Room Hotel
Tract 1D	5,000 s.f. Retail / 35,000 s.f. Office / Fire Station 2A
Tract 1E	450 M.F. DU's
Tract 1F	90 M.F. DU's

Development Area #2:

Tract 2A	650,000 s.f. Retail / 450 M.F. DU's / 60,000 s.f. Office / 200 Room Hotel
Tract 2B	600,000 s.f. Retail / 200 Room Hotel / 200 M.F. DU's
Tract 2C	150,000 s.f. Retail / 20,000 s.f. Office / 200 Room Hotel
Tract 2D/E	150,000 s.f. Retail / 30,000 s.f. Office / 200 Room Hotel
Tract 2F	20,000 s.f. Retail / 30,000 s.f. Office / 100 Multi-family Units

Development Area #3:

Tract 3A-1 thru 3	60,000 s.f. Retail / 170,000 s.f. Office 2A
Tract 3B	200 A.L.F. Units
Tract 3C	40,000 s.f. Retail / 90,000 s.f. Office
Tract 3D	224 M.F. DU's

4.) PROJECT PHASING:

	M.F. / A.L.F. (UNITS)	RETAIL COMM. (SQ.FT.)	OFFICE (SQ.FT.)	HOTEL (ROOMS)	BANK w DT (SQ.FT.)
2A 2001 – 2019	1,614*	1,607,500	782,777	320	8,000

*M.F. / A.L.F. 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.

5.) CONCEPTUAL OPEN SPACE (Tract 2B Alternate Plan):

a.) REQUIRED (per L.C.L.D.C.)*:

Development Area #1:

(LESS Sandy Lane Extension and Tracts 1E & 1F)	131.4 Ac. x 30%	± 39.4 Ac. 2A
(Tracts 1E / 1F)	69.3 Ac. x 40%	± 27.7 Ac. 2A

Development Area #2 [ALT 1, TRACT 2B ALT AREA = 3.4 AC RESIDENTIAL MAX]:

(LESS Sandy Lane Extension & Resid. Area)	158.4 Ac. x 30%	± 47.5 Ac.**
(Residential Area)	9.2 Ac. x 40%	± 3.7 Ac.

Development Area #2 [ALT 2, TRACT 2B ALT AREA = NO RESIDENTIAL]:

(LESS Sandy Lane Extension & Resid. Area)	161.8 Ac. x 30%	± 48.5 Ac.**
(Residential Area)	5.8 Ac. x 40%	± 2.3 Ac.

Development Area #3:

(LESS Sandy Lane Extension & Tracts 3B & 3D)	59.7 Ac. x 30%	± 17.9 Ac.
(Tract 3B & 3D)	28.8 Ac. x 40%	± 11.5 Ac.

Total Open Space Required [ALT 1]:	±147.7 Ac. 2A
Total Open Space Required [ALT 2]:	±147.3 Ac. 2A

*The % of Open Space may vary depending upon the ultimate land uses.
**Includes Residential above Commercial uses.

b.) PROVIDED (per L.C.L.D.C.):

Prop. Lake Areas (@ ≤ 25.0% of 150.2 Ac.)		± 37.6 Ac.
Prop. Conservation Areas		± 33.4 Ac.

Development Area #1:

Commercial Development (Tracts 1A/1B/1C/1D)	57.0 Ac. x 19.65%	± 11.2 Ac. 2A
Residential Development (Tracts 1E/1F)	69.3 Ac. x 30.0%	± 20.8 Ac. 2A
	Sub-total	± 32.0 Ac. 2A

Development Area #2 [ALT 1, TRACT 2B ALT AREA = 3.4 AC RESIDENTIAL MAX]:

Commercial Development (Tracts 2A – 2F)	131.3 Ac. x 19.52%	± 25.6 Ac.
Residential Development (Tract 2A)	5.8 Ac. x 23.60%	± 1.4 Ac.
Residential Development (Tracts 2B)	3.4 Ac. x 23.5%	± 0.8 Ac.
	Sub-total	± 27.8 Ac.

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.

Development Area #3:

Commercial Development Tracts (Tracts 3A-1 thru -3 & 3C)	42.6 Ac. x 19.55%	± 8.3 Ac.
Residential Development (Tracts 3B & 3D)	28.8 Ac. x 30%	± 8.6 Ac.
	Sub-total	± 16.9 Ac.

Total Open Space Provided [ALT 1]:	*** ±147.7 Ac. 2A
Total Open Space Provided [ALT 2]:	*** ±147.6 Ac. 2A

6.) INDIGENOUS OPEN SPACE:

DUE TO THE EXISTING AGRICULTURAL LAND USE AND THE EXTENT OF MELALEUCA INVASION WITHIN THE REMAINING FORESTED AREAS, NO INDIGENOUS OPEN SPACE IS REQUIRED.

7.) NOTES:

1. Internal access will be provided to allow through traffic between US 41 and Sandy Lane Extension.
2. For Tracts 1A and 1C general service area locations, see above MCP.
3. The project will be designed to facilitate the use of the Lee Tran services in accordance with Lee County LDC Sec. 34-411(a) and 10-442.

LEGEND

	PROPERTY BOUNDARY
	ROAD R.O.W. LINE
CO	CONSERVATION AREAS
L	PROPOSED LAKE
	CONCEPTUAL ACCESS POINT
IL (DEVELOPED)	ADJACENT ZONING / LAND USE
	GENERAL LOCATION OF SERVICE AREAS

SCALE: 1"= 400'

ATTACHMENT "A"

NUMBER	REVISIONS	DATE
2A	Added MF Units to Tract 2B (No increase in max. units)	01/25/06
2A	Added Access Pt. for Tract 3A-1	11/15/05
2A	Revised for Administrative Amendment #8 Tract 3D	11/15/05
2A	Revised for Admin. Amendment ADD2005-00080	08/22/05
2A	Revised for Administrative Amendment Submittal	02/04/05
2A	Revised for Administrative Amendment Submittal	08/25/04
2A	Revised for Administrative Amendment Submittal	05/19/04
2A	Revised for Administrative Amendment Submittal	02/27/04
2A	Revised per County Attorney's Office Memo	12/03/02
2A	Revised Tracts / O.S. Colors / Permitted Uses	12/16/01
2A	Revised per County Staff 1st R.AI.	03/08/01
2A	Sufficiency Responses	04/03/07
2B	Sufficiency Responses	01/15/07
2A	Sufficiency Responses	10/03/06
2A	NCPC / Zoning Amendment	08/15/06
2A	Revised Open Space Calc for 2B Alternate Parcel	02/27/06
NCPC	SUBMITTED FOR HYATT CDP	5/14/13
2A	ADDED/REVISED ACCESS POINT – TRACT 2E-1	5/21/08
2A	Zoning Resolution Revisions	11/13/07
2A		11/01/07

6200 Whiskey Creek Drive
Fort Myers, FL 33919
Phone : (941) 985-1200
Professional Registration No.1772
Naples · Fort Myers · Venice · Englewood
HOLE MONTES
ENGINEERS · PLANNERS · SURVEYORS

COCONUT POINT M.P.D.
MASTER CONCEPT PLAN
EXHIBIT IV-E

DESIGNED: E.M.C.	DATE: 08/16/05
DRAWN: C.R.B.	DATE: 08/16/05
CHECKED: N.E.D.	DATE: 08/19/05
VERT. SCALE:	HORZ. SCALE: 1"= 400'
DRAWING NO.	.
REFERENCE NO.	9779B_MCP8
PROJECT NO. 97.79-B	SHEET NO. 1 of 1

Approved as Exhibit B
MCP Page 1 of 2
Resolution # Z-13-016

RECEIVED
MAY 16 2013
COMMUNITY DEVELOPMENT

DCI 2013-00010 DRI2013-00003

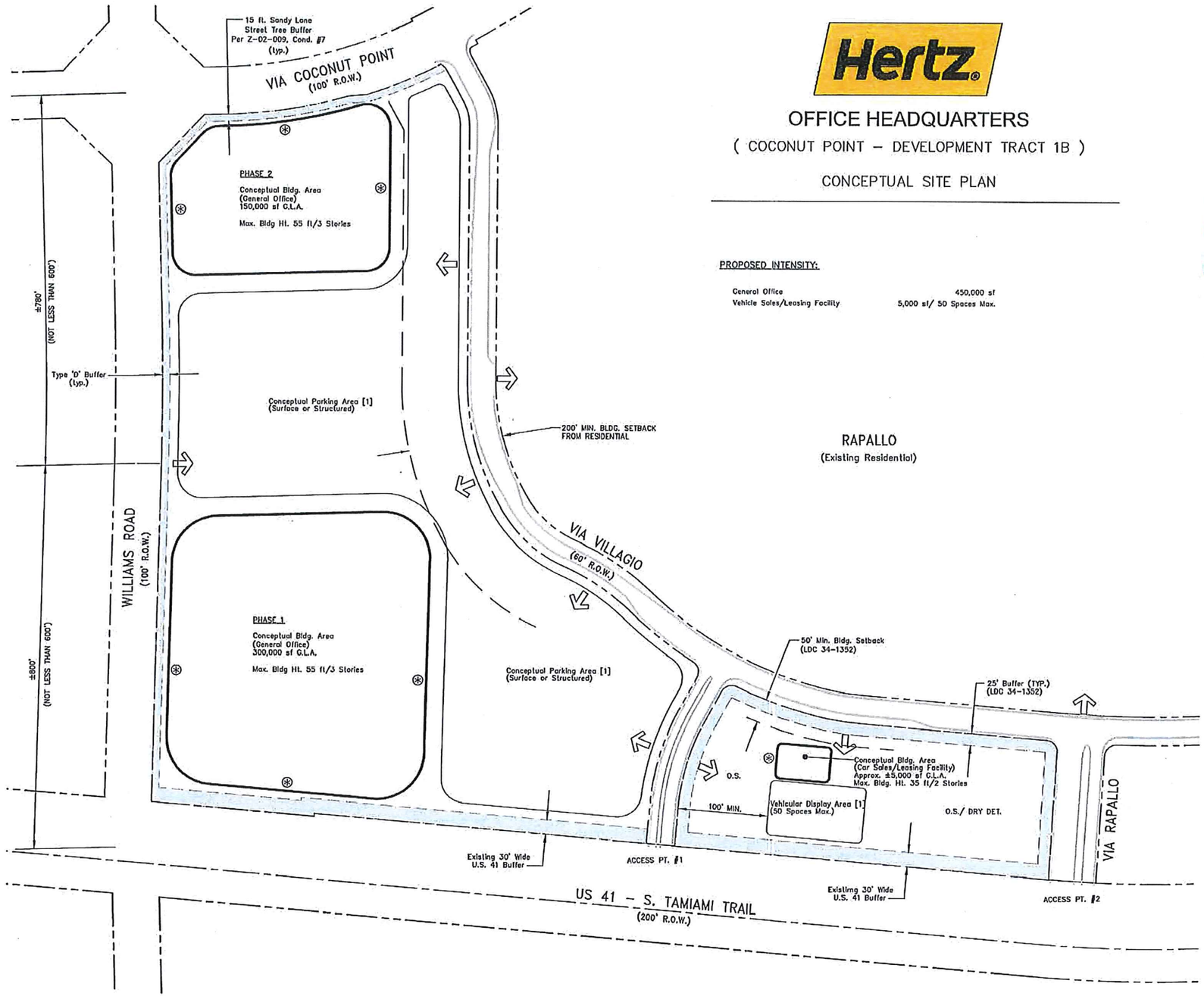
EXHIBIT B

U:\1997\1997079-B ZONING\DAVEBROOK NCPC May 2005\9779B_MCP-Revised 05-01-07 ADD TRACT 2E SUBDIV.dwg 11/6/2007 7:16:54 AM EST

OFFICE HEADQUARTERS

(COCONUT POINT – DEVELOPMENT TRACT 1B)

CONCEPTUAL SITE PLAN



PROPOSED INTENSITY:

General Office	450,000 sf
Vehicle Sales/Leasing Facility	5,000 sf/ 50 Spaces Max.

RAPALLO
(Existing Residential)

LEGEND:

⊛ GENERAL LOCATION OF SERVICE AREAS

⇨ CONCEPTUAL ACCESS POINT

NOTES:

[1] OPEN SPACE AND LANDSCAPING TO BE PROVIDED IN ACCORDANCE WITH LDC.

RECEIVED
JUN 12 2013
COMMUNITY DEVELOPMENT
REC'D SECOND FLOOR

Approved as Exhibit B
MCP Page 2 of 2
Resolution # Z-13-016

DCI2013-00010

NUMBER	REVISIONS	DATE
1		
2		
3		
4		
5		
6		

HOLE MONTES
ENGINEERS-PLANNERS-SURVEYORS
6200 Whiskey Creek Drive
Fort Myers, FL 33919
Phone : (239) 985-1200
Florida Certificate of Authorization No.1772
Naples - Fort Myers - Venice - Englewood

COCONUT POINT

Area #1 – Tract 1B Concept Plan

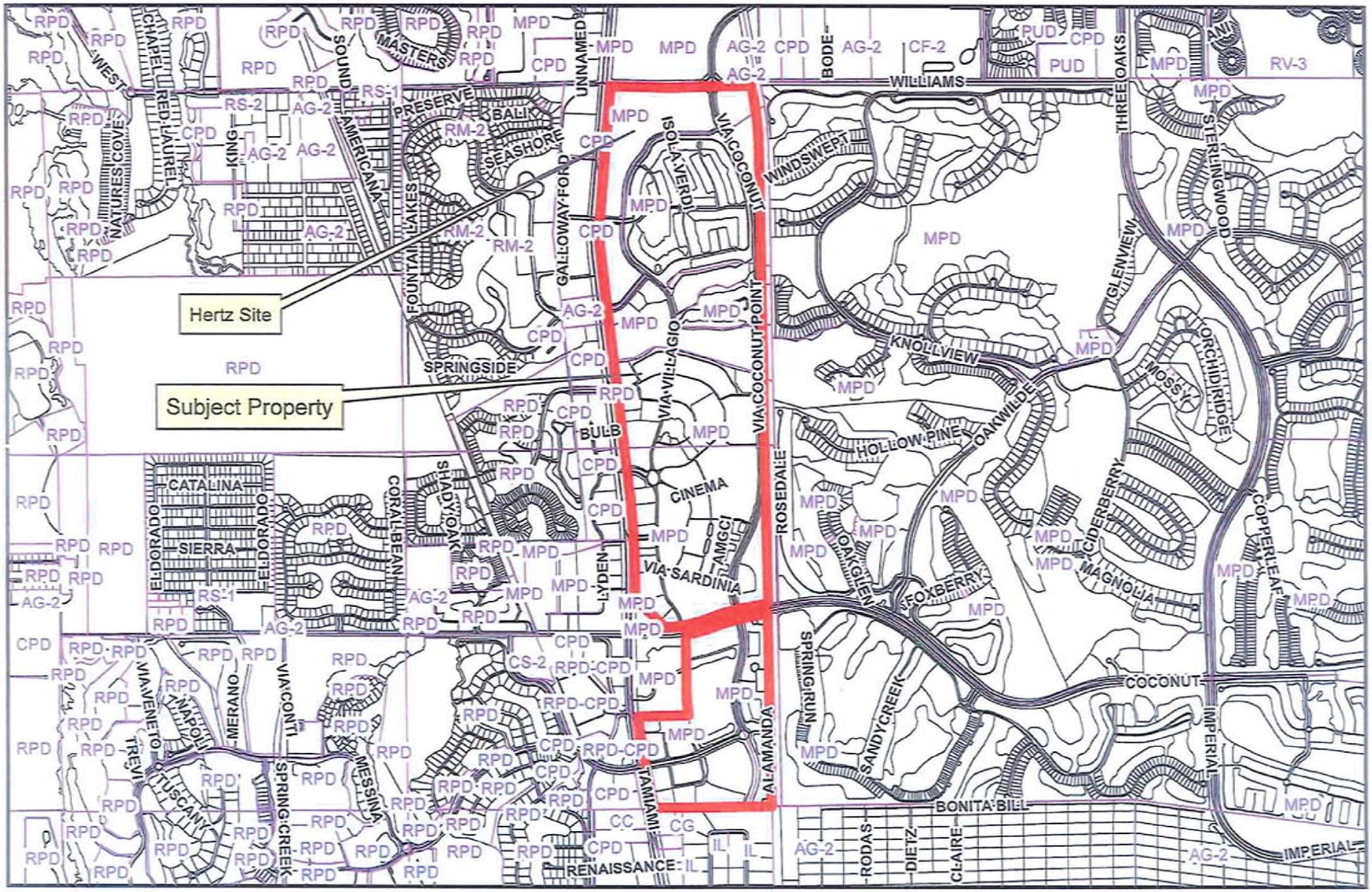
DESIGNED:	DATE:
DRAWN: T.W.M.	DATE: 06/08/13
CHECKED:	DATE:
VERT. SCALE:	HORZ. SCALE: 1"= 100'
DRAWING NO.	
REFERENCE NO. 13025B_MCP	
PROJECT NO. 13.025-B	SHEET NO. 1 of 1

U:\1997\1997079\-3 BRI-ZONING\MDPC_May 10 2006\MDPC MCP Map H_Revised 020116\1997796-B_MCP_MDPC Revised 041807.dwg 11/6/2007 7:14:47 AM EST

DRI2013-00003
and DCI2013-00010

Zoning Map

5/21/2013



N
W E

1,000 500 0 1,000 2,000
Feet

EXHIBIT C

Coconut Point Zoning Actions (May 16, 2013)

DRI2000-00015 and DCI2001-00005, Z-02-009 - Original DRI and planned development approval

DRI2004-00008; Z-04-079 – Amend DRI changes to residential dwelling unit distribution
ADD2004-00048 – Rapallo (relief from excavation slopes amongst others)
ADD2004-00060(A-C) – Sign Package, Excavation Setbacks, Schedule of Uses, Lot Standards
ADD2004-00187 & 187(A) – Change number of residential units and types, increase hotel size
ADD2004-00206 – Modify buffer on US41 to allow view corridors

ADD2005-00011 – Rapallo (reduce size of waste container pad)
ADD2005-00026 – Area 3 excavation setbacks from road and private property line)
ADD2005-00080(A) – Revisions to condition 2b and open space distribution within tract 2
ADD2005-00122 – Rapallo (deviations for parking, waste, pavement, setbacks from water features)
ADD2005-00177 – Area 3 reconfigure tracts and lakes
ADD2005-00233 – Right in Right out to Coconut Road Area 3

DRI2006-00002, Resolution #06-08-23
DRI2006-00009 and DCI2006-00080, Z-07-040
ADD2006-00011 – Rapallo (lake/water feature configuration)
ADD2006-00024 – Area 2 add hotel/motel, amend property development regs, multi family in tract 2b
ADD2006-00143 – Teds Montana Grill
ADD2006-00168 – Reduced building setbacks for movie theater
ADD2006-00229 – Additional signage for movie theater
COP2006-00035, amended by COP2006-00035A, Ted's Montana Grill
COP2006-00121(A) – COP for The Grill Room
COP2005-00125 – sign off for 2APS license for package sales
COP2006-00150, amended by COP2006-00150B - Blue Water Bistro
COP2006-00169, amended by COP2006-00169A - The Grape
COP2006-00176, amended by COP2006-00176A - California Pizza Kitchen

DRI2006-000 9 and DCI2006-00080, Resolution Z-07-040
ADD2007-00028 – Area 3 allow an adult living community
ADD2007-00087 – Setbacks
ADD2007-00182 – Waterbody setback and reduced building separation
ADD2007-00184 – Commercial lot split w/deviation for internal buffer
ADD2007-00192 – Sign Deviations
ADD2007-00207 – Increase building height for tract 3C-2
ADD2007-00208 – Deviation for connection separation on Via Villagio
COP2007-00012 – Doc Greens administrative approval for a 2-COP
COP2007-00018 – sign off for COP for Bice Grand Café
COP2007-00065 – COP for outdoor seating for Bice Grand Café
COP2007-00093 - Moe's Southwest Grill
COP2007-00112 – Two Brothers Pizza & Italia sign off for a 2 COP license
COP2007-00134 - Hurricane's Grill and Wings
COP2007-00161 – Cosi 2, COP for outdoor seating
COP2007-00233 – T.G.I. Fridays
COP2007-00194, amended by COP2007-00194A - Pagelli's Cucina
COP2007-00201, Tijuana Flats Burrito Company

EXHIBIT D

COP2007-00238 - Hemingway's Island Grill
ADD2008-00010 – Art District increase building height
ADD2008-00011 – Art District building setback
ADD2008-00012 – Connection separation and pavement width
ADD2008-00043 – Parking requirements area 3
ADD2008-00054 – Commercial lot split w/deviations for buffers and parking
ADD2008-00078 - administrative variance for signage
ADD2008-00092 – COP for outdoor seating by the pool and room service beer and wine.
COP2008-00007 - Hemingway's Island Grill
COP2008-00038 - Target Store
COP2008-00103 - Tony Sacco's Coal Oven Pizza
COP2008-00152 - Stir Crazy

DRI2009-00001 - Senate Bill 360 extension to build out date, termination date and down zoning date-
ADD2009-00008 – Art District curbside pickup
ADD2009-00032 - signage deviation for Area 3, Tract 3C-2 for a monument sign

ADD2010-00062 – COP for Tract 2D
ADD2010-00079 & 00079(A)– Olive Garden @ Coconut Point
ADD2010-00093 – Sign Deviations
COP2010-00111 – Johnny Rockets
COP2010-00181 - Amore Brick Oven Pizza

DRI2011-00006 - extension of all DRI timeframes in the Coconut Point DRI pursuant to HB 7207
ADD2011-00008 – Add Temporary Uses to the schedule of uses

DRI2012-00008 - senate bill 2156 extension of buildout date
DRI2012-00011 - section 252.363 Extension
DCI2012-00017, Z-12-017 - allow live outdoor entertainment w/restaurants w/COP & outdoor seating
DCI2012-00020 - Extension of Resolution and MCP
ADD2012-00016 – Waterbody setback reductions
COP2012-00060 - Chuey's Tacos
COP2012-00147 – The Grape Bar

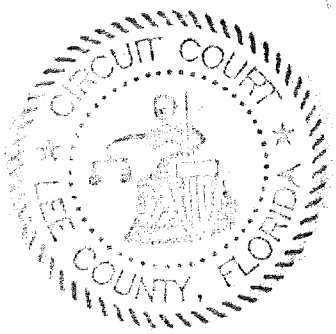
COP2013-00075 - Stir Crazy

STATE OF FLORIDA

COUNTY OF LEE

I Linda Doggett, Clerk of Circuit Court, Lee County, Florida, and ex-Officio Clerk of the Board of County Commissioners, Lee County, Florida, do hereby Certify that the above and foregoing is a true and correct copy of Resolution No. Z-13-016 adopted by the Board of Lee County Commissioners at their meeting held on the 5th day of August, 2013.

Given under my hand and seal, at Fort Myers, Florida, this 7th day of August, 2013.



LINDA DOGGETT,
Clerk of Circuit Court
Lee County, Florida

By: Joyce Townsend
Deputy Clerk

PO Box 2469, Fort Myers, FL 33902
Phone: (239) 533-2328 | FAX: (239) 239-485-2038

SEVENTH DEVELOPMENT ORDER AMENDMENT[1]
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 buildout 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 buildout and expiration dates as provided under HB 7203; and

[1] This is a codification and restatement of the Coconut Point DRI Development Orders as amended through ~~January 8, 2013~~August 5, 2013.

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 buildout 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, buildout 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 buildout, 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) buildout dates for valid DRI Development Orders were extended an additional 6 months;

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 buildout, commencement and completion dates for valid DRI Development Orders at the option of the developer; and

WHEREAS, under Florida Statutes §252.363, buildout 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 buildout, 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 buildout 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 buildout and termination dates to April 7, 2019, and April 7, 2025, respectively; and

WHEREAS, on May 10, 2013, Lee County received a request for a Seventh Amendment 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 buildout and termination dates to December 31, 2019 and December 31, 2025, respectively; and

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

WHEREAS, Coconut Point DRI qualifies for all the requested extensions of the DRI compliance dates; and

WHEREAS, the Board found the proposed amendments as conditioned do not constitute a substantial deviation from the original development approvals.

NOW, THEREFORE, be it resolved by the Board of County Commissioners of Lee County, Florida, that the Development Order for the Coconut Point DRI is hereby amended 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 at the intersection of US 41 and Coconut Road. The Coconut Point DRI is a mixed use development that will consist of: 1,450,000 gross leasable square feet of retail/regional mall (Regional Retail Center), ~~188,900~~157,500 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, ~~383,333~~782,777 square feet of office, of which no more than ~~68,333~~104,333 square feet may be medical office, 44~~0~~320 hotel rooms, ~~1,528~~1,214 condominium units, and a ~~200~~400 unit assisted living facility~~ and a 506 seat performing~~

~~arts theater~~. 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.

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

The project phasing schedule consists of one phase with buildout in 2019.

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

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

D. The Application for Development Approval (ADA) 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.

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

F. 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.

G. The proposed Development Order Amendment has been reviewed by the SWFRPC and is the subject of the report and recommendations adopted by that body and subsequently forwarded to Lee County in accordance with §380.06, Florida Statutes. The development, as proposed in the ADA, subsequently amended by the Notice of Proposed Change, and modified by this Development Order Amendment, is generally consistent with the report and recommendations of the SWFRPC pursuant to §380.06(11), Florida Statutes.

H. The development is located in the Urban Community and Wetlands future land use categories. The project, as proposed and conditioned herein, is consistent with the Lee County Comprehensive Plan and the Lee County Land Development Code (LDC).

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

~~J. House Bill 7207 (HB 7207), signed into law by the Governor of the State of Florida on June 2, 2011 (as codified in Chapter 2011-139, Laws of Florida) authorized a four (4) year extension for all valid DRI Development Orders. At the option of the developer, all commencement, phase, buildout and expiration dates for valid~~

~~Developments of Regional Impacts may be extended by four years regardless of previous extensions issued in the past.~~

~~In accord with HB 7207, Coconut Point DRI qualified for that extension of the DRI's compliance dates. Under HB 7207, the extension of the DRI's compliance dates does not constitute a substantial deviation of the original development order approvals warranting further DRI review.~~

~~K. Executive Order Numbers 11-128 (extended by 11-172 and 11-202), 12-140 (extended by 12-192 and 12-217) and 12-199, provided for an extension for buildout, commencement and completion dates for valid DRI Development Orders of 60 days (extended an additional 90 days), 60 days (extended an additional 35 days) and 60 days, respectively (totaling 305 days), at the option of the developer. Coconut Point DRI qualified for that extension of the DRI's compliance dates. The extension does not constitute a substantial deviation of the original development order approvals warranting further DRI review.~~

~~Under §252.363, Florida Statutes, Executive Order Numbers 11-128 (extended by 11-172 and 11-202), 12-140 (extended by 12-192 and 12-217) and 12-199, each extended the buildout dates for valid DRI Development Orders an additional 6 months (totaling 18 months less 24 days for effective date of §252.363 (July 1, 2011)). Coconut Point DRI qualified for that extension of the DRI's compliance dates. The extension does not constitute a substantial deviation of the original development order approvals warranting further DRI review.~~

II. ACTION ON THE REQUEST AND CONDITIONS OF APPROVAL

NOW THEREFORE, be it resolved by the Board of County Commissioners of Lee County, 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 the Oakbrook Properties, Inc., for the project known as the Coconut Point DRI, originally approved October 21, 2002, is hereby 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, and all references to County Ordinances or other regulations, including future amendments.

A. AFFORDABLE HOUSING

1. *150 Affordable Housing Units ($600,000).*[2]

[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 Bluesheet 20070290 in March 2007.

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, the Developer may satisfy the remaining 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.

2. *University Student Housing ($400,000).*[3] In addition to the above, the Developer will subsidize University student housing by giving $400,000 to the Florida Gulf Coast University 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.

B. ENERGY

The Developer must incorporate, as a minimum, the following energy conservation features into all site plans and architectural programs, or insure that the following features are implemented through deed restrictions 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 compliance, those documents must be approved by the County 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.

---

[3] This requirement was satisfied in October 2004.

5. Minimize coverage by asphalt, concrete, rock and similar substances in street, parking lots and other area to reduce local air temperatures and reflecting 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. 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 permit 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 Lee County review and approval and must be included on all construction plans for development.

5. All internal stormwater 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. Stormwater 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 stormwater 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 stormwater management system must include littoral zones constructed on slopes consistent with SFWMD and Lee County 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 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 stormwater storage and treatment for which it was intended. The Developer or 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 stormwater 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 Lee County establishes a County-wide stormwater 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 stormwater 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. Stormwater 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 a legal operating entity in accordance with the SFWMD Basis of Review and Lee County Land Development Code to maintain the internal stormwater management lakes, ditches and wetlands. Easements, common areas or other legal mechanisms may be utilized to ensure there is sufficient access to the stormwater management areas for maintenance purposes.

D. TRANSPORTATION

1. Significant Impacts

a. *Assessment Parameters*

The traffic impact assessment for the Project assumes the following development parameters, as a single phase:

	Buildout (2019)
Multifamily Condominiums (ITE LUC 230) (450 d.u. Town Center, ~~854~~540 d.u. North Village) 224 d.u. South Village	~~1,528~~1,214 d.u.
Assisted Living Facility (ITE LUC 252) (200 d.u. South Village, 200 d.u. North Village)	~~200~~400 d.u.
Hotel (ITE LUC 310) (200 rooms Town Center, 120 rooms South Village ~~120 rooms North Village~~)	~~440~~320 rooms
Community Retail (ITE LUC 820) (~~131,400~~ 85,000square feet North Village, ~~57,500~~75,000 square feet South Village)	~~188,900~~157,500 sq. ft. (gla)
Regional Retail Center (ITE LUC 820) (1,450,000 square feet Town Center)	1,450,000 sq. ft. (gla)
General Office (ITE LUC 710) (~~78,333~~481,277 square feet North Village, 90,000 square Town Center, ~~146,667~~107,167 square feet South Village)	~~315,000~~678,444 sq. ft.
Medical Office (ITE LUC 720) (~~68,333~~104,333 square feet South Village)	~~68,333~~104,333 sq. ft.
Bank with drive-thru (~~4,000~~8,000 square feet North Village)	8,000 sq. ft.
~~4,000 square feet South Village~~	
~~Performing Arts Theater (North Village)~~	~~506 seats~~

The above parameters form the basis for the Project impacts and the mitigation requirements contained herein. The assumed land uses associated with the general parameters are 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 above parameters ~~is~~was estimated, based on the 2002 development parameters, to be 5,909 trips. They include 4,120 PM net new external peak hour trips, 757 pass-by trips, and 1,032 interzonal trip ends based upon the original buildout date of 2006. ("Interzonal trip ends" are from one part of the project to another that travel along or across public roadways.) 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, 860 pass-by trips, and 1,012 interzonal trip ends.

b. *Buildout Impacts*

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

Roadway Improvements Needed

Roadways	Needed Improvement
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	Widen to 6 lanes
- Bonita Beach Road to Coconut Road	Widen to 6 lanes
Old US 41	
- Rosemary Drive to US 41	Widen to 4 lanes

Intersection Improvements Needed

Bonita Beach Road @ Old 41[1]	Add 2nd 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 2nd EB left turn lane
	Add 2nd NB left turn lane
	Add 2nd SB left turn lane
Corkscrew Road @ River Ranch Road[1]	Signal retiming
Corkscrew Road @ Three Oaks Parkway	Add 2nd WB left turn lane
	Add 2nd NB left turn lane
	Add 2nd SB left turn lane
I-75 @ Corkscrew Road[1]	Add 2nd EB left turn lane[4]
	Add 2nd WB left turn lane[4]
	Add 2nd NB left turn lane
	Add 2nd 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 2nd NB thru lane
	Add 2nd 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 2nd WB right turn lane
	Add 2nd NB left turn lane
	Add 2nd SB left turn lane
	Add 2nd 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 2nd NB left turn lane Add dual SB left turn lane[2] Add 2nd EB left turn lane Add EB right turn lane
US 41 @ Coconut Road	Add 2nd WB left turn lane Add 2nd NB right turn lane Add 2nd NB left turn lane Add 2nd SB left turn lane Add 2nd 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 2nd SB left turn lane
	Add 2nd WB left turn lane
US 41 @ Corkscrew Road[1]	Add 2nd 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 2nd 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. *Buildout Proportionate Share*

The buildout proportionate share is $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 $10,196,250, which is lower than the proportionate share estimate.

As noted in Condition D.3, the Developer must 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 buildout 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 $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 permitted for the project, or a subpart thereof, absent a Notice of Proposed Change.

b. *Mitigation Options*

The Developer must choose one of the two mitigation options identified below to satisfy the proportionate share obligation.

(1) <u>Traffic Mitigation Option 1</u>

(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 County's Concurrency Management System at the time it obtains a local development order.

(2) Traffic Mitigation Option 2[4]

(a) 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 effective until December 31, ~~2017~~2019[7], or for three (3) years from the date a local development order is issued, whichever is later.

(b) Development Agreement

Exercise of traffic mitigation option 2 requires a Local Government Development Agreement executed 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

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

[7] In 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 buildout 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 ~~are~~were extended to December 31, 2017. A subsequent analysis done with the 2013 NOPC resulted in an extension of concurrency vesting until December 31, 2019.

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.

c. *Application of Payments*

(1) Cash.

The County will 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 apply the fees toward improvements that relieve those roadways, provided those improvements are deemed necessary to maintain the County's adopted level of service standards. If the improvements identified in Section D.1.b are ultimately funded through other sources, in whole or in part, or deemed unnecessary to maintain the adopted level of service standards, Lee County 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 can be specified in the Development Agreement.[8]

(2) Pipelined Improvements.[9]

---

[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.

The Developer 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 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 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.

d. *Buildout Extension*

(1) Requirement for Reanalysis

The original DRI Development Order approval indicated that extension of the buildout 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 buildout date beyond December 2007. However, a three-year statutory extension of the buildout date was granted by 2007 legislation; and a two-year statutory extension of the buildout date was granted by 2009 legislation.

As a result of 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, Florida Statutes, the DRI buildout 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 2013 NOPC resulted in an extension of concurrency vesting until December 31, 2019. The extension of the buildout date ~~to~~after ~~April 7, 2019~~December 31, 2019 will, therefore, require an additional traffic assessment to Lee County DOT for review and approval.

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 buildout 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 County, 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 County 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 Buildout.*[12]

[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 buildout 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 buildout 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 buildout date.

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 buildout in a lump sum at the time the extension application is approved. Full payment of the 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 buildout beyond 2012.*

If the entirety of the Coconut Point DRI is not built out by December 31, 2012, the NOPC requesting a buildout 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 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 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,

---

A second statutory extension of the buildout 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 buildout beyond 2012.

A third statutory extension of the buildout 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 buildout 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, 2019 in the Seventh Amendment.

but the segment of US 41 from Koreshan Boulevard to Alico Road is 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, 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 $170,000. This figure has been added to the project's DRI proportionate share, as noted above.

4. Access and Site Related Improvements

In addition to the proportionate share obligation set forth above, the Developer is 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 Lee County 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 U.S. 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]

[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.

Roadway Improvements

Roadways	Start Year	Improvement
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
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.

Date	Maximum Square Footage	Needed Improvements to Avoid Interim Level of Service Problem	
		Route	Limit
Adoption of DRI DO AND Compliance with Cond. D.2	400,000	Not Applicable	Not Applicable
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	Terry St. to Coconut Rd.
		OR	
		Livingston Rd./ Imperial St. 4 Lane	Immokalee Rd. to E.Terry St.
July 1, 2006	1,800,000	US 41-6Lane	Corkscrew Rd. to San Carlos
		AND	
		Three Oaks Ext. 4 Lane	Terry St. to Coconut Rd.
		AND	
		Old 41 - 4 lane	Rosemary dr. to US 41
		AND	
		Metro Pkwy. Ext.-	Alico Rd. to ben C

6 Lane	Pratt/ Six Mile Cypress Pkwy
AND	
Three Oaks Ext-4 Lane	Alico Rd. to Daniels Pkwy
or	
Treeline Ext.-4L	Alico Rd. to Daniels Pkwy.

6. **Annual Transportation Monitoring Program**

a. *Design of Monitoring Program*

The transportation monitoring program will be designed in cooperation with the 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: 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 buildout, 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:

[15] The first monitoring report was submitted in January 2004.

(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 interzonal 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 committed by 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 buildout may require the Developer to rebut the statutory presumption of substantial deviation. In some instances, the evidence

[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.

necessary to rebut the presumption may involve a comparison of Project trip distribution and assignment.

7. **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 F.

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 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 coordinate 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 include draw down pool features in littoral shelf slopes to favor use by woodstork and other wading birds.

3. The Developer must follow the Standard U.S. Fish and Wildlife Service Protection Measures for the Eastern Indigo Snake; and an Eastern Indigo Snake Protection Plan to be submitted for review and approval by the FFWCC as a condition of local development order approval.

4. The Developer must provide 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 conserving 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 hydroperiod enhancement).

6. Prior to impacting the additional 5.51 acres of jurisdictional wetlands, the Developer must modify existing SFWMD and ACOE permits and provide additional mitigation.

7. Wetlands and surface waters 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 preserved and enhanced. An enhancement plan must be submitted as part of the local development order approval process. This plan must include 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 ~~440~~320 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.

6. 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 by the Developer as part of the 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, FAC; or

c. 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.

G. WASTEWATER MANAGEMENT/WATER SUPPLY

1. The Developer will obtain 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 coordinate 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 stormwater 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. Lee County 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. Lee County 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.

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 provide 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 Lee County 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.

---

[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.

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 provide a site at least five acres in size and appropriately located to accommodate the growing school needs in this area of the county. Upon transfer of this site to the School District, the Developer may be entitled to seek school impact fee credits 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 Lee County adopted by the Board of County Commissioners in response to the DRI ADA filed for Coconut Point DRI and this subsequently filed Notice of Proposed Change.

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, stamped received at the Zoning Counter on ~~April 11, 2007~~May 10, 2013 and attached hereto as Exhibit "B", 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

---

[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).

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 County 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 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 pursuant to §380.06, Florida Statutes. However, upon a finding at a public hearing by the Board that any of the following conditions exist, the Board 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 buildout 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. Buildout and Termination Dates. The project has a buildout date of ~~April 7, 2019~~December 31, 2019, and a termination date of ~~April 7, 2025~~December 31, 2025. The termination date is based on the recognition that a local Development Order is valid for six years. No permits for development will be issued by the County 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 administrative director of the Lee County Department of Community Development, or their designee, will be the local official responsible for assuring compliance with this Development Order. Lee County 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 County 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 ~~April 7, 2019~~December 31, 2019. If the County 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 Lee County to be essential to public health, safety and welfare, then down-zoning, unit density reduction, or intensity reduction may occur. ~~[See 9J-2.025(3)(b)13]~~

P. Biennial Reports. The Developer must submit a report biennial to the Lee County 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 must be submitted to the DRI coordinator for SWFRPC, DCA, and Lee County no later than one year after the effective date of this Development Order[20]. Further reporting must be submitted every two years for subsequent calendar years thereafter, until buildout, 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 buildout 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

---

20 The first monitoring report was submitted in January 2004.

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.

R. Transmittal and Effective Date. The County will forward certified copies of this Development Order to the SWFRPC, the Developer, and appropriate state agencies. This Development Order is rendered as of the date of that transmittal, but will not be effective until the expiration of the statutory appeal period (45 days from rendition) or until FDCA has completed their 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, the 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 may 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 Lee County regulations by virtue of the existing agriculture on the property.

Commissioner Manning made a motion to adopt the Seventh Development Order Amendment, seconded by Commissioner Hall. The vote was as follows:

John Manning	Aye
Cecil L Pendergrass	Aye
Larry Kiker	Aye
Tammara Hall	Aye
Frank Mann	Aye

DULY PASSED AND ADOPTED this 5th day of August, 2013.

ATTEST:
Linda Doggett, Clerk

BY: Jane Townsend
Deputy Clerk

BOARD OF COUNTY COMMISSIONERS
LEE COUNTY, FLORIDA

By: _____
Cecil L Pendergrass, Chair

APPROVED AS TO FORM

By: Donna Marie Collins
Donna Marie Collins
County Attorney's Office

Exhibits:

A. Legal Description
B. Master Plan of Development (Map H) Stamped Received May 10, 2013
C. Development Parameters and Phasing Schedule
C-1 Land Use Conversion Table
D. Biennial Monitoring Report Requirements
E. Calculation of Road Impact Fee Obligation
F. Pedestrian, Bicycle and Bus Stop Plan

HOLE MONTES
ENGINEERS • PLANNERS • SURVEYORS
950 Encore Way • Naples, Florida 34110 • Phone 239.254.2000 • Fax: 239.254.2099

Applicant's Legal Checked
by CSJ 5/15/13
Pgs 1 thru 3

RECEIVED
MAY 10 2013
COMMUNITY DEVELOPMENT

HM PROJECT #1997079
05/03/13
REF. DWG. #A-994-3

LEGAL DESCRIPTION:

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 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 5.89 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°15'56"W., FOR A DISTANCE OF 583.09 FEET; THENCE RUN N.00°15'56"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 5.89 FEET TO A POINT ON THE

DCI 2013-00010 DRI 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 25 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 25 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 1,901.57 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 548.30 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 626.03 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.88°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

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°15'04", 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 386.536 ACRES, MORE OR LESS.

NOTES:

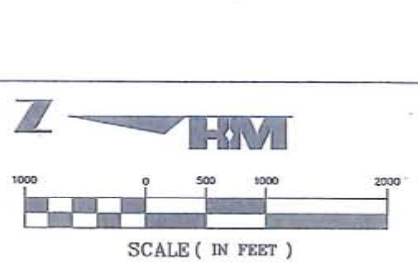
THIS PROPERTY IS SUBJECT TO EASEMENTS, RESERVATIONS OR RESTRICTIONS OF RECORD.

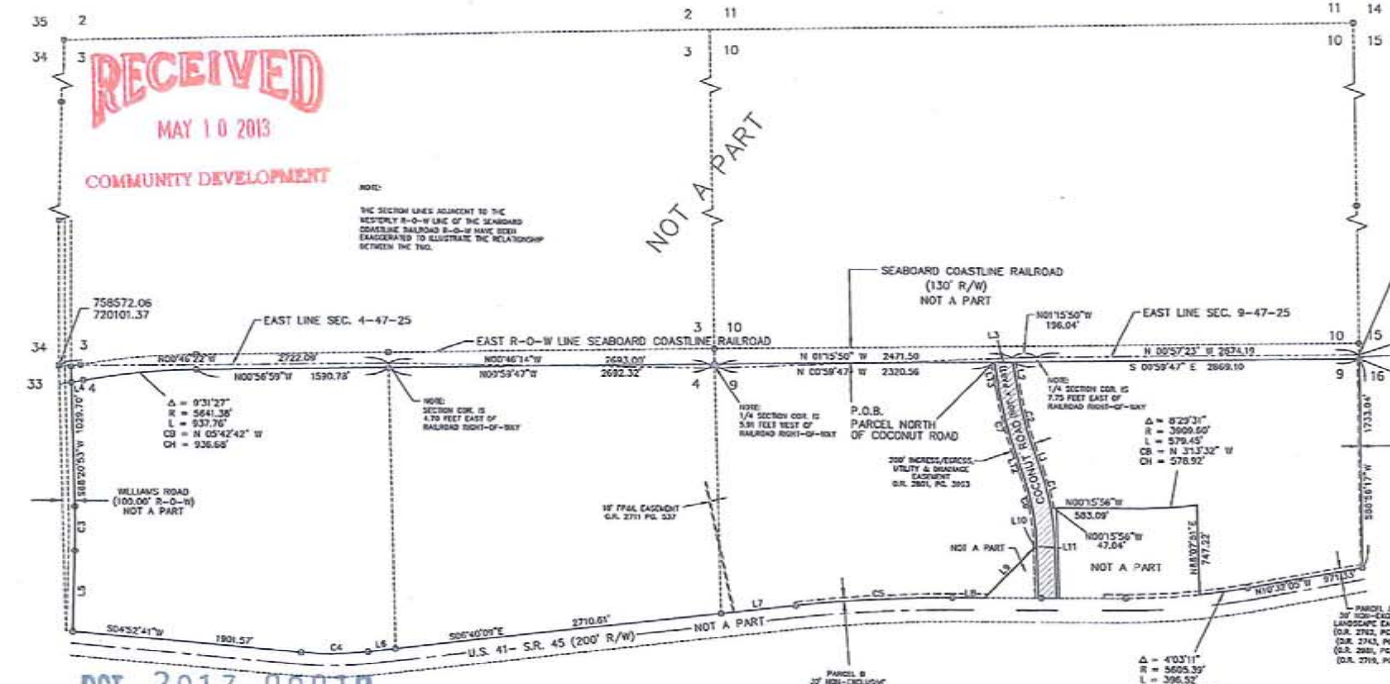
TOTAL PROPERTY AREA: 482.421 ACRES, MORE OR LESS.

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
THOMAS M. MURPHY STATE OF FLORIDA





DCI 2013-00010
DRI 2013-00003

Applicant's Legal Checked by CG 5/15/13

LINE TABLE		
LINE	LENGTH	BEARING
L1	200.00	N89°28'29"E
L2	226.23	N89°35'39"E
L3	557.05	S00°24'16"W
L4	98.14	N00°28'26"W
L5	674.82	S00°28'26"W
L6	325.81	S06°40'09"E
L7	626.02	S06°40'09"E
L8	274.74	S00°52'26"E
L9	537.44	S00°52'26"E
L10	35.18	S00°52'26"E
L11	32.60	S89°07'34"E
L12	200.00	S00°52'26"E
L13	267.03	S00°52'26"E

CURVE TABLE					
CURVE	RADIUS	LENGTH	CHORD	BEARING	DELTA
C1	3025.00	325.42	325.27	S24°56'48"E	6°12'27"
C2	3025.00	488.42	487.88	S24°58'53"E	9°15'04"
C3	7050.00	369.14	369.09	S00°48'51"W	3°00'00"
C4	2725.19	249.22	249.20	S00°52'44"E	5°15'20"
C5	11504.73	1394.74	1394.05	S02°28'33"E	6°56'13"
C6	1875.00	279.22	276.82	N78°11'34"E	17°05'28"
C7	3875.00	587.65	587.09	N74°58'07"E	8°41'04"

LEGAL DESCRIPTION

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 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 5.89 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 1,733.84 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°33'05"W., ALONG SAID EASTERLY RIGHT-OF-WAY LINE, FOR A DISTANCE OF 871.23 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°07'31"E. FOR A DISTANCE OF 747.22 FEET TO A POINT ON A CIRCULAR CURVE, CONCAVE EASTERLY, WHOSE RADIUS POINT BEARS N.82°39'42"E., A DISTANCE OF 3,909.60 FEET NORTHERLY; 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 02°29'31", SUBTENDED BY A CHORD OF 529.93 FEET AT A BEARING OF N.03°53'27"W., FOR A DISTANCE OF 529.45 FEET TO THE END OF SAID CURVE; THENCE RUN N.00°15'56"W., FOR A DISTANCE OF 583.09 FEET; THENCE RUN N.00°15'56"W., FOR A DISTANCE OF 47.04 FEET TO A POINT ON THE SOUTHERLY RIGHT-OF-WAY LINE OF COCONUT ROAD, A 100.00 FOOT RIGHT-OF-WAY; THE SAME BEING A POINT ON A CIRCULAR CURVE, CONCAVE NORTHERLY, WHOSE RADIUS POINT BEARS N.16°28'58"E., A DISTANCE OF 2,625.00 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 2,625.00 FEET, THROUGH A CENTRAL ANGLE OF 05°13'27", SUBTENDED BY A CHORD OF 225.07 FEET AT A BEARING OF N.74°54'48"E., FOR A DISTANCE OF 225.42 FEET TO THE END OF SAID CURVE; THENCE RUN N.72°22'25"E., ALONG SAID SOUTHERLY RIGHT-OF-WAY LINE FOR A DISTANCE OF 300.05 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°15'54", SUBTENDED BY A CHORD OF 487.89 FEET AT A BEARING OF N.76°50'57"E., FOR A DISTANCE OF 488.42 FEET TO THE END OF SAID CURVE; THENCE RUN N.79°25'29"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.10°33'17"E., ALONG SAID WESTERLY RIGHT-OF-WAY LINE, FOR A DISTANCE OF 2,608.10 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 5.89 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 N.00°28'43"W., ALONG SAID WESTERLY RIGHT-OF-WAY LINE, FOR A DISTANCE OF 3,601.15 FEET TO THE POINT OF BEGINNING OF THE PARCEL OF LAND HEREIN DESCRIBED; THENCE RUN N.90°28'43"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 25 EAST; THENCE RUN N.00°28'43"W., ALONG SAID WESTERLY RIGHT-OF-WAY LINE, FOR A DISTANCE OF 2,892.32 FEET TO A POINT ON THE NORTH LINE OF THE SOUTHEAST QUARTER OF SECTION 4, TOWNSHIP 47 SOUTH, RANGE 25 EAST; THENCE RUN N.00°05'59"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.00°46'22"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.89°27'33"E., ALONG SAID SOUTHERLY RIGHT-OF-WAY LINE, FOR A DISTANCE OF 1,629.78 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°26'33"W., FOR A DISTANCE OF 369.14 FEET TO THE END OF SAID CURVE; THENCE RUN N.90°28'43"W., 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°21'32", SUBTENDED BY A CHORD OF 414.38 FEET AT A BEARING OF N.89°47'42"W., FOR A DISTANCE OF 414.42 FEET TO THE END OF SAID CURVE; THENCE RUN S.89°42'41"W., ALONG SAID SOUTHERLY RIGHT-OF-WAY LINE, FOR A DISTANCE OF 1,901.57 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°37'50", SUBTENDED BY A CHORD OF 548.30 FEET AT A BEARING OF S.00°51'41"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 325.81 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 626.02 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 11,504.73 FEET, THROUGH A CENTRAL ANGLE OF 06°56'13", SUBTENDED BY A CHORD OF 1,394.05 FEET AT A BEARING OF S.02°28'33"E., FOR A DISTANCE OF 1,394.74 FEET TO THE END OF SAID CURVE; THENCE RUN S.00°52'26"E., ALONG SAID EASTERLY RIGHT-OF-WAY LINE, FOR A DISTANCE OF 274.74 FEET; THENCE RUN S.45°52'26"E., FOR A DISTANCE OF 372.44 FEET; THENCE RUN S.89°52'26"E., FOR A DISTANCE OF 23.13 FEET TO A POINT ON THE NORTHERLY RIGHT-OF-WAY LINE OF COCONUT ROAD, A 100.00 FOOT RIGHT-OF-WAY; THENCE RUN N.88°07'34"E., ALONG SAID NORTHERLY RIGHT-OF-WAY LINE, FOR A DISTANCE OF 32.60 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°47'28", SUBTENDED BY A CHORD OF 578.92 FEET AT A BEARING OF N.79°17'34"E., FOR A DISTANCE OF 579.22 FEET TO THE END OF SAID CURVE; THENCE RUN N.70°26'35"E., ALONG SAID NORTHERLY RIGHT-OF-WAY LINE, FOR A DISTANCE OF 200.00 FEET TO THE BEGINNING OF A TANGENTIAL CIRCULAR CURVE, CONCAVE 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 3,875.00 FEET, THROUGH A CENTRAL ANGLE OF 09°15'04", SUBTENDED BY A CHORD OF 612.08 FEET AT A BEARING OF N.74°58'07"E., FOR A DISTANCE OF 612.65 FEET TO THE END OF SAID CURVE; THENCE RUN N.70°25'39"E., ALONG SAID NORTHERLY RIGHT-OF-WAY LINE, FOR A DISTANCE OF 263.06 FEET TO THE POINT OF BEGINNING; CONTAINING 388.536 ACRES, MORE OR LESS.

NOTES:

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

TOTAL PROPERTY AREA 482.426 ACRES MORE OR LESS.

INFORMATION RELATING TO BOUNDARY DATA OF SECTIONS 3, 4, 9 AND 10, TOWNSHIP 47 SOUTH, RANGE 25 EAST, LEE COUNTY, FLORIDA, TOGETHER WITH THE LOCATION OF THE US HIGHWAY #41 RIGHT-OF-WAY, WAS OBTAINED FROM A SURVEY OF THE SHULMASTER RANCH PREPARED BY DIXO ASSOCIATES HAVING ORDER NUMBER 8480936, DATED 5/14/84. INFORMATION RELATING TO THE LOCATION OF COCONUT ROAD AND ADJOINING EXCEPTION PARCELS WAS OBTAINED FROM PROPERTY DESCRIPTIONS PROVIDED BY CLIENT.

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"E.

STATE PLANE COORDINATES SHOWN HEREON REFER TO FLORIDA STATE PLANE EAST ZONE N.A.D. 83, 1990 ADJUSTMENT.

HOLE, MONTES, INC.
CERTIFICATE OF AUTHORIZATION LB 1772

BY Thomas M. Murphy P.S.M. 5628
THOMAS M. MURPHY STATE OF FLORIDA

* NOT A SURVEY *

NOT VALID WITHOUT THE SIGNATURE AND THE ORIGINAL RAISED SEAL OF A FLORIDA LICENSED SURVEYOR AND MAPPER.

SKETCH AND LEGAL DESCRIPTION
OF A PORTION OF SECTIONS
3,4,9 AND 10
TOWNSHIP 47 SOUTH, RANGE 25 EAST

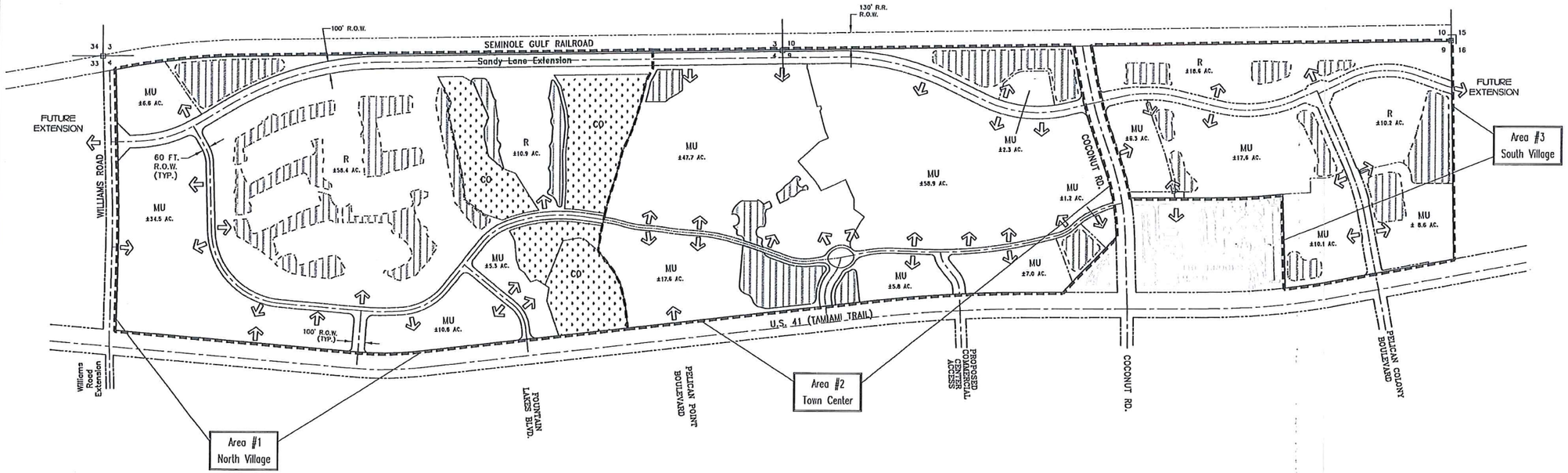
LEE COUNTY FLORIDA

REVISION No.	DESCRIPTION	DATE
1	REVISE SIGNING SURVEYOR	05/03/13

DRAWN BY: BA	DATE 1/01	SECTION 3,4,9,10	PROJECT No. 1997079B
	F.B.	TOWNSHIP 47	
CHECKED BY: TJG	PAGE	RANGE 25	DRAWING No. E-231
	REFERENCE SWEETREV3-1 11X17		

HOLE MONTES
ENGINEERS · PLANNERS · SURVEYORS
6202F Presidential Court
Ft. Myers, FL 33919
Phone: (239) 985-1200
Florida Certificate of Authorization No.1772

LEGEND
POC POINT OF COMMENCEMENT
POB POINT OF BEGINNING



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

PROJECT INTENSITY

RESIDENTIAL UNITS (MF)	1,214
RESIDENTIAL UNITS (ALF)	400
COMMERCIAL/RETAIL (GROSS LEASABLE AREA)	1,607,500
GENERAL OFFICE (S.F.)	678,444
MEDICAL OFFICE (S.F.)	104,333
HOTEL (ROOMS)	320
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
	PROPOSED LAKE
	CONCEPTUAL ACCESS POINT

NOTES:

1. 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.
2. THE MIXED USE (MU) DESIGNATION CONTAINS A MIX OF RETAIL/COMMERCIAL, HOTEL, OFFICE, RESIDENTIAL, ALF, AND PUBLIC FACILITY LAND USES.

Approved as Exhibit B
Map H Page 1 **of** 1
Resolution # Z-13-016

RECEIVED
MAY 10 2013
COMMUNITY DEVELOPMENT
DCI 2013-00010
DRI 2013-00003

SCALE: 1"= 400'

NUMBER	REVISIONS	DATE
1	NOPC	05/06/13
2	Revisions	04/03/07
3	Sufficiency	10/12/06
4	N.O.P.C.	08/22/06
5	N.O.P.C.	11/15/04
6	REVISIONS PER 1st SUFFICIENCY COMMENTS	01/30/01

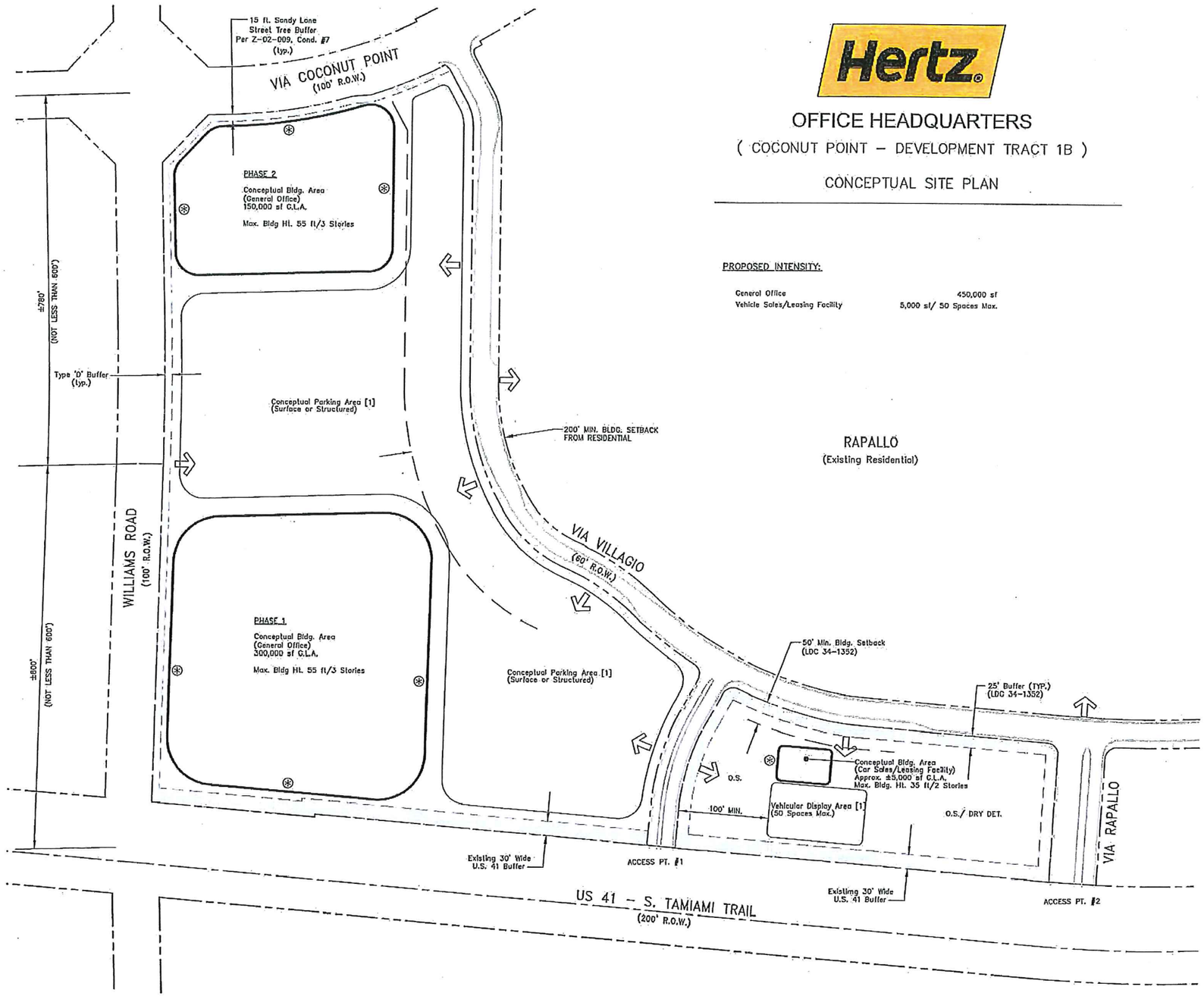
HOLE MONTES
ENGINEERS·PLANNERS·SURVEYORS
6202-F Presidential Court
Fort Myers, FL 33919
Phone : (239) 985-1200
Florida Certificate of Authorization No.1772
Naples · Fort Myers · Venice · Englewood

COCONUT POINT
MASTER CONCEPT PLAN
MAP 'H'

DESIGNED:	DATE:
DRAWN: C.R.B.	DATE: 11/15/04
CHECKED: N.E.D.	DATE: 11/04
VERT. SCALE:	HORZ. SCALE: 1"= 400'
DRAWING NO.	
REFERENCE NO. 9779BMAPH	
PROJECT NO. 97.79-B	SHEET NO. 1 OF 1

U:\1997\1997079\-B DRI-ZONING\NOPC_May 13 2006\9779BMAPH_050807.dwg 5/9/2007 8:46:58 AM EDT

EXHIBIT B



Hertz

OFFICE HEADQUARTERS

(COCONUT POINT – DEVELOPMENT TRACT 1B)

CONCEPTUAL SITE PLAN

PROPOSED INTENSITY:

General Office	450,000 sf
Vehicle Sales/Leasing Facility	5,000 sf/ 50 Spaces Max.

RAPALLO
(Existing Residential)

RECEIVED
JUN 12 2013
COMMUNITY DEVELOPMENT
REC'D SECOND FLOOR

LEGEND:

⊛ GENERAL LOCATION OF SERVICE AREAS

⇨ CONCEPTUAL ACCESS POINT

NOTES:

[1] OPEN SPACE AND LANDSCAPING TO BE PROVIDED IN ACCORDANCE WITH LDC.

Approved as Exhibit B
MCP Page 2 of 2
Resolution # Z-13-016

DCI2013-00010

SCALE: 1"= 100'

NUMBER	REVISIONS	DATE
1		
2		
3		
4		
5		

HOLE MONTES
ENGINEERS • PLANNERS • SURVEYORS
6200 Whiskey Creek Drive
Fort Myers, FL 33919
Phone : (239) 985-1200
Florida Certificate of Authorization No.1772
Naples • Fort Myers • Venice • Englewood

COCONUT POINT
Area #1 – Tract 1B Concept Plan

DESIGNED:	DATE:
DRAWN: T.W.M.	DATE: 06/08/13
CHECKED:	DATE:
VERT. SCALE:	HORZ. SCALE: 1"= 100'
DRAWING NO.	
REFERENCE NO. 13025B_MCP	
PROJECT NO. 13.025-B	SHEET NO. 1 OF 1

DRI
EXHIBIT C

Development Parameters and Phasing Schedule

		Buildout
Regional Retail Commercial	1,450,000* sq. ft.	2019
Community Retail	~~188,900~~157,500* sq. ft.	2019
Office	~~383,333~~782,777** sq. ft.	2019
Hotel	~~440~~320 Rooms	2019
Residential, Multi-family	~~1,528~~1,214 du	2019
Assisted Living Facility	~~200~~400 units	2019
Banks	8,000 sq. ft.	2019
~~Performing Arts Theater~~	~~506 seats~~	~~2019~~

* Gross Leasable Area

**Up to ~~68,333~~104,333 sq. ft., may be medical office

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 net new peak hour trips do not exceed ~~5,909~~6,467 trips based upon 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 Obligation[21]

LAND USE	ITE LUC	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

[21] The 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.

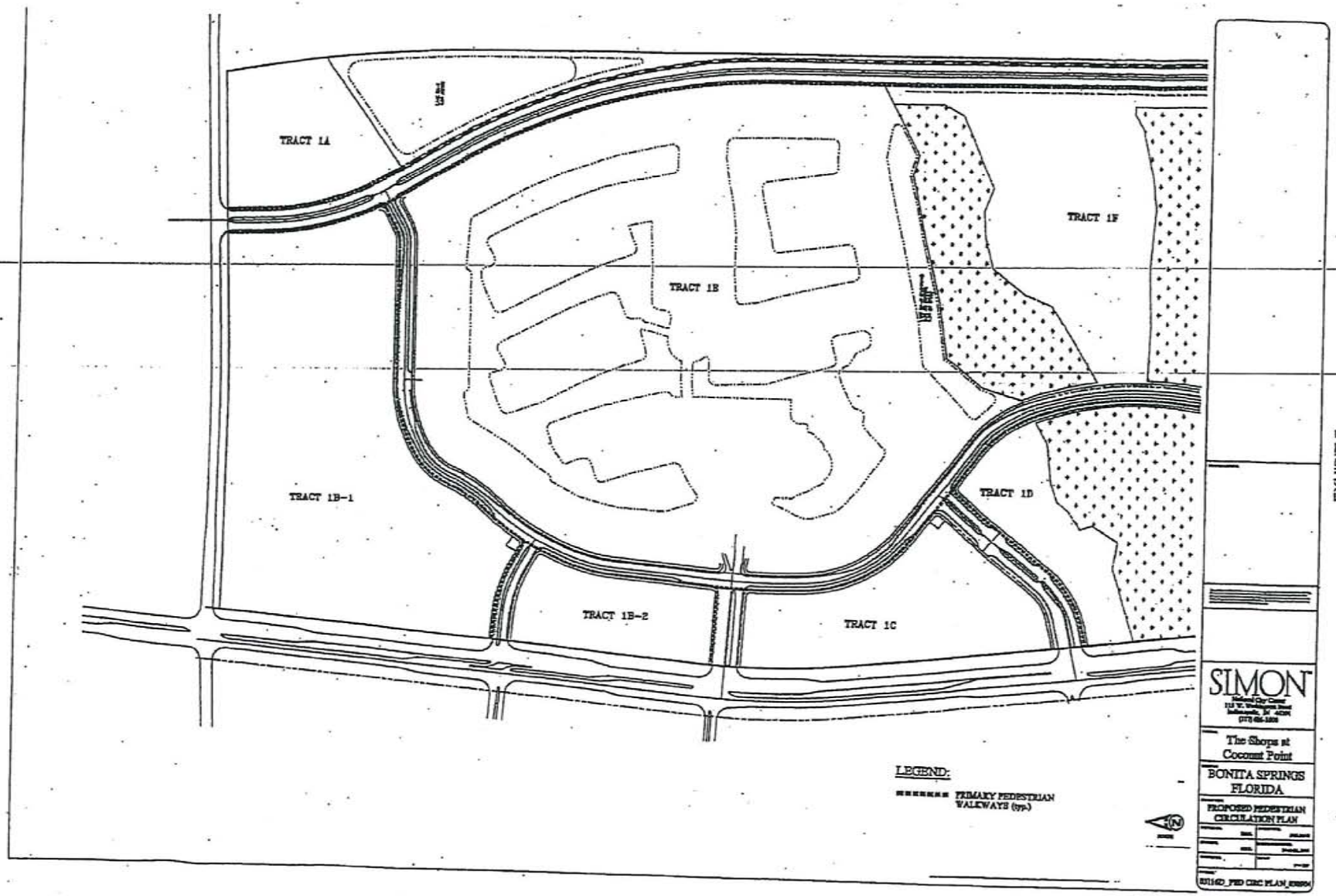
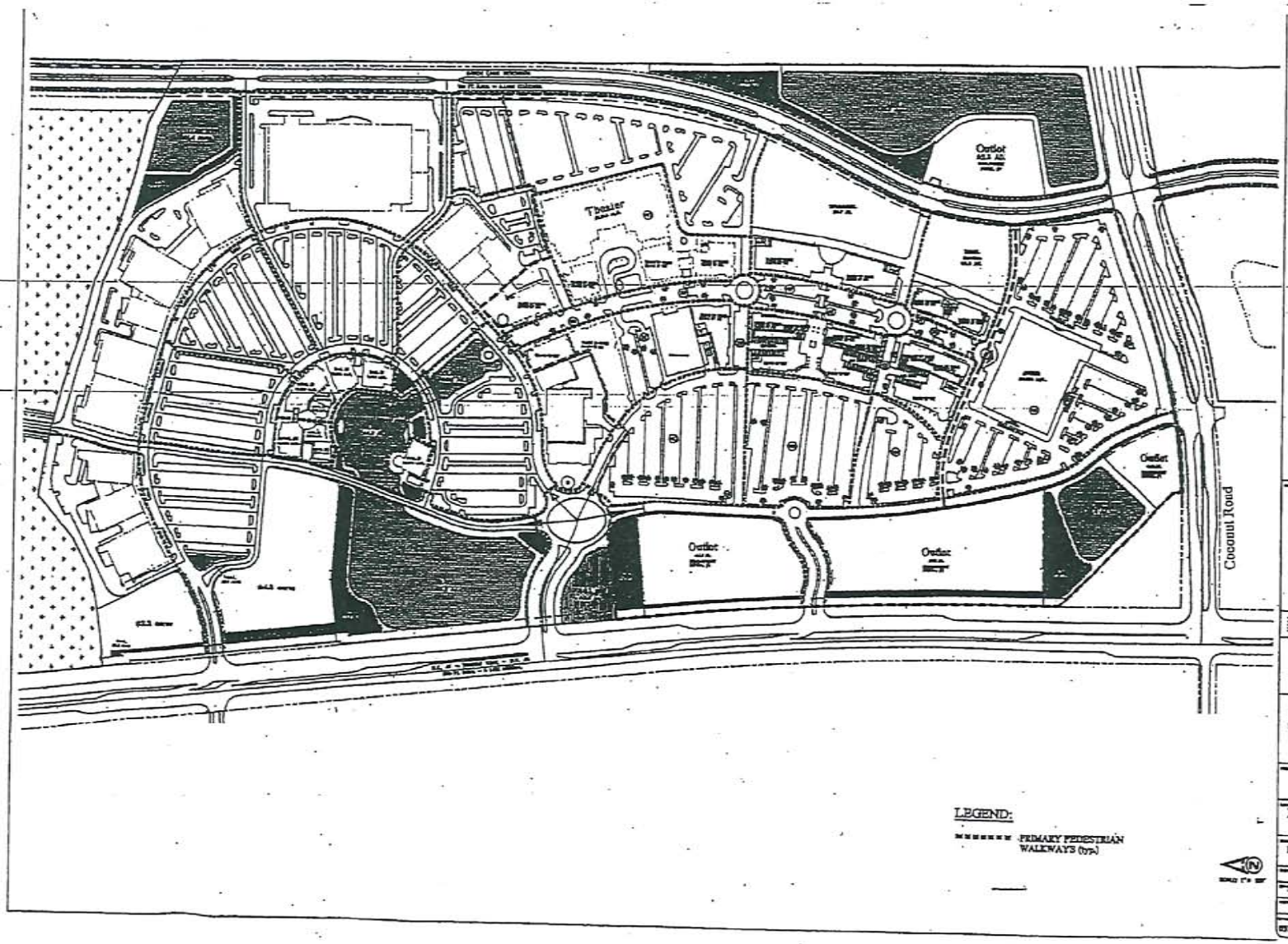


EXHIBIT F
PAGE 1 OF 3



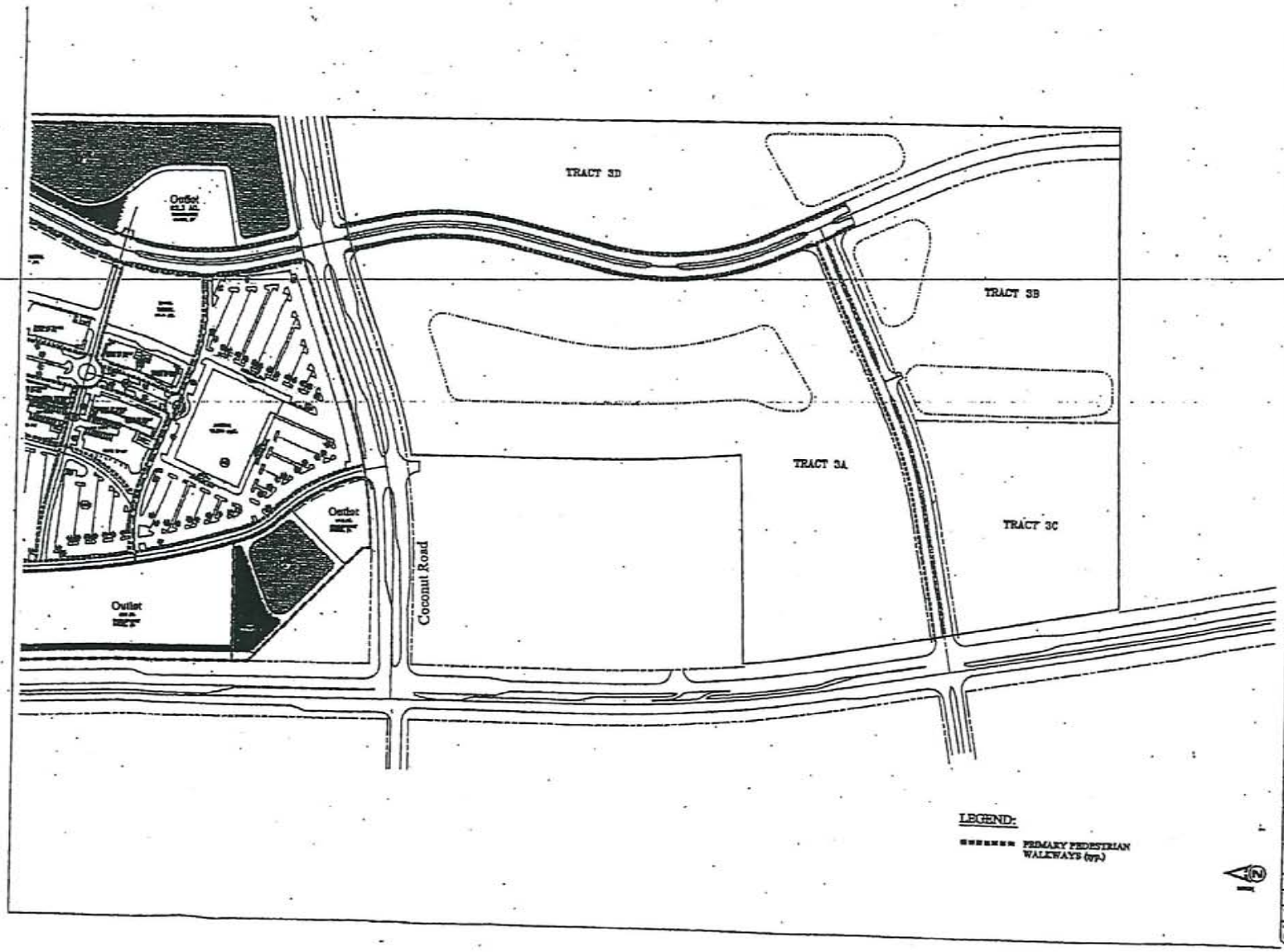
SIMON

The Shops at Coconut Point

BONITA SPRINGS FLORIDA

PROPOSED PEDESTRIAN CIRCULATION PLAN

EXHIBIT F
PAGE 2 OF 3



SIMON

The Shops at Coconut Point

BONITA SPRINGS FLORIDA

PROPOSED PEDESTRIAN CIRCULATION PLAN

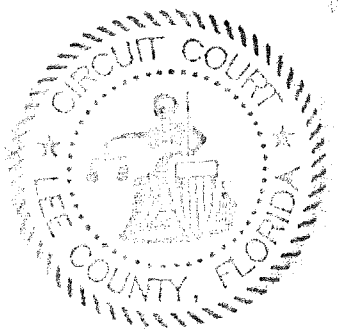
EXHIBIT F
PAGE 3 OF 3

STATE OF FLORIDA

COUNTY OF LEE

I Linda Doggett, Clerk of Circuit Court, Lee County, Florida, and ex-Officio Clerk of the Board of County Commissioners, Lee County, Florida, do hereby certify that the above and foregoing is a true and correct copy of the Seventh Development Order Amendment for Coconut Point DRI, State DRI#09-2001-153, adopted by the Board of Lee County Commissioners at their meeting held on the 5th day of August, 2013.

Given under my hand and seal, at Fort Myers, Florida, this 7th day of August, 2013.



LINDA DOGGETT,
Clerk of Circuit Court
Lee County, Florida

By: Joyce Townsend
Deputy Clerk

PO Box 2469, Fort Myers, FL 33902
Phone: (239) 533-2328 | FAX: (239) 239-485-2038

LEE COUNTY
RECEIVED
2 DEC 20 AM 8:57
COMM. DEV/
PUB. WKS. CNTR.
SECOND FLOOR

RESOLUTION NUMBER Z-02-009

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

WHEREAS, Simon Property Group and Oakbrook Properties, Inc. filed an application on behalf of the property owner, Edward J. McArdle, Trustee, to consider an Application for Development Approval (ADA) for a Development of Regional Impact (DRI) and rezone from Agriculture(AG-2) to a Mixed Use Planned Development (MPD), in reference to Coconut Point DRI (f/n/a Simon Suncoast DRI); and

WHEREAS, the initial public hearing was advertised and held on January 30, 2002, and continued to January 31, 2002, March 19, 2002, March 20, 2002, and March 22, 2002 before the Lee County Zoning Hearing Examiner, who gave full consideration to the evidence in the record for Case #DRI2000-00015 and DCI2001-00005; and

WHEREAS, a second public hearing was advertised and held on October 21, 2002 before the Lee County Board of Commissioners, who gave full and complete consideration to the recommendations of the staff, the Hearing Examiner, the documents on record and the testimony of all interested persons.

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

SECTION A. REQUEST

The applicant filed a request to:

a) consider an Application for Development Approval for a Development of Regional Impact known as Coconut Point DRI (f/n/a Simon Suncoast DRI); and

b) rezone a 482.4± acre parcel from AG-2 to MPD to permit a regional mall development consisting of 1,800,000 square feet of retail floor area, 300,000 square feet of office floor area, 1,200 dwelling units and 600 hotel units, all not to exceed 60 feet in height.

The property is located in the Rural and Wetlands Land Use Category and legally described in attached Exhibit A. The request is APPROVED, SUBJECT TO the conditions specified in Section B below.

SECTION B. CONDITIONS:

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

1. The development of this project must be consistent with the two-page Master Concept Plan entitled "Simon Suncoast," prepared by Hole Montes, dated October 9, 2000, last revised

December 9, 2002, and stamped "Received Dec 12 2002 Community Development." The development must also be consistent with the approved DRI Development Order for Coconut Point DRI (DRI#09-2001-153). This development must comply with all requirements of the Lee County LDC at time of local development order approval, except as may be granted by deviation as part of this planned development. If changes to the Master Concept Plan are subsequently pursued, appropriate approvals will be necessary.

2. The following limits apply to the project and uses:

a. Schedule of Uses

Permitted uses within Tracts 1A, 1B and 1C:

Accessory Uses and Structures permitted ancillary to a permitted principal use
Administrative offices
Animal clinic
ATM (automatic teller machine)
Auto parts store
Auto repair and service, Group I, limited to one
Banks and financial establishments, Group I
Banks and financial establishments, Group II, limited to SIC Codes 604, 621, 672, 673 and 674
Business services, Groups I and II
Car wash (limited to one)
Cleaning and maintenance services
Clothing stores, general
Contractors and Builders, Groups I and II
Convenience Food and Beverage Store (limited to one with attendant service station: however, the entire site is limited to a maximum of two)
Consumption on premises in compliance with LDC §34-1264 (limited to and in conjunction with a standard restaurant)
Cultural facilities, excluding zoos
Day care center, adult, child
Department Store
Drive thru facility for any permitted use
Drugstore (limited to one total, however, the entire site is limited to two)
Entrance gates and gatehouse, in compliance with LDC §34-1748
Essential services
Essential service facilities, Group I
Excavation, water retention (as shown on the Master Concept Plan)
Fences, walls
Food Stores, Groups I and II
Gift and souvenir shop
Hardware store
Health care facility, Group III
Hobby, toy, and game shops
Household and office furnishings, Groups I, II, III (no outdoor display)
Insurance companies

Laundromat
Laundry or dry cleaning Group I
Lawn and garden supply store
Medical office
Nonstore retailers, all groups
Paint glass and wallpaper store
Parking lot: Accessory
Personal services, Groups I, II, and III (excluding escort services, palm readers, fortunetellers, card readers, and tattoo parlors)
Pet services
Pet shop
Pharmacy
Printing and publishing
Real estate sales office
Recreation facilities, commercial, Groups I and IV
Rental or leasing establishments Groups I & II (excluding passenger car pick up and drop off)
Repair shops, Groups I, II and III
Research and development laboratories Groups II and IV
Restaurant, fast food (limited to two, however, the entire site is limited to a maximum of four outside of the Regional food court/service area)
Restaurants, Groups I, II, III, and IV
Self service fuel pumps (limited to one in conjunction with a Convenience Food and Beverage Store, however entire site is limited to a maximum of two)
Signs, in accordance with Chapter 30
Social Services, Groups I and II
Specialty retail shops, Groups I, II, III and IV
Storage: Indoor only §34-3001 *et seq.*
Used merchandise stores, Group I
Variety store

Permitted uses within Tract 1D

Accessory Uses and Structures permitted ancillary to a permitted principal use
Administrative offices
Business services, Group I
Cultural facilities, excluding zoos
Day care center, adult, child
Emergency medical services station
Entrance Gate and Gatehouse, in compliance with LDC §34-1748
Essential Services
Essential Service Facilities, Group I
Fences, walls
Fire station
Health care facility, Group III
Hobby, toy, and game shops
Household and office furnishings, Groups I, II, III (no outdoor display)
Insurance companies

Library
Medical office
Parks, Group II, limited to community park
Parking lot: Accessory
Personal services, Groups I, II, and III (excluding escort services, palm readers, fortunetellers, card readers, and tattoo parlors)
Place of worship
Police or sheriff's station
Post office
Real estate sales office
Religious facilities
Restaurants, Groups I, II, and III
Signs, in compliance with LDC Chapter 30
Social Services, Groups I and II
Specialty retail shops, Groups I and II
Storage: Indoor only §34-3001 *et seq.*

Permitted uses within Tracts 1E and 1F

Accessory Uses and Structures permitted ancillary to a permitted principal use
Administrative offices
Club, private
Dwelling Units:
- *Single-family
- *Duplex
- Multiple-Family Building
- Townhouse
- *Two-family attached
- *Zero lot line
  - *(may be approved administratively upon findings that the use is compatible with other uses in the tract and consistent with the Traffic Conversion Table)

Entrance Gate and Gatehouse, in compliance with LDC §34-1748
Essential Services
Essential Service Facilities, Group I
Excavation, water retention (as shown on the Master Concept Plan)
Fences, walls
Home occupation, with no outside help
Model display center
Model home
Model unit
Parking lot, accessory only
Parks, Group I, limited to neighborhood park
Parks, Group II, limited to community park
Recreation Facilities, Private on-site, Personal
Residential Accessory Uses
Signs, in compliance with LDC Chapter 30

Permitted uses within Tract 2A (Regional Mall Parcel)

Accessory Uses and Structures permitted ancillary to a permitted principal use
Administrative offices
Animal clinic
ATM (automatic teller machine)
Auto parts store
Auto repair and service, Group I, if accessory to a department store
Banks and financial establishments, Group I
Banks and financial establishments, Group II, limited to SIC Codes 604, 621, 672, 673 and 674
Business services, Groups I and II
Cleaning and maintenance services
Clothing stores, general
Convenience Food and Beverage Store (limited to one, however, the entire site is limited to a maximum of two)
Consumption on premises in compliance with LDC §34-1264 (limited to and in conjunction with a standard restaurant)
Cultural facilities, excluding zoos
Day care center, adult, child
Department Store
Drive thru facility for any permitted use
Dwelling Units:
- *Single-family
- *Duplex
- Multiple-Family Building
- Townhouse
- *Two-family attached
- *Zero lot line
  - *(may be approved administratively upon findings that the use is compatible with other uses in the tract and consistent with the Traffic Conversion Table)

Entrance gates and gatehouse, in compliance with LDC §34-1748
Essential services
Essential service facilities, Group I
Excavation, water retention (as shown on the Master Concept Plan)
Fences, walls
Food Store, Group I
Gift and souvenir shop
Hardware store
Hobby, toy, and game shops
Hotel/motel
Household and office furnishings, Groups I, II, III (no outdoor display)
Insurance companies
Laundry or dry cleaning Group I
Lawn and garden stores
Nonstore retailers, all groups
Paint glass and wallpaper store

Parking garage
Parking lot: Accessory
Personal services, Groups I, II, and III (excluding escort services, palm readers, fortunetellers, card readers, and tattoo parlors)
Pet services
Pet shop
Pharmacy
Police or sheriffs station
Real estate sales office
Recreation facilities, commercial, Groups I and IV (limited to indoor theater)
Rental or leasing establishments Groups I & II (excluding passenger car pick up and drop off)
Repair shops, Groups I and II, limited to clocks, jewelry, music, cameras, calculators, computers and optical devices
Restaurant, fast food (limited to one outside of food court/service area and the entire site is limited to a maximum of four outside of Regional Center food court/service area)
Restaurants, Groups I, II, III, and IV
Self service fuel pumps (limited to one in conjunction with a Convenience Food and Beverage Store, however entire site is limited to a maximum of two)
Signs, in accordance with Chapter 30
Specialty retail shops, Groups I, II, III and IV
Storage: Indoor only §34-3001 *et seq.*
Used merchandise stores, Group I
Variety store

Permitted uses within Tract 2B - 1

Accessory Uses and Structures permitted ancillary to a permitted principal use
Administrative offices
Animal clinic
ATM (automatic teller machine)
Banks and financial establishments, Group I
Banks and financial establishments, Group II, limited to SIC Codes 604, 621, 672, 673 and 674
Business services, Group I
Business services, Group II, limited to parcel and express services and packaging services
Cleaning and maintenance services
Clothing stores, general
Consumption on Premises, only in connection with a Group III restaurant
Day Care Center, adult or child
Drugstores, limited to one and the entire site is limited to a maximum of two
Essential services
Essential service facilities, Group I
Excavation, water retention (as shown on the Master Concept Plan)
Fences, walls
Gift and souvenir shop

Hardware store
Hobby, toy, and game shops
Household and office furnishings, Groups I and II
Insurance companies
Laundry or dry cleaning Group I
Lawn and garden store
Non-store retailers, all groups
Paint glass and wallpaper store
Parking lot: Accessory
Personal services, Groups I, II, and III (excluding escort services, palm readers, fortunetellers, card readers, and tattoo parlors)
Pet services
Pet shop
Pharmacy
Police or sheriffs station
Real estate sales office
Recreational facilities, commercial, Group IV, limited to Health Clubs
Rental and leasing establishments, Groups I and II, passenger car pickup and drop off excluded
Repair shops, Groups I and II
Restaurants, Groups I - IV
Signs, in accordance with Chapter 30
Specialty retail shops, Groups I, II, III and IV
Storage: Indoor only §34-3001 *et seq.*
Used merchandise stores, Group I
Variety store

Permitted uses within Tract 2B - 2

Accessory Uses and Structures permitted ancillary to a permitted principal use
Administrative offices
Club, private
Dwelling Units:
- *Single-Family
- *Duplex
- Multiple-Family Building
- Townhouse
- *Two-family attached
- *Zero lot line
  - *(may be approved administratively upon finding that the use is compatible with other uses in the tract and consistent with the Traffic Conversion Table)

Entrance Gate and Gatehouse, in compliance with LDC §34-1748
Essential Services
Essential Service Facilities, Group I
Excavation, water retention
Fences, walls
Home occupation, with no outside help

Model display center
Model home
Model unit
Parking lot, accessory only
Parks, Group I, limited to neighborhood park
Parks, Group II, limited to community park
Recreation Facilities, Private on-site, Personal
Residential Accessory Uses
Signs, in compliance with LDC Chapter 30

Permitted uses within Tracts 2C, 2D, and 2E
(Uses on Tract 2E are subject to condition 20)

Accessory Uses and Structures permitted ancillary to a permitted principal use
Administrative offices
Animal clinic
ATM (automatic teller machine)
Auto parts store (Tracts 2C and 2D only)
Auto repair and service, Group I (Tracts 2C and 2D only)
Banks and financial establishments, Group I
Banks and financial establishments, Group II, limited to SIC Codes 604, 621, 672, 673 and 674
Business services, Groups I and II
Cleaning and maintenance services
Clothing stores, general
Contractors and Builders, Group I
Consumption on premises in compliance with LDC §34-1264 (limited to and in conjunction with a standard restaurant)
Convenience Food and Beverage Stores, limited to one (on either Tract 2C or 2D only), however, the entire site is limited to a maximum of two
Cultural facilities, excluding zoos
Day care center, adult, child
Department Store
Drive thru facility for any permitted use (subject to condition 19)
Drugstores, limited to one (total), however, the entire site is limited to a maximum of two
Entrance gates and gatehouse, in compliance with LDC §34-1748
Essential services
Essential service facilities, Group I
Excavation for water retention (as shown on the Master Concept Plan)
Fences, walls
Fire Station (limited to Tract 2C only)
Food Stores, Groups I and II (prohibited on Tract 2E except for specialty stores such as health food store, vitamin store or similar type stores)
Gift and souvenir shop
Hardware store
Health care facility, Group III
Hobby, toy, and game shops

Hotel/motel (Tract 2D only)
Household and office furnishings, Groups I, II, III (no outdoor display)
Insurance companies
Laundromat (Tracts 2C and 2D only)
Laundry or dry cleaning Group I
Lawn and garden supply store
Medical office
Nonstore retailers, all groups
Paint glass and wallpaper store
Parking lot: Accessory only
Personal services, Groups I, II, and III ((Tracts 2C and 2D only, excluding escort services, palm readers, fortunetellers, card readers, and tattoo parlors and stand alone massage parlors)
Pet services
Pet shop
Pharmacy
Printing and publishing (Tracts 2C and 2D only)
Real estate sales office
Recreation facilities, commercial, Groups I and IV (limited to indoor theater)
Rental or leasing establishments Groups I & II (excluding passenger car pick up and drop off)
Repair shops, Groups I, II and III
Research and development laboratories Groups II and IV
Restaurants, Fast-food, limited to one (total), however, the entire site is limited to a maximum of four outside of the Regional Center food court/service area
Restaurants, Groups I, II, III, and IV
Signs, in accordance with Chapter 30
Social Services, Groups I and II (Tracts 2C and 2D only)
Specialty retail shops, Groups I, II, III and IV
Storage: Indoor only §34-3001 *et seq.*
Used merchandise stores, Group I
Variety Store

Permitted uses within Tracts 3A and 3C

Accessory Uses and Structures permitted ancillary to a permitted principal use
Administrative offices
Animal clinic
ATM (automatic teller machine)
Auto parts store
Banks and financial establishments, Group I
Banks and financial establishments, Group II, limited to SIC Codes 604, 621, 672, 673 and 674
Business services, Groups I and II
Cleaning and maintenance services
Clothing stores, general
Contractors and Builders, Group I

Consumption on premises in compliance with LDC §34-1264 (limited to and in conjunction with a standard restaurant)
Convenience Food and Beverage Store, limited to one (total), however, the entire site is limited to a maximum of two
Cultural facilities, excluding zoos
Day care center, adult, child
Department Store
Drive thru facility for any permitted use
Drugstores, limited to one (total), however, the entire site is limited to a maximum of two
Entrance gates and gatehouse, in compliance with LDC §34-1748
Essential services
Essential service facilities, Group I
Excavation, water retention (as shown on the Master Concept Plan)
Fences, walls
Food Stores, Groups I and II
Gift and souvenir shop
Hardware store
Health care facility, Group III
Hobby, toy, and game shops
Hotel/motel
Household and office furnishings, Groups I, II, III (no outdoor display)
Insurance companies
Laundromat
Laundry or dry cleaning Group I
Lawn and garden supply store
Medical office
Nonstore retailers, all groups
Paint glass and wallpaper store
Parking lot: Accessory only
Personal services, Groups I, II, and III (excluding escort services, palm readers, fortunetellers, card readers, and tattoo parlors)
Pet services
Pet shop
Pharmacy
Printing and publishing
Real estate sales office
Recreation facilities, commercial, Groups I and IV (limited to indoor theater)
Rental or leasing establishments Groups I & II (excluding passenger car pick up and drop off)
Repair shops, Groups I, II and III
Research and development laboratories Groups II and IV
Restaurants, Fast-food, limited to one (total), however, the entire site is limited to a maximum of four outside the Regional Center food court/service area
Restaurants, Groups I, II, III, and IV
Signs, in accordance with Chapter 30
Social Services, Groups I and II
Specialty retail shops, Groups I, II, III and IV

Storage: Indoor only §34-3001 *et seq.*
Used merchandise stores, Group I

Permitted uses within Tracts 3B and 3D

Accessory Uses and Structures permitted ancillary to a permitted principal use
Administrative offices
Adult Living Facilities (ALF) (Tract 3B only)
Club, private
Dwelling Unit:
- *Single-Family
- *Duplex
- Multiple-Family Building
- Townhouse
- *Two-family attached
- *Zero lot line
  - *(may be approved administratively upon findings that the use is compatible with other uses in the tract and consistent with the Traffic Conversion Table)

Entrance Gate and Gatehouse, in compliance with LDC §34-1748
Essential Services
Essential Service Facilities, Group I
Excavation, water retention
Fences, walls
Home occupation, with no outside help
Model display center
Model home
Model unit
Parking lot, accessory only
Parks, Group I, limited to neighborhood park
Recreation Facilities, Private on-site, Personal
Residential Accessory Uses
Signs, in compliance with LDC Chapter 30

b. Site Development Regulations (See also c. below)

Tract 1A, 1B 1C and 1D

Lot Width	100 feet
Lot Depth	100 feet
Lot Area	20,000 square feet
Maximum Lot Coverage	40 percent

Minimum Setbacks

Front (street)	25 feet
Side	10 feet
Rear	25 feet (5 feet for an accessory structure)

Water body	25 feet (20 feet for an accessory structure)
Minimum Building Separation:	one-half the sum of the building heights but not less than 20 feet
Maximum Building Height:	45 feet / 3 stories

Tracts 1E, 1F, 2B-2, 3D and 3B

Minimum Lot Size: Townhouse

Lot Width Per Unit	25 feet
Lot Depth Per Unit	80 feet
Lot Area Per Unit	2,000 square feet
Maximum Building Height	35 feet / 2 stories
Maximum Lot Coverage	50 percent

Minimum Setbacks:

Front (street, private)	20 feet
Front (street, public)	25 feet
Side	10 feet
Side (interior)	0 feet
Rear	15 feet (5 feet for an accessory structure)
Waterbody	25 feet (10 feet for an accessory structure)

Minimum Lot Size: Multiple Family Building

Lot Width	100 feet
Lot Depth	100 feet
Lot Area	10,000 square feet
Maximum Lot Coverage	40 percent

Minimum Setbacks

Front (street)	25 feet
Side	10 feet
Rear	20 feet (5 feet for an accessory structure)
Water body	25 feet (20 feet for an accessory structure)
Minimum Building Separation:	one-half the sum of the building heights but not less than 20 feet
Maximum Building Height:	45 feet / 3 stories

Tracts 2A, 2B-1, 2C, 2D, 3A and 3C

Lot Width	100 feet
Lot Depth	100 feet
Lot Area	20,000 square feet
Maximum Lot Coverage	40 percent

Minimum Setbacks

Front (street)	25 feet
Side	10 feet
Rear	25 feet (5 feet for an accessory structure)
Water body	25 feet (20 feet for an accessory structure)

Minimum Building Separation:	one-half the sum of the building heights but not less than 20 feet
Maximum Building Height for Tract 2B-1, 2C, 2D and 3C:	45 feet / 3 stories
Maximum Building Height for: Tract 2A and Tract 3A:	60 feet / 5 stories *

*subject to the following setback from Sandy Lane Extension:

Tract 2A	300 feet
Tract 3A	100 feet

Tract 2E

Lot Width	100 feet
Lot Depth	100 feet
Lot Area	20,000 square feet
Maximum Lot Coverage	40 percent

Minimum Setbacks

Front (street)	25 feet
Side	10 feet
Rear	25 feet (5 feet for an accessory structure)
Water body	25 feet (20 feet for an accessory structure)

Minimum Building Separation:	one-half the sum of the building heights but not less than 20 feet
Maximum Building Height:	40 feet /2 stories

c. Additional Site Development Regulations for Tracts 1E, 1F, 2A, 2B-2, 3B and 3D

Single-family, Duplex, Two-family attached and Zero lot line dwelling units consistent with the Master Concept Plan and the following Conversion Table:

From Multi-Family (MF)	To Single-family (SF)
100 MF Apartments	53 SF dwelling units
100 MF Residential condos	40 SF dwelling units
100 ALF units	13 SF dwelling units

3. The development of the subject property must include a regional shopping center, which incorporates a shopping center and commercial and residential tracts all developed with a common architectural theme. The entire project must include a common landscaping and graphic theme throughout the project. The architectural theme, landscaping and graphic design theme must be reviewed and approved by the Lee County Department of Community Development prior to the issuance of any local development order for the property. Any change from the proposed "regional mall" development will necessitate an amendment to the MPD zoning approval through the public hearing process.

4. Subject to Condition 3 above, the development of the subject property is limited to a maximum of 1,800,000 gross square feet of retail floor area and 300,000 gross square feet of office floor area. These limitations are further restricted to the maximum totals allowed for each Development "Area" and the maximum totals allowed for each Development "Tract" as indicated on the approved Master Concept Plan.

5. This development, including the proposed regional shopping center, must incorporate a common architectural theme on all sides of all buildings that are visible from the Brooks MPD, U.S. 41, Coconut Road, Williams Road and Sandy Lane Extension rights-of-way to ensure an equally attractive architectural elevation for all facets of the development. The common architectural theme must include streetscape landscaping and enhanced building architectural features. This condition is applicable to the entire development including any proposed outparcels within the MPD. A plan reflecting the design standards required by this condition must be submitted for review and approval by the Lee County Department of Community Development prior to the issuance of any local development order for property within this MPD.

6. A 30-foot-wide buffer is required along the entire length of U.S. 41. The buffer must be designed to utilize the entire 30-foot width by meandering and clustering plants. The buffer must be planted with a minimum of the following:

   a) 10 trees per 100 linear foot; minimum 10-foot 2-inch caliper with 4-foot spread -or- minimum 10-foot clear trunk for palms. A minimum of 50 percent of the trees must be canopy type trees (i.e. not palms); and

   b) Double staggered shrub hedge; minimum 24-inch height 3-gallon container size at planting to be maintained at 36 inches of height.

   The buffer must be installed along U.S. 41 for the entire frontage of the development area (#1, #2 or #3) shown on the Master Concept Plan prior to the issuance of a Certificate of

Compliance for any development (excluding public uses mandated by the DRI Development Order) within that development area.

7. Any property abutting the Sandy Lane extension must provide a 15-foot-wide street tree planting area along Sandy Lane. Residential developments must provide five live oak trees per 100 linear feet that must be planted in the street tree planting area. Commercial developments must provide five live oak trees per 100 linear feet and a double staggered hedge within the street tree planting area. Plantings must meet the minimum size standards referenced in LDC §10-420. Utility easements must be located in accordance with LDC §10-421(a).

8. A Type "C" buffer must be provided along the southern boundary of Tract 3B.

9. Prior to local development order approval, open space must be provided as detailed in the open space table on the Master Concept Plan with the condition that any residential dwelling units requiring open space per LDC §10-415(a) must provide 30 percent common open space within Tracts 1-E, 1-F, 2-B2, 3-B, and 3-D.

10. Prior to local development order approval for any development order, a detailed exotic removal plan for the preserved wetland area must be submitted for the Division of Environmental Sciences staff review and approval. Removal methods must not disturb the soil or existing native vegetation.

    Prior to the issuance of a Certificate of Compliance for any development order, the exotic vegetation must be removed from the preserved wetlands per an approved exotic removal plan, and a detailed wetland enhancement planting plan must be submitted for the Division of Environmental Sciences staff review and approval. Lee County recognizes that the wetland restoration planting efforts can be utilized as compensatory mitigation for the proposed wetland impacts shown on Exhibit "D" during subsequent permitting review processes with the state and federal regulatory agencies. The wetland restoration planting plan will be subject to the review and approval of the South Florida Water Management District and the Department of the Army Corps of Engineers, and will include:

    a) documentation of existing native vegetation/baseline monitoring with photographs; and

    b) plant specifications including species, size and number of native wetland plants to be installed. Both herbaceous plants and trees must be included; and

    c) planting schedule including a starting and completion date; and

    d) 5-year monitoring plan.

11. The MPD zoning and DRI development order, as conditioned, will only be effective upon the adoption and finding of compliance of the Lee Plan Future Land Use Map and Text amendment that is being concurrently reviewed with this rezoning and DRI application for development approval (Lee County Plan Amendment CPA2000-00030).

12. A minimum of one acre of the property must be provided or set aside for use as an Estero Fire District fire station. The location of the fire station property must be mutually agreed upon by the developer/property owner and representatives of the Estero Fire District.

13. A minimum of five acres of the property, or an equivalent amount of property in this general location must be provided or set aside for use as a Lee County public school. The location of the public school property must be mutually agreed upon by the developer/property owner and representatives of the Lee County School District.

14. The development must provide separate pedestrian connections (i.e., sidewalks or pedestrian paths) between the commercial and residential tracts within the development. A generalized pedestrian circulation plan for the entire property must be submitted to the County for Administrative Approval prior to the approval of the first local development order for the project.

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

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

17. A Type "C" buffer, as that term is defined in LDC section 10-416, must be shown on local development order plans and must be installed along the eastern side of Sandy Lane whenever any existing or proposed residences in The Brooks are or would be located within 250 feet of the eastern edge of the pavement of Sandy Lane before Sandy Lane is determined to be substantially complete.

18. Lighting within the project and along Sandy Lane must be designed to prevent direct glare and light spillage on the Brooks.

19. Any drive-thru facility that is constructed on Tract 2E must be oriented towards Sandy Lane or Coconut Road.

20. A 15 foot wide buffer including a berm or berm/wall combination 8 feet in height, 10 trees per 100 linear feet and a hedge is required along the eastern boundary of parcel 2E as a condition of local development order approval for any use on Tract 2E that typically operates prior to 8:00am or after 6:00pm.

SECTION C. EXHIBITS AND STRAP NUMBER:

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

Exhibit A: The legal description of the property
Exhibit B: Zoning Map (subject parcel identified with shading)
Exhibit C: The Master Concept Plan
Exhibit D: Wetlands Map
Exhibit E: Coconut Point DRI Development Order

The applicant has indicated that the STRAP numbers for the subject property are: 04-47-25-00-00001.0000 & 09-47-25-00-00001.0010.

SECTION D. FINDINGS AND CONCLUSIONS:

1. The applicant has proven entitlement to the MPD rezoning by demonstrating compliance with Florida Statutes Chapter 380, the Lee Plan, the LDC, and any other applicable code or regulation.

2. The rezoning, as approved:

   a. meets or exceeds all performance and locational standards set forth for the potential uses allowed by the request; and,

   b. is consistent with the densities, intensities and general uses set forth in the Lee Plan; and,

   c. is compatible with existing or planned uses in the surrounding area; and,

   d. will not place an undue burden upon existing transportation or planned infrastructure facilities and will be served by streets with the capacity to carry traffic generated by the development; and,

   e. will not adversely affect environmentally critical areas or natural resources.

3. The rezoning satisfies the following criteria:

   a. the proposed use or mix of uses is appropriate at the subject location; and

   b. the recommended conditions to the concept plan and other applicable regulations provide sufficient safeguard to the public interest; and

   c. the recommended conditions are reasonably related to the impacts on the public interest created by or expected from the proposed development.

4. Urban services, as defined in the Lee Plan, are, or will be, available and adequate to serve the proposed land use.

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

Robert P. Janes	Aye
Douglas R. St. Cerny	Aye
Ray Judah	Aye
Andrew W. Coy	Absent
John E. Albion	Aye

DULY PASSED AND ADOPTED this 21st day of October 2002.

ATTEST:
CHARLIE GREEN, CLERK

BY: _____
Deputy Clerk

BOARD OF COUNTY COMMISSIONERS
OF LEE COUNTY, FLORIDA

BY: _____
Chairman

Approved as to form by:

_____
Dawn E. Perry-Lehnert
County Attorney's Office

RECEIVED
MINUTES OFFICE
2002 DEC 19 AM 11:40

EXHIBIT "A"
LEGAL DESCRIPTION
Property located in Lee County, Florida

HOLE MONTES
ENGINEERS · PLANNERS · SURVEYORS
950 Encore Way · Naples, Florida 34110

RECEIVED
JAN 31 2001
PERMIT COUNTER

HM PROJECT #1997079
1/17/01
REF. DWG. #A-994-2

LEGAL DESCRIPTION

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 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 5.89 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°15'56"W., FOR A DISTANCE OF 583.09 FEET; THENCE RUN N.00°15'56"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

DCI 2001-00005

SOUTHEAST QUARTER OF SAID SECTION 9, FOR A DISTANCE OF 5.89 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 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 25 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 25 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 1,901.57 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 548.30 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 626.03 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.88°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

HM PROJECT #1997079
1/17/01
REF. DWG. #A-994-2
PAGE 3 OF 23

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 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°15'04", 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 386.536 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.

INFORMATION RELATING TO BOUNDARY DATA OF SECTIONS 3, 4, 9 AND 10, TOWNSHIP 47 SOUTH, RANGE 25 EAST, LEE COUNTY, FLORIDA, TOGETHER WITH THE LOCATION OF THE US HIGHWAY #41 RIGHT-OF-WAY, WAS OBTAINED FROM A SURVEY OF THE SWEETWATER RANCH PREPARED BY DENI ASSOCIATES HAVING ORDER NUMBER 8409031, DATED 9/14/84. INFORMATION RELATING TO THE LOCATION OF COCONUT ROAD AND ADJOINING EXCEPTED PARCELS WAS OBTAINED FROM PROPERTY DESCRIPTIONS PROVIDED BY CLIENT.

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 _____ P.L.S. #3741
THOMAS J. GARRIS STATE OF FLORIDA

Applicant's Legal Checked
by _____ 1/13/02

W:\1997\1997079\LEGALDESA994-2.doc

DCI 2001-00005
DRI 2000-00015

ZONING MAP

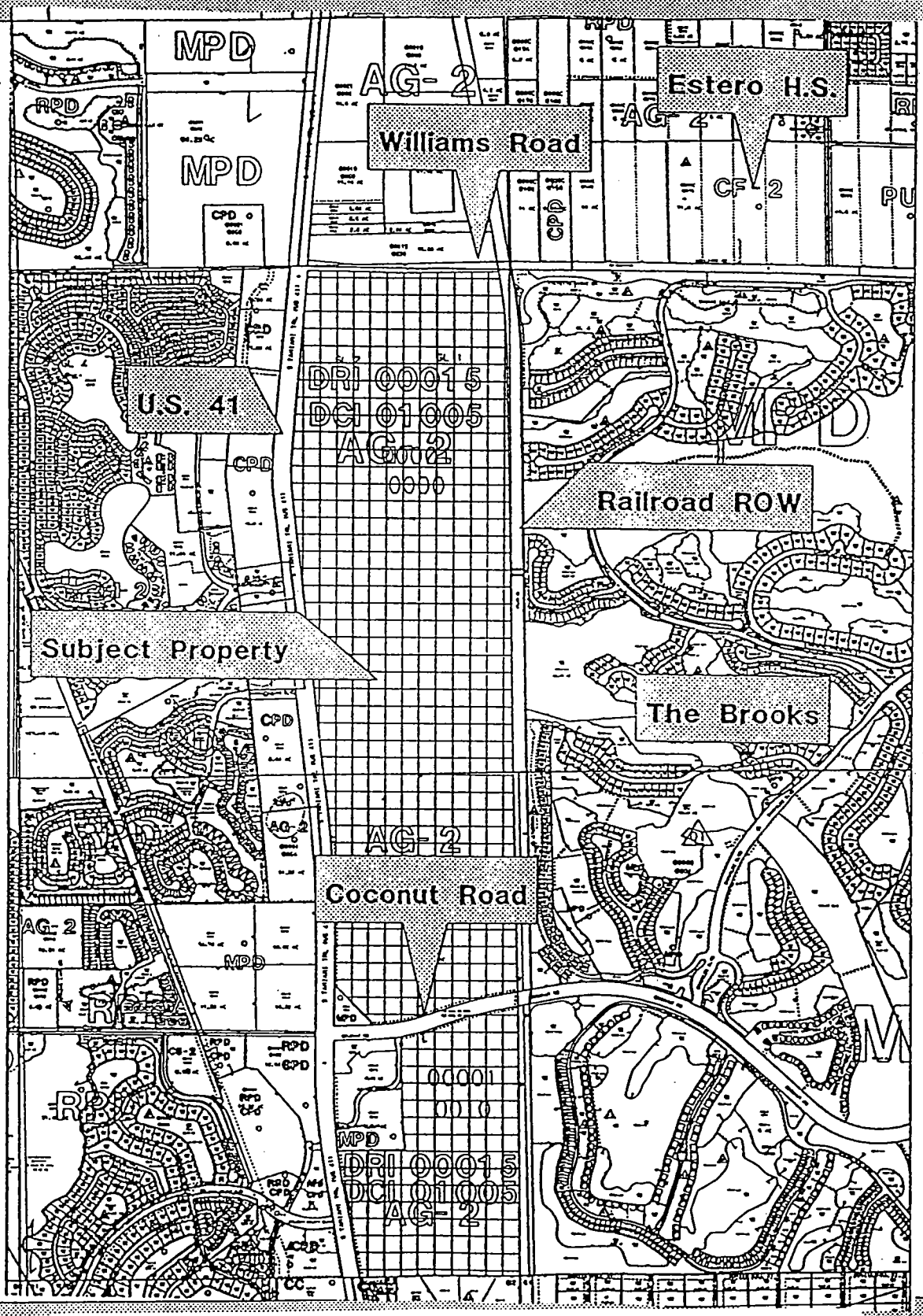
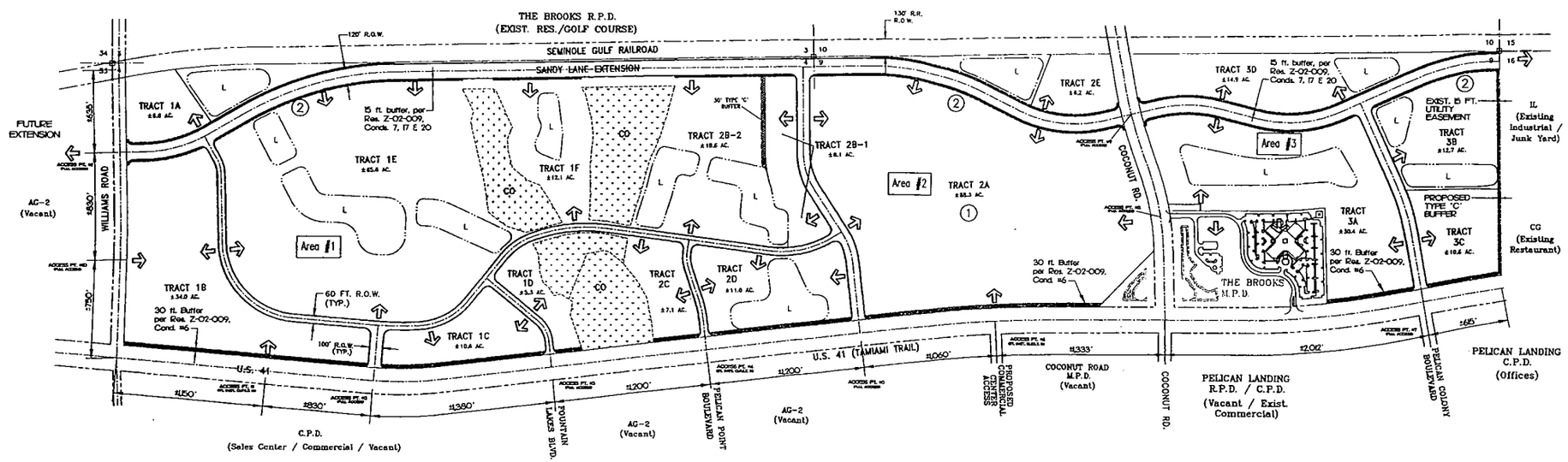


EXHIBIT B



PROJECT SUMMARY:

1.) REQUEST: A Rezoning from AG-2 to Mixed Use Planned Development (MPD)

2.) OVERALL CONCEPTUAL PROJECT ACREAGES:

CONSERVATION AREAS	±32.7 ACRES
LAKES	±47.1 ACRES
INTERNAL (PRIVATE) R.O.W.	±20.2 ACRES
INTERNAL (PUBLIC) R.O.W.	±30.0 ACRES
GREEN AREAS / OPEN SPACE	±11.6 ACRES
DEVELOPMENT TRACT AREAS	±340.8 ACRES
TOTAL	±482.4 ACRES

3.) CONCEPTUAL TRACT LAND USE/ACREAGE BREAKDOWN:

a.) DEVELOPMENT AREAS:

Development Area #1: (Residential – 550 M.F. Units / Retail – Comm. 280,000 Sq.Ft. / Office 70,000 Sq.Ft.)

Proposed Lakes	± 17.3 Ac.	
Proposed Internal/Private R.O.W.	± 8.1 Ac.	
Proposed Public R.O.W. (Sandy Lane Extension)	± 12.1 Ac.	
Conservation Areas	± 32.7 Ac.	
Green Areas / Open Space	± 6.5 Ac.	
Development Areas (Tracts 1A – 1F)	± 134.2 Ac.	
Total Development Area #1		±210.9 Ac.

Development Area #2: (Residential – 200 M.F. Units / Retail – Comm. 1,450,000 Sq.Ft. / Office 93,000 Sq.Ft. / Hotel – 450 Rooms)

Proposed Lakes	± 16.1 Ac.	
Proposed Internal/Private R.O.W.	± 8.0 Ac.	
Proposed Public R.O.W. (Sandy Lane Extension)	± 9.9 Ac.	
Green Areas / Open Space	± 2.2 Ac.	
Development Areas (Tracts 2A – 2E)	± 139.5 Ac.	
Total Development Area #2		±175.7 Ac.

Development Area #3: (Residential – 450 M.F. / A.L.F. Units / Retail – Comm. 70,000 Sq.Ft. / Office 140,000 Sq.Ft. / Hotel – 150 Rooms)

Proposed Lakes	± 13.7 Ac.	
Proposed Internal/Private R.O.W.	± 4.1 Ac.	
Proposed Public R.O.W. (Sandy Lane Extension)	± 8.0 Ac.	
Green Areas / Open Space	± 1.4 Ac.	
Development Areas (Tracts 3A – 3D)	± 68.6 Ac.	
Total Development Area #3		±95.8 Ac.

b.) MAXIMUM DEVELOPMENT TRACT INTENSITY:

(NOTE: CUMMULATIVE INTENSITIES WILL NOT EXCEED MAXIMUM PROPOSED LAND USES FOR EACH DEVELOPMENT AREA)

Development Area #1:

Tract 1A	15,000 s.f. Retail / 30,000 s.f. Office
Tract 1B	250,000 s.f. Retail / 30,000 s.f. Office
Tract 1C	40,000 s.f. Retail / 20,000 s.f. Office
Tract 1D	15,000 s.f. Retail / 20,000 s.f. Office
Tract 1E	500 M.F. DU's
Tract 1F	100 M.F. DU's

Development Area #2:

Tract 2A	1,300,000 s.f. Retail / 100 M.F. DU's / 200 Room Hotel
Tract 2B-1	80,000 s.f. Retail / 20,000 s.f. Office / 200 Room Hotel
Tract 2B-2	200 M.F. DU's
Tract 2C	40,000 s.f. Retail / 20,000 s.f. Office / 200 Room Hotel
Tract 2D	50,000 s.f. Retail / 30,000 s.f. Office / 200 Room Hotel
Tract 2E	20,000 s.f. Retail / 30,000 s.f. Office

Development Area #3:

Tract 3A	60,000 s.f. Retail / 130,000 s.f. Office / 150 Room Hotel
Tract 3B	250 M.F. DU's
Tract 3C	40,000 s.f. Retail / 30,000 s.f. Office / 150 Room Hotel
Tract 3D	250 M.F. DU's

4.) PROJECT PHASING:

	M.F. / A.L.F. (UNITS)	RETAIL COMM. (SQ.FT.)	OFFICE (SQ.FT.)	HOTEL (ROOMS)
2001 – 2006	1,200*	1,600,000	300,000	600

*M.F. / A.L.F. 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.

5.) CONCEPTUAL OPEN SPACE:

a.) REQUIRED (per L.C.L.D.C.)*

Development Area #1:		
(LESS Sandy Lane Ext. & Tracts 1E & 1F)	121.1 Ac. x 30%	± 36.3 Ac.
(Tracts 1E & 1F)	77.7 Ac. x 40%	± 31.1 Ac.
Development Area #2:		
(LESS Sandy Lane Ext. & Tract 2B-2)	147.0 Ac. x 30%	± 44.1 Ac.
(Tract 2B-2)	18.8 Ac. x 40%	± 7.5 Ac.
Development Area #3:		
(LESS Sandy Lane Ext. & Tracts 3B & 3D)	60.2 Ac. x 30%	± 18.1 Ac.
(Tract 3B & 3D)	27.6 Ac. x 40%	± 11.0 Ac.
Total Open Space Required:		±148.1 Ac.

*The % of Open Space may vary depending upon the ultimate land uses.

b.) PROVIDED (per L.C.L.D.C.):

Prop. Lake Areas (@ ≤ 25.0% of 148.1 Ac.)	± 37.0 Ac.
Prop. Conservation Areas	± 32.7 Ac.
Prop. Green Areas / Open Space	± 11.1 Ac.
Residential Development: (Tracts 1E, 1F, 2B-2, 3B & 3D) (±130.8 Ac @ 30%)	± 39.2 Ac
Commercial Development: (Tracts 1A – 1D, 2A, 2B-1, 2C – 2E, 3A & 3C) (±210.1 Ac. @ 13.4%)	± 28.1 Ac.
Total Open Space Provided:	±148.1 Ac.

6.) INDIGENOUS OPEN SPACE:

DUE TO THE EXISTING AGRICULTURAL LAND USE AND THE EXTENT OF MELALEUCA INVASION WITHIN THE REMAINING FORESTED AREAS, NO INDIGENOUS OPEN SPACE IS REQUIRED

7.) NOTES:

1. 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
2. The subdivision of proposed commercial tracts 1B and 2A for abutting principal buildings is subject to L.D.C. Sec. 34-2221(1)c.

LEGEND

	PROPERTY BOUNDARY
	ROAD R.O.W. LINE
CO	CONSERVATION AREAS
L	PROPOSED LAKE
	CONCEPTUAL ACCESS POINT
IL (DEVELOPED)	ADJACENT ZONING / LAND USE

RECEIVED
DEC 12 2002
COMMUNITY DEVELOPMENT

DRI 2000-00015
And
DCI 2001-00005

APPROVED
Master Concept Plan
Site Plan # 02-009 Page 1 of 1
Subject to conditions in Resolution Z-02-009
Case # DRI2000-00015 + DCI2001-00005

PRINTED DEC 10 2002

SCALE: 1" = 400'
DRAWING CURRENT AS OF: 12/09/02

EXHIBIT IV-E

EXHIBIT C

NUMBER	REVISIONS	DATE
1	Revised per County Attorney Office Memo	12/09/02
2	Revised Tracts / G.S. Sales / Permitted Uses	12/16/01
3	Revised per County Staff 1st R.A.I.	03/08/01

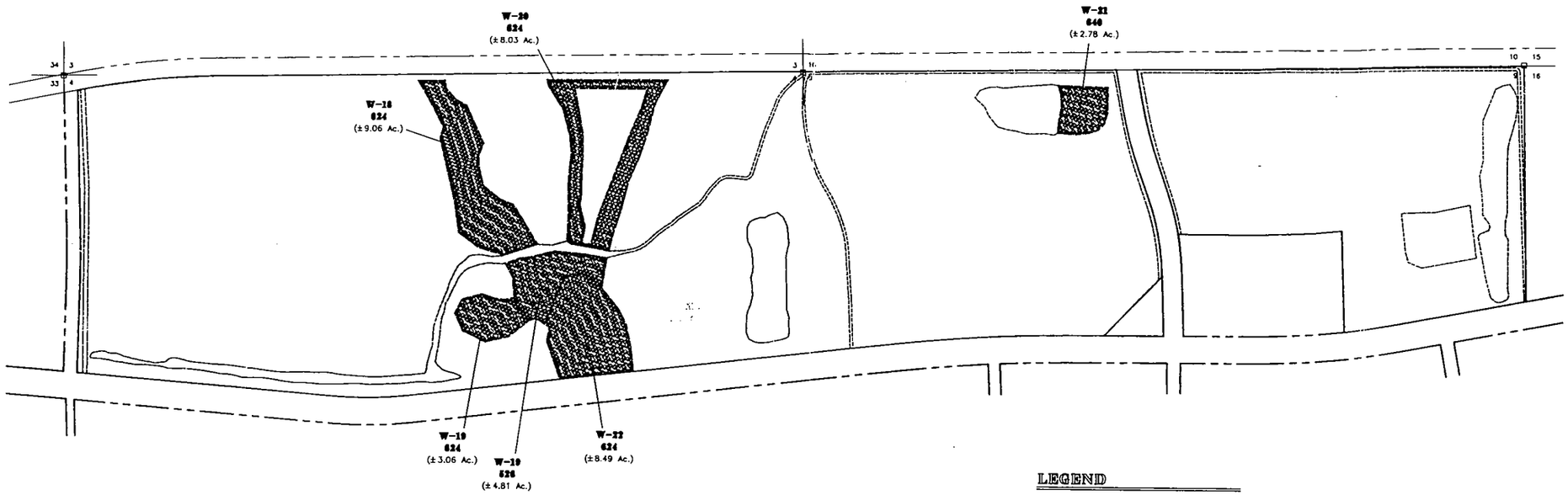
6202-F Presidential Court
Fort Myers, FL 33919
Phone : (941) 985-1200
Professional Registration No.1772
Naples · Fort Myers · Venice · Englewood

HOLE MONTES
ENGINEERS · PLANNERS · SURVEYORS

COCONUT POINT
MASTER CONCEPT PLAN

THESE DRAWINGS ARE NOT TO BE REPRODUCED AND SCALED BELOW

DESIGNED: D.P.W./	DATE: 10/09/00	
DRAWN: C.R.B.	DATE: 10/09/00	
REVIEWED: H.E.D.	DATE: 10/09/00	
PLOT. SCALE:	HORZ. SCALE: 1" = 400'	
DRAWING NO.		
REFERENCE NO. 9779BMCP		
PROJECT NO. 97.79B	SHEET NO. 1 of 2	



LEGEND

———	PROJECT BOUNDARY LINE
W-22	*WETLAND NUMBERS
SW1	S.W.M. AREAS NUMBERS

VEGETATIVE DELINEATION:

211	IMPROVED PASTURE (±404.45 Ac.)
415	SLASH PINE – MELALEUCA UPLAND FOREST (±6.74 Ac.)
526	BORROW LAKES (±19.37 Ac.)
624	MELALEUCA – SLASH PINE – CYPRESS MIXED WETLAND FOREST (±20.61 Ac.)
640	VEGETATED NON-FORESTED WETLANDS (±10.81 Ac.)
746	PREVIOUSLY CLEARED / DISTURBED AREA (±6.84 Ac.)
814	ROADS (±14.32 Ac.)

*Wetland numbers consistent with those utilized in the permitting process for S.F.W.M.D. M.S.S.W. No. 36-00288-S

EXHIBIT D

JRI 2002 [illegible] 15

NORTH
1" = 400'

DRAWING CURRENT AS OF: 11/06/02

NUMBER	REVISIONS	DATE
	REVISED PROJECT NAME	11/06/02

6202-F Presidential Court
Fort Myers, FL 33919
Phone : (941) 985-1200
Florida Certificate of Authorization No.1772

HOLE MONTES
ENGINEERS-PLANNERS-SURVEYORS

COCONUT POINTE

S.F.W.M.D. JURISDICTIONAL WETLANDS & SURFACE WATERS

THESE DRAWINGS ARE NOT APPROVED UNLESS SIGNED AND SEALED BELOW :

DATE

DESIGNED: N.E.D.	DATE: 10/31/00
DRAWN: C.R.B.	DATE: 10/31/00
CHECKED: N.E.D.	DATE: 10/31/00
VERT. SCALE:	HORIZ. SCALE: 1" = 400'
DRAWING NO.	-
REFERENCE NO.	9779BWET
PROJECT NO. 97.79-B	SHEET NO. - OF -

U:\1997\1997079\-2 ZONING\LCE PLAN AMD\DWG\1997979BWET.dwg 11/06/2002 07:28:02 AM EST

DEVELOPMENT ORDER
FOR
COCONUT POINT DRI
STATE DRI # 09-2001-153
CASE #DRI2000-00015

Let it Be Known That, pursuant to Florida Statutes §380.06, the Board of County Commissioners of Lee County, Florida, has 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 has 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, finds and determines that:

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 at the intersection of US 41 and Coconut Road. The Coconut Point DRI is a mixed use development that will consist of: 1,450,000 gross leasable square feet of retail/regional mall (Regional Retail Center), 350,000 gross leasable square feet of retail on other parcels adjacent to the regional mall (Community Commercial Retail), 300,000 square feet of office, of which no more than 100,000 square feet may be medical office, 600 hotel rooms, 1,000 multi-family units and a 200 unit assisted living facility. The project will include 32.7 acres of conservation areas, 47.1 acres of lakes, 50.2 acres of road rights-of-way and 11.6 acres of green area/open space.

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

The project phasing schedule consists of one phase with buildout in 2006.

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

C. The property was zoned AG-2, and coincident with the approval of this Development Order the property will be rezoned to Mixed Planned Development (MPD).

The property is currently in active agricultural use.

D. The Application for Development Approval (ADA), submitted on September 12, 2000, is consistent with the requirements of §380.06, Florida Statutes. The application went through two sufficiency reviews.

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

F. 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.

G. The development has been reviewed by the Southwest Florida Regional Planning Council (SWFRPC) and is the subject of the report and recommendations adopted by that body on January 17, 2001. The SWFRPC report and recommendations were subsequently forwarded to Lee County. The development, as proposed in the ADA and modified by this Development Order, is generally consistent with the report and recommendations of the SWFRPC pursuant to §380.06(11), Florida Statutes.

H. The development is located in the Rural and Wetlands future land use categories. The development proposed is currently not consistent with the Lee Plan and can not be conditioned to attain consistency. However, a Lee Plan amendment is currently being considered by DCA that will, if ultimately adopted, allow the project as conditioned to be consistent with the Lee County Comprehensive Plan and the Lee County Land Development Code (LDC).

I. 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 Board of County Commissioners of Lee County, 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 the Oakbrook Properties, Inc., for the project known as the Coconut Point DRI, is hereby Approved subject to the conditions, restrictions and limitations that follow. For the purpose of this Development Order, the term "Developer" refers to Simon Property Group, L.P. and Oakbrook Properties, Inc., and includes all successors or assigns, and all references to County Ordinances or other regulations, including future amendments.

A. AFFORDABLE HOUSING

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

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, the Developer may satisfy the remaining 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.

2. *University Student Housing ($400,000).* In addition to the above, the Developer will subsidize University student housing by giving $400,000 to the Florida Gulf Coast University 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.

B. ENERGY

The Developer must incorporate, as a minimum, the following energy conservation features into all site plans and architectural programs , or insure that the following features are implemented through deed restrictions or covenants with successors in title. All applications for site plan approvals and building permits must be accompanied by a documents detailing proposed compliance with these conditions. If deed restrictions or covenants are utilized to insure compliance , those documents must be approved by the County 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 area to reduce local air temperatures and reflecting 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 measure 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. 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 permit 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 District 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 Lee County review and approval and must be included on all construction plans for development.

5. All internal stormwater 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. Stormwater lakes must include, where practical, adequate maintenance easements around the lakes with access to a paved roadway.

6. During construction activities, the applicant 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 stormwater 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 stormwater management system must include littoral zones constructed on slopes consistent with District and Lee County requirements and be planted in native emergent or submergent aquatic vegetation. The applicant 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 applicant 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 stormwater storage and treatment for which it was intended. The Developer or operating entity must undertake any cleaning and repair determined to be necessary based upon the annual

inspection.

10. The applicant must confirm, to the satisfaction of all applicable federal, state, and local review agencies, and the South Florida Water Management District, that the proposed stormwater 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 Lee County establishes a County-wide stormwater 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 stormwater 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. Stormwater 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 a legal operating entity in accordance with the SFWMD Basis of Review and Lee County Land Development Code to maintain the internal stormwater management lakes, ditches and wetlands. Easements, common areas or other legal mechanisms may be utilized to ensure there is sufficient access to the stormwater management areas for maintenance purposes.

D. TRANSPORTATION

1. Significant Impacts

a. *Assessment Parameters*

The traffic impact assessment for the Project assumes the following development parameters, as a single phase:

	Buildout (2006)
Multifamily Apartments (ITE LUC 220) (200 d.u. Town Center, 250 d.u. South Village)	450 d.u.
Multifamily Condominiums (ITE LUC 230) (550 d.u. North Village)	550 d.u.
Assisted Living Facility (ITE LUC 252) (200 d.u. South Village)	200 d.u.
Hotel (ITE LUC 310) (450 rooms Town Center, 150 rooms South Village)	600 rooms
Community Retail (ITE LUC 820) (280,000 square feet North Village, 70,000 square feet South Village)	350,000 sq. ft. (gla)
Regional Retail Center (ITE LUC 820) (1,450,000 square feet Town Center)	1,450,000 sq. ft. (gla)
General Office (ITE LUC 710) (70,000 square feet North Village, 90,000 square Town Center, 40,000 square feet South Village)	200,000 sq. ft.
Medical Office (ITE LUC 720) (100,000 square feet South Village)	100,000 sq. ft.

The above parameters form the basis for the Project impacts and the mitigation requirements contained herein. The assumed land uses associated with the general parameters are 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 above parameters is estimated to be 5,909 trips. They include 4,120 PM net new external peak hour trips, 757 pass-by trips, and 1,032 interzonal trip ends at buildout in 2006. ("Interzonal trip ends" are from one part of the project to another that travel along or across public roadways.)

b. *Buildout Impacts*

The assessment on an existing-plus-committed network assuming the advancement of certain projects indicates that the significantly impacted roadways and intersections described below will be operating below acceptable levels of service at the end of Buildout (2006):

Roadway Improvements Needed

Roadways	Needed Improvement
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	Widen to 6 lanes
- Bonita Beach Road to Coconut Road	Widen to 6 lanes
Old US 41	
- Rosemary Drive to US 41	Widen to 4 lanes

Intersection Improvements Needed

Bonita Beach Road @ Old 41[1]	Add 2nd 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 2nd EB left turn lane
	Add 2nd NB left turn lane
	Add 2nd SB left turn lane
Corkscrew Road @ River Ranch Road[1]	Signal retiming
Corkscrew Road @ Three Oaks Parkway	Add 2nd WB left turn lane
	Add 2nd NB left turn lane
	Add 2nd SB left turn lane
I-75 @ Corkscrew Road[1]	Add 2nd EB left turn lane[4]
	Add 2nd WB left turn lane[4]
	Add 2nd NB left turn lane
	Add 2nd 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 2nd NB thru lane
	Add 2nd 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 2nd WB right turn lane
	Add 2nd NB left turn lane
	Add 2nd SB left turn lane
	Add 2nd 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 2nd NB left turn lane

US 41 @ Coconut Road	Add dual SB left turn lane[2] Add 2nd EB left turn lane Add EB right turn lane Add 2nd WB left turn lane Add 2nd NB right turn lane Add 2nd NB left turn lane Add 2nd SB left turn lane Add 2nd 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 2nd SB left turn lane Add 2nd WB left turn lane
US 41 @ Corkscrew Road[1]	Add 2nd 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 2nd 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. *Buildout Proportionate Share*

The buildout proportionate share is $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 $10,196,250, which is lower than the proportionate share estimate.

As noted in Condition D.3 below, the Developer must 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 buildout 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 $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 permitted for the project, or a subpart thereof, absent a Notice of Proposed Change.

b. *Mitigation Options*

The Developer must choose one of the two mitigation options identified below to satisfy the proportionate share obligation.

(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 County's Concurrency Management System at the time it obtains a local development order.

(2) Traffic Mitigation Option 2

(a) 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 effective until December 31, 2006, or for three (3) years, whichever is later; provided, however, that the concurrency certificates will be extended upon approval of an extension pursuant to Section D. 2. d(2) for the period of the extension not to exceed one year.

(b) Development Agreement

Exercise of traffic mitigation option 2 requires a Local Government Development Agreement executed pursuant to §163.3220, Florida Statues, 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.

c. *Application of Payments*

(1) Cash.

The County will 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 apply the fees toward improvements that relieve those roadways, provided those improvements are deemed necessary to maintain the County's adopted level of service standards. If the improvements identified in Section D.1.b are ultimately funded through other sources, in whole or in part, or deemed unnecessary to maintain the adopted level of service standards, Lee County 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 can be specified in the Development Agreement.

(2) Pipelined Improvements.

The Developer 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 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 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.

d. *Buildout Extension*

(1) Requirement for Reanalysis

Extension of the buildout date beyond 2006 may alter the project's impact to the area road network. Therefore, if the Developer: (a) files a Notice of Proposed Change resulting in an extension of project buildout beyond December 31, 2006; or (b) desires to extend the concurrency certificates issued pursuant to Condition D.2.b(2), then the Developer must provide a detailed traffic assessment to Lee County DOT for review and approval.

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 buildout 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 County, 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 County 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

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 buildout in a lump sum at

the time the extension application is approved. Full payment of the required mitigation pursuant to Mitigation Option 2 constitutes an election under this section. In this case a cumulative traffic reanalysis is not required for the portion of the balance that is mitigated as part of the original DRI Development order. This section is not intended to supersede the standard submittal requirements for a typical Notice of Proposed Change under state law.

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 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 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 the segment of US 41 from Koreshan Boulevard to Alico Road is 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 applicant, and are treated much as a proportionate share obligation. In this case, the applicant 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 applicant 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 applicant's proportionate share of the cost of the turn lanes is $170,000. This figure has been added to the project's DRI proportionate share, as noted above.

4. **Access and Site Related Improvements**

In addition to the proportionate share obligation set forth above, the Developer is 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

HM PROJECT #1997079
1/17/01
REF. DWG. #A-994-2
PAGE 3 OF 23

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 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°15'04", 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 386.536 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.

INFORMATION RELATING TO BOUNDARY DATA OF SECTIONS 3, 4, 9 AND 10, TOWNSHIP 47 SOUTH, RANGE 25 EAST, LEE COUNTY, FLORIDA, TOGETHER WITH THE LOCATION OF THE US HIGHWAY #41 RIGHT-OF-WAY, WAS OBTAINED FROM A SURVEY OF THE SWEETWATER RANCH PREPARED BY DENI ASSOCIATES HAVING ORDER NUMBER 8409031, DATED 9/14/84. INFORMATION RELATING TO THE LOCATION OF COCONUT ROAD AND ADJOINING EXCEPTED PARCELS WAS OBTAINED FROM PROPERTY DESCRIPTIONS PROVIDED BY CLIENT.

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 _____ P.L.S. #3741
THOMAS J. GARRIS STATE OF FLORIDA

Applicant's Legal Checked
by _____ 1/13/02

W:\1997\1997079\LEGALDESA994-2.doc

DCI 2001-00005
DRI 2000-00015

Engineer and consistent with the Lee County 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 U.S. 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**

Roadway Improvements

Roadways	Start Year	Improvement
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
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.

Date	Maximum Square Footage	Needed Improvements to Avoid Interim Level of Service Problem	
		Route	Limit
Adoption of ~~DRI~~ DO AND Compliance with Cond. D.2	400,000	Not Applicable	Not Applicable
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	Corkscrew Rd. to San Carlos

Three Oaks Ext. 4 Lane	Terry St. to Coconut Rd.
AND	
Old 41 - 4 lane	Rosemary dr. to US 41
AND	
Metro Pkwy. Ext.- 6 Lane	Alico Rd. to ben C Pratt/ Six Mile Cypress Pkwy
AND	
Three Oaks Ext- 4 Lane	Alico Rd. to Daniels Pkwy
or	
Treeline Ext.-4L	Alico Rd. to Daniels Pkwy.

6. **Annual Transportation Monitoring Program**

a. *Design of Monitoring Program*

The transportation monitoring program will be designed in cooperation with the 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: 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. 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 an annual transportation monitoring report has been submitted, a report must be submitted annually thereafter until Project buildout, 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 annual 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 interzonal 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 committed by Collier County, Lee County and FDOT.

d. *Implications*

(1) If the annual 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 buildout 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.

7. **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 F.

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 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 coordinate 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 include draw down pool features in littoral shelf slopes to favor use by woodstork and other wading birds.

3. The Developer must follow the Standard U.S. Fish and Wildlife Service Protection Measures for the Eastern Indigo Snake; and an Eastern Indigo Snake Protection Plan to be submitted for review and approval by the FFWCC as a condition of local development order approval.

4. The Developer must provide 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 conserving 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 hydroperiod enhancement).

6. Prior to impacting the additional 5.51 acres of jurisdictional wetlands, the Developer must modify existing SFWMD and ACOE permits and provide additional mitigation.

7. Wetlands and surface waters 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 preserved and enhanced. An enhancement plan must be submitted as part of the local development order approval process. This plan must include 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 applicant 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 applicant 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 alterative 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 applicant is also proposing to develop 600 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.

6. 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 by the Developer as part of the 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 applicant must commit to providing roadway capacity improvements above and beyond those improvements required by Rule 9J-2.0255, FAC; or

c. The applicant 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.

G. WASTEWATER MANAGEMENT/WATER SUPPLY

1. The Developer will obtain 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 coordinate 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 District 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 stormwater 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. Lee County 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. Lee County 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

Lee County may not issue a local development order unless the proposed development order is consistent with the County's Comprehensive Plan, Land Development Code.[1]

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

---

[1] 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.

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 provide 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.

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 Lee County 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 provide a site at least five acres in size and appropriately located to accommodate the growing school needs in this area of the county. Upon transfer of this

site to the School District, the Developer may be entitled to seek school impact fee credits in accordance with the LDC.

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 Lee County adopted by the Board of County Commissioners in response to the DRI ADA filed for Coconut Point DRI.

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/n/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, 200; and

3. The governing zoning resolution for the Coconut Point (f/n/a Simon Suncoast) MPD .

C. Master Plan of Development. Map H, stamped received at the Zoning Counter on February 7, 2001 and attached hereto as Exhibit "B", 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 South Florida Water Management District, as delegated by the Department of Environmental Protection and the Army Corp of Engineers.

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 County 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 set forth in Exhibit C. 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 pursuant to §380.06, Florida Statutes. However, upon a finding at a public hearing by the Board that any of the following conditions exist, the Board 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 buildout 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. Buildout and Termination Dates. The project has a buildout date of December 31, 2006, and a termination date of December 31, 2012 The termination date is based on a 4 year buildout and the recognition that a local Development Order, which is valid for six years, may be obtained prior to December 31, 2012. No permits for development will be issued by the County 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. Commencement of substantial physical development of the project must occur no later than December 31, 2004. Further development must occur in accordance with the development parameters and phasing schedule set forth in Exhibit C.

M. Assurance of Compliance. The administrative director of the Lee County Department of Community Development, or their designee, will be the local official responsible for assuring compliance with this Development Order. Lee County 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 County 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 December 31, 2013. If the

County 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 Lee County to be essential to public health, safety and welfare, then down-zoning, unit density reduction, or intensity reduction may occur. [See 9J-2.025(3)(b)13]

P. Annual Reports. The Developer must submit a report annually to the Lee County Department of Community Development, the SWFRPC and Florida DCA on Form RPM-BSP-Annual Report-1. The content of the annual 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 must be submitted to the DRI coordinator for SWFRPC, DCA, and Lee County no later than one year after the effective date of this Development Order. Further reporting must be submitted not later than one year for subsequent calendar years thereafter, until buildout, whether actual or declared. Failure to comply with this annual 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 annual monitoring reports until actual or declared buildout of the project. The Simon Property Group is the party responsible for filing the annual 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 annual 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 Statues, 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.

R. Transmittal and Effective Date. The County will forward certified copies of this Development Order to the SWFRPC, the Developer, and appropriate state agencies. This Development Order is rendered as of the date of that transmittal, but will not be

effective until the expiration of the statutory appeal period (45 days from rendition) or until FDCA has completed their 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, the 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 approval may 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 Lee County regulations by virtue of the existing agriculture on the property.

THE MOTION TO ADOPT this Development Order was offered by Commissioner Ray Judah, and seconded by Commissioner Douglas St. Cerny and upon a poll of the members present, the vote was as follows:

Robert Janes	Aye
Douglas St. Cerny	Aye
Ray Judah	Aye
Andrew W. Coy	Absent
John E. Albion	Aye

DULY PASSED AND ADOPTED this 21st day of October 2002

ATTEST:
CHARLIE GREEN, CLERK

By: Dorcas Rose

BOARD OF COUNTY COMMISSIONERS
OF LEE COUNTY, FLORIDA

By: Ray Judah

Approved as to form

By: Dawn E. Perry-Lehnert
Dawn E. Perry-Lehnert
Assistant County Attorney
Office of the County Attorney

State of Florida
County of Lee

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

Given under my hand and official seal at Fort Myers, Florida, this 20th day of December, A.D. 2002

CHARLIE GREEN, CLERK

By: Dorcas Rose
Deputy Clerk

CIRCUIT COURT ★ FLORIDA ★ LEE COUNTY

Exhibits:

A. Legal Description
B. Master Plan of Development (Map H) Stamped Received February 7, 2001
C. Development Parameters and Phasing Schedule
D. Annual Monitoring Report Requirements
E. Calculation of Road Impact Fee Obligation
F. Pedestrian, Bicycle and Bus Stop Plan

EXHIBIT "A"
LEGAL DESCRIPTION
Property located in Lee County, Florida

HOLE MONTES
ENGINEERS · PLANNERS · SURVEYORS
950 Encore Way · Naples, Florida 34110

RECEIVED
JAN 31 2001
PERMIT COUNTER

HM PROJECT #1997079
1/17/01
REF. DWG. #A-994-2

LEGAL DESCRIPTION

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 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 5.89 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°15'56"W., FOR A DISTANCE OF 583.09 FEET; THENCE RUN N.00°15'56"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

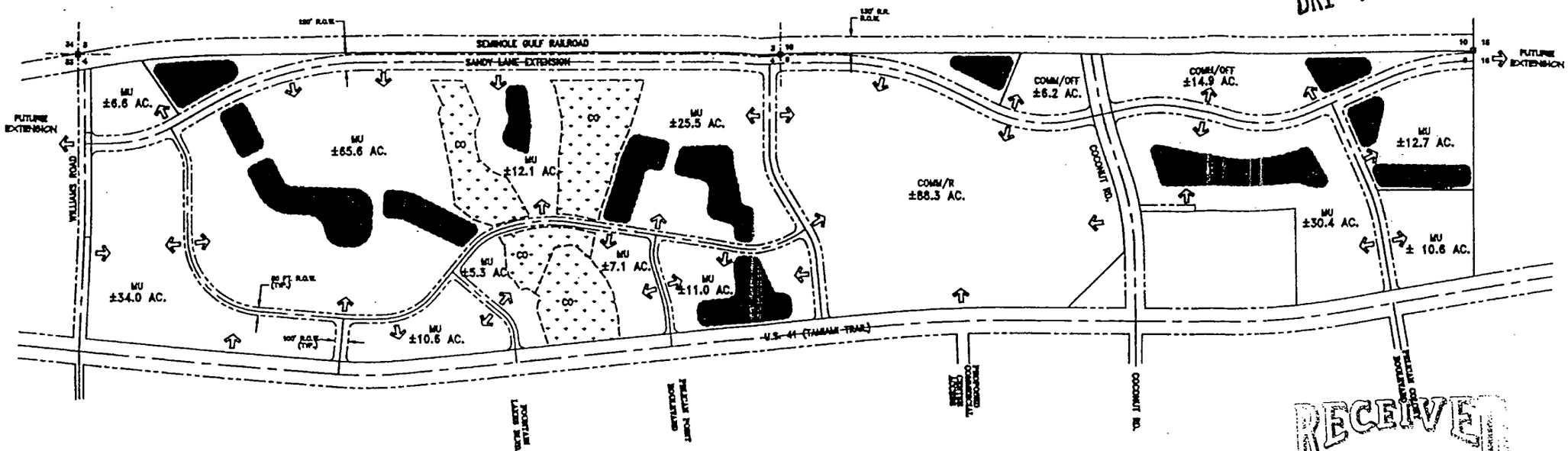
A PORTION OF SECTIONS 3, 4, 9, AND 10, TOWNSHIP 47 SOUTH, RANGE 25 EAST, LEE COUNTY, FLORIDA, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

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

DCI 2001-00005

SOUTHEAST QUARTER OF SAID SECTION 9, FOR A DISTANCE OF 5.89 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 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 25 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 25 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 1,901.57 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 548.30 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 626.03 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.88°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

DRI 2000-00015



RECEIVED
FEB 07 2001
ZONING COUNTER

LAND USE BREAKDOWN	
CONSERVATION AREAS	±32.7 ACRES
LAKES	±47.1 ACRES
INTERNAL R.O.W.	±50.2 ACRES
GREEN AREA / OPEN SPACE	±11.8 ACRES
DEVELOPMENT AREAS	±340.8 ACRES
TOTAL	±482.4 ACRES

PROJECT INTENSITY	
RESIDENTIAL UNITS	1,200
COMMERCIAL/RETAIL (GROSS LEASABLE AREA)	1,800,000
GENERAL OFFICE (S.F.)	200,000
MEDICAL OFFICE (S.F.)	100,000
HOTEL (ROOMS)	600

NOTES:
1. 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.
2. THE MIXED USE (MU) DESIGNATION CONTAINS A MIX OF RETAIL/COMMERCIAL, HOTEL, OFFICE, RESIDENTIAL, ALF, AND PUBLIC FACILITY LAND USES.

LEGEND

COMM	RETAIL/COMMERCIAL
MU	MIXED USE
OFF	OFFICE/MEDICAL
R	RESIDENTIAL
———	PROPERTY BOUNDARY
- - - - -	ROAD R.O.W. LINE
CO	CONSERVATION AREAS
	PROPOSED LAKE
⇨	CONCEPTUAL ACCESS POINT

EXHIBIT B

September 2000
Not to Scale

North

Simon Suncoast

Map H - Master Development Plan

DRI
EXHIBIT C

Development Parameters and Phasing Schedule

		Buildout
Regional Retail Commercial	1,450,000* sq. ft.	2006
Community Retail	350,000* sq. ft.	2006
Office	300,000** sq. ft.	2006
Hotel	600 Rooms	2006
Residential, Multi-family	1000 du	2006
Assisted Living Facility	200 units	2006

* Gross Leasable Area

**Up to 100,000 sq. ft., may be medical office

DRI
EXHIBIT D

ANNUAL MONITORING REPORT REQUIREMENTS

The Annual 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 which are contained in the application for development approval and which 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 which have been obtained or which are pending by agency, type of permit, permit number and purpose of each;

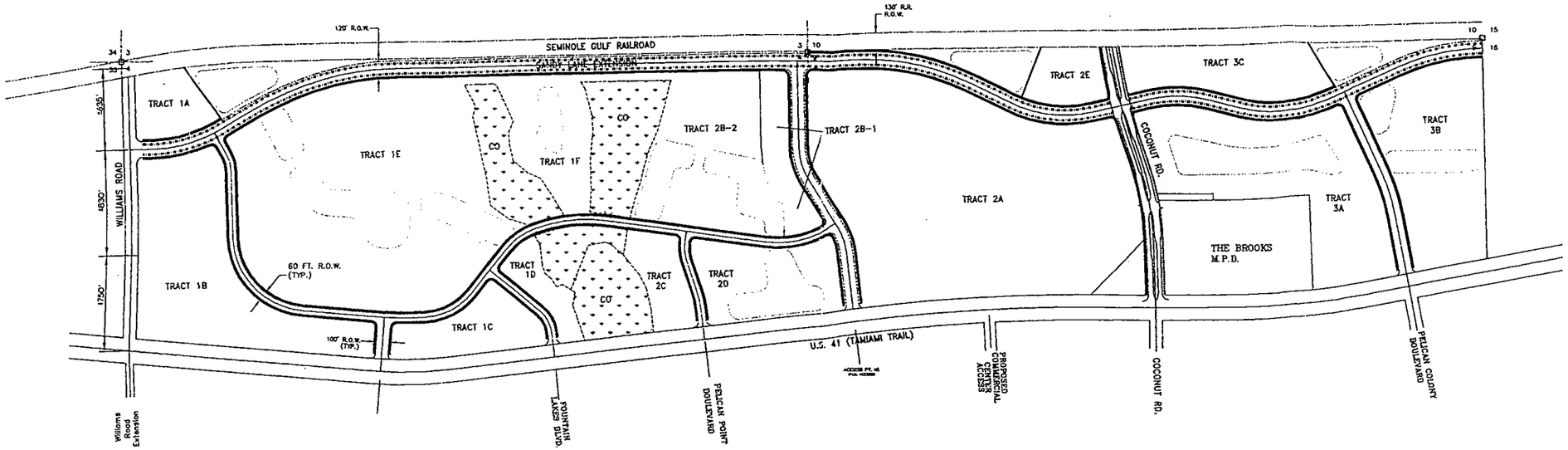
I. A statement that all persons have been sent copies of the annual report in conformance with Subsections 380.06(15) and (18), Florida Statutes;

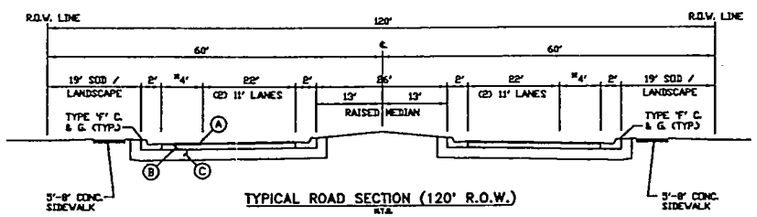
J. A copy of any recorded notice of the adoption of a development order or the subsequent modification of an adopted development order that was recorded by the Developer pursuant to Paragraph 380.06(15)(f), Florida Statutes.

NOTE: The Florida Administrative Code specifically requires that the development order specify the requirements for the annual report. The Administrative Code requires that the annual 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 Obligation

LAND USE	ITE LUC	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

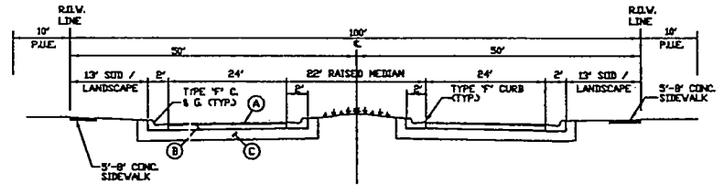




TYPICAL ROAD SECTION (120' R.O.W.)
N.T.S.

(A) 2 - 1/2" ASPHALT TYPE S-I SURFACE COURSE AND 1" ASPHALT TYPE S-III SURFACE COURSE (PHASED LIFTS)
(B) 8" LIMEROCK BASE
(C) 12" STABILIZED SUBGRADE

*ON-ROAD BIKEWAY



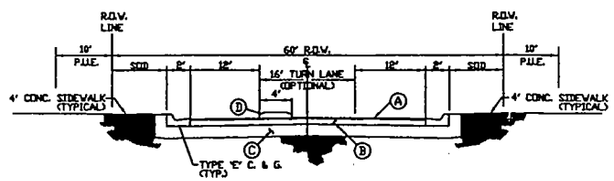
TYPICAL ROAD SECTION (100' R.O.W.)
N.T.S.

(A) 1 - 1/4" ASPHALT TYPE S-I SURFACE COURSE AND 1" ASPHALT TYPE S-III SURFACE COURSE (PHASED LIFTS)
(B) 8" LIMEROCK BASE
(C) 12" STABILIZED SUBGRADE

LEGEND:

SIDEWALK / BIKEWAY

ON-ROAD BIKEWAY



TYPICAL ROAD SECTION (60' R.O.W.)
N.T.S.

(A) 1 - 1/4" ASPHALT TYPE S-I SURFACE COURSE AND 1" ASPHALT TYPE S-III SURFACE COURSE (PHASED LIFTS)
(B) 8" LIMEROCK BASE
(C) 12" STABILIZED SUBGRADE
(D) CONC. MEDIAN

DCI 2001-00005

SCALE: 1" = 400'

NUMBER	REVISIONS	DATE
1		
2		
3		
4		
5		
6		

6202-F Presidential Court
Fort Myers, FL 33919
Phone : (941) 985-1200
Florida Certificate of Authorization No.1772

HOLE MONTES
ENGINEERS • PLANNERS • SURVEYORS

SIMON SUNCOAST

MASTER PEDESTRIAN / SIDEWALK PLAN

THESE DRAWINGS ARE NOT APPROVED UNLESS SIGNED AND SEALED BELOW !

DATE

DESIGNED D.P.W./	DATE 10/09/00
DRAWN C.R.B.	DATE 10/09/00
REVIEWED H.E.D.	DATE 10/09/00
VERT. DATUM	HORIZ. SCALE 1" = 400'

DRAWING NO.

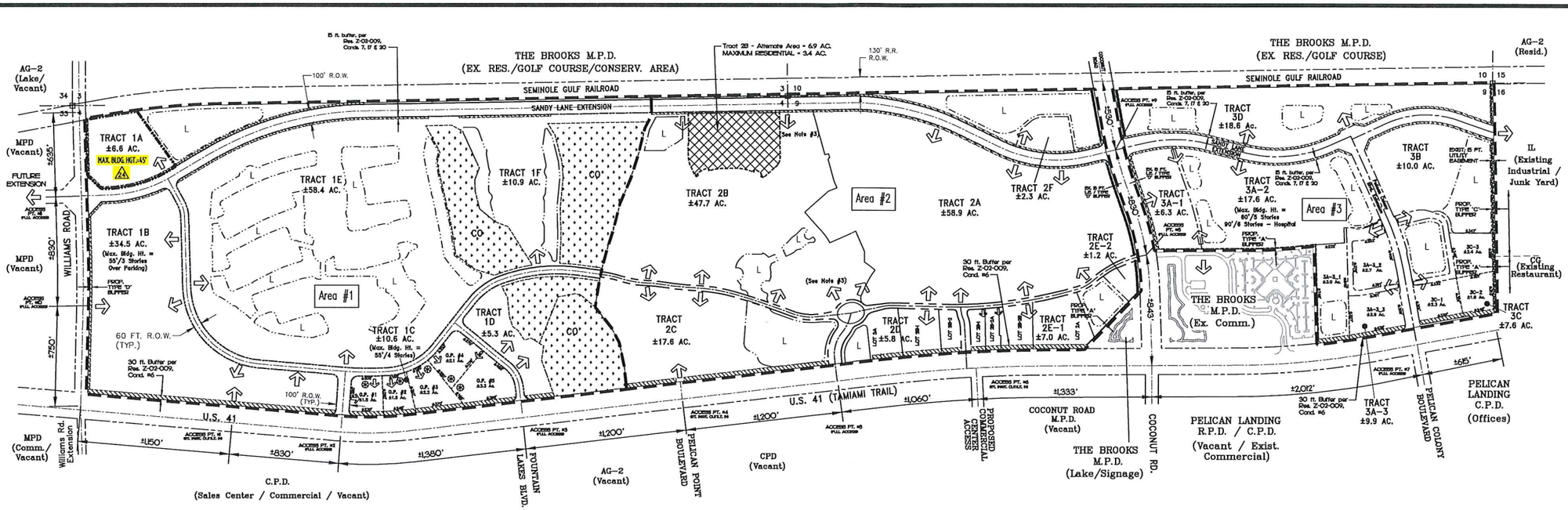
REFERENCE NO. 9779BPED

PROJECT NO. 97.79B

SHEET NO. 3A of 4

EXHIBIT F

U:\1997\1997079-B ZONING\MPD\MISC DWGS\9779BPED.dwg 01/25/2002 10:20:58 AM EST



PROJECT SUMMARY:

1. REQUEST: A REZONING FROM AG-2 TO MIXED USE PLANNED DEVELOPMENT (MPD)

2. OVERALL CONCEPTUAL PROJECT ACREAGE:

CONSERVATION AREAS	± 33.4 ACRES
LAKES	± 58.8 ACRES
INTERNAL (PRIVATE) R.O.W.	± 20.2 ACRES
INTERNAL (PUBLIC) R.O.W.	± 25.6 ACRES
GREEN AREAS / OPEN SPACE	± 8.7 ACRES
DEVELOPMENT TRACT AREAS	±335.7 ACRES
TOTAL	±482.4 ACRES

3. CONCEPTUAL TRACT AND LAND USE / ACREAGE BREAKDOWN:

a. DEVELOPMENT AREAS:

Development Area #1: (Residential - 740 M.F./A.L.F. Units / Retail - Comm. 85,000 Sq.Ft. / Office 481,277 Sq.Ft.) / Hotel 120 Rooms / Bank w/ D.T. - 8,000 Sq.Ft.

Proposed Lakes	± 28.1 Ac.
Proposed Internal/Private R.O.W. ± 8.2 Ac.	
Proposed Public R.O.W. (Sandy Lane Extension)	± 10.1 Ac.
Conservation Areas	± 33.4 Ac.
Green Areas / Open Space	± 4.7 Ac.
Development Areas (Tracts 1A - 1F)	±126.3 Ac.
Total Development Area #1	±210.8 Ac.

Development Area #2: (Residential - 450 M.F. Units / Retail - Comm. 1,450,000 Sq.Ft. / Gen. Office 90,000 Sq.Ft. / Hotel - 200 Rooms)

Proposed Lakes	± 17.0 Ac.
Proposed Internal/Private R.O.W.	± 6.1 Ac.
Proposed Public R.O.W. (Sandy Lane Extension)	± 8.1 Ac.
Green Areas / Open Space	± 4.0 Ac.
Development Areas (Tracts 2A - 2F)	± 140.5 Ac.
Total Development Area #2	±175.7 Ac.

Development Area #3: (Residential - 424 M.F. / A.L.F. Units / Retail - Comm. 72,500 Sq.Ft. / Office 341,167 Sq.Ft. / 160 Hospital Beds)

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)	± 68.9 Ac.
Total Development Area #3	± 95.9 Ac.

b. MAXIMUM DEVELOPMENT TRACT INTENSITY:
(NOTE: CUMULATIVE INTENSITIES WILL NOT EXCEED MAXIMUM PROPOSED LAND USES FOR EACH DEVELOPMENT AREA)

Development Area #1:

Tract 1A	200 MF/ALF Units / 50,000 s.f. Office
Tract 1B	450,000 s.f. Office
Tract 1C	90,000 s.f. Retail / 20,000 s.f. Office / 120 Room Hotel
Tract 1D	5,000 s.f. Retail / 35,000 s.f. Office / Fire Station
Tract 1E	450 M.F. DU's
Tract 1F	90 M.F. DU's

Development Area #2:

Tract 2A	650,000 s.f. Retail / 450 M.F. DU's / 60,000 s.f. Office / 200 Room Hotel
Tract 2B	600,000 s.f. Retail / 200 Room Hotel / 200 M.F. DU's
Tract 2C	150,000 s.f. Retail / 20,000 s.f. Office / 200 Room Hotel
Tract 2D/E	150,000 s.f. Retail / 30,000 s.f. Office / 200 Room Hotel
Tract 2F	20,000 s.f. Retail / 30,000 s.f. Office / 100 Multi-family Units

Development Area #3:

Tract 3A-1 thru 3	60,000 s.f. Retail / 300,000 s.f. Office / 160 Hospital Beds (1)
Tract 3B	200 A.L.F. Units
Tract 3C	40,000 s.f. Retail / 90,000 s.f. Office
Tract 3D	224 M.F. DU's

(1) ANY COMBINATION OF PERMITTED LAND USES MAY DEVELOP WITHIN TRACTS 3A-1, 3A-2 AND 3A-3_1 PROVIDED TRIP GENERATION DOES NOT EXCEED 479 NET NEW EXTERNAL TRIPS.

4. PROJECT PHASING:

	M.F. / A.L.F. (UNITS)	RETAIL COMM. (SQ.FT.)	OFFICE (SQ.FT.)	HOTEL (ROOMS)	Bank w DT (SQ.FT.)	HOSPITAL (BEDS)
2001 - 2024	1,614*	1,607,500	912,444	320	8,000	160

* M.F. / A.L.F. 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.

5. CONCEPTUAL OPEN SPACE (Tract 2B Alternate Plan):

a. REQUIRED (per L.C.L.D.C.)*:

Development Area #1:

(LESS Sandy Lane Extension and Tracts 1A+1E & 1F)	124.8 Ac. x 30%	± 37.44 Ac.
(Tracts 1A / 1E / 1F)	75.9 Ac. x 40%	± 30.36 Ac.

Development Area #2 [ALT 1, TRACT 2B ALT AREA = 3.4 AC RESIDENTIAL MAX]:

(LESS Sandy Lane Extension & Resid. Area)	158.4 Ac. x 30%	± 47.5 Ac.**
(Residential Area)	9.2 Ac. x 40%	± 3.7 Ac.

Development Area #2 [ALT 2, TRACT 2B ALT AREA = NO RESIDENTIAL]:

(LESS Sandy Lane Extension & Resid. Area)	161.8 Ac. x 30%	± 48.5 Ac.
(Residential Area)	5.8 Ac. x 40%	± 2.3 Ac.

Development Area #3:

(LESS Sandy Lane Extension & Tracts 3B & 3D)	59.7 Ac. x 30%	± 17.9 Ac.
(Tract 3B & 3D)	28.8 Ac. x 40%	± 11.5 Ac.
Total Open Space Required [ALT 1]:		±148.4 Ac.
Total Open Space Required [ALT 2]:		±148.0 Ac.

* The % of Open Space may vary depending upon the ultimate land uses.
** Includes Residential above Commercial uses.

b. PROVIDED (per L.C.L.D.C.):

Prop. Lake Areas (@ <25.0% of 150.2 Ac.)	± 37.6 Ac.
Prop. Conservation Areas	± 33.4 Ac.

Development Area #1:

Commercial Development (Tracts1B/1C/1D)	50.4 Ac. x 19.65%	± 9.9 Ac.
Residential Development (Tracts 1E/1F)	75.9 Ac. x 30.0%	± 22.8 Ac.
	Sub-total:	± 32.7 Ac.

Development Area #2 [1A / ALT 1, TRACT 2B ALT AREA = 3.4 AC RESIDENTIAL MAX]:

Commercial Development (Tracts 2A - 2F)	131.3 Ac. x 19.52%	± 25.6 Ac.
Residential Development (Tract 2A)	5.8 Ac. x 23.60%	± 1.4 Ac.
Residential Development (Tracts 2B)	3.4 Ac. x 23.50%	± 0.8 Ac.
	Sub-total:	± 27.8 Ac.

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.

Development Area #3:

Commercial Development Tracts (Tracts 3A-1 thru -3 & 3C)	42.6 Ac. x 19.55%	± 8.3 Ac.
Residential Development (Tracts 3B & 3D)	28.8 Ac. x 30.00%	± 8.6 Ac.
	Sub-total:	± 16.9 Ac.

Total Open Space Provided [ALT 1]:	±148.4 Ac.
Total Open Space Provided [ALT 2]:	±148.0 Ac.

6. INDIGENOUS OPEN SPACE:
DUE TO THE EXISTING AGRICULTURAL LAND USE AND THE EXTENT OF MELALEUCA INVASION WITHIN THE REMAINING FORESTED AREAS, NO INDIGENOUS OPEN SPACE IS REQUIRED.

7. NOTES:

A. Internal access will be provided to allow through traffic between US 41 and Sandy Lane Extension.

B. For Tract 1C general service area locations, see above MCP.

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.

LEGEND

	PROPERTY BOUNDARY
	ROAD R.O.W. LINE
CO	CONSERVATION AREAS
L	PROPOSED LAKE
	CONCEPTUAL ACCESS POINT
IL (DEVELOPED)	ADJACENT ZONING / LAND USE
	GENERAL LOCATION OF SERVICE AREAS

SCALE: 1"= 400'

ATTACHMENT "A"

NUMBER	REVISIONS	DATE
	Added 147 Units to Tract 2B Alternate Area - Sufficiency Response	01/26/06
	Added Access Pt. for Tract 3A-1	11/16/05
	Revised for Administrative Amendment #8 Tract 3D	11/16/05
	Revised for Admin. Amendment ADD2005-00080	08/22/05
	Revised for Administrative Amendment Submittal	02/04/05
	Revised for Administrative Amendment Submittal	08/25/04
	Revised for Administrative Amendment Submittal	05/19/04
	Revised for Administrative Amendment Submittal	02/27/04
	Revised per County Attorney's Office Memo	12/09/02
	Revised Tracts / O.S. Calcs / Permitted Uses	12/18/01
	Revised per County Staff 1st R.A.I.	03/08/01

NUMBER	REVISIONS	DATE
	Sufficiency Response	04/03/07
	Sufficiency Response	04/03/07
	Sufficiency Response	01/15/07
	Sufficiency Response	10/02/06
	NGPC / Zoning Amendment	08/15/06
	Revised Open Space Calc for 2B Alternate Parcel	02/27/06

NUMBER	REVISIONS	DATE
	ADMINISTRATIVE AMENDMENT	4/25/16
	NGPC	9/9/13
	NGPC	5/14/13
	SUBMITTED FOR HYATT CDP	5/21/08
	ADDED/REVISED ACCESS POINT - TRACT 2E-1	11/13/07
	Zoning Resolution Revisions	11/01/07
	ZONING AMENDMENT 1A	4/25/16

HOLE MONTES
ENGINEERS · PLANNERS · SURVEYORS
6200 Whiskey Creek Drive
Fort Myers, FL. 33919
Phone: (239) 985-1200
Florida Certificate of Authorization No.1772

COCONUT POINT M.P.D.
MASTER CONCEPT PLAN
EXHIBIT IV-E

DESIGNED: E.M.C.	DATE: 08/16/05
DRAWN: C.R.B.	DATE: 08/16/05
CHECKED: N.E.D.	DATE: 0526/16
VERT. SCALE:	HORIZ. SCALE: 1"= 400'
DRAWING NO.	
REFERENCE NO. 9779B_MCP8	
PROJECT NO. 97.79-B	SHEET NO. 1 OF 1

C:\Users\Valentin.Zdravkov\appdata\local\temp\AcPublish_7824\13066.MCP-TRACT1B-REV.24-20160526.dwg Tab: MCP May 26, 2016 - 10:09am

Applicant's Additional Information

HOLE MONTES
ENGINEERS • PLANNERS • SURVEYORS
950 Encore Way • Naples, Florida 34110 • Phone 239.254.2000 • Fax: 239.254.2099

November 22, 2016

VIA HAND DELIVERY

Mary Gibbs, AICP, Director
Village of Estero Community Development
9401 Corkscrew Palms Circle
Estero, FL 33928

Re: Coconut Point Tract 1-A
(DCI-2016E-02 Minor PD Amendment)
HM File No.: 2016.011

Dear Ms. Gibbs:

Please find attached the additional information as we discussed.

The proposed change to the Coconut Point Development of Regional Impact (DRI) Development Order (DO) has been reviewed by the Florida Department of Economic Opportunity (DEO) and has been determined to qualify as a change under Section 380.06(19)(e)2.k., Florida Statutes (F.S.). The proposed change, to add 200 multifamily residential units to Tract 1A in lieu of 200 assisted living facility units, and to decrease the amount of retail uses from 85,000 SF to 63,700, results in no increase in net new external peak hour trips for the DRI. The proposed change does not reduce open space or conserved areas within the DRI. Therefore, the proposed change does not require the filing of a notice of proposed change. Please see the letter from DEO, previously submitted and included with this submittal.

The DRI DO does need to be amended to reflect the above changes, and a draft DO is included with this submittal.

We are also submitting a revised Master Concept Plan for the Coconut Point MPD/DRI. The following are all proposed changes to the MCP:

- Change the note on Tract 1A to show a max. building height of 45', consistent with the proposed property development regulations;
- 3.a. (DEV AREA #1) : add apartment as an allowed use on Tract 1A and reduce retail commercial square footage to 63,700 SF from 85,000 SF;
- 3.a.(DEV AREA #3): update the retail commercial and office square footages, as these were never property updated from an earlier amendment;
- 3.b. (MAX DEV TRACT INTENSITY): added apartment as an allowed use;

- 3.b. (MAX DEV TRACT INTENSITY): added "150 ROOM HOTEL" to Tract 2F to reflect the approval per Lee County Administrative Amendment ADD2014-00195;
- 4. (PROJECT PHASING): added apartment as an allowed use; updated square footages to reflect all current approvals;
- 5.a. & b. (Conceptual Open Space): updated to reflect 1A as a residential parcel;
- 7.B. Removed Tract 1A, as it is now proposed as a residential project, which does not require general service area locations to be identified; and
- Changed REV 24 date.

We are submitting a revised Conceptual Site Plan, specific to Tract 1A, and the following changes have been made since staff's previous review:

- Relocation of sidewalk to south side of entry way in order to provide access to the transit stop/pedestrian shelter;
- Revision to deviations to indicate that three have been withdrawn;
- Addition of emergency access onto Williams Road;
- Labeled the ground-floor liner buildings/units. Please note the liner units are one-story only.
- Revised the conceptual building elevation to specify that height is being measured consistent with code requirements, specifically per LDC Sec. 34-2171(1);
- Revised the note re: the future transit stop/pedestrian shelter to specify that the applicant will construct the shelter and it will be made a part of the Development Order submittal; and
- Parking calculations have been updated to reflect 12 spaces in "reserve" and 371 paved spaces.

All items included with this submittal:

- One (1) copy of Estero Market Study, dated November 10, 2016, prepared by Maxwell Hendry Simmons, which includes the résumé of Matt Simmons;
- One (1) copy of Letter from the Florida Department of Economic Opportunity regarding the change to the DRI pursuant to Sec. 380.06(19)e.2.k, Florida Statutes, dated July 19, 2016, and originally submitted to the Village of Estero on July 27, 2016;
- One (1) copy of Draft Coconut Point 9th Development of Regional Impact Development Order (draft dated 11-21-2016);
- Twelve (12) copies of Revised Master Concept Plan for Coconut Point MPD/DRI (24" x 36" and 11" x 17");

- One (1) copy of Draft zoning ordinance for the proposed MPD amendment, dated 11-21-2016;
- Twelve (12) copies of Conceptual Site Plan for Tract 1A (24" x 36" and 11" x 17");
- One (1) copy of Landscaping plans for on-site and off-site proposed improvements;
- One (1) copy of Architectural rendering, dated 11-14-16;
- One (1) copy of Architectural elevations, front and rear;
- One (1) copy of Revised Schedule of Deviations and Justifications to reflect that three deviations have been withdrawn;
- One (1) copy of Consistency with the Comprehensive Plan analysis;
- One (1) copy of Revised trip generation comparison between ALF units and MF units in order to be consistent with the previous NOPC prepared for the Coconut Point DRI; and
- One (1) CD with all documents and plans.

If you have any questions, please don't hesitate to contact us.

Very truly yours,

HOLE MONTES, INC.

Paula N. C. McMichael, AICP
Director of Planning
PNCM/sek

Enclosures as noted

cc: Lorie Maiorana w/enclosures
Neale Montgomery, Esq. w/enclosures
Ned Dewhirst w/enclosures

MAXWELL·HENDRY·SIMMONS
real estate appraisers & consultants

Market Study

Housing Supply Characteristics
within the Village of
Estero, Lee County, Florida

Date of Report: 10 November 2016

File Name: Coconut Point Holdings - Estero Market Study

Prepared For
Coconut Point Holdings, LP
848 Brickell Avenue, PH1
Miami, Florida 33131

Info@MHSappraisal.com
(239) 337-0555 · MHSappraisal.com
12600 World Plaza Lane, Building #63 · Fort Myers, FL 33907

MAXWELL·HENDRY·SIMMONS
real estate appraisers & consultants

10 November 2016

Coconut Point Holdings, LP
848 Brickell Avenue, PH1
Miami, Florida 33131

Attention: Mr. Arnaud Karsenti

Re: Market study of housing supply characteristics within the Village of Estero

Dear Mr. Karsenti:

As you requested, we have prepared a market study of the housing supply characteristics found within the Village of Estero. This report is understood to provide a deeper understanding of these characteristics as they potentially relate to your decision to pursue development of a multi-family apartment complex on a parcel located on the southeast corner of Williams Road and Via Coconut Point in Estero.

We appreciate the opportunity to be of assistance. Please do not hesitate to call on us for further discussion of the findings presented herein.

Respectfully submitted,

Matthew H. Caldwell
State-Certified General Real Estate Appraiser
RZ2901

Matthew S. Simmons
State-Certified Residential Real Estate Appraiser
RD5762

Table of Contents

SEC. I: EXECUTIVE SUMMARY 1

SEC. II: MARKET ANALYSIS 3

Village of Estero 3

SEC. III: HOUSING SUPPLY CHARACTERISTICS 9

Single Family Attached 11
Multi-Family Apartments 13
Single Family Detached 20
Cape Coral-Fort Myers MSA 23

SEC. IV: MULTI-FAMILY HOUSING RATIO 25

SEC V: ADDENDA 31

Location Maps 31
Aerial Map 34
Flood Map 35
Plat Map 36
Property Characteristics 37
Proposed Development 40
Qualifications: Matthew H. Caldwell 43
Qualifications: Matthew S. Simmons 44

Sec. I: Executive Summary

The non-profit Estero Council of Community Leaders (ECCL) has studied the issue of housing options over the last several years. In particular, the Village of Estero has utilized three reports in their deliberations. These three reports are summarized as follows:

- September 2013: Peloton Research Partners completed an *Estero Community Market Assessment* for the ECCL
- January 2015: Seth Harry and Bill Spikowski completed a *Community Planning Initiative* for the ECCL.
- August 2016: An *Estero Development Report* was prepared by the members of the ECCL

Peloton covered many aspects of development potential within the Village and specifically spoke to rental housing:

> ***Limited rental housing*** *– Aside from the a few older rental housing complexes in the market, Estero relies primarily on individual owners to provide rental housing in the market. This is partly due to the conversion of for-rent projects in to for-sale properties during the boom years prior to 2008. Some homes offered for-sale were temporarily converted to rental over the past five (5) years. As the market improves these units could convert back to for-sale. A significant amount of rental housing should be offered in the community to provide housing for working couples, singles, and retirees. The availability of quality rental housing I important for a community looking to provide workforce housing. This is an important factor for businesses looking to relocate or establish a presence in local markets.*

Harry and Spikowski did not speak directly to rental housing and multi-family needs in particular, but rather made a strong case for a relatively higher-density and mixed-use development pattern which would be in contrast to the "large, gated single-family home communities". From their summary:

> *…The presentation began with a review of the findings, policy goals and strategic objectives identified through the initial market evaluation, intended to help restart and strengthen the stalled economy, by focusing on new development which will attract and retain higher-paying jobs and the workforce to sustain them…*
>
> *…The physical plan of the community and related building types are critically relevant to achieving the strategic goals of mixed us (greater convenience and reduction in the cost fo services), expanded housing choice (responding to demographically-driven lifestyle preferences), and reduced automobile reliance (enhanced mobility choice)…*

Lastly, the *Development Report* reiterated previous conclusions reached in 2012:

> *In 2012 Richard Hunt [Peloton report author], the ECCL's real estate market research consultant, found that Estero had a shortage of both rental and senior housing. During the housing boom of the early 2000's Estero rental-only housing was converted to condominiums.*

This report then proceeded to outline all existing and planned multi-family development projects within the Village (plus Estero Oaks, which is not within the Village boundaries). These were all previously identified herein this report.

We have been engaged to prepare a market study of the housing supply characteristics found within the Village of Estero.

The final conclusions from our research paint a stark picture for many of the households within the Village.

- The US Department of Housing and Urban Development refers to a household with annual housing costs exceeding 30% of gross money income to be "Cost Burdened" and exceeding 50% to be "Severely Cost Burdened".

- Per the *US Census Bureau*, 29% of renter households in the Village spend between 30% to 50% of their income on housing cost (Cost Burdened) and 27% of renter households currently spend greater than 50% of household income on housing cost (Severely Cost Burdened). **A majority (56%) of Village renter households are either Cost Burdened or Severely Cost Burdened.**

- Under the 30% Cost Burdened metric, 23% of all Village households can only afford less than $1,000 per month and there are no offerings within the Village at this level, of any property type, rental or sale. These would be households making less than $40,000 annually.

- Under the 30% Cost Burdened metric, 13% of all Village households can afford between $1,000 to $1,250 per month, yet only 5% of the single family attached rentals and 8% of single family detached sales are within reach of this group. Estero Woods Village offers the only affordable multi-family option within the Village for this group. These would be household making between $40,000 and $50,000 annually.

- Under the 30% Cost Burdened metric, 18% of all Village households can afford between $1,250 to $1,875 per month. And while the two newest existing multi-family options may fall within the top end of this category, these complexes have very low vacancy, leaving little available supply and creating upward pressure on pricing. These would be households making between $50,000 and $75,000 annually.

- **Combining these three groups, 54% of all Village households lack adequate housing choices for their income level.** Note that in each of the three preceding groups, the affordability is overestimated, as the housing costs we developed did not include utilities (rentals) or utilities/fees/taxes (sales). However, **all three clearly and convincingly reinforce the earlier Cost Burdened and Severely Cost Burdened analysis conducted by the *US Census Bureau*.**

- Demand for quality multi-family properties is strong. Both of the new student housing complexes and the two new apartment complexes have above 90% occupancy, with half of them at 100% occupancy. And the one apartment complex at 90% has only been open for a couple of months and could be expected to have at or near 100% occupancy upon stabilization. **100% occupancy demonstrates that there is still additional demand for this property type**.

- By and large, the **Top 10 occupations in the Cape Coral-Fort Myers MSA are middle income jobs** whose demands for housing opportunities are going to best be met by moderately priced housing options. Essentially, based upon the 30% HUD threshold, **housing in the Village of Estero is not affordable for the median household in the Cape Coral-Fort Myers MSA**.

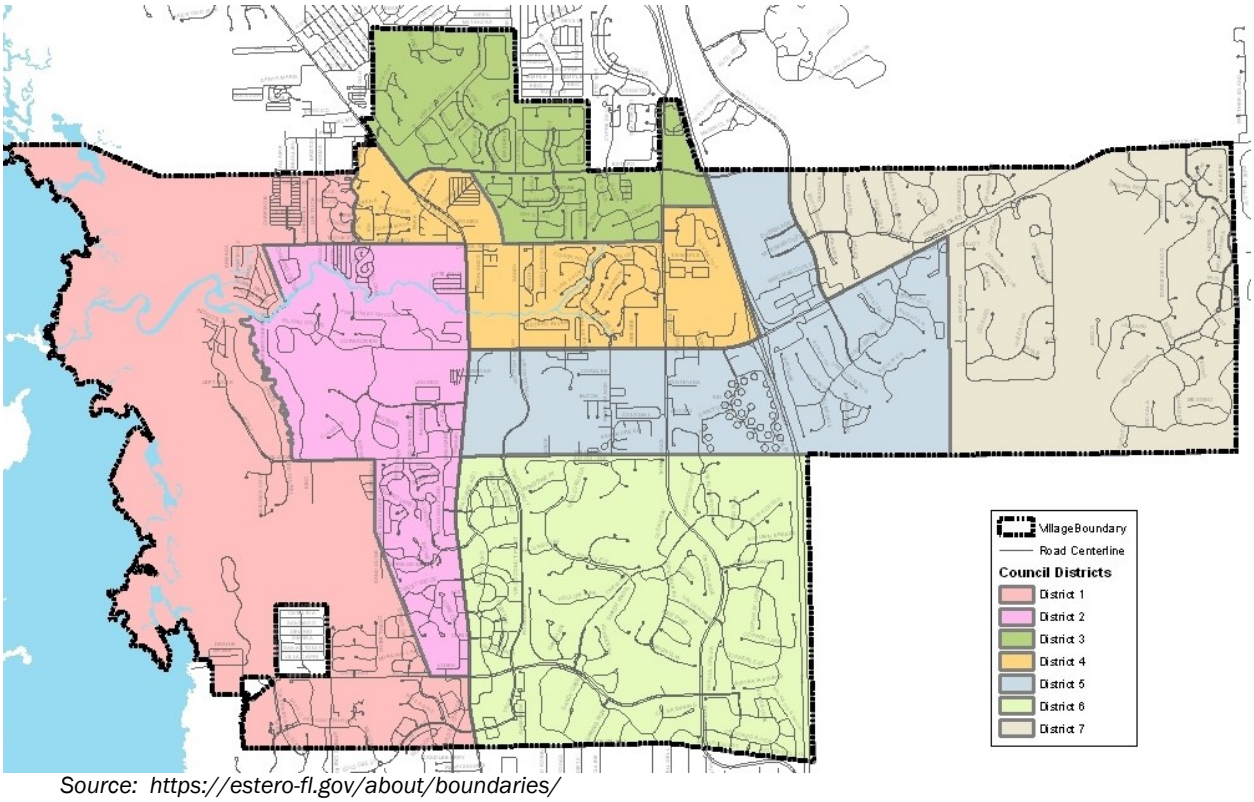
- **It is our opinion that the provision of low and moderate income housing options is a real and significant challenge within the Village and serves as an obstacle to developing a well-rounded community consisting of a healthy distribution of household demographics.**

- **Based upon the *Harvard* study by *Obrinsky and Stein*, multi-family rental housing is a benefit to property values and real estate tax revenue.**

- **Lastly, Estero has a lower than average ratio of multifamily housing as compared with its current peer communities, as well as aspirational comparison communities.**

Sec. II: Market Analysis

Village of Estero



Source: https://estero-fl.gov/about/boundaries/

I. Boundaries

The Village of Estero is generally bounded by Estero Bay on the west, Estero Parkway on the north, the Bella Terra community on the east, and the City of Bonita Springs on the south. The westerly flowing Estero River bisects the Village. To the north is located the unincorporated communities of San Carlos Park and Three Oaks and Florida Gulf Cost University. To the east is located the unincorporated Corkscrew community, which primarily features low-density residential and agricultural development.

II. History

As provided by the Village of Estero:

> *Estero's most noted pioneer was Cyrus Teed, leader of the Koreshan Unity which believed the universe existed within a giant hollow sphere. He and some of his followers began settling along the Estero River in 1894. Gustave Damkohler joined the group and donated his 320 acres of land to the Unity.*
>
> *The Koreshans were able to incorporate 110 square miles into the Town of Estero in 1904. The municipality stretched from a mile north of today's Gladiolus Drive in south Fort Myers to a mile north of Bonita Beach Road in Bonita Springs and included all of today's Lovers Key State Park and the Town of Fort Myers Beach. The Town of Estero was later abolished in 1907.*
>
> *During this time, the Koreshans opened a post office, store, blacksmith and saw mill; established schools for all those who wanted to attend; built an Art Hall for their symphony orchestra and theater group, and gathered exotic vegetation from throughout the world which they planted on their grounds. Eleven remaining historic structures are being maintained at the Koreshan State Historic Site.*
>
> *Not all the homesteaders of that time were happy with the Koreshans. In 1901 Mr. and Mrs. F. M. Hendry deeded land for the Estero Creek School with the restriction of prohibiting all things Koreshan. This school operated until 1903; there is no record of why it closed.*
>
> *A second, one-room Estero Creek School opened in 1904 and functioned until 1927, with the exception of a one-year closure due to the 1910 hurricane. The school now sits at the Estero Community Park next to a restored 1902 house which was first owned by Frank Hall, trustee of the school.*
>
> *In 1921, a new four-room school with indoor plumbing and Mediterranean Revival styling was built to accommodate 100 students. Called the Broadway Estero School, it operated until 1949 and still sits next to the old post office on Broadway.*

For the ensuing 70 years, Estero was a predominantly a rural community with relatively little growth. This changed dramatically with the creation of Florida Gulf Coast University and the opening of the campus in 1997. Located just north of the Village limits on Ben Hill Griffin Parkway, the new university campus spurred tremendous investment and development at the Alico Road and Corkscrew Road interchanges with I-75. The regional development boom of the mid-2000's followed soon after and led to the development of the overwhelming majority of the vacant land within the modern Village boundaries. The community studied incorporation for more than a decade and ultimately voted to incorporate as a municipality in 2014.

III. Linkages

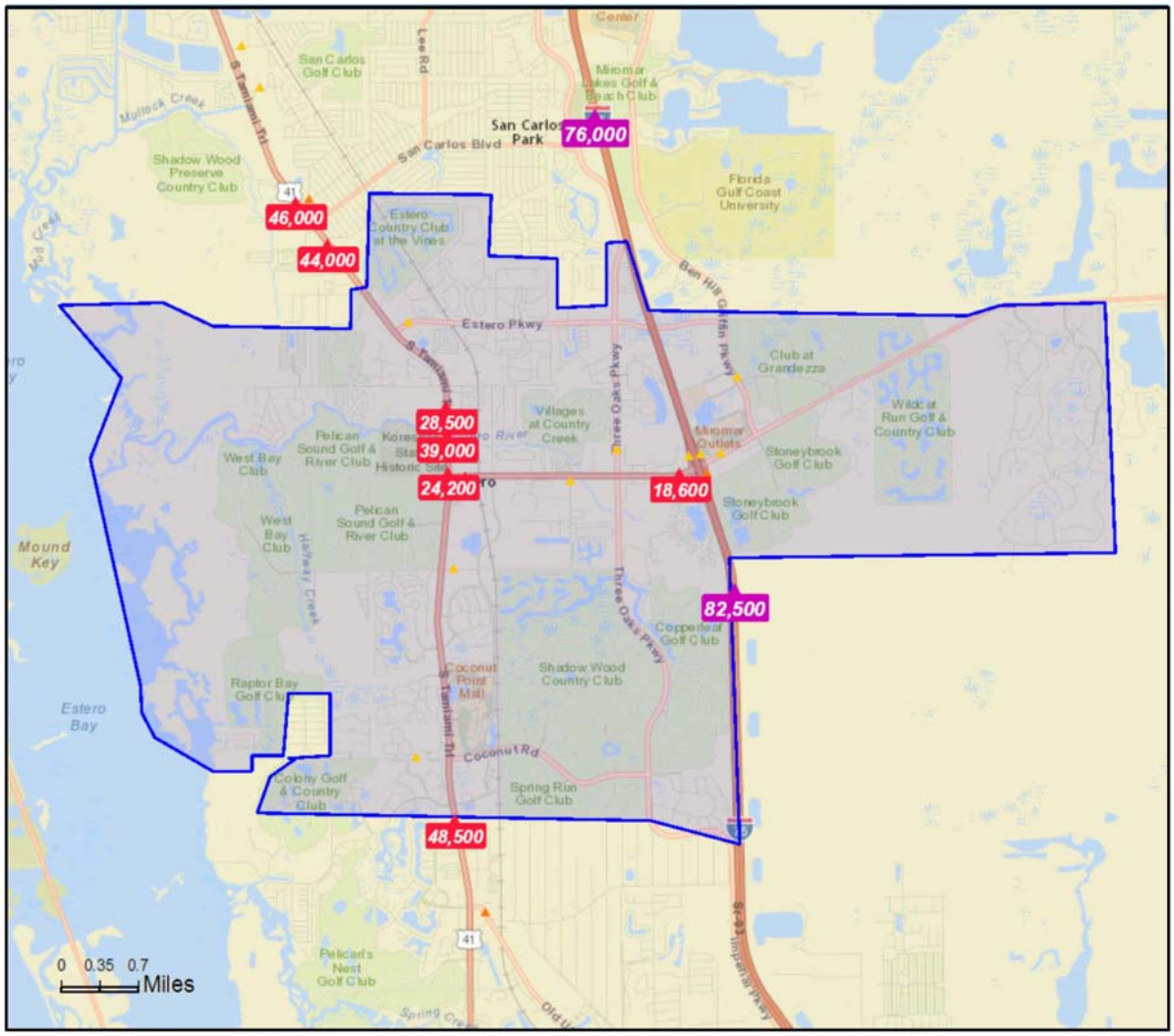
This market area is served by two major north/south arterial routes and three major east/west arterial routes. The Tamiami Trail (US 41) is the primary north/south arterial linkage from Fort Myers to Naples. This is also the main commercial corridor for the entire Lee County area. This corridor features 2015 traffic counts ranging from 38,500 vehicles per day near the northerly terminus of the Village to 49,500 vehicles per day near the southerly terminus of the Village.

Interstate 75 runs north/south through the eastern portion of the Village with an interchange at Corkscrew Road. Three Oaks Parkway and Ben Hill Griffin Parkway are secondary north/south arterial routes paralleling I-75. The east/west arterial is Corkscrew Road. The east/west collectors are Estero Parkway, Williams Road, and Coconut Road. The following map indicates these roads and their traffic counts.

Traffic Count Map

Village of Estero 2
Area: 27.21 square miles

Prepared by Esri



Average Daily Traffic Volume

- ***Up to 6,000 vehicles per day***
- ***6,001 - 15,000***
- ***15,001 - 30,000***
- ***30,001 - 50,000***
- ***50,001 - 100,000***
- ***More than 100,000 per day***

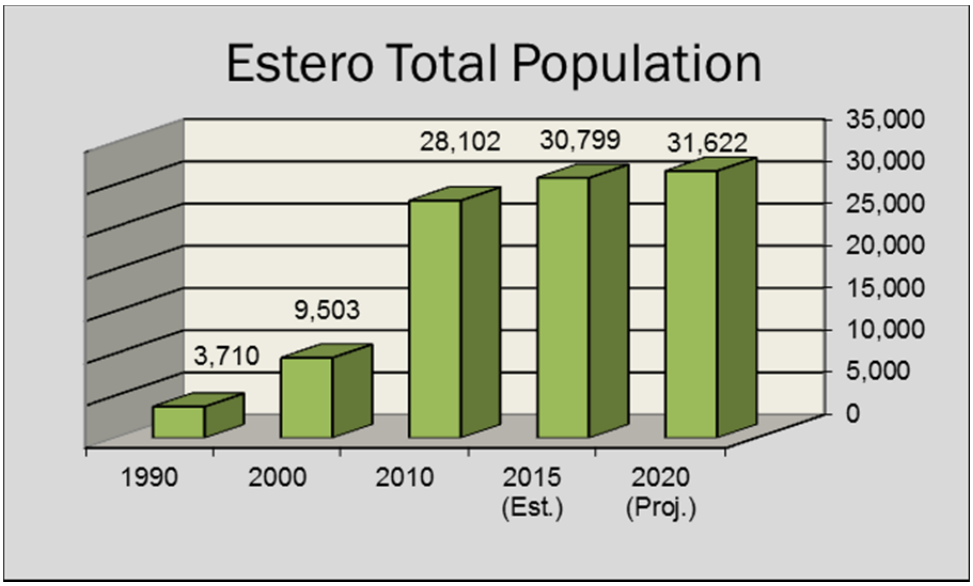
Source: ©2016 Kalibrate Technologies

September 14, 2016

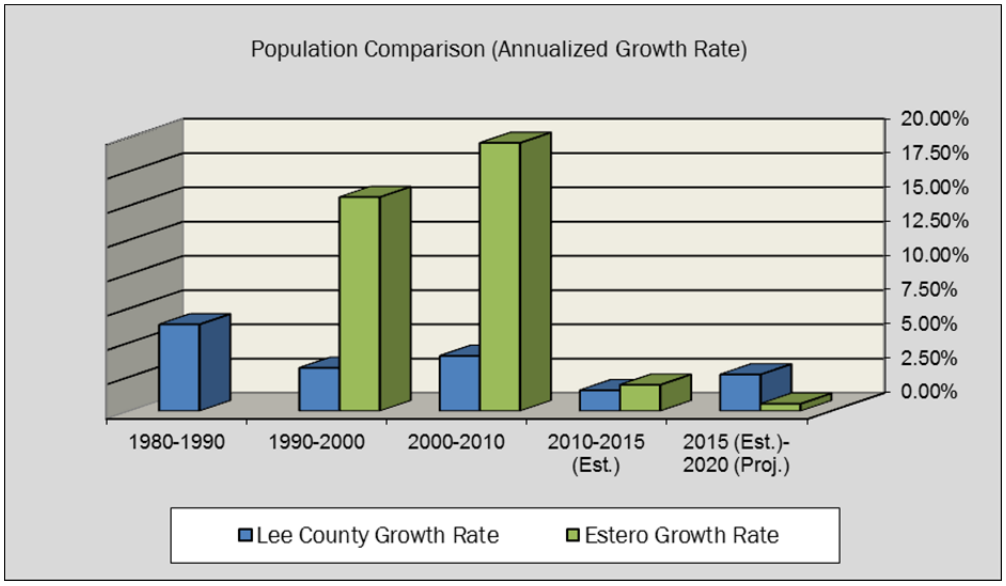
©2015 Esri

IV. Demographics, Employment, and Income

The Estero market area has grown rapidly throughout the 1990's and 2000's, but is predicted to continue at a more stable pace for the ensuing future. (Note: The statistics for 1990, 2000, and 2010 reflect the US Census Designated Place, which is a slightly different geographic shape than the Village boundaries.)

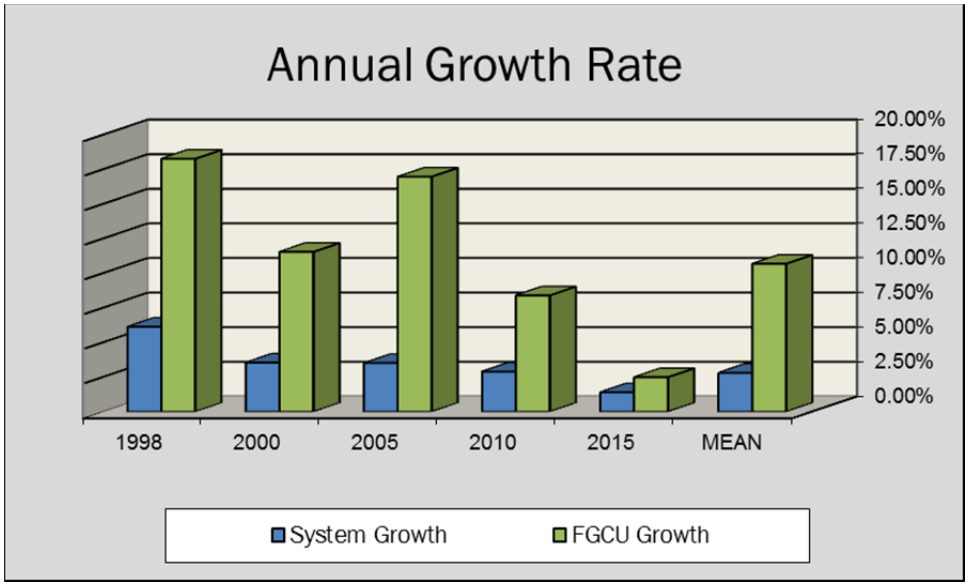


The population in this market area has consistently outpaced the national growth rate, and population trends within the area have historically outperformed Lee County as a whole, although this is expected to slow over the coming decade.



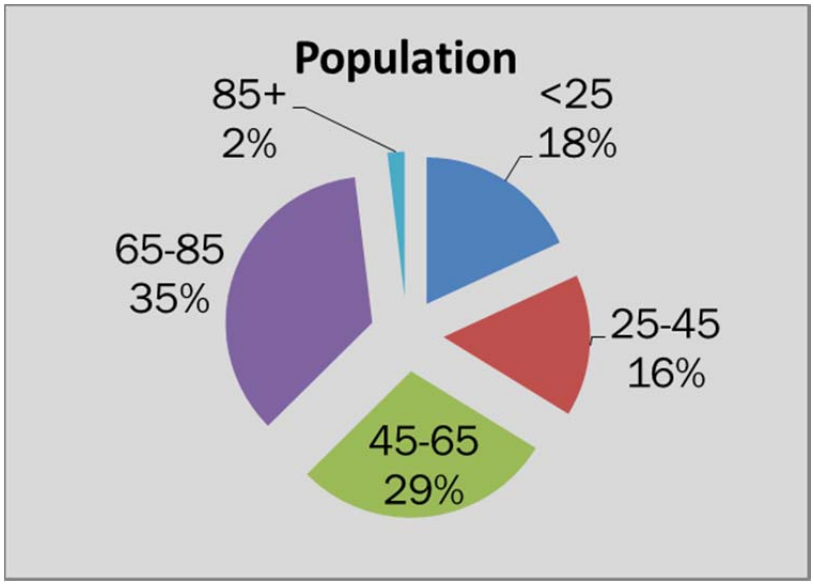
Major employers in the Village of Estero include the new world headquarters of the Hertz Corporation and Lee Memoral Health System's soon to open "Healthcare Village". Estero is also home to a regional outlet mall, Miromar Outlets, and a regional outdoor mall and mixed-use development, Coconut Point, operated by Simon Group.

The growth of the Estero, as well as Lee County, has been heavily influenced by the growth of Florida Gulf Cost University. Although located just north of the Village boundaries, FGCU played a major role in the development of the area over the last two decades. It hosted a Fall 2015 student enrollment of 14,824, an incredible number considering that the campus opened in 1997. The rate of growth at FGCU has consistently exceeded the State University System as a whole, with a mean annual average of 11% versus 3% for the entire system.

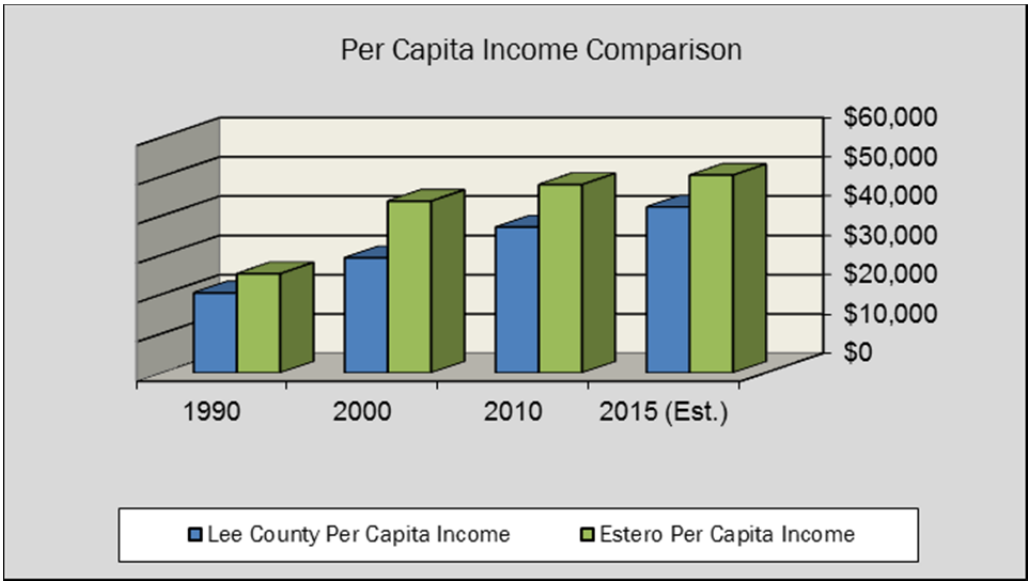


While the campus is not yet built-out, the master plan for FGCU is targeting a more modest future growth rate of 2%. There are currently 4,700± units of student housing on campus, which allows FGCU to house about 32% of student on campus. The national average is reportedly 20% to 25% and the current plan is to allow enrollment to increase without expanding on campus housing, naturally allowing the ratio to move toward the national average.

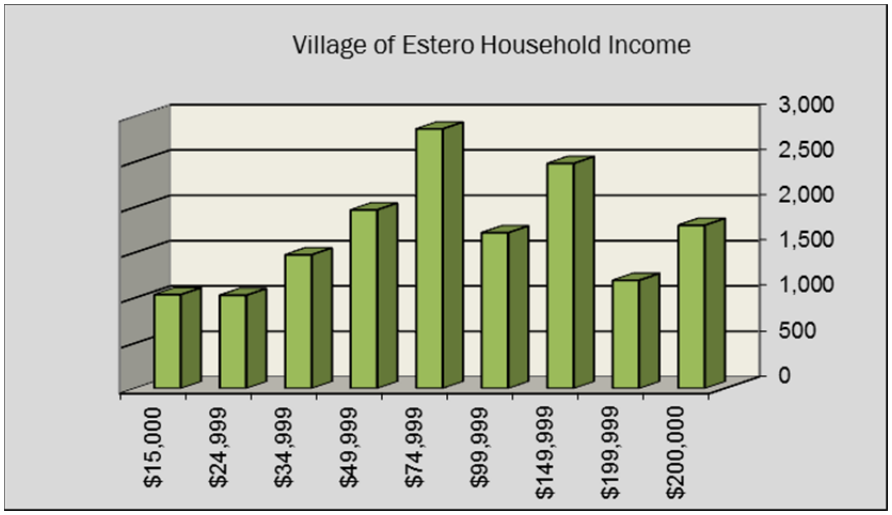
Despite the relatively younger demographic associated with FGCU, the age distribution within the Village is a very "Baby Boom" centered population, predominantly reflecting those born between 1946-1964.



The rate of personal income growth within the area has historically outperformed the Lee County area as a whole and estimates forecast this trend to continue. The following chart illustrates the per capita income for this market area compared to the overall Lee County region:



Houshold income within the Village of Estero is weighted toward the upper income brackets as well. As shown above, the Village has a per capita income of $50,353 , while the median houshold income for the Village is $68,194. As shown below, the two largests groups are those households earning between $50,000-$74,999 and $100,000-$149,999. Within all households, an estimated 57% are recevieing Social Security income.

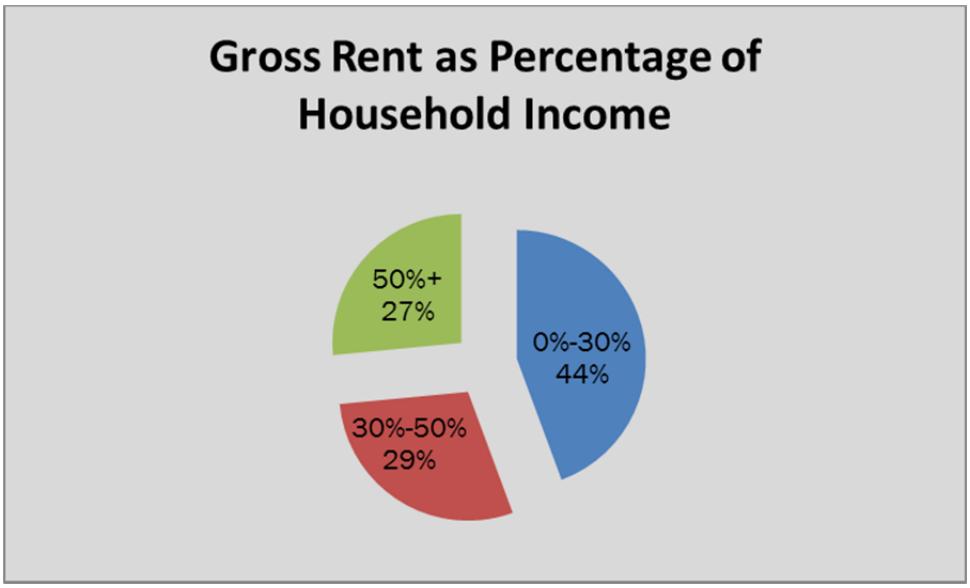


Sources: United States Census, United States Bureau of Labor Statistics, Florida Office of Economic and Demographic Research, Florida Bureau of Economic and Business Research, CCIM: Site To Do Business, State University System of Florida

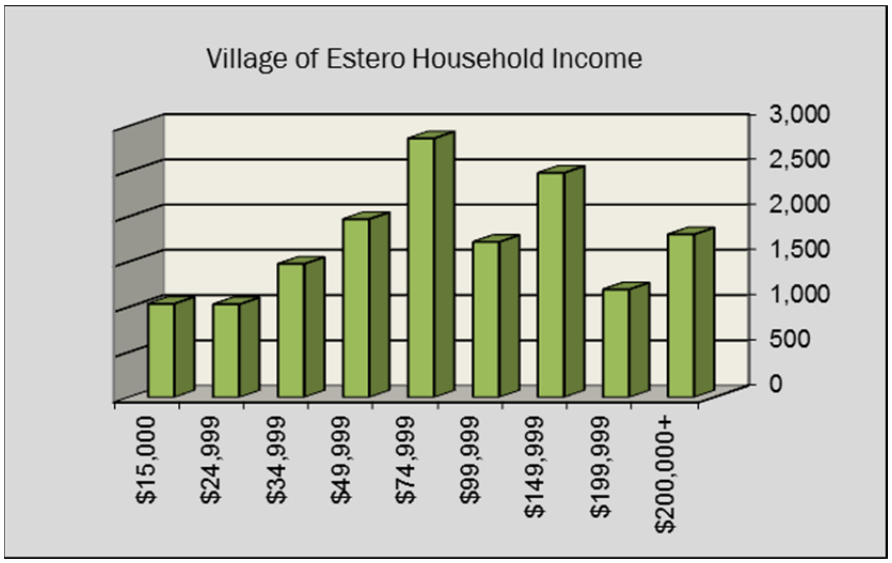
SEC. III: HOUSING SUPPLY CHARACTERISTICS

US Department of Housing and Urban Development identifies the percentage of gross monthly income which is reasonable to allocate to housing expense (rent/utilities or mortgage/taxes/fees/utilities). We have utilized this percentage in the forthcoming analysis. HUD refers to a household with annual housing costs exceeding 30% of gross money income to be "Cost Burdened" and exceeding 50% to be "Severely Cost Burdened".

According to the *US Census Bureau American Community Survey*, based on the identified area of the Village of Estero in the *CCIM: Site To Do Business*, a plurality (44%) of renter households spend less than 30% of their income on housing cost. ***However, 29% spend between 30% to 50% of their income on housing cost (Cost Burdened) and 27% of renter households currently spend greater than 50% of household income on housing cost (Severely Cost Burdened).***



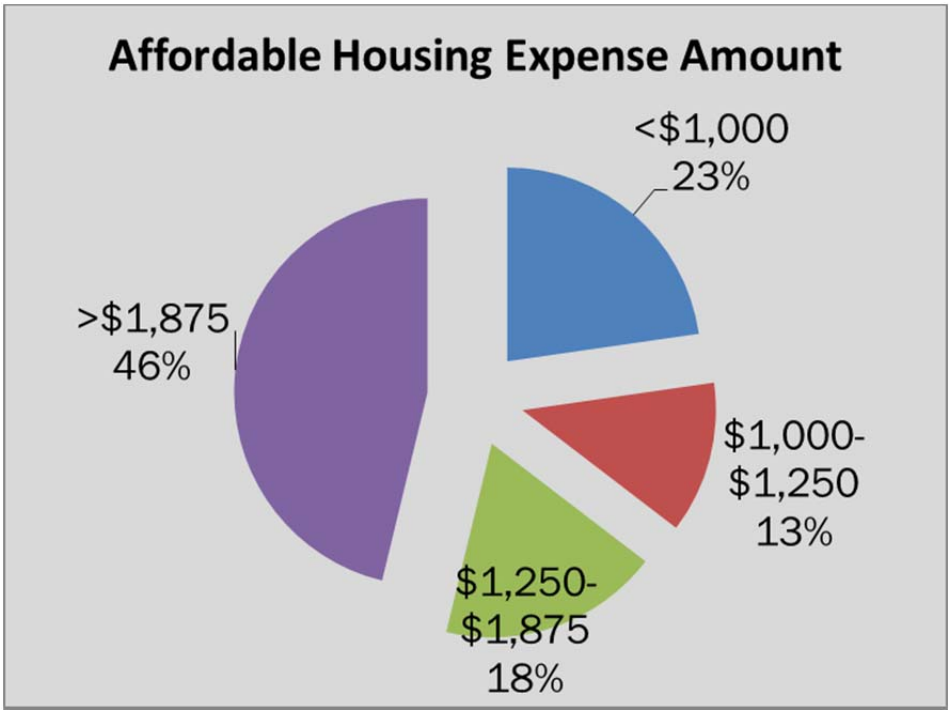
We earlier outlined the distribution of household income in the Village, provided again here.



We can then convert this to monthly household income and further apply the 30% housing expense ratio.

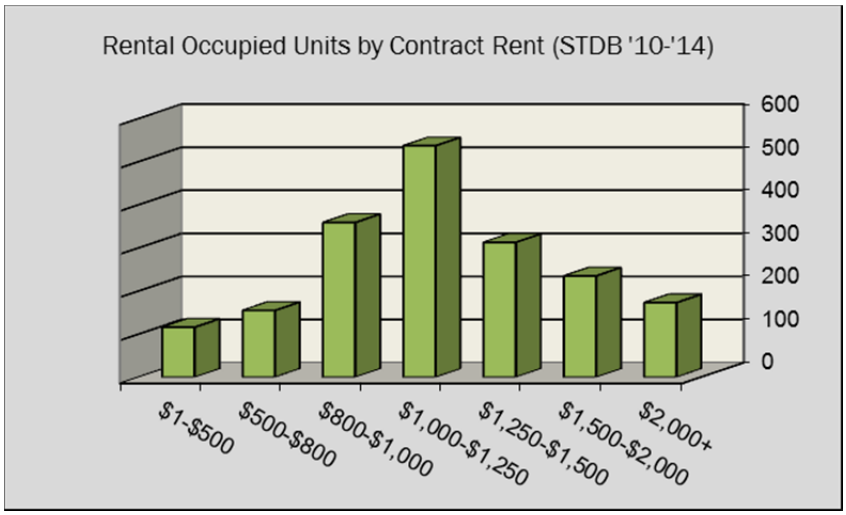
Village of Estero Household Income	Households	Monthly Household Income	30% Housing Expense
$15,000	1,035	$1,250	$375
$24,999	1,029	$2,083	$625
$34,999	1,476	$2,917	$875
$49,999	1,971	$4,167	$1,250
$74,999	2,864	$6,250	$1,875
$99,999	1,719	$8,333	$2,500
$149,999	2,483	$12,500	$3,750
$199,999	1,194	$16,667	$5,000
$200,000+	1,802	$16,667	$5,000

Based upon these household incomes, the households in the Village of Estero could afford the following housing expense categories.

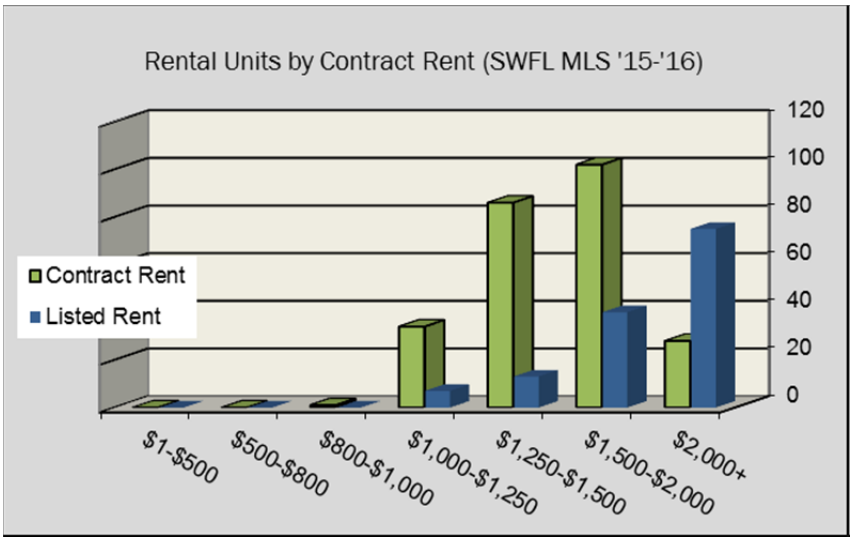


Single Family Attached

The majority of the rental market in the Village of Estero is currently served through the rental of individual single family attached units. The following chart demonstrates the distribution of actual rented property by monthly rental amount according to the *US Census Bureau American Community Survey*, based on the identified area of the Village of Estero in the *CCIM: Site To Do Business*:

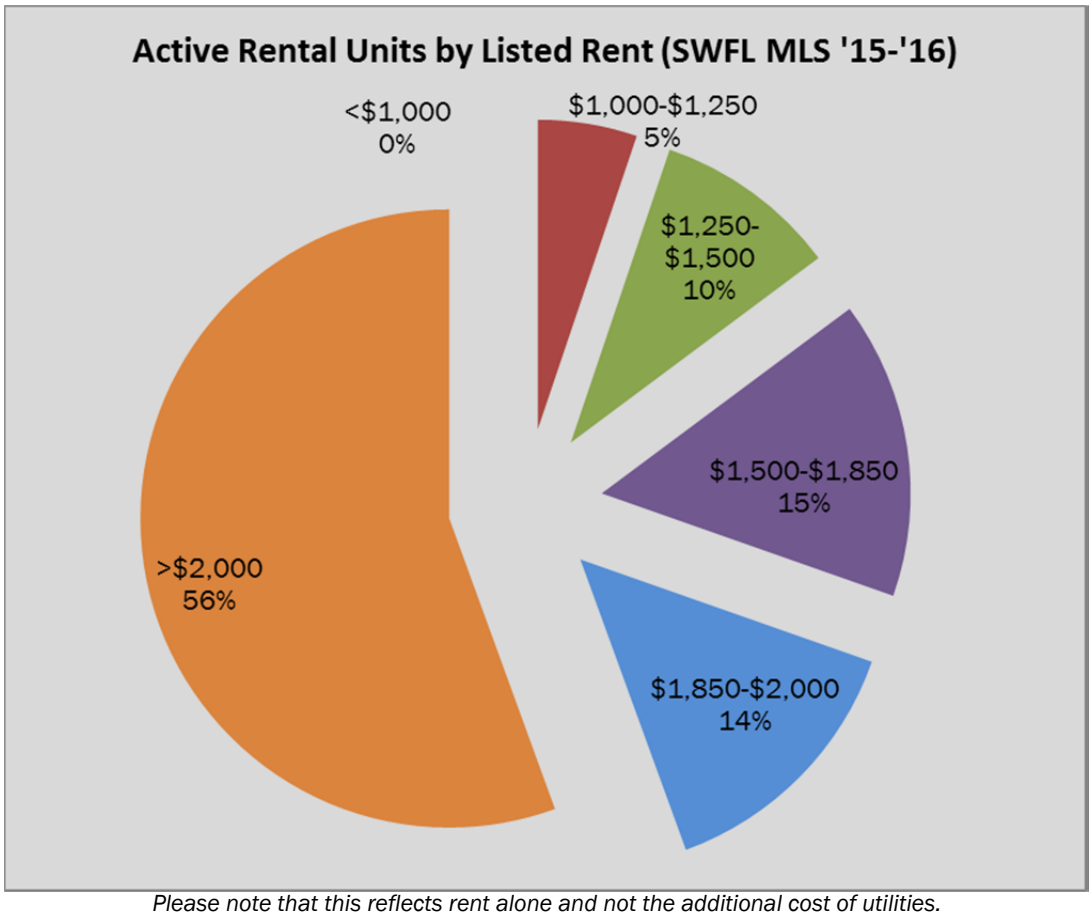


This data has a fairly even distribution, although it favors the higher end overall. This covered the period of 2010 through 2014, which includes the end of the recession, as well as including single family detached properties. This distribution can be contrasted with the data gathered from the *Southwest Florida Multiple Listing Service* covering the last twelve months, for just single family attached properties.



This chart demonstrates a dramatic shift, primarily attributable to the economic recovery. Contract rent demonstrates a strong shift toward higher prices, but even greater is the dramatic shift in listed rent for available properties. The median contract rental rate is $1,600, as compared to $1,146 during the 2010-2014 period, a 40% increase. In fact, the listed market for rentals below $1,500 per month is almost non-existent. The median listed rental rate is $2,400 per month, or 50% greater than the median contract rate.

In considering the earlier outlined single family attached rental opportunities found through the *Southwest Florida Multiple Listing Service*, there are five "target" rental rates to consider, which roughly match our household income distribution.



Please note that this reflects rent alone and not the additional cost of utilities.

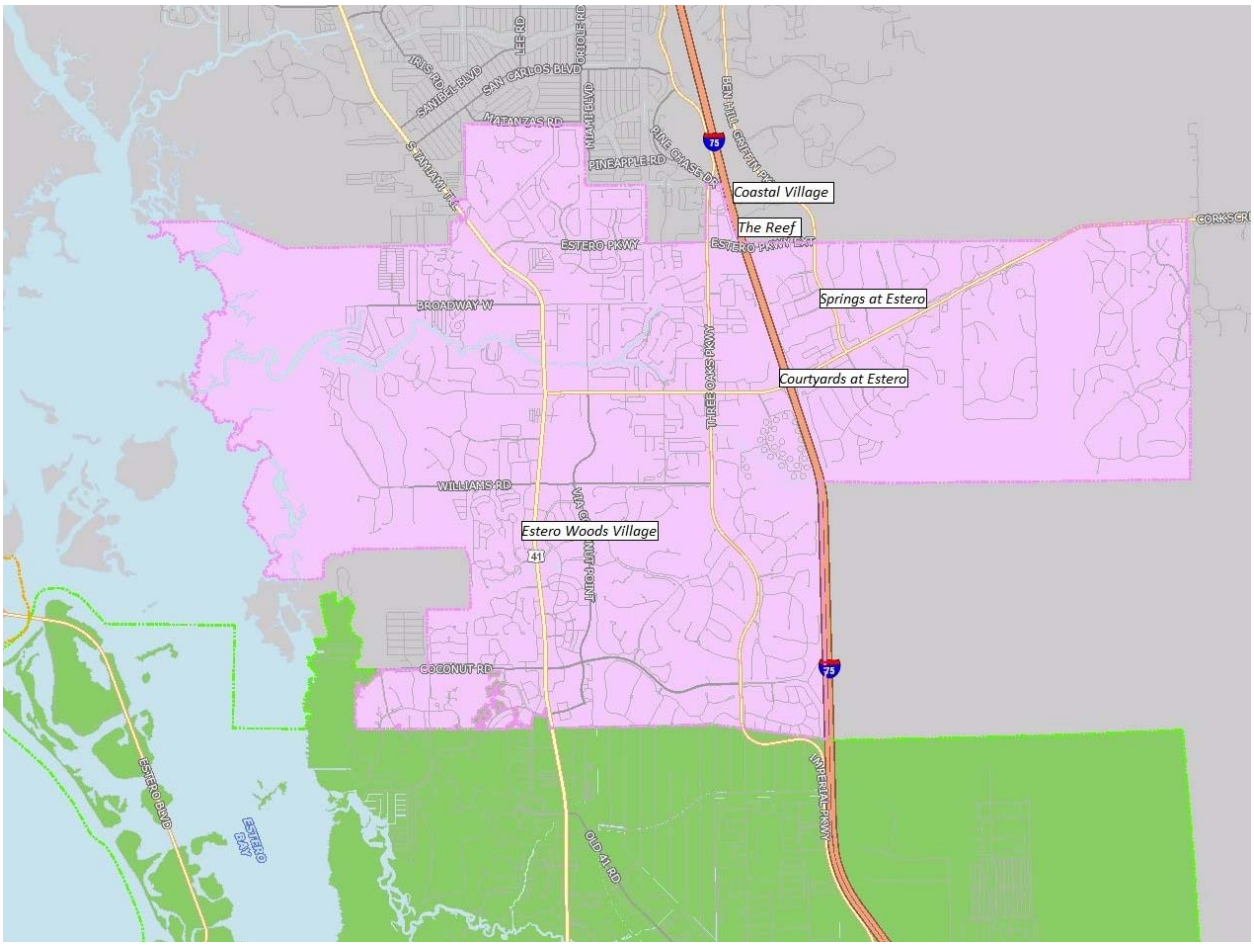
Comparing the two charts, we find that while 23% of the households in the Village can reasonably afford housing cost of $1,000 per month, ***these units represent 0% of the Village single family attached market***.

Of the next 13% of households, only 5% of the market can meet their affordability needs. ***Approximately 1,900 households would need to compete for a total of seven (7) active listings.***

Of the 30% of rental housing (40 units) listed between $1,500 and $2,000, half are under $1,875, equaling 15% of the total market share. Thus here again, ***while 18% of the households in Estero can afford housing cost of $1,875 per month, only 15% of the single family attached market is available to fill the need of this category.***

Please note, that this likely underestimates the impact, as the HUD affordability metric includes rent and utilities.

MULTI-FAMILY APARTMENTS



Within the Village of Estero boundaries are five (5) existing multi-family apartment complexes. Each of these is detailed on the following pages.

In addition, there are several properties which may feature similar development in the future, including:

- "Springs at Gulf Coast" (Continental Properties): Adjacent to Springs at Estero; 203 units approved
- "Downtown Estero" (Rockford Development): NE quadrant of Broadway and US 41; Approvals include 300 multi-family units, 200 ALF/100 ILF, and 120 hotel rooms.
- "Estero Crossing": SW quadrant of Corkscrew Road and I-75; In comprehensive land use process to allow for residential development in addition to commercial.
- "Estero on the River": NE quadrant of Corkscrew Road and US 41; zoned MPD allowing 530 residential units and 300,000 square feet of commercial
- "Via Coconut Urban Place" (Focus Development): NE quadrant of Williams Road and Via Coconut Point; Mixed-use proposal including 297 apartment units
- "Edera at Coconut Point" (Coconut Point Holdings): SE quadrant of Williams road and Via Coconut Point; 200 apartment units proposed

THE REEF

ADDRESS: 10100-251 Shephard Street, Estero, FL 33967

IMPROVEMENT TYPE: Multi-plex

YEAR BUILT: 2016

TOTAL UNITS: 168

NET BUILDING AREA: 236,040

MEAN MONTHLY RENT: $2,820

OCCUPANCY: 100%

Type: 4 bed/4 bath **Size:** 1,405 sf **Number:** 168 **Mo. Rent:** $2,820

COMMENTS: The Reef is a 168-unit, student housing designed complex. Each of the identical units features 4 bedroom/4 bathrooms and a shared living room & kitchen. The rent ($705 per bedroom) is all inclusive (amenities, all utilities, etc.). Amenities include resort pool, cabanas, lounge, basketball, complimentary tanning, billiards, fire pit, ping pong, sand volleyball, 24-Hour fitness center, on-demand personal training, computer lounge (free printing), 24-Hour resident lounge, complimentary Starbucks coff-ee, shuttle service, and campus-wide WiFi. There are no restrictions on renter type (non-student).

COASTAL VILLAGE

ADDRESS: 19401 Skidmore Way, Estero, FL 33967

IMPROVEMENT TYPE: Multi-plex

YEAR BUILT: 2004

TOTAL UNITS: 200

NET BUILDING AREA: 277,000

MEAN MONTHLY RENT: $2,820

OCCUPANCY: 97.5%

Type: 4 bed/4 bath **Size:** 1,385 sf **Number:** 200 **Mo. Rent:** $2,475

COMMENTS: Coastal Village is a 200-unit, student housing designed complex. Each of the identical units features 4 bedroom/4 bathrooms and a shared living room & kitchen. The rent ($619 per bedroom) is all inclusive (amenities, all utilities, etc.). Amenities include resort pool, fitness center, sand volleyball, computer lounge, and shuttle service.

SPRINGS AT ESTERO

ADDRESS: 11101-221 Everblades Parkway, Estero, FL 33928

IMPROVEMENT TYPE: Multi-plex

YEAR BUILT: 2015

TOTAL UNITS: 260

OCCUPANCY: 100%

Type: Studio	**Size:** 574 sf	**Number:** 42	**Mo. Rent:** $1,200
Type: 1 bed	**Size:** 835 sf	**Number:** 88	**Mo. Rent:** $1,300
Type: 2 bed	**Size:** 1,124 sf	**Number:** 108	**Mo. Rent:** $1,650
Type: 3 bed	**Size:** 1,382 sf	**Number:** 22	**Mo. Rent:** $1,850

COMMENTS: The Springs at Estero is a traditional apartment complex with studio through 3 bedroom units available. Amenities include clubhouse, Wi-Fi, fitness center, resort pool, and car wash area.

COURTYARDS AT ESTERO

ADDRESS: 10443-485 Corkscrew Commons Drive, Estero, FL 33928

IMPROVEMENT TYPE: Multi-plex

YEAR BUILT: 2016

TOTAL UNITS: 136

OCCUPANCY: 90%

Type: 1 bed **Mo. Rent:** $1,320
Type: 2 bed **Mo. Rent:** $1,525
Type: 3 bed **Mo. Rent:** $1,970

COMMENTS: The Courtyards at Estero is a traditional apartment complex with 1 bedroom through 3 bedroom units available. Amenities include clubhouse, Wi-Fi, fitness center, resort pool, and car wash area.

ESTERO WOODS VILLAGE

ADDRESS: 22220-301 Fountain Lakes Boulevard, Estero, FL 33928

IMPROVEMENT TYPE: Multi-plex

YEAR BUILT: 1976

TOTAL UNITS: 148

OCCUPANCY: Unknown

Type: 1 bed/1 bath	**Size:** 720 sf	**Mo. Rent:** $1,080
Type: 1 bed/1 bath	**Size:** 842 sf	**Mo. Rent:** $1,130
Type: 2 bed/1 bath	**Size:** 940 sf	**Mo. Rent:** $1,210
Type: 2 bed/2 bath	**Size:** 1,074 sf	**Mo. Rent:** $1,280
Type: 3 bed/2 bath	**Size:** 1,280 sf	**Mo. Rent:** $1,360

COMMENTS: Estero Woods Village at Fountain Lakes is a traditional apartment complex with 1 bedroom through 3 bedroom units available. Amenities include clubhouse, fitness center, resort pool, and access to the golf course at Fountain Lakes.

Type	Name	Mean Rent	Notes
Student	The Reef	$2,820	4 bed student rooms ($705/bed)
Student	Coastal Village	$2,475	4 bed student rooms ($619/bed)
Traditional	Springs at Estero	$1,500	Studio through 3 bed units
Traditional	Courtyards at Estero	$1,605	1 bed through 3 bed units
Traditional	Estero Woods Village	$1,212	1 bed through 3 bed units

In addition to these five properties, there are also three elder care facilities located in the Village, for a total of eight (8) multi-family/multi-unit properties. Of the five listed above, they all have occupancy levels in excess of 90%, demonstrating very strong demand for their offerings.

For the purposes of the proceeding analysis, we have excluded the elder care facilities and the student oriented facilities.

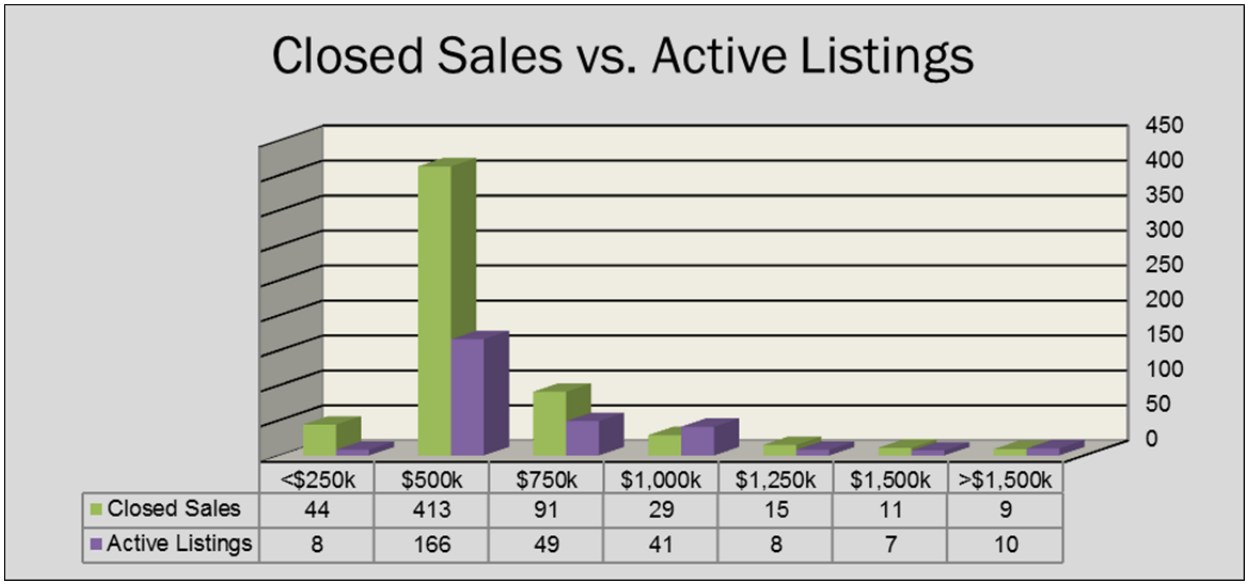
The pricing for the two 2016-built communities are nearly identical, while the pricing for Estero Woods Village likely reflects the impact of both mid-1970's design and physical condition.

Of these three, the two 2016-built communities have a mean rent of $1,553, which exceeds the affordability level of at least 36% of households in the Village. ***And even the lowest offering exceeds the affordability level for 23% of households whose housing cost affordability level is less than $1,000 per month.***

Please note, that this likely underestimates the impact, as the HUD affordability metric includes rent and utilities.

Single Family Detached

The single family detached housing market in the Village of Estero is an above average market for the region. The median closed sale price within the Village over the last 12 months is $383,500, as compared to $221,223 for all of Lee County.



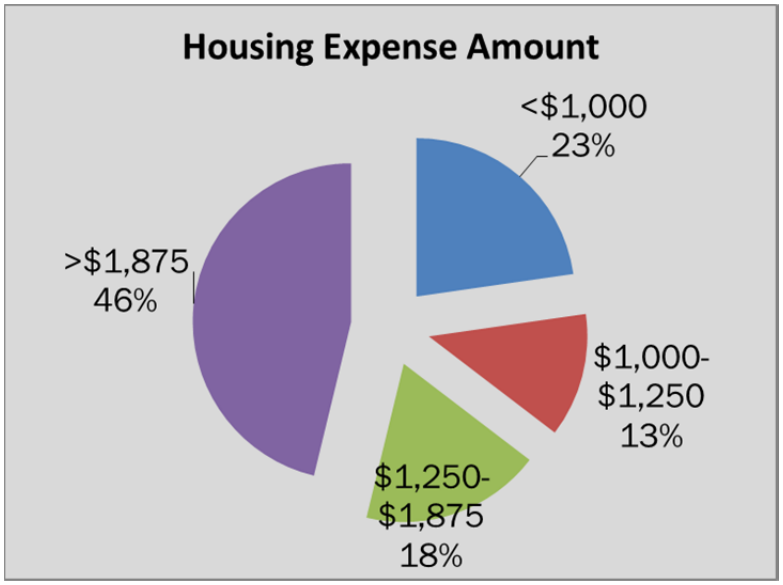
	<$250k	$500k	$750k	$1,000k	$1,250k	$1,500k	>$1,500k
Closed Sales	44	413	91	29	15	11	9
Active Listings	8	166	49	41	8	7	10

Clearly the vast majority of available properties fall within the $250,000 to $500,000 category with a median list price of $453,225.

For the purposes of analyzing the affordability of single family detached housing within the Village, we must first develop a typical mortgage payment for the various price levels available in the market. We have estimated that the typical buyer would place 20% down and receive a 30 year mortgage at 4% interest.

Sale Price	Down Pmt %	Down Pmt	Mortgage	Term (mo)	Mortgage Rate	Mortgage Payment
$100,000	20.00%	$20,000	$80,000	360	4.00%	$381.93
$150,000	20.00%	$30,000	$120,000	360	4.00%	$572.90
$200,000	20.00%	$40,000	$160,000	360	4.00%	$763.86
$250,000	20.00%	$50,000	$200,000	360	4.00%	$954.83
$300,000	20.00%	$60,000	$240,000	360	4.00%	$1,145.80
$350,000	20.00%	$70,000	$280,000	360	4.00%	$1,336.76
$400,000	20.00%	$80,000	$320,000	360	4.00%	$1,527.73
$450,000	20.00%	$90,000	$360,000	360	4.00%	$1,718.70
$500,000	20.00%	$100,000	$400,000	360	4.00%	$1,909.66

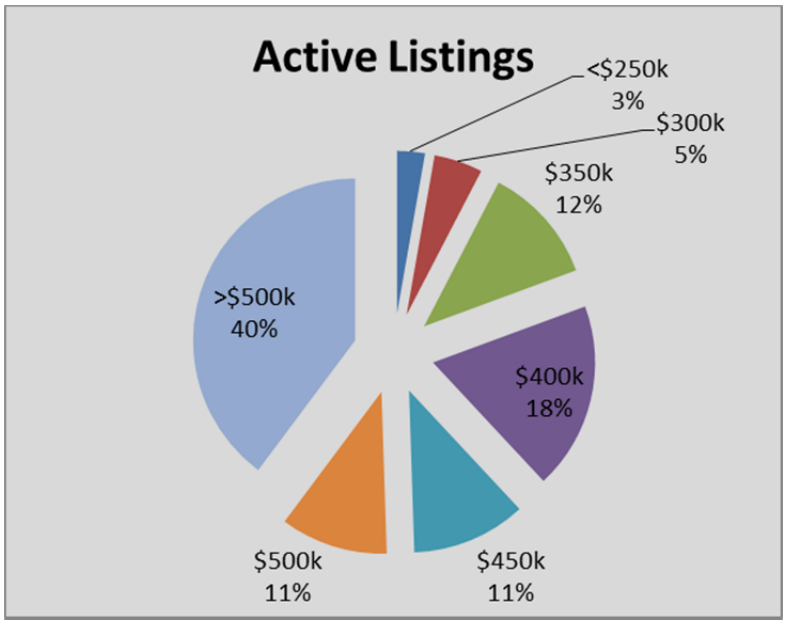
Referring back to the household income brackets for the Village of Estero:



Again recalling that the housing cost ratio also would include taxes/fees/insurance/utilities, utilizing the mortgage payment alone would overestimate housing affordability for the various income brackets. For example, whereas 23% of the households could afford the mortgage payment on a house less than $250,000, if the additional housing expenses added a 20% premium, this would push this same buyer down to a $200,000 house.

Clearly then, the 54% of the Village households that can afford a housing cost of less than $1,875 would be able to afford single family detached housing of less than $450,000 purchase price.

Looking again then at the available single family detached housing within the Village, we have then broken the categories out into more refined groupings that align with the mortgage payments outlined on the prior page.



Of the 23% of Village households that can afford less than $1,000 monthly housing expense, only 3% of the Village detached housing is available for them. Of the next group, the 13% of households that can afford less than $1,250 per month, roughly 8% of the market is available to them (combining the <$250k & up to $300k listings).

Please note, that this likely underestimates the impact, as the HUD affordability metric includes utilities, fees, and taxes. These buyers would also need to accumulate the down payment to secure a mortgage, which would be as much as $70,000 under our assumptions.

Cape Coral-Fort Myers MSA

In addition to reviewing the households located within the Village, we have also analyzed the greater community. The following chart shows the 10 largest employment categories in the Cape Coral-Fort Myers MSA.

Home Affordability for the Top 10 Job Categories in the Cape Coral-Fort Myers MSA

Rank	Estimated Total Employment	Occupation	Annual Median Wage	Monthly Income	30% of Gross Monthly Income
1	36350	Office and Administrative Support Occupations	$31,470.00	$2,622.50	$786.75
2	33080	Sales and Related Occupations	$35,180.00	$2,931.67	$879.50
3	30430	Food Preparation and Serving Related Occupations	$21,600.00	$1,800.00	$540.00
4	14410	Healthcare Practitioners and Technical Occupations	$76,970.00	$6,414.17	$1,924.25
5	12570	Construction and Extraction Occupations	$36,490.00	$3,040.83	$912.25
6	12100	Transportation and Material Moving Occupations	$28,520.00	$2,376.67	$713.00
7	11470	Education, Training, and Library Occupations	$46,760.00	$3,896.67	$1,169.00
8	10650	Building and Grounds Cleaning and Maintenance	$25,870.00	$2,155.83	$646.75
9	10530	Installation, Maintenance, and Repair Occupations	$40,130.00	$3,344.17	$1,003.25
10	7660	Business and Financial Operations Occupations	$60,950.00	$5,079.17	$1,523.75
Median Household Income			$47,908.00	$3,992.33	$1,197.70
Median Per Capita Income			$27,578.00	$2,298.17	$689.45

The final column demonstrates the percentage of gross monthly income at which as household becomes "Cost Burdened". But what kind of jobs do these occupations really mean? For example:

- Office and Administrative Support Occupations: Bookkeepers, Postal Workers, Receptionists, etc.
- Sales and Related Occupations: Cashiers, Real Estate Agents, Financial Service Agents, etc.
- Food Preparation and Serving Related Occupations: Bartenders, Wait staff, Cooks, etc.
- Healthcare Practitioners and Technical Occupations: Nurses, Therapists, Pharmacists, etc.
- Construction and Extraction Occupations: Carpenters, Electricians, Roofers, etc.
- Transportation and Material Moving Occupations: Delivery Drivers, Flight Attendants, Taxi Drivers, etc.

- Education, Training, and Library Occupations: Curators, Teachers, Librarians, etc.
- Building and Grounds Cleaning and Maintenance Occupations: Janitors, Pest Control, Groundskeepers
- Installation, Maintenance, and Repair Occupations: Auto repair, Telecom installers, etc.
- Business and Financial Operations Occupations: Accountants, Appraisers, Loan Officers, etc.

By and large, the Top 10 occupations in the Cape Coral-Fort Myers MSA are middle income jobs whose demands for housing opportunities are going to best be met by moderately priced housing options.

This chart demonstrates that the median household within the MSA could reasonably afford a housing cost of $1,200. Considering just the single family attached rental options, in Estero currently there are seven (7) active rentals that fall below $1,250 per month. Looking to the multi-family apartment rental offerings, there are no affordable options for the median household in the Cape Coral-Fort Myers MSA. Lastly, considering the single family detached sales (for which affordability metrics are provided on the following pages), only 8% of the offerings could potentially be affordable for the median household in the Cape Coral-Fort Myers MSA.

Essentially, based upon the 30% HUD threshold, housing in the Village of Estero is not affordable for the median household in the Cape Coral-Fort Myers MSA.

Sec. IV: Multi-family Housing Ratio

In considering the housing options which are available to these households, we have reviewed the distribution of housing type as provided by the US Census Bureau. We have displayed the data in five categories:

- 1-unit Detached
- 1-unit Attached
- Mobile Home
- Boat, RV, etc.
- 2+ units

Single-family structures include fully detached, semi-detached (semi-attached, side-by-side), row houses, duplexes, quadruplexes, and townhouses. In order for attached units to be classified as single-family structures, each unit must:

- Be separated by a ground-to roof wall,
- Have a separate heating system,
- Have individual meters for public utilities, and
- Have no units located above or below.

Thus the 2+ units category includes all residential development with an "apartment" design, regardless of whether there is a single owner or a condominium ownership structure. Note that this data is for 2014 and reflects the Census Designated Place (CDP), not the new Village boundaries. The CDP boundaries essentially exclude The Vines and Bella Terra.

In the first comparison, we have considered where the Village would like to be when it "grows up". Therefore, we considered the two communities which were identified in the *2015 Harry/Spikowski* study as targets for how Estero should be built-out:

Geography	*County*	*Pop. (2010 Census)*	*Pop. (2014 Estimate)*	*Total Housing Units (2014)*	*1-unit Detached*	*1-unit Attached*	*Mobile Home*	*Boat, RV, etc.*	*2+ units*	*Multifamily Ratio*
Orlando city, Florida	Orange	238300	263074	122286	42323	10713	96	35	69119	56.52%
Coral Gables city, Florida	Dade	46780	50895	20634	11351	886	69	0	8328	40.36%
Estero CDP, Florida	Lee	22612	22649	19506	7783	3517	2424	38	5744	29.45%

Here, we find that Estero has a significantly smaller percentage of multi-family housing as compared to Orlando and Coral Gables.

Next, we compared the Estero with the other communities in Lee County and with Lee County itself:

Geography	*County*	*Pop. (2010 Census)*	*Pop. (2014 Estimate)*	*Total Housing Units (2014)*	*1-unit Detached*	*1-unit Attached*	*Mobile Home*	*Boat, RV, etc.*	*2+ units*	*Multifamily Ratio*
Fort Myers Beach town,	Lee	6277	6807	10060	2777	407	183	0	6693	66.53%
Fort Myers city, Florida	Lee	62298	70873	35880	12511	3518	660	20	19171	53.43%
Sanibel city, Florida	Lee	6469	7051	8537	4057	424	228	0	3828	44.84%
Bonita Springs city, Florida	Lee	43914	49230	32350	12007	5135	5041	12	10155	31.39%
Estero CDP, Florida	Lee	22612	22649	19506	7783	3517	2424	38	5744	29.45%
Lee County, Florida	-	618754	647554	372769	197287	32476	39168	331	103507	27.77%
Cape Coral city, Florida	Lee	154305	169755	76834	60273	1716	339	0	14506	18.88%
Lehigh Acres CDP, Florida	Lee	86784	106747	38801	30809	4295	396	0	3301	8.51%

Here, Estero is again in last place among the effective "competition". The only communities with lower percentages are Cape Coral and Lehigh Acres, which are notorious for their overwhelming degree of single family platted lots, overall poor planning, and lack of proper infrastructure. Lee County overall is obviously drawn to the lower percentage by the large geographic area consumed by Cape Coral and Lehigh Acres.

Lastly, we have compared Estero to the Top 9 Florida communities with the highest median household income, plus Sarasota, Marco Island, and Captiva Island.

Geography	*County*	*Pop. (2010 Census)*	*Pop. (2014 Estimate)*	*Total Housing Units (2014)*	*1-unit Detached*	*1-unit Attached*	*Mobile Home*	*Boat, RV, etc.*	*2+ units*	*Multifamily Ratio*	*Median Household Income*
Key Biscayne village, Florida	Dade	12344	12774	7242	1524	141	43	0	5534	76.42%	$121,023
Palm Beach town, Florida	Palm Beach	8348	8344	9553	2659	281	0	0	6613	69.22%	$105,700
Naples city, Florida	Collier	19537	20943	18785	6173	523	139	0	11950	63.61%	$80,571
Marco Island city, Florida	Collier	16413	16921	18473	7309	165	65	10	10924	59.13%	$73,031
Sanibel city, Florida	Lee	6469	7051	8537	4057	424	228	0	3828	44.84%	$97,788
Sarasota city, Florida	Sarasota	51917	54221	28890	13264	1862	1086	0	12678	43.88%	$41,670
Coral Gables city, Florida	Dade	46780	50895	20634	11351	886	69	0	8328	40.36%	$93,590
Captiva CDP, Florida	Lee	583	154	1486	447	440	0	0	599	40.31%	$93,250
Manalapan town, Florida	Palm Beach	406	231	337	215	14	3	0	105	31.16%	$203,750
Estero CDP, Florida	Lee	22612	22649	19506	7783	3517	2424	38	5744	29.45%	$66,439
Pinecrest village, Florida	Dade	18223	18914	6614	4906	229	14	0	1465	22.15%	$122,235
Jupiter Island town, Florida	Martin	817	630	715	685	2	0	0	28	3.92%	$250,000+
Golden Beach town, Florida	Dade	919	653	366	360	3	0	0	3	0.82%	$136,875

Here again, Estero is near the bottom of the list, with two of the three smaller communities being poor comparisons, as they are tiny island neighborhoods.

This final comparison is quite illustrative, as it dispels the oft supposed myth that multi-family housing has a direct correlation with income and community demographics.

The March 2007 study conducted at the *Joint Center for Housing Studies of Harvard University* by Mark Obrinsky and Debra Stein, titled *Overcoming Opposition to Multifamily Rental Housing*, provided many similar conclusions regarding multifamily study:

> *Opposition to multifamily rental housing is expressed in many ways. Most fundamental, perhaps, are attitudes. Whether founded in facts, the expression of an underlying bias, or the mechanism for pursuing perceived self-interest, such attitudes are inevitably where opposition begins. Attitudes lead to actions. There are two broad kinds: (1) actions in opposition to specific projects or proposals; and (2) actions against a whole class of housing…Local officials may also act to prevent or restrict multifamily housing – for example, there are jurisdictions in which multifamily housing is nominally permitted, but every actual application for a building permit gets denied. Opposition can also be woven into the fabric of regulations, ordinances, and planning documents…*

The authors go on to outline the typical reasons given for opposition to multi-family housing:

> *Anti-apartment stakeholders tend to rely on similar arguments to keep multifamily rental housing out of their communities. These claims include:.*
>
> *• Multifamily apartments lower the value of single-family homes in the neighborhood.*
>
> *• People who live in apartments are less desirable neighbors and more likely to engage in crime or other anti-social behavior.*
>
> *• Apartments overburden schools, produce less revenue for local governments, and require more infrastructure support*
>
> *• Higher-density housing creates traffic congestion and parking problems.*

The authors analyze each of these assertions and develop statistical analysis to refute each positions, concluding:

> *...we think the available research is fairly strong that multifamily rental housing:*
>
> *(1) does not impose greater costs on local governments;*
>
> *(2) does it [sic] increase traffic and parking problems;*
>
> *(3) when well-designed and appropriate to the neighborhood, does not reduce (and may even enhance) property values; and*
>
> *(4) does not inherently attract residents who are less neighborly or more apt to engage in (or attract) criminal activity.*

To assertion number one, the authors describe the impact to local government:

> *On average, 100 single-family owner-occupied houses include 51 school-age children. By contrast, apartments are attractive to single people, couples without children, and empty nesters, which is why 100 apartment units average just 31 children. The disparity is even greater when considering only new construction: 64 children per 100 new single-family houses vs. 29 children per 100 new apartment units...Opponents often ignore how much revenue apartments bring in to the local government. In fact, apartment owners often pay more in property taxes than owners of single-family houses...Thus, apartments actually pay more in taxes and have fewer school children on average than single-family houses. In other words, it may be more accurate to say that apartment residents are subsidizing the public education of the children of homeowners than the reverse.*

To assertion number two, the authors expound:

> *On average, apartment residents own fewer cars than single-family homeowners: the latter average two cars per household compared with only one for the former. Beyond that, single-family housing generates more automobile trips per household...*

To assertion number three, the authors describe:

> *The fear that housing density will hurt property values seems to be primarily based on anecdotes. By contrast, most research has come to a different conclusion: in general, neither multifamily rental housing, nor low-income housing, causes neighboring property values to decline...Two studies have taken a macro look at home values and house appreciation near multifamily housing properties...*
>
> *...The conclusion: working communities with multifamily dwellings actually have higher property values than other types of working communities...*
>
> *...The other [concludes that] Houses with apartments nearby actually enjoy a slightly higher appreciation rate than houses that don't have apartments nearby.*

To assertion number four, the authors specifically list research that indicates:

> *• Apartment residents are almost twice as likely to socialize with their neighbors as owners of single-family houses (33 percent vs. 17 percent).*
>
> *• Apartment residents are just as likely as house owners to be involved in structured social groups like sports teams, book clubs, and the like (22 percent for sports groups, 10-11 percent for other groups).*
>
> *• Apartment residents are only slightly less likely to attend religious services at least once a month (44 percent vs. 55 percent).*
>
> *• Just like single-family owners, apartment residents identify closely with the town or city they live in (60 percent for apartment residents vs. 64 percent for single-family owners).*
>
> *• Almost half (46 percent) of apartment residents feel close to the neighborhood they live in. This is not as high a share as for single-family owners (65 percent), but still sizable.*
>
> *• Apartment residents are virtually as interested in politics and national affairs as house owners are (66 percent vs. 70 percent).*
>
> *The one area in which apartment residents noticeably lag house owners is in local elections: 47 percent of apartment residents say they "always vote" or "sometimes miss one," compared with 78 percent of single-family owners.*

Considering the earlier comparison with the highest median household income communities in Florida, this study by Obrinsky and Stein would seem credible.

Lastly, we have considered the existing multifamily housing stock and what is proposed. The Census estimate for 2014 would only include two communities:

- Estero Woods Village 148 units
- Coastal Village (Student) 200 units

Completed since that time are several new apartment complexes:

- 2015: Springs at Estero 260 units
- 2016: The Reef I (Student) 168 units
- 2016: Courtyards at Estero 136 units

Proposed currently are several additional projects:

- The Reef II (Student) 60 units
- Springs at Gulf Coast 203 units
- Via Coconut Urban Place 297 units
- Estero Crossing 455 units*
- Edera at Coconut Point 200 units

Of the estimated 19,506 housing units in the Estero CDP in 2014, only 348 were true apartments, representing 1.8% of housing stock. The completed and proposed units since 2014 total 1,779 units, which if included with the 2014 housing stock (2,127 units total) would still only be 9.8% of the whole. And this would be an inaccurately high percentage, as the total housing stock number would need to also be adjusted for all 1-unit housing completed and proposed since 2014.

The actual number of units for each Village of Estero property type in 2015 can be gleaned by reviewing the Lee County Property Appraiser's data (as of January 1, 2016):

DOR Code	Type	Properties	Units	
01	Single Family	-	11796	50.62%
02	Mobile Home	-	1931	8.29%
04	Condominium	-	8944	38.38%
08	Multi <10	12	26	0.11%
03	Multi >10	3	608	2.61%
		TOTAL	23305	

**Note: DOR Code 04 includes 1-unit Attached properties, such as Lighthouse Bay Villas at The Brooks*

The final multi-family line shows the total units associated with Estero Woods Village, Coastal Village, and Springs at Estero. Taking these numbers and adding the additional proposed 1,779 units would increase the true multifamily units percentage to 8.5% of the whole, but again this would be an inaccurately high percentage as discussed before.

Please note, earlier studies of Estero multi-family supply characteristics have included the development known as Estero Oaks, which totals 280 units. However, this development is not located within the Village boundaries and has been excluded from the forgoing analysis. If included with the 1,779 "new" units, it would obviously increase the percentages up roughly 1 percentage point, but this would not alter our conclusions.

Finally, upon incorporation the Village of Estero adopted the Lee County Comprehensive Plan as their own, as of the date of incorporation. There are several items within the plan that speak to housing specifically:

19.1.1.: ...maintain and execute the comprehensive plan and LDC and other planning tools that:
d. Encourage the redevelopment and infill of underutilized commercial and residential lands

19.1.3. Encourage new developments that are consistent with mixed-use design, architectural, location, connectivity and public access standards by establishing and implementing development incentives that:
e. enable infill of underutilized commercial and residential lands.

19.2.1.: Where feasible provide for walkable economic areas that feature diverse housing options.

19.3. Support Estero's quality of life, promote the community's unique character through the development of diverse, well designed and well-connected residential neighborhoods, and provide for the needs of multigenerational community by supporting a variety of housing types and neighborhood development forms.

19.3.2. Meet the future needs of FGCU by encouraging higher density residential developments, with a mix of unit types and design forms, including affordable housing and mixed use centers, in close proximity to FGCU. The development of such housing will consider the transitions between neighborhoods.

135.1.8: The county will provide through the rezoning process for the location of adequate sites for very-low, low- and moderate-income residential development including mobile homes, and housing for special needs populations as defined in Rule 67-37.002(30).

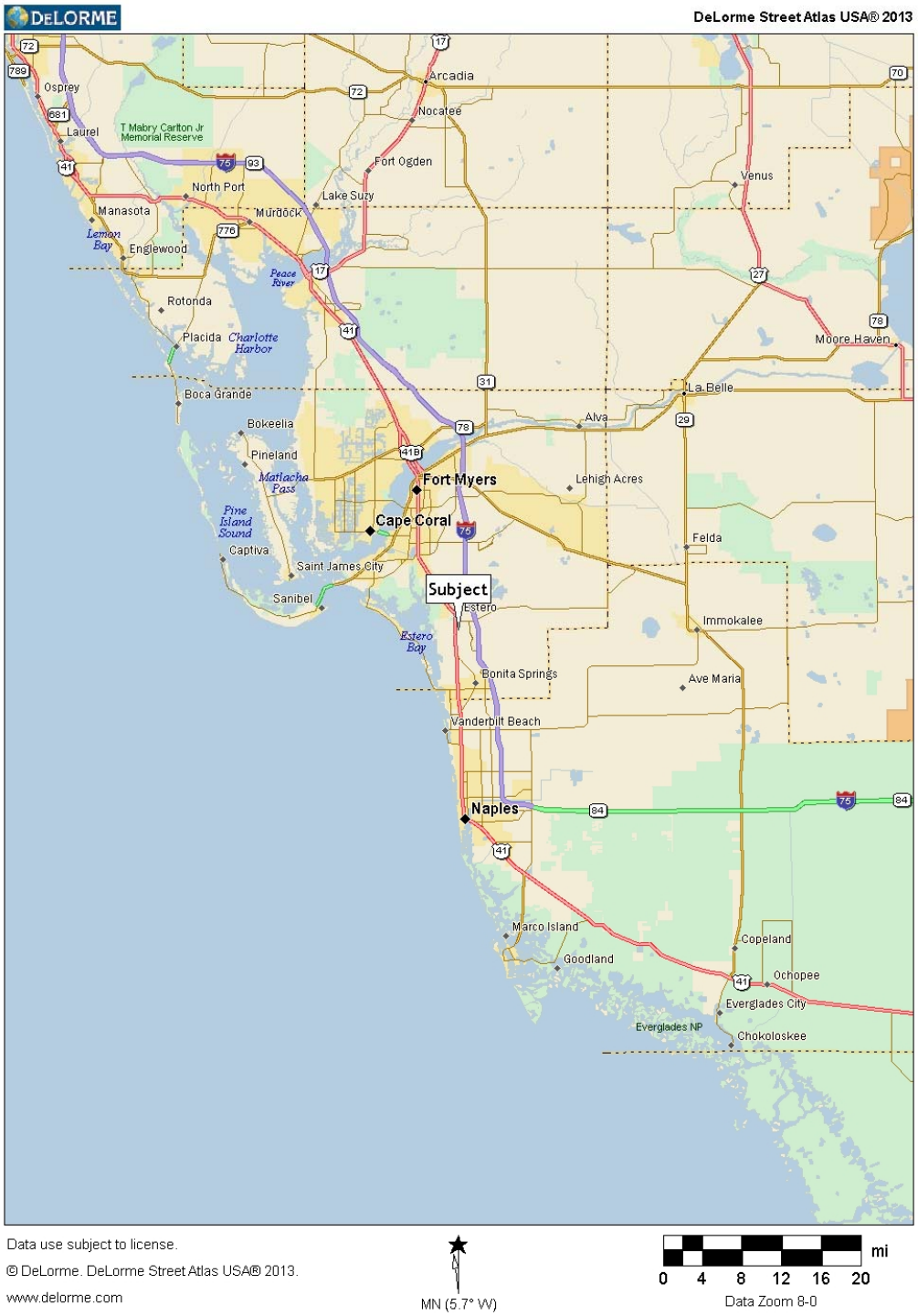
135.4: AFFORDABLE HOUSING. The County will provide adequate locations for housing for very-low, low- and moderate-income persons to meet their housing needs. Increasing the supply of affordable housing for very-low and low income housing needs will be a priority. In combination with allowing varied types of housing, the County will examine opportunities to expand affordable housing to mitigate the affordable housing needs identified in the Affordable Housing Needs Assessment.

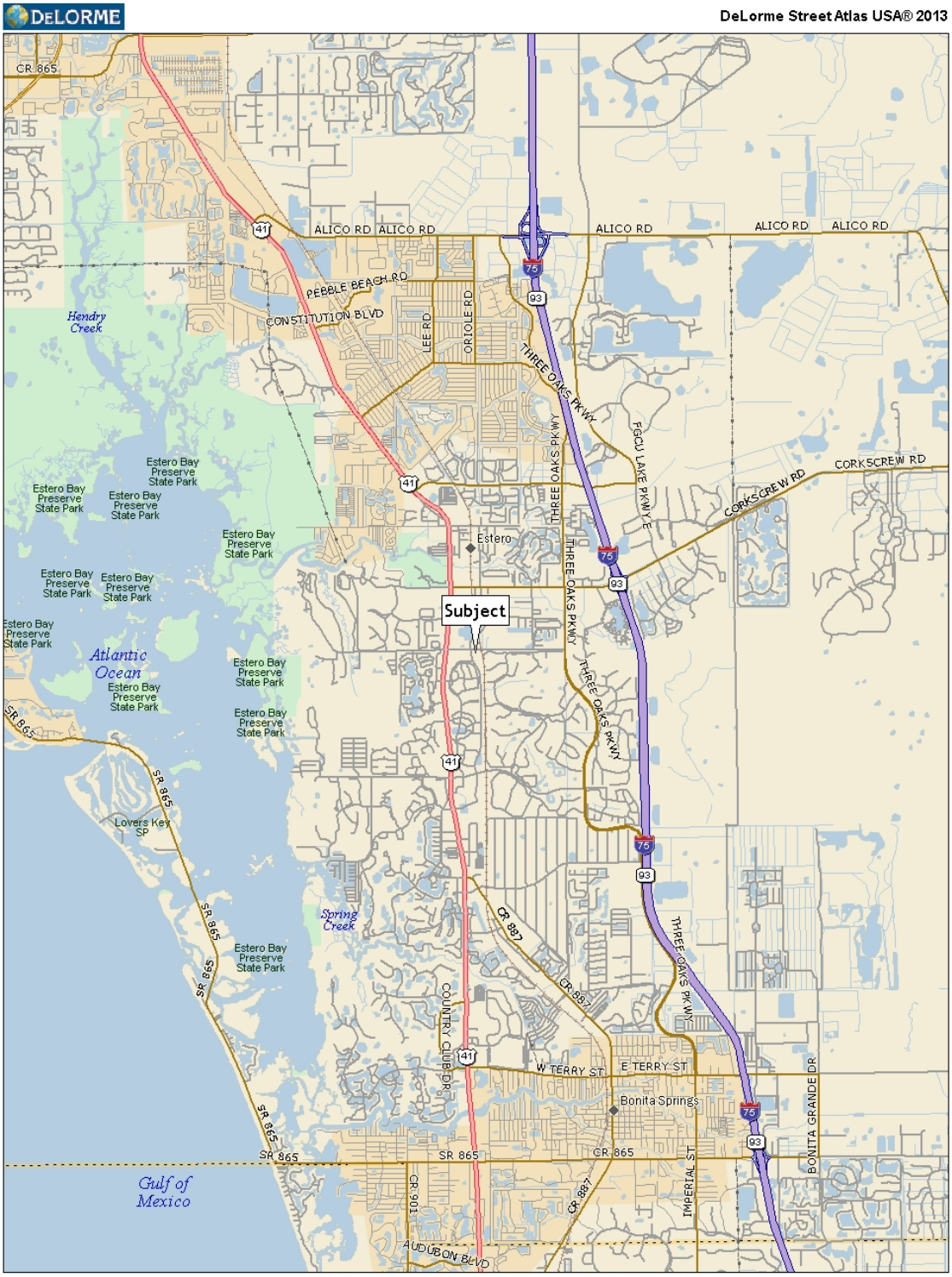
135.4.11: In order to facilitate the provision of affordable housing for workers and maintain a viable economy, Lee County will develop a workforce housing initiative.

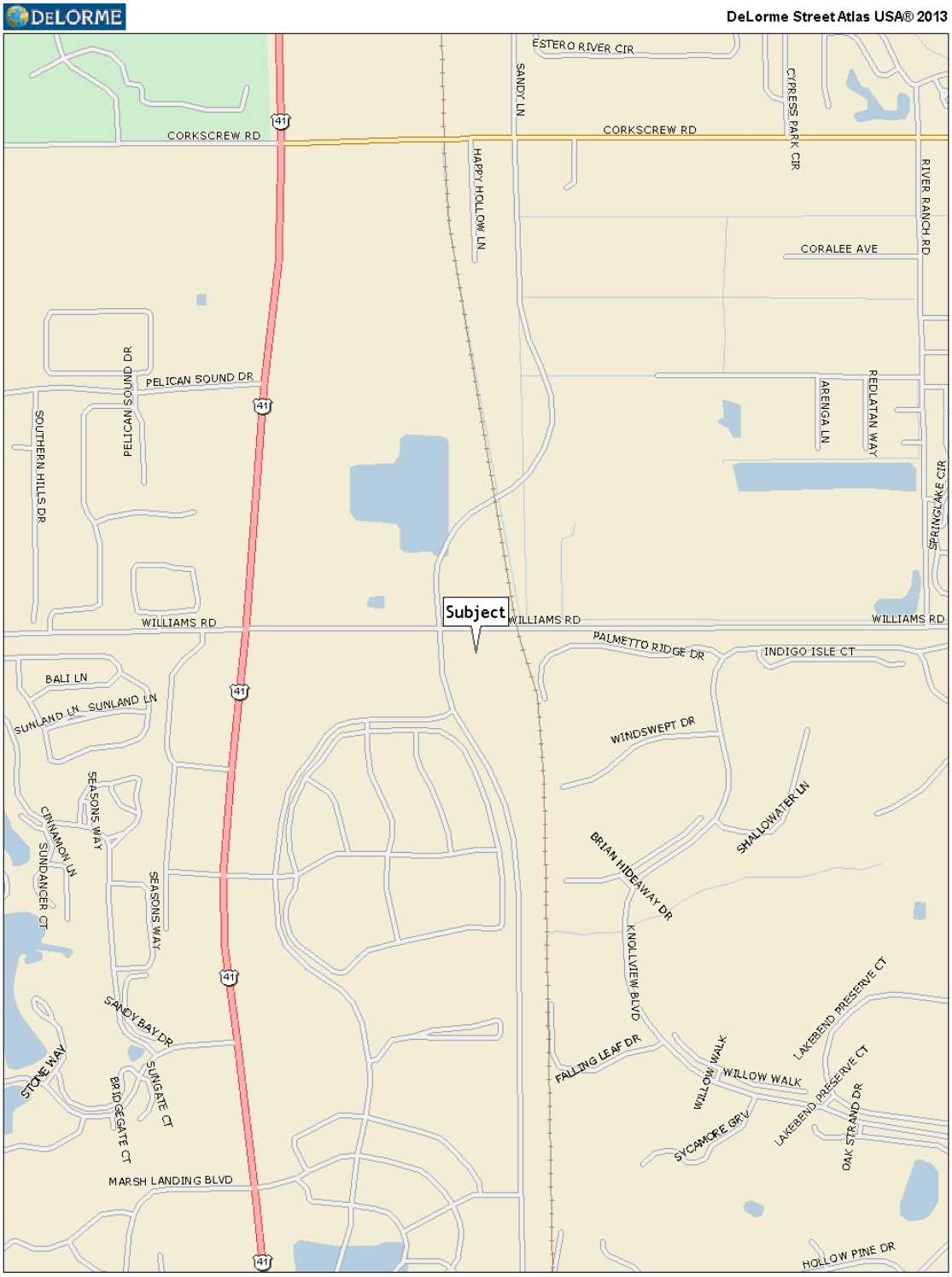
In our opinion, all of these Objectives and Policies point to a prioritization of housing which meets workforce housing needs and integrates well into an existing community, of which multi-family housing is a housing type that fills just such a need.

Sec V: Addenda

Location Maps




DeLorme
DeLorme Street Atlas USA® 2013
CR 865
ALICO RD
PEBBLE BEACH RD
CONSTITUTION BLVD
LEE RD
ORIOLE RD
THREE OAKS PKWY
FGCU LAKE PKWY E
CORKSCREW RD
Hendry Creek
Estero Bay Preserve State Park
Estero
Subject
Atlantic Ocean
SR 865
Lovers Key SP
Spring Creek
CR 887
COUNTRY CLUB DR
W TERRY ST
E TERRY ST
Bonita Springs
BONITA GRANDE DR
IMPERIAL ST
CR 901
AUDUBON BLVD
Gulf of Mexico
Data use subject to license.
© DeLorme. DeLorme Street Atlas USA® 2013.
www.delorme.com
MN (5.7° W)
mi
0 ½ 1 1½ 2 2½
Data Zoom 11-0


DeLorme
DeLorme Street Atlas USA® 2013
ESTERO RIVER CIR
SANDY LN
CYPRESS PARK CIR
CORKSCREW RD
CORKSCREW RD
HAPPY HOLLOW LN
RIVER RANCH RD
CORALEE AVE
PELICAN SOUND DR
PELICAN SOUND DR
SOUTHERN HILLS DR
ARENGA LN
REDLATAN WAY
SPRINGLAKE CIR
Subject
WILLIAMS RD
WILLIAMS RD
WILLIAMS RD
PALMETTO RIDGE DR
INDIGO ISLE CT
BALI LN
SUNLAND LN
SUNLAND LN
WINDSWEPT DR
SEASONS WAY
CINNAMON LN
SUNDANCER CT
SEASONS WAY
SHALLOWATER LN
BRIAN HIDEAWAY DR
KNOLLVIEW BLVD
SANDY BAY DR
STONE WAY
BRIDGEGATE CT
SUNGATE CT
FALLING LEAF DR
WILLOW WALK
WILLOW WALK
LAKEBEND PRESERVE CT
LAKEBEND PRESERVE CT
SYCAMORE GRV
OAK STRAND DR
MARSH LANDING BLVD
HOLLOW PINE DR
41
Data use subject to license.
© DeLorme. DeLorme Street Atlas USA® 2013.
www.delorme.com
MN (5.7° W)
0 400 800 1200 1600 2000 ft
Data Zoom 14-0

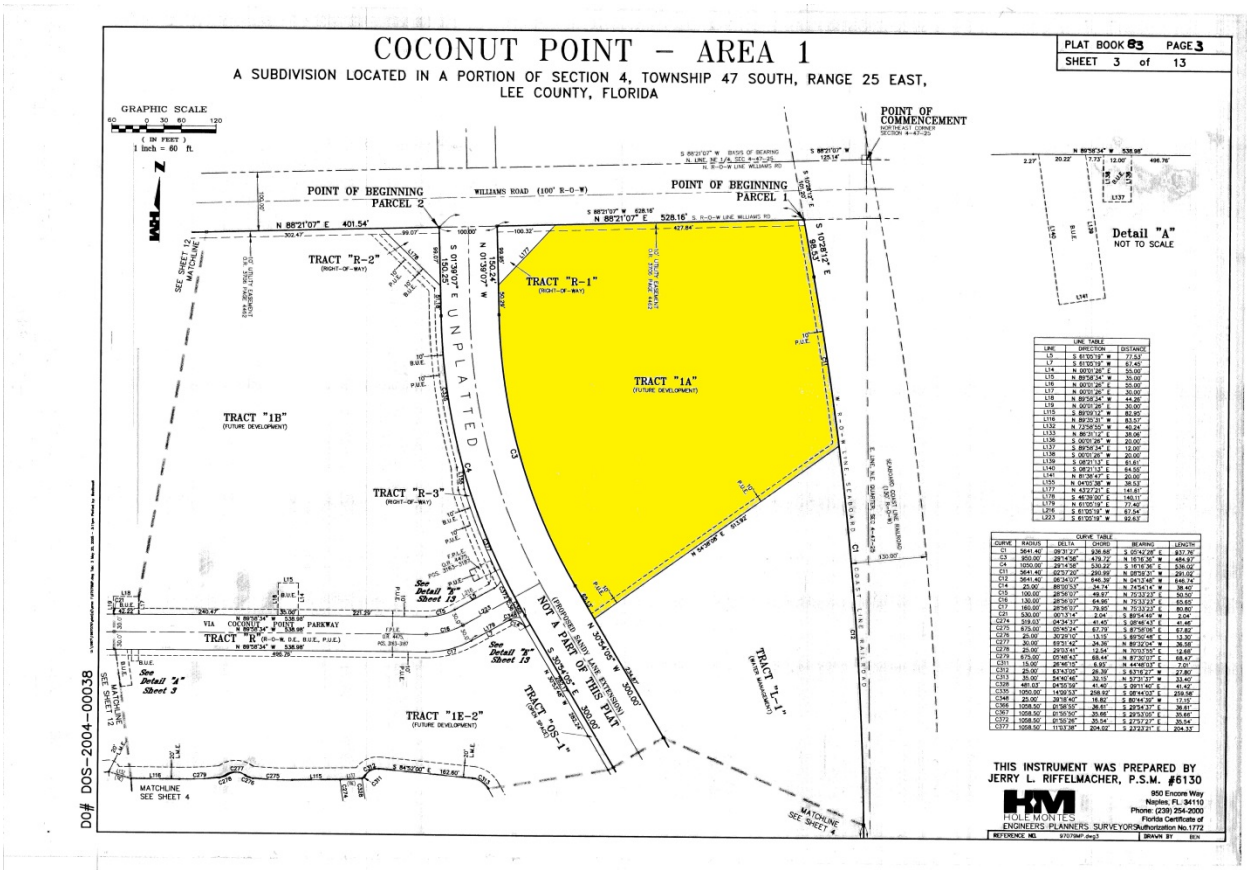
Aerial Map

VIA COCONUT POINT
WILLIAMS RD
ROUND ABOUT
PALMETTO RID
PRIDE BLVD
VIA COCONUT POINT
VIA COCONUT POINT
VIA VILLAGIO
VIA GARIBALDI CIR
ISOLA VERDI WAY

Flood Map

AREA OF MINIMAL FLOOD HAZARD Zone X
PANEL
12071C0591F
eff. 8/28/2008
Zone AE
15 FEET
16 FEET
164 FEET
P

PLAT MAP


COCONUT POINT – AREA 1
A SUBDIVISION LOCATED IN A PORTION OF SECTION 4, TOWNSHIP 47 SOUTH, RANGE 25 EAST, LEE COUNTY, FLORIDA
PLAT BOOK 83 PAGE 3
SHEET 3 of 13
GRAPHIC SCALE
POINT OF COMMENCEMENT
POINT OF BEGINNING PARCEL 2
POINT OF BEGINNING PARCEL 1
WILLIAMS ROAD (100' R-O-W)
TRACT "R-2"
TRACT "R-1"
TRACT "1A"
TRACT "1B"
TRACT "R-3"
TRACT "R"
TRACT "1E-2"
TRACT "OS-1"
TRACT "L-1"
UNPLATTED
NOT A PART OF THIS PLAT
Detail "A"
NOT TO SCALE
THIS INSTRUMENT WAS PREPARED BY JERRY L. RIFFELMACHER, P.S.M. #6130
HOLE MONTES
950 Encore Way
Naples, FL 34110
Phone: (239) 254-2000
Florida Certificate of Authorization No.1772
DO# DOS-2004-00038

PROPERTY CHARACTERISTICS

ADDRESS:	None Assigned
TAX ID:	04-47-25-E2-3001A.0000
LEGAL DESCRIPTION:	Tract 1-A, Area 1, Coconut Point, Plat book 83, Page 3
LOCATION/ACCESS/ EXPOSURE:	The property is located on the southeast corner of William Road (Arterial, 2-lanes, paved) and Via Coconut Point (Collector, 4-lanes, paved, divided), with excellent exposure to traffic passing by the parcel. Vehicular access to the subject property is gained from either street.
SIZE (SITE AREA)/SHAPE:	Frontage (ft): 600± along Via Coconut Point Depth (ft): 430± Site Area (sq. ft.): 288,244 Site Area (acres): 6.62 Shape: Generally Rectangular The approximate dimensions are based upon public records. This assumes that the site area is accurate and, should they be found to be inaccurate, the right to amend this appraisal is reserved.
PHYSICAL FEATURES (TOPOGRAPHY, ELEVATION, ETC.):	The subject property is generally cleared and graded and appears to be approximately even with the crown of the surrounding roads. Drainage on the subject property, as well as in other areas, appears to be adequate and is primarily serviced by underground storm sewer and a centralized retention system.
UTILITIES:	The subject property has full utilities. The subject site has electricity provided by Florida Power and Light, telephone service provided by Century Link and central water/sewer provided by Lee County Utilities.

FLOOD ZONE:

The subject property is located in a flood hazard area, as indicated by the Federal Emergency Management Agency Maps. The subject property is located within Flood Zone AE-EL15 as found on Flood Map Panel ID #12071C0591F, as of 28 August 2008. Properties located within this area are typically required to purchase flood insurance under most financing situations. This property is not located in a FEMA FIRM Floodway.

EASEMENTS, ENCROACHMENTS, ETC.:

The property is subject to a 10' public utility easement along the north, east and south parcel boundaries.

There are no known restrictions, encumbrances, leases, reservations, covenants, contracts, declarations, special assessments, ordinances, or other items of a similar nature. This is subject to a current survey.

ASSESSED VALUE, TAXES, AND ASSESSMENTS:

Per the 2015 county tax roll, the total subject property has a taxable value of $634,137. The property does not benefit from any homestead, agricultural, or other exemptions. The ad valorem taxes and annual assessments due for that period were $15,847.98 exclusive of any early payment discounts or late payment penalties. The 2016 preliminary taxable value is $697,551. There are no known atypical outstanding assessments.

POTENTIAL JUST VALUE:

Based upon the proposed development of 200 multifamily units, we have developed this Potential Just Value:

Property	Units	2016 Just Value	Just Value/unit
Estero Woods Village	148	$24,551,495	$165,888
Coastal Village	200	$26,975,721	$134,879
Springs at Estero	260	$35,008,963	$134,650
The Reef I	168	N/A	
Courtyards at Estero	136	N/A	

Based on these comparisons, a potential just value for the subject proposed development would be $140,000 per unit or $28,000,000.

ZONING:	The subject property has a designated zoning categorization, as follows: Governing Body: Village of Estero (Lee County) Zoning Code: MPD Per the Land Development Code: *MPD mixed use planned development district. To permit planned developments with a mixture of uses in accordance with subsection 34-612(2) as set forth in this chapter and Objective 4.1 of the Lee Plan in order to reduce the number of vehicular trips on the County's arterial and collector road network.* ***In this case, the subject is approved for the development of up to 50,000 square feet of commercial office or 200 ALF units.*** Further specific allowable uses, minimum lot sizes, etc. for the aforementioned zoning classification, are set forth in the Land Development Code and the reader is encouraged to review these if further detail is required.
FUTURE LAND USE:	The subject property has a designated future land use categorization, as follows: Governing Body: Village of Estero Future Land Use Designation: Urban Community Per the Comprehensive Plan: *POLICY 1.1.4: The Urban Community areas are areas outside of Fort Myers and Cape Coral that are characterized by a mixture of relatively intense commercial and residential uses. Included among them, for example, are parts of Lehigh Acres, San Carlos Park, South Fort Myers, Iona/McGregor, Pine Island, and Gasparilla Island. Although the Urban Communities have a distinctly urban character, they should be developed at slightly lower densities. As the vacant portions of these communities are urbanized, they will need to maintain their existing bases of urban services and expand and strengthen them accordingly. As in the Central Urban area, predominant land uses in the Urban Communities will be residential, commercial, public and quasi-public, and limited light industry (see Policy 7.1.6) with future development in this category encouraged to be developed as a mixed-use, as described in Policy 2.12.3., where appropriate. Standard density ranges from one dwelling unit per acre (1 du/acre) to six dwelling units per acre (6 du/acre), with a maximum of ten dwelling units per acre (10 du/acre). Any bonus densities approved on the properties added to the Urban Community future land use category in conjunction with CPA2010-00002 must be achieved through use of the transfer of development rights program. (Amended by Ordinance No. 94-30, 02-02, 09-06, 10-10, 10-33)* Further details for the aforementioned future land use classifications are set forth in the Comprehensive Plan and the reader is encouraged to review these if further detail is required.

Proposed Development

The client is requesting an alteration of the current approvals in the MPD zoning to allow for 200 multi-family units in four buildings.

Their current target demographic is middle-income households, primarily associated with office job growth in the Village. The target rental rates are $1,100 per month for Studio apartments to $1,900 per month for 3 bedroom apartments.

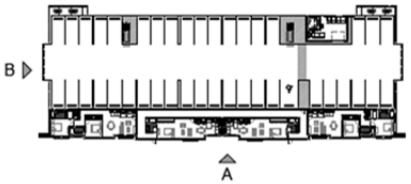
The site plan is below and the elevations are provided on the following pages.

ELEVATION - A

SCALE: 3/32"= 1'-0"

ELEVATION - B

SCALE: 3/32"= 1'-0"

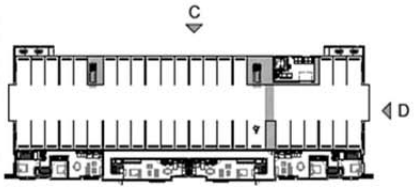


KEY PLAN

SCALE: N.T.S.

ELEVATION - C

ELEVATION - D



KEY PLAN

Qualifications: Matthew H. Caldwell

Education & Experience

Bachelor of Arts in History, Florida Gulf Coast University, Fort Myers, Florida (2004)

Education through the Appraisal Institute, Steve Williamson's Real Estate Education Specialists, Ed Klopfer Schools of Real Estate, & McKissock, Inc. (2002-Present)

Gulf Coast Appraisal and Consulting Services, Inc., Cape Coral, Florida (2002-03) - Associate

Gulf Coast Appraisal and Associates, Inc., Cape Coral, Florida (2003) - Associate

Maxwell & Hendry Valuation Services, Inc., Fort Myers, Florida (2004-2013) - Associate

Maxwell, Hendry & Simmons, LLC, Fort Myers, Florida (2013-present) - Associate

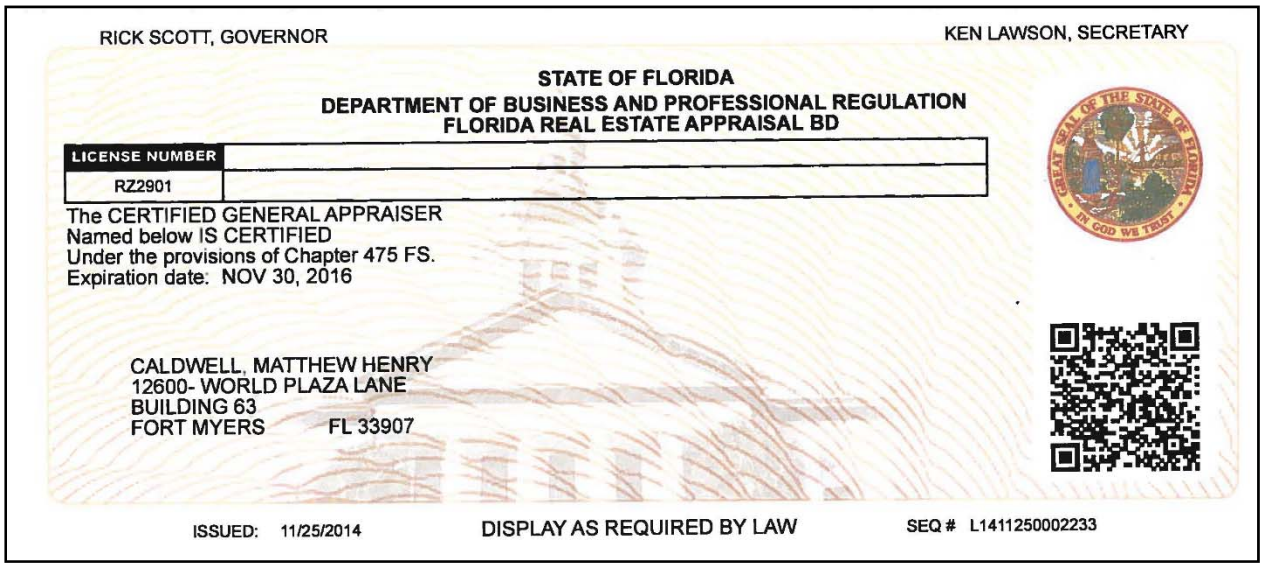
Professional Designations & Affiliations

State-Certified General Real Estate Appraiser, RZ 2901 (2006-Present)

Other

Qualified as an expert witness in:	Florida District Court: 20th Judicial Circuit U.S. District Court: Middle District of Florida Court of Common Pleas: Sandusky County, OH
Member, Florida House of Representatives	Elected 2010, 2012, & 2014
Adjunct with Florida Gulf Coast University:	"Redistricting in Florida" – Fall 2011

License



RICK SCOTT, GOVERNOR

KEN LAWSON, SECRETARY

STATE OF FLORIDA
DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION
FLORIDA REAL ESTATE APPRAISAL BD

LICENSE NUMBER
RZ2901

The CERTIFIED GENERAL APPRAISER
Named below IS CERTIFIED
Under the provisions of Chapter 475 FS.
Expiration date: NOV 30, 2016

CALDWELL, MATTHEW HENRY
12600- WORLD PLAZA LANE
BUILDING 63
FORT MYERS FL 33907

ISSUED: 11/25/2014 DISPLAY AS REQUIRED BY LAW SEQ # L1411250002233

Qualifications: Matthew S. Simmons

Educational Background and Training

Bachelor of Science in Business Management, 2008, Florida Gulf Coast University, Fort Myers, Florida.

Appraisal Board Course 1 (ABI), Steve Williamson's Real Estate Education Specialists, 2003, Orlando, Florida.

Real Estate Transactions, Florida Gulf Coast University, 2003, Fort Myers, Florida.

Various Appraisal Institute Courses

Appraisal Board Course II (ABII), Academy of Real Estate, 2005, Fort Myers, Florida.

63 - hour Sales Associate Pre-License Course, Career Web School, 2008

Experience

Gulf Coast Appraisal and Consulting Services, Inc., Cape Coral, Florida - Associate (October 2003)

Gulf Coast Appraisal and Associates, Inc., Cape Coral, Florida - Associate (2003 - 2005)

Maxwell & Hendry Valuation Services, Inc., Fort Myers, Florida - Residential Division: Manager (2005 - 2013)

Maxwell, Hendry & Simmons, LLC, Fort Myers, Florida - Partner (2013 - Present)

Professional Affiliations

State-Certified Residential Real Estate Appraiser, RD5762

State-Licensed Real Estate Broker, BK3214690

Qualified as an expert witness in the Florida District Court: 7th Judicial Circuit, 20th Judicial Circuit, and U.S. District Court: Middle District of Florida

Realtor Association of Greater Fort Myers and the Beach, Inc. - Member 2009 - Present

National Association of Realtors - Member 2009 - Present

Real Estate Investment Society (REIS) - President - 2015

Sanibel-Captiva Chamber of Commerce - Member 2006 - Present

Southwest Florida Museum of History Foundation - Board Member 2014 - Present

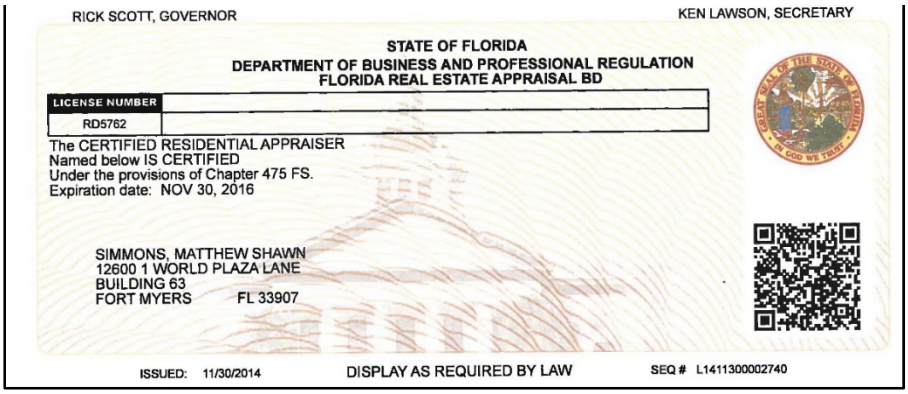
HUD FHA Approved Appraiser

Associate Member of the Appraisal Institute - 2011 - Present

Florida Real Estate Appraisal Board (FREAB) - Gubernatorial Appointed Board Member

Florida Real Estate Appraisal Board (FREAB) - Past Chairman 2014

License



RICK SCOTT, GOVERNOR

KEN LAWSON, SECRETARY

STATE OF FLORIDA
DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION
FLORIDA REAL ESTATE APPRAISAL BD

LICENSE NUMBER
RD5762

The CERTIFIED RESIDENTIAL APPRAISER
Named below IS CERTIFIED
Under the provisions of Chapter 475 FS.
Expiration date: NOV 30, 2016

SIMMONS, MATTHEW SHAWN
12600 1 WORLD PLAZA LANE
BUILDING 63
FORT MYERS FL 33907

ISSUED: 11/30/2014

DISPLAY AS REQUIRED BY LAW

SEQ # L1411300002740

Rick Scott
GOVERNOR

FLORIDA DEPARTMENT of ECONOMIC OPPORTUNITY

Cissy Proctor
EXECUTIVE DIRECTOR

July 19, 2016

Ms. Neale Montgomery
Pavese Law Firm
1833 Hendry Street
Fort Myers, Florida 33901

RE: Coconut Point DRI Proposed Change to Development Order

Dear Ms. Montgomery:

The Department has evaluated your request, dated May 31, 2016, for a letter verifying whether the proposed change to the Coconut Point Development of Regional Impact Development Order would qualify as a change pursuant to Section 380.06(19)(e)2.k., Florida Statutes (F.S.). The proposed change is to add 200 multi-family residential units to Tract 1A in lieu of the approved 200 assisted living units and to decrease the amount of retail use from 85,900 square feet to 68,900 square feet on Tract C (net decrease of 17,000 square feet of retail). The traffic analysis submitted with your request indicates that the proposed change would not result in an increase in net new external peak hour trips. The proposed change does not reduce open space or conserved areas within the project. Thus, pursuant to Subparagraph 380.06(19)(e)2.k, F.S., the proposed change does not require the filing of a notice of proposed change. However, an application to the local government to amend the development order in accordance with the local government's procedures for amendment of a development order is required; and if approved, the local government must render the amended development order to the Department.

Any questions regarding this determination may be directed to Scott Rogers, Planning Analyst, at (850) 717-8510, or by email at scott.rogers@deo.myflorida.com.

Sincerely,

Taylor Teepell, Director
Division of Community Development

TT/sr

RECEIVED
JUL 21 2016

cc: David Loveland, Director, Lee County Community Development Department
Margaret Wuerstle, Executive Director, Southwest Florida Regional Planning Council

An equal opportunity employer/program. Auxiliary aids and service are available upon request to individuals with disabilities. All voice telephone numbers on this document may be reached by persons using TTY/TTD equipment via the Florida Relay Service at 711.

NINTH ~~EIGHTH~~ DEVELOPMENT ORDER AMENDMENT[1]
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

[1] This is a codification and restatement of the Coconut Point DRI Development Orders as amended through ~~May 7, 2014.~~ XXXX, 2016

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

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;

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

DRAFT

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 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 (8th) amendment. The corrections were approved by the Village Council as Ordinance 2016-10 on August 31, 2016. The corrections approved by Ordinance 2016-10 are included in the Ninth Amendment; and

DRAFT

WHEREAS, an application to 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; (2) reduce 21,300 square feet of commercial retail; and (3) to add 200 multi-family apartment (MF-APT) units within 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

WHEREAS, the Village of Estero Council approved the Ninth DRI Development Order Amendment, and determined that the change is not a substantial deviation and concurred with DEO that the amendment is a Section 380.06(19)(e).2.k. change.

NOW, THEREFORE, be it resolved by the ~~Board of County Commissioners of~~ Village Council of the Village of Estero, ~~Lee County~~, Florida, that the Development Order for the Coconut Point DRI is hereby amended 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 at the intersection of US 41 and Coconut Road. The Coconut Point DRI is a mixed use development that will consist of: 1,450,000 gross leasable square feet of retail/regional mall (Regional Retail Center), ~~157,500~~ 103,700 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, ~~782,777~~ 835,777 square feet of office, of which no more than ~~104,333~~ 234,000 square feet may be medical office, 320 hotel rooms, ~~1,214~~ 1,214 condominium units, 200 multi-family apartment units, and a ~~400~~ 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.

This Eighth Amendment: (1) provided an option to develop an acute care hospital within Tract 3A as shown on Page 3 of Map H attached hereto as Exhibit "B", (2) increases 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~~ 479; and (3) extends the build out and termination dates to December 31, 2024, and December 31, 2030, respectively.

Tract 3A was previously allocated up to 60,000 gross leasable square feet of retail and 170,000 gross leasable square feet of general office, of which 68,333 square feet could have been medical office. Pursuant to the Eighth Amendment, Tract 3A-1, 3A-2, and 3A-3 1 in the South Village may be developed with a maximum of the following: 160-bed acute care hospital, 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

DRAFT

office, or any combination of the foregoing that does not exceed ~~614~~ 479 net new external trips.

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

The project phasing schedule consists of one phase with build out in 2024.

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

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

D. The Application for Development Approval (ADA) 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.

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

F. 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.

G. The proposed Development Order Amendment has been reviewed by the SWFRPC and is the subject of the report and recommendations adopted by that body and subsequently forwarded to Lee County in accordance with §380.06, Florida Statutes. The development, as proposed in the ADA, subsequently amended by the Notice of Proposed Change, and modified by this Development Order Amendment, is generally consistent with the report and recommendations of the SWFRPC pursuant to §380.06(11), Florida Statutes. On November 21, 2014, The Southwest Florida Regional Planning Council found the changes proposed by the Eighth Amendment did not create additional regional impacts warranting further DRI review. 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.

H. The development is located in the Urban Community and Wetlands future land use categories. The project, as proposed and conditioned herein, is consistent with the Village of Estero ~~Lee County~~ Comprehensive Plan and the Village of Estero ~~Lee County~~ Land Development Code (LDC).

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

DRAFT

II. ACTION ON THE REQUEST AND CONDITIONS OF APPROVAL

NOW THEREFORE, be it resolved by the Village Council of the Village of Estero ~~Board of County Commissioners of Lee County~~, 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 the 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, and all references to County Ordinances or other regulations, including future amendments.

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, the Developer may satisfy the remaining 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.

2. *University Student Housing ($400,000)*.[3] In addition to the above, the Developer will subsidize University student housing by giving $400,000 to the Florida Gulf Coast University 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 Eighth Amendment do not create impacts to affordable housing warranting further mitigation. The changes in the Ninth Amendment reduce the impacts on affordable housing due to the reduction in retail square footage.

---

[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.

DRAFT

B. ENERGY

The Developer must incorporate, as a minimum, the following energy conservation features into all site plans and architectural programs, or insure that the following features are implemented through deed restrictions 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 compliance, those documents must be approved by the County 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 area to reduce local air temperatures and reflecting 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,

DRAFT

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. 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 permit 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 ~~Lee County~~ 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.

DRAFT

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 Lee County 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 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 or 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 ~~Lee County~~ establishes a Village ~~County~~-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.

DRAFT

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 a legal operating entity in accordance with the SFWMD Basis of Review and ~~Lee County~~ 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 assumes the following development parameters as a worst case traffic scenario achievable under the maximum potential development parameters identified in Exhibit C,

	Build out (2024)
Multifamily Condominiums (ITE LUC 230) (450 d.u. Town Center, 540 d.u. North Village) 224 d.u. South Village	1,214 d.u.
Multfamily Apartments (ITE LUC 200) (200 d.u. North Village)	200 d.u.
Assisted Living Facility (ITE LUC 252) (200 d.u. South Village)	200 d.u.
Hotel (ITE LUC 310) (200 rooms Town Center, 120 rooms South Village)	320 rooms
Community Retail (ITE LUC 820) (85,000square feet North Village, 75,000 square feet South Village*)	~~125,000~~ 103,700 sq. ft. (gla)

Regional Retail Center (ITE LUC 820) (1,450,000 square feet Town Center)	1,450,000 sq. ft. (gla)
General Office (ITE LUC 710) (481,277 square feet North Village, 90,000 square Town Center, 107,167 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 ~~614~~ 479 net new external trips.

The above parameters form the basis for the Project impacts and the mitigation requirements contained herein. The assumed land uses associated with the general parameters are 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 this Eighth Amendment increases the overall traffic at the driveway entrances to 6,588 trips, including 4,734 PM net new external peak hour.

DRAFT

b. *Build Out Impacts*

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

Roadway Improvements Needed

Roadways	Needed Improvement
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	Widen to 6 lanes
- Bonita Beach Road to Coconut Road	Widen to 6 lanes
Old US 41	
- Rosemary Drive to US 41	Widen to 4 lanes

Intersection Improvements Needed

Bonita Beach Road @ Old 41(1)	Add 2nd 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 2nd EB left turn lane
	Add 2nd NB left turn lane

DRAFT

	Add 2nd SB left turn lane
Corkscrew Road @ River Ranch Road[1]	Signal retiming
Corkscrew Road @ Three Oaks Parkway	Add 2nd WB left turn lane
	Add 2nd NB left turn lane
	Add 2nd SB left turn lane
I-75 @ Corkscrew Road[1]	Add 2nd EB left turn lane[4]
	Add 2nd WB left turn lane[4]
	Add 2nd NB left turn lane
	Add 2nd 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 2nd NB thru lane
	Add 2nd 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 2nd WB right turn lane
	Add 2nd NB left turn lane
	Add 2nd SB left turn lane
	Add 2nd 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 2nd NB left turn lane
	Add dual SB left turn lane[2]
	Add 2nd EB left turn lane
	Add EB right turn lane
US 41 @ Coconut Road	Add 2nd WB left turn lane
	Add 2nd NB right turn lane
	Add 2nd NB left turn lane
	Add 2nd SB left turn lane
	Add 2nd 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]

DRAFT

	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 2nd SB left turn lane
	Add 2nd WB left turn lane
US 41 @ Corkscrew Road[1]	Add 2nd 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 2nd 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

DRAFT

	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 $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 $10,196,250, which is lower than the proportionate share estimate.

As noted in Condition D.3, the Developer must 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 $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 permitted for the project, or a subpart thereof, absent a Notice of Proposed Change.

DRAFT

b. *Mitigation Options*

The Developer must choose one of the two mitigation options identified below to satisfy the proportionate share obligation.

(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 ~~County's~~ Concurrency Management System at the time it obtains a local development order.

(2) Traffic Mitigation Option 2[4]

(a) 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

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

(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 effective until December 31, 2019 [7], or for three (3) years from the date a local development order is issued, whichever is later.

(b) Development Agreement

Exercise of traffic mitigation option 2 requires a Local Government Development Agreement executed 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.

c. *Application of Payments*

[7] In 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 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.

(1) Cash.

The County will 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 apply the fees toward improvements that relieve those roadways, provided those improvements are deemed necessary to maintain the County's adopted level of service standards. If the improvements identified in Section D.1.b are ultimately funded through other sources, in whole or in part, or deemed unnecessary to maintain the adopted level of service standards, Lee County 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 can be specified in the Development Agreement. The funds were paid, and improvements made prior to incorporation of the Village of Estero. [8]

(2) Pipelined Improvements.[9]

The Developer 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 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):

[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.

(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 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.

d. *Build out Extension*

(1) <u>Requirement for Reanalysis</u>

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. 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 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, Florida Statutes, 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 amendments to the DRI resulted in an extension of concurrency vesting to December 31, 2024. The extension of the build out date after December 31, 2024 will, therefore, require an additional traffic assessment to the Village of Estero ~~Lee County DOT~~ for review and approval.

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 ~~County,~~ and other review agencies as necessary, to establish the appropriate methodology.

DRAFT

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 ~~County~~ 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]

[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

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 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 December 12, 2026 ~~31, 2024~~12, 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 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 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 the segment of US 41 from Koreshan Boulevard to Alico Road is 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

---

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 amendments.

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, 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 $170,000. This figure has been added to the project's DRI proportionate share, as noted above.

4. **Access and Site Related Improvements**

In addition to the proportionate share obligation set forth above, the Developer is 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 ~~Lee County~~ 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 U.S. 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.

DRAFT

5. **Committed Improvements**[13] [14]

Roadway Improvements

Roadways	Start Year	Improvement
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
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.

[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.

DRAFT

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.

Date	Maximum Square Footage	Needed Improvements to Avoid Interim Level of Service Problem	
		Route	Limit
Adoption of DRI DO AND Compliance with Cond. D.2	400,000	Not Applicable	Not Applicable
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	Terry St. to Coconut Rd.
		OR Livingston Rd./ Imperial St. 4 Lane	Immokalee Rd. to E.Terry St.
July 1, 2006	1,800,000	US 41-6Lane	Corkscrew Rd. to San Carlos

DRAFT

AND Three Oaks Ext. 4 Lane	Terry St. to Coconut Rd.
AND Old 41 - 4 lane	Rosemary dr. to US 41
AND Metro Pkwy. Ext.-6 Lane	Alico Rd. to ben C Pratt/ Six Mile Cypress Pkwy
AND Three Oaks Ext-4 Lane	Alico Rd. to Daniels Pkwy
or Treeline Ext.-4L	Alico Rd. to Daniels Pkwy.

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

[15] The first monitoring report was submitted in January 2004.

DRAFT

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

DRAFT

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.

7. **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 F.

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 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 coordinate 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 include draw down pool features in littoral shelf slopes to favor use by woodstork and other wading birds.

3. The Developer must follow the Standard U.S. Fish and Wildlife Service Protection Measures for the Eastern Indigo Snake; and an Eastern Indigo Snake Protection Plan to be submitted for review and approval by the FFWCC as a condition of local development order approval.

[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.

DRAFT

4. The Developer must provide 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 conserving 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 modify existing SFWMD and ACOE permits and provide additional mitigation.

7. Wetlands and surface waters 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 preserved and enhanced. An enhancement plan must be submitted as part of the local development order approval process. This plan must include 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.

DRAFT

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 320 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

DRAFT

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.

6. 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 by the Developer as part of the 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, FAC; or

c. 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.

G. WASTEWATER MANAGEMENT/WATER SUPPLY

1. The Developer will obtain 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 coordinate 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. ~~Lee County~~ 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 ~~Lee County~~ will consult with the appropriate fire protection district to confirm that the fire flow demands will be satisfied by the proposed potable water facility.

DRAFT

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.

DRAFT

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 provide 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 Lee County 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.

---

[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.

DRAFT

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 provide a site at least five acres in size and appropriately located to accommodate the growing school needs in this area of the county. Upon transfer of this site to the School District, the Developer may be entitled to seek school impact fee credits 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 ~~Lee County~~ adopted by the Village ~~Board of County Commissioners~~ in response to the amendment to the DRI ~~ADA~~ filed for Coconut Point DRI. ~~and this subsequently filed Notice of Proposed Change.~~

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

[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).

3. The governing zoning resolution for the Coconut Point (f/k/a Simon Suncoast) MPD.

C. Master Plan of Development. Map H, dated September 3, 2013, attached hereto as Exhibit "B", is for the current DRI ~~NOPC~~ revision~~. and attached hereto as Exhibit "B",~~ 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 County 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 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.

DRAFT

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 pursuant to §380.06, Florida Statutes. However, upon a finding at a public hearing by the Board that any of the following conditions exist, the Board 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 December 12, 2026 ~~31, 2024~~, and a termination date of December 12, 2032 ~~31, 2030~~. The termination date is based on the recognition that a local Development Order is valid for six years. No permits for development will be issued by the Village ~~County~~ 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.

DRAFT

M. Assurance of Compliance. The administrative director of the Village of Estero ~~Lee County~~ Department of Community Development, or their designee, will be the local official responsible for assuring compliance with this Development Order. The Village of Estero ~~Lee County~~ 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 ~~County~~ 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 December 31, 2024. If the Village ~~County~~ 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 ~~Lee County~~ to be essential to public health, safety and welfare, then down-zoning, unit density reduction, or intensity reduction may occur.

P. Biennial Reports. The Developer must submit a report biennial to the Village of Estero ~~Lee County~~ 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 ~~must be~~ submitted to the DRI coordinator for SWFRPC, DCA, and Lee County no later than one year after the effective date of this Development Order[20]. 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

[20] The first monitoring report was submitted in January 2004.

DRAFT

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.

R. Transmittal and Effective Date. The Village ~~County~~ will forward certified copies of this Development Order to the SWFRPC, the Developer, and appropriate state agencies. This Development Order is rendered as of the date of that transmittal, but will not be effective until the expiration of the statutory appeal period (45 days from rendition) or until FDCA has completed their 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, the 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 may 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 ~~Lee County~~ regulations by virtue of the existing agriculture on the property.

DRAFT

(remainder of page intentionally left blank)

DRAFT

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

	AYE	NAY
Mayor Batos	____	____
Vice Mayor Levitan	____	____
Councilmember Boesch	____	____
Councilmember Brown	____	____
Councilmember Errington	____	____
Councilmember Ribble	____	____
Councilmember Wilson	____	____

DULY PASSED AND ADOPTED this ____ day of _____, 2016.

ATTEST: VILLAGE OF ESTERO, FLORIDA

BY:_____ By:_____
Kathy Hall, MMC, Village Clerk Nicholas Batos, 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 9/3/13
C. Development Parameters and Phasing Schedule
C-1 Land Use Conversion Table
D. Biennial Monitoring Report Requirements
E. Calculation of Road Impact Fee Obligation
F. Pedestrian, Bicycle and Bus Stop Plan

DRAFT

DRI
EXHIBIT C

Development Parameters and Phasing Schedule

		Buildout
Regional Retail Commercial	1,450,000* sq. ft.	2026
Community Retail	103,700* sq. ft.	2026
Office	835,777** sq. ft.	2026
Hotel	320 Rooms	2026
Residential, Multi-family	1,214 du	2026
Residential, MF Apartments	200 units	2026
Assisted Living Facility	200 units	2026
Banks	8,000 sq. ft.	2026
(Acute Care Hospital***	160 beds	2026)

---

* Gross Leasable Area

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

***(1) the 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 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), and 160 acute care hospital beds, or any combination of these uses that does not exceed 479 total net new external trips.

DRAFT

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.

DRAFT

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.

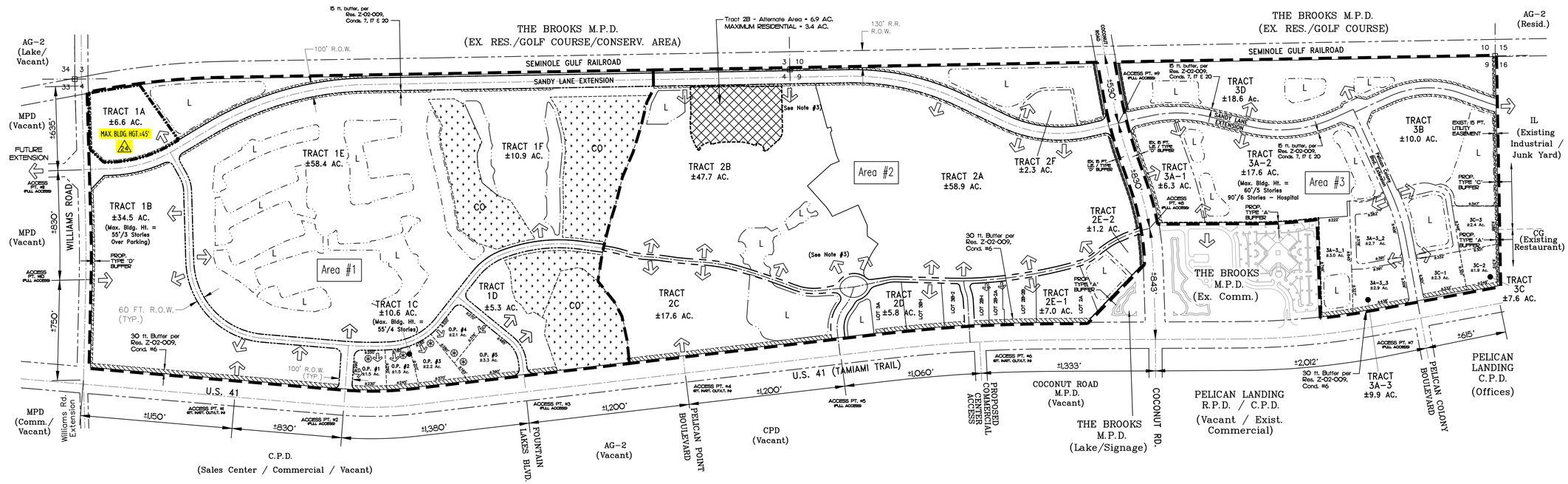
DRAFT

DRI
EXHIBIT E
Calculation of Road Impact Fee Obligation[21]

LAND USE	ITE LUC	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

[21] The 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.

DRAFT



PROJECT SUMMARY:

1. REQUEST: A REZONING FROM AG-2 TO MIXED USE PLANNED DEVELOPMENT (MPD)

2. OVERALL CONCEPTUAL PROJECT ACREAGE:

CONSERVATION AREAS	± 33.4 ACRES
LAKES	± 58.8 ACRES
INTERNAL (PRIVATE) R.O.W.	± 20.2 ACRES
INTERNAL (PUBLIC) R.O.W.	± 25.6 ACRES
GREEN AREAS / OPEN SPACE	± 8.7 ACRES
DEVELOPMENT TRACT AREAS	±335.7 ACRES
TOTAL	±482.4 ACRES

3. CONCEPTUAL TRACT AND LAND USE / ACREAGE BREAKDOWN:

a. DEVELOPMENT AREAS:

Development Area #1: (Residential - 740 M.F./A.L.F./APT. Units / Retail - Comm. 63,700 Sq.Ft./23 Office 481,277 Sq.Ft.) / Hotel 120 Rooms / Bank w/ D.T. - 8,000 Sq.Ft.

Proposed Lakes	± 28.1 Ac.
Proposed Internal/Private R.O.W.	± 8.2 Ac.
Proposed Public R.O.W. (Sandy Lane Extension)	± 10.1 Ac.
Conservation Areas	± 33.4 Ac.
Green Areas / Open Space	± 4.7 Ac.
Development Areas (Tracts 1A - 1F)	±126.3 Ac.
Total Development Area #1	±210.8 Ac.

Development Area #2: (Residential - 450 M.F. Units / Retail - Comm. 1,450,000 Sq.Ft. / Gen. Office 90,000 Sq.Ft. / Hotel - 200 Rooms)

Proposed Lakes	± 17.0 Ac.
Proposed Internal/Private R.O.W.	± 6.1 Ac.
Proposed Public R.O.W. (Sandy Lane Extension)	± 8.1 Ac.
Green Areas / Open Space	± 4.0 Ac.
Development Areas (Tracts 2A - 2F)	± 140.5 Ac.
Total Development Area #2	±175.7 Ac.

Development Area #3: (Residential - 424 M.F. / A.L.F. Units / Retail - Comm. 40,000 Sq.Ft. / 23 Office 264,500 Sq.Ft. / 160 Hospital Beds) 24

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)	± 68.9 Ac.
Total Development Area #3	± 95.9 Ac.

b. MAXIMUM DEVELOPMENT TRACT INTENSITY:
(NOTE: CUMULATIVE INTENSITIES WILL NOT EXCEED MAXIMUM PROPOSED LAND USES FOR EACH DEVELOPMENT AREA)

Development Area #1:

Tract 1A	200 MF/ALF/APT. Units / 50,000 s.f. Office 24
Tract 1B	450,000 s.f. Office
Tract 1C	90,000 s.f. Retail / 20,000 s.f. Office / 120 Room Hotel
Tract 1D	5,000 s.f. Retail / 35,000 s.f. Office / Fire Station
Tract 1E	450 M.F. DU's
Tract 1F	90 M.F. DU's

Development Area #2:

Tract 2A	650,000 s.f. Retail / 450 M.F. DU's / 60,000 s.f. Office / 200 Room Hotel
Tract 2B	600,000 s.f. Retail /200 Room Hotel / 200 M.F. DU's
Tract 2C	150,000 s.f. Retail /20,000 s.f. Office / 200 Room Hotel
Tract 2D/E	150,000 s.f. Retail /30,000 s.f. Office / 200 Room Hotel
Tract 2F	20,000 s.f. Retail/30,000 s.f. Office/100 M.F.Units/150 Room Hotel 24

Development Area #3:

Tract 3A-1 thru 3	60,000 s.f. Retail / 300,000 s.f. Office / 160 Hospital Beds (1)
Tract 3B	200 A.L.F. Units 22
Tract 3C	40,000 s.f. Retail / 90,000 s.f. Office
Tract 3D	224 M.F. DU's

23 (1) ANY COMBINATION OF PERMITTED LAND USES MAY DEVELOP WITHIN TRACTS 3A-1, 3A-2 AND 3A-3_1 PROVIDED TRIP GENERATION DOES NOT EXCEED 479 NET NEW EXTERNAL TRIPS.
22

4. PROJECT PHASING: 23

	M.F. / A.L.F./APT. (UNITS)	RETAIL COMM. (SQ.FT.)	OFFICE (SQ.FT.)	HOTEL (ROOMS)	Bank w DT (SQ.FT.)	HOSPITAL (BEDS)
22 2001 - 2024	1,614*	1,553,700	835,777	320	8,000	160 22

* 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.

5. CONCEPTUAL OPEN SPACE (Tract 2B Alternate Plan):
a. REQUIRED (per L.C.L.D.C.)*:

Development Area #1:

(LESS Sandy Lane Extension and Tracts 1A+1E & 1F) 24	124.8 Ac. x 30%	± 37.44 Ac.
(Tracts 1A / 1E / 1F)	75.9 Ac. x 40%	± 30.36 Ac.

Development Area #2 [ALT 1, TRACT 2B ALT AREA = 3.4 AC RESIDENTIAL MAX]:

(LESS Sandy Lane Extension & Resid. Area)	158.4 Ac. x 30%	± 47.5 Ac.**
(Residential Area)	9.2 Ac. x 40%	± 3.7 Ac.

Development Area #2 [ALT 2, TRACT 2B ALT AREA = NO RESIDENTIAL]:

(LESS Sandy Lane Extension & Resid. Area)	161.8 Ac. x 30%	± 48.5 Ac.
(Residential Area)	5.8 Ac. x 40%	± 2.3 Ac.

Development Area #3:

(LESS Sandy Lane Extension & Tracts 3B & 3D)	59.7 Ac. x 30%	± 17.9 Ac.
(Tract 3B & 3D)	28.8 Ac. x 40%	± 11.5 Ac.
Total Open Space Required [ALT 1]:		24 ±148.4 Ac.
Total Open Space Required [ALT 2]:		±148.0 Ac.

* The % of Open Space may vary depending upon the ultimate land uses.
** Includes Residential above Commercial uses.

b. PROVIDED (per L.C.L.D.C.):

Prop. Lake Areas (@ <25.0% of 150.2 Ac.)	± 37.6 Ac.
Prop. Conservation Areas	± 33.4 Ac.

Development Area #1:

Commercial Development (Tracts1B/1C/1D)	50.4 Ac. x 19.65%	± 9.9 Ac.
Residential Development (Tracts 1A/1E/1F) 24	75.9 Ac. x 30.0%	± 22.8 Ac.
	Sub-total:	± 32.7 Ac.

Development Area #2 [ALT 1, TRACT 2B ALT AREA = 3.4 AC RESIDENTIAL MAX]:

Commercial Development (Tracts 2A - 2F)	131.3 Ac. x 19.52%	± 25.6 Ac.
Residential Development (Tract 2A)	5.8 Ac. x 23.60%	± 1.4 Ac.
Residential Development (Tracts 2B)	3.4 Ac. x 23.50%	± 0.8 Ac.
	Sub-total:	± 27.8 Ac.

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.

Development Area #3:

Commercial Development Tracts (Tracts 3A-1 thru -3 & 3C)	42.6 Ac. x 19.55%	± 8.3 Ac.
Residential Development (Tracts 3B & 3D)	28.8 Ac. x 30.00%	± 8.6 Ac.
	Sub-total:	± 16.9 Ac.

==========

Total Open Space Provided [ALT 1]:	24 ±148.4 Ac.
Total Open Space Provided [ALT 2]:	±148.0 Ac.

6. INDIGENOUS OPEN SPACE:
DUE TO THE EXISTING AGRICULTURAL LAND USE AND THE EXTENT OF MELALEUCA INVASION WITHIN THE REMAINING FORESTED AREAS, NO INDIGENOUS OPEN SPACE IS REQUIRED.

7. NOTES:

A. Internal access will be provided to allow through traffic between US 41 and Sandy Lane Extension.

B. For Tract 1C general service area locations, see above MCP. 24

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.

LEGEND

	PROPERTY BOUNDARY
	ROAD R.O.W. LINE
CO	CONSERVATION AREAS
L	PROPOSED LAKE
	CONCEPTUAL ACCESS POINT
IL (DEVELOPED)	ADJACENT ZONING / LAND USE
	GENERAL LOCATION OF SERVICE AREAS

SCALE: 1"= 400'

ATTACHMENT "A"

NUMBER	REVISIONS	DATE
23	Added MF Units to Tract 2B (No increase in max units)	01/26/06
23	Added Access Pt. for Tract 3A-1	11/16/05
23	Revised for Administrative Amendment #8 Tract 3D	11/16/05
23	Revised for Admin. Amendment ADD2005-00080	08/22/05
23	Revised for Administrative Amendment Submittal	02/04/05
23	Revised for Administrative Amendment Submittal	08/25/04
23	Revised for Administrative Amendment Submittal	05/19/04
23	Revised for Administrative Amendment Submittal	02/27/04
23	Revised per County Attorney's Office Memo	12/09/02
23	Revised Tracts / O.S. Calcs / Permitted Uses	12/16/01
23	Revised per County Staff 1st R.AI.	03/08/01

NUMBER	REVISIONS	DATE
23	Sufficiency Responses	04/03/07
23	Sufficiency Responses	04/03/07
23	Sufficiency Responses	01/15/07
23	Sufficiency Responses	10/02/06
23	NOPC / Zoning Amendment	08/15/06
23	Revised Open Space Calc for 2B Alternate Parcel	02/27/06

NUMBER	REVISIONS	DATE
23	ADMINISTRATIVE AMENDMENT	4/25/16
23	NOPC	9/9/13
23	NOPC	5/14/13
23	SUBMITTED FOR HYATT COP	5/21/08
23	ADDED/REVISED ACCESS POINT - TRACT 2E-1	11/13/07
23	Zoning Resolution Revisions	11/01/07
23	ZONING AMENDMENT 1A	11/21/16

HOLE MONTES
ENGINEERS · PLANNERS · SURVEYORS
6200 Whiskey Creek Drive
Fort Myers, FL 33919
Phone: (239) 985-1200
Florida Certificate of Authorization No.1772

COCONUT POINT M.P.D.
MASTER CONCEPT PLAN
EXHIBIT IV-E

DESIGNED: E.M.C.	DATE: 08/16/05
DRAWN: C.R.B.	DATE: 08/16/05
CHECKED: N.E.D.	DATE: 11/21/16
VERT. SCALE:	HORZ. SCALE: 1"= 400'
DRAWING NO.	
REFERENCE NO. 9779B_MCP8	
PROJECT NO. 97.79-B	SHEET NO. 1 OF 1

H:\2013\2013066\DW\MPD - MCP\13066.MCP-TRACT.1B-REV.24-20161122.dwg Tab: MCP Nov 21, 2016 - 10:45pm

VILLAGE OF ESTERO, FLORIDA

ORDINANCE NO. 2016 – XX

AN ORDINANCE OF THE VILLAGE COUNCIL OF THE VILLAGE OF ESTERO, FLORIDA, APPROVING ZONING AND DEVELOPMENT ORDER AMENDMENTS FOR THE COCONUT POINT MIXED USE PLANNED DEVELOPMENT AND DEVELOPMENT OF REGIONAL IMPACT FOR PROPERTY BOUNDED BY US 41 ON THE WEST, WILLIAMS ROAD ON THE NORTH, SEMINOLE GULF RAILROAD ROW ON THE EAST AND THE SOUTHERN BOUNDARY FOR THE VILLAGE OF ESTERO LIMITS, ALL IN THE VILLAGE OF ESTERO, FLORIDA; ADOPTING RECITALS; ADOPTING FINDINGS; AND PROVIDING AN EFFECTIVE DATE.

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

WHEREAS, the Lee County Board of County Commissioners adopted Resolution Number Z-02-009, the resolution approving the MPD, and DRI Development Order, State DRI #09-2001-153/Case #DRI200-00015; and

WHEREAS, an amendment to the DRI and MPD was filed and considered by the Lee County Board of County Commissioners on October 29th, 2007; and

WHEREAS, the Lee County Board of County Commissioners adopted Resolution Z-07-040 and the 3RD DRI DO Amendment which is included as part of Resolution Z-07-040; and

WHEREAS, an amendment to the DRI and MPD was filed and considered by the Lee County Board of County Commissioners on August 5, 2013; and

WHEREAS, the Lee County Board of County Commissioners adopted Resolution Z-13-016 and the 7th DRI DO Amendment which is included as part of Resolution Z-13-016; and

WHEREAS, an amendment to the DRI and MPD was filed and considered by the Lee County Board of County Commissioners on May 7, 2014; and

WHEREAS, the Lee County Board of County Commissioners adopted Resolution Z-14-005 and the 8th DRI DO Amendment which is included in Resolution Z-14-005; and

WHEREAS, the charter for the Village of Estero is set forth in House Bill 1373, and said Charter provided that the Village of Estero was established as of December 31, 2014; and

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

WHEREAS, an administrative amendment to the DRI and MPD was filed and considered by the Village of Estero on August 31, 2016; and

DRAFT

WHEREAS, the Village of Estero adopted Ordinance 2016-10 which approved amendments to Zoning Resolution Z-14-005 and the 8th DRI DO Amendment; 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 conditions set forth in Resolution Z-02-009 and the amendments to the 8th DRI DO Amendment for Coconut Point DRI remain in full force and affect except as amended by the resolutions identified herein and the time extensions; and

WHEREAS, a minor planned development application to amend the 8th DRI DO Amendment and MPD has been filed with the Village of Estero to reduce 200 assisted living facility (ALF) units from Tract 1A and 21,300 square feet of commercial retail uses from Tract 1C and to add 200 multi-family apartment (MF-Apt) units on Tract 1A, all within Development Area #1. The reduction in ALF units and commercial retail square footage and increase in MF-Apt units will be reflected in the MPD and the 9th DRI DO Amendment.

NOW THEREFORE, be it ordained by the Village Council of the Village of Estero, Florida:

Section 1. Recitals Adopted. Each of the above stated recitals are hereby adopted and confirmed as being true and the same are hereby incorporated as a part of this Ordinance.

Section 2. Findings. The Village Council finds that the amendment complies with the Land Development Code and the Comprehensive Plan, is consistent with the general Urban Community and Mixed Use Overlay uses set forth in the Comprehensive Plan.

Section 3. Approval.

The Village Council does hereby approve the following amendments and conditions to the Coconut Point DRI DO and MPD:

1. The terms and conditions of Resolutions Z-02-009, Resolution Z-07-040, Z-13-016, Z-14-005 and Ordinance No. 2016-10 that have not been deleted or amended remain in full force and effect, as do all time extensions approved by Lee County and the Village of Estero.

2. Development of the project must be consistent with the amended Zoning Master Concept Plan (MCP) entitled Coconut Point M.P.D. Exhibit IV-E Rev 24 dated _____ and the Conceptual Site Plan entitled Coconut Point Tract – 1A dated _____, both attached to this Ordinance as Exhibit "A".

3. Development must be consistent with the 9th DRI DO Amendment dated _____ attached hereto and incorporated herein as Exhibit "B".

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

   1214 MF Dwelling Units
   200 MF-Apartment Units
   200 Assisted living units
   1,553,700 sq. ft. retail commercial
   835,777 sq. ft. office (of which 234,000 sq. ft. medical office max)
   320 hotel rooms

DRAFT

8,000 sq. ft. Bank w/drive thru

The intensity of development in each Development Area and each individual tract is limited as provided for on the approved zoning MCP.

The Tract 1A project is approved to develop a maximum of 200 multi-family dwelling units.

5. The property development regulations for Tracts 1A, 1B, 1C and 1D are set forth below:

Lot Width	100 feet
Lot Depth	100 feet
Lot Area	20,000 square feet
Maximum Lot Coverage	40 percent

NOTE: Tract 1A will not be subdivided

Minimum Setbacks	
Front (street)	25 feet
Side	10 feet
Rear	25 feet (5 feet for an accessory structure)
Water body	25 feet (20 feet for an accessory structure)
Minimum Building Separation	25 feet
Maximum Building Height	
Tract 1A	45 feet
Tract 1B	55 feet (As conditioned in Section C. Deviation In Z-13-016)
Tract 1C	55 feet / 4 stories
Tract 1D	45 feet / 3 stories

6. Permitted Uses within Tract 1A, 1B and 1C:

Accessory Uses and Structures permitted ancillary to a permitted principal use
Administrative offices
Adult Living Facilities (ALF) (Tract 1A only)
Animals Clinic
ATM (automatic teller machine)
Auto parts store
Auto repair and service, Group I, limited to one
Banks and Financial Establishments Group I
Banks and Financial Establishments Group II, limited to SIC Codes 604, 621, 672, 673 and 674
Business services, Groups I and II
Car wash (limited to one)
Cleaning and maintenance services
Clothing stores, general
Contractors and builders, Groups I and II
Convenience Food & Beverage store (limited to one with attendant service station: however, the entire site is limited to a maximum of two)
Consumption on premises in compliance with LDC §34-1264 (limited to and in conjunction with a standard restaurant)
Cultural facilities, excluding zoos

DRAFT

Day care center, child, adult
Department Store
Drive thru facility for any permitted use
Drug store (limited to one total, however, the entire site is limited to two)
Dwelling Units: multi-family building (Tract 1A only)
Entrance gates and gatehouse, in compliance with LDC §34-1748
Essential services
Essential service facilities, Group I
Excavation, water retention (as shown on the Master Concept Plan)
Fences, walls
Food Stores, Groups I and II
Gift and souvenir shop
Hardware store
Health care facility, Group III
Hobby, toy and game shops
Hotel/Motel (Tract 1C only)
Household and office furnishings, Groups I, II, III (no outdoor display)
Insurance companies
Laundromat
Laundry or dry cleaning Group I
Lawn and garden supply store
Medical office
Model display center (Tract 1A only)
Model unit (Tract 1A only)
Nonstore retailers, all groups
Paint glass and wallpaper store
Parking lot: Accessory
Personal services, Groups I, II and III (excluding escort services, palm readers, fortunetellers, card readers and tattoo parlors)
Pet services
Pet shop
Pharmacy
Printing and publishing
Real estate sales office
Recreation facilities, commercial, Groups I and IV
Recreational facilities, private (Tract 1A and 1B only)
Rental or leasing establishments Groups I and II (excluding passenger car pick up and drop off for Tracts 1A and 1C only)
Repair shops, Groups I, II and III
Research and development laboratories Groups II and IV
Restaurant, fast food (limited to two, however, the entire site is limited to a maximum of four outside of the Regional food court/service area)
Restaurants, Groups I, II, III and IV
Self service fuel pumps (limited to one in conjunction with a Convenience Food and Beverage Store, however, entire site is limited to a maximum of two)
Signs, in accordance with Chapter 30
Social Services, Groups I and II
Specialty retail shops, Groups I, II, III and IV
Storage: Indoor only §34-3001 *et seq.*
Used merchandise stores, Group I
Variety store

DRAFT

Vehicle and equipment dealers (section 34-1352), Group 1 (Tract 1B only / No incidental servicing, repairs and stocking of replacement parts) (Outdoor display limited to a maximum of 1 acre)

7. The developer of Tract 1A will be responsible for the installation of landscaping in the Williams Road/Via Coconut Point roundabout and medians as depicted on the landscaping plans dated _____ and attached as Exhibit "C". The landscaping plans are subject to Lee County DOT review / approval and the Coconut Point Design Review Guidelines (DRGs). The landscaping must be irrigated and maintained by the developer of Tract 1A or the Coconut Point North Village Association. The landscaping must be installed prior to the issuance of the final Certificate of Completion for Tract 1A.

8. The developer of Tract 1A must construct a transit / school bus stop shelter as depicted on the Conceptual Site Plan prior to the issuance of the final Certificate of Completion for the project. The transit / school bus stop shelter is subject to the Coconut Point DRGs and will be maintained by the developer.

9. The architecture for the residential development of Tract 1A must be consistent with the conceptual architectural elevations and rendering attached hereto as Exhibit "D", subject to the Coconut Point DRGs and the review / approval of the Estero Design Review Board.

10. The developer will provide external pedestrian connections as depicted on the Conceptual Site Plan Exhibit "A". These external pedestrian connections will be installed prior to the issuance of the initial Certificate of Completion for Tract 1A.

11. The developer will provide enhanced onsite landscaping / buffers as depicted on the landscaping plans dated _____ and attached as Exhibit "E". The landscaping plans are subject to the Coconut Point DRGs.

12. All rental leases for the project must require i) minimum annual leases; ii) proof of sufficient income without third party guarantor; and iii) a limit on the maximum number of occupants per unit.

13. All residential buildings for the project will be required to have elevators to service all habitable floors.

14. <u>Deviations</u>:

    a. <u>Deviation One</u>: Deviation from Section 10-291, LDC which requires more than one means of ingress and egress for a development greater than five acres in size to permit one project access point and one stabilized emergency access point. The deviation is hereby approved subject to the construction and maintenance of the stabilized emergency access installed in the location identified on the conceptual site plan (Exhibit "A") and constructed prior to the issuance of the initial Certificate of Completion for Tract 1A.

    b. <u>Deviation Two</u>: Deviation from the parking requirements of Section 34-2020(a), LDC which requires two spaces per multi-family unit to permit one (1) space per studio unit, one and a half (1.5) space per one bedroom unit, and two (2) spaces per two and three bedroom units, plus the ten percent visitor parking, twelve (12) spaces for the recreational center, and five (5) spaces for the 1,650-square foot office. The deviation is hereby approved to require 371 paved spaces subject to:

DRAFT

i. The developer must provide parking for bicycles dispersed within the project area at a rate of 10% of the vehicular parking and accessible from each building.
ii. The developer will implement and maintain an onsite bike sharing program.
iii. The developer will implement and maintain an onsite trolley servicing the Coconut Point DRI area or participate in a shared trolley service with the Coconut Point Town Center.
iv. The developer will reserve 2,000 s.f. in open space which will not be counted toward required project open space. This area will be able to convert to 12 additional parking spaces should the spaces be needed.
v. All parking spaces will be assigned by unit type and to specific leasees.
vi. All visitor parking will be designated.

Section 4: Exhibits

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

Exhibit A	Coconut Point Zoning MCP and Conceptual Site Plan for Tract 1A
Exhibit B	Coconut Point 9th DRI DO Amendment
Exhibit C	Landscaping Plans for offsite round-about / medians
Exhibit D	Conceptual architectural elevations and rendering
Exhibit E	Enhanced onsite landscaping / buffer plans

Section 5: Effective Date.

This ordinance shall become effective immediately upon adoption.

DRAFT

PASSED AND ADOPTED BY THE VILLAGE COUNCIL of the Village of Estero, Florida, this _____ day of _____, 2016.

ATTEST: VILLAGE OF ESTERO, FLORIDA

By:_____ By:_____

Kathy Hall, MMC, Village Clerk Nicholas Batos, Mayor

Reviewed for legal sufficiency:

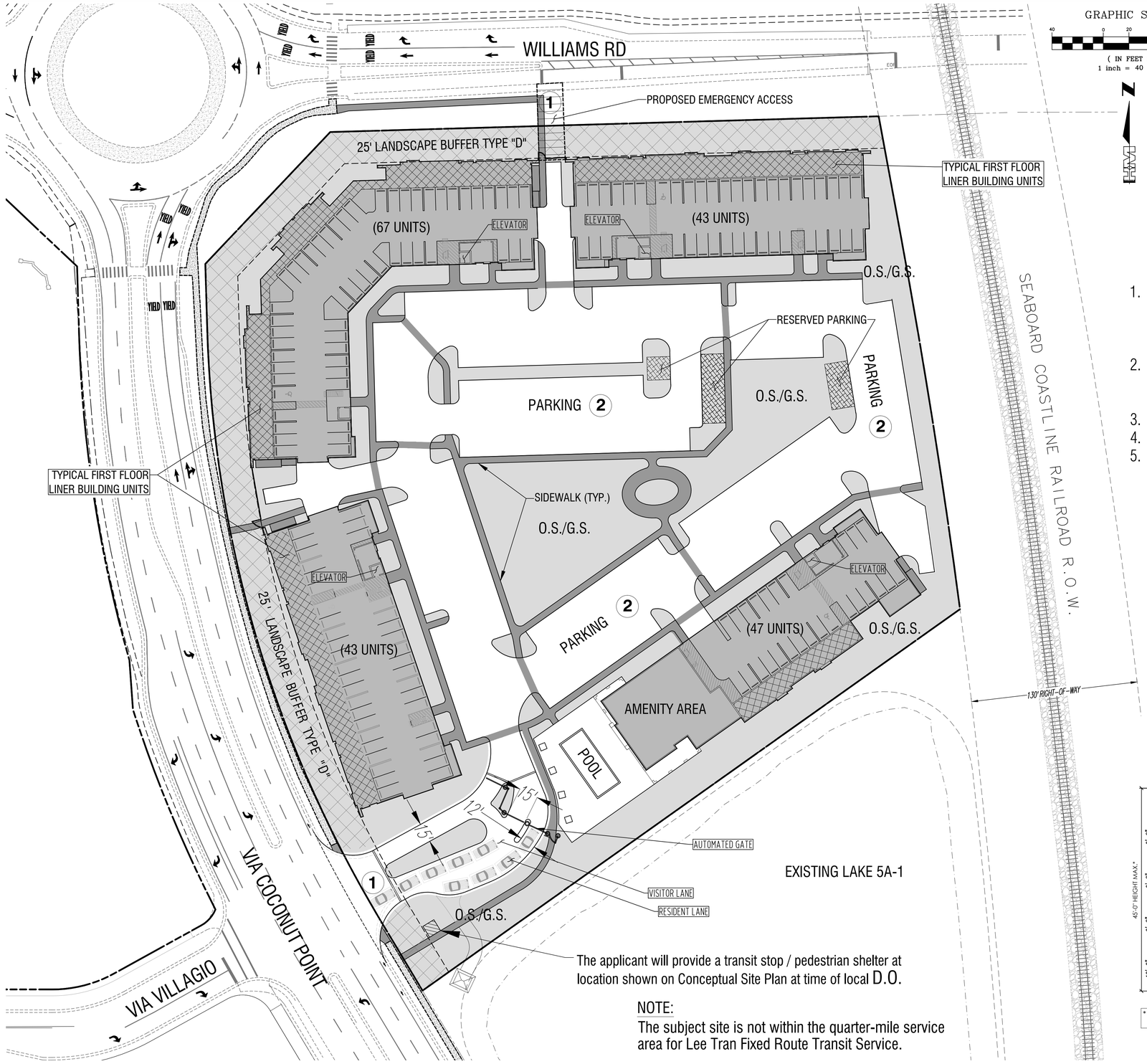
By:_____

Nancy Stroud, Esq., Village Land Use Attorney

Vote:

	AYE	NAY
Mayor Batos	____	____
Vice Mayor Levitan	____	____
Councilmember Boesch	____	____
Councilmember Brown	____	____
Councilmember Errington	____	____
Councilmember Ribble	____	____
Councilmember Wilson	____	____

DRAFT



The applicant will provide a transit stop / pedestrian shelter at location shown on Conceptual Site Plan at time of local D.O.

NOTE:
The subject site is not within the quarter-mile service area for Lee Tran Fixed Route Transit Service.

CONCEPTUAL LAND USE BREAKDOWN:

	ACRES
Buildings	1.89 AC
Parking / Sidewalk / Pool / Green Space	4.73 AC
TRACT 1A TOTAL	6.62 AC

CONCEPTUAL OPEN SPACE:

Open Space Required	6.62 AC x 30% =	1.99 AC
Open Space Provided		1.99 AC

PROPOSED INTENSITY:

Residential - MF (Rental Apartments) 200 UNITS

REQUESTED DEVIATIONS:

1. Deviation (1) seeks relief from the LDC §10-291(3) requirement, that residential developments of more than five acres must provide more than one means of ingress or egress for the development, to allow for one point of ingress and egress into the development with one emergency access as depicted on Conceptual Site Plan.
2. Deviation (2) seeks relief from the LDC §34-2020(a) requirement to provide a minimum of two (2) parking spaces per multiple-family unit, to allow the parking standard as shown on the Conceptual Site Plan.
3. Deviation (3) has been withdrawn.
4. Deviation (4) has been withdrawn.
5. Deviation (5) has been withdrawn.

REQUIRED PARKING		
200 Multifamily Units	@ 1.5 space per unit	= 350
3,500 SF Private Recreation Area	@ 3.5 spaces / 1,000 SF	= 12
1,650 SF Office	@ 1.0 space / 350 SF	= 5
	Total Parking Required	= 367
	*PROVIDED (Paved)	= 371 (Incl. 9 A.D.A. spaces)
	**PROVIDED (Reservation)	= 12
	TOTAL PROVIDED	= 383

* In-building Parking Spaces =163; Standard parking lot spaces =208)
** Reservation of 12 off-street parking spaces to be set aside for future use. Spaces will be used as landscaped open space until such time as they are needed. The reserved parking spaces do not count towards minimum open space requirements. Drainage facilities will be calculated and built as though the reserved parking areas were impervious surfaces. The exact location and configuration of these reserved spaces will be evaluated during review of the development order.

* MEASURED PER SECTION 34-2171 (1) OF THE LEE COUNTY AND VILLAGE OF ESTERO L.D.C.

CONCEPTUAL BUILDING ELEVATION

DRAWING CURRENT AS OF 11/22/16

NUMBER	REVISIONS	DATE
4		
3		
2	REVISION PER VILLAGE REVIEW	11-18-2016
1	REVISION PER VILLAGE REVIEW	07-25-2016

COCONUT POINT TRACT-1A

LEE COUNTY, FLORIDA

DESIGNED BY	DATE
DRAWN BY	DATE
CHECKED BY	DATE
VERTICAL SCALE N/A	HORIZONTAL SCALE 1"=40'

HOLE MONTES
ENGINEERS • PLANNERS • SURVEYORS
6200 Whiskey Creek Drive
Fort Myers, FL. 33919
Phone: (239) 985-1200
Florida Certificate of Authorization No.1772

CONCEPTUAL SITE PLAN

THESE DRAWINGS ARE NOT APPROVED UNLESS SIGNED & SEALED BELOW:

RICHARD E. BRYLANSKI, P.E.
FLORIDA PROFESSIONAL ENGINEER
REGISTRATION #42339
DATE: November 22, 2016

CAD FILE NAME: 16011.CSP	DRAWING NO.:
PROJECT NO.: 2016011	SHEET NO.: 1

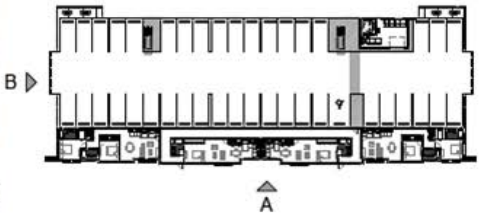
H:\2016\2016011\DWG\PLAN SETS\CONCEPT PLANS\16011 CONCEPT SITE PLAN – 20161122.dwg Tab: CSP Nov 22, 2016 – 10:57am

ELEVATION - A

SCALE: 3/32"= 1'-0"

ELEVATION - B

SCALE: 3/32"= 1'-0"



KEY PLAN

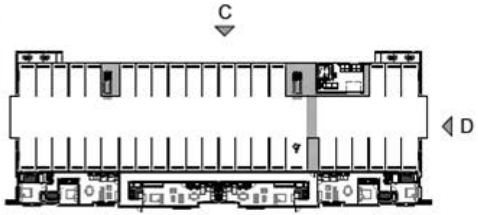
SCALE: N.T.S.

ELEVATION - C

SCALE: 3/32"= 1'-0"

ELEVATION - D

SCALE: 3/32"= 1'-0"



KEY PLAN

SCALE: N.T.S.

STREET FRONTAGE ELEVATION

SCALE: 3/32"= 1'-0"

REAR ELEVATION

SCALE: 3/32"= 1'-0"

BUILDING TYPE I- 47 DWELING UNITS

SCALE: 3/32"= 1'-0"

CORWILARCHITECTS
4210 LAGUNA ST. CORAL GABLES FL. 33146
LIC.NO. AA-C002151 T.305.448.7383

PRO□ECT□

ESTERO
LEE COUNTY□FLORIDA

O□ NER□

PRELIMINARY ELEVATIONS

PHASE

PRELIMINARY

REVISIONS

SEAL

THIS DRAWINGS IS THE PROPERTY OF CORWIL ARCHITECTS INC. UNLESS OTHERWISE PROVIDED FOR BY CONTRACT. THE CONTENTS OF THIS DRAWINGS ARE CONFIDENTIAL AND SHALL NOT BE TRANSMITTED TO ANY OTHER PARTY EXCEPT AS AGREED TO BY THE ARCHITECT/ ENGINEERS.

DATE□	01-15-201□
□O□NO.	201□-01
DRA□ N □Y	MC
APPR □Y	AMC
PRINTED DATE	01-04-201□

SHEET NUM□ER□

A-2.00

SCHEDULE OF DEVIATIONS
COCONUT POINT TRACT 1A

INGRESS AND EGRESS

1. Deviation (1) seeks relief from the LDC §10-291(3) requirement, that residential developments of more than five acres must provide more than one means of ingress or egress for the development, to allow for one point of ingress and egress into the development and one emergency access as depicted on the Conceptual Site Plan.

   Justification: The approved Master Concept Plan for the subject property shows only one access point into the property, from Via Coconut Point and aligned with Via Villagio, consistent with the access proposed with this MPD amendment and the existing curb cut.

   Additional access points may conflict with the roundabout at the intersection of Williams and Via Coconut and the Railway Crossing, possibly creating a traffic safety concern.

   The site is relatively small, 6.62 acres, close to the threshold for this requirement, and will be developed with 200 apartment homes. The current site design defines the adjacent streets with a consistent building frontage. This is not a large site with spread-out homes, where access to emergency vehicles would be affected by providing only one access point. The entrance is a divided, 2-lane boulevard that could allow emergency access in either lane. An emergency access plan will be provided, as required by the Land Development Code, and recorded in the public records prior to issuance of a local development order, detailing how access by emergency providers will be accommodated to maintain public health and safety. Estero Fire Rescue has reviewed the Concpetual Site Plan and provided a letter of no objection, dated July 19, 2016. The letter states that "adequate emergency services vehicle access will be provided."

   The deviation has been approved for many residential developments in Estero, without detriment to public health, safety, and welfare, including Marsh Landing (120 acres and 404 dwelling units), Pebble Point in the Brooks (38 acres and 200 dwelling units), Reserve at Estero (126 acres and 500 dwelling units), Villa Palmeras (11 acres and 110 dwelling units), and Copper Oaks (24 acres and 292 dwelling units).

   Additionally, limiting ingress and egress to one point of access will make the site easier to secure and does not affect overall connectivity of the area, as the site is bordered to the east by the Seaboard Coastline Railroad ROW, and to the south by an existing lake, part of the overall water management system for Coconut Point.

   The applicant proposes to provide a stabilized emergency access to Williams Road, in the location as shown on the Conceptual Site Plan, at the time of local development order approval. The emergency access will be a 20' wide easement between the buildings, and any impacts to the landscaping buffer will be mitigated for.

PARKING STANDARD

2. Deviation (2) seeks relief from the LDC §34-2020(a) requirement to provide a minimum of two (2) parking spaces per multiple-family unit, to allow the parking standard as shown on the Conceptual Site Plan.

Justification: Sec. 34-2020(a) of the Land Development Code (LDC) requires a minimum of two parking spaces per multiple-family unit, plus 10 percent for visitor parking. For 200 multifamily units, 440 spaces are required.

REQUIRED PARKING PER CODE	
200 units @ 2 spaces / unit	= 400
Additional 10% Visitor parking	= 40
Parking Required	**440**

The minimum code requirement over-estimates the number of parking spaces needed for this development, for the following reasons:

<u>Unit Type</u>

Almost half of the units will be studio or one-bedroom units (44%). If we made the reasonable assumption that all of the studio apartments and half of the one-bedroom units required only one parking space, the total number of spaces required would be 380.

Unit Type	Standard	No. of Spaces Req'd
23 studio	1	23 spaces
65 one-bedroom	1.5	98 spaces
112 2- and 3- bedroom x 2 spaces/unit =	2	224 spaces
TOTAL:		345 spaces
Plus 10%:		380 spaces

<u>National Standards</u>

The national average parking generation standard for suburban apartments, according to the Institute of Transportation Engineers (ITE), is 1.23 spaces per unit. The ITE is an international educational and scientific association of transportation professionals who are responsible for meeting mobility and safety needs. The ITE publishes Parking Generation, an informational report that includes data from more than 450 sites and organizes needed parking by land use classification. The ITE publication Traffic Generation is accepted as the standard used for traffic generation studies. If this parking standard were utilized, 246 spaces would be required.

1.23 x 200 = 246 spaces

<u>Regional Standards</u>

A review of parking requirements from adjacent municipalities shows that they all would require less parking for the same 200-unit apartment complex. This is because

smaller sized units, such as studios and one-bedrooms, are generally recognized as creating less parking demand than larger units. See the comparison in the table, below. Also note that previous to LDC amendments adopted in 2012, Lee County parking standards were the same as those in the City of Bonita Springs.

Tract 1A		Estero		Collier Co.		Bonita Springs		Fort Myers	
Unit Mix		Standard	Total Required	Standard	Total Required	Standard	Total Required	Standard	Total Required
23	Studio	2	46	1.5	34.5	1.25	28.75	1.5	34.5
65	1-bedroom	2	130	1.75	113.75	1.5	97.5	1.5	97.5
88	2-bedroom	2	176	2	176	1.75	154	2	176
24	3-bedroom	2	48	2	48	2	48	2	48
	(guest)	10%	40			10%	32.825	1 per 15 units	23.733
6000	(recreation facilities)			1/100 SF	60				
1500	(pool)			(see below)	17				
				50%	38.5				
Total	Required		440		411		361		380

Pool: 1/75 first 1000 SF, 1 for each additional 125 SF

<u>Operational Procedure</u>

Each unit at Edera at Coconut Point will be assigned parking spaces by the leasing office by unit type, and visitor parking spaces will be designated in the surface parking lot areas. There will be a maximum number of occupants per unit. This will help to promote efficient utilization of the parking area and allow additional control measures by the leasing company, if it is found to be necessary.

<u>Mixed-Use Development</u>

This residential project is part of the overall mixed-use and walkable development of the Coconut Point DRI/MPD, with access to bike lanes, sidewalks, and transit stops. The developer is actively pursuing ways to increase pedestrian access to the site and promote connectivity with the Coconut Point Mall, such as providing easily accessible bicycle parking/bike racks, a bike sharing program, and an extension of the mall's trolley service to the project. Sidewalks are located along both sides of Via Coconut Point and Williams Road adjacent to the project, and the current site design provides for three connections and extension from these sidewalks into the site. In addition, Lee Tran Route 600, which connects to Collier County transit, runs along Via Coconut Point approximately three-quarters of a mile south of the subject site, with service every 90 minutes, and Routes 140 and 240 run along US 41 approximately one-third of a mile to the west, with service every 15-20 minutes. The applicant also will construct a pedestrian shelter/future transit stop near the entry, as shown on the Conceptual Site Plan, for when service along Via Coconut becomes available. This reduces the dependency on vehicles and further reduces the number of parking spaces required per unit.

A reasonable estimate of the reduction in required spaces would be 5 percent or 20 spaces, based on reductions permitted by the LDC for bicycle and pedestrian amenities.

> ***Section 34-2020 (c)(3) Bicycle and pedestrian facilities and amenities. The minimum required parking for a use may be reduced by five percent if bicycle and pedestrian facilities, identified on the Bikeways/Walkways Facility Plan - Planned Facilities and Existing Facilities, Map 3D-1 or Map 3D-2 of the Lee Plan, are located in the right-of-way adjacent to the property or on the property; a continuous bicycle path and pedestrian accommodations, consistent with section 10-610, are provided internal to the project from the bicycle/pedestrian facility to the primary entrance of the building; and, bicycle racks are provided on-site consistent with section 10-610(e)(3).***

<u>Anticipated Demographics</u>

The anticipated market for these apartments will be empty nesters and young professionals, attracted to the proximity to Hertz Global Headquarters (directly across Via Coconut Point) and shopping and restaurants at Coconut Point Mall. Tenants will be subject to strict background checks and must have proof of sufficient personal income displaying their ability to afford the unit. No third-party or family guarantors will be accepted. The minimum timeframe for a lease will be 12 months. These requirements will limit the anticipated number of student renters.

<u>Proximity of Recreational Facilities</u>

Staff has asked the applicant to provide additional parking spaces for the recreational facilities, even though these are ancillary uses and the code would not typically require additional parking. The maximum distance from a unit to the amenity center is less than 350', or an approximately 80 second walk for the average pedestrian. It is reasonable to assume that a resident would be more likely to walk to the amenity center than to drive. However, the applicant has agreed to provide these spaces.

<u>Proposed Standard</u>

Given all of the above reasons, the applicant does not believe that the minimum number of spaces required by code accurately reflects the number necessary to accommodate the generation for this use in this location.

The applicant proposes a standard of 1.75 spaces/unit, with additional parking provided for the amenity center and leasing office, as shown below. This standard is above the national average and the requirements of other southwest Florida municipalities.

Parking Calculations			
	Units	Standard Proposed	Spaces Required
200	Multifamily	1.75	350
3500	SF Recreation Area	3.5 per 1,000 SF	12
1,650	SF Office	1 per 350 SF	5
		TOTAL REQUIRED	367
		TOTAL PROVIDED	371

The applicant further commits to hold 12 potential parking spaces in "reserve," in the event additional parking is found to be required, for a total of 383 spaces (371 paved and 12 in reserve). Until such time, the reserved parking areas will be kept as open space, providing approximately 2,000 square feet of additional green, landscaped area within the center of the site. The parking reservation area will not count towards the minimum open space requirement and will be provided in excess of code minimum requirements. Additional parking spaces will be available, in the unlikely event that 13th Floor finds that they are necessary, and the reservation will prevent the site from being over-parked with unnecessary areas of pavement and impervious surfaces. The proposed standard (1.75 spaces/unit) and parking reservation area are consistent with those recently approved for the Springs at Gulf Coast apartment complex.

Paved spaces	371
Reserved spaces	12
Total Spaces	383

CONCLUSION

In summary, the number of parking spaces provided will be adequate to meet the parking demand, with no detrimental effects, given the nature of the project and the demographic it will serve, along with its location within an established mixed-use project. Not "over-parking" the site will enhance the proposed design and protect public health, safety, and welfare by increasing open space and landscaping.

MINIMUM BUILDING SEPARATION (WITHDRAWN)

3. Deviation (3) has been withdrawn.

The deviation sought relief from the LDC §34-935(e)(4) requirement to provide a minimum building separation of one-half the sum of the building heights or 20 feet, whichever is greater, to allow a minimum building separation of 20 feet.

Justification: This deviation is withdrawn, based on staff's interpretation of this LDC Section to require 22.5' building separation. Applicant agrees to the minimum building separation of 22.5' feet.

PROVISION OF CONTAINER SPACE (WITHDRAWN)

4. Deviation (4) has been withdrawn.

Deviation (4) sought relief from the LDC §10-261(a) requirement that all new multifamily residential developments provide container space at a minimum square footage, to allow the container spaces as shown on the Concept Plan.

Justification: The LDC requires that a minimum area be set aside for refuse and solid waste disposal facilities within multifamily residential developments. The standard requires 216 SF for the first 25 units, and 8 SF for each additional dwelling unit. Based on 200 multifamily units, the minimum area required for this site would be 1,616 SF.

Rather than provide a single disposal facility location, the site has been designed to accommodate trash and recycling containers within each of the four buildings on the ground (parking) level. The facilities will be more conveniently located for the units, and enclosed to reduce the attraction to nuisance animals. The total square footage for these four facilities will be approximately 1,100 SF. Additional areas will be provided between buildings for additional recycling containers, totaling approximately 640 SF. The combined square footage of these areas is 1,740 SF, which meets the minimum square footage required by code. The facilities will not require a trash compactor, fencing, landscaping, sidewalks, etc.

Garbage and recycling will be picked up in the loading areas between the buildings. Janitorial staff will wheel trash and recyclable receptacles into these areas for pickup. Lee County Solid Waste has reviewed and approved the proposed locations and pickup arrangement.

The proposed container space will meet all requirements of LDC Section 10-261, including minimum overhead clearance and 12-foot access opening; shielding by landscape screen or solid fencing along at least three sides; and required enclosure setbacks.

BUILDING HEIGHT (WITHDRAWN)

5. Deviation (5) has been withdrawn.

The deviation sought relief from the LDC §33-229 requirement that buildings outside of the Interstate Highway Interchange Areas are limited to a maximum of three stories or 45 feet, to allow a maximum of 45 feet.

Justification: This deviation is withdrawn, based on the fact that height for Tract 1A is established in separate property development regulations; therefore, no deviation is technically required.

The maximum height of 45' does not change the overall height of the buildings, but eliminates the restriction on the number of floors. The design of the buildings accommodates a portion of the required parking under the buildings, maximizing utilization of the subject site while not affecting compatibility with neighboring properties. We have provided a line of sight exhibit that demonstrates views from The Brooks into the subject property to demonstrate this compatibility. Elevators will be provided for each building, generally located as depicted on the conceptual site plan.

COMPREHENSIVE PLAN CONSISTENCY
EDERA AT COCONUT POINT (TRACT 1A)

The Coconut Point Mixed-Use Planned Development/Development of Regional Impact (MPD/DRI) has been previously reviewed and determined to be consistent with the comprehensive plan, both the original application and subsequent amendments. The proposed minor amendment to the MPD, which changes the type of residential units allowed on Tract 1A, from assisted living facility residential units to multifamily residential units, does not alter previous consistency findings or result in the MPD being inconsistent with the comprehensive plan. The Village has made some minor revisions to the comprehensive plan since incorporation. While these revisions do not affect the existing finding of consistency, the changes are shown in the more detailed analysis, provided below. Additions are underlined, deletions are struck-through.

POLICY 1.1.4: The Urban Community areas are areas outside of Fort Myers and Cape Coral that are characterized by a mixture of relatively intense commercial and residential uses. Included among them, for example, are parts of Lehigh Acres, San Carlos Park, South Fort Myers, Iona/McGregor, Pine Island, and Gasparilla Island. Although the Urban Communities have a distinctly urban character, they should be developed at slightly lower densities. As the vacant portions of these communities are urbanized, they will need to maintain their existing bases of urban services and expand and strengthen them accordingly. As in the Central Urban area, predominant land uses in the Urban Communities will be residential, commercial, public and quasi-public, and limited light industry (see Policy 7.1.6) with future development in this category encouraged to be developed as a mixed-use, as described in Policy 2.12.3., where appropriate. Standard density ranges from one dwelling unit per acre (1 du/acre) to six dwelling units per acre (6 du/acre), with a maximum total density of ten dwelling units per acre (10 du/acre).

The Coconut Point MPD/DRI is designated "Urban Community" on the Future Land Use Map. As the policy states, these are areas of "relatively intense commercial and residential uses," and more specifically that future development in this category will be encouraged to be developed as "mixed-use." The Coconut Point Mixed-Use Planned Development is consistent with this policy and with the standard density range of up to 6 units/acre.

OBJECTIVE 4.2: MIXED-USE OVERLAY - Designate areas on the Future Land Use Map for Mixed Use, Traditional Neighborhood, and Transit Oriented development patterns.

POLICY 4.2.1: The Village ~~County~~ will maintain an overlay in the future land use map series (Map 1, Page 6) identifying locations outside the Village Center Area that are also desirable for mixed use patterns because they ~~that~~ are located in close proximity to: public transit routes; education facilities; recreation opportunities; and, existing residential, shopping and employment centers. Development approvals in the Village Center Area that had been based

on a property having been within Lee County's prior mixed-use overlay designation may request modifications to those approvals provided the modifications are in compliance with this Comprehensive Plan and Land Development Code and do not increase the previously approved densities and intensities. Appropriate locations for any future mixed-use overlay will have a positive impact on transportation facilities though increased transit service, internal trip capture, and reduced travel distance (preference will be given to locations serviced by multiple transit routes). An analysis showing the number of existing and potential residential units within the immediate and extended pedestrian shed (measured through connections and delineating pedestrian barriers) will be considered in identifying appropriate locations.

The Coconut Point MPD/DRI is shown within the Mixed-Use Overlay. It was designated as a mixed-use area based on its proximity to: public transit, with Lee Tran stops within the MPD/DRI, including a connection to the LinC route and Collier Area Transit; educational facilities (the high school to the north on Williams Road); recreational opportunities (Estero Community Park); existing residential to the east and to the west across US 41, and 1,614 dwelling units within Coconut Point; and the shopping and employment within Coconut Point itself. The Coconut Point MPD/DRI is not within the Village Center.

OBJECTIVE 4.3: The Mixed Use Overlay shall not include property in the Village Center Area. Development, redevelopment, and infill rezonings located within the Mixed Use Overlay outside of the Village Center Area that utilize the Compact PD or Mixed Use Planned Development (MPD) zoning category and meet the criteria in the policies below ~~that incorporate the following Mixed Use, New Urbanism, Traditional Neighborhood Development (TND), and Transit Oriented Development (TOD) criteria~~ will be allowed to use the area of commercial, office, ~~light industrial,~~ natural water bodies and other non-residential uses in their density calculations. These proposals must contribute to ~~areas will be~~ compact, multi-purpose, mixed use patterns ~~centers~~ which integrate commercial development with residential, civic, and open space within the same neighborhood or ~~and~~ buildings.

Again, the Coconut Point MPD/DRI is designated within the Mixed-Use Overlay, and not within the Village Center. The Coconut Point MPD/DRI encompasses 482 acres and has established a mixed-use neighborhood, with residential, retail, office, medical office, and public facilities. As stated in this objective, properties that have been designated within the Mixed-Use Overlay may use areas of nonresidential uses when calculating density. If calculated at 6 units/acre over the entire 482 acres, the property can be permitted over 2,800 dwelling units. The MPD/DRI limits the number of units to 1,614, and no increase to this is proposed with this minor amendment.

DENSITY - The number of residential dwelling or housing units per gross acre (du/acre). Densities specified in this plan are gross residential densities. For the purpose of calculating gross residential density, the total acreage of a development includes those lands to be used for residential uses, and includes land within the development proposed to be used for streets and street rights of way, utility rights-of-way, public and private parks, recreation and open space,

schools, community centers, and facilities such as police, fire and emergency services, sewage and water, drainage, and existing man-made waterbodies contained within the residential development. Lands for commercial, office, industrial uses, natural water bodies, and other nonresidential uses must not be included, except in the Village Center Area as specifically provided in Objective 19.8 and the policies thereunder, and except within areas outside the Village Center Area that are identified on the Mixed Use Overlay Map (Future Land Use Map Series Map 1 page 6 of 8) that have elected to use the process described in Objective 4.3.~~4.2 and except within areas identified as Mixed Use Communities as identified on Map 17 where development rights are concentrated or transferred using the process described under Objective 33.3. Within the Captiva community in the areas identified by Policy 13.2.1, commercial development that includes commercial and residential uses within the same project or the same building do not have to exclude the commercial lands from the density calculation. For true mixed use developments located on the mainland areas of the County, the density lost to commercial, office and industrial acreage can be regained through the utilization of TDRs that are either created from Greater Pine Island Coastal Rural future land use category or previously created TDRs. True mixed use developments must be primarily multi use structures as defined in this Glossary as a mixed use building. If development is proposed in accordance with Policy 2.12.3, residential densities are calculated using the total land area included in the mixed use portion of the development.~~

This definition again reiterates that for areas within the Mixed-Use Overlay, density is calculated over residential and nonresidential portions of the site. Please also note that within the Village Center Area, density is calculated in the same manner, but utilizing much higher density ranges (up to 27 units/acre), rather than the 6 units/acre allowed for the Coconut Point MPD/DRI.

OBJECTIVE 2.1: DEVELOPMENT LOCATION. Contiguous and compact growth patterns will be promoted through the rezoning process to contain urban sprawl, minimize energy costs, conserve land, water, and natural resources, minimize the cost of services, prevent development patterns where large tracts of land are by-passed in favor of development more distant from services and existing communities.

The Coconut Point MPD/DRI is located in an area within the Village that has been approved for development and where urban services (potable water, sanitary sewer, transportation and transit networks, parks, and schools) are established and in place to support development. Please also note that through the DRI process, the developer has mitigated for impacts to applicable urban services in order to accommodate the anticipated development at this location.

POLICY 2.2.1: Rezonings and development-of-regional-impact proposals will be evaluated as to the availability and proximity of the road network; central sewer and water lines; community facilities and services such as schools, EMS, fire and police protection, and other public facilities; compatibility with surrounding land uses; and any other relevant facts affecting the public health, safety, and welfare.

The Coconut Point MPD/DRI has access to the public facilities listed in this policy. Many of these public facilities were paid for and constructed by the developer as part of the original DRI/MPD approval, including portions of the road network (Via Coconut, Via Villagio, inter alia) and the dedication of a school site and EMS station. As previously stated, potable water and sanitary sewer services are constructed and available to accommodate residential development on Tract 1A. Multifamily residential uses are compatible with adjacent uses and fulfill the requirement that the MPD/DRI be mixed-use, with both residential and nonresidential uses.

POLICY 2.12.3: Future development within the Intensive Development, Central Urban, and Urban Community future land use categories is strongly encouraged to be development [sic] as a mixed use with two or more of the following uses: residential, commercial (including office), and ~~light industrial (including~~ research and development ~~use~~). When residential use is one of three uses proposed, in a mixed use development, residential densities may be developed as provided for under the Glossary terms: "Mixed Use," "Mixed Use Building," "Mixed Use Pattern," "Walkable," and "Density."

Again, the Coconut Point MPD/DRI is designated as "Urban Community" on the Future Land Use Map. This policy states that development is "strongly encouraged" to be mixed-use within this designation, and again reiterates that density within a mixed-use development may be calculated including nonresidential portions of the site.

POLICY 4.1.1: Development designs will be evaluated to ensure that land uses and structures are well integrated, properly oriented, and functionally related to the topographic and natural features of the site and to the existing and potential street pattern on surrounding sites. ~~, and that the placement of uses or structures within the development minimizes the expansion and construction of street and utility improvements.~~

The site has been designed to comply with this policy, the requirements of the LDC, and the requirements of the Coconut Point MPD/DRI, including the Coconut Point "Beauty Book."

POLICY 4.2.6: Staff will work with communities, specifically during the community planning process, to explain the benefits and address concerns related to mixed use/higher density developments to build the consensus needed to identify appropriate locations for the Mixed Use Overlay.

This policy recognizes that mixed use/higher density projects may require an educational process with the community to understand the benefits of the Mixed Use Overlay.

POLICY 4.3.2: Mixed Uses: ~~A balanced mixture of~~ Carefully mixing complementary uses can ~~will be provided to~~ reduce overall trip lengths, ~~to~~ support pedestrian, bicycle and transit opportunities and create pedestrian friendly streetscapes.

The Coconut Point MPD/DRI provides a mixture of residential and nonresidential uses, including retail, office, and medical office, to support the desire for reducing overall trip lengths, supporting bicycle and transit, and creating pedestrian friendly streetscapes, by incorporating a mixture of uses in close proximity.

POLICY 4.3.3: Site and Building Design: Integrate commercial, residential, civic, and open spaces to create multipurpose developments that feature unique style and ambiance through design, encouraging civic involvement and events to promote community interaction.

The Coconut Point MPD/DRI is consistent with this policy by integrating uses within a development with unique style and ambiance, recognized as an exemplar of high quality design within the Village of Estero.

POLICY 5.1.3: During the rezoning process, direct high-density residential developments to locations that are near employment and shopping centers; are close to parks and schools; and are accessible to mass transit and bicycle facilities.

While the density allowed within the Urban Community designation of up to 6 units/acre is not "high-density" in comparison to the density ranges allowed within the Village Center, the Coconut Point MPD/DRI is located near employment and shopping, parks and schools, and mass transit and bicycle facilities.

STANDARD 11.1: WATER. 1. Any new residential development that exceeds 2.5 dwelling units per gross acre, and any new single commercial or industrial development in excess of 30,000 square feet of gross leasable (floor) area per parcel, must connect to a public water system (or a "community" water system as that is defined by Chapter 17-22, F.A.C.).

As previously stated, potable water services are existing and available within the Coconut Point MPD/DRI and to Tract 1A and the development will connect to a public potable water system.

STANDARD 11.2: SEWER. 1. Any new residential development that exceeds 2.5 dwelling units per gross acre, and any new single commercial or industrial development that generates more than 5,000 gallons of sewage per day, must connect to a sanitary sewer system.

As previously stated, sanitary sewer services are existing and available within the Coconut Point MPD/DRI and to Tract 1A and the development will connect to a public sanitary sewer system.

GOAL 19: ESTERO COMMUNITY PLAN. Promote the development of Estero as a community with a unique quality of life, distinct character, and diverse housing, economic, recreational, and social opportunities …

The proposed amendment to allow 200 multifamily dwelling units on Tract 1A within the Coconut Point MPD/DRI will help implement this goal by providing diverse housing within the Village, consistent with the distinct character of the Village.

OBJECTIVE 19.3: RESIDENTIAL NEIGHBORHOODS. Support Estero's quality of life, promote the community's unique character through the development of diverse, well-designed, and well-connected residential neighborhoods, and provide for the needs of multigenerational community by supporting a variety of housing types and neighborhood development forms.

Again, this proposed amendment to the Coconut Point MPD/DRI will help to promote the community's unique character and contribute to a variety of housing types.

Economic Element

POLICY 158.1.9: Lee County, in response to current and projected needs of Lee County residents, will encourage a diverse mix of housing types, sizes, prices, and rents by maintaining mixed use land use categories in the Future Land Use Element.

This policy from the Economic Element recognizes that a diversity of housing types is necessary in order to meet projected needs for the community, and specifically states that this will be achieved through mixed-use land use categories. The Coconut Point MPD/DRI is consistent with this policy, and the minor amendment to allow multifamily residential on Tract 1A will specifically implement this policy by providing a diversity of housing types, sizes, prices, and rents.

In conclusion, the proposed minor amendment to the Coconut Point MPD/DRI to allow 200 multifamily residential units on Tract 1A is consistent with the Village of Estero Comprehensive Plan, compatible with adjacent uses, and sited in an appropriate location already approved for residential development. The proposal will further be a benefit to Estero, contributing to a diversity of housing types, meeting an identified need for the residents of Estero, and maintaining and furthering the character of Estero through high-quality design.

TR TRANSPORTATION CONSULTANTS, INC.

2726 OAK RIDGE COURT, SUITE 503
FORT MYERS, FL 33901-9356
OFFICE 239.278.3090
FAX 239.278.1906
WWW.TRTRANS.NET

TRAFFIC ENGINEERING
TRANSPORTATION PLANNING
SIGNAL SYSTEMS/DESIGN

November 22, 2016

Ms. Paula McMichael
Hole Montes, Inc.
950 Encore Way
Naples, FL 34110

RE: Coconut Point Tract 1-A
Updated Trip Generation Comparison
DCI2016E-02

Dear Ms. McMichael:

In order to be consistent with the current approvals for uses within Development Area #1 and specifically Tract 1-A, TR Transportation Consultants, Inc. has prepared a revised trip generation comparison between the uses that are currently approved within Development Area #1 to the uses that are being requested as part of the Amendment to the DRI Development Order.

The original TIS prepared by TR Transportation Consultants utilized Land Use Code 245 (Assisted Living) for the ALF units that are currently approved within Tract 1-A. Based on the last NOPC that was prepared for the Coconut Point DRI, the trip generation for the ALF units was actually based on Land Use Code 253 (Congregate Care Facility), or a CCRC use. The trip generation is different between LUC 252 and LUC 253. In order to be consistent with the previous trip generation and analysis prepared for the NOPC application, the "approved" trip generation for Development Area #1 as reported in Table 2 of the TIS prepared for this application was revised based on the assumption that the trip generation for the ALF units would be based on LUC 253. All of the other uses remain the same as originally reported.

The revised Table 2 is illustrated below. The trip generation equations from the ITE Trip Generation Report, 9th Edition, are attached to this report for reference.

REVISED Table 2
Coconut Point Development Area #1
Approved Uses Trip Generation

Land Use	Weekday P.M. Peak Hour			Daily
	In	Out	Total	2-way
ALF (200 Units)	19	15	34	404
Multi-Family (540 Units)	161	79	240	2,790
Hotel (120 Rooms)	41	43	84	1,070
Retail (85,000 sq. ft.)	258	279	537	6,110
Office (481,277 sq. ft.)	104	513	617	4,333
Bank w/DT (8,000 sq. ft.)	97	97	194	1,185
Total Trip	680	1,026	1,706	15,892

Trip Generation for ALF based on LUC 253 (Congregate Care Facility)

Table 3 from the original TIS prepared for the current proposed amendment is illustrated below that shows the trip generation of Development Area #1 as amended. Based on the revised trip generation shown in the revised Table 2, the retail floor area approved for Development Area #1 would need to be reduced from the currently approved 85,000 square feet to approximately 63,700 square feet to ensure that the overall trip generation from Development Area #1 does not increase from what was previously approved in the DRI Development Order.

REVISED Table 3
Coconut Point Development Area #1
Proposed Uses Trip Generation

Land Use	Weekday P.M. Peak Hour			Daily
	In	Out	Total	2-way
Apartments (200 Units)	83	45	128	1,336
Multi-Family (540 Units)	161	79	240	2,790
Hotel (120 Rooms)	41	43	84	1,070
Retail **(63,700 sq. ft.)**	213	230	443	5,066
Office (481,277 sq. ft.)	104	513	617	4,333
Bank w/DT (8,000 sq. ft.)	97	97	194	1,185
Total Trip	699	1,007	1,706	15,780

Retail floor area reduced from 85,000 sq. ft. to 63,700 sq. ft.

As previously indicated in the applicants sufficiency responses to questions raised by Village Staff, this amendment is only to Development Area #1, specifically Tract 1-A. A comparative trip generation for the uses approved and proposed in Development Area #1 indicates that there would be no change in the DRI Trip Generation from Development Area #1 as result of the requested amendment. A copy of the most recent DRI Traffic Monitoring Report as prepared by TR Transportation Consultants is also attached that indicates the overall DRI is generating approximately 37% of the approved trip generation while the amount of floor area constructed to date far exceeds 37% of what is approved to be constructed. Therefore, Development Area #1 in the DRI is shown to not generate any additional trips from what was originally analyzed as part of the most recent NOPC. No change is being proposed as part of this amendment to modify the remaining Development Areas, so therefore, it can be concluded that the proposed amendment to Tract 1-A will NOT increase the overall DRI trip generation as originally analyzed. In addition, the DRI Traffic Monitoring Report indicates the overall DRI is generating far less traffic based on the floor area that is constructed than what was originally analyzed.

By converting the 200 ALF units to Apartment units and reducing the retail floor area from the approved 85,000 square feet to 63,700 square feet, the trip generation from Development Area #1 remains the same as was previously analyzed in the transportation analysis for the Coconut Point DRI.

If you have any additional questions, please do not hesitate to contact me.

Sincerely,

Ted B. Treesh, PTP
President

Attachments

K:\2016\03 March\03 Coconut Point Apartments\Sufficiency\11-22-2016 Trip Generation Update McMichael.doc

TRIP GENERATION EQUATIONS
COCONUT POINT DEVELOMENT AREA #1
ITE TRIP GENERATION REPORT, 9th EDITION

Land Use	Weekday PM Peak Hour	Daily (2-way)
Residential Condominium/Townhouse (LUC 230)	Ln (T) = 0.82 Ln (X) + 0.32 (67% In/33% Out)	Ln (T) = 0.87 Ln (X) + 2.46
T = Number of Trips, X = Number of dwelling units		
Congregate Care Facility (LUC 253)	T = 0.17 (X) (55% In/45% Out)	T = 2.02 (X)
T = Number of Trips, X = Number of dwelling units		
Hotel (LUC 310)	T = 0.70 (X) (49% In/51% Out)	T = 8.92 (X)
T = Number of Trips, X = Occupied rooms		
General Office Building (LUC 710)	T = 1.12 (X) + 78.45 (17% In/83% Out)	Ln (T) = 0.76 Ln (X) + 3.68
T = Number of Trips, X = 1,000's of square feet of Gross Floor Area (GFA)		
Apartments (LUC 220)	T = 0.55 (X) + 17.65 (65% In/35% Out)	T = 6.06 (X) + 123.56
T = Number of Trips, X = 1,000's of square feet of Gross Floor Area (GFA)		
Shopping Center (LUC 820)	Ln (T) = 0.67 Ln (X) + 3.31 (48% In/52% Out)	Ln (T) = 0.65 Ln (X) + 5.83
T = Number of Trips, X = 1,000's of square feet of Gross Leasable Area (GLA)		
Drive-In Bank (LUC 912)	T = 24.30 (X) (50% In/50% Out)	T = 148.15 (X)
T = Number of Trips, X = 1,000's of square feet of Gross Floor Area (GLA)		