MEMORANDUM
FROM THE
DEPARTMENT OF COMMUNITY DEVELOPMENT
ZONING DIVISION

Date: **October 27, 2008**

From: **Billie Jacoby**

Re: ADD2005-00237 Coconut Road MPD

On September 15, 2008 Pam Houck, Director Zoning Division signed ADD2008-00116A which rescinds the administrative amendment actions taken in ADD2005-00237. The original zoning approved in Resolution Z-98-075 (and amended by ADD2003-00056) are hereby considered to be in full force and effect.

PLEASE SEE RESOLUTION ADD2008-00116a

cc: ADD2005-00237 file
ADD2008-00116 file
Z-98-075 (97-12-118.03Z 01.01) file
ADD2003-00056 file

RESOLUTION NUMBER Z-98-075

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

WHEREAS, Coconut Road Development , Inc., filed an application to rezone a 46.4± acre parcel from Residential Planned Development (RPD), Commercial Planned Development (CPD), and Agriculture (AG-2) to Mixed Planned Development (MPD); and

WHEREAS, Coconut Road Development, Inc., the owner of the subject parcel, authorized Hole, Montes & Associates, Inc., to act as agent to pursue this zoning application; and

WHEREAS, a public hearing was advertised and held on October 1, 1998, before the Lee County Hearing Examiner who gave full consideration to the evidence in the record Case # 97-12-118.03Z 01.01; and

WHEREAS, a second public hearing was advertised and held on November 16, 1998, 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 the record, and the testimony of all interested persons.

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

SECTION A. REQUEST:

The applicant filed a request to rezone a 46.4± acre parcel from Residential Planned Development (RPD), Commercial Planned Development (CPD), and Agriculture (AG-2) to Mixed Planned Development (MPD) in the Urban Community Land Use Category. The legal description of the subject property is set forth in Exhibit A attached to this resolution. The request is hereby APPROVED subject to the conditions and deviations set forth in Sections B and C below.

SECTION B. CONDITIONS:

1. The development of this phased project must be consistent with the single-page Master Concept Plan (MCP) entitled "Coconut Road M.P.D.," stamped received September 28, 1998, last revised 09/28/98, except as modified by the conditions below. This development must comply with all requirements of the Lee County Land Development Code (LDC) at the 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, approvals will be necessary.

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

   a. **SCHEDULE of USES**

      i. **DEVELOPMENT AREA #1 - OUTPARCELS:**

      ACCESSORY USES AND STRUCTURES (LDC Sections 34-1171 *et seq.*,

34-2441 *et seq.*, 34-1863, and 34-2141 *et seq.*)
ADMINISTRATIVE OFFICES
ANIMALS: Clinic or kennel (LDC Section 34-1321 *et seq.*) No outside runs
ATM (automatic teller machine)
AUTO PARTS STORE - with or without installation facilities
AUTOMOBILE SERVICE STATION
AUTO REPAIR AND SERVICE [LDC Section 34-622(c)(2)], Group I (Section 34-1351)
BANKS AND FINANCIAL ESTABLISHMENTS [LDC Section 34-622(c)(3)]: Groups I & II
BAR OR COCKTAIL LOUNGE (LDC Section 34-1261 *et seq.*)
BROADCAST STUDIO, COMMERCIAL RADIO AND TELEVISION (LDC Section 34-1441 *et seq.*)
BUSINESS SERVICES [LDC Section 34-622(c)(5)]: Group I
CARETAKER'S RESIDENCE
CAR WASH
CLEANING AND MAINTENANCE SERVICES [LDC Section 34-622(c)(7)]
CLOTHING STORES, general [LDC Section 34-622(c)(8)]
CLUBS:
Fraternal, membership organization (LDC Section 34-2111)
CONSUMPTION ON PREMISES (LDC Section 34-1261 *et seq.*)
CONTRACTORS AND BUILDERS [LDC Section 34-622(c)(9)], Group I (LDC Sections 34-1352, 34-3001 *et seq.*)
CONVENIENCE FOOD AND BEVERAGE STORE
CULTURAL FACILITIES [LDC Section 34-622(c)(10)]
DAY CARE CENTER, CHILD, ADULT
DEPARTMENT STORE
DRIVE-THROUGH FACILITY FOR ANY PERMITTED USE
DRUGSTORE, PHARMACY
EMERGENCY MEDICAL SERVICE (ambulance station)
EMERGENCY OPERATIONS CENTER
ESSENTIAL SERVICES (LDC Sections 34-1611 *et seq.*, and 34-1741 *et seq.*)
ESSENTIAL SERVICE FACILITIES [LDC Section 34-622(c)(13)]: Group I (LDC Sections 34-1611 *et seq.*, 34-1741 *et seq.*, and 34-2141 *et seq.*)
EXCAVATION, Water retention (LDC Section 34-1651)
FENCES, WALLS (LDC Section 34-1741)
FIRE STATION
FOOD AND BEVERAGE SERVICE, LIMITED
FOOD STORES [LDC Section 34-622(c)(16)]: Groups I & II
FUNERAL HOME AND MORTUARY (with or without a crematory)
GASOLINE DISPENSING SYSTEM, SPECIAL
GIFT AND SOUVENIR SHOP
HARDWARE STORE
HEALTH CARE FACILITIES [LDC Section 34-622(c)(20)]: Groups I, II, & III
HOBBY, TOY AND GAME SHOPS [LDC Section 34-622(c)(21)]
HOTEL/MOTEL (LDC Section 34-1801 *et seq.*)
HOUSEHOLD AND OFFICE FURNISHINGS [LDC Section 34-622(c)(22)],

All Groups
INSURANCE COMPANIES [LDC Section 34-622(c)(23)]
LAUNDRY OR DRY CLEANING [LDC Section 34-622(c)(24)]:
Group I, when enclosed
LAWN AND GARDEN SUPPLY STORES (LDC Section 34-2081)
LIBRARY
MEDICAL OFFICE
PACKAGE STORE (LDC Section 34-1261 *et seq.*)
PAINT, GLASS AND WALLPAPER
PARKING LOT, Accessory
PERSONAL SERVICES [LDC Section 34-622(c)(33)]: Groups I, II, III, & IV
PET SERVICES
PET SHOP
PLACE OF WORSHIP (LDC Section 34-2051 *et seq.*)
POLICE OR SHERIFF'S STATION
POST OFFICE
REAL ESTATE SALES OFFICE, (LDC Sections 34-1951 *et seq.*, and 34-3021)
RELIGIOUS FACILITIES (LDC Section 34-2051 *et seq.*)
RENTAL OR LEASING ESTABLISHMENT [LDC Section 34-622(c)(39)]: Groups II & III (LDC Section 34-1201 *et seq.*, 34-1352, and 34-3001 *et seq.*)
REPAIR SHOPS [Section 34-622(c)(40)]: Groups I, II, & III
RESEARCH AND DEVELOPMENT LABORATORIES [LDC Section 34-622(c)(41)]: Groups II & IV
RESTAURANT, FAST FOOD
RESTAURANTS [LDC Section 34-622(c)(43)]: Groups I, II, III, & IV
SCHOOLS, Commercial [LDC Section 34-622(c)(45)] (LDC Section 34-2381)
SELF-SERVICE FUEL PUMPS
SIGNS in accordance with Chapter 30
SOCIAL SERVICES [LDC Section 34-622(c)(46)]: Group I
SPECIALTY RETAIL SHOPS [LDC Section 34-622(c)(47)]: Groups I, II, III, & IV
STUDIOS [LDC Section 34-622(c)(49)]
TEMPORARY USES (LDC Section 34-3041 *et seq.*)
THEATER, indoor (LDC Section 34-2471 *et seq.*)
VARIETY STORE
VEHICLE AND EQUIPMENT DEALERS [LDC Section 34-622(c)(55)]: Group I (LDC Section 34-1352)

ii. **DEVELOPMENT AREA #1 - INTERIOR PARCEL:**

ACCESSORY USES AND STRUCTURES (LDC Sections 34-1171 *et seq.*, 34-2441 *et seq.*, 34-1863, and 34-2141 *et seq.*)
ADMINISTRATIVE OFFICES
ANIMALS: Clinic or kennel (LDC Section 34-1321 *et seq.*), no outside runs
Control center (including Humane Society)
ATM (automatic teller machine)

AUTO PARTS STORE - with or without installation facilities
AUTOMOBILE SERVICE STATION
AUTO REPAIR AND SERVICE [LDC Section 34-622(c)(2)], All Groups (Section 34-1351)
BAIT AND TACKLE SHOP
BANKS AND FINANCIAL ESTABLISHMENTS [LDC Section 34-622(c)(3)]: Groups I & II
BAR OR COCKTAIL LOUNGE (LDC Section 34-1261 *et seq.*)
BOATS: Boat parts store
Boat rental
Boat repair and service (LDC Section 34-1352, and 34-3001 *et seq.*)
Boat sales
BROADCAST STUDIO, COMMERCIAL RADIO AND TELEVISION (LDC Section 34-1441 *et seq.*)
BUILDING MATERIAL SALES [LDC Section 34-622(c)(4) and 34-3001 *et seq.*]
BUSINESS SERVICES [LDC Section 34-622(c)(5)]: Groups I & II
BUS STATION/DEPOT (LDC Section 34-1381 *et seq.*)
CARETAKER'S RESIDENCE
CAR WASH
CLEANING AND MAINTENANCE SERVICES [LDC Section 34-622(c)(7)]
CLOTHING STORES, general [LDC Section 34-622(c)(8)]
CLUBS:
Fraternal, membership organization (LDC Section 34-2111)
Private (LDC Section 34-2111)
CONSUMPTION ON PREMISES (LDC Section 34-1261 *et seq.*)
CONTRACTORS AND BUILDERS [LDC Section 34-622(c)(9)], Groups I & II (LDC Sections 34-1352, 34-3001 *et seq.*)
CONVENIENCE FOOD AND BEVERAGE STORE
CULTURAL FACILITIES [LDC Section 34-622(c)(10)]
DAY CARE CENTER, CHILD, ADULT
DEPARTMENT STORE
DRIVE-THROUGH FACILITY FOR ANY PERMITTED USE
DRUGSTORE, PHARMACY
ENTRANCE GATES AND GATEHOUSE (LDC Section 34-1741 *et seq.*)
EMERGENCY MEDICAL SERVICE (ambulance station)
EMERGENCY OPERATIONS CENTER
ESSENTIAL SERVICES (LDC Sections 34-1611 *et seq.*, and 34-1741 *et seq.*)
ESSENTIAL SERVICE FACILITIES [LDC Section 34-622(c)(13)]: Group I (LDC Sections 34-1611 *et seq.*, 34-1741 *et seq.*, and 34-2141 *et seq.*)
EXCAVATION, Water retention (LDC Section 34-1651)
FENCES, WALLS (LDC Section 34-1741)
FIRE STATION
FOOD AND BEVERAGE SERVICE, LIMITED
FOOD STORES [LDC Section 34-622(c)(16)]: Groups I & II
FUNERAL HOME AND MORTUARY (with or without a crematory)

GASOLINE DISPENSING SYSTEM, SPECIAL
GIFT AND SOUVENIR SHOP
GOLF DRIVING RANGE
HARDWARE STORE
HEALTH CARE FACILITIES [LDC Section 34-622(c)(20)]:
Groups I, II, III, & IV
HELISTOP
HOBBY, TOY AND GAME SHOPS [LDC Section 34-622(c)(21)]
HOME CARE FACILITY
HOSPICE
HOTEL/MOTEL (LDC Section 34-1801 *et seq.*)
HOUSEHOLD AND OFFICE FURNISHINGS [LDC Section 34-622(c)(22)],
All Groups
INSURANCE COMPANIES [LDC Section 34-622(c)(23)]
LAUNDRY OR DRY CLEANING [LDC Section 34-622(c)(24)]: Group I
LAWN AND GARDEN SUPPLY STORES (LDC Section 34-2081)
LIBRARY
MEDICAL OFFICE
MINI-WAREHOUSE
MOTION PICTURE PRODUCTION STUDIO
NIGHTCLUBS (LDC Section 34-1261 *et seq.*)
NONSTORE RETAILERS [LDC Section 34-622(c)(30)], All Groups
PACKAGE STORE (LDC Section 34-1261 *et seq.*)
PAINT, GLASS AND WALLPAPER
PARKING LOT, Accessory
PERSONAL SERVICES [LDC Section 34-622(c)(33)]: Groups I, II, III, & IV
PET SERVICES
PET SHOP
PLACE OF WORSHIP (LDC Section 34-2051 *et seq.*)
PLANT NURSERY (LDC Section 34-2081)
POLICE OR SHERIFF'S STATION
POST OFFICE
PRINTING AND PUBLISHING [LDC Section 34-622(c)(36)]
REAL ESTATE SALES OFFICE, (LDC Sections 34-1951 *et seq.*,
and 34-3021)
RECREATION, COMMERCIAL [LDC Section 34-622(c)(38)]:
Groups I, III, & IV
RECREATIONAL FACILITIES, Personal
RELIGIOUS FACILITIES (LDC Section 34-2051 *et seq.*)
RENTAL OR LEASING ESTABLISHMENT [LDC Section 34-622(c)(39)]:
Groups I, II, & III (LDC Section 34-1201 *et seq.*, 34-1352, and 34-3001 *et seq.*)
REPAIR SHOPS [Section 34-622(c)(40)]: Groups I, II, III, & IV
RESEARCH AND DEVELOPMENT LABORATORIES
[LDC Section 34-622(c)(41)]: Groups II & IV
RESTAURANT, FAST FOOD
RESTAURANTS [LDC Section 34-622(c)(43)]: Groups I, II, III, & IV
RETAIL AND WHOLESALE SALES, when clearly incidental and subordinate
to a permitted principal use on the same premises

SCHOOLS:
Commercial [LDC Section 34-622(c)(45)] (LDC Section 34-2381)
Noncommercial (LDC Section 34-2381)
SELF-SERVICE FUEL PUMPS
SIGNS in accordance with Chapter 30
SOCIAL SERVICES [LDC Section 34-622(c)(46)]: Groups I, II, & III
SPECIALTY RETAIL SHOPS [LDC Section 34-622(c)(47)]:
Groups I, II, III, & IV
STORAGE, Indoor only, (LDC Section 34-3001 *et seq.*)
STUDIOS [LDC Section 34-622(c)(49)]
TEMPORARY USES (LDC Section 34-3041 *et seq.*)
THEATER, indoor (LDC Section 34-2471 *et seq.*)
TRANSPORTATION SERVICES [LDC Section 34-622(c)(53)]: Group II
USED MERCHANDISE STORES [LDC Section 34-622(c)(54)]:
Groups I, II, III & IV
VARIETY STORE
VEHICLE AND EQUIPMENT DEALERS [LDC Section 34-622(c)(55)]:
Groups I, II, & III (LDC Section 34-1352)
WAREHOUSE:
Mini-warehouse
Private
Public
WHOLESALE ESTABLISHMENTS [LDC Section 34-622(c)(56)]:
Groups I & III

iii. **DEVELOPMENT AREA #2 (Limited Light Industrial Uses):**

ACCESSORY USES AND STRUCTURES (LDC Sections 34-1171 *et seq.*, 34-2441 *et seq.*, 34-1863, and 34-2141 *et seq.*)
ADMINISTRATIVE OFFICES
ANIMALS: Clinic or kennel (LDC Section 34-1321 *et seq.*), no outside runs
ATM (automatic teller machine)
AUTO REPAIR AND SERVICE [LDC Section 34-622(c)(2)], All Groups (Section 34-1351)
BOATS:
Boat parts store
Boat repair and service (LDC Section 34-1352, and 34-3001 *et seq.*)
BROADCAST STUDIO, COMMERCIAL RADIO AND TELEVISION (LDC Section 34-1441 *et seq.*)
BUILDING MATERIAL SALES [LDC Section 34-622(c)(4) and 34-3001 *et seq.*], wholesale only
BUSINESS SERVICES [LDC Section 34-622(c)(5)]: Groups I & II
BUS STATION/DEPOT (LDC Section 34-1381 *et seq.*)
CARETAKER'S RESIDENCE
CLEANING AND MAINTENANCE SERVICES [LDC Section 34-622(c)(7)]
CONSUMPTION ON PREMISES (LDC Section 34-1261 *et seq.*) - Accessory only to Hotel/Motel Use
CONTRACTORS AND BUILDERS [LDC Section 34-622(c)(9)], Groups I & II (LDC Sections 34-1352, 34-3001 *et seq.*), excluding concrete batch

plants
DAY CARE CENTER, CHILD, ADULT
ENTRANCE GATES AND GATEHOUSE (LDC Section 34-1741 *et seq.*)
EMERGENCY MEDICAL SERVICE (ambulance station)
EMERGENCY OPERATIONS CENTER
ESSENTIAL SERVICES (LDC Sections 34-1611 *et seq.*, and 34-1741 *et seq.*)
ESSENTIAL SERVICE FACILITIES [LDC Section 34-622(c)(13)]: Groups I & II (LDC Sections 34-1611 *et seq.*, 34-1741 *et seq.*, and 34-2141 *et seq.*)
EXCAVATION, Water retention (LDC Section 34-1651)
FACTORY OUTLETS (point of manufacture only)
FENCES, WALLS (LDC Section 34-1741)
FIRE STATION
FOOD STORES [LDC Section 34-622(c)(16)]: Group II
GASOLINE DISPENSING SYSTEM, SPECIAL
GOVERNMENT MAINTENANCE FACILITY
HELISTOP
HOTEL/MOTEL (LDC Section 34-1801 *et seq.*)
MANUFACTURING of:
Apparel products [LDC Section 34-622(c)(1)]
Electrical machinery and equipment [LDC Section 34-622(c)(11)]
Food and kindred products, Group III
Leather products [LDC Section 34-622(c)(25)]: Group II
Lumber and wood products [LDC Section 34-622(c)(26)]: Group II
Measuring, analyzing and controlling instruments [LDC Section 34-622(c)(28)]
Novelties, jewelry, toys and signs [LDC Section 34-622(c)(29)], All Groups
Rubber and plastic products [LDC Section 34-622(c)(44)]: Group II
MOBILE HOME DEALERS (LDC Section 34-1352)
MOTION PICTURE PRODUCTION STUDIO
NONSTORE RETAILERS [LDC Section 34-622(c)(30)], All Groups
PARKING LOT, Accessory
PERSONAL SERVICES [LDC Section 34-622(c)(33)]: Groups I, II, III, & IV
PLACE OF WORSHIP (LDC Section 34-2051 *et seq.*)
POLICE OR SHERIFF'S STATION
POST OFFICE
PRINTING AND PUBLISHING [LDC Section 34-622(c)(36)]
PROCESSING AND WAREHOUSING
RELIGIOUS FACILITIES (LDC Section 34-2051 *et seq.*)
RENTAL OR LEASING ESTABLISHMENT [LDC Section 34-622(c)(39)]: Groups I, II, & III (LDC Section 34-1201 *et seq.*, 34-1352, and 34-3001 *et seq.*)
REPAIR SHOPS [Section 34-622(c)(40)]: Groups I, II, III, & IV
RESEARCH AND DEVELOPMENT LABORATORIES [LDC Section 34-622(c)(41)]: Groups II & IV
RESTAURANTS [LDC Section 34-622(c)(43)]: Group II
RETAIL AND WHOLESALE SALES, when clearly incidental and subordinate

to a permitted principal use on the same premises
SCHOOLS, Commercial [LDC Section 34-622(c)(45)] (LDC Section 34-2381)
SELF-SERVICE FUEL PUMPS
SIGNS in accordance with Chapter 30
SOCIAL SERVICES [LDC Section 34-622(c)(46)]: Group II
STORAGE:
Indoor only, (LDC Section 34-3001 *et seq.*)
Storage, open, (LDC Section 34-3001 *et seq.*)
TRANSPORTATION SERVICES [LDC Section 34-622(c)(53)]:
Groups II & III
VEHICLE AND EQUIPMENT DEALERS [LDC Section 34-622(c)(55)]:
Groups I, II, III, & IV (LDC Section 34-1352)
WAREHOUSE:
Mini-warehouse
Private
Public
WHOLESALE ESTABLISHMENTS [LDC Section 34-622(c)(56)]:
Groups III & IV

iii. **DEVELOPMENT AREA #2 (Multiple-family Residential - Alternative):**

ACCESSORY USES AND STRUCTURES (LDC Sections 34-1171 *et seq.*, 34-2441 *et seq.*)
ACCESSORY APARTMENT (LDC Section 34-1177)
ADMINISTRATIVE OFFICES
ASSISTED LIVING FACILITY (LDC Sections 34-1491 *et seq.*, and 34-1411)
BED AND BREAKFAST
BOARDING HOUSE
COMMUNITY RESIDENTIAL HOME
DWELLING UNIT:
Duplex
Multiple-family building
Single-family residential, conventional
Townhouse
Two-family attached
Zero lot line
ENTRANCE GATES AND GATEHOUSE (LDC Section 34-1741 *et seq.*)
ESSENTIAL SERVICES (LDC Sections 34-1611 *et seq.*, and 34-1741 *et seq.*)
ESSENTIAL SERVICE FACILITIES [LDC Section 34-622(c)(13)]: Group I (LDC Sections 34-1611 *et seq.*, 34-1741 *et seq.*, and 34-2141 *et seq.*)
EXCAVATION, Water retention (LDC Section 34-1651)
FENCES, WALLS (LDC Section 34-1741)
HOME CARE FACILITY
HOME OCCUPATION (LDC Section 34-1771 *et seq.*)
MODELS, Model unit (LDC Section 34-1951 *et seq.*)
PERSONAL SERVICES [LDC Section 34-622(c)(33)]: Groups I & II

PLACE OF WORSHIP (LDC Section 34-2051 *et seq.*)
REAL ESTATE SALES OFFICE, (LDC Sections 34-1951 *et seq.*, and 34-3021)
RECREATIONAL FACILITIES:
Personal
Private, On-Site
RESIDENTIAL ACCESSORY USES (LDC Section 34-1171 *et seq.*)
ROOMING HOUSE
SCHOOLS, Noncommercial (LDC Section 34-2381), Lee County School District
SPECIALTY RETAIL SHOPS [LDC Section 34-622(c)(47)]: Group I, ancillary use only
TEMPORARY USES (LDC Section 34-3041 *et seq.*)

b. **SITE DEVELOPMENT REGULATIONS**

i. **DEVELOPMENT AREA #1 (Commercial Retail - outparcels and interior parcel):**

Minimum Lot Area and Dimensions:

Area:	20,000 square feet
Width:	100 feet
Depth:	100 feet

Minimum Setbacks:

Internal roads:	25 feet
Perimeter:	25 feet
Parking:	25 feet
Side:	25 feet
Rear:	25 feet
Water body:	25 feet

Maximum Lot Coverage: 40 percent

Maximum Building Height: 75 feet

ii. **DEVELOPMENT AREA #2 (Limited Light Industrial):**

Minimum Lot Area and Dimensions:

Area:	20,000 square feet
Width:	100 feet
Depth:	100 feet

Minimum Setbacks:

Street:	20 feet (private)
Street:	variable according to the functional classification of the street or road (Section 34-2191 *et seq.*)
Perimeter:	25 feet (Structures, parking or internal roads)*

Internal tract line: 10 feet
Side: 20 feet
Rear: 15 feet **
Water body: 25 feet

*100-foot minimum is required for all uses required by LDC Section 34-2443(a).

**In locations not on property boundary.

Maximum Lot Coverage: 40 percent

Maximum Building Height: 45 feet, or three stories

iii. **DEVELOPMENT AREA #2 (Multiple-family Residential Alternative):**

Minimum Lot Area and Dimensions:
Area: 10,000 square feet
Width: 100 feet
Depth: 100 feet

Minimum Setbacks:
Street: variable according to the functional classification of the street or road (Section 34-2191 *et seq.*)
Street Private: 20 feet
Side: 20 feet
Rear: 20 feet
Water body: 25 feet

Maximum Lot Coverage: 45 percent

Maximum Building Height: 45 feet, or three stories

Density: Maximum of 142 dwelling units (87 dwelling units without the need for bonus density, plus 55 bonus density units.)

3. Buildings exceeding 35 feet in height must maintain additional building setback as regulated by LDC Section 34-2174(a).

4. A maximum of 87 multiple-family dwelling units may be constructed in Development Area #2, until such time that a bonus density agreement has been entered into and approved. If the bonus density units are approved in Development Area #2, a maximum of 142 multiple-family dwelling units may be developed. The multiple family dwelling units are in lieu of the limited light industrial development proposed for Development Area #2.

5. Prior to local development order approval, every effort must be made to preserve in place or relocate sabal palms (Sabal palmetto), especially those with golden polypody ferns (Polypodium aureum), to open space or landscape areas on-site.

6. The gopher tortoise management plan "Discussion and Conclusion," submitted as part of the "Environmental Impact Statement of Coconut Road," dated November 10, 1997, revised January 21, 1998, is hereby adopted. Prior to issuance of a Vegetation Removal Permit, all gopher tortoises and any commensal species must be relocated into the indigenous preserve. The preserve must be fenced off with gopher tortoise fencing prior to tortoise relocation.

7. Prior to local development order approval, open space must be provided on the MCP at 30 percent for commercial development, 20 percent for industrial development or 40 percent for residential development.

8. For local development order approval, 6.23 acres of indigenous preservation must be provided as delineated on the MCP, stamped received by the permit counter on "September 28, 1998", if the Mixed Planned Development (MPD) consists of commercial and industrial development. A total of 7.67 acres of indigenous preservation must be provided if the MPD consists of commercial and residential development.

9. Prior to local development order approval for Development Area #2, the developer must plant an enhanced vegetative buffer, within a 15-foot-wide strip along the west property boundary, that will reach a minimum height of eight feet within two years of the date of planting, and provide 75 percent opacity when viewed at right angles from adjacent property. Existing native vegetation must be used to meet these requirements where the vegetation exists. The vegetative buffer must extend from Coconut Road to a point 700 feet northward along the west property boundary.

10. For Development Area #1, site identification signs, building identification signs, and directory signs must be architecturally integrated and compatible with the project's building design and color. Unless otherwise stated, all signs must comply with the LDC.

11. Prior to the issuance of a local development order for any portion of the project fronting on Coconut Road and U.S. 41, in Development Area #1, the developer must provide a covenant running with the land showing a consistent architectural theme and landscaping design within the project.

12. Commercial retail uses may be replaced by additional office uses (greater than 50,000 square feet) in Development Area #1 based on a conversion ratio of 2,150 square feet of office area to 1,000 square feet of retail area, up to a maximum of 200,000 square feet of office uses.

13. The hotel/motel component of this project is limited to a maximum of 150 units. If the development of the hotel/motel occurs in Development Area #2, the following will apply:

    a. The hotel/motel site must abut Development Area #1.

    b. The hotel/motel site must have direct access from Development Area #1.

    c. The hotel/motel site must be buffered from limited light industrial uses as provided for in note J.)4.), on the MCP.

14. The internal access road is not eligible for impact fee credits.

15. Access to U.S. 41 is under the jurisdiction of the State, and FDOT (Florida Department of Transportation) approval is required.

16. No access is permitted to the outparcels from U.S. 41 or Coconut Road, except as shown on the MCP and/or approved by FDOT.

17. Approval of this zoning request does not mitigate the project's vehicular or pedestrian traffic impacts. Additional conditions may be required at the time of local development order.

18. Approval of this rezoning does not give the Developer an undeniable right to receive local development order approval. Future development order approvals must satisfy the requirements of the 2020 Lee Plan Planning Communities Map and Acreage Allocations Table, Map 16 and Table 1(b), of the Lee Plan.

19. This development must comply with all of the requirements of the LDC at the time of local development order approval, except as may be granted by deviations approved as part of this planned development.

20. All access stubs, excluding the access for the proposed alternative residential development for Development Area #2, must be constructed, at a minimum, to local road standards in accordance with the Land Development Code. The internal access road, excluding the stubs to the arterial and collector roads, must be constructed, at a minimum to private road standards, in accordance with the Land Development Code.

21. No more than 100,000 square feet of retail commercial uses may be constructed on this site until such time as Coconut Road is connected into Three Oaks Parkway, or is deemed by Lee County DOT to be an "arterial" roadway for purposes of Lee Plan Policy 6.1.2.

SECTION C. DEVIATIONS:

Deviation (1) requesting relief from LDC Section 10-285(a), Table 1, which requires that connections of streets, access roads or access ways with an arterial street must maintain a connection separation of 660 feet; to allow connection separations of ±246 feet, ±291 feet and ±330 feet is APPROVED SUBJECT TO THE CONDITION THAT the proposed access connection to Coconut Road will be allowed only in conjunction with the Development Area #2 alternative proposal for a residential development. Commercial traffic is prohibited from traveling through the residential portion of the project to reach Coconut Road.

SECTION D. EXHIBITS:

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

Exhibit A. The legal description and STRAP number of the subject property.
Exhibit B. A reduced copy of the Coconut Road MPD Master Concept Plan.
Exhibit C. A map depicting the subject parcel (shaded in) in relation to the surrounding area.

SECTION E. FINDINGS AND CONCLUSIONS:

1. The Applicant has proven entitlement to the rezoning by demonstrating compliance with the Lee Plan, the Land Development Code, and any other applicable code or regulation.

2. The request, as conditioned:

   a. will meet or exceed 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; and

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

3. The proposed use or mix of uses is appropriate at the subject location.

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

5. The recommended conditions to the master concept plan and other applicable regulations provide sufficient safeguard to the public interest, and the recommended conditions are reasonably related to the impacts on the public interest created by or expected from the proposed development.

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

7. The approved deviation, as conditioned, enhances the achievement of the objectives of the planned development, and preserves and promotes the general intent of Chapter 34, Land Development Code, to protect the public health, safety and welfare.

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

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

DULY PASSED AND ADOPTED this 16th day of November, 1998.

ATTEST:
CHARLIE GREEN, CLERK

BY: Linda D. Pierce
Deputy Clerk

BOARD OF COUNTY COMMISSIONERS
OF LEE COUNTY, FLORIDA

BY: _____
Chairman

Approved as to form by:

_____ 11/16/98
County Attorney's Office

MINUTES DEPARTMENT
FILED NOV 18 1998

EXHIBIT A

LEGAL DESCRIPTION

A parcel of land located in Section 09, Township 47 South, Range 25 East, Lee County, Florida, being more particularly described as follows:

Commencing at the West Quarter (W¼) corner of Section 09, Township 47 South, Range 25 East, Lee County, Florida;
THENCE run N01°00'32"E, along the West line of the Northwest Quarter (NW¼) of said Section 09, for a distance of 55.00 feet to a point on the Northerly right-of-way line of Coconut Road, a 50.00 foot right-of-way, as the same is described in O.R. Book 1738 at page 2538 of the Public Records of Lee County, Florida;
THENCE run S89°56'40"E, along the Northerly right-of-way line of Coconut Road, for a distance of 1,900.67 feet to a point on the Easterly boundary line of a 100.00 foot wide Florida Power and Light Company easement as recorded in O.R. Book 2304 at Page 2665 of the Public Records of Lee County, Florida, and being the POINT OF BEGINNING of the parcel of land herein described;
THENCE run N21°14'38"W, along the Easterly boundary line of said Florida Power and Light Company easement, for a distance of 1,399.06 feet to a point on the North line of the South Half (S½) of the Northwest Quarter (NW¼) of said Section 09;
THENCE run N88° 20'48"E, along the North line of the South Half (½) of the Northwest Quarter (NW¼) of said Section 09, for a distance of 1,236.59 feet to the Northeast corner of the South Half (S½) of the Northwest Quarter (NW¼) of said Section 09;
THENCE run N88°30'03"E, along the North line of the South Half (S½) of the Northeast Quarter (NE¼) of said Section 09, for a distance of 516.62 feet to a point on the Westerly right-of-way line of U.S. Highway No. 41 (State Road No. 45), a 200.00 foot right-of-way, the same being a point on a circular curve, concave to the West, whose radius point bears S86°53'46"W, for a distance of 11,391.16 feet therefrom;
THENCE run Southerly, along the Westerly right-of-way line of U.S. Highway No. 41 (State Road No. 45) and along the arc of said curve to the right, having a radius of 11,391.16 feet, through a central angle of 02°56'26", subtended by a chord of 584.54 feet at a bearing of S01°38'01"E, for a distance of 584.61 feet to the end of said curve;
THENCE run S00°09'48"E, along the Westerly right-of-way line of U.S. Highway No. 41 (State Road No. 45), for a distance of 770.12 feet to a point on the Northerly right-of-way line of Coconut Road;
THENCE run N89°56'40"W, along the Northerly right-of-way line of Coconut Road, for a distance of 1,264.44 feet to POINT OF BEGINNING;

Said parcel containing 46.361 acres, more or less.

STRAP NUMBER

The applicant has indicated the STRAP #'s of the subject property are 09-47-25-00-00002.0020, 09-47-25-00-00002.0030, 09-47-25-00-00002.0040 & 09-47-25-00-00002.0060.

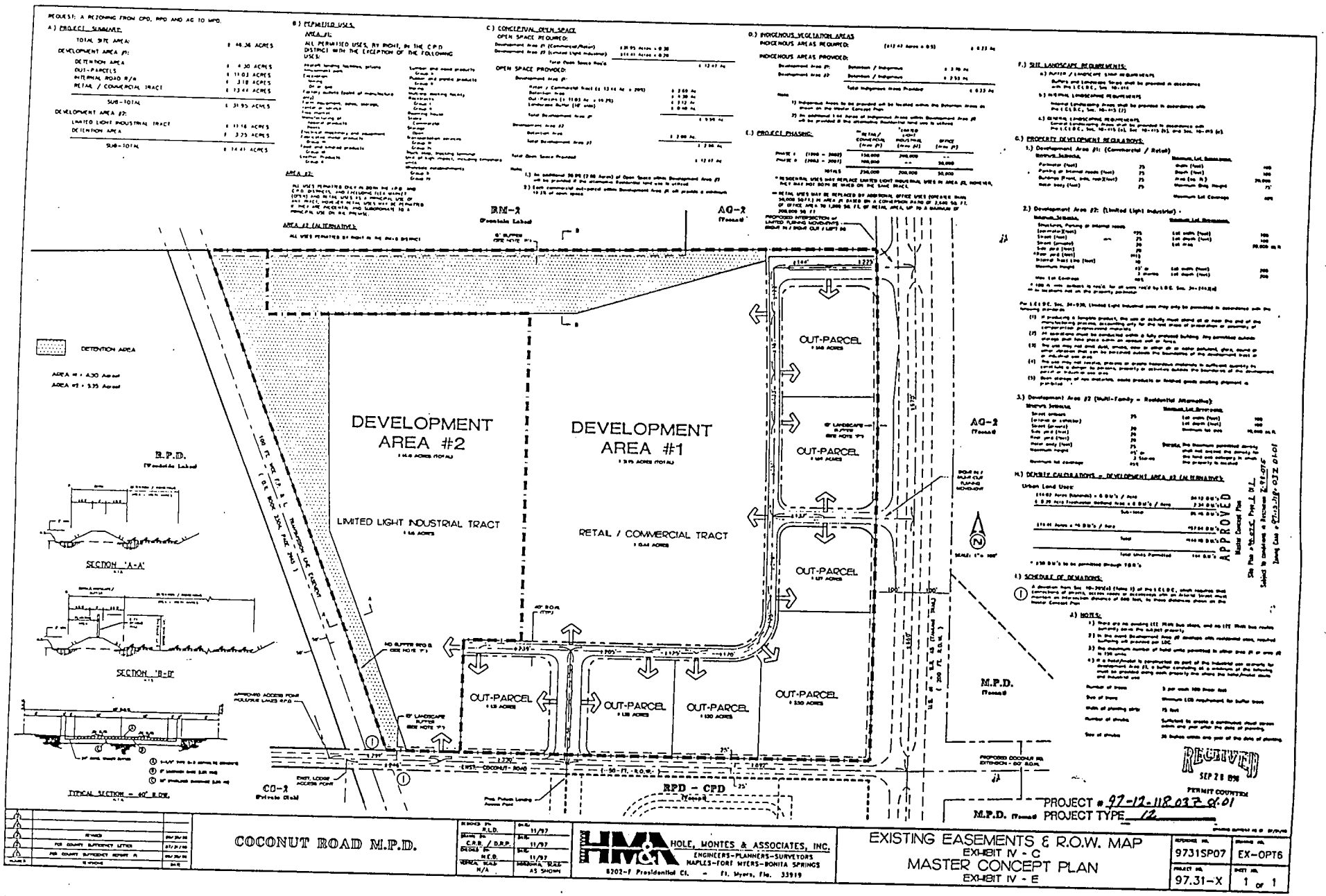
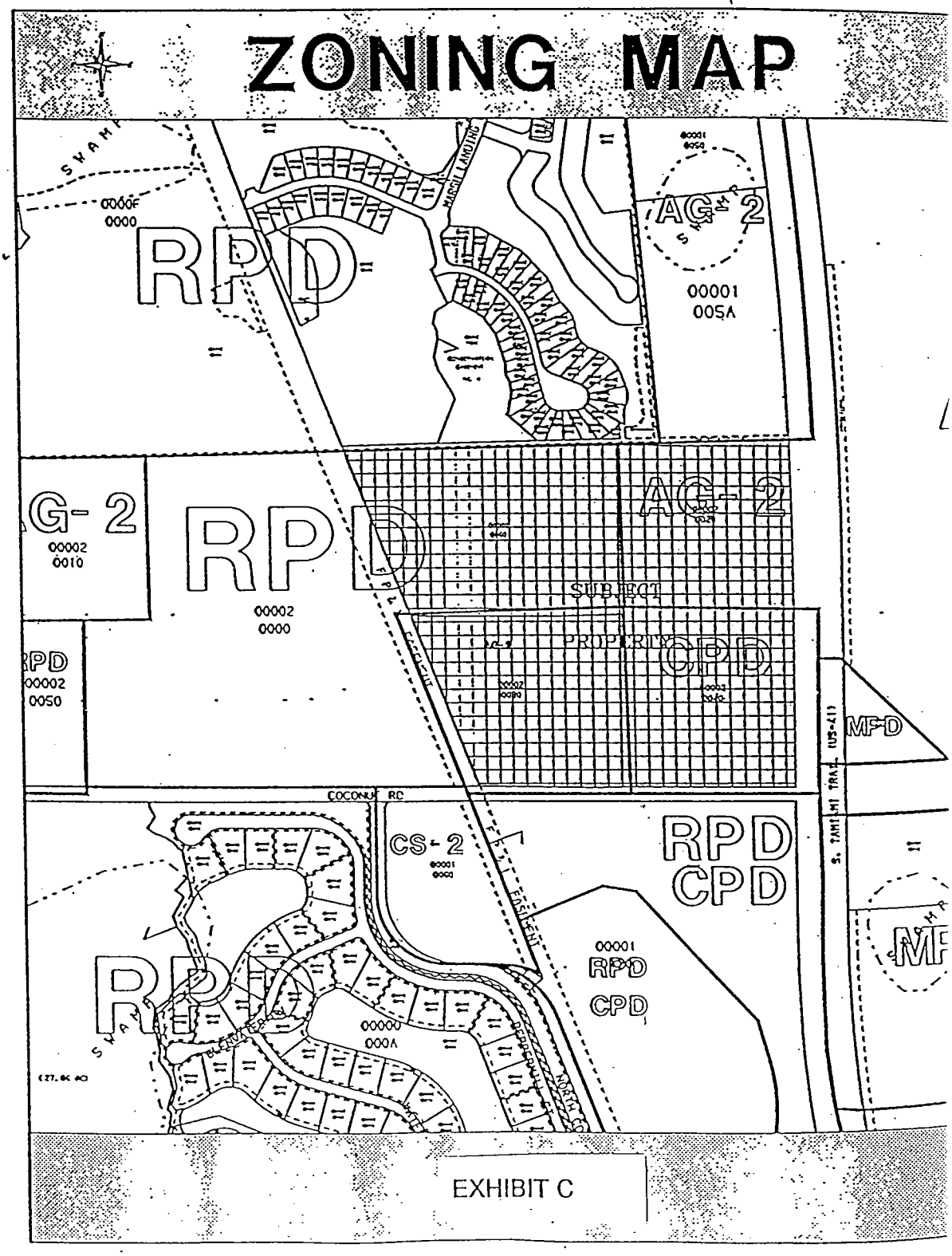

DEVELOPMENT AREA #2
LIMITED LIGHT INDUSTRIAL TRACT
DEVELOPMENT AREA #1
RETAIL / COMMERCIAL TRACT
OUT-PARCEL
OUT-PARCEL
OUT-PARCEL
OUT-PARCEL
OUT-PARCEL
OUT-PARCEL
OUT-PARCEL
DETENTION AREA
SECTION 'A-A'
SECTION 'B-B'
TYPICAL SECTION - 40' R.O.W.
RM-2
AG-2
AG-2
M.P.D.
RPD - CPD
CG-2
APPROVED
RECEIVED
SEP 28 1998
PERMIT COUNTER
PROJECT # 97-12-118.037 01.01
PROJECT TYPE 12
COCONUT ROAD M.P.D.
HOLE, MONTES & ASSOCIATES, INC.
ENGINEERS-PLANNERS-SURVEYORS
NAPLES-FORT MYERS-BONITA SPRINGS
8202-F Presidential Ct. - Ft. Myers, Fla. 33919
EXISTING EASEMENTS & R.O.W. MAP
EXHIBIT IV - C
MASTER CONCEPT PLAN
EXHIBIT IV - E
9731SP07
EX-OPT6
97.31-X
1 of 1

EXHIBIT B


ZONING MAP
SWAMP
00000F
0000
RPD
MARSH LANDING
AG-2
00001
005A
G-2
00002
0010
RPD
00002
0000
AG-2
SUBJECT
PROPERTY
CPD
RPD
00002
0050
MFD
COCONUT RD
CS-2
RPD
CPD
EASEMENT
00001
RPD
CPD
RPD
00000
000A
PEPPERMINT
NORTH
EXHIBIT C