

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

WHEREAS, the contract purchaser, Douglas Hannah, Trustee filed an application with the consent of the property owner, Muriel Hattenbach, for an amendment to the Cypress Lake Center DRI Development Order #7-8384-47; and

WHEREAS, a public hearing was advertised and held on April 12, 2000, before the Lee County Zoning Hearing Examiner, who gave full consideration to the evidence in the record for Case # DRI1999-00019; and

WHEREAS, a second public hearing was advertised and held on May 15, 2000, before the Lee County Board of Commissioners, who gave full and complete consideration to the recommendations of the staff, the Hearing Examiner, the documents on record and the testimony of all interested persons.

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

SECTION A. REQUEST:

The applicant filed a request to amend the Cypress Lake Center DRI Development Order #7-8384-47: a) to extend the termination date by three years, for a cumulative total termination date extension of seven years and 364 days; b) to extend the build-out date to match the termination date, for a cumulative total build-out date extension of 12 years, seven months and 19 days; and c) to adopt a revised Map H to reflect the change in Tract B and Lot 6 of Phase II, to replace "Proposed Multifamily uses (210 units)" with "Mixed Use Development"; and to obtain a finding that the proposed changes do not constitute a substantial deviation under the provisions of Section 380.06(19), Florida Statutes. The property is located in the Intensive Development Land Use Category and legally described in attached Exhibit A. The requests are APPROVED, SUBJECT TO the condition specified in Section B. below.

SECTION B. CONDITION:

1. All deviations and conditions approved by all prior applicable zoning resolutions will remain in full force and effect, except as specifically modified herein.

5/15/00

SECTION C. EXHIBITS:

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

- Exhibit A: The legal description and STRAP number of the property.
- Exhibit B: Zoning Map (subject parcel identified with shading)
- Exhibit C: The Revised Master Concept Plan (Map H)
- Exhibit D: Cypress Lake Center DRI - Fifth Development Order Amendment

SECTION D. FINDINGS AND CONCLUSIONS:

1. The applicant has proven entitlement to the request by demonstrating compliance with the Lee Plan, the LDC, and any other applicable code or regulation.
2. The request meets or exceeds all performance and locational standards set forth for the potential uses allowed by the request; and,
 - a. is consistent with the densities, intensities and general uses set forth in the Lee Plan; and,
 - b. is compatible with existing or planned uses in the surrounding area; and,
 - c. 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,
 - d. will not adversely affect environmentally critical areas or natural resources.
3. The request 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
4. Urban services, as defined in the Lee Plan, are, or will be, available and adequate to serve the proposed land use.
5. There are no additional regional impacts created by the requested amendments to extend the build out and termination dates or the amendment to Map H.
6. The requested amendments do not constitute a substantial deviation from prior development order approvals.

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

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

DULY PASSED AND ADOPTED this 15th day of May, 2000.

ATTEST:
CHARLIE GREEN, CLERK

BOARD OF COUNTY COMMISSIONERS
OF LEE COUNTY, FLORIDA

BY: *Charlie Green*
Deputy Clerk

BY: *John E. Albion*
Chairman

Approved as to form by:

[Signature]
County Attorney's Office

MINUTES OFFICE
Autu F
FILED MAY 25 2000

EXHIBIT "A"

LEGAL DESCRIPTION

A TRACT OR PARCEL OF LAND LYING IN THE SOUTHEAST QUARTER OF SECTION 23, TOWNSHIP 45 SOUTH, RANGE 24 EAST, WHICH TRACT OR PARCEL IS DESCRIBED AS FOLLOWS:

THE EAST ONE-HALF OF THE SOUTHEAST ONE-QUARTER, LESS THE NORTH 116 FEET LYING WEST OF STATE ROAD NO. 45, OF SAID SECTION 23, TOWNSHIP 45 SOUTH, RANGE 24 EAST, LEE COUNTY, FLORIDA.

The applicant has indicated that the STRAP numbers for the subject property are

23-45-24-44-00000.B000	23-45-24-50-00000.0010
23-45-24-44-00000.0070	23-45-24-44-00000.0010
23-45-24-44-00000.008B	23-45-24-44-00000.008A
23-45-24-48-00000.0020	23-45-24-00-00002.0010
23-45-24-00-00002.0020	23-45-24-00-00002.0040
23-45-24-44-00000.0060	23-45-24-44-00000.00CE
23-45-24-44-00000.0020	23-45-24-44-00000.0040
23-45-24-44-00000.0080	23-45-24-48-00000.0010
23-45-24-48-00000.0030	23-45-24-00-00002.0060
23-45-24-00-00002.0050	23-45-24-00-00002.0030:

ZONING MAP

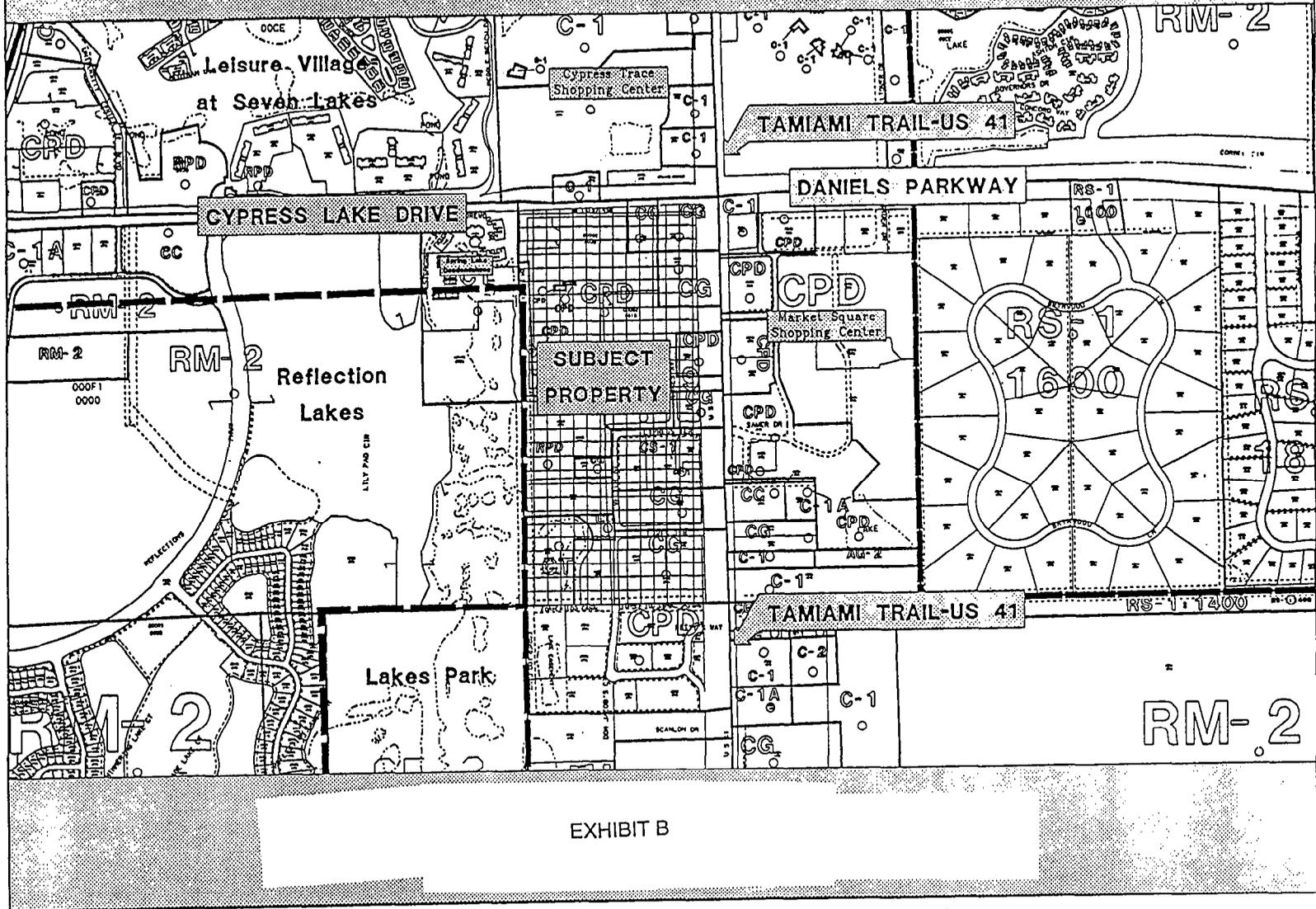
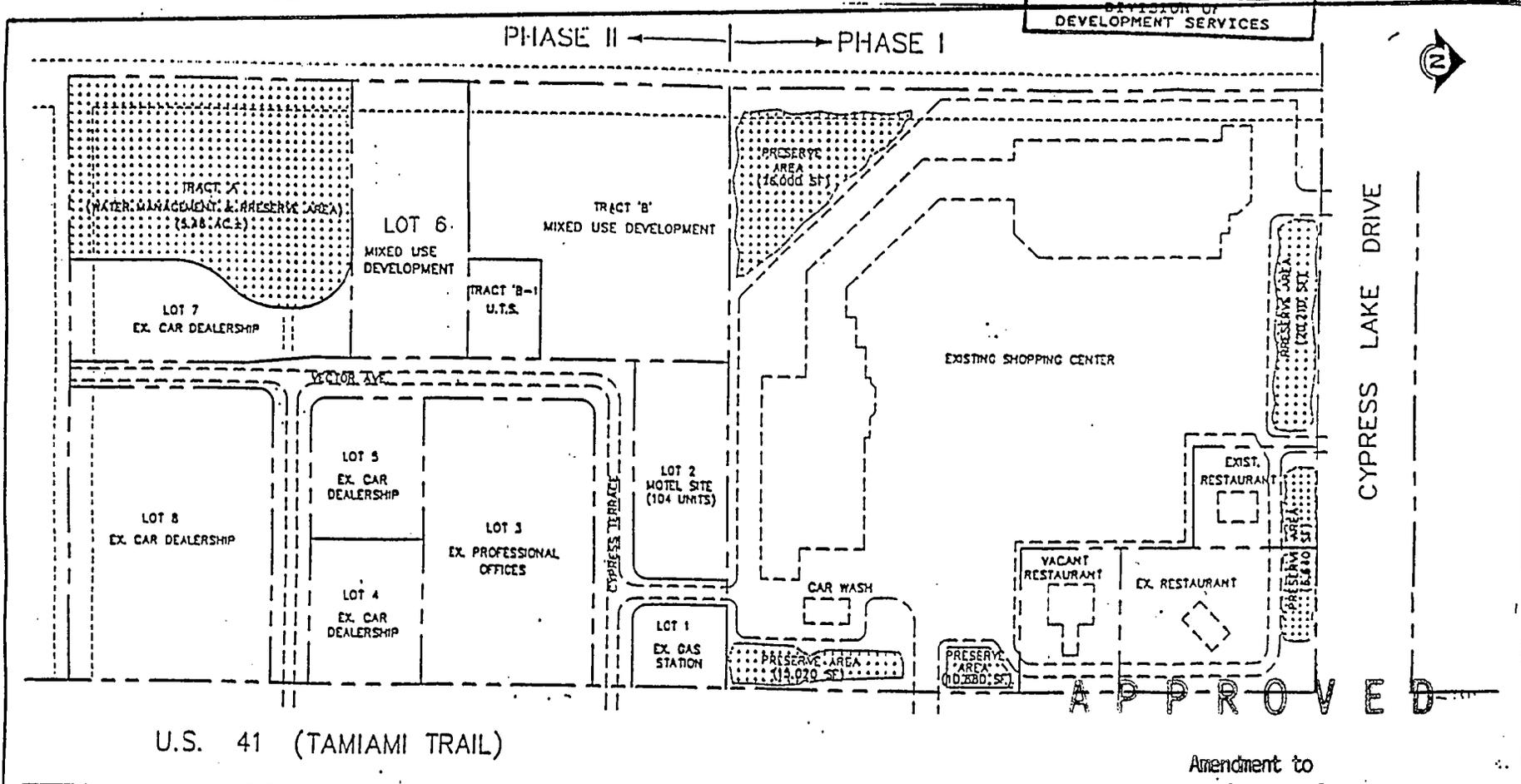


EXHIBIT B

RECEIVED
 MAR 22 2000
 DIVISION OF
 DEVELOPMENT SERVICES



APPROVED

PREPARED BY

Banks Engineering, Inc.

Professional Engineers, Planners & Land Surveyors.
 10501 SIX MILE CYPRESS PARKWAY - SUITE 104 FORT MYERS, FLORIDA 33912
 PHONE: (941)939-5490 FAX: (941)939-2523

CYPRESS LAKE CENTER
 REVISED: MARCH 21, 2000

Amendment to
 Master Concept Plan
 Subject to conditions in Resolution Z-00-020
 Zoning Case # DRI 1999-00019
 Date May 15, 2000
MASTER DEVELOPMENT PLAN
 MAP "H"

**CODIFIED FIFTH DEVELOPMENT ORDER AMENDMENT¹
FOR
CYPRESS LAKE CENTER**

A DEVELOPMENT OF REGIONAL IMPACT

#7-8384-47

LET IT BE KNOWN, THAT, PURSUANT TO SECTION 380.06 OF THE FLORIDA STATUTES, THE BOARD OF COUNTY COMMISSIONERS OF LEE COUNTY, FLORIDA, HAS HEARD, AT A PUBLIC HEARING CONVENED ON MAY 15, 2000, THE REQUEST TO AMEND THE DEVELOPMENT OF REGIONAL IMPACT DEVELOPMENT ORDER FOR CYPRESS LAKE CENTER, A COMMERCIAL (SHOPPING CENTER/OFFICE PARK) DEVELOPMENT CONSISTING OF APPROXIMATELY 68.5 ACRES TO BE DEVELOPED IN ACCORDANCE WITH THE APPLICATION FILED ON JULY 17, 1984, BY ARTHUR L. MOSES, TRUSTEE, AUTHORIZED REPRESENTATIVE OF CYPRESS LAKE VENTURE, LTD., FOR SAID DEVELOPMENT AND AS SUBSEQUENTLY AMENDED.

WHEREAS, the original Cypress Lake Center DRI Development Order was approved on May 20, 1985; and

WHEREAS, the Development Order was first amended on June 8, 1987 to allow 336,400 square feet of retail commercial and 270,000 square feet of office development; and

WHEREAS, the Development Order was amended on November 9, 1987 to allow refund of traffic mitigation funds under certain circumstances; and

WHEREAS, the Development Order was amended a third time on November 29, 1993 to extend the effective date of the Development Order to June 19, 2000; and

WHEREAS, the Development Order was amended a fourth time on March 29, 1999, to adopt a new Master Development Plan, Map H which reflected approval of a shopping center (336,340 square feet on 40 acres); business corporate office area (40,000 square feet); an executive business office park (165,000 square feet); hotel complex (275 room hotel, 200-seat restaurant, 100-seat conference center); and, 210 multi-family residential units on approximately 68.5 acres, and to extend the buildout date to June 19, 2000; and

¹ This codified Development Order (DO) includes all development order amendments thru the 5th DRI DO Amendment adopted by the Board on May 15, 2000, and may be relied on to state the terms of the original DRI DO, as amended. The fifth amendment to this development order is reflected by deleted text being ~~struck through~~ and new text being under-lined.

WHEREAS, Douglas Hannah, Trustee, has submitted an application on behalf of the current property owner Muriel Hattenbach, for a fifth amendment to the development order to adopt a new Map H to reflect the change in Tract B and Lot 6 of Phase II, to replace "Proposed Multifamily uses (210 units)" with "Mixed Use Development," and to extend the buildout and termination dates to June 19, 2003; and

WHEREAS, the Board of County Commissioners of Lee County, Florida desire to adopt a codified Development Order to consolidate all of the past actions taken in regard to this approved development; and

WHEREAS, in order to retain a clear understanding of the history of Cypress Lake Center DRI project this codification includes all of the conditions of the original DRI DO and amendments thereto, but the inclusion of such conditions herein is not intended to resurrect or reimpose any conditions that have already been satisfied; and

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 Administrative Staff, the Lee County Local Planning Agency, and the documents and comments upon the record made before the Board in public hearing, and after full consideration of those reports, recommendations, comments, and documents, the Board of County Commissioners of Lee County, Florida, finds and determines that:

I. FINDINGS OF FACT AND CONCLUSIONS OF LAW

A. This development, as amended, will be a mixed use project including a shopping center (336,340 square feet on 40 acres); business corporate office area (40,000 square feet); an executive business office park (165,000 square feet); hotel complex (275 room hotel, 200-seat restaurant, 100-seat conference center); and, 210 multi-family residential units on approximately 68.5 acres. The proposed development constitutes a Development of Regional Impact on the real property described as:

A tract or parcel of land lying in the southeast quarter of Section 23, Township 45 South, range 24 East, which tract or parcel is described as follows:

The east one-half of the southeast one-quarter, less than north 116 feet lying west of State Road No. 45, of said Section 23, Township 45 South, Range 24 East, Lee County, Florida.

B. The subject property is presently zoned CPD, RPD, CG, CS and CT.

C. The Application for Development Approval (ADA) is consistent with the requirements of Section 380.06, Florida Statutes; and

D. The proposed development is not in an area designated as an Area of Critical State Concern pursuant to the provisions of Section 380.05, Florida Statutes; and

E. The proposed development has been reviewed by the Southwest Florida Regional Planning Council and is the subject of the report and recommendations adopted by that body, and subsequently forwarded to Lee County pursuant to the provisions of Section 380.06, Florida Statutes, and the proposed development is consistent with this report and recommendations of the Southwest Florida Regional Planning Council; and

F. The proposed development is consistent with the adopted Lee County Comprehensive Plan, subject to the following conditions.

NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF COUNTY COMMISSIONERS OF LEE COUNTY, FLORIDA, in public meeting duly constituted and assembled on May 15, 2000, that the Development of Regional Impact Application for Development Approval submitted by Cypress Lake Venture, Ltd. (referred to hereinafter as "developer") and as subsequently amended, is APPROVED, subject to the following conditions, restrictions, and limitations:

II. CONDITIONS OF DEVELOPMENT APPROVAL

A. COMMUNITY SERVICES

1. The developer must meet with the Chief of the South Trail Fire Department and the Director of Lee County Division of Public Safety or his designee, prior to project construction, to discuss fire protection and Emergency Medical Service needs and appropriate measures to meet these needs.

2. The developer must demonstrate, to the satisfaction of the Lee County Division of Community Development prior to project construction, that there will be no adverse fiscal impacts (costs exceeding revenues) upon fire protection and Emergency Medical Service providers resulting from the development.

B. DRAINAGE/WATER QUALITY

1. The drainage system for the proposed project must be redesigned to provide greater upland (dry) retention/detention of runoff prior to discharge into the on-site lake system. Areas of natural vegetation as described in condition "E" below may be used where feasible.

2. The discharge structure must include a baffle, skimmer, or other mechanism suitable for preventing oil and grease from discharging from retention/detention areas.

3. The drainage system must implement the design standards and "best management practices" outlined in the ADA and in all supplementary material.

4. The developer and/or his successor(s), must implement an on-going maintenance and monitoring program that regularly inspects, maintains and samples the stormwater drainage system. The program must be designed in consultation with the staffs of the Southwest Florida Regional Planning Council, the South Florida Water Management District, and Lee County. Final approval of the program rests with Lee County. The program must be redesigned, if necessary, to incorporate any County ordinances and/or policies relating to the Lakes Park drainage basin. If the quality of surface water runoff does not meet any present or future standards, then the developer must take remedial measures to improve the system to meet these standards, entirely at the developer's expense. The developer is responsible for any remedial measures required by the County, including all costs.

5. A regular program of vacuum sweeping of all project parking lots must be utilized both during and after project construction.

6. The project must be served by a central sewage system.

7. The project is subject to all regulations of Lee County for the protection of the Lakes Regional Park Watershed and Lakes Regional Park water quality.

C. ENERGY

The developer must incorporate, at 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 and covenants with successors in title. All applications for site plan approvals and building permits must be accompanied by a document detailing proposed compliance with these conditions. If deed restrictions or covenants are utilized to insure compliance, such documents must be approved by the Lee County Attorney's Office prior to recording.

These features are:

1. Provision of bicycle racks or storage facilities.
2. Location of bus stops, shelters, and other passenger and system accommodations for a transit system to serve the project area, in cooperation with the appropriate Lee County agencies.
3. Use of energy-efficient features in window design (e.g., tinting and exterior shading), and use of operable windows and ceiling fans.
4. Installation of energy-efficient appliances and equipment.

5. Prohibition of deed restrictions or covenants that would prevent or unnecessarily hamper energy conservation efforts (e.g., building orientation and solar water heating systems).

6. Reduced coverage by asphalt, concrete, rock, and similar substances in streets, parking lots, and other areas to reduce local air temperatures and reflected light and heat.

7. Installation of energy-efficient lighting for streets, parking areas, and other interior and exterior public areas.

8. Installation of water closets with a maximum flush of 3.5 gallons and shower heads and faucets with a minimum flow rate of 3.0 gallons per minute (at 60 pounds of pressure per square inch) as specified in the Water Conservation Act, (Section 553.14, F.S.).

9. Selection, installation and maintenance of native plants, trees, and other vegetation and landscape design features that reduce requirements for water, fertilizer, maintenance, and other needs, for all parking lot landscaping and required vegetated buffer areas.

10. Placement of native trees to provide shade in the warmer months while not overly reducing the benefits of sunlight in the cooler months, and to provide shade for all streets and parking areas.

11. Orientation of structures, to reduce solar heat gain by walls and to utilize the natural cooling effects of the wind, whenever feasible.

12. Provision for structural shading (e.g., trellises, awnings, and roof overhangs) wherever practical when natural shading cannot be used effectively.

13. Establishment of an architectural review committee and consideration by the project architectural review committee(s) of energy conservation measures (both those noted here and others) to assist builders and tenants in their efforts to achieve greater energy efficiency in the development.

D. TRANSPORTATION

1. The developer must construct, cause to be constructed or pay the full costs for intersection improvements deemed necessary by the Lee County Engineer for the project's access points onto U.S. 41 and Cypress Lake Drive. These improvements must be made prior to the issuance of the first certificate of occupancy for the project.

2. The developer must pay a proportionate share of the cost of constructing two additional lanes, on the following road segments:

- a. U.S. 41 from Cypress Lake Drive/Daniels Parkway to and including the intersection of Island Park Road with U.S. 41.
- b. Daniels Parkway from the Bell Tower Mall entrance east of U.S. 41 to the beginning of four lanes west of I-75.
- c. Cypress Lake Drive from the terminus of four lanes west of U.S. 41 to the intersection of McGregor Boulevard with Cypress Lake Drive.
- d. Gladiolus Drive from the terminus of four lanes west of U.S. 41 to and including the intersection of Summerlin Road with Gladiolus Drive.

The developer's proportionate share must be determined by the County Engineer and be paid at the time that the first local Development Order is issued under Lee County regulations.

3. The developer must pay a proportionate share of the cost of signalization, turn lanes, additional approach lanes, or other improvements deemed necessary by the Lee County Engineer or FDOT in order to maintain level of service "C" at the following intersections:

- a. U.S. 41 at Daniels Parkway/Cypress Lake Drive
- b. U.S. 41 at Gladiolus Drive/Six Mile Parkway
- c. U.S. 41 at College Parkway
- d. Cypress Lake Drive at Summerlin Road
- e. Daniels Parkway at Metro Parkway

The developer's proportionate share will be determined by the County Engineer and be paid upon commencement of the intersection improvement.

4. If more than two additional lanes are required to maintain level of service "C" on a road segment specified in D.2 above during project build out, then the developer must pay a proportionate share of the cost of constructing these lanes. The developer's proportionate share will be determined by the County Engineer and be paid

upon commencement of the roadway improvement.

5. The developer must submit an annual monitoring report to the Lee County Engineer, the Lee County MPO, FDOT and the Southwest Florida Regional Planning Council for review. This monitoring report must include average daily and peak-hour traffic counts, with turning movements, at the project's access points on U.S. 41 and Cypress Lake Drive and at the intersections listed in D.3 above. The first report must be submitted one year following the issuance of the first certificate of occupancy for the project. Reports must be submitted annually until build out of the project.

6. Nothing contained in this Development Order may be construed to exempt this development from participation in the funding, through Municipal Services Benefit Units (MSBU's) or other special assessment districts of improvements to various state or county arterial and collector roads or intersections to the degree to which this development generates demand.

ALTERNATIVES

1. In lieu of the obligations and payments required by D.1 through D.3 above, the developer may contribute a base amount of \$1,300,000 (in 1985 dollars) for the mitigation of adverse traffic impacts due to this project. Payment must be made subject to the provisions listed below:

- a. The developer must design and construct, or cause to be designed and constructed, two additional lanes on U.S. 41 from the southern boundary line of the Cypress Lake Center DRI to Daniels Parkway/Cypress Lake Drive plus intersection improvements deemed necessary by the Lee County Engineer for the project's access points onto U.S. 41 and for the south leg of the U.S. 41/Daniels Parkway/Cypress Lake Drive intersection. The developer's contract(s) for the design and construction of these improvements must be reviewed and approved by the County Engineer. These improvements must be substantially completed to the satisfaction of the County Engineer prior to issuance of the first certification of occupancy for this project.
- b. Funds must be expended first for the U.S. 41 improvements specified in Alternative 1.a above, with the balance of the base amount of \$1,300,000 paid by the developer into a fund established by Lee County for the purpose of mitigating other adverse impacts due to the project, including improvements described in D.2 and D.3 above, plus intersection improvements deemed necessary by the County Engineer for the project's access points onto Cypress Lake Drive. At the time that construction contracts are let for the specified improvements on U.S. 41, and after consultation and agreement with

the County Engineer, the developer must pay an amount estimated to be the balance of the \$1,300,00 minus the cost for design and construction of the U.S. 41 improvements into the fund established by Lee County. Within one month of the completion of the U.S. 41 contracts, the County Engineer will determine the exact amount of this balance based on actual design and construction costs. The developer will receive a refund or make an additional payment to Lee County so that the total amount paid by the developer equals the base payment of \$1,300,000.

- c. If the construction contracts have not been let prior to October 1, 1985, the base payment of \$1,300,000 will be adjusted quarterly thereafter using the most current Construction Price Index (C.P.I.) published by the Engineer News Record (McGraw-Hill Publications) until the construction contracts are let. The base price index for these adjustments is the price index in the Second Quarterly Cost Round-Up for 1985.
- d. If Lee County adopts a Roads Impact Fee ordinance, the amount of this base payment will remain the same (\$1,300,000), except for adjustments required by Alternative 1.c above. This base payment will be credited against the roads impact fee when adopted.
- e. The Board of County Commissioners, in its discretion, may equitably refund monies to the developer for transportation mitigation fees paid in excess of those reasonably necessary to mitigate the development's adverse impacts. If the total refunding of such fees equals or exceeds 15% of the mitigation amount required by the Development Order, it will be deemed a substantial deviation. The refund in this case is not to exceed \$49,537 and is to be refunded only after staff has determined that all transportation commitments made in the Development Order have been met.

2. If the developer foregoes Alternative 1 and Lee County adopts a Roads Impact Fee ordinance before the first building permit is issued, this fee may be credited toward off-site improvements listed in D.2 through D.4 above. Site-related improvements remain the developer's responsibility and obligation. Payments already made for these off-site improvements will be credited toward the overall fee.

E. VEGETATION AND WILDLIFE

1. The developer must preserve no less than 15 percent of the total site as unaltered native vegetation, including understory, generally along the project's north, east, and west boundaries. These areas may be utilized as dry detention basins (excavation prohibited) in the water management system to purify surface run-off. Plans

for this preserve area must be submitted to the Lee County Planning Department for approval. Native species must be utilized for all parking lot landscaping and required vegetated buffer areas.

F. WATER SUPPLY

1. The developer must incorporate the use of water-conserving devices, as required by state law (Chapter 553.14, F.S.).

2. The developer must utilize water-conserving features in irrigation system design and use, including the use of native or low water use plants and turf.

3. The developer must utilize either surface water from the on-site lake system or groundwater for irrigation, unless demonstrated infeasible.

G. HURRICANE EVACUATION

The developer must meet with Lee County Division of Public Safety officials to discuss the use of project common areas for storm shelter purposes, and establish and maintain a hotel/motel hurricane evacuation program of education and information describing the risks of environmental hazards, as well as the actions necessary to mitigate the dangers these hazards present.

H. OTHER

The project may not exceed a total of 336,340 square feet of retail commercial use as defined by the Lee County Comprehensive Plan. These uses may also include automobile dealerships, auto centers, automobile service stations, or indoor movie theaters (up to 800 permanent seats). The total project is approved for and limited to the following development parameters: 336,340 square feet of shopping center (on a total of 40 acres); 40,000 square feet of business corporate office area; 165,000 square feet of executive business office park; 275 room hotel (with 200 seat restaurant, and 100 seat conference center); and, 210 multiple family dwelling units.

BE IT FURTHER RESOLVED, by the Board of County Commissioners of Lee County, Florida, that:

III. FURTHER CONDITIONS OF DEVELOPMENT APPROVAL

1. This resolution constitutes the Development Order of this Board issued in response to the original Development of Regional Impact application for Development Approval filed by Cypress Lake Venture, Ltd. and all amendments approved through and including May 15, 2000. Map H, attached as Attachment 1, revised and dated March 21, 2000, is incorporated as part of this Development Order.

2. All commitments and impact mitigating actions volunteered by the developer in the Application for Development Approval and supplementary documents, not in conflict with conditions or stipulations specifically enumerated above, are adopted into this Development Order by reference. The commitments incorporated by reference are binding on the developer as if set forth herein.

3. This Development Order is binding upon the developer and the developer's heirs, assignees or successors in interest.

It is declared that the terms and conditions set out in this document constitute a basis upon which the developer and County may rely in future actions necessary to implement fully the final development contemplated by this Resolution and Development Order.

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

4. It is understood that any reference herein to any governmental agency will be construed to mean any future instrumentality which may be created and designated as successor in interest to, or which otherwise possesses any of the powers and duties of any referenced governmental agency in existence on the effective date of this Development Order.

5. In the event that any portion or section of this Development Order is determined to be invalid, illegal or unconstitutional by a court of competent jurisdiction, such decision will in no manner affect the remaining portions or sections of the Development Order, which will remain in full force and effect provided that the portion of the Development Order that is invalidated does not cause the remainder of the development area to be inconsistent with the purpose and intent of Lee County adopting this Development Order.

6. The approval granted by this Development Order is limited. Approval may not be construed to obviate the duty of the applicant to comply with all other applicable local or state review and permitting procedures.

7. Subsequent request for local development permits may not require further review pursuant to Section 380.06, Florida Statutes, unless it is found by the Board of County Commissioners, after due notice and hearing, that one or more of the following is present:

- a. A substantial deviation from the terms or conditions of this development order, or other changes to the approved development plans which create a reasonable likelihood of

adverse regional impacts or other regional impacts which were not evaluated in the review by the Southwest Florida Regional Planning Council; or

- b. An expiration of the period of effectiveness of this development order as provided herein.

Upon finding that either of the above is present, the Board may order a termination of all development activity until such time as a new DRI Application for Development Approval has been submitted, reviewed and approved in accordance with Section 380.06, Florida Statutes, and all local approvals have been obtained.

8. This Development Order will remain in effect until June 19, 20003, provided that this effective period may be extended by this Board upon a finding of excusable delay in any proposed development activity and that conditions have not changed sufficiently to warrant further consideration of the development. In the event the developer fails to commence significant physical development of that property identified in this development order within five (5) years from the date of rendition of this Development Order, development approval will terminate and the development may be subject to further consideration. Significant physical development includes obtaining a Certificate of Completion on some substantial portion of the project. The project buildout date is June 19, 20003.

9. The Administrative Director of the Lee County Division of Community Development or his/her designee, is the local official responsible for assuring compliance with this Development Order.

10. The developer, or his successor(s) in title to the undeveloped portion of the subject property, must submit a report annually to the Lee County Board of County Commissioners, the Southwest Florida Regional Planning Council, the State land planning agency, and all affected permit agencies. This report must describe the state of development and compliance as of the date of submission, and be consistent with the rules of the State land planning agency. The first monitoring report must be submitted to the Administrative Director of the Division of Community Development not later than May 1, 1986, and further reporting must be submitted not later than January 1st of subsequent calendar years. Failure to comply with this reporting procedure is governed by Section 380.06 (16) F.S. and the developer must inform any successor in title to any undeveloped portion of the real property covered by this Development Order.

11. Certified copies of this Development Order will be forwarded to the Southwest Florida Regional Planning Council, 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 appeals period (45 days from rendition) or until the completion of any appellate proceedings, which ever time is greater. Upon this Development Order becoming effective, notice of its adoption must be recorded as

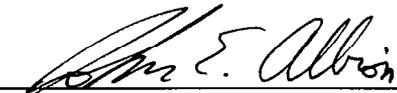
provided in Chapter 380, Florida Statutes.

THE MOTION TO ADOPT the above codified Development Order was offered by Commissioner Judah, and seconded by Commissioner Coy and upon poll of the members present, the vote was as follows:

John Manning	AYE
Douglas St. Cerny	ABSENT
Ray Judah	AYE
Andrew Coy	AYE
John Albion	ABSENT

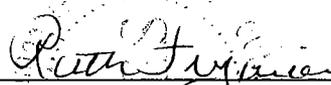
DULY PASSED AND ADOPTED this 15th day of May, 2000.

BOARD OF COUNTY COMMISSIONERS
LEE COUNTY, FLORIDA



(Chairman)

ATTEST:
Charlie Green, Clerk



Deputy Clerk



APPROVED AS TO FORM



County Attorney

Attachments:

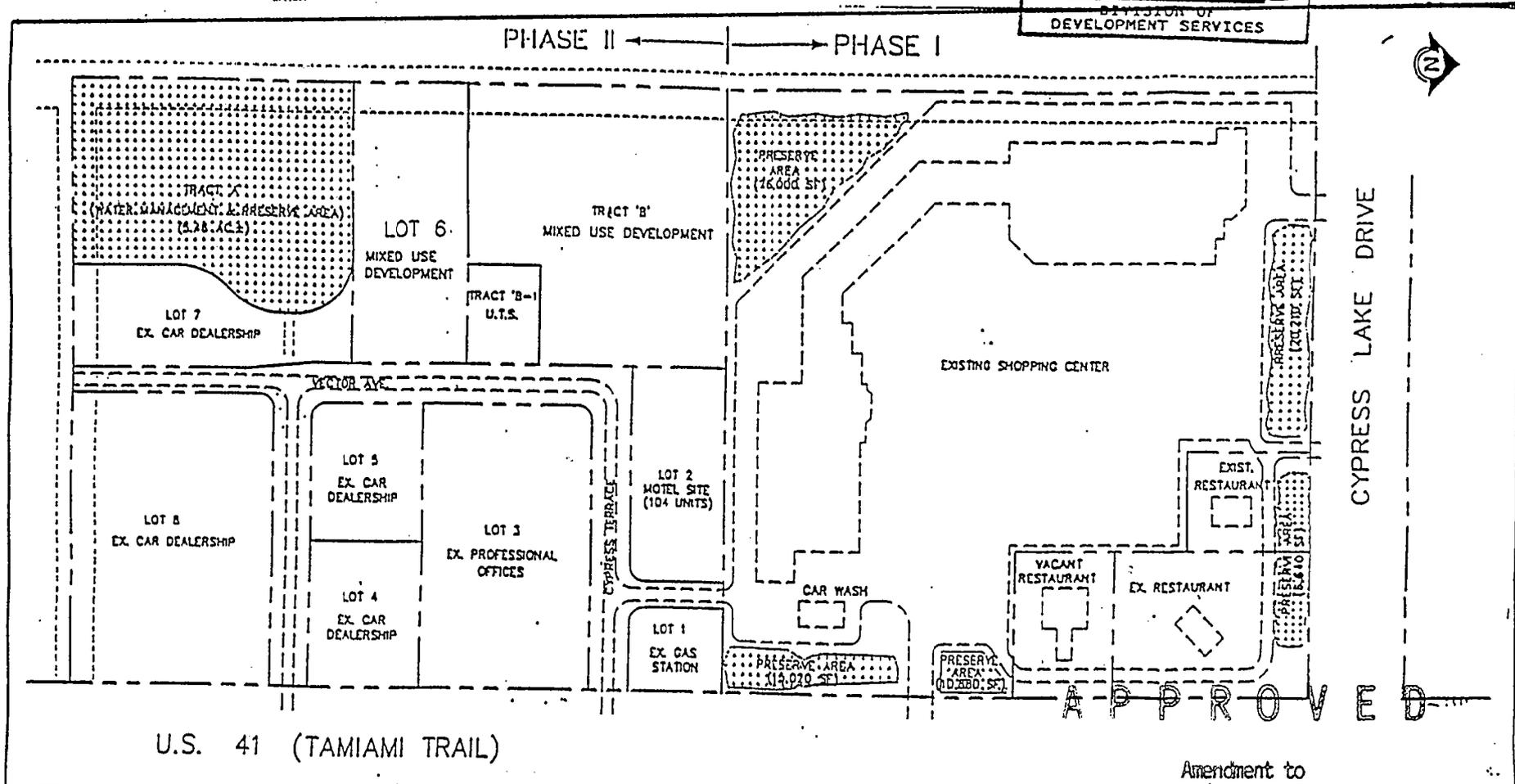
1. Map H, revised and dated March 21, 2000.

MINUTES OFFICE



FILED MAY 25 2000

RECEIVED
 MAR 22 2000
 DIVISION OF
 DEVELOPMENT SERVICES



APPROVED

U.S. 41 (TAMIAMI TRAIL)

PREPARED
 BY

Banks Engineering, Inc.

Professional Engineers, Planners & Land Surveyors.
 10501 SIX MILE CYPRESS PARKWAY - SUITE 104 FORT MYERS, FLORIDA 33812
 PHONE: (941)939-5490 FAX: (941)939-2523

CYPRESS LAKE CENTER

REVISED: MARCH 21, 2000

Amendment to

Master Concept Plan

Subject to conditions in Resolution Z-00-020

Zoning Case # DR1999-00019

Date May 15, 2000

MASTER DEVELOPMENT PLAN
MAP "H"