

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

WHEREAS, Russell P. Schropp, Esquire, filed an application on behalf of the property owner, Lee Health Ventures, Inc., d/b/a HealthPark Florida, to amend the Commercial Planned Development (CPD) and the Development of Regional Impact (DRI).

WHEREAS, a public hearing was advertised and held on May 23, 2001, before the Lee County Zoning Hearing Examiner, who gave full consideration to the evidence in the record for Case #DRI2000-00023 and DCI2000-00093; and

WHEREAS, a second public hearing was advertised and held on August 20, 2001, 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:

1. Amend the HealthPark Florida DRI and CPD to provide for adjustments in land uses, amend the legal description to remove Bass Road from the project, amend the build-out date for Phase I to December 31, 2004 and the build-out date for the project to December 31, 2008, modify traffic mitigation conditions, incorporate updated information, and modify the Master Concept Plan (MCP) and Map H; and
2. Determine whether the proposed changes constitute a deviation from the original development approvals under the provisions of §380.06(19), Florida Statutes, requiring further DRI review.

The property is located in the Urban Community & Resource Protection 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. Development must be consistent with the two-page Amended Master Concept Plan entitled "HealthPark Florida," dated August 1997, last revised December 26, 2000 and stamped "Received Dec 27 2000," except as modified by the conditions below.

2. Development must be in compliance with the HealthPark Florida DRI Development Order #5-8586-63, as amended, attached hereto as Exhibit D.
3. The terms and conditions of Resolution Z-87-058, as amended by Resolutions Z-98-011 and Z-01-002, remain in full force and effect except as modified herein. No changes to the Schedule of Uses, the Property Development Regulations nor to the previously approved deviations are made by this resolution.
4. Revised Development Parameters:

Land Use	Total Phase I - 2004	Total Buildout - 2008
Institutional/Office	467,200 square feet	1,383,803 square feet
Commercial	100,000 square feet	175,000 square feet
Residential		
Independent Living	363 dwelling units	363 dwelling units
Assisted Living	407 beds	407 beds
Multifamily	468 dwelling units	968 dwelling units
Lodging/Hotel (Includes Ronald McDonald House)	252 rooms	252 rooms

5. Full median openings depicted on the Master Concept Plan are not approved by this resolution. Access Points #1 and #3, as identified on the MCP, must be consistent with the conditions adopted under Resolution Z-01-002. This resolution limits Access Point #3 to a right-in/right-out only and stipulates that Access Point #1 will be evaluated with regard to a median opening at the time that future improvements are realized along Bass Road.
6. As outlined under the amended DRI Development Order (D.9 Traffic Assessment), prior to initiating Phase II level of development, the Developer must submit a traffic reassessment for review of Phase II development.
7. Buildings exceeding 35 feet in height must maintain additional building separation consistent with LDC §34-2174(a).
8. Transportation mitigation must be provided consistent with in the DRI development order. However, site related improvements and additional conditions may be required at the time of local development order approval in accordance with the provisions of the Land Development Code.
9. Approval of this application 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).
10. The project must comply with all requirements of the Lee County LDC at time of local Development Order Approval, except as may be granted by deviations approved as part of this planned development. If changes to the Master Concept Plan are subsequently pursued, appropriate approvals will be necessary.

SECTION C. DEVIATIONS:

The proposed request contains no modifications to the previously adopted Schedule of Deviations as enumerated on the Amended Master Concept Plan. Deviations 1, 4, 5, 6, and 7 were withdrawn by the Applicant. No changes are proposed for Deviations 2, 3, 8, 9, 10, 11 and 12. No action is necessary for any deviation as part of this amendment.

SECTION D. 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 Master Concept Plan (Map H)
- Exhibit D: Health Park Florida DRI Development Order (Third Development Order Amendment)

SECTION E. FINDINGS AND CONCLUSIONS:

1. The applicant has proven entitlement to the request by demonstrating compliance with the Lee Plan, the LDC, and other applicable code and regulations.
2. The request, as conditioned:
 - a. meets or exceeds the 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 the site 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 approval of this request satisfies the following criteria:
 - a. the proposed use or mix of uses continues to be 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, 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 Judah, seconded by Commissioner Janes, and, upon being put to a vote, the result was as follows:

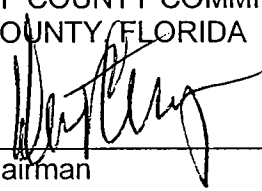
Robert P. Janes	Aye
Douglas R. St. Cerny	Aye
Ray Judah	Aye
Andrew W. Coy	Absent
John E. Albion	Aye

DULY PASSED AND ADOPTED this 20th day of August 2001.

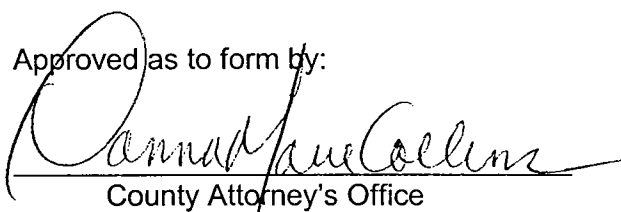
ATTEST:
CHARLIE GREEN, CLERK

BY: 
Deputy Clerk

BOARD OF COUNTY COMMISSIONERS
OF LEE COUNTY, FLORIDA

BY: 
Chairman

Approved as to form by:


County Attorney's Office

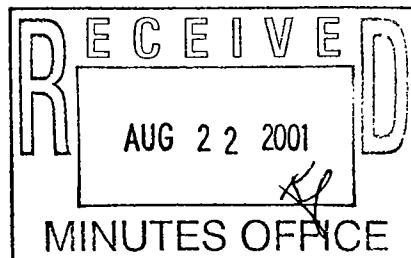


EXHIBIT "A"
LEGAL DESCRIPTION
Property located in Lee County, Florida

In Section 33, Township 45 South, Range 24 East and Section 4, Township 46 South, Range 24 East, Lee County Florida: Healthpark Florida West subdivision, Plat Book 47, Pages 1 through 9; less and except Tract "A" of said subdivision for Bass Road; and Phase I-E Healthpark Florida West subdivision, Plat Book 49, Pages 31 through 34, and Phase I-F Healthpark Florida West subdivision, Plat Book 53, Pages 81 through 90, and Healthpark Florida East subdivision, Plat Book 68 Pages 17 through 22, Public Records of Lee County, Florida.

Parcel contains 390.7 acres, more or less.

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

04-46-24-02-0000D.0000	04-46-24-02-0000G.0000
04-46-24-02-000M0.0000	33-45-24-00-00003.0020
33-45-24-03-0000C.0000	33-45-24-03-0000G.0000
33-45-24-04-00000.0070	33-45-24-04-00000.0080
33-45-24-04-00T00.0000	33-45-24-04-00W00.0000
33-45-24-04-00Y00.0000	04-46-24-02-0000B.0000
33-45-24-03-00000.0010	04-46-24-00-00002.0000
04-46-24-04-00000.0110	33-45-24-03-00000.0020
33-45-24-03-00000.0030	04-46-24-00-00010.0000
04-46-24-03-00000.0180	33-45-24-00-00003.0010
33-45-24-03-0000G.0010	33-45-24-03-0000G.0020
33-45-24-04-00000.0090	33-45-24-04-0000V.0000

ZONING MAP

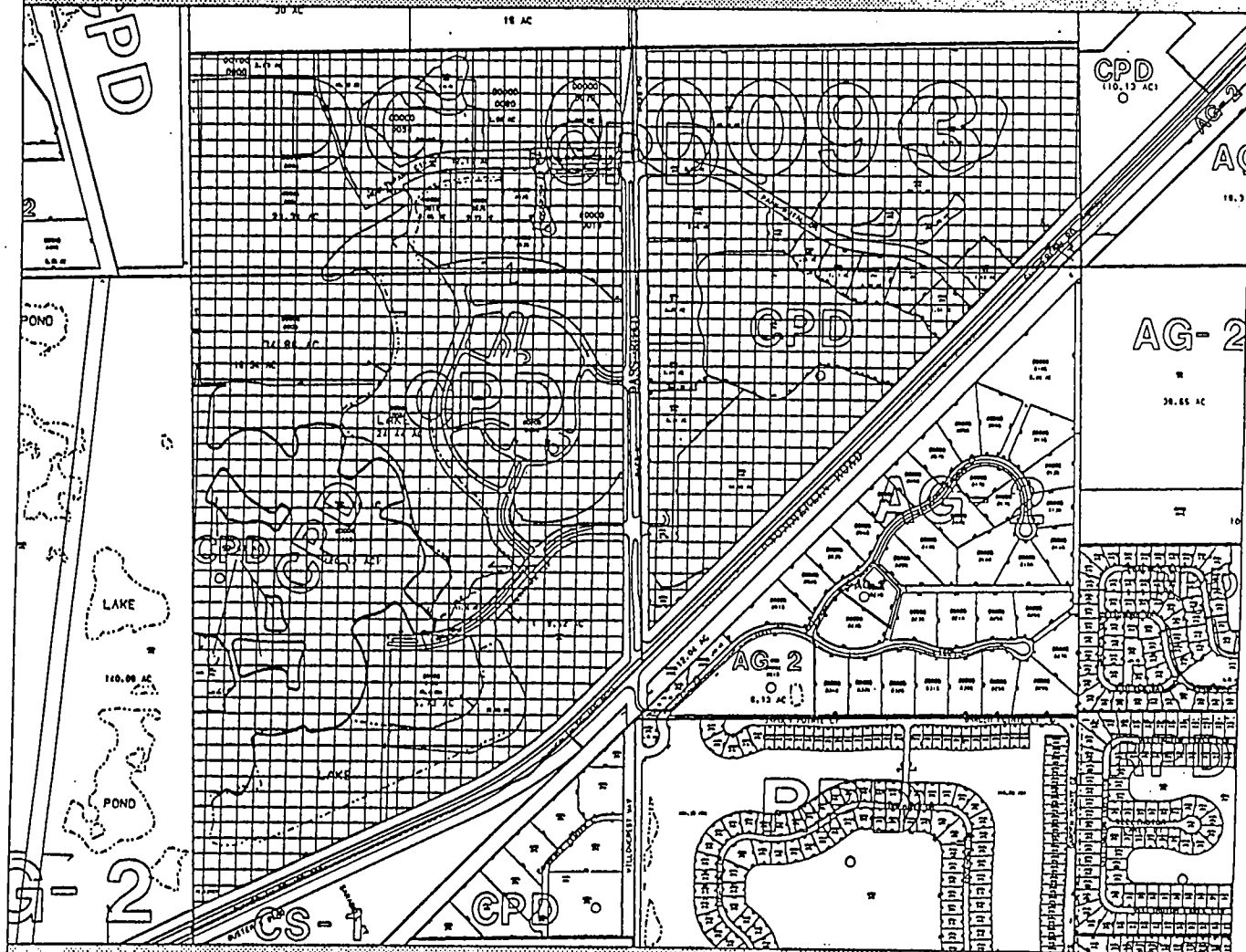


EXHIBIT B

URL 2000-00023

J:\19293\19293A12A.DWG

AG-2
VACANT

AG-2
VACANT

AG-2
VACANT

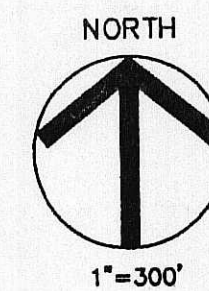
AG-2
VACANT

AG-2
VACANT

AG-2
RESIDENTIAL

AG-2
RESIDENTIAL

CS-1
VACANT



OPEN SPACE TABLE

OPEN SPACE REQUIRED

180.2 ACRES X 30% (COMMERCIAL)	54.1 ACRES
210.5 ACRES X 40% (RESIDENTIAL)	84.2 ACRES
390.7 ACRES	138.3 ACRES

OPEN SPACE PROVIDED

COMMERCIAL PARCELS 180.2 ACRES X 24%	43.25 ACRES
RESIDENTIAL PARCELS 210.5 ACRES X 28%	58.94 ACRES
LAKE (25% OF 76.9 ACRES)	19.23 ACRES
WETLANDS	16.90 ACRES
TOTAL OPEN SPACE REQUIRED:	138.30 ACRES

STRAP NUMBERS OF SUBJECT PROPERTY

04-46-24-02-00000.0000
04-46-24-02-00000.0000
04-46-24-04-00000.0000
33-45-24-00-00003.0020
33-45-24-03-00000.0000
33-45-24-04-00000.0070
33-45-24-04-00000.0080
33-45-24-04-00000.0000
33-45-24-04-00000.0000
33-45-24-04-00000.0000
33-45-24-04-00000.0000
04-46-24-02-00008.0000
33-45-24-03-00000.0010
04-46-24-00-00002.0000
04-46-24-04-00000.0110
33-45-24-03-00000.0020
33-45-24-03-00000.0030
04-46-24-00-00010.0000
04-46-24-03-00000.0180
33-45-24-00-00003.0010
33-45-24-03-00000.0010
33-45-24-03-00000.0020
33-45-24-04-00000.0099
33-45-24-04-00000.0000

DEVIATIONS

DEVIATIONS PREVIOUSLY APPROVED UNDER RESOLUTION Z-87-058

1. WITHDRAWN
2. MINIMUM WATER RETENTION EXCAVATION SETBACKS TO A STREET RIGHT-OF-WAY OF 25 FEET AND 50 FEET (10-328)(1)(a), TO 0 FEET;
3. MINIMUM WATER RETENTION EXCAVATION SETBACKS TO A PRIVATE PROPERTY LINE OF 50 FEET (10-328)(1)(a)(3), TO 0 FEET;
4. WITHDRAWN
5. WITHDRAWN
6. WITHDRAWN
7. WITHDRAWN
8. DEVIATION FROM THE REQUIREMENT THAT MULTIPLE FAMILY BUILDINGS PROVIDE 1.5 PARKING SPACES PER UNIT FOR ONE BEDROOM UNIT AND 1.75 PARKING SPACES PER UNIT FOR TWO BEDROOM APARTMENTS (SECTION 34-202)(1)(c) TO PERMIT 0.75 PARKING SPACES PER ONE BEDROOM UNIT AND 0.875 PARKING SPACES PER TWO BEDROOM UNIT IN MULTIPLE FAMILY BUILDINGS.
9. DEVIATION FROM THE REQUIREMENT THAT RESIDENTIAL DEVELOPMENTS SHALL PROVIDE 40% OPEN SPACE AND COMMERCIAL DEVELOPMENTS SHALL PROVIDE 30% OPEN SPACE [SECTION 10-413(b)], TO ALLOW THE OPEN SPACE TABLE PROVIDED.
10. DEVIATION FROM THE LEE COUNTY LAND DEVELOPMENT CODE TO ALLOW THE PROPERTY DEVELOPMENT REGULATIONS FOR HEALTHPARK, FLORIDA.
11. DEVIATION FROM SECTION 30-153 TO APPROVE SIGN PACKAGE FOR HEALTHPARK. (AMENDED)
12. DEVIATION FROM LDC 10-285(d), TABLE 1, TO ALLOW FOR TWO 649' CONNECTION SEPARATIONS.

APPROVED
Master Concept Plan

Site Plan # 01-021 Page 1 of 2
Subject to conditions in Resolution Z-01-021
Case # DCL 2000-00023 & DCL 2000-00093

MASTER CONCEPT PLAN -

BOUNDARY SKETCH - EXHIBIT II-B-2
AREA LOCATION MAP - EXHIBIT II-D
EXISTING ZONING / LAND USE - EXHIBIT II-F-3
EXISTING EASEMENTS - EXHIBIT IV-C
SCHEDULE OF USES - EXHIBIT IV-G
SCHEDULE OF DEVIATIONS - EXHIBIT IV-H

DRI 2000-00023 DCL 2000-00093

JOHNSON ENGINEERING, INC.
ENGINEERS, SURVEYORS AND ECOLOGISTS
2158 JOHNSON STREET, P.O. BOX 1550, FORT MYERS, FLORIDA 33902-1550, PHONE (941) 334-0046

DATE	PROJECT NO.	FILE NO.	SCALE	SHEET
AUGUST 1997	19293	33-45-24	1"=300'	1

AMENDED MASTER CONCEPT PLAN



REVISED: 12-28-00
REVISED: 9-21-00
REVISED: 7-17-00
REVISED: 1-28-98

LAKE DEVIATIONS

LAKE "A" - DEVIATION 2,3
LAKE "B" - DEVIATION 2
LAKE "C" - DEVIATION 2,3
LAKE "D" - DEVIATION 2,3
LAKE "E" - DEVIATION 2,3
LAKE "F" - DEVIATION 2,3

* - DENOTES FUTURE POTENTIAL LAKE LOCATION/SIZE

ALL LAKES ARE CONCEPTUAL AND SUBJECT TO FINAL DESIGN

SCHEDULE OF USES
for
HealthPark CPD

ACCESSORY USES AND STRUCTURES
ADMINISTRATIVE OFFICES
AIRCRAFT LANDING FACILITIES
ANIMALS CLINIC (Section 34-1321)
ASSISTED LIVING FACILITY (ALF)
ATM (Automatic Teller Machine)
AUTO PARTS STORE
AUTOMOBILE SERVICE STATION
AUTO REPAIR AND SERVICE [Section 34-622(c)(2)], limited to garages with general automotive repair and service.
BAIT AND TACKLE SHOP
BANKS AND FINANCIAL ESTABLISHMENTS [Section 34-622(c)(3)], Groups I and II
BAR OR COCKTAIL LOUNGE (Section 34-1261)
BOATS
BOAT PARTS STORE
BOAT RENTAL
BOAT SALES
BROADCAST STUDIO, COMMERCIAL RADIO AND TELEVISION (Section 34-1441)
BUILDING MATERIALS SALES [Section 34-622(c)(4)]
BUSINESS SERVICES [Section 34-622(c)(5)], Group I, excluding bail bonding, collection agencies, credit reporting services.
CAR WASH
CARETAKER'S RESIDENCE
CLOTHING STORES, GENERAL [Section 34-622(c)(8)]
CLUBS
COMMERCIAL
FRATERNAL MEMBERSHIP ORGANIZATION (Section 34-2111)
PRIVATE (Section 34-2111)
CONSUMPTION ON PREMISES (Section 34-1261) (8 COP's)
CONVENIENCE FOOD AND BEVERAGE STORE
CULTURAL FACILITIES [Section 34-622(c)(10)]
DAYCARE CENTER, ADULT, CHILD
DEPARTMENT STORE
DRIVE-THROUGH FACILITY FOR ANY PERMITTED USE
DRUGSTORE, PHARMACY
DWELLING UNIT - MULTIPLE FAMILY BUILDING and/or TOWNHOUSE, IN CONJUNCTION WITH AT LEAST 50,000 S.F. OR MORE OF COMMERCIAL OR LIGHT INDUSTRIAL USES
ESSENTIAL SERVICES (Section 34-1611)
ESSENTIAL SERVICE FACILITIES (Sections 34-622(c)(13) and 34-1611), Group I
EXCAVATION WATER RETENTION (Section 34-1651)
FACTORY OUTLETS
FENCES, WALLS
FOOD AND BEVERAGE SERVICE, LIMITED
FOOD STORES [Section 34-622(c)(16)], Groups I
FUNERAL HOME OR MORTUARY (with or without cremation)
GIFT AND SOUVENIR SHOP
GROUP QUARTERS
HARDWARE STORE
HEALTH CARE FACILITIES [Section 34-622(c)(20)], All Groups
HOBBY, TOY, GAME SHOPS [Section 34-622(c)(21)]
HOSPICE
HOTEL / MOTEL
HOUSEHOLD AND OFFICE FURNISHINGS [Section 34-622(c)(22)], All Groups
INSURANCE COMPANIES [Section 34-622(c)(23)]
LAUNDROMAT
LAUNDRY OR DRY CLEANING [Section 34-622(c)(24)], Group I
LAWN AND GARDEN SUPPLY STORE (Section 34-2081)
LIBRARY
MEDICAL OFFICE
MINI-WAREHOUSE
MODEL DISPLAY CENTER (Section 34-1951)
MODEL UNITS AND CENTERS
NON-STORE RETAILERS [Section 34-622(c)(30)], All Groups
PACKAGE STORE (Section 34-1261)
PAINT, GLASS AND WALLPAPER
PARKS [Section 34-622(c)(32)], Groups I & II and III limited to Convention or Exhibition Halls
PARKING LOT
ACCESSORY
COMMERCIAL
GARAGE, PUBLIC PARKING
TEMPORARY
PERSONAL SERVICES [Section 34-622(c)(33)], All Groups
PET SHOP AND SERVICES
PHARMACY
PLACE OF WORSHIP
PROFESSIONAL OFFICES
REAL ESTATE SALES OFFICE
RECREATION, COMMERCIAL [Section 34-622(c)(38)], All Groups
RECREATIONAL FACILITIES, COMMERCIAL, PERSONAL, PRIVATE OR PUBLIC INDOOR ONLY
RELIGIOUS FACILITIES (Section 34-2051)
RENTAL OR LEASING ESTABLISHMENTS [Section 34-622(c)(39)], Group I
REPAIR SHOPS [Section 34-622(c)(40)], Groups I and II
RESEARCH AND DEVELOPMENT LABORATORIES [Section 34-622(c)(41)],
Group II and IV
RESIDENTIAL ACCESSORY USES
RESTAURANTS, FAST FOOD
RESTAURANTS [Section 34-622(c)(43)], All Groups
SCHOOLS, COMMERCIAL [Section 34-622(c)(45)], All Groups
SELF-SERVICE FUEL PUMPS
SELF-SERVICE FUEL PUMP STATION
SIGNS IN ACCORDANCE WITH APPROVED SIGN PACKAGE DATED
DEC. 1997, AMENDED WITH THIS APPLICATION.
SOCIAL SERVICES [Section 34-622(c)(46)], Groups I, II & III
SPECIALTY RETAIL SHOP [Section 34-622(c)(47)], All Groups
STORAGE OPEN AND INDOOR (Section 34-3001)
STUDIOS [Section 34-622(c)(49)]
TEMPORARY USES
TOWERS, COMMUNICATION [SECTION 34-1441] up to 100 feet
TRANSPORTATION SERVICES [Section 34-622(c)(53)], Group II
UNITS OF HIGH IMPACT
USED MERCHANDISE STORE [Section 34-622(c)(54)], Groups I, II and III

PROPERTY DEVELOPMENT REGULATIONS
FOR
HEALTHPARK FLORIDA
D-10

USE	MINIMUM LOT DIMENSIONS			MINIMUM STRUCTURAL SETBACKS						
	AREA (S.F.)	DEPTH (FEET)	WIDTH (FEET)	SIDE (FEET)	REAR (FEET)	INTERNAL FRONTAGE ROAD (FEET)	WATER BODY (FEET)	BASS ROAD (FEET)	SUMMERLIN ROAD (FEET)	
ALF, ETC.	10,000	100	100	15	15	20	20	25	25	
MULTI-FAMILY	10,000	100	100	15	20	20	20	25	25	
COMMERCIAL	10,000	100	100	15	20	20	20	25	25	
OUTPARCEL	7,500	100	75	10	15	20	25	25	25	

MINIMUM BUILDING SEPARATION DISTANCE: 20 FEET
MAXIMUM STRUCTURAL LOT COVERAGE: 55%

NOTES:

1. PIE-SHAPED LOTS SHALL HAVE NO MINIMUM LOT WIDTH BUT WILL MEET LOT AREA REQUIREMENTS.
2. SEE LDC SECTIONS 34-1174, 34-1176, 34-2191 AND 34-2194 FOR ACCESSORY STRUCTURAL SETBACKS UNLESS IN CONFLICT WITH ABOVE REGULATIONS.

GENERAL INFORMATION
HEALTHPARK CPD

TOTAL LAND AREA 402.8 ACRES
LESS BASS ROAD R/W -12.1 ACRES
TOTAL DEVELOPMENT AREA 390.7 ACRES

REQUEST: CPD TO AMENDED CPD (OPTION 1)

PARKING:

PARKING REQUIREMENTS WILL BE THOSE IN EFFECT AT THE TIME OF CPD APPROVAL EXCEPT AS MODIFIED BY DEVIATION 8. SUBSEQUENT LESS STRINGENT PARKING REQUIREMENTS APPROVED BY LEE COUNTY MAY REPLACE THE INITIAL PARKING REQUIREMENTS BY ADMINISTRATIVE APPROVAL BY THE DIRECTOR OF THE DEPARTMENT OF COMMUNITY DEVELOPMENT.

HEIGHT:

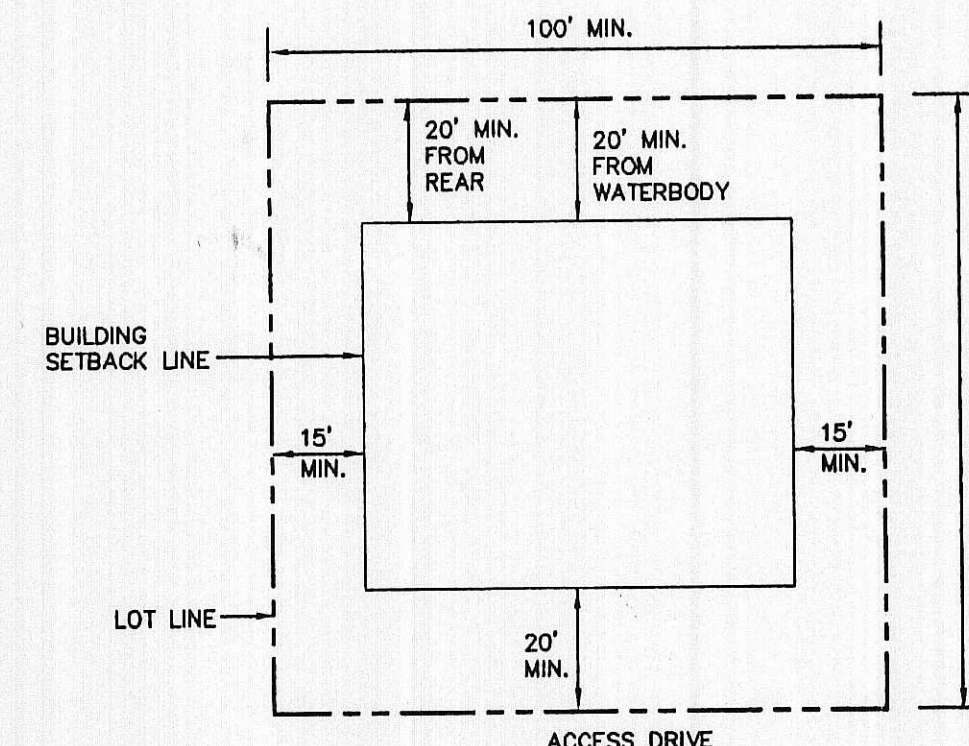
8 HABITABLE FLOORS WITH A MAXIMUM HEIGHT OF 95 FEET ABOVE MINIMUM FLOOD ELEVATIONS.

OUTPARCELS:

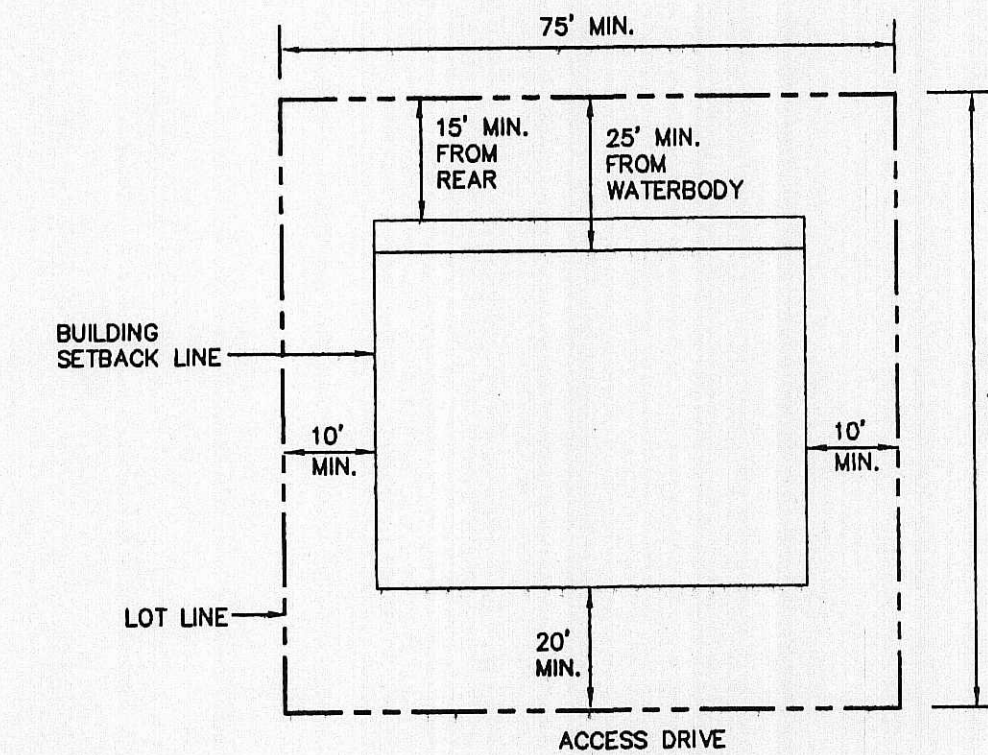
OPTIONAL OUTPARCELS ALLOWED

BUFFERS:

MUST COMPLY WITH CHAPTER 10 OF LEE COUNTY LAND DEVELOPMENT CODE (SECTION 10-416).

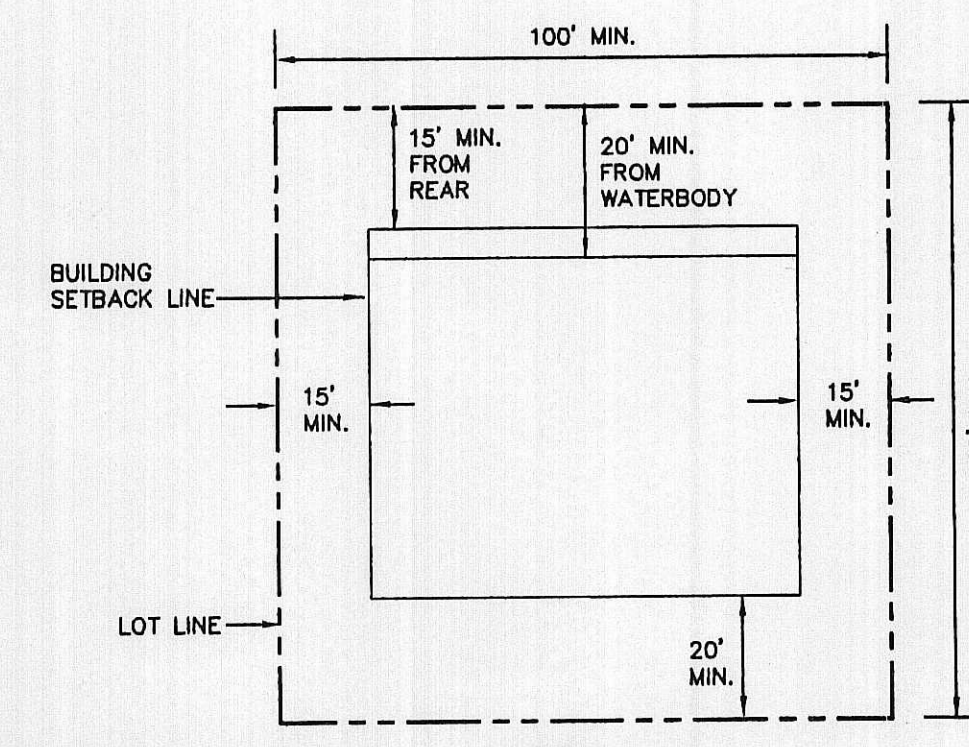


MULTI-FAMILY

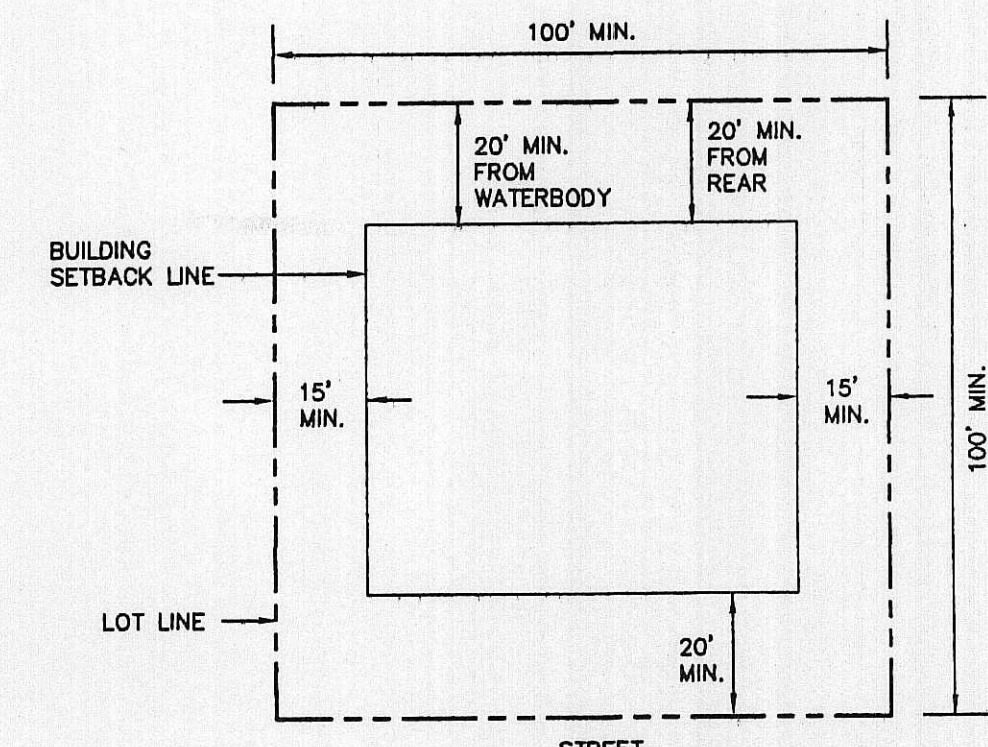


OUTPARCEL

NOTE: ALL STRUCTURAL SETBACKS TO BASS ROAD & SUMMERLIN ROAD ARE 25' MINIMUM.



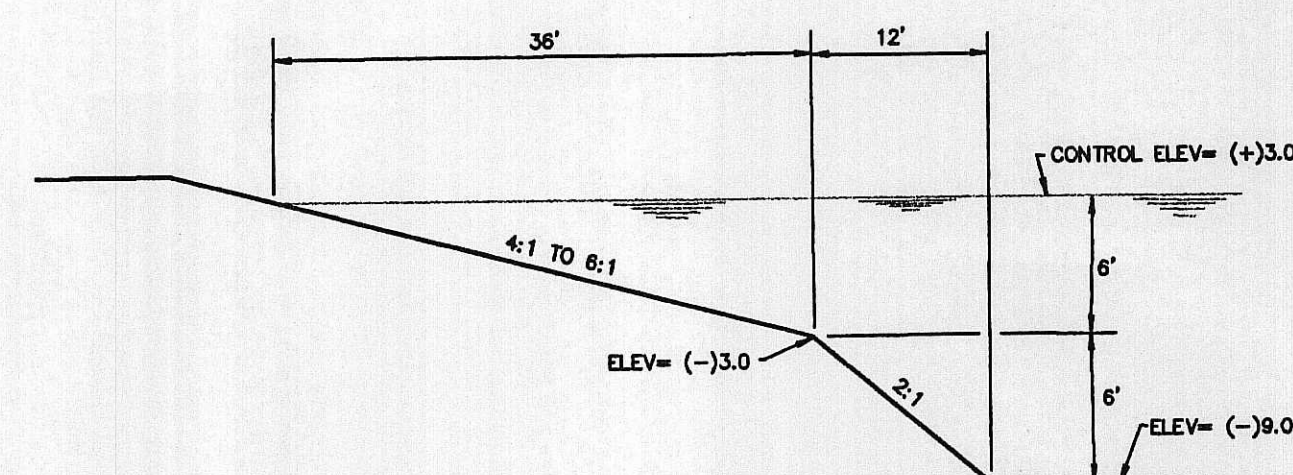
ALF



COMMERCIAL

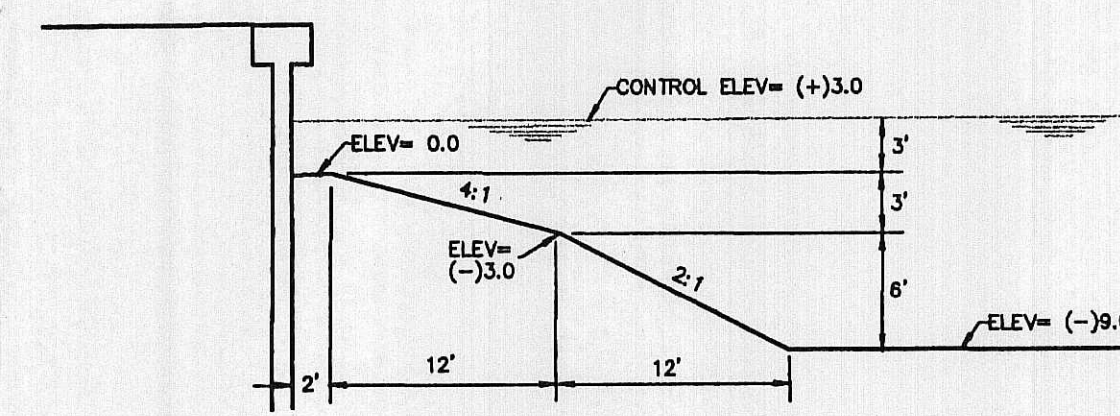
TYPICAL LOTS - HEALTHPARK FLORIDA CPD

NTS



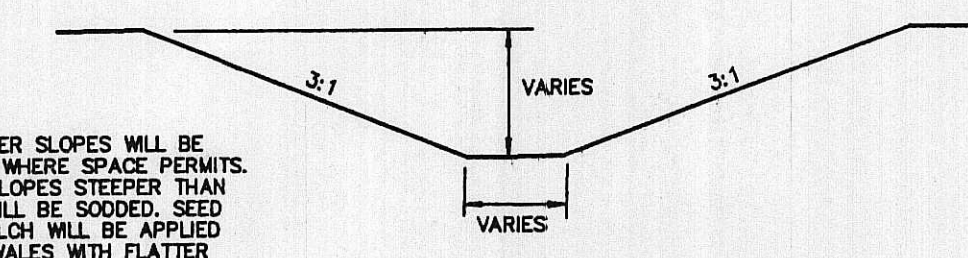
TYPICAL LAKE SECTION

N.T.S.



TYPICAL LAKE SECTION WITH VERTICAL WALL/BULKHEAD

N.T.S.



TYPICAL SWALE SECTION

N.T.S.

NOTE: FLATTER SLOPES WILL BE USED WHERE SPACE PERMITS. ALL SLOPES STEEPER THAN 4:1 WILL BE SODDED, SEED & MULCH WILL BE APPLIED TO SWALES WITH FLATTER SLOPES.

APPROVED
Master Concept Plan

Site Plan # 01-021 Page 2 of 2
Subject to conditions in Resolution 7-01-031
Case # DRP 2000-00093 + DEC 2000-00093

RECEIVED
DEC 27 2000

PERMIT COUNTER

DRI 2000-00023

DCI 2000-00093

AMENDED MASTER CONCEPT PLAN

HealthPark Florida

JOHNSON ENGINEERING, INC.
ENGINEERS, SURVEYORS AND ECOLOGISTS

2158 JOHNSON STREET, P.O. BOX 1550, FORT MYERS, FLORIDA 33902-1550, PHONE (941) 334-0046

DATE	PROJECT NO.	FILE NO.	SCALE	SHEET
AUGUST 1997	19293	33-45-24	AS SHOWN	2

REVISED: 9-21-00
REVISED: 1-28-98

EXHIBIT D

**THIRD DEVELOPMENT ORDER AMENDMENT¹ FOR
HEALTHPARK FLORIDA**

A Development of Regional Impact

State DRI #5-8586-63
County Case #87-03-10-DRI(d)

DEVELOPMENT ORDER

FOR

HEALTHPARK FLORIDA

A DEVELOPMENT OF REGIONAL IMPACT

5-8586-63

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 the eighth day of June, 1987, the application for development approval for HealthPark Florida, a hospital/commercial/residential/educational development which, after the amendment proposed herein, will consist of approximately Three Hundred Ninety Point Seven (390.7) acres to be developed in accordance with the application filed by Lee Health Care Resources, Inc.; Lee Memorial Hospital, Inc.; Lee County Hospital Board of Directors; and Lee County HealthPark Joint Venture (referred to herein collectively as "Applicant").

WHEREAS, the Board of County Commissioners of Lee County, Florida, (hereinafter, "the Board") considered the report and recommendations of the Southwest Florida Regional Planning Council, Lee County administrative staff, and the documents and comments made upon the record before the Board in a public hearing on the 8th day of June 1987, and after full consideration of those reports, recommendations, comments and documents the Board adopted the *original* development of regional impact development order for HealthPark Florida; and

¹This document represents a compilation of the original DRI Development Order approved on June 8, 1987; the First Development Order Amendment approved on October 13, 1993; and the Second Development Order Amendment approved on March 30, 1998. Proposed changes to this composite Development Order are also shown, with additions underlined and deletions struck through.

WHEREAS, the development order was subsequently amended for the first time on October 13, 1993 to extend the phasing and buildout schedule for the project; and

WHEREAS, in March 1998, Lee Health Ventures, Inc., the owner/developer of HealthPark Florida Development of Regional Impact, amended the development order a second time: 1) to modify the land use schedule; 2) provide for mitigation of hurricane shelter impacts associated with the revised land use schedule; 3) provide for a Land Use Conversion Table to allow minor modifications to the revised land use schedule in the future; 4) delete references to roadway segments that are no longer planned for construction by Lee County; 5) amend the Master Plan for the project; and 6) extend the date until which the project will not be subject to down zoning or intensity reduction so as to be consistent with the modified buildout date approved by the Board in the first development order amendment; and

WHEREAS, in January 2001, Lee Health Ventures, Inc., the owner/developer of HealthPark Florida Development of Regional Impact, requested a third amendment to the DRI Development Order to: 1) Modify the land use schedule; 2) amend Map H to reflect the addition of two access points on the east side of Bass Road; 3) revise the project legal description to delete the legal description for Bass Road; 4) extend the phasing and build-out dates for the project; and 5) modify the transportation mitigation conditions based on a traffic reassessment performed in connection with the Notice of Proposed Change; and

WHEREAS, pursuant to Florida Statutes Chapter 380.06(19)(f)5., Board of County Commissioners must determine whether the proposed changes require further Development of Regional Impact Review; and

WHEREAS, pursuant to Florida Statutes Chapter 380.06(19)(e)5.c., a proposed change consisting of simultaneous increases and decreases of at least two of the uses within a multi-use Development of Regional Impact that was originally approved with three or more uses is presumed to create a substantial deviation from the original development approvals, but that presumption may be rebutted by clear and convincing evidence; and

WHEREAS, the Board must consider the previous and current proposed changes in deciding whether those changes cumulatively constitute a substantial deviation requiring further Development of Regional Impact review.

WHEREAS, the Board has reviewed the proposed amendment and finds that, based on the transportation analysis as conditioned herein, the change is not a substantial deviation; and

WHEREAS, the proposed change to the HealthPark Florida DRI Development Order described herein is consistent with the adopted Comprehensive Plan of Lee County and applicable local land development regulations; and

WHEREAS, the proposed change is consistent with the State Comprehensive Plan.

I. FINDINGS OF FACT/CONCLUSIONS OF LAW

A. The project will include 968,603 square feet of acute care, specialty hospital space (560 beds), and future health care functions; 340,000 square feet of medical and general office space; medical education space for 500 students (200,000 square feet); 310,000 square feet of medical and general retail space (food and beverage, financial, business and retail services); 530 independent living units; 326 beds of assisted living; 240 beds of nursing care; 510 residential dwelling units; 132 units of lodging; 60,000 square feet of recreational space (Wellness Center); and 27,000 square feet of campus services (maintenance, electric generator, laundry, security and hospital incineration facilities). 606,803 square feet (456 beds) of acute care, specialty hospital space, and future health care functions; 702,000 square feet of medical and general office space; 175,000 square feet of general retail space (food and beverage, financial, business and retail services); 363 independent living units; 407 beds of assisted living and skilled nursing care; 968 residential dwelling units; 252 units of lodging; and 75,000 square feet of recreational space (wellness center). Buildings in the proposed development will not exceed eight (8) habitable floors. The project will have other such uses as permitted by the CPD category as modified by the Master Concept Plan.

B. The legal description of the property is as follows:

All that part of the south half (S-½) of the south half (S-½) of Section 33, Township 45 South, Range 24 East, Lee County, Florida lying northwesterly of Summerlin Road (CR-869) and

All that part of Section 4, Township 46 South, Range 24 East, Lee County, Florida lying northwesterly of Summerlin Road (CR-869):

Containing 402.83 acres more or less including 3.27 acres more or less in Bass Road (50 feet wide); 12.29 acres more or less in former Iona Drainage District Canals B-1; C-6 and C-8 and 2.2 acres more or less in Florida Power & Light Company right-of-way easement:

In Section 33, Township 45 South, Range 24 East and Section 4, Township 46 South, Range 24 East, Lee County, Florida: Healthpark Florida West subdivision, Plat Book 47, Pages 1 through 9, less and except Tract "A" of said subdivision for Bass Road; and Phase I-E Healthpark Florida West subdivision, Plat Book 49, Pages 31 through 34; and Phase I-F Healthpark Florida West subdivision, Plat Book 53, Pages 81 through 90; and Healthpark Florida East subdivision, Plat Book 68, Pages 17 through 22; Public Records of Lee County, Florida.

Parcel contains 390.7 acres, more or less.

C. The subject property is presently zoned AG-2 Commercial Planned Development (CPD), pursuant to the authority of Chapter 125, Florida Statutes, Chapter 61-2405, Laws of Florida (Special Acts), and the Lee County Zoning Regulations of 1962, 1978, and 1986 as amended Land Development Code; and

D. ~~This~~ The Application for Development Approval is consistent with the requirements of Section 380.06, Florida Statutes; and

E. The 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

F. The development does not unreasonably interfere with the achievement of the objectives of an adopted State Land Development Plan applicable to the area; and

G. ~~The development has original plan of development and all subsequent amendments thereto~~ have been reviewed by the Southwest Florida Regional Planning Council and is the subject of the various reports and recommendations adopted by the council ~~on December 18, 1986~~ and subsequently forwarded to Lee County pursuant to the provisions of Section 380.06, Florida Statutes; and the proposed development is consistent with the comments and observations of the staff report of the Southwest Florida Regional Planning Council.

H. The development is consistent with the Lee County Comprehensive Plan and Lee County's land development regulations if subject to the conditions contained in this Development Order.

I. Concurrently, with the adoption of this Development Order, the subject commercial planned development zoning of the property is being rezoned in accordance with Lee County Zoning Ordinance 86-17 as will be amended, and the The Zoning Resolution contains additional details and conditions ~~pertaining to the HealthPark~~ and also provides for certain deviations from Lee County property development regulations.

J. The proposed conditions below meet the criteria found in Section 380.06(15)(d), Florida Statutes.

II. ACTION ON REQUEST

NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF COUNTY COMMISSIONERS OF LEE COUNTY, FLORIDA, in public meeting, duly constituted and assembled ~~this Eighth day of June, 1987~~ on August 20, 2001, that the Third Development Order Amendment for the HealthPark Florida Development of Regional Impact ~~Application for Development Approval submitted by James T. Humphrey, authorized representative for the applicant, for the development known as "HealthPark Florida"~~ is hereby APPROVED, subject to the following conditions, restrictions and limitations:

A. DRAINAGE/WATER QUALITY

1. All commitments provided in the A.D.A. and supplemental submittals, with respect to Question 22 (Drainage), are hereby incorporated as conditions to this approval.

2. The developer ~~and/or his successor(s)~~ shall must implement an on-going maintenance and monitoring program that regularly inspects, maintains and samples the stormwater discharge from the management system until the complete buildout of HealthPark Florida. The Developer shall establish the legal entity which will carry out this program after tracts and/or units are sold. This monitoring system will be designed in conjunction with the South Florida Water Management District and will meet that agency's technical requirements.

3. The monitoring program for the wetland area east of Bass Road will address, among other objectives as identified by the Director, whether or not the final water management design should direct any flow to the Hendry Creek watershed.

4. The discharge from the water management system will be via a spreader swale system at the western boundary of the property to Cow Slough. This spreader swale system may require authorization from Lee County for lands owned by Lee County in the East ½ of the NE 1/4 of Section 5, Township 46 S, Range 24 E. Approval of this development order does hereby authorize any necessary water management improvements on County-owned property. The vacation of public rights to former IDD canals within the site may also be necessary.

5. If reclaimed wastewater cannot be obtained for irrigation purposes, then the ~~applicant~~ shall developer must submit a feasibility study with any water use permit application which explores the utilization of the lowest acceptable quality of groundwater.

6. As a part of its surface water management program, the ~~applicant~~ developer will submit a comprehensive program for the handling and disposal of any hazardous wastes.

7. A regularly scheduled vacuum sweeping program shall be initiated and continued by the applicant, as a best management practice (b.m.p.).

B. ENERGY

The ~~applicant shall~~ developer will incorporate, where appropriate in saving energy, the following energy conservation features into all site plans and architectural programs, or ~~insure~~ ensure that the following features are implemented whenever possible through deed restrictions and/or covenants with successors in title. All applications for site plan approvals and development permits shall be accompanied by a document detailing compliance with these conditions. If deed restrictions or covenants are utilized, such documents shall be approved by the Lee County Attorney's Office prior to recording. If no deed restrictions are approved and recorded, the prior alternative shall be utilized and the following features must be included.

These features are:

1. Provision of a bicycle/pedestrian system connecting all land uses, consistent with Lee County requirements.

2. Provision of bicycle racks or storage facilities in recreational, commercial and residential areas.

3. Cooperation in the locating of bus stops, shelters and other passenger and system accommodations for a transit system to serve the project area.

4. Use of energy-efficient features in window design (e.g., tinting and exterior shading).

5. Installation of energy-efficient appliances and equipment.

6. Use of water closets with a maximum flush of 3.5 gallons and shower heads and faucets with a maximum 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, Florida Statutes, except where medical considerations suggest otherwise.

7. Selection of native plants, trees, and other vegetation and landscape design features that reduce requirements for water, fertilizer, maintenance and other needs.

8. Planting of native shade trees to provide reasonable shade for all recreation areas, streets and parking areas.

9. Placement of trees to provide needed shade in the warmer months while not overly reducing the benefits of sunlight in the winter.

10. Orientation of structures, as possible, to reduce solar heat gain by walls and to utilize the natural cooling effects of the wind.

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

12. Inclusion of porch/patio areas in residential units.

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

C. FLOODPLAIN/HURRICANE EVACUATION

1. The ~~applicant shall~~ developer must appoint a disaster coordinator experienced in emergency planning and operations to coordinate plan preparation for the entire project. The ~~applicant shall~~ developer must also provide notice to prospective facility owners or renters that an emergency plan will be developed, consistent with applicable state and local requirements, and

annually maintained for their specific facility. Plan development and maintenance will be coordinated with the project's disaster coordinator.

2. The ~~applicant shall~~ developer must prepare to the satisfaction of the Director of the Lee County Division of Emergency Management, and prior to receiving a certificate of occupancy, an emergency preparedness plan covering the following aspects:

- (a.) Duties and responsibilities
- (b.) Plan coordination and activation
- (c.) Warning and notification
- (d.) Evacuation of population off-site
- (e.) In-place sheltering
- (f.) Off-site sheltering
- (g.) Transportation
- (h.) Support Services for in-place and off-site shelter
- (i.) Security for property and psychiatric patients sheltered off-site
- (j.) Training
- (k.) Communications
- (l.) Continuity of Patient Care on-site and off-site
- (m.) Damage Assessment
- (n.) Recovery

The plan shall be approved annually by the Lee County Department of Public Safety, and shall be coordinated with the existing plan for Lee Memorial Hospital.

3. In order to ~~insure~~ ensure that any structure on the HealthPark site ~~which that~~ is planned for storm shelter purposes will be able to withstand a hurricane event, the ~~applicant shall~~ developer must provide, prior to issuance of building permits, documentation to the Director of the Lee County Division of Emergency Management that ~~such those~~ structures ~~shall will~~ be constructed to withstand wind loads of not less than 140 miles per hour utilizing the methodology described in the Jenkins & Charland, Incorporated report dated April 30, 1987.

4. The ~~applicant shall have~~ developer must implement a current, on-going, annually-updated program to educate residents, patients and staff in the matters of hurricane threat, hurricane planning, evacuation and sheltering.

5. The portions of the project to be used as refuge ~~shall must~~ have a minimum elevation of 17 feet NGVD. The building(s) used for refuge ~~shall must~~ be designed and constructed to withstand winds of 140 miles per hour utilizing the methodology described in the Jenkins & Charland, Incorporated report dated April 30, 1987, and be so certified by a licensed engineer. The building(s) ~~shall must~~ also be constructed with as little exposed glass as possible and ~~shall must~~ contain emergency power, food, potable water, sanitation facilities, adequate ventilation, medical supplies and communications equipment in sufficient quantities to sustain the refuge for seven days.

The communications equipment needs and frequencies ~~shall~~ will be determined by the Lee County Division of Emergency Management. All emergency support facilities, water, power, sanitation, etc. ~~shall~~ must be located at a minimum of 17 feet above mean sea level.

6. ~~At~~ The developer must construct at least one road connecting the central core of the project with Summerlin Road ~~shall be constructed, as a minimum,~~ at the same elevation as Summerlin Road.

7. All first floor building heights must be elevated at least one foot in excess of the 100-year flood level (8 feet NGVD) as provided by the National Flood Insurance Program.

8. The developer must pay a fee-in-lieu of construction for hurricane shelter demand impacts in the amount of either: (1) \$51,554.64, if paid in one lump sum prior to or concurrent with the first building permit for a multi-family, independent living, or hotel/motel unit; or (2) \$46.30 per unit at the time each building permit is obtained for any multi-family, independent living, or hotel/motel unit. If additional county-wide administrative or other fees for hurricane sheltering are adopted in the future by the Board of County Commissioners of Lee County, those other fees will be applied prospectively to the remaining unbuilt units and paid at the time of building permit.

D. TRANSPORTATION

1. Development Phasing/Buildout

The traffic impact assessment upon which this Development Order for HealthPark Florida DRI is based assumes expected ~~buildout in 2002~~ completion of Phase I on December 31, 2004, and buildout of the development on December 31, 2008. The traffic impact assessment included the expected impacts of the proposed land uses and phasing schedule shown in Exhibit "A." The Developer may, without further DRI review, convert land uses in accordance with the Land Use Conversion Table attached as Exhibit "C," provided: (a) the conversion does not require an alteration to the Master Concept Plan for the DRI and (b) the Developer gives 30 days notice of all proposed conversions to Lee County, the Southwest Florida Regional Planning Council, and the Florida Department of Community Affairs. All conversions must be identified in the subsequent monitoring report for the project. This condition is not intended to circumvent the thresholds established in Chapter 380 for further DRI review.

2. Annual Monitoring Program

~~A a.~~ An annual traffic monitoring program ~~to be performed by traffic engineers engaged by the developer~~ ~~shall~~ must be established to monitor the development's impact upon the areas's roadways. The monitoring program ~~shall~~ will be designed in cooperation with the Lee County Department of Transportation and Engineering. The annual monitoring report ~~shall~~ must contain traffic counts at the following locations: (Traffic counts may be obtained from original machine and manual peak hour counts, Lee County Traffic Volume Reports, Florida Department of

Transportation, other ADA developments with similar monitoring requirements and other generally acceptable sources.)

a. (1) Location	Development	
	Phase I	Phase II (Buildout)
(1)(a) All project access points onto Bass Road, Kelly Road and A&W Bulb Road	x	x
(2)(b) The intersections of:		
Summerlin Road/San Carlos Blvd.	x	x
Summerlin Road/Bass Road	x	x
Summerlin Road/Kelly Road	x	x
Summerlin Road/Winkler Road	x	x
Summerlin Road/Gladiolus Drive	x	x
Summerlin Road/Cypress Lake Drive	x	x
Gladiolus Drive/Winkler Road	x	x
Bass Road/Kelly Road	x	x

b. (2) The developer or his representative ~~shall~~ must submit the first monitoring report to the Lee County Engineer, the Southwest Florida Regional Planning Council and the Florida Department of Transportation one year after the issuance of the first certificate of occupancy for HealthPark Florida. ~~Thereafter, R reports shall then~~ will be submitted to the agencies listed above each year until buildout. The purpose of this program is to:

- (1)(a) determine whether or not the traffic levels projected in the ADA are exceeded by actual traffic;
- (2)(b) determine the Project's external trip generation; and
- (3)(c) assist Lee County in determining the proper timing of necessary roadway improvements.

c. (3) In lieu of the obligation to annually monitor the above intersections, the developer, with the approval of the Lee County Department of Transportation, may contribute to Lee County a one time sum of \$50,000. This contribution ~~shall go~~ will be applied towards expanding the Lee County inventory of permanent count stations by providing permanent count stations at the following intersections.

Summerlin Road/San Carlos Boulevard
 Summerlin Road/Gladiolus Drive
 Summerlin Road/Cypress Lake Drive

Summerlin Road/Winkler Road
Gladiolus Drive/Winkler Road

d.(4) ~~In the event that~~ The developer has contributed the funding for these permanent count locations identified above. Therefore, the developer ~~shall~~ will only be obligated to annually monitor the following:

(1)(a) the development's access points onto Bass Road, ~~Kelly Road~~ and ~~A & W Bulb Road~~ Park Royal Drive and Summerlin Road.

(2)(b) the intersections of:
Summerlin Road/Bass Road
Summerlin Road/~~Kelly Road~~ Park Royal Drive
Bass Road/~~Kelly Road~~ Park Royal Drive

(5) The traffic impact assessment required in II.D.9.b. may replace the annual traffic monitoring report if it includes the traffic counts and intersection analyses required in section II.D.2.

3. Site Related Intersection Improvements

The developer ~~shall~~ must, at no cost to Lee County, fund the full costs of the construction of all site related intersection improvements serving HealthPark Florida as deemed necessary by the Lee County Engineer at the Project's access points onto Bass Road, ~~Kelly Road~~ and ~~A & W Bulb Road~~ Park Royal Drive and Summerlin Road. As At a minimum, the developer ~~shall~~ must fund the following site related improvements:

- a. Bass Road /~~West Lee Memorial Parkway~~ South HealthPark Drive:
NB left and right turn lanes.
SB left and right turn lanes.
EB left turn lane and thru/right turn lanes.
WB left turn lane and thru/right turn lanes.
- b. Bass Road /~~East Lee Memorial Parkway~~ North HealthPark Circle:
NB left and right turn lanes.
SB left and right turn lanes.
EB left turn lane and thru/right turn lanes.
WB left turn lane and thru/right turn lanes.
- c. ~~A&W Bulb Road / South Loop Road~~ (if applicable):
~~NB right turn lane.~~
~~SB left turn lane.~~
~~WB left and right turn lanes.~~
Bass Road /Park Royal Drive
WB left and thru lanes

- SB left turn lane
- d. ~~A&W Bulb Road / North Loop Road (if applicable):~~
~~NB right turn lane:~~
~~SB left turn lane:~~
~~WB left and right turn lanes:~~
Summerlin Road/Park Royal Drive
EB left turn lane
WB right turn lane
SB left and thru lane
- e. ~~Kelly Road / East Lee Memorial Parkway (if applicable):~~
~~WB left turn lane:~~
~~EB right turn lane:~~
~~NB left and right turn lanes:~~

The developer ~~shall~~ is not be eligible for credits against road impact fees for construction or dedication of right-of-way associated with the improvements that are site related as defined by the ~~Roads Impact Fee Ordinance~~ Chapter Two of the Land Development Code.

4. Site Related Roadway Improvements

a. The developer ~~shall~~ must construct, at no cost to Lee County, all internal roadways within HealthPark Florida including:

- a.(1) ~~West Lee Memorial Parkway South HealthPark Drive.~~
- b.(2) ~~East Lee Memorial Parkway North HealthPark Circle.~~
- c.(3) ~~North and south loop road connection of West Lee Memorial parkway to A&W Bulb Road (if applicable).~~
Park Royal Drive.

Bb. These roads ~~shall~~ will remain private roads, maintained privately, unless subsequently dedicated to and accepted by Lee County.

Cc. The developer ~~shall not be~~ is not eligible for credits against road impact fees for construction or dedication of right-of-way associated with the improvements that are site related as defined by ~~the Roads Impact Fee Ordinance~~ Chapter Two of the Land Development Code..

5. Right-of-Way Dedication

- a. The developer must dedicate the following right of way within or contiguous to HealthPark Florida:

Sufficient right-of-way along the east and west property lines of Bass Road to provide a total of 150 feet of right of way.

- b. This right-of-way must be dedicated to Lee County as follows:

- (1) Bass Road, 150 feet of right-of-way from Summerlin Road to the northern intersection of West Lee Memorial Parkway with Bass Road at the time of the issuance of the first building permit for HealthPark.
- (2) Bass Road, 150 feet of right-of-way from the northern intersection of West Lee Memorial Parkway with Bass Road to the north property line, at the time of the issuance of the first building permits for future health care parcel A.

- c. Credits against road impact fees for right-of-way dedication, if any, must be in accordance with the provisions of the Lee County Roads Impact Fee Ordinance Chapter Two of the Land Development Code.

6. Road Impact Fees / Proportionate Share

- a. The developer ~~shall~~ must pay to the Lee County ~~the~~ road impact fees in effect at the time building permits are issued for HealthPark Florida. These impact fee payments ~~shall~~ will represent proportionate share payments for the following roadway and associated intersection improvements:
 - (1) The addition of two lanes on U.S. 41 from the existing six lane section south of Daniels Road to Sanibel Boulevard.
 - (2) The addition of four lanes on McGregor Boulevard from Cypress Lake Drive to A&W Bulb Road.
 - (3) The addition of four lanes on San Carlos Boulevard from Siesta Drive to Indian Parkway.
 - (4) The addition of two lanes on Gladiolus Drive from A&W Bulb Road to Summerlin Road.
 - (5) The addition of four lanes on Gladiolus Drive from Summerlin Road to the existing four lane section west of U.S. 41 and two lanes from the existing four lane section to U.S. 41.

- (6) The addition of two lanes on Summerlin Road from San Carlos Boulevard to College Parkway.
- (7) The addition of two lanes on Winkler Road from Gladiolus Drive to Cypress Lake Drive.
- (8) The reconstruction of Bass Road and addition of two lanes to Bass Road from Summerlin Road to Gladiolus Drive.
- (9) The four lane extension of Bass Road from Gladiolus Drive to Cypress Lake Drive.
- (10) The four lane extension of Bass Road from Gladiolus Drive to Cypress Lake Drive.
- (11) The two lane extension of Kelly Road from Bass Road to Pine Ridge Road.
- (12) Intersection improvements at the following locations:
 - (a) Summerlin Road/San Carlos Boulevard
 - (b) Summerlin Road/Bass Road
 - (c) Summerlin Road/Kelly Road
 - (d) Summerlin Road/Gladiolus Drive
 - (e) Summerlin Road/Cypress Lake Drive
 - (f) Gladiolus Drive/Winkler Road
 - (g) Gladiolus Drive/Bass Road
 - (h) Gladiolus Drive/A&W Bulb Road
 - (i) A&W Bulb Road/McGregor Boulevard
 - (j) Summerlin Road/Winkler Road
 - (k) Bass Road/Kelly Road

b. ~~Should If the Land Development Code provisions governing roads impact fees be are repealed, reduced or made unenforceable by court action, the traffic impacts of Health Park Florida shall be immediately reanalyzed to determine appropriate alternative mitigation and the Development Order amended as appropriate to include such mitigation prior to the issuance of subsequent building permits developer of the project will continue to pay, per individual building permit, an amount equivalent to roads impact fees in effect prior to such repeal, reduction or court action.~~

7. Construction in Lieu of Impact Fees

- a. In lieu of payment of all or portions of road impact fees, the developer with the prior approval of Lee County may construct, or participate in the construction of, portions of, or all of, one or more of the following roadway improvements:
- (1) widening of Gladiolus Drive to four lanes from the existing four lane section west of U.S. 41 to Summerlin Road.
 - (2) widening of Gladiolus Drive to four lanes from Summerlin Road to Bass Road.
 - (3) improvements to the existing two lanes and the widening of Bass Road to four lanes from Summerlin Road to Gladiolus Drive.
 - (4) extension of Kelly Road as four lanes from Summerlin Road to Bass Road.
 - (5) intersection improvements at Summerlin Road/Bass Road, Summerlin Road/Kelly Road, Bass Road/Gladiolus Drive, Summerlin Road/San Carlos Boulevard, and Summerlin Road/Gladiolus Drive.
- b. Construction in lieu of roads impact fees must be in accordance with the provisions of the roads impact fee ~~ordinance~~ regulations in effect at the time of construction and must be acceptable to Lee County and, if applicable, the Florida Department of Transportation.
- c. The developer's desire and ability to construct or participate in the construction of portions of, or all of, one or more of the above improvements is intended to:
- (1) substitute for impact fee payments,
 - (2) ~~insure~~ ensure that roadway construction occurs in a timely fashion to serve this development.
- d. If undertaken by the developer, the developer ~~shall have~~ will have no obligation for right of way acquisition, reconstruction of the existing roadway to County standards, unusual and unexpected utility relocation and the like.
- e. If the dollar value of such improvements (actual construction or dollar payments) during Phase I exceed roads impact fees, that excess value ~~shall~~ will be carried over to the next phase of development. In the event that the

total dollar value of such improvements during buildout of HealthPark exceeds road impact fees, HealthPark ~~shall~~ will be eligible to recapture that excess value through a rebateable agreement ~~which~~ that would include, but not be limited to reimbursement from other area developments and County Road Impact Fee revenues.

8: Level of Service/Significant Impact

~~_____~~ In the event that:

- ~~_____~~ a. ~~Level of Service "C" on an annual average daily basis (or the County adopted level of service policy in effect at the time of the annual report) be exceeded for any regional road segment and/or or intersection identified above and which operates, at the effective date of this development order, at Level of Service "C" (or the County adopted level of service policy in effect at the time) or better; or~~
- ~~_____~~ b. ~~the existing volume to capacity ratios for those regional road segments and/or or intersections identified above and which operate, at the effective date of this development order, at worse than Level of Service "C" (or the County adopted level of service policy in effect at the time) be exceeded; and~~
- ~~_____~~ (1) ~~the required road and/or and intersection improvements necessary to bring the identified roadway back to Level of Service "C" (or the County adopted level of service policy in effect at the time of the annual report) or necessary to maintain and/or or improve the existing volume to capacity ratios are not funded and programmed for construction during the next five years (or if such roadway and/or or intersection improvement funded and programmed for construction during that five year period be deleted from the program, postponed beyond the five year period or not constructed within the five year period); and~~
- ~~_____~~ (2) ~~HealthPark Florida traffic is utilizing 5% or more, but less than 10% of the Level of Service "C" service volume on an annual average daily basis (or the County adopted level of service policy in effect at the time of the annual report) on the impacted regional road segment or intersection; THEN the Developer shall within ninety (90) days must file a petition in accordance with Florida Statute 380.06 within ninety (90) days for determination of whether a substantial deviation has occurred.~~

c. ~~If HealthPark Florida is utilizing 10% or more of the Level of Service "C" service volume on an annual average daily basis (or the adopted County level of service policy in effect at the time) of the impacted regional road segment or intersection, and:~~

~~(1) The actual level of service on the said roadway, which at the effective date of this development order operates at level of Service "C" or better, falls below Level of Service "C" on an annual average daily basis (or the County adopted Level of Service policy in effect at the time of the annual report); or~~

~~(2) The actual volume to capacity ratio on the said roadway which at the effective date of this development order operates at worse than Level of Service "C," is worse than that existing at the effective date of this development order; then a substantial deviation shall be deemed to have occurred and this development shall be subject to any moratorium imposed on all developments impacting that same road.~~

~~d. HealthPark Florida may continue development during substantial deviation DRI review if the Developer enters into an agreement with the Department of Community Affairs, the Southwest Florida Regional Planning Council, and Lee County specifying the scope of development allowed during the review period. This paragraph shall not be construed to guarantee to HealthPark Florida the right to continue development during the substantial deviation DRI review.~~

8. Concurrency

The project is subject to the Lee County Concurrency Management System for all development.

9. Traffic Reassessment.

a. Due to the uncertain status of several area roadway improvements including the extension of Bass Road from Gladiolus Drive to Cypress Lake Drive, A & W Bulb Road from Summerlin Road to Gladiolus Drive, and Kelly Road from Summerlin Road to Pine Ridge Road, and changes to the development mix, the Developer is was required to submit for review and approval a traffic reassessment prior to December 31, 2000. ~~If the developer submits a Notice of Proposed Change further revising the land use parameters or extending buildout of the project prior to December 31, 2000, the traffic reassessment must be submitted as part of the Notice~~ This traffic reassessment was

submitted and addressed the traffic impacts and mitigation of the HealthPark Phase I (Stage 1) level of development. The reassessment demonstrated that it is appropriate to mitigate the project's traffic impacts through the payment of roads impact fees.

- b. Prior to initiating Phase II (Stage II) level of development, the Developer is required to submit for review a traffic reassessment of Phase II (Stage II) development. The traffic reassessment, ~~shall~~ must be submitted to the Department of Community Affairs, Southwest Florida Regional Planning Council and Lee County and will be an equivalent to an update of the developer's ADA assessment of Question 31 in the DRI Questionnaire, using current and up-to-date methodologies. The methodology should be discussed and agreed upon by the developer and review agencies prior to submittal of the reassessment. The traffic reassessment will document commitments in approved planning programs to fund future roadway improvements resulting from existing traffic, area developments and HealthPark Florida during the next phase of development, the HealthPark's and other area developments' contributions toward roadway improvements during the previous phase of development, and the HealthPark's obligations, ~~if any,~~ to mitigate additional traffic impacts through the next phase of development, ~~if any.~~ Development of land uses in Phases I and II (Exhibit "A") may continue in accordance with this Development Order, ~~as amended,~~ pending review of this traffic assessment.

10. Municipal Services Benefit Unit

- ~~A.a.~~ Nothing contained in this This Development Order shall be construed to does not 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 and County arterial and collector roads to the degree to which this development generates demand or is benefitted. If, at that time, this funding is creditable against impact fees, then the appropriate credits will be taken.

E. VEGETATION AND WILDLIFE/WETLANDS

1. All commitments appearing in the A.D.A. and sufficiency responses pertaining to vegetation and wildlife are incorporated as conditions of approval herein.
2. To mitigate the encroachment of wetlands, the developer ~~shall~~ must create the same vegetation community type elsewhere on site, in accordance with the Master Concept Plan, and such other mitigation requirements as may be imposed as a result of wetland modification east of Bass Road. The areas to be used for the creation of wetlands ~~shall~~ must be appropriately scraped,

contoured and sufficiently planted with the same type wetland vegetation ~~as that~~ found within the wetland areas encroached upon. Prior to the issuance of a Final Development Order for the site related improvements to Phase I (hereinafter referred to as FDO), the exact extent of encroachment ~~shall~~ must be field verified by county staff and the developer, ~~and a~~ A specific wetland creation plan and a timetable ~~shall~~ must be provided, both subject to approval by the Department of Community Development.

3. Prior to the issuance of a FDO for Phase I (site-related improvements), ~~the developer must provide a detailed water management lake littoral zone creation plan shall be provided for each segment to be permitted;~~ The plan will be subject to approval by the Department of Community Development.

4. Prior to the issuance of a Certificate of Completion pursuant to the FDO for Phase I (site-related improvements), the developer ~~shall~~ must restore the natural connection of the wetland preservation area located at the southwestern property corner to Cow Slough by removing the existing north/south ditch and dike and by restoring the natural contour elevations of the area located along the western property boundary adjacent to this wetland preservation area.

5. ~~All~~ The developer must remove all exotic vegetation (Brazilian Pepper, Melaleuca and Australian Pine) ~~shall be removed~~ from each project segment prior to the completion of that segment.

6. Prior to the issuance of a Certificate of Completion pursuant to the FDO for Phase I, the developer ~~shall~~ must remove the exotic vegetation (Brazilian Pepper, Melaleuca and Australian Pine) located off-site on County owned property within Cow Slough adjacent to the wetland preservation area located at the southwestern property corner. The extent of exotic vegetation removal ~~shall will be that area the amount~~ necessary to aid in the reestablishment of the natural connection of ~~this the~~ wetland to Cow Slough and ~~shall will~~ be mutually agreed upon by county staff and the developer.

7. Prior to the issuance of a Final Order pursuant to the FDO for Phase I (site-related improvements), ~~a the developer must submit a proposed~~ maintenance program ~~shall be provided~~ to control the reinvasion of exotic vegetation (Brazilian Pepper, Melaleuca and Australian Pine) in the wetland preservation areas and the created wetland areas on the HealthPark Florida site. This program ~~shall~~ must be in effect for a minimum of three (3) years and ~~shall~~ must be approved by the Department of Community Development.

8. Prior to the issuance of a FDO for Phase I, the developer ~~shall~~ must provide a specific plan for monitoring the freshwater wetland area located east of Bass Road. This plan ~~shall~~ must include ~~at a minimum~~ the methodology for monitoring the wetland with respect to hydrology, vegetation and wildlife habitat and ~~shall will~~ be subject to approval by the Department of Community Development.

9. The ~~applicant shall~~ developer must monitor the existing stormwater discharge that flows into the Hendry Creek Watershed to determine the appropriate future discharge route. All ~~further future~~ coordination shall must be with the SFWMD, FDER and Lee County.

10. Prior to the issuance of a ~~Lee County Development Standards Ordinance~~ pursuant to the an FDO for each parcel, the developer must submit a wetlands plan for that parcel ~~shall be submitted~~ to Lee County, SFWMD and SWFRPC showing all areas to be preserved within that parcel, all wetland areas to be created within that parcel and the total number of acres of each.

11. The ~~applicant shall~~ developer must coordinate with appropriate agencies for the relocation of any threatened or endangered species found on the site or outline a program to insure their continued well being.

12. In order to address the recommendation contained in the staff report of the Regional Planning Council, the master concept plan has been redrawn to indicate the relocation of A&W Bulb Road extension to the east of the wetland area.

F. WATER/WASTEWATER

1. The ~~applicant~~ developer will design the buildings and facilities in light of modern water conserving principles. If irrigation from the site must be pumped, studies will be done to utilize the lowest acceptable water quality aquifers.

2. All efforts will be made to utilize public sewage treatment in the area, if available. If not available, on-site sewage treatment facilities will be flood proofed.

3. If a wastewater treatment facility is provided on site, it shall may be temporary only, ~~and should~~ If the temporary plant is still be in use after 5 years from the date of approval of the final development order, the ~~applicant shall~~ developer will be subject to review in order to make alternative wastewater treatment services. The Director of the Lee County Department of Community Development may provide for an extension of time for the continuation of the use of the temporary plant, if deemed necessary.

4. The ~~applicant shall~~ developer will continue to explore the potential of receiving treated spray effluent from Lee County Utilities, in order to meet on-site nonpotable demands.

5. If spray irrigation proves infeasible for the HealthPark site, then the ~~applicant shall~~ developer must conduct a hydrologic study under the guidance of the SFWMD and Lee County to determine the feasibility of utilizing ground water or surface water for satisfying nonpotable demands.

6. Any wastewater containing hazardous waste will be segregated from everyday wastewater or receive proper on-site pretreatment.

7. The ~~applicant shall~~ developer must incorporate the use of water conserving devices, as required by State Law (Section 533.14, Florida Statutes).

8. The ~~applicant shall~~ developer must conduct a phased monitoring program to determine if on-site surface water and groundwater parameters are improving, as a result of plugging on-site abandoned irrigation wells. This monitoring program should be coordinated with the SFWMD.

G. SOLIDWASTE

1. If any method of hazardous waste disposal is utilized other than on-site incineration, then the ~~applicant shall~~ developer must coordinate with Lee County and FDER for the provision of temporary storage/transfer of special and hazardous wastes that are generated by the development.

2. The ~~applicant~~ developer and subsequent occupants of the project shall implement methods of reducing solid waste volume from the project.

3. The ~~applicant shall~~ developer must identify to local EMS, Fire and Police officials the on-site storage locations and handling and disposal areas of all toxic, hazardous and radioactive materials.

4. All toxic, hazardous and radioactive materials ~~shall must~~ be stored above the category III SLOSH hurricane flood elevation.

H. GENERAL DEVELOPMENT CONDITIONS

1. The Master Concept Plan (Map H) prepared by Johnson Engineering dated ~~August, 1997~~ December 2000 is incorporated into and made a part of this DRI Development Order. The permitted uses and conditions are as shown on the Master Concept Plan corresponding zoning resolution and ~~the conditions contained within in~~ this Development Order.

2. ~~While Although~~ the land uses in both Phases I and II have been approved, the ~~applicant developer~~ cannot ~~proceed to seek Lee County development order approvals under the DSO for the areas east of Bass Road, except for the medical education facility, until such time as the extent of permitted alteration of the wetland area identified on the concept plan and the alignment of Kelly Road can be determined. The applicant shall submit any additional information to Lee County concerning transportation, wetland protection and hurricane evacuation as deemed necessary by the Director of the Lee County Department of Community Development, as a result of added issues or impacts not addressed in the ADA arising from modification of the site plan to accommodate the wetland and Kelly Road alignment determinations. The information and changes,~~

~~if any, will be reviewed to determine whether such changes cumulatively constitute a substantial deviation pursuant to subsection (19) of §380.06 F.S. Unless a substantial deviation is established, the site plan may be modified with the approval of the director of the Lee County Department of Community Development to accommodate the wetland and Kelly Road alignment determinations: for Phase II land uses until the developer timely submits the traffic reassessment required by Section II.D.9 above.~~

3. The existing agricultural uses may continue or be discontinued and recontinued from time to time until the certificate of occupancy for the acute care hospital is obtained.

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

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

A. Resolution. This resolution ~~shall~~ constitutes the Development Order of this Board issued in response to the Development of Regional Impact Application for Development Approval filed for HealthPark Florida.

B. Additional Developer Commitments. All commitments and impact mitigating actions volunteered by the developer in the Application for Development Approval and supplementary documents and not in conflict with conditions or stipulations specifically enumerated above are hereby adopted to this Development Order by reference; provided, however, that the date of completion of Phase I is hereby extended to ~~June 7, 1997~~ December 31, 2004, and the date of buildout for the project is extended to ~~June 7, 2002~~ December 31, 2008.

C. Binding Effect. This Development Order ~~shall be~~ is binding upon the applicants and their heirs, assignees or successors in interest. Those portions of this Development Order which clearly apply only to the project developer, including but not limited to the initial construction of capital facilities, ~~shall~~ may not be construed to be binding upon future residents. It ~~shall~~ will be binding upon any builder/developer who acquires ~~any~~ a tract of land within HealthPark Florida.

D. Reliance. 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 Development Order.

E. Enforcement. All conditions, restrictions, stipulations and safeguards contained in this 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, ~~shall~~ must be paid by the defaulting party.

F. Successor Agencies. ~~Any reference herein~~ References to any governmental agency ~~shall~~ 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.

G. Severability. ~~In the event that~~ If any portion or section of this Development Order is determined to be invalid, illegal, or unconstitutional by a court of competent jurisdiction, such decisions ~~shall in no manner will not~~ affect the remaining portions or sections of the Development Order, which ~~shall~~ will remain in full force and effect.

H. Applicability of Regulations. The approval granted by this Development Order is limited. ~~Such~~ The approval ~~shall not be construed to~~ does not obviate the duty of the ~~applicant~~ developer to comply with all applicable local or state review and permitting procedures, except where otherwise specifically provided. ~~Such~~ The approval ~~shall also does not~~ obviate the duty of the ~~applicant~~ developer to comply with any County Ordinance or other regulations adopted after the effective date of this Development Order.

I. Further Review. Subsequent requests for local development permits ~~shall~~ will 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:

1. 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 the regional impacts which were not evaluated in the review by the Southwest Florida Regional Planning Council; or
2. An expiration of the period of effectiveness of this development order as provided herein.

Upon a finding that either of the above is present, the Board ~~shall~~ will 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.

J. Commencement of Physical Development, Buildout, and Termination Date. The deadline for commencing physical development under this Development Order shall be five (5) years from the date of adoption of the Order, provided that all conditions are met in a timely manner and further 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~~ If 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 ~~shall~~ will terminate and the development ~~shall~~ will be subject to further consideration. Significant physical development ~~shall~~ includes obtaining a Certificate of Completion on some substantial portion of the project (e.g., water management system or a major road system). This Development Order ~~shall~~ will otherwise

terminate in twenty (20) years from its approval date, unless an extension is approved. An extension may be granted by the Board of County Commissioners if the project has been developing substantially in conformance with the original plans and approval conditions, and if no substantial adverse impacts not known to the Southwest Florida Regional Planning Council or to Lee County at the time of their review and approval, or arising due to the extension, have been identified. However, an extension of the date of buildout of a development by five (5) or more years ~~shall~~ will be presumed to create a substantial deviation subject to further development-of-regional-impact review. The presumption may be rebutted by substantial, competent evidence at the public hearing held by Lee County. For the purpose of calculating when a buildout date has been exceeded, the time ~~shall~~ will be tolled during the pendency of administrative and judicial proceedings relating to development permits.

K. Protection of Development Rights. The development will not be subject to down-zoning, unit density reduction, or intensity reduction, until ~~June 7, 2002~~ December 31, 2008, unless the County demonstrates that substantial changes have occurred in the conditions underlying the approval of this Development Order including, but not limited to, such factors as a finding that the development order was based on substantially inaccurate information provided by the developer, or that the change is clearly established by local government to be essential to the public health, safety and welfare.

L. Assurance of Compliance. The Administrative Director of the Lee County Department of Community Development or his/her designee ~~shall~~ will be the local official responsible for assuring compliance with this Development Order.

M. Annual Reports. The applicants ~~developer~~, or their ~~his~~ successor(s) in title to the undeveloped portion of the subject property, ~~shall~~ must submit a an annual 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 ~~shall~~ must describe the state of development and compliance as of the date of submission; and ~~shall further~~ be consistent with the rules of the State Land Planning Agency. The annual report ~~shall~~ must contain information as specified in Exhibit "B." The first monitoring report ~~shall~~ must be submitted to the Administrative Director of the Department of Community Development not later than August 1, 1988, and further reporting ~~shall~~ must be submitted not later than August 1st of subsequent calendar years. Failure to comply with this reporting procedure is governed by Section 380.06, Florida Statutes, and the ~~applicant shall so~~ developer must inform any successors in title to any undeveloped portion of the real property covered by this Development Order.

The developer must also submit a Transportation Annual Report in accordance with the provisions set forth in Section II.D. of this development order.

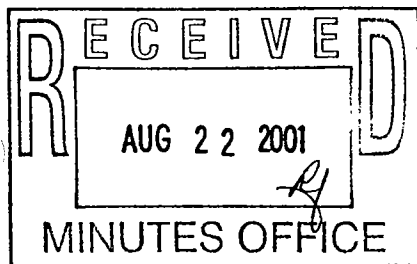
N. Transmittal and Effective Dates. Certified copies of this Development Order will be forwarded to the Southwest Florida Regional Planning Council, the developer and appropriate state agencies. This Development Order is rendered as of the date of that transmittal, but ~~shall not be~~ is

not effective until the expiration of the statutory appeals period (45 days from rendition) or until the completion of any appellate proceedings, whichever time is greater. Upon this Development Order becoming effective, the developer must record a notice of its adoption shall be recorded in the Office of the Clerk of the Circuit Court ~~by the developer~~, as provided in Chapter 380, Florida Statutes.

THE MOTION TO ADOPT the above resolution was offered by Commissioner Judah and seconded by Commissioner Janes, and, upon poll of the members present, the vote was as follows:

Commissioner Janes	Aye
Commissioner St. Cerny	Aye
Commissioner Judah	Aye
Commissioner Coy	Absent
Commissioner Albion	Aye

DULY PASSED AND ADOPTED this 20th day of August 2001.



BOARD OF COUNTY COMMISSIONERS
LEE COUNTY, FLORIDA

By _____

Chairman

ATTEST:

Charlie Green, Clerk

By _____

Deputy Clerk

APPROVED AS TO FORM

By _____

Donna Marie Collins
County Attorney's Office

Exhibits:

- A. Land Use and Phasing Table
- B. Annual Monitoring Report Guidelines
- C. Land Use Conversion Table
- D. Map H.: Master Concept Plan

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 22nd day of August, A.D. 2001.

CHARLIE GREEN, CLERK

By _____

Deputy Clerk

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EXHIBIT A
HEALTH PARK FLORIDA DRI
(Revised 1/23/98 December 2000)

LAND USE	PHASE I	PHASE II	TOTAL
<u>Residential</u>			
Independent Living	418 <u>363</u> du	112 <u>-0-</u> du	530 <u>363</u> du
Assisted Living & Skilled Nursing	468 <u>407</u> beds	98 <u>-0-</u> beds	566 <u>407</u> beds
Res. Multi-Family	40 468 du	510 <u>500</u> du	510 <u>968</u> du
Lodging-motel ¹	6 <u>252</u> rooms ¹	126 <u>-0-</u> rooms	132 <u>252</u> rooms
<u>Institutional/Office</u>			
Acute Care Hospital	220 beds	220 beds	440 beds (554,603 sq. ft.)
Medical & General Office	56,000 <u>340,000</u> sq. ft.	284,000 <u>362,000</u> sq. ft.	340,000 <u>702,000</u> sq. ft. ²
Medical Services Mall	10,000 sq. ft.	-0-	10,000 sq. ft.
Specialized Hospitals & Health Care Facilities	36,000 <u>35,000</u> sq. ft.	64,000 <u>-0-</u> sq. ft.	100,000 <u>35,000</u> sq. ft.
Medical Education	16 beds	104 <u>-0-</u> beds	120 <u>16</u> beds
	-0-	200,000 sq. ft.	200,000 sq. ft.
	-0-	500 students	500 students
Wellness Center	-0- 75,000 sq. ft.	60,000 sq. ft. <u>-0-</u>	60,000 <u>75,000</u> sq. ft.
Future Health Care Functions	7,200 <u>17,200</u> sq. ft.	306,800 <u>-0-</u>	314,000 <u>17,200</u> sq. ft.
Campus Support Facilities	-0-	27,000 sq. ft.	27,000 sq. ft.
<u>Commercial</u>	85,000 <u>100,000</u> sq. ft.	215,000 <u>75,000</u> sq. ft.	300,000 <u>175,000</u> sq. ft.
<u>Open Space, Lakes & Water Management</u>	99.0 ac.	66.2 ac.	165.2 ac.

¹Includes rooms (existing and future) within the Ronald McDonald House.

²Includes ~~165,000~~ 340,000 sq. ft. of medical office and ~~175,000~~ 362,000 sq. ft. of general office.

EXHIBIT "B"

INFORMATION TO BE INCLUDED IN ANNUAL MONITORING REPORT

- a. Any changes in the plan of development, or in the representations contained in the ADA, 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. Undeveloped tracts of land, other than individual single family lots, that have been sold to a separate entity or developer;
- 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. An assessment of the developer's and the local government's compliance with the conditions 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 Regional Planning Council, or the Department of Community Affairs as being significant;
- f. Any known incremental DRI applications for development approval or requests for a substantial deviation determination that were filed in the reporting year and to be filed during the next 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, including 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 Subsection 380.06(14) and (16), Florida Statutes; and
- 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 Subsection 380.06(14)(d), Florida Statutes.

EXHIBIT "C"
HEALTHPARK FLORIDA
LAND USE CONVERSION

	To Use			
From Use	Medical Office	General Office	Residential Apts.	Specialty Hospital
Medical Office (1,000 sq. ft.)	N/A	3,000 sq. ft.	7.5 du	N/A
General Office (1,000 sq. ft.)	330 sq. ft.	N/A	2.4 du	N/A
Commercial (1,000 sq. ft.)	1,200 sq. ft.	3,400 sq. ft.	8.5 du	2.5 beds
Future Health Care (1,000 sq. ft.)	N/A	N/A	3.6 du	1.1 beds

This transfer of conversion may occur in accordance with Section II.D.1 provided that: 1) the external trips originally approved for the DRI remain the same (i.e., 3,204 peak hour trips and 34,393 daily trips); and 2) no additional impact will occur to other public facilities (such as sewer and water) and; 3) the conversion will not create a need for additional affordable housing. Further, no alteration to the Master Concept Plan may occur as a result of the conversion. In addition, the amount of square feet, beds and units to be converted to other uses or from other uses would be limited to no more than the following:

Land Use	Maximum Amount Converted From	Maximum Amount Converted To
Medical Office	60,000 sq. ft.	59,999 sq. ft.
General Office	60,000 sq. ft.	59,999 sq. ft.
Specialty Hospital	0 beds	59 beds
Residential Apts.	0 du	49 du
Commercial	50,000 sq. ft.	49,999 sq. ft.
Future Health Care	50,000 sq. ft.	49,999 sq. ft.

Thirty (30) days notice of any conversion must be provided to the County, The Regional Planning Council, and The Department of Community Affairs. In addition, the amount of conversion must be reported as part of the subsequent annual monitoring report.

DRY RUN - RUN - RUN



PERMIT COUNTER

OPEN SPACE TABLE

POOL SPACE REQUIRED

NO. 1	NAME	AGE	RELATION	DATE
111	ALICE	40	PERSONAL	11-11

OPEN SPACE PROVIDED

CONSIDERABLE PAPERS HERE / MORE & THE
AT PUGHMAN PARCEL NO. 6 MONTHS & THE
WELL 1700 OF PL-9 NORTH
RETURN

2014, OPEN SPACE & COUNCIL

DRI 2000-00023

[illegible]

MASTER CONCEPT PLAN -	EXHIBIT IV-F INCLUDING:
BOUNDARY SKETCH -	EXHIBIT H-8-2
AREA LOCATION MAP -	EXHIBIT H-9
EXISTING ZONING / LAND USE -	EXHIBIT H-F-3
EXISTING EASEMENTS -	EXHIBIT H-10
SCHEDULE OF USES -	EXHIBIT H-11
SCHEDULE OF DEVIATIONS -	EXHIBIT H-12

AMENDED MASTER CONCEPT PLAN

JOHNSON ENGINEERING, INC.
ENGINEERS, SURVEYORS AND GEOLOGISTS

1	2	3	4	5
AUGUST 1992	1993	11-12-94	10-10-95	1

EXHIBIT D

МАДН