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

WHEREAS, Robert Duane of Hole Montes & Associates and Matthew D. Uhle of Humphrey and Knott, P.A., filed an application on behalf of the property owner, Daniels Interstate - 75 Associates LTD, to rezone a 153.21±-acre parcel from Commercial Planned Development (CPD) to Mixed Use Planned Development (MPD), in reference to Daniels Interchange MPD; and

WHEREAS, a public hearing was advertised and held on February 9, 2000, before the Lee County Zoning Hearing Examiner, who gave full consideration to the evidence in the record for Case # DCI963758 (99-07-262.03Z 01.01); and

WHEREAS, a second public hearing was advertised and held on April 3, 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 rezone a 153.21±-acre parcel from CPD to MPD, to allow a development consisting of up to 500 residential units, 40,000 square feet of retail use, 235,000 square feet of office use, and 300,000 square feet of industrial use. The maximum building height is proposed to be 45 feet within the residential areas and 75 feet within the industrial/commercial areas. The property is located in the Mixed Use Transitional Interchange Land Use Category and 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 one-page Master Concept Plan (MCP) entitled "Daniels Interchange M.P.D.," stamped received October 1, 1999, last revised 09/09/99, except as modified by the conditions below. Development must comply with the Lee County LDC at time of local development order approval, except as may be granted by deviation as part of this planned development. If changes to the MCP are subsequently pursued, appropriate approvals will be necessary.

The project is limited to 500 residential units; 40,000 square feet of retail use; 235,000 square feet of office use; and 300,000 square feet of industrial use.

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

a. Schedule of Uses

RESIDENTIAL TRACT

Permitted Uses

ACCESSORY USES AND STRUCTURES (LDC §§ 34-1171 *et seq.*, 34-2441 *et seq.*, 34-1863, and 34-2141 *et seq.*)
ASSISTED LIVING FACILITY (LDC §§ 34-1491 *et seq.*, and 34-1411) (Permitted only in the Multiple Family portion of the tract)
CLUBS: Private (LDC § 34-2111)
COMMUNITY RESIDENTIAL HOME
CONTINUING CARE FACILITIES (LDC § 34-1414)
DWELLING UNIT:
- Single-family
- Duplex
- Two-family attached
- Townhouse
- Multiple-family building
- Zero lot line

ENTRANCE GATES AND GATEHOUSE (LDC § 34-1741 et seq.)
ESSENTIAL SERVICES (LDC §§ 34-1611 *et seq.*, and 34-1741 *et seq.*)
ESSENTIAL SERVICE FACILITIES [LDC § 34-622(c)(13)]: Group I only (LDC §§ 34-1611 *et seq.*, 34-1741 *et seq.*, and 34-2141 *et seq.*)
EXCAVATION: Water retention (LDC § 34-1651)
FENCES, WALLS (LDC § 34-1741)
MODELS: (as limited by Condition 9)
- Model home (LDC § 34-1951 *et seq.*)
- Model unit (LDC § 34-1951 *et seq.*)

PARKS [LDC § 34-622(c)(32)]: Group I
PARKING LOT: Accessory
REAL ESTATE SALES OFFICE (LDC §§ 34-1951 *et seq.*, and 34-3021) - further limited to the sales of lots, homes, or units within the residential portion of the planned development. The location of and approval for the real estate sales office will be valid for a period not exceeding five years from the date the certificate of occupancy is issued. The director may grant one 2-year extension at the same location.
RECREATIONAL FACILITIES:
- Personal
- Private, On-Site

RELIGIOUS FACILITIES (LDC § 34-2051 *et seq.*)

SCHOOLS: Noncommercial (LDC § 34-2381)
SIGNS, in accordance with Chapter 30 [except as it may be modified by Deviation (3) below]
TEMPORARY USES (LDC § 34-3041 *et seq.*)

INDUSTRIAL/COMMERCIAL TRACT

Permitted Uses

ACCESSORY USES AND STRUCTURES (LDC §§ 34-1171 et seq., 34-2441 *et seq.*, 34-1863, and 34-2141 *et seq.*)
ADMINISTRATIVE OFFICES
AIRCRAFT FOOD SERVICES AND CATERING
ANIMALS: Clinic or kennel (LDC § 34-1321 *et seq.*)
Control center (including Humane Society)
ATM (automatic teller machine)
AUTO PARTS STORE - with or without installation facilities
AUTOMOBILE SERVICE STATION
AUTO REPAIR AND SERVICE [LDC § 34-622(c)(2)]: All Groups (LDC § 34-1351)
BAIT AND TACKLE SHOP
BANKS AND FINANCIAL ESTABLISHMENTS [LDC § 34-622(c)(3)]: Groups I and II
BOATS: Boat parts store
Boat repair and service (LDC § 34-1352, and 34-3001 et seq.)
Boat sales
BROADCAST STUDIO, COMMERCIAL RADIO AND TELEVISION (LDC § 34-1441 *et seq.*)
BUILDING MATERIAL SALES [LDC § 34-622(c)(4) and 34-3001 *et seq.*]
BUSINESS SERVICES [LDC § 34-622(c)(5)]: Groups I and II
CARETAKER'S RESIDENCE
CAR WASH
CLEANING AND MAINTENANCE SERVICES [LDC § 34-622(c)(7)]
CLOTHING STORES, general [LDC § 34-622(c)(8)]
CLUBS:
Commercial
Fraternal, membership organization (LDC § 34-2111)
Private (LDC § 34-2111)
COLD STORAGE, PRE-COOLING, WAREHOUSE AND PROCESSING PLANT
COMMUNICATION TOWERS
100 feet or less in height (LDC § 34-1441)
COMPUTER AND DATA PROCESSING SERVICES
CONTRACTORS AND BUILDERS [LDC § 34-622(c)(9)]: All Groups (LDC §§ 34-1352, 34-3001 *et seq.*)
CONVENIENCE FOOD AND BEVERAGE STORE (limited to no more than eight self service fuel pumps)
CULTURAL FACILITIES [LDC § 34-622(c)(10)]

DAY CARE CENTER, CHILD, ADULT
DEPARTMENT STORE
DRIVE-THROUGH FACILITY FOR ANY PERMITTED USE
DRUGSTORE, PHARMACY
ENTRANCE GATES AND GATEHOUSE (LDC § 34-1741 et seq.)
EMERGENCY MEDICAL SERVICE (ambulance station)
EMERGENCY OPERATIONS CENTER
ESSENTIAL SERVICES (LDC §§ 34-1611 *et seq.*, and 34-1741 *et seq.*)
ESSENTIAL SERVICE FACILITIES [LDC § 34-622(c)(13)]: Group I (LDC §§ 34-1611 *et seq.*, 34-1741 *et seq.*, and 34-2141 *et seq.*)
EXCAVATION: Water retention (LDC § 34-1651)
FACTORY OUTLETS (point of manufacture only)
FARM EQUIPMENT, SALES, STORAGE, RENTAL OR SERVICE
FENCES, WALLS (LDC § 34-1741)
FIRE STATION
FOOD AND BEVERAGE SERVICE, LIMITED
FOOD STORES [LDC § 34-622(c)(16)]: Groups I and II
FREIGHT AND CARGO HANDLING ESTABLISHMENTS [LDC § 34-622(c)(17)]
FUNERAL HOME AND MORTUARY (with or without a crematory)
GASOLINE DISPENSING SYSTEM, SPECIAL
GIFT AND SOUVENIR SHOP
GOLF DRIVING RANGE
GOVERNMENT MAINTENANCE FACILITY
HARDWARE STORE
HEALTH CARE FACILITIES [LDC § 34-622(c)(20)]: Groups I, II, III, and IV
HOBBY, TOY AND GAME SHOPS [LDC § 34-622(c)(21)]
HOTEL/MOTEL (LDC § 34-1801 *et seq.*)
HOUSEHOLD AND OFFICE FURNISHINGS [LDC § 34-622(c)(22)]: All Groups
INSURANCE COMPANIES [LDC § 34-622(c)(23)]
LAUNDRY OR DRY CLEANING [LDC § 34-622(c)(24)]: Groups I and II
LAWN AND GARDEN SUPPLY STORES (LDC § 34-2081)
LIBRARY
MANUFACTURING of:
- Apparel products [LDC § 34-622(c)(1)]
- Boats
- Chemical and allied products [LDC § 34-622(c)(6)]: Group II
- Electrical machinery and equipment [LDC § 34-622(c)(11)]
- Fabricated metal products [LDC § 34-622(c)(14)]: Group II
- Food and kindred products [LDC § 34-622(c)(15)]: Groups II and III
- Furniture and fixtures [LDC § 34-622(c)(18)]
- Leather products [LDC § 34-622(c)(25)]: Group II
- Lumber and wood products [LDC § 34-622(c)(26)]: Group II
- Measuring, analyzing and controlling instruments [LDC § 34-622(c)(28)]
- Novelties, jewelry, toys and signs [LDC § 34-622(c)(29)]: All Groups
- Paper and allied products [LDC § 34-622(c)(31)]: Groups II and III
- Rubber and plastic products [LDC § 34-622(c)(44)]: Group II

Stone, clay, glass and concrete products [LDC § 34-622(c)(48)]: Group I
Tobacco products [LDC § 34-622(c)(51)]
Transportation equipment [LDC § 34-622(c)(52)]: Group I

MASS TRANSIT DEPOT or MAINTENANCE FACILITY (government facility)
MEDICAL OFFICE
MOBILE HOME DEALERS (LDC § 34-1352)
MODELS: Display center (LDC § 34-1951 *et seq.*)
MOTION PICTURE PRODUCTION STUDIO
NON-STORE RETAILERS [LDC § 34-622(c)(30)]: All Groups
PARCEL AND EXPRESS SERVICES
PACKAGE STORE (LDC § 34-1261 *et seq.*)
PAINT, GLASS AND WALLPAPER
PARKS [LDC § 34-622(c)(32)]: Groups I or II
PARKING LOT:
Accessory
Commercial
Garage, public parking
Temporary (LDC § 34-2022)
PERSONAL SERVICES [LDC § 34-622(c)(33)]: Groups I, II, III, and IV
PET SERVICES
PET SHOP
PHARMACY
PHOTO FINISHING LABORATORY
PLACE OF WORSHIP (LDC § 34-2051 *et seq.*)
PLANT NURSERY (LDC § 34-2081)
POLICE OR SHERIFF'S STATION
POST OFFICE
PRINTING AND PUBLISHING [LDC § 34-622(c)(36)]
PROCESSING AND WAREHOUSING
REAL ESTATE SALES OFFICE (LDC §§ 34-1951 *et seq.*, and 34-3021)
RECREATION, COMMERCIAL [LDC § 34-622(c)(38)]: All Groups
RECREATIONAL FACILITIES:
Commercial [LDC § 34-622(c)(38)]
RELIGIOUS FACILITIES (LDC § 34-2051 *et seq.*)
RENTAL OR LEASING ESTABLISHMENT [LDC § 34-622(c)(39)]: Groups I, II, III, and IV (LDC § 34-1201 *et seq.*, 34-1352, and 34-3001 *et seq.*)
REPAIR SHOPS [LDC § 34-622(c)(40)]: Groups I, II, III, IV, and V
RESEARCH AND DEVELOPMENT LABORATORIES [LDC § 34-622(c)(41)]: Groups I, II, III, and IV
RESTAURANT, FAST FOOD
RESTAURANTS [LDC § 34-622(c)(43)]: Groups I, II, III, and IV
RETAIL AND WHOLESALE SALES, when clearly incidental and subordinate to a permitted principal use on the same premises
SCHOOLS:
Commercial [LDC § 34-622(c)(45)] (LDC § 34-2381)
Noncommercial (LDC § 34-2381)

SELF-SERVICE FUEL PUMPS
SELF-SERVICE FUEL PUMP STATION
SIGNS, in accordance with Chapter 30 [except as it may be modified by Deviation (3) below]
SOCIAL SERVICES [LDC § 34-622(c)(46)]: Groups I, II, III, and IV
SPECIALTY RETAIL SHOPS [LDC § 34-622(c)(47)]: Groups I, II, III, and IV
STORAGE:
Indoor only, (LDC § 34-3001 *et seq.*)
STUDIOS [LDC § 34-622(c)(49)]
TEMPORARY USES (LDC § 34-3041 *et seq.*)
THEATER, indoor or outdoor (drive-in) (LDC § 34-2471 *et seq.*)
TRANSPORTATION SERVICES [LDC § 34-622(c)(53)]: Groups II, III, IV, and V
TRUCK STOP
USED MERCHANDISE STORES [LDC § 34-622(c)(54)]: Groups I, II, III and IV
VARIETY STORE
VEHICLE AND EQUIPMENT DEALERS [LDC § 34-622(c)(55)]: Groups I, II, III, IV, and V (LDC § 34-1352)
WAREHOUSE:
Mini-warehouse
Private
Public
Cold storage only
WHOLESALE ESTABLISHMENTS [LDC § 34-622(c)(56)]: Groups I, III and IV

Uses allowed by Special Exception *(Public Hearing required.)

BAR OR COCKTAIL LOUNGE (LDC § 34-1261 *et seq.*)
CONSUMPTION ON PREMISES (LDC § 34-1261 *et seq.*)
NIGHTCLUBS (LDC § 34-1261 *et seq.*)

b. Site Development Regulations

RESIDENTIAL TRACT:

Minimum Lot Dimensions:

	Single Family	Two-Family Attached	Townhouse	Duplex	Multiple Family
Width (feet)	50	37.5	22	75	100
Depth (feet)	100	100	80	100	100

Area (sq. ft.)	5,000	3,750	1,760	7,500	10,000
Maximum Bldg. Height (ft)	35	35	35	35	45
Maximum Lot Coverage	45%	45%	45%	45%	45%

Minimum Setbacks:
Street: 20 feet
Side: 5 feet
Side (Zero Lot Line only): zero feet and minimum 10 feet building separation
Rear: 10 feet
Water Body: 25 feet

Multiple Family Building Minimum Building Separation: 20 feet or one-half the sum of the height of the buildings, whichever is greater

INDUSTRIAL/COMMERCIAL TRACT:

Minimum Lot Dimensions:
Width: 100 feet
Depth: 100 feet
Lot Area: 10,000 square feet
Max. Building Height: 75 feet
Maximum Lot Coverage: 50 percent

Minimum Setbacks:
Street: 20 feet
Side: 20 feet
Rear: 15 feet
Water Body: 25 feet

Minimum Building Separation: 20 feet or one half the sum of the height of the buildings, whichever is greater

3. The language in the MCP Project Summary: 3.) Note 1 (Land Use Equivalency Table) has no force or effect. Amendments to the parameters of development, with respect to the Land Use Equivalency Table, will be reviewed and approved (if justified) administratively in accordance with the LDC at the time the amendment is sought.

4. The developer must provide road and sidewalk/bike path interconnections meeting LDC road standards between the industrial/commercial area and the residential area at the time of local development order application.

5. During the local development order process, the developer(s) must demonstrate compliance with the Lee Plan by showing that at least 45 percent of the gross usable land area in the project will be developed with residential uses, and at least 40 percent of the gross usable land area will be developed with commercial or industrial uses.

6. Non-residential/commercial uses will be constructed so that the total building area does not exceed 20 percent (0.2 FAR) of the total land area used for these uses. Development intensities may be more or less than a floor area ratio (FAR) of 0.2 on individual parcels, as long as the project's average FAR for non-residential/commercial uses does not exceed 0.2.

7. Emergency Preparedness:

   a. The developer must initiate the establishment of a property owners' or residents' association for each residential component of the project. The organization must provide an educational program on an annual basis, in conjunction with the staff of Emergency Management, who will provide literature, brochures and technical assistance for Hurricane Awareness/Preparedness Seminars, describing the risks of natural hazards. The intent of this recommendation is to provide a mechanism to educate residents concerning the actions they should take to mitigate the dangers inherent in these hazards.

   b. The developer must formulate an emergency hurricane notification and evacuation plan for the development that will be subject to review and approval by the Lee County Office of Emergency Management.

   c. The proposed development will be subject to any future evacuation or shelter mitigation requirements applicable to residential development within Lee County, duly adopted by the Lee County Board of County Commissioners.

8. The location of Model Homes or Units within the residential tract must be specifically identified and approved as part of an Administrative Amendment.

9. Reasonable effort must be made in the design of the project to retain large native trees in the area delineated as hardwood - conifer mix (FLUCCS 434; 4.1 acres) on the FLUCCS map compiled by Passarella and Associates dated 12/17/99 and counter stamped July 28, 1999.

10. If the red-cockaded woodpecker (RCW) cavity trees are confirmed abandoned by the U.S. Fish & Wildlife Service (USFWS) a management plan is not required. If the RCW cavity trees are determined to be active by the USFWS, the developer must submit a management plan meeting the requirements of LDC § 10-474 for Division of Planning/

Environmental Sciences Staff review and approval prior to local development order approval.

11. Prior to local development order approval, open space must be provided based on the type of use for each parcel. Residential uses requiring open space in accordance with LDC § 10-415(a) must provide 40 percent common open space. Industrial uses must provide 20 percent open space. Commercial uses must provide 30 percent open space. The open space may be allocated to individual lots, parcels or tracts provided the overall required open space is met and a minimum of 10 percent open space is provided on each lot, parcel or tract. An "Open Space Provided" table must be included with each development order to track the required and provided open space for the overall Daniels Interchange MPD.

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

13. Approval of this MPD rezoning does not guarantee local development order approval. Future development order approvals must satisfy the requirements of the Lee Plan Planning Communities Map and Acreage Allocation Table, Map 16 and Table 1(b).

SECTION C. DEVIATIONS:

Deviation (1) seeks relief from the LDC § 10-415(b)(1) requirement to provide 50 percent of the required Open Space through on-site preservation of existing indigenous vegetation, to allow 30± percent of the required Open Space through 1) on-site Ecological Creation/Restoration with long term management and 2) increased landscaping and buffering standards. This deviation is APPROVED SUBJECT TO the following conditions:

A. Prior to local development order approval, the indigenous requirement must be met through the following:

1. 12.39 acres of Conservation Areas of restored/created wetlands flowway will be provided as delineated on the Master Concept Plan counter stamped October 1, 1999. The wetland restoration/creation plan must be submitted to Division of Planning/Environmental Sciences Staff for review and approval;

2. 2.86 acres of existing indigenous preservation will be provided within Lots 1 through 8. The indigenous preservation must be provided by a minimum 20-foot-wide area centered along each lot line where available;

3. Every effort must be made in the design of the development on Lots 5 and 6 to provide existing indigenous preservation adjacent to Conservation Area #2 where available;

4. Enhanced native vegetation buffers will consist of:

a. A 50-foot-wide area along I-75 and Palomino Lane with 20 trees, 70 shrubs (minimum 24-inch height; 3-gallon size), and 60 ground cover plants (minimum 1-gallon size) per 100 linear feet.

b. A 50-foot-wide area between the commercial and residential parcels with 20 trees per 100 linear feet and a meandering double staggered continuous hedge installed at a 48-inch height and maintained at 60 inches of height.

c. Trees that must have a minimum 10-foot height with 2-inch caliper measured at 12 inches above the ground.

d. Native plants typical of a pine flatwoods system.

e. Existing native vegetation that may be used to meet the planting requirements (1:1 credit);

5. Every effort must be made to preserve large native trees within the residential pods;

6. Landscaping for internal parking areas must be calculated as consisting of the equivalent of 15 percent of the total paved surface; and

7. General tree requirements:

   a. Multi-family developments must provide 1.5 trees per 3,000 square feet;

   b. Non-residential uses must provide 1.5 trees per 3,500 square feet; and

   c. The general trees must be provided within each multi-family tract or non-residential lot.

Deviation (2) seeks relief from the LDC § 10-329(e)(1)3. requirement to provide a setback of 50 feet from a private property line under separate ownership, to allow a setback of 25 feet. This deviation is APPROVED SUBJECT TO the location shown on the approved MCP in the southeastern corner of the site.

Deviation (3) seeks relief from the LDC § 30-153(2)a. requirement to permit non-residential identification signs only along streets that provide access to the property, and that further limits the height of those signs to 24 feet, to allow a sign 55 feet in height abutting I-75 in the location shown on the MCP. This deviation is APPROVED SUBJECT TO the condition that this sign represents the only non-residential identification sign along I-75 within the project. All other signs must be in compliance with LDC Chapter 30.

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

SECTION E. FINDINGS AND CONCLUSIONS:

1. The applicant has proven entitlement to the rezoning by demonstrating compliance with the Lee Plan, the LDC, and other applicable codes and regulations.

2. The MPD rezoning, as approved:

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

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

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

   d. will not place an undue burden upon existing transportation or planned infrastructure facilities and 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 rezoning satisfies the following criteria:

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

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

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

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

5. The approved deviations, as conditioned, enhance achievement of the planned development objectives, and preserve and promote the general intent of LDC Chapter 34, to protect the public health, safety and welfare.

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

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

DULY PASSED AND ADOPTED this 3rd day of April, 2000.

ATTEST:
CHARLIE GREEN, CLERK

BY: Michele B Zeiman
Deputy Clerk

BOARD OF COUNTY COMMISSIONERS
OF LEE COUNTY, FLORIDA

BY: John E. Albion
Chairman

Approved as to form by:

Donna Marie Collins
County Attorney's Office

FILED APR 07 2000
mgl
MINUTES OFFICE

EXHIBIT "A"

LEGAL DESCRIPTION

PARCEL 1

Lots 3, 4, 5, 6, 7, 8, 9 and 10, Block A, and Lots 3, 4, 5 and 6, Block B, DANPORT CENTER, a subdivision lying in the Northeast Quarter (NE¼) of Section 22, Township 45 South, Range 25 East, Lee County, Florida, and recorded in Plat Book 35 at Pages 118, 119 and 120 of the Public Records of Lee County, Florida, LESS AND EXCEPT that portion of Lot 6, Block B, as conveyed in OR Book 1951, Page 2942, Public Records of Lee County, Florida.

PARCEL 2

Tract 318 of COLONIAL RANCHETTES, INC., UNIT 3, an unrecorded subdivision more particularly described as follows:
The Northeast Quarter (NE¼) of the Northeast Quarter (NE¼) of the Northwest Quarter (NW¼) and the North Half (N½) of the Southeast Quarter (SE¼) of the Northeast Quarter (NE¼) of the Northwest Quarter (NW¼), Section 22, Township 45 South, Range 25 East, Lee County, Florida.

PARCEL 3

The South Half (S½) of the Northeast Quarter (NE¼) of the Southeast Quarter (SE¼) of the Southeast Quarter (SE¼) of the Northwest Quarter (NW¼) of Section 22, Township 45 South, Range 25 East, and the Southeast Quarter (SE¼) of the Southeast Quarter (SE¼) of the Southeast Quarter (SE¼) of the Northwest Quarter (NW¼) of Section 22, Township 45 South, Range 25 East, Lee County, Florida, less road right-of-way for I-75 interchange.

PARCEL 4

The Southeast Quarter (SE¼) of the Southwest Quarter (SW¼) of the Southwest Quarter (SW¼); and the Northeast Quarter (NE¼) of the Southwest Quarter (SW¼) of the Southwest Quarter (SW¼); and the Northwest Quarter (NW¼) of the Southeast Quarter (SE¼) of the Southwest Quarter (SW¼) of Section 15, Township 45 South, Range 25 East; and Tract 39 of COLONIAL RANCHETTES, INC., an unrecorded subdivision more particularly described as follows: The Northeast Quarter (NE¼) of the Northwest Quarter (NW¼) of the Northwest Quarter (NW¼), Section 22, Township 45 South, Range 25 East, Lee County, Florida.

PARCEL 5

Tract #316 of COLONIAL RANCHETTES, INC., Unit #3, an unrecorded subdivision more particularly described as follows: The Northeast Quarter (NE¼) of the Northeast Quarter (NE¼) of the Southeast Quarter (SE¼) of the Northwest Quarter (NW¼), Section 22, Township 45 South, Range 25 East; and Tract #317 of COLONIAL RANCHETTES, INC., Unit #3, an unrecorded subdivision more particularly described as follows: The Southeast Quarter (SE¼) of the Southeast Quarter (SE¼) of the Northeast Quarter (NE¼) of the Northwest Quarter (NW¼), Section 22, Township 45 South, Range 25 East, Lee County, Florida.

PARCEL 6

The East 194.182 feet of the Southwest Quarter (SW¼) of the Southeast Quarter (SE¼) of the Southeast Quarter (SE¼) of the Northwest Quarter (NW¼), Section 22, Township 45 South, Range 25 East, Lee County, Florida, less the right-of-way for Daniels Road and I-75 interchange.

PARCEL 7

A tract of land lying in Lot 6, Block B, Danport Center, a subdivision lying in the Northeast Quarter (NE¼) of Section 22, Township 45 South, Range 25 East, Lee County, Florida, and recorded in Plat Book 36, at Pages 118, 119 and 120 of the Public Records of Lee County, Florida. Said tract being more particularly described as follows:

Beginning at the Northeast corner of said Lot 6, Block B;
THENCE run S00°29'46"E along the East line of said Lot 6, Block B for 80.00 feet;
THENCE run N51°47'55"W for 128.13 feet to a point on the North line of said Lot 6, Block B;
THENCE run N89°33'56"E along said North line for 100.00 feet to the POINT OF BEGINNING.

TOGETHER WITH EASEMENTS FOR INGRESS AND EGRESS OVER THOSE PROPERTIES DESCRIBED IN OR BOOK 511, PAGE 519, AND AS SET FORTH IN AN INSTRUMENT RECORDED IN OR BOOK 1742, PAGES 124 AND 125, PUBLIC RECORDS OF LEE COUNTY, FLORIDA (said roadway easements being commonly known as Palomino Lane and Dartmoore Lane) (As to Parcels 2, 3, 4, 5 and 6).

PARCEL F

Tracts 26 and 27 in an unrecorded subdivision of John C. Davis according to the plat by Gerald W. Smith, surveyor, dated November 10, 1966, more particularly described as follows:

The Northeast Quarter (NE¼) of the Southeast Quarter (SE¼) of the Southwest Quarter (SW¼), Section 15, Township 45 South, Range 25 East, subject to easements for roadway purposes over and across the West 30 feet thereof. Together with ingress and egress over and across road easement, described as follows:
The West 30 feet of the East Half (E½) of the East Half (E½) of the West Half (W½) of Section 15, and the East 30 feet of the West Half (W½) of the East Half (E½) of the West Half (W½) of Section 15, Township 45 South, Range 25 East. Also ingress and egress over and across the North 60 feet of the Northwest Quarter (NW¼) of Section 15, Township 45 South, Range 25 East.

PARCEL G

The Southwest Quarter (SW¼) of the Southeast Quarter (SE¼) of the Southwest Quarter (SW¼) of Section 15, Township 45 South, Range 25 East, Lee County, Florida.

PARCEL H

North Half (N½) of the Southeast Quarter (SE¼) of the Southeast Quarter (SE¼) of the Southwest Quarter (SW¼) of Section 15, Township 45 South, Range 25 East, subject to easement for right-of-

way purposes over West thirty (30) feet thereof, together with ingress and egress over road easement as follows:

West thirty (30) feet of East Half (E½) of the East Half (E½) of the West Half (W½) of Section 15 and the East thirty (30) feet of the West Half (W½) of Section 15 and East thirty (30) feet of the West Half (W½) of the East Half (E½) of the West Half (W½) of Section 15, Township 45 South, Range 25 East, also ingress and egress over and above North 60 feet of the Northwest Quarter (NW¼) of Section 15, Township 45 South, Range 25 East, Being Tract 25, Subdivision of John C. Davis.

PARCEL I

Tract twenty-four (24) in an unrecorded subdivision of John C. Davis according to plat by Gerald W. Smith, surveyor, dated November 10, 1966, more particularly described as follows:

The South Half (S½) of the Southeast Quarter (SE¼) of the Southeast Quarter (SE¼) of the Southwest Quarter (SW¼), Section 15, Township 45 South, Range 25 East, subject to easements for roadway purposes over and across the West thirty (30) feet thereof; together with ingress and egress over and across road easement, described as follows: The West thirty (30) feet of the East Half (E½) of the East Half (E½) of the West Half (W½) of Section 15, and the East thirty (30) feet of the West Half (W½) of the East Half (E½) of the West Half (W½) of Section 15, Township 45 South, Range 25 East,
Also, ingress and egress over and across the North sixty (60) feet of the Northwest Quarter (NW¼), Section 15, Township 45 South, Range 25 East.

PARCEL J

The West Half (W½) of the Northwest Quarter (NW¼) of the Northeast Quarter (NE¼) of the Northwest Quarter (NW¼), Section 22, Township 45 South, Range 25 East, Lee County, Florida. Also known as Tracts 330 and 331 of COLONIAL RANCHETTES, INC., UNIT #3, an unrecorded subdivision.

PARCEL K

Tract 329 of COLONIAL RANCHETTES, INC., UNIT #3, an unrecorded subdivision, more particularly described as follows: The Northeast Quarter (NE¼) of the Northwest Quarter (NW¼) of the Northeast Quarter (NE¼) of the Northwest Quarter (NW¼) of Section 22, Township 45 South, Range 25 East, Lee County, Florida.

PARCEL L

Tract 319 and 326 of COLONIAL RANCHETTES, INC., UNIT #3, an an unrecorded subdivision, more particularly described as follows: Tract 319: The Southwest Quarter (SW¼) of the Southeast Quarter (SE¼) of the Northeast Quarter (NE¼) of the Northwest Quarter (NW¼), subject to easements for roadway purposes over and across the East 30 feet thereof, and Tract 326: The Southeast Quarter (SE¼) of the Southwest Quarter (SW¼) of the Northeast Quarter (NE¼) of the Northwest Quarter (NW¼), subject to easements for roadway purposes over and across the West

30 feet thereof, Section 22, Township 45 South, Range 25 East. Together with ingress and egress over and across road easements as described in OR Book 511, Pages 518 through 519, Public Records of Lee County, Florida.

AND

Tracts 327 and 328 of COLONIAL RANCHETTES, INC., UNIT #3, an unrecorded subdivision, more particularly described as follows: The Northeast Quarter (NE¼) of the Southwest Quarter (SW¼) of the Northeast Quarter (NE¼) of the Northwest Quarter (NW¼) and the Southeast Quarter (SE¼) of the Northwest Quarter (NW¼) of the Northeast Quarter (NE¼) of the Northwest Quarter (NW¼), Section 22, Township 45 South, Range 25 East, subject to easements for roadway purposes over and across the West thirty feet thereof; together with ingress and egress over and across road easements as described in OR Book 511, pages 518-519, Public Records of Lee County, Florida.

PARCEL M

Tracts 320 and 325 of COLONIAL RANCHETTES, INC., UNIT #3, an unrecorded subdivision, more particularly described as follows:

Tract 320: The Northwest Quarter (NW¼) of the Northeast Quarter (NE¼) of the Southeast Quarter (SE¼) of the Northwest Quarter (NW¼). Subject to easement for roadway purposes over and across the Easterly thirty (30) feet thereof; and

Tract 325: The Northeast Quarter (NE¼) of the Northwest Quarter (NW¼) of the Southeast Quarter (SE¼) of the Northwest Quarter (NW¼). Subject to easement for roadway purposes over and across the Westerly thirty (30) feet thereof;

All in Section 22, Township 45 South, Range 25 East, Lee County, Florida.

Less and except those parcels released in OR Book 2319, Page 4686 and OR Book 2323, Page 1161.

PARCEL N

The Southeast Quarter (SE¼) of the Northeast Quarter (NE¼) of the Southeast Quarter (SE¼) of the Northwest Quarter (NW¼) of Section 22, Township 45 South, Range 25 East, Lee County, Florida, less and except the portion thereof included in the plat of Danport Center, Phase 1-A, Part 1, according to the plat thereof recorded in Plat Book 49, Pages 87 through 92, Public Records of Lee County, Florida.

PARCEL O

The Southwest Quarter (SW¼) of the Northeast Quarter (NE¼) of the Southeast Quarter (SE¼) of the Northwest Quarter (NW¼) of Section 22, Township 45 South, Range 25 East, Lee County, Florida, less and except the portion thereof included in the plat of Danport Center, Phase 1-A, Part

1, according to the plat thereof recorded in Plat Book 49, Pages 87 through 92, Public Records of Lee County, Florida.

AND

The Southeast Quarter (SE¼) of the Northwest Quarter (NW¼) of the Southeast Quarter (SE¼) of the Northwest Quarter (NW¼) of Section 22, Township 45 South, Range 25 East, Lee County, Florida, less and except the portion thereof included in the plat of Danport Center, Phase 1-A, Part 1, according to the plat thereof recorded in Plat Book 49, Pages 87 through 92, Public Records of Lee County, Florida.

PARCEL Q

The Southwest Quarter (SW¼) of the Southwest Quarter (SW¼) of the Northeast Quarter (NE¼) of the Northwest Quarter (NW¼) of Section 22, Township 45 South, Range 25 East, Lee County, Florida.

PARCEL R

The Northwest Quarter (NW¼) of the Southwest Quarter (SW¼) of the Northeast Quarter (NE¼) of the Northwest Quarter (NW¼) of Section 22, Township 45 South, Range 25 East, Lee County, Florida.

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

15-45-25-00-00001.0110	15-45-25-00-00001.0160	15-45-25-00-00001.0180
15-45-25-00-00001.0270	15-45-25-00-00001.0300	
22-45-25-00-00001.0260	22-45-25-00-00002.1010	22-45-25-00-00002.1180
22-45-25-00-00002.118A	22-45-25-00-00002.1160	22-45-25-00-00002.116A
22-45-25-00-00002.1150	22-45-25-00-00002.1270	22-45-25-00-00002.1080
22-45-25-00-00002.1020	22-45-25-00-00002.102A	22-45-25-00-00002.1000
22-45-25-00-00002.1260	22-45-25-01-0000A.0030	22-45-25-01-0000A.0040
22-45-25-01-0000A.0050	22-45-25-01-0000A.0060	22-45-25-01-0000A.0070
22-45-25-01-0000A.0080	22-45-25-01-0000A.0090	22-45-25-01-0000A.0100
22-45-25-01-0000B.0030	22-45-25-01-0000B.0040	22-45-25-01-0000B.0050
22-45-25-01-0000B.0060		

ZONING MAP

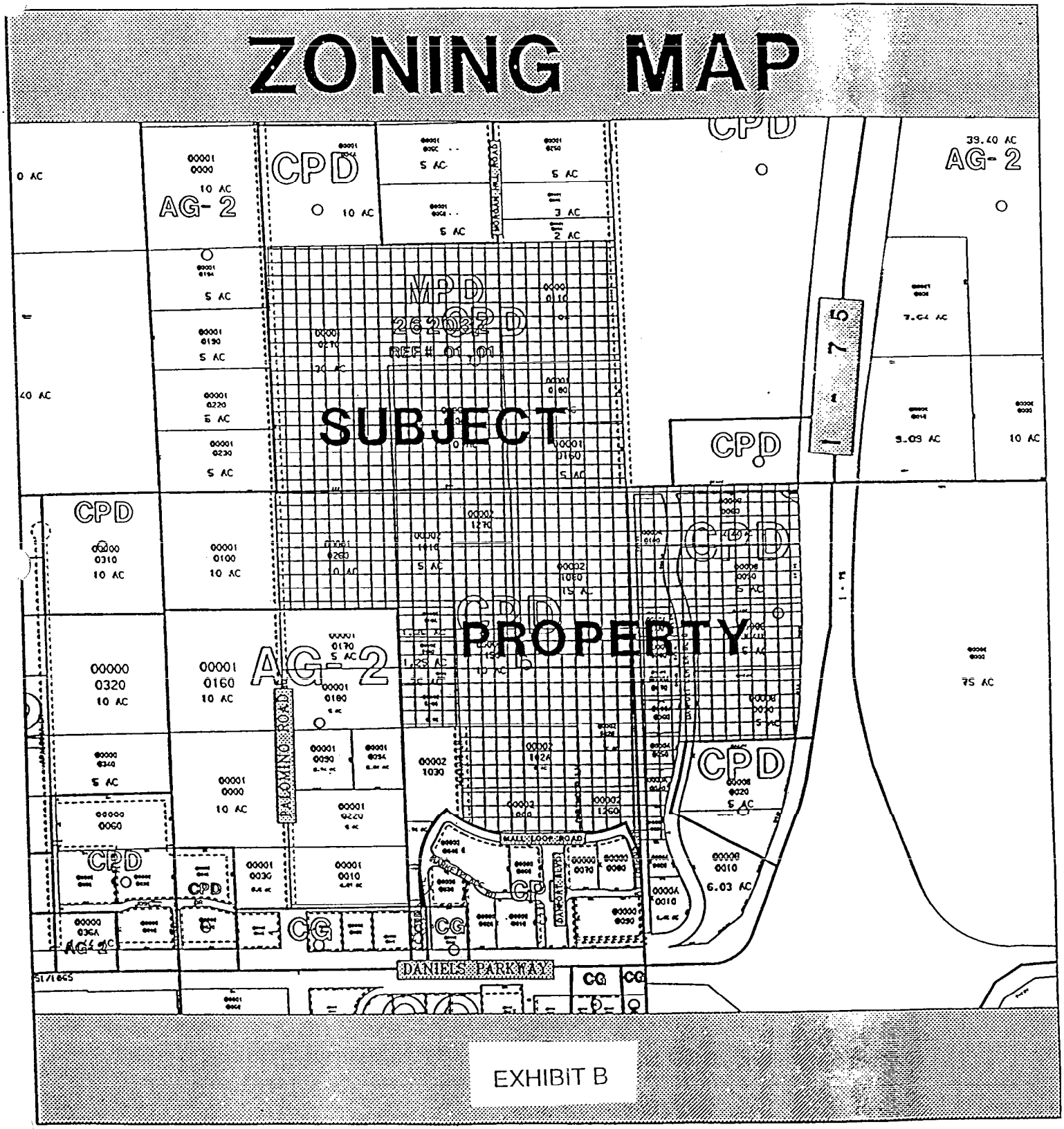
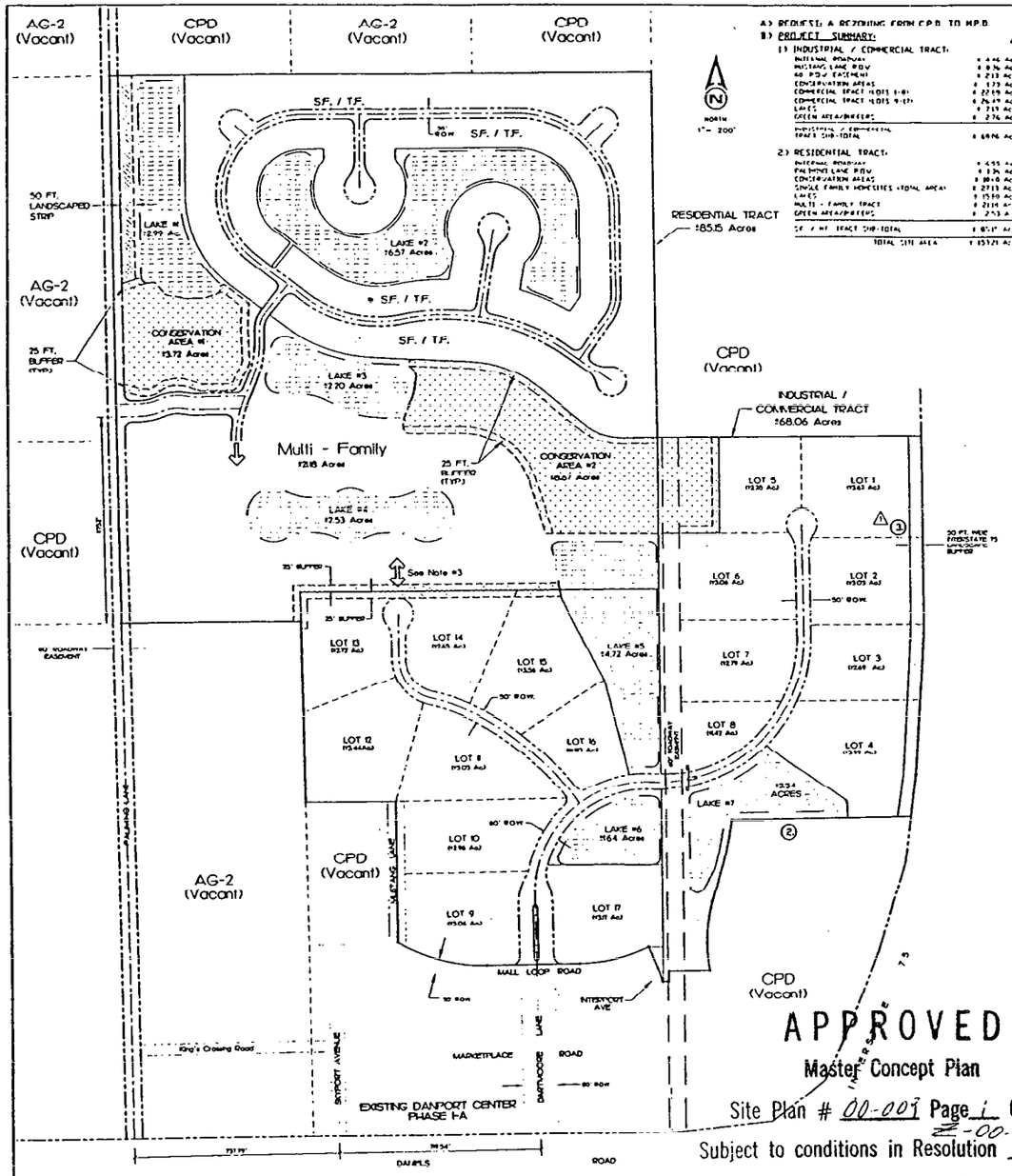


EXHIBIT B



A) REQUEST: A REZONING FROM C.P.D. TO M.P.D.

B) PROJECT SUMMARY:

1) INDUSTRIAL / COMMERCIAL TRACT:

INTERNAL ROADWAY	± 4.46 Ac
EXISTING LAKE R.O.W.	± 8.36 Ac
60' R.O.W. EXTENSION	± 2.13 Ac
CONSERVATION AREAS	± 1.73 Ac
COMMERCIAL TRACT (LOTS 1-8)	± 22.69 Ac
COMMERCIAL TRACT (LOTS 9-17)	± 26.49 Ac
LAKES	± 7.19 Ac
GREEN AREA/BREEDS	± 2.76 Ac
INDUSTRIAL / COMMERCIAL TRACT SUB-TOTAL	± 68.06 Ac

2) RESIDENTIAL TRACT:

INTERNAL ROADWAY	± 4.55 Ac
EXISTING LAKE R.O.W.	± 1.34 Ac
CONSERVATION AREAS	± 30.18 Ac
SINGLE FAMILY HOMESITES (TOTAL AREA)	± 27.13 Ac
LAKES	± 11.50 Ac
MULTI - FAMILY TRACT	± 21.11 Ac
GREEN AREA/BREEDS	± 2.53 Ac
SF. / MF. TRACT SUB-TOTAL	± 85.17 Ac
TOTAL SITE AREA	± 153.23 Ac

3) PROPOSED PROJECT INTENSITY / PHASING:

PROPOSED DEVELOPMENT INTENSITY

Residential Tract (Acres)	Density (D.U./Acre)	Total D.U.'s	I / C Tract (Acres)	Total Square Ft.
85.17	2.00	170	68.06	1,000,000

LAND USE EQUIVALENCY TABLE

	Single Family	Multi-Family	Retail (1,000 s.f.)	Office (1,000 s.f.)	Warehouse & Storage	Hotel/Motel	Hotel/Motel Rooms
Single Family	1 Du	0.5 Du	0.4 Du	1.5 Du	0.6 Du	0.5 Du	0.2 Du
Multi-Family	1.9 Du	1 Du	0.8 Du	2.9 Du	1.1 Du	1 Du	0.4 Du
Retail	2.4 Ksf	1.3 Ksf	1 Ksf	3.6 Ksf	1.4 Ksf	1.2 Ksf	0.5 Ksf
Office	0.7 Ksf	0.4 Ksf	0.3 Ksf	1 Ksf	0.4 Ksf	0.3 Ksf	0.1 Ksf
Warehouse & Storage	1.7 Ksf	0.9 Ksf	0.7 Ksf	2.5 Ksf	1 Ksf	0.8 Ksf	0.3 Ksf
Hotel/Motel	2.1 Ksf	1.1 Ksf	0.8 Ksf	3 Ksf	1.2 Ksf	1 Ksf	0.4 Ksf
Hotel/Motel Rooms	5 Rooms	2.5 Rooms	2 Rooms	7 Rooms	2.8 Rooms	2.4 Rooms	1 Room

NOTES:

C) PERMITTED USES:

1) RESIDENTIAL TRACT:

2) INDUSTRIAL / COMMERCIAL TRACT (LOTS 1-17):

ALL PERMITTED USES, BY RIGHT, IN THE M.P.D. DISTRICT WITH THE EXCEPTION OF THE FOLLOWING USES:

D) CONCEPTUAL OPEN SPACE

OPEN SPACE REQUIRED:

Single-Family Area (@ 44.30 Ac. x 0.40)	± 17.72 Acres
(LESS Paimbo POV)	
Multi-Family Area (@ 39.49 Ac. x 0.40)	± 15.80 Acres
(LESS Paimbo POV)	
Commercial Tracts	
Industrial (Lots 1-8 @ 32.85 Ac. x 0.20)	± 6.57 Acres
Commercial (Lots 9-17 @ 35.21 Ac. x 0.30)	± 10.56 Acres
Total Open Space Regd.	± 51.65 Acres

NOTE:

The required amount of Open Space may be reduced, per Sec. 10-415(a) of the L.C.L.D.C., if the Industrial / Commercial design ratio (the Industrial / Commercial Tract changes or the Residential Lots develop with sizes greater than 6,500 sqft.

OPEN SPACE PROVIDED:

Lakes (@ 0.25 x 50.65 Ac.)	± 12.67 Acres
Conservation Areas	± 12.39 Acres
Internal Road ROW / 60' Easement	± 3.20 Acres
Green Area / Buffers	± 2.29 Acres
Commercial Lots (@ 49.21 Ac. x 0.25)	± 12.24 Acres
Multi-Family Area (@ 21.18 Ac. x 0.22)	± 4.76 Acres
Total Open Space Provid.	± 50.63 Acres

E) INDIGENOUS VEGETATION AREAS

INDIGENOUS AREAS REQUIRED:

1. Total Open Space Regd. (@ 50.65 Ac. x 10.30)	± 15.25 Acres
Total Indigenous Area Regd.	± 15.25 Acres

INDIGENOUS AREAS PROVIDED:

Conservation Areas	± 12.39 Acres
Commercial Lots (1-8 ONLY 2200 x 0.25)	± 2.86 Acres
Total Indigenous Area Provid.	± 15.25 Acres

F) SITE LANDSCAPE REQUIREMENTS:

Landscape Standards shall be provided in accordance with the L.C.L.D.C. Sec. 10-416, including the following:

1) SINGLE-FAMILY / TWO-FAMILY RESIDENTIAL AREA:
15 trees per 3,000 sq. Ft. of development area, which must include a minimum of three (3) trees per residential homesite, installed prior to issuance of the Certificate of Occupancy.

2) MULTI-FAMILY RESIDENTIAL AREA:
1 tree per 3,000 sq. Ft. of development area.

3) INDUSTRIAL / COMMERCIAL AREA:
15 trees per 3,500 sqft. of development area.

4) INTERNAL LANDSCAPING REQUIREMENTS:
Landscaping for Internal Parking Areas shall be fifteen (15) percent of the total paved surface area.

5) 50 FT. INTERSTATE 75 BUFFER:
A 50 Ft. wide buffer shall be provided with 19 trees and 38 shrubs per 100 Ln. Ft.

Plantings shall be clustered to achieve greatest visual appeal. Plant materials shall be of indigenous native species with planting and areas mulched, and remainder of buffer area planted with either an appropriate ground cover or sodded with Bahia grass. The sodded areas shall not exceed a total of ten (10) percent of the total buffer area.

Credits for the preservation of existing vegetation shall be applied per L.C.L.D.C. Sec. 10-416(b)(1).

Landscape & Irrigation shall provide details and plans for review and approval at time of Final Development Order submittal.

6) 50 FT. RESIDENTIAL / COMMERCIAL TRACT BUFFER:
A 50 Ft. wide buffer with Type "C" Buffer planting requirements shall be provided.

7) INDUSTRIAL / COMMERCIAL LOTS 1-8:
A minimum 20 Ft. wide landscaped area centered along each lot line, where available.

G) PROPERTY DEVELOPMENT REGULATIONS:

1) Residential Tract:

Minimum Setbacks:

Street (Front)	25 / 35 (Arterial)
Side (Corner)	15
Side (Zero Lot Line) (Front)	0 (One Side)
Side (Other)	10
Rear (Front)	25
Water Body (Front)	25
Development Perimeter (Front)	*
Bldg. Separation (Min.) (Front)	20

*See L.C.L.D.C. Sec. 10-415(e)

	SF.	TF.	Multi-Family	Duplex	Mf.
Minimum Lot Dimensions					
Width (Front)	50	30	100	75	100
Depth (Front)	100	100	100	100	100
Area (Sq. Ft.)	5,000	3,750	3,750	7,500	10,000
Maximum Bldg. Height (Ft.)	35' or 3 stories	35' or 3 stories	35' or 3 stories	35' or 3 stories	45' or 4 stories
Maximum Lot Coverage	45%	45%	45%	45%	45%

2) Industrial / Commercial Tract:

Minimum Setbacks (per L.C.L.D.C. Sec. 34-935):

Street (Front)	25
Side (Corner)	25
Side (Other)	15
Rear (Front)	15
Water Body (Front)	25
Development Perimeter (Front)	*
Bldg. Separation (Min.) (Front)	20

Minimum Lot Dimensions (per L.C.L.D.C. Sec. 34-935):

Width (Front)	100
Depth (Front)	100
Area (Sq. Ft.)	10,000
Maximum Bldg. Height (Ft.)	75' or 6 stories
Maximum Lot Coverage	50%

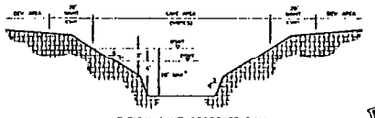
*See L.C.L.D.C. Sec. 34-935(e)

H) SCHEDULE OF DEVIATIONS:

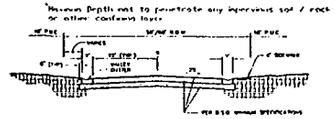
1. A deviation from Sec. 10-415(b)(1) of the L.C.L.D.C., which requires that Large Developments, with existing indigenous native vegetation, must provide fifty (50) percent of the retail Open Space percentage requirement through the on-site preservation of existing indigenous native vegetation, to allow a 10% of the retail Open Space percentage through:
   a) On-site Ecological Creation / Restoration with long-term management, and
   b) Increased Landscaping & Buffering Standards (see Item 'G' above).
2. A deviation from Sec. 10-329(d)(1)3 of the L.C.L.D.C., which requires a setback of fifty (50) feet to a private property the owner separate ownership to [illegible] of 25 feet.
3. A deviation from Sec. 30-154 of the L.C.L.D.C., which allows a 50'-75' Interstate Highway Interchange Area Sign, totaling 500 sqft within a 1/2 mile radius of the interchange, to allow a 55' Sign totaling 200 sqft within the Project Area adjacent to I-75 as depicted on the Proposed Signage Plan.

I) NOTES:

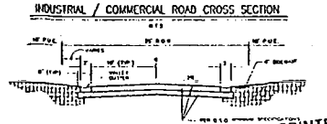
1) There are no existing LEE TRAN bus stops, and no LEE TRAN bus routes currently serve the subject property.
2) Proposed typical lake cross-section subject to a "Bond Lake Management Plan" based on Lake Maintenance Easement Width, Slopes, Excavation Bank Slopes all comply with shoreline configuration, slope and planting requirements per L.C.L.D.C. Sec. 10-418.
3) Vehicular, Bicycle and Pedestrian inter-connection details between land uses to be provided at the of Local Development Order Review.



TYPICAL LAKE CROSS SECTION



INDUSTRIAL / COMMERCIAL ROAD CROSS SECTION



RESIDENTIAL ROAD CROSS SECTION

PROJECT # 99-07-262.03Z 01.01
PROJECT TYPE DCI963758

HOLE, MONTES & ASSOCIATES, INC.
ENGINEERS • PLANNERS • SURVEYORS
NAPLES • FT. MYERS • PUNTA GORDA • VENICE
6924 PROFESSIONAL CIR. • FT. MYERS, FLORIDA 33912

DANIELS INTERCHANGE
M.P.D.
MASTER DEVELOPMENT PLAN
EXHIBIT IV-E

RECEIVED
OCT 0
PERMIT COUNTER

DES. CRB
DWN. NED
DATE 03/26/99
SCALE AS NOTED
742-07
9819DMDP
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SHT. 7 of 7

PRINTED SEP 27 1999

EXHIBIT C