



ORDINANCE NO. 07- 26

AN ORDINANCE OF THE BOARD OF COUNTY COMMISSIONERS OF COLLIER COUNTY, FLORIDA, AMENDING ORDINANCE NUMBER 04-41, AS AMENDED, THE COLLIER COUNTY LAND DEVELOPMENT CODE, WHICH INCLUDES THE COMPREHENSIVE ZONING REGULATIONS FOR THE UNINCORPORATED AREA OF COLLIER COUNTY, FLORIDA, BY AMENDING THE APPROPRIATE ZONING ATLAS MAP OR MAPS BY CHANGING THE ZONING CLASSIFICATION OF THE HEREIN DESCRIBED REAL PROPERTY FROM PLANNED UNIT DEVELOPMENT "PUD" TO "CPUD" COMMERCIAL PLANNED UNIT DEVELOPMENT KNOWN AS THE I-75/ALLIGATOR ALLEY COMMERCIAL PLANNED UNIT DEVELOPMENT "CPUD" AND LOCATED ON THE NORTH SIDE OF DAVIS BOULEVARD IN PROXIMITY TO THE INTERSECTION OF COLLIER BOULEVARD (CR 951) AND I-75, IN SECTION 34, TOWNSHIP 49 SOUTH, RANGE 26 EAST, COLLIER COUNTY, FLORIDA, CONSISTING OF 40.8 ACRES; PROVIDING FOR THE ENTIRE REPEAL OF ORDINANCE NUMBER 89-82, AS AMENDED, THE FORMER I-75/ALLIGATOR ALLEY PUD; AND BY PROVIDING AN EFFECTIVE DATE.

WHEREAS, Robert L. Duane, A.I.C.P., of Hole Montes, Inc., and R. Bruce Anderson, Esquire, of Roetzel & Andress, L.P.A., representing Ronald Benderson et al., Trustees, c/o David H. Baldauf at Benderson Development Company, Inc., petitioned the Board of County Commissioners to change the zoning classification of the herein described real property.

NOW, THEREFORE, BE IT ORDAINED BY THE BOARD OF COUNTY COMMISSIONERS OF COLLIER COUNTY, FLORIDA, that:

SECTION ONE:

The zoning classification of the subject property located in Section 34, Township 49 South, Range 26 East, Collier County, Florida, is changed from a Planned Unit Development "PUD" Zoning District to a Commercial Planned Unit Development (CPUD) District for a project to be known as the I-75/Alligator Commercial Planned Unit Development (CPUD) in accordance with the CPUD Document, attached hereto as Exhibit "A," and incorporated by reference herein. The appropriate zoning atlas map or maps, as described in Ordinance Number 04-41, as amended, the Collier County Land Development Code, is/are hereby amended accordingly.

SECTION TWO:

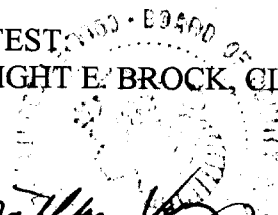
Ordinance Number 89-92, as amended, known as the I-75/Alligator PUD, adopted on November 28, 1989, by the Board of County Commissioners of Collier County, is hereby repealed in its entirety.

SECTION THREE:

This Ordinance shall become effective upon filing with the Florida Department of State.

PASSED AND DULY ADOPTED by super-majority vote of the Board of County Commissioners of Collier County, Florida, this 13 day of February, 2007.

ATTEST:  
DWIGHT E. BROCK, CLERK

  
*Matthew Brock*  
Attest as to Chairman Deputy Clerk  
signature only

BOARD OF COUNTY COMMISSIONERS  
COLLIER COUNTY, FLORIDA

BY: *James Coletta*  
JAMES COLETTA, CHAIRMAN

Approved as to form and  
legal sufficiency

*Marjori M. Student-Stirling*  
Marjori M. Student-Stirling  
Assistant County Attorney

PUDZ-A-2004-AR-6417/MJD/sp

This ordinance filed with the  
Secretary of State's Office the  
19th day of Feb, 2007  
and acknowledgement of that  
filing received this 22nd  
day of Feb, 2007  
By: *Matthew Brock*  
Deputy Clerk

**I-75/ALLIGATOR ALLEY CPUD**

**A**

**COMMERCIAL PLANNED UNIT DEVELOPMENT**

Prepared for:

**Randall Benderson 1993-1 Trust  
and WR-I Associates, Ltd.**

Prepared by:

ROBERT L. DUANE, A.I.C.P.  
HOLE MONTES, INC.  
950 ENCORE WAY  
NAPLES, FLORIDA 34110  
239-254-2000

AND

R. BRUCE ANDERSON, ESQ.  
ROETZEL & ANDRESS, L.P.A.  
850 PARK SHORE DRIVE  
TRIANON CENTER – 3<sup>RD</sup> FL.  
NAPLES, FLORIDA 34103  
239-649-2708

Date Reviewed by CCPC: \_\_\_\_\_  
Date Approved by BCC: \_\_\_\_\_  
Ordinance No. \_\_\_\_\_  
Amendments & Repeals \_\_\_\_\_

**Exhibit A**

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EXHIBIT "A"	CPUD MASTER PLAN
EXHIBIT "B"	LEGAL DESCRIPTION
EXHIBIT "C"	LIST OF REQUESTED DEVIATIONS FROM LDC

**SECTION I**  
**STATEMENT OF COMPLIANCE**

The purpose of this section is to set forth the intent of the I-75 and Alligator Alley Development Corporation, Inc., on 40.8 acres of land located in a part of Section 34, Township 49 South, Range 26 East, Collier County, Florida. The name of this project shall be the "I-75/Alligator Alley Commercial Planned Unit Development (CPUD)". The development of the CPUD will be in compliance with the Planning Goals and Objectives of Collier County as set forth in the Growth Management Plan for the following reasons:

1. The subject property is located in an area identified as Interchange Activity Center #9 in the Growth Management Plan for Collier County.
2. Activity Centers are the preferred locations for the concentration of commercial activities.
3. The subject tract is located at the intersection of Davis Blvd. (State Road 84), County Road 951, and I-75, which affords the site access for the placement of commercial activities.
4. The project shall be compliance with all applicable County regulations including the Growth Management Plan.
5. The project will be served by a complete range of services and utilities as approved by the County.
6. The proposed project is compatible with and complimentary to existing and surrounding future land uses as required by Policy 5.4 of the Future Land Use Element. Adjacent property to the west is zoned for the East Gateway PUD, a non-residential PUD, and the adjacent land to the East is Zoned C-4.
7. Improvements are planned to be in compliance with applicable land development regulations as set forth in Objective 3 of the Future Land Use Element.
8. The proposed development will result in an extension of community facilities and services as required by Objective 2 and Policy 5.3 of the Future Land Use Element.
9. The project is planned to incorporate natural systems for water management purposes in accordance with their natural functions and capabilities as required by Objective 1.5 of the Drainage Sub-Element of the Public Facilities Element.

10. The FLUE for Interstate Activity Center allows a maximum of 55% of the total area of Interchange Activity Center #9 or 347.875 acres to be developed with commercial uses in the Interchange Activity Subdistrict. At the time of this application for rezoning, 8.35 acres is available for future retail commercial development in Interchange Activity Center #9. Therefore, the proposed CPUD can be found consistent with this provision of the FLUE.
11. All final development orders for this project are subject to the Collier County Concurrency Management System, as implemented by the Adequate Public Facilities Ordinance in Section 6.02.01 of the Land Development Code\* (LDC) and further required by policy 2.3 of the FLUE.
12. Development of the I-75 Alligator Alley CPUD will be consistent with the Activity Center #9 Interchange Master Plan.

## SECTION II

### PROPERTY OWNERSHIP, LEGAL DESCRIPTION, SHORT TITLE, PROJECT DEVELOPMENT, STATEMENT OF UNIFIED CONTROL

2.1 **PROPERTY OWNERSHIP** The undeveloped portion of the subject property is currently owned by: Ronald Benderson and David H. Baldauf as Trustees under a trust agreement dated September 22, 1993, known as the Randall Benderson 1993-1 Trust and WR-1 Associates, Ltd. The motel is owned by LaQuinta Properties, Inc. One fast food restaurant is owned by McDonald's Corp., and the Taco Bell restaurant is owned by Tromble and Company at the time of the Application for rezoning.

2.2 **LEGAL DESCRIPTION** The legal description is set forth as Exhibit "B".

2.3 **SHORT TITLE**

The name of this project shall be known and cited as the "I-75/Alligator Alley Commercial Planned Unit Development (CPUD)".

2.4 **PROJECT DEVELOPMENT** – The property is located on the north side of Davis Boulevard to the west of Collier Boulevard and bounded by I-75 to the north. The subject property is also located in the southwest quadrant of I-75, Exit 15 Interchange and further located in Section 34, Township 49 South, Range 26 East, Collier County, Florida.

The existing PUD is developing with commercial uses that, at the time of this application for rezoning, include an existing motel developed with 107 motel units, an existing Taco Bell and an existing McDonald's restaurant. The subject property has approximately 29.4 acres more or less proposed for commercial uses and approximately 11.4 acres for water management. Within the water management area, 6.12 acres will be re-vegetated. The site drains from the south to the north and under I-75 to the Golden Gate Canal. The elevation of the property ranges from 9 to 13 NVGD. Access to the property is provided from two access points onto Davis Boulevard. Access is also proposed to be shared with the non-residential East Naples Gateway PUD, located to the east of the subject property. A maximum of 265,000 square feet. of gross leasable space shall be permitted by this CPUD.

2.5 **STATEMENT OF UNIFIED CONTROL** – This statement represents that the current property owners, Ronald Benderson and David H. Baldauf as Trustees under a trust agreement dated September 22, 1993, known as the Randall Benderson 1993-1 Trust and WR-1 Associates, Ltd have undeveloped portions of the CPUD under unified control for the purpose of obtaining CPUD zoning on the subject property with the exception of the existing motel and two existing fast food restaurants no longer under the ownership of this applicant for CPUD rezoning. The rezoning will not affect the existing development.



## **SECTION III**

### **PRESERVE SUBDISTRICT**

#### **3.1 PURPOSE**

The purpose of this Section is to identify development standards for the preserve areas as shown on Exhibit "A", CPUD Master Plan.

#### **3.2 PERMITTED USES**

The CPUD Master Plan provides for 11.4 acres for Water Management/Preserve Area, measured from the top of the bank. Minor adjustments may be made to the boundaries of preserve areas based on wetland permitting considerations, subject to and in accordance with the LDC. However, the Preserve Area shall not be less than 6.12 acres, based on 15% of the entire 40.8 acre site.

No building, structure or part thereof, shall be erected, altered or used, or land used, in whole or part, for other than the following structures in accordance with Policy 6.2.6 of the Conservation and Coastal Management Element of the Growth Management Plan:

##### **A. Permitted Uses and Structures**

1. Passive recreation areas.
2. Water management and water management structures.
3. Mitigation areas.
4. Boardwalks and trails that do not reduce the amount of required vegetation to be preserved.

## SECTION IV

### PERMITTED USES AND DIMENSIONAL STANDARDS FOR COMMERCIAL DEVELOPMENT

#### 4.1 Purpose:

The purpose of this Section is to delineate the development regulations that accompany the conceptual Master Plan depicted in Exhibit "A".

#### 4.2 Maximum Development Intensity:

The maximum development intensity allowed shall be two hundred and sixty-five thousand (265,000) square feet of gross leasable area of office or retail uses excluding the existing motel approved for 107 units, or any future motels. The motel site is a 2.14-acre parcel that utilized 2.01 acres of the Preserve Area to achieve the permitted number of units at the time the site plan was approved, and both these areas are depicted on the Master Plan.

#### 4.3 General Description of the CPUD Master Plan:

Type of Use	Amount of Acres
Preserve/Water Management	± 11.4 acres *
Commercial Area	± 29.4 acres
Right-of-Way	± 2.9 acres **
Other, Buffer Areas and Open Space	± 8.7 acres **
TOTAL:	40.80 acres

\* contains 6.12 acres of preserve/water management area to be re-vegetated

\*\* contained within the commercial area

#### 4.4 Uses Permitted:

- A. No building or structure, or point thereof, shall be erected, altered or used, in whole or in part other than the following:

Principal Permitted Uses (Listed by SIC):

DIVISION A		AGRICULTURE
Groups 0742, 0752	Veterinarian services, exclusive of outside kenneling	
DIVISION D		MANUFACTURING
Group 752	Commercial Printing, exclusive of newspapers	
DIVISION E		TRANSPORTATION, COMMUNICATIONS, ELECTRIC, GAS and SANITARY SEWERS
Group 4225	General Warehouses and Storage, including mini warehouses (Shall not be permitted immediately adjacent to the right-of-way of the Interstate.)	
Group 4311	Post Offices as permitted in the Zoned District-C2, exclusive of major distribution centers	
Group 4724	Travel Agents	
Groups 4812-4841	Communications services, including towers subject to the LDC	
DIVISION G		RETAIL
Major Group 52	Building Materials, Hardware, Garden Supply, Excepting Mobile Home Dealers (527)	
Major Group 53	General Merchandise Stores	
Major Group 54	Food Stores	
Group 5531	Auto and Home Supply Stores	
Group 5541	Gasoline Service Stations Accessory Use only	
Group 5571	Motorcycle Dealers	
Major Group 56	Apparel and Accessory Stores	
Major Group 57	Home Furniture, Furnishings, and Equipment Stores	
Major Group 58	Eating and Drinking Places, subject to location requirements for sale of alcoholic beverages of the LDC	
Major Group 59	Miscellaneous Retail, Excepting Fuel Dealers (598)	
DIVISION H		FINANCE, INSURANCE and REAL ESTATE
Major Group 60	Depository Institutions including drive-through banking facilities	
Major Group 61	Non-depository Credit Institutions	
Major Group 62	Security and Commodity Brokers, Dealers, Exchange and Services	
Major Group 63	Insurance Carriers	
Major Group 64	Insurance Agents, Brokers and Service	
Major Group 65	Real Estate	
DIVISION I		SERVICES
Group 7011	Hotels and Motels	
Major Group 72	Personal Services, Excepting Funeral Service and Crematories (7261)	
Major Group 73	Business Services, Excepting Outdoor Advertising Services	
Major Group 75	Auto Repair including carwashes Accessory Uses only	
Major Group 76	Miscellaneous Repair Services	
Group 7841	Video rental	
Group 7991	Physical Fitness Facilities	

Groups 801, 802, 803 and 804	Medical Practitioners' Offices
Group 8111	Legal services
Group 871	Engineering, Architectural and Surveying Services
Groups 8711-8748	Professional consulting services
Group 872	Accounting, Auditing and Bookkeeping Services
Group 874	Management and Public Relations Services

- B. Outside storage and display shall not be permitted, with the exception that garden centers with covered storage of materials and products shall be permitted.
- C. Any other permitted uses which are comparable in nature with the foregoing list of permitted uses and consistent with purpose and intent statement of the district, as determined by the Board of Zoning Appeals.

#### 4.5 General Permitted Uses:

Certain uses shall be considered general permitted uses throughout the I-75 Alligator Alley CPUD except in the preserve areas. General permitted uses are those uses which generally serve the development and end users of the I-75 Alligator Alley project and are typically part of the common infrastructure or are considered community facilities.

1. Essential services as set forth in the LDC.
2. Water management, water management facilities and related structures.
3. Lakes, including lakes with bulkheads or other architectural or structural bank treatments.
4. Temporary construction, sales, and administrative offices for the developer and the developer's authorized contractors and consultants, including necessary access ways, parking areas, and related uses.
5. Landscape features including, but not limited to, landscape buffers, berms, fences, and walls subject to the standards set forth in this CPUD Ordinance.
6. Any other use, which is comparable in nature with the foregoing uses, consistent with the permitted uses of this CPUD, as determined by the Board of Zoning Appeals.

#### 4.6 Development Standards:

- A. Principal Structure Standards: Table 1 below sets forth the development standards for land uses within this CPUD. Standards not specifically set forth herein shall be those specified in additional sections of the LDC in effect as of the date of the approval of the site development plan or subdivision plat.

TABLE 1 - COMMERCIAL DEVELOPMENT STANDARDS

1	Front yard setback	twenty five (25) feet
2	Side yard setback	fifteen (15) feet or one-half the building height, whichever is greater
3	Minimum distance between structures	same as side yard requirements
4	Rear yard setback	One-half the building height as measured from an exterior wall.
5	Motel Density And intensity	The maximum density allowed for the existing motel on Lot 6, Plat of 951 Commerce Center, Plat Book 17, Pages 1 and 2 is 26 units per acre based on it's prior SDP approval that utilized 2.01 acres depicted on the CPUD Master Plan to achieve its allowable density. For all unimproved lots the maximum floor area ratio shall be .60.
6	Minimum floor area, all commercial uses	One thousand (1000) square feet
7	Maximum height	Not to exceed fifty (50) feet
8	Minimum lot size	Ten thousand (10,000) square feet
9	Setback from Preserve Areas	Twenty five (25) feet for principal structures and ten (10) feet for accessory structures
10	Minimum Lot Width	One hundred (100) feet
11	Industrial Uses	Should industrial uses develop within this CPUD and are visible from I-75, an eight-foot high masonry wall shall be provided along I-75. See Section 3.4 for permitted Industrial Uses.

B. Accessory Structures:

TABLE 2 – ACCESSORY STRUCTURES

FRONT	20'
SIDE	15'
REAR	15'
PRESERVE SETBACK	10'
DISTANCE FROM PRINCIPAL STRUCTURE	1/2 B.H.
MAX. STORIES/BLDG HT. NOT TO EXCEED	2 STORIES or 25 feet

BH: Building Height

GENERAL: Except as provided for herein, all criteria set forth shall be understood to be in relation to individual parcel or lot boundary lines, or between structures. Condominium, and/or homeowners' association boundaries shall not be utilized for determining development standards.

C. Landscaping

All landscaping shall be in accordance with the requirements of the LDC. Perimeter buffering shall be provided in accordance with the LDC. The CPUD is not subject to the requirements of Section 4.06.02.D5a of the LDC in order to allow configuration of water management areas including retention areas for all development, to allow the edge of the water body to be shown as depicted on the CPUD Master Plan. The required trees within the 25-foot buffer shall be installed on the I-75 and CR-951 side of the berm. The existing berm will remain in its present location and will be repaired (placement of additional fill) to bring the top to the proper elevation prior to landscaping. Curvilinear plantings along the edges of those areas comprised of shrubs and grasses, which will be varied in width to give a natural appearance, shall be incorporated within the two water management pretreatment areas, as depicted on the CPUD Master Plan. The

CPUD shall also meet the applicable requirements of the LDC pertaining to the Activity Center #9 Zoning Overlay District. The requirement for a 25-foot Type D buffer along Davis Boulevard shall only be applicable to vacant lots west of the Taco Bell site. The existing ten-foot buffer in front of the Taco Bell and McDonalds sites shall remain as originally approved. (See also Deviation #3, Exhibit C)

D. Common Area Maintenance:

Common area maintenance, including the maintenance of common facilities, open spaces and water management facilities shall be the responsibility of the property-owners' association established by the developer.

E. Architectural Guidelines:

All commercial development shall meet the requirements of the LDC including the requirements of the LDC pertaining to the Activity Center #9 Overlay District and shall be in conformance with the Interchange Master Plan for Activity Center #9. The principal buildings shall be required to have three primary facades to the north, south, and east.

## SECTION V

### DEVELOPMENT COMMITMENTS

#### 5.1 Environmental Standards

- A. A 6.12-acre preserve area depicted on the CPUD Master Plan shall be re-vegetated in accordance with the requirements of the LDC.
- B. A fence shall be installed along the perimeter of the preserve area depicted on the CPUD Master Plan in accordance with Collier County requirements until such time as the vegetation has matured.
- C. A Preserve Area Management Plan shall be provided to the Environmental Services Department for approval prior to site/construction plan approval identifying methods to address treatment of invasive exotic species, fire management, and maintenance.
- D. All Category I invasive exotic plants, as defined by the Florida Exotic Pest Plant Council, shall be removed from within preserve areas and subsequent annual removal of these plants in perpetuity shall be the responsibility of the property owner.
- E. All conservation areas shall be designated as tracts/easements with protective covenants. If the property is platted, easements shall be dedicated on the plat to the property-owners' association for ownership and maintenance and to Collier County with no responsibility for maintenance.
- F. Berms and swales shall not be located within preserve area boundaries.

#### 5.2 Transportation Requirements

- A. Site-related improvements (as opposed to system-related improvements) necessary for safe ingress and egress to this project, as determined by Collier County, shall not be eligible for impact fee credits. All required improvements shall be in place and available to the public prior to the issuance of the first certificate of occupancy (CO).
- B. All internal roads, driveways, alleys, pathways, sidewalks and interconnections to adjacent developments shall be operated and maintained by an entity created by the developer and the County shall have no responsibility for maintenance of any such facilities.
- C. If, in the sole opinion of the County Transportation Division Staff, a traffic signal, or other traffic control device, sign or pavement marking improvement within a public right-of-way or easement is determined to be necessary, the cost of such improvement shall be borne by the developer and shall be paid to the County before the issuance of the first CO.



- D. The adjacent development to the west has have been designed to provide shared access or interconnections with this development. The CPUD Master Plan indicates this location. The developer, or assigns, shall assure that any such shared access or interconnection is utilized and shall accommodate the perpetual use of such access by incorporating appropriate language into the development covenants or plat.
- E. A directional median opening shall be constructed onto Joyrose Place in accordance with FDOT Standards at such time as improvements are made to Davis Blvd. that are anticipated to be made by the end of 2009. The left hand turn lane for this directional median will be approximately 390 feet in length.
- F. The directional median opening constructed on Joyrose Place may be temporary and subject to change or removal by FDOT at the time the Davis Boulevard widening project or future development commences.
- G. This CPUD shall retain water management storage and treatment for two acres of right-of-way for the six laning of Davis Boulevard. In the alternate an equivalent amount of water can be stored and treated within the water management system for the widening of Collier Boulevard if the FDOT does not have an interest in one acre of storage area for the widening of Davis Boulevard, and the County constructs at its expense the drainage conveyance system to connect to the PUDs water management system.
- H. This project shall be subject to the East Central TCMA requirements, which include a selection of four transportation demand management strategies and fair share payment for impacts not to exceed 15% above impact fees. This requirement shall only be applicable for development that has not received a certificate of public facility adequacy. As of the date of the adoption of this Ordinance, certificates had been issued for 145,000 square feet of unbuilt retail development.
- I. There shall be no issuance of COs for any permitted uses until such time as improvements have been substantially completed to Davis Boulevard and it is operational under a six-lane road condition unless certificates of public facility adequacy had been issued prior to the adoption of this Ordinance.
- J. Additional interconnections or existing interconnections may be modified or added for an additional off-ramp from I-75 should it be constructed at a later date.

### 5.3 Utility Requirements

- A. The CPUD is currently serviced by an 8 inch water main, as well as a 12 inch force main, both on Bedzel Circle.

- B. The developer shall contribute easements of an approximate size of 40 feet by 40 feet for two well fields at the time of the final approval of the subdivision plat or site development plan approval. The first well field is located in the northwestern most corner of the CPUD and the second well field is located about 200 feet northwest of the proposed restaurant along the eastern edge of the development. All wastewater transmission facilities shall be set back 100 feet from these well field areas as required by FDEP.

#### 5.4 Engineering Requirements

Subdivision of the site shall require re-platting in accordance with the LDC to define the right-of-way and tracts shown on the CPUD Master Plan.

#### 5.5 Water Management Requirements

- A. The CPUD Master Plan provides for 11.4 acres for water management/preserve area measured from the top of the bank. Minor adjustments may be made to the boundaries of preserve areas based on wetland permitting considerations, subject to and in accordance with the LDC. The preserve area shall not be less than 6.12 acres, based on 15% of the entire 40.8 acre site.
- B. Design and construction of all improvements shall be subject to compliance with the appropriate provisions of the LDC, except that excavation for water management features shall be allowed within twenty (20) feet from side, rear or abutting property lines, with side, rear or abutting property lines fenced.
- C. The wet season water table elevation shall be established at the time of South Florida Water Management District (SFWMD) permitting.
- D. See also Paragraph 5.2.G of Section V addressing provisions for acceptance of run-off from Davis Boulevard.

#### 5.6 Affordable Housing Requirement:

The developer shall make a payment of fifty cents (\$.50) per gross leasable square foot to the Collier County Affordable Housing Fund at the time of SDP approval. This commitment and the subsequent payments shall be credited against any subsequently adopted affordable, work force, and /or other gap housing or housing needs impact fee, mitigation, exaction, fee, contribution, linkage fee, and/or other similar tax or charge, which would otherwise be applicable to the CPUD property. Gross leasable square footage attributable to the project for which COs or certificates of public facility adequacy have been issued prior to the date of adoption of this Ordinance shall not be subject to this requirement.

## 5.7 Land Use and Project Phasing:

- A. The CPUD Master Plan provides for areas of commercial use and, water management areas, and retained vegetation areas and road rights-of-way as depicted on Exhibit "A", the CPUD Master Plan. The CPUD Master Plan is designed to be flexible with regard to the placement of buildings, tracts and related utilities and water management facilities. More specific commitments will be made at the time of site development plan and permitting approval, based on compliance with all applicable requirements of this Ordinance, the LDC and local, state and federal permitting requirements. All tracts may be combined or developed separately subject to compliance with the applicable dimensional requirements contained within this document.
  
- B. The anticipated time of build-out of the project is approximately six (6) years from the time of issuance of the first building permit, or 2012. Actual build-out will depend on market conditions.



## EXHIBIT "B"

### LEGAL DESCRIPTION

A parcel of land located in the East 1/2 of Section 34, Township 49 South, Range 26 East, Collier County, Florida, being more particularly described as follows: Commence at the Southeast corner of Section 34, Township 49 South, Range 26 East, Collier County, Florida; thence run North 00°32'14" West along the East line of the Southeast quarter of the said Section 34 for a distance of 50.00 feet; thence run North 89°46'14" West, parallel with the South line of the Southeast quarter of the said Section 34 and along the Northerly right-of-way line of State Road 84 (previously known as State Road 858) for a distance of 455.36 feet to the POINT OF BEGINNING of the parcel of land herein described; thence continue North 89°46'14" West along the Northerly right-of-way line of State Road 84 for a distance of 863.63 feet; thence run North 00°26'16" West for a distance of 2,071.97 feet to a point of intersection with the Southerly right-of-way line of State Road No. 93 (Interstate 75) as the same is shown on State of Florida Department of Transportation right-of-way map for Florida State Road No. 93 (I-75) Section 03175-2409, Sheet 6; thence run South 63°27'12" East along said right-of-way line for a distance of 146.86 feet; thence run South 52°20'28" East along said right-of-way line for a distance of 536.53 feet; thence run South 45°13'56" East along said right-of-way line for a distance of 645.39 feet; thence run South 23°17'10" East along said right-of-way line for a distance of 332.81 feet; thence run South 02°46'25" East along said right-of-way line for a distance of 630.50 feet; thence run South 11°15'19" East (South 11°12'43" East per F.D.O.T. Map) along said right-of-way line for a distance of 69.56 feet to a point located 275.00 feet North of, as measured at right angles to, the South line of the Southeast quarter of the said Section 34, and a point on the North line of that parcel of land described in O.R. Book 699 at Page 1723 of the Public Records of Collier County, Florida; thence run North 89°46'14" West, parallel with the South line of the Southeast quarter of the said Section 34 for a distance of 157.32 FEET TO A POINT LOCATED 300.00 feet Westerly of, as measured at right angles to, the East LINE OF THE SOUTHEAST quarter of the said Section 34, and a point on the Easterly line of that parcel of land described in O.R. Book 588 at Page 1805 of the Public Records of Collier County, Florida; thence run North 00°32'14" West, parallel with the East line of the Southeast quarter of the said Section 34 for a distance of 124.87 feet to a point on a circular curve concave to the Southeast whose radius point bears South 12°00'29" East therefrom; thence run Southwesterly along the arc of said curve to the left, having a radius of 224.66 feet, through a central angle of 78°31'45", subtended by a chord of 284.38 feet at a bearing of South 38°43'39" West, for a distance of 307.92 feet to the end of said curve; thence run South 00°32'14" East, parallel with the East line of the Southeast quarter of the said Section 34 for a distance of 102.63 feet to the beginning of a tangential circular curve, concave to the Northeast; thence run Southeasterly along the arc of said curve to the left, having a radius of 25.00 feet, through a central angle of 89°14'00", subtended by chord of 35.12 feet at a bearing of South 45°09'14" East, for a distance of 38.94 feet to the POINT OF BEGINNING. Containing 40.79 acres, more or less.

## **EXHIBIT "C"**

### **LIST OF REQUESTED DEVIATIONS FROM LDC**

1. A deviation is granted from the requirements of Section 4.06.02D. Standards, for retention and detention areas in buffer yards, referenced in Subsection of 4.06.02(D)5.a. of the LDC which states "The shape of a manmade body of water, including retention and detention areas, must be designed to appear natural with curvilinear edges", the referenced Standard is the re-vegetated areas to be provided in the preserve areas of shrubs and grasses to be planted along the perimeter of the water management pre-treatment areas.
2. A deviation is granted from Subsection 4.06.05 H of the LDC that requires the toe of the slope to be set back a minimum of five feet from the edge of the right-of-way or property line, to allow the toe of the existing berm that was constructed in 1990 as part of the previously approved South Florida Water Management District permit to be located on the property line.
3. A deviation is granted from the requirements of Subsection 4.02.23D1.a. of the LDC, Development in the Activity Center #9 Zoning District that requires a buffer 25 feet in width, (a Type "D" buffer) is only applicable to vacant lots west of the Taco Bell site. The existing ten-foot buffer in front of Taco Bell and McDonald's site shall remain 10 feet in width as originally approved and developed.

STATE OF FLORIDA)

COUNTY OF COLLIER)

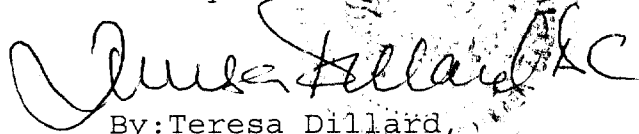
I, DWIGHT E. BROCK, Clerk of Courts in and for the Twentieth Judicial Circuit, Collier County, Florida, do hereby certify that the foregoing is a true copy of:

ORDINANCE NO. 2007-26

Which was adopted by the Board of County Commissioners on the 13th day of February 2007, during Regular Session.

WITNESS my hand and the official seal of the Board of County Commissioners of Collier County, Florida, this 16th day of February 2007.

DWIGHT E. BROCK  
Clerk of Courts and Clerk  
Ex-officio to Board of  
County Commissioners



By: Teresa Dillard,  
Deputy Clerk