

ADMINISTRATIVE AMENDMENT (PD) ADD2003-00086

ADMINISTRATIVE AMENDMENT
LEE COUNTY, FLORIDA

WHEREAS, Boykin Hotel Properties, L.P. filed an application for administrative approval to amend a Commercial Planned Development (CPD) project known as Captiva Villas CPD to revise the building footprint, allocate 12,000 square feet of commercial area, and precisely define the relocation of a 6 feet wide beach access easement on property located at 275 Estero Blvd, described more particularly as:

LEGAL DESCRIPTION: In Section 24, Township 46 South, Range 23 East, Lee County, Florida:

See **Exhibit "A"** attached.

WHEREAS, the property was originally rezoned in case number 95-01-034.03Z (with subsequent amendments in case numbers DCI2000-00071, Resolution Number 01-26); and

WHEREAS, the Fort Myers Beach Land Development Code provides for certain administrative changes to planned development master concept plans; and

WHEREAS, the applicant seeks to revise the allocation of commercial square feet for the approved commercial uses; and

WHEREAS, the applicant seeks to clarify that a guest unit and certain ancillary commercial square footage will not be counted against the maximum total allowable square feet of commercial uses on the first floor over parking which allows commercial uses as approved by Town Council; and

WHEREAS, the subject application and plans have been reviewed by the Division of Zoning in accordance with applicable regulations for compliance with all terms of the administrative approval procedures; and

WHEREAS, it is found that the proposed amendment does not increase density or intensity within the development; does not decrease buffers or open space required by the LDC; does not underutilize public resources or infrastructure; does not reduce total open space, buffering, landscaping or preservation areas; and does not otherwise adversely impact on surrounding land uses.

NOW, THEREFORE, IT IS HEREBY DETERMINED that the application for administrative approval for an amendment to Mixed Use Planned Development is **APPROVED**.

Approval is subject to the following conditions:

1. The terms and conditions of the original zoning resolutions remain in full force and effect unless specifically modified by this amendment.
2. The Development must be in compliance with the amended Master Concept Plan, dated Revised 12/11/03, stamped "Recived Dec 15, 2003." The Master Concept Plan for ADD2003-00086 is hereby APPROVED and adopted. A reduced copy is attached hereto as Exhibit "B".
3. Condition 2.b. of Resolution 01-26 is amended as follows:
Maximum Uses
43 Hotel Guest Units

Accessory Commercial Hotel Uses
241 SF Administrative Office ~~1,300 SF Administrative/Offices~~
6,463 SF Restaurant ~~6,000 SF Restaurant/Deli/Retail~~
3,110 SF Personal Services ~~2,500 SF Guest Services~~
747 SF Resort (Conference facilities) ~~2,200 Conference/Meeting/Limited Food~~
~~& Beverage Service~~
4. Personal Services are limited to Laundry and Fitness as indicated on Exhibit "C".
5. Commercial Accessory Uses are limited by the Area Chart attached as Exhibit "D." Commercial floor area must be in compliance with the allocations indicated thereon.
6. The building must accord with the two (2) page building elevations attached as Exhibit "E."
7. No subsequent or additional changes may be made to this CPD administratively. Any subsequent or additional change will require review and a decision through the planned development public hearing process.

DULY SIGNED this 19th day of December, A.D., 2003.

BY: Pam Houck
Pam Houck, Director
Division of Zoning
Department of Community Development

EXHIBIT "A"

ADD2003-00086

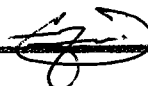
IN SECTION 24, TOWNSHIP 46 SOUTH, RANGE 23 EAST, LEE COUNTY, FLORIDA,

LEGAL DESCRIPTION:

LOTS 37 AND PART OF 38 OF ISLAND SHORES CLUB SECTION, A SUBDIVISION AS RECORDED IN PLAT BOOK 9, PAGE 41 OF THE PUBLIC RECORDS OF LEE COUNTY, FLORIDA, MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGINNING AT A POINT COMMON TO LOTS 37 AND 38 OF SAID ISLAND SHORES CLUB SECTION LYING ON THE SOUTHWESTERLY RIGHT OF WAY OF ESTERO BOULEVARD 25 FEET FROM THE CENTERLINE; THENCE S42° 07' 25"E ALONG THE SAID RIGHT OF WAY FOR 75 FEET; THENCE S47° 52' 35"W ALONG THE SOUTHEASTERLY LINE OF LOT 37 FOR 525 MORE OR LESS TO THE MEAN HIGH TIDE LINE OF THE GULF OF MEXICO; THENCE NORTHWESTERLY ALONG SAID MEAN HIGH TIDE LINE TO THE NORTHWESTERLY LINE OF SAID LOT 38 OF SAID ISLAND SHORES CLUB SECTION; THENCE N47° 52' 35"E ALONG THE NORTHWESTERLY LINE OF SAID LOT 38 AND PERPENDICULAR TO SAID RIGHT OF WAY FOR 412 FEET MORE OR LESS; THENCE S42° 07' 25"E FOR 19.50 FEET; THENCE N47° 52' 35"E FOR 83.68 FEET TO A POINT ON THE SAID SOUTHWESTERLY RIGHT OF WAY; THENCE S42° 07' 25"E ALONG SAID RIGHT OF WAY FOR 55.50 FEET TO THE **POINT OF BEGINNING**.

CONTAINING 1.72 ACRES MORE OR LESS.

Applicant's Legal Checked
by  12/19/03

PREPARED	10/09/00
REVISED	11/15/00
REVISED	12/08/00
REVISED	12/21/00
REVISED	04/02/01
REVISED	04/16/01
REVISED	05/02/01
REVISED	06/12/01
REVISED	07/30/01
REVISED	06/27/03
REVISED	08/15/03
REVISED	09/26/03
REVISED	10/21/03
REVISED	11/25/03
REVISED	12/11/03

SP-D

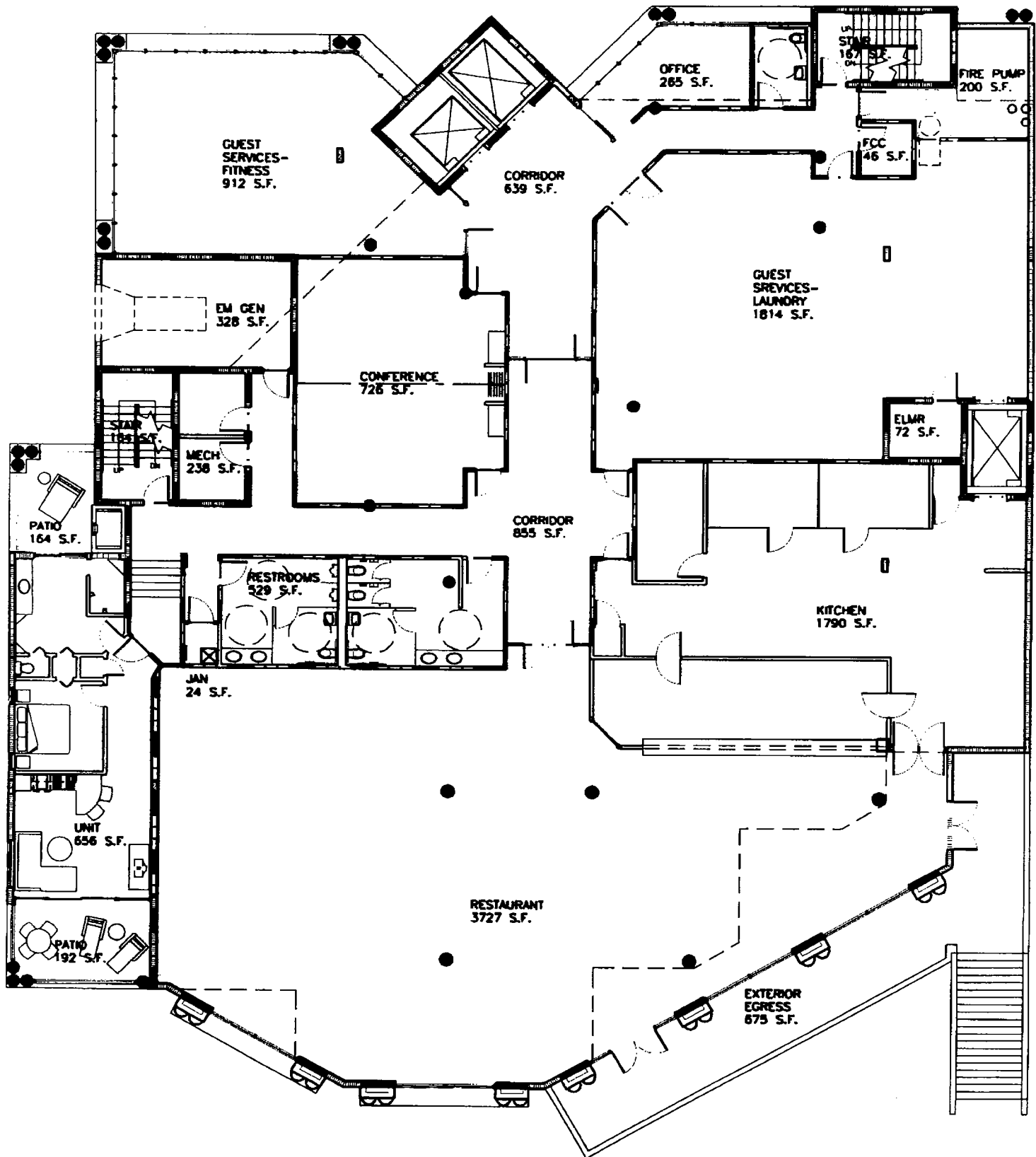


EXHIBIT C

COMMERCIAL LEVEL

1/16" = 1'-0"

HKS

12.10.03

AREA CHART HKS Architects, Inc.

PROJECT NAME: **CAPTIVA VILLAS**
PROJECT NUMBER: **HKS No. 8556.000**
DATE: **10-Dec-03**

FLOOR		COMMERCIAL AREA	A/C CONDO	EXTERIOR AREA	EXCLUDED FLOOR AREA
		S.F.	S.F.	S.F.	
PARKING					
LEVEL 1					
	CORRIDORS	1494			
	RESTROOMS	529			
	JANITOR				24
	RESTAURANT/BAR	3727			
	KITCHEN	1790			
	GUEST SERVICES / LAUNDRY	1814			
	FIRE PUMP ROOM				200
	FIRE COMMAND CENTER (FCC)				46
	ELEVATOR MACHINE ROOM				72
	GUEST SERVICES / FITNESS	912			
	CONFERENCE	726			
	OFFICE AREA/ TOILET	265			
	EMERGENCY GEN.				328
	HVAC/MECH				238
	EXTERIOR EGRESS				675
	ELEVATORS				321
	STAIRS				326
	CONDO UNIT		656		
	CONDO PATIO			356	
TOTAL		11257	656	356	2230

EXHIBIT D



GULF ELEVATION
1/16" = 1'-0"

EXHIBIT E

PAGE 1 OF 2

HKS
12.10.03



ESTERO ELEVATION
1/16" = 1'-0"

EXHIBIT E

PAGE 2 OF 2

HKS

12.10.03