

ADMINISTRATIVE AMENDMENT PD-97-032

ADMINISTRATIVE AMENDMENT  
LEE COUNTY, FLORIDA

WHEREAS, WCI COMMUNITIES, L.P. filed an application for administrative approval to a Residential Planned Development and a Commercial Planned Development on a project known as Walden Center at Pelican Landing for a request to add Non-Commercial Schools as a permissible use on property located at 24311 Walden Center Drive, described more particularly as:

LEGAL DESCRIPTION: In Section 09, Township 47 South, Range 25 East, Lee County, Florida:

CPD Parcel 3

A tract or parcel of land lying in the Southeast Quarter (SE¼) of Section 09, Township 47 South, Range 25 East, Lee County, Florida, being more particularly described as follows:

Beginning at the Southwest corner of the Southeast Quarter (SE¼) of said Section 09 run N01°00'24"W along the West line of said Southeast Quarter (SE¼) for 587.77 feet to a point on a non-tangent curve;  
THENCE along the arc of a curve to the left of radius 850.00 feet (delta 39°04'25") (chord bearing S80°33'52"E) (chord 568.50 feet) for 579.67 feet to a Point of Tangency;  
THENCE run N79°53'56"E for 70.57 feet to an intersection with the West line of Tamiami Trail (SR 45);  
THENCE run S10°06'04"E along said West line of 507.09 feet to an intersection with the South line of said Section 09;  
THENCE run S89°23'00"W along said South line for 708.94 feet to the POINT OF BEGINNING.

Containing 7.73 acres, more or less.

WHEREAS, the property was originally rezoned in case number 95-01-050.13A 01.01 [with subsequent amendments in case numbers 95-01-050.13A 02.01, 95-01-050.13A 03.01, 95-01-050.13A 04.01, 95-01-050.13A 05.1, 95-01-050.13A 06.01 and 95-01-050.13A 07.01]; and

WHEREAS, the Lee County Land Development Code provides for certain administrative changes to planned development master concept plans and planned unit development final development plans; and

WHEREAS, Resolution Z-94-014 provides for permitted uses in the Commercial Planned Development Area C; and

WHEREAS, the Applicant proposes to add Non-commercial Schools as a permissible use in the Commercial Planned Development Area C; and

WHEREAS, the Non-Commercial School proposed is for the Executive MBA program for Florida Gulf Coast University; and

WHEREAS, the proposed use has been reviewed and found to be substantially similar to listed permitted uses in Area C; and

WHEREAS, the subject application and plans have been reviewed by the Lee County Department of Community Development 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 allow the addition of Non-Commercial Schools as a permissible use in this Residential Planned Development and Commercial Planned Development is **APPROVED**.

**Approval is subject to the following conditions:**

- 1 The terms and conditions of the original zoning resolutions and amendments thereto remain in full force and effect, except as may be amended herein.**
- 2 Resolution Z-94-014 is amended to include Non-Commercial Schools as a permissible use in Commercial Planned Development Area C: Office.**
- 3. A Non-Commercial School in Commercial Planned Development Area C shall be subject to the following:**
  - a. Classes may be conducted only between the hours of 8:00 am to 5:00 pm Monday through Saturday.**
  - b. No night or evening classes may be conducted from the subject property.**

- c. The maximum allowable space dedicated to class rooms will be 1,375 square feet.
- d. Parking must be provided on site pursuant to the Lee-County Land Development Code.
- e. No other more intense use or change of use will be approved in Commercial Planned Development Area C without requisite parking being provided on the development site.

4. Duly APPROVED and adopted.

DULY SIGNED this 22<sup>nd</sup> day of July, A.D., 1997.

BY: Mary Gibbs  
Mary Gibbs, Director  
Department of Community Development

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WHEREAS, the proposed use has been reviewed and found to be substantially similar to listed permitted uses in Area C; and

WHEREAS, the subject application and plans have been reviewed by the Lee County Department of Community Development 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.

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