

ADMINISTRATIVE AMENDMENT (PD) ADD2007-00167

ADMINISTRATIVE AMENDMENT
LEE COUNTY, FLORIDA

WHEREAS, Basik Development, LLC, filed an application for administrative approval to a Mixed Use Planned Development on a project known as Central Park to allow a reduction in square footage of office uses and relocate the Type "A" buffer on property located at Cypress Terrace, described more particularly as:

LEGAL DESCRIPTION: In Section 23, Township 45 South, Range 24 East, Lee County, Florida:

See Attachment "A"

WHEREAS, the property was originally rezoned in case number ZAB-85-45/45A (DRI 85-3-1) (with subsequent amendments in case numbers ZAB-85-123/123A (85-5-26); Z-87-220 (85-3-1C-DRI; Z-88-031 (88-2-7); Z-90-070 (90-7-17-DCI-4); Z-92-011/2 (85-3-1); Z-93-060 (85-03-01-DRI C; Z-00-003 (DCI963847); Z-00-020 (DRI1999-00019); Z-05-064 (DRI205-00003 & DCI2004-00085); and

WHEREAS, the subject property is located in the Intensive Development Future Land Use Category as designated by the Lee Plan; and

WHEREAS, in 1985 the original DRI approved 646,340 square feet of retail/office (336,340 square feet for retail and 310,000 square feet for office); and

WHEREAS, the subject property originally was zoned Commercial Planned Development (CPD) by Resolution Z-00-003 for a 100,000 square feet of commercial office floor area with up to 50,000 of the square feet being medial offices, 171 motel/hotel units and 145 assisted living units; and

WHEREAS, Development Order DOS2001-00119 was approved for 63,600 square feet of office in (20) one-story buildings. A minor change revised the DOS to allow 65,728 square feet of office of which 36,600± square feet for general office and 31,128± square feet for medical office. Currently seven (7) buildings have been constructed totaling 23,054 square feet; and

WHEREAS, a DRI Notice of Proposed Change (NOPC) to Cypress Lake Center DRI Development Order (DRI#7-8384-47) to extend the build-out date and modify the land use designations on Map H (Master Plan of Development) was approved by Resolution Z-00-020; and

WHEREAS, Resolution Z-05-064 rezoned 9.2± acres within the DRI from CPD to Mixed Use Planned Development (MPD) to allow a maximum of 58,200 square feet of commercial office use, under building parking and up to 166 residential units in 12 habitable floors with a maximum of height of 150 feet; and

WHEREAS, based on the existing office development within Cypress Lake Center (Palm Terrace consisting of 47,385 square feet) and along with the proposed 58,200 square feet of office, a total of 105,585 square feet of office area would be developed, leaving a total of 204,415 square feet of office area; and

WHEREAS, the applicant has requested to revise the Master Concept Plan on the 9.2± acres to reflect closely what was approved by Development Order DOS2001-00119. These requires the following amendments:

1. Reduce the square footage from 63,600 square feet to 58,200 square feet of office uses.
2. Relocate the Type "A" buffer (totaling 2,800 square feet) located between Tract A (existing office uses) and Tract B (proposed residential component) as approved by Resolution Z-05-064 and replace it with a larger buffer that is 13 feet wide, 260 feet long buffer totaling 3,380 square feet along the north property line.

WHEREAS, the applicant is requesting the amendments due to the change to the market in Southwest Florida which has lessened the need for residential units; and

WHEREAS, Tract B will continue to contain multi-family dwelling units as previously approved by Resolution Z-05-064; however, if the applicant decides to develop Tract B with residential uses a revised Master Concept Plan will be submitted to Lee County for review; 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, 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

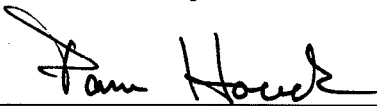
WHEREAS, it is found that the proposed amendment does not increase density or intensity within the development; does not decrease buffers (the applicant is increasing the size of the Type A buffer) or open space required by the LDC; does not underutilize public resources or infrastructure; does not reduce 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 Development must be in compliance with the four (4) page amended Master Concept Plan, dated September 14, 2007. Master Concept Plan for ADD2007-00167 is hereby APPROVED and adopted. A reduced copy is attached hereto.
2. The project is limited to a maximum of 58,200 square feet of foot uses. Future increase in the square footage will required a public hearing.
3. The applicant must continue to provide the two (2) enhanced buffers that were approved by Resolution Z-05-064. A 20 foot wide buffer must be located along the western property line between the two indigenous preserve areas on the site and a 20 foot wide buffer must be located along the southern property line as shown on the attached Master Concept Plan.
4. The applicant must replace the 2,800 square foot Type "A" buffer that was approved by Resolution Z-05-064 and located between Tract A (existing office uses) and Tract B (proposed residential component) with a 13 foot wide, 260 foot long buffer (totaling 3,380 square feet) along the northern property line as shown on the Master Concept Plan.
5. The Schedule of Uses for Tract B will continue to contain multi-family dwelling units as previously approved by Resolution Z-05-064; however, should the applicant decide to develop Tract B with residential, the applicant must submit a revised Master Concept Plan to Lee County for review.
6. The terms and conditions of the original zoning resolutions remain in full force and effect, except as amended.

DULY SIGNED this 26th day of October, A.D., 2007.

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

ATTACHMENTS:

A - Legal Description

B - Master Concept Plan dated September 14, 2007

RECEIVED

SEP 14 2007

SKETCH & LEGAL DESCRIPTION
PART OF TRACT "B" & LOT 6
OF CYPRESS LAKE CENTER PHASE II
RECORDED IN PLAT BOOK 39, PAGES 22-24
SECTION 23, TOWNSHIP 45 SOUTH, RANGE 24 EAST
LEE COUNTY, FLORIDA

(SEE SHEET 2 OF 2 FOR SKETCH)

COMMUNITY DEVELOPMENT
ADD 2007-00167LEGAL DESCRIPTION

LOT 6 AND TRACT B OF CYPRESS LAKE CENTER PHASE II, ACCORDING TO THE PLAT THEREOF RECORDED IN PLAT BOOK 39, PAGES 22 TO 24, INCLUSIVE, OF THE PUBLIC RECORDS OF LEE COUNTY, FLORIDA, LESS THAT PORTION OF SAID TRACT B WHICH LIES WITHIN PHASE B-1 CYPRESS LAKE CENTER, ACCORDING TO THE PLAT THEREOF, RECORDED IN PLAT BOOK 43, PAGE 11, OF THE PUBLIC RECORDS OF LEE COUNTY, FLORIDA BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGINNING AT THE NORTHEAST CORNER OF SAID TRACT "B", THENCE RUN S01°16'43"E, A DISTANCE OF 413.22 FEET ALONG THE EAST LINE OF SAID TRACT "B" TO THE NORTHEAST CORNER OF SAID PHASE B-1; THENCE RUN S89°07'33"W, A DISTANCE OF 200.00 FEET ALONG THE NORTH LINE OF SAID PHASE B-1 TO THE NORTHWEST CORNER OF SAID PHASE B-1; THENCE RUN S01°16'43"E, A DISTANCE OF 125.00 FEET ALONG THE WEST LINE OF SAID PHASE B-1 TO THE SOUTHWEST CORNER OF SAID PHASE B-1 AND THE NORTH LINE OF SAID LOT 6; THENCE RUN N89°07'33"E, A DISTANCE OF 200.00 FEET ALONG THE SOUTH LINE OF SAID PHASE B-1 AND THE NORTH LINE OF SAID LOT 6 TO THE SOUTHEAST CORNER OF SAID PHASE B-1; THENCE RUN S01°16'43"E, A DISTANCE OF 243.26 FEET ALONG THE EAST LINE OF SAID LOT 6 TO THE SOUTHEAST CORNER OF SAID LOT 6; THENCE RUN S89°18'38"W, A DISTANCE OF 550.08 FEET ALONG THE SOUTH LINE OF SAID LOT 6 TO THE SOUTHWEST CORNER OF LOT 6; THENCE RUN N00°36'27"W, A DISTANCE OF 779.70 FEET ALONG THE WEST LINES OF SAID LOT 6 AND SAID TRACT "B" TO THE NORTHWEST CORNER OF SAID TRACT B; THENCE RUN N89°07'33"E, A DISTANCE OF 540.93 FEET ALONG THE NORTH LINE OF SAID TRACT "B" TO THE POINT OF BEGINNING.

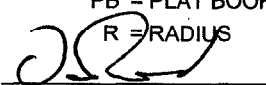
CONTAINING 9.20 ACRES, MORE OR LESS.

NOTES

1. THE CERTIFICATE OF AUTHORIZATION NUMBER OF COONER AND ASSOCIATES, INC. IS LB-0006773.
2. BEARINGS SHOWN ON THIS SURVEY MAP ARE STATE PLANE COORDINATE FOR THE FLORIDA WEST ZONE, NAD '83/90 ADJUSTMENT. THE BASIS OF BEARING IS THE NORTH LINE OF TRACT "B", AS BEING N 89°07'33" E.
3. THIS DOCUMENT AND COPIES THEREOF ARE NOT VALID WITHOUT THE SIGNATURE AND THE ORIGINAL RAISED SEAL OF A FLORIDA LICENSED SURVEYOR AND MAPPER. OTHERWISE THIS MAP IS FOR INFORMATIONAL PURPOSES ONLY.
4. ADDITIONS OR DELETIONS TO THIS DESCRIPTION AND SKETCH BY OTHER THAN THE SIGNING PARTY OR PARTIES IS PROHIBITED WITHOUT WRITTEN CONSENT OF THE SIGNING PARTY OR PARTIES.

ABBREVIATIONS:

C = CHORD DISTANCE
 CDB = CHORD BEARING
 CONC. = CONCRETE
 EOP = EDGE OF PAVEMENT
 L = LENGTH
 L.B. = LICENSED BUSINESS
 O.R. = OFFICIAL RECORD BOOK / PAGE
 PGS. = PAGES
 P = PLAT
 PB = PLAT BOOK
 R = RADIUS


 DARREN TOWNSEND
 PROFESSIONAL SURVEYOR AND MAPPER
 FLORIDA CERTIFICATE NO. 6476
 (FOR THE FIRM - LB 6773)
 SIGNED THIS 10th DAY OF JULY, 2007

THIS IS NOT A SURVEY**COONER & ASSOCIATES, INC.**

SURVEYING AND MAPPING

5670 ZIP DRIVE, FORT MYERS, FLORIDA 33905

TELEPHONE: 239.277.0722 FAX: 239.277.7179 WWW.COONER.COM

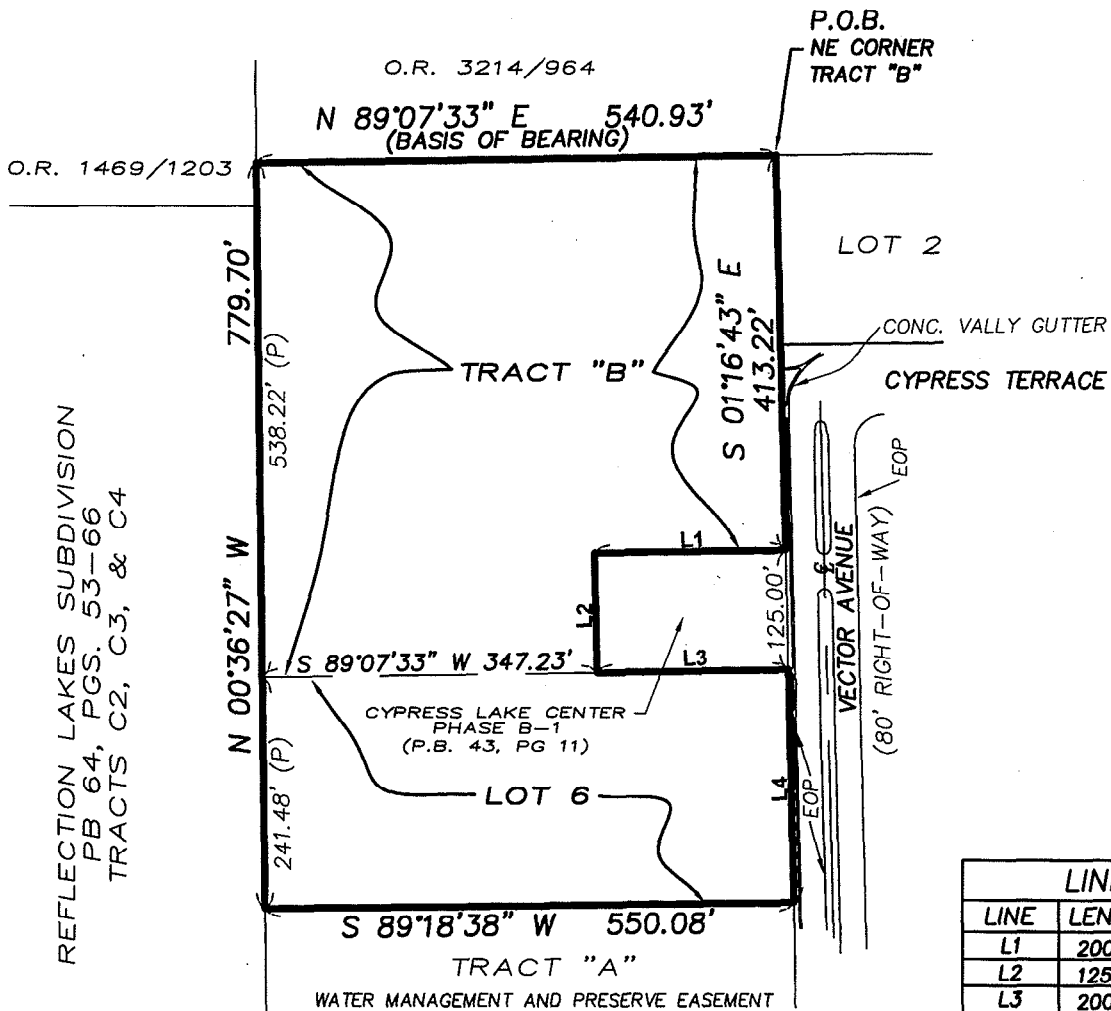
SKETCH & LEGAL DESCRIPTION
 PART OF TRACT "B" AND LOT 6
 OF CYPRESS LAKE CENTER PHASE II
 LEE COUNTY, FLORIDA

COUNTY:	LEE	DWG DATE:	7-9-07
SEC.:	23-45-24	SURVEY DATE:	7-7-07
PROJECT NO.:	040404.03	DRAWN BY:	R.J.O.
DRAWING NO.:	040404.03 SKD	CHECKED BY:	D.T.

FOR:
 BASIK DEVELOPMENT, LLC

1 OF 2

SKETCH & LEGAL DESCRIPTION
PART OF TRACT "B" & LOT 6
OF CYPRESS LAKE CENTER PHASE II
RECORDED IN PLAT BOOK 39, PAGES 22-24
SECTION 23, TOWNSHIP 45 SOUTH, RANGE 24 EAST
LEE COUNTY, FLORIDA
 (SEE SHEET 1 OF 2 FOR LEGAL DESCRIPTION)



1 inch = 200 ft.
 INTENDED DISPLAY SCALE

LINE TABLE		
LINE	LENGTH	BEARING
L1	200.00'	S89°07'33"W
L2	125.00'	S01°16'43"E
L3	200.00'	N89°07'33"E
L4	243.26'	S01°16'43"E

THIS IS NOT A SURVEY

COONER & ASSOCIATES, INC.

SURVEYING AND MAPPING
 5670 ZIP DRIVE, FORT MYERS, FLORIDA 33905
 TELEPHONE: 239.277.0722 FAX: 239.277.7179 WWW.COONER.COM

SKETCH & LEGAL DESCRIPTION
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 OF CYPRESS LAKE CENTER PHASE II
 LEE COUNTY, FLORIDA

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PROJECT NO.:	040404.03	DRAWN BY:	R.J.O.
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FOR:
 BASIK DEVELOPMENT, LLC

MASTER CONCEPT PLAN
FOR
CENTRAL PARK DEVELOPMENT

SECTION 23, TOWNSHIP 45 S, RANGE 24 E
LEE COUNTY, FLORIDA

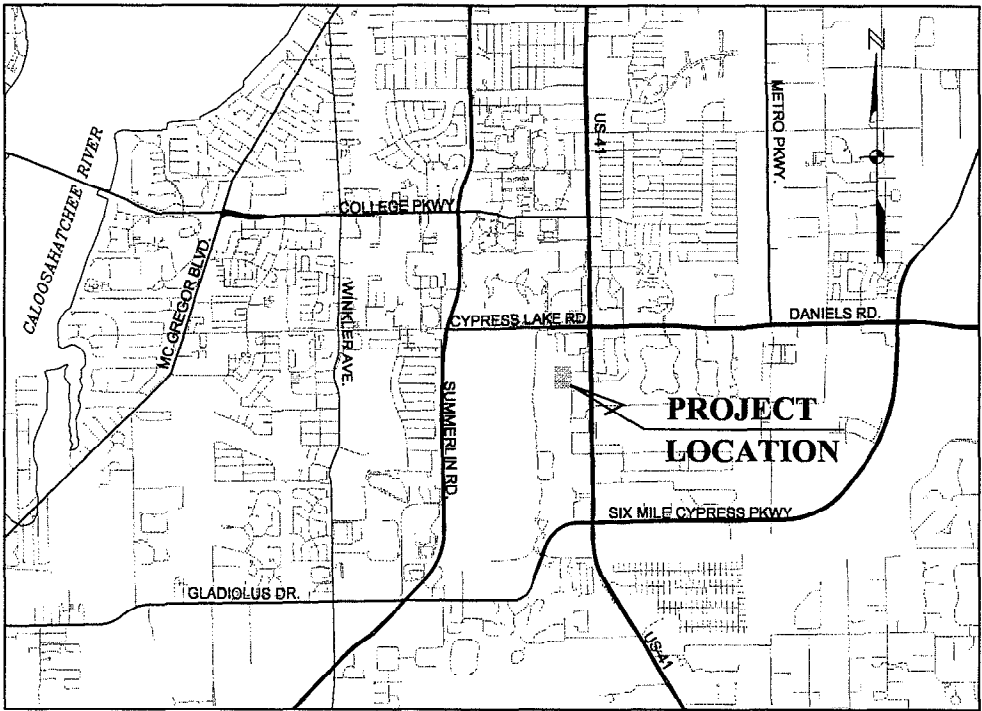
RECEIVED
SEP 14 2007

COMMUNITY DEVELOPMENT
ADD 2007-00167

INDEX OF PLANS

SHEET NO.	DESCRIPTION
1	COVER
2	AERIAL PHOTOGRAPH
3	MASTER CONCEPT PLAN
4	NOTES

APPROVED
Amendment to
Master Concept Plan
Subject to Case #ADD2007-00167
Date 10-26-2007



LOCATION MAP

0 3,000 6,000
SCALE IN FEET

AUGUST 2007

APPLICANT

BASIK DEVELOPMENT LLC
720 GOODLETTE ROAD, SUITE 305
NAPLES, FLORIDA 34102
PHONE: (239) 262-3210
FAX: (239) 262-8594

JOHNSON
ENGINEERING

2158 JOHNSON STREET
P.O. BOX 1550
FORT MYERS, FLORIDA 33902-1550
PHONE (239) 334-0046
FAX (239) 334-3661
E.B. #642 & L.B. #642

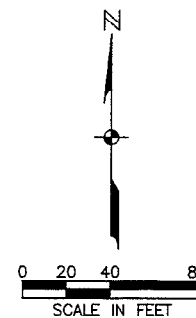
Subject: FDV 2001
10-26-2007

FLIGHT DATE: JANUARY 2005 (LEE COUNTY, MR. SID)

REVISIONS	DATE
NO.	
DESCRIPTION	
DATE	AUGUST 2007
PROJECT NO.	20076907
FILE NO.	23-45-24
SCALE:	1" = 40'

MASTER
CONCEPT PLAN

SHEET NUMBER



CT
(SPRING LAKE II)
SINGLE FAMILY
CONDOMINIUMS

CPD
(COSTCO WHOLESALE)
SHOPPING CENTER

CPD
(CYPRESS LAKE
SHOPPING CENTER)

CPD
(HOTEL)

CYPRESS TER.

CS-1
(MEDICAL CENTER)

VECTOR AVE.

CG
(CAR DEALERSHIP)

CT
(CYPRESS LAKE CENTER)
RETAIL

CG
(CAR DEALERSHIP)

SITE DEVELOPMENT REGULATIONS

Project Site Data:
Total Site Area: 9.21 acres
Total Impervious Area: 2.50 acres
Future Land Use Classification: Intensive Development
Existing Zoning: MPD
Maximum Building Square Footage (Allowed Z-05-064): 58,209 s.f.
Existing Building Square Footage: 23,464 s.f.
Proposed Building Square Footage: 33,971 s.f.

Open Space:
Open space must be provided in accordance with the Open Space Table as set forth on the Master Concept Plan. No parcel may provide less than 30% (or 2.76 acres) of open space, of which 1.34 acres must be indigenous preservation.

Overall Site Area: 9.21 acres
Open Space Required (30%): 2.76 acres
Open Space Provided: 2.76 acres
Indigenous Preserve Required: 1.34 acres
Indigenous Preserve Provided: 1.34 acres

Minimum Lot Area and Dimensions

TRACT A
Area: 4.21 acres
Width: 400 feet
Depth: 200 feet
Maximum Building Height: 45 feet

TRACT B
Area: 14.1 acres
Width: 200 feet
Depth: 400 feet
Maximum Building Height: 45 feet for office/commercial uses (100 or 120 feet and one level of underground parking in accordance with condition 9 of Z-05-064 - multi-family use.)

Minimum Building Setbacks

Vegetative Avenue: 25 feet
Internal Street: 10 feet
MPD perimeter: 15 feet
Side (Internal): 10 feet
Rear: 25 feet
Water Body: 25 feet
Accessory Structures: 10 feet
Minimum Building Separation: 15 feet
Maximum Lot Coverage: 40 percent

Parking Requirements

Parking to be provided in accordance with the Lee County Land Development Code (LDC) unless otherwise noted.

APPROVED

Amendment to
Master Concept Plan

Subject to Case # ADD2007-00167

DATE 10-26-2007

BASIK DEVELOPMENT

CENTRAL PARK DEVELOPMENT
LEE COUNTY, FLORIDA

[illegible]

NOTES

SHEET NUMBER

4

SCHEDULE OF ABBREVIATIONS

CENTRAL PAGES

1. Deviation (1) seeks relief from the LDC§30-338(a) requirement to provide a 125 foot intersection separation distance for local roads (Voyager Avenue), to allow a separation of 500 feet from the UTS/Sprint telecommunications facility service entrance to the south. This deviation is APPROVED SUBJECT TO the condition that the ingress/egress to the subject property is right-in/right-out only as previously approved under Resolution E-2011-042.
2. Deviation (2) seeks relief from the LDC§30-416(d)(3) requirement to provide Type "A" buffers between commercial zoned lands, to eliminate buffer requirements on the northern boundary of the UTS/Sprint. This deviation is APPROVED for elimination of the Type "A" buffer on the southern boundary of the UTS/Sprint property.
3. Deviation (3) seeks relief from the LDC§30-416(d)(3) requirement to provide Type "A" buffers between commercial zoned lands, to eliminate buffer requirements for the southern property boundary abutting the existing Cypress Lake Center. This deviation is APPROVED.
4. Deviation (4) seeks relief from the LDC§30-286 requirement to provide the meaning of signage specified in Table 4-7(e)(2) for local streets only, to allow decorative signs in private streets intended to the project. This deviation is APPROVED SUBJECT TO the condition that at the time of local development end review, the powers are determined to not reduce the requirements of the total surface, but only seek to directly substitute, as that quality is not diminished, only appearance is altered.
5. Deviation (5) seeks relief from the LDC§30-435(b)(3) requirement establishing building setbacks from development perimeter boundaries a distance equal to the greater of fifteen feet for residential and commercial portions of the development or one-half the height of the building or structure, to allow a 20-foot setback along the southern and western property boundaries irrespective of building height. This deviation is APPROVED SUBJECT TO the condition that the Applicant install the buffer described in Condition 4 along the southern boundary.

SCHEDULE OF USES

CENTRAL PARK

参考文献:

Accessory office and laboratory (Note 11), 34-2171 et seq., 34-2341 et seq., 34-2741 et seq., 34-3116

Administrative offices (Note 1)

ATM (Automatic teller machine)

Bank and financial establishments (34-6221-6229) (except 1 and 11)

Business services (34-6221-6235) (Group 1 and 11)

Computer and data processing services

Entrance gates and entrances (34-1741)

Essential services (Note 1, 34-1611, 34-1741)

Essential service facilities (34-6221-6233) (Group 1)

Fences, walls (Note 1, 34-1741)

Health care facilities (34-6226-6228) (Group 11) (subject to the 22,900 sq. ft. limit for medical office building Types A and B)

Insurance companies (34-6221-6223)

Medical office (limited to 22,900 sq. ft. of gross floor area between Types A and B)

Parking lot (Accessory)

Personal services (34-6229-6231) (Group 1) (34-3121)

Post office

Post office sales office (Note 23, 34-2951, 34-3021)

Rental or lease establishment (34-6226-6239) (Groups 1) (34-1352, 34-3001 et seq. 1) (34-1352, 34-3001 et seq.)

Schools (Commercial) (34-6231-6239)

Signs (in accordance with chapter 30)

Temporary uses (Note 5, 34-3041) (limited to 30-3044, Temporary contractor's office and equipment storage shed)

REACTANTS

Accessory uses and structures: Note (3), 34-3171 et seq., 34-2441 et seq., 34-2148 et seq., et 34-2106.

Administrative offices: Note (3).

ATM (automotive teller machine).

Auto and financial establishments: 34-6226(c)(3); Groups I and II.

Business services: 34-6221(c)(9); Groups I and J.

Computer and data processing services.

Dwelling units, Multi-Family: (limited to 160).

Emergency rates and garages: 34-1741.

Essential services: Note 1, 34-1611, 34-1741.

Essential service facilities: 34-6226(c)(3); Group J.

Fences, with: Note 1, 34-1741.

Health care facilities: 34-6226(c)(20); Group J (subject to the 22,000 sq. ft. limit for medical facilities between Tracks A and B).

Medical offices: (limited to 22,000 sq. ft. of gross floor area between Tracks A and B).

Motels: Motel Units 34-1951 et seq.

Office and Equipment Storage shed.

Parking lot: Accessory.

Personal services: 34-6226(c)(3); Group I (34-3021).

Post office.

Rest areas and office: (Note 23, 34-104, 34-1021).

Retail or display establishments: 34-6221(c)(39); Accessory I (34-2152, 34-3601 et seq.), II (34-1352, 34-3601 et seq.).

Schools: Commercial: 34-6221(c)(49).

Signs and advertising: (see chapter 30).

Temporary uses: Note 1, 34-1611 (limited to 30-344, Temporary contractor's office and temporary storage shed).

APPROVED
Amendment to
Master Concept Plan
Subject to Case # ADD2007-00167
Date 10-26-2007