ADMINISTRATIVE AMENDMENT (PD) ADD2008-00032

ADMINISTRATIVE AMENDMENT LEE COUNTY, FLORIDA

WHEREAS, Opus South Corporation filed an application for administrative approval to a Commercial Planned Development on a project known as Winkler Office Park to adopt a revised Master Concept Plan and add "medical office" use to the approved Schedule of Uses for property located at 6121 Winkler Road, described more particularly as:

LEGAL DESCRIPTION: In Section 15, Township 45 South, Range 24 East, Lee County, Florida:

See attached Exhibit A

WHEREAS, the property was originally rezoned in case number 89-09-05-3 DCI (Resolution Z-89-088), re-instated by Bluesheet #19990375 (99-04-149.02Z 01.01) (June 8, 1999), and amended by 99-04-149.13A 01.01 (PD-99-026); and

WHEREAS, the subject property is located in the Central Urban Future Land Use Category as designated by the Lee County Comprehensive Plan (Lee Plan); 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 applicant seeks to add the use of "Medical Office" to the approved Schedule of Uses; and

WHEREAS, the additional use could result in greater transportation impacts, unless the development intensity was reduced; and

WHEREAS, the applicant proposes a building height of 38 feet, larger and more mature vegetation within the required buffer along the southern property line, and reduced intensity of development of solely office development from 90,000 to 76,000 square feet of floor area:

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, as conditioned, 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 surrounding land uses.

NOW, THEREFORE, IT IS HEREBY DETERMINED that the application for administrative approval for an amendment to Commercial Planned Development to adopt a revised Master Concept Plan and add "medical office" use to the approved Schedule of Uses is APPROVED, subject to the following conditions:

1. Condition 1 of PD-99-026 is hereby amended adopting a revised Master Concept Plan. Development must be in substantial compliance with the amended Master Concept Plan, stamped received on March 13, 2008. Master Concept Plan for ADD2008-00032 is hereby APPROVED and adopted, and a reduced copy is attached hereto.

A maximum total of 76,000 square feet of floor area is approved as part of this development.

Condition 3 of PD-99-026 is amended to allow a maximum building height of 38 feet.

- 2. The terms and conditions of the original zoning resolutions (attached as Exhibits B and C) remain in full force and effect, except as amended herein.
- 3. Condition 3 of Resolution Z-89-088 is hereby amended to include the following use:

Medical Office

- 4. Condition 4 of PD-99-026 is amended to permit the buffer as shown on the above noted Master Concept Plan with following improved plantings. Plantings within the buffer along the southern property line must be no less than four inches in diameter at 12 inches above the ground and no less than 16 feet in height at the time of planting and shrubs at a minimum of 36 inches in height at the time of planting.
- 5. Condition 6 of PD-99-026 is hereby deleted.

DULY SIGNED this 3rd day of Twee

A.D., 2008.

BY:

Pam Houck, Director

Division of Zoning

Department of Community Development



March 12, 2008

DESCRIPTION

PARCEL LYING IN THE SOUTHEAST QUARTER (SE-1/4) OF THE SOUTHWEST QUARTER (SW-1/4) OF SECTION 15, TOWNSHIP 45 SOUTH, RANGE 24 EAST LEE COUNTY, FLORIDA

A tract or parcel of land lying in the Southeast Quarter (SE-1/4) of the Southwest Quarter (SW-1/4) of Section 15, Township 45 South, Range 24 East, Lee County, Florida, which tract or parcel is described as follows:

Beginning at the intersection of the south line of said fraction and the east line of Winkler Road (100 feet wide) as described in instrument recorded in Deed Book 323 at Page 180 of the public records of Lee County, Florida, run N 01° 38′ 35″ E along said east line for 486.61 feet; thence run N 89° 57′ 50″ E, parallel with the south line of said fraction, for 351.50 feet to the southwest corner of parcel described in deed recorded in O. R. Book 123 at Page 552 of said public records; thence along the south line of said lands, N 89° 57′ 50″ E for 369 feet to an intersection with the west line of relocated former Iona Drainage District Canal "H" (100 feet wide) as described in deed recorded in Official Record Book 393 at Page 4 of said public records; thence run S 00° 01′ 20″ W along said west line for 486.40 feet to an intersection with the south line of said fraction and said Section 15; thence run S 89° 57′ 50″ W along said south line for 734.26 feet to the Point of Beginning.

Bearings hereinabove mentioned are based on assuming the west line of the Southeast Quarter (SE-1/4) of the Southwest Quarter (SW-1/4) to bear north.

Applicant's Legal Checked by CS1 3118/68

RECEIVED

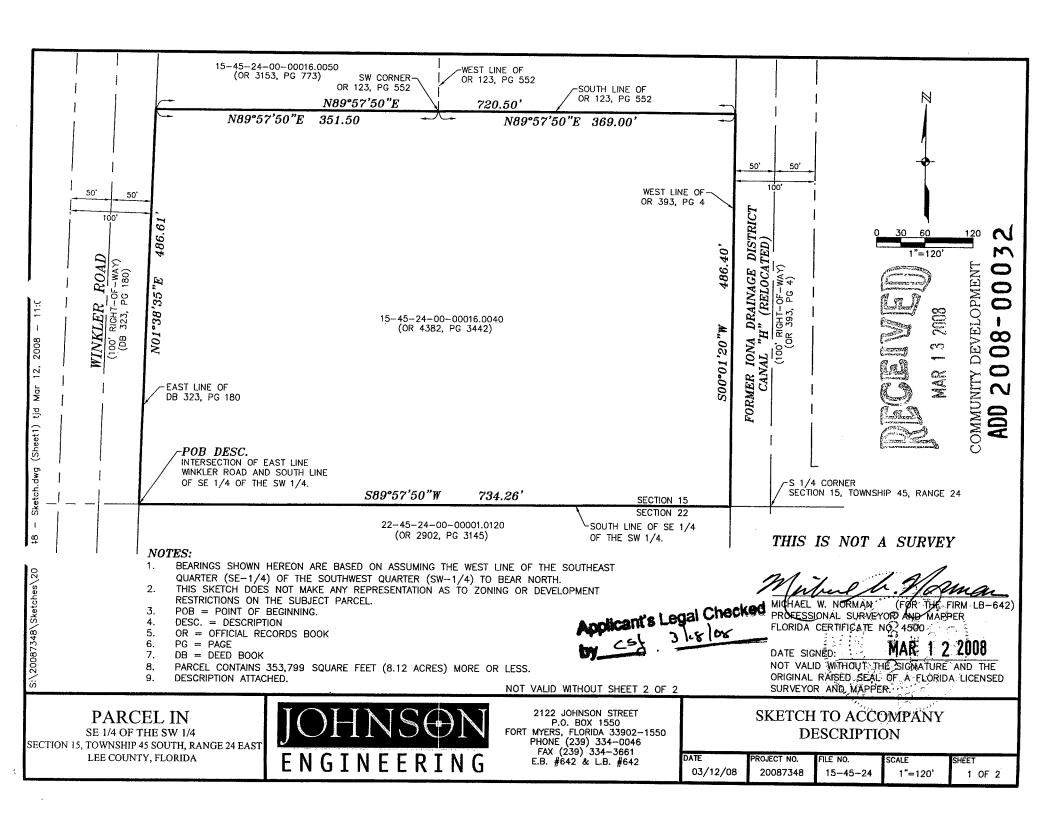
MAR 13 2008

COMMUNITY DEVELOPMENT

20087348-000 - 03-12-08 - Description

ADD 2008-00032

SHEET 2 OF 2 (NOT VALID WITHOUT SHEET 1 OF 2)



RESOLUTION NUMBER Z-89-088

RESOLUTION OF THE BOARD OF COUNTY COMMISSIONERS

OF LEE COUNTY, FLORIDA

WHEREAS, Alfred M. Johns, in reference to Winkler Office Park has properly filed an application for a rezoning from RM-2 to Commercial Planned Development, to permit commercial development with a maximum of 90,000 square feet, not to exceed 45 feet in height above average grade, on 8.12 total acres of land. The proposed development will primarily consist of general office uses; some of the uses requested include administrative offices, banks and financial establishments, an accessory drive-thru facility, government services, social services, insurance companies, and research and development laboratories.

NOTE: If approved, the Master Concept Plan will deviate from the following Lee County standards:

- (1) Requirement that a frontage road be provided along the westerly boundary of the subject property (parallel to Winkler Road) to no frontage road (Section C.3.J.(2) and C.3.O. of the D.S.O.);
- (2) Minimum intersection separation requirement of 660 feet for an arterial road to 206 feet and 557 feet (Section C.3.h. of the D.S.O.); and
- (3) Requirement that road stub-outs be provided to adjoining properties to allow no stub-outs (Section C.3.f.); and

WHEREAS, the subject property is located at 6121 Winkler Road, described more particularly as:

LEGAL DESCRIPTION: In Section 15, Township 45 South, Range 24 East, Lee County, Florida:

A tract or parcel of land lying in the Southeast Quarter (SE%) of the Southwest Quarter (SW%) of Section 15, Township 45 South, Range 24 East, Lee County, Florida, which tract or parcel is described as follows:

BEGINNING at the intersection of the South line of said fraction and the East line of Winkler Road (100 feet wide) as described in instrument recorded in Deed Book 323 at Page 180 of the Public Records of Lee County, Florida, run N.01*38*35"E. along said East line for 486.61 feet; THENCE run N.89*57*50"E. parallel with the South line of said fraction, for 351.50 feet to the Southwest corner of parcel described in deed recorded in 0.R Book 123 at Page 552 of said public records; THENCE along the South line of said lands, N.89*57*50"E. for 369 feet to an intersection with the West line of relocated former Iona Drainage District Canal "H" (100 feet wide) as described in deed recorded in Official Record Book 393 at Page 4 of said public records;

RESOLUTION NUMBER Z-89-088
Page 1 of 5

THENCE run S.00°08'20"W. along said West line for 486.40 feet to an intersection with the South line of said fraction and said Section 15; THENCE run S.89°57'50"W. along said South line for 734.26 feet to the POINT OF BEGINNING. Containing 8.12 acres more or less.

Bearings hereinabove mentioned are based on assuming the West line of the Southeast Quarter (SE%) of the Southwest Quarter (SW%) to bear North.

WHEREAS, the applicant has indicated the property's current STRAP number is 15-45-24-00-00016.0040; and

WHEREAS, proper authorization has been given to Neale Montgomery of Pavese, Garner, Haverfield, Dalton, Harrison & Jensen, and Johnson Engineering, by Alfred M. Johns, the fee simple owner of the subject parcel, to act as agents to pursue this zoning application; and

WHEREAS, a public hearing was legally and properly advertised and held before the Lee County Hearing Examiner, with full consideration of all the evidence available; and

WHEREAS, the Lee County Hearing Examiner fully reviewed the matter in a public hearing held on September 5, 1989, continued on September 22, 1989; and

WHEREAS, a public hearing was legally and properly advertised and held before the Lee County Board of County Commissioners; and

WHEREAS, in the legislative process the Lee County Board of County Commissioners gave full and complete consideration to the recommendations of the staff, the Hearing Examiner, the documents on file with the county, and the testimony of all interested persons.

NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF COUNTY COMMISSIONERS, that the Board of County Commissioners does hereby APPROVE WITH CONDITIONS a rezoning from RM-2 to Commercial Planned Development, to permit commercial development with a maximum of 90,000 square feet, not to exceed 45 feet in height above average grade, on 8.12 total acres of land. The proposed development will primarily consist of general office uses; some of the uses requested include administrative offices, banks and financial establishments, an accessory drive-thru facility, government services, social services, insurance companies, and research and development laboratories. This approval is subject to the following conditions:

- 1. The Master Concept Plan is a two-sheet plan entitled "Winkler Office Park, prepared by Johnson Engineering, Inc., Project No. 16202, dated January, 1989 and received July 27, 1989, except as may be modified by the conditions herein. Approval of this request does not exempt the applicant from compliance with all development regulations, except as specifically approved herein.
- 2. The maximum total floor area shall be limited to either 90,000 square feet of general office (excluding banking and savings and loan facilities) or 71,000 square feet of general office space, plus 3,500 square feet of banking/savings and loan with drive-thru facilities. The maximum allowable height shall not exceed 38 feet above average grade.
- 3. The schedule of uses is limited to those listed below:

Administrative offices (df)

(Section 1001.46)

Banks and Financial Establishments - Groups I & II (Section 1001.03) Business Services - All Groups (Section 1001.05) Cultural Facilities (Section 1001.10) Drive-Thru Facility (df) - limited to banks Entrances Gates and Gatehouses (Section 202.14) Essential Services (df) Excavations, Water Retention (Section 509) *Food and Beverage Service, Limited (df) Government Services (Section 1001.19) Insurance Companies (Section 1001.23) Offices, General (df) *Personal Services - Groups I (excluding Laundromat & Coin Operated Laundries), II (excluding massage parlors and steam or Turkish baths), III & IV (Section 1001.33) (excluding escort service, palm readers, fortune tellers card readers, or tattoo parlors) Research and Development Laboratories - Group II (exclude Group IV) (Section 1001.41) provided that operation of heavy machinery or equipment is not conducted; all work shall be done within enclosed structures Schools, Non-Commercial (Section 524) Signs in conformance with Sign Ordinance (see condition 4) Social Services - Group I (exclude Groups II and III)

- * These uses may be considered only as accessory uses
- 4. A 20 foot, type D buffer shall be required along the south property line. The existing vegetation (except exotics) shall be incorporated into the required buffers.
- 5. This zoning approval does not indicate that this project's traffic impacts have been mitigated. Additional conditions to comply with the existing regulations to mitigate traffic impacts may be required before issuance of a local development order.
- 6. Relocation of the drainage easement shall be subject to approval by the South Florida Water Management District.
- 7. The eastern 2.78 acres of the subject property shall be retained as a dry detention/preservation area, as indicated on the Master Concept Plan. No structures shall be developed in this area. All oak trees shall be preserved on site.
- 8. Septic tanks and potable water wells shall be prohibited. Connection to Florida Cities Water Company shall be required for water and sewer.
- 9. The applicant shall provide for the Emergency Medical Service impacts generated by the proposed development.

- 10. The applicant shall contact the respective fire protection district to discuss the proposed development in relation to the potential type, use and storage of hazardous materials which will be located on the premises. This shall be required before a Development Order is granted.
- 11. The architectural form, scale and materials of the building shall be Class A or B.
- 12. DEVIATION (1) is APPROVED with the condition that other proper siterelated roadway improvements are addressed when a development order is requested.

DEVIATION (2) is APPROVED.

DEVIATION (3) is APPROVED with the condition that other proper siterelated roadway improvements are addressed when a development order is requested.

Site Plan 89-088 is attached hereto and incorporated herein by reference, as a reduced copy of the Master Concept Plan.

The following findings of fact were made in conjunction with this approval of Commercial Planned Development zoning:

- A. That there are changed and changing conditions with respect to the uses and adjoining development which make approval of the requested rezoning appropriate.
- B. That the requested rezoning is consistent with the goals, objectives, policies and intent of the Lee Plan, as last amended.
- C. That the requested rezoning, as conditioned, meets or exceeds the performance and locational standards of the Zoning Ordinance.
- D. That the requested rezoning is consistent with the densities, intensities and general uses set forth in the Lee Plan, as last amended.
- E. That the requested rezoning will protect, conserve and preserve all natural resources and environmentally critical areas and will be compatible with existing and planned uses in the area and will not cause damage, hazard or nuisance or other detriment to persons or property.
- F. That the location of the requested rezoning does not place an undue burden upon existing transportation services, government services or government facilities and will be served by streets with the capacity to carry the traffic generated by the requested development.
- G. That the requested rezoning will be in compliance with all applicable general zoning provisions and supplemental regulations pertaining to the requested uses.

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

John E. Manning

AYE

Charles L. Bigelow, Jr. ABSENT

Ray Judah

AYE

Bill Fussell

AYE

Donald D. Slisher

ABSENT

DULY PASSED AND ADOPTED this 11th day of December, A.D., 1989.

ATTEST: CHARLIE GREEN, CLERK

BOARD OF COUNTY COMMISSIONERS

OF LEE COUNTY, FLORIDA

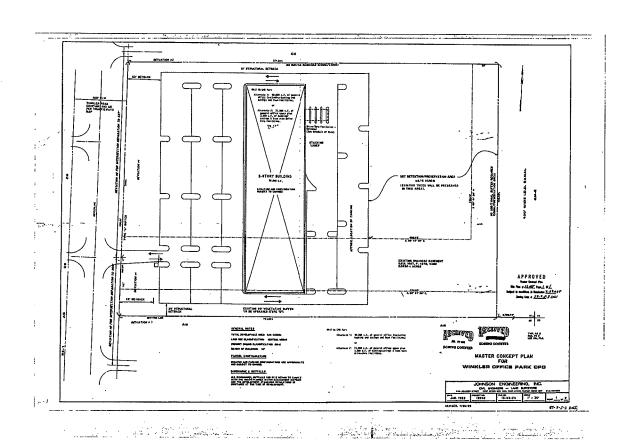
Deputy Clerk

() 1200 011121111111

Approved as to form by:

County Attorney's Office

JAN 1 8, 90 CLERK CIRCUIT CO.



ADMINISTRATIVE AMENDMENT LEE COUNTY, FLORIDA

WHEREAS, Reliable Homes, Inc. filed an application for administrative approval to a Commercial Planned Development on a project known as Winkler Office Complex to amend the Master Concept Plan by approving a new layout for the office development on property located at 6121 Winkler Road, Fort Myers, Florida, described more particularly as:

LEGAL DESCRIPTION: In Section 15, Township 45 South, Range 24 East, Lee County, Florida:

See Exhibit A

WHEREAS, the property was originally rezoned in case number 89-9-5-3-DCI; 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 applicant finds it necessary to revise the layout of the project to change from one (1) building to a total of nine (9) buildings and reducing the approved maximum gross floor area to 62,000 square feet of general office and 3,500 square feet of banking/savings loan use; 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 results in a decrease in the density or intensity of the commercial office space within the development; does not decrease buffers or open space required by the LDC and committed to as part of this planned development; does not underutilize public resources or infrastructure; does not reduce total committed open space, buffering, landscaping or preservation areas; and is conditioned to not otherwise adversely impact on surrounding land uses.

NOW, THEREFORE, IT IS HEREBY DETERMINED that the application for administrative approval to approve a new layout for the office development for the Commercial Planned Development is APPROVED.

Approval is subject to the following conditions:

 The Development must be in compliance with the two-page amended Master Concept Plan, dated July 1999, entitled Winkler Office Complex (stamped received July 29, 1999), as prepared by Johnson Engineering, Inc. Site Plan PD-99-026 is hereby APPROVED and adopted. A reduced copy is attached hereto.

- 2. The terms and conditions of the original zoning resolutions remain in full force and effect.
- 3. All buildings along the southern perimeter boundary line of the site may not exceed one story in height and a maximum building height of 20 feet.
- 4. A buffer consistent with the requirements as depicted on the approved amended Master Concept Plan and the Lee County Land Development Code [LDC Section 10-416(d)] must be provided along the entire southern perimeter boundary line of the site.
- 5. No service drives, loading areas, or parking areas may be allowed between any of the buildings and the perimeter boundary of the planned development. If a fire department access lane is required, this buffer must still be provided and the fire lane would be developed to the north of the buffer. The minimum structural setback from the southern perimeter boundary line would then be no less than 40 feet (20 foot buffer plus a 20 foot fire access lane), if a fire department access lane is required.
- 6. Architecturally, the development of the buildings must be substantially in accordance with the photograph submitted with this application and in compliance with the requirements of the Lee County Land Development Code.

DULY SIGNED this 15th day of september, A.D., 1999.

BY: ManGibbs

Mary Gibbs, Director

Department of Community Development

EXHIBIT A

A tract or parcel of land lying in the southeast quarter (SEI) of the southwest quarter (SEI) of Section 15, Township 65 South, Range 24 East, Lee County, Florida, which tract or percel is described as follows:

Beginning at the intersection of the south line of said fraction and the east line of Winkler Road (100 feet wide) as described in instrument recorded in beed Book 323 at Page 180 of the public records of Lee County, Florida, run K 01°38'35" E along said ease line for 486.61 feet; thence run N 89°57'50" E, parallel with the south line of said fraction, for 351.50 feet to the southwest corner of parcel described in deed recorded in O.R. Book 123 at Page 552 of said public records; thence along the south line of said lands. H 89°57'50" E, for 369 feet to an intersection with the west line of relocated former Iona Drainage District Canal "H" (100 feet wide) as described in deed recorded in Official Record Book 393 at Page 4 of said public records; thence run S 00°01'20" Y along said were line for 466.40 feet to an intersection with the south line of said fraction and said Section 15; thence run S 89°57'50" W along said south line for 734.26 feet to the Point of Beginning. Containing

Bearings hereinabove mentioned are based on assuming the west line of the southeast quarter (SE) of the southwest quarter (SW) to bear north.



MASTER CONCEPT PLAN FOR

WINKLER OFFICE COMPLEX

SECTION 15, TOWNSHIP 45 S., RANGE 24 E. LEE COUNTY, FLORIDA

INDEX OF PLANS

1 COVER SHEET 2 SITE PLAN Total to the state of the state

PREPARED FOR

Reliable Homes Inc.

100 HADRID BLVD., SUITE 213, PUNTA GORDA, FL 33950 TELEPHONE: (941) 637-2666

> PROPERTY ADDRESS: 6121 WINKLER ROAD FORT MYERS, FLORIDA 33919

> > STRAP NUMBER: 15-45-24-00-00016,0040

PROJECT LOCATION

LOCATION MAP

SCALE NI MUES
PREPARED BY

APPROVE

Select in contract of the select of the sele

JOHNSON ENGINEERING, INC.

ENGINEERS, LAND SURVEYORS AND ECOLOGISTS
2158, JUNISON STREET
POST OFFICE 80X 1550
FORT INTERS, FLORIDA 33902
PHONE (813) 334-0046
FAX (813) 334-5661

J.E.I. PROÆCT HO. 19991332 JULY 1999 RECEIVED.

