

ADMINISTRATIVE AMENDMENT  
LEE COUNTY, FLORIDA

WHEREAS, BG 1 Ltd., filed an application for administrative approval to a Commercial Planned Development on a project known as Grand Bay Plaza for:

- a.) **Deviation (4) from LDC Sec. 10-296, table 3, from the right-of-way requirement for 40 ft width for a private road to allow 30 ft in the existing easement; and**
- b.) **Deviation (5) from LDC Sec. 10-296, table 4 requirement for a 24 ft travel lane for a private road to allow 20 ft pavement width**

on property located at 7225 Sanibel Blvd., described more particularly as:

LEGAL DESCRIPTION: In Section 20, Township 46 South, Range 25 East, Lee County, Florida:

SEE ATTACHED THREE-PAGE "EXHIBIT A"

WHEREAS, the property was originally rezoned in case number 95-01-010.03Z 02.01 (Z-99-015), with subsequent amendments in case numbers 95-02-065.02Z 03.01, 97-07-056.01Z 01.01, ADD2000-00041, ADD2003-00043, ADD2003-00043A, and ADD2007-00106; and

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

WHEREAS, BG 1 Ltd., the owner of the subject property, has authorized Michael Delate to act as agent to pursue this administrative amendment; and

WHEREAS, the applicant has requested two deviations to allow the development of a rear parcel, known as Out Parcel #3, of the Grand Bay Plaza CPD; and

WHEREAS, the applicant indicates that a 30-ft wide Ingress/Egress Easement has been recorded in Official Records Book 4087 Page 3203 along the southern border of the project to provide access to Out Parcel #3; and

WHEREAS, LDC Sec. 10-296, Table 3, requires a 40-ft right-of-way for a private road; and

WHEREAS, the applicant has requested a deviation from the LDC Sec. 10-296, Table 3, minimum requirement of 40-ft ROW, to allow the 30-ft wide easement to provide access to Out Parcel #3; and

WHEREAS, the applicant has indicated that they intend to construct a 20-ft wide driveway in the 30-ft easement as a means of accessing Out Parcel #3; and

WHEREAS, LDC Sec. 10-296, Table 4 requires a minimum 24-ft travel lane for a private road; and

WHEREAS, the applicant has requested a deviation from LDC Sec. 10-296, Table 4 minimum requirement of a 24-ft wide travel lane to allow 20-ft for the travel lane accessing Out Parcel #3; 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 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 the approval of 2 additional deviations to the Grand Bay Plaza Commercial Planned Development is **APPROVED, subject to the following conditions:**

1. **This administrative approval is limited to the addition of 2 deviations from LDC Sec. 10-296, Tables 3 and 4, requirements for a 40 ft right-of-way and a minimum of 24 ft pavement width for a private road to allow a 30 ft ROW and 20 ft pavement width. No other changes have been approved as part of this administrative action.**
2. **The Development must be in compliance with the amended Master Concept Plan, stamped received on April 16, 2008. Master Concept Plan for ADD2008-00037 is hereby APPROVED and adopted. A reduced copy is attached hereto as "Exhibit B."**
3. **The terms and conditions of the original zoning resolutions remain in full force and effect, except as herein amended.**

DULY SIGNED this 24<sup>th</sup> day of April, A.D., 2008.

BY: \_\_\_\_\_

Pam Houck, Director

Division of Zoning

Department of Community Development

**LEGAL DESCRIPTION:**

A PARCEL OF LAND BEING A PORTION OF LOT 1 SAN CARLOS GROVE TRACT, ACCORDING TO THE PLAT THEREOF RECORDED IN PLAT BOOK 4 AT PAGE 75 OF THE PUBLIC RECORDS OF LEE COUNTY, FLORIDA AND A PORTION OF SECTION 17, TOWNSHIP 46 SOUTH, RANGE 25 EAST, LEE COUNTY, FLORIDA, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

**BEGINNING** AT THE NORTHWEST CORNER OF SAID LOT 1 AND THE NORTHWEST CORNER OF THE NORTHWEST 1/4 OF SAID SECTION 20, THENCE N.87°32'10"E., A DISTANCE OF 1,608.13 FEET; THENCE N.53°07'22"E., A DISTANCE OF 439.16 FEET TO A POINT ON THE SOUTHWESTERLY RIGHT OF WAY LINE OF U.S.-41; THENCE S.36°54'21"E. ALONG SAID SOUTHWESTERLY RIGHT OF WAY LINE, A DISTANCE OF 200.85 FEET; THENCE S.53°07'23"W., A DISTANCE OF 366.29 FEET; THENCE S.36°54'21"E., A DISTANCE OF 275.43 FEET; THENCE N.87°32'16"E., A DISTANCE OF 197.66 FEET TO THE POINT OF CURVATURE OF A CURVE TO THE LEFT, HAVING: A RADIUS OF 170.00 FEET, A CENTRAL ANGLE OF 34°26'25", A CHORD BEARING OF N.70°15'21"E., AND A CHORD LENGTH OF 100.65 FEET; THENCE ALONG THE ARC OF SAID CURVE, AN ARC LENGTH OF 102.19 FEET; THENCE N.53°02'09"E., A DISTANCE OF 107.10 FEET TO A POINT ON SAID SOUTHWESTERLY RIGHT OF WAY LINE; THENCE S.36°54'21"E. ALONG SAID SOUTHWESTERLY RIGHT OF WAY LINE, A DISTANCE OF 315.76 FEET; THENCE S.87°31'48"W., A DISTANCE OF 2512.52 FEET TO A POINT ON THE WESTERLY LINE OF SAID LOT 1, THE SAME BEING A POINT ON THE WESTERLY LINE OF THE NORTHWEST 1/4 OF SAID SECTION 20; THENCE N.00°53'43"W. ALONG THE WESTERLY LINE OF SAID LOT 1, THE SAME BEING THE WESTERLY LINE OF SAID NORTHWEST 1/4, A DISTANCE OF 521.92 FEET TO THE POINT OF BEGINNING.

**NOTES:**

- 1.) BEARINGS SHOWN HEREON REFER TO NORTH LINE OF SECTION 20, TOWNSHIP 46 SOUTH, RANGE 25 EAST, LEE COUNTY, FLORIDA AND THE NORTH LINE OF LOT 1, SAN CARLOS GROVES TRACT, ACCORDING TO THE PLAT THEREOF RECORDED IN PLAT BOOK 4 AT PAGE 75 OF THE PUBLIC RECORDS OF LEE COUNTY, FLORIDA, AS BEING N87°32'10"E.
- 2.) THIS PROPERTY IS SUBJECT TO EASEMENTS, RESERVATIONS OR RESTRICTIONS OF RECORD.
- 3.) DIMENSIONS SHOWN HEREON ARE IN FEET AND DECIMALS THEREOF.
- 4.) THIS LEGAL DESCRIPTION IS NOT VALID WITHOUT THE SIGNATURE AND THE ORIGINAL RAISED SEAL OF A FLORIDA LICENSED SURVEYOR AND MAPPER.
- 5.) PARCEL CONTAINS 26.213 ACRES, MORE OR LESS.
- 6.) SEE SHEET 2 OF 2 FOR SKETCH.

**RECEIVED**  
MAR 18 2008

**PERMIT COUNTER**

*Thomas J. Garris* 12/3/07

THOMAS J. GARRIS, STATE OF FLORIDA, (L.A.M. #6753)  
BBLs SURVEYORS & MAPPERS INC. (LB #6753)

2008-00037

**Applicant's Legal Checked**  
by *CA* 3/26/08

**THIS IS NOT A SURVEY**

**SHEET 1 OF 2**

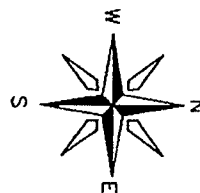
DATE: 11/25/07	<b>SKETCH AND LEGAL DESCRIPTION</b>	<b>BBLs SURVEYORS &amp; MAPPERS INC.</b> 1502-A RAIL HEAD BLVD. NAPLES, FLORIDA 34110 (239)597-1315
DRAWN BY: BUD		
APPROVED: TJC	<b>A PORTION OF LOT 1, SAN CARLOS GROVE TRACT, PLAT BOOK 4, PAGE 75 AND A PORTION OF SECTION 17, TOWNSHIP 46 SOUTH, RANGE 25 EAST, LEE COUNTY, FLORIDA</b>	
FILE: 0211 OVERALL		
SCALE: 1" = 400'		

Z:\PROJECTS\2008\0211 PUBLIC SAN CARLOS\dwg\UPDATE 1107\0211OVERALL LEGAL.dwg 11/30/2007 8:00:03 AM EST

WEST LINE OF NW 1/4,  
SEC 20, TWP 46S, RNG 25E  
WEST LINE OF LOT 1

**P.O.B.**  
NORTHWEST CORNER OF  
LOT 1 AND THE  
NORTHWEST CORNER OF  
THE NORTHWEST 1/4 OF  
SECTION 20

$\frac{19}{20} \frac{18}{17}$



SCALE: 1" = 400'



0' 400' 800'

### LEGEND

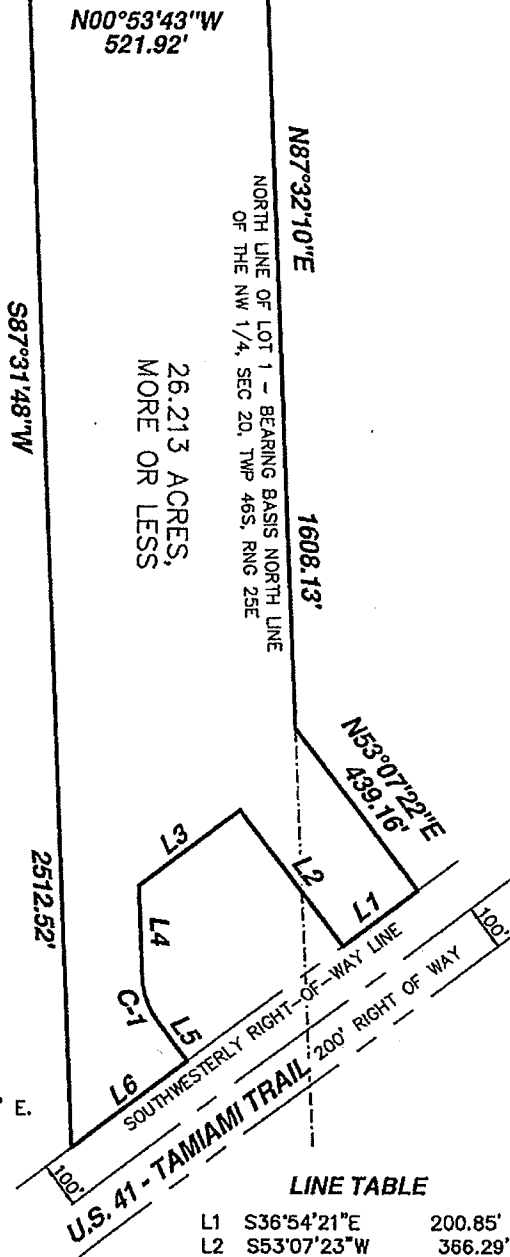
P.O.B. POINT OF BEGINNING  
L.B. LICENSED BUSINESS  
L.S. LICENSED SURVEYOR  
SEC. SECTION  
TWP. TOWNSHIP  
RNG. RANGE

### NOTES:

- 1.) BEARINGS SHOWN HEREON REFER TO NORTH LINE OF SECTION 20, TOWNSHIP 46 SOUTH, RANGE 25 EAST, LEE COUNTY, FLORIDA AND THE NORTH LINE OF LOT 1, SAN CARLOS GROVES TRACT, ACCORDING TO THE PLAT THEREOF RECORDED IN PLAT BOOK 4 AT PAGE 75 OF THE PUBLIC RECORDS OF LEE COUNTY, FLORIDA, AS BEING N87°32'10"E.
- 2.) THIS PROPERTY IS SUBJECT TO EASEMENTS, RESERVATIONS OR RESTRICTIONS OF RECORD.
- 3.) DIMENSIONS SHOWN HEREON ARE IN FEET AND DECIMALS THEREOF.
- 4.) THIS LEGAL DESCRIPTION IS NOT VALID WITHOUT THE SIGNATURE AND THE ORIGINAL RAISED SEAL OF A FLORIDA LICENSED SURVEYOR AND MAPPER.
- 5.) PARCEL CONTAINS 26.213 ACRES, MORE OR LESS.
- 6.) SEE SHEET 1 OF 2 FOR LEGAL.

C-1

DELTA = 34°26'25"  
RADIUS = 170.00'  
CHORD = 100.65'  
ARC = 102.19'  
BEARING = N.70°15'21' E.



### LINE TABLE

L1	S36°54'21"E	200.85'
L2	S53°07'23"W	366.29'
L3	S36°54'21"E	275.43'
L4	N87°32'16"E	197.66'
L5	N53°02'09"E	107.10'
L6	S36°54'21"E	315.76'

**THIS IS NOT A SURVEY**

**Applicant's Survey Checked**  
By \_\_\_\_\_

**SHEET 2 OF 2**

DATE: 11/25/07
DRAWN BY: BUD
APPROVED: T.J.G.
FILE: 0211 OVERALL
SCALE: 1" = 400'

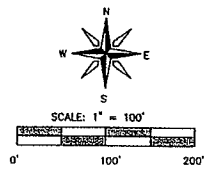
### SKETCH AND LEGAL DESCRIPTION

A PORTION OF LOT 1, SAN CARLOS GROVE TRACT,  
PLAT BOOK 4, PAGE 75 AND A PORTION OF SECTION 17,  
TOWNSHIP 46 SOUTH, RANGE 25 EAST, LEE COUNTY, FLORIDA

**BBL'S SURVEYORS &  
MAPPERS INC.**  
1502-A RAIL HEAD BLVD.  
NAPLES, FLORIDA 34110  
(239)597-1315

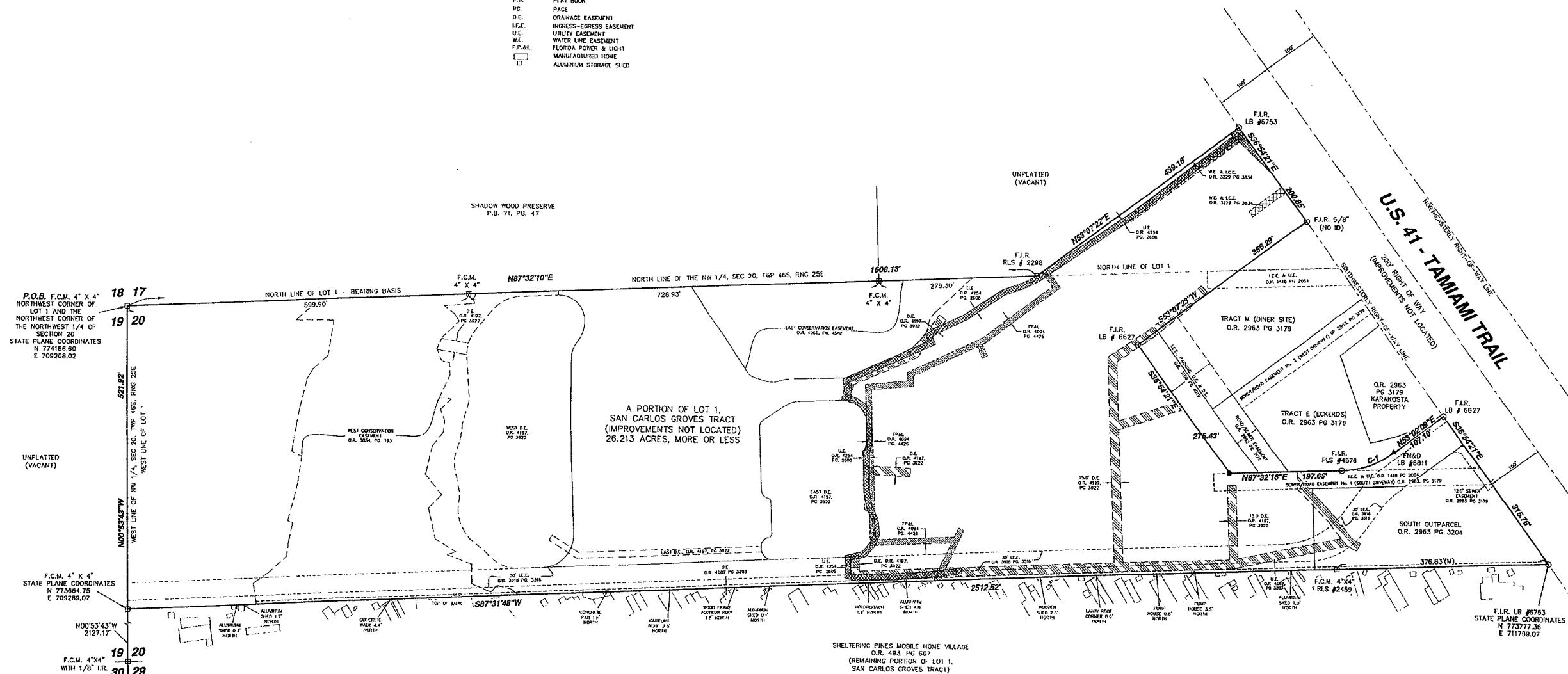
**Applicant's Legal Checked**  
by CA 3/26/08

Z:\PROJECTS\2002\0211 PUBLIC SAN CARLOS GROVES UPDATE 1107.0211.DWG 11/30/2007 6:09:17 AM EST



**LEGEND**

- P.O.B. POINT OF BEGINNING  
F.P.K. FOUND PARKER KALON NAIL AND DISK  
F.I.R. FOUND 5/8" IRON ROD (ID AS SHOWN)  
F.C.M. FOUND 4" X 4" CONCRETE MONUMENT  
FND. FOUND  
L.B. LICENSED BUSINESS  
L.S. LICENSED SURVEYOR  
F.I.R.M. FLOOD INSURANCE RATE MAP  
N.G.V.D. NATIONAL GEODETIC VERTICAL DATUM OF 1929  
O.R. OFFICIAL RECORD BOOK  
P.B. PLAT BOOK  
PG. PAGE  
D.E. DRAINAGE EASEMENT  
I.E.E. INGRESS-EGRESS EASEMENT  
U.E. UTILITY EASEMENT  
W.L. WATER LINE EASEMENT  
F.P.L. FLORIDA POWER & LIGHT  
MANUFACTURED HOME  
ALUMINUM STORAGE SHED



CURVE 1  
DELTA = 34°26'25"  
RADIUS = 170.00'  
CHORD = 100.65'  
ARC = 102.19'  
BEARING = N.70°15'21" E.

**LEGAL DESCRIPTION:**

A PARCEL OF LAND BEING A PORTION OF LOT 1 SAN CARLOS GROVE TRACT, ACCORDING TO THE PLAT THEREOF RECORDED IN PLAT BOOK 4 AT PAGE 75 OF THE PUBLIC RECORDS OF LEE COUNTY, FLORIDA, AND A PORTION OF SECTION 17, TOWNSHIP 46 SOUTH, RANGE 25 EAST, LEE COUNTY, FLORIDA, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGINNING AT THE NORTHWEST CORNER OF SAID LOT 1 AND THE NORTHWEST CORNER OF THE NORTHWEST 1/4 OF SAID SECTION 20, THENCE N.87°32'10"E, A DISTANCE OF 1,608.13 FEET; THENCE N.83°07'22"E, A DISTANCE OF 430.16 FEET TO A POINT ON THE SOUTHWESTERLY RIGHT OF WAY LINE OF U.S.-41; THENCE S.36°54'21"E, ALONG SAID SOUTHWESTERLY RIGHT OF WAY LINE, A DISTANCE OF 200.85 FEET; THENCE S.53°07'25"W, A DISTANCE OF 366.29 FEET; THENCE S.36°54'21"E, A DISTANCE OF 275.43 FEET; THENCE N.87°32'10"E, A DISTANCE OF 197.66 FEET TO THE POINT OF CURVATURE OF A CURVE TO THE LEFT, HAVING A RADIUS OF 170.00 FEET, A CENTRAL ANGLE OF 34°26'25", A CHORD BEARING OF N.70°15'21"E, AND A CHORD LENGTH OF 102.19 FEET; THENCE ALONG THE ARC OF SAID CURVE, AN ARC LENGTH OF 102.19 FEET; THENCE N.83°07'22"E, A DISTANCE OF 107.10 FEET TO A POINT ON SAID SOUTHWESTERLY RIGHT OF WAY LINE; THENCE S.36°54'21"E, ALONG SAID SOUTHWESTERLY RIGHT OF WAY LINE, A DISTANCE OF 310.76 FEET; THENCE S.87°31'48"W, A DISTANCE OF 2512.52 FEET TO A POINT ON THE WESTERLY LINE OF SAID LOT 1, THE SAME BEING A POINT ON THE WESTERLY LINE OF THE NORTHWEST 1/4 OF SAID SECTION 20; THENCE N.00°53'43"W, ALONG THE WESTERLY LINE OF SAID LOT 1, THE SAME BEING THE WESTERLY LINE OF SAID NORTHWEST 1/4, A DISTANCE OF 521.82 FEET TO THE POINT OF BEGINNING.

**NOTES:**

- 1.) BEARINGS SHOWN HEREON REFER TO NORTH LINE OF SECTION 20, TOWNSHIP 46 SOUTH, RANGE 25 EAST, LEE COUNTY, FLORIDA AND THE NORTH LINE OF LOT 1, SAN CARLOS GROVE TRACT, ACCORDING TO THE PLAT THEREOF RECORDED IN PLAT BOOK 4 AT PAGE 75 OF THE PUBLIC RECORDS OF LEE COUNTY, FLORIDA, AS BEING N.87°32'10"E.
- 2.) THIS PROPERTY IS SUBJECT TO EASEMENTS, RESERVATIONS OR RESTRICTIONS OF RECORD.
- 3.) DIMENSIONS SHOWN HEREON ARE IN FEET AND DECIMALS THEREOF.
- 4.) THIS SURVEY IS NOT VALID WITHOUT THE SIGNATURE AND THE ORIGINAL RAISED SEAL OF A FLORIDA LICENSED SURVEYOR AND MAPPER.
- 5.) THIS PROPERTY IS LOCATED WITHIN FLOOD ZONE B AND FLOOD ZONE A14, HAVING A BASE FLOOD ELEVATION OF 11.0' (M.G.V.D. 1929), PER F.I.R.M. 125124-0455 B, DATED SEPTEMBER 19, 1984.
- 6.) EXISTING IMPROVEMENTS SITUATED ON THE PROPERTY, INCLUDING BUT NOT LIMITED TO BUILDINGS, PARKING AND UTILITIES, HAVE NOT BEEN LOCATED WITHIN THE SCOPE OF THIS SURVEY.
- 7.) PARCEL CONTAINS 26.213 ACRES, MORE OR LESS.
- 8.) COORDINATES SHOWN ARE BASED ON THE STATE PLANE COORDINATE SYSTEM FOR THE FLORIDA WEST ZONE, (NORTH AMERICAN DATUM OF 1983/1980 ADJUSTMENT).

**CERTIFIED TO:**

PELICAN BAY DEVELOPMENT, INC.

**CERTIFICATION:**

I HEREBY CERTIFY THAT THIS BOUNDARY SURVEY OF THE HEREON DESCRIBED PROPERTY WAS SURVEYED UNDER MY RESPONSIBLE CHARGE ON 11/15/07. THIS SURVEY MEETS THE MINIMUM TECHNICAL STANDARDS SET FORTH BY THE FLORIDA BOARD OF PROFESSIONAL LAND SURVEYORS IN CHAPTER 61017-6, F.A.C. PURSUANT TO SECTION 472.027 FLORIDA STATUTES.

THOMAS J. GARRIS, STATE OF FLORIDA, (L.S. #3741)  
DBLS SURVEYORS & MAPPERS INC. (LB #6753)

Applicant's Survey Checked  
By CG 3/2/08

RECEIVED  
MAR 18 2008  
PERMIT COUNTER

ADD 2008-00037

DATE: 11/19/07  
FIELD BOOK AND PAGE:  
251-40/60  
DRAWN BY: BUD  
APPROVED: TJG  
SCALE: 1" = 100'

**BOUNDARY SURVEY**  
A PORTION OF LOT 1, SAN CARLOS GROVE TRACT, PLAT BOOK 4, PAGE 75 AND  
A PORTION OF SECTION 17, TOWNSHIP 46 SOUTH, RANGE 25 EAST,  
LEE COUNTY, FLORIDA

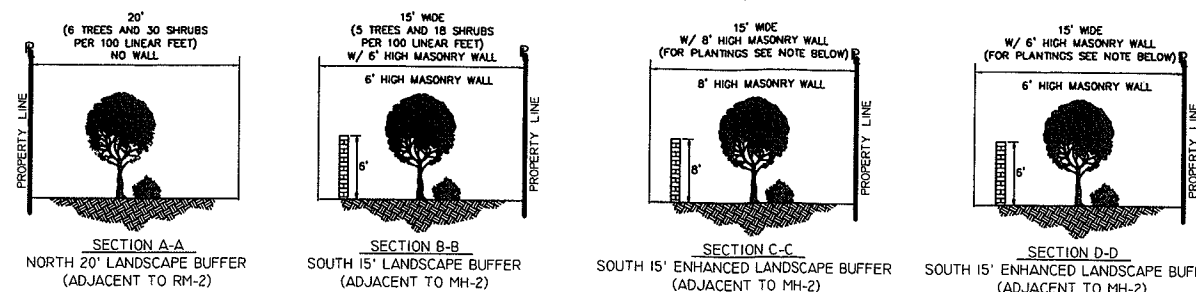
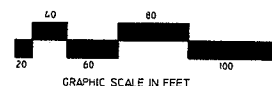
**BBLs SURVEYORS & MAPPERS INC.**  
1502-A RAILHEAD BLVD.  
NAPLES, FLORIDA 34110 (239) 597-1315

SITE SUMMARY	
PHASE 1 (INCLUDING POSSIBLE OUTPARCELS)	
DESCRIPTION	ACREAGE ±
IMPERVIOUS	9.6
PERVIOUS	4.8
(INCLUDES 0.5 AC. ± WETLAND PRESERVE)	
TOTAL	14.4
PHASE 2	
DESCRIPTION	ACREAGE ±
IMPERVIOUS	3.7
PERVIOUS	9.8
(INCLUDES WETLAND & UPLAND PRESERVE)	
TOTAL	13.5
OPEN SPACE CALCULATIONS	
PHASE 1 (INCLUDING POSSIBLE OUTPARCELS)	
DESCRIPTION	ACREAGE ±
TOTAL	14.4
OPEN SPACE PROVIDED	4.8
PERCENTAGE OPEN SPACE PROVIDED	33.3%
PHASE 2	
DESCRIPTION	ACREAGE ±
TOTAL AREA	13.5
OPEN SPACE PROVIDED	10
PERCENTAGE OPEN SPACE PROVIDED	74%
TOTAL PROJECT OPEN SPACE	14.8 (53%)
INDIGENOUS OPEN SPACE CALCULATIONS	
50% OF TOTAL OPEN SPACE REQUIRED	
PHASE 1 (INCLUDING POSSIBLE OUTPARCELS)	
DESCRIPTION	ACREAGE ±
TOTAL AREA	14.4
INDIGENOUS AREA (PRESERVED)	0.5 - SEE NOTE BELOW
PHASE 2	
DESCRIPTION	ACREAGE ±
TOTAL AREA	13.5
WETLAND	3.3 - SEE NOTE BELOW
WETLAND	3.0
TOTAL INDIGENOUS AREA (PRESERVED)	6.8
TOTAL OPEN SPACE REQUIRED	8.4
TOTAL INDIGENOUS OPEN SPACE PROVIDED	81%

NOTE: WETLAND PRESERVE AREAS, LIMITS OF WETLAND LINES, AND WETLAND BUFFERS SHOWN MAY BE SUBJECT TO CHANGE BY OTHER GOVERNMENTAL AUTHORITIES HAVING JURISDICTION AT TIME OF LOCAL DEVELOPMENT ORDER.

## SCHEDULE OF PERMITTED USES:

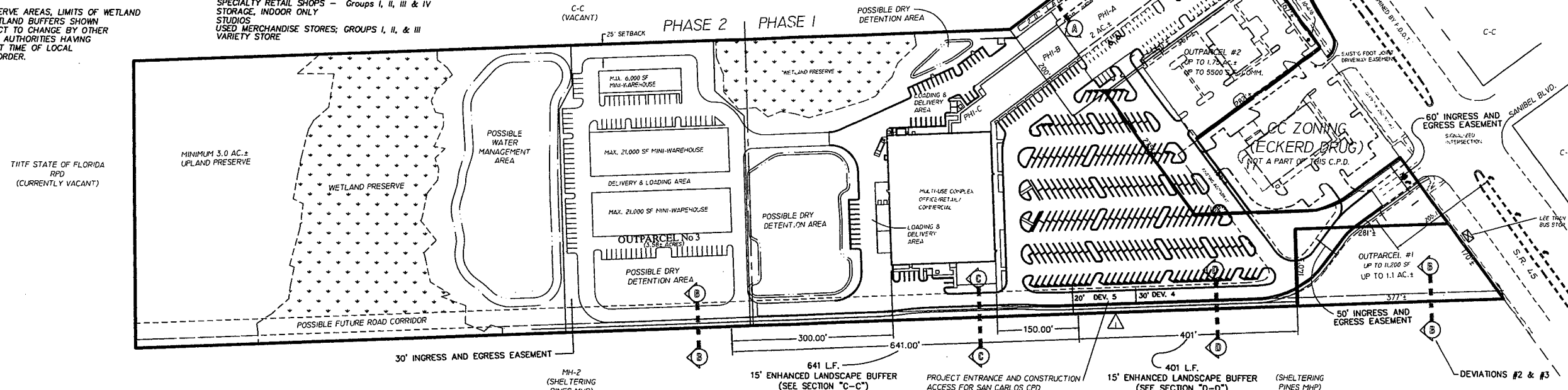
ADMINISTRATIVE OFFICES  
ANIMAL CLINIC  
AUTO PARTS STORE, NO INSTALLATION  
ATM  
AUTOMOBILE SERVICE STATION  
AUTO REPAIR AND SERVICES (EXCLUDING BODY SHOP)  
BUILDING MATERIAL SALES  
BUSINESS SERVICES - ALL GROUPS  
CAR WASH  
CLOTHING STORES, GENERAL  
CONSUMPTION ON PREMISES  
CONVENIENCE FOOD & BEVERAGE STORE  
DEPARTMENT STORE  
DRIVE-THRU FACILITY ACCESSORY TO ANY PERMITTED USE  
DRUGSTORE  
ENTRANCE GATES AND GATE HOUSES, in compliance with LDC Section 34-1772 (2) & (3) and only as specified on the MCP.  
ESSENTIAL SERVICE FACILITIES - GROUP I  
EXCAVATION: WATER RETENTION ONLY  
FOOD STORE - GROUPS I & II  
FREIGHT AND CARGO HANDLING ESTABLISHMENTS  
HARDWARE STORE  
HOBBY, TOY AND GAME SHOPS  
HOUSEHOLD AND OFFICE FURNISHINGS, ALL GROUPS.  
INSURANCE COMPANIES  
LAUNDRY OR DRY CLEANING, GROUP I  
LAWN AND GARDEN SUPPLY STORES  
MEDICAL OFFICES  
MINI-WAREHOUSE  
MUSIC STORE  
NON-STORE RETAILERS - ALL GROUPS  
PACKAGE STORE  
PAINT, GLASS AND WALLPAPER STORE  
PERSONAL SERVICES, GROUP I  
PET SERVICES  
PET SHOP  
PHARMACY  
PRINTING AND PUBLISHING  
REAL ESTATE SALES OFFICE  
RECREATION FACILITIES, COMMERCIAL GROUP II ONLY  
RESTAURANT, FAST FOOD  
RESTAURANTS, ALL GROUPS  
SELF-SERVICE FUEL PUMPS (ANCILLARY TO A PERMITTED USE)  
SIGNS, in compliance with all regulations  
SPECIALTY RETAIL SHOPS - Groups I, II, III & IV  
STORAGE, INDOOR ONLY  
STUDIOS  
USED MERCHANDISE STORES; GROUPS I, II, & III  
VARIETY STORE



NOTE: PLANTINGS FOR SECTIONS C-C AND D-D SHALL CONSIST OF SABAL PALMS HAVING A CLEAR TRUNK HEIGHT OF 10 TO 16 FEET ON 10 FOOT CENTERS WITH A 3 GALLON SIZE COCCOPLUM HEDGE ON 36 INCH CENTERS.

EXHIBIT B

**RECEIVED**  
APR 16 2008  
**PERMIT COUNTER**



## LEGAL DESCRIPTION

A PORTION OF SECTIONS 17 AND 20, TOWNSHIP 46 SOUTH, RANGE 25 EAST, LEE COUNTY, FLORIDA, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGIN AT THE NORTHWEST CORNER OF THE NORTHWEST QUARTER OF SAID SECTION 20, THE SAME BEING THE NORTHWEST CORNER OF LOT 1, SAN CARLOS GROVE TRACT, ACCORDING TO THE PLAT THEREOF RECORDED IN PLAT BOOK 4 AT PAGE 75 OF THE PUBLIC RECORDS OF SAID LEE COUNTY; THENCE N.87°32'10"E, ALONG THE NORTH LINE OF SAID NORTHWEST QUARTER AND THE NORTH LINE OF SAID LOT 1, A DISTANCE OF 1,608.13 FEET; THENCE N.53°07'22"E, A DISTANCE OF 439.16 FEET TO THE SOUTHWESTERLY RIGHT OF WAY LINE OF U.S. 41 - TAMAMI TRAIL (A 200 FOOT WIDE RIGHT OF WAY); THENCE S.36°54'21"E, ALONG SAID SOUTHWESTERLY RIGHT OF WAY LINE, A DISTANCE OF 367.89 FEET; THENCE S.53°07'22"W, A DISTANCE OF 282.00 FEET; THENCE S.36°53'40"E, A DISTANCE OF 166.13 FEET; THENCE N.87°32'16"E, A DISTANCE OF 95.49 FEET TO THE POINT OF CURVE OF A NON TANGENTIAL CURVE TO THE LEFT, HAVING A RADIUS OF 170.00 FEET, A CENTRAL ANGLE OF 34°26'19", A CHORD BEARING OF N.70°15'21"E, AND A CHORD LENGTH OF 100.65 FEET; THENCE ALONG THE ARC OF SAID CURVE AN ARC LENGTH OF 102.18 FEET; THENCE N.53°02'09"E, A DISTANCE OF 107.10 FEET TO SAID SOUTHWESTERLY RIGHT OF WAY LINE; THENCE S.36°54'21"E, ALONG SAID SOUTHWESTERLY RIGHT OF WAY LINE, A DISTANCE OF 315.76 FEET; THENCE S.87°31'48"W, A DISTANCE OF 2,512.52 FEET TO THE WESTERLY LINE OF SAID LOT 1; THENCE N.00°53'43"W, ALONG SAID WESTERLY LINE, A DISTANCE OF 521.92 FEET TO THE POINT OF BEGINNING. PARCEL CONTAINS 27.86 ACRES, MORE OR LESS.

BEARINGS SHOWN HEREON REFER TO SAN CARLOS GROVES TRACT, ACCORDING TO THE PLAT THEREOF RECORDED IN PLAT BOOK 4 AT PAGE 75 OF THE PUBLIC RECORDS OF LEE COUNTY, FLORIDA.

THIS PROPERTY IS SUBJECT TO EASEMENTS, RESTRICTIONS AND RESERVATIONS OF RECORD.

PREVIOUSLY APPROVED DEVIATIONS (RES. #99-015)  
DEVIATION (1) SEEKS RELIEF FROM THE LDC SECTION 10-416(D) REQUIREMENT TO PROVIDE A TYPE (C) OR (F) BUFFER FOR COMMERCIAL DEVELOPMENTS ADJUTING PROPERTY WITH MULTI-FAMILY RESIDENTIAL ZONING, TO PERMIT A 20-FOOT-WIDE STRIP OF LAND PLANTED WITH SIX TREES AND 30 SHRUBS PER 100 LINEAR FEET (NO WALL), APPROXIMATELY 440 FEET ALONG A PORTION OF THE NORTHERN PROPERTY LINE. THIS DEVIATION IS APPROVED WITH THE CONDITION THAT THE BUFFER TYPE MUST BE IN COMPLIANCE WITH CROSSSECTION A-A ON THE MCP. ALL OTHER PORTIONS OF THE NORTHERLY PROPERTY LINE MUST PROVIDE THE BUFFER IN COMPLIANCE WITH THE REGULATIONS IN EFFECT WHEN A DEVELOPMENT ORDER IS SOUGHT.

DEVIATION (2) SEEKS RELIEF FROM THE LDC SECTION 10-416(D) REQUIREMENT TO PROVIDE A TYPE (C) OR (F) BUFFER FOR COMMERCIAL DEVELOPMENTS ADJUTING PROPERTY WITH SINGLE-FAMILY RESIDENTIAL ZONING, TO PERMIT THE SOUTHERLY PROPERTY LINE BUFFER TO CONSIST OF 15-FOOT-WIDE STRIP OF LAND PLANTED WITH FIVE TREES AND 18 SHRUBS PER 100 LINEAR FEET WITH A 6-FOOT-HIGH MASONRY WALL (WITH ALL PLANTINGS ON THE RESIDENTIAL SIDE OF THE WALL) WHERE THE ADJUTING ZONING IS MH-2 (APPROXIMATELY 2,500 FEET IN LENGTH, LESS ANY WETLAND AREAS). THIS DEVIATION IS PARTIALLY APPROVED AS INDICATED BELOW:

IF AN AUTOMOBILE SERVICE STATION, AUTOMOBILE REPAIR AND SERVICES, CAR WASH, CONVENIENCE FOOD AND BEVERAGE STORE, OR RESTAURANTS-FAST FOOD, IS DEVELOPED ON OUTPARCEL #1, THEN THAT PORTION OF THE SOUTHERLY BUFFER (ALONG OUTPARCEL #1) MUST BE INCREASED TO A 30-FOOT-WIDE STRIP OF LAND PLANTED WITH SIX TREES AND 30 SHRUBS (WITH ALL PLANTINGS ON THE RESIDENTIAL SIDE OF THE WALL) PER 100 LINEAR FEET WITH A BERM OR A MASONRY WALL EIGHT FEET IN HEIGHT OR A COMBINATION OF A BERM AND WALL NO LESS THAN EIGHT FEET HIGH. THE CONSTRUCTION OF THIS BUFFER MUST BE AS FOLLOWS:

A. IF CONSTRUCTION IS BEGUN ON THE MULTI-USE COMPLEX, THE BUFFER MUST BE CONSTRUCTED AND IN PLACE PRIOR TO THE ISSUANCE OF A CERTIFICATE OF COMPLIANCE FOR THE COMPLEX. THE BUFFER FOR THE COMPLEX MUST EXTEND 25 FEET WEST OF THE WESTERN MOST BOUNDARY OF ANY LANDS INCLUDED IN A DEVELOPMENT ORDER FOR THE MULTI-USE COMPLEX. THIS CONDITION HELPS OFFSET THE PERIPHERAL EFFECT OF THE DEVELOPMENT; AND

B. THE BUFFER/WALL/BERM MUST BE IN PLACE PRIOR TO THE USE OF THE ESTERO RIVER BAY RPD CONSTRUCTION/ENTRANCE ROAD; AND

C. COMPLIANCE WITH CROSS-SECTION B-B IS REQUIRED, EXCEPT THAT A BERM OR A WALL EIGHT FEET IN HEIGHT OR A COMBINATION BERM AND WALL NOT LESS THAN EIGHT FEET IN HEIGHT IS REQUIRED PRIOR TO THE USE OF THE ESTERO RIVER BAY CONSTRUCTION/ENTRANCE ROAD.

DEVIATION (3) SEEKS RELIEF FROM THE LDC SECTION 10-416(D) REQUIREMENT TO PROVIDE AN 8-FOOT HIGH WALL WHEN A ROAD IS LOCATED LESS THAN 125 FEET FROM EXISTING RESIDENTIAL LOTS, TO ALLOW A 6-FOOT-HIGH WALL. THIS DEVIATION IS APPROVED WITH THE CONDITION THAT AN EIGHT FOOT WALL IS REQUIRED PRIOR TO THE USE OF THE ROAD AS THE ESTERO RIVER BAY CONSTRUCTION/ENTRANCE ROAD.

**APPROVED**  
Amendment to  
Master Concept Plan  
Subject to Case #ADD 2008-00037  
Date 4/24/2008

## REQUESTED DEVIATIONS

DEVIATION (4) SEEKS RELIEF FROM THE LDC SECTION 10-296, TABLE 3, ROW REQUIREMENT OF A 40-FT RIGHT OF WAY FOR A PRIVATE ROAD TO 30-FT TO PROVIDE ACCESS TO OUTPARCEL #3

DEVIATION (5) SEEKS RELIEF FROM THE LDC SECTION 10-296, TABLE 4, REQUIREMENT FOR A 24-FT TRAVEL LANE FOR A LOCAL PRIVATE ROAD TO 20-FT FOR THE ACCESS ROAD TO OUTPARCEL #3.

## BUILDING SUMMARY

(SINGLE STORY BUILDINGS, MAX. HGT. 45')

PHASE 1 TOTAL COMMERCIAL S.F.	94,800 S.F.
OUT PARCEL #1	11,200 S.F.
OUT PARCEL #2	5,500 S.F.
PHASE 2 TOTAL S.F.	
MINI-WAREHOUSE USES:	48,000 S.F.
(OUT PARCEL #3)	

## PROJECT SUMMARY

TOTAL S.F. LEASABLE AREA:	142,800 S.F.
MAXIMUM OFFICE/RETAIL USES:	94,800 S.F.
MINI-WAREHOUSE USES:	48,000 S.F.

## NOTE:

MAXIMUM OF 94,800 LEASABLE SQ. FT. ALLOTTED FOR RETAIL OR OFFICE (MEDICAL OR NON-MEDICAL) USES. AREA FOR OFFICE INCLUDED IN MAXIMUM RETAIL AREA.

NOTE:  
BASE PLAN FROM  
VANASSE DAYLOR  
APRIL, 2003

## LEGEND

				DESIGNED BY:	MJD
				DRAWN BY:	CS
				APPROVED:	MJD
				JOB CODE:	GBLS
1	4/08	REVISED DEVIATIONS		MJD	SCALE:
Revision	Date	Description		By	1" = 100'

**Q. GRADY MINOR & ASSOCIATES, P.A.**  
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San Carlos Park Center

Master Concept Plan  
Amendment #4

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MUNICIPALITY:  
LEE COUNTY  
SEC/TOWNSHIP/RNG:  
17 & 20/46/25  
DATE:  
February 2008  
FILE NAME:  
GBLS AMENDMENT  
SHEET 1 OF 1