ADMINISTRATIVE APPROVAL (LS) ADD2010-00079

ADMINISTRATIVE APPROVAL LEE COUNTY, FLORIDA

WHEREAS, Florida SE, Inc. filed an application for administrative approval to a Mixed Use Planned Development (MPD) on a project known as Coconut Point MPD to:

- 1) Approve a commercial lot split from Tract 2B, to create Lot #8 with administrative relief from the following Lee County Land Development Code (LDC) requirements:
 - a) Section 10-416(d)(3) which requires a Type "A" buffer between two commercial uses to allow for no additional buffering between the proposed parcels and their associated uses;
 - b) Section 10-260(a) which requires off-street parking for at projects comply with the off-street parking requirements specified in chapter 34 to allow the required parking to be located off-site;
 - c) Section 34-2014 which requires a parking plan be submitted for review and approval in accordance with chapter 10 that accurately designates the required parking spaces, parking aisles are parking for entrance, as well as the relation of the off-street parking facilities to the uses or structures such facilities are designed to serve to allow the required parking to be located off-site; and
 - d) Section 34-2015(1) which requires parking spaces be provided on the same premises and within the same or similar type zoning district as the use they serve to allow the required parking to be located off-site.
- Allow deviation from the property development regulations established by Zoning Resolution 202 009 and as subsequently amended by ADD2004-00060(C) and ADD2004-00187(A) to allow:
 - a) A decrease in minimum required lot width from 100 feet to 68.83 feet;
 - b) A decrease in minimum required lot area from 20,000 square feet to 18,801 square feet;
 - c) An increase in minimum lot coverage from 40 percent to 40.3 percent;
 - d) A decrease in minimum front (street) setback from 25 feet to 15.64 feet;
 - e) A decrease in minimum side setback from 10 feet to 0:79 feet;
 - f) A decrease in minimum rear setback from 25 feet to 4.18 feet; and
 - g) A decrease in minimum waterbody setback from 25 feet to 7.81 feet.

3) Revise the Bulkhead Details exhibit approved under ADD2004-00060 to replace a portion of rock retaining wall in order to install an elevated walkway on the west side of the proposed building.

WHEREAS, the property, proposed Lot #8, is located at Coconut Point, Tract 2B, identified as the Community Center on the Master Concept Plan (MCP), described more particularly as:

LEGAL DESCRIPTION: In Section 04, Township 47 South, Range 25 East, Lee County, Florida:

See attached Exhibit A.

WHEREAS, the applicant has indicated the property's current STRAP numbers are 04-47-25-36-00001.02CE and 04-47-25-36-000SE.0010; and

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

WHEREAS, the property is zoned MPD by case Number X-02-009 and subsequently amended in resolution number Z-04-079 and case numbers ADD2004-00048, ADD2004-00060(A),(B)&(C), ADD2004-00206, ADD2004-00187, ADD2005-00011, ADD2005-00026, ADD2005-00080, ADD2005-00122, ADD2003-00177, ADD2005-00233, ADD2006-00024, ADD2006-00168, ADD2006-00229, ADD2007-0028, ADD2007-00087, ADD2007-00184, ADD2008-00043, ADD2008-00054, ADD2006-0092, ADD2009-00032, and DRI2009-00001; and

WHEREAS, the subject property is a vacant 18,801 square foot parcel within an overall 482.4 acre MPD and bevelopment of Regional Impact that is developed with a mixture of residential and commercial uses; and

WHEREAS, He applicant desires to split the proposed Lot #8 from Tract 2B, a 50.87 acre parcel (see Master Development Plan, Attachment A); and

WHEREAS, the development of Phase I - Community Center (Tract 2B) was approved by development order DOS2004-00135 with a 10,074 square foot restaurant in the location of the proposed Lot #8; and

WHEREAS, the applicant is proposing to develop a restaurant with a 7,573 square foot footprint on the proposed Lot #8 (see Lot Split Plan, attachment B); and

WHEREAS, the applicant is requesting deviations from buffer and parking requirements to allow no additional buffering between the proposed parcels and their associated uses and to allow the required parking to be located off-site; and

WHEREAS, development order DOS2004-00135 approved buffers and parking for all of Tract 2B, including the proposed Lot #8 (with a 10,074 square foot restaurant); and

WHEREAS, installing buffers on the proposed Lot #8 in accordance with LDC Section 10-416(d)(3) will potentially impede pedestrian access to the proposed building; and

WHEREAS, Zoning Resolution Z-02-009, as subsequently amended by ADD2004-00060(C) and ADD2004-00187(A) established property development regulations applicable to the development of the proposed Lot #8; and

WHEREAS, the proposed Lot #8 will not comply with the lot dimensions (width and area) and the proposed restaurant building will not comply with the setback and lot coverage requirements established Z-02-009 and its subsequent amendments; and

WHEREAS, the proposed Lot #8 is a 18,801 square foot irregularly shaped parcel - the area and dimensions are determined by existing common detention areas, access way and lake; and

WHEREAS, the proposed restaurant building on Lot #8 has a smaller area then the building approved by DOS2004-00135 which complied with the minimum property development regulations since it was considered a part of the overall lot platted as Tract SC-1 (Instrument #2006000409925); and

WHEREAS, the applicant is requesting to revise the Bulkhead Details exhibit approved under ADD2004-00060 to replace a portion of receivetailing wall in order to install an elevated walkway on the west side of the proposed building as depicted on the Lake Shops Plan stamped RECEIVED OCTOBER 19, 2020 COMMUNITY DEVELOPMENT (see Attachment C); and

WHEREAS, the replacement of the rock retaining wall and installation of an elevated walkway will allow the pedestrial walkway across the lake to connect to an existing walkway on the south side of the proposed Lot #8; and

WHEREAS the plan approved by ADD2004-00060 included 28.3% of the lake in bulkhead and the revised plan now includes 8.5% bulkhead; 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, Lee County Land Development Code Section 34-2221 provides for administrative relief from the non-compliance of the individual lots with property development regulations in the LDC for matters involving setbacks, lot width, depth, area requirements, height limitations, open space requirements, parking requirements and other similar relief, provided that the overall development complies with all other applicable zoning requirements; and

WHEREAS, an application for administrative relief has been filed pursuant to Lee County Land Development Code Section 34-2221; and

WHEREAS, the following findings of fact are offered:

- A. The relief will not alter the general appearance and character of the community.
- B. The relief will not be injurious to the area involved or otherwise detrimental to the public health, safety or welfare.
- C. The proposed subdivision of the site will not create an adverse impact on the overall development.
- D. The relief will not reduce or eliminate the requirements of the Lee County Land Development Code, wherein the resulting lots are developed as a single entity.
- E. The relief is not to be construed as providing relief from any development regulations not specifically listed and approved.

WHEREAS, the LDC provides for certain administrative changes to planned development master concept plans; and

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

NOW, THEREFORE, IT SHERBY DETERMINED that the following requests are approved, with conditions:

- 1) A commercial or split from Tract 2B, to create Lot #8 with administrative relief from:
 - a) (190 Section 10-416(d)(3) which requires a Type "A" buffer between two commercial uses to allow for no additional buffering between the proposed parcels and their associated uses;
 - b) LDC Section 10-260(a) which requires off-street parking for all projects comply with the off-street parking requirements specified in chapter 34 to allow the required parking to be located off-site;
 - c) LDC Section 34-2014 which requires a parking plan be submitted for review and approval in accordance with chapter 10 that accurately designates the required parking spaces, parking aisles and parking lot entrance, as well as the relation of the off-street parking facilities to the uses or structures such facilities are designed to serve to allow the required parking to be located off-site; and
 - d) LDC Section 34-2015(1) which requires parking spaces be provided on the same premises and within the same or similar type zoning district as the use they serve to allow the required parking to be located off-site.

- 2) Deviations from the property development regulations established by Zoning Resolution Z-02-009 and as subsequently amended by ADD2004-00060(C) and ADD2004-00187(A) to allow:
 - a) A decrease in minimum required lot width from 100 feet to 68.83 feet;
 - b) A decrease in minimum required lot area from 20,000 square feet to 18,801 square feet;
 - c) An increase in minimum lot coverage from 40 percent to 40.3 percent;
 - d) A decrease in minimum front (street) setback from 25 feet to 15.64 feet;
 - e) A decrease in minimum side setback from 10 feet to 0.79 feet;
 - f) A decrease in minimum rear setback from 25 feet to 4 18 feet; and
 - g) A decrease in minimum waterbody setback from 5 feet to 7.81 feet.
- 3) Revision to the Bulkhead Details exhibit approved under ADD2004-00060 to replace a portion of rock retaining wall in order to install an elevated walkway on the west side of the proposed building.

Approval is subject to the following conditions:

- 1. Approval is limited to an development must be in substantial compliance with, the Master Development Rlan, Lot Split Plan and Lake Shops Plan stamped RECEIVED OCT 92010 COMMUNITY DEVELOPMENT (see Attachments A C).
- 2. Prior to approval of any Development Order for the proposed Lot #8:
 - a. The development order plans must depict a revised open space tracking
 - b. Compliance with applicable provisions of the LDC must be demonstrated; and
 - c. A subdivision re-plat must be submitted to Development Services for review and approval. Prior to approval of any building permit for the proposed Lot #8, the subdivision re-plat must be recorded.
- 3. The Bulkhead Details exhibit approved by ADD2004-00060 is replaced in full by the Lake Shops Plan stamped RECEIVED OCT 19 2010 COMMUNITY DEVELOPMENT (see Attachment C).
- 4. The terms and conditions of the original zoning resolution and as subsequently amended remain in full force and effect.

DULY PASSED AND ADOPTED this gth day of My ember A.D., 2010.

Pam Houck, Director

Division of Zoning

Department of Community Development

Attachments:

A - Master Development Plan

B - Lot Split Plan

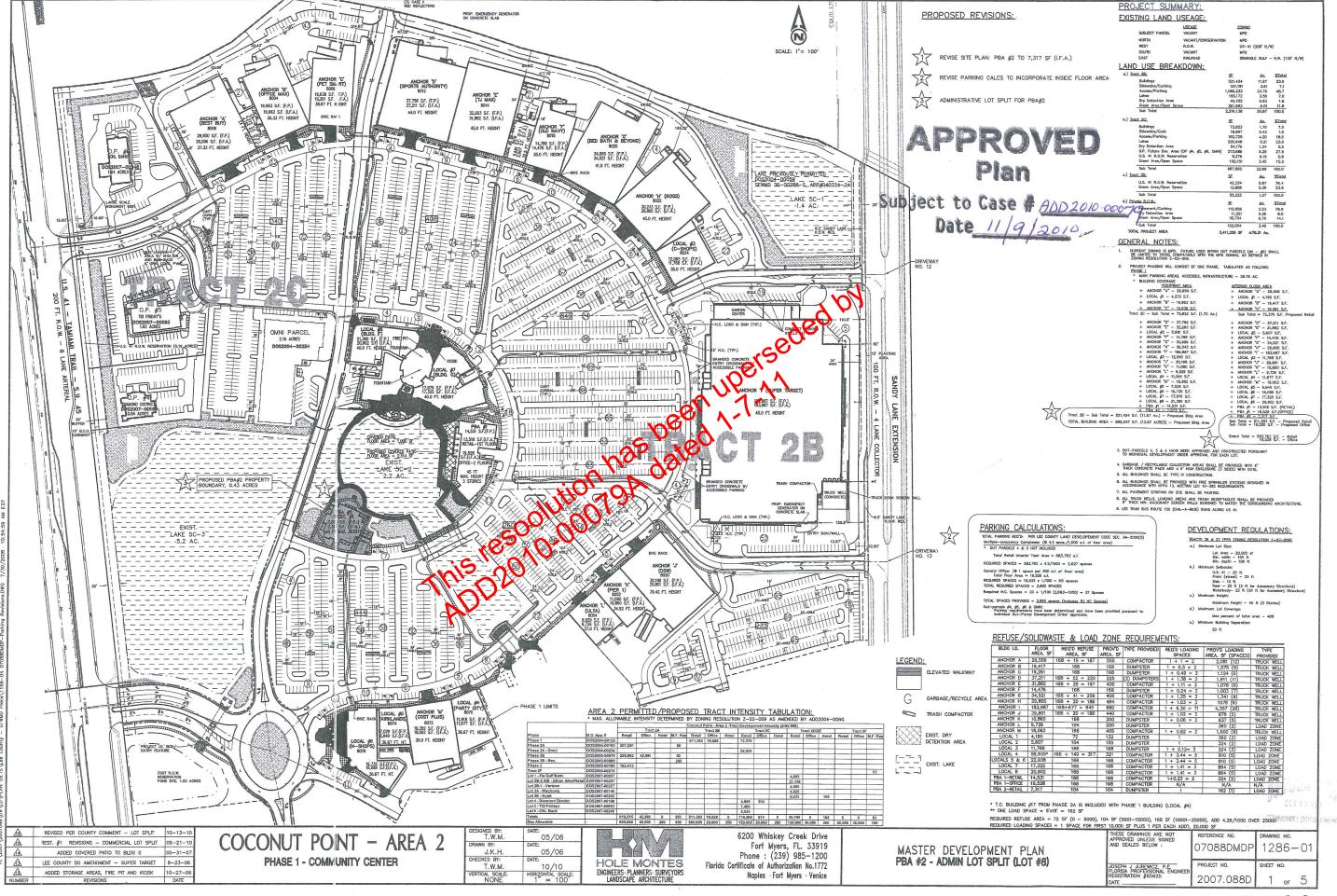
C - Lake Shops Plan

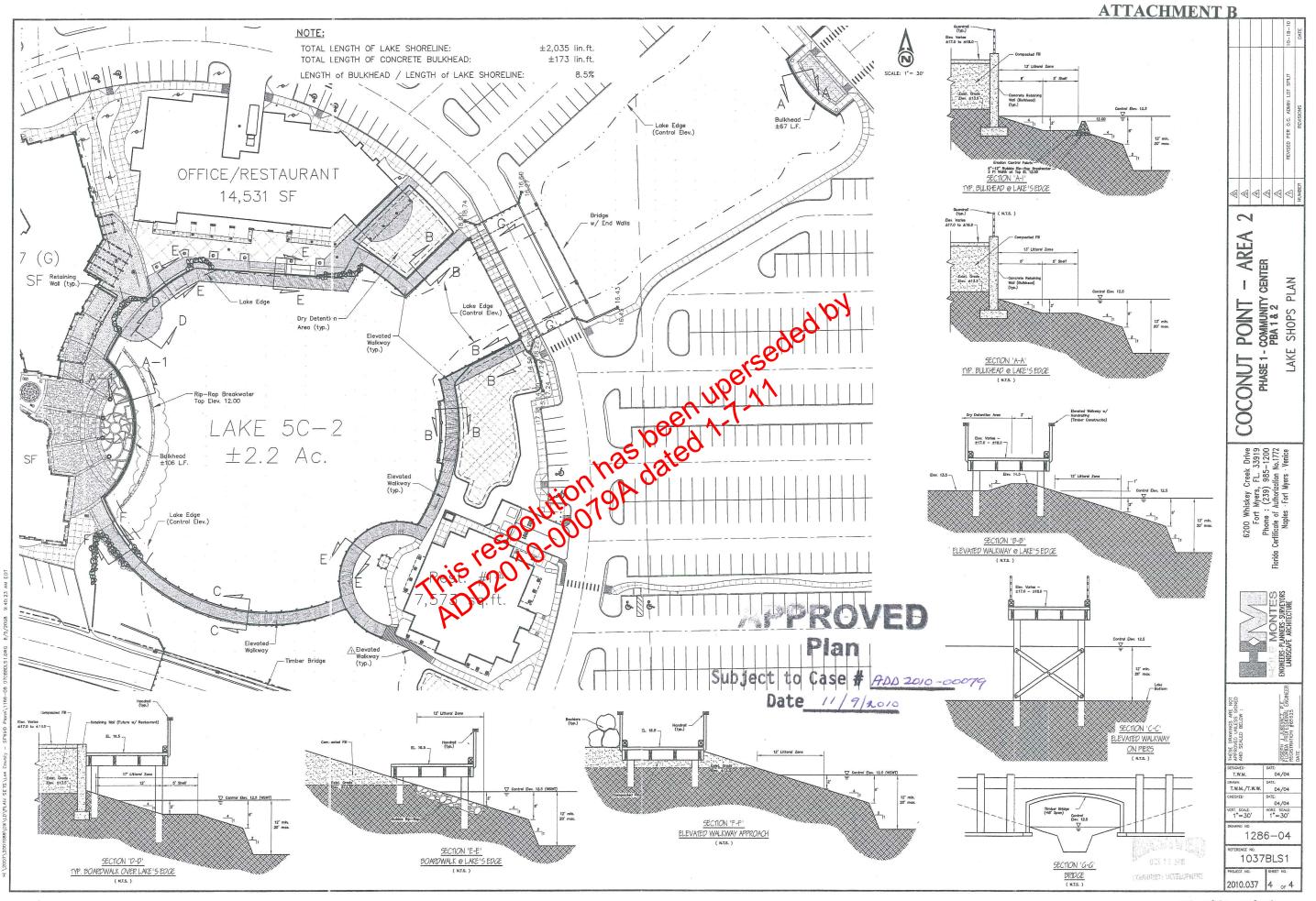
Exhibits:

A - Legal description

This resolution has been uperseded by ADD 2010.000 TO A dated 1.7.11

ATTACHMENT A





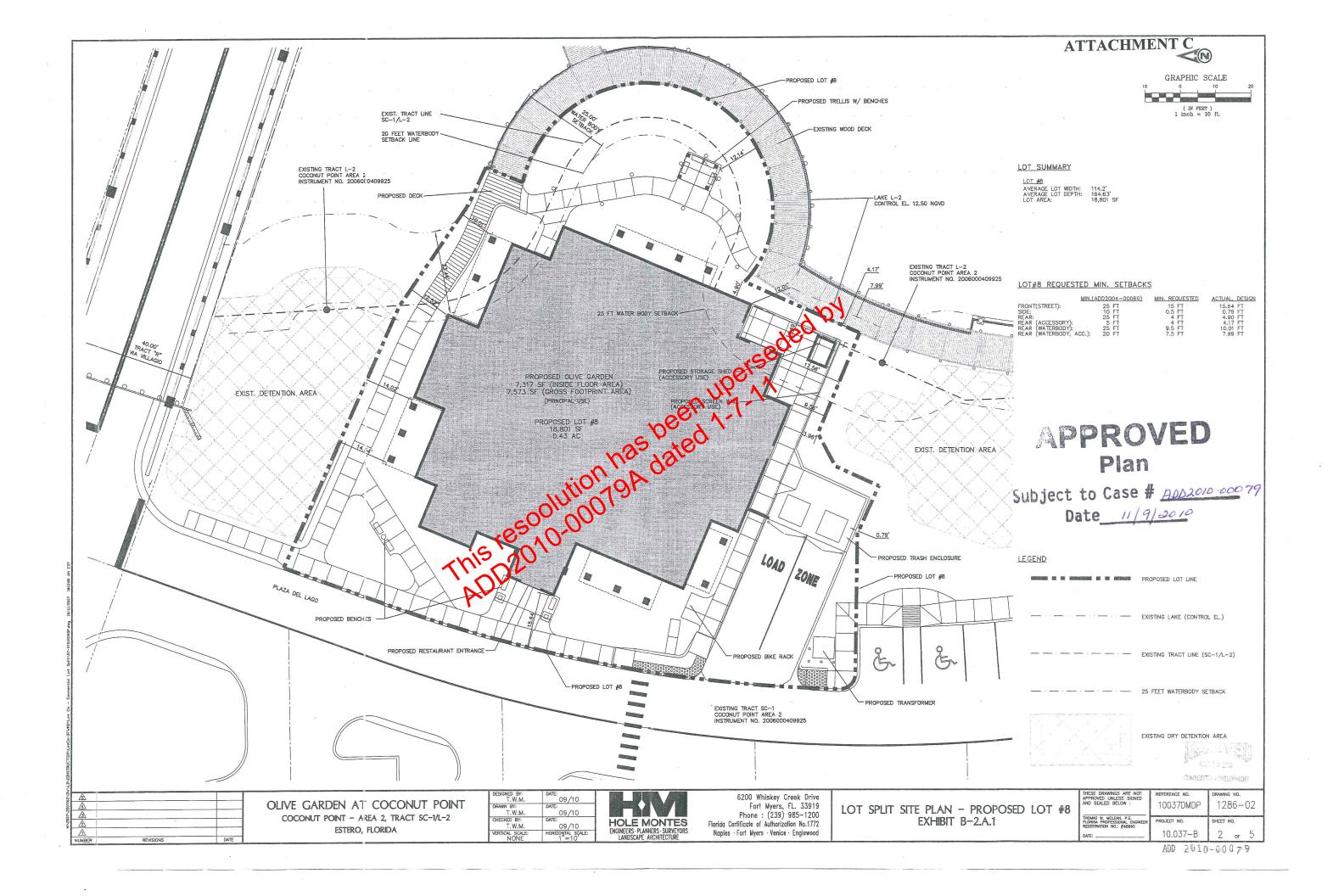


EXHIBIT A



950 Encore Way • Naples, Florida 34110 • Phone: 239.254.2000 • Fax: 239.254.2075

HM PROJECT #2010037 9/27/2010 REF. DWG. #A-2118 Page 1 of 1

LEGAL DESCRIPTION:

A PARCEL OF LAND LOCATED IN A PORTION OF TRACT "L-2" AND TRACT "SC-1", COCONUT POINT AREA 2, AS RECORDED AS INSTRUMENT NUMBER 2006000409925 OF THE PUBLIC RECORDS OF LEE COUNTY, FLORIDA; BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCE AT THE SOUTHWEST CORNER OF TRACT "L-2", COCONUT POINT AREA 2, AS RECORDED AS INSTRUMENT NUMBER 2006000409925 OF THE PUBLIC RECORDS OF LEE COUNTY, FLORIDA, THE SAME BEING A POINT ON A CIRCULAR CURVE CONCAVE NORTHWESTERLY, WHOSE RADIUS POINT BEARS N.71°00′01"W. THEREFROM; THENCE RUN SOUTHERLY, ALONG THE ARC OF SAID QUANT TO THE RIGHT, HAVING A RADIUS OF 5725.93 FEET, THROUGH A CENTRAL ANGLE OF 00°336°0.

SUBTENDED BY A CHORD OF 59.67 FEET AT A BEARING OF S.19°17'54"W., FOR A DISTANCE OF 59.67 FEET TO THE END OF SAID CURVE; THENCE RUN S.70°14"47"E., FOR A DISTANCE OF 30.17 FEET TO THE POINT OF BEGINNING OF THE PARCEL OF LAND HEREIN DESCRIBED; THENCEGE, Wh. 23°57'04"E., FOR A DISTANCE OF 30.33 FEET, THENCE RUN N.34°34"3"E., FOR A DISTANCE OF 30.13 FEET TO THE BEGINNING OF A TANGENTIAL CIRCULAR CURVE, CONCAVE NORTHWEST N.72.7, THENCE RUN NORTHEASTERLY, ALONG THE ARC OF SAID CURVE TO THE LEFT., NOTING A TANGENTIAL SHEET TO THE SEGINNING OF A DISTANCE OF 30°14"4", SUBTENDED BY A CHORN TO A TANGENTIAL ANGLE OF 9°48'14", SUBTENDED BY A CHORN TO A TANGENT A BEARING OF N.29°40'30"E., FOR A DISTANCE OF 10.13 FEET; THENCE RUN S.67°20'46'15", OR A DISTANCE OF 10.13 FEET; THENCE RUN S.67°20'46'15", OR A DISTANCE OF 11.07 FEET TO A POINT ON A CIRCULAR CURVE, CONCAVE SOUTHER LY, MOSS RADIUS POINT BEARS S.77°05'06"E., THEREFROM, THENCE RUN EASTERLY, ALONG THE ARC OF SAID CURVE TO THE RIGHT, HAVING A RADIUS OF 35.87 FEET, THROUGH A CENTRAL ANGLE OF 30°29'25".

THEREFROM, THENCE RUN EASTERLY, ALONG THE ARC OF SAID CURVE TO THE RIGHT, HAVING A RADIUS OF 35.87 FEET, THROUGH A CENTRALA TO A POINT OF COMPOUND CURVE CONCAVE NORTHWESTERLY, THENCE RUN S.68°03'01"E., FOR A DISTANCE OF 5.78° 10'54"E., FOR A DISTANCE OF 5.79° 10'54"E., FOR A DISTANCE OF 5.79° 10'54"E., FOR A DISTANCE OF 5.70° 10'54

BEARINGS SHOWN HERE ON REFER TO THE SOUTH LINE OF TRACT "L-2", COCONUT POINT AREA 2, AS RECORDED AS INSTRUMENT NUMBER 2006000409925 OF THE PUBLIC RECORDS OF LEE COUNTY, FLORIDA AS BEING S.87°14'32"W.

HOLE MONTES, INC.

CERTIFICATE OF AUTHORIZATION LB #1772

THOMAS M. MURPHY

POY SULVOYOR

LEGAL 6 30-16

P.S.M. #5628

STATE OF FLORIDA

KECELY ED

COMMUNITY DEVELOPMENT

ADD 2010-00079

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