

ADMINISTRATIVE APPROVAL (LS) ADD2010-00079(A)

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 all 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 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) 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) Allow deviation 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 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 application for administrative approval was approved with conditions by ADD2010-00079 on November 9, 2010; and

WHEREAS, ADD2010-00079(A) is necessary in order to amend Condition 3 of ADD2010-00079 and to correct the Attachment labels; and

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 Community Future Land Use Category as designated by the Lee Plan; and

WHEREAS, the property is zoned MPD by case number Z-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, ADD2005-00177, ADD2005-00233, ADD2006-00024, ADD2006-00168, ADD2006-00229, ADD2007-00028, ADD2007-00087, ADD2007-00184, ADD2008-00043, ADD2008-00054, ADD2008-00092, 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 Development of Regional Impact that is developed with a mixture of residential and commercial uses; and

WHEREAS, the 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 rock retaining 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, 2010 COMMUNITY DEVELOPMENT (see Attachment C); and

WHEREAS, the replacement of the rock retaining wall and installation of an elevated walkway will allow the pedestrian 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 buffers or 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 IS HEREBY DETERMINED that the following requests are approved, with conditions:

- 1) A commercial lot split from Tract 2B, to create Lot #8 with administrative relief from:
 - a) LDC 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 25 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, and development must be in substantial compliance with, the Master Development Plan, Lot Split Plan and Lake Shops Plan stamped RECEIVED OCT 19 2010 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 table;**
 - 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 (not including the Bulkhead Planting 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 except that ADD2010-00079 is superceded by ADD2010-00079(A).

DULY PASSED AND ADOPTED this 7th day of January, A.D., 2011.

BY: _____

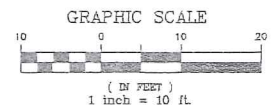

Pam Houck, Director
Division of Zoning
Department of Community Development

Attachments:

- A - Master Development Plan
- B - Lot Split Plan
- C - Lake Shops Plan

Exhibits:

- A - Legal description



LOT #8
 AVERAGE LOT WIDTH: 114.2'
 AVERAGE LOT DEPTH: 164.63'
 LOT AREA: 18,801 SF

	<u>MIN. (ADD 2004 - 00050)</u>	<u>MIN. REQUESTED</u>	<u>ACTUAL DESIGN</u>
FRONT (STREET):	25 FT	15 FT	15.54 FT
SIDE:	10 FT	0.5 FT	0.79 FT
REAR:	25 FT	4 FT	4.90 FT
REAR (ACCESSORY):	5 FT	4 FT	4.17 FT
REAR (WATERBODY):	25 FT	9.5 FT	10.01 FT
REAR (WATERBODY, ACC.):	20 FT	7.5 FT	7.99 FT

Subject to Case # ADD 2010-00079(A)
Date 1/7/2011

PROPOSED LOT LINE






EXISTING LAKE (CONTROL EL.)

EXISTING TRACT LINE (SC-1/L-2)

25 FEET WATERBODY SETBACK

EXISTING DRY DETENTION AREA

CONCEPT DEVELOPMENT

10-2007-00008-01-01			
			
			
			
			
	NUMBER	REVISIONS	DATE

OLIVE GARDEN AT COCONUT POINT
COCONUT POINT - AREA 2, TRACT SC-1/L-2
ESTERO, FLORIDA

DESIGNED BY: T.W.M.	DATE: 09/10
DRAWN BY: T.W.M.	DATE: 09/10
CHECKED BY: T.W.M.	DATE: 09/10
VERTICAL SCALE: NONE	HORIZONTAL SCALE: 1"=10'



6200 Whiskey Creek Drive
Fort Myers, FL 33919
Phone : (239) 985-1200
Florida Certificate of Authorization No.1772
Naples - Fort Myers - Venice - Englewood

LOT SPLIT SITE PLAN - PROPOSED LOT #8
EXHIBIT B-2.A.1

THESE DRAWINGS ARE NOT APPROVED UNLESS SIGNED AND SEALED BELOW :	REFERENCE NO. 10037DMDP	DRAWING NO. 1286-02
THOMAS W. MCLEAN, P.E. FLORIDA PROFESSIONAL ENGINEER REGISTRATION NO. #48850	PROJECT NO. 10.037-B	SHEET NO. 2 OF 5
DATE: _____		

ADD 2610-00079

2007/200712/25/13/CONSTRUCTION/LesCo-SFVH/ALesCo - Commercial Lot Split/W7-07010707/25q 10/11/2007 10:12:09 AM EDT

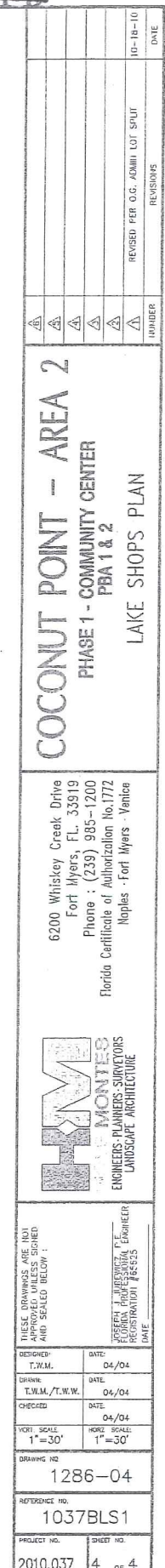


EXHIBIT A



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 CURVE TO THE RIGHT, HAVING A RADIUS OF 5725.93 FEET, THROUGH A CENTRAL ANGLE OF 00°35'50", 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 43.17 FEET TO THE POINT OF BEGINNING OF THE PARCEL OF LAND HEREIN DESCRIBED; THENCE RUN N.23°57'04"E., FOR A DISTANCE OF 80.38 FEET; THENCE RUN N.34°34'37"E., FOR A DISTANCE OF 33.43 FEET TO THE BEGINNING OF A TANGENTIAL CIRCULAR CURVE, CONCAVE NORTHWESTERLY; THENCE RUN NORTHEASTERLY, ALONG THE ARC OF SAID CURVE TO THE LEFT, HAVING A RADIUS OF 15.89 FEET, THROUGH A CENTRAL ANGLE OF 9°48'14", SUBTENDED BY A CHORD OF 2.72 FEET AT A BEARING OF N.29°40'30"E., FOR A DISTANCE OF 2.72 FEET TO THE END OF SAID CURVE; THENCE RUN N.24°46'23"E., FOR A DISTANCE OF 10.13 FEET; THENCE RUN S.67°20'46"E., FOR A DISTANCE OF 11.07 FEET TO A POINT ON A CIRCULAR CURVE, CONCAVE SOUTHERLY, WHOSE RADIUS POINT BEARS S.77°05'05"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 177°48'23", SUBTENDED BY A CHORD OF 71.72 FEET AT A BEARING OF S.78°10'54"E., FOR A DISTANCE OF 111.31 FEET TO A POINT OF COMPOUND CURVE CONCAVE NORTHWESTERLY; THENCE RUN SOUTHWESTERLY, ALONG THE ARC OF SAID CURVE TO THE RIGHT, HAVING A RADIUS OF 29.42 FEET, THROUGH A CENTRAL ANGLE OF 30°29'23", SUBTENDED BY A CHORD OF 15.47 FEET AT A BEARING OF S.28°43'59"W., FOR A DISTANCE OF 15.66 FEET TO THE END OF SAID CURVE; THENCE RUN S.66°03'01"E., FOR A DISTANCE OF 35.71 FEET; THENCE RUN S.22°39'14"W., FOR A DISTANCE OF 30.62 FEET; THENCE RUN S.28°00'19"E., FOR A DISTANCE OF 10.48 FEET; THENCE RUN S.65°40'15"E., FOR A DISTANCE OF 13.53 FEET; THENCE RUN S.23°57'05"W., FOR A DISTANCE OF 14.77 FEET; THENCE RUN S.00°39'40"W., FOR A DISTANCE OF 39.24 FEET, TO THE BEGINNING OF A TANGENTIAL CIRCULAR CURVE, CONCAVE NORTHERLY; THENCE RUN SOUTHWESTERLY, ALONG THE ARC OF SAID CURVE TO THE RIGHT, HAVING A RADIUS OF 4.33 FEET, THROUGH A CENTRAL ANGLE OF 90°42'56", SUBTENDED BY A CHORD OF 6.17 FEET AT A BEARING OF S.46°01'08"W., FOR A DISTANCE OF 6.86 FEET TO A POINT OF COMPOUND CURVE CONCAVE NORTHERLY; THENCE RUN WESTERLY, ALONG THE ARC OF SAID CURVE TO THE RIGHT, HAVING A RADIUS OF 404.66 FEET, THROUGH A CENTRAL ANGLE OF 18°22'37", SUBTENDED BY A CHORD OF 129.23 FEET AT A BEARING OF N.79°26'05"W., FOR A DISTANCE OF 129.79 FEET TO THE END OF SAID CURVE; THENCE RUN N.70°14'47"W., FOR A DISTANCE OF 32.23 FEET TO THE POINT OF BEGINNING; CONTAINING 0.432 ACRE, MORE OR LESS.

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

BY Thomas M. Murphy
THOMAS M. MURPHY

APPROVED
LEGAL 68
9-30-10

P.S.M. #5628
STATE OF FLORIDA

RECEIVED

SEP 28 2010

COMMUNITY DEVELOPMENT

ADD 2010-00079

SCHEDULED

TOTAL LENGTH OF LAKE SHORELINE:	±2,035 lin.ft.
TOTAL LENGTH OF CONCRETE BULKHEAD:	±173 lin.ft.
LENGTH of BULKHEAD / LENGTH of LAKE SHORELINE:	8.5%

LAKE 5C-2
±2.2 Ac.

Rest. #1 ^Δ
7,573 sq.ft.

— Lake Edge
(Control Elev.)

Bridge
w/ End Walls

Bulkhead
±67 L.F.

SCALE: 1" = 30'

TYP. BULKHEAD @ LAKE'S EDGE

SECTION 'A-A'
TYP. BULKHEAD @ LAKE'S EDGE
(N.T.S.)

SECTION 'B-B'
ELEVATED WALKWAY @ LAKE'S EDGE
(N.T.S.)

SECTION 'C-C'
ELEVATED WALKWAY
ON PIERS
(N.T.S.)

SECTION 'G-G'
BRIDGE
(N.T.S.)

APPROVED
Plan

Subject to Case # ADD2010-00079(A)
Date 1/7/2011

COMMUNITY DEVELOPMENT

COCONUT POINT - AREA 2
PHASE 1 - COMMUNITY CENTER
PBA 1 & 2

LAKE SHOPS PLAN

6200 Whiskey Creek Drive
Fort Myers, FL. 33919
Phone : (239) 985-1200
Florida Certificate of Authorization No.1772
Naples · Fort Myers · Venice

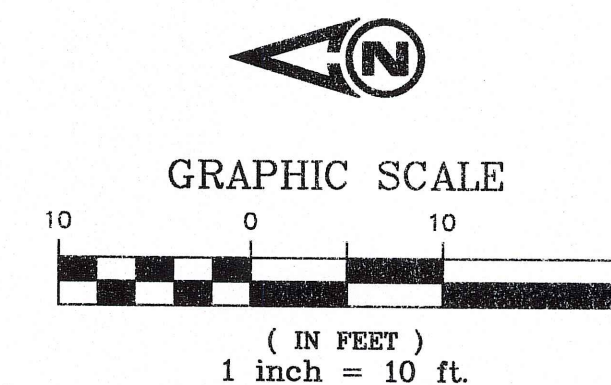
FRANCOIS MONTES
ENGINEERS · PLANNERS · SURVEYORS
LANDSCAPE ARCHITECTURE

JOSEPH J. JUREWICZ, P.E.
FLORIDA PROFESSIONAL ENGINEER
REGISTRATION #65625
DATE _____

DESIGNED: T.W.M.	DATE: 04/04
DRAWN: T.W.M./T.W.W.	DATE: 04/04
CHECKED:	DATE: 04/04
VERT. SCALE: 1" = 30'	HORIZ. SCALE: 1" = 30'
DRAWING NO. 1286-04	
REFERENCE NO. 1037BLS1	
PROJECT NO. 2010.037	SHEET NO. 4 OF 4

h:\2007\2007088\DW\LD\PLAN SETS\Lee County - SFWMD Plans\1166-08 07088DLS.DWG 8/5/2008 9:40:23 AM EDT

ADD 2010-00079



LOT SUMMARY

LOT #8
AVERAGE LOT WIDTH: 114.2'
AVERAGE LOT DEPTH: 164.63'
LOT AREA: 18,801 SF

LOT#8 REQUESTED MIN. SETBACKS

	MIN.(ADD2004-00060)	MIN. REQUESTED	ACTUAL DESIGN
FRONT(STREET):	25 FT	15 FT	15.64 FT
SIDE:	10 FT	0.5 FT	0.79 FT
REAR:	25 FT	4 FT	4.90 FT
REAR (ACCESSORY):	5 FT	4 FT	4.17 FT
REAR (WATERBODY):	25 FT	9.5 FT	10.01 FT
REAR (WATERBODY, ACC.):	20 FT	7.5 FT	7.99 FT

APPROVED Plan

Subject to Case # ADD 2010-00079(A)
Date 1/7/2011

LEGEND

- PROPOSED LOT LINE
- EXISTING LAKE (CONTROL EL.)
- EXISTING TRACT LINE (SC-1/L-2)
- 25 FEET WATERBODY SETBACK

EXISTING DRY DETENTION AREA

RECEIVED
OCT 13 2010
COMMUNITY DEVELOPMENT

OLIVE GARDEN AT COCONUT POINT
COCONUT POINT - AREA 2, TRACT SC-1/L-2
ESTERO, FLORIDA

DESIGNED BY: T.W.M. DATE: 09/10
DRAWN BY: T.W.M. DATE: 09/10
CHECKED BY: T.W.M. DATE: 09/10
VERTICAL SCALE: NONE HORIZONTAL SCALE: 1"=10'

H M
HOLE MONTES
ENGINEERS-PLANNERS-SURVEYORS
LANDSCAPE ARCHITECTURE

6200 Whiskey Creek Drive
Fort Myers, FL. 33919
Phone : (239) 985-1200
Florida Certificate of Authorization No.1772
Naples · Fort Myers · Venice · Englewood

LOT SPLIT SITE PLAN - PROPOSED LOT #8
EXHIBIT B-2.A.1

THESE DRAWINGS ARE NOT
APPROVED UNLESS SIGNED
AND SEALED BELOW :
THOMAS W. MCLEAN, P.E.
FLORIDA PROFESSIONAL ENGINEER
REGISTRATION NO.: #48890
DATE: _____

REFERENCE NO.	DRAWING NO.
10037DMDP	1286-02
PROJECT NO.	SHEET NO.
10.037-B	2 OF 5

ADD 2010-00079

