# ADMINISTRATIVE AMENDMENT
# LEE COUNTY, FLORIDA

WHEREAS, Alico Lakes Commons LLC filed an application for administrative approval to a Commercial Planned Development on a project known as The Alico Lakes Commons CPD to amend the schedule of uses to include up to 7,500 square feet of medical offices on property located at 17595 S Tamiami Trail, described more particularly as:

LEGAL DESCRIPTION: In Section 07, Township 46 South, Range 25 East, Lee County, Florida:

EXHIBIT "A"

WHEREAS, the property was originally rezoned to CPD in Resolution number Z-87-179; and

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

WHEREAS, the site is developed with a single two story office building consisting of 23,696 square feet of gross floor area and 95 parking spaces, and

WHEREAS, The number of existing parking spaces is adequate to allow for 7,500 square feet of the building to be used for medical offices; and

WHEREAS, Lee County Development Services Division reviewed the request and indicated that changes in the traffic count will not negatively impact any road segments within the area; and

WHEREAS, the proposed use will have not negatively impact the surrounding properties, 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 an amendment to Commercial Planned Development is **APPROVED subject to the following conditions:**

1. **The Master Concept Plan, terms and conditions of the original zoning resolution remain in full force and effect, except as amended by this action.**

2. **A maximum of 7,500 square feet of the gross floor area may be devoted to Medical offices.**

3. **The use of "Medical Office" is added to the approved schedule of uses.**

DULY SIGNED this 19th day of July, A.D., 2012.

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

# EXHIBIT "A"

DESCRIPTION:

A PARCEL OF LAND BEING LOT 2, ALICO LAKES CPD 1, AS RECORDED IN PLAT BOOK 45, PAGES 12 AND 13, PUBLIC RECORDS OF LEE COUNTY, FLORIDA, SAID TRACT LYING IN THE NORTHEAST QUARTER (NE1/4) OF SECTION 7, TOWNSHIP 46 SOUTH, RANGE 25 EAST, LEE COUNTY, FLORIDA.

BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AT THE SOUTHEAST (S.E.) CORNER OF THE NORTHEAST QUARTER (N.E.1/4) OF SAID SECTION 7; THENCE N.78°24'17"W., ALONG THE EAST/WEST QUARTER (1/4) SECTION LINE FOR 887.50 FEET TO THE POINT OF BEGINNING; THENCE CONTINUE N.78°24'17"W. ALONG SAID QUARTER (1/4) SECTION LINE FOR 162.33 FEET TO THE EASTERLY LINE OF U.S. 41, (STATE ROAD 45, TAMIAMI TRAIL, 200 FEET WIDE) AND A POINT ON A CURVE; THENCE 266.57 FEET DESCRIPTION, (267.86 FEET MEASURED) ALONG SAID EASTERLY LINE ALONG THE ARC OF A CURVE CONCAVE TO THE SOUTHWEST HAVING A RADIUS OF 8662.37 FEET AND SUBTENDED BY A CHORD HAVING A LENGTH OF 266.56 FEET DESCRIPTION, (267.84 FEET MEASURED) AND CHORD BEARING N.23°24'28"W., DESCRIPTION, (N.23°25'02"W. MEASURED) TO A POINT OF TANGENCY; THENCE N.24°17'22"W., DESCRIPTION (N.24°18'11"W. MEASURED) ALONG SAID EASTERLY LINE FOR 110.77 FEET; THENCE N.65°41'49"E. 205.00 FEET; THENCE S.24°17'22"E. DESCRIPTION, (S.24°18'11"E. MEASURED) 110.77 FEET TO A POINT OF CURVATURE; THENCE 259.74 FEET DESCRIPTION (261.08 FEET MEASURED) ALONG THE ARC OF A CURVE CONCAVE TO THE SOUTHWEST HAVING A RADIUS OF 8867.37 FEET AND SUBTENDED BY A CHORD HAVING A LENGTH OF 259.73 FEET DESCRIPTION (261.07 FEET MEASURED) AND CHORD BEARING S.23°27'04"E. DESCRIPTION (S.23°27'35"E. MEASURED); THENCE S.11°35'43"W. 125.86 FEET TO THE POINT OF BEGINNING.

JOHN B. HARRIS
PLS. #4631
JUNE 19, 2012

ADD 2012-00070

RECEIVED
JUN 26 2012
COMMUNITY DEVELOPMENT

6.27.12
APPROVED
LEGAL

ALCPD1-2 LD

SEE EXHIBIT "A" FOR LEGAL DESCRIPTION

SKETCH OF LEGAL DESCRIPTION

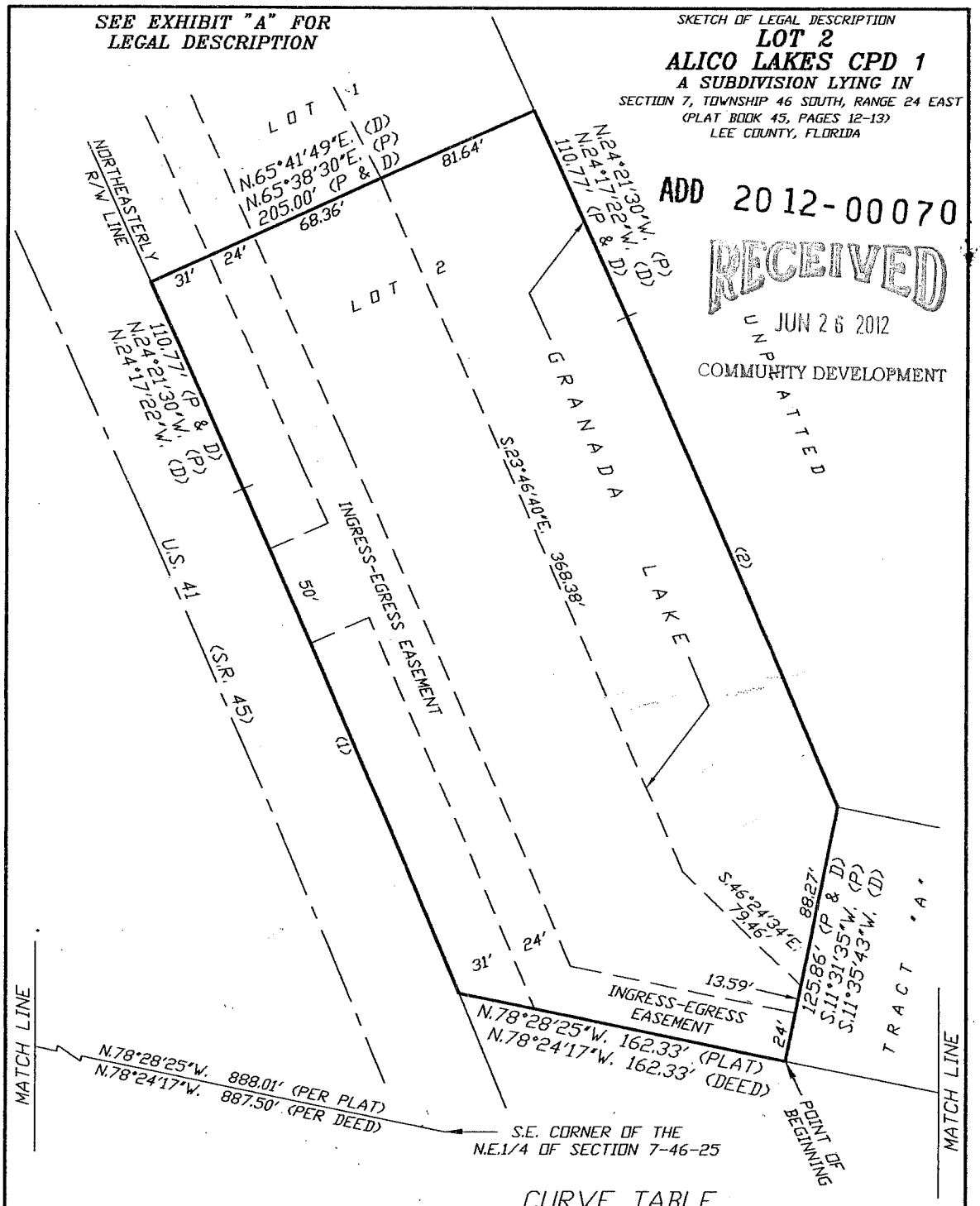
# LOT 2
# ALICO LAKES CPD 1

A SUBDIVISION LYING IN

SECTION 7, TOWNSHIP 46 SOUTH, RANGE 24 EAST
(PLAT BOOK 45, PAGES 12-13)
LEE COUNTY, FLORIDA

ADD 2012-00070

RECEIVED
JUN 26 2012
UNPLATTED
COMMUNITY DEVELOPMENT




## CURVE TABLE

| NO. | RADIUS | DELTA | ARC | CHORD | CHORD BEARING |
|---|---|---|---|---|---|
| 1 (PER PLAT) | 8662.37' | 01°45'48" | 266.59' | 266.58' | N.23°28'36"W. |
| 1 (PER DEED) | 8662.37' | | 266.57' | 266.56' | N.23°24'28"W. |
| 2 (PER PLAT) | 8867.37' | 01°40'42" | 259.77' | 259.76' | S.23°31'09"E. |
| 2 (PER DEED) | 8867.37' | | 259.74' | 259.73' | S.23°27'04"E. |

6.27.12
APPROVED
LEGAL

N

30 0 30 60 90
SCALE IN FEET

| REVISED: | DESCRIPTION: | BY: |
|---|---|---|
| | | |
| | | |
| | | |
| | | |

DATE OF LAST FIELD WORK: N/A

| DRAWN: | CHECK: | SCALE | PROJ. # |
|---|---|---|---|
| FBH | JBH | 1"=20' | ALCPD1-2 |

| SKETCH DATE: | FILE NO. | SHT.- 1 OF - 1 |
|---|---|---|
| 6/19/12 | 46-25-7 | |

JUNE 25 2012


JOHN B. HARRIS, PSM
FLORIDA LAND SURVEYOR #4631

HARRIS-JORGENSEN, INC.
2706 S.E. SANTA BARBARA PLACE
CAPE CORAL, FLORIDA
PHONE: (239) 772-9939
FAX: (239) 772-1315


FLORIDA CERTIFICATE OF AUTHORIZATION # LB 6921

33.00

BILLED



2547057

RESOLUTION OF THE BOARD OF COUNTY COMMISSIONERS

OF LEE COUNTY, FLORIDA

RECORD VERIFIED - CHARLIE GREEN, CLERK
BY: H. FERNSTROM, D.C.

OR2027

PG4472

WHEREAS, Landmark Holdings has properly filed an application on a project known as Alico Lakes for:

A rezoning from CT and RM-2, to Commercial Planned Development and Residential Planned Development, to permit 75,000 square feet of commercial retail area and 70 multi-family units on 69.6 total acres of land. The maximum building height for all structures is forty-five (45) feet above grade. The proposed development will also include three (3) consumption-on-premises of alcoholic beverages permits.

NOTE:

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

(1) Minimum setback for perimeter road and parking from property line from required 25 feet (Section 431.C.2.a.2.), to 0 feet;

(2) Minimum setback from water body to a structure from required 25 feet (Section 202.15.B.), to 0 feet;

(3) In a Planned Development District, the Board of County Commissioners shall have the authority to grant less stringent setbacks than required for artificial bodies of water such as retention ponds or reflection ponds when development surrounding the entire body (100%) of water is under unified control, Section 202.15.B.4.6.(1), to 96% of the development surrounding the body of water;

(4) Maximum of 25% of required open space credit for an artificial water body (Section 431.C.4.b.), to 50%;

(5) Requirement that lands identified as meeting the criteria for Resource Protection Areas (Ordinance 86-31, Sections 6.01 and 8.01, and Ordinance 86-27, Section C.1.b.4.a) must meet certain performance standards and may not be used for roads except in instances of overriding public interest, to instead be used for a road as shown on the Master Concept Plan with mitigation; or

Requirement that lands designated as a Resource Protection Area (Section 202.08.B.1.b) may not be used for roads except in instances of overriding public interest, to allow use for roads as shown on the Master Concept Plan with mitigation;

(6) Minimum water retention excavation setbacks to a section line of 75 feet (518.C.1.), to 0 feet for the north/south Section Line between Sections 7 and 8, T46S, R25E;

(7) Minimum water retention excavation setbacks to a quarter section line of 60 feet (518.C.2), to 0 feet for the east/west line in Section 7 (lake is existing);



1-25-88

(8) Minimum water retention excavation setbacks to a street right-of-way of 150 feet (518.C.4.), to 10 feet (lake is existing);

(9) Minimum water retention excavation setbacks to a private property line of 50 feet (518.C.4), to 10 feet (lake is existing);

(10) Minimum setback between structures and a section line of 75 feet (202.15.B.3.a), to 0 feet for the north/south Section Line between Sections 7 and 8;

(11) Maximum depth of water retention excavation of 12.0 feet (518.B), to 35 feet (lake is existing);

(12) Minimum street intersection separation of 125 feet (D.S.O. C.3.h.), to 100 feet;

(13) Minimum street intersection separation of 660 feet on Arterial Streets (D.S.O. C.3.h), to 280 feet;

(14) The required 45 feet minimum roadway width for a privately maintained local street (D.S.O. Table C-2), to 40 feet;

(15) The required 35 feet minimum roadway width for a privately maintained access street (D.S.O. Table C-2), to 24 feet; and

(16) The requirement that "Access Streets" shall be required for a proposed development which is traversed by or abuts arterial and/or collector roads which are shown on the Lee County Required Access Road Map (Section C.3.0.2), to allow no Access Road.

OR2027 PG4473

WHEREAS, the subject property is located south and east of the southeast corner of Alico Road and U.S Highway, described more particularly as:

LEGAL DESCRIPTION: In Sections 07 and 08, Township 46 South, Range 25 East, Lee County, Florida:

A tract or parcel of land situated in the State of Florida, County of Lee, being a part of the Northeast One Quarter (NE 1/4) of Section 07 and the Northwest One quarter (NW 1/4) of Section 08, Township 46 South, Range 25 East and further bounded and described as follows:

Beginning at a wooden post marking the Southeast corner of said Northeast One Quarter (NE 1/4) of Section 07; THENCE N.78°24'17"W. along the South line of said Northeast One Quarter (NE 1/4) for 1050.34 feet to an intersection with the Easterly right-of-way line of U.S. 41 (S.R. 45 - Tamiami Trail), said intersection being on a curve concave to the Southwest having a radius of 8662.37 feet and to which intersection a radial line bears N.67°28'25"E.; THENCE Northwesterly along said curve and said right-of-way line through a central angle of 01°45'47" for 266.57 feet; THENCE N.24°17'22"W. along said right-of-way line for 510.29 feet; THENCE N.00°39'25"W. along the West line of the Southeast One Quarter (SE 1/4) of said Northeast One Quarter (NE 1/4) for 382.51 feet; THENCE N.24°17'22"W.

for 173.18 feet; THENCE N.84°26'44"W. along the South line of the Northwest One quarter (NW 1/4) of said Northeast One Quarter (NE 1/4) for 176.78 feet to the aforesaid Easterly right-of-way line of U.S. 41; THENCE N.24°17'22"W. along said right-of-way line for 93.81 feet to the beginning of a curve concave to the Southwest have a radius of 1564.40 feet; THENCE Northwesterly along said curve through a central angle of 14°31'21" for 396.52 feet; THENCE N.54°20'31"E. for 136.04 feet; THENCE N.00°39'29"W. for 500.00 feet; THENCE N.89°20'31"E. for 104.44 feet; THENCE N.00°39'29"W. for 100.00 feet to the Southerly right-of-way line of Alico Road (100.00 feet wide); THENCE N.89°20'31"E. along said right-of-way line for 270.08 feet to an intersection with the West line of the Northeast One Quarter (NE 1/4) of said Northeast One Quarter (NE 1/4); THENCE continue N.89°20'31"E. along said right-of-way line for 321.89 feet to an intersection with the Southwesterly right-of-way line of the Atlantic Coast Line Railroad; THENCE S.32°31'35"E. along said right-of-way line for 3060.44 feet to an intersection with the South line of the aforesaid Northwest One Quarter (NW 1/4) of Section 08; THENCE S.89°16'17"W. along the South line of said Northwest One Quarter (NW 1/4) for 232.22 feet; THENCE N.01°00'06"W. for 50 feet more or less to the waters of a lake; THENCE Westerly along said waters for 380 feet more or less to an intersection with a line bearing N.00°58'42"W. from the POINT OF BEGINNING; THENCE S.00°58'42"E. along said line for 45 feet more or less to the POINT OF BEGINNING.

WHEREAS, the applicant has indicated the property's current STRAP number is 07-46-25-00-00006.0000; and

WHEREAS, proper authorization has been given to Thomas M. Brondstetter, Attorney at Law, by Paul Germaine, Trustee and fee simple title holder and by Landmark Holdings, as contract purchaser of the subject parcel, to act as agent to pursue this zoning application; and

WHEREAS, a public meeting was legally and properly advertised and held before the Lee County Planning and Zoning Commission, with full consideration of all the evidence available to the Planning and Zoning Commission; and

WHEREAS, the Lee County Planning and Zoning Commission fully reviewed the matter in a public meeting held on September 8, 1987; and

WHEREAS, a public meeting 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 Planning and Zoning Commission, the documents on file with the county, and the testimony of all interested persons.

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PG4474

NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF COUNTY COMMISSIONERS, that the Board of County Commissioners does hereby APPROVE the request for Residential Planned Development and Commercial Planned Development.

Approval is subject to the following conditions:

A. The Master Concept Plan is a one-sheet plan, titled "Alico Lake for Landmark Holdings" prepared by Duane Hall Associates, last revised February 25, 1988, except as modified by the conditions herein.

B. The applicant shall establish and maintain a homeowner's or resident's association to provide a program of education and information to the residential population describing the risks of environmental hazards, as well as the actions necessary to mitigate the dangers which these hazards present.

C. At the completion of development construction or each phase thereof, a development representative shall provide to Lee County Emergency Medical Service a site plan depicting the official names and building addresses within the development.

D. At the completion of development construction or each phase thereof, a development representative shall contact Lee County Emergency Medical Service to discuss: 1) the designation of emergency helicopter landing zones; and 2) the accessibility of the EMS unit.

E. Prior to final plan approval, the developer shall have made acceptable provisions for off-setting any added net public costs or premature commitment of public funds needed to provide appropriate levels of fire protection services for the additional development. In particular, the applicant shall make all necessary arrangements with the San Carlos Fire District to off-set a proportionate share of costs of any land, building, and/or equipment required to provide adequate fire protection services to the project.

F. Prior to the issuance of Final Development Order on any of the three (3) individual commercial parcels or the R.P.D. portion of the project, the developer of each respective parcel shall submit a lake littoral zone planting plan, for that specific parcel upon which the Final Development Order is being sought, which shall include trees, shrubs and emergent aquatics. The planting plan for each respective parcel shall be subject to approval by the environmental staff of the Department of Community Development.

G. Prior to the issuance of Final Development Order on any of the three (3) individual commercial parcels or the R.P.D. portion of the project, the developer of each respective parcel shall submit a plan for the removal of all exotic vegetation located upon the specific parcel upon which the Final Development Order is being sought, which shall include a minimum three (3) year maintenance program to control the reinvasion of exotic vegetation. The removal plan shall be subject to approval by the environmental staff of the Department of Community Development.

OR2027 PG4475

H. Prior to the issuance of a Preliminary Development Order on either commercial Parcel III or the R.P.D. portion of the project, the developer of either parcel shall submit a design to realign the intersection of the Granada Lakes access street with Alico Road to improve the operation and sight distance of the intersection. The design shall be subject to approval by the Lee County Department of Transportation and Engineering. The actual construction of this realignment shall take place at such time as either commercial Parcel III or the R.P.D. portion of the project is developed. However, if commercial Parcel III is developed prior to the R.P.D. portion of the project, it shall not be necessary for the entire road leading back to Granada Lakes R.V. Park to be redesigned and reconstructed, but only the realignment of the intersection of the access road and Alico Road to a distance necessary to accommodate the realignment.

I. Prior to the issuance of a Preliminary Development Order on the R.P.D. portion of the project, the developer of the R.P.D. portion of the project shall redesign the intersection of the access road to the R.P.D. and Granada Lakes R.V. Park to allow for safe operation. The redesign shall be subject to the approval of Lee County Department of Transportation and Engineering.

J. Deviations 1 through and including 16 are hereby APPROVED.

K. Prior to the issuance of a Preliminary Development Order on the R.P.D. portion of the project, the developer shall provide the required road right-of-way to access the Residential Planned Development subject to approval of the Lee County Department of Transportation and Engineering.

L. Prior to the issuance of a Final Development Order on any of the three (3) commercial parcels, the developer shall pay a pro-rata share towards the signalization of U.S. 41 and Alico Road, the total pro-rata share for this project being $15,600.00, as determined by the Lee County Department of Transportation and Engineering. The payment amount due for this project, $15,600.00, shall be divided amongst the three (3) commercial parcels as follows:

| | |
|---|---|
| Commercial Parcel I | - $8,567.83 |
| Commercial Parcel II | - $4,027.02 |
| Commercial Parcel III | - $3,005.15 |

Payment for each parcel shall be made prior to the issuance of the Final Development Order for each respective parcel.

M. The Northern access on U.S. 41 shall be temporary until such time that the adjacent property is developed to provide shared access.

N. The banks of the excavation shall be to a slope at a ratio no greater than 6(H) to 1(V) to a water depth of 4 feet below dry season table or a fence along the excavation shall be provided with regular maintenance assured by the Master Property Owners Association.

Site Plan 87-179 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 R.P.D. zoning:

a. The proposed uses are appropriate at the subject location;

OR2027 PG1476

b. Sufficient safeguards to the public interest are provided by the recommended conditions to the Master Concept Plan and by other applicable regulations;

c. All conditions found on the Master Concept Plan and recommended by staff are reasonably related to the impacts on the public's interest created by or expected from the proposed development;

d. The deviations being recommended for approval enhance the achievement of the objectives of the planned development; and

e. The general intent of these regulations, to protect the public health, safety, and welfare, is preserved and promoted.

BE IT FURTHER RESOLVED, that the Board does hereby APPROVE three (3) consumption-on-premises of alcoholic beverages permits.

The foregoing Resolution was adopted by the Lee County Board of County Commissioners upon a motion by Commissioner Slisher, and seconded by Commissioner Fussell and, upon being put to a vote, the result was as follows:

| | |
|---|---|
| Porter J. Goss | ABSENT |
| Charles L. Bigelow, Jr. | ABSENT |
| Mary Ann Wallace | NAY |
| Bill Fussell | AYE |
| Donald D. Slisher | AYE |

Upon adoption of the foregoing motion, Chairman Fussell requested that the record show that his support of the motion did not imply his approval in principle of the consumption on premises aspect of this development.

DULY PASSED AND ADOPTED this 25th day of January, A.D., 1988.

ATTEST:
CHARLIE GREEN, CLERK

BY: _____
Deputy Clerk

BOARD OF COUNTY COMMISSIONERS
OF LEE COUNTY, FLORIDA

BY: _____
Chairman

Approved as to form by:

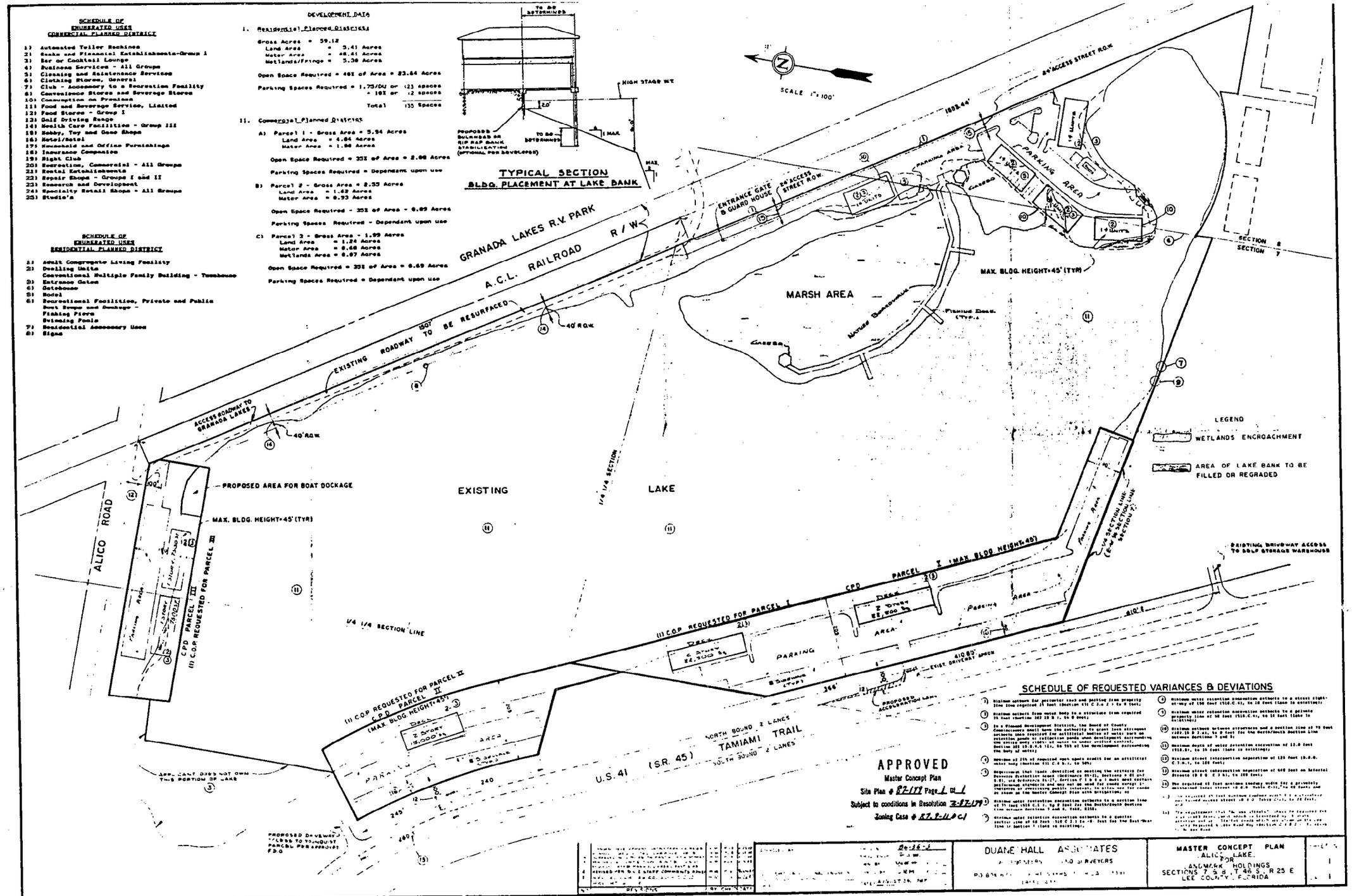
_____
County Attorney's Office

FILED
NOV 04 88
CLERK CIRCUIT COURT
BY _____ D.C.

OR2027

PG1477



(5515L/6)

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Nov 7 12 16 PM '88
CLERK CIRCUIT COURT
LEE COUNTY, FLA