



GIS Tracking Sheet

Case No.: **ADD2008-00029**

Intake Date: 3-11-08

Project Name: Tamiami Trail Dealership (Coconut Point Ford)

STRAP Number(s): 04-47-25-00-00001.002E

Planner Name: Mikki Rozdolski

Ext. 38317

FILE ON PLANNER'S DESK

LEGAL DESCRIPTION VERIFICATION and INITIAL GIS MAPPING

Date: 3/12/08

INTAKE: ADD 2008-00029

LEGAL SUFFICIENT

☒ YES

☐ NO

Initials: CSJ

If not, give brief explanation:

MAP UPDATE following FINAL ACTION

Date:

☐ Hearing Examiner Decision

☐ Board of County Commissioner's Resolution

☐ Administrative Approval

☐ Blue Sheet

Zoning Notes:

MAP UPDATED

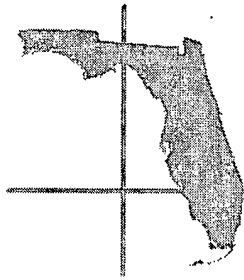
7/18/08 ☒ YES

☐ NO

Initials: CSJ

If not, give brief explanation:

ZONE: CPD: 000958



METRON

SURVEYING & MAPPING, LLC

LAND SURVEYORS • PLANNERS

LEGAL DESCRIPTION
OF A PARCEL OF LAND LYING IN
SECTION 04, TOWNSHIP 47 SOUTH, RANGE 25 EAST,
LEE COUNTY, FLORIDA

A TRACT OR PARCEL SITUATED IN THE STATE OF FLORIDA, COUNTY OF LEE, LYING IN SECTION 04, TOWNSHIP 47 SOUTH, RANGE 25 EAST, BEING ALL OF THE PARCEL AS DESCRIBED IN OFFICIAL RECORDS BOOK 3583, PAGE 2694 OF THE PUBLIC RECORDS OF LEE COUNTY, FLORIDA, BEING FURTHER DESCRIBED AS FOLLOWS:

COMMENCE AT THE SOUTHWEST CORNER OF THE NORTHEAST QUARTER OF SAID SECTION 04, RUN NORTH 88°25'47" EAST (BASIS OF BEARINGS) ALONG THE EAST-WEST QUARTER SECTION LINE FOR 118.32 FEET TO A POINT ON THE WESTERLY RIGHT OF WAY OF U.S. 41 (TAMIAMI TRAIL, S.R. 45, 200 FEET WIDE); THENCE RUN SOUTH 06°41'21" EAST ALONG SAID RIGHT OF WAY LINE FOR 95.11 FEET TO THE **POINT OF BEGINNING**; THENCE CONTINUE SOUTH 06°41'21" EAST ALONG SAID RIGHT OF WAY LINE FOR 348.48 FEET; THENCE RUN SOUTH 83°18'39" WEST ALONG A LINE COMMON WITH A TRACT OR PARCEL OF LAND DESCRIBED IN OFFICIAL RECORDS BOOK 1775 AT PAGE 2026 OF THE PUBLIC RECORDS OF LEE COUNTY, FLORIDA FOR 500.00 FEET; THENCE RUN NORTH 06°41'21" WEST ALONG SAID COMMON LINE FOR 348.48 FEET; THENCE RUN NORTH 83°18'39" EAST FOR 500.00 FEET TO SAID RIGHT OF WAY LINE AND THE **POINT OF BEGINNING**.

CONTAINING 4.00 ACRES, MORE OR LESS.

SUBJECT TO EASEMENTS, RESTRICTIONS, RESERVATIONS AND RIGHTS-OF-WAY (RECORDED AND UNRECORDED, WRITTEN AND UNWRITTEN)

BEARINGS ARE BASED ON THE EAST-WEST QUARTER SECTION LINE OF SAID SECTION 04 AS BEARING N.88°25'47"E.

METRON SURVEYING & MAPPING, LLC
FLORIDA CERTIFICATE OF AUTHORIZATION LB# 7071

[Signature] 3/6/08
DENIS J. O'CONNELL, JR.
PROFESSIONAL SURVEYOR AND MAPPER
FLORIDA CERTIFICATE NO. 5430

ADD 2008-000029

Applicant's Legal Checked
by *[Signature]* 5/6/08
RECEIVED
MAY 05 2008

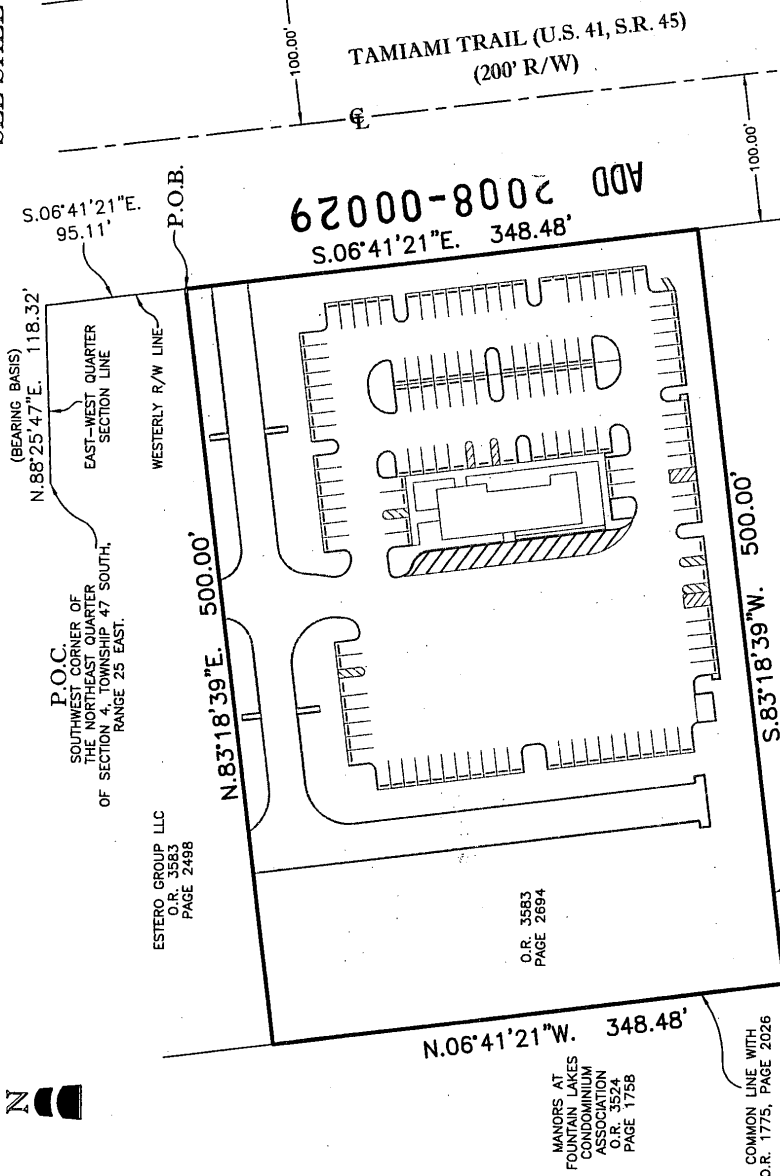
SHEET 1 OF 2

PERMIT COUNTER



SKETCH TO ACCOMPANY DESCRIPTION

* SEE SHEET 1 OF 2 FOR LEGAL DESCRIPTION *



* THIS IS NOT A SURVEY *

BY: DENNIS O'CONNELL, JR.
PROFESSIONAL SURVEYOR AND MAPPER
FLORIDA CERTIFICATE NO. LS# 5430

DATE SIGNED: 3/6/02

NOT VALID WITHOUT THE SIGNATURE AND THE ORIGINAL RAISED SEAL OF A
FLORIDA LICENSED SURVEYOR AND MAPPER.

TAMIAMI DEALERSHIP

TITLE:

SKETCH OF DESCRIPTION



10970 S. CLEVELAND AVENUE
SUITE 605
FORT MYERS, FLORIDA 33907
PHONE: (239) 275-8575
FAX: (239) 275-8457

METRON
SURVEYING & MAPPING, LLC
LAND SURVEYORS-PLANNERS
L.B.# 7071
www.metronfl.com

FILE NAME:	FIELD BOOK/PAGE:	PROJECT NO.:	SHEET:
10402 OVERALL SK.dwg	N/A	10402	2 OF 2
SKETCH DATE:	DRAWN BY:	CHECKED BY:	(S-I-R)
3-6-2008	DESJ	DJO	4-47-25

Applicant's Legal Checked
by *[Signature]* 5/6/08

LEGEND:
INST = INSTRUMENT
O.R. = OFFICIAL RECORD BOOK
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MAJORS AT
FOUNTAIN LAKES
CONDOMINIUM
ASSOCIATION
O.R. 3524
PAGE 1758

COMMON LINE WITH
O.R. 1775, PAGE 2026

COMMON LINE WITH
O.R. 1775, PAGE 2026

FOUNTAIN LAKES COMMUNITY
ASSOCIATION, INC.
O.R. 3524
PAGE 2734

ESTERO GROUP LLC
O.R. 3583
PAGE 2498

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ADMINISTRATIVE AMENDMENT
LEE COUNTY, FLORIDA

WHEREAS, Coconut Point Ford filed an application for an administrative amendment for a Commercial Planned Development (CPD) known as Estero Greens on a project known as Tamiami Trail Dealership to amend the Special Buffering required by Condition 4 of Resolution Number Z-97-050 on property located at 22600-604 Tamiami Trail, Estero, described more particularly as:

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

See attached Exhibit A.

WHEREAS, the current STRAP number for the subject property is 04-47-25-00-00001.002G; and

WHEREAS, the property was originally rezoned by Resolution Number Z-97-050 (Case No. 97-04-065.03Z01.01) with subsequent amendments in case number ADD2001-00179, DOS2000-00077, LDO2000-00350, ADM2000-00003, DOS2001-00107, ADM2001-00016, and LDO2007-00461; and

WHEREAS, the subject property is located in the Suburban Future Land Use Category as designated by the 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 amend the Special Buffering required by Condition 4 of Resolution Number Z-97-050 as it applies to the western boundary of the subject property; and

WHEREAS, Condition 4 states:

Special Buffering

- a. The developer must provide a 75-foot-wide indigenous preserve buffer along the length of the entire western property boundary (east of the 10-foot-wide drainage easement). In addition, the developer must provide an 8-foot-high fence (not a wall) or a 6-foot-high fence on a 2-foot-high berm within the westerly 10-foot-wide drainage easement. Additional tree plantings must be provided on the east side of the fence within 20 feet of said fence. These tree plantings must be South Florida slash pines no less than 10 feet tall with a three-inch caliper measured at three feet above the ground. A minimum of eight trees per 100 foot buffer segment are required.

- b. The developer must remove invasive exotic vegetation from the special buffering area and provide the fence and additional plantings as part of the first phase of any construction on site.

WHEREAS, the required buffer width remains unchanged with the proposed amendment; and

WHEREAS, an opaque pre-cast 8 foot wall was installed in lieu of a transparent fence as required by Z-97-050 in order to enhance the buffer between the residential and commercial uses; and

WHEREAS, the amended buffer includes 44 cabbage palms installed at varying specs in addition to a double hedge row and 8 trees per 100 linear feet, as required by Z-97-050, on the east side of the wall and 13 red maple trees planted on the west side of the wall; and

WHEREAS, a continuous hedge of Areca Palms have been planted on the west side of the fence within the buffer and have matured to an average height of 12 feet; and

WHEREAS, the Areca palms and Red Maples on the west side of the wall shall be maintained in perpetuity by the property owner; and

WHEREAS, the amended buffer abuts residentially zoned property developed as The Manors at Fountain Lakes and Fountain Lakes; and

WHEREAS, the applicant has obtained signed, notarized letters from The Manors at Fountain Lakes Condominium Association and the Fountain Lakes Community Association supporting the amended buffer (see Letters of Support, attachment B); and

WHEREAS, the Estero Design Review Committee (EDRC) and the Estero Community Planning Panel (ECPP) support of the amended buffer (see EDRC and ECPP meeting minutes, attachment C); and

WHEREAS, Environmental Sciences staff reviewed the proposed administrative amendment and recommended the amended buffer be approved with conditions submitted in their Staff Report dated June 6, 2008 (see ES Staff Report, attachment D); and

WHEREAS, the proposed buffer, as conditioned, exceeds the buffer requirements of Condition 4 of Resolution Z-97-050 and the Lee County Land Development Code for buffering and screening; 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

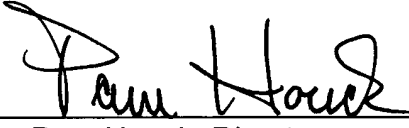
WHEREAS, it is found that the proposed amendment does not increase density or intensity within the development; does not decrease buffers or open space required by the LDC; does not underutilize public resources or infrastructure; does not reduce total open

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. Prior to local development order approval, the landscape plans must indicate the modification of the landscaping buffer along the west property line. Development of the buffer must be in compliance with the four-page landscape plan entitled Tamiami Trail Dealership stamped ADD2008-00029 and stamped received May 5, 2008 (see attachment A).
2. Prior to local development order approval, the 44 cabbage palms must be installed at staggered heights of 12' - 20' clear trunk on the east side of the wall within the western buffer.
3. The amended Special Buffer applies only to the subject property, Condition 4 shall remain in effect for all additional development that is subject to Z-97-050.
4. The Areca palms and Red Maples on the west side of the buffer wall shall be maintained in perpetuity by the property owner.
5. The terms and conditions of the original zoning resolutions remain in full force and effect.

DULY SIGNED this 9th day of June, A.D., 2008.

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

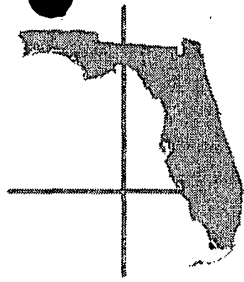
Attachments:

- A - Tamiami Trail Dealership - four page landscape plan
- B - Letters of Support - Manors at Fountain Lakes Condominium Association
Fountain Lakes Community Association, Inc.
- C - EDRC April 9, 2008 Meeting Minutes
ECPP April 21, 2008 Meeting Minutes
- D - Division of Environmental Sciences Staff Report dated June 6, 2008

Exhibits:

- A - Legal Description

EXHIBIT A



METRON
SURVEYING & MAPPING, LLC
LAND SURVEYORS • PLANNERS

LEGAL DESCRIPTION
OF A PARCEL OF LAND LYING IN
SECTION 04, TOWNSHIP 47 SOUTH, RANGE 25 EAST,
LEE COUNTY, FLORIDA

A TRACT OR PARCEL SITUATED IN THE STATE OF FLORIDA, COUNTY OF LEE, LYING IN SECTION 04, TOWNSHIP 47 SOUTH, RANGE 25 EAST, BEING ALL OF THE PARCEL AS DESCRIBED IN OFFICIAL RECORDS BOOK 3583, PAGE 2694 OF THE PUBLIC RECORDS OF LEE COUNTY, FLORIDA, BEING FURTHER DESCRIBED AS FOLLOWS:


COMMENCE AT THE SOUTHWEST CORNER OF THE NORTHEAST QUARTER OF SAID SECTION 04, RUN NORTH 88°25'47" EAST (BASIS OF BEARINGS) ALONG THE EAST-WEST QUARTER SECTION LINE FOR 118.32 FEET TO A POINT ON THE WESTERLY RIGHT OF WAY OF U.S. 41 (TAMIAMI TRAIL, S.R. 45, 200 FEET WIDE); THENCE RUN SOUTH 06°41'21" EAST ALONG SAID RIGHT OF WAY LINE FOR 95.11 FEET TO THE **POINT OF BEGINNING**; THENCE CONTINUE SOUTH 06°41'21" EAST ALONG SAID RIGHT OF WAY LINE FOR 348.48 FEET; THENCE RUN SOUTH 83°18'39" WEST ALONG A LINE COMMON WITH A TRACT OR PARCEL OF LAND DESCRIBED IN OFFICIAL RECORDS BOOK 1775 AT PAGE 2026 OF THE PUBLIC RECORDS OF LEE COUNTY, FLORIDA FOR 500.00 FEET; THENCE RUN NORTH 06°41'21" WEST ALONG SAID COMMON LINE FOR 348.48 FEET; THENCE RUN NORTH 83°18'39" EAST FOR 500.00 FEET TO SAID RIGHT OF WAY LINE AND THE **POINT OF BEGINNING**.

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FLORIDA CERTIFICATE OF AUTHORIZATION LB# 7071


DENIS J. O'CONNELL, JR.
PROFESSIONAL SURVEYOR AND MAPPER
FLORIDA CERTIFICATE NO. 5430

3/6/08

ADD 2008-00029

Applicant's Legal Checked
by  5/6/08

RECEIVED
MAY 05 2008

SHEET 1 OF 2

PERMIT COUNTER

SKETCH TO ACCOMPANY DESCRIPTION

* SEE SHEET 1 OF 2 FOR LEGAL DESCRIPTION *

* THIS IS NOT A SURVEY *

BY: DENNIS J. CORNELI, R.
PROFESSIONAL SURVEYOR AND MAPPER
FLORIDA CERTIFICATE NO. 3430

DATE SIGNED: 3/6/08

NOT VALID WITHOUT THE SIGNATURE AND THE ORIGINAL RAISED SEAL OF A
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TAMIAMI DEALERSHIP

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10970 S. CLEVELAND AVENUE
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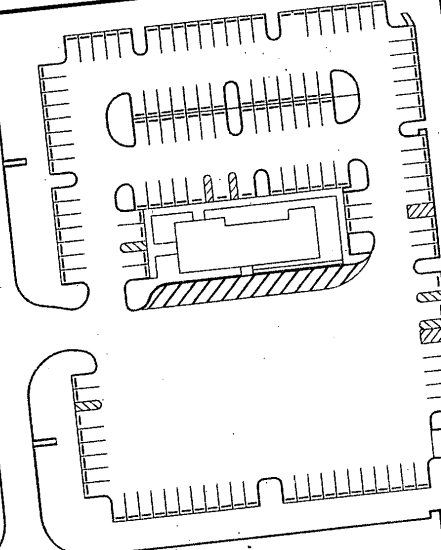
FILE NAME:	FIELD BOOK/PAGE	PROJECT NO.:	SHEET:
10402 OVERALL SK.dwg	N/A	10402	2 OF 2
SKETCH DATE:	DRAWN BY:	CHECKED BY:	(S-1-R)
3-6-2008	DESIGN	1"= 100'	DJO
			4-47-25

(BEARING BASIS)
N. 88°25'47"E. 118.32'
S. 06°41'21"E. 95.11'
P.O.C.
SOUTHWEST CORNER OF
THE NORTHEAST QUARTER
OF SECTION 4, TOWNSHIP 47 SOUTH,
RANGE 25 EAST.

ESTERO GROUP LLC
O.R. 3583
PAGE 2498

N. 83°18'39"E. 500.00'

62000-8002 ADD
S. 06°41'21"E. 348.48'



O.R. 3583
PAGE 2694

N. 06°41'21"W. 348.48'

MANORS AT
FOUNTAIN LAKES
CONDOMINIUM
ASSOCIATION
O.R. 3524
PAGE 1758

COMMON LINE WITH
O.R. 1775, PAGE 2026

S. 83°18'39"W. 500.00'

COMMON LINE WITH
O.R. 1775, PAGE 2026

FOUNTAIN LAKES COMMUNITY
ASSOCIATION INC.
O.R. 3962
PAGE 2734

LEGEND:

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R/W = RIGHT-OF-WAY

Applicant's Legal Checked
By: [Signature] 5/6/08

ATTACHMENT B

March 21, 2008

To: Bob Bontrager, Project Superintendent
Suncoast Auto Builders

From: Gail Beddes, President
The Manors at Fountain Lakes Condominium Association, Inc.

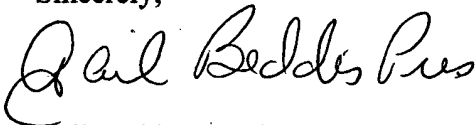
Re: Landscaping along Western Buffer of Project
Tamiami Trail Dealership, Permit # COM2005-03547

Dear Mr. Bontranger:

Pursuant to our recent meeting and conversations with respect to the required buffer along the west side of the Tamiami Trail Dealership, Permit # COM2005-03547 and in agreement with the Owners of Fountain Lakes Community Association, Inc., we respectfully request that the existing continuous plantings of Areca Palms currently in-place remain as is and stand as the required buffer along the west side of the buffer wall. We acknowledge that in order to install the buffer that was originally approved would require that these palms be removed. We prefer that the existing palm hedge remain as it provides an existing planting screen against the adjacent commercial development. Based on the available property, we also recognize that additional planting on the west side of the buffer wall is not possible to do on the commercial property. Recognizing this, any effort to provide the necessary tree buffer on the east side of the wall consistent with respect to the power lines would be appreciated by our community.

Thank you for your consideration.

Sincerely,



Gail Beddes, President
The Manors at Fountain Lakes Condominium Association, Inc.



GABRIELLE HARTMANN
MY COMMISSION # DD 407046
EXPIRES: March 14, 2009
Bonded Thru Budget Notary Services

cc: Fountain Lakes Community Association, Inc.



March 21, 2008

To: Bob Bontrager, Project Superintendent
Suncoast Auto Builders

From: John Rellias, President
Fountain Lakes Community Association, Inc.

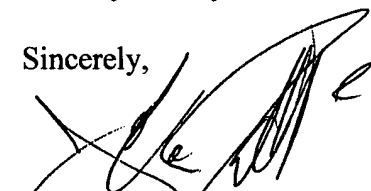
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Thank you for your consideration.

Sincerely,



John Rellias, President
Fountain Lakes Community Association, Inc.



GABRIELLE HARTMANN
MY COMMISSION # DD 407046
EXPIRES: March 14, 2009
Bonded Thru Budget Notary Services

cc: The Manors at Fountain Lakes Condominium Association, Inc.

ATTACHMENT C
ESTERO COMMUNITY PLANNING PANEL
Minutes of Public Meeting #98 - April 21, 2008
Estero Community Park, Estero, Florida

RECEIVED
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COMMUNITY DEVELOPMENT

Panel Members Present: Jack Lienesch, Acting Chairman, Estero Civic Association; Greg Toth, Estero Development Community, John Goodrich, Estero Council of Community Leaders; Tom O'Day, ECCL; Dan DeLisi, Estero Development Community; Lin Welch, Estero Chamber of Commerce. Recording Secretary: Jim Ramsburg, ECCL; Treasurer: Beverly MacNellis, ECCL.

Lienesch called the meeting to order at 6:03 PM.

Public Participation: Fourteen participants were present including six members of the general public. Ramsburg reported that public notices of the meeting were published in the Fort Myers News-Press, the Bonita Daily News and the Bonita Banner. Notices were posted on the Internet in the Estero Development Report and on the Web sites of the ECCL/ECPP/EDRC/ECA and Estero Fire Rescue. A paid advertising notice of the meeting was placed in the Bonita Banner of April 15th. Notices of the meeting were posted in the South Regional Library, Colonial Bank, Estero Community Park and Realty World of Estero.

Secretary's Report: Ramsburg distributed minutes of the March meeting. Goodrich: Motion to accept minutes. Toth: Second. Report accepted unanimously.

Treasurer's Report: MacNellis reported a current balance of \$1,304.75 in the Community Planning Panel account on deposit at Colonial Bank in Estero. O'Day: Motion to accept. Toth: Second. Report accepted unanimously.

Developer Presentation - Art District at Rapallo: Developer Jim Wallace and Bill Prysi presented a proposal to revise the landscape buffering between Rapallo and the east side of US 41 at, and to the south of, Williams Road as proposed in the original DRI. The new plan would increase the number of palm trees and space them in clusters which would permit visibility of buildings and signage within the development from US 41. New designs were also presented to enhance the landscaping of the existing sidewalk between Rapallo and US 41 to create an attractive "rhythmic path" similar to that within The Brooks. The Panel was unanimous in its support of the change and complimented Wallace on its appearance as illustrated in presentation renderings.

Zoning Amendment Request - Tamiami Trail Auto Dealership: Prysi presented a zoning amendment request concerning a fence/landscape buffering between the rear of Tamiami Trail Auto - located on the west side of US 41 between Coconut Point Ford and the entrance to the Fountain Lakes residential community. The current zoning calls for a chain link fence and landscaped buffer separating the rear of the auto dealership and the east side of Fountain Lakes. Prysi said that a six foot wall has already been constructed on a two foot buffer and landscaping that exceeds the original zoning requirement is in place and growing to obstruct the view of the business from neighboring residences. The Panel unanimously supported the amendment.

I-75 Widening: Lienesch reported that current Florida Department of Transportation "cure" plans for the widening of I-75 north of Corkscrew Road have been substantially modified to accommodate the recommendations of this panel and of the EDRC. As a result, the impact to the landscape buffering due to the road construction will be minimized between I-75 and Germain Arena on the road's east side, and the Villagio residential community and B&W Golf Cart facility on its west side.

Panel Meeting Dates: Lienesch reported that Panel meeting dates have been advanced to the third Monday of each month and meeting facilities at Estero Community Park have been reserved through December, 2008.

Signage Issues: Goodrich reported problems in creating a photo album of signage in the area to illustrate examples of what could be considered permissible and/or objectionable signage in the community. He said a committee consisting of Beverly MacNellis, Bill Prysi, Doug Pastre of Lee Designs and himself would meet to determine the logistics of meetings and public workshops leading to an updating of signage zoning in Estero. DeLisi and Toth strongly recommended obtaining legal counsel to guide the committee and the Panel in the preparation of its requested zoning amendments.

Panel Funding: Lienesch reported that means are still being explored to fund Panel and EDRC activities and provide additional funds for professional support. Toth recommended an immediate request to Lee County for grant monies to fund specific projects. The Panel discussed the possibilities of private funding through presentation fees and/or means of soliciting funding from the development community and related professional services.

David Graham Award: Lienesch reported that five nominees have been entered for the design excellence award. The nominating committee will meet on April 29th to review the applications and select a 2008 winner.

Toth: Motion to adjourn. DeLisi: Second. Motion passed unanimously. Meeting adjourned at 7:28 PM.

NEXT MEETING: 6:00 PM, MONDAY, MAY 19TH, ESTERO COMMUNITY PARK.

ADD 2008-00029



Public Meeting
April 9, 2008 at 5:00 P.M.
The Estero Recreation Center
9200 Corkscrew Palms Blvd.

Meeting Time: 5:00 P.M.

Members in Attendance: Tom O'Dea, Gordon Lyons, Al O'Donnell, Bob Melzer, Nancy Cohen, Bill Prysi, and Joe McHarris

Absent: Gerald Simons and Jim Wallace

Chaired By: Tom O'Dea

Minutes By: Ramona Thomas

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COMMUNITY DEVELOPMENT

Meeting called to order.

Opening Remarks:

The Chairman noted that one of the committee members was absent because his brother died suddenly. The committee expressed their sympathy and condolences to Jim Wallace and his family.

It was reported that there are signs being put up that do not conform to the Estero community's interpretation of the Lee County signage review staff has not been cooperating with EDRC in insisting that all signage in Estero must first be reviewed by the EDRC. All future signs will come before the EDRC for review. The EPPC is doing a study to determine recommended changes to clarify the current signage code.

The Bonita Health Center will be painting their facility and is changing colors and asked that the committee review the selected colors. It is not currently required for approval of colors by the EDRC. EDRC will continue to work on the "Urgent Care" sign being changed to conform to code.

However, the EDRC voted unanimously in favor of the proposed colors for the painting of the Bonita Health Center.

ADD 2008-00029

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COMMUNITY DEVELOPMENT

Approval of the minutes of the March 12th meeting was called for. A motion to approve the minutes was made, seconded and carried unanimously. Minutes were approved with no changes.

Applicant:	Fine Mark National Bank and Trust
Location:	The Brooks Town Center, Three Oaks Parkway and Coconut Road
Presented by:	Ramon Acevedo of Gora McGahey Associates in Architecture

Discussion on Site Plan:

Edward McDonald from Hole Montes presented site plans for Fine Mark National Bank and Trust located in The Brooks Town center, a 9390 sq ft 2-story bank on the SW corner of the outparcel. There will be a reduced size of the phase 3 & 4 buildings to compensate for the additional square footage of the bank, which went from 1-story to 2-story and will be using same colors as the Brooks building. The drive through changed to 2 lanes, all parking and remaining site plan is the same. The east facing entry has a colonnade created that reaches to the south side of the building, and includes a second entrance to the front door. The building consists of a cast stone base with stucco bands of rock like material, barrel tile roof, trim around windows of raised stucco, blue window frames with blue canvas awnings, and a setback for the second story. The east side includes a stairwell. The north elevation has offices above and will have blue awnings on windows. The roof structure over drive through is a solid roof. The intent of the building design & color is to match & blend the surrounding buildings on the parcel. The landscaping for the bank consists of grouped cabbage palms at the SW and SE corners of the building using same plant palate as remaining site, Montgomery palms on north & south elevations to screen stair element, jasmine vines on south side, hollies on north side, lower plantings of simple native plants. Dense mass of oaks & cabbage palms on north edge of property extending from NW corner to the dumpster to create layers, various trees which include slash pines to provide buffer along north side of property

Comments:

- ❖ EDRC noted that a portion of the building frontage perimeter landscaping consists of parking to walk to building without a landscape break. However, the committee supports the methodology the applicant has presented utilizing architectural elements to create a pedestrian court.

ADD 2008-00029

- ❖ Noted that the tree sizes specified need to meet the minimum sizes discussed in chapter 33. Also noted some concern in getting tree from ligustrum at the required minimum size if used as required trees.

The EDRC voted in favor of issuing the DO letter with comments as noted. Motion carried unanimously.

Applicant: Bank of America
Presented by: Architectural Design Collaborative, Karen Anderson

Discussion:

Karen Anderson presented Bank of America which is currently under construction and had a sighting mishap causing the building to be 7.3 feet further east on the site so they are seeking a site amendment. The building is shifted to the east, closer to US41, and will now include a total of 36 parking spaces. Parking on the east side of the building is being eliminated. The landscape buffer is being made wider, and all utilities are moved closer to the road & unaffected by the building. The transformer is set closer to the building and the building design did not change.

Comments:

- ❖ Add three (3) palms with staggered heights of 16-24 feet on to SW corner of the building to help define the elevation.

The EDRC voted in favor of issuing the site amendment with comments as noted. Motion carried unanimously.

Applicant: Kohl's
Location: Coconut Crossing, corner of US41 and Coconut Road
Presented by: Joseph J. Jurewicz PE, Project Engineer, Staples of Scott & Gobel Architects, Brad Guarino, Development Manager, J.E.D

Discussion:

Brad Guarino & Joe Jurewicz presented changes to Kohl's per the comments of the January 2008 EDRC meeting. The roofline over Kohl's signage is made a complete gable with hip roofs. Added eave & soffit on front roof line to match vernacular & soften. the north & south elevation towers have been made complete

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with 4-sided hip roofs. Railings on the towers have been completed with faux window treatments made of black tile. The Serengeti finish is removed & is now an efface finish. Roof tile color is same as on Lowe's building. Added more contrast in colors and diamond medallions. Sable palms are added on rear of building with variation of heights.

Comments:

- ❖ The number of sable palms needs to be increased (approximately 60%) at heights that break up the roof line on the south and west side.
- ❖ Add four (4) royal palms, one each to the corners of both Kohl's main entries, move the planters closer to driveways to make relationships to buildings more conducive to large palms.
- ❖ Tenant signage must be lit letters on an opaque background. Project logo must be reverse channel lit lettering.
- ❖ Monument Sign design (form) does not relate to the project architecture well enough.
- ❖ Bring signage back with changes and indicate letters will be back channel lit.

The EDRC voted in favor of issuing the DO letter with comments as noted. Motion carried 5 to 1 with Bill Prysi opposing.

Applicant: Tamiami Ford Dealership

Presented by: Bill Prysi, President Conceptus Land Architects, Inc.

Discussion:

Bill Prysi, of Conceptus Land Architect, Inc. presented a proposed zoning amendment for the buffer which exceeds the intent of the original buffer. The original zoning buffer calls for a fence on the DO and there is now a wall in place, in lieu of a "fence" which Fountain Lakes planted areca palms along the wall on the side facing their community and do not want the areca palms or the wall removed. The amendment consists of adding 44 cabbage palms of staggered height placed between the wall and the existing cypress trees, Sixteen foot laurel oaks are scattered into the buffer. Letters from the owner and Fountain Lakes are also included in the package. The application is compliant with the intent expressed in the original DO order. There are power lines located in the buffer but no easement.

Comments:

- ❖ EDRC has no objections and would be in support of it being compliant.

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Applicant: The Art District at Rapallo

Presented by: Bill Prysi, President Conceptus Land Architects, Inc.

Discussion:

Bill Prysi of Conceptus Land Architect and Ned Dewhirst of Oakbrook Properties presented plans for the buffer located along US41 which was put in place two years ago per a zoning amendment and DO approval. This buffer creates an issue which covers the area along where commercial marquee signage will go. There are 10 trees per 100 feet with a double row hedge for the minimum which calls for 50% actual trees, 50% palms, 197 trees require having 100 trees on the increased landscape plan.

Presenting a betterment plan to the zone along the sidewalk, will pull in trees at the buildings to bring up & ungulate providing an opening at the marquee views. The proposed amendment conceptually makes sense, will keep shade trees in the buffer and have added trees to the back of the art center theatre. Oakbrook supports the revised buffer and thinks it would be good.

Comments:

- ❖ The EDRC supports the deviation to the zoning of the proposed design versus the original design and installation applied with the caveat that the new buffer design provides transitional design elements from the old buffer into the new.
- ❖ The proposed design constitutes a "better" approach to the subject of the required landscape buffer responsive to the site, proposed architecture and original intent of the previous buffer installed.

The EDRC voted in favor of the deviation to the zoning with comments as noted and as long as it "blends" with the landscaping at the southern end of the Rapallo site. Motion carried unanimously.

Applicant: Riverwoods Kiosk & Pavilion

Presented by: Joe McHarris, McHarris Planning & Design

Discussion:

Joe McHarris presented plans for the Riverwoods Kiosk & Pavilion which is internally located in the Riverwoods community and will not be viewed externally. The structure will house mailboxes as they are required by the Postal Service to be externally placed. It is an open structure, metal roof with wood structure, no tile

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located in project, and the kiosk & pavilion will be plantation style to match the project theme.

The EDRC voted in favor of issuing the DO letter. Motion carried unanimously.

There being no further business to come before the committee the meeting was adjourned.

Next Meeting: Next EDRC Meeting will be held on Wednesday, May 14, 2008 at the Estero Park Community Center.

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ATTACHMENT D

STAFF REPORT FROM DEPARTMENT OF COMMUNITY DEVELOPMENT DIVISION OF ENVIRONMENTAL SCIENCES

Date: June 6, 2008

To: Mikki Rozdolski, Planner
From: Becky Sweigert, Principal Environmental Planner
Phone: (239) 533-8552
E-mail: rsweigert@leegov.com

Project: Tamiami Trail Dealership (aka Coconut Point Ford) Revised
Case: ADD2008-00029
STRAP: 04-47-25-00-00001.002E

The Division of Environmental Sciences (ES) staff have reviewed the proposed administrative amendment to revise the western buffer. The proposed request is to provide a solid wall and retain the existing areca palms as agreed to with the adjacent neighbors. The applicant has obtained signed, notarized letters from the adjacent property owners and has met with both the Estero Community Planning Panel (ECP) and Estero Design Review Committee (EDRC). ECP and EDRC are supportive of the revised buffer design. The property owner will be responsible for maintaining the areca palms. The proposed plans include a double hedge row and 8 trees per 100 linear feet on the east side of the wall as required by Z-97-050. The buffer width remains unchanged with the proposed design. The applicant has included a revised landscape plan which indicates 44 additional cabbage palms to be installed on the east side of the wall at varying specs to assist in screening the rear of the building and 13 red maple trees to be planted on the west side of the wall.

The proposed landscape plan exceed the buffer requirements per the zoning resolution and Land Development Code for buffering and screening. Therefore, ES staff recommend the following conditions of approval to insure the proper amount and specs of plants are installed:

Prior to local development order approval, the landscape plans must indicate the modification of the landscaping buffer along the west property line. Development of this buffer must be in compliance with the four-page plan Plans entitled "Tamiami Trail Dealership" stamped received on May 8, 2008.

Prior to local development order approval, the 44 additional cabbage palms must be installed at staggered heights of 12' - 20' clear trunk on the east side of the wall within the western buffer.

ADD 2008-00029 | DCS 2001-00107

Name	Org	Phone
Becky Swelger	DCD. Env. Sciences	533-8552
Shelley Watts	DCD. ENV. Sciences	533-8789
Brett Langford	Suncoast Autobuilders	227-692-2302
Mikki Rozdolski	DCD. Zoning	533-8317
BILL PRYSI	LAND ARCHITECTS	334-9144
JERRY TOLLEY	GALLOWAY COCONUT POINT	936-3673
ROBERT GALLOWAY	COCONUT POINT	936-2193
SAM GALLOWAY III	COCONUT POINT	849 5815
PETE ECHENRODE	LEDCD	533-8344
ED CRONYN	LEE CO. ENV. Sciences	



CONCEPTUS

Land Architectural Technologies Inc.

Florida Corporate RLA 370

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33901

Phone: 239•334•9144
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<http://www.clati.com>

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May 20, 2008

Becky Sweigert
Lee County Division of Environmental Sciences
1500 Monroe Street (P.O. Box 398)
Fort Myers, Florida 33902

RE: Tamiami Trail Dealership (Project No. 0347)
ADD2008-00029 – PDZ Application (PD Admin)

Dear Becky:

Per your insufficiency letter regarding the aforementioned administration action application, enclosed please find the additional information requested to meet the requirements of the Lee County Land Development Code. For your convenience we have categorized and paraphrased the responses to the specific comments issued by your department as follows:

10) Estero Planning Community. The applicant may be required to conduct one public informational session where the agent will provide a general overview of the project for any interested citizens. [33-54]

COMMENT: *Please submit EDRC approval for the buffer revisions.*

RESPONSE: Please find the attached EDRC and ECPP minutes approving the buffer revisions.

11) Miscellaneous

COMMENT: *1. Please label the drainage easement on the eastern side of the property line. This drainage easement is referenced in condition 4a of Z-97-050. Are the areca palms within this drainage easement.*

RESPONSE: The MCP calls out for a "10' drainage berm to be field staked and designed at final D.O. permitting." The 10' drainage berm will be filed located prior to final D.O. permitting. The areca palms are in the 10' drainage berm.

COMMENT: *2. Why isn't the drainage easement and overhead power lines which are referenced in the zoning resolution condition above not shown on the boundary survey. Have the areca palms been confirmed to be on the property by a surveyor?*

3D Animation
Virtual Design
Digital Imagery
Land Planning & Graphics
Landscape Architecture

ADD 2008-00029



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Ms. Becky Sweigert
May 20, 2008
Tamiami Trail dealership
Page 2 of 3

RESPONSE:

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The power lines are shown on the landscape drawings. The drainage easement is not shown because the MCP calls it out to be "field staked" at time of D.O. permitting. From site visits, the property line stakes show the areca palms are on our property.

COMMENT:

3. Also, regarding the areca the narrative and the landscape plans indicate different heights. The narrative indicates the Areca palms at average height over 12' and the development order plans indicate 8'-10' in height. Which is correct? Who is responsible for the material on the outside of the wall if these plants are not accessible to the property owner? What about the red maple trees shown on the development order plans?

RESPONSE:

The narrative is correct, the areca palms are 12'ht. On the last submittal we included a note "The continuous hedge of Areca palms and Red Maples illustrated on the residential side of the buffer wall shall be maintained in perpetuity by the applicant/owner."

COMMENT:

4. The narrative indicates that the development order plans include a solid wall; however the landscape plans and zoning condition reference a fence. Was this part of the discussion or agreement with the neighbors. Please include in the notarized statements from the HOA.

RESPONSE:

The zoning resolution references a fence. The landscape drawings call out an existing 8'ht. precast wall. This is one of the issues that is being addressed with the ADD. The HOA letters reference a buffer wall. Both parties are in agreement with the wall and not a fence.

COMMENT:

5. Previous suggestions from ES Staff provided to the applicant referenced the use of sabal palms at varying heights of 12', 14' and 18' CT to provide some screening. Please indicate the sabal palms on the outside of the wall. ES Staff recommend increasing the number of trees to 12 trees per 100 linear feet to exceed code requirements. The plans must demonstrate the buffer exceeds code requirements and zoning conditions.

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RESPONSE: The landscape drawings illustrate 44 Sabal palms of varying heights on the east side of the wall, which is above the suggested 12 trees per 100' lf.

COMMENT: *6. Please clarify why there is a gap between trees on both sides of the wall. Can Sabal palms be installed in these areas to assist in screening?*

RESPONSE: The gap has been filled in with Sabal palms.

COMMENT: *7. Please provide notarized letters of approval from the adjacent HOA regarding the landscaping. The letter must indicate what the approved buffer planting and and proposed buffer plants.*

RESPONSE: Copies have been provided.

Please do not hesitate to contact our office should there be any further questions or comments. Thank you.

Sincerely,

CONCEPTUS
Land Architectural Technologies, Inc.

William E. Prys, RLA, ASLA
President / CEO

Enclosures

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ADD 2008-00029

ESTERO COMMUNITY PLANNING PANEL
Minutes of Public Meeting #98 - April 21, 2008
Estero Community Park, Estero, Florida

Panel Members Present: Jack Lienesch, Acting Chairman, Estero Civic Association; Greg Toth, Estero Development Community; John Goodrich, Estero Council of Community Leaders; Tom O'Day, ECCL; Dan DeLisi, Estero Development Community; Lin Welch, Estero Chamber of Commerce. Recording Secretary: Jim Ramsburg, ECCL; Treasurer: Beverly MacNellis, ECCL.

Lienesch called the meeting to order at 6:03 PM.

Public Participation: Fourteen participants were present including six members of the general public. Ramsburg reported that public notices of the meeting were published in the Fort Myers News-Press, the Bonita Daily News and the Bonita Banner. Notices were posted on the Internet in the Estero Development Report and on the Web sites of the ECCL/ECPP/EDRC/ECA and Estero Fire Rescue. A paid advertising notice of the meeting was placed in the Bonita Banner of April 15th. Notices of the meeting were posted in the South Regional Library, Colonial Bank, Estero Community Park and Realty World of Estero.

Secretary's Report: Ramsburg distributed minutes of the March meeting. Goodrich: Motion to accept minutes. Toth: Second. Report accepted unanimously.

Treasurer's Report: MacNellis reported a current balance of \$1,304.75 in the Community Planning Panel account on deposit at Colonial Bank in Estero. O'Day: Motion to accept Toth: Second. Report accepted unanimously.

Developer Presentation - Art District at Rapallo: Developer Jim Wallace and Bill Prysi presented a proposal to revise the landscape buffering between Rapallo and the east side of US 41 at, and to the south of, Williams Road as proposed in the original DRI. The new plan would increase the number of palm trees and space them in clusters which would permit visibility of buildings and signage within the development from US 41. New designs were also presented to enhance the landscaping of the existing sidewalk between Rapallo and US 41 to create an attractive "rhythmic path" similar to that within The Brooks. The Panel was unanimous in its support of the change and complimented Wallace on its appearance as illustrated in presentation renderings.

Zoning Amendment Request - Tamiami Trail Auto Dealership: Prysi presented a zoning amendment request concerning a fence/landscape buffering between the rear of Tamiami Trail Auto - located on the west side of US 41 between Coconut Point Ford and the entrance to the Fountain Lakes residential community. The current zoning calls for a chain link fence and landscaped buffer separating the rear of the auto dealership and the east side of Fountain Lakes. Prysi said that a six foot wall has already been constructed on a two foot buffer and landscaping that exceeds the original zoning requirement is in place and growing to obstruct the view of the business from neighboring residences. The Panel unanimously supported the amendment.

I-75 Widening: Lienesch reported that current Florida Department of Transportation "cure" plans for the widening of I-75 north of Corkscrew Road have been substantially modified to accommodate the recommendations of this panel and of the EDRC. As a result, the impact to the landscape buffering due to the road construction will be minimized between I-75 and Germain Arena on the road's east side, and the Villagio residential community and B&W Golf Cart facility on its west side.

Panel Meeting Dates: Lienesch reported that Panel meeting dates have been advanced to the third Monday of each month and meeting facilities at Estero Community Park have been reserved through December, 2008.

Signage Issues: Goodrich reported problems in creating a photo album of signage in the area to illustrate examples of what could be considered permissible and/or objectionable signage in the community. He said a committee consisting of Beverly MacNellis, Bill Prysi, Doug Pastre of Lee Designs and himself would meet to determine the logistics of meetings and public workshops leading to an updating of signage zoning in Estero. DeLisi and Toth strongly recommended obtaining legal counsel to guide the committee and the Panel in the preparation of its requested zoning amendments.

Panel Funding: Lienesch reported that means are still being explored to fund Panel and EDRC activities and provide additional funds for professional support. Toth recommended an immediate request to Lee County for grant monies to fund specific projects. The Panel discussed the possibilities of private funding through presentation fees and/or means of soliciting funding from the development community and related professional services.

David Graham Award: Lienesch reported that five nominees have been entered for the design excellence award. The nominating committee will meet on April 29th to review the applications and select a 2008 winner.

Toth: Motion to adjourn. DeLisi: Second. Motion passed unanimously. Meeting adjourned at 7:28 PM.

NEXT MEETING: 6:00 PM, MONDAY, MAY 19TH, ESTERO COMMUNITY PARK. MAY 20 2008

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March 21, 2008

To: Bob Bontrager, Project Superintendent
Suncoast Auto Builders

From: John Rellias, President
Fountain Lakes Community Association, Inc.

Re: Landscaping along Western Buffer of Project
Tamiami Trail Dealership, Permit # COM2005-03547

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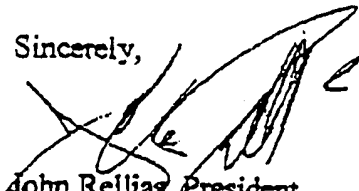
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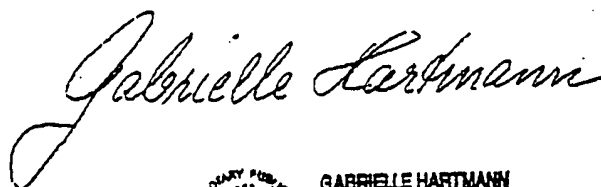
Dear Mr. Bontrager:

Pursuant to our recent meeting and conversations with respect to the required buffer along the west side of the Tamiami Trail Dealership, Permit # COM2005-03547 and in agreement with the Owners of Fountain Lakes Community Association, Inc., we respectfully request that the existing continuous plantings of Areca Palms currently in-place remain as is and stand as the required buffer along the west side of the buffer wall. We acknowledge that in order to install the buffer that was originally approved would require that these palms be removed. We prefer that the existing palm hedge remain as it provides an existing planting screen against the adjacent commercial development. Based on the available property, we also recognize that additional planting on the west side of the buffer wall is not possible to do on the commercial property. Recognizing this, any effort to provide the necessary tree buffer on the east side of the wall consistent with respect to the power lines would be appreciated by our community.

Thank you for your consideration.

Sincerely,


John Rellias, President
Fountain Lakes Community Association, Inc.





GABRIELLE HARTMANN
MY COMMISSION # DD 407048
EXPIRES: March 14, 2009
Bonded Third Budget Notary Services

cc: The Manors at Fountain Lakes Condominium Association, Inc.

22201 Fountain Lakes Blvd., Suite 1 • Estero, Florida 33928 • Tel: (239) 495-3555 • Fax (239) 947-9313

AND 2008-00029

March 21, 2008

To: Bob Bontrager, Project Superintendent
Suncoast Auto Builders

From: Gail Beddes, President
The Manors at Fountain Lakes Condominium Association, Inc.

Re: Landscaping along Western Buffer of Project
Tamiami Trail Dealership, Permit # COM2005-03547

Dear Mr. Bontrager:

Pursuant to our recent meeting and conversations with respect to the required buffer along the west side of the Tamiami Trail Dealership, Permit # COM2005-03547 and in agreement with the Owners of Fountain Lakes Community Association, Inc., we respectfully request that the existing continuous plantings of Areca Palms currently in-place remain as is and stand as the required buffer along the west side of the buffer wall. We acknowledge that in order to install the buffer that was originally approved would require that these palms be removed. We prefer that the existing palm hedge remain as it provides an existing planting screen against the adjacent commercial development. Based on the available property, we also recognize that additional planting on the west side of the buffer wall is not possible to do on the commercial property. Recognizing this, any effort to provide the necessary tree buffer on the east side of the wall consistent with respect to the power lines would be appreciated by our community.

Thank you for your consideration.

Sincerely,

Gail Beddes Pres

Gail Beddes, President
The Manors at Fountain Lakes Condominium Association, Inc.

Gabrielle Hartmann



GABRIELLE HARTMANN
NY COMMISSION # 00 407048
EXPIRES: March 14, 2009
Bonded thru Budget Notary Services

cc: Fountain Lakes Community Association, Inc.

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Public Meeting
April 9, 2008 at 5:00 P.M.
The Estero Recreation Center
9200 Corkscrew Palms Blvd.

Meeting Time: 5:00 P.M.

Members in Attendance: Tom O'Dea, Gordon Lyons, Al O'Donnell, Bob Melzer, Nancy Cohen, Bill Prysi, and Joe McHarris

Absent: Gerald Simons and Jim Wallace

Chaired By: Tom O'Dea

Minutes By: Ramona Thomas

Meeting called to order.

Opening Remarks:

The Chairman noted that one of the committee members was absent because his brother died suddenly. The committee expressed their sympathy and condolences to Jim Wallace and his family.

It was reported that there are signs being put up that do not conform to the Estero community's interpretation of the Lee County signage review staff has not been cooperating with EDRC in insisting that all signage in Estero must first be reviewed by the EDRC. All future signs will come before the EDRC for review. The EPPC is doing a study to determine recommended changes to clarify the current signage code.

The Bonita Health Center will be painting their facility and is changing colors and asked that the committee review the selected colors. It is not currently required for approval of colors by the EDRC. EDRC will continue to work on the "Urgent Care" sign being changed to conform to code.

However, the EDRC voted unanimously in favor of the proposed colors for the painting of the Bonita Health Center.

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Approval of the minutes of the March 12th meeting was called for. A motion to approve the minutes was made, seconded and carried unanimously. Minutes were approved with no changes.

Applicant: Fine Mark National Bank and Trust
Location: The Brooks Town Center, Three Oaks Parkway and Coconut Road
Presented by: Ramon Acevedo of Gora McGahey Associates in Architecture

Discussion on Site Plan:

Edward McDonald from Hole Montes presented site plans for Fine Mark National Bank and Trust located in The Brooks Town center, a 9390 sq ft 2-story bank on the SW corner of the outparcel. There will be a reduced size of the phase 3 & 4 buildings to compensate for the additional square footage of the bank, which went from 1-story to 2-story and will be using same colors as the Brooks building. The drive through changed to 2 lanes, all parking and remaining site plan is the same. The east facing entry has a colonnade created that reaches to the south side of the building, and includes a second entrance to the front door. The building consists of a cast stone base with stucco bands of rock like material, barrel tile roof, trim around windows of raised stucco, blue window frames with blue canvas awnings, and a setback for the second story. The east side includes a stairwell. The north elevation has offices above and will have blue awnings on windows. The roof structure over drive through is a solid roof. The intent of the building design & color is to match & blend the surrounding buildings on the parcel. The landscaping for the bank consists of grouped cabbage palms at the SW and SE corners of the building using same plant palate as remaining site, Montgomery palms on north & south elevations to screen stair element, jasmine vines on south side, hollies on north side, lower plantings of simple native plants. Dense mass of oaks & cabbage palms on north edge of property extending from NW corner to the dumpster to create layers, various trees which include slash pines to provide buffer along north side of property

Comments:

- ❖ EDRC noted that a portion of the building frontage perimeter landscaping consists of parking to walk to building without a landscape break. However, the committee supports the methodology the applicant has presented utilizing architectural elements to create a pedestrian court.

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- ❖ Noted that the tree sizes specified need to meet the minimum sizes discussed in chapter 33. Also noted some concern in getting tree from ligustrum at the required minimum size if used as required trees.

The EDRC voted in favor of issuing the DO letter with comments as noted. Motion carried unanimously.

Applicant: Bank of America

Presented by: Architectural Design Collaborative, Karen Anderson

Discussion:

Karen Anderson presented Bank of America which is currently under construction and had a sighting mishap causing the building to be 7.3 feet further east on the site so they are seeking a site amendment. The building is shifted to the east, closer to US41, and will now include a total of 36 parking spaces. Parking on the east side of the building is being eliminated. The landscape buffer is being made wider, and all utilities are moved closer to the road & unaffected by the building. The transformer is set closer to the building and the building design did not change.

Comments:

- ❖ Add three (3) palms with staggered heights of 16-24 feet on to SW corner of the building to help define the elevation.

The EDRC voted in favor of issuing the site amendment with comments as noted. Motion carried unanimously.

Applicant: Kohl's

Location: Coconut Crossing, corner of US41 and Coconut Road

Presented by: Joseph J. Jurewicz PE, Project Engineer, Staples of Scott & Gobel Architects, Brad Guarino, Development Manager, J.E.D

Discussion:

Brad Guarino & Joe Jurewicz presented changes to Kohl's per the comments of the January 2008 EDRC meeting. The roofline over Kohl's signage is made a complete gable with hip roofs. Added eave & soffit on front roof line to match vernacular & soften. the north & south elevation towers have been made complete

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with 4-sided hip roofs. Railings on the towers have been completed with faux window treatments made of black tile. The Serengeti finish is removed & is now an efface finish. Roof tile color is same as on Lowe's building. Added more contrast in colors and diamond medallions. Sable palms are added on rear of building with variation of heights.

Comments:

- ❖ The number of sable palms needs to be increased (approximately 60%) at heights that break up the roof line on the south and west side.
- ❖ Add four (4) royal palms, one each to the corners of both Kohl's main entries, move the planters closer to driveways to make relationships to buildings more conducive to large palms.
- ❖ Tenant signage must be lit letters on an opaque background. Project logo must be reverse channel lit lettering.
- ❖ Monument Sign design (form) does not relate to the project architecture well enough.
- ❖ Bring signage back with changes and indicate letters will be back channel lit.

The EDRC voted in favor of issuing the DO letter with comments as noted. Motion carried 5 to 1 with Bill Prysni opposing.

Applicant: Tamiami Ford Dealership
Presented by: Bill Prysni, President Conceptus Land Architects, Inc.

Discussion:

Bill Prysni, of Conceptus Land Architect, Inc. presented a proposed zoning amendment for the buffer which exceeds the intent of the original buffer. The original zoning buffer calls for a fence on the DO and there is now a wall in place, in lieu of a "fence" which Fountain Lakes planted areca palms along the wall on the side facing their community and do not want the areca palms or the wall removed. The amendment consists of adding 44 cabbage palms of staggered height placed between the wall and the existing cypress trees, Sixteen foot laurel oaks are scattered into the buffer. Letters from the owner and Fountain Lakes are also included in the package. The application is compliant with the intent expressed in the original DO order. There are power lines located in the buffer but no easement.

Comments:

- ❖ EDRC has no objections and would be in support of it being compliant.

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Applicant: The Art District at Rapallo ~~COMMUNITY DEVELOPMENT~~
Presented by: Bill Prysi, President Conceptus Land Architects, Inc.

Discussion:

Bill Prysi of Conceptus Land Architect and Ned Dewhirst of Oakbrook Properties presented plans for the buffer located along US41 which was put in place two years ago per a zoning amendment and DO approval. This buffer creates an issue which covers the area along where commercial marquee signage will go. There are 10 trees per 100 feet with a double row hedge for the minimum which calls for 50% actual trees, 50% palms, 197 trees require having 100 trees on the increased landscape plan.

Presenting a betterment plan to the zone along the sidewalk, will pull in trees at the buildings to bring up & ungulate providing an opening at the marquee views. The proposed amendment conceptually makes sense, will keep shade trees in the buffer and have added trees to the back of the art center theatre. Oakbrook supports the revised buffer and thinks it would be good.

Comments:

- ❖ The EDRC supports the deviation to the zoning of the proposed design versus the original design and installation applied with the caveat that the new buffer design provides transitional design elements from the old buffer into the new.
- ❖ The proposed design constitutes a "better" approach to the subject of the required landscape buffer responsive to the site, proposed architecture and original intent of the previous buffer installed.

The EDRC voted in favor of the deviation to the zoning with comments as noted and as long as it "blends" with the landscaping at the southern end of the Rapallo site. Motion carried unanimously.

Applicant: Riverwoods Kiosk & Pavilion
Presented by: Joe McHarris, McHarris Planning & Design

Discussion:

Joe McHarris presented plans for the Riverwoods Kiosk & Pavilion which is internally located in the Riverwoods community and will not be viewed externally. The structure will house mailboxes as they are required by the Postal Service to be externally placed. It is an open structure, metal roof with wood structure, no tile

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located in project, and the kiosk & pavilion will be plantation style to match the project theme.

The EDRC voted in favor of issuing the DO letter. Motion carried unanimously.

There being no further business to come before the committee the meeting was adjourned.

Next Meeting: Next EDRC Meeting will be held on Wednesday, May 14, 2008 at the Estero Park Community Center.

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LEE COUNTY
SOUTHWEST FLORIDA

BOARD OF COUNTY COMMISSIONERS

Writer's Direct Dial Number: 239-533-8317

Bob Janes
District One

A. Brian Bigelow
District Two

Ray Judah
District Three

Tammy Hall
District Four

Frank Mann
District Five

Donald D. Stilwell
County Manager

David Owen
County Attorney

Diana M. Parker
County Hearing
Examiner

March 20, 2008

BILL PRYSI
2149 MCGREGOR BLVD
SUITE 2
FT MYERS, FL 33901

Re: **TAMIAMI TRAIL DEALERSHIP**
ADD2008-00029 - PDZ Application (PD Admin)

Dear **BILL PRYSI** :

The Department of Community Development has reviewed the information provided for the above referenced administrative action application. The Land Development Code requires additional information for the application to be complete. Please respond to each requirement not satisfied on the attached checklists. For your assistance, we have enclosed any additional memoranda from the various Lee County reviewing agencies.

This application will be pending until each requirement of the checklist is satisfied. If you do not provide the requested supplements or corrections within 60 calendar days of this letter, this application will be considered withdrawn.

BILL PRYSI
RE: TAMIAAMI TRAIL DEALERSHIP
ADD2008-00029
March 20, 2008
Page 2

Please feel free to contact me or the staff reviewers if you have any questions.

Sincerely,

DEPARTMENT OF COMMUNITY DEVELOPMENT
Zoning Division



Mikki J Rozdolski

copy w/o attachments:

Pamela Houck, Zoning Division Director
Paul O'Connor, Planning Director
Pete Eckenrode, Development Services Director
Susie Derheimer, Environmental Division
Jamie Prancing, DCD Administration
Zoning/ADD Files

BILL PRYSI
RE: TAMIAMI TRAIL DEALERSHIP
ADD2008-00029
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Page 3

10) Estero Planning Community. The applicant may be required to conduct one public informational session where the agent will provide a general overview of the project for any interested citizens. [33-54]

Please submit EDRC approval for the buffer revisions.

11) Miscellaneous items.

1. Please label the drainage easement on the eastern side of the property line. This drainage easement is referenced in condition 4a of Z-97-050. Are the areca palms within this drainage easement?
2. Why isn't the drainage easement and overhead powerlines which are referenced in the zoning resolution condition above not shown on the boundary survey. Have the areca palms been confirmed to be on the property by a surveyor?
3. Also, regarding the areca the narrative and the landscape plans indicate different heights. The narrative indicates the areca palms at average height over 12' and the development order plans indicate 8'-10' in height. Which is correct? Who is responsible for the material on the outside of the wall if these plants are not accessible to the property owner? What about the red maple trees shown on the development order plans?
4. The narrative indicates that the development order plans include a solid wall; however the landscape plans and zoning condition reference a fence. Was this part of the discussion or agreements with the neighbors. Please include in the notarized statements from the HOA.
5. Previous suggestions from ES Staff provided to the applicant referenced the use of sabal palms at varying heights of 12', 14' and 18' CT to provide some screening. Please indicate the sabal palms on the outside of the wall. ES staff recommend increasing the number of trees to 12 trees per 100 linear feet to exceed minimum buffer requirements. The plans must demonstrate the buffer exceeds code requirements and zoning conditions.
6. Please clarify why there is a gap between trees on both sides of the wall. Can sabal palms be installed in these areas to assist in screening?
7. Please provide notarized letters of approval from the adjacent HOA regarding the landscaping. The letter must indicate what the approved buffer planting and proposed buffer plants.

**APPLICATION FOR ADMINISTRATIVE ACTION
FOR UNINCORPORATED AREAS ONLY**

**APPLICATION FOR ADMINISTRATIVE ACTION
FOR UNINCORPORATED AREAS ONLY**

Applicant's Name: Sam M. Galloway III – C/O William E. Prys

Project Name: Tamiami Trail Dealership

STRAP Number(s): 04-47-25-00-00001.002G

TYPE OF ADMINISTRATIVE APPLICATION:

- ☐ Administrative Variance (attach Supplement A)
- ☐ Commercial Lot Split (attach Supplement B)
- ☐ Consumption On Premises (attach Supplement C)
- ☐ Minimum Use Determination (attach Supplement D)
- ☐ LCLDC, Zoning District Boundaries, or Ordinance Interpretation (attach Supplement E)
- ☐ Relief for Designated Historic Resources (attach Supplement F)
- ☐ Relief for Easement Encroachment (attach Supplement G)
- ☒ Administrative Amendment to PUD or PD (attach Supplement H)
- ☐ Final Plan Approval for PD per Resolution: # _____ (attach Supplement H)
- ☐ Administrative Deviation from LCLDC Chapter 10, Section 10-104 (attach Supplement I)
- ☐ Placement of Model Home/Unit or Model Display Center (attach Supplement J)
- ☐ Dock & Shoreline Structures (attach Supplement K)
- ☐ Wireless Communication Facility Shared Use Plan Agreement (attach Supplement M)

Is this project located in the Estero Planning Community? ☒ YES ☐ NO

*If YES, please note that the applicant may be required to conduct one public informational session where the agent will provide a general overview of the project for any interested citizens.

STAFF USE ONLY

Case Number: _____ Commission District: _____
Current Zoning: _____ Fee Amount: _____
Land Use Classification: _____ Intake by: _____
Planning Community: _____

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MAY 20 2008

**LEE COUNTY
COMMUNITY DEVELOPMENT
P.O. BOX 398 (1500 MONROE STREET)
FORT MYERS, FLORIDA 33902
PHONE (239) 533-8585**

COMMUNITY DEVELOPMENT

PART 1
APPLICANT/AGENT INFORMATION

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A. Name of applicant: Tamiami Trail Dealership

Address: Street : 22400 South Tamiami Trail

COMMUNITY DEVELOPMENT

City: Estero

State: FL

Zip: 33928

Phone: Area Code: (239)

Number: 498-3673

Ext: _____

Fax: Area Code: (239)

Number: 390-5735

E-mail address: _____

B. Relationship of Applicant to owner (check one):

____ Applicant (including an individual or husband & wife) is the sole owner of the property. [34-201(a)(1)a.1.]

____ Notarized Affidavit of Authorization form is attached as Exhibit AA-1.B.2. (See Part 1 Exhibit Form A1 attached hereto for suggested Affidavit Form for an individual.) [34-202(b)(1)c.]

X Applicant has been authorized by the owner(s) to represent them for this action.

X Notarized Affidavit of Authorization form is attached as Exhibit AA-1.B.2. (Please select the appropriate Affidavit Form from the suggested forms in Part 1 Exhibits attached hereto.) [34-202(b)(1)c.]

____ Applicant is a contract purchaser/vendee. [34-202(b)(1)d.]

____ Notarized Affidavit of Authorization form is attached as Exhibit AA-1.B.2. [34-202(b)(1)c.] (Please select the appropriate Affidavit Form from the suggested forms in Part 1 Exhibits attached hereto.)

C. Authorized Agent: Name of the person who is to receive all County-initiated correspondence regarding this application. [34-202(b)(1)c.]

C.1. Company Name: Conceptus Land Architectural Technologies, Inc.

Contact Person: Bill Prys

Address: Street : 2149 McGregor Blvd. Suite 2

City: Fort Myers

State: FL

Zip: 33901

Phone: Area Code: 239

Number: 334-9144

Ext: 25

Fax: Area Code: 239

Number: 334-9590

E-mail address: BillPrys@clati.com

C.2. ____ Additional Agent(s): The names of other agents that the County may contact concerning this application are attached as Exhibit AA-1.C.2. [34-202(b)(1)c.]

PART 2
PROPERTY OWNERSHIP

Is this request specific to a particular tract of land? ____ NO X YES. If the answer is YES, please complete the following items.

A. **Property Ownership:** Single owner (individual or husband & wife only) [34-201(a)(1)a.1.]

A.1. **Name:** Sam M. Galloway III- Estero Group LLP

Mailing Address: Street: P.O. Box 70

City: Fort Myers State: FL Zip: 33902

Phone: Area Code: _____ Number: _____ Ext: _____

Fax: Area Code: _____ Number: _____

E-mail: _____

B. **Property Ownership:** Multiple owners (Corporation, partnership, trust, association) [34-201(a)(1)].

B.1. X Disclosure of (Ownership) Interests Form is attached as Exhibit AA-2.B.1. [34-201(b)2]

C. **Multiple parcels**

C.1. _____ Property owners list is attached as Exhibit AA-2.C.1. [34-202(a)(5)]

C.2. _____ Property owners map is attached as Exhibit AA-2.C.2. [34-202(a)(5)]

D. **Date property was acquired by present owner(s):** _____

**PART 3
PROPERTY INFORMATION**

Is this request specific to a particular tract of land? _____ NO X YES. If the answer is YES, please complete the following items.

A. **STRAP Number(s):** 04-47-25-00-00001.002G

B. **Street Address of Property:** "Needs Access Confirmed" (22254, 22400 450, 22360 400, 22360, 22400, 22380, 22400) S Tamiami Trail, Estero, FL

C. **Legal Description**

X Legal description (on 8 1/2" by 11" paper) is attached as Exhibit AA-3.C.1. [34-202(a)(1)]

X Sealed sketch of the legal description is attached as Exhibit AA-3.C.2. [34-202(a)(1)]

_____ Electronic version of the legal description is attached as Exhibit AA-3.C.3.

D. **Boundary Survey**

X A Boundary survey, tied to the state plane coordinate system, is attached as Exhibit AA-3.D.1. [34-202(a)(2)]

_____ The property consists of one or more undivided platted lots in a subdivision recorded in the Official County Plat Books. A copy of the applicable plat book page is attached as Exhibit AA-3.D.2. [34-202(a)(2)]

E. **Planning Community:** Estero

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F. General Location of Property:

F.1. X Area location map is attached as Exhibit AA-3.F. [34-202(a)(4)]

F.2. Directions to property: South on US-41, West side of US-41 just North of the intersection of US-41 and Fountain Lakes Blvd.

G. Current Zoning of Property: CPD (Z-97-050)

H. Current use(s) of the property are: Retail Automobile

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COMMUNITY DEVELOPMENT

I. Property Dimensions [34-202(a)(8)]

1. Width (average if irregular parcel): 349 Feet
2. Depth (average if irregular parcel): 500 Feet
3. Total area: 174,239 SF Acres or square feet
4. Frontage on road or street: 349 Feet on US-41 Street
- 2nd Frontage on road or street: N/A Feet on N/A Street

**PART 4
ACTION REQUESTED**

A. TYPE OF REQUEST (please check one)

- ☐ Administrative Variance (requires supplement A)
- ☐ Commercial Lot Split (requires supplement B)
- ☐ Consumption On Premises (requires supplement C)
- ☐ Minimum Use Determination (requires supplement D)
- ☐ LCLDC, Zoning District Boundaries, or Ordinance Interpretation (requires supplement E)
- ☐ Relief for Designated Historic Resources (requires supplement F)
- ☐ Easement Encroachment (requires supplement G)
- ☒ Administrative Amendment to a PUD or Planned Development (requires supplement H)
- ☐ Final Plan Approval for a Planned Development (requires supplement H)
- ☐ Administrative Deviation from Chapter 10 of the LDC (requires supplement I)
- ☐ Placement of Model Home/Unit or Model Display Center (requires supplement J)
- ☐ Dock & Shoreline Structure (requires supplement K)
- ☐ Wireless Communication Facility Shared Use Plan Agreement (requires supplement M)

B. NATURE OF REQUEST (please print): Please See "Exhibit B. Nature of Request"



**APPLICATION FOR ADMINISTRATIVE ACTION
FOR UNINCORPORATED AREAS ONLY**

**APPLICATION FOR ADMINISTRATIVE ACTION
FOR UNINCORPORATED AREAS ONLY**

Applicant's Name: Sam M. Galloway III – C/O William E. Prysi

Project Name: Tamiami Trail Dealership

STRAP Number(s): 04-47-25-00-00001.002E

TYPE OF ADMINISTRATIVE APPLICATION:

- ☐ Administrative Variance (attach Supplement A)
☐ Commercial Lot Split (attach Supplement B)
☐ Consumption On Premises (attach Supplement C)
☐ Minimum Use Determination (attach Supplement D)
☐ LCLDC, Zoning District Boundaries, or Ordinance Interpretation (attach Supplement E)
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☐ Relief for Easement Encroachment (attach Supplement G)
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☐ Administrative Deviation from LCLDC Chapter 10, Section 10-104 (attach Supplement I)
☐ Placement of Model Home/Unit or Model Display Center (attach Supplement J)
☐ Dock & Shoreline Structures (attach Supplement K)
☐ Wireless Communication Facility Shared Use Plan Agreement (attach Supplement M)

Is this project located in the Estero Planning Community? ☒ YES ☐ NO

***If YES, please note that the applicant may be required to conduct one public informational session where the agent will provide a general overview of the project for any interested citizens.**

STAFF USE ONLY

Case Number: ADD 2008-00029

Commission District: _____

Current Zoning: _____

Fee Amount: _____

Land Use Classification: _____

Intake by: _____

Planning Community: _____

LEE COUNTY
COMMUNITY DEVELOPMENT
P.O. BOX 398 (1500 MONROE STREET)
FORT MYERS, FLORIDA 33902
PHONE (239) 533-8585

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MAY 05 2008
BY PLAN DATED _____

PART 1
APPLICANT/AGENT INFORMATION

A. Name of applicant: Tamiami Trail Dealership

Address: **Street :** 22400 South Tamiami Trail

City: Estero **State:** FL **Zip:** 33928

Phone: **Area Code:** (239) **Number:** 498-3673 **Ext:** _____

Fax: **Area Code:** (239) **Number:** 390-5735

E-mail address: _____

B. Relationship of Applicant to owner (check one):

____ Applicant (including an individual or husband & wife) is the sole owner of the property. [34-201(a)(1)a.1.]

____ Notarized Affidavit of Authorization form is attached as Exhibit AA-1.B.2. (See Part 1 Exhibit Form A1 attached hereto for suggested Affidavit Form for an individual.) [34-202(b)(1)c.]

☒ Applicant has been authorized by the owner(s) to represent them for this action.

☒ Notarized Affidavit of Authorization form is attached as Exhibit AA-1.B.2. (Please select the appropriate Affidavit Form from the suggested forms in Part 1 Exhibits attached hereto.) [34-202(b)(1)c.]

____ Applicant is a contract purchaser/vendee. [34-202(b)(1)d.]

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C.1. Company Name: Conceptus Land Architectural Technologies, Inc.

Contact Person: Bill Prysi

Address: **Street :** 2149 McGregor Blvd. Suite 2

City: Fort Myers **State:** FL **Zip:** 33901

Phone: **Area Code:** 239 **Number:** 334-9144 **Ext:** 25

Fax: **Area Code:** 239 **Number:** 334-9590

E-mail address: BillPrysi@clati.com

C.2. Additional Agent(s): The names of other agents that the County may contact concerning this application are attached as Exhibit AA-1.C.2. [34-202(b)(1)c.]

PART 2
PROPERTY OWNERSHIP

Is this request specific to a particular tract of land? _____ NO ☒ YES. If the answer is YES, please complete the following items. **COMMUNITY DEVELOPMENT**

ADD 2008-00029

A. **Property Ownership:** Single owner (individual or husband & wife only) [34-201(a)(1)a.1.]

A.1. **Name:** Sam M. Galloway III- Estero Group LLP

Mailing Address: Street: P.O. Box 70

City: Fort Myers

State: FL

Zip: 33902

Phone: Area Code:

Number: Ext:

Fax: Area Code:

Number:

E-mail:

B. **Property Ownership:** Multiple owners (Corporation, partnership, trust, association) [34-201(a)(1)].

B.1. X **Disclosure of (Ownership) Interests Form** is attached as Exhibit AA-2.B.1. [34-201(b)2]

C. **Multiple parcels**

C.1. Property owners list is attached as Exhibit AA-2.C.1. [34-202(a)(5)]

C.2. Property owners map is attached as Exhibit AA-2.C.2. [34-202(a)(5)]

D. **Date property was acquired by present owner(s):**

**PART 3
PROPERTY INFORMATION**

Is this request specific to a particular tract of land? NO X **YES.** If the answer is YES, please complete the following items.

A. **STRAP Number(s):** 04-47-25-00-00001.002E

B. **Street Address of Property:** "Needs Access Confirmed" (22254, 22400 450, 22360 400, 22360, 22400, 22380, 22400) S Tamiami Trail, Estero, FL

C. **Legal Description**

X **Legal description (on 8 1/2" by 11" paper)** is attached as Exhibit AA-3.C.1. [34-202(a)(1)]

X **Sealed sketch of the legal description** is attached as Exhibit AA-3.C.2. [34-202(a)(1)]

Electronic version of the legal description is attached as Exhibit AA-3.C.3.

D. **Boundary Survey**

X **A Boundary survey, tied to the state plane coordinate system,** is attached as Exhibit AA-3.D.1. [34-202(a)(2)]

The property consists of one or more undivided platted lots in a subdivision recorded in the Official County Plat Books. A copy of the applicable plat book page is attached as Exhibit AA-3.D.2. [34-202(a)(2)]

E. **Planning Community:** Estero

F. General Location of Property:

F.1. X Area location map is attached as Exhibit AA-3.F. [34-202(a)(4)]

F.2. **Directions to property:** South on US-41, West side of US-41 just North of the intersection of US-41 and Fountain Lakes Blvd.

G. **Current Zoning of Property:** CPD (Z-97-050)

H. **Current use(s) of the property are:** Retail Automobile

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1.	Width (average if irregular parcel):	<u>349</u>	Feet
2.	Depth (average if irregular parcel):	<u>500</u>	Feet
3.	Total area:	<u>174,239 SF</u>	Acres or square feet
4.	Frontage on road or street:	<u>349</u>	Feet on <u>US-41</u> Street
	2 nd Frontage on road or street:	<u>N/A</u>	Feet on <u>N/A</u> Street

**PART 4
ACTION REQUESTED**

A. TYPE OF REQUEST (please check one)

- Administrative Variance (requires supplement A)
- Commercial Lot Split (requires supplement B)
- Consumption On Premises (requires supplement C)
- Minimum Use Determination (requires supplement D)
- LCLDC, Zoning District Boundaries, or Ordinance Interpretation (requires supplement E)
- Relief for Designated Historic Resources (requires supplement F)
- Easement Encroachment (requires supplement G)
- X Administrative Amendment to a PUD or Planned Development (requires supplement H)
- Final Plan Approval for a Planned Development (requires supplement H)
- Administrative Deviation from Chapter 10 of the LDC (requires supplement I)
- Placement of Model Home/Unit or Model Display Center (requires supplement J)
- Dock & Shoreline Structure (requires supplement K)
- Wireless Communication Facility Shared Use Plan Agreement (requires supplement M)

B. NATURE OF REQUEST (please print): Please See "Exhibit B, Nature of Request"

ADD 2008 00029

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**PART 5
SUBMITTAL REQUIREMENTS**

THE NUMBER OF COPIES REQUIRED FOR EACH EXHIBIT IS BASED ON THE ACTION REQUESTED AS INDICATED BELOW. PLEASE NOTE THAT THE THREE (3) SETS OF REQUIRED SUBMITTAL AND SUPPLEMENTAL FORMS MUST BE SUBMITTED IN SETS OF THREE. ADDITIONAL SUBMITTAL ITEMS (listed below) SHOULD BE SUBMITTED AS A PAIRED GROUP WITH THE APPROPRIATE NUMBER OF COPIES PROVIDED AS NOTED BELOW.

Copies Required*	Exhibit Number	SUBMITTAL ITEMS
3		Completed application for Administrative Action
1		Filing Fee - [34-202(a)(9)]

Copies Required*	SUP Number	SUPPLEMENTAL FORMS (select applicable request/form)
3	SUP A	Administrative Variance request
3	SUP B	Commercial Lot Split request
3	SUP C	Consumption On Premises request
3	SUP D	Minimum Use Determination request
3	SUP E	Ordinance Interpretation request
3	SUP F	Relief for Designated Historic Resources request
3	SUP G	Easement Encroachment request
3	SUP H	Administrative Amendment to a PUD or Planned Development request
3	SUP H	Final Plan Approval for a Planned Development request
3	SUP I	Administrative Deviation from Chapter 10 of the LDC request
3	SUP J	Placement of Model Home/Unit or Model Display Center request
3	SUP K	Dock & Shoreline Structure request
3	SUP M	Wireless Communication Facility Shared Use Plan Agreement

Copies Required*	Exhibit Number	ADDITIONAL SUBMITTAL ITEMS
3	AA-1.B.2	Notarized Affidavit of Authorization Form [34-202(b)(1)c]
3	AA-1.C.2	Additional Agents [34-202(b)(1)c.]
3	AA-2.B.1	Disclosure of Interest Form [34-201(b)(2)a]
3	AA-2.C.1	Subject property owners list (if applicable) [34-202(a)(5)]
3	AA-2.C.2	Subject Property Owners map (if applicable) [34-202(a)(5)]
3	AA-3.A.1	List of STRAP Numbers (if additional sheet is required) [34-202(a)(1)]
3	AA-3.C.1	Legal Description (2 originals required) [34-202(a)(1)]
3	AA-3.C.2	Sealed Sketch of the Legal Description (2 originals required) [34-202(a)(1)]
1	AA-3.C.2	Electronic version of legal description (if available)
3	AA-3.D.1	Boundary Survey (tied to State Plane Coordinate System) [34-202(a)(2)] (NOTE: This is a required submittal for all Planned Development Applications and for all properties of 10 acres or more. (2 originals required) [34-373(a)(4)a.])
3	AA-3.D.2	Copy of Plat Book Page (if applicable) [34-202(a)(1)]
3	AA-3.F	Area Location Map on 8-1/2" by 11" paper pursuant to LCLDC Section 34-202(a)(4).

* At least one copy must be an original.

ADD 2008-00029

PART 1 AFFIDAVIT A1
(EXHIBIT AA-1.B.2)

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MAY 05 2008

AFFIDAVIT FOR ADMINISTRATIVE ACTION
APPLICATION IS SIGNED BY AN INDIVIDUAL OWNER OR APPLICANT

COMMUNITY DEVELOPMENT

I, Bill Prysi, swear or affirm under oath, that I am the owner or the authorized representative of the owner(s) of the property and that:

1. I have full authority to secure the approval(s) requested and to impose covenants and restrictions on the referenced property as a result of any action approved by the County in accordance with this application and the Land Development Code;
2. All answers to the questions in this application and any sketches, data or other supplementary matter attached hereto and made a part of this application are honest and true;
3. I have authorized the staff of Lee County Community Development to enter upon the property during normal working hours for the purpose of investigating and evaluating the request made thru this application; and that
4. The property will not be transferred, conveyed, sold or subdivided unencumbered by the conditions and restrictions imposed by the approved action.

[Signature]
Signature

Bill Prysi
(Type or printed name)


STATE OF Florida
COUNTY OF Lee

The foregoing instrument was sworn to (or affirmed) and subscribed before me this 4/29/08 (date) by WILLIAM E. PRYSI (name of person providing oath or affirmation), who is personally known to me or who has produced _____ (type of identification) as identification.

Joan E. Fitzgerald
Signature of person taking oath or affirmation
NOTARY
Title or rank

JOAN E. FITZGERALD
Name typed, printed or stamped

Serial number, if any

NOTARY PUBLIC-STATE OF FLORIDA
 Joan E. Fitzgerald
Commission # DD460040
Expires: SEP 10, 2009
Bonded Thru Atlantic Bonding Co., Inc.

PART 1 AFFIDAVIT A2
(EXHIBIT AA-1.B.2)

AFFIDAVIT FOR ADMINISTRATIVE ACTION COMMUNITY DEVELOPMENT
APPLICATION IS SIGNED BY A CORPORATION, LIMITED LIABILITY COMPANY (L.L.C.), LIMITED COMPANY
(L.C.), PARTNERSHIP, LIMITED PARTNERSHIP, OR TRUSTEE

I, * SAM GALLOWAY III as PARTNER of ESTERO GROUP, LLP
ESTERO GROUP, LLP, swear or affirm under oath, that I am the owner or the authorized
representative of the owner(s) of the property and that:

1. I have full authority to secure the approval(s) requested and to impose covenants and restrictions on the referenced property as a result of any action approved by the County in accordance with this application and the Land Development Code;
2. All answers to the questions in this application and any sketches, data or other supplementary matter attached hereto and made a part of this application are honest and true;
3. I am hereby authorizing the staff of Lee County Community Development to enter upon the property during normal working hours for the purpose of investigating and evaluating the request made thru this application; and that
4. The property will not be transferred, conveyed, sold or subdivided unencumbered by the conditions and restrictions imposed by the approved action.

ESTERO GROUP, LLP
*Name of Entity (corporation, partnership, LLP, LC, etc)

[Signature]
Signature

Sam Galloway III
(Type or printed name)

PARTNER
(title of signatory)

STATE OF Florida
COUNTY OF Lee

The foregoing instrument was sworn to (or affirmed) and subscribed before me this May 1, 2008 (date) by
Sam Galloway III (name of person providing oath or affirmation), who is personally known
to me or who has produced drivers licence (type of identification) as identification.

[Signature]
Signature of person taking oath or affirmation

NOTARY PUBLIC - STATE OF FLORIDA
Lori A. Luma
Commission # DD644244
Expires FEB. 26, 2011
Name typed, printed or stamped
BONDED THRU ATLANTIC BONDING CO., INC.

Title or rank

Serial number, if any

- *Notes:
- If the applicant is a corporation, then it is usually executed by the corp. pres. or v. pres.
 - If the applicant is a Limited Liability Company (L.L.C.) or Limited Company (L.C.), then the documents should typically be signed by the Company's "Managing Member."
 - If the applicant is a partnership, then typically a partner can sign on behalf of the partnership.
 - If the applicant is a limited partnership, then the general partner must sign and be identified as the "general partner" of the named partnership.
 - If the applicant is a trustee, then they must include their title of "trustee."
 - In each instance, first determine the applicant's status, e.g., individual, corporate, trust, partnership, estate, etc., and then use the appropriate format for that ownership.

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EXHIBIT AA-2.B.1
DISCLOSURE OF INTEREST FORM FOR:

STRAP NO. 04-47-25-00-00001.002E CASE NO. DOS2001-00107 COMMUNITY DEVELOPMENT

1. If the property is owned in fee simple by an INDIVIDUAL, tenancy by the entirety, tenancy in common, or joint tenancy, list all parties with an ownership interest as well as the percentage of such interest.

Name and Address	Percentage of Ownership

2. If the property is owned by a CORPORATION, list the officers and stockholders and the percentage of stock owned by each.

Name and Address	Percentage of Stock

3. If the property is in the name of a TRUSTEE, list the beneficiaries of the trust with percentage of interest.

Name and Address	Percentage of Interest

4. If the property is in the name of a GENERAL PARTNERSHIP OR LIMITED PARTNERSHIP, list the names of the general and limited partners.

Name and Address	Percentage of Ownership
Sam M. Galloway III	33.33%
13100 Shire Lane Fort Myers, Florida 33901	
Katherine G. Dougherty	33.33%
5485 Brandy Circle Fort Myers, Florida 33919	
Robert W. Galloway	33.33%
1344 Sheffield Way Fort Myers, Florida 33919	

5. If there is a CONTRACT FOR PURCHASE, whether contingent on this application or not, and whether a Corporation, Trustees, or Partnership, list the names of the contract purchasers below, including the officers, stockholders, beneficiaries, or partners.

Name and Address	Percentage of Stock

Date of Contract: _____

6. If any contingency clause or contract terms involve additional parties, list all individuals or officers, if a corporation, partnership, or trust.

Name and Address	

For any changes of ownership or changes in contracts for purchase subsequent to the date of the application, but prior to the date of final public hearing, a supplemental disclosure of interest shall be filed.

The above is a full disclosure of all parties of interest in this application, to the best of my knowledge and belief.

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MAY 05 2008

Signature: _____

[Signature]
(Applicant)

COMMUNITY DEVELOPMENT

Sam Gallaway III

(Printed or typed name of applicant)

STATE OF FLORIDA
COUNTY OF LEE

The foregoing instrument was acknowledged before me this

1 day of May 2008

by Sam Gallaway III

who is personally known to me or who has produced

driver's license

as identification.

[Signature]

Signature of Notary Public

(SEAL)

NOTARY PUBLIC - STATE OF FLORIDA

Lori A. Luma
Lori A. Luma
Commission # 01964244
Expires: FEB. 26, 2011
BONDED THRU ATLANTIC BONDING CO., INC.

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EXHIBIT AA-1.C.2
ADDITIONAL AGENTS

Company Name: None Applicable

COMMUNITY DEVELOPMENT

Contact Person:

Address: Street :

City:

State:

Zip:

Phone: Area Code:

Number:

Ext:

Fax: Area Code:

Number:

E-mail address:

Company Name:

Contact Person:

Address: Street :

City:

State:

Zip:

Phone: Area Code:

Number:

Ext:

Fax: Area Code:

Number:

E-mail address:

Company Name:

Contact Person:

Address: Street :

City:

State:

Zip:

Phone: Area Code:

Number:

Ext:

Fax: Area Code:

Number:

E-mail address:

Company Name:

Contact Person:

Address: Street :

City:

State:

Zip:

Phone: Area Code:

Number:

Ext:

Fax: Area Code:

Number:

E-mail address:

**EXPLANATORY NOTES
INSTRUCTIONS FOR COMPLETING COVER PAGE**

Case number: Will be inserted by County staff.

Project Name (if applicable): Provide the name that you wish to have assigned to this project. The name is limited to 30 characters and spaces.

Applicant's Name-Authorized Agent: The applicant's name must be provided. This is the person to whom all County correspondence will be directed. This is usually the person who signs the Applicant's "Statement Under Oath". (See PART 1, Affidavit Form A1 or A2).

STRAP(S): The STRAP (Section, Township, Range, Area, Parcel) number is the 17- digit number used by the Property Appraiser to identify specific parcels. Where there is more than one parcel encompassed by the application, the STRAP number for every parcel must be provided. (If additional sheets are necessary label as "Exhibit AA-1".)

Type of Application. Self explanatory; select only one type.

Estero Planning Community. If the project is located within the Estero Planning Community the Design Standards and Overlay District Standards specified in Chapter 33 of the Lee County Land Development Code are applicable. In addition, please note that the applicant may be required to conduct one public informational session where the agent will provide a general overview of the project for any interested citizens (see LCLDC Section 33-54).

**PART 1
APPLICANT/AGENT INFORMATION**

- A. Name of applicant:** Insert the name of the applicant (this is the person who signs the Applicant's "Statement Under Oath").
- B. Relationship of Applicant to Owner:** Indicate whether the applicant is the sole owner of the property (individual or husband and wife) or designate other relationship to the owner.

If the applicant is not the sole owner of the property but has been authorized to submit this application on behalf of the owner(s), or a contract purchaser/vendee, check the appropriate response and submit the appropriate Notarized Affidavit Form. A statement is to be signed by the applicant, under oath, that he is the authorized representative of the owner(s) of the property and has full authority to secure the approval(s) requested and to impose covenants and restrictions on the referenced property as a result of the issuance of a development order in accordance with this code. The signed statement also constitutes an agreement that the property will not be transferred, conveyed, sold or subdivided unencumbered by the covenants and restrictions imposed as part of the development order. (See Part 1 Exhibits for suggested forms where application is signed by either an individual owner or applicant (Affidavit A1; **Exhibit AA-1.B.2**), or is signed by a corporation, limited liability company (L.L.C.), limited company (L.C.), partnership, limited partnership, or trustee (Affidavit A2; **Exhibit AA-1.B.2**).

- C. Authorized Agent:** Indicate the name of the individual (or contact person if a company) who is to receive all County-initiated correspondence regarding the application. This may be the owner, the applicant, or an agent authorized by the owner or applicant to receive all County-initiated correspondence.
- D. Additional Agent(s):** List the names of other agents (consultants) that the County may contact concerning the application that are in addition to the authorized agent.

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**PART 2
PROPERTY OWNERSHIP**

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A. Property Ownership:

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1. If the property is owned by an individual or husband and wife, complete the form with the name, address, etc., of the owner.
2. If the property is owned by more than one person (corporation, partnership, trust, association, etc.) submit an executed copy of Exhibit AA-2.B.1 "Disclosure Form."

A Disclosure Form is a list of the names of all owners, stockholders and trust beneficiaries, (including percentages of interest) of the property. It is required for all corporations, trusts and partnerships, as well as for contract purchases. Disclosure is not required for any entity registered with the Federal Securities Exchange Commission or registered pursuant to Chapter 517, whose interests are solely equity interests which are regularly traded on an established securities market in the United States or another country.

3. If the property covered by the application consists of more than one parcel, submit a list of all of the owners and their mailing address, keyed to a map illustrating the individual owners interest in the property.
4. Indicate the date the property was purchased by the current owner(s).

**PART 3
PROPERTY INFORMATION**

A. STRAP number(s): The STRAP (Section, Township, Range, Area, Parcel) number is the 17- digit number used by the Property Appraiser to identify specific parcels. STRAP numbers must be provided for all parcels subject to the application.

B. Street Address of Property. May be obtained from Property Appraiser if unknown by applicant.

C.&

D.

1. **Legal Description and Sketch to Accompany Legal Description:** A metes and bounds legal description, prepared by a Florida Licensed Surveyor and Mapper, must be submitted, unless the property consists of one or more undivided lots within a subdivision platted in accordance with Florida Statutes, Chapter 177. The legal description must specifically describe the entire perimeter boundary of the property subject to the action, with accurate bearings and distances for every line, but need not describe each individual parcel. The director has the right to reject any legal description that is not sufficiently detailed so as to locate the property on county maps. In accordance with Rule 61G-17, F.A.C., the legal description must be accompanied by a sealed sketch of the legal description.

A list of all STRAP numbers subject to the zoning action must be provided (see PART 3.A).

2. **Boundary Survey or Certified Sketch of Description:** A boundary survey of the subject property must be submitted for all Planned Development Applications and for all properties of 10 acres or more, unless the property consists of one or more undivided lots within a subdivision platted in accordance with Florida Statutes, Chapter 177. The boundary survey must identify and depict all easements affecting the subject property, whether recorded or unrecorded, and all other physical encumbrances readily identified by a field inspection.

All boundary surveys must meet the minimum technical standards for land surveying in the state, as set out in chapter 61G 17-6, F.A.C. The survey must be tied to the state plane coordinate system for the Florida West Zone (North America Datum of 1983/1990 Adjustment) with two coordinates, one coordinate being the point of beginning (POB) and the other an opposing corner. The perimeter boundary must be clearly marked with a heavy line and must include the entire area to be developed.

If the subject property consists of one or more undivided lots within a subdivision, then a copy of the subdivision plat may be submitted in lieu of the boundary survey (see below).

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- 3. Undivided Platted Lots - Non Planned Development Applications:** For all applications, other than for Planned Development Applications, if the property consists of one or more undivided platted lots in a subdivision recorded in the Official Plat Books, a copy of the subdivision plat may be submitted in lieu of the boundary survey. The submittal must include the name of the subdivision, the Book and Page number of the Plat Book, and the Block (if applicable) and Lot number(s) of the property. In addition the individual STRAP numbers must be provided.

A boundary survey is required for all Planned Development Applications.

E. Planning Community: Indicate the Planning Community in which the property is located.

F. General Location of Property: Submit a map, at suitable scale, drawn on an 8½ inch by 11 inch size sheet of paper, that depicts the property described in the legal description in relation to the surrounding neighborhood. The map must be sufficiently referenced to known major streets or other physical boundaries so as to be clearly identifiable to the general public.

Also submit a brief set of directions showing how a person could find the property. Reference at least one major Road such as U.S. 41, Alico Road, Bayshore, Pondella, etc.

G. Current Zoning of Property: Indicate the current zoning on the property.

H. Current Use of Property: Provide a brief description of what uses are currently on the property.

I. Property Dimensions: Self explanatory. If the property is adjacent to more than one street, provide length of frontage on both streets.

PART 4 ACTION REQUESTED

A. Action Requested: Check the applicable action and complete the required Supplement.

B. Nature of Request. Provide a brief description of what, exactly, is being requested.

PART 5 SUBMITTAL REQUIREMENTS

1. This table represents a summary of the required submittal items. The applicant is responsible for the accuracy and completeness of this application. Time delays or additional expenses necessitated by submitting inaccurate or incomplete information will be the responsibility of the applicant.
2. All information submitted with the application becomes a part of the public record and will be a permanent part of the file.
3. Please submit all applications in person. Mailed-in applications will not be processed.
4. All attachments and exhibits submitted must be legible, suitable for recording, and of a size that will fit or conveniently fold to fit into a letter size (8 ½" x 11") folder.
5. Department staff will review this application for compliance with requirements of the Lee County Land Development Code. The applicant will be notified of any deficiencies.



**ADMINISTRATIVE ACTION REQUEST
SUPPLEMENT H
FOR UNINCORPORATED AREAS ONLY**

ADMINISTRATIVE AMENDMENT TO A PUD OR PLANNED DEVELOPMENT PER LCDC SECTION 34-380(b) or FINAL PLAN APPROVAL FOR A PLANNED DEVELOPMENT

MENT PER ECLDC
PLAN APPROVAL FOR

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Case Number: DOS 2001-00107

Project Name: Tamiami Trail Dealership

COMMUNITY DEVELOPMENT

Applicant's Name: Sam M. Galloway III – C/O William E. Prysby

STRAP Number(s): 04-47-2500-00001.002E

Indicate whether REQUEST is for:

X ADMINISTRATIVE AMENDMENT (please complete PART 1, PART 2., & PART 3.)

FINAL PLAN APPROVAL (please complete PART 1, PART 2, & PART 4.)

If the request is for an administrative amendment to a PUD or to a Planned Development or Final Plan Approval please submit the “Application for Administrative Action” form for unincorporated areas and Supplement H including the following:

PART 1. APPLICATION INFORMATION

- A. **ORIGINAL PROJECT NAME** (if different than Project Name currently used):
Tamiami Trail Dealership (New)
- B. **ORIGINAL REZONING RESOLUTION NUMBER:** Z-97-050
- C. **SUBSEQUENT ZONING ACTION RESOLUTION/CASE NUMBERS** (if any): Please list all previous zoning and administrative actions (approvals and denials) on this project subsequent to the original rezoning including Resolution Numbers and Case Numbers (provide added sheets, if necessary; label as **Exhibit H-1.C.**).

LDO2007-00461

ADM2001-00016

LDO2000-00350 X

ADD2001-00179

~~LDO2007-00461~~

ADM2000-00003

DOS2001-00107, DOS2000-00077

- D. DEVELOPMENT ORDER NUMBERS FOR PROJECT (if any):** Please list all local development

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orders approved on this project. Please indicate the status of each development order (provide added sheets, if necessary; label as **Exhibit H-1.D.**).

DOS2001-00107

DO Complete/Case Finaled.

DOS2000-00077

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**PART 2.
REQUESTED ACTION**

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- A. **WRITTEN NARRATIVE:** Please provide a written narrative statement explaining exactly what is proposed. Label as **Exhibit H-2.A.**
- B. **RELIEF/DEVIATIONS:** Is any relief requested from the provisions of the Lee County Land Development Code? NO X YES.

If the answer is YES, provide a **written narrative statement** explaining the specific relief requested (a schedule of deviations). Include specific references to any section (number{s}) and name{s}) of the Lee County Land Development Code (LCLDC) from which relief is sought including why the requested relief is necessary and how it will affect the project. Explain what conditions currently exist which warrant this request for relief from the regulations (a written justification for each of the requested deviations). Label narrative statement as **Exhibit H-2.B.1.**

Also provide four (6) sets of drawings detailing any proposed deviations or changes to the MASTER CONCEPT PLAN (MCP) in 11" X 17" size (two originals required) and one (1) 24" x 36" size. All deviation requests must be specifically keyed to the location on the MCP. Label deviation drawing(s) as **Exhibit H-2.B.2.**

**PART 3.
ADDITIONAL SUBMITTAL REQUIREMENTS FOR ADMINISTRATIVE AMENDMENT APPLICATIONS**

Please submit the following for all Administrative Amendment Applications:

- A. **AREA LOCATION MAP:** An Area Location Map (on 8.5" by 11" paper) must be provided. The map must be marked to show the location of the property to be developed in relation to arterial and collector streets as well as the location of existing easements and rights-of-way on or abutting the property. Label as **Exhibit H-3.A. [34-373(a)(4)b.]**
- B. **APPROVED MASTER CONCEPT PLAN:** Provide one (1) APPROVED MASTER CONCEPT PLAN (MCP) and DETAILED DRAWINGS of any DEVIATIONS OR CHANGES BEING PROPOSED at a size of 24" X 36". Label as **Exhibit H-3.B. [34-373(a)(6)]**
- C. **REDUCED SIZE MASTER CONCEPT PLAN:** Provide one (6) copies of the MASTER CONCEPT PLAN REDUCED to a maximum size of 11" x 17" (two originals required). Label as **Exhibit H-3.C.**
- D. **ZONING RESOLUTIONS/ZONING DOCUMENTS:** Please attach six (6) copies of any zoning resolutions or documents that are still valid. Include the original rezoning resolution, final plan approval letters, Administrative Approval letters, and any other documentation granting relevant approvals. Label as **Exhibit H-3.D.**

PART 4.
ADDITIONAL SUBMITTAL REQUIREMENTS FOR FINAL PLAN APPROVAL APPLICATIONS

Please submit the following for all Final Plan Approval Applications:

- A. **AREA LOCATION MAP:** An Area Location Map (on 8.5" by 11" paper) must be provided. The map must be marked to show the location of the property to be developed in relation to arterial and collector streets as well as the location of existing easements and rights-of-way on or abutting the property. Label as **Exhibit H-4.A. [34-373(a)(4)b.]**
- B. **APPROVED MASTER CONCEPT PLAN:** Provide one (1) APPROVED MASTER CONCEPT PLAN (MCP) and DETAILED DRAWINGS of any DEVIATIONS OR CHANGES BEING PROPOSED. Label as **Exhibit H-4.B. [34-373(a)(6)]**
- C. **PROPOSED FINAL PLAN:** Please submit six (6) copies of the proposed Final Plan consistent with the approved Master Concept Plan and the approved Zoning Resolution. This proposed Final Plan must show any DEVIATION(s) keyed on the plan to identify the location of the specific deviation. Label as **Exhibit H-4.C.**
- D. **REDUCED SIZE COPY OF THE PROPOSED FINAL PLAN:** Please submit six (6) copies of the proposed Final Plan REDUCED to a maximum size of 11" x 17" (two originals required). Label as **Exhibit H-4.D.**
- E. **ZONING RESOLUTIONS/ZONING DOCUMENTS:** Please attach six (6) copies of any zoning resolutions or documents that are still valid. Include the original rezoning resolution, final plan approval letters, Administrative Approval letters, and any other documentation granting relevant approvals. Label as **Exhibit H-4.E.**

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PART 5.

SUBMITTAL REQUIREMENTS

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THE NUMBER OF COPIES REQUIRED FOR EACH SUBMITTAL ITEM/EXHIBIT IS INDICATED BELOW. PLEASE NOTE THAT THIS SUPPLEMENT NEEDS TO BE ACCOMPANIED BY THE APPLICATION FOR ADMINISTRATIVE ACTION. COPIES OF BOTH OF THESE APPLICATIONS SHOULD BE SUBMITTED TOGETHER IN SETS OF THREE ALONG WITH ALL OTHER REQUIRED DOCUMENTATION. ADDITIONAL SUBMITTAL ITEMS (listed below) SHOULD BE SUBMITTED AS A GROUP WITH THE APPROPRIATE NUMBER OF COPIES PROVIDED AS NOTED BELOW.

Copies Required*	Exhibit Number	SUBMITTAL ITEMS
		FOR ADMINISTRATIVE AMENDMENT APPLICATIONS and FOR FINAL PLAN APPROVAL APPLICATIONS
3		Completed Application for Administrative Action Form [34-201(b)]
1		Filing Fee - [34-202(a)(9)]
3	SUP H	Administrative Amendment to a PUD or Planned Development request Supplement Form
3	H-1.C	Subsequent Zoning Action Resolution/Case Numbers (if any and if added sheet is necessary)
3	H-1.D	Development Order Numbers for the Project (if any and if added sheets are necessary)
3	H-2.A	Written Narrative explaining what, exactly, is proposed
3	H-2.B.1	Schedule of Deviations and Justification Statement for each requested deviation (if YES was answered to Item # 2.B.)
1	H-2.B.2	Site plan (24" X 36" size) detailing each requested deviation (if YES was answered to Item # 2.B.)
3	H-2.B.2	Reduced site plans (11" X 17" size) detailing each requested deviation (if YES was answered to Item # 2.B.) - two originals required
		ADDITIONAL SUBMITTAL ITEMS FOR ADMINISTRATIVE AMENDMENT APPLICATIONS
3	H-3.A	Area Location Map (8 1/2" X 11" size)
1	H-3.B	Approved Master Concept Plan and detailed drawings of any proposed deviations (24" X 36" size)
3	H-3.C	Master Concept Plan (11" X 17" maximum size) including detailed drawings of any proposed deviations - two originals required
3	H-3.D	Zoning Resolutions/Zoning Documents
		ADDITIONAL SUBMITTAL REQUIREMENTS FOR FINAL PLAN APPROVAL APPLICATIONS
3	H-4.A	Area Location Map (8 1/2" X 11" size)
3	H-4.B	Approved Master Concept Plan and detailed drawings of any proposed deviations (24" X 36" size)
1	H-4.C	Proposed Final Plan including Deviations keyed to the plan (24" X 36" size)
3	H-4.D	Proposed Final Plan (11" X 17" maximum size) - two originals required
3	H-4.E	Zoning Resolutions/Zoning Documents

- At least one copy must be an original

**EXPLANATORY NOTES
 INSTRUCTIONS FOR COMPLETING COVER PAGE**

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Case number: Will be inserted by County staff.

Project Name (if applicable): Provide the name that you wish to have assigned to this project. The name is limited to 30 characters and spaces and should be the same as provided on the Administrative Action Application Form.

Applicant's Name-Authorized Agent: The applicant's name must be provided. This is the person to whom all County correspondence will be directed. This is usually the person who signs the Applicant's "Statement Under Oath". (See Administrative Application Form, Part 1, Affidavit Form A1 or A2).

STRAP(S): The STRAP (Section, Township, Range, Area, Parcel) number is the 17- digit number used by the Property Appraiser to identify specific parcels. Where there is more than one parcel encompassed by the application, the STRAP number for every parcel must be provided and be the same as those listed in the Administrative Application Form, Part 2.F.

**PART 1.
 APPLICATION INFORMATION**

- A. ORIGINAL PROJECT NAME:** Please indicate the original project name if it is different than the current Project Name (as provided on the Application for Administrative Action Form and above).
- B. ORIGINAL ZONING RESOLUTION NUMBER:** Please list the Resolution Number per the original rezoning case.
- C. SUBSEQUENT ZONING ACTION RESOLUTION/CASE NUMBERS:** List the Resolution number(s) and case number(s) assigned to any public hearing or administrative actions granted or denied for this project since its original rezoning. Provide added sheets, if necessary; label as **Exhibit H-1.C..**
- D. DEVELOPMENT ORDER NUMBERS FOR PROJECT:** List the all local Development Order number(s) and current status of any local Lee County Development Orders issued for this project (e.g. status: Issued, Received, Finaled, Vacated, etc.). Provide added sheets, if necessary; label as **Exhibit H-1.C.**

**PART 2.
 ADDITIONAL SUBMITTAL ITEMS**

- A. WRITTEN NARRATIVE:** Please provide a written narrative statement explaining exactly what is proposed under this application. Please be most specific in terms of development parameters (square feet by specific use, number and type of dwelling units, etc.). Label as **Exhibit H-2.A.**
- B. RELIEF/DEVIATIONS:** Self explanatory. For further assistance see LCLDC Section 34-373(a)(9) and 34-373(b)(4).

**PART 3.
 ADDITIONAL SUBMITTAL REQUIREMENTS FOR ADMINISTRATIVE AMENDMENT APPLICATIONS**

- A.-D.** Self explanatory.

**PART 4.
 ADDITIONAL SUBMITTAL REQUIREMENTS FOR FINAL PLAN APPROVAL APPLICATIONS**

- A.-D.** Self explanatory.

**PART 5.
SUBMITTAL REQUIREMENTS**

1. This table represents a summary of the required submittal items. The applicant is responsible for the accuracy and completeness of this application. Time delays or additional expenses necessitated by submitting inaccurate or incomplete information will be the responsibility of the applicant.
2. All information submitted with the application becomes a part of the public record and will be a permanent part of the file.
3. Please submit all applications in person. Mailed-in applications will not be processed.
4. All attachments and exhibits submitted must be legible, suitable for recording, and of a size that will fit or conveniently fold to fit into a letter size (8 ½" x 11") folder.
5. Department staff will review this application for compliance with requirements of the Lee County Land Development Code. The applicant will be notified of any deficiencies.

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SUPPLEMENT H - H-2A
Narrative

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TAMIAMI TRAIL DEALERSHIP (AKA Coconut Ford)

The request for an Administrative Deviation to Zoning Resolution Z-97-050 pertains to the specific requirements of a buffer fence along the western edge of the property, more specifically referred to as follows:

According to Condition 4A of Zoning Resolution Z-97-050:

Special Buffering - The Developer must provide a 75-wide indigenous preserve buffer along the length of the entire western property boundary (east of the 10-foot-wide drainage easement). In addition, the developer must provide an 8-foot-high fence (not a wall) or a 6-foot-high fence on a 2-foot-high berm within the westerly 10-foot-wide drainage easement. Additional tree plantings must be provided on the east side of the fence within 20 feet of said fence, These trees plantings must be South Florida slash pines no less than 10 feet tall with a three-inch caliper measured at three feet above the ground. A minimum of eight trees per 100 foot buffer segment are required.

In accordance with the relative Development Order DOS 2001-00107 some variations to the specific requirements of the aforementioned condition were granted due primarily to the presence of overhead powerlines. Also, an opaque pre-cast wall was provided in lieu of a fence defined in the Zoning Resolution to the benefit of both the adjacent residential property owners and the Applicant. These specific issues were addressed and noted in the approved Development Order.

Subsequent to the approved Development Order and as adjacent and previous portions of the overall project were developed, the buffer was extended to the extents of the preserve and development area. Prior to the development of this specific parcel (DOS 2001-00107), the adjacent property owners planted a continuous hedge of Areca Palms of which have matured and now extend well over the height of the 8 foot wall in-place. Due to the presence of these Palms and the limits of the wall, the Applicant cannot access the property in question to plant the material indicated on the Development Order Drawings. Based on the current conditions and the effect that the removal of the Areca Palms and installation of the required buffer will have on the adjacent residential property, the effected Homeowners has articulated their clear desire to maintain the buffer in its current state. Please see the attached letters from the relative Homeowners Associations that state their desire to maintain the wall and Areca Palm hedge on the west side of the wall as it currently exists. The Homeowners want this application as opposed to the one required in the D.O. as they feel better represents their interests towards buffering the residential side from the commercial.

A further hardship exists that if the Applicant was required to remove the Areca Palm hedge and install the buffer as required, the process of removing the Areca Palms will most likely undermine the integrity of the wall itself. Also, there is currently no possibility of accessing the west side of the wall to install plantings without impacting the adjacent private property to which all parties wish to avoid. The current Areca Hedge is planted on the Applicants property and any additional planting in addition to the Areca Palms would have to be done on the adjacent residential property as well. The adjacent residential homeowners have made it clear that they want the Areca Palms to remain without any further undue impacts to their property.

SUPPLEMENT H – H-2A
Narrative... cont.

The Applicant proposes that the 8-foot pre-cast wall (as opposed to a transparent fence) and existing Areca Palm hedge (currently continuous and at an average height of over 12-feet) remain as a buffer to the commercial site from the adjacent residential. Both parties agree that this application exceeds the intent of the original Condition 4A in Zoning Resolution Z-97-050. The Applicant has also provided "All" of the plantings that were previously required on the west of the wall to the east side of the wall as an additional benefit to the Areca Palm hedge as originally required in the D.O. This includes a 100% native row of Simpson Stoppers (48"H at installation) adjacent to the base of the wall on the east side. As illustrated in the attached Minor Change Documents for DOS 2001-00107, an additional 67 Bald Cypress Trees have also been added to the preserve as mitigation to a number of Slash Pines that have died due to the impacts of construction and the effects of the original hydrology of the preserve (this is not uncommon with Pines). In response to the desires of both parties (the Applicant and the effected adjacent Homeowners), the proposed improvements as installed are desired to remain and to be the final conditions of both the Zoning Resolution and subsequent Development Order.

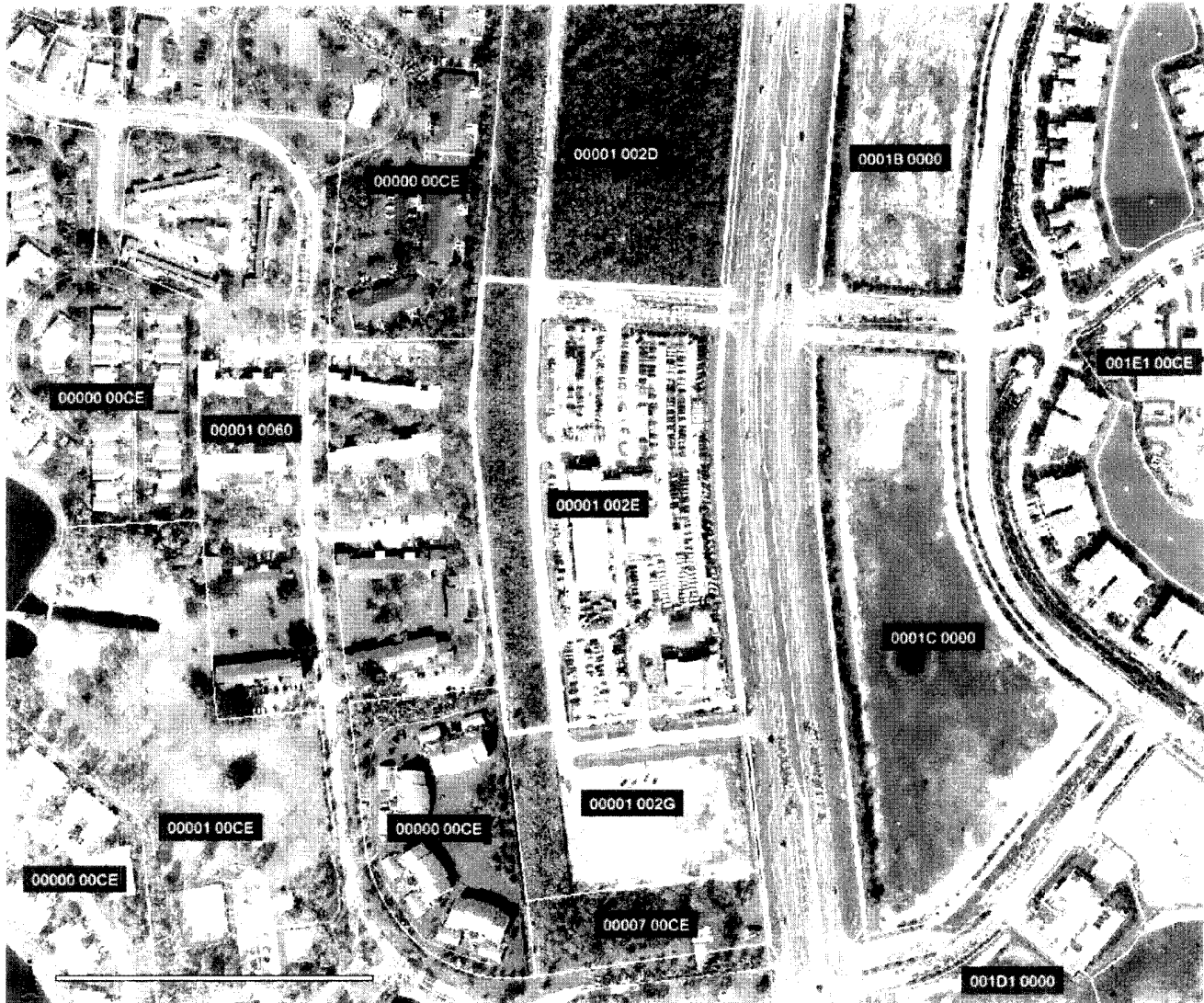
The Applicant respectfully requests an Administrative Deviation to Condition 4A of Zoning Resolution Z-97-050 per the attached D.O. Minor Change Documents that represent the current installation thereof.

*In addition 44 Cabbage Palms have been installed on the east side of the wall per site meeting with Ed Cronyn, Lee County Environmental Sciences.

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Lee Property Appraiser Web Tax Map

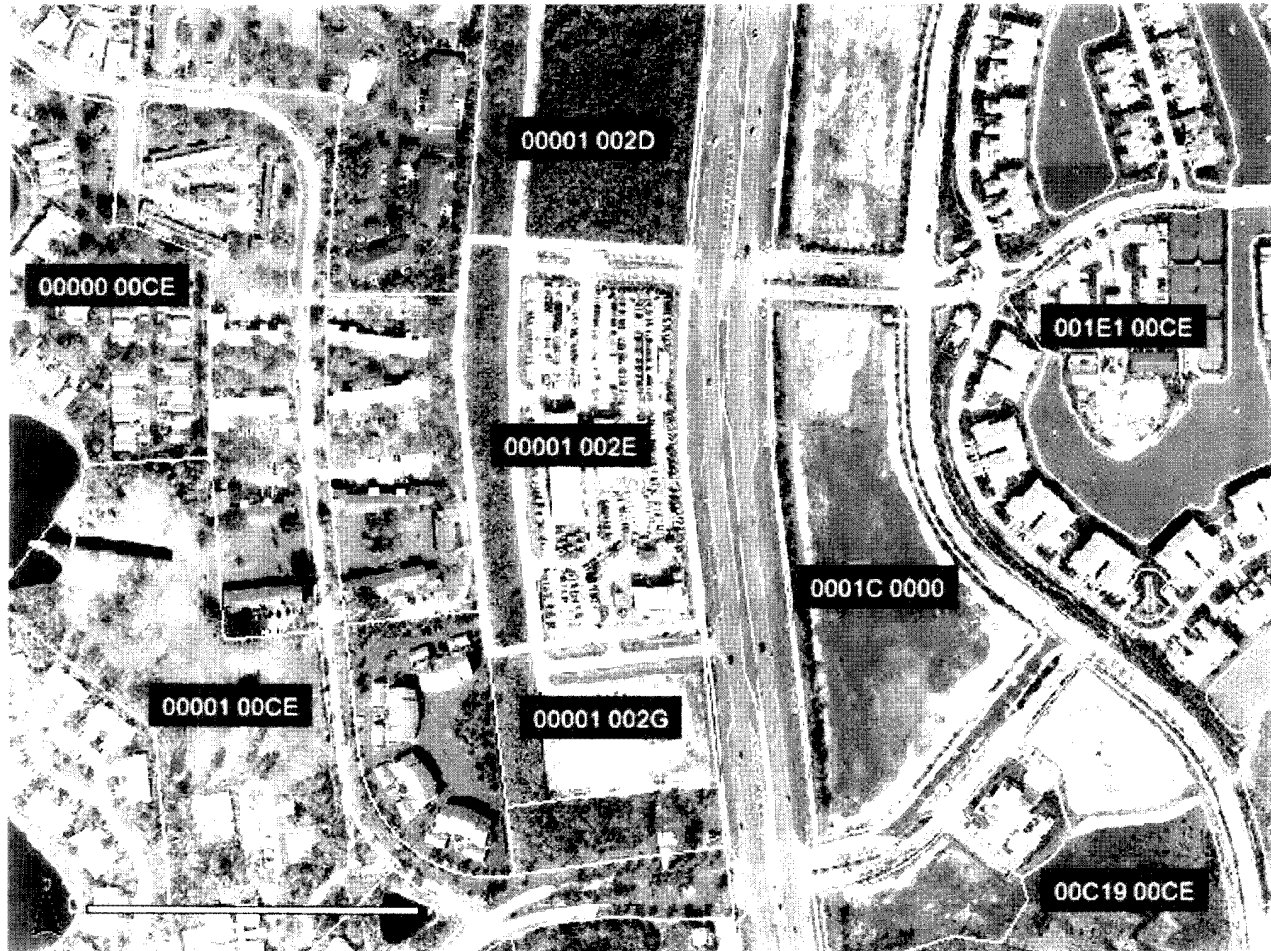


Tax Map Legend

Aerial Image Set	2007 Hi-Res (1/2 foot)	Map Currency Date	4/15/2008 4:49:53 PM
Selected Parcel	04-47-25-00-00001 002E	Legal Description	PAR LYING SE 1/4 OF NW 1/4 OF SECTION W OF US 41 DESC IN OR J5832498
Parcel Owner	ESTERO GROUP LLP PO BOX 70 FORT MYERS FL 33902	Property Address	22400-450 S TAMiami TrL ESTERO FL 33928

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Lee Property Appraiser Web Tax Map



Tax Map Legend

Selected Parcel

Parcel

Section Lines

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Aerial Image Set	2007 Hi-Res (1/2 foot)	Map Currency Date	4/15/2008 4:46:39 PM
Selected Parcel	04-47-25-00-00001.002E	Legal Description	PAR LYING SE 1/4 OF NW 1/4 OF SECTION W OF US 41 DESC IN OR 3583/2498
Parcel Owner	ESTERO GROUP LLP PO BOX 70 FORT MYERS FL 33902	Property Address	22400-450 S TAMIAMI TRL ESTERO FL 33928



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Exhibit B. Nature of Request

The Zoning Resolution calls for a fence and a planted buffer along west side of the property. Applicant has provided an opaque pre-cast wall and the adjacent property owner has planted a buffer adjacent to it on their side, which contradicts the conditions set forth in the Zoning Resolution. Please see attached revised Development Order drawing which depicts the proposed (and currently installed) solution.

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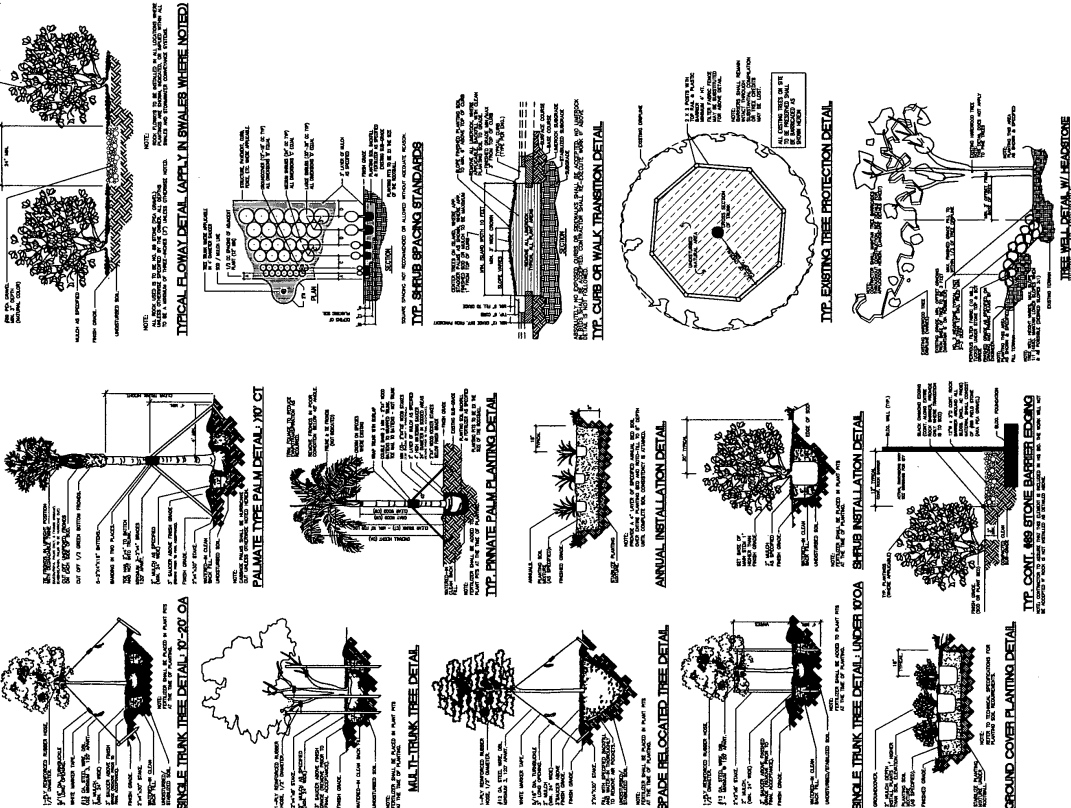
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LANDSCAPE DETAILS and MINIMUM STANDARDS:

LANDSCAPE DETAILS (and INSTALLATION STANDARDS)



LANDSCAPE DETAILS and LDC REQUIREMENTS:

LANDSCAPE CONSTRUCTION NOTES:

1. All trees to be installed shall be supplied by a qualified nursery. All trees to be installed shall be supplied by a qualified nursery. All trees to be installed shall be supplied by a qualified nursery.
2. All trees to be installed shall be supplied by a qualified nursery. All trees to be installed shall be supplied by a qualified nursery. All trees to be installed shall be supplied by a qualified nursery.
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EXOTIC SPECIES REMOVAL LIST:

- ALL OF THE FOLLOWING SPECIES ARE TO BE REMOVED FROM THE PROJECT. THE CONTRACTOR SHALL BE RESPONSIBLE FOR THE REMOVAL OF THESE SPECIES. THE CONTRACTOR SHALL BE RESPONSIBLE FOR THE REMOVAL OF THESE SPECIES. THE CONTRACTOR SHALL BE RESPONSIBLE FOR THE REMOVAL OF THESE SPECIES.
- 1. ACACIA (ACACIA SP.)
 - 2. ALBIZIA (ALBIZIA SP.)
 - 3. ANACARDIUM (ANACARDIUM SP.)
 - 4. ANNONA (ANNONIA SP.)
 - 5. ANNONA (ANNONIA SP.)
 - 6. ANNONA (ANNONIA SP.)
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 - 14. ANNONA (ANNONIA SP.)
 - 15. ANNONA (ANNONIA SP.)

UNACCEPTABLE PLANT MATERIALS:

- ALL OF THE FOLLOWING PLANT MATERIALS ARE NOT ACCEPTABLE FOR THE PROJECT. THE CONTRACTOR SHALL BE RESPONSIBLE FOR THE REMOVAL OF THESE PLANT MATERIALS. THE CONTRACTOR SHALL BE RESPONSIBLE FOR THE REMOVAL OF THESE PLANT MATERIALS. THE CONTRACTOR SHALL BE RESPONSIBLE FOR THE REMOVAL OF THESE PLANT MATERIALS.
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 - 14. ANNONA (ANNONIA SP.)
 - 15. ANNONA (ANNONIA SP.)

ACCEPTABLE PLANT ALTERNATES:

- ALL OF THE FOLLOWING PLANT MATERIALS ARE ACCEPTABLE FOR THE PROJECT. THE CONTRACTOR SHALL BE RESPONSIBLE FOR THE INSTALLATION OF THESE PLANT MATERIALS. THE CONTRACTOR SHALL BE RESPONSIBLE FOR THE INSTALLATION OF THESE PLANT MATERIALS. THE CONTRACTOR SHALL BE RESPONSIBLE FOR THE INSTALLATION OF THESE PLANT MATERIALS.
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 - 15. ANNONA (ANNONIA SP.)

CONCEPTUS
Architectural
Technologies
2149 McCreary Blvd.
Fort Myers, FL 33901
Phone: 238.334.9144
Fax: 238.334.9590
www.conceptus.com

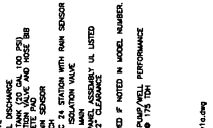
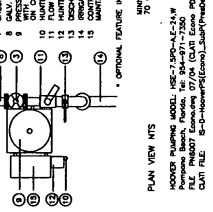
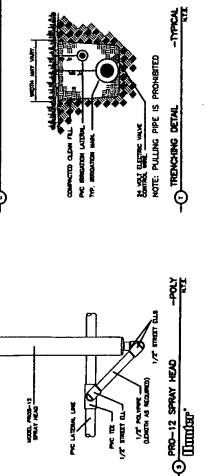
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EXHIBIT H-2 B-2
MAY 05 2008
COMMUNITY DEVELOPMENT

TAMIAMI TRAIL DEALERSHIP
ESTERO, FLORIDA
SUNCAST AUTOBUILDERS, INC.
5180 113th AVENUE NORTH
CLEFWATER, FLORIDA 33760
PREPARED FOR
LANDSCAPE
DETAILS
and SCHEDULES

LC-3
Sheet No. 3
Scale: 1" = 10'-0"
North Arrow
Date: 05/05/08
Project: 2008-00029
Client: TAMAMI TRAIL DEALERSHIP

IMPORTANT NOTICE TO CONTRACTOR:
THE CONTRACTOR SHALL BE RESPONSIBLE FOR THE REMOVAL OF ALL EXISTING PLANT MATERIALS THAT ARE NOT ACCEPTABLE FOR THE PROJECT. THE CONTRACTOR SHALL BE RESPONSIBLE FOR THE REMOVAL OF THESE PLANT MATERIALS. THE CONTRACTOR SHALL BE RESPONSIBLE FOR THE REMOVAL OF THESE PLANT MATERIALS.

ACTION DETAILS:



REQUIREMENTS

[illegible]

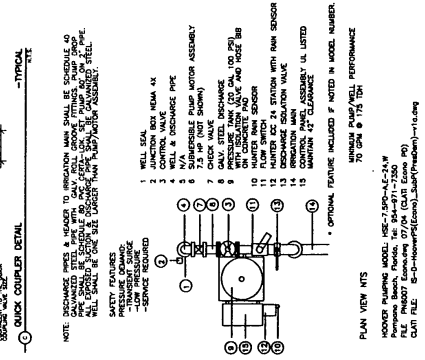
System components are selected by drawings have been prepared by the LDC Submittals. Therefore, it is the acquire and ensure that the system is designed by the LANDSCAPE ARCHITECT, A-B-But

[illegible]

ion system on acid drawings. The following minimum components:

[illegible]

PRESSURE DEMAND



SUBMERSIBLE PUMP SYSTEM DETAIL

Virtual Design
 3D Animation
 Landscaping
 Logo Design
 Digital Imaging
 Landscape Architecture

Land Architectural Technologies Inc.
 2149 McGregor Blvd., Suite 2
 Fort Myers, Florida 33901

Phone: 239.334.9144
 Fax: 239.334.9590
 WEB: www.LATI.com
 Email: mail@LATI.com

11

TRAIL DEAR
ESTERO, FLORIDA
DEERS, INC.
H
60

Sheet Title:

IRRIGATION DETAILS

and GUIDELINES

Registration:

[illegible]

LC-4

ADD 2008-00029

ADD

EXHIBIT H-3.D.

ADD 2008-00029

RESOLUTION NUMBER Z-97-050

RESOLUTION OF THE BOARD OF COUNTY COMMISSIONERS
OF LEE COUNTY, FLORIDA

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WHEREAS, Florida Group Investments, Inc. filed an application for a rezoning from Agricultural (AG-2) to Commercial Planned Development (CPD), in reference to Estero Greens; and

WHEREAS, the subject property is located at 22250 S Tamiami Trail, Estero, and is described more particularly as:

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

A tract or parcel of land lying in Section 04, Township 47 South, Range 25 East, Lee County, Florida, more particularly described as follows:
Commence at the Southeast corner of Section 04, Township 47 South, Range 25 East;
THENCE S88°14'22"W for 2,266.44 feet along the South line of the Southeast Quarter (SE¼) of said Section 04 to an intersection with the Westerly right-of-way line of US 41 (SR 45 - Tamiami Trail);
THENCE N06°41'21"W for 2,267.59 feet along said Westerly right-of-way to the POINT OF BEGINNING;
THENCE continue N06°41'21"W for 651.86 feet along said right-of-way to the Point of Curvature of a curve to the right, radius 2,932.79 feet, central angle 07°12'27";
THENCE Northwesterly for 590.90 feet along the said arc of curve to the Point of Tangency;
THENCE N04°51'17"E for 811.36 feet along said right-of-way;
THENCE N85°08'43"W for 500.00 feet to an intersection with a line parallel with and 500.00 feet Westerly of (as measured at right angles to) the aforementioned Westerly right-of-way line of US 41;
THENCE S04°51'17"W for 811.36 feet along said parallel line and a line common with a tract or parcel of land as described in Official Record Book 1775 at Pages 2025 and 2026 of the Public Records of Lee County, Florida to the Point of Curvature of a curve to the left, radius 3,432.79 feet, central angle 07°12'27";
THENCE Southwesterly for 691.63 feet along the arc of said curve to the Point of Tangency;
THENCE S06°41'21"E for 651.86 feet;
THENCE N83°18'39"E for 500.00 feet along said common line to the POINT OF BEGINNING.
Containing 24.16 acres more or less; and

WHEREAS, the applicant has indicated the property's current STRAP numbers are 04-47-25-00-00001.002D and 04-47-25-00-00001.002E; and

9/15/97

WHEREAS, Florida Group Investments, Inc., the owner of the subject parcel, authorized Stuart & Associates to act as agent to pursue this zoning application; and

WHEREAS, a public hearing was advertised and held on July 30, 1997 before the Lee County Hearing Examiner in Case No. 97-04-065.03Z 01.01, who gave full consideration to the evidence available; and

WHEREAS, a public hearing was advertised and held on September 15, 1997 before the Lee County Board of County Commissioners who gave full and complete consideration to the recommendations of 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 LEE COUNTY BOARD OF COUNTY COMMISSIONERS, that the Board APPROVES the rezoning from Agricultural (AG-2) to Commercial Planned Development (CPD), to permit the development of up to 100,000 square feet of retail or 129,900 square feet of office uses (with a maximum of 229,900 square feet of commercial development), or an Adult Living Facility (ALF) on three acres with a maximum of 145 rooms, or a 125-room hotel/motel use, or some combination of these uses, with building(s) not to exceed 45 feet in height within three stories for all uses, except the hotel/motel use which may be a maximum of 50 feet in height within five stories, on 24.2± acres of land WITH THE FOLLOWING CONDITIONS AND DEVIATIONS:

SECTION A. CONDITIONS:

The CPD rezoning and Master Concept Plan are subject to the following conditions:

1. The development of this project must be in accordance with the one-page Master Concept Plan (MCP) entitled "Master Concept Plan for Estero Greens CPD," prepared by Stuart & Associates, dated 6/9/97, stamped "Received June 12, 1997," as may be modified below. This approval does not alleviate the need to comply with all state and county development regulations, except as specifically modified by this approval. Any change to the MCP will require an appropriate approval.
2. The uses and development regulations for this property are as follows:
 - a. Schedule of Uses

- (1) This project may be developed with the following uses, except as further limited below:

Accessory uses and structures
 Administrative Offices
 Animal Clinic (only as limited by LDC Section 34-1322)
 Auto Parts Store
 Auto Repair & Service, Group II
 Automobile Service Station
 Bait & Tackle Shop

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Banks & Financial Establishments, Groups I & II
 Boat Parts Store
 Boat Sales
 Broadcast Studio, Commercial Radio & Television
 Building Material sales
 Business Services, Group I
 Car Wash
 Cleaning & Maintenance Services
 Clothing Store, General
 Clubs-Commercial, Fraternal, Membership
 Consumption on Premises (only as limited below)
 Convenience Food & Beverage Stores
 Cultural Facilities (excluding zoos)
 Day care Center, Child and/or Adult
 Department Store
 Drive Thru (only as limited below)
 Drugstore
 Essential Services (in compliance with LDC Section 34-1611)
 Essential Service Facilities, Group I
 Excavation, Water Retention
 Food & Beverage Services, Limited
 Food Stores, Groups I & II
 Funeral Home or Mortuary (with or without cremation)
 Gift & Souvenir Shop
 Hardware Store
 Hobby, Toy & Game Shops
 Hotel Motel, limited to a maximum of 125 rooms
 Household & Office Furnishings, All Groups
 Insurance Companies
 Laundromat
 Laundry or Dry Cleaning, Group I
 Lawn and Garden Supply Store
 Library
 Medical Office
 Mini-warehouse
 Model Display Center
 Non-store Retailers, all groups
 Package Store
 Paint, Glass & Wallpaper
 Parking Lot - accessory, commercial, garage, temporary
 Personal Services, Groups I, II & III
 Pet Shops
 Pet Services
 Plant Nursery
 Place of Worship
 Post Office
 Printing & Publishing

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Real Estate Sales Office
 Recreation, Commercial, Groups II & IV
 Recreational Facilities - commercial, personal, private or public--
 indoor only

Religious Facilities

Rental or Leasing Establishments, Groups I, II & III

Repair Shops, Groups I & II

Research & Development Laboratories, Groups II & IV

Restaurants, Fast Food (as limited below)

Restaurants, all Groups

Schools, Commercial

Self-Service Fuel Pumps

Self-Service Fuel Pump Stations

Signs, in accordance with the LDC

Social Services, Groups I & II

Specialty Retail Shops, All Groups

Storage, Indoor

Studios

Supermarket

Temporary Uses

Theater, Indoor

Transportation Services, Group II

Used Merchandise Store, Groups I & II

Vehicle & Equipment Dealers, Groups I & II

Wholesale Establishment, Groups I & III -limited to those

commodities and products which are permitted to be sold at retail,
 provided that parking meets the requirements for retail sales

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- (2) Any consumption on premises not in conjunction with a full service restaurant must be located at least 500 feet from any residentially used building measured from entrance to entrance.
- (3) Outside speaker systems, loud speakers, or public address systems associated with any drive-thru use must be located a minimum of 200 feet away from the project's western perimeter property line. Sound must be directed away from the western perimeter property line.
- (4) Outside consumption on premises is prohibited within 400 feet of the west property line.
- (5) Deliveries to any businesses on this site between the hours of 8:00 p.m. and 6:00 a.m. are prohibited.
- (6) Garbage or grease dumpsters may not be located on the west side of the internal roadway.

b. Property Development Regulations

- (1) a. Maximum overall commercial development is limited to 229,900 square feet, with the retail commercial uses further limited by items c. and d. below.
- b. This project can be comprised of medical, general office, retail, or service uses (in compliance with the schedule above), or any combination of those uses, up to the maximum square footage, provided all limiting conditions and parking, open space, buffering, and water management requirements are met.
- c. Prior to approval of a development order for uses that are subject to Lee Plan Neighborhood Commercial retail site location standards, the developer must provide access to Williams Road via an internal connection through the northerly parcel. Absent this interconnection, the project may not exceed Lee Plan standards for Minor Commercial uses.
- d. If the project cannot achieve access to Williams Road, the connection(s) to U.S. 41 must be developed/built to local road standards to qualify and achieve Lee Plan Minor Commercial uses.
- (2) Minimum Setbacks:
- | | |
|----------------------|---------------------------------|
| Street (U.S. 41) | 25 feet |
| Street (internal) | 25 feet |
| Side: | 15 feet |
| Rear: | 20 feet |
| Water Body: | 25 feet |
| Building separation: | 20 feet (if no lot line exists) |
- (3) Minimum lot size: 20,000 square feet
100 feet by 100 feet
- (4) Minimum Open Space: 30 percent per lot, parcel or tract
- (5) Maximum building height may not exceed 45 feet or three stories for any use other than the hotel/motel use which is limited to a maximum of 50 feet or five stories, whichever is less. However, no office building taller than two stories is permitted within 125 feet of the Fountain Lakes western property line, and no retail or service building or a hotel/motel taller than two stories is permitted within 200 feet of the Fountain Lakes western property line.

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3. Required parking will be calculated based upon the specific uses developed.
4. Special Buffering

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- a. The developer must provide a 75-foot-wide indigenous preserve buffer along the length of the entire western property boundary (east of the 10-foot-wide drainage easement). In addition, the developer must provide an 8-foot-high fence (not a wall) or a 6-foot-high fence on a 2-foot-high berm within the westerly 10-foot-wide drainage easement. Additional tree plantings must be provided on the east side of the fence within 20 feet of said fence. These trees plantings must be South Florida slash pines no less than 10 feet tall with a three-inch caliper measured at three feet above the ground. A minimum of eight trees per 100 foot buffer segment are required.
 - b. The developer must remove invasive exotic vegetation from the special buffering area and provide the fence and additional plantings as part of the first phase of any construction on site.
5. Each parcel, lot, or tract must provide 30 percent open space. Indigenous open space preservation must be as delineated (a minimum of 3.70 contiguous acres with a minimum width of 75 feet) on the approved Master Concept Plan. Indigenous open space "credit" will be allotted to each parcel, lot, or tract by the proportionate size of the indigenous preserve area on each parcel, lot, or tract at time of their local development order. (The open space table on the Master Concept Plan is not adopted as part of this zoning approval.)
- All invasive exotic vegetation, as identified in the Lee County LDC Section 10-413(f), must be removed from the entire indigenous vegetation preserve area prior to Certificate of Compliance for roads and infrastructure construction. This requirement must be stated on the development plans prior to development order approval for roads and infrastructure.
6. Auto repair work must be performed within a completely enclosed building.
 7. Interior (project) lighting must comply with Land Development Code Section 34-936(g), must be of the lowest intensity meeting life safety codes, and must be shielded and directed away from the adjacent residential area.
 8. This project must comply with the Lee Plan requirements for sewer service. Septic tanks will not be permitted if central service can be accommodated in compliance with the LDC and the Lee Plan.
 9. Approval of this zoning request does not address mitigation of the project's vehicular or pedestrian traffic impacts. Additional conditions may be required to obtain a local development order.
 10. Approval of this CPD rezoning merely changes the zoning district of the subject property. It does not grant or vest present or future development rights exceeding the Lee Plan use restrictions set forth in the 2010 (Roberts) Overlay or any other Lee Plan provision.

ADD 2008-00029

11. This development must comply with all of the requirements of the LDC at the time of local development order approval, except as may be granted by deviations approved as part of this planned development.
12. Prior to approval of development orders or the granting of an early work permit for infrastructure or individual lot development, the affected area of the site, and any portion of the property within 125 feet of the affected area, must be resurveyed for possible squirrel presence. If squirrel nests or "day beds" are observed, the survey must determine if these structures are being utilized by fox squirrels. Should fox squirrel use be verified, a management plan meeting the requirements of the Land Development Code Section 10-474 is required.

SECTION B. DEVIATIONS:

The Master Concept Plan deviates from several Lee County development standards. The proposed deviations are granted as set forth below:

1. Deviation (1) requests relief from LDC Section 10-414(a) which requires a 15-foot-wide landscape buffer and the 8-foot-high wall to be provided between certain commercial and residential developments, to replace the requirement with a 75-foot-wide, 3.73-acre, native open space and surface water management and buffer area. This deviation is **APPROVED** subject to Condition 4.
2. Deviation (2) was **WITHDRAWN** by the Applicant.
3. Deviation (3) requests relief from LDC Section 10-415(b)(1) to replace the required 10-foot-wide landscaping strips along U.S. 41 with a 20-foot-wide roadway buffer that includes five trees and twelve shrubs per 100 linear feet, and to eliminate the required 10-foot-wide landscape strip buffer areas along both side of the internal north-south road. All internal east/west roads will provide the required 10-foot-wide landscape strips per the LDC. This deviation is **APPROVED** subject to the developer providing the 20-foot-wide landscaped strip with five trees and twelve shrubs per 100 linear feet along U.S. 41, and providing the normally required landscaped strip along the internal east/west roads.
4. Deviation (4) requests relief from LDC Section 34-2192(a) which requires a 65-foot-wide minimum roadway setback for arterial roadways (U.S. 41) shown on the required access roadway map, to allow a 25-foot minimum roadway setback for proposed buildings located along the U.S. 41 roadway frontage. This deviation is **APPROVED** with the following conditions:
 - a. In accordance with Land Development Code Section 10-295, Table 3, reverse frontage roads must comply with local road standards. Therefore, if the proposed privately maintained road is to be an open drainage design, the minimum easement or right-of-way width must be 45 feet. The same criteria would apply to the proposed 35-foot easement that runs perpendicular to U.S. 41.

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- b. The frontage road requirement for the subject property is waived.

SECTION C. Master Concept Plan:

A one page reduced copy of the Master Concept Plan is attached and incorporated into this resolution by reference, except as modified herein.

SECTION D. FINDINGS AND CONCLUSIONS:

The following findings and conclusions were made in conjunction with the approval of the requested rezoning:

1. The applicant has proven entitlement to the rezoning or special exception by demonstrating compliance with the Lee Plan, the Land Development Code, and other applicable codes and regulations.
2. The CPD rezoning, as conditioned:
 - a. meets or exceeds all performance and locational standards set forth for the potential uses allowed by the request;
 - b. is consistent with the densities, intensities and general uses set forth in the Lee Plan;
 - c. is compatible with existing or planned uses in the surrounding area; and
 - d. will not adversely affect environmentally critical areas or natural resources.
3. Approval of the CPD rezoning will not unduly burden existing transportation or planned infrastructure facilities, and the site will be served by streets with the capacity to carry traffic generated by the development.
4. Urban services, as defined in the Lee Plan, are, or will be, available and adequate to serve the proposed land use.
5. The proposed use or mix of uses is appropriate at the subject location.
6. The recommended conditions to the concept plan and other applicable regulations provide sufficient safeguards to the public interest.
7. The recommended conditions are reasonably related to the impacts on the public's interest created by or expected from the proposed development.
8. The deviations granted:
 - a. enhance the objectives of the planned development; and

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ADD 2008-00029


- b. preserve and promote the general intent of the LDC to protect the public health, safety and welfare.

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:

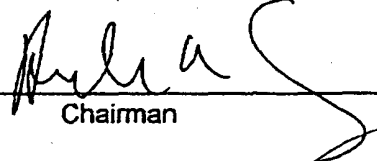
John E. Manning	Aye
Douglas R. St. Cerny	Absent
Ray Judah	Aye
Andrew W. Coy	Aye
John E. Albion	Aye

DULY PASSED AND ADOPTED this 15th day of September, 1997.

ATTEST:
CHARLIE GREEN, CLERK

BY: 
Deputy Clerk

BOARD OF COUNTY COMMISSIONERS
OF LEE COUNTY, FLORIDA

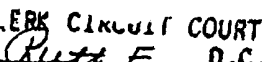
BY: 
Chairman

Approved as to form by:


County Attorney's Office

FILED

SEP 16 1997

CLERK CIRCUIT COURT
BY:  D.C.

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COMMUNITY DEVELOPMENT

APPLICATION FOR ADMINISTRATIVE ACTION
FOR UNINCORPORATED AREAS ONLY

APPLICATION FOR ADMINISTRATIVE ACTION
FOR UNINCORPORATED AREAS ONLY

Applicant's Name: Coconut Point Ford – C/O William E. Prysi

Project Name: Tamiami Trail Dealership

STRAP Number(s): 04-47-25-00-00001.002E

TYPE OF ADMINISTRATIVE APPLICATION:

- ☐ Administrative Variance (attach Supplement A)
☐ Commercial Lot Split (attach Supplement B)
☐ Consumption On Premises (attach Supplement C)
☐ Minimum Use Determination (attach Supplement D)
☐ LCLDC, Zoning District Boundaries, or Ordinance Interpretation (attach Supplement E)
☐ Relief for Designated Historic Resources (attach Supplement F)
☐ Relief for Easement Encroachment (attach Supplement G)
☒ Administrative Amendment to PUD or PD (attach Supplement H)
☐ Final Plan Approval for PD per Resolution: # _____ (attach Supplement H)
☐ Administrative Deviation from LCLDC Chapter 10, Section 10-104 (attach Supplement I)
☐ Placement of Model Home/Unit or Model Display Center (attach Supplement J)
☐ Dock & Shoreline Structures (attach Supplement K)
☐ Wireless Communication Facility Shared Use Plan Agreement (attach Supplement M)

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PERMIT COUNTY

Is this project located in the Estero Planning Community? ☒ YES ☐ NO

*If YES, please note that the applicant may be required to conduct one public informational session where the agent will provide a general overview of the project for any interested citizens.

STAFF USE ONLY

Case Number: ADD 2008-00029 Commission District: 3
Current Zoning: CPD Fee Amount: 1500.00
Land Use Classification: Suburban Intake by: Cwm
Planning Community: ESTERO

ADD 2008-00029

LEE COUNTY
COMMUNITY DEVELOPMENT
P.O. BOX 398 (1500 MONROE STREET)
FORT MYERS, FLORIDA 33902
PHONE (239) 533-8585

SUPERSEDED

BY PLAN DATED _____

PART 1
APPLICANT/AGENT INFORMATION

A. Name of applicant: Coconut Point Ford

Address: **Street :** 13041 McGregor Blvd. Suite

City: Fort Myers **State:** FL **Zip:** 33919

Phone: **Area Code:** (239) **Number:** 498-3673 **Ext:** _____

Fax: **Area Code:** (239) **Number:** 390-5735

E-mail address: _____

B. Relationship of Applicant to owner (check one):

____ Applicant (including an individual or husband & wife) is the sole owner of the property. [34-201(a)(1)a.1.]

____ **Notarized Affidavit of Authorization form is attached as Exhibit AA-1.B.2. (See Part 1 Exhibit Form A1 attached hereto for suggested Affidavit Form for an individual.) [34-202(b)(1)c.]**

☒ Applicant has been authorized by the owner(s) to represent them for this action.

☒ **Notarized Affidavit of Authorization form is attached as Exhibit AA-1.B.2. (Please select the appropriate Affidavit Form from the suggested forms in Part 1 Exhibits attached hereto.) [34-202(b)(1)c.]**

____ Applicant is a contract purchaser/vendee. [34-202(b)(1)d.]

____ **Notarized Affidavit of Authorization form is attached as Exhibit AA-1.B.2. [34-202(b)(1)c.] (Please select the appropriate Affidavit Form from the suggested forms in Part 1 Exhibits attached hereto.)**

C. Authorized Agent: Name of the person who is to receive all County-initiated correspondence regarding this application. [34-202(b)(1)c.]

C.1. Company Name: Conceptus Land Architectual Technologies, Inc.

Contact Person: Bill Prys

Address: **Street :** 2149 McGregor Blvd. Suite 2

City: Fort Myers **State:** FL **Zip:** 33901

Phone: **Area Code:** 239 **Number:** 334-9144 **Ext:** 25

Fax: **Area Code:** 239 **Number:** 334-9590

E-mail address: BillPrys@clati.com

C.2. Additional Agent(s): The names of other agents that the County may contact concerning this application are attached as Exhibit AA-1.C.2. [34-202(b)(1)c.]

PART 2
PROPERTY OWNERSHIP

Is this request specific to a particular tract of land? _____ **NO** ☒ **YES.** If the answer is YES, please complete the following items.

SUPERSEDED
BY PLAN DATED _____

A. **Property Ownership:** Single owner (individual or husband & wife only) [34-201(a)(1)a.1.]

A.1. **Name:** Madden John TR – Estero Group LLP

Mailing Address: Street: P.O. Box 305

City: Captiva State: FL Zip: 33924

Phone: Area Code: Number: Ext:

Fax: Area Code: Number:

E-mail:

B. **Property Ownership:** Multiple owners (Corporation, partnership, trust, association) [34-201(a)(1)].

B.1. X **Disclosure of (Ownership) Interests Form** is attached as Exhibit AA-2.B.1. [34-201(b)2]

C. **Multiple parcels**

C.1. **Property owners list** is attached as Exhibit AA-2.C.1. [34-202(a)(5)]

C.2. **Property owners map** is attached as Exhibit AA-2.C.2. [34-202(a)(5)]

D. **Date property was acquired by present owner(s):**

**PART 3
PROPERTY INFORMATION**

Is this request specific to a particular tract of land? NO X YES. If the answer is YES, please complete the following items.

A. **STRAP Number(s):** 04-47-25-00-00001.002E

B. **Street Address of Property:** "Needs Access Confirmed" (22254, 22400 450, 22360 400, 22360, 22400, 22380, 22400) S Tamiami Trail, Estero, FL

C. **Legal Description**

X **Legal description** (on 8 1/2" by 11" paper) is attached as Exhibit AA-3.C.1. [34-202(a)(1)]

X **Sealed sketch of the legal description** is attached as Exhibit AA-3.C.2. [34-202(a)(1)]

 Electronic version of the legal description is attached as Exhibit AA-3.C.3.

D. **Boundary Survey**

X A Boundary survey, tied to the state plane coordinate system, is attached as Exhibit AA-3.D.1. [34-202(a)(2)]

 The property consists of one or more undivided platted lots in a subdivision recorded in the Official County Plat Books. A copy of the applicable plat book page is attached as Exhibit AA-3.D.2. [34-202(a)(2)]

E. **Planning Community:** Estero

SUPERSEDED
BY PLAN DATED

F. General Location of Property:

F.1. X Area location map is attached as Exhibit AA-3.F. [34-202(a)(4)]

F.2. Directions to property: South on US-41, West side of US-41 just North of the intersection of US-41 and Fountain Lakes Blvd.

G. Current Zoning of Property: CPD (Z-97-050)

H. Current use(s) of the property are: Retail Automobile

I. Property Dimensions [34-202(a)(8)]

1. Width (average if irregular parcel): 349 Feet
2. Depth (average if irregular parcel): 500 Feet
3. Total area: 174,239 SF Acres or square feet
4. Frontage on road or street: 349 Feet on US-41 Street
- 2nd Frontage on road or street: N/A Feet on N/A Street

**PART 4
ACTION REQUESTED**

A. TYPE OF REQUEST (please check one)

- ☐ Administrative Variance (requires supplement A)
- ☐ Commercial Lot Split (requires supplement B)
- ☐ Consumption On Premises (requires supplement C)
- ☐ Minimum Use Determination (requires supplement D)
- ☐ LCLDC, Zoning District Boundaries, or Ordinance Interpretation (requires supplement E)
- ☐ Relief for Designated Historic Resources (requires supplement F)
- ☐ Easement Encroachment (requires supplement G)
- ☒ Administrative Amendment to a PUD or Planned Development (requires supplement H)
- ☐ Final Plan Approval for a Planned Development (requires supplement H)
- ☐ Administrative Deviation from Chapter 10 of the LDC (requires supplement I)
- ☐ Placement of Model Home/Unit or Model Display Center (requires supplement J)
- ☐ Dock & Shoreline Structure (requires supplement K)
- ☐ Wireless Communication Facility Shared Use Plan Agreement (requires supplement M)

B. NATURE OF REQUEST (please print): Please See "Exhibit B. Nature of Request".

SUPERSEDED
BY PLAN DATED _____

**PART 5
SUBMITTAL REQUIREMENTS**

THE NUMBER OF COPIES REQUIRED FOR EACH EXHIBIT IS BASED ON THE ACTION REQUESTED AS INDICATED BELOW. PLEASE NOTE THAT THE THREE (3) SETS OF REQUIRED SUBMITTAL AND SUPPLEMENTAL FORMS MUST BE SUBMITTED IN SETS OF THREE. ADDITIONAL SUBMITTAL ITEMS (listed below) SHOULD BE SUBMITTED AS A GROUP WITH THE APPROPRIATE NUMBER OF COPIES PROVIDED AS NOTED BELOW.

Copies Required*	Exhibit Number	SUBMITTAL ITEMS
3 ✓		Completed application for Administrative Action
1 ✓		Filing Fee - [34-202(a)(9)]

Copies Required*	SUP Number	SUPPLEMENTAL FORMS (select applicable request/form)
3	SUP A	Administrative Variance request
3	SUP B	Commercial Lot Split request
3	SUP C	Consumption On Premises request
3	SUP D	Minimum Use Determination request
3	SUP E	Ordinance Interpretation request
3	SUP F	Relief for Designated Historic Resources request
3	SUP G	Easement Encroachment request
3 ✓	SUP H	Administrative Amendment to a PUD or Planned Development request
3	SUP H	Final Plan Approval for a Planned Development request
3	SUP I	Administrative Deviation from Chapter 10 of the LDC request
3	SUP J	Placement of Model Home/Unit or Model Display Center request
3	SUP K	Dock & Shoreline Structure request
3	SUP M	Wireless Communication Facility Shared Use Plan Agreement

Copies Required*	Exhibit Number	ADDITIONAL SUBMITTAL ITEMS
3 ✓	AA-1.B.2	Notarized Affidavit of Authorization Form [34-202(b)(1)c]
3	AA-1.C.2	Additional Agents [34-202(b)(1)c.]
3 ✓	AA-2.B.1	Disclosure of Interest Form [34-201(b)(2)a]
3	AA-2.C.1	Subject property owners list (if applicable) [34-202(a)(5)]
3	AA-2.C.2	Subject Property Owners map (if applicable) [34-202(a)(5)]
3	AA-3.A.1	List of STRAP Numbers (if additional sheet is required) [34-202(a)(1)]
3 ✓	AA-3.C.1	Legal Description (2 originals required) [34-202(a)(1)]
3 ✓	AA-3.C.2	Sealed Sketch of the Legal Description (2 originals required) [34-202(a)(1)]
1	AA-3.C.2	Electronic version of legal description (if available)
3 ✓	AA-3.D.1	Boundary Survey (tied to State Plane Coordinate System) [34-202(a)(2)] {NOTE: This is a required submittal for all Planned Development Applications and for all properties of 10 acres or more. (2 originals required) [34-373(a)(4)a.]}
3	AA-3.D.2	Copy of Plat Book Page (if applicable) [34-202(a)(1)]
3	AA-3.F	Area Location Map on 8-1/2" by 11" paper pursuant to LCLDC Section 34-202(a)(4).

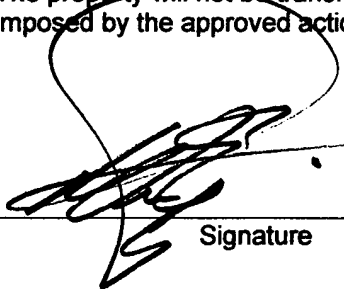
* At least one copy must be an original.

**PART 1 AFFIDAVIT A1
(EXHIBIT AA-1.B.2)**

**AFFIDAVIT FOR ADMINISTRATIVE ACTION
APPLICATION IS SIGNED BY AN INDIVIDUAL OWNER OR APPLICANT**

I, Bill Prysi, swear or affirm under oath, that I am the owner or the authorized representative of the owner(s) of the property and that:

1. I have full authority to secure the approval(s) requested and to impose covenants and restrictions on the referenced property as a result of any action approved by the County in accordance with this application and the Land Development Code;
2. All answers to the questions in this application and any sketches, data or other supplementary matter attached hereto and made a part of this application are honest and true;
3. I have authorized the staff of Lee County Community Development to enter upon the property during normal working hours for the purpose of investigating and evaluating the request made thru this application; and that
4. The property will not be transferred, conveyed, sold or subdivided unencumbered by the conditions and restrictions imposed by the approved action.


Signature

Bill Prysi
(Type or printed name)

STATE OF Florida

COUNTY OF Lee

ADD 2008-00029

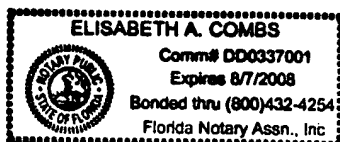
The foregoing instrument was sworn to (or affirmed) and subscribed before me this 11th day of March 2008 by Bill Prysi (name of person providing oath or affirmation), who is personally known to me or who has produced FL Driver's License (type of identification) as identification.

Elisabeth A. Combs
Signature of person taking oath or affirmation

Elisabeth A. Combs
Name typed, printed or stamped

Title or rank

Serial number, if any



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SUPERSEDED
BY PLAN DATED _____

PART 1 AFFIDAVIT A2
(EXHIBIT AA-1.B.2)

AFFIDAVIT FOR ADMINISTRATIVE ACTION
APPLICATION IS SIGNED BY A CORPORATION, LIMITED LIABILITY COMPANY (L.L.C.), LIMITED COMPANY
(L.C.), PARTNERSHIP, LIMITED PARTNERSHIP, OR TRUSTEE

I, Robert W. Galloway as Partner of 41 Investments, LLP
swear or affirm under oath, that I am the owner or the authorized
representative of the owner(s) of the property and that:

1. I have full authority to secure the approval(s) requested and to impose covenants and restrictions on the referenced property as a result of any action approved by the County in accordance with this application and the Land Development Code;
2. All answers to the questions in this application and any sketches, data or other supplementary matter attached hereto and made a part of this application are honest and true;
3. I am hereby authorizing the staff of Lee County Community Development to enter upon the property during normal working hours for the purpose of investigating and evaluating the request made thru this application; and that
4. The property will not be transferred, conveyed, sold or subdivided unencumbered by the conditions and restrictions imposed by the approved action.

41 Investments, LLP

*Name of Entity (corporation, partnership, LLP, LC, etc)

[Signature]
Signature

Partner

(title of signatory)

Robert W. Galloway
(Type or printed name)

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STATE OF Florida
COUNTY OF Lee

PERMIT COUNTER

The foregoing instrument was sworn to (or affirmed) and subscribed before me this March 10, 2008 (date) by
Robert W. Galloway (name of person providing oath or affirmation), who is personally known
to me or who has produced _____ (type of identification) as identification.

[Signature]
Signature of person taking oath or affirmation

NOTARY PUBLIC-STATE OF FLORIDA
Beverly R. Stanfield
Name typed, printed or stamped #DD679148
Expires: JULY 13, 2011
BONDED THRU ATLANTIC SURETY CO., INC.

Notary Public
Title or rank

DD679148
Serial number, if any

*Notes:

- If the applicant is a corporation, then it is usually executed by the corp. pres. or v. pres.
- If the applicant is a Limited Liability Company (L.L.C.) or Limited Company (L.C.), then the documents should typically be signed by the Company's "Managing Member."
- If the applicant is a partnership, then typically a partner can sign on behalf of the partnership.
- If the applicant is a limited partnership, then the general partner must sign and be identified as the "general partner" of the named partnership.
- If the applicant is a trustee, then they must include their title of "trustee."
- In each instance, first determine the applicant's status, e.g., individual, corporate, trust, partnership, estate, etc., and then use the appropriate format for that ownership.

SUPERSEDED

ADD BY 20080800029

**EXHIBIT AA-2.B.1
DISCLOSURE OF INTEREST FORM FOR:**

STRAP NO. 04-47-25-00-00001.002E **CASE NO.** DOS2001-00107

1. If the property is owned in fee simple by an INDIVIDUAL, tenancy by the entirety, tenancy in common, or joint tenancy, list all parties with an ownership interest as well as the percentage of such interest.

Name and Address	Percentage of Ownership

2. If the property is owned by a CORPORATION, list the officers and stockholders and the percentage of stock owned by each.

Name and Address	Percentage of Stock

3. If the property is in the name of a TRUSTEE, list the beneficiaries of the trust with percentage of interest.

Name and Address	Percentage of Interest

4. If the property is in the name of a GENERAL PARTNERSHIP OR LIMITED PARTNERSHIP, list the names of the general and limited partners.

Name and Address	Percentage of Ownership
Sam M. Galloway III	33.33%
13100 Shire Lane Fort Myers, Florida 33901	
Katherine G. Dougherty	33.33%
5485 Brandy Circle Fort Myers, Florida 33919	
Robert W. Galloway	33.33%
1344 Sheffield Way Fort Myers, Florida 33919	

SUPERSEDED
BY PLAN DATED _____ Page 1 of 2

5. If there is a CONTRACT FOR PURCHASE, whether contingent on this application or not, and whether a Corporation, Trustee, or Partnership, list the names of the contract purchasers below, including the officers, stockholders, beneficiaries, or partners.

Name and Address	Percentage of Stock

Date of Contract: _____

6. If any contingency clause or contract terms involve additional parties, list all individuals or officers, if a corporation, partnership, or trust.

Name and Address	

For any changes of ownership or changes in contracts for purchase subsequent to the date of the application, but prior to the date of final public hearing, a supplemental disclosure of interest shall be filed.

The above is a full disclosure of all parties of interest in this application, to the best of my knowledge and belief.

Signature: _____

Robert W. Galloway

(Applicant)

Robert W. Galloway

(Printed or typed name of applicant)

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MAR 11 2008

STATE OF FLORIDA
COUNTY OF LEE

PERMIT CENTER

The foregoing instrument was acknowledged before me this 10 day of March 20 08
by Robert W. Galloway who is personally known to me or who has produced
_____ as identification.

NOTARY PUBLIC-STATE OF FLORIDA
Beverly R. Stanfield
Commission #DD679148
Expires: JULY 13, 2011
BONDED THRU ATLANTIC BONDING CO., INC.

Beverly R. Stanfield
Signature of Notary Public

BEVERLY R. STANFIELD
Printed Name of Notary Public

**EXHIBIT AA-1.C.2
ADDITIONAL AGENTS**

Company Name: None Applicable

Contact Person: _____

Address: **Street :** _____

City: _____ **State:** _____ **Zip:** _____

Phone: **Area Code:** _____ **Number:** _____ **Ext:** _____

Fax: **Area Code:** _____ **Number:** _____

E-mail address: _____

Company Name: _____

Contact Person: _____

Address: **Street :** _____

City: _____ **State:** _____ **Zip:** _____

Phone: **Area Code:** _____ **Number:** _____ **Ext:** _____

Fax: **Area Code:** _____ **Number:** _____

E-mail address: _____

Company Name: _____

Contact Person: _____

Address: **Street :** _____

City: _____ **State:** _____ **Zip:** _____

Phone: **Area Code:** _____ **Number:** _____ **Ext:** _____

Fax: **Area Code:** _____ **Number:** _____

E-mail address: _____

Company Name: _____

Contact Person: _____

Address: **Street :** _____

City: _____ **State:** _____ **Zip:** _____

Phone: **Area Code:** _____ **Number:** _____ **Ext:** _____

Fax: **Area Code:** _____ **Number:** _____

E-mail address: _____



ADMINISTRATIVE ACTION REQUEST
SUPPLEMENT H
FOR UNINCORPORATED AREAS ONLY

ADMINISTRATIVE AMENDMENT TO A
PUD OR PLANNED DEVELOPMENT PER LCLDC
SECTION 34-380(b) or FINAL PLAN APPROVAL FOR
A PLANNED DEVELOPMENT

Case Number: DOS 2001-00107
Project Name: Tamiami Trail Dealership
Applicant's Name: Coconut Point Ford
STRAP Number(s): 04-47-2500-00001.002E

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PERMIT COUNTY

Indicate whether REQUEST is for:

- ☒ ADMINISTRATIVE AMENDMENT (please complete PART 1, PART 2., & PART 3.)
☐ FINAL PLAN APPROVAL (please complete PART 1, PART 2, & PART 4.)

If the request is for an administrative amendment to a PUD or to a Planned Development or Final Plan Approval please submit the "Application for Administrative Action" form for unincorporated areas and Supplement H including the following:

PART 1.
APPLICATION INFORMATION

ADD 2008-00029

- A. ORIGINAL PROJECT NAME (if different than Project Name currently used):
Tamiami Trail Dealership (New)
- B. ORIGINAL REZONING RESOLUTION NUMBER: Z-97-050
- C. SUBSEQUENT ZONING ACTION RESOLUTION/CASE NUMBERS (if any): Please list all previous zoning and administrative actions (approvals and denials) on this project subsequent to the original rezoning including Resolution Numbers and Case Numbers (provide added sheets, if necessary; label as Exhibit H-1.C.).

LDO2007-00461

ADM2001-00016

LDO2000-00350

ADD2001-00179

LDO2007-00461

ADM2000-00003

DOS2001-00107, DOS2000-00077

- D. DEVELOPMENT ORDER NUMBERS FOR PROJECT (if any): Please list all local development
BY PLAN DATED

SUPERSEDED

orders approved on this project. Please indicate the status of each development order (provide added sheets, if necessary; label as **Exhibit H-1.D.**).

DOS2001-00107

DO Complete/Case Finaled.

DOS2000-00077

FKA

PART 2. REQUESTED ACTION

- A. **WRITTEN NARRATIVE:** Please provide a written narrative statement explaining exactly what is proposed. Label as **Exhibit H-2.A.**
- B. **RELIEF/DEVIATIONS:** Is any relief requested from the provisions of the Lee County Land Development Code? NO. X YES.

If the answer is YES, provide a **written narrative statement** explaining the specific relief requested (a schedule of deviations). Include specific references to any section (number{s} and name{s}) of the Lee County Land Development Code (LCLDC) from which relief is sought including why the requested relief is necessary and how it will affect the project. Explain what conditions currently exist which warrant this request for relief from the regulations (a written justification for each of the requested deviations). Label narrative statement as **Exhibit H-2.B.1.**

Also provide four (6) sets of drawings detailing any proposed deviations or changes to the MASTER CONCEPT PLAN (MCP) in 11" X 17" size (two originals required) and one (1) 24" x 36" size. All deviation requests must be specifically keyed to the location on the MCP. Label deviation drawing(s) as **Exhibit H-2.B.2.**

PART 3. ADDITIONAL SUBMITTAL REQUIREMENTS FOR ADMINISTRATIVE AMENDMENT APPLICATIONS

Please submit the following for all Administrative Amendment Applications:

- A. **AREA LOCATION MAP:** An Area Location Map (on 8.5" by 11" paper) must be provided. The map must be marked to show the location of the property to be developed in relation to arterial and collector streets as well as the location of existing easements and rights-of-way on or abutting the property. Label as **Exhibit H-3.A. [34-373(a)(4)b.]**
- B. **APPROVED MASTER CONCEPT PLAN:** Provide one (1) APPROVED MASTER CONCEPT PLAN (MCP) and DETAILED DRAWINGS of any DEVIATIONS OR CHANGES BEING PROPOSED at a size of 24" X 36". Label as **Exhibit H-3.B. [34-373(a)(6)]**
- C. **REDUCED SIZE MASTER CONCEPT PLAN:** Provide one (6) copies of the MASTER CONCEPT PLAN REDUCED to a maximum size of 11" x 17" (two originals required). Label as **Exhibit H-3.C.**
- D. **ZONING RESOLUTIONS/ZONING DOCUMENTS:** Please attach six (6) copies of any zoning resolutions or documents that are still valid. Include the original rezoning resolution, final plan approval letters, Administrative Approval letters, and any other documentation granting relevant approvals. Label as **Exhibit H-3.D.**

SUPERSEDED

BY PLAN DATED _____

PART 4.
ADDITIONAL SUBMITTAL REQUIREMENTS FOR FINAL PLAN APPROVAL APPLICATIONS

Please submit the following for all Final Plan Approval Applications:

- A. **AREA LOCATION MAP:** An Area Location Map (on 8.5" by 11" paper) must be provided. The map must be marked to show the location of the property to be developed in relation to arterial and collector streets as well as the location of existing easements and rights-of-way on or abutting the property. Label as **Exhibit H-4.A.** [34-373(a)(4)b.]
- B. **APPROVED MASTER CONCEPT PLAN:** Provide one (1) APPROVED MASTER CONCEPT PLAN (MCP) and DETAILED DRAWINGS of any DEVIATIONS OR CHANGES BEING PROPOSED. Label as **Exhibit H-4.B.** [34-373(a)(6)]
- C. **PROPOSED FINAL PLAN:** Please submit six (6) copies of the proposed Final Plan consistent with the approved Master Concept Plan and the approved Zoning Resolution. This proposed Final Plan must show any DEVIATION(s) keyed on the plan to identify the location of the specific deviation. Label as **Exhibit H-4.C.**
- D. **REDUCED SIZE COPY OF THE PROPOSED FINAL PLAN:** Please submit six (6) copies of the proposed Final Plan REDUCED to a maximum size of 11" x 17" (two originals required). Label as **Exhibit H-4.D.**
- E. **ZONING RESOLUTIONS/ZONING DOCUMENTS:** Please attach six (6) copies of any zoning resolutions or documents that are still valid. Include the original rezoning resolution, final plan approval letters, Administrative Approval letters, and any other documentation granting relevant approvals. Label as **Exhibit H-4.E.**

SUPERSEDED
BY PLAN DATED _____

PART 5.
SUBMITTAL REQUIREMENTS

THE NUMBER OF COPIES REQUIRED FOR EACH SUBMITTAL ITEM/EXHIBIT IS INDICATED BELOW. PLEASE NOTE THAT THIS SUPPLEMENT NEEDS TO BE ACCOMPANIED BY THE APPLICATION FOR ADMINISTRATIVE ACTION. COPIES OF BOTH OF THESE APPLICATIONS SHOULD BE SUBMITTED TOGETHER IN SETS OF THREE ALONG WITH ALL OTHER REQUIRED DOCUMENTATION. ADDITIONAL SUBMITTAL ITEMS (listed below) SHOULD BE SUBMITTED AS A GROUP WITH THE APPROPRIATE NUMBER OF COPIES PROVIDED AS NOTED BELOW.

Copies Required*	Exhibit Number	SUBMITTAL ITEMS
		FOR ADMINISTRATIVE AMENDMENT APPLICATIONS and FOR FINAL PLAN APPROVAL APPLICATIONS
3	<input checked="" type="checkbox"/>	Completed Application for Administrative Action Form [34-201(b)]
1	<input checked="" type="checkbox"/>	Filing Fee - [34-202(a)(9)]
3	SUP H	Administrative Amendment to a PUD or Planned Development request Supplement Form
3	<input checked="" type="checkbox"/> H-1.C	Subsequent Zoning Action Resolution/Case Numbers (if any and if added sheet is necessary)
3	<input checked="" type="checkbox"/> H-1.D	Development Order Numbers for the Project (if any and if added sheets are necessary)
3	<input checked="" type="checkbox"/> H-2.A	Written Narrative explaining what, exactly, is proposed
3	<input checked="" type="checkbox"/> H-2.B.1	Schedule of Deviations and Justification Statement for each requested deviation (if YES was answered to Item # 2.B.)
1	<input checked="" type="checkbox"/> H-2.B.2	Site plan (24" X 36" size) detailing each requested deviation (if YES was answered to Item # 2.B.)
3	H-2.B.2	Reduced site plans (11" X 17" size) detailing each requested deviation (if YES was answered to Item # 2.B.) - two originals required
		ADDITIONAL SUBMITTAL ITEMS FOR ADMINISTRATIVE AMENDMENT APPLICATIONS
3	<input checked="" type="checkbox"/> H-3.A	Area Location Map (8 1/2" X 11" size)
1	<input checked="" type="checkbox"/> H-3.B	Approved Master Concept Plan and detailed drawings of any proposed deviations (24" X 36" size)
3	<input checked="" type="checkbox"/> H-3.C	Master Concept Plan (11" X 17" maximum size) including detailed drawings of any proposed deviations - two originals required
3	<input checked="" type="checkbox"/> H-3.D	Zoning Resolutions/Zoning Documents
		ADDITIONAL SUBMITTAL REQUIREMENTS FOR FINAL PLAN APPROVAL APPLICATIONS
3	H-4.A	Area Location Map (8 1/2" X 11" size)
3	H-4.B	Approved Master Concept Plan and detailed drawings of any proposed deviations (24" X 36" size)
1	H-4.C	Proposed Final Plan including Deviations keyed to the plan (24" X 36" size)
3	H-4.D	Proposed Final Plan (11" X 17" maximum size) - two originals required
3	H-4.E	Zoning Resolutions/Zoning Documents

- At least one copy must be an original

BY PLAN DATED _____

SUPERSEDED

ADD 2008-00029

SUPPLEMENT H - H-2A

Narrative

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TAMIAMI TRAIL DEALERSHIP (AKA Coconut Ford)

The request for an Administrative Deviation to Zoning Resolution Z-97-050 pertains to the specific requirements of a buffer fence along the western edge of the property, more specifically referred to as follows:

According to Condition 4A of Zoning Resolution Z-97-050:

Special Buffering - The Developer must provide a 75-wide indigenous preserve buffer along the length of the entire western property boundary (east of the 10-foot-wide drainage easement). In addition, the developer must provide an 8-foot-high fence (not a wall) or a 6-foot-high fence on a 2-foot-high berm within the westerly 10-foot-wide drainage easement. Additional tree plantings must be provided on the east side of the fence within 20 feet of said fence, These trees plantings must be South Florida slash pines no less than 10 feet tall with a three-inch caliper measured at three feet above the ground. A minimum of eight trees per 100 foot buffer segment are required.

In accordance with the relative Development Order DOS 2001-00107 some variations to the specific requirements of the aforementioned condition were granted due primarily to the presence of overhead powerlines. Also, an opaque pre-cast wall was provided in lieu of a fence defined in the Zoning Resolution to the benefit of both the adjacent residential property owners and the Applicant. These specific issues were addressed and noted in the approved Development Order.

Subsequent to the approved Development Order and as adjacent and previous portions of the overall project were developed, the buffer was extended to the extents of the preserve and development area. Prior to the development of this specific parcel (DOS 2001-00107), the adjacent property owners planted a continuous hedge of Areca Palms of which have matured and now extend well over the height of the 8 foot wall in-place. Due to the presence of these Palms and the limits of the wall, the Applicant cannot access the property in question to plant the material indicated on the Development Order Drawings. Based on the current conditions and the effect that the removal of the Areca Palms and installation of the required buffer will have on the adjacent residential property, the effected Homeowners has articulated their clear desire to maintain the buffer in its current state. Please see the attached letters from the relative Homeowners Associations that state their desire to maintain the wall and Areca Palm hedge on the west side of the wall as it currently exists. The Homeowners want this application as opposed to the one required in the D.O. as they feel better represents their interests towards buffering the residential side from the commercial.

A further hardship exists that if the Applicant was required to remove the Areca Palm hedge and install the buffer as required, the process of removing the Areca Palms will most likely undermine the integrity of the wall itself. Also, there is currently no possibility of accessing the west side of the wall to install plantings without impacting the adjacent private property to which all parties wish to avoid. The current Areca Hedge is planted on the Applicants property and any additional planting in addition to the Areca Palms would have to be done on the adjacent residential property as well. The adjacent residential homeowners have made it clear that they want the Areca Palms to remain without any further undue impacts to their property.

SUPPLEMENT H - H-2A
Narrative... cont.

The Applicant proposes that the 8-foot pre-cast wall (as opposed to a transparent fence) and existing Areca Palm hedge (currently continuous and at an average height of over 12-feet) remain as a buffer to the commercial site from the adjacent residential. Both parties agree that this application exceeds the intent of the original Condition 4A in Zoning Resolution Z-97-050. The Applicant has also provided "All" of the plantings that were previously required on the west of the wall to the east side of the wall as an additional benefit to the Areca Palm hedge as originally required in the D.O. This includes a 100% native row of Simpson Stoppers (48"H at installation) adjacent to the base of the wall on the east side. As illustrated in the attached Minor Change Documents for DOS 2001-00107, an additional 67 Bald Cypress Trees have also been added to the preserve as mitigation to a number of Slash Pines that have died due to the impacts of construction and the effects of the original hydrology of the preserve (this is not uncommon with Pines). In response to the desires of both parties (the Applicant and the effected adjacent Homeowners), the proposed improvements as installed are desired to remain and to be the final conditions of both the Zoning Resolution and subsequent Development Order.

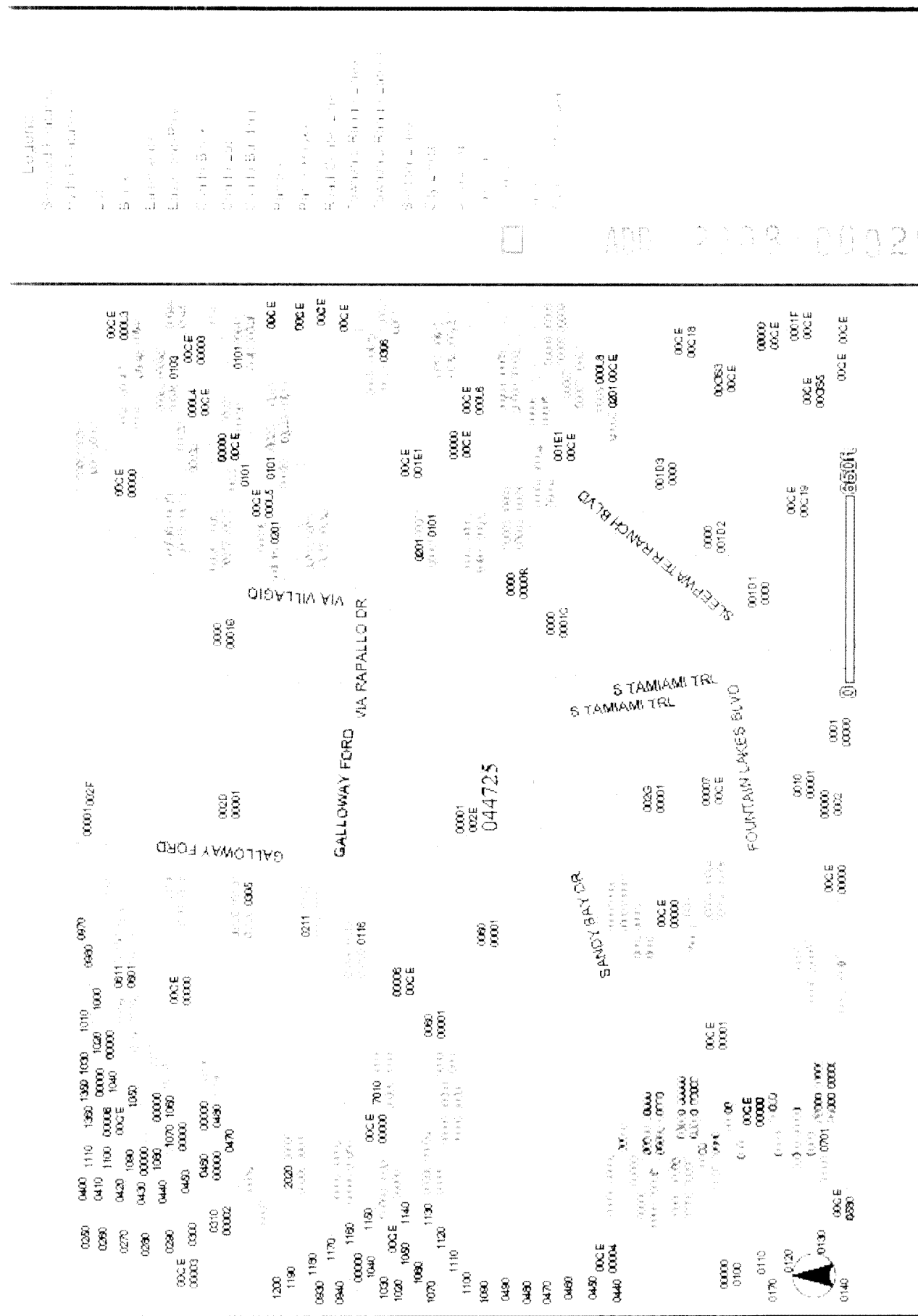
The Applicant respectfully requests an Administrative Deviation to Condition 4A of Zoning Resolution Z-97-050 per the attached D.O. Minor Change Documents that represent the current installation thereof.

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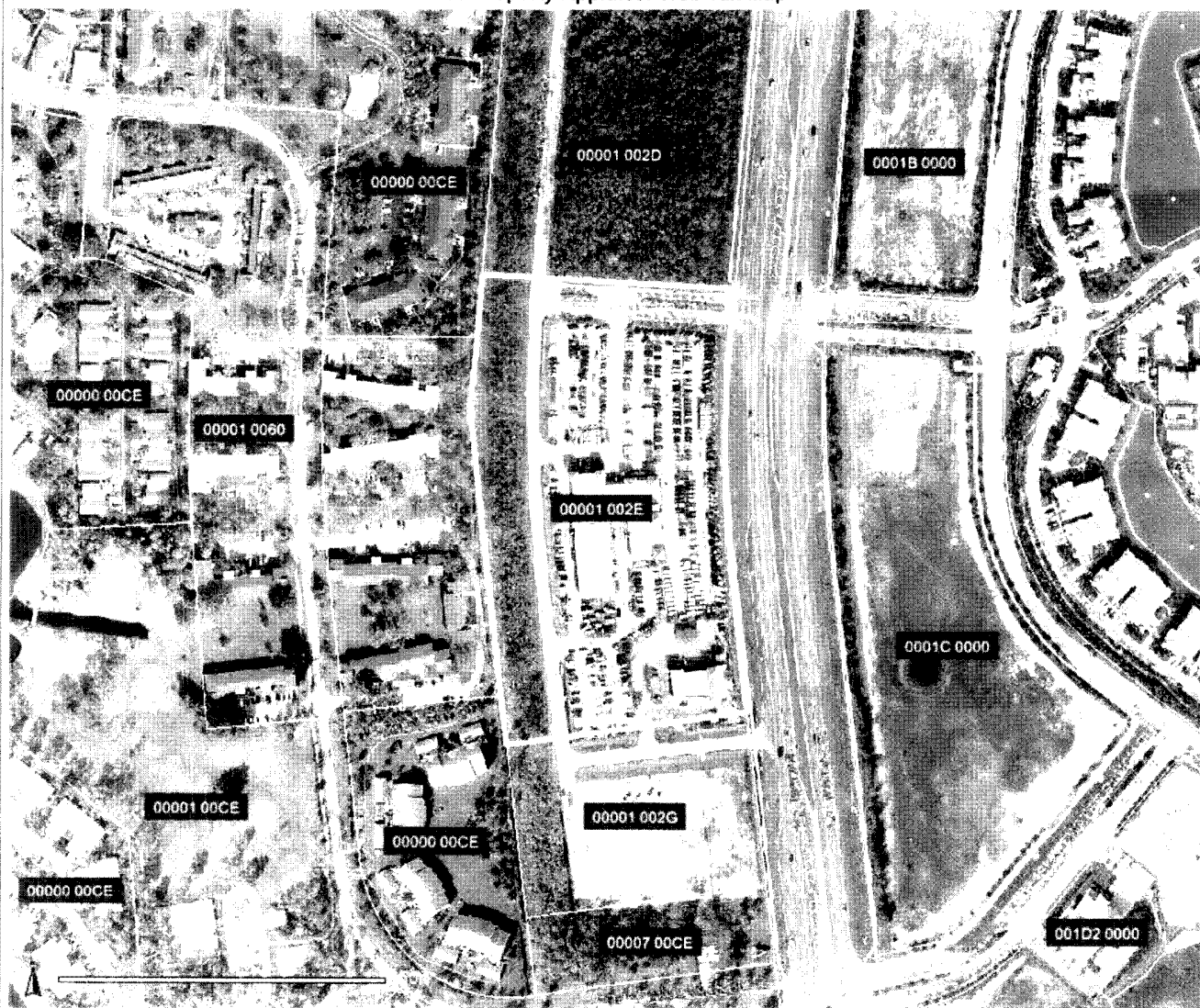
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BY PLAN DATED _____



Lee Property Appraiser Web Tax Map



Tax Map Legend

Aerial Image

Tax Map

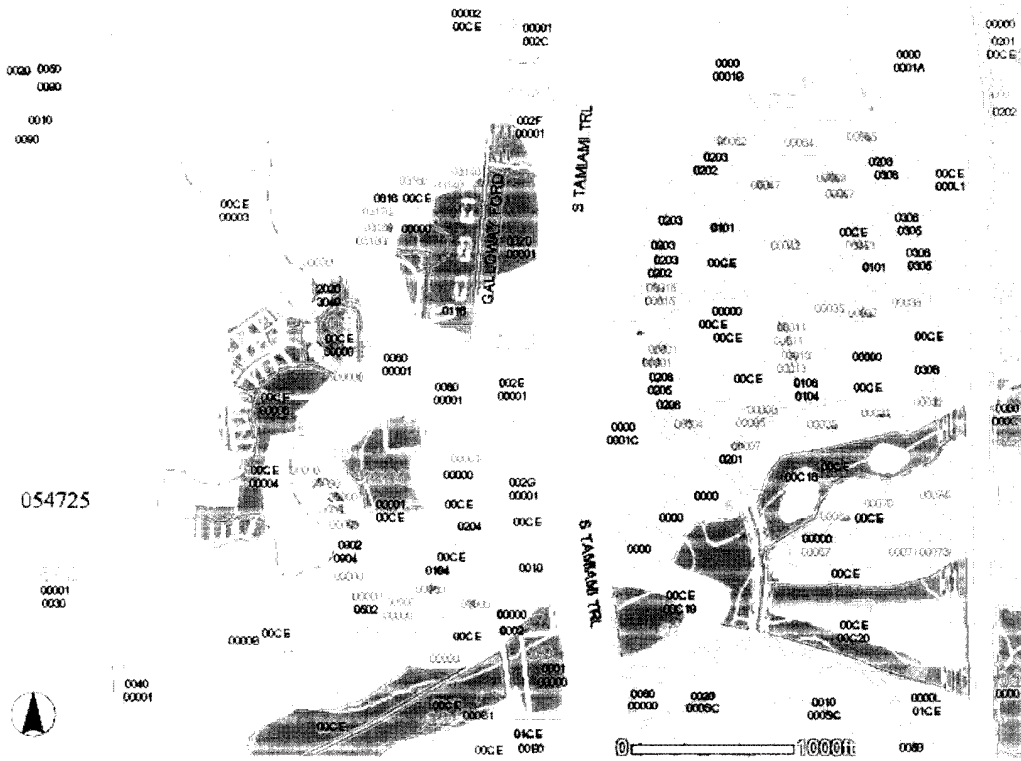
Scale

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Aerial Image Set	2007 Hi-Res (1/2 foot)	Map Currency Date	3/6/2008 3:17:07 PM
Selected Parcel	04-47-25-00-00001 002E	Legal Description	PAR LYING SE 1/4 OF NW 1/4 OF SECTION W OF US 41 DESC IN OR 3583/2498
Parcel Owner	ESTERO GROUP LLP PO BOX 70 FORT MYERS FL 33902	Property Address	22400-450 S TAMiami Trl ESTERO FL 33928





ACD 2008-00029

LEE COUNTY PROPERTY APPRAISER

PROPERTY DATA FOR PARCEL 04-47-25-00-00001.002E
TAX YEAR 2007

Parcel data is available for the following tax years:

[2001 | 2002 | 2003 | 2004 | 2005 | 2006 | 2007]

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OWNERSHIP, LEGAL, SALES AND DISTRICT DATA ARE FROM THE CURRENT DATABASE. LAND, BUILDING, VALUE AND EXEMPTION DATA ARE FROM THE 2007 ROLL.

PROPERTY DETAILS**OWNER OF
RECORD**ESTERO
GROUP LLP
PO BOX 70
FORT
MYERS FL
33902**SITE
ADDRESS**22400-450 S
TAMIAMI
TRL
ESTERO FL
33928**LEGAL
DESCRIPTION**PAR LYING
SE 1/4 OF
NW 1/4 OF
SECTION W
OF US 41
DESC IN OR
3583/2498

[View Map] TAX MAP [Print]

**IMAGE OF STRUCTURE**

Photo Date: April of 2006

[Print Map]

TAXING DISTRICT

186 - ESTERO FIRE

DOR CODE

27 - AUTO SALES, REPAIR, ETC

**PROPERTY VALUES (TAX ROLL
2007)**

[Print Values Chart]

EXEMPTIONS**ATTRIBUTES**

JUST	9,563,840 HOMESTEAD	0	LAND UNITS OF MEASURE	SF
ASSESSED	9,563,840 AGRICULTURE	0	TOTAL NUMBER OF LAND UNITS	435,600.00
ASSESSED SOH	9,563,840 WIDOW	0	FRONTAGE	0
TAXABLE	9,563,840 WIDOWER	0	DEPTH	0
BUILDING	2,558,760 DISABILITY	0	BEDROOMS	0
LAND	7,005,080 WHOLLY	0	BATHROOMS	48
BUILDING FEATURES	244,490 SOH DIFFERENCE	0	TOTAL BUILDING SqFT	45,756
LAND FEATURES	906,680		1ST YEAR BUILDING ON TAX ROLL	0
			HISTORIC DISTRICT	No

SALES/TRANSACTIONS

SALE PRICE	DATE	OR NUMBER	TYPE	TRANSACTION DETAILS DESCRIPTION	VACANT / IMPROVED
4,298,200	2/20/2002	<u>3583/2498</u>	06	Qualified (Fair Market Value / Arms Length / One STRAP #)	V
100	9/18/2001	<u>3491/2123</u>	04	Disqualified (Multiple STRAP # - 01,03,04,07) There are 2 additional parcel(s) with this document (may have been split after the transaction date)... <u>04-47-25-00-00001.002D,</u> <u>04-47-25-00-00001.002G</u>	V
5,000,000	12/20/1999	<u>3202/1018</u>	02	Qualified (Multiple STRAP # / 06-09I) There are 2 additional parcel(s) with this document (may have been split after the transaction date)... <u>04-47-25-00-00001.002D,</u> <u>04-47-25-00-00001.002G</u>	V
3,500,000	4/1/1996	<u>2693/1879</u>	02	Qualified (Multiple STRAP # / 06-09I) There are 2 additional parcel(s) with this document (may have been split after the transaction date)... <u>04-47-25-00-00001.002D,</u> <u>04-47-25-00-00001.002G</u>	V
1,234,100	3/18/1993	<u>2370/40</u>	02	Qualified (Multiple STRAP # / 06-09I) There are 1 additional parcel(s) with this document (may have been split after the transaction date)... <u>04-47-25-00-00001.002G</u>	V

PARCEL NUMBERING HISTORY

PRIOR STRAP	RENUMBER REASON	RENUMBER DATE
04-47-25-00-00001.002G	Split (From another Parcel)	Monday, March 04, 2002
04-47-25-00-00001.002B	Split (From another Parcel)	

SUPERSEDED
BY PLAN DATED _____

SOLID WASTE (GARBAGE) ROLL DATA

SOLID WASTE DISTRICT	ROLL TYPE	CATEGORY	UNIT/AREA	TAX AMOUNT
003 - Service Area 3	C - Commercial Category	C	40106	1,188.86

COLLECTION DAYS**GARBAGE**

Tuesday

RECYCLING

Tuesday

HORTICULTURE

Monday

ELEVATION INFORMATIONTHIS CATEGORY MAY CHANGE IN SEPTEMBER 2008. TO VIEW THE NEW CATEGORY, [CLICK HERE](#)

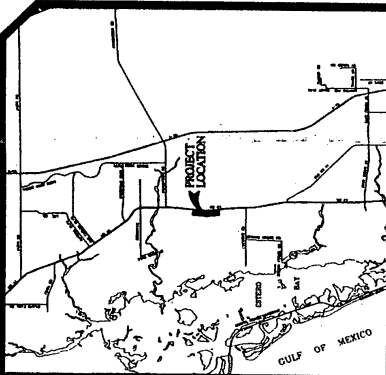
STORM SURGE CATEGORY	RATE CODE	COMMUNITY	PANEL	VERSION	DATE
3	B	125124	0465	C	110492

FLOOD INSURANCE (FIRM FAQ)[\[Show \]](#)**APPRAISAL DETAILS**TRIM (*proposed tax*) Notices are available for the following tax years:
[[1997](#) | [1998](#) | [1999](#) | [2000](#) | [2001](#) | [2002](#) | [2003](#) | [2004](#) | [2005](#) | [2006](#) | [2007](#)][[Next Lower Parcel Number](#) | [Next Higher Parcel Number](#)][[New Query](#) | [Parcel Queries Page](#) | [Lee PA Home](#)]

This site is best viewed with [Microsoft Internet Explorer 5.5+](#) or [Netscape Navigator 6.0+](#).
Page was last modified Tuesday, February 26, 2008 1:30:36 PM.

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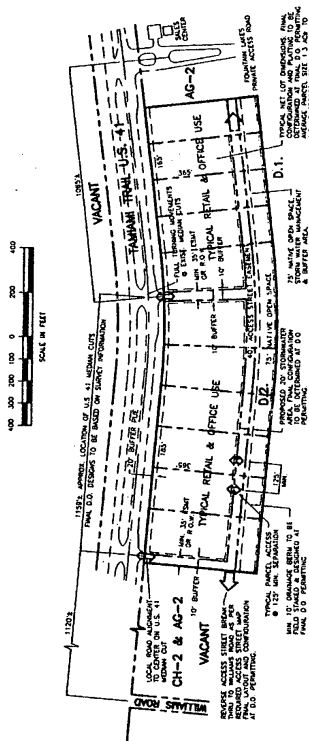
LOCATION MAP
LEE COUNTY, FLORIDA
SECTION 4, TOWNSHIP 47S, RANGE 25E

PROJECT NOTES AND GENERAL COMMENTS

SCHEDULE OF DEVIATIONS

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SCHEDULE OF PROJECT USES:

[illegible]

MARSH LANDING RPD

NOTE:
1. PROPERTY WITHIN THE FUTURE SUBURBAN LAND USE
CATEGORY
2. 20' ROADWAY BUFFERS @ 12' SIDEWAYS AND 8' TREES

FOUNTAIN LAKES RPD

PROJECT SUMMARY DATA

SITE AREA	7-2 A6
LAND USE CLASSIFICATION	AG-1/OFD
EXISTING ZONING/PREPROPOSED ZONING	AG-1/OFD
WATER AND SEWER UTILITIES	SEWER: SHARED; WATER: N/A
FIRE SERVICE	STATION 9
FLOOD DATA	ZONE 5
DEVELOPMENT PROGRAM	700,000 SQ.FT.
RETNA	180,000 SQ.FT.
NEW RETAIL COMMERCE	120,000 SQ.FT.
OFFICE/RESIDENTIAL	120,000 SQ.FT.

OPEN SPACE TABLE

	18" x 50"	18" x 50"
TOTAL SFT. AREA	1.80 AC2	1.80 x 5007
OPEN SPACE REQUIRED @ 20%	0.36 AC2	1.80 AC2
OPEN SPACE PROVIDED	0.36 AC2	0.37 AC2
MAINE AREA	0.36 AC2	0.36 AC2
SW. CROFT	0.07 AC2	0.08 AC2
SW. DRAINAGE BASIN	0.08 AC2	0.07 AC2
U.S. 41 BUFFER	0.08 AC2	0.07 AC2

PROJECT DEVELOPMENT STANDARDS

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SUPERSEDED
BY PLAN DATED _____

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PERMIT COM-2

ADD 2008-00029

RESOLUTION NUMBER Z-97-050

RESOLUTION OF THE BOARD OF COUNTY COMMISSIONERS
OF LEE COUNTY, FLORIDA

WHEREAS, Florida Group Investments, Inc. filed an application for a rezoning from Agricultural (AG-2) to Commercial Planned Development (CPD), in reference to Estero Greens; and

WHEREAS, the subject property is located at 22250 S Tamiami Trail, Estero, and is described more particularly as:

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

A tract or parcel of land lying in Section 04, Township 47 South, Range 25 East, Lee County, Florida, more particularly described as follows:

Commence at the Southeast corner of Section 04, Township 47 South, Range 25 East;

THENCE S88°14'22"W for 2,266.44 feet along the South line of the Southeast Quarter (SE¼) of said Section 04 to an intersection with the Westerly right-of-way line of US 41 (SR 45 - Tamiami Trail);

THENCE N06°41'21"W for 2,267.59 feet along said Westerly right-of-way to the POINT OF BEGINNING;

THENCE continue N06°41'21"W for 651.86 feet along said right-of-way to the Point of Curvature of a curve to the right, radius 2,932.79 feet, central angle 07°12'27";

THENCE Northwesterly for 590.90 feet along the said arc of curve to the Point of Tangency;

THENCE N04°51'17"E for 811.36 feet along said right-of-way;

THENCE N85°08'43"W for 500.00 feet to an intersection with a line parallel with and 500.00 feet Westerly of (as measured at right angles to) the aforementioned Westerly right-of-way line of US 41;

THENCE S04°51'17"W for 811.36 feet along said parallel line and a line common with a tract or parcel of land as described in Official Record Book 1775 at Pages 2025 and 2026 of the Public Records of Lee County, Florida to the Point of Curvature of a curve to the left, radius 3,432.79 feet, central angle 07°12'27";

THENCE Southwesterly for 691.63 feet along the arc of said curve to the Point of Tangency;

THENCE S06°41'21"E for 651.86 feet;

THENCE N83°18'39"E for 500.00 feet along said common line to the POINT OF BEGINNING.

Containing 24.16 acres more or less; and

WHEREAS, the applicant has indicated the property's current STRAP numbers are 04-47-25-00-00001.002D and 04-47-25-00-00001.002E; and

SUPERSEDED

BY PLAN DATED _____

WHEREAS, Florida Group Investments, Inc., the owner of the subject parcel, authorized Stuart & Associates to act as agent to pursue this zoning application; and

WHEREAS, a public hearing was advertised and held on July 30, 1997 before the Lee County Hearing Examiner in Case No. 97-04-065.03Z 01.01, who gave full consideration to the evidence available; and

WHEREAS, a public hearing was advertised and held on September 15, 1997 before the Lee County Board of County Commissioners who gave full and complete consideration to the recommendations of 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 LEE COUNTY BOARD OF COUNTY COMMISSIONERS, that the Board **APPROVES** the rezoning from Agricultural (AG-2) to Commercial Planned Development (CPD), to permit the development of up to 100,000 square feet of retail or 129,900 square feet of office uses (with a maximum of 229,900 square feet of commercial development), or an Adult Living Facility (ALF) on three acres with a maximum of 145 rooms, or a 125-room hotel/motel use, or some combination of these uses, with building(s) not to exceed 45 feet in height within three stories for all uses, except the hotel/motel use which may be a maximum of 50 feet in height within five stories, on 24.2± acres of land **WITH THE FOLLOWING CONDITIONS AND DEVIATIONS:**

SECTION A. CONDITIONS:

The CPD rezoning and Master Concept Plan are subject to the following conditions:

1. The development of this project must be in accordance with the one-page Master Concept Plan (MCP) entitled "Master Concept Plan for Estero Greens CPD," prepared by Stuart & Associates, dated 6/9/97, stamped "Received June 12, 1997," as may be modified below. This approval does not alleviate the need to comply with all state and county development regulations, except as specifically modified by this approval. Any change to the MCP will require an appropriate approval.
2. The uses and development regulations for this property are as follows:

a. Schedule of Uses

- (1) This project may be developed with the following uses, except as further limited below:

Accessory uses and structures
Administrative Offices
Animal Clinic (only as limited by LDC Section 34-1322)
Auto Parts Store
Auto Repair & Service, Group II
Automobile Service Station
Bait & Tackle Shop

Banks & Financial Establishments, Groups I & II
 Boat Parts Store
 Boat Sales
 Broadcast Studio, Commercial Radio & Television
 Building Material sales
 Business Services, Group I
 Car Wash
 Cleaning & Maintenance Services
 Clothing Store, General
 Clubs-Commercial, Fraternal, Membership
 Consumption on Premises (only as limited below)
 Convenience Food & Beverage Stores
 Cultural Facilities (excluding zoos)
 Day care Center, Child and/or Adult
 Department Store
 Drive Thru (only as limited below)
 Drugstore
 Essential Services (in compliance with LDC Section 34-1611)
 Essential Service Facilities, Group I
 Excavation, Water Retention
 Food & Beverage Services, Limited
 Food Stores, Groups I & II
 Funeral Home or Mortuary (with or without cremation)
 Gift & Souvenir Shop
 Hardware Store
 Hobby, Toy & Game Shops
 Hotel Motel, limited to a maximum of 125 rooms
 Household & Office Furnishings, All Groups
 Insurance Companies
 Laundromat
 Laundry or Dry Cleaning, Group I
 Lawn and Garden Supply Store
 Library
 Medical Office
 Mini-warehouse
 Model Display Center
 Non-store Retailers, all groups
 Package Store
 Paint, Glass & Wallpaper
 Parking Lot - accessory, commercial, garage, temporary
 Personal Services, Groups I, II & III
 Pet Shops
 Pet Services
 Plant Nursery
 Place of Worship
 Post Office
 Printing & Publishing

Real Estate Sales Office
 Recreation, Commercial, Groups II & IV
 Recreational Facilities - commercial, personal, private or public--
 indoor only
 Religious Facilities
 Rental or Leasing Establishments, Groups I, II & III
 Repair Shops, Groups I & II
 Research & Development Laboratories, Groups II & IV
 Restaurants, Fast Food (as limited below)
 Restaurants, all Groups
 Schools, Commercial
 Self-Service Fuel Pumps
 Self-Service Fuel Pump Stations
 Signs, in accordance with the LDC
 Social Services, Groups I & II
 Specialty Retail Shops, All Groups
 Storage, Indoor
 Studios
 Supermarket
 Temporary Uses
 Theater, Indoor
 Transportation Services, Group II
 Used Merchandise Store, Groups I & II
 Vehicle & Equipment Dealers, Groups I & II
 Wholesale Establishment, Groups I & III -limited to those
 commodities and products which are permitted to be sold at retail,
 provided that parking meets the requirements for retail sales

- (2) Any consumption on premises not in conjunction with a full service restaurant must be located at least 500 feet from any residentially used building measured from entrance to entrance.
- (3) Outside speaker systems, loud speakers, or public address systems associated with any drive-thru use must be located a minimum of 200 feet away from the project's western perimeter property line. Sound must be directed away from the western perimeter property line.
- (4) Outside consumption on premises is prohibited within 400 feet of the west property line.
- (5) Deliveries to any businesses on this site between the hours of 8:00 p.m. and 6:00 a.m. are prohibited.
- (6) Garbage or grease dumpsters may not be located on the west side of the internal roadway.

b. Property Development Regulations

- (1)
 - a. Maximum overall commercial development is limited to 229,900 square feet, with the retail commercial uses further limited by items c. and d. below.
 - b. This project can be comprised of medical, general office, retail, or service uses (in compliance with the schedule above), or any combination of those uses, up to the maximum square footage, provided all limiting conditions and parking, open space, buffering, and water management requirements are met.
 - c. Prior to approval of a development order for uses that are subject to Lee Plan Neighborhood Commercial retail site location standards, the developer must provide access to Williams Road via an internal connection through the northerly parcel. Absent this interconnection, the project may not exceed Lee Plan standards for Minor Commercial uses.
 - d. If the project cannot achieve access to Williams Road, the connection(s) to U.S. 41 must be developed/built to local road standards to qualify and achieve Lee Plan Minor Commercial uses.

(2) Minimum Setbacks:

Street (U.S. 41)	25 feet
Street (internal)	25 feet
Side:	15 feet
Rear:	20 feet
Water Body:	25 feet
Building separation:	20 feet (if no lot line exists)

- (3) Minimum lot size: 20,000 square feet
100 feet by 100 feet
- (4) Minimum Open Space: 30 percent per lot, parcel or tract
- (5) Maximum building height may not exceed 45 feet or three stories for any use other than the hotel/motel use which is limited to a maximum of 50 feet or five stories, whichever is less. However, no office building taller than two stories is permitted within 125 feet of the Fountain Lakes western property line, and no retail or service building or a hotel/motel taller than two stories is permitted within 200 feet of the Fountain Lakes western property line.

3. Required parking will be calculated based upon the specific uses developed.

4. Special Buffering

- a. The developer must provide a 75-foot-wide indigenous preserve buffer along the length of the entire western property boundary (east of the 10-foot-wide drainage easement). In addition, the developer must provide an 8-foot-high fence (not a wall) or a 6-foot-high fence on a 2-foot-high berm within the westerly 10-foot-wide drainage easement. Additional tree plantings must be provided on the east side of the fence within 20 feet of said fence. These trees plantings must be South Florida slash pines no less than 10 feet tall with a three-inch caliper measured at three feet above the ground. A minimum of eight trees per 100 foot buffer segment are required.
 - b. The developer must remove invasive exotic vegetation from the special buffering area and provide the fence and additional plantings as part of the first phase of any construction on site.
5. Each parcel, lot, or tract must provide 30 percent open space. Indigenous open space preservation must be as delineated (a minimum of 3.70 contiguous acres with a minimum width of 75 feet) on the approved Master Concept Plan. Indigenous open space "credit" will be allotted to each parcel, lot, or tract by the proportionate size of the indigenous preserve area on each parcel, lot, or tract at time of their local development order. (The open space table on the Master Concept Plan is not adopted as part of this zoning approval.)

All invasive exotic vegetation, as identified in the Lee County LDC Section 10-413(f), must be removed from the entire indigenous vegetation preserve area prior to Certificate of Compliance for roads and infrastructure construction. This requirement must be stated on the development plans prior to development order approval for roads and infrastructure.
6. Auto repair work must be performed within a completely enclosed building.
7. Interior (project) lighting must comply with Land Development Code Section 34-936(g), must be of the lowest intensity meeting life safety codes, and must be shielded and directed away from the adjacent residential area.
8. This project must comply with the Lee Plan requirements for sewer service. Septic tanks will not be permitted if central service can be accommodated in compliance with the LDC and the Lee Plan.
9. Approval of this zoning request does not address mitigation of the project's vehicular or pedestrian traffic impacts. Additional conditions may be required to obtain a local development order.
10. Approval of this CPD rezoning merely changes the zoning district of the subject property. It does not grant or vest present or future development rights exceeding the Lee Plan use restrictions set forth in the 2010 (Roberts) Overlay or any other Lee Plan provision.

11. This development must comply with all of the requirements of the LDC at the time of local development order approval, except as may be granted by deviations approved as part of this planned development.
12. Prior to approval of development orders or the granting of an early work permit for infrastructure or individual lot development, the affected area of the site, and any portion of the property within 125 feet of the affected area, must be resurveyed for possible squirrel presence. If squirrel nests or "day beds" are observed, the survey must determine if these structures are being utilized by fox squirrels. Should fox squirrel use be verified, a management plan meeting the requirements of the Land Development Code Section 10-474 is required.

SECTION B. DEVIATIONS:

The Master Concept Plan deviates from several Lee County development standards. The proposed deviations are granted as set forth below:

1. Deviation (1) requests relief from LDC Section 10-414(a) which requires a 15-foot-wide landscape buffer and the 8-foot-high wall to be provided between certain commercial and residential developments, to replace the requirement with a 75-foot-wide, 3.73-acre, native open space and surface water management and buffer area. This deviation is **APPROVED** subject to Condition 4.
2. Deviation (2) was **WITHDRAWN** by the Applicant.
3. Deviation (3) requests relief from LDC Section 10-415(b)(1) to replace the required 10-foot-wide landscaping strips along U.S. 41 with a 20-foot-wide roadway buffer that includes five trees and twelve shrubs per 100 linear feet, and to eliminate the required 10-foot-wide landscape strip buffer areas along both side of the internal north-south road. All internal east/west roads will provide the required 10-foot-wide landscape strips per the LDC. This deviation is **APPROVED** subject to the developer providing the 20-foot-wide landscaped strip with five trees and twelve shrubs per 100 linear feet along U.S. 41, and providing the normally required landscaped strip along the internal east/west roads.
4. Deviation (4) requests relief from LDC Section 34-2192(a) which requires a 65-foot-wide minimum roadway setback for arterial roadways (U.S. 41) shown on the required access roadway map, to allow a 25-foot minimum roadway setback for proposed buildings located along the U.S. 41 roadway frontage. This deviation is **APPROVED** with the following conditions:
 - a. In accordance with Land Development Code Section 10-295, Table 3, reverse frontage roads must comply with local road standards. Therefore, if the proposed privately maintained road is to be an open drainage design, the minimum easement or right-of-way width must be 45 feet. The same criteria would apply to the proposed 35-foot easement that runs perpendicular to U.S. 41.

- b. The frontage road requirement for the subject property is waived.

SECTION C. Master Concept Plan:

A one page reduced copy of the Master Concept Plan is attached and incorporated into this resolution by reference, except as modified herein.

SECTION D. FINDINGS AND CONCLUSIONS:

The following findings and conclusions were made in conjunction with the approval of the requested rezoning:

1. The applicant has proven entitlement to the rezoning or special exception by demonstrating compliance with the Lee Plan, the Land Development Code, and other applicable codes and regulations.
2. The CPD rezoning, as conditioned:
 - a. meets or exceeds all performance and locational standards set forth for the potential uses allowed by the request;
 - b. is consistent with the densities, intensities and general uses set forth in the Lee Plan;
 - c. is compatible with existing or planned uses in the surrounding area; and
 - d. will not adversely affect environmentally critical areas or natural resources.
3. Approval of the CPD rezoning will not unduly burden existing transportation or planned infrastructure facilities, and the site will be served by streets with the capacity to carry traffic generated by the development.
4. Urban services, as defined in the Lee Plan, are, or will be, available and adequate to serve the proposed land use.
5. The proposed use or mix of uses is appropriate at the subject location.
6. The recommended conditions to the concept plan and other applicable regulations provide sufficient safeguards to the public interest.
7. The recommended conditions are reasonably related to the impacts on the public's interest created by or expected from the proposed development.
8. The deviations granted:
 - a. enhance the objectives of the planned development; and

- b. preserve and promote the general intent of the LDC to protect the public health, safety and welfare.

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
Douglas R. St. Cerny	Absent
Ray Judah	Aye
Andrew W. Coy	Aye
John E. Albion	Aye

DULY PASSED AND ADOPTED this 15th day of September, 1997.

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

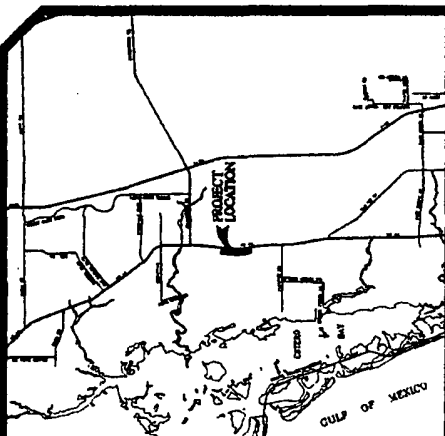
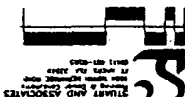
FILED

SEP 18 1997

CLERK CIRCUIT COURT
BY: Ruth E. D.C.

MASTER CONCEPT PLAN FOR THE

DATE: 6/9/87
Scale: 1" = 200'
REVISIONS
JOB NO. 86-037
Sheet 1 of 1



LOCATION MAP
LEE COUNTY, FLORIDA
TOWNSHIP 47E, RANGE

PROJECT NOTES AND GENERAL COMMENTS

- [illegible]

SCHEDULE OF DEVIATIONS

- [illegible]

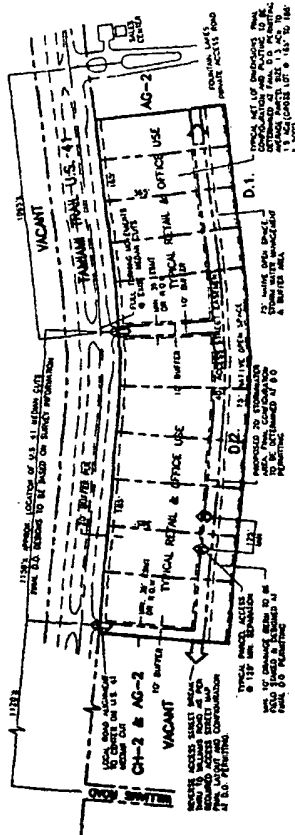
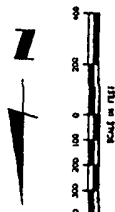
SCHEDULE OF PROJECT USES:

ALL OF THESE RESULTS BY BOHR AND BY SALOM, CITATION AS OF 7/1/44.

ALL OF 1985'S PROBLEMS BY INFLUENCE AND BY SIZE OF ESTABLISHMENT AS OF 7/1/84

RECEIVED
JUN 12 1967
ZONING COUNCIL

POST OFFICE
NORTH & LEADING ESTABLISHMENTS (GROUPS 4 AND 12)



MARSH LANDING ROAD

NOTE: PROPERTY WITHIN THE CULTURAL LANDSCAPE AND THE
CITY CATEGORY
20' BROADWAY BUILDING & 12 BUILDINGS AND 5 TREES
100 LF

FOUNTAIN LAKES RPD

PROJECT SUMMARY DATA

[illegible]

OPEN SPACE TABLE

[illegible]


PROJECT DEVELOPMENT STANDARDS

[illegible]

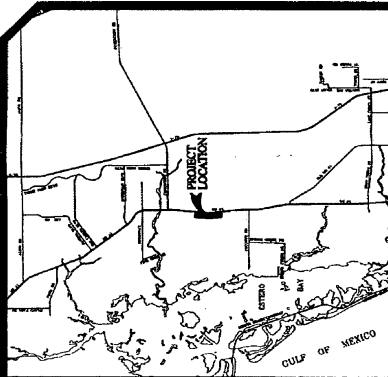
RECEIVED
MAY 05 2008

PERMIT COUNTER

MASTER CONCEPT PLAN FOR THE
ESTERO GREENS CPD
PREPARED FOR:
FLORIDA GROUP INVESTMENTS INC. TRUSTEE


SYLVESTER AND ASSOCIATES
 165 N. Wynn Boulevard, Suite 200
 Ft. Myers, FL 33919
 (813) 481-0555

Date: 6/9/87
 Scale: 1" = 200'
 Revision: _____
 06/08 NC 96-007
 Sheet: 1 of 1



LOCATION MAP
LEE COUNTY, FLORIDA
SECTION 4, TOWNSHIP 47S, RANGE 25E

PROJECT NOTES AND GENERAL COMMENTS

1. THE SPECIFIED MASTER CONCEPT PLAN IS FOR CONSTRUCTION UNDER APPROXIMATELY FIVE SITE PLAN AREAS. PLANNING AND CIRCULATION SYSTEM WATER MANAGEMENT STRATEGIES AND OTHER LAND DEVELOPMENT ELEMENTS WILL BE DETERMINED AT THE TIME OF DEVELOPMENT ORDER PERMITTING.
2. UNLESS OTHERWISE NOTED, PROJECT PHASES AND CIRCULATION SHALL CONFORM WITH LEC 10-11-4 AND 10-11-5, UNLESS NOTED OTHERWISE.
3. SURVEY MASTER MANAGER, ACCORDING TO COUNTY AND CITY ORDINANCES, SHALL BE MAINTAINED IN ACCORDANCE WITH ALL RELEVANT LOCAL, STATE AND FEDERAL LAWS AND REGULATIONS.

SCHEDULE OF DEVIATIONS

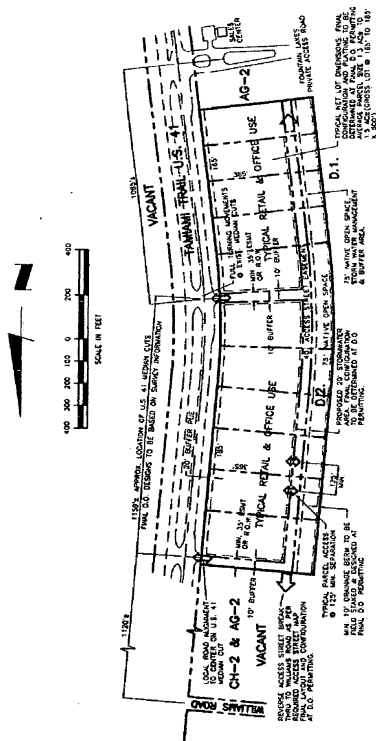
- [illegible]

SCHEDULE OF PROJECT USES:

	ALL OF USES PERMITTED BY RIGHT AND BY SPECIAL EXEMPTION AS OF 7/1/86.	ALL OF USES PERMITTED BY RIGHT AND BY SPECIAL EXEMPTION AS OF 7/1/86.
WATER RESOURCES		
WATER SUPPLY		
WATER CONSERVATION		
WATER POLLUTION CONTROL		
WATER QUALITY		
WATER REUSE		
WATER TREATMENT		
WATER DISTRIBUTION		
WATER STORAGE		
WATER PUMPING		
WATER TRANSPORTATION		
WATER UTILITIES		
WATER INFRASTRUCTURE		
WATER MANAGEMENT		
WATER PROTECTION		
WATER RESTORATION		
WATER RESEARCH		
WATER EDUCATION		
WATER POLICY		
WATER LEGISLATION		
WATER REGULATION		
WATER ENFORCEMENT		
WATER COMPLIANCE		
WATER MONITORING		
WATER ASSESSMENT		
WATER PLANNING		
WATER DESIGN		
WATER CONSTRUCTION		
WATER OPERATION		
WATER MAINTENANCE		
WATER REPLACEMENT		
WATER UPGRADE		
WATER MODERNIZATION		
WATER RENEWAL		
WATER PRESERVATION		
WATER PROTECTION		
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WATER ENFORCEMENT		
WATER COMPLIANCE		

ALL CC USES PERMITTED BY RIGHT AND BY SPECIAL EXEMPTION AS OF 7/1/88.

RECEIVED
JUN 12 1987
ZONING COUNTERS



MARSH LANDING RPD

FOUNTAIN LAKES RPD

PROJECT SUMMARY DATA

<p>2-17-82</p> <p>500-800</p> <p>4-7/85</p> <p>Beats spread 47,175, 42</p> <p>11/10</p> <p>Zone 8</p> <p>22,000 sq ft</p>	<p>2-17-82</p> <p>500-800</p> <p>4-7/85</p> <p>Beats spread 47,175, 42</p> <p>11/10</p> <p>Zone 8</p> <p>22,000 sq ft</p>
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OPEN SPACE TABLE

TOTAL SITE AREA	1,027 ± 520'	1,657 ± 500'
OFFER SPACE REQUIRED @ 30%	217 ± 42'	1,80 ± 42'
OFFER SPACE PROVIDED	0.63 ± 42'	0.57 ± 42'
WASTE AREA	0.20 ± 42'	0.24 ± 42'
50% CREDIT	0.07 ± 42'	0.06 ± 42'
NET DAMAGE CREDIT	0.06 ± 42'	0.07 ± 42'
U.S. 41 BUFFER	0.07 ± 42'	0.07 ± 42'
POWER CORN. SPACE	0.12 ± 42'	0.15 ± 42'

PROJECT DEVELOPMENT STANDARDS

[illegible]

