89-08-011-DCI(1)
#58051

MEMORANDUM
FROM THE
DEPARTMENT OF
COMMUNITY DEVELOPMENT
ZONING DIVISION

DATE: December 24, 2008

TO: WHOM IT MAY CONCERN

FROM: Debbie Carpenter
Administrative Assistant

RE: ADMINISTRATIVE AMENDMENT

Case Number	Case Name
ADD2008-00136	Country Inn & Suites

cc: Mohammed Rahman, Four Star Investment Group, Inc., Applicant (c/o Sycamore Engineering, Inc., J. D. Alsabbagh, P.E., Agent)
Julie Dalton, Property Appraiser Office
Matt Noble, Planning
Chick Jakacki, Zoning
Bob Stewart, Building Official
File

ADMINISTRATIVE AMENDMENT
LEE COUNTY, FLORIDA

WHEREAS, Mohammed Rahman/Four Star Investment Group, Inc., filed an application for administrative approval to a Commercial Planned Development on a project known as Country Inn and Suites **to increase the number of floors from three (3) to four (4) but not increase the approved height** for property located at south side of Boat Ways Drive, described more particularly as:

LEGAL DESCRIPTION: In Section 03, Township 44 South, Range 25 East, Lee County, Florida:

See attached Exhibit A

WHEREAS, the property was originally rezoned in case number Z-89-077 (with subsequent amendments in case numbers PD-92-013/1; PD-92-013/2; PD-92-~~016~~ 019; PD-94-~~018~~ 016; ADD2005-00096); and

WHEREAS, the subject property is located in the General Commercial Interchange 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, Condition b, Resolution Number Z-89-077, states "the maximum allowable height shall be 45 feet above average grade or two (2) habitable floors"; and

WHEREAS, Condition 5, Resolution Number PD-94-016, modified the height to a maximum of three (3) habitable floors, not to exceed a height of 45 feet;

WHEREAS, the applicant seeks to increase the number of floors permitted as part of a hotel from three (3) to four (4) floors, while continuing to maintain the maximum height at 45 feet; and

WHEREAS, 87 hotel/motel units are proposed leaving 13 units available for the CPD; and

WHEREAS, the applicant is proposing to construct a motel with four (4) floors not exceeding a height of 45 feet as depicted in the elevation plan shown on Attachment "B"; 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.**

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

NOW, THEREFORE, IT IS HEREBY DETERMINED that the application for administrative approval for an amendment to the Commercial Planned Development **to increase the number of floors from three (3) to four (4) is APPROVED subject to the following conditions:**

1. **The only change approved as part of this administrative amendment is to increase the number of floors from three (3) to four (4). The maximum permitted building height approved within this planned development remains at 45 feet.**

2. **The development must be in compliance with the amended Master Concept Plan, stamped received December 18, 2008 Community Development, attached hereto as Attachment "A". Master Concept Plan for ADD2008-00136 is hereby APPROVED and adopted. A reduced copy is attached hereto.**

3. **Development must be substantially consistent with the revised approved elevations stamped received on October 30, 2008, shown as Attachment "B". A reduced copy of this plan is attached to this action.**

4. **The terms and conditions of the original zoning resolutions and amendments remain in full force and effect.**

DULY SIGNED this 23rd day of December, A.D., 2008.

BY: _____

Pam Houck, Director
Division of Zoning
Department of Community Development

METRON
SURVEYING & MAPPING, LLC
LAND SURVEYORS • PLANNERS

ADD 2008-00136

RECEIVED
OCT 10 2008
COMMUNITY DEVELOPMENT

LEGAL DESCRIPTION
OF A PARCEL OF LAND LYING IN
SECTION 3, TOWNSHIP 44 SOUTH, RANGE 25 EAST,
LEE COUNTY, FLORIDA

(PART OF LOT 1, ORANGE RIVER CENTRE)

A TRACT OR PARCEL OF LAND SITUATED IN THE STATE OF FLORIDA, COUNTY OF LEE, BEING PART OF LOT 1, ORANGE RIVER CENTRE A SUBDIVISION RECORDED IN PLAT BOOK 48, PAGE 67 OF THE PUBLIC RECORDS OF LEE COUNTY, FLORIDA, LYING IN SECTION 3, TOWNSHIP 44 SOUTH, RANGE 25 EAST, BEING FURTHER DESCRIBED AS FOLLOWS:

COMMENCING AT THE SOUTHWEST CORNER OF SAID LOT 1; THENCE N.88°45'42"E. ALONG THE SOUTH LINE OF SAID LOT 1 FOR 116.00 FEET TO THE **POINT OF BEGINNING** OF THE HEREIN DESCRIBED PARCEL; THENCE N.00°48'56"W. FOR 205.68 FEET TO THE NORTH LINE OF SAID LOT 1; THENCE N.89°11'12"E. ALONG THE NORTH LINE OF SAID LOT 1 FOR 179.14 FEET; THENCE N.00°48'48"W. FOR 27.85 FEET; THENCE N.89°11'12"E. ALONG THE NORTH LINE OF SAID LOT 1 FOR 250.05 FEET TO THE BEGINNING OF A CURVE TO THE RIGHT, HAVING: A RADIUS OF 35.00 FEET, A CENTRAL ANGLE OF 90°03'52", A CHORD BEARING AND DISTANCE OF S.45°46'52"E., 49.53 FEET; THENCE ALONG THE ARC OF SAID CURVE, AN ARC LENGTH OF 55.02 FEET TO THE END OF SAID CURVE, BEING ON THE WEST RIGHT-OF-WAY LINE OF ORANGE RIVER BOULEVARD; THENCE S.00°44'56"E. FOR 195.05 FEET TO THE SOUTHEAST CORNER OF SAID LOT 1; THENCE S.88°45'42"W. ALONG THE SOUTH LINE OF SAID LOT 1 FOR 463.97 FEET TO THE **POINT OF BEGINNING**.

PARCEL CONTAINS 2.35 ACRES, MORE OR LESS.

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

BEARINGS ARE BASED ON THE SOUTH LINE OF LOT 1, ORANGE RIVER CENTRE BEING S.88°45'42"W.

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

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

DATE 10/1/08

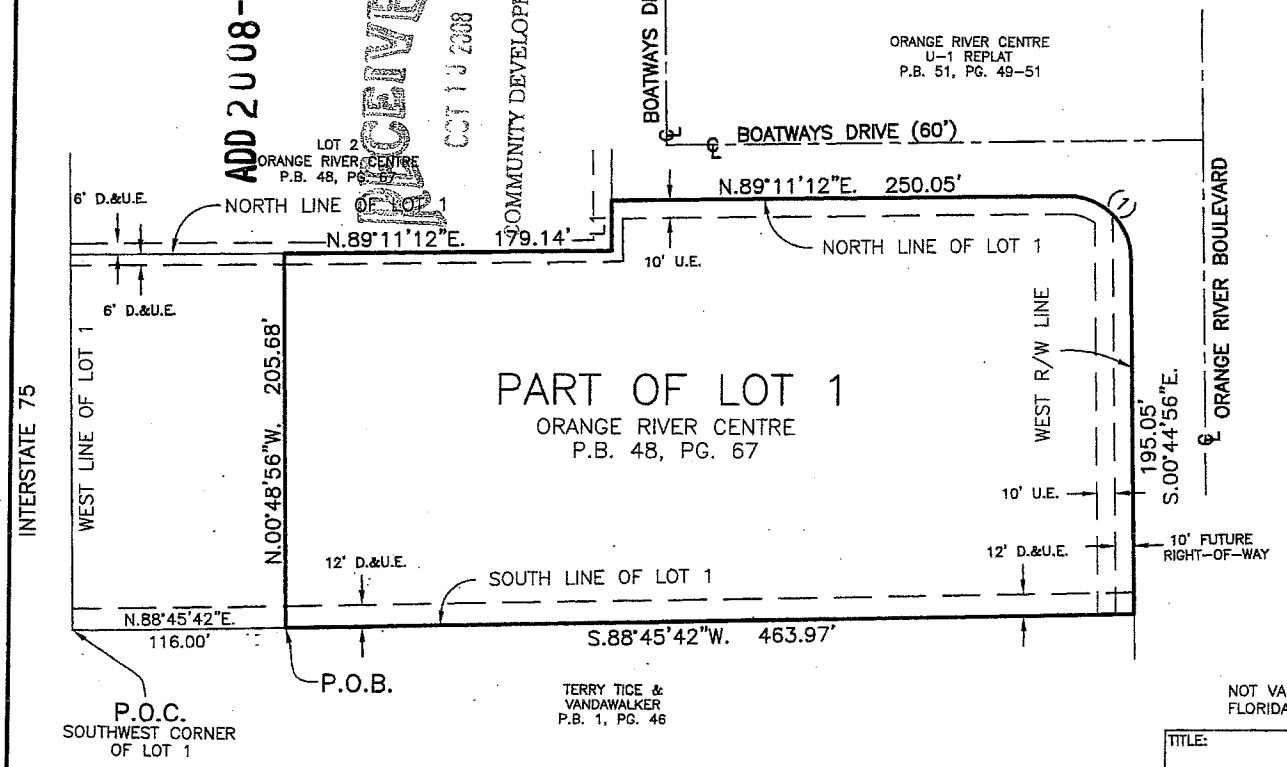
10970 S. Cleveland Avenue, SUITE #605 • Fort Myers, Florida 33907 • Phone (239) 275-8575 • Fax (239) 275-8457
www.metronfl.com

Applicant's Legal Checked
by BG 10-13-08

SKETCH TO ACCOMPANY DESCRIPTION

ADD 2008-00136

RECEIVED
OCT 14 2008
COMMUNITY DEVELOPMENT



Curve number 1

Radius= 35.00'
Delta= 90°03'52"
Arc= 55.02'
Chord= 49.53'
Chord Brg.= S.45°46'52"E.

N

Applicant's Legal Checked
by BG 10-13-08

* THIS IS NOT A SURVEY *

BY: _____
DENIS J. O'CONNELL, JR.
PROFESSIONAL SURVEYOR AND MAPPER
FLORIDA CERTIFICATE NO. LS# 5430
DATE SIGNED: 10/1/08

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

LEGEND:

P.O.B. = POINT OF BEGINNING
P.O.C. = POINT OF COMMENCEMENT
R/W = RIGHT-OF-WAY
P.B. = PLAT BOOK
PG. = PAGE
FPL = FLORIDA POWER & LIGHT COMPANY
U.E. = UTILITY EASEMENT
D.&P.U. = DRAINAGE & UTILITY EASEMENT

LINE TABLE

Line	Bearing	Distance
L1	N.00°48'48"W.	27.85'

* SEE SHEET 1 OF 2 FOR LEGAL DESCRIPTION *

TITLE: SKETCH OF DESCRIPTION

METRON
SURVEYING & MAPPING, LLC
LAND SURVEYORS-PLANNERS
LB# 7071

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

FILE NAME:	PROJECT NO.:	SHEET:
2911 LT2 SK.DWG	2911	2 OF 2

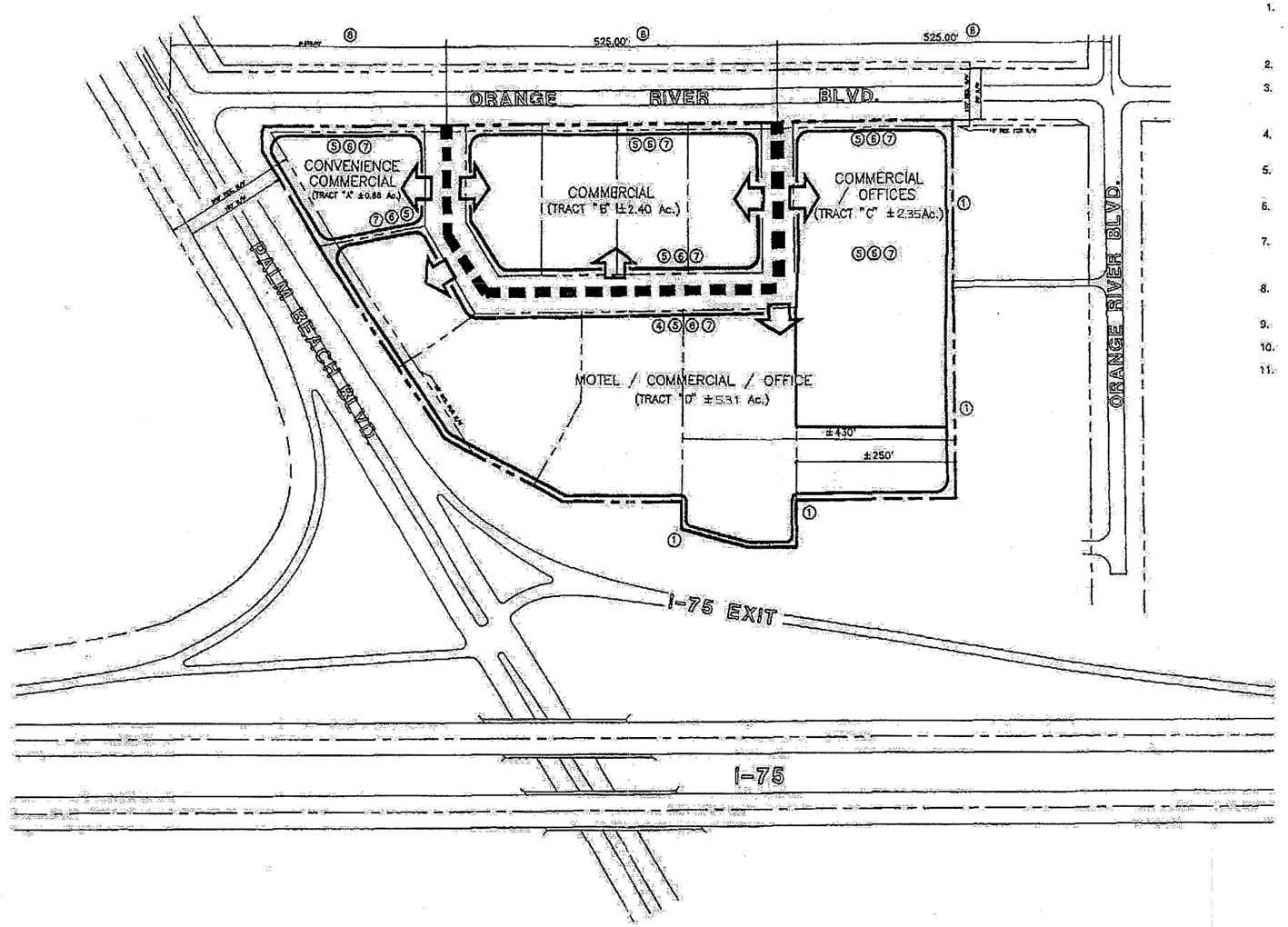
SKETCH DATE:	DRAWN BY:	SCALE:	CHECKED BY:	(S-T-R)
10-01-2008	DJO	1"= 80'	DJO	3-44-25

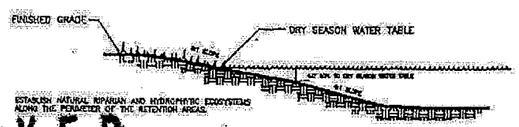
ATTACHMENT A

SCHEDULE OF USES

LAND USE	TRACT "A"	"B"	"C"	"D"
Animal Clinic (cl)		X	X	X
Animal Kennel (cl)		X		X*
Automatic Teller Machines (ATMS)	X	X	X	X*
Auto Parts Store, no installation service	X	X		X*
Auto Repair and Service Group I Section 1001.02	X	X		X*
Automobile Service Station, Limited	X	X		X*
Banks and Financial Establishments All Groups Section 1001.03	X	X	X	X
Bar or Cocktail Lounge		X		X*
Boat Parts Store, no installation service		X		X*
Broadcasting Studio Commercial Radio and Television Section 647		X	X	X
Business Services Group I and Group II, All Categories Section 1001.05		X	X	X
Car Wash (cl)	X	X		X*
Cleaning and Maintenance Services Section 1001.07		X		X
Clothing Stores, General Section 1001.08		X		X
Clubs: Commercial, Fraternal/Membership Organization Section 511		X		X
Consumption on Premise- 2 Section 202.62	X	X	X	X
Convenience Food and Beverage Stores (cl)	X			
Day Care Center Child and/or Adult Section 514		X	X	X
Drive-thru Facility For any permitted Use	X	X	X	X
Drugstore	X	X		X
Automobile Service Station, Limited	X	X		
Excavation Water Retention Section 516	X	X	X	X
Food Store Group I and II Section 1001.16	X	X	X	X*
Governmental Services Standard Office Space	X	X	X	X
Hardware Store (cl)	X	X		X
Health Care Facility Group III Sections 524 and 1001.20	X	X		X
Hobby, Toy and Game Shops Section 1001.21		X		X
Homeworker Section 514		X	X	X
Household/Office Furnishings Groups I and II Section 1001.22	X	X		X
Insurance Companies Section 1001.23	X		X	X
Laundry or Dry Cleaning Group I Section 1001.24	X	X		X*
Lawn and Garden Supply Store (cl) Section 625	X	X		X
Music Store (cl)	X	X		X
Night Club (cl)	X	X		X
Non-store Retailers All Grades Section 1001.30		X		X
Offices - Medical			X	X
Package Store Section 202.03	X	X		X*
Paint, Glass, and Wallpaper Store (cl)	X	X		X
Parks, Public and Private (cl) Group I Section 1001.32		X	X	X
Personal Services All Grades Section 1001.33		X	X	X
Pet Shop (cl)		X		X
Pharmacy (cl)	X	X		X
Recreation, Commercial Group II and IV Section 1001.33		X	X	X
Recreation Facilities Personal, Private, Public (cl)		X	X	X
Religious Facilities Section 537			X	X
Repair Shops Group I and II Section 1001.40		X		X
Restaurant, Fast Food (cl)	X	X		X*
Restaurants, Standard	X	X		X*
All Groups Section 1001.44		X		X
Schools, Commercial Section 1001.45				X
Self Service Fuel Pumps (cl) Ancillary to a permitted use	X			
Self Service Fuel Pump Station (cl)	X			
Signs Provided same comply with the Lee County Sign Ordinance	X	X	X	X
Social Services Group I Section 1001.46		X		X*
Specialty Retail Shop Groups I, II, III and IV Section 1001.47	X	X		X
Studios Section 1001.49		X	X	X
Used Merchandise Stores Group I and II only Section 1001.54		X		X
Variety Store (cl)	X	X		X

* Not permitted in Southern 430 feet of Track D





WET RETENTION SECTION
N.T.S.



DRY RETENTION SECTION
N.T.S.

SCHEDULE OF DEVIATIONS

1. Deviation from the requirement that all commercial and industrial uses shall provide a continuous visual screen of at least 6 feet in height along any lot line abutting a residential use (202.14.E.1 and also Table C-3), to allow an opaque vegetative covered fence 6 feet in height;
2. Withdrawn;
3. Deviation from the minimum setback from a structure to a water body of 25 feet (202.18.B.4.b.) to 0 feet to an architectural structure such as a gazebo, cabana, wooden deck, walkway, or foot bridge.
4. Deviation from excavation depth for water retention from 12 feet (Section 509.B.) to the confining layer;
5. Deviation from the minimum water retention excavation setbacks to a street right-of-way of 150 feet (509.C.4.) to 25 feet;
6. Deviation from the minimum water retention excavation setbacks to a private property line of 50 feet (509.C.4.) to 25 feet;
7. Deviation from the requirement that a 4-foot fence be placed around excavations for water retentions when located less than 100 feet from any property under separate ownership (509.F), to require no fencing;
8. Deviation from the minimum intersection separation of 660 feet along arterial streets (DSO Section C.3.h.), to ± 435 feet and ± 525 feet;
9. Withdrawn;
10. Withdrawn;
11. Deviation from the requirement that the density of transient hotel/motel units to be calculated at 1,700 square feet per unit (514.B.4.), to permit the density of transient hotel/motel units to be calculated at 895 square feet per unit with a maximum of 120 units.

SITE DATA

LAND USE	TRACT	ACREAGE
1. Commercial/ Office	A	+/- 3.26 Acres
Hotel	B	60 Hotel Rooms
Rooms and Square Footage: 8,000 square feet 60 Hotel Rooms		
2. Commercial South 250 ft	C D	+/- 3.1 Acres
Rooms and Square Footage: 2,000 square feet 100 Hotel Rooms		
3. Commercial Remainder of D	D	+/- 4.64 Acres
Total Square Feet: 29,000 square feet		
4. Road Right of Way		+/- 1.5 Acres
Total Site Area		+/- 12.5 Acres

GENERAL NOTES

1. Maximum building height is 45' above grade for all buildings with the exception of a motel. If a motel is constructed the main portions of the building will not exceed 45', however, a cupola may be 82' above grade.
2. The specific location of retention areas has not been determined. Retention areas will be incorporated into the Final Site Plan in compliance with applicable Lee County and SFWMD Rules and Regulations.
3. The exact location of the excavation/lakes will be determined prior to Final Development Approval.
4. The applicant will provide a Type "C" buffer along all property lines abutting residential uses. The buffer will include an eight (8) foot high fence and the numbers of trees and shrubs required for a type "D" buffer.
5. The lot lines depicted on this Master Concept Plan are intended to depict the preliminary arrangement of parcels within the project. Final lot dimensions will be presented at the time of final site plan approval. All lots will comply with the performance standards of the CC Zoning District.
6. Preliminary plans call for a single building per lot, however, clusters of buildings may be placed on a single lot in compliance with applicable codes.
7. The applicant will provide a Type "A" buffer along Orange River Boulevard. The buffer will include the number of trees and shrubs required for a Type "B" buffer.

APPROVED
Amendment to
Master Concept Plan
Subject to Case # ADD2008-00136
Date 12/23/2008

ADD 2008-00136

RECEIVED
DEC 1 8 2008

SCALE: 1"= 100'- 0"
0 50 100 200 300
DATE: 12-12-88

NORTH

PREPARED FOR:
MR. JAMES KINSEY
KINSEY ASSOCIATES, INC., REALTORS
2423 FIRST STREET FORT MYERS, FL 33901
(813) 334-1367

PREPARED BY:
DAVID M. JONES JR. & ASSOCIATES, INC.
PLANNERS AND LANDSCAPE ARCHITECTS
2207 FIRST STREET FORT MYERS, FL 33901
(813) 334-1851

COMMUNITY DEVELOPMENT

ORANGE RIVER CENTRE

REVISIONS	DATE
SUFFICIENCY RESPONSE	03-07-89
SUFFICIENCY RESPONSE	06-22-89
REPORT RESPONSE	07-06-89

MAP-H

MASTER CONCEPT PLAN



APPROVED
Plan
Subject to Case # ADD2008-00136
Date 12/23/2008

RECEIVED
OCT 30 2008
COMMUNITY DEVELOPMENT

1/A08 **Front Elevation**

ADMINISTRATIVE AMENDMENT
LEE COUNTY, FLORIDA

WHEREAS, Mohammed M. Rahman filed an application for administrative approval to a Commercial Planned Development on a project known as **Orange River Centre CPD** to

- **remove language in Condition 4 of resolution number PD-94-016 that erroneously included the commercial building floor area that would result from approved hotel/motel units in the maximum commercial building floor area permitted for the CPD;**
- **reduce the maximum commercial building floor area permitted for the CPD; and**
- **amend the Master Concept Plan to reflect changes in the "Site Data" table**

on property located at 4290 Boatsway Road, Fort Myers, FL 33905, described more particularly in the LEGAL DESCRIPTION: In Section 3, Township 44 South, Range 25 East, Lee County, Florida:

See Exhibit "A"

WHEREAS, the property was originally rezoned in case number 89-08-01-DCI, resolution number Z-89-077 [with subsequent amendments in case numbers: 89-08-01-DCI(a), 89-08-01-DCI(b), 89-08-01-DCI-01(c); resolution numbers: PD-92-013, PD-92-019, and PD-94-019]; and

WHEREAS, Condition 2 of resolution number PD-94-016 permits a maximum of 160 motel/hotel units for the CPD; and

WHEREAS, 60 hotel/motel units have been constructed on Tract "B" leaving 100 units available for the CPD; and

WHEREAS, Tract "C" and the southern 250± feet of Tract D amass 3.1± acres, are undeveloped and permitted to be developed with a hotel/motel use; and

WHEREAS, Condition 4 of resolution number PD-94-016 establishes a commercial development limitation of 78,000 square feet of commercial building floor area for the CPD; and

WHEREAS, the CPD contains commercial uses that occupy more than 25,000 square feet of commercial building floor area; and

WHEREAS, 160 motel/hotel units, if constructed, would exceed 78,000 square feet of commercial building floor area making the inclusion of the hotel/motel's commercial building

floor area in the entire CPD's commercial building floor area limitation of 78,000 square feet illogical; and

WHEREAS, by the applicant reducing the maximum commercial building floor area for the CPD from 78,000 square feet to 39,000 square feet the intensity of the project is not being increased; and

WHEREAS, the Lee County Land Development Code provides for certain administrative changes to planned development master concept plans and planned unit development final development plans; and

WHEREAS, the subject application and plans have been reviewed by the Lee County Department of Community Development in accordance with applicable regulations for compliance with all terms of the administrative approval procedures; and

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

NOW, THEREFORE, IT IS HEREBY DETERMINED that the application for administrative approval for an amendment to **Orange River Centre CPD** to

- **remove language in Condition 4 of resolution number PD-94-016 that erroneously included the commercial building floor area that would result from approved hotel/motel units in the maximum commercial building floor area permitted for the CPD;**
- **reduce the maximum commercial building floor area permitted for the CPD; and**
- **amend the Master Concept Plan to reflect changes in the "Site Data" table**

in the Planned Development is **APPROVED, subject to the following conditions:**

1. **The Development must be in compliance with the amended Master Concept Plan, stamped received September 27, 2005. Master Concept Plan for ADD2005-00096 is hereby APPROVED and adopted. A reduced copy is attached hereto.**

2. **Condition 4 will is corrected as follows (in strikethrough and underline format):**

   The development may contain a maximum of <u>39,000</u> ~~78,000~~ square feet of commercial building floor area ~~(including square footage for the motel), of which no more than 40,000 square feet of retail use (those which must meet site location standards) may be developed~~.

3. **The only changes approved as part of this administrative amendment are as identified above. No other changes have been authorized as part of this amendment and development must remain in compliance with the terms and conditions of the original zoning resolution Z-89-077(as amended by PD-92-013/1, PD-92-019, and PD-94-019).**

DULY SIGNED this 10th day of October, A.D., 2005.

BY: _____

Pam Houck, Director
Division of Zoning
Department of Community Development

METRON
SURVEYING & MAPPING, LLC
LAND SURVEYORS • PLANNERS

LEGAL DESCRIPTION
OF A PARCEL OF LAND LYING IN
SECTION 3, TOWNSHIP 44 SOUTH, RANGE 25 EAST,
LEE COUNTY, FLORIDA

(LOT 1-A, ORANGE RIVER CENTRE)

A TRACT OR PARCEL OF LAND SITUATED IN THE STATE OF FLORIDA, COUNTY OF LEE, LYING IN SECTION 3, TOWNSHIP 44 SOUTH, RANGE 25 EAST, BEING A PART OF LOT 1, ORANGE RIVER CENTRE AS RECORDED IN PLAT BOOK 48, PAGE 67 OF THE PUBLIC RECORDS OF LEE COUNTY, FLORIDA, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGINNING AT THE SOUTHEAST CORNER OF SAID LOT 1; THENCE S.88°45'42"W. ALONG THE SOUTH LINE OF SAID LOT 1 FOR 284.84 FEET; THENCE LEAVING SAID SOUTH LINE N.00°48'48"W. FOR 232.20 FEET TO THE SOUTH RIGHT-OF-WAY LINE OF BOAT WAYS DRIVE (60 FEET WIDE); THENCE N.89°11'12"E. ALONG SAID SOUTH RIGHT-OF-WAY LINE FOR 250.05 FEET TO THE BEGINNING OF A TANGENT CURVE TO THE RIGHT, HAVING A RADIUS OF 35.00 FEET, A CENTRAL ANGLE OF 90°04'08", A CHORD BEARING OF S.45°46'52"E. AND A CHORD LENGTH OF 49.53 FEET; THENCE ALONG THE ARC OF SAID CURVE FOR 55.02 FEET TO THE END OF SAID CURVE, BEING ON THE WEST RIGHT-OF-WAY LINE OF ORANGE RIVER BOULEVARD (80 FEET WIDE); THENCE S.00°44'56"E. ALONG SAID WEST RIGHT-OF-WAY LINE FOR 195.05 FEET TO THE POINT OF BEGINNING.

PARCEL CONTAINS 1.51 ACRES, MORE OR LESS.

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

BEARINGS ARE BASED ON THE SOUTH LINE OF LOT 1, ORANGE RIVER CENTRE BEING S.88°45'42"W.

Applicant's Legal Checked by 06MAY05

RECEIVED
MAY 0 3 2005
PERMIT COUNTER

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

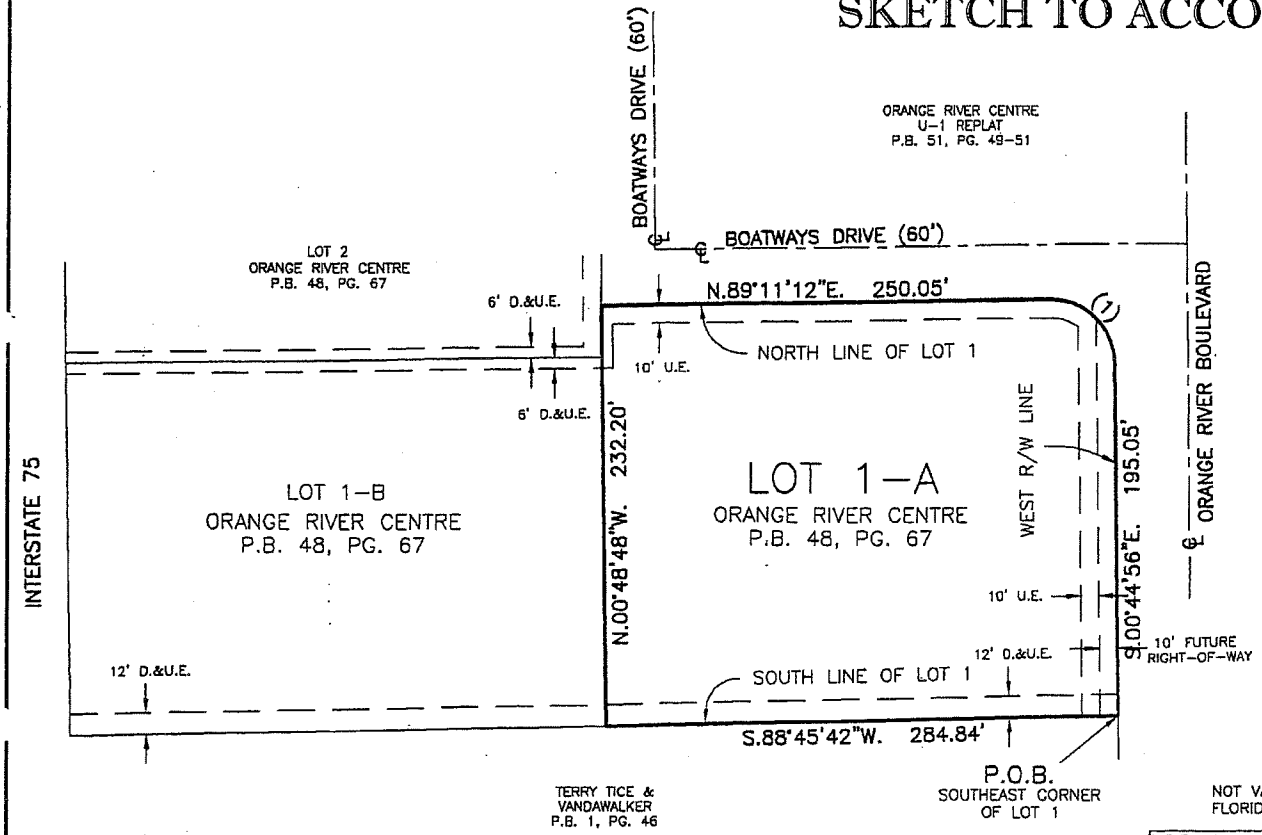
Scott M. Shore 10-9-2002

SCOTT M. SHORE DATE
PROFESSIONAL SURVEYOR AND MAPPER
FLORIDA CERTIFICATE NO. 5743

ADD2005-00096

5245 RAMSEY WAY, SUITE #2 • FORT MYERS, FLORIDA 33907 • PHONE (239) 275-8575 • FAX (239) 275-8457
www.metronfl.com

SKETCH TO ACCOMPANY DESCRIPTION



Curve number 1

Radius= 35.00'
Delta= 90°03'52"
Arc= 55.02'
Chord= 49.53'
Chord Brg.= S.45°46'52"E.

RECEIVED
MAY 03 2005
PERMIT COUNTER

Applicant's Legal Checked
by Amy 06MAY05

* THIS IS NOT A SURVEY *

BY: Scott M. Shore
SCOTT M. SHORE
PROFESSIONAL SURVEYOR AND MAPPER
FLORIDA CERTIFICATE NO. LS# 5743

DATE SIGNED: 10-9-2002

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

LEGEND:

P.O.B. = POINT OF BEGINNING
P.O.C. = POINT OF COMMENCEMENT
R/W = RIGHT-OF-WAY
P.B. = PLAT BOOK
PG. = PAGE
FPL = FLORIDA POWER & LIGHT COMPANY
U.E. = UTILITY EASEMENT
D.&P.U. = DRAINAGE & UTILITY EASEMENT

LINE TABLE

Line	Bearing	Distance
L1	N.00°48'48"W.	27.85'

* SEE SHEET 1 OF 2 FOR LEGAL DESCRIPTION *

TITLE: SKETCH OF DESCRIPTION

METRON
SURVEYING & MAPPING, LLC
LAND SURVEYORS PLANNERS
LB# 7071

5245 RAMSEY WAY, SUITE #2
FORT MYERS, FLORIDA 33907
PHONE: (239) 275-8575
FAX: (239) 275-8457
www.metronfl.com

FILE NAME:	FIELD BOOK/PAGE:	PROJECT NO.:	SHEET:
2911 LT2 SK.DWG	N/A	2911	2 OF 2

SKETCH DATE:	DRAWN BY:	SCALE:	CHECKED BY:	(S-T-R)
10-9-2002	MJM	1"= 80'	SMS	3-44-25

ADD2005-00096

RESOLUTION OF THE BOARD OF COUNTY COMMISSIONERS

OF LEE COUNTY, FLORIDA

WHEREAS, James E. Kinsey, Sr., in reference to Orange River Centre, has properly filed an application for a rezoning from C-1 and AG-2 to Commercial Planned Development, to permit a commercial shopping and office center with a 150-room motel, not to exceed 45 feet in height above average grade, on 12.5 total acres of land.

NOTE: If approved, the Master Concept Plan (available for inspection at 1831 Hendry Street in Fort Myers) will deviate from the following Lee County Standards:

(1) Deviation from the requirement that all commercial and industrial uses shall provide a continuous visual screen of at least 8 feet in height along any lot line abutting a residential use (Section 202.14.E.1.), to allow an opaque vegetative covered fence 8 feet in height;

(2) Deviation from the required minimum setback between structures and the centerline of arterial street without a frontage road of one-half the right-of-way plus 25 feet (Section 202.18.B.2.a.), to allow one-half the right-of-way plus 20 feet;

(3) Deviation from the minimum setback from a structure to a water body of 25 feet (Section 202.18.B.4.b.), to allow 0 feet for an architectural feature only;

(4) Deviation from excavation depth for water retention from 12 feet (Section 509.B.), to the first confining layer;

(5) Deviation from the required minimum water retention excavation setbacks to a street right-of-way of 150 feet (Section 509.C.4.), to allow 25 feet;

(6) Deviation from the required minimum water retention excavation setbacks to a private property line of 50 feet (Section 509.C.4.), to allow 25 feet;

(7) Deviation from the requirement that a 4-foot fence be placed around excavations for water retentions when located less than 100 feet from any property under separate ownership (Section 509.F.), to require no fencing;

(8) Deviation from the required minimum intersection separation of 660 feet along arterial streets (DSO Section C.3.h.), to 435 feet and 525 feet.

(9) Deviation from the requirement that the density of transient hotel/motel units be calculated at 1,700 square feet per unit (Section 514.B.4.), to permit the density of transient hotel/motel units to be calculated at 875 square feet per unit with a maximum of 150 units.

WHEREAS, the subject property is located on the southeast quadrant of I-75 and SR-80, bounded on the east by Orange River Boulevard, described more particularly as:

LEGAL DESCRIPTION: In Section 03, Township 44 South, Range 25 East, Lee County;

That portion of Lots 9 and 16, of Block 3, TERRY, TICE & VANDAWALKER'S SUBDIVISION, as recorded in Plat Book 1, page 46 of the public records of Lee County, Florida, described as follows:

Begin at the intersection of the center line of Orange River Boulevard and the West line of said Lots 9 and 16 (same being the Southwest corner of said Lot 16) and run North on the West line of Lots 9 and 16, 241 feet to the POINT OF BEGINNING of the property herein described;
THENCE continue North along the West line of said Lots 9 and 16, 759.14 feet to the Southerly right-of-way line of Palm Beach Boulevard;
THENCE N.58°48'03"E. along the said Southerly right-of-way line, 357.96 feet to its intersection with the Westerly right-of-way line of Boat Ways Road (50 foot right-of-way);
THENCE S.00°03'25"W. along said right-of-way line 942.61 feet;
THENCE S.89°37'55"W. and parallel to the South line of Lot 16, 305.26 feet to the POINT OF BEGINNING; together with that portion of an abandoned roadway lying between said Lots 9 and 16. Being in Section 03, Township 44 South, Range 25 East, Lee County Florida. 5.7 acres more or less.
AMD
Lots 4, 5 and 8 1/2 together with those portions of abandoned roadways lying between said lots in Block 3, Terry, Tice and Vandawalker's Subdivision, according to the map or plat thereof on file and recorded in the Office of the Clerk of the Circuit Court recorded in plat Book 1, Page 46, excepting therefrom that portion described in order of taking recorded in O.R. Book 1123, Page 910, Public Records of Lee County, Florida. Also excepting therefrom that portion described in order of taking recorded in O.R. Book 1358, Page 2335, Public Records of Lee County, Florida. Less the Southerly 216 feet.
AND
Begin at the intersection of the North line of Orange River Boulevard and the East line of Lot 15, Terry, Tice & Vandawalker's Subdivision, according to plat thereof recorded in Plat Book 1, Page 46, of the Public Records of Lee County, Florida, THENCE run North at right angles to Orange River Boulevard, a distance of 459.7 feet to POINT OF BEGINNING of land herein described; THENCE West at right angles 73 feet; THENCE North at right angles 180 feet; THENCE East at right angles 73 feet; THENCE South at right angle 180 feet to POINT OF BEGINNING, less and except that part of said premises lying within I-75 corridor.

WHEREAS, the applicant has indicated the property's current STRAP numbers are: 03-44-25-01-00044.0000;

03-44-25-01-00045.0020; and

03-44-25-01-00046.0070; and

WHEREAS, proper authorization has been given to David M. Jones, Jr. & Associates, Inc., and Humphrey & Myers, P.A., by James E. Kinsey, Sr., trustee, the fee simple owner of the subject parcel, to act as agent to pursue this zoning application; and

WHEREAS, a public hearing was legally and properly advertised and held before the Lee County Hearing Examiner, with full consideration of all the evidence available; and

WHEREAS, the Lee County Hearing Examiner fully reviewed the matter in a public hearing held on August 1, 1989, September 6, 1989, and September 13, 1989; and

WHEREAS, a public hearing was legally and properly advertised and held before the Lee County Board of County Commissioners; and

WHEREAS, in the legislative process the Lee County Board of County Commissioners gave full and complete consideration to the recommendations of the staff, the Hearing Examiner, the documents on file with the county, and the testimony of all interested persons.

NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF COUNTY COMMISSIONERS, that the Board of County Commissioners does hereby APPROVE WITH CONDITIONS a rezoning from C-1 and AG-2 to Commercial Planned Development, subject to the following conditions:

a. The development of this property shall be in accordance with the one-page Master Concept Plan entitled Orange River Centre, completed for Mr. James Kinsey, Kinsey Associates, Inc., Realtors, prepared by David M. Jones, Jr., and Associates, Plan dated March 7, 1989, revised June 22, 1989, and stamped received June 26, 1989, except as may be modified by the conditions herein. Approval of this request does not exempt the applicant from compliance with all development regulations, except as specifically approved herein.

b. The maximum total floor area shall be limited to 100,000 square feet, of which no more than 40,000 square feet of retail use (those uses which must meet site location standards) shall be developed. The maximum allowable height shall be 45 feet above average grade or two habitable floors except that any motel constructed on the subject real estate may have one cupola or small decorative structure which shall not exceed 53 feet above average grade.

c. The uses allowed on the portions of the Master Concept Plan designated as Tracts A, B, C and D are set out in the chart below with an "X" designating the specific use as allowed on the tract represented by that column of the chart (asterisks indicate uses not allowed to be developed on the two southernmost parcels in Tract D):

LAND USE	TRACT 'A'	'B'	'C'	'D'
Animal Clinic (df)		X	X	X
Animal Kennel (df)		X		X*
Automatic Teller Machines (ATM'S)	X	X		X*
Auto Parts Store, no installation or service	X	X		X*
Auto Repair and Service Group I Section 1001.02	X	X		X*

LAND USE	TRACT 'A'	'B'	'C'	'D'
Automobile Service Station, Limited	X	X		X*
Banks and Financial Establishments All Groups Section 1001.03	X	X	X	X
Bar or Cocktail Lounge (see condition d)		X		X*
Boat Parts Stores, no installation or service		X		X*
Broadcasting Studio Commercial Radio and Television Section 547		X	X	X
Business Services Group I and II, All Categories Section 1001.05		X	X	X
Car Wash (df)	X	X		X*
Cleaning and Maintenance Services Section 1001.07		X		X
Clothing Stores, General Section 1001.08		X		X
Clubs Commercial, Fraternal, Membership Organization, Section 202.08		X		X
Consumption on Premises - 2 Section 202.03 (see condition d)	X	X		X*
Convenience Food and Beverage Stores (df)	X	X		
Day Care Center Child and/or Adult Section 506(1)		X	X	X
Drive-thru Facility For any permitted use	X	X		X*
Drugstore	X	X		X
Excavation Water Retention Section 509	X	X	X	X
Food Store Group I and II Section 1001.16	X	X	X	X*
Governmental Services Standard Office Space	X	X	X	X
Hardware Store (df)	X	X		X
Health Care Facility Group III Sections 512 and 1001.20	X	X		X
Hobby, Toy and Game Shops Section 1001.21		X		X
Hotel/Motel Section 514, not on south 250' of Tract D				X
Household/Office Furnishings Group I and II Section 1001.22	X	X		X
Insurance Companies Section 1001.23	X		X	X
Laundry or Dry Cleaning Group I Section 1001.24	X	X		X*
Lawn and Garden Supply Store (df) Section 523	X	X		X
Music Store (df)	X	X		X
Night Club (df)	X	X		X*
Non-store Retailers All Groups Section 1001.30		X		X

LAND USE	TRACT 'A'	'B'	'C'	'D'
Offices, Medical			X	X
Package Store (see condition d.) Section 202.03	X	X		X*
Paint, Glass, and Wallpaper Store (df)	X	X		X
Parks, Public and Private (df) Group I Section 1001.32		X	X	X
Personal Services All Groups Section 1001.33		X	X	X
Pet Shop (df)		X		X
Pharmacy (df)	X	X		X
Recreation, Commercial Group II and IV Section 1001.38		X	X	X
Recreation Facilities Personal, Private, Public (df)		X	X	X
Religious Facilities Section 521			X	X
Repair Shops Group I and II Section 1001.40		X		X
Restaurant, Fast Food (df)	X	X		X*
Restaurants, Standard All Groups Section 1001.44	X	X		X*
Schools, Commercial Section 1001.45		X		X
Self Service Fuel Pumps (df) Ancillary to a permitted use	X	X		
Self Service Fuel Pump Station (df)	X	X		
Signs Provided same comply with the Lee County Sign Ordinance	X	X	X	X
Social Services Group I Section 1001.46		X		X*
Specialty Retail Shop Groups I, II, III and IV Section 1001.47	X	X		X
Studios Section 1001.49		X	X	X
Used Merchandise Stores Groups I and II only Section 1001.54				
Variety Store (df)	X	X		X

d. A bar or cocktail lounge and consumption on premises shall be allowed only in accordance with Section 202.03.D.1.a.1. of the Zoning Ordinance, as amended. Only one consumption on premises, one bar or cocktail lounge, and one package store shall be allowed on the real estate represented by the Master Concept Plan.

e. The fronts of any building adjacent to Orange River Boulevard shall be oriented to face away from Orange River Boulevard.

f. Utility transformers, waste and rubbish storage areas, loading docks and similar accessory equipment located within the area represented by the Master Concept Plan shall be screened from view.

g. All structures shall be designed to be architecturally compatible with one another and landscaping arranged to compliment and tie together the designs among individual parcels. This condition shall be incorporated into all pertinent covenants and restrictions involved in the sale or lease of any portion of the subject property and incorporated in the rules, restrictions and covenants of any property owners or tenants association.

h. A type "C" buffer shall be provided along all property lines abutting residential uses. The buffer shall include an eight (8) foot high fence and the number of trees and shrubs required for a type "D" buffer.

i. The rezoning by approval of the Master Concept Plan does not certify or indicate in any way that this project's traffic impacts have been mitigated. Additional conditions to mitigate traffic impacts, including but not limited to additional left turn lanes on to S.R. 80, may be required before issuance of a local development order.

j. The southerly driveway access to the East-West portion of Orange River Blvd shown on the Master Concept Plan shall be eliminated.

k. The northernmost driveway or access point, shown on the Master Concept Plan as 435 feet from Palm Beach Boulevard, shall be constructed in a manner which allows departing vehicles to make only right turns and a median sufficient to prevent vehicles approaching S.R. 80 from the south from making left turns into this driveway or access point shall be installed at the Applicant's expense following design approval by Lee County DOT&E.

l. There shall be no direct vehicular access from the real estate represented in the Master Concept Plan onto Orange River Boulevard except at those driveway access points shown on the approved Master Concept Plan. This condition shall be incorporated into all pertinent covenants and restrictions imposed on purchasers of any of the subject real estate and shall be known to and associated with any property owners or tenants association connected with the subject real estate.

m. Public utility water service shall be required. Temporary septic tanks shall be allowed within this development upon proper application and approval by the appropriate permitting agencies provided that the permitted uses in the overall development do not produce or are not rated or considered to produce, in total, more than 5,000 gallons of sewage per day. Upon a determination by the appropriate agencies of Lee County that the 5,000 gallon per day standard has been met or exceeded, septic tank use shall be discontinued.

n. The existing native vegetation along the western property line shall be preserved and a plan showing preservation of this vegetation shall be provided prior to final plan approval.

o. Hurricane Mitigation

The following conditions with respect to hurricane impact mitigation shall be imposed on any hotel, motel or lodging facility constructed on any portion of the real estate represented by the approved Master Concept Plan:

1. The owner of the motel/hotel shall establish and maintain a written emergency plan that consists of appropriate procedures to be followed in the event of a hurricane emergency.

2. The owner of the motel/hotel will coordinate the development of said written emergency plan with the Lee County Department of Public Safety.

p. Emergency Medical Service

1. The applicant shall provide for the Emergency Medical Service impacts generated by the proposed development (must be in compliance with the EMS fire related impact fee ordinance).

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

q. Fire Protection

The applicant shall contact the respective fire protection district to discuss the proposed development in relation to the potential type, use and storage of hazardous materials which will be located on the premises.

Deviation (1) is hereby APPROVED as restricted in condition h.

Deviation (2) has been WITHDRAWN by the applicant.

Deviation (3) is hereby APPROVED for the following accessory structures only: decks, porches, cabanas, gazebos, and pedestrian bridges.

Deviation (4) is hereby APPROVED subject to the following condition:

The depth of the confining layer shall be established by the submittal of test borings from a registered engineer from the location of the proposed excavation prior to the approval of a final development order.

Deviation (5) is hereby APPROVED subject to the following condition:

No retention areas shall be placed within the existing or proposed rights-of-way pursuant to the Lee County Trafficways Map.

Deviation (6) is hereby APPROVED subject to the following condition:

The setback reduction is only allowed if there is a fence between the subject property and the property to the south and southwest (areas abutting single family homes).

Deviation (7) is hereby APPROVED.

Deviation (8) is hereby APPROVED subject to the following condition:

The northernmost access point, which would be located 435 feet from Palm Beach Boulevard, shall be allowed only with right turns in and out, and a median shall be developed subject to design approval by the Director of the Lee County Department of Transportation and Engineering.

Deviation (9) is hereby APPROVED subject to the condition that the transient hotel/motel be calculated at 995 square feet per unit or 44 units per acre. Only a maximum of 120 units shall be allowed to be developed on tract "D" (not on the south 250 feet of tract "D").

Site Plan 89-077 is attached hereto and incorporated herein by reference, as a reduced copy of the Master Concept Plan.

The following findings of fact were made in conjunction with this approval of Commercial Planned Development zoning:

A. That the nature of commercial development in this area, the manner in which I-75 was constructed and the classification of this I-75 interchange as General Commercial in the Lee Plan created an island of commercial property which is not presently marketable without approval of a use or group of uses which accommodate I-75 travelers, and that these circumstances constitute changed or changing conditions which make the approval of this rezoning appropriate.

B. That approval of the requested Commercial Planned Development will have a positive impact on the intent of the Zoning Ordinance in view of the land use category of the subject real estate and the practical need for moderate priced lodging facilities located where they will serve the traveling public.

C. That the proposed use is consistent with the stated goals, objectives, policies and intent of the Lee Plan, as last amended.

D. That the proposed Commercial Planned Development, subject to conditions and deviations, meets all of the performance and locational standards of the Lee Plan and of the Zoning Ordinance except for those deviations approved as part of this request.

E. That the requested rezoning does not involve a change to a Future Urban Area category.

F. That urban services are presently available at this location.

G. That the requested rezoning to Commercial Planned Development, subject to conditions and deviations, is consistent with the densities, intensities and general uses set forth in the Lee Plan, as last amended.

H. That the requested rezoning to Commercial Planned Development, subject to conditions and deviations, will be compatible with existing and planned land uses in the area. That, due to the classification of this area in the Lee Plan as a General Commercial Interchange, any potential incompatibility with the residential uses located across Orange River Boulevard is adequately addressed by Orange River Boulevard, which separates and buffers the proposed Commercial Planned Development, and the requirement that the buildings constructed abutting Orange River Boulevard have the front facing west further buffers the adjoining areas from traffic impacts and noise.

I. That the requested rezoning to Commercial Planned Development, subject to conditions and deviations, will not cause damage, hazard or nuisance or other detriment to persons or property and will not place an undue burden on existing transportation services or on existing government services or facilities.

J. That the requested rezoning to Commercial Planned Development, subject to conditions and deviations, will be in compliance with all applicable general zoning provisions and supplemental regulations pertaining to the requested use.

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

John E. Manning	aye
Charles L. Bigelow, Jr.	absent
Ray Judah	aye
Bill Fussell	aye
Donald D. Slisher	absent

DULY PASSED AND ADOPTED this 27th day of November, A.D., 1989.

ATTEST:
CHARLIE GREEN, CLERK

BY: _____
Deputy Clerk

BOARD OF COUNTY COMMISSIONERS
OF LEE COUNTY, FLORIDA

BY: _____
Chairman

Approved as to form by:

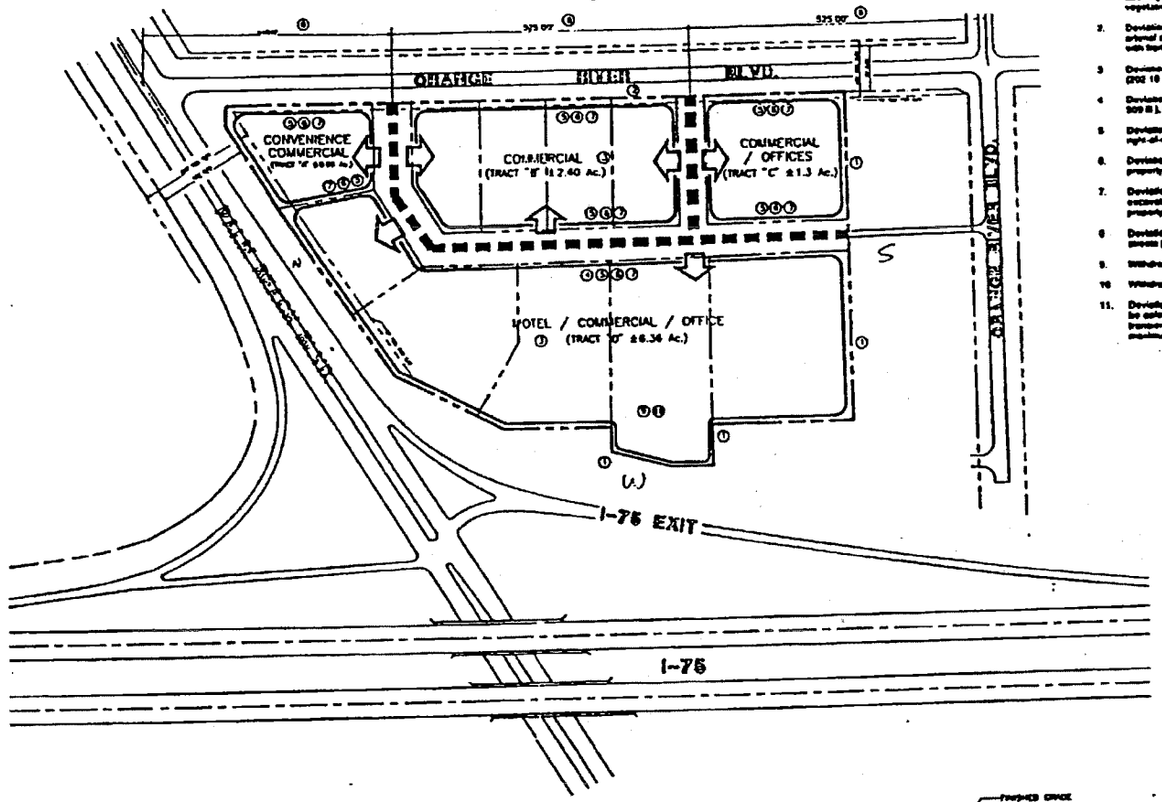
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County Attorney's Office

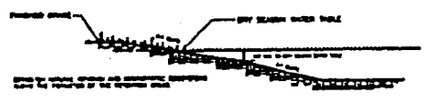
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CLERK CIRCUIT COURT
BY _____ D.C.

STAFF 1.

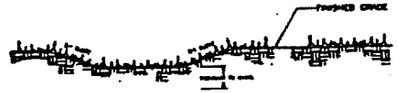
SCHEDULE OF USES

LAND USE	TRACT		
	A	B	C
Agricultural uses			
Automobile Service Stations, limited			
Automobile Service Stations, general			
Bakeries, retail			
Banks and financial institutions			
Barber shops			
Beauty shops			
Bicycle sales and service			
Boat sales and service			
Bowling alleys			
Broadcasting studios			
Business machine sales and service			
Business schools			
Camera and photographic supply stores			
Car rental agencies			
Car wash, automatic			
Car wash, self-service			
Caretaker's residence			
Catalogue sales			
Churches, temples and synagogues			
Clothing and accessory stores			
Clubs, lodges and fraternal organizations			
Commercial recreation			
Community residential homes			
Consumption on premises			
Convenience stores			
Day care centers, adult and child			
Delicatessens			
Department stores			
Drive-in theaters			
Drug stores and pharmacies			
Dry cleaning, limited			
Dry cleaning, general			
Duplicating services			
Electrical contractors			
Employment agencies			
Essential services			
Excavation, construction			
Fabrication			
Farmers' markets			
Fast food restaurants			
Flea markets			
Florists			
Food stores			
Funeral homes			
Furniture stores			
Gasoline and fuel pumps			
Gasoline and fuel pumps, limited			
Gift shops			
Golf courses, par three			
Golf courses, regulation			
Golf driving ranges			
Grocery stores			
Hardware stores			
Hobby, toy and game shops			
Hotels and motels			
Ice vending machines			
Indoor theaters			
Insurance offices			
Interior decorating			
Kennels			
Laboratories, research			
Laundromats			
Laundry and dry cleaning pick-up stations			
Libraries			
Locksmith shops			
Manufacturing, limited			
Manufacturing, general			
Marinas			
Medical offices and clinics			
Mini-warehouses			
Motorcycle sales and service			
Motorcycle sales and service, limited			
Movie theaters			
Museums			
Music stores			
Newsstands			
Nightclubs			
Nurseries, plant			
Nursing homes			
Office machine sales and service			
Offices, business and professional			
Offices, general			
Offices, government			
Offices, medical			
Open storage			
Optical stores			
Outdoor sales			
Outdoor storage			
Package liquor stores			
Parking lots and garages			
Parks, playgrounds and playfields			
Pawnshops			
Pet shops			
Photographic studios			
Photographic supply stores			
Plumbing contractors			
Post offices			
Printing and publishing			
Private clubs			
Radio and television broadcasting studios			
Radio and television repair shops			
Radio towers			
Recreation, commercial			
Recreation, private			
Rental stores			
Repair shops			
Restaurants, drive-in			
Restaurants, fast food			
Restaurants, general			
Restaurants, take-out			
Retail sales			
Schools, elementary and secondary			
Schools, vocational, trade and industrial			
Screen enclosures			
Self-service fuel pumps			
Shopping center, neighborhood			
Shopping center, regional			
Signs			
Specialty retail shops			
Storage, indoor			
Studios			
Swimming pools			
Tailor shops			
Temporary uses			
Theaters, drive-in			
Theaters, indoor			
Tire stores			
Used merchandise stores			
Variety stores			
Veterinary clinics			
Video sales and rental			
Warehouses			
Wholesale establishments			





WET_RETENTION_SECTION
N.T.S.



DRY_RETENTION_SECTION
N.T.S.

SCHEDULE OF DEVIATION

1. Deviation from the requirement that all commercial and industrial uses shall provide a continuous visual screen of at least 6 feet in height along any lot line abutting a residential use (202.11 E.1 and also Table C-3), to allow an opaque vegetative screened fence 6 feet in height;
2. Deviation from the minimum setback between structures and the centerline of arterial street without frontage road of 142 the right-of-way plus 40 ' plus 25 ft = with frontage road) (202.10 E.2.a), to 142 the right-of-way plus 25 feet;
3. Deviation from the minimum setback from a structure to a water body of 25 feet (202.10 E.4.b.), to 0 feet for an architectural feature only, e.g. wooden deck;
4. Deviation from excavation depth for water retention from 12 feet (Section 209.01.), to the confining layer;
5. Deviation from the minimum water retention excavation setbacks to a street right-of-way of 100 feet (209.C.4.) to 25 feet;
6. Deviation from the minimum water retention excavation setbacks to a private property line of 50 feet (209.C.4.) to 25 feet;
7. Deviation from the requirement that a 6-foot fence be placed around excavations for water retention which located less than 100 feet from any property under separate ownership (209.F), to require no fencing;
8. Deviation from the minimum intersection separation of 660 feet along arterial streets (2030 Section C.3.b.), to 2 435 feet and ± 545 feet;
9. Withdrawn;
10. Withdrawn;
11. Deviation from the requirement that the density of transient hotel/motel units to be calculated at 1,200 square feet per unit (314.D.4.), to permit the density of transient hotel/motel units to be calculated at 875 square feet per unit with a maximum of 150 units.

SITE DATA

LAND USE	TRACT	ACREAGE
1. Commercial/Office Areas		± 10.0 Acres
Convenience Commercial	A	
Commercial	B	
Commercial/Office	C	
Total Square Feet: 45,000 square feet		
2. Hotel/Commercial/Office Area	D	± 6.4 Acres
Hotel/Commercial/Office		
Rooms and Square Footage: 150 Rooms max. with 6,500 square feet of Accessory Uses		
Total Square Feet: 55,000 square feet		
NOTE: If a hotel is included, the commercial square footage in Tract D will be limited to 20,000 square feet		
3. Retail Parking at Pier		± 1.2 Acres
Total Site Area		± 18.0 Acres

GENERAL NOTES

1. Maximum building height is 45' above grade for all buildings with the exception of a single 7 story hotel not to exceed 85' in height, and none of the building will exceed 45', however, a specific site of 85' above grade.
2. The location of all common areas and landscaping shall be as shown on the conceptual site plan and the conceptual tree plan. Final Site Plans or development plans shall be consistent with the Land Development Code requirements for Lee County and all State Rules and Regulations.
3. The overall footprint of the conceptual plan will be determined prior to Final Development Plan approval.
4. Site shall be developed in accordance with the conceptual plan. The applicant will provide a 6 foot "D" buffer along all property lines except where a "B" buffer is required. The buffer will include an 8 foot wide berm with a 6 foot high hedge on top of the berm. The hedge will be 3 gallon 24" on center. The buffer will include an 8 foot wide berm with a 6 foot high hedge on top of the berm as required for a type "B" buffer.
5. The site plans depicted on the Master Concept Plan are intended to convey the general development of the site. Minor modifications to the Master Concept Plan may be approved at the time of Final Development Plan review provided that the proposed site plan is consistent with the conceptual standards of the Master Concept Plan and complies with the performance standards of the Land Development Code.
6. Access to Pier Parking Area will be limited to one (1) entrance/exit. Pedestrian access will be provided from the Pier Parking Area to the Commercial Shopping Center. Pedestrian access will be provided from the Commercial Shopping Center to the Pier Parking Area. Location of pedestrian access will be determined at the time of Final Development Plan approval.

APPROVED
Master Concept Plan
Site Plan # 87-07-11-01.01 R.1
Subject to conditions in Resolution Z-87-177
Zoning Case # 87-7-11-DCI

SCALE: 1" = 100'- 0"
0 50 100 200 300
DATE: 12-12-88

NORTH

Prepared for:
MR. JAMES EMSEY
[illegible]

Prepared by:
DAVID M. JONES JR. & ASSOCIATES, INC.
[illegible]

ORANGE RIVER CENTRE

REVISIONS	DATE
SUFFICIENCY RESPONSE	03-01-88
SUFFICIENCY RESPONSE	08-22-88

MAP-H

MASTER CONCEPT PLAN

ADMINISTRATIVE APPROVAL AMENDMENT NUMBER PD-92-013/1

ADMINISTRATIVE APPROVAL
AMENDMENT
LEE COUNTY, FLORIDA

WHEREAS, James E. Kinsey, Jr., Trustee, has filed an application for administrative approval of an amendment to a Commercial Planned Development on a project known as Orange River Centre.

WHEREAS, the property is located at the Southeast Quadrant of I-75 and State Road 80, described more particularly as:

LEGAL DESCRIPTION: In Section 03, Township 44 South, Range 25 East, Lee County, Florida:

> Lots 1-7, ORANGE RIVER CENTRE, as recorded in Plat Book 48, Pages 64-67, of the Public Records of Lee County, Florida.

WHEREAS, the property was originally rezoned in hearing number 89-8-1-1-DCI; and

WHEREAS, condition C and a condition of Deviation 9 of Resolution No. Z-89-077 restricts development of motels to Tract D (with the exception of the south 250 feet). The amendment would remove the location restriction and allow motels to be developed on Tracts C, B and D of the Master Concept Plan; and

WHEREAS, Condition C of Resolution No. Z-89-077 restricts Restaurant - Standard (all groups) from development on the southern 250 feet of Tract D. The amendment would eliminate this restriction, and allow the existing Cracker Barrel restaurant to expand their parking onto the southern portion of Tract D of the Master Concept Plan; and

WHEREAS, Lee County Ordinance 89-04 amends the Zoning Ordinance (Ordinance No. 86-17) to provide for certain administrative changes to the planned development master concept plans and planned unit development final development plans; and

WHEREAS, the subject application and plans have been reviewed by the Lee County Department of Community Development in accordance with applicable regulations for compliance with all terms of the administrative approval procedures.

NOW, THEREFORE, IT IS HEREBY DETERMINED that the application for administrative approval for amendments to the Commercial Planned Development is APPROVED.

Approval is subject to the following conditions:

1. The development of this property shall be in accordance with the one-page Master Concept Plan entitled, Orange River Centre, Revised Master Concept Plan, prepared by Alpha Engineering of Lee County, dated 4-3-92, and stamped received May 1, 1992 (Project Number 1301-02).

2. The terms and conditions of the original zoning resolution, Resolution Z-89-077, shall remain in full force and effect, except condition C and the condition of Deviation 9 which is modified by this amendment to allow motel development on Tracts B., C., and D. of the Master concept Plan. Condition C is also modified to allow standard restaurants (all groups) to be developed on the southern 250 feet of Tract D.

3. A maximum of 120 motel units may be developed on site.

4. Site Plan PD-92-013 is attached hereto and is incorporated herein by reference as a reduced copy of the Master Concept Plan.

DULY SIGNED this 29th day of May, A.D., 1992.

BY: Mary Gibbs
Mary Gibbs
Acting Director
Department of Community Development

ORANGE RIVER CENTRE

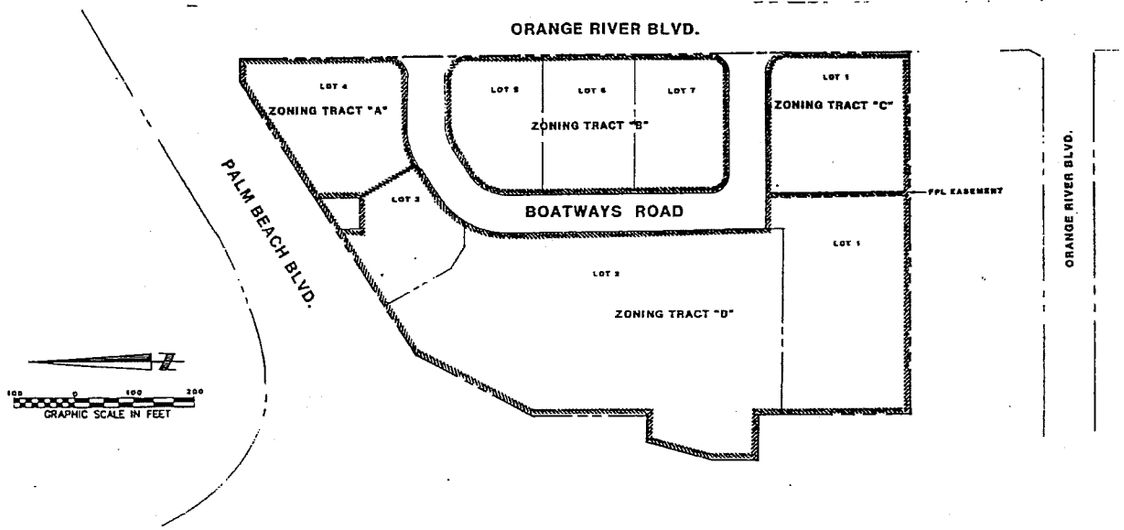
REVISED MASTER CONCEPT PLAN

SCHEDULE OF USES

LAND USE	TRACT A	TRACT B	TRACT C	TRACT D
Animal Clinic (all)		X	X	X
Animal Kennel (all)		X	X	X
Automotive Tuner Machines (ATM's)	X	X	X	X
Auto Parts Store no installation service	X	X		X
Auto Repair and Service Group I Section 1001.02	X	X		X
Automobile Service Station, Limited	X	X		X
Banks and Financial Establishments All Groups Section 1001.03	X	X	X	X
Bar or Cocktail Lounge		X		X
Boat Parts Store no installation service		X		X
Broadcasting Studio Commercial Radio and Television Section 547		X	X	X
Business Services Group I and Group II, all Categories Section 1001.05		X	X	X
Car Wash (all)	A	X		A
Cleaning and Maintenance Services Section 1001.07		X		X
Clothing Stores, General Section 1001.08		X		X
Clubs Commercial Fitness Membership Organizations Section 515		A		A
Combustion on Premise- Z Section 202.03	X	X	X	X
Convenience Food and Beverage Stores (all)	X			X
Day Care Center Child and/or Adult Section 514		A	A	A
Drive thru - if activity for any permitted use	A	A	X	X
Drugstore	X	X		X
Electricity Service Station, Limited	X	X		X
Essential Services Facilities Groups I and II Sections 515 and 1001.13	X	X	X	X
Excavation Water Retention Section 516	X	X	X	X
Food Store Group I and II Section 1001.16	X	X		X
Government Facilities Storage and Service Maintenance Shop (all)	X	X	X	X
Health Care Facility Group III Sections 524 and 1001.20	X	X		X
Hobby, Toy and Game Shops Section 1001.21		X		X
Hotel/Motel Section 514	X	X		X
Household Office Furnishings Group I and II Section 1001.22	X	X		X
Insurance Companies Section 1001.23	X	X	X	X
Laundry or Dry Cleaning Group II Section 1001.24	X	X		X
Lawn and Garden Supply Store (all) Section 527	X	X		X
Music Store (all)	X	X		X
Night Club (all)	X	X		X
Non-store Retailers All Groups Section 1001.30		X	X	X
Offices, Medical Professional Section 202.02	X	X		X
Paint, Glass, and Wallpaper Store (all)	X	X		X
Parks, Public and Private (all) Group I Section 1001.32		X	X	X
Personal Services All Groups Section 1001.33		X	X	X
Pet Shop (all)		X		X
Pharmacy (all)	X	X		X
Recreation, Commercial Group II and IV Section 1001.36		X	X	X
Recreation Facilities Personal - Private, Public (all)			X	X
Religious Assembly Section 517		X		X
Repair Shops Groups I and II Section 1001.40		X		X
Restaurant, Fast Food (all)	X	X		X
Restaurant, Standard all Groups Section 1001.44	X	X		X*
Schools, Commercial Section 1001.45		X		X
Self Service Fuel Pumps (all) Ancillary to a permitted use				X
Self Service Fuel Pump Station (all)	X			X
Signs Provided same comply with the Lee County Sign Ordinance	X	X	X	X
Social Services Group I Section 1001.46		X		X
Specialty Retail Shop Groups I, II, III and IV Section 1001.47	X	X		X
Studios Section 1001.49		X	X	X
Used Merchandise Stores Groups I and II only Section 1001.54		X		X
Variety Store (all)	X	X		X

REVISED

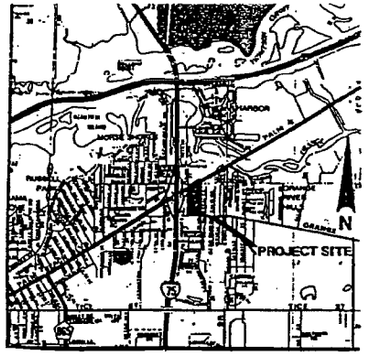
* REMOVE CONDITION WHICH PROHIBITS LOCATION OF "RESTAURANT STANDARD (ALL "GROUPS)" IN THE SOUTHERLY TWO LOTS AS HAD BEEN INDICATED ON THE ORIGINAL ORANGE RIVER CENTRE MASTER CONCEPT PLAN



I – 75

NOTES:

1. SEE PLAT FOR EXACT DIMENSIONS
2. FOR ADDITIONAL NOTES, DATA AND INFORMATION SEE PREVIOUS MASTER PLAN DATED 6/22/88
3. SEE ZONING RESOLUTION NO. Z-88-077 FOR STIPULATIONS AND AGREEMENTS



LOCATION SKETCH

NOT TO SCALE

APPROVED

Amendment to
Master Concept Plan
Subject to conditions in Resolution ZAB-88-077.01
Zoning Case # 87-9-1-1-001(A)
Date 04/29/92

RECEIVED
MAY 01 1992
ZONING COUNTER

EXHIBIT THREE A
EXHIBIT THREE B.1

ALPHA ENGINEERING of Lee County, Inc. 1560 Matthew Drive, Suite F, Ft. Myers, FL 33907 (813) 277-9700		
DRAWN BY	CHECKED BY	APPROVED BY
SCALE 1"=100'	DATE 4-3-92	PROJECT NUMBER 1301-02 RES.# Z-88-077

ADMINISTRATIVE APPROVAL AMENDMENT NUMBER PD-92-013/2

ADMINISTRATIVE APPROVAL
AMENDMENT
LEE COUNTY, FLORIDA

WHEREAS, James E. Kinsey, Jr., Trustee, has filed an application for administrative approval of an amendment to a Commercial Planned Development on a project known as Orange River Centre.

WHEREAS, the property is located at the Southeast Quadrant of I-75 and State Road 80, described more particularly as:

LEGAL DESCRIPTION: In Section 03, Township 44 South, Range 25 East, Lee County, Florida:

> Lots 1-7, ORANGE RIVER CENTRE, as recorded in Plat Book 48, Pages 64-67, of the Public Records of Lee County, Florida.

WHEREAS, the property was originally rezoned in hearing number 89-8-1-1-DCI; and

WHEREAS, Condition K of Resolution No. Z-89-077 restricts the northernmost access point, shown on the Master Concept Plan as 435 feet from Palm Beach Boulevard, to right-in/right-out turning movements. The amendment would modify the condition to allow left turns onto Orange River Boulevard; and

WHEREAS, Lee County Ordinance 89-04 amends the Zoning Ordinance (Ordinance No. 86-17) to provide for certain administrative changes to the planned development master concept plans and planned unit development final development plans; and

WHEREAS, the subject application and plans have been reviewed by the Lee County Department of Community Development in accordance with applicable regulations for compliance with all terms of the administrative approval procedures.

NOW, THEREFORE, IT IS HEREBY DETERMINED that the application for administrative approval for an amendment to the Commercial Planned Development is APPROVED to allow left turns onto Orange River Boulevard from the northernmost access point.

Approval is subject to the following conditions:

1. The development of this property shall be in accordance with the one-page Master Concept Plan entitled, Orange River Centre, Revised Master Concept Plan, prepared by Alpha Engineering of Lee County, dated 4-3-92, and stamped received May 1, 1992 (Project Number 1301-02).

2. The terms and conditions of the original zoning resolution, Resolution Z-89-077, shall remain in full force and effect, except Condition K which is modified by this amendment and the administrative amendment PD-02-013/1.

3. Condition K, page 6 of Resolution Z-89-077 is hereby deleted and replaced with the following language:

> The northernmost access point shown on the Master Concept Plan located 435 feet south (centerline to centerline) of Palm Beach Boulevard shall be constructed in a manner which allows departing vehicles to make both right turns and left turns onto Orange River Boulevard. A median shall be constructed sufficient to prevent vehicles approaching State Road 80 from the south on Orange River Boulevard from making left turns into this access point with said median being installed at the applicant's expense following design approval from Lee County Department of Transportation.

4. Site Plan PD-92-013 is attached hereto and is incorporated herein by reference as a reduced copy of the Master Concept Plan.

DULY SIGNED this 15th day of June, A.D., 1992.

BY: Mary Gibbs

Mary Gibbs
Acting Director
Department of Community Development

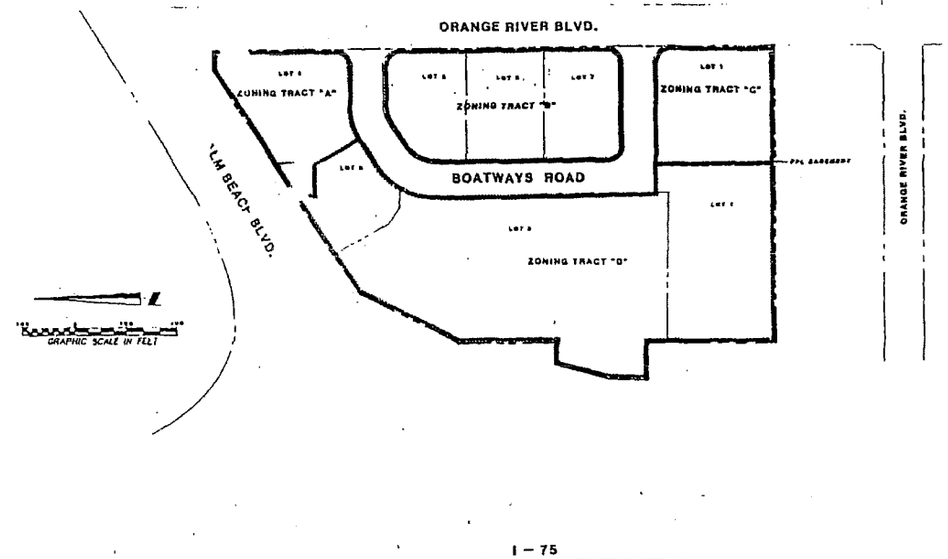
SCHEDULE OF USES

USE	TRACT A	TRACT B	TRACT C	TRACT D
Accessory Uses, as permitted	P	P	P	P
Administrative Offices	P	P	P	P
Agriculture, Limited (Reference 34-622)	P	P	P	P
Animal Clinic	P	P	P	P
Antique Shop	P	P	P	P
Arcade, Type 1	P	P	P	P
Arcade, Type 2	P	P	P	P
Automobile Service Station, Limited	P	P	P	P
Bank and Financial Establishments:				
All Groups	P	P	P	P
Section 34-651 (4)	P	P	P	P
Bar or Cocktail Lounge	P	P	P	P
Boat Repair, Service	P	P	P	P
Boat Sales, Showroom	P	P	P	P
Broadcasting Studio	P	P	P	P
Commercial Parking Lot, Limited	P	P	P	P
Sec. 34-2	P	P	P	P
Consumption On Premises	P	P	P	P
Group I and Group II	P	P	P	P
or Condiments				
Section 34-651 (4)	P	P	P	P
Car Wash (4)	P	P	P	P
Cleaning and Maintenance Services	P	P	P	P
Section 34-651 (4)	P	P	P	P
Clothing Store, General	P	P	P	P
Section 34-651 (4)	P	P	P	P
Clubs:				
Commercial, if Listed Under Use	P	P	P	P
Organizational, Section 34-1	P	P	P	P
Organizational, as Provided in	P	P	P	P
Section 34-652 (4)	P	P	P	P
Contractor's Office and Storage Yard (with	P	P	P	P
Day Care Center:				
Child, Section 34-622	P	P	P	P
Section 34-3	P	P	P	P
Drive-In Office, if Zoning	P	P	P	P
For only Uses Permitted Under	P	P	P	P
Dwelling Unit	P	P	P	P
Essential Services, Section 34-1611	P	P	P	P
Essential Services Equipment,	P	P	P	P
Essential Uses 2	P	P	P	P
Excavation, Fill, and Mining (2)	P	P	P	P
Fairgrounds	P	P	P	P
Farmer's Market, Section 34-3043	P	P	P	P
Fences, Walls, Section 34-1744	P	P	P	P
Fire or Emergency Station	P	P	P	P
Florist Shop	P	P	P	P
Food Store, Convenience	P	P	P	P
Food Store, Group I	P	P	P	P
Section 34-651 (4)	P	P	P	P
Food Store, Group II	P	P	P	P
Section 34-651 (4)	P	P	P	P
Fruit, Grove, and Horticulture Sales (45)	P	P	P	P
Gifts, Pupils and Pleasure (45)	P	P	P	P
Golf Course:				
Section 34-651 (4)	P	P	P	P
Golf Driving Range	P	P	P	P
All Groups	P	P	P	P
Section 34-651 (4)	P	P	P	P
Golf Pitching Cage	P	P	P	P
Hairdressing Salon	P	P	P	P
Hand Crafts, Commercial	P	P	P	P
(Groups II and III	P	P	P	P
Section 34-651 (4)	P	P	P	P
Hobby Shop, Type 1 (Reference	P	P	P	P
Horticulture, Limited	P	P	P	P
Hotel/Motel	P	P	P	P
Ice Vending Machine	P	P	P	P
Insurance Agency	P	P	P	P
Section 34-651 (4)	P	P	P	P
Laundry or Dry Cleaning	P	P	P	P
Laundry, Self-Service	P	P	P	P
Section 34-651 (4)	P	P	P	P
Leather Goods, Luggage, Shoe Repair	P	P	P	P
Libraries, Public and Private	P	P	P	P
Marina:				
Section 34-651 (4)	P	P	P	P
Marina, Commercial	P	P	P	P
All Groups	P	P	P	P
Section 34-651 (4)	P	P	P	P
Marina, Private	P	P	P	P
Section 34-651 (4)	P	P	P	P
Medical Office	P	P	P	P
Museum, Cultural or Historical	P	P	P	P
Nursery, Plant	P	P	P	P
Nursery, Sales	P	P	P	P
Section 34-651 (4)	P	P	P	P
Open Space	P	P	P	P
Package Store	P	P	P	P
Section 34-651 (4)	P	P	P	P
Parcel, Grove, and Horticulture Sales (45)	P	P	P	P
Parks, Public and Private (45)	P	P	P	P
Patios:				
Section 34-651 (4)	P	P	P	P
Pet Grooming	P	P	P	P
Pet Shop (45)	P	P	P	P
Photography Lab	P	P	P	P
Post Office, Commercial	P	P	P	P
(Groups II and III	P	P	P	P
Section 34-651 (4)	P	P	P	P
Private Membership	P	P	P	P
Protective Weight Room, (45)	P	P	P	P
Restaurant, Fast Food (45)	P	P	P	P
Restaurant, Standard (45)	P	P	P	P
All Groups	P	P	P	P
Section 34-651 (4)	P	P	P	P
Schools, Commercial	P	P	P	P
Section 34-651 (4)	P	P	P	P
Self Service Fuel Pumps (45)	P	P	P	P
Specialty Retail Shop (45)	P	P	P	P
Group I, II, III and IV	P	P	P	P
Section 34-651 (4)	P	P	P	P
Studios	P	P	P	P
Section 34-651 (4)	P	P	P	P
Temporary Uses	P	P	P	P
Theater, Motion Picture	P	P	P	P
Section 34-651 (4)	P	P	P	P
Used Merchandise Store	P	P	P	P
Groups I and II only	P	P	P	P
Section 34-651 (4)	P	P	P	P
Variety Store	P	P	P	P
Section 34-651 (4)	P	P	P	P
Veterinary Clinic (45)	P	P	P	P

** REMOVE CONDITION WHICH PROHIBITS LOCATION OF "RESTAURANT STANDARD (ALL GROUPS)" IN THE SOUTHERLY TWO LOTS AS HAS BEEN INDICATED ON THE ORIGINAL ORANGE RIVER DEVORE MASTER CONCEPT PLAN

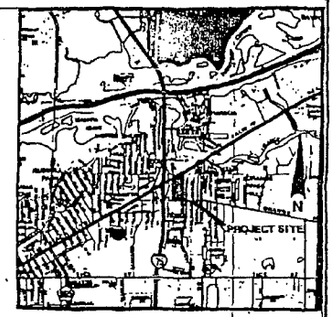
ORANGE RIVER CENTRE

REVISED MASTER CONCEPT PLAN



NOTES:

1. SEE PLAT FOR EXACT DIMENSIONS
2. FOR ADDITIONAL NOTES, DATA AND INFORMATION SEE PREVIOUS MASTER PLAN DATED 6/22/88
3. SEE ZONING RESOLUTION NO. Z-89-077 FOR STIPULATIONS AND AGREEMENTS



LOCATION SKETCH

NOT TO SCALE

APPROVED

Amendment to
Master Concept Plan
Subject to conditions in Resolution Z-89-077 (as amended)
Zoning Case # DCI-1991-00001(A)
Date 06/15/92

RECEIVED
MAY 6 1992
ZONING COUNTER

EXHIBIT THREE A.
EXHIBIT THREE B.1

ALPHA ENGINEERING of Lee County, Inc. 1580 Matthews Drive, Suite F, Ft. Myers, FL 33907 (813) 277-9700		
DRAWN BY	CHECKED BY	APPROVED BY
SCALE 1"=100'	DATE 4-3-92	PROJECT NUMBER (Rev. to Z-89-077)

ADMINISTRATIVE APPROVAL AMENDMENT NUMBER PD-92-019

ADMINISTRATIVE APPROVAL
AMENDMENT
LEE COUNTY, FLORIDA

WHEREAS, James E. Kinsey, Sr., Trustee, has filed an application for administrative approval of an amendment to a Commercial Planned Development. The amendment is to expand the schedule of uses to allow a model display center, as defined in Section 520 of the Lee County Zoning Ordinance, on Lot 7, Tract "B." The project, known as Orange River Centre, is located at the southeast quadrant of I-75 and SR 80, described more particularly as:

LEGAL DESCRIPTION: In Section 03, Township 44 South, Range 25 East, Lee County, Florida:

> Lot 7, ORANGE RIVER CENTRE SUBDIVISION, as recorded in Plat Book 48, Pages 64-67, of the Public Records of Lee County, Florida, lying in Section 03, Township 44 South, Range 25 East, Lee County, Florida.

WHEREAS, the property was originally rezoned in hearing number 89-8-1-1 DCI [with subsequent amendments in hearing number 89-8-1-1-DCI(a), Resolution Numbers Z-89-077, PD-92-013/1 and PD-92-013/2]; and

WHEREAS, Lee County Ordinance 89-04 amends the Zoning Ordinance (Ordinance No. 86-17) to provide for certain administrative changes to planned development master concept plans and planned unit development final development plans; and

WHEREAS, the proposed amendment does not increase the density or intensity or quantity of commercial area; and

WHEREAS, the approval would not result in any under-utilization of public resources and public infrastructure nor would it result in a reduction of total open space, buffers, or landscaping; and

WHEREAS, the subject application and plans have been reviewed by the Lee County Department of Economic & Community Development in accordance with applicable regulations for compliance with all terms of the administrative approval procedures.

NOW, THEREFORE, IT IS HEREBY DETERMINED that the application for administrative approval for an amendment to Commercial Planned Development is APPROVED, subject to the following conditions:

1. The development of this property shall be in accordance with the one-page Master Concept Plan entitled, "Site Plan for Orange River Centre, Lot 7" prepared by Morris-Depew Associates, dated 8-31-92, and stamped received October 13, 1992 (Project Number 92000).

2. The terms and conditions of the original zoning resolution, Resolution Number Z-89-077 and Administrative Approval Amendments PD-92-013/1 and PD-92-013/2, shall remain in full force and effect, except as specifically amended herein.

3. Landscaping of Lot 7 shall be in compliance with the landscape plan entitled, "Landscape Plan for Orange River Centre, Lot 7" prepared by Morris-Depew Associates, dated 9-30-92, and stamped received October 13, 1992 (Project Number 92070). Minor adjustments in regards to the type of plants called for in the Landscape Plan may be made at the Development Order stage; minor modifications are subject to the approval of the Division of Natural Resources Management.

4. The development shall comply with all regulations of the Zoning Ordinance and Development Standards Ordinance, except where deviations were granted in Resolution Z-89-077.

5. The Site Plan PD-92-019 and Landscape Plan are attached hereto and incorporated herein by reference as a reduced copy of the Master Concept Plan.

DULY SIGNED this 10th day of November, A.D., 1992.

BY: Mary Gibbs

Mary Gibbs
Acting Director
Department of Economic & Community Development

MORRIS-DEFEW ASSOCIATES, INC.

SHEET 1 OF 1

SITE PLAN
for
Orange River Centre, Lot 7
Sec. 3, Twp 44 S, Rge 25 E
Lee County, Florida

RECEIVED
DEC 19 '89
ZONING COUNTER

DATE: 12-19-89

DRAWN BY:

SCALE: 1" = 30'

CHECKED BY:

PROJECT NUMBER

DRAWING NUMBER

ORANGE RIVER BOULEVARD (80' R/W)

BOATWAYS ROAD (60' R/W)

BOATWAYS ROAD (60' R/W)

LOT 6

LOT 7

LOT 1

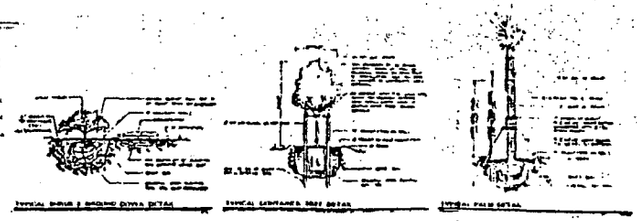
15' TYPE "B" BUFFER (TYP.)

10' PLANTING STRIP

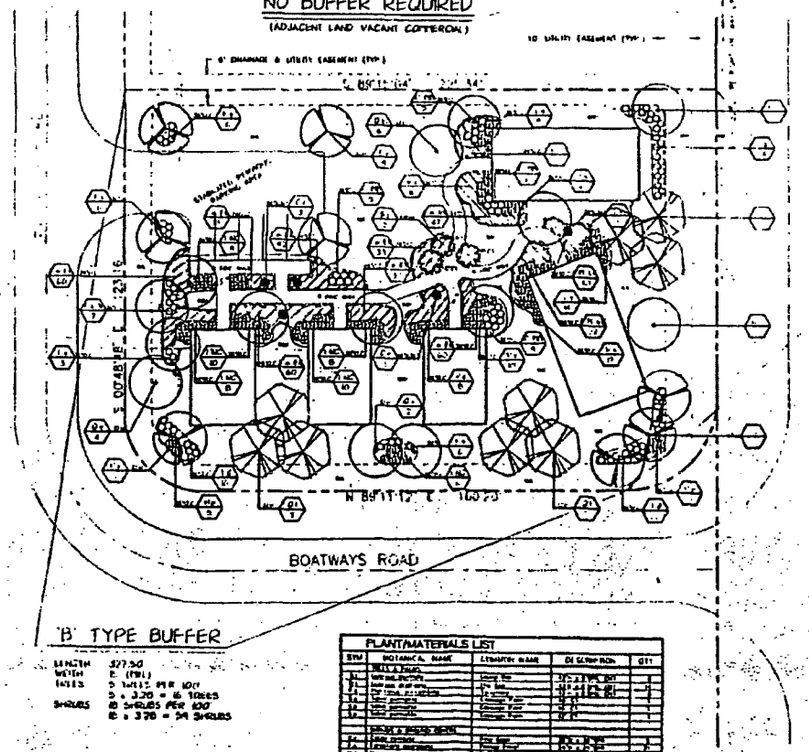
TRAP #03-44-25-10-00000.0070

PLAT BOOK 48 PAGE 67

LANDSCAPE NOTES:



GENERAL NOTES



'A' TYPE BUFFER

'B' TYPE BUFFER

SITE DATA

PLANT/MATERIALS LIST

SYM	BOTANICAL NAME	LOCATION NAME	QUANTITY	SIZE

RECEIVED
SEP 13 1992
ZONING COUNTER

LANDSCAPE PLAN for Orange River Centre, Lot 7 Sec 3, Twp 44 S, Rge 25 E Lee County, Florida	
MORRIS-DEPEW ASSOCIATES, INC. ENGINEERS · PLANNERS · ENVIRONMENTAL CONSULTANTS 1905 Hendry Street, Suite 201 · Fort Myers, Florida 33901 · (813) 334-3161	
PROJECT NUMBER	92070
DRAWING NUMBER	92070LM1
SCALE	1" = 20'
CHECKED BY	MF
DRAWN BY	BMP
DESIGNED BY	BMP
DATE	09-30-92
SHEET	1 OF 1

AAA-PD 92-019
RECEIVED

ADMINISTRATIVE APPROVAL
AMENDMENT
LEE COUNTY, FLORIDA

WHEREAS, James E. Kinsey, Sr., Trustee, has filed an application for administrative approval of an amendment to a Commercial Planned Development on a project known as Orange River Centre.

WHEREAS, according to the applicant, due to changes in market strategy for various businesses which historically locate along the interstate, interior lots are no longer marketable to most restaurants, primarily to those in the quick service category. However, interior lots remain marketable to motel developers, which is the basis for the requested administrative amendment to the Commercial Planned Development.

WHEREAS, the applicant is proposing an increase in the overall motel density to be offset by a decrease in the overall allowable commercial building floor area.

WHEREAS, the amendment is to increase the number of motel units from 120 units to 160 units, but decrease the amount of commercial building floor area from 100,000 square feet to 78,000 square feet -- a reduction of 22,000 square feet of potential commercial building floor area within the Commercial Planned Development.

WHEREAS, the amendment is also to modify the height restriction from two habitable floors to allow three habitable floors, not to exceed a height of 45 feet above average grade, except that any motel constructed on the subject real estate may have one cupola or small decorative structure.

WHEREAS, the amendment will be a reduction in traffic and intensity of development at buildout. Therefore, the request is consistent with the Land Development Code, Section 34-380(b) since the amendment would not increase the density or intensity of the development.

WHEREAS, the subject property is located at the southeast quadrant of I-75 and SR 80, described more particularly as:

LEGAL DESCRIPTION: In Section 03, Township 44 South, Range 25 East, Lee County, Florida:

> Lots 1-7, ORANGE RIVER CENTRE, as recorded in Plat Book 48, Pages 64-67, of the Public Records of Lee County, Florida, lying in Section 03, Township 44 South, Range 25 East, Lee County, Florida.

WHEREAS, the property was originally rezoned in hearing number 89-08-01-DCI-01 [with subsequent amendments in hearing numbers 89-08-01-DCI-01(a) and 89-08-01-DCI-01(b)]; and

WHEREAS, the Lee County Land Development Code provides for certain administrative changes to planned development master concept plans and planned unit development final development plans; and

WHEREAS, the subject application and plans have been reviewed by the Lee County Department of Community Development in accordance with applicable regulations for compliance with all terms of the administrative approval procedures.

NOW, THEREFORE, IT IS HEREBY DETERMINED that the application for administrative approval for an amendment to Commercial Planned Development is APPROVED.

Approval is subject to the following conditions:

1. The terms and conditions of Zoning Resolution Z-89-077, and Administrative Approval Amendments PD-92-013/1, PD-92-013/2 and PD-92-019 shall remain in full force and effect, except as specifically amended herein.

2. A maximum of 160 motel/hotel units may be developed on site.

3. The density per acre threshold for Lots 5, 6, and 7 only (which do not border residentially zoned property) shall be limited to 52 units per acre. The density on Lot 1 shall remain at 44 units per acre as per deviation #9 of Zoning Resolution Z-89-077.

4. The development may contain a maximum of 78,000 square feet of commercial building floor area (including square footage for the motel), of which no more than 40,000 square feet of retail use (those uses which must meet site location standards) may be developed.

5. The development is restricted to a maximum of three habitable floors, not to exceed a height of 45 feet above average grade, except that any motel constructed on the subject real estate may have one cupola or small decorative structure, which shall not exceed 53 feet above average grade.

DULY SIGNED this 8th day of July, A.D., 1994.

BY: Mary Gibbs
Mary Gibbs, Director
Department of Community Development