

ADMINISTRATIVE AMENDMENT (PD) ADD2011-00048

ADMINISTRATIVE AMENDMENT
LEE COUNTY, FLORIDA

WHEREAS, TDG-Fort Myers, LLC filed an application for administrative approval to a Commercial Planned Development on a project known as San Carlos Center CPD **to amend the Schedule of Uses to increase the number of Restaurant, Group III from two (2) to three (3) and allow one of these to be located in Retail C** for property located at 15880 San Carlos Boulevard, described more particularly as:

LEGAL DESCRIPTION: In Section 31, Township 45 South, Range 24 East, Lee County, Florida:

See attached Exhibit A

WHEREAS, the property was originally rezoned in case number DCI2005-00009 (with subsequent amendments in case numbers ADD2007-00062); and

WHEREAS, DOS2005-00325 was approved to allow development of 225,286 square feet of commercial use; and

WHEREAS, a "substantial portion" of the planned development, as defined by LDC Section 34-381 has been constructed in accordance with this local development order; and

WHEREAS, the subject property is located in the Central Urban 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 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, Development Services staff finds that the additional restaurant use was considered in the original zoning action and Traffic Impact Statement and the additional restaurant is found to not increase the intensity of the development, nor adversely impact adjoining land uses; 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 **to amend the Schedule of Uses to increase the number of Restaurant, Group III from two (2) to three (3) and allow one of these to be located in Retail C** is **APPROVED, subject to the following conditions:**

1. Development must be consistent with Zoning Resolution Z-05-063, as amended by ADD2007-00062 and the actions contained within this administrative amendment. The terms and conditions of the original zoning resolutions remain in full force and effect, except as amended herein.
 2. Condition 2 of Resolution Z-05-063 is hereby amended (deletions marked with strike through and additions marked with underlining)
2. The following limits apply to the project and uses:
(Notes referenced are taken from §34-934.)

a. Schedule of Uses

Retail A

Administrative Offices: Note (1)

Agricultural uses - in compliance with Condition 10

ATM (automatic teller machine)

Auto Repair and Service - §34-622(c)(2), Group I - no outdoor storage

Banks and Financial Establishments - §34-622(c)(3), Group I (limited to five drive thru bays) and Group II

Business Services - §34-622(c)(5)), Group I

Clothing Stores, General - §34-622(c)(8)

Cultural Facilities - §34-622(c)(10)

Department Store

Drive-through facility for any permitted use

Drugstore, Pharmacy

Essential Services - Note 1; §34-1611 and §34-1741)

Essential Service Facilities - §34-622(c)(13), Group I

Food Stores - §34-622(c)(16), Groups I and II

Hardware Store

Hobby, Toy and Game Shops - §34-622(c)(21)

Household and Office Furnishings - §34-622(c)(22), Groups I and II

Insurance Companies - §34-622(c)(23)

Lawn and Garden Supply Stores - §34-2081 - No open outdoor storage

Nonstore Retailers - §34-622(c)(30), all groups

Package Store - §34-1261, et seq.

Paint, Glass and Wallpaper

Parking Lot: Accessory

Pet Services

Pet Shop

Place of Worship - Note 28; §34-2051

Plant Nursery - §34-2081

Post Office

Rental or Leasing Establishment - §34-622(c)(39), Groups I (§34-1 352, §34-3001, et seq.); and II (§34-1201, et seq., §34-1352, §34-3001, et seq.) – No outdoor storage

Restaurants - §34-622(c)(43), Groups I, II, and III

Signs (in compliance with Chapter 30)

Specialty Retail Shops - §34-622(c)(47), Groups I, II, III, and IV

Storage: Indoor only - Note 1; §34-3001, et seq.

Temporary Uses - Note 1; §34-3041, limited to §34-3043, Christmas Tree Sales; §34-3044, Temporary Contractor's Office and Equipment Storage Shed; §34-3048, Ancillary Temporary Uses in Parking Lot.

Variety Store

Vehicle and Equipment Dealers - §34-622(c)(55) and §34-1352, Group II - No outdoor storage

Wholesale Establishments - §34-622(c)(56), Group III

PARCELS A-D (OUTPARCELS) and RETAIL B-F

Administrative Offices: Note (1)

Agricultural uses - in compliance with Condition 10

Animals: Clinic or Kennel - §34-1321, et seq.

Control Center (including Humane Society)

ATM (Automatic Teller Machine)

Auto Parts Store

Automobile Service Station (limited to one, outparcel or Retail F only) - No outdoor storage

Auto Repair and Service - §34-622(c)(2), Group I - No outdoor storage

Bait and Tackle Shop

Banks and Financial Establishments - §34-622(c)(3), Group I
(limited to five drive thru bays)

Broadcast Studio, Commercial Radio and Television - §34-1141, et seq.

Business Services - §34-622(c)(5), Groups I and II

Car Wash (limited to one, outparcel only)

Cleaning and Maintenance Services - §34-622(c)(7)

Clothing Stores, General - §34-622(c)(8)

Consumption on Premises - §34-1261, et seq. - limited to Restaurants - §34-622(c)(43), Groups I, II, and III

Convenience Food and Beverage Store (Note 27) - limited to one, on an outparcel or Retail F only

Cultural Facilities - §34-622(c)(10) - limited to Retail B-E

Day Care Center, Child, Adult (Note 28)

Department Store - limited to Retail B, D, E, and F

Drive-through facility for any permitted use

Drugstore, Pharmacy

Essential Services - Note 1; §34-1611 and §34-1741

Essential Service Facilities - §34-622(c)(13), Group I

Food Stores - §34-622(c)(16), Group I

Hardware Store

Hobby, Toy and Game Shops - §34-622(c)(21)

Household and Office Furnishings - §34-622(c)(22), Groups I and II

Insurance Companies - §34-622(c)(23)

Laundry or Dry Cleaning - §34-622(c)(24), Group I

Lawn and Garden Supply Stores - §34-2081

Library

Medical Office

Nonstore Retailers - §34-622(c)(30), all groups

Package Store - §34-1261, et seq.

Paint, Glass and Wallpaper

Parking Lot: Accessory

Personal Services - §34-622(c)(33), Groups I (§34-3021), II, III, and IV

Pet Services

Pet Shop

Place of Worship - Note 28, §34-2051

Plant Nursery - §34-2081

Post Office

Rental or Leasing Establishment - §34-622(c)(39), Groups I (§34-1352 and §34-3001, et seq.), II (§34-1201, et seq.; §34-1352 and §34-3001, et seq.) - No outdoor storage

Repair Shops - §34-622(c)(40), Groups I, II, and III

Restaurant, Fast Food (limited to one, outparcel or Retail F only)

Restaurants - §34-622(c)(43), Groups I, II, III (Group III limited to two three: one on an outparcel, one on Retail C, and one on Retail D, E, or F)

Schools: Commercial - §34-622(c)(45) and §34-2381

Signs (in compliance with Chapter 30)

Social Services - §34-622(c)(46), Groups I and II

Specialty Retail Shops - §34-622(c)(47), Groups I, II, III, and 1V

Studios - §34-622(c)(49)

Temporary Uses - Note 1, §34-3041, limited to §34-3043, Christmas Tree Sales; §34-3044, Temporary Contractor's Office and Equipment Storage Shed; §34-3048, Ancillary Temporary Uses in parking lot.

Used Merchandise Stores - §34-622(c)(54), Groups I, II, and III

Variety Store

Vehicle and Equipment Dealers - §34-622(c)(55) and 34-1352, Group II - no outdoor storage

Warehouse, Mini-warehouse (limited to Retail B, D & F) - No outdoor storage

DULY SIGNED this 21st day of June, A.D., 2011.

BY: 

Pam Houck, Director

Division of Zoning

Department of Community Development

Exhibits:

A. Legal Description

ADD 2011-00048

RECEIVED
JUN 26 2011

January 17, 2006

DESCRIPTION

**A PARCEL OF LAND
LYING IN SECTION 31, TOWNSHIP 45 SOUTH, RANGE 24 EAST
LEE COUNTY, FLORIDA**

COMMUNITY DEVELOPMENT

A tract or parcel of land situated in the State of Florida, County of Lee, lying in Section 31, Township 45 South, Range 24 East, said Lee County, Florida, being further bound and described as follows:

Commencing at the northeast corner of the Southwest Quarter (SW-1/4) of said Section 31; thence N 89° 53' 49" W along the north line of said fraction for 69.90 feet to an intersection with the west right-of-way line of San Carlos Boulevard (S.R. 865) (100 feet wide); thence S 00° 37' 30" E along said west line for 1011.06 feet to the northeast corner of the parcel described in Official Records Book 2232, Page 2213 and the Point of Beginning; thence continue along said west line and the east line of the parcel described in Official Records Book 2232, Page 2213, S 00° 37' 30" E for 728.53 feet to the northeast corner of the parcel described in Official Records Book 1968, Page 1132; thence continue along said west line and the east line of the parcel described in Official Records Book 1968, Page 1132, S 00° 37' 30" E for 875.00 feet to an intersection with the north right-of-way line of Kelly Road (50 feet wide) and the southeast corner of the parcel described in Official Records Book 1968, Page 1132; thence along said north line and the south line of the parcel described in Official Records Book 1968, Page 1132, S 89° 55' 40" W for 1063.00 feet to the southwest corner of the parcel described in Official Records Book 1968, Page 1132; thence along the west line of the parcel described in Official Records Book 1968, Page 1132, N 00° 04' 20" W for 675.00 feet to the northwest corner of the parcel described in Official Records Book 1968, Page 1132; thence along the northerly line of the parcel described in Official Records Book 1968, Page 1132, N 89° 55' 40" E for 5.39 feet to an intersection with a curve to the left having a radius of 500.00 feet; thence easterly along said curve and said northerly line through a central angle of 26° 10' 56" for 228.48 feet; thence along a line that is parallel with the westerly right-of-way of San Carlos Boulevard, said line being the west line of the parcel described in Official Records Book 2232, Page 2213, N 00° 37' 30" W for 904.73 feet to the northwest corner of the parcel described in Official Records Book 2232, Page 2213; thence S 89° 53' 49" E along the northerly line of the parcel described in Official Records Book 2232, Page 2213 for 565.21 feet; thence continue along said north line S 00° 37' 30" E for 25.00 feet; thence continue along said north line S 89° 53' 49" E for 264.80 feet to the Point of Beginning.

20045040 - 01-17-06 - Description

EXHIBIT "A"
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APPROVED
LEGAL
6/7/4

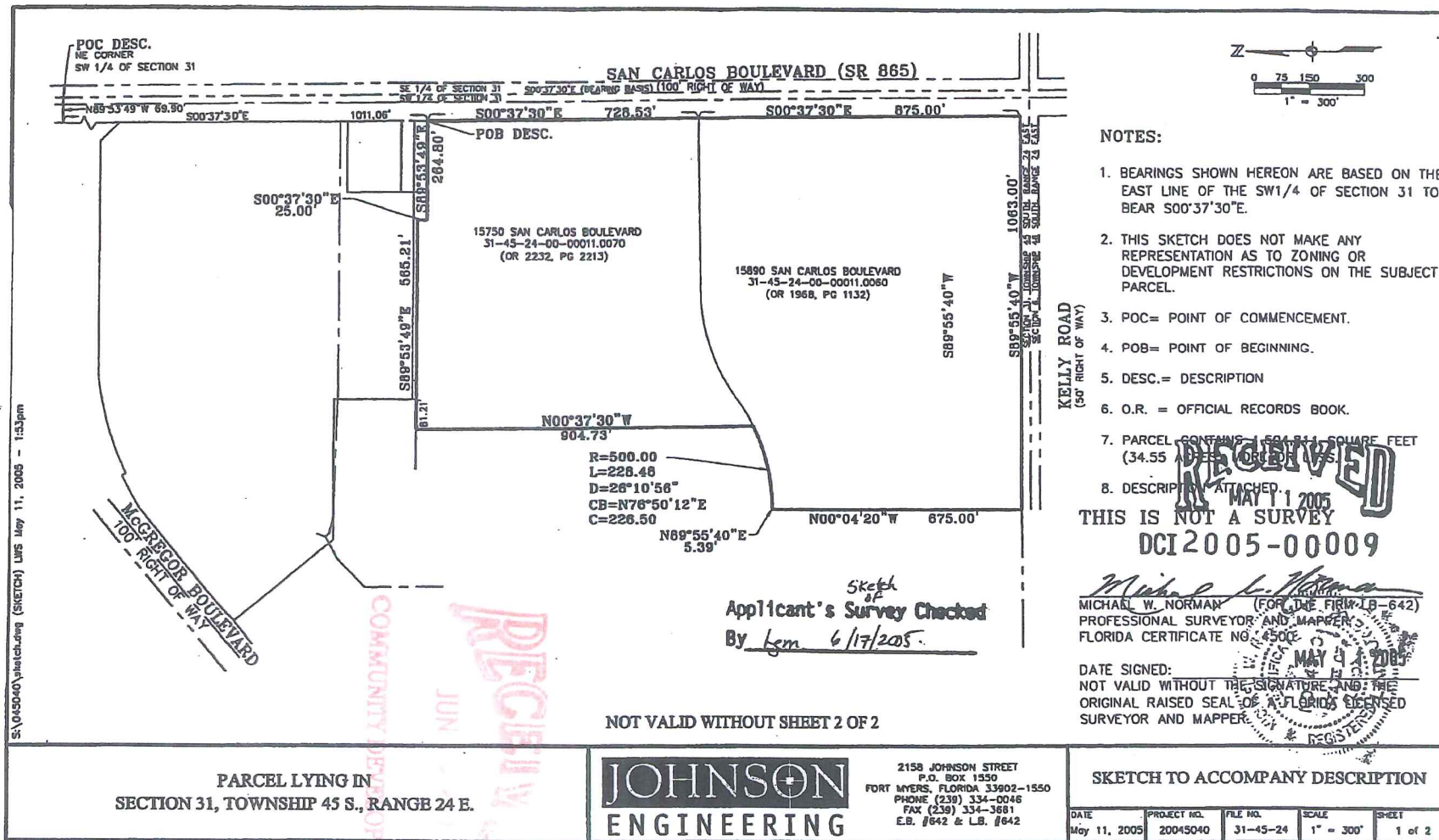


EXHIBIT "A"

ADD 2011-00048