

EXHIBIT B

ADMINISTRATIVE AMENDMENT (PD) ADD2016-00022

ADMINISTRATIVE AMENDMENT
LEE COUNTY, FLORIDA

WHEREAS, S & L Properties Lehigh Acres, LLC filed an application for an administrative amendment to a Commercial Planned Development on a project known as Culver's Lehigh to request the following deviations:

Deviation 1: A request to deviate from the Land Development Code (LDC) Section 34-2020(b), parking requirements for non-residential uses to allow a 5% reduction to required parking spaces for bicycle and pedestrian facilities identified on the Bikeways/Walkways Facility Plan, pursuant to LDC Section 34-2020(c)(3).

Deviation 2: A request to deviate from the Land Development Code (LDC) Section 30-153(3)e. which requires signs to be set back a minimum of 15 feet from any right-of-way or easement; to allow the proposed sign to be set back a minimum of 5 feet from Lee Boulevard right-of-way.

Deviation 3: A request to deviate from the Land Development Code (LDC) Section 34-1353(e)(2) which requires fast food restaurant projects with an open drainage system to provide an undulating berm within the 25-foot wide right-of-way buffers, to allow open drainage without an undulating berm.

Deviation 4: A request to deviate from the Land Development Code (LDC) Section 34-1353(e)(4) which requires trees to be 14 feet in height for the right-of-way buffer; to allow trees to be 10 feet in height along Lee Boulevard & West First Street rights of way.

Deviation 5: A request to deviate from the Land Development Code (LDC) Section 10-296(t)(4) Table 6 which requires a minimum edge of pavement radius for commercial driveways on collector roads with closed drainage of 35'; to allow a minimum edge of pavement radius of 25' for the driveway onto 1st Street West, a minor collector roadway.

Deviation 6: A request to deviate from the Land Development Code (LDC) Section 10-288 which requires a minimum turn lane width of 11 feet for roads with a posted speed of less than 45 mph; to allow a minimum turn lane width of 10 feet on 1st Street West, a minor collector roadway with a posted speed of 40 mph.

on property located 2511 Lee Boulevard, described more particularly as:

LEGAL DESCRIPTION: In Section 25, Township 44 South, Range 26 East, Lee County, Florida:

ATTACHED AS EXHIBIT "A"

WHEREAS, the property was originally rezoned in Resolution Number Z-93-101 (with subsequent amendments in Resolution Numbers Z-99-082 and ADD2007-00176); and

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

WHEREAS, the applicant made a presentation before the Lehigh Acres Community Planning Panel, on September 24, 2015, as required by the Lee Plan Policy 32.12.2.

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 site was originally developed with a 2,200 square foot bank on a 1.27 acre property; and

WHEREAS, the applicant is proposing to redevelop the site with a 4,686 square foot fast food restaurant; and

WHEREAS, the requested deviations for site design, such as turning lane width, driveway radius, and open drainage berm are necessary to redevelop site with the existing site constraints; and

WHEREAS, The Land Development Code Section 34-2020(c)(3) allows a 5% reduction in the number of the required parking spaces, when bicycle and pedestrian facilities and amenities are provided on site; and

WHEREAS, the sign deviation will allow the sign foundation to be located outside of the water retention area, while not blocking the view of the motorists and pedestrians; and

WHEREAS, the height of the sign will be limited to 10 feet, pursuant to LDC Section 33-1420(3)(a)1; and

WHEREAS, the existence of the overhead power lines requires small canopy trees that are installed 15 feet from the power line; and

WHEREAS, the subject request was reviewed by the Development Services Division, environmental planner of the Zoning Division and the sign reviewer of the Permitting and Code Enforcement Division with recommendation for approval subject to conditions; and

WHEREAS, all reviewers conditions have been incorporated into this Resolution; 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 of six deviations listed above for an amendment to Commercial Planned Development is **APPROVED subject to the following conditions:**

1. **The Development must be in compliance with the amended Master Concept Plan, dated 01/12/2016. Master Concept Plan for ADD2016-00022 is hereby APPROVED and adopted. A reduced copy is attached hereto as Exhibit "B".**
2. **The terms and conditions of the original zoning resolutions remain in full force and effect, unless revised herein.**
3. **As part of the development order approval process, the dry detention must be planted with cold tolerant, native herbaceous grasses installed at one foot on center; in a minimum of one gallon container size; and no mulch required. In addition, for each 400 square feet of detention planted, the general tree requirement may be reduced by one ten-foot tree.**
4. **As part of the development order approval process, code required trees proposed along Lee Boulevard and West First Street must be specified as small canopy trees that are installed 15 feet from the power line and be ten feet in height measured from the parking lot grade with a two inch caliper and a four foot canopy spread at time of installation.**
3. **If it is determined that inaccurate or misleading information was provided to the County or if this decision does not comply with the LDC when rendered, then, at any time, the Zoning Manager may issue a modified decision that complies with the Code or revoke the decision. If the approval is revoked, the applicant may acquire the necessary approvals by filing an application for public hearing in accordance with Chapter 34.**

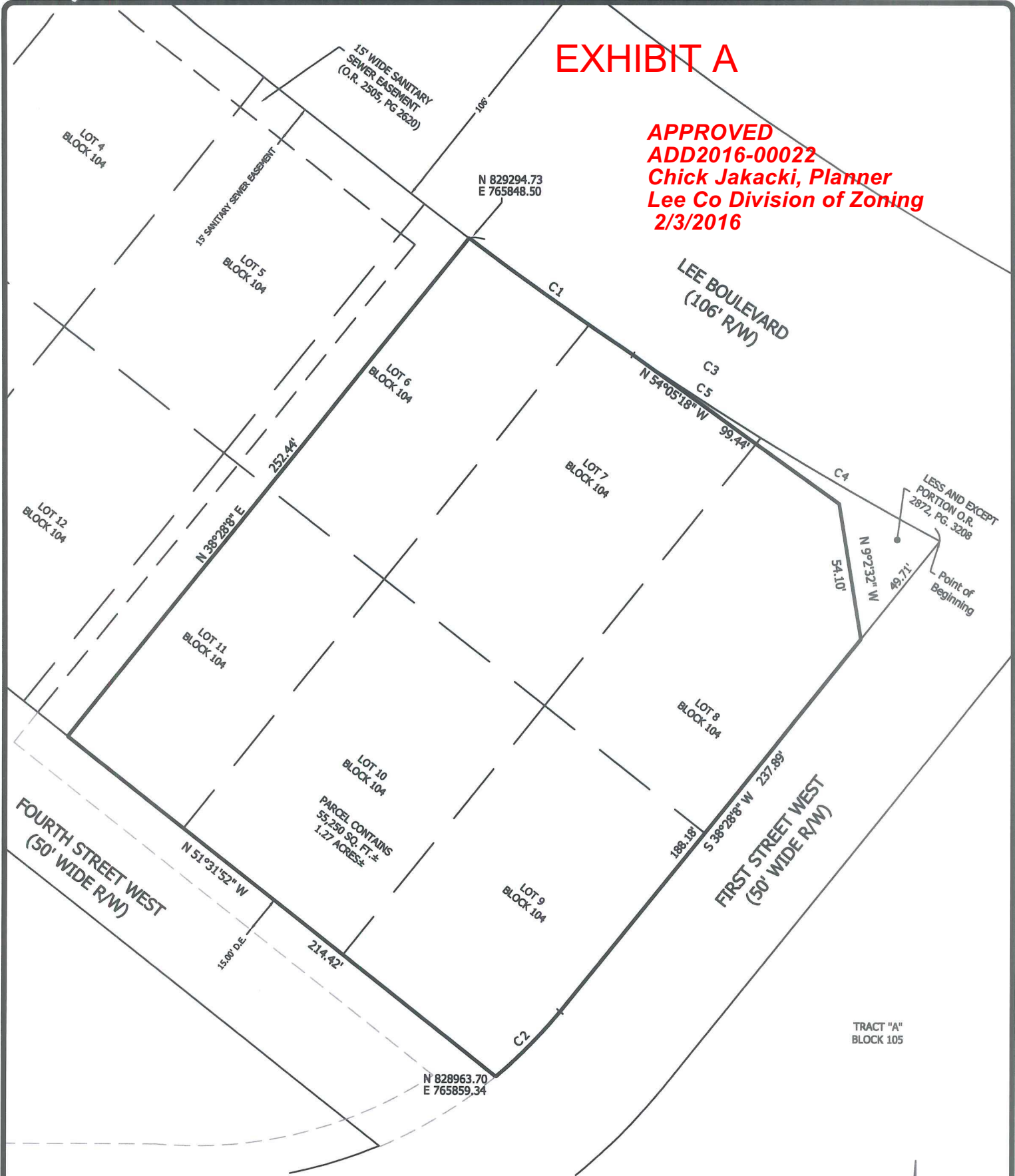
Duly passed, adopted, and electronically signed on 5/4/2016 by

Pam Houck, Zoning Manager
Department of Community Development

Attachments: Exhibit "A" Legal Description
Exhibit "B" Master Concept Plan

EXHIBIT A

APPROVED
ADD2016-00022
Chick Jakacki, Planner
Lee Co Division of Zoning
2/3/2016



CURVE TABLE					
CURVE	RADIUS	LENGTH	DELTA	CHORD BEARING	CHORD LENGTH
C1	1360.21	78.80	03°19'09"	S 54°07'09" E	78.79
C2	182.72	35.94	11°16'11"	S 44°06'15" W	35.88
C3	1360.21	219.20	09°14'01"	S 57°04'40" E	218.96
C4	1360.21	140.41	05°54'52"	S 58°44'09" E	140.35
C5	1360.21	241.27	10°09'47"	S 56°36'09" E	240.95

DATE	REVISION

SURVEY NOTES:

1. MEASUREMENTS SHOWN ARE IN FEET AND DECIMALS THEREOF.
2. SUBJECT TO EASEMENTS AND RESTRICTIONS OF RECORD.
3. NOT VALID WITHOUT SIGNATURE AND RAISED SEAL OF FLORIDA LICENSED SURVEYOR AND MAPPER (P.S.M.)
4. COORDINATES ARE STATE PLANE, FLORIDA WEST (NAD 83/2011) PER FDOT NETWORK REFERENCE STATION "FT. MYERS"
5. BEARINGS ARE BASED ON THE NORTHERLY RIGHT OF WAY OF FOURTH STREET WEST, BEING N51°31'52"W.
6. RECORDING INSTRUMENTS LISTED HEREON SHOULD BE CONSULTED AND REVIEWED FOR ADDITIONAL INFORMATION.

JOB # 15-2110	PREPARED FOR: CREIGHTON
SECTION 25, TOWNSHIP 44S, RANGE 26E	

2511 Lee Boulevard
Being a portion of Block 104, PLAT OF
PART OF UNIT 12 SECTION 25,
TOWNSHIP 44 S., RANGE 26 E., A
SUBDIVISION OF LEHIGH ACRES.

THIS IS NOT A SURVEY

STOUTENCRAMER
PROFESSIONAL SURVEYORS

CERTIFICATE OF AUTHORIZATION: LB7922
324 Nicholas Parkway West, Suite F, Cape Coral, FL 33991
Phone: (239) 673-9541 Fax: (239) 424-8181
www.scisurvey.com

I hereby certify that, to the best of my knowledge and belief, the survey represented hereon, made under my direction on January 28, 2016 is in accordance with Minimum Technical Standards as set forth by the Florida Board of Professional Surveyors & Mappers in Chapter 5J-17, Florida Administrative Code, pursuant to Section 472.027 Florida Statute

JEFFREY D. STOUTEN (FOR THE FIRM)
FLORIDA PROFESSIONAL SURVEYOR & MAPPER NO. 6384
NOT VALID WITHOUT THE SIGNATURE AND THE ORIGINAL RAISED SEAL OF A FLORIDA LICENSED SURVEYOR AND MAPPER

Description

Description:

That part of Block 104, of PLAT OF PART OF UNIT 12 SECTION 25, TOWNSHIP 44 S., RANGE 26 E., A SUBDIVISION OF LEHIGH ACRES, as shown on plat found of record in Plat Book 15, Page 73, of the Public Records of Lee County, Florida, being more particularly described as follows:

Beginning at the Northeast corner of said Block 104, said point also being the Intersection of the Southerly right of way line of Lee Boulevard with the Westerly right of way line of First Street West, thence running with the Westerly right of way line of First Street West, South 38°28'08" West a distance of 237.89 feet to the beginning of a curve; thence with the arc of said curve, concave Northwesterly, having a radius of 182.72 feet, an arc length of 35.94 feet, a chord distance of 35.88 feet with a chord bearing of South 44°06'15" West, to the Northerly right of way line of Fourth Street West, thence with said Northerly right of way line, North 51°31'52" West, a distance of 214.42 feet; thence departing said right of way line, North 38°28'08" East, a distance of 252.44 feet to the Southerly right of way line of Lee Boulevard; thence with same, being the arc of a curve concave Northerly, having a radius of 1360.21 feet, an arc distance of 219.20 feet, a chord distance of 218.96 feet and a chord bearing of South 57°04'40" East to the Point of Beginning;

LESS AND EXCEPT that portion conveyed to Lee County by Warranty Deed recorded in Official Records Book 2872, Page 3208, Public Records of Lee County, Florida.

THIS IS NOT A SURVEY

2511 Lee Boulevard
*Being a portion of Block 104, PLAT OF
 PART OF UNIT 12 SECTION 25,
 TOWNSHIP 44 S., RANGE 26 E., A
 SUBDIVISION OF LEHIGH ACRES.*

I hereby certify that, to the best of my knowledge and belief, the sketch and description represented hereon, made under my direction on **January 28, 2016** is in accordance with Minimum Technical Standards as set forth by the Florida Board of Professional Surveyors & Mappers in Chapter 5J-17, Florida Administrative Code, pursuant to Section 472.027 Florida Statutes.

Page 2 of 2

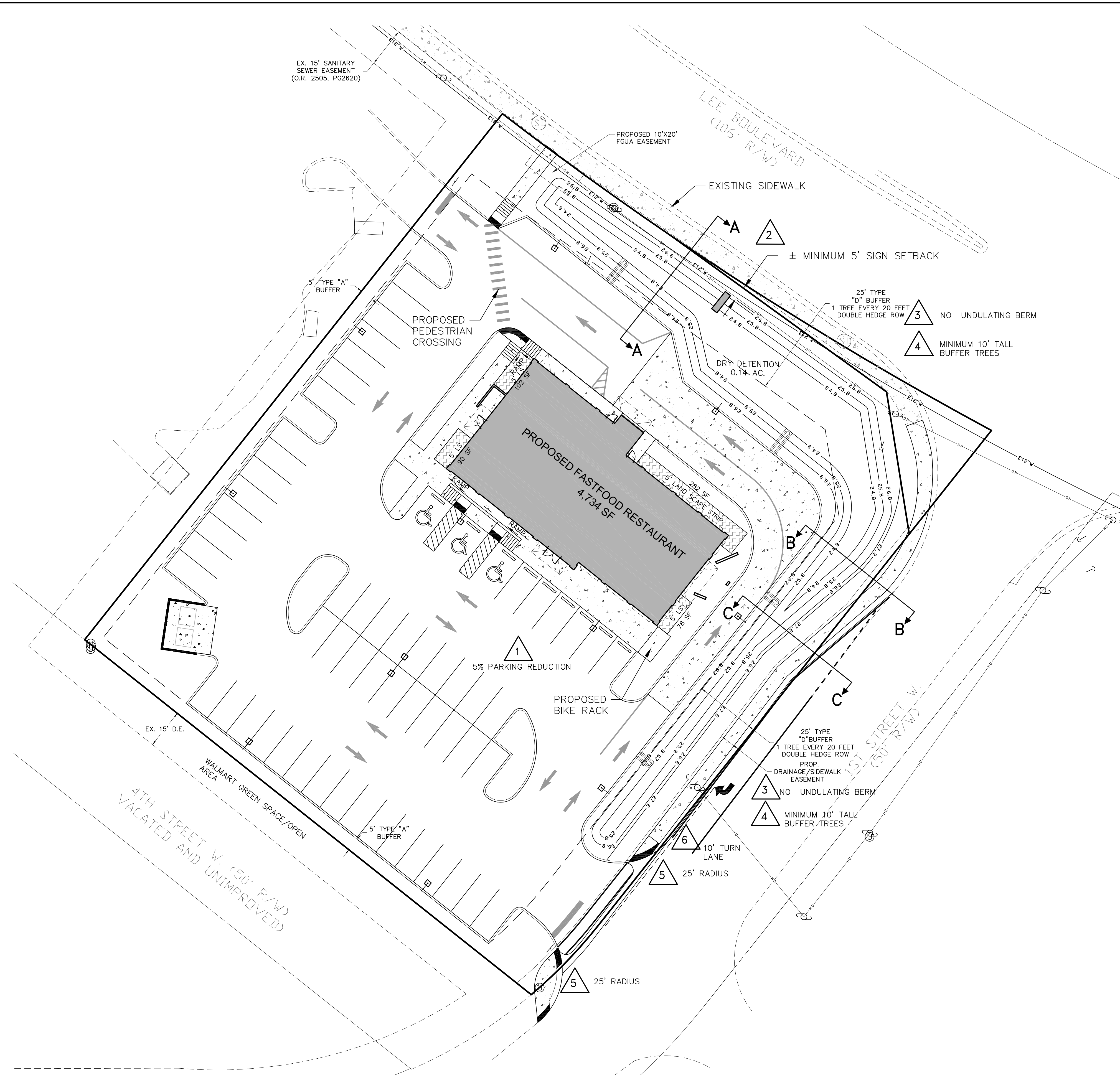
STOUTENCRAMER
 PROFESSIONAL SURVEYORS

CERTIFICATE OF AUTHORIZATION: LB7922
 324 Nicholas Parkway West, Suite F, Cape Coral, FL 33991
 Phone: (239) 673-9541 Fax: (239) 424-8181
www.scisurvey.com

JEFFREY B. STOUTEN (FOR THE FIRM)
 FLORIDA PROFESSIONAL SURVEYOR & MAPPER NO. 6584
 NOT VALID WITHOUT THE SIGNATURE AND THE ORIGINAL
 RAISED SEAL OF A FLORIDA LICENSED SURVEYOR AND MAPPER

JOB # 15-2110 PREPARED FOR: CREIGHTON

SECTION 25, TOWNSHIP 44S, RANGE 26E



LAND DEVELOPMENT AREAS:

TOTAL PROJECT AREA:	1.27 AC.	55,250 SF	
TOTAL BASIN AREA:	1.27 AC.	55,250 SF	(100%)
DRY DETENTION:	0.14 AC.	6,091 SF	(11%)
PAVEMENT/SIDEWALK AREA:	0.78 AC.	33,753 SF	(61%)
*BUILDING COVERAGE:	0.11 AC.	4,748 SF	(9%)
GREEN AREA:	0.24 AC.	10,658 SF	(19%)
PERVIOUS AREA	0.38 AC.	16,749 SF	(30%)
IMPERVIOUS AREA	0.89 AC.	38,501 SF	(70%)

* INCLUDES EXTERIOR BUMP OUTS.

PARKING CALCULATIONS:

(PARKING REQUIREMENTS PER LEE COUNTY LAND DEVELOPMENT CODE 34-2020)

RESTAURANTS, FAST FOOD:
13 SPACES PER 1,000 SF OF TOTAL FLOOR AREA; OUTDOOR SEATING AREA IS CALCULATED AT THE SAME RATE

4,734 SF BUILDING (NO OUTDOOR SEATING);
4,734 SF X 13 SPACES/1,000 SF = 61.54 SPACES

TOTAL SPACES = 61.54 SPACES

5% REDUCTION FOR BICYCLE FACILITIES = 61.54 SPACES X 5% = 3.08 SPACES

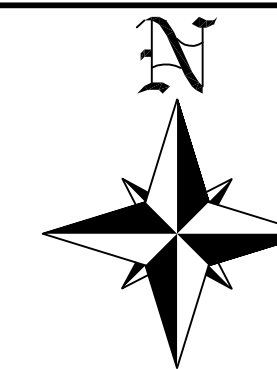
TOTAL REQUIRED (INCLUDES 5% REDUCTION) = 59 SPACES

TOTAL SPACES PROVIDED = 59 SPACES (INCLUDING 3 HANDICAP SPACES)

DEVIATION

DEVIATIONS:

- 1 LDC SECTION 34-2020(B) TO ALLOW 5% PARKING REDUCTION FOR BICYCLE AND PEDESTRIAN FACILITIES.
- 2 LDC SECTION 30-153(3)e TO ALLOW MINIMUM 5 FOOT SIGN SETBACK.
- 3 LDC SECTION 34-1353(e)(2) TO ALLOW OPEN DRAINAGE WITHOUT UNDULATION BERM.
- 4 LDC SECTION 34-1353(e)(4) TO ALLOW TREES 10 FEET IN HEIGHT.
- 5 LDC SECTION 10-296(i)(4) TABLE 6 TO ALLOW 25' EDGE OF PAVEMENT RADIUS AT DRIVEWAY
- 6 LDC SECTION 10-288, AC11-4(D)(III) TO ALLOW A 10' TURN LANE WIDTH



GRAPHIC SCALE 1"= 20'

LEGEND

- PROPERTY LINE
- RIGHT OF WAY LINE
- EX. EDGE OF PAVEMENT
- EX. BACK OF CURB
- EX. UTILITY EASEMENT
- EX. OVERHEAD POWERLINE
- EX. DRAINAGE PIPE
- PROP. DRAINAGE PIPE
- PROP. GRATE INLET
- PROP. END SECTION
- PROP. TOP OF CURB ELEVATION
- PROP. EDGE OF PAVEMENT ELEVATION
- EX. ELEVATION
- FLOW/SLOPE DIRECTION
- EX. 8" SANITARY SEWER
- EX. 10" WATER MAIN
- PROP. 6" SANITARY SEWER SERVICE
- PROP. WATER SERVICE
- EX. SANITARY SEWER MANHOLE
- EX. SANITARY CLEAN OUT
- EX. FIRE HYDRANT ASSEMBLY
- EX. WATER VALVE
- EX. BACKFLOW PREVENTOR VALVE
- EX. WATER METER
- EX. ELECTRIC BOX
- EX. LIGHT POLE
- EX. CATCH BASIN
- EX. STORM DRAIN
- EX. WELL
- EX. UTILITY RISER
- EX. WOOD POWER POLE
- EX. GUY ANCHOR
- EX. BURIED FIBER OPTIC CABLE MARKER
- PROP. SANITARY SEWER CLEAN OUT
- PROP. WATER METER
- PROP. BACKFLOW PREVENTOR
- PROP. LIGHT POLE
- PROP. # OF PARKING SPACES
- PROP. CONCRETE WALKWAYS/PADS

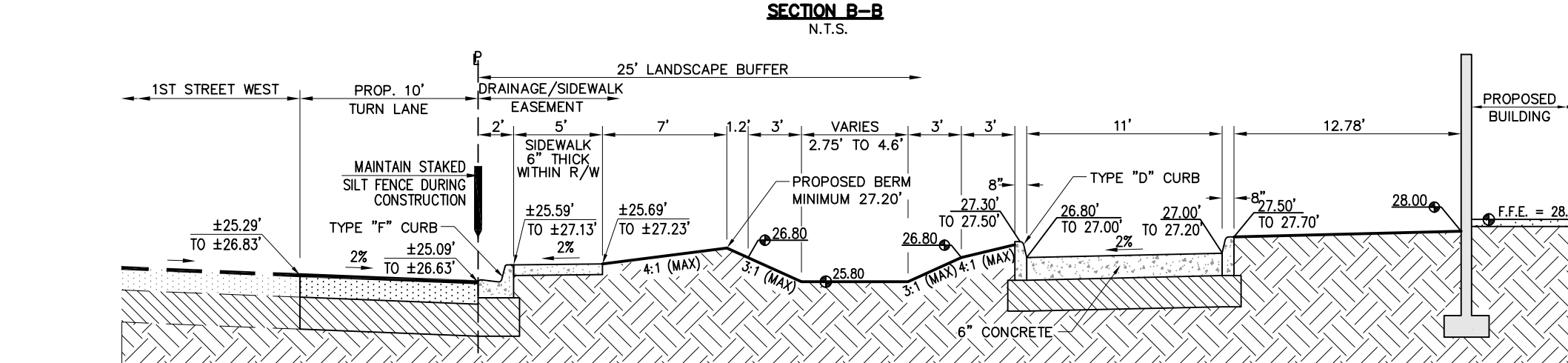
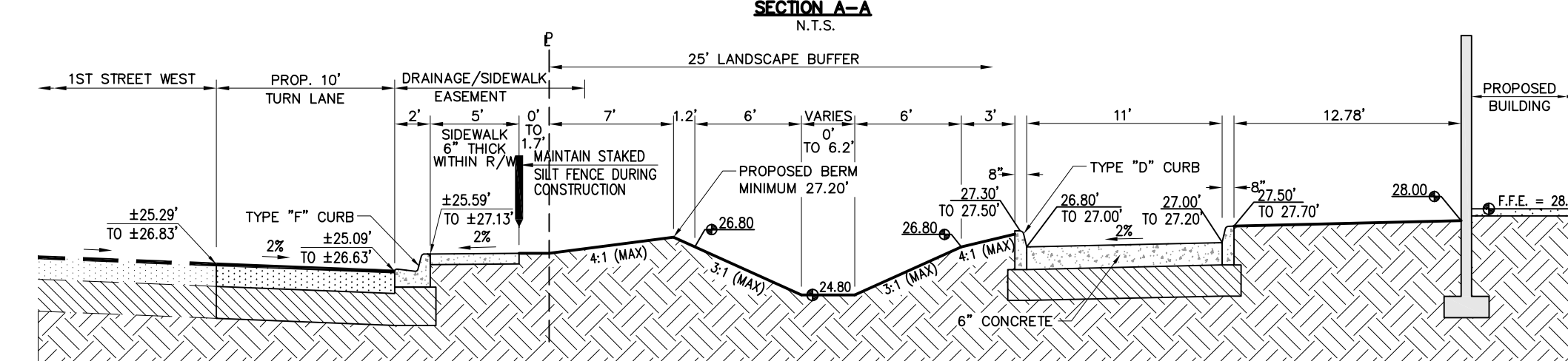
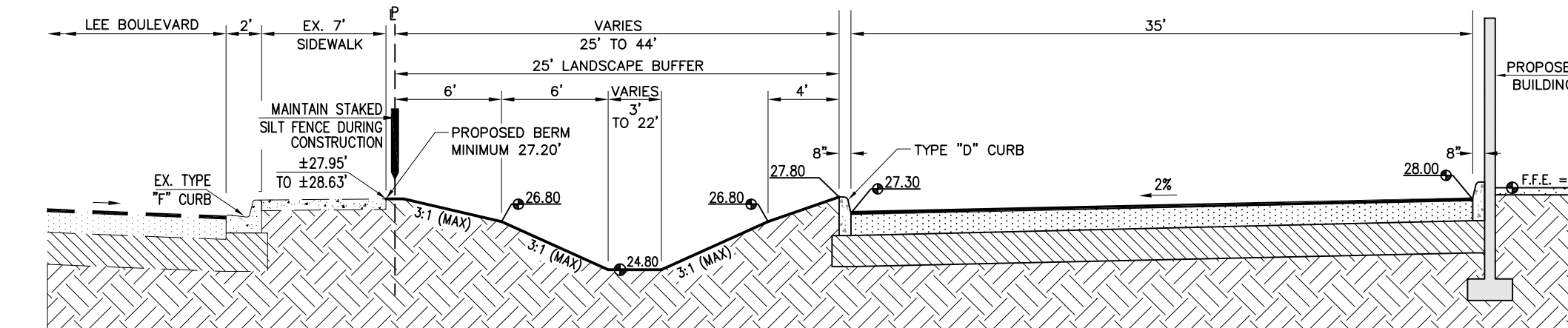


EXHIBIT "B"

PREPARED FOR:

CULVER'S

2651 KIRKING COURT
PORTAGE, WISCONSIN 53901
PHONE: (608) 742-2893
FAX: (608) 742-2903

NO.	DATE	REVISION DESCRIPTION	SEH	BY
1	03/15/16	COUNTY COMMENTS		

BANKS ENGINEERING

Professional Engineers, Planners, & Land Surveyors
Serving The State Of Florida

10511 SIX MILE CYPRESS PARKWAY
FORT MYERS, FLORIDA 33906
PHONE: (239) 939-5490 FAX: (239) 939-2523
ENGINEERING LICENSE # EB 6469
SURVEY LICENSE # LB 6690
WWW.BANKSENG.COM

ADMINISTRATIVE DEVIATION PLAN CULVER'S LEHIGH ACRES LEE COUNTY, FLORIDA						
DATE	PROJECT	DRAWING	DESIGN	DRAWN	CHECKED	SCALE
1-12-16	8077	EXH	NFK	NFK	SWM	1"=20'
						SHEET
						1