

ADMINISTRATIVE AMENDMENT (PD) ADD2005-00157

ADMINISTRATIVE AMENDMENT  
LEE COUNTY, FLORIDA

WHEREAS, Shellie Johnson, AICP, filed an application for administrative approval to a Mixed-use Planned Development (MPD) on a project known as the Meadows of Estero for administrative approval of administrative setback variance for development of property located on Pelican Sound Drive, described more particularly as:

LEGAL DESCRIPTION: In Section 33, Township 46 South, Range 25 East, Lee County, Florida:

SEE ATTACHED EXHIBIT "A"

WHEREAS, the property was originally rezoned in case number Z-98-29; and

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

WHEREAS, the applicant has requested to reduce the setback for proposed entrance signs of "Meadows of Estero" from LDC Sec. 30-152(2)(a)1i; and

WHEREAS, the applicant is requesting to reduce the setback for entrance sign structures from a minimum of 15 feet to a minimum of 5 feet from the right-of-way of Pelican Sound Drive; and

WHEREAS, the Board of Directors at River Ridge Community Development District wrote a letter of no objection to the proposed setback change on July 7th, 2005; 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, the necessary sight-lines for safe vehicular travel along the interior roadways of the project are not affected; 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 Mixed-use Planned Development from the required setback of 15 feet to 5 feet, per LDC Sec. 30-152(2)(a)1i is **APPROVED**.

**Approval is subject to the following conditions:**

1. **The Development must be in compliance with the 2-page "proposed signage deviation" plans stamped received July 28, 2005 and the two-page "entry wall detail" plan stamped received September 28, 2005. The signage plans for ADD2005-00157 is hereby APPROVED and adopted. Reduced copies are attached hereto.**
2. **The terms and conditions of the original zoning resolutions remain in full force and effect.**

DULY SIGNED this 6<sup>th</sup> day of December, A.D., 2005.

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

**EXHIBIT A**

**DESCRIPTION**

Parcel in  
Section 33, Township 46 South, Range 25 East  
Lee County, Florida

A tract or parcel of land in Section 33, Township 46 South, Range 25 East, Lee County, Florida being part of lands described in official record book 2787, page 1398, Lee County Records, being more particularly described as follows.

From the southwest corner of the southwest quarter (SW 1/4) of Section 33, Township 46 South, Range 25 East, Lee County, Florida, run N00°58'23"W along the west line of said fraction for 30.00 feet to an intersection with the North right-of-way line of Williams Road (60 feet wide); thence run N88°33'52"E along said right-of-way line for 1382.17 feet to the Southeast corner of lands described in a deed recorded in Official Record Book 3516, at Page 1579, Lee County Records; said point being the POINT OF BEGINNING.

From said POINT OF BEGINNING run N00°58' 23"W along the east line of said lands for 1845.84 feet to the southwest corner of Pelican Sound Drive as described in a deed recorded in Official Record Book 3533, at Page 4459, Lee County Records, said point being designated as POINT "A"; thence run N88°25'54"E along the south right-of-way line of said Pelican Sound Drive for 1720.01 feet to an intersection with the westerly right of way line of Tamiami trail (State Road 45); thence run S04°52'56"W along said right of way line for 1860.03 feet to an intersection with the north right-of-way line of Williams Road; thence run S88°20'42"W along said right of way line 268.35 feet to an intersection with the east line of the Southwest Quarter (SW 1/4) of said section 33; thence run N01°03'48"W along said east line for 632.82 feet to the Northeast corner of the Southeast Quarter (SE 1/4) of the Southeast Quarter (SE 1/4) of the Southwest Quarter (SW 1/4) of said Section 33; thence run S88°32'50"W along the north line of said fraction for 660.73 feet to the northwest corner of said fraction; thence run S01°02'16"E along the west line of said fraction for 632.62 feet to an intersection with the north right-of-way line of Williams Road; thence run S88°33'52"W along said right-of-way line for 600.86 feet to the POINT OF BEGINNING.

Containing 59.33 acres, more or less.

AND

From the point designated POINT "A" run N00°58'23"W 200.01 feet to the Northwest corner of Pelican Sound Drive as described in a deed recorded in Official Record Book 3533, at Page 4459, Lee county records said point being the POINT OF BEGINNING.

From said POINT OF BEGINNING continue N00°58'23"W for 572.68 feet to an intersection with the North line of the Southwest Quarter (SW 1/4) of said section 33; thence run N88°25'54"E along said North line for 1799.34 feet to an intersection with the westerly right-of-way line of Tamiami Trail (State Road 45); thence run S04°52'56"W along said westerly right-of-way line for 576.30 feet to the Northeast corner of said Pelican Sound Drive; thence run S88°25'54"W parallel with the North line of said fraction and along the north line of said Pelican Sound Drive for 1740.54 feet to the POINT OF BEGINNING.

Containing 23.26 acres, more or less.

Containing a Total of 82.59 acres, more or less

**Applicant's Legal Checked**

by Amy OYAVGOS

Bearings hereinabove mentioned are State Plane for the Florida West Zone (1983/99 adjustment) And are based on the south line of the southwest quarter (SW 1/4) of said Section 33 to bear N88°33'52"E.

*Scott A. Wheeler*  
Scott A. Wheeler (For The Firm)  
Professional Surveyor and Mapper  
Florida Certificate No. 15949

8/3/05

L:\21840 - Camargo Residential\DESC\21840so7desc.doc

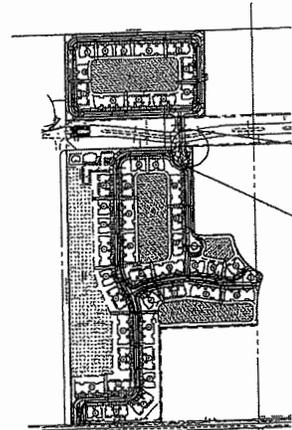
Post Office Drawer 2800 • Fort Myers, FL 33902  
Phone (239) 461-3170 • Fax (239) 461-3169

**RECEIVED**  
AUG 03 2005

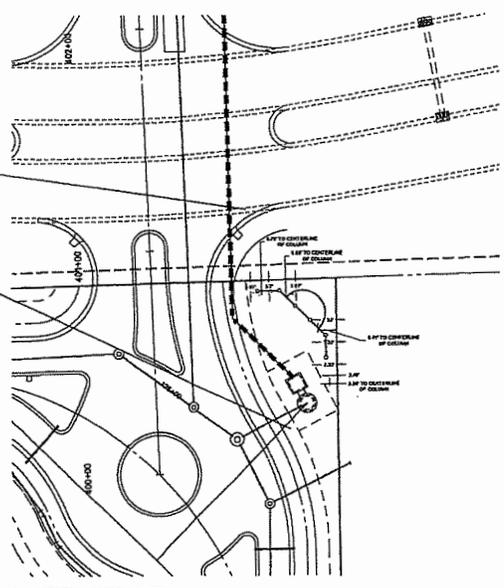
PERMIT COUNTER

ADD 2005-00157



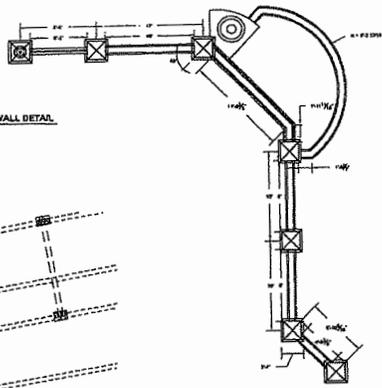


SITE PLAN KEY MAP  
SCALE 1/8\"/>



PLAN VIEW FOR LOCATION ON SITE  
SCALE 1/8\"/>

CORNER WALL DETAIL  
SCALE 1/4\"/>



**APPROVED**  
Plan - Pg 2

Subject to Case #ADD2005-00157  
Date 12/6/05

**RECEIVED**  
JUL 28 2005

ADD 2005-00157

**Barraco**  
and Associates, Inc.  
Civil Engineering - Landscape Architecture  
Land Planning - Landscape Design

WWW.BARRACCO.COM  
2571 UNIVERSITY BOULEVARD  
POST OFFICE BOX 100  
FORT WORTH, TEXAS 76102-0100  
PHONE (817) 343-1000  
FAX (817) 343-1000

FLORIDA CERTIFICATE OF AUTHORIZATION  
ENGINEERING NO. 14573-0001  
LANDSCAPE ARCHITECTURE NO. 14573-0001

PREPARED BY  
**SHELBY HOMES**

3105 HWY 8201 HWY  
SUITE 200  
FORT LAUDERDALE, FL 33309  
PHONE (954) 318-1000  
FAX (954) 318-2000  
WWW.SHELBY-HOMES.COM  
PROJECT NUMBER

**MEADOWS OF ESTERO**

USE AS AT  
PELICAN SOUND DRIVE  
PART OF SECTION 10  
TOWNSHIP 36 SOUTH  
RANGE 26 EAST  
COUNTY  
LEE COUNTY, FLORIDA

NOT VALID UNLESS SIGNED BY APPROVED DESIGNER  
DESIGNER'S SEAL, SIGNATURE AND EXPIRATION DATE  
EXPIRES: 12/31/2005

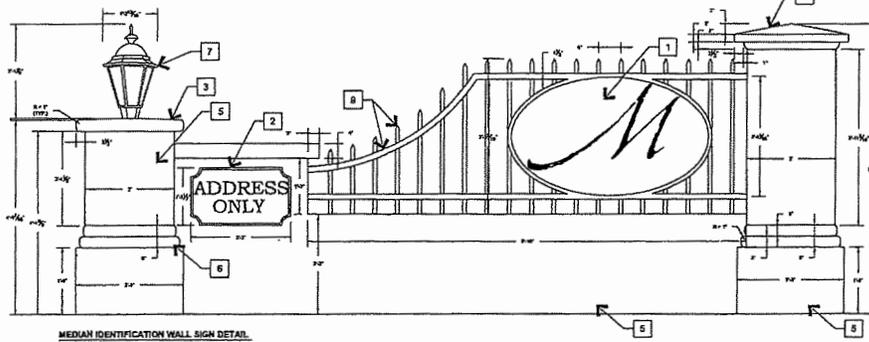
|             |                   |
|-------------|-------------------|
| PROJECT     | MEADOWS OF ESTERO |
| DATE        | 12/6/05           |
| DESIGNER    | DAVID R. BARRACCO |
| PROJECT NO. | 21840             |
| SHEET NO.   | 2                 |

PROPOSED  
SIGNAGE  
DEVIATIONS





1  
MEDIAN IDENTIFICATION WALL SIGN PLAN  
SCALE 1/4" = 1'-0"

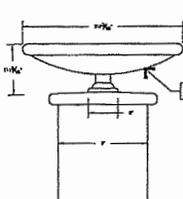


2  
MEDIAN IDENTIFICATION WALL SIGN DETAIL  
SCALE 1/4" = 1'-0"

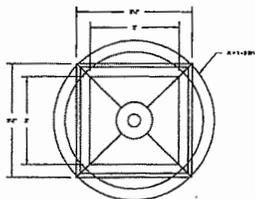
- 1 DECORATIVE IRON WORK INCLUDING "Meadows" LOGO OR ART THE CAPITAL LETTER "M"
- 2 DECORATIVE COPPER OR BRASS PLATE WITH ROUNDED CORNERS, LETTERING TO BE SCROLLWORK WITH MEADOWS ADDRESS
- 3 PRE-CAST CONCRETE CAP. SEE PLAN AND ELEVATION FOR DIMENSIONS AND FINISH. COLOR TO BE DETERMINED
- 4 PRE-CAST CONCRETE COLLAR CAP. SEE DIMENSIONS ON PLAN. COLOR TO BE DETERMINED
- 5 SOLID TEXTURED BRICK OR CONCRETE BLOCKS, OR POLYSTYRENE FOAM BLOCKS, FINISH COLOR TO BE DETERMINED
- 6 PRE-CAST CONCRETE OR CUSTOM POLYSTYRENE ROUND EDGE COLLAR PIECE. COLOR TO BE DETERMINED
- 7 PROPOSED PERMOUNTED LIGHT FIXTURE. FINISH TO COORDINATE WITH FINISH OF TYPICAL STREET LIGHTS AND TYPICAL LIGHT FIXTURES. (TO BE DETERMINED)
- 8 PRE-CAST CONCRETE PLANTER BOWL. TO BE SELECTED FROM OFFER SUBMITTED. PLANTER BOWL SHALL BE PLUMBED FOR PROJECTION.
- 9 WROUGHT IRON ALUMINUM PICKETS AND AXES, PONDICAZAY BLACK.
- 10 DUE TO DIFFERENCES TO MEADOWS FOR EACH ENTRANCE, SIGN LOCATIONS MAY VARY FROM ENTRANCE TO ENTRANCE. SIGN WALL LOCATIONS SHOULD BE FIELD LOCATED AND VERIFIED.

**GENERAL NOTES:**

- 1 THE SUPPLIER/CONTRACTOR SHALL FURNISH ALL NECESSARY PERMITS AND WORKS THAT ARE LEGALLY REQUIRED PRIOR TO CONSTRUCTION.
- 2 THE SUPPLIER/CONTRACTOR SHALL VERIFY ALL NECESSARY PERMITS AND WORKS ARE COMPLETED PRIOR TO CONSTRUCTION.
- 3 THERE ARE DIMENSIONAL PLANS ONLY REFER TO THE DIMENSIONAL DETAILS. FINISHES, MATERIALS, AND THE FINISHES SHOWN SHALL BE PROVIDED BY THE SUPPLIER/CONTRACTOR. THE FINISHES SHOWN SHALL BE PROVIDED BY THE SUPPLIER/CONTRACTOR.
- 4 THIS PLAN IS ONLY A SUGGESTED MINIMUM. SIGN ENTRANCE FINISHES, DIMENSIONS, AND MATERIALS SHALL BE PROVIDED BY THE SUPPLIER/CONTRACTOR. THE FINISHES SHOWN SHALL BE PROVIDED BY THE SUPPLIER/CONTRACTOR.
- 5 SIGNAGE SHALL BE INSTALLED TO MEET ALL CITY, COUNTY, AND STATE REQUIREMENTS. ALL SIGNAGE SHALL BE INSTALLED TO MEET ALL CITY, COUNTY, AND STATE REQUIREMENTS.
- 6 SIGNAGE SHALL BE INSTALLED TO MEET ALL CITY, COUNTY, AND STATE REQUIREMENTS. ALL SIGNAGE SHALL BE INSTALLED TO MEET ALL CITY, COUNTY, AND STATE REQUIREMENTS.
- 7 CONSTRUCTION SHALL BE INSTALLED TO MEET ALL CITY, COUNTY, AND STATE REQUIREMENTS. ALL SIGNAGE SHALL BE INSTALLED TO MEET ALL CITY, COUNTY, AND STATE REQUIREMENTS.



OPTIONAL PLANTER BOWL DETAIL  
SCALE 1/4" = 1'-0"



OPTIONAL PLANTER BOWL PLAN  
SCALE 1/4" = 1'-0"

COLOR SWATCHES:  
T.B.D.

Proposed color swatches will be submitted based on color consistency of typical signs and materials within community.

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SEP 28 2005

PERMIT COUNTER

ADD 2005-00157

**Barraco**  
and Associates, Inc.

CIVIL ENGINEERING - LAND SURVEYING  
LAND PLANNING - LANDSCAPE DESIGN  
www.barraco.net

2711 LINDSEY HOLLOWAY  
FOUR OFFICE BUILDING 200  
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PHONE (954) 481-1810  
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FLORIDA CERTIFICATE OF AUTOMATICATION  
ENGINEERING TITLE - SURVEYING & LAND

MEMBER  
**SHELBY HOMES**

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SUITE 200  
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PHONE (954) 318-1000  
FAX (954) 318-2000

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PROJECT DESCRIPTION

**MEADOWS  
OF ESTERO**

U.S. 41 AT  
PELICAN SOUND DRIVE  
SUITE 200  
PART OF SECTION 10  
TOWNSHIP 34 NORTH  
RANGE 23 EAST  
LEE COUNTY, FLORIDA

U.S. 41 AT  
PELICAN SOUND DRIVE  
SUITE 200  
PART OF SECTION 10  
TOWNSHIP 34 NORTH  
RANGE 23 EAST  
LEE COUNTY, FLORIDA

APPROVALS  
DATE  
BY

RESOLUTION NUMBER Z-06-011

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

WHEREAS, James T. Humphrey filed an application on behalf of the property owner, Charles M. Long, et al. to amend Resolution Z-98-029 to adopt a new Master Concept Plan (MCP) for a 10.95 acre portion of the original planned development known as Camargo MPD; and

WHEREAS, an initial public hearing was advertised for January 25, 2006, and continued to March 22, 2006, and continued and held on May 24, 2006, before the Lee County Zoning Hearing Examiner, who gave full consideration to the evidence in the record for Case #DCI2005-00004; and

WHEREAS, a second public hearing was advertised and held on August 21, 2006, before the Lee County Board of Commissioners, who gave full and complete consideration to the recommendations of the staff, the Hearing Examiner, the documents on record and the testimony of all interested persons.

NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF COUNTY COMMISSIONERS:

SECTION A. REQUEST

The applicant filed a request to amend Resolution Z-98-029 to adopt a new MCP for a 10.95 acre portion of the original planned development. The proposed MCP seeks development of up to 27 multiple family residential dwelling units and 100,000 square feet of commercial floor area OR 125,000 square feet of commercial floor area with a proposed maximum building height of 45 feet (3 stories). Blasting is not a proposed development activity. The Applicant indicates that they will connect to potable water and central sewer as part of any development of this property. The property is located in the Suburban Future Land Use Category and is legally described in attached Exhibit A. The request is APPROVED, SUBJECT TO the conditions and deviations specified in Sections B and C below.

SECTION B. CONDITIONS:

All references to uses are as defined or listed in the Lee County Land Development Code (LDC).

1. The terms and conditions of Resolution Z-98-029 remain in full force and effect, unless specifically amended by this resolution. A copy of Resolution Z-98-029 is attached as Exhibit D.
2. The development of this portion of the MPD project must be consistent with the 2-page Master Concept Plan entitled "Camargo 10 Acres," date stamped "RECEIVED JUL 24 2006," attached hereto as Exhibit C, except as modified by the conditions below. This development must comply with all requirements of the LDC

**COPY**

at time of local development order approval, except as may be granted by deviation as part of this planned development. If changes to the MCP are subsequently pursued, appropriate approvals will be necessary.

Development within this planned development is limited to either:

**Option A** - 125,000 square feet of commercial floor area, **OR**

**Option B** - 27 multiple family residential dwelling units and 100,000 square feet of commercial floor area.

As part of the local development order process, the Applicant must commit to one of these development scenarios.

Within this planned development approval, commercial uses subject to the commercial site location standards of the Lee Plan (Policy 6.1.2) are limited to a maximum of less than 30,000 square feet. If the functional classification of Pelican Sound Drive is changed from a local collector or arterial, then the amount of commercial use can be adjusted consistent with Policy 6.1.2 of the Lee Plan, provided the total commercial floor area does not exceed the amount stated above.

3. The following limits apply to the project and uses, subject to the Notes and Special Notes and Regulations found in §34-934:

- a. Schedule of Uses

*(No outdoor display or storage is permitted within this planned development.)*

Accessory uses and structures  
Administrative offices  
ATM (automatic teller machine)  
Auto parts store - Limited to one without installation service  
Banks and financial establishments: Groups I and II  
Boats: Boat parts store - Limited to one without installation services  
Broadcast studio, commercial radio and television  
Business services: Groups I only  
Car wash - limited to one free-standing  
Cleaning and maintenance services - Must be contained solely indoors  
Clothing stores, general  
Clubs: Commercial  
    Fraternal, membership organization  
    Private  
Consumption on premises - Limited as accessory to a restaurant or club  
Convenience food and beverage store - No gas pumps or fuel sales permitted.  
    Further limited to one convenience store and one upscale liquor store  
Cultural facilities  
Day care center, child, adult

Drive-through facility for any permitted use: Limited as follows:

1. Limited to no drive-through to be located between a building and US 41 or a building and Pelican Sound Drive.
2. All drive-through facilities must be screened from view from US 41 and Pelican Sound Drive.
3. Also limited to a maximum of 2 within this portion of the planned development.

Drugstore, pharmacy - Limited to one store

Dwelling unit: Multiple-family building (limited to 27 units)

Entrance gates and gatehouse

Essential services

Essential service facilities: Group I only

Excavation: Water retention

Fences, walls

Food and beverage service, limited

Food stores: Group I only

Hardware store - restricted to a maximum of 20,000 square feet

Hobby, toy and game shops

Household and office furnishings, Groups I and II - Household use shall remain per Code and the Office Furnishing shall be similar to Kinko's Office Depot, Office Max or any other like kind facility. Large newspaper printing facilities are prohibited.

Insurance companies

Laundry or dry cleaning: Group I only

Lawn and garden supply stores

Library

Medical office

Models: Model unit

Nonstore retailers, all groups

Package store (see Convenience Store for limitations)

Paint, glass and wallpaper

Parks: Groups I and II

Parking lot: Accessory

Garage, public parking

Temporary

Personal services: Groups I through II, as limited in the following:

Group I:

ATM's (automatic teller machines)

Barbershops and beauty shops

Clothing alterations and repair, including dress makers, seamstresses and tailors

Laundry agents wherein the establishment may do its own pressing and finish work, but the laundering or dry cleaning is performed elsewhere

Photo agents wherein drop-off and pick-up film processing services are provided, but the actual processing and developing is done elsewhere

Shoe repair services wherein shoe repair or shoe shining for individual customers is performed

Group II: The following are permitted provided that lodging facilities or resorts are not included:

Beauty spas  
Health clubs or spas  
Massage establishments  
Reducing or slenderizing salons  
Steam or Turkish baths

Group III: Establishments primarily engaged in the sale, rental, or service of health-related devices such as:

Artificial limbs  
Crutches  
Hearing aids  
Hospital beds  
Optical supplies  
Orthopedic supplies  
Wheelchairs

Pet services - Outdoor enclosures and dog runs are prohibited

Pet shop - Outdoor pens, enclosures, and dog runs are prohibited

Post office

Printing and publishing

Real estate sales office

Recreation facilities: Commercial: Group IV and  
Private—On-site

Religious facilities

Rental or leasing establishment: Groups I and II - Limited to the following uses and limited to indoor storage only:

Group I:

Beach chairs, umbrellas and similar facilities  
Bicycles  
Mopeds and scooters  
Passenger car pickup and drop off  
(no maintenance or repairs and limited storage)

Group II (Household)

Appliances  
Bicycles  
Costumes  
Furniture  
Garden equipment  
Movies, videotapes and similar home entertainment  
Party or banquet supplies  
Tools and equipment primarily for home use

Repair shops: Groups I and II  
Research and development laboratories: Groups II and IV  
Restaurant, fast food - limited to one  
Restaurants: Groups I, II, and III  
Schools: Commercial only  
Signs in accordance with Estero signage regulations  
Social services: Group I  
Specialty retail shops: Groups I, II, III, IV  
Studios  
Temporary uses - Limited to:  
    Lighting for special outdoor events  
    Christmas tree sales  
    Contractor's sales office and storage trailer  
    Ancillary use of parking lots or sidewalks for  
        special events such as, but not limited to:  
            Sidewalk sales  
            Seasonal promotions (excluding vehicle  
                displays, carnivals or flea markets)  
            Cooking/food/cultural events  
Theater, indoor  
Used merchandise stores: Groups I and II  
Variety store

**NOTES:**

1. All accessory uses, including accessory parking, must be located on the same tract, parcel, outparcel, or lot where a principal use is located.
2. Accessory uses must be incidental and subordinate to the principal use of the tract, parcel, outparcel, or lot.

b. Site Development Regulations

**Option A - Land Use and Regulations Table**

|                       | Office Retail Commercial  | Parking Deck                       | Accessory             |
|-----------------------|---|------------------------------------|-----------------------|
| Min. Parcel Width     | 75 feet   | 75 feet                            | N/A                   |
| Min. Lot Depth        | 100 feet  | 100 feet                           | N/A                   |
| Max. Lot Coverage     | 70 percent  | 90 percent                         | N/A                   |
| Max. Bldg. Height     | Parcel 1 - 2 stories /35 feet<br>Parcel 2*, 3, 4 & 5 - 3 stories/ 45 feet | Parcel 6 - Two levels / 30 feet ** | Two stories / 35 feet |
| Min. Bldg. Separation | 10 feet   | N/A                                | N/A                   |
| Min. Bldg. Setbacks:  |   |                                    |                       |
| Front                 | 10 feet   | 10 feet                            | 10 feet               |
| Side                  | 5 feet  | 10 feet                            | 5 feet                |
| Rear                  | 5 feet  | 10 feet                            | 5 feet                |
| Water                 | Zero feet   | N/A                                | Zero feet             |

\* Parcel 2 will be limited to a maximum of 2 stories within 150 feet measured from the front property line.

\*\* Two parking levels, including the ground floor.

### Option B - Land Use and Regulations Table

|                       | Office Retail Commercial  | Residential                    | Parking Deck                    | Accessory             |
|-----------------------|---|--------------------------------|---------------------------------|-----------------------|
| Min. Parcel Width     | 75 feet   | 75 feet                        | 75 feet                         | N/A                   |
| Min. Lot Depth        | 100 feet  | 100 feet                       | 100 feet                        | N/A                   |
| Max. Lot Coverage     | 70 percent  | 40 percent                     | 90 percent                      | N/A                   |
| Max. Bldg. Height     | Parcel 1 & 6 - 2 stories /35 feet<br>Parcel 2*, 3, 4 & 5 - 3 stories/ 45 feet | Parcel 8 - 2 stories / 35 feet | Parcel 7 - 3 levels / 38 feet * | Two stories / 35 feet |
| Min. Bldg. Separation | 10 feet   | 10 feet                        | N/A                             | N/A                   |
| Min. Bldg. Setbacks:  |   |                                |                                 |                       |
| Front                 | 10 feet   | 10 feet                        | 10 feet                         | 10 feet               |
| Side                  | 5 feet  | Zero/5 feet                    | 10 feet                         | 5 feet                |
| Rear                  | 5 feet  | 20 feet                        | 10 feet                         | 5 feet                |
| Water                 | Zero feet   | 15 feet                        | N/A                             | Zero feet             |

\* Two parking levels, including the ground floor.

4. Prior to local development order approval, the development order plans must indicate if Option A or Option B is being used. If Option A is chosen, then 3.2 acres of open space must be provided within the 10.95-acre project area. If Option B is chosen, then 3.7 acres of open space must be provided within the 10.95-acre project area. A minimum of 10 percent open space must be provided within each parcel. The development order plans must include an open space diagram that delineates the open space areas.
5. Approval of this zoning request does not address mitigation of the project's vehicular or pedestrian traffic impacts. Additional conditions consistent with the Lee County LDC may be required to obtain a local development order.
6. Approval of this rezoning does not guarantee local development order approval. Future Development Order approvals must satisfy the requirements of the Lee Plan Planning Communities Map and Acreage Allocation Table, Map 16 and Table 1(b), be reviewed for, and found consistent with, the retail commercial standards for site area, including range of gross floor area, location, tenant mix and general function, as well as all other Lee Plan provisions.

7. Potable water and sanitary sewer are available to this site, and this development must connect to those services. The use of on-site wells and on-site disposal systems is prohibited.
8. Agriculture is not a permitted use in the approved Schedule of Uses for this property. All existing agricultural uses must cease upon approval of the requested rezoning and the property owner must terminate any agricultural tax exemption for the property. The exemption termination must be filed with the Property Appraiser's Office by December 31<sup>st</sup> of the calendar year in which the rezoning is approved. A copy of the exemption termination must be provided to the Office of the County Attorney.

**SECTION C. DEVIATIONS:**

1. Deviation (1) seeks relief from the §10-415(b)(1) requirement that 50 percent of the required open space be provided through the on-site preservation of existing native vegetation communities, in acknowledgment of the 10 acres of indigenous preservation required in Resolution Z-98-029, which fulfills the requirement for the entire 83.4-acre MPD site. This deviation is APPROVED, as long as this project proceeds as an amendment to the MPD. If, however, the project proceeds as a stand-alone project, then Applicant must comply with this requirement.
2. Deviation (2) seeks relief from the §10-329(d)(3) requirement to provide a 50-foot excavation setback from any private property line under separate ownership, to allow a 20-foot setback. This deviation is APPROVED, SUBJECT TO the following condition:

Adequate measures must be taken to protect wayward vehicles from entering the water management area from the adjoining property.
3. Deviation (3) seeks relief from the §10-416(d)(3) requirement to provide a 15-foot buffer between commercial and residential development, to allow a 10-foot-wide buffer along the east property line of Parcel 8 - Option B only. This deviation is APPROVED.

**SECTION D. EXHIBITS AND STRAP NUMBER:**

The following exhibits are attached to this resolution and incorporated by reference:

- Exhibit A: Legal description of the subject portion of MPD
- Exhibit B: Zoning Map (with the subject parcel indicated)
- Exhibit C: The Master Concept Plan
- Exhibit D: Lee County Zoning Resolution No. Z-98-029 (applicable to overall MPD)

The applicant has indicated that the STRAP number for the subject property is:  
33-46-25-00-00001.0030

SECTION E. FINDINGS AND CONCLUSIONS:

1. The applicant has proven entitlement to the rezoning by demonstrating compliance with the Lee Plan, the LDC, and any other applicable code or regulation.
2. The rezoning, as approved:
  - a. meets or exceeds all performance and locational standards set forth for the potential uses allowed by the request;
  - b. is consistent with the densities, intensities and general uses set forth in the Lee Plan;
  - c. is compatible with existing or planned uses in the surrounding area;
  - d. will not place an undue burden upon existing transportation or planned infrastructure facilities and will be served by streets with the capacity to carry traffic generated by the development; and
  - e. will not adversely affect environmentally critical areas or natural resources.
3. The rezoning satisfies the following criteria:
  - a. the proposed use or mix of uses is appropriate at the subject location;
  - b. the recommended conditions to the concept plan and other applicable regulations provide sufficient safeguard to the public interest; and
  - c. the recommended conditions are reasonably related to the impacts on the public interest created by or expected from the proposed development.
4. Urban services, as defined in the Lee Plan, are, or will be, available and adequate to serve the proposed land use.
5. The approved deviations, as conditioned, enhance achievement of the planned development objectives, and preserve and promote the general intent of LDC Chapter 34, to protect the public health, safety and welfare.

Commissioner John E. Albion made a motion to adopt the foregoing resolution, seconded by Commissioner Douglas R. St. Cerny. The vote was as follows:

|                      |     |
|----------------------|-----|
| Robert P. Janes      | Nay |
| Douglas R. St. Cerny | Aye |
| Ray Judah            | Nay |
| Tammara Hall         | Aye |
| John E. Albion       | Aye |

DULY PASSED AND ADOPTED this 21st day of August, 2006.

ATTEST:  
CHARLIE GREEN, CLERK

BY: *Lisa D. Perke*  
Deputy Clerk

BOARD OF COUNTY COMMISSIONERS  
OF LEE COUNTY, FLORIDA

BY: *Tammara Hall*  
Tammara Hall, Chairwoman

Approved as to form by:

*Dawn E. Perry-Lehnert*  
Dawn E. Perry-Lehnert for  
John J. Fredyma  
County Attorney's Office



MINUTES OF ...  
2006 NOV -7 PM 4:34

**DESCRIPTION**

Parcel in  
Section 33, Township 46 South, Range 25 East  
Lee County, Florida

A tract or parcel of land in Section 33, Township 46 South, Range 25 East, Lee County, Florida being part of lands described in Official Record Book 2787, Page 1398, Lee County Records, being more particularly described as follows.

From the southwest corner of the southwest quarter (SW 1/4) of Section 33, Township 46 South, Range 25 East, Lee County, Florida, run  $N00^{\circ}58'23''W$  along the west line of said fraction for 30.00 feet to an intersection with the north right-of-way line of Williams Road (60 feet wide); thence run  $N88^{\circ}33'52''E$  along said right-of-way line for 1382.17 feet to the southeast corner of lands described in a deed recorded in Official Record Book 3516, at Page 1579, Lee County Records; thence run  $N00^{\circ}58'23''W$  along the east line of said lands for 2045.85 feet to the northwest corner of Pelican Sound Drive as described in a deed recorded in Official Record Book 3533, at Page 4459, Lee County Records; thence run  $N88^{\circ}25'54''E$  along the north right-of-way line of said Pelican Sound Drive and parallel with the north line of said fraction 934.21 feet to the POINT OF BEGINNING.

From said POINT OF BEGINNING run  $N00^{\circ}27'20''W$  for 572.76 feet to an intersection with the north line of said fraction; thence run  $N88^{\circ}25'54''E$  along said north line for 318.38 feet to the northeast corner of said fraction; thence continuing  $N88^{\circ}25'54''E$  along the north line of the southeast quarter (SE 1/4) of said Section 33 for 541.58 feet to an intersection with the west right-of-way line of Tamiami Trail (State Road 45); thence run  $S04^{\circ}52'56''W$  along said right-of-way line for 576.30 feet to the northeast corner of said Pelican Sound Drive; thence run  $S88^{\circ}25'54''W$  along said north right-of-way line and parallel with the north line of said southeast quarter (SE 1/4) for 806.34 feet to the POINT OF BEGINNING.

Containing 10.95 acres, more or less.

Bearings hereinabove mentioned are State Plane for the Florida West Zone (1983/99 adjustment) And are based on the north line of the southwest quarter (SW 1/4) of said Section 33 to bear  $N88^{\circ}25'54''E$ .

21840s05desc.doc

Applicant's Legal Checked  
by 8/23/2005 Lgm

DCI 2005-00004

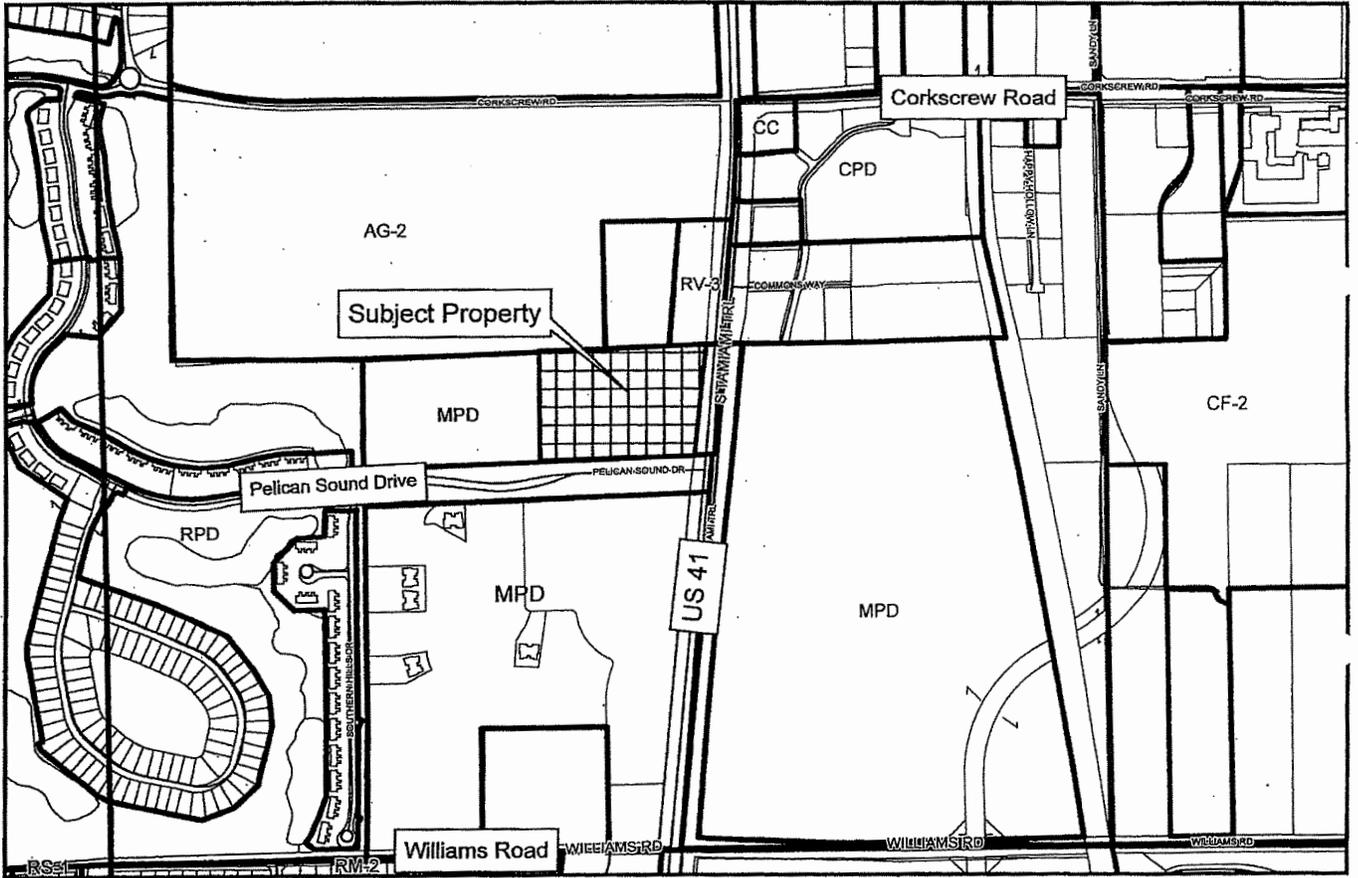
Scott A. Wheeler 8/23/05  
Scott A. Wheeler (For The Firm)  
Professional Surveyor and Mapper  
Florida Certificate No. 5949

RECEIVED  
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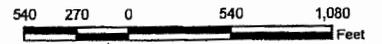
Post Office Drawer 2800 • Fort Myers, FL 33902  
Phone (239) 461-3170 • Fax (239) 461-3169



# Zoning Map



**EXHIBIT "B"**  
(Zoning Map)







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

WHEREAS, Charles M. Long, *et al.*, and Humphrey & Knott, P.A., filed an application to rezone 83.4± total acres of land from Agricultural (AG-2) to Mixed Use Planned Development (MPD) in reference to Camargo Trust MPD; and

WHEREAS, a Public Hearing was advertised and held on April 29, 1998 before the Lee County Zoning Hearing Examiner who gave full consideration to the evidence in the record (Case #97-12-021.03Z 01.01); and

WHEREAS, a second Public Hearing was advertised and held on June 29, 1998 before the Lee County Board of Commissioners, who gave full and complete consideration to the recommendations of the staff, the Hearing Examiner, the documents on the record, and the testimony of all interested persons.

NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF COUNTY COMMISSIONERS:

SECTION A. REQUEST

The applicant filed a request to rezone 83.4± total acres of land from Agricultural (AG-2) to Mixed Use Planned Development (MPD) to permit a mixed use development consisting of: 300 dwelling units; 200,000 square feet of retail space; 100,000 square feet of office space; and 105 hotel/motel units, with a maximum building height of 65 feet. The legal description of the subject property is set forth in Exhibit A, attached to this resolution. The request is APPROVED with a limitation of no more than 100,000 square feet of retail space and subject to the conditions and deviations set forth in Sections B and C below.

SECTION B. CONDITIONS:

1. The development and use of the subject property will be in substantial compliance with the approved Master Concept Plan (MCP) entitled "Camargo Trust Property" (File No. D-0249-03, last revised 01/21/98, stamped received February 6, 1998) as prepared by Wilson, Miller, Barton, and Peek, Inc., except as modified by the conditions herein. Unless specifically approved as part of this rezoning, development must comply with all applicable local development regulations.
2. This development is limited to a total of 300,000 square feet of commercial uses, of which ONLY 100,000 square feet may be retail commercial uses or uses that must meet Lee Plan commercial site location standards. All retail uses or commercial uses that have to meet commercial site location standards must be located south of Pelican Sound access road on the 10.6-acre and 5.8-acre commercial parcels fronting on U.S. 41. The Assisted Living Facility within the commercial component of this project is limited to a maximum of 500 beds.

A maximum of 100,000 square feet of approved retail space may be replaced by a maximum of 75,000 square feet of additional general or medical office uses pursuant to a 4:3 retail/office equivalency factor.

Development of the residential portion of this project may not exceed six dwelling units per gross residential acre. Any Assisted Living Facility within the residential component will be limited to the Density Equivalents found in Division 12 of Article VII of Chapter 34 of the Land Development Code (LDC).

3. The following Schedule of Use sets out the permitted uses within this planned development. Some commercial uses have been limited to specific areas of the project.

The statement, "Uses that are not specifically listed in this section may also be permitted if, in the opinion, of Lee County Department of Community Development or designee, they are substantially similar to a listed permitted use" found on the MCP has no force as part of this planned development. Adding uses to this planned development may be allowed through the amendment process as described within the LDC.

Schedule of Uses

Residential "R"

ACCESSORY USES AND STRUCTURES (LDC Sections 34-1171 *et seq.*, 34-2441 *et seq.*, 34-1863, and 34-2141 *et seq.*)

ADMINISTRATIVE OFFICES

ASSISTED LIVING FACILITY (LDC Sections 34-1491 *et seq.*, and 34-1411) - As limited in Condition 2 above

CONSUMPTION ON PREMISES - In clubhouse only

CLUBS:

Country

Private (LDC Section 34-2111)

DWELLING UNIT:

Single-family

Duplex

Two-family attached

Townhouse

Multiple-family building

Zero lot line

ENTRANCE GATES AND GATEHOUSE (LDC Section 34-1741 *et seq.*)

ESSENTIAL SERVICES (LDC Sections 34-1611 *et seq.*, and 34-1741 *et seq.*)

ESSENTIAL SERVICE FACILITIES [LDC Section 34-622(c)(13)]: Group I only (LDC Sections 34-1611 *et seq.*, 34-1741 *et seq.*, and 34-2141 *et seq.*)

EXCAVATION: Water retention (LDC Section 34-1651)

FENCES, WALLS (LDC Section 34-1741)

HOME CARE FACILITY

HOME OCCUPATION (LDC Section 34-1771 *et seq.*)

MODELS:

Display center (LDC Section 34-1951 *et seq.*)

Model home (LDC Section 34-1951 *et seq.*)

Model unit (LDC Section 34-1951 *et seq.*)

PARKING LOT:

Accessory

PLACE OF WORSHIP (LDC Section 34-2051 *et seq.*)

RECREATIONAL FACILITIES: Private, On-Site

RELIGIOUS FACILITIES (LDC Section 34-2051 *et seq.*)

RESIDENTIAL ACCESSORY USES [LDC Section 34-622(c)(42)] (LDC Section 34-1171 *et seq.*)

SIGNS in accordance with Chapter 30

Commercial "C"

[All uses with an asterisk (\*) may only be developed south of the Pelican Sound access.]

ACCESSORY USES AND STRUCTURES (LDC Sections 34-1171 *et seq.*, 34-2441 *et seq.*, 34-1863, and 34-2141 *et seq.*)

ADMINISTRATIVE OFFICES

ANIMALS: Clinic (LDC Section 34-1321 *et seq.*) - within an enclosed building only

ASSISTED LIVING FACILITY (LDC Sections 34-1491 *et seq.*, and 34-1411) - As limited in Condition 2

- \* ATM (automatic teller machine)
- \* AUTO PARTS STORE - without installation services
- \* AUTOMOBILE SERVICE STATION
- \* AUTO REPAIR AND SERVICE [LDC Section 34-622(c)(2)], Group I only
- \* BAIT AND TACKLE SHOP
- \* BANKS AND FINANCIAL ESTABLISHMENTS [LDC Section 34-622(c)(3)]: Groups I and II

BOATS:

Boat parts store  
Boat rental

BROADCAST STUDIO, COMMERCIAL RADIO AND TELEVISION (LDC Section 34-1441 *et seq.*)

- \* BUILDING MATERIAL SALES [LDC Section 34-622(c)(4) and 34-3001 *et seq.*] - NO outside storage

BUSINESS SERVICES [LDC Section 34-622(c)(5)]: Group I

\* CAR WASH

CLEANING AND MAINTENANCE SERVICES [LDC Section 34-622(c)(7)]

\* CLOTHING STORES, general [LDC Section 34-622(c)(8)]

CLUBS:

- \* Commercial
- \* Fraternal, membership organization (LDC Section 34-2111)
- Private (LDC Section 34-2111)

COMPUTER AND DATA PROCESSING SERVICES

\* CONSUMPTION ON PREMISES (LDC Section 34-1261 *et seq.*)

\* CONVENIENCE FOOD AND BEVERAGE STORE

CULTURAL FACILITIES [LDC Section 34-622(c)(10)]

DAY CARE CENTER, CHILD, ADULT

\* DEPARTMENT STORE

\* DRIVE-THROUGH FACILITY FOR ANY PERMITTED USE

DRUGSTORE, PHARMACY

ENTRANCE GATES AND GATEHOUSE (LDC Section 34-1741 *et seq.*)

ESSENTIAL SERVICES (LDC Sections 34-1611 *et seq.*, and 34-1741 *et seq.*)

ESSENTIAL SERVICE FACILITIES [LDC Section 34-622(c)(13)]: Group I (LDC Sections 34-1611 *et seq.*, 34-1741 *et seq.*, and 34-2141 *et seq.*)

EXCAVATION: Water retention (LDC Section 34-1651)

FENCES, WALLS (LDC Section 34-1741)

FOOD AND BEVERAGE SERVICE, LIMITED

\* FOOD STORES [LDC Section 34-622(c)(16)]: Group I

FUNERAL HOME AND MORTUARY (without a crematory)

\* HARDWARE STORE

\* HEALTH CARE FACILITIES [LDC Section 34-622(c)(20)]: Groups I - III

\* HELISTOP

\* HOBBY, TOY AND GAME SHOPS [LDC Section 34-622(c)(21)]

- \* HOTEL/MOTEL (LDC Section 34-1801 *et seq.*) - limited to 105 rooms
- \* HOUSEHOLD AND OFFICE FURNISHINGS [LDC Section 34-622(c)(22)], Groups I and II
- INSURANCE COMPANIES [LDC Section 34-622(c)(23)]
- \* LAUNDRY OR DRY CLEANING [LDC Section 34-622(c)(24)]: Group I
- \* LAWN AND GARDEN SUPPLY STORES (LDC Section 34-2081)
- LIBRARY
- MEDICAL OFFICE
- MODEL DISPLAY CENTER
- NONSTORE RETAILERS [LDC Section 34-622(c)(30)], All Groups
- \* PACKAGE STORE (LDC Section 34-1261 *et seq.*)
- PAINT, GLASS AND WALLPAPER
- PARKS [LDC Section 34-622(c)(32)]: Groups I and II
- PARKING LOT:
  - Accessory
  - Garage, public parking
  - Temporary (LDC Section 34-2022)
- PERSONAL SERVICES [LDC Section 34-622(c)(33)]: Groups I - III (\* ATM only)
- PET SERVICES
- PET SHOP
- \* PHARMACY
- PLACE OF WORSHIP (LDC Section 34-2051 *et seq.*)
- \* POST OFFICE
- \* PRINTING AND PUBLISHING [LDC Section 34-622(c)(36)]
- REAL ESTATE SALES OFFICE (LDC Sections 34-1951 *et seq.*, and 34-3021)
- \* RECREATION FACILITIES, Commercial [LDC Section 34-622(c)(38)]: Groups II and IV
- RELIGIOUS FACILITIES (LDC Section 34-2051 *et seq.*)
- \* RENTAL OR LEASING ESTABLISHMENT [LDC Section 34-622(c)(39)]: Groups I and II (LDC Section 34-1201 *et seq.*, 34-1352, and 34-3001 *et seq.*) - indoor storage only
- \* REPAIR SHOPS [LDC Section 34-622(c)(40)]: Groups I and II
- \* RESEARCH AND DEVELOPMENT LABORATORIES [LDC Section 34-622(c)(41)]: Groups II and IV
- \* RESTAURANT, FAST FOOD
- \* RESTAURANTS [LDC Section 34-622(c)(43)]: Groups I, II, and III
- \* SCHOOLS:
  - Commercial [LDC Section 34-622(c)(45)] (LDC Section 34-2381)
- \* SELF-SERVICE FUEL PUMPS
- SIGNS in accordance with Chapter 30
- SOCIAL SERVICES [LDC Section 34-622(c)(46)]: Group I only
- \* SPECIALTY RETAIL SHOPS [LDC Section 34-622(c)(47)]: Groups I - IV - NO outdoor storage
- STORAGE:
  - Indoor only, (LDC Section 34-3001 *et seq.*)
- STUDIOS [LDC Section 34-622(c)(49)]
- TEMPORARY USES (LDC Section 34-3041 *et seq.*)
- \* THEATER, indoor only (LDC Section 34-2471 *et seq.*)
- \* USED MERCHANDISE STORES [LDC Section 34-622(c)(54)]: Groups I and II
- \* VARIETY STORE
- \* VEHICLE AND EQUIPMENT DEALERS [LDC Section 34-622(c)(55)]: Group II only (LDC Section 34-1352)
- \* WHOLESALE ESTABLISHMENTS [LDC Section 34-622(c)(56)]: Group III only

4. Exhibit "B" (Attachment G to the Staff Report) sets out the Property Development Regulations within this planned development. No building located within the first 100 feet of the northern perimeter property line may exceed a height of 35 feet.
5. At the time of local development order, a detailed gopher tortoise management plan per LDC Section 10-474 must be submitted. This plan must provide for preservation of the 2.2 acres of pine flatwoods surrounding the gopher tortoise burrows, gopher tortoise fencing during construction activities, deed restrictions preventing pets and pedestrians from entering the preserve, interpretive signage delineating the boundaries of the preserve, and management guidelines to maintain the preserve as viable gopher tortoise habitat.
6. Prior to issuance of development orders for any portion of the project fronting the perimeter boundaries, the developer must provide a covenant running with the land showing a consistent architectural theme and landscaping design within the project that is compatible with and similar to any existing buildings and landscaping on this overall site.
7. The project will feature a minimum 25-foot-wide native landscaped arterial road buffer. In areas where native vegetation does not exist, the developer will plant five native trees and 15 native shrubs per 100 linear feet. This buffer must include a 2-foot-high undulating berm (with landscaping on the berm) running parallel to U.S. 41. New landscaping will be planted in a well designed and clustered manner.
8. Site identification signs, building identification signs, and directory signs must be architecturally integrated and compatible with the project's building design and color; unless stated otherwise, all signs must comply with the LDC.
9. At the time of local development order, open space must be provided per the open space table on the MCP. A total of 10.0 acres (with credits) of existing indigenous native vegetation must be preserved as delineated on the MCP.
10. Approval of this zoning request does not address mitigation of the project's vehicular or pedestrian traffic requirements. Additional conditions may be required to obtain a local development order, consistent with local development regulations.
11. This rezoning approval does not give the Developer an undeniable right to receive local development order approval that exceeds the Year 2010 Overlay use allocation, if such allocation exists, for the applicable district.

**SECTION C. DEVIATIONS:**

Deviation (1) requesting relief from LDC Sections 10-8(2) and 34-2013(a) which require that all parking lots be designed to permit vehicles exiting the parking lot to enter the street right-of-way or easement in a forward motion, to allow individual parking spaces to back onto the right-of-way or easement for common access drives and private local roads, IS APPROVED WITH THE FOLLOWING CONDITIONS:

- a) The deviation only applies to units with individual driveways and garages.
- b) The minimum dimension from the garage entrance to the street must be 25 feet, unless the garage is constructed with a side facing entrance rather than a front facing entrance.
- c) The posted speed of the adjacent roadway must be posted at 20 mph or less.

Deviation (2) has been WITHDRAWN.

Deviation (3) requesting relief from LDC Section 10-291(3) which requires, where practical, any residential development of at least five± acres to provide two or more means of ingress and egress, to allow only one means of ingress and egress, IS APPROVED WITH THE FOLLOWING CONDITIONS:

- a) An emergency turnaround of adequate dimension is provided for emergency service providers within each development pod.
- b) Each multi-family pod with one means of ingress and egress will not exceed 150 units.
- c) The local Fire and Emergency Service District must provide a letter of approval prior to local Development Order approval.

Deviation (4) was WITHDRAWN at hearing.

Deviation (5) requesting relief from LDC Section 10-329(e)(3) which requires the maximum depth of excavation not exceed 12 feet, to allow excavation not to exceed 20 feet as supported by a hydrogeological report, IS APPROVED WITH THE FOLLOWING CONDITIONS:

- a) The excavation dimension must be measured from the control elevation and not the dry season elevation.
- b) The "Camargo Trust Property Deep Lake Management Plan," dated January 1998 must be implemented prior to the issuance of a certificate of compliance.
- c) Documentation of the aeration system adequacy for each deep lake must be sealed by a professional engineer and approved by the Division of Planning, Environmental Sciences prior to development order issuance.
- d) The proposed planting locations of the wetland herbaceous plant requirements of LDC Section 10-418 and additional native shade trees must be graphically detailed as part of the Deep Lake Management Plan. All plants must be grouped or clustered around the lake perimeters.
- e) An as-built bathymetric survey for all lakes deeper than 12 feet is required. The survey must be submitted prior to certificate of compliance.

Deviation (6) requesting relief from LDC Section 34-2015(2) which prohibits stacked parking for multiple family dwelling units, to allow stacked parking for multiple family units which have a specific garage or driveway appurtenant to it, IS APPROVED.

SECTION D. EXHIBITS:

The following exhibits are attached to this resolution and incorporated by reference:

- |            |   |
|------------|---|
| Exhibit A. | The legal description and STRAP number of the subject property.                     |
| Exhibit B. | Property Development Regulations.   |
| Exhibit C. | A reduced copy of the Camargo Trust MPD Master Concept Plan.                        |
| Exhibit D. | A map depicting the subject parcel (shaded in) in relation to the surrounding area. |

SECTION E. FINDINGS AND CONCLUSIONS:

1. The Applicant proved entitlement to the MPD rezoning, as conditioned for 100,000 square feet of retail uses and 200,000 square feet of non-retail uses, by demonstrating compliance with the Lee Plan, the Land Development Code, and other applicable codes or regulations.
2. Approval of more than 100,000 square feet of retail uses, or uses having to meet the locational standards of Policy 6.1.2, even with conditions, is contrary to the intent of the Suburban land use designation, and will have adverse impacts on the surrounding uses and persons.
3. The MPD, as conditioned,
  - a. will meet or exceed all performance and locational standards set forth for the potential uses allowed by the request;
  - b. is consistent with the densities, intensities and general uses set forth in the Lee Plan;
  - c. is compatible with existing or planned uses in the surrounding area; and
  - d. will not adversely affect environmentally critical areas or natural resources.
4. Approval of the MPD, as conditioned, will not place an undue burden upon existing transportation or planned infrastructure facilities, and the development will be served by streets with the capacity to carry traffic it generates.
5. The proposed use or mix of uses is appropriate at the subject location.
6. The recommended conditions to the concept plan and other applicable regulations provide sufficient safeguard to the public interest, and are reasonably related to the impacts on the public interest created by or expected from the proposed development.
7. The requested deviations enhance the achievement of the objectives of the planned development, and preserve and promote the general intent of Chapter 34, Land Development Code, to protect the public health, safety and welfare.
8. Urban services, as defined in the Lee Plan, are, or will be, available and adequate to serve the proposed land use.

The foregoing resolution was adopted by the Lee County Board of Commissioners by a motion by Commissioner Andrew Coy, and seconded by Commissioner Ray Judah and, upon being put to a vote, the result was as follows:

|                      |     |
|----------------------|-----|
| John E. Manning      | Aye |
| Douglas R. St. Cerny | Aye |
| Ray Judah            | Aye |
| Andrew Coy           | Aye |
| John E. Albion       | Aye |

DULY PASSED AND ADOPTED this 29th day of June, 1998.

ATTEST:  
CHARLIE GREEN, CLERK

BY: *Maui Brown*  
Deputy Clerk

BOARD OF COUNTY COMMISSIONERS  
OF LEE COUNTY, FLORIDA

BY: *J. Manning*  
Chairman

Approved as to form by:

*Leahy*  
County Attorney's Office

CASE NO. 97-12-021.03Z 01.01

RESOLUTION NO. Z-98-029  
PAGE 8 OF 8

MINUTES DEPARTMENT

FILED JUL 8 1998  
*ma*

EXHIBIT "D"  
(Page 8 of 12)

Exhibit A

LEGAL DESCRIPTION

In Section 33, Township 46 South, Range 25 East, Lee County, Florida, more particularly described as follows:

Parcel 1

Commence at the Southwest corner of Section 33, Township 46 South, Range 25 East, Lee County, Florida;

THENCE run N00°31'21"W along the West line of the Southwest Quarter (SW¼) of said Section 33 for a distance of 30.00 feet to a point on the Northerly right-of-way line of Williams Road, a 60.00 foot right-of-way;

THENCE run N89°00'54"E along said Northerly right-of-way line for a distance of 1,382.17 feet to the POINT OF BEGINNING of the parcel of land herein described;

THENCE run N00°31'21"W for a distance of 1,845.84 feet;

THENCE run N88°52'56"E for a distance of 1,720.01 feet to a point on the Westerly right-of-way line of US Highway 41, State Road No. 45, a 200 foot right-of-way;

THENCE run S05°19'58"W along said Westerly right-of-way line for a distance of 1,860.16 feet to a point on the Northerly right-of-way line of Williams Road;

THENCE run S88°49'24"W along said Northerly right-of-way line for a distance of 268.34 feet to a point on the East line of the Southeast Quarter (SE¼) of the Southeast Quarter (SE¼) of the Southwest Quarter (SW¼) of said Section 33;

THENCE run S89°00'54"W along said Northerly right-of-way line for a distance of 1,261.87 feet to the POINT OF BEGINNING;

Containing 68.925 acres, more or less.

LESS AND EXCEPT the following described parcel of land:

A portion of the Southwest Quarter (SW¼) of Section 33, Township 46 South, Range 25 East, Lee County, Florida, being more particularly described as follows:

The Southeast Quarter (SE¼) of the Southeast Quarter (SE¼) of the Southwest Quarter (SW¼) of Section 33, Township 46 South, Range 25 East, Lee County, Florida, LESS the South 30.00 feet thereof;

Containing 9.598 acres, more or less.

PARCEL 2

Commence at the Southwest corner of Section 33, Township 46 South, Range 25 East, Lee County, Florida;

THENCE run N00°31'21"W along the West line of the Southwest Quarter (SW¼) of said Section 33 for a distance of 30.00 feet to a point of the Northerly right-of-way line of Williams Road (a 60 foot right-of-way);

THENCE run N89°00'54"E along said Northerly right-of-way line for a distance of 1,382.17 feet;

THENCE run N00°31'21"W for a distance of 2,045.85 feet to the POINT OF BEGINNING of the parcel of land herein described;

THENCE continue N00°31'21"W for a distance of 572.68 feet to a point on the North line of the Southwest Quarter (SW¼) of said Section 33;

THENCE run N88°52'56"E along the North line of the Southwest Quarter (SW¼) of said Section 33 for a distance of 1,799.34 feet to a point on the Westerly right-of-way line of US Hwy. 41 (State Road 45 - a 200 foot right-of-way);

THENCE run S05°19'58"W along said Westerly right-of-way line for a distance of 576.30 feet;

THENCE run S88°52'56"W for a distance of 1,740.54 feet to the POINT OF BEGINNING;

Containing 23.268 acres, more or less.

STRAP NUMBER

The applicant has indicated the subject property's STRAP# is 33-46-25-00-00001.0030.

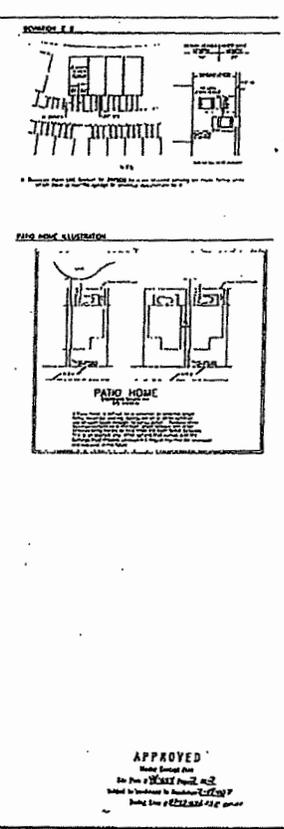
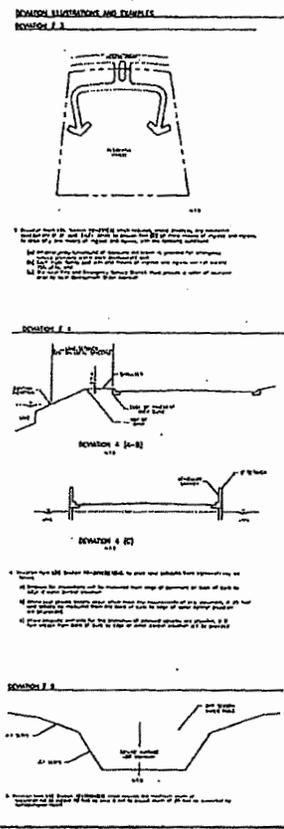


WILSON MILLER  
ARCHITECTS  
1000 ...  
CAMARGO TRUST PROPERTY  
MASTER CONCEPT PLAN  
PREPARED FOR THE CAMARGO TRUST

PRINTED  
JAN 23 1988  
SHEET NO. 11 OF 12  
PROJECT NO. 87-070  
DATE 1/17/88  
BY WILSON MILLER  
2 2

**SCHEDULE OF WORK**  
SECTION 10  
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**SECTION 10**  
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APPROVED  
WILSON MILLER  
ARCHITECTS  
1000 ...  
DATE 1/17/88  
BY WILSON MILLER



ADMINISTRATIVE AMENDMENT (PD) ADD2006-00224

ADMINISTRATIVE AMENDMENT  
LEE COUNTY, FLORIDA

WHEREAS, Win-Estero Ltd and Exxon-Mobil Oil Corporation filed an application for administrative approval to a Mixed-Use Planned Development on a project known as Paradise Shoppes of Estero for:

- A. Re-allocation of open space within the commercial portion of the project, and
- B. Re-allocation of acreage to individual parcels within the commercial portions of the project

on property located at 21700-2191 South Tamiami Trail, described more particularly as:

LEGAL DESCRIPTION: In Section 33, Township 46 South, Range 25 East, Lee County, Florida:

SEE ATTACHED TWO-PAGE "EXHIBIT A"

WHEREAS, the property was originally rezoned in case number 97-12-021.03Z (with subsequent amendments in case number DCI2004-00013); and

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

WHEREAS, the applicant has requested an amendment to re-allocate open space within the project while maintaining the required amount of open space in the project overall; and

WHEREAS, Parcel B-7 is an existing development which meets open space on its own, therefore it is not included in this application; and

WHEREAS, the sizes of the remaining parcels in the commercial portion of the project have also changed; and

WHEREAS, the updated Master Concept Plan (attached as "Exhibit B") depicts the new sizes for each commercial parcel; and

WHEREAS, the new Master Concept Plan also includes an updated Open Space Table indicating the amount of open space required per parcel within the commercial portions of the project; and

WHEREAS, due to the re-allocation of open space within the project, another table has been included (attached as "Exhibit C") which details the amount of open space per parcel that will be provided; and

WHEREAS, the open space parcel (Parcel B-0) contains 1.38 acres of surplus open space which is intended to be distributed to parcels B-1, B-4, B-5, B-6, and B-8; and

WHEREAS, parcels B-2/B-3 will provide 0.35 more than the 0.85 acres required by the original zoning Resolution; and

WHEREAS, the subject application was reviewed by the Environmental Sciences division and they have accepted the proposed allocation table; 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 a Mixed-Use Planned Development is **APPROVED, subject to the following conditions:**

1. The only amendments approved as part of this application are to re-size the commercial parcels in accordance with the amended Master Concept Plan and to re-allocate the open space within the project to allow Parcel B-0 to provide a portion of the open space for other parcels in the project's commercial development area.
2. The Development must be in compliance with the amended Master Concept Plan, stamped received January 26, 2007. Master Concept Plan for ADD2006-00224 is hereby APPROVED and adopted. A reduced copy is attached hereto.
3. The terms and conditions of the original zoning resolutions remain in full force and effect, except as herein amended.

DULY SIGNED this 12<sup>th</sup> day of February, A.D., 2007.

BY: Pam Houck

Pam Houck, Director  
Division of Zoning  
Department of Community Development

**EXHIBIT A**

**RECEIVED**

DEC 07 2006

**DESCRIPTION**

Parcel in  
Section 33, Township 46 South, Range 25 East  
Lee County, Florida

**COMMUNITY DEVELOPMENT**

**ADD 2006-00224**

A tract or parcel of land in Section 33, Township 46 South, Range 25 East, Lee County, Florida being part of lands described in official record book 2787, page 1398, Lee County Records, being more particularly described as follows.

From the southwest corner of the southwest quarter (SW 1/4) of Section 33, Township 46 South, Range 25 East, Lee County, Florida, run N00°58'23"W along the west line of said fraction for 30.00 feet to an intersection with the North right-of-way line of Williams Road (60 feet wide); thence run N88°33'52"E along said right-of-way line for 1382.17 feet to the Southeast corner of lands described in a deed recorded in Official Record Book 3516, at Page 1579, Lee County Records; said point being the POINT OF BEGINNING.

From said POINT OF BEGINNING run N00°58' 23"W along the east line of said lands for 1845.84 feet to the southwest corner of Pelican Sound Drive as described in a deed recorded in Official Record Book 3533, at Page 4459, Lee County Records, said point being designated as POINT "A"; thence run N88°25'54"E along the south right-of-way line of said Pelican Sound Drive for 1720.01 feet to an intersection with the westerly right of way line of Tamiami trail (State Road 45); thence run S04°52'56"W along said right of way line for 1860.03 feet to an intersection with the north right-of-way line of Williams Road; thence run S88°20'42"W along said right of way line 268.35 feet to an intersection with the east line of the Southwest Quarter (SW 1/4) of said section 33; thence run N01°03'48"W along said east line for 632.82 feet to the Northeast corner of the Southeast Quarter (SE 1/4) of the Southwest Quarter (SW 1/4) of said Section 33; thence run S88°32'50"W along the north line of said fraction for 660.73 feet to the northwest corner of said fraction; thence run S01°02'16"E along the west line of said fraction for 632.62 feet to an intersection with the north right-of-way line of Williams Road; thence run S88°33'52"W along said right-of-way line for 600.86 feet to the POINT OF BEGINNING.

Containing 59.33 acres, more or less.

AND

From the point designated POINT "A" run N00°58'23"W 200.01 feet to the Northwest corner of Pelican Sound Drive as described in a deed recorded in Official Record Book 3533, at Page 4459, Lee county records said point being the POINT OF BEGINNING.

From said POINT OF BEGINNING continue N00°58'23"W for 572.68 feet to an intersection with the North line of the Southwest Quarter (SW 1/4) of said section 33; thence run N88°25'54"E along said North line for 1799.34 feet to an intersection with the westerly right-of-way line of Tamiami Trail (State Road 45); thence run S04°52'56"W along said westerly right-of-way line for 576.30 feet to the Northeast corner of said Pelican Sound Drive; thence run S88°25'54"W parallel with the North line of said fraction and along the north line of said Pelican Sound Drive for 1740.54 feet to the POINT OF BEGINNING.

Containing 23.26 acres, more or less.

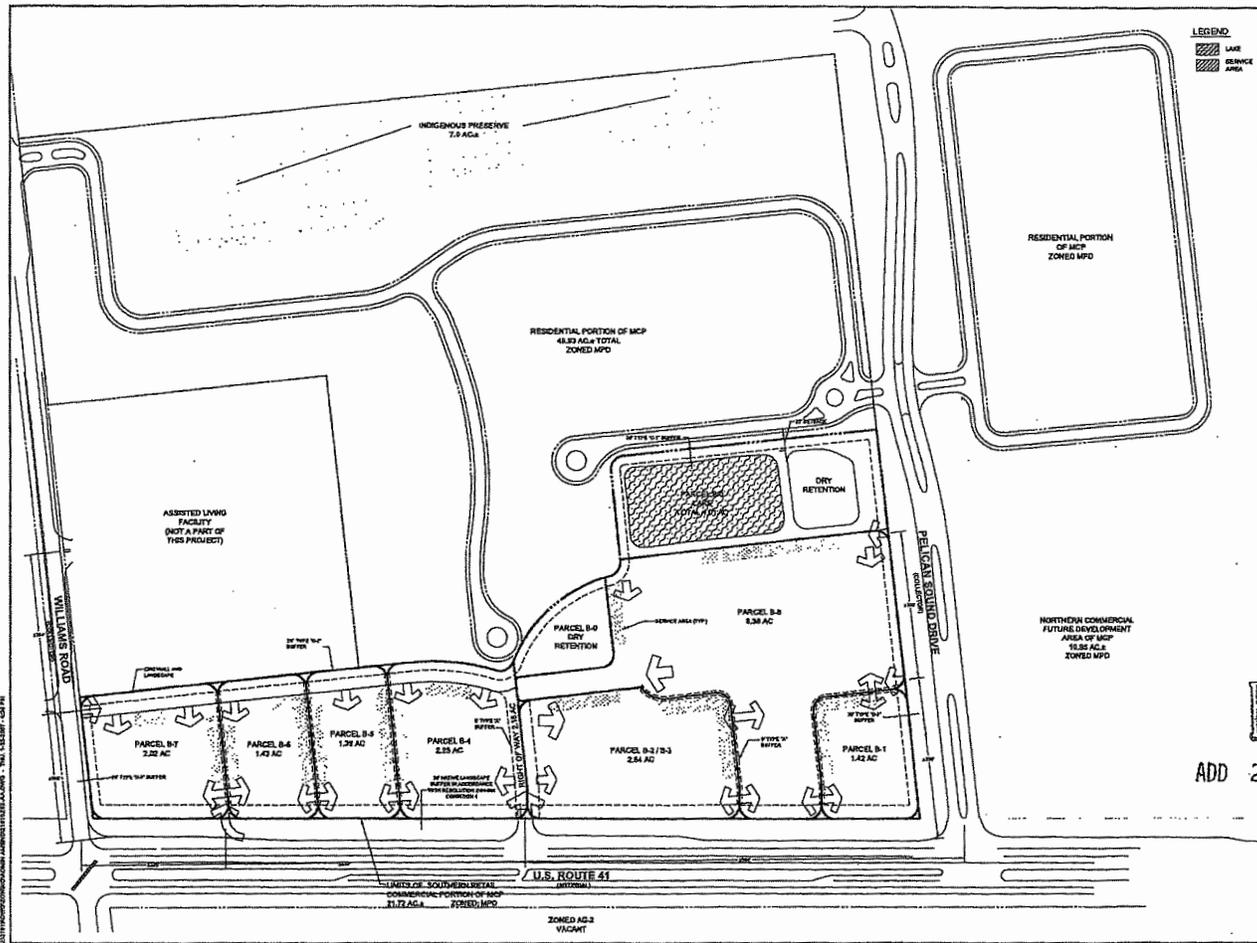
Containing a Total of 82.59 acres, more or less

Bearings hereinabove mentioned are State Plane for the Florida West Zone (1983/99 adjustment) and are based on the south line of the southwest quarter (SW 1/4) of said Section 33 to bear N88°33'52"E.

Applicant's Legal Checked  
by [Signature]

[Signature] 12/5/06  
Scott A. Wheeler (For The Firm)  
Professional Surveyor and Mapper  
Florida Certificate No. 5949





**EXHIBIT B**



MASTER CONCEPT PLAN  
 ADMINISTRATIVE AMENDMENT FOR  
 CAMARGO MPD  
 LEE COUNTY, FLORIDA  
 COMMERCIAL PORTION - SOUTH  
 November 29, 2004

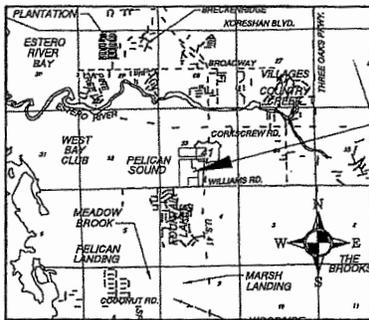
**RECEIVED**  
 JAN 26 2007

ADD 2006-00224

EXHIBIT B-J

0 50 100 200  
 SCALE IN FEET

Site2\barreco2.dwg



LOCATION MAP

SUBJECT PROPERTY

- USE DEVELOPMENT INTENT IMPLICATES SUGGESTED CONDITIONS:**
1. Open spaces and landscape preservation areas shall comply with Ordinance No. 2006-0222.
  2. Storm water shall be managed in accordance with Ordinance No. 2006-0222.
  3. All wetlands shall be preserved in accordance with Ordinance No. 2006-0222.
  4. All 300 yards shall be removed if the time of development order expires.

| RETAIL/COMMERCIAL INTENSITY |                 |                          |
|-----------------------------|-----------------|--------------------------|
| PANSEL ADDRESS              | PANSEL ADDRESS  | MAXIMUM SQUARE FOOTAGE * |
| PANSEL #1                   | 1.42            | 15,000                   |
| PANSEL #1(B)                | 1.36            | 21,500                   |
| PANSEL #2                   | 2.58            | 15,000                   |
| PANSEL #3                   | 1.95            | 21,500                   |
| PANSEL #4                   | 1.42            | 2,800                    |
| PANSEL #5                   | 2.46            | 15,000                   |
| PANSEL #6                   | 1.95            | 21,500                   |
| PANSEL #8                   | 1.42            | 15,000                   |
| TOTAL                       | 197.0 TO EXCEED | 150,000                  |

| OPEN SPACE TABLE   |                |                              |                              |
|--|----------------|------------------------------|------------------------------|
| PANSEL ADDRESS   | PANSEL ADDRESS | REQUIRED OPEN SPACE IN ACRES | PROPOSED OPEN SPACE IN ACRES |
| PANSEL #1  | 1.42           | 0.40                         | 0.40                         |
| PANSEL #1(B)   | 1.36           | 0.39                         | 0.40                         |
| PANSEL #2  | 2.58           | 0.39                         | 0.40                         |
| PANSEL #3  | 1.95           | 0.39                         | 0.40                         |
| PANSEL #4  | 1.42           | 0.40                         | 0.40                         |
| PANSEL #5  | 2.46           | 0.39                         | 0.40                         |
| PANSEL #6  | 1.95           | 0.39                         | 0.40                         |
| PANSEL #8  | 1.42           | 0.39                         | 0.40                         |
| TOTAL ADDRESS FOR SOUTH COMMERCIAL DEVELOPMENT AREA        | 21.72          | 0.39                         | 0.40                         |
| TOTAL ADDRESS FOR FUTURE NORTH COMMERCIAL DEVELOPMENT AREA | 16.80          | 2.20                         | 2.20                         |
| TOTAL COMMERCIAL ADDRESS                                   | 38.52          | 2.59                         | 2.60                         |
| TOTAL COMMERCIAL ADDRESS                                   | 38.52          | 2.59                         | 2.60                         |
| TOTAL  | 38.52          | 2.59                         | 2.60                         |

SEE ADMINISTRATIVE AGREEMENT ATTACHED HERETO

**Informal Open Space Provisions**

As per Resolution 2006-0222, Ordinance No. 2006-0222, Open Space Provisions shall be provided per the open space table in the MDCP. A total of 16.2 acres (with 10.0 acres of existing landscape areas) shall be provided in the residential portion of the MDCP. Calculations on the approved open space table are as follows:

|  |  |
|--|--|
| Open Space Required for Commercial Parcels at 20%  | 10.0   |
| Open Space Required for Residential Parcels at 10% | 2.2  |
| Total Open Space Required                          | 12.2 acres                                   |
| Informal Open Space Provided                       | 16.2 acres                                   |
| Informal Open Space Provided                       | 2.2 acres @ 10% per LOC Section 16-413(b)(2) |
| 2.2 acres @ 10% per LOC Section 16-413(b)(2)       | 2.2  |
| Total Informal Open Space Provided                 | 16.2 acres                                   |

16.2 acres (with 10.0 acres) of Informal open space may be provided in the residential portion of the MDCP.

**SURROUNDING ZONING AND LAND USES**

| DIRECTION | EXISTING LAND USE                |
|-----------|----------------------------------|
| NORTH     | MPD PELICAN SOUND DRIVE / VACANT |
| SOUTH     | CPD WILLIAMS ROAD / COMMERCIAL   |
| EAST      | AG-2 U.S. #1 / VACANT            |
| WEST      | MPD VACANT                       |

PANSEL #4 TO BE COMMERCIAL DEVELOPMENT

MASTER CONCEPT PLAN  
ADMINISTRATIVE AMENDMENT FOR  
CAMARGO MPD  
LEE COUNTY, FLORIDA  
COMMERCIAL PORTION - SOUTH  
November 29, 2004

RECEIVED  
JAN 26 2007

ADD 2006-00224

EXHIBIT 6-J

Paradise Shoppes of Estero  
 Administrative Amendment for Open  
 Space - Spreadsheet  
 REVISED January 2007

| Parcel       | D.O. Number   | Parcel Area (acres, including lake) | Lake Area   | Open Space Required | Open Space Provided per Parcel (not including lake acreage) | Total Surplus/Deficit Open Space | 25% Lake Allocation                              | Remaining Open Space to be Re-Allocated | Open Space Credit from Parcel B-0 Lake/Stormwater Mgmt. | Total Open Space Provided | Total Surplus Open Space |
|--------------|---------------|-------------------------------------|-------------|---------------------|---|----------------------------------|--|---|---|---------------------------|--------------------------|
| B-1          |               | 1.42                                |             | 0.43                | 0.37  | -0.06                            |  |   | 0.06  | 0.43                      |                          |
| B-2/B-3      |               | 2.34                                |             | 0.85                | 1.20  | 0.35                             |  | 0.35                                    | 0   | 0.85                      | 0.35                     |
| B-4          |               | 2.25                                |             | 0.58                | 0.50  | -0.18                            |  |   | 0.18  | 0.68                      |                          |
| B-5          |               | 1.39                                |             | 0.42                | 0.30  | -0.12                            |  |   | 0.12  | 0.42                      |                          |
| B-6          |               | 1.43                                |             | 0.43                | 0.36  | -0.07                            |  |   | 0.07  | 0.43                      |                          |
| B-8          | DOS2005-00175 | 6.36                                |             | 1.91                | 1.55  | -0.36                            |  |   | 0.36  | 1.91                      |                          |
| B-0          | DOS2004-00005 | 4.01                                | 1.41        | 1.20                | 1.10  | 1.38                             | 0.23 (applied to open space req. for Parcel B-0) | 1.38                                    | 0   | 0.95                      | 0.43                     |
| <b>Total</b> |               | <b>19.7</b>                         | <b>1.41</b> | <b>5.91</b>         | <b>5.38</b>   | <b>0.95</b>                      |  |   | <b>0.79</b>   | <b>5.67</b>               | <b>0.68</b>              |

ADD 2006-00224

RECEIVED  
 JAN 26 2007  
 ZONING

EXHIBIT C

ADMINISTRATIVE AMENDMENT (PD) ADD2007-00155

ADMINISTRATIVE AMENDMENT  
LEE COUNTY, FLORIDA

WHEREAS, Win Estero Ltd., filed an application for administrative approval to a Mixed Use Planned Development (MPD) on a project known as Paradise Shoppes of Estero **to add Business Services, Group II to the Schedule of Uses adopted in resolution #Z-04-068** on property located at 21740 So. Tamiami Trail, Fort Myers, FL described more particularly as:

LEGAL DESCRIPTION: In Section 33, Township 46 South, Range 25 East, Lee County, Florida:

See Exhibit "A"

WHEREAS, the property was originally rezoned in case number 97-12-021-03Z 01.01 (with subsequent amendments in case numbers DCI2004-00013/Resolution #Z-04-068); and

WHEREAS, the subject property is located in the Suburban Future Land Use Category as designated by the ; and

WHEREAS, the applicant has indicated the property's current STRAP number is 33-46-28-00008.0000; and

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

WHEREAS, the applicant has requested to administratively amend the planned development to add "Business Services, Group II" to the schedule of uses; and

WHEREAS, the intent of the application is to allow a "Fed Ex/Kinkos" (packaging and copy services) located in Parcel 8 as shown on the Master Concept Plan; and

WHEREAS, "Parcel and Express Services" under Business Services, Group II, will allow for the applicant's proposed use; and

WHEREAS, the schedule of uses for the MPD currently allows Business Services, Group I, Car Wash, Clothing Stores, Drugstore, Personal Services, Group I, Group II and Group III (with limitations), Post Office, and other commercial office and retail uses; and

WHEREAS, the schedule of uses for the MPD currently allows Rental and Leasing Establishments and Specialty Retail with limitations on outdoor storage and display; and

WHEREAS, this proposed use is either similar to or less intensive than other commercial uses already allowed in the MPD; 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.

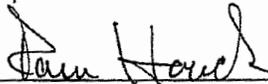
NOW, THEREFORE, IT IS HEREBY DETERMINED that the application for administrative approval for an amendment **to add *Business Services Group II* to the Schedule of Uses adopted in Resolution #Z-04-068** for a Mixed- Use Planned Development is **APPROVED**, subject to the following conditions:

1. The approval is limited to the addition of ***Business Services, Group II*** (limited to Parcel and Express Services) to the approved schedule of uses for the MPD. No other changes have been approved as part of this Administrative Amendment.
2. Resolution #Z-04-068, Conditions #3a, Schedule of Uses, Permitted Uses within the CPD district, is hereby amended by adding "Business Services, Group II" as a permissible use as follows:

**Business Services, Group I, and Group II -  
limited to Parcel and Express Services.  
and limited to Parcel 8 only.  
All storage must be indoors.  
Outdoor storage and display are prohibited.  
No other Group II Business Services are permitted.**

3. The terms and conditions of the original zoning resolutions remain in full force and effect, except as herein amended.

DULY SIGNED this 20th day of August, A.D., 2007.

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

**EXHIBIT A**

**Legal Description**

**Paradise Shoppes of Estero, a subdivision according to the Plat  
recorded in Official Records Instrument Number 2007-000106415 of the  
Public Records of Lee County, Florida.**

ADD 2007-001525

**Applicant's Legal Checked**  
by BSJ 8/15/07





ADMINISTRATIVE AMENDMENT (PD) ADD2014-00147

ADMINISTRATIVE AMENDMENT  
LEE COUNTY, FLORIDA

WHEREAS, Joshua Parra, DVM, Florida Veterinary Referral Center filed an application for an administrative amendment to a Mixed Use Planned Development on a project known as Shoppes of Estero to add the use of "Animal Clinic" within the planned development on property located at 21700 South Tamiami Trail, described more particularly as:

LEGAL DESCRIPTION: In Section 33, Township 46 South, Range 25 East, Lee County, Florida:

ATTACHED AS EXHIBIT "A"

WHEREAS, the property was originally rezoned in Resolution Number Z-98-029 (with subsequent amendments in ADD2003-00184, Resolution Z-04-068, ADD2003-00157, Resolution Z-06-011, ADD2006-00224, and ADD2007-00155); and

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

WHEREAS, the subject property is shown to be outside of a FEMA regulatory floodway; 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 request is to allow the addition of the use of Animal Clinic as a permitted use within the planned development limiting this use to not allow any outdoor pens, enclosures, or dog runs; and

WHEREAS, the request was presented to the Estero Community in a public informational meeting before the Estero Planning Panel on July 21, 2014; and

WHEREAS, the Panel concluded they were in favor of the proposal agreeing that this should be handled by Lee County as an administrative amendment conditioned with no outside kennels or runs and would comply with the Estero architectural standards; 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, the use is similar in nature to other uses already allowed within the planned development; and

WHEREAS, it is found that the addition of the use of Animal Clinic will not increase density or intensity within the development; will not decrease buffers or open space required by the LDC; will not underutilize public resources or infrastructure; will not reduce total open space, buffering, landscaping or preservation areas; and will not otherwise adversely impact on surrounding land uses as conditioned.

NOW, THEREFORE, IT IS HEREBY DETERMINED that the application for administrative approval to add the use of "Animal Clinic" within the Mixed Use Planned Development is **APPROVED, subject to the following conditions:**

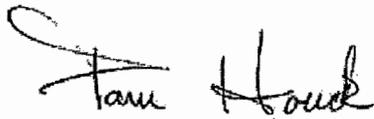
1. **The terms and conditions of the original zoning resolution (Z-98-029), as amended, remain in full force and effect.**
2. **This amendment does not change or amend the current approved Master Concept Plan.**

3. **The Schedule of Uses is hereby amended to add:**

**Animals: Clinic (df) (with outdoor pens/kennels, enclosures, and dog runs prohibited)**

4. **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 Director 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 AND ADOPTED ON 8/19/2014

BY:   
\_\_\_\_\_  
Electronically Signed by  
Pam Houck, Director  
Division of Zoning  
Department of Community Development

ADD2014-00147 Lee County ePlan

**APPROVED**  
**ADD2014-00147**  
**Chick Jakacki, Planner**  
**Lee Co Division of Zoning**  
**8/13/2014**

## EXHIBIT A

### LEGAL DESCRIPTION

PARCEL 1, PARADISE SHOPPES OF ESTERO, A PARCEL IN A SUBDIVISION, LOCATED IN SECTION 33, TOWNSHIP 46 SOUTH, RANGE 25 EAST, ACCORDING TO THE PLAT THEREOF ON FILE AND RECORDED IN INSTRUMENT NUMBER 2007-106415 OF THE PUBLIC RECORDS OF LEE COUNTY, FLORIDA.

### STRAP NUMBER

33-46-25-28-00001.0000