

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

WHEREAS, Cypress Lake Associates, represented by Wal-Mart, Inc., in reference to Wal-Mart Expansion at Cypress Lake Center, have properly filed an application to amend Phase II CPD (Resolution Z-90-070); and

WHEREAS, the subject property is located at 7101 Cypress Lake Drive, described more particularly as:

LEGAL DESCRIPTION: In Section 23, Township 45 South, Range 24 East, Lee County, Florida:

PHASE II

A tract or parcel of land situated in the State of Florida, County of Lee-, **Section 23**, Township 45 South, Range 24 East, and further bounded and described as follows:

Lot 6 and Tract B, Cypress Lake Center, Phase II, as **recorded in** Plat Book 39 at Pages 22 through 24, inclusive, Public **Records of said Lee** County, Florida.

LESS AND EXCEPT Phase B-1, Cypress Lake Center, as recorded in Plat Book 43 at Page 11, Public Records of said Lee County;

WHEREAS, the applicant has indicated the property's current STRAP numbers are **23-45-24-44-00000.B000** and 23-45-24-44-00000.0060; and

WHEREAS, proper authorization has been given to Bean, Whitaker, Lutz & Barnes by Frank J. Cannon, General Partner, Cypress Lake Associates, the owner, and Curtis H. Barlow, Vice President, Wal-Mart Stores, the contract purchaser of the subject parcel, to act as agent to pursue this zoning application; and

WHEREAS, a public hearing was legally and properly advertised and held before the Lee County Hearing Examiner, with full consideration of all the evidence available; and the Lee County Hearing Examiner fully reviewed the matter in a public hearing' held on February 4, 1992, and 'subsequently continued to May 29, 1992; and

WHEREAS, a public hearing was legally and properly advertised 'and held before the Lee County Board of County Commissioners; and in the legislative process the Lee County Board of County Commissioners gave full and complete consideration to the recommendations of the staff, the Hearing Examiner, the documents on file with the county, and the testimony of all interested

7-20-92

persons.

NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF COUNTY COMMISSIONERS, that the Board of County Commissioners does hereby APPROVE WITH CONDITIONS the request to amend Phase II CPD.

The Master Concept Plan, which deviates from certain Lee County Standards, is subject to the following conditions:

1. At the time the owner of Phase II CPD (Z-90-070) seeks an amendment to Resolution Z-90-070 or the DRI Development Order #7-8384-47, the revised Master Concept Plan for Phase II CPD shall exclude Lot 2.
2. The **conditions** and deviations of Resolution Z-90-070 no longer apply to Lot 2.
3. Phase II CPD is amended to delete Lot 2 from the legal description.
4. Phase II CPD, Resolution Z-90-070 is amended to permit 25,986 square feet of retail commercial use instead of 61,805 square feet (see Exhibit A).
5. Phase II CPD is subject to compliance with the approved totals of retail building area contained in the Cypress Lake Center DRI Development Order #7-8384-7, as amended, and all conditions of the DRI Development Order & **Resolution Z-90-070** shall remain in full force and effect, except as modified, and are incorporated herein by reference.

Site Plan 92-011 is attached hereto and incorporated herein by reference, as a reduced copy of the Master Concept Plan.

The following findings of fact were made in conjunction with this request:

- A. That the subject Development of Regional Impact (DRI) development order amendment request will not result in any increased use intensity within the development, and merely re-allocates previously approved development rights between component parcels within the overall project.
- B. That the proposed amendment does not affect the project's compatibility with existing or planned uses within the approved DRI project, and will not act to create any hazard, nuisance or other detriment to persons or property within the development or on property situated adjacent to or in the near vicinity of the development.
- C. That, as an approved, vested DRI development, considerations of Lee Plan consistencies and locational standards are not relevant since the request presented in this application does not incorporate any use or intensity increases.
- D. That the deviations are the minimum necessary to advance the purposes of the development while providing for the adequate protection of public interests and for preventing significant adverse impacts on adjacent or near vicinity uses.
- E. That the conditions, together with other applicable regulations, will act to provide sufficient safeguards to insulate public interests from **any** adverse impacts that could reasonably arise from the requested development amendment.

- F. That the subject requests will have no adverse impacts on environmentally sensitive areas or valued natural resources.
- G. That approval of the subject requests will not result in the imposition of additional burdens on existing transportation facilities serving the subject DRI development, since no additional **traffic-** generating uses beyond those already approved are proposed.

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

John E. Manning	Aye
Douglas R. St. Cerny	Aye
Ray Judah	Aye
Vicki Lopez-Wolfe	Absent
Donald D. Slisher	Aye

DULY PASSED AND ADOPTED this 20th day of July, A.D., 1992.

ATTEST:
CHARLIE GREEN, CLERK

BY: *Clara J. C. Green*,
 Deputy Clerk

BOARD OF COUNTY COMMISSIONERS
 OF LEE COUNTY, FLORIDA

BY: *[Signature]*
 Chairman

Approved as to form by:

[Signature]
 County Attorney's Office

FILED

JUL 31 1992

CLERK CIRCUIT COURT
 BY *Carol H. D.C.*

TRACT B
SCOTT'S

TRACT B
SCOTT'S

TRACT A
PART OF 2-87-186/1
SEE SHEET 2 OF 3
FOR PARKING & SQUARE FOOTAGE
PLAN OF SHOPPING CENTER

TRACT F
DR. SPANGLER CAR WASH

20,000 S.F. EXPANSION

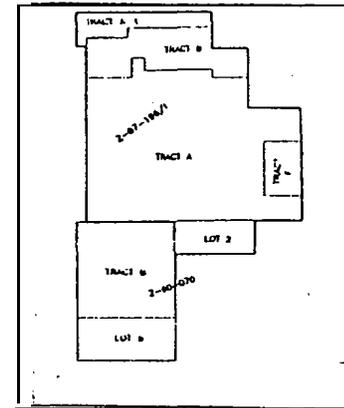
TRACT H & LOT 6
PHASE 2

EMPLOYEE PARKING

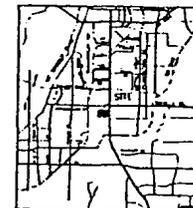
LOT 2 PART OF 2-90-01

CYPRESS TENNACE RD

LAKE AVE RD



LIMITS OF AMENDMENT REQUEST



VICINITY SKETCH
R.T.S.

APPROVED
MAY 13 1992
RECEIVED
MAY 13 1992
ZONING COUNTER
PRINTED
MAY 14 1992

MASTER CONCEPT PLAN AMENDMENT TO CPD 2-87-186 & 2-90-010
WAL-MART AT CYPRESS LAKE CENTER
LEE COUNTY, FLORIDA

Bean, Whitaker, Lutz & Barnes, Inc.
CONSULTING ENGINEERS AND SURVEYORS

DATE	PROJECT #	DRAWN	CHECKED	SCALE	FILE NO.
5-13-92	MEMPHIS	TKL		1"=40'	92-05-01

1	13-13-92	REVISE TEXT AND PARKING	TKL
2	13-13-92	REVISE TEXT AND PARKING	TKL
3	13-13-92	REVISE PARKING LOT	TKL
4	13-13-92	REVISE PARKING LOT	TKL

Existing Retail Commercial Square Footage of Lot 1, 2, 3 & 4

Walmart	47,997 SF
Scally's (includes 4000 sq ft under roof storage)	48,298 SF
Retail Retail Space (includes 8500 SF of restaurants)	79,861 SF
Spartan Car Wash/Grease	3,182 SF
Subtotal - CPD Phase I	239,328 SF
Amigos	8,228 SF
Appliance	3,788 SF
Best Foods	3,804 SF
Amoco Gas Station	1,831 SF
Overseas Motors	41,378 SF
Total	289,754 SF

Approved Retail Commercial SF	336,346 SF
Existing Retail Commercial SF	289,754 SF
Remaining Retail Commercial SF	46,592 SF
Less proposed multi-unit expansion	20,600 SF
Remaining Retail Commercial SF in 1997 District after multi-unit expansion	25,992 SF

Phase I CPD 2 of 1997 - Existing Retail Commercial Square Footage

Approved Retail Commercial Square Footage	240,000 SF
Existing Retail Commercial Square Footage	239,328 SF
Total Retail Square Footage remaining in Phase I CPD	6,672 SF

Phase II CPD 2 of 1997 - Existing Retail Commercial Square Footage

Approved Retail Commercial Square Footage	61,000 SF
Remaining Retail Commercial SF	46,592 SF
Less SF allocated by the staff	20,600 SF
Remaining Retail Commercial SF in Phase II CPD	25,992 SF

Land Use Map - Phase I and II CPD 2 of 1997 - Existing Development

Total Site - 25.37 Ac

Land Use - Intensive Development

Open Space Provided - 286,100 SF

Parking Provided - 1,242 (includes 82 H.C. spaces to be reconfigured)

Height - 35'

Schedule of uses limited to all permitted uses of CC Zoning District currently set forth in Section 632.07(3) as well as the following: variety store, wholesale establishment, Group 111 A, Insurance Companies, Social Services - Group 1 B, 11; non-store hospitals - Group 1, 11 & 111.

Land Use Code - Phase II CPD 2-99-999 - Planned but not yet approved

Total Site - 11.7 A

Land Use - Intensive Development

Open Space - 4.38 Ac (for District Phase II)

Height - 20' for Small Development into retail lots

Height 15' above 10'10" grade maximum

Total Site Area 10.2 A

Schedule of uses included a all uses permitted by right in the CC and CC zoning districts

Amend Lot 2 of 1967 and Lot 3 of 1967 to Intensive Use District

Amend Lot 2 of 1967 and Lot 3 of 1967 to Intensive Use District

Phase I

Lot 2, Phase II	= 25.37 Ac
Total Site Area	= 25.37 Ac

Total Existing Retail SF

Expansion Size	= 239,328 SF
Amended Retail Commercial SF	= 259,925 SF

Amended Open Space Calculation

= 25.37 Ac x 20%	= 5,074 SF
= 1.96 Ac x 30%	= 5,878 SF
Amended Total Open Space	= 10,952 SF

Amended Parking Calculations and Details:

Total Parking Requirement (1415 x 83)	= 1,184,450 spaces
Mobile Spaces per Amendment (1242 x 284)	= 352,728 spaces (includes 36 H.C. spaces)

Amended Schedule of Uses

- 20,600 SF expansion of the existing multi-unit within Phase I for retail and storage space (expansion of parking for employees on lot 3)
- All uses approved in Resolution 2-87-196/1 to remain in effect for the amended amendment
- The parking area identified on Lot 2 as indicated on the Master Concept Plan shall be located in the industrial zone and shall not be utilized to service any other district and/or the shopping center that may be brought about through an amendment to zoning
- All developments and conditions approved in Resolution No. 2-87-196/1 shall apply to Lot 2 except that Condition 5 of 2-87-196/1 shall not apply to Lot 2
- All developments, conditions and uses of Resolution 2-88-078 shall no longer apply to Lot 2
- Phase I CPD 2-87-196/1 is amended to add Lot 3, Phase II, Cypress Lake Center, as recorded in Plat Book 39, Page 22, Public Records of Lee County. Phase II CPD 2-88-078 is amended to delete Lot 2 from the legal description of Phase II, Cypress Lake Center, as recorded in Plat Book 39, Page 22, Public Records of Lee County.
- Phase I and Phase II CPD's as amended are subject to compliance with the approved lot split contained in the Cypress Lake Center (All Development) Order 7-838-42
- Increase to 239,925 S.F. of retail commercial use in the amended CPD 2-87-196/1 to accommodate the multi-unit expansion within phase I

Schedule of Exemptions and Justifications - AMENDED

- Deviation from Section 632.07(3) of the Lee County Zoning Regulations which require all structures and improvements to be set back from the easement perimeter a distance equal to the width of a minimum lot area (more than 100' or 110' feet, whichever is greater, to allow all structures and improvements to be set back a minimum of 5 feet from the development perimeter along the common lot line between Parcel "A", Phase I, and Lot 2, Phase II of Cypress Lake Center
- Deviation from 1C29 Ordinance 88-18, Section 586.22.1 requirement that uses with 10,000 SF or more must file and post the receipt or distribution by vehicles of materials or merchandise shall have at least one permanent maintained driveway serving the lot. The first 10,000 SF of the additional area for each 20,000 SF or fraction thereof, gross floor area over the first 10,000 SF shall be given a total of ten loading bays for the building area [Parcel "A"]
- Deviation No. 2 will allow the staff to maintain their existing loading bays based on written justification that no more are needed. This justification to be presented at time of final development plan application
- Deviation from 1C1M Ordinance 88-18, Section 586.21.1.2 requirement that restaurants provide sixteen (16) spaces for each one thousand (1000) square feet of floor area to allow for drive-through, fast-food service, fast-food restaurant use within CPD 2-37-196/1 is no calculation of the Commercial retail site already approved in CPD 7-838-42 of 4.5/1989 to allow the existing parking spaces within the CPD for Phase I to be reduced from 171 to 16
- Deviation No. 3 will allow the parking deficit to be reduced for the total shopping center when spaces in Parcel "A" are constructed. The total number of additional parking spaces on Lot 2 are constructed and additional parking spaces on Lot 2 are constructed to allow for the total parking deficit to be reduced from 1216 spaces to be provided. Twenty-one (21) additional spaces are possible by approval of this deviation
- Deviation from DSO Ordinance 82-42, Section C.5.a.6.b requirement that landscaped islands shall be used to subdivide parking areas into parking bays of not over 48 spaces per bay and that no more than 28 spaces occur in an unsheltered row to allow a maximum number of parking spaces in each bay on Parcel "A" in front of the mall
- Deviation No. 4 will allow reconfiguring and restriping of the parking referenced above to help alleviate the existing parking deficit. This deviation implements conditions set forth by the County Zoning staff in their review of the amendment request. Twenty-seven additional spaces are possible by approval of this deviation

General Notes

- All discharge, setbacks and site design to comply with South Florida water management district regulations in effect at time of development. Cypress Lake Center I and II have received final Development Order for drainage and infrastructure (D.O. 8-12-83) (D.O. 88-09-12)
- While Cypress Lake Center Phase II is a plot of record, this amendment affecting Lot 2 will in no way affect other land owners within the subdivision from requesting future replot, lot line reconfigurations or standards set forth in resolution 2-88-078
- A certain design flexibility shall remain for the location and size of parking islands on Lot 2 until final plan approval. However, 300' wide space will be maintained on Lot 2
- The forty two (42) parking spaces proposed in the plan area of Parcel "A" will be constructed no later than December 1, 1993, or six months after the resolution of pending litigation involving the shopping center owner and current tenant, Inc-A-Dome
- Designation of employee parking and signage will comply with the intent of the declaration of covenants and restrictions recorded in O.R. Book 1848, Page 2885, throughout the Cypress Lake Shopping Center
- AFDO 25 approved 12-15-88 allowed Spartan Car Wash and Quick Lube auto repair a total of 5,187 sq ft 2082 sq ft have been constructed for the car wash. An additional 2580 sq ft remain to be built for the Quick Lube auto repair. AFDO 25 is void until December 12, 1993 unless extended pursuant to DSC regulations prior to that date.
- AFDO 25 12-15-88 requires minimum (12) additional parking spaces based on three service bays at four spaces per bay for the Quick Lube auto repair.

APPROVED

Master Concept Plan

Site Plan - 2-22-92 Page 10 of 12

Subject to conditions in Resolution 2-87-196/1

Zoning Code - 25.37-196/1

RECEIVED

MAY 13 1992

MAY 14 1992

ZONING COUNTER

MASTER CONCEPT PLAN AMENDMENT TO CPD 2-87-196/1 & 2-90-170

WALMART AT CYPRESS LAKE CENTER

LEE COUNTY, FLORIDA

Bean, Whitaker, Lutz & Barnes, Inc.

CONSULTING ENGINEERS AND SURVEYORS

13111 S. HOLLAND BOULEVARD, SUITE 100, CAPE CORAL, FLORIDA 33904

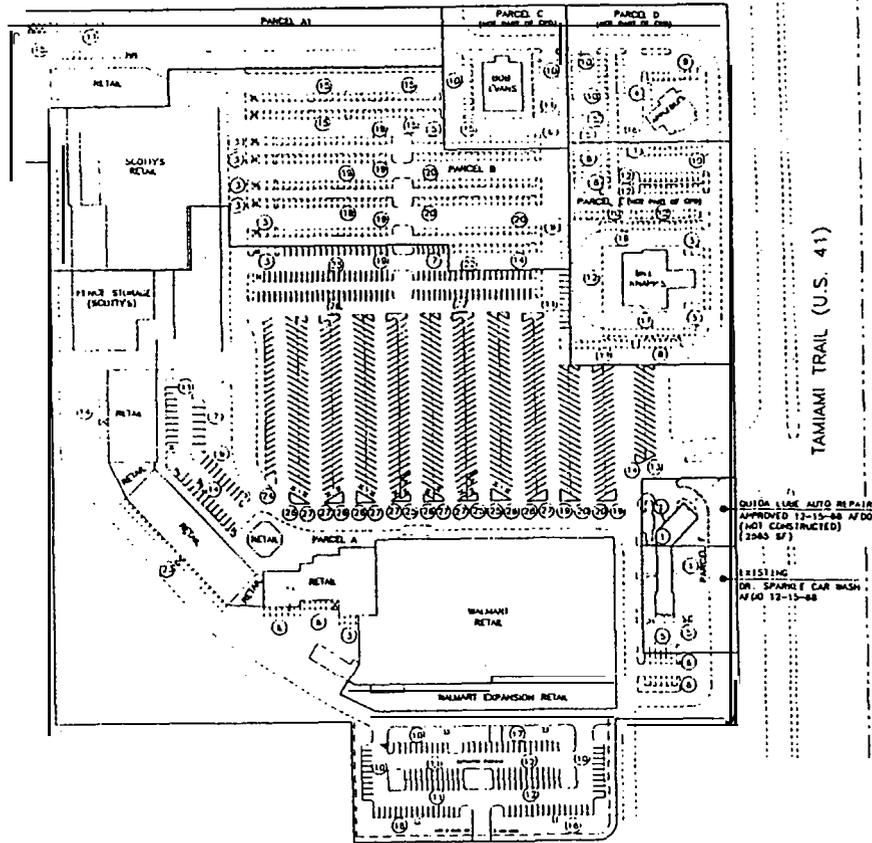
(813) 481-1234

(813) 779-1234

NO.	DATE	REVISION DESCRIPTION	BY
1	3-13-92	REVISE CALC. & TEXT	JL
2			
3			
4			
5			
6			
7			
8			
9			
10			

DATE	PROJECT NO.	DESIGNED	DRAWN	CHECKED	SCALE	DATE
3-13-92	SPR33002	TR	TL	TR	H.T.S.	Vol. 8, p. 2

CYPRESS LAKE DRIVE



TAMIAMI TRAIL (U.S. 41)

CYPRESS LAKE SHOPPING CENTER PARKING CALCULATIONS

Existing Conditions	Total SF	No. Required/Unit	Total Required
Walmart	87,862	4.5/1000 SF	437
Scotty's Includes Green Center and Under Aisle Storage	53,868	4.5/1000 SF	256
Scotty's Fenced Storage Area	23,185	1/1000 SF	16
Separate Car Wash	2,882	6 spots @ 2/spot	12
Retail Restroom	73,344	4.5/1000 SF	338
ICBT	1,800	16/1000 SF	16
Loc. Store @ Regatta	1,500	16/1000 SF	24
Mc J's	2,400	16/1000	39
Berry's Pizza	1,600	16/1000	26
Anappa	8,228	16/1000	132
Abrosio's	3,700	16/1000	60
Doc Evans	5,894	16/1000	82
Total Parking Required			1,413
Existing Parking (Locations)			1,242
Existing Parking Deficit			171 Spaces
Additional Parking Provided by Amendment			
Walmart (Includes Parking Provided on Lot 2 (28,888 Expansion @ 4.5/1000) Required =			129 Spaces
Separate Parking on Lot 2			32 Spaces
Existing Spaces Gained by Removing Impediments, Re-striping Drive, Re-striping in Rear of Restroom			10
Approved Parking in Allow Area to be Constructed (See Note #1 on Sheet 2 of 3)			42
Spaces Gained by Re-striping and Re-striping in front of Walmart (Parcel A)			27
Spaces Gained by Approval of Amendment #3			75
Total of Additional Parking Spaces			284
Total Parking Required (1413 + 83)			1,506 Spaces
Total Usable Spaces Provided (1242 + 284)			1,526 Spaces

Existing Retail Commercial Square Footage in Lot 7-8304-47

Walmart	87,862 SF
Scotty's (Includes 888 SF Under Aisle Storage)	48,788 SF
Retail Retail Space (Includes 8500 SF of Restaurants)	78,800 SF
Separate Car Wash/Service Lane	2,187 SF
Subtotal - C/P Phase 1	216,323 SF
Anappa	8,228 SF
Abrosio's	3,700 SF
Doc Evans	5,894 SF
Amco Gas Station	1,831 SF
Overseas Uniforms	11,229 SF
Total	246,754 SF
Approved Retail Commercial SF	236,349 SF
Existing Retail Commercial SF	246,754 SF
Remaining C/P Retail Commercial SF	10,405 SF
Less Proposed Retail Expansion SF	(28,888 SF)
Remaining Retail Commercial SF in Lot 7-8304-47 After Walmart Expansion	21,517 SF

RECEIVED
MAY 13 1992

APPROVED

Master Concept Plan
See Plan - 12-22-91 Page 3 of 3
Subject to Conditions of Resolution 12-22-91
Zoning Case - 12-22-91

ZONING COUNTY 14
PRINTED
MAY 14 1992

CONCEPTUAL PARKING & RETAIL SQUARE FOOTAGE PLAN ONLY

ATTACHMENT "A" TO MASTER CONCEPT PLAN
WALMART AT CYPRESS LAKE CENTER
LEE COUNTY, FLORIDA

Bean, Whitaker, Lutz & Barnes, Inc.
CONSULTING ENGINEERS AND SURVEYORS

1811-B HICKORYWOOD BOULEVARD, SUITE 100, TAMPA, FLORIDA 33611 (813) 486-3344
4000 10th PLACE, SUITE 100, TAMPA, FLORIDA 33610 (813) 778-1111

NO.	DATE	DESCRIPTION	BY	CHECKED	SCALE	SHEET NO. OF TOTAL SHEETS
1	04-19-92	REVISED CALC & PLAN	TL	TL	1"=110'	24 of 24
2	04-23-92	REVISED CALCULATIONS	TL	TL		
3	04-27-92	REVISED CALCULATIONS	TL	TL		