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ADMINISTRATIVE AMENDMENT PD-98-035

ADMINISTRATIVE AMENDMENT
LEE COUNTY, FLORIDA

WHEREAS, Land Investment Corporation of Naples filed an application Final Plan Approval to a Planned Development on a project known as Pelican Brooks Center for request on property located at Southwest corner of intersection of U.S. 41 and Coconut Road and two deviations requesting:

- 1) A deviation granting relief from the Land Development Code (LDC), Section 10-329(e)(1)a.3. to reduce the water body setback from 50 feet to 20 feet of any private property line under separate ownership for lake-1; and
- 2) A deviation granting relief from the Land Development Code (LDC), Section 10-329(e)(1)a.3. to reduce the water body setback from 50 feet to zero (0) feet of any private property line under separate ownership for lake-2;

on land described more particularly as:

LEGAL DESCRIPTION: In Section 09, Township 47 South, Range 25 East, Lee County, Florida:

A parcel of land located in Section 09, Township 47 South, Range 25 East, Lee County, Florida, being more particularly described as follows:

Commence at the Southerly most corner of Tract "A" (North Commons Drive, a 60 foot wide right-of-way), as shown on the plat of Pelican Landing, Unit Twenty-Two, recorded in Plat Book 58 at Pages 17 through 21 of the Public Records of Lee County, Florida, and being a point on the Northerly right-of-way line of Pelican Colony Boulevard, (Tract "A", a 120 foot wide right-of-way), as shown on the plat of Pelican Landing Unit Nineteen, recorded in Plat Book 56 at Pages 36 through 38 of the Public Records of Lee County, Florida, also being a point on a circular curve to the right, having a radius of 30.00 feet, a central angle of 82°19'38", a tangent length of 26.23 feet, a chord bearing of N29°44'57"W and a chord length of 39.49 feet;

THENCE along the Easterly right-of-way line of said North Commons Drive and along the arc of said curve, an arc length of 43.11 feet to the point of reverse curvature of a curve to the left, having a radius of 180.00 feet, a central angle of 32°18'45", a tangent length of 52.15 feet, a chord bearing of N04°44'30"W, and a chord length 100.17 feet;

THENCE along the Easterly right-of-way line of said North Commons Drive and along the arc of said curve, an arc length of 101.51 feet;

THENCE N20°53'52"W along the easterly right-of-way line of said North Commons Drive, a distance of 721.03 feet to the point of curvature of a

curve to the left, having a radius of 330.00 feet, a central angle of 20°20'11", a tangent length of 59.19 feet, a chord bearing of N31°03'58"W, and a chord length of 116.52 feet;
THENCE along the arc of said curve, an arc length of 117.13 feet to the end of said curve;
THENCE N48°45'57"E, a distance of 75.26 feet;
THENCE N20°53'52"W, a distance of 242.31 feet;
THENCE N67°33'44"E, a distance of 354.55 feet to the POINT OF BEGINNING of the parcel of land herein described;
THENCE S81°06'15"E, a distance of 128.48 feet;
THENCE S41°56'51"E, a distance of 684.68 feet;
THENCE S15°44'24"E, a distance of 164.14 feet to the point of curvature of a curve to the right, having a radius of 670.00 feet, a central angle of 08°42'41", a tangent length of 51.03 feet, a chord bearing of S11°23'04"E and a chord length of 101.77 feet;
THENCE along the arc of said curve, an arc length of 101.87 feet to the end of said curve;
THENCE N82°58'16"E, a distance of 60.00 feet to a point on a curve to the left, having a radius of 30.00 feet, a central angle of 88°10'41", a tangent length of 29.06 feet, a chord bearing of S51°07'04"E, and a chord length of 41.75 feet;
THENCE along the arc of said curve, an arc length of 46.17 feet to the point of tangency of said curve;
THENCE N84°47'36"E, a distance of 21.11 feet to the point of curvature of a curve to the left, having a radius of 50.00 feet, a central angle of 89°07'37", a tangent length of 49.24 feet, a chord bearing of N40°13'47"E, a chord length of 70.17 feet;
THENCE along the arc of said curve, an arc length of 77.78 feet to the Westerly right-of-way of Tamiami Trail (US 41) (200 feet wide) and to the point of reverse curvature of a curve to the right, having a radius of 5,797.58 feet, a central angle of 04°30'57", a tangent length of 228.59 feet, a chord bearing of N02°04'33"W and a chord length of 456.83 feet;
THENCE along the arc of said Westerly line, an arc length of 456.94 feet to the point of tangency of said curve;
THENCE N00°10'56"E, along said West line, a distance of 621.81 feet to a point on the South right-of-way line of Coconut Road (50 feet wide) as recorded in the Official Records Book 1738, Page 2538-2540 of the Public Records of Lee County, Florida;
THENCE N89°35'50"W, a distance of 792.00 feet;
THENCE S00°10'56"W, a distance of 333.67 feet to the POINT OF BEGINNING.

WHEREAS, the property was originally rezoned in case number 94-04-05-DRI-01, with subsequent amendments in case numbers 95-01-050.04Z 02.01, 95-01-050.04Z 03.01, 95-01-050.04Z 04.01, 95-01-050.04Z 05.01, 95-01-050.04Z 06.01, 95-01-050.13A 01.01, 95-01-050.13A, 02.01, 95-01-050.13A 03.01, 95-01-050.13A 04.01, 95-01-050.13A 05.01, 95-01-

050.13A 06.01, 95-01-050.13A 07.01, 95-01-050.13A 08.01, 95-01-050.13A 09.01, 95-01-050.13A 10.01, 95-01-050.13A 11.01, 95-01-050.13A 12.01, 95-01-050.13A 13.01, and 95-01-050.13A 14.01; 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 Pelican Landing RPD/CPD Resolution Z-94-014, Section 18.b., requires Final Plan Approval prior to local Development Order approval; and

WHEREAS, the applicant has submitted a zoning site plan for the property known as Pelican Brooks Center, Master Concept Plan, that is substantially in compliance with the Pelican Landing Resolution Z-94-014 and amendments thereto; and

WHEREAS, Pelican Brooks Center, Master Concept Plan does not address the cumulative analysis of the total number of dwelling units, hotel units, commercial square footage that have received local Development Order approval (to be compared to the amount of development approved pursuant to the DRI and this rezoning), in accordance with Resolution Z-94-014, section 18.b.; and

WHEREAS, development of the outparcels will require Final Plan Approval prior to local Development Order approval; and

WHEREAS, the applicant requests relief from Section 10-329(e)(1)a.3. to reduce the water body setback from 50 feet to 20 feet of any private property line under separate ownership for lake-1; and

WHEREAS, the reduced setback provides for a 20 foot maintenance easement around the perimeter of lake-1; and

WHEREAS, the applicant requests relief from Section 10-329(e)(1)a.3. to reduce the water body setback from 50 feet to zero (0) feet of any private property line under separate ownership for lake-2; and

WHEREAS, the relief is to provide for the proposed expansion to an existing lake (lake-2), which necessitates the need to reduce the water body setback to zero (0) feet rather than the 25 feet minimum setback as required by section 10-329(e)(1)a.3.; 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 **FINAL PLAN APPROVAL** on a project known as Pelican Brooks Center, Master Concept Plan is **APPROVED** with the following deviation:

- 1) A **deviation** to grant relief from the Land Development Code (LDC), Section 10-329(e)(1)a.3. to reduce the water body setback from 50 feet to 20 feet of any private property line under separate ownership for lake-1.
- 2) A **deviation** to grant relief from the Land Development Code (LDC), Section 10-329(e)(1)a.3. to reduce the water body setback from 50 feet to zero (0) feet of any private property line under separate ownership for lake-2.

Approval is subject to the following conditions:

1. **The Development must be in substantial compliance with the Final Zoning Plan for the project entitled Pelican Brooks Center, Master Concept Plan, prepared by Hole, Montes & Associates, Inc., Drawing No. 669-01, stamped received by the permit counter on April 20, 1998.**
2. **Application for Final Plan Approval must be submitted and approved, prior to local development approval, for each outparcel as shown on the attached Site Plan PD-98-035.**
3. **Open space requirements will be part of the local Development Order review.**
4. **The deviation, for lake-2, applies only to the proposed lake expansion, abutting the west and south property lines as shown on attached Site Plan PD-98-035.**
5. **The terms and conditions of the original zoning resolutions and amendments thereto, remain in full force and effect, except as may be amended herein.**
5. **Site Plan PD-98-035 is hereby APPROVED and adopted. A reduced copy is attached hereto.**

DULY SIGNED this 21st day of May, A.D., 1998.

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

