

ADMINISTRATIVE AMENDMENT (PD) ADD2003-00173

ADMINISTRATIVE AMENDMENT  
LEE COUNTY, FLORIDA

WHEREAS, LEF/Cypress Lake, LLC filed an application for administrative approval to a Commercial Planned Development for administrative relief for a subdivision of a property on a project known as Cypress Lake Center located at 7101/7191 Cypress Lake Drive, described more particularly as:

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

See legal description attached as EXHIBIT "A"

WHEREAS, the property was originally rezoned in case number Z-00-020 (with subsequent amendments in case numbers Z-99-091 and DO #7-8384-47); 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 property is comprised of two parcels: 8.73± acres (Parcel 7A) and 1.17± acres (Parcel 7A2) respectively, within the Cypress Lake Center development, as shown on the attached Site Plan; and

WHEREAS, the applicant has indicated the two parcels are currently under one STRAP number 23-45-24-00-00002.0010; and

WHEREAS, the two parcels are separated by a parcel owned by Costco Wholesale Corporation, STRAP #23-45-24-00-00002.0030; and

WHEREAS it is the applicant's desire to formally split the two parcels by creating a STRAP Number for each parcel through a limited review development order; and

WHEREAS, existing commercial buildings are located on each of the two parcels; and

WHEREAS, an application for administrative relief has been filed pursuant to Lee County Land Development Code Section 34-2221; and

WHEREAS, relief is requested from the Lee County Land Development Code for the proposed parcels from Section 10-416(d)(3) that requires a Type "A" buffer for new interior lot lines to requiring no Type "A" buffer between the newly created lot lines; and

WHEREAS, the relief being sought from LDC Section 10-416(d)(3) is to achieve the intended development and resulting lot split; and

WHEREAS, the applicant has indicated that the existing development was constructed under common ownership; and

WHEREAS, Parcels 7A and 7A2 are being created to provide for the splitting of the subject property with individual ownership of specific parcels within the development; and

WHEREAS, Declaration of Covenants, Restrictions and Easements was recorded on May 28, 1986 (OR1848, PG2699); and

WHEREAS, a Modification of Declaration of Covenants, Restrictions and Easements executed and made on August 4, 1999 (OR 03154, PG 4256); 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 relief from Section 10-416(d)(3) of the Lee County Land Development Code is **APPROVED**.


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

1. **The lot split must be in compliance with the Site Plan, Cypress Lake Center, prepared by Morris - Depew Associates, INC., dated 11/13/03, and stamped received by the permit counter on November 14, 2003. Site Plan for ADD2003-00173 is hereby APPROVED and adopted. A reduced copy is attached hereto.**
2. **The relief granted from Section 10-416(d)(3) of the Lee County Land Development Code allows for no buffer along the lot lines internal to the development for Lots 7A and 7A2 as shown on the attached Site Plan and described in EXHIBITS "B" and "C" attached hereto.**
3. **This approval is limited to the splitting of the subject property and the requested relief of the Type "A" buffer requirement as described above and depicted on the attached Site Plan.**
4. **The relief is not to be construed as providing relief from any development regulations not specifically listed and approved herein.**

5. The relief is granted only to the extent that the requirements are met for the overall development as described above.
6. Prior to the issuance of a Development Order for the lot split of the subject property, the applicant must provide a recorded copy of the Declaration of Covenants, Restrictions and Easements that incorporates unified control over the entire development.
7. The terms and conditions of the original zoning resolutions remain in full force and effect.

DULY SIGNED this 11<sup>th</sup> day of December, A.D., 2003.

BY: \_\_\_\_\_

  
Pam Houck, Director  
Division of Zoning  
Department of Community Development

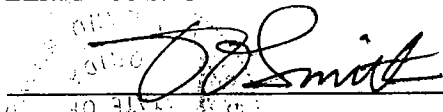
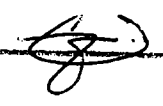


OVERALL  
DESCRIPTION

A TRACT OR PARCEL OF LAND SITUATED IN THE SOUTHEAST ONE QUARTER (S.E. 1/4) OF SECTION 23, TOWNSHIP 45 SOUTH, RANGE 24 EAST, LEE COUNTY, FLORIDA BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

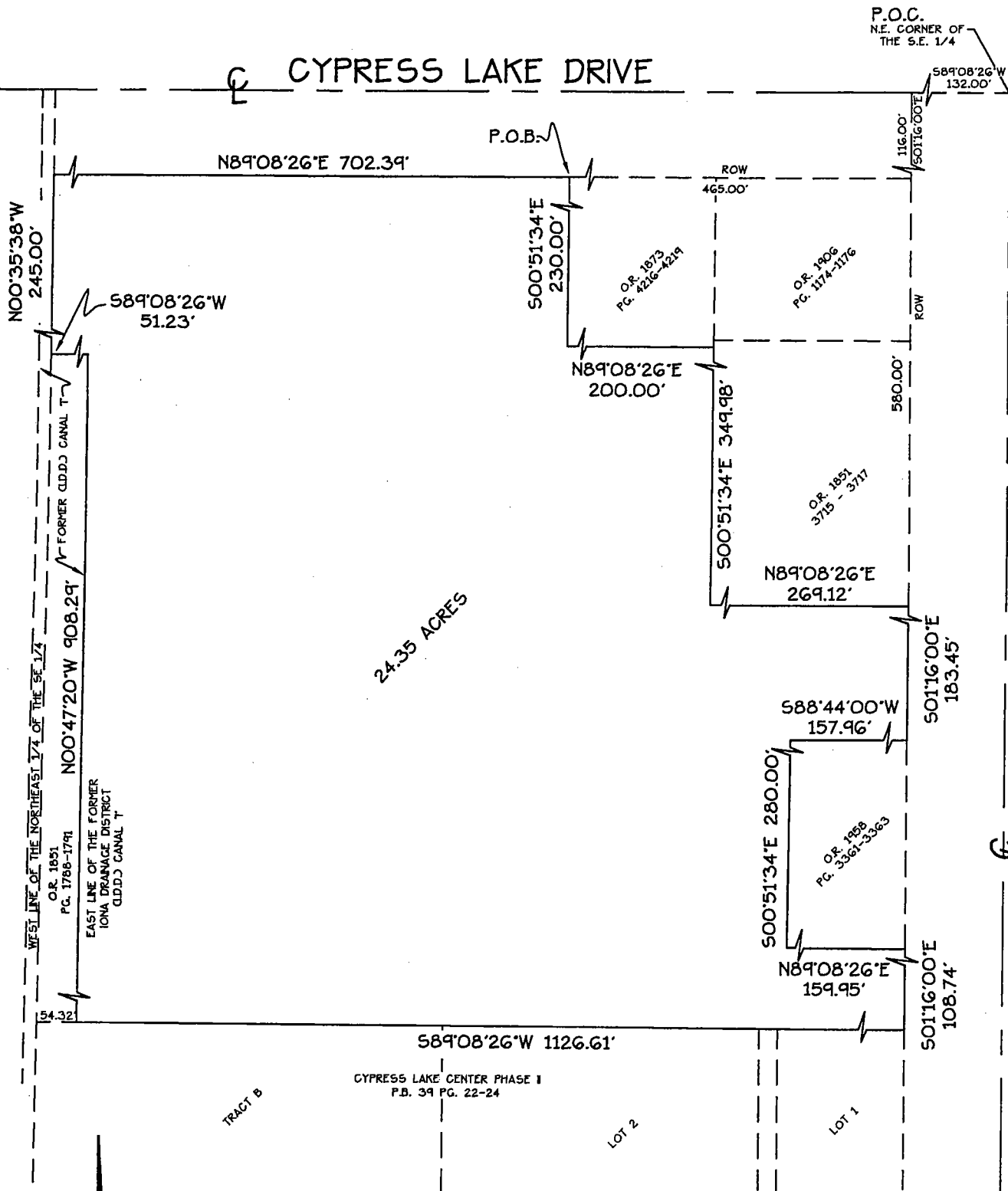
COMMENCING AT THE NORTHEAST CORNER OF SAID SOUTHEAST ONE QUARTER; THENCE S.89°08'26"W. ALONG THE CENTERLINE OF CYPRESS LAKE DRIVE, A DISTANCE OF 132.00 FEET TO A POINT OF INTERSECTION WITH THE WESTERLY RIGHT OF WAY LINE OF U.S. 41 (TAMIAMI TRAIL - S.R. 45); THENCE S.01°16'00"E ALONG SAID RIGHT OF WAY LINE, A DISTANCE OF 116.00 FEET TO A POINT OF INTERSECTION WITH THE SOUTHERLY RIGHT OF WAY LINE OF SAID CYPRESS LAKE DRIVE; THENCE S.89°08'26"W. ALONG SAID RIGHT OF WAY LINE, A DISTANCE OF 465.00 FEET TO THE NORTHWEST CORNER OF A TRACT OF LAND DESCRIBED IN OFFICIAL RECORDS (O.R.) BOOK 1873 AT PAGE 4216 OF THE PUBLIC RECORDS OF SAID LEE COUNTY AND THE **POINT OF BEGINNING**; THENCE S.00°51'34"E. PERPENDICULAR TO SAID SOUTHERLY RIGHT OF WAY LINE AND ALONG THE WEST LINE OF SAID TRACT, A DISTANCE OF 230.00 FEET; THENCE N.89°08'26"E. ALONG THE SOUTH LINE OF SAID TRACT, A DISTANCE OF 200.00 FEET TO A POINT OF INTERSECTION WITH THE WEST LINE OF A TRACT OF LAND DESCRIBED IN O.R. BOOK 1851 AT PAGE 3715 OF THE PUBLIC RECORDS OF SAID LEE COUNTY; THENCE S.00°51'34"E. ALONG SAID WEST LINE, A DISTANCE OF 349.98 FEET; THENCE N.89°08'26"E. ALONG THE SOUTH LINE OF SAID TRACT, A DISTANCE OF 269.12 FEET TO A POINT OF INTERSECTION WITH SAID WESTERLY RIGHT OF WAY LINE OF U.S. 41; THENCE S.01°16'00"E. ALONG SAID RIGHT OF WAY LINE, A DISTANCE OF 183.45 FEET TO A POINT OF INTERSECTION WITH THE NORTH LINE OF A TRACT OF LAND DESCRIBED IN O.R. BOOK 1958 AT PAGE 3361 OF THE PUBLIC RECORDS OF SAID LEE COUNTY; THENCE S.88°44'00"W. ALONG SAID NORTH LINE, A DISTANCE OF 157.96 FEET; THENCE S.00°51'34"E. ALONG THE WEST LINE OF SAID TRACT, A DISTANCE OF 280.00 FEET; THENCE N.89°08'26"E. ALONG THE SOUTH LINE OF SAID TRACT A DISTANCE OF 159.95 FEET TO A POINT OF INTERSECTION WITH SAID WESTERLY RIGHT OF WAY LINE; THENCE S.01°16'00"E. ALONG SAID RIGHT OF WAY LINE, A DISTANCE OF 108.74 FEET TO A POINT OF INTERSECTION WITH THE NORTH LINE OF CYPRESS LAKE CENTER PHASE II AS RECORDED ON PLAT BOOK 39 AT PAGES 22 - 24 OF SAID PUBLIC RECORDS OF LEE COUNTY; THENCE S.89°08'26"W. ALONG SAID NORTH LINE, A DISTANCE OF 1126.61 FEET TO A POINT OF INTERSECTION WITH THE EAST LINE OF FORMER IONA DRAINAGE DISTRICT (I.D.D.) CANAL "I" AS PARTIALLY DESCRIBED IN O.R. BOOK 1851 AT PAGE 1788 OF THE PUBLIC RECORDS OF SAID LEE COUNTY; THENCE N.00°47'20"W. ALONG SAID EAST LINE, A DISTANCE OF 908.29 FEET; THENCE S.89°08'26"W. ALONG THE NORTH LINE OF SAID TRACT, A DISTANCE OF 51.23 FEET TO A POINT OF INTERSECTION WITH THE WEST LINE OF THE NORTHEAST ONE QUARTER OF SAID SOUTHEAST ONE QUARTER; THENCE N.00°35'38"W. ALONG SAID WEST LINE, A DISTANCE OF 245.00 FEET TO A POINT OF INTERSECTION WITH SAID SOUTHERLY RIGHT OF WAY LINE OF CYPRESS LAKE DRIVE; THENCE N.89°08'26"E. ALONG SAID RIGHT OF WAY LINE, A DISTANCE OF 702.39 FEET TO THE POINT OF BEGINNING. CONTAINING 24.35 ACRES, MORE OR LESS.

BEARINGS SHOWN HEREIN ARE BASED ON THE CENTERLINE SURVEY OF SAID U.S. 41.

 Applicant's Legal Checked  
by   
DONALD D. SMITH, P.S.M.  
PROFESSIONAL SURVEYOR AND MAPPER  
FLORIDA REGISTRATION NO. 4078  
DATE SIGNED: 12-9-03

**EXHIBIT A**

(NOT A SURVEY)  
SKETCH  
OF  
DESCRIPTION  
SEC.23, TWP.45S., RNG. 24E.



Applicant's Legal Checked  
By [Signature]

ADD 2003-00173

LEGEND

P.O.C. = POINT OF COMMENCEMENT  
P.O.B. = POINT OF BEGINNING  
O.R. = OFFICIAL RECORDS  
P.G. = PAGE  
SEC. = SECTION  
TWP. = TOWNSHIP  
RNG. = RANGE

SHEET 2 OF 2



MORRIS - DEPEEW ASSOCIATES, INC.

ENGINEERS \* PLANNERS \* SURVEYORS \* MAPPERS

2216 Altamont Avenue \* Fort Myers, Florida 33901 \* (239) 337-3993 \* (FAX) 337-3994

NOT VALID WITHOUT THE SIGNATURE AND ORIGINAL RAISED SEAL OF THE  
FLORIDA LICENSED SURVEYOR AND MAPPER.

DESCRIPTION: (TRACT 7A)

RECEIVED  
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A TRACT OR PARCEL OF LAND SITUATED IN THE SOUTHEAST ONE QUARTER (S.E. 1/4) OF SECTION 23, TOWNSHIP 45 SOUTH, RANGE 24 EAST, LEE COUNTY, FLORIDA, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

PERMIT COUNTY

COMMENCE AT THE NORTHEAST CORNER OF SAID SOUTHEAST ONE QUARTER; THENCE S.89°08'26"W. ALONG THE CENTERLINE OF CYPRESS LAKE DRIVE, A DISTANCE OF 132.00 FEET TO A POINT OF INTERSECTION WITH THE WESTERLY RIGHT OF WAY LINE OF U.S. 41 (TAMIAMI TRAIL - S.R. 45); THENCE S.01°16'00"E. ALONG SAID RIGHT OF WAY LINE, A DISTANCE OF 116.00 FEET TO A POINT OF INTERSECTION WITH THE SOUTHERLY RIGHT OF WAY LINE OF SAID CYPRESS LAKE DRIVE; THENCE S.89°08'26"W. ALONG SAID RIGHT OF WAY LINE, A DISTANCE OF 465.00 FEET TO THE NORTHWEST CORNER OF A TRACT OF LAND DESCRIBED IN OFFICIAL RECORDS (O.R.) BOOK 1873 AT PAGE 4216 OF THE PUBLIC RECORDS OF SAID LEE COUNTY; THENCE S.00°51'34"E. PERPENDICULAR TO SAID SOUTHERLY RIGHT OF WAY LINE AND ALONG THE WEST LINE OF SAID TRACT, A DISTANCE OF 230.00 FEET; THENCE N.89°08'26"E. ALONG THE SOUTH LINE OF SAID TRACT A DISTANCE OF 200.00 TO A POINT OF INTERSECTION WITH THE WEST LINE OF A TRACT OF LAND DESCRIBED IN OFFICIAL RECORDS (O.R.) BOOK 1851 AT PAGE 3715 OF THE BEGINNING; THENCE CONTINUE S.00°51'34"E. ALONG SAID WEST LINE, A DISTANCE OF 92.72 FEET; THENCE N.89°08'26"E. ALONG THE SOUTH LINE OF A SAID TRACT, A DISTANCE OF 269.12 FEET TO A POINT OF INTERSECTION WITH SAID WESTERLY RIGHT OF WAY LINE OF U.S. 41; THENCE S.01°16'00"E. ALONG SAID RIGHT OF WAY LINE, A DISTANCE OF 183.45 FEET TO A POINT OF INTERSECTION WITH THE NORTH LINE OF A TRACT OF LAND DESCRIBED IN O.R. BOOK 1958 AT PAGE 3361 OF THE PUBLIC RECORDS OF SAID LEE COUNTY; THENCE S.88°44'00"W. ALONG SAID NORTH LINE, A DISTANCE OF 157.96 FEET; THENCE S.00°51'34"E. ALONG THE WEST LINE OF SAID TRACT, A DISTANCE OF 280.00 FEET, THENCE N.89°08'26"E. ALONG THE SOUTH LINE OF SAID TRACT A DISTANCE OF 159.95 FEET TO A POINT OF INTERSECTION WITH SAID WESTERLY RIGHT OF WAY LINE; THENCE S.01°16'00"E. ALONG SAID RIGHT OF WAY LINE, A DISTANCE OF 108.74 FEET TO A POINT OF INTERSECTION WITH THE NORTH LINE OF CYPRESS LAKE CENTER PHASE II AS RECORDED ON PLAT BOOK 39 AT PAGES 22 - 24 OF THE PUBLIC RECORDS OF SAID LEE COUNTY; THENCE S.89°08'26"W. ALONG SAID NORTH LINE, A DISTANCE OF 759.56 FEET; THENCE N.00°51'34"W. A DISTANCE OF 152.99 FEET; THENCE N.89°08'26"E. A DISTANCE OF 67.55 FEET; THENCE N.00°51'34"W. A DISTANCE OF 185.25 FEET; THENCE N.89°08'26"E. A DISTANCE OF 60.45 FEET; THENCE N.00°51'34"W A DISTANCE OF 327.79 FEET, THENCE N.89°08'26"E A DISTANCE OF 358.37 FEET TO THE POINT OF BEGINNING.

Applicant's Legal Checked

by 

ADD 2002-00173

EXHIBIT B

CONTAINING 380,324 SQAURE FEET OR 8.73 ACRES, MORE OR LESS.

ADD 2003-00173 ,

DESCRIPTION: (7A2)

A TRACT OR PARCEL OF LAND SITUATED IN THE SOUTHEAST ONE QUARTER (S.E. 1/4) OF SECTION 23, TOWNSHIP 45 SOUTH, RANGE 24 EAST, LEE COUNTY, FLORIDA, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCE AT THE NORTHEAST CORNER OF SAID SOUTHEAST ONE QUARTER; THENCE S.89°08'26"W. ALONG THE CENTERLINE OF CYPRESS LAKE DRIVE, A DISTANCE OF 132.00 FEET TO A POINT OF INTERSECTION WITH THE WESTERLY RIGHT OF WAY OF U.S. 41 (TAMIAMI TRAIL – S.R. 45); THENCE S.01°16'00"E ALONG SAID RIGHT OF WAY LINE, A DISTANCE OF 116.00 FEET TO A POINT OF INTERSECTION WITH THE SOUTHERLY RIGHT OF WAY OF SAID CYPRESS LAKE DRIVE; THENCE S.89°08'26"W. ALONG SAID RIGHT OF WAY LINE, DISTANCE OF 950.07 FEET TO THE POINT OF BEGINNING; THENCE S.00°51'34"E. PERPENDICULAR TO SAID SOUTHERLY RIGHT OF WAY LINE, A DISTANCE OF 54.07 FEET; THENCE S.60°39'49"E. A DISTANCE OF 58.04 FEET; THENCE S.00°51'34"E. A DISTANCE OF 110.74 FEET; THENCE S.89°08'26"W. PARALLEL WITH SAID RIGHT OF WAY LINE, A DISTANCE OF 217.33 FEET TO A POINT OF INTERSECTION WITH THE EAST LINE OF FORMER IONA DRAINAGE DISTRICT (I.D.D.) CANAL "I"; THENCE S.00°47'20"E ALONG SAID LINE, A DISTANCE OF 51.00 FEET TO A POINT OF INTERSECTION WITH THE NORTH LINE OF A TRACT OF LAND DESCRIBED IN O.R. BOOK 1851 AT PAGE 1768 OF THE PUBLIC RECORDS OF SAID LEE COUNTY; THENCE S.89°08'26"W. ALONG SAID NORTH LINE, A DISTANCE OF 51.23 FEET TO A POINT OF INTERSECTION WITH THE WEST LINE OF THE NORTHEAST ONE QUARTER OF SAID SOUTHEAST ONE QUARTER, THENCE N.00°35'38"W. ALONG SAID WEST LINE, A DISTANCE OF 245.00 FEET TO A POINT OF INTERSECTION WITH SAID SOUTHERLY RIGHT OF WAY LINE OF CYPRESS LAKE DRIVE; THENCE N.89°08'26"E. ALONG SAID RIGHT OF WAY LINE, A DISTANCE OF 217.32 FEET TO THE POINT OF BEGINNING.

CONTAINING 51,142 SQUARE FEET OR 1.17 ACRES, MORE OR LESS.

TOGETHER WITH APPURTENANT EASEMENTS FOR INGRESS/EGRESS AND UTILITY PURPOSES CREATED BY DECLARATION OF COVENANTS, RESTRICTIONS AND EASEMENTS RECORDED IN OFFICIAL RECORDS BOOK 1848, PAGE 2699 OF THE PUBLIC RECORDS OF LEE COUNTY, FLORIDA, AS AMENDED BY MODIFICATION OF DECLARATION OF COVENANTS, RESTRICTIONS AND EASEMENTS, RECORDED IN OFFICIAL RECORDS BOOK 3154, PAGE 4256.

Applicant's Legal Checked

by 

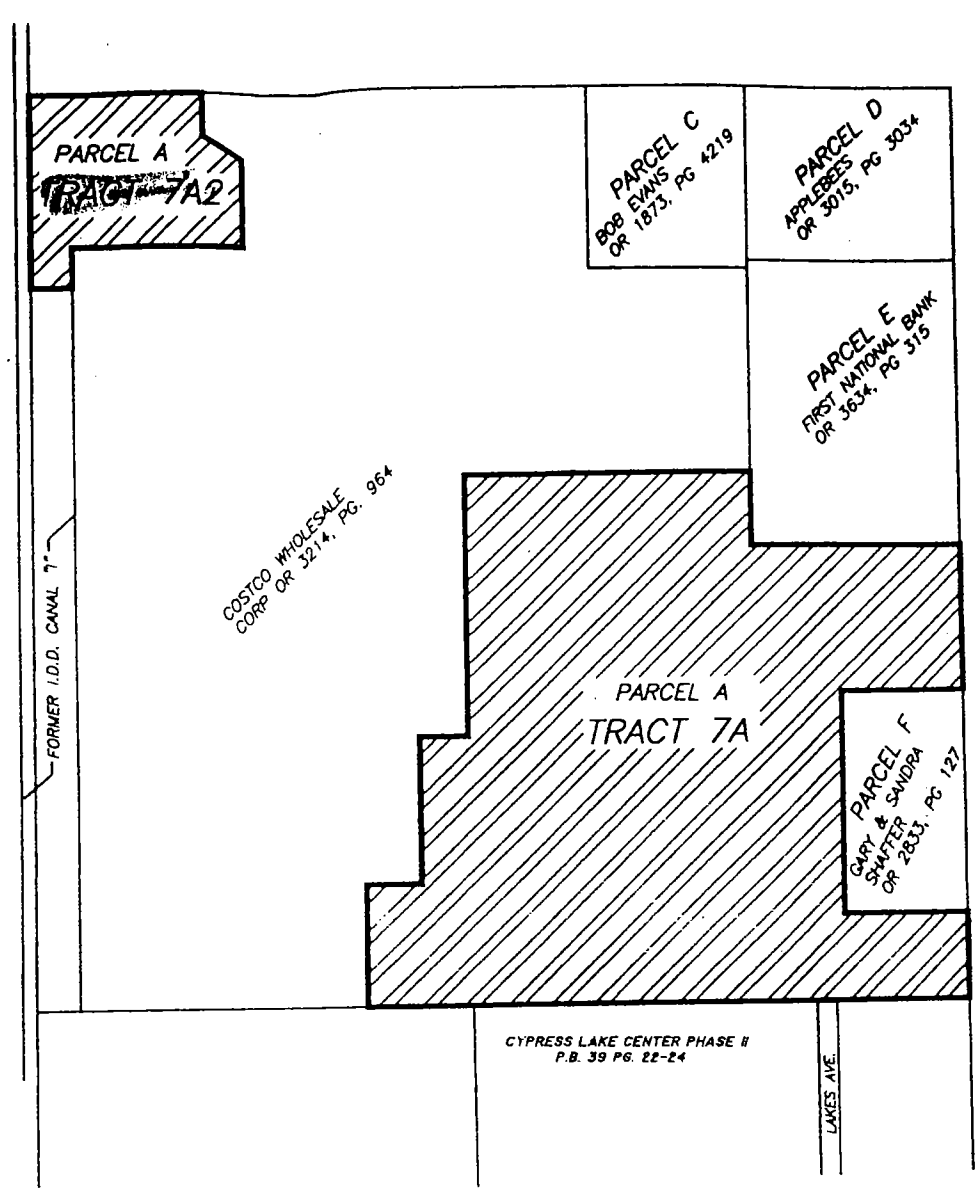
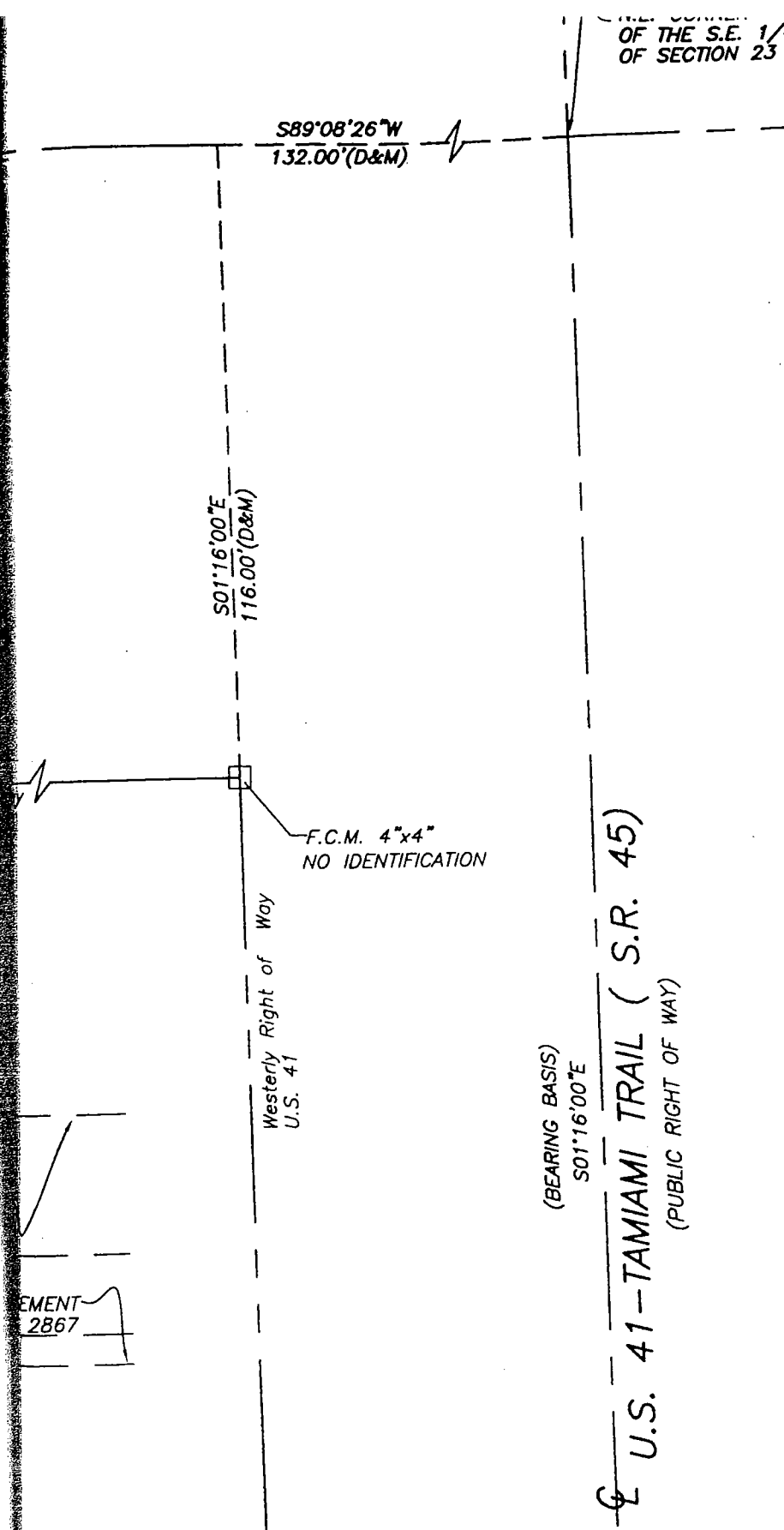
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EXHIBIT C

PERMIT COUNTER

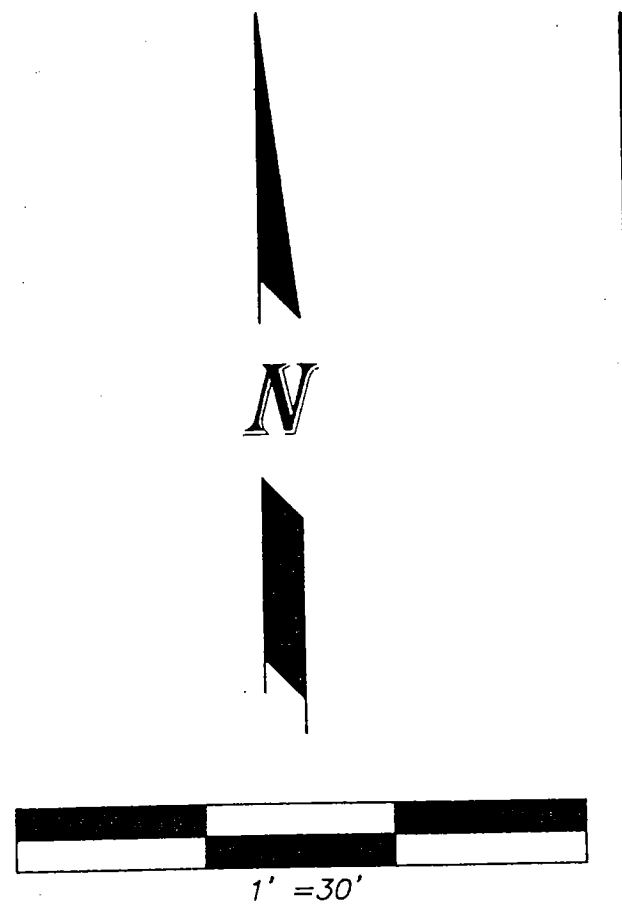
ADD 2003-00173





KEY MAP  
NOT TO SCALE

NOTE: PARCELS A & B ARE DESCRIBED IN O.R. 3154, PAGES 4280 THRU 4289  
PARCELS C, D, E, & F ARE DESCRIBED IN O.R. 1848, PAGES 2724 & 2725



**RECEIVED**  
DEC 05 2003

PERMIT COUNTER

ADD 2003-0017

Applicant's Legal Checked  
by [Signature]

	TRACT 7A	TRACT 7A2
BUILDING HEIGHT	35 FEET	35 FEET
BUILDING SETBACK	SIDE & REAR = 0 FEET STREET = 25 FEET	SIDE & REAR = 0 FEET STREET = 25 FEET
DENSITY	240,000 SQ. FT.	240,000 SQ. FT.
REQUIRED PARKING	FLOOR AREA OF 25,000	FLOOR AREA OF 25,000

- LEGEND:
- = FOUND CONCRETE MONUMENT (F.C.M.)
  - ▲ = SET NAIL AND DISC LB6891
  - = FOUND DRILL HOLE
  - = FOUND IRON ROD AND CAP (F.I.R.C.)
  - = SET IRON AND CAP STAMPED LB6891
  - ▤ = MITERED END SECTION
  - = CATCH BASIN (CB)
  - ⊙ = TELEPHONE MANHOLE
  - = GUY WIRE
  - ⊙ = UTILITY POLE
  - ⊙ = LIGHT POLE
  - ⊙ = TELEPHONE RISER
  - ⊙ = WATER METER
  - ⊙ = WATER VALVE
  - ⊙ = BOLLARD
  - ⊙ = FIRE HYDRANT
  - ⊙ = TRAFFIC SIGNAL BOX
  - ⊙ = WELL MONITOR
  - ⊙ = SANITARY MANHOLE
  - ⊙ = GAS VALVE
  - GM ⊙ = GAS METER
  - ⊙ = SEWER VALVE

