

ADMINISTRATIVE AMENDMENT PD-98-070

ADMINISTRATIVE AMENDMENT
LEE COUNTY, FLORIDA

WHEREAS, WCI Communities, L.P. filed an application for administrative approval to a Residential/Commercial Planned Development on a project known as Pelican Landing on property located at 4151 Coconut Road, Bonita Springs, described more particularly as:

LEGAL DESCRIPTION: In Sections 05, 07, 08, 09, 16, 17, 18, 20, and 21, Township 47 South, Range 25 East, and Sections 13 and 24, Township 47 South, Range 24 East, Lee County, Florida:

RPD PARCEL 1

Tracts or parcels lying in Section 05 and Section 08, Township 47 South, Range 25 East, Lee County, Florida, being more particularly described as follows and all consisting of 203.85 acres, more or less.

Lots 8B, 9B, 10B, 11B, 12B, and Lots 21B, 22B, 23B, 24B, and 25B of Florida Gulf Land Company's Subdivision, all in Section 05, Lee County, Florida (recorded in Plat Book 1 at Page 59).

Consisting of 100 acres more or less.

ALSO

The East Three-Quarters ($E\frac{3}{4}$) of the Northwest Quarter ($NW\frac{1}{4}$) of the Southwest Quarter ($SW\frac{1}{4}$), of said Section 05.

Consisting of 30 acres, more or less.

ALSO

The East Two-Thirds ($E\frac{2}{3}$) of the Southwest Quarter ($SW\frac{1}{4}$) of the Southwest Quarter ($SW\frac{1}{4}$), of said Section 05.

Consisting of 26.67 acres, more or less.

The East Two-Thirds ($E\frac{2}{3}$) of the West Half ($W\frac{1}{2}$) of the Northwest Quarter ($NW\frac{1}{4}$) of said Section 08.

Consisting of approximately 53.55 acres, more or less, LESS the Southerly 40.00 feet for the right-of-way of Coconut Road.

RPD PARCEL 2

All of Government Lot 1, Section 07, Township 47 South, Range 25 East, Lee County, Florida, being more particularly described as follows:

Beginning at a concrete monument marking the Northeast corner of Government Lot 1 of said Section 07 run $S01^{\circ}07'45''E$ along the East line of said Section 07 for 1,324.52 feet to the Southeast corner of said Government Lot 1;

THENCE run $S89^{\circ}33'42''W$ along the South line of said Government Lot 1 for 1,747.82 feet to a concrete post at the waters of Estero Bay;

THENCE run Northerly and Westerly along the waters of Estero Bay to an intersection with the North line of said Section 07;

THENCE run $N89^{\circ}48'31''E$ along said North line for 2,575 feet, more or less to the POINT OF BEGINNING.

Containing 60 acres, more or less.

RPD PARCEL 3

A tract or parcel of land lying in Sections 07, 08, 17 and 18, Township 47 South, Range 25 East, Lee County, Florida, being more particularly described as follows:

From a railroad spike marking the Northwest corner of the Southwest Quarter (SW¼) of said Section 08 run S00°23'24"E along the West line of said fraction for 25.00 feet to an intersection with the South line of Coconut Road (50 feet wide);

THENCE run S89°16'14"E along said South line for 1,478.58 feet to the POINT OF BEGINNING;

THENCE run S89°16'14"E along said South line for 1,774.42 feet to an intersection with the West line of Spring Creek Road as described in County Commissioners Minute Book 6 at Page 210, Public Records, Lee County, Florida;

THENCE run S00°07'17"W along said West line for 2,610.71 feet to an intersection with the South line of said Section 08;

THENCE run N00°07'58"W along said West line for 1,612.27 feet;

THENCE run N89°52'02"W for 5.00 feet to a point on a curve;

THENCE along the arc of a non-tangent curve to the right of radius 1,070.00 feet (delta 91°03'07") (chord bearing S45°39'32"W) (chord 1,527.04 feet) for 1,700.40 feet;

THENCE run N01°31'36"E for 33.48 feet to the Southeast corner of lands described in Official Record Book 411 at page 759 of said Public Records;

THENCE continue N01°31'36"E along the East line of said lands for 960.34 feet;

THENCE run N89°59'08"W along the North line of said lands for 2,200.77 feet to an intersection with the East line of the Northeast Quarter (NE¼) of said Section 18;

THENCE continue N89°59'08"W for 1,840 feet, more or less, to the waters of Estero Bay;

THENCE run Northerly along the waters of Estero Bay for 6,490 feet, more or less to an intersection with the South line of Government Lot 2 of said Section 07;

THENCE run N89°40'05"E along said South line for 745 feet, more or less;

THENCE run S00°19'55"E for 650.00 feet;

THENCE run N89°40'05"E for 1,107.21 feet to an intersection with the West line of said Section 08;

THENCE run S00°23'24"E along the West line of said Section for 375.11 feet;

THENCE run S89°15'18"E for 1,458.78 feet;

THENCE run N00°44'42"E for 1,000 feet to an intersection with the South line of said Coconut Road and said POINT OF BEGINNING.

Containing 513.7 acres, more or less.

RPD PARCEL 4

A tract or parcel of land lying in Sections 08, 09, 16 and 17, Township 47 South, Range 25 East, Lee County, Florida, being more particularly described as follows:

From a concrete monument marking the Northwest corner of the Southwest Quarter (SW¼) of Section 09 run N00°41'48"W along the West line of said Section 09 for 5.00 feet to an intersection with the South line of Coconut Road (50 feet wide) as described in Official Record Book 1738 at Page 2538, Public Records, Lee County, Florida;

THENCE run S89°35'50"E along the South line for 1,549.14 feet to a Point of Cusp;

THENCE run along the arc of a curve to the left of radius 30.00 feet (delta 90°00'00") (chord bearing S45°24'10"W) (chord 42.43 feet) for 47.12 feet to a Point of Tangency;

THENCE S00°24'10"W for 336.31 feet to a Point of Curvature;

THENCE run along the arc of the curve to the left of radius 270.00 feet (delta 90°00'00") (chord bearing S44°35'50"E) (chord 381.84 feet) for 424.12 feet to a Point of Tangency;

THENCE run S89°35'50"E for 99.41 feet to a Point of Curvature;
 THENCE run along the arc of a curve to the right of radius 530.00 feet (delta 27°42'00" (chord bearing S75°44'50"E) (chord 253.74 feet) for 256.23 feet;
 THENCE run S20°53'52"E for 1,008.12 feet to a point on a non-tangent curve;
 THENCE run along the arc of a curve to the left of radius 840 feet (delta 34°20'28") (chord bearing N66°42'56"W) (chord 495.96 feet) for 503.47 feet to a Point of Compound Curvature;
 THENCE along the arc of a curve to the left of radius 1,652.50 feet (delta 21°34'22") (chord bearing S85°19'39"W) (chord 618.53 feet) for 622.20 feet;
 THENCE S15°27'32"E along a radial line for 10.00 feet to a point on a non-tangent curve;
 THENCE along the arc of a curve to the left of radius 1,642.50 feet (delta 34°59'45") (chord bearing S57°02'36"W) (chord bearing 987.70 feet) for 1,003.22 feet to a Point of Compound Curvature;
 THENCE along the arc of a curve to the left of radius 1,120.00 feet (delta 21°31'30") (chord bearing S28°55'59"W) (chord 412.53 feet) for 414.90 feet to a Point of Reverse Curvature;
 THENCE along the arc of a curve to the right of radius 935.00 feet (delta 43°04'19") (chord bearing S39°51'23"W) (chord 686.45 feet) for 702.88 feet to a Point of Compound Curvature;
 THENCE along the arc of a curve to the right of radius 2,760.00 feet (delta 24°20'33") (chord bearing S73°33'49"W) (chord 1,163.81 feet) for 1,172.61 feet;
 THENCE N20°00'00"W for 580.12 feet;
 THENCE N89°52'02"W for 657.66 feet to an intersection with the East line of Spring Creek Road as described in County Commissioners Minute Book 6 at Page 210, Public Records, Lee County, Florida;
 THENCE run N00°07'58"E along said East line for 240.32 feet to an intersection with the South line of the Southeast Quarter (SE¼) of said Section 08;
 THENCE continue N00°07'17"E along said East line for 343.49 feet;
 THENCE run S89°38'58"E for 10.00 feet;
 THENCE run N00°07'17"E along said East line for 499.94 feet to the Southwest corner of lands described in Official Record Book 428 at Page 349, said Public Records;
 THENCE run S89°21'02"E along the South line of said lands for 536.00 feet;
 THENCE run N00°07'17"E along the East line of said lands for 474.33 feet;
 THENCE run S89°21'02"W along the North line of said lands for 546.00 feet to an intersection with the Easterly line of said Spring Creek Road;
 THENCE run N00°07'17"E along said East line for 1,292.76 feet to an intersection with the South line of said Coconut Road;
 THENCE run S89°16'14"E along the South line of said Coconut Road 1,802.38 feet to an intersection with the West line of said Section 09;
 THENCE run N00°41'48"W along said West line for 25.00 feet to the POINT OF BEGINNING.
 Containing 222.36 acres, more or less.

CPD PARCEL 1

A tract or parcel of land lying in Sections 07 and 08, Township 47 South, Range 25 East, Lee County, Florida, being more particularly described as follows:

From a railroad spike marking the Northwest corner of the Southwest Quarter (SW¼) of said Section 08 run S00°23'24"E along the West line of said fraction for 25.00 feet

to an intersection with the South line of Coconut Road (50 feet wide) and the POINT OF BEGINNING.

From said POINT OF BEGINNING run S89°16'14"E along said South line for 1,478.58 feet;

THENCE run S00°44'42"W for 1,000.00 feet;

THENCE run N89°15'18"W for 1,458.78 feet to an intersection with the West line of said Section 08;

THENCE run N00°23'24"W along said West section line for 375.11 feet;

THENCE run S89°40'05"W for 1,107.21 feet;

THENCE run N00°19'55"W for 650.00 feet to an intersection with the South line of Government Lot 2 of said Section 07;

THENCE run S89°40'05"W along said South line for 745 feet, more or less, to an intersection with the waters of Estero Bay;

THENCE run along the waters of Estero Bay for 1,810 feet, more or less to a point which intercepts the North line of the South Half (S½) of said Government Lot 2;

THENCE run N89°32'15"E along said North line of the South Half (S½) of said Government Lot 2 for 545 feet, more or less, to the Northwest corner of lands described in Official Record Book 1895 at Page 3817, Public Records, Lee County, Florida;

THENCE S08°50'45"E along the West line of said lands for 199.50 feet;

THENCE N89°32'15"E along the South line of said lands for 247.50 feet;

THENCE run N89°35'27"E for 666.22 feet;

THENCE run N89°32'15"E for 239.00 feet to an intersection with the West line of Coconut Road;

THENCE run S01°07'45"E along said West line for 488.63 feet to an intersection with the South line of said Coconut Road;

THENCE run N89°40'05"E along the South line of said Coconut Road for 24.55 feet to the POINT OF BEGINNING.

LESS and EXCEPT lands described in Official Record Book 1677 at Page 3516, Public Records, Lee County, Florida.

Containing 72.8 acres, more or less.

CPD PARCEL 2

A tract or parcel of land lying in the South Half (S½) of Section 09, Township 47 South, Range 25 East, Lee County, Florida, being more particularly described as follows:

From the Northwest corner of the Southwest Quarter (SW¼) of said Section 09 run N00°41'48"W for 5.00 feet to the South right-of-way line of Coconut Road (50 foot right-of-way);

THENCE run S89°35'50"E for 1,863.14 feet to the POINT OF BEGINNING;

From said POINT OF BEGINNING continue S89°35'50"E along said South right-of-way line for 1,301.22 feet to an intersection with the West line of Tamiami Trail (SR 45);

THENCE run S00°10'56"W along said West line for 621.81 feet to a Point of Curvature;

THENCE run Southerly and Southeasterly along the arc of a curve to the left of radius 5,797.58 feet (delta 10°17'00") (chord bearing S04°57'34"E) (chord 1,039.14 feet) to a Point of Tangency;

THENCE run S10°06'04"E along said Westerly line for 230.98 feet;

THENCE run S79°53'56"W for 70.57 feet to a Point of Curvature;

THENCE run along the arc of a curve to the right of radius 650.00 feet (delta 49°49'26") (chord bearing N75°11'21"W) (chord 547.59 feet) for 565.23 feet to a Point of Reverse Curvature;

THENCE along the arc of a curve to the left of radius 840.00 feet (delta 16°23'49") (chord bearing N58°28'33"W) (chord 239.57 feet) for 240.39 feet;

THENCE run N20°53'52"W for 1,756.27 feet to an intersection with the South line of said Coconut Road and the POINT OF BEGINNING.

Containing 41.09 acres, more or less.

CPD PARCEL 3

A tract or parcel of land lying in the Southeast Quarter (SE¼) of Section 09, Township 47 South, Range 25 East, Lee County, Florida, being more particularly described as follows:

Beginning at the Southwest corner of the Southeast Quarter (SE¼) of said Section 09 run N01°00'24"W along the West line of said Southeast Quarter (SE¼) for 587.77 feet to a point on a non-tangent curve;

THENCE along the arc of a curve to the left of radius 850.00 feet (delta 39°04'25") (chord bearing S80°33'52"E) (chord 568.50 feet) for 579.67 feet to a Point of Tangency;

THENCE run N79°53'56"E for 70.57 feet to an intersection with the West line of Tamiami Trail (SR 45);

THENCE run S10°06'04"E along said West line for 507.09 feet to an intersection with the South line of said Section 09;

THENCE run S89°23'00"W along said South line for 708.94 feet to the POINT OF BEGINNING.

Containing 7.73 acres, more or less.

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, 95-01-050.13A 14.01; and 95-01-050.13A 15.01; and

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

WHEREAS, Pelican Landing Communities, Inc., formerly Westinghouse Bayside Communities, Inc., in reference to Pelican Landing DRI rezoned a portion of the DRI to Residential/Commercial Planned Development, Resolution Z-94-014; and

WHEREAS, land Development Areas (A, B, C, D, E, F, and G) were created on the Master Concept Plan designating Areas for Commercial and/or Residential Development; and

WHEREAS, permitted uses were enumerated for each Development Area designated for commercial and/or residential planned development; and

WHEREAS, signs were permitted in all land Development Areas designated for residential planned development; and

WHEREAS, signs were not enumerated as a permitted use in land Development Areas designated for commercial planned development; and

WHEREAS, this error was not corrected in subsequent amendments and rezonings to the Pelican Landing RPD/CPD; and

WHEREAS, the applicant desires to correct this error and enumerate signs as a permitted use in all land Development Areas designated for commercial planned development use; and

WHEREAS, Condition #14, INTERFACE AREA, Subsection 14.b., Resolution Z-94-014, shifted the CPD land development Area B, Hotel and Conference Center use, to the west to the location of CPD/RPD Area E and RPD Area B as shown on the May 16, 1994, approved Master Concept Plan accompanying Resolution Z-94-014; and

WHEREAS, this shift provides for a third development alternative, CPD Area B/HOTEL, for the area designated CPD/RPD Area E and RPD Area B; and

WHEREAS, the Master Concept Plan was subsequently amended designating the shifted location CPD Area E, RPD Area E, and Hotel; and

WHEREAS, the applicant desires to revise the current Master Concept Plan to correct the scrivener's error to replace the designation "HOTEL" with the designation "CPD Area B/HOTEL"; and

WHEREAS, Condition #3, permitted uses and property development regulations in the CPD land development Area B: Hotel/Convention Center (per Ord.), Resolution Z-94-014, will continue to apply to the shifted location of CPD Area B; and

WHEREAS, Condition #20, Resolution Z-94-014, limits the amount of retail commercial square footage that may be developed in the Outlying Suburban Land Use category; and

WHEREAS, if the third development alternative (CPD Area B/HOTEL) is developed within CPD Area E, RPD Area E, and CPD Area B/HOTEL, a maximum of 30,000 square feet of retail commercial is permitted, accessory to CPD Area B/HOTEL; and

WHEREAS, Deviation #12, Resolution Z-94-014, requesting relief from the requirement limiting the height of buildings in the Residential Planned Development category was approved subject to Condition #12, Resolution Z-94-014; and

WHEREAS, Deviation #12, Resolution Z-94-014, was approved for RPD Area F and CPD Area B; and

WHEREAS, Deviation #12, Resolution Z-94-014, within the combined CPD Area E, RPD Area E, and CPD Area B/HOTEL, located adjacent to Coconut Road, would only apply to CPD Area B the third development alternative; and

WHEREAS, an error resulted in Deviation #12, Resolution Z-94-014, being applied to two areas labeled "RPD Area E" located north and south of Coconut Road; and

WHEREAS, the applicant desires to correct this error by deleting the reference to Deviation #12, Resolution Z-94-014, from the two RPD Area E's located north and south of Coconut Road; 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 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 surrounding land uses.

NOW, THEREFORE, IT IS HEREBY DETERMINED that the application for administrative approval for an amendment to a Residential/Commercial Planned Development on a project known as Pelican Landing is **APPROVED as follows:**

1. Resolution Z-94-014, is hereby amended by adding language, as follows:

- a. **Add the use "Signs, which are in compliance with the Lee County Land Development Code" to Section 2, Commercial Planned Development, Permitted uses in the CPD land development Area A: Marina; and**
- b. **Add the use "Signs, which are in compliance with the Lee County Land Development Code" to Section 3, Commercial Planned Development, Permitted uses in the CPD land development Area B; and**
- c. **Add the use "Signs, which are in compliance with the Lee County Land Development Code" to Section 4, Commercial Planned Development, Permitted uses in the CPD land development Area C: Office; and**
- d. **Add the use "Signs, which are in compliance with the Lee County Land Development Code" to Section 5, Commercial Planned Development, Permitted uses in the CPD land development Area D: Mixed Use Commercial; and**

- e. Add the use "Signs, which are in compliance with the Lee County Land Development Code" to Section 6, Commercial Planned Development, Permitted uses in the CPD land development Area E: Retail.
2. Resolution Z-94-014, is hereby amended by amending the Master Concept plan as follows:
- a. The revised Master Concept Plan, attached hereto, is amended to delete the word "Hotel" from the Land Development Area, adjacent to Coconut Road, designated CPD Area E, RPD Area E, and HOTEL and insert the words "CPD Area B/Hotel" is hereby amended to read: "RPD Area E, CPD Area E, and CPD Area B/HOTEL".
 - b. The revised Master Concept Plan, attached hereto, is amended to delete the notation for Deviation #12 from the two RPD Area E's north and south of Coconut Road.
 - c. The revised Master Concept Plan, attached hereto, is amended to add the notation for Deviation #12 to three Land Development Areas designated RPD Area F located south of Coconut Road.
3. The following statements are to clarify the property development regulations associated with CPD Area B/Hotel, Resolution Z-94-014, as follows:
- a. Condition #3, permitted uses and property development regulations in the CPD land development Area B: Hotel/Convention Center (per Ord.), Resolution Z-94-014, apply to the shifted location of CPD Area B designated "RPD Area E, CPD Area E, and CPD Area B/HOTEL" on the revised Master Concept Plan attached hereto.
 - b. Deviation #12, within the Land Development Area designated "RPD Area E, CPD Area E, and CPD Area B/HOTEL" on the revised Master Concept Plan attached hereto, will only apply to the third development alternative, CPD Area B/HOTEL.
 - c. A maximum of 30,000 square feet of retail commercial uses are permitted, accessory to CPD Area B/HOTEL, should the property be developed with the third alternative for the Land Development Area designated "RPD Area E, CPD Area E, and CPD Area B/HOTEL" on the revised Master Concept Plan attached hereto.

Approval is subject to the following conditions:

- 1. The development of the subject property must be in substantial compliance with the Pelican Landing RPD/CPD, Master Concept Plan, prepared for: Pelican

Landing Communities, Inc., by Wilson, Miller, Barton & Peek, Inc., last revised October 22, 1998, and stamped received by the permit counter on October 23, 1998.

2. The terms and conditions of the original zoning resolution remain in full force and effect, except as may be amended from time to time or as amended herein.
3. Site Plan PD-98-070 is hereby APPROVED and adopted. A reduced copy is attached hereto.

DULY SIGNED this 26th day of October, A.D., 1998.

BY: _____

Mary Gibbs

Mary Gibbs, Director
Department of Community Development

REC
REC
DLC
MAR 1964
17120
RZ-225