

ADMINISTRATIVE AMENDMENT (PD) ADD2005-00177

ADMINISTRATIVE AMENDMENT
LEE COUNTY, FLORIDA

WHEREAS, American Land Ventures, L.L.C., filed an application for administrative approval to a Mixed Use Planned Development on a project known as Coconut Point MPD - Area #3 - Tract 3D to:

- a. **reconfigure the lakes in Area #3; and**
- b. **reconfigure Tracts 3A-2, 3-A3, 3B, and 3C;and**
- c. **add a deviation seeking relief from LDC Section 10-296(m)(4)a. which requires that privately maintained accessways may not serve more than 100 multiple family units without providing a minimum road right-of-way as specified by LDC Section 10-296(b); to allow the design of the project as proposed in Area 3 - Tract 3D as shown on the attached Plan; and**
- d. **add a deviation seeking relief from LDC Section 34-2020(1)c.3.(d) which requires the length of the driveway, as measured from the garage structure or the end of the stacked parking space farthest from the street or accessway, as applicable, must be a minimum of 27 feet to the edge of pavement of the accessway; to allow 24 feet.**

The subject property is located at south side of Coconut Road immediately west of Seminole Gulf RR tracks, described more particularly as:

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

See Attached Exhibit A

WHEREAS, the property was originally rezoned in case number DRI2000-00015 & DCI2001-00005 (with subsequent amendments in case numbers ADD2004-00048, ADD2004-00060 (5/10/04) ADD2004-00060 (6/11/04), ADD2004-00060(A), ADD2004-00060(B) and ADD2004-00206); 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, the lake reconfiguration is found to be internal to the development and does not decrease required open space, and is not expected to adversely impact the surrounding uses; and

WHEREAS the reconfiguration of the tracts is found to not increase the allowed intensity of the development, does not decrease required open space, and is not expected to adversely impact surrounding land uses; and

WHEREAS, the requested deviation from LDC Section 10-296(m)(4)a. does not increase intensity of the intensity of the development, does not reduce total open space, and does not adversely impact surrounding uses; and

WHEREAS, the requested deviation from LDC Section 34-2020(1)c.3.(d) does not increase the intensity of the development, does not reduce open space, and is not expected to adversely impact surrounding uses; 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.

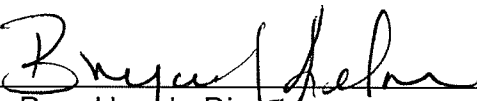
NOW, THEREFORE, IT IS HEREBY DETERMINED that the application for administrative approval for an amendment to Mixed Use Planned Development is **APPROVED, subject to the following conditions:**

1. **The only changes approved as part of this administrative amendment are as follows:**
 - a. **reconfigure the lakes in Area #3; and**
 - b. **reconfigure Tracts 3A-2, 3-A3, 3B, and 3C;and**
 - c. **add a deviation seeking relief from LDC Section 10-296(m)(4)a. which requires that privately maintained accessways may not serve more than 100 multiple family units without providing a minimum road right-of-way as specified by LDC Section 10-296(b); to allow the design of the project as proposed in Area 3 - Tract 3D as shown on the attached Plan; and**
 - d. **add a deviation seeking relief from LDC Section 34-2020(1)c.3.(d) which requires the length of the driveway, as measured from the garage structure or the end of the stacked parking space farthest from the street or accessway, as applicable, must be a minimum of 27 feet to the edge of pavement of the accessway; to allow 24 feet.**

No other changes have been authorized as part of this amendment and development must remain in compliance with Resolution Z-02-009 (with subsequent amendments in case numbers ADD2004-00048, ADD2004-00060, ADD2004-00060, ADD2004-00060(A), ADD2004-00060(B) and ADD2004-00206). The terms and conditions of the original zoning resolution (as amended) remain in full force and effect.

2. The Development must be in compliance with the amended Master Concept Plan (stamped received on August 23, 2005) and Master Development Plan for Coconut Point Area 3 - Tract 3D (stamped received on August 23, 2005). The only authorized changes to the original Master Concept Plan (as amended) are described on Condition 1 above. Master Concept Plan for ADD2005-00177 is hereby APPROVED and adopted. A reduced copy is attached hereto.
3. A deviation seeking relief from LDC Section 10-296(m)(4)a. which requires that privately maintained accessways may not serve more than 100 multiple family units without providing a minimum road right-of-way as specified by LDC Section 10-296(b); to allow the design of the project as proposed in Area 3 - Tract 3D as shown on the attached Plan is APPROVED.
4. A deviation seeking relief from LDC Section 34-2020(1)c.3.(d) which requires the length of the driveway, as measured from the garage structure or the end of the stacked parking space farthest from the street or accessway, as applicable, must be a minimum of 27 feet to the edge of pavement of the accessway; to allow 24 feet, is APPROVED subject to the condition that the design is substantially in compliance with Attachment C, Additional Support for Deviation #2 and the development order plans must show nothing (landscaping, signage, structures, etc.) that will impede sight distance.

DULY SIGNED this 28th day of December, A.D., 2005.

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

LEGAL DESCRIPTION

A PORTION OF SECTION 9, TOWNSHIP 47 SOUTH, RANGE 25 EAST, LEE COUNTY, FLORIDA, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCE AT THE SOUTHEAST CORNER OF SECTION 9, TOWNSHIP 47 SOUTH, RANGE 25 EAST, LEE COUNTY, FLORIDA; THENCE RUN S.88°56'17"W., ALONG THE SOUTH LINE OF THE SOUTHEAST QUARTER OF SAID SECTION 9, FOR A DISTANCE OF 5.89 FEET TO A POINT ON THE WESTERLY RIGHT-OF-WAY LINE OF THE SEABOARD COASTLINE RAILROAD, A 130.00 FOOT RIGHT-OF-WAY, AND THE POINT OF BEGINNING OF THE PARCEL OF LAND HEREIN DESCRIBED; THENCE CONTINUE S.88°56'17"W., ALONG THE SOUTH LINE OF THE SOUTHEAST QUARTER OF SAID SECTION 9, FOR A DISTANCE OF 1,733.04 FEET TO A POINT ON THE EASTERLY RIGHT-OF-WAY LINE OF U.S. HWY. NO. 41 (FLORIDA STATE ROAD NO. 45), A 200.00 FOOT RIGHT-OF-WAY; THENCE RUN N.10°32'05"W., ALONG SAID EASTERLY RIGHT-OF-WAY LINE, FOR A DISTANCE OF 971.33 FEET TO THE BEGINNING OF A TANGENTIAL CIRCULAR CURVE, CONCAVE EASTERLY; THENCE RUN NORTHERLY, ALONG SAID EASTERLY RIGHT-OF-WAY LINE AND ALONG THE ARC OF SAID CURVE TO THE RIGHT, HAVING A RADIUS OF 5,605.39 FEET, THROUGH A CENTRAL ANGLE OF 04°03'11", SUBTENDED BY A CHORD OF 396.43 FEET AT A BEARING OF N.08°30'30"W., FOR A DISTANCE OF 396.52 FEET TO THE END OF SAID CURVE; THENCE RUN N.88°07'51"E. FOR A DISTANCE OF 747.22 FEET TO A POINT ON A CIRCULAR CURVE, CONCAVE EASTERLY, WHOSE RADIUS POINT BEARS N.82°31'42"E., A DISTANCE OF 3,909.60 FEET THEREFROM; THENCE RUN NORTHERLY, ALONG THE ARC OF SAID CURVE TO THE RIGHT, HAVING A RADIUS OF 3,909.60 FEET, THROUGH A CENTRAL ANGLE OF 08°29'31", SUBTENDED BY A CHORD OF 578.92 FEET AT A BEARING OF N.03°13'32"W., FOR A DISTANCE OF 579.45 FEET TO THE END OF SAID CURVE; THENCE RUN N.00°15'56"W., FOR A DISTANCE OF 583.09 FEET; THENCE RUN N.00°15'56"W., FOR A DISTANCE OF 47.04 FEET TO A POINT ON THE SOUTHERLY RIGHT-OF-WAY LINE OF COCONUT ROAD, A 150.00 FOOT RIGHT-OF-WAY, THE SAME BEING A POINT ON A CIRCULAR CURVE, CONCAVE NORTHERLY, WHOSE RADIUS POINT BEARS N.10°26'58"W., A DISTANCE OF 2,025.00 FEET THEREFROM; THENCE RUN EASTERLY, ALONG SAID SOUTHERLY RIGHT-OF-WAY LINE AND ALONG THE ARC OF SAID CURVE TO THE LEFT, HAVING A RADIUS OF 2,025.00 FEET, THROUGH A CENTRAL ANGLE OF 09°12'27", SUBTENDED BY A CHORD OF 325.07 FEET AT A BEARING OF N.74°56'48"E., FOR A DISTANCE OF 325.42 FEET TO THE END OF SAID CURVE; THENCE RUN N.70°20'35"E., ALONG SAID SOUTHERLY RIGHT-OF-WAY LINE FOR A DISTANCE OF 200.00 FEET TO THE BEGINNING OF A TANGENTIAL CIRCULAR CURVE, CONCAVE SOUTHERLY; THENCE RUN EASTERLY, ALONG SAID SOUTHERLY RIGHT-OF-WAY LINE AND ALONG THE ARC OF SAID CURVE TO THE RIGHT, HAVING A RADIUS OF 3,025.00 FEET, THROUGH A CENTRAL ANGLE OF 09°15'04", SUBTENDED BY A CHORD OF 487.89 FEET AT A BEARING OF N.74°58'07"E., FOR A DISTANCE OF 488.42 FEET TO THE END OF SAID CURVE; THENCE RUN N.79°35'39"E., ALONG SAID SOUTHERLY RIGHT-OF-WAY LINE, FOR A DISTANCE OF 238.23 FEET TO A POINT ON THE WESTERLY RIGHT-OF-WAY LINE OF THE SEABOARD COASTLINE RAILROAD, A 130.00 FOOT RIGHT-OF-WAY; THENCE RUN S.00°59'47"E., ALONG SAID WESTERLY RIGHT-OF-WAY LINE, FOR A DISTANCE OF 2,869.10 FEET TO THE POINT OF BEGINNING; CONTAINING 95.885 ACRES, MORE OR LESS.

AND

A PORTION OF SECTIONS 3, 4, 9, AND 10, TOWNSHIP 47 SOUTH, RANGE 25 EAST, LEE COUNTY, FLORIDA, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCE AT THE SOUTHEAST CORNER OF SECTION 9, TOWNSHIP 47 SOUTH, RANGE 25 EAST, LEE COUNTY, FLORIDA; THENCE RUN S.88°56'17"W., ALONG THE SOUTH LINE OF THE SOUTHEAST QUARTER OF SAID SECTION 9, FOR A DISTANCE OF 5.89 FEET TO A POINT ON THE

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REF. DWG. #A-994-3

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WESTERLY RIGHT-OF-WAY LINE OF THE SEABOARD COASTLINE RAILROAD, A 130.00 FOOT RIGHT-OF-WAY; THENCE RUN N.00°59'47"W., ALONG SAID WESTERLY RIGHT-OF-WAY LINE, FOR A DISTANCE OF 3,021.15 FEET TO THE POINT OF BEGINNING OF THE PARCEL OF LAND HEREIN DESCRIBED; THENCE RUN N.00°59'47"W., ALONG SAID WESTERLY RIGHT-OF-WAY LINE, FOR A DISTANCE OF 2,320.56 FEET TO A POINT ON THE NORTH LINE OF THE NORTHWEST QUARTER OF SECTION 10, TOWNSHIP 47 SOUTH, RANGE 25 EAST; THENCE RUN N.00°59'47"W., ALONG SAID WESTERLY RIGHT-OF-WAY LINE, FOR A DISTANCE OF 2,692.32 FEET TO A POINT ON THE NORTH LINE OF THE SOUTHEAST QUARTER OF SECTION 4, TOWNSHIP 47 SOUTH, RANGE 25 EAST; THENCE RUN N.00°56'59"W., ALONG SAID WESTERLY RIGHT-OF-WAY LINE, FOR A DISTANCE OF 1,590.78 FEET TO THE BEGINNING OF A TANGENTIAL CIRCULAR CURVE, CONCAVE WESTERLY; THENCE RUN NORTHERLY, ALONG SAID WESTERLY RIGHT-OF-WAY LINE AND ALONG THE ARC OF SAID CURVE TO THE LEFT, HAVING A RADIUS OF 5,641.38 FEET, THROUGH A CENTRAL ANGLE OF 09°31'27", SUBTENDED BY A CHORD OF 936.68 FEET AT A BEARING OF N.05°42'42"W., FOR A DISTANCE OF 937.76 FEET TO THE END OF SAID CURVE; THENCE RUN N.10°28'26"W., ALONG SAID WESTERLY RIGHT-OF-WAY LINE, FOR A DISTANCE OF 98.54 FEET TO A POINT ON THE SOUTHERLY RIGHT-OF-WAY LINE OF WILLIAMS ROAD, A 100.00 FOOT RIGHT-OF-WAY; THENCE RUN S.88°20'53"W., ALONG SAID SOUTHERLY RIGHT-OF-WAY LINE, FOR A DISTANCE OF 1,029.70 FEET TO THE BEGINNING OF A TANGENTIAL CIRCULAR CURVE, CONCAVE NORTHERLY; THENCE RUN WESTERLY, ALONG SAID SOUTHERLY RIGHT-OF-WAY LINE AND ALONG THE ARC OF SAID CURVE TO THE RIGHT, HAVING A RADIUS OF 7,050.00 FEET, THROUGH A CENTRAL ANGLE OF 03°00'00", SUBTENDED BY A CHORD OF 369.09 FEET AT A BEARING OF S.89°50'53"W., FOR A DISTANCE OF 369.14 FEET TO THE END OF SAID CURVE; THENCE RUN N.88°39'07"W., ALONG SAID SOUTHERLY RIGHT-OF-WAY LINE, FOR A DISTANCE OF 674.92 FEET TO A POINT ON THE EASTERLY RIGHT-OF-WAY LINE OF U.S. HWY. NO. 41 (FLORIDA STATE ROAD NO. 45), A 200.00 FOOT RIGHT-OF-WAY; THENCE RUN S.04°52'41"W., ALONG SAID EASTERLY RIGHT-OF-WAY LINE, FOR A DISTANCE OF 1,901.57 FEET TO THE BEGINNING OF A TANGENTIAL CIRCULAR CURVE, CONCAVE EASTERLY; THENCE RUN SOUTHERLY, ALONG SAID EASTERLY RIGHT-OF-WAY LINE AND ALONG THE ARC OF SAID CURVE TO THE LEFT, HAVING A RADIUS OF 2,725.19 FEET, THROUGH A CENTRAL ANGLE OF 11°32'50", SUBTENDED BY A CHORD OF 548.30 FEET AT A BEARING OF S.00°53'44"E., FOR A DISTANCE OF 549.23 FEET TO THE END OF SAID CURVE; THENCE RUN S.06°40'09"E., ALONG SAID EASTERLY RIGHT-OF-WAY LINE FOR A DISTANCE OF 225.81 FEET TO A POINT ON THE NORTH LINE OF THE SOUTHEAST QUARTER OF SAID SECTION 4; THENCE CONTINUE S.06°40'09"E., ALONG SAID EASTERLY RIGHT-OF-WAY LINE, FOR A DISTANCE OF 2,710.61 FEET TO A POINT ON THE SOUTH LINE OF THE SOUTHEAST QUARTER OF SAID SECTION 4; THENCE CONTINUE S.06°40'09"E., ALONG SAID EASTERLY RIGHT-OF-WAY LINE, FOR A DISTANCE OF 626.03 FEET TO THE BEGINNING OF A TANGENTIAL CIRCULAR CURVE, CONCAVE WESTERLY; THENCE RUN SOUTHERLY, ALONG SAID EASTERLY RIGHT-OF-WAY LINE AND ALONG THE ARC OF SAID CURVE TO THE RIGHT, HAVING A RADIUS OF 11,584.73 FEET, THROUGH A CENTRAL ANGLE OF 06°24'13", SUBTENDED BY A CHORD OF 1,294.08 FEET AT A BEARING OF S.03°28'03"E., FOR A DISTANCE OF 1,294.76 FEET TO THE END OF SAID CURVE; THENCE RUN S.00°15'56"E., ALONG SAID EASTERLY RIGHT-OF-WAY LINE, FOR A DISTANCE OF 274.74 FEET; THENCE RUN S.46°02'16"E., FOR A DISTANCE OF 577.44 FEET; THENCE RUN S.01°57'26"E. FOR A DISTANCE OF 25.19 FEET TO A POINT ON THE NORTHERLY RIGHT-OF-WAY LINE OF COCONUT ROAD, A 150.00 FOOT RIGHT-OF-WAY; THENCE RUN N.88°02'34"E., ALONG SAID NORTHERLY RIGHT-OF-WAY LINE, FOR A DISTANCE OF 32.80 FEET TO THE BEGINNING OF A TANGENTIAL CIRCULAR CURVE, CONCAVE NORTHERLY; THENCE RUN EASTERLY, ALONG SAID NORTHERLY RIGHT-OF-WAY LINE AND ALONG THE ARC OF SAID CURVE TO THE LEFT, HAVING A RADIUS OF 1,875.00 FEET, THROUGH A CENTRAL ANGLE OF 17°41'59", SUBTENDED BY A CHORD OF 576.92 FEET AT A BEARING OF N.79°11'34"E., FOR A DISTANCE OF 579.22 FEET TO THE END OF SAID CURVE; THENCE RUN N.70°20'35"E., ALONG SAID NORTHERLY RIGHT-OF-WAY LINE, FOR A DISTANCE OF 200.00 FEET TO THE BEGINNING OF A TANGENTIAL CIRCULAR CURVE, CONCAVE

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SOUTHERLY; THENCE RUN EASTERLY, ALONG SAID NORTHERLY RIGHT-OF-WAY LINE AND ALONG THE ARC OF SAID CURVE TO THE RIGHT, HAVING A RADIUS OF 3,175.00 FEET, THROUGH A CENTRAL ANGLE OF 09°15'04", SUBTENDED BY A CHORD OF 512.09 FEET AT A BEARING OF N.74°58'07"E., FOR A DISTANCE OF 512.65 FEET TO THE END OF SAID CURVE; THENCE RUN N.79°35'39"E., ALONG SAID NORTHERLY RIGHT-OF-WAY LINE, FOR A DISTANCE OF 263.08 FEET TO THE POINT OF BEGINNING; CONTAINING 386.536 ACRES, MORE OR LESS.

NOTES:

THIS PROPERTY IS SUBJECT TO EASEMENTS, RESERVATIONS OR RESTRICTIONS OF RECORD.

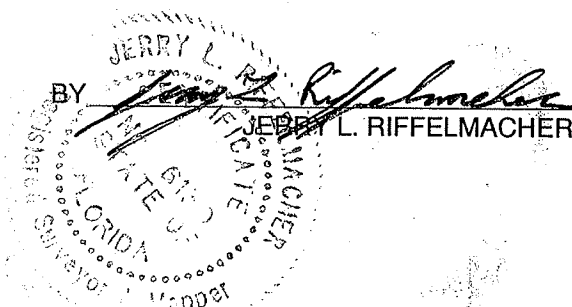
TOTAL PROPERTY AREA: 482.421 ACRES, MORE OR LESS.

INFORMATION RELATING TO BOUNDARY DATA OF SECTIONS 3, 4, 9 AND 10, TOWNSHIP 47 SOUTH, RANGE 25 EAST, LEE COUNTY, FLORIDA, TOGETHER WITH THE LOCATION OF THE US HIGHWAY #41 RIGHT-OF-WAY, WAS OBTAINED FROM A SURVEY OF THE SWEETWATER RANCH PREPARED BY DENI ASSOCIATES HAVING ORDER NUMBER 8409031, DATED 9/14/84. INFORMATION RELATING TO THE LOCATION OF COCONUT ROAD AND ADJOINING EXCEPTED PARCELS WAS OBTAINED FROM PROPERTY DESCRIPTIONS PROVIDED BY CLIENT.

BEARINGS REFER TO THE SOUTH LINE OF THE SOUTHEAST QUARTER OF SECTION 9, TOWNSHIP 47 SOUTH, RANGE 25 EAST, LEE COUNTY, FLORIDA, AS BEING S.88°56'17"W.

HOLE MONTES, INC.

CERTIFICATE OF AUTHORIZATION LB #1772



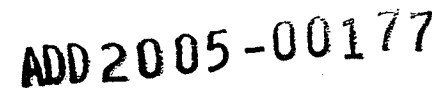
P.S.M. #6130
STATE OF FLORIDA

Applicant's Legal Checked
by My. 16 SEPT 05

RECEIVED
SEP 14 2005

PERMIT COUNTER

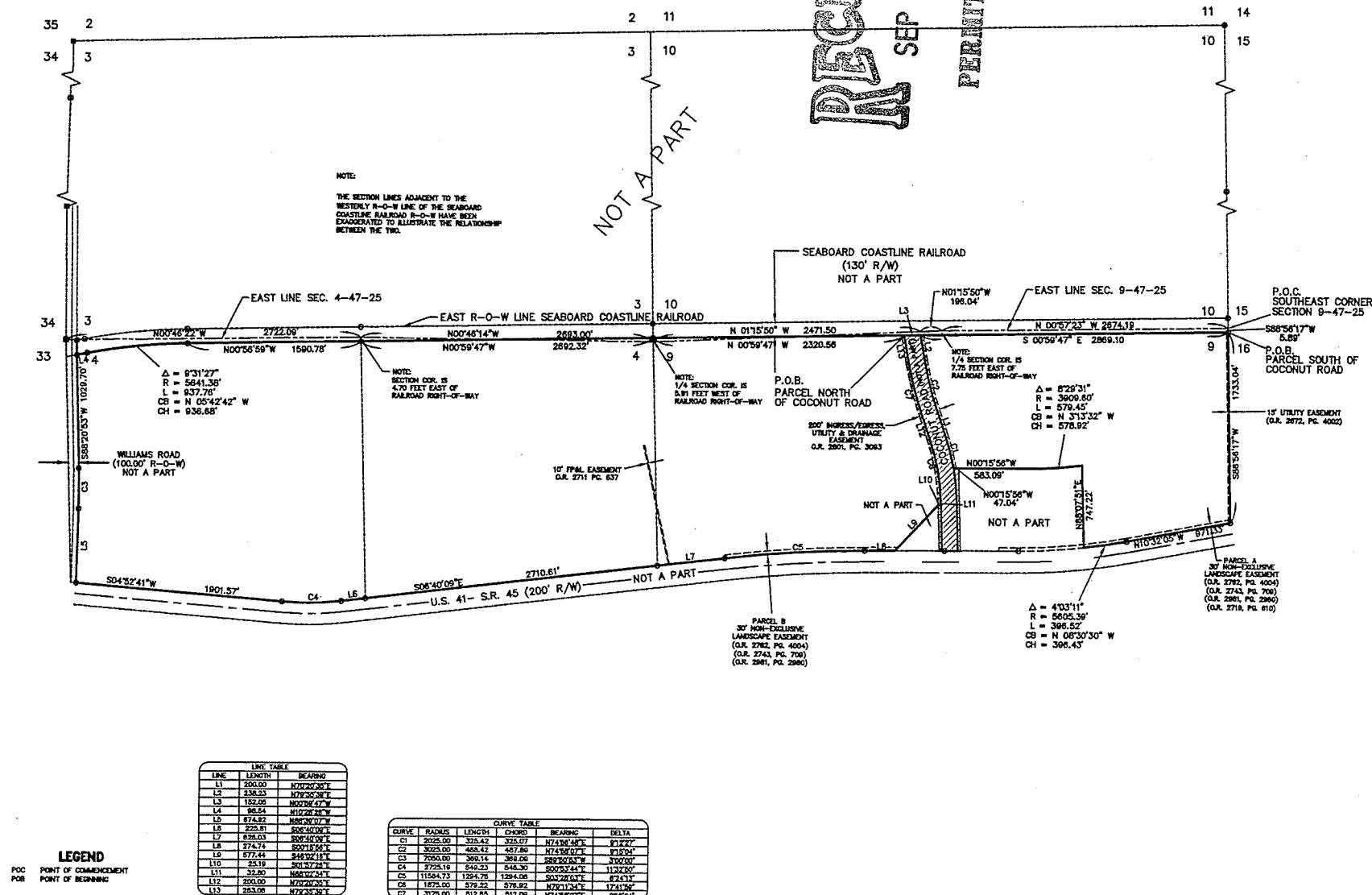
ADD 2005-00177



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125

CONFIDENTIAL

**LEGAL DESCRIPTION**

A PORTION OF SECTION 8, TOWNSHIP 47 SOUTH, RANGE 25 EAST, LEE COUNTY, FLORIDA, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

[illegible]

A PORTION OF SECTIONS 3, 4, 8, AND 10, TOWNSHIP 47 SOUTH, RANGE 25 EAST, LEE COUNTY, FLORIDA,
BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

[illegible]

NOTES: **CONFIDENTIAL**
THIS PRIORITY IS SELF-STATING. IT MEETS THE REQUIREMENTS OF THE NATIONAL SECURITY AGENCY.

TOTAL PROPERTY AREA 492.421 ACRES MORE OR LESS

INFORMATION RELATING TO BOUNDARY DATA OF SECTIONS 3, 4, 8 AND 10, TOWNSHIP 47 SOUTH, RANGE 25 EAST, LEE COUNTY, FLORIDA, TOGETHER WITH THE LOCATION OF THE US HIGHWAY 941 RIGHT-OF-WAY, WAS

ADJOINING EXCEPTED PARCELS WAS OBTAINED FROM PROPERTY DEPOSITIONS PROVIDED BY CLIENT.

BEARING RUN TO THE SOUTH LINE OF THE SOUTHEAST QUARTER OF SECTION 8, TOWNSHIP 47 SOUTH, RANGE 25 EAST, LEE COUNTY, FLORIDA, AS BEING S.89°24'17"W.

HOLE, MONTES, INC.
CERTIFICATE OF AUTHORIZATION 157 01772

CONFIDENTIAL

22 *[Signature]*

JERRY L. REEFWACHER
STATE OF FLORIDA

AND LEGAL DESCRIPTION

F A PORTION OF SECTIONS
3, 4, 8 AND 10

SKETCH AND LEGAL DESCRIPTION

OF A PORTION OF SECTIONS

3, 4, 9 AND 10

DRAWING NO.

A-894-3

1987078B

"NOT A SURVEY"

950 Encore Way
Naples, FL 34110
Phone: (941) 254-2000
Florida Certificate of

SKETCH AND LEGAL DESCRIPTION

OF A PORTION OF SECTIONS

3, 4, 9 AND 10

DRAWING NO.

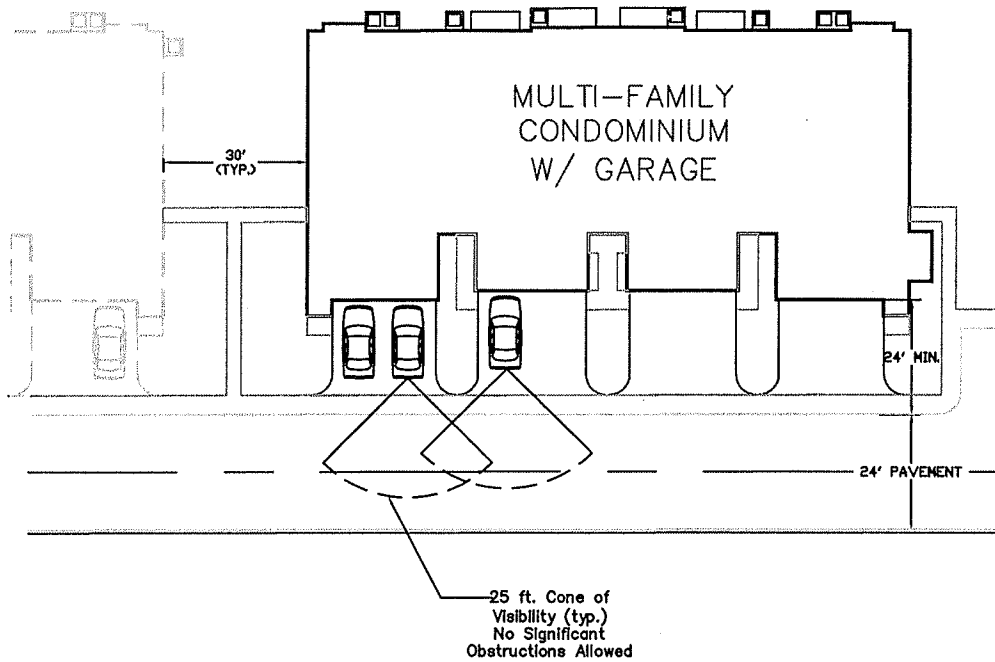
A-894-3

1987078B

Additional Support for
Deviation #2 from Section
34-2020(1)c.3.(d)

RECORDED

PERMIT COUNTER



TYPICAL M.F. AREA PLAN (TRACT 3D)

1"=40'

(To Conform with L.C.L.D.C., Sec. 34-3131(a) & (b))

<p>COCONUT POINT - AREA #3 - TRACT 3D</p> <p align="center">ATTACHMENT C VISIBILITY EXHIBIT</p>						<p>6200 Whiskey Creek Dr. Fort Myers, FL 33919 Phone : (239) 985-1200 Professional Registration No.1772 Naples-Fort Myers-Venice-Englewood</p>						<div style="display: flex; justify-content: space-between;"> <div> <p>DATE: 07/07/01</p> <p>DRAWN BY: B</p> <p>CHECKED BY: J</p> <p>SCALE: AS SHOWN</p> </div> <div> <p>PROJECT NO.: 07/07/01</p> <p>SHEET NO.: 1 OF 1</p> </div> </div>					
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