

ADMINISTRATIVE AMENDMENT PD-97-024

ADMINISTRATIVE AMENDMENT
LEE COUNTY, FLORIDA

WHEREAS, Peninsula Improvement Corporation and Barron Collier Partnership, a Florida General Partnership, filed an application for administrative approval to a Residential Planned Development on a project known as Bay Landing CPD/RPD. The applicant seeks the following amendments:

1. Correction of a "scribner's" error in the Legal Description
2. ~~Change the interconnection between the Commercial Planned Development (CPD) and Residential Planned Development (RPD). (WITHDRAWN)~~
3. Increase the number of outparcels from 5 to 9 within the CPD portion.
4. Provide for utility easements within the out parcels in the CPD.
5. Provide for utility easement along only one side of a portion of the roadway.
6. Amend the density allowed in the RPD from a maximum of 149 to 198 dwelling units in the RPD, in accordance with Condition 5 of Resolution Z-95-009.

The subject property is located at 27101 South Tamiami Trail, Bonita Springs, described more particularly as:

LEGAL DESCRIPTION: A tract or parcel of land lying in the East Half (E½) of the East Half (E½) Section 33, Township 47 South, Range 25 East, Lee County, Florida which tract or parcel is described as follows:

From the Northeast corner of said Section 33 run S01°07'58"W along the East line of said Section for 1,020.86 feet to the Southeast corner of lands described in deed recorded in OR Book 1533 at Page 665, Lee County Records and the POINT OF BEGINNING of the herein described parcel.

From said POINT OF BEGINNING run S88°52'42"W 200.00 feet to the Southwest corner of said lands;
THENCE run N01°07'58"W along the West line of said lands for 569.94 feet to the Northwest corner of said lands;
THENCE run N88°52'42"E along the North line of said lands for 62.68 feet;

THENCE run N48°36'50"W for 23.75 feet;
 THENCE run N62°50'48"W for 32.15 feet;
 THENCE run N69°56'52"W for 26.19 feet;
 THENCE run N71°15'09"W for 85.97 feet;
 THENCE run S89°11'38"W for 38.03 feet;
 THENCE run N45°48'22"W for 63.40 feet;
 THENCE run N00°48'22"W for 48.22 feet to a POINT OF
 CURVATURE;
 THENCE run Northwesterly along the arc of a curve to the left of
 radius 10.00 feet (delta 88°45'13") (chord 13.99 feet) (chord bearing
 N45°10'58"W) for 15.49 feet to a POINT OF REVERSE
 CURVATURE;
 THENCE run Northwesterly along the arc of a curve to the right of
 radius 235.00 feet (delta 27°17'47") (chord 110.90 feet) (chord
 bearing N75°54'41"W) for 111.96 feet to a POINT OF REVERSE
 CURVATURE;
 THENCE run Northwesterly along the arc of a curve to the left of
 radius 165.00 feet (delta 28°32'35") (chord 81.35 feet) (chord bearing
 N76°32'04"W) for 82.20 feet to a POINT OF TANGENCY;
 THENCE run S89°11'38"W for 92.31 feet to a POINT OF
 CURVATURE;
 THENCE run Southwesterly along the arc of a curve to the left of
 radius 165.00 feet (delta 91°48'22") (chord 236.99 feet) (chord
 bearing S43°17'27"W) for 264.38 feet to a POINT OF COMPOUND
 CURVATURE;
 THENCE run Southerly and Southeasterly along the arc of a curve to
 the left of radius 25.00 feet (delta 91°51'34") (chord 35.92 feet) (chord
 bearing S48°32'31"E) for 40.08 feet to a POINT OF TANGENCY;
 THENCE run N85°31'42"E for 243.80 feet to a POINT OF
 CURVATURE;
 THENCE run Southeasterly along the arc of a curve to the right of
 radius 50.00 feet (delta 32°36'18") (chord 28.07 feet) (chord bearing
 S78°10'08"E) for 28.45 feet to POINT OF TANGENCY;
 THENCE run S61°51'59"E for 50.92 feet to a POINT OF
 CURVATURE;
 THENCE run Southeasterly along the arc of a curve to the right of
 radius 100.00 feet (delta 41°47'20") (chord 72.96 feet) (chord bearing
 S40°28'19"E) for 74.68 feet to a POINT OF TANGENCY;
 THENCE run S19°04'39"E for 162.83 feet to a POINT OF
 CURVATURE;
 THENCE run Southerly along the arc of a curve to the right of radius
 85.00 feet (delta 46°28'53") (chord 67.08 feet) (chord bearing
 S04°09'47"W) for 68.96 feet to a POINT OF TANGENCY;

THENCE run S27°25'14"W for 116.34 feet;
 THENCE run S45°17'19"W for 330.78 feet;
 THENCE run S04°28'18"E for 74.14 feet;
 THENCE run S49°28'18"E for 233.07 feet;
 THENCE run S40°32'50"W for 33.93 feet;
 THENCE run S49°27'10"E for 336.78 feet;
 THENCE run S40°32'50"W for 33.36 feet to a POINT OF
 CURVATURE;
 THENCE run Southwesterly along the arc of a curve to the right of
 radius 175.00 feet (delta 19°00'26") (chord 57.79 feet) (chord bearing
 S50°03'03"W) for 58.05 feet to a POINT OF REVERSE
 CURVATURE;
 THENCE run Southwesterly along the arc of a curve to the left of
 radius 225.50 feet (delta 19°00'26") (chord 74.30) (chord bearing
 S50°03'03"W) for 74.64 feet to a POINT OF TANGENCY;
 THENCE run S40°32'50"W for 87.00 feet;
 THENCE run N49°27'10"W for 521.68 feet;
 THENCE run S85°32'50"W for 45.09 feet to the East line of SR 45
 (US 41) (Tamiami Trail);
 THENCE run S04°27'10"E along said East line for 570.84 feet;
 THENCE run S10°09'48"E along said East line for 402.00 feet;
 THENCE run S04°27'10"E along said East line for 150 feet, more or
 less to the waters of the Imperial River;
 THENCE run Easterly, Northeasterly, Southerly, Southwesterly,
 Southerly, Easterly and Northeasterly along said waters to an
 intersection with said East line of Section 33;
 THENCE run N01°07'58"W along said East line of Section 33 for
 1,140 feet, more or less to the POINT OF BEGINNING.
 CONTAINING 35.0 acres, more or less.

WHEREAS, the property was originally rezoned in case number 95-01-015.03Z; 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 request seeks to increase the number of commercial outparcels while not increasing the amount of commercial square footage, increase the number of dwelling units from 149 to 198 as provided for Condition 5 of Resolution Z-95-009, and allow utility easements along only the west side of the internal road and on every other property line; and

WHEREAS, the affected utilities have reviewed the plan prepared for this project and agree to the location(s) of the utility easements as proposed within this amendment; and

WHEREAS, it is found that the proposed amendment does not increase the density or intensity originally approved 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 an administrative approval to amend the existing Residential Planned Development and Commercial Planned Development zoning as noted below is **APPROVED**.

1. Correction of a "scribner's" error in the Legal Description.
2. Increase the number of outparcels from 5 to 9 within the CPD portion.
3. Provide for utility easements within the out parcels in the CPD.
4. Provide for utility easement along only one side of a portion of the roadway.
5. Amend the density allowed in the RPD from a maximum of 149 to 198 dwelling units in the RPD, in accordance with Condition 5 of Resolution Z-95-009.

Approval of the above noted amendments is subject to the following conditions:

1. The Development must be in compliance with the amended Master Concept Plan, entitled Amended Master Concept Plan, dated 8-12-97 (last revised 7-2-97 and stamped received July 14, 1997). The amended Master Concept Plan (Site Plan PD-97-024) is hereby **APPROVED** and adopted. A reduced copy is attached hereto.
2. The terms and conditions of the original zoning resolution (Z-95-009) remains in full force and effect, except as noted herein.
3. Condition A.5 of Resolution Z-95-009 is amended to read as follows: The RPD is limited to a maximum of 198 dwelling units.
4. Utility easements may be provided along only the west side of the internal roadway and along every other property line within the Commercial Planned Development portion of this project.
5. The developer is hereby given notice that the reconfiguration of parcels and tracts delineated on the amended Master Concept Plan (MCP) could make the development of Tract 2 difficult. Tract 2 contains two Curtiss' milkweed preserve areas that were previously part of a much larger tract. The new

configuration of Tract 2 does not alter the requirement to preserve Curtiss' milkweed in the locations contained in Condition #23, Example "A" of Zoning Resolution Z-95-009.

DULY SIGNED this 18th day of July, A.D., 1997.

BY: Walter J. Anthony
for Mary Gibbs, Director
Department of Community Development

