

ADMINISTRATIVE AMENDMENT (PD) ADD2007-00155

ADMINISTRATIVE AMENDMENT
LEE COUNTY, FLORIDA

WHEREAS, Win Estero Ltd., filed an application for administrative approval to a Mixed Use Planned Development (MPD) on a project known as Paradise Shoppes of Estero **to add Business Services, Group II to the Schedule of Uses adopted in resolution #Z-04-068** on property located at 21740 So. Tamiami Trail, Fort Myers, FL described more particularly as:

LEGAL DESCRIPTION: In Section 33, Township 46 South, Range 25 East, Lee County, Florida:

See Exhibit "A"

WHEREAS, the property was originally rezoned in case number 97-12-021-03Z 01.01 (with subsequent amendments in case numbers DCI2004-00013/Resolution #Z-04-068); and

WHEREAS, the subject property is located in the Suburban Future Land Use Category as designated by the ; and

WHEREAS, the applicant has indicated the property's current STRAP number is 33-46-28-00008.0000; 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 applicant has requested to administratively amend the planned development to add "Business Services, Group II" to the schedule of uses; and

WHEREAS, the intent of the application is to allow a "Fed Ex/Kinkos" (packaging and copy services) located in Parcel 8 as shown on the Master Concept Plan; and

WHEREAS, "Parcel and Express Services" under Business Services, Group II, will allow for the applicant's proposed use; and

WHEREAS, the schedule of uses for the MPD currently allows Business Services, Group I, Car Wash, Clothing Stores, Drugstore, Personal Services, Group I, Group II and Group III (with limitations), Post Office, and other commercial office and retail uses; and

WHEREAS, the schedule of uses for the MPD currently allows Rental and Leasing Establishments and Specialty Retail with limitations on outdoor storage and display; and

WHEREAS, this proposed use is either similar to or less intensive than other commercial uses already allowed in the MPD; 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 an amendment **to add *Business Services Group II* to the Schedule of Uses adopted in Resolution #Z-04-068** for a Mixed- Use Planned Development is **APPROVED**, subject to the following conditions:

1. The approval is limited to the addition of ***Business Services, Group II*** (limited to Parcel and Express Services) to the approved schedule of uses for the MPD. No other changes have been approved as part of this Administrative Amendment.
2. Resolution #Z-04-068, Conditions #3a, Schedule of Uses, Permitted Uses within the CPD district, is hereby amended by adding "Business Services, Group II" as a permissible use as follows:

Business Services, Group I, and Group II -
limited to Parcel and Express Services.
and limited to Parcel 8 only.
All storage must be indoors.
Outdoor storage and display are prohibited.
No other Group II Business Services are permitted.

3. The terms and conditions of the original zoning resolutions remain in full force and effect, except as herein amended.

DULY SIGNED this 20th day of August, A.D., 2007.

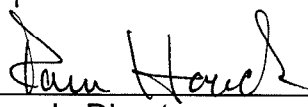
BY: 
Pam Houck, Director
Division of Zoning
Department of Community Development

EXHIBIT A

Legal Description

**Paradise Shoppes of Estero, a subdivision according to the Plat
recorded in Official Records Instrument Number 2007-000106415 of the
Public Records of Lee County, Florida.**

ADD 2007-001525

Applicant's Legal Checked
By BSJ 8/15/07

J219191DWG\SURVEYING\PLAT\21919P01.DWG - TUE, 3-13-2007 - 10:44 AM

THIS INSTRUMENT PREPARED BY:
SCOTT A. WHEELER, P.S.M.

Barraco
and Associates, Inc.

CIVIL ENGINEERING - LAND SURVEYING - LAND PLANNING - LANDSCAPE DESIGN
2271 MCGREGOR BLVD., POST OFFICE DRAWER 2800, FORT MYERS, FLORIDA 33902-2800
PHONE (239) 461-3170 - WWW.BARRACO.NET - FAX (239) 461-3169
FLORIDA CERTIFICATES OF AUTHORIZATION - ENGINEERING 7095 - SURVEYING LB-6940

DESCRIPTION

Parcel in
Section 33, Township 46 South, Range 25 East
Lee County, Florida

A tract or parcel of land in Section 33, Township 46 South, Range 25 East, Lee County, Florida being part of lands described in Official Record Book 2787, Page 1398, Lee County Records, being more particularly described as follows.
From the southeast corner of the southwest quarter (SW 1/4) of Section 33, Township 46 South, Range 25 East, Lee County, Florida, run N01°03'48"W along the east line of said fraction for 30.00 feet to an intersection with the north right-of-way line of Williams Road (60 feet wide), said point being the POINT OF BEGINNING
From said POINT OF BEGINNING continue along said east fraction line N01°03'48"W for 750.21 feet to a point of curvature; thence run northerly along the arc of said curve to the right of radius 500.00 feet (delta 22°23'46") (chord bearing N10°08'05"E) (chord 194.20 feet), for 195.44 feet to a point of reverse curvature; thence run northerly along the arc of said curve to the left of radius 30.00 feet (delta 85°58'03") (chord bearing N21°39'03"W) (chord 40.91 feet) for 45.01 feet to a point of reverse curvature; thence run northwesterly along the arc of said curve to the right of radius 315.00 feet (delta 55°00'10") (chord bearing N37°08'00"W) (chord 290.92 feet) for 302.39 feet to a point of reverse curvature; thence run northwesterly along the arc of said curve to the left of radius 33.00 feet (delta 81°14'53") (chord bearing N50°15'21"W) (chord 42.97 feet) for 46.80 feet to a point of tangency; thence run S89°07'12"W for 203.82 feet to a point of curvature; thence run northwesterly along the arc of said curve to the right of radius 30.00 feet (delta 89°50'48") (chord bearing N45°57'24"W) (chord 42.37 feet), for 47.04 feet to a point of tangency; thence run N01°02'01"W for 572.18 feet to an intersection with the south right-of-way line of Pelican Sound Drive as recorded in Official record Book 3533, Page 4459, Lee County Records; thence run N88°25'54"E along said south right-of-way line for 874.95 feet to an intersection with the west right-of-way line of Tamiami Trail (State Road 45); thence run S04°52'56"W along said west right-of-way line for 1,860.03 feet to an intersection with the north right-of-way line of Williams Road; thence run S88°20'42"W along said north right-of-way for 268.35 feet to the POINT OF BEGINNING.
Containing 21.73 acres, more or less.
Bearings hereinabove mentioned are State Plane for the Florida West Zone (1983/99 adjustment) and are based on the south line of the southwest quarter (SW 1/4) of said Section 33 to bear N88°33'52"E.

NOTICE:

THIS PLAT, AS RECORDED IN ITS GRAPHIC FORM, IS THE OFFICIAL DEPICTION OF THE SUBDIVIDED LANDS DESCRIBED HEREIN AND WILL UNDER NO CIRCUMSTANCES BE SUPPLANTED IN AUTHORITY BY ANY OTHER GRAPHIC OR DIGITAL FORM OF THE PLAT. THERE MAY BE ADDITIONAL RESTRICTIONS THAT ARE NOT RECORDED ON THIS PLAT THAT MAY BE FOUND IN THE PUBLIC RECORDS OF LEE COUNTY.

NOTICE:

LANDS DESCRIBED IN THIS PLAT MAY BE SUBDIVIDED BY THE DEVELOPER WITHOUT THE ROADS, DRAINAGE, WATER AND SEWER FACILITIES BEING ACCEPTED FOR MAINTENANCE BY LEE COUNTY. ANY PURCHASER OF A LOT IN THIS SUBDIVISION IS ADVISED TO DETERMINE WHETHER THE LOT MAY BE SUBJECT TO ASSESSMENT OR CALLED UPON TO BEAR A PORTION OR ALL OF THE EXPENSE OF CONSTRUCTION, MAINTENANCE OR IMPROVEMENT OF ROAD, DRAINAGE, WATER AND SEWER FACILITIES.

CERTIFICATE

I HEREBY CERTIFY THAT THE ATTACHED PLAT OF PARADISE SHOPPES OF ESTERO, A SUBDIVISION LYING IN SECTION 33, TOWNSHIP 46 SOUTH, RANGE 25 EAST, LEE COUNTY, FLORIDA, WAS PREPARED UNDER MY DIRECTION AND SUPERVISION AND COMPLIES WITH ALL OF THE SURVEY REQUIREMENTS OF CHAPTER 177, PART 1, OF THE FLORIDA STATUTES. I FURTHER CERTIFY THAT THE PERMANENT REFERENCE MONUMENTS (P.R.M.'S) HAVE BEEN PLACED AT THE LOCATIONS SHOWN ON THIS PLAT.
DONE THIS 13th DAY OF March, 2007.

SCOTT A. WHEELER (FOR THE FIRM BARRACO)
PROFESSIONAL SURVEYOR AND MAPPER
FLORIDA CERTIFICATE NO. 5949

CLERK'S CERTIFICATION

I HEREBY CERTIFY THAT THE ATTACHED PLAT OF PARADISE SHOPPES OF ESTERO, A SUBDIVISION LYING IN SECTION 33, TOWNSHIP 46 SOUTH, RANGE 25 EAST, LEE COUNTY WAS FILED FOR RECORD AT 4:50 P.M., THIS 20th DAY OF April, 2007 AND DULY RECORDED AS INSTRUMENT NUMBER 2007000106415, IN THE PUBLIC RECORDS OF LEE COUNTY, FLORIDA.

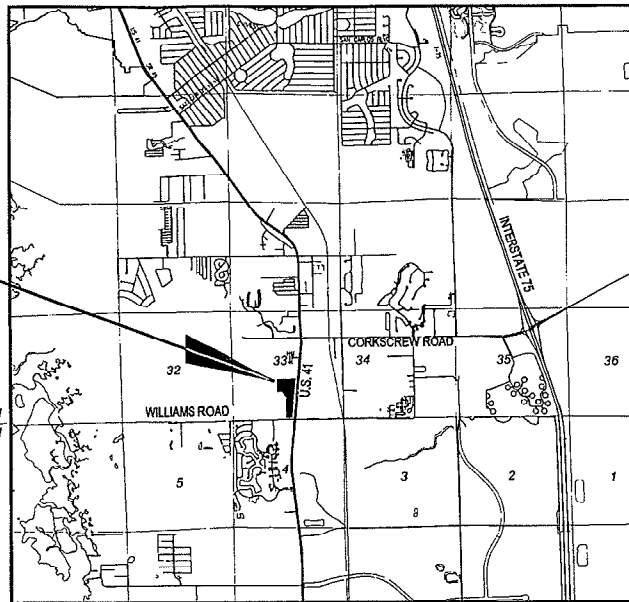
CHARLIE GREEN
CLERK OF COURT
IN AND FOR LEE COUNTY

PARADISE SHOPPES OF ESTERO

A SUBDIVISION LYING IN
SECTION 33, TOWNSHIP 46 SOUTH, RANGE 25 EAST
LEE COUNTY, FLORIDA

NAD 83
FLORIDA PLANE
COORDINATE SYSTEM
(NAD 83)

PROJECT
LOCATION



SCALE IN FEET
0 2000 4000 8000

VICINITY MAP
SCALE: 1" = 400'

APPROVALS

THIS PLAT IS ACCEPTED AND APPROVED BY THE BOARD OF COUNTY COMMISSIONERS, LEE COUNTY, FLORIDA THIS 20th DAY OF March, 2007.

Robert P. Jones
CHAIRMAN OF THE BOARD
PRINT NAME: Robert P. Jones

Charlie Green
CLERK OF COURT
PRINT NAME: Charlie Green

John J. Fredyma
ASSISTANT COUNTY ATTORNEY
PRINT NAME: John J. Fredyma

Mary Gibbs
DIRECTOR, DEPARTMENT OF
COMMUNITY DEVELOPMENT
PRINT NAME: Mary Gibbs

Peter J. Eckenrode
DIRECTOR, DIVISION OF
DEVELOPMENT SERVICES
PRINT NAME: Peter J. Eckenrode

REVIEW BY THE DESIGNATED COUNTY P.S.M. DETERMINED THAT THIS PLAT CONFORMS TO THE REQUIREMENTS OF CHAPTER 177, PART 1 OF THE FLORIDA STATUTES.

Michael L. Harmon
PROFESSIONAL SURVEYOR AND MAPPER
PRINT NAME: Michael L. Harmon

ACKNOWLEDGMENT

STATE OF FLORIDA
COUNTY OF PINELLAS

THE FOREGOING DEDICATION WAS ACKNOWLEDGED BEFORE ME THIS 20th DAY OF March, 2007 BY SPIRO A. COMITOS, VICE PRESIDENT OF PDG II, INC., A FLORIDA CORPORATION, THE GENERAL PARTNER OF WIN-ESTERO, LTD., A FLORIDA LIMITED PARTNERSHIP, ON BEHALF OF THE PARTNERSHIP, WHO IS PERSONALLY KNOWN TO ME OR I HAS PRODUCED AS IDENTIFICATION.

Patti J. Davis
NOTARY PUBLIC - STATE OF FLORIDA
NAME - PRINTED: Patti J. Davis
COMMISSION # 20057187
MY COMMISSION EXPIRES 8/13/10

ACKNOWLEDGMENT

STATE OF ILLINOIS
COUNTY OF LAKE

THE FOREGOING DEDICATION WAS ACKNOWLEDGED BEFORE ME THIS 20th DAY OF March, 2007 BY ROBERT M. SILVERMAN, DIVISIONAL VICE PRESIDENT OF WALGREEN CO., A ILLINOIS CORPORATION, WHO IS PERSONALLY KNOWN TO ME OR I HAS PRODUCED AS IDENTIFICATION.

Shelby B. Foster
NOTARY PUBLIC - STATE OF ILLINOIS
NAME - PRINTED: Shelby B. Foster
COMMISSION # 010107
MY COMMISSION EXPIRES 11/1/09

ACKNOWLEDGMENT

STATE OF VIRGINIA
COUNTY OF FAIRFAX

THE FOREGOING DEDICATION WAS ACKNOWLEDGED BEFORE ME THIS 15th DAY OF March, 2007 BY WILLIAM P. CROWE, RE & OSP ALLIANCE MANAGER OF EXXONMOBIL OIL CORPORATION, A NEW YORK CORPORATION, WHO IS PERSONALLY KNOWN TO ME OR I HAS PRODUCED AS IDENTIFICATION.

Sally K. Mohr
NOTARY PUBLIC - STATE OF VIRGINIA
NAME - PRINTED: Sally K. Mohr
COMMISSION # April 30, 2007
MY COMMISSION EXPIRES

INSTRUMENT NUMBER 2007000106415

SHEET 1 OF 2

DEDICATION

KNOW ALL MEN BY THESE PRESENTS THAT WIN-ESTERO, LTD., A FLORIDA LIMITED PARTNERSHIP, WALGREEN CO., AN ILLINOIS CORPORATION AND EXXONMOBIL OIL CORPORATION, A NEW YORK CORPORATION, THE OWNERS OF THE HEREIN DESCRIBED LANDS HAVE CAUSED THIS PLAT OF PARADISE SHOPPES OF ESTERO, A SUBDIVISION LYING IN SECTION 33, TOWNSHIP 46 SOUTH, RANGE 25 EAST, LEE COUNTY, FLORIDA, TO BE MADE AND DOES HEREBY DEDICATE THE FOLLOWING:

- TO THE ESTERO PROPERTY OWNERS' ASSOCIATION, INC.; TRACT 'A' - FOR LAKE, LAKE MAINTENANCE EASEMENT (L.M.E.) AND DRAINAGE EASEMENT (D.E.) PURPOSES. TRACT 'B' - FOR DRAINAGE EASEMENT (D.E.) PURPOSES. ALL INGRESS, EGRESS & DRAINAGE EASEMENTS FOR INGRESS, EGRESS AND DRAINAGE PURPOSES.
- TO LEE COUNTY, ALL LEE COUNTY UTILITY EASEMENTS FOR UTILITY PURPOSES.
- TO LICENSED PUBLIC AND PRIVATE UTILITIES: ALL PUBLIC UTILITY EASEMENTS ON THE PLAT FOR THE PURPOSE OF CONSTRUCTION, INSTALLATION, MAINTENANCE AND OPERATION OF THEIR FACILITIES, INCLUDING, BUT NOT LIMITED TO, WATER SEWER, CABLE TELEVISION SERVICES, TELEPHONE, GAS, ELECTRIC OR OTHER PUBLIC UTILITY PURPOSES. IN THE EVENT A CABLE TELEVISION COMPANY DAMAGES THE FACILITIES OF A PUBLIC UTILITY, THE CABLE TELEVISION COMPANY WILL BE SOLELY RESPONSIBLE FOR THE DAMAGES.
- ALL PUBLIC UTILITY EASEMENTS (P.U.E.) SHOWN HEREIN TO FEDERAL, STATE AND LOCAL GOVERNMENT AGENCIES AND DEPARTMENTS AND TO ALL PUBLIC UTILITIES AS DEFINED BY FLORIDA LAW AS MAY BE AMENDED FROM TIME TO TIME, WHETHER PRIVATELY OR GOVERNMENTALLY OWNED, FOR USE IN PERFORMING AND DISCHARGING OF THEIR RESPECTIVE OFFICIAL DUTIES AND OBLIGATIONS TO PROVIDE UTILITY AND OTHER GOVERNMENTAL SERVICES, INCLUDING INGRESS AND EGRESS BY POLICE, FIRE AND OTHER EMERGENCY SERVICES.

THE PUBLIC UTILITY EASEMENTS ABOVE MAY ALSO BE USED FOR THE CONSTRUCTION, INSTALLATION, MAINTENANCE AND OPERATION OF CABLE TELEVISION SERVICES, PROVIDED, HOWEVER, SUCH CONSTRUCTION, INSTALLATION, MAINTENANCE, AND OPERATION (I) SHALL NOT INTERFERE WITH THE FACILITIES AND SERVICES OF AN ELECTRIC, TELEPHONE, GAS, OR OTHER PUBLIC UTILITY AND (II) SHALL COMPLY WITH THE NATIONAL ELECTRIC SAFETY CODE AS ADOPTED BY THE FLORIDA PUBLIC SERVICE COMMISSION. IN THE EVENT A CABLE TELEVISION COMPANY DAMAGES THE FACILITIES OF A PUBLIC UTILITY, IT SHALL BE SOLELY RESPONSIBLE FOR THE DAMAGES.

IN WITNESS WHEREOF, WIN-ESTERO, LTD., A FLORIDA LIMITED PARTNERSHIP, QUALIFIED TO DO BUSINESS IN THE STATE OF FLORIDA, HAS CAUSED THESE PRESENTS TO BE MADE AND SIGNED THIS 20th DAY OF March, 2007.

WITNESS: [Signature]
PRINT NAME: Robert A. Fournier

WIN-ESTERO LTD.
A FLORIDA LIMITED PARTNERSHIP
BY ITS GENERAL PARTNER

WITNESS: [Signature]
PRINT NAME: Doris M. Rodriguez

PDG II, INC.
A FLORIDA CORPORATION
[Signature]
SPIRO A. COMITOS
VICE PRESIDENT

IN WITNESS WHEREOF, WALGREEN CO., AN ILLINOIS CORPORATION, QUALIFIED TO DO BUSINESS IN THE STATE OF FLORIDA, HAS CAUSED THESE PRESENTS TO BE MADE AND SIGNED THIS 20th DAY OF March, 2007.

WITNESS: [Signature]
PRINT NAME: Kristin Eida

WITNESS: [Signature]
PRINT NAME: Suzanne L. Colling

WALGREEN CO.
AN ILLINOIS CORPORATION
[Signature]
ROBERT M. SILVERMAN
DIVISIONAL VICE PRESIDENT

IN WITNESS WHEREOF, EXXONMOBIL OIL CORPORATION, A NEW YORK CORPORATION, QUALIFIED TO DO BUSINESS IN THE STATE OF FLORIDA, HAS CAUSED THESE PRESENTS TO BE MADE AND SIGNED THIS 15th DAY OF March, 2007.

WITNESS: [Signature]
PRINT NAME: Gabrielle Keilly

WITNESS: [Signature]
PRINT NAME: Terry L. Fox

EXXONMOBIL OIL CORPORATION, A NEW YORK CORPORATION
[Signature]
WILLIAM P. CROWE
RE & OSP ALLIANCE MANAGER
(FOR AUTHORITY OF SIGNATORY SEE OFFICIAL RECORDS BOOK 4210, PAGE 1474, PUBLIC RECORDS, LEE COUNTY, FLORIDA)

THIS INSTRUMENT PREPARED BY:
SCOTT A. WHEELER, P.S.M.

Barraco
and Associates, Inc.

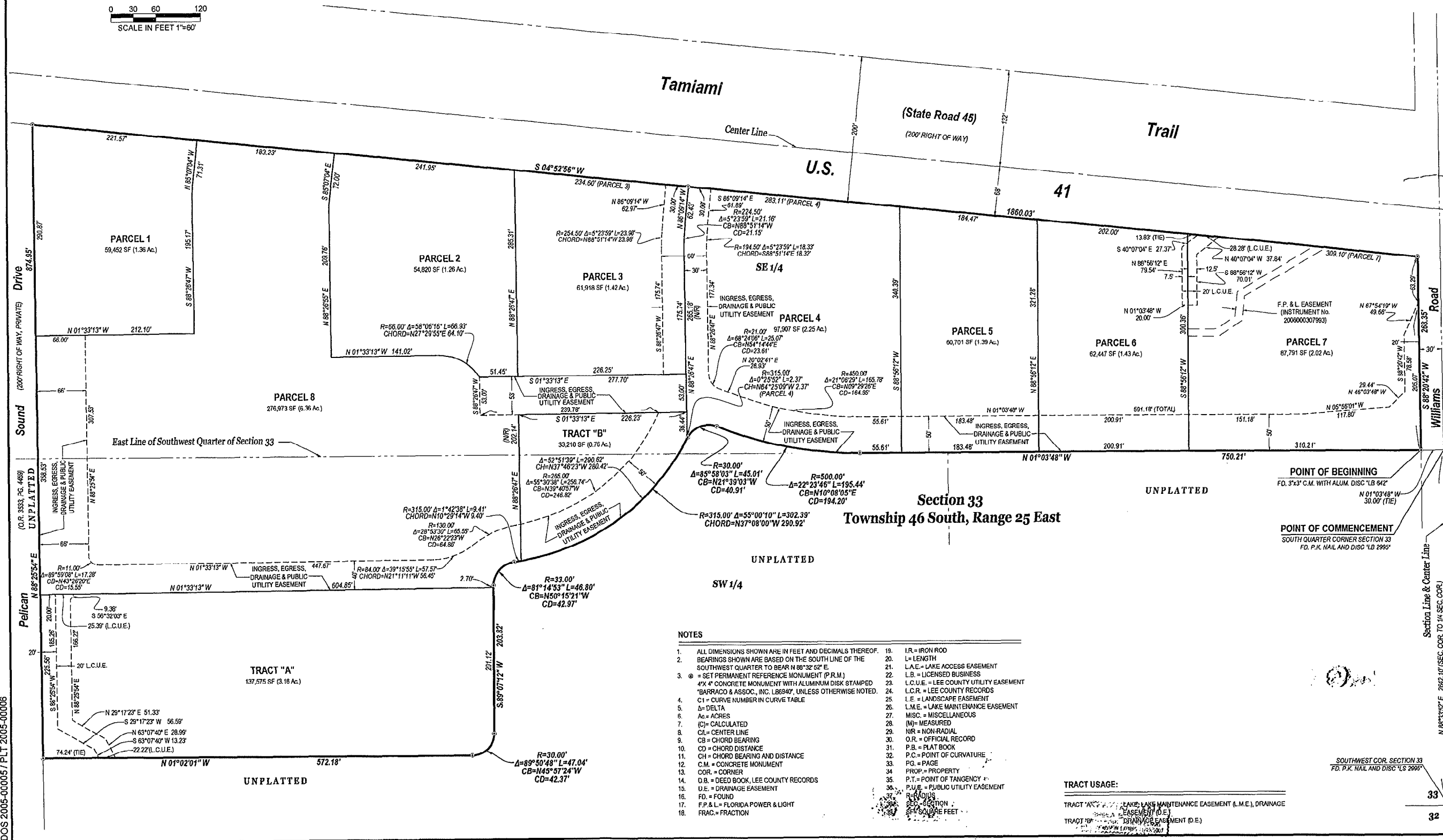
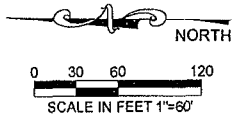
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FLORIDA CERTIFICATES OF AUTHORIZATION - ENGINEERING 7995 - SURVEYING LB-6940

PARADISE SHOPPES OF ESTERO

A SUBDIVISION LYING IN
SECTION 33, TOWNSHIP 46 SOUTH, RANGE 25 EAST
LEE COUNTY, FLORIDA

INSTRUMENT NUMBER 2007000106415

SHEET 2 OF 2



NOTES

- ALL DIMENSIONS SHOWN ARE IN FEET AND DECIMALS THEREOF.
- BEARINGS SHOWN ARE BASED ON THE SOUTH LINE OF THE SOUTHWEST QUARTER TO BEAR N 88° 32' 52" E.
- ④ = SET PERMANENT REFERENCE MONUMENT (P.R.M.)
- 4" X 4" CONCRETE MONUMENT WITH ALUMINUM DISK STAMPED "BARRACO & ASSOC., INC. LB6940", UNLESS OTHERWISE NOTED.
- C1 = CURVE NUMBER IN CURVE TABLE
- Δ = DELTA
- Ac = ACRES
- (C) = CALCULATED
- CL = CENTER LINE
- CB = CHORD BEARING
- CD = CHORD DISTANCE
- CH = CHORD BEARING AND DISTANCE
- C.M. = CONCRETE MONUMENT
- COR. = CORNER
- D.B. = DEED BOOK, LEE COUNTY RECORDS
- D.E. = DRAINAGE EASEMENT
- FD. = FOUND
- F.P. & L. = FLORIDA POWER & LIGHT
- FRAC. = FRACTION
- I.R. = IRON ROD
- L = LENGTH
- L.A.E. = LAKE ACCESS EASEMENT
- L.B. = LICENSED BUSINESS
- L.C.U.E. = LEE COUNTY UTILITY EASEMENT
- L.C.R. = LEE COUNTY RECORDS
- L.E. = LANDSCAPE EASEMENT
- L.M.E. = LAKE MAINTENANCE EASEMENT
- MISC. = MISCELLANEOUS
- (M) = MEASURED
- NR = NON-RADIAL
- O.R. = OFFICIAL RECORD
- P.B. = PLAT BOOK
- P.C. = POINT OF CURVATURE
- P.O. = PAGE
- PROP. = PROPERTY
- P.T. = POINT OF TANGENCY
- P.U.E. = PUBLIC UTILITY EASEMENT
- R = RADIUS
- SEC. = SECTION
- S.F. = SQUARE FEET

TRACT USAGE:

TRACT "A" & "B" = LAKE, LAKE MAINTENANCE EASEMENT (L.M.E.), DRAINAGE EASEMENT (D.E.)
TRACT "A" & "B" = DRAINAGE EASEMENT (D.E.)