

ADMINISTRATIVE AMENDMENT (PD) ADD2007-00167

ADMINISTRATIVE AMENDMENT  
LEE COUNTY, FLORIDA

WHEREAS, Basik Development, LLC, filed an application for administrative approval to a Mixed Use Planned Development on a project known as Central Park to allow a reduction in square footage of office uses and relocate the Type "A" buffer on property located at Cypress Terrace, described more particularly as:

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

See Attachment "A"

WHEREAS, the property was originally rezoned in case number ZAB-85-45/45A (DRI 85-3-1) (with subsequent amendments in case numbers ZAB-85-123/123A (85-5-26); Z-87-220 (85-3-1C-DRI; Z-88-031 (88-2-7); Z-90-070 (90-7-17-DCI-4); Z-92-011/2 (85-3-1); Z-93-060 (85-03-01-DRI C; Z-00-003 (DCI963847); Z-00-020 (DRI1999-00019); Z-05-064 (DRI205-00003 & DCI2004-00085); and

WHEREAS, the subject property is located in the Intensive Development Future Land Use Category as designated by the Lee Plan; and

WHEREAS, in 1985 the original DRI approved 646,340 square feet of retail/office (336,340 square feet for retail and 310,000 square feet for office); and

WHEREAS, the subject property originally was zoned Commercial Planned Development (CPD) by Resolution Z-00-003 for a 100,000 square feet of commercial office floor area with up to 50,000 of the square feet being medial offices, 171 motel/hotel units and 145 assisted living units; and

WHEREAS, Development Order DOS2001-00119 was approved for 63,600 square feet of office in (20) one-story buildings. A minor change revised the DOS to allow 65,728 square feet of office of which 36,600± square feet for general office and 31,128± square feet for medical office. Currently seven (7) buildings have been constructed totaling 23,054 square feet; and

WHEREAS, a DRI Notice of Proposed Change (NOPC) to Cypress Lake Center DRI Development Order (DRI#7-8384-47) to extend the build-out date and modify the land use designations on Map H (Master Plan of Development) was approved by Resolution Z-00-020; and

WHEREAS, Resolution Z-05-064 rezoned 9.2± acres within the DRI from CPD to Mixed Use Planned Development (MPD) to allow a maximum of 58,200 square feet of commercial office use, under building parking and up to 166 residential units in 12 habitable floors with a maximum of height of 150 feet; and

WHEREAS, based on the existing office development within Cypress Lake Center (Palm Terrace consisting of 47,385 square feet) and along with the proposed 58,200 square feet of office, a total of 105,585 square feet of office area would be developed, leaving a total of 204,415 square feet of office area; and

WHEREAS, the applicant has requested to revise the Master Concept Plan on the 9.2± acres to reflect closely what was approved by Development Order DOS2001-00119. These requires the following amendments:

1. Reduce the square footage from 63,600 square feet to 58,200 square feet of office uses.
2. Relocate the Type "A" buffer (totaling 2,800 square feet) located between Tract A (existing office uses) and Tract B (proposed residential component) as approved by Resolution Z-05-064 and replace it with a larger buffer that is 13 feet wide, 260 feet long buffer totaling 3,380 square feet along the north property line.

WHEREAS, the applicant is requesting the amendments due to the change to the market in Southwest Florida which has lessened the need for residential units; and

WHEREAS, Tract B will continue to contain multi-family dwelling units as previously approved by Resolution Z-05-064; however, if the applicant decides to develop Tract B with residential uses a revised Master Concept Plan will be submitted to Lee County for review; 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

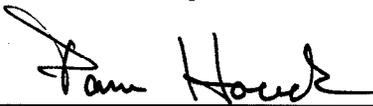
WHEREAS, it is found that the proposed amendment does not increase density or intensity within the development; does not decrease buffers (the applicant is increasing the size of the Type A buffer) or open space required by the LDC; does not underutilize public resources or infrastructure; does not reduce 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**.

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

1. The Development must be in compliance with the four (4) page amended Master Concept Plan, dated September 14, 2007. Master Concept Plan for ADD2007-00167 is hereby APPROVED and adopted. A reduced copy is attached hereto.
2. The project is limited to a maximum of 58,200 square feet of foot uses. Future increase in the square footage will required a public hearing.
3. The applicant must continue to provide the two (2) enhanced buffers that were approved by Resolution Z-05-064. A 20 foot wide buffer must be located along the western property line between the two indigenous preserve areas on the site and a 20 foot wide buffer must be located along the southern property line as shown on the attached Master Concept Plan.
4. The applicant must replace the 2,800 square foot Type "A" buffer that was approved by Resolution Z-05-064 and located between Tract A (existing office uses) and Tract B (proposed residential component) with a 13 foot wide, 260 foot long buffer (totaling 3,380 square feet) along the northern property line as shown on the Master Concept Plan.
5. The Schedule of Uses for Tract B will continue to contain multi-family dwelling units as previously approved by Resolution Z-05-064; however, should the applicant decide to develop Tract B with residential, the applicant must submit a revised Master Concept Plan to Lee County for review.
6. The terms and conditions of the original zoning resolutions remain in full force and effect, except as amended.

DULY SIGNED this 26<sup>th</sup> day of October, A.D., 2007.

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

ATTACHMENTS:

A - Legal Description

B - Master Concept Plan dated September 14, 2007

**RECEIVED**  
SEP 14 2007

**SKETCH & LEGAL DESCRIPTION**  
PART OF TRACT "B" & LOT 6  
OF CYPRESS LAKE CENTER PHASE II  
RECORDED IN PLAT BOOK 39, PAGES 22-24  
SECTION 23, TOWNSHIP 45 SOUTH, RANGE 24 EAST  
LEE COUNTY, FLORIDA

COMMUNITY DEVELOPMENT  
ADD 2007-00167

LEGAL DESCRIPTION

LOT 6 AND TRACT B OF CYPRESS LAKE CENTER PHASE II, ACCORDING TO THE PLAT THEREOF RECORDED IN PLAT BOOK 39, PAGES 22 TO 24, INCLUSIVE, OF THE PUBLIC RECORDS OF LEE COUNTY, FLORIDA, LESS THAT PORTION OF SAID TRACT B WHICH LIES WITHIN PHASE B-1 CYPRESS LAKE CENTER, ACCORDING TO THE PLAT THEREOF, RECORDED IN PLAT BOOK 43, PAGE 11, OF THE PUBLIC RECORDS OF LEE COUNTY, FLORIDA BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGINNING AT THE NORTHEAST CORNER OF SAID TRACT "B", THENCE RUN S01°16'43"E, A DISTANCE OF 413.22 FEET ALONG THE EAST LINE OF SAID TRACT "B" TO THE NORTHEAST CORNER OF SAID PHASE B-1 ; THENCE RUN S89°07'33"W, A DISTANCE OF 200.00 FEET ALONG THE NORTH LINE OF SAID PHASE B-1 TO THE NORTHWEST CORNER OF SAID PHASE B-1; THENCE RUN S01°16'43"E, A DISTANCE OF 125.00 FEET ALONG THE WEST LINE OF SAID PHASE B-1 TO THE SOUTHWEST CORNER OF SAID PHASE B-1 AND THE NORTH LINE OF SAID LOT 6; THENCE RUN N89°07'33"E; A DISTANCE OF 200.00 FEET ALONG THE SOUTH LINE OF SAID PHASE B-1 AND THE NORTH LINE OF SAID LOT 6 TO THE SOUTHEAST CORNER OF SAID PHASE B-1; THENCE RUN S01°16'43"E, A DISTANCE OF 243.26 FEET ALONG THE EAST LINE OF SAID LOT 6 TO THE SOUTHEAST CORNER OF SAID LOT 6; THENCE RUN S89°18'38"W, A DISTANCE OF 550.08 FEET ALONG THE SOUTH LINE OF SAID LOT 6 TO THE SOUTHWEST CORNER OF LOT 6; THENCE RUN N00°36'27"W, A DISTANCE OF 779.70 FEET ALONG THE WEST LINES OF SAID LOT 6 AND SAID TRACT "B" TO THE NORTHWEST CORNER OF SAID TRACT B; THENCE RUN N89°07'33"E, A DISTANCE OF 540.93 FEET ALONG THE NORTH LINE OF SAID TRACT "B" TO THE POINT OF BEGINNING.

CONTAINING 9.20 ACRES, MORE OR LESS.

NOTES

1. THE CERTIFICATE OF AUTHORIZATION NUMBER OF COONER AND ASSOCIATES, INC. IS LB-0006773.
2. BEARINGS SHOWN ON THIS SURVEY MAP ARE STATE PLANE COORDINATE FOR THE FLORIDA WEST ZONE, NAD '83/90 ADJUSTMENT. THE BASIS OF BEARING IS THE NORTH LINE OF TRACT "B", AS BEING N 89°07'33" E.
3. THIS DOCUMENT AND COPIES THEREOF ARE NOT VALID WITHOUT THE SIGNATURE AND THE ORIGINAL RAISED SEAL OF A FLORIDA LICENSED SURVEYOR AND MAPPER. OTHERWISE THIS MAP IS FOR INFORMATIONAL PURPOSES ONLY.
4. ADDITIONS OR DELETIONS TO THIS DESCRIPTION AND SKETCH BY OTHER THAN THE SIGNING PARTY OR PARTIES IS PROHIBITED WITHOUT WRITTEN CONSENT OF THE SIGNING PARTY OR PARTIES.

ABBREVIATIONS:

- C = CHORD DISTANCE
- CDB = CHORD BEARING
- CONC. = CONCRETE
- EOP = EDGE OF PAVEMENT
- L = LENGTH
- L.B. = LICENSED BUSINESS
- O.R. = OFFICIAL RECORD BOOK / PAGE
- PGS. = PAGES
- P = PLAT
- PB = PLAT BOOK
- R = RADIUS



DARREN TOWNSEND  
PROFESSIONAL SURVEYOR AND MAPPER  
FLORIDA CERTIFICATE NO. 6476  
(FOR THE FIRM - LB 6773)  
SIGNED THIS 10<sup>th</sup> DAY OF JULY, 2007

**THIS IS NOT A SURVEY**

**COONER & ASSOCIATES, INC.**

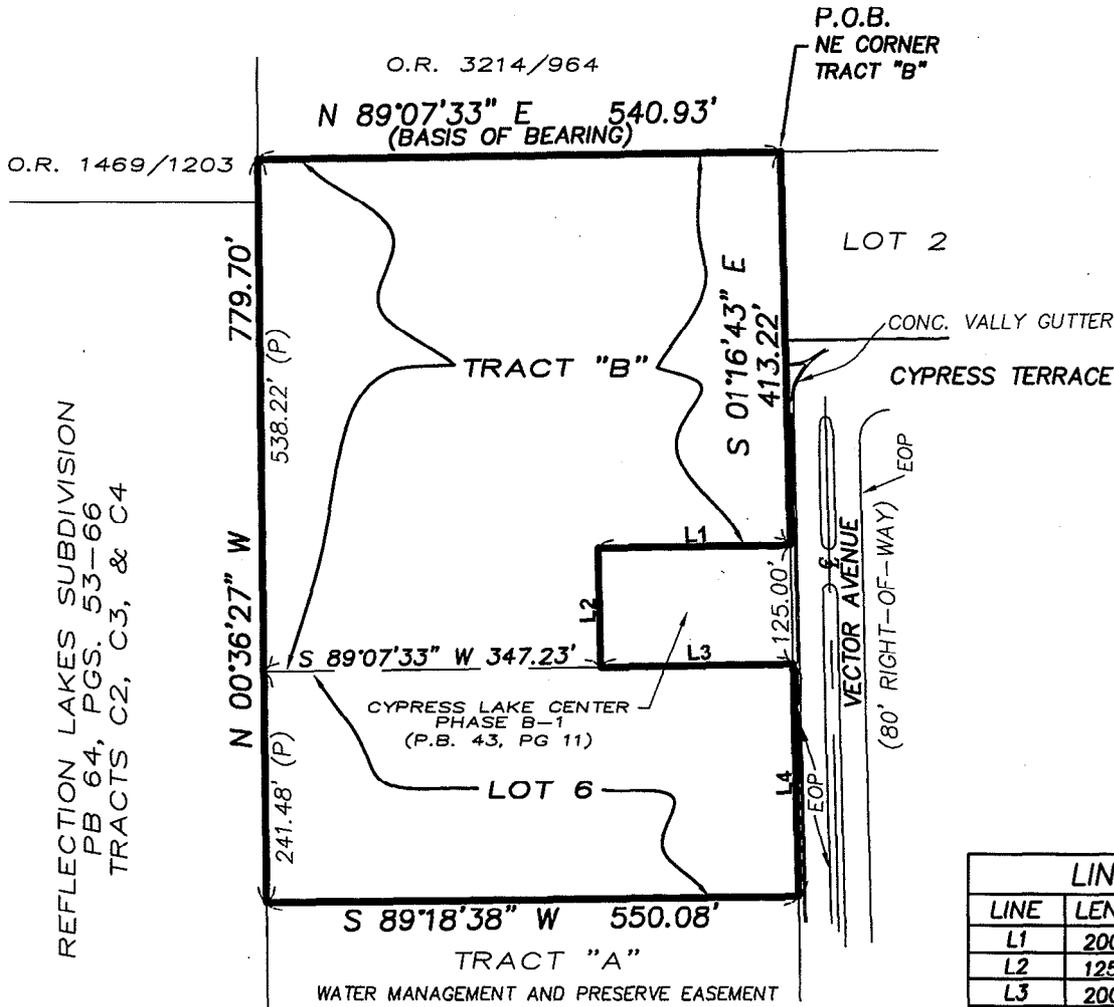
SURVEYING AND MAPPING  
5670 ZIP DRIVE, FORT MYERS, FLORIDA 33905  
TELEPHONE: 239.277.0722 FAX: 239.277.7179 WWW.COONER.COM

SKETCH & LEGAL DESCRIPTION  
PART OF TRACT "B" AND LOT 6  
OF CYPRESS LAKE CENTER PHASE II  
LEE COUNTY, FLORIDA

COUNTY:	LEE	DWG DATE:	7-9-07
SEC.:	23-45-24	SURVEY DATE:	7-7-07
PROJECT NO.:	040404.03	DRAWN BY:	R.J.O.
DRAWING NO.:	040404.03 SKD	CHECKED BY:	D.T.

FOR:  
BASIK DEVELOPMENT, LLC

**SKETCH & LEGAL DESCRIPTION**  
**PART OF TRACT "B" & LOT 6**  
**OF CYPRESS LAKE CENTER PHASE II**  
**RECORDED IN PLAT BOOK 39, PAGES 22-24**  
**SECTION 23, TOWNSHIP 45 SOUTH, RANGE 24 EAST**  
**LEE COUNTY, FLORIDA**  
 (SEE SHEET 1 OF 2 FOR LEGAL DESCRIPTION)



LINE TABLE		
LINE	LENGTH	BEARING
L1	200.00'	S89°07'33"W
L2	125.00'	S01°16'43"E
L3	200.00'	N89°07'33"E
L4	243.26'	S01°16'43"E



1 inch = 200 ft.  
 INTENDED DISPLAY SCALE

**THIS IS NOT A SURVEY**

**COONER & ASSOCIATES, INC.**

SURVEYING AND MAPPING  
 5670 ZIP DRIVE, FORT MYERS, FLORIDA 33905  
 TELEPHONE: 239.277.0722 FAX: 239.277.7179 WWW.COONER.COM

SKETCH & LEGAL DESCRIPTION  
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FOR:  
 BASIK DEVELOPMENT, LLC

# MASTER CONCEPT PLAN FOR CENTRAL PARK DEVELOPMENT

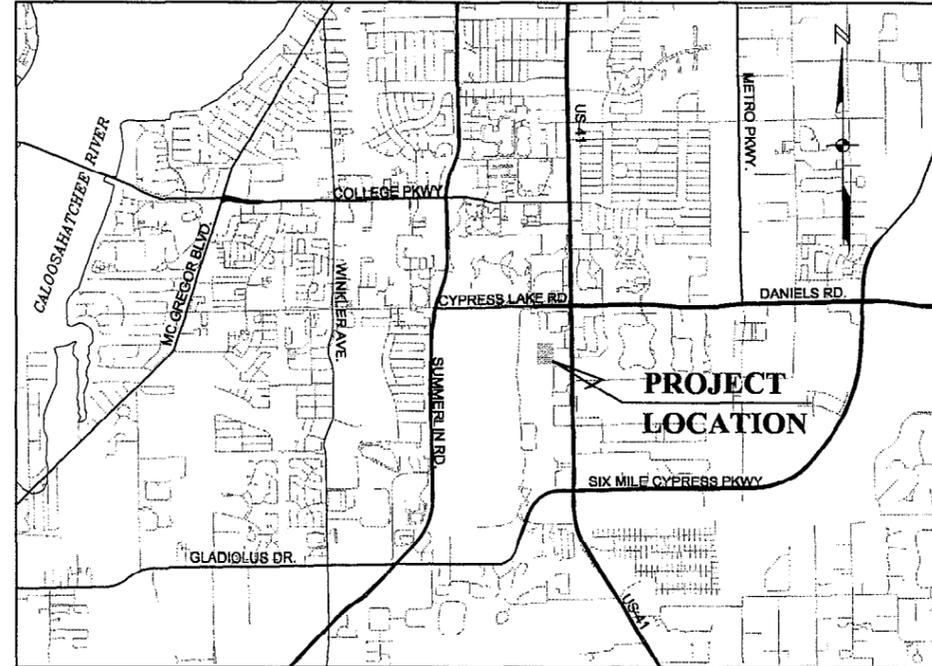
## SECTION 23, TOWNSHIP 45 S, RANGE 24 E LEE COUNTY, FLORIDA

**RECEIVED**  
SEP 14 2007  
COMMUNITY DEVELOPMENT  
ADD 2007-00167

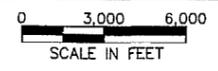
### INDEX OF PLANS

SHEET NO.	DESCRIPTION
1	COVER
2	AERIAL PHOTOGRAPH
3	MASTER CONCEPT PLAN
4	NOTES

**APPROVED**  
Amendment to  
Master Concept Plan  
Subject to Case # ADD 2007-00167  
Date 10-26-2007



**LOCATION MAP**



AUGUST 2007

### APPLICANT

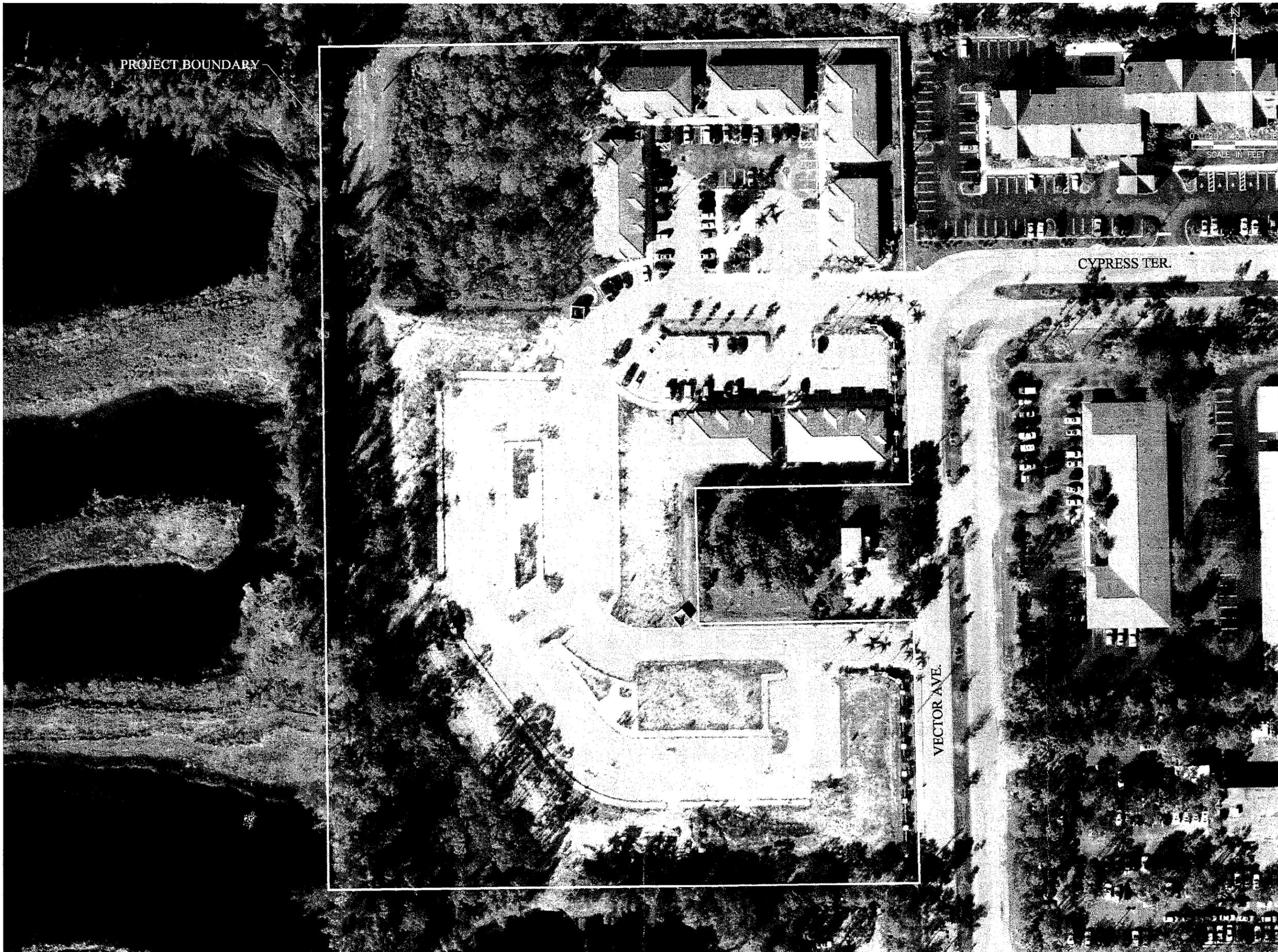
BASIK DEVELOPMENT LLC  
720 GOODLETTE ROAD, SUITE 305  
NAPLES, FLORIDA 34102  
PHONE: (239) 262-3210  
FAX: (239) 262-8594

**JOHNSON  
ENGINEERING**

2158 JOHNSON STREET  
P.O. BOX 1550  
FORT MYERS, FLORIDA 33902-1550  
PHONE (239) 334-0046  
FAX (239) 334-3661  
E.B. #642 & L.B. #642

**APPROVED**

Amendment to  
Master Concept Plan  
ADD 2007-00167  
10-26-2007



PROJECT BOUNDARY

**JOHNSON  
ENGINEERING**

2168 JOHNSON STREET  
P.O. BOX 1650  
FORT MYERS, FLORIDA 33902-1650  
PHONE (239) 334-0048  
FAX (239) 334-0381  
E.B. #042 & L.B. #042

**CENTRAL PARK DEVELOPMENT  
LEE COUNTY, FLORIDA**

BASIK DEVELOPMENT

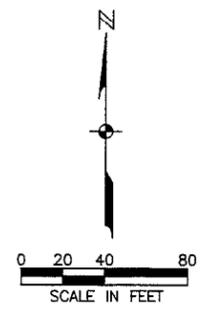
NO.	REVISIONS DESCRIPTION	DATE

DATE: AUGUST 2007  
PROJECT NO. 20076907  
FILE NO. 23-45-24  
SCALE: 1" = 40'

AERIAL  
PHOTOGRAPH

SHEET NUMBER

2



BASIK DEVELOPMENT

CENTRAL PARK DEVELOPMENT  
LEE COUNTY, FLORIDA

NO.	DATE	DESCRIPTION

DATE: AUGUST 2007  
 PROJECT NO. 20076907  
 FILE NO. 23-45-24  
 SCALE: 1" = 40'

MASTER CONCEPT PLAN

SHEET NUMBER

3

CT  
(SPRING LAKE II)  
SINGLE FAMILY  
CONDOMINIUMS

CPD  
(COSTCO WHOLESALE)  
SHOPPING CENTER

CPD  
(CYPRESS LAKE  
SHOPPING CENTER)

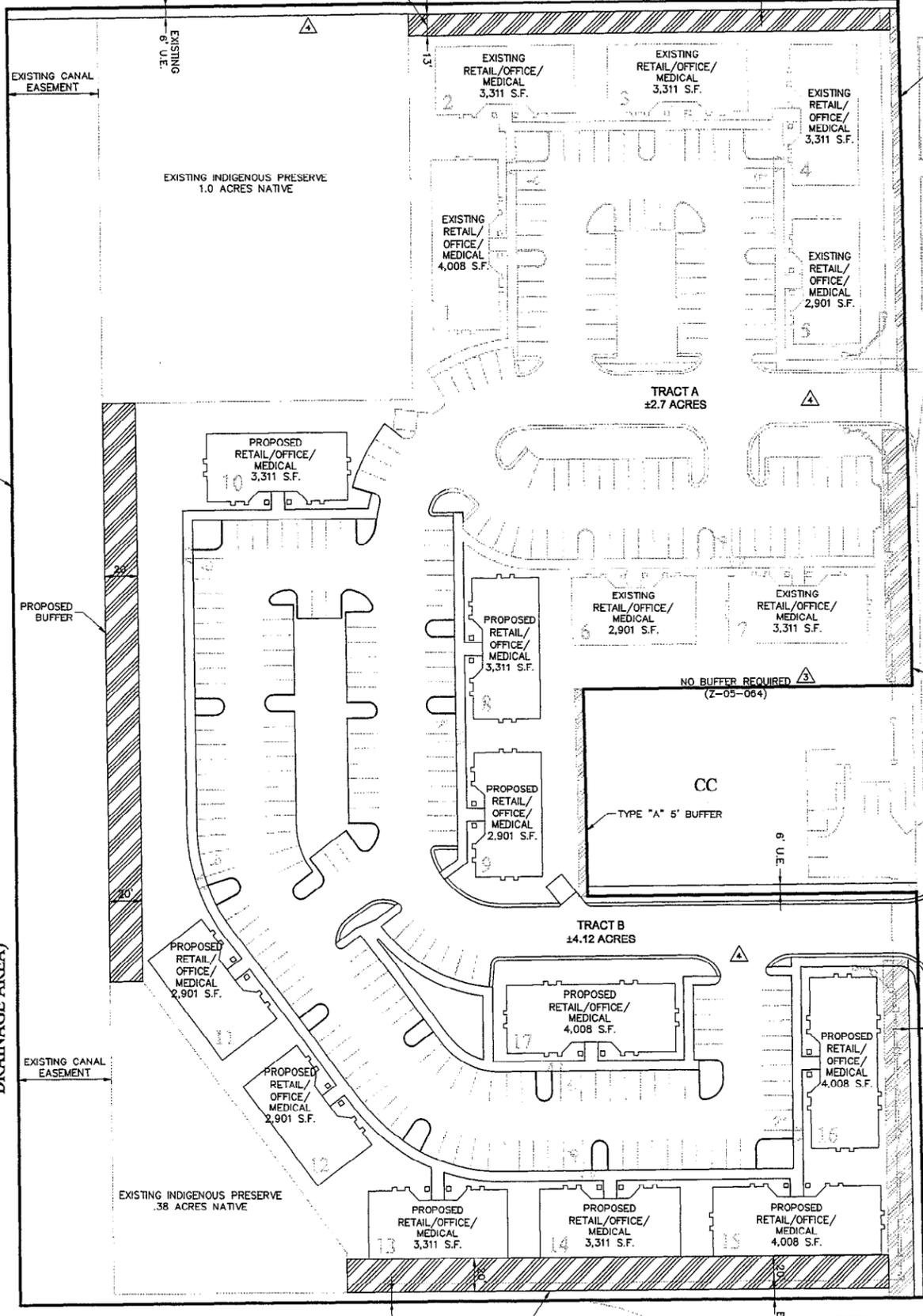
CPD  
(HOTEL)

CS-1  
(MEDICAL CENTER)

CG  
(CAR DEALERSHIP)

CT  
(CYPRESS LAKE CENTER)  
RETAIL

CG  
(CAR DEALERSHIP)



**SITE DEVELOPMENT REGULATIONS**

**Project Site Data:**  
 Total Site Area: 9.21 acres  
 Total Impervious Area: 2.60 acres  
 Future Land Use Classification: Intensive Development  
 Existing Zoning: MPD  
 Maximum Building Square Footage (Allowed Z-05-064): 38,219 s.f.  
 Existing Building Square Footage: 23,404 s.f.  
 Proposed Building Square Footage: 33,971 s.f.

**Open Space:**  
 Open space must be provided in accordance with the Open Space Table as set forth on the Master Concept Plan. No parcel may provide less than 20% (or 2.76 acres) of open space, of which 1.34 acres must be indigenous preservation.  
 Overall Site Area: 9.21 acres  
 Open Space Required (20%): 2.76 acres  
 Open Space Provided: 2.76 acres  
 Indigenous Preserve Required: 1.34 acres  
 Indigenous Preserve Provided: 1.34 acres

**Minimum Lot Area and Dimensions:**  
**TRACT A**  
 Area: 4.1 acres  
 Width: 464 feet  
 Depth: 200 feet  
 Maximum Building Height: 45 feet  
**TRACT B**  
 Area: 4.1 acres  
 Width: 200 feet  
 Depth: 400 feet  
 Maximum Building Height: 45 feet for office/commercial uses (100 to 120 feet and one level of understorey parking in accordance with condition 9 of Z-05-064 - multi-family use.)

**Minimum Building Setbacks:**  
 Vector Avenue: 25 feet  
 Internal Street: 50 feet  
 MPD perimeter: 15 feet  
 Side (Internal): 10 feet  
 Rear: 25 feet  
 Water Body: 25 feet  
 Accessory Structures: 10 feet  
 Minimum Building Separation: 15 feet  
 Maximum Lot Coverage: 40 percent

**Parking Requirements:**  
 Parking to be provided in accordance with the Lee County Land Development Code (LDC) unless otherwise noted.

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 Amendment to  
 Master Concept Plan  
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