

ADMINISTRATIVE AMENDMENT (PD) ADD2012-00099

ADMINISTRATIVE AMENDMENT
LEE COUNTY, FLORIDA

WHEREAS, Michael Barnes of 17051 Safety Street, LLC filed an application for administrative amendment to the Summerlin Commercial Center Commercial Planned Development (CPD) for a project known as Zoomers Amusement Park to:

- a) Add Consumption on Premises and Temporary Uses to the Schedule of Uses approved by Resolution Z-00-008; and
- b) Deviate from Land Development Code (LDC) Section 34-3041(c)(1) which prohibits temporary uses from being permitted in open space or preserve areas as designated on an approved local development order to allow temporary uses in an area designated open space on DOS2003-00113; and
- c) Deviate from LDC Section 34-3041(e)(1)a which prohibits temporary uses from being permitted for more than 30 contiguous days to allow temporary uses to be permitted for up to 90 contiguous days; and

WHEREAS, the subject property is located at 17455 Summerlin Road, described more particularly as:

LEGAL DESCRIPTION: In Section 08, Township 46 South, Range 24 East, Lee County, Florida:

See attached "Exhibit A."

WHEREAS, the applicant has indicated the property's current STRAP number is 08-46-24-00-00001.0260; and

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

WHEREAS, the subject property was zoned CPD by Resolution Z-00-008 and developed with a commercial recreational facility (Groups I and III) (see As-Built Survey, Attachment A) in conjunction with local development orders DOS2003-00113 and LDO2011-00307; and

WHEREAS, the Lee County LDC provides for certain administrative changes to planned development; and

WHEREAS, the applicant is requesting to add Consumption on Premises and Temporary Uses to the Schedule of Uses approved by Resolution Z-00-008; and

WHEREAS, the subject property is not located within 500 feet of a religious facility, noncommercial school, day care center, park, a dwelling unit under separate ownership, or another establishment primarily engaged in the sale of alcoholic beverages for consumption on premises; and

WHEREAS, the applicant is requesting to deviate from LDC Section 34-3041(c)(1) which prohibits temporary uses from being permitted in open space or preserve areas as designated on an approved local development order to allow temporary uses in an area designated open space on DOS2003-00113; and

WHEREAS, the area designated for the proposed temporary uses (see Temporary Use Area Plan, Attachment B) is designated as open space (for future expansion) on the approved plan for DOS2003-00113; and

WHEREAS, Environmental Sciences staff reviewed the request and recommended that temporary uses be allowed in the open space area as long as the area remains grassed; and

WHEREAS, the applicant is requesting to deviate from LDC Section 34-3041(e)(1)a which prohibits temporary uses from being permitted for more than 30 contiguous days to allow temporary uses to be permitted up to 90 contiguous days; and

WHEREAS, temporary use permits may be issued for no more than a total of 180 days per calendar year with a minimum of 45 days between expiration and issuance of each permit (LDC Section 34-3041(e)(2)); 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 amendment to the Summerlin Commercial Center CPD to:

- a) Add Consumption on Premises and Temporary Uses to the Schedule of Uses approved by Resolution Z-00-008; and
- b) Deviate from Land Development Code (LDC) Section 34-3041(c)(1) which prohibits temporary uses from being permitted in open space or preserve areas as designated on an approved local development order to allow temporary uses in an area designated open space on DOS2003-00113; and

- c) Deviate from LDC Section 34-3041(e)(1)a which prohibits temporary uses from being permitted for more than 30 contiguous days to allow temporary uses to be permitted for up to 90 contiguous days

is APPROVED, subject to the following conditions:

1. Consumption on premises is limited to a 2COP alcoholic beverage license in conjunction with a commercial recreational facility (Groups I and III) as depicted on the As-Built Survey (Attachment A). Expansion of the facility in conjunction with consumption on premises and/or a change of use or alcoholic beverage license type will require additional approvals pursuant to the LDC.
2. Temporary uses must occur in substantial compliance with the location (crossed-hatch area) depicted on the Temporary Use Area Plan stamped RECEIVED OCT 08 2012 COMMUNITY DEVELOPMENT (Attachment B). The 2.43± acre temporary use area must remain grassed.
3. Approval is limited to temporary permits of up to 90 contiguous days totaling no more than 180 days in one calendar year. Before a temporary permit can be issued, a minimum of 45 days must pass since the expiration of the previous temporary permit.
5. Temporary uses must be located so that they do not obstruct pedestrian and vehicular movements or interfere with any preserve or water management areas.
6. The terms and conditions of the original zoning resolutions remain in full force and effect.

DULY SIGNED this 23rd day of October, A.D., 2012.

BY: 

Pam Houck, Director
Division of Zoning
Department of Community Development

Attachments:

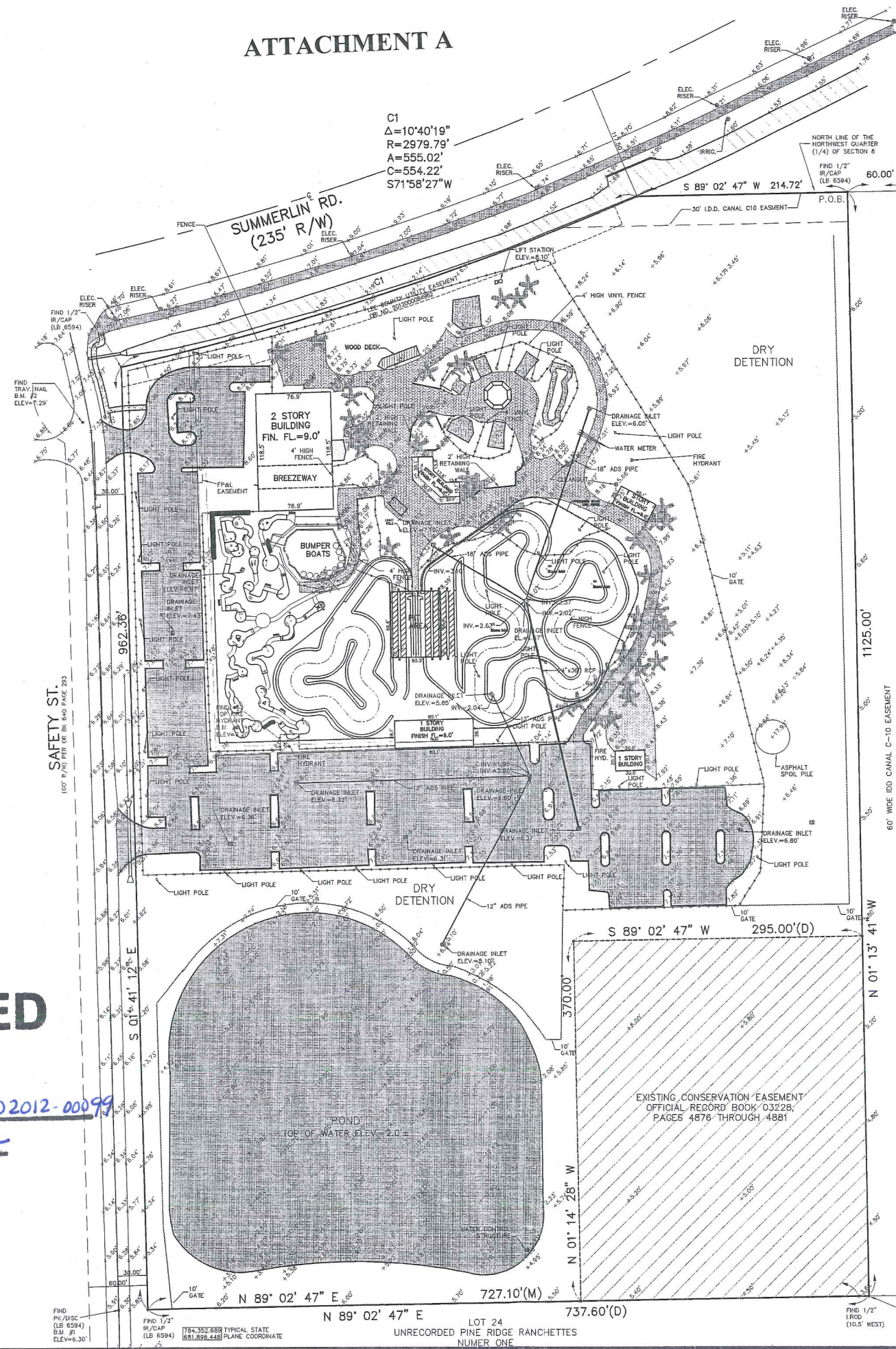
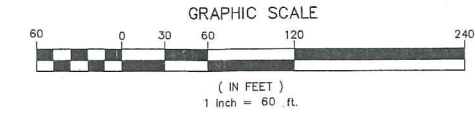
A – As-Built Survey

B – Temporary Use Area

Exhibit:

A – Legal description

ATTACHMENT A



LOT 16 BLOCK 4
E.P. BATES
PINE RIDGE TRUCK FARMS
PLAT BOOK 3, PAGE 68
S 89° 02' 47" W 214.72'
60.00'
2640.00'

LEGAL DESCRIPTION

A TRACT OR PARCEL OF LAND LYING IN THE NORTHWEST 1/4 OF SECTION 8, TOWNSHIP 46 SOUTH, RANGE 24 EAST, LEE COUNTY, FLORIDA, SAID TRACT OR PARCEL IS FURTHER DESCRIBED AS FOLLOWS:
COMMENCE AT THE NORTHEAST CORNER OF SAID NORTHWEST 1/4 OF SECTION 8; THENCE RUN SOUTH 89°02'47" WEST ALONG THE NORTH LINE OF SAID NORTHWEST 1/4 OF SECTION 8 TO A POINT ON THE WEST LINE OF A 60.00 FOOT WIDE CANAL EASEMENT, SAID POINT IS ALSO THE POINT OF BEGINNING OF THE PARCEL HEREIN DESCRIBED, FROM SAID POINT OF BEGINNING CONTINUE SOUTH 89°02'47" WEST ALONG SAID NORTH LINE OF THE NORTHWEST 1/4 FOR 214.72 FEET TO A POINT ON THE SOUTHERLY RIGHT-OF-WAY LINE OF COUNTY ROAD 869; SAID RIGHT-OF-WAY LINE IS A CURVE CONCAVE TO THE RIGHT, SAID CURVE HAS AS ITS ELEMENTS RADIUS 2879.79 FEET, DELTA -1°40'19" CHORD-554.215, ARC-555.02', CHORD BEARING-SOUTH 71°55'27" WEST; THENCE RUN SOUTHWESTERLY ALONG SAID RIGHT-OF-WAY LINE AND ALONG SAID CURVE CONCAVE TO THE RIGHT FOR 555.02 FEET TO A CONCRETE MONUMENT; THENCE RUN SOUTH 01°41'12" EAST ALONG THE EAST LINE OF A 60.00 FOOT WIDE ROAD EASEMENT FOR 962.36 FEET TO A CONCRETE MONUMENT; THENCE RUN NORTH 89°02'47" EAST PARALLEL TO THE NORTH LINE OF SAID NORTHWEST 1/4 FOR 737.60 FEET TO A POINT ON THE WEST LINE OF AFOREMENTIONED 60.00 FOOT WIDE CANAL EASEMENT; THENCE RUN NORTH 01°13'41" WEST ALONG SAID WEST LINE OF A 60.00 FOOT WIDE CANAL EASEMENT AND PARALLEL TO THE EAST LINE OF SAID NORTHWEST 1/4 OF SECTION 8 FOR 1125.00 FEET TO THE POINT OF BEGINNING.

ALSO DESCRIBED AS LOTS 15, 16, 17, 18, 19, 20, 21, 22, AND 23 OF PINE RIDGE RANCHETTES NO. 1, AN UNRECORDED SUBDIVISION LYING IN THE NORTHWEST 1/4 OF SECTION 8, TOWNSHIP 46 SOUTH, RANGE 24 EAST, LEE COUNTY, FLORIDA, LESS RIGHT-OF-WAY OF SUMMERLIN ROAD (COUNTY ROAD 869).

TOGETHER WITH AN EASEMENT FOR INGRESS AND EGRESS TO SUMMERLIN ROAD OVER THAT PORTION OF THE ROAD EASEMENT WHICH IS ADJACENT AND ADJUTANTOUS TO SUBJECT PROPERTY, PURSUANT TO DEED RECORDED IN OFFICIAL RECORD BOOK 640, PAGE 293, PUBLIC RECORDS OF LEE COUNTY, FLORIDA.

NOTE:
BENCH MARK USED
DESIGNATION - H 651
PID - DM4594
STATE/COUNTY - FL/LEE
USGS QUAD - FORT MYERS BEACH (1987)

PROPERTY ADDRESS:
ZOOMERS FAMILY FUN CENTER
17455 SUMMERLIN ROAD
FORT MYERS, FL 33908

CERTIFIED TO:
ZOOMERS FEC, INC., A FLORIDA CORPORATION
17051 SAFETY STREET LLC, FLORIDA LIMITED LIABILITY COMPANY
MICHAEL BARNES
SYNOVUS BANK
CONROY, CONROY, DURANT AND RUDNICK, P.A.
OLD REPUBLIC NATIONAL TITLE INSURANCE COMPANY

- NOTES:
- THIS SURVEY WAS MADE WITH THE BENEFIT OF A TITLE REPORT PROVIDED BY OLD REPUBLIC NATIONAL TITLE INSURANCE COMPANY, FILE NUMBER 12059754 KP WITH AN EFFECTIVE DATE OF JUNE 20, 2012.
 - BEARINGS SHOWN HEREON BASED ON NORTH LINE OF SECTION 8 AS BEING S 89°42'06" W.
 - IMPROVEMENTS OTHER THAN THOSE SHOWN NOT LOCATED ON THIS SURVEY.
 - SUBJECT TO ALL EASEMENTS, RESERVATIONS, RESTRICTIONS AND RIGHTS OF WAY OF RECORD.
 - THIS PROPERTY IS IN FLOOD ZONES AE (EL. 9) AND AE (EL. 10) AS SHOWN ON COMMUNITY PANEL NUMBER 125124 0556 F, MAP NUMBER 1207100556F, EFFECTIVE DATE AUGUST 28, 2008.
 - PARCEL CONTAINS 786,709.25 SQUARE FEET, OR 18.06 ACRES.
 - ZONING INFORMATION PER LEE COUNTY.
 - THE FOLLOWING COMMENTS ARE IN REFERENCE TO THE EXCEPTIONS AS NOTED IN SCHEDULE B SECTION II OF THE TITLE COMMITMENT AS REFERENCED IN NOTE #1 ABOVE.
 - EXCEPTIONS 1, 3, 4, 6, 12, 13 AND 14 - NOT A MATTER OF SURVEY.
 - EXCEPTION 2 - ENCROACHMENTS, IF ANY EXIST, HAVE BEEN SHOWN ON SURVEY.
 - EXCEPTION 5 - ALL KNOWN EASEMENTS ARE PER THE PUBLIC RECORDS OF LEE COUNTY.
 - EXCEPTION 7 - EASEMENT AS RECORDED IN O.R. BOOK 632 PAGE 467 SHOWN ON SURVEY.
 - EXCEPTION 8 - EASEMENT AS RECORDED IN O.R. BOOK 855 PAGE 754 SHOWN ON SURVEY.
 - EXCEPTION 9 - EASEMENT AS RECORDED IN O.R. BOOK 3228 PAGE 4676 SHOWN ON SURVEY.
 - EXCEPTION 10 - EASEMENT AS RECORDED IN O.R. BOOK 4771 PAGE 4091 SHOWN ON SURVEY.
 - EXCEPTION 11 - EASEMENT AS RECORDED UNDER ORI NO. 2012000084962 SHOWN ON SURVEY.

RECEIVED
OCT 8 2012
COMMUNITY DEVELOPMENT
ADD 2012-00099

- NOTES:
- THIS SKETCH DOES NOT REFLECT OR DETERMINE OWNERSHIP.
 - DESCRIPTION AS FURNISHED BY CLIENT, NO SEARCH OF THE PUBLIC RECORDS WAS CONDUCTED BY THIS FIRM.
 - BEARINGS ARE BASED ON PLAT OR DEED.
 - ELEVATIONS AS SHOWN ARE BASED ON N.A.V.D. 1988 DATUM UNLESS OTHERWISE STATED.
 - ENCROACHMENTS ARE BASED ON PLAT OR DEED.
 - THERE MAY BE OTHER EASEMENTS NOT SHOWN HEREON RECORDED IN THE PUBLIC RECORDS OF THE GOVERNING COUNTY.
 - NO DETERMINATION OF HAZARDOUS WASTE MATERIALS HAVE BEEN MADE BY THIS FIRM.
 - LOCATION OF UNDERGROUND UTILITIES OR STRUCTURES NOT SHOWN UNLESS OTHERWISE NOTED.
 - SIGNOR LIMITS LIABILITY ONLY UP TO THE COST OF SURVEY.
 - THIS SURVEY IS PROTECTED BY COPYRIGHT AND ALL RIGHTS ARE RESERVED.
 - SURVEY WAS BASED ON INFORMATION PROVIDED BY CLIENT AND EXISTING MONUMENTATION.
 - ADDITIONS OR DELETIONS TO SURVEY MAPS OR REPORTS BY OTHER THAN THE SIGNING PARTY OR PARTIES IS PROHIBITED WITHOUT WRITTEN CONSENT OF THE SIGNING PARTY OR PARTIES.
 - THE FEMA FLOOD ZONE INFORMATION INDICATED HEREON IS BASED ON MAPS SUPPLIED BY THE FEDERAL GOVERNMENT, THIS FLOOD INFORMATION MUST BE VERIFIED BY ANOTHER SOURCE.

- LEGEND:
- (A) - ARC LENGTH
 - A.C. - AIR CONDITIONER
 - (C) - CABLE TV
 - (C) - CALCULATED
 - C.B. - CATCH BASIN
 - CB - CHORD BEARING
 - CH - CHORD DISTANCE
 - F.C.M. - FOUND CONC. MONUMENT
 - (D) - DEED
 - B.O.B. - BASIS OF BEARINGS
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 - FIND. - FOUND
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 - I.R. - IRON ROD
 - G.W. - GUY WIRE
 - (M) - MEASURED
 - N&T - NAIL & TAB
 - N.A.V.D. - NORTH AMERICAN VERTICAL DATUM (1988)
 - N.T.S. - NOT TO SCALE
 - (NR) - NOT RADIAL
 - O.R. - OFFICIAL RECORD
 - (P) - PLAT
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 - U.P. - UTILITY PEDESTAL
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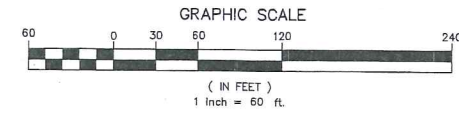
APPROVED Plan

Subject to Case # ADD2012-00099
Date 10/23/12

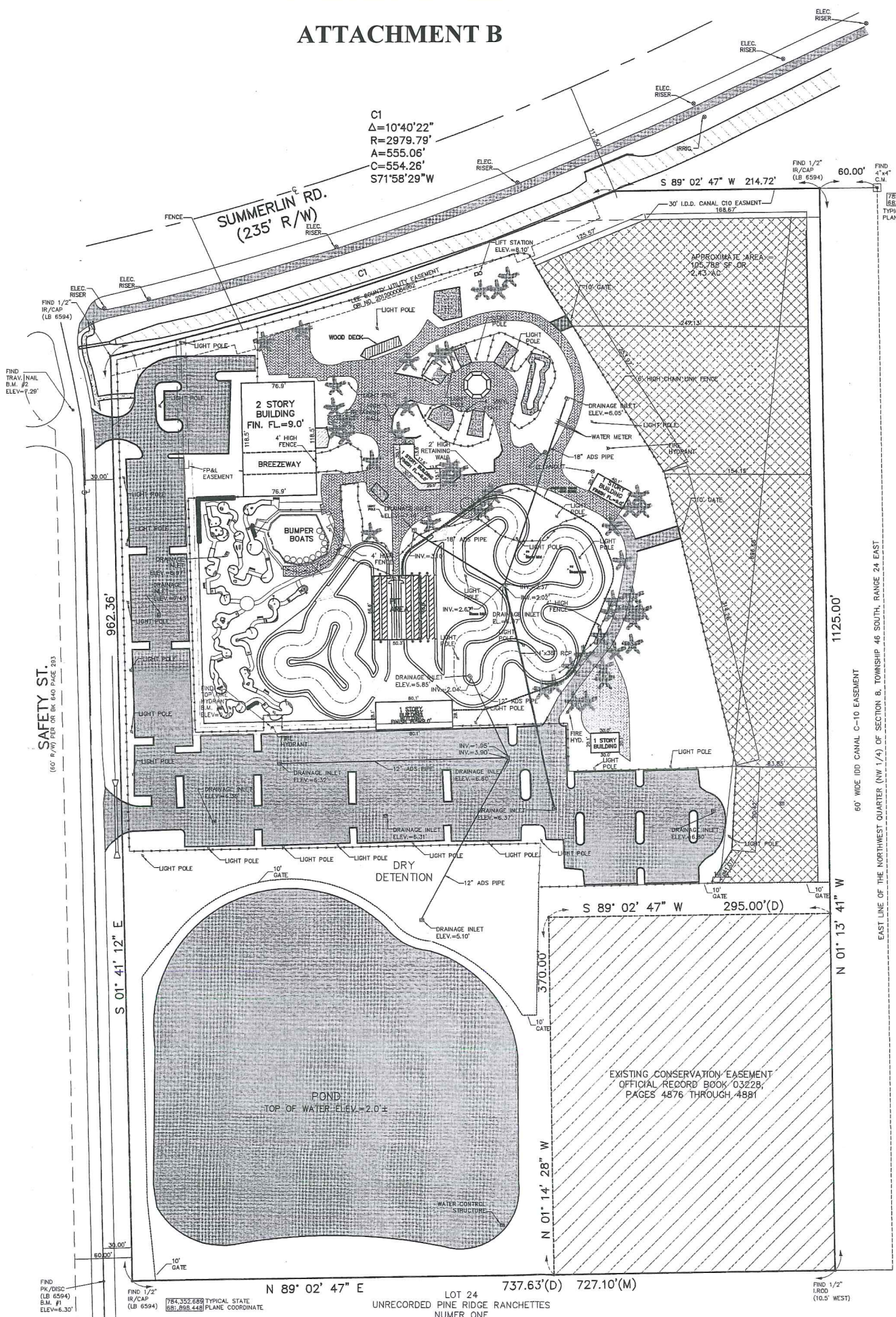
COMMUNITY / MAP NUMBER: 125124 / 1207100556F DATE OF MAP: 08-28-08 ELEVATION: 9 (NAVD 88) FLOOD ZONE: AE

DATE	
PROPOSED	
APPROVED	
REGISTERED LAND SURVEYOR NO. 2239	R.L. SCHUMANN, RLS
STATE OF FLORIDA	
VALID ONLY WITH EMPLOYED SEAL	
2572 West State Road 426	
Oviedo, FL 32765	
321-244-0002 321-244-9149 (Fax)	
LB1057	
LIS Land Surveying, LLC	
d.b.a. S & H Land Survey Co.	
21430 Palm Beach Blvd.	
Alt., FL 33920	
239-693-9244 239-693-9828 (Fax)	
LB1057	
AS-BUILT SURVEY	REVISED DATE: 08-01-12
FIELD SURVEY	08-21-11, 02-28-12
CREW CHIEF	C. CORDISCO
DRAWN BY	J. KNORR
SCALE	1" = 60'
LIS JOB NO	19988
SHEET: 1 OF 2	DATE: 08-01-12

ATTACHMENT B



LOT 16 BLOCK 4
E.P. BATES
PINE RIDGE TRUCK FARMS
PLAT BOOK 3, PAGE 68



- NOTES:**
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 - MLW - MEAN LOW WATER

APPROVED Plan

Subject to Case # ADD2012-00099
Date 10-23-12

RECEIVED
OCT 08 2012
COMMUNITY DEVELOPMENT

ADD 2012-00099

DATE: _____

REVISIONS:

NO.	DATE	DESCRIPTION

AL32000040
CA NO. 6853
CA NO. 3985
LIB#57

LIS
ARCHITECTURE
ENGINEERING
LAND SURVEYING

21430 Palm Beach Blvd.
Ave. #10, 33008
Palm Beach Gardens, FL 33418
Phone: (561) 992-1234
Fax: (561) 992-1234

TEMPORARY USE AREA

SCALE: 1" = 40'-0"

DATE: OCT 5, 2012

SHEET

ZP

EXHIBIT "A"

LEGAL DESCRIPTION

A tract or parcel of land lying in the Northwest ¼ of Section 8, Township 46 South, Range 24 East, Lee County, Florida. Said tract or parcel is further described as follows:

Commence at the Northeast corner of said Northwest ¼, Section 8, thence run S89°02'47"W along the North line of said Northwest ¼ of Section 8 for 60.00 feet to a point on the West line of a 60.00 foot wide canal easement, said point is also the point of beginning of the parcel herein described; from said Point of Beginning; continue S89°02'47"W along said North line of the Northwest ¼ for 214.72 feet to a point on the Southerly right-of-way line of County Road 869; said right-of-way line is a curve concave to the right. Said curve has as its elements Radius 2,979.79 feet, Delta - 10°40'19", Chord - 554.215, Arc - 555.02 feet, chord bearing - South 71°50'27" W; thence run Southwesterly along said right-of-way line and along said curve concave to the right for 555.02 feet to a concrete monument; thence run S01°41'12"E along the East line of a 60.00 foot wide road easement for 962.36 feet to a concrete monument; thence run N89°02'47"E parallel to the North line of said Northwest ¼ for 737.60 feet to a point on the West line of the aforementioned 60.00 foot wide canal easement; thence run N01°13'41"W along said West line of a 60 foot wide canal easement and parallel to the East line of said Northwest ¼ of Section 8 for 1,125.00 feet to the point of beginning.

Said Parcel subject to: The North 30.00' thereof for right-of-way of Iona C-10 of the former Iona Drainage District.

The applicant has indicated that the STRAP number for the subject property is: 08-46-24-00-00001.0260

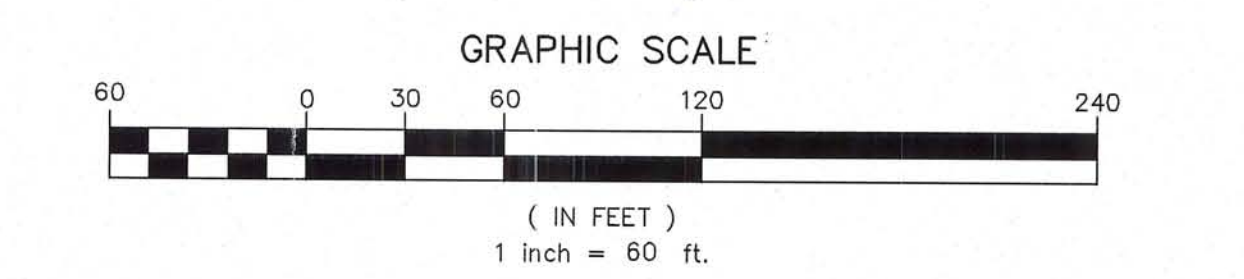
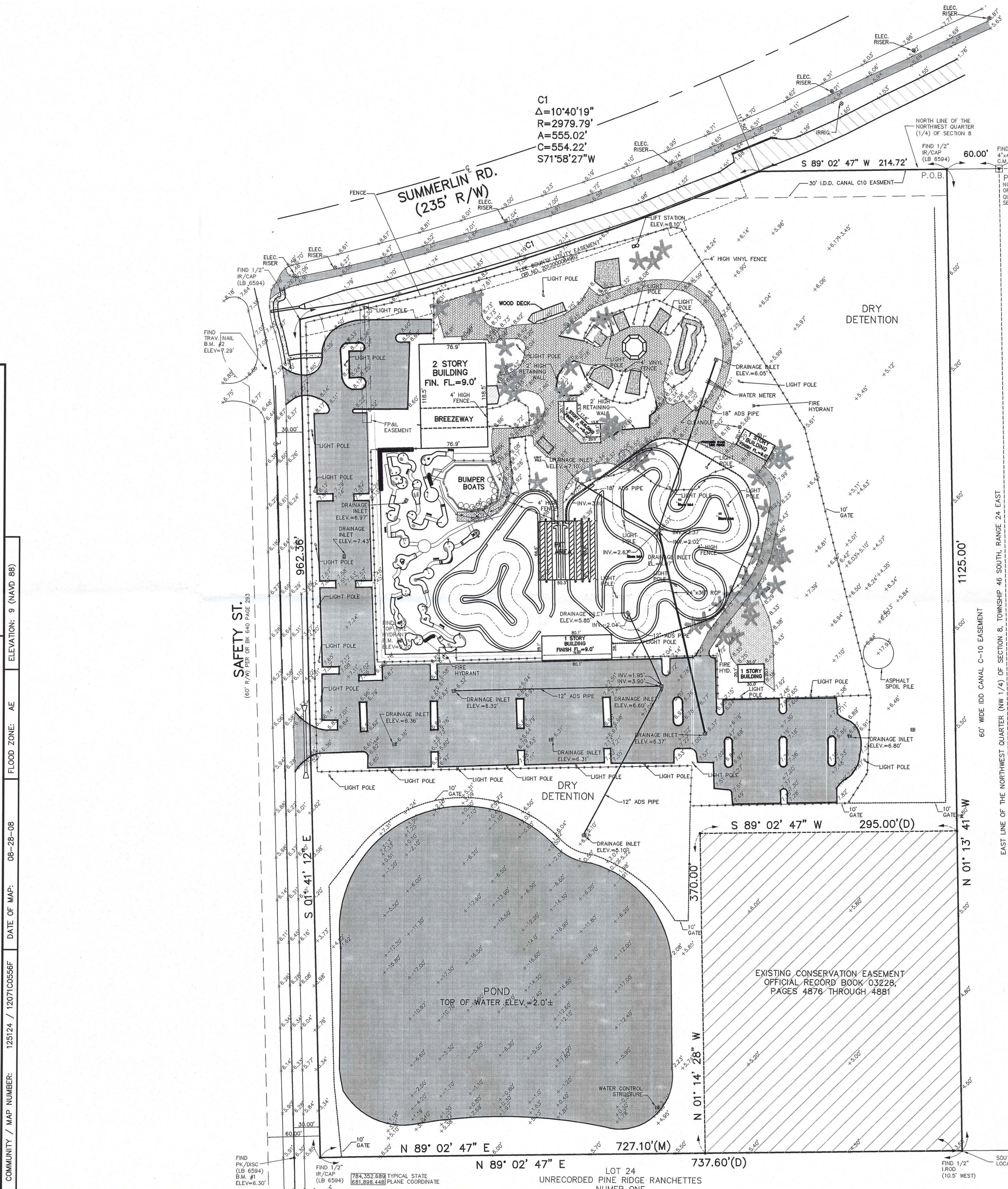
10.10.12
APPROVED
LEGAL

MHA

SEP 12 2011
COUNTY CLERK'S OFFICE
LEE COUNTY, FLORIDA

- NOTES:**
1. THIS SKETCH DOES NOT REFLECT OR DETERMINE OWNERSHIP.
 2. DESCRIPTION AS FURNISHED BY CLIENT. NO SEARCH OF THE PUBLIC RECORDS WAS CONDUCTED BY THIS FIRM.
 3. BEARINGS ARE BASED ON PLAT OR DEED.
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LOT 16 BLOCK 4
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PLAT BOOK 3, PAGE 68

S 89° 02' 47" W 214.72'
S 89° 02' 47" W 2640.00'

N 01° 13' 41" W 737.60'
N 01° 14' 28" W 370.00'

N 89° 02' 47" E 727.10'(M)
N 89° 02' 47" E 737.60'(D)

S 89° 02' 47" W 295.00'(D)

60' WIDE IDD CANAL C-10 EASEMENT

EAST LINE OF THE NORTHWEST QUARTER (NW 1/4) OF SECTION 8, TOWNSHIP 46 SOUTH, RANGE 24 EAST

P.O.C. NORTHEAST CORNER OF THE NORTHWEST QUARTER (1/4) OF SECTION 8

785,490.704
682,571.882
TYPICAL STATE PLANE COORDINATE FOR NORTHEAST CORNER OF SECTION 8

LEGAL DESCRIPTION

A TRACT OR PARCEL OF LAND LYING IN THE NORTHWEST 1/4 OF SECTION 8, TOWNSHIP 46 SOUTH, RANGE 24 EAST, LEE COUNTY, FLORIDA, SAID TRACT OR PARCEL IS FURTHER DESCRIBED AS FOLLOWS:

COMMENCE AT THE NORTHEAST CORNER OF SAID NORTHWEST 1/4 OF SECTION 8; THENCE RUN SOUTH 89°02'47" WEST ALONG THE NORTH LINE OF SAID NORTHWEST 1/4 OF SECTION 8 TO A POINT ON THE WEST LINE OF A 60.00 FOOT WIDE CANAL EASEMENT; SAID POINT IS ALSO THE POINT OF BEGINNING OF THE PARCEL HEREIN DESCRIBED, FROM SAID POINT OF BEGINNING CONTINUE SOUTH 89°02'47" WEST ALONG SAID NORTH LINE OF THE NORTHWEST 1/4 FOR 214.72 FEET TO A POINT ON THE SOUTHERLY RIGHT-OF-WAY LINE OF COUNTY ROAD 869; SAID RIGHT-OF-WAY LINE IS A CURVE CONCAVE TO THE RIGHT, SAID CURVE HAS AS ITS ELEMENTS RADIUS 2979.79 FEET, DELTA -10°40'19" CHORD-554.215, ARC-555.02', CHORD BEARING-SOUTH 71°58'27" WEST; THENCE RUN SOUTHWESTERLY ALONG SAID RIGHT-OF-WAY LINE AND ALONG SAID CURVE CONCAVE TO THE RIGHT FOR 555.02 FEET TO A CONCRETE MONUMENT; THENCE RUN SOUTH 01°41'12" EAST ALONG THE EAST LINE OF A 60.00 FOOT WIDE ROAD EASEMENT FOR 962.36 FEET TO A CONCRETE MONUMENT; THENCE RUN NORTH 89°02'47" EAST PARALLEL TO THE NORTH LINE OF SAID NORTHWEST 1/4 FOR 737.60 FEET TO A POINT ON THE WEST LINE OF AFOREMENTIONED 60.00 FOOT WIDE CANAL EASEMENT; THENCE RUN NORTH 01°13'41" WEST ALONG SAID WEST LINE OF A 60.00 FOOT WIDE CANAL EASEMENT AND PARALLEL TO THE EAST LINE OF SAID NORTHWEST 1/4 OF SECTION 8 FOR 1125.00 FEET TO THE POINT OF BEGINNING.

ALSO DESCRIBED AS LOTS 15, 16, 17, 18, 19, 20, 21, 22, AND 23 OF PINE RIDGE RANCHETTES NO. 1, AN UNRECORDED SUBDIVISION LYING IN THE NORTHWEST 1/4 OF SECTION 8, TOWNSHIP 46 SOUTH, RANGE 24 EAST, LEE COUNTY, FLORIDA, LESS RIGHT-OF-WAY OF SUMMERLIN ROAD (COUNTY ROAD 869).

TOGETHER WITH AN EASEMENT FOR INGRESS AND EGRESS TO SUMMERLIN ROAD OVER THAT PORTION OF THE ROAD EASEMENT WHICH IS ADJACENT AND CONTIGUOUS TO SUBJECT PROPERTY, PURSUANT TO DEED RECORDED IN OFFICIAL RECORD BOOK 640, PAGE 293, PUBLIC RECORDS OF LEE COUNTY, FLORIDA.

NOTE:
BENCH MARK USED
DESIGNATION - H 651
PID - DM4594
STATE/COUNTY - FL/LEE
USGS QUAD - FORT MYERS BEACH (1987)

PROPERTY ADDRESS:
ZOOMERS FAMILY FUN CENTER
17455 SUMMERLIN ROAD
FORT MYERS, FL 33908

CERTIFIED TO:
ZOOMERS FEC, INC., A FLORIDA CORPORATION
17051 SAFETY STREET LLC, FLORIDA LIMITED LIABILITY COMPANY
MICHAEL BARNES
SYNOVUS BANK
CONROY, CONROY, DURANT AND RUDNICK, P.A.
OLD REPUBLIC NATIONAL TITLE INSURANCE COMPANY

- NOTES:**
1. THIS SURVEY WAS MADE WITH THE BENEFIT OF A TITLE REPORT PROVIDED BY OLD REPUBLIC NATIONAL TITLE INSURANCE COMPANY, FILE NUMBER 12059754 KP WITH AN EFFECTIVE DATE OF JUNE 20, 2012.
 2. BEARINGS SHOWN HEREON BASED ON NORTH LINE OF SECTION 8 AS BEING S 89°42'06" W.
 3. IMPROVEMENTS OTHER THAN THOSE SHOWN NOT LOCATED ON THIS SURVEY.
 4. SUBJECT TO ALL EASEMENTS, RESERVATIONS, RESTRICTIONS AND RIGHTS OF WAY OF RECORD.
 5. THIS PROPERTY IS IN FLOOD ZONES AE (EL. 9) AND AE (EL. 10) AS SHOWN ON COMMUNITY PANEL NUMBER 125124 0556 F, MAP NUMBER 12071C0556F, EFFECTIVE DATE AUGUST 28, 2008.
 6. PARCEL CONTAINS 786,709.25 SQUARE FEET, OR 18.06 ACRES.
 7. ZONING INFORMATION PER LEE COUNTY.
 8. THE FOLLOWING COMMENTS ARE IN REFERENCE TO THE EXCEPTIONS AS NOTED IN SCHEDULE B SECTION II OF THE TITLE COMMITMENT AS REFERENCED IN NOTE #1 ABOVE:
 - a) EXCEPTIONS 1, 3, 4, 6, 12, 13 AND 14 - NOT A MATTER OF SURVEY.
 - b) EXCEPTION 2 - ENCROACHMENTS, IF ANY EXIST, HAVE BEEN SHOWN ON SURVEY.
 - c) EXCEPTION 5 - ALL KNOWN EASEMENTS ARE PER THE PUBLIC RECORDS OF LEE COUNTY.
 - d) EXCEPTION 7 - EASEMENT AS RECORDED IN O.R. BOOK 632 PAGE 487 SHOWN ON SURVEY.
 - e) EXCEPTION 8 - EASEMENT AS RECORDED IN O.R. BOOK 855 PAGE 754 SHOWN ON SURVEY.
 - f) EXCEPTION 9 - EASEMENT AS RECORDED IN O.R. BOOK 3228 PAGE 4876 SHOWN ON SURVEY.
 - g) EXCEPTION 10 - EASEMENT AS RECORDED IN O.R. BOOK 4771 PAGE 4081 SHOWN ON SURVEY.
 - h) EXCEPTION 11 - EASEMENT AS RECORDED UNDER ORI NO. 2012000084962 SHOWN ON SURVEY.

APPROVED Plan
Subject to Case # ADD 2012-00099 COMMUNITY DEVELOPMENT
Date 10/23/12

RECEIVED
OCT 28 2012

ADD 2012-00099

AS-BUILT SURVEY REVISED DATE: 08-01-12 REVISED DATE: 10-03-12

FIELD SURVEY 08-21-11, 02-29-12

CREW CHIEF C. CORDISCO

DRAWN BY J. KNORR

SCALE 1" = 60'

LIS JOB NO 19988

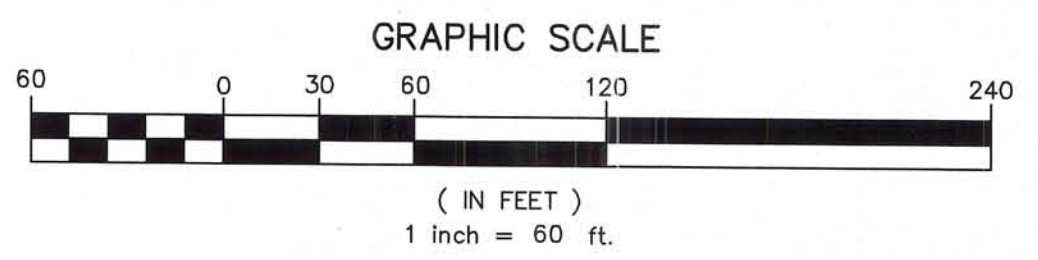
SHEET: 1 OF 2 DATE: 08-01-12

LIS Land Surveying, LLC
d.b.a. S & H Land Survey Co.

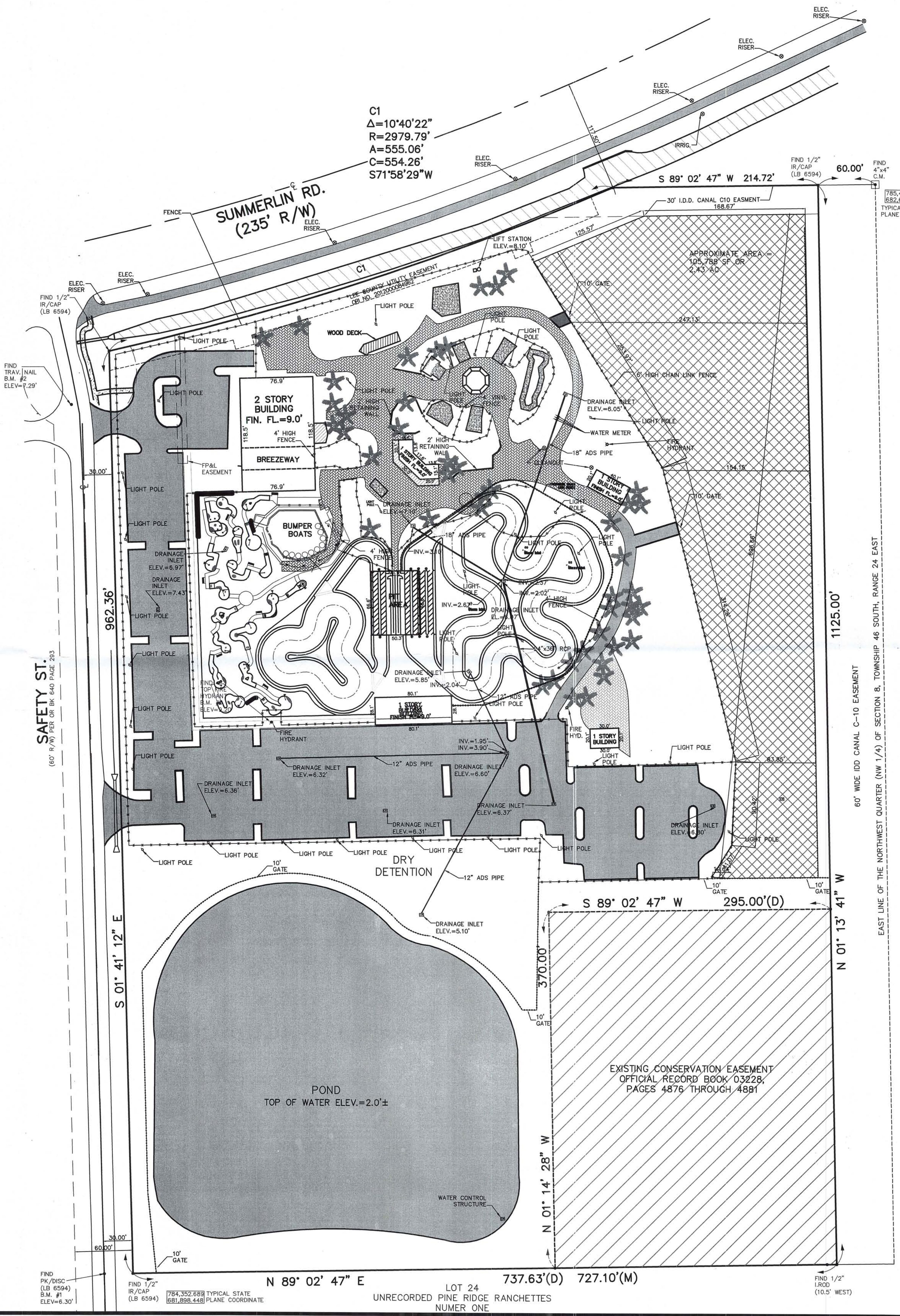
2572 West State Road 426
Oviedo, FL 32765
321-244-0402 321-244-9419 (Fax)
LJ1057

21430 Palm Beach Blvd.
Alva, FL 33920
239-693-9244 239-693-9828 (Fax)
LJ1057

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LOT 16 BLOCK 4
E.P. BATES
PINE RIDGE TRUCK FARMS
PLAT BOOK 3, PAGE 68



C1
Δ=10°40'22"
R=2979.79'
A=555.06'
C=554.26'
S71°58'29"W

FIND 1/2" IR/CAP (LB 6594)
60.00'
FIND 4"x4" C.M.
785,490.704
682,671.857
TYPICAL STATE PLANE COORDINATE

60' WIDE I.D.D. CANAL C-10 EASEMENT
EAST LINE OF THE NORTHWEST QUARTER (NW 1/4) OF SECTION 8, TOWNSHIP 46 SOUTH, RANGE 24 EAST

EXISTING CONSERVATION EASEMENT
OFFICIAL RECORD BOOK 03228,
PAGES 4876 THROUGH 4881

- NOTES:**
1. THIS SKETCH DOES NOT REFLECT OR DETERMINE OWNERSHIP.
 2. DESCRIPTION AS FURNISHED BY CLIENT. NO SEARCH OF THE PUBLIC RECORDS WAS CONDUCTED BY THIS FIRM.
 3. BEARINGS ARE BASED ON PLAT OR DEED.
 4. ELEVATIONS AS SHOWN ARE BASED ON N.A.V.D. 1988 DATUM UNLESS OTHERWISE STATED.
 5. ENCROACHMENTS ARE BASED ON PLAT OR DEED.
 6. THERE MAY BE OTHER EASEMENTS NOT SHOWN HEREON RECORDED IN THE PUBLIC RECORDS OF THE GOVERNING COUNTY.
 7. NO DETERMINATION OF HAZARDOUS WASTE MATERIALS HAVE BEEN MADE BY THIS FIRM.
 8. LOCATION OF UNDERGROUND UTILITIES OR STRUCTURES NOT SHOWN UNLESS OTHERWISE NOTED.
 9. SIGNOR LIMITS LIABILITY ONLY UP TO THE COST OF SURVEY.
 10. THIS SURVEY IS PROTECTED BY COPYRIGHT AND ALL RIGHTS ARE RESERVED.
 11. SURVEY WAS BASED ON INFORMATION PROVIDED BY CLIENT AND EXISTING MONUMENTATION.
 12. ADDITIONS OR DELETIONS TO SURVEY MAPS OR REPORTS BY OTHER THAN THE SIGNING PARTY OR PARTIES IS PROHIBITED WITHOUT WRITTEN CONSENT OF THE SIGNING PARTY OR PARTIES.
 13. THE FEMA FLOOD ZONE INFORMATION INDICATED HEREON IS BASED ON MAPS SUPPLIED BY THE FEDERAL GOVERNMENT. THIS FLOOD INFORMATION MUST BE VERIFIED BY ANOTHER SOURCE.

- LEGEND:**
- (A) - ARC LENGTH
 - A.C. - AIR CONDITIONER
 - ⊙ - CABLE TV
 - (C) - CALCULATED
 - C.B. - CATCH BASIN
 - CB - CHORD BEARING
 - CH - CHORD DISTANCE
 - F.C.M. - FOUND CONC. MONUMENT
 - (D) - DEED
 - B.O.B. - BASIS OF BEARINGS
 - D.E. - DRAINAGE EASEMENT
 - EL - ELEVATION
 - E.O.P. - EDGE OF PAVEMENT
 - F.H. - FIRE HYDRANT
 - FND. - FOUND
 - GV - GATE VALVE
 - I.R. - IRON ROD
 - S.W. - GUY WIRE
 - (M) - MEASURED
 - N&T - NAIL & TAB
 - N.A.V.D. - NORTH AMERICAN VERTICAL DATUM (1988)
 - N.T.S. - NOT TO SCALE
 - (NR) - NOT RADIAL
 - O.R. - OFFICIAL RECORD
 - (P) - PLAT
 - P.B. - PLAT BOOK
 - P.C. - POINT OF CURVATURE
 - P.C.C. - POINT OF COMPOUND CURVATURE
 - P.C.P. - PERMANENT CONTROL POINT
 - P.I. - POINT OF INTERSECT
 - PG. - PAGE
 - P.O.B. - POINT OF BEGINNING
 - P.O.C. - POINT OF COMMENCEMENT
 - P.P. - POWER POLE
 - P.R.C. - POINT OF REVERSE CURVATURE
 - P.R.M. - PERMANENT REFERENCE MONUMENT
 - P.T. - POINT OF TANGENCY
 - P.U.E. - PUBLIC UTILITY EASEMENT
 - R - RADIUS
 - (R) - RANGE
 - RNG. - RANGE
 - R/W - RIGHT OF WAY
 - SEC. - SECTION MS. FL.
 - SET I.R. - SET 1/2" IRON ROD LB1478 LB2239
 - S.W. - SIDEWALK
 - ⊙ - TELEPHONE BOX
 - TOWNSHIP - TOWNSHIP
 - U.P. - UTILITY PEDESTAL
 - ⊙ - WATER METER
 - Δ - DELTA ANGLE
 - ⊙ - FIRE HYDRANT
 - ⊙ - TEMPORARY BENCHMARK
 - ⊙ - CENTERLINE
 - ⊙ - WIRE FENCE
 - ⊙ - WOOD FENCE
 - ⊙ - OVERHEAD WIRES
 - ⊙ - CONCRETE PAD
 - ⊙ - EXISTING ELEVATION
 - (X) - LOT NUMBER
 - MHW - MEAN HIGH WATER
 - MLW - MEAN LOW WATER

COMMUNITY / MAP NUMBER: 125124 / 12071C0586F DATE OF MAP: 08-28-08 FLOOD ZONE: AE ELEVATION: 9 (NAVD 88)

RECEIVED
OCT 08 2012
COMMUNITY DEVELOPMENT

APPROVED ADD 2012-00099
Plan
Subject to Case # ADD2012-00099
Date 10/23/12

DATE: _____
REVISIONS: _____

NO. _____

A135002049
CA NO.: 0833
CA NO.: 2006
L11087

LIS
ARCHITECTURE
ENGINEERING
LAND SURVEYING

2373 West State Road 626
Alto, Fla. 32920
Phone: (321) 244-8482
Fax: (321) 693-9244

ZOOMERS f.k.a. FAMILY FUN ACTION PARK
17051 SAFETY STREET, S. FORT MYERS, FL 33908

TEMPORARY USE AREA

SCALE:
1" = 40'-0"

DATE:
OCT 5, 2012

SHEET

ZP

RESOLUTION OF THE BOARD OF COUNTY COMMISSIONERS
OF LEE COUNTY, FLORIDA

WHEREAS, an application was filed by the property owner, NDDC, Inc., to rezone an 18.05± acre parcel from Agricultural (AG-2) to Commercial Planned Development (CPD), in reference to Summerlin Commercial Center; and

WHEREAS, a public hearing was advertised and held on January 26, 2000 before the Lee County Zoning Hearing Examiner, who gave full consideration to the evidence in the record for Case #99-06-161.02Z 01.01; and

WHEREAS, a second public hearing was advertised and held on March 20, 2000 before the Lee County Board of Commissioners, who gave full and complete consideration to the recommendations of the staff, the Hearing Examiner, the documents on record and the testimony of all interested persons.

NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF COUNTY COMMISSIONERS:

SECTION A. REQUEST

The applicant filed a request to rezone an 18.05± acre parcel from AG to CPD, seeking a Lee Plan "special case" finding to allow development of a maximum of 90,000 square feet of retail commercial floor area and 280 motel/hotel rooms, in buildings not to exceed 35 feet in height within a maximum of three stories. The property is located in the Outlying Suburban Land Use Category and legally described in attached Exhibit A. The request is APPROVED, SUBJECT TO the conditions and deviations specified in Sections B and C below.

SECTION B. CONDITIONS:

All references to uses are as defined or listed in the Lee County Land Development Code (LDC).

1. The development of this project must be consistent with the one-page Master Concept Plan (MCP) entitled "Master Concept Plan for Summerlin Commercial Center," stamped received 09/22/99, last revised 09/99, except as modified by the conditions below. This development must comply with all requirements of the Lee County LDC at time of local development order approval, except as may be granted by deviation as part of this planned development. If changes to the MCP are subsequently pursued, appropriate approvals will be necessary.

2. The following limits apply to the project and uses:

a. Schedule of Uses

Administrative Offices
Animal Clinic & Kennel
Automotive Repair and Service, Groups I & II
Auto Parts Store
Banks and Financial Establishments, Groups I & II
Boats: Parts, Store Repair, Service Sales, Storage, limited to two tiers
Business Services, Group I
Car Wash
Cleaning and Maintenance Services
Clothing Store, General
Contractors and Builders, Groups I & II
Convenience Store (for Area A only)
Department Store
Drive thru facility for any permitted use
Excavation-Water Retention
Food and Beverage Services, limited
Food Stores, Group I (for Area A only)
Hardware Stores
Hobby, Toy and Game Shops
Hotel/Motel, limited to 280 units
Household and Office Furnishings, Groups I & II
Laundry or Dry Cleaning, Group I
Medical Offices
Mini-Warehouse
Paint, Glass & Wallpaper
Personal Services, Group I
Pharmacy
Racetrack, Group I
Recreational Facilities, Groups I, II & III
Restaurant, Fast Food
Restaurant, Groups I, II, III & IV
Signs, in accordance with the LDC
Specialty Retail Shops, Groups I, II, III & IV
Vehicle and Equipment Dealers, Groups I, II, III & IV
Warehouse

b. Site Development Regulations

- 1) The project may be developed with a maximum of 90,000 square feet of floor area. This can be comprised of up to 30,000 square feet of retail

square footage¹ on two acres or less as further defined in Condition 2.b(2) below. The remaining square footage can be comprised of office or service use that does not need to meet Lee Plan retail commercial site location standards. At such time as the project meets the site location standards for a Neighborhood Commercial project it may be developed with a maximum of 90,000 square feet of retail commercial uses. In addition, up to 280 hotel/motel units may be developed.

- 2) All retail commercial uses must be located in conformance with the Lee Plan minor commercial site location standards, found in Policy 6.1.2 of the Lee Plan.
- 3) This approval does not alleviate the need to comply with all federal, state and county development regulations for life safety and fire codes, open space, buffering and parking spaces, except as specifically modified by this approval. No deviations from any regulations that are not specifically stated are granted as part of this approval.
- 4) Any use that is specifically addressed in the LDC with special buffering, separation or other requirements must adhere to those requirements. No relief has been granted as part of this approval to allow a lessening of those requirements.
- 5) The property development limitations are:

Minimum Area Dimensions:

Lot size	20,000 square feet
Lot Depth	100 feet
Lot Width	100 feet

Minimum Building Setbacks:

Street Internal or External:	25 feet
Side	15 feet
Rear	20 feet
Water body	25 feet

Maximum Building Height: 35 feet/three stories

Maximum Lot Coverage: 40 percent

¹This restriction only applies to those retail commercial uses that are subject to site location standards. Any retail uses not subject to site location standards may be developed on the site up to the maximum commercial square footage allowed on the site (i.e., 90,000 square feet).

Minimum Open Space: The open space table on the MCP counter stamped September 22, 1999 is hereby adopted. If Area 'A' or 'B' is subdivided into lots, each individual lot must provide a minimum of 10 percent open space.

3. Prior to local development order approval, a protected species survey must be conducted to confirm the status of the fox squirrel nest structures. The nests must be observed during the early morning and evening hours for five consecutive days. If the nests are being utilized by Big Cypress fox squirrels a management plan meeting the requirements of the LDC §10-474 must be submitted.
4. The Developer must construct Safety Street to County road standards to incorporate both of the project's access points prior to the issuance of a Certificate of Compliance for any portion of the project. This roadway improvement is deemed to be site related and will not be eligible for impact fee credits.
5. Approval of this zoning request does not address mitigation of the project's vehicular or pedestrian traffic impacts. Additional conditions consistent with the Lee County LDC may be required to obtain a local development order.
6. Approval of this rezoning does not guarantee local development order approval. Future development order approvals must satisfy the requirements of the Lee Plan Planning Communities Map and Acreage Allocation Table, Map 16 and Table 1(b).
7. This development must comply with all of the requirements of the LDC at the time of local development order approval, except as may be granted by deviations approved as part of this planned development.

SECTION C. DEVIATIONS:

1. Deviation (1) - WITHDRAWN BECAUSE IT IS NOT NEEDED.
2. Deviation (2) - WITHDRAWN BECAUSE IT IS NOT NEEDED.
3. Deviation (3) - WITHDRAWN BECAUSE IT IS NOT NEEDED.
4. Deviation (4) - WITHDRAWN BECAUSE IT IS NOT NEEDED.
5. Deviation (5) seeks relief from the LDC §10-329(e)(1)a.3. requirement to provide a 50-foot private property line set back for water retention excavations, to allow a 25-foot setback. The deviation is APPROVED, WITH THE CONDITION that the Applicant provide satisfactory elements of protection for wayward vehicles along roadways on the development order plans.

6. Deviation (6) - WITHDRAWN BECAUSE IT IS NOT NEEDED.
7. Deviation (7) - WITHDRAWN.
8. Deviation (8) - WITHDRAWN BECAUSE IT IS NOT NEEDED.
9. Deviation (9) - WITHDRAWN.
10. Deviation (10) - WITHDRAWN BECAUSE IT IS NOT NEEDED.
11. Deviation (11) - WITHDRAWN.

SECTION D. EXHIBITS:

The following exhibits are attached to this resolution and incorporated by reference:

- Exhibit A: The legal description and STRAP number of the property.
Exhibit B: Zoning Map (subject parcel identified with shading)
Exhibit C: The Master Concept Plan

SECTION E. FINDINGS AND CONCLUSIONS:

1. The applicant has proven entitlement to the rezoning by demonstrating compliance with the Lee Plan, the LDC, and any other applicable code or regulation.
2. The rezoning, as approved:
 - a. meets or exceeds all performance and locational standards set forth for the potential uses allowed by the request; and,
 - b. is consistent with the densities, intensities and general uses set forth in the Lee Plan; and,
 - c. is compatible with existing or planned uses in the surrounding area; and,
 - d. will not place an undue burden upon existing transportation or planned infrastructure facilities and will be served by streets with the capacity to carry traffic generated by the development; and,
 - e. will not adversely affect environmentally critical areas or natural resources.
3. The rezoning satisfies the following criteria:
 - a. the proposed use or mix of uses is appropriate at the subject location; and

- b. the recommended conditions to the concept plan and other applicable regulations provide sufficient safeguard to the public interest; and
 - c. the recommended conditions are reasonably related to the impacts on the public interest created by or expected from the proposed development.
4. Urban services, as defined in the Lee Plan, are, or will be, available and adequate to serve the proposed land use.
 5. The approved deviations, as conditioned, enhance achievement of the planned development objectives, and preserve and promote the general intent of LDC Chapter 34, to protect the public health, safety and welfare.
 6. The development will meet site location standards if the development is composed of (a) up to 30,000 square feet of retail commercial; (b) access to the site is within 330 feet of the intersection of a local and a collector, a local and arterial or collector and collector; and (c) retail commercial is limited to development on no more than two acres.
 7. The Board denies the request for a finding of special case under Lee Plan Policy 6.1.2.8.


The foregoing resolution was adopted by the Lee County Board of Commissioners upon the motion of Commissioner Ray Judah, seconded by Commissioner Andrew W. Coy and, upon being put to a vote, the result was as follows:

John E. Manning	Absent
Douglas R. St. Cerny	Aye
Ray Judah	Aye
Andrew W. Coy	Aye
John E. Albion	Absent

DULY PASSED AND ADOPTED this 20th day of March, 2000.

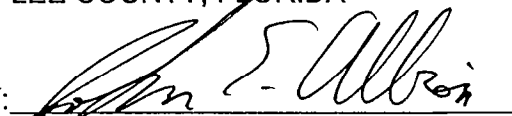
ATTEST:
CHARLIE GREEN, CLERK

BY:

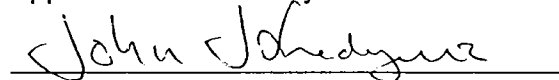

Deputy Clerk

BOARD OF COUNTY COMMISSIONERS
OF LEE COUNTY, FLORIDA

BY:


Chairman

Approved as to form by:


County Attorney's Office

MINUTES OFFICE

lp

RECEIVED MAR 27 2000

EXHIBIT "A"

LEGAL DESCRIPTION

A tract or parcel of land lying in the Northwest ¼ of Section 8, Township 46 South, Range 24 East, Lee County, Florida. Said tract or parcel is further described as follows:

Commence at the Northeast corner of said Northwest ¼, Section 8, thence run S89°02'47"W along the North line of said Northwest ¼ of Section 8 for 60.00 feet to a point on the West line of a 60.00 foot wide canal easement, said point is also the point of beginning of the parcel herein described; from said Point of Beginning; continue S89°02'47"W along said North line of the Northwest ¼ for 214.72 feet to a point on the Southerly right-of-way line of County Road 869; said right-of-way line is a curve concave to the right. Said curve has as its elements Radius 2,979.79 feet, Delta - 10°40'19", Chord - 554.215, Arc - 555.02 feet, chord bearing - South 71°50'27" W; thence run Southwesterly along said right-of-way line and along said curve concave to the right for 555.02 feet to a concrete monument; thence run S01°41'12"E along the East line of a 60.00 foot wide road easement for 962.36 feet to a concrete monument; thence run N89°02'47"E parallel to the North line of said Northwest ¼ for 737.60 feet to a point on the West line of the aforementioned 60.00 foot wide canal easement; thence run N01°13'41"W along said West line of a 60 foot wide canal easement and parallel to the East line of said Northwest ¼ of Section 8 for 1,125.00 feet to the point of beginning.

Said Parcel subject to: The North 30.00' thereof for right-of-way of Iona C-10 of the former Iona Drainage District.

The applicant has indicated that the STRAP number for the subject property is: 08-46-24-00-00001.0260

ZONING MAP

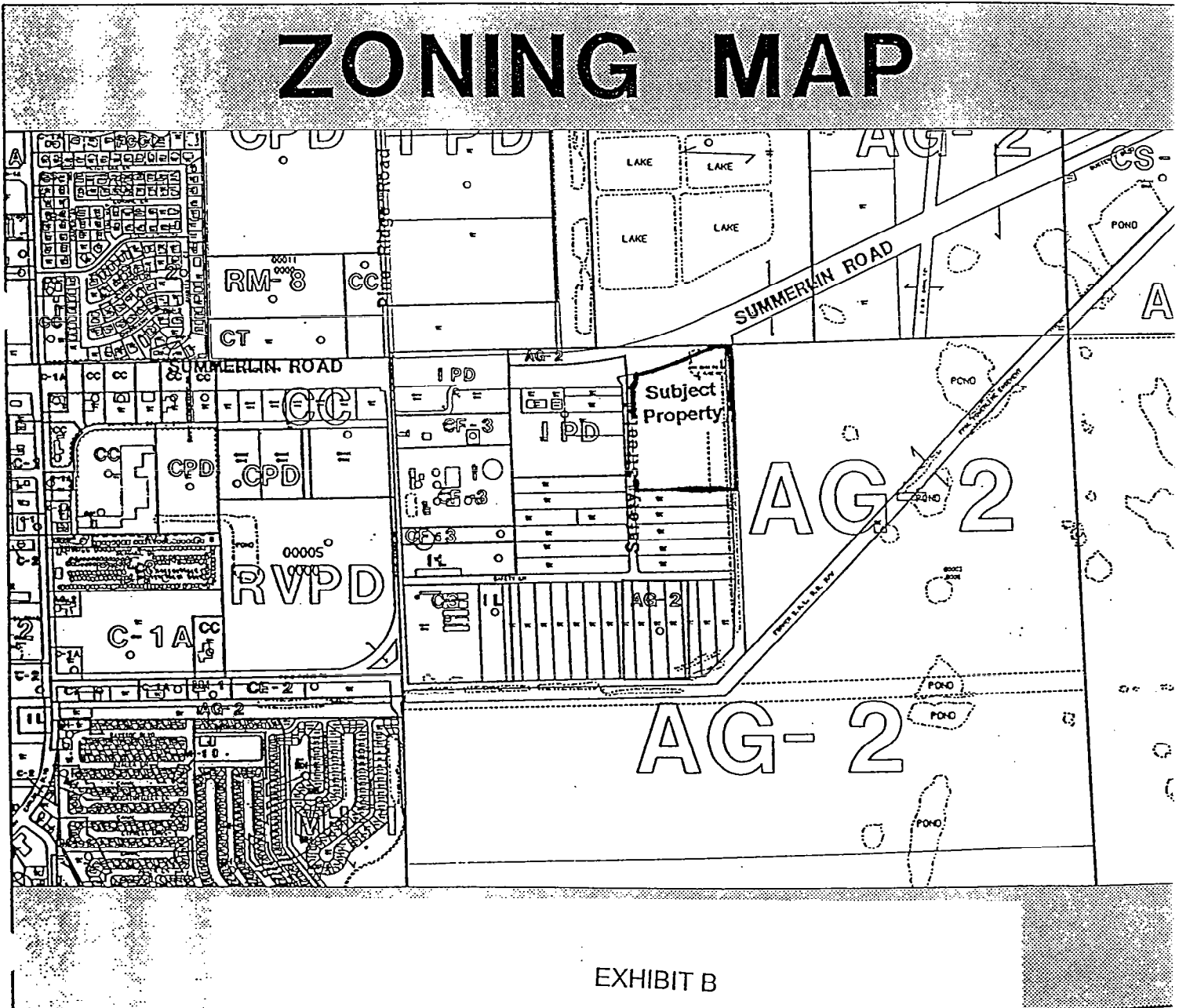
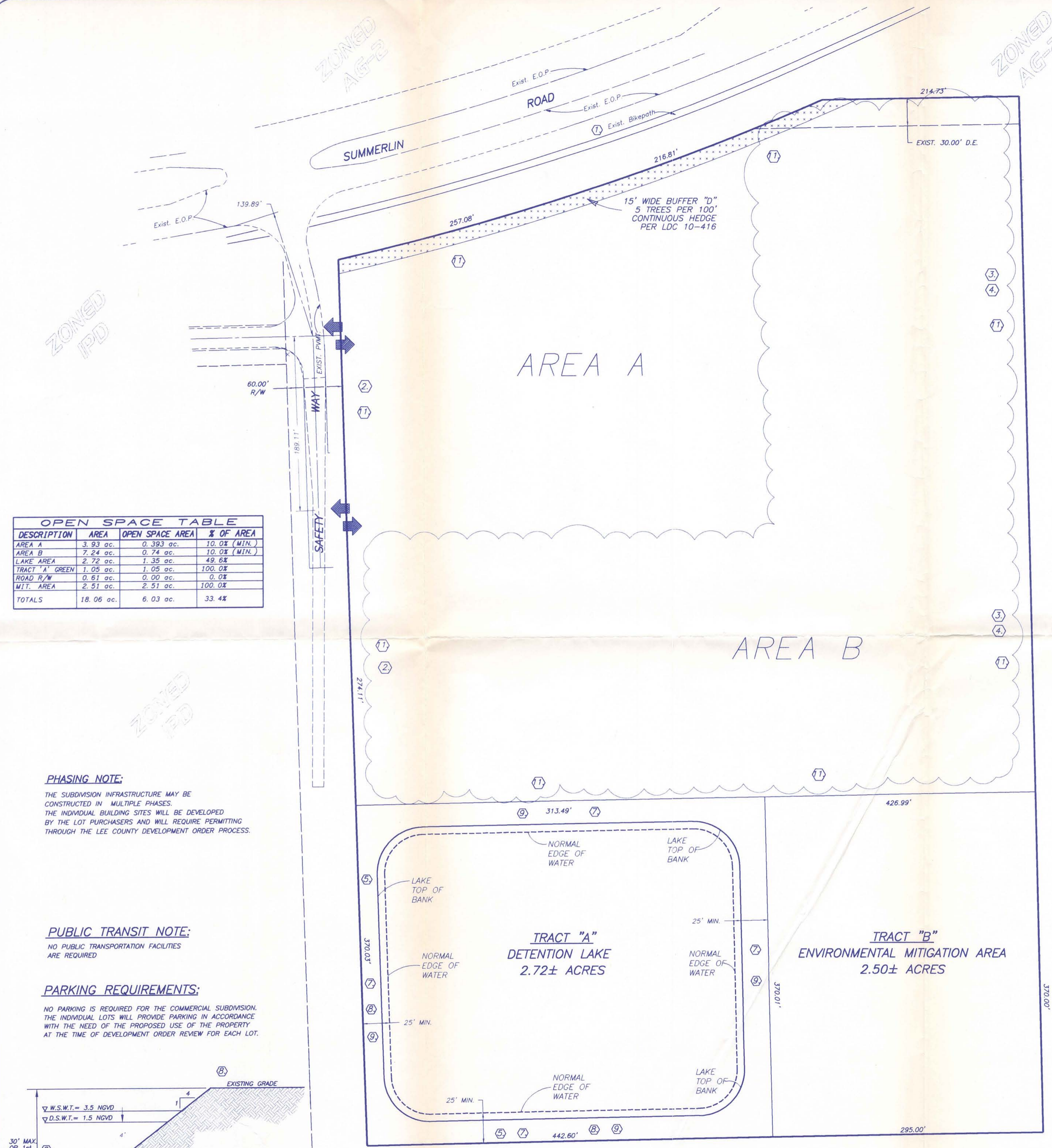
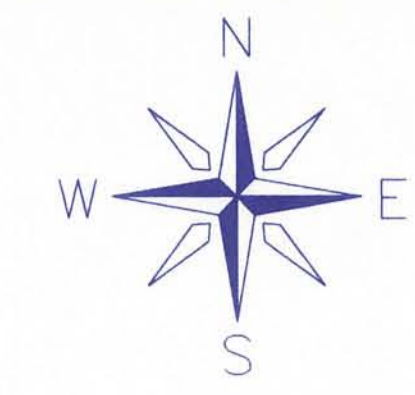
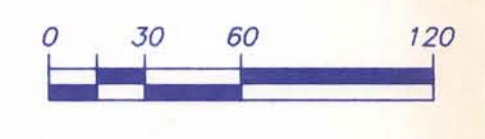


EXHIBIT B

LEE COUNTY ENGINEERING, INC.
civil engineers / land surveyors
12661 Metro Parkway
Maitland, FL 32751
Phone: (941) 768-0077
Fax: (941) 768-3457

NO.	DATE	BY	REVISIONS
1	9/99	DL	ENCL. REVISIONS
2	9/99	DL	ENCL. REVISIONS

**MASTER CONCEPT PLAN
OF
SUMMERLIN COMMERCIAL CENTER**
FOR
1000 S.E. 17th Terrace, Suite 202
CAPE CORAL, FL 33904



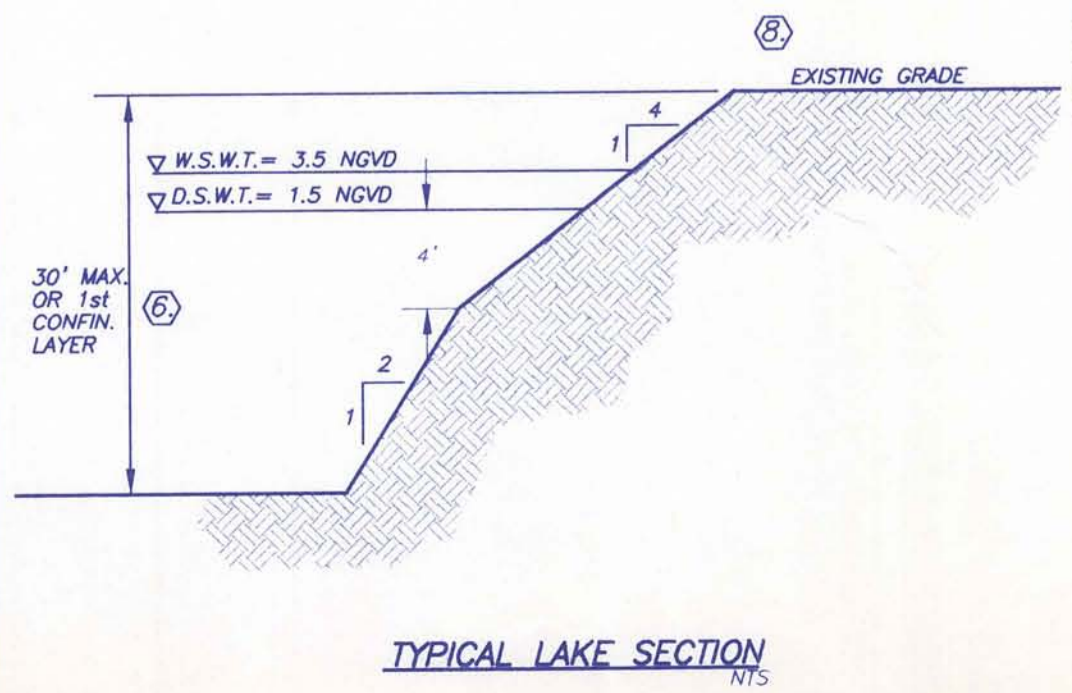
OPEN SPACE TABLE

DESCRIPTION	AREA	OPEN SPACE AREA	% OF AREA
AREA A	3.93 ac.	0.393 ac.	10.0% (MIN.)
AREA B	7.24 ac.	0.74 ac.	10.0% (MIN.)
LAKE AREA	2.72 ac.	1.35 ac.	49.6%
TRACT "A" GREEN	1.05 ac.	1.05 ac.	100.0%
ROAD R/W	0.61 ac.	0.00 ac.	0.0%
M.T. AREA	2.51 ac.	2.51 ac.	100.0%
TOTALS	18.06 ac.	6.03 ac.	33.4%

PHASING NOTE:
THE SUBDIVISION INFRASTRUCTURE MAY BE CONSTRUCTED IN MULTIPLE PHASES. THE INDIVIDUAL BUILDING SITES WILL BE DEVELOPED BY THE LOT PURCHASERS AND WILL REQUIRE PERMITTING THROUGH THE LEE COUNTY DEVELOPMENT ORDER PROCESS.

PUBLIC TRANSIT NOTE:
NO PUBLIC TRANSPORTATION FACILITIES ARE REQUIRED.

PARKING REQUIREMENTS:
NO PARKING IS REQUIRED FOR THE COMMERCIAL SUBDIVISION. THE INDIVIDUAL LOTS WILL PROVIDE PARKING IN ACCORDANCE WITH THE NEED OF THE PROPOSED USE OF THE PROPERTY AT THE TIME OF DEVELOPMENT ORDER REVIEW FOR EACH LOT.



SCHEDULE OF DEVIATIONS AND JUSTIFICATIONS

- Deviation from Lee County Land Development Code (LDC) Section 10-256(b)(1) that requires the construction of bikeways and pedestrian ways for all new developments, to allow the existing bikeway on the south side of Summerlin to satisfy this requirement.
Justification: There is an existing bikeway on the south side of Summerlin within the road right of way.
- Deviation from Lee County Land Development Code (LDC) Section 10-291(3) that requires any commercial or industrial development of more than ten acres must provide two or more means of ingress or egress for the development, to allow the development of the subject property with only one means of ingress or egress onto an existing arterial roadway with an existing median crossing.
Justification: The property to the east is RPA and undevelopable and another road connection to Summerlin would not be permitted.
- Deviation from Lee County Land Development Code (LDC) Section 10-294 that requires proposed street layout shall be coordinated with the street system of the surrounding area, to allow the proposed road construction without continuation of the existing street layout.
Justification: The property to the east is undeveloped AG lands, any street connections to the north, south and east would be to undeveloped lands and another connection to the west would not allow proper usage of the subject property.
- Deviation from Lee County Land Development Code (LDC) Section 10-295 that requires Street stubs to adjoining areas, to allow the proposed road construction without street stubs to adjoining property as shown on the plan.
Justification: The properties to the south and east are undeveloped AG lands, the drive connection will be to the west heading north to Summerlin.
- Deviation from Lee County Land Development Code (LDC) Section 10-329(a)(1)a.3. that requires no excavation will be allowed within fifty feet of any private property line under separate ownership, to allow the proposed excavation to be setback twenty five feet from the property line to the normal edge of water of the stormwater retention pond, as shown on the plan.
Justification: The property to the west of the proposed pond on the other side of the road is also a stormwater storage pond and to the south is undeveloped AG zoned wetlands, which should benefit from the proposed onsite stormwater storage elevations.
- Deviation from Lee County Land Development Code (LDC) Section 10-329(a)(3) that requires excavations for water retention or detention not exceed a maximum of twelve feet, if the water depth does not penetrate any impervious soil or rock layer, to allow the proposed detention lake to be excavated to a maximum depth of thirty feet or the first confining soil or rock layer, whichever is shallower.
Justification: The proposed detention lake excavated material will be utilized to fill the proposed roadway and to fill the building sites as much as possible in order to minimize imported fill material.
- Deviation from Lee County Land Development Code (LDC) Section 10-329(a)(4) that requires the design of shorelines of retention and detention areas be sinuous rather than straight, to allow the proposed detention lake to be excavated in the rectangular shape as shown on the master concept plan to a maximum depth of thirty feet or the first confining soil or rock layer, whichever is shallower.
Justification: The shape of the proposed detention lake is designed to maximize excavated material, which will be utilized to fill the proposed roadway and the building sites as much as possible in order to minimize imported fill material.
- Deviation from Lee County Land Development Code (LDC) Section 10-329(a)(5) that requires a four foot fence may be required to be placed around excavations for water retention when located less than 100 feet from any property under separate ownership, to allow the proposed detention lake to be excavated within twenty five feet of the property line without a fence.
Justification: The shape of the proposed detention lake is designed to maximize utilization of the site, which is located considerable distance from any residential areas and the nearby roadway is a dead-end and therefore not subject to much vehicular traffic or bypassing vehicle trips.
- Deviation from Lee County Land Development Code (LDC) Section 10-418(a)(1) that requires shorelines must be sinuous in configuration to provide increased length and diversity of the littoral zone, to allow the proposed detention lake to be excavated in the rectangular shape as shown on the master concept plan to a maximum depth of excavation and therefore maximize the amount of borrow material available to fill the subject property.
Justification: The shape of the proposed detention lake is designed to maximize excavated material, which will be utilized to fill the proposed roadway and the building sites as much as possible in order to minimize imported fill material.
- Deviation requests relief from Lee County Land Development Code (LDC) Section 34-715 that sets forth specific property development regulations for Commercial Planned Development districts to adopt the table and typicals shown on the Master Concept Plan.
Justification: To allow the Developer latitude in the installation of buildings, infrastructure and aesthetic elements in the development of the site.
- Deviation requests relief from Lee County Land Development Code (LDC) Section 34-935(c)(2) which requires that parking areas not be closer than 25 feet to the development perimeter, to allow the parking area to be setback a minimum of 10 feet from the development perimeter or 15 feet along Summerlin Road.
Justification: To allow the proper utilization of the site and allow design of proposed parking areas consistent with the restrictions placed on similar commercial projects.

PROPERTY DEVELOPMENT REGULATIONS

- BUILDING SETBACKS**
- STREET: Summerlin Road (arterial), 25' per Section 34-2192(a)
 - Solely Street (private road), 20' per Section 34-2192(a)
 - Summerlin Court (private road), 20' per Section 34-2192(a)
 - (from r.o.w. or road easement line)
 - REAR YARD: 25' per Section 34-935(b)(1) b.
 - SIDE YARD: 15' per Section 34-935(b)(1) b.
 - WATER BODY: 25' per Section 34-2194(b)
- BUILDING HEIGHT:** 35' MAX. (3 STORIES)
- MINIMUM OPEN SPACE REQUIRED:** 30% x 18± ACRES = 5.4 ACRES
- PROPOSED OPEN SPACE:** (SEE OPEN SPACE TABLE)
- MAXIMUM LOT COVERAGE:** 40% (building coverage)
- PROPOSED LOT COVERAGE = 40%** (maximum, building coverage)
- LOT AREA = 20,000 square feet
 - LOT WIDTH = 100 feet
 - LOT DEPTH = 100 feet
- SIGNS SHALL BE PER LDC CHAPTER 30**
- # HOTEL/MOTEL UNITS = 0 TO 280**
- MAX. GFA COMMP. = <90,000 S.F.**

NOTES:
NUMBER OF LOTS MAY VARY FROM 2 TO 5.

SCHEDULE OF USES

- Administrative Offices
- Animals: Clinic & Kennel
- Automotive Repair and Service, Group I & II
- Auto Parts Store
- Banks and Financial Establishments, Group I & II
- Boats: Parts Store, Repair, Service, Sales, Storage 2-Tier
- Business Services, Group I
- Car Wash
- Cleaning and Maintenance Services
- Clothing Stores, General
- Contractors and Builders, Group I & II
- Convenience Store (For Area A Only)
- Department Store
- Drive-thru Facility for any Permitted Use
- Excavation - Water Retention
- Food and Beverage Services, Limited
- Food Stores, Group I (Fast Food Area A Only)
- Hardware Stores
- Hobby, Toy and Game Shops
- Hotel, Motel
- Household and Office Furnishings, Group I & II
- Laundry or Dry Cleaning, Group I
- Medical Office
- Paint, Glass & Wallpaper
- Personal Services, Group I
- Pharmacy
- Racetracks, Group I
- Recreational Facilities, Group I, II & III
- Restaurant - Fast Food
- Restaurant - Group I, II, III & IV
- Signs in Accordance with Chapter 30
- Specialty Retail Shops - Group I, II, III & IV
- Vehicle and Equipment Dealer - Group I, II, III & IV
- Warehouse - Mini-warehouse

APPROVED

Master Concept Plan
Site Plan # 20-008 Page 1 of 1
Subject to conditions in Resolution 20-008
Zoning Case # 99-06-161-023 01.01

PROJECT # 99-06-161-023
PROJECT TYPE 13

EXHIBIT IV-E