

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

WHEREAS, James A. Keyser, Trustee has properly filed an application for: a rezoning from AG-2 to Commercial Planned Development and Residential Planned Development; and

WHEREAS, the subject property is located at 3525 and 3555 Bonita Beach Road, Bonita Springs, described more particularly as:

LEGAL DESCRIPTION: In Section 04, Township 48 South, Range 25 East, Lee County, Florida:

CPD Parcel

A portion of the Northwest Quarter (NW1/4) of Section 04, Township 48 South, Range 25 East, Lee County, Florida, being more particularly described as follows:

Commence at the North Quarter corner of Section 04, Township 48 South, Range 25 East, Lee County, Florida;
THENCE run S89°08'29"W, along the North line of the Northwest Quarter (NW1/4) of said Section 04, for a distance of 20.00 feet;
THENCE run S00°38'11"E, parallel with the East line of the Northwest Quarter (NW1/4) of said Section 04, for a distance of 81.88 feet to a point on the Southerly right-of-way line of Bonita Beach Road, C.R. 865, as the same is described and shown in the Warranty Deed to Lee County from A. James Keyser, dated 6/14/88 and the POINT OF BEGINNING of the parcel of land herein described;
THENCE continue S00°38'11"E, parallel with the East line of the Northwest Quarter (NW1/4) of said Section 04, for a distance of 373.12 feet to a point 455.00 feet Southerly of, as measured at right angles to, the North line of the Northwest Quarter (NW1/4) of said Section 04;
THENCE run S89°08'29"W, parallel with the North line of the Northwest Quarter (NW1/4) of said Section 04, for a distance of 310.00 feet;
THENCE run N00°38'11"W, parallel with the East line of the Northwest Quarter (NW1/4) of said Section 04, for a distance of 388.11 feet to a point on the Southerly right-of-way line of Bonita Beach Road;
THENCE run N89°08'20"E, along the Southerly right-of-way line of Bonita Beach Road, for a distance of 295.00 feet;
THENCE run S45°44'52"E, along the Southerly right-of-way line of Bonita Beach Road, for a distance of 21.17 feet to the POINT OF BEGINNING.
Containing 2.760 acres, more or less.

RPD Parcel

A portion of the Northwest Quarter (NW1/4) of Section 04, Township 48 South, Range 25 East, Lee County, Florida, being more particularly described as follows:

Commence at the North Quarter corner of Section 04, Township 48 South, Range 25 East, Lee County, Florida;
THENCE run S89°08'29"W, along the North line of the Northwest Quarter (NW1/4) of said Section 04, for a distance of 20.00 feet;
THENCE run S00°38'11"E parallel with the East line of the Northwest Quarter (NW1/4) of said Section 04, for a distance of 455.00 feet to a point 455.00 feet Southerly of, as measured at right angles to, the North line of the Northwest Quarter (NW1/4) of said Section 04 and the POINT OF BEGINNING of the parcel of land herein described;
THENCE continue S00°38'11"E, parallel with the East line of the Northwest Quarter (NW1/4) of said Section 04, for a distance of 196.04 feet to a point on the centerline of McComb Lane as the same is shown on the plat of SPENGER SUBDIVISION according to the plat continued...

1/11/95

thereof recorded in Plat Book 48, at Pages 46' through 48 of the Public Records of Lee County, Florida;
 THENCE run S89°10'16"W, along the centerline of McComb Lane, for a distance of 310.00 feet;
 THENCE run N00°38'11"W, parallel with the East line of the Northwest Quarter (NW1/4) of said Section 04, for a distance of 195.88 feet to a point 455.00 feet Southerly of, as measured at right angles to, the North line of the Northwest Quarter (NW1/4) of said Section 04;
 THENCE run N89°08'29"E, parallel with the North line of the Northwest Quarter (NW1/4) of said Section 04, for a distance of 310.00 feet to the POINT OF BEGINNING.
 Containing 1.395 acres, more or less.

WHEREAS, the applicant has indicated the property's current STRAP numbers are 04-48-25-00-00018-0000 and 04-48-25-00-00018-0010; and

WHEREAS, proper authorization has been given to Humphrey & Knott, P.A. by James A. Keyser, Trustee, the owner of the subject parcel, to act as agent to pursue this zoning application; and

WHEREAS, a public hearing was legally and properly advertised and held before the Lee County Hearing Examiner, with full consideration of all the evidence available; and the Lee County Hearing Examiner fully reviewed the matter in a public hearing held on November 15, 1994 and subsequently continued to December 2, 1994; and

WHEREAS, a public hearing was legally and properly advertised and held before the Lee County Board of County Commissioners; and the Lee County Board of County Commissioners gave full and complete consideration to the recommendations of the staff, the Hearing Examiner, the documents on file with the county, and the testimony of all interested persons.

NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF COUNTY COMMISSIONERS, that the Board of County Commissioners does hereby APPROVE WITH CONDITIONS a rezoning from AG-2 to CPD and RPD.

The rezoning and Master Concept Plan, which deviate from certain Lee County Standards, are subject to the following conditions:

1. The development of this project shall be in accordance with the one-page Master Concept Plan identified as "Master Concept Plan/Windsor -- Bonita Beach Road Parcel", (Project #92.65), prepared by Hole, Montes & Associates, Inc., dated last revised 8/24/94, stamped received August 26, 1994, except as modified by the conditions below. This approval does not alleviate the need to comply with all state and county development regulations, except as specifically modified by this approval.
2. The uses of this property shall be limited to that schedule of uses shown on the Master Concept Plan, with the deletion of DUPLEX as a permitted use. In addition, the RPD may be subdivided into four single-family lots for development of 1 single-family dwelling per lot.
3. Buffering for this project must be provided in accordance with the Master Concept Plan to be interpreted as follows, where appropriate:

BUFFER TYPES						
	A	B	C	D	E	F
Minimum width	10 ft.	15 ft.	15 ft.	20 ft.	30 ft.	40 ft.
Minimum landscaping (1):						
a. Trees	4	5	5	6	6	10
b. Shrubs	12	18	18	30	30	60
Fence, wall or visual screen required	No	No	Yes	No	Yes	No

Notes:

(1) Required number of trees and shrubs per 100 linear feet. Each 100

feet of buffer or portion thereof, shall contain the required number of trees and shrubs. Buffers which are 500 feet or greater in length and which abut arterials or collectors shall be allowed to cluster buffer plantings in 200-foot increments. Refer to LDC Section 10-416 for additional information.

- (2) A fence, wall, berm, vegetative hedge or combination thereof not less than eight feet in height shall be so constructed that visibility through such structures is not more than 25 percent when viewed at right angles. When a vegetative hedge is installed, the required number of trees and shrubs shall be that which is necessary to achieve the opacity requirements.
- (3) A wall, six feet in height, measured from the highest point of the parking lot perpendicular to the wall, shall be required as part of the buffer where any retail commercial or industrial development abuts existing residential development. The wall shall be constructed of concrete, brick, stone, concrete block with stucco or other decorative masonry material. All trees and shrubs required in the buffer shall be placed on the residential side of the visual screen.
- (4) Any fence, wall, berm, plants or other landscape features shall be placed so as not to violate the requirements of LDC Section 34-3131, pertaining to vehicle visibility.
- (5) When a fence or wall is proposed in a perimeter buffer where the fence or wall is not required, the fence or wall shall be located so that the buffer trees and shrubs are planted on the outside of the wall and are visible from the abutting property or street.

All buffering comments, conditions and/or clarifications for this project must be referred to LDC Section 10, Division 6, as it existed on October 1, 1994.

4. This zoning approval does not signify that the project's traffic impacts have been mitigated. Additional conditions may be required at the time of issuance of a local Development Order, per the LDC or other Lee County Ordinance.
5. Approval of this rezoning does nothing more than change the zoning district wherein the subject property lies, and does not grant or vest in the Developer any present or future development rights that may exceed any Lee Plan use restrictions as set forth in the 2010 (Roberts) Overlay or any other Lee Plan provision.
6. An analysis of the intersection of Bonita Beach Road and Windsor Road must be submitted with the Traffic Impact Statement as part of the local Development Order application.
7. Lee County Department of Transportation will consider the possibility of allowing right-out turning movement onto Bonita Beach Road at the time of Development Order submittal. Upon submittal of an approved Traffic Impact Statement, an evaluation of the information will be made by Lee County Department of Transportation, and the determination as to whether to allow right-out movement this access point will be made. Submittal of an approved Traffic Impact Statement does not guarantee approval of the right-out movement.
8. Deviation (1) requests relief from Lee County Land Development Code Section 10-285 which requires a minimum 660-foot intersection separation along arterial roadways, to allow an intersection separation of 310 feet along Bonita Beach Road. Deviation (1) is hereby APPROVED subject to the condition that this access point will be limited to right-in only.
9. Deviation (2) requests relief from Lee County Land Development Code Section 10-285(a) which requires a connection (intersection) separation of 330-feet along collector Roads (Windsor Road), to allow a separation of 235± feet feet, or greater, between the project's only access point

onto Windsor Road from the centerline of McComb Lane. Deviation (2) is hereby APPROVED TO ALLOW AN INTERSECTION SEPARATION OF 235+ FEET with the condition that the final location of this access will be coordinated, by the Lee County Department of Transportation, with the access for the planned development located to the east across Windsor Road after submittal of the Traffic Impact Statement for Development Order approval.

Site Plan 94-057 is attached hereto and incorporated herein by reference, as a reduced copy of the Master Concept Plan.

The following findings and conclusions were made in conjunction with this approval of CPD and RPD zoning:

- A. That there is no error or ambiguity to be corrected.
- B. That the mixture of commercial and residential zoning and uses in the vicinity of the subject property make the CPD/RPD zoning appropriate.
- C. That the CPD/RPD zoning, as conditioned, will not have an adverse impact on the intent of Chapter 34, Zoning, of the Land Development Code.
- D. That the CPD/RPD, as conditioned, is consistent with the goals, objectives, policies and intent of the Lee Plan, and with the densities, intensities and general uses set forth in the Lee Plan.
- E. That the CPD/RPD, as conditioned, meets or exceeds all performance and locational standards set forth for the proposed uses.
- F. That there are no known environmentally critical areas or natural resources to be protected or preserved by the CPD/RPD.
- G. That the CPD/RPD, as conditioned, will be compatible with existing or planned uses and will not cause damage, hazard, nuisance or other detriment to persons or property.
- H. That the CPD/RPD, as conditioned, is appropriate at this location and will not place an undue burden upon existing transportation or other services and facilities, and will be served by streets with the capacity to carry traffic generated by the development.
- I. That the CPD/RPD, as conditioned, will comply with all applicable general zoning provisions and supplemental regulations pertaining to the uses, as set forth in Chapter 34, Zoning, Land Development Code.
- J. That sufficient safeguards to the public interest are provided by the recommended conditions to the Master Concept Plan, and by other applicable regulations.
- K. That all recommended conditions are reasonably related to the impacts on the public's interest created by or expected from the proposed development.
- L. That each approved deviation, as conditioned, enhances the achievement of the objectives of the CPD/RPD, and promotes the protection of the public health, safety and welfare.

The foregoing Resolution was adopted by the Lee County Board of County Commissioners upon a motion by Commissioner John E. Manning, and seconded by Commissioner Douglas R. St. Cerny and, upon being put to a vote, the result was as follows:

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

DULY PASSED AND ADOPTED this 11th day of January, A.D., 1995.

ATTEST:
CHARLIE GREEN, CLERK

BY Ruth Inguine
Deputy Clerk

BOARD OF COUNTY COMMISSIONERS
OF LEE COUNTY, FLORIDA

BY: [Signature]
Chairman

Approved as to form by:

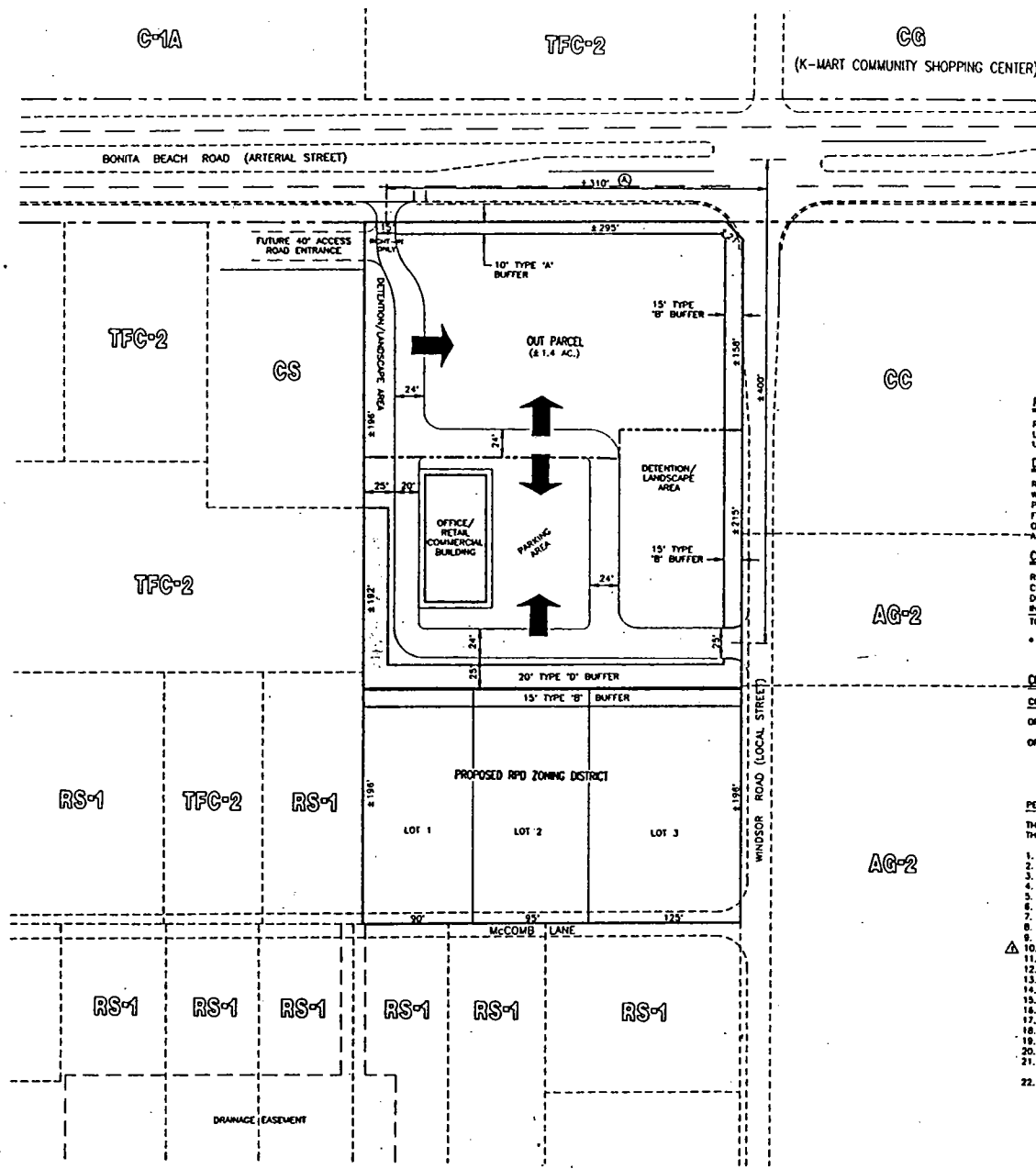
[Signature]
County Attorney's Office

FILED

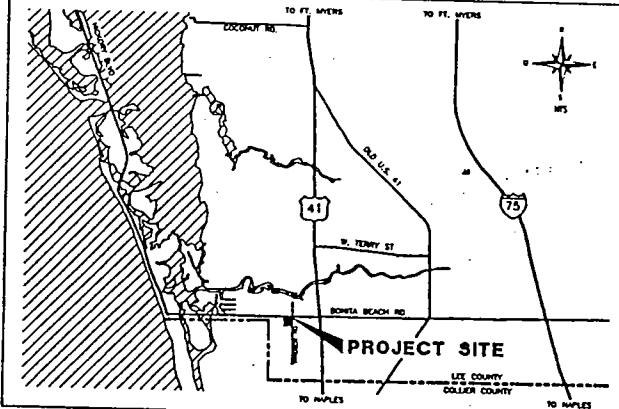
JAN 30 1995

CLERK CIRCUIT COURT

BY Ruth Inguine D.C.



SCALE: 1" = 50'



REQUEST

REZONE 4.2 ACRES OF AG-2 ZONED LAND TO 4.14 ACRES OF RPD ZONED LAND AND 0.06 ACRES OF CPD ZONED LAND. THE CURRENT LEE PLAN LAND USE CATEGORY FOR THE SITE IS CENTRAL URBAN AND URBAN COMMUNITY.

DEVELOPMENT PROPOSAL

REZONING OF THIS SITE WILL RESULT IN 3 RESIDENTIAL LOTS LOCATED WITHIN A RESIDENTIAL PLANNED DEVELOPMENT (RPD) AND A COMMERCIAL PLANNED DEVELOPMENT (CPD) CONSISTING OF A MAXIMUM OF 20,000 SQUARE FEET OF COMMERCIAL GROSS FLOOR AREA. THE CPD WOULD INCLUDE ONE OUTPARCEL WHICH WOULD PERMIT DRIVE-THROUGH FACILITIES ACCESSORY TO A PERMITTED USE.

CONCEPTUAL LAND USE

RESIDENTIAL AREA	4.14
COMMERCIAL AREA	0.06
DETENTION/LANDSCAPE AREA	0.06
INTERNAL ACCESSWAYS	0.04
TOTAL	4.2 ACRES

NOTE: THE TOTAL COMMERCIAL GROSS FLOOR AREA WITHIN THE TOTAL CPD WILL NOT EXCEED 20,000 SQUARE FEET.

COMMERCIAL PLANNED DEVELOPMENT (CPD)

CONCEPTUAL OPEN SPACE

OPEN SPACE REQUIRED (20%)	0.84 ACRES
OPEN SPACE PROVIDED	
DETENTION/LANDSCAPE AREA	0.06 ACRES
OUTPARCEL PERMETER BUFFER	0.01 ACRES
TOTAL	0.07 ACRES

PERMITTED USES (EXCLUDING OUTPARCEL)

THE FOLLOWING USES SHALL BE PERMISSIBLE WITHIN THE CPD EXCEPT FOR THE OUTPARCEL:

- ADMINISTRATIVE OFFICES (OF)
- AUTOMATIC TELLER MACHINE (ATM'S)
- AUTO PARTS STORE, NO INSTALLATION SERVICE
- BAIRES AND FINANCIAL INSTITUTIONS - GROUP I (SECTION 1001.03)
- BUSINESS SERVICES - GROUP I (SECTION 1001.05)
- CLOTHING STORES, GENERAL (SECTION 1001.08)
- CONSUMPTION ON PREMISES (SECTION 1002.03)
- DRUG STORE
- ESSENTIAL SERVICES (OF) (SECTION 202.12)
- ESSENTIAL SERVICE FACILITIES - GROUP I (SECTION 202.12)
- FOOD STORES - GROUP I (SECTION 1001.16), EXCLUDING SUPERMARKETS
- HARDWARE STORE (OF)
- HOBBY, TOY AND GAME SHOP (SECTION 1001.21)
- LAUNDRY OR DRY CLEANING - GROUP I (SECTION 1001.24)
- MUSIC STORE (OF)
- OFFICES - MEDICAL
- PERSONAL SERVICES - GROUPS I AND IV (SECTION 1001.33)
- PHARMACY (OF)
- REPAIR SHOPS - GROUP I (SECTION 1001.40)
- RESTAURANT, STANDARD - GROUPS I, II AND IV (SECTION 1001.44)
- SIGNS, PROVIDED THAT SIGNS COMPLY WITH THE LEE CO. SIGN ORDINANCE
- SPECIALTY RETAIL SHOPS - ALL GROUPS (SECTION 1001.47)

OUTPARCEL PERMITTED USES

THE FOLLOWING USES SHALL BE PERMITTED ON THE OUTPARCEL:

- ALL OF THE USES LISTED ABOVE FOR THE CPD
- AUTOMOBILE SERVICE STATION (OF)
- AUTOMOTIVE REPAIR AND SERVICES - ALL GROUPS (SECTIONS 504 & 1001.02)
- DRIVE-THROUGH FACILITY (DF) - ACCESSORY TO A PERMITTED USE
- SELF-SERVICE FUEL PUMPS (OF) ACCESSORY TO A PERMITTED USE
- CONVENIENCE FOOD AND BEVERAGE STORE (DF)
- FOOD AND BEVERAGE SERVICES, LTD. (DF)
- RESTAURANT, FAST FOOD (DF)

PROPERTY DEVELOPMENT STANDARDS (CPD)

MAXIMUM BUILDING HEIGHT	45 FEET (OR 3 STORIES WHICHEVER IS GREATER)
BUILDING SETBACKS	
PERMETER BOUNDARY AND PUBLIC STREETS	25 FEET
INTERNAL LOT LINES	10 FEET

RESIDENTIAL PLANNED DEVELOPMENT (RPD)

SCHEDULE OF PERMITTED USES

THE FOLLOWING USES SHALL BE PERMISSIBLE WITHIN THE RPD:

- SINGLE FAMILY RESIDENCE (DF)
- DUPLEX (DF)
- DELETED
- HOME OCCUPATION (SECTION 202.12)
- RESIDENTIAL ACCESSORY USES (SECTIONS 501 AND 1001.42)
- SIGNS WHICH ARE IN ACCORDANCE WITH THE LEE COUNTY SIGN ORDINANCE

PROPERTY DEVELOPMENT STANDARDS (RPD)

MINIMUM LOT AREA AND DIMENSIONS (SECTION 202.18.C.D. and E.)

AREA	7,500 SQ. FT.
WIDTH	75 FEET
DEPTH	100 FEET

MINIMUM SETBACKS (SECTION 202.18.B.)

STREET	25 FEET
SIDE	7.5 FEET
REAR	20 FEET

MAXIMUM HEIGHT - 35 FEET OR 2 STORIES, WHICHEVER IS GREATER (SECTION 202.18.A.)

MAXIMUM LOT COVERAGE - 40% OF THE TOTAL LOT AREA

GENERAL

- LANDSCAPING, BUFFERING AND OPEN SPACE WILL BE PROVIDED AS REQUIRED BY THE DEVELOPMENT STANDARDS ORDINANCE.
- OFF-STREET PARKING WILL BE PROVIDED AS REQUIRED BY THE ZONING ORDINANCE.
- EXACT BUILDING LOCATION AND OFF STREET PARKING AREA LAYOUT WILL BE DETERMINED BASED ON COMPLIANCE WITH THE ZONING ORDINANCE AND DEVELOPMENT STANDARDS ORDINANCE.

DEVIATIONS

- A DEVIATION FROM SECTION 10-285(a), TABLE 1, OF THE LEE COUNTY LAND DEVELOPMENT CODE FOR INTERSECTION SEPARATION OF 600' PRINTED FOR AN ARTERIAL STREET TO 310'.

APPROVED

Master Concept Plan

Site Plan is 27-001 Page 1 of 1
Subject to conditions in Resolution 2-24-07
Expiring Date 07-11-15-001-02

WINDSOR / BONITA BEACH
ROAD PARCEL

DESIGNED BY:	RM	DATE:	8-93
DRAWN BY:	C.A.M./M.A.K.	DATE:	8-94
CHECKED BY:	N.E.D.	DATE:	4-94
VERTICAL SCALE:	NONE	HORIZONTAL SCALE:	1"=50'

HMA HOLE, MONTES & ASSOCIATES
ENGINEERS-PLANNERS-SURVEYORS
NAPLES-FORT MYERS-BONITA SPRINGS

MASTER CONCEPT PLAN

REFERENCE NO.	DRAWING NO.
9265ZON	415-1
PROJECT NO.	SHEET NO.
92.65	1 OF 1