

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

WHEREAS, Gulfside Limited Partnership, in reference to Summerlin Square Golf Driving Range, has properly filed an application for a rezoning from CC to Commercial Planned Development, to permit a golf driving range; and

WHEREAS, the subject property is located at 17105 San Carlos Boulevard, described more particularly as:

LEGAL DESCRIPTION: A parcel or parcels lying in Section 07, Township 46 South, Range 24 East, Lee County, Florida:

A parcel of land in the Northeast Quarter (NE1/4) of Section 07, Township 46 South, Range 24 East, Lee County, Florida, more particularly described as follows:

COMMENCE at the Northwest corner of the Northeast Quarter (NE1/4) of said Section 07;

THENCE S01°14'32"E, along the West line of said Northeast Quarter (NE1/4) and along the centerline of San Carlos Boulevard (SR S-865A) for 225.00 feet to an intersection with the Westerly extension of the South right-of-way line of County Road 869 South;

THENCE N89°02'44"E, along said right-of-way line for 1,342.12 feet to an intersection with the East line of the West Half (W1/2) of the Northeast Quarter (NE1/4) of said Section 07;

THENCE S01°13'46"E, along said East line, 246.94 feet to the POINT OF BEGINNING of the herein described parcel of land;

THENCE continue S01°13'46"E, along said East line, 857.01 feet to an intersection with the South line of the North 1,328.94 feet of the West Half (W1/2) of the Northeast Quarter (NE1/4) of said Section 07;

THENCE S89°02'44"W, along said South line, 491.87 feet;

THENCE N00°57'16"W, 857.00 feet;

THENCE N89°02'44"E, 487.76 feet to the POINT OF BEGINNING.

CONTAINING 419,770 square feet.

WHEREAS, the applicant has indicated the property's current STRAP number is 07-46-24-00-00004.1000; and

WHEREAS, proper authorization has been given to Avalon Engineering, Inc., and/or Sunbanks, Inc., by Ivan Stern, President, Gulfside Limited Partnership, 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

WHEREAS, the Lee County Hearing Examiner fully reviewed the matter in a public hearing held on November 26, 1991; and

WHEREAS, a public hearing was legally and properly advertised and held before the Lee County Board of County Commissioners; and

WHEREAS, in the legislative process 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 CC to Commercial Planned Development, to permit a golf driving range with buildings not to exceed 10 feet above finished grade, on 9.64+/- total acres of land. The proposed development may also include a future 720 square foot office/pro shop.

The rezoning and Master Concept Plan which deviates from certain Lee County standards, is subject to the following conditions:

1. The development of this project shall be in accordance with the one-page Master Concept Plan identified as the SUMMERLIN DRIVING RANGE, Summerlin Square Shopping Center Phase IV (Project Number 91044), prepared by Avalon Engineering, dated August 8, 1991, stamped received January 2, 1992 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. a) Uses on the site are limited to a golf driving range and those uses permitted by right within the CC zoning district. However, the Master Concept Plan allows only for a golf driving range, therefore, employment of the other permitted uses shall require an amendment to the Master Concept Plan through a public hearing process. In relation to Deviation (1), the golf driving range use shall be temporary only, and limited to five (5) years in duration. At the end of five (5) years, the golf driving range use may be extended through the administrative amendment process in the Zoning Ordinance. If such a request is made, the Master Concept Plan will be reviewed to ensure that all general landscaping requirements are appropriate.
- b) The Master Concept Plan is hereby amended to correct the Section of the Zoning Ordinance referencing the "Temporary gravel parking lot (Section 202.16.G.2)" to read "Temporary gravel parking lot (Section 202.16.G.3)."
- c) The Master Concept Plan is hereby amended to correct the Section of the Zoning Ordinance in Deviation (2) referencing the joint use parking to read "Section 202.16.H." rather than "Section 202.16.8.".

3. Prior to issuance of a Final Development Order, the developer shall provide a hold harmless agreement to indemnify Lee County from responsibility for any damages which may occur as a result of the operation of the golf driving range. The developer shall be responsible for maintenance and any damage that may be incurred from the development and use of the driving range.
4. The applicant shall be required to extend the 35-foot high ball fence (net) along the eastern property line to a minimum height of 50 feet should any development occur on the property abutting the golf driving range to the east. The responsibility to fulfill this obligation lies with the developer.
5. A Traffic Impact Statement (TIS) in compliance with the Development Review Traffic Impact Statement Guidelines, in effect at the time of final development order review process, shall be required prior to approval and issuance of a Final Development Order. Any traffic improvements warranted by the TIS shall be constructed by the developer prior to the issuance of a Certificate of Compliance.
6. Prior to issuance of a Final Development Order for Phase IV of the Summerlin Square Shopping Center, the applicant shall secure Final Plat Approval.
7. Approval of this rezoning does not give the undeniable right to receive approval for development in accordance with the Development Standards Ordinance for development which exceeds the 2010 Overlay use allocation for the applicable subdistrict.
8. The golf driving range shall be operated between the hours of 8:00 a.m. to 10:00 p.m., Sunday through Thursday, and from 8:00 a.m. to 11:00 p.m., Friday and Saturday.
9. If the golf driving range use is leased or sold, Applicant shall provide an agreement, deed, or other document granting easement to the lessee or new owner for access across all common areas and joint use/shared parking for the paved parking area adjoining the temporary graveled parking lot approved herein. Such agreement, deed or document shall be recorded in the Public Records of Lee County.
10. Deviation (1) is a request to deviate from the Development Standards Ordinance, Section C.5.d.(8)a.(1)(c), which requires general landscaping of one tree per 5,000 square feet of development area, to be deleted. This deviation is hereby APPROVED subject to the condition that the golf driving range be temporary only, and limited to five (5) years in duration. At the end of five (5) years, the use may be extended through an amendment process. If such request is made, the Master Concept Plan will be reviewed to ensure that all general landscaping requirements are appropriate (pursuant to Condition 2).

Deviation (2) is a request to allow joint use parking in accordance with Zoning Ordinance Section 202.16.H. (See Condition 2 hereinabove correcting the Section number.) This deviation is hereby APPROVED applicable only to the golf driving range use, subject to the condition that unless and until the Master Concept Plan is amended through the public hearing process to change the use, and the proposed parking area complies with the parking requirements of the Zoning Ordinance for the new use.

Site Plan 91-108 is attached hereto and incorporated herein by reference, as a reduced copy of the Master Concept Plan.

The following findings of fact were made in conjunction with this approval of Commercial Planned Development zoning:

- A. That the rezoning, as conditioned, and the deviations, as conditioned, will not create or result in an adverse impact on the intent of the Zoning Ordinance.
- B. That the rezoning, 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.
- C. That the rezoning, as conditioned, meets or exceeds the applicable performance and locational standards set forth for the proposed use.
- D. That the rezoning, as conditioned, will be compatible with existing or planned uses and will not cause damage, hazard, nuisance or other detriment to persons or property.
- E. That the rezoning, as conditioned, does not place an undue burden on the existing transportation or other services and facilities and will be served by streets with the capacity to carry traffic generated by the development.
- F. That the rezoning, as conditioned, will be in compliance with all applicable general zoning provisions and supplemental regulations pertaining to the use, as set forth elsewhere in the Zoning Ordinance.
- G. That the approved deviations, as conditioned, enhance the achievement of objectives of the planned development and promote or preserve 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 Judah, and seconded by Commissioner Manning and, upon being put to a vote, the result was as follows:

John E. Manning	<u>Aye</u>
Douglas R. St. Cerny	<u>Aye</u>
Ray Judah	<u>Aye</u>
Vicki Lopez-Wolfe	<u>Aye</u>
Donald D. Slisher	<u>Absent</u>

DULY PASSED AND ADOPTED this 6th day of January, A.D., 1992.

ATTEST:
CHARLIE GREEN, CLERK

BY: Clare J. W. W. W.
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 31 1992

CLERK CIRCUIT COURT
BY: Clare W. D.C.

TRAFFIC TRIP GENERATIONS:

Average AM Peak	Average Mid-Day Peak	Average PM Peak
5	31	20

ADI
Assume Peak Hour is 10% of ADT
ADT = 31 / 0.1 = 310

Note: See enclosed Traffic Study showing traffic comparison
with similar facilities

TURNING MOVEMENTS

INGRESS (70%) EASTBOUND
INGRESS (30%) WESTBOUND

EGRESS (70%) EASTBOUND
EGRESS (30%) WESTBOUND

PARKING CALCULATIONS:

DRIVING RANGE TIES (20 Ties @ 1 space per Tie):	20 spaces
FUTURE OFFICE / PRO SHOP (1700 sq ft / 1 space / 200 sq ft):	9 spaces
TOTAL REQUIRED:	29 spaces
TOTAL PROVIDED:	35 spaces

PARKING NOTES:

1. THE REQUIRED NUMBER OF PARKING SPACES IS SUBJECT TO CHANGE
PENDING THE DEVELOPED USE OF THE PROPERTY.
2. THE REQUIRED NUMBER OF HANDICAPPED SPACES IS SUBJECT TO
CHANGE PENDING ANY INCREASE IN THE OVERALL NUMBER OF
PARKING SPACES.

LIST OF ENUMERATED USES:

1. All uses permitted by right in the CC District (481.0)
and (482.08.1.)
2. Recreation, Commercial (Group B) (Section 1001.38 & 526)
(Self-Driving Range and Future Office Shop / Pro Shop)
3. Signs, in accordance with Lee County Sign Ordinance
4. Specialty Retail Shop (Group I-m) (Section 1001.47)
(Self-Driving Range)
5. Temporary gravel parking lot (Section 202.16 & 21)

SCHEDULE OF DEVIATIONS:

- 1.) Deviation from D.S.R. Section C.5.6. (B) & (1)
(1) which requires general landscaping of one
(1) tree per 3,000 square feet of development
area to be detailed.
- 2.) To allow joint use parking in accordance with
zoning regulations section 202.16 & 21

SITE INFORMATION:

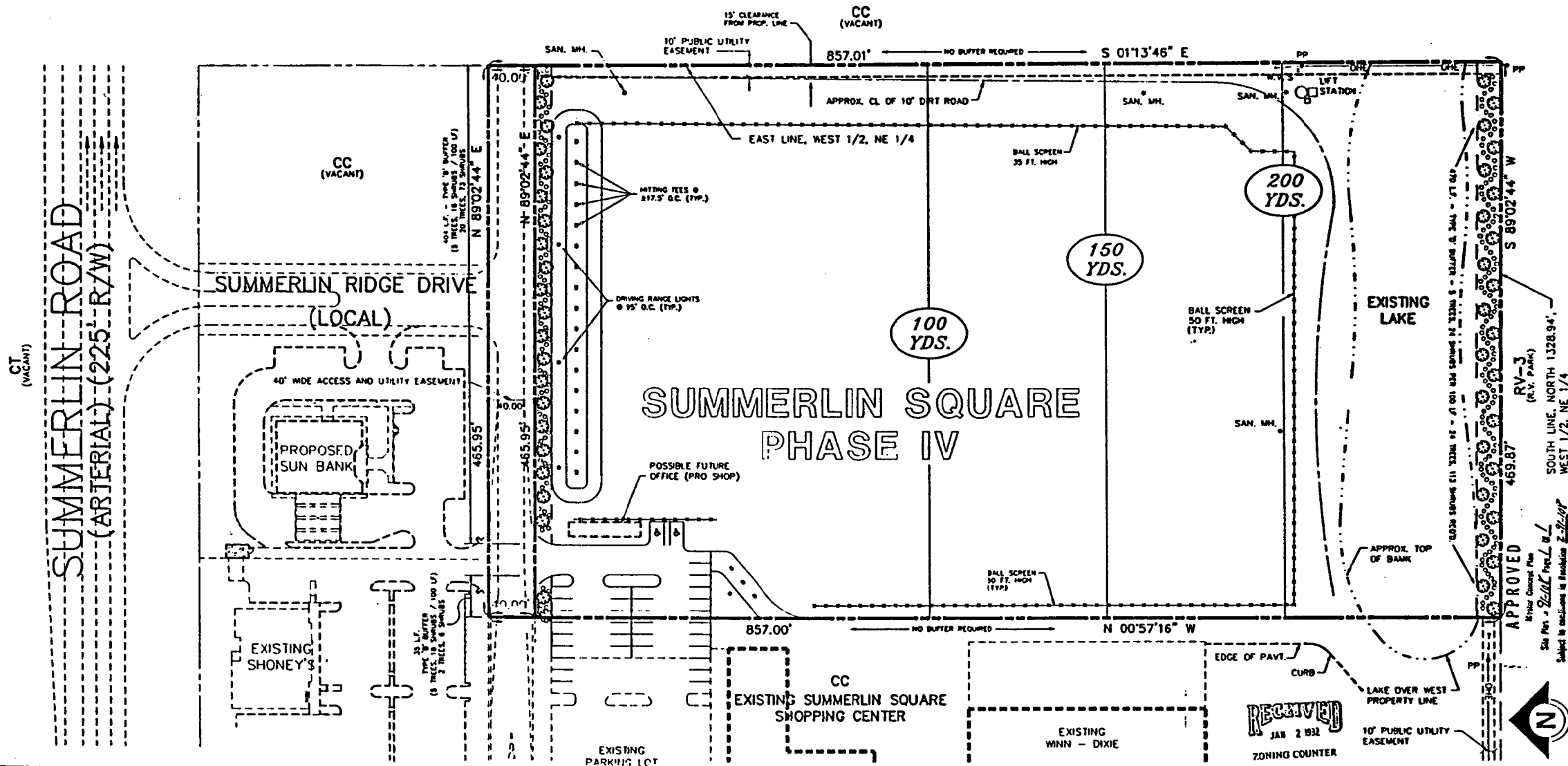
TOWN	PROPOSED CUB (TYP. CC)
ZIP CODE	331-22-24-00-0000-1000 (PART OF)
SECTION	2-10
LEE COUNTY CORP. PLANS	CENTRAL, URBAN
MIN. BUILDING HEIGHT	20'

LANDSCAPING CALCS:

	TREES	SHRUBS
TYP. 10' BUFFER (100 LINES) (10 TREES / 10' BUFFER PER 100 LINES)	20	70
TYP. 10' BUFFER (100 LINES) (10 TREES / 10' BUFFER PER 100 LINES)	20	110
SHRUB TREES (11,000 LINES) (1 TREE PER 100 LINES)	20	0
TOTAL REQUIRED	40	180
TOTAL PROVIDED	40	180

SITE PARAMETERS:

	SQ. FT.	PER ACRE	TOTAL
TOTAL SITE AREA	465,900	0.30	100.0
IMPERVIOUS SURFACE AREA:			
PAVED	720	0.00	0.0
DRIVE SURFACE AREA:	12,500	0.00	0.0
LAKE	47,200	1.00	11.0
TOTAL IMPERVIOUS AREA:	60,420	1.00	13.0
OPEN SPACE AREA:			
REQUIRED (CALCULATED 0.30)	120,270	0.26	28.0
PROVIDED			
OPEN SPACE	240,000	0.50	55.0
TOTAL OPEN SPACE AREA:	240,000	0.50	55.0



MASTER
DRAWN CAD/ERS
DESIGNED P.J.R.
CHECKED L.E.H.
DATE 8/2/94
PROJECT NO. 91048

DEVELOPER:
MR. IVAN STEPHEN
OUTSIDE LTD. PARTNERSHIP
CHESAPEAKE BAY CAPITAL
CORP.
2 PRESBYTER CHURCH
SUITE 2120B
BALTIMORE, MD. 21208

SUMMERLIN DRIVING RANGE
SUMMERLIN SQUARE SHOPPING CENTER
PHASE IV
SECTION 7, TOWNSHIP 46 SOUTH, RANGE 24 EAST
LEE COUNTY, FLORIDA

REVISIONS	NO.	DATE	BY	DESCRIPTION

MASTER
CONCEPT PLAN

SCALE 1" = 40'
SHEET NO. 1 OF 1