

RESOLUTION NUMBER Z-96-002

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

WHEREAS, Donald and Shirley Frankle filed an application for a rezoning from RS-1 (Residential Single Family) to Commercial Planned Development (CPD), in reference to Lehigh Photo Service; and

WHEREAS, the subject property is located at 102 Lee Boulevard, Lehigh Acres, and is described more particularly as:

LEGAL DESCRIPTION: In Section 32, Township 44 South, Range 27 East, Lee County, Florida:

Lots 28, 29, 31, 32, 33 & 34, LEELAND HEIGHTS Unit 04, as recorded in Plat Book 9, Page 125, of the Public Records of Lee County, Florida, lying in Section 32, Township 44 South, Range 27 East, Lee County, FL.

WHEREAS, the applicant has indicated the property's STRAP numbers are: 32-44-27-04-00028.0310 and 32-44-27-04-00029.0310; and

WHEREAS, Donald and Shirley Frankle, the owners of the subject parcel, authorized Aim Engineering & Surveying, Inc. to act as agent to pursue this CPD zoning application; and

WHEREAS, a public hearing was advertised and held on January 9, 1996 before the Lee County Hearing Examiner who gave full consideration of the evidence available; and

WHEREAS, a public hearing was advertised and held on March 4, 1996 before the Lee County Board of County Commissioners who 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 **APPROVES** with conditions the requested rezoning from RS-1 to Commercial Planned Development.

SECTION A. CONDITIONS:

The rezoning and Master Concept Plan are subject to the following conditions:

1. The development and use of the subject property must be in substantial compliance with the approved two-page Master Concept Plan entitled "Master Concept Plan for

Lehigh Photo Services" (File Name 6463, Project Number 95-6463, last revised 10-18-95, stamped received October 20, 1995) prepared by AIM Engineering & Surveying, Inc., except as may be modified by the conditions herein.

2. Total building square footage may not exceed 2,975 square feet on Site A and 3,400 square feet on Site B.
3. The approved Schedule of Uses for this planned development is set forth below:

Site A

BUSINESS SERVICES, Group I
ADMINISTRATIVE OFFICES
AUTO PARTS STORE (with no installation service)
BANKS & FINANCIAL ESTABLISHMENTS, Group I
MEDICAL OFFICE
PET SHOP
PHARMACY
PHOTO REFINISHING LABORATORY (as an ancillary use to
a permitted use)
REAL ESTATE OFFICE
RESTAURANT, Groups I and II
SPECIALTY RETAIL SHOPS, All Groups

Site B

BUSINESS SERVICES, Group I
ADMINISTRATIVE OFFICES
MEDICAL OFFICE
PET SHOP
PHOTO REFINISHING LABORATORY (as an ancillary use to
a permitted use)
REAL ESTATE OFFICES

4. The following represents the Property Development Regulations within this planned development. No minimum lot area and dimensions have been approved as part of this development. Each site is accepted as the minimum lot for development. If a lot split/subdivision is sought, the developer must amend the planned development, in accordance with the Land Development Code.

Minimum Setbacks: [also see Deviations (2) and (3)]

Street:	25 feet
Side Street:	25 feet
Side:	15 feet
Rear:	15 feet (Site A) and 25 feet (Site B)
Water Body:	25 feet

Maximum Lot Coverage:	40 percent
Maximum Building Height:	35 feet

5. This CPD zoning approval does not address the mitigation of the project's vehicular or pedestrian traffic impacts. Additional conditions may be required at the time of local Development Order to mitigate those impacts.
6. Approval of the CPD rezoning does not give the Developer the undeniable right to receive a local Development Order that exceeds the Year 2010 (Roberts) Overlay use allocation, for the applicable subdistrict.
7. The development of this property must comply with all of the requirements of the Lee County Land Development Code at the time of local Development Order approval, except as may be granted by deviation as part of this planned development.

SECTION B. DEVIATIONS:

The Master Concept Plan deviates from several Lee County development standards. The proposed deviations are granted or denied as set forth below:

Deviation (1) from LDC Section 10-285, Table 1, is hereby APPROVED to allow a connection separation of 131 feet along Lee Boulevard for ONE access point into Site A.

Deviation (2) from LDC Section 34-935(b)(2) is hereby APPROVED to allow a 15-foot setback from the perimeter of the planned development along the west and south property lines of Site A and the west property line of Site B. A setback of 20 feet from the perimeter of the planned development will be allowed along the north property line of Site A.

Deviation (3) from LDC Section 34-935(c)(2) is hereby APPROVED to allow a 6-foot setback from the southern property line of the site for the parking lot on Site A.

SECTION C. Master Concept Plan:

A two-page reduced copy of the Master Concept Plan is attached and incorporated into this resolution by reference.

SECTION D. FINDINGS AND CONCLUSIONS:

The following findings and conclusions were made in conjunction with the approval of the requested rezoning:

1. As conditioned in Section A, the CPD rezoning and deviations:
 - a) will not have an adverse impact on the intent and purposes of the Land Development Code.
 - b) are 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) meet or exceed all performance and locations standards set forth for the proposed uses.
 - d) will be compatible with existing or planned uses, and will not cause damage, hazard, nuisance or other detriment to persons or property.
 - e) are not contrary to the public's interest, health, safety or welfare.
2. Urban services, as defined in the Lee Plan, are or will be available and adequate to serve the proposed use when it is developed.
3. The location of the subject property does not place an undue burden on the existing transportation network or other facilities and services and will be served by streets with the capacity to handle the traffic generated by the development.
4. The requested uses will comply with all applicable general zoning provisions and supplemental regulations pertaining to those uses, in accordance with the Land Development Code.
5. The recommended conditions on the Master Concept Plan and the deviations are reasonably related to the impacts on the public's interest expected from the proposed development.
6. Each approved deviation, as conditioned, enhances the achievement of the objectives of the planned development and promotes the general intent of the Land Development Code to protect 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. Albion, and seconded by Commissioner Ray Judah 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	Absent
John E. Albion	Aye

DULY PASSED AND ADOPTED this 4th day of March, A.D., 1996.

ATTEST:
CHARLIE GREEN, CLERK

BY: Lisa B. Pierce
Deputy Clerk

BOARD OF COUNTY COMMISSIONERS
OF LEE COUNTY, FLORIDA

BY: [Signature]
Chairman

Approved as to form by:

[Signature]
County Attorney's Office

FILED

MAR 7 1996

CLERK CIRCUIT COURT
BY lp D.C.

