

RESOLUTION NUMBER Z-98-048

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

WHEREAS, Donald & Shirley Frankle and Craig Mayer, the owners of the property, filed an application to rezone a 1.26 ± acre parcel from Commercial Planned Development (CPD) and Residential Single Family (RS-1) to Commercial Planned Development (CPD); and

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

WHEREAS, a public hearing was advertised and held on July 8, 1998, before the Lee County Hearing Examiner who gave full consideration to the evidence in the record (Case # 95-09-280.02Z 02.01); and

WHEREAS, a second public hearing was advertised and held on August 17, 1998 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 the 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 a 1.26±-acre parcel from Commercial Planned Development (CPD) and Residential Single Family (RS-1) to Commercial Planned Development (CPD) in the Central Urban Land Use Category. The legal description of the subject property is set forth in Exhibit A attached to this resolution. The request is hereby APPROVED subject to the conditions and deviations set forth in Sections B and C below.

SECTION B. CONDITIONS:

1. The development of this project must be consistent with the two-page Master Concept Plan (MCP) entitled "Master Concept Plan for Minor Commercial Planned Development for: Frankle/Mayer," prepared by AIM Engineering, & Surveying, Inc., dated 8/17/95, last revised 3/23/98, stamped "Received 4/7/98"; 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. Based on the referenced MCP, the project is limited to a maximum of 5,707 square feet of retail commercial floor area and 12,000 square feet of office floor area in two buildings, in Sites "A" & "B" respectively.
 - b. The approved Schedule of Uses for this planned development is set forth below:

8/17/98

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

3. 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, consistent with the Land Development Code.

Minimum Setbacks:

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

Maximum Lot Coverage:	40 percent
Maximum Building Height:	35 feet/two stories

4. The Developer must provide a 20-foot-wide buffer area along the northern perimeter property line of the entire site. This buffer may be used for water management, open space and buffering purposes only. The buffer must contain an 8-foot-high wall (concrete, precast or block, or equivalent), or a 5-foot-high wall (concrete, precast or block, or equivalent) on a 3-foot-high berm. A minimum of eight native trees per 100-foot buffer segment are required. These tree plantings must be no less than eight feet tall with a 3-inch caliper measured at three feet above the ground. The buffer area must also contain a continuous native shrub hedge a minimum of 36 inches high at time of planting. The hedge shrubs must be planted 24 inches on center. The buffer must be located so that the vegetation is planted on the residential side of the wall.

5. The eight sabal palms which are located in the northeast portion of the parcel must be preserved on-site either in place or relocated to landscaped areas.
6. Outside speaker system, loud speakers, or public address systems are not permitted on-site.
7. Any business occupying this site may not exceed 8:00 a.m. to 9:00 p.m. daily hours of operation, and may not receive nor dispatch delivery vans or trucks after 9:00 p.m. or before 8:00 a.m.
8. Dumpsters may not be located within 25 feet from any perimeter property line. All trash storage or dumpster areas must be screened on at least three sides with a six-foot-high opaque fence, wall or hedge with an opaque gate.
9. Open storage is prohibited regardless of the use designation, and Outdoor Display of Merchandise for Sale or Rent is prohibited.
10. Exterior lighting must be of the lowest intensity meeting life safety codes, and must be shielded and directed away from the adjacent residential areas and public roads.
11. 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.
12. This rezoning approval does not give the developer an undeniable right to receive local Development Order approval. Development Order approval must satisfy the requirements, as outlined in the Lee Plan, of the Year 2010 Overlay or the 2020 Planning Communities Acreage Allocations, whichever is applicable.
13. The development of this property must comply with all of the requirements of the Lee County Land Development Code (LDC) at the time of local Development Order approval, except as may be granted by deviation as part of this planned development.

SECTION C. DEVIATIONS:

Deviation (1) seeks relief from LDC Section 10-285 Table 1, which requires a minimum 660-foot arterial roadway intersection separation distance; to allow a separation distance of 175.66 feet along Lee Boulevard. This deviation is APPROVED.

SECTION D. EXHIBITS:

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

- Exhibit A. The legal description and STRAP number of the subject property.
- Exhibit B. A reduced copy of the Frankle/Mayer fka Lehigh Photo Master Concept Plan.
- Exhibit C. A map depicting the subject parcel (shaded in) in relation to the surrounding area.

SECTION E. FINDINGS AND CONCLUSIONS:

1. The Applicant proved entitlement to the rezoning by demonstrating compliance with the Lee Plan, the Land Development Code, and any other applicable code or regulation.

2. The request, as conditioned:
 - a. will meet or exceed all performance and locational standards set forth for the potential uses allowed by the request;
 - b. is consistent with the densities, intensities and general uses set forth in the Lee Plan;
 - c. is compatible with existing or planned uses in the surrounding area; and
 - d. will not adversely affect environmentally critical areas or natural resources.
3. The proposed use or mix of uses is appropriate at the subject location.
4. The development will not place an undue burden upon existing transportation or planned infrastructure facilities and it will be served by streets with the capacity to carry traffic generated by the development.
5. The recommended conditions to the concept plan and other applicable regulations provide sufficient safeguard to the public interest, and the recommended conditions are reasonably related to the impacts on the public interest created by or expected from the proposed development.
6. Urban services, as defined in the Lee Plan, are, or will be, available and adequate to serve the proposed land use.
7. The approved deviation, as conditioned, enhances the achievement of the objectives of the planned development, and preserves and promotes the general intent of Chapter 34, Land Development Code, to protect the public health, safety and welfare.

The foregoing resolution was adopted by the Lee County Board of Commissioners by 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	Aye
Douglas R. St. Cerny	Aye
Ray Judah	Aye
Andrew W. Coy	Aye
John E. Albion	Aye

DULY PASSED AND ADOPTED this 17th day of August, 1998.

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

EXHIBIT A

LEGAL DESCRIPTION

Lots 29 through 33, Block 28, Unit 04, LEELAND HEIGHTS SUBDIVISION, as recorded in Plat Book 12, Page 54, of the Public Records of Lee County, Florida, lying in Section 32, Township 44 South, Range 27 East, Lee County, Florida.

AND

Lots 29 through 34, Block 29, Unit 04, LEELAND HEIGHTS SUBDIVISION, as recorded in Plat Book 12, Page 54, of the Public Records of Lee County, Florida, lying in Section 32, Township 44 South, Range 27 East, Lee County, Florida.

STRAP NUMBER

The applicant has indicated the STRAP #'s of the subject property are 32-44-27-04-00028.0290 through 32-44-27-04-00028.0330 and 32-44-27-04-00029.0290 through 32-44-27-04-00029.0340.

b7C b7D b7E

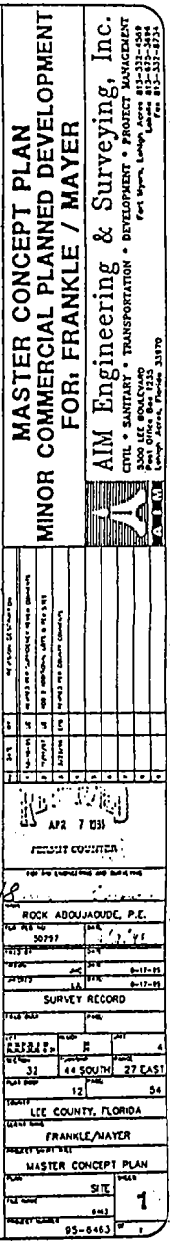


EXHIBIT B

SITE DATA

SITE "A"
0.574 ACRES LOCATED IN SECTION 32, TOWNSHIP 44 SOUTH, RANGE 27 EAST, BEING ALL OF LOTS 29, 30, 31, 32, AND 33, BLOCK 78, UNIT 42 AS RECORDED IN PLAT BOOK 12 PAGE 54, OF THE PUBLIC RECORDS OF LEE COUNTY, FLORIDA.

SITE "B"
0.687 ACRES LOCATED IN SECTION 32, TOWNSHIP 44 SOUTH, RANGE 27 EAST, BEING ALL OF LOTS 29, 30, 31, 32, 33, AND 34, BLOCK 78, UNIT 42 AS RECORDED IN PLAT BOOK 12, PAGE 54, OF THE PUBLIC RECORDS OF LEE COUNTY, FLORIDA.

CURRENT ZONING SITE "A" = LOTS 29 & 30 "RS-1"; LOTS 31, 32 & 33 "CPO"; CURRENT ZONING SITE "B" = LOTS 29 & 30 "RS-1"; LOTS 31, 32, 33 & 34 "CPO"

UTILITIES

WATER - FLORIDA WATER SERVICES, CORP.
SANITARY - FLORIDA WATER SERVICES, CORP.
NOTE: (INDIVIDUAL SEPTIC SYSTEMS)
ELECTRIC - LEE COUNTY ELECTRIC COOPERATIVE, INC.
TELEPHONE - UNITED TELEPHONE OF FLORIDA
FIRE - LEEHON FIRE AND RESCUE (HOMESTEAD STATION)

OPEN SPACE

OPEN SPACE/REQUIRED 20% OR 3,000 S.F. SITE "A" AND 5,965 S.F. SITE "B"

LANDSCAPING

10' WIDE STREET LANDSCAPE STRIP REQUIRED ALONG FRONTAGE ON LEE BOULEVARD (SITE "A") AND LEE/LAND HEIGHTS BOULEVARD, AND CONNECTING ROAD (SITE "B").
BUFFER CONSIST OF 12 SHRUBS PER 100 LINEAR FEET AT 36" IN HEIGHT.

15 FEET (15') WIDE BUFFER REQUIRED ALONG NORTH PROPERTY LINE OF SITE "A" AND SITE "B".
BUFFER CONSISTS OF 5 TREES PER 100 LINEAR FEET AND A 8 (EIGHT) FOOT HIGH HIGH DECORATIVE MASONRY WALL OR FENCE ON BORN.

INTERNAL LANDSCAPING

AT LEAST ONE TREE MUST BE PLANTED OR RETAINED FOR EVERY 250 SQ.FT. OR REQUIRED INTERNAL PLANTING AREA, AND NO PARKING SPACE MAY BE MORE THAN 100 FEET FROM A TREE PLANTED IN A PERMEABLE ISLAND, PENINSULA OR MEDIAN OF 10 FEET IN MINIMUM WIDTH.
LANDSCAPE AREAS ON THE PARKING AREA PERIMETER OR INTERNAL ISLANDS MUST EQUAL OR EXCEED A MINIMUM OF TEN (10) PERCENT OF THE TOTAL PAVED SURFACE AREA.

STORMWATER MANAGEMENT

PURSUANT TO DEVELOPMENT STANDARD ORDINANCE AT TIME OF DEVELOPMENT.

GENERAL LANDSCAPING

ONE (1) TREE / EACH 3,500 SQ. FT.
SITE "A" = 25,000 S.F. / 3,500 = 7 TREES REQUIRED
SITE "B" = 29,920 S.F. / 3,500 = 8 TREES REQUIRED

ALL LANDSCAPING SHALL COMPLY WITH THE LAND DEVELOPMENT CODE AND OTHER APPLICABLE ORDINANCES

PARKING REQUIREMENTS

PARKING SPACE CALCULATIONS SHALL MEET OR EXCEED MINIMUM REQUIREMENTS PURSUANT TO LEE COUNTY LAND DEVELOPMENT CODE AT TIME OF DEVELOPMENT.

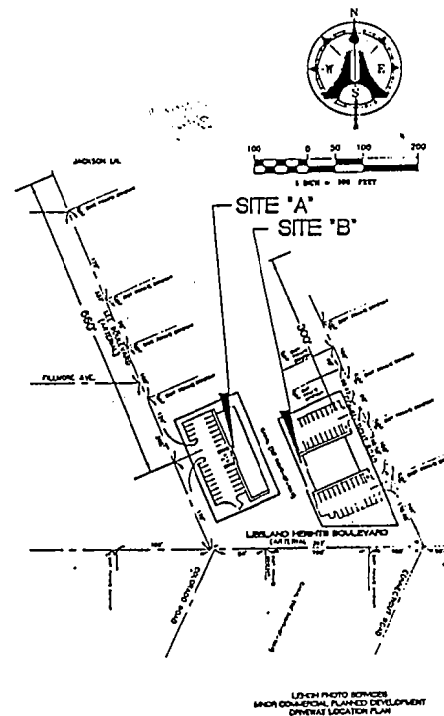
NOTE: ALL LOTS SUBJECT TO A FIVE (5) FOOT UTILITY AND DRAINAGE EASEMENT ON ALL SIDES.

EXISTING EASEMENTS MUST BE VACATED PRIOR TO D.O. IF ENCROACHMENT IS INVOLVED.

MINIMUM SETBACKS OF STRUCTURES, BUILDINGS, AND PAVEMENT FOR DEVELOPMENT PERIMETER BOUNDARIES

SITE "A"
WEST - OF RRA (ARTERIAL) 25' SETBACK
NORTH - ZONED RS-1 (VACANT) 25' SETBACK
SOUTH - SOUTHERN STATES UTILITIES, ZONED RS-1 (USED FOR PUMPING STATION) SETBACK 25'
EAST - 50' CANAL RIGHT-OF-WAY, 25' SETBACK FROM WATER BODY.

SITE "B"
EAST - LOCAL ROAD 25' SETBACK
NORTH - ZONED RS-1 (VACANT) 25' SETBACK
SOUTH - ARTERIAL (LEE/LAND HEIGHTS BLVD) 25' SETBACK
WEST - 50' CANAL RIGHT-OF-WAY, 25' SETBACK FROM WATER BODY.



APPROVED
Master Concept Plan

Site Plan # 98-048 Page 2 of 2

Subject to conditions in Resolution Z-98-048

Zoning Case # 95-09-280.02Z 02.01

APR 7 2003
PERMIT COUNTER

MASTER CONCEPT PLAN		MINOR COMMERCIAL PLANNED DEVELOPMENT		FOR: FRANKLE / MAYER		AIM Engineering & Surveying, Inc	
CIVIL - SANITARY - TRANSPORTATION - DEVELOPMENT - PROJECT MANAGEMENT		CIVIL - SANITARY - TRANSPORTATION - DEVELOPMENT - PROJECT MANAGEMENT		CIVIL - SANITARY - TRANSPORTATION - DEVELOPMENT - PROJECT MANAGEMENT		CIVIL - SANITARY - TRANSPORTATION - DEVELOPMENT - PROJECT MANAGEMENT	
Lee County, Florida		Lee County, Florida		Lee County, Florida		Lee County, Florida	
Client Name: FRANKLE/MAYER		Client Name: FRANKLE/MAYER		Client Name: FRANKLE/MAYER		Client Name: FRANKLE/MAYER	
Project Name: MASTER CONCEPT PLAN		Project Name: MASTER CONCEPT PLAN		Project Name: MASTER CONCEPT PLAN		Project Name: MASTER CONCEPT PLAN	
Site: 2		Site: 2		Site: 2		Site: 2	
Permit Number: 95-6463		Permit Number: 95-6463		Permit Number: 95-6463		Permit Number: 95-6463	

ZONING MAP

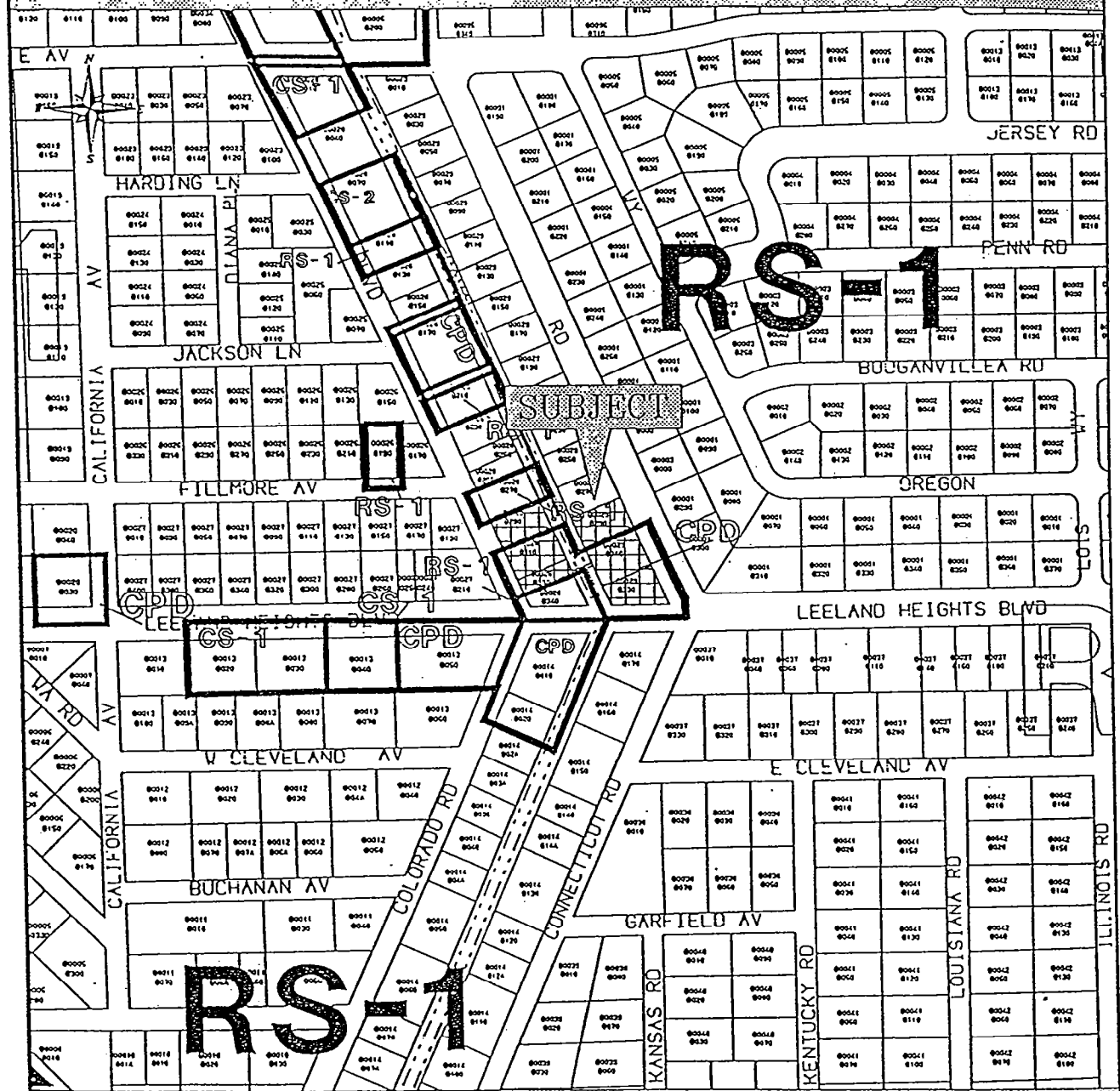


EXHIBIT C