

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

WHEREAS, Summerlin Associates Partnership filed an application for a rezoning from CC (Community Commercial) to CPD (Commercial Planned Development), in reference to Summerlin-Pine Ridge, Parcels H & I; and

WHEREAS, the subject property is located at 11261 & 11281 Summerlin Sq. Dr., and is described more particularly as:

LEGAL DESCRIPTION: In Section 07, Township 46 South, Range 24 East, Lee County, Florida:

COMMENCE at the Northeast corner of Section 07, Township 46 South, Range 24 East;  
THENCE S89°02'39"W, along the North line of the Northeast Quarter (NE¼) of said Section 07 for 1,342.38 feet to the Northwest corner of the East Half (E½) of the Northeast Quarter (NE¼) of said Section 07;  
THENCE S01°14'16"E along the West line of the East Half (E½) of said Northeast Quarter (NE¼) for 511.94 feet to an intersection with a line parallel with and 20.00 feet South of as measured at right angles to the North line of that certain parcel of land described as Parcel 1 in Official Record Book 2074 at Page 4358 of the Public Records of Lee County, Florida, and the POINT OF BEGINNING of the herein described parcel of land;  
THENCE N89°02'39"E, along said parallel line for 660.00 feet;  
THENCE S01°14'16"E for 543.06 feet to an intersection with the aforementioned Parcel 1;  
THENCE S89°02'39"W along said South line for 660 feet to an intersection with the West line of the East Half of the Northeast Quarter (NE¼) of said Section 07;  
THENCE run N01°14'16"W along said West line for 543.06 feet to the POINT OF BEGINNING.

Tract herein described contains 8.22± acres.

WHEREAS, the applicant has indicated the property's current STRAP numbers are: 07-46-24-00-00005.0010 and 07-46-24-00-00005.0020; and

WHEREAS, Summerlin Associates Partnership, the owner of the subject parcel, authorized Source, Inc. to act as agent to pursue this zoning application; and

WHEREAS, a public hearing was advertised and held on July 16, 1996 before the Lee County Hearing Examiner who gave full consideration to the evidence available; and

WHEREAS, a public hearing was advertised and held on August 19, 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 CC to CPD.

SECTION A. CONDITIONS:

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

1. The development and use of the subject property is to be in substantial compliance with the approved Master Concept Plan entitled "Summerlin - Pine Ridge Motel" (Job No. 456-02-95, stamped received May 10, 1996) as prepared by Source Inc., except as may be modified by the conditions herein.
2. The number of hotel/motel units may not exceed 240 hotel/motel units and must comply with the parking requirements of LDC Section 34-1802(3). A maximum of ten percent of the total floor area of the principal use on each parcel may be devoted to ancillary and subordinate retail commercial uses contained in the approved Schedule of Uses, in accordance with Section 34-3021(c)(1).
3. The use of a **HOTEL/MOTEL** is the only principal use permitted the property. The uses listed below may only be permitted as ancillary or subordinate uses to the Hotel/Motel principal use.

Accessory Uses and Structures  
Administrative Offices  
ATM (Automatic Teller Machine)  
Bar or Cocktail Lounge  
Business Services, Group I  
Consumption on Premises  
Day Care Center, Adult or Child  
Entrance Gate and Gatehouse  
Essential Services  
Essential Service Facilities, Group I  
Parking Lot, Accessory  
Personal Services, Group I  
Recreation, Commercial: Group II  
Recreational Facilities, Private (Indoor or Outdoor)

Rental or Leasing Establishments, Group I  
Restaurants, All Groups  
Signs, in Conformance with the Land Development Code  
Specialty Retail Shops, Groups I and II  
Temporary Uses

It will be necessary to amend this planned development in order to allow any of the ancillary uses to become the principal use of the parcel. See LDC Section 34-380(c).

4. The bar or cocktail lounge must be located so there is no indication from the outside of the structure that the bar or cocktail lounge is within the building.
5. Development of the CPD will comply with the following Property Development Regulations:

Minimum Lot Area and Dimensions:

Area: 4 acres  
Width: 330 feet  
Depth: 528 feet

Minimum Setbacks:

Street: variable according to the functional classification of the street or road  
(Section 34-2191 et seq.)  
Side: 15 feet  
Rear: 25 feet  
Water Body: 25 feet

Minimum Building Separation: 20 feet (additional setback of ½ foot for every foot of building height above 35 feet is required)

Maximum Lot Coverage: 40%

Maximum Building Height: 50 feet, not to exceed three stories

6. This zoning approval does not address mitigation of the project's vehicular or pedestrian traffic impacts. Additional conditions may be required at the time of local Development Order.
7. Approval of this rezoning does not give the Developer the undeniable right to receive a local Development Order approval that exceeds the Year 2010 Overlay use allocation for the applicable district.

8. Development must comply with all of the requirements of the Lee County Land Development Code in effect at the time of local Development Order approval, except where a deviation is granted as part of the 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:

1. Deviation 1 requesting relief from LDC Section 34-1802(3) to allow 1.0 parking space for each hotel/motel unit plus 10% for employee/overflow is **DENIED**.
2. Deviation 2 is **WITHDRAWN**.
3. Deviation 3 is **WITHDRAWN**.

#### SECTION C. Master Concept Plan:

A one 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 CPD rezoning:

1. The applicant has proved entitlement to the rezoning or special exception by demonstrating compliance with the Lee Plan, the Land Development Code, and other applicable codes and regulations.
2. The requested CPD zoning as conditioned:
  - a) meets or exceeds 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 and natural resources.
3. Approval of the request, as conditioned, will not place an undue burden upon existing transportation or planned infrastructure facilities, and the project will be served by streets with the capacity to carry traffic generated by the 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 proposed use or mix of uses is appropriate at the subject location.
6. The recommended conditions to the concept plan and other applicable regulations provide sufficient safeguards to the public interest.
7. The recommended conditions are reasonably related to the impacts on the public's interest created by or expected from the proposed development.

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 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	Abstain

DULY PASSED AND ADOPTED this 19th day of August, A.D., 1996.

ATTEST  
CHARLIE GREEN, CLERK

BY: *Lisa G. Pierce*  
Deputy Clerk

BOARD OF COUNTY COMMISSIONERS  
OF LEE COUNTY FLORIDA

BY: *[Signature]*  
Chairman

Approved as to form by:

*Ann Marie Collins*  
County Attorney's Office

FILED

AUG 22 1996

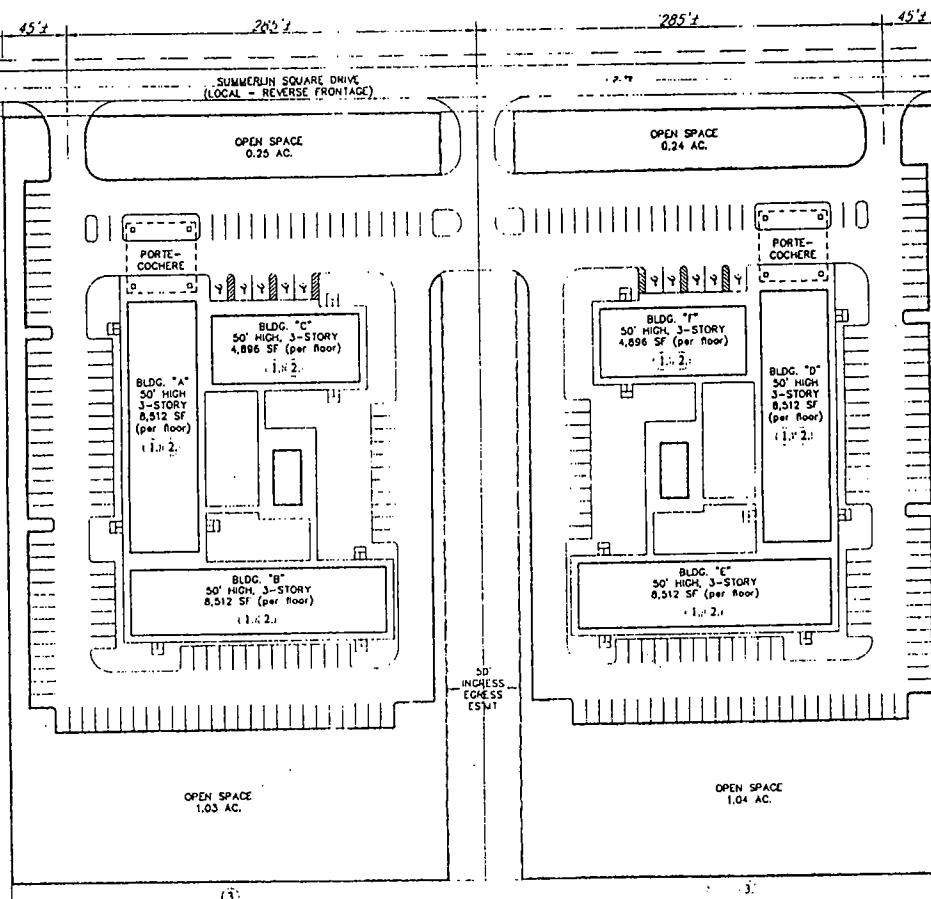
CLERK CIRCUIT COURT  
BY: *Lisa G. Pierce D.C.*

# PROJECT NOTES/STANDARDS TO BE APPROVED WITH THIS PLAN

1. Request: Rezone from CC to CPD
2. Parcel Size: 8.22 Acres
3. Permitted Uses: Accessory uses and structures; Administrative offices; ATM (automatic teller machine); Bar or cocktail lounge; Business services, Group I; Consumption on premises; Day care center; Entrance gates and gatehouse; Essential services; Essential service facilities, Group I; Excavation, water retention; Hotel/motel, business and efficiency; Laundromat; Parking lot, accessory; Personal services, Group I; Recreation - commercial, Groups I & II; Recreational facilities - private or public, indoor or outdoor; Rental or leasing establishments, Group I; Residential accessory uses; Restaurants, A-1 Group; Resort; Signs in accordance with chapter 30; Specialty retail shops, Groups I & II; and Temporary uses.
4. Intensity of Uses: The primary use proposed for this development is 240 Hotel/motel units (120 units for each development tract). The other uses listed in the schedule of uses above are intended to be subordinate or ancillary to the primary hotel/motel use. The other subordinate or ancillary uses will be limited to a total of 30,000 SF (15,000 SF for each development tract).
5. Open Space Summary is as follows:  
Open Space Required @ 30% = 2.47 Acres  
Open Space Provided = 2.56 Acres (shown shaded)
6. Maximum building height will be 50 feet high (3 stories), as measured in accordance with LDC Sec. 34-2171.
7. Parking requirements will be those in effect or as approved by deviation at the time of CPD approval, except that subsequent, less stringent parking requirements approved County-wide may replace the initial parking requirements by administrative approval by the Director of CCL.

## SCHEDULE OF DEVIATIONS

1. Deviation from LDC Section 34-1802(3) which requires 1.2 parking spaces for each "business" type motel unit and 1.5 parking spaces for each "efficiency" type motel unit, to allow 1.0 parking space for each motel unit plus an additional 10% for employee/overflow parking.
2. Deviation from LDC Section 34-1802(4) which permits three (3) "business" type motel units and two (2) "efficiency" type motel units to equal one dwelling unit (as described in the LDC plan) to allow thirty (30) motel units per acre.
3. Deviation from LDC Section 34-935 which establishes the property development regulations for planned developments, to allow the standards shown on the LDC in the Property Development Regulations table, to replace those standards.



Property Development Regulations	
Minimum Lot Size:	4 Acres
Maximum Motel/Hotel Unit Density:	30 units per acre
Maximum Subordinate Commercial Density:	3750 SF per acre
Minimum Lot Width:	330 Feet
Minimum Lot Depth:	525 Feet
Minimum Front Setback:	25 Feet
Minimum Side Setback:	15 Feet
Minimum Rear Setback:	25 Feet
Minimum Water Setback:	25 Feet

APPROVED  
Master Concept Plan  
Site Plan # 96-04-207.03Z  
Subject to conditions in Resolution Z-96-040  
Zoning Case # 96-04-207.03Z

PROJECT # 96-04-207.03Z  
PROJECT TYPE 12

RECEIVED  
JAN 10 1996  
ZONING COUNTER

## SUMMERLIN - PINE RIDGE MOTEL CPD - Master Concept Plan

EXHIBIT IV-F Master Concept Plan  
EXHIBIT IV-G Schedule of Uses  
EXHIBIT IV-H Schedule of Deviations

COURCE, INC.  
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