

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

WHEREAS, James T. Humphrey filed an application on behalf of the property owner, Charles M. Long, et al. to amend Resolution Z-98-029 to adopt a new Master Concept Plan (MCP) for a 10.95 acre portion of the original planned development known as Camargo MPD; and

WHEREAS, an initial public hearing was advertised for January 25, 2006, and continued to March 22, 2006, and continued and held on May 24, 2006, before the Lee County Zoning Hearing Examiner, who gave full consideration to the evidence in the record for Case #DCI2005-00004; and

WHEREAS, a second public hearing was advertised and held on August 21, 2006, 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 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 amend Resolution Z-98-029 to adopt a new MCP for a 10.95 acre portion of the original planned development. The proposed MCP seeks development of up to 27 multiple family residential dwelling units and 100,000 square feet of commercial floor area **OR** 125,000 square feet of commercial floor area with a proposed maximum building height of 45 feet (3 stories). Blasting is not a proposed development activity. The Applicant indicates that they will connect to potable water and central sewer as part of any development of this property. The property is located in the Suburban Future Land Use Category and is legally described in attached Exhibit A. The request is APPROVED, SUBJECT TO the conditions and deviations specified in Sections B and C below.

SECTION B. CONDITIONS:

All references to uses are as defined or listed in the Lee County Land Development Code (LDC).

1. The terms and conditions of Resolution Z-98-029 remain in full force and effect, unless specifically amended by this resolution. A copy of Resolution Z-98-029 is attached as Exhibit D.
2. The development of this portion of the MPD project must be consistent with the 2-page Master Concept Plan entitled "Camargo 10 Acres," date stamped "RECEIVED JUL 24 2006," attached hereto as Exhibit C, except as modified by the conditions below. This development must comply with all requirements of the LDC

COPY

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.

Development within this planned development is limited to either:

Option A - 125,000 square feet of commercial floor area, OR

Option B - 27 multiple family residential dwelling units and 100,000 square feet of commercial floor area.

As part of the local development order process, the Applicant must commit to one of these development scenarios.

Within this planned development approval, commercial uses subject to the commercial site location standards of the Lee Plan (Policy 6.1.2) are limited to a maximum of less than 30,000 square feet. If the functional classification of Pelican Sound Drive is changed from a local collector or arterial, then the amount of commercial use can be adjusted consistent with Policy 6.1.2 of the Lee Plan, provided the total commercial floor area does not exceed the amount stated above.

3. The following limits apply to the project and uses, subject to the Notes and Special Notes and Regulations found in §34-934:

- a. Schedule of Uses

(No outdoor display or storage is permitted within this planned development.)

Accessory uses and structures

Administrative offices

ATM (automatic teller machine)

Auto parts store - Limited to one without installation service

Banks and financial establishments: Groups I and II

Boats: Boat parts store - Limited to one without installation services

Broadcast studio, commercial radio and television

Business services: Groups I only

Car wash - limited to one free-standing

Cleaning and maintenance services - Must be contained solely indoors

Clothing stores, general

Clubs: Commercial

 Fraternal, membership organization

 Private

Consumption on premises - Limited as accessory to a restaurant or club

Convenience food and beverage store - No gas pumps or fuel sales permitted.

 Further limited to one convenience store and one upscale liquor store

Cultural facilities

Day care center, child, adult

Drive-through facility for any permitted use: Limited as follows:

1. Limited to no drive-through to be located between a building and US 41 or a building and Pelican Sound Drive.
2. All drive-through facilities must be screened from view from US 41 and Pelican Sound Drive.
3. Also limited to a maximum of 2 within this portion of the planned development.

Drugstore, pharmacy - Limited to one store

Dwelling unit: Multiple-family building (limited to 27 units)

Entrance gates and gatehouse

Essential services

Essential service facilities: Group I only

Excavation: Water retention

Fences, walls

Food and beverage service, limited

Food stores: Group I only

Hardware store - restricted to a maximum of 20,000 square feet

Hobby, toy and game shops

Household and office furnishings, Groups I and II - Household use shall remain per Code and the Office Furnishing shall be similar to Kinko's Office Depot, Office Max or any other like kind facility. Large newspaper printing facilities are prohibited.

Insurance companies

Laundry or dry cleaning: Group I only

Lawn and garden supply stores

Library

Medical office

Models: Model unit

Nonstore retailers, all groups

Package store (see Convenience Store for limitations)

Paint, glass and wallpaper

Parks: Groups I and II

Parking lot: Accessory

Garage, public parking

Temporary

Personal services: Groups I through II, as limited in the following:

Group I:

ATM's (automatic teller machines)

Barbershops and beauty shops

Clothing alterations and repair, including dress makers, seamstresses and tailors

Laundry agents wherein the establishment may do its own pressing and finish work, but the laundering or dry cleaning is performed elsewhere

Photo agents wherein drop-off and pick-up film processing services are provided, but the actual processing and developing is done elsewhere

Shoe repair services wherein shoe repair or shoe shining for individual customers is performed

Group II: The following are permitted provided that lodging facilities or resorts are not included:

Beauty spas

Health clubs or spas

Massage establishments

Reducing or slenderizing salons

Steam or Turkish baths

Group III: Establishments primarily engaged in the sale, rental, or service of health-related devices such as:

Artificial limbs

Crutches

Hearing aids

Hospital beds

Optical supplies

Orthopedic supplies

Wheelchairs

Pet services - Outdoor enclosures and dog runs are prohibited

Pet shop - Outdoor pens, enclosures, and dog runs are prohibited

Post office

Printing and publishing

Real estate sales office

Recreation facilities: Commercial: Group IV and
Private--On-site

Religious facilities

Rental or leasing establishment: Groups I and II - Limited to the following uses and limited to indoor storage only:

Group I:

Beach chairs, umbrellas and similar facilities

Bicycles

Mopeds and scooters

Passenger car pickup and drop off

(no maintenance or repairs and limited storage)

Group II (Household)

Appliances

Bicycles

Costumes

Furniture

Garden equipment

Movies, videotapes and similar home entertainment

Party or banquet supplies

Tools and equipment primarily for home use

Repair shops: Groups I and II
Research and development laboratories: Groups II and IV
Restaurant, fast food - limited to one
Restaurants: Groups I, II, and III
Schools: Commercial only
Signs in accordance with Estero signage regulations
Social services: Group I
Specialty retail shops: Groups I, II, III, IV
Studios
Temporary uses - Limited to:
 Lighting for special outdoor events
 Christmas tree sales
 Contractor's sales office and storage trailer
 Ancillary use of parking lots or sidewalks for
 special events such as, but not limited to:
 Sidewalk sales
 Seasonal promotions (excluding vehicle
 displays, carnivals or flea markets)
 Cooking/food/cultural events
Theater, indoor
Used merchandise stores: Groups I and II
Variety store

NOTES:

1. All accessory uses, including accessory parking, must be located on the same tract, parcel, outparcel, or lot where a principal use is located.
2. Accessory uses must be incidental and subordinate to the principal use of the tract, parcel, outparcel, or lot.

b. Site Development Regulations

Option A - Land Use and Regulations Table

	Office Retail Commercial	Parking Deck	Accessory
Min. Parcel Width	75 feet	75 feet	N/A
Min. Lot Depth	100 feet	100 feet	N/A
Max. Lot Coverage	70 percent	90 percent	N/A
Max. Bldg. Height	Parcel 1 - 2 stories /35 feet Parcel 2*, 3, 4 & 5 - 3 stories/ 45 feet	Parcel 6 - Two levels / 30 feet **	Two stories / 35 feet
Min. Bldg. Separation	10 feet	N/A	N/A
Min. Bldg. Setbacks:			
Front	10 feet	10 feet	10 feet
Side	5 feet	10 feet	5 feet
Rear	5 feet	10 feet	5 feet
Water	Zero feet	N/A	Zero feet

* Parcel 2 will be limited to a maximum of 2 stories within 150 feet measured from the front property line.

** Two parking levels, including the ground floor.

Option B - Land Use and Regulations Table

	Office Retail Commercial	Residential	Parking Deck	Accessory
Min. Parcel Width	75 feet	75 feet	75 feet	N/A
Min. Lot Depth	100 feet	100 feet	100 feet	N/A
Max. Lot Coverage	70 percent	40 percent	90 percent	N/A
Max. Bldg. Height	Parcel 1 & 6 - 2 stories /35 feet Parcel 2*, 3, 4 & 5 - 3 stories/ 45 feet	Parcel 8 - 2 stories / 35 feet	Parcel 7 - 3 levels / 38 feet *	Two stories / 35 feet
Min. Bldg. Separation	10 feet	10 feet	N/A	N/A
Min. Bldg. Setbacks:				
Front	10 feet	10 feet	10 feet	10 feet
Side	5 feet	Zero/5 feet	10 feet	5 feet
Rear	5 feet	20 feet	10 feet	5 feet
Water	Zero feet	15 feet	N/A	Zero feet

* Two parking levels, including the ground floor.

4. Prior to local development order approval, the development order plans must indicate if Option A or Option B is being used. If Option A is chosen, then 3.2 acres of open space must be provided within the 10.95-acre project area. If Option B is chosen, then 3.7 acres of open space must be provided within the 10.95-acre project area. A minimum of 10 percent open space must be provided within each parcel. The development order plans must include an open space diagram that delineates the open space areas.
5. Approval of this zoning request does not address mitigation of the project's vehicular or pedestrian traffic impacts. Additional conditions consistent with the Lee County LDC may be required to obtain a local development order.
6. Approval of this rezoning does not guarantee local development order approval. Future Development Order approvals must satisfy the requirements of the Lee Plan Planning Communities Map and Acreage Allocation Table, Map 16 and Table 1(b), be reviewed for, and found consistent with, the retail commercial standards for site area, including range of gross floor area, location, tenant mix and general function, as well as all other Lee Plan provisions.

7. Potable water and sanitary sewer are available to this site, and this development must connect to those services. The use of on-site wells and on-site disposal systems is prohibited.
8. Agriculture is not a permitted use in the approved Schedule of Uses for this property. All existing agricultural uses must cease upon approval of the requested rezoning and the property owner must terminate any agricultural tax exemption for the property. The exemption termination must be filed with the Property Appraiser's Office by December 31st of the calendar year in which the rezoning is approved. A copy of the exemption termination must be provided to the Office of the County Attorney.

SECTION C. DEVIATIONS:

1. Deviation (1) seeks relief from the §10-415(b)(1) requirement that 50 percent of the required open space be provided through the on-site preservation of existing native vegetation communities, in acknowledgment of the 10 acres of indigenous preservation required in Resolution Z-98-029, which fulfills the requirement for the entire 83.4-acre MPD site. This deviation is APPROVED, as long as this project proceeds as an amendment to the MPD. If, however, the project proceeds as a stand-alone project, then Applicant must comply with this requirement.
2. Deviation (2) seeks relief from the §10-329(d)(3) requirement to provide a 50-foot excavation setback from any private property line under separate ownership, to allow a 20-foot setback. This deviation is APPROVED, SUBJECT TO the following condition:

Adequate measures must be taken to protect wayward vehicles from entering the water management area from the adjoining property.
3. Deviation (3) seeks relief from the §10-416(d)(3) requirement to provide a 15-foot buffer between commercial and residential development, to allow a 10-foot-wide buffer along the east property line of Parcel 8 - Option B only. This deviation is APPROVED.

SECTION D. EXHIBITS AND STRAP NUMBER:

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

- Exhibit A: Legal description of the subject portion of MPD
- Exhibit B: Zoning Map (with the subject parcel indicated)
- Exhibit C: The Master Concept Plan
- Exhibit D: Lee County Zoning Resolution No. Z-98-029 (applicable to overall MPD)

The applicant has indicated that the STRAP number for the subject property is:
33-46-25-00-00001.0030

SECTION E. FINDINGS AND CONCLUSIONS:

1. The applicant has proven entitlement to the rezoning by demonstrating compliance with the Lee Plan, the LDC, and any other applicable code or regulation.
2. The rezoning, as approved:
 - 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;
 - d. will not place an undue burden upon existing transportation or planned infrastructure facilities and will be served by streets with the capacity to carry traffic generated by the development; and
 - e. will not adversely affect environmentally critical areas or natural resources.
3. The rezoning satisfies the following criteria:
 - a. the proposed use or mix of uses is appropriate at the subject location;
 - b. the recommended conditions to the concept plan and other applicable regulations provide sufficient safeguard to the public interest; and
 - c. the recommended conditions are reasonably related to the impacts on the public interest created by or expected from the proposed 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 approved deviations, as conditioned, enhance achievement of the planned development objectives, and preserve and promote the general intent of LDC Chapter 34, to protect the public health, safety and welfare.

Commissioner John E. Albion made a motion to adopt the foregoing resolution, seconded by Commissioner Douglas R. St. Cerny. The vote was as follows:

Robert P. Janes	Nay
Douglas R. St. Cerny	Aye
Ray Judah	Nay
Tammara Hall	Aye
John E. Albion	Aye

DULY PASSED AND ADOPTED this 21st day of August, 2006.

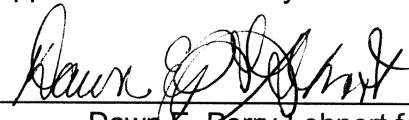
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CHARLIE GREEN, CLERK

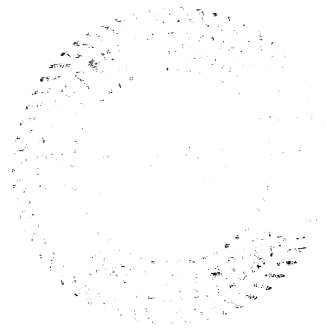
BY: 
Deputy Clerk

BOARD OF COUNTY COMMISSIONERS
OF LEE COUNTY, FLORIDA

BY: 
Tammara Hall, Chairwoman

Approved as to form by:


Dawn E. Perry-Lehnert for
John J. Fredyma
County Attorney's Office



MINUTES
2006 NOV -7 PM 4:34

DESCRIPTION

Parcel in
Section 33, Township 46 South, Range 25 East
Lee County, Florida

A tract or parcel of land in Section 33, Township 46 South, Range 25 East, Lee County, Florida being part of lands described in Official Record Book 2787, Page 1398, Lee County Records, being more particularly described as follows.

From the southwest corner of the southwest quarter (SW 1/4) of Section 33, Township 46 South, Range 25 East, Lee County, Florida, run $N00^{\circ}58'23''W$ along the west line of said fraction for 30.00 feet to an intersection with the north right-of-way line of Williams Road (60 feet wide); thence run $N88^{\circ}33'52''E$ along said right-of-way line for 1382.17 feet to the southeast corner of lands described in a deed recorded in Official Record Book 3516, at Page 1579, Lee County Records; thence run $N00^{\circ}58'23''W$ along the east line of said lands for 2045.85 feet to the northwest corner of Pelican Sound Drive as described in a deed recorded in Official Record Book 3533, at Page 4459, Lee County Records; thence run $N88^{\circ}25'54''E$ along the north right-of-way line of said Pelican Sound Drive and parallel with the north line of said fraction 934.21 feet to the POINT OF BEGINNING.

From said POINT OF BEGINNING run $N00^{\circ}27'20''W$ for 572.76 feet to an intersection with the north line of said fraction; thence run $N88^{\circ}25'54''E$ along said north line for 318.38 feet to the northeast corner of said fraction; thence continuing $N88^{\circ}25'54''E$ along the north line of the southeast quarter (SE 1/4) of said Section 33 for 541.58 feet to an intersection with the west right-of-way line of Tamiami Trail (State Road 45); thence run $S04^{\circ}52'56''W$ along said right-of-way line for 576.30 feet to the northeast corner of said Pelican Sound Drive; thence run $S88^{\circ}25'54''W$ along said north right-of-way line and parallel with the north line of said southeast quarter (SE 1/4) for 806.34 feet to the POINT OF BEGINNING.

Containing 10.95 acres, more or less.

Bearings hereinabove mentioned are State Plane for the Florida West Zone (1983/99 adjustment) And are based on the north line of the southwest quarter (SW 1/4) of said Section 33 to bear $N88^{\circ}25'54''E$.

21840s05desc.doc

Applicant's Legal Checked

by 8/23/2005 Lgm

DCI 2005-00004

Scott A. Wheeler 8/23/05
Scott A. Wheeler (For The Firm)
Professional Surveyor and Mapper
Florida Certificate No. 5949

RECEIVED

AUG 23 2005

ZONING

Post Office Drawer 2800 • Fort Myers, FL 33902
Phone (239) 461-3170 • Fax (239) 461-3169

EXHIBIT "A"

(Page 1 of 2)

Zoning Map

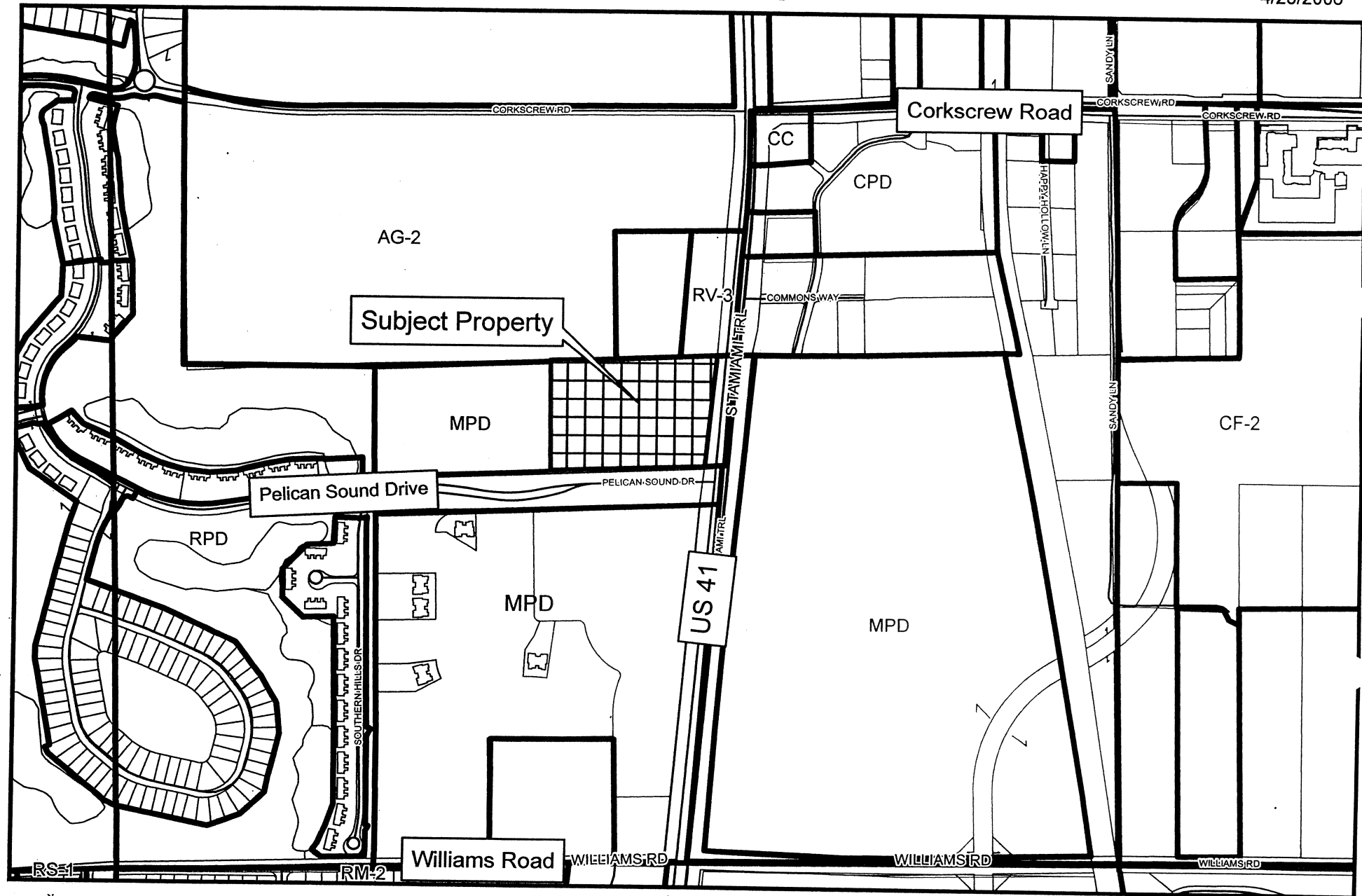


EXHIBIT "B"
(Zoning Map)

540 270 0 540 1,080 Feet

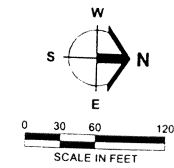
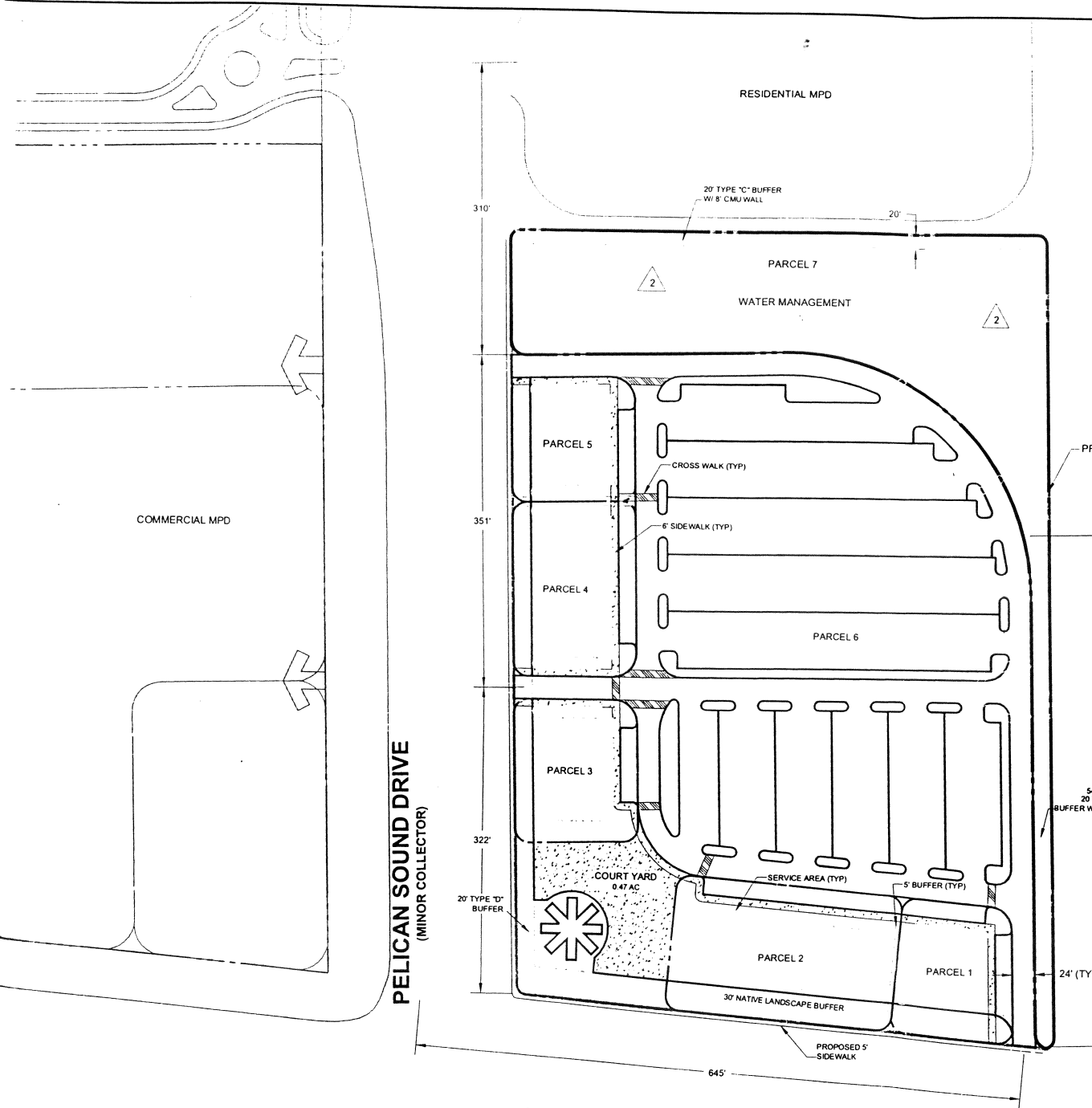


EXHIBIT "C"
The Master Concept Plan
(Page 1 of 2)

Barraco
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LAND PLANNING · LANDSCAPE DESIGN
www.barraco.net
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FORT MYERS, FLORIDA 33902-2800
PHONE (239) 461-3170
FAX (239) 461-3169
FLORIDA CERTIFICATES OF AUTHORIZATION
ENGINEERING 7895 - SURVEYING LB6940

PREPARED FOR
CAMARGO TRUST
PROJECT DESCRIPTION
CAMARGO 10 ACRES
TOWNSHIP 46 SOUTH
RANGE 25 EAST
ESTERO
LEE COUNTY, FLORIDA

OPTION A OPEN SPACE
OPEN SPACE REQUIRED = 3.2 ACRES
OPEN SPACE PROVIDED = 3.2 ACRES

INDIGENOUS OPEN SPACE PROVIDED 1
AS PER RESOLUTION 200-029, CONDITION #9, OPEN SPACE MUST BE PROVIDED PER THE OPEN SPACE TABLE ON THE MCP. A TOTAL OF 10.0 ACRES (WITH CREDITS) OF EXISTING INDIGENOUS NATIVE VEGETATION HAS BEEN PRESERVED IN THE RESIDENTIAL PORTION OF THE MCP. CALCULATIONS ON THE APPROVED OPEN SPACE TABLE ARE AS FOLLOWS:
INDIGENOUS OPEN SPACE REQUIRED 15.0 ACRES
INDIGENOUS OPEN SPACE PROVIDED
2.2 ACRES @ 125% PER LDC SECTION 10-413(C)(2) 2.7
4.8 ACRES @ 150% PER LDC SECTION 10-413(C)(2) 7.3
TOTAL INDIGENOUS OPEN SPACE PROVIDED 10.0 ACRES
10 ACRES (WITH CREDITS) OF INDIGENOUS OPEN SPACE HAS BEEN PROVIDED IN THE RESIDENTIAL PORTION OF THE MCP.

ZONING: RV-3
FLU: URBAN COMMUNITY
EXISTING LAND USE: MANUFACTURED HOUSING PARK

U.S. ROUTE 41
(ARTERIAL)

OPTION "A"

EXHIBIT "C"
(The Master Concept Plan)
(Page 2 of 4)

DCI 2005-00004

Approved as Exhibit "C"
MCP Page 1 of 2
Resolution # 2-011

THIS PLAN IS PRELIMINARY AND INTENDED FOR CONCEPTUAL PLANNING PURPOSES ONLY. SITE LAYOUT AND LAND USE INTENSITIES OR DENSITIES MAY CHANGE SIGNIFICANTLY BASED UPON SURVEY, ENVIRONMENTAL, ENGINEERING AND REGULATORY CONSTRAINTS AND / OR OPPORTUNITIES. * NOT FOR CONSTRUCTION *

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PLOT BY	SHELLIE JOHNSON
DESIGNED BY	ADAM BROWN

CROSS REFERENCED DRAWINGS

BASEPLAN - 21868270.DWG	
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PLAN REVISIONS

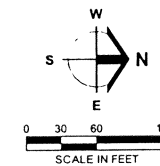
DATE	DESCRIPTION
3-29-05	Revisions, Circulation
4-22-05	SUFF. REVISIONS
4-3-06	SUFFICIENCY REVISIONS
7-24-06	FINAL REVISIONS PER HEX

PLAN STATUS

OVERALL CAMARGO TRUST MPD OPTION A	
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PROJECT / FILE NO	SHEET NUMBER
21868	1

EXHIBIT "C"
The Master Concept Plan
(Page 2 of 2)



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FAX (239) 461-3169
FLORIDA CERTIFICATES OF AUTHORIZATION
ENGINEERING 7995 - SURVEYING LB-6940

PREPARED FOR

CAMARGO TRUST

PROJECT DESCRIPTION

CAMARGO
10
ACRES

TOWNSHIP 46 SOUTH
RANGE 25 EAST
ESTERO
LEE COUNTY, FLORIDA

THIS PLAN IS PRELIMINARY AND
INTENDED FOR CONCEPTUAL
PLANNING PURPOSES ONLY. SITE
LAYOUT AND LAND USE INTENSITIES
OR DENSITIES MAY CHANGE
SIGNIFICANTLY BASED UPON SURVEY,
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PLOT BY SHELLIE JOHNSON
DESIGN BY ADAM BROWN
CROSS REFERENCED DRAWINGS

PLAN REVISIONS

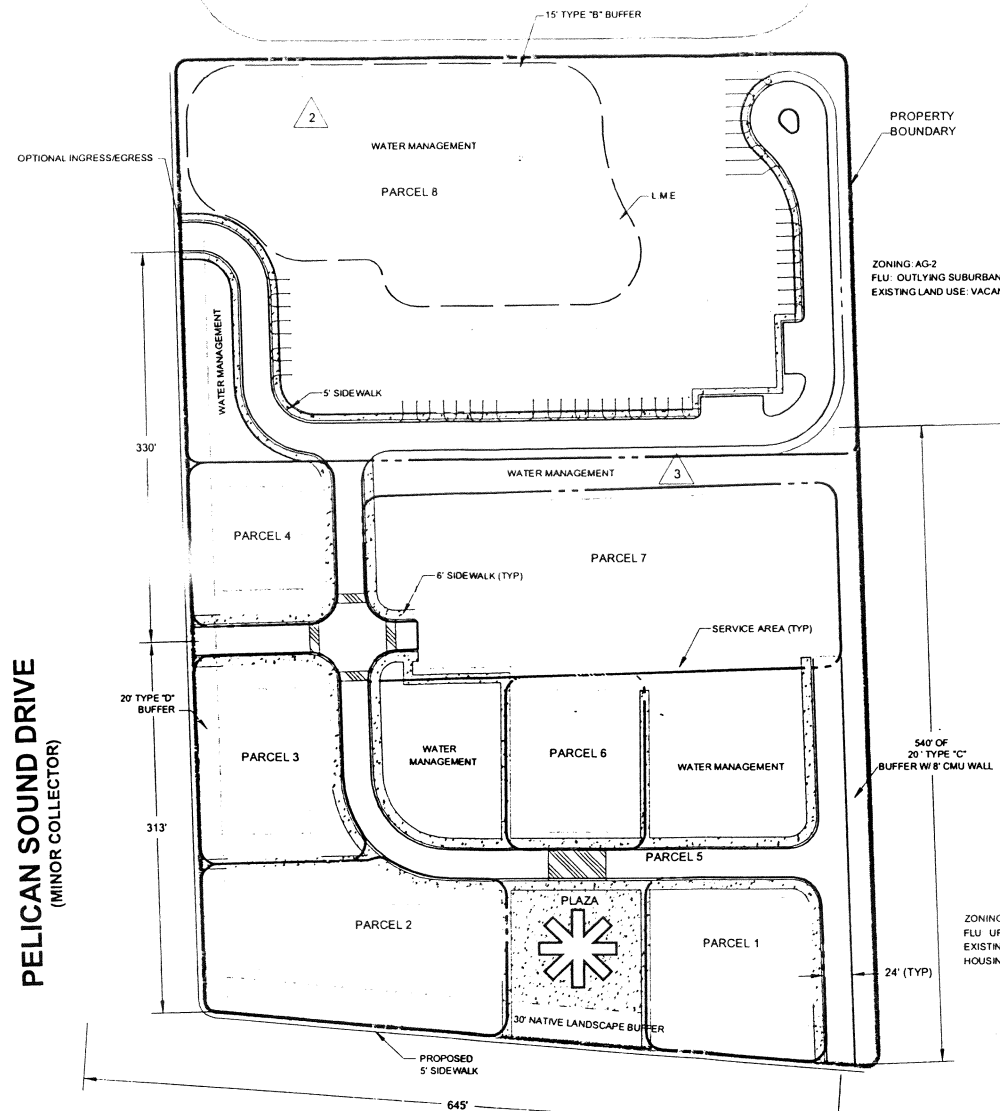
3-29-05	Deviations, Circulation
4-22-05	SUFF. REVISIONS
4-3-06	SUFFICIENCY REVISIONS
7-24-06	FINAL REVISIONS PER HEX

PLAN STATUS

OVERALL
CAMARGO TRUST
MPD OPTION B

PROJECT / FILE NO	SHEET NUMBER
21868	1

PELICAN SOUND DRIVE
(MINOR COLLECTOR)



PROPERTY
BOUNDARY

ZONING: AG-2
FLU: OUTLYING SUBURBAN
EXISTING LAND USE: VACANT

DEVIATION FROM
LDC 10-415(B)(1)

Approved as Exhibit "C"
MCP Page 2 of 2
Resolution # Z-06-011

OPTION B OPEN SPACE

OPEN SPACE REQUIRED = 3.7 ACRES
OPEN SPACE PROVIDED = 3.7 ACRES

INDIGENOUS OPEN SPACE PROVIDED

AS PER RESOLUTION Z-98-029, CONDITION #9, OPEN SPACE MUST BE PROVIDED PER THE
OPEN SPACE TABLE ON THE MCP. A TOTAL OF 10.0 ACRES (WITH CREDITS) OF EXISTING
INDIGENOUS NATIVE VEGETATION HAS BEEN PRESERVED IN THE RESIDENTIAL PORTION
OF THE MCP. CALCULATIONS ON THE APPROVED OPEN SPACE TABLE ARE AS FOLLOWS:

INDIGENOUS OPEN SPACE REQUIRED	15.0 ACRES
INDIGENOUS OPEN SPACE PROVIDED:	
2.2 ACRES @ 125% PER LDC SECTION 10-413(C)(2)	2.7
4.8 ACRES @ 150% PER LDC SECTION 10-413(C)(2)	7.3
TOTAL INDIGENOUS OPEN SPACE PROVIDED	10.0 ACRES

10 ACRES (WITH CREDITS) OF INDIGENOUS OPEN SPACE HAS BEEN PROVIDED IN THE
RESIDENTIAL PORTION OF THE MCP.

ZONING: RV-3
FLU: URBAN COMMUNITY
EXISTING LAND USE: MANUFACTURED
HOUSING PARK

U.S. ROUTE 41
(ARTERIAL)

OPTION "B"

DCI 2005-00004

EXHIBIT "C"
(The Master Concept Plan)
(Page 3 of 4)

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

WHEREAS, Charles M. Long, *et al.*, and Humphrey & Knott, P.A., filed an application to rezone 83.4± total acres of land from Agricultural (AG-2) to Mixed Use Planned Development (MPD) in reference to Camargo Trust MPD; and

WHEREAS, a Public Hearing was advertised and held on April 29, 1998 before the Lee County Zoning Hearing Examiner who gave full consideration to the evidence in the record (Case #97-12-021.03Z 01.01); and

WHEREAS, a second Public Hearing was advertised and held on June 29, 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 83.4± total acres of land from Agricultural (AG-2) to Mixed Use Planned Development (MPD) to permit a mixed use development consisting of: 300 dwelling units; 200,000 square feet of retail space; 100,000 square feet of office space; and 105 hotel/motel units, with a maximum building height of 65 feet. The legal description of the subject property is set forth in Exhibit A, attached to this resolution. The request is APPROVED with a limitation of no more than 100,000 square feet of retail space and subject to the conditions and deviations set forth in Sections B and C below.

SECTION B. CONDITIONS:

1. The development and use of the subject property will be in substantial compliance with the approved Master Concept Plan (MCP) entitled "Camargo Trust Property" (File No. D-0249-03, last revised 01/21/98, stamped received February 6, 1998) as prepared by Wilson, Miller, Barton, and Peek, Inc., except as modified by the conditions herein. Unless specifically approved as part of this rezoning, development must comply with all applicable local development regulations.
2. This development is limited to a total of 300,000 square feet of commercial uses, of which ONLY 100,000 square feet may be retail commercial uses or uses that must meet Lee Plan commercial site location standards. All retail uses or commercial uses that have to meet commercial site location standards must be located south of Pelican Sound access road on the 10.6-acre and 5.8-acre commercial parcels fronting on U.S. 41. The Assisted Living Facility within the commercial component of this project is limited to a maximum of 500 beds.

A maximum of 100,000 square feet of approved retail space may be replaced by a maximum of 75,000 square feet of additional general or medical office uses pursuant to a 4:3 retail/office equivalency factor.

Development of the residential portion of this project may not exceed six dwelling units per gross residential acre. Any Assisted Living Facility within the residential component will be limited to the Density Equivalents found in Division 12 of Article VII of Chapter 34 of the Land Development Code (LDC).

3. The following Schedule of Use sets out the permitted uses within this planned development. Some commercial uses have been limited to specific areas of the project.

The statement, "Uses that are not specifically listed in this section may also be permitted if, in the opinion, of Lee County Department of Community Development or designee, they are substantially similar to a listed permitted use" found on the MCP has no force as part of this planned development. Adding uses to this planned development may be allowed through the amendment process as described within the LDC.

Schedule of Uses

Residential "R"

ACCESSORY USES AND STRUCTURES (LDC Sections 34-1171 *et seq.*, 34-2441 *et seq.*, 34-1863, and 34-2141 *et seq.*)

ADMINISTRATIVE OFFICES

ASSISTED LIVING FACILITY (LDC Sections 34-1491 *et seq.*, and 34-1411) - As limited in Condition 2 above

CONSUMPTION ON PREMISES - In clubhouse only

CLUBS:

Country

Private (LDC Section 34-2111)

DWELLING UNIT:

Single-family

Duplex

Two-family attached

Townhouse

Multiple-family building

Zero lot line

ENTRANCE GATES AND GATEHOUSE (LDC Section 34-1741 *et seq.*)

ESSENTIAL SERVICES (LDC Sections 34-1611 *et seq.*, and 34-1741 *et seq.*)

ESSENTIAL SERVICE FACILITIES [LDC Section 34-622(c)(13)]: Group I only (LDC Sections 34-1611 *et seq.*, 34-1741 *et seq.*, and 34-2141 *et seq.*)

EXCAVATION: Water retention (LDC Section 34-1651)

FENCES, WALLS (LDC Section 34-1741)

HOME CARE FACILITY

HOME OCCUPATION (LDC Section 34-1771 *et seq.*)

MODELS:

Display center (LDC Section 34-1951 *et seq.*)

Model home (LDC Section 34-1951 *et seq.*)

Model unit (LDC Section 34-1951 *et seq.*)

PARKING LOT:

Accessory

PLACE OF WORSHIP (LDC Section 34-2051 *et seq.*)

RECREATIONAL FACILITIES: Private, On-Site

RELIGIOUS FACILITIES (LDC Section 34-2051 *et seq.*)

RESIDENTIAL ACCESSORY USES [LDC Section 34-622(c)(42)] (LDC Section 34-1171 *et seq.*)

SIGNS in accordance with Chapter 30

Commercial "C"

[All uses with an asterisk (*) may only be developed south of the Pelican Sound access.]

ACCESSORY USES AND STRUCTURES (LDC Sections 34-1171 *et seq.*, 34-2441 *et seq.*, 34-1863, and 34-2141 *et seq.*)

ADMINISTRATIVE OFFICES

ANIMALS: Clinic (LDC Section 34-1321 *et seq.*) - within an enclosed building only

ASSISTED LIVING FACILITY (LDC Sections 34-1491 *et seq.*, and 34-1411) - As limited in Condition 2

* ATM (automatic teller machine)

* AUTO PARTS STORE - without installation services

* AUTOMOBILE SERVICE STATION

* AUTO REPAIR AND SERVICE [LDC Section 34-622(c)(2)], Group I only

* BAIT AND TACKLE SHOP

* BANKS AND FINANCIAL ESTABLISHMENTS [LDC Section 34-622(c)(3)]: Groups I and II

BOATS:

Boat parts store

Boat rental

BROADCAST STUDIO, COMMERCIAL RADIO AND TELEVISION (LDC Section 34-1441 *et seq.*)

* BUILDING MATERIAL SALES [LDC Section 34-622(c)(4) and 34-3001 *et seq.*] - NO outside storage

BUSINESS SERVICES [LDC Section 34-622(c)(5)]: Group I

* CAR WASH

CLEANING AND MAINTENANCE SERVICES [LDC Section 34-622(c)(7)]

* CLOTHING STORES, general [LDC Section 34-622(c)(8)]

CLUBS:

* Commercial

* Fraternal, membership organization (LDC Section 34-2111)

Private (LDC Section 34-2111)

COMPUTER AND DATA PROCESSING SERVICES

* CONSUMPTION ON PREMISES (LDC Section 34-1261 *et seq.*)

* CONVENIENCE FOOD AND BEVERAGE STORE

CULTURAL FACILITIES [LDC Section 34-622(c)(10)]

DAY CARE CENTER, CHILD, ADULT

* DEPARTMENT STORE

* DRIVE-THROUGH FACILITY FOR ANY PERMITTED USE

DRUGSTORE, PHARMACY

ENTRANCE GATES AND GATEHOUSE (LDC Section 34-1741 *et seq.*)

ESSENTIAL SERVICES (LDC Sections 34-1611 *et seq.*, and 34-1741 *et seq.*)

ESSENTIAL SERVICE FACILITIES [LDC Section 34-622(c)(13)]: Group I (LDC Sections 34-1611 *et seq.*, 34-1741 *et seq.*, and 34-2141 *et seq.*)

EXCAVATION: Water retention (LDC Section 34-1651)

FENCES, WALLS (LDC Section 34-1741)

FOOD AND BEVERAGE SERVICE, LIMITED

* FOOD STORES [LDC Section 34-622(c)(16)]: Group I

FUNERAL HOME AND MORTUARY (without a crematory)

* HARDWARE STORE

* HEALTH CARE FACILITIES [LDC Section 34-622(c)(20)]: Groups I - III

* HELISTOP

* HOBBY, TOY AND GAME SHOPS [LDC Section 34-622(c)(21)]

- * HOTEL/MOTEL (LDC Section 34-1801 *et seq.*) - limited to 105 rooms
- * HOUSEHOLD AND OFFICE FURNISHINGS [LDC Section 34-622(c)(22)], Groups I and II
- INSURANCE COMPANIES [LDC Section 34-622(c)(23)]
- * LAUNDRY OR DRY CLEANING [LDC Section 34-622(c)(24)]: Group I
- * LAWN AND GARDEN SUPPLY STORES (LDC Section 34-2081)
- LIBRARY
- MEDICAL OFFICE
- MODEL DISPLAY CENTER
- NONSTORE RETAILERS [LDC Section 34-622(c)(30)], All Groups
- * PACKAGE STORE (LDC Section 34-1261 *et seq.*)
- PAINT, GLASS AND WALLPAPER
- PARKS [LDC Section 34-622(c)(32)]: Groups I and II
- PARKING LOT:
 - Accessory
 - Garage, public parking
 - Temporary (LDC Section 34-2022)
- PERSONAL SERVICES [LDC Section 34-622(c)(33)]: Groups I - III (* ATM only)
- PET SERVICES
- PET SHOP
- * PHARMACY
- PLACE OF WORSHIP (LDC Section 34-2051 *et seq.*)
- * POST OFFICE
- * PRINTING AND PUBLISHING [LDC Section 34-622(c)(36)]
- REAL ESTATE SALES OFFICE (LDC Sections 34-1951 *et seq.*, and 34-3021)
- * RECREATION FACILITIES, Commercial [LDC Section 34-622(c)(38)]: Groups II and IV
- RELIGIOUS FACILITIES (LDC Section 34-2051 *et seq.*)
- * RENTAL OR LEASING ESTABLISHMENT [LDC Section 34-622(c)(39)]: Groups I and II (LDC Section 34-1201 *et seq.*, 34-1352, and 34-3001 *et seq.*) - indoor storage only
- * REPAIR SHOPS [LDC Section 34-622(c)(40)]: Groups I and II
- * RESEARCH AND DEVELOPMENT LABORATORIES [LDC Section 34-622(c)(41)]: Groups II and IV
- * RESTAURANT, FAST FOOD
- * RESTAURANTS [LDC Section 34-622(c)(43)]: Groups I, II, and III
- * SCHOOLS:
 - Commercial [LDC Section 34-622(c)(45)] (LDC Section 34-2381)
- * SELF-SERVICE FUEL PUMPS
- SIGNS in accordance with Chapter 30
- SOCIAL SERVICES [LDC Section 34-622(c)(46)]: Group I only
- * SPECIALTY RETAIL SHOPS [LDC Section 34-622(c)(47)]: Groups I - IV - NO outdoor storage
- STORAGE:
 - Indoor only, (LDC Section 34-3001 *et seq.*)
- STUDIOS [LDC Section 34-622(c)(49)]
- TEMPORARY USES (LDC Section 34-3041 *et seq.*)
- * THEATER, indoor only (LDC Section 34-2471 *et seq.*)
- * USED MERCHANDISE STORES [LDC Section 34-622(c)(54)]: Groups I and II
- * VARIETY STORE
- * VEHICLE AND EQUIPMENT DEALERS [LDC Section 34-622(c)(55)]: Group II only (LDC Section 34-1352)
- * WHOLESALE ESTABLISHMENTS [LDC Section 34-622(c)(56)]: Group III only

4. Exhibit "B" (Attachment G to the Staff Report) sets out the Property Development Regulations within this planned development. No building located within the first 100 feet of the northern perimeter property line may exceed a height of 35 feet.
5. At the time of local development order, a detailed gopher tortoise management plan per LDC Section 10-474 must be submitted. This plan must provide for preservation of the 2.2 acres of pine flatwoods surrounding the gopher tortoise burrows, gopher tortoise fencing during construction activities, deed restrictions preventing pets and pedestrians from entering the preserve, interpretive signage delineating the boundaries of the preserve, and management guidelines to maintain the preserve as viable gopher tortoise habitat.
6. Prior to issuance of development orders for any portion of the project fronting the perimeter boundaries, the developer must provide a covenant running with the land showing a consistent architectural theme and landscaping design within the project that is compatible with and similar to any existing buildings and landscaping on this overall site.
7. The project will feature a minimum 25-foot-wide native landscaped arterial road buffer. In areas where native vegetation does not exist, the developer will plant five native trees and 15 native shrubs per 100 linear feet. This buffer must include a 2-foot-high undulating berm (with landscaping on the berm) running parallel to U.S. 41. New landscaping will be planted in a well designed and clustered manner.
8. Site identification signs, building identification signs, and directory signs must be architecturally integrated and compatible with the project's building design and color; unless stated otherwise, all signs must comply with the LDC.
9. At the time of local development order, open space must be provided per the open space table on the MCP. A total of 10.0 acres (with credits) of existing indigenous native vegetation must be preserved as delineated on the MCP.
10. Approval of this zoning request does not address mitigation of the project's vehicular or pedestrian traffic requirements. Additional conditions may be required to obtain a local development order, consistent with local development regulations.
11. This rezoning approval does not give the Developer an undeniable right to receive local development order approval that exceeds the Year 2010 Overlay use allocation, if such allocation exists, for the applicable district.

SECTION C. DEVIATIONS:

Deviation (1) requesting relief from LDC Sections 10-8(2) and 34-2013(a) which require that all parking lots be designed to permit vehicles exiting the parking lot to enter the street right-of-way or easement in a forward motion, to allow individual parking spaces to back onto the right-of-way or easement for common access drives and private local roads, IS APPROVED WITH THE FOLLOWING CONDITIONS:

- a) The deviation only applies to units with individual driveways and garages.
- b) The minimum dimension from the garage entrance to the street must be 25 feet, unless the garage is constructed with a side facing entrance rather than a front facing entrance.
- c) The posted speed of the adjacent roadway must be posted at 20 mph or less.

Deviation (2) has been WITHDRAWN.

Deviation (3) requesting relief from LDC Section 10-291(3) which requires, where practical, any residential development of at least five± acres to provide two or more means of ingress and egress, to allow only one means of ingress and egress, IS APPROVED WITH THE FOLLOWING CONDITIONS:

- a) An emergency turnaround of adequate dimension is provided for emergency service providers within each development pod.
- b) Each multi-family pod with one means of ingress and egress will not exceed 150 units.
- c) The local Fire and Emergency Service District must provide a letter of approval prior to local Development Order approval.

Deviation (4) was WITHDRAWN at hearing.

Deviation (5) requesting relief from LDC Section 10-329(e)(3) which requires the maximum depth of excavation not exceed 12 feet, to allow excavation not to exceed 20 feet as supported by a hydrogeological report, IS APPROVED WITH THE FOLLOWING CONDITIONS:

- a) The excavation dimension must be measured from the control elevation and not the dry season elevation.
- b) The "Camargo Trust Property Deep Lake Management Plan," dated January 1998 must be implemented prior to the issuance of a certificate of compliance.
- c) Documentation of the aeration system adequacy for each deep lake must be sealed by a professional engineer and approved by the Division of Planning, Environmental Sciences prior to development order issuance.
- d) The proposed planting locations of the wetland herbaceous plant requirements of LDC Section 10-418 and additional native shade trees must be graphically detailed as part of the Deep Lake Management Plan. All plants must be grouped or clustered around the lake perimeters.
- e) An as-built bathymetric survey for all lakes deeper than 12 feet is required. The survey must be submitted prior to certificate of compliance.

Deviation (6) requesting relief from LDC Section 34-2015(2) which prohibits stacked parking for multiple family dwelling units, to allow stacked parking for multiple family units which have a specific garage or driveway appurtenant to it, IS APPROVED.

SECTION D. EXHIBITS:

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

- Exhibit A. The legal description and STRAP number of the subject property.
- Exhibit B. Property Development Regulations.
- Exhibit C. A reduced copy of the Camargo Trust MPD Master Concept Plan.
- Exhibit D. 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 MPD rezoning, as conditioned for 100,000 square feet of retail uses and 200,000 square feet of non-retail uses, by demonstrating compliance with the Lee Plan, the Land Development Code, and other applicable codes or regulations.
2. Approval of more than 100,000 square feet of retail uses, or uses having to meet the locational standards of Policy 6.1.2, even with conditions, is contrary to the intent of the Suburban land use designation, and will have adverse impacts on the surrounding uses and persons.
3. The MPD, 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.
4. Approval of the MPD, as conditioned, will not place an undue burden upon existing transportation or planned infrastructure facilities, and the development will be served by streets with the capacity to carry traffic it generates.
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 safeguard to the public interest, and are reasonably related to the impacts on the public interest created by or expected from the proposed development.
7. The requested deviations enhance the achievement of the objectives of the planned development, and preserve and promote the general intent of Chapter 34, Land Development Code, to protect the public health, safety and welfare.
8. Urban services, as defined in the Lee Plan, are, or will be, available and adequate to serve the proposed land use.

The foregoing resolution was adopted by the Lee County Board of Commissioners by a motion by Commissioner Andrew Coy, 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 Coy	Aye
John E. Albion	Aye

DULY PASSED AND ADOPTED this 29th day of June, 1998.

ATTEST:
CHARLIE GREEN, CLERK

BY: Mary Annantest
Deputy Clerk

BOARD OF COUNTY COMMISSIONERS
OF LEE COUNTY, FLORIDA

BY: J. Manning
Chairman

Approved as to form by:

Leahy
County Attorney's Office

CASE NO. 97-12-021.03Z 01.01

MINUTES DEPARTMENT

FILED JUL 8 1998
ma

RESOLUTION NO. Z-98-029
PAGE 8 OF 8

EXHIBIT "D"
(Page 8 of 12)

Exhibit A

LEGAL DESCRIPTION

In Section 33, Township 46 South, Range 25 East, Lee County, Florida, more particularly described as follows:

Parcel 1

Commence at the Southwest corner of Section 33, Township 46 South, Range 25 East, Lee County, Florida;

THENCE run N00°31'21"W along the West line of the Southwest Quarter (SW¼) of said Section 33 for a distance of 30.00 feet to a point on the Northerly right-of-way line of Williams Road, a 60.00 foot right-of-way;

THENCE run N89°00'54"E along said Northerly right-of-way line for a distance of 1,382.17 feet to the POINT OF BEGINNING of the parcel of land herein described;

THENCE run N00°31'21"W for a distance of 1,845.84 feet;

THENCE run N88°52'56"E for a distance of 1,720.01 feet to a point on the Westerly right-of-way line of US Highway 41, State Road No. 45, a 200 foot right-of-way;

THENCE run S05°19'58"W along said Westerly right-of-way line for a distance of 1,860.16 feet to a point on the Northerly right-of-way line of Williams Road;

THENCE run S88°49'24"W along said Northerly right-of-way line for a distance of 268.34 feet to a point on the East line of the Southeast Quarter (SE¼) of the Southwest Quarter (SW¼) of said Section 33;

THENCE run S89°00'54"W along said Northerly right-of-way line for a distance of 1,261.87 feet to the POINT OF BEGINNING;

Containing 68.925 acres, more or less.

LESS AND EXCEPT the following described parcel of land:

A portion of the Southwest Quarter (SW¼) of Section 33, Township 46 South, Range 25 East, Lee County, Florida, being more particularly described as follows:

The Southeast Quarter (SE¼) of the Southeast Quarter (SE¼) of the Southwest Quarter (SW¼) of Section 33, Township 46 South, Range 25 East, Lee County, Florida, LESS the South 30.00 feet thereof;

Containing 9.598 acres, more or less.

PARCEL 2

Commence at the Southwest corner of Section 33, Township 46 South, Range 25 East, Lee County, Florida;

THENCE run N00°31'21"W along the West line of the Southwest Quarter (SW¼) of said Section 33 for a distance of 30.00 feet to a point of the Northerly right-of-way line of Williams Road (a 60 foot right-of-way);

THENCE run N89°00'54"E along said Northerly right-of-way line for a distance of 1,382.17 feet;

THENCE run N00°31'21"W for a distance of 2,045.85 feet to the POINT OF BEGINNING of the parcel of land herein described;

THENCE continue N00°31'21"W for a distance of 572.68 feet to a point on the North line of the Southwest Quarter (SW¼) of said Section 33;

THENCE run N88°52'56"E along the North line of the Southwest Quarter (SW¼) of said Section 33 for a distance of 1,799.34 feet to a point on the Westerly right-of-way line of US Hwy. 41 (State Road 45 - a 200 foot right-of-way);

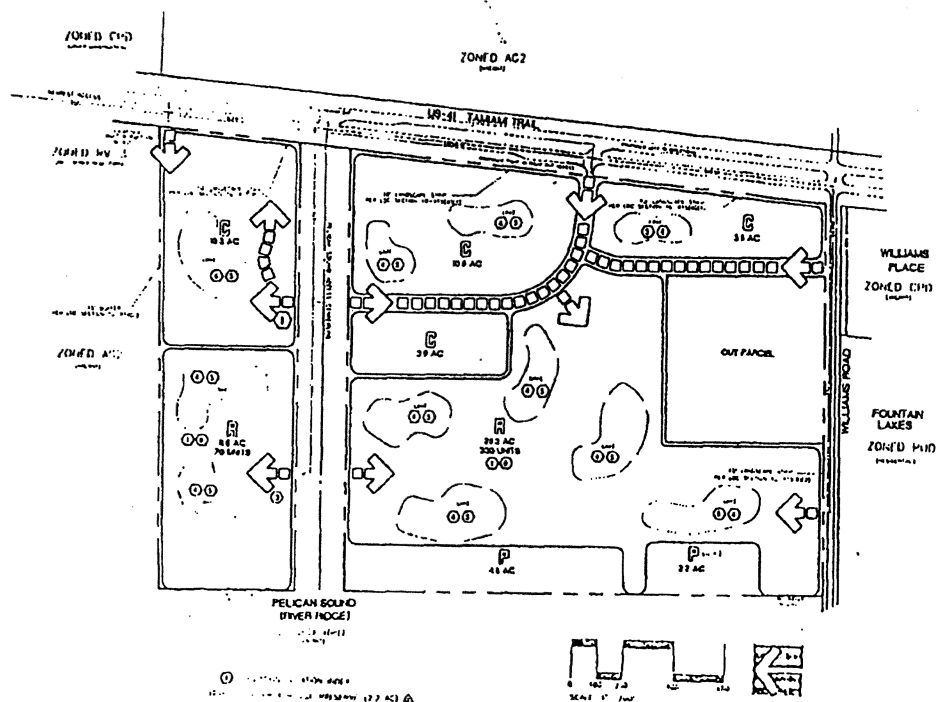
THENCE run S05°19'58"W along said Westerly right-of-way line for a distance of 576.30 feet;

THENCE run S88°52'56"W for a distance of 1,740.54 feet to the POINT OF BEGINNING;

Containing 23.268 acres, more or less.

STRAP NUMBER

The applicant has indicated the subject property's STRAP# is 33-46-25-00-00001.0030.



PROPERTY DEVELOPMENT REGULATIONS

[illegible][illegible][illegible]

DEVIATIONS

1. What is the purpose of the study?
The purpose of the study is to determine the effect of the use of a computer program on the learning of the English language.
2. What is the research question?
The research question is: "What is the effect of the use of a computer program on the learning of the English language?"
3. What is the hypothesis?
The hypothesis is: "The use of a computer program will have a positive effect on the learning of the English language."
4. What is the independent variable?
The independent variable is the use of a computer program.
5. What is the dependent variable?
The dependent variable is the learning of the English language.
6. What is the control group?
The control group is the group of students who did not use the computer program.
7. What is the experimental group?
The experimental group is the group of students who used the computer program.
8. What is the conclusion?
The conclusion is: "The use of a computer program has a positive effect on the learning of the English language."

GENERAL NOTES:

1. They thought that the League had been dissolved. Therefore they had no right to call a meeting and they called the national day of the League and the League members were very angry and they thought that the League had been dissolved and they thought that the League had been dissolved and they thought that the League had been dissolved.
2. They thought that the League had been dissolved and they thought that the League had been dissolved and they thought that the League had been dissolved and they thought that the League had been dissolved and they thought that the League had been dissolved.
3. They thought that the League had been dissolved and they thought that the League had been dissolved and they thought that the League had been dissolved and they thought that the League had been dissolved and they thought that the League had been dissolved.
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5. They thought that the League had been dissolved and they thought that the League had been dissolved and they thought that the League had been dissolved and they thought that the League had been dissolved and they thought that the League had been dissolved.

3. LAND USE SUMMARY

Numero	De la fecha	Al
1	1940	1941
2	1941	1942
3	1942	1943
4	1943	1944
5	1944	1945
6	1945	1946
7	1946	1947
8	1947	1948
9	1948	1949
10	1949	1950
11	1950	1951
12	1951	1952
13	1952	1953
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15	1954	1955
16	1955	1956
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84	2023	2024
85	2024	2025
86	2025	2026
87	2026	2027
88	2027	2028
89	2028	2029
90	2029	2030
91	2030	2031
92	2031	2032
93	2032	2033
94	2033	2034
95	2034	2035
96	2035	2036
97	2036	2037
98	2037	2038
99	2038	2039
100	2039	2040

A OPEN SPACE TABLE

	ACRES
Grass acreage	33.1
Boat 1440 1/2 ac. all for Emergency Water at 200	14.5
Boat 1440 1/2 ac. for Emergency Water at 200	14.5
Boat 1440 1/2 ac. for Emergency Water at 200	14.5
Boat 1440 1/2 ac. for Emergency Water at 200	14.5
Grass - Spotted	30.6
Boat 1440 1/2 ac. for Emergency Water at 200	14.5
Boat 1440 1/2 ac. for Emergency Water at 200	14.5
Boat 1440 1/2 ac. for Emergency Water at 200	14.5
Impervious Boat Spots	10.0
Boat 1440 1/2 ac. for Emergency Water at 200	14.5
Boat 1440 1/2 ac. for Emergency Water at 200	14.5
Boat 1440 1/2 ac. for Emergency Water at 200	14.5
Boat 1440 1/2 ac. for Emergency Water at 200	14.5



LOCATION MAP

APPROVED
Master Concept Plan
Site Plan 042-021 Page 1 of 2
Subject to conditions in Resolution 8 of 071
Issued Date 042-12-02-071 01/07

PROJECT # 92-12-431 CFB
PROJECT TYPE 1A

WILSON & MILLER

Agencies - Insurance Companies - (Agents)
Sellers - Insurance Agents - Companies
WELLES, HALL, SUMNER & CO. INC.

GAMAREO TRUST PROPERTY

ANGU IRUST PROPE
EXHIBT N-F
MASTER CONCEPT PLAN

PREPARED FOR: THE CAMARGO TRUST

EXHIBIT C
Page 1 of 2

REC-11
FEB 6 1954

PRINTED

JAN 23 1964
 Library, Bureau, Customs & Post
 4371 Central Expressway
 San Francisco, California 94112

Mr. J. J. [illegible]
 Prepared By: [illegible]
 Drawn By: [illegible]
 Checked By: [illegible]
 Approved By: [illegible]

Date 12/1/60
 To Mr. J. Edgar Hoover
 From Mr. J. Edgar Hoover
 Re 107-801-800-2113
107-801-801-801
 Serial 107

ZONING MAP

