

ADMINISTRATIVE AMENDMENT
LEE COUNTY, FLORIDA

WHEREAS, Phil and Isabel Mangione filed an application for administrative approval to a Commercial Planned Development (CPD) on a project known as TNT Used Auto Sales (fka Northside Motors CPD) to add Transportation Services, Group II to the approved schedule of uses on property located at 289 Pondella Road, described more particularly as:

LEGAL DESCRIPTION: In Section 10, Township 44 South, Range 24 East, Lee County, Florida:

See legal description attached hereto as Exhibit A.

WHEREAS, the property was originally rezoned in case number DCI2001-00011 (Z-01-026); and

WHEREAS, the subject property is located in the Central Urban Future Land Use Category as designated by the Lee Plan; and

WHEREAS, the applicant has indicated the property's current STRAP numbers are 10-44-24-00-00024.0000, 10-44-24-00-00024.0010 and 10-44-24-00-00025.0000; and

WHEREAS, the Lee County Land Development Code provides for certain administrative changes to planned development master concept plans and planned unit development final development plans; and

WHEREAS, the applicant has requested to administratively amend the Commercial Planned Development (CPD) to add "Transportation Services, Group II" to the schedule of uses; and

WHEREAS, the intent of the application is to allow a limousine service (with driver provided) located where shown on the Master Concept Plan; and

WHEREAS, Transportation Services is defined per Land Development Code (LDC) Sec. 34-622(53) as "establishments which provide land or water transportation services to individuals and in which the driver or instructor is provided by the leasing agency"; and

WHEREAS, Transportation Services, Group II includes "Automobile" Hearses or limousines with driver provided; and

WHEREAS, the applicant's Master Concept Plan shows a 588-square foot building labeled "Limo Admin Office"; and

WHEREAS, the applicant's Master Concept Plan shows "Designated Limo Parking" utilizing 5 parking spaces adjacent to the "Limo Admin Office"; and

WHEREAS, the applicant's Master Concept Plan is consistent with the Master Concept Plan per Z-01-026; and

WHEREAS, the applicant's Master Concept Plan shows landscape details, parking and removal of one of two proposed access points on Pondella Road; and

WHEREAS, the applicant demonstrated there are 36 parking space for all of the uses including automobile display, general offices, and limousine parking; and

WHEREAS, parking includes 31 for the automobile sales and display and 5 for the limousine service; and

WHEREAS, this is more than adequate parking per the Land Development Code Chapter 34 Division 26, which would require 8 spaces for all of the combined uses; and

WHEREAS, this schedule of uses for the CPD currently allows Business Services, Group I, Hardware Stores, Food Stores, Medical Offices, Personal Services, Group I (with limitations), Specialty Retail Shops, Groups I and II, and Vehicle and Equipment Dealers, Groups I and II; and

WHEREAS, the proposed use is either similar to or less intensive than other commercial uses already allowed in the CPD; and

WHEREAS, the subject application and plans have been reviewed by the Lee County Department of Community Development in accordance with applicable regulations for compliance with all terms of the administrative approval procedures; and

WHEREAS, it is found that the proposed amendment does not increase density or intensity within the development; does not decrease buffers or open space required by the LDC; does not underutilize public resources or infrastructure; does not reduce total open space, buffering, landscaping or preservation areas; and does not otherwise adversely impact on surrounding land uses.

NOW, THEREFORE, IT IS HEREBY DETERMINED that the application for administrative approval for an amendment add Transportation Services, Group II to the schedule of uses adopted in Resolution Z-01-026 for a Commercial Planned Development (CPD) is **APPROVED**, **subject to the following conditions:**

- 1. The Development must be in compliance with the amended Master Concept Plan, dated SEPT 1, 2009. Master Concept Plan for ADD2009-00053 IS hereby APPROVED and adopted. A reduced copy is attached hereto.**
- 2. Resolution Z-01-026, Condition 3.a. "Schedule of Uses" within the CPD district is hereby amended by addition "Transportation Services, Group II" as a permissible uses as follows:**

Transportation Services, Group II - limited to limousine with driver provided

3. The terms and conditions of the original zoning resolutions remain in full force and effect, except as amended herein.

DULY SIGNED this 9th day of September, A.D., 2009.

BY: 

Pam Houck, Director
Division of Zoning
Department of Community Development

EXHIBIT A



GULF SHORE SURVEYING, INC.

TIM J. PUFAHL, P.L.S.
30930 OILWELL RD., PUNTA GORDA, FL. 33955
(941) 639-7800 • FAX: (941) 639-7600

NICK POULOS, P.L.S.
2112 SE. 11TH ST., CAPE CORAL, FL. 33990
(941) 458-2388 • FAX: (941) 574-3719

JANAUARY 27, 2001
JOB NO. 0104,
FILE 0104L002

DCI 2001-00011

DESCRIPTION

A TRACT OR PARCEL OF LAND LYING IN THE NORTHEAST ONE QUARTER OF SECTION 10, TOWNSHIP 44 SOUTH, RANGE 24 EAST, LEE COUNTY, FLORIDA, BEING A PORTION OF TRACTS OR PARCELS OF LAND (PARCELS 1, 2, AND 3) AS DESCRIBED IN OFFICIAL RECORD BOOK 2507 AT PAGES 931 THROUGH 933, PUBLIC RECORDS OF SAID LEE COUNTY, MORE PARTICULARLY DESCRIBED AS FOLLOWS:

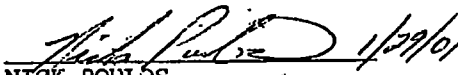
COMMENCE AT THE NORTHEAST CORNER OF SAID SECTION 10; THENCE S.00°30'07"W. FOR 190.00 FEET ALONG THE EAST LINE OF THE NORTHEAST ONE QUARTER OF SAID SECTION 10; THENCE N.89°56'13"W. FOR 20.00 FEET TO A POINT ON THE WESTERLY RIGHT OF WAY LINE OF PALM AVENUE (50.00 FEET WIDE) AND THE POINT OF BEGINNING.

FROM SAID POINT OF BEGINNING; THENCE CONTINUE N.89°56'13"W. FOR 168.40 FEET ALONG THE SOUTH LINE OF SAID PARCELS 3 AND 2 DESCRIBED IN SAID OFFICIAL RECORD BOOK 2507 AT PAGE 931-933; THENCE N.03°03'07"E. (MEASURED) FOR 10.00 FEET; THENCE N.89°56'13"W. FOR 75.05 FEET (MEASURED) ALONG THE SOUTH LINE OF SAID PARCEL 1; THENCE N.00°51'54"E. (MEASURED) FOR 100.40 FEET TO A POINT ON THE SOUTHERLY RIGHT OF WAY LINE OF PONDELLA ROAD (64.50 FEET FROM CENTERLINE) AND A NON-RADIAL INTERSECTION WITH THE ARC OF A CURVE TO THE RIGHT, CONCAVE SOUTHERLY, (RADIUS 7,935.50 FEET, CENTRAL ANGLE 01°29'56"; CHORD 207.60 FEET, CHORD BEARING N.87°51'07"E.); THENCE EASTERLY FOR 207.60 FEET ALONG THE ARC OF SAID CURVE; THENCE S.45°23'07"E. NON-RADIALLY FOR 48.73 FEET; THENCE S.00°30'07"W. FOR 84.22 FEET ALONG SAID WESTERLY RIGHT OF WAY LINE OF SAID PALM AVENUE TO THE POINT OF BEGINNING.

CONTAINING 0.612 ACRES MORE OR LESS.

BEARING MENTIONED HEREIN ARE BASED ON THE RIGHT OF WAY MAPS FOR PONDELLA ROAD. THE NORTH LINE OF THE NE 1/4 OF SECTION 10, TOWNSHIP 44S., RANGE 24E. BEING N.89°56'13"W.

REFER TO 24" X 36" BOUNDARY SURVEY FOR SKETCH.
GULF SHORE SURVEYING, INC.


NICK POULOS
PROFESSIONAL SURVEYOR AND MAPPER
FLORIDA CERTIFICATE NO. 4568

Applicant's Legal Checked
by gm 3/23/01

RECEIVED
FEB 22 2001

ZONING COUNTER

ADD 2009-00063

The applicant has indicated that the STRAP number for the subject property is: 10-44-24-00-00024.0000, 10-44-24-00-00024.0010 & 10-44-24-00-00025.0000

EXHIBIT A

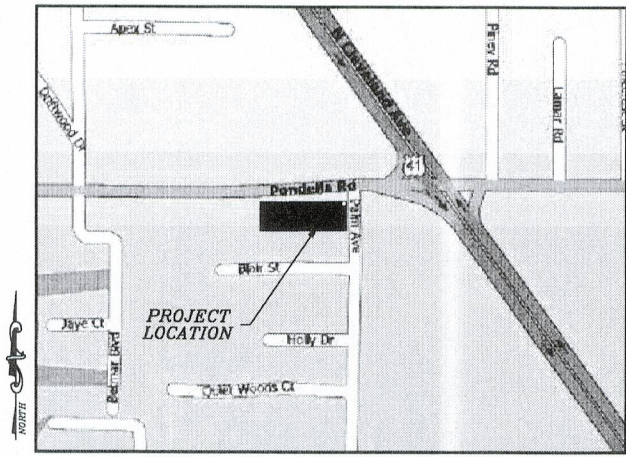
DCI 2001-00011

S:\117 zoning-2001\01-026 Northside Motors\Z-01-026.wpd



TNT USED AUTO SALES

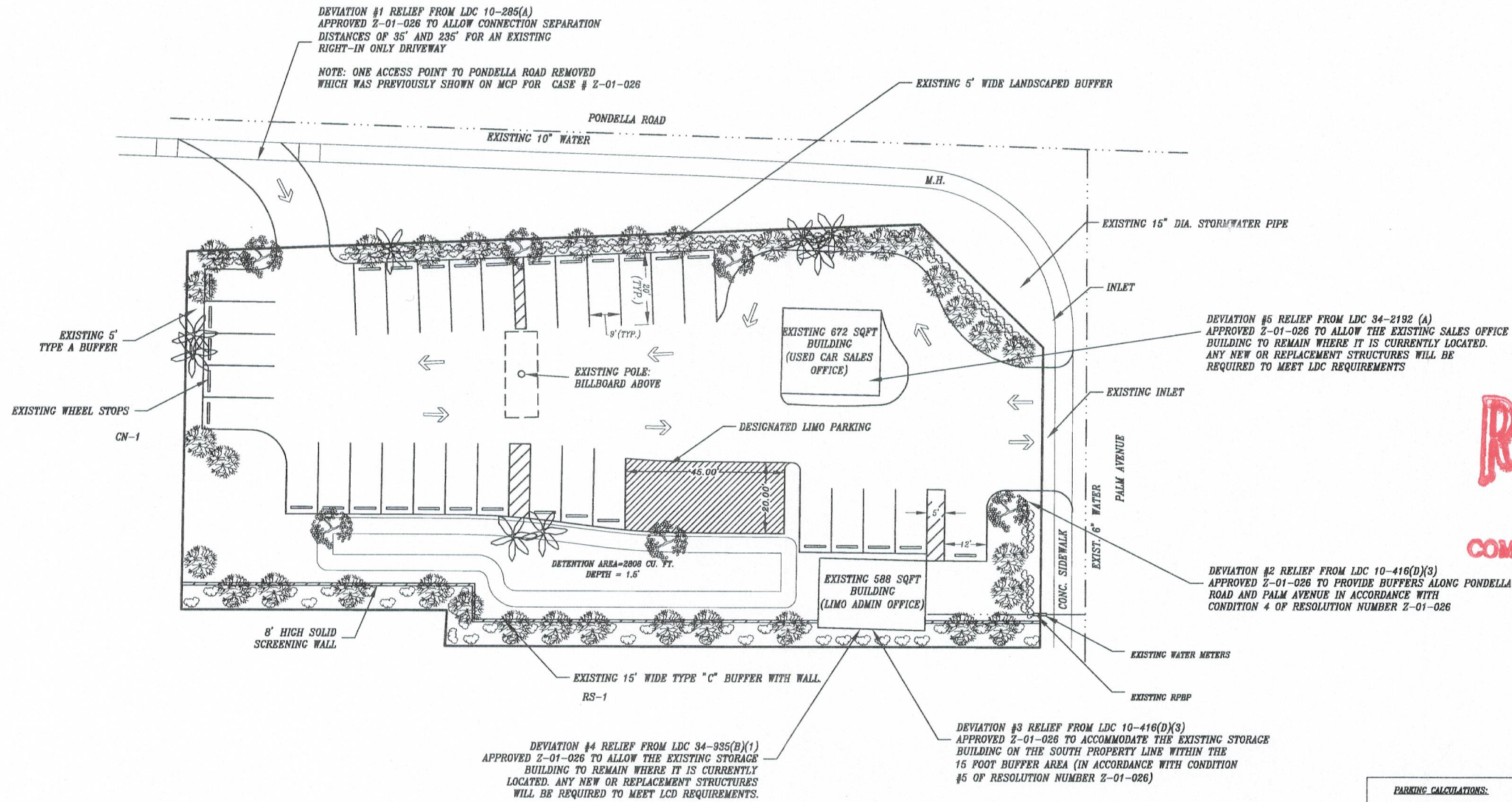
289 PONDELLA ROAD FORT MYERS, FL 33903



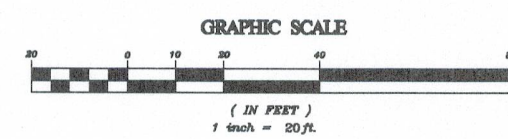
LOCATION MAP
NTS

REVISIONS	DATE	BY
SUBMITTAL	07/21/09	JML
1ST RESUB	08/31/09	JML

SPEATH
ENGINEERING
8000 SUMMERLIN LAKES DR SUITE 201 FORT MYERS FLORIDA
PHONE NO. (239) 275-1859 FAX NO. (239) 275-0105



RECEIVED
SEP 01 2009
COMMUNITY DEVELOPMENT



APPROVED
Amendment to
Master Concept Plan
Subject to Case # ADD2009-00053
Date 9/9/09

PARKING CALCULATIONS:

EXISTING PARKING:
6480 SQ. FT. DISPLAY AREA/1600 = 4.32 SPACES
1280 SQ. FT. EXISTING BUILDINGS/500 = 2.56 SPACES
TOTAL = 6.88 SPACES --> 7 SPACES REQUIRED
36 PARKING SPACES ARE PROVIDED

RECONFIGURED PARKING AREA TO ACCOMMODATE LIMO PARKING:
6480 SQ. FT. DISPLAY AREA/1600 = 4.32 SPACES
672 SQ. FT. USED CAR SALES OFFICE/500 = 1.34 SPACES
588 SQ. FT. GENERAL OFFICE (LIMO OFFICE)/300 = 1.96 SPACES
TOTAL = 7.62 SPACES --> 8 SPACES REQUIRED
31 PARKING SPACES ARE PROVIDED

NOTE:
LIMO PARKING USES 5 OF THE EXISTING 36 PARKING SPACES LEAVING
31 SPACES LEFT FOR THE USED CAR SALES, AND THE LIMO OFFICE.

SITE PLAN
FOR
TNT USED AUTO SALES
FORT MYERS, FLORIDA

Matthew S. Speath
8/31/09

MATTHEW S. SPEATH P.E.
LIC. #87875
FBPE # 9562

DRAWN	JML
CHECK	MSS
DATE	08/31/09
SCALE	1" = 20'
PROJ. NO.	F03-15-1

ADD 2009-00053

SHEET: **C1**
1 of 1