

ADMINISTRATIVE AMENDMENT (PD) ADD2005-00234

ADMINISTRATIVE AMENDMENT
BONITA SPRINGS, FLORIDA

WHEREAS, Thomas Presti filed an application for administrative approval to a Commercial Planned Development on a project known as Debold Performance, Inc. requesting the addition of Automotive Repair and Service, Group 1 to the schedule of permitted uses adopted in Resolution #Z-91-071 on property located at 28360 Old 41 Road, Bonita Springs, described more particularly as:

LEGAL DESCRIPTION: In Section 02, Township 48 South, Range 25 East, Lee County, Florida:

See Exhibit "A"

WHEREAS, the property was originally rezoned in Resolution #Z-91-071; and

WHEREAS, the applicant has indicated the property's current STRAP numbers are 02-48-25-B1-16500.0010 and 02-48-25-B1-16500.0011; and

WHEREAS, the subject property is located in the Industrial Future Land Use Category as designated by the City of Bonita Springs Comprehensive Plan; and

WHEREAS, the Bonita Springs 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 planned development to add "Automotive Repair and Service, Group 1" to the schedule of permitted uses; and

WHEREAS, Resolution #Z-91-071, Condition #2 permits uses limited to those common to both the IL and the CPD zoning districts; and

WHEREAS, adding "Automotive Repair and Service, Group 1" is permitted by right in a CPD and an IL zoning district and is consistent with the other CPD permitted uses listed in Table 34-934 of the LDC for a CPD and listed in Table 34-903 of the LDC for an IL district; and

WHEREAS, adding "Automotive Repair and Service, Group 1" as a permitted use is consistent with the other permitted uses listed in Resolution #Z-91-071 for Constitutional Plaza CPD; and

WHEREAS, "Automotive Repair and Service, Group 1" is defined by the Bonita Springs Land Development Code, Section 34-622(c)(2) and governed by LDC Section 34-1351; 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 to add "Automotive Repair and Service, Group 1" to the schedule of permitted uses adopted in Resolution #Z-91-071 in the Constitutional Plaza (fka Greyhound Plaza) Commercial Planned Development is **APPROVED, subject to the following conditions:**

1. **The Development must be in compliance with the one-page Master Concept Plan approved by Resolution #Z-91-071, entitled Greyhound Plaza Master Concept Plan, last revised April 1991, stamped "Received December 1, 2005 Permit Counter". There are no changes to the Master Concept Plan for ADD2005-00234. A copy is attached hereto as Attachment "A".**
2. **Resolution #Z-91-071, Condition #2, Permitted Uses is hereby amended by adding "Automotive Service and Repair, Group 1" as a permissible use as follows:**


Automotive Service and Repair, Group 1

3. **All services performed by an automotive repair and service establishment, including repair, painting and body work activities, shall be performed within a completely enclosed building.**
4. **All vehicles awaiting repair and/or service or all vehicles after repair and/or service will be parked appropriately.**
5. **The scope of this amendment is limited to the allowance of this single use, as conditioned, as defined by Bonita Springs LDC, Section 34-622(c)(2) and governed by LDC Section 34-1351.**

6. The terms and conditions of the original zoning resolution #Z-91-071 remains in full force and effect, except as amended herein.

DULY SIGNED this 11th day of January, A.D., 2006.

BY: _____



Pam Houck, Director
Division of Zoning
Department of Community Development

EXHIBIT A

RHODES & RHODES LAND SURVEYING, INC.

JOHN SCOTT RHODES, P.S.M.

THOMAS E. RHODES, P.S.M.

1440 RAIL HEAD BLVD. #1 NAPLES, FLORIDA 34110

PHONE (239) 593-0570

FAX (239) 593-0581

LEGAL DESCRIPTION

Constitution Plaza

THAT PART OF THE SOUTH ONE-HALF (S 1/2) OF THE NORTHWEST ONE-QUARTER (NW 1/4) AND THAT PART OF THE NORTH ONE-HALF (N-1/2) OF THE SOUTHWEST ONE-QUARTER (SW 1/4) OF SECTION 2, TOWNSHIP 48 SOUTH, RANGE 25 EAST, IN LEE COUNTY, FLORIDA, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

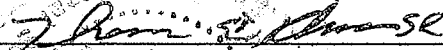
FROM A CONCRETE POST MARKING THE POINT OF INTERSECTION OF THE NORTH LINE OF SOUTH HALF (S 1/2) OF THE NORTHWEST QUARTER (NW 1/4) OF SAID SECTION 2, AND THE WESTERLY RIGHT-OF-WAY LINE OF THE FORT MYERS SOUTHERN RAILROAD COMPANY (ATLANTIC COAST LINE) RUN N 88°47' 50" E ALONG SAID NORTH LINE FOR 767.07 FEET TO THE WESTERLY LINE OF THE MAINTAINED RIGHT-OF-WAY LINE OF STATE ROAD NO. 45 (TAMIAMI TRAIL); THENCE S 31°17'40" W ALONG SAID RIGHT-OF-WAY FOR 432.05 FEET TO THE POINT OF BEGINNING; THENCE CONTINUE S 31°17'40" W ALONG SAID WESTERLY RIGHT-OF-WAY LINE FOR 2120.24 FEET; THENCE N 58°42'20" W FOR 40.32 FEET; THENCE S 31°17'40" W FOR 20.00 FEET; THENCE S 58°42'20" E FOR 40.32 FEET; THENCE S 31°17'40" W FOR 240.77 FEET TO INTERSECTION OF THE EASTERLY RIGHT-OF-WAY LINE OF THE FORT MYERS SOUTHERN RAILROAD COMPANY (ATLANTIC COAST LINE); THENCE N 19°12'30" E ALONG THE SAID EASTERLY RIGHT-OF-WAY FOR 2412.75 FEET TO A POINT ON THE SOUTH RIGHT-OF-WAY OF A 70 FOOT ROAD EASEMENT RECORDED IN O.R. BOOK 414, PAGE 178, OF THE PUBLIC RECORDS OF LEE COUNTY, FLORIDA; THENCE 202.50 FEET SOUTHEASTERLY ALONG SAID SOUTH RIGHT-OF-WAY LINE, ALONG THE ARC OF A CIRCULAR CURVE CONCAVED SOUTHERLY HAVING A RADIUS OF 960.00 FEET WHICH IS SUBTENDED BY A CHORD WHICH BEARS S 64°44'55" E FOR A DISTANCE OF 202.13 FEET; THENCE CONTINUE ALONG SAID SOUTH RIGHT-OF-WAY LINE, S 58°42'20" E FOR 304.18 FEET TO THE POINT OF BEGINNING.

Subject to easements, restrictions and/or reservations of record.

Bearings based on the west right-of-way line of State Road S-887 as being South 31°17'40" West.

RHODES & RHODES LAND SURVEYING, INC.
FLORIDA BUSINESS AUTHORIZATION NO. LB 6897

Applicant's Legal Checked
by Any 05 JAN 06


Thomas E. Rhodes, Sr.
Professional Surveyor and Mapper
State of Florida License Number 5854

NOT VALID WITHOUT THE SIGNATURE AND
THE ORIGINAL RAISED SEAL OF A FLORIDA
LICENSED SURVEYOR AND MAPPER

RECEIVED
JAN 04 2006

COMMUNITY DEVELOPMENT

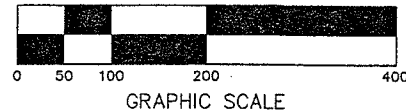
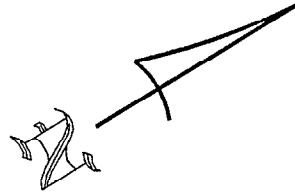
R&R FILE NO. 2004-850drawing for attorney
DATE: 12/16/05

CONSTITUTION PLAZA, A CONDOMINIUM

LEGAL DESCRIPTION

THAT PART OF THE SOUTH ONE-HALF (S 1/2) OF THE NORTHWEST ONE-QUARTER (NW 1/4) AND THAT PART OF THE NORTH ONE-HALF (N 1/2) OF THE SOUTHWEST ONE-QUARTER (SW 1/4) OF SECTION 2, TOWNSHIP 48 SOUTH, RANGE 25 EAST, IN LEE COUNTY, FLORIDA, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

FROM A CONCRETE POST MARKING THE POINT OF INTERSECTION OF THE NORTH LINE OF SOUTH HALF (S 1/2) OF THE NORTHWEST QUARTER (NW 1/4) OF SAID SECTION 2, AND THE WESTERLY RIGHT-OF-WAY LINE OF THE FORT MYERS SOUTHERN RAILROAD COMPANY (ATLANTIC COAST LINE) RUN N 88°47' 50" E ALONG SAID NORTH LINE FOR 767.07 FEET TO THE WESTERLY LINE OF THE MAINTAINED RIGHT-OF-WAY LINE OF STATE ROAD NO. 45 (TAMiami TRAIL); THENCE S 31°17'40" W ALONG SAID RIGHT-OF-WAY FOR 432.05 FEET TO THE POINT OF BEGINNING; THENCE CONTINUE S 31°17'40" W ALONG SAID WESTERLY RIGHT-OF-WAY LINE FOR 2120.24 FEET; THENCE N 58°42'20" W FOR 40.32 FEET; THENCE S 31°17'40" W FOR 20.00 FEET; THENCE S 58°42'20" E FOR 40.32 FEET; THENCE S 31°17'40" W FOR 240.77 FEET TO INTERSECTION OF THE EASTERLY RIGHT-OF-WAY LINE OF THE FORT MYERS SOUTHERN RAILROAD COMPANY (ATLANTIC COAST LINE); THENCE N 19°12'30" E ALONG THE SAID EASTERLY RIGHT-OF-WAY FOR 2412.75 FEET TO A POINT ON THE SOUTH RIGHT-OF-WAY OF A 70 FOOT ROAD EASEMENT RECORDED IN O.R. BOOK 414, PAGE 178, OF THE PUBLIC RECORDS OF LEE COUNTY, FLORIDA; THENCE 202.50 FEET SOUTHEASTERLY ALONG SAID SOUTH RIGHT-OF-WAY LINE, ALONG THE ARC OF A CIRCULAR CURVE CONCAVED SOUTHERLY HAVING A RADIUS OF 960.00 FEET WHICH IS SUBTENDED BY A CHORD WHICH BEARS S 64°44'55" E FOR A DISTANCE OF 202.13 FEET; THENCE CONTINUE ALONG SAID SOUTH RIGHT-OF-WAY LINE, S 58°42'20" E FOR 304.18 FEET TO THE POINT OF BEGINNING.



LINE TABLE		
LINE	LENGTH	BEARING
L1	40.32'	N 58°42'20" W
L2	20.00'	S 31°17'40" W
L3	40.32'	S 58°42'20" E

Curve number 1

Radius= 960.00
Delta= 12°05'10"
Arc= 202.50
Tangent= 101.63
Chord= 202.13
Chord Brg. S 64°44'55" E.

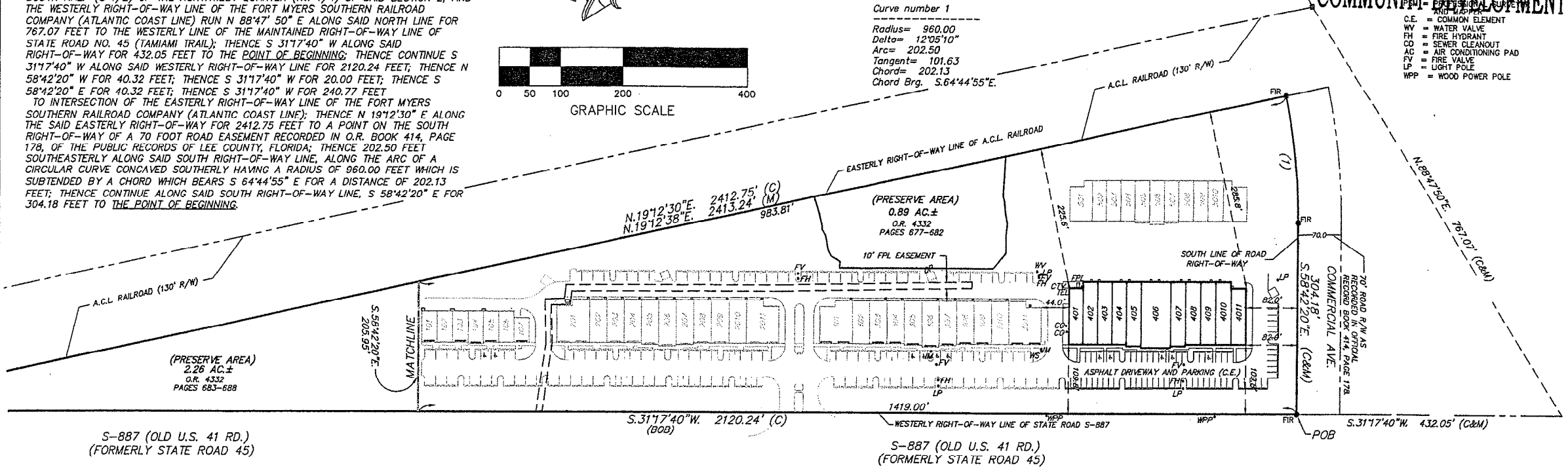
P.O.C.

FCM AT THE INTERSECTION WITH THE WEST RIGHT-OF-WAY LINE OF THE A.C.L. RAILROAD AND THE NORTH LINE OF THE SOUTH HALF (1/2) OF THE NORTHWEST QUARTER (1/4) OF SECTION 2, TOWNSHIP 48 SOUTH, RANGE 25 EAST.

RECORDED
JAN 06 2006

COMMUNITY DEVELOPMENT

ABBREVIATIONS
FPL = FLORIDA POWER & LIGHT
M = MEASURED
WMB = WATER METER BOX
EOP = EDGE OF PAVEMENT
P.O.C. = POINT OF COMMENCEMENT
P.O.B. = POINT OF BEGINNING
R/W = RIGHT-OF-WAY
C.E. = COMMON ELEMENT
WV = WATER VALVE
FH = FIRE HYDRANT
AC = AIR CONDITIONING PAD
FY = FIRE VALVE
LP = LIGHT POLE
WPP = WOOD POWER POLE



FLOOD ZONE: PANEL NO. MAP REVISION DATE
ZONE X 125124 0510 D JULY 20, 1998

CERTIFICATION:

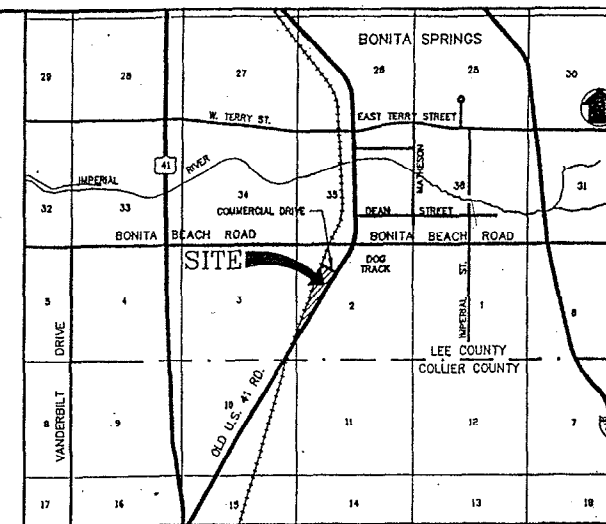
I CERTIFY THAT THIS SURVEY WAS MADE UNDER MY DIRECTION AND THAT IT MEETS THE MINIMUM TECHNICAL STANDARDS SET FORTH BY THE BOARD OF PROFESSIONAL LAND SURVEYORS IN CHAPTER 61017-5, FLORIDA ADMINISTRATIVE CODE, PURSUANT TO CHAPTER 472.027, FLORIDA STATUTES.

THOMAS E. RHODES, SR., P.S.M. #5854
THIS INSTRUMENT PREPARED BY:
THOMAS E. RHODES, SR., P.S.M. #5854
RHODES & RHODES
LAND SURVEYING, INC.
1440 RAIL HEAD BOULEVARD, #1
NAPLES, FLORIDA 34110
(239) 593-0570 FAX NO. (239) 593-0581
FLORIDA BUSINESS LICENSE NO. LB 6897

NOTES

1. BEARINGS ARE BASED ON THE WEST RIGHT-OF-WAY LINE OF STATE ROAD S-887 AS BEING S. 31°17'40" W.
2. ELEVATIONS ARE BASED ON N.G.V.D., 1929 UNLESS NOTED.
3. FIELD MEASUREMENTS ARE IN SUBSTANTIAL AGREEMENT WITH PLAT AND/OR DEED CALLS UNLESS NOTED.
4. SUBJECT TO EASEMENTS OF RECORD.
5. ABSTRACT NOT REVIEWED.
6. SURVEYOR'S CERTIFICATION DOES NOT APPLY TO MATTERS OF TITLE, ZONING, OR FREEDOM OF ENCUMBRANCES, AND IS NOT VALID WITHOUT THE SIGNATURE AND ORIGINAL RAISED SEAL OF A FLORIDA LICENSED SURVEYOR AND MAPPER.
7. NO UNDERGROUND UTILITIES, FOUNDATIONS OR OTHER UNDERGROUND INSTALLATIONS WERE LOCATED UNLESS SHOWN.
8. NO OTHER PERSONS OR ENTITIES, OTHER THAN SHOWN, MAY RELY ON THIS SURVEY.
9. ALL DIMENSIONS ARE IN FEET AND DECIMALS THEREOF, UNLESS OTHERWISE NOTED.
10. LEGAL DESCRIPTION HAS BEEN FURNISHED BY CLIENT.

CONSTITUTION PLAZA, A CONDOMINIUM
CONDOMINIUM SURVEY AND SITE PLAN



LOCATION MAP
N.T.S.

SCHEDULE OF PERMITTED USES

- 1.) ALL USES PERMITTED BY RIGHT IN THE CPD (COMMERCIAL PLANNED DEVELOPMENT) DISTRICT OF LEE COUNTY ZONING ORDINANCE, SECTION 461. *
 - 2.) TEMPORARY SEWAGE TREATMENT PLANT
 - 3.) LIGHT INDUSTRIAL USES SHALL MEET THE GENERAL CONDITIONS OF SECTION 461.E. OF THE LEE COUNTY ZONING ORDINANCE. *
- * ZONING ORDINANCE ADOPTED JUNE 25, 1986 ; EFFECTIVE ON AUGUST 01, 1986; AMENDED THRU JULY 23, 1990.

RECEIVED
DEC 01 2005

PERMIT COUNTER

ADD 2005-00234

SCHEDULE OF DEVIATIONS

SECTION C.3.d., LEE COUNTY DEVELOPMENT STANDARDS ORDINANCE: FROM REQUIRED ACCESS ROAD TO NO ACCESS ROAD. ACCESS ROAD WOULD SERVE NO PURPOSE AS PROPERTY IS BOUNDED ON THE NORTH BY COMMERCIAL DRIVE AND THE SOUTH BY SEMINOLE GULF RAILROAD.

SECTION 6.03 OF LEE COUNTY ORDINANCE NO. 88-31, FROM ALL DEVELOPMENT AND USES WHICH ARE NOT SPECIFICALLY PERMITTED BY THIS ORDINANCE ARE PROHIBITED IN RESOURCE PROTECTION AREAS AND TRANSITION ZONES TO PERMIT THE PROPOSED COMMERCIAL PLANNED DEVELOPMENT. THE PROJECT PROPOSES TO FILL THE AREA OF DEPRESSIONAL SOILS AND MITIGATE TO THE SOUTH AND WEST TO PROVIDE ADDITIONAL WETLANDS WITH EXISTING.

DEVELOPMENT STANDARDS

GROSS AREA: 13.89 ACRES±
FUTURE RIGHT-OF-WAY: 1.34 ACRES±
NET AREA: 12.55 ACRES±
GROSS ALLOWABLE BUILDING SQUARE FOOTAGE: 120,000 SQUARE FEET
BUILDING HEIGHT: 35 FEET (2 STORY)
PARKING: PARKING SHALL BE IN ACCORDANCE WITH THE ZONING REGULATIONS IN EFFECT AT THE TIME OF THE DEVELOPMENT ORDER.

LAND USE :
COMMERCIAL / AUXILIARY INDUSTRIAL USES : 80,000 SQUARE FEET (NOT TO EXCEED 30,000 SQUARE FEET RETAIL)
LIGHT INDUSTRIAL : 40,000 SQUARE FEET

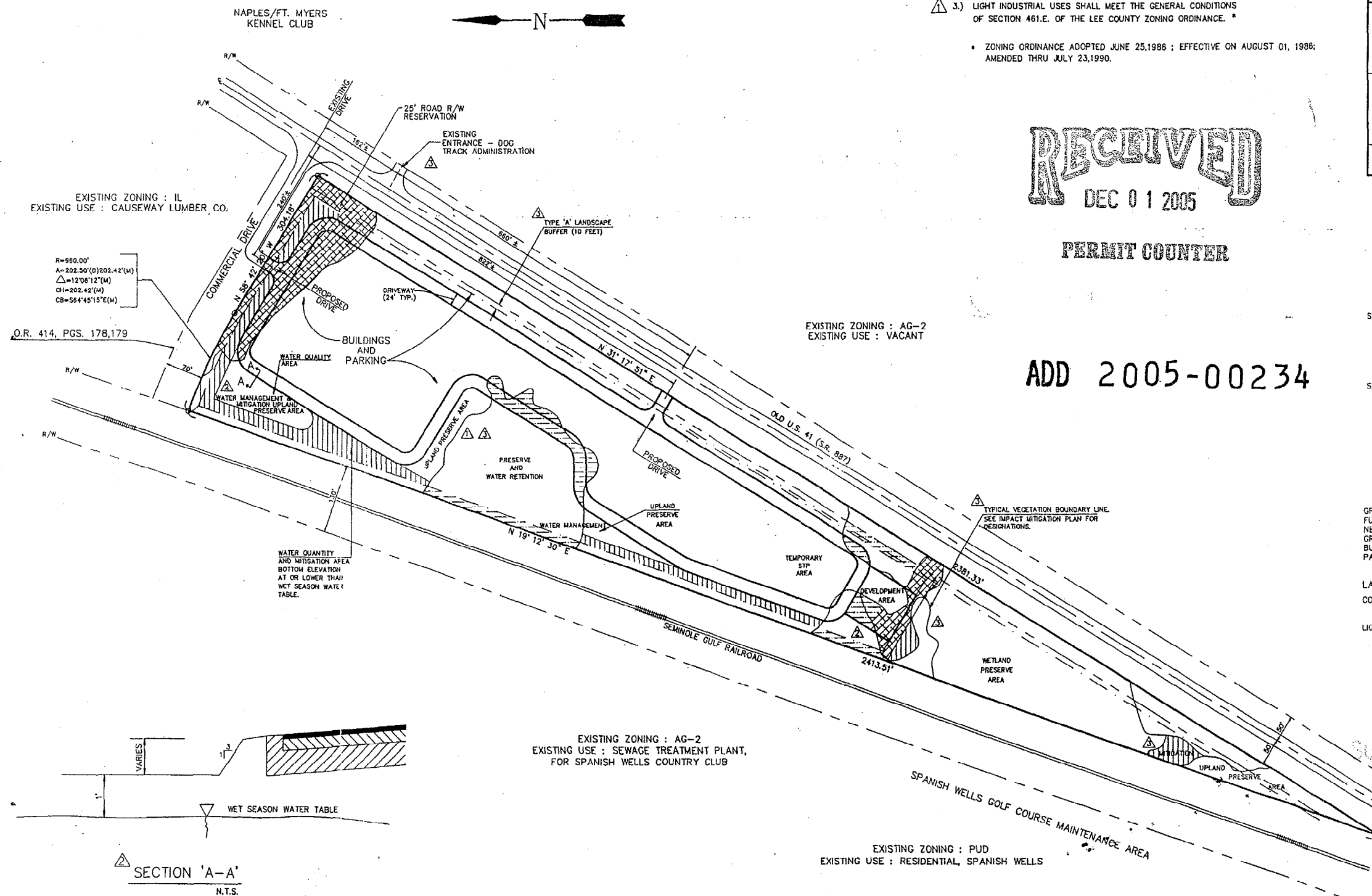
APPROVED
Plan

Subject to Case # **ADD 2005-00234**
Date **1-11-06**

APPROVED

Master Concept Plan
Site Plan # **91-071** Page **1 of 1**
Subject to conditions in Resolution **7-91-071**
Zoning Case # **91-6-11-0012.0020**

STRAP # 02-48-25-00-00012.0020



EXISTING ZONING : IL
EXISTING USE : CAUSEWAY LUMBER CO.

R=900.00'
A=202.50'(D)202.42'(M)
Δ=1208'12"(M)
CI=202.42'(M)
CB=564'45'15"E(M)

O.R. 414, PGS. 178,179

EXISTING ZONING : AG-2
EXISTING USE : VACANT

EXISTING ZONING : AG-2
EXISTING USE : SEWAGE TREATMENT PLANT, FOR SPANISH WELLS COUNTRY CLUB

EXISTING ZONING : PUD
EXISTING USE : RESIDENTIAL, SPANISH WELLS

SECTION 'A-A'
N.T.S.

LEGEND	
	WETLAND IMPACT AREA (SWFMD, COE)
	WETLAND IMPACT AREA (SWFMD, COE AND LEE COUNTY)
	MITIGATION AREA

REVISIONS			
NO.	DATE	DESCRIPTION	BY
1	12/90	REVISIONS PER LEE COUNTY ZONING	B.T.
2	1/91	REVISIONS FOR MITIGATION	B.T.
3	4/91	ADD WETLANDS AREAS	B.T.

PRINTED

MAY 14 1991
Q. GRADY MINOR & ASSOCIATES
CIVIL ENGINEERS

DESIGNED BY: B.T.
DRAWN BY: JLS
APPROVED : QGM
SCALE: 1"=100'

Q. GRADY MINOR AND ASSOCIATES, P.A.
CIVIL ENGINEERS LAND SURVEYORS
10911 BONITA BEACH ROAD
BONITA SPRINGS, FLORIDA 33923 (813) 947-1144

GREYHOUND PLAZA		
MASTER CONCEPT PLAN		
DATE: JULY, 1990	PROJECT CODE: COLO	DRAWING NUMBER 1 of 3

ATTACHMENT A
11-6-11-0012.0020