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

WHEREAS, Brookshire Plaza Corporation, in reference to Brookshire Golf Academy, has properly filed an application for a rezoning from the CC district to Commercial Planned Development; and

WHEREAS, the subject property is located at the northwest quadrant of Six Mile Cypress Parkway and Daniels Parkway, described more particularly as:

LEGAL DESCRIPTION: In Section 19, Township 45 South, Range 25 East, Lee County, Florida:

> Tract K, BROOKSHIRE VILLAGE UNIT ONE, a subdivision in Section 19, Township 45 South, Range 25 East, as recorded in Plat Book 37, Pages 75 and 82, of the Public Records of Lee County, Florida.

WHEREAS, the applicant has indicated the property's current STRAP number is 19-45-25-01-00000.0K00; and

WHEREAS, proper authorization has been given to Avalon Engineering, Inc. and to Michael J. Ciccarone of Goldberg, Goldstein & Buckley, by Brookshire Plaza Corporation, the owner of the subject parcel, to act as agent to pursue this zoning application; and

WHEREAS, a public hearing was legally and properly advertised and held before the Lee County Hearing Examiner, with full consideration of all the evidence available; and the Lee County Hearing Examiner fully reviewed the matter in a public hearing held on March 8, 1994 and subsequently continued to March 18, 1994; and

WHEREAS, a public hearing was legally and properly advertised and held before the Lee County Board of County Commissioners; and the Lee County Board of County Commissioners 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 of County Commissioners does hereby APPROVE WITH CONDITIONS a rezoning from CC to Commercial Planned Development.

The rezoning and Master Concept Plan, which deviate from certain Lee County Standards, are subject to the following conditions:

1. The development of this project shall be in accordance with the one-page Master Concept Plan identified as the "Master Concept Plan for the Brookshire Lakes Family Golf Academy", (Project No. 93068), prepared by Avalon Engineering, dated 10-13-93, stamped received January 12, 1994, except as modified herein. This approval is further modified to allow up to an additional 900 square feet of gross floor area to the proposed 1,600 square foot pro shop-administrative office, to include an ice cream parlor and/or snack bar, as an ancillary use in the same building. One additional parking space shall be provided for each 200 square foot increment in excess of the 1,600 square feet shown on the Master Concept Plan for the pro shop/administrative office.

   Further modification shall be permitted to allow additional tees beyond those shown on the Master Concept Plan, provided that any additional tees are oriented the same as indicated on the Master Concept Plan, and provided further that one additional parking space shall be provided for each additional tee built. In no case may the driving range be reduced in length from the 290 yard distance shown on the Master Concept Plan.

2. Uses on site are limited to a golf driving range (Recreation, Commercial; Group III, Section 1001.38), an office/pro shop, (Specialty Retail Shop; Group I-III, Section 1001.47) which may include an ice cream parlor and/or snack bar. Signage in accordance with the Lee County Sign Ordinance

is permitted; however, the snack bar shall be treated and shall remain as an ancillary use to the golf driving range. Signs promoting the snack shop shall be prohibited.

Approval is also granted for those uses permitted by right within the CC zoning district. However, the Master Concept Plan, as amended herein, allows only for those uses listed above. Therefore, employment of any other permitted CC uses shall require an amendment to the Master Concept Plan through a public hearing process. At that time, expanded buffering, and all paving and parking requirements, and limitations on intensity of use may be considered to address compatibility with nearby residential areas.

3. Should any property damage (residential or vehicular) or hazard to public safety occur as a result of the operation of this facility, the Director of Community Development may direct that additional measures be taken to confine golf balls to the site. Such measures, which are at the discretion of the Director, after consultation with the Brookshire Bath and Tennis Club Association, may include 35 foot high ball netting, additional landscaping or exclusive use of limited flight golf balls. Should the developer fail to comply, Lee County may direct that the golf driving range cease operation until such time as compliance occurs. Ball netting is not approved through this condition, and may only be utilized after specific approval by the Director.

4. No access shall be permitted to the site from Southwell Drive so long as the site is being used as a golf driving range. Sole access to the site during its use as a golf driving range shall be obtained from Brookshire Lake Boulevard. However, nothing in this condition shall be construed so as to reduce the access to the subject parcel from Six Mile Cypress Parkway which might otherwise be permitted, but for this limitation, in the event the property is later developed for other uses.

5. Deviation (1) requests a waiver from Development Standards Ordinance Section C.5.d.(8).e.(1).(c) which requires general landscaping of one (1) tree per 5,000 square feet of development area. Deviation (1) is hereby APPROVED subject to the condition that a 15-foot-wide buffer consisting of five (5) trees and 18 shrubs per 100 linear feet must be installed along the northern property boundary. Trees must be a minimum of 12 feet tall with a 3 inch diameter measured at 3 feet above the ground at the time of planting, and shall be non-deciduous varieties with an average mature spread of crown greater than 15 feet and a normal, mature height greater than 25 feet. Shrub species must be a minimum of 4 feet tall at the time of planting, and must be 100 percent native indigenous, cold tolerant plant species. The trees and shrubs must be spaced so that the residences are "screened" from the driving range. The developer must install a four foot high, chain link fence, with vinyl covering or slats, in the buffer as shown on the Master Concept Plan. The buffer plantings must be located on the outside of the fence and be visible from the abutting property or street. A Type "A" buffer, with berm, shall be provided along the eastern boundary, with trees and shrubs meeting the minimum criteria set out in the Development Standards Ordinance.

   Deviation (2) is a request for a waiver from Development Standards Ordinance Table 9-1 of Section 9.E., which recommends 330-foot spacing between driveways is hereby APPROVED with the condition that access be limited to Brookshire Lake Boulevard pursuant to Condition 4.

   Deviation (3) is a request for a waiver from Zoning Ordinance Section 202.16.G.1.b., which requires all parking spaces to have paved, dust free, all weather surfaces from the aisle to the parking block or curb to allow gravel parking. Deviation (3) is hereby APPROVED with the condition that all handicapped parking spaces and associated aisles adjacent to the spaces, shall be paved prior to Certificate of Completion, per the Development Standards Ordinance; and that all other paving requirements be complied with no later than three years after adoption of this Zoning Resolution.

Deviation (4) is a request for a waiver from Development Standards Ordinance Section 13.D.3., which requires a wall, six feet in height, measured from the highest point of the parking lot perpendicular to the wall, to be constructed required as part of the buffer where any retail commercial or industrial development abuts existing residential development. Deviation (4) is hereby APPROVED subject to the condition that the developer install a 15-foot-wide buffer consisting of five trees and 18 shrubs per 100 linear feet along the northern property boundary. Trees shall be a minimum of 12 feet tall with a 3-inch diameter measured at three feet above the ground at the time of planting, and shall be non-deciduous varieties with an average mature spread of crown greater than 15 feet and a normal, mature height greater than 25 feet. Shrub species must be a minimum of four feet tall at the time of planting, and must be 100 percent native indigenous cold tolerant plant species. The trees and shrubs must be spaced so that the residences are "screened" from the driving range. The developer shall install a 4-foot-high, chain link fence with vinyl covering or slats, in the buffer as shown on the Master Concept Plan. The buffer plantings must be located on the outside of the fence and be visible from the abutting property or street. A Type A buffer shall be provided along the eastern boundary, with trees and shrubs meeting the minimum criteria set out in the Development Standards Ordinance.

Deviation (5) is a request from Zoning Ordinance Section 202.16.J.2.1.2., which would require up to fourteen additional parking spaces for the ice cream parlor and/or snack bar use within the pro shop/administrative office. Deviation (5) is hereby DENIED, since the ice cream parlor and/or snack bar are to be ancillary uses only, and consequently will be addressed under that parking standard.

Site Plan 94-008 is attached hereto and incorporated herein by reference, as a reduced copy of the Master Concept Plan.

The following findings and conclusions were made in conjunction with this approval of CPD zoning:

A. That the adjacent residential development makes approval of the CPD zoning, as conditioned, appropriate.

B. That the CPD zoning, as conditioned, will not have an adverse impact on the intent of the Zoning Ordinance.

C. That the CPD, as conditioned, is consistent with the goals, objectives, policies and intent of the Lee Plan, and with the densities, intensities and general uses set forth in the Lee Plan.

D. That the CPD, as conditioned, meets or exceeds all performance and locational standards set forth for the proposed use.

E. That there are no environmentally critical areas or natural resources to be affected by the CPD zoning.

F. That the CPD, as conditioned, is compatible with the existing or planned uses and will not cause damage, hazard, nuisance or other detriment to persons or property.

G. That the location of the subject property does not place an undue burden upon existing transportation or other services and facilities, and the project will be served by streets with the capacity to carry its traffic.

H. That the requested uses, as conditioned, will comply with all applicable general zoning provisions and supplemental regulations pertaining to the uses, as set forth elsewhere in the Zoning Ordinance.

I. That the mix of uses, as conditioned, is appropriate at the subject location.

J. That the recommended conditions to the Master Concept Plan or other applicable regulations will provide sufficient safeguards to the public interest.

K. That the recommended conditions are reasonably related to the impacts anticipated from the proposed uses.

L. That each approved deviation, as conditioned, enhances the achievement of the objectives of the planned development.

M. That all 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 Douglas St. Cerny and, upon being put to a vote, the result was as follows:

John E. Manning	Aye
Douglas R. St. Cerny	Aye
Ray Judah	Aye
Franklin B. Mann	Aye
John E. Albion	Aye

DULY PASSED AND ADOPTED this 2nd day of May, A.D., 1994.

ATTEST:
CHARLIE GREEN, CLERK

BY: Lisa D. Pierce
Deputy Clerk

BOARD OF COUNTY COMMISSIONERS
OF LEE COUNTY, FLORIDA

BY: Ray Judah
Chairman

Approved as to form by:

County Attorney's Office

FILED

MAY 11 1994

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

SCHEDULE OF DEVIATIONS:

1.) Deviation from D.S.O. Section C.5.a. (3) a. (1) (d) which requires general landscaping of one (1) tree per 5,000 square feet of development area to be deleted.

2.) Deviation from D.S.O. Table 9-1 of Section 9E which recommends 330' spacing of driveways.

3.) Deviation for parking lot surface 202.16.G.1

TURNING MOVEMENTS

INGRESS (703) EASTBOUND ON DANIELS ROAD
INGRESS (302) WESTBOUND ON DANIELS ROAD

TRAFFIC TRIP GENERATIONS:*

Average Day	Peak Hour	Peak Hour PM
335	43	50

* NO PUBLISHED CODES FOR THIS LAND USE, BUT COUNTS WERE CONDUCTED AT TWO SIMILAR FACILITIES (40% 20 TEES) AND PRORATED.

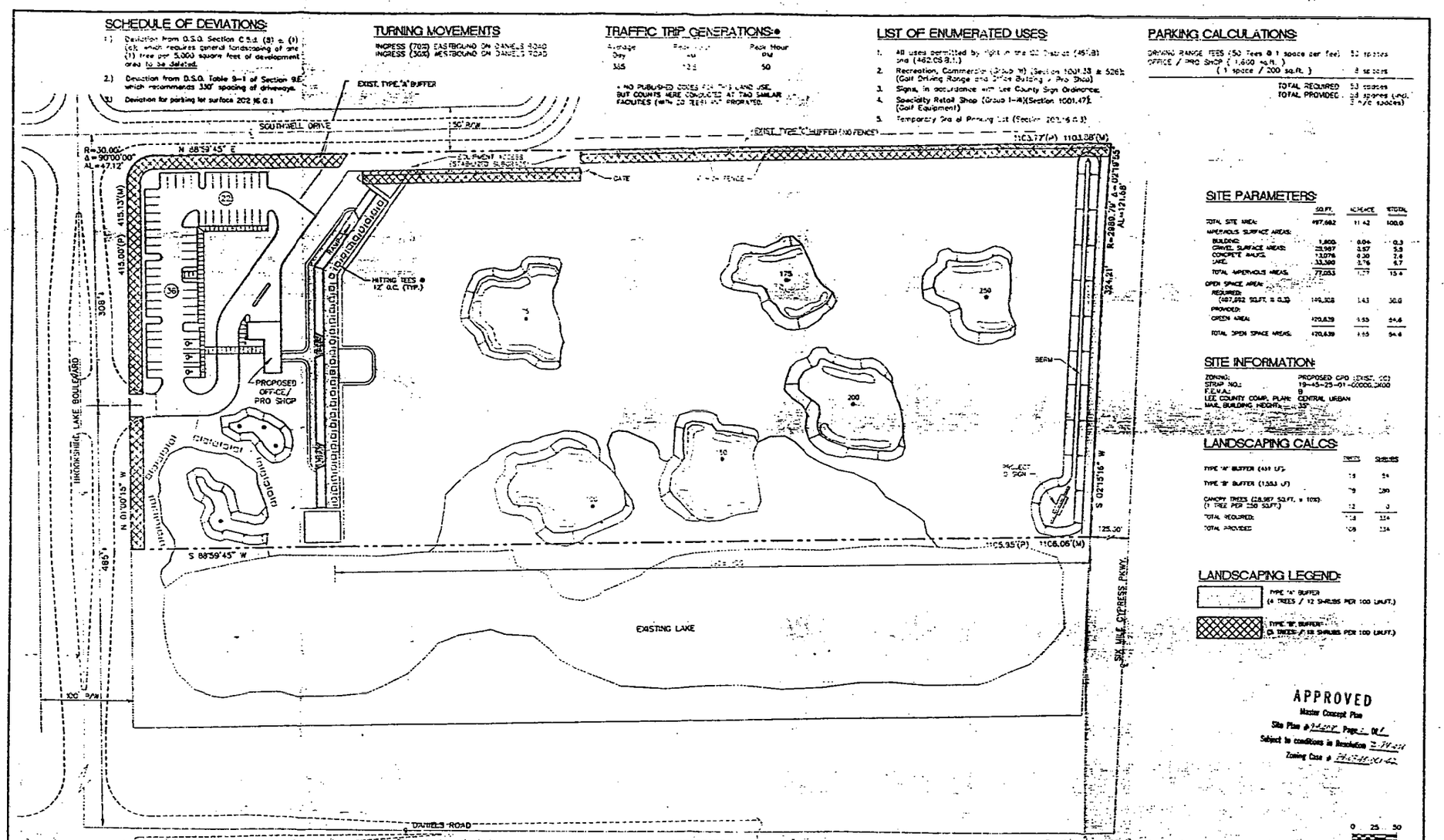
LIST OF ENUMERATED USES:

1. All uses permitted by right in the CC District (461.8) and (442.CS.B.1.)
2. Recreation, Commercial (Group IV) (Section 1001.33 & 526) (Golf Driving Range and Office Building / Pro Shop)
3. Signs, in accordance with Lee County Sign Ordinance.
4. Specialty Retail Shop (Group I-A)(Section 1001.47) (Golf Equipment)
5. Temporary Use of Parking Lot (Section 202.16.G.3)

PARKING CALCULATIONS:

DRIVING RANGE TEES (50 Tees @ 1 space per tee) 50 spaces
OFFICE / PRO SHOP (1,600 sq.ft. / 1 space / 200 sq.ft.) 8 spaces

TOTAL REQUIRED 58 spaces
TOTAL PROVIDED 58 spaces (incl. 3 H/C spaces)



SITE PARAMETERS:

	SQ.FT.	ACREAGE	TOTAL
TOTAL SITE AREA:	497,662	11.42	100.0
IMPERVIOUS SURFACE AREAS:			
BUILDING:	1,600	0.04	0.3
GRAVEL SURFACE AREAS:	28,987	0.67	5.8
CONCRETE AREAS:	12,078	0.30	2.4
LAKE:	33,360	0.76	6.7
TOTAL IMPERVIOUS AREAS:	77,053	1.77	15.4
OPEN SPACE AREA:			
REQUIRED: (497,662 SQ.FT. x 0.3)	149,308	3.43	30.0
PROVIDED:			
GREEN AREA:	420,639	9.65	84.6
TOTAL OPEN SPACE AREAS:	420,639	9.65	84.6

SITE INFORMATION:

ZONING: PROPOSED CPD (EXIST. CC)
STRAP NO.: 19-45-25-01-00000.3000
F.E.M.A.: B
LEE COUNTY COMP. PLAN: CENTRAL URBAN
MAX. BUILDING HEIGHT: 35'

LANDSCAPING CALCS:

	TREES	SHRUBS
TYPE "A" BUFFER (431 LF)	18	54
TYPE "B" BUFFER (1,553 LF)	78	280
CANOPY TREES (28,987 SQ.FT. x 10%) (1 TREE PER 250 SQ.FT.)	12	0
TOTAL REQUIRED:	108	334
TOTAL PROVIDED:	108	334

LANDSCAPING LEGEND:

TYPE "A" BUFFER (4 TREES / 12 SHRUBS PER 100 LIN.FT.)

TYPE "B" BUFFER: (5 TREES / 18 SHRUBS PER 100 LIN.FT.)

APPROVED
Master Concept Plan
Site Plan # 94-007 Page 1 of 1
Subject to conditions in Resolution Z-94-031
Zoning Case # 94-07-031.02

0 25 50
(IN FEET)

AVALON ENGINEERING, INC.
1620 CAPE CORAL PKWY. (EAST)
CAPE CORAL, FLORIDA 33904
(813) 549-3559

DrMASTER 12-13-93
Drawn CAD
Designed DBS
Checked EJC
Date 10-13-93
Project No. 93058

DEVELOPER:
BROOKSHIRE PLAZA CORP.
307 WEST CLEMATIS
SUITE 207
WEST PALM BEACH, FLORIDA
33401

BROOKSHIRE LAKES FAMILY GOLF ACADEMY
BROOKSHIRE LAKE BOULEVARD
FT. MYERS, FLORIDA

REVISIONS:

NO.	DATE	BY	DESCRIPTION
1	12-20-93	LJL	SUFFICIENCY LETTER (MATER'S COMMENTS)

MASTER CONCEPT PLAN

SHT. No. 1 OF 1