

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

WHEREAS, Michael L. Culver and Vicki Z. Culver, in reference to Culver Carpets, have filed an application for a rezoning from RS-1 (Residential) to CPD (Commercial Planned Development); and

WHEREAS, the subject property is located at 800 Adams Avenue, Lehigh Acres, and is described more particularly as:

LEGAL DESCRIPTION: In Section 32, Township 44 South, Range 27 East, Lee County, Florida:

Lots 22 & 23, Block 2, Unit 1, LEE LAND HEIGHTS SUBDIVISION, as recorded in Plat Book 9, Page 124, of the Public Records of Lee County, Florida, lying in Section 32, Township 44 South, Range 27 East.

WHEREAS, the applicant has indicated the property's current STRAP number is 32-44-27-01-00002.0220; and

WHEREAS, Michael L. Culver and Vicki Z. Culver, the owners of the subject parcel, authorized Humphrey & Knott, P.A., to act as agents to pursue this zoning application; and

WHEREAS, a public hearing was advertised and held on April 4, 1995, before the Lee County Hearing Examiner who gave full consideration of all the evidence available; and

WHEREAS, a public hearing was properly advertised and held on June 19, 1995, 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 a rezoning from RS-1 to CPD.

SECTION I. CONDITIONS:

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

- A. The development of this project must be in accordance with the one-page Master Concept Plan identified as Zoning Site Plan For Michael and Vicki Culver, prepared by Carter & Burgess, Inc., dated May 16, 1994, revised January 25, 1995, stamped received February 3, 1995, except as modified by the conditions below.

This approval does not alleviate the need to comply with all state and county development regulations except as specifically modified by this approval.

B.1) Based on the referenced Master Concept Plan, Applicants are limited to one (maximum) 3,000-square-foot building for the display and sale of carpets and floor coverings (Household & Office Furnishings, Group I).

2) Applicants may convert the 3,000-square-foot building to one of the following uses, PROVIDED NO DEVIATIONS are required from the established minimum standards of the Land Development Code for parking, open space, buffering, structure setbacks, site coverage and site area for such use:

Cleaning & Maintenance Services (No Repairs)  
Household & Office Furnishing, Groups I and II  
Laundry or Dry Cleaning, Group II - limited to Carpet &  
Upholstery Cleaning  
Specialty Retail, Group I ONLY  
Signs, in accordance with the Lee County Sign Ordinance

3) No more than one (1) retail business/use may occupy the 3,000-square-foot building at a time.

C. No structure on the site may exceed 35 feet in height. All structures must be architecturally compatible with the residential character of the surrounding neighborhood.

D. Applicants must provide an opaque 8-foot-high wooden or masonry fence with a 20-foot-wide Type "C/D" buffer along the south and west sides of the property. No less than a 10-foot-wide Type "A" buffer will be provided along Adams Avenue and Homestead Road.

Buffering for this project must be provided in accordance with the Master Concept Plan which should be interpreted using the following table:

BUFFER TYPES						
	A	B	C	D	E	F
Minimum width	10'	15'	15'	20'	30'	40'
Minimum landscaping (1):						
a. Trees	4	5	5	6	6	10
b. Shrubs	12	18	18	30	30	60
Fence, wall or visual screen required	No	No	Yes	No	Yes	No

Notes:

- (1) Required number of trees and shrubs per 100 linear feet. Each 100 feet of buffer or portion thereof, must contain the required number of trees and shrubs. Buffers which are 500 feet or greater in length and which abut arterials or collectors must be allowed to cluster buffer plantings in 200-foot increments. Refer to Land Development Code Section 10-416 for additional information.
- (2) A fence, wall, berm, vegetative hedge or combination thereof not less than eight feet in height must be constructed so that visibility through such structures is not more than 25 percent when viewed at right angles. When a vegetative hedge is installed, the required number of trees and shrubs must be that which is necessary to achieve the opacity requirements.
- (3) A wall, six feet in height, measured from the highest point of the parking lot perpendicular to the wall, must be part of the buffer where any retail commercial or industrial development abuts existing residential development. The wall must be constructed of concrete, brick, stone, concrete block with stucco or other decorative masonry material. All trees and shrubs required in the buffer must be placed on the residential side of the visual screen.
- (4) Any fence, wall, berm, plants or other landscape features must be placed so as not to violate the requirements of LDC Section 34-3131, pertaining to vehicle visibility.
- (5) When a fence or wall is proposed in a perimeter buffer where one is not required, the fence or wall must be located so that the buffer trees and shrubs are planted on the outside of the wall and are visible from the abutting property or street.

All buffering comments, conditions and clarifications for this project must be referred to LDC Section 10, Division 6, as it existed on October 1, 1994.

- E. The hours of operation for any business occupying this site may not exceed 8:00 a.m. to 9:00 p.m., daily, and may not receive nor dispatch delivery vans or trucks after 9:00 p.m. or before 8:00 a.m.

- F. This zoning approval does not address the mitigation of the project's traffic impacts. Additional conditions may be required at the time of local Development Order approval in accordance with the Land Development Code.
- G. Approval of this rezoning does nothing more than change the zoning district wherein the property lies. It does not grant or vest in the developer any present or future development rights that may exceed any Lee Plan use restrictions as set forth in the 2010 (Roberts) Overlay or any other Lee Plan provisions.

#### SECTION II. DEVIATIONS:

The Master Concept Plan deviates from several Lee County development standards. The proposed deviations are granted or denied as set forth below:

- A. Deviation (1) requests relief from LDC Section 10-285(a) which requires a 660-foot connection separation for arterial streets, to allow a connection separation distance of 125.6 feet for the access point onto Homestead Road. The requested deviation is APPROVED.
- B. Deviation (2) requests relief from LDC Section 10-285(a) which requires a minimum connection separation of 125 feet on local streets, to allow a connection separation of 71 feet on Adams Avenue. The requested deviation is APPROVED.

#### SECTION III. MASTER CONCEPT PLAN:

A one-page reduced copy of the Master Concept Plan is attached to and incorporated into this Resolution by reference.

#### SECTION IV. FINDINGS AND CONCLUSIONS:

The following findings and conclusions were made in conjunction with the approval of the requested zoning:

- A. The property will be subject to the Lehigh Redevelopment Plan, when adopted.
- B. The property falls within a future commercial development area as designated by the draft Lehigh Redevelopment Plan.
- C. There is no error or ambiguity which must be corrected by the CPD rezoning.
- D. The CPD zoning, as conditioned:
  - (1) will not have an adverse impact on the intent of the Land Development Code;

- (2) is consistent with the goals, objectives, policies and intent of the Lee Plan, and with the densities, intensities, and general uses set forth for the proposed use;
  - (3) meets or exceeds all performance and locational standards set forth for the proposed use;
  - (4) will comply with all applicable general zoning provisions and supplemental regulations pertaining to the uses set forth in Chapter 34, Zoning, Land Development Code;
  - (5) will be compatible with existing or planned uses and will not cause damage, hazard, nuisance, or other detriment to persons or property; and
  - (6) will not place an undue burden upon existing transportation or other services and facilities. The development will be served by streets with the capacity to carry traffic generated by the development.
  - (7) is appropriate because of changing conditions related to the future development potential of the property, its proximity to the strip shopping center, the increasing traffic impacts from delivery and customer traffic entering/leaving the shopping center, and the other commercial rezonings south of the property.
- E. Urban services are or will be available and adequate to serve the property if developed with the proposed uses.
- G. There are no environmentally critical areas or listed plant or animal species on the site.
- H. The Lee County regulations coupled with the recommended conditions will provide sufficient safeguards to the public interest.
- I. The recommended conditions are reasonably related to the impacts on the public's interest created by or expected from the proposed uses.
- J. Each approved deviation enhances the achievement of the objectives of the CPD and will promote or preserve the protection of the public health, safety and welfare.

The foregoing Resolution was adopted by the Lee County Board of County Commissioners upon a motion by Commissioner Manning, and seconded by Commissioner Coy 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	Absent

DULY PASSED AND ADOPTED this 19th day of June, A.D., 1995.

ATTEST:  
CHARLIE GREEN, CLERK

BY: *Lisa L. Perice*  
Deputy Clerk

BOARD OF COUNTY COMMISSIONERS  
OF LEE COUNTY, FLORIDA

BY: *John E. Albion*  
Chairman

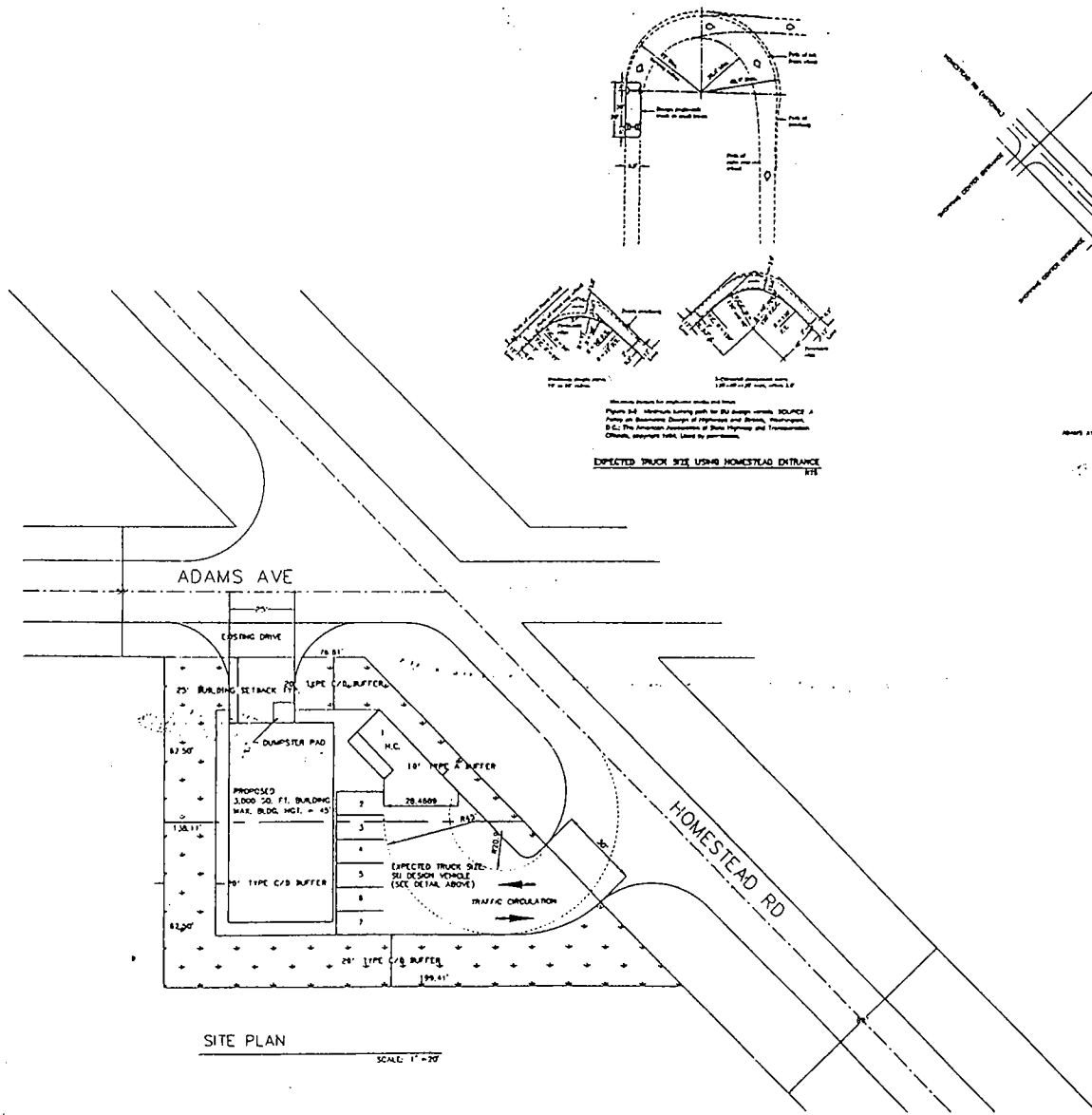
Approved as to form by:

*[Signature]*  
County Attorney's Office

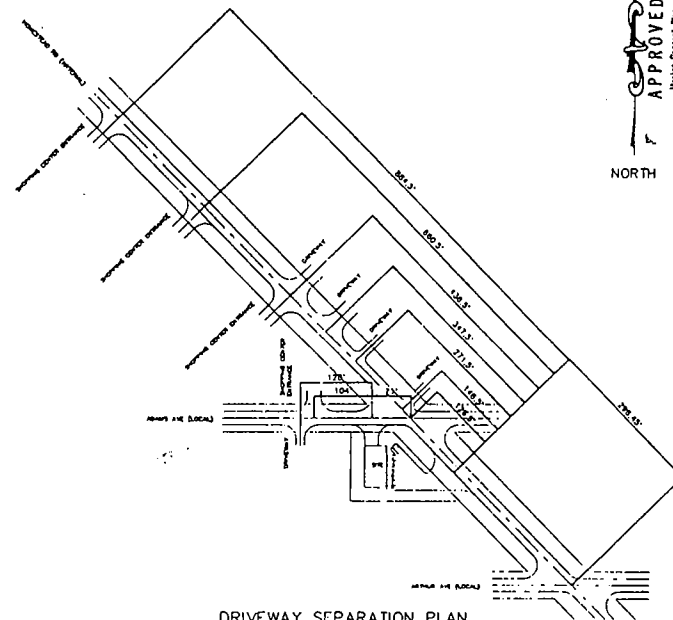
FILED

JUN 26 1995

CLERK CIRCUIT COURT  
BY *Lisa L. Perice* D.C.



EXPECTED TRUCK SIZE USING HOMESTEAD ENTRANCE



UNIT NO. 1  
LEELAND HEIGHTS  
SECTION 32, TWP. 44 S., ROL. 27 E.  
LOTS 22 & 23

**PARKING REQUIREMENTS (LARGE PRODUCTS AND COMMODITIES)**

PROPOSED BUILDING HAS 2400 S.F. OF SALES AREA AT 1 SPACE PER 400 S.F.:  
2400/400 = 6 SPACES  
PROPOSED BUILDING HAS 800 S.F. OF DEAD STORAGE AREA NOT ACCESSIBLE  
TO THE PUBLIC AT 1 SPACE PER 1000 S.F.:  
800/1000 = 0.8 OR 1 SPACE

SITE AREA = 17,283.75 SQ. FT. (0.396 AC.)  
OPEN SPACE/BUFFER PROVIDED = 7,128 SQ. FT. (0.163 AC.)

LEE COUNTY LAND USE CLASSIFICATION FOR THIS SITE IS CENTRAL URBAN

**REQUESTED USES**

CLEANING & MAINTENANCE SERVICE (NO REPAIRS)  
HOUSEHOLD & OFFICE FURNISHINGS - GROUPS 1 & 2  
LAUNDRY OR DRY CLEANING - GROUP 2, LIMITED TO CARPET & UPHOLSTERY CLEANING  
PERSONAL SERVICES - GROUP 1  
SPECIALTY RETAIL - GROUPS 1 & 2  
SHOWS IN ACCORDANCE WITH THE LEE COUNTY SIGN ORDINANCE  
CLOTHING STORE, FURNITURE

**DEVIATIONS**

DEVIATION #1  
DEVIATION REQUESTED FROM SEC. 10-283 INTERSECTION SEPARATION REQUIREMENT OF 800'  
FOR ARTERIAL STREETS TO 120.3' AS SHOWN ON PLAN ABOVE.  
DEVIATION #2  
DEVIATION REQUESTED FROM SEC. 10-283 INTERSECTION SEPARATION REQUIREMENT OF 125'  
FOR LOCAL STREETS TO 71' AS SHOWN ON PLAN ABOVE.

RECEIVED  
FEB 03 2015

ZONING COUNTER

PROJECT NO. 25-021/1-1				DATE 1/15/15			
SHEET NO. 1				DATE 1/15/15			
DRAWN BY J. BURGES				CHECKED BY J. BURGES			
APPROVED BY J. BURGES				DATE 1/15/15			
ZONING SITE PLAN FOR: <b>MICHAEL &amp; WOOD OLIVER</b> LEHIGH, FLORIDA							
<b>Carter-Burgess</b> CARTER & BURGESS, INC. 1000 W. 10TH AVE., SUITE 100 LEHIGH, FLORIDA 32151-1000 (407) 886-1000							
SHEET <b>1</b>							

25-021-036.022