19.50 BILLED

2438827

RESOLUTION OF THE BOARD OF COUNTY COMMISSIONERS

OF LEE COUNTY, FLORIDA

RECORD VERIFIED - CHARLIE GREEN, CLERK
BY: H. FERNSTROM, D.C.

OR1982 PG4633

WHEREAS, Louis Bachrodt, III, has properly filed an application for a rezoning from CC, and CC with a special exception for a self-service gas station, to Commercial Planned Development, to permit an automobile dealership with service & repair facilities and other commercial uses with a maximum of 36,000 square feet, not to exceed 35 feet above average grade, on 4.3± total acres of land. The proposed development will also include any use allowed in the CC (Community Commercial) zoning category; and

WHEREAS, the subject property is located at 15600 South Tamiami Trail, described more particularly as:

LEGAL DESCRIPTION: In Section 36, Township 45 South, Range 24 East, Lee County, Florida:

> The North 320 feet of the South 500 feet of the Northeast Quarter (NE¼) of the Southwest Quarter (SW¼), lying west of U.S. 41, in Section 36, Township 45 South, Range 24 East, Lee County, Florida. Legal further described below:
>
> Subject to existing easements, restrictions and reservations of record.
>
> Starting at a concrete monument marking the Southwest Quarter (SE¼) of the Northeast Quarter (NE¼) of the Southwest Quarter (SW¼) of Section 36, Township 45 South, Range 24 East, THENCE N.00°48'20"W. along said West line of said fraction for 180.13 feet to a concrete monument and the POINT OF BEGINNING. THENCE continuing N.00°48'20"W. along said West line for 320.13 feet to a concrete monument; THENCE N.89°00'04"E. parallel with the South line of said fraction for 489.91 feet; THENCE S.31°35'30"E. along the Westerly right-of-way line of State Road 45 (U.S. 41 Tamiami Trail) for 371.89 feet to a concrete monument, THENCE S.89°00'04"W. parallel with the South line of said fraction for 680.25 feet to the POINT OF BEGINNING. From Official Records Book 1822, Page 2888.

WHEREAS, the applicant has indicated the property's current STRAP number is 36-45-24-00-00016.001B; and

WHEREAS, proper authorization has been given to M. W. Morris & Associates, Inc., by Louis C. Bachrodt, III, the owner of the subject parcel, to act as agent to pursue this zoning application; and

(3063Z/47)
(4294L)

WHEREAS, a public hearing was legally and properly advertised and held before the Lee County Planning and Zoning Commission, with full consideration of all the evidence available to the Planning and Zoning Commission; and

WHEREAS, the Lee County Planning and Zoning Commission fully reviewed the matter in a public hearing held on March 7, 1988; and

WHEREAS, a public hearing was legally and properly advertised and held before the Lee County Board of County Commissioners; and

WHEREAS, in the legislative process the Lee County Board of County Commissioners gave full and complete consideration to the recommendations of the staff, the Planning and Zoning Commission, 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:

Approval is subject to the following conditions:

1. The Master Concept Plan is a one-sheet plan titled "CPD Master Concept Plan prepared for Louis Bachrodt" drawn by M.W. Morris and Associates, dated February 5, 1988 and stamped received February 5, 1988, except as modified herein.

2. The schedule of uses is limited to the following:

   a. Uses permitted by right in the CC district as amended from time to time;
   b. Vehicle and equipment dealers, Groups I, III, and IV; and
   c. Automotive repair and service, Group II.

   Any additional uses not listed herein shall be reviewed as an amendment to the Master Concept Plan.

3. Approval of this request does not exempt the applicant from compliance with all other zoning and development review regulations.

4. Prior to final plan approval, the applicant shall make all necessary arrangements with the South Trail Fire Control and Rescue District to offset a proportionate share of the costs required to provide adequate fire protection services to the project. Also to be discussed is the potential type and use of hazardous materials if any, which will be located on the site.

5. The development shall be permitted an on-site individual sewage disposal system (septic system) in compliance with all applicable regulations. Should a public sewer system be developed within 1/4 mile of this site with sufficient capacity to serve this development, this development shall be required to tie into that system.

OR1982 PG4634

(3063Z/48)
(4294L)

Site Plan 88-068 is attached hereto and incorporated herein by reference, as a reduced copy of the Master Concept Plan.

The following findings of fact were made in conjunction with this approval of Commercial Planned Development zoning:

a) The proposed uses are, as limited by the conditions herein, appropriate at the subject location;

b) Sufficient safeguards to the public interest are provided by the recommended conditions on the Master Concept Plan and by other applicable regulations;

c) All conditions found on the Master Concept Plan and recommended by staff are reasonably related to the impacts on the public's interest created by or expected from the proposed development; and

d) The general intent of these regulations, to protect the public health, safety, and welfare, is preserved and promoted.

The foregoing Resolution was adopted by the Lee County Board of County Commissioners upon a motion by Commissioner Mary Ann Wallace, and seconded by Commissioner John E. Manning and, upon being put to a vote, the result was as follows:

John E. Manning	AYE
Charles L. Bigelow, Jr.	ABSTAIN
Mary Ann Wallace	AYE
Bill Fussell	AYE
Donald D. Slisher	AYE

DULY PASSED AND ADOPTED this 28th day of March, A.D., 1988.

ATTEST:
CHARLIE GREEN, CLERK

BY: _____
Deputy Clerk

BOARD OF COUNTY COMMISSIONERS
OF LEE COUNTY, FLORIDA

BY: _____
Chairman

Approved as to form by:

_____
County Attorney's Office

FILED

APR 8 1988

CLERK CIRCUIT COURT
BY _____ D.C.

OR1982 PG4635

(3063Z/49)
(4294L)

C.P.D. MASTER CONCEPT PLAN: 0R1982

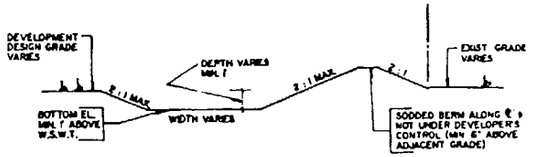
P64636

PROPOSED USE: COMMUNITY COMMERCIAL (all uses)
vehicle and equipment dealers (group I, III, & IV)
automotive repair and service (group II)

MAXIMUM COVERAGE OF BUILDINGS = 36,000 S.F.

MAXIMUM BUILDING HEIGHT < 35', 3 STORIES

RECORDED & RECORD VERIFIED
Charlie Green
CLERK CIRCUIT COURT
LEE COUNTY
APR 15 3 39 PM '88



DRY RETENTION / DETENTION AREA
TYPICAL SECTION

SPECIFIC LOCATION(S) & SIZE(S) TO BE DETERMINED IN ACCORDANCE WITH FINAL SITE DESIGNS AND APPLICABLE REGULATORY REQMTS.

CPD ABUTS CC (VACANT)
15' BUFFER REQ'D.
(DSO TYPE "B" PLANTINGS)
25 TREES, 88 SHRUBS

PROPOSED FRONTAGE ROAD CONNECTION TO ADJOINING PROPERTY

NOTE: BUILDINGS TO BE LOCATED WITHIN DEVELOPMENT AREA IN CONFORMANCE WITH ALL LEE COUNTY ZONING ORDINANCE REQMTS NO SETBACK DEVIATIONS REQUESTED.

NOTE: PRIMARY ENTRANCE TO DEVELOPMENT VIA FRONTAGE ROAD. SPECIFIC LOCATION(S) TO BE IN COMPLIANCE WITH APPLICABLE LEE COUNTY REGULATIONS TO BE SHOWN ON FINAL DEVELOPMENT ORDER PLANS.

CPD ABUTS AG
25' BUFFER REQ'D.
(DSO TYPE "D" PLANTINGS)
16 TREES, 77 SHRUBS

DEVELOPMENT AREA

EXISTING ZONING : ① COMMUNITY COMMERCIAL (N 100')
② COMMUNITY COMMERCIAL (S 220') (W/ SPECIAL EXCEPTION)

PROPOSED ZONING : COMMERCIAL PLANNED DEVELOPMENT

TOTAL GROSS AREA 4.3 ACRES

TOTAL DEVELOPABLE AREA 4.3 ACRES

CPD ABUTS ARTERIAL ROAD
(Q. BUFFER REQ'D.
(DSO TYPE "A" PLANTINGS)
15 TREES, 43 SHRUBS

NOTE: A MINIMUM OF 30% OPEN SPACE PROVIDED PER SECTION 10426 OF THE LEE COUNTY ZONING ORDINANCE. A MINIMUM OF 25% OF REQUIRED OPEN SPACE SHALL CONSIST OF [illegible] PRESERVED ALL OPEN SPACE REQMTS OF THE LEE COUNTY DSO SHALL BE COMPLIED WITH AT TIME OF APPLICATION FOR D.O.

NOTE: BUFFER AND OPEN SPACE AREAS SHALL UTILIZE EXISTING VEGETATION FOR REQUIRED PLANTINGS TO GREATEST POSSIBLE EXTENT AS CONDITIONS PERMIT. TREE WELLS SHALL BE PROVIDED WHERE FILL MAY ENCROACH WITHIN DRIPLINE OF TREES TO BE PRESERVED. AS A MINIMUM TREES AT [illegible] SHALL BE AN "ISA" SHALL BE PROTECTED DURING CONSTRUCTION IN ACCORDANCE WITH LEE COUNTY TREE PROTECTION REQMTS.

NOTE: SEPTIC SYSTEM TO BE CONSTRUCTED PER DSO [illegible] (IF LIQUID GAS NEEDED) LOCATION TO BE WITHIN FRONT 50% OF PARCEL FLOWS < 2,000 GPD

CPD ABUTS COMMERCIAL (RETAIL USE)
(ZONED CC)
15' BUFFER REQ'D.
(DSO TYPE "B" PLANTINGS)
34 TREES, 122 SHRUBS

PROPOSED FRONTAGE ROAD CONNECTION TO ADJOINING PROPERTY

NOTE: PROP. FRONTAGE ROAD TO BE CONSTRUCTED IN CONFORMANCE WITH DSO APPENDIX D-4

CC (VACANT)

NORTH

1" = 30'

TEMPORARY ACCESS POINT
TO F.D.O.T. PERMIT REQMTS. TO BE REMOVED UPON CONNECTION OF FRONTAGE ROAD TO PERMANENT ACCESS POINT NORTH OR SOUTH DESIGN MAY VARY TO MEET FDOT REQMTS

AG (ABANDONED SINGLE FAMILY)

U.S. 41 (northbound lanes)

U.S. 41 (southbound lanes)

44.5' (FROG R/W) 24' LANE DIVIDED ARTERIAL ROADWAY

R/W LINE

R/W LINE

EXIST. FIRE HYDRANT

RECEIVED
FEB 5 1988
ZONING COUNTER

APPROVED
Site Plan # 88-045 / / FEB 5 1988
Subject to cond. 2-88-045
Zoning Case # 88-3-17DCI REV. 10/87

LEGAL DESCRIPTION

THE NORTH 330 FEET OF THE SOUTH 500 FEET OF THE NORTHEAST QUARTER (NE 1/4) OF THE SOUTHWEST QUARTER (SW 1/4), LYING WEST OF U.S. 41, IN SECTION 36, TOWNSHIP 45 SOUTH, RANGE 24 EAST, LEE COUNTY, FLORIDA. LEGAL FURTHER DESCRIBED BELOW:

SUBJECT TO EXISTING EASEMENTS, RESTRICTIONS AND RESERVATIONS OF RECORD.

STARTING AT A CONCRETE MONUMENT MARKING THE SOUTHWEST QUARTER OF THE NORTHEAST QUARTER OF THE SOUTHWEST QUARTER OF SECTION 36, TOWNSHIP 45 SOUTH, RANGE 24 EAST, THENCE N 00°40'39" E ALONG SAID WEST LINE OF SAID FRACTION FOR 160.13 FEET TO A CONCRETE MONUMENT AND THE POINT OF BEGINNING; THENCE CONTINUING N 0°40'39"W ALONG SAID WEST LINE FOR 329.13 FEET TO A CONCRETE MONUMENT; THENCE S 89°20'04" E PARALLEL WITH THE SOUTH LINE OF SAID FRACTION FOR 600.01 FEET; THENCE S 31°33'50" E ALONG THE WESTERLY RIGHT-OF-WAY LINE OF STATE ROAD 45 (U.S. 41 TAMIAMI TRAIL) FOR 391.89 FEET TO A CONCRETE MONUMENT; THENCE S 89°20'04" W PARALLEL WITH THE SOUTH LINE OF SAID FRACTION FOR 680.25 FEET TO THE POINT OF BEGINNING. FROM OFFICIAL RECORDS BOOK 1823, PAGE 2888.

M.W. MORRIS & ASSOCIATES
ENGINEERS & PLANNERS
P.O. BOX 06748 - FORT MYERS, FLORIDA 33906
PH. (813) 936-0888

C.P.D. MASTER CONCEPT PLAN
PREPARED FOR: LOUIS BACKROOT

SHEET 1 of 1
DRN # 87-040