

2457762

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

WHEREAS, Sal Bruno has properly filed an application on a project known as Bruno Plaza, Phase II for a rezoning from TFC-2 to Commercial Planned Development, to permit a commercial development with a maximum of 6,200 square feet not to exceed 20 feet above average grade, on 1± total acre of land. The proposed development will include retail uses and any other uses in the CC zoning district.

The proposed development will include all uses permitted by right and special exception but shall not include auto repair and service, non-store retailers, commercial recreation, self service fuel pumps, transportation services or essential service facilities.

NOTE: If approved, the Master Concept Plan will deviate from the following Lee County standards:

- (1) Requirement that parking and internal roads or drives shall not be closer to the development perimeter than 25 feet (Section 461 C.2.9.2) to 5 feet excepting the westerly boundary shall be 20 feet.
- (2) Requirement that excavation-water retention shall be set back a minimum of 50 feet from a private property under separate ownership (Section 518.C.4.), to no less than 3 feet; and

WHEREAS, the subject property is located at 15560 McGregor Boulevard, described more particularly as:

LEGAL DESCRIPTION: In Section 31, Township 45 South, Range 24 East, Lee County, Florida:

A tract or parcel of land lying in the NW¼ of the SW¼ of Section 31, Township 45 South, Range 24 East, Lee County, Florida, further described as follows: Commence at the NW corner of the SW¼ of said Section 31, thence run N.89°07'00"E., along the North line of said SW¼ of Section 31, for 832.47 feet to the POING OF BEGINNING of parcel herein described; From said POINT OF BEGINNING continue N.89°07'00"E., for 350.33 feet; THENCE run S.49°28'00"W., for 368.36 feet; THENCE run N.20°42'30"W., for 196.71 feet, THENCE fun N.00°53'00"W., for 50.00 feet to POINT OF BEGINNING.

Less the N.50.00 feet thereof for right-of-way for Iona drainage district canal.

Said parcel containing 0.98 acres.

WHEREAS, the applicant has indicated the property's current STRAP number is 31-45-24-00-00021.0040; and

WHEREAS, proper authorization has been given to David W. Depew, by Salvatore Bruno, 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 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 April 4, 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 a rezoning from TFC-2 to Commercial Planned Development, to permit a commercial development with a maximum of 6,200 square feet not to exceed 20 feet above average grade, on 1± total acre of land. The proposed development will include retail uses and any other uses in the CC zoning district.

The proposed development will include all uses permitted by right and special exception but shall not include auto repair and service, non-store retailers, commercial recreation, self service fuel pumps, transportation services or essential service facilities; and

Approval is subject to the following conditions:

1. The development of this property shall be in accordance with the one-page Master Concept Plan prepared by David W. Depew, AICP, Planning Services for Bruno Plaza Phase II, dated April 28, 1987 and stamped received February 26, 1988, except as modified herein.
2. The schedule of uses is limited to all uses permitted by right in the CC zoning district as amended from time to time, specifically excepting those uses stated below:

Animal Clinic
 Auto Repair & Service-Groups I and II
 Automobile Service Station, Limited
 Car Wash
 Contractors and Builders-Groups I and II
 Convenience Food and Beverage Stores
 Emergency Medical Service (Ambulance)
 Flea Market, Indoor
 Garage, Public
 Laundry or Dry Cleaning-Group I
 Non-store Retailers - All groups
 Recreation, Commercial-Groups II and IV

Rental and Leasing Establishments-Groups I, II and III
 Repair Shops-Groups I and II
 Research and Development Laboratories-Group II
 Restaurant, Fast Food
 Self Service Fuel Pumps, Ancillary
 Self Service Fuel Pump Station
 Towers, Communication
 Transportation Services
 Vehicle and Equipment Dealers-Group II

Any additional uses shall be reviewed as an amendment to the Master Concept Plan.

3. Prior to final plan approval, the Master Concept Plan shall be modified to incorporate the revised schedule of uses and deviations as contained in these conditions.
4. Prior to final plan approval, the site plan shall be modified to clearly depict the cross section of the excavation-water retention, subject to approval by the Department of Community Development.
5. There shall be no pedestrian or vehicular access from this development to Gabriel Avenue.
6. A 20-foot wide type "D" buffer, including a concrete block wall faced with stucco of eight feet in height, to be maintained by the property owner, shall be constructed along the northern and western boundaries of the subject parcel. All trees and shrubs required in this buffer shall be placed on the residential side of the visual screen.
7. Approval of this request does not imply that approval has been granted to deviate from any Lee County Development regulation except as follows: Deviation (1) is hereby approved for the southeasterly perimeter that abuts the existing Bruno Plaza (Phase I) only. Deviation (2) is hereby approved to 25 feet for the northern perimeter along the IDD canal only.
8. No Certificates of Occupancy shall be issued until this development is connected to the Fort Myers Beach Sewer System.

Site Plan 88-092 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;
- d) The general intent of these regulations, to protect the public health, safety, and welfare, is preserved and promoted; and
- e) The deviations recommended for approval will enhance the development and will not negatively affect the public health, safety, and welfare.

The foregoing Resolution was adopted by the Lee County Board of County Commissioners upon a motion by Commissioner Fussell, and seconded by Commissioner Slisher and, upon being put to a vote, the result was as follows:

John E. Manning	<u>AYE</u>
Charles L. Bigelow, Jr.	<u>AYE</u>
Mary Ann Wallace	<u>AYE</u>
Bill Fussell	<u>AYE</u>
Donald D. Slisher	<u>AYE</u>

DULY PASSED AND ADOPTED this 9th day of May, A.D., 1988.

ATTEST:
CHARLIE GREEN, CLERK

BOARD OF COUNTY COMMISSIONERS
OF LEE COUNTY, FLORIDA

BY: Charlie Green
Deputy Clerk

BY: Bill Fussell
Chairman

Approved as to form by:

[Signature]
County Attorney's Office

FILED

MAY 17 1988

CLERK CIRCUIT COURT
BY C. Green, D.C.

BO- I D C Rights of WA

2049: 12/20/08 00:00:00

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9. 2000年10月1日起，凡在我国境内销售货物的单位和个人，均应按销售额的17%缴纳增值税。

BRUND PLAZA, PHASE I

7. CONCLUSIONS AND RECOMMENDATIONS

Supplemental Table 1

APPROVED

Master Concept Plan

Site Plan of RR-27A Page 1 of 1
Subject to conditions in Resolution 2-88
Zoning Case # 28-4/DC

Training Case # SP-46 DC

BRUNO PLEA, PHASE II, MASTER CONCEPT PLAN			
DATE 7-2-87	PROJECT [REDACTED]	DESIGN [REDACTED]	REV [REDACTED]
DAVID W. DEWEY, AIA PLANNING SERVICES			
DESIGN NO. [REDACTED]	PROJECT NO. [REDACTED]	DATE [REDACTED]	2