

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

WHEREAS, Thakor Patel and Shree Management, Inc., filed an application for a rezoning from Mobile Home Residential district (MH-2) to Commercial Planned Development (CPD), in reference to Patel CPD; and

WHEREAS, the subject property is located at 27987 & 27991 Oakland Dr., Bonita Springs, and is described more particularly as:

LEGAL DESCRIPTION:

Lots 3 and 4, OAKLAND ACRES, as same are recorded in Misc. Book 51 at page 23 in the Public Records of Lee County, Florida, said lots being more particularly described as follows:

COMMENCING at the Southwest corner of Section 31, Township 47 South, Range 26 East, Lee County, Florida;
THENCE N00°07'25"E, along the West line of said Section, a distance of 315.00 feet, to the POINT OF BEGINNING;
And from said POINT OF BEGINNING continue N00°07'25"E, still along the said West line of Section 31, a distance of 284.00 feet;
THENCE East, a distance of 329.16 feet, more or less, to the centerline of the 50 foot wide OAKLAND DRIVE;
THENCE S00°08'50"E, along said centerline, a distance of 284.00 feet;
THENCE West, a distance of 329.04 feet, to the POINT OF BEGINNING.
SUBJECT to a 25 foot wide roadway reservation over and across the Easterly 25 feet and a 5 foot wide drainage easement over and across the Westerly 5 feet thereof.
CONTAINING 1.98 acres of land, more or less.

Lots 5 and 6, OAKLAND ACRES, as same are recorded in Misc. Book 51 at page 23 in the Public Records of Lee County, Florida, said lots being more particularly described as follows:

COMMENCING at the Southwest corner of Section 31, Township 47 South, Range 26 East, Lee County, Florida;
THENCE N00°07'25"E, along the West line of said Section, a distance of 599.00 feet, to the POINT OF BEGINNING;
And from said POINT OF BEGINNING continue N00°07'25"E, still along the said West line of Section 31, a distance of 284.00 feet;
THENCE East, a distance of 329.27 feet, more or less, to the centerline of the 50 foot wide OAKLAND DRIVE;
THENCE S00°08'50"E, along said centerline, a distance of 284.00 feet;
THENCE West, a distance of 329.16 feet, to the POINT OF BEGINNING.
SUBJECT to a 25 foot wide roadway reservation over and across the Easterly 25 feet and a 5 foot wide drainage easement over and across the Westerly 5 feet thereof.
CONTAINING 1.98 acres of land, more or less; and

WHEREAS, the applicant has indicated the property's current STRAP numbers are: 31-47-26-01-00000.0030 and 31-47-26-01-00000.003A; and

WHEREAS, Thakor Patel and Shree Management, Inc., the owners of the subject parcel, authorized Consul-Tech Engineering, Inc. to act as agent to pursue this zoning application; and

WHEREAS, a public hearing was advertised and held on December 3, 1997, and January 9, 1998, before the Lee County Hearing Examiner in Case No. 97-03-225.02Z 01.01, who gave full consideration to the evidence available; and

WHEREAS, a public hearing was advertised and held on March 17, 1998 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** the request for a rezoning of 11.51 acres from Mobile Home Residential district (MH-2) to Commercial Planned Development (CPD), as follows:

SECTION A. CONDITIONS:

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

1. The development and use of the subject property must be in substantial compliance with the approved Master Concept Plan entitled "Patel CPD (Minor)" (Project No. 97-05, last revised 7/21/97, stamped received August 4, 1997) as prepared by Consul-Tech Engineering, Inc., except as modified by the conditions herein. Unless specifically approved as part of this rezoning, development must comply with all applicable local development regulations. No deviations from any federal, state or county life safety codes are granted.
2. The development of this CPD may not exceed the intensity generated by a 100-unit hotel/motel and a 11,000-square-foot restaurant or development that generates no more than the same A.M. (210) peak hour trips or P.M. (217) peak hour trips. Construction of this CPD may not begin until construction has begun on the intersection changes proposed by the Lee County Division of Transportation to the Oakland Drive/Bonita Beach Road intersection.
3. The following is the approved Schedule of Uses within this CPD:

ALL USES LISTED AS "PERMITTED" IN THE HIGHWAY COMMERCIAL (CH) ZONING DISTRICT, except for:
PLACE OF WORSHIP
COMMUNICATION TOWER
EXCAVATION: Water Retention, Oil or Gas
MINI-WAREHOUSE
CONSUMPTION ON PREMISES (Section 34-1661 et seq.)

4. Development of the CPD will comply with the following Property Development Regulations:

Minimum Lot Area and Dimensions:

Area:	30,000 square feet
Width:	100 feet
Depth:	300 feet

Minimum Setbacks:

Street: variable according to the functional classification of the street or road (Section 34-2191 et seq.)
Side: 15 feet
Rear: 50 feet
Water Body: 25 feet

For any building or structure exceeding a height of 35 feet in this CPD, the required street, side, and rear setback must be increased by one-half foot for every additional foot in height.

Maximum Lot Coverage: 40 percent

Maximum Building Height: 50 feet

5. The developer must provide a pedestrian connection between this project and the project(s) to the south. This may be a private sidewalk, public sidewalk in the Oakland Drive right-of-way to connect with the Bonita Beach Road sidewalk, or other measures approved by the Department of Community Development as part of the local development order process.
6. The live oaks on the northern perimeter of Lot 6 and the cabbage palms on the southern perimeter of Lot 3 must be preserved. At the time of local development order submittal, notes must be included on the plans delineating the trees to be preserved.
7. The management plan entitled "Patel CPD American Alligator Management Plan," dated September 1997 must be submitted by the developer at the time of local development order and implemented prior to the issuance of a certificate of completion.
8. Approval of this zoning request does not address mitigation of the project's vehicular or pedestrian traffic impacts. Additional conditions may be required to obtain a local development order.
9. This rezoning approval does not give the Developer an undeniable right to receive local development order approval that exceeds the Year 2010 Overlay use allocation, if such allocation exists, for the applicable district.

SECTION B. DEVIATIONS:

NOT APPLICABLE.

SECTION C. Master Concept Plan:

A one page reduced copy of the Master Concept Plan is attached and incorporated into this resolution by reference, as modified herein.

SECTION D. FINDINGS AND CONCLUSIONS:

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

1. The applicant has proven entitlement to the rezoning or special exception by demonstrating compliance with the Lee Plan, the Land Development Code, and other applicable codes and regulations.
2. The requested zoning, as conditioned:
 - a. meets or exceeds all performance and locational standards set forth for the potential uses allowed by the request;
 - b. is consistent with the densities, intensities and general uses set forth in the Lee Plan;
 - c. is compatible with existing or planned uses in the surrounding area; and
 - d. will not adversely affect environmentally critical areas or natural resources.
3. Approval of the request will not unduly burden existing transportation or other services and planned infrastructure facilities, and the site will be served by streets with the capacity to carry traffic generated by the development.
4. Urban services, as defined in the Lee Plan, are, or will be, available and adequate to serve the proposed land use.
5. The proposed use or mix of uses is appropriate at the subject location.
6. The recommended conditions to the concept plan and other applicable regulations provide sufficient safeguards to the public interest.
7. The 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 Ray Judah, and seconded by Commissioner John E. Albion 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	Aye

DULY PASSED AND ADOPTED this 17th day of March, 1998.

ATTEST:
CHARLIE GREEN, CLERK

BY: *Anna J. Pence*
Deputy Clerk

BOARD OF COUNTY COMMISSIONERS
OF LEE COUNTY, FLORIDA

BY: *John E. Manning*
Chairman

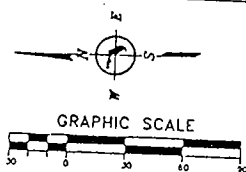
Approved as to form by:
Patricia White
County Attorney's Office

MINUTES DEPARTMENT

FILED MAR 20 1998

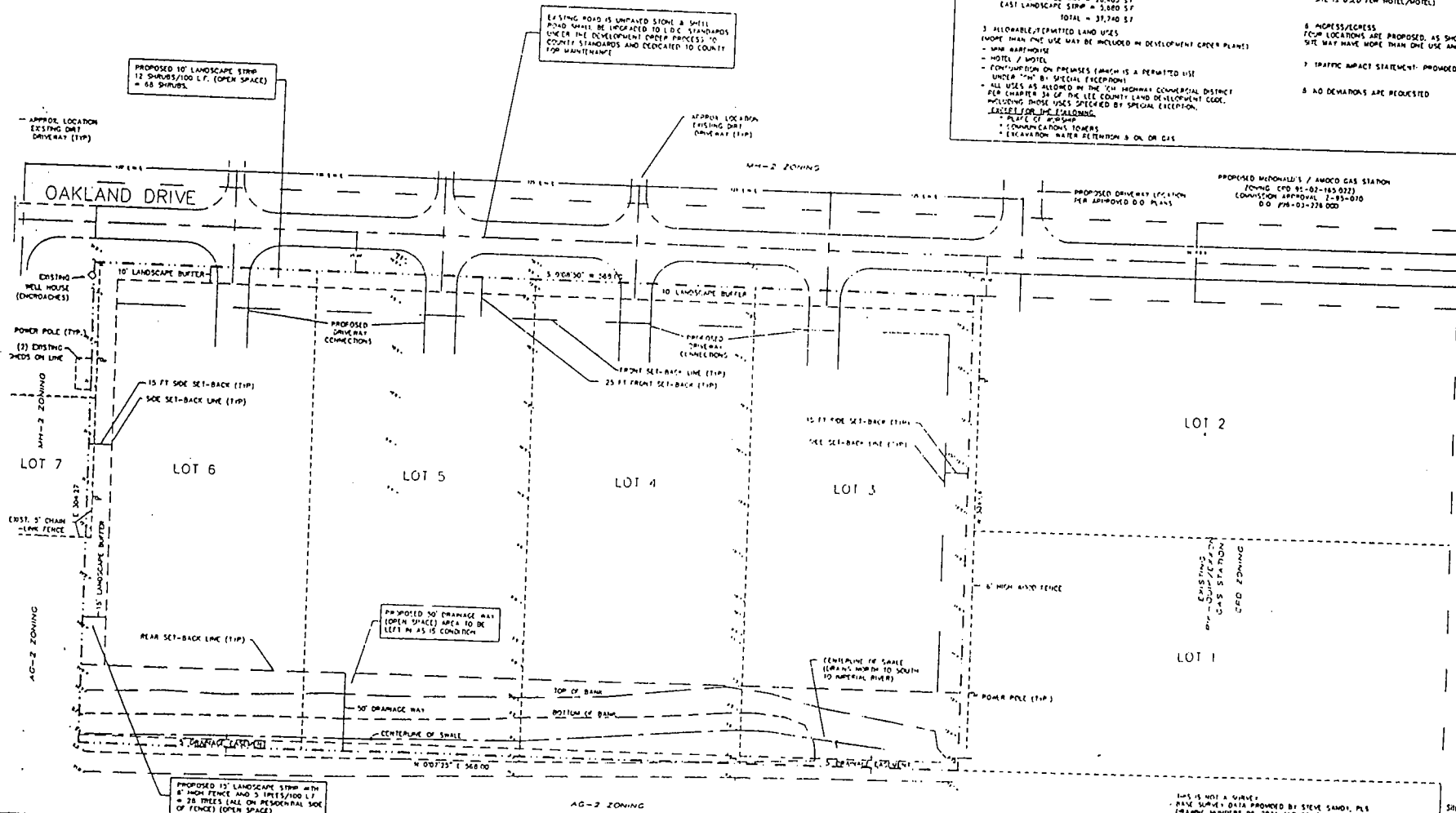
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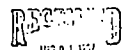


SUMMARY:

- 1 LAND AREA: 3.96 ACRES
LAND IS PRESENTLY CLEARED AND MINOROUS EXIST-
ING BORDERS LOTS 3 & 4 WAS PREVIOUSLY UTILIZED AS A BOMBOY LOT
IT IS NOW IN THE PROCESS OF BEING PAVED
- 2 BUFFER, PROPOSED OPEN SPACE
PROPOSED ZON 8 3/4 ACRES = 0.790 ACRES (34,100 S.F.)
PROPOSED OPEN SPACE 41,000 S.F.
WEST DISTANCE WAY = 28,400 S.F.
EAST LANDSCAPE STRIP = 3,800 S.F.
TOTAL = 37,200 S.F.
- 3 ACCESSIBLE, PERMITTED LAND USE
(NOTE THAT THE USE MAY BE INCLUDED IN DEVELOPMENT CATER PLANTS)
- WINE APPROPRIATE
- HOTEL / MOTEL
- CONTINUATION ON PREMISES (WHERE A PERMITTED USE
UNDER "M" BY SPECIAL EXCEPTION)
- ALL USES AS ALLOWED IN THE ZON HIGHWAY COMMERCIAL DISTRICT
PER CHAPTER 36 OF THE CITY COUNTY LAND DEVELOPMENT CODE
INCLUDING THOSE USES SPECIFIED BY SPECIAL EXCEPTION.
- JUSTIFIED FOR THE FOLLOWING:
- PLACE OF WORK
- COMMUNICATION TOWERS
- EXCAVATION WATER RETENTION & ON OR C/S
- 4 COVERAGE / BUILDING HEIGHT / SETBACKS
MAX BUILDING COVERAGE = 40% FOR 81,000 SQ. FT
MAX BUILDING HEIGHT = 30 FT (4 FLOORS)
SETBACKS IN ACCORDANCE WITH LDC REQUIREMENTS (SHOWN ON PLAN)
- 5 MAXIMUM NUMBER OF HOTEL / MOTEL ROOMS = 150 FOR
FUTURE SITE DEVELOPMENT BY LAND AREA IF ONLY A PORTION OF
THE SITE IS USED FOR HOTEL/MOTEL
- 6 ADDRESS/ACCESS
FCM LOCATIONS ARE PROPOSED, AS SHOWN, SINCE THE
SITE MAY HAVE MORE THAN ONE USE FOR OWNER.
- 7 TRAFFIC IMPACT STATEMENT: PROVIDED UNDER SEPARATE COVER
- 8 NO DEMONSTRATIONS ARE REQUESTED



BONITA BEACH ROAD



DEVELOPMENT SERVICES

APPROVED

Site Plan - 97-059 Page 1 of 1
Subject to conditions of Resolution 2/25/94
 zoning Code - 97-05225-02 2 of 1

CE **CONSUL-TECH ENGINEERING, INC.**
 Consulting Engineers Land Planners Land Surveyors
 24831 Old 41 Road Phone (941) 947-0268
 DONITA SPRINGS, FL 34135 Fax (941) 947-1321

NOTE The undersigned and COMVULTECH ENGINEERING, INC. make no representation or warranties as to the completeness of the information reflected herein, nor as to the accuracy, reliability, use, usefulness, timeliness, appropriateness or otherwise of the material. This instrument is intended to reflect as to best knowledge and belief the information in the references above. COMVULTECH ENGINEERING, INC. and the undersigned do not warrant for matters affecting the length above.

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PROJECT **PATEL CPD (MINOR)**
REZONING/MASTER CONCEPT PLAN
LOTS 3, 4, 5 & 6 OF OAKLAND ACRES, MISC BOOK 51, PG. 23
& PG 471 OF THE PUBLIC RECORDS OF LEE COUNTY, FLORIDA

TOM PATEL

2/23/91 - ADDED EXISTING DRIVES EAST &
NORTH OF SITE. MODIFIED PROPOSED DRIVE
LOCATIONS. (ILLUMINATED DEVIATION REQUEST).
REVISED USAGE LIST

SCALE: 1" = 30'
DRAWN BY: J.M.
CHECKED BY: DEM
DATE: 3/25/87
PROJECT NO. 97-05
PLOT: 9705C1 (1 of 2)

9-01110

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