

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

WHEREAS, an application was filed by the property owner, Sportboats Marine, Inc., to rezone 2.06 acres from the Community Commercial (CC) zoning district to a Commercial Planned Development (CPD), in reference to Sportboats Marine, Inc.; and,

WHEREAS, a public hearing was advertised and held on March 29, 2006, before the Lee County Zoning Hearing Examiner, who gave full consideration to the evidence in the record for Case #DCI2005-00074; and

WHEREAS, a second public hearing was advertised and held on June 12, 2006, before the Lee County Board of Commissioners, who gave full and complete consideration to the recommendations of the staff, the Hearing Examiner, the documents on record and the testimony of all interested persons.

NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF COUNTY COMMISSIONERS:

SECTION A. REQUEST

The applicant filed a request to rezone 2.06 acres from CC to CPD to permit two 13,000-square-foot commercial buildings and a 15,000-square-foot outdoor boat display area. The Applicant has indicated they plan to connect to Lee County Utilities. The property is located in the Urban Community Future Land Use Category and is legally described in attached Exhibit A. The request is APPROVED, SUBJECT TO the conditions and deviations specified in Sections B and C below.

SECTION B. CONDITIONS:

All references to uses are as defined or listed in the Lee County Land Development Code (LDC).

1. The development of this project must be consistent with the 1-page Master Concept Plan entitled "Sportboats Marine, Inc.," prepared by Quattrone & Associates, Inc., last revised June 12, 2006 and accepted as Applicant's Exhibit 1 in the public hearing, except as modified by the conditions below. This development must comply with all requirements of the LDC at time of local development order approval, except as may be granted by deviation as part of this planned development. If changes to the Master Concept Plan are subsequently pursued, appropriate approvals will be necessary.

Development is limited to two 13,000-square-foot buildings and a 10,000-square-foot display area to be used for a vehicle and equipment dealer to display, sell and service boats.

2. The following limits apply to the project and uses:

a. Schedule of Uses

Boats: Boat Parts Store
Boat Rental
Boat Repair and Service (as limited in Condition 7)
Boat Sales (as limited in Condition 6)
Boat Storage, Dry (New Boats Only)
Fences, Walls
Signs (in accordance with Chapter 30)
Storage: Indoor Display
Storage, Open (outdoor boat display only)
Vehicle and Equipment Dealers: Group III (Boat and Yacht Dealers)

b. Site Development Regulations

Lot Size:

Minimum Lot Area: 10,000 square feet
Minimum Lot Width: 100 feet
Minimum Lot Depth: 100 feet

Minimum setbacks:

Street: 50 feet from Summerlin Road
25 feet from Summerlin Square Drive
Side: 15 feet
Rear: 25 feet (Summerlin Square Drive)

Maximum Lot Coverage: 35 percent

Maximum Building Height: 35 feet (2-story)

Open Space: 20 percent (Minimum)

Building Space: Maximum 13,000 square feet each
(two buildings)

3. A. Boats may be displayed on the subject property in the area between the two buildings, and in the abutting 30-foot-wide and 25-foot-deep area across the north side of each building, as generally depicted on Applicant's Exhibit 1. The outdoor display area may not exceed 10,000 square feet, and the balance of the area on the north side of the buildings will be used as open space and buffering.
- B. The use of pavement, impervious pavers or other impervious surfaces are prohibited in the display area, except for minimum width walkways and support platforms or parking spaces for the boats/trailers. This condition is not intended to prevent the use of pervious pavers - the type typically used in temporary or overflow parking lots.

4. All required buffers must utilize 100 percent native vegetation.
5. Prior to local development order approval, 50 percent of the required general trees for the project must be planted in the open space on the north side of the buildings (facing Summerlin Road).
6. Use is limited to very large products or commodities - Vehicle and Equipment Dealers, Group III (Boat and Yacht Dealers).
7. Boat Service and Repair are limited to the installation of electronics and navigation equipment, rigging of new equipment, and minor engine repair for the boats being sold at the dealership, and must be incidental and subordinate to the proposed Boat Sales.
8. All boats being serviced or repaired must be located within a building and may not be serviced or repaired in an outdoor area.
9. Hours of operation for boat repair and servicing is 7:00 a.m. to 6:00 p.m., daily.
10. Boats displayed must be at ground elevation on trailers, blocks or boat cradles. They cannot be installed on berms or filled areas to increase the height of the boat above 15 feet.
11. A Type "D" buffer shall be provided along Summerlin Square Drive.
12. Approval of this rezoning request does not address mitigation of the project's vehicular or pedestrian traffic impacts. Additional conditions consistent with the Lee County LDC may be required to obtain a local development order.
13. Approval of this rezoning does not guarantee local development order approval. Future Development Order approvals must satisfy the requirements of the Lee Plan Planning Communities Map and Acreage Allocation Table, Map 16 and Table 1(b), be reviewed for, and found consistent with, the retail commercial standards for site area, including range of gross floor area, location, tenant mix and general function, as well as all other Lee Plan provisions.
14. This development must comply with all of the requirements of the LDC at the time of local development order approval, except as may be granted by deviations approved as part of this planned development.

SECTION C. DEVIATIONS:

1. Deviation (1) seeks relief from the LDC § 34-1352(c)(1)(b) requirement of a 40-foot side setback along the western and eastern property lines to allow a 15-foot side setback along the western and eastern property lines. This deviation is APPROVED only for the two buildings. The display area to the north of the two buildings will have a minimum setback of 40 feet from the east and west property lines.

2. Deviation (2) seeks relief from the LDC § 34-2020(2)(m) requirement of one parking space per 500 square feet of indoor display area, to provide one parking space per 1,500 square feet of indoor display area. This deviation is APPROVED, SUBJECT to Condition 6.

SECTION D. EXHIBITS AND STRAP NUMBER:

The following exhibits are attached to this resolution and incorporated by reference:

- Exhibit A: Legal description of the property
Exhibit B: Zoning Map (with the subject parcel indicated)
Exhibit C: The Master Concept Plan

The applicant has indicated that the STRAP numbers for the subject property are:
07-46-24-00-00005.1060 & 07-46-24-00-00005.1070

SECTION E. FINDINGS AND CONCLUSIONS:

1. The applicant has proven entitlement to the rezoning by demonstrating compliance with the Lee Plan, the LDC, and any other applicable code or regulation.
2. The rezoning, as approved:
 - 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;
 - d. will not place an undue burden upon existing transportation or planned infrastructure facilities and will be served by streets with the capacity to carry traffic generated by the development; and
 - e. will not adversely affect environmentally critical areas or natural resources.
3. The rezoning satisfies the following criteria:
 - a. the proposed use or mix of uses is appropriate at the subject location; and
 - b. the recommended conditions to the concept plan and other applicable regulations provide sufficient safeguard to the public interest; and
 - c. the recommended conditions are reasonably related to the impacts on the public interest created by or expected from the proposed 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 approved deviations, as conditioned, enhance achievement of the planned development objectives, and preserve and promote the general intent of LDC Chapter 34, to protect the public health, safety and welfare.

Commissioner Judah made a motion to adopt the foregoing resolution, seconded by Commissioner Janes. The vote was as follows:

Robert P. Janes	<u>Aye</u>
Douglas R. St. Cerny	<u>Aye</u>
Ray Judah	<u>Aye</u>
Tammara Hall	<u>Aye</u>
John E. Albion	<u>Absent</u>

DULY PASSED AND ADOPTED this 12th day of June 2006.

ATTEST:
CHARLIE GREEN, CLERK

BY: Anna L. Perie

Deputy Clerk

BOARD OF COUNTY COMMISSIONERS
OF LEE COUNTY, FLORIDA

BY: [Signature]

Vice Chairwoman

Approved as to form by:

[Signature]
County Attorney's Office

2006 OCT 31 PM 2:22



LEGAL DESCRIPTION
OF A PARCEL LYING IN
SECTION 7, TOWNSHIP 46 SOUTH, RANGE 24 EAST,
LEE COUNTY, FLORIDA

A PARCEL OF LAND IN SECTION 7, TOWNSHIP 46 SOUTH, RANGE 24 EAST, LEE COUNTY, FLORIDA, MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCE AT THE NORTHEAST CORNER OF SECTION 7, TOWNSHIP 46 SOUTH, RANGE 24 EAST, THENCE S.89°04'54"W. ALONG THE NORTH LINE OF THE NORTHEAST QUARTER OF SAID SECTION 7 FOR 1342.38 FEET TO THE NORTHWEST CORNER OF THE EAST HALF OF THE NORTHEAST QUARTER OF SAID SECTION 7; THENCE S.01°14'16"E. ALONG THE WEST LINE OF THE EAST HALF OF SAID NORTHEAST QUARTER FOR 225.00 FEET TO AN INTERSECTION WITH THE SOUTH RIGHT-OF-WAY LINE OF SUMMERLIN ROAD (C.R. 869); THENCE N.89°04'54"E. ALONG SAID SOUTH RIGHT-OF-WAY LINE FOR 360.00 FEET TO THE POINT OF BEGINNING OF THE HEREIN DESCRIBED PARCEL OF LAND; THENCE CONTINUE N.89°04'54"E. ALONG SAID SOUTH RIGHT-OF-WAY LINE FOR 360.00 FEET; THENCE S.01°14'16"E. FOR 248.59 FEET TO AN INTERSECTION WITH A LINE PARALLEL WITH AND 20.00 FEET NORTH OF AS MEASURED AT RIGHT ANGLES TO THE SOUTH LINE OF THAT CERTAIN PARCEL OF LAND DESCRIBED AS PARCEL 1 IN OFFICIAL RECORD BOOK 2093 AT PAGE 2876 OF THE PUBLIC RECORDS OF LEE COUNTY, FLORIDA; THENCE S.89°02'39"W. ALONG SAID PARALLEL LINE FOR 360.00 FEET; THENCE N.01°14'16"W. FOR 248.82 FEET TO THE POINT OF BEGINNING.

BEARINGS ARE BASED ON THE SOUTH RIGHT-OF-WAY LINE OF SUMMERLIN ROAD BEING N.89°04'54"E.

METRON SURVEYING & MAPPING, LLC
FLORIDA CERTIFICATE OF AUTHORIZATION LB# 7071

Applicant's Legal Checked
by Lgm 12/29/2005


SCOTT M. SHORE
PROFESSIONAL SURVEYOR AND MAPPER
FLORIDA CERTIFICATE NO. 5743

12-23-2005

DCI 2005-00074

SHEET 1 OF 2

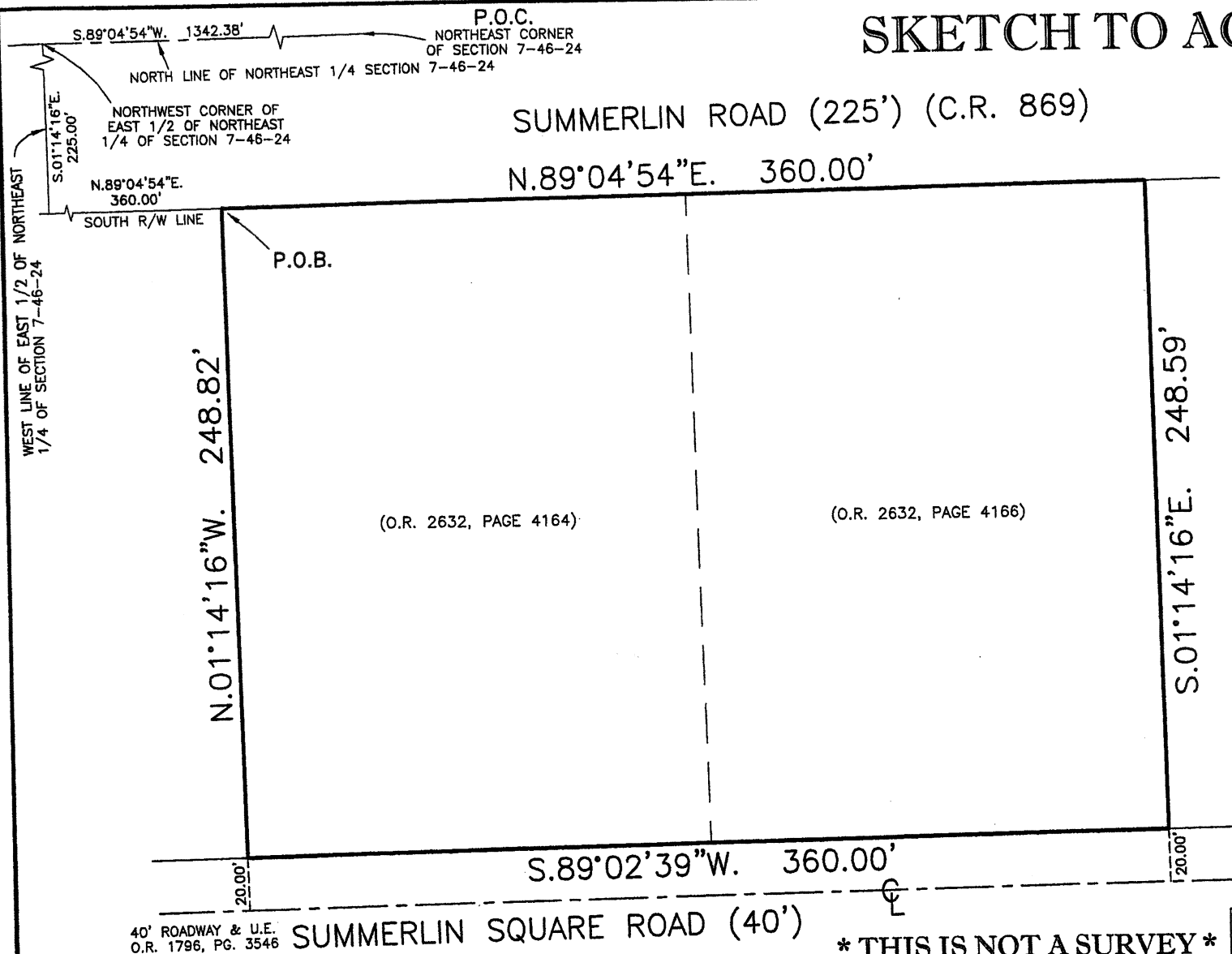
4461SK.doc

5245 RAMSEY WAY, SUITE #2 • FORT MYERS, FLORIDA 33907 • PHONE (239) 275-8575 • FAX (239) 275-8457
www.metronfl.com

RECEIVED
DEC 23 2005

COMMUNITY DEVELOPMENT

SKETCH TO ACCOMPANY DESCRIPTION



LEGEND:

- P.O.B. = POINT OF BEGINNING
- P.O.C. = POINT OF COMMENCEMENT
- R/W = RIGHT-OF-WAY
- O.R. = OFFICIAL RECORD BOOK
- PG. = PAGE
- P.B. = PLAT BOOK
- P.U.E. = PUBLIC UTILITY EASEMENT
- FPL = FLORIDA POWER & LIGHT COMPANY
- U.E. = UTILITY EASEMENT



DCI 2005-00074

RECEIVED

DEC 23 2005

COMMUNITY DEVELOPMENT

Applicant's Legal Checked
by Lgm 12/29/2005

NOT VALID WITHOUT THE SIGNATURE AND THE ORIGINAL RAISED SEAL OF A FLORIDA LICENSED SURVEYOR AND MAPPER.

* THIS IS NOT A SURVEY *

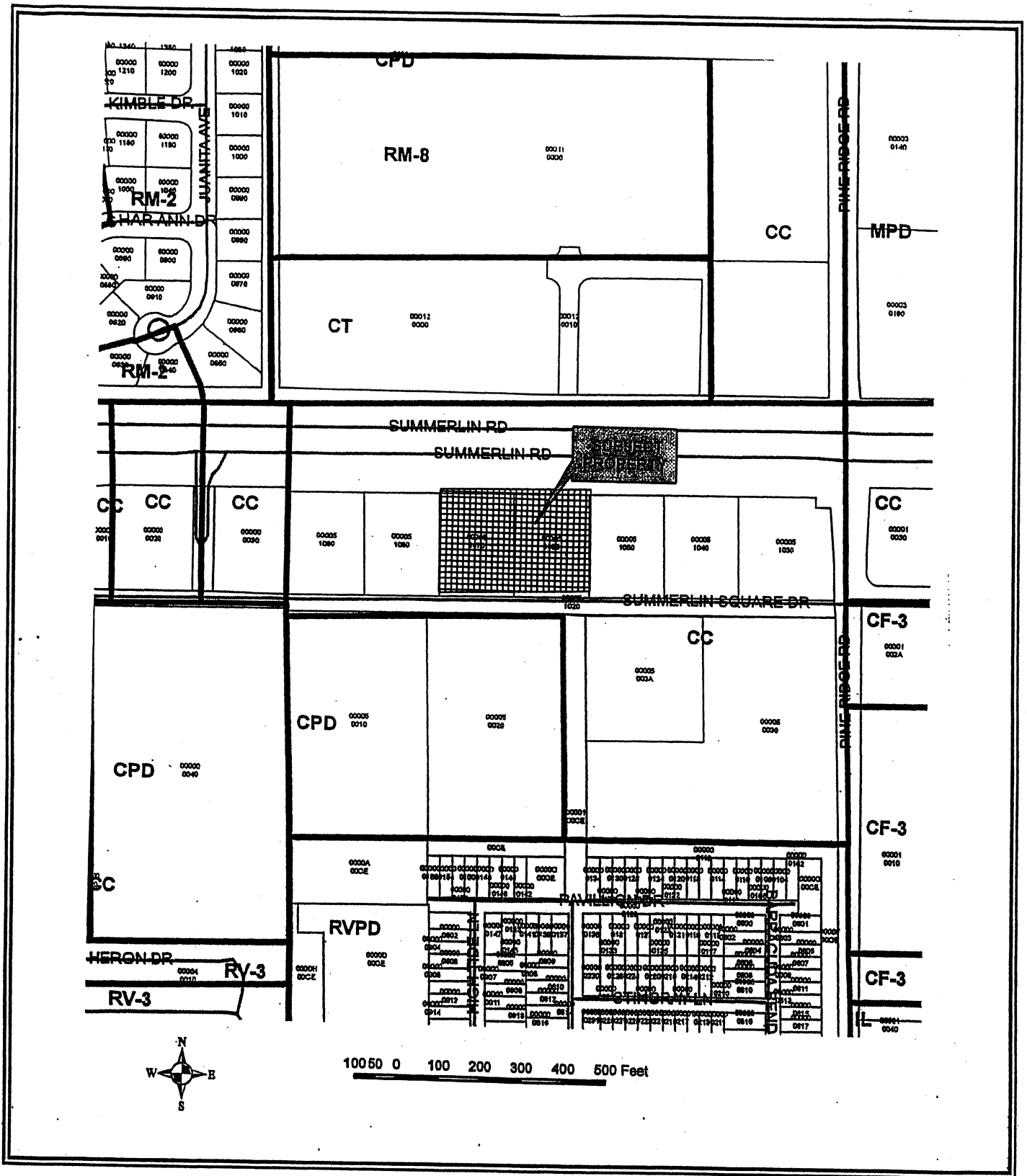
FOR THE EXCLUSIVE USE OF:
- GULF TO BAY CONSTRUCTION, INC.

BY: [Signature]
SCOTT M. SHORE
PROFESSIONAL SURVEYOR AND MAPPER
FLORIDA CERTIFICATE NO. LS# 5743

DATE SIGNED: 12-23-2005

TITLE: SKETCH OF DESCRIPTION			
		5245 RAMSEY WAY, SUITE #2 FORT MYERS, FLORIDA 33907 PHONE: (239) 275-8575 FAX: (239) 275-8457 www.metronfl.com	
FILE NAME: 4461SK.DWG	FIELD BOOK/PAGE: N/A	PROJECT NO.: 4461	SHEET: 2 OF 2
SKETCH DATE: 12-23-2005	DRAWN BY: SMS	SCALE: 1" = 60'	CHECKED BY: SMS
			(S-T-R) 7-46-24

* SEE SHEET 1 OF 2 FOR LEGAL DESCRIPTION *



ZONING
LEE COUNTY
 SOUTHWEST FLORIDA

11200 & 11250 Summerlin Square Drive

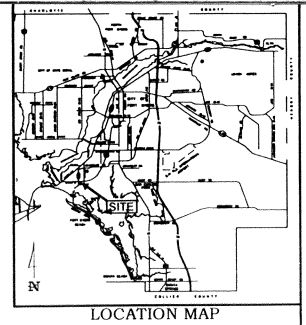
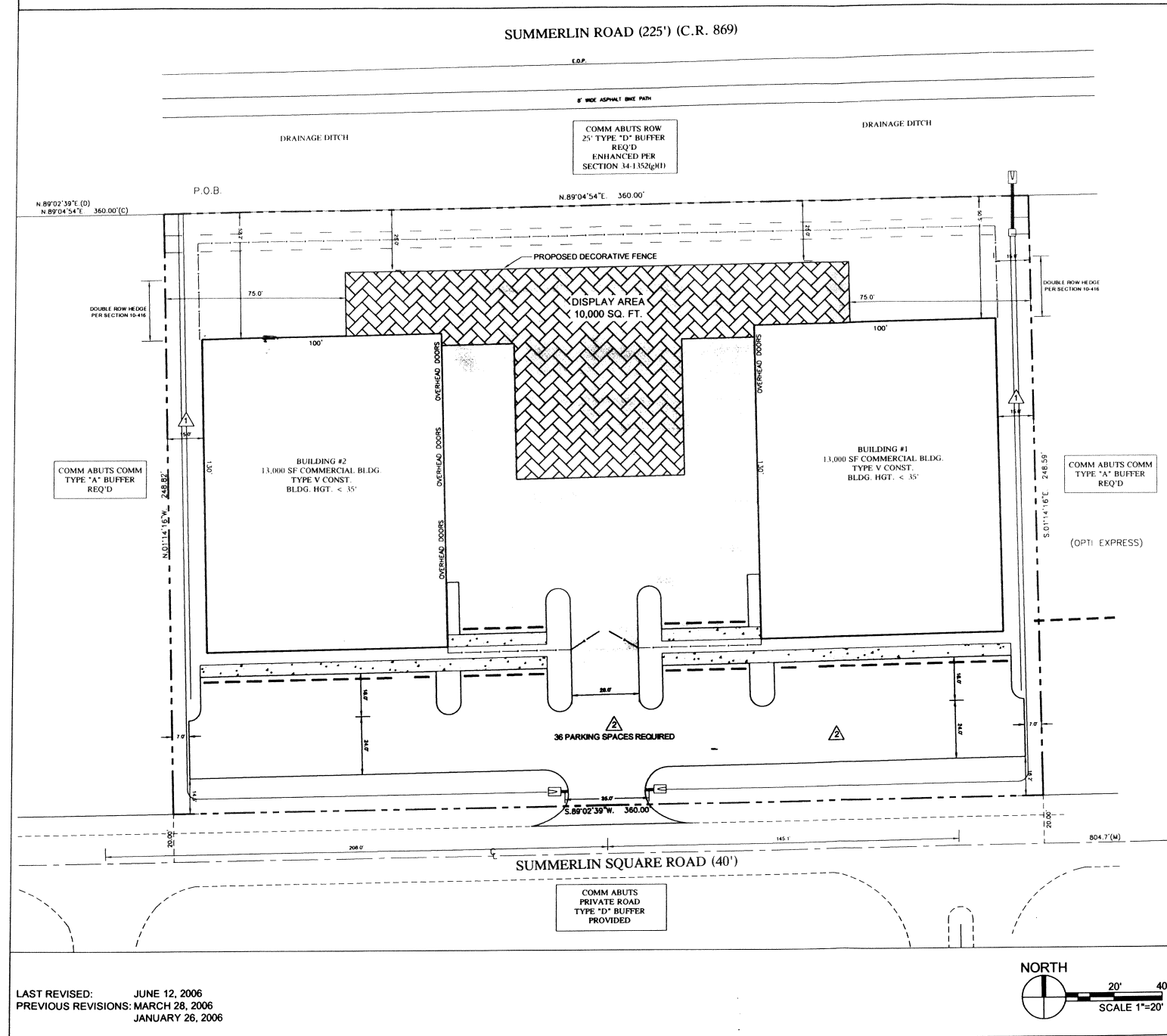
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EXHIBIT "B"
 (Zoning Map)

LEE COUNTY FLORIDA
 03/13/06

MASTER CONCEPT PLAN: SPORTBOATS MARINE, INC

LOCATED IN SECTION 07, TOWNSHIP 46 SOUTH, RANGE 24 EAST, LEE COUNTY, FLORIDA



OPEN SPACE:
REQUIRED (PER L.C.L.D.C.):
TOTAL OPEN SPACE REQUIRED: 89,532 x 20% = 0.41 AC. (17,906 SF)

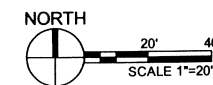
DEVIATIONS:
A A

Approved as Exhibit
MCP Page 1 of 1
Resolution # Z-016-027

DCI 2005-00074

PREPARED BY:

LAST REVISED: JUNE 12, 2006
PREVIOUS REVISIONS: MARCH 28, 2006
JANUARY 26, 2006



Quattrone & Associates, Inc.
Engineers, Planners, & Development Consultants
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