

**History**  
**Carl's Automotive Repair - 8336 Stringfellow Road**  
**Coastal Rural future land use category**

Resolution Z-68-48 approved a special exception for the manufacturing of small boats in the GU (converted to AG-2) zoning district. The property was later rezoned from Agricultural (AG-2) to Rural Commercial (CR) by Resolution Number Z-93-099. This parcel was also utilized as a landscaping business and temporary storage of vegetation resulting from Hurricane Charley.

A local development order, Case Number LDO2005-00518 was approved and issued to the previous owner on March 2, 2006 to add asphalt, paving to an existing gravel driveway and a parking area. The request for the LDO indicated that the existing use was "private storage"; however a Use Certificate was issued under Case Number USE2005-01491 for Automotive Service and Light Repair, a use that was not permitted in the Rural Commercial (CR) or Agricultural (AG-2) zoning districts. A Violation was issued, Case Number VIO2006-01843 for the operation of an auto repair and service business, a non-permitted use in the Rural Commercial (CR) zoning district.

The applicant requested a rezoning to Community Commercial (CC), a conventional commercial zoning district, in Case Number REZ2006-00011. The initial Hearing was held on June 21, 2006 before the Lee County Hearing Examiner with a continuation held on June 27 to receive testimony from Planning Staff. Staff recommended denial of this request based on inconsistency with the Lee Plan, specifically the Coastal Rural Future Land Use Category and compatibility with adjacent land uses. Furthermore, the conventional zoning request did not permit staff to propose conditions or limit uses that would enhance the project or ensure compatibility with existing, adjacent land uses. There were several local residents in attendance who spoke in favor of the rezoning and the provision of a much needed service. The Hearing Examiner recommended approval of the rezoning to Community Commercial (CC).

August 21, 2006 - BoCC Zoning Hearing - the case was remanded back to the Hearing Examiner for the purpose of making the rezoning consistent with the rural community commercial zoning district and the Coastal Rural future land use category by having the issue considered as a CPD to allow conditioning the specific use of an auto repair service and a waiver of zoning fees (Z-06-065).

March 13, 2008 - HEX hearing was held to consider a rezoning from CR and AG-2 to CPD.

The labeled attachments provide a history of staff's recommendation, revised schedule of uses, HEX recommendation and BoCC approval on June 2, 2008.

Staff's recommendation to limit the uses to existing conditions was superceded by the HEX recommendation and subsequent BoCC approval. The majority of the approved uses in Z-06-065 are not consistent with staff's recommendation for CPA2008-00017 and the Coastal Rural future land use category.

Staff Ex.  
8/24/09

II. RECOMMENDATION:

1. The applicant has submitted a range of commercial uses within the Schedule of Uses for the subject property. However, the submitted Master Concept Plan (MCP) is designed to accommodate the existing business and future expansion. Therefore, Staff has provided a "strike-through" list of proposed uses, recommending only those that complement or are ancillary to the existing automotive repair and service business.
2. The CPD is limited to the continuation of an existing auto repair and service business up to 4,000 square feet and 3,567 square feet of retail, office and storage not to exceed a total development of 7,567 square feet as follows:

a. Schedule of Uses

Accessory Uses and Structures, limited to uses ancillary to the principle use

Administrative Offices, limited to offices ancillary to the principle use

~~ATM (Automatic teller machine)~~

Auto Part Store, ancillary to the principle use

Automobile Repair and Service, All Groups Group I, Limited to the existing automotive repair and service business

~~Automobile Service Station~~

~~Bait and Tackle Shop~~

~~Boats:~~

~~Boat part store~~

~~Boat repair and service~~

~~Building Materials~~

~~Business Services, Groups I and II~~

~~Care Taker's Residence~~

~~Car Wash (non-automated)~~

~~Cleaning and Maintenance Services~~

~~Contractors and Builders, All Groups~~

Essential Services, Group I as defined in the Land Development Code (LDC), Section 34-2

Excavation: Water Retention only

Fences, Walls

~~Hardware Store~~

~~Hobby, Toy and Game Shop~~

~~Insurance Company~~

~~Personal Services, Groups I and II~~

~~Plant Nursery~~

~~Printing and Publications~~

~~Real Estate Sales office~~

~~Repair Shops, Groups I, II and III~~

Signs in accordance with the Land Development Code (LDC), Chapter 30 and Section 33-1042

~~Specialty Retail, Groups I, II and III~~

Storage: Indoor and Outdoor, as conditioned in Condition Number 17

Temporary Uses, limited to those ancillary to the existing use

**DCI 2007-00019  
HUMPHREY CPD**

**RECOMMENDATION:**

Staff recommends **APPROVAL** of the Applicant's request for rezoning from Rural Commercial (CR) and Agricultural (AG-2) to Commercial Planned Development (CPD) to permit continuance of an existing automobile repair and service business up to 4,000 square feet; 3,567 square feet of retail, office and storage not to exceed a total development of 7,567 square feet with the following conditions and deviations:

**A. Conditions:**

1. The development of this project must be consistent with a revised master Concept Plan (MCP) entitled "Humphrey CPD". This development must comply with all requirements of the Lee County Land Development Code (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 MCP are subsequently pursued, appropriate approvals will be necessary.
2. The applicant has submitted a range of commercial uses within the Schedule of Uses for the subject property. However, the MCP is designed to accommodate the existing business and future expansion. Therefore, Staff has provided a "strike-through" list of proposed uses, recommending those that complement or are ancillary to the existing automotive repair and service business or those that are deemed appropriate in the Coastal Rural future land use category and consistent with the Greater Pine Island character.

**a. Schedule of Uses**

Accessory Uses and Structures, limited to uses ancillary to the principal use  
Administrative Offices  
ATM (Automatic Teller Machine), without drive-through  
Auto Part Store, ancillary to the existing Auto Repair and Service business  
Automobile Repair and Service, ~~All Groups~~-Group I, limited to the existing  
automotive repair and service business  
~~Automobile Service Station~~  
Bait and Tackle Shop  
Boats:  
Boat part store  
Boat repair and service  
Building Materials  
Business Services, Group(s) I and II  
~~Caretaker's Residence~~  
~~Car Wash (non-automated)~~  
~~Cleaning and Maintenance Services~~  
Contractors and Builders, ~~All Groups~~, Group I  
Essential Services, ~~Group I~~, as defined in the LDC, Section 34-2  
Excavation, Water Retention only  
Fences, Walls

Hardware Store  
~~Hobby, Toy and Game Shop~~  
 Insurance Company (Included in Business Services, Group I)  
~~Personal Services, Groups I and II~~  
 Plant Nursery  
~~Printing and Publications~~  
 Real Estate Sales office (included in Business Services, Group I)  
~~Repair Shops, Groups I, II and III~~  
 Signs in accordance with the LDC, Chapter 30 and Section 33-1042  
~~Specialty Retail, Group I, II and III~~  
 Storage: Indoor and Outdoor, as conditioned in Condition Number 17  
 Temporary Uses, limited to those ancillary to the existing use

b. **Site Development Regulations:**

Minimum Lot Size	<del>7,500 square feet</del> 20,000 square feet
Minimum Street Setback:	25 feet
Minimum Side Setback:	15 feet
Minimum Rear Setback:	20 feet
Maximum Building Height:	35 feet/1 story ( <del>2 stories</del> )
Maximum Lot Coverage:	40%
Minimum Open Space:	20% or 12,220 square feet

3. **Environmental Conditions:**

- a. Prior to local development order approval, all development order plans must delineate a minimum of 12,220 square feet of open space.
- b. Prior to local development order approval, development order plans must provide a minimum of 830 square feet of perimeter planting abutting the 4,000 square foot proposed building and a minimum of 520 square feet of perimeter plantings abutting the 3,567 square foot existing/proposed building meeting the LDC, Section 10-416(b) standards.
- c. Prior to local development order approval, development order plans must provide a buffer not less than 10 feet in width along the northerly property boundary with Type "C" plantings consistent with Condition #11.
- d. Consistent with Condition #11, a buffer not less than 10 feet in width, consisting of a minimum of five trees per 100 linear feet, must be planted along the western perimeter of the alley (roadway easement). No plantings are permitted to encroach into the platted easement.
- e. Within 18 months of approval of the rezoning, all required buffer and perimeter plantings approved per deviations 3, 6 and 7 and as conditioned, must be installed and a separate Certificate of

granted by deviation as part of this planned development. If changes to the MCP are subsequently pursued, appropriate approvals will be necessary.

2. The Applicant has submitted a range of commercial uses within the Schedule of Uses for the subject property. However, the MCP is designed to accommodate the existing business and future expansion. Therefore, Staff has provided a "strike-through" list of proposed uses, recommending those that complement or are ancillary to the existing automotive repair and service business or those that are deemed appropriate in the Coastal Rural future land use category and consistent with the Greater Pine Island character.

a. **Schedule of Uses**

Accessory Uses and Structures, limited to uses ancillary to the principle use

Administrative Offices

ATM (Automatic Teller Machine), without a drive-through

Auto Part Store, ancillary to the existing Auto Repair and Service business

Automobile Repair and Service, Group I, Limited to the existing automotive repair and service business

Bait and Tackle Shop

Boats:

Boat part store

Boat repair and service

Business Services, Group I

Cleaning and Maintenance Services - NO outdoor storage

Contractors and Builders, Groups I - NO outdoor storage

Essential Services, as defined in the Land Development Code (LDC), Section 34-2

Excavation: Water Retention only

Fences, Walls

Hardware Store

Hobby, Toy and Game Shop

Personal Services, Group I

Plant Nursery

Repair Shops, Groups I and II

Signs in accordance with the Land Development Code (LDC), Chapter 30 and Section 33-1042

Storage: Indoor and Outdoor, as conditioned in Condition Number 17

Temporary Uses, limited to those ancillary to the existing use

b. **Site Development Regulations**

Minimum Lot Size: 20,000 square feet

Minimum Street Setback: 25 feet

Minimum Side Setback: 15 feet

Minimum Rear Setback: 20 feet

Maximum Building Height: 35 feet/1 story

Maximum Lot Coverage: 40%

Minimum Open Space: 20% or 12,220 square feet

hereto as Exhibit C. 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 MCP are subsequently pursued, appropriate approvals will be necessary.

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

a. Schedule of Uses

Accessory Uses and Structures, limited to uses ancillary to the principle use  
Administrative Offices  
ATM (Automatic Teller Machine), without a drive-through  
Auto Parts Store, ancillary to the existing Auto Repair and Service business  
Automobile Repair and Service, Group I only, and Limited to the existing automotive repair and service business  
Bait and Tackle Shop  
Boats:  
    Boat parts store  
    Boat repair and service  
Business Services, Group I only  
Cleaning and Maintenance Services - NO outdoor storage  
Contractors and Builders, Groups I - NO outdoor storage  
Essential Services  
Excavation: Water Retention only  
Fences, Walls  
Hardware Store  
Hobby, Toy and Game Shop  
Personal Services, Group I only  
Plant Nursery  
Repair Shops, Groups I and II  
Signs in accordance with LDC Chapter 30 and LDC §33-1042  
Storage: Indoor and Outdoor, and subject to Condition 17  
Temporary Uses, limited to those ancillary to the existing use

b. Site Development Regulations

Minimum Lot Size:	20,000 square feet
Minimum Street Setback:	25 feet
Minimum Side Setback:	15 feet
Minimum Rear Setback:	20 feet
Maximum Building Height:	35 feet/1 story
Maximum Lot Coverage:	40%
Minimum Open Space:	20% or 12,220 square feet

3. Environmental Conditions:

- a. Prior to local development order approval, all development order plans must delineate a minimum of 12,220 square feet of open space.

**Sec. 34-843. Use regulations table.**  
 Use regulations for conventional commercial districts are as follows:  
**TABLE 34-843. USE REGULATIONS FOR CONVENTIONAL COMMERCIAL DISTRICTS**

Special Notes or Regulations	C-1A	C-1	C-2	C-2A	CN-1	CN-2	CN-3 (21, 23)	CC	CG	CS-1	CS-2	CH	CT	CR	CI	CP
Accessory apartment	P	P	P	—	—	—	—	—	—	—	—	—	—	—	—	—
Administrative offices	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	—
Aircraft landing facilities, private: Lawfully existing: Expansion of aircraft landing strip, heliport or heliport landing pad New accessory buildings New: Aircraft landing strip and ancillary hangars, sheds and equipment Heliport Heliport	SE	SE	SE	SE	SE	SE	—	SE	SE	SE	SE	SE	SE	SE	SE	—
Animals Keeping and breeding of Class I or Class II(d)	—	SE	SE	SE	SE	—	—	SE	SE	SE	—	—	SE	—	—	—
Amateur radio antennas and satellite earth stations when accessory to an existing principal use	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—
Amusement park, less than ten acres	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—
Animals: Clinic Kennel Control center (including Humane Society)	—	P	P	P	—	—	—	P	P	P	—	—	—	P	—	—
Assisted living facility	—	—	—	—	—	—	P	—	—	—	—	—	P(13)	—	—	—
ATM (automatic teller machine)	P	P	P	P	P	P	P(16)	P	P	P	SE	—	P	P	—	—
Auto parts store: No installation service With installation service	P	P	P	P	—	P	P	P	P	—	—	—	—	—	—	—
Automobile repair and service (34-622(c)(2)): Group I Group II	—	P	P	P	—	—	—	P	P	—	—	—	—	—	P	—
Automobile service station	—	P	P	P	—	P	—	P	SE	—	—	P	SE	P	P	—
Bait and tackle shop	P	P	P	P	P	P	P	P	P	—	SE(6)	—	P	P	—	—

Refer to 34-1175 for regulations.

	Special Notes or Regulations	C-1A	C-1	C-2	C-2A	CN-1	CN-2	CN-3 (21, 23)	CC	CG	CS-1	CS-2	CH	CT	CR	CI	CP	
Banks and financial establishments (34-622(c)(3)): Group I Group II		P —	P P	P P	P P	— —	P —	P(16) —	P P	P P	P P	P(16) P(16)	— —	P —	— —	— —	— —	
Bar or cocktail lounge	Special Notes or Regulations 34-1201 et seq. 34-1261 et seq.	—	AA/SE	AA/SE	AA/SE	—	—	—	AA/SE	AA/SE	—	—	AA/SE (6)	AA/SE	AA/SE	—	—	
Bed and breakfast (df)	Note (25), 34-1494	—	P	P	P	—	—	—	—	—	—	SE	—	P	—	—	—	
Boarding house	Note (25)	—	P	P	P	—	—	—	—	—	—	SE	—	P	—	—	—	
Boats: Boat parts store Boat ramp Boat rental Boat repair and service Boat sales Boat storage, dry, not exceeding 18 feet above grade Boat storage, dry, exceeding 18 feet above grade	34-1352, 34-3001 et seq. Note (32) Note (32)	P EO/SE P — — — —	P EO/SE P — — — —	P P P — — — —	P P P — — — —	— — — — — — —	P — — — — — —	P(2, 4) — — — — — —	P P P EO — — — —	P P P P — — — —	P P P P — — — —	— — — — — — —	— — — — — — —	— — — — — — —	— — — — — — —	— — — — — — —	— — — — — — —	— — — — — — —
Broadcast studio, commercial radio and television	34-1441 et seq.	—	—	P	P	—	—	—	P	P	—	—	—	—	—	—	—	
Building materials sales (34-622(c)(4))		—	—	P	P	—	—	—	—	P	—	—	—	—	—	P	—	
Business services (34-622(c)(5)): Group I Group II		P —	P P	P P	P P	— —	P —	P SE	P P	P P	P P	P(8) —	— —	P —	P —	P P	— —	
Bus station/depot	34-1381 et seq.	—	—	P	P	—	—	—	SE	P	—	—	P	—	—	—	—	
Caretaker's residence	Note (30)	—	SE	SE	SE	—	—	SE	SE	SE	—	—	—	—	—	—	—	
Car wash		—	P	P	P	—	—	—	P	P	—	—	P	—	—	—	—	
Cleaning and maintenance services (34-622(c)(7))		P	P	P	P	—	—	SE	P	P	P	P	—	—	—	—	—	
Clothing stores, general (34-622(c)(8))		P	P	P	P	—	—	—	P	P	—	—	—	—	—	—	—	
Clubs: Country Commercial Fraternal Membership organization Private	34-2111 34-2111	— — — — —	— P P P —	— P P P —	— P P P —	— — — — —	— — — — —	— — — — —	— P P P —	— EO EO EO —	— — — — —	— — — — —	— — — — —	— — — — —	— — — — —	— — — — —	— — — — —	— — — — —
Cold storage warehouse and processing plant (including precooling)		—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	
Commercial fishery		—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	
Commercial use of beachfront seaward of the water body setback line	34-3151	SE (7)	SE (7)	SE (7)	SE (7)	—	—	—	SE (7)	SE (7)	—	—	—	—	—	—	—	
Communication facility, wireless	34-1441 et seq.	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	
Community residential home	Note (29)	P	P	P	P	—	—	P	—	—	—	—	—	—	—	—	—	

Refer to 34-1441 et seq. for regulations.



Special Notes or Regulations	C-1A	C-1	C-2	C-2A	CN-1	CN-2	CN-3 (21, 23)	CC	CG	CS-1	CS-2	CH	CT	CR	CI	CP
Consumption on premises	AA/SE	AA/SE	AA/SE	AA/SE	AA/SE	AA/SE	AA/SE	AA/SE	AA/SE	AA/SE	AA/SE	AA/SE	AA/SE	AA/SE		
Contractors and builders (34-622(c)(9)):																
Group I	P	P	P	P			P	P	P							
Group II		P	P	P				P	P							
Group III																
Convenience food and beverage store	P(19)	F(19)	P(19)	P(19)		SE(19)		P	P			P	SE(19)	P		
Cultural facilities (34-622(c)(10))																
Day care center, adult, child	P	P	P	P	P	P	P	P	EO				P	P		
Department store	P	P	P	P				P	P							
Dormitory																
Drive-through facility for any permitted use						SE		P	P	SE	SE	P	P	P	P	
Drive-in theater																
Drugstore, pharmacy																
Dwelling unit:																
Duplex	P	P	P	P												
Single-family	P	P	P	P							P					
Two-family attached	P	P	P	P							P					
Townhouse	EO			EO												
Mobile home																
Multiple-family building	EO	P	P	EO	SE(10)	SE(10)	SE(10)			SE(10)	SE(10)					
Entrance gates and gatehouse	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P
Emergency operations center	P	P	P	P							SE					
EMS, fire or sheriff's station	P	P	P	P												
Essential services	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P
Essential service facilities (34-622(c)(13)):																
Group I	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P
Group II	SE	SE	SE	SE	SE	SE		SE	SE	SE	SE	SE	SE	SE	SE	SE
Excavation:																
Mining																
Water retention																
Oil or gas	SE	SE	SE	SE	SE	SE		SE	SE	SE	SE	SE	SE	SE	SE	SE
Farm equipment, sales, storage, rental or service																
Feed or fertilizer, mixing and sales																
Flea market:																
Open																
Indoor																
Food and beverage service, limited	SE	SE	SE	SE	SE	SE	SE	SE	SE	SE	SE	SE	SE	SE	SE	SE
Food stores (34-622(c)(16)):																
Group I	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P
Group II	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P
Fraternity house																
Note (25)																

	Special Notes or Regulations	C-1A	C-1	C-2	C-2A	CN-1	CN-2	CN-3 (21, 23)	CC	CG	CS-1	CS-2	CH	CT	CR	CI	CP
Freight and cargo handling establishments (34-622(c)(17))		-	-	-	-	-	-	-	-	-	-	-	-	-	-	P	-
Funeral home or mortuary:																	
No cremation		P	P	P	P	-	-	-	P	P	P	SE	-	-	-	-	-
With cremation		SE	SE	SE	SE	-	-	-	SE	P	P	SE	-	-	-	-	-
Gasoline dispensing system, special		-	-	-	-	-	-	-	-	-	-	-	-	-	-	P	-
Hardware store		P	P	P	P	P	P	P	P	P	-	-	-	-	P	-	-
Health care facility (34-622(c)(20)):																	
Group I (less than 50 beds)	Note (26)	-	-	-	-	-	-	-	-	-	P (13)	SE (13)	-	-	-	-	-
Group II (less than 60 beds)	Note (26)	-	-	-	-	-	-	-	-	-	P (13)	SE (13)	-	-	-	-	-
Group III		P	P	P	P	-	-	P	P	P	P	SE(13)	-	P	-	-	-
Group IV	Note (26)	-	-	-	-	-	-	-	-	-	P (13)	SE (13)	-	-	-	-	-
Heliport or helistop																	
Hobby, toy and game shops (34-622(c)(21))		P	P	P	P	-	P	P	P	P	-	-	-	-	-	-	-
Home care facility	Note (26)	P	P	P	P	SE	SE	-	-	-	SE	SE	-	P	-	-	-
Home occupation:																	
No outside help	Note (27), 34-1771 et seq.	P	P	P	P	P	P	P	-	-	P	P	-	P	-	-	-
With outside help	Note (27), 34-1771 et seq.	AA	AA	AA	AA	AA	AA	AA	-	-	AA	AA	-	AA	-	-	-
Hotel/motel	Note (31), 34-1801 et seq.	-	P	P	P	-	-	-	-	-	-	SE	P	P	-	-	-
Household and office furnishings (34-622(c)(22)):																	
Group I		P	P	P	P	-	-	P	P	P	-	-	-	-	-	-	-
Group II		P	P	P	P	-	-	P	P	P	-	-	-	-	-	-	-
Group III		-	-	-	-	-	-	-	P	P	-	-	-	-	-	-	-
Impound yard	Note (33)	-	EO (33)	EO (33)	-	-	-	-	EO (33)	EO (33)	-	-	-	-	-	-	-
Insurance companies (34-622(c)(23))		P	P	P	P	-	-	-	-	-	P	-	-	-	-	-	-
Laundromat		P	P	P	P	P	P	P	P	P	-	SE (6)	-	P	P	-	-
Laundry or dry cleaning (34-622(c)(24)):																	
Group I		P	P	P	P	-	P	P	P	P	-	-	-	-	-	-	-
Group II		-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-
Lawn and garden supply store	34-2081	P	P	P	P	-	-	-	P	P	-	-	-	-	P	P	-
Library	Note (26)	P	P	P	P	-	P	P	P	P	-	-	-	P	-	-	-
Maintenance facility (government)		P	P	P	P	-	-	-	-	P	P	SE	-	-	-	P	-

See Aircraft landing facilities, private

Special Notes or Regulations	C-1A	C-1	C-2	C-2A	CN-1	CN-2	CN-3 (21, 23)	CC	CG	CS-1	CS-2	CH	CT	CR	CI	CP
Manufacturing of: Apparel products (34-622(c)(1)) Dairy products (SIC 202 only) Electrical machinery and equipment (34-622(c)(11)) Fabricated metal products (34-622(c)(14), group III) Food and kindred products (34-622(c)(16), group III) Leather products (34-622(c)(25), group II) Lumber and wood products (34-622(c)(26), group II) Measuring, analyzing and controlling instruments (34-622(c)(28)) Novelties, jewelry, toys and signs (34-622(c)(29), all groups) Rubber and plastic products (34-622(c)(44), group II)	-	-	P	-	-	-	-	-	-	-	-	-	-	-	-	-
Marina	EO	EO	EO	EO	-	-	-	-	EO	-	-	-	EO	-	-	-
Marina, ancillary uses	EO	EO	EO	EO	-	-	-	-	EO	-	-	-	EO	-	-	-
Mass transit depot or maintenance facility (government-operated)	P	P	P	P	-	-	-	-	P	P	SE	-	-	-	P	-
Medical offices	P	P	P	P	-	P	P	P	P	P	P	-	P	P	-	-
Mobile home dealers	-	-	P	-	-	-	-	-	SE	-	-	-	-	-	-	-
Model: Home Unit Display center Multitrip docking facility	P	P	P	P	-	-	-	-	-	-	-	-	SE	-	-	-
34-1951 et seq. 34-1951 et seq. 34-1951 et seq.	P	P	P	P	-	-	-	-	-	-	-	-	SE	-	-	-
34-1201 et seq. 34-1261 et seq.	-	AA/SE	AA/SE	AA/SE	-	-	-	AA/SE	AA/SE	-	-	AA/SE(6)	AA/SE	AA/SE	-	-
Nonstore retailers (34-622(c)(30)), all groups	P	P	P	P	-	-	-	P	-	-	-	-	-	-	-	-
Package store	P	P	P	P	P	P	P	P	P	-	-	-	P	P	-	-
Paint, glass and wallpaper	P	P	P	P	-	-	-	P	P	-	-	-	-	-	-	-
Parks (34-622(c)(32)) Group I Group II	P SE	P SE	P P	P P	-	-	-	P P	P P	-	-	-	P P	-	-	-
Parking lot: Accessory Commercial Garage, public parking Temporary	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P
Note (14), 34-3049	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-

	Special Notes or Regulations	C-1A	C-1	C-2	C-2A	CN-1	CN-2	CN-3 (21, 23)	CC	CG	CS-1	CS-2	CH	CT	CR	CI	CP
Personal services (34-622(c)(33)):																	
Group I		P	P	P	P	P	P	P	P	P		SE (5)		P			
Group II		P	P	P	P			P	P	P				P			
Group III		P	P	P	P			P	P	P	SE	SE (5)		P			
Group IV		P	P	P	P			P	P	P				P			
Pet services		P	P	P	P				P	P							
Pet shop		P	P	P	P			P	P	P							
Pharmacy		P	P	P	P			P	P	P							
Places of worship	Notes (25), 34-2061	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	
Plant nursery	34-2081	P	P	P	P					P					P		
Post office		P	P	P	P					P	P	SE				P	
Printing and publishing (34-622(c)(36))				P						EO							
Processing and warehousing																	
Racetracks (34-622(c)(37)); Groups I and II	CPD only																
Recreation, facilities:																	
Commercial (34-622(c)(38))																	
Group I		P	P	P	P			P	P	P				P			
Group III	Notes(20)		P/SE	P/SE	P/SE									P/SE			
Group IV	Notes(20)					P			P/SE	P/SE							
Personal		P	P	P	P			P									
Private:																	
On-site		P	P	P	P				P					P			
Off-site		SE	P	P	P									P			
Recycling facility				SE						SE							
Religious facilities	Notes (25), 34-2061 et seq.			P				P	P	P	P	SE		SE			
Rental or leasing establishments (34-622(c)(39)):																	
Group I	34-1852	P	P	P	P			P	P	P				P			
Group II	34-3001 et seq.	P	P	P	P			P	P	P				P			
Group III	34-1852		P	P	P									P			
Group IV	34-3001 et seq.		P	P	P									P(17)			
Repair shops (34-622(c)(40)):																	
Group I	34-1852	P	P	P	P			P	P	P				P			
Group II	34-3001 et seq.	P	P	P	P			P	P	P				P			
Group III	34-1852																
Group IV	34-3001 et seq.																
Research and development laboratories (34-622(c)(41)):																	
Group II		P	P	P	P				P	P	P	SE					
Group IV																	

Special Notes or Regulations	C-1A	C-1	C-2	C-2A	CN-1	CN-2	CN-3 (21, 23)	CC	CG	CS-1	CS-2	CH	CT	CR	CI	CP
Residential accessory uses (34-622(c)(42))	P	P	P	P	P	P	P	—	P	P	P	—	P	—	—	—
Restaurants, fast food	—	P	P	P	—	—	—	P	P	—	—	P	P	SE	—	—
Restaurants (34-622(c)(43)):																
Group I	P	P	P	P	—	P	P	P	P	—	SE (6)	P	P	P	—	—
Group II	P	P	P	P	—	P	P (24)	P	P	SE	SE (6)	P	P	—	—	—
Group III	P	P	P	P	—	P	P (24)	P	P	—	SE (6)	P	P	P	—	—
Group IV	—	P	P	P	—	—	—	P	P	—	SE (6)	P	P	—	—	—
Roadside stand	TP	TP	TP	TP	TP	TP	—	TP	TP	TP	TP	TP	TP	TP	TP	TP
Rooming houses	—	—	—	—	—	—	—	—	—	—	SE	—	P	—	—	—
Schools:																
Commercial (34-622(c)(46))	P	P	P	P	—	—	—	P	P	P	SE	—	—	—	—	—
Non-commercial	P	P	P	P	—	—	—	P	P	P	SE	—	—	—	—	—
Self-service fuel pumps	SE	SE	SE	SE	—	SE	—	P	P	—	—	SE	SE	P	P	—
Signs in accordance with chapter 30	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P
Social services (34-622(c)(46)):																
Group I	P	P	P	P	—	—	—	P	—	P	—	—	—	—	—	—
Group II	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—
Group III	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—
Group IV	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—
Specialty retail shop (34-622(c)(47)):																
Group I	P	P	P	P	P	P	P	P	P	SE	SE (6)	P	P	P	—	—
Group II	P	P	P	P	—	P	P	P	P	—	SE (6)	—	P	—	—	—
Group III	P	P	P	P	—	—	P (2)	P	P	—	—	—	—	—	—	—
Group IV	P	P	P	P	—	—	—	P	P	—	—	—	—	—	—	—
Stable, commercial	—	—	—	—	—	—	—	—	—	—	—	—	—	SE	—	—
Storage:																
Indoor only	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	—
Storage, open	—	P	P	P	—	—	—	P	P	—	—	—	—	P	P	—
Studios (34-622(c)(49))	—	P	P	P	P	—	—	P	EO	—	SE	—	—	—	—	—
Supermarket	P	P	P	P	—	—	—	P	P	—	—	—	—	—	—	—
Temporary uses	P	P	P	P	—	—	—	P	P	P	—	—	—	P	P	P
Theater:																
Indoor	—	EO	EO	—	—	—	—	P	P	—	—	—	—	—	—	—
Drive-in	—	—	EO	—	—	—	—	—	—	—	—	—	—	—	—	—
Timeshare units	EO	SE	SE	SE	—	—	—	—	—	—	—	—	P	—	—	—
Transportation services (34-622(c)(53)):																
Group I	—	—	P	P	—	—	—	—	—	—	—	—	—	—	—	—
Group II	—	—	P	P	—	—	—	P	P	—	—	—	—	P	P	—
Group III	—	—	P	P	—	—	—	—	P	—	—	P	—	—	P	—
Group IV	—	—	P	P	—	—	—	—	—	—	—	—	—	—	P	—
Truck stop	—	—	—	—	—	—	—	—	P	—	—	P	—	—	P	—

	Special Notes or Regulations	C-1A	C-1	C-2	C-2A	CN-1	CN-2	CN-3 (21, 23)	CC	CG	CS-1	CS-2	CH	CT	CR	CI	CP
	Trucking terminal, motor, rail, air, including warehousing of goods awaiting shipment, parking, and storage of rolling stock	-	-	-	-	-	-	-	-	-	-	-	-	-	-	P	-
	Used merchandise stores (34-622(c)(64)):																
	Group I	-	P	P	P	-	P	-	P	P	-	-	-	-	-	-	-
	Group I, limited to indoor display only,	P	-	-	-	-	-	P	-	-	-	-	-	-	-	-	-
	Group II	-	P	P	P	-	-	P (2)	P	P	-	-	-	-	-	-	-
	Group III	-	P	P	P	-	-	-	P	P	-	-	-	-	-	-	-
	Group IV	-	P	P	P	-	-	-	P	P	-	-	-	-	-	-	-
	Variety store	P	P	P	P	-	P	P	P	-	-	-	-	-	-	-	-
	Vehicle and equipment dealers (34-622(c)(65)):																
	Group I	-	P	P	P	-	-	-	-	P	-	-	-	-	-	-	-
	Group II	-	P	P	P	-	-	-	P	P	-	-	-	-	-	-	-
	Group III	-	P	P	P	-	-	-	-	P	-	-	-	-	-	-	-
	Group IV	-	P	P	P	-	-	-	-	P	-	-	-	-	-	-	-
	Group V	-	-	-	-	-	-	-	-	P	-	-	-	-	-	-	-
	Warehouse:																
	Mini-warehouse	-	-	P	-	-	SE	-	SE	SE	-	-	-	-	-	P	-
	Private	-	-	P	-	-	-	-	-	-	-	-	-	-	-	P	-
	Public	-	-	P	-	-	-	-	-	-	-	-	-	-	-	P	-
	Wholesale establishment (34-622(c)(66)):																
	Group I	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-
	Group II	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-
	Group III	-	P (16)	P	P	-	-	-	P (16)	P (16)	P (16)	P (16)	-	P (16)	P (16)	P	-
	Group IV	-	P (16)	P (16)	P (16)	-	-	-	P (16)	P (16)	-	-	-	-	-	P	-

Notes:

- (1) Permitted only when accessory to a lawfully permitted single-family dwelling unit.
- (2) No outdoor display of merchandise permitted.
- (3) Permitted only if completely enclosed within a building.
- (4) No installation service permitted.
- (5) Limited to 500 square feet when in conjunction with one dwelling unit on the same premises.
- (6) Use only permitted when clearly incidental to a hotel or motel.
- (7) The following uses may be permissible seaward of the water body setback line only by special exception: boat rentals (inflatables, sailboats, jet skis, windsurfers and the like), foodstands, rental of cabanas and beach furniture, outdoor amusements including boat balloonist, and seaplane rides, and parasail tows, parasail tows and similar activities, fishing and sightseeing piers and towers.

- (8) Bail bonding, blood banks, blood donor stations and caterers permitted only by special exception.
- (9) Reserved.
- (10) The total square footage of the residential uses shall not exceed the total square footage of all existing and proposed commercial uses on the subject property, and the total number of residential units shall not exceed the number of units permitted by the Lee Plan, whichever is less.
- (11) Not permitted within 500 feet of the nearest residence.
- (12) Excluding supermarkets.
- (13) New facilities of 50 or more beds, or the expansion of an existing facility that will bring the number of beds to 50 or more, requires PD zoning. See section 34-341 and Table 34-934.
- (14) Use not permitted on Captiva Island or within the Gasparilla Island conservation district.
- (15) Limited to those commodities and products which are permitted to be sold at retail, provided that parking meets the requirements for retail sales.
- (16) ATM's that are to be available to the public 24 hours a day, must be approved by Special Exception and located so that their uses will not cause a disturbance to adjacent property owners. ATM's located within a building housing a permitted use and available to the public only during normal working hours do not require a Special Exception.
- (17) Limited to rental of passenger cars, vans, and pick-up trucks less than three-quarter ton capacity. Maintenance activities limited to washing, waxing, vacuuming and minor repairs but excluding activities classified as Automotive Repair and Service-Groups I and II. See section 34-622(c)(2).
- (18) Two pumps are permissible as an accessory use to businesses (other than a convenience food and beverage store which is listed separately) to provide fuel for their own fleet of vehicles and equipment. Additional pumps require approval of a special exception.
- (19) Limited to eight pumps unless a greater number is approved as part of a special exception or as specifically approved in the master concept plan. An existing business with more than eight lawfully permitted pumps as of January 31, 1998 will not be considered non-conforming. Existing pumps may be modernized, replaced, or relocated on the same premises but additional new pumps will not be permitted.
- (20) Facilities proposed for ten or more acres or the expansion of an existing facility that will bring the number of acres to ten or more acres must request and be approved as a special exception.
- (21) Regular business hours limited to 7:00 a.m. to 9:00 p.m. unless extended hours are approved by Special Exception for a specific use.
- (22) Use may only be approved when clearly incidental to a permitted restaurant.
- (23) Total floor area of a single use building may not exceed 5,000 square feet. A multi-use building may not exceed 7,500 square feet. If more than one building is in a development, there must be a minimum separation between buildings of fifteen feet.
- (24) No outdoor seating.

- (25) Not permitted in Airport Noise Zone 3.
- (26) Not permitted in Airport Noise Zone 3. See section 34-1006(b)(2) for exceptions.
- (27) Not permitted in Airport Noise Zone 2 or 3 unless accessory to a lawful mobile home or single-family residence. See section 34-1006(b)(2) & (3).
- (28) Limited to active recreation only (ballfields and tennis courts, for example) in Airport Noise Zone 3.
- (29) Not permitted in Airport Noise Zone 3 unless pre-empted by state law.
- (30) Not permitted in Airport Noise Zones 2 and 3 unless required to support a noise compatible use and constructed in compliance with limitations for dwelling unit type set forth in section 34-1006(b)(2) & (3) as applicable.
- (31) Sound attenuating insulation should be considered for hotels and motels in Airport Noise Zone 3.
- (32) For purposes of this use only, grade is the average elevation of the street or streets abutting the property measured along the centerline of the streets, at the points of intersection of the streets with the side lot lines (as extended) and the midpoint of the lot frontage.
- (33) The use is subject to the special setback regulations as set forth in section 34-2443, minimum required setbacks.
- (34) Limited to four pumps, unless a greater number is approved as part of a special exception.
- (35) See sections 34-3107 and 34-3108.  
 (Ord. No. 93-24, § 7(table 450.A), 9-15-93; Ord. No. 94-02, § 16, 1-10-94; Ord. No. 94-24, § 49, 8-31-94; Ord. No. 95-07, § 35, 5-17-95; Ord. No. 96-06, § 5, 3-20-96; Ord. No. 96-17, § 5, 9-18-96; Ord. No. 97-10, § 6, 6-10-97; Ord. No. 98-03, § 5, 1-13-98; Ord. No. 98-11, § 5, 6-23-98; Ord. No. 99-05, § 9, 6-29-99; Ord. No. 00-14, § 5, 6-27-00; Ord. No. 01-03, § 5, 2-27-01; Ord. No. 01-18, § 5, 11-13-01; Ord. No. 02-20, § 5, 6-25-02; Ord. No. 03-11, § 1, 4-8-03; Ord. No. 03-16, § 6, 6-24-03; Ord. No. 04-05, § 1, 4-27-04; Ord. No. 05-14, § 6, 8-23-05; Ord. No. 06-10, § 1, 6-12-06; Ord. No. 07-24, § 7, 8-14-07)



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

WHEREAS, an application was filed by the property owner, Carl J. Humphrey, to rezone a 1.29±-acre parcel from Agricultural (AG-2) and Rural Commercial (CR) to Commercial Planned Development (CPD) in reference to a project known as the Humphrey CPD; and,

WHEREAS, a public hearing was advertised and held on March 13, 2008, before the Lee County Zoning Hearing Examiner, Diana M. Parker. Written submissions were requested by the Hearing Examiner at the close of hearing with a due date of March 28, 2008. The Hearing Examiner gave full consideration to the evidence in the record for Case #DCI2007-00019; and,

WHEREAS, a second public hearing was advertised and held on June 2, 2008, 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 a 1.29±-acre parcel from AG-2 and CR to CPD to allow continuation of an existing auto repair and service business up to 4,000 square feet, of which 3,567 square feet is for retail, office, and storage, and not to exceed a total development of 7,567 square feet. No blasting is proposed as part of this development

The property is located in the Coastal Rural 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).

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 Allocations Table, Map 16 and Table 1(b).

1. Development must be consistent with the Master Concept Plan (MCP), entitled "Zoning Master Concept Plan, Carl J. Humphrey, Humphrey CPD," dated 3/11/07, last revised 05/21/08, date-stamped "Received JUN 16 2008 Community Development," and attached

hereto as Exhibit C. 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 MCP are subsequently pursued, appropriate approvals will be necessary.

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

a. Schedule of Uses

Accessory Uses and Structures, limited to uses ancillary to the principle use  
Administrative Offices  
ATM (Automatic Teller Machine), without a drive-through  
Auto Parts Store, ancillary to the existing Auto Repair and Service business  
Automobile Repair and Service, Group I only, and Limited to the existing automotive repair and service business  
Bait and Tackle Shop  
Boats:  
    Boat parts store  
    Boat repair and service  
Business Services, Group I only  
Cleaning and Maintenance Services - NO outdoor storage  
Contractors and Builders, Groups I - NO outdoor storage  
Essential Services  
Excavation: Water Retention only  
Fences, Walls  
Hardware Store  
Hobby, Toy and Game Shop  
Personal Services, Group I only  
Plant Nursery  
Repair Shops, Groups I and II  
Signs in accordance with LDC Chapter 30 and LDC §33-1042  
Storage: Indoor and Outdoor, and subject to Condition 17  
Temporary Uses, limited to those ancillary to the existing use

b. Site Development Regulations

Minimum Lot Size:	20,000 square feet
Minimum Street Setback:	25 feet
Minimum Side Setback:	15 feet
Minimum Rear Setback:	20 feet
Maximum Building Height:	35 feet/1 story
Maximum Lot Coverage:	40%
Minimum Open Space:	20% or 12,220 square feet

3. Environmental Conditions:

a. Prior to local development order approval, all development order plans must delineate a minimum of 12,220 square feet of open space.

- b. Prior to local development order approval, development order plans must provide a minimum of 830 square feet of perimeter planting abutting the 4,000 square-foot proposed building and a minimum of 520 square feet of perimeter plantings abutting the 3,567 square-foot existing/proposed building meeting LDC §10-416(b) standards.
  - c. Prior to local development order approval, development order plans must provide a buffer not less than 10 feet in width along the northerly property boundary with Type "C" plantings consistent with Condition 11.
  - d. Consistent with Condition 11, a buffer not less than 10 feet in width, consisting of a minimum of five trees per 100 linear feet, must be planted along the western perimeter of the alley (roadway easement). No plantings are permitted to encroach into the platted easement.
  - e. Within 18 months of approval of the rezoning, all required buffer and perimeter plantings approved per Deviations 3, 6, and 7, and as conditioned, must be installed and a separate Certificate of Compliance inspection must be submitted to the Lee County Division of Environmental Sciences' staff.
- 4. Building Height: The maximum building height is 35 feet/one story. Additional height must be approved through the public hearing process.
  - 5. Vehicular or Pedestrian Traffic Impacts: Approval of this zoning does not address mitigation of the project's vehicular or pedestrian traffic impacts. Additional conditions consistent with the LDC may be required to obtain a local development order.
  - 6. Local Development Order Approval: Approval of this zoning request does not guarantee local development order approval. Future development order approval 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.
  - 7. Concurrency: Approval of this rezoning does not constitute a finding that the proposed project meets the concurrency requirements set forth in LDC Chapter 2, and the Lee Plan. The developer is required to demonstrate compliance with all concurrency requirements prior to issuance of a local development order.
  - 8. Land Development Code Compliance: This development must comply with all of the requirements of the LDC, including the amendment of Chapter 33 to create a new Article III applicable to the Greater Pine Island Planning Community, at the time of local development order approval, except as may be granted by deviations approved as part of this planned development.
  - 9. Agricultural Uses: There are no existing bona-fide agricultural uses or an agricultural exemption on the subject property. As such, agricultural uses are not approved as part of this planned development.

10. Buffers: All required buffers and landscaping must utilize 100 percent native vegetation.
11. Development Order: An application for a local development order must be submitted for review and approval to ensure compliance with the conditions and deviations approved as part of this rezoning request.

The existing building, parking, and landscaping do not constitute development of a substantial portion of the planned development. A development order must be submitted within nine months of approval of the rezoning in compliance with the provisions, approved deviations, and conditions of the rezoning.

Within 180 days of the approval of the zoning request, a limited development order and subsequent commercial permit must be obtained to permit construction of the six-foot high solid fence on the entirety of the eastern property perimeter. The fence must not encroach into the platted 20-foot alley (roadway easement).

12. Architectural: All future development must comply with LDC §33-083, Commercial Building Design Standards.
13. Utilities: The subject property must connect to water for potable and fire protection, as well as reuse for irrigation purposes and sanitary sewer. Water services for potable water and fire protection are provided by the Greater Pine Island Water Association, Inc. Sanitary sewer and reuse water for irrigation services will be provided by Lee County Utilities.

As a condition of the rezoning, a development order must be submitted for review and approval depicting connection to all applicable utilities.

14. Refuse and Solid Waste Disposal Facilities: The developer must provide facilities for solid waste/recyclable storage and pick-up in compliance with the LDC, §10-261. These facilities must be provided for the existing development, as well as future proposed development and expansion(s).
15. Lighting: Lighting of parking areas or for security must be internally directed. Lighted areas must be illuminated with enough intensity to create secure area, yet without creating an overly, intense, commercial image. Lamps must be hooded or globed and must not exceed 15 feet in height. Mercury vapor lamps are prohibited.
16. Hours of Operation: Hours of operation for all permitted uses are limited to Mondays through Saturdays between the hours of 7:00 a.m. and 7:00 p.m.
17. Parking and Storage: Storage of vehicles must be located in the ten parking spaces designated along the southern perimeter of 8360 Stringfellow Road designated on the MCP as "Phase II". However, until such time as "Phase II" is developed, all activity must take place on the subject property located at 8336 Stringfellow Road. Vehicles may be stored in the parking area located along the northeastern property perimeter of the property located at 8336 Stringfellow Road, which is the existing auto repair and service business.

Outdoor storage or parking of vehicles (including customer and employee parking), trailers, or equipment is prohibited on the vacant parcel located at 8360 Stringfellow Road, depicted

as "Phase II", of the proposed commercial project, until such time as this lot is developed under an approved development order and in compliance with this Condition.

A reduction in the required number of parking spaces is not approved as part of this rezoning. The submitted MCP does not depict adequate parking based on the existing and proposed uses. The project must provide parking in compliance with the LDC, §34-2020 for all permitted uses on the planned development site, which must be substantiated upon submitted of a local development order in accordance with proposed uses.

18. Business Activity: All activities associated with the operation of the automotive repair and service business must be conducted on the inside of the existing building and future building, with the exception of storage of vehicles as detailed in Condition Number 17.
19. Development: Any development of uses other than the continuation or proposed expansion of the existing automotive repair and service business, or uses ancillary to the existing use, will require modification of the MCP and a review of whether the approved deviations and accompanying conditions are still applicable. Any modification of these uses, accompanying MCP, or deviation conditions resulting in off-site impacts will be subject to a public hearing.

#### SECTION C. DEVIATIONS:

1. Deviation (1) seeks relief from the LDC §10-283(b)2(a) to provide that a developer construct a local street or access road across the full width of his property, or as needed, to connect to future access points on other property if there is insufficient width, to allow minimum spacing between intersections and to allow the existing roadway (Gulf Shore Road) to not be improved at the cost of the applicant/developer. This deviation is APPROVED, SUBJECT TO the following conditions:
  - a. The applicant must pave Gulf Shores Road a minimum of 91 feet up to the end of their first driveway/eastern end of the radius point, as allowed in Deviation 10.
  - b. The applicant will be responsible for the continued maintenance of Gulf Shores Road from the end of the first driveway to the end of the second driveway (this will be the unpaved portion), which will be required to be maintained to a Category "D" standard, per LDC §10-296.
  - c. Prior to approval of the development order, surety must be provided for the construction of Gulf Shores Road in accordance with LDC §10-154(26) a and b.
2. Deviation (2) seeks relief from LDC §10-416(d)3 requirement to provide a Type "C" or "F" buffer along the north property line, to substitute a Type "A" buffer along the building and a buffer not less than 10 feet in width along the northerly boundary of the site with Type "C" plantings, or an equivalent buffer approved by Lee County Division of Environmental Sciences' staff as part of an alternate betterment landscape plan. All 10-foot wide buffers with Type "C" plantings must be consistent with Condition Number 11. This deviation is APPROVED, SUBJECT TO the following conditions:
  - a. Prior to local development order approval, development plans must provide a minimum of 830 square feet of perimeter planting abutting the 4,000 square-foot

proposed building and a minimum of 520 square feet of perimeter plantings abutting the existing 3,567 square-foot building meeting LDC, §10-416(b) standards.

- b. A minimum 10-foot buffer, consisting of "Type C" plantings, must be planted along the northern property perimeter from the required Type "D" right-of-way buffer up to the proposed parking area (approximately 90 feet) consisting of five trees per 100 linear feet and a minimum of 18 shrubs per 100 linear feet planted to provide visual screening and not be pruned to reduce height consistent with Condition 11.
3. Deviation (3) seeks relief from LDC §10-416(d)3 requirement to provide a Type "C" or "F" buffer along the eastern property line, to allow substitution of 6-foot tall fence along the east property line in lieu of a wall. Refer to Deviation Number 6.
4. Deviation (4) seeks relief from LDC §33-1083(g) requirement to provide that no more than a single row of parking spaces may be located between the primary facade of a building and the front lot line and that at least one-half of all parking spaces provided on a site must be located further from the front lot line than the plane of a primary facade that is closest to the front lot line, to allow the existing building and parking layout on the south half site to remain as is. This deviation is APPROVED.
5. Deviation (5) seeks relief from LDC §10-416(d)(6) requirement to provide that, if roads, drives, or parking areas are located less than 125 feet from an existing single-family residential subdivision or single-family residential lot, a solid wall or combination berm and solid wall not less than eight feet in height must be constructed not less than 25 feet from the abutting property and landscaped (between the wall and the abutting property) with a minimum of five trees and 18 shrubs per 100 linear feet or a 30-foot wide Type "F" buffer with a hedge planted a minimum of 20 feet from the abutting property.

The applicant proposes to construct a six-foot tall fence along the eastern property line and to provide a planted buffer not less than 10 feet in width with Type "C" plantings on the opposite side of the 20-foot alley (roadway easement) in lieu of between the fence and the abutting property. This deviation is APPROVED, SUBJECT TO the following conditions:

- a. A six-foot high fence must be constructed along the eastern property perimeter in compliance with Condition Number 11.
- b. A buffer not less than 10 feet in width, consisting of a minimum of five canopy trees per 100 linear feet, must be planted along the western perimeter of the alley (roadway easement) in compliance with Condition 11. No plantings are permitted to encroach into the platted easement.
6. Deviation (6) seeks relief from LDC §10-416(d)3 requirement to provide a Type "D" buffer along the south property line, to allow a portion of the south property line to have a reduced Type "A" buffer. This deviation is APPROVED, SUBJECT TO the following conditions:
  - a. A minimum five-foot wide perimeter planting area must be planted along the south side of the existing building.
  - b. The MCP must demonstrate the equivalent of a double-hedge row to include the existing vegetation.

7. Deviation (7) seeks relief from the LDC §33-1083 requirement (commercial design building standards) to allow the existing structure, which was constructed prior to the adoption of this design standard, to remain as is until such time as the building is utilized for a new use. This deviation is APPROVED, SUBJECT TO the following condition:
  - a. If the use of the existing building is changed, all commercial design building standards established in the LDC §33-1083 must be applied and addressed with the submittal of a development order for review and approval.
  
8. Deviation (8) seeks relief from the LDC §10-416(d)4.1 requirement to provide that buffer trees and shrubs must be planted on the residential side of the wall, to allow required trees in the buffer to be planted on the development side of the wall. This deviation is APPROVED, SUBJECT TO the following conditions:
  - a. The fence must be constructed of a solid material a maximum of six feet in height.
  - b. The fence must not be located within the 20-foot easement.
  
9. Deviation (9) seeks relief from the LDC §10-285 requirement to provide a connection separation of 125 feet on local roads, to allow a connection separation of 91 feet and 106 feet on Gulf Shore Road. This deviation is APPROVED, SUBJECT TO the following condition:
  - a. Gulf Shore Road must be improved to a Category "A" standard per the LDC §10-296, a minimum of 91 feet (to the existing egress point).

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:

03-45-22-01-00000.1610  
03-45-22-01-00000.1650

SECTION E. FINDINGS AND CONCLUSIONS:

1. The applicant has proven entitlement to the CPD rezoning by demonstrating compliance with the Lee Plan, the LDC, and any other applicable code or regulation.
  
2. The CPD rezoning, as conditioned:
  - a. meets or exceeds all performance and locational standards set forth for the potential uses allowed by the request; and,

- b. is consistent with the densities, intensities and general uses set forth in the Lee Plan; and,
  - c. is compatible with existing or planned uses in the surrounding area; and,
  - 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 CPD 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.
6. The commercial use serves local residents and, as conditioned, will minimize any potential disruptive influences in accordance with Lee Plan Policy 14.4.2.



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

Robert P. Janes	Aye
Brian Bigelow	Aye
Ray Judah	Aye
Tammara Hall	Aye
Frank Mann	Aye

DULY PASSED AND ADOPTED this 2nd day of June 2008.

ATTEST:  
CHARLIE GREEN, CLERK

BOARD OF COUNTY COMMISSIONERS  
OF LEE COUNTY, FLORIDA

BY: Marcia Wilson  
Deputy Clerk

BY: Ray Judah  
Ray Judah  
Chair



Approved as to form by:

Michael D. Jacob  
Michael D. Jacob  
County Attorney's Office

Exhibit A  
Legal Description  
Property located in Lee County,  
Florida  
Page 1 of 2

Legal Description

A PARCEL OF LAND LYING IN SECTION 3, TOWNSHIP 45 SOUTH, RANGE 22 EAST, PINE ISLAND, LEE COUNTY, FLORIDA, DESCRIBED AS, LOT 161 THROUGH 169 GULFSHORE ESTATES UNRECORDED SUBDIVISION AS RECORDED IN OFFICIAL RECORDS BOOK 461 AT PAGE 713 AMONG THE PUBLIC RECORDS OF LEE COUNTY, FLORIDA. BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

FROM THE SOUTHEAST CORNER OF THE SOUTHWEST QUARTER (SW1/4) OF THE SOUTHEAST QUARTER (SE1/4) OF SAID SECTION 3, RUN N00°24'30"W ALONG THE EAST LINE OF SAID QUARTER-QUARTER SECTION FOR 676.00 FEET; THENCE RUN S88°43'30"W PARALLEL WITH THE SOUTH LINE OF SAID QUARTER-QUARTER SECTION 3 FOR 1416.95 FEET TO THE WEST LINE OF SAID QUARTER-QUARTER CORNER SECTION; THENCE RUN S89°24'30"W PARALLEL WITH THE SOUTH LINE OF THE SOUTHWEST QUARTER (SW1/4) OF SAID SECTION 3 FOR 1929.88 FEET; THENCE RUN N15°56'10"W FOR 760.09 FEET TO THE POINT OF BEGINNING OF THE LANDS HEREBY CONVEYED.  
FROM SAID POINT OF BEGINNING CONTINUE N15°55'10"W FOR 255.00 FEET; THENCE RUN S74°03'50"W FOR 220.00 FEET TO THE EASTERLY RIGHT OF WAY LINE (33 FEET FROM CENTERLINE) OF STRINGFELLOW ROAD (S.R. # 767); THENCE RUN S15°56'10"E ALONG SAID EASTERLY RIGHT OF WAY LINE FOR 255.00 FEET; THENCE RUN N74°03'50"E ALONG THE CENTERLINE OF GULF SHORES ROAD, A ROADWAY EASEMENT 60 FEET WIDE FOR 220.00 FEET TO THE POINT OF BEGINNING. SAID PARCEL SUBJECT TO SAID ROAD RIGHT OF WAY EASEMENT 60 FEET WIDE AND AN EASEMENT FOR ALLEY PURPOSES 20 FEET WIDE; THE EASTERLY LINE OF SAID EASEMENT BEING 220 NORTHEASTERLY AS MEASURED ON A PERPENDICULAR TO AND PARALLEL WITH SAID EASTERLY RIGHT OF WAY LINE.

Applicant's Legal Checked  
by 12-4-2007 CJD.

DCI 2007-00019



EXHIBIT B  
Zoning Map.

DCI2007-00019

1/4/2008

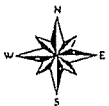
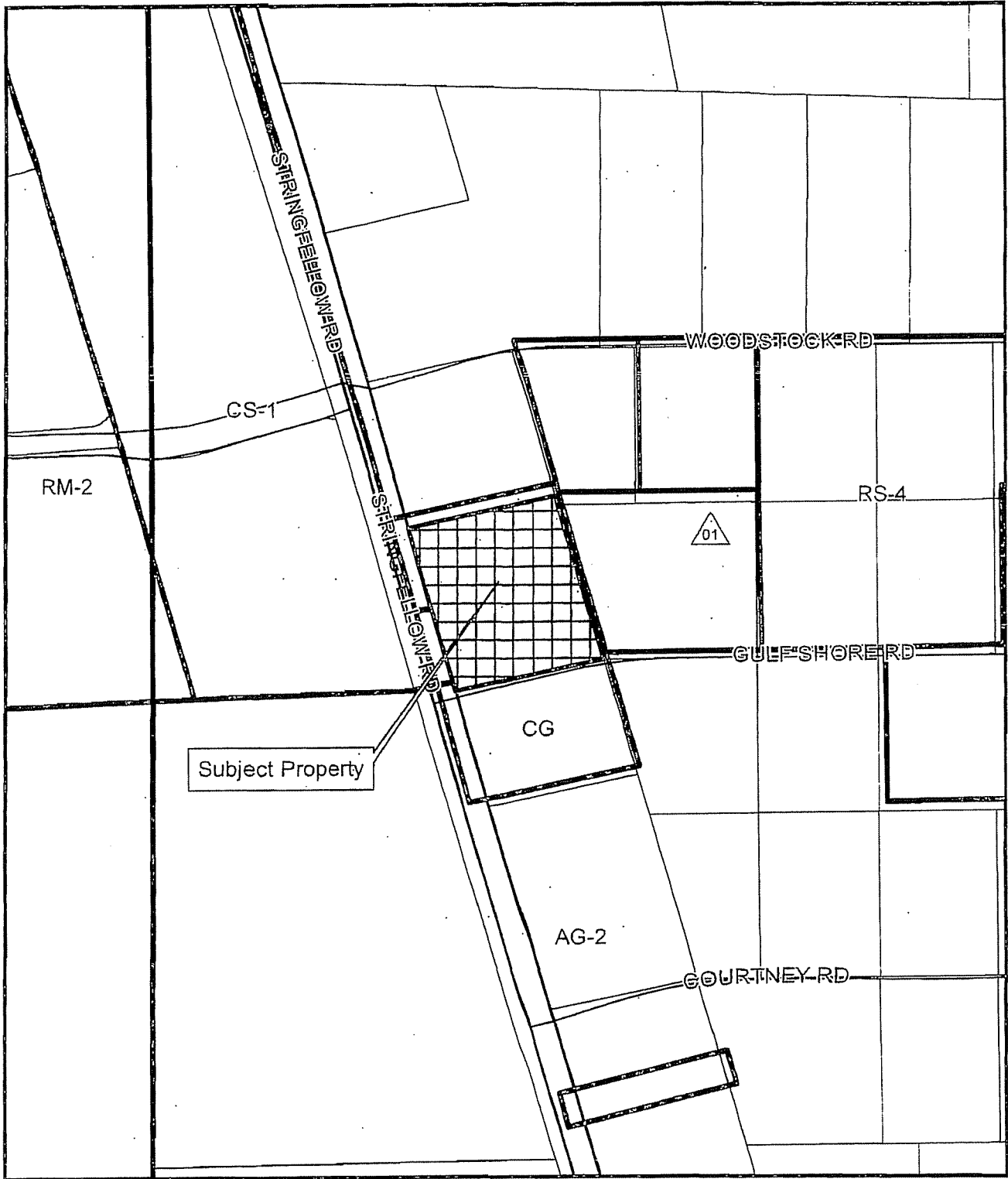
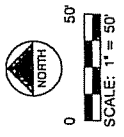


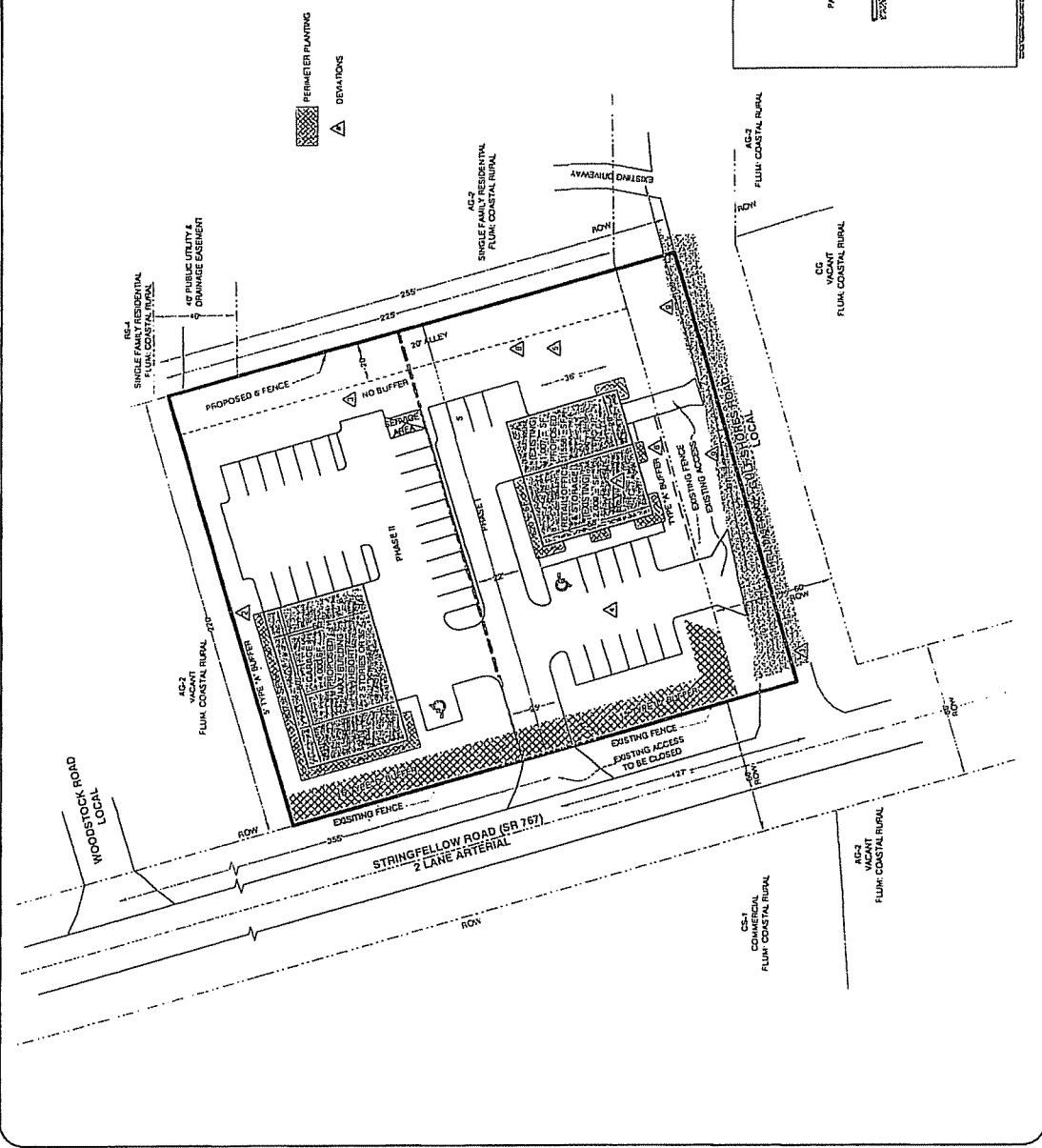
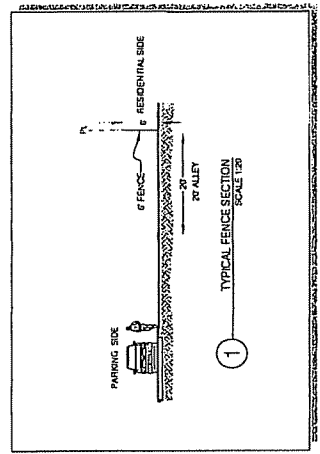
EXHIBIT C



JUN 15 2007  
 COMMUNITY DEVELOPMENT

DCI 2007-00019

Approved as Exhibit C  
 MCP Page 1 of 1  
 Resolution # Z-D 8-014



**MEMORANDUM**  
FROM THE  
**OFFICE OF COUNTY ATTORNEY**

DATE: June 17, 2008

To: Dinah Johnson

Executive Assistant to  
Commissioner Ray Judah

FROM: 

John J. Fredyma  
Assistant County Attorney

RE: **BOCC ZONING RESOLUTION FROM THE JUNE 2, 2008 MEETING**  
**ZONING RESOLUTION Z-08-014 (HUMPHREY CPD)**

Attached is the original resolution adopted by the Board at the June 2, 2008 zoning meeting. The resolution has been reviewed and approved as to form and is ready for the Chairman's signature. After the Chairman signs the resolution, please forward to the Minutes Department for attestation and further processing.

Thank you for your assistance with respect to the above. Should you have any questions, please do not hesitate to contact me.

JJF/mms  
Attachment

Via e-mail only: Jamie Prancing, Administrative Assistant, DCD/Administration & Support  
Lisa L. Pierce, Minutes Office Manager, Lee County Clerk of Courts  
Billie J. Jacoby, Administrative Support Supervisor, DCD

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