



# EXHIBITS

from HEX hearing

**CASE #:** DCI 2002 - 00046

**CASE NAME:** East Bay Group in ref to  
Turnball - Ruddoff

**Attach a copy of this form  
to the top of packet of the  
exhibits & place exhibits in  
case file.**

**ARE THERE ANY BOARD  
EXHIBITS? 1 YES    NO**

**LOCATION OF BOARDS:**

Diana's Cupboard

**If there are any board exhibits,  
attach another copy of this form to  
boards for identification purposes.**

RESOLUTION NUMBER Z-96-015

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

WHEREAS, John S. W. Davis II & Jennifer F. Davis and Melvin J. Bolz, Jr. & Virginia R. Bolz filed an application for a rezoning from C-1A (Commercial) to Commercial Planned Development, in reference to Davis Commercial Building; and

WHEREAS, the subject property is located at 16154 San Carlos Boulevard, and is described more particularly as:

LEGAL DESCRIPTION: In Section 06, Township 46 South, Range 24 East, Lee County, Florida:

A tract or parcel of land situated in the State of Florida, County of Lee, being a part of Section 6, Township 46 South, Range 24 East, and further described as follows:

Starting at the Northeast corner of the Northwest Quarter (NE $\frac{1}{4}$ ) of the aforesaid Section 06, said point being a railroad spike at the centerline intersection of State Road #865 (San Carlos Boulevard, 100.00 feet wide) and the centerline of Kelly Road (50.00 feet wide);

THENCE N89°45'41"W along the centerline of said Kelly Road a distance of 50.00 feet;

THENCE S00°00'43"W along the westerly right-of-way line of said San Carlos Boulevard a distance of 634.56 feet to Point "A" and the principal PLACE OF BEGINNING;

THENCE continue S00°00'43"W a distance of 457.46 feet;

THENCE N89°45'41"W a distance of 319.40 feet;

THENCE N00°03'50"E a distance of 457.46 feet;

THENCE S89°45'41"E a distance of 318.98 feet to the principal PLACE OF BEGINNING.

LESS AND EXCEPT

A tract or parcel of land situated in the State of Florida, County of Lee, being a part of Section 06, Township 46 South, Range 24 East and further bounded and described as follows:

The Northeast corner of the Northwest Quarter (NW $\frac{1}{4}$ ) of the aforesaid Section 06, said point being a railroad spike at the centerline intersection of State Road #865 (San Carlos Boulevard, 100 feet wide and the centerline of Kelly Road, 50 feet wide);

THENCE N89°45'41"W along the centerline of Kelly Road a distance of 560.00 feet;  
THENCE S00° 00'43"W along the westerly right-of-way line of San Carlos Boulevard, a distance of 634.56 feet to Point "A" and the principal POINT OF BEGINNING;  
THENCE continue S00°00'43"W a distance of 201.00 feet;  
THENCE N89°45'41"W a distance of 319.16 feet;  
THENCE N00°03'50"E a distance of 201.00 feet;  
THENCE S89° 45'41"E a distance of 318.98 to the principal PLACE OF BEGINNING.

WHEREAS, the applicant has indicated the property's current STRAP number is 06-46-24-00.00003.0080; and

WHEREAS, Dr. John S.W. Davis II & Jennifer F. Davis and Melvin J. Bolz, Jr. & Virginia R. Bolz, the owners of the subject parcel, authorized A. P. DeSalvo, Inc. to act as agent to pursue this zoning application; and

WHEREAS, a public hearing was advertised and held on March 12, 1996 before the Lee County Hearing Examiner who gave full consideration of the evidence available; and

WHEREAS, a public hearing was advertised and held on May 6, 1996 before the Lee County Board of County Commissioners who gave full and complete consideration to the recommendations of 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** with conditions the Applicants' request for a rezoning from C-1A (Commercial) to Commercial Planned Development.

**SECTION A. CONDITIONS:**

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

1. The development and use of the subject property is to be in substantial compliance with the approved Master Concept Plan entitled "Davis-Bolz Commercial Building" (dated 9/1/95, stamped received January 5, 1996) as prepared by Progressive Engineering, except as may be modified by the conditions herein.
2. Total building square footage may not exceed 18,300 square feet of gross floor area.
3. The approved Schedule of Uses for this planned development will be as follows:

**ALL PERMITTED USES OF THE C-1A ZONING DISTRICT, with the exception of all Dwelling Units allowed in this district**

ANIMALS, CLINIC or KENNEL  
BUSINESS SERVICES, Group II  
CLUBS, FRATERNAL  
CONTRACTORS & BUILDERS, Group II  
PRINTING AND PUBLISHING  
RENTAL OR LEASING ESTABLISHMENTS, Group III  
REPAIR SHOPS, Group III  
RESEARCH & DEVELOPMENT LABORATORIES, Groups II and IV  
USED MERCHANDISE STORES, Group II  
VEHICLE & EQUIPMENT DEALERS, Group II  
WHOLESALE ESTABLISHMENTS, Group III  
TOWERS, COMMUNICATION (only when accessory to a permitted use) limited  
to 100 feet or less in height

4. The Property Development Regulations within the planned development is as follows:

Minimum Lot Area and Dimensions:

Area: 1.87 acres  
Width: 256 feet (measured across frontage on San Carlos  
Boulevard)  
Depth: 319 feet (measured along frontage on Chitwood Drive)

Minimum Setbacks:

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

Maximum Lot Coverage: 40 percent

Maximum Building Height: 35 feet (LDC Section 34-2171 et seq.)

5. The Master Concept Plan is hereby amended to allow only one access point onto Chitwood Drive. Reasonable changes to the Master Concept Plan addressing pedestrian and vehicular access will be allowed to accommodate this conditioned change to the Plan.
6. This zoning approval does not address the mitigation of the project's vehicular or pedestrian traffic impacts. Additional conditions may be required at the time of local Development Order.

7. Approval of this rezoning does not give the Developer the undeniable right to receive any local Development Order approval that exceeds the Year 2010 Overlay use allocation for the applicable district.
8. This development must comply with the Lee County Land Development Code at the time of local Development Order approval, except as may be granted by deviation as part of this planned development.

#### **SECTION B. DEVIATIONS:**

The Master Concept Plan deviates from several Lee County development standards. The proposed deviations are granted or denied as set forth below:

1. Deviation (1) requests a reduction of the required number of off-street parking spaces [LDC Section 34-2020(5)b] of 57 spaces to 48 spaces for the proposed planned development. This deviation is **APPROVED, ONLY** for the four uses depicted on the Master Concept Plan. Any change of use which increases the parking needs for the site in excess of 48 spaces must be reviewed and approved before a Certificate of Occupancy is issued or the space occupied by the new user.
2. Deviation (2) requests a reduction of the connection separation requirement for a local road [LDC Section 10-285(a)] from 125 feet to 35.4 and 55 feet to allow for two access points onto Chitwood Drive. The westernmost driveway and connection separation of 35.4+ feet, is **APPROVED AS A "RIGHT-IN" ONLY ACCESS POINT**. The easternmost driveway connection separation deviation request of 55 feet is **DENIED**.
3. Deviation (3), requesting a reduction in the required minimum lot area for outdoor kennel facilities [LDC Section 34-1322(2)a] of five acres to 1.87 more or less acres, is **APPROVED** with the **CONDITION** that no lot split or subdivision of the subject parcel may be granted in the future so long as the outdoor kennel facility is maintained on the property.
4. Deviation (4), requesting a reduction of the minimum required setback of 200 feet for outdoor kennel facilities [LDC Section 34-1322(2)b] to 50 feet, is **APPROVED LIMITED TO** the use of an outdoor animal walk area for the proposed Animal Clinic or Kennel.

#### **SECTION C. Master Concept Plan:**

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

#### **SECTION D. FINDINGS AND CONCLUSIONS:**

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

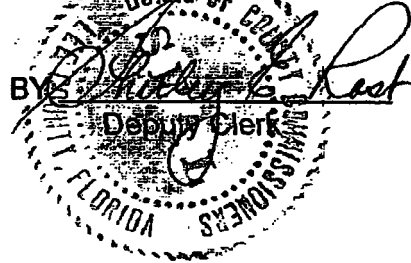
1. The applicant has proved entitlement to the rezoning by demonstrating compliance with the Lee Plan, the Land Development Code, and other applicable codes and regulations.
2. The requested zoning:
  - a) meets or exceeds all performance and locational standards set forth for the potential uses allowed 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 and natural resources.
3. Approval of the request 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.
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.
8. The deviations granted:
  - a) enhance the objectives of the planned development; and
  - b) preserve and promote the general intent of the LDC to protect the public health, safety and welfare.

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

John E. Manning	<u>AYE</u>
Douglas R. St. Cerny	<u>ABSENT</u>
Ray Judah	<u>AYE</u>
Andrew W. Coy	<u>AYE</u>
John E. Albion	<u>AYE</u>

DULY PASSED AND ADOPTED this 6th day of May, A.D., 1996.


ATTEST:  
CHARLIE GREEN, CLERK



BOARD OF COUNTY COMMISSIONERS  
OF LEE COUNTY, FLORIDA

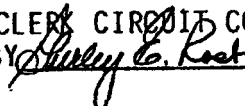
BY:   
Chairman

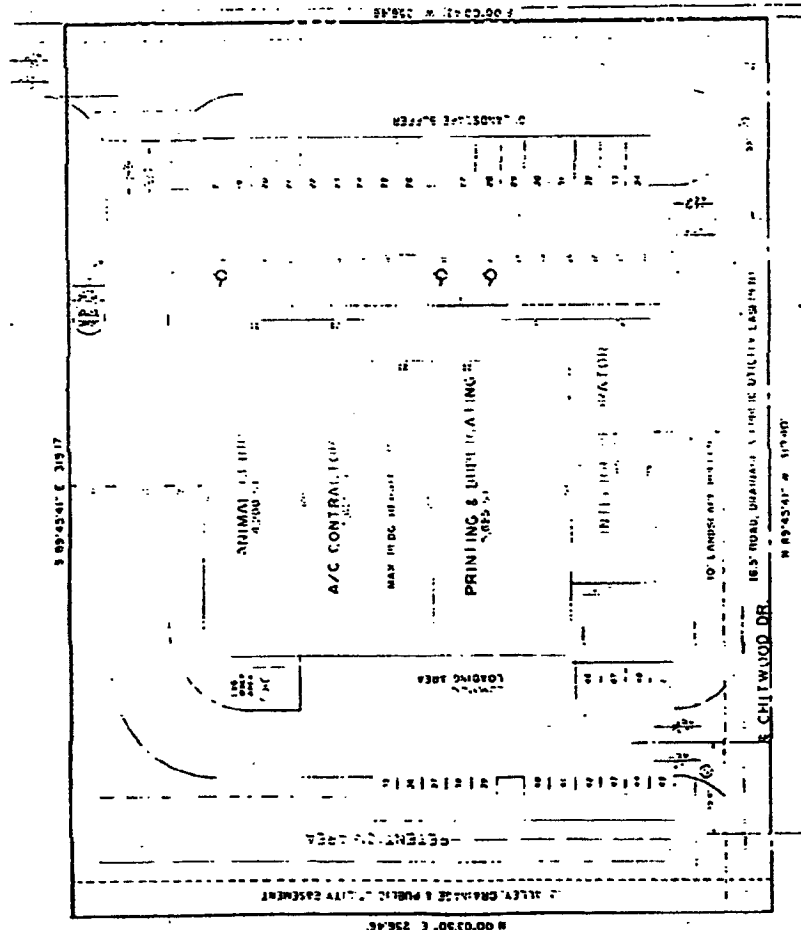
Approved as to form by:

  
County Attorney's Office

FILED

MAY 8 1996

CLERK CIRCUIT COURT  
BY  D.C.



1. The building is located on the corner of Chitwood Dr. and 100'00" wide.

2. The building is a rectangular structure with a loading area on the left side.

3. The building is surrounded by a parking area.

4. The building is situated on a lot that is 100'00" wide and 100'00" deep.

5. The building is a commercial structure with a printing and utility plant.

6. The building is a rectangular structure with a loading area on the left side.

7. The building is surrounded by a parking area.

8. The building is situated on a lot that is 100'00" wide and 100'00" deep.

9. The building is a commercial structure with a printing and utility plant.

10. The building is a rectangular structure with a loading area on the left side.

11. The building is located on the corner of Chitwood Dr. and 100'00" wide.

12. The building is a rectangular structure with a loading area on the left side.

13. The building is surrounded by a parking area.

14. The building is situated on a lot that is 100'00" wide and 100'00" deep.

15. The building is a commercial structure with a printing and utility plant.

16. The building is a rectangular structure with a loading area on the left side.

17. The building is surrounded by a parking area.

18. The building is situated on a lot that is 100'00" wide and 100'00" deep.

19. The building is a commercial structure with a printing and utility plant.

20. The building is a rectangular structure with a loading area on the left side.

PROJECT # 90-10-173  
PROJECT TYPE

MASTER CONCEPT PLAN  
DAVIS-BOLT COMMERCIAL BLD  
100'00" x 100'00"

100'00" x 100'00"

100'00" x 100'00"

100'00" x 100'00"



The map shows the coastal area around the Port of Los Angeles and Long Beach, California. Key features include the Port of Los Angeles, the Port of Long Beach, and the city of Long Beach. A box labeled 'SITE' is located in the central part of the map, near the Port of Los Angeles. The map is oriented with North at the top.

There is an existing Lee Tron bus stop for Route 130 on the opposite side of San Carlos Boulevard approximately 0.1 south of the project's south property line.

FREE PLAN DESIGNATION: CENTRAL URBAN  
CURRENT ZONING DESIGNATION: CPD AND CN-1  
PROPOSED ZONING DESIGNATION: CPD  
ALUCS CODE: 740 DISTURBED LAND  
PROPERTY STRAP #08-46-24-00-00003.0050 & .008A  
TOTAL SITE AREA: 146,014.52 / 3.32 acres

West of a piece of land situated in the State of Idaho, and bounded by the following points, to-wit: Beginning at the intersection of the centerline of the State Road 24 East, and further bounded and described as follows:

WATER & SEWER SERVICE IS PROVIDED BY:  
 I. COUNTY UTILITIES  
 O. BOX 388  
 T. MYERS, FL. 33902 (479-8181)

ELECTRIC SERVICE IS PROVIDED BY:  
 FLORIDA POWER & LIGHT  
 7240 S. TAMAMI TRAIL  
 T. MYERS, FLORIDA

FIRE DISTRICT IS:  
 TAMPA/MCGREGOR FIRE DISTRICT  
 1961 WINKLER ROAD  
 T. MYERS, FL. 33919

100 feet	100 feet	Office square footage	1 space/300 SF
20,000 sq. ft.	20,000 sq. ft.	25,000 SF Office Space/300 SF = 97 spaces	
35,000 S.F.	35,000 S.F.		
50,000 S.F.	50,000 S.F.		
75,000 S.F.	75,000 S.F.		
100,000 S.F.	100,000 S.F.		
125,000 S.F.	125,000 S.F.		
150,000 S.F.	150,000 S.F.		
175,000 S.F.	175,000 S.F.		
200,000 S.F.	200,000 S.F.		
225,000 S.F.	225,000 S.F.		
250,000 S.F.	250,000 S.F.		
275,000 S.F.	275,000 S.F.		
300,000 S.F.	300,000 S.F.		
325,000 S.F.	325,000 S.F.		
350,000 S.F.	350,000 S.F.		
375,000 S.F.	375,000 S.F.		
400,000 S.F.	400,000 S.F.		
425,000 S.F.	425,000 S.F.		
450,000 S.F.	450,000 S.F.		
475,000 S.F.	475,000 S.F.		
500,000 S.F.	500,000 S.F.		
525,000 S.F.	525,000 S.F.		
550,000 S.F.	550,000 S.F.		
575,000 S.F.	575,000 S.F.		
600,000 S.F.	600,000 S.F.		
625,000 S.F.	625,000 S.F.		
650,000 S.F.	650,000 S.F.		
675,000 S.F.	675,000 S.F.		
700,000 S.F.	700,000 S.F.		
725,000 S.F.	725,000 S.F.		
750,000 S.F.	750,000 S.F.		
775,000 S.F.	775,000 S.F.		
800,000 S.F.	800,000 S.F.		
825,000 S.F.	825,000 S.F.		
850,000 S.F.	850,000 S.F.		
875,000 S.F.	875,000 S.F.		
900,000 S.F.	900,000 S.F.		
925,000 S.F.	925,000 S.F.		
950,000 S.F.	950,000 S.F.		
975,000 S.F.	975,000 S.F.		
1,000,000 S.F.	1,000,000 S.F.		
1,025,000 S.F.	1,025,000 S.F.		
1,050,000 S.F.	1,050,000 S.F.		
1,075,000 S.F.	1,075,000 S.F.		
1,100,000 S.F.	1,100,000 S.F.		
1,125,000 S.F.	1,125,000 S.F.		
1,150,000 S.F.	1,150,000 S.F.		
1,175,000 S.F.	1,175,000 S.F.		
1,200,000 S.F.	1,200,000 S.F.		
1,225,000 S.F.	1,225,000 S.F.		
1,250,000 S.F.	1,250,000 S.F.		
1,275,000 S.F.	1,275,000 S.F.		
1,300,000 S.F.	1,300,000 S.F.		
1,325,000 S.F.	1,325,000 S.F.		
1,350,000 S.F.	1,350,000 S.F.		
1,375,000 S.F.	1,375,000 S.F.		
1,400,000 S.F.	1,400,000 S.F.		
1,425,000 S.F.	1,425,000 S.F.		
1,450,000 S.F.	1,450,000 S.F.		
1,475,000 S.F.	1,475,000 S.F.		
1,500,000 S.F.	1,500,000 S.F.		
1,525,000 S.F.	1,525,000 S.F.		
1,550,000 S.F.	1,550,000 S.F.		
1,575,000 S.F.	1,575,000 S.F.		
1,600,000 S.F.	1,600,000 S.F.		
1,625,000 S.F.	1,625,000 S.F.		
1,650,000 S.F.	1,650,000 S.F.		
1,675,000 S.F.	1,675,000 S.F.		
1,700,000 S.F.	1,700,000 S.F.		
1,725,000 S.F.	1,725,000 S.F.		
1,750,000 S.F.	1,750,000 S.F.		
1,775,000 S.F.	1,775,000 S.F.		
1,800,000 S.F.	1,800,000 S.F.		
1,825,000 S.F.	1,825,000 S.F.		
1,850,000 S.F.	1,850,000 S.F.		
1,875,000 S.F.	1,875,000 S.F.		
1,900,000 S.F.	1,900,000 S.F.		
1,925,000 S.F.	1,925,000 S.F.		
1,950,000 S.F.	1,950,000 S.F.		
1,975,000 S.F.	1,975,000 S.F.		
2,000,000 S.F.	2,000,000 S.F.		
2,025,000 S.F.	2,025,000 S.F.		

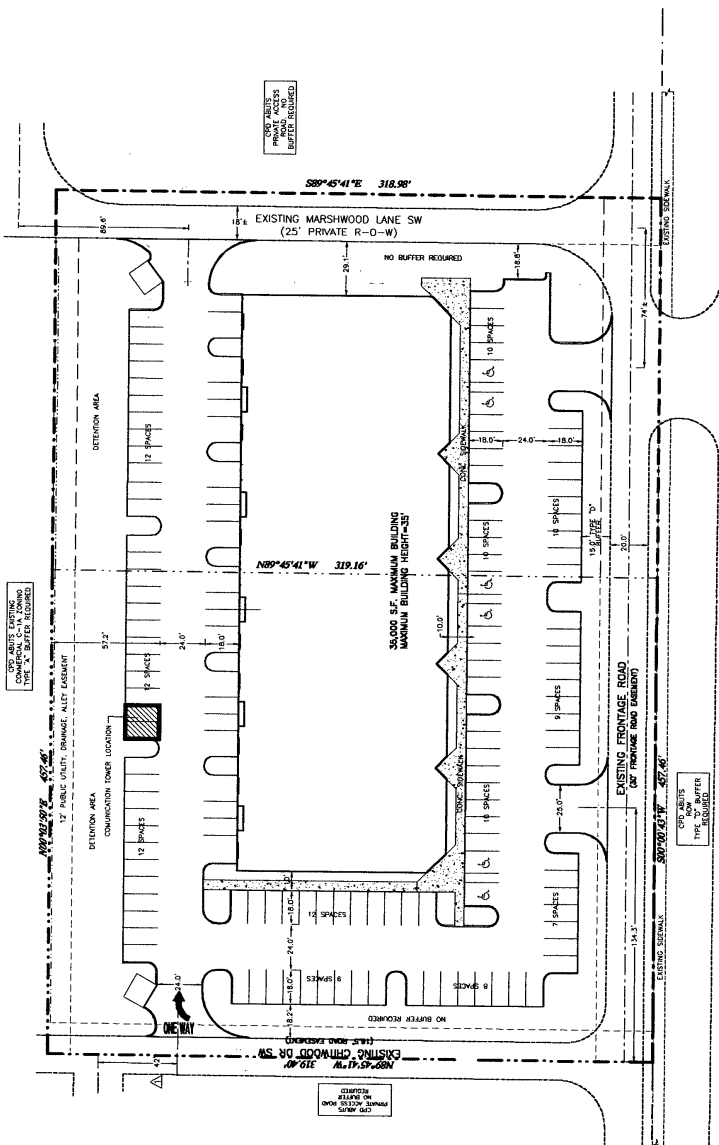
**PARKING REQUIREMENTS:** Parking requirements are calculated per LDC Sec. 34-2020(2), 34-2020(3)e, and 34-2020(4)a,2. 78 per square foot for commercial uses.

Office square footage @ 1 space/300 SF  
 29,000 SF Office Space/300 SF = 97 spaces

Indoor Recreational Facilities (Health Club) @ 1 space/250 SF

if  $\cos^2 \alpha = \frac{902}{9100}$  then  $\alpha = 10^\circ$

Deviation from: LDC Section 10-285 Table 1 requires that an intersection separation of 125' must be met on Chilwood Drive.

[illegible]

APPLICANT'S EXHIBIT  
#2  
Dcl 2007-00046

**EAST BAY GROUP, LLC**  
Engineering, Planning, and Development Consulting  
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