

RESOLUTION NUMBER Z-15-022

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

WHEREAS, Tom Hardy filed an application on behalf of the property owner, AM & GW LLC to amend Zoning Resolution Z-07-065 in reference to State Road 80, State Road 31 Commercial Planned Development (CPD); and

WHEREAS, a public hearing before the Lee County Zoning Hearing Examiner, Donna Marie Collins, was advertised and held on August 13, 2015; and

WHEREAS, the Hearing Examiner gave full consideration to the evidence in the record for Case #DCI2014-00026, and recommended Approval of the Request; and

WHEREAS, a second public hearing was advertised and held on November 4, 2015 before the Lee County Board of Commissioners; and,

WHEREAS, the Lee County Board of Commissioners 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 amend a Commercial Planned Development (CPD) to modify the schedule of permitted uses and Master Concept Plan, increase the number of permitted self-service fuel pumps by 2, and increase the number of deviations from the Lee County Land Development Code (LDC) and to propose other changes on a 16.1± acre property.

The property is located in the Urban Community and Wetlands Future Land Use Categories 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. Master Concept Plan/Development Parameters

Development must be consistent with the two-page Master Concept Plan (MCP) entitled "S.R. 80 / S.R. 31 CPD," date-stamped "Received May 20 2015 Community Development," and attached as Exhibit "C," except where modified by conditions contained herein.

Development must comply with the LDC at time of local development order approval, except where deviations have been granted in this Resolution of approval. Changes to the MCP may require further development approvals.

Development is limited to 200,000 square feet of commercial retail/office uses as follows:

Parcel 1	70,000 sq ft
<i>**Parcel 2 Deleted</i>	
Parcel 3	6,000 sq ft
Parcel 4	12,000 sq ft
Parcel 5	12,000 sq ft
Parcel 6	100,000 sq ft

Lee County Zoning Resolution Z-07-065 and Administrative Amendment ADD2009-00090 are superseded by this zoning resolution.

2. **Permitted Uses and Property Development Regulations**

a. Schedule of Permitted Uses

Administrative Offices
 Accessory Uses and Structures
 Animal Clinic
 ATM
 Auto Part Store, no installation services – and limited to 1
 Automobile Repair and Service: Group I, not allowed on Parcel 6
 Automobile Service Station, limited to 18 fuel pumps, limited to Parcel 3
 Banks and Financial Establishments: Groups I and II
 Broadcast Studio, Commercial Radio and Television
 Business Services: Groups I and II, with Group II limited to Messenger Services, Packing Services and Parcel and Express Services; Group II uses are not permitted on Parcel 6
 Car Wash - limited to 1 and not permitted on Parcel 6
 Caretaker's Residence
 Cleaning and Maintenance Services
 Clothing Stores, General
 Clubs: County, Commercial, Fraternal, Membership Organization, Private, and not permitted on Parcel 6
 Consumption on Premises
 Convenience Food and Beverage Store - limited to 18 fuel pumps and limited to Parcel 3 only
 Cultural Facilities
 Department Store - limited to a maximum of 20,000 square feet
 Drive-Through Facility, limited to a maximum of three parcels; and not permitted on Parcel 6
 Drugstore, Pharmacy; not permitted on Parcel 6
 Excavation, Water Retention
 Essential Services
 Essential Service Facilities: Groups I and Group II, with Group II limited to an electrical substation

Fences, Walls
 Food and Beverage Service, Limited
 Food Stores: Group I only and limited to 20,000 square feet
 Gift and Souvenir Shop
 Hardware Store
 Health Care Facilities: Group III only
 Hobby, Toy and Game Shops
 Household and Office Furnishings:
 Groups I, II, and III, outdoor storage not permitted for Group III
 Insurance Companies
 Laundry or Dry Cleaning: Group I only
 Lawn and Garden Supply Stores, limited to Parcel 6: no outdoor storage
 Medical Office
 Mini-Warehouse, limited to Parcel 6 (See Condition 15. below)
 Package Store, not permitted on Parcel 6
 Paint, Glass and Wallpaper
 Personal Services:
 Groups I, II (excluding massage parlors), III,
 and IV (limited to tax return preparation services)
 Pet Services, not permitted on Parcel 6
 Pet Shop
 Pharmacy
 Place of Worship
 Real Estate Sales Office
 Recreation Facilities: Group IV, not permitted on Parcel 6
 Religious Facilities
 Rental or Leasing Establishments: Groups I and II
 Repair Shops: Groups I, II, III,
 and IV (outdoor storage not permitted for Group III uses)
 Restaurants: Groups I, II, III, and IV, not permitted on Parcel 6
 Restaurant, Fast Food, limited to one, not permitted on Parcel 6
 Self-Service Fuel Pumps, Limited to 18 fuel pumps, limited to Parcel 3
 Specialty Retail Shops: Groups I, II, III, and IV, and limited
 to a maximum of 20,000 square feet
 Storage, Indoor and Open; open storage limited to uses permitted in this CPD;
 open storage not permitted on Parcel 6
 Studios
 Theater, not permitted on Parcel 6
 Temporary Uses
 Used Merchandise Stores, Groups I and II
 Variety Store

b. Site Development Regulations

Minimum Lot Areas and Dimensions

Lot Size:	10,000 square feet
Lot Width:	100 feet
Lot Depth:	100 feet

Minimum Setbacks

Street External:	In accordance with LDC §34-2192(a)
Street Internal:	15 feet
Side:	7.5 feet
Rear:	15 feet, except where the LDC requires a greater setback
Water Body:	25 feet
Development Perimeter Setback:	15 feet, except where the LDC requires a greater setback
Maximum Building Height:	Parcels 1 through 5: 35 feet, with a maximum of 3 habitable floors Parcel 6 – Mini-Warehouse Uses: 45 feet and 4 habitable floors Parcel 6 – All Other Uses: 35 feet and 3 habitable floors. (See Condition 15)
Minimum Building Separation:	a. 15 feet, for structures up to a maximum height of 35 feet (See Deviation 2. below for conditions) b. structures exceeding 35 feet in height must comply with LDC §34-935(e)(4)
Maximum Lot Coverage:	40%
Minimum Indigenous Setback:	20 feet

3. Environmentala. Protected Species:

Prior to the issuance of any Vegetation Removal Permit, the property must be surveyed specifically for active raptor and wading bird species nests and field verified by Lee County Division of Environmental Sciences (ES) staff. If an active nest(s) are identified, the project must comply with the requirements stipulated in the Migratory Bird Treaty Act (Title 50 CFR Part 21) as regulated by the Florida

Fish and Wildlife Conservation Commission (FWC). The developer must copy ES staff on correspondence with the FWC.

b. Open Space:

Development Order plans must provide open space and indigenous preserve consistent with the approved MCP.

4. Landscaping

The developer must submit a landscape plan that includes an enhanced right-of-way buffer along the frontage of State Road 80 and State Road 31 at the time of development order application. The landscape buffer must consist of at least 7 trees, 66 shrubs, and 56 ground cover plants per 100 linear feet. Trees and shrubs should be clustered to create visibility corridors into the site, and include both canopy trees and understory vegetation. The trees and shrubs used to meet this minimum buffer requirement must be indigenous to Southwest Florida.

5. Signs

The developer must submit a unified sign plan for staff review and approval with the application for local development order. The unified sign package must satisfy the requirements of Lee Plan Objective 21.2., Caloosahatchee Shores Community Plan.

6. Architectural Design

The developer must design all structures to share a common architectural theme. The design must satisfy the requirements of Lee Plan Objective 21.2., Caloosahatchee Shores Community Plan.

7. Traffic

- a. This zoning approval does not address access to State Road 80 or State Road 31. The developer must pursue access to State Road 80 and State Road 31 with the Florida Department of Transportation (FDOT). The developer must obtain an FDOT Notice of Intent (NOI) to issue a driveway permit prior to County issuance of a development order approving driveway connections to either roadway.
- b. At the time of local development order approval, the applicant must submit an access easement agreement, acceptable to the County Attorney's Office, providing for an interconnection to the property to the north.
- c. Access to the development parcels must be only from the internal access easement. Parcels 3 & 4 may have access from the shared western driveway on State Road 80 shown on the MCP. This driveway must be connected to the internal access easement with a common drive aisle.

8. No Blasting

Blasting is prohibited.

9. Building Height/Setbacks

Buildings exceeding 35 feet in height must maintain additional building setbacks consistent with §34-2174(a).

10. Vehicular/Pedestrian Impacts

Zoning approval does not address the mitigation of vehicular or pedestrian traffic impacts. Additional conditions consistent with the LDC may be required to obtain a local development order.

11. Lee Plan Consistency

Zoning approval 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).

12. Concurrency

Zoning approval does not constitute a finding that the proposed project meets the concurrency requirements of the Lee Plan or LDC. The developer must demonstrate compliance with applicable concurrency requirements prior to issuance of a local development order.

13. Sidewalks/Bicycles

The developer must provide sidewalk and bicycle interconnections with sidewalks a minimum width of 5 feet along internal access easement(s).

14. Agricultural

Agriculture is not a permitted use.

15. Mini-warehouse

- a. The design of the mini-warehouse must be such that above the first floor only "false windows" may be located on the sides of the building facing the residential development to the east and the proposed residential development to the north. The exterior of 45-foot tall mini-warehouse buildings on Parcel 6 must appear as 3 stories.
- b. In addition to the wall, the Type "C" buffer along the east side of Parcel 6 must be enhanced with canopy trees installed at 5 per 100 linear feet, 12 feet high, 3 inch caliper and 4-foot spread at the time of installation. Between the canopy trees sable palm clusters, of 3 trees per cluster, must be installed at 4 clusters per 100 linear feet, planted 4 feet on center and having a height of 12 feet/14 feet/16 feet at the time of installation. Shrubs must be in accordance with the Type "C" buffer requirements.

16. Accessory Uses

All accessory uses, including accessory parking areas, must be located on the same tract, lot, parcel or outparcel as the principal use. Accessory uses must be incidental and subordinate to the principal use of the tract, lot, parcel or outparcel.

17. Buffer

Buildings exceeding two stories in height on Parcel 6 must include an enhanced Type "C" buffer, consistent with the description in Condition 15, along both the north and east boundaries of the Parcel.

18. Prior Development Orders

Development Order DOS2009-00037 is considered null and void upon approval of this zoning resolution.

SECTION C. DEVIATIONS:

1. Excavations

Deviation (1) seeks relief from the §10-329(d)(1)(a)(3) requirement to allow excavation for water detention and retention within 30 feet of a private property line. This deviation is APPROVED, SUBJECT TO the following condition:

Prior to local development order approval, the landscape plan must illustrate a 30-foot wide Type F buffer between the lake maintenance easement and the 10-foot wide Lee County drainage easement. The buffer planting area must be 10 feet in width and located outside of all easements consistent with the approved MCP. The Type F buffer plantings must consist of a minimum of 40 Sabal palms (*Sabal palmetto*) and a double staggered hedge row (cold hardy species) planted to meet the intent of the Type F buffer requirement.

2. Building Separation

Deviation (2) seeks relief from the §34-935(e)(4) to allow for a minimum building separation of 15 feet. This deviation is APPROVED, SUBJECT TO the following conditions:

- a. Occupied structures must be protected throughout with an approved National Fire Protection Association (NFPA) 13 fire sprinkler system, and shall protect exterior walls and all openings (i.e. doors and windows).
- b. Building walls must have a minimum rating of 3 hours and Underwriters Laboratories, Inc. (UL) documentation.
- c. Buildings must meet or exceed NFPA 1 and LDC requirements.

3. Parking on Parcel 3

Deviation (3) seeks relief from the §33-1493(a) Caloosahatchee Shores Planning Community, Location of parking, which allows no more than 20% of the parking to be located in front or on the side of the principal building. The requested deviation would allow approximately 90% of the parking to be in front and on the side of the building. This deviation is APPROVED, SUBJECT TO the following conditions:

- a. Approval is limited to Parcel 3.
- b. Must be consistent with RaceTrac site plan in the 12-page design package, date-stamped "Received May 20 2015 Community Development," and attached as Exhibit "D."

4. Roof Pitch on Parcel 3

Deviation (4) seeks relief from the §33-1500(b) Caloosahatchee Shores Planning Community, Roof Pitch, which requires the roof pitch of the main roof to be 5V:12H. The requested deviation would allow a roof pitch of 2.5V:12H. This deviation is APPROVED, SUBJECT TO the following conditions:

- a. Approval is limited to Parcel 3.
- b. Must be consistent with RaceTrac site plan in attached Exhibit "D."

5. Decorative Awnings on Parcel 3

Deviation (5) seeks relief from the §33-1502(c)2 requirement to provide awnings in the Caloosahatchee Shores Planning Community to correspond to building openings. The requested deviation would allow decorative awnings on the side of the building where there are no openings. This deviation is APPROVED, SUBJECT TO the following conditions:

- a. Approval is limited to Parcel 3.
- b. Must be consistent with RaceTrac site plan in attached Exhibit "D."

6. LED Sign on Parcel 3

Deviation (6) seeks relief from the LDC §33-1505(a)(1) requirement that prohibits automatic and animated changing signs in the Caloosahatchee Shores Planning Community. The requested deviation would allow "LED" signage on the fuel price signs. This deviation is APPROVED, SUBJECT TO the following conditions:

- a. Approval is limited to Parcel 3.
- b. Must be consistent with RaceTrac site plan in Exhibit D.

7. Sign Setback on Parcel 3

Deviation (7) seeks relief from the §33-1506(3) requirement to provide monument signs in the Caloosahatchee Planning Community to be set back a minimum of 15-feet from the right-of-way. The requested deviation would allow monument signs to be installed 5-feet from the State Road 80 and State Road 31 right-of-way. This deviation is APPROVED, SUBJECT TO the following conditions:

- a. Approval is limited to Parcel 3.
- b. Must be consistent with RaceTrac site plan in attached Exhibit "D."
- c. The sign height is limited to 13 feet. The monument sign height would be as measured from the sign base to the top of the cap - including the 2.5-foot architectural stone base.

8. Buffer between Parcels 3 and 4

Deviation (8) seeks relief from the §10-416(d)(1) requirement to provide a buffer along the entire perimeter of the proposed development. The requested deviation would allow no internal buffer between Parcels 3 and 4. This deviation is APPROVED.

9. Roof Canopy on Parcel 3

Deviation (9) seeks relief from the §34-1353(g)(1) that prohibits flat roof canopies. The requested deviation would allow the convenience food and beverage store on Parcel 3 to provide a flat roof canopy consistent with the architectural design of the principal structure. This deviation is APPROVED, SUBJECT TO the following conditions:

- a. Approval is limited to Parcel 3.
- b. Must be consistent with RaceTrac site plan in attached Exhibit "D."

10. Fuel Canopy on Parcel 3

Deviation (10) seeks relief from the §34-1353(g)(3) requirement to provide fuel canopies to be one color. The requested deviation would allow the proposed fuel canopy on Parcel 3 to include the colors of its corporate branding. County staff concluded the requested deviation enhances the planned development and does not negatively impact the public health safety and welfare or the aesthetics of the community. This deviation is APPROVED, SUBJECT TO the following conditions:

- a. Approval is limited to Parcel 3.
- b. Must be consistent with RaceTrac site plan in attached Exhibit "D."

11. Sign on Parcel 3

Deviation (11) seeks relief from the §33-1506(a)(7) Caloosahatchee Shores Planning Community, which restricts wall signs from advertising messages or sales items. The requested deviation would allow one wall sign advertising an internal store offering for the convenience food and beverage store on Parcel 3. This deviation is APPROVED, SUBJECT TO the following conditions:

- a. Approval is limited to Parcel 3.
- b. Must be consistent with RaceTrac site plan in attached Exhibit "D."

12. Driveway Separation

Deviation (12) seeks relief from the §10-285(a) Development Standards Driveway Separation, which requires a separation of 60-feet from edge of pavement to edge of pavement for access roads. The requested deviation would allow a separation of 50-feet at two locations as specified on the MCP. This deviation is APPROVED, SUBJECT TO the following condition:

The reverse frontage roads must include STOP sign conditions at the intersection with the entrance roads off SR 31 to ensure the entrance roads function under free-flowing conditions.

13. Fuel Canopy Wall Sign on Parcel 3

Deviation (13) seeks relief from the §30-153(3)d requirement that limits the allowable area of wall signs to 10% of the total wall area. The requested deviation would allow a wall sign area of 36% of the total wall area on the east and west facing fuel canopy facades. This deviation is APPROVED, SUBJECT TO the following conditions:

- a. Approval is limited to Parcel 3.
- b. Must be consistent with RaceTrac site plan in attached Exhibit "D."

14. Fuel Canopy on Parcel 3

Deviation (14) seeks relief from the §34-625(d)(4)c. requirement to provide that no part of the canopy may contain back-lighting. The requested deviation would allow internally illuminated raised architectural embellishments around the canopy and internally illuminated canopy signs on three canopy facades. This deviation is APPROVED, SUBJECT TO the following conditions:

- a. Approval is limited to Parcel 3.
- b. Must be consistent with RaceTrac site plan in attached Exhibit "D."

15. Signs on Parcel 3

Deviation (15) seeks relief from the §30-5(25) requirement that prohibits window signs covering more than 30% of the window glass surface. The requested deviation would allow one window cling covering 50% of the window glass surface on Parcel 3. This deviation is APPROVED, SUBJECT TO the following conditions:

- a. Approval is limited to Parcel 3.
- b. Must be consistent with RaceTrac site plan in attached Exhibit "D."

16. Sign on Parcel 3

Deviation (16) seeks relief from the §30-153(3)a.4 requirement that limits the monument sign area for double frontage projects with one frontage over 300 feet to a single 96 square foot monument sign on the primary frontage and one 24 square foot monument sign on the secondary frontage. The requested deviation would allow a 65 square foot monument sign on State Road 80 and a 50 square foot monument sign on State Road 31 (to enhance sign visibility). The resulting combined monument sign area would be 115 square foot rather than the 120 square feet permitted by code. This deviation is APPROVED, SUBJECT TO the following conditions:

- a. Approval is limited to Parcel 3.
- b. Must be consistent with RaceTrac site plan in attached Exhibit "D."
- c. The maximum of height of the monument signs are 12 feet for the State Road 80 and 11 feet on State Road 31.

17. Excavation Setback

Deviation (17) seeks relief from the LDC §10-329(d)(1)a.3 requirement to provide a 50-foot setback for water management lakes. The requested deviation would allow a 40-foot setback for a proposed water management lake. (Previously approved by ADD2009-00090)

18. Excavation Bank Slope

Deviation (18) seeks relief from the §10-329(d)(4)(a) requirement to provide excavation of bank slopes for new projects to be 6 to 1. The requested deviation would allow a 4:1 slope to control elevation, 6:1 max slope from control elevation to two feet below DSWT (grade break) and then 2:1 max slope from there to the bottom of lake. (Previously approved by ADD2009-00090.)

Deviations 17 and 18 are APPROVED, SUBJECT TO the following conditions which tie the deviations to the MCP approved in this zoning resolution:

- a. Development Order plans must provide open space and indigenous preserve consistent with the approved MCP.

- b. All herbaceous littoral plantings must be one gallon material.
- c. Leather fern and the Spartina must be 3 gallon material.
- d. The littoral landscape plan must be in substantial compliance with the Littoral Planting Exhibit date-stamped "Received Jun 18 2010 Environmental Sciences," and attached as Exhibit "E."
- e. Slopes from the top of bank to the control elevation may be constructed at 4:1 provided the slopes are compacted consistent with §10-329(d)(4). The developer must submit a geotechnical certification to this effect to Lee County prior to issuance of the Certificate of Completion.
- f. The bank must be sloped at no steeper than 6:1 from the control elevation to a point two feet below DSWT (grade break). The bank may be sloped at 2:1 to the bottom of the lake from the grade break at two feet below DSWT.
- g. The development must be designed to slope away from the top of bank. All runoff except that which directly falls on the 4:1 bank slope, must be collected and discharged through the surface water management system into the lake below DSWT.
- h. Development order plans must clearly depict a 2' vertical separation between DSWT and grade break.
- i. The developer must prepare a Lake Maintenance Plan subject to review and approval by County staff. In addition to the required elements of lake maintenance plans pursuant to §10-329(d)(5), the project Lake Maintenance Plan must include the following:
 - i. Detail of a proposed monitoring plan and submission of an annual report regarding lake bank slope stability and remedial actions taken to correct deficiencies.
 - ii. Specific confirmation that the sodded 4:1 side slopes will be maintained in a healthy and vigorous state, a minimum of 5' landward up and over the top of the bank of the excavation.

SECTION D. EXHIBITS:

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
- Exhibit D: Race Trac Site Plan
- Exhibit E: Littoral Planting Exhibit

SECTION E. FINDINGS AND CONCLUSIONS:

1. The applicant has proven entitlement to the amended Commercial Planned Development by demonstrating compliance with the Lee Plan, the LDC, and other codes and regulations. See Lee Plan Vision Statement - Paragraph 4, Lee Plan Goals 2, 6 and 21, Objectives 2.2 and 21.6, and Policies 2.1.1, 2.1.2, 4.1.1, 6.1.3, 21.6.3 and 39.1.1; LDC §§ 33-1482, 34-411(a), (c), and 34-612(2).
2. *As conditioned*, the request to amend the Commercial Planned Development zoning approvals is:
 - a. Consistent with the densities, intensities and general uses set forth in the Lee Plan. See Lee Plan Policy 1.1.4
 - b. Compatible with existing and planned uses in the surrounding Urban Community. See Lee Plan Objective 21.2, Policies 2.1.2, 2.2.1, 6.1.3, 6.1.4; LDC §34-411(c) and (i).
 - c. Will not adversely affect environmentally critical areas and natural resources. See Lee Plan Goal 77, Objective 77.2;
 - d. Will not place an undue burden upon existing or planned transportation infrastructure. The project will be served by streets with the capacity to carry traffic generated by the development. See Lee Plan Policies 4.1.2, 6.1.3 and 21.2.4, see *also* LDC §34-411(d).
3. Urban services are available and adequate to serve the proposed land use. See Lee Plan Glossary, Lee Plan Goal 2, Objective 2.1, Policies 2.2.1, 6.1.4, and LDC §34-411(d).
4. The proposed mix of uses is appropriate at the proposed location. See Lee Plan Objective 21.2, Policies 6.1.1, 6.1.2, 6.1.8 and 21.2.1;
5. The recommended conditions and applicable regulations provide sufficient safeguards to protect the public interest. See Lee Plan Policy See *also* LDC §§ 34-377(a)(2)(c); 34-411(c), (i), and (k).
6. The recommended conditions are reasonably related to the impacts expected from the proposed development. See LDC §34-932 (b) and (c).
7. The deviations, as conditioned:
 - a. Enhance the planned development, and
 - b. Preserve and promote the general intent of the LDC to protect the public health, safety and welfare. See LDC §33-1484

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

John Manning	Aye
Cecil L Pendergrass	Aye
Larry Kiker	Aye
Brian Hamman	Absent
Frank Mann	Aye

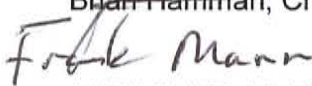
DULY PASSED AND ADOPTED this 4th day of November 2015.

ATTEST:
LINDA DOGGETT, CLERK

BY: 
Deputy Clerk

BOARD OF COUNTY COMMISSIONERS
OF LEE COUNTY, FLORIDA

BY: 
Brian Hamman, Chair


Frank Mann

APPROVED AS TO FORM FOR THE
RELIANCE OF LEE COUNTY ONLY


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

DCI 2014-00026

Barraco
and Associates, Inc.

www.barraco.net

Civil Engineers, Land Surveyors and Consultants

Description:

Parcel in
Section 30, Township 43 South,
Range 26 East,
Lee County, Florida

RECEIVED
NOV 24 2014
COMMUNITY DEVELOPMENT

A tract or parcel of land lying in Section 30, Township 43 South, Range 26 East, Lee County, Florida.
Said tract or parcel being more particularly described as follows;

Beginning at a Northeast corner of the Southwest quarter (SW1/4), of the Southwest quarter (SW1/4) of said Section 30, run S01°02'20"E along the East line of said fraction of a section, and the West line of Block One, for Fort Myers Shores Unit Number One, as recorded in Plat Book 9, Page 153, Lee County Records for 400.56 feet to a point on a non-tangent curve and an intersection with the Northerly Right-of-Way line of State Road 80 (width varies); thence run Southwesterly along said Northerly Right-of-Way line along an arc of a curve to the left of radius 5,804.58 feet (delta 04°03'56") (chord bearing S73°37'18"W) (chord 411.79 feet) for 411.87 feet to a point of tangency; thence run S71°36'12"W along said Northerly Right-of-Way line for 701.53 feet to the Southeast corner of lands described in Official Records Book 2826, Page 1741, Lee County Public Records; thence run N00°48'57"W along the East line of said lands for 208.59 feet to the Northeast corner of said lands; thence run N88°27'18"W along the North line of said lands for 149.56 feet to an intersection with the Easterly Right-of-Way line of State Road 31 (100 feet wide); thence run N00°43'06"W along said Easterly Right-of-Way line for 560.43 feet to an intersection with the North line of the Southwest quarter (SW1/4), of the Southwest quarter (SW1/4) of said Section 30; thence run S88°20'53"E along the North line of said fraction of a section for 1,213.50 feet to the **Point of Beginning**.
Containing 699,961 square feet or 16.07 acres, more or less.

Bearings here in above mention are State Plane for the Florida West Zone (1983/99 Adjustment) and are based on the North line of the Southwest quarter (SW1/4), of the Southwest quarter (SW1/4) of said Section 30 to bear S88°20'53"E.

Applicant's Legal Clerk
by BS 11/24/14

Scott A. Wheeler 2/18/08
Scott A. Wheeler (For The Firm)
Professional Surveyor and Mapper
Florida Certificate No. 5949

L:\22146 - HWY30-SR80 Commercial\legal description\22146sko3desc.doc

Post Office Drawer 2800 • Fort Myers, FL 33902
Phone (239) 461-3170 • Fax (239) 461-3169

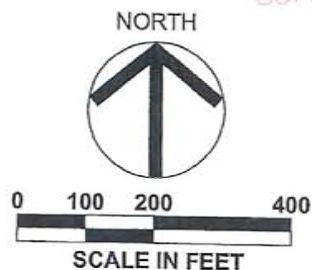
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EXHIBIT A

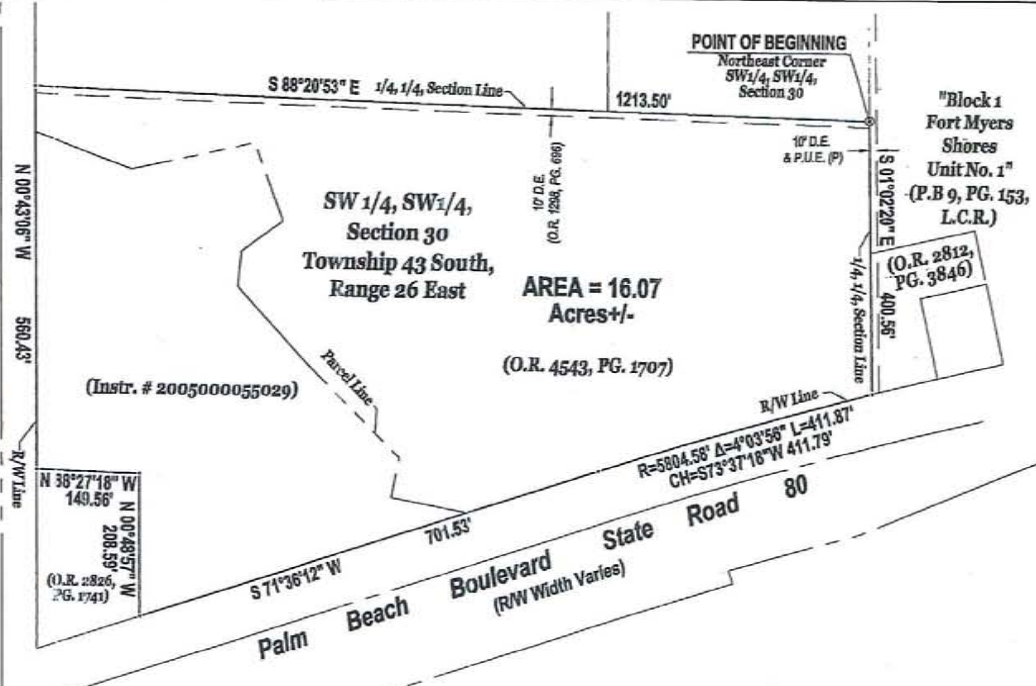
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DCI 2014-00026

COMMUNITY DEVELOPMENT



State Road 31 (100' Wide)



NOTES:

1. ALL DISTANCES SHOWN ARE IN FEET AND DECIMALS THEREOF.
2. CB - DENOTES CHORD BEARING.
3. CD - DENOTES CHORD DISTANCE
4. CH - DENOTES CHORD BEARING AND DISTANCE.
5. D.E. - DENOTES DRAINAGE EASEMENT
6. INSTR. # - DENOTES INSTRUMENT NUMBER
7. L.C.R. - DENOTES LEE COUNTY PUBLIC RECORDS.
8. O.R. - DENOTES OFFICIAL RECORD BOOK, LEE COUNTY PUBLIC RECORDS.
9. (P) - DENOTES PLAT.
10. P.B. - DENOTES PLAT BOOK
11. PG. - DENOTES PAGE.
12. P.U.E. - DENOTES PUBLIC UTILITY EASEMENT
13. R/W - DENOTES RIGHT OF WAY
14. BEARINGS HEREON ARE STATE PLANE FOR THE FLORIDA WEST ZONE (1983/89 ADJUSTMENT) AND ARE BASED ON THE NORTH LINE OF THE SOUTHWEST QUARTER (SW1/4), OF THE SOUTHWEST QUARTER (SW1/4) OF SAID SECTION 30 TO BEAR SOUTH 88°20'53" EAST.
15. DESCRIPTION IS ATTACHED

THIS IS NOT A SURVEY

Scott A. Wheeler
SCOTT A. WHEELER (FOR THE FIRM - LB-6940)
PROFESSIONAL SURVEYOR AND MAPPER
FLORIDA CERTIFICATE NO. 5949

DATE SIGNED: 2/6/08

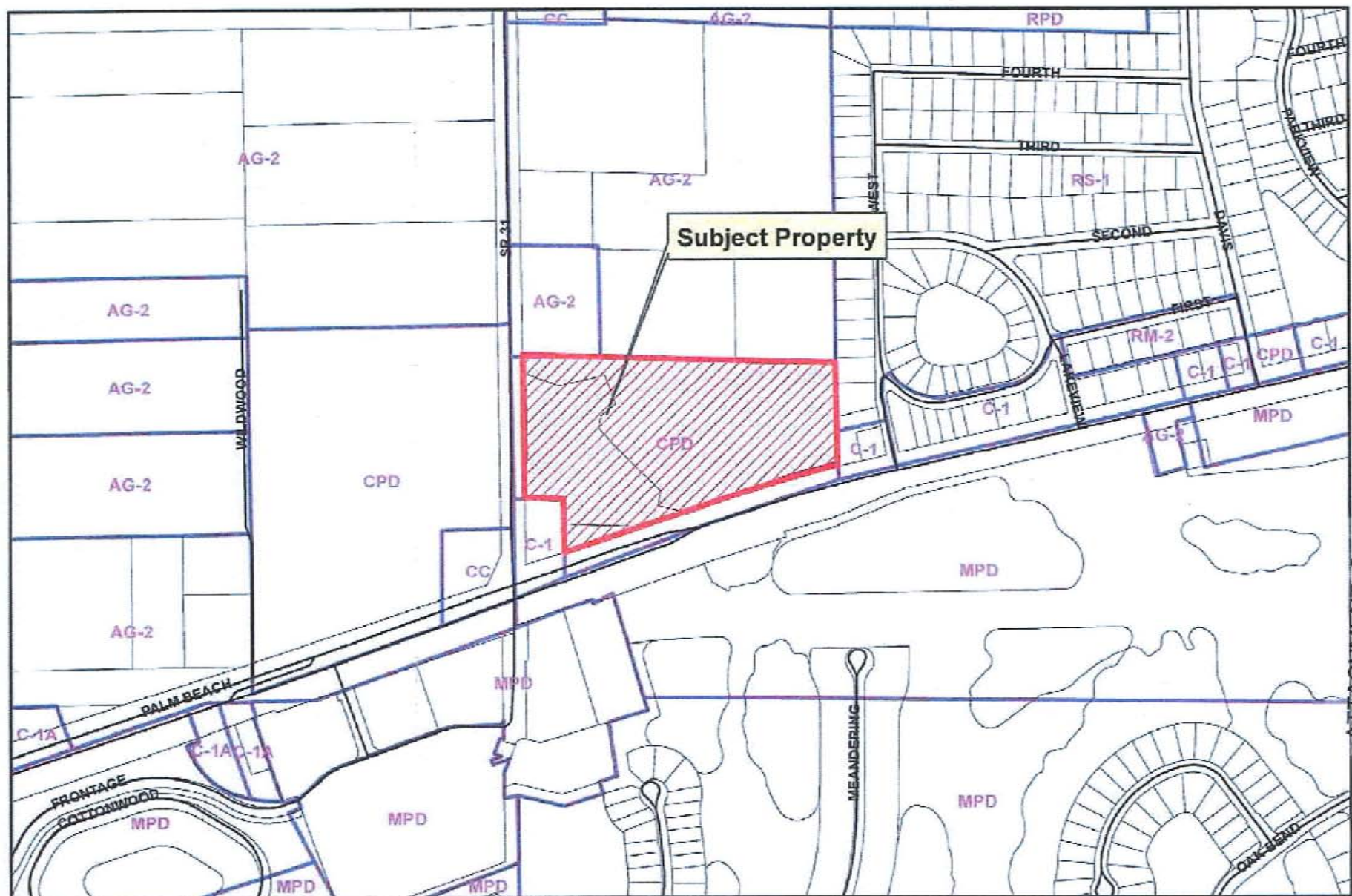
NOT VALID WITHOUT THE SIGNATURE AND THE ORIGINAL
RAISED SEAL OF A FLORIDA LICENSED SURVEYOR AND MAPPER.

Barraco and Associates, Inc. CIVIL ENGINEERING - LAND SURVEYING LAND PLANNING - LANDSCAPE DESIGN www.barraco.net 2071 HAZARDWOOD BOULEVARD FORT MYERS, FLORIDA 33901-2802 PHONE (813) 481-6175 FAX (813) 481-6176	
FLORIDA CERTIFICATE OF AUTHORIZATION ENGINEERING REG. - SURVEYING LB-6940	
PREPARED BY:	
AM&GW, LLC	
841 WEST HENRY STREET BOCA RATON, FL 33433 PHONE (561) 367-3300 FAX (561) 367-3375	
PROJECT DESCRIPTION:	
A PARCEL OF LAND IN SECTION 30 TOWNSHIP 43 SOUTH RANGE 26 EAST LEE COUNTY, FLORIDA	
PROJECT NUMBER:	
NOT VALID WITHOUT THE SIGNATURE AND THE RAISED SEAL OF A FLORIDA LICENSED SURVEYOR AND MAPPER	
FILE NAME	20140206.DWG
DATE PLOTTED	2/6/08
LOCATION	1/4 SECTION 30, TOWNSHIP 43 SOUTH, RANGE 26 EAST, LEE COUNTY, FLORIDA
PLAT DATE	2/6/08
PLAT BY	SCOTT A. WHEELER
SUPPLEMENT	NO
DRAWN BY	SCOTT A. WHEELER
CHECKED BY	SCOTT A. WHEELER
SCALE	1"=100'
FILE NAME	20140206.DWG
PLAT DESCRIPTION:	
SKETCH TO ACCOMPANY DESCRIPTION	
PLAT NO.	2 OF 2

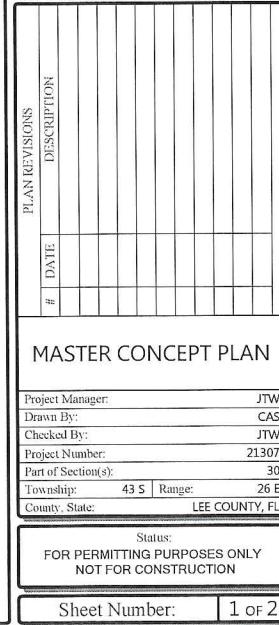
DCI2014-00026

Zoning Map

EXHIBIT B



ATTACHMENT C



Approved as Exhibit C
MCP Page 1 of 2
Resolution # 2-15-022

Approved as Exhibit C
MCP Page 2 of 2
Resolution # Z-15-022











DELISI FITZGERALD, INC.
Planning - Engineering - Project Management

1605 Hendry Street
Fort Myers, FL 33901
239-418-0691 • 239-418-0692 fax

S.R. 80 / S.R. 31 CPD

OWNER / DEVELOPER:
AM & GW, LLC
8841 WEST TERRY STREET
BONITA SPRINGS, FL 34135
(734) 947-2900

[illegible]

Status:
FOR PERMITTING PURPOSES ONLY
NOT FOR CONSTRUCTION

Sheet Number: 2 of 2

EXHIBIT 1



**RT 1146 - Palm Beach Blvd
Lee County, FL**

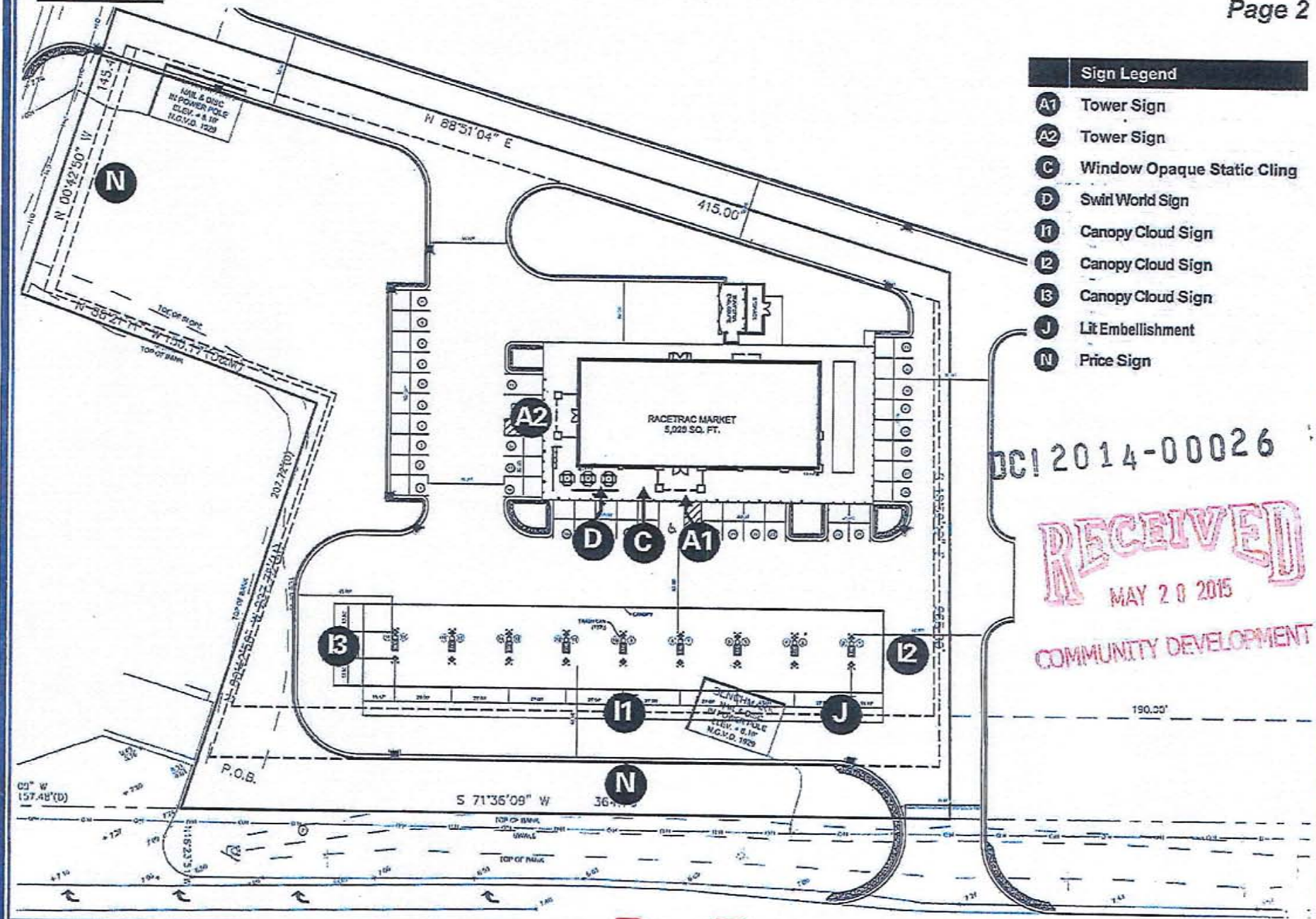
DCI 2014-00025

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COMMUNITY DEVELOPMENT

Site Plan

Sign Legend	
A1	Tower Sign
A2	Tower Sign
C	Window Opaque Static Cling
D	Swirl World Sign
I1	Canopy Cloud Sign
I2	Canopy Cloud Sign
I3	Canopy Cloud Sign
J	Lit Embellishment
N	Price Sign



DC! 2014-00026
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 MAY 20 2015
 COMMUNITY DEVELOPMENT

RaceTrac

Building Elevations

GENERAL NOTE: ALL WORK SHALL BE IN COMPLIANCE WITH RECOGNIZED INDUSTRY STANDARDS, MANUFACTURER'S RECOMMENDATIONS, AND ALL APPLICABLE STATE AND LOCAL CODES. NO SUBSTITUTIONS ALLOWED.

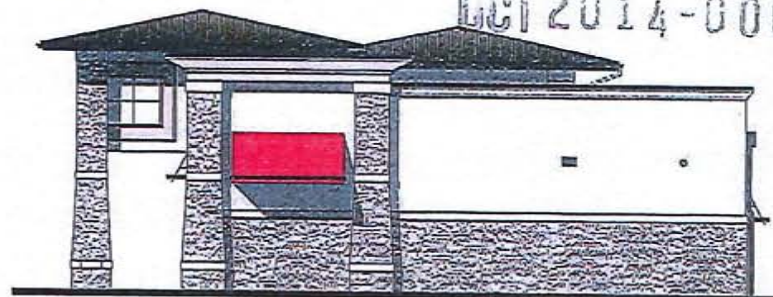
Page 3

COMMUNITY DEVELOPMENT

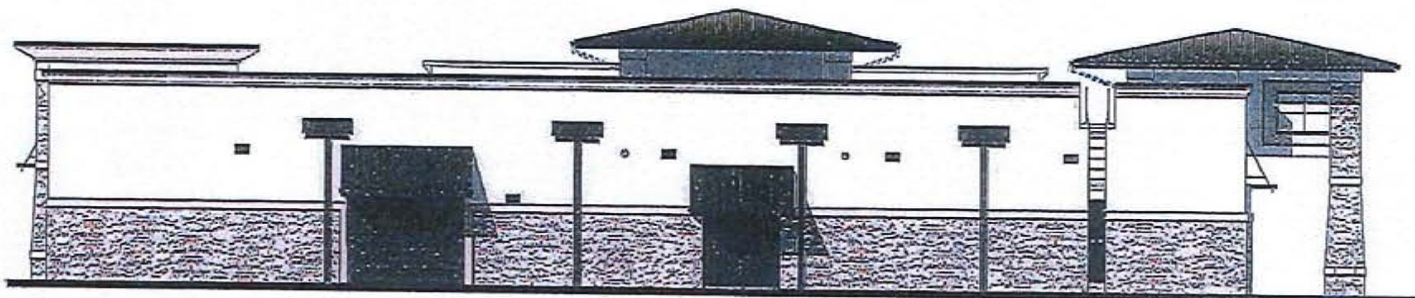
DCI 2014-00026



RIGHT EXTERIOR ELEVATION



LEFT EXTERIOR ELEVATION



REAR EXTERIOR ELEVATION



FRONT EXTERIOR ELEVATION

RaceTrac

EIFS Tower Sign

GENERAL NOTE: ALL WORK SHALL BE IN COMPLIANCE WITH RECOGNIZED INDUSTRY STANDARDS, MANUFACTURER'S RECOMMENDATIONS, AND ALL APPLICABLE STATE AND LOCAL CODES. NO SUBSTITUTIONS ALLOWED.

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Sign Label	Sign Type	Height	Length	Total Area
A1	Tower Sign	3'-0"	13'-5/8"	41 sf
A2	Tower Sign	3'-0"	13'-5/8"	41 sf

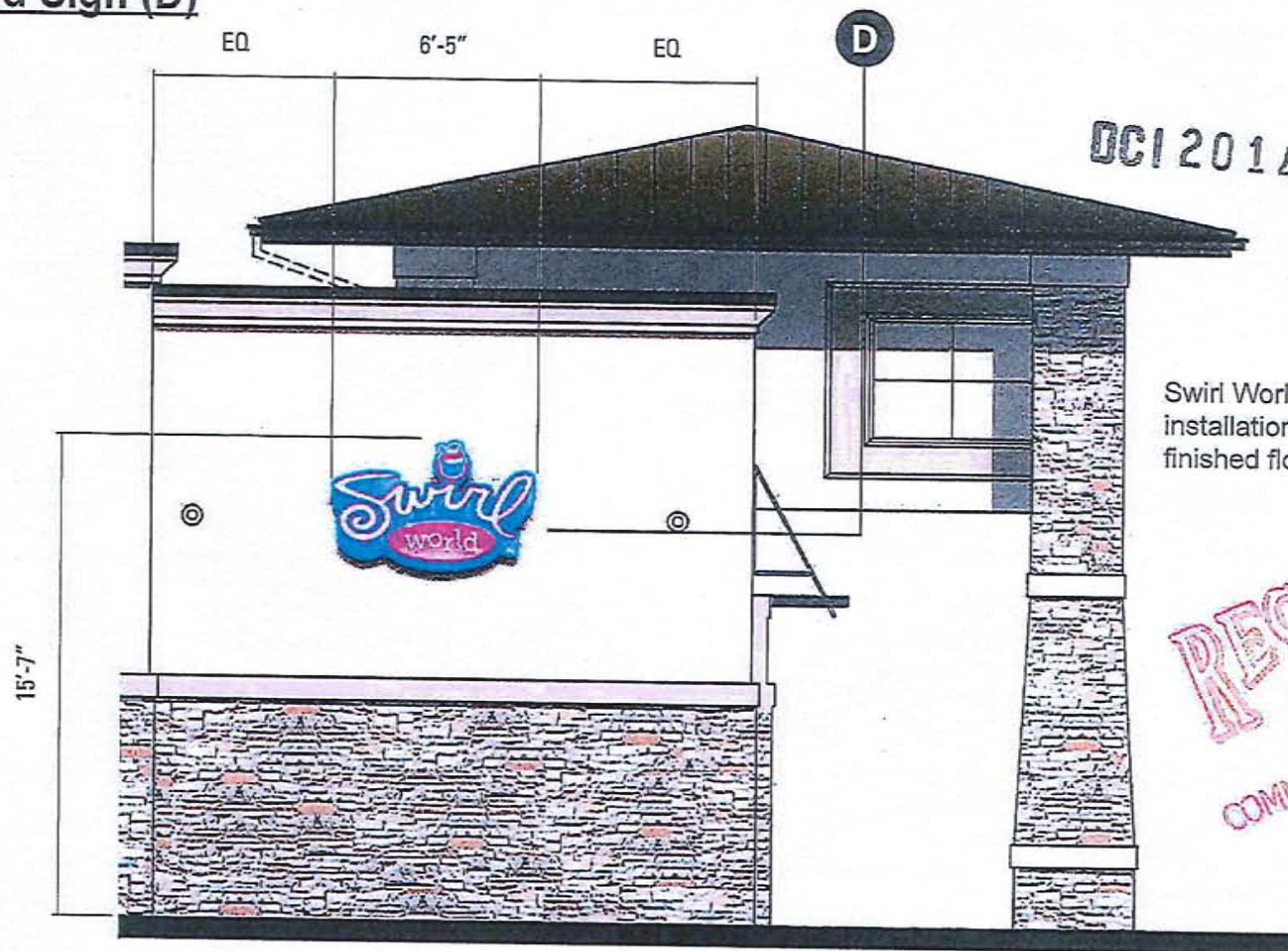
DCI 2014-00026

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Swirl World Sign (D)

GENERAL NOTE: ALL WORK SHALL BE IN COMPLIANCE WITH RECOGNIZED INDUSTRY STANDARDS, MANUFACTURER'S RECOMMENDATIONS, AND ALL APPLICABLE STATE AND LOCAL CODES. NO SUBSTITUTIONS ALLOWED.

Page 8



Swirl World Sign
installation height above
finished floor level = 15'-7"

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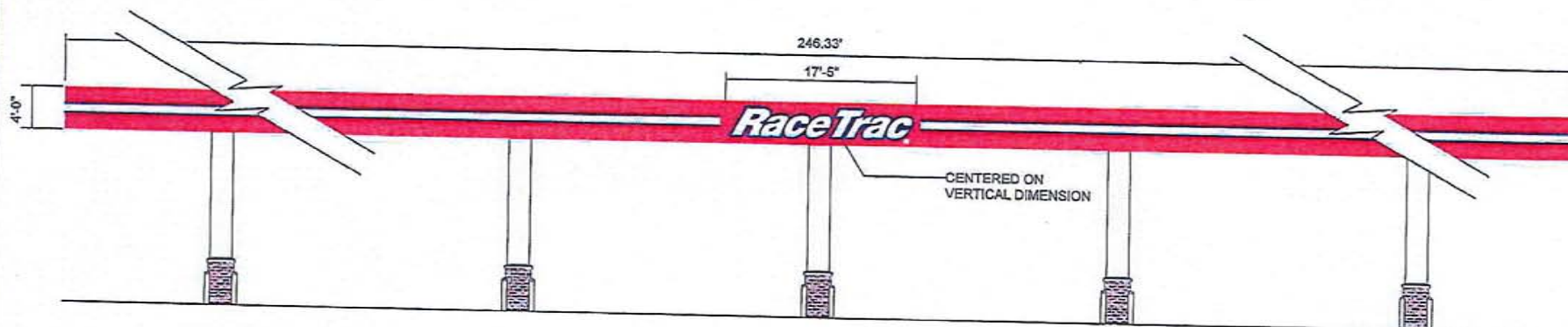
Sign Label	Sign Type	Height	Length	Total Area
D	Swirl World Sign	4'-3"	6'-5"	28 sf

RaceTrac

57 SF Canopy LED Cloud Sign - Red Canopy

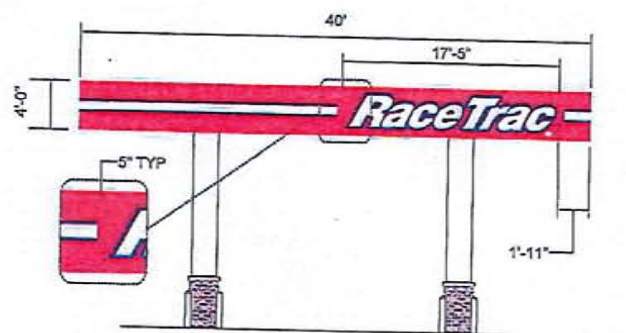
GENERAL NOTE: ALL WORK SHALL BE IN COMPLIANCE WITH RECOGNIZED INDUSTRY STANDARDS, MANUFACTURER'S RECOMMENDATIONS, AND ALL APPLICABLE STATE AND LOCAL CODES. NO SUBSTITUTIONS ALLOWED.

Page 20

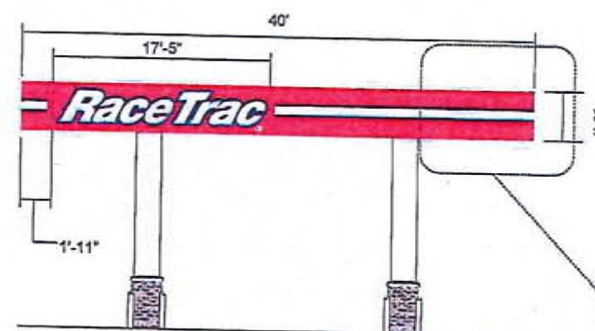


GAS CANOPY FRONT ELEVATION

DCI 2014-00026



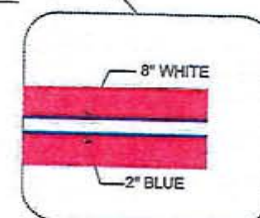
LEFT SIDE VIEW - RED CANOPY



RIGHT SIDE VIEW - RED CANOPY

COLOR SCHEDULE

- RaceTrac Red
To Match RGB = 216, 30, 5
- RaceTrac Blue
To Match RGB = 0, 43, 127



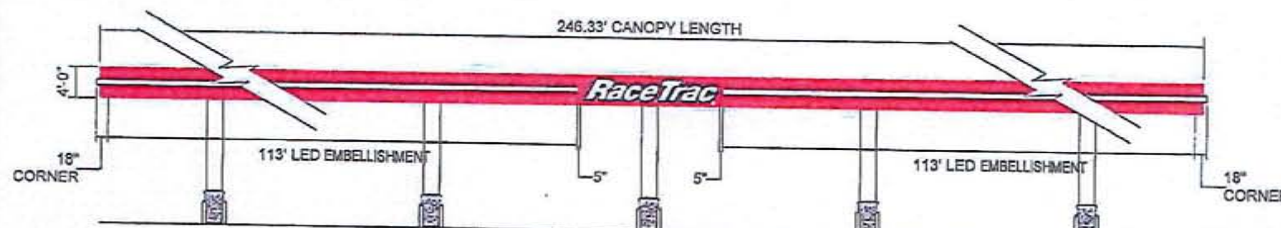
RECEIVED
MAY 20 2015

COMMUNITY DEVELOPMENT

RaceTrac

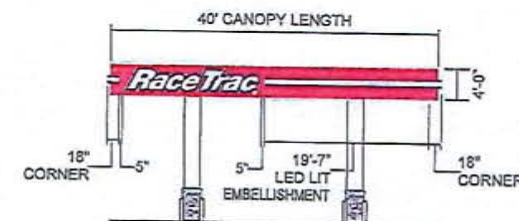
Canopy Stripe - LED Lit Embellishment(J)

Page 23

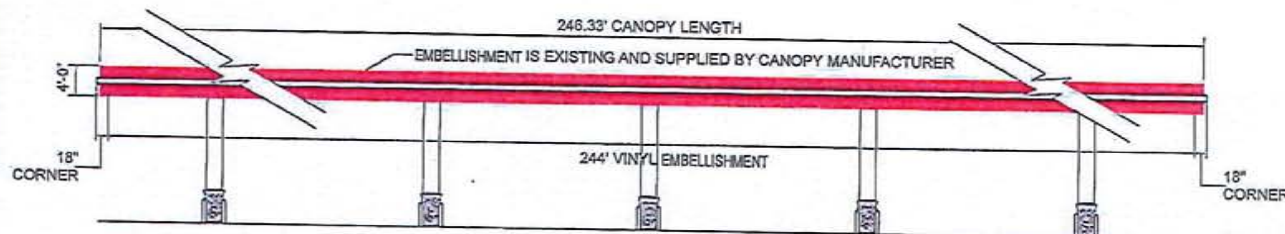


*REFER TO CANOPY PLANS OR ON-SITE CONDITIONS FOR ARCHITECTURAL FINISHES

GAS CANOPY FRONT ELEVATION



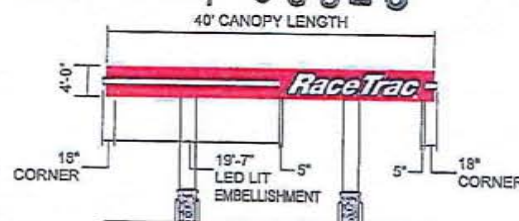
RIGHT SIDE VIEW - RED CANOPY



*REFER TO CANOPY PLANS OR ON-SITE CONDITIONS FOR ARCHITECTURAL FINISHES

GAS CANOPY REAR ELEVATION

DCI 2014-00026



LEFT SIDE VIEW - RED CANOPY

APPLICATION EXAMPLE



UPON INSTALLATION OF LIT STRIPE, IF ANY VINYL DECAL IS EXPOSED, TRIM AT 90°, EVEN WITH EDGE OF LIT EMBELLISHMENT

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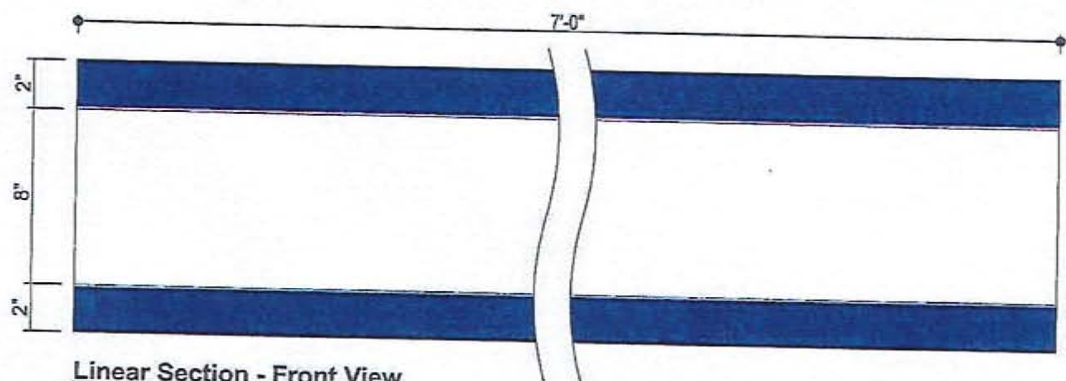
COMMUNITY DEVELOPMENT

RaceTrac

8" White & Blue Lit Canopy Embellishment - Red Canopy (J)

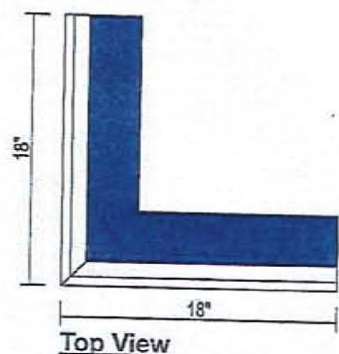
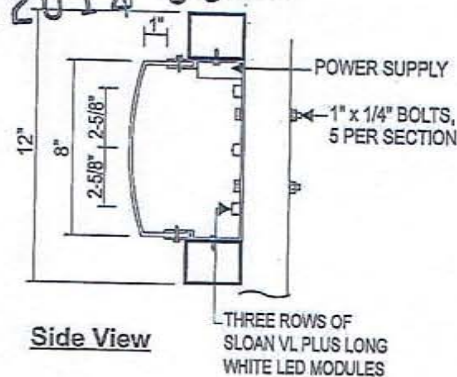
GENERAL NOTE: ALL WORK SHALL BE IN COMPLIANCE WITH RECOGNIZED INDUSTRY STANDARDS, MANUFACTURER'S RECOMMENDATIONS, AND ALL APPLICABLE STATE AND LOCAL CODES. NO SUBSTITUTIONS ALLOWED.

Page 24



← WHEN LIGHT BAND SECTIONS DO NOT MEET, ALUMINUM END CAP MUST BE USED.

DCI 2014-00026

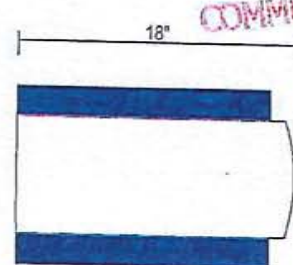
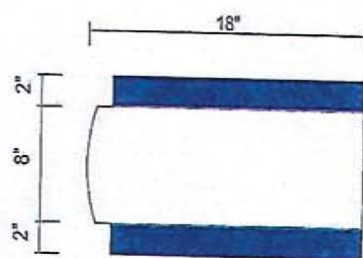


← WHEN LIGHT BAND SECTIONS DO NOT MEET, ALUMINUM END CAP MUST BE USED.

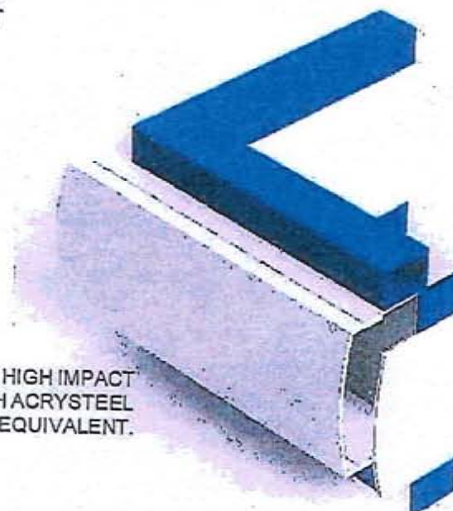


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COMMUNITY DEVELOPMENT



.125" THK, #7328 WHITE HIGH IMPACT ACRYLIC, ARISTECH ACRYSTEEL OR EQUIVALENT.

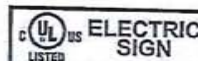


COLOR SCHEDULE

PAINT TO MATCH 3M SAPPHIRE BLUE

NOTES:

- 7'-0" LONG UNITS W/90 DEGREE CORNERS



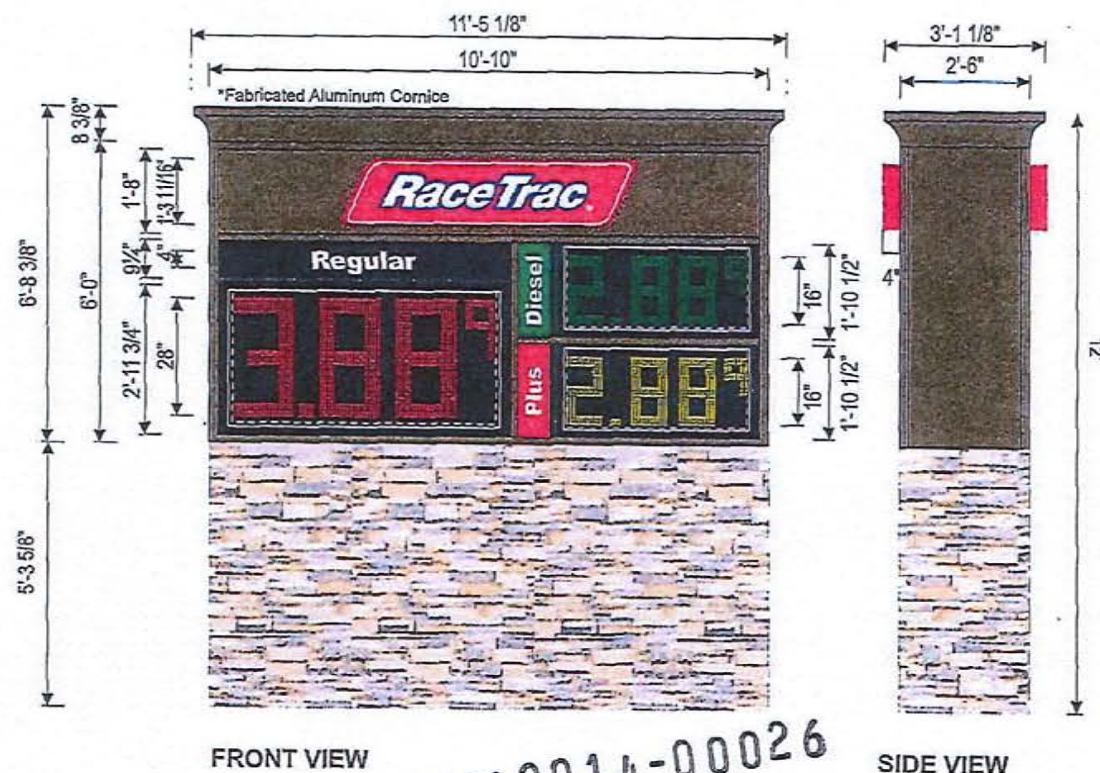
THIS SIGN IS INTENDED TO BE INSTALLED IN ACCORDANCE WITH THE REQUIREMENTS OF ARTICLE 600 OF THE NATIONAL ELECTRICAL CODE AND/OR OTHER APPLICABLE LOCAL CODES. THIS INCLUDES PROPER GROUNDING AND BONDING OF THE SIGN.



RaceTrac

65 SF Price Sign - 28" & 16" LED (N)

*All sign components to be UL listed. All wiring to conform to UL specifications. Installation to be per NEC requirements. All signs to bear UL labels.



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 COMMUNITY DEVELOPMENT



E85

Note: If E85 Fuel Product is required use 3M Translucent Yellow Vinyl 3630-015, (PMS 109 Yellow) Background Color with Black Text Color, Arial Black Letter Font.

Sloan Sign Box II LED Interior Illumination

Specifications: Sign Faces:

- Logo panel: Bronze aluminum panel with parallelogram mounted to the surface. Parallelogram to be channel letter-type construction with .177" thick Polycarbonate face panels with 2nd surface applied translucent vinyl graphics. Parallelogram copy to be digitally printed red background stripes and white border with blue area of logo graphic also printed. Cabinet and trim cap to be red to match Axzo Nobel #SIGN20448.
- Regular Unleaded Product Panel: Solar Grade Polycarbonate; Background to be 1st surface applied 3M vinyl opaque 180C-22 Matte Black; "Regular" to be show-through white or 1st surface applied 3M vinyl translucent 3630-020 White.
- Diesel Product Panel: Solar Grade Polycarbonate; Background to be 1st surface applied 3M vinyl translucent 3630-26 Green; "Diesel" to be show-through white or 1st surface applied 3M vinyl translucent 3630-020 White.
- Plus Product Panel: Solar Grade Polycarbonate; background to be 1st surface applied 3M vinyl translucent 3630-33 Red; "Plus" to be show-through white or 1st surface applied 3M vinyl translucent 3630-020 White.

Interior Illumination: Sloan Sign Box II LED Interior Illumination powered by low voltage power supplies. This is behind fuel grade panels, only.

Sign Frame: 2" x 2" x .25" steel tube with .063 aluminum cladding. Extruded aluminum 1-1/2" wide Divider Bars installed to retain sign panels. Face dividers and retainer to be painted dark bronze and black.

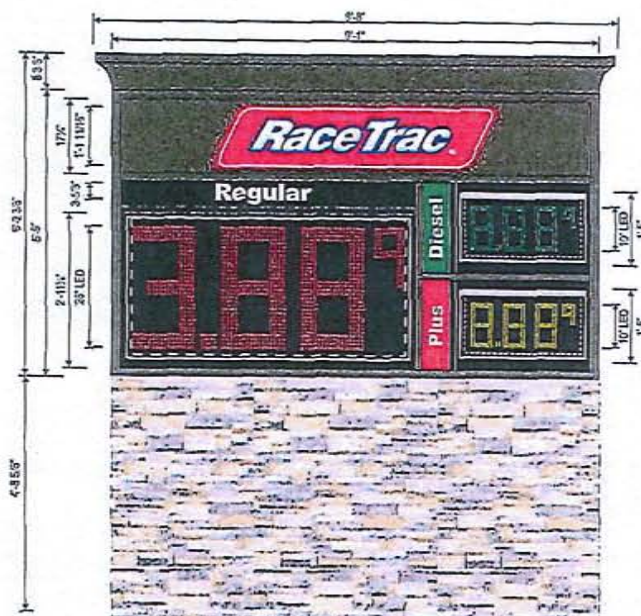
Sign Support: Internal steel pipe support to be welded to steel saddle bracket at top and bottom of sign frame.

External steel sign support to meet building and local sign codes. Size of steel and footing as required per site requirements.

RaceTrac

50 SF Price Sign - 28" & 10" LED (N)

*All sign components to be UL listed. All wiring to conform to UL specifications. Installation to be per NEC requirements. All signs to bear UL labels.



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E85



Sloan Sign Box II
LED Interior Illumination

Note: If E85 Fuel Product is required use 3M Translucent Yellow Vinyl 3630-015, (PMS 109 Yellow) Background Color with Black Text Color, Arial Black Letter Font.

Specifications:

Sign Faces:

- Logo panel: Bronze aluminum panel with parallelogram mounted to the surface. Parallelogram to be channel letter-type construction with .177" thick Polycarbonate face panels with 2nd surface applied translucent vinyl graphics. Parallelogram copy to be digitally printed red background stripes and white border with blue area of logo graphic also printed. Cabinet and trim cap to be red to match Axzo Nobel #SIGN20448.
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- Diesel Product Panel: Solar Grade Polycarbonate; Background to be 1st surface applied 3M vinyl translucent 3630-26 Green; "Diesel" to be show-through white or 1st surface applied 3M vinyl translucent 3630-020 White.
- Plus Product Panel: Solar Grade Polycarbonate; background to be 1st surface applied 3M vinyl translucent 3630-33 Red; "Plus" to be show-through white or 1st surface applied 3M vinyl translucent 3630-020 White.

Interior Illumination: Sloan Sign Box II LED Interior Illumination powered by low voltage power supplies. This is behind fuel grade panels, only.

Sign Frame: 2" x 2" x .25" steel tube with .063 aluminum cladding. Extruded aluminum 1-1/2" wide Divider Bars installed to retain sign panels. Face dividers and retainer to be painted dark bronze and black.

Sign Support: Internal steel pipe support to be welded to steel saddle bracket, at top and bottom of sign frame.

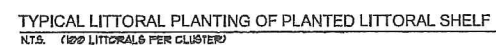
External steel sign support to meet building and local sign codes. Size of steel and footing as required per site requirements.

RaceTrac



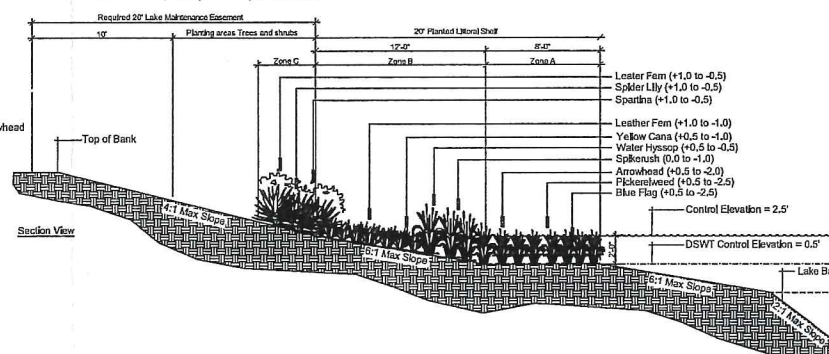
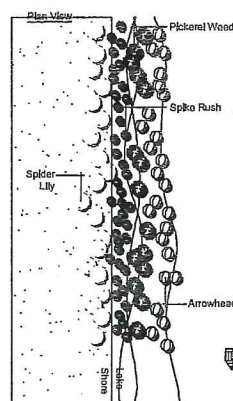


Lake Perimeter Landscaping Requirement
 Lake 1 Perimeter: 1041 LF.
 $1041 \times 25\% \times 20' / 4 =$ 1305 Plants Required 2,750 Plants Provided
 Required length of Littoral = 25% of 1041 lf = 262 lf Required 512 lf Provided



NOTE:
4 species shown in Plan View.
Client may choose alternate plant material as Noted in Section View.
Minimum size for all littoral plants to be 1 gallon herbaceous material and 3 gallon leather fern / spartina (if not available larger plant sizes may be used).

Littoral Herbaceous Plantings		
Zone	Common Name	Botanical Name
A	Pickeral Weed	<i>Pontederia cordata</i>
A	Arrow Head	<i>Sagittaria</i> spp.
A/B	Swamp Lay	<i>Citrum americanum</i>
A/B	Water Hyssop	<i>Bacopa monnieri</i>
A/B	Blue Flag	<i>Iris hexagona</i> savannarum
B	Canna Lily	<i>Canna flaccida</i>
B	Spoke Rush	<i>Eleocharis interstida</i>
B/C	Leather Fern	<i>Acrostichum danaeifolium</i>
B/C	Spargina	<i>Spargina bakeri</i>
C/D	Spkder Lily	<i>Hymenocallis latifolia</i>



Environmental Sciences



License No. 1178

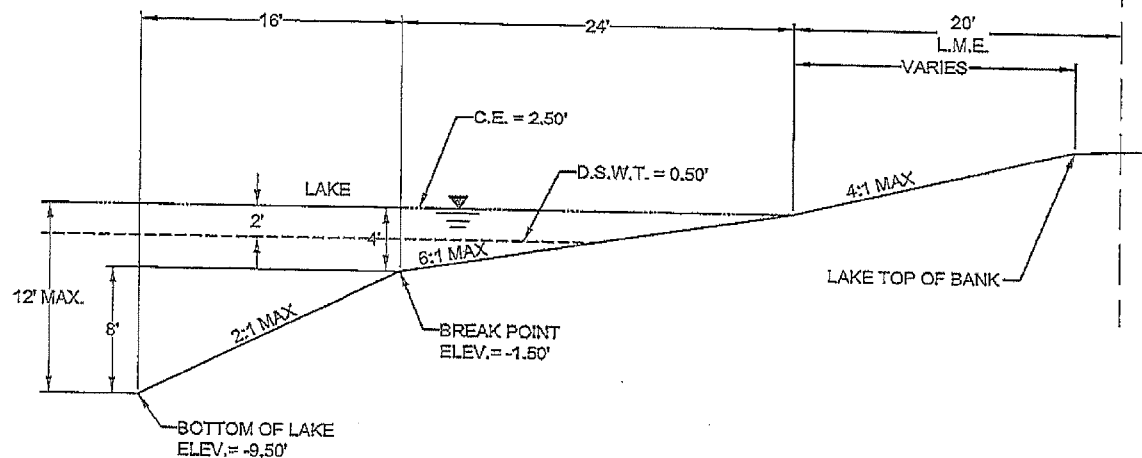
FAX (239) 947-3576

S.R. 80 / S.R. 31 CPD

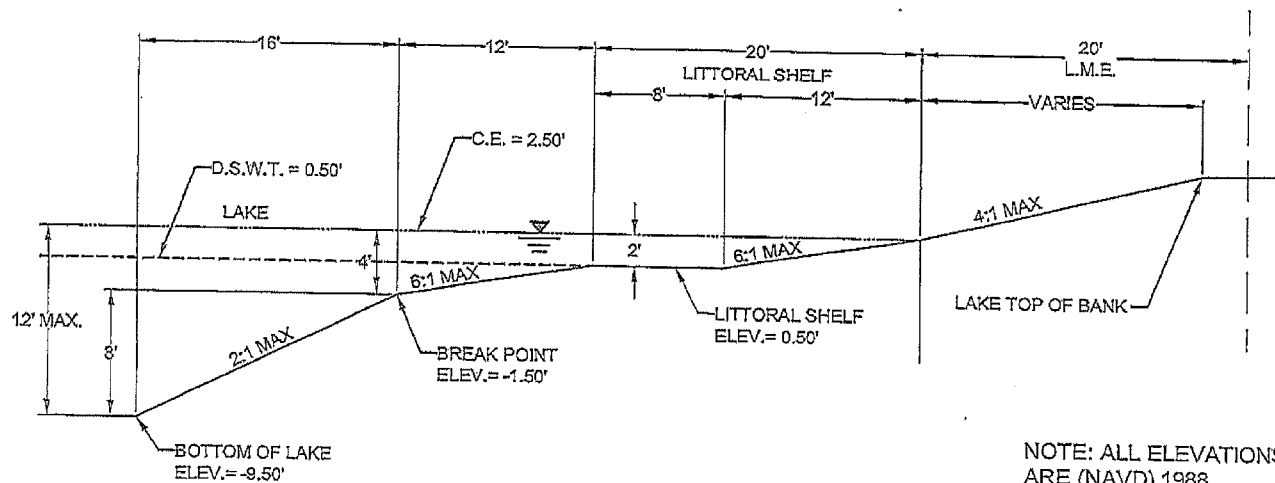
PART OF SECTION 30,
TOWNSHIP 43 SOUTH,
RANGE 26 EAST,
LEE COUNTY, FLORIDA

**THIS PLAN IS PRELIMINARY AND
INTENDED FOR CONCEPTUAL
PLANNING PURPOSES ONLY. SITE
LAYOUT AND LAND USE INTENSITIES
OR DENSITIES MAY CHANGE
SIGNIFICANTLY BASED UPON SURVEY,
ENVIRONMENTAL, ENGINEERING AND
REGULATORY CONSTRAINTS
AND / OR OPPORTUNITIES.
* NOT FOR CONSTRUCTION ***

PLAN REVISIONS	
PLAN STATUS	
EXHIBIT ONLY NOT FOR CONSTRUCTION	
LITTORAL PLANTING EXHIBIT	
PROJECT / FILE NO.	SHEET NUMBER
22146	1



A TYPICAL LAKE SECTION WITHOUT LITTORAL SHELF
SCALE: 1" = 10'



B TYPICAL LAKE SECTION WITH LITTORAL SHELF
SCALE: 1" = 10'

NOTE: ALL ELEVATIONS SHOWN ARE (NAVD) 1988

Barraco
and Associates, Inc.
CIVIL ENGINEERING - LAND SURVEYING
LAND PLANNING - LANDSCAPE DESIGN
www.barraco.net
2271 SANDROCK BLVD., SUITE 100
FORT MYERS, FLORIDA 33902-2589
PHONE (239) 401-9100
FAX (239) 401-9100

FLORIDA CERTIFICATE OF AUTHORIZATION
ENGINEERING 7898 - SURVEYING LB-2640

PREPARED FOR

AM&GW, LLC

1941 WEST TERRY STREET
BONITA SPRINGS, FL 34135

PHONE (239) 947-2220
FAX (239) 947-2218

PROJECT DESCRIPTION

S.R. 80 / S.R. 31
CPD

PART OF SECTION 28
TOWNSHIP 28 SOUTH
RANGE 28 EAST
LEE COUNTY, FLORIDA

THIS PLAN IS PRELIMINARY AND
INTENDED FOR CONCEPTUAL
PLANNING PURPOSES ONLY. SITE
LAYOUT AND LAND USE INTENTIONS
OR DECISIONS MAY CHANGE
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