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RESOLUTION NUMBER Z-86-214

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

WHEREAS, an application has been properly filed on a project known as Trail Dairy Plaza for a rezoning from AG-2 to Commercial Planned Development, to permit the development of a mixed-use neighborhood commercial development, with buildings not to exceed 35 feet above average grade, on 9.67± total acres of land. The proposed development will also include the subdivision of two outparcels, and the use of an on-site sewer treatment plant.

NOTE:

If approved, the Master Concept Plan will deviate from the following Lee County standards:

- (1) Minimum water retention excavation setbacks to a street right-of-way of 150 feet (518.C.4), to 50 feet; and
- (2) Minimum intersection separation of 660 feet along arterial streets (DSO C.3.h), to allow spacing of 430 feet between two proposed accesses onto U.S. 41.

WHEREAS, the subject property is located at the northeast corner of the intersection of U.S. 41 and Trail Dairy Road, across from Del Tura Country Club in North Fort Myers, described more particularly as:

LEGAL DESCRIPTION: In Section 16, Township 43 South, Range 24 East, Lee County, Florida:

A tract or parcel of land lying in Section 16, Township 43 South, Range 24 East, Lee County, Florida, more particularly described as follows:

COMMENCE at the intersection of the North line of said Section 16 and the Northeasterly right of way line of U.S. 41 (SR 45); thence run S 26°07'10" E along said Northeasterly right of way line for 1055.96 feet to the POINT OF BEGINNING; thence run N 89°33'51" E for 454.93 feet; thence run S 26°07'10" E for 927.07 feet to the centerline of a 60 foot wide roadway easement; thence run S 63°51'28" W along said centerline for 296.35 feet; thence run S 50°06'34" W for 106.70 feet to the said northeasterly right of way line of U.S. 41; thence run N 26°07'10" W along said right of way line for 46.05 feet; thence continue along said right of way line bearing N 31°49'48" W for 100.50 feet; thence continue along said right of way line bearing N 26°07'10" W for 1003.70 feet to the POINT OF BEGINNING.

Subject to a 30 foot roadway easement over the southerly 30 feet thereof and a drainage easement over the north 30 feet and easterly 30 feet and further subject to easements, restrictions and reservations of record.

19.5-0
BullardRECORD VERIFIED - CHARLIE GREEN, CLERK
BY: H. FERNSTROM, D.C.

WHEREAS, the applicant has indicated the property's current STRAP number is 16-43-24-00-00002.0000; and

WHEREAS, proper authorization has been given to Norm Thompson Associates and Thomas M. Brondstetter, P.A., by J. Andrew Bever, the fee simple owner of the subject parcel, to act as agents to pursue this zoning application; and

WHEREAS, a public hearing was legally and properly advertised and held before the Lee County Planning and Zoning Commission, with full consideration of all the evidence available to the Planning and Zoning Commission; and

WHEREAS, the Lee County Planning and Zoning Commission fully reviewed the matter in a public hearing held on December 1, 1986; and

WHEREAS, a public hearing was legally and properly advertised and held before the Lee County Board of County Commissioners; and

WHEREAS, in the legislative process the Lee County Board of County Commissioners gave full and complete consideration to the recommendations of the staff, the Planning and Zoning Commission, 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 of County Commissioners does hereby APPROVE with conditions a rezoning from AG-2 to Commercial Planned Development, to permit the development of a mixed-use neighborhood commercial development, with buildings not to exceed 35 feet above average grade, on 9.67± total acres of land. The proposed development will also include the subdivision of two outparcels, and the use of an on-site sewer treatment plant.

- (1) Minimum water retention excavation setbacks to a street right-of-way of 150 feet (518.C.4), to 50 feet; and
- (2) Minimum intersection separation of 660 feet along arterial streets (DSO C.3.h), to allow spacing of 430 feet between two proposed accesses onto U.S. 41.

The following conditions were made in conjunction with this Commercial Planned Development:

1. The following uses shall be permitted as part of this CPD, with buildings not to exceed 35 feet in height above average grade and not to exceed a total gross floor area of 83,500 square feet for this entire CPD request (districts and uses identified are those described in the Lee County Zoning Ordinance):
 - a. Permitted use shall be: all uses permitted by right and by special exception in Section 462.05 (CN-2 Neighborhood Commercial district), EXCEPT Essential Service Facilities - Group II;

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- b. Consumption on premises requests in this CPD shall be reviewed individually as Special Permits, or through other approval processes as may be required by future regulations.
2. The drainage easements located along the northern and eastern property lines shall be planted with appropriate native wetland vegetation, subject to approval of the Department of Community Development.
3. The development of this property shall be in accordance with the one-page Master Concept Plan for Trail Dairy Plaza, prepared by Norm Thompson Associates (revised on October 29, 1987) except as modified by the above conditions. Approval of this plan does not relieve this development from conformance with all applicable state and local regulations except for the two requested deviations.
4. Deviation #1 is hereby APPROVED. Deviation #2 is hereby APPROVED subject to the northern entrance being temporary and a future frontage connection is provided to the property to the north.

The following findings of fact were made in conjunction with this Commercial Planned Development:

1. The proposed uses are appropriate at the subject location;
2. Sufficient safeguards to the public interest are provided by conditions to the Master Concept Plan and by other applicable regulations;
3. The proposed request is consistent with the policies and standards of the Lee Plan, specifically with Policies III.D.5, III.D.8 and Standards III.C.3 and III.C.7.

The foregoing Resolution was adopted by the Lee County Board of County Commissioners upon a motion by Commissioner Fussell, and seconded by Commissioner Bigelow and, upon being put to a vote, the result was as follows:

Porter J. Goss	Absent
Charles L. Bigelow, Jr.	Aye
Mary Ann Wallace	Nay
Bill Fussell	Aye
Donald D. Slisher	Aye

DULY PASSED AND ADOPTED this 25th day of January, A.D., 1988.

ATTEST:
CHARLIE GREEN, CLERK

BOARD OF COUNTY COMMISSIONERS
OF LEE COUNTY, FLORIDA

BY: Charlie J. Green
Deputy Clerk

BY: Porter J. Goss
Chairman

FILED

APR 25 1988

CLERK CIRCUIT COURT
BY Charlie J. Green D.C.

Approved as to form by:

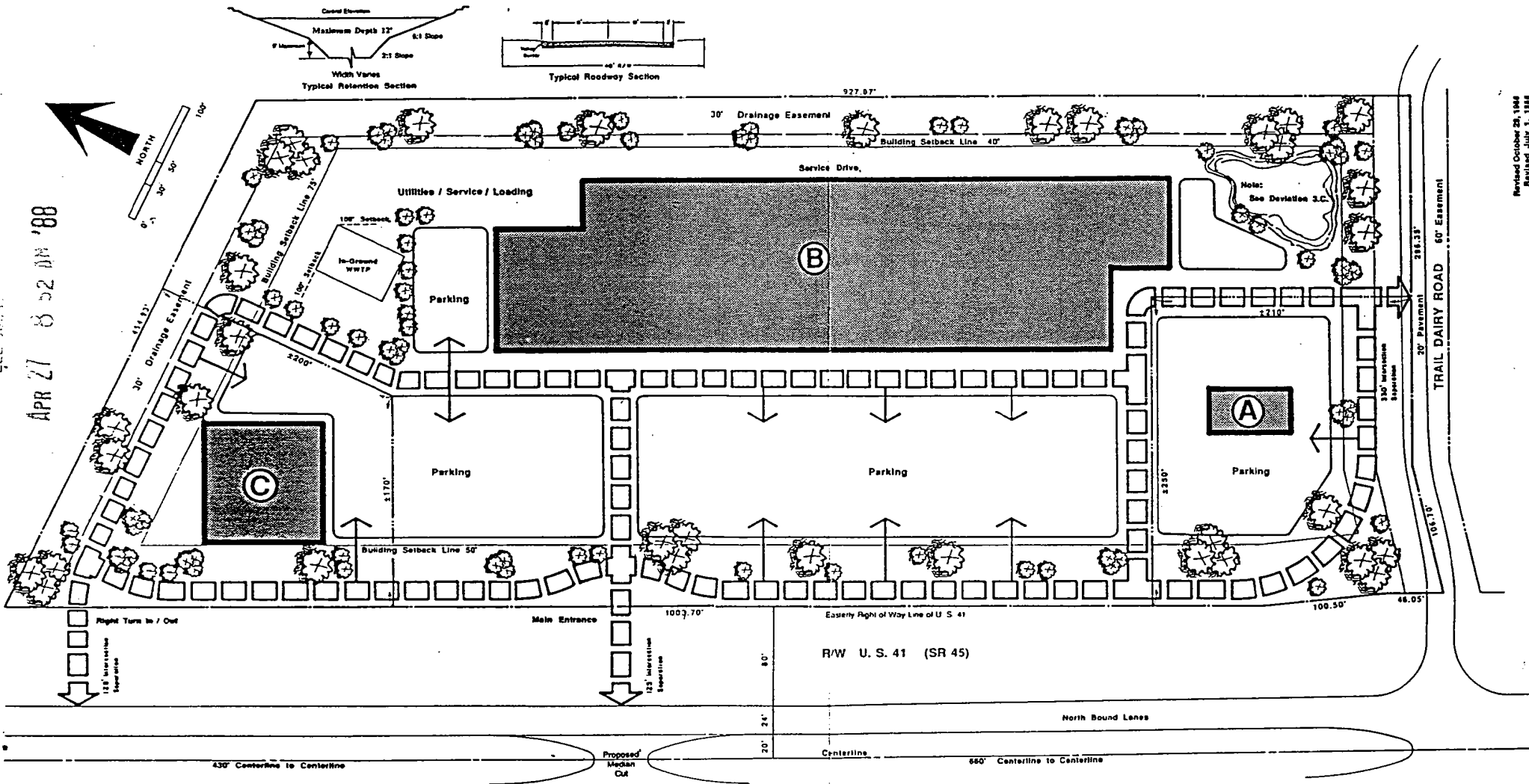
County Attorney's Office

REC 485 PG 1593

RECORDED & RECORD VERIFIED

Charles Green

APR 27 8 52 AM '88



Revised October 28, 1984
Revised July 11, 1985
May 21, 1985

Applicant: Mr. J. Andrew Bayer, Vice President
Bayer Management Co., Tampa, FL 33601
P.O. Box 180435, Rm. 23E
Lee County, Florida
Location:

MASTER CONCEPT PLAN

Norm Thompson Associates
PLANNING AND DEVELOPMENT CONSULTANTS
6125 Wilshire Crest Drive, Suite A, Fort Myers, Florida 33907 (813) 480-3146

1. PROPERTY DATA.

	Acres	S.F.
Total Area	9.88	421,138
Road Easement	0.28	12,225
Drainage Easement	0.91	39,735
Setback not within Easements	2.01	87,558
Building Area	6.47	291,833

2. CPD SCHEDULE OF USES.

Parcel No.	Proposed Use	Max Floor Area (S.F.)	Minimum Parking	Parking Ratio (S.F.G.F.A.)	Phase
A	Commercial Retail and Auto Service	2,800	14	1/200	I
B	Retail Store of Consumer Goods and Services (Department Store)	71,100	356	1/200	II
C	Branch Commercial Bank Professional Office	9,500	32	1/300	II
TOTALS:		83,500	402	--	--

- 3. SPECIAL CONDITIONS & DEVIATIONS**
- A. THE PRECISE BOUNDARIES FOR DEVELOPMENT PARCELS A, B & C SHALL BE DETERMINED BY SURVEY AT THE TIME OF FINAL PLAN APPROVAL.
 - B. AT THE DEVELOPER'S OPTION, THE AMOUNT OF BUILDING FLOOR AREA FOR DEVELOPMENT PARCELS A AND C MAY BE MODIFIED AND REALLOCATED TO PARCEL B; PROVIDED, HOWEVER, THAT THE TOTAL MAXIMUM FLOOR AREA (83,500 S.F.) AND THE NUMBER OF PRINCIPAL BUILDINGS (3) IS NOT EXCEEDED AND ALL APPLICABLE DEVELOPMENT STANDARDS ARE OBSERVED.
 - C. DEVIATION FROM SECTION 510 C.4 OF THE LEE COUNTY ZONING ORDINANCE: From required 150 foot retention excavation setback from a street right-of-way to 30 feet.

NOTE: HEIGHT OF BUILDINGS NOT TO EXCEED 45 FEET ABOVE MEAN SEA LEVEL FLOOD ELEVATION.

Trail Dairy Plaza

MASTER CONCEPT PLAN
A COMMERCIAL PLANNED DEVELOPMENT

Received at 1/25/88 BCC meeting file # 86-12-13 DCI
submitted by Norm Thompson