

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

WHEREAS, an application was filed by the property owners, Paul and Doris Bella, to rezone a 1.63± acre parcel from Residential Single Family (RSC-1) to Commercial Planned Development (CPD) in reference to Trailside Broadway CPD; and

WHEREAS, a public hearing was advertised and held on July 19, 2000 before the Lee County Zoning Hearing Examiner, who gave full consideration to the evidence in the record for Case #DCI2000-00023; and

WHEREAS, a second public hearing was advertised and held on September 18, 2000 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 1.63± acre parcel from RSC-1 to CPD to allow a maximum of 18,000 square feet of commercial floor area, not to exceed 35 feet in height. The property is located in the Suburban Land Use Category and legally described in attached Exhibit A. The request is APPROVED SUBJECT TO the conditions and deviations specified in Sections B and C below.

SECTION B. CONDITIONS:

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

1. The development of this project must be consistent with the four-page Master Concept Plan (MCP) entitled "Trailside Broadway," prepared by Q. Grady Minor and Associates, P.A. Inc., dated February 2000, and stamped "Received May 15 2000 Permit Counter," except as modified by the conditions below. This development must comply with all requirements of the Lee County 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

Administrative Offices
ATM (automatic teller machine) *
Banks and Financial Establishments, Group I *
Boat parts store (excluding outdoor storage and/or sales display) *
Broadcast Studio, Commercial Radio and Television (excluding towers in excess of 50 feet) *
Business Services, Group I
Cleaning and Maintenance Services
Clothing Stores, General *
Consumption on Premises (ONLY in conjunction with a Standard Restaurant, Group II, and limited to eastern half of Phase III) *
Day Care Center, Adult
Dwelling Unit - Single Family - existing only
Essential Services
Essential Service Facilities, Group I
Fences, walls
Food Stores, Group I (excluding supermarkets) *
Gift and Souvenir Shop *
Hobby, Toy, Game Shops *
Household and Office Furnishings, Groups I and II *
Insurance Companies
Laundry or Dry Cleaning, Group I *
Library
Medical Office *
Model Home (existing only)
Paint, Glass and Wallpaper *
Parking Lot: Accessory
Personal Services, Group I (limited to barbershop or beauty salon) and Group II (limited to beauty or health spa)
Personal Services, Group I (excluding coin-operated laundries and laundromats); Group II (excluding massage parlors); Groups III & Group IV (excluding escort services, palm readers, fortunetellers, card readers, and tattoo parlors) *
Pharmacy *
Police or Sheriff's Substation
Real Estate Sales Office
Recreational Facility, Private (limited to existing swimming pool)
Rental or Leasing Establishments, Groups I & II (excluding mopeds, scooters and passenger car pick up and drop off) *
Repair Shops, Groups I and II *
Restaurant, Group II (limited to eastern half of Phase III)*

School, Commercial
Signs, in accordance with Chapter 30
Specialty Retail Shop, Groups I, II, III (limited to sporting goods, general) and Group
IV (limited to gymnasium equipment and swimming pool supplies) *
Studios
Used Merchandise Stores, Group I (excluding pawnshops) *

*** Permitted only within Phases II and III**

b. Site Development Regulations

MINIMUM LOT AREA:

Phase I

Area - 18,870 square feet

Phase II

Area - 15,890 square feet

Phase III

Area - 36,072 square feet

MINIMUM SETBACKS - APPLICABLE TO ALL PHASES

Street:	25 feet
Side:	15 feet
Rear:	20 feet
Project Perimeter:	30 feet
(abutting residential)	

Minimum Building Separation: one half the sum of the building heights, but not less than 20 feet

Maximum Building Height: two stories and 35 feet above minimum flood elevation

Maximum Lot Coverage: 40 percent

3. Deviation (3) is approved only for the existing model home located on Lots 19 and 20 (Phase I), and in accordance with Condition 6.
4. Any sabal palms with an 8-foot or greater clear trunk must be preserved in place or relocated to open space or landscape areas within the development area.
5. The permitted uses allowed in Phase I are conditioned on the exterior of the existing structure maintaining its existing residential appearance, and having hours of operation only

between 8:00 a.m. and 10:00 p.m. daily.

6. A Type "F" buffer must be provided along the north property line, and the west property line of Phases I and II, and a Type "C" buffer (8-foot-high wall and 15-foot-wide vegetation) must be provided along the west property line of Phase III.
7. Approval of this zoning request does not address mitigation of the project's vehicular or pedestrian traffic impacts. Additional conditions consistent with the Lee County LDC may be required to obtain a local development order.
8. Approval of this rezoning does not guarantee local development order approval. Future Development Order approvals must satisfy the requirements of the Lee Plan Planning Communities Map and Acreage Allocation Table, Map 16 and Table 1(b).
9. This development must comply with all of the requirements of the LDC at the time of local development order approval, except as may be granted by deviations approved as part of this planned development.
10. Outdoor seating is allowed in conjunction with the Group II restaurant and Consumption on Premises, with the following conditions:
 - a. The seating is used only between the hours of 10:00 a.m. and 8:00 p.m., daily; and
 - b. NO outdoor entertainment involving amplified bands is allowed.
11. If and when a central sewer system (i.e. force main or trunk main) comes within one-quarter mile of the subject property and the development is producing 5,000 gallons per day of effluent (with the measurement based upon all operating uses within the CPD), then the development must connect to the central system.

SECTION C. DEVIATIONS:

1. Deviation (1) seeks relief from the LDC §10-285(a) requirement to provide that intersections on collector streets be spaced at a minimum distance of 330 feet, to allow a minimum separation of 310 feet between the proposed project entrance on Broadway Street and U.S. 41 to the east and a minimum separation of 293 feet between the proposed project entrance on Broadway Street and Poinciana Avenue to the west. This deviation is APPROVED.
2. Deviation (2), seeks relief from the LDC §10-285(a) requirement that intersections on local streets be spaced at a minimum distance of 125 feet, to allow a minimum separation of 55 feet between the existing project entrance on Trailside Drive and the existing residential driveway to the northwest. This deviation is APPROVED.

3. Deviation (3) seeks relief from the LDC §10-416(d)(11) requirement which limits the use of required buffer areas to passive recreational uses, to allow 164 square feet of the northwest corner of the existing model home to encroach into the required buffer. This deviation is APPROVED, SUBJECT TO Conditions 3 and 6.

SECTION D. EXHIBITS:

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

- Exhibit A: The legal description and STRAP number of the property.
Exhibit B: Zoning Map (subject parcel identified with shading)
Exhibit C: The Master Concept Plan

SECTION E. FINDINGS AND CONCLUSIONS:

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

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

John E. Manning	Aye
Douglas R. St. Cerny	Aye
Ray Judah	Aye
Andrew W. Coy	Aye
John E. Albion	Aye

DULY PASSED AND ADOPTED this 18th day of September, 2000.

ATTEST:
CHARLIE GREEN, CLERK

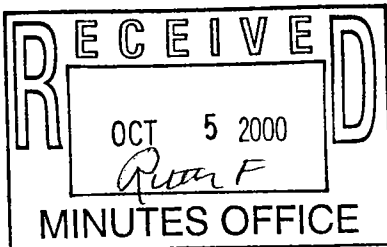
BY: *Charlie Green*
Deputy Clerk

BOARD OF COUNTY COMMISSIONERS
OF LEE COUNTY, FLORIDA

BY: *John E. Albion*
Chairman

Approved as to form by:

Dawn Goldsmith
County Attorney's Office



Q. GRADY MINOR & ASSOCIATES P.A.
Civil Engineers ■ Land Surveyors ■ Planners

Q. GRADY MINOR, P.E.
MARK W. MINOR, P.E.
C. DEAN SMITH, P.E.
DAVID W. SCHMITT, P.E.
MICHAEL J. DELATE, P.E.

D. WAYNE ARNOLD, A.I.C.P.
ERIC V. SANDOVAL, P.S.M.
THOMAS CHERNESKY, P.S.M.
ALAN V. ROSEMAN

"EXHIBIT "A"

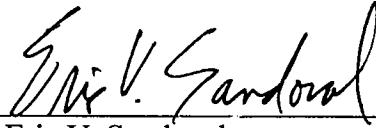
A Portion of Block B of Trail Acres

The east 32 feet of Lot 11, and all of Lots 12 through 20, Block B, TRAIL ACRES SUBDIVISION, as recorded in Plat Book 7, Page 46, of the Public Records of Lee County, Florida; lying west of State Road 45, (U.S. 41) as shown in the Florida Department of Transportation right-of-way map, Section No. 1201-203 (117) Sheet 3 and 6, located in Section 28, Township 46 South, Range 25 East, Lee County, Florida.

This property is subject to easements, reservations, and/or restrictions of record.

Q. Grady Minor & Associates, P.A.

Date: 10-26-00

Signed:  P.S.M. # 5223
Eric V. Sandoval State of Florida

Applicant's Legal Checked
by gm 11/2/00

FAJOBELLA\BT\EXH00829.DOC

BELLAV

(941) 947-1144 ■ FAX (941) 947-0375 ■ E-Mail: engineering@gradymenor.com
3800 Via Del Rey ■ Bonita Springs, Florida 34134

DCI 2000-00023

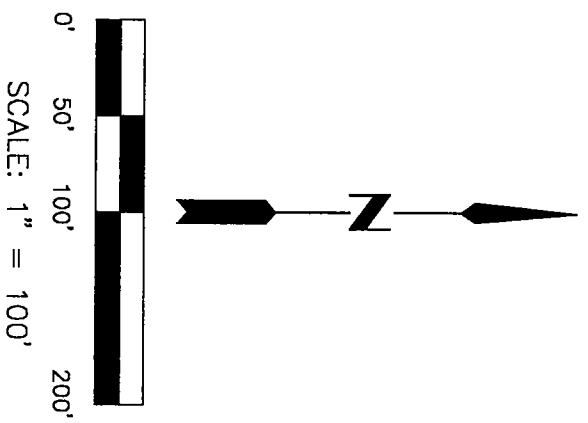
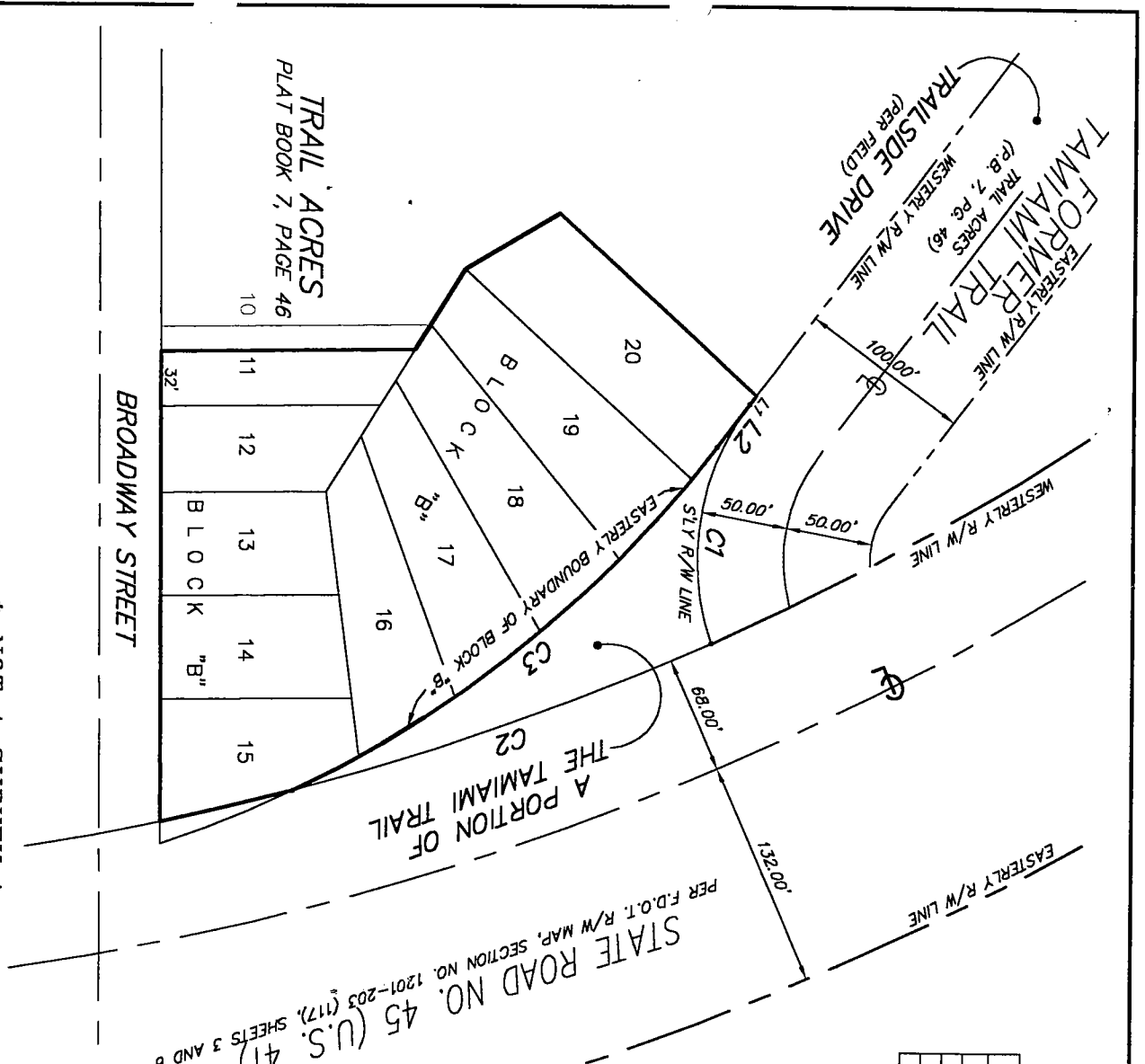
Sketch
 Applicant's Legat Checked
 by *Jan 11/2/02*

CURVE TABLE

CURVE	RADIUS	LENGTH	CHORD	CHORD BEARING	DELTA
C1	150.00'	146.29'	140.56'	S 81°07'54" E	55°32'43"
C2	1569.02'	254.56'	254.28'	S 19°47'59" E	91°7'45"
C3	666.78'	317.32'	314.34'	N 39°33'32" W	27°16'02"

LINE TABLE

LINE	LENGTH	BEARING
L1	6.42'	S 53°11'33" E
L2	31.00'	N 53°11'33" W



* NOT A SURVEY *

ABREVIATION DEFINITION

R/W RIGHT OF WAY
 F.D.O.T. FLORIDA DEPARTMENT OF TRANSPORTATION
 P.B. PLAT BOOK

Q. GRADY MINOR AND ASSOCIATES, P.A.
 CIVIL ENGINEERS ■ LAND SURVEYORS ■ PLANNERS
 3800 VIA DEL REY
 BONITA SPRINGS, FLORIDA 34134
 PHONE: (941) 947-1144 FAX: (941) 947-0875
 CERTIFICATE OF AUTHORIZATION NUMBER LB 5151

DRAWN BY: EYS/TC SHEET: 2 OF 2 SECTION #: 28-46-25

EXHIBIT "A"

A PORTION OF TRAIL ACRES
 SECTION 28, TOWNSHIP 46 SOUTH, RANGE 25 EAST
 LEE COUNTY, FLORIDA

DATE: 10/26/00 JOB CODE: BELLAV DRAWING #: B-1947A

ZONING MAP

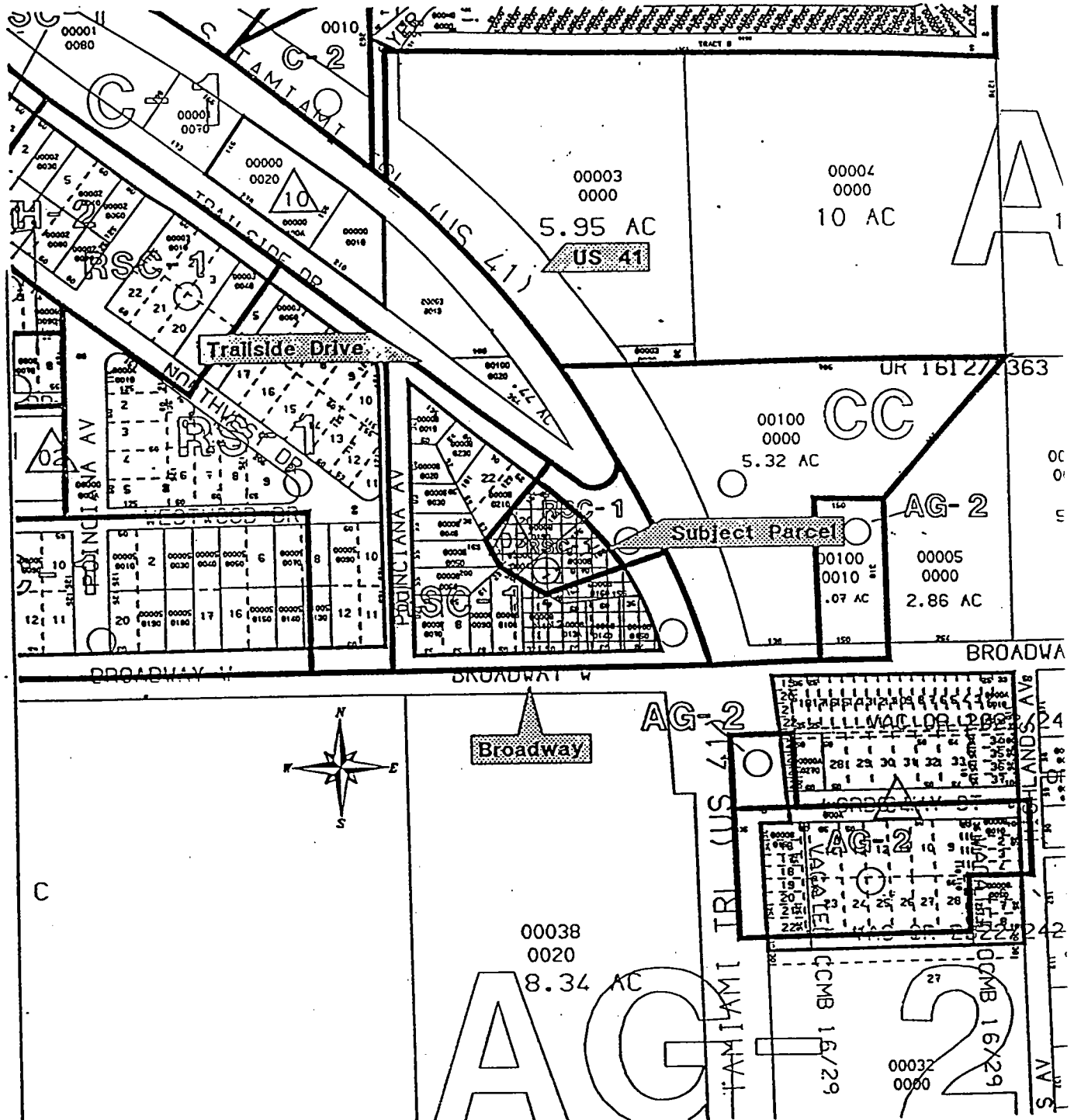


EXHIBIT B

TRAILSIDE BROADWAY CPD

LOCATED IN:
SECTION 28, TOWNSHIP 46 SOUTH, RANGE 25 EAST,
ESTERO
LEE COUNTY, FLORIDA

RECORDED
MAY 15 2000

PERMIT COUNTER

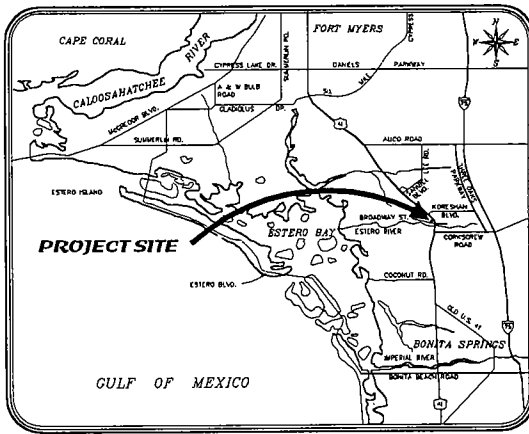
OWNER / DEVELOPER:

PAUL BELLA
20400 TRAILSIDE DRIVE
ESTERO, FL. 33928

JAMES BURCH
1630 ROYALTON DRIVE
CARMEL, IN. 46032

FRED M. BROWNING
316 N. LAKE AVENUE
LEHIGH ACRES, FL 33972

ROBERT P. MAYFIELD
3440 W. BROADWAY
ESTERO, FL. 33928



LOCATION MAP
N.T.S.

INDEX OF DRAWINGS

DWG. No.	DESCRIPTION
1	COVER SHEET AND INDEX OF DRAWINGS
2	MASTER CONCEPT PLAN
3	GENERAL NOTES
4	SOLS, TOPO, AND VEGETATION

EXHIBIT C

APPROVED
Master Concept Plan

Site Plan # 00-047 Page 1 of 4
Subject to conditions in Resolution Z-00-047
Case # DCI 2000-00023

PREPARED BY:
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DCI 2000-00023

EXHIBIT II-D

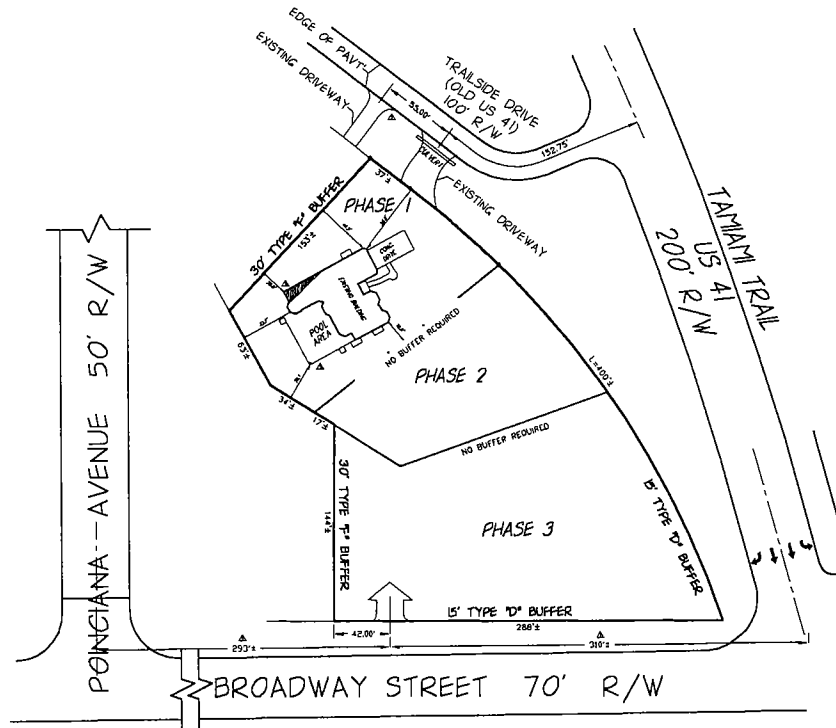
DATE: FEBRUARY, 2000
REVISION DATE :
FILE: BHC00VER
DRAWING NUMBER: 1 OF 4

TRAILSIDE BROADWAY CPD MASTER CONCEPT PLAN



APPROVED
Master Concept Plan

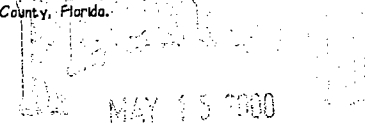
Site Plan # 00-047 Page 2 of 4
Subject to conditions in Resolution Z-00-047
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LEGAL DESCRIPTION

All of Lots 15, 16, 17, 18, 19, 20;
AND
All of Lots 12 and the east 32 feet of Lot 11;
AND
The west 55 feet of Lot 13;
AND
All of Lot 14 and the east 5 feet of Lot 13;

All of Block B of TRAIL ACRES according to the plat thereof,
as recorded in Plat Book 7, at Page 46 of the Public Records of
Lee County, Florida.



PERMIT COUNTER

DCI 2000-00023

EXHIBIT II-B-1
EXHIBIT II-F-3
EXHIBIT IV-C
EXHIBIT IV-E

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PHONE: (841) 847-3144 FAX: (841) 847-0376

DATE: FEBRUARY, 2000
REVISION DATE:
FILE: BDCONCEP
DRAWING NUMBER: 2 OF 4

TRAILSIDE BROADWAY MASTER CONCEPT PLAN GENERAL NOTES

APPROVED
MAY 15 2000
PLANNING COMMISSION

PROPERTY DEVELOPMENT REGULATIONS

MINIMUM PERIMETER SETBACKS	PHASE 1	PHASE 2	PHASE 3
STREET R/W:	25'	25'	25'
SIDE:	15'	15'	15'
REAR:	20'	20'	20'
ADJUTING RESIDENTIAL:	50'	50'	50'
MINIMUM BUILDING SEPARATION	20'	20'	20'
MAXIMUM BUILDING HEIGHT (STORIES)	55' (2)	55' (2)	55' (2)
MAXIMUM BUILDING AREA	5,000 SF.	4,000 SF.	9,000 SF.
MINIMUM LOT AREA	18,870 ± SF.	15,890 ± SF.	26,072 ± SF.
MINIMUM OPEN SPACE	3,714 SF. (20%)	3,178 SF. (20%)	724 SF. (20%)
REQUIRED PARKING	EACH PHASE PROVIDED AT THE TIME OF DEVELOPMENT ORDER		

GENERAL NOTES

ALL REQUIREMENTS WILL BE IN ACCORDANCE WITH THE LDC, EXCEPT AS MAY BE PROVIDED ON THE MASTER CONCEPT PLAN.

ALL FUTURE REVISIONS TO EXISTING OR NEW BUILDING FOOTPRINTS AND PARKING CONFIGURATIONS WILL BE CONSISTENT WITH THE PROPERTY DEVELOPMENT REGULATIONS ABOVE.

APPROVED
Master Concept Plan

Site Plan # 00-047 Page 3 of 4

Subject to conditions in Resolution 7-00-047

Case # DCI 2000-00023

SCHEDULE OF USES

ADMINISTRATIVE OFFICES	PER SERVICES
ANIMAL CLINIC	PER SHOP
ATM	PHARMACY WITH DRIVE THRU FACILITY
BANK AND TRUCKLE SHOP	POLICE OR SHERIFF'S STATION
BANK AND FINANCIAL ESTABLISHMENTS, GROUPS I AND II	REAL ESTATE SALES OFFICE
WITH DRIVE-THRU FACILITY	RENTAL OR LEASING ESTABLISHMENT, GROUP I OR II
BOAT PARTS STORE (EXCLUDING OUTDOOR STORAGE AND SALES)	(EXCLUDING HOTELS AND ROOMS)
BROADCAST STUDIO, COMMERCIAL RADIO AND TELEVISION	PASSENGER CARRIES UP AND DROP OFF - GROUP D
(EXCLUDING TOWERS IN EXCESS OF 50')	REPAIR SHOPS, GROUPS I AND II
BUSINESS SERVICES, GROUP I	RESEARCH AND DEVELOPMENT LABORATORIES, GROUP II AND IV
CLEANING AND MAINTENANCE SERVICES	RESTAURANTS, GROUP II
CONSUMPTION ON PREMISES	SCHOOLS, COMMERCIAL
(Restricted to 7 in conjunction with group II restaurant)	SIGNS IN ACCORDANCE WITH CHAPTER 90
CLOTHING STORES, GENERAL	SPECIALTY RETAIL SHOPS
DAY CARE CENTER, NURSE	GROUP I
DIET STORE, PHARMACY WITH DRIVE-THRU FACILITY	ANTIQUE AND GARDEN SHOPS
DWELLING UNIT, SINGLE FAMILY (EXISTING ONLY)	BOOKSTORES (ARTICLE VIL DIVISION 2)
ESSENTIAL SERVICE FACILITIES, GROUP I	CLOCK AND WATCH SHOPS
ESSENTIAL SERVICES	FINISHING EQUIPMENT, INCLUDING DOGS, MOTORS AND DRILLS
FENCES, WALLS	FLORIS
FOOD STORES, GROUP I (EXCLUDING SUPERMARKETS)	GOLFING EQUIPMENT
Gift and Souvenir Shop	JEWELRY STORES
HARDWARE STORE	MUSIC STORES
Hobby, Toy and Game Shops	GROUP I
HOUSEHOLD AND OFFICE FURNISHINGS, GROUPS I, II	ALL USES
INSURANCE COMPANIES	GROUP II
LAUNDRY OR DRY CLEANING, GROUP I	SPORTING GOODS, GENERAL
LIBRARY	GROUP IV
MEDICAL OFFICE	GYMNASIUM EQUIPMENT
MOBILE HOME (EXISTING ONLY)	SWIMMING POOL SUPPLIES
PAINT, GLASS AND WALL PAPER	STORAGE, INDOOR ONLY
PERSONAL SERVICES, GROUPS I, II, III, IV	STUDIOS
(EXCLUDING MASSAGE PARLORS - GROUP I, INCLUDING	USED MERCHANDISE STORES, GROUP I (EXCLUDING PAINTSHOPS)
ESORT SERVICES, PAWN SHOPS, TATTOO PARLORS - GROUP I)	

SITE DATA

LDC PLAN DESIGNATION	SUBURBAN
ZONING DESIGNATION	RS-C1, RESIDENTIAL SINGLE-FAMILY CONSERVATION
EXISTING LAND USE	SINGLE FAMILY, MODEL HOME
PROPOSED ZONING DESIGNATION	CPD
CRS# AREA:	1.69 ± ACRES
STRIP NUMBER(S):	28-46-29-09-0000B.010 28-46-29-09-0000B.019A 28-46-29-09-0000B.019B 28-46-29-09-0000B.019C 28-46-29-09-0000B.019D 28-46-29-09-0000B.019E

OPEN SPACE CALCULATIONS

NET AREA:	1.69 ± ACRES
OPEN SPACE REQUIRED:	0.35 ACRES (20%)
OPEN SPACE PROVIDED:	0.55 ACRES (20% MINIMUM)

SCHEDULE OF DEVIATIONS

- △ FROM THE REQUIRED CONNECTION SEPARATION OF 950' (SECTION 10-209(a) TABLE I, CONNECTION SEPARATION) TO 295' ± AS MEASURED FROM THE CENTERLINE OF PROPOSED PROJECT ACCESS POINT TO THE CENTERLINE OF POINTS AVENUE TO THE WEST AND 910' ± AS MEASURED FROM THE CENTERLINE OF THE PROPOSED PROJECT ACCESS POINT TO THE CENTERLINE OF U.S. 41 (S.R. 49) TO THE EAST.
- △ FROM THE REQUIRED CONNECTION SEPARATION OF 125' (SECTION 10-209(a) TABLE I, CONNECTION SEPARATION) TO 95' ± AS MEASURED FROM THE CENTERLINE OF THE EXISTING PROJECT ACCESS POINT TO THE CENTERLINE OF THE ADJACENT DRIVEWAY TO THE NORTHWEST.
- △ FROM THE REQUIREMENT THAT A 50 FOOT WIDE BUFFER BE PROVIDED (SECTION 10-116) TO ALLOW 164 ± SQUARE FEET OF THE NORTHWEST CORNER AND 3 ± SQUARE FEET AT THE SOUTHWEST CORNER OF THE EXISTING MODEL HOME TO ENDOURCH INTO THE 50 FOOT WIDE BUFFER.

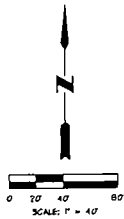
EXHIBIT IV-G
EXHIBIT IV-H

DATE: FEBRUARY, 2000
REVISION DATE: MAY, 2000
FILE: BPN01-2
DRAWING NUMBER: 3 OF 4

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DCI 2000-00023

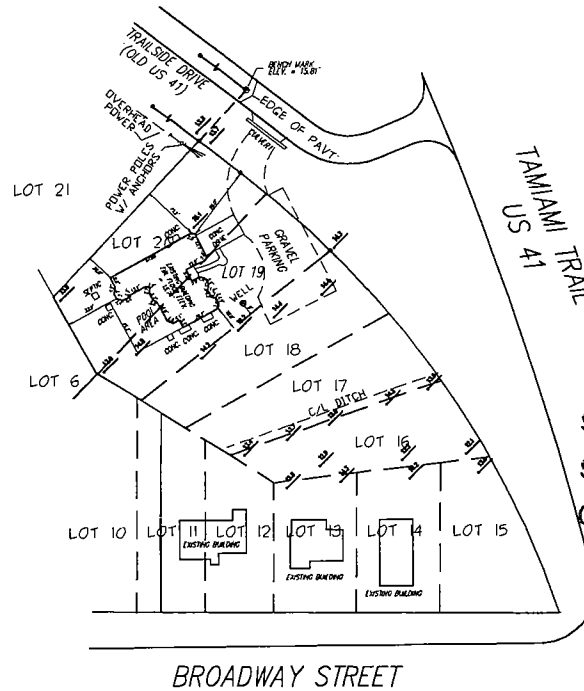
TRAILSIDE BROADWAY CPD SOILS, TOPO, AND VEGETATION MAP



FLUCCS
120 RESIDENTIAL, MEDIUM DENSITY

SOILS*
MATLACHA - URBAN LAND COMPLEX

TOPO
EXISTING ELEVATION, NGVD 1929



MAY 1 5 2000
PROJECT CONTINUED

APPROVED
Master Concept Plan

Site Plan # 00-047 Page 4 of 4

Subject to conditions in Resolution Z-00-047

Case # DCI 2000-00023

DCI 2000-00023

EXHIBIT II-F-4
EXHIBIT II-F-5

*SOILS DETERMINATION TAKEN FROM SOIL SURVEY OF LEE COUNTY, FLORIDA, SOIL CONSERVATION SERVICE, UNITED STATES DEPARTMENT OF AGRICULTURE.

NOTE: BUILDING LOCATIONS ON LOTS 11 THRU 14 HAVE NOT BEEN FIELD LOCATED. BUILDING FOOTPRINTS WERE PROVIDED BY THE LEE COUNTY PROPERTY APPRAISER AND ARE SHOWN FOR ILLUSTRATION PURPOSES ONLY.

PREPARED BY:
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DATE: FEBRUARY, 2000
REVISION DATE:
FILE: BMSLTPVC
DRAWING NUMBER: 4 OF 4