

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

WHEREAS, John & Phyllis McPherson, represented by Carter-Pritchett Advertising, Inc., Lessee, have properly filed an application for a rezoning from AG-2 (Agricultural) to Commercial Planned Development, to permit a 36-foot by 10-foot 6-inch, 30-foot high sign (billboard) and Storage, Enclosed and Storage, Open on 1.136 total acres of land.

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

- (1) Requirement that billboard signs be permitted along I-75 and any arterial street within Lee County subject to the following limitation: Location: Except as provided herein, billboards shall be permitted in any zoning district provided the area to be used is shown on the Lee County Comprehensive Plan as Intensive Development, Industrial Business, Interchange, or Airport Commerce (Ordinance 88-12, V.C.1.); and

WHEREAS, the subject property is located at 18101 Leetana Road, North Fort Myers, described more particularly as:

LEGAL DESCRIPTION: In Section 20, Township 43 South, Range 25 East, Lee County, Florida:

A parcel described as follows:

Said parcel is located at the Northernmost portion of the West Half (W $\frac{1}{2}$ ) of the East Half (E $\frac{1}{2}$ ) of the Northwest Quarter (NW $\frac{1}{4}$ ) of the Northeast Quarter (NE $\frac{1}{4}$ ) of Section 20, Township 43 South, Range 25 East. The Northernmost boundary is three hundred and thirty feet, more or less, in length and is on the North section line of the aforementioned section. The Easternmost boundary of the parcel is two hundred and thirty-five feet in length, perpendicular to the section line, emanating from the Easternmost end of the Northernmost boundary line and terminating at the Northeasterly right-of-way line of US Interstate Route 75. The Southernmost boundary line is the Northeasterly right-of-way line of U.S. Interstate Route 75 and is three hundred and seventy-one feet in length. The Westernmost property line is perpendicular to the Northernmost boundary line emanating at the Westernmost end of the Northernmost boundary line, running Southerly and terminating at the Northeasterly right-of-way line of US Interstate Route 75.

The existing sign has a 178 foot setback from the Southeastern most boundary corner and a 35 foot setback from the Northeasterly right-of-way line of I-75.

WHEREAS, the applicant has indicated the property's current STRAP number is 17-43-25-00-00001.030A; and

WHEREAS, proper authorization has been given to Stephanie Keyes, AICP, and Carter-Pritchett Advertising, Inc. by John and Phyllis McPherson, the owners of the subject parcel, to act as agent and applicant respectively to pursue this zoning application; and

WHEREAS, a public hearing was legally and properly advertised and held before the Lee County Hearing Examiner, with full consideration of all the evidence available; and

WHEREAS, the Lee County Hearing Examiner fully reviewed the matter in a public hearing held on October 30, 1990; 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 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 of County Commissioners does hereby APPROVE WITH CONDITIONS a Commercial Planned Development zoning.

This approval is subject to the following conditions:

1. Development on the subject property shall be in accord with the Master Concept Plan for Leetana Road Minor CPD, marked as revised August 14, 1990, and filed with this application, except as modified herein.
2. The schedule of uses allowed are as follows:
  - a. A single 36' X 10'6", 30 foot high non-revolving sign, as located and depicted on the Master Concept Plan.
  - b. Enclosed storage in a maximum area of 13,000 square feet.
3. The proposed storage area shall be enclosed by a 6 foot high chain-link fence and shall be screened by an 8 foot high dense vegetative hedge, at least 75% opaque, and properly maintained so as to mask from direct view all equipment, material or vehicles stored on the site.
4. Access to the property and to the storage area shall be limited to the property owners, their agents or their lessee's employees.
5. All equipment, material or vehicles stored on the property shall be owned or leased by the property owners or their property lessee.
6. Deviation (1) is APPROVED.

Site Plan 90-110 is attached hereto and incorporated herein by reference, as a reduced copy of the Master Concept Plan.

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

- A. That the real estate which is the subject of this rezoning application lies within an area designated by the Lee Plan Future Land Use Map as "Outlying Suburban", and in which industrial land uses and commercial development greater than neighborhood centers are not permitted.
- B. That the sole existing use on the subject property consists of a billboard that was erected in conformance with the then-existing Lee County Sign Ordinance regulations and which is presently a valid non-conforming use on the said property.
- C. That the proposed rezoning of the subject parcel, incorporating the conditions and the deviation:
  - 1. Is consistent with the Goals, Objectives and Policies of the Lee Plan.
  - 2. Will be compatible with the existing and planned uses in the area, and will not cause damage, hazard, nuisance, or other detriment to persons or property.
  - 3. Will not place an undue burden upon existing transportation or other public services or facilities serving the area.
  - 4. Will be in compliance with all applicable general zoning provisions and supplemental regulations pertaining to the requested use.
- D. That the requested deviation is the minimum necessary to allow the Applicant the continued reasonable use of the subject property, and that the grant of said deviation will not be injurious to the surrounding neighborhood or otherwise detrimental to the public good.
- E. That the requested deviation was not made necessary because of any actions of the Applicant, but rather arose from actions related to recently changed state billboard permitting requirements.

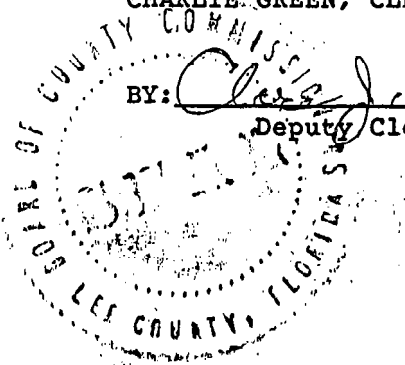
The foregoing Resolution was adopted by the Lee County Board of County Commissioners upon a motion by Commissioner Douglas R. St. Cerny, and seconded by Commissioner Vicki Lopez-Wolfe and, upon being put to a vote, the result was as follows:

John E. Manning	ABSENT
Douglas R. St. Cerny	AYE
Ray Judah	NAY
Vicki Lopez-Wolfe	AYE
Donald D. Slisher	ABSENT

DULY PASSED AND ADOPTED this 10th day of December, A.D., 1990.

ATTEST:  
CHARLIE GREEN, CLERK

BY: Charles J. DeWick  
Deputy Clerk



BOARD OF COUNTY COMMISSIONERS  
OF LEE COUNTY, FLORIDA

BY: [Signature]  
Chairman

Approved as to form by:

Andrea M. Long  
County Attorney's Office

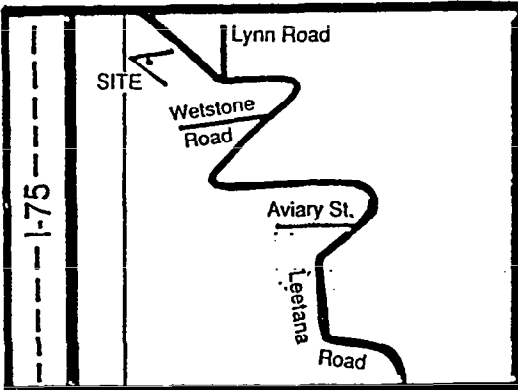
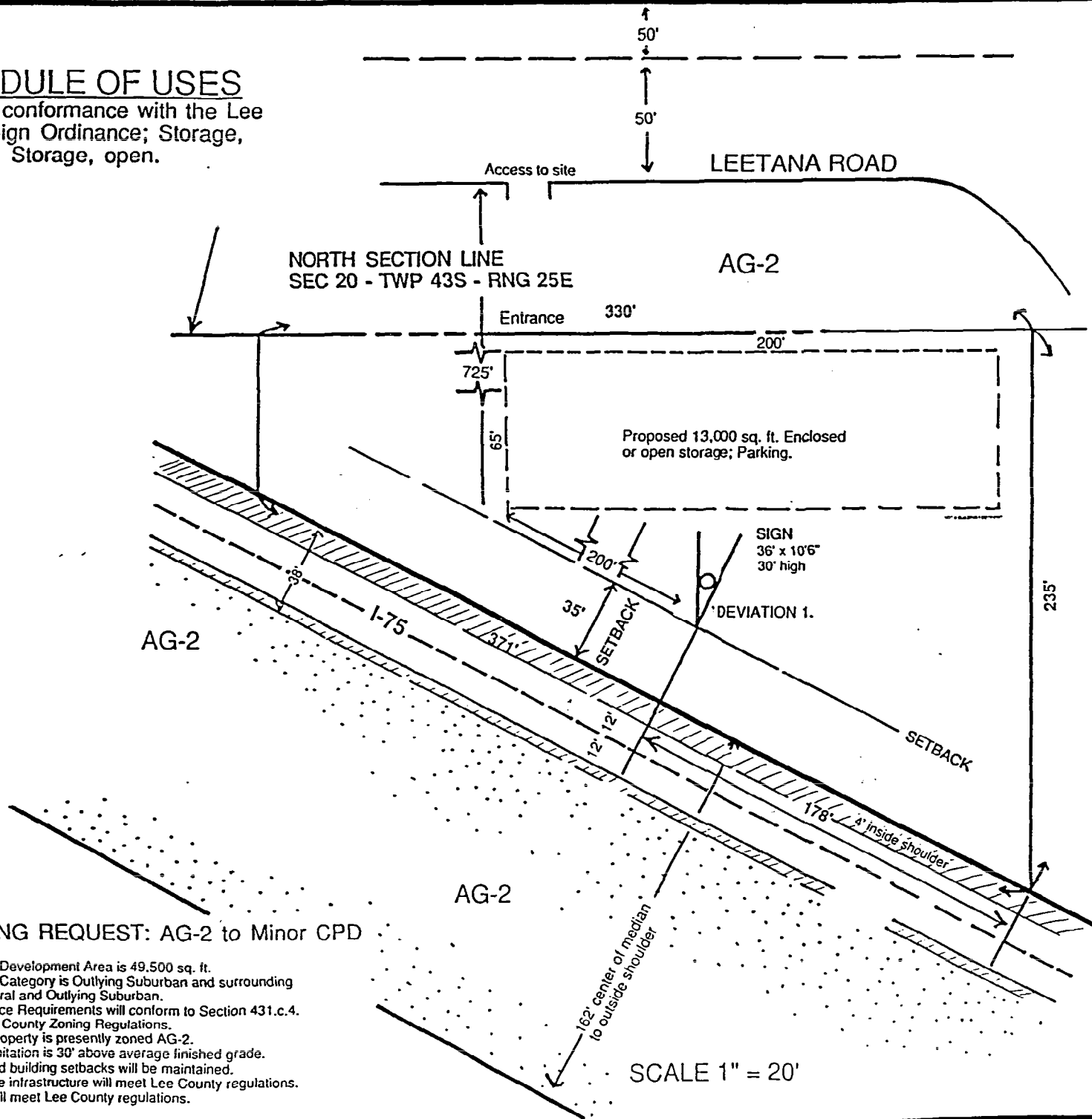
**FILED**

JAN 04 91

CLERK CIRCUIT COURT  
BY C. DeWick, D.C.

# SCHEDULE OF USES

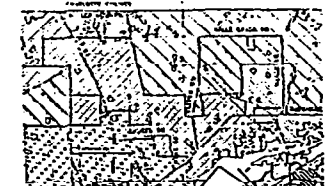
Signs, in conformance with the Lee County Sign Ordinance; Storage, enclosed; Storage, open.



SITE LOCATION MAP

### Schedule of Deviations:

1. Requirement that billboard signs be permitted along I-75 and any arterial street within Lee County subject to the following limitation: **Location:** Except as provided herein, billboards shall be permitted in any zoning district provided the area to be used is shown on the Lee County Comprehensive Plan as Intensive Development, Industrial Business, Interchange, or Airport Commerce. (Ord. 88-12, V.C.1.)



LEGEND

[Symbol]	AG-2	[Symbol]	AG-3	[Symbol]	AG-1
[Symbol]	AG-4	[Symbol]	AG-5	[Symbol]	AG-6
[Symbol]	AG-7	[Symbol]	AG-8	[Symbol]	AG-9
[Symbol]	AG-10	[Symbol]	AG-11	[Symbol]	AG-12

APPROVED  
 Master Concept Plan  
 Site Plan # 20-110 P.P.L. D.L.  
 Subject to conditions in Resolution 2-2-90  
 Zoning Case # 20-110-30-DCI-1  
 RECEIVED  
 AUG 17 1990  
 ZONING COUNTER

MASTER CONCEPT PLAN  
 FOR LEETANA ROAD MINOR CPD  
 Stephanie Keyes, AICP, Inc.  
 Bice Graphics  
 March 1990  
 Revised August 14, 1990

### REZONING REQUEST: AG-2 to Minor CPD

- Notes:
1. Proposed Development Area is 49,500 sq. ft.
  2. Land Use Category is Outlying Suburban and surrounding area is Rural and Outlying Suburban.
  3. Open Space Requirements will conform to Section 431.c.4. of the Lee County Zoning Regulations.
  4. Subject Property is presently zoned AG-2.
  5. Height Limitation is 30' above average finished grade.
  6. All required building setbacks will be maintained.
  7. Any on-site infrastructure will meet Lee County regulations.
  8. Parking will meet Lee County regulations.

SCALE 1" = 20'