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BILLED

Prepared by:
N. Gluck, Lee County Zoning
& Development Review Division
P.O. Box 398
Fort Myers, FL 33902

2579487

RESOLUTION NUMBER Z-88-325

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

WHEREAS, Philip B. Pugh has properly filed an application for a rezoning from IL, C-1A, C-2 and AG-2 to Commercial Planned Development (CPD), to permit general commercial uses, including mini-warehouses and contractors and builders (Groups 1, 2 and 3), not to exceed 45 feet above average grade on 6.94 total acres of land; and

WHEREAS, the subject property is located at 24500 U.S. 41 S.W., Bonita Springs, described more particularly as:

LEGAL DESCRIPTION: In Section 16, Township 47 South, Range 25 East, Lee County, Florida:

A parcel of land lying in Section 16, Township 47 South, Range 25 East, Lee County, Florida being more particularly described as follows: Commencing at the North One Quarter (N 1/4) corner Section 16, Township 47 South, Range 25 East; THENCE run S.00°17'38"E. a distance of 1500.47 feet to the POINT OF BEGINNING of the lands herein described; THENCE continue S.00°17'38"E. a distance of 300.71 feet; THENCE run N.89°05'01"E. a distance of 1029.00 feet to the Westerly right-of-way line of U.S. 41; THENCE along said Westerly right-of-way line N.10°14'04"W. a distance of 306.06 feet; THENCE leaving said Westerly right-of-way run S.89°00'20"W. a distance of 976.18 feet to the POINT OF BEGINNING. Containing 6.94 acres more or less.

WHEREAS, the applicant has indicated the property's current STRAP numbers are: 16-47-25-00-00010.001A, 16-47-25-00-00010.0020, and 16-47-25-00-00010.002A; and

WHEREAS, proper authorization has been given to Q. Grady Minor and Associates, P.A., by Philip B. Pugh, the owner of the subject parcel, to act as agent to pursue this zoning application; and

RECORD VERIFIED - CHARLIE GREEN, CLERK
BY: H. FERNSTROM, D.C.

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 November 7, 1988; 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 a rezoning from IL, C-1A, C-2 and AG-2 to Commercial Planned Development (CPD), to permit general commercial uses, including mini-warehouses and contractors and builders (Groups 1, 2 and 3), not to exceed 45 feet above average grade on 6.94 total acres of land; and

Approval is conditioned to the following:

1. The development of this property shall be in accordance with the one-page Master Concept Plan titled "Phil Pugh Commercial Planned Development," prepared by Q. Grady Minor and Associates, P.A., (plan dated July, 1988, print dated October 25, 1988, revised September and October of 1988, and received October 26, 1988), except as may be modified by the conditions herein. Approval of this request does not exempt the applicant from compliance with all development regulations, except as specifically approved herein.
2. The uses permitted shall be those permitted by right in the CC zoning district, as well as Vehicle and Equipment Dealers, Groups I, III and IV which are allowed on the entire parcel (Section 462.06.B.1). A plant nursery and drive-thru facility are restricted to the eastern section of the property (designated as "Area A" on the Master Concept Plan). Contractors and builders, Groups I, II and III; mini-warehouse; storage - indoor, enclosed, open; building material, sales; wholesale establishments, Groups III and IV; and caretaker's residence are allowed on the western section of the property only (designated as "Area B" on the Master Concept Plan).
3. Development of light industrial uses shall comply with the requirements of Section 461.E of the Lee County Zoning Ordinance.
4. The gross floor area of the development shall not exceed 20,000 square feet for retail, 12,500 square feet for offices, and 25,000 square feet for light industrial.
5. No development shall occur within the Florida Power and Light easement or the drainage and utility easement.

6. The Master Concept Plan shows a portion of the Florida Power and Light easement (15 feet) to be a part of the 40-foot, type "F" buffer along the western edge of the property. No portion of the buffer area that consists of trees or shrubs shall be located in the easement.
7. At the completion of development construction or each phase thereof, a development representative shall contact Lee County Emergency Medical Service to discuss: 1) the designation of emergency helicopter landing zones; and 2) the accessibility of the EMS unit.

Site Plan 88-325 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) All recommended conditions are reasonably related to the impacts on the public's interest created by, or expected from, the proposed development;
- b) Sufficient safeguards to the public interest are provided by the recommended conditions to the Master Concept Plan and by other applicable regulations;
- c) The general intent of these regulations to protect the public health, safety and welfare, is preserved and promoted;
- d) The proposed uses are, as limited by the conditions herein, appropriate at the subject location.

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 | AYE |
| Charles L. Bigelow, Jr. | ABSENT |
| Ray Judah | AYE |
| Bill Fussell | AYE |
| Donald D. Slisher | ABSENT |

DULY PASSED AND ADOPTED this 12th day of December, A.D., 1988.

ATTEST:
CHARLIE GREEN, CLERK

BY: Charles J. Wauke
Deputy Clerk

BOARD OF COUNTY COMMISSIONERS
OF LEE COUNTY, FLORIDA

BY: [Signature]
Chairman

FILED

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

Approved as to form by:

[Signature]
County Attorney's Office

