

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

WHEREAS, Vector Land Group, Inc., in reference to Cypress Lake Center, Phase II, has properly filed an application for a rezoning from CG and CT to Commercial Planned Development to permit development of 61,805 square feet of retail space, 265,136 square feet of office space and a 275-unit hotel/motel facility. Proposed structures are not to exceed 135 feet above finished grade on approximately 11.2 acres of land.

NOTE: If approved, the Master Concept Plan will deviate from the following Lee County Standards; and

- 1) Deviation from Section 514.B.6 of the Lee County Zoning Regulations which requires a maximum floor area for a hotel/motel guest room or unit or suite to be five hundred (500) square feet (s.f.), to allow eight hundred (800) s.f. per unit, guest room or suite.
- 2) Deviation from Section 461.C.2.a.1. of the Lee County Zoning Regulations which requires all structures and pavements to be set back from the development perimeter a distance equal to the width of a minimum buffer area (where required) or fifteen (15) feet, whichever is the greater, to require all structures to be set back from the development perimeter a distance equal to the width of a minimum buffer area (where required) or fifteen (15) feet, whichever is the greater.
- 3) Deviation from Sections 462.07.B and 462.10. B of the Lee County Zoning Ordinance regulations of permitted uses, to allow Consumption on Premises (Section 202.03) as permitted uses; and
- 4) Deviation from Section 202.16 of the Lee County Zoning Ordinance regulations for off street parking, to allow 30 % of the required number of parking spaces to be designated for small cars.

WHEREAS, the subject property is located in Tract B, 13820 Vector Avenue; Lot 6, 13870 Vector Avenue; and Lot 2, 7090 Cypress Terrace, described more particularly as:

LEGAL DESCRIPTION: In Section 23, Township 45 South, Range 24 East, Lee County, Florida:

Lots 2 and 6 and Tract B, CYPRESS LAKE CENTER, PHASE II, as recorded in Plat Book 39, Page 22, Public Records of Lee County, Florida, lying in Section 23, Township 45 South, Range 24 East, Lee County, Florida.

LESS Phase B-1 recorded in Plat Book 43 at Page 11, Lee County, Florida.

WHEREAS, the applicant has indicated the property's current STRAP numbers are: 23-45-24-44-00000.B000;
23-45-24-44-00000.0020; and
23-45-24-44-00000.0060 (LESS 23-45-24-50-00000.000A); and

WHEREAS, proper authorization has been given to Steven C. Hartsell/Neale Montgomery of Pavese, Garner, Haverfield, Dalton, Harrison & Jensen and Johnson Engineering Company by Arthur L. Moses, President, Vector Land Group, Inc., the 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 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 July 17, 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 the rezoning from CG and CT to Commercial Planned Development;

This approval of CPD zoning is subject to the following conditions:

1. The development of this site shall be in accordance with the Master Concept Plan for Cypress Lake Center Phase II - CPD (Project #18115, sheet one of two, dated February 22, 1990, stamped received and last revised on April 6, 1990) as prepared by Johnson Engineering, Inc., except as modified by the conditions herein.
2. The schedule of uses shall include all uses permitted by right in the CG and CT zoning districts.
3. The requested square footage on the Master Concept Plan is subject to compliance with the approved totals contained in the DRI Development Order.
4. All conditions of the approved Development Order for the Cypress Lake Center DRI (Development Order #7-8384-47) shall remain in full force and effect and are incorporated herein by reference.

5. The schedule of uses shall include all uses permitted by right in the CG and CT Zoning districts. The sale or service of alcoholic beverages for Consumption on Premises shall be a permitted use. Such use shall be limited to one cocktail lounge establishment operated as an accessory use, or otherwise as part of the previously approved hotel/motel. The sale or service of alcoholic beverages for Consumption on Premises shall also be permitted within one standard restaurant with or without a cocktail lounge. The term "standard restaurant" is intended to describe a facility in which seating and table service is provided to patrons.
6. Thirty percent (30%) of required parking spaces for Phase II of the Cypress Lake Center Commercial Development shall be permitted to be designated as "small car and/or low turn-over" parking spaces, the dimensions of which shall be no less than 9' x 18'. Prior to issuance of the Final Development Order for Phase II of the Cypress Lake Center DRI Development, the Master Concept Plan for Phase II shall clearly indicate those areas specifically designated for "small car and/or low turn-over" parking and shall be designed for and designated as assigned parking. The developer shall provide written assurance, at time of development order review, that parking will be low turn-over in nature which shall be consistent with the number of employees set forth in the approved TIS. The Master Concept Plan shall include the thirty percent (30%), and if it does not, only that percentage of "low turn-over" parking that is documented will be permitted.
7. Deviation (1) is APPROVED subject to the condition that any kitchen appliances shall be limited to 110 volts and shall not require special wiring requirements beyond 110 volts. Allowable appliances include microwave oven, small refrigerator, hot plate and a one-basin sink.
8. Deviation (2) is APPROVED subject to the condition to eliminate the setback for pavement on the north and east property lines only.
9. Deviation (3) is APPROVED subject to Condition 5.
10. Deviation (4) is APPROVED subject to Condition 6.

Site Plan 90-070 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 CPD zoning:

- A. That this request for rezoning relates to a Development of Regional Impact (DRI) which was accepted as being complete by Lee County prior to March 1, 1989, and pursuant to the terms of Lee County Ordinance 89-02, Section Seven, must be determined to be in accordance with the Lee Plan as it existed prior to amendments effective March 1, 1989.
- B. That the proposed rezoning to Commercial Planned Development, including the deviations, is consistent with the Lee Plan and compatible with adjoining and surrounding uses and appropriate for this parcel of real property.
- C. That the conditions, as well as other appropriate Lee County ordinances and regulations provide sufficient safeguards to the public interest, and are reasonably related to the impacts anticipated from this proposed development on the public interest.

- D. That the deviations will tend to enhance the objectives of the proposed development while acting to implement the general intent of the regulations pertaining to the preservation, promotion, and protection of the public interest and welfare.
- E. That the request, as conditioned, is consistent with the Goals, Objectives, Policies and intent of the Lee Plan, and is consistent with the densities, intensities and general uses set forth in the Lee Plan and applicable ordinances.

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

| | |
|-------------------|---------------|
| John E. Manning | <u>AYE</u> |
| Douglas St. Cerny | <u>AYE</u> |
| Ray Judah | <u>AYE</u> |
| Bill Fussell | <u>ABSENT</u> |
| Donald D. Slisher | <u>AYE</u> |

DULY PASSED AND ADOPTED this 8th day of October, A.D., 1990.

ATTEST: Charlie Green, CLERK

BY: Clare J. Wreck
Deputy Clerk

BOARD OF COUNTY COMMISSIONERS
OF LEE COUNTY, FLORIDA

BY: John E. Manning
Chairman

Approved as to form by:

Andrew M. Lang
County Attorney's Office

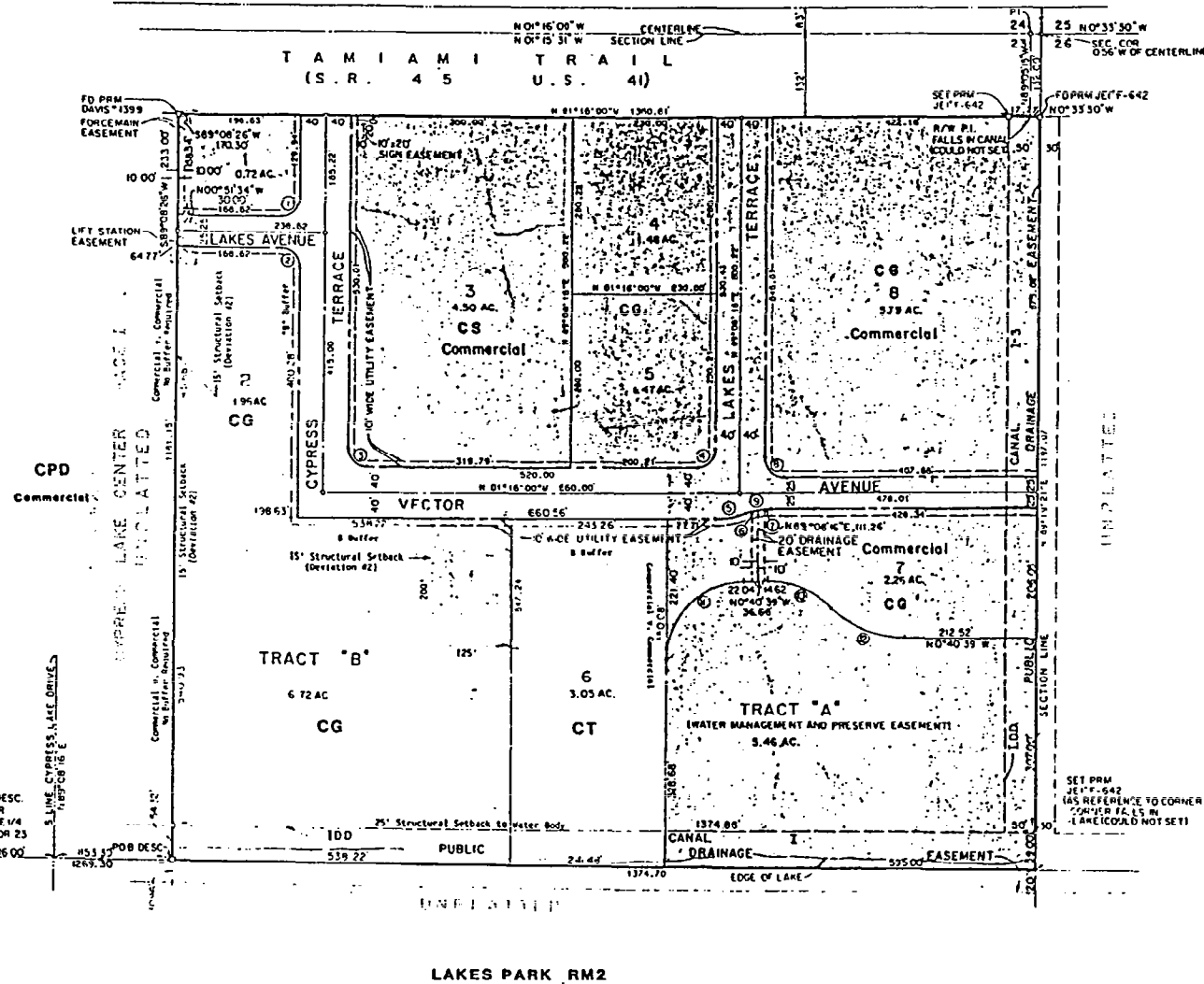
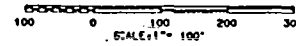
FILED

OCT 3 0. 90

CLERK CIRCUIT COURT
BY _____ D.C.

MASTER CONCEPT PLAN FOR CYPRESS LAKE CENTER PHASE II-CPD

A SUBDIVISION IN:
THE EAST 1/2 OF THE SOUTHEAST 1/4 OF
SECTION 23, TOWNSHIP 45 SOUTH, RANGE 24 EAST
LEE COUNTY, FLORIDA



DISCHARGE AND OUTFALLS
All discharges, outfalls and site design to comply with South Florida Water Management District regulations in existence at time of development. Overall Phase II subdivision has received a final Development Order for drainage and infrastructure.

PARCEL CONFIGURATIONS/LOT LINES
While Cypress Lake, Phase II, is a plat of record, this rezoning will in no way effect the applicant's rights to request future replats or lot line reconfigurations.

APPROVED

Master Concept Plan
Site Plan & Map Page 1 of 1
Subject to conditions in Resolution 2-11-11
Zoning Code & 2-11-11

PROJECT NAME: CYPRESS LAKE, PHASE II CPD
REZONING REQUEST: CG & CT to CPD
Net Acre: 41.875 s.f.
Office: 255,136 s.f.
Hotel/Motel: 275 Units (900 s.f. per unit)

GENERAL NOTES
Total Project Size: 11.16 Acres
Open Space: 32% for overall Phase II development, (20% for "small development" internal lots)
Maximum Height: 12 habitable floors, 135' above finished grade.
Land Use Classification: INTENSIVE DEVELOPMENT

RECEIVED
APR 6 1999
ZONING COUNTER

SUBJECT PROPERTY IS INTERNAL TO LARGER ORI

| JOHNSON ENGINEERING, INC. | | | | |
|--|-------------|----------|-------|--------|
| CIVIL ENGINEERS - LAND SURVEYORS | | | | |
| 2154 JOHNSON STREET, POST OFFICE BOX 1990, FORT MYERS, FLORIDA, 33902-1990. PHONE (813) 334-0046 | | | | |
| DATE | PROJECT NO. | FILE NO. | SHEET | TOTAL |
| 8-27-99 | 00110 | 80-40-04 | 000 | 1 OF 8 |