

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

WHEREAS, Richard L. Purtz, Trustee, in reference to Iron Horse Commerce Park, has properly filed an application for a rezoning from the IL district to CPD; and

WHEREAS, the subject property is located at 14450 Metropolitan Parkway, described more particularly as:

LEGAL DESCRIPTION: In Section 30, Township 45 South, Range 25 East, Lee County, Florida:

Parcels of land located in Lee County, Florida, bearing specific legal descriptions as follows:

PARCEL 1

A parcel of land situated in Section 30, Township 45 South, Range 25 East, Lee County, Florida, more particularly described as follows:

Commencing at the West Quarter corner of said Section 30;
THENCE N88°55'23"E, 256.60 feet, along the Quarter Section line to a point on the Easterly right-of-way line of Seaboard Coastline Railroad as recorded in Deed Book 71 at Page 327 in the Public Records of Lee County, Florida;
THENCE S00°40'41"E, 660.57 feet, along said Easterly right-of-way line to the True POINT OF BEGINNING;
THENCE N88°57'08"E, 425.10 feet, to a point on the Westerly right-of-way line to Metro Parkway Extension;
THENCE S00°38'34"E, 577.43 feet, along said Westerly right-of-way line to an intersection of said Westerly right-of-way line and the Northerly right-of-way line of Six Mile Cypress Parkway;
THENCE S89°06'33"W, 424.74 feet, along said Northerly right-of-way line, to a point on aforesaid Easterly right-of-way line of Seaboard Coastline Railroad;
THENCE N00°40'41"W, 576.26 feet, along said Easterly right-of-way line to the True POINT OF BEGINNING.
Containing a computed area of 5.627 acres of land, more or less.

WHEREAS, the applicant has indicated the property's current STRAP number is 30-45-25-00-00008.002B; and

WHEREAS, proper authorization has been given to Morris-Depew Associates, Inc. and to Michael J. Ciccarone by Richard L. Purtz, the trustee 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 the Lee County Hearing Examiner fully reviewed the matter in a public hearing held on August 17, 1993 and subsequently continued to October 22, 1993; and

WHEREAS, a public hearing was legally and properly advertised and held before the Lee County Board of County Commissioners; and 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 rezoning from IL to Commercial Planned Development.

The rezoning and Master Concept Plan, which deviate from certain Lee County Standards, are subject to the following conditions:

1. The development of this project shall be in accordance with the one-page Master Concept Plan identified as "Master Concept Plan," (Project #91095), prepared by Morris-Depew Associates, Inc., dated 09-09-93, last revised 09-09-93, stamped received September 14, 1993, except as modified by the conditions below. This approval does not alleviate the need to comply with all state and county development regulations except as specifically modified by this approval.
2. The uses of this property shall be limited to those shown on the Master Concept Plan except as follows:
 - Food and Kindred Products, Manufacturing - Group III only
 - Rental Establishments, Group IV - not permitted
 - Vehicle & Equipment Dealers, Group V - not permitted
3. This zoning approval does not indicate that the project's traffic impacts have been mitigated. Additional conditions may be required at the time of issuance of a local Development Order, per the Development Standards Ordinance or other Lee County Ordinance.
4. Approval of this rezoning does nothing more than change the zoning district wherein the subject property lies, and does not grant nor vest in the developer any present or future development rights that may exceed any Lee Plan use restrictions as set forth in 2010 (Roberts) Overlay or any other Lee Plan provision.
5. The 25-foot building setback "from Metro Parkway and Six Mile Parkway" set out on the Master Concept Plan shall mean a 25-foot building setback from the rights-of-way or easements of these roadways.

Site Plan 93-055 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 the rezonings of adjacent and surroundings properties to commercial districts makes the rezoning of the subject property to a CPD appropriate.
- B. That the CPD, as conditioned, will not have an adverse impact on the intent of the Zoning Ordinance.
- C. That the CPD, as conditioned, is consistent with the goals, objectives, policies and intent of the Lee Plan, and with the densities, intensities, and general uses set forth in the Lee Plan.
- D. That the CPD, as conditioned, meets or exceeds all performance and locational standards set forth for the proposed use.
- E. That there are no environmentally critical areas, natural resources or species to be affected by the CPD rezoning.
- F. That the CPD, as conditioned, will be compatible with existing or planned uses, and will not cause damage, hazard, nuisance or other detriment to persons or property.
- G. That the location of the CPD does not place an undue burden upon existing transportation or other services and facilities, and will be served by streets with the capacity to carry traffic generated by this development.
- H. That the CPD, as conditioned, will be in compliance with all applicable general zoning provisions and supplemental regulations pertaining to the use, as set forth elsewhere in the Zoning Ordinance.

- I. That all conditions are reasonably related to the impacts on the public's interest created by or expected from the proposed development.
- J. That the mix of uses, as conditioned, is appropriate for the subject property and surrounding area.

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 Douglas R. St. Cerny and, upon being put to a vote, the result was as follows:

John E. Manning	Aye
Douglas R. St. Cerny	Aye
Ray Judah	Aye
Franklin B. Mann	Absent
John E. Albion	Absent

DULY PASSED AND ADOPTED this 6th day of December, A.D., 1993.

ATTEST:
CHARLIE GREEN, CLERK

BOARD OF COUNTY COMMISSIONERS
OF LEE COUNTY, FLORIDA

BY: Charlie J. Wreck
Deputy Clerk

BY: Ray Judah
Chairman

Approved as to form by:

Timothy J. Jones
County Attorney's Office

FILED

DEC 22 1993

CLERK CIRCUIT COURT
BY afw D.C.

NOTES

1. PROPOSED B & R ZONING FROM A TO COMMERCIAL PLANNED DEVELOPMENT.
2. THE PROJECT IS LOCATED IN THE CENTRAL URBAN LAND USE DESIGNATION.
3. TOTAL PROJECT AREA IS 5.6 ACRES.
4. THERE ARE NO EXISTING OR PROPOSED PUBLIC TRANSPORTATION FACILITIES IN THIS AREA.
5. MINIMUM OPEN SPACE = 30 % OF SITE AREA. NO ADJACENT VEGETATION EXISTS ON THIS SITE.
6. MAXIMUM SQUARE FOOTAGE = 75,000.

MINIMUM BUILDING SETBACKS

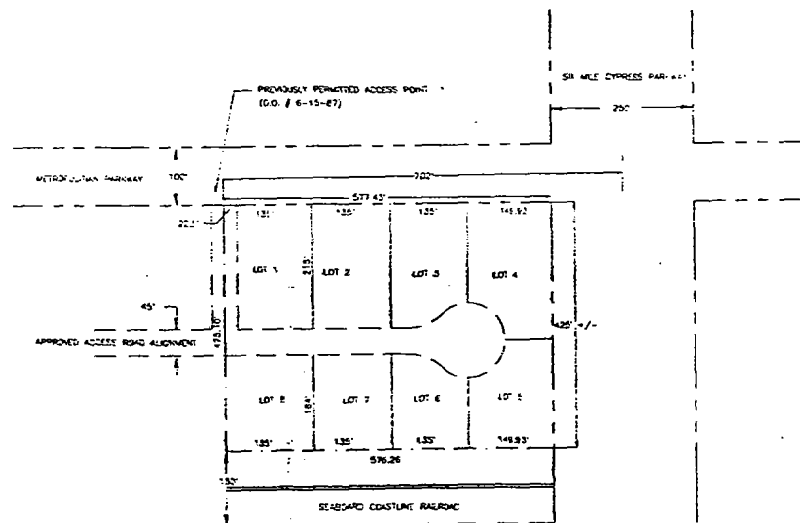
- 25' FROM METRO PARKWAY AND SIX MILE PARKWAY
- 20' FROM INTERNAL PRIVATE ACCESS ROAD
- 15' FROM INTERIOR SIDE LOT LINE
- 0' FROM RAILROAD ROW FOR LOADING DOCKS POC 202 16.8.5.
- 25' FROM ALL OTHER PROPERTY LINES

SCHEDULE OF USES

ALL THOSE USES PERMITTED BY RIGHT IN THE COMMERCIAL PLANNED DEVELOPMENT ZONING DISTRICT ARE THE FOLLOWING USES:

ANIMAL REPAIRS
 AUTOMOBILE SERVICE STATION
 AUTO REPAIR AND SERVICES, GROUP B
 BUILDING MATERIAL SALES
 BUSINESS SERVICES, GROUP I
 CONTRACTORS AND BUILDERS, GROUP B
 DRIVE THRU FACILITY, AS ACCESSORY TO PERMITTED USE
 FOOD AND BEVERAGE SERVICE, LIMITED
 FOOD AND NONFOOD PRODUCTS MANUFACTURING
 FREIGHT AND CARGO HANDLING ESTABLISHMENTS
 GYMNASIUM SERVICES
 LAUNDRY AND DRY CLEANING, GROUP B
 MFG-WAREHOUSE
 MOTOR FREIGHT TERMINAL
 MOVIE, JEWELRY, TOY AND SOUVENIR MANUFACTURING
 PET SERVICES
 PRINTING AND PUBLISHING
 PROCESSING AND MANUFACTURING
 RENTAL ESTABLISHMENTS, GROUP A
 RETAIL SHOPS, GROUP B, C, D, E, F, G, H, I, J, K, L, M, N, O, P, Q, R, S, T, U, V, W, X, Y, Z
 RESEARCH AND DEVELOPMENT LABS, GROUP M
 RUBBER AND PLASTICS PRODUCTS MANUFACTURING, GROUP A
 TRANSPORTATION SERVICES, GROUPS B, C, D, E, F, G, H, I, J, K, L, M, N, O, P, Q, R, S, T, U, V, W, X, Y, Z
 TRUCKING TERMINAL
 VEHICLE AND EQUIPMENT DEALER, GROUPS L, M, N, O, P, Q, R, S, T, U, V, W, X, Y, Z
 WHOLESALE ESTABLISHMENTS, GROUPS L, M, N, O, P, Q, R, S, T, U, V, W, X, Y, Z
 WAREHOUSING, PUBLIC USE PROHIBITED

* - USES SUBJECT TO ULR 461E.



APPROVED

Master Concept Plan

Site Plan # 226557, Twp. 45 S., Rge. 25 E.

Subject to conditions in Resolution # 226557-03-1

Zone Code # 226557-03-1

RECEIVED

SEP 14 1993

ZONING COUNCIL

PROJECT NUMBER
 01085
 SCALE 1" = 100'
 CHECKED BY
 DRAWN BY
 DRAFTER NO.
 01085
 DATE: 09-09-93
 SHEET
 1 OF 1

MD MORRIS-DEWE ASSOCIATES, INC.
 ENGINEERS PLANNERS ENVIRONMENTAL SCIENTISTS
 LANDSCAPE ARCHITECTS DEVELOPMENT CONSULTANTS
 1740 Morris Avenue, First Floor, Morrisville, NC 27560 (919) 775-1716

MASTER CONCEPT PLAN
 FOR
 IRON HORSE COMMERCE PARK
 Sec. 30, Twp. 45 S., Rge. 25 E.
 Lee County, Florida

DATE: 09/09/93
 DRAWN BY: J. L. DREW
 CHECKED BY: J. L. DREW
 SCALE: 1" = 100'
 PROJECT NUMBER: 01085