

RESOLUTION NUMBER Z-98-069

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

WHEREAS, Pine Shadows Hanger Group, Inc., filed an application to rezone a 4.64± acre parcel from Agricultural (AG-2) to Commercial Planned Development (CPD), in reference to Pine Shadows Air Park; and

WHEREAS, Pine Shadows Hanger Group, Inc. and Sentry Storage, Inc., the owners of the subject parcel, authorized Humphrey & Knott, P.A., to act as agent to pursue this zoning application; and

WHEREAS, a public hearing was advertised and held on September 2, 1998, before the Lee County Hearing Examiner who gave full consideration to the evidence in the record (Case # 98-05-101.02Z 01.01); and

WHEREAS, a second public hearing was advertised and held on October 19, 1998 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 the 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 4.64± acre parcel from Agricultural (AG-2) to Commercial Planned Development (CPD) in the Suburban Land Use Category. The legal description of the subject property is set forth in Exhibit A attached to this resolution. The request is hereby APPROVED subject to the conditions and deviations set forth in Sections B and C below.

SECTION B. CONDITIONS:

1. The development of the subject property must be in substantial compliance with the approved Master Concept Plan (MCP) which is a two-page document entitled "Pine Shadows Air Park Master Concept Plan," dated March 16, 1998, and stamped received at the permit counter on May 12, 1998.
2. The list of permitted uses is limited to the following:

Accessory uses

Administrative offices

Automobile restoration (limited to restoration and maintenance of privately owned automobiles by their owners who are tenants of the property owner)

Caretaker's residence

Essential services

Essential service facilities [LDC Section 34-622(c)(13)]: Group I

Mini-warehouse (limited to Tract F-1, and to existing asphalt pad on Tract F-2) (See

Condition 8.)

Self service fuel pump (limited to existing aircraft fuel dispensing system located on Tract E)

Storage, Indoor (including maintenance of privately owned planes by their owners)

Storage, Open (limited to Tract F-1 and excluding construction equipment and large trucks, i.e., semi-trailers, etc.)(See Condition 7.)

Warehouse, public (limited to existing structures only as depicted on the MCP)

3. Development of the subject property must comply with the following Property Development Regulations:

Minimum Setbacks - Buildings and Structures:

Street: 25 feet

Side: 15 feet

Rear: 25 feet

Water body: 25 feet

Maximum Lot Coverage: 40 percent

Maximum Building Height: 25 feet above grade

4. Future development of the subject property is limited to a total of 15,000 feet on Tract F-1 and a total of five thousand, (5,000) square feet on the vacant asphalt pad on Tract F-2, total square footage of existing and approved structures not to exceed 55,000 square feet.
5. No retail sales are permitted on the subject parcel except for those associated with the existing aircraft fuel dispensing system located on Tract E.
6. Commercial use of individual storage units and public warehouse space is prohibited. Commercial establishments may rent units or warehouse space for storage use only.
7. Open storage use is limited to Tract F-1 and must be completely enclosed by an 8-foot-high, painted, concrete (block or precast) masonry wall. In addition, a 15-foot-wide buffer containing a minimum of five trees and 12 shrubs per 100 linear feet must be provided on the exterior side of the masonry wall.
8. The mini-warehouse use is limited to Tract F-1 and the existing asphalt pad located on Tract F-2.
9. Required parking for all uses must be provided in accordance with LDC Section 34-2020. In addition to any new spaces, the parking spaces designated on the MCP must be delineated and provided with parking blocks in accordance with LDC Section 34-2016.
10. This zoning approval does not address the mitigation of the project's vehicular or pedestrian traffic impacts. Additional conditions may be required at the time of local development order approval.
11. Approval of this rezoning does not give the Developer an undeniable right to receive local

development order approval. Future development order approvals must satisfy the requirements of the 2020 Lee Plan Planning Communities Map and Acreage Allocations Table, Map 16 and Table 1(b), of the Lee Plan.

12. 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 deviation as part of this planned development.

SECTION C. DEVIATIONS:

Deviation (1) is a request to deviate from LDC Section 10-415(b)(1) which requires a 10-foot-wide landscape strip to be located adjacent to all street rights-of-way; to eliminate this requirement for the subject property. This deviation is APPROVED for the right-of-way along Runway Street only.

SECTION D. EXHIBITS:

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

- Exhibit A. The legal description and STRAP numbers of the subject property.
- Exhibit B. A reduced copy of the Pine Shadows Air Park Master Concept Plan.
- Exhibit C. A map depicting the subject parcel (shaded in) in relation to the surrounding area.

SECTION E. FINDINGS AND CONCLUSIONS:

1. The Applicant proved entitlement to the rezoning by demonstrating compliance with the Lee Plan, the Land Development Code, and any other applicable code or regulation.
2. The request, as conditioned:
 - a. will meet or exceed all performance and locational standards set forth for the potential uses allowed by the request;
 - b. is consistent with the densities, intensities and general uses set forth in the Lee Plan;
 - c. is compatible with existing or planned uses in the surrounding area; and
 - d. will not adversely affect environmentally critical areas or natural resources.
3. The proposed use or mix of uses is appropriate at the subject location.
4. The development will not place an undue burden upon existing transportation or planned infrastructure facilities and it will be served by streets with the capacity to carry traffic generated by the development.
5. The recommended conditions to the concept plan and other applicable regulations provide sufficient safeguard to the public interest, and the recommended conditions are reasonably related to the impacts on the public interest created by or expected from the proposed development.

6. Urban services, as defined in the Lee Plan, are, or will be, available and adequate to serve the proposed land use.
7. The approved deviation, as conditioned, enhances the achievement of the objectives of the planned development, and preserves and promotes the general intent of Chapter 34, Land Development Code, to protect the public health, safety and welfare.

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

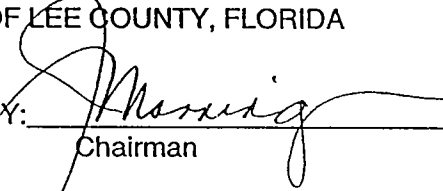
John E. Manning	Aye
Douglas R. St. Cerny	Aye
Ray Judah	Aye
Andrew W. Coy	Aye
John E. Albion	Aye

DULY PASSED AND ADOPTED this 19th day of October, 1998.

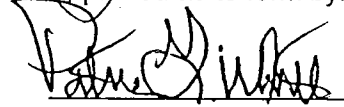
ATTEST: 
CHARLIE GREEN, CLERK

BY: 
Deputy Clerk

BOARD OF COUNTY COMMISSIONERS
OF LEE COUNTY, FLORIDA

BY: 
Chairman

Approved as to form by:


County Attorney's Office

MINUTES DEPARTMENT



FILED OCT 26 1998

EXHIBIT A

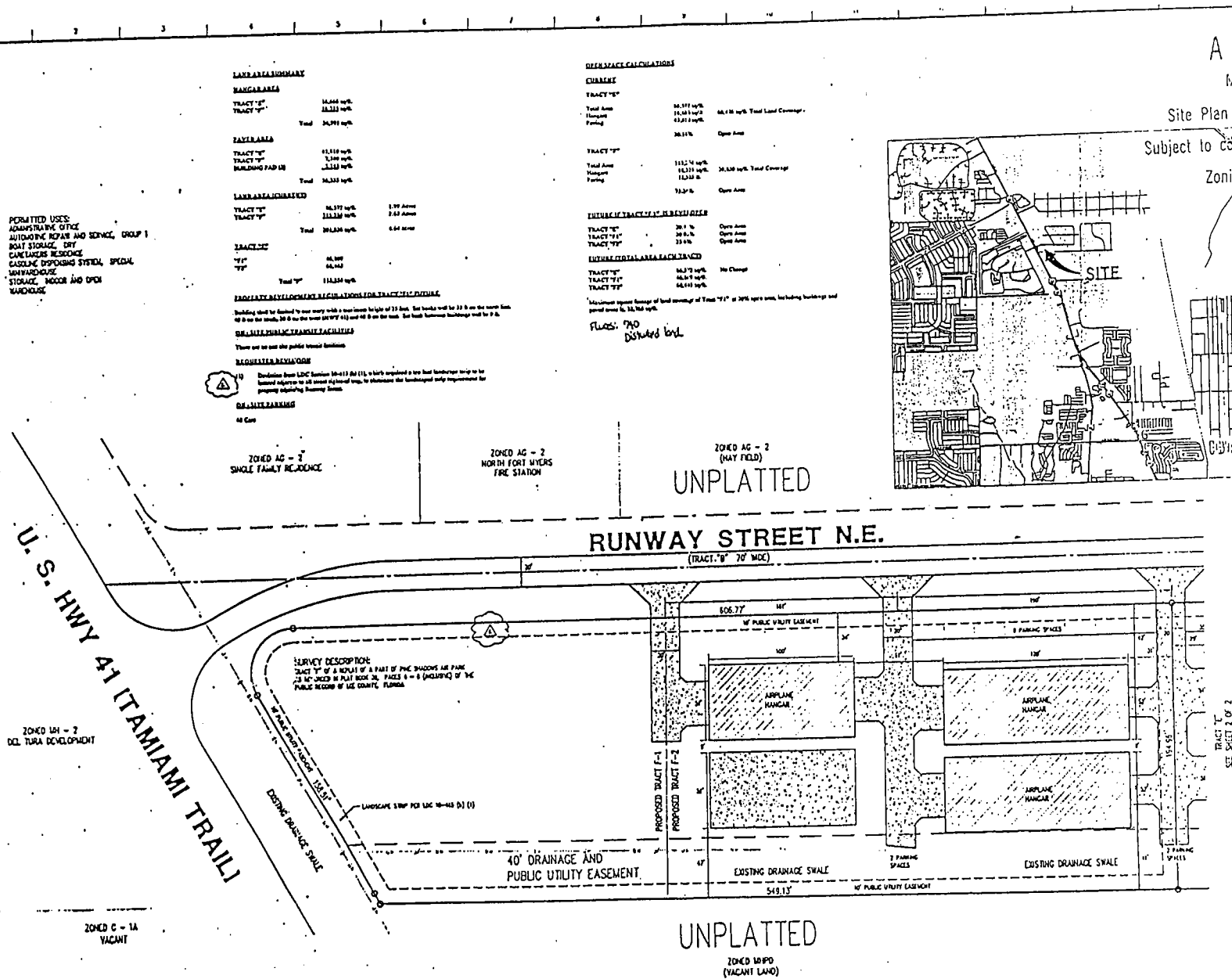
LEGAL DESCRIPTION

Tracts E, PINE SHADOWS AIR PARK SUBDIVISION, as recorded in Plat Book 34, Page 61 and Tract F, PINE SHADOWS AIR PARK SUBDIVISION, as recorded in Plat Book 39, Page 6 of the Public Records of Lee County, Florida, lying in Section 16, Township 43 South, Range 24 East, Lee County, Florida.

STRAP NUMBER

The applicant has indicated the STRAP #'s of the subject property are 16-43-24-03-00000.E01A and 16-43-24-03-00000.F000.

EXHIBIT B
Page 1 of 2



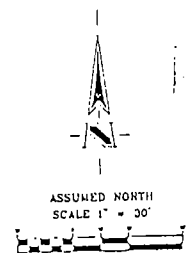
APPROVED

Master Concept Plan

Site Plan # 98-069 Page 1 of 2

Subject to conditions in Resolution 2.98.069

Zoning Case # 48-05-101-022 01-01



PROJECT # 28-65-14 620
PROJECT TYPE 13

FOR SKALDIN RURAL GROUP
PINE SHADOWS AIR PARK
NORTH MOUNT VERNON, WASH
MASTER CONCEPT PLAN

Date 16 MAR 98	Project No.	Issue 11	Approved
Computer File 1042 x 1042 x 1042 x 1042		Sheet No. 11	

ZONING MAP

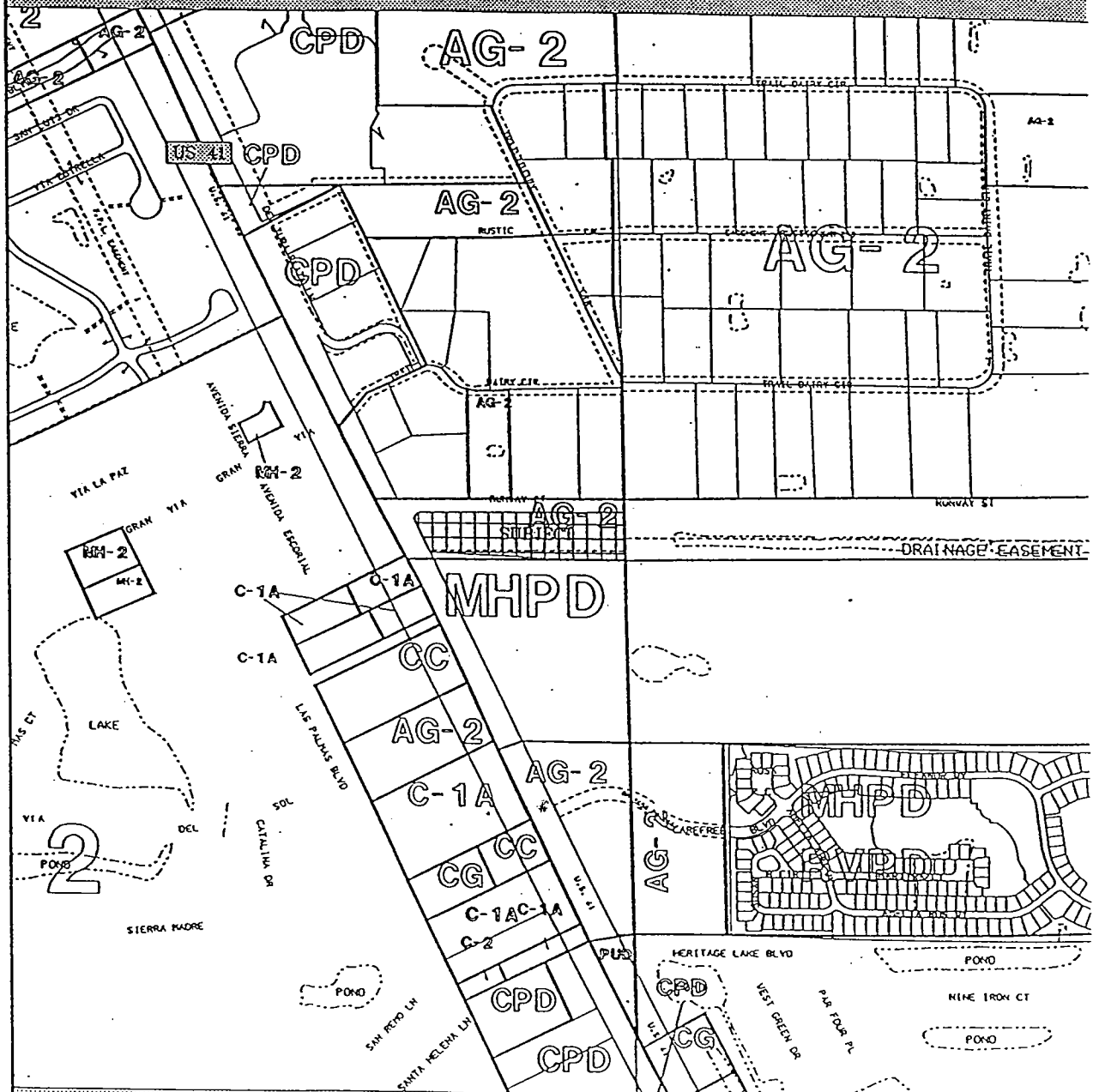


EXHIBIT C