

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

WHEREAS, Aim Engineering filed an application on behalf of the property owner, East County Water Control District, to rezone 3.18±-acre parcel from Agricultural (AG-2) to Commercial Planned Development (CPD), in reference to East County Water Control District Rezone.

WHEREAS, a public hearing was advertised and held on December 10, 2003, before the Lee County Zoning Hearing Examiner, who gave full consideration to the evidence in the record for Case # DCI2003-00031; and

WHEREAS, a second public hearing was advertised and held on March 15, 2004, 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 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 3.18±-acre parcel from AG-2 to CPD to permit a maximum floor area of 50,000 square feet for commercial warehousing, maintenance, and office uses. The property is located in the Public Facilities Future Land Use Category and is legally described in attached Exhibit A. The request is APPROVED SUBJECT TO the conditions and deviations specified in Sections B and C below.

SECTION B. CONDITIONS:

All references to uses are as defined or listed in the Lee County Land Development Code (LDC).

1. Development of this project must be consistent with the 1-page Master Concept Plan (MCP) entitled "A MASTER CONCEPT PLAN FOR EAST COUNTY WATER CONTROL DISTRICT" stamped Received Permit Counter Apr 28 2004, last revised 04/15/04, except as modified by the conditions below. This development must comply with all requirements of the Lee County LDC at time of local development order approval, except as may be granted by deviation as part of this planned development. If changes to the MCP are subsequently pursued, appropriate approvals will be necessary.
2. The following limits apply to the project and uses:

a. Schedule of Uses

AREA A (1.83 ACRES)

ACCESSORY USES AND STRUCTURES
ADMINISTRATIVE OFFICES
ENTRANCE GATES AND GATEHOUSE
ESSENTIAL SERVICES
ESSENTIAL SERVICE FACILITIES: GROUP I
EXCAVATION: WATER RETENTION (NO BLASTING)
FENCES, WALLS
GOVERNMENT MAINTENANCE FACILITY
PARKING LOT: ACCESSORY, TEMPORARY
SIGNS, IN COMPLIANCE WITH CHAPTER 30
TEMPORARY USES, IN COMPLIANCE WITH LDC § 34-3041

AREA B (1.35 ACRES)

ACCESSORY USES AND STRUCTURES
ADMINISTRATIVE OFFICES
BUSINESS SERVICES: GROUP I AND II (NO AUTOMOBILE
REPOSSESSING SERVICES)
CLEANING AND MAINTENANCE SERVICES
CONTRACTORS AND BUILDERS: GROUP I, GROUP II (NO
OUTDOOR STORAGE OR FABRICATION PERMITTED WITH THIS USE)
ENTRANCE GATE AND GATE HOUSE
ESSENTIAL SERVICES
ESSENTIAL SERVICE FACILITIES: GROUP I
EXCAVATION: WATER RETENTION (NO BLASTING)
FENCES, WALLS
GOVERNMENT MAINTENANCE FACILITY
PARKING LOT: ACCESSORY, TEMPORARY
RESEARCH AND DEVELOPMENT LABORATORY: GROUP II, GROUP
IV (GROUP IV ENGINEERING ONLY)
SIGNS, IN COMPLIANCE WITH CHAPTER 30
STORAGE, OPEN - ANCILLARY TO A GOVERNMENT MAINTENANCE
FACILITY ONLY.
TEMPORARY USES, IN COMPLIANCE WITH LDC § 34-3041
WHOLESALE ESTABLISHMENTS: GROUP III INDOOR STORAGE. NO OPEN
STORAGE)
TEMPORARY USES IN COMPLIANCE WITH LDC § 34-3041
WAREHOUSE, PRIVATE (INDOOR ONLY)

b. Site Development Regulations

The project may be developed with a maximum of 50,000± square feet of floor area with a maximum of 25,000± square feet of floor area for Area “A” and a maximum of 25,000± square feet of floor area for Area “B”.

Minimum Area Dimensions:

Min. Lot Area	Area A: ± 1.83 acres
	Area B: ± 1.35 acres
Min. Lot Depth	N/A
Min. Lot Width	N/A
Minimum Building Setbacks:	
Street	25 feet
Side	15 feet
Perimeter	15 feet
Separation Between Buildings	15 feet
Rear	15 feet
Water (Retention Pond)	10 feet
Water (Able Canal Right of Way)	25 feet
Accessory Structures (Side & Rear)	5 feet
Maximum Building Height	35 feet / three stories
Maximum Lot Coverage	60 percent
Minimum Open Space	30 percent

3. Prior to local development order approval, the plan must demonstrate how 30 percent or 0.95 acres of open space will be provided on the project as a whole. A minimum of 15 percent open space must be provided within Area “A” and Area “B” delineated on the MCP.
4. No development blasting is permitted as part of this project unless approved at a subsequent public hearing as an amendment to the planned development.
5. Uses prohibited:
 - (a) Agriculture is not a permitted use within this planned development.
 - (b) Retail sales are not permitted within this planned development.
 - ©) Fabrication (if any) must take place within an enclosed building.
 - (d) Storage of heavy equipment (i.e. bulldozers, drag lines, earthmovers, or any vehicle 10 tons or more) is prohibited.

6. Buffers:

Prior to approval of any Development Order, the landscape plans must delineate the following:

- a. A Type “B” buffer (minimum 15 feet in width, 5 trees per linear feet, double-staged hedge row) will be provided on the entire northern boundary of Area A and Area B along the Able Canal.

- b. All buffers must utilize 100 percent native vegetation.
 - c. Buffers must utilize canopy-type trees (no palms) a minimum of 16 feet in height and four-inch caliper at time of planting.
7. Approval of this zoning request does not address mitigation of the project's vehicular or pedestrian traffic impacts. Additional conditions consistent with the Lee County LDC may be required to obtain a local development order.
8. Approval of this rezoning does not guarantee local development order approval. Future development order approvals must satisfy the requirements of the Lee Plan Planning Communities Map and Acreage Allocation Table, Map 16 and Table 1(b), be reviewed for, and found consistent with, the retail commercial standards for site area, including range of gross floor area, location, tenant mix and general function, as well as all other Lee Plan provisions.

SECTION C. DEVIATIONS:

- 1. Deviation (1) seeks relief from the LDC § 34-2194 "Setbacks from Bodies of Water" requirement that no building or structure be placed closer than 25 feet to a water body, so as to allow a 10-foot setback for buildings adjacent to retention and detention ponds. This deviation is APPROVED but is limited to the existing structure shown as #1 in Area "A" of the approved MCP.
- 2. Deviation (2) - Withdrawn by the applicant.
- 3. Deviation (3) seeks relief from the LDC § 10-714(a) requirement to provide cul-de-sacs that are symmetrical about the centerline, to allow for an off-center cul-de-sac. This deviation is APPROVED but is limited to the cul-de-sac shown as #3 in Area "B" of the approved MCP.
- 4. Deviation (4) seeks relief from LDC § 10-296, Table 3, which requires minimum right-of-way widths for privately maintained streets for two-way closed drainage or inverted crown to be 35 feet, to allow a right-of-way width of 30 feet to match the existing roadway section. This deviation is APPROVED but is limited to the entrance road shown as #4 on the approved MCP.

SECTION D. EXHIBITS AND STRAP NUMBER:

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

- Exhibit A: Legal description of the property
- Exhibit B: Zoning Map (subject parcel identified with shading)
- Exhibit C: The Master Concept Plan date stamped received Apr 28 2004, last revised 04/15/04

The applicant has indicated that the STRAP number for the subject property is: 30-44-27-00-00001.018A

SECTION E. FINDINGS AND CONCLUSIONS:

1. The applicant has proven entitlement to the rezoning by demonstrating compliance with the Lee Plan, the LDC, and other applicable codes and regulations.
2. The CPD rezoning, as conditioned:
 - a. meets or exceeds the performance and locational standards set forth for the potential uses allowed by the request; and,
 - b. is consistent with the densities, intensities and general uses set forth in the Lee Plan; and,
 - c. is compatible with existing or planned uses in the surrounding area; and,
 - d. will not place an undue burden upon existing transportation or planned infrastructure facilities and the site will be served by streets with the capacity to carry traffic generated by the development; and,
 - e. will not adversely affect environmentally critical areas or natural resources.
3. The approval of this rezoning request satisfies the following criteria:
 - a. the proposed use or mix of uses is appropriate at the subject location; and
 - b. the recommended conditions to the concept plan and other applicable regulations provide sufficient safeguard to the public interest; and
 - c. the recommended conditions are reasonably related to the impacts on the public interest created by or expected from the proposed development.
4. Urban services, as defined in the Lee Plan will be available and adequate to serve the proposed land use.
5. The approved deviations, as conditioned, enhance achievement of the planned development objectives, and preserve and promote the general intent of LDC Chapter 34, to protect the public health, safety and welfare.

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

Robert P. Janes	Aye
Douglas R. St. Cerny	Aye
Ray Judah	Aye
Andrew W. Coy	Aye
John E. Albion	Absent

DULY PASSED AND ADOPTED this 15th day of March 2004.

ATTEST:
CHARLIE GREEN, CLERK

BY: Cindy Morrison
Deputy Clerk

BOARD OF COUNTY COMMISSIONERS
OF LEE COUNTY, FLORIDA

BY: [Signature]
Chairman

Approved as to form by:

[Signature]
County Attorney's Office



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MINUTES OFFICE

2004 MAY 18 AM 11:17

EXHIBIT "A"
LEGAL DESCRIPTION
Property located in Lee County, Florida

LEGAL DESCRIPTION: (ORB 1760 PG. 2200)

COMMENCING AT THE SOUTHEAST CORNER OF SECTION 30, TOWNSHIP 44 SOUTH, RANGE 27 EAST, LEE COUNTY, FLORIDA, THENCE N02°23'20"W, ALONG THE EAST SECTION LINE OF SAID SECTION 30, A DISTANCE OF 604.00 FEET TO THE SOUTHERLY RIGHT OF WAY LINE OF ABLE CANAL; THENCE N56°08'10"W ALONG SAID RIGHT OF WAY OF ABLE CANAL, A DISTANCE OF 111.02 FEET, TO A DEFLECTION IN THE RIGHT OF WAY OF ABLE CANAL; THENCE N68°58'14"W, STILL ALONG SAID RIGHT OF WAY OF ABLE CANAL, A DISTANCE OF 329.63 FEET TO THE POINT OF BEGINNING OF A TRACT OF LAND HEREIN DESCRIBED; THENCE S02°23'20"E, A DISTANCE OF 34.05 FEET TO A POINT ON A CURVE, CONCAVE SOUTHERLY, HAVING A RADIUS OF 1626.24 FEET, A DELTA ANGLE OF 12°29'45", A CHORD OF 353.97 FEET AND A CHORD BEARING OF S83°45'45"W; THENCE WESTERLY ALONG THE ARC OF SAID CURVE, A DISTANCE OF 354.67 FEET TO THE POINT OF TANGENCY; THENCE S77°24'09"W, A DISTANCE OF 389.05 FEET; THENCE N12°35'51"W, A DISTANCE OF 88.67 FEET TO THE CORNER OF THE PROPERTY OF LEHIGH CORPORATION, BEING UTILIZED BY LAND DEVELOPMENT; THENCE N33°52'09"E, ALONG THE PROPERTY OF LAND DEVELOPMENT, A DISTANCE OF 193.68 FEET; THENCE N21°01'46"E, STILL ALONG THE PROPERTY OF LAND DEVELOPMENT, A DISTANCE OF 146.19 FEET, TO THE SOUTHERLY RIGHT OF WAY LINE OF ABLE CANAL; THENCE S68°58'14"E, ALONG SAID RIGHT OF WAY LINE OF ABLE CANAL, A DISTANCE OF 631.11 FEET TO THE POINT OF BEGINNING. SAID PARCEL CONTAINING 3.182 ACRES MORE OR LESS.

CREATING OR RESERVING IN FAVOR OF PUBLIC UTILITIES SERVING THE SUBJECT PROPERTY AND IN FAVOR OF EAST COUNTY WATER CONTROL DISTRICT, A 6 FOOT UTILITY AND DRAINAGE EASEMENT ON THE PERIMETER OF THE TRACT.

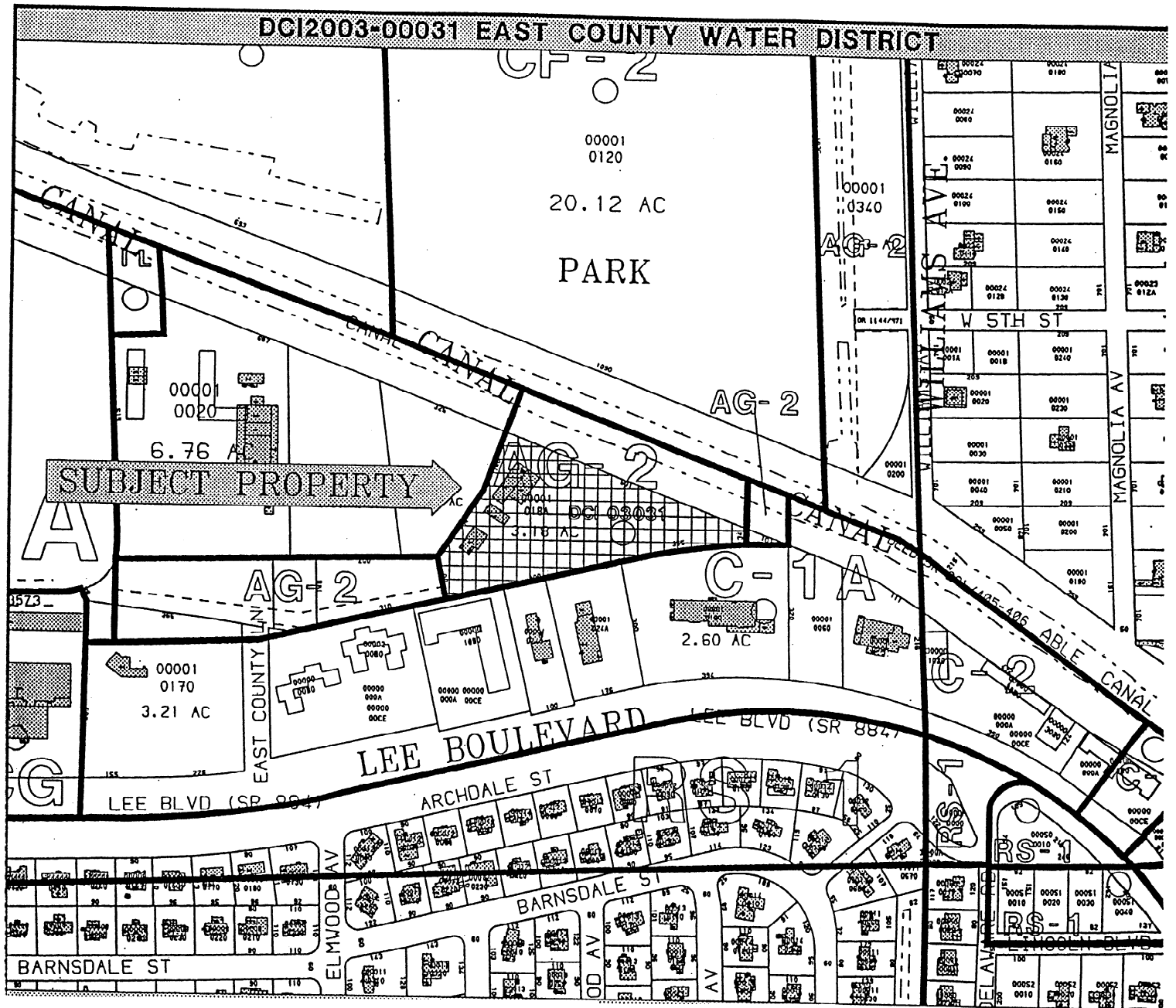
DCI 2003-00031

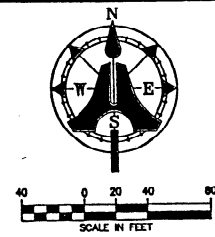
RECEIVED
JUL 22 2003
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DCI 2003-00031

Applicant's Legal Checked
by ASD

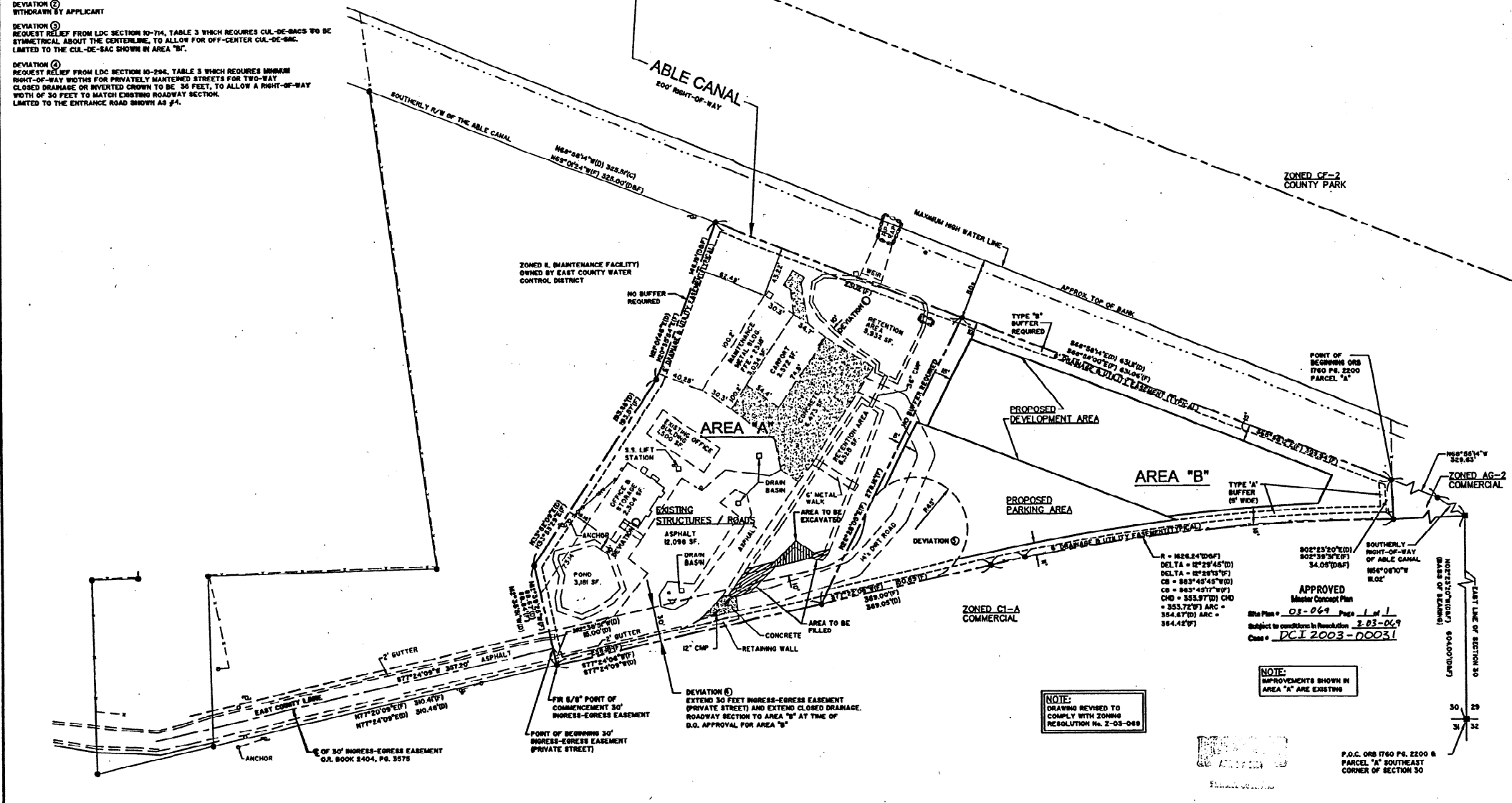
EXHIBIT B





DEVIATIONS:

- DEVIATION ①**
REQUEST RELIEF FROM LDC SECTION 34-2194, WHICH REQUIRES THAT NO BUILDING OR STRUCTURE SHALL BE PLACED CLOSER THAN 25 FEET TO A WATERBODY, TO ALLOW A 10 FEET SET BACK FOR BUILDINGS ADJACENT TO RETENTION AND DETENTION POND, LIMITED TO THE EXISTING STRUCTURE SHOWN AS #1 IN AREA "A".
- DEVIATION ②**
WITHDRAWN BY APPLICANT
- DEVIATION ③**
REQUEST RELIEF FROM LDC SECTION 10-714, TABLE 3 WHICH REQUIRES CUL-DE-SACS TO BE SYMMETRICAL ABOUT THE CENTERLINE, TO ALLOW FOR OFF-CENTER CUL-DE-SAC, LIMITED TO THE CUL-DE-SAC SHOWN IN AREA "B".
- DEVIATION ④**
REQUEST RELIEF FROM LDC SECTION 10-296, TABLE 3 WHICH REQUIRES MINIMUM RIGHT-OF-WAY WIDTHS FOR PRIVATELY MAINTAINED STREETS FOR TWO-WAY CLOSED DRAINAGE OR INVERTED CROWN TO BE 30 FEET, TO ALLOW A RIGHT-OF-WAY WIDTH OF 30 FEET TO MATCH EXISTING ROADWAY SECTION, LIMITED TO THE ENTRANCE ROAD SHOWN AS #4.



NO.	DATE	BY	REVISION DESCRIPTION	DESIGN BY	DATE	CLIENT
1	01/10/04	JAM	REVISED TO COMPLY WITH ZONING RESOLUTION No. 2-03-049	L.A.		E.C.W.C.D.
2				DESIGN	DATE	COUNTY
3				DET		LEE
4				CHECKED	DATE	SECTION
5				L.A.		44 S 27 E

AIM Engineering & Surveying, Inc.		A MASTER CONCEPT PLAN		ENGINEER OF RECORD:		PROJECT NUMBER:		SHEET	
CIVIL • SANITARY • TRANSPORTATION • DEVELOPMENT • PROJECT MANAGEMENT		FOR EAST COUNTY WATER CONTROL DISTRICT		JERRY K. HULL, P.E.		97-6927		1	
3300 LEE BOULEVARD, SUITE 200, FORT MYERS, FLORIDA 33904		PORT MYERS, FLORIDA 33904		FLORIDA REG. NO. 59365		DATE: 4/10/04		FILE NAME: 97-6927 PROJECT	
TEL: 888-375-3696 FAX: 239-332-8774		E-MAIL: jerry@aim-engineering.com		CERTIFICATION OF AUTHORIZATION No. 00003114					