

LEE COUNTY
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RESOLUTION NUMBER Z-02-063

COMM. DEV/
PUB. WORKS. CNTR.
SECOND FLOOR

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

WHEREAS, Paul O'Connor, Director of the Lee County Division of Planning, filed an application on behalf of the property owner, Armando Berriz, to rezone a 14-acre parcel from Agricultural (AG-2) to Community Facilities (CF-1), in reference to the Lakes Regional Library; and

WHEREAS, a public hearing was advertised and held on October 30, 2002, before the Lee County Zoning Hearing Examiner, who gave full consideration to the evidence in the record for Case #REZ2002-00020; and

WHEREAS, a second public hearing was advertised and held on December 16, 2002, 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 14-acre parcel from AG-2 to CF-1. The property is located in the Urban Community Future Land Use Category and is legally described in attached Exhibit A. The request is APPROVED.

SECTION B. EXHIBITS AND STRAP NUMBER:

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

- Exhibit A: The legal description of the property
- Exhibit B: Zoning Map (subject parcel identified with shading)

The applicant has indicated that the STRAP number for the subject property is: 33-45-24-00-00001.0010

SECTION C. 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 CF-1 rezoning, as approved:

- 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. Urban services, as defined in the Lee Plan, will be available and adequate to serve the proposed land use.
 4. The request is compatible with existing or planned uses in the surrounding areas; and

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

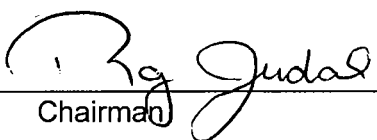
Robert P. Janes	Aye
Douglas R. St. Cerny	Aye
Ray Judah	Aye
Andrew W. Coy	Aye
John E. Albion	Aye

DULY PASSED AND ADOPTED this 16th day of December 2002.

ATTEST:
CHARLIE GREEN, CLERK

BY: 
Deputy Clerk

BOARD OF COUNTY COMMISSIONERS
OF LEE COUNTY, FLORIDA

BY: 
Chairman

Approved as to form by:


Donna Marie Collins
County Attorney's Office

EXHIBIT "A"
LEGAL DESCRIPTION
Property located in Lee County, Florida
Page 1 of 2

EXHIBIT "A"

REZ2002-00020
PROPERTY DESCRIPTION

THE EASTERLY 3/4 OF THE EAST ½, OF THE NORTHEAST 1/4, OF THE NORTHWEST 1/4, OF SECTION 33, TOWNSHIP 45 SOUTH, RANGE 24 EAST, LESS ROAD RIGHT- OF- WAY.

FURTHER BOUNDED AND DESCRIBED AS FOLLOWS :

A TRACT OR PARCEL OF LAND SITUATED IN THE STATE OF FLORIDA, COUNTY OF LEE, BEING A PART OF THE EAST ONE HALF (E ½) OF THE NORTHEAST ONE QUARTER (NE 1/4) OF THE NORTHWEST ONE QUARTER (NW 1/4) OF SECTION 33, TOWNSHIP 45 SOUTH, RANGE 24 EAST, AND FURTHER BOUNDED AND DESCRIBED AS FOLLOWS:

BEGINNING AT A CONCRETE MONUMENT MARKING THE NORTHEAST CORNER OF THE NORTHWEST ONE QUARTER (NW 1/4) OF SAID SECTION 33, THENCE N.88°51'39"W. ALONG THE NORTH LINE OF SAID FRACTION FOR 497.80 FEET, THENCE S.00°04'31"E. FOR 1228.22 FEET TO AN INTERSECTION WITH THE NORTH RIGHT-OF-WAY LINE OF GLADIOLUS DRIVE (S.R # 865 - 100 FEET WIDE); THENCE S.89°55'31"E. ALONG SAID RIGHT-OF-WAY FOR 496.87 FEET TO AN INTERSECTION WITH EAST LINE OF SAID NORTHWEST ONE QUARTER (NW 1/4) THENCE N.00°02'13"W. ALONG SAID EAST LINE FOR 1218.97 FEET TO THE **POINT OF BEGINNING.**

SAID PARCEL CONTAINS 13.97 ACRES MORE OR LESS.

SAID PARCEL SUBJECT TO FORMER IONA DRAINAGE DISTRICT CANAL C-2 OVER AND ACROSS THE NORTHERLY 30.00 FEET.

ALSO SUBJECT ANY AND ALL EASEMENTS, RESTRICTIONS AND RESERVATIONS AND RIGHTS-OF-WAY OF RECORD.

Applicant's Legal Checked
by 

PENDING PROVISION OF SURVEY FORTHCOMING



LEE COUNTY
SEC. 33, T45S, R24E
LAKES REGIONAL
LIBRARY

REV. NO.	DATE	DESCRIPTION
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△		
△		
△		
△		
△		
△		
EDITOR NAME	10/29/02	
DRAWN BY	M.C.	
CHECKED BY	S.S.	
SCALE	AS NOTED	
GSE NO.	62433.00	

Sheet Title:

BOUNDARY SURVEY

DRAWING
SV 1
1 OF 1 SHEETS



- NOTES:
- 1) DIMENSIONS SHOWN HEREON ARE IN FEET AND DECIMALS THEREOF.
 - 2) DIMENSIONS SHOWN HEREON ARE ASSUMED BASED ON THE NORTH LINE OF THE NORTHEAST QUARTER OF SECTION 33, TOWNSHIP 45 NORTH, RANGE 24 EAST AS BEING NORTH 10°10'W.
 - 3) IMPROVEMENTS, BELOW THE SURFACE OF THE GROUND AND OTHER THINGS THEREON, ARE NOT SHOWN.
 - 4) LINES SHOWN HEREON WERE NOT LOCATED.
 - 5) EASEMENTS, ENCUMBRANCES, RESTRICTIONS, OR RIGHTS OF WAY OF RECORD, EASEMENTS, ENCUMBRANCES, RESTRICTIONS, OR RIGHTS OF WAY OF RECORD, AS LEGAL PROVIDED RELIEVE.
 - 6) SOURCES OF INFORMATION: PLAY OF PARKER LINES, PLAY OF CASA DEL MAR, AND LEGAL PROVIDED RELIEVE.
 - 7) DRAINAGE: EASEMENT OVER THE NORTHERLY 30 FEET AS PER PROPOSED LOTS

LEGAL DESCRIPTION:
THE EASTERLY 3/4 OF THE EAST 1/2 OF THE NORTHEAST 1/4 OF THE
NORTHEAST 1/4 OF SECTION 33, TOWNSHIP 45 SOUTH, RANGE 24 EAST, LESS
ROAD RIGHT-OF-WAY.

FURTHER BOUNDED AND DESCRIBED AS FOLLOWS:

A TRACT OR PARCEL OF LAND SITUATED IN THE STATE OF FLORIDA, COUNTY OF
LEE, BEING A PART OF THE EAST ONE HALF (E. 1/2) OF THE NORTHEAST ONE
FOURTH (N. 1/4) OF SECTION 33, TOWNSHIP 45 SOUTH, RANGE 24 EAST, BEING
FURTHER BOUNDED AND DESCRIBED AS FOLLOWS:

BEGINNING AT A CORNER MONUMENT MARKING THE NORTHEAST CORNER OF THE
NORTHEAST ONE QUARTER (NW 1/4) OF SAID SECTION
33, AND PROCEEDING IN THE FOLLOWING ORDER, TO-WIT: THENCE NORTH 1/4
ALONG THE NORTH LINE OF SAID SECTION FOR 487.00 FEET TO THE SOUTH 1/4
CORNER OF SAID INTERSECTION WITH THE NORTH LINE OF SAID SECTION 33;
THENCE S89°15'41"E ALONG SAID NORTH LINE OF SAID SECTION 33 FOR
CLAUDEUS W. LEE, JR. 68.65 - 100 FEET WOODS; THENCE S89°51'12"E
POINT-OF-WAY FOR 498.67 FEET TO AN INTERSECTION WITH THE EAST LINE
OF SAID SECTION 33; THENCE QUARTER 1/4 OF SAID SECTION 33, BEING SAID
LAW FOR 1218.97 FEET TO THE POINT OF BEGINNING.

SAID PARCEL, CONTAINING 13.97 ACRES MORE OR LESS.

SAID PARCEL, SUBJECT TO FUTURE EASE, DISTRICT CANAL, C-2 OVER AND ACROSS
THE NORTHERLY 30.00 FEET.

AND ALSO SUBJECT ANY AND ALL EASEMENTS, RESTRICTIONS AND RESERVATIONS AND
OTHER MATTERS HEREON RECORDED.

SURVEYOR'S CERTIFICATION

CERTIFIED TO: LEE COUNTY & FIRST AMERICAN
TITLE INSURANCE COMPANY

THAT CONSULTING ENGINEER, MR.
LLOYD H. HENDERSON, SURVEYOR AND MAPPER
BY: Steph A. Soder

STEPHEN A. SODDER (FOR THE FIRM)
LICENSED SURVEYOR AND MAPPER NO. 4175
STATE OF FLORIDA

DATE OF SURVEY: OCTOBER 29, 2002

NO OTHER PERSONS OR ENTITY MAY RELY UPON THIS SURVEY.

AS USED IN THIS CERTIFICATION, "CERTIFY" MEANS TO STATE OR DECLARE
UNDER PENALTY OF PERJURY THAT THE FACTS AND MATTERS
AND CONDITIONS REGARDING THOSE FACTS AND
MATTERS WHICH ARE THE SUBJECT TO THIS CERTIFICATION AND DOES NOT
CONSTITUTE A WARRANTY OR GUARANTEE, EITHER EXPRESSED OR IMPLIED.

NOT VALID WITHOUT THE SIGNATURE AND THE ORIGINAL, PRAISED SEAL OF
THE SURVEYOR.

Applicant's Survey Checked
by 11/25/02 gmm



ZONING MAP

The map displays a residential area with several zoning districts. A large arrow labeled "SUBJECT PROPERTY" points to a lot in the RM-2 district. Other lots are labeled with zoning codes such as AG-2, CPD, CC, and RPD, along with their respective acreages. Street names visible include Gladolus Drive, Bass Road, and Sonoma Dr.

EXHIBIT B

EXHIBIT B