

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

WHEREAS, an application was filed by the property owner, C&M Young LTD, LLC, to rezone a 6.84±-acre parcel from Agricultural (AG-2) to Commercial Planned Development (CPD) in reference to a project known as Young CPD; and,

WHEREAS, a public hearing was advertised and held on January 11, 2007, before the Lee County Zoning Hearing Examiner, Diana M. Parker, who gave full consideration to the evidence in the record for Case #DCI2006-00068; and,

WHEREAS, a second public hearing was advertised and held on April 16, 2007, 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 6.84±-acre parcel from AG-2 to CPD to allow 8,000 square feet of medical office, 24,400 square feet of general office, and 16,900 square feet of commercial retail with a maximum height of two stories/35 feet. Development blasting is not requested. Lee County Utilities will provide water and wastewater services.

The property is located in the Outlying Suburban Future Land Use Category and is legally described in attached Exhibit A.

The request is APPROVED, SUBJECT TO the conditions specified in Section B below.

SECTION B. CONDITIONS:

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

1. Development must be consistent with the Master Concept Plan (MCP) entitled "Zoning Master Concept Plan - YOUNG CPD," revised January 8, 2007, attached hereto as Exhibit C, and received by the Hearing Examiner at the public hearing, except as modified by the conditions below.

Development must comply with all requirements of the Lee County LDC at the time of local development order approval, except as may be granted by deviation.

If changes to the Master Concept Plan are subsequently pursued, appropriate approvals will be necessary.

Development Parameters are as follows:

- a. Maximum of 8,000 square feet of medical office
- b. Maximum of 24,400 square feet of general office
- c. Maximum of 16,900 square of commercial retail

2. Schedule of Uses and Property Development Regulations. The following limits apply to the project and uses:

a. Schedule of Uses

ACCESSORY USES AND STRUCTURES

ADMINISTRATIVE OFFICES

ANIMAL CLINIC No kennel facilities

ATM'S

AUTO PARTS STORE No installation services

BANKS AND FINANCIAL SERVICES

BUSINESS SERVICES GROUP I

CLEANING AND MAINTENANCE SERVICES

CLOTHING STORES, GENERAL

CLUBS, COUNTRY COMMERCIAL,

FRATERNAL, PRIVATE

CONSUMPTION ON PREMISES Limited to indoor consumption only in conjunction with a Group III Restaurant in Building #5 as depicted on the MCP. Hours of operation will be limited to 6:00 a.m. to 11:00 p.m., Sunday through Saturday.

CONTRACTORS AND BUILDERS, GROUP I

CULTURAL FACILITIES

DAY CARE, CHILD, ADULT

DRIVE THROUGH FOR ANY PERMITTED USE

EMS FIRE OR SHERIFF'S STATION

ENTRANCE GATE AND GATEHOUSE

ESSENTIAL SERVICES

ESSENTIAL SERVICE FACILITIES, GROUP I

EXCAVATION, WATER RETENTION - No blasting. The removal of excavated material off site is prohibited.

FENCES AND WALLS

FOOD STORES, GROUP I - Excluding Fish markets and Supermarkets. Groceries shall be a permitted use limited to a maximum 15,000 square feet located in Building #1 on the westerly end of the project. If any deliveries of grocery products are scheduled between 10:00 p.m. and 7:00 a.m., an eight-foot high wall must be located between the south boundary of the indigenous preserve and the north side of any loading/delivery area serving Building #1.

GIFT AND SOUVENIR SHOP

HARDWARE STORE

HEALTH CARE FACILITIES, GROUPS I AND II
 HOBBY, TOY AND GAME SHOP
 INSURANCE COMPANIES
 LAUNDRY OR DRY CLEANING SERVICES, GROUP I
 MEDICAL OFFICE
 PACKAGE STORE As part of a multi-occupancy building only. A stand-alone
 package store is prohibited
 PAINT GLASS AND WALLPAPER
 PARKING LOT
 ACCESSORY, TEMPORARY
 PERSONAL SERVICES
 GROUPS I, II, III AND IV - Excluding massage parlors, steam or Turkish
 bath, escort services, palm readers, fortune tellers or card readers,
 tattoo parlors
 PET SERVICES, PET SHOP - No outdoor runs or activities
 PHARMACY
 PLACE OF WORSHIP, RELIGIOUS FACILITIES
 REAL ESTATE SALES OFFICE
 RECREATIONAL FACILITIES
 GROUPS I AND IV - Without Consumption on Premises
 RENTAL OR LEASING ESTABLISHMENT
 GROUPS I AND II
 REPAIR SHOP
 GROUPS I, II AND III
 RESEARCH AND DEVELOPMENT LABORATORY
 GROUPS II AND IV
 RESTAURANT GROUPS I, II AND III - No fast-food restaurant
 SCHOOL - COMMERCIAL AND NON-COMMERCIAL
 SOCIAL SERVICES GROUPS I AND II
 SPECIALTY RETAIL SHOPS GROUPS I AND II
 STORAGE, Indoor only
 STUDIOS
 SIGNAGE - IN ACCORDANCE WITH THE LDC CHAPTER 30
 TEMPORARY USES
 USED MERCHANDISE, GROUP I AND II
 VARIETY STORES

Note: No open or outdoor storage and/or display is allowed in any usage on the subject property.

b. Site Development Regulations

Minimum Lot area and dimensions:

Minimum Lot Size:	7,500 square feet
Minimum Lot Width:	75 feet
Minimum Lot Depth:	100 feet

Minimum Setbacks:

Street:	40 feet from Daniels Parkway 25 feet from all other streets
Side:	15 feet
Side from Indigenous Preserve:	20 feet
Rear:	20 feet
Water body:	25 feet
Minimum Building Separation:	20 feet
Maximum Height:	2 stories/ 35 feet
Maximum Lot Coverage:	40 percent
Minimum Open Space:	30 percent

3. Blasting. Development blasting is not permitted as part of this project unless approved at a subsequent public hearing as an amendment to the planned development.
4. Agricultural Uses. There are no agricultural uses on site, nor are there agricultural exemptions. No agricultural uses are permitted on site as a part of this rezoning.
5. Traffic Impacts. 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.
6. Lee Plan. Approval of this zoning request 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), and be reviewed for, and found consistent with, the retail commercial standards for site area, including range of gross floor area, location, tenant mix, general function, as well as all other Lee Plan provisions.
7. Concurrency. Approval of this rezoning does not constitute a finding that the proposed project meets the concurrency requirements set forth in LDC Chapter 2 and the Lee Plan. The developer is required to demonstrate compliance with all concurrency requirements prior to issuance of a local development order.
8. Daniels Parkway Buffer. The developer must provide a 40-foot wide buffer strip with a two-foot high undulating berm along Daniels Parkway right-of-way (south property line). This buffer must include plantings consisting of six trees and 30 shrubs per 100 linear feet. Prior to approval of a local development order, a detailed landscape plan must be submitted for review and approval by the Division of Environmental Sciences.
9. Open Space. Prior to local development order approval, all development order plans must delineate 2.04 acres of open space.
10. Indigenous Open Space. Prior to local development order approval, all development order plans must delineate 1.02 acres of indigenous open space in substantial compliance with the MCP. In addition, cross sections with details must be included as

part of the development order that illustrates the interface between the indigenous preservation areas, any proposed building structures, and the proposed parking areas.

11. Landscape Plan for Type F Buffer. Prior to local development order approval, the developer must submit a landscape plan for the Type F buffer within the indigenous preserve along the north property line abutting the existing single-family residence. That landscape plan must delineate (in combination with the indigenous vegetation being preserved) the functional equivalent of a Type F buffer with 10 trees per 100 linear feet, and a double-staggered hedge of 48-inch high shrubs (at the time of installation and maintained at 60 inches in height.)

SECTION C. EXHIBITS AND STRAP NUMBER:

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

- Exhibit A: Legal description
Exhibit B: Zoning Map (subject parcel identified with shading)
Exhibit C: Master Concept Plan last revised on January 8, 2007

The applicant has indicated that the STRAP numbers for the subject property are:

21-45-25-01-00000.023B
21-45-25-01-00000.024A

SECTION D. FINDINGS AND CONCLUSIONS:

1. The applicant has proven entitlement to the rezoning to CPD by demonstrating compliance with the Lee Plan, the LDC, and other applicable codes or 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 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 CPD rezoning 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.

Commissioner Mann made a motion to adopt the foregoing resolution, seconded by Commissioner Hall. The vote was as follows:


Robert P. Janes	Aye
Brian Bigelow	Aye
Ray Judah	Absent
Tammara Hall	Aye
Frank Mann	Aye

DULY PASSED AND ADOPTED this 16th day of April 2007.

ATTEST:
CHARLIE GREEN, CLERK

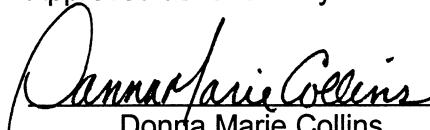
BOARD OF COUNTY COMMISSIONERS
OF LEE COUNTY, FLORIDA

BY: 
Deputy Clerk

BY: 
Robert P. Janes, Chair



Approved as to form by:


Donna Marie Collins
County Attorney's Office

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MINUTES OFFICE

2007 MAY -2 PM 2:14

Exhibit A
Legal Description
Property located in Lee County,
Florida
Page 1 of 2

SUBJECT PARCEL:

A parcel of land in the North half of Section 21, Township 45 South, Range 25 East, Lee County, Florida, being more particularly described as follows:

Commencing at the southwest corner of the Northeast-Quarter of Section 21; thence N.01°05'38"W., along the West line of said Northeast-Quarter, a distance of 331.11 feet to the Point-of-Beginning of this description; thence S.88°39'58"W. a distance of 340.52 feet to an intersection with the centerline of Shetland Lane; thence N.01°06'44"W., along said centerline, a distance of 330.95 feet; thence N.88°41'50"E. a distance of 340.24 feet to an intersection with the said West line of the Northeast-Quarter of Section 21; thence N.88°42'21"E. a distance of 281.27 feet; thence S.01°03'16"E. a distance of 100.09 feet; thence N.88°39'18"E. a distance of 400.03 feet to an intersection with the centerline of Pinto Lane; thence S.01°05'28"E., along said centerline, a distance of 230.84 feet; thence S.88°41'24"W. a distance of 681.11 feet to the Point-of-Beginning of this description.

Containing 6.84 acres, more or less.

Subject to a 30 foot roadway easement along the easterly and westerly thereof as described in the Official Records Book 444, Pages 487- 489 in Lee County, Florida.

Subject to all easements, reservations, and rights-of-way of record.

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SURVEYOR'S NOTES:

THE DESCRIPTION SHOWN HEREON IS NEW.

ORIENTATION BASED ON THE WEST LINE OF THE NORTHEAST-QUARTER OF SECTION 21 AS BEARING N.01°05'38"W.

NO SEARCH OF THE PUBLIC RECORDS WAS CONDUCTED BY THIS OFFICE.
DESCRIPTION WAS PREPARED WITHOUT THE BENEFIT OF A TITLE SEARCH OR ABSTRACT.

UNLESS IT BEARS THE SIGNATURE AND ORIGINAL RAISED SEAL OF A FLORIDA LICENSED PROFESSIONAL SURVEYOR AND MAPPER, AND BOTH SHEETS ARE INCLUDED, THIS MAP IS NOT VALID.

THE INTENT OF THIS DESCRIPTION IS TO DESCRIBE THE OUTSIDE BOUNDARIES OF THESE CERTAIN PARCELS OF LAND AS DESCRIBED IN OR 2663, PAGE 2271 IN THE PUBLIC RECORDS OF LEE COUNTY.

THIS IS NOT A SURVEY.

PERMIT COUNTER

APPROVAL
LEGAL

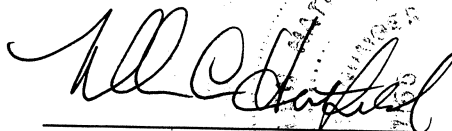
est 7/19/07

DCI 2006-00068

PREPARED BY:

DESCRIPTION DRAWING

PARCEL OF LAND IN SECTION 21,
TOWNSHIP 45 SOUTH, RANGE 25 EAST,
LEE COUNTY, FLORIDA
FOR CHARLES L. YOUNG


MARK A. HATFIELD, P.S.M. DATE 4-4-06
PROFESSIONAL SURVEYOR AND MAPPER
FLORIDA CERTIFICATE NO. 4155



MORRIS - DEPEW ASSOCIATES, INC.

ENGINEERS * PLANNERS * SURVEYORS * MAPPERS

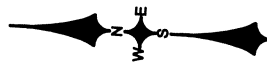
2216 Altamont Avenue * Fort Myers, Florida 33901 * (239) 337-3993 * (FAX) 337-3994

CERTIFICATE OF AUTHORIZATION NO. LB6891

NOT VALID WITHOUT THE SIGNATURE AND ORIGINAL RAISED SEAL OF THE
FLORIDA LICENSED SURVEYOR AND MAPPER.

DESCRIPTION DRAWING

PARCEL OF LAND IN SECTION 21,
TOWNSHIP 45 SOUTH, RANGE 25 EAST,
LEE COUNTY, FLORIDA
FOR CHARLES L. YOUNG



0 50 100

SCALE OF FEET

1" = 100'

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PERMIT COUNTER

SUBJECT PARCEL
AREA = 6.84 ACRES ±

P.O.C.
S.W. CORNER
N.E. 1/4
SECTION 21

P.O.B.

N 01°05'38" W 331.11'

WEST LINE, N.E. 1/4
SECTION 21
(BEARING BASIS)

LEGEND

PG. = PAGE
PGS. = PAGES
RNG. = RANGE
SEC. = SECTION
CL = CENTERLINE
P.B. = PLAT BOOK
TWP. = TOWNSHIP
R/W = RIGHT-OF-WAY
O.R. = OFFICIAL RECORDS
P.O.B. = POINT OF BEGINNING
P.O.C. = POINT OF COMMENCEMENT

DCI 2006-00068



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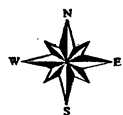
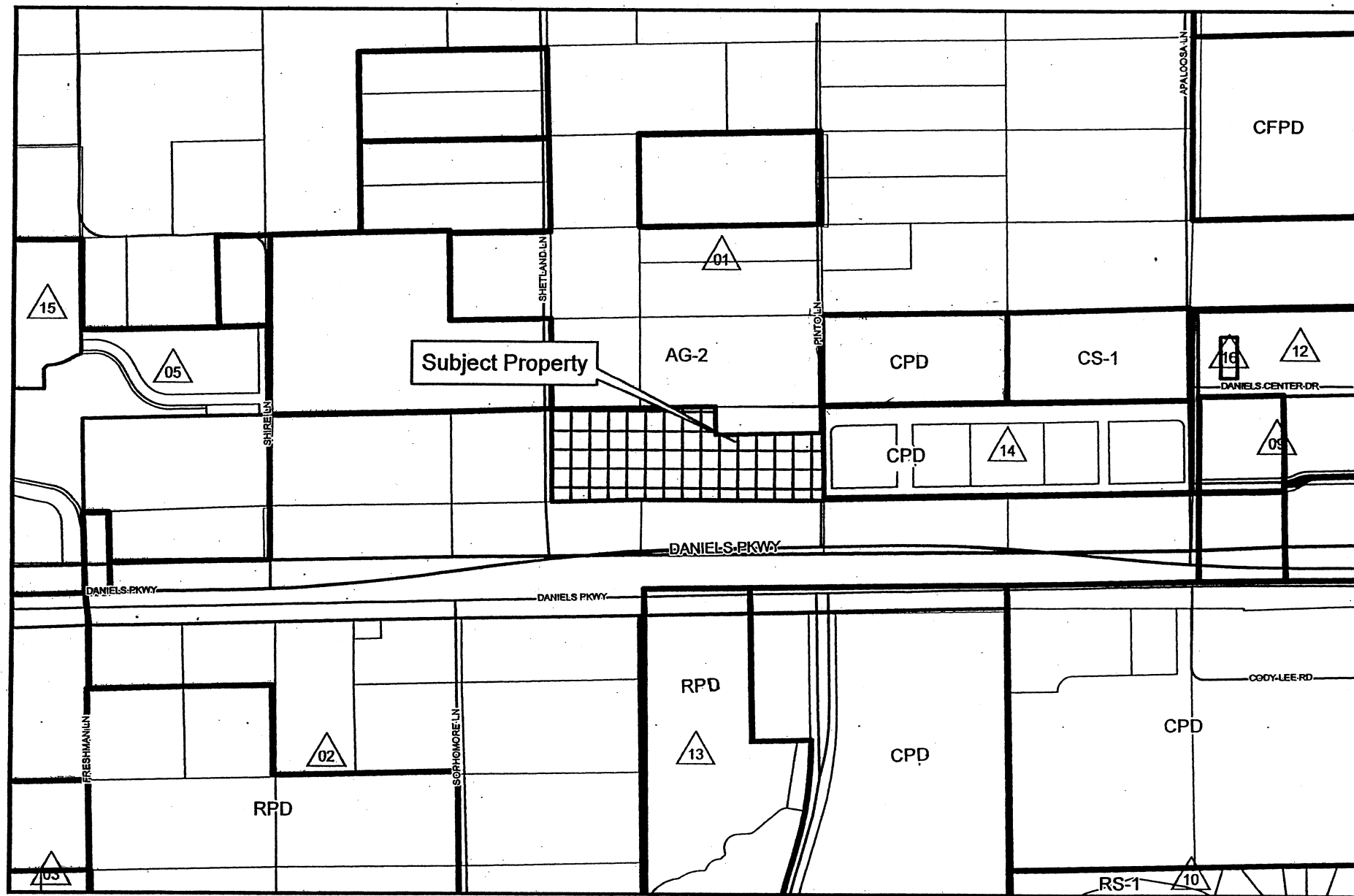
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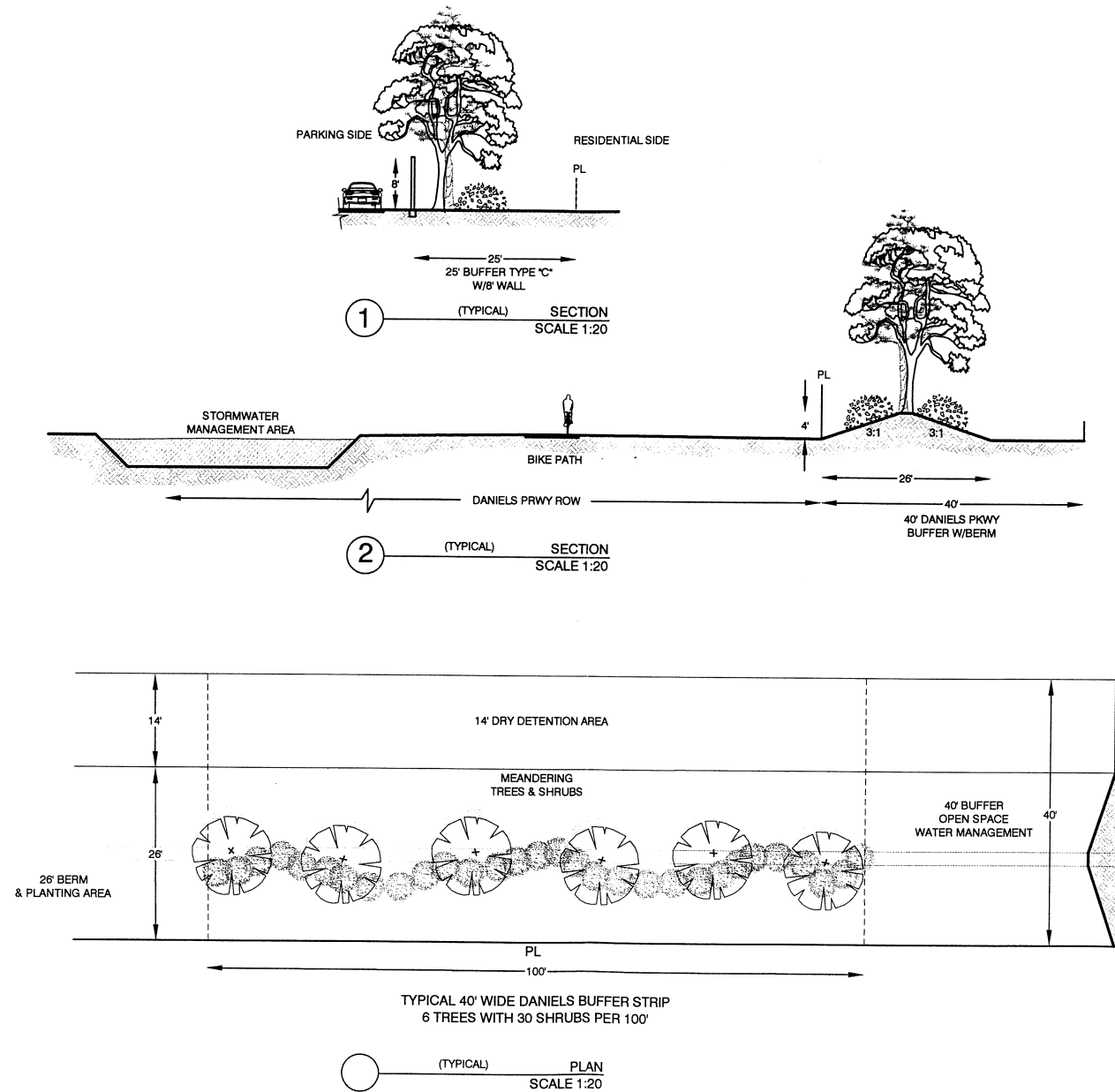
NOT VALID WITHOUT THE SIGNATURE AND ORIGINAL RAISED SEAL OF THE
FLORIDA LICENSED SURVEYOR AND MAPPER.

EXHIBIT B
Zoning Map

DCI2006-00068

11/27/2006





Approved as Exhibit C
MCP Page 2 of 2
Resolution # 2-07-004

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COMMUNITY DEVELOPMENT

DCI 2006-00068

REVISIONS REVISED PER SUFFICIENCY COMMENTS 7/24/06 (8/11/06) (10-3-06) (11-2-06) (1-8-07)	
ZONING MASTER CONCEPT PLAN - SECTION DETAILS -	
YOUNG CPD Section 2.1.1, 4-6.5.5, 6-25-E, 6-25-F, 6-25-G, 6-25-H, 6-25-I, 6-25-J, 6-25-K, 6-25-L, 6-25-M, 6-25-N, 6-25-O, 6-25-P, 6-25-Q, 6-25-R, 6-25-S, 6-25-T, 6-25-U, 6-25-V, 6-25-W, 6-25-X, 6-25-Y, 6-25-Z, 6-25-AA, 6-25-AB, 6-25-AC, 6-25-AD, 6-25-AE, 6-25-AF, 6-25-AG, 6-25-AH, 6-25-AI, 6-25-AJ, 6-25-AL, 6-25-AM, 6-25-AN, 6-25-AO, 6-25-AP, 6-25-AQ, 6-25-AR, 6-25-AS, 6-25-AT, 6-25-AU, 6-25-AV, 6-25-AW, 6-25-AX, 6-25-AY, 6-25-AZ, 6-25-BA, 6-25-BB, 6-25-BC, 6-25-BD, 6-25-BE, 6-25-BF, 6-25-BG, 6-25-BH, 6-25-BI, 6-25-BJ, 6-25-BL, 6-25-BM, 6-25-BN, 6-25-BO, 6-25-BP, 6-25-BQ, 6-25-BR, 6-25-BS, 6-25-BT, 6-25-BU, 6-25-BV, 6-25-BW, 6-25-BX, 6-25-BY, 6-25-BZ, 6-25-CA, 6-25-CB, 6-25-CC, 6-25-CD, 6-25-CE, 6-25-CF, 6-25-CG, 6-25-CH, 6-25-CI, 6-25-CJ, 6-25-CL, 6-25-CM, 6-25-CN, 6-25-CO, 6-25-CP, 6-25-CQ, 6-25-CR, 6-25-CS, 6-25-CT, 6-25-CU, 6-25-CV, 6-25-CW, 6-25-CX, 6-25-CY, 6-25-CZ, 6-25-DA, 6-25-DB, 6-25-DC, 6-25-DD, 6-25-DE, 6-25-DF, 6-25-DG, 6-25-DH, 6-25-DI, 6-25-DJ, 6-25-DL, 6-25-DM, 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MORRIS DEWEY ENGINEERS • PLANNERS • SURVEYORS	
MDA PROJECT: 06043	
CHECKED BY: JJ	DESIGNED BY: AZ
DATE: 9/27/06	
SHEET: 2 of 2	