

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

WHEREAS, AIM Engineering & Surveying, Inc., filed an application on behalf of the property owner, East County Water Control District, to rezone 8.67± acres from Agriculture (AG-2), Light Industrial (IL) and Commercial Planned Development (CPD) to Commercial Planned Development (CPD), in reference to East County Water Control District; and,

WHEREAS, a public hearing was advertised and held on July 30, 2008, before the Lee County Zoning Hearing Examiner, who gave full consideration to the evidence in the record for Case #DCI2008-00005; and

WHEREAS, a second public hearing was advertised and held on September 29, 2008, 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 8.67± acres from AG-2, IL and CPD to CPD to permit approximately 67,500 square feet of commercial uses including but not limited to; office, Emergency Operations Center and Social Services. Connections to central sewer and water services will be provided. The property is located in the Central Urban and Public Facilities Future Land Use Category and is legally described in attached Exhibit A. The request is APPROVED, SUBJECT TO the conditions and deviation 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. The development of this project must be consistent with the single-page Master Concept Plan (MCP) entitled "Master Concept Plan, East County Water Control District, 601 East Co Lane, Lehigh Acres, FL 33936," prepared by AIM Engineering & Surveying, Inc., dated 11/2007, last revised 10/03/08, date-stamped "Received Oct 06 2008 Community Development," and attached hereto as Exhibit C; except as modified by the conditions below. If changes to the MCP are subsequently pursued, appropriate approvals will be necessary.

2. Uses and Site Development Regulations

The following limits apply to the project and uses:

a. Schedule of Uses

Accessory Uses and Structures
Administrative Offices
Business Services: Group I only
Communication Services, Wireless
Day Care Center: Child
Gasoline Dispensing System - Special
Health Care Facilities: Groups I & II
Library
Maintenance Facility (Government)
Entrance Gates and Gatehouse
EMS, Fire or Sheriffs Office
Emergency Operations Center
Essential Services
Essential Service Facilities: Group I only
Excavation: Water Retention Only (No Blasting)
Fences, Walls
Government Agency Offices
Parking lot: Accessory, Commercial
Restaurants: Group II only
Schools: Non Commercial
Signs, in accordance with LDC Chapter 30
Storage, open
Social Services: Groups I, II & III
Temporary Uses
Wireless Communication Facility - existing only

b. Site Development Regulations

Setbacks:

Street:	25-feet
Side:	15-feet
Rear:	15-feet
Waterbody:	25-feet

Accessory Structure Setbacks:

Street:	25-feet
Side:	15-feet
Rear:	10-feet

Maximum Height:	35-feet
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Building Separation:	15-feet
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Maximum Lot Coverage:	40%
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3. Required Open Space

Prior to local development order approval, the development order plans must delineate a minimum of 112,495 square feet as open space.

4. Buffers

Prior to local development order approval, the landscape plans must depict a type "B" buffer along the northern property line to screen the proposed project from the recreational facility to the north. From the northeast corner of the northern property line continuing west 670 feet to the northeast corner of the office building parking area, the type "B" buffer must be planted with 5 East Palatka Holly trees (*Ilex x. attenuata*) per 100 linear feet planted at 12-14 feet in height, and the double staggered hedge row of shrubs must be maintained at 48 inches.

5. Plantings along the Dry Detention Area - 100% Native Species

Prior to local development order approval, the landscape plans must depict the planting of 4 trees per 100 linear feet along the dry detention area adjacent to the existing roadway. All required landscaping must be 100-percent native species.

6. Water and Sewer Connections Required

Connections to public water and sewer must be provided prior to certificate of completion.

7. Parking

Prior to issuance of a Certificate of Occupancy, the applicant must demonstrate sufficient parking is available.

8. Vehicular/Pedestrian Impacts

Approval of this zoning request does not address mitigation of the project's vehicular or pedestrian traffic impacts. Additional conditions consistent with the LDC may be required to obtain a local development order.

9. Lee County Comprehensive Plan Consistency

Approval of this zoning request does not guarantee local development order approval. Future development order approvals must satisfy the requirements of the Lee County Comprehensive 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 County Comprehensive Plan provisions.

10. Concurrency

This project is deemed exempt from the concurrency requirements set forth in LDC Chapter 2 and the Lee County Comprehensive Plan by virtue of the Certificate of Concurrency Exemption issued by Lee County pursuant to the Stipulation and Settlement Agreement dated June 9, 1992, in *Lehigh Corporation v. Lee County*, Case No. 91-2482 CA.

11. Compliance with LDC

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 deviations approved as part of this planned development.

SECTION C. DEVIATION:

1. Buffers - Deviation (1) seeks relief from the LDC §10-416(3) requirement to provide a minimum Type "A" Buffer Separating Commercial Development from Commercial Development, to permit no buffer along the southwesterly 750 feet of the subject property. This deviation is APPROVED.

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 (with the subject parcel indicated)
- Exhibit C: The Master Concept Plan

The applicant has indicated that the STRAP numbers for the subject property are: 30-44-27-00-00001.002A, 30-44-27-00-00001.002B & 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 any other applicable code or regulation.
2. The rezoning, as approved:
 - a. meets or exceeds 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;

- 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 rezoning satisfies the following criteria:
- a. the proposed use or mix of uses is appropriate at the subject location;
 - 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, are, or will be, available and adequate to serve the proposed land use.
5. The approved deviation, as conditioned, enhances achievement of the planned development objectives, and preserves and promotes the general intent of LDC Chapter 34, to protect the public health, safety and welfare.

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

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

DULY PASSED AND ADOPTED this 29th day of September, 2008.

ATTEST:
CHARLIE GREEN, CLERK

BY: *CH Green*
Deputy Clerk

BOARD OF COUNTY COMMISSIONERS
OF LEE COUNTY, FLORIDA

BY: *Ray Judah*
Ray Judah, Chair

Approved as to form by:

John J. Fredyma
John J. Fredyma
Assistant County Attorney
County Attorney's Office



RECEIVED
MINUTES OFFICE

CASE NO: DCI2008-00005

2008 OCT 17 AM 8:59

Z-08-039
Page 6 of 6

**SKETCH AND DESCRIPTION OF A PARCEL OF LAND LYING IN
SECTION 30, TOWNSHIP 44 SOUTH, RANGE 27 EAST,
LEE COUNTY, FLORIDA**

LEGAL DESCRIPTION: COMBINED PARCELS

A PARCEL OF LAND LYING IN SECTION 30, TOWNSHIP 44 SOUTH, RANGE 27 EAST, LEE COUNTY, FLORIDA BEING LANDS DESCRIBED IN OFFICIAL RECORD BOOK 2469, PAGE 208, OFFICIAL RECORD BOOK 3095, PAGE 721 AND OFFICIAL RECORD BOOK 1760, PAGE 2200, ALL OF THE PUBLIC RECORDS OF LEE COUNTY, FLORIDA; BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

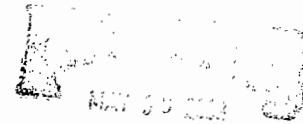
COMMENCE AT THE SOUTHEAST CORNER OF SAID SECTION 30; THENCE N02°23'20"W ALONG THE EAST LINE OF SAID SECTION 30 FOR 604.00 FEET TO THE SOUTHERLY RIGHT OF WAY LINE OF ABLE CANAL; THENCE N56°08'10"W ALONG SAID RIGHT OF WAY LINE FOR 111.02 FEET; THENCE N68°58'14"W ALONG SAID RIGHT OF WAY LINE FOR 329.63 FEET TO THE NORTHEAST CORNER OF LANDS DESCRIBED IN OFFICIAL RECORD BOOK 1760, PAGE 2200 AND THE POINT OF BEGINNING;

THENCE S02°23'20"E (CALCULATED) ALONG THE EAST LINE OF SAID LANDS DESCRIBED IN OFFICIAL RECORD BOOK 1760, PAGE 2200 FOR 33.35 FEET (CALCULATED) (S02°23'20"E, 34.05 FEET PER DEED OF SAID DESCRIBED LANDS) TO A POINT ON A CURVE, CONCAVE TO THE SOUTH, HAVING A RADIUS OF 1626.24 (DEED AND CALCULATED), A CENTRAL ANGLE OF 12°29'50" (CALCULATED)(12°29'45", DEED), A CHORD BEARING OF S83°39'04"W (CALCULATED) (S83°45'45"W, DEED), AND A CHORD DISTANCE OF 354.01 FEET (CALCULATED) (353.97 FEET, DEED); THENCE WESTERLY ALONG THE ARC OF SAID CURVE FOR 354.71 FEET (CALCULATED) (354.67 FEET, DEED) TO THE POINT OF TANGENCY; THENCE S77°24'09"W ALONG THE SOUTHERLY LINES OF SAID LANDS DESCRIBED IN OFFICIAL RECORD BOOK 2469, PAGE 208, OFFICIAL RECORD BOOK 3095, PAGE 721 AND OFFICIAL RECORD BOOK 1760, PAGE 2200 FOR 801.52 FEET TO THE SOUTHWEST CORNER OF LANDS DESCRIBED IN OFFICIAL RECORDS BOOK 3095, PAGE 721; THENCE N01°15'45"W ALONG A WEST LINE OF SAID DESCRIBED LANDS FOR 168.00 FEET; THENCE N88°44'13"E ALONG SAID DESCRIBED LANDS FOR 40.00 FEET; THENCE N01°15'47"W ALONG A WEST LINE OF SAID DESCRIBED LANDS FOR 504.35 FEET TO THE NORTHWEST CORNER OF SAID DESCRIBED LANDS; THENCE S68°58'14"E ALONG THE NORTHERLY LINES OF SAID LANDS DESCRIBED AND ALONG THE SOUTHERLY RIGHT OF WAY LINE OF ABLE CANAL FOR 1186.53 FEET TO THE NORTHEAST CORNER OF LANDS DESCRIBED IN OFFICIAL RECORD BOOK 1760, PAGE 2200 AND THE POINT OF BEGINNING.

TOGETHER WITH A 30 FOOT ROADWAY EASEMENT RECORDED IN OFFICIAL RECORD BOOK 1760, PAGE 2200.

TOTAL OF ALL 3 PARCELS SHOWN HEREON CONTAIN 8.56 ACRES, MORE OR LESS (CALCULATED) 8.57 ACRES, MORE OR LESS (RECORDED DEEDS)

Applicant's Legal Checked
by DS 5/12/08



PRIME CORNER

DCI 2008-00005

REVISION: 05-05-08 REVISED DESCRIPTION AND LEGEND.

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

AIM Engineering & Surveying, Inc. LB 3114



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P.O. BOX 1235
LEHIGH ACRES
FLORIDA 33970
(239) 332-4569
FX: (239) 332-8734

PREPARED BY:
AIM ENGINEERING & SURVEYING, INC.

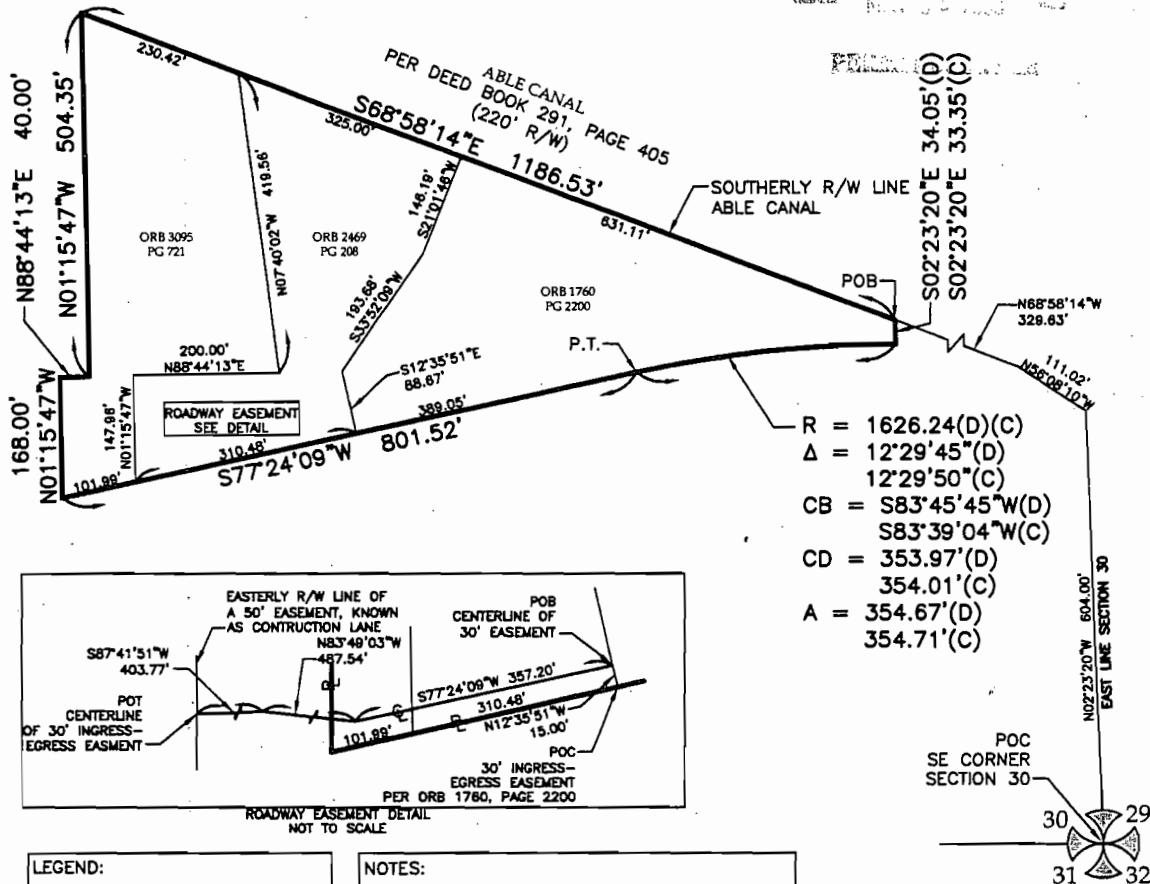
DAVID G. DEARIE, P.S.M.
PROFESSIONAL SURVEYOR AND MAPPER
FLORIDA CERTIFICATE NO. 4889

05 MAY 08
DATE

THIS IS NOT A SURVEY SHEET 1 OF 2

PROJECT NUMBER: 07-9413	DESCRIPTION: COMBINED BOUNDARY DESCRIPTION OF PARCELS SHOWN		
DRAWN BY: JES	CLIENT: E.C.W.C.D.		
DATE: 11/09/07	SEC-TWP-RGE: 30-44S-23E	FILE: 07-9413 SKETCH.DWG	COUNTY: LEE COUNTY

**SKETCH AND DESCRIPTION OF A PARCEL OF LAND LYING IN
SECTIONS 30, TOWNSHIP 44 SOUTH, RANGE 27 EAST,
LEE COUNTY, FLORIDA**



LEGEND:

CL = CENTERLINE
PL = PROPERTY LINE
(C) = CALCULATED DATA
(D) = DEED DATA
ORB = OFFICIAL RECORD BOOK
PG = PAGE
POB = POINT OF BEGINNING
POC = POINT OF COMMENCEMENT
P.T. = POINT OF TANGENCY
POT = POINT OF TERMINUS
R = RADIUS
Δ = CENTRAL ANGLE
CB = CHORD BEARING
CD = CHORD DISTANCE
A = ARC LENGTH

NOTES:

- 1) ALL BEARINGS AND DISTANCES ARE PER DEED UNLESS OTHERWISE NOTED.
- 2) BEARINGS SHOWN HEREON ARE BASED UPON THE EAST LINE OF SECTION 30, TOWNSHIP 44 SOUTH, RANGE 27 EAST, HAVING A BEARING OF N02°23'20"W PER ORB 1760, PAGE 2200.

REVISION: 05-05-08 REVISED DESCRIPTION AND LEGEND.

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

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JES	E.C.W.C.D.
DATE:	SEC-TWP-RGE
11/09/07	30-44S-27E
FILE:	COUNTY:
07-9413 SKETCH.DWG	LEE COUNTY

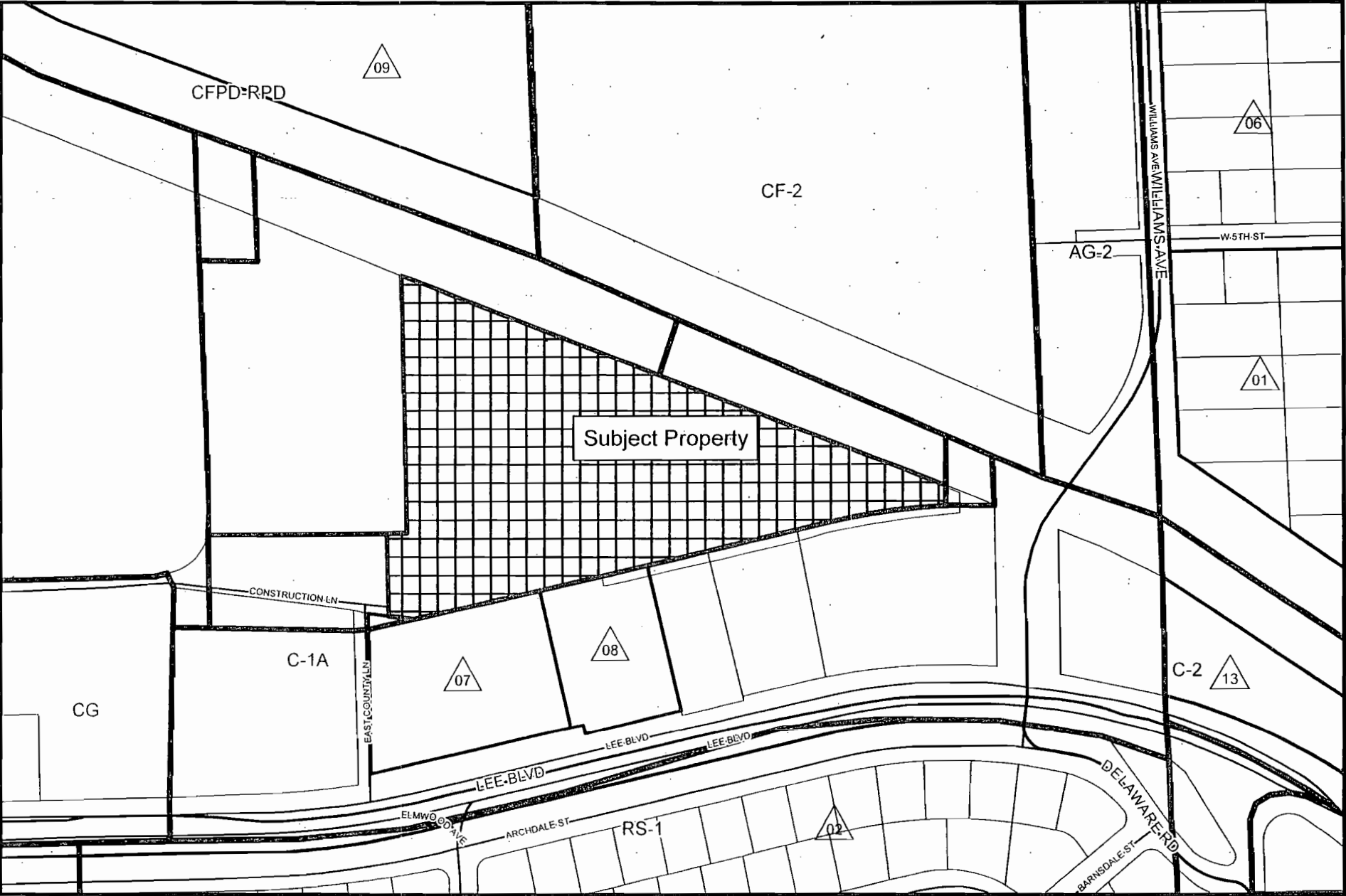


EXHIBIT "B"



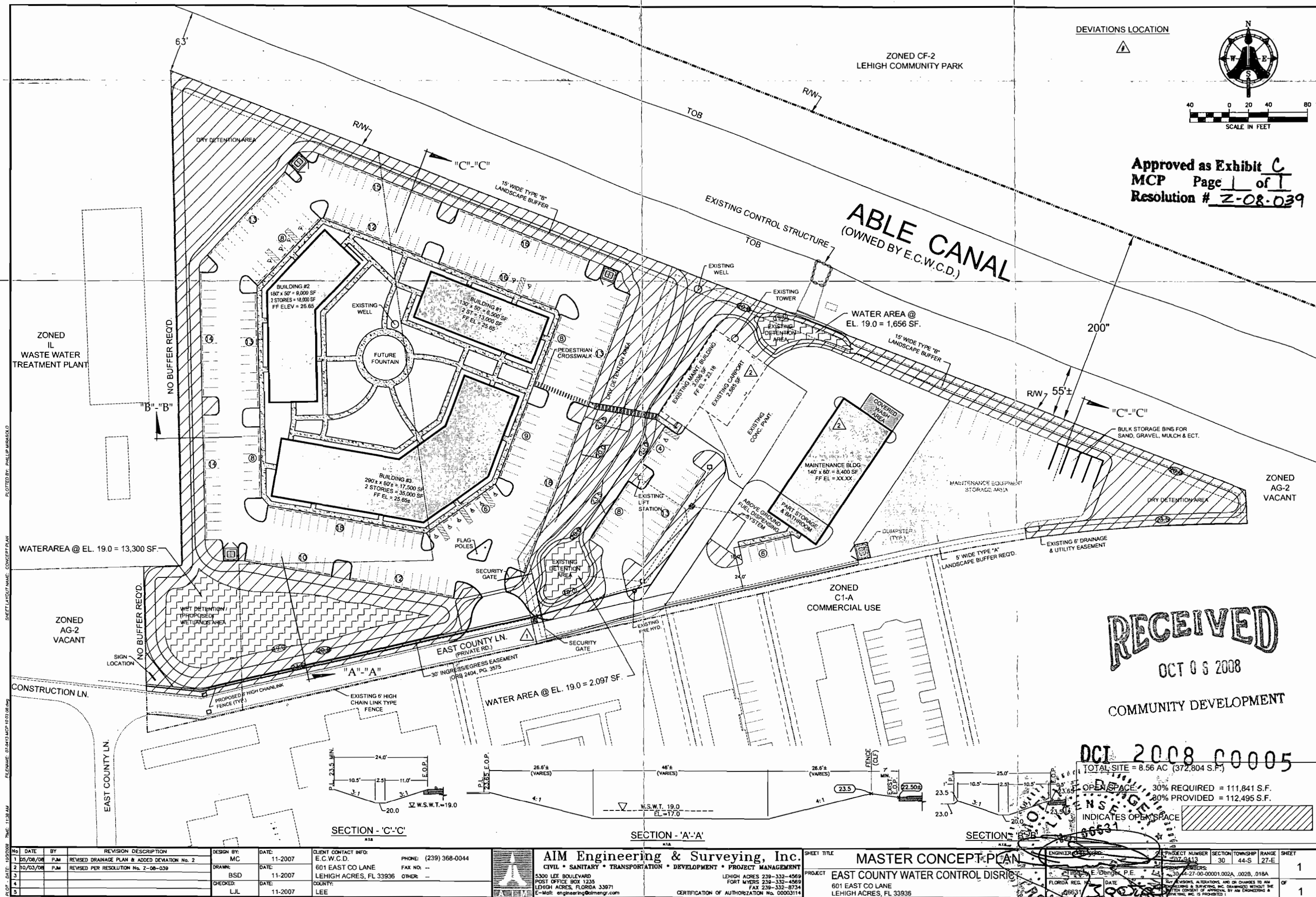


EXHIBIT “C”
(The Master Concept Plan)