

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

WHEREAS, an application was filed by the property owner, Daniels Parkway Self Storage, LLC, to amend Lee County Zoning Resolution No. Z-93-055, in reference to Ironhorse Commerce Park Commercial Planned Development Amendment; and,

WHEREAS, a public hearing was advertised and held on July 23, 2008, before the Lee County Zoning Hearing Examiner, who gave full consideration to the evidence in the record for Case #DCI2008-00008; 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 amend Lee County Zoning Resolution No. Z-93-055, as amended (Ironhorse Commerce Park CPD) from the approved size of 75,000 square feet, to allow an additional use to the Schedule of Uses and an increase in square footage, not to exceed 140,000 square feet, to include office, medical, retail and mini-warehouse uses on Parcel F, a 3.02± acre parcel located at 14670 Metro Parkway. The Applicant indicates they will connect to potable water and central sewer to be provided by Lee County Utilities. The property is located in the Intensive Development 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. Master Concept Plan/Development Parameters

The development of this project must be consistent with the single-page Master Concept Plan (MCP) entitled "Project: Ironhorse Commerce Park CPD, Title: Master Concept Plan," dated 09-23-08, date-stamped "Received Nov 06 2008 Community Development," and attached hereto as Exhibit C, except as modified by the conditions below. This development must comply with all requirements of the 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. Uses and Site Development Regulations

The following Limits apply to the project and uses:

The development scope is not to exceed total of 140,000 square feet and is limited to the following:

140,000 square feet for mini-warehouse,  
60,000 square feet for office/medical,  
30,000 square feet for retail/commercial,  
but not to exceed a total of 140,000 square feet.

a. Schedule of Uses

All Uses permitted by right in the Community Commercial (CC) zoning district plus the following:

Accessory Uses and Structures  
Animal Kennel  
Automobile Service Station  
Building Material Sales  
Business Services, Group II only  
Drive-thru Facility, as necessary to permitted use  
Food and Beverage Service, limited  
Government Services  
Laundry and Dry Cleaning, Group II only  
Mini-warehouse  
Pet Services  
Rental Establishments, Group III only  
Research and Development Labs, Group IV only  
Wholesale Establishments, Groups I and III  
Warehousing, Public and Private

b. Site Development Regulations

Minimum Lot size: 3.02 ± acres  
Minimum Lot width: 75 Feet  
Minimum Lot Depth: 100 Feet

Minimum required setbacks:

Front setback: 25 feet along Metro Parkway and  
Ben C. Pratt/Six Mile Cypress Parkway  
  
Side setbacks: 15 feet exterior lot line  
10 feet interior lot line (Building C)

Rear setback: 15 feet exterior lot line  
10 feet interior lot line (Building C)

Minimum Accessory setback: 5 feet

Loading Docks from Railroad ROW: -0- feet (Buildings B and D)

Building separation: 20 feet (Buildings A and B)

Maximum building height: Building A & B - 4 stories/ 62 feet  
Building C - 2 stories/35 feet  
Building D - 2 stories/35 feet

Maximum lot coverage: 45 percent

Minimum open space: 30 percent

3. Open Space

Prior to local development order approval, development order plans must depict a minimum of 0.91 acres of open space for the 3.02-acre project site

4. Dry Detention Area

Prior to local development order approval, the landscape plans must depict the dry detention area, adjacent to Six Mile Cypress Parkway, planted with a minimum of 1 species of native clump grass and two species of native herbaceous plantings. Plantings must be a minimum 1-gallon container size and installed in large clusters to cover a minimum of 25 percent of the detention area and mimic a natural plant community. The planting of dry detention may be used to reduce the general tree requirement per the LDC §10-418(4).

5. Solid Waste/Recycling Facilities

Prior to local development order approval for vertical development, the developer must provide facilities in compliance with LDC §10-261 and Lee County Solid Waste Ordinance No. 08-10 for the pick-up/disposal of solid waste and recyclables. The minimum area required for, and specific locations of these facilities will be reviewed at the time of local development order application.

6. Building Separation

Buildings exceeding 35 feet in height must maintain additional building separation as regulated by LDC § 34-2174(a), except as modified by Deviation 1 for Buildings A and B.

7. 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 Lee County LDC may be required to obtain a local development order.

8. 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.

9. 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 County Comprehensive Plan. The developer is required to demonstrate compliance with all concurrency requirements prior to issuance of a local development order.

10. 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.

11. Buffers

The Applicant must provide a 15-foot-wide buffer along the west property line. The buffer must contain the following:

- a. Beginning at the northwest corner and extending 200 feet south, the Applicant must provide 5 canopy trees per 100 linear feet and a single hedgerow, 48 inches high at time of planting, to be maintained at 70 inches high;
- b. The remaining buffer along the west property line can contain the required Type "A" buffer requirements. All plantings must be 100 percent native.

SECTION C. DEVIATION:

1. Minimum Building Separation - Deviation (1) seeks relief from the LDC §34-935(e)(4) requirement that, where there are two or more principal buildings on a development tract, the minimum separation of buildings shall be

one-half of the sum of their heights, or 20 feet, whichever is greater, to allow a building separation of 20 feet between Building A and B only. This deviation is APPROVED, SUBJECT TO the following condition:

The deviation applies only to Buildings A and B, as shown on the approved MCP attached hereto as Exhibit C.

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 number for the subject property is:  
30-45-25-00-00008.002F

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 Tammara Hall 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

BOARD OF COUNTY COMMISSIONERS  
OF LEE COUNTY, FLORIDA

BY: Marcia Wilson  
Deputy Clerk

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  
MW  
2008 NOV 19 PM 12:57



## E.F. Gaines Surveying Services, Inc.

Description of a 3.021 Acre Parcel located in  
Section 30, Township 45 South, Range 25 East, Lee County, Florida

All that part of Section 30, Township 45 South, Range 25 East, Lee County, Florida being more particularly described as follows:

COMMENCING at the West one-quarter corner of said Section 30; thence along the East-West quarter section line of said Section 30 N.88°55'23"E. for 256.60 feet; thence along the easterly right-of-way line of the Seaboard Coastline Railroad S.00°40'41"E. for 660.57 feet to the north line of those lands as described in Official Records Book 2988, Page 3308, Public Records of Lee County, Florida and the Point of Beginning of the parcel herein described;

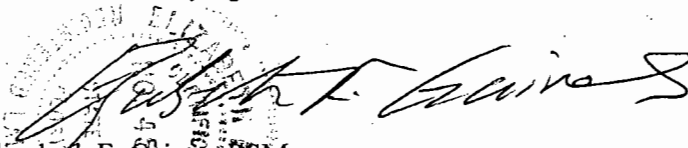
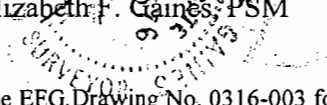
thence along said north line N.88°57'08"E. for 386.18 feet to the westerly right-of-way line of Metro Parkway as recorded in Official Records Book 3837, Page 3936, Public Records of Lee County, Florida; thence along said westerly right-of-way line S.07°53'17"W. for 74.69 feet; thence continue along said westerly right-of-way line S.00°38'34"E. for 160.00 feet; thence S.89°21'26"W. for 23.80 feet; thence S.00°38'34"E. for 21.07 feet; thence S.89°21'26"W. for 235.76 feet; thence S.00°38'34"E. for 230.92 feet; thence S.06°39'00"W. for 75.16 feet; thence S.89°06'33"W. for 10.27 feet; thence S.06°39'00"W. for 18.29 feet to the northerly right-of-way line of Six Mile Cypress Parkway; thence along said northerly right-of-way line S.89°06'33"W. for 93.04 feet to the aforementioned easterly right-of-way line of the Seaboard Coastline Railroad; thence along said easterly right-of-way line of the Seaboard Coastline Railroad N.00°40'41"W. for 576.26 feet to the Point of Beginning of the Parcel herein described;

Containing 3.021 acres, more or less;

Bearings are based on the easterly right-of-way line of the Seaboard Coastline Railroad being N.00°40'41"W.

Prepared by:

E.F. Gaines Surveying Services, Inc.

  
Elizabeth F. Gaines, PSM  


See EFG Drawing No. 0316-003 for sketch

**RECEIVED**  
MAR 24 2008

**PERMIT COUNTER**

DCI 2008-00008

03/15/2008: Revised to remove statement "Subject to easements, restrictions and reservations of record;" per County Attorney

**Applicant's Legal Checked**  
by CSJ 3/26/08

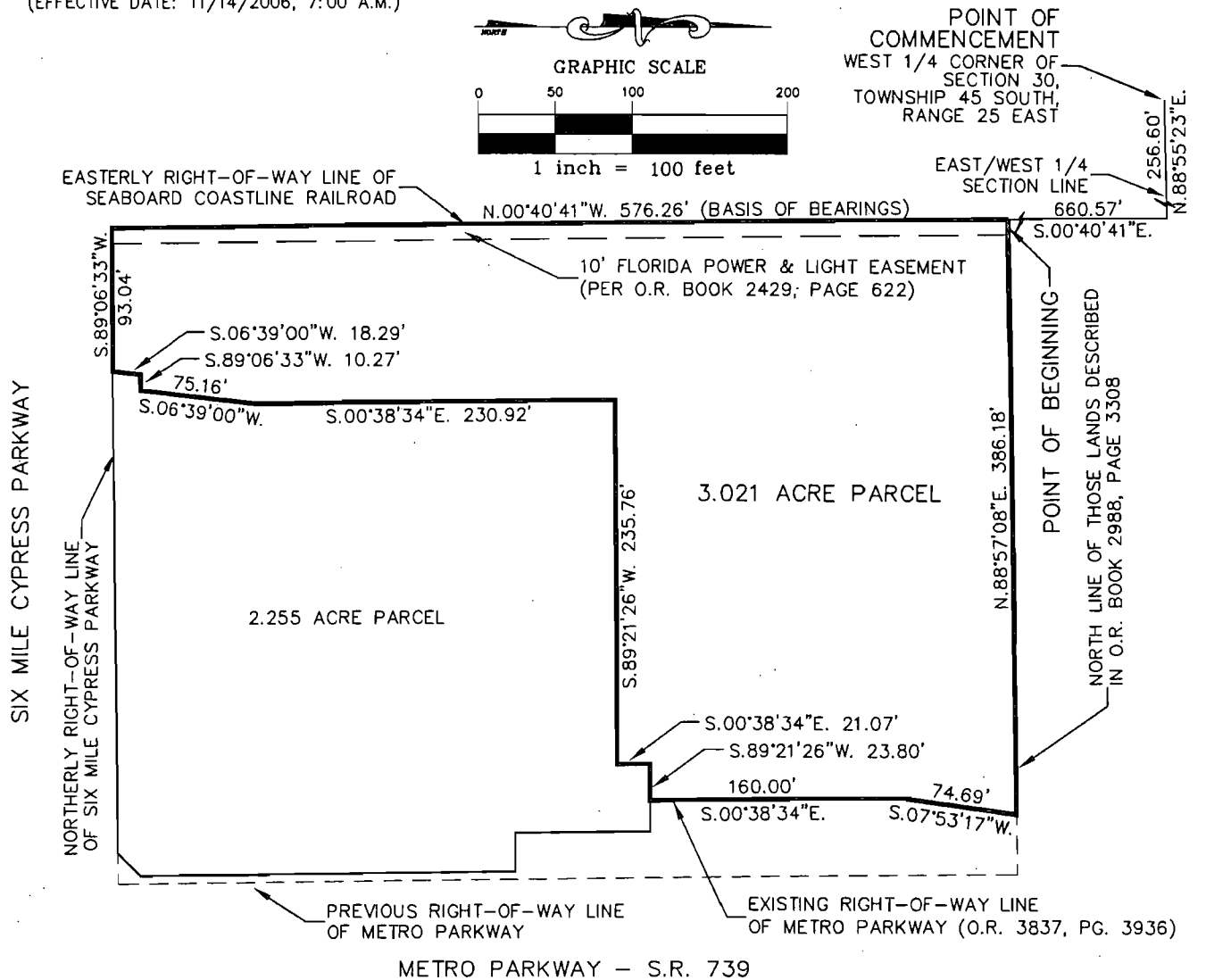
5235 Ramsey Way, Suite 10, Fort Myers, Florida 33907  
Phone: 239-418-0126 • Fax: 239-418-0127 • E-mail: Survey@EFGaines.com

**RECEIVED**  
MAR 24 2008

**NOTES:**

1. BASIS OF BEARINGS IS AS SHOWN. DISTANCES ARE IN FEET AND DECIMALS THEREOF.
2. THIS SKETCH IS NOT A BOUNDARY SURVEY.
3. SEE ATTACHED FOR LEGAL DESCRIPTION.
4. THIS SURVEY WAS PREPARED USING ATTORNEYS' TITLE INSURANCE FUND TITLE COMMITMENT NO. C-3049280 (EFFECTIVE DATE: 11/14/2006, 7:00 A.M.)

**PERMIT COUNTER**



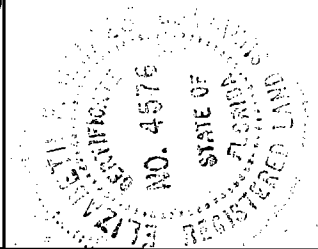
THIS IS A SKETCH OF A PARCEL OF LAND (SEE ATTACHED FOR LEGAL DESCRIPTION) LOCATED IN SECTION 30, TOWNSHIP 45 SOUTH, RANGE 25 EAST, LEE COUNTY, FLORIDA.

PREPARED BY:

*Elizabeth F. Gaines*  
ELIZABETH F. GAINES, PSM FL LICENSE NO. LS 4576

Applicant's Legal Checked  
by **CSA 3/26/08**

NOT VALID WITHOUT THE SIGNATURE AND ORIGINAL RAISED SEAL OF THE ABOVE NAMED FLORIDA PROFESSIONAL SURVEYOR AND MAPPER.



**E.F. Gaines Surveying Services, Inc.**

**5235 Ramsey Way, Suite 10**  
**Fort Myers, Florida 33907**  
**Phone: 239-418-0126 Fax: 239-418-0127**

CLIENT: VALUGUARD SELF-STORAGE, INC.  
DATE: 04/06/2007  
SCALE: 1"=100'  
PROJECT NUMBER: 0316  
DRAWING FILE: 0316-003

REVISIONS/DATE:

1. REVISED NOTES/03-15-2008  
SHEET 1 OF 1

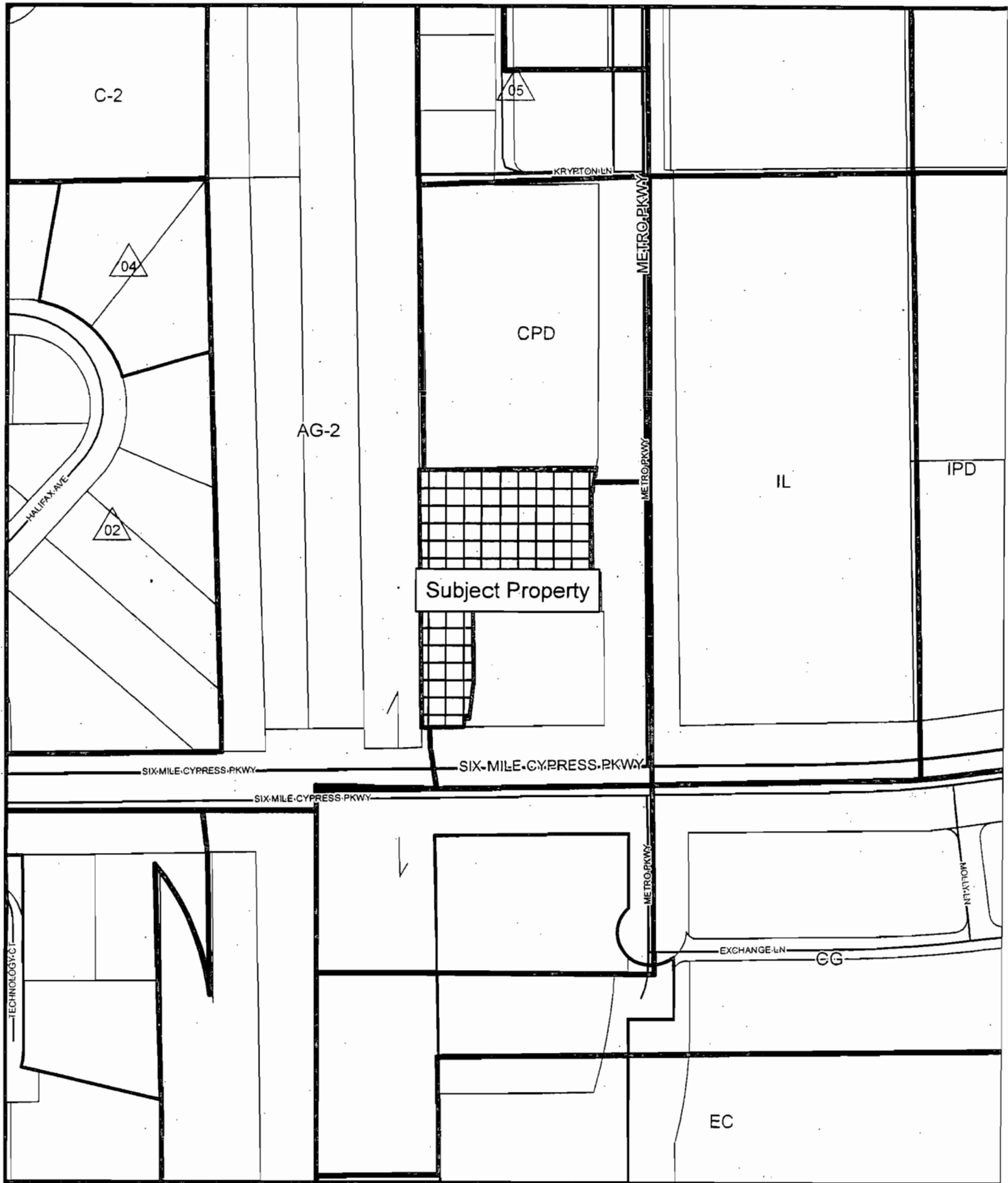
DCI 2008-00008

**EXHIBIT "A"**

(Page 2 of 2)



# Zoning Map



**EXHIBIT "B"**





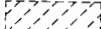


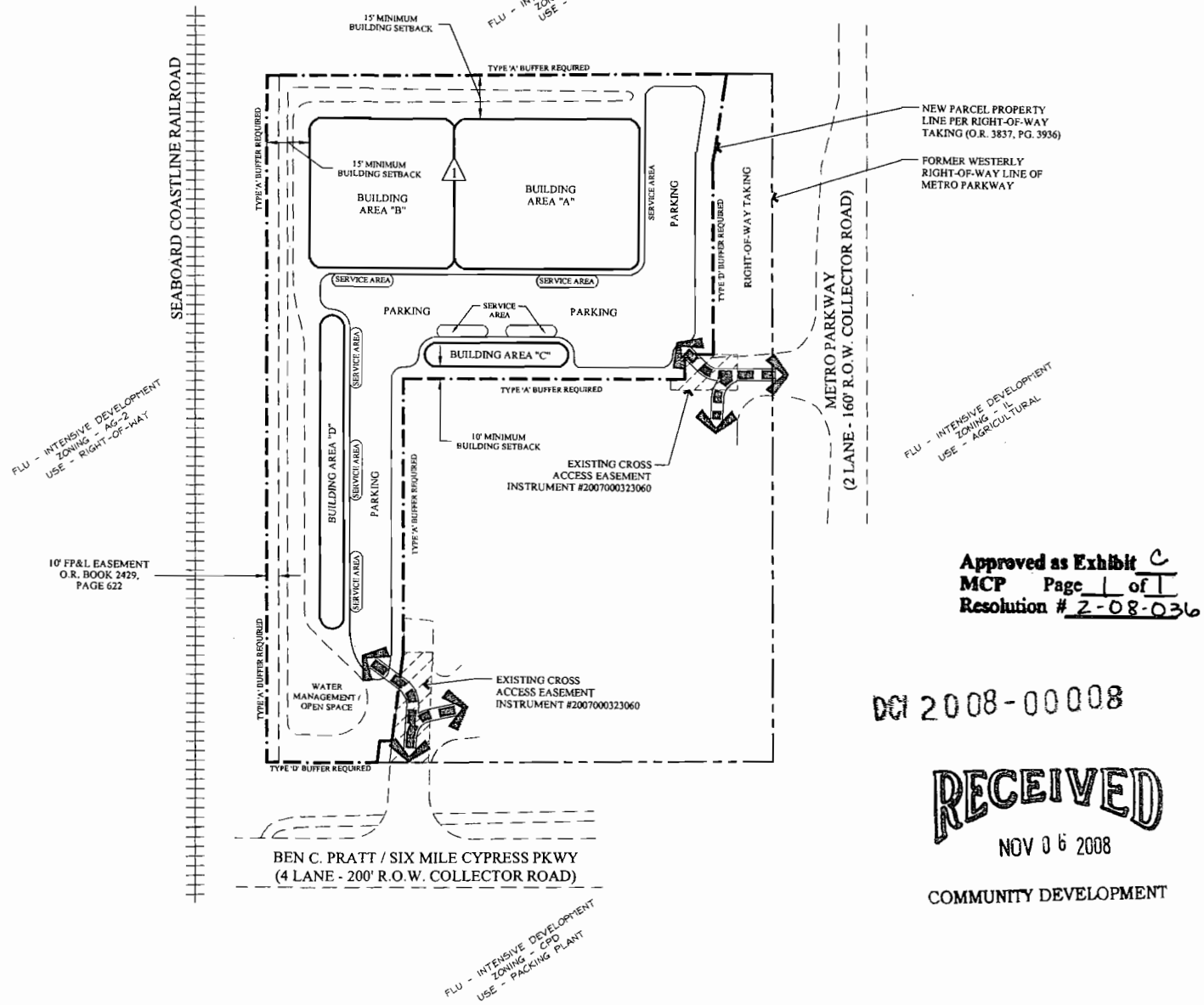
# **OPEN SPACE / INDIGENOUS:**

|                               |          |
|-------------------------------|----------|
| TOTAL PROJECT AREA            | 3.02 AC. |
| OPEN SPACE:                   |          |
| REQUIRED: 30% OF PROJECT AREA | 0.91 AC. |
| PROVIDED:                     | 0.91 AC. |
| INDIGENOUS PRESERVE:          |          |
| REQUIRED: 15% OF PROJECT AREA | 0.45 AC. |
| **PROVIDED:                   | 0.00 AC. |
| TOTAL                         | 0.00 AC. |

\*\* NO EXISTING ON SITE INDIGENOUS PRESERVE

## **LEGEND:**

-  WATER MANAGEMENT / OPEN SPACE
-  AMENDMENT BOUNDARY LINE
-  ORIGINAL CPD BOUNDARY LINE
-  DENOTES LOCATION OF REQUESTED DEVIATION
-  CROSS ACCESS EASEMENT



Approved as Exhibit C  
MCP Page 1 of 1  
Resolution # 2-08-036

DCI 2008-00008

**RECEIVED**  
NOV 06 2008

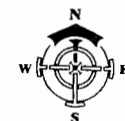
COMMUNITY DEVELOPMENT



09-23-08  
4450 CAMINO REAL WAY  
FORT MYERS, FLORIDA 33966  
P 239.226.0024  
F 239.226.0094  
www.dbsconsultingonline.com

PROJECT:  
**Ironhorse Commerce Park CPD**  
TITLE:  
**Master Concept Plan**

OWNER/CLIENT:  
**Daniels Parkway Self Storage, L.L.C.**  
Box 11918 Caparra Heights Station  
San Juan, P.R. 00922-1918



D-7-M.2  
1 of 2  
Project Number: 1072-05  
Cad File: 1072-05-MCP01