RESOLUTION OF THE BOARD OF COUNTY COMMISSIONERS

OF LEE COUNTY, FLORIDA

WHEREAS, James R. Chitwood, has properly filed an application for a district boundary change from AG to RM-10 and CC on a piece of property located on Park Road and U.S. 41, Fort Myers, described more particularly as;

Sec. 7, Twp. 46S, Rge. 25E, Lee County, FL

RM-8 Parcel

A tract or parcel of land situated in the State of Florida, County of Lee, being a part of the southeast one quarter (SE¼) of Section 7, Township 46 South, Range 25 East and further bounded and described as follows:

Starting at a concrete monument marking the southeast corner of said Section 7; thence S88° 52' 30" W along the south line of said southeast one-quarter (SE ¼) for 218.20 feet; thence N 20° 36' 00" W along the westerly right-of-way line of State Road #45 (U.S. 41, Tamiami Trail) for 36.91 feet; thence continuing N 20° 36' 00" W along said right-of-way line (68.00 feet westerly of the centerline survey as measured on a perpendicular) for 686.63 feet; thence N 87° 56' 37" W along the north line of the south one half (S ½) of the south one half (S ½) of said southeast one quarter (SE ¼) for 400.00 feet to the northeast corner of a parcel recorded in Official Records Book 883 at Page 50; thence S 01° 07' 30" E for 479.34 feet to the southeast corner of said parcel and the point of beginning; thence continuing S 01° 07' 30" E for 205.35 feet; thence S 88° 51' 43.5" W along the northerly right-of-way line of a county road known as Park Road for 458.32 feet; thence N 01° 08' 16.5" W along said right-of-way line for 25.00 feet; thence S 89° 23' 43.5" W. along said right-of-way line for 600.00 feet; thence S 01° 07' 30" E along said right-of-way line for 25.00 feet; thence S 88° 52' 30" W along said right-of-way line for 782.61 feet to a point on the west line of said southeast one quarter (SE ¼) lying 25.00 feet northerly of an iron rod marking the southwest corner of said southeast one quarter (SE ¼); thence N 00° 26' 15" W along said west line for 200.01 feet to the southwest corner of said parcel in Official Records Book 883 at Page 50; thence N 88° 52' 30" E along the south line of said parcel parallel with and 225.00 feet northerly of (as measured on a perpendicular) the south line of said southeast one quarter (SE ¼) for 1838.51 feet to the point of beginning.

Said parcel contains 8.20 acres more or less.

Said parcel subject to a roadway and utility easement over and across the westerly 100.00 feet as shown in Official Records Book 883 at Page 50.

Bearings based on the south line of said southeast one quarter (SE ¼) as S 88° 52' 30" W. (8.20 acres, more or less)

CS Parcel

A tract or parcel of land situated in the State of Florida, County of Lee, being a part of the southeast one quarter (SE ¼) of Section 7, Township 46 South, Range 25 East and further bounded and described as follows:

Starting at a concrete monument marking the southeast corner of said Section 7; thence S 88° 52' 30" W along the south line of said southeast one quarter (SE ¼) for 218.20 feet; thence N 20° 36' 00" W along the westerly right-of-way line of State Road #45 (U.S. 41, Tamiami Trail) for 36.91 feet to the point of beginning; thence continuing N 20° 36' 00" W along said right-of-way line (68.00 feet westerly of the centerline survey as measured on a perpendicular) for 686.63 feet; thence N 87° 56' 37" W along the north line of the south one half (S½) of the south one half (S½) of said southeast one quarter (SE¼) for 400.00 feet to the northeast corner of a parcel recorded in Official Records Book 883 at Page 50; thence S 01° 07' 30" E for 479.34 feet to the southeast corner of said parcel; thence continuing S 01° 07' 30" E for 205.35 feet; thence N 88° 51' 43.5" E along the northerly right-of-way line of a county road known as Park Road for 574.90 feet; thence N 01°08'16.5" W along the westerly line of an additional right-of-way taken for said State Road #45 for 15.00 feet; thence N 88° 51' 43.5" E along the northerly line of said right-of-way for 53.40 feet to the point of beginning.

Said parcel contains 7.94 acres more or less.

Bearings based on the south line of said southeast one quarter (SE ¼) as S 88° 52' 30" W.

WHEREAS, James R. Chitwood and H.W. Marsh, the owner(s) of the subject parcel have given proper authorization to James R. Chitwood to act as their agent, and have given him the authority to pursue this zoning action; and,

WHEREAS, a public hearing was legally and properly held before the Lee County Zoning Board, with full consideration of all the evidence available to the Zoning Board; and,

WHEREAS, the Lee County Zoning Board fully reviewed the matter and recommended denial of a district boundary change to RM-10 and CC based on the findings that continued strip zoning is not advocated along the U.S. 41 frontage. The wide range of retail uses in the requested CC zoning are traffic gener-

ators which would add unnecessary congestion to U.S. 41. RM-8 would be more appropriate along Park Road.

WHEREAS, an appeal was timely filed by an aggrieved person/the Division of Community Development; and,

WHEREAS, a public hearing was legally and properly advertised and held before the Lee County Board of County Commissioners; and,

WHEREAS, the Board of County Commissioners considered the recommendations of the Staff, the Local Planning Authority, the Zoning Board, the documents on file with the County, and the testimony of all interested persons,

The Board of County Commissioners after full and complete consideration of the matter does hereby make the following findings of fact:

> LEGISLATIVE HISTORY: The applicant came before the legislative body and indicated that in the spirit of compromise they would accept RM-8 and CS as opposed to the initially requested RM-10 and CC. It was the opinion of the applicant that this compromise would accommodate the staff and Zoning Board's concerns over strip commercial retail and high density multi-family.

NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF COUNTY COMMISSIONERS AS THE ZONING APPEALS BOARD, that the Zoning Appeals Board does hereby grant a change in zoning from AG to RM-8 and CS and does deny the request for a change in zoning from AG to RM-10 and CC.

The foregoing Resolution was adopted by the Lee County Board of County Commissioners upon motion by Commissioner Fussell, and seconded by Commissioner Roberts, and upon being put to a vote, was as follows:

Roland Eastwood	Absent
Fred Bartleson	Absent
Bill Fussell	Aye
Porter Goss	Aye
Roland Roberts	Aye

DULY PASSED AND ADOPTED this 8th day of August, A.D., 1983.

ATTEST:
SAL GERACI, CLERK

BY: Lois Kurt
Deputy Clerk

BOARD OF COUNTY COMMISSIONERS
OF LEE COUNTY, FLORIDA

BY: B. K. Eastwood
Chairman

Approved as to form by:

County Attorney

RESOLUTION NUMBER ZAB-83-228 HEARING NUMBER 83-6-30 (DCI)