

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

WHEREAS, Parts Depot Company L.P., in reference to Compark North, has properly filed an application for a rezoning from AG-2, C-1A, and C-1 to CPD; and

WHEREAS, the subject property is located at 1339 North River Road, North Fort Myers, described more particularly as:

LEGAL DESCRIPTION: In Section 02, Township 44 South, Range 24 East, Lee County, Florida:

Parcel No. 1

Commencing at the Southeast corner of the Southwest Quarter (SW1/4) of Section 02, Township 44 South, Range 24 East;
THENCE Northwardly along the East line of said Southwest Quarter (SW1/4) 1,351.08 feet to the POINT OF BEGINNING of the property herein described;
THENCE S89°20'26"W, 987.61 feet to a concrete monument, said monument being the Southeast corner of SILVERSWORD WOODS, a subdivision recorded in Plat Book 41, Pages 24 and 25 of the Public Records of Lee County, Florida;
THENCE N00°00'51"E along the East line of said SILVERSWORD SUBDIVISION 521.10 feet more or less to the center of a creek;
THENCE S88°27'45"E, 493.15 feet;
THENCE S00°01'35"E, 402.40 feet;
THENCE N89°20'26"E, 494.33 feet more or less to the East line of the Southwest Quarter (SW1/4);
THENCE Southwardly along said East line of the Southwest Quarter (SW1/4) 100 feet more or less to the POINT OF ENDING.

Excepting therefrom the East 35 feet for road right-of-way.

Parcel No. 2

Commencing at the Southeast corner of the Southwest Quarter (SW1/4) of Section 02, Township 44 South, Range 24 East;
THENCE Northwardly along the East line of said Southwest Quarter (SW1/4) 1,320.00 feet to the POINT OF BEGINNING of the lands herein described;
THENCE continue Northwardly 31.08 feet to the Northeast corner of the Southeast Quarter (SE1/4) of the Southwest Quarter (SW1/4) of Section 02;
THENCE S89°20'26"W 1,317.30 feet to the Northwest corner of the Southeast Quarter (SE1/4) of the Southwest Quarter (SW1/4);
THENCE Southwardly 31.08 feet more or less along the West line of the Southeast Quarter (SE1/4) of the Southwest Quarter (SW1/4) to a point that is 1,320.00 feet North of the Southwest corner of the Southeast Quarter (SE1/4) of the Southwest Quarter (SW1/4) of Section 02;
THENCE N89°20'26"E 1,317.30 feet more or less to the POINT OF BEGINNING.

Excepting therefrom the East 35.00 feet for road right-of-way,
AND excepting therefrom the westerly 329.69 feet.

Parcel No. 3

Commencing at the Southeast corner of the Southwest Quarter (SW1/4) of Section 02, Township 44 South, Range 24 East;
THENCE Northwardly along the East line of said Southwest Quarter .

(SW1/4) 1,451.08 feet to the POINT OF BEGINNING of the property herein described;
THENCE S89°20'26"W 494.33 feet;
THENCE N00°01'35"W 58.50 feet;

THENCE N89°20'26"E 494.33 feet more or less to the East line of the Southwest Quarter (SW1/4);
THENCE Southwardly along said East line of the Southwest Quarter (SW1/4) 58.50 feet to the POINT OF BEGINNING.

Excepting therefrom the East 35 feet for road right-of-way.

WHEREAS, the applicant has indicated the property's current STRAP numbers are 02-44-24-00-00033.0000, 02-44-24-00-00038.0010, 02-44-24-00-00027.0010 and 02-44-24-00-00037.0000; and

WHEREAS, proper authorization has been given to R. Scott Barker, P.A., by Parts Depot Company L.P., the owner of the subject parcel, to act as agent to pursue this zoning application; and

WHEREAS, a public hearing was legally and properly advertised and held before the Lee County Hearing Examiner, with full consideration of all the evidence available; and the Lee County Hearing Examiner fully reviewed the matter in a public hearing held on January 26, 1993, and was subsequently continued to September 27, 1994; and

WHEREAS, a public hearing was legally and properly advertised and held before the Lee County Board of County Commissioners; and the Lee County Board of County Commissioners gave full and complete consideration to the recommendations of the staff, the Hearing Examiner, the documents on file with the county, and the testimony of all interested persons.

NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF COUNTY COMMISSIONERS, that the Board of County Commissioners does hereby APPROVE with conditions a rezoning from AG-2, C-1A and C-1 to Commercial Planned Development.

The rezoning and Master Concept Plan, which deviate from certain Lee County Standards, are subject to the following conditions:

1. a. The development of this project shall be in accordance with the one-page Master Concept Plan, identified as "Master Concept Plan for Compark North," dated 9/24/93, last revised 8/15/94, and stamped Received August 17, 1994, except as modified by the conditions below, and except for Lot 5 which has been deleted from this rezoning request. This approval does not relieve the developer from compliance with the Land Development Code (LDC) and all other state, regional and county development regulations, except for those specifically modified as part of the development.
- b. Lot 5, as designated on the Master Concept Plan, shall be eliminated from the rezoning request, and a new Legal Description and Master Concept Plan, excluding that parcel, shall be prepared prior to adoption of this rezoning request by the Board of County Commissioners.
2. Permitted uses on the site shall be limited as follows:

Schedule of Uses for Lots 1 and 2

- Administrative Offices (Section 34-2)
- Business Services - Groups I and II [Section 34-622.(c)(5)]
- Caretaker's Residence
- Cleaning and Maintenance Services [(Section 34-622.(c)(7)]
- Entrance Gate and Gatehouses (Section 34-2)
- Essential Services (Section 34-2)

- Essential Service Facilities - Group I
[Section 34-622.(c)(13)]
- Non-Store Retailers - Groups I, II and III
[Section 34-622.(c)(30)]
- Rental or Leasing Establishments - Groups I and II
[(Section 34-622.(c)(39)]
- Storage, Indoor (Section 34-2)
- Used Merchandise Store [Section 34-622.(c)(54)]
- Warehouse, Mini (Section 34-2)
- All uses permitted in the CN-2 zoning category (Table 34-843, LDC), except Automobile Service Stations, Personal Services - Group IV, and Recreation Commercial - Groups III and IV.

Schedule of Uses for Lot 3

- Administrative Office (Section 34-2)
- Business Services - Groups I and II [Section 34-622.(c)(5)]
- Caretaker's Residence
- Cleaning and Maintenance Services [Section 34-622.(c)(7)]
- Entrance Gate and Gatehouses (Section 34-2)
- Essential Services (Section 34-2)
- Essential Service Facilities [Section 34-622.(c)(13)]
- Non-Store Retailers - Groups I, II and III
[Section 34-622.(c)(30)]
- Processing and Warehousing (Section 34-2)
- Rental or Leasing Establishments - Groups I and II
[Section 34-622.(c)(39)]
- Storage, Indoor, Open (Section 34-2)
- Used Merchandise Store [Section 34-622.(c)(54)]
- Warehouse, Private (Section 34-2)
- Warehouse, Mini (Section 34-2)

Schedule of Uses for Lot 4

- Administrative Offices (Section 34-2)
- Business Services - Groups I and II [Section 34-622.(c)(5)]
- Caretaker's Residence
- Essential Services (Section 34-2)
- Essential Service Facilities, Group I
[Section 34-622.(c)(13)]
- Non-Store Retailers - Groups I, II and III
[Section 34-622.(c)(30)]
- Storage, Indoor, Open (Section 34-2)
- Warehouse, Mini (Section 34-2)

3. The industrial uses, processing and warehousing and warehousing, private are limited to the existing 30,000 square foot structure.
4. The development is limited to a maximum of 44,000 square feet of building floor area.
5. Buildings on site are limited to a maximum height of three habitable floors, or 45 feet above average grade.
6. The outside storage of heavy equipment is prohibited.
7. Truck traffic on site is limited to daytime hours (from dawn to dusk).
8. Buffers

a. Required Buffers:

A 15-foot-wide buffer is required along the south property line of Lots

1, 2, 3, and 4. Additionally, a 40-foot-wide buffer strip is required along the west property line of Lot 4. The following vegetation is required within the buffer areas:

A 100 percent native vegetative screen is required and must consist of shrubs a minimum of eight feet in height and trees a minimum of 12 feet in height, both as measured above the soil line at the time of planting. Trees must be non-deciduous varieties with an average mature spread of crown greater than 15 feet, and a normal mature height greater than 25 feet. Shrubs must be planted in a double row with center to center spacing staggered to the adjacent row to ensure opacity. Shrubs must be planted so that branches overlap a minimum of six inches with the adjacent shrub in that row. The spacing of trees shall be a minimum of six trees per 100-foot (linear) segments of the buffer. Trees may be planted in clusters within 100-foot (linear) segments of the buffer. Existing native, indigenous vegetation which meets the above specifications may be utilized to meet this requirement. No sod or lawn grasses shall be planted under the shrubs. Soil areas under the shrubs must be mulched equal to the width of the row planting. Cypress mulch shall be prohibited.

Buffers along the north (along Lots 4, 3, 2 and 1) and east (along Lot 3) property lines are required in accordance with the LDC.

b. Timing of Required Buffers:

A buffer will be required along the entire south and west property line (with the exception of the south property line of Lot 5, which has been eliminated from this rezoning request) upon approval of the first Development Order. The development timing of the other required buffers are to be in accordance with the LDC.

9. Lighting of the exterior and parking areas of the planned development uses shall be of the lowest intensity and energy use adequate for its purpose, and shall not create conditions of glare outside the area designated for commercial uses (Section 34-936.g., LDC).
10. No outdoor speakers may be permitted on site.
11. Approval of this rezoning does nothing more than change the zoning district wherein the subject property lies and does not grant or vest in the developer any present or future development rights that may exceed any Lee Plan restrictions.
12. This zoning approval does not indicate that this project's traffic impacts have been mitigated. Additional conditions may be required at the time of issuance of a local Development Order.
13. Deviation (1) is from the required 20-foot-width of a Type "D" buffer (Section 10.414(d), LDC), to allow a width of 15 feet. Deviation (1) is hereby APPROVED with the condition that there be increased plantings along the south property line (see Condition 8).
14. Deviation (2) is from the requirement that a 10-foot utility easement shall be provided on both sides of a local road or accessway (Section 10-710(b), LDC), to allow it to be provided on one side only of Olsen Drive. Deviation (2) is hereby APPROVED with the condition that there is no objection to the request by the affected utility companies.
15. Deviation (3) is from the requirement to provide street stubs adjacent properties (Section 10-295, LDC), to allow no street stubs. Deviation (3) is hereby APPROVED.

16. Deviation (4) is from the requirement that there be a project perimeter setback of 25 feet along property lines where adjoining uses are not compatible with Commercial Planned Development (Section 34-935(b)(2), LDC), to allow the existing perimeter setback along the northerly 3/4 of the easterly lot line of Lot 3. Deviation (4) is hereby APPROVED with the condition that the reduced setback is only for the existing uses.
17. Deviation (5) is from the required intersection separation requirement on a collector road of 330 feet between intersections (Section 10-285, LDC), to allow a separation of 40 feet for the existing driveway separations. Deviation (5) is hereby APPROVED for the existing driveway only.

Site Plan 93-004 is attached hereto and incorporated herein by reference, as a reduced copy of the Master Concept Plan.

The following findings and conclusions were made in conjunction with this approval of CPD zoning:

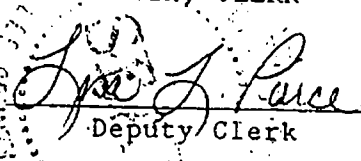
- A. That the predominant uses of the surrounding property, and the fact that the warehouse use is an existing one, makes approval of the CPD, as conditioned, appropriate.
- B. That the amended CPD, as conditioned, will not have an adverse impact on the intent of the Land Development Code.
- C. That the CPD, as conditioned, is consistent with the goals, objectives, policies, and intent of the Lee Plan, and with the densities, intensities, and general uses set forth for the proposed use.
- D. That the CPD, as conditioned, meets or exceeds all performance and locational standards set forth for the proposed use.
- E. That the CPD, as conditioned, will have no impact upon protected and endangered species, nor upon the natural habitat and vegetation of the site, in accordance with the Lee Plan and other Lee County development regulations.
- F. That the CPD, as conditioned, will be compatible with existing or planned uses and will not cause damage, hazard, nuisance, or other detriment to persons or property.
- G. That the CPD, as conditioned, will not place an undue burden upon existing transportation or other services and facilities, and will be served by streets with the capacity to carry traffic generated by the development.
- H. That the industrial uses, as conditioned, although not in compliance with all applicable general zoning provisions and supplemental regulations pertaining to the use, as set forth elsewhere in the Land Development Code, should be permitted because they constitute a long term use on the site.
- I. That the proposed use is appropriate on the subject property and in the vicinity of the subject property.
- J. That the conditions are reasonably related to the impacts expected from or created by the proposed development.
- K. That the conditions and other Lee County development regulations provide sufficient safeguards to the public health, safety and welfare.
- L. That the deviations, as conditioned, enhance the achievement of the objectives of the CPD and preserve and promote the protection of the public health, safety and welfare.

The foregoing Resolution was adopted by the Lee County Board of County Commissioners upon a motion by Commissioner John E. Manning, and seconded by Commissioner Franklin B. Mann and, upon being put to a vote, the result was as follows:

John E. Manning	Aye
Douglas R. St. Cerny	Absent
Ray Judah	Aye
Franklin B. Mann	Aye
John E. Albion	Aye

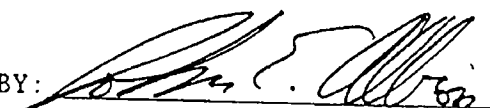
DULY PASSED AND ADOPTED this 31st day of October, A.D., 1994.

ATTEST
CHARLEE GREEN, CLERK

BY: 
Deputy Clerk

BOARD OF COUNTY COMMISSIONERS
OF LEE COUNTY, FLORIDA

BY:

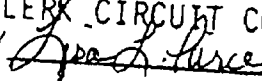

Chairman

Approved as to form by:


County Attorney's Office

FILED

FEB 13 1995

CLERK, CIRCUIT COURT
BY:  D.C.

PROJECT DATA

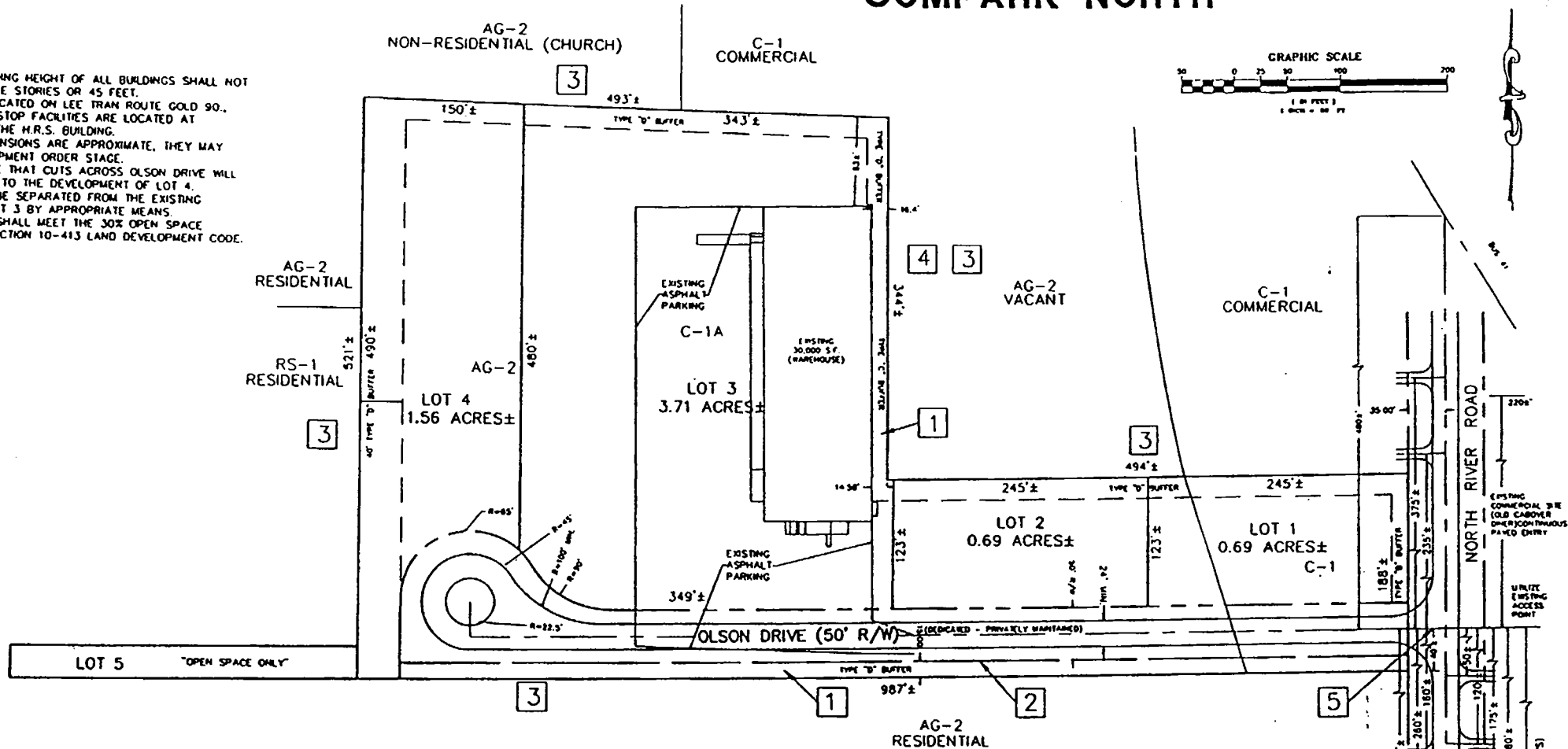
TOTAL ACREAGE - 8.37± AC.
 MAXIMUM FLOOR AREA - 44,000 S.F.
 EXISTING DEVELOPMENT - 30,000 S.F. (EXIST. WAREHOUSE)
 EXISTING ZONING - C-1A, C-1, AG-2
 PROPOSED ZONING - COMMERCIAL PLANNED DEVELOPMENT (CPD)

MASTER CONCEPT PLAN FOR COMPARK NORTH

RECEIVED
 AUG 17 1994
 ZONING COUNTER

NOTES:

1. THE MAXIMUM BUILDING HEIGHT OF ALL BUILDINGS SHALL NOT EXCEED 3 HABITABLE STORIES OR 45 FEET.
2. THE PROJECT IS LOCATED ON LEE TRAN ROUTE GOLD 90. THE CLOSEST BUS STOP FACILITIES ARE LOCATED AT PONDELLA RD. AT THE H.R.S. BUILDING.
3. ALL LOT AREA DIMENSIONS ARE APPROXIMATE. THEY MAY DEVIATE AT DEVELOPMENT ORDER STAGE.
4. THE EXISTING FENCE THAT CUTS ACROSS OLSON DRIVE WILL BE REMOVED PRIOR TO THE DEVELOPMENT OF LOT 4.
5. OLSON DRIVE WILL BE SEPARATED FROM THE EXISTING PARKING LOT ON LOT 3 BY APPROPRIATE MEANS.
6. THE DEVELOPMENT SHALL MEET THE 30% OPEN SPACE REQUIREMENT OF SECTION 10-413 LAND DEVELOPMENT CODE.



SCHEDULE OF USES FOR LOTS 1 AND 2

- Administrative offices (Sec. 34-2)
- Business Services-Groups I and II (Sec. 34-622.(c)(5))
- Corelaker's residence
- Cleaning and maintenance services (Sec. 34-622.(c)(7))
- Entrance gate and gatehouses (Sec. 34-2)
- Essential Services (Sec. 34-2)
- Essential Service Facilities-Group I (Sec. 34-622.(c)(13))
- Non-store retailers-Groups I, II and III (Sec. 34-622.(c)(30))
- Rental or Leasing establishments-Groups I and II (Sec. 34-622.(c)(39))
- Storage, Indoor, (Sec. 34-2)
- Used merchandise store (Sec. 34-622.(c)(54))
- Warehouse, Mini (Sec. 34-2)
- All uses permitted in the CN-2 Zoning Category (Table 34-843, Land Development Code), except Automobile Service Stations, Personal Services - Group IV, and Recreation Commercial - Groups III & IV.

SCHEDULE OF USES FOR LOT 3

- Administrative offices (Sec. 34-2)
- Business Services-Groups I and II (Sec. 34-622.(c)(5))
- Corelaker's residence
- Cleaning and maintenance services (Sec. 34-622.(c)(7))
- Entrance gate and gatehouses (Sec. 34-2)
- Essential Services (Sec. 34-2)
- Essential Service Facilities (Sec. 34-622.(c)(13))
- Non-store retailers-Groups I, II and III (Sec. 34-622.(c)(30))
- Processing and Warehousing (Sec. 34-2)
- Rental or Leasing establishments-Groups I and II (Sec. 34-622.(c)(39))
- Storage, Indoor, Open (Sec. 34-2)
- Used merchandise store (Sec. 34-622.(c)(54))
- Warehousing, Private (Sec. 34-2)
- Warehouse, Mini (Sec. 34-2)

SCHEDULE OF USES FOR LOT 4

- Administrative offices (Sec. 34-2)
- Business Services-Groups I and II (Sec. 34-622.(c)(5))
- Corelaker's residence
- Essential Services (Sec. 34-2)
- Essential Service Facilities Group I (Sec. 34-622.(c)(13))
- Non-store retailers-Groups I, II and III (Sec. 34-622.(c)(30))
- Storage, Indoor, Open (Sec. 34-2)
- Warehouse, Mini (Sec. 34-2)

SCHEDULE OF DEVIATIONS

1. DEVIATION FROM THE 20 FT. WIDTH OF A TYPE D BUFFER (SECTION 10-414 (b) LAND DEVELOPMENT CODE), TO ALLOW A WIDTH OF 15 FT.
2. DEVIATION FROM THE REQUIREMENT THAT A TEN FOOT UTILITY EASEMENT SHALL BE PROVIDED ON BOTH SIDES OF A LOCAL ROAD OR ACCESSWAY (SECTION 10-710 (b) LAND DEVELOPMENT CODE), TO ALLOW IT TO BE PROVIDED ON ONE SIDE ONLY.
3. DEVIATION FROM THE REQUIREMENT TO PROVIDE STREET CURBS TO ADJACENT PROPERTIES (SECTION 10-295 LAND DEVELOPMENT CODE), TO ALLOW NO STREET CURBS.
4. DEVIATION FROM THE REQUIREMENT THAT THERE BE A PROJECT PERIMETER SETBACK OF 25 FEET ALONG PROPERTY LINES WHERE ADJOINING USES ARE NOT COMPATIBLE WITH THE COMMERCIAL PLANNED DEVELOPMENT (SECTION 34-935 (b) (2) LAND DEVELOPMENT CODE) TO ALLOW THE EXISTING PERIMETER SETBACK ALONG THE NORTHERLY 3/4 OF THE EASTERLY LOT LINE OF LOT 3.
5. DEVIATION FROM THE REQUIRED INTERSECTION SEPARATION REQUIREMENT ON A COLLECTOR ROAD OF 300 FT. BETWEEN INTERSECTIONS (SECTION 10-285, Land Development Code) TO ALLOW A SEPARATION OF 402 FT. FOR THE EXISTING DRIVEWAY SEPARATIONS.

APPROVED

Site Plan of 28244 Page 1 of 1
 Subject to conditions in Resolution 233-0044
 Zoning Case # 23-01-04-001-01

REVISED 08/15/94
 DATE: 09/24/93
 9313MCP1.DWG