

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

WHEREAS, Syndicated Capital Financing Services Corporation, Inc., Trustee, in reference to University Place, has properly filed an application for a rezoning from RM-2 to Commercial Planned Development, to permit various commercial office uses with a maximum of 79,200 square feet in two, two-story buildings, not to exceed 35 feet above average grade, on 5 total acres of land; and

WHEREAS, the subject property is located at 8140 Cypress Lake Drive, described more particularly as:

LEGAL DESCRIPTION: In Section 22, Township 45 South, Range 24 East, Lee County, Florida:

A tract or parcel of land situated in the State of Florida, County of Lee, being a part of the Northeast Quarter (NE $\frac{1}{4}$) of Section 22, Township 45 South, Range 24 East and further bounded and described as follows:

STARTING AT the Southwest corner of said Northeast Quarter (NE $\frac{1}{4}$) of Section 22;
THENCE East along the South line of said Northeast Quarter (NE $\frac{1}{4}$) and the centerline of Cypress Lake Drive (100.00 feet wide) for 1,677.50 feet;
THENCE N00°33'45"E for 50.00 feet to the POINT OF BEGINNING of the herein described parcel;
THENCE continue N00°33'45"E for 776.74 feet;
THENCE East for 278.14 feet;
THENCE S00°13'10"W for 776.71 feet;
THENCE West along the Northerly right-of-way line of the aforesaid Cypress Lake Drive for 282.80 feet to the POINT OF BEGINNING.

Said parcel contains 5.00 acres more or less.

Said parcel subject to all easements, rights-of-ways and restrictions of record.

WHEREAS, the applicant has indicated the property's current STRAP number is 22-45-24-00-00001.0180; and

WHEREAS, proper authorization has been given to Peper, Martin, Jensen, Maichel and Hetlage by Lawrence P. O'Reilly, of Syndicated Capital Financial Services Corporation, Inc., as Trustee, the fee simple 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

WHEREAS, the Lee County Hearing Examiner fully reviewed the matter in a public hearing held on October 2, 1990; and

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

WHEREAS, in the legislative process 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 to Commercial Planned Development.

This approval is subject to the following conditions:

1. a. The development of this property shall be in accordance with the one page Master Concept Plan entitled "University Place" prepared by Lee County Engineering, Inc., dated March 5, 1990, revised on August 28, 1990, and stamped received on August 28, 1990, except as modified by the conditions herein.

b. Uses permitted shall be as follows (uses listed below are those described in the Lee County Zoning Ordinance as may be amended from time to time):

Bank & Financial Establishments, Groups I & II
Business Services, Group I
Health Care Facility, Group III
Insurance Companies
Offices, Medical (df)
Religious Facilities
Research and Development Laboratories, Group II only
(excluding bacteriological laboratories)
Social Services, Group I
Signs, as permitted by the Lee County Sign Ordinance
2. Maximum total square footage shall not exceed 79,200 square feet of gross floor area.
3. Prior to the issuance of a Certificate of Completion for this project the 4-laning of Cypress Lake Drive from Summerlin Road to Winkler Road shall be completed.
4. The project access point onto Buccaneer Drive shall be aligned with the new Martinique Condominium entrance to be constructed on Buccaneer Drive, as shown on the Applicant's Master Concept Plan.
5. No access to the 2.5 acre parcel located to the northwest of the project and identified by STRAP No. 22-45-24-00-00001.018B shall be provided through the project.

6. This zoning approval does not indicate that this project's traffic impacts have been mitigated. Additional conditions will be required at the time of issuance of a development order.
7. Prior to the issuance of any development order for the subject project, the Applicant shall furnish to the Department of Community Development satisfactory proof that the approximately 2.5 acre parcel located to the northwest of the proposed project (STRAP No.22-45-24-00-00001.018B) has been conveyed in accord with the existing Contract for Sale between the Applicant and the Southwest Florida Greek Orthodox Church, Inc.

Site Plan 90-101 is attached hereto and incorporated herein by reference, as a reduced copy of the Master Concept Plan.

The following findings of fact were made in conjunction with this approval of Commercial Planned Development zoning:

- A. That the subject property in this rezoning request lies within the Lee Plan Future Land Use designation of "Central Urban", and the rezoning of said lands to the requested CPD zoning district designation is compatible with the Lee Plan in this respect.
- B. That the proposed rezoning to Commercial Planned Development of the subject property is consistent with the Lee Plan and compatible with the zoning and uses of adjacent and vicinity real estate.
- C. That the conditions and other applicable Lee County Ordinances and regulations provide sufficient safeguards to the public interest, and that all of the conditions are reasonably related to the impacts on the public interest created by or expected to arise from the subject Planned Commercial Development.
- D. That the requested rezoning is consistent with the Goals, Objectives, Policies, and intent of the Lee Plan, and is consistent with the densities, intensities, and general uses set forth in the Lee Plan.
- E. That approval of the requested rezoning will not result in any adverse impacts to environmentally critical areas or significant natural resources.
- F. That the location of the proposed development will not place an undue burden on transportation or other public services and facilities, and will be served by roadways with adequate capacity to carry the traffic anticipated to be generated by the uses proposed.

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 Ray Judah and, upon being put to a vote, the result was as follows:

John E. Manning	Aye
Douglas R. St. Cerny	Aye
Ray Judah	Aye
Vicki Lopez-Wolfe	Aye
Donald D. Slisher	Aye

DULY PASSED AND ADOPTED this 26th day of November, A.D., 1990.

ATTEST:
CHARLIE GREEN, CLERK

BY: Clare J. Wauke
Deputy Clerk

BOARD OF COUNTY COMMISSIONERS
OF LEE COUNTY, FLORIDA

BY: [Signature]
Chairman

Approved as to form by:

Andrea M. Lang
County Attorney's Office

FILED
DEC 12 90
CLERK CIRCUIT COURT
BY C. Wauke, D.C.

