

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

WHEREAS, an application was filed by the property owner, Thomas Cronin, Sr., Successor Trustee, to rezone a 7.1-acre parcel from Commercial Tourist (CT) to Industrial Planned Development (IPD), in reference to Jetport Interstate Commerce Park.

WHEREAS, a public hearing was advertised and held on March 3, 2004, before the Lee County Zoning Hearing Examiner, who gave full consideration to the evidence in the record for Case #DCI2003-00092; and

WHEREAS, a second public hearing was advertised and held on April 5, 2004, 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 a 7.1-acre parcel from CT to IPD, to allow for the development of up to 125,000 square feet of gross floor area of light industrial uses with a proposed maximum building height of 65 feet. The property is located in the General Interchange Land Use Category and is legally described in attached Exhibit A. The request is APPROVED, SUBJECT TO the conditions specified in Section B 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 two page Master Concept Plan entitled "Zoning Master Concept Plan for Jetport Interstate Commerce Park," stamped "Received April 5, 2004," except as modified by the conditions below. This development must comply with all requirements of the Lee County 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 Master Concept Plan are subsequently pursued, appropriate approvals will be necessary.

This development is permitted a maximum intensity of 125,000 square feet of total floor area.

2. The following limits apply to the project and uses:

a. Schedule of Uses

ADMINISTRATIVE OFFICES

ANIMALS: Clinic or kennel (LDC § 34-1321 *et seq.*)

Control center (including Humane Society)

ATM (automatic teller machine)

BROADCAST STUDIO, COMMERCIAL RADIO AND TELEVISION (LDC § 34-1441 *et seq.*)

BUSINESS SERVICES (LDC § 34-622(c)(5)): Groups I & II

CLEANING AND MAINTENANCE SERVICES (LDC § 34-622(c)(7))

COLD STORAGE, PRE-COOLING, WAREHOUSE AND PROCESSING PLANT

COMMUNICATION FACILITY, Wireless (LDC § 34-1441 *et seq.*)

COMPUTER AND DATA PROCESSING SERVICES

CONTRACTORS AND BUILDERS (LDC § 34-622(c)(9)), All groups (LDC §§ 34-1352, 34-3001 *et seq.*)

DAY CARE CENTER, CHILD (Lots 14 A and B only)

EMERGENCY OPERATIONS CENTER

EMS, FIRE or SHERIFF'S station

ENTRANCE GATE AND GATEHOUSE (LDC § 34-1741 *et seq.*)

ESSENTIAL SERVICES (LDC §§ 34-1611 *et seq.*, and 34-1741 *et seq.*)

ESSENTIAL SERVICE FACILITIES (LDC § 34-622(c)(13)): Group I (LDC §§ 34-1611 *et seq.*, 34-1741 *et seq.*, and 34-2141 *et seq.*)

EXCAVATION: Water retention (LDC § 34-1651)

GASOLINE DISPENSING SYSTEM, SPECIAL

GOVERNMENT MAINTENANCE FACILITY

HEALTH CLUB or SPA

LAUNDRY OR DRY CLEANING (LDC § 34-622(c)(24)): Group II

MACHINE SHOP

MANUFACTURING of:

Apparel products (LDC § 34-622(c)(1))

Chemical and allied products (LDC § 34-622(c)(6)), Group II (Cosmetics, perfumes, etc.)

Electrical machinery and equipment (LDC § 34-622(c)(11))

Food and kindred products (LDC § 34-622(c)(15)): Group II and III

Furniture and fixtures (LDC § 34-622(c)(18))

Leather products (LDC § 34-622(c)(25)): Group II

Lumber and wood products (LDC § 34-622(c)(26)): Groups II and IV

Machinery (LDC § 34-622(c)(27)), Groups I and II

Measuring, analyzing and controlling instruments (LDC § 34-622(c)(28))

Novelties, jewelry, toys and signs (LDC § 34-622(c)(29)), all groups

Paper and allied products (LDC § 34-622(c)(31)) Groups II and III

Rubber and plastic products (LDC § 34-622(c)(44)): Group II

Stone, clay, glass and concrete products (LDC § 34-622(c)(48)): Groups I and III

Textile mill products (LDC § 34-622(c)(50)), Groups I and II

MESSAGE ANSWERING SERVICE

MOTION PICTURE PRODUCTION STUDIO

NONSTORE RETAILERS (LDC § 34-622(c)(30)), all groups

OXYGEN TENT SERVICES
 PARCEL AND EXPRESS SERVICES
 PARKING LOT:
 Accessory
 Commercial
 Temporary (LDC § 34-2022)
 PERSONAL SERVICES (LDC § 34-622(c)(33)): Group III
 PHOTO FINISHING LABORATORY
 POST OFFICE
 PRINTING AND PUBLISHING (LDC § 34-622(c)(36))
 PROCESSING AND WAREHOUSING
 RECREATIONAL FACILITIES:
 Personal
 Private, On-Site
 RECYCLING FACILITY
 RENTAL OR LEASING ESTABLISHMENT (LDC § 34-622(c)(39)): Groups II, III,
 and IV (LDC § 34-1201 *et seq.*, 34-1352, and 34-3001 *et seq.*)
 REPAIR SHOPS (34-622(c)(40)): Groups I, II, III, IV, V
 RESEARCH AND DEVELOPMENT LABORATORIES
 (LDC § 34-622(c)(41)): Groups II and IV
 RESTAURANTS (LDC § 34-622(c)(43)): Groups I and II
 RETAIL AND WHOLESALE SALES, when clearly incidental and subordinate to a
 permitted principal use on the same premises
 SCHOOLS:
 Commercial (LDC § 34-622(c)(45)) (LDC § 34-2381)
 Noncommercial (LDC § 34-2381)
 SIGNS in accordance with LDC Chapter 30
 SOCIAL SERVICES (LDC § 34-622(c)(46)): Group II
 STORAGE:
 Indoor only, (LDC § 34-3001 *et seq.*)
 Storage, open, (LDC § 34-3001 *et seq.*)
 STUDIOS (LDC § 34-622(c)(49))
 TRANSPORTATION SERVICES (LDC § 34-622(c)(53)):
 Groups II, III, and IV
 WAREHOUSE:
 Mini-warehouse
 Private
 Public
 WHOLESALE ESTABLISHMENTS (LDC § 34-622(c)(56)):
 Groups III and IV

b. Site Development Regulations

The approved Property Development Regulations for this planned development are the regulations for the Light Industrial, IL, zoning district, as may be amended.

Buildings exceeding 35 feet in height must maintain additional building separation as regulated by LDC § 34-2174(a).

3. Development of this site must also be consistent with the conditions and commitments included in the State Development of Regional Impact Development Order for Jetport Interstate Commerce Park (#7-8586-68). Prior to development of any uses within this IPD, Map H, as adopted by the Board in November 2003, must be amended to depict the IPD land use on these lots.
4. 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.
5. Approval of this rezoning does not guarantee local development order approval. Future development order approvals must satisfy the requirements of the Lee 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 Plan provisions.

SECTION C. 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 (subject parcel identified with shading)
- Exhibit C: The Master Concept Plan

The applicant has indicated that the STRAP number for the subject property is: 23-45-25-04-00000.014B, 23-45-25-04-00000.014A, and 23-45-25-04-00000.003A

SECTION D. 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; and,
 - b. is consistent with the densities, intensities and general uses set forth in the Lee Plan; and,
 - c. is compatible with existing or planned uses in the surrounding area; and,
 - 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; and
 - 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 deviations, as conditioned, enhance achievement of the planned development objectives, and preserve and promote the general intent of LDC Chapter 34, to protect the public health, safety and welfare.

The foregoing resolution was adopted by the Lee County Board of Commissioners upon the motion of Commissioner Judah, seconded by Commissioner Janes and, upon being put to a vote, the result was as follows:

Robert P. Janes	Aye
Douglas R. St. Cerny	Aye
Ray Judah	Aye
Andrew W. Coy	Aye
John E. Albion	Aye

DULY PASSED AND ADOPTED this 5th day of April, 2004.

ATTEST:
CHARLIE GREEN, CLERK

BY: Cindy Morrison
Deputy Clerk

BOARD OF COUNTY COMMISSIONERS
OF LEE COUNTY, FLORIDA

BY: John E. Albion
Chairman

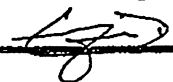
Approved as to form by:

Dawn E. Perry Lehnert
Dawn E. Perry Lehnert
County Attorney's Office



EXHIBIT "A"
LEGAL DESCRIPTION
Property located in Lee County, Florida

LOTS 3A, 14A AND 14B, OF THE "AMENDMENT TWO JETPORT - INTERSTATE
COMMERCE PARK AS RECORDED IN PLAT BOOK 60 PAGE 31-33. OF PUBLIC
RECORDS OF LEE COUNTY, FLORIDA.

Applicant's Legal Checked
by  Jan 08, 2014.

RECEIVED
DEC 09 2003
ZONING

ZONING MAP

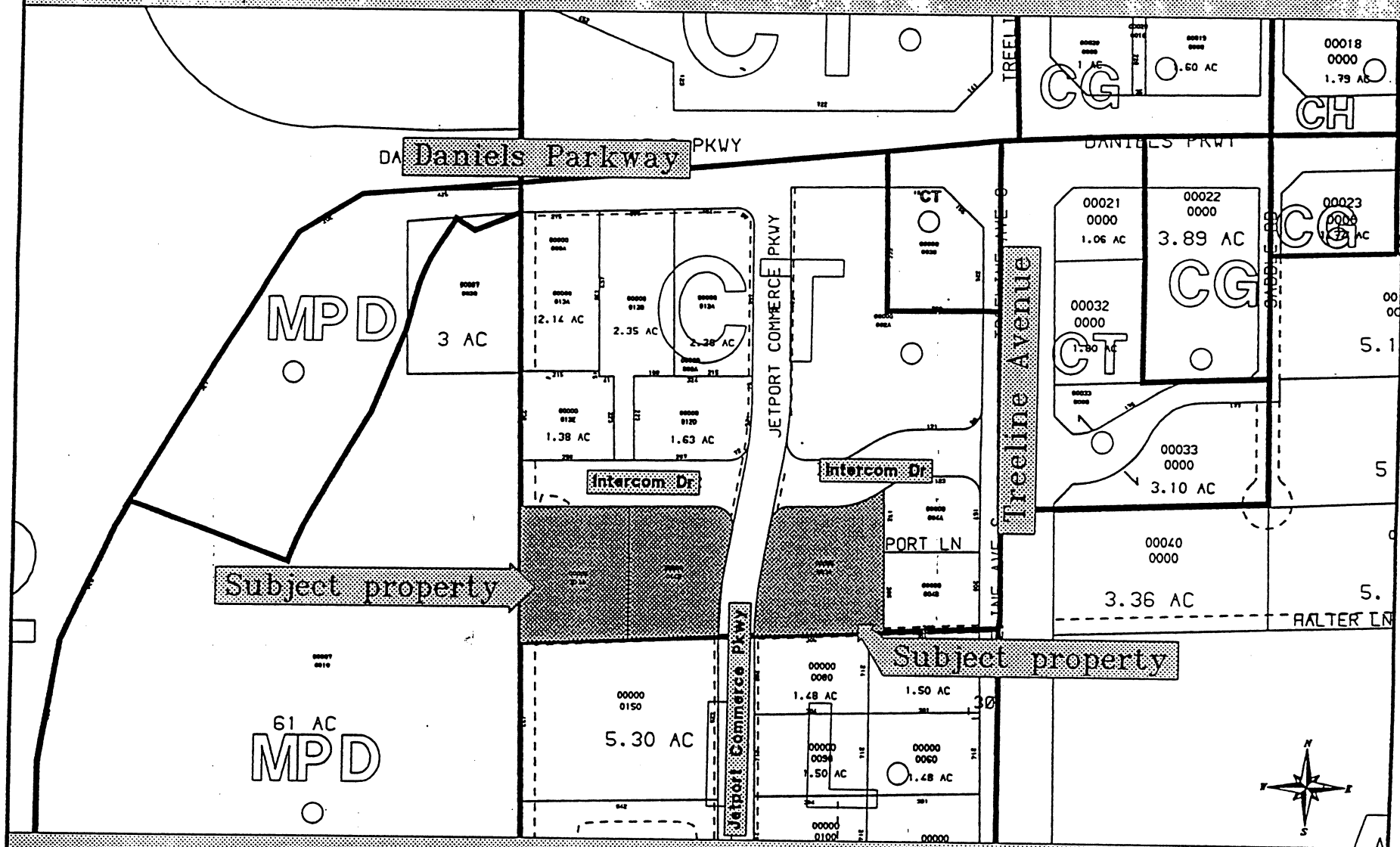
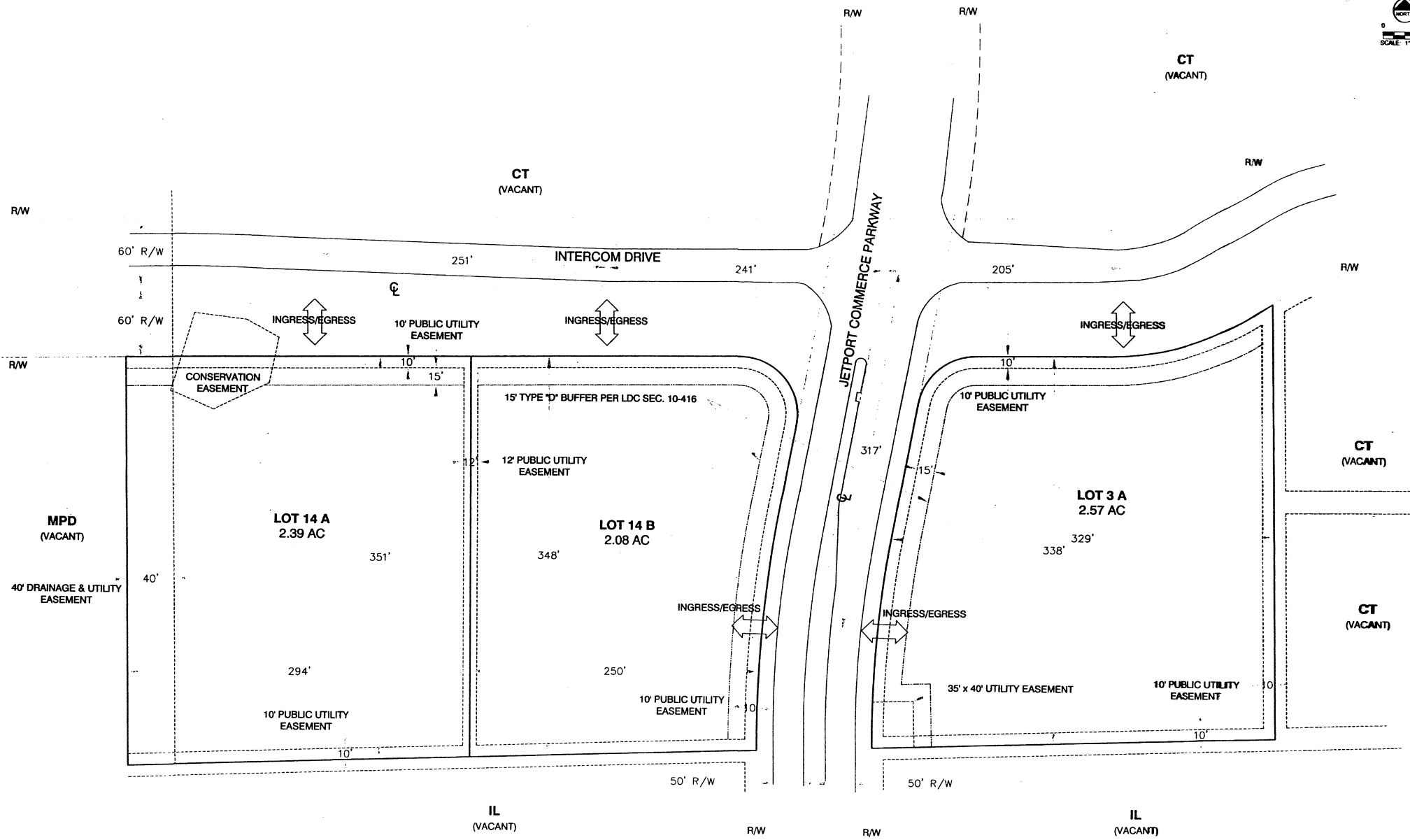


EXHIBIT B



APPROVED
Master Concept Plan
Site Plan - 2-04-01a Page 1 of 2
Subject to conditions of Resolution 2-04-01a
Case # DCI 2003-00092

MORRIS - DEPEW ASSOCIATES, INC.
ENGINEERS - PLANNERS - SURVEYORS & MAPPERS
220 Alameda Avenue, Fort Myers, Florida 33901 (941) 337-3887 (FAX) 337-3848



03074

APPROVED BY DWD	DATE 12/09/03
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ZONING MASTER CONCEPT PLAN - EXHIBIT C PAGE 1 OF 2

JETPORT INTERSTATE COMMERCE PARK
Section 23 T-45-S, R-25-E, Lee County, Florida

