RESOLUTION NUMBER Z-00-032

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

WHEREAS, an application was filed by the property owner, Jes Santaularia, to rezone a 23.2± acre parcel from Agricultural (AG-2) and Industrial Planned Development (IPD) to IPD, in reference to The Storgard IPD Amendment Phase II; and

WHEREAS, a public hearing was advertised and held on May 31, 2000, with written responses due June 9, 2000, June 16, 2000 and June 23, 2000, before the Lee County Zoning Hearing Examiner, who gave full consideration to the evidence in the record for Case # DCI2000-00005; and

WHEREAS, a second public hearing was advertised and held on August 21, 2000, 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 23.2± acres of land from AG-2 and IPD to IPD to allow a maximum of 7,500 square feet of retail space, 4,500 square feet of office use, 150,000 square feet of industrial use, and 26,000 square feet of commercial recreation use, in buildings not to exceed 35 feet in height within a maximum of three stories. The property is located in the Industrial Development Land Use Category and legally described in attached Exhibit A. The request is APPROVED, SUBJECT TO the conditions and deviations 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. The development of this project must be consistent with the two-page Master Concept Plan (MCP) entitled "Storgard IPD Master Concept Plan," stamped received 06/14/00, last revised 06/05/00, 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. The following limits apply to the project and uses:

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Note: All uses listed below are approved uses from Zoning Resolutions Z-95-082, Z-98-032 and Administrative Amendment PD-98-058 for the existing 15±-acre IPD zoned tract, with the exception of the Consumption on Premises (COP) use which is being added as part of the proposed action. The asterisks identify previously approved use locational limitations for this project, as noted below.

a. <u>Schedule of Uses</u>

Accessory Uses and Structures Administrative Offices Animals, Clinic or Kennel ATM Auto Parts Store * Automobile Service Station Banks and Financial Establishments, Group I * Boats:

Boat Parts Store Boat Repair and Services Boat Sales *

Boatyard, with the condition that the use be in compliance with the fencing and screening requirements for Open Storage, LDC § 34-3005(b)(1)

Broadcast Studio, Commercial Radio and TV

Building Material Sales

Business Services, Groups I & II

Caretaker's Residence

Cleaning and Maintenance Services

Cold Storage, Pre-cooling, Warehouse and Processing Plant

Computer and Data Processing Service

Consumption on Premises (in compliance with LDC § 34-1264, et seq.) *

Contractors and Builders, All Groups

Convenience Food and Beverage Store

Drive-Thru Facility for any permitted use

Entrance Gates and Gatehouse

Essential Services

Essential Service Facilities, Group I

Excavation, Water Retention

Factory Outlets

Fences and Walls

Freight and Cargo Handling Establishments

Gift and Souvenir Shop *

Hardware Store *

Household and Office Furnishings, All Groups

Lawn and Garden Supply Stores *

Manufacturing, All Groups

Medical Office

Mini-warehouse

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Mobile Home Dealers Motion Picture Studio Non-store Retailers, All Groups Parcel and Express Services Parking Lot, Accessory, Garage, Temporary Personal Services, Groups I & II Photo finishing Laboratory Printing and Publishing Processing and Warehousing Recreation Commercial Uses, Groups I, III and IV ** Rental or Leasing Establishment, All Groups Repair Shops, All Groups Research and Development Laboratories, Groups II, III & IV -Restaurant, Fast Food * Restaurant, All Groups * Self-Service Fuel Pumps Signs, in accordance with LDC Chapter 30 Social Services, Group II Storage, Indoor and Open--with the condition that the use must be in compliance with the fencing and screening requirements for Open Storage, LDC § 34-3005(b)(1) Transportation Services, All Groups Vehicle and Equipment Dealers, All Groups Warehouse, public and private Wholesale Establishments, All Groups

* Permitted uses only within the "commercial area" noted with asterisks in the Schedule of Uses. Total retail commercial development within this area must not exceed 7,500 square feet. Total Project commercial uses must not exceed 18,000 square feet.

** Recreational uses (Groups I and III only) limited to the indoor and outdoor commercial areas as depicted on the MCP are not required to comply with the provisions of Policy 6.1.2. However, some of the uses in Group IV would be required to comply with that Policy.

Recreational uses (in Groups I, III, and IV) are further limited as set forth below:

A total of 26,000 square feet of development is restricted <u>exclusively</u> to the development of the approved Commercial Recreation uses (Groups I, III and IV only) in the following manner: a maximum of 6,000 square feet of indoor uses and a maximum of 20,000 square feet of outdoor uses. This additional square footage may not be used for, or as part of, any other approved commercial uses/development.

Parking:

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- (1) The parking requirements for the indoor/outdoor commercial skateboarding/in-line skate facility will be calculated based upon one space per100 square feet of the indoor portion.
- (2) The parking requirements for outdoor Commercial Recreation uses not listed in LDC Division 26, "Parking," will be five spaces per 1,000 square feet.
- (3) The parking requirements for other indoor Commercial Recreation uses must be consistent with LDC § 34-2020(4).
- b. Site Development Regulations

The development of this site must be in compliance with the development regulations set forth on the MCP.

- 3. Prior to local development order approval, the landscape plans must include a littoral planting plan for the existing lakes, which will be connected to form one large lake, based on two herbaceous plants per linear foot. Twenty-five percent of the littoral plants must be provided as trees (red maple, cypress or pond apple) with one 10-foot-tall, or two 5-foot-tall, or three 3-foot-tall trees being equivalent to 10 herbaceous plants.
- 4. Buffers:
 - a. The Developer must provide a utility/landscape buffer no less than 15 feet in width along the east property line. This buffer must consist of no less than 30 cold-hearty shrubs (Wax Myrtle, *Myrica cerifera* or equivalent) per 100 linear feet. The shrubs must each be a minimum of 36 inches high at time of installation. Shrub hedge height must be maintained at four feet. Existing vegetation may be used to fulfill this requirement.
 - b. This buffer may be constructed in stages, provided the portion along the east property line of the easternmost out parcel is installed when the Commercial Recreation uses are constructed.
- 5. 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.
- 6. If the County accepts the dedication and maintenance of the access road shown on the MCP, only the areas shown as access road right-of-way deemed by the County to be necessary to the function of the access road will be eligible for credits.
- 7. Approval of this rezoning does not guarantee local development order approval, or vest present or future development rights for Lee Plan consistency. Development order approvals must satisfy the requirements of the Lee Plan Planning Communities Map and

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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.

- 8. 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 or subsequent amendments thereto.
- 9. The conditions contained herein incorporate all conditions from Z-95-082, Z-98-032, and AA PD-98-058. The previous actions are hereby superseded.

SECTION C. DEVIATIONS:

- 1. Deviation (1) was withdrawn by the Applicant.
- 2. Deviation (2) seeks relief from the LDC §10-418(a)(1), requirement to provide a sinuous water retention shoreline configuration for the existing lake, to eliminate this requirement. This deviation is APPROVED, SUBJECT TO compliance with Condition 3.

SECTION D. EXHIBITS:

The following exhibits are attached to this resolution and incorporated by reference:

- Exhibit A: The legal description and STRAP number of the property.
- Exhibit B: Zoning Map (subject parcel identified with shading)
- Exhibit C: The Master Concept Plan

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; 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,

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- 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 deviation, 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 Manning, seconded by Commissioner Judah and, upon being put to a vote, the result was as follows:

> John E. Manning Douglas R. St. Cerny Ray Judah Andrew W. Coy John E. Albion

Aye Aye Aye Aye Absent

DULY PASSED AND ADOPTED this 21st day of August, 2000.

ATTEST: CHARLIE GREEN, CLERK C 2000 MINUTES OFFICE

BOARD OF COUNTY COMMISSIONERS OF LEE COUNTY, FLORIDA

BY: Chairman

Approved as to form by:

County Attorney's Office

EXHIBIT "A"

LEGAL DESCRIPTION



20005 No St : 71 81 net eu Tewb. 2892 X2 no 2861/2861/XXE1/2800/ :2

i.

DESCRIPTION OF A PARCEL OF LAND LYING IN SECTION 8, TOWNSHIP 46 SOUTH. RANGE 24 EAST
OF A PARCEL OF LAND LYING IN SECTION 8, TOWNSHIP 46 SOUTH, RANGE 24 EAST
LYING IN SECTION 8, TOWNSHIP 46 SOUTH, RANGE 24 EAST
LEE COUNTY, FLORIDA
(STORGARD IPD)
SOUTH RIGHT-OF-WAY LINE FOR 325.25 FEET TO A POINT OF CURVATURE; THENCE
NORTHEASTERLY ALONG THE ARC OF THE CURVE CONCAVE TO THE NORTHWEST
(RADIUS - 2979.79 FEET, INTERIOR ANGLE - 9'58'53", CHORD BEARING AND
DISTANCE - N.84°58°54°E., 518.45 FEET) FOR 519.10 FEET TO A-NON-TANGENT
POINT OF CURVATURE ON THE WEST RIGHT-OF-WAY LINE OF A ROAD CUL-DE-SAC
HAVING A RADIUS OF 60.00 FEET; THENCE SOUTHEASTERLY LEAVING AFORESAID
SOUTH RIGHT-OF-WAY LINE ALONG THE WEST RIGHT-OF-WAY LINE OF ROAD CUL-DE- SAC AND ALONG THE ARC OF THE CURVE CONCAVE TO THE NORTHEAST (RADIUS -
60.00 FEET, INTERIOR ANGLE - 55°21'05", CHORD BEARING AND DISTANCE -
S.22'50'33"E., 55.74 FEET) FOR 57.96 FEET TO A POINT OF REVERSE CURVATURE;
THENCE SOUTHEASTERLY ALONG THE ARC OF THE CURVE CONCAVE TO THE
SOUTHWEST (RADIUS = 24.63 FEET, INTERIOR ANGLE = 49"47"45", CHORD
BEARING AND DISTANCE - S.25'37'09"E. 20.74 FEET) FOR 21.41 FEET TO A NON-
TANGENT LINE; THENCE S.89°58'20"W. LEAVING AFORESAID WEST RIGHT-OF-WAY LINE FOR 872.00 FEET TO A POINT 897.0 FEET EAST OF AFORESAID CENTERLINE OF
PINE RIDGE ROAD AS OCCUPIED; THENCE N.O. 43'20" W. PARALLEL TO THE SAID
CENTERLINE FOR 24.98 FEET TO THE POINT OF BEGINNING. CONTAINING 0.68 ACRES,
MORE OR LESS.
SUBJECT TO ROADWAY EASEMENTS AS PER UNRECORDED PLAT OF PINE RIDGE
RANCHETTES NO. 1. AS RECORDED IN OFFICIAL RECORDS BOOK 1378, PAGE
2335 OF THE PUBLIC RECORDS OF LEE COUNTY, FLORIDA.
SAID PARCEL "A" ALSO KNOWN AS LOTS 4 THROUH 12, PINE RIDGE RANCHETTES NO. 1. AS
RECORDED IN OFFICIAL RECORDS BOOK 1378, PAGE 2335 LEE COUNTY PUBLIC RECORDS.
SUBJECT TO FACTS THAT MAY BE REVEALED BY AN ACCURATE BOUNDARY SURVEY.
SUBJECT TO EASEMENTS, RESTRICTIONS, RIGHTS-OF-WAY AND RESERVATIONS OF RECORD.
BANKS ENGINEERING, INC.
TAN \$ 1-1972000
THOMAS R. LEHNERT, JR. Anplicant's Logal Checked
PROFESSIONAL SURVEYOR & MAPPER
FLORIDA CERTIFICATION NO. 5541
SHEET 2 OF 3
DCI2000-00005

S: /JOBS/13xx/13265/1365_200_5K_desc.dwg Wed Jan 19 08:40:20 2000



EXHIBIT B

The applicant has indicated that the STRAP numbers for the subject property are:

08-46-24-00-00001.0350, 08-46-24-00-00001.0280, 08-46-24-00-00001.0400, 08-46-24-00-00001.0270, 08-46-24-00-00001.0290, 08-46-24-00-00001.0300, 08-46-24-00-00001.0320, 08-46-24-00-00001.0340, 08-46-24-00-00000.00CE, 08-46-24-00-00000.00CA, and 08-46-24-00-00001.001F

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