

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

WHEREAS, an application was filed by the property owner, Khosrow Moaveni, to rezone a 12.61±-acre parcel from Light Industrial (IL) and Agricultural (AG-2) to Industrial Planned Development (IPD) in reference to a project known as Fed-Ex Commerce Park; and,

WHEREAS, a public hearing was advertised and held on February 8, 2006, before the Lee County Zoning Hearing Examiner Richard A. Gescheidt, who gave full consideration to the evidence in the record for Case DCI2005-00013; and,

WHEREAS, a second public hearing was advertised and held on April 17, 2006, 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 12.61±acre parcel from IL and AG-2 to IPD to allow the expansion of the existing Fed-Ex facility and the development of a light industrial/commerce park. The property is located in the Intensive Development and Central Urban Future Land Use Categories and is 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. Development must be consistent with the one-page Master Concept Plan (MCP), entitled "Fed-Ex Commerce Park," date stamped received on May 2, 2006, dated April 27, 2006, attached as Exhibit B, except as modified by the conditions below. If changes to the MCP are subsequently pursued, appropriate approvals will be necessary.

The maximum intensity of use permitted in this Planned Development is for 140,000 square feet of building area.

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

- a. Schedule of Uses
 Accessory Uses and Structures
 Administrative Offices
 Broadcast studio, Commercial Radio and Television (Lots 5-13 only)
 Business Services: Groups I and II
 Cleaning and Maintenance Services
 Cold storage, Pre-cooling, Warehouse and Processing Plant (Lots 5-13 only)
 Computer and Data Processing Services
 Contractors and Builders, All Groups (Lots 5-13 only)
 Essential Services
 Essential Service Facilities: Group I
 Laundry or Dry Cleaning: Group II
 Manufacturing of: (Lots 5-13 only)
 Machinery, Groups I, II & IV
 Measuring, Analyzing and Controlling Instruments
 Novelties, Jewelry, Toys and Signs, All Groups
 Stone, Clay, Glass and Concrete Products: Group I
 Nonstore Retailers, All Groups
 Parcel and Express Services
 Parking Lot: Accessory
 Personal Services: Group III
 Photo Finishing Laboratory (Lots 5-13 only)
 Post Office
 Printing and Publishing (Lots 5-13 only)
 Processing and Warehousing
 Religious Facilities
 Rental or Leasing Establishment: Groups II, III, and IV
 Repair Shops: Groups I, II, III, (Lots 5-13 only)
 Schools: Commercial
 Signs (in accordance with chapter 30)
 Social Services: Groups I, II, III, and IV
 Storage: Indoor only
 Vehicle and Equipment Dealers: Groups III, IV, and V
 Warehouse: Mini-warehouse
 Private
 Public
 Wholesale Establishments: Group III

b. Site Development Regulations

Minimum Lot Area and Dimensions:

Lot 1 Area	17,000 square feet
Area - All other Lots	20,000 square feet
Width	100 feet
Depth	200 feet

Minimum Building Setbacks:

Public Street	25 feet
Private Street	20 feet
Side	20 feet
Rear	25 feet
Water Body	25 feet

Maximum Height	35 feet
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Maximum Lot Coverage	40 percent
Minimum Open Space	2.52 acres

3. Accessory uses must be located on the same tract, parcel, or outparcel where a principal use is located. Accessory uses must be included and subordinate to the principal use of the property.
4. DELETED.
5. DELETED.
6. Concurrency:
 - a. 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.
 - b. The developer must comply with Lee County concurrency requirements (all conditions required by the Lee Plan and the LDC) in order to obtain a development order.
7. 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), and 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 Lee Plan provisions.
8. Development must comply with 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.
9. The indigenous open space areas, as designated in the MCP, will not be incorporated into individual lots, when the subject site is platted and subdivided. Those areas will become part of the common areas of the property owner's association.

10. A 35-foot wide Type "E" buffer (as defined in the Lee County LDC) and an 8-foot high masonry wall (constructed north of the preserve area) must be provided along the far southern property line of the subject site (designated as 691.97 feet on the MCP). The masonry wall must be constructed outside of the designated preserve area (north side of the designated preserve area). Said buffer will not apply to the southern boundary of the current Fed-Ex parcel.
11. The hours of operation are limited to 6:00 a.m. to 7:00 p.m. on Lots 1-4 until such time as the property to the south is rezoned to a commercial or industrial designation.

SECTION C. DEVIATIONS:

1. Deviation 1 - WITHDRAWN BY APPLICANT.
2. Deviation (2) seeks relief from LDC §34-2192, which requires a setback of 20 feet from a private local road, so as to allow a street setback of 19 feet for an existing portion of the Fed-Ex building. This DEVIATION IS APPROVED.

SECTION D. EXHIBITS AND STRAP NUMBER:

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

Exhibit A: Legal description
Exhibit B: Master Concept Plan date stamped Received May 2, 2006, dated April 27, 2006
Exhibit C: Zoning Map (subject parcel identified with shading)

The applicant has indicated that the STRAP number for the subject property is:
18-45-25-00-00003.5180

SECTION E. FINDINGS AND CONCLUSIONS:

1. The applicant has proven entitlement to the rezoning to IPD by demonstrating compliance with the Lee Plan, the LDC, and other applicable codes or regulations.
2. The IPD rezoning, as approved:
 - a. meets or exceeds the 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 IPD 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, will be available and adequate to serve the proposed land use.
- 5. The approved deviation, as conditioned, enhances achievement of the planned development objectives, and preserves and promotes the general intent of LDC Chapter 34, to protect the public health, safety and welfare.

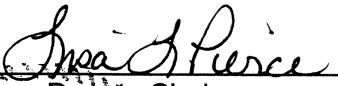
The foregoing resolution was adopted by the Lee County Board of Commissioners upon the motion of Commissioner Judah, seconded by Commissioner St. Cerny, and, upon being put to a vote, the result was as follows:

Robert P. Janes	Aye
Douglas R. St. Cerny	Aye
Ray Judah	Aye
Tammara Hall	Absent
John E. Albion	Aye

DULY PASSED AND ADOPTED this 17th day of April 2006.

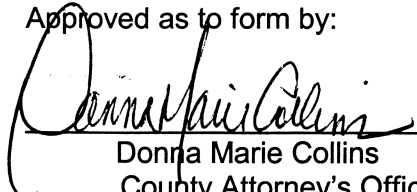
ATTEST:
CHARLIE GREEN, CLERK

BOARD OF COUNTY COMMISSIONERS
OF LEE COUNTY, FLORIDA

BY: 
Deputy Clerk

BY: 
Tammara Hall, Chairwoman

Approved as to form by:


Donna Marie Collins
County Attorney's Office

Description:

A tract or parcel of land situated in the State of Florida, County of Lee, lying in Section 18, Township 45 South, Range 25 East, being Lot 1, Metro Partners Subdivision, Plat Book 39, Pages 47 and 48 and being a part of the parcel as described in Official Records Book 3109, Page 1710, and all of the parcel as described in Official Records Book 3635, Page 4794, Lee County Public Records and being more particularly described as follows:

Commencing at the South 1/4 corner of said Section 18, thence North 01°58'12" West along the East line of the Southwest one quarter of said Section 18 and the centerline of Plantation Road a distance of 2651.64 feet to the center of said Section 18; thence South 88°50'25" West along the South line of the Northwest one quarter of said Section 18 a distance of 50.00 feet to a point on the the West Right Of Way of Said Plantation Road being the Southeast corner of a parcel described in Official Records Book 3109, Page 1710, Lee County Public Records; thence continue South 88°50'25" West along said South quarter section line and the South line of said parcel a distance of 754.92 feet to the Point Of Beginning; thence continue South 88°50'25" West along said South quarter section line and the South line of said parcel a distance of 691.97 feet to a point on the East line of Metro Partners Subdivision, Plat Book 39, Pages 47 and 48; thence North 00°45'10" West along the East line of said Metro Partners Subdivision a distance of 160.43 feet to the Southeast corner of Lot 1 of said Metro Partners Subdivision; thence South 89°05'35" West along the South line of said Lot 1 a distance of 436.43 feet to the Southwest corner of said Lot 1; thence North 00°44'44" West a distance of 260.00 feet to the Northwest corner of said Lot 1; thence North 89°05'35" East along the North line of said Lot 1 a distance of 436.40 feet to the Northeast corner of said Lot 1; thence North 00°45'10" West along the east line WWGS Subdivision, Plat Book 47, Pages 79 and 80 a distance of 208.59 feet to the Northwest corner of said parcel as described in Official Records Book 3109, Page 1710, Lee County Public Records; thence North 88°50'25" East along the North line of said parcel a distance of 691.97 feet; thence South 00°45'10" East a distance of 629.02 feet to the Point Of Beginning. Said parcel containing 548,718 square feet or 12.597 acres more or less.

Applicant's Legal Checked

SKETCH ON SHEET 2

by Lgin June 7, 2005.**Notes:**

1. Unless it bears the signature and the original raised seal of a Florida Licensed Surveyor and Mapper, this sketch/description is for informational purposes only and is not valid.
2. No title opinion or abstract to the subject property has been provided. It is possible that there are Deeds, Easements or other instruments (recorded or unrecorded) which may affect the subject property. No search of the Public Records has been made by the surveyor.
3. The land description shown hereon was prepared by the surveyor.
4. Data shown hereon does not constitute a Survey.
5. Abbreviated Legend: AE=Access Easement; BM=Benchmark; BRG=Bearing; C=Calculated; C=Centerline; CMP=Corrugated Metal Pipe; CONC=Concrete; DB=Deed Book; DE=Drainage Easement; DME= Drainage Maintenance Easement; Δ =Delta Angle; EL=Elevation; F=Field; FND=Found; FF=Finished Floor; FH=Fire Hydrant; FPL=Florida Power & Light; L=Arc Length; LAE=Limited Access Easement; LME=Lake Maintenance Easement; M=Measured; NO=Number; ORB=Official Records Book; P=Plat; PB=Plat Book; PC=Point Of Curvature; PCC=Point Of Compound Curvature; PI=Point Of Intersection; PLS=Professional Land Surveyor; POB= Point Of Beginning; POC=Point Of Commencement; PRC=Point Of Reverse Curvature; PT=Point Of Tangency; R=Record; ROW=Right Of Way; TWP=Township; TYP=Typical; UE= Utility Easement;

Certification:

I hereby certify that the attached sketch and description of the hereon described property is true and correct to the best of my knowledge and belief as prepared under my direction on May 18, 2005 at 8:00 am. I further certify that this sketch and description meets the minimum technical standards set forth in chapter 61G17-6.002 Florida Administrative Code, pursuant to section 472.027, Florida Statutes.



Date: 05/18/2005

Charles E. Tolton, P.S.M.

Florida Registration No. 4582

Charles Tolton & Associates, Inc.

L.B. No. 5862

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MAY 23 2005

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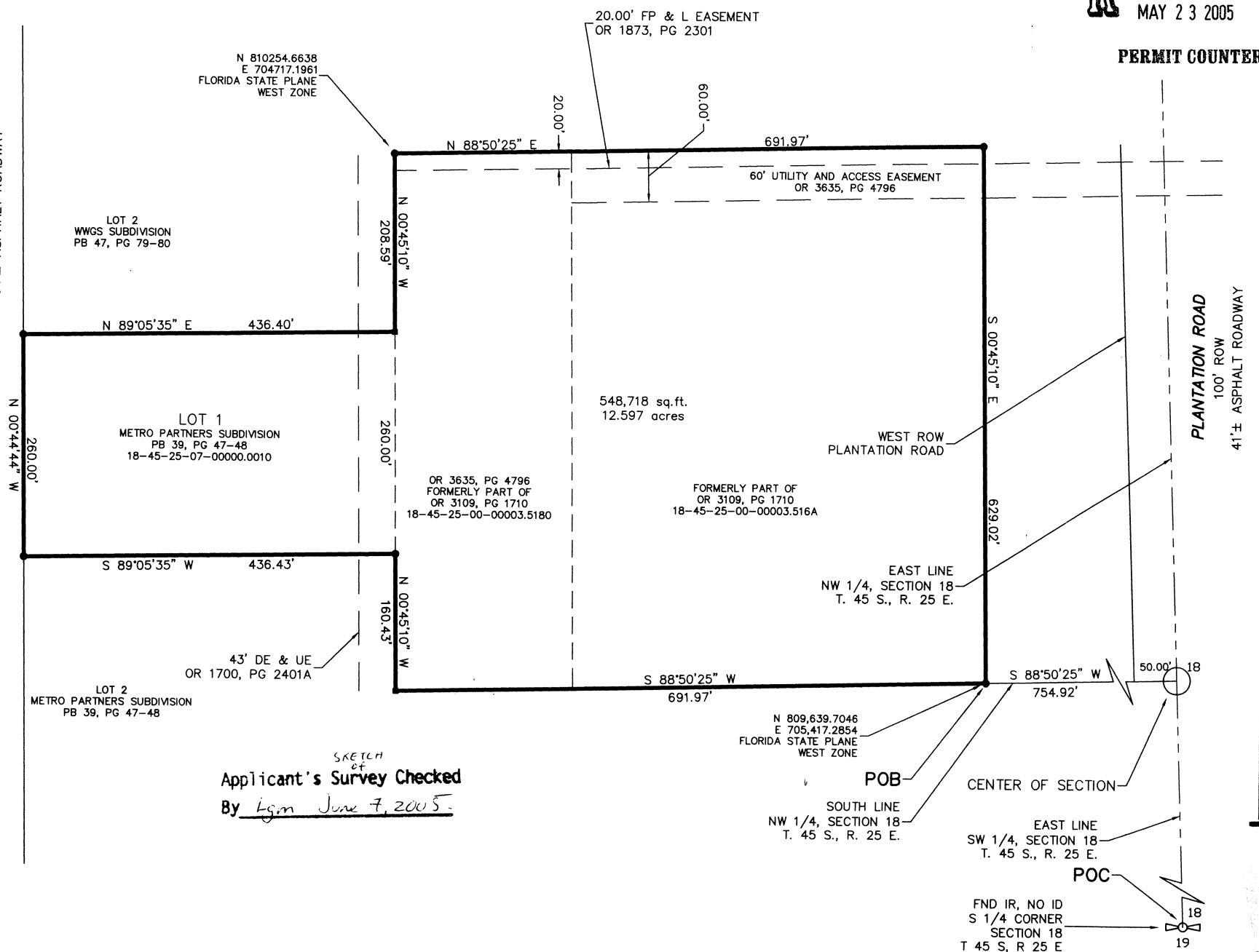
PERMIT COUNTER

DATE	REVISIONS	SKETCH AND DESCRIPTION		DATE:
		A PARCEL OF LAND LYING IN SECTION 18, TOWNSHIP 45 SOUTH, RANGE 25 EAST, LEE COUNTY, FLORIDA		05/18/05
		CTA	CHARLES TOLTON & ASSOC., INC. ENGINEERS, SURVEYORS AND MAPPERS 2887 TAMiami TRAIL EAST, SUITE 5 NAPLES, FLORIDA 34112 (239)793-6633 FAX (239)793-3905 EMAIL: cta_inc@earthlink.net	SCALE: NTS
				SHEET 1 OF 2
				5009LEGAL.dwg
				JOB NO.:
				CTA05009

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MAY 23 2005

PERMIT COUNTER

METRO PARKWAY
125' ROW
64'± ASPHALT ROADWAY

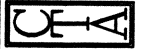


SKETCH
of
Applicant's Survey Checked
By Lgm June 7, 2005

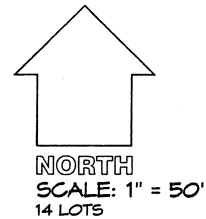
SKETCH AND DESCRIPTION
A PARCEL OF LAND LYING IN
SECTION 18, TOWNSHIP 45 SOUTH,
RANGE 25 EAST, LEE COUNTY, FLORIDA

REVISIONS	DATE	DWN.	CHK.

CHARLES TOLTON & ASSOCIATES, INC.
ENGINEERING
LAND SURVEYING
2887 TAMMIE TRAIL EAST, SUITE 6
NAPLES, FLORIDA 34112
(239)783-8633 FAX (239)783-8606
EMAIL: cta_inc@earthlink.net



SCALE: 1" = 120'	DATE: 05/17/05	DWN. BY: E.J.	CHK. BY: C.E.T.	DWG. No. 500LEGAL.dwg	F.B. PG.	JOB NO.: CTA05009
SHEET: 2 OF 2						



LEGEND:

 OPEN SPACE

 INDEGENOUS OPEN SPACE

DEVIATION #2 - SEE RESOLUTION FOR DEVIATION

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ZONING INTAKE MAP

EXHIBIT C

1/23/2006



450 225 0 450 Feet