Alico Airpark Center

1809

Development Type - DCI

Status - Approved

Gateway/Airport Planning Community

Project Approvals

Category/	Acres	<u>Units</u>	Square Feet
Sub Category	Totals/Sub Category	Totals/Sub Category	Totals/Sub Category
All	240.96		
Total Development	240.96		
Commercial	0.00		240,000
Commercial Retail (of commercial only 50,000sf will be free standing retail)	0.00		240,000
Industrial	0.00		960,000
Total Industrial (may convert commercial of to industrial - max total of is	0.00		960,000
Project Total	240.96		1,200,000

Project Hearings

 Resolution #
 Case Number
 Hearing Date
 Approved

 Z-04-025
 DCI2003-00033
 5/3/04
 Yes
 Original request was denied (from AG-2 to IPD); Approved request from AG-2 to MPD

 Go To E-Connect
 Click For Resolution
 Click For Resolution

DCI2003-00033

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

WHEREAS, Paul Scoggins, filed an application on behalf of the property owner, Haul Ventures, LLC, to rezone a 240.96± acre parcel from Agriculture (AG-2) to Industrial Planned Development (IPD) in reference to Alico Airpark Center; and

WHEREAS, a public hearing was advertised and held on March 24, 2004, before the Lee County Zoning Hearing Examiner, who gave full consideration to the evidence in the record for Case #DCl2003-00033; and

WHEREAS, a second public hearing was advertised and held on May 3, 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 240.96± acre parcel from AG-2 to IPD, to allow 1,200,000 square feet of industrial uses; 240,000 square feet of ancillary retail uses of which 50,000 square feet will be stand alone retail uses, not to exceed 45 feet in height (2 habitable floors). The property is located in the Airport commerce/Wetlands Land Use Category and is legally described in attached Exhibit A. The request to rezone AG-2 to IPD is DENIED. The request to AG-2 to Mixed Use Planned Development (MPD) 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 one-page Master Concept Plan entitled "Master Concept Plan, ALICO AIRPARK CENTER, Lee County, Florida," dated 03-13-2003, last revised 04-21-2004, and stamped "Received Apr 21 2004, Community Development," 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.

COPY

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

a. Schedule of Uses

1. <u>LOTS 1 - 115</u>:

ADMINISTRATIVE OFFICES ACCESSORY USES AND STRUCTURE AGRICULTURAL SERVICES: Office/base operation ANIMALS, CLINIC, KENNEL OR CONTROL CENTER, all runs on lots abutting Alico Road or Airport Haul Road, must be within a fully enclosed building ATM (AUTOMATIC TELLER MACHINE) AUTOMOBILE REPAIR AND SERVICE; Groups I and II. excluding lots abutting Alico Road or Airport Haul Road for Group II uses BOATS: boat repair and service BROADCAST STUDIO, COMMERCIAL RADIO AND TELEVISION **BUILDING MATERIAL SALES** BUSINESS SERVICES, GROUP I and II CLEANING AND MAINTENANCE SERVICES COLD STORAGE, WAREHOUSE AND PROCESSING PLANT, including precooling COMPUTER AND DATA PROCESSING SERVICES CONTRACTORS AND BUILDERS: Groups I, II, and III DRIVE-THROUGH FACILITY FOR ANY PERMITTED USE EMERGENCY MEDICAL SERVICE (EMS), FIRE OR SHERIFF'S STATION **EMERGENCY OPERATIONS CENTER** ENTRANCE GATES AND GATEHOUSE **ESSENTIAL SERVICES** ESSENTIAL SERVICE FACILITIES: Groups I and II EXCAVATION, water retention, oil and gas FACTORY OUTLETS (point of manufacture only) FENCES. WALLS FREIGHT AND CARGO HANDLING ESTABLISHMENTS GASOLINE DISPENSING SYSTEM, SPECIAL HELIPORT OR HELISTOP (See Condition #II.A.9., below) LAUNDRY OR DRY CLEANING, Group II MANUFACTURING, REPAIR OR WHOLESALE SALES OF: APPAREL **BOATS** CHEMICAL AND ALLIED PRODUCTS: Group II, limited to

similar chemical products

(1) ELECTRICAL MACHINERY AND EQUIPMENT

(1) FABRICATED METAL PRODUCTS, Group II FOOD AND KINDRED PRODUCTS, Group III

(1) FURNITURE AND FIXTURES

CASE NO: DCI2003-00033

cosmetics, perfumes, drugs, soaps, detergents, and

LEATHER PRODUCTS, Group II

(1) LUMBER AND WOOD PRODUCTS: Groups II and IV

(1) MACHINERY, Groups I and II

RUBBER AND PLASTIC PRODUCTS: Group II

(1) STONE, CLAY, GLASS AND CONCRETE PRODUCTS: Groups I, II, and III

TEXTILE MILL PRODUCTS, Groups I and II

(1) TRANSPORTATION EQUIPMENT Group II

MOBILE HOME DEALERS

MOTION PICTURE PRODUCTION STUDIOS

NON-STORE RETAILERS, Groups I, II and III

PARCEL AND EXPRESS SERVICE

PARKING LOTS, accessory, public garage, and temporary

PHOTO FINISHING LABORATORIES

POST OFFICE

PRINTING AND PUBLISHING SERVICES

PROCESSING AND WAREHOUSING

RECREATIONAL FACILITIES: Personal

REPAIR SHOPS, Groups I, II, III (1), and IV(1)

RESEARCH AND DEVELOPMENT LABORATORIES, Groups I, II, and IV

RETAIL AND WHOLESALE SALES, WHEN CLEARLY INCIDENTAL

AND SUBORDINATE TO A PERMITTED PRINCIPAL USE ON

THE SAME PREMISES

SCHOOLS, COMMERCIAL

SIGNS, IN ACCORDANCE WITH CHAPTER 30

SOCIAL SERVICES, Group II

STORAGE, INDOOR, per §34-3001 et seq.

STORAGE, OPEN, per §34-3001 et seq.

TRANSPORTATION SERVICES, Groups III and IV

TRUCKING TERMINAL

VEHICLE AND EQUIPMENT DEALERS: Groups III, IV and V

WAREHOUSE, Mini-warehouse, private and public

WHOLESALE ESTABLISHMENTS, Groups I, III and IV (1)

NOTE: (1) All operations on lots abutting Alico Road or Airport Haul Road must be conducted within a fully enclosed building.

2. Commercial uses permitted only on lots 1-9:

AUTOMOBILE SERVICE STATION

CAR WASH

CASE NO: DCI2003-00033

CONSUMPTION ON PREMISES, in accordance with §34-1264 et. seq.

of the LDC, in conjunction with a restaurant

CONVENIENCE FOOD AND BEVERAGE STORE, limited to one

FINANCIAL INSTITUTION

FOOD STORES: Group I

HARDWARE STORE

RESTAURANTS, Groups I and II SELF-SERVICE FUEL PUMPS, limited to a maximum of eight (8) pumps

b. Site Development Regulations

Minimum Lot Area and Dimensions:

Area:

20,000 square feet

Width:

100 feet

Depth:

100 feet

Minimum Setbacks:

Street:

In accordance with §34-2192(a)

Side:

10 feet

Rear:

20 feet

Water Body:

25 feet

Maximum Building Height:

All uses limited to a maximum height of 45 feet, with not more than three (3) habitable floors.

Minimum Building Separation:

One-half the sum of the heights of both buildings, or 20 feet, whichever is greater.

Maximum Lot Coverage:

60 percent

3. Development parameter:

CASE NO: DCI2003-00033

- a. A maximum of 1,200,000 square feet of industrial/commercial uses will be permitted on 240.96± acres of land, of which a maximum of 240,000 square feet will be commercial uses, of which a maximum of 50,000 square feet of the commercial uses will be stand alone retail commercial uses located on Lots 1-9; and
- b. The developer must provide a cumulative land development summary table indicating the square footage and acreage of commercial, and industrial uses to ensure DRI compliance with the above. A cumulative land development summary table must be included on development order submittal documents; and
- c. Under no circumstances will the land use totals exceed the applicable mixed use DRI thresholds as outlined in Chapter 380, F.S., and Rule 9J-2, F.A.C., as each may be amended.

- 4. Environmental Conditions: Prior to the issuance of a Vegetation Removal Permit, the wetland areas must be surveyed specifically for Lee County listed wading bird species nests. If an active nest is located, then appropriate buffer areas must be provided until the nest is no longer active.
- 5. The ability to blast is not guaranteed. If blasting is approved, it is limited to the excavation of material for on-site use only (water retention and water management), subject to being performed in accordance with all applicable Lee County ordinances in effect at the time the activity is sought to be commenced. Construction materials mining as defined under §552.30, Florida Statutes, is prohibited. Applicant must notify Port Authority Planning Department at least 48 hours before any blasting occurs on the subject property.
- 6. Traffic Condition: At the time of local development order approval, any portion of Airport Haul Road needed to access the internal roadways must be constructed or improved to the LDC standards for a Category "A" road, in accordance with §10-296, Table 4, Minimum Specification for Street Improvements.
- 7. Buildings exceeding 35 feet in height must maintain additional building setbacks as regulated by §34-2174(a).
- 8. The development must comply with §34-1008 for tall structures, including permanent buildings, antenna, towers, and temporary construction cranes.
- 9. The location and development of heliports or helistops must be coordinated and approved by the Florida Department of Transportation Aviation Office and the Lee County Port Authority.
- 10. An enhanced 15-foot-wide right-of-way buffer will be required adjacent to Airport Haul Road and Alico Road consisting of a three foot high berm (3:I slope) with a flat planting area on top, and buffer Type "F" plantings. Required plantings must be located on the top of the berm or near the top of the berm on the Airport Haul Road and Alico Road side of the berm. Also, no use or other easement(s) can overlap into the 15-foot-wide easement and the entire width of the easement must be used for the required plantings.
- 11. All buildings or structures located on Lots 1-9, either industrial or commercial, must be in compliance with Chapter 10, Article IV, Design Standards and Guidelines for Commercial Buildings and Development, of the LDC.
- 12. Agriculture is not a permitted use within this Planned Development.
- 13. The cul-de-sacs, at the end of each roadway, must be in compliance with §10-296(k)(I) of the LDC to ensure that San Carlos Park Fire Protection and Rescue Service District vehicles can maneuver the circular turnarounds.
- 14. 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.

CASE NO: DCI2003-00033 Z-04-025 Page 5 of 8 15. 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 I(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. DEVIATIONS:

- 1. Deviation (1) seeks relief from the §34-414(c) requirement to provide 10 percent open space per lot, to allow a minimum of 5 percent open space per lot. This deviation is APPROVED, SUBJECT TO the following conditions:
 - a. Prior to local development order approval, the landscape plans must include:
 - (1) A structural barrier between any lot and preserve area. The structural barrier may be a double staggered hedge of native shrubs no less than 48 inches in height at time of planting within a 10-foot wide planting area or a chainlink type fence no less than 48 inches in height within a five-foot wide open space area.
 - (2) The 6.92 acres of Melaleuca wetland surrounding the one-acre marsh in the 7.92-acre preserve located in the southwest portion of the site must be planted with a minimum of 700 native wetland trees with a minimum 10-foot height and two-inch caliper. These trees may be used to meet the general tree requirement for the overall development.
 - b. Prior to issuance of a Certificate of Compliance for the infrastructure:
 - (1) The structural barrier between any lot and preserve area must be installed.
 - (2) The 700 native wetland trees must be installed in the 7.92-acre wetland preserve located in the southeast corner of the site.
 - (3) All invasive exotic vegetation must be removed or killed in place.
 - (4) All right-of-way buffers must be installed.
- 2. Deviation (2) seeks relief from the §10-329 requirement which limits lake depth to a maximum 20-feet, to allow a maximum lake depth of 32 feet. This deviation is DENIED.
- 3. Deviation (3) WITHDRAWN BY APPLICANT.

CASE NO: DCI2003-00033 Z-04-025 Page 6 of 8

SECTION D. 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 (with the subject parcel indicated)

Exhibit C: The Master Concept Plan

The applicant has indicated that the STRAP numbers for the subject property are: 06-46-26-00-00001.0030; 06-46-26-00-00001.0040; 06-46-26-00-00001.0050 & 07-46-26-00001.0030

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
 - 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.

CASE NO: DCI2003-00033 Z-04-025 Page 7 of 8 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 Ray Judah, seconded by Commissioner Andrew W. Coy 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 3rd day of May, 2004.

ATTEST:

CHARLIE GREEN, CLERK

Mindy Monny

Deputy Clerk

BOARD OF COUNTY COMMISSIONERS OF LEE COUNTY, FLORIDA

Chairman

Approved as to form by:

John J. Fredyma

County Attorney's Office

RECEIVED MINUTES OFFICE

2004 MAY 18 AM 11: 06

Banks Engineering, Inc.

Professional Engineers, Planners & Land Surveyors FORT MYERS & NAPLES & SARASOTA

A TRACT OR PARCEL OF LAND SITUATED IN THE STATE OF FLORIDA, COUNTY OF LEE, LYING IN SECTIONS 6 AND 7, TOWNSHIP 46 SOUTH, RANGE 26 EAST, BEING FURTHER BOUND AND DESCRIBED AS FOLLOWS:

COMMENCING AT THE SOUTHWEST CORNER OF SAID SECTION 6 THE SAME BEING THE NORTHWEST CORNER OF SECTION 7 OF SAID TOWNSHIP 46 SOUTH, RANGE 26 EAST; THENCE S.00°49'01"E. ALONG THE WESTERLY LINE OF SAID SECTION 7 FOR 622.26 FEET TO AN INTERSECTION WITH THE NORTHERLY RIGHT-OF-WAY LINE OF ALICO ROAD (100° WIDE) AS DESCRIBED IN OFFICIAL RECORDS BOOK 399 AT PAGE 334 OF THE PUBLIC RECORDS OF LEE COUNTY, FLORIDA; THENCE N.89°00'24"E. ALONG SAID NORTHERLY LINE FOR 915.00 FEET TO AN INTERSECTION WITH THE EASTERLY LINE OF A ROADWAY AND PUBLIC UTILITY RIGHT-OF-WAY (100' WIDE) AS DESCRIBED IN OFFICIAL RECORDS BOOK 1398 AT PAGE 2147 OF SAID PUBLIC RECORDS OF LEE COUNTY AND THE POINT OF BEGINNING; THENCE N.00°49'01"W. ALONG SAID EASTERLY LINE FOR 620.17 FEET; THENCE N.00°54'31"W. ALONG SAID EASTERLY LINE FOR 3306.61 FEET; THENCE N.00°55'18"W. ALONG SAID EASTERLY LINE FOR 2641.21 FEET TO AN INTERSECTION WITH THE NORTHERLY LINE OF SAID SECTION 6; THENCE N.89°22'23"E. ALONG SAID NORTHERLY LINE FOR 1591.45 FEET TO AN INTERSECTION WITH THE EASTERLY LINE OF THE WEST 1/2 OF SAID SECTION 6; THENCE S.01°03'15"E. ALONG SAID EASTERLY LINE FOR 6557.81 FEET TO AN INTERSECTION WITH THE NORTHERLY RIGHT-OF-WAY LINE OF SAID ALICO ROAD; THENCE S.89°00'24"W. ALONG SAID NORTHERLY LINE FOR 1608.48 FEET TO THE POINT OF BEGINNING.

PARCEL CONTAINS 240.96 ACRES MORE OR LESS.

SUBJECT TO EASEMENTS, RESTRICTIONS, RESERVATIONS AND RIGHTS-OF-WAY OF RECORD.

4/30/03

ASSUMED NORTH BASED ON THE WESTERLY LINE OF SECTION 7, TOWNSHIP 46 SOUTH, RANGE 26 EAST AS BEARING S.00°49'01"E.

DESCRIPTION PREPARED 04-28-03.

THOMAS R. LEHNERT. JR., P.S.M. FLORIDA CERTIFICATION NO. 5541 DCI 2003-00033

S/90/BS/14xx/1480SC/SURVEYING/1480/R-1/R-2/SKT/ldoc SCIORS:14x41480SC/SURVEYING/1480_R-1_R-2_SKT_theg COMMUNITY DEVELOPMENT

Applicant's Legal Checked

SHEET 1 OF 2

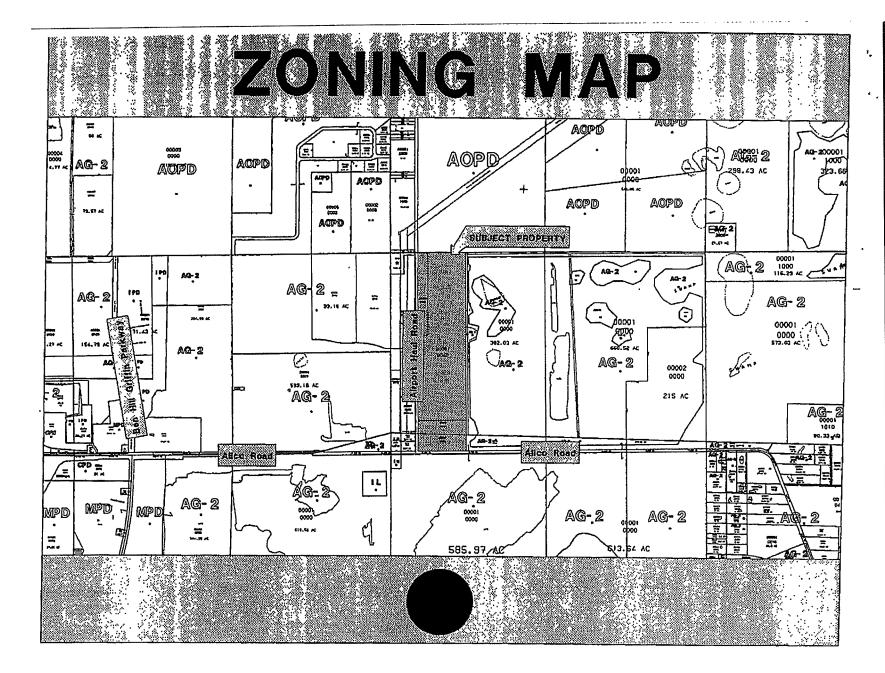
EXHIBIT "A" (Page 2 of 3)

LEGAL DESCRIPTION

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EXHIBIT "A" (Page 3 of 3)



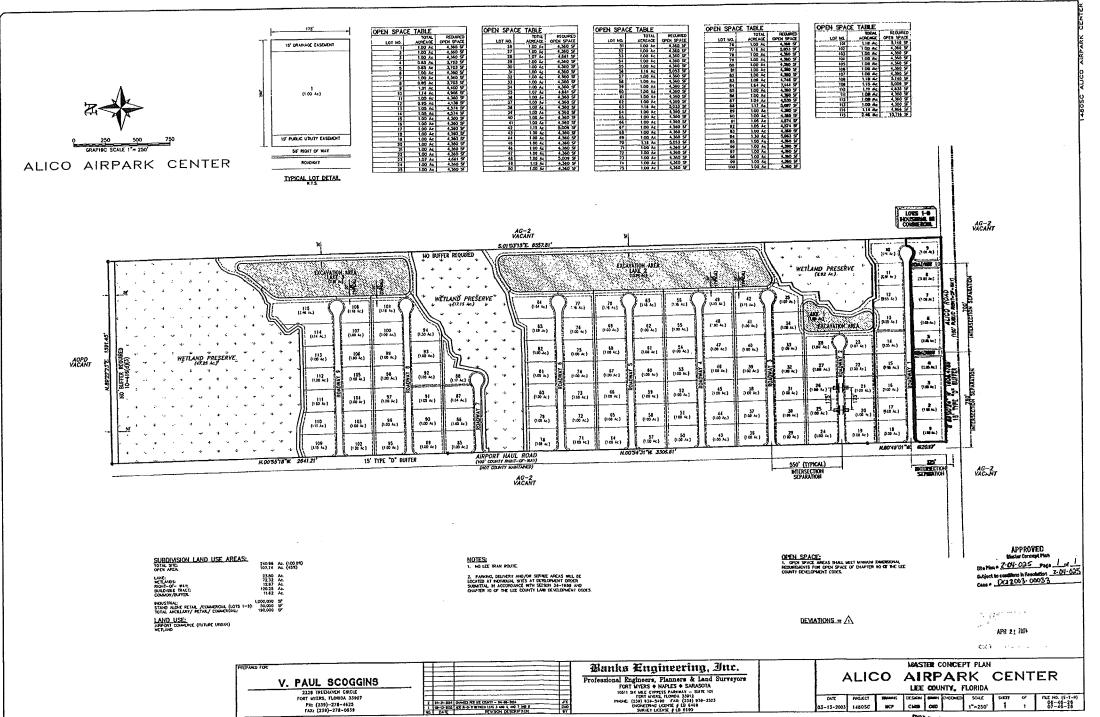


EXHIBIT "C"
Master Concept Plan
(DCI2003-00033)

BC12003-00033

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

WHEREAS, Paul Scoggins, filed an application on behalf of the property owner, Haul Ventures, LLC, to rezone a 240.96± acre parcel from Agriculture (AG-2) to Industrial Planned Development (IPD) in reference to Alico Airpark Center; and

WHEREAS, a public hearing was advertised and held on March 24, 2004, before the Lee County Zoning Hearing Examiner, who gave full consideration to the evidence in the record for Case #DCI2003-00033; and

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The applicant filed a request to rezone a 240.96± acre parcel from AG-2 to IPD, to allow 1,200,000 square feet of industrial uses; 240,000 square feet of ancillary retail uses of which 50,000 square feet will be stand alone retail uses, not to exceed 45 feet in height (2 habitable floors). The property is located in the Airport commerce/Wetlands Land Use Category and is legally described in attached Exhibit A. The request to rezone AG-2 to IPD is DENIED. The request to AG-2 to Mixed Use Planned Development (MPD) is APPROVED, SUBJECT TO the conditions and deviations specified in Sections B and C below.

SECTION B. CONDITIONS:

CASE NO: DCI2003-00033

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 one-page Master Concept Plan entitled "Master Concept Plan, ALICO AIRPARK CENTER, Lee County, Florida," dated 03-13-2003, last revised 04-21-2004, and stamped "Received Apr 21 2004, Community Development," 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.

COPY

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

a. Schedule of Uses

1. <u>LOTS 1 - 115</u>:

ADMINISTRATIVE OFFICES ACCESSORY USES AND STRUCTURE AGRICULTURAL SERVICES: Office/base operation ANIMALS, CLINIC, KENNEL OR CONTROL CENTER, all runs on lots abutting Alico Road or Airport Haul Road, must be within a fully enclosed building ATM (AUTOMATIC TELLER MACHINE) AUTOMOBILE REPAIR AND SERVICE; Groups I and II, excluding lots abutting Alico Road or Airport Haul Road for Group II uses BOATS: boat repair and service BROADCAST STUDIO, COMMERCIAL RADIO AND TELEVISION **BUILDING MATERIAL SALES** BUSINESS SERVICES, GROUP I and II **CLEANING AND MAINTENANCE SERVICES** COLD STORAGE, WAREHOUSE AND PROCESSING PLANT, including precooling COMPUTER AND DATA PROCESSING SERVICES CONTRACTORS AND BUILDERS: Groups I, II, and III DRIVE-THROUGH FACILITY FOR ANY PERMITTED USE EMERGENCY MEDICAL SERVICE (EMS), FIRE OR SHERIFF'S STATION **EMERGENCY OPERATIONS CENTER** ENTRANCE GATES AND GATEHOUSE **ESSENTIAL SERVICES** ESSENTIAL SERVICE FACILITIES: Groups I and II EXCAVATION, water retention, oil and gas FACTORY OUTLETS (point of manufacture only) FENCES. WALLS FREIGHT AND CARGO HANDLING ESTABLISHMENTS GASOLINE DISPENSING SYSTEM, SPECIAL HELIPORT OR HELISTOP (See Condition #II.A.9., below) LAUNDRY OR DRY CLEANING, Group II MANUFACTURING, REPAIR OR WHOLESALE SALES OF: APPAREL

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BOATS

LEATHER PRODUCTS, Group II

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RUBBER AND PLASTIC PRODUCTS: Group II

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TEXTILE MILL PRODUCTS, Groups I and II

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FOOD STORES: Group I

HARDWARE STORE

Z-04-025 Page 3 of 8

RESTAURANTS, Groups I and II SELF-SERVICE FUEL PUMPS, limited to a maximum of eight (8) pumps

b. <u>Site Development Regulations</u>

Minimum Lot Area and Dimensions:

Area:

20,000 square feet

Width:

100 feet

Depth:

100 feet

Minimum Setbacks:

Street:

In accordance with §34-2192(a)

Side:

10 feet

Rear:

20 feet

Water Body:

25 feet

Maximum Building Height:

All uses limited to a maximum height of 45 feet, with not more than three (3) habitable floors.

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One-half the sum of the heights of both buildings, or 20 feet, whichever is greater.

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60 percent

3. Development parameter:

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- 10. An enhanced 15-foot-wide right-of-way buffer will be required adjacent to Airport Haul Road and Alico Road consisting of a three foot high berm (3:I slope) with a flat planting area on top, and buffer Type "F" plantings. Required plantings must be located on the top of the berm or near the top of the berm on the Airport Haul Road and Alico Road side of the berm. Also, no use or other easement(s) can overlap into the 15-foot-wide easement and the entire width of the easement must be used for the required plantings.
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- 12. Agriculture is not a permitted use within this Planned Development.
- 13. The cul-de-sacs, at the end of each roadway, must be in compliance with §10-296(k)(l) of the LDC to ensure that San Carlos Park Fire Protection and Rescue Service District vehicles can maneuver the circular turnarounds.
- 14. 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.

CASE NO: DCI2003-00033 Z-04-025 Page 5 of 8 15. 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 I(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. DEVIATIONS:

- 1. Deviation (1) seeks relief from the §34-414(c) requirement to provide 10 percent open space per lot, to allow a minimum of 5 percent open space per lot. This deviation is APPROVED, SUBJECT TO the following conditions:
 - a. Prior to local development order approval, the landscape plans must include:
 - (1) A structural barrier between any lot and preserve area. The structural barrier may be a double staggered hedge of native shrubs no less than 48 inches in height at time of planting within a 10-foot wide planting area or a chainlink type fence no less than 48 inches in height within a five-foot wide open space area.
 - (2) The 6.92 acres of Melaleuca wetland surrounding the one-acre marsh in the 7.92-acre preserve located in the southwest portion of the site must be planted with a minimum of 700 native wetland trees with a minimum 10-foot height and two-inch caliper. These trees may be used to meet the general tree requirement for the overall development.
 - b. Prior to issuance of a Certificate of Compliance for the infrastructure:
 - (1) The structural barrier between any lot and preserve area must be installed.
 - (2) The 700 native wetland trees must be installed in the 7.92-acre wetland preserve located in the southeast corner of the site.
 - (3) All invasive exotic vegetation must be removed or killed in place.
 - (4) All right-of-way buffers must be installed.
- 2. Deviation (2) seeks relief from the §10-329 requirement which limits lake depth to a maximum 20-feet, to allow a maximum lake depth of 32 feet. This deviation is DENIED.
- 3. Deviation (3) WITHDRAWN BY APPLICANT.

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SECTION D. 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 (with the subject parcel indicated)

Exhibit C: The Master Concept Plan

The applicant has indicated that the STRAP numbers for the subject property are: 06-46-26-00-00001.0030; 06-46-26-00-00001.0040; 06-46-26-00-00001.0050 & 07-46-26-00001.0030

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
 - 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.

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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 Ray Judah, seconded by Commissioner Andrew W. Coy 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 3rd day of May, 2004.

ATTEST:

CHARLIE GREEN, CLERK

BY (indu Mo

Deputy Clerk

BOARD OF COUNTY COMMISSIONERS OF LEE COUNTY, FLORIDA

BY: And

Approved as to form by:

Chairman

John J. Fredyma

County Attorney's Office

RECEIVED MINUTES OFFICE

2004 MAY 18 AM 11: 06

Derg alors

Banks Engineering, Inc.

Professional Engineers, Planners & Land Surveyors FORT MYERS ♦ NAPLES ♦ SARASOTA

A TRACT OR PARCEL OF LAND SITUATED IN THE STATE OF FLORIDA, COUNTY OF LEE, LYING IN SECTIONS 6 AND 7, TOWNSHIP 46 SOUTH, RANGE 26 EAST, BEING FURTHER BOUND AND DESCRIBED AS FOLLOWS:

COMMENCING AT THE SOUTHWEST CORNER OF SAID SECTION 6 THE SAME BEING THE NORTHWEST CORNER OF SECTION 7 OF SAID TOWNSHIP 46 SOUTH, RANGE 26 EAST; THENCE S.00°49'01"E. ALONG THE WESTERLY LINE OF SAID SECTION 7 FOR 622.26 FEET TO AN INTERSECTION WITH THE NORTHERLY RIGHT-OF-WAY LINE OF ALICO ROAD (100° WIDE) AS DESCRIBED IN OFFICIAL RECORDS BOOK 399 AT PAGE 334 OF THE PUBLIC RECORDS OF LEE COUNTY, FLORIDA; THENCE N.89°00'24"E. ALONG SAID NORTHERLY LINE FOR 915.00 FEET TO AN INTERSECTION WITH THE EASTERLY LINE OF A ROADWAY AND PUBLIC UTILITY RIGHT-OF-WAY (100° WIDE) AS DESCRIBED IN OFFICIAL RECORDS BOOK 1398 AT PAGE 2147 OF SAID PUBLIC RECORDS OF LEE COUNTY AND THE POINT OF BEGINNING; THENCE N.00°49'01"W. ALONG SAID EASTERLY LINE FOR 300.61 FEET; THENCE N.00°55'18"W. ALONG SAID EASTERLY LINE FOR 2641.21 FEET TO AN INTERSECTION WITH THE NORTHERLY LINE OF SAID SECTION 6; THENCE N.89°22'23"E. ALONG SAID NORTHERLY LINE FOR 1591.45 FEET TO AN INTERSECTION WITH THE EASTERLY LINE OF THE WEST 1/2 OF SAID SECTION 6; THENCE S.01°03'15"E. ALONG SAID EASTERLY LINE FOR 6557.81 FEET TO AN INTERSECTION WITH THE NORTHERLY RIGHT-OF-WAY LINE OF SAID ALICO ROAD; THENCE S.89°00'24"W. ALONG SAID NORTHERLY LINE FOR 1608.48 FEET TO THE POINT OF BEGINNING.

PARCEL CONTAINS 240.96 ACRES MORE OR LESS.

SUBJECT TO EASEMENTS, RESTRICTIONS, RESERVATIONS AND RIGHTS-OF-WAY OF RECORD.

4/30/03

ASSUMED NORTH BASED ON THE WESTERLY LINE OF SECTION 7, TOWNSHIP 46 SOUTH, RANGE 26 EAST AS BEARING S.00°49'01"E.

DESCRIPTION PREPARED 64-28-63.

THOMAS R. LEHNERT. JR., P.S.M. FLORIDA CERTIFICATION NO. 5541

DCI 2003-00033

MAY 0.2 2002

COMMUNITY DEVELOPMENT

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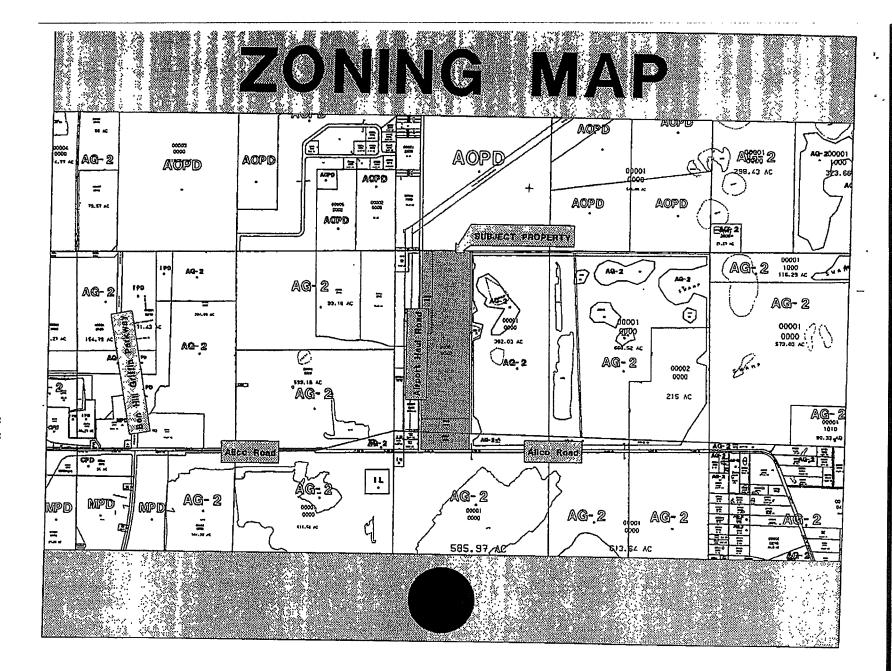
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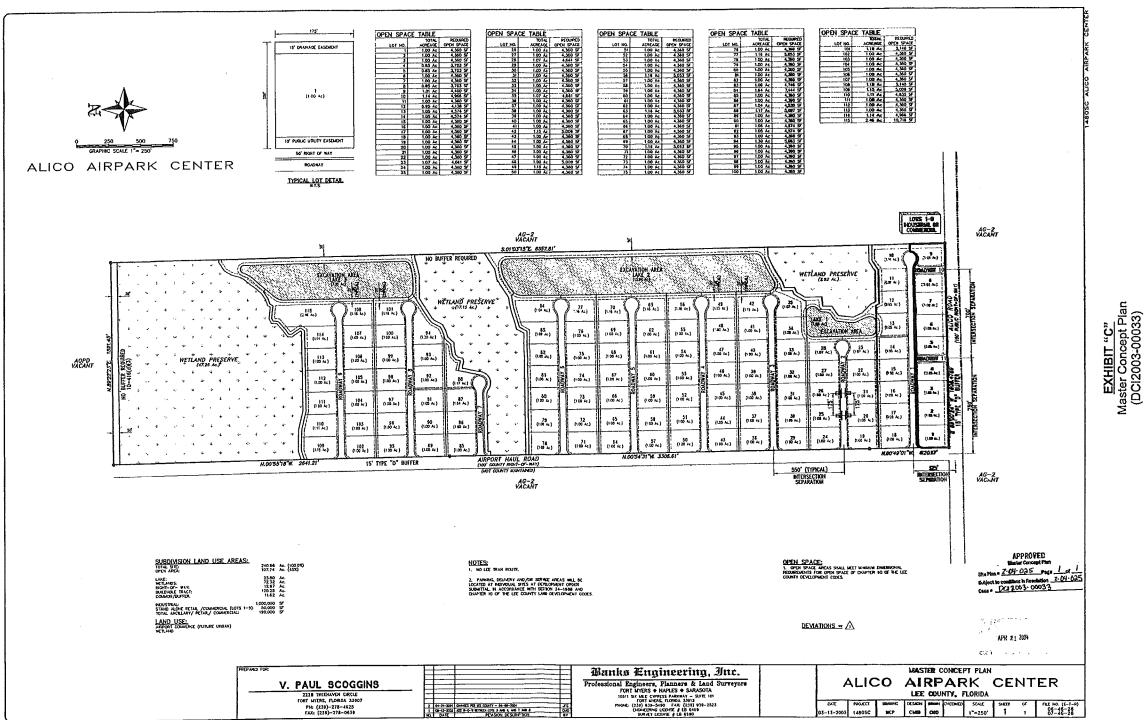
Applicant's Legal Checked

SHEET 1 OF 2

EXHIBIT "A" (Page 2 of 3)

EXHIBIT "A" (Page 3 of 3)





DC12003-00033