

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

2322656

WHEREAS, Vector Land Group, Inc., has properly filed an application on a project known as Cypress Lake Center (Phase II) for:

- a) A rezoning from CT and CG to CT; or in the alternative, CT and CG to CG for a 2.95 acre parcel within the development;
- b) A formal finding of "Substantial Deviation" or "No Substantial Deviation" from the approved Cypress Lake Center DRI Development Order (issued by Lee County on May 20, 1985); and
- c) Adoption of an amended Development Order approving, approving with conditions or denying the proposed change; and

WHEREAS, the subject property is located at 7050 Lakes Terrace, described more particularly as:

LEGAL DESCRIPTION: In Section 23, Township 45 South, Range 24 East, Lee County, Florida:

A tract of parcel of land lying in the east half (E-½) of the southeast quarter (SE ¼) of Section 23, Township 45 South, Range 24 East, Lee County, Florida which tract or parcel is described as follows:

From the northwest corner of said fraction run S 00° 35' 44" along the west line of said fraction for 1269.30 feet; thence run N 89° 08' 16" E for 1181.15 feet to an intersection with the west line of Tamiami Trail (SR 45/US 41) (215 feet wide); thence run S 01° 16' 00" E along said west line for 628.63 feet to the Point of Beginning. From said Point of Beginning continue S 01° 16' 00" E along said west line for 230.00 feet to an intersection with the north line of proposed Lakes Terrace (80 feet wide); thence run S 89° 08' 16" W along said north line for 530.43 feet to a point of curvature; thence run westerly, northwesterly and northerly along an arc of a curve to the right of radius 30.00 feet (delta 89° 35' 44") (chord 42.28 feet) (chord bearing N 46° 03' 52" W) for 46.91 feet to a point of tangency on the east line of proposed Vector Avenue (80 feet wide); thence run N 01° 16' 00" W along said east line for 200.21 feet; thence run N 89° 08' 16" E for 560.22 feet to the Point of Beginning.

Containing 2.95 acres more or less.

Bearings hereinabove mentioned are derived from the centerline survey of State Road 45 (US 41).

WHEREAS, the applicant has indicated the property's current STRAP number is 23-45-24-00-00002.0000; and

WHEREAS, proper authorization has been given to Steven C. Hartsell, Esquire, by Arthur Moses, President of Vector Land Group Inc., the owner of the subject parcel, to act as agent to pursue this zoning application; and

REF 936 PG 2171

WHEREAS, a public hearing was legally and properly advertised and held before the Lee County Planning and Zoning Commission, with full consideration of all the evidence available to the Planning and Zoning Commission; and

WHEREAS, the Lee County Planning and Zoning Commission fully reviewed the matter and recommended to APPROVE the request, based on the analysis contained in the Staff Report of April 29, 1987, and the testimony given at the May 4, 1987 , Planning and Zoning Commission Hearing; 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 Planning and Zoning Commission, 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:

- a) A rezoning from CT and CG to CG for a 2.95 acre parcel within the development; and
- b) A formal finding of "No Substantial Deviation" from the approved Cypress Lake Center DRI Development Order (issued by Lee County on May 20, 1985); and
- c) An amended Development Order approving the proposed change, a copy of said amended Development Order being attached hereto.

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

Porter J. Goss	Aye
Charles L. Bigelow, Jr.	Aye
Mary Ann Wallace	Absent
Bill Fussell	Aye
Donald D. Slisher	Absent

DULY PASSED AND ADOPTED this 8th day of June, A.D., 1987.

ATTEST:  
CHARLIE GREEN, CLERK

BOARD OF COUNTY COMMISSIONERS  
OF LEE COUNTY, FLORIDA

BY: Clare J. W. Wuck,  
Deputy Clerk

BY: Bill Fussell  
Chairman

RECEIVED

AUG 6 1987

CHARLIE GREEN  
CLERK CIRCUIT COURT  
BY Clare W. Wuck,  
RESOLUTION NUMBER Z-87-089  
2851Z

Approved as to form by:  
[Signature]  
County Attorney's Office

## 2nd DEVELOPMENT ORDER AMENDMENT

FOR

CYPRESS LAKE CENTER

A DEVELOPMENT OF REGIONAL IMPACT

#7-8384-47

WHEREAS, the developer of the Cypress Lake Center D.R.I. desires to make a change to the Development Order issued by Lee County on May 20, 1985; and

WHEREAS, under Chapter 380.06(19), Florida Statutes, the proposed change must be reviewed and evaluated to determine whether it is or is not a "substantial deviation" from the terms of the existing Development Order; and

WHEREAS, an amendment to a Development Order may be issued by the Board of County Commissioners upon a finding of "no substantial deviation"; and

WHEREAS, an amended Development Order was issued on September 22, 1986, to incorporate a legal description of a 7.9 acre parcel which was inadvertently omitted from Exhibit A of the Development Order; and

WHEREAS, it is also necessary to make a change to this amended Development Order;

NOW, THEREFORE, BE IT ORDAINED BY THE BOARD OF COUNTY COMMISSIONERS OF LEE COUNTY, FLORIDA, THAT THE "DEVELOPMENT OF REGIONAL IMPACT DEVELOPMENT ORDER" FOR CYPRESS LAKE CENTER ADOPTED BY THE BOARD OF COUNTY COMMISSIONERS ON MAY 20, 1985, IS HEREBY AMENDED AS DESCRIBED BELOW:

SECTION ONE:

Findings of Fact Section A. of the Development Order is hereby modified by deleting those words indicated by strike-throughs, and adding the underlined wording as follows:

A. Said applicant originally proposed to develop a shopping center and office park, including a shopping center (336,340 square feet on 40 acres), business corporate office area (40,000 square feet), an executive office park (270,000 square feet), and hotel complex (275-room hotel, 200-seat restaurant, 100-seat

conference center on approximately 68.5 acres. The formal Application for Development Approval "ADA" submitted requested approval of those uses. As described in Condition "H" below, the Lee County Comprehensive Plan requires a reduction of the commercial shopping center facilities to 300,000 square feet or less to provide for consistency with that Plan. The proposed development, was reduced from 336,340 square feet to 300,000 square feet of shopping center and expanded from 270,000 square feet to 306,340 square feet of office park/. The Lee County Comprehensive Plan has subsequently been amended and now permits up to 400,000 square feet of Commercial Shopping Center while remaining consistent with that Plan pursuant to amendments to the Plan. The proposed development of 336,340 square feet of shopping center, 270,000 square feet of office park, and the hotel complex and corporate office area constitutes a shopping center/office park Development of Regional Impact on the real property described as:

A tract or parcel of land lying in the southeast quarter of Section 23, Township 45 South, Range 24 East, which tract or parcel is described as follows: ~~(and make reference in Exhibit A)~~

The east one-half of the southeast one-quarter, less the north 116 feet lying west of State Road No. 45, of said Section 23, Township 45 South, Range 24 East, Lee County, Florida.

#### SECTION TWO:

Condition H. of the Development Order is hereby modified by deleting those words indicated by strike-throughs, and adding the underlined wording as follows:

#### H. OTHER

The project shall not exceed a total of ~~300,000~~ 336,340 square feet of retail commercial use as defined by the Lee County Comprehensive Plan ~~(pp. III - 42)~~ (p. III - 42) to remain consistent with the Comprehensive Plan. These uses may also include automobile dealerships, auto centers, automobile service stations, or indoor movie theaters (up to 800 permanent seats).

#### SECTION THREE:

Exhibit A (legal descriptions of individual parcels) of the Development Order is hereby deleted.

#### SECTION FOUR:

The Development Order Amendment for Cypress Lake Center DRI adopted on September 22, 1986, is hereby rescinded.

SECTION FIVE:

Certified copies of this Development Order Amendment will be forwarded to the Southwest Florida Regional Planning Council, the developer, and appropriate state agencies. This amendment is rendered as of the date of transmittal, but shall not be effective until the expiration of the statutory appeals period (45 days from rendition) or until the completion of any appellate proceedings, whichever time is greater. Upon this amendment becoming effective, notice of its adoption shall be recorded by the developer as provided in Chapter 380.06(15), Florida Statutes.

THE MOTION TO ADOPT this amendment was offered by Commissioner Bigelow and seconded by Commissioner Goss, and upon poll of the Commission present, the vote was as follows:

Commissioner Goss	Aye
Commissioner Bigelow	Aye
Commissioner Wallace	Absent
Commissioner Fussell	Aye
Commissioner Slisner	Absent

DULY PASSED AND ADOPTED BY THE BOARD OF COUNTY COMMISSIONERS OF LEE COUNTY, FLORIDA, this 8th day of June, 1987.

ATTEST:  
CHARLIE GREEN, CLERK

By: Parrot S. Foster

BOARD OF COUNTY COMMISSIONERS  
OF LEE COUNTY, FLORIDA

By: Donald P. Hester  
(Vice-Chairman)

APPROVED AS TO FORM:

By: [Signature]

County Attorney's Office

RECORDED AND INDEXED VERIFIED

AUG 18 10 31 AM '87