

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

WHEREAS, an application was filed by the property owner, Corkscrew Road Associates Limited Partnership, to rezone an 11.51± acre parcel from Agricultural (AG-2) to Commercial Planned Development (CPD), in reference to **Corkscrew Palms II**; and

WHEREAS, a public hearing was advertised and held on March 19, 2003, before the Lee County Zoning Hearing Examiner, who gave full consideration to the evidence in the record for Case #DCI2002-00059; and

WHEREAS, a second public hearing was advertised and held on May 5, 2003 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 an 11.51± acre parcel from AG-2 to CPD, to allow 28,000 square feet of retail, 74,250 square feet of office, and buildings not to exceed 35 feet in height. Development blasting is not expected to be an activity during construction. The property is located in the Suburban Land Use Category 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. The development of this project must be consistent with the one-page Master Concept Plan entitled "Corkscrew Palms II" stamped received by the Zoning Counter on May 14, 2003 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.
2. The project may be developed with a maximum of 74,250 square feet of office floor area, and 28,000 square feet in retail floor area for a maximum total floor area of 102,250 square feet. Unused retail floor area may be converted to office floor area on a square-foot to square-foot basis; no conversion from office to retail is allowed.

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

a. Schedule of Uses

ACCESSORY USES AND STRUCTURES  
ADMINISTRATIVE OFFICES  
ANIMALS: CLINIC OR KENNEL (LIMITED TO INDOORS)  
ATM (AUTOMATIC TELLER MACHINE)  
BANKS AND FINANCIAL INSTITUTIONS - GROUPS I AND II - limited to northeast  
portion of site - with drive-thru facilities  
BUSINESS SERVICES - GROUP I  
CLOTHING STORES, GENERAL - not to exceed 5,000 square feet  
CONSUMPTION ON PREMISES - in conjunction with Groups II and III restaurants  
only  
ESSENTIAL SERVICES  
ESSENTIAL SERVICE FACILITIES - GROUP I  
FENCES, WALLS  
GIFT AND SOUVENIR SHOP - not to exceed 5,000 square feet  
HARDWARE STORE - not to exceed 5,000 square feet  
HOBBY, TOY AND GAME SHOPS - not to exceed 5,000 square feet  
INSURANCE COMPANIES  
LAUNDRY OR DRY CLEANING - GROUP I - not to exceed 5,000 square feet  
MEDICAL OFFICES  
PARKING LOT - ACCESSORY  
PERSONAL SERVICES - GROUP I  
PET SERVICES - not to exceed 2,500 square feet  
PET SHOP - not to exceed 2,500 square feet  
PHARMACY - not to exceed 5,000 square feet  
REAL ESTATE SALES OFFICE  
RESTAURANTS - GROUP I II AND III - without drive-thru facilities  
SIGNS IN ACCORDANCE WITH CHAPTER 30  
SPECIALTY RETAIL SHOPS - GROUPS I AND II - not to exceed 5,000 square feet  
STUDIOS  
VARIETY STORE - not to exceed 5,000 square feet

b. Site Development Regulations

Minimum Lot Area and Dimensions

Building Setbacks and property development regulations will meet the minimum requirements of the Neighborhood Commercial (CN-1) zoning district within the Corkscrew Main Street Overlay District.

Minimum Lot Size:	10,000 square feet
Minimum Lot Width:	100 feet
Minimum Lot Depth:	100 feet
Building Setbacks	Minimum/Maximum per LDC 34-1047

Corkscrew Road:	0 feet/25 feet
Corkscrew Palms Blvd:	0 feet/25 feet
Side:	0 feet/N/A
Rear:	25 feet/N/A
Water:	25 feet/N/A

Accessory Use and Structure setbacks must comply with LDC §34-1171 *et. seq.* and 34-2194.

Maximum Building Height: 35 feet

Maximum Number of Stories: 2 stories

Maximum Lot Coverage: 30 percent

Minimum Open Space: Must be in compliance with all applicable provisions of LDC §10-415 and LDC §10-416 and the Corkscrew Overlay Ordinance.

4. Outdoor display or storage of merchandise is prohibited.
5. The native tree preservation and/or relocation required per LDC §10-415(b) will be met through the preservation of six large live oak trees within the open space areas as depicted on the Master Concept Plan, the gopher tortoise preserve area, and the relocation of existing sabal palms with a minimum 8-foot clear trunk to approximately 30,000 square feet of open space area.
6. The six large live oak trees delineated on the Master Concept Plan must be shown as trees to be preserved on the development order plans. The area around these trees to be maintained at existing grade must be shown on the development order plans, and be barricaded prior to any site work.
7. Sabal palms with a minimum eight foot clear trunk must be salvaged. The salvage efforts must be coordinated with the Division of Environmental Sciences staff whether used on-site or otherwise. An on-site relocation plan must be submitted as part of the development order delineating approximately 30,000 square feet of open space as recipient areas along the perimeter of the project to ensure the palms are only moved one time. The relocation areas, timing of relocation and a watering plan must be included on the development order plans. Any sabal palms being relocated must be moved in a horticulturally correct manner per Lee County Extension Services brochure Lee 8/2000A attached as Exhibit D.
8. Prior to local development order approval, the preserved trees and any relocated palms must be delineated on the plans. Preserved trees and relocated sabal palms will receive protected tree credits per LDC §10-420(h).
9. The following must be provided for gopher tortoise management:

- a. The gopher tortoise preserve area must be fenced to prevent cattle grazing in the area within 30 days of zoning approval; and
  - b. A copy of the 5-or-less gopher tortoise on-site relocation permit from the Florida Fish and Wildlife Conservation Commission must be submitted prior to issuance of a Vegetation Removal Permit; and
  - c. Monitoring reports must be submitted every year for five consecutive years from the date the Certificate of Compliance is issued.
  - d. Prior to any site work including the installation of gopher tortoise fencing and tree barricading, a Vegetation Removal Permit for minor clearing, must be obtained from the Division of Environmental Sciences staff. The gopher tortoise and sabal palm relocation must be completed prior to the issuance of a Vegetation Removal Permit for the overall site, and the commencement of grading activity.
10. Prior to issuance of the initial local development order, the developer must coordinate with the architects for the Estero Community Park concerning the following issues:
- a) Enhancement of bicycle and pedestrian walkways along Corkscrew Palms Blvd. with native vegetation.
  - b) Location of directional signs, in accord with LDC Chapter 30, for the benefit of the Estero Community Park.
11. A minimum Type B buffer must be provided along the south boundary of the subject property.
12. Blasting is not permitted as part of this project.
13. Agriculture is not a permitted use within this Planned Development.
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.
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 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.
16. 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.

SECTION C. DEVIATIONS:

1. Deviation (1) seeks relief from the LDC §10-285(a) requirement that the connection separation along arterial streets must be a minimum centerline distance of 660 feet, to allow a connection separation distance of 265 feet along Corkscrew Road. This deviation is APPROVED.

SECTION D. EXHIBITS AND STRAP NUMBER:

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

- Exhibit A: The legal description of the property
- Exhibit B: Zoning Map (subject parcel identified with shading)
- Exhibit C: The Master Concept Plan
- Exhibit D: Lee County Extension Service Brochure Lee 8/2000A

The applicant has indicated that the STRAP number for the subject property is: 34-46-25-00-00006.0000 & 34-46-25-00-00010.0000.

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.
- 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 Andrew Coy, seconded by Commissioner John Albion 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 May, 2003.

ATTEST:  
CHARLIE GREEN, CLERK

BOARD OF COUNTY COMMISSIONERS  
OF LEE COUNTY, FLORIDA

BY: *Lisa Pierce*  
Deputy Clerk

BY: *Ray Judah*  
Chairman

Approved as to form by:

*David E. Hubbard*  
County Attorney's Office



RECEIVED  
MINISTER OFFICE

2003 MAY 28 AM 10:52

# TRASK ASSOCIATES, INC.

941-694-2335 phone  
941-694-2355 fax  
htrask@msn.com

s u r v e y o r s  
Florida Licensed Business No. LB7136

11543 Charlies Terrace  
Fort Myers, FL 33907

DESCRIPTION OF A PARCEL  
LYING IN SECTION 34, T-46-S, R-25-E  
LEE COUNTY, FLORIDA.

RECEIVED

MAR 05 2003

(OVERALL PARCEL DESCRIPTION)

COMMUNITY DEVELOPMENT

A TRACT OR PARCEL OF LAND SITUATED IN THE STATE OF FLORIDA, COUNTY OF LEE, LYING IN SECTION 34, TOWNSHIP 46 SOUTH, RANGE 25 EAST, BEING THE PARCELS AS DESCRIBED IN OFFICIAL RECORDS BOOK 3047, PAGE 751 AND OFFICIAL RECORDS BOOK 3158, PAGE 3620, LEE COUNTY PUBLIC RECORDS AND BEING FURTHER BOUNDED AND DESCRIBED AS FOLLOWS:

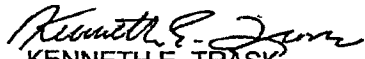
COMMENCING AT THE SOUTHWEST CORNER OF THE NORTHWEST ONE QUARTER OF SAID SECTION 34; THENCE N.01°10'57"W. ALONG THE WEST LINE OF SAID NORTHWEST ONE QUARTER, FOR 1221.30 FEET TO THE SOUTH RIGHT OF WAY LINE OF CORKSCREW ROAD, STATE ROAD S-850; THENCE N.89°36'12"E., ALONG SAID RIGHT OF WAY LINE FOR 763.00 FEET TO THE POINT OF BEGINNING; THENCE CONTINUE N.89°36'12"E., ALONG SAID RIGHT OF WAY LINE, FOR 562.83 FEET; THENCE S.77°59'21"E., ALONG THE SOUTHERLY LINE OF THE PARCEL AS DESCRIBED IN OFFICIAL RECORDS BOOK 3172, PAGE 3351, SAID PUBLIC RECORDS, FOR 51.32 FEET; THENCE N.89°36'12"E., ALONG SAID SOUTHERLY LINE, FOR 226.36 FEET; THENCE S.45°35'56"E., ALONG SAID SOUTHERLY LINE, FOR 21.25 FEET; THENCE S.01°12'07"E., ALONG THE WEST LINE OF THE PARCEL AS DESCRIBED OFFICIAL RECORDS BOOK 2252, PAGE 1498, SAID PUBLIC RECORDS, FOR 551.50 FEET; THENCE S.89°57'59"W., ALONG THE SOUTH LINE OF SAID PARCELS AS DESCRIBED IN OFFICIAL RECORDS BOOK 3047, PAGE 751 AND OFFICIAL RECORDS BOOK 3158, PAGE 3620, FOR 954.32 FEET; THENCE N.19°07'57"E., ALONG THE EAST LINE OF THE PARCEL AS DESCRIBED IN OFFICIAL RECORDS BOOK 3425, PAGE 4923, SAID PUBLIC RECORDS, FOR 287.99 FEET; THENCE N.01°11'01"W., ALONG SAID EAST LINE, FOR 300.00 FEET TO THE POINT OF BEGINNING.

PARCEL CONTAINS 501450 SQUARE FEET OR 11.51 ACRES, MORE OR LESS.

BEARINGS ARE BASED NORTH AMERICAN DATUM OF 1983, 1990 ADJUSTMENT, THE WEST LINE OF THE SOUTHWEST ONE QUARTER OF SECTION 34, TOWNSHIP 46 SOUTH, RANGE 25 EAST AS BEARING N.01°10'57"W.

TRASK ASSOCIATES, INC.  
LICENSED BUSINESS NO. LB7136

JANUARY 6, 2003

  
KENNETH E. TRASK  
PROFESSIONAL LAND SURVEYOR  
FLORIDA LICENSE NO. LS4684

Applicant's Legal Checked  
by  05 MAR 2003

EXHIBIT A



**NOTES:**

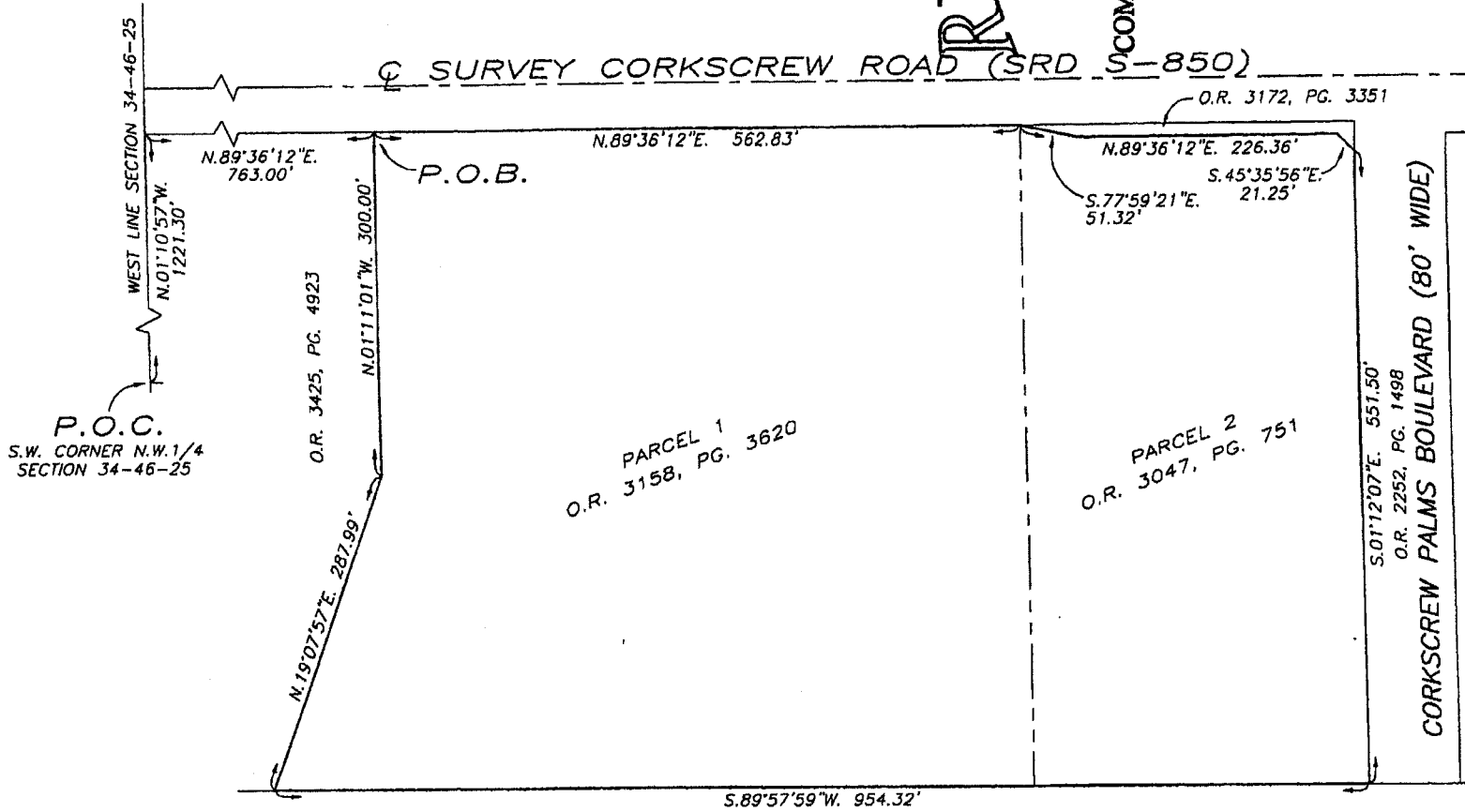
THIS IS NOT A BOUNDARY SURVEY.

- O.R. OFFICIAL RECORDS BOOK
- P.B. PLAT BOOK
- PG. PAGE
- P.O.B. POINT OF BEGINNING
- P.O.C. POINT OF COMMENCEMENT

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MAR 05 2003

COMMUNITY DEVELOPMENT



DCI 2002-00059

*Kenneth E. Trask*  
KENNETH E. TRASK  
PROFESSIONAL LAND SURVEYOR  
FLORIDA CERTIFICATE NO. LS4684  
3-5-03  
DATE SIGNED:

**TRASK ASSOCIATES, INC.**  
s u r v e y o r s  
11543 CHARLES TERRACE  
FORT MYERS, FLORIDA 33907  
941-694-2335  
FLORIDA LICENSED BUSINESS NO. LB7136

**SKETCH**  
OF A PARCEL LYING IN  
SECTION 34, T-46-S, R-25-E,  
LEE COUNTY, FLORIDA.

DATE:	1-6-03
SCALE:	1"=150'
DRAWN BY:	KT
CHECKED BY:	
S-T-R	34-46-25
JOB NO.	02-0206
SHEET 2 OF 2	





# ZONING MAP

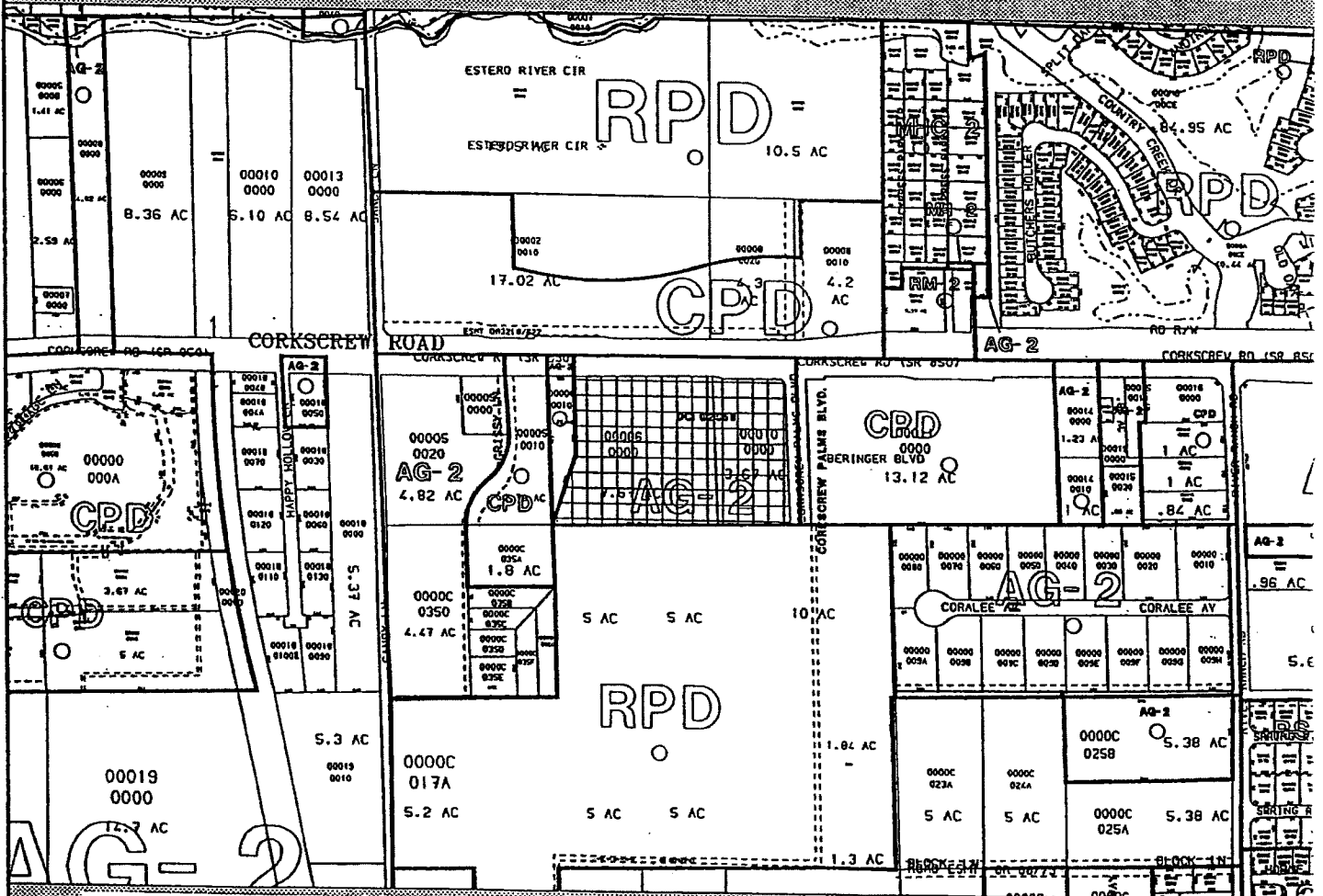


EXHIBIT B



# Horticulture

## TRANSPLANTING SABAL PALMS Step-by-Step Instructions

Lee 8/2000A

Stephen H. Brown  
Lee County Horticulture Agent

Rick Joyce  
Deputy Director, Lee County Planning Division

### Introduction

The native cabbage or sabal palm (*Sabal palmetto*) is the official state tree of Florida and is a prominent feature in Florida's landscape. The palm is highly adaptive, tough, tolerant of a wide range of soils, and is hurricane resistant. When planted six to ten feet on center, sabal palms provide desirable shade. Sabal palms, including large-sized palms, can be transplanted with high success if a few simple precautions are taken. This fact sheet provides specific proven techniques to increase the success of sabal palm transplanting.

### Step-by-Step Transplant Instructions

1. Use gasoline powered tree spade or heavy steel shanked digging spade with a clean well-honed cutting edge to dig the largest possible root ball. Usually to 18 inches from the edge of the trunk.
2. Remove the palm from ground. Take care not to damage the hidden bud located within the center of the canopy.
3. Using clean sharp hand spades, trim the root ball into circular shape 13 to 16 inches from the outer edge of the trunk.
4. Two methods of pruning fronds for landscape transplant (select one):
  - a. Remove oldest (brown) fronds. Tie the remaining fronds tightly together with a biodegradable twine. Do not disturb the bud.
  - b. Remove all fronds otherwise known as "hurricane" or "cigar cut." This recommended pruning technique gives the highest rate of establishment but must be carefully done.
5. Secure the palm on a flat bed truck and transport it to the planting site. Make sure the center of the bud is well protected.
6. Keep the root ball moist between removal and installation.
7. Prepare planting hole 1-2 times the diameter of the trunk but at the same depth as the root ball.
8. Back-fill the planting hole with the same soil that had been removed. There is no need to amend the planting hole, but if it is amended, use a fill similar to that of the planting hole. The amendment should not exceed 25 percent by volume of the soil removed from the hole.
9. Carefully set the palm into the planting hole. Make sure it is planted the same depth as it was in the field. Planting too deeply will cause root suffocation and lead to nutritional deficiencies, root rot, and frequently the death of the palm.
10. Secure and stake the palm as illustrated in the diagram. **DO NOT DRIVE NAILS DIRECTLY INTO THE PALM.**

(Continued on the back.)

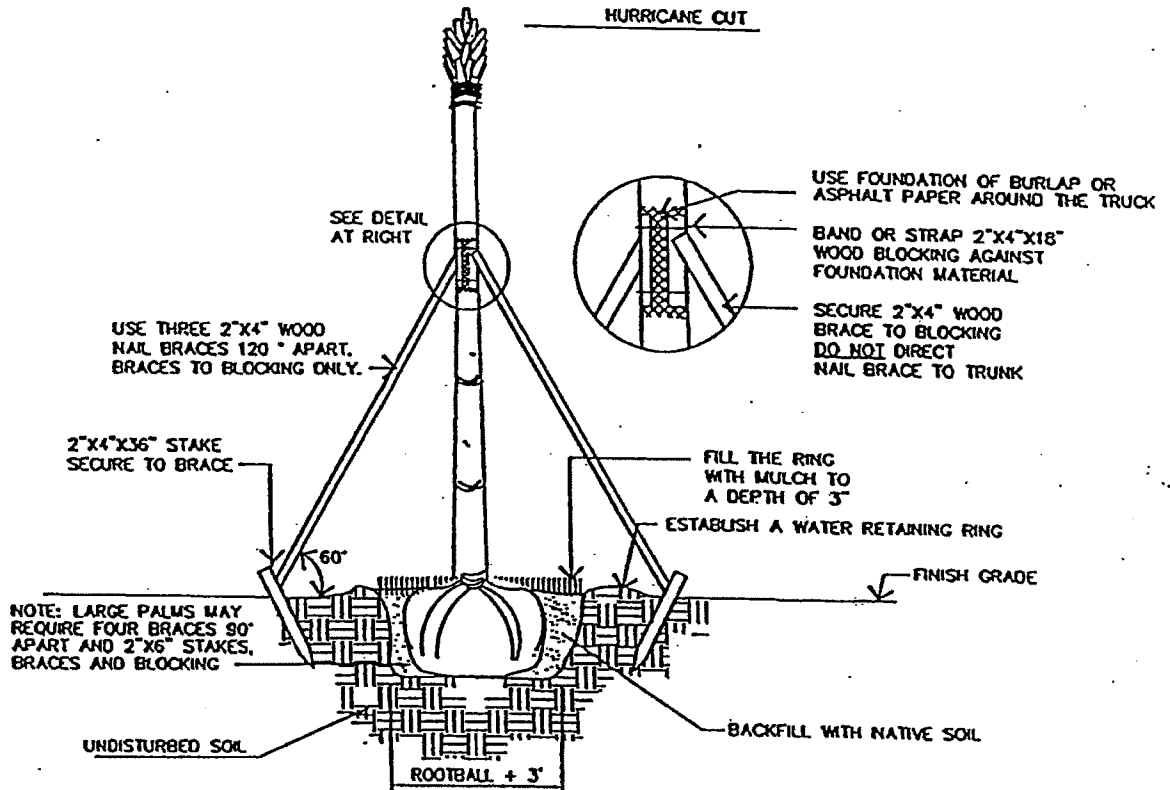
The Extension Service is part of a publicly funded statewide educational network that provides information and scientific knowledge to area residents, businesses and government leaders. The University of Florida, Extension Service offers the latest research and technology in more than 200 subjects related to horticulture, energy/conservation, agriculture, youth development and family and consumer sciences. Last year, the Lee County Extension Service provided assistance to more than 70,000 people and provided 463 classes and workshops on everything from family financial planning to pesticide training.

The Lee County Extension Service is an Equal Employment Opportunity - Affirmative Action Employer that provides research, educational information and other services without regard to race, color, sex, age, handicap or national origin.

11. Establish a water-retaining ring around the palm three feet from the trunk. The ring should slope gently toward the trunk.
12. Fill the ring with mulch to a depth of three inches. Keep the mulch at least three inches away from the trunk.
13. Irrigation:
  - a. Palms with fronds remaining: Fill the ring with 50 gallons of water three times weekly.
  - b. Palms with hurricane cut: Fill the ring with 20 to 25 gallons of water three times weekly.
14. In both cases, after four weeks, reduce irrigation to twice weekly. Water twice weekly for four weeks, and then reduce irrigation to once weekly for an additional four weeks. Twelve weeks after planting, cease irrigation if the palm appears

healthy. However, during drought, water once a week for up to two years. For each inch of rain, skip one scheduled irrigation treatment.

15. As soon as new growth begins to appear, loosen tied fronds. This will happen between 3-6 months after transplanting, depending on the time of year and the health of the palm.
16. Begin fertilization after new growth begins. Fertilize three to four times per year with a 2-1-3-ratio fertilizer at a rate of one to two pounds per 100 square feet. For best results use a slow release formulation.
17. Remove staking and burlap or asphalt paper rap after successful palm establishment. Removal usually occurs approximately one year after palm installation.



## PLANTING AND STAKING SABAL PALM

NOT TO SCALE