MEMORANDUM
FROM THE
OFFICE OF COUNTY ATTORNEY

VIA EMAIL ONLY

DATE: July 16, 2020

TO: Eileen Gabrick
Minutes Office Manager

FROM: Amanda L. Swindle
Assistant County Attorney

RE: Zoning Resolution Z-20-009, Adopted June 3, 2020
Scrivener's Error

Lee County Resolution Z-20-009, adopting the 15950 Pine Ridge CPD contains a scrivener's error on page 1. The error consists of the following:

". . .rezone a 2.19± acre parcel from Commercial ~~(C1-A)~~ C-1A and Residential…"

Consequently, we respectfully request that you replace page 1 in Resolution Z-20-009 with the attached page so that it correctly reflects the text adopted by the County.

Should you have any questions concerning the above, please do not hesitate to contact me.

ALS:mme
Attachment

cc via email only: Audra Ennis, Zoning Manager
Jamie Baker, Administrative Specialist

RESOLUTION NUMBER Z-20-009

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

WHEREAS, an application was filed by the property owner, SFOC Pine Ridge, LLC, to rezone a 2.19± acre parcel from Commercial (C-1A) and Residential (TFC-2) to Commercial Planned Development (CPD) in reference to 15950 Pine Ridge CPD; and

WHEREAS, a public hearing before the Lee County Zoning Hearing Examiner, Amanda L. Rivera, was advertised and held on March 12, 2020; and

WHEREAS, the Hearing Examiner gave full consideration to the evidence in the record for Case #DCI2018-10014 and recommended APPROVAL of the Request; and

WHEREAS, a second public hearing was advertised and held on June 3, 2020 before the Lee County Board of Commissioners; and,

WHEREAS, the Lee County Board of Commissioners 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 2.19± acre parcel from C-1A and TFC-2 to CPD, to allow 12,000 square feet of non-residential floor area (10,000 square feet of warehouse and 2,000 feet of commercial/retail).

The property is located in the Central Urban Future 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. Development of this project must be consistent with the one-page Master Concept Plan (MCP) entitled "15950 Pine Ridge CPD," prepared by Maastricht Engineering, date stamped received May 18, 2020, and attached hereto as Exhibit C, except as modified by the conditions below. 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.

   Development Parameters. This Commercial Planned Development (CPD) allows a

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   Development Parameters. This Commercial Planned Development (CPD) allows a

maximum of 12,000 square feet of floor area: (i) 2,000 square feet of commercial/retail; and (ii) 10,000 square feet of warehouse use.

2. Uses and Site Development Regulations

a. **Schedule of Uses**

Accessory Uses and Structures
Administrative Offices
Animals:
    Clinic or Kennel (No outdoor runs)
    Control Center (Including Humane Society)
Auto Parts Store (Without Installation)
Bait and Tackle Shop
Boat Parts Store
Business Services: Group I
Cleaning and Maintenance Services
Contractors and Builders: Group I
Essential Services
Essential Service Facilities: Group I
Funeral Home or Mortuary (no cremation)
Hardware Store
Hobby, Toy and Game Shops
Household and Office Furnishings: Groups I & III
Insurance Companies
Laundry or Dry Cleaning: Group I
Lawn & Garden Supply Store
Paint, Glass and Wallpaper
Parking Lot:
    Accessory
Personal Services: Groups I & II
Pet Services
Pet Shop
Plant Nursery
Rental or Leasing Establishment: Groups I & II
Repair Shops: Groups I & II
Restaurants: Groups I & II
Signs
Social Services: Groups I and II
Storage: Indoor Only
Studios
Temporary Uses, limited to construction trailers at the time of development
Warehouse:
    Private
    Public

b. **Site Development Regulations**

Minimum Lot Area and Dimensions

Lot Size:	2.19 acres
Lot Width:	133 feet
Lot Depth	390 feet

Minimum Setbacks

Street, Public	25 feet on Kelly Road 15 feet on Pine Ridge Road
Side	15 feet
Rear	20 feet
Water Body	25 feet

Maximum Lot Coverage: 40%

Minimum Open Space: 20%

Maximum Building Height: 35 feet

3. Development Permits

County development permits do not establish a right to obtain permits from state or federal agencies. Further, it does not establish liability on the part of the county if the Developer: (a) does not obtain requisite approvals or fulfill obligations imposed by state or federal agencies or (b) undertakes actions that result in a violation of state or federal law.

SECTION C. DEVIATIONS:

1. Connection Separation. Deviation (1) seeks relief from the LDC §10-285 requirement to provide an access road intersection separation of 330 feet for major collector roadways, to allow: (a) an intersection separation of 127 feet from an existing driveway to the north; and (b) 292 feet from the Kelly Road and Pine Ridge Road intersection to the south. This deviation is APPROVED.

2. Western Buffer. Deviation (2) seeks relief from the LDC §10-416(d) requirement to provide a 15-foot wide Type C buffer with a wall between the proposed development and abutting RM-10 zoned property along the northerly 220 feet of the westerly boundary, to allow a type C buffer with no wall. This deviation is APPROVED, SUBJECT TO the condition that prior to development order approval, the landscape plans must depict a Type C buffer with no wall located west of the proposed building and drive. The Type C plantings must be located within a 7.5 foot planting area to allow access to the lake maintenance easement.

3. Pine Ridge Road Setback. Deviation (3) seeks relief from the LDC §34-2192 requirement to provide a building setback of 25 feet from public roads, to allow a 15 foot setback from Pine Ridge Road. This deviation is APPROVED.

4. Interconnection. Deviation (4) seeks relief from the LDC §10-610(e) requirement to provide parking lot interconnection to adjacent properties, to allow no interconnection. This deviation is APRROVED.

5. Bicycle and Pedestrian Facilities. Deviation (5) seeks relief from the LDC §10-296 requirement for major collector roadways within Central Urban areas to have a 100 foot wide right-of-way with 10 foot wide travel lanes, 5 foot wide bike lanes, 8 foot wide planting areas and 8 foot wide sidewalks, to allow: (a) 100 foot wide right-of-way, 10 foot travel lanes, 5 foot wide bike lane, and 5 foot wide sidewalk for Pine Ridge Road; and (b) 50 foot wide right-of-way, 12 foot wide travel lanes, and 4 foot wide shoulder for Kelly Road. This deviation is APPROVED.

6. Buffers. Deviation (6) seeks relief from the §10-416(d) requirement to provide a landscape buffer between commercial developments abutting residential and commercial zoned properties, to allow no buffer where the lake adjoins the following property boundaries:

   a. 187.85 feet of the northern property line abutting CC zoned property;

   b. 205.00 feet of the northwestern property line abutting RM-10 zoned property;

   c. 170.78 feet of the southern property line abutting RM-10 zoned property; and

   d. 95.22 feet of the northeast property line abutting CG zoned property.

   This deviation is APPROVED.

SECTION D. EXHIBITS:

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

SECTION E. FINDINGS AND CONCLUSIONS:

Based upon its review, The Board of County Commissioners adopts the recommendation of the Hearing Examiner, including the following findings and conclusions:

1. *As conditioned herein*, the proposed CPD:

   a. Complies with the Lee Plan. *See,* Lee Plan Vision Statement Paragraph 12 (Iona/McGregor Planning Community), Lee Plan Goals 2, 4, 6, Objectives 2.1, 2.2, 4.1, Standards 4.1.1, 4.1.2, and Policies 1.1.3, 2.2.1, 5.1.5, 6.1.1, 6.1.3, 6.1.4, 6.1.7; Lee Plan Maps 1, 16.

   b. Complies with the LDC and other County regulations. *See*, LDC Chapters 10 and 34;

   c. Is compatible with existing and planned uses in the area. *See,* Lee Plan Policies 1.1.3, 2.1.1, 2.1.2, 2.2.1; LDC §34-411(c), (i), and (j).

   d. Will not adversely affect environmentally critical areas and natural resources. *See,* Lee Plan Goal 77, Objective 4.1, and LDC §34-411(h).

   e. Will be served by urban services. *See,* Lee Plan Glossary, Maps 6, 7, Goal 2; Objectives 2.1, 2.2, 4.1; Policy 2.2.1, and Standards 4.1.1 and 4.1.2; LDC §34-411(d).

2. The Master Concept Plan reflects sufficient access to support the intensity of development. In addition, County regulations and conditions of approval will address expected impacts to transportation facilities. *See,* Lee Plan Policy 6.1.5; LDC §34-411(d).

3. The proposed mix of uses is appropriate at the proposed location. *See,* Lee Plan Policies 1.1.3, 2.1.1, 6.1.4.

4. The recommended conditions are sufficient to protect the public interest and reasonably relate to the impacts expected from the development. *See,* LDC Chapters 10 and 34.

5. As conditioned herein, the deviations:

   a. Enhance the objectives of the planned development; and

   b. Promote the intent of the LDC to protect the public health, safety and welfare. *See,* §34-377(b)(4).

SECTION F. SCRIVENER'S ERRORS

The Board intends that this resolution can be renumbered or relettered and typographical errors that do not affect the intent and are consistent with the Board's action can be corrected with the authorization of the County Manager or his designee, without the need for a public hearing.

Commissioner Manning made a motion to adopt the foregoing resolution, seconded by Commissioner Pendergrass. The vote was as follows:

Adopted by unanimous consent.

John Manning	Aye
Cecil Pendergrass	Aye
Raymond Sandelli	Aye
Brian Hamman	Aye
Frank Mann	Aye

DULY PASSED AND ADOPTED this 3rd day of June 2020.

ATTEST:
LINDA DOGGETT, CLERK

BY: _____
Deputy Clerk

BOARD OF COUNTY COMMISSIONERS
OF LEE COUNTY, FLORIDA

BY: _____
Brian Hamman, Chair

BOARD OF COUNTY COMMISSIONERS
SEAL
LEE COUNTY FLORIDA

APPROVED AS TO FORM FOR THE
RELIANCE OF LEE COUNTY ONLY

_____
Amanda L. Swindle
Assistant County Attorney
County Attorney's Office

RECEIVED
MINUTES OFFICE
2020 JUN 16 PM 3:34

EXHIBIT A

CES INC

Engineers ◆ Environmental Scientists ◆ Surveyors

Description of a Parcel of Land
Lying in
Section 31, Township 45 South, Range 24 East
Lee County, Florida
(Boundary)

A parcel of land situated in the State of Florida, County of Lee, Section 31, Township 45 South, Range 24 East and further described as follows:

Commencing at the southeast corner of said Section 31; thence S89°05'20"W along the south line of said Section 31 for 33.00 feet to the former westerly right-of-way line of Pine Ridge Road (66 feet wide); thence continue S89°05'20"W along the south line of said Section 31 for 34.00 feet to the westerly line of a right-of-way taking parcel as described in Official Record Book 2306 at Page 1295 and the Point of Beginning; thence N01°25'43"W along said westerly right-of-way line for 390.42 feet to the southerly line of a parcel described in Official Record Book 2971 at Page 608; thence S89°04'51"W along the southerly line of said parcel for 133.00 feet to the southwest corner of said parcel; thence N01°25'43"W along the westerly line of said parcel for 95.22 feet; thence S89°04'37"W parallel with the north line of the Southeast One Quarter (SE 1/4) of the Southeast One Quarter (SE 1/4) of the Southeast One Quarter (SE 1/4) of said Section 31 for 187.85 feet to an intersection with a line parallel with and 275.00 feet easterly of the west line of said fraction; thence S01°22'43"E along said parallel line for 205.00 feet; thence N89°05'20"E parallel with the south line of said fraction for 170.78 feet; thence S01°22'43"E along a line parallel with the west line of said fraction for 280.58 feet to the south line of the Southeast One Quarter (SE 1/4) of said Section 31; thence N89°05'20"E along said south line for 150.50 feet to the Point of Beginning.

Containing 95,325 square feet (2.188 acres), more or less.

Subject to easements, restrictions, reservations and rights-of-way (recorded and unrecorded, written and unwritten).

Bearings are based on the east line of the Southeast One Quarter (SE 1/4) of said Section 31 as bearing N01°25'43"W.

CES, Inc. (LB 8267)

Scott C. Whitaker, P.S.M. 4324

2010037.001DESC4.docx 08/15/19

Applicant's Legal Checked by DM 11/13/19

RECEIVED
NOV 13 2019
COMMUNITY DEVELOPMENT

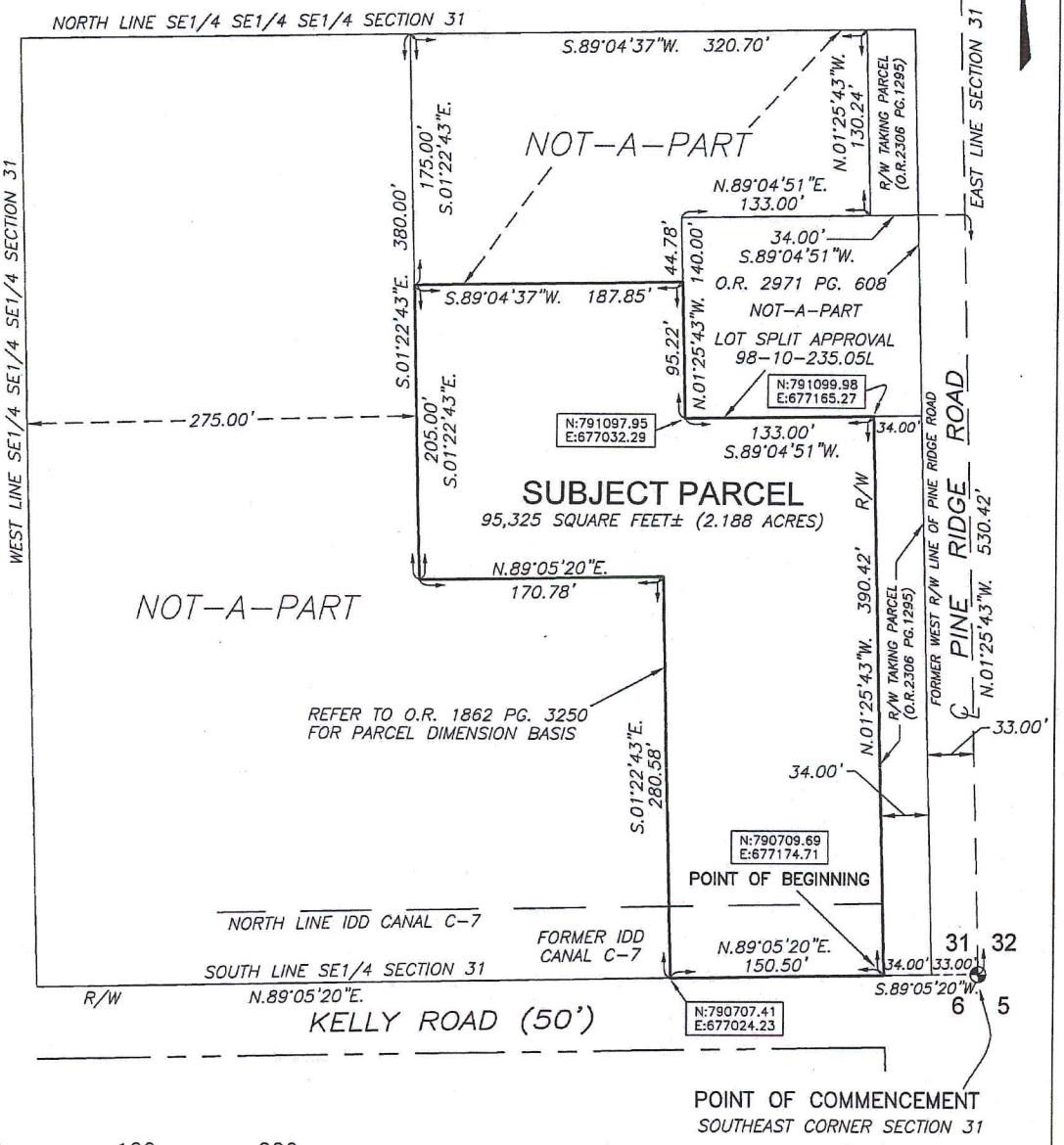
Sensible Solutions | www.cesincusa.com

13041 McGregor Boulevard
Fort Myers, FL 33919-5910
T 239.481.1331
F 239.481.1073

DCI 2018-10014

SKETCH TO ACCOMPANY DESCRIPTION

A PARCEL OF LAND
LYING IN
SECTION 31, TOWNSHIP 45 SOUTH, RANGE 24 EAST,
LEE COUNTY, FLORIDA.



0 100 200

Applicant's Legal Checked by DM 11/22/19

COORDINATES SHOWN HEREON ARE STATE PLANE GRID, FLORIDA WEST ZONE NAD83/2011.

NOTES:
SUBJECT TO EASEMENTS, RESTRICTIONS, RESERVATIONS AND RIGHT-OF-WAY (WRITTEN AND UNWRITTEN, RECORDED AND UNRECORDED).

LEGEND:
IDD = IONA DRAINAGE DISTRICT
INSTR = INSTRUMENT
OR = OFFICIAL RECORD BOOK
PB = PLAT BOOK
PC = POINT OF CURVE
POB = POINT OF BEGINNING
POC = POINT OF COMMENCEMENT
PG = PAGE
R/W= RIGHT-OF-WAY
DE = DRAINAGE EASEMENT
PUE = PUBLIC UTILITY EASEMENT

*** THIS IS NOT A SURVEY. ***

CES, Inc.

SCOTT C. WHITAKER, R.L.S.
Florida Certificate No. 4324

BOUNDARY SKETCH-15950 PINE RIDGE ROAD

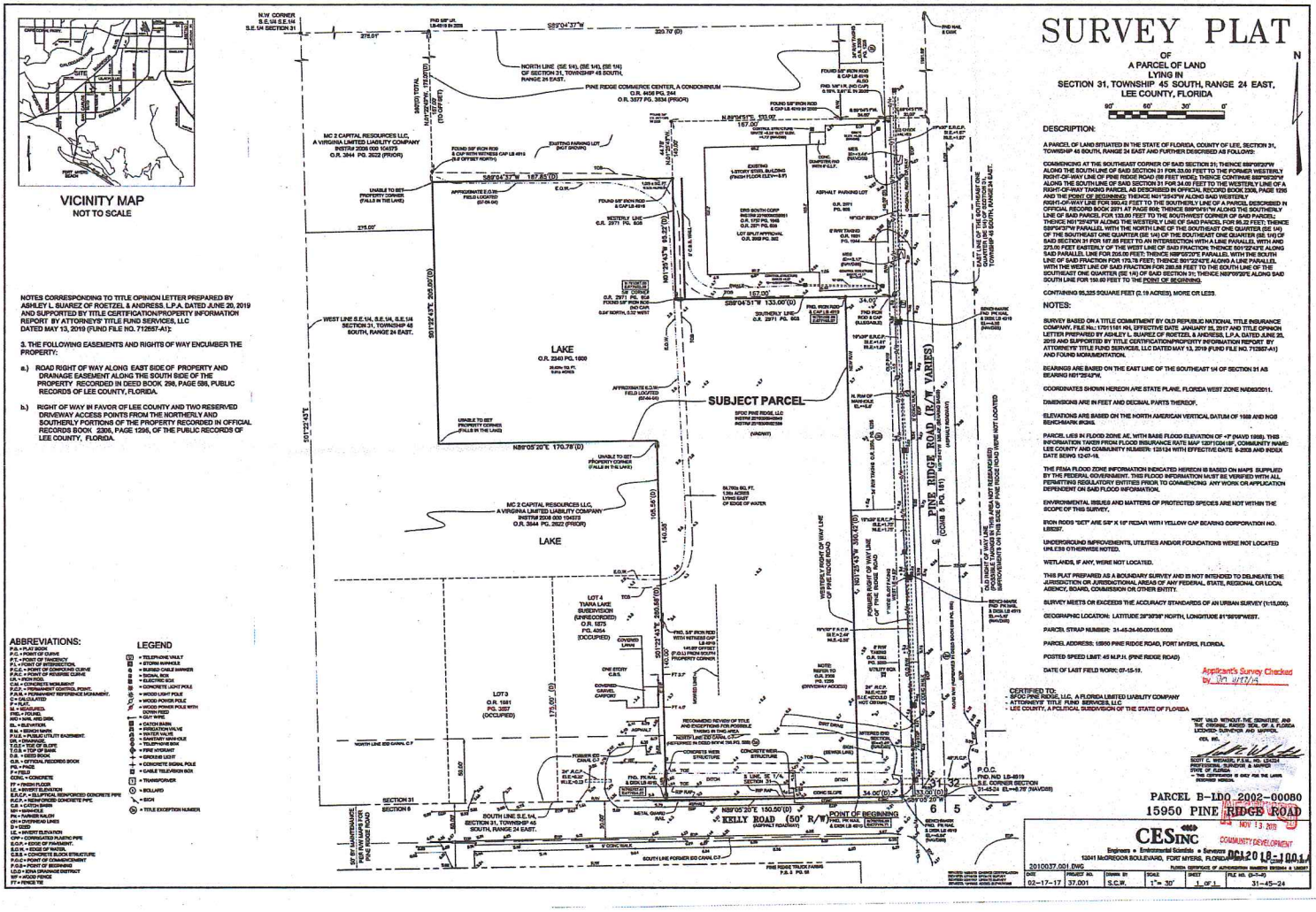
CES INC
Engineers • Environmental Scientists • Surveyors
13041 McGREGOR BOULEVARD, FORT MYERS, FLORIDA 33919 PH (239) 481-1331
FLORIDA CERTIFICATE OF AUTHORIZATION NUMBERS EB32584 & LB8267

2010037.001SK.DWG					
DATE	PROJECT NO.	DRAWN BY	SCALE	SHEET	FILE NO. (S-T-R)
8-15-19	37.001	S.C.W.	1"= 100'	1 OF 1	31-45-24

RECEIVED
NOV 13 2019
COMMUNITY DEVELOPMENT
DCI2018-10014

SURVEY PLAT

OF
A PARCEL OF LAND
LYING IN
SECTION 31, TOWNSHIP 45 SOUTH, RANGE 24 EAST,
LEE COUNTY, FLORIDA


VICINITY MAP
NOT TO SCALE
SITE
N
90' 60' 30' 0'
SUBJECT PARCEL
PINE RIDGE ROAD (R/W VARIES)
KELLY ROAD (50' R/W)
POINT OF BEGINNING
LAKE
LOT 4
TIARA LAKE SUBDIVISION
(UNRECORDED)
O.R. 1875
PG. 4054
(OCCUPIED)
LOT 3
O.R. 1981
PG. 3857
(OCCUPIED)
MC 2 CAPITAL RESOURCES LLC,
A VIRGINIA LIMITED LIABILITY COMPANY
INSTR# 2008 000 104373
O.R. 3944 PG. 2622 (PRIOR)
PINE RIDGE COMMERCE CENTER, A CONDOMINIUM
O.R. 4426 PG. 244
O.R. 3577 PG. 3634 (PRIOR)
DRS SOUTH CORP
INSTR# 2019000029551
O.R. 1757 PG. 1845
O.R. 2971 PG. 808
LOT SPLIT APPROVAL
O.R. 2988 PG. 302
O.R. 2971 PG. 804
FOUND 5/8" IRON ROD & CAP LB 4919
FOUND 5/8" IRON ROD & CAP WITH WITNESS CAP LB 4919 (0.9' OFFSET NORTH)
FOUND 5/8" IRON ROD & CAP LB 4919 (NO ID)
FOUND 5/8" IRON ROD & CAP LB 4919 (0.9' OFFSET NORTH)
FOUND 5/8" IRON ROD WITH WITNESS CAP LB 4919 (0.9' OFFSET NORTH)
FOUND 5/8" IRON ROD & CAP LB 4919 (NO CAP)
FND. 5/8" I.R. (NO CAP) 0.19'N, 0.4'E. IN BOX
FND. NAIL & DISK
FND. NAIL & CAP
FND. NAIL & DISK "LB 4919"
FND. NAIL & DISK "LB 4919" 0.35'N, 0.05'E.
FND. NAIL & DISK "LB 4919" 0.35'N, 0.05'E. IN BOX

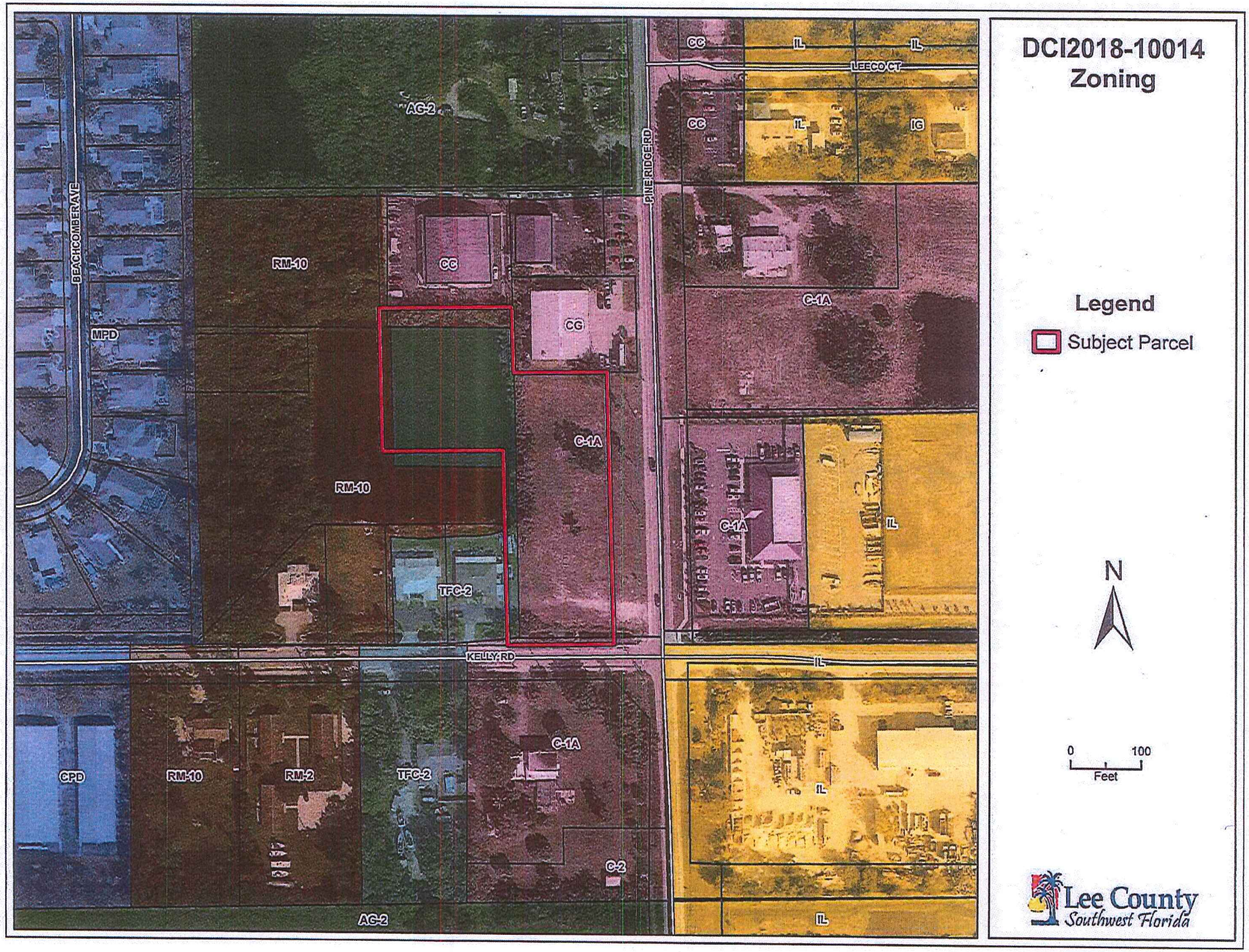
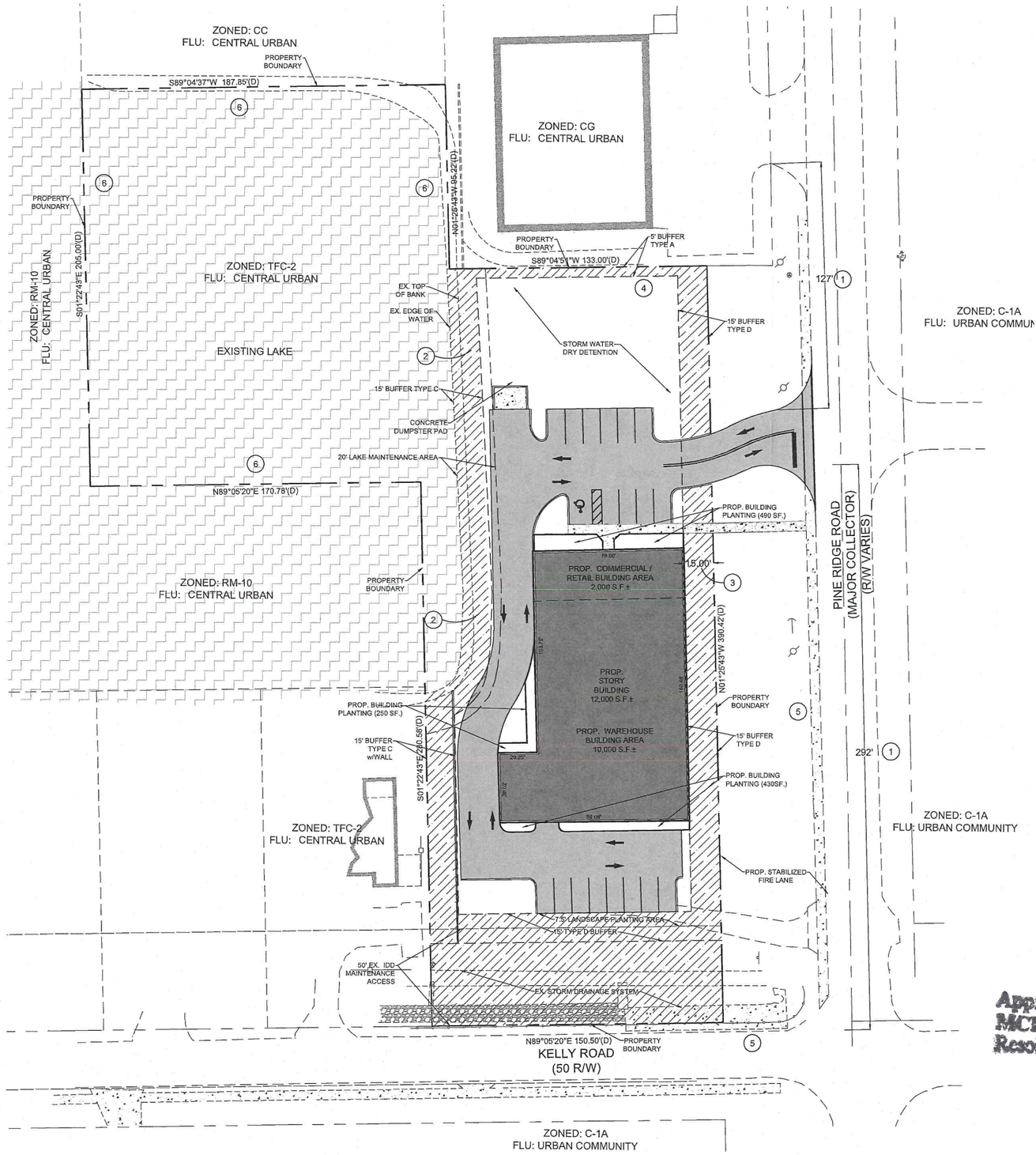

DCI2018-10014
Zoning
Legend
Subject Parcel
N
0
100
Feet
Lee County
Southwest Florida
BEACHCOMBER AVE
PINE RIDGE RD
LEECO CT
KELLY RD
AC-2
RM-10
CC
CG
MPD
C-1A
TFC-2
IL
IG
CPD
RM-2
C-2

EXHIBIT B



PARKING CALCULATIONS

PER LEE COUNTY LAND DEVELOPMENT CODE SECTION 34-2020(b)

COMMERCIAL / RETAIL BUILDING AREA:

1 PER 250 SQ. FT. OF GROSS FLOOR AREA.

2,000 S.F. / 250 = 08 SPACES

SPACES REQUIRED = 08 SPACES

WAREHOUSE BUILDING AREA:

1.25 SPACE PER 1,500 SQ. FT. OF TOTAL FLOOR AREA

10,000 SQ. FT. / 1,500 SQ. FT. x 1.25 = 08 SPACES

TOTAL SPACES REQUIRED = 16 SPACES

TOTAL SPACES PROVIDED = 19

(INCLUDING 1 H/C SPACE)

REQUEST:

REZONE ±2.188 ACRES OF LAND FROM COMMERCIAL (C1-A / TFC-2) TO COMMERCIAL PLANNED DEVELOPMENT (CPD) FOR A MAXIMUM OF 12,000 SF. BUILDING AREA INCLUDING RETAIL, WAREHOUSE.

SITE DATA:

TOTAL SITE AREA:	2.188 ACRES
COMMERCIAL / RETAIL BUILDING AREA:	2,000 SF.
WAREHOUSE:	10,000 SF.
TOTAL BUILDING AREA:	12,000 SF.
LAKE AREA (EXISTING):	41,687 SF. (0.957 ACRES)
MAXIMUM BUILDING HEIGHT:	60 FT.

OPEN SPACE CALCULATIONS:

REQUIRED : 2.19 ACRES x 20% = 0.44 ACRES

PROVIDED :
LAKE 0.96 ACRES 25% x .44 (MAX.) = 0.11 ACRES
SITE = 0.42 ACRES

OPEN SPACE PROVIDED = 0.53 ACRES

DEVIATION NOTES

1. DEVIATION FROM L.D.C. 10-285 REQUIREMENT FOR 330 FEET INTERSECTION SEPARATION FROM PRIMARY ACCESS TO 292 FEET FROM KELLY ROAD, 127 FEET FROM NORTH WAREHOUSE DRIVEWAY.
2. DEVIATION FROM L.D.C. 10-416 (A) REQUIREMENT FOR 15 FEET TYPE 'C' BUFFER WITH WALL TO 15 FEET TYPE 'C' BUFFER WITH NO WALL.
3. ⚠ DEVIATION FROM L.D.C. 34-2192 REQUIREMENT FOR 25 FEET BUILDING SETBACK FROM COLLECTOR ROADWAY RIGHT OF WAY TO 15 FEET SETBACK TO RIGHT OF WAY.
4. DEVIATION FROM L.D.C. 10-610 (e) REQUIREMENT TO ELIMINATE PARKING LOT INTERCONNECT.
5. ⚠ DEVIATION FROM L.D.C. 10-296 REQUIREMENT FOR ROADWAY REQUIREMENTS COLLECTOR TO REMAIN AS PRESENTLY CONSTRUCTED.
6. DEVIATION FROM L.D.C. 10-416 (d) REQUIREMENT FOR BUFFER AT PROPERTY BOUNDARY TO REQUIRE NO BUFFER.

LEGEND

- PROP. BUILDING
- EXISTING BUILDING
- PROP. CONCRETE
- EXISTING CONCRETE
- PROP. PAVEMENT
- EXISTING PAVEMENT
- OPEN SPACE

Approved as Exhibit C
MCP Page 1 of 1
Resolution # Z-20-009

DATE: 01/20/18
PROJ. #: 18-104
CAD TECH: TAH
ENGINEER: DANIEL P. JOHNSON P.E.
FL. LICENSE NUMBER: 37573

MAASTRICHT ENGINEERING
7370 COLLEGE PARKWAY, SUITE 211 • FORT MYERS, FL 33907 • (239) 362-1555 • EB#8 # 28925

DEVELOPER:
SFOC PINE RIDGE, LLC
1053 WHITTMAN DRIVE
FORT MYERS, FL 33919

BY	DATE	REVISION DESCRIPTION
JCU	05-07-20	CORRECTION PER HEARING EXAMINER ⚠

15950 PINE RIDGE CPD
15950 PINE RIDGE ROAD
FORT MYERS, FL 33908

MASTER CONCEPT PLAN

SHEET 1 OF 1

Y:\CAD\2018\18-104\PLOT\01-20-18 CDP\18-104 Master Concept Plan.dwg Friday, May 15, 2020 2:03:05 PM