RESOLUTION NUMBER Z-21-003

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

WHEREAS, an application was filed by the property owner, Delacruz Properties, LLC, to rezone a 3.6± acre parcel from Multiple-Family Residential (RM-2) to Commercial (C-2) in reference to 22 Beth Stacey Blvd; and

WHEREAS, a public hearing before the Lee County Zoning Hearing Examiner, Donna Marie Collins, was advertised and held on April 1, 2021; and

WHEREAS, the Hearing Examiner gave full consideration to the evidence in the record for Case # REZ2020-00007 and recommended APPROVAL of the Request; and

WHEREAS, a second public hearing was advertised and held on June 2, 2021 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 3.6± acre parcel from RM-2 to C-2.

The property is located in the Central Urban Future Land Use Category and is legally described in attached Exhibit A. The request is APPROVED.

SECTION B. 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)

SECTION C. 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. The requested C-2 Commercial zoning district complies with the Lee Plan. See Lee Plan Vision Statement Paragraph 17 (Lehigh Acres), Lee Plan Goals 4, 6, 11, 17, 25; Objectives 6.1, 11.1, 11.2, 25.1, 25.2, 25.6, 25.9.2, and Policies 1.1.3, 6.1.1, 6.1.4, 11.2.4, 25.6.1, Maps 1, 16.

2. The C-2 zoning district:

   a. Meets the Land Development Code and other County regulations. See LDC §§ 33-1400 *et seq.*, 34-491, 34-621, 34-841, 34-844, 34-845, 34-2020;

   b. Is compatible with existing and planned uses in the surrounding area. See Lee Plan Objectives 25.1, 25.6, Policies 1.1.3, 5.1.5, 6.1.4, 6.1.5, 11.2.4, 25.6.1, 25.9.2;

   c. Will provide access sufficient to support development intensity. Expected impacts on transportation facilities will be addressed by County regulations. See Lee Plan Objective 39.1, Policies 6.1.1, 6.1.5, 39.1.1, 39.2.1;

   d. Will not adversely affect environmentally critical/sensitive areas or natural resources; and

   e. Will be served by urban services including transit. See Lee Plan Glossary, Goal 4, Objectives 11.1, 11.2, Policies 1.1.3, 2.2.1, 25.9.1, 25.9.2 Standards 4.1.1, 4.1.2.

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

Adopted by unanimous consent.

Kevin Ruane	Aye
Cecil Pendergrass	Aye
Raymond Sandelli	Aye
Brian Hamman	Aye
Frank Mann	Aye

DULY PASSED AND ADOPTED this 2nd day of June 2021.

ATTEST:
LINDA DOGGETT, CLERK

BY: Missy Flint
Deputy Clerk

BOARD OF COUNTY COMMISSIONERS
OF LEE COUNTY, FLORIDA

BY: _____
Kevin Ruane, Chair

BOARD OF COUNTY COMMISSIONERS SEAL LEE COUNTY, FLORIDA

APPROVED AS TO FORM FOR THE
RELIANCE OF LEE COUNTY ONLY

David W. Halverson
Assistant County Attorney
County Attorney's Office

RECEIVED
MINUTES OFFICE
2021 JUN -2 PM 4:37

PARKWOOD III, LEHIGH ACRES SUBDIVISION

PLAT BOOK 28, PAGE 94

LEGAL DESCRIPTION

A tract or parcel of land lying in Section 31, Township 44 South, Range 27 East, Lee County, Florida, being more particularly described as follows:
Commencing at the intersection of the Northerly right-of-way line of Woodward Court and the Easterly right-of-way line of Beth Stacey Boulevard, as shown on the Plat of Parkwood III, Section 31, Township 44 South, Range 27 East, a Subdivision of LEHIGH ACRES, Lee County, Florida, recorded in Plat Book 28, at Page 94, of the Public Records of Lee County, Florida; thence South 00°20'28" West, a distance of 60.00 feet; to the Southerly right-of-way line of Woodward Court; and the Point of Beginning of the parcel of land herein described; thence North 89°45'00" East, along Woodward Court; a distance of 200.01 feet; to the Westerly right-of-way line of Yellowtail Canal extension; thence South 00°20'28" West, along said Yellowtail extension, a distance of 789.09 feet, to the South section line of said Section 31; thence South 89°45'00" West, along the South section line, a distance of 200.01 feet; to the Easterly right-of-way line of Beth Stacey Boulevard; thence North 00°20'28" East, along Beth Stacey Boulevard, a distance of 789.09 feet, to the Point of Beginning.

REVIEWED
REZ2020-00007
Rick Burris, Principal Planner
Lee County DCD/Planning
1/11/2021

I HEREBY CERTIFY THAT THIS SKETCH OF SURVEY WAS MADE UNDER MY RESPONSIBLE CHARGE AND TO THE BEST OF MY KNOWLEDGE AND BELIEF SAID SURVEY MEETS THE MINIMUM TECHNICAL STANDARDS SET FORTH BY THE FLORIDA BOARD OF PROFESSIONAL LAND SURVEYORS IN CHAPTER 5J-17 FLORIDA ADMINISTRATIVE CODE FURTHER, THIS DOCUMENT IS ELECTRONICALLY SIGNED AND SEALED PURSUANT TO SECTION 472.027, OF THE FLORIDA STATUTES AND CHAPTER 5J-17 OF THE FLORIDA ADMINISTRATION CODE

LIS LAND SURVEYING, LLC
d.b.a. S & H Land Surveying Co.
21430 Palm Beach Blvd.
Alva, FL 33920
239-481-2366 239-481-2437(Fax)
LB1057

Charles DeGraff

Digitally signed by Charles DeGraff
DN: c=US, st=Florida, l=Debary, o=Charles DeGraff Land Surveyor, cn=Charles DeGraff, email=charles.degraff@gmail.com
Date: 2020.06.10 09:20:30 -04'00'

06/09/20

CHARLES L. DEGRAFF
REGISTERED LAND SURVEYOR PSM# 4706

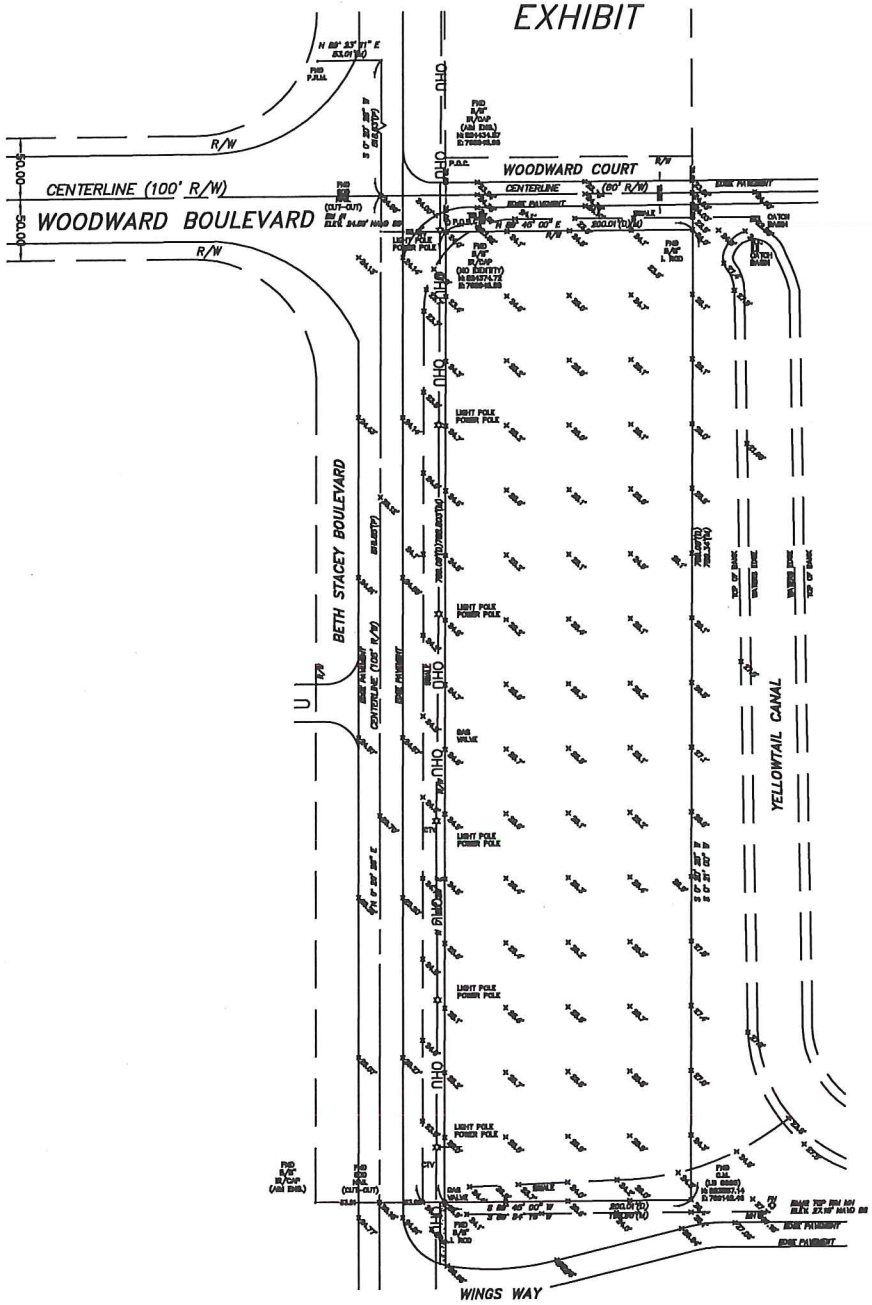
JOB NO: 22665-LEGAL

EXHIBIT A

PARKWOOD III, LEHIGH ACRES SUBDIVISION

PLAT BOOK 28, PAGE 94

EXHIBIT



REVIEWED
REZ2020-00007
Rick Burris, Principal Planner
Lee County DCD/Planning
1/11/2021

SCALE: 1"=150'

I HEREBY CERTIFY THAT THIS SKETCH OF SURVEY WAS MADE UNDER MY RESPONSIBLE CHARGE AND TO THE BEST OF MY KNOWLEDGE AND BELIEF SAID SURVEY MEETS THE MINIMUM TECHNICAL STANDARDS SET FORTH BY THE FLORIDA BOARD OF PROFESSIONAL LAND SURVEYORS IN CHAPTER 5J-17 FLORIDA ADMINISTRATIVE CODE FURTHER, THIS DOCUMENT IS ELECTRONICALLY SIGNED AND SEALED PURSUANT TO SECTION 472.027, OF THE FLORIDA STATUTES AND CHAPTER 5J-17 OF THE FLORIDA ADMINISTRATION CODE

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Charles DeGraff

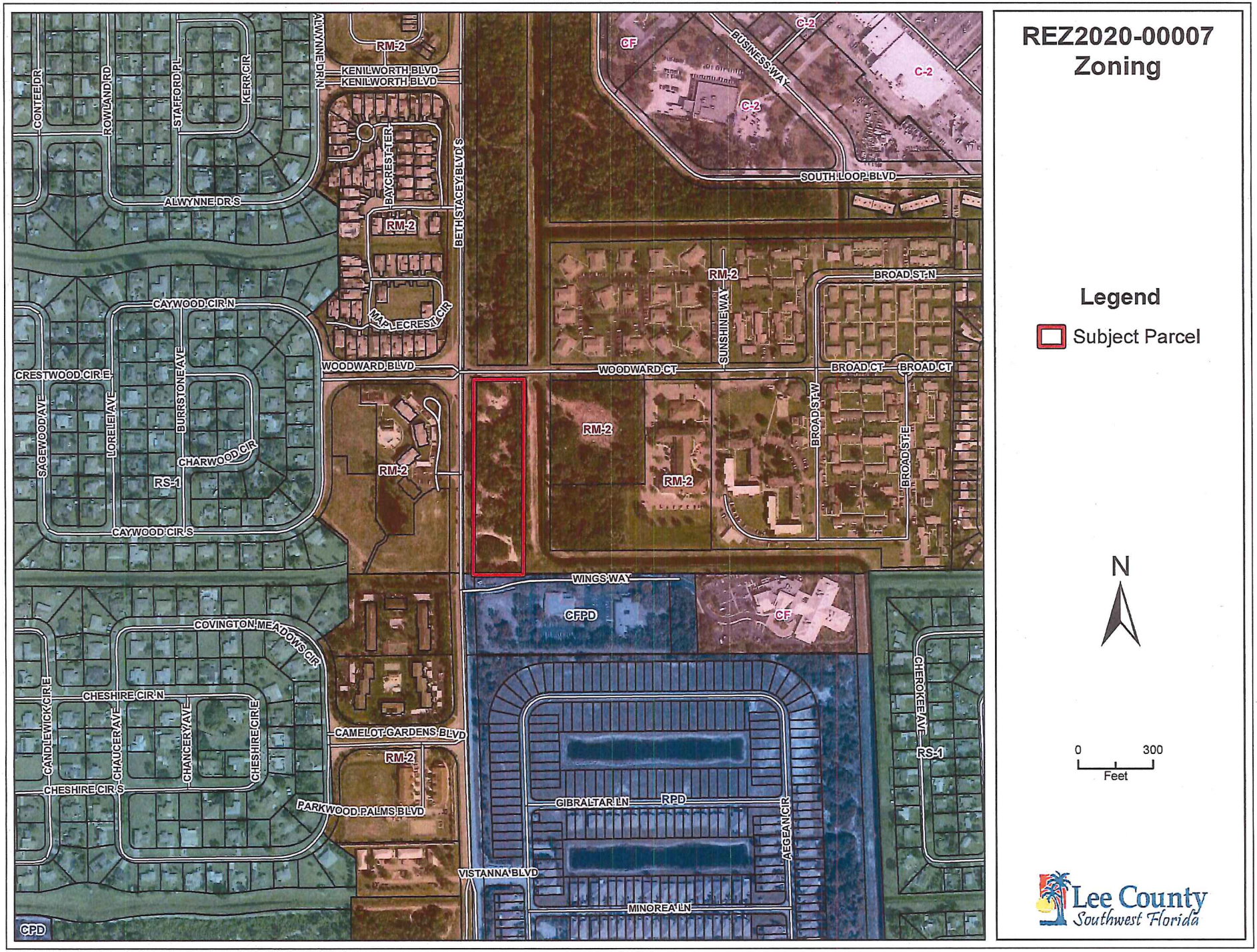
Digitally signed by Charles DeGraff
DN: c=US, st=Florida, l=Debary, o=Charles DeGraff Land Surveyor, cn=Charles DeGraff, email=charles.degraff@gmail.com
Date: 2020.06.10 09:19:34 -04'00'

06/09/20

CHARLES L. DEGRAFF
REGISTERED LAND SURVEYOR PSM# 4706

JOB NO: 22665-SKETCH

EXHIBIT B


REZ2020-00007
Zoning
Legend
Subject Parcel
N
0
300
Feet
Lee County
Southwest Florida
RM-2
C-2
CF
RS-1
CPD
RPD
CFPD
KENILWORTH BLVD
ALWYNNE DR S
ALWYNNE DR N
CONTEE DR
ROWLAND RD
STAFFORD PL
KERR CIR
BAYCREST TER
BETH STACEY BLVD S
MAPLECREST CIR
CAYWOOD CIR N
CAYWOOD CIR S
CRESTWOOD CIR E
SAGEWOOD AVE
LORELEI AVE
BURRSTONE AVE
CHARWOOD CIR
WOODWARD BLVD
WOODWARD CT
SUNSHINE WAY
BUSINESS WAY
SOUTH LOOP BLVD
BROAD ST N
BROAD ST W
BROAD ST E
BROAD CT
WINGS WAY
COVINGTON MEADOWS CIR
CHESHIRE CIR N
CHESHIRE CIR S
CHESHIRE CIR E
CANDLEWICK CIR E
CHAUCER AVE
CHANCERY AVE
CAMELOT GARDENS BLVD
PARKWOOD PALMS BLVD
VISTANNA BLVD
GIBRALTAR LN
MINOREA LN
AEGEAN CIR
CHEROKEE AVE