

ADMINISTRATIVE AMENDMENT (PD) ADD2022-00109

ADMINISTRATIVE AMENDMENT
LEE COUNTY, FLORIDA

WHEREAS, Quattrone and Associates filed an application for an administrative amendment to an Industrial Planned Development known as Southwest Florida International Commerce Park IPD to add Consumption on Premises in conjunction with a hotel use to the Schedule of Uses for Lots H-5.2 and H-5.3A on property located at 14567 and 14575 Global Parkway, described more particularly as:

LEGAL DESCRIPTION: In Section 26, Township 45 South, Range 25 East, Lee County, Florida:

ATTACHED AS EXHIBIT "A"

WHEREAS, the property was originally rezoned by Resolution Z-04-059 and amended by ADD2005-00110, ADD2006-00209, ADD2011-00015, ADD2011-00061, ADD2012-00035, ADD2014-00023, ADD2014-00161, ADD2014-00164, Resolution Z-15-012, ADD2015-00124, ADD2015-00183, ADD2016-00102, ADD2017-00168, ADD2018-00007, ADD2018-10031, ADD2019-00096, ADD2019-00100, ADD2020-00010, ADD2020-00066, ADD2021-00102, and ADD2022-00035; and

WHEREAS, the subject property is located in the Tradeport Future Land Use Category as designated by the Lee Plan; and

WHEREAS, the Lee County Land Development Code provides for certain administrative changes to planned development master concept plans and planned unit development final development plans; and

WHEREAS, the applicant requests to amend the Schedule of Uses provided via Z-15-012, as amended, to include Consumption on Premises in conjunction with a hotel use; and

WHEREAS, Consumption on Premises is already a permitted use, per Resolution Z-15-012, in conjunction with a restaurant, and per ADD2015-00124, in conjunction with Recreational Facility, Commercial, Group IV, on Lots H-1 through H-5.3; and

WHEREAS, Resolution Z-15-012 allows for up to 150 hotel rooms, and the subject hotel contains 101 guest rooms; and

WHEREAS, the subject hotel does not contain a restaurant or a cocktail lounge and will only have a small refreshment center for the guests; and

WHEREAS, the subject application has been reviewed by the Lee County Department of Community Development in accordance with applicable regulations for compliance with all terms of the administrative approval procedures; and

WHEREAS, it is found that the proposed amendment does not increase density or intensity within the development; does not decrease buffers or open space required by the LDC; does not underutilize public resources or infrastructure; does not reduce total open space, buffering, landscaping or preservation areas; and does not otherwise adversely impact on surrounding land uses.

NOW, THEREFORE, IT IS HEREBY DETERMINED that the application for administrative approval for an amendment to the Industrial Planned Development to amend the Schedule of Uses for Lots H-5.2 and H-5.3A to allow Consumption on Premises in conjunction with a hotel use is **APPROVED subject to the following conditions:**

1. **The terms, conditions and Master Concept Plan of the original zoning resolutions remain in full force and effect.**
2. **The Schedule of Uses of Resolution Z-15-012, as amended, is hereby amended to include “Consumption on Premises for a refreshment center in conjunction with a hotel use, limited to Lots H-5.2 and H-5.3A.”**
3. **If it is determined that inaccurate or misleading information was provided to the County or if this decision does not comply with the LDC when rendered, then, at any time, the Zoning Manager may issue a modified decision that complies with the Code or revoke the decision. If the approval is revoked, the applicant may acquire the necessary approvals by filing an application for public hearing in accordance with Chapter 34.**

Duly passed, adopted, and electronically signed on 9/21/2022

Anthony R. Rodriguez, AICP, CPM, Zoning Manager

Attachments: Exhibit “A” Legal Description
Exhibit “B” Resolution Z-15-012

Exhibit A

LEGAL DESCRIPTION

Lot 2. Southwest International Commerce Park II, According to the Plat recorded as Clerk's Instrument # 2018000125161, Public Records of Lee County, Florida
and

Lot H-5.3A of H-5.3, Southwest International Commerce Park Replat. According to the Plat recorded as Clerk's Instrument # 2011000235065, Public Records of Lee County, Florida

REVIEWED
ADD2022-00109
Hunter Searson, GIS
Planner
Lee County Government
9/1/2022

RESOLUTION NUMBER Z-15-012

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

WHEREAS, an application was filed by SW Florida Investment Property LLC to amend an Industrial Planned Development (IPD) approved by Zoning Resolution Z-04-059, in reference to SW International Commerce Park; and,

WHEREAS, subsequent to the original approval, the SW International Commerce Park IPD was amended administratively by ADD2005-00110, ADD2006-00206, ADD2014-00161 and ADD2014-00023; and

WHEREAS, the current request to further amend the IPD includes increasing the maximum approved floor area for commercial recreation, increasing the number of hotel/motel units and revisions to the schedule of permitted uses (DCI2014-00028); however, no change to the currently approved Master Concept Plan (MCP);

WHEREAS, a public hearing before the Lee County Zoning Hearing Examiner was advertised and held on May 14, 2015. At the conclusion of the hearing, the Hearing Examiner left the record open for submission of materials to her Office on or before May 29, 2015; and

WHEREAS, the Hearing Examiner gave full consideration to the evidence in the record for Case #DCI2014-00028 and recommended approval, subject to conditions and deviations, of the request; and

WHEREAS, a second public hearing was advertised and held on August 5, 2015 before the Lee County Board of County 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. The request is APPROVED, SUBJECT TO conditions and deviations.

NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF COUNTY COMMISSIONERS:

SECTION A. REQUEST

The applicant filed a request to amend the Southwest International Commerce Park IPD to increase the maximum approved floor area from 1,300,000 square feet to 1,500,000 square feet by adding 200,000 square feet for commercial recreation; to

increase the number of hotel/motel units from 94 to 150; and to revise the schedule of permitted uses to include a convenience food and beverage store and self-service fueling pumps (limited to 6,200 square feet and 12 pumps/24 fueling stations) on property legally described in Exhibit A. The current zoning and general location of the property is shown in the attached Exhibit B. The property is located in the Tradeport and Wetlands Future Land Use Category. Maximum height requested is 65 feet.

SECTION B. CONDITIONS:

All references to uses are as defined or listed in the Lee County Land Development Code (LDC). The conditions contained herein are intended to replace all previous conditions of approval as contained in Z-04-059, ADD2006-00209, ADD2014-00161, DOS2005-00012, ADD2014-00023, and ADD2014-00164.

1. Development must be in substantial compliance with the 2-page MCP entitled BECHARD GROUP INC., SOUTHWEST INTERNATIONAL COMMERCE PARK, dated 04/15/15, date-stamped "Received APR 16 2015, Community Development," attached as Exhibit C, except as modified by the conditions below.

Development must also comply with the Comprehensive Plan (Lee Plan) and the LDC, except where deviations have been approved. Subsequent changes to the MCP may require further approvals through the public hearing process.

2. Permitted Uses and Property Development Regulations.

A. Permitted Uses

Lots B-1, B-2, C-1, C-2, C-3, E, F-1, F-2, F-3, K, L, M, Q-1 and Q-2

Accessory Uses and Structures

Administrative Offices

Animals: Clinic or Kennel, No Outdoor Runs on Lots Q-1 and Q-2

ATM (Automatic Teller Machine)

Auto Repair and Service, Group II only

Broadcast Studio, Commercial Radio and Television

Business Services: Groups I and II

Bus Station/Depot

Caterers

Cleaning and Maintenance Services

Cold Storage, Pre-cooling, Warehouse and Processing Plant

Communication Facilities, Wireless: See Conditions 7 and 8 below

Computer and Data Processing Services

Consumption on Premises, in Conjunction with a Restaurant
(LDC §34-1264)
Contractors and Builders: Limited to Groups I, II and III
Drive-through Facility for Any Permitted Use
Emergency Operations Center
Entrance Gates and Gatehouse
Essential Services
Essential Service Facilities: Group I and Group II Limited to Communication,
Telephone and Electrical Distribution Facilities, and Electrical Substations
Excavation: Water Retention
Factory Outlets (Point of Manufacture Only)
Farm Equipment, Sales, Storage, Rental or Service
Fences and Walls
Freight and Cargo Handling Establishments
Gasoline Dispensing System, Special
Government Maintenance Facility
Health Club or Spa
Heliport: See Condition 13 below
Hotel/motel
Laundry or Dry Cleaning: Group II only
Machine Shop
Manufacturing Of:
Apparel Products
Boats
Chemical and Allied Products: Groups I and II, with Group II Limited to
Soaps, Detergents, Perfumes, Cosmetics, and Other Toilet
Preparations
Electrical Machinery and Equipment
Fabricated Metal Products: Groups I and II (Group I when in a completely
enclosed building and limited to metal forging and stamping and
coating, engraving and allied services)
Food and Kindred Products: Group III only
Furniture and Fixtures
Leather Products: Group II only
Lumber and Wood Products: Groups II, IV, and V, with Group V on Tracts
C, B, and M only, and limited to storage sheds up to a maximum of
360 square feet
Machinery: Groups I and II
Measuring, Analyzing and Controlling Instruments
Novelties, Jewelry, Toys and Signs: Groups I, II and III
Paper and Allied Products: Groups II and III
Rubber and Plastic Products: Group II only

Stone, Clay, Glass and Concrete Products: Groups I and IV, with Group IV limited to structural clay products and pottery products, but not to include the pouring of molds or firing green ware, which is done ancillary to a hobby shop

Transportation Equipment: Groups II and IV, with Group IV Limited to Motor Vehicle and Passenger Car Bodies, Truck or Bus Bodies, and Car or Boat Trailers

Transportation Equipment: Groups I, II and IV; Group I uses are limited to Motor Vehicle Parts and Accessories, Aircraft Engine Parts, and Aircraft Parts and Auxiliary Equipment; Group IV uses are limited to Motor Vehicle and Passenger Car Bodies, Truck or Bus Bodies, and Car or Boat Trailers

Medical Office

Message Answering Services

Mini-warehouse

Motion Picture Production Studio

Non-store Retailers: All Groups

Parcel and Express Services

Parking Lot:

Accessory

Commercial: See Condition 19 below

Garage, Public Parking

Temporary

Personal Services: Groups I, II, III and IV

Photo finishing Laboratory

Post Office

Printing and Publishing

Processing, Packaging and Warehousing

Real Estate Sales Office, for Sale of Lots/structures within the development only

Recreational Facilities, Commercial, Group IV only

Rental or Leasing Establishment: Groups II, III and IV

Repair Shops: Groups I, II, III, IV, and V

Research and Development Laboratories: Groups II and IV

Restaurants: Groups I and II, only when located in a multiple-occupancy complex

Schools: Commercial

Self-service Fuel Pumps: limited to 12 pumps (24 fueling stations),
See Condition 10

Signs in Accordance with Chapter 30

Social Services: Group II only

Storage:

Indoor

Open

Transportation Services: Groups II, III and IV
Trucking Terminal
Vehicle and Equipment Dealers: Groups II, III, IV and V; Group II is limited to Lot K
Warehouse:
 Private
 Public
Wholesale Establishments: Groups III and IV
Wholesale Sales and Retail Sales, when clearly incidental and subordinate to a permitted principal use on the same premises

Lots G-1 through G-7 and Lots H-1 through H-5.3

Accessory Uses and Structures
Administrative Offices
Animals: Clinic or Kennel
ATM (Automatic Teller Machine)
Automobile Service Station, Limited to Lots G-1 and G-2
Auto Repair and Service, Group I only, with no outdoor storage, and limited to Lots G-1 and G-2
Broadcast Studio, Commercial Radio and Television
Business Services: Groups I and II
Bus Station/depot
Caterers
Cleaning and Maintenance Services
Cold Storage, Pre-cooling, and Warehouse: No outdoor storage
Computer and Data Processing Services
Consumption on Premises, in conjunction with a Restaurant
Contractors and Builders: Limited to Groups I and II
Convenience food and beverage store, limited to 6,200 square feet and to Lots G-1 and G-2: See Condition 20
Drive-through Facility for any Permitted Use
Emergency Operations Center
Entrance Gates and Gatehouse
Essential Services
Essential Service Facilities: Groups I and II, limited to Communication, Telephone and Electrical Distribution Facilities, and Electrical Substations
Excavation: Water Retention
Factory Outlets (Point of Manufacture Only)
Fences and Walls
Gasoline Dispensing System, Special

Health Club or Spa
Hotel/motel
Laundry or Dry Cleaning: Group II only
Machine Shop, operations must be conducted within a fully enclosed building Manufacturing Of:
Apparel Products
Chemical and Allied Products: Groups I and II: Group II uses are limited to Soaps, Detergents, Perfumes, Cosmetics, and Other Toilet Preparations.
Electrical Machinery and Equipment
Fabricated metal products: Groups I and II - when in a completely enclosed building. Group I - uses are limited to metal forging and stamping and coating, engraving and allied services
Food and Kindred Products: Group III only
Furniture and Fixtures
Leather Products: Group II only
Lumber and wood products: Group II only - when in a completely enclosed building
Machinery: Group II only, limited to assembly
Measuring, Analyzing and Controlling Instruments
Novelties, Jewelry, Toys and Signs: Groups I, II and III
Paper and Allied Products: Groups II and III; Group III uses are limited to Paper Containers and Boxes
Stone, Clay, Glass and Concrete Products: Groups I and IV, when in a completely enclosed building. Group IV uses are limited to structural clay products and pottery products, but may not include pouring of molds or firing green ware, which is done ancillary to a hobby shop
Medical Office
Message Answering Services
Mini-warehouse
Motion Picture Production Studio
Non-store Retailers: All Groups
Parcel and Express Services
Parking Lot:
Accessory
Commercial: See Condition 19
Garage, Public Parking
Temporary
Personal Services: Groups I, II, III and IV
Photo finishing Laboratory
Post Office
Printing and Publishing
Processing, Packaging and Warehousing

Real Estate Sales Office, limited to sale of lots/structures within the development
 Recreational Facilities, Commercial, Group IV only
 Rental or Leasing Establishment: Groups II and III
 Repair Shops: Groups I, II, III and IV - all operations must be conducted within a fully enclosed building
 Research and Development Laboratories: Groups II and IV
 Restaurants: Groups I, II, and III - limited to Lots G-1 and G-2
 Schools, Commercial
 Self-service Fuel Pumps: limited to 12 pumps (24 fueling stations);
 See Condition 10
 Signs in accordance with LDC Chapter 30
 Social Services: Group II only
 Storage: Indoor
 Vehicle and Equipment Dealers: Group I, only when subordinate to a Rental and Leasing Establishment; and Group III
 Warehouse:
 Private
 Public
 Wholesale Establishments: Group III only
 Wholesale Sales and Retail Sales, when clearly incidental and subordinate to a permitted principal use on the same premises.

B. Property 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:	25 feet
Water Body:	25 feet

Maximum Building Height:

a. Commercial/industrial:	65 feet
b. Hotel/motel	65 feet

Minimum Building Separation:

One-half the sum of the height of each building, or 20 feet, whichever is greater.

Maximum Lot Coverage: 40%

Development Perimeter Building Setback: 25 feet

3. **Development Parameters:**

- a. Intensity of Development Approved. The total floor area for the development may not exceed 1,500,000 square feet. The development area may not exceed 180.92 acres.

Square footages and acreages may not exceed the following parameters:

- Commercial retail development is limited to 60,000 square feet.
- Commercial office development is limited to 180,000 square feet.
- Commercial recreation development (Commercial Recreational Facilities, Group IV) is limited to 200,000 square feet.
- Industrial development is limited to 1,060,000 square feet.
- Hotel/motel development is limited to 150 units.

- b. Cumulative Development Summary. At the time of local development order application, the developer must submit a cumulative land development summary table. The summary must include the following information:

- Permitted development intensity of the IPD consistent with Condition 3.a.;
- Development intensity approved to date by local development orders;
- Development intensity sought in the development order application;
- Resulting cumulative development intensity if the development order application is approved;
- Cumulative development intensity remaining to be developed; and
- Tally of acreage approved for "stand alone retail commercial use," to include commercial recreational facilities.

4. **Big Cypress Fox Squirrel.** Prior to the issuance of Vegetation Removal Permit, the developer must survey the area to be cleared for active Big Cypress Fox Squirrel nests. The developer must protect active nests with a 125 foot wide buffer until the nest is confirmed inactive, and the developer obtains a Vegetation Removal Permit from the Division of Environmental Sciences.

5. **Accessory Uses**. Accessory uses, including accessory parking, must be located on the same tract, lot, parcel or outparcel as the principal use. Accessory uses must be incidental and subordinate to the principal use of the tract, lot, parcel or outparcel.
6. **Wireless Communication Facilities**. Wireless communication facilities, if approved in accordance with the LDC, are permitted on Lots C-1, C-2, C-3, E, F-1, F-2, F-3, K, M, Q-1 and Q-2. Wireless communication facilities may not exceed 90 feet in height above average grade level (AGL).

Wireless communication facilities greater than 90.1 feet and less than 149 feet requires approval by special exception.

7. **Tall Structure Permitting**. The development must comply with the LDC permitting requirements for tall structures including permanent buildings, antenna, towers, wireless communication facilities, and temporary construction cranes. Depending on the location and height of a proposed structure, the developer may be required to submit an application for approval by the Federal Aviation Administration (FAA) and the Lee County Port Authority. Broadcasting antenna will also require coordination with the FAA and the Federal Communication Commission (FCC) to ensure no interference with airport radar and electronic navigational aids.
8. **Blasting**. Development blasting is limited to Tracts D, N, P, and R, identified as Proposed Areas of Blasting on the MCP. Blasting activity must comply with LDC Chapter 3, including 72-hour notification of blasting to the Lee County Port Authority.
9. **Buffer**. The developer must provide a Type "D" buffer along the east limit of Tracts G and H, excluding the wetlands preserve at the time of development order approval.
10. **Self-service Fuel Pumps**. Self-service fuel pumps are permissible as an accessory use to:
 - a. a business providing fuel for their fleet of vehicles and equipment, limited to 2 pumps (4 fueling stations);
 - b. commercial parking lot customers, limited to 2 pumps (4 fueling stations); and
 - c. convenience food and beverage store, limited to 10 pumps (20 fueling stations).

Additional self-service fuel pumps requires approval by special exception.

11. **Heliports**. The developer must obtain approval from the Lee County Port Authority and the Florida Department of Transportation Aviation Office prior to constructing heliports to avoid interference with the operation of the Southwest Florida International Airport.
12. **Subdivision of Lots**. The developer must amend the IPD to reflect further subdivision of lots within the project.
 - a. Prior to local development order approval for development on Lot K, the developer must amend the subdivision plat and property owners' association documents to reflect the inclusion of the lot.
 - b. The development order approval for Lots G2, G3 and G4, must include a re-plat of those lots in compliance with the MCP.
 - c. The development order approval for development on Lot Q-1, must include a re-plat reflecting the split into three parcels (Lots Q-1.1, Q-1.2, and Q-1.3) in compliance with the MCP.
13. **Modification of Easements**. A development order may not be issued for this project until all required easement modification agreements have been executed to the satisfaction of the County Attorney's Office, which will relocate the existing easements coincidental to the internal road system shown on the MCP.
14. **Building Height**. Buildings exceeding 35 feet in height must maintain additional building setbacks and separation as regulated by the LDC.
15. **Vehicular and Pedestrian Impacts**. Approval of this zoning request does not address mitigation of vehicular or pedestrian traffic impacts. Additional conditions consistent with the LDC may be required to obtain a local development order.
16. **Future Development Order Approvals**. Approval of this zoning request does not guarantee local development order approval. Future development order approvals must satisfy the requirements of the Planning Communities Map and Acreage Allocations Table, Map 16 and Table 1(b), and the remainder of the Lee Plan.
17. **Commercial Parking Lot**.
 - a. The following uses are accessory and subordinate uses to a commercial parking lot on Lots E, F-1, F-2, F-3, and G-1 through G-7:

- (1) Automotive Repair Services, Group I,
- (2) Car Wash
- (3) Self-service Fuel Pumps: *Subject to Condition 12.*

b. These accessory and subordinate uses must comply with the following:

- (1) must be located within the property boundaries of the principal use;
- (2) may not be separated from the principal use by streets, roads, or right-of-way easements.
- (3) public access to the accessory and subordinate use from abutting streets, roads, or right-of-way easements is prohibited.

c. Square Footage Calculations:

- (1) The square footage of the commercial parking building, including parking floors, will be used to determine the impact fee obligation.
- (2) Square footage for accessory or subordinate uses developed in conjunction with a commercial parking enterprise will be calculated consistent with the LDC.
- (3) For purposes of calculating gross square footage, the square footage of the commercial parking building will be deducted from the approved industrial square footage.

18. **Lot G3.** Development of Lot G3 must be in substantial compliance with the MCP.

19. **Convenience Food and Beverage Store.** The square footage for a convenience food and beverage store is limited to 6,200 square feet. Development of a convenience food and beverage store must comply with the LDC.

20. **Access to Transit.** The project lies within the County's public transit service area, accordingly the developer must accommodate convenient access to Lee Tran Route 50 consistent with LDC §10-442(b).

SECTION C. DEVIATIONS:

1. **Open Space.** Deviation (1) seeks relief from the §34-414(C)(4) requirement that lots, tracts and outparcels must provide no less than ten percent open space, to allow five percent minimum open space per tract. This deviation is APPROVED, SUBJECT TO THE following condition:

Prior to local development order approval, the landscape plan must reflect 72.9 acres of open space with a minimum of 47.9 acres of flow-way preserve. The plans must also demonstrate that a minimum

of 23.2 acres of the flow-way preserve includes existing indigenous plant communities. Commercial uses are limited to 69.87 acres. Commercial lots must provide a minimum of 10 percent open space. The remaining 137.63 acres must be devoted to industrial uses. Industrial lots must provide a minimum of five percent open space.

2. Indigenous Vegetation. Deviation (2) seeks relief from the §310-415(b) requirement that 50 percent of open space must consist of indigenous vegetation, to allow 23.2 acres of indigenous open space along with the restoration of the flow-way on site to native vegetation and preservation/restoration of a traditional flow-way for area-wide drainage and surface water management. This deviation is APPROVED.
3. Animal Kennel with Outdoor Facilities. Deviation (3) seeks relief from the §34-1322(2)a requirement that animal clinics, animal kennels or boarding facilities containing outdoor pens, cages, runs or exercise facilities to have a minimum lot size of two acres, to allow an animal kennel with a lot size of 49,310± square feet on Parcel H-5.3B. This deviation is APPROVED, SUBJECT TO the following condition:

Approval is limited to Parcel H-5.3B and the development of an animal kennel with an outdoor exercise area.

4. Setback. Deviation (4) seeks relief from the §34-1322(2)b requirement that animal clinics, animal kennels or boarding facilities containing outdoor pens, cages, runs or exercise facilities to have a minimum setback of 200 feet from abutting property under separate ownership, or from street right-of-way lines or easements, to allow:
 - a. A minimum setback of 15 feet from the south property line;
 - b. A minimum setback of 1 foot from the east property line;
 - c. A minimum setback of 10 feet from the north property line;
and
 - d. A minimum setback of 120 feet from the west property line.

This deviation is APPROVED, SUBJECT TO the following condition:

Limited to Parcel H-5.3B and the development of an animal kennel with an outdoor exercise area.

5. Driveway Separation. Deviation (5) seeks relief from the §10-285(a) requirement of a 125 foot driveway separation on local roads to allow:
- a. 78 foot separation from the north driveway to the first (north) cul-de-sac driveway; and
 - b. 18 foot separation from the first (north) cul-de-sac driveway to the second (south) cul-de-sac driveway.

This deviation is APPROVED, SUBJECT TO the following conditions:

1. Limited to Parcel H-5.3.B.
 2. Prior to issuance of a certificate of compliance for removal of the temporary cul-de-sac, the developer must extend the sidewalk along the full frontage of Parcel H-5.3.B. The replacement southern access must comply with the minimum connection separation standards of the LDC.
6. Sidewalk. Deviation (6) seeks relief from the §10-256(d) requirement of a continuation of the existing sidewalk to the southern terminus of the temporary cul-de-sac to allow the existing sidewalk terminus on Lot H-5.3.B, to remain until the temporary cul-de-sac is removed. This deviation is APPROVED, SUBJECT TO the following conditions:
1. Limited to Parcel H-5.3.B.
 2. Prior to issuance of a certificate of compliance for removal of the temporary cul-de-sac, the sidewalk must be extended for the full frontage of Parcel H-5.3.B and the replacement southern access must comply with the minimum connection separation requirements of the LDC and the MCP.

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:

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;
 - b. is consistent with the densities, intensities and general uses set forth in the Lee Plan;
 - c. is compatible with existing or planned uses in the surrounding area;
 - 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;
 - 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.

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

John Manning	Aye
Cecil L Pendergrass	Aye
Larry Kiker	Aye
Brian Hamman	Aye
Frank Mann	Aye

DULY PASSED AND ADOPTED this 5th day of August, 2015.

ATTEST:
LINDA DOGGETT, CLERK

BY: _____

Deputy Clerk



BOARD OF COUNTY COMMISSIONERS
OF LEE COUNTY, FLORIDA

BY: _____

Brian Hamman, Chair

APPROVED AS TO FORM FOR THE
RELIANCE OF LEE COUNTY ONLY:

Neysa Borkert

Assistant County Attorney
County Attorney's Office

LEGAL DESCRIPTION

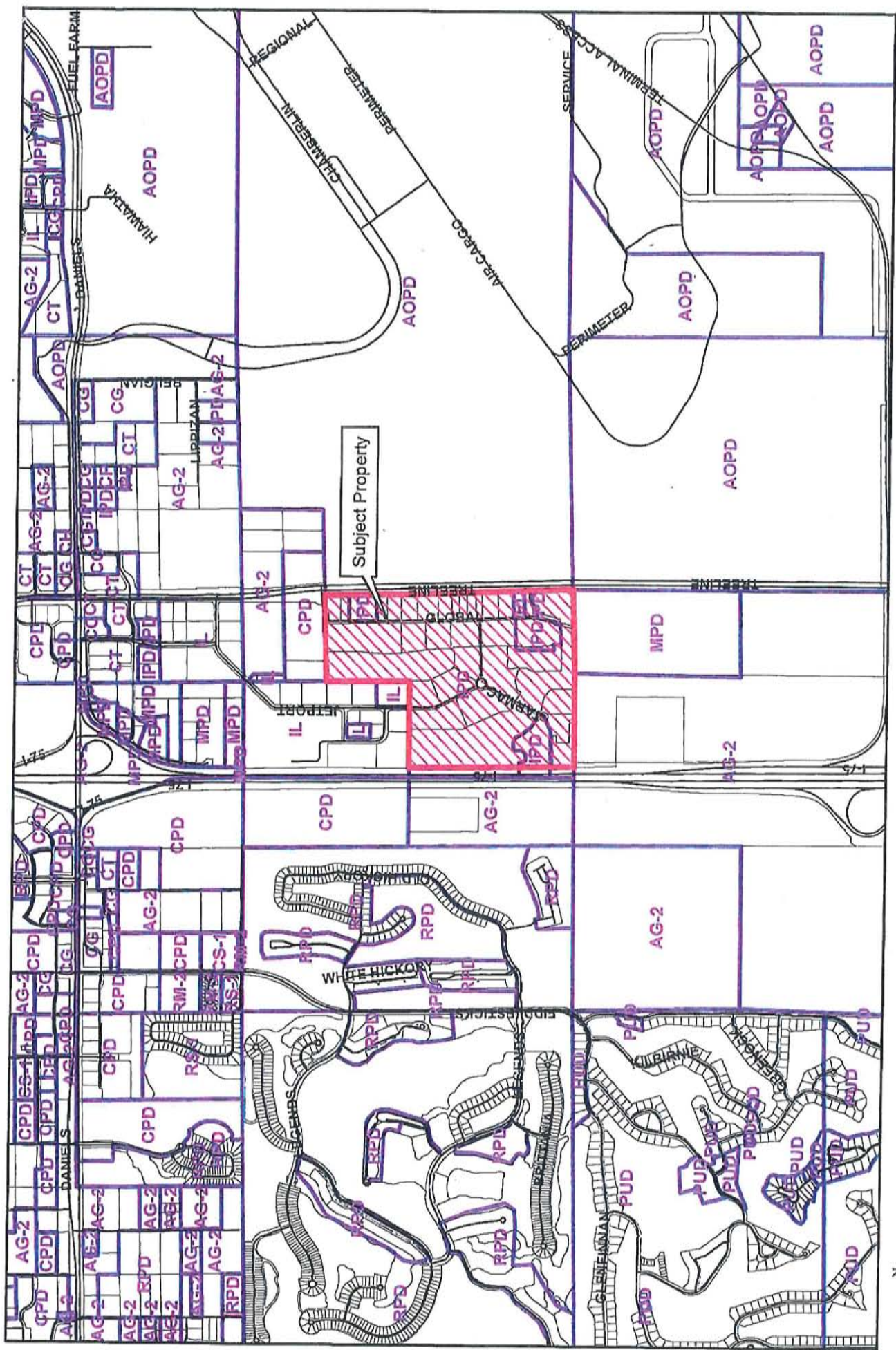
SOUTHWEST INTERNATIONAL COMMERCE PARK, A SUBDIVISION, LOCATED IN SECTIONS 26 AND 27, TOWNSHIP 45 SOUTH, RANGE 25 EAST, ACCORDING TO THE PLAT THEREOF ON FILE AND RECORDED IN INSTRUMENT NUMBER 2006000472395 OF THE PUBLIC RECORDS OF LEE COUNTY, FLORIDA.

Applicant's Legal Checked
by CSG 11/19/2014

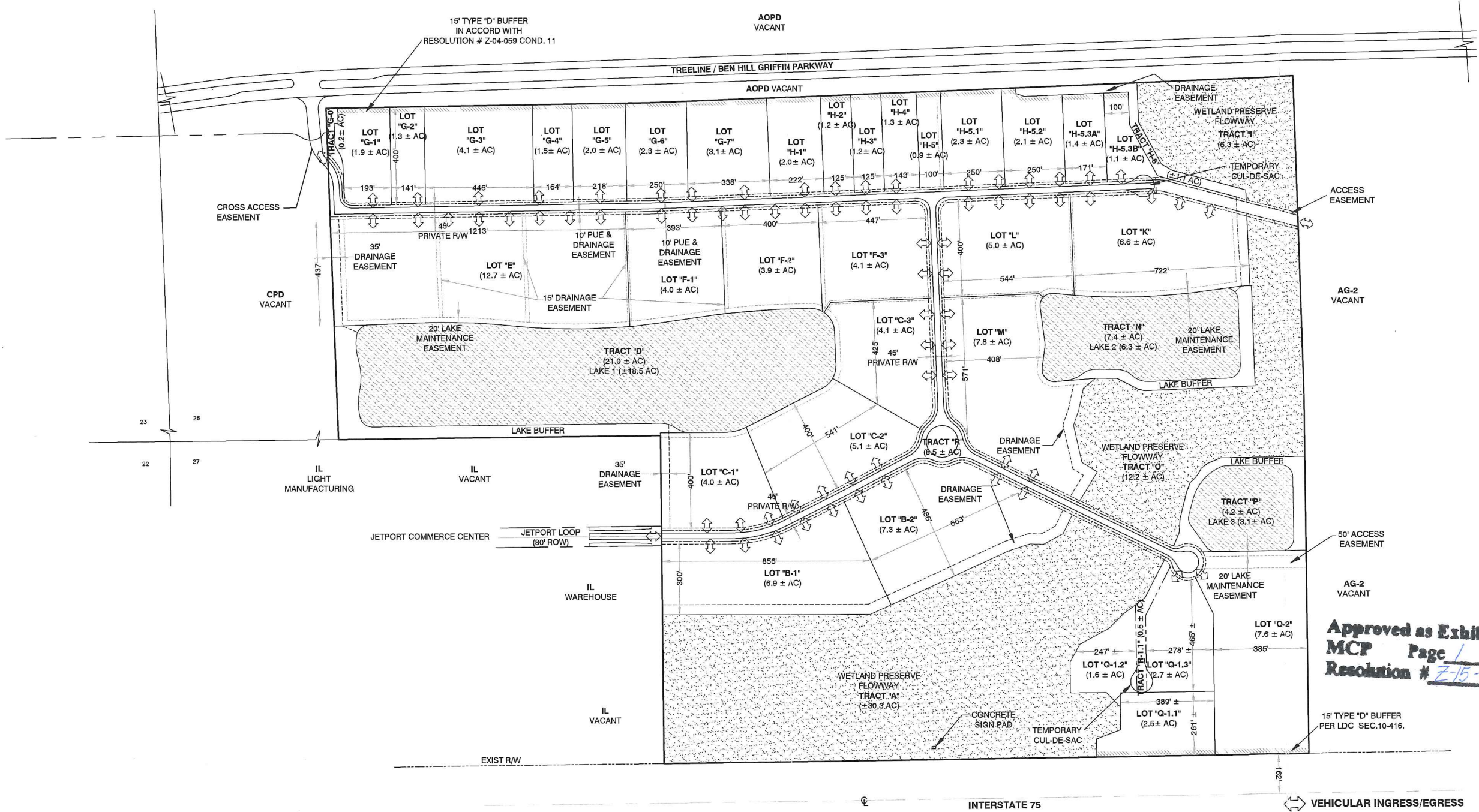
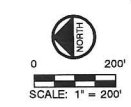
DCI 2014-00028

EXHIBIT A

EXHIBIT B



0 1,500 3,000 Feet



Approved as Exhibit C
MCP Page 1 of 2
Resolution # Z-15-012

PRESERVATION AREA
(CONSERVATION EASEMENT)

RECEIVED
APR 16 2015

COMMUNITY DEVELOPMENT
DCI 2014-00028

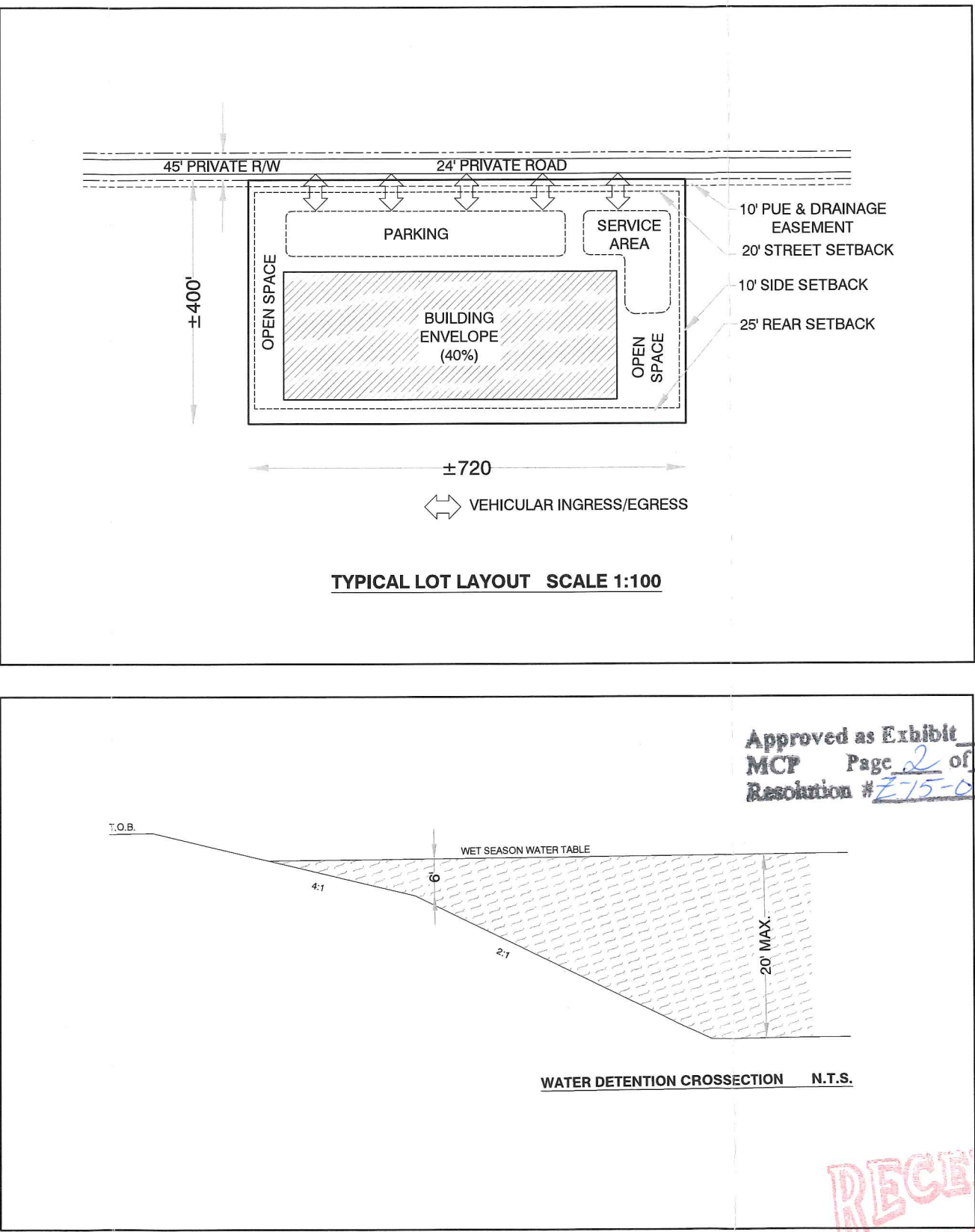
REVISIONS
REVISED PER SUFFICIENCY LETTER DATED, 03/12/03
REVISED PER SUFFICIENCY LETTER DATED, 08/06/03
REVISED PER SUFFICIENCY LETTER DATED, AUG. 28, 2003
REVISED PER SUFFICIENCY LETTER DATED, MAR. 28, 2004
(9-2-04) (11-22-04) (7-21-05) (10-4-06)
(12-13-06)
2011-08-02 SPLIT LOT H-3

ZONING MASTER CONCEPT PLAN
BECHARD GROUP, INC.
SOUTHWEST INTERNATIONAL COMMERCE PARK
Lee County, Florida

MORRIS
ENGINEERS • PLANNERS • SURVEYORS
• Fort Myers
• Tallahassee
• Gainesville
2014 Cleveland Avenue
Fort Myers, Florida 33901
(239) 337-3377
Fax: (239) 337-3394
Toll free: 866-337-7341

MDA PROJECT:
14042
CHECKED BY:
TME
DESIGNED BY:
ALR
DATE:
04/15/15
SHEET
1/2

GENERAL NOTES:	TRACT LEGEND:
PROPERTY OWNERS: HARVEY YOUNGQUIST, JR. 15465 PINE RIDGE ROAD FORT MYERS, FL 33908 APPLICANT: HARVEY YOUNGQUIST, JR. TR 15465 PINE RIDGE ROAD FORT MYERS, FL 33908 PLANNERS/ENGINEERS: MORRIS-DEPEW ASSOCIATES, INC. 2891 CENTER POINTE DRIVE, UNIT 100 FORT MYERS, FL 33916	WETLAND CONSERVATION/WATER MANAGEMENT AND INDIGENOUS VEGETATION PRESERVE (NO DEVELOPMENT) TRACT A = 30.3 ± AC TRACT I = 6.3 ± AC TRACT O = 12.2 ± AC TRACT D (LAKE BUFFER + LAKE 1) = 21.0 ± AC TRACT N (LAKE BUFFER + LAKE 2) = 7.4 ± AC TRACT P (LAKE BUFFER + LAKE 3) = 4.2 ± AC TOTAL = 81.4 ± AC LAKE TOTAL AREA = 27.9 ± AC PRESERVE TOTAL AREA = 48.8 ± AC AIRPORT COMMERCE DEVELOPMENT AREAS TRACT "A" = 30.3 ± AC (WETLAND PRESERVE) LOT "B-1" = 6.9 ± AC (INDUSTRIAL, OFFICE USE) LOT "B-2" = 7.3 ± AC (INDUSTRIAL, OFFICE USE) LOT "C-1" = 4.0 ± AC (INDUSTRIAL, OFFICE USE) LOT "C-2" = 5.1 ± AC (INDUSTRIAL, OFFICE USE) LOT "C-3" = 4.1 ± AC (INDUSTRIAL, OFFICE USE) TRACT "D" = 21.0 ± AC (LAKE 1 + BUFFER) LOT "E" = 12.7 ± AC (ALL USES) LOT "F-1" = 4.0 ± AC (ALL USES) LOT "F-2" = 3.9 ± AC (ALL USES) LOT "F-3" = 4.1 ± AC (ALL USES) TRACT "G-0" = 0.2 ± AC (ALL USES) LOT "G-1" = 1.9 ± AC (ALL USES) LOT "G-2" = 1.3 ± AC (ALL USES) LOT "G-3" = 4.1 ± AC (ALL USES) LOT "G-4" = 1.5 ± AC (ALL USES) LOT "G-5" = 2.0 ± AC (ALL USES) LOT "G-6" = 2.3 ± AC (ALL USES) LOT "G-7" = 3.1 ± AC (ALL USES) LOT "H-1" = 2.0 ± AC (ALL USES) LOT "H-2" = 1.2 ± AC (ALL USES) LOT "H-3" = 1.2 ± AC (ALL USES) LOT "H-4" = 1.3 ± AC (ALL USES) LOT "H-5" = 0.9 ± AC (ALL USES) LOT "H-5.1" = 2.3 ± AC (ALL USES) LOT "H-5.2" = 2.1 ± AC (ALL USES) LOT "H-5.3" = 2.6 ± AC (ALL USES) TRACT "H-6" = 1.1 ± AC (ALL USES) TRACT "I" = 6.3 ± AC (WETLAND PRESERVE) LOT "K" = 6.6 ± AC (INDUSTRIAL, OFFICE USE) LOT "L" = 5.0 ± AC (ALL USES) LOT "M" = 7.8 ± AC (INDUSTRIAL, OFFICE USE) TRACT "N" = 7.4 ± AC (LAKE 2 + BUFFER) TRACT "O" = 12.2 ± AC (WETLAND PRESERVE) TRACT "P" = 4.2 ± AC (LAKE 3 + BUFFER) LOT "Q-1" = 7.4 ± AC (INDUSTRIAL, OFFICE USE) LOT "Q-1.1" = 2.5 ± AC (INDUSTRIAL, OFFICE USE) LOT "Q-1.2" = 1.6 ± AC (INDUSTRIAL, OFFICE USE) LOT "Q-1.3" = 2.7 ± AC (INDUSTRIAL, OFFICE USE) LOT "Q-2" = 7.6 ± AC (INDUSTRIAL, OFFICE USE) TRACT "R" = 8.5 ± AC (RIGHTS-OF-WAY) TRACT "R-1.1" = 0.5 ± AC (RIGHTS-OF-WAY) TOTAL = 207.5 ± AC
SITE NOTES:	
1. PROPOSED IS A REZONING FROM AG-2 TO INDUSTRIAL PLANNED DEVELOPMENT. 2. TOTAL PARCEL SIZE = 207.5 ± ACRES. 3. COMPREHENSIVE PLAN LAND USE DESIGNATION = AIRPORT COMMERCE AND WETLAND 4. MAXIMUM BUILDING HEIGHT: HOTEL/MOTEL USE: 65' OR FOUR STORIES INDUSTRIAL OR COMMERCIAL USES: 65' ALL BUILDING HEIGHTS WILL BE CONSISTENT WITH AIRPORT HEIGHT REQUIREMENTS OR RESTRICTIONS. 5. A. MAXIMUM TOTAL DEVELOPMENT FLOOR AREA NOT TO EXCEED 1,500,000 SQUARE FEET. 6. THE REQUIRED MINIMUM OPEN SPACE SHALL BE PROVIDED PURSUANT TO LDC SECTION 10-413. OPEN SPACE PROVIDED BY EACH INDIVIDUAL LOT WITHIN A DEVELOPMENT AREA SHALL TOTAL THE OVERALL REQ. OPEN SPACE FOR THAT AREA PER LDC SECTION 34-414(c). NO LOT SHALL PROVIDE LESS THAN 5%. 7. ALL CODE REQUIRED TREES AND SHRUBS SHALL BE NATIVE SPECIES. 8. ACCESSORY OPEN STORAGE AREAS SHALL BE PROVIDED CONSISTENT WITH LDC SECTION 34-3005(b) 9. LAKE AREAS PROVIDED ARE ESTIMATED. ACTUAL SIZE AND DETAILS ARE SUBJECT TO THE REQUIRED SOUTH FLORIDA WATER MANAGEMENT DISTRICT PERMIT. 10. LOT LINES PROVIDED ARE APPROXIMATE AND SUBJECT TO REVISION.	



Approved as Exhibit C
MCP Page 2 of 2
Resolution #Z-75-012

RECEIVED
APR 16 2015
COMMUNITY DEVELOPMENT
2/2

REVISIONS
REVISED PER SUFFICIENCY LETTER DATED, 03/12/03
REVISED PER SUFFICIENCY LETTER DATED, 08/09/03
REVISED PER SUFFICIENCY LETTER DATED, AUG. 28, 2003
REVISED PER SUFFICIENCY LETTER DATED, MAR. 29, 2004
(92-041) (1-22-04) (7-21-05) (9-1-06) (10-30-06) (12-13-06)

ZONING MASTER CONCEPT PLAN - NOTES -

BECHARD GROUP, INC.
SOUTHWEST INTERNATIONAL COMMERCE PARK
Lee County, Florida

Fort Myers
Tallahassee
Gainesville
2914 Shalimar Avenue
Fort Myers, Florida 33901
(239) 337-3993
Fax: (239) 337-3994
Toll free: 866-537-7341
MORRIS DEPEW
ENGINEERS • PLANNERS • SURVEYORS

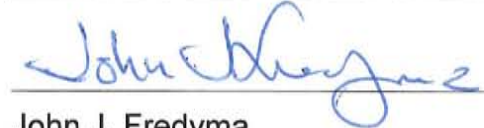
MDA PROJECT:
14042
CHECKED BY: TME
DESIGNED BY: ALR
DATE:
03/25/15
SHEET:
2/2

**MEMORANDUM
FROM THE
OFFICE OF COUNTY ATTORNEY**

DATE: August 10, 2015

TO: Commissioner Brian Hamman

FROM:



John J. Fredyma
Senior Assistant County Attorney

RE: **BOCC ZONING RESOLUTION FROM THE AUGUST 5, 2015 MEETING
ZONING RESOLUTION Z-15-012 (SW INTERNATIONAL COMMERCE PARK)**

Attached is an original resolution adopted by the Board at the August 5, 2015, zoning meeting. The resolution has been reviewed and approved as to form and is ready for the Chair's signature. Once you have signed the resolution, please ask your staff to forward it to the Minutes Department for attestation and further processing.

Thank you for your assistance with respect to the above. Should you have any questions, please do not hesitate to contact me.

JJF/mms
Attachment

Via e-mail only: Jamie Pringing, Admin. Assistant, DCD/Administration & Support
Eileen Gabrick, Minutes Office Manager, Lee County Clerk of Courts

2015 AUG 11 PM 4:47
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MINUTES OFFICE