

EXHIBIT B

RESOLUTION NUMBER Z-05-054

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

WHEREAS, an application was filed by the property owner, John and Teresa Goodlad c/o Goodlad Insurance Agency Inc., to rezone 0.92± acres from Residential Single Family (RS-1) and Commercial (CS-1) to Commercial Planned Development (CPD), in reference to Goodlad Office Expansion; and,

WHEREAS, a public hearing was advertised and held on June 29, 2005, before the Lee County Zoning Hearing Examiner, and continued to August 11, 2005, before the Lee County Zoning Hearing Examiner, who gave full consideration to the evidence in the record for Case #DCI2005-00022; and

WHEREAS, a second public hearing was advertised and held on October 3, 2005, 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 0.92± acres from RS-1 and CS-1 to CPD, to allow 6,000 square foot general office space in three buildings, and an entrance gate from the site to West Cleveland Lane for emergency service vehicle use only. 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. The development of this project must be consistent with the one-page Master Concept Plan (MCP) entitled "Goodlad Insurance Office Expansion, Rezoning Site Plan," prepared by R.H.T, Engineering, Inc., dated March 29, 2005, last revised 10/31/05, and stamped "Received Nov 1 2005 Permit Counter," except as modified by the conditions below. This 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.

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

a. Schedule of Uses

Business Services - Group I (§34-622(c)(5)), excluding blood banks, blood donor stations, caterers, check exchanges, employment agencies, medical photography and art, and film processing or developing retail

Entrance Gate - South entrance (to West Cleveland Lane) and limited to use by emergency service agency vehicles only (See Condition 9 & Deviation #4B)

b. Site Development Regulations

Lot Size:

Minimum Lot Area: 0.92 acres
Minimum Lot Width: 160 feet
Minimum Lot Depth: 250 feet

Minimum setbacks:

Street: 25 feet from Leeland Heights Blvd
25 feet from West Cleveland Lane
Side: 15 feet
Rear: 20 feet

Maximum Lot Coverage: 40 percent

Maximum Building Height: 35 feet (1-story)

Open Space: 20 percent (Minimum)

Building Space: Maximum 6,000 square feet in three buildings

3. A 20-foot-wide landscape buffer must be provided along the entire western property line. A minimum of 10 trees per 100 linear feet and a double staggered hedgerow must be planted within the buffer. The trees must be a minimum of 10 feet in height, with a 2-inch caliper and 4-foot canopy. The hedgerow must be a minimum of 36 inches at the time of planting and maintained at 48 inches in height. A 6-foot-high wood fence is required within the buffer, however the buffer trees must be planted facing the neighboring properties.
4. All required buffers must utilize 100 percent native vegetation.
5. Approval of this zoning request does not address mitigation of the project's vehicular or pedestrian traffic impacts. Additional conditions consistent with the LDC may be required to obtain a local development order.
6. 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.

7. 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.
8. Hours of operation are limited from 8:00 a.m. to 8:00 p.m.
9. The (south) access to West Cleveland Lane must be gated and use is limited to emergency service agency vehicles only. The access must be gated in accordance with requirements of §34-1748.
10. Prior to local development order approval, the development order plans must include a landscape plan that brings the site up to the current landscape code to the maximum extent possible in conjunction with any buffer deviations that are granted.

SECTION C. DEVIATIONS:

1. Deviation (1) seeks relief from the §10-416(d)(6) requirement to provide an 8-foot-high solid wall with a minimum of five (5) trees and 18 shrubs per 100 linear feet, along the western property line, by deleting this requirement. This deviation is APPROVED, SUBJECT TO Condition 3.
2. Deviation (2) - DENIED.
3. Deviation (3) - DENIED.
- 4A. Deviation (4A) seeks relief from the §10-285 requirement that the connection separation along arterial streets must be a minimum centerline distance of 660 feet, to allow the existing separation of 142.2 feet and 188.9 feet along Leeland Heights Boulevard. This deviation is APPROVED.
- 4B. Deviation (4B) seeks relief from the §10-285 requirement that the connection separation along local streets must be a minimum centerline distance of 125 feet to allow a separation of 88.3 feet and 106.3 feet along West Cleveland Lane. This deviation is APPROVED, SUBJECT TO Condition 9.

SECTION D. EXHIBITS AND STRAP NUMBERS:

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

The applicant has indicated that the STRAP numbers for the subject property are:
32-44-27-02-00013.0040 and 32-44-27-02-00013.0070

SECTION E. FINDINGS AND CONCLUSIONS:

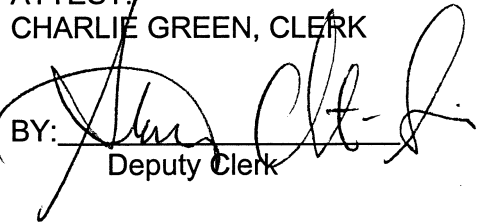
1. The applicant has proven entitlement to the rezoning by demonstrating compliance with the Lee Plan, the LDC, and any other applicable code or regulation.
2. The rezoning, as approved:
 - a. meets or exceeds all performance and locational standards set forth for the potential uses allowed by the request;
 - 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.

The foregoing resolution was adopted by the Lee County Board of Commissioners upon the motion of Commissioner Ray Judah, seconded by Commissioner John E. Albion and, upon being put to a vote, the result was as follows:

Robert P. Janes	Aye
Douglas R. St. Cerny	Absent
Ray Judah	Aye
Tammara Hall	Aye
John E. Albion	Aye

DULY PASSED AND ADOPTED this 3rd day of October 2005.

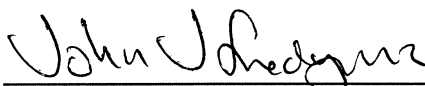
ATTEST:
CHARLIE GREEN, CLERK

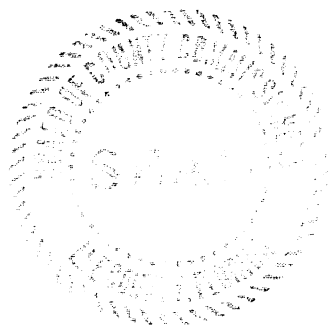
BY: 
Deputy Clerk

BOARD OF COUNTY COMMISSIONERS
OF LEE COUNTY, FLORIDA

BY: 
Chairwoman

Approved as to form by:


County Attorney's Office



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2006 JAN 26 PM 3:53



EXHIBIT "A"
LEGAL DESCRIPTION
Property located in Lee County, Florida

RE: Strap #32-44-27-02-00013.0040 / #32-44-27-02-00013.0070

Lot #4

The East half and the West half of Lot #4, block 13, Leeland Heights Unit No. 2, Section 32, Township 44 South, Range 27 East, Lehigh Acres, as recorded in Plat Book 9, Page 125, in the Public Records of Lee County, Florida.

Lot #7

Lot #7, Block 13, Unit 2, Section 32, Township 44 South, Range 27 East, Leeland Heights, Lehigh Acres, as recorded in Plat Book 9 Page 125, of the Public Records of Lee County, Florida.

Applicant's Legal Checked
by Lgm 4/28/05

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FEB 24 2005

PERMIT COUNTER

DCI 2005-00022

RHT Engineering, Inc.
319 Inman Street
Lehigh Acres, FL 33972

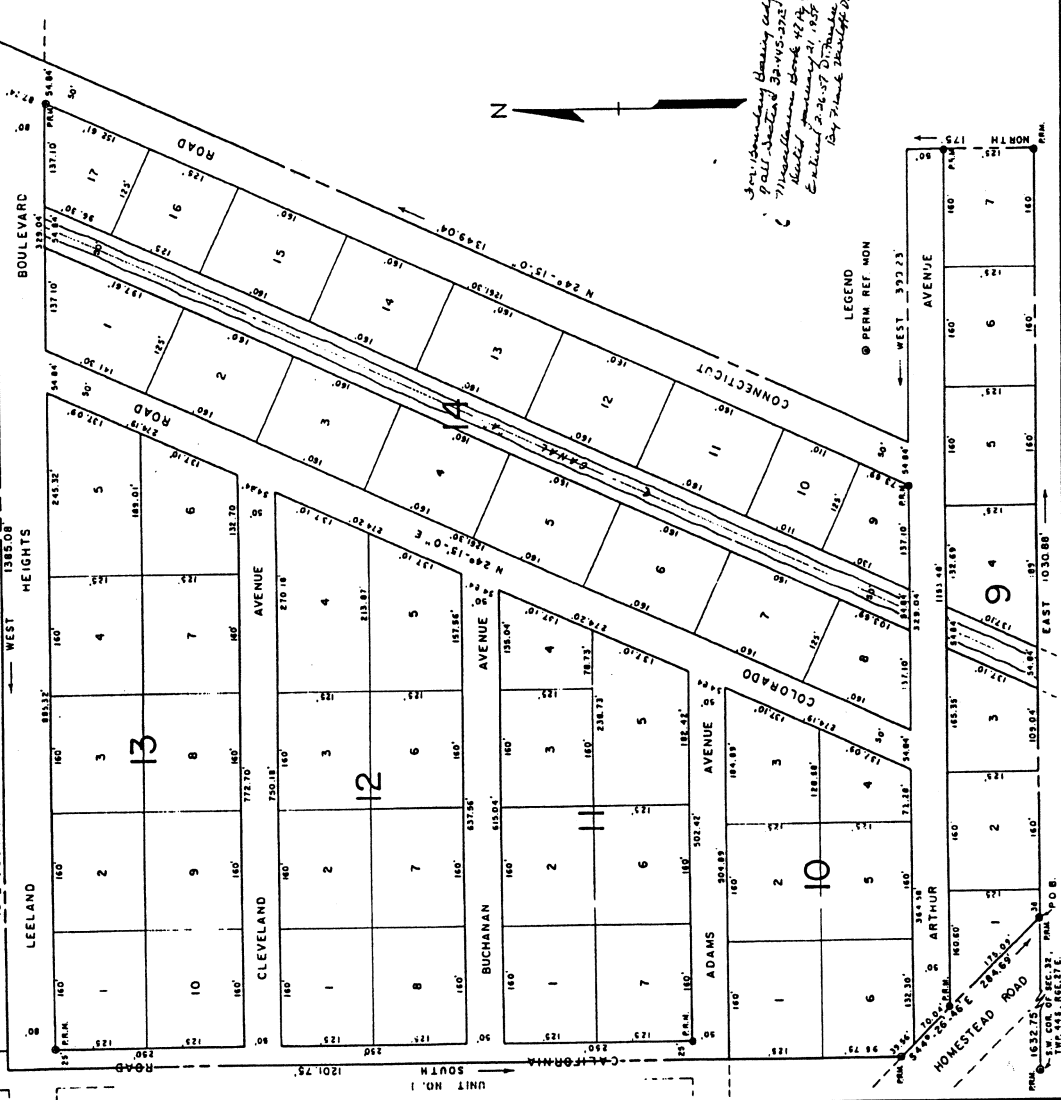
PHONE: (239) 369-8900
FAX: (239) 369-8900
WEB: www.rhtengineering.com

UNIT NO. 2 LEELAND HEIGHTS

A SUBDIVISION IN
SEC. 32, TWP. 44 S., RGE. 27 E
LEE COUNTY, FLORIDA

SCALE: 1" = 100'

DESCRIPTION
Begin at the S.W. cor. of Sec. 32, Twp. 44 S., Rge. 27 E.; thence East along South line of said Sec. 32 a distance of 1532.75'; thence S. 0° 05' 10" E. along said line a distance of 103.00'; thence East along North line of said Sec. 32 a distance of 103.00'; thence S. 89° 54' 50" W. along said line a distance of 1201.75'; thence S. 44° 0' 26" E. a distance of 284.65' to the P.O.B.
1532.75' 103.00' 103.00' 1201.75' 284.65'



DEDICATION

KNOW ALL MEN BY THESE PRESENTS that Lee County Land and Title Company, a corporation under the laws of Florida, has caused this plat of Leeland Heights to be made and do hereby dedicate the same to the public use, to wit: for public drives and/or lanes shown hereon.

IN WITNESS WHEREOF, Leonard Lee Reiner, President and Secretary of Lee County Land and Title Company, have caused these presents to be signed by them and the corporate seal to be affixed on this 31st day of May, A.D. 1954.

LEE COUNTY LAND AND TITLE CO.

By: _____
President
Attest: _____
Secretary

STATE OF FLORIDA
COUNTY OF LEE
I hereby certify that on this day, before me, an officer duly authorized to take acknowledgments, personally appeared Leonard Lee Reiner and Robert R. Frank, respectively President and Secretary of Lee County Land and Title Company, who acknowledged to me that they executed the foregoing dedication and they acknowledged before me that they executed the same freely and voluntarily as President and Secretary, respectively, of Lee County Land and Title Company, for the purpose herein set forth. Witness my hand and official seal of said County, this 31st day of May, A.D. 1954.

Notary Public, State of Fla. at Large
My commission expires _____

APPROVALS

This plat approved this 31st day of May, A.D. 1954, in open meeting of the Board of County Commissioners of Lee County, Florida.

Approved: _____
Chairman
Clerk

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I HEREBY CERTIFY that this plat of UNIT NO. 2, LEELAND HEIGHTS has been examined by me and from my examination I find that said plat complies in form with the requirements of the Statutes of Florida relating to the recording of plats of land.

Witness my hand and official seal of said County, this 31st day of May, A.D. 1954, and duly recorded in Plat Book 9, on page 125 of Public Records of Lee County, Florida.

Clerk of the Circuit Court in and for Lee County

I hereby certify that this plat of UNIT NO. 2, LEELAND HEIGHTS is a true and correct representation, to the best of my knowledge and belief, of a recent survey made and plotted under my direction and supervision, and that the same complies with all the requirements of the Statutes of Florida relating to the recording of plats of land.

J.V. MOSEY
Reg. Land Surveyor-Fla. Cert. No. 859

Date of survey 10-20-54

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FEB 24 2005
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EXHIBIT "B"

