

RESOLUTION NUMBER Z-92-021

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

WHEREAS, Airport Woods Partnership, in reference to Airport Woods Commerce Center, has properly filed an application for a rezoning from the IL and IT districts to Industrial Planned Development; and

WHEREAS, the subject property is located on the west side of Treeline Avenue, described more particularly as:

LEGAL DESCRIPTION: In Sections 14 and 15, Township 45 South, Range 25 East, Lee County, Florida:

Lots 1-8, Block A; Lots 1-4, Block B; Lots 1-7, Block C; and Lots 1-7, Block D, AIRPORT WOODS COMMERCE CENTER SUBDIVISION, as recorded in Plat Book 36, Pages 46-49, Public Records of Lee County, Florida, lying in Sections 14 and 15, Township 45 South, Range 25 East, in Lee County, Florida.

WHEREAS, the applicant has indicated the property's current STRAP numbers are:

- 14-45-25-01-0000A.0010 thru 14-45-25-01-0000A.0040
- 15-45-25-01-0000A.0050 thru 15-45-25-01-0000A.0080
- 15-45-25-01-0000B.0010 thru 15-45-25-01-0000B.0040
- 14-45-25-01-0000C.0010 thru 14-45-25-01-0000C.0070
- 14-45-25-01-0000D.0030 thru 14-45-25-01-0000D.0070
- 15-45-25-01-0000D.0010 thru 15-45-25-01-0000D.0020; and

WHEREAS, proper authorization has been given to Pokorny & Kareh, Inc. by Airport Woods Partnership, Airport Woods Twin-16 Partnership, First Florida Bank, Trustee, and Donald and Adrienne Stahnke, the owners of the subject parcels, to act as agent to pursue this zoning application; and

WHEREAS, a public hearing was legally and properly advertised and held before the Lee County Hearing Examiner, with full consideration of all the evidence available; and the Lee County Hearing Examiner fully reviewed the matter in a public hearing held on April 14, 1992, continued to April 23, 1992; and

WHEREAS, a public hearing was legally and properly advertised and held

NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF COUNTY COMMISSIONERS, that the Board of County Commissioners does hereby APPROVE With Conditions a rezoning from the IL and IT districts to Industrial Planned Development, to permit the continued development of a mixed industrial center with buildings not to exceed 35 feet above average grade or three (3) stories above parking, on 62.1 total acres of land. The proposed development will also include ancillary and free standing commercial retail uses, automobile service station, building materials sales, and vehicle and equipment dealers.

The rezoning and Master Concept Plan, which deviate from certain Lee County Standards, are subject to the following conditions:

1. The development and use of the subject property shall be in accordance with the one-page Master Concept Plan for Airport Woods Commerce Center (dated September, 1991, last revised March, 1992, Job No. 91-10, stamped received March 16, 1992) as prepared by Pokorny & Kareh, Inc., except as may be modified by the conditions herein. This project shall be developed in accordance with all applicable state and local development regulations, except as may be granted by deviation as part of this planned development. No deviations are granted, unless specifically approved herein.
2. The approved Schedule of Uses within this development shall be as follows:

ALL LOTS

All uses permitted by Right and Special Exception within the IL - LIGHT INDUSTRIAL - DISTRICT

All uses permitted by Special Permit within the IL - LIGHT INDUSTRIAL - DISTRICT are hereby permitted within this district provided that a Special Permit is applied for and approved for this use in accordance with the zoning regulations

Essential Service Facilities - Group II (limited to sewage disposal or treatment facilities only)

Freight and Cargo Handling Establishments (Section 1001.17)

Rental Establishments - Groups III (Section 1001.39)

Tower, Communication (as approved and conditioned by Special Exception, Case 91-9-26-SE-4)

Ancillary Retail Sales when incidental and subordinate to a permitted principal use on the same premises

Free-Standing Retail Sales of Consumer Goods and Services, as limited in Section 471.B.1 to:

- Automobile Service Station (df)
- Building Material Sales (1001.04)
- Factory Outlets (point of manufacture only)
- Self Serve Fuel Pumps (df)
- Vehicle and Equipment Dealers - All Groups (1001.55)

A maximum of 700,000 square feet shall be permitted within this planned development. No more than 150,000 square feet shall be used for Offices, and no more than a total of 30,000 square feet shall be used for Retail Sales - Free Standing and/or Ancillary.

4. The minimum property development regulations (lot area, width, depth, setbacks) shall be in accordance with those standards for the IL zoning district (Zoning Ordinance Section 472.02.C).
5.
 - a. All invasive exotic vegetation shall be removed from common open space areas, including the cypress preserve, lakes and mitigation areas. Invasive exotics by definition shall include Melaleuca Species (Punk Tree, Cajuput Tree, Paperbark Tree), Casuarina Species (Australian Pines), and Schinus Species (Brazilian Pepper). Removal of this vegetation shall be completed as approved in the Mitigation and Compliance Plan described in Condition 5.b through e.
 - b. Removal of the exotic vegetation in these areas shall be performed by hand unless prior approval is obtained from the Division of Environmental Sciences. These areas shall be maintained to prevent regrowth of any invasive exotic species.
 - c. The exotic removal and maintenance plan shall be in effect in perpetuity.
 - d. The project shall be developed in accordance with the approved Airport Woods Commerce Center Revised Mitigation and Compliance Plan, dated August 7, 1991 and map, dated August 10, 1991, both as amended. This mitigation and compliance plan is (as of this date) undergoing minor revision by W. Dexter Bender & Associates and the final plan will be subject to approval by the Division of Environmental Sciences, Department of Community Development.
 - e. To insure compliance with the mitigation plan, each phase of the plan shall be completed and verified prior to the issuance of the Certificate of Compliance for that phase of the project.
6.
 - a. The property owner shall contact the Lee County Division of Emergency Management, Hazardous Material, prior to the occupancy of any unit or building to discuss the development in relation to the potential type, use, and storage of hazardous materials which could be located on the premises.
 - b. If required by federal, state, and/or local regulations:
 - 1) The property owner shall prepare and or have available material safety data sheets (MSDS) and submit either copies of MSDS or a list of MSDS chemicals to the appropriate fire department or district and to the Lee County Department of Public Safety.
 - 2) The owner shall establish, prior to approval of a Certificate of Occupancy for any structure, an emergency notification system to be used in the event of a hazardous material release. This system shall be approved by the Department of Public Safety.
7. Approval of this rezoning does not give the developer the undeniable right to receive approval for development in accordance with the Development Standards Ordinance which exceeds the 2010 Overlay use allocation for the applicable subdistrict.
8. This zoning approval does not signify that the project's traffic impacts have been mitigated. Additional conditions may be required at the time of issuance of a Local Development Order, per the Development Standards Ordinance or other Lee County Ordinance.
9. No lot shall be permitted direct access to Euclid Avenue.

Deviation (2) is a request to deviate from the minimum water retention excavation setbacks to a section line of 75 feet (Zoning Ordinance Section 509.C.1.), to zero (0) feet between Sections 14 and 15. This deviation is APPROVED.

Deviation (3) is a request to deviate from the minimum water retention excavation setbacks to a private property line of 50 feet (Zoning Ordinance Section 509.C.4.), to zero (0) feet. This deviation is APPROVED.

Site Plan 92-021 is attached hereto and incorporated herein by reference, as a reduced copy of the Master Concept Plan.

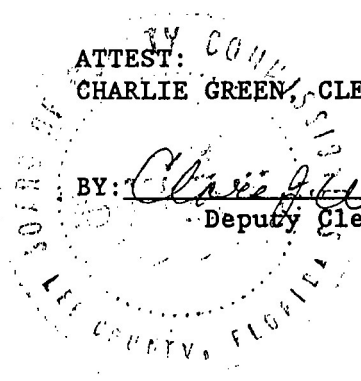
The following findings of fact were made in conjunction with this approval of Industrial Planned Development zoning:

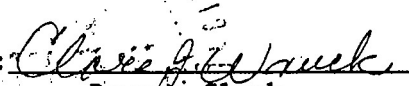
- A. That the rezoning, as conditioned, will have no adverse impact on the intent of the Zoning Ordinance.
- B. That the rezoning, as conditioned, is consistent with the goals, objectives, policies and intent of the Lee Plan, and with the densities, intensities and general uses set forth in the Lee Plan.
- C. That the rezoning, as conditioned, meets or exceeds the applicable performance and locational standards set forth for the proposed uses.
- D. That the rezoning, as conditioned, will protect, preserve, conserve environmentally critical areas and natural resources.
- E. That the rezoning, as conditioned, will not place an undue burden upon existing transportation or other services and facilities and will be served by streets with the capacity to carry traffic generated by the development.
- F. That the rezoning, as conditioned, will be in compliance with all applicable general zoning provisions and supplemental regulations pertaining to the uses, as set forth elsewhere in the Zoning Ordinance.
- G. That the rezoning, as conditioned, will be compatible with existing or planned uses, and will not cause damage, hazard, nuisance or other detriment to persons or property.
- H. That the approved deviations, as conditioned, will enhance the achievement of the objectives of the planned development, and will preserve and promote the protection of the public health, safety and welfare.

The foregoing Resolution was adopted by the Lee County Board of County Commissioners upon a motion by Commissioner Judah, and seconded by Commissioner Manning and, upon being put to a vote, the result was as follows:

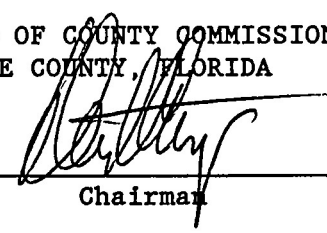
John E. Manning	Aye
Douglas R. St. Cerny	Absent
Ray Judah	Aye
Vicki Lopez-Wolfe	Absent
Donald D. Slisher	Aye

DULY PASSED AND ADOPTED this 29th day of June, A.D., 1992.

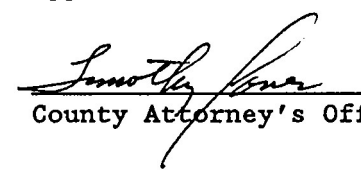
ATTEST: 
CHARLIE GREEN, CLERK

BY: 
Deputy Clerk

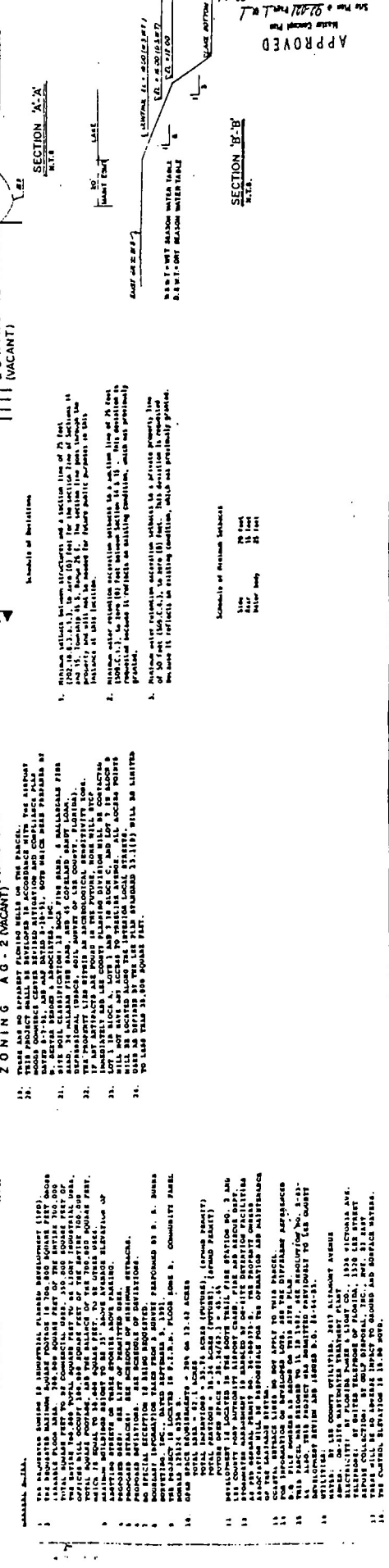
BOARD OF COUNTY COMMISSIONERS
OF LEE COUNTY, FLORIDA

BY: 
Chairman

Approved as to form by:


County Attorney's Office

FILED



SECTION 'B'-B'

and
and

FILE NO. 3 AND
RESCUE DEPT.

SPACE - 28.34/62.)

1998