

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

WHEREAS, Michael Roeder filed an application on behalf of the property owner, SS Building, LLC, to rezone a 2.5± acre parcel from Community Commercial (CC) to Commercial Planned Development (CPD) in reference to SS Building; and

WHEREAS, a public hearing before the Lee County Zoning Hearing Examiner, Donna Marie Collins, was advertised and held on April 20, 2023; and

WHEREAS, the Hearing Examiner gave full consideration to the evidence in the record for Case # DCI2022-00015 and recommended APPROVAL of the Request with conditions; and

WHEREAS, a second public hearing was advertised and held on June 7, 2023 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 2.5± acre parcel from CC to CPD, to allow the conversion of an existing 30,000 square-foot office building to a public warehouse.

The property is located in the Intensive Development 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. Master Concept Plan and Development Parameters

Master Concept Plan (MCP). Development of the subject property must be substantially consistent with the two-page MCP entitled "Master Concept Plan SS Building CPD" dated January 2023 (Exhibit C).

Compliance with Lee Plan and LDC. Further development activity must comply with the Lee Plan and LDC, except where deviations have been approved herein. Amendments to the MCP and conditions of approval may require further development approvals.

Approved Development Parameters. Development intensity is limited to ±30,000 square feet of general office and warehouse uses.

2. Schedule of Uses and Property Development Regulations

a. Schedule of Permitted Uses

Accessory uses and structures
Administrative offices
ATM (Automatic Teller Machine)
Business services, Group I
Caretaker's Residence
Fences, Walls
Essential services
Essential service facilities, Group I
Parking lot:
 Accessory
Signs
Warehouse, public, private, mini and hybrid
Temporary uses

b. Property Development Regulations

Minimum Lot Area and Dimensions

Area: 2.58 acres
Width: 160 feet
Depth: 535 feet

Minimum Setbacks, Maximum Building Height, and Maximum Lot Coverage

Arterial Street	50 feet
Local Street	20 feet
Side	15 feet
Rear	25 feet
Maximum building height	35 feet (two stories)
Maximum lot coverage	15 percent

3. Open Space

Development order plans must depict 38% (0.98 acres) of open space.

4. State and Federal Permits

County development permits do not create rights to permits from state or federal agencies and do not create liability if applicant fails to obtain requisite approvals or fulfill obligations imposed by state/federal agencies or if applicant undertakes actions resulting in a violation of state or federal law. Applicant must obtain applicable state/federal permits prior to commencing development.

SECTION C. DEVIATIONS:

1. Street Design and Construction Standards.

Deviation (1) seeks relief from the LDC § 10-296, which requires all development abut and have access to a street designed, constructed, or improved to meet certain standards, to allow site access from the existing roadways that were designed/constructed prior to adoption of LDC § 10-296. This deviation is DENIED. Applicant may seek relief from the requirement during development order permitting per LDC § 10-104.

2. Buffers.

Deviation (2) seeks relief from the LDC § 10-416(d), which requires a 5-foot-wide Type A landscape buffer between commercial projects, to allow no buffer along a segment of the west property line where an existing asphalt driveway is bisected by the common property line. This deviation is APPROVED.

3. Parking Lot Interconnections.

Deviation (3) seeks relief from the LDC § 34-2015(2)f, which requires adjacent commercial uses to provide parking lot interconnections for automobile traffic, to allow no interconnection to the south and west. 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. The proposed SS Building CPD complies with the Lee Plan. Lee Plan Goals 2, 6, 77, Objectives 2.1, 2.2, 6.1, Policies 1.1.2, 2.2.1, 6.1.1, 6.1.3, 6.1.4, 6.1.6, 6.1.8.
2. *As conditioned*, the proposed CPD:
 - a. Meets the LDC and other county regulations or qualifies for deviations.
 - b. Is compatible with existing and planned uses in the surrounding area. Lee Plan Objectives 2.1, 2.2, Policies 1.1.2, 2.1.1, 2.2.1, 6.1.4, 6.1.7.
 - c. Provides access sufficient to support the proposed development intensity. Expected impacts on transportation facilities will be addressed by county regulations and conditions of approval. Lee Plan Objective 39.1, Policies 2.2.1, 39.1.1.

- d. Will not adversely affect environmentally critical areas and natural resources. Lee Plan Goal 77, Objective 77.2, and Policies 6.1.6.
 - e. Will be served by public services including transit, paved roads, potable water, sanitary sewer, urban surface water management, police, fire, and emergency services. Lee Plan Goals 2, 4, 6, Objectives 2.1, 2.2, 4.1, 6.1, 53.1, 56.1, Policies 2.2.1, 6.1.5, 39.2.1, Standards 4.1.1 and 4.1.2.
 - f. The proposed use is appropriate at the location. Lee Plan Goals 6, Objectives 2.1, 2.2, Policies 2.1.1, 2.1.2, 6.1.4, 6.1.7, 6.1.8.
3. Recommended conditions and applicable regulations provide sufficient safeguards to protect the public interest. In addition, recommended conditions reasonably relate to impacts expected from the proposed development.
4. As conditioned, the deviations:
- a. Enhance the planned development; and
 - b. Preserve and promote the intent of the LDC to protect public health, safety, and welfare.

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.

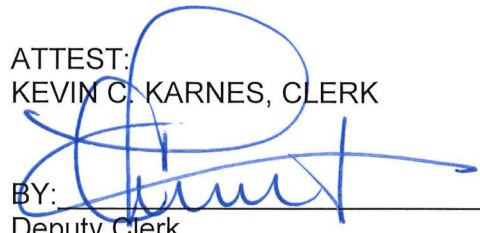
Commissioner Pendergrass made a motion to adopt the foregoing resolution, seconded by Commissioner Sandelli. The vote was as follows:

Adopted by unanimous consent.

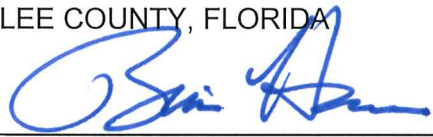
Kevin Ruane	Aye
Cecil L Pendergrass	Aye
Raymond Sandelli	Aye
Brian Hamman	Aye
Mike Greenwell	Aye

DULY PASSED AND ADOPTED this 7th day of June 2023.

ATTEST:
KEVIN C. KARNES, 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


Joseph A. Adams
Assistant County Attorney
County Attorney's Office

RECEIVED
MINUTES OFFICE

2023 JUN 26 PM 4:35



DESCRIPTION

Description of a Parcel of Land Lying in the Northwest 1/4 of Section 5, T-45-S, R-25-E, Lee County, Florida (Easterly Parcel)

A tract or parcel of land situated in the State of Florida, County of Lee, being a part of the northwest one quarter (NW 1/4) of Section 5, Township 45 South, Range 25 East, and more particularly described as follows:

Starting at the northwest corner of said Section 5 thence S00°08'44"W along the west line of said Section 5 for 124.08 feet to the southerly right-of-way line of Colonial Boulevard; thence N89°55'48"E along said right-of-way line for 157.51 feet to the Point of Beginning of the herein described parcel; thence continue N89°55'48"E along said right-of-way line for 57.66 feet to the beginning of a curve concave to the north having a radius of 2989.79 feet thence easterly along said curve and said right-of-way line through a central angle of 02°01'11" for 105.39 feet to an intersection with the west line of the westerly 670.00 feet of the easterly 1000.00 feet of the north one half (N 1/2) of the northwest one quarter (NW 1/4) of the northwest one quarter (NW 1/4) of said Section 5; thence S00°27'26"W along a line not tangent to said curve and along said west line for 535.94 feet; thence S89°27'53"W along the south line of said fraction for 317.64 feet; thence N00°08'44"E along the aforesaid west line of said Section 5 for 163.01 feet; thence N89°27'53"E for 155.50 feet; thence N00°27'26"E for 372.38 feet to the Point of Beginning.

Said parcel contains 2.58 acres, more or less.

**Charles E.
Tolton**

Digitally signed by Charles E. Tolton
DN: cn=Charles E. Tolton, o=Charles
Tolton and Assoc., Inc., ou=Survey,
email=c.tolton@ctasurveying.com,
c=US
Date: 2022.09.01 10:35:05 -04'00'



**Charles E. Tolton, P.S.M.
Florida Registration No. 4582**

**REVIEWED
DCI2022-00015
Rick Burris, Principal
Planner
Lee County DCD/Planning
10/6/2022**

REVIEWED
DCI2022-00015
Rick Burris, Principal
Planner
Lee County DCD/Planning
10/6/2022

Charles E.
Tolton

Digitally signed by Charles E. Tolton
DN: cn=Charles E. Tolton, o=Charles
Tolton and Associates, Inc., ou=Survey,
email=charles@ctasurveying.com,
c=US
Date: 2022.09.01 09:54:27 -0400



Date: 09/01/2022

Charles E. Tolton, P.S.N.
Florida Registration No. 4589

SCALE: 1" = 100'
DATE: 08/31/2022
DRAWN BY: DMP
CHK. BY: C.E.T.
FIELD BY: T.S. & P.J.H.
F.B. 179 P.C. 48
JOB NO.: CTA 07007

CTA

CHARLES TOLTON & ASSOCIATES, INC.
ENGINEERING LAND SURVEYING
3508 RADIO ROAD, SUITE E
NAPLES, FLORIDA 34104
(239)793-6633
EMAIL: C.Tolton@ctasurveying.com



REVISIONS

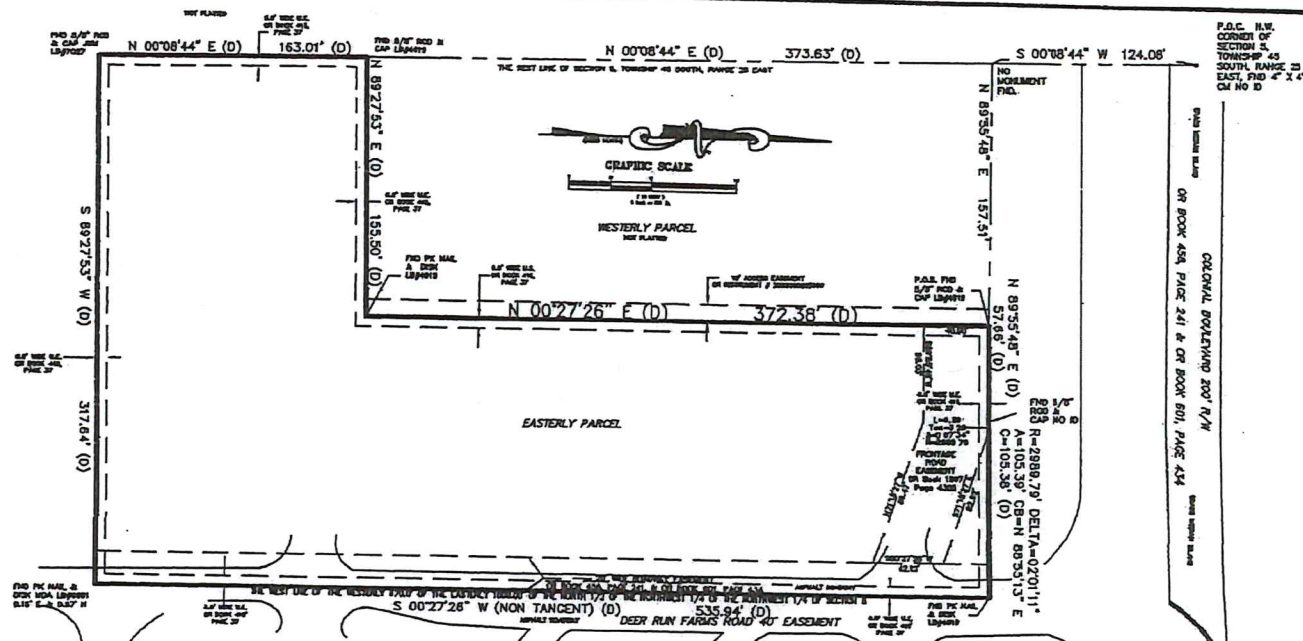
Certified To:

KHOSROW MOAVENI

SKETCH TO ACCOMPANY
DESCRIPTION

NOT A BOUNDARY SURVEY

SHEET:
2
OF
2



DESCRIPTION

Description of a Parcel of Land Lying in the Northwest 1/4 of Section 5, T-45-S, R-25-E
Lee County, Florida (Easterly Parcel)

A tract or parcel of land situated in the State of Florida, County of Lee, being a part of the northwest one quarter (NW 1/4) of Section 5, Township 45 South, Range 25 East, and more particularly described as follows:

Starting at the northwest corner of said Section 5 thence S00°08'44"W along the west line of said Section 5 for 124.08 feet to the southerly right-of-way line of Colonial Boulevard; thence N89°55'48"E along said right-of-way line for 157.51 feet to the Point of Beginning of the herein described parcel; thence continue N89°55'48"E along said right-of-way line for 57.66 feet to the beginning of a curve concave to the north having a radius of 2989.79 feet thence easterly along said curve and said right-of-way line through a central angle of 02°01'11" for 105.39 feet to an intersection with the west line of the westerly 670.00 feet of the easterly 1000.00 feet of the north one half (N 1/2) of the northwest one quarter (NW 1/4) of the northwest one quarter (NW 1/4) of said Section 5; thence S00°27'26"W along a line not tangent to said curve and along said west line for 535.94 feet; thence S89°27'53"W along the south line of said fraction for 317.64 feet; thence N00°08'44"E along the aforesaid west line of said Section 5 for 163.01 feet; thence N89°27'53"E for 155.50 feet; thence N00°27'26"E for 372.38 feet to the Point of Beginning.
Said parcel contains 2.58 acres, more or less.

The undersigned, being a duly licensed and qualified surveyor in and for the state of Florida does hereby certify to Thomas Mawrck, Esq. and Earl Hart, Attorneys At Law and Lee County Board of County Commissioners as follows:

1. This survey was prepared by me and was actually made upon the ground on February 3, 2007, and updated on April 12, 2023, and is based on an inspection of the following described real estate (the "Mortgaged Property"),

DESCRIPTION AS SUPPLIED BY CLIENT
Description of a Parcel of Land Lying in the Northwest 1/4 of Section 5, T-45-S, R-23-E
Lee County, Florida
(Earlier Parcel)

A tract or parcel of land situated in the State of Florida, County of Lee, being a part of the northwest one quarter (NW 1/4) of Section 3, Township 43 South, Range 23 East, and more particularly described as follows:

[illegible]

Sold parcel contains 2.58 acres, more or less.

Sold online subject to a readiness assessment over and above the standard 20.00 fee

Field names subject to the following described business and community

Send parcel subject to the following described heritage road easements:

Starting at the northeast corner of said Section 14; thence S00°00'44W along the west of said Section 5 for 124.00 feet to the southeasterly right-of-way line of said Section 14; thence S88°30'40E along said right-of-way line for 107.01 feet to the Point of Beginning; thence S00°00'44W along said right-of-way line for 130.07 feet to the southeasterly right-of-way line for 27.28 feet to the beginning of a curve across to the north ending a curve of 260.78 feet; thence westerly along said curve and said right-of-way line through the Point of Beginning to the southeasterly right-of-way line for 130.07 feet to the southeasterly right-of-way line for 27.28 feet; thence S00°00'44W along said right-of-way line for 130.07 feet to the southeasterly right-of-way line for 27.28 feet; thence S88°30'40E along said right-of-way line for 107.01 feet to the Point of Beginning.

Send parcel subject to all easements, rights-of-way and restrictions of record.

2. That it and the information, courses and distances shown thereon have been measured and substantiated within the precision and position tolerance requirements stated in the 2005 ALTA/ACSM Minimum Standard Detail Requirements;

3. that the U.S. line and line of actual possession are the same, except as shown;

4. That the size, location and type of buildings and improvements are as shown and all are within the boundary lines and applicable set-back lines of the Mortgaged Property, except as shown;

6. That the location and recording data of all easements, rights-of-way and other matters of record located on (or otherwise affecting) the Mortgage Property and shown in the Commitment, or removed from a shared basement, of the Mortgagor

7. that there are no visible party walls, encroachments or overhangs, affecting the Mortgaged property;

2. That, with respect to party walls, adequate access was given to the buildings on the surveyed premises;

the Mortgage Property through adjoining public streets, or the survey shows the point of entry and location of any utilities which pass through or are located on adjoining private land;

10. Was the Mortgage Property "dam" lie within a Special Flood Hazard Area as defined by the Federal Emergency Management Agency? The Mortgaged Property lies within Zone "B" of the Flood Insurance Rate Map Identified as Community Pond No. _____.

11. that the Mortgaged Property has direct access by way of the Access Easement recorded in Q.R. Book 801 Page 434;

12. That the total number of striped parking spaces on the Mortgaged Property is 112, including 7 designated handicap spaces, all of which have been properly located and shown on the survey.

13. Unless it bears the signature and the original raised seal of a Florida Licensed Surveyor, this map/report is for informational purposes only and is not valid.

15. No underground sandstone or siltstone were located.

18. Bearings shown herein are based on DEED, the south right-of-way line of Colonel Boulevard, being N 89°55'48" E. 17. Property Address: 10100 Deer Run Farm Road, F. Collins.

17. State Plane Coordinates are based on horizontal Datum N.A.D.83 (2007), FLORIDA
This survey and any survey upon which it is based were made in accordance with the

American Land Title Association on October 20, 2005, the American Congress on Survey Mapping on October 24, 2005, and meets the requirements contained therein, including Optional Items 1-4, 7(a), 7(b)(1), 7(c), 8-10, 11(e) and 13-14, 16-18.

Certification:

surveyed in the field under my direction on April 12, 2022. I further certify that this Boundary Survey meets the Standards of Practice set forth in chapter 34-17.03 Florida Administrative Code, pursuant to section 472.027, Florida Statutes. There are no other ground encroachments other than those shown herein, subject to the qualifications:

Charles E. Tolton
Tolton and Assoc., Inc., 1000
Date: 05/10/2022

Florida Registration No. 4582

REVISIONS

DATE	BY	CHK
02/23/2007		
04/12/22		

ORIGINAL SURVEY 02/23/2007
REVISED 04/12/22 TO UP-DATE
SURVEY AND CONVERT TO STATE
PLANE COORDINATES

BOUNDARY SURVEY

KHOSROW MOAVENI

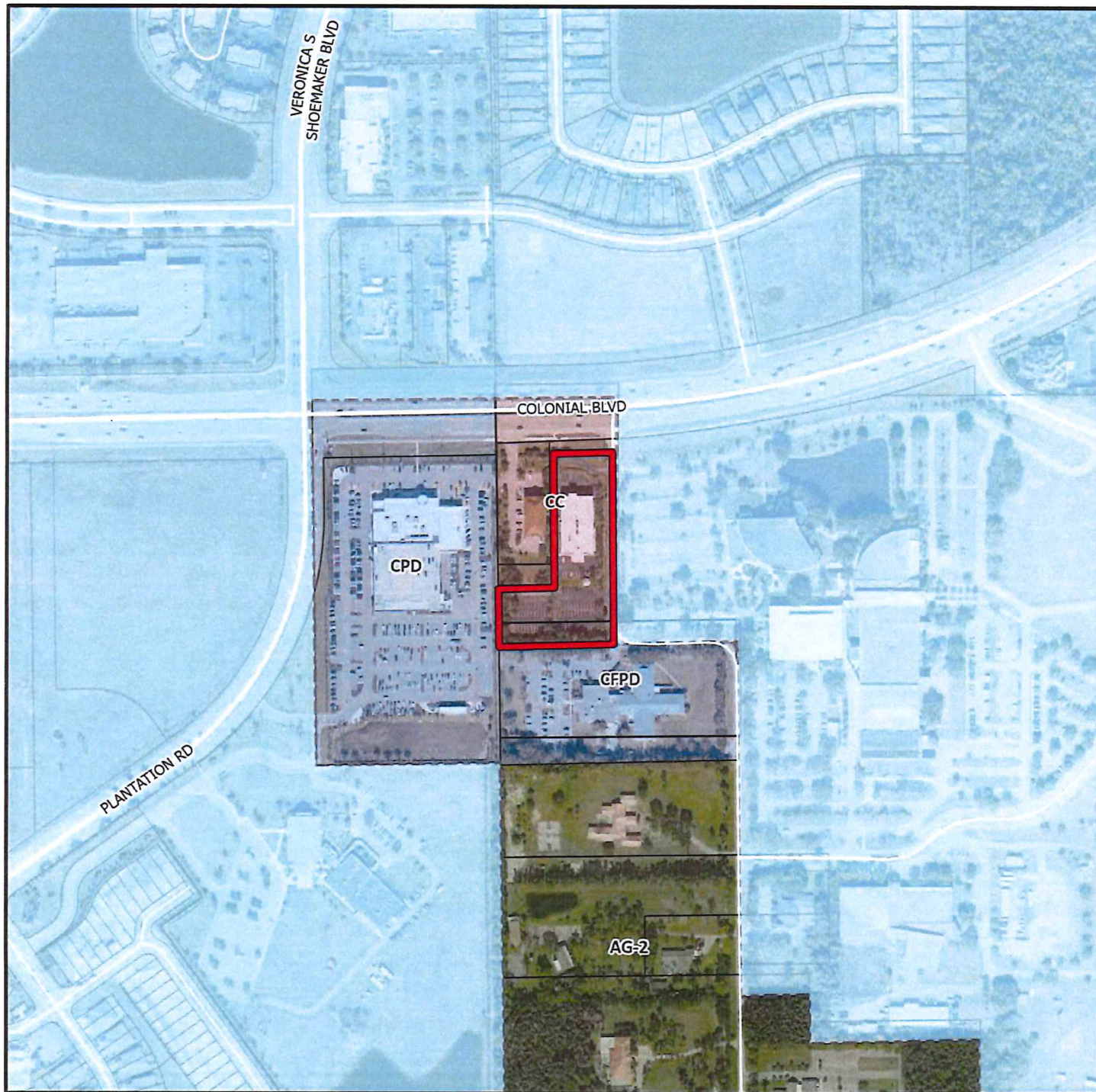
SCALE: 1" = 30'
DATE: 04/12/22
DWN. BY: R.G.F.
CHK. BY: C.E.T.
DWG. NO. CTA 07007
F.B. 138 PG. 37-38
JOB NO.: CTA07007

CHARLES TOLTON & ASSOCIATES, INC.
ENGINEERING LAND SURVEYING
3508 RADIO ROAD SUITE E
NAPLES, FLORIDA 34104
(239) 790-8693
EMAIL: c.tolton@tolasurveying.com

CHARLES E. TOLTON
REGISTERED LAND SURVEYOR
No. 4582
STATE OF FLORIDA

NOTICE: I HAVE REVIEWED THE SURVEY TITLE QUANTITY COMPANY COMMENT, OFFICE FILE NUMBER 0704, THE STANDARD DESCRIPTION NOTED IN PARAGRAPH 1, IS DELETED HEREON. PARAGRAPH 2, IS DELETED HEREON. PARAGRAPH 3, IS DELETED HEREON.

ALTA/ACSM
LAND TITLE SURVEY
IN SECTION 5, TOWNSHIP 45 SOUTH, RANGE 25 LEE COUNTY, FLORIDA

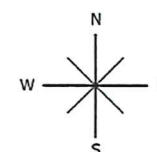


DCI2022-00015

Zoning

 Subject Property

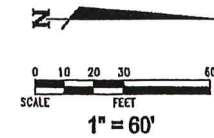
 City Limits



0 250 500 750
Feet



LEGEND
⊕ REQUESTED DEVIATION
⊠ OPEN SPACE AREA

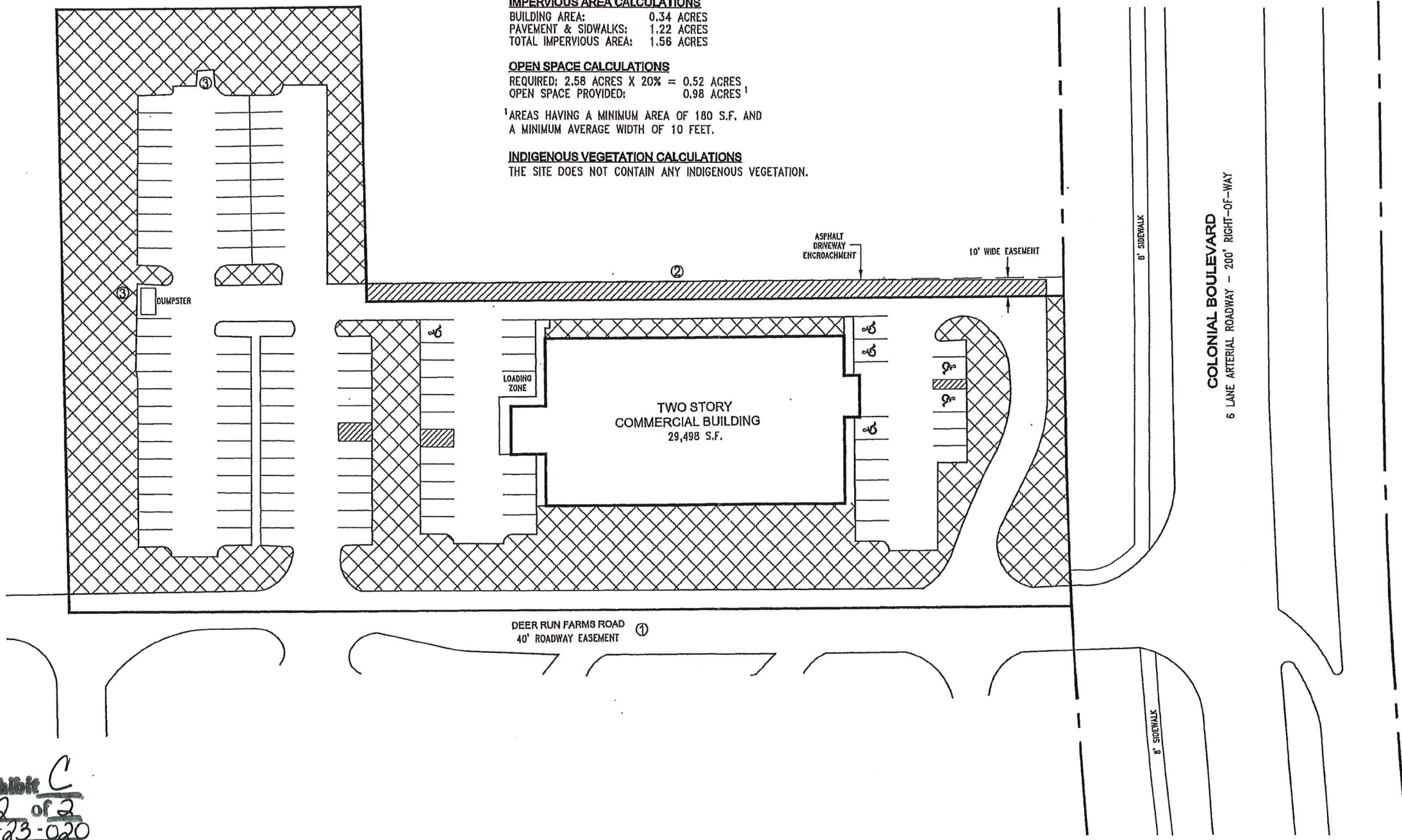


IMPERVIOUS AREA CALCULATIONS
BUILDING AREA: 0.34 ACRES
PAVEMENT & SIDEWALKS: 1.22 ACRES
TOTAL IMPERVIOUS AREA: 1.56 ACRES

OPEN SPACE CALCULATIONS
REQUIRED: 2.58 ACRES X 20% = 0.52 ACRES
OPEN SPACE PROVIDED: 0.98 ACRES¹

¹AREAS HAVING A MINIMUM AREA OF 180 S.F. AND A MINIMUM AVERAGE WIDTH OF 10 FEET.

INDIGENOUS VEGETATION CALCULATIONS
THE SITE DOES NOT CONTAIN ANY INDIGENOUS VEGETATION.



Approved as Exhibit **C**
MCP Page 2 of 2
Resolution # **Z-23-020**

FILE # 2201MCP	REVISION	DATE
DATE 01/23	SCALE NOTED	DATE
DESIGN GFN	DRAWN GFN	CHECK GFN
GARY F. MULLER, AICP		
1432 ARCTIC DRIVE • FT. MYERS, FLORIDA 33919 • (335) 565-6772		
SEC 05, TWP 45S., RGE 25E.		
LEE COUNTY, FLORIDA		
MASTER CONCEPT PLAN		
SS BUILDING CPD		
DWG. NO. 2201		
SHEET 2 OF 2		