RESOLUTION NUMBER Z-23-028

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

WHEREAS, an application was filed by the property owner, Winkler Junction LLC, to rezone a 2.57± acre parcel from Agricultural (AG-2) to minor Commercial Planned Development (CPD) in reference to Winkler Junction Minor CPD; and

WHEREAS, a public hearing before the Lee County Zoning Hearing Examiner, Donna Marie Collins, was advertised and held on July 12, 2023; and

WHEREAS, the Hearing Examiner gave full consideration to the evidence in the record for Case #DCI2023-00004 and recommended APPROVAL of the Request; and

WHEREAS, a second public hearing was advertised and held on September 6, 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 2.57± acre parcel from AG-2 to CPD, to allow a maximum of 90,000 square feet/675 units of self-storage and associated uses with a maximum height of 45 feet.

The property is located in the Suburban 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 (MCP). Development must be consistent with one-page MCP entitled "Winkler Junction LLC" last revised April 3, 2023, except as modified by the conditions below.

Lee Plan and LDC Compliance. Development must comply with the Lee Plan and LDC except where deviations have been approved herein. Amendments to the MCP, conditions or deviations may require further development approvals.
Approved Development Parameters. This project may develop up to 90,000 square feet/675 units of self-storage, a caretaker residence, and associated uses. Maximum height is 45 feet.

2. Permitted Uses and Property Development Regulations.

a. Schedule of Uses

Accessory uses, buildings, and structures
Administrative Offices
Caretaker Residence
Essential Services
Essential Services, Group I
Excavation, Water Retention
Fences and Walls
Parking Lot, accessory, temporary
Rental or Leasing Establishment, Group III, limited to small vans and trucks, and utility trailers (No outdoor display, sale, rental, or storage) rental vehicles must be stored under the building with carport openings shown on MCP
Retail and Wholesale Sales –
when clearly incidental and subordinate to a permitted principal use on the same premises
Signs
Storage, indoor only
Temporary Uses
Warehouse, Mini or Public

b. Site Development Regulations

Minimum lot size:	43,560 square feet
Minimum lot width:	440 feet
Minimum lot depth:	100 feet
Minimum Setbacks:	
Street:	25 feet (Summerlin Road)
Side:	15 feet or ½ building height
Rear:	25 feet
Perimeter (Principal):	15 feet or ½ building height

Minimum Building Separation:	20 feet
Maximum Building Height:	45 feet/ 3 stories
Maximum lot coverage:	45 percent
Open Space:	20 percent

3. Open Space
Development order plans must depict 20 percent open space.

4. Transportation
Development density/intensity is limited to trips generated by the following development parameters: 90,000 square feet/675 mini warehouse/storage units, one single-family dwelling unit (caretaker's residence) and 2,500 square feet of small office building based upon the Institute of Transportation Engineers (ITE) Trip Generation Manual in effect at time of local development order.

5. Solid Waste
Development order submittals must include written approval from Lee County Solid Waste allowing 128 square feet of on-site garbage and recycling materials collection containers.

6. State and Federal Permits
County development permits do not create rights to obtain permits from state/federal agencies. Further, County development permits do not create liability on the part of the County if Applicant fails to obtain requisite approvals or fulfill obligations imposed by state/federal agencies or undertakes actions in violation of state/federal law. Applicant must obtain applicable state/federal permits prior to commencing development.

SECTION C. DEVIATIONS

1. Refuse and Solid Waste Disposal Facilities. Deviation (1) seeks relief from the LDC §10-261(a), which requires new commercial developments to provide on-site space for garbage and recyclable materials collection containers at a rate of 216 square feet for first 25,000 square feet plus 8 square feet for each additional 1,000 square feet for a total of 736 square feet to allow 128 square feet. This deviation is APPROVED, SUBJECT TO Condition 5.

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 Winkler Junction CPD complies with the Lee Plan. Lee Plan Goals 2, 4, 6, 77, Objectives 2.1, 2.2, 4.1, 6.1, Policies 1.1.5, 2.2.1, 6.1.1, 6.1.3, 6.1.4, 6.1.5, 6.1.6, 6.1.7.

2. *As conditioned*, the proposed CPD:

    a. Meets the LDC and other county regulations or qualifies for deviations; LDC Chapters 2, 10, and 34.

    b. Is compatible with existing and planned uses in the surrounding area. Lee Plan Objectives 2.1, 2.2, Policies 1.1.5, 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 Policies 2.2.1, 6.1.5, 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, 126.2.1.

    e. Will be served by public services including 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; and

    f. The proposed uses are 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 development.

4. As conditioned, the deviation:

    a. Enhances the planned development; and
    b. Protects 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 6th day of September 2023.

ATTEST:
KEVIN C. KARNES
CLERK OF CIRCUIT COURT

BY: _____
Deputy Clerk

BOARD OF COUNTY COMMISSIONERS
OF LEE COUNTY, FLORIDA

BY: _____
Brian Hamman, Chair

BOARD OF COUNTY COMMISSIONERS SEAL LEE COUNTY, FLORIDA

APPROVED AS TO FORM FOR THE
RELIANCE OF LEE COUNTY ONLY

_____
Michael D. Jacob
Deputy County Attorney
County Attorney's Office

RECEIVED
MINUTES OFFICE
2023 SEP 11 PM 4:04

DCI2023-00004 Lee County ePlan

GULF SHORE SURVEYING, INC.

TIM J. PUFAHL, P.L.S.
30930 OIL WELL RD.
PUNTA GORDA, FL. 33955
(941) 639-7800

Parcel 1B

OCTOBER 20, 2016
JOB NO. 1324
FILE: 1324L08.DOC

DESCRIPTION

A PARCEL OF LAND SITUATED IN THE STATE OF FLORIDA, COUNTY OF LEE, FORT MYERS, LYING IN SECTION 34, TOWNSHIP 45 SOUTH, RANGE 24 EAST, AND FURTHER DESCRIBED AS FOLLOWS:

FROM THE POINT OF COMMENCEMENT BEING THE SOUTHWEST CORNER OF SAID SECTION 34; THENCE N.01°12'38"W. ALONG THE WEST LINE OF SAID SECTION 34 FOR 115.78 FEET TO AN INTERSECTION WITH THE SOUTHEASTERLY RIGHT-OF-WAY (115.00 FEET FROM CENTERLINE) OF SUMMERLIN ROAD (C.R. 869 SOUTH); THENCE N.44°17'24"E. ALONG SAID RIGHT-OF-WAY FOR 120.54 FEET THE POINT OF BEGINNING; THENCE CONTINUE N.44°17'24"E. FOR 1173.09 FEET ALONG SAID RIGHT OF WAY; THENCE S.45°42'36"E. FOR 100.00 FEET; THENCE S.44°17'24"W. FOR 1070.80 FEET ALONG THE NORTHWESTERLY LINE OF THAT PARCEL DEEDED TO FLORIDA POWER AND LIGHT COMPANY AS SHOWN IN OFFICIAL RECORDS BOOK 867 AT PAGES 538 AND 539; THENCE S.88°38'37"W. FOR 143.04 FEET ALONG THE NORTHERLY LINE OF THAT PARCEL DEEDED TO FLORIDA POWER AND LIGHT COMPANY AS SHOWN IN OFFICIAL RECORDS BOOK 867 AT PAGES 536 AND 537 TO THE POINT OF BEGINNING.

BEARINGS ARE BASED ON THE CENTERLINE OF SUMMERLIN ROAD BEING N.44°17'24"E.

CONTAINING 112,194 SQUARE FEET OR 2.5756 ACRES, MORE OR LESS.

REFER TO 8/12"X11" SKETCH

10/20/16

TIM J. PUFAHL
PROFESSIONAL SURVEYOR AND MAPPER
FL. CERTIFICATE NO. 4666

REVIEWED
DCI2023-00004
Hunter Searson, GIS
Planner
Lee County Government
5/2/2023

Exhibit A

Exhibit A
Page 2 of 2

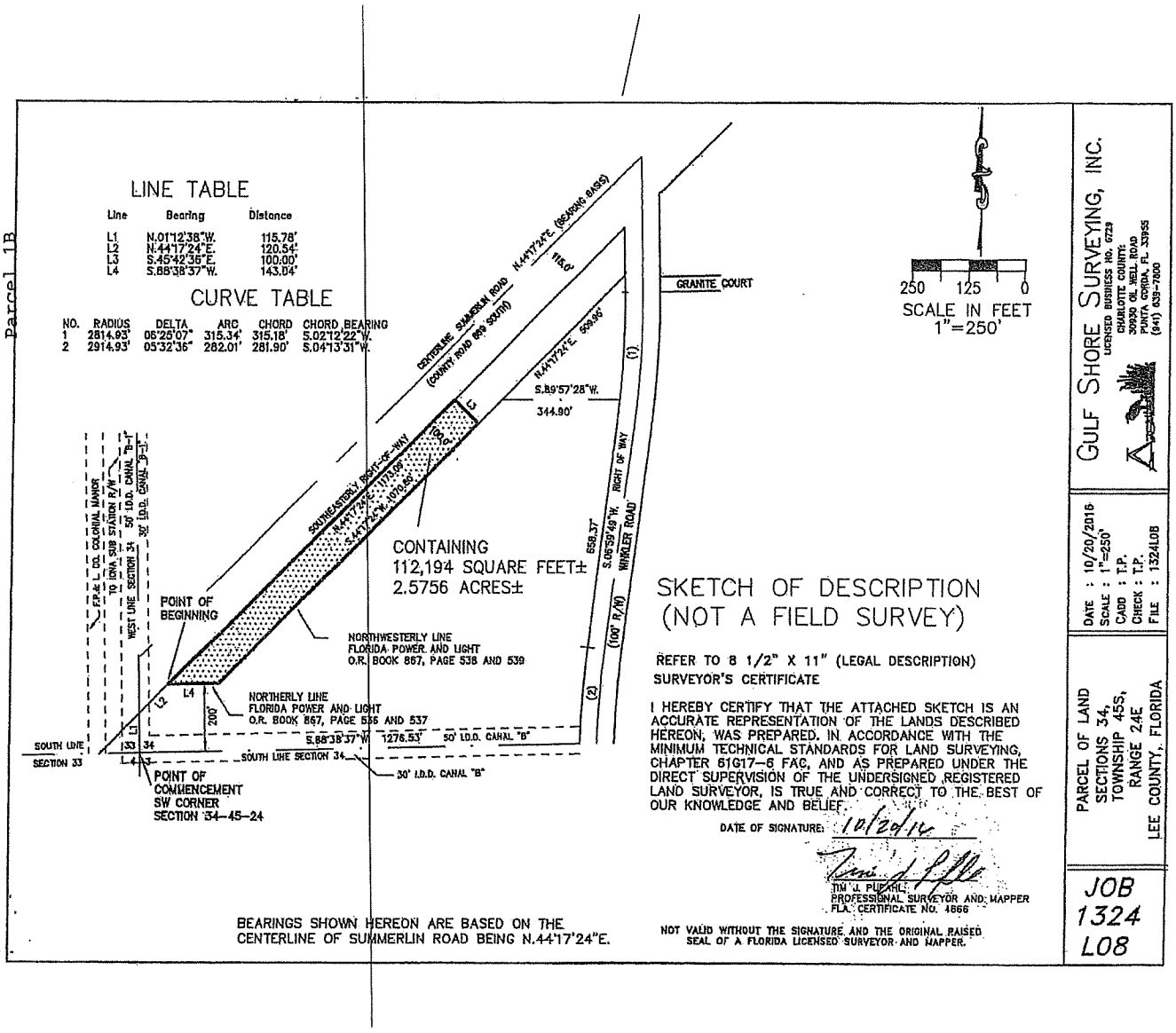
Parcel 1B

LINE TABLE

Line	Bearing	Distance
L1	N.01°12'38"W.	115.78'
L2	N.44°17'24"E.	120.54'
L3	S.45°42'36"E.	100.00'
L4	S.88°38'37"W.	143.04'

CURVE TABLE

NO.	RADIUS	DELTA	ARC	CHORD	CHORD BEARING
1	2814.93'	06°26'07"	315.34'	315.18'	S.02°12'22"W.
2	2914.93'	05°32'36"	282.01'	281.90'	S.04°13'31"W.



SKETCH OF DESCRIPTION
(NOT A FIELD SURVEY)

REFER TO 8 1/2" X 11" (LEGAL DESCRIPTION)

SURVEYOR'S CERTIFICATE

I HEREBY CERTIFY THAT THE ATTACHED SKETCH IS AN ACCURATE REPRESENTATION OF THE LANDS DESCRIBED HEREON, WAS PREPARED IN ACCORDANCE WITH THE MINIMUM TECHNICAL STANDARDS FOR LAND SURVEYING, CHAPTER 61G17-6 FAC, AND AS PREPARED UNDER THE DIRECT SUPERVISION OF THE UNDERSIGNED REGISTERED LAND SURVEYOR, IS TRUE AND CORRECT TO THE BEST OF OUR KNOWLEDGE AND BELIEF.

DATE OF SIGNATURE: 10/20/16

TIM J. PUCARE
PROFESSIONAL SURVEYOR AND MAPPER
FLA. CERTIFICATE NO. 4666

NOT VALID WITHOUT THE SIGNATURE AND THE ORIGINAL RAISED SEAL OF A FLORIDA LICENSED SURVEYOR AND MAPPER.

BEARINGS SHOWN HEREON ARE BASED ON THE CENTERLINE OF SUMMERLIN ROAD BEING N.44°17'24"E.

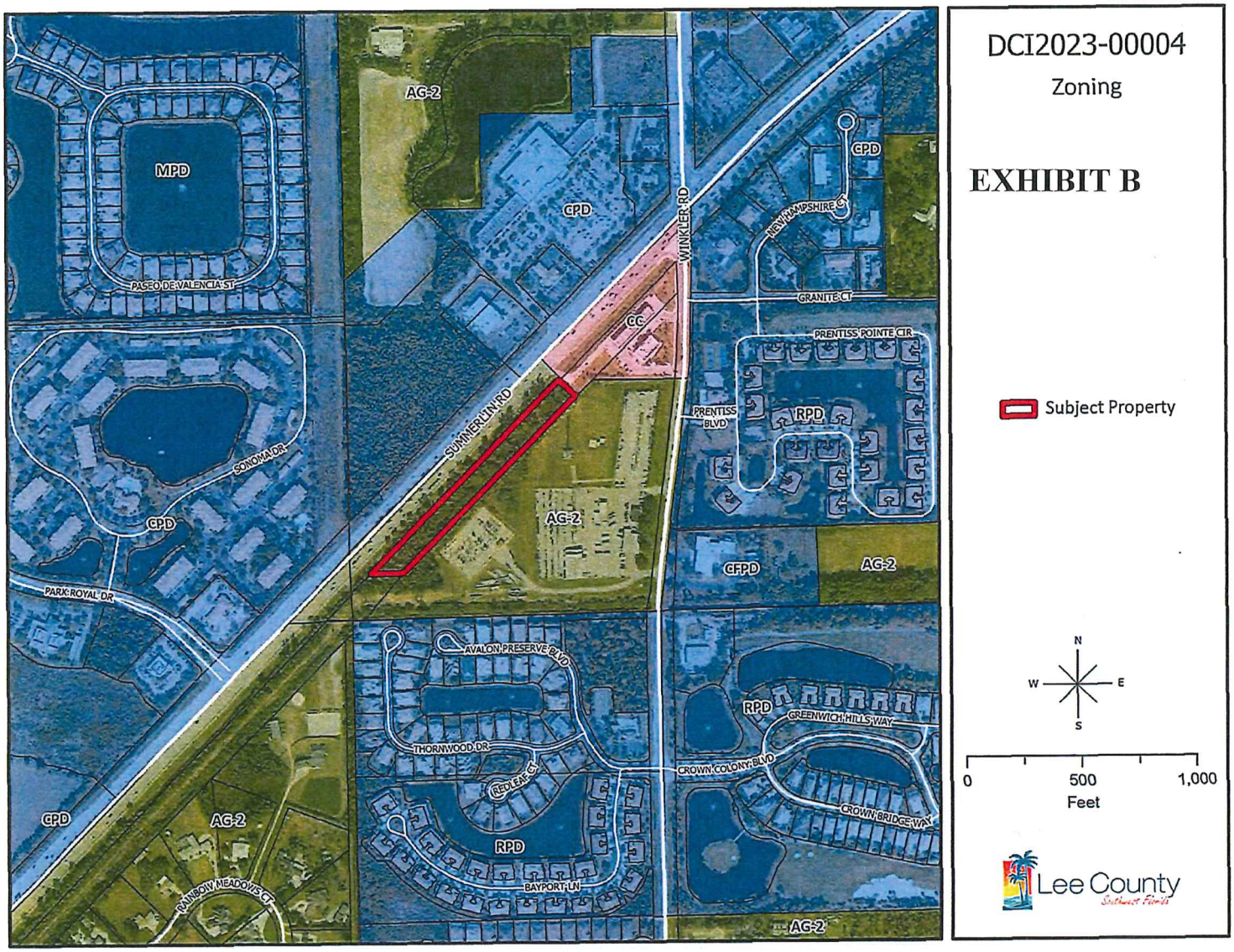
GULF SHORE SURVEYING, INC.
LICENSED BUSINESS NO. 6729
CHARLOTTE COUNTY:
20930 OIL WELL ROAD
PUNTA GORDA, FL 33955
(941) 639-7000

DATE : 10/20/2016
SCALE : 1"=250'
CADD : T.P.
CHECK : T.P.
FILE : 1324L08

PARCEL OF LAND
SECTIONS 34,
TOWNSHIP 45S,
RANGE 24E
LEE COUNTY, FLORIDA

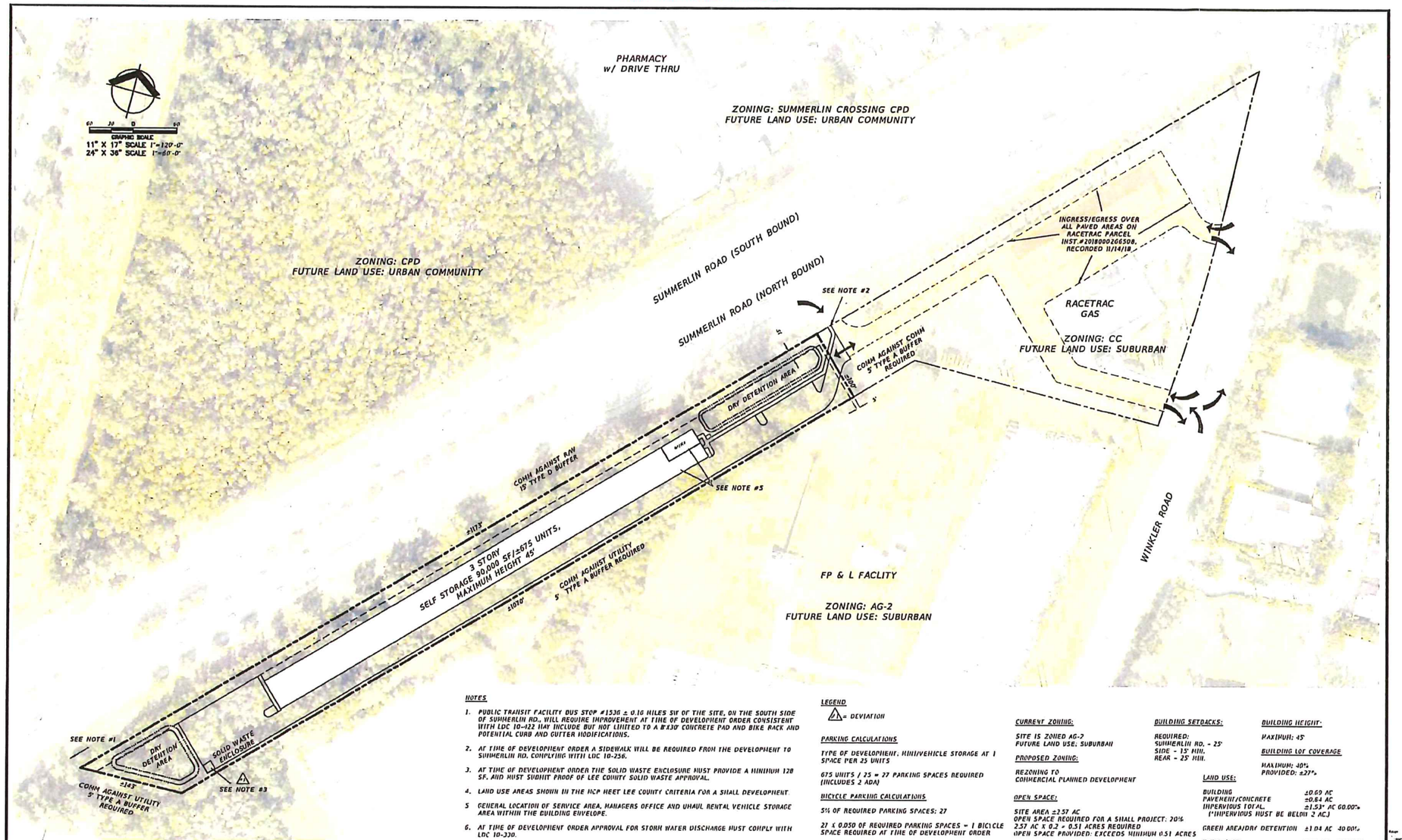
JOB
1324
L08

DCI2023-00004 Lee County ePlan


DCI2023-00004
Zoning
EXHIBIT B
Subject Property
N
W
E
S
0
500
1,000
Feet
Lee County
Southwest Florida
AG-2
MPD
CPD
CC
RPD
CFPD
PASEO DE VALENCIA ST
SONOMA DR
PARK ROYAL DR
SUMMERLIN RD
WINKLER RD
NEW HAMPSHIRE CT
GRANITE CT
PRENTISS POINTE CIR
PRENTISS BLVD
AVALON PRESERVE BLVD
THORNWOOD DR
REDLEAF CT
BAYPORT LN
RAINBOW MEADOWS CT
GREENWICH HILLS WAY
CROWN COLONY BLVD
CROWN BRIDGE WAY

DCI2023-00004 Lee County ePlan

Additional Info Dated 04-19-2023



NOTES

1. PUBLIC TRANSIT FACILITY BUS STOP #1538 ± 0.16 MILES SW OF THE SITE, ON THE SOUTH SIDE OF SUMMERLIN RD., WILL REQUIRE IMPROVEMENT AT TIME OF DEVELOPMENT ORDER CONSISTENT WITH LDC 10-422 MAY INCLUDE BUT NOT LIMITED TO A 8'X30' CONCRETE PAD AND BIKE RACK AND POTENTIAL CURB AND GUTTER MODIFICATIONS.
2. AT TIME OF DEVELOPMENT ORDER A SIDEWALK WILL BE REQUIRED FROM THE DEVELOPMENT TO SUMMERLIN RD. COMPLYING WITH LDC 10-256.
3. AT TIME OF DEVELOPMENT ORDER THE SOLID WASTE ENCLOSURE MUST PROVIDE A MINIMUM 128 SF. AND MUST SUBMIT PROOF OF LEE COUNTY SOLID WASTE APPROVAL.
4. LAND USE AREAS SHOWN IN THE MCP MEET LEE COUNTY CRITERIA FOR A SMALL DEVELOPMENT.
5. GENERAL LOCATION OF SERVICE AREA, MANAGERS OFFICE AND UHAUL RENTAL VEHICLE STORAGE AREA WITHIN THE BUILDING ENVELOPE.
6. AT TIME OF DEVELOPMENT ORDER APPROVAL FOR STORM WATER DISCHARGE MUST COMPLY WITH LDC 10-210.

LEGEND

⚠1 = DEVIATION

PARKING CALCULATIONS

TYPE OF DEVELOPMENT: MINI/VEHICLE STORAGE AT 1 SPACE PER 25 UNITS

675 UNITS / 25 = 27 PARKING SPACES REQUIRED (INCLUDES 2 ADA)

BICYCLE PARKING CALCULATIONS

5% OF REQUIRED PARKING SPACES: 27

27 X 0.050 OF REQUIRED PARKING SPACES = 1 BICYCLE SPACE REQUIRED AT TIME OF DEVELOPMENT ORDER

CURRENT ZONING:

SITE IS ZONED AG-2
FUTURE LAND USE: SUBURBAN

PROPOSED ZONING:

REZONING TO
COMMERCIAL PLANNED DEVELOPMENT

OPEN SPACE:

SITE AREA ±2.57 AC
OPEN SPACE REQUIRED FOR A SMALL PROJECT: 20%
2.57 AC X 0.2 = 0.51 ACRES REQUIRED
OPEN SPACE PROVIDED: EXCEEDS MINIMUM 0.51 ACRES

BUILDING SETBACKS:

REQUIRED:
SUMMERLIN RD. - 25'
SIDE - 15' MIN.
REAR - 25' MIN.

BUILDING HEIGHT:

MAXIMUM: 45'

BUILDING LOT COVERAGE

MAXIMUM: 30%
PROVIDED: ±27%

LAND USE:

BUILDING	±0.69 AC	
PAVEMENT/CONCRETE	±0.84 AC	
IMPERVIOUS TOTAL. (*IMPERVIOUS MUST BE BELOW 2 AC.)	±1.53* AC	60.00%
GREEN AREA/DRY DETENTION	±1.04 AC	40.00%
TOTAL SITE:	2.57 AC	100.00%

REVISIONS			
DATE	DESCRIPTION	DATE	DESCRIPTION
4-3-23	CHANGES PER FIRST ROUND OF LEE COUNTY COMMENTS		

OWNER:
WINKLER JUNCTION LLC
BRANDON KINSEY, MANAGING PARTNER
2053 W. FIRST ST., FORT MYERS, FL. 33901
PH:239-560-7021

PROJECT: WINKLER JUNCTION LLC

COUNTY	DATE
LEE	11/23/2022

MASTER CONCEPT SITE PLAN

SHEET NO. 1

Approved as Exhibit C
MCP Page 1 of 1
Resolution # Z-23-028