

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

WHEREAS, the property owner, RAS1 Properties, LLC, filed an application to rezone a 3.92± acre parcel from Agricultural (AG-2), Industrial (IL), Commercial Planned Development (CPD), and Commercial (C-2) to CPD in reference to BluWave Express Car Wash; and

WHEREAS, a public hearing before the Lee County Zoning Hearing Examiner, Donna Marie Collins, was advertised and held on December 7, 2023. At the conclusion of the hearing, the Hearing Examiner left the record open and requested Staff and the Applicant to submit written submissions to her Office on or before December 11, 2023; and

WHEREAS, the Hearing Examiner gave full consideration to the evidence in the record for Case #DCI2023-00025 and recommended APPROVAL of the Request; and

WHEREAS, a second public hearing was advertised and held on January 17, 2024 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 3.92± acre parcel from AG-2, IL, CPD, and C-2 to CPD, to allow a 5,309-square-foot car wash with a maximum height of 35 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 specified in Section B 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 the one-page MCP entitled "BluWave Express Car Wash" revision #4 December 2023, except as modified by conditions below.

Lee Plan and LDC. Development must comply with the Lee Plan and LDC at the time of local development order. Changes to the MCP, conditions, or deviations may require further development approvals.

Approved Development Parameters. The project is approved to develop a 5,309-square-foot car wash with a maximum height of 35 feet.

2. Permitted Uses and Site Development Regulations

a. Schedule of Uses

Accessory Uses, Buildings, and Structures
Car Wash
Essential Services
Essential Services Facilities, Group I
Excavation, Water Retention
Fences and Walls
Parking Lot, accessory
Signs
Storage, indoor, and open
Temporary Uses

b. Site Development Regulations

Minimum Lot Size: 25,000 square feet
Minimum Lot Width: 150 feet
Minimum Lot Depth: 150 feet

Minimum Setbacks:
Street: 40 feet
Side: 30 feet
Rear: 50 feet

Maximum Building Height: 35 feet
Minimum Open Space: 30%

3. Open Space

Development order plans must depict a minimum of 2.06 acres of open space.

4. Indigenous Open Space

Development order plans must depict 0.69 acres of indigenous preserve.

5. Vegetation Removal Permit

Applicant must submit a Vegetation Removal Permit with a map depicting mechanical and hand-removal areas for exotic vegetation in the preserve and natural waterway buffer. Mechanical clearing is prohibited within the 50-foot natural waterway buffer. Applicant must protect native vegetation with tree barricades in the indigenous preserve.

6. State Wetland Permits.

Construction may not commence on development impacting wetlands until issuance of necessary State permits. If the State does not permit wetland impacts or if State issued wetland permits are inconsistent with proposed wetland impacts reflected on the MCP, then local development permits must be amended to be consistent with state issued wetland permits and applicable County regulations governing development within wetlands.

7. 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. 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 D. 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 requested CPD is consistent with the Lee Plan. Lee Plan Goals 2, 4, 6, 21, 22; Objectives 2.1, 2.2, 4.1, 6.1, 11.2, 21.1, 21.2, 60.2, 60.3, 77.2, 77.3, 126.2, and Policies 1.1.5, 1.6.5, 2.1.2, 2.2.1, 2.2.2, 4.1.1, 4.1.2, 4.1.4, 6.1.1, 6.1.3, 6.1.4, 6.1.5, 6.1.6, 6.1.7, 21.2.1, 22.1.5, 22.1.7, 60.4.1, 60.4.2, 61.3.11, 126.2.1; Lee Plan Maps 1-A, 1-B, 1-C, 2-A, 4-B.
2. As conditioned, the CPD zoning district:
 - a. is consistent with the LDC. LDC Chapters 2, 10, 33, and 34.
 - b. is compatible with existing or planned uses in the surrounding area. Lee Plan Goal 21, Objectives 2.2, 21.2, Policies 1.1.5, 2.2.1, 6.1.4, 6.1.7, 21.2.1, LDC §§ 34-411, 34-413; and
 - c. will not adversely affect environmentally sensitive areas or natural resources. Lee Plan Goal 77, Objectives 60.2, 60.3, 77.2, 77.3, 126.2, Policies 22.1.5, 22.1.7, 60.1.1, 60.4.1, 60.4.2, 61.3.11, 124.1.1, 124.1.2, 126.2.1, and Standard 4.1.4.
3. There is sufficient road access to support the proposed development intensity.
4. Expected impacts on transportation facilities will be addressed by County regulations and conditions of approval. Lee Plan Objective 39.1, Policies 38.1.1, 39.1.1, 39.2.2; LDC §§ 34-411(d) and (e). Lee Plan Map 3-D, 4-E.
5. Public services and infrastructure will be available to serve the development. Goal 4, Objective 4.1, Policy 2.2.1, Standards 4.1.1, 4.1.2, Maps 4-A, 4-B.
6. The proposed use is appropriate at the subject location. Lee Plan Goals 2, 6; Objectives 2.1, 2.2, Policies 1.1.5, 2.1.1, 2.1.2, 2.2.1, 6.1.7.

7. The County regulations and recommended conditions of approval provide sufficient safeguards to protect the public interest. Lee Plan Policies 6.1.4; LDC § 34-411.
8. The recommended conditions reasonably relate to the impacts expected from the proposed development. Lee Plan Policies 6.1.6, LDC §§ 34-145(d)(4)a.2.(b), 34-411, and 34-932(c).

SECTION E. 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 designee, without the need for a public hearing.

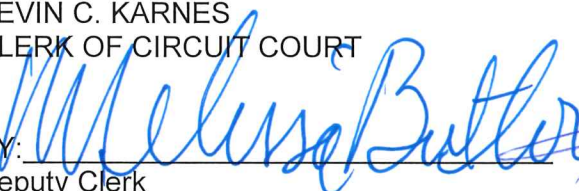
Commissioner Pendergrass made a motion to adopt the foregoing resolution, seconded by Commissioner Hamman. The vote was as follows:

Adopted by unanimous consent.

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

DULY PASSED AND ADOPTED this 17th day of January 2024.

ATTEST:
KEVIN C. KARNES
CLERK OF CIRCUIT COURT

BY: 
Deputy Clerk

BOARD OF COUNTY COMMISSIONERS
OF LEE COUNTY, FLORIDA

BY: 
Mike Greenwell, Chair Vice

RECEIVED
MINUTES OFFICE
MB
2024 JAN 26 AM 9:54



APPROVED AS TO FORM FOR THE
RELIANCE OF LEE COUNTY ONLY


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

DESCRIPTION TO ACCOMPANY SKETCH
EXHIBIT "A"

DESCRIPTION:

A PARCEL OF LAND LYING IN THE NORTHEAST QUARTER (NE 1/4) OF SECTION 28, TOWNSHIP 43 SOUTH, RANGE 26 EAST, LEE COUNTY, FLORIDA, DESCRIBED AS FOLLOWS:

COMMENCING AT THE NORTHEAST CORNER OF THE AFORESAID SECTION 28; THENCE RUN S.00°47'07"E. ALONG THE EAST LINE OF SAID SECTION 28 FOR 658.99 FEET TO A POINT ON THE NORTH LINE OF THE SOUTHWEST QUARTER (SW 1/4) OF THE NORTHEAST QUARTER (NE 1/4) OF THE NORTHEAST QUARTER (NE 1/4) OF SAID SECTION 28; THENCE RUN S.89°08'48"W. ALONG SAID NORTH LINE FOR 1316.42 FEET TO THE NORTHWEST CORNER OF THE SOUTHWEST QUARTER (SW 1/4) OF THE NORTHEAST QUARTER (NE 1/4) OF THE NORTHEAST QUARTER (NE 1/4) OF SAID SECTION 28; THENCE RUN S.00°48'04"E. ALONG THE WEST LINE OF SAID FRACTION FOR 330.86 FEET TO THE POINT OF BEGINNING; THENCE CONTINUE S.00°48'04"E. ALONG SAID WEST LINE FOR 149.14 FEET; THENCE RUN N.89°08'55"E. FOR 149.52 FEET; THENCE RUN S.00°48'10"E. FOR 262.82 FEET TO A POINT ON THE NORTH RIGHT-OF-WAY LINE OF PALM BEACH BOULEVARD (150 FEET WIDE); THENCE RUN S.77°11'45"W. ALONG SAID NORTH RIGHT-OF-WAY LINE FOR 490.31 FEET; THENCE RUN N.12°48'12"W. FOR 25.00 FEET; THENCE RUN N.15°42'06"E. FOR 250.97 FEET; THENCE RUN N.08°31'00"E. FOR 252.10 FEET; THENCE RUN N.89°12'53"E. FOR 223.15 FEET TO THE POINT OF BEGINNING.

PARCEL CONTAINS 170897.8 SQUARE FEET OR 3.92 ACRES, MORE OR LESS.

BEARINGS ARE BASED ON THE EAST LINE OF THE AFORESAID SECTION 28 AS BEING S.00°47'07"E.

Phillip M
Mould, P.S.M.
6515 State of
Florida

Digitally signed by
Phillip M Mould,
P.S.M. 6515 State of
Florida
Date: 2022.10.26
17:36:16 -04'00'

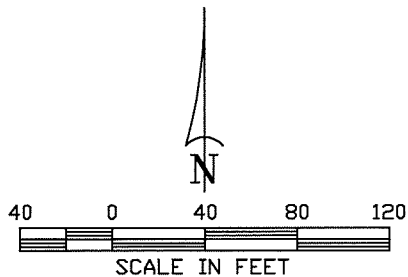
PHILLIP M MOULD
LS5615
OCTOBER 26, 2022

REVIEWED
DCI2023-00025
Hunter Searson, GIS
Planner
Lee County Government
6/26/2023

NOTE:

THIS MAP/PLAT IS CONSIDERED SIGNED USING A DIGITAL SEAL IN ACCORDANCE WITH THE APPLICABLE STATE LAWS AND STATUTES FS 668.001-006, FS 668.50, FS 472.025, 5J-17.062, FLORIDA ADMINISTRATIVE CODE, STATE OF FLORIDA.

SKETCH TO ACCOMPANY DESCRIPTION
A PARCEL OF LAND LYING
IN THE NE 1/4 OF SECTION 28,
TOWNSHIP 43 SOUTH, RANGE 26 EAST
LEE COUNTY, FLORIDA



POINT OF
COMMENCEMENT
N.E. CORNER OF
SECTION 28-43-26

N.W. CORNER SW 1/4
NE 1/4 NE 1/4 OF
SECTION 28-43-26

S.89°08'48"W. 1316.42'
N. LINE SW 1/4 NE 1/4
NE 1/4 OF SECTION 28-43-26

THIS IS NOT A BOUNDARY SURVEY
SEE EXHIBIT "A", SHEET 2 OF 2
FOR DESCRIPTION

D.R. BOOK 397, PAGE 289

N.89°12'53"E. 223.15'

POINT OF BEGINNING

D.R. BOOK 4562, PAGE 2870-2871

N.08°31'00"E. 252.10'

N.15°42'06"E. 250.97'

N. LINE SW 1/4 NE 1/4 OF SECTION 28-43-26

D.R. BOOK 4562,
PAGE 2870-2871

D.R. BOOK 414,
PAGE 232

N. R/W PALM BEACH BOULEVARD

S.77°11'45"W. 490.31'

PALM BEACH BOULEVARD (SR80)
(150' R/W)

S.00°48'04"E.
330.86'

W. LINE SW 1/4 NE 1/4
NE 1/4 OF SECTION 28-43-26

N.89°08'55"E.
149.52'

D.R. BOOK 4562,
PAGE 2870-2871

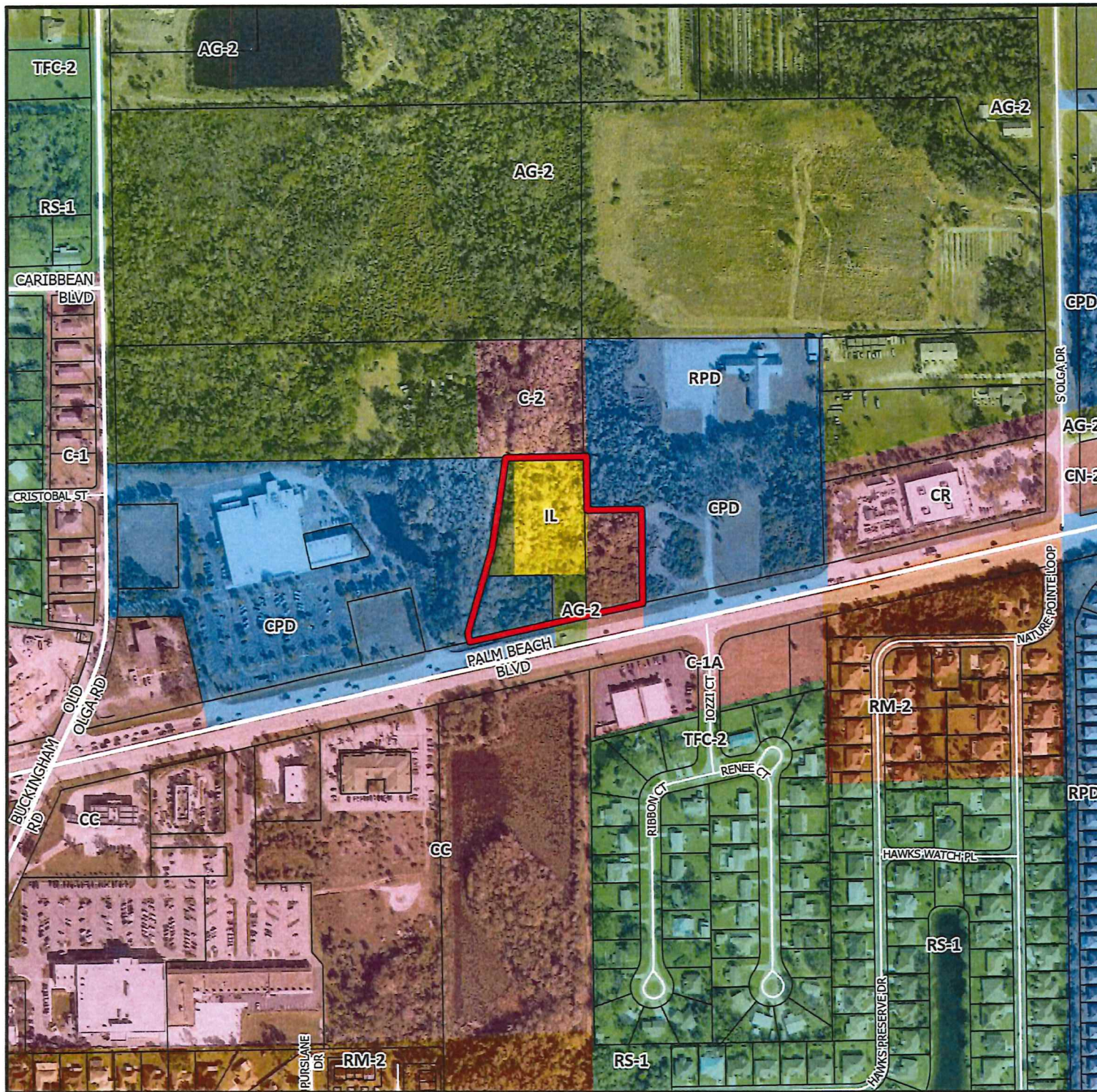
S.00°48'10"E. 262.82'

D.R. BOOK 2266, PAGES 1968-1969

E. LINE SECTION 28-43-26

21 22
27

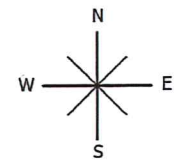
EXHIBIT B



DCI2023-00025

Zoning

 Subject Property



0 300 600
Feet



