

2101149

RESOLUTION OF THE BOARD OF COUNTY COMMISSIONERS

OF LEE COUNTY, FLORIDA

WHEREAS, Jock Lee, has properly filed an application in the AG and RV districts for:

- a) District boundary change to CC; and
- b) Special exception for consumption on premises of alcoholic beverages (Section 614.C).

The subject property is located on a piece of property just south of the U.S. 41 and Alico Road intersection, on the west side of U.S. 41, described more particularly as:

LEGAL DESCRIPTION: In Section 07, Township 46 South, Range 25 East, Lee County, Florida.

PARCEL 1: Commencing at the Southwest Corner of the NW¼ of the NE¼ of Section 7, Township 46 South, Range 25 East; thence run N 0°23'10"W along the West line of said NW¼ of NE¼ for 180.98 feet to the POINT OF BEGINNING; thence continue N 0°23'10"W along the West line of said NW¼ of NE¼ for 170.92 feet; thence S 84°25'50" E (parallel to and 350 feet perpendicular with the South line of said NW¼ of NE¼) for 598.34 feet to the West right-of-way line of the Tamiami Trail (State Road #45); thence Southeasterly along the arc of a curve to the right for 241.40 feet (cord bearing S 39°35'25"E 241.08 feet; delta 10°08'14" and radius of 1364.40 feet) along the west right-of-way line of Tamiami Trail; thence N 84°25'50"W (parallel to and 180 feet perpendicular with the South line of said NW¼ of NE¼) for 751.53 feet to the POINT OF BEGINNING.

PARCEL 2: Commencing at the Southeast corner of the NE¼ of the NW¼ of Section 7, Township 46 South, Range 25 East; thence run N 0°23'10" W along the East line of said NE¼ of the NW¼ for 180.98 feet to the POINT OF BEGINNING; thence continue N 0°23'10"W along the East line of said NE¼ of the NW¼ for 170.92 feet; thence N 72°44'40"W (parallel to and 350 feet perpendicular to the South line of the said NE¼ of the NW¼) for 104.94 feet; thence S 0°23'10"E (parallel to and 100 feet perpendicular to the East line of said NE¼ of the NW¼) for 170.92 feet; thence S 72°44'40"E (parallel to and 180 feet perpendicular with the South line of said NE¼ of the NW¼) for 104.94 feet to the POINT OF BEGINNING.

WHEREAS, proper authorization has been given to Humphrey, Jones, Myers, P.A., by Jock Lee, the owner of the subject parcel, to act as agents to pursue this zoning application;

WHEREAS, a public hearing was legally and properly advertised and held before the Lee County Zoning Board, with full consideration of all the evidence available to the Zoning Board; and

WHEREAS, the Lee County Zoning Board fully reviewed the matter and recommended approval, with conditions on the special exception, based on the analysis contained in the Staff Report of January 17, 1986 and the testimony given at the January 27, 1986 Zoning Board Hearing; and

WHEREAS, a public hearing was legally and properly advertised and held before the Lee County Board of County Commissioners; and

WHEREAS, in the legislative process the Lee County Board of County Commissioners gave full and complete consideration to the recommendations of the Staff, the Local Planning Agency, the Zoning Board, the documents on file with the County, and the testimony of all interested persons:

LEGISLATIVE HISTORY:

The requested district boundary change from AG to CC meets the site location standards of the Lee Plan, as this parcel is within one-quarter of a mile of the intersection of US 41 and Alico Road (two arterial roads). An on-site inspection of the area would suggest that the requested uses might constitute premature strip development, which is contrary to Policy III.D.8. of the Lee Plan. However, recent re-zoning approvals in this area make such an interpretation appear incorrect. These cases are: 83-4-26 (European Investments, Inc.), 83-6-30 DCI (Chitwood and Marsh), 83-11-12(b) (Harborage), 85-2-1 DCI (Ronald Francisco), and 85-3-9 (Granada Lakes). These recent cases, along with other previous re-zonings in this area, and given the parcel's location within one quarter of a mile of an arterial intersection, were the basis for staff's recommendation for approval of the requested district boundary change to CC. Staff recommended approval with conditions of the special exception for consumption on premises of alcoholic beverages. The Local Planning Agency found the request consistent with the Lee County Comprehensive Plan, and the Zoning Board concurred with staff and recommended approval, with conditions on the special exception. The Board did not concur with the recommended conditions.

NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF COUNTY COMMISSIONERS AS THE ZONING APPEALS BOARD, that the Zoning Appeals Board does hereby grant in the AG and RV districts:

- a) District boundary change to CC; and
- b) Special exception for consumption on premises of alcoholic beverages (Section 614.C).

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

Porter J. Goss	Aye
Roland Eastwood	Aye
Mary Ann Wallace	Aye
Bill Fussell	Nay
Donald D. Slisher	Abstained, as his engineering company does considerable work for the applicant

DULY PASSED AND ADOPTED this 10th day of March, A.D., 1986.

ATTEST:
CHARLIE GREEN, CLERK

BY: Lisa L. Pierce, DC
Deputy Clerk

BOARD OF COUNTY COMMISSIONERS
OF LEE COUNTY, FLORIDA

BY: [Signature]
Chairman

Approved as to form by:

[Signature]
County Attorney's Office

DEF 1848 PG 1535

RECORDED AND RECORD VERIFIED
CLERK CIRCUIT COURT
LEE COUNTY FLA
MAY 29 1 55 PM '86