

Exhibit B

RESOLUTION NUMBER Z-22-006

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

WHEREAS, Morris-Depew Associates, Inc. filed an application on behalf of the property owner, Stringfellow, LLC, to amend the Pine Island Professional Center Commercial Planned Development (CPD), a 0.88± acre parcel, in reference to Pine Island Professional Center CPD; and

WHEREAS, a public hearing before the Lee County Zoning Hearing Examiner, Donna Marie Collins, was advertised and held on January 26, 2022. 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 January 27, 2022; and

WHEREAS, the Hearing Examiner gave full consideration to the evidence in the record for Case #DCI2021-00028 and recommended APPROVAL of the Request with conditions; and

WHEREAS, a second public hearing was advertised and held on March 2, 2022 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 amend the Pine Island Professional Center CPD approved by Resolution #Z-04-057, to amend the Schedule of Uses and request three additional deviations.

The property is located in the Urban Community 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/Development Parameters

Master Concept Plan (MCP). Development must be consistent with the one-page MCP entitled "Pine Island Professional Center CPD" dated September 23, 2021 (Exhibit C), except as modified by the conditions herein. Development must comply with the Lee County Comprehensive Plan (Lee Plan) and Land Development Code (LDC) at time of local development order approval, except where deviation are granted in this zoning resolution. Changes to the MCP require further development approvals.

Approved Development Parameters: The CPD may develop up to 5,600 square feet of commercial uses.

2. Schedule of Permitted Uses and Site Development Regulations

a. Schedule of Uses

Accessory Uses and Structures
Administrative Offices
Business Services Group I
Essential Services
Essential Service Facilities, Group I
Excavation Water Retention
Medical Offices (Limited to 2,000 square feet)
Parking Lot, Accessory
Restaurants, Group II (Limited to 1,000 square feet)
Signs

b. Site Development Regulations

Minimum Lot Area and Dimensions

Lot Size:	33,600 square feet
Lot Width:	100 feet
Lot Depth	100 feet

Minimum Setbacks

Street	25 feet
Side	15 feet
Rear	17.5 feet

Maximum Lot Coverage:	40%
Maximum Building Height:	38 feet

3. Prior to local development order approval, the development order must indicate that each impacted heritage tree must be replaced with a tree of the same species with a 20-foot minimum height. These replacement trees must be planted within the open space on the south side of the proposed building.
4. The MCP must indicate that a minimum of 20 percent of the entire site will be dedicated as common open space.
5. Prior to local development order approval, the development order must demonstrate that all conditions set forth in the Bald Eagle Management Plan for Nest LE-54A., dated October 2004, will be complied with.
6. The MCP must indicate a minimum of 15 feet between the proposed building and the south property line and demonstrate that all existing South Florida slash pines in this vicinity will be preserved.

7. Prior to local development order approval, the development order must indicate that all required trees (general, canopy, and buffer) for this development will be South Florida slash pines.
8. Prior to local development order approval, the development order must demonstrate that at least five (5) additional South Florida slash pines, over and above the LDC requirements for this project, will be planted along the south side of the proposed building. These trees are to be a minimum of 10 feet in height and have a 2-inch caliper at time of planting.

SECTION C. DEVIATIONS:

1. Connection Separation. Deviation (1) seeks relief from the LDC §10-285, requirement to provide a 660 foot connection separation on principal arterial roads, to allow a connection separation distance of 254 feet. This deviation was APPROVED by Resolution Z-04-057.
2. Parking Lot Interconnection. Deviation (2) seeks relief from the LDC §§ 34-2015(2)(f) and 10-610(e), requirement to provide interconnection between parking lots for commercial uses, to allow no parking lot interconnection with the adjoining commercially zoned properties. This deviation is APPROVED.
3. Architectural Façade Treatment. Deviation (3) seeks relief from the LDC §33-1083(d)(1), which requires transparent windows to be installed along 30% of each primary façade to allow the continued use of existing windows, which are less than 30 percent of the primary façade. This deviation is APPROVED.
4. Parking Lot Design. Deviation (4) seeks relief from the LDC §33-1083(g), which requires no more than a single row of parking spaces be located between the primary façade and the front lot line, to allow the current configuration of the existing parking lot with two rows of parking spaces. 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 amendments to the CPD complies with the Lee Plan. Lee Plan Goals 2, 6, 24 Objectives 2.1, 6.1, 24.4, 126.2, Policies 1.1.4, 6.1.1, 6.1.3, 6.1.4, 6.1.6, 17.3.5, 24.4.2, 126.2.1.
2. *As conditioned*, the proposed amendment:
 - 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 Objective 2.1, Policies 1.1.4, 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 Goals 77, Objectives 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 Glossary, Lee Plan Goals 2, 4, Objectives 2.1, 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 additional use is appropriate at the location. Lee Plan Goal 6, 24, Objective 2.1, Policies 2.1.1, 2.1.2, 24.4.2.
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 requested 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.

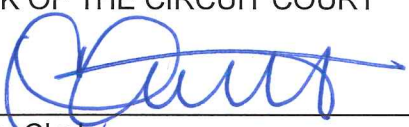
Commissioner Kevin Ruane made a motion to adopt the foregoing resolution, seconded by Commissioner Brian Hamman. The vote was as follows:

Adopted by unanimous consent.

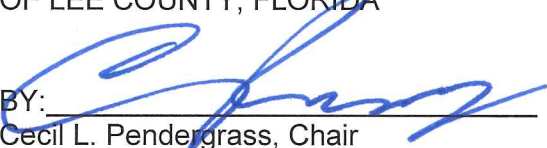
Kevin Ruane	Aye
Cecil L. Pendergrass	Aye
Raymond Sandelli	Aye
Brian Hamman	Aye
Frank Mann	Aye

DULY PASSED AND ADOPTED this 2nd day of March 2022.

ATTEST:
CLERK OF THE CIRCUIT COURT

BY: 
Deputy Clerk

BOARD OF COUNTY COMMISSIONERS
OF LEE COUNTY, FLORIDA

BY: 
Cecil L. Pendergrass, 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
2022 MAR 11 PM 4:27

Exhibit A

LEGAL DESCRIPTION:

A PARCEL OF LAND LYING IN THE SOUTHEAST QUARTER OF SECTION 28, TOWNSHIP 44 SOUTH, RANGE 22 EAST ON PINE ISLAND IN LEE COUNTY, FLORIDA MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCE AT A 4"X4" CONCRETE MONUMENT MARKING THE SOUTH QUARTER CORNER OF SAID SECTION 28; THENCE N 00°00'00" E ON AN ASSUMED BEARING ALONG THE WEST LINE OF THE SOUTHEAST QUARTER OF SAID SECTION 28 FOR A DISTANCE 652.82 FEET TO THE POINT OF BEGINNING; THENCE CONTINUE N 00°00'00" E ALONG THE WEST LINE OF THE SAID SOUTHEAST QUARTER FOR A DISTANCE OF 189.05 FEET; THENCE N 88°41'21" E FOR A DISTANCE OF 174.05 FEET TO A POINT ON THE WESTERLY RIGHT-OF-WAY LINE OF STRINGFELLOW ROAD (C.R. -767) (80 FEET WIDE); THENCE S 16°11'16" E ALONG SAID WESTERLY RIGHT-OF-WAY LINE FOR A DISTANCE OF 195.56 FEET; THENCE S 88°41'21" W FOR A DISTANCE OF 228.58 FEET TO THE POINT OF BEGINNING.

CONTAINING 0.87 ACRES, MORE OR LESS.

REVIEWED
DCI2021-00028
Rick Burris, Principal
Planner
Lee County DCD/Planning
11/15/2021

SURVEYOR'S NOTES:

DESCRIPTION SHOWN HEREON IS NEW.

ORIENTATION BASED ON THE WEST LINE OF THE SOUTHEAST QUARTER OF SECTION 28, TOWNSHIP 44 SOUTH, RANGE 22 EAST, AS BEARING N 00°00'00" E.

WITHOUT THE SIGNATURE AND ORIGINAL RAISED SEAL OF THE FLORIDA LICENSED SURVEYOR AND MAPPER, THIS MAP IS NOT VALID.



PSM 6347

Digitally signed by
Thomas M. Rooks Jr.
Date: 2021.08.20
11:57:45 -04'00'

PREPARED BY:

THOMAS M. ROOKS JR., P.S.M. DATE
FLORIDA CERTIFICATE NO. 6347

PROJECT:

PINE ISLAND
PROFESSIONAL
CENTER

LOCATION:

A PARCEL OF LAND
LYING IN SECTION 28,
T. 44 S., R. 22 E., LEE
COUNTY, FLORIDA

CONSULTANT:

MORRIS
DEPEW

ENGINEERS • PLANNERS • SURVEYORS
LANDSCAPE ARCHITECTS
FL CA NO. 6532 / FL CERT NO. LB6891 / LC26000330

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2914 Cleveland Avenue
Fort Myers, Florida 33901
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Fax: (239) 337-3994
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1st Floor
Tallahassee, Florida 32301
Toll free: 866-337-7341

Destin
5597 Highway 98
Unit 201
Santa Rosa Beach, Florida 32459
Toll free: 866-337-7341

CLIENT:

STRINGFELLOW, LLC.



4000

0

2000

4000

SCALE 1"=40'

PROJECT MANAGER:

TMR

DRAWING BY:

TAB

JURISDICTION:

LEE COUNTY

DATE:

08-19-2021

SHEET TITLE:

DESCRIPTION
DRAWING

SHEET NUMBER:

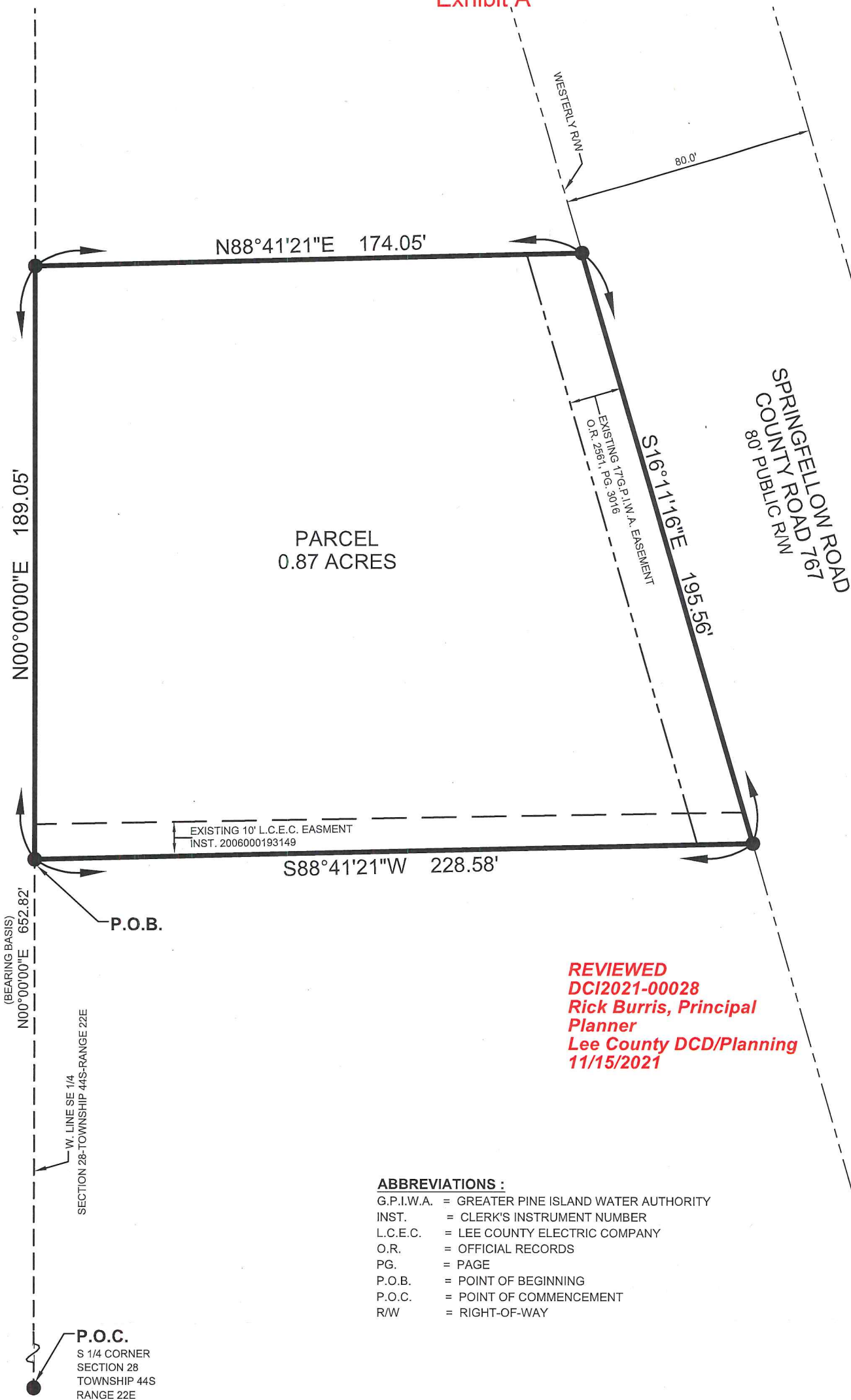
1 OF 2

JOB/FILE NUMBER:

21082

8 COPYRIGHT MORRIS • DEPEW ASSOCIATES, INC. 2021 ALL RIGHTS RESERVED I:\21082 - Pine Island Professional Center Amendment\Plans\21082 - Boundary Survey\Current Plans\21082 - SKETCH-DESC_PARCEL.dwg <S-D_SH1_14x8.5> - Aug 20 2021 11:19:22 am PLOTTED BY: tbailey

Exhibit A



REVIEWED
DCI2021-00028
Rick Burris, Principal
Planner
Lee County DCD/Planning
11/15/2021

ABBREVIATIONS :

- G.P.I.W.A. = GREATER PINE ISLAND WATER AUTHORITY
- INST. = CLERK'S INSTRUMENT NUMBER
- L.C.E.C. = LEE COUNTY ELECTRIC COMPANY
- O.R. = OFFICIAL RECORDS
- PG. = PAGE
- P.O.B. = POINT OF BEGINNING
- P.O.C. = POINT OF COMMENCEMENT
- R/W = RIGHT-OF-WAY

PROJECT:

PINE ISLAND
PROFESSIONAL
CENTER

LOCATION:

A PARCEL OF LAND
LYING IN SECTION 28,
T. 44 S., R. 22 E., LEE
COUNTY, FLORIDA

CONSULTANT:

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DEPEW

ENGINEERS • PLANNERS • SURVEYORS
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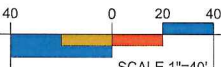
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CLIENT:

STRINGFELLOW, LLC.



PROJECT MANAGER: TMR

DRAWING BY: TAB

JURISDICTION: LEE COUNTY

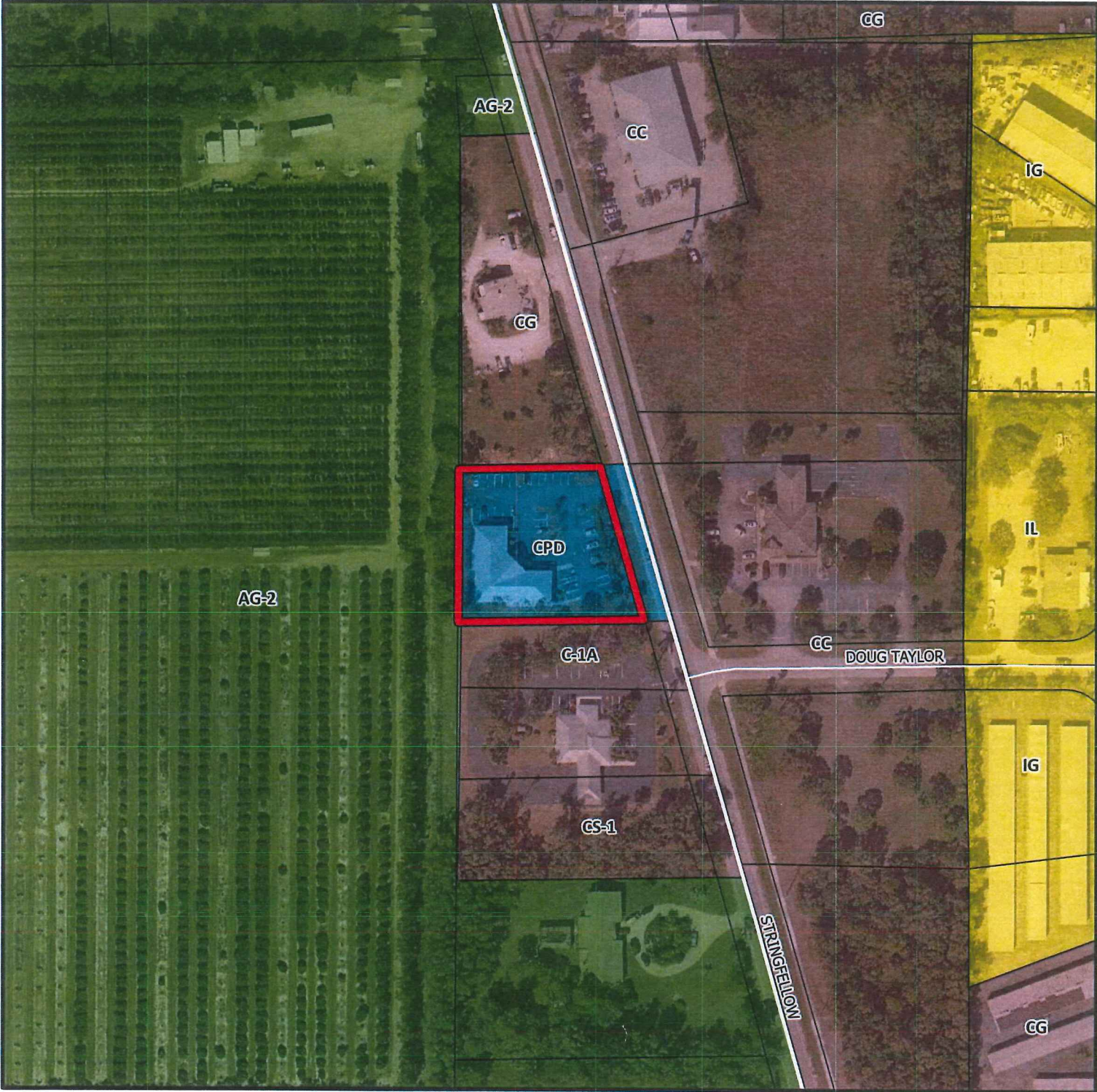
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DESCRIPTION
DRAWING

SHEET NUMBER: 2 OF 2

JOB/FILE NUMBER: 21082

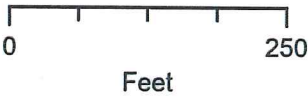
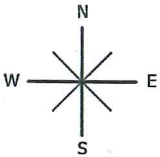
Exhibit B



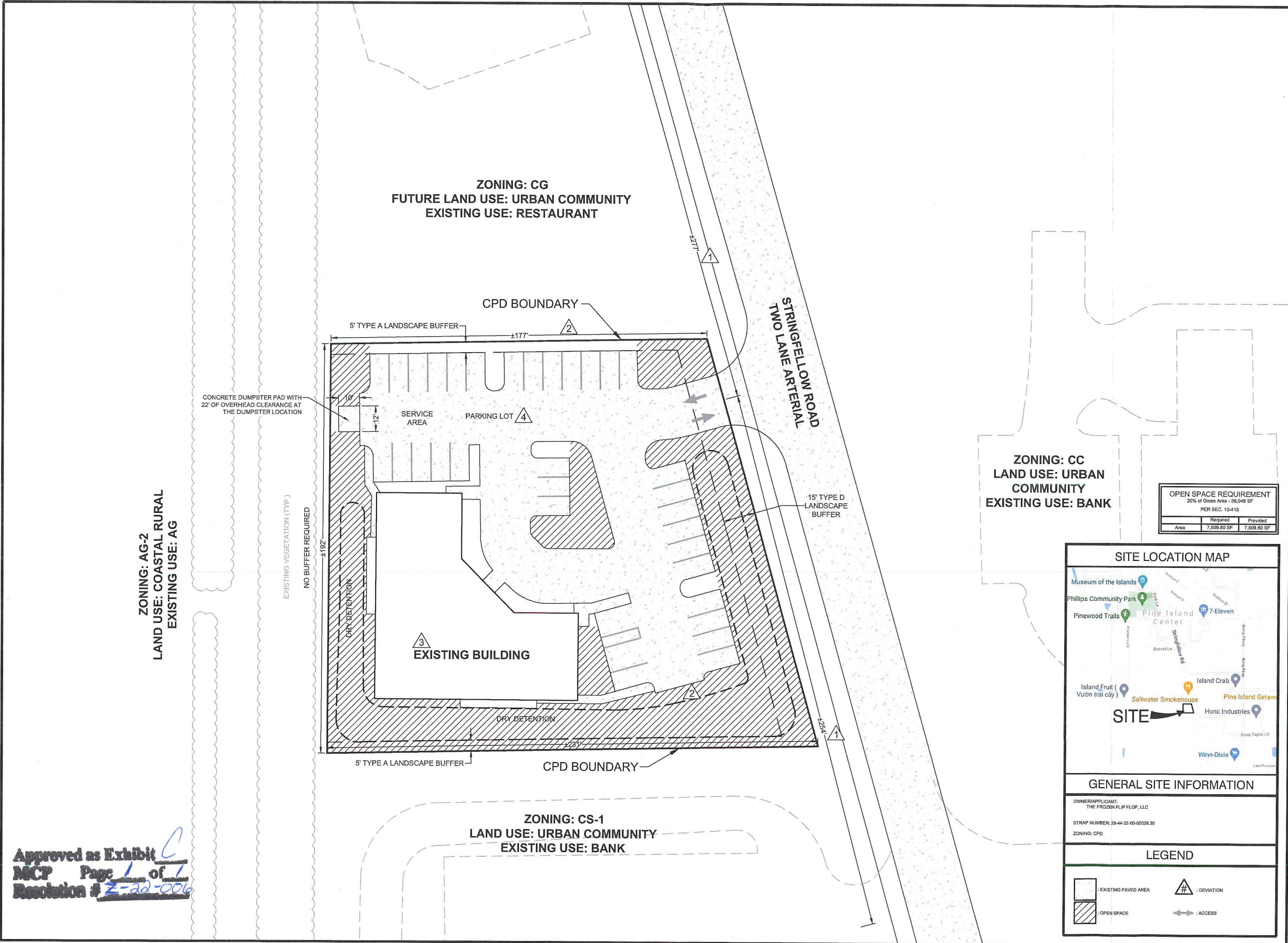
DCI2021-00028

Zoning

 Subject Property



Additional info dated 10-25-2021



OPEN SPACE REQUIREMENT		
20% of Gross Area - 38,049 SF		
PER SEC. 10-4-15		
Area	Required	Provided
	7,609.80 SF	7,609.80 SF

SITE LOCATION MAP

GENERAL SITE INFORMATION

OWNER/APPLICANT:
THE FROZEN FLIP FLOP, LLC

STRAP NUMBER: 28-44-22-00-00028.30

ZONING: CPD

LEGEND

[Symbol] : EXISTING PAVED AREA

[Symbol] : OPEN SPACE

[Symbol] : DEVIATION

[Symbol] : ACCESS

PROJECT:

PINE ISLAND PROFESSIONAL CENTER

LOCATION:

10191 STRINGFELLOW RD
SAINT JAMES CITY, FL 33956

CLIENT:

THE FROZEN FLIP FLOP, LLC

CONSULTANT:

MORRIS DEPEW

ENGINEERS • PLANNERS • SURVEYORS
LANDSCAPE ARCHITECTS

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Toll free: 866-337-7341

PREPARED BY:

REVISIONS	DATE

PROJECT MANAGER: TME

DRAWING BY: TDM

JURISDICTION: LEE COUNTY

DATE: 9/23/2021

SHEET TITLE:

MASTER CONCEPT PLAN

SHEET NUMBER: X-101

SCALE 1"=20'

JOB/FILE NUMBER: 21082-00

Approved as Exhibit
MCP Page 1 of 1
Resolution # 2-22-006