

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

WHEREAS, Frank P. DiPlacido, in reference to Metro Corner, has properly filed an application for a rezoning from the RM-2 and CS districts to Commercial Planned Development; and

WHEREAS, the subject property is located at the southwest corner of Daniels Parkway and Metropolitan Parkway, described more particularly as:

LEGAL DESCRIPTION: In Section 19, Township 45 South, Range 25 East, Lee County, Florida:

A tract or parcel of land lying in the Southwest Quarter (SW1/4) of Section 19, Township 45 South, Range 25 East, Lee County, Florida, which tract or parcel is described as follows:

From the Northeast corner of the Southwest Quarter (SW1/4) of said Section 19 run S01°18'16"W along the East line of the Southwest Quarter (SW1/4) of said section for 100.08 feet to a point on the South right-of-way line of Daniels Road;
 THENCE run S88°59'52"W along said South right-of-way line for 1,537.29 feet to a Point of Curvature;
 THENCE run Westerly along said line on an arc of a curve to the left of radius 5,629.58 feet (delta 03°41'46") (chord 363.10 feet) (chord bearing S87°08'58"W) for 363.16 feet;
 THENCE run S04°41'54"E along said South right-of-way line for 5.00 feet to a point on an arc of a non-tangent curve to the left;
 THENCE run along said curve of radius 5,624.58 feet (delta 00°12'42") (chord 20.78 feet) (chord bearing S85°11'45"W) for 20.78 feet to the West line of Metro Parkway (100 feet wide);
 THENCE run S04°38'28"E along said West line for 195.42 feet to a Point of Curvature;
 THENCE run Southwesterly along said line on an arc of a curve to the right of radius 1,050.00 feet (delta 10°01'43") (chord 183.55 feet) (chord bearing S00°22'24"W) for 183.78 feet to a Point of Tangency;
 THENCE run S05°23'15"W along said West line of Metro Parkway for 45.49 feet to the Northerly line of lands described in Official Record Book 1966 at Page 3446, Lee County Records;
 THENCE run S89°00'59"W along said Northerly line for 2.01 feet to the POINT OF BEGINNING.
 From said POINT OF BEGINNING continue S89°00'59"W along said Northerly line for 538.37 feet to an East line of the Seaboard Coastline Railroad right-of-way as recorded in Deed Book 71 at Page 327 of the Public Records of Lee County, Florida;
 THENCE run N00°41'41"W along said Easterly line for 371.53 feet to the curved Southerly line of Daniels Road (255 feet wide);
 THENCE run Northeasterly along an arc of a curve to the left of radius 5,834.58 feet (delta 00°12'31") (chord 21.25 feet) (chord bearing N81°28'51"E) for 21.25 feet to a Point of Tangency;
 THENCE continue along said Southerly line N83°04'15"E for 219.00 feet;
 THENCE run S06°55'40"E for 285.04 feet;
 THENCE run N89°00'58"E for 253.94 feet;
 THENCE run Southerly along a non-tangent curve to the right of radius 2,000 feet (CB=S00°28'19"E) (CD=65.60') (Delta=01°52'46") for 65.61 feet;
 THENCE run S19°33'14"E for 50.37 feet to the POINT OF BEGINNING.

WHEREAS, the applicant has indicated the property's current STRAP number is 19-45-25-00-00004.003G; and

WHEREAS, proper authorization has been given to Morris-Depew Associates, Inc. by Frank P. DiPlacido, Trustee, the fee simple owner of the subject parcel, to act as agent to pursue this zoning application; and

WHEREAS, a public hearing was legally and properly advertised and held before the Lee County Hearing Examiner, with full consideration of all the evidence available; and the Lee County Hearing Examiner fully reviewed the matter in a public hearing held on May 5, 1992; and

WHEREAS, a public hearing was legally and properly advertised and held before the Lee County Board of County Commissioners; and in the legislative process the Lee County Board of County Commissioners gave full and complete consideration to the recommendations of the staff, the Hearing Examiner, the documents on file with the county, and the testimony of all interested persons.

NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF COUNTY COMMISSIONERS, that the Board of County Commissioners does hereby APPROVE With Conditions a rezoning from the RM-2 and CS districts to Commercial Planned Development, to permit 29,000 square feet of commercial retail and office uses not to exceed 20 feet above average grade, on 2.94 total acres of land.

The rezoning and Master Concept Plan, which deviate from certain Lee County Standards, are subject to the following conditions:

1. The development of the property shall be in accordance with the one-page Master Concept Plan entitled, "Metro Corner CPD", dated 9-17-91, last revised 12-26-91, and stamped Received February 20, 1992, prepared by Morris-Depew Associates, except as may be modified by the conditions herein. This approval does not relieve the developer from compliance with the zoning regulations and all other applicable state or local regulations, except for those specifically approved as part of the development.
2. All the uses permitted by right in the CN-1 and CN-2 zoning districts, plus the following:

Banks and Financial Establishments - All Groups (Section 10001.03)
Bar or Cocktail Lounge (one)
Business Services - Group I (Section 1001.05)
Cleaning and Maintenance Services (Section 1001.07)
Clothing Stores, General (Section 1001.08)
Clubs, Commercial, Fraternal, Membership Organization (Sec. 202.08)
Consumption on Premises (one)
Convenience Food and Beverage Stores (df)
Cultural Facilities - Group I (Section 1001.10)
Department Store (df)
Funeral Home and Mortuary - No cremation
Household/Office Furnishings - Groups I and II (Section 1001.22)
Insurance Offices

Religious Facilities (Section 521)
Rental or Leasing Establishments - Group II (Section 1001.39)
(Sections 507, 527, and 202.02)
Repair Shops - Groups I and II (Section 1001.40)
Research and Development Laboratories - Group II (Section 1001.41)
Restaurants, Standard - all Groups (Section 1001.44)
Self Service Fuel Pump Station (df)
Schools, Commercial (Section 1001.45)
Social Services - Group I (Section 1001.46)
Specialty Retail Shop - Groups I, II, III and IV (Section 1001.47)
Storage, Indoor (df), Enclosed (df) (Section 527)
Studios (Section 1001.49)
Towers, Communication (df) (Section 530) when accessory to a permitted use)
Used Merchandise Stores - Groups I, II and III (Section 1001.54)

3. All structures shall be designed to be architecturally compatible with one another and landscaping arranged to compliment and tie together the designs among individual parcels. This condition shall be incorporated into all pertinent covenants and restrictions associated with the property owners' association.
4. Signs visible from Daniels and Metropolitan Parkways shall be limited to project identification signs only and shall be compatible with the coordinated architectural theme.
5. Before a final Development Order is granted, the site layout shall be evaluated by the Division of Environmental Sciences with respect to the native vegetation on site. Where such vegetation exists, it shall be incorporated into buffer and open space areas as much as possible. Further, all required landscaping shall be 100% native vegetation.
6. A 40-foot-wide buffer with double "D" plantings (as defined in the Development Standards Ordinance) and a two-foot berm shall be provided along Daniels Parkway.
7. Approval of this rezoning does not give the developer the undeniable right to receive any local Development Order approval which exceeds the 2010 Overlay use allocation for the applicable district.
8. This zoning approval does not signify that the project's traffic impacts have been mitigated. Additional conditions may be required at the time of issuance of a local Development Order per the Development Standards Ordinance or other Lee County Ordinance.
9. Prior to Final Plan Approval, the Master Concept Plan shall be amended to eliminate the right-in and right-out access point onto Metropolitan Parkway.
10. Project access shall be as shown on the Master Concept Plan, as conditioned herein:
 - a) Right turn in and right turn out only driveway at 436 feet ± south of the Daniels Road/Metro Parkway intersection.
 - b) The project's private driveway system shall interconnect with the reverse frontage road stub out which is located along the south property line of the project. The interconnection shall be as depicted on the Master Concept Plan.
11. Access to Metro Parkway for that parcel of land legally identified by STRAP Number 19-45-25-00-00004.003A shall be provided as follows:
 - a) Access from the right turn in, right turn out access point on Metro Parkway to the property identified by STRAP Number 19-45-25-00-00004.003A shall be as depicted on the Master Concept Plan. The applicant, or his successor in interest, shall provide a perpetual non-exclusive ingress/egress easement evidencing these access rights.

- b) Further, the applicant, or his successors in interest, shall convey to the owner of the parcel identified by STRAP Number 19-45-25-00-00004.003A a perpetual non-exclusive ingress/egress easement for the purpose of obtaining access to the reverse frontage road interconnection.
- c) These easements shall be in perpetuity and shall be provided simultaneous with the approval of a Final Development Order on the site which is the subject of this rezoning.
12. Deviation (1) is a request to deviate from the minimum required setback of 15 feet from property lines (Zoning Ordinance Section 461.C.2.a.1.b.), to allow setbacks of five (5) and ten (10) feet. This deviation is APPROVED subject to only those areas shown on the Master Concept Plan.

Deviation (2) is a request to deviate from the requirement that access roads be provided in accordance with the required access road map (Development Standards Ordinance Section G.3.o), to allow no access road on Daniels Parkway. This deviation is APPROVED.

Deviation (3) is a request to deviate from the minimum intersection separation of 660 feet along arterial streets (Development Standards Ordinance Section G.3.h), to allow 436 feet to the north and 215 feet to the south. This deviation is APPROVED subject to compliance with conditions 10. and 11. above.

Site Plan 92-025 is attached hereto and incorporated herein by reference, as a reduced copy of the Master Concept Plan.

The following findings of fact were made in conjunction with this approval of Commercial Planned Development zoning:

- A. That the rezoning, as conditioned, will not have an adverse impact on the intent of the Zoning Ordinance.
- B. That the rezoning, as conditioned, will be consistent with the goals, objectives, policies and intent of the Lee Plan, and with the densities, intensities and general uses set forth in the Lee Plan.
- C. That the rezoning, as conditioned, meets or exceeds all performance and locational standards set forth for the proposed use.
- D. That the rezoning, as conditioned, will protect, conserve or preserve environmentally critical areas and natural resources.
- E. That the rezoning, as conditioned, will be compatible with the existing or planned uses and will not cause damage, hazard, nuisance or other detriment to persons or property.
- F. That the rezoning, as conditioned, does not place an undue burden upon existing transportation or other services and facilities and will be served by streets with the capacity to carry traffic generated by the development.
- G. That the rezoning, as conditioned, will be in compliance with all applicable general zoning provisions and supplemental regulations pertaining to the use, as set forth elsewhere in the Zoning Ordinance.
- H. That the approved deviations, as conditioned, enhance the achievement of the objectives of the planned development, and promote the protection of the public health, safety and welfare.

The foregoing Resolution was adopted by the Lee County Board of County Commissioners upon a motion by Commissioner Donald Slisher, and seconded by Commissioner John Manning and, upon being put to a vote, the result was as follows:

John E. Manning	Aye
Douglas R. St. Cerny	Aye
Ray Judah	Nay
Vicki Lopez-Wolfe	Absent
Donald D. Slisher	Aye

DULY PASSED AND ADOPTED this 20th day of July, A.D., 1992.

ATTEST:
CHARLIE GREEN, CLERK

BOARD OF COUNTY COMMISSIONERS
OF LEE COUNTY, FLORIDA

BY: Clara J. Wauke,
Deputy Clerk

BY: [Signature]
Chairman

Approved as to form by:

[Signature]
County Attorney's Office

FILED

JUL 31 1992

CLERK CIRCUIT COURT
BY Clara W. D.C.

DANIELS PARKWAY

255'

238.9'

285'

253.94'

538.37'

24,000 SQUARE FEET
8,000/RETAIL-16,000/NON-RETAIL

5,000 SQ. FT. RETAIL

METRO PKWY.

2" BARK WITH 1/2" TYPIC
BUFFER PLANTINGS

40' CHARLETTE BUFFER

PARKING SHALL BE PROVIDED IN ACCORDANCE
WITH THE REGULATIONS IN EFFECT AT THE
TIME OF CONSTRUCTION.

40' FRONTAGE
ROAD STUBOUT

EXISTING ACCESS ROAD STUBOUT

- DEVIATIONS
1. DEVIATION FROM LCR SECTION 481.C.2.1.9, WHICH REQUIRES PARKING AREAS TO SETBACK FIFTEEN FEET FROM PROPERTY LINES 10' ALLOW A SETBACKS OF FIVE AND TEN FEET.
 2. A DEVIATION FROM D.S.O. SECTION 0.3.A, WHICH REQUIRES ACCESS ROADS TO BE PROVIDED IN ACCORDANCE WITH THE REQUIRED ACCESS ROAD MAP 10' ALLOW NO ACCESS ROAD ON DANIELS PARKWAY.
 3. A DEVIATION FROM D.S.O. SECTION 0.3.A, WHICH REQUIRES INTERSECTIONS WITH AN INTERSECT TO BE SPACED NO CLOSER THAN 600 FEET AHEAD 70' ALLOW A SPACING OF 436 FEET TO THE NORTH AND 214' FEET TO THE SOUTH.

SCHEDULE OF USES
INSURANCE OFFICES
BAR OR COCKTAIL LOUNGE (ONE)
CONSTRUCTION OR PREMISES (ONE)
ALL THESE USES PERMITTED BY RIGHT IN THE CC DISTRICT
EXCEPT THE FOLLOWING USES:
ANIMAL CLINIC
AUTO REPAIR AND SERVICE
BROADCASTING STUDIO
CAR WASH
CONTRACTORS AND BUILDERS- GROUPS 1 & 2
FLOR. MARKET, WAREHOUSE
MODEL, DISPLAY CENTER
RECREATION, DOMESTIC- GROUP 1
RENTAL OR LEASING ESTABLISHMENTS- GROUP 1 & II
RESTAURANT- FAST FOOD
SALE SERVICE FUEL PUMPS
TRANSPORTATION SERVICES
VEHICLE AND EQUIPMENT DEALERS

- GENERAL NOTES
1. PROPOSED IS A REZONING FROM RM-2 & CS TO COMMERCIAL PLANNED DEVELOPMENT.
 2. MINIMUM OPEN SPACE IS 30 %.
 3. SITE AREA = 2.84 ACRES.
 4. THERE ARE NO EXISTING OR PROPOSED PUBLIC TRANSIT ROUTES IN THIS AREA.
 5. MAXIMUM BUILDING HEIGHT = 30 FEET.
 6. THERE IS NO ENVIRONMENTALLY SENSITIVE LAND ON THIS PARCEL.
 7. DANIELS PARKWAY BUFFER SHALL BE PLANNED PURSUANT TO THE DANIELS PARKWAY CHARTER.
 8. ALL REQUIRED VEGETATION SHALL BE NATIVE SPECIES.



APPROVED
Master Concept Plan
Site Plan # 22-2257 Page 7 of 7
Submitted to conditions in Resolution 2-22-04-57
Zoning Case # 22-2257-04-1

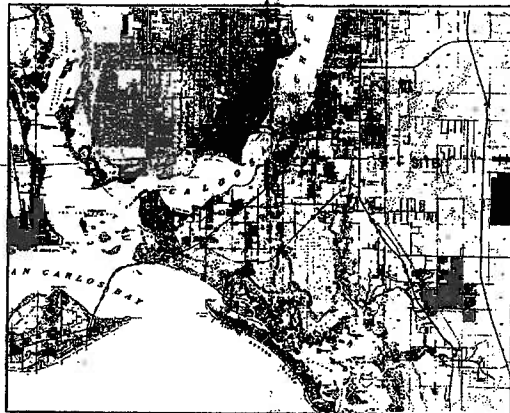
RECEIVED
FEB 28 2008
ZONING COUNTER

DATE	REVISIONS
12/28/07	1ST SUBP. RESPONSE
	ENGINEER
	DRAWN
	CHECKED
	DATE
METRO CORNER C.P.D. FRANK P. DIPLACIDO	
MORRIS - DEPEW ASSOCIATES, INC. ENGINEERS • PLANNERS • ENVIRONMENTAL SCIENTISTS 1840 MARAVILLA AVENUE FORT MYERS FLORIDA 33901 (813) 775-8013	
MD	
SHEET 1 OF 1	
PROJECT NUMBER	
SCALE: 1" = 40'	
CHECKED BY:	
DRAWN BY:	
DESIGNED BY:	
DATE: 9-17-09	

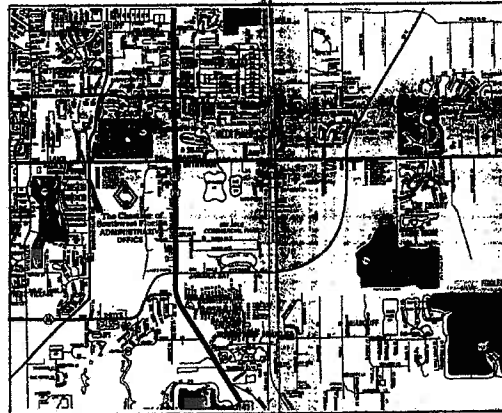
98-5-5-D02-F

PRELIMINARY CONSTRUCTION PLANS
METRO CORNER
 COMMERCIAL PLANNED DEVELOPMENT

for
 FRANK P. DIPLACIDO



VICINITY MAP



LOCATION MAP

MORRIS-DEPEW ASSOCIATES, INC.
 ENGINEERS • PLANNERS • ENVIRONMENTAL SCIENTISTS

1940 MARAVILLA AVENUE
 FORT MYERS, FLORIDA 33901
 (813) 275-0013



RECEIVED
 SEPT 18 1992

ZONING COUNCIL

APPROVED

Special Final Plan Approval
 For Commercial Planned Development
 Zoning Case # 92-00000-0001
 Subject to conditions of Resolution 92-00000-0001
 Date: 09/04/92

SHEET
 OF 13

DATE:
 09/04/92

