

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

WHEREAS, an application was filed by the property owner, Thomas E. Woodyard, Trustee, to rezone a 7.2± acre parcel from Agricultural (AG-2), Residential (TFC-2), Special Commercial Office (CS-1), & Commercial (C-1 & C-1A), to Commercial (C-2) in reference to Sparrow Court Rezoning; and

WHEREAS, a public hearing before the Lee County Zoning Hearing Examiner, Donna Marie Collins, was advertised and held on October 15, 2020; and

WHEREAS, the Hearing Examiner gave full consideration to the evidence in the record for Case #REZ2020-00003 and recommended APPROVAL of the Request; and

WHEREAS, a second public hearing was advertised and held on December 16, 2020 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 7.2± acre parcel from AG-2, TFC-2, CS-1, C-1 and C-1A to C-2.

The property is located in the Central Urban and Intensive Development Future Land Use Categories and is legally described in attached Exhibit A. The request is APPROVED.

SECTION B. 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)

SECTION C. 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 C-2 Commercial zoning district complies with the Lee Plan. See Lee Plan Vision Statement Paragraph 19 (North Fort Myers Planning Community), Lee Plan Goals

4, 5, 6, 11, 17, 30; Objectives 2.1, 2.2, 5.1, 6.1, 11.1, 11.2, 30.1, 30.2, and Policies 1.1.2, 1.1.3, 5.1.2, 6.1.1, 6.1.4, 6.1.7, 11.2.1, 11.2.4, 11.2.5, 30.1.3, 30.1.4, 30.2.4, Maps 1, 3, 6, 7, 16, 22.

2. The C-2 Commercial zoning district:

- a. Meets the Land Development Code (LDC) and other County regulations. LDC Chapters 10, 33, 34, §33-1531 *et seq.*, §34-491, §34-621, §34-841, §34-844;
- b. Is compatible with existing and planned uses in the surrounding area. See Lee Plan Policies 1.1.2, 1.1.3, 5.1.2, 5.1.3, 5.1.5, 6.1.4, 6.1.5, 6.1.7, 11.2.1, 30.1.3, 30.2.5;
- c. Will provide access sufficient to support development intensity. Expected impacts on transportation facilities will be addressed by County regulations. Lee Plan Objectives 11.2, 39.1, Policies 5.1.3, 6.1.1, 6.1.5, 11.2.1, 39.1.1;
- d. Will not adversely affect environmentally critical/sensitive areas or natural resources; and
- e. Will be served by urban services. See Lee Plan Glossary, Goal 4, Policies 1.1.2, 2.2.1, 30.1.3, Standards 4.1.1, 4.1.2, Maps 1, 3C, 3D, 6, and 7.

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

Adopted by unanimous consent.

Kevin Ruane	Absent
Cecil Pendergrass	Aye
Raymond Sandelli	Aye
Brian Hamman	Aye
Frank Mann	Aye

DULY PASSED AND ADOPTED this 16th day of December 2020.

ATTEST:
LINDA DOGGETT, CLERK

BY: Joyce Townsend
Deputy Clerk

BOARD OF COUNTY COMMISSIONERS
OF LEE COUNTY, FLORIDA

BY: [Signature]
Kevin Ruane, Chair

APPROVED AS TO FORM FOR THE
RELIANCE OF LEE COUNTY ONLY

[Signature]
Michael D. Jacob
Deputy County Attorney
County Attorney's Office

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MINUTES OFFICE
2020 DEC 21 PM 4:51

**Legal Description
and Subdivision Plat**

RECEIVED
MAR 20 2020

COMMUNITY DEVELOPMENT

EXHIBIT A

REZ2020-00003

Legal Description:

Lots 1, 2 and 36 of MARIANA HEIGHTS, according to the Plat thereof as recorded in Plat Book 8, Page(s) 73, of the Public Records of Lee County, Florida, Less that part of said lands conveyed to Lee County in that Deed recorded in Official Records Book 1731, Page 1629, Public Records of Lee County, Florida.

STRAP Numbers:

Lot 1
02-44-24-04-00001.0000

Lot 2
02-44-24-04-00002.0000

Lot 36
02-44-24-04-00036.0000
02-44-24-04-00036.0010

APPROVED
REZ2020-00003
Daniel Munt, Planner
Lee County DCD
9/30/2020

RECEIVED
MAR 20 2020

COMMUNITY DEVELOPMENT

REZ2020-00003

MARIANA HEIGHTS

A DIVISION OF THE NORTH WEST 1/4 OF SECTION 2 T. 44 S. R. 24 E.
LEE COUNTY, FLORIDA.

CERTIFICATE OF OWNERSHIP

This is to certify that the undersigned are the owners of the land herein described and have caused same to be subdivided into lots and streets as shown and said streets are hereby dedicated to the public forever.

SIGNED, SEALED AND DELIVERED IN THE PRESENCE OF US:

Witnesses:

George E. Judd seal
Kimi T. Judd seal

FILED IN THE OFFICE OF THE
 CLERK OF THE CIRCUIT COURT
 LEE COUNTY, FLA.



CERTIFICATE OF SURVEY

I the undersigned hereby certify that the plot as shown is a correct representation of the land plotted and that permanent reference monuments have been placed as shown

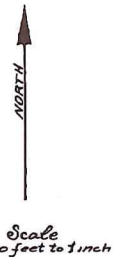
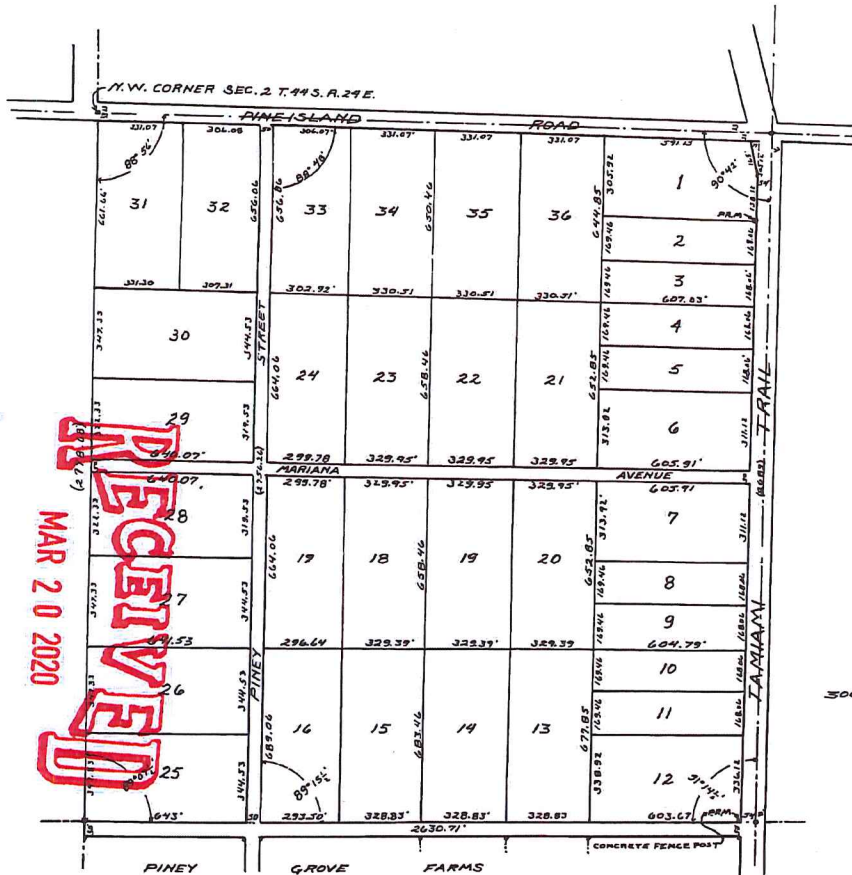
Harry K. Danmon
 STATE REG. C.E. NO. 80

STATE OF FLORIDA } S.S.
 COUNTY OF LEE

I DO HEREBY CERTIFY that on this 31st day of August A.D. 1943 personally appeared before me, the undersigned authority, *George E. Judd and Kimi T. Judd*, his wife, both well known to me as the persons making the foregoing dedication, and they severally acknowledged the execution thereof, to be their free act and deed for the uses and purposes therein mentioned, and the said *Kimi T. Judd* wife of said *George E. Judd* upon an examination taken separately and apart from her said husband did acknowledge that she executed the foregoing dedication freely, voluntarily and without any constraint, apprehension, fear or compulsion of or from her said husband.

Witness my hand and Official Seal the date last aforesaid.

George E. Judd Notary Public
 My commission expires _____

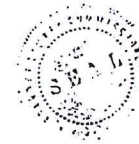


REZ2020-00003
 COMMUNITY DEVELOPMENT

RECEIVED
 MAR 20 2020

This plot accepted this 8th day of Sept. AD. 1943 in open meeting of the County Commissioners of Lee County Florida

Don W. Judd Chairman
J. F. Wheeler Clerk



REZ2020-00003 Zoning

Legend

 Subject Parcel



0 200
Feet

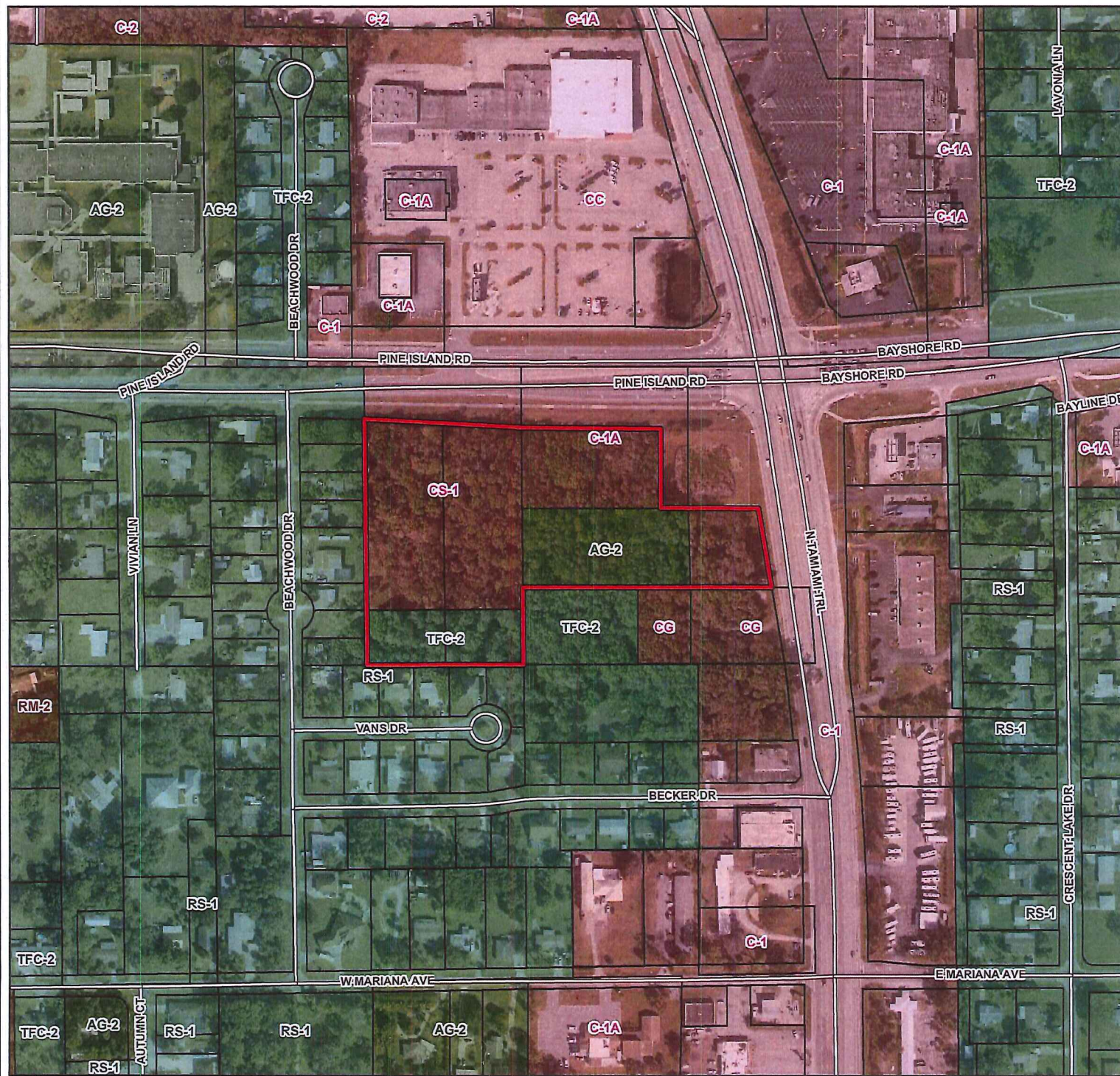


EXHIBIT B