

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

WHEREAS, Saxon Properties, Inc. filed an application for a rezoning from AG-2 (Agricultural) to Commercial Planned Development, in reference to Daniels Parkway Business Center; and

WHEREAS, the subject property is located contiguous to the north side of Daniels Parkway right-of-way between Appaloosa Lane and Pinto Lane, and is described more particularly as:

LEGAL DESCRIPTION: In Section 21, Township 45 South, Range 25 East, Lee County, Florida:

The North Half (N $\frac{1}{2}$) of the Southwest Quarter (SW $\frac{1}{4}$) of the Southeast Quarter (SE $\frac{1}{4}$) of the Northeast Quarter (NE $\frac{1}{4}$), Section 21, Township 45 South, Range 25 East; and

The North Half (N $\frac{1}{2}$) of the Southeast Quarter (SE $\frac{1}{4}$) of the Southwest Quarter (SW $\frac{1}{4}$) of the Northeast Quarter (NE $\frac{1}{4}$), Section 21, Township 45 South, Range 25 East.

WHEREAS, the applicant has indicated the property's current STRAP number is 21-45-25-00-00001.2560 and 21-45-25-00-00001.2570; and

WHEREAS, Saxon Properties, Inc., the owner of the subject parcel, authorized John Lang and Allen, Knudsen, Swartz et al, to act as agents to pursue this zoning application; and

WHEREAS, a public hearing was advertised and held on February 6, 1996 before the Lee County Hearing Examiner who gave full consideration of the evidence available; and

WHEREAS, a public hearing was advertised and held on April 15, 1996 before the Lee County Board of County Commissioners who 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 MAKES A FINDING OF "SPECIAL CASE" UNDER THE PROVISIONS OF THE LEE PLAN STANDARD 13.1.10 for the Applicant's request for a rezoning from AG-2 to CPD with the following conditions:

SECTION A. CONDITIONS:

4/15/96

The rezoning and Master Concept Plan are subject to the following conditions:

1. The development and use of the subject property is to be in substantial compliance with the approved Master Concept Plan entitled "Master Concept Plan for Daniels Parkway Business Center" (dated 10/20/95, Revised February 2, 1996) prepared by Florida Land Planning, Inc., except as may be modified by the conditions herein.
2. Commercial retail development of this site may not exceed 60,000 square feet, and may only be located as set out in Condition 3 hereinbelow. In addition, the cumulative traffic impacts for any proposed plan of development may not exceed 5,136 daily trips or 474 peak hour trips, unless an updated Traffic Impact Statement is approved by Lee County.
3. The following are the approved land uses and their location within the approved planned development:

EASTERN PORTION (PARCELS D & E)

ADMINISTRATIVE OFFICES
AUTOMOTIVE REPAIR & SERVICE, Groups I and II - only in conjunction
with Vehicle & Equipment Dealers
BANKS & FINANCIAL ESTABLISHMENTS, Groups I & II
BUSINESS SERVICES, Group I
CAMERA SHOP
CLEANING & MAINTENANCE SERVICES
CLOTHING STORE
CONSUMPTION ON PREMISES- only in conjunction with a Standard
Restaurant
DRIVE-THROUGH FACILITY for any permitted use
DRUG STORE
ESSENTIAL FACILITIES
EXCAVATION, Water Retention
HEALTH CARE FACILITY, Group III
HOBBY, TOY & GAME SHOP
HARDWARE STORE
HOUSEHOLD & OFFICE FURNISHINGS
INSURANCE COMPANIES
LAUNDRY OR DRY CLEANING, Group I
MUSIC STORE
NON-STORE RETAILERS, Groups I, II, and III
PERSONAL SERVICES, Groups I, II, III, and IV
PET SHOP
PHARMACY
RENTAL OR LEASING ESTABLISHMENTS, Groups II and III
REPAIR SHOPS, Groups I and II
RESEARCH & DEVELOPMENT LABORATORIES, Group II
RESTAURANTS, Group III
SCHOOLS, COMMERCIAL
SOCIAL SERVICES, Group I
SIGNS, in conformance with the Land Development Code

SOCIAL SERVICES, Groups I and II
SPECIALTY RETAIL, Group I
STUDIOS
VARIETY STORE
VEHICLE & EQUIPMENT DEALERS, Groups I

WESTERN PORTION (PARCELS A - C)

ADMINISTRATIVE OFFICES
BANKS & FINANCIAL ESTABLISHMENTS, Groups I & II
BUSINESS SERVICES, Group I
CAMERA SHOP - PARCEL C ONLY
CLEANING & MAINTENANCE SERVICES
CONSUMPTION ON PREMISES, only in conjunction with Standard
Restaurant
- DRIVE-THROUGH FACILITY for any permitted use - PARCEL C ONLY
ESSENTIAL FACILITIES
EXCAVATION, Water Retention
HEALTH CARE FACILITY, Group III - PARCEL C ONLY
HOBBY, TOY & GAME SHOP - PARCEL C ONLY
INSURANCE COMPANIES
MUSIC STORE - PARCEL C ONLY
NON-STORE RETAILERS - GROUP I
PERSONAL SERVICES - GROUPS I & II - PARCEL C ONLY
REPAIR SHOPS - GROUPS I & II - PARCEL C ONLY
RESEARCH & DEVELOPMENT LABORATORIES - Group II
RESTAURANTS - GROUP III - PARCEL C ONLY
SCHOOLS, COMMERCIAL
SPECIALTY RETAIL - GROUP I - PARCEL C ONLY
STUDIOS
SIGNS, in conformance with the Land Development Code

4. The following represents the Property Development Regulations within this planned development:

Minimum Lot Area and Dimensions:

Area: 20,000 square feet
Width: 100 feet
Depth: 100 feet

Minimum Setbacks:

Street: Variable according to the functional classification of the street or road (Section 34-2192)
Side Yard: 10 feet
Rear: 20 feet
Water Body: Primary Structures: 25 feet
Accessory Structures: zero (0) feet
[Deviation (1)]

Maximum Lot Coverage: 40 percent

Maximum Building Height: 45 feet

5. The developer must provide a 40-foot-wide buffer strip with a 2-foot-high undulating berm along the Daniels Parkway right-of-way (south property line). This buffer must include plantings consisting of six trees and 30 shrubs per 100 linear feet.
6. This zoning approval does not address the mitigation of the project's vehicular or pedestrian traffic impacts. Additional conditions may be required at the time of local Development Order.
7. Approval of this rezoning does not give the Developer the undeniable right to receive local Development Order approval that exceeds the Year 2010 Overlay use allocation for the applicable district.
8. This development must comply with all of the requirements of the Lee County Land Development Code at the time of local Development Order approval, except as may be granted by deviation as part of this planned development.

SECTION B. DEVIATIONS:

The Master Concept Plan deviates from several Lee County development standards. The proposed deviations are granted or denied as set forth below:

1. Deviation (1), to eliminate the required setback for accessory structures (Section 34-2194) from a body of water, is APPROVED.
2. Deviation (2) - WITHDRAWN
3. Deviation (3), to reduce the required setback from the Daniels Parkway right-of-way from 65 feet with a frontage road [Section 34-2192(a)], to a requested 25 feet with a reverse frontage road concept, is APPROVED.

SECTION C. Master Concept Plan:

A one page reduced copy of the Master Concept Plan is attached and incorporated into this resolution by reference.

SECTION D. FINDINGS AND CONCLUSIONS:

The following findings and conclusions were made in conjunction with the approval of the requested CPD rezoning:

1. The applicant has proved entitlement to the rezoning or special exception by demonstrating compliance with the Lee Plan, the Land Development Code, and other applicable codes and regulations.
2. The requested zoning:

- a) meets or exceeds all performance and locational standards set forth for the potential uses allowed by the request;
 - b) is consistent with the densities, intensities and general uses set forth in the Lee Plan;
 - c) is compatible with existing or planned uses in the surrounding area; and
3. Approval of the request will not place an undue burden upon existing transportation or planned infrastructure facilities and will be served by streets with the capacity to carry traffic generated by the development.
 4. Urban services, as defined in the Lee Plan, are, or will be, available and adequate to serve the proposed land use.
 5. The proposed use or mix of uses is appropriate at the subject location.
 6. The recommended conditions to the concept plan and other applicable regulations provide sufficient safeguards to the public interest.
 7. The recommended conditions are reasonably related to the impacts on the public's interest created by or expected from the proposed development.
 8. The deviations granted:
 - a) enhance the objectives of the planned development; and
 - b) preserve and promote the general intent of the LDC to protect the public health, safety and welfare.

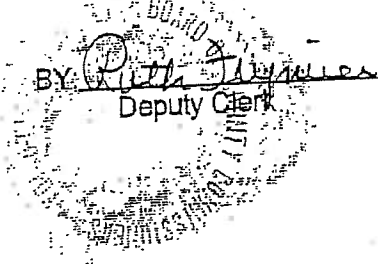
The foregoing resolution was adopted by the Lee County Board of County Commissioners upon a motion by Commissioner John E. Manning, and seconded by Commissioner Andrew W. Coy and, upon being put to a vote, the result was as follows:

John E. Manning	AYE
Douglas R. St. Cerny	AYE
Ray Judah	AYE
Andrew W. Coy	AYE
John E. Albion	AYE

DULY PASSED AND ADOPTED this 15th day of April, A.D., 1996.

ATTEST:
CHARLIE GREEN, CLERK

BY: Ruth Summers
Deputy Clerk



BOARD OF COUNTY COMMISSIONERS
OF LEE COUNTY, FLORIDA

BY: _____

[Signature]
Chairman

Approved as to form by:

[Signature]
County Attorney's Office

FILED

APR 17 1996

CLERK CIRCUIT COURT
BY: [Signature] D.C.

CASE NO. 85-09-033.02Z
A:\DAN\PKWY.RES

RESOLUTION NO. Z-96-009
Page 6 of 6

Project Name: Daniels Parkway Business Center
 Location: Sec. 21, Twp. 45 S, Rpt. 25 E, Let. County, Florida
 Date: 11/11/2012

Scale: 1/8" = 1'-0"
 Drawing No.: 1111111111

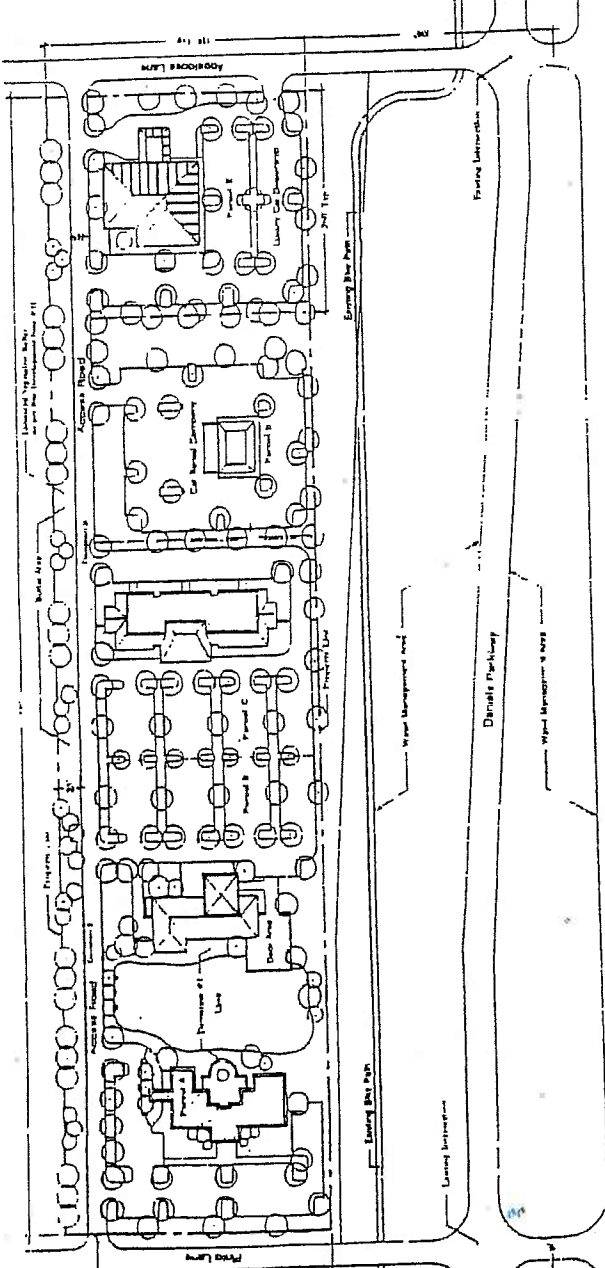
Approved: [Signature]
 Title: [Title]

Prepared by: [Name]
 Checked by: [Name]
 Date: 11/11/2012

APPROVED
 Made Ready For
 The City of [City Name]

Daniels Parkway
 Business Center
 Sec. 21, Twp. 45 S, Rpt. 25 E
 Let. County, Florida

FLORIDA LAND PLANNING, INC.
 1111111111
 1111111111



1. The proposed site plan is in accordance with the provisions of the Comprehensive Zoning Ordinance, Chapter 111, Section 111.01, and the Comprehensive Zoning Ordinance, Chapter 111, Section 111.02.
2. The proposed site plan is in accordance with the provisions of the Comprehensive Zoning Ordinance, Chapter 111, Section 111.03, and the Comprehensive Zoning Ordinance, Chapter 111, Section 111.04.
3. The proposed site plan is in accordance with the provisions of the Comprehensive Zoning Ordinance, Chapter 111, Section 111.05, and the Comprehensive Zoning Ordinance, Chapter 111, Section 111.06.
4. The proposed site plan is in accordance with the provisions of the Comprehensive Zoning Ordinance, Chapter 111, Section 111.07, and the Comprehensive Zoning Ordinance, Chapter 111, Section 111.08.
5. The proposed site plan is in accordance with the provisions of the Comprehensive Zoning Ordinance, Chapter 111, Section 111.09, and the Comprehensive Zoning Ordinance, Chapter 111, Section 111.10.
6. The proposed site plan is in accordance with the provisions of the Comprehensive Zoning Ordinance, Chapter 111, Section 111.11, and the Comprehensive Zoning Ordinance, Chapter 111, Section 111.12.
7. The proposed site plan is in accordance with the provisions of the Comprehensive Zoning Ordinance, Chapter 111, Section 111.13, and the Comprehensive Zoning Ordinance, Chapter 111, Section 111.14.
8. The proposed site plan is in accordance with the provisions of the Comprehensive Zoning Ordinance, Chapter 111, Section 111.15, and the Comprehensive Zoning Ordinance, Chapter 111, Section 111.16.
9. The proposed site plan is in accordance with the provisions of the Comprehensive Zoning Ordinance, Chapter 111, Section 111.17, and the Comprehensive Zoning Ordinance, Chapter 111, Section 111.18.
10. The proposed site plan is in accordance with the provisions of the Comprehensive Zoning Ordinance, Chapter 111, Section 111.19, and the Comprehensive Zoning Ordinance, Chapter 111, Section 111.20.
11. The proposed site plan is in accordance with the provisions of the Comprehensive Zoning Ordinance, Chapter 111, Section 111.21, and the Comprehensive Zoning Ordinance, Chapter 111, Section 111.22.
12. The proposed site plan is in accordance with the provisions of the Comprehensive Zoning Ordinance, Chapter 111, Section 111.23, and the Comprehensive Zoning Ordinance, Chapter 111, Section 111.24.
13. The proposed site plan is in accordance with the provisions of the Comprehensive Zoning Ordinance, Chapter 111, Section 111.25, and the Comprehensive Zoning Ordinance, Chapter 111, Section 111.26.
14. The proposed site plan is in accordance with the provisions of the Comprehensive Zoning Ordinance, Chapter 111, Section 111.27, and the Comprehensive Zoning Ordinance, Chapter 111, Section 111.28.
15. The proposed site plan is in accordance with the provisions of the Comprehensive Zoning Ordinance, Chapter 111, Section 111.29, and the Comprehensive Zoning Ordinance, Chapter 111, Section 111.30.
16. The proposed site plan is in accordance with the provisions of the Comprehensive Zoning Ordinance, Chapter 111, Section 111.31, and the Comprehensive Zoning Ordinance, Chapter 111, Section 111.32.
17. The proposed site plan is in accordance with the provisions of the Comprehensive Zoning Ordinance, Chapter 111, Section 111.33, and the Comprehensive Zoning Ordinance, Chapter 111, Section 111.34.
18. The proposed site plan is in accordance with the provisions of the Comprehensive Zoning Ordinance, Chapter 111, Section 111.35, and the Comprehensive Zoning Ordinance, Chapter 111, Section 111.36.
19. The proposed site plan is in accordance with the provisions of the Comprehensive Zoning Ordinance, Chapter 111, Section 111.37, and the Comprehensive Zoning Ordinance, Chapter 111, Section 111.38.
20. The proposed site plan is in accordance with the provisions of the Comprehensive Zoning Ordinance, Chapter 111, Section 111.39, and the Comprehensive Zoning Ordinance, Chapter 111, Section 111.40.
21. The proposed site plan is in accordance with the provisions of the Comprehensive Zoning Ordinance, Chapter 111, Section 111.41, and the Comprehensive Zoning Ordinance, Chapter 111, Section 111.42.
22. The proposed site plan is in accordance with the provisions of the Comprehensive Zoning Ordinance, Chapter 111, Section 111.43, and the Comprehensive Zoning Ordinance, Chapter 111, Section 111.44.
23. The proposed site plan is in accordance with the provisions of the Comprehensive Zoning Ordinance, Chapter 111, Section 111.45, and the Comprehensive Zoning Ordinance, Chapter 111, Section 111.46.
24. The proposed site plan is in accordance with the provisions of the Comprehensive Zoning Ordinance, Chapter 111, Section 111.47, and the Comprehensive Zoning Ordinance, Chapter 111, Section 111.48.
25. The proposed site plan is in accordance with the provisions of the Comprehensive Zoning Ordinance, Chapter 111, Section 111.49, and the Comprehensive Zoning Ordinance, Chapter 111, Section 111.50.