

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

WHEREAS, an application was filed by the property owner, Estero Fire Rescue, to rezone a 4.90+/- acre parcel from Agricultural (AG-2) to Commercial Planned Development (CPD), in reference to Estero Fire Rescue CPD; and,

WHEREAS, a public hearing was advertised and held on February 17, 2006, before the Lee County Zoning Hearing Examiner, who gave full consideration to the evidence in the record for Case #DCI2003-00026; and

WHEREAS, a second public hearing was advertised and held on May 1, 2006, before the Lee County Board of Commissioners, who 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 4.90+/- acre parcel from AG-2 to CPD, to allow Administrative Offices, Fire Station, Medical Offices, Sheriff's Station, and an Emergency Operation Center. The property is located in the Suburban Land Use Category and is legally described in attached Exhibit A. The request is APPROVED, SUBJECT TO the conditions specified in Section B below.

SECTION B. CONDITIONS:

All references to uses are as defined or listed in the Lee County Land Development Code (LDC).

1. The development of this project must be consistent with the 1-page Master Concept Plan entitled "Three Oaks Executive Centre," Sheet 1 of 1, stamped received JUN 23 2006 by Community Development, last revised 6-23-2006, except as modified by the conditions below.

This development must comply with all requirements of the Lee County LDC at time of local development order approval. If changes to the Master Concept Plan are subsequently pursued, appropriate approvals will be necessary.

2. The following limits apply to the project and uses:

a. Schedule of Uses

Accessory Uses and Structures

Administrative Offices

Business Services:

Group I

Communication Facility, Wireless (Special Exception required)

Contractors and Builders,

Group I

Cultural Facilities

Day Care Center, Child, Adult

Dormitory, Accessory and Subordinate to Fire Rescue, EMS and Law Enforcement activities only

Emergency Operation Center

EMS, Fire and Sheriff's Station

Essential Services

Essential Service Facilities:

Group I

Excavation, with no blasting: Water Retention

Fences, Walls

Gasoline Dispensing System, Special

Government Maintenance Facility

Healthcare Facilities:

Group I

Group II

Group III

Insurance Companies

Medical Office

Nonstore Retailers, All Groups

Parking Lot:

Accessory

Temporary

Personal Services:

Group III

Group IV (Except Dating Services, Escort Services, Palm Readers, Fortune Tellers, Card Readers, and Tattoo Parlors).

Printing and Publishing

Research and Development Laboratories:

Group I

Group II

Group III

Wholesales, when clearly incidental and subordinate to a permitted principal use on the same premises

Signs, in accordance with Chapter 30 of the Lee County LDC

Social Services: Group I

Storage: Indoor only

Studios

Temporary Uses: Estero Fire Rescue temporary offices  
Transportation Services: Group II

b. Site Development Regulations

Minimum lot area      7,500 square feet  
Minimum lot width      45 feet  
Minimum lot depth      100 feet

Minimum Setbacks:

Street                      25 feet  
Side yard                   15 feet  
Rear yard                   25 feet  
Water body                25 feet  
CPD boundary             25 feet

Maximum height      35 feet (two habitable stories)

Maximum lot coverage 40 percent

Parking requirements:

General office            1 space per 300 square feet of gross floor area  
Medical office            1 space per 200 square feet of gross floor area  
Fire station                1 space per fire fighter

3. Environmental Conditions - Prior to local development order approval:

- a. The development order plans must delineate a .50-acre gopher tortoise preserve in substantial compliance with the Master Concept Plan, and a single row hedge of native shrubs (minimum 3-gallon container size, 24-inch height at planting; maintained at a minimum 3-foot height) must be delineated along the south side of the gopher tortoise preserve and adjacent dry retention area to prevent gopher tortoises from entering the parking lot.
- b. The gopher tortoise preserve must be managed in perpetuity as gopher tortoise habitat, and the gopher tortoise preserve must not be utilized as a surface water management area (i.e., dry retention). A gopher tortoise management plan must be submitted for review and approval by the Division of Environmental Sciences Staff.
- c. The development order plans must delineate the .78-acre preserve including the Estero River, wetlands and oak/sabal palm hammock as shown on the Master Concept Plan.

4. Agricultural use is not approved as part of this rezoning and may not be established in the future, absent rezoning to an agricultural land use district.

5. Approval of this rezoning does not constitute a finding that the proposed project meets the concurrency requirements set forth in Lee County LDC Chapter 2 and the Lee County Comprehensive Plan. The Developer is required to demonstrate compliance with all concurrency requirements prior to issuance of a local development order.
6. Approval of this rezoning request does not address mitigation of the project's vehicular or pedestrian traffic impacts. Additional conditions consistent with the Lee County LDC may be required to obtain a local development order.
7. Approval of this rezoning does not guarantee local development order approval. Future development order approvals must satisfy the requirements of the Lee Plan Planning Communities Map and Acreage Allocation Table, Map 16 and Table 1(b), as well as all other Lee Plan provisions.
8. This development must comply with all of the requirements of the LDC at the time of local development order approval, except as may be granted by deviations approved as part of this planned development.
9. All permitted temporary structures located on the subject parcel shall be permanently removed, upon the issuance of a Certificate of Occupancy/Completion for the two story office structure described herein.

**SECTION C. EXHIBITS AND STRAP NUMBER:**

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

The applicant has indicated that the STRAP numbers for the subject property are:  
34-46-25-00-00023.0010 & 34-46-25-00-00023.0030

**SECTION D. FINDINGS AND CONCLUSIONS:**

1. The applicant has proven entitlement to the rezoning by demonstrating compliance with the Lee Plan, the LDC, and any other applicable code or regulation.
2. The rezoning, as approved:
  - a. meets or exceeds all performance and locational standards set forth for the potential uses allowed by the request; and,
  - b. is consistent with the densities, intensities and general uses set forth in the Lee Plan; and,

- c. is compatible with existing or planned uses in the surrounding area; and,
  - d. 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; and,
  - e. will not adversely affect environmentally critical areas or natural resources.
3. The rezoning satisfies the following criteria:
- a. the proposed use or mix of uses is appropriate at the subject location; and
  - b. the recommended conditions to the concept plan and other applicable regulations provide sufficient safeguard to the public interest; and
  - c. the recommended conditions are reasonably related to the impacts on the public interest created by or expected from the proposed development.
4. Urban services, as defined in the Lee Plan, are, or will be, available and adequate to serve the proposed land use.

The foregoing resolution was adopted by the Lee County Board of Commissioners upon the motion of Commissioner Judah, seconded by Commissioner Janes and, upon being put to a vote, the result was as follows:

Robert P. Janes	Aye
Douglas R. St. Cerny	Absent
Ray Judah	Aye
Tammara Hall	Aye
John E. Albion	Aye

DULY PASSED AND ADOPTED this 1<sup>st</sup> day of May 2006.

ATTEST:  
CHARLIE GREEN, CLERK

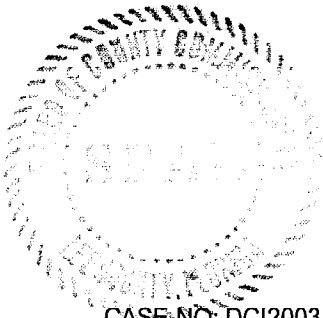
BY: *Lisa Pierce*  
Deputy Clerk

BOARD OF COUNTY COMMISSIONERS  
OF LEE COUNTY, FLORIDA

BY: *Tammara Hall*  
Tammara Hall  
Chairwoman

Approved as to form by:

*Robert Spivey*  
County Attorney's Office



CASE NO: DCI2003-00026

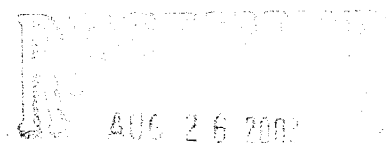
RECEIVED  
MINUTES OFFICE

EXHIBIT II-B-1.A  
LEGAL DESCRIPTION

A TRACT OR PARCEL OF LAND SITUATED IN THE STATE OF FLORIDA, COUNTY OF LEE, LYING IN SECTION 34, TOWNSHIP 46 SOUTH, RANGE 25 EAST, BEING A PART OF THE PARCELS AS DESCRIBED IN OFFICIAL RECORDS BOOK 3234, PAGE 1877, AND OFFICIAL RECORDS BOOK 2517, PAGE 2666, LEE COUNTY PUBLIC RECORDS AND BEING FURTHER BOUNDED AND DESCRIBED AS FOLLOWS:

BEGINNING AT THE SOUTHEAST CORNER OF LOT C-30, FLORIDA GULF COAST LAND COMPANY'S SUBDIVISION, PLAT BOOK 1, PAGE 59, SAID PUBLIC RECORDS, BEING THE SOUTHEAST CORNER OF SAID PARCEL AS DESCRIBED IN OFFICIAL RECORDS BOOK 3234, PAGE 1877; THENCE N.33°43'43"W. ALONG THE COMMON BOUNDARY OF SAID PARCEL AND OF COLONIAL OAKS, A SUBDIVISION AS RECORDED IN PLAT BOOK 71, PAGE 60, SAID PUBLIC RECORDS, FOR 368.95 FEET TO THE NORTHEAST CORNER OF SAID COLONIAL OAKS; THENCE S.89°24'11"W., ALONG THE NORTH LINE OF SAID COLONIAL OAKS AND THE SOUTH LINE OF SAID PARCEL AS DESCRIBED IN OFFICIAL RECORDS BOOK 2517, PAGE 2666, FOR 200.02 FEET; THENCE N.00°58'25"E., FOR 366.04 FEET; THENCE S.88°30'37"E., ALONG THE NORTH LINE OF SAID PARCEL AS DESCRIBED IN OFFICIAL RECORDS BOOK 2517, PAGE 2666, FOR 180.01 FEET; THENCE N.00°58'25"E., ALONG THE WEST LINE OF SAID PARCEL AS DESCRIBED IN OFFICIAL RECORDS BOOK 3234, PAGE 1877, FOR 127 FEET, MORE OR LESS, TO THE CENTERLINE OF THE ESTERO RIVER; THENCE NORTHEASTERLY ALONG SAID CENTERLINE, FOR 239 FEET, MORE OR LESS, TO THE EAST LINE OF SAID PARCEL AS DESCRIBED IN OFFICIAL RECORDS BOOK 3234, PAGE 1877, THE EAST LINE OF THE SOUTHEAST QUARTER OF SAID SECTION 34, AND THE WEST RIGHT OF WAY LINE OF THREE OAKS PARKWAY; THENCE S.00°58'25"W., ALONG SAID EAST LINE AND SAID RIGHT OF WAY LINE, FOR 821 FEET, MORE OR LESS, TO THE POINT OF BEGINNING.

PARCEL CONTAINS 213,268 SQUARE FEET OR 4.90 ACRES, MORE OR LESS.



ZONING COUNTER

Applicant's Legal Checked  
by GM 8/26/2003

DCI 2003-00026



# ZONING INTAKE MAP

1/10/2006

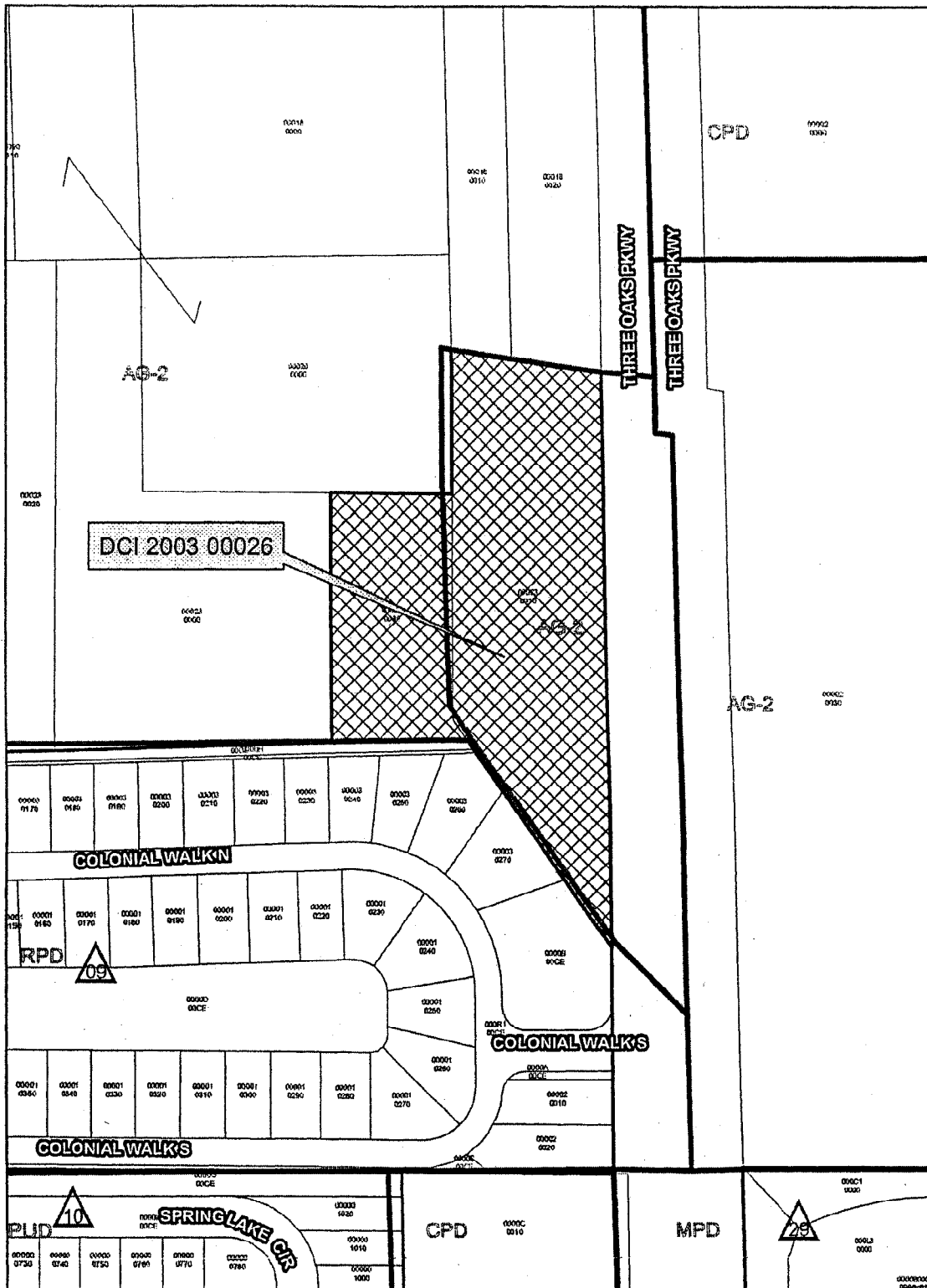


EXHIBIT B

