

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

WHEREAS, Zimmer Development Company filed an application on behalf of the property owner, T. Rankin Terry, Jr., to rezone a 13.35± acre parcel from Agricultural (AG-2) and Mixed Use Planned Development (MPD) to Commercial (C-2) in reference to Inspiration at South Pointe; and

WHEREAS, a public hearing before the Lee County Zoning Hearing Examiner, Amanda Rivera, was advertised and held on October 22, 2020; and

WHEREAS, the Hearing Examiner gave full consideration to the evidence in the record for Case # REZ2020-00004 and recommended APPROVAL of the Request; and

WHEREAS, a second public hearing was advertised and held on January 20, 2021 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 13.35± acre parcel from AG-2 and MPD to C-2, to allow the development of an infill parcel surrounded by similar uses.

The property is located in the Intensive Development Future Land Use Category 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:

The requested C-2 zoning district:

1. Is consistent with the Lee Plan.¹ See Lee Plan Vision Statement Paragraph 15 (South Fort Myers Planning Community), Lee Plan Goals 1, 2, 5, 6, 11, Objective 2.1, 2.2, 11.1, 11.2, and Policies 1.1.2, 2.1.1, 2.1.2, 2.2.1, 5.1.3, 5.1.5, 6.1.4, 6.1.7, 6.1.11, 11.2.4, Map 16 and Table 1(b);
2. Will meet or exceed the performance and location standards for the uses allowed in the C-2 zoning district. See Lee Plan Objectives 2.1, 2.2 and Policy 2.1.2;
3. Is compatible with existing and planned uses in the surrounding area. See Lee Plan Objective 2.1, Policies 1.1.2, 2.1.1, 5.1.5, and 6.1.4;
4. Provides sufficient access to support development intensity. Expected impacts on transportation facilities will be addressed by existing county regulations;
5. Will not adversely affect environmentally critical or sensitive areas or natural resources on the property; and
6. Will be served by adequate urban services. See Lee Plan Glossary, Goal 4, Objective 2.2, Policies 1.1.2, 2.2.1, Standards 4.1.1, 4.1.2.

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.

¹ *Id.*

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

Adopted by unanimous consent.

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

DULY PASSED AND ADOPTED this 20th day of January 2021.

ATTEST:
LINDA DOGGETT, CLERK

BOARD OF COUNTY COMMISSIONERS
OF LEE COUNTY, FLORIDA

BY: Missy Flint
Deputy Clerk

BY: [Signature]
Kevin Ruane, Chair

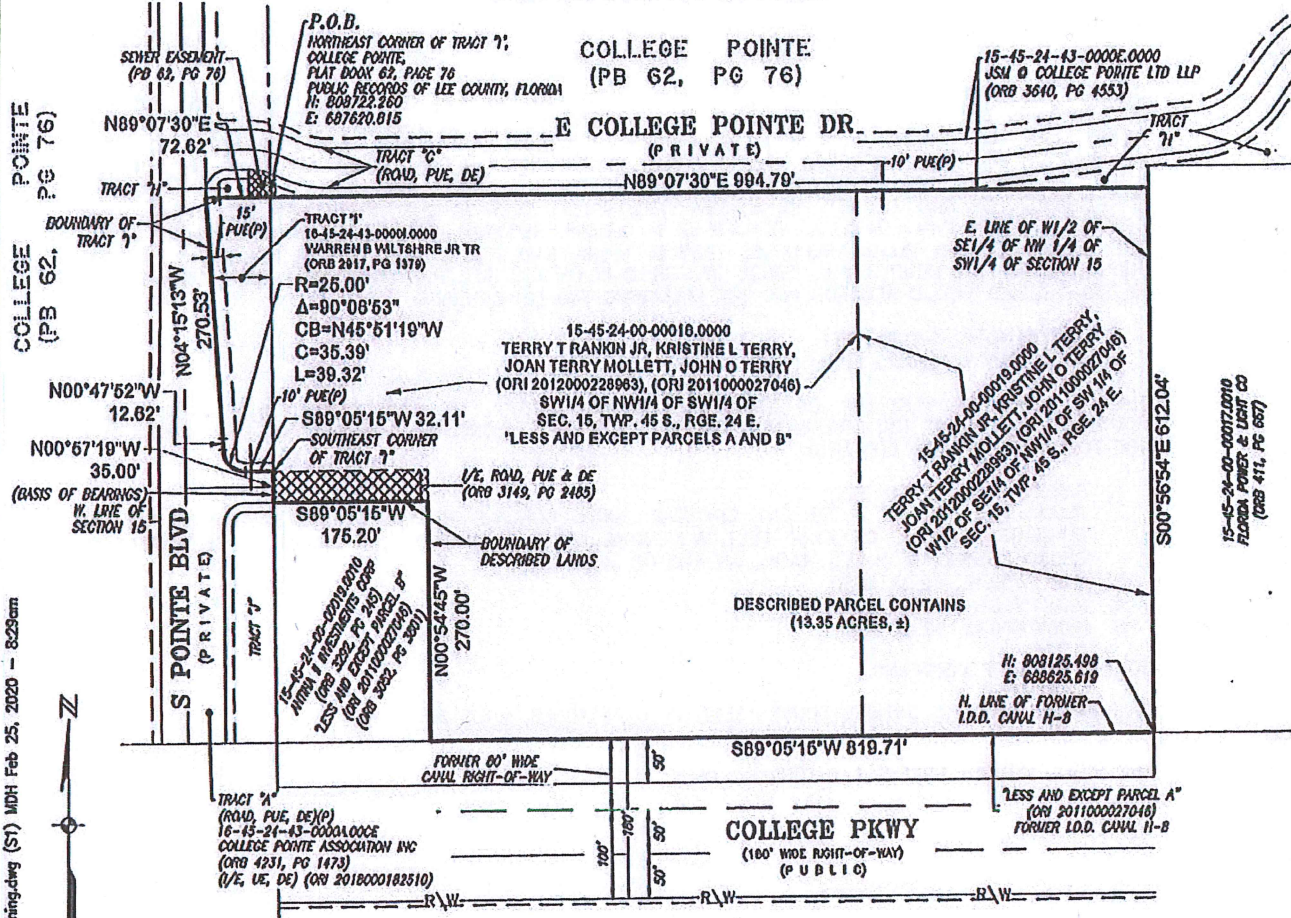


APPROVED AS TO FORM FOR THE
RELIANCE OF LEE COUNTY ONLY

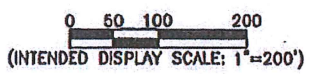
[Signature]
Amanda L. Swindle
Assistant County Attorney
County Attorney's Office

RECEIVED
MINUTES OFFICE
JME
2021 JAN 22 PM 3:03

SKETCH AND DESCRIPTION
"GOAT FARM - RE-ZONING PARCEL"
SECTIONS 15 & 16, TOWNSHIP 45 SOUTH, RANGE 24 EAST
LEE COUNTY, FLORIDA



\\FS01\Drawings\2019\20192125-000\Surveying\Sketches\Geot Form_Re-Zoning.dwg (S1) MDH Feb 25, 2020 - 8:29am
 I:\FS01\Drawings\2019\20192125-000\Surveying\Sketches\Geot Form_Re-Zoning.dwg (S1) MDH Feb 25, 2020 - 8:29am



NOT A SURVEY

I HEREBY CERTIFY, TO THE BEST OF MY KNOWLEDGE AND BELIEF, THAT THE LEGAL DESCRIPTION AND ATTACHED SKETCH WERE PREPARED IN ACCORDANCE WITH THE APPLICABLE PROVISIONS OF CHAPTER 5J-17.05, FLORIDA ADMINISTRATIVE CODE, PURSUANT TO CHAPTER 472, FLORIDA STATUTES.

MARK O. BAINES (FOR THE FIRM L.B. #642)
 PROFESSIONAL SURVEYOR AND MAPPER
 FLORIDA CERTIFICATE NO. 5312
 DATE SIGNED: 2/27/20
 NOT VALID WITHOUT THE SIGNATURE AND ORIGINAL RAISED SEAL OF A FLORIDA LICENSED SURVEYOR AND MAPPER.

- NOTES:**
1. THIS IS NOT A BOUNDARY SURVEY, NOR IS IT INTENDED TO BE USED AS ONE.
 2. COORDINATES AND HORIZONTAL DATA SHOWN HEREON ARE IN FEET AND ARE PROJECTED ONTO THE FLORIDA STATE PLANE COORDINATE SYSTEM, WEST ZONE, NORTH AMERICAN DATUM OF 1983 (NAD83), 2011 ADJUSTMENT.
 3. BEARINGS SHOWN HEREON ARE BASED ON THE WEST LINE OF THE SOUTHWEST ONE-QUARTER (SW1/4) OF SECTION 15, TOWNSHIP 45 SOUTH, RANGE 24 EAST, LEE COUNTY, FLORIDA, WHEREIN SAID WEST LINE BEARS N.00°57'19"W.
 4. PARCEL CONTAINS 13.35 ACRES, MORE OR LESS.
 5. P.O.B. = POINT OF BEGINNING
 6. ORI = OFFICIAL RECORDS INSTRUMENT
 7. ORB = OFFICIAL RECORDS BOOK
 8. STRAP = LEE COUNTY PARCEL NUMBER
 9. PB/(P) = PLAT BOOK/PLAT
 10. PG = PAGE
 11. PUE = PUBLIC UTILITY EASEMENT
 12. UE = UTILITY EASEMENT
 13. DE = DRAINAGE EASEMENT
 14. I/E = INGRESS/EGRESS EASEMENT
 15. R/W = RIGHT-OF-WAY
 16. I.D.D. = IONA DRAINAGE DISTRICT
 17. N = NORTHING
 18. E = EASTING
 19. NOT VALID WITHOUT SHEETS 1 THROUGH 2 OF 2.

APPROVED
 REZ2020-00004
 Daniel Munt, Planner
 Lee County DCD
 4/27/2020

JOHNSON ENGINEERING
 JOHNSON ENGINEERING, INC.
 2122 JOHNSON STREET
 P.O. BOX 1550
 FORT MYERS, FLORIDA 33902-1550
 PHONE: (239) 334-0046
 FAX: (239) 334-3861
 E.D. #642 & L.B. #642

SKETCH AND DESCRIPTION				
"GOAT FARM - RE-ZONING PARCEL"				
SECTIONS 15 & 16, TOWNSHIP 45 SOUTH, RANGE 24 EAST				
LEE COUNTY, FLORIDA				
DATE	PROJECT NO.	FILE NO.	SCALE	SHEET
02-25-20	20192125-000	15-45-24	1"=200'	1 OF 2

DESCRIPTION

GOAT FARM

FOR ZONING APPLICATION ONLY

(NOT INTENDED FOR USE IN CONVEYANCE OF REAL PROPERTY)

A PARCEL OF LAND LYING IN SECTIONS 15 AND 16, TOWNSHIP 45 SOUTH, RANGE 24 EAST, LEE COUNTY, FLORIDA, AND BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGIN AT THE NORTHEAST CORNER OF TRACT I ACCORDING TO THE PLAT OF COLLEGE POINTE AS RECORDED IN PLAT BOOK 62, AT PAGE 76 OF THE PUBLIC RECORDS OF LEE COUNTY, FLORIDA; THENCE, ALONG THE NORTH LINE OF LANDS DESCRIBED IN OFFICIAL RECORDS INSTRUMENT #2011000027046 OF THE AFOREMENTIONED PUBLIC RECORDS, N.89°07'30"E., 994.79 FEET; THENCE, ALONG THE EAST LINE OF THE WEST ONE-HALF OF THE SOUTHEAST ONE-QUARTER OF THE NORTHWEST ONE-QUARTER OF THE SOUTHWEST ONE-QUARTER OF SAID SECTION 15, S.00°56'54"E., 612.04 FEET TO THE NORTH LINE OF FORMER IONA DRAINAGE DISTRICT CANAL H-8, AS DESCRIBED IN OFFICIAL RECORDS INSTRUMENT NO. 2011000027046 OF THE AFOREMENTIONED PUBLIC RECORDS; THENCE, ALONG SAID NORTH LINE, S.89°05'15"W., 819.71 FEET; THENCE, ALONG THE BOUNDARY OF LANDS DESCRIBED IN OFFICIAL RECORDS BOOK 3052, PAGE 3801 OF THE AFOREMENTIONED PUBLIC RECORDS FOR THE FOLLOWING TWO (2) COURSES:

1. N.00°54'45"W., 270.00 FEET;
2. S.89°05'15"W., 175.20 FEET;

THENCE, ALONG THE WEST LINE OF THE AFOREMENTIONED SECTION 15, N.00°57'19"W., 35.00 FEET TO THE SOUTHEAST CORNER OF THE AFOREMENTIONED TRACT I; THENCE, ALONG THE BOUNDARY OF SAID TRACT I FOR THE FOLLOWING FIVE (5) COURSES:

1. S.89°05'15"W., 32.11 FEET;
2. ALONG THE ARC OF A TANGENT CIRCULAR CURVE CONCAVE TO THE NORTHEAST HAVING FOR ITS ELEMENTS A RADIUS OF 25.00 FEET, A CENTRAL ANGLE OF 90°06'53", A CHORD OF 35.39 FEET, A CHORD BEARING OF N.45°51'19"W., AN ARC OF 39.32 FEET;
3. N.00°47'52"W., 12.62 FEET;
4. N.04°15'13"W., 270.53 FEET;
5. N.89°07'30"E., 72.62 FEET

TO THE POINT OF BEGINNING.

SAID PARCEL CONTAINS 581,398 SQUARE FEET OR 13.35 ACRES, MORE OR LESS.

*NOT VALID WITHOUT SHEETS 1 THROUGH 2 OF 2.

\\FTMS01\Drawings\2019\20192125-000\Surveying\Sketches\Goat Farm_Re-Zoning.dwg (S2) MDP Feb 25, 2020 - 8:29am

APPROVED
REZ2020-00004
Daniel Munt, Planner
Lee County DCD
4/27/2020



JOHNSON ENGINEERING, INC.
 2122 JOHNSON STREET
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 PHONE: (239) 334-0046
 FAX: (239) 334-3661
 E.B. #642 & L.B. #842

DESCRIPTION
 "GOAT FARM - RE-ZONING PARCEL"
 SECTIONS 15 & 16, TOWNSHIP 45 SOUTH, RANGE 24 EAST
 LEE COUNTY, FLORIDA

DATE	PROJECT NO.	FILE NO.	SCALE	SHEET
02-25-20	20192125-000	15-45-24	N/A	2 OF 2

ALTANSPS LAND TITLE
 BOUNDARY SURVEY

"GOAT FARM - RE-ZONING PARCEL"
 STRADDLING PARCELS 15-45-24-00-00018.0000 &
 15-45-24-00-00019.0000
 TRACT "Y", COLLEGE POINTE
 PLAT BOOK 62, PAGE 67
 PUBLIC RECORDS OF LEE COUNTY, FLORIDA
 SECTIONS 15 & 19, TOWNSHIP 45 SOUTH, RANGE 24 EAST
 LEE COUNTY, FLORIDA

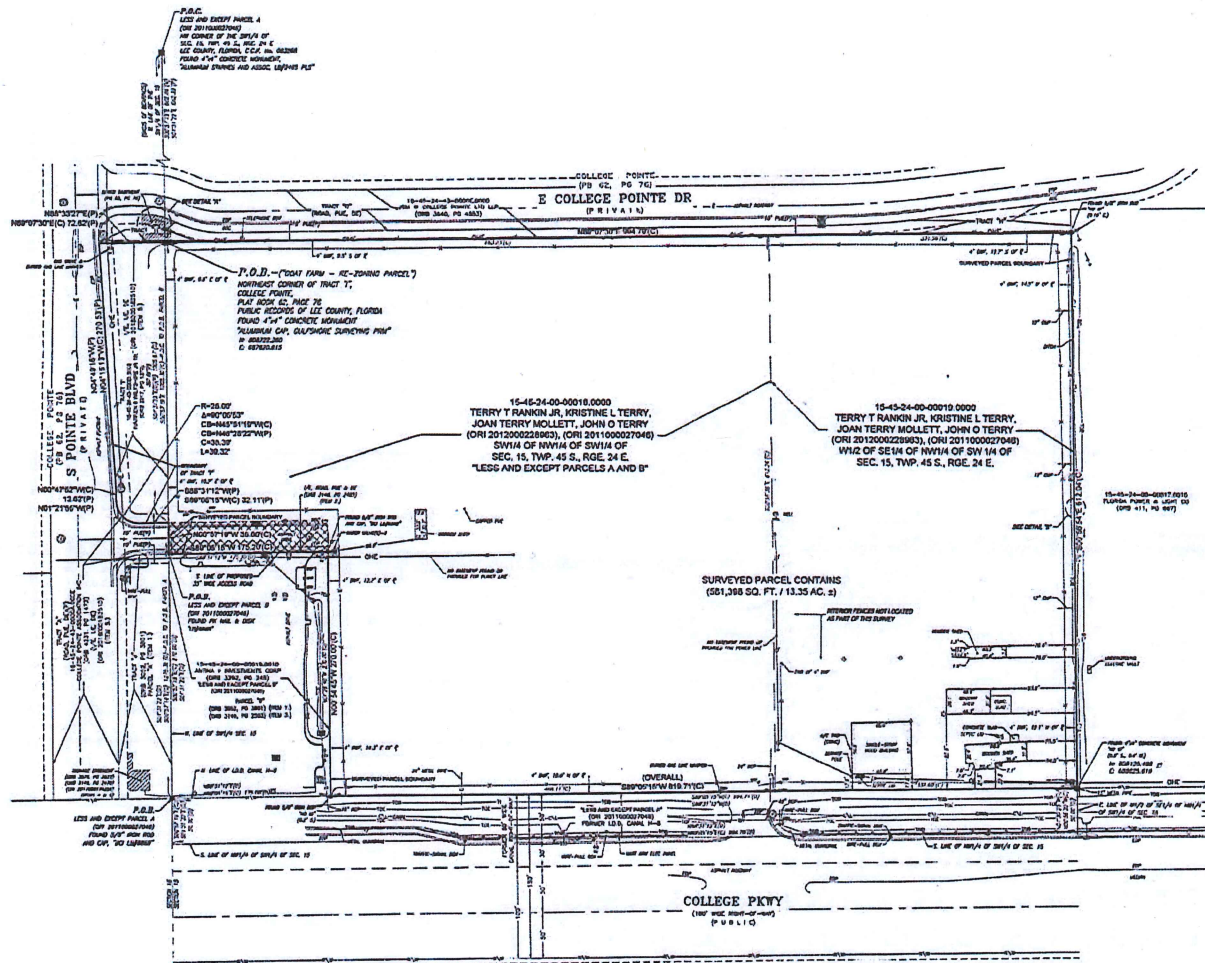
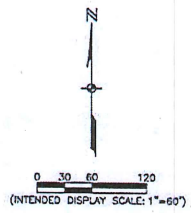
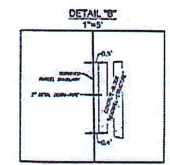
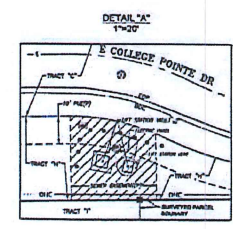
FIELD BOOK 365A, PART(1) 49-24
 FIELD BOOK 294A, PAGE 2

DATE	REVISIONS
06/11/20	ISSUED FOR PERMITS TO 200 PARCELS
06/11/20	REVISED TO REFLECT CHANGES TO FILE
06/11/20	REVISED TO REFLECT CHANGE OF TITLE

DATE: 06-08-19
 PROJECT NO. 20192128-003
 TITLE NO. 15-45-24
 SCALE: 1"=80'

ALTANSPS LAND TITLE
 BOUNDARY SURVEY

SHEET NUMBER
 2 OF 2



- LEGEND:**
- OR = OFFICIAL RECORDS BOOK
 - OR = OFFICIAL RECORDS INSTRUMENT
 - PS = PLAT BOOK
 - PG = PAGE
 - (C) = CALCULATED
 - (R) = RECORDED
 - (P) = PLAT
 - (M) = MONUMENT
 - A = ANGLE
 - CP = CORNER BEARING
 - C = CHORD LENGTH
 - L = LENGTH
 - P.C. = POINT OF COMMENCEMENT
 - P.O.B. = POINT OF BEGINNING
 - LS = LEASED SERVICES
 - PRM = PERMANENT REFERENCE MONUMENT
 - C.C.R. = CERTIFIED CORNER RECORD
 - L.D. = LINE DRAINAGE DISTRICT
 - SEC. = SECTION
 - TWP. = TOWNSHIP
 - RANGE = RANGE
 - E = EASEMENT
 - E = EASEMENT
 - SO. FT./AC. = SQUARE FEET/ACRES
 - P.U.T. = PUBLIC UTILITY EASEMENT
 - ED = EDGE OF PAVEMENT
 - W.C. = WOOD CURB
 - CLP = CHAIN-LINK FENCE
 - BRG = BRICK FENCE
 - MCH = METAL CORNER MONUMENT
 - CON = CONCRETE MONUMENT
 - PVC = POLYMER CONCRETE PIPE
 - CM = COMPACTED METAL PIPE
 - W.F. = WOOD FENCE
 - TOP = TOP OF BANK
 - TOC = TOP OF CURB
 - CL = CENTERLINE OF DITCH
 - DC = DITCH
 - EL = ELEVATION
 - FL = FENCE-LINE (DATE/TYPE DENOTED)
 - SL = STORM SEWER DRAINAGE POINT
 - FW = FIRE HYDRANT
 - WM = WATER METER
 - WS = WATER SHOOT
 - WV = WATER VALVE
 - BW = BACKFLOW VALVE
 - SCV = SINGULATION CONTROL VALVE
 - SD = SANITARY SEWER MANHOLE
 - SM = STORM SEWER MANHOLE
 - SMV = SEWER VALVE
 - SMCB = STORM SEWER CATCH BASIN
 - SSM = STORM SEWER MANHOLE (COPY)
 - MS = MITERED END-SECTION
 - CLP = CONCRETE LIGHT POLE
 - MLP = METAL LIGHT POLE
 - CP = CONCRETE POWER POLE
 - WP = WOOD POWER POLE
 - AV = ASPHALT
 - ESM = ELECTRIC SEWER POLE
 - PM = POWER METER
 - WPM = WIRE-PHANE WIRE/PRESENTER
 - BGM = BURIED-GAS MARKER
 - BCM = BURIED-CABLE MARKER
 - SGH = SIGN
 - GP = GATE POST (GTP)
 - H = HOLLOW

APPROVED
 REC2020-00094
 Daniel Hunt, Planner
 Lee County DCD
 4/27/2020

EXHIBIT B



REZ2020-00004 Zoning

Legend

 Subject Parcel

