

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

WHEREAS, Weiner Homes Corp., in reference to Villages at Country Creek has properly filed an application for an amendment of the Residential Planned Development (RPD) to deviate from the minimum setback requirement for a recreational facility [tennis court, from any street right-of-way of 30 feet (500.1.C.3.b.)], to 5 feet.; and

WHEREAS, the subject property is located on the west side of Country Creek Drive, Estero, described more particularly as:

LEGAL DESCRIPTION: In Section 27, Township 46 South, Range 25 East, Lee County, Florida:

A portion of Tract "U", Villages at Country Creek, Unit One, lying in Section 27, Township 46 South, Range 25 East, Lee County, Florida and recorded in Plat Book 39 at Pages 74 through 85 of the Public Records of Lee County, Florida, described as follows:

BEGINNING at the Northeast corner of said Tract "U";
THENCE run S.48°00'00"W. along the easterly line of said Tract "U" for 43.84 feet to a Point of Curvature;
THENCE run Southwesterly and Southerly along said Easterly line, along the arc of a curve to the left of radius 325.00 feet (delta angle of 37°07'22" - chord distance of 206.91 feet - chord bearing of S.29°26'20"W.) for 210.57 feet to an intersection with a line that lies parallel with and 380.00 feet North (as measured at right angles) of the South line of said Section 27;
THENCE run S.89°49'37"E. along said parallel line for 207.07 feet to the Northwestern line of said Tract "U";
THENCE run N.47°00'00"E. along said Northwestern line for 230.13 feet;
THENCE run N.69°00'00"E. along said Northwestern line for 70.17 feet;
THENCE run N.76°00'00"E. along said Northwestern line for 110.82 feet to the POINT OF BEGINNING.

Containing 0.634 acres.

SUBJECT TO a Utility Easement (10 feet wide) lying over and across the easterly 10 feet thereof.

ALSO SUBJECT TO any easements, restrictions, reservations or rights-of-way of record.

Bearings hereinabove mentioned are based on said Plat of Villages at Country Creek, Unit One.

WHEREAS, the applicant has indicated the property's current STRAP number is 27-46-25-01-0000B.0000; and

WHEREAS, proper authorization has been given to Wilson, Barton, Soll & Peek, Inc. by F. Richard Brunetti, President of Weiner Homes Corporation, 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

WHEREAS, the Lee County Hearing Examiner fully reviewed the matter in a public hearing held on October 3, 1989; and

WHEREAS, a public hearing was legally and properly advertised and held before the Lee County Board of County Commissioners; and

WHEREAS, 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 an amendment of the Residential Planned Development (RPD) to deviate from the minimum setback requirement for a recreational facility [tennis court, from any street right-of-way of 30 feet (500.1.C.3.b.)], to 5 feet.; and

This approval is subject to the following:

1. The chain link fence located on the east side of the tennis court shall be increased in height to equal the height of the existing back stops located at each end of the court.
2. A five (5) foot wide buffer with native plantings meeting type "B" specifications shall be installed between the tennis court and Country Creek Drive and shall be maintained perpetually by the developer or its successors-in-interest.

The following findings of fact were made in conjunction with the requested amendment to the Residential Planned Development:

- A. That the real estate which is the subject of this request for an amendment is correctly described in the Legal Description.
- B. That the approval of the requested amendment does not alter the compliance of the existing Residential Planned Development with the requirements of the Zoning Ordinance nor is the requested amendment, in and of itself, inconsistent with any of the requirements of the Zoning Ordinance or Lee Plan which would be imposed on the project if it sought approval in its entirety today.
- C. That it is clear that the public interest will best be served by granting the requested amendment to the existing Residential Planned Development.

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

John E. Manning	AYE
Charles L. Bigelow, Jr.	ABSENT
Ray Judah	AYE
Bill Fussell	AYE
Donald D. Slisher	ABSENT

DULY PASSED AND ADOPTED this 11th day of December, A.D., 1989.

ATTEST:
CHARLIE GREEN, CLERK

BY: Charlie J. Wauk,
Deputy Clerk

BOARD OF COUNTY COMMISSIONERS
OF LEE COUNTY, FLORIDA

BY: Paul D. Davis
Vice-Chairman

Approved as to form by:

County Attorney's Office

FILED
JAN 18. 90
CLERK CIRCUIT COURT
BY Charlie J. Wauk, D.C.