

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

2440753

WHEREAS, Weiner Homes Corporation has properly filed an application on a project known as Villages at Country Creek for Amendment to a Residential Planned Development to modify the previously approved setbacks as follows:

- a) Minimum rear setback of 10 feet for all type housing units (Manor Villas, Fairway Homes, Patio Homes) (Sections 500.1.B.1.a., 1984 Zoning Ordinance and 500.14.C., 1984 Zoning Ordinance):

Swimming pools, tennis courts, patios, decks and other similar non-roofed accessory structures or facilities shall be permitted up to the rear property line of individual lots except:

1. Where the rear property line abuts other lots, these accessory structures shall be permitted up to, but no closer than, five (5) feet from a rear property line.
 2. Where the rear property line is within ten (10) feet of a natural or artificial body of water, the approval of these accessory structures up to the rear property line shall be subject to documentation by a licensed engineer indicating that the soils and banks will be stabilized and that no erosion will occur.
- b) Minimum side setback of 7½ feet for Manor Villa units with patios and decks enclosed with open mesh screening (Sections 500.1.B.1.a., 1984 Zoning Ordinance and 500.14.C., 1984 Zoning Ordinance), to 5 feet;
 - c) Eliminate Conditions #10 and #14 of Resolution ZAB-86-34 which require that the developer shall dedicate a 50-foot-wide strip of land parallel and adjacent to the northern property line for the proposed extension of Broadway; and
 - d) Amend Condition #16 of Resolution ZAB 86-34 requiring:
 16. There shall be a 50-foot Type "D" buffer area along the entire remaining perimeter of this parcel which shall be landscaped as set forth by the submitted buffer plan dated April 18, 1986, and stamped received April 21, 1986.

WHEREAS, the subject property is located on the north side of Corkscrew Road approximately 1,000 feet to the west and 650 feet to the east of Corkscrew Road and River Ranch Road, described more particularly as:

19.50
Billed

RECORD VERIFIED - CHARLIE GREEN, CLERK
BY: H. FERNSTROM, D.C.

DEF 983 PG 3836

LEGAL DESCRIPTION: In Sections 27 and 34, Township 46 South, Range 25 East, Lee County, Florida:

East Half (E½) of Southwest Quarter (SW¼) and the Southeast Quarter (SE¼) of Section 27, Township 46 South, Range 25 East,

ALSO:

East Half (E½) of East Half (E½) of Northeast Quarter (NE¼) of Northwest Quarter (NW¼) and West Half (W½) of Northwest Quarter (NW¼) of Northeast Quarter (NE¼) and East Half (E½) of Northwest Quarter (NW¼) of Northeast Quarter (NE¼) of Section 34, Township 46 South, Range 25 East, Lee County, Florida, less that part deeded to State of Florida of Corkscrew Road right-of-way, recorded in O.R. Book 1129 at Page 1217, Public Records of Lee County, Florida. Also, less commencing at a concrete monument marking the Southwest corner of East Half (E½) of East Half (E½) of Northeast Quarter (NE¼) of Northwest Quarter (NW¼) THENCE North along the West line of said East Half (E½) of East Half (E½) of Northeast Quarter (NE¼) of Northwest Quarter (NW¼) for 206.20 feet to POINT OF BEGINNING, THENCE East 60.00 feet, THENCE Northerly to waters of Estero River, THENCE Southwesterly along said waters to a point bearing North of POINT OF BEGINNING, THENCE South 933.40 feet to POINT OF BEGINNING.

WHEREAS, the applicant has indicated the property's current STRAP numbers are: 34-46-25-00-00013.0000,
34-46-25-00-00017.0000,
27-46-25-00-00010.0000; and

WHEREAS, proper authorization has been given to Wilson, Miller, Barton, Soll & Peek, Inc., by F. Richard Brunetti, President, Florida Division of Weiner Homes Corporation, the owner of the subject parcel, 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 Planning and Zoning Commission, with full consideration of all the evidence available to the Planning and Zoning Commission; and

WHEREAS, the Lee County Planning and Zoning Commission fully reviewed the matter in a public hearing held on March 7, 1988; 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 Planning and Zoning Commission, the documents on file with the county, and the testimony of all interested persons.

OFF 983 PG 3837

NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF COUNTY COMMISSIONERS, that the Board of County Commissioners does hereby APPROVE an amendment to a Residential Planned Development to modify the previously approved setbacks as follows:

- a) Minimum rear setback of 10 feet for all type housing units (Manor Villas, Fairway Homes, Patio Homes) (Sections 500.1.B.1.a., 1984 Zoning Ordinance and 500.14.C., 1984 Zoning Ordinance):
- Swimming pools, tennis courts, patios, decks and other similar non-roofed accessory structures or facilities shall be permitted up to the rear property line of individual lots except:
1. Where the rear property line abuts other lots, these accessory structures shall be permitted up to, but no closer than, five (5) feet from a rear property line.
 2. Where the rear property line is within ten (10) feet of a natural or artificial body of water, the approval of these accessory structures up to the rear property line shall be subject to documentation by a licensed engineer indicating that the soils and banks will be stabilized and that no erosion will occur.
- b) Minimum side setback of 7½ feet for Manor Villa units with patios and decks enclosed with open mesh screening (Sections 500.1.B.1.a., 1984 Zoning Ordinance and 500.14.C., 1984 Zoning Ordinance), to 5 feet;
- c) Eliminate Conditions #10 and #14 of Resolution ZAB-86-34 which requires that the developer shall dedicate a 50-foot-wide strip of land parallel and adjacent to the northern property line for the proposed extension of Broadway; and
- d) Amend Condition #16 of Resolution ZAB 86-34 requiring:
16. There shall be a 50-foot Type "D" buffer area along the entire remaining perimeter of this parcel which shall be landscaped as set forth by the submitted buffer plan dated April 18, 1986, and stamped received April 21, 1986.

Approval is subject to the conditions stated below:

Requests c) and d) to amend Resolution ZAB 86-34 by adopting the wording below (strike-throughs indicate deletion of wording from ZAB 86-34).

- 10/ ~~THE/developer/shall/dedicate/a/50-foot-wide/strip/of land/parallel/and/adjacent/to/the/northern/property line/for/the/proposed/extension/of/Broadway///Credits for/this/dedication/shall/be/in/accordance/with/provisions/of/the/Roads/Impact/Fee/Ordinance/and/related Administrative/Codes/~~
- 14/ ~~AN/80-foot/setback/from/the/northern/property/line shall/be/provided/as/set/forth/in/section/826/11C/3 of/the/Zoning/Regulations///The/southerly/30/feet/of this/80-foot/setback/area/shall/be/a/buffer/and/shall be/landscaped/with/a/type/"D"/buffer/~~
- 16/ ~~EXCLUDING/the/northern/perimeter/line/~~ There shall be a 50-foot buffer area along the entire remaining perimeter of this parcel which shall be landscaped as set forth by the submitted buffer plan dated April 18, 1986, and stamped received April 21, 1986.

The following findings of fact were made in conjunction with this approval of amendment to Residential Planned Development zoning:

- a. Sufficient safeguards to the public interest are provided by the recommended conditions and by other applicable regulations;
- b. All conditions recommended by staff are reasonably related to the impacts on the public's interest created by or expected from the proposed development; and
- c. The general intent of these regulations, to protect the public health, safety, and welfare, is preserved and promoted.

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 Bill Fussell and, upon being put to a vote, the result was as follows:

John E. Manning	AYE
Charles L. Bigelow, Jr.	ABSENT
Mary Ann Wallace	NAY
Bill Fussell	AYE
Donald D. Slisher	ABSENT

DULY PASSED AND ADOPTED this 11th day of April, A.D., 1988.

ATTEST:
CHARLIE GREEN, CLERK

BOARD OF COUNTY COMMISSIONERS
OF LEE COUNTY, FLORIDA

BY:

Bill Fussell
Chairman

Approved as to form by:

[Signature]
County Attorney's Office

FILED

APR 18 1988

CLERK CIRCUIT COURT
[Signature] C.C.

HEARING NUMBER 86-2-13(a)DCI

RESOLUTION NUMBER Z-88-067

Page 4 of 4

(3063Z/14)
(4332L)

REF 983 PG 3839