

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

WHEREAS, Del Tura Country Club, Phase II, has properly filed the following application: A district boundary change from AG and MH-2 to Residential Planned Development, to permit a residential development of 440 mobile homes, not to exceed one-story in height, on 141.06 acres of land. The proposed development would also include an executive golf course, other recreational facilities, and wetland preserves.

Note: If approved, the master Concept Plan will deviate from the following Lee County standards:

- (a) Minimum setback between structures and a section line of 75 feet (500.29.D.1), to 40 feet between Sections 16 and 17-43-24;
- (b) Minimum setback between structures and a half (quarter) section line of 60 feet (500.29.D.2), to 0 feet; and
- (c) Required street access to adjoining property (DSR C.3.e and f), to eliminate a connection to the adjoining road system.

The subject property is located on the west side of U.S. 41 North (approximately 3 miles south of the Charlotte County line), described more particularly as:

LEGAL DESCRIPTION: In Section 16, Township 43 South, Range 24 East, Lee County, Florida:

Parcel 1:

From the northeast corner of the lands described in Deed Book 269 at Page 353 of the Public Records of Lee County, Florida, run S 63° 52' 50" W (perpendicular to the centerline survey of State Road No. 45 (US 41 - Tamiami Trail) along the north line of said described lands for 60.00 feet to the southwesterly right-of-way line of said State Road No. 45, said right-of-way line being 160.00 feet southwesterly (as measured at right angles) of said centerline of survey, and the point of beginning.

From said point of beginning run N 26° 07' 10" W along said southwesterly right-of-way line for 1337.52 feet to the north line of the lands described in Official Records Book 1748 at Page 1491 of said Public Records; thence run S 63° 52' 50" W (perpendicular to said centerline of survey) for 740.00 feet to the northwesterly corner of said described lands; thence run S 75° 41' 28" W along the south line of Fountain View as recorded in Plat Book 34 at Pages 165 through 172 of said Public Records for 890.00 feet to the southwesterly corner of Lot 298 of said Fountain View; thence run southerly and southwesterly along the arc of a curve to the right of radius 500.00 feet (Delta Angle of 81° 49' 36", chord distance of 654.92 feet, chord bearing of S 34° 04' 27" W) for 714.07 feet to a point of compound curvature; thence run westerly and northwesterly along the arc of a curve to the right of radius 300.00 feet (Delta Angle of 73° 35' 09", chord distance of 359.36 feet) for 385.29 feet to the southeasterly corner of the lands described in Official

Records Book 18 at Page 1558 of said Public Records; thence run S 75° 41' 28" W, along the south line of said described lands for 1028.24 feet to the west line of said Section 16; thence run S 0° 27' 02" E, along said west line for 1082.69 feet to the west quarter corner of said Section 16; thence run S 0° 34' 55" W along said west line for 778.39 feet to the north line of the aforesaid lands described in Deed Book 269 at Page 353; thence run N 63° 52' 50" E, along said north line for 4245.58 feet to the point of beginning. Containing 126.458 acres.

AND Parcel 2:

From the northeast corner of the lands described in Deed Book 269 at Page 353 of the Public Records of Lee County, Florida, run S 63° 52' 50" W (perpendicular to the centerline survey of State Road No. 45 (US 41 - Tamiami Trail) along the north line of said described lands for 60.00 feet to the southwesterly right-of-way line of said State Road No. 45, said right-of-way line being 160.00 feet southwesterly (as measured at right angles) of said centerline of survey; thence run N 26° 07' 10" W, along said southwesterly right-of-way line for 1337.52 feet to the north line of the lands described in Official Records Book 1748 at Page 1491 of said Public Records; thence run S 63° 52' 50" W, (perpendicular to said centerline of survey) for 740.00 feet to the northwesterly corner of said described lands; thence run S 75° 41' 28" W, along the south line of Fountain View as recorded in Plat Book 34 at Pages 165 through 172 of said Public Records for 890.00 feet to the southwesterly corner of Lot 298 of said Fountain View and the point of beginning.

From said point of beginning run southerly and southwesterly along the arc of a curve to the right of radius 500.00 feet (delta angle of 81° 49' 36", chord distance of 654.92 feet, chord bearing of S 34° 04' 27" W) for 714.07 feet to a point of compounded curvature; thence run westerly and northwesterly along the arc of a curve to the right of radius 300.00 feet (delta angle of 73° 35' 09", chord distance of 359.36 feet) for 385.29 feet to the southeasterly corner of the lands described in Official Records Book 1748 at Page 1558 of said Public Records; thence run N 14° 18' 32" W, along an east line of said described land for 488.37 feet; thence run N 75° 41' 28" E, along the southerly line of Fountain View Unit 1A as recorded in Plat Book 36 at Pages 50 through 51 of said Public Records, and its westerly prolongation for 487.95 feet; thence run N 89° 59' 55" E, along said southerly line for 301.41 feet to a westerly line of said Fountain View; thence run S 14° 18' 32" E, along said westerly line for 190.60 feet to the point of beginning. Containing 10.730 acres.

AND Parcel 3:

From the northeast corner of the lands described in Deed Book 269 at Page 353 of the Public Records of Lee County, Florida, run S 63° 52' 50" W (perpendicular to the centerline survey of State Road No. 45 (US 41 - Tamiami Trail) along the north line of said described lands for 60.00 feet to the southwesterly right-of-way line of said State Road 45, said right-of-way line being 160.00 feet southwesterly (as measured at right angles) of said centerline survey, and the point of beginning.

From said point of beginning continue S 63° 52' 50" W, along the northwesterly line of said described lands for 4245.58 feet to the west line of said Section 16; thence run S 0° 34' 55" W, along said west line for 43.66 feet; thence run N 63° 53' 50" E, for 4265.20 feet to said southwesterly right-of-way line; thence run N 26° 07' 10" W, along said southwesterly right-of-way line for 40.25 feet to the point of beginning. Containing 3.871 acres.

Subject to any easements, restrictions, reservations or rights-of-way of record.

WHEREAS, proper authorization has been given to James T. Humphrey by the Euroamerican Investment Group, Ltd., the owners of the subject parcel, to act as agent to pursue this zoning application;

WHEREAS, a public hearing was legally and properly advertised and held before the Lee County Zoning Board, with full consideration of all the evidence available to the Zoning Board; and

WHEREAS, the Lee County Zoning Board fully reviewed the matter and recommended approval of the district boundary change and deviations formerly identified as (c), (f), and (g); but recommended denial of former deviation (b). Former deviations (a), (d), and (e) were withdrawn by the applicant. This recommendation was based on the analysis contained in the staff report dated January 17, 1986, and the testimony given at the January 27, 1986 Zoning Board hearing; 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 Local Planning Agency, the Zoning Board, the documents on file with the County, and the testimony of all interested persons:

LEGISLATIVE HISTORY:

The Local Planning Agency found the master Concept Plan, with the exception of deviations (d), (e), (f), and (g), to be consistent with the Lee County Comprehensive Plan. The Zoning Board recommended approval of the district boundary change and deviations (c), (f), and (g); but recommended denial of deviation (b). The Zoning Board further recommended conditions for the overall project. At the Zoning Board hearing, the applicant withdrew deviations (a), (d), and (e); the remaining 3 deviations being requested were subsequently re-numbered prior to the advertisement of this case before the Zoning Appeals Board. The Zoning Appeals Board continued this case at their March 10, 1986 hearing to allow the staff to re-analyze the proposed plan in light of the Board's March 5, 1986 decision to delete from the Trafficways Map an alignment across this property for a future arterial road. At the April 14, 1986 hearing, the Board approved the R.P.D. request with conditions, which included a requirement that would allow sufficient room on the westerly property line for a future north-south road.

NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF COUNTY COMMISSIONERS AS THE ZONING APPEALS BOARD, that the Zoning Appeals Board does hereby APPROVE R.P.D. zoning, subject to the following conditions:

1. Prior to final plan approval, the applicant shall have made acceptable provisions for off-setting any added net public costs or premature commitment of public funds needed to provide appropriate levels of fire protection service for this development. In particular, the applicant shall make necessary arrangements with the North Fort Myers Fire District to off-set a proportionate share of

the cost of the new local fire station (including land, buildings and equipment) planned by the North Fort Myers Fire District.

2. Prior to final plan approval, the applicant shall reserve a 40-foot-wide corridor along the westerly property line for a future road right-of-way. This corridor shall be reserved or dedicated in accordance with regulations in effect at the time of final plan approval. Deviation (a) is hereby modified to require a 55-foot setback (40-foot right-of-way plus a 15-foot rear setback for mobile homes).
3. Prior to final plan approval, the applicant shall obtain a formal Administrative Determination to establish the exact location of the wetland/upland line of demarcation. The applicant shall modify the project site plan where necessary to preserve these wetland areas, including all "Resource Protection Areas" and "Transitional Zones". Some lots may be eliminated to preserve these areas.
4. Unless written permission is obtained for construction within the power line easement, the plans shall be altered accordingly.
5. Prior to final approval, the applicant shall modify the site plan to show the location of a possible road stub-out for future connection to the roadway along the western boundary of the site. The applicant shall not be required to construct this interconnection until 50 percent of buildout of the project (220 units) has occurred. Furthermore, the stub-out will not be required if the roadway on the western boundary is not identified by the county on the Traffic Circulation Plan. Deviation (c) is hereby modified to require inter-connection to the west only as provided in this condition.
6. The master Concept Plan for Del Tura County Club Phase II is a single sheet from Ink Engineering received on March 25, 1986, and numbered as Drawing No 84103. As shown on this plan, half section line setbacks are hereby waived as requested in Deviation (b).
7. Permitted uses, setbacks, and lot coverage requirements shall be those in effect county-wide at any time for a mobile home development with comparable lot sizes. As indicated on the master Concept Plan, all lots in this development shall be a minimum of 55 feet by 100 feet.

Site Plan SP-86-17 is attached hereto and incorporated herein by reference, as a reduced copy of the master Concept Plan (see condition #6).

The following findings of fact were made in conjunction with the approval of R.P.D. zoning:

- 1) The proposed use is appropriate at the subject location; and
- 2) The proposed development is consistent with the adopted Lee Plan, in that:
 - (a) The land use change meets the applicable performance and locational standards; and
 - (b) Urban Services as defined by the Lee Plan are not available to serve the proposed land use change, but the recommended conditions and general county regulations will mitigate inadequate fire protection; and
 - (c) The land use change complies with the densities and general uses set forth in the Lee Plan; and
 - (d) The land use change could protect, conserve or preserve natural resources with the recommended conditions; and
 - (e) The land use change is not incompatible with existing and planned land uses and would not cause damage, hazard or nuisance, or other detriment to persons or property; and
 - (f) The location of the proposed land use change does not place an undue burden upon transportation facilities; and

- 3) Sufficient safeguards to the public interest would be provided by the recommended changes to the Concept Plan or by other applicable regulations; and
- 4) All recommended changes are reasonably related to the impacts on the public's interest created by or expected from the proposed development.

The following findings of fact were made in conjunction with the requested deviations:

1. The eliminated half-section line setback requirement (deviation (b) in this instance enhances the achievement of the objectives of the planned development; and
2. The partial approval of deviations (a) and (c) enhance the objectives of the planned development without disregarding the purpose and intent of these County regulations; and
3. The general intent of these regulations, to protect the public health, safety, and welfare, will be preserved and promoted.

The foregoing Resolution was adopted by the Lee County Board of County Commissioners upon a motion by Commissioner Slisher, and seconded by Commissioner Eastwood and, upon being put to a vote, was as follows:

Porter J. Goss	Aye
Roland Eastwood	Aye
Mary Ann Wallace	Nay
Bill Fussell	Aye
Donald D. Slisher	Aye

DULY PASSED AND ADOPTED this 14th day of April, A.D., 1986.

ATTEST:
CHARLIE GREEN, CLERK

BOARD OF COUNTY COMMISSIONERS
OF LEE COUNTY, FLORIDA

BY:

Mary Annment
Deputy Clerk

BY:

[Signature]
Chairman

Approved as to form by:

[Signature]
County Attorney's Office

FILED

SEP 16 1986

CLERK CIRCUIT COURT
BY *M. Annment* D.C.

OFF
REC 1869PG3963

