

2197695

RESOLUTION OF THE BOARD OF COUNTY COMMISSIONERS

OF LEE COUNTY, FLORIDA

WHEREAS, the Villages at Country Creek was the subject of an application for a district boundary change from AG to Residential Planned Development, to permit a residential development of 985 single and multi-family units, not to exceed 2 stories in height, on 283 acres of land. The proposed development would also include an executive golf course, other recreational facilities, and preserved natural areas.

NOTE:

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

- (1) Minimum excavation setbacks to a section line of 150 feet (500.4.D and 500.3.C), to 0 feet for internal section lines;
- (2) Minimum excavation setbacks to a street right-of-way of 150 feet (500.4.D and 500.3.C), to 60 feet (measured at water's edge) and 30 feet (measured at the top of the bank);
- (3) Maximum slope of excavation banks of 6:1 ratio to a water depth of 6 feet (500.4.E), to 6:1 ratio to 1 foot deep, 10:1 ratio from 1 to 2 feet, 4:1 ratio from 2 to 4 feet, and 2:1 ratio below 4 feet;
- (4) Minimum setback between structures and a section line of 75 feet (500.29.D.1), to 0 feet for internal section lines;
- (5) Minimum setback between structures and a half section line of 60 feet (500.29.D.2), to 0 feet for internal lines;
- (6) No drainage, filling, or other alterations of soils subject to saltwater inundation or fresh water ponding shall be permitted without specific approval. (DSR C.1.b.4), to allow alteration of 3 small areas indicated on the Soil Survey of Lee County, Florida as having Pineda soils;
- (7) Requirement that, where practical, a residential development larger than 5 acres shall provide 2 or more means of ingress or egress (DSR C.2.d.(4)), to allow a single, secured entrance on Corkscrew Road and 2 emergency entrances (break-away gates), one to Broadway and one to Corlico; and
- (8) Prohibition on most development within designated "Transition Zones" (Wetlands Protection Ordinance, Section 5.02), to allow alteration of artificial drainage ditches and certain historic, natural creek areas as indicated on plans on file, with mitigation on acre-for-acre basis.

The subject property is located on the north side of Corkscrew Road, running approximately 1000 feet to the west and 650 feet to the east of the intersection of Corkscrew Road and River Ranch Road, described more particularly as:

RECORD VERIFIED - CLERK OF COURT, CLERK
BY: H. FERNSTROM, D.C.

REC 1886 PG 264

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

East 1/2 of Southwest 1/4 and the Southeast 1/4 of Section 27, Township 46 South, Range 25 East,

ALSO:

East 1/2 of East 1/2 of Northeast 1/4 of Northwest 1/4 and West 1/2 of Northwest 1/4 of Northeast 1/4 and East 1/2 of Northwest 1/4 of Northeast 1/4 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 1/2 of East 1/2 of Northeast 1/4 of Northwest 1/4, thence north along the west line of said East 1/2 of East 1/2 of Northeast 1/4 of Northwest 1/4 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, proper authorization has been given to Wilson, Miller, Barton, Soll and Peek, Inc., by Clayton R. Zehner, Vice President/Director of Villages of Country Creek and Walter James Smith, General Partner of Villages of Country, 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 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 denial of the requests, due to a tie vote on a motion for approval with conditions; 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 request consistent with the Lee County Comprehensive Plan, but the Zoning Board was unable to obtain a majority vote on a motion to approve the request with conditions. County staff recommended approval of the request with numerous conditions. Considerable testimony both for and against the project was presented to the Zoning Appeals Board. The Board made the findings of fact listed below, and approved the district boundary change with the conditions enumerated herein.

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. The minimum excavation setback to a section line of 150 feet (500.4.D and 500.3.C) is hereby reduced to zero for section lines internal to this parcel, but no reduction is allowed from the 150-foot setback requirement from section lines that are contiguous to the perimeter of the property (deviation #1).
2. The minimum excavation setback to a street right-of-way of 150 feet (500.4.D and 500.3.C) is hereby changed to a minimum excavation setback to a right-of-way centerline of 160 feet for the lake shown on the master Concept Plan north of Corkscrew Road and west of the Corkscrew Road entrance only (deviation #2).
3. The maximum slope of excavation banks shall be a 6:1 ratio to a depth of 4 feet below control elevation; then between 4 feet and 6 feet below control elevation there shall be a maximum ratio of 4:1; and below 6 feet below control elevation there shall be a maximum ratio of 2:1 to 12 feet (deviation #3).
4. The minimum setback between structures and a section line of 75 feet (500.29.D.1) is hereby reduced to zero for section lines internal to this parcel, and reduced to 50 feet from section lines that are contiguous to the perimeter of this property (deviation #4).
5. The minimum setback between structures and half section lines of 60 feet (500.29.D.2) is hereby reduced to zero for half-section lines internal to this parcel, but no reduction is allowed from the 60-foot setback requirement from half-section lines that are contiguous to the perimeter of this property (deviation #5).
6. Draining, filling, or other alterations of soils subject to saltwater inundation or freshwater ponding shall be permitted (DSR C.1.b.4), to allow alteration of approximately 2.5 acres of wetlands provided that proper approvals are received from the Florida Department of Environmental Regulation, the United States Army Corps of Engineers, and mitigation is performed as set forth in the March 19, 1986 letter to Roger Clark from Higgins Engineering, Inc. (deviation #6).
7. There shall be at least one emergency ingress/egress point to Corlico Parkway. A full ingress/egress point will satisfy the requirement of this condition, and additional access points are permitted provided they comply with the Development Standard Regulations (or its successor) (deviation #7).
8. The alteration of artificial drainage ditches and natural creek areas (Wetlands Protection Ordinance, Section 5.02) is permitted provided that the requirements of condition 6. above are met (deviation #8).
9. No traffic relating to the construction of this development may use Broadway Boulevard, See See Street, or Tanglewood Lane.
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.

11. The developer shall dedicate that part of the subject property located within 100 feet of the centerline of Corkscrew Road right-of-way for the purposes of widening that road. Credits for this dedication shall be in accordance with provisions of the Roads Impact Fee Ordinance and related Administrative Codes.
12. There shall be a 150-foot building setback from the centerline of Corkscrew Road, as set forth in Section 626.1.C.3. of the Zoning Regulations.
13. A 100-foot setback from the centerline of the proposed Corlico Parkway shall be provided, as set forth in Section 626.1.C.3 of the Zoning Regulations.
14. An 80-foot setback from the northern property line shall be provided, as set forth in Section 626.1.C.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.
15. No variance has been requested from the perimeter setbacks in Section 626.1.C.1 of the zoning regulations, and therefore those setbacks shall apply.
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.
17. The perimeter buffer area shall be retained by the developer or remain in common ownership and may not be subdivided. The perimeter buffer area shall be landscaped prior to the beginning of construction in that area.
18. There shall be one person, company, corporation or association responsible for the maintenance of the perimeter buffer area, and the water management system.
19. The development shall be in general conformance with the master Concept Plan as revised on April 16, 1986, and received on April 21, 1986, except as modified by this resolution.
20. No uses other than those listed on the master Concept Plan and those uses which are clearly accessory to the listed uses shall be permitted.
21. The developer shall provide a program of education and information to the residential population describing the risks of environmental hazards, as well as the actions necessary to mitigate the dangers which these hazards present.
22. At the completion of development construction or each phase thereof, a development representative shall contact Lee County Emergency Medical Services to discuss the designation of emergency helicopter landing zones, and shall provide a site plan depicting the official street names and building addresses within the development and other pertinent information deemed necessary.
23. No on-site sewage treatment plant or septic tanks shall be allowed, unless an amendment to this zoning case is approved, except for temporary septic tanks for the sales office and golf course.
24. Any security gate or similar device that is not manned 24 hours per day must be provided with an over-ride switch in a glass-covered box, for use of emergency vehicles.

25. The configuration of individual lots shall be at the discretion of the developer, provided that the minimum lot area for "Fairway Homes" shall be 7,000 square feet; the minimum lot area for "Patio Homes" shall be 5,000 square feet; the minimum lot area for "Village Homes" shall be 4,000 square feet; and the minimum lot area for "Manor Villas" shall be 3,500 square feet; and that each lot shall have a minimum of 30 feet of street frontage measured at the street setback line.
26. Stub-outs for piped water from Gulf Utility Company shall be made available as development occurs, as set forth by the water service stubs plan dated April 18, 1986 and stamped received April 21, 1986.
27. The first row of lots adjacent to the western and northern perimeter buffer shall be developed with single-family dwellings which shall not exceed one story in height.
28. The roads in this project shall not be maintained by Lee County.
29. This development shall not withdrawn water from the same aquifer that the residents in the immediate area are using, which is understood to be the ground water table and the Tamiami Aquifer.
30. No trees with a 4" d.b.h. (diameter at breast height) or greater shall be cut down in the buffer area along the western property line.

Site plan SP-86-34 is attached hereto and incorporated herein by reference, as a reduced copy of the R.P.D. master Concept Plan.

The following findings of fact were made by the Board in connection with the R.P.D. zoning.

1. The proposed uses are 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 or exceeds the applicable performance and locational standards; and
 - (b) Urban Services, as defined by the Lee Plan, will be available and adequate to serve the proposed land use change; 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 will, with the above conditions, protect, conserve, or preserve environmentally-critical areas and natural resources; and
 - (e) The land use change is compatible with existing or 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 existing transportation and other services and facilities and will be served by streets of a capacity sufficient to carry traffic generated by the development; and

3. Sufficient safeguards to the public interest are provided by the recommended conditions to the Concept Plan or by other applicable regulations; and
4. All recommended conditions 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 required in conjunction with the approved deviations:

- 1) The approved deviations in this instance enhance the achievement of the objectives of the planed development; and
- 2) 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 Eastwood, and seconded by Commissioner Slisher 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 21st day of April, A.D., 1986.

ATTEST:
CHARLIE GREEN, CLERK

BY: Mary Annmenthorst
Deputy Clerk

BOARD OF COUNTY COMMISSIONERS
OF LEE COUNTY, FLORIDA

BY: Bill Fussell
Chairman

Approved as to form by:

[Signature]
County Attorney's Office

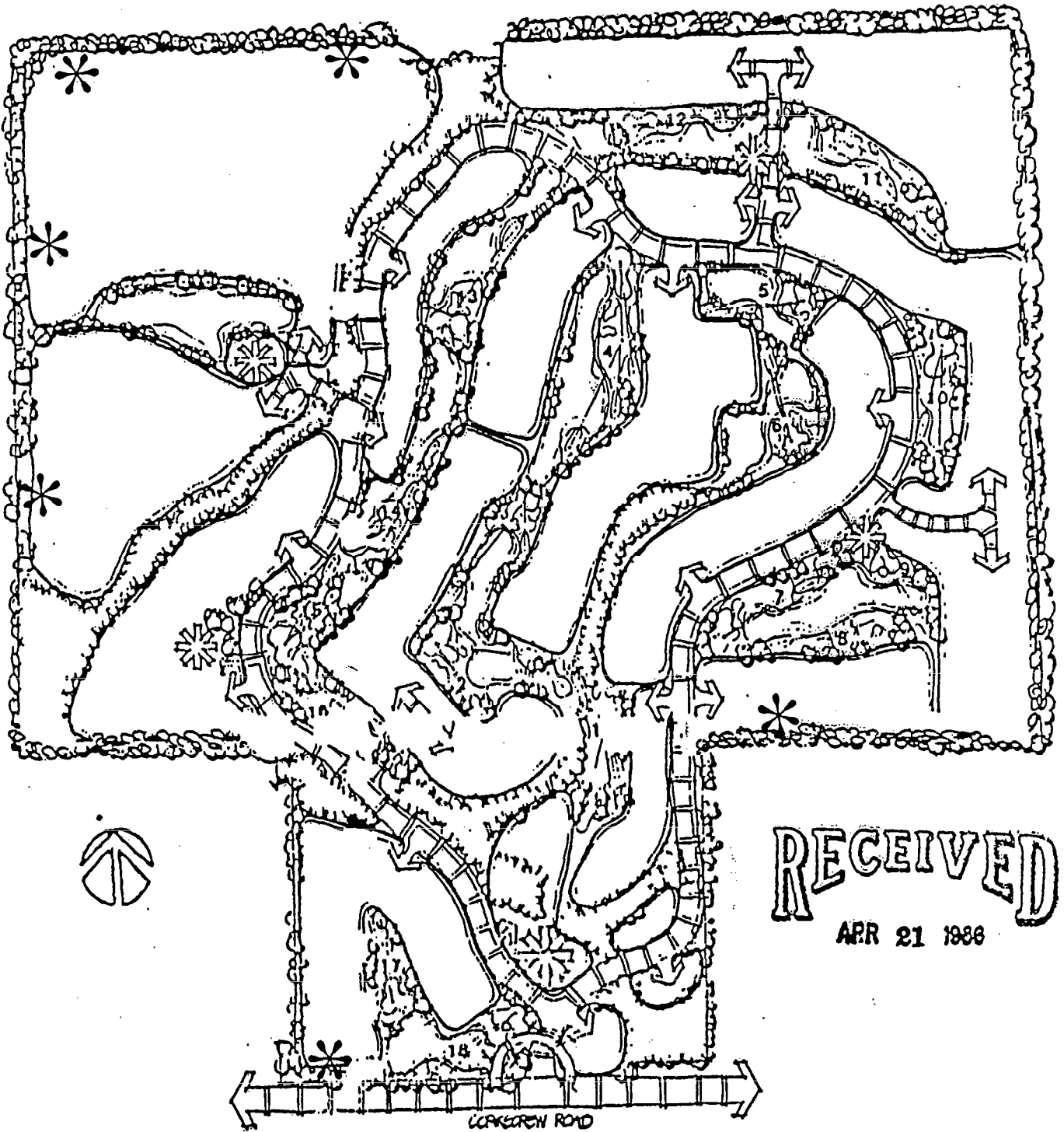
FILED

DEC 12 1986

CLERK CIRCUIT COURT
BY M. Annmenthorst D.C.

THE VILLAGES AT COUNTRY CREEK WATER SERVICE STUBS

OFF 1886 PG 2654



RECEIVED

APR 21 1986

* APPROXIMATE LOCATION OF WATER SERVICE STUBS
TO CONTIGUOUS PROPERTIES

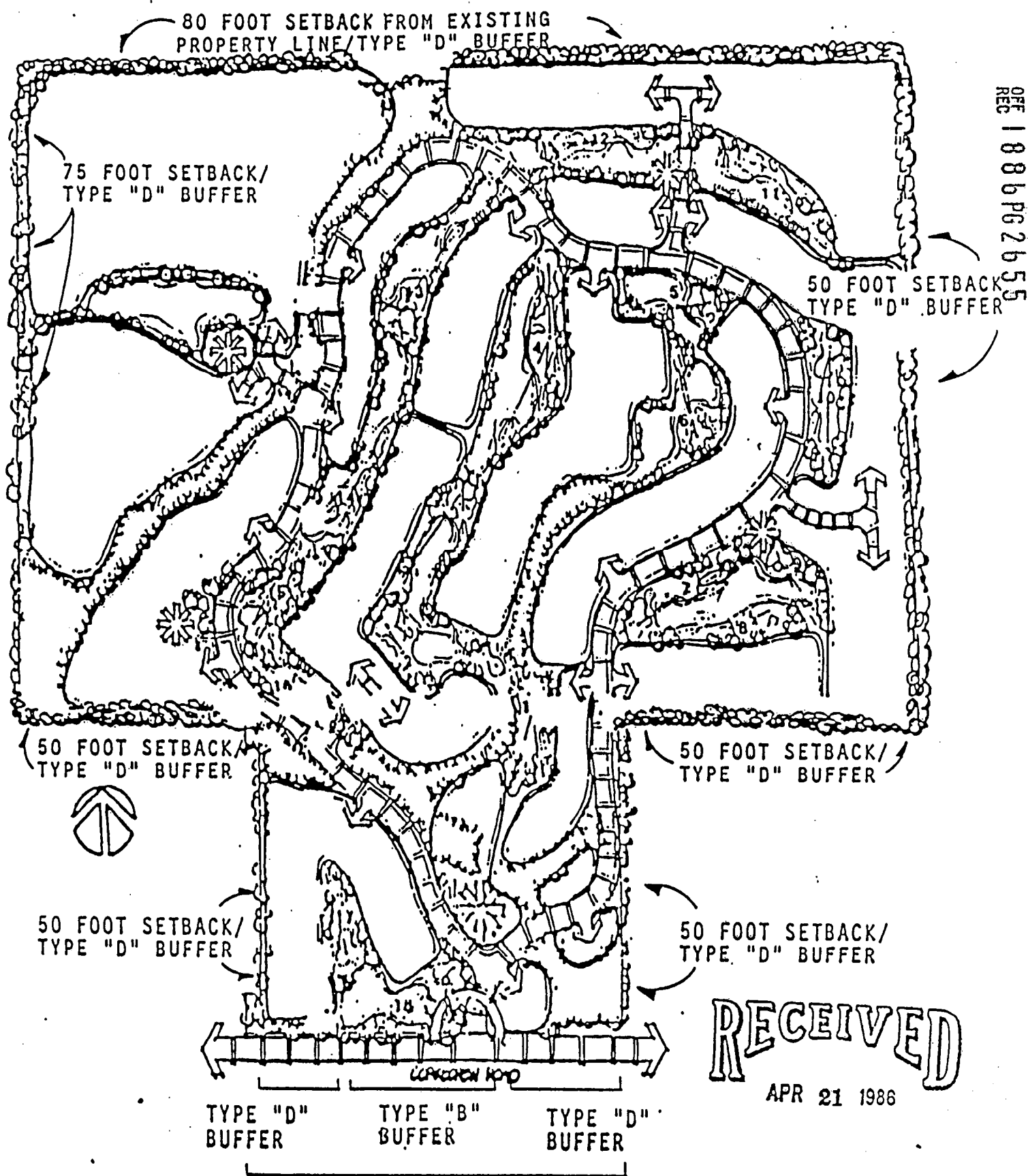
April 18, 1986

THE VILLAGES AT COUNTRY CREEK BUFFERING PLAN

RECORDED AND RECORD VERIFIED

CLERK CIRCUIT COURT
LEE COUNTY, FLA

DEC 19 2 19 PM '86



RECEIVED

APR 21 1986

150 FOOT SETBACK FROM CENTERLINE OF CORKSCREW ROW

NOTE:

THE ENTIRE AREA OF THE DESIGNATED PERIMETER SETBACKS ON THIS BUFFERING PLAN WILL BE SUBJECT TO RESTRICTIVE COVENANTS RUNNING IN FAVOR OF THE DEVELOPER AND HOMEOWNERS ASSOCIATION TO ENSURE COMPLIANCE WITH THE USE LIMITATIONS OF THE RESIDENTIAL PLANNED DEVELOPMENT PERIMETER (Section 626.1.C.b.)

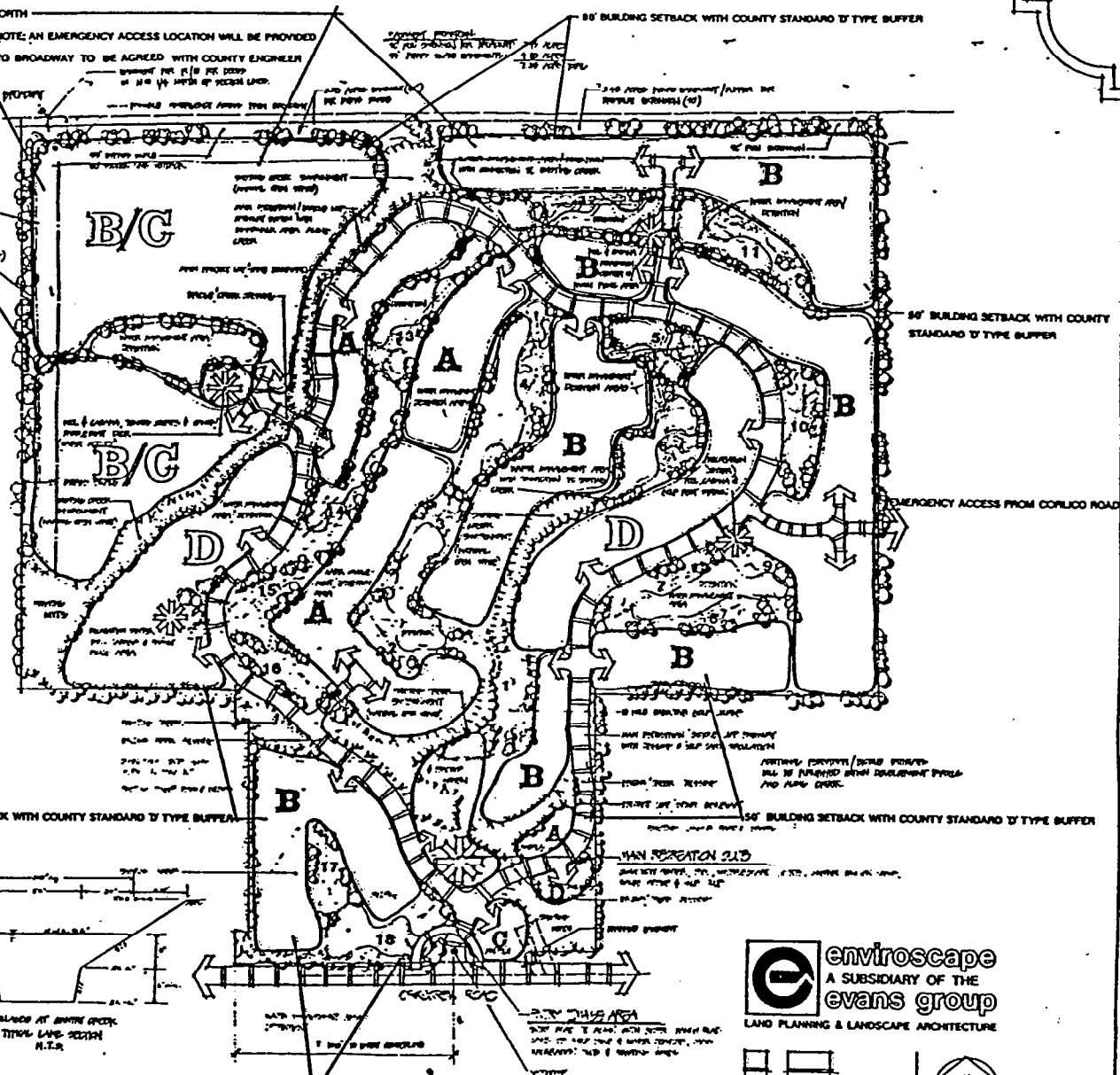
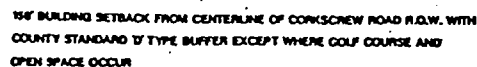
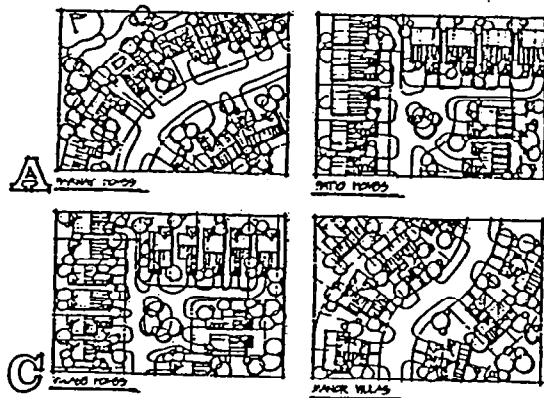
THAT PORTION OF THE DESIGNATED PERIMETER SETBACKS REQUIRED FOR A TYPE "D" BUFFER (20 FEET) WILL BE SUBJECT TO AN EASEMENT IN FAVOR OF THE DEVELOPER AND HOMEOWNERS ASSOCIATION GRANTING RIGHTS TO CONTINUE AND MAINTAIN THE LANDSCAPING

THE PERIMETER BUFFER AREA WILL BE LANDSCAPED PRIOR TO CONSTRUCTION BEGINNING IN THE AREA

April 18, 1986

The Villages at Country Creek

MATERIALS				LABOR		EQUIPMENT	
1	1000	1000	1000	1000	1000	1000	
2	1000	1000	1000	1000	1000	1000	
3	1000	1000	1000	1000	1000	1000	
4	1000	1000	1000	1000	1000	1000	
5	1000	1000	1000	1000	1000	1000	
6	1000	1000	1000	1000	1000	1000	
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LAND PLANNING & LANDSCAPE ARCHITECTURE

