

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

WHEREAS, David F. Davis, Trustee, represented by Ronald L. Davis, Trustee, in reference to Corkscrew Woodlands, has properly filed an application for a rezoning from RV-3 to Residential Planned Development; and

WHEREAS, the subject property is located at 21460 Corkscrew Woodlands Boulevard, Estero, described more particularly as:

LEGAL DESCRIPTION: In Section 35, Township 46 South, Range 25 East, Lee County, Florida:

A tract or parcel of land situated in the State of Florida, County of Lee, lying in Section 35, Township 46 South, Range 25 East, and further bounded and described as follows:

Starting at the Southwest corner of the East Half (E1/2) of the Southwest Quarter (SW1/4) of said Section 35;
THENCE N00°44'07"W along the West line of said fraction for 1,366.54 feet to the Southwest corner of a parcel described in Official Record Book 1803 at Page 2677 and the POINT OF BEGINNING;
THENCE continue N00°44'07"W along the West line of said fraction and said parcel for 560.00 feet to the Northwest corner of said parcel;
THENCE East along the Northerly line of said parcel for 700.00 feet;
THENCE N19°00'00"E along the Northwesterly line of said parcel for 900.00 feet;
THENCE N68°30'00"E along the Northerly line of said parcel for 311.23 feet to the centerline of a roadway easement (30 feet wide) as recorded in Official Record Book 1803 at Page 2677 and as shown on the record plat of "Corkscrew Woodlands - Phase Two - Section A" as recorded in Plat Book 35 at Pages 96-102, inclusive, said point being on a curve concave to the Northeast having a radius of 100.00 feet and to which point a radial line bears S64°13'46"W;
THENCE Southeasterly along said curve and the centerline of said roadway easement 30.00 feet wide (the sidelines of said easement lying 15.00 feet each side of said centerline) through a central angle of 22°37'12" for 39.48 feet to a POINT OF REVERSE CURVE concave to the Southwest having a radius of 225.46 feet;
THENCE Southeasterly along said curve and said centerline through a central angle of 34°33'09" for 135.96 feet;
THENCE S13°50'16"E along said centerline for 115.99 feet to the beginning of a curve concave to the Northwest having a radius of 188.00 feet;
THENCE Southwesterly along said curve and said centerline through a central angle of 55°54'11" for 183.43 feet;
THENCE S42°03'55"W along said centerline for 45.37 feet to the beginning of a curve concave to the Southeast having a radius of 204.95 feet;
THENCE Southwesterly along said curve and said centerline through a central angle of 52°27'30" for 187.65 feet to a POINT OF REVERSE CURVE concave to the Northwest having a radius of 204.64 feet;
THENCE Southwesterly along said curve and said centerline through a central angle of 52°31'43" for 187.61 feet;
THENCE S42°08'08"W along said centerline for 53.66 feet to the beginning of a curve concave to the Southeast having a radius of 202.00 feet;
THENCE Southwesterly along said curve and said centerline through a central angle of 52°36'46"W for 185.49 feet to a POINT OF COMPOUND CURVE concave to the Northeast having a radius of 630.22 feet;
THENCE Southeasterly along said curve and said centerline through a central angle of 12°24'37" for 136.51 feet to the South line of said parcel recorded in Official Record Book 1803 at Page 2677;
THENCE S64°07'59"W along said Southerly line for 380.00 feet;
THENCE S72°58'54"W along said Southerly line for 215.75 feet;
THENCE S61°56'12"W along said Southerly line for 291.35 feet;
continued...

THENCE S89°15'53"W along said Southerly line for 372.63 feet to the POINT OF BEGINNING.

Containing 20.99 acres, more or less.

Bearings are based on the West line of the East Half (E1/2) of the Southwest Quarter (SW1/4) of said Section 35 as bearing N00°44'07"W. Subject to easements, restrictions, reservations and rights-of-way (recorded and unrecorded).

WHEREAS, the applicant has indicated the property's current STRAP number is 35-46-25-00-00001.1040; and

WHEREAS, proper authorization has been given to Bean, Whitaker, Lutz & Barnes, Inc., Scott Barker and Ronald L. Davis, Trustee, by David F. Davis, Trustee for Fredric Trust #3, 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 Hearing Examiner, with full consideration of all the evidence available; and the Lee County Hearing Examiner fully reviewed the matter in a public hearing held on October 11, 1994; and

WHEREAS, a public hearing was legally and properly advertised and held before the Lee County Board of County Commissioners; and 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 a rezoning from RV-3 to RPD.

The rezoning and Master Concept Plan are subject to the following conditions:

1. The development and use of the subject property shall be in substantial compliance with the approved two-page Master Concept Plan entitled "Master Concept Plan Corkscrew Woodlands Minor RPD" (File No. 35-46-25, Project Number 3918, Sheet 1, last revised 8/17/94, with Sheet 1 stamped received August 19, 1994 and Sheet 2 stamped received July 21, 1994) as prepared by Bean, Whitaker, Lutz & Barnes, except as may modified by the conditions herein. Total units within this planned development shall not exceed 87 units. However, the development may be permitted a maximum of 120 dwelling units if the Developer is able to obtain approval under the provisions of the Housing Density Bonus Ordinance (Ord. 89-45, as amended or replaced) or the Transfer of Development Rights Ordinance (Ord. 86-18, as amended or replaced) for additional density within this development.
2. Lots within this development shall be developed in accordance with the following Property Development Regulations:

Minimum Lot Area and Dimensions:

Area: 2,200 square feet

Minimum Setbacks:

Street: Variable according to the functional classification of the street or road (Section 34-2192)
Attached accessory garages and carports may be allowed a minimum street setback of 10 feet.

Side: Right side of lot (parcel) - 1 foot
Left side of lot (parcel) - 9 feet
In no case shall the minimum separation between individual units be less than 10 feet.

Rear: 0 (zero) feet

Water Body: 18 feet

Maximum Building Height: 35 feet

3. The following shall be the approved Schedule of Uses for this planned development:

TEMPORARY CONSTRUCTION OFFICE (Section 34-3044)
MODEL HOMES with real estate sales (Section 34-1954)
SPECULATIVE HOMES (Section 34-1953)
DWELLING UNIT: Single family
Zero lot line (rear lot line only)
EXCAVATION: Water retention
SIGNS, in conformance with the Land Development Code
RESIDENTIAL ACCESSORY USES [Section 34-622(c)(42)]
RECREATIONAL FACILITIES: Private

4. This zoning approval does not signify that the project's traffic impacts have been mitigated. Additional conditions may be required at the time of issuance of a local Development Order per the Lee County Land Development Code or other Lee County Ordinance.
5. Approval of this rezoning does not give the Developer the undeniable right to receive any local Development Order approval that exceeds the Year 2010 Overlay use allocation, if such allocation exists, for the applicable district.
6. DEVIATION (1) WAS WITHDRAWN AT THE HEARING.
7. Prior to the sale of the first lot or unit within this development, the Developer shall be required to formulate an emergency hurricane preparedness plan, subject to the approval of the Division of Emergency Management.
8. Any drawing included as part of an application for a local Development Order or Plat approval for the subject property in accordance with Chapter 10 of the Land Development Code, are to show all "cypress heads" also labeled as "Preserve."
9. All applicable environmental requirements of the Land Development Code must be met before local Development Order approval.

Site Plan 94-047 is attached hereto and incorporated herein by reference, as a reduced copy of the Master Concept Plan.

The following findings and conclusions were made in conjunction with this approval of RPD zoning:

- A. That changes in development criteria and market conditions concerning the preference of conventional housing over modular housing makes approval of the rezoning appropriate.
- B. That the RPD zoning, as conditioned, will not have an adverse impact on Chapter 34, Land Development Code.
- C. That the RPD zoning, as conditioned, is consistent with the goals, objectives, policies and intent of the Lee Plan, and with the densities, intensities and general uses set forth in the Lee Plan and the Housing Bonus Density Ordinance (#89-45, as amended).
- D. That the RPD, as conditioned, meets or exceeds all performance and locational standards set forth for the proposed uses.
- E. That the RPD, as conditioned, will protect, conserve or preserve environmentally critical areas and natural resources.
- F. That the RPD, as conditioned, is compatible with existing or planned uses, and will not cause damage, hazard, nuisance or other detriment to persons or property.
- G. That the RPD, as conditioned, will not place an undue burden upon existing transportation or other services and facilities, and will be served by streets with the capacity to carry traffic generated by the development.

- H. That the RPD, as conditioned, will comply with all applicable general zoning provisions and supplemental regulations pertaining to the uses, as set forth in Chapter 34, Land Development Code.
- I. That the uses proposed are appropriate for this location.
- J. That the public's interest, health, safety and welfare will be adequately protected by the conditions imposed on the RPD and by the land development regulations and other Lee County ordinances.
- K. That the conditions imposed on the RPD zoning are reasonably related to the the impacts anticipated from the development.

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

John E. Manning	<u>AYE</u>
Douglas R. St. Cerny	<u>AYE</u>
Ray Judah	<u>AYE</u>
Franklin B. Mann	<u>AYE</u>
John E. Albion	<u>AYE</u>

DULY PASSED AND ADOPTED this 21st day of November, A.D., 1994.

ATTEST:
CHARLIE GREEN, CLERK

BY: Joan A. Price
Deputy Clerk

BOARD OF COUNTY COMMISSIONERS
OF LEE COUNTY, FLORIDA

BY: John E. Albion
Chairman

Approved as to form by:

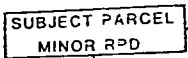
James J. Green
County Attorney's Office

FILED

DEC 7 1994

CLERK CIRCUIT COURT
BY lp D.C.

TOTAL LAND AREA = 20.25 AC. = 1,387,500 SF
TOTAL LOT AREA = 121 LOTS X 11,000 SF = 1,331,000 SF
PROPOSED DEVELOPED LOT AREA IS 121X11,000 BASED ON 11,000 SF
MINIMUM PER LOT.
PROJECTED OPEN SPACE = OVER 10%. THEREFORE, OPEN SPACE IS
SUFFICIENT FOR THE PROJECT.



- 120 LOTS IN THESE COMMUNITIES - 40 LOTS EACH

- MINIMUM LOT AREA = 7,700 SF

RETRACTS:

- RIGHT SIDE - 1.5'
- LEFT SIDE - 9.0'
- REAR
- FRONT
- WATER - 120' WIDE (BASED ON 12" WIDE FLOWING CHANNEL)

- 120' FROM THE SEWER MAIN DRAIN
- 120' MIN.

STREETS - ONE-WAY - DE: P.M. AND ALL TRAVEL
 - TWO-WAY - 30' P.M. AND ALL TRAVEL

UTILITY LOCATIONS AND EASEMENTS ARE CONTAINED WITHIN THE RIGHT-OF-WAY

STREETWAY AND PRIVATE STREET DESIGN BASED ON APPROVED DEVELOPMENT OF CONGRESS HIGHLANDS IN FILE AT LEE COUNTY COMUNITY DEVELOPMENT.

HEIGHT - 35' MAXIMUM 3 STORIES

EXISTING CONGRESS HIGHLANDS EQUIVALENT STRUCTURES AS AN ACCESS STREET TO ADDITIONAL PROPERTY EAST AND WEST AS SHOWN ON MASTER CONCEPT PLAN SECTION 28-29.

MOTION SEPARATION BETWEEN RESIDENTIAL "HOUSE" (SECTION 28-35) AND "TOWNHOMES"

STORM WATER MANAGEMENT SYSTEM DESIGN WITHIN AND OUTSIDE OF CONGRESSIONAL PLANNED DEVELOPMENT PERMANENTLY IMPROVED BY 10% (SECTION 28-36)

Deviation from Impact Fee Ordinance 1993, as amended, is
Article VI, Chapter 10-60 through 10-63, of the Lee County
Development Code, requiring the payment of fees specific to
development type, for the purpose of financing community and
road improvements, fire and police services, and other
regional parks. The fee is set effective to the model year
household unit built and sold in compliance with Code 10-60
of the Lee Plan. Specifically, Articles 10-60, 10-61, 10-62,
10-63 and 10-64.

Approved for Release by NSA on 08-25-2014 pursuant to E.O. 13526

Temporary construction office (Section 34-1314)
Temporary sales office (Section 34-1315)(b) 53
Model homes with sales to be located at the developers discretion
to support the development as construction begins. (Section 34-
1354)
A maximum of six model and/or speculative homes to be permitted and
built upon approval of planning and zoning agency before platting is
completed. Section 34-1354
Dwelling Units - Conventional: single family or smaller than normal
lots: Low to moderate income housing.
Excavation, water retention (Section 34-1359)
Signs which are in compliance with Section 20, Article IV,
Division 2, Low County Development Code.
All residential acreage used
Maximum of 120 residential units.
Maximum building height 35'.
Gate and guardhouse.
Recreation area and facilities.

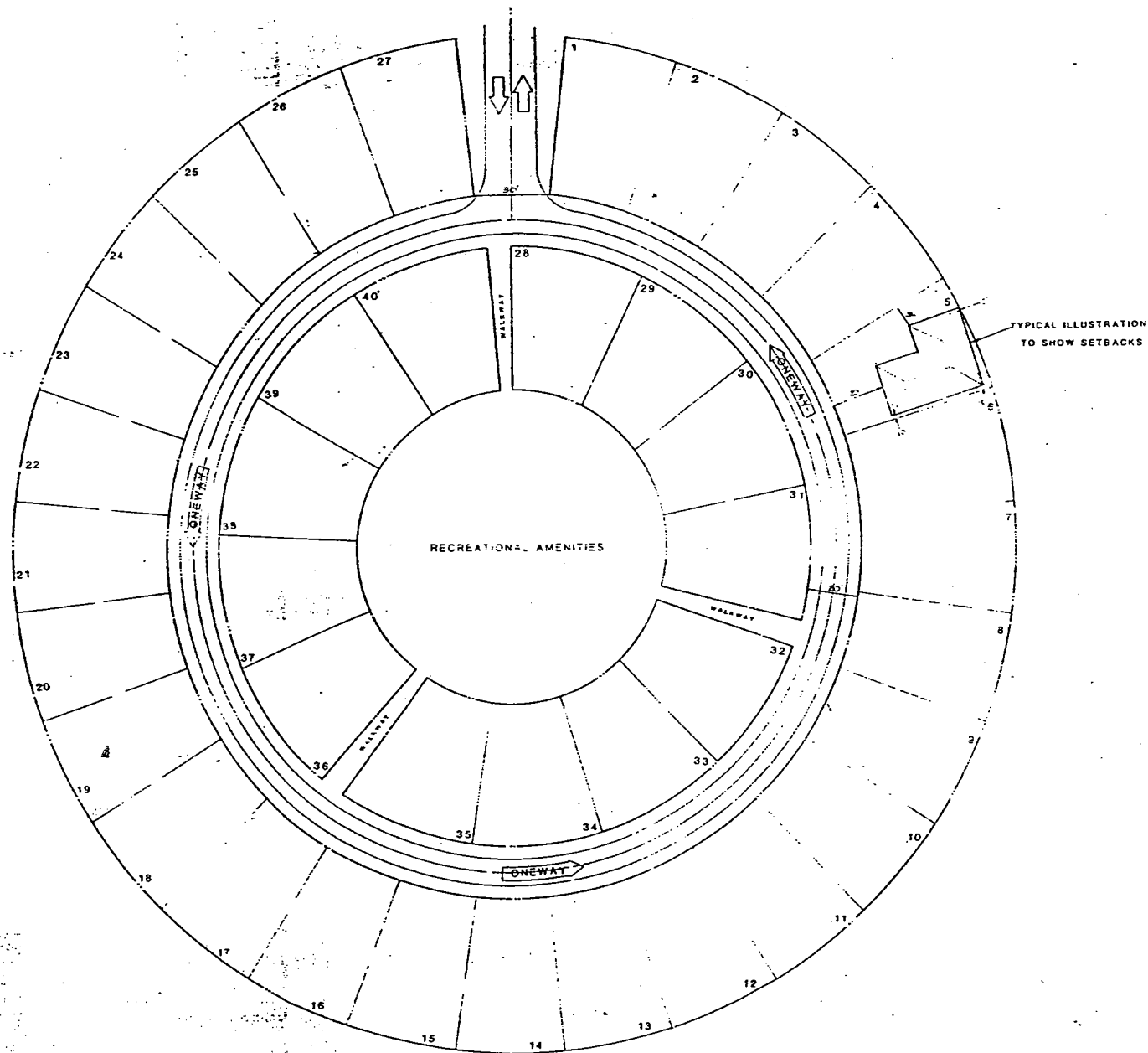
- Master Concept Plan

Site Plan # 24-147 Page 1 of 2
Subject to conditions in Resolution Z-44-1-1
Zoning Case # 24-10-11-001

ZONING COUNTER

MASTER CONCEPT PLAN
CORKSCREW WOODLANDS MINOR RPD

Bean, Whitaker, Lutz & Barnes, Inc.
CONSULTING ENGINEERS AND SURVEYORS



APPROVED
Master Community Plan
Site Plan # 7-447, Page 2 of 2
Subject to conditions of Resolution 7-54447
7-10-74-01-01

RECEIVED
JUL 21 1994
ZONING COUNTER

TYPICAL COMMUNITY PLAN
CORKSCREW WOODLANDS RPD

Beam, Whitaker, Lutz & Barnes, Inc.
COMMUNITY DEVELOPMENT CONSULTANTS