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2287234

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

OFF  
REC  
1921 PG 4 32

WHEREAS, Del Tura Country Club Phase II has properly filed an application for:

Amendment to an approved Master Concept Plan for Phase II of the existing Del Tura Country Club to provide for additional wetland preservation to allow zero lot line clustering of units and to reduce the perimeter buffer along the northern property line from 40 feet to 25 feet.

NOTE:

If approved, the new Master Concept Plan (available for inspection at 1831 Hendry Street in Fort Myers) will deviate from the following Lee County standard(s):

- (1) Minimum water retention excavation setback to a half (quarter) section line of 60 feet (518.C.2) to 0 feet for both half section lines of Section 16, Township 43 South, Range 24 East which cross the subject property;

WHEREAS, the subject property is located north of the Shell Factory on the west side of U.S. 41, abutting the existing Del Tura Mobile Home Park on the south, in North Fort Myers, 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 1748 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.

WHEREAS, the applicant has indicated the property's current STRAP numbers are:

16-43-24-00-00001.0060

16-43-24-00-00001.0000

16-43-24-00-00001.0090

16-43-24-00-00001.007A

16-43-24-00-00001.0070; and;

WHEREAS, proper authorization has been given to Humphrey, Jones & Myers, P.A., by Euroamerican Investment Group, Ltd., the owners of the subject parcel, to act as agent(s) 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 and recommended APPROVAL with conditions, based on the analysis contained in the Staff Report of December 23, 1986 and the testimony given at the January 5, 1987 Planning and Zoning Commission 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 Planning and Zoning Commission, the documents on file with the county, and the testimony of all interested persons:

#### LEGISLATIVE HISTORY:

This request was found to be consistent with the Lee Plan. The applicant is requesting to modify the planned development approval for Del Tura Phase II granted by the Board of County Commissioners on April 14, 1986, to reduce the required buffer to conform with current regulations, redesign the lakes and decrease the number of mobile homes lots from the originally approved 440 to 402 lots. This is an expansion of the existing Del Tural Country Club Phase I to the south. Staff recommended approval with conditions and approval of deviation.

OFF 1921 PG 4433

NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF COUNTY COMMISSIONERS, that the Board of County Commissioners does hereby approve an amendment to an approved Master Concept Plan in Resolution ZAB-86-17 to provide for additional wetland preservation to allow for zero lot line clustering of units and reduce the perimeter buffer. This development is 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 offset 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 (201 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 interconnection to the west only as provided in this condition.
6. The Master Concept Plan for Del Tura Phase II is a single sheet from Ink Engineering received on January 19, 1987, and numbered as Drawing No. 84103. As shown on this plan, half section line setbacks are hereby waived for structures and excavations. In no instance, shall a fence be located closer than 10 feet to the common boundary between the subject property and Fountainview Development.
7. Permitted uses 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. Also as indicated on the Master Concept Plan, the mobile homes may be permitted a zero (0) foot side yard setback, but in no instance shall the minimum setback between structures be less than 10 feet. All other setbacks shall conform with those for a mobile home development with comparable lot sizes in effect County wide at any time.

8. The 25 foot vegetative buffer along the northern property line shall include 5 trees and 24 shrubs per 100 linear feet, and shall conform with the Development Standards Ordinance in variety, size, and height at the time of planting. Existing vegetation located within this buffer shall be used wherever possible. This buffer shall be recorded as an easement as part of any development order for the development; the liability for the preservation and maintenance of this buffer will be the responsibility of the lot owner.
9. Owner(s) of lots immediately adjacent to the Fountainview Development shall be subject to an approximate 15-foot easement to the rear of their properties to act as a buffer.

Site Plan 87-005 is attached hereto and incorporated herein by reference, as a reduced copy of the Master Concept Plan.

The following findings of fact were made in conjunction with this approval of MHPD zoning:

1. The proposed use subject to the recommended conditions, is appropriate at this location;
2. Sufficient safeguards to the public interest have been provided by the recommended conditions to the Master Concept Plan and by other applicable regulations;
3. All recommended conditions are directly related to the impacts on the public interest created by and expected from the proposed development; and
4. The deviations recommended for approval will enhance the development and the area, will conform with policies, objectives, and goals of the Lee Plan, and will preserve and promote the public health, safety, and welfare.

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

Porter J. Goss	Absent
Charles L. Bigelow, Jr.	Aye
Mary Ann Wallace	Aye
Bill Fussell	Aye
Donald D. Slisher	Aye

DULY PASSED AND ADOPTED this 26th day of January, A.D., 1987.

ATTEST:  
CHARLIE GREEN, CLERK

BY: Lisa H. Pierce  
Deputy Clerk

BOARD OF COUNTY COMMISSIONERS  
OF LEE COUNTY, FLORIDA

BY: Bill Fussell  
Chairman

**FILED**

JUN 1 1987

CLERK CIRCUIT COURT

BY: Lisa H. Pierce D.C.

RESOLUTION NUMBER Z-87-005

(2562Z)

Approved as to form by:

[Signature]  
County Attorney's Office

HEARING NUMBER 86-1-17(a) DCI

Page 4 of 4

OFF  
REC 1921 PG 4 35