

RESOLUTION OF THE BOARD OF COUNTY COMMISSIONERS

OF LEE COUNTY, FLORIDA

2211414

WHEREAS, McGregor Pines has properly filed an application for a rezoning from AG to Residential Planned Development, to permit a single-family residential development of thirty-five (35) lots in conformance with the current RS-1 zoning regulations, with buildings not to exceed 35 feet above minimum flood elevation, on 12.15+ total acres of land. The proposed development will also include a temporary sales office, a model home, and a temporary sales sign.

- 1) Minimum setback between structures and a section line of 75 feet (500.29.D.1), to 50 feet between Sections 29 and 32.

WHEREAS, the subject property is located at 7500 McGregor Boulevard (across from Griffin Boulevard) in South Fort Myers, described more particularly as:

LEGAL DESCRIPTION: In Section 29, Township 45S, Range 24E, Lee County, Florida:

That part of the West one-half of the West one-half of the East one-half of the Southwest one-fourth of Section 29, Township 45 South, Range 24 East lying south of McGregor Boulevard.

WHEREAS, the applicant indicated the property's current STRAP number is 29-45-24-00-00011.0000; and

WHEREAS, proper authorization has been given to Harvey Strauss, P.E., of Anchor Engineering, by James S. Fortiner, the president of Fortiner Development Services, Inc., 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 and recommended approval of the request, based on the analysis contained in summary report dated May 23, 1986, and the testimony presented before the Planning and Zoning Commission on June 2, 1986; and

WHEREAS, a public hearing was legally and properly advertised and held before the Lee County Board of County Commissioners; and

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

OFF 1892PG1890

21.00
BILLED

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:

The Planning and Zoning Commission found the request to be consistent with the Lee Plan and recommended approval with conditions. The proposed development complements the land use pattern in the area. The project is very similar to the existing single-family residential area to the east of the subject property, with adequate buffering between this site and the previously approved Old Towne Plantation PUD to the west. The project is appropriate and will not affect property values in the adjacent areas.

NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF COUNTY COMMISSIONERS, that the Board of County Commissioners does hereby approve a rezoning from AG to Residential Planned Development, to permit a single-family residential development of thirty-five (35) lots in conformance with the current RS-1 zoning regulations, with buildings not to exceed 35 feet above minimum flood elevation, on 12.15± total acres of land. The proposed development will also include a temporary sales office, a model home, and a temporary sales sign, and is subject to the following 7 conditions:

- 1) Prior to final plan approval, the applicant shall modify the project plans to show the traffic island at the entrance to the project on McGregor Boulevard to be approximately 15.5 feet wide if curbed or 22 feet wide if not curbed. The exact location and size of this island must be approved by the County Engineer during the final plan approval process.
- 2) The two small areas of the project along McGregor Boulevard as shown on the master Concept Plan (dated 3-20-86 and numbered 4145-01) shall be modified prior to final approval to preserve or plant suitable native vegetation. The location, amount, and type of vegetation shall be approved by the County Biologist prior to final plan approval.
- 3) Final plans shall be designed to facilitate the preservation of trees. The precise location of the project road and structures may be altered to preserve trees, if necessary, through an administrative modification to an RPD under the provisions of Section 626 of the Zoning Regulations.
- 4) If the County Engineer determines that the east-west collector road will utilize the southern edge of this property, the developer shall dedicate necessary right-of-way, with credits (if any) for this dedication in accordance with county regulations. Deviation (1) shall be designated on the final plans as a 25-foot setback from any such right-of-way, and at least 55 feet from the section line.

- OFF 1892 PG 1892
REC 1892 PG 1892
- 5) Use of the model units and temporary sales office shall be in accordance with the general limitations on such uses contained in the R.P.D. regulations. All other permitted uses shall be in accordance with the RS-1 zoning district regulations, as amended from time to time.
 - 6) The project shall conform with all development regulations in effect at the time of final development order approval, except as provided in condition 4). Unless future variances or deviations are granted, the southernmost lots on the cul-de-sac must be redesigned to meet county standards.
 - 7) The applicant shall utilize (or require through deed restrictions) that stem wall or piling construction be used in order to protect as many existing trees on the site as feasible.

Site Plan SP-86-83 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 rezoning:

- 1) The proposed use or mix of uses 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 or exceeds the applicable performance and locational standards; and
 - (b) Urban services, as defined by the Lee Plan, are (or will be) available and adequate to serve the proposed land use change; and
 - (c) The land use change complies with the general uses set forth in the Lee Plan; and
 - (d) The land use change with the recommended conditions will protect, conserve, or preserve environmentally critical areas and natural resources; and
 - (e) The land use change, with the recommended conditions, 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, with the recommended changes, 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 foregoing Resolution was adopted by the Lee County Board of County Commissioners upon a motion by Commissioner Eastwood, and seconded by Commissioner Fussell 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	Nay

DULY PASSED AND ADOPTED this 28th day of July, A.D., 1986.

ATTEST;
CHARLIE GREEN, CLERK

BY: Mary Amentout
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

JAN 5 1987

CLERK CIRCUIT COURT
BY M. Amentout D.C.

CHECKED: <i>[Signature]</i>	SCALE: 1" = 60'
DRAWN BY: SFT	DATE: 3-20-80
JOB NO. 148-01	
SITE MAP	
MC GREGOR PINES	
DCI REZONING SECTION 29-45-24	
2685 CLEVELAND AVE., SUITE 208	
FT. MYERS, FLA. 33901	
813-337-1000	
Anchor Engineering-Civil Engineers-Planners	

RECORDED AND RECORD VERIFIED.
[Signature]
 CLERK CIRCUIT COURT
 LEE COUNTY FLA

JAN 19 8 47 AM '87

ANCHOR ENGINEERING
 CONSULTING ENGINEERS
 JUL 7 1988
 PRINTED

RECEIVED

APPROVED
 Master Concept Plan
 Site Plan 45-50-E, Page 1 of 1
 Subject to conditions in Resolution 2-87-8
 Zoning Code 45-50-E

1. FUTURE ROADS TO BE DEDICATED AND BUILT TO LEE COUNTY STANDARDS FOR 60' RIGHT-OF-WAY.
2. PROPERTY DEVELOPMENT REGULATIONS TO BE IN ACCORDANCE WITH RS-1 ZONING DISTRICT.
3. PROPERTY SURVEY INFORMATION FROM A SURVEY PERFORMED BY R.R. STEVENOT, A REGISTERED LAND SURVEYOR, CERTIFICATE NUMBER 3351.

GENERAL NOTES

