

2101150

RESOLUTION OF THE BOARD OF COUNTY COMMISSIONERS

OF LEE COUNTY, FLORIDA

WHEREAS, Port Carlos Cove, Inc., has properly filed an application for: District boundary change from IL (with a special permit for a trailer park per Resolution Z-66-1) to Residential Planned Development, to correct the zoning on an existing mobile home park with 155 dwellings not exceeding one story above flood elevation in height, on 45 total acres of land. The park includes 15 acres of wetlands and 4 acres of submerged lands, 80 boat slips, 8.8 acres of open storage, a boat ramp and lift, and recreational facilities. NOTE: The master Concept Plan proposes to deviate from the minimum requirements for new mobile home parks as found in Section 608 of the zoning regulations, to allow the legal continuation of uses, lot sizes, setbacks, etc., as presently existing.

Subject property is located on a piece of property at 1802 Main Street on San Carlos Island, described more particularly as:

LEGAL DESCRIPTION: In Section 19, Township 46 South, Range 24 East, Lee County, Florida:

A tract or parcel of land lying in Government Lots 1 and 2, "Mainland", Section 19, Township 46S, Range 24E, Lee County, Florida which tract or parcel is described as follows:

Beginning at the intersection of the westerly line of said Lot 2 and an easterly projection of the centerline of the 50 foot roadway easement Recorded in Official Record Book 183 at Pages 286 through 288 of the Public Records of Lee County, Florida run south along said westerly line for 35.0 feet to a concrete monument marking the northwesterly corner of lands conveyed by deed recorded in Official Record Book 342 at Page 156 of said Public Records; thence run east for 600.00 feet to a 3/4" steel pipe marking the northeasterly corner of said lands; thence run south for 200.00 feet to a 3/4" steel pipe marking the southeasterly corner of said lands; thence continue south for 80.00 feet; thence run east for 1,030 feet; thence run north for 496.35 feet; thence run N 75° 14' 18" W for 524.45 feet; thence run S 73° 00' W for 90.00 feet; thence run N 00° 53' 00" E for 28.01 feet; thence run N 89° 07' 00" W for 25.0 feet; thence run N 00° 53' 00" E for 615.81 feet; thence run N 89° 07' 00" W for 237.29 feet to a point of curvature; thence run westerly, southwesterly and southerly along the arc of a curve to the left of radius 120 feet for 189.96 feet to a point of tangency; thence run S 00° 10' 57" W for 130.27 feet to a point of curvature; thence run southwesterly along the arc of a curve to the right of radius 115 feet for 113.67 feet to a point of tangency; thence run S 56° 49' 05" W for 42.99 feet to a point of curvature; thence run southwesterly along the arc of a curve to the left of radius 200 feet for 110.50 feet; thence run N for 192.08 feet to a point of curvature;

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

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thence run northwesterly, westerly and southwesterly along the arc of a curve to the left of radius 150 feet for 414.81 feet; thence run N 89° 57' 39" W for 213.09 feet to an intersection with the westerly line of said Government Lot 2; thence run south for 732.16 feet to the Point of Beginning.

WHEREAS, proper authorization has been given to Beverly Myers Grady of Humphrey, Jones, and Myers, P.A., by Port Carlos Cove, Inc., the owner 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 with conditions based on the analysis contained in the Staff Report of 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:

This request is for a district boundary change from IL (with a special permit for a trailer park) to RPD, for this approximately 45-acre tract located at the end of Main Street on San Carlos Island. The intent of this request is to correct the zoning of the park. The only proposed construction is a 672-square-foot addition to the existing recreational center. The Local Planning Agency found the request consistent with the Lee County Comprehensive Plan with the condition that the identified wetland areas are protected. The Zoning Board concurred with staff and recommended approval with conditions. Under these conditions, some mobile homes will still be nonconforming, and a replacement mobile homes will be required to meet the setbacks established by the conditions.

NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF COUNTY COMMISSIONERS AS THE ZONING APPEALS BOARD, that the Zoning Appeals Board does hereby grant a district boundary change from IL (with a special permit for a trailer park per Resolution Z-66-1) to Residential Planned Development, to correct the zoning on an existing mobile home park with 155 dwellings not exceeding one story above flood elevation in height, on 45 total acres of land. The park includes 15 acres of wetlands and 4 acres of submerged lands, 80 boat slips, 8.8 acres of open storage, a boat ramp and lift, and recreational facilities, and hereby APPROVE this plan (SP-86-15) subject to the following conditions:

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1. The 4-page plan set entitled "Port Carlos Cove, Inc." as prepared in December 1982 by Johnson Engineering, is hereby approved as the master Concept Plan (except as modified below) and incorporated into this resolution.
2. This R.P.D. zoning shall not be effective until the following actions have been completed:
 - (a) Lee County issues a formal administrative interpretation of error in the designation of "Resource Protection Areas" on the subject property; and
 - (b) Port Carlos Cove, Inc. grants a conservation easement pursuant to Chapter 704.06, Florida Statutes, to Lee County or the State of Florida, to cover the entire "Resource Protection Area" under their ownership.
3. No further reductions in lot sizes are permitted.
4. The requested deviations from setback regulations are partially approved as follows: All front setbacks shall be no less than 15 feet, rear setbacks shall be no less than 10 feet, side setbacks shall be no less than 10% of the lot width as measured at the front setback line, and setbacks from a water body shall be no less than 10 feet. Maximum lot coverage requirements do not apply. For lots 133 and 134 only, the front setback shall be no less than 12 feet.
5. Permitted uses on the "Resource Protection Areas" of the property are limited to conservation uses as permitted by the Lee County Wetlands Protection Ordinance or successor regulations governing saltwater wetlands.
6. Permitted use on the upland portions of the property are limited to those uses permitted in the most comparable mobile home zoning districts in effect at any given time.
7. The following actions must be completed by the applicant prior to permitting of any additional structures on this property:
 - (a) Existing debris and brush must be removed from the mangrove area at the southwest corner of the site;
 - (b) This area shall be restored by the planting of black and white mangroves; and
 - (c) The edge of the filled area shall be stabilized by the planting of Sea Oxeye Daisy, Saltmeadow Cordgrass or other native marsh grasses, and saltwort, in order to prevent further erosion.

Site Plan SP-86-15 is attached hereto and incorporated herein by reference.

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

1. The proposed and existing uses are appropriate at the subject location;
2. The proposed and existing development is consistent with the Lee Plan in that:
 - a) The land use change meets the applicable performance and locational standards; and
 - b) Urban services are available and adequate to serve the development; and
 - c) The land use complies with the density for the "Urban Community" land use category, as the development exists at 5.96 units per acre; and

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- d) The land use change will protect, conserve or preserve environmentally-critical areas, with the conditions proposed; and
- e) The land use change is compatible with existing or planned land uses and would not increase the risk of damage, hazard, nuisance, or other detriment to persons or property; and
- f) The location of the land use change does not place an undue burden upon existing transportation and other services and facilities, and is served by streets of a capacity 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; and
4. All recommended conditions are reasonably related to the impacts on the public's interest created by or expected from the existing development.

The following findings of fact were made in conjunction with the requested deviation from mobile home park regulations:

1. As described in conditions #3 and #4 above, the reduced lot sizes and setback requirements are necessary to achieve the objectives of the planned 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	Aye
Bill Fussell	Aye
Donald D. Slisher	Aye

DULY PASSED AND ADOPTED this 10th day of March, A.D., 1986.

ATTEST:
CHARLIE GREEN, CLERK

BY: Lisa L. Pierce DC
Deputy Clerk

BOARD OF COUNTY COMMISSIONERS
OF LEE COUNTY, FLORIDA

BY: [Signature]
Chairman

Approved as to form by:

[Signature]
County Attorney's Office

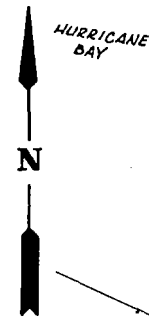
PORT CARLOS COVE, INC.

A COOPERATIVE IN
GOVERNMENT LOTS 1 & 2 (Mainland), SECTION 19, Twp. 46 S., Rge. 24 E.
LEE COUNTY, FLORIDA

JOHNSON ENGINEERING, INC.
CIVIL ENGINEERS - LAND SURVEYORS
FORT MYERS, FLORIDA



DECEMBER, 1982



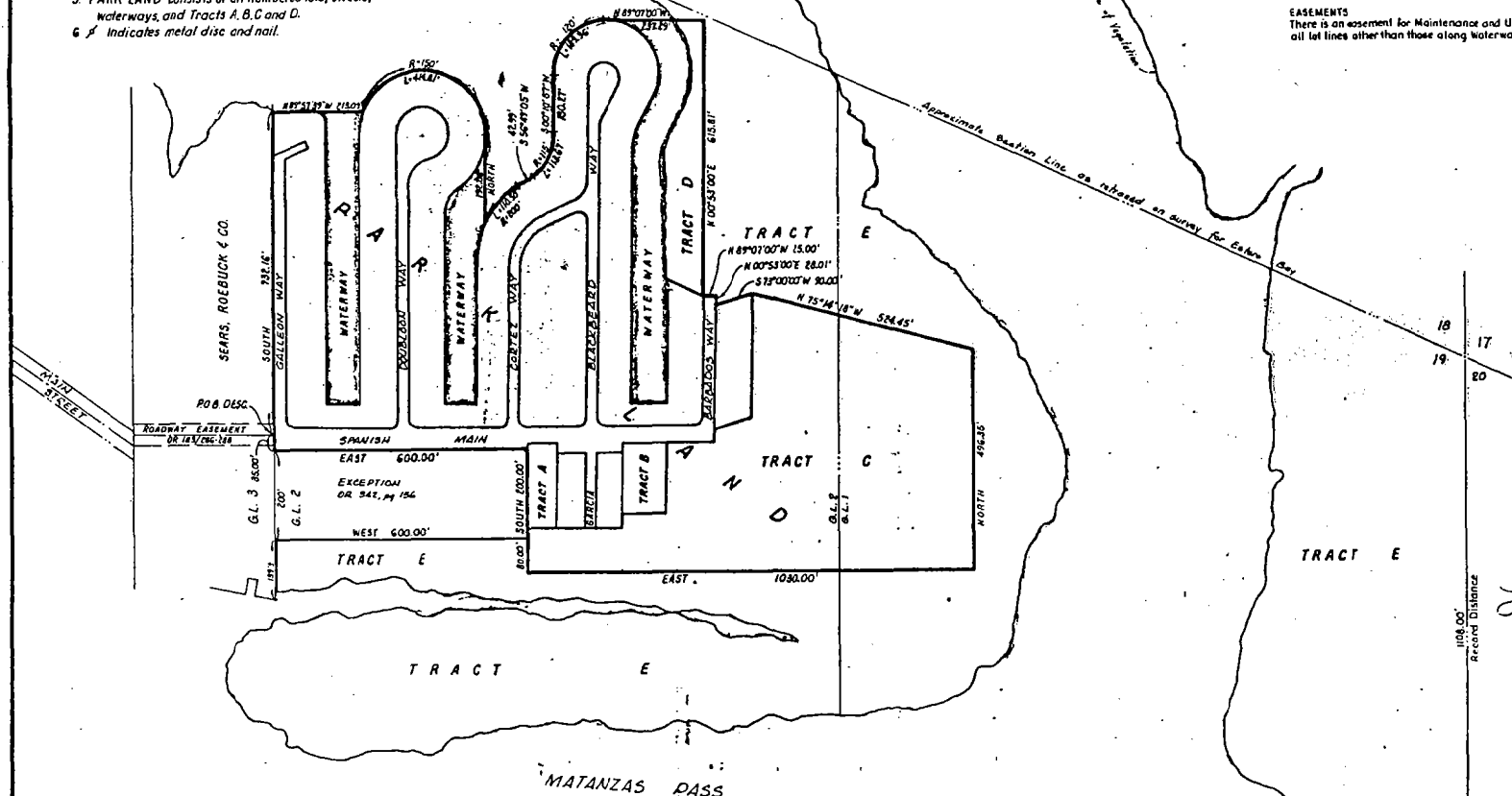
NOTES

1. TRACT A is for utility and maintenance.
2. TRACT B & Lot 153 is for Recreation.
3. TRACTS C & D is for future expansion of Park.
4. TRACT E is vegetated wetlands to be preserved or disposed of by Port Carlos Cove, Inc.
5. PARK LAND consists of all numbered lots, streets, waterways, and Tracts A, B, C and D.
6. # Indicates metal disc and nail.

DESCRIPTION PARK LAND

A tract or parcel of land lying in Government Lots 1 and 2, "Mainland", Section 19, Township 46 South, Range 24 East, Lee County, Florida which tract or parcel is described as follows:
Beginning at the intersection of the westerly line of said Lot 2 and an easterly projection of the centerline of the 30 foot roadway monument recorded in Official Record Book 183 at pages 284 through 286 of the Public Records of Lee County, Florida; run South along said westerly line for 35.0 feet to a corner monument marking the southerly corner of lands conveyed by deed recorded in Official Record Book 342 at page 134 of said Public Records; thence run East for 600.0 feet to a 3/4" steel pipe marking the southerly corner of said lands; thence run South for 100.0 feet to a 3/4" steel pipe marking the southerly corner of said lands; thence run South for 80.0 feet; thence run East for 1,030.0 feet; thence run South for 466.33 feet; thence run East for 324.45 feet; thence run East for 31' 02" 1/2 for 80.0 feet; thence run East for 31' 02" 1/2 for 28.0 feet; thence run East for 31' 02" 1/2 for 25.0 feet; thence run East for 31' 02" 1/2 for 15.0 feet; thence run East for 31' 02" 1/2 for 12.0 feet to a point of curvature; thence run southerly, westerly and southerly along the arc of a curve to the left of radius 130 feet for 189.96 feet to a point of tangency; thence run East for 10.22 feet to a point of curvature; thence run southerly along the arc of a curve to the right of radius 113 feet for 113.87 feet to a point of tangency; thence run East for 42.99 feet to a point of curvature; thence run southerly along the arc of a curve to the left of radius 200 feet for 130.50 feet; thence run North for 192.08 feet to a point of curvature; thence run southerly, westerly and southerly along the arc of a curve to the left of radius 150 feet for 414.81 feet; thence run East for 37' 39" 1/2 for 215.09 feet to an intersection with the westerly line of said Government Lot 1; thence run South for 732.14 feet to the Point of Beginning.
AND Tract E includes
All that part of said Government Lots 1 and 2 (Mainland), Section 19, Township 46 South, Range 24 East, EXCEPTING the above described Park Land and EXCEPTING the following parcel described in Official Record Book 342, page 134.
From the Intersection described Point of Beginning run South along the westerly line of said Lot 2 for 30 feet to the Point of Beginning.
From said Point of Beginning run East for 600 feet; thence South 300 feet; thence East 600 feet; thence North 300 feet to the Point of Beginning.
WETLANDS: The wetlands described in Official Record Book 183 at page 130 through 132 and Official Record Book 183 at page 281 of said Public Records.
TRACT E is any existing wetlands of said Government Lots 1 and 2.
Beginning and from running the westerly line of said Government Lot 2 to bear South.

EASEMENTS
There is an easement for Maintenance and Utilities 3 feet wide along all lot lines other than those along Waterways.



CERTIFICATE

I hereby certify that this plot is a true and correct representation of a recent survey made and plotted under my direction.

Lester L. Bulson
LESTER L. BULSON
Professional Land Surveyor
Florida Certificate No. 1965

86-1-15DC
SP-86-15
ZAB-86-15

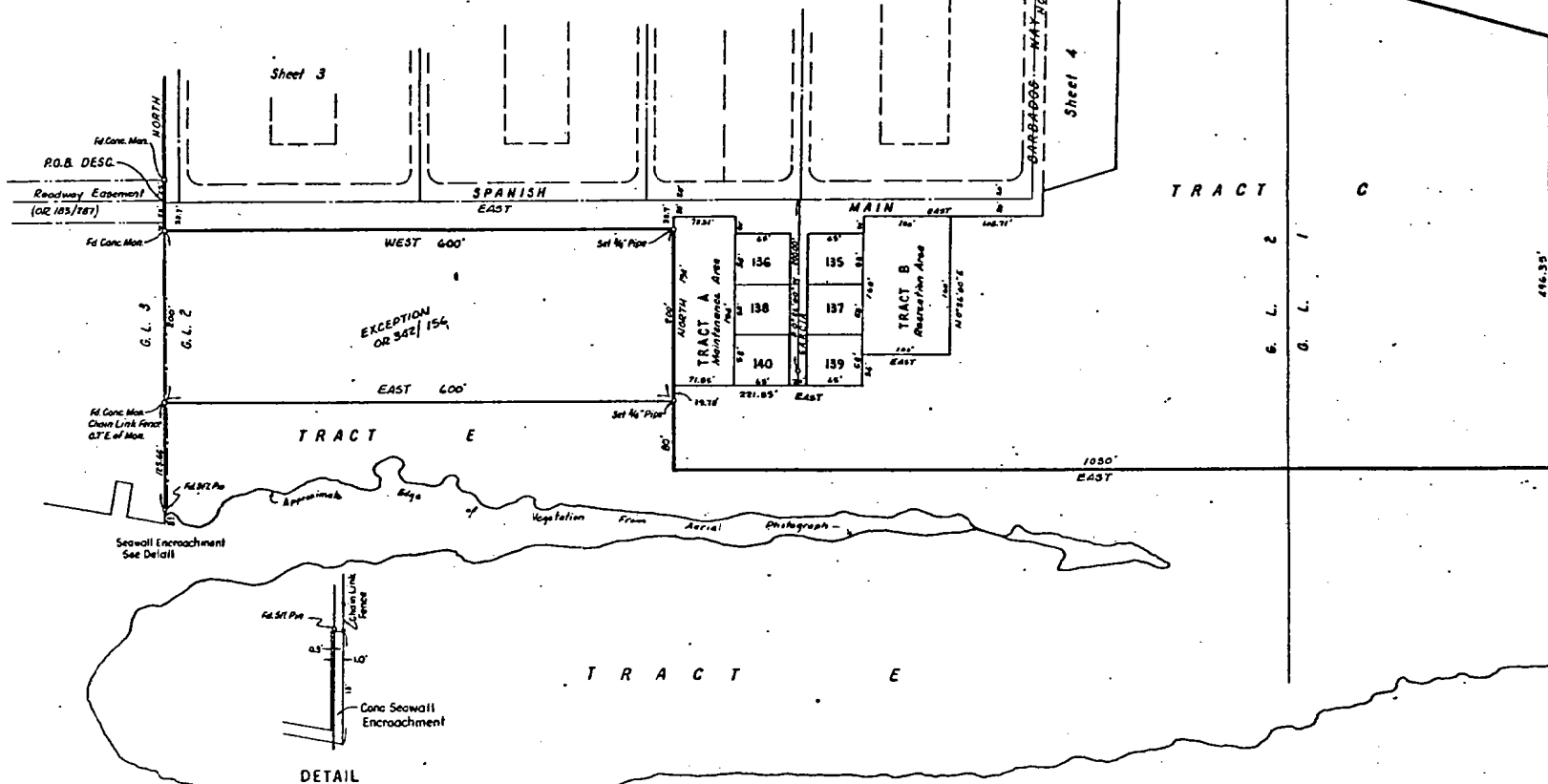
LOTS	41.55%	12.49 Acres
TRACT A	1.07%	0.32 Acres
TRACT B	1.22%	0.37 Acres
TRACT C	29.35%	8.83 Acres
TRACT D	3.38%	1.02 Acres
STREETS	10.40%	3.13 Acres
CANALS	18.03%	5.52 Acres
PARK LAND	100.00%	30.08 Acres

PORT CARLOS COVE, INC.

Sheet 2 of 4

LOT NO.	AREA	1	LOT NO.	AREA	1	LOT NO.	AREA	1	LOT NO.	AREA	1
16	3,376 S.F.	0.28	46	3,017 S.F.	0.21	86	3,405 S.F.	0.23	126	3,405 S.F.	0.23
17	3,076 S.F.	0.21	47	3,000 S.F.	0.21	87	3,400 S.F.	0.23	127	3,400 S.F.	0.23
18	3,307 S.F.	0.23	48	3,355 S.F.	0.23	88	3,253 S.F.	0.20	128	3,400 S.F.	0.23
19	3,307 S.F.	0.23	49	3,400 S.F.	0.23	89	3,307 S.F.	0.23	129	3,400 S.F.	0.23
20	3,307 S.F.	0.23	50	3,307 S.F.	0.23	90	3,307 S.F.	0.23	130	3,307 S.F.	0.23
21	3,307 S.F.	0.23	51	3,307 S.F.	0.23	91	3,307 S.F.	0.23	131	3,307 S.F.	0.23
22	3,307 S.F.	0.23	52	3,307 S.F.	0.23	92	3,307 S.F.	0.23	132	3,307 S.F.	0.23
23	3,307 S.F.	0.23	53	3,307 S.F.	0.23	93	3,307 S.F.	0.23	133	3,307 S.F.	0.23
24	3,307 S.F.	0.23	54	3,307 S.F.	0.23	94	3,307 S.F.	0.23	134	3,307 S.F.	0.23
25	3,307 S.F.	0.23	55	3,307 S.F.	0.23	95	3,307 S.F.	0.23	135	3,307 S.F.	0.23
26	3,307 S.F.	0.23	56	3,307 S.F.	0.23	96	3,307 S.F.	0.23	136	3,307 S.F.	0.23
27	3,307 S.F.	0.23	57	3,307 S.F.	0.23	97	3,307 S.F.	0.23	137	3,307 S.F.	0.23
28	3,307 S.F.	0.23	58	3,307 S.F.	0.23	98	3,307 S.F.	0.23	138	3,307 S.F.	0.23
29	3,307 S.F.	0.23	59	3,307 S.F.	0.23	99	3,307 S.F.	0.23	139	3,307 S.F.	0.23
30	3,307 S.F.	0.23	60	3,307 S.F.	0.23	100	3,307 S.F.	0.23	140	3,307 S.F.	0.23
31	3,307 S.F.	0.23	61	3,307 S.F.	0.23	101	3,307 S.F.	0.23	141	3,307 S.F.	0.23
32	3,307 S.F.	0.23	62	3,307 S.F.	0.23	102	3,307 S.F.	0.23	142	3,307 S.F.	0.23
33	3,307 S.F.	0.23	63	3,307 S.F.	0.23	103	3,307 S.F.	0.23	143	3,307 S.F.	0.23
34	3,307 S.F.	0.23	64	3,307 S.F.	0.23	104	3,307 S.F.	0.23	144	3,307 S.F.	0.23
35	3,307 S.F.	0.23	65	3,307 S.F.	0.23	105	3,307 S.F.	0.23	145	3,307 S.F.	0.23
36	3,307 S.F.	0.23	66	3,307 S.F.	0.23	106	3,307 S.F.	0.23	146	3,307 S.F.	0.23
37	3,307 S.F.	0.23	67	3,307 S.F.	0.23	107	3,307 S.F.	0.23	147	3,307 S.F.	0.23
38	3,307 S.F.	0.23	68	3,307 S.F.	0.23	108	3,307 S.F.	0.23	148	3,307 S.F.	0.23
39	3,307 S.F.	0.23	69	3,307 S.F.	0.23	109	3,307 S.F.	0.23	149	3,307 S.F.	0.23
40	3,307 S.F.	0.23	70	3,307 S.F.	0.23	110	3,307 S.F.	0.23	150	3,307 S.F.	0.23
41	3,307 S.F.	0.23	71	3,307 S.F.	0.23	111	3,307 S.F.	0.23	151	3,307 S.F.	0.23
42	3,307 S.F.	0.23	72	3,307 S.F.	0.23	112	3,307 S.F.	0.23	152	3,307 S.F.	0.23
43	3,307 S.F.	0.23	73	3,307 S.F.	0.23	113	3,307 S.F.	0.23	153	3,307 S.F.	0.23
44	3,307 S.F.	0.23	74	3,307 S.F.	0.23	114	3,307 S.F.	0.23	154	3,307 S.F.	0.23
45	3,307 S.F.	0.23	75	3,307 S.F.	0.23	115	3,307 S.F.	0.23	155	3,307 S.F.	0.23

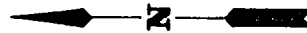
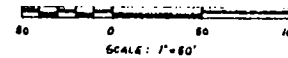
Sheet 4



MATANZAS PASS

86-1-15 DC1
SP-16-15
ZAB66-15

PORT CARLOS COVE, INC.

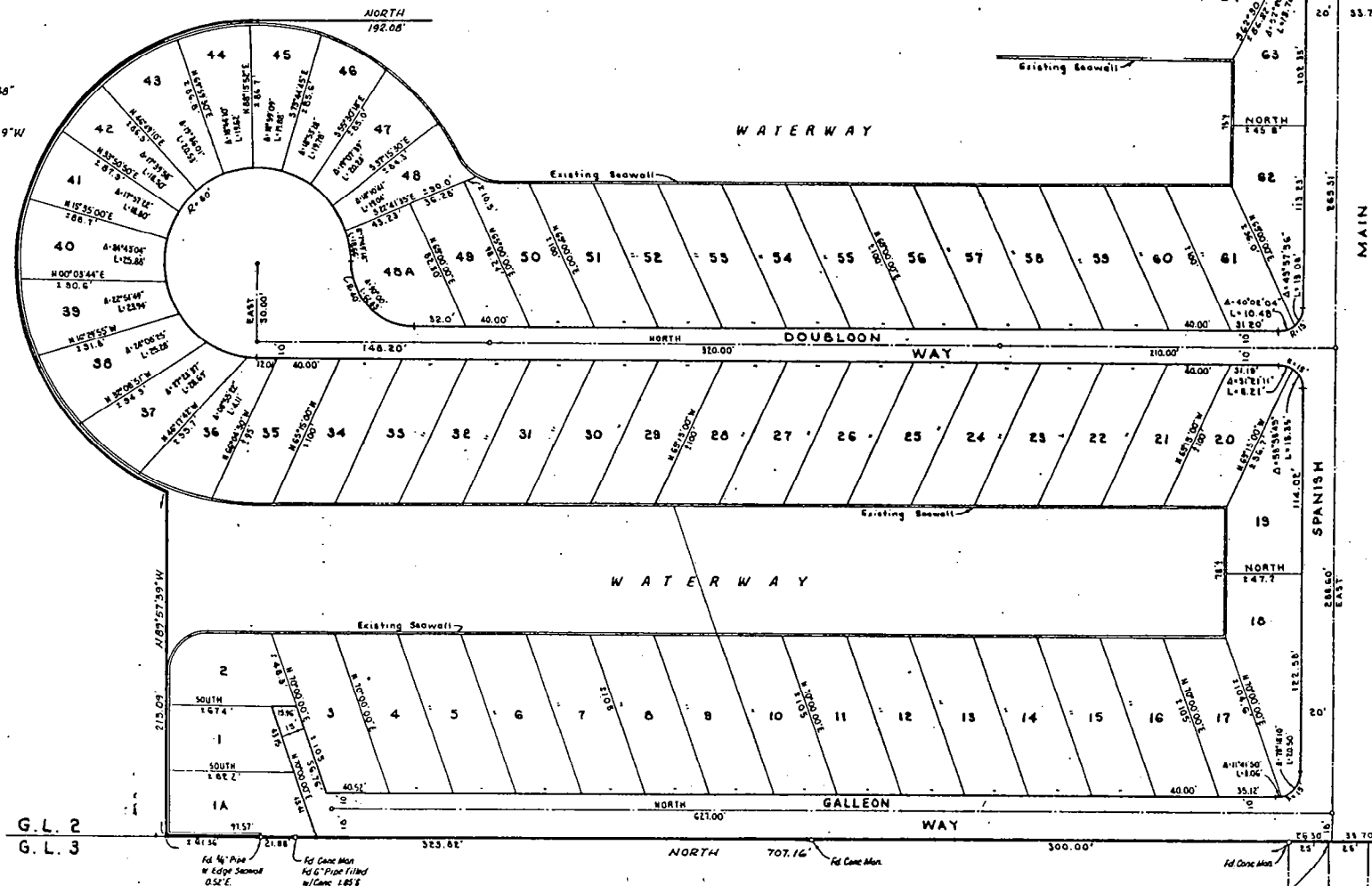


Sheet 4

Sheet 2
TRACT A

Set 1/2 Pole w/cap

R=150'
A=158°24'38"
L=414.81'
C=294.71'
CB=N79°13'19"W

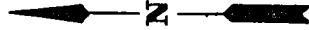
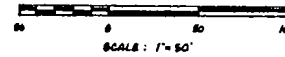


EXCEPTION

86-115DC1
SP-86-15
ZAB-86-15

R.O.B. DESC.

PORT CARLOS COVE, INC.



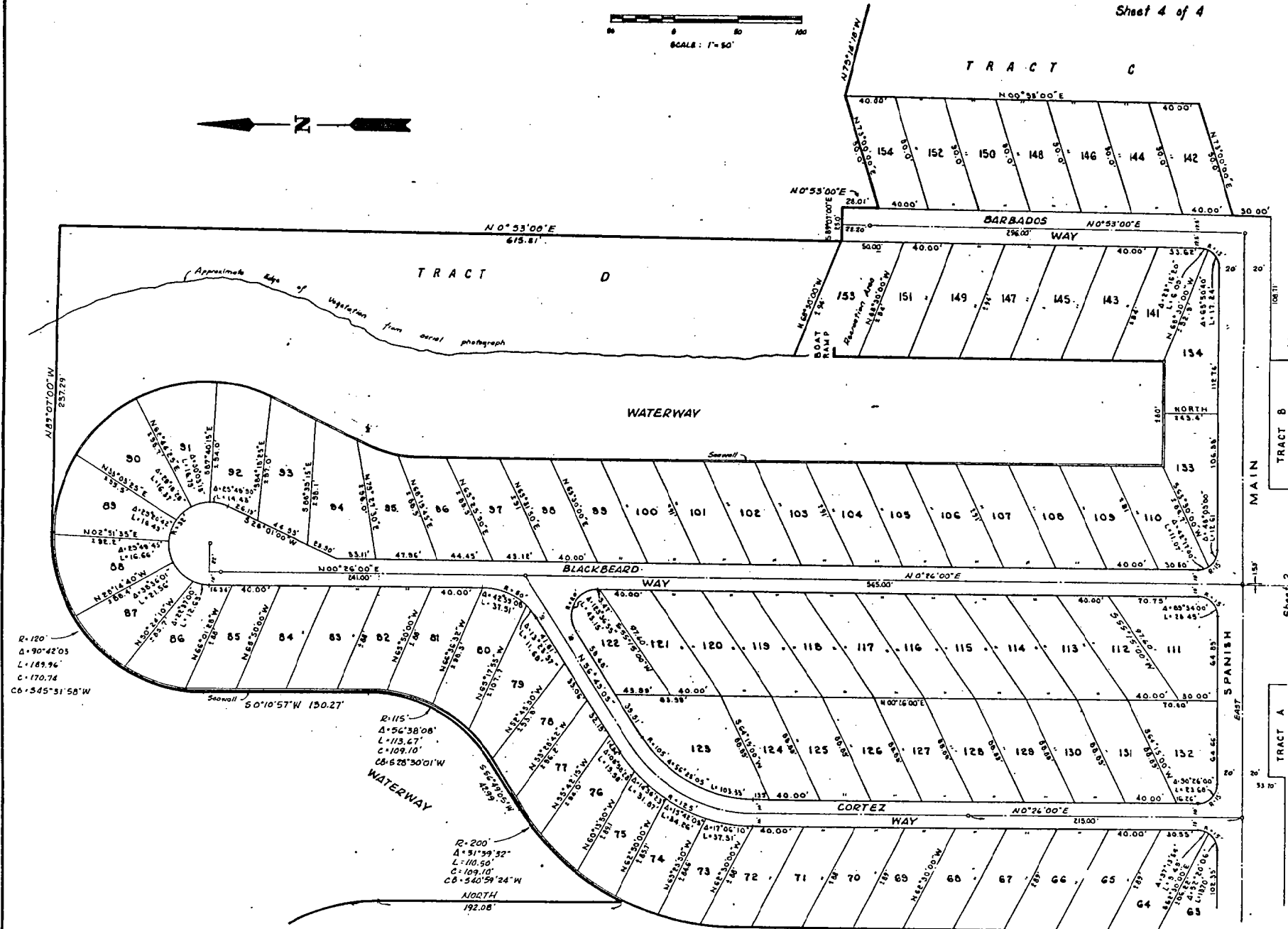
Sheet 4 of 4

RECORDED AND RECORD VERIFIED

John J. ...

CLERK CIRCUIT COURT
LEE COUNTY FLA

MAY 29 1 56 PM '86



Sheet 3

86-1-15 DCI
SP-86-15
TAB 86-15