

2522849

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

WHEREAS, Bradley Development Company, Inc. - Contract Purchaser has properly filed an application on a project known as Country Oaks Subdivision for a rezoning from AG-2 to Residential Planned Development, to permit a residential subdivision with a maximum of 123 lots, not to exceed 45 feet above average grade, on 38.36± total acres of land. The proposed development will also include a lake and model homes/sales offices.

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

- (1) Deviation from D.S.O. C.3.0.2 required access streets to allow interior road to act as access road with 60 feet dedicated right-of-way.
- (2) Deviation from (Section 518.B) excavation depth for water retention from 12 feet to confining layer or 25 feet whichever is greater.
- (3) Deviation from section line setback (Section 202.15.B.3.a.1) from 75 feet to 20 feet for structure.
- (4) Deviation from quarter section line setback (Section 202.15.B.3.b.1) from 60 feet to 20 feet for structures and 10 feet for accessory structures.
- (5) Deviation from street setback (Section 202.15.B.2) from required 1/2 R.O.W. plus 40 feet plus 25 feet to 1/2 R.O.W. plus 20 feet for structures and accessory structures for lots abutting an arterial road.
- (6) Deviation from D.S.O. C.3.F requirement that streets shall provide access to adjoining property to limit access as shown on the Master Concept Plan.
- (7) Deviation from Section 434.01 to allow sideyard setbacks from 7.5 feet measured to overhang to 7.5 feet measured to building wall.
- (8) Deviation from Section 434.01 to allow setback from waterbody from 25 feet to 20 feet measured to building wall (all lots adjacent to lake.)
- (9) Deviation from Section 431.C.4.E which requires that development provide 1/4 acre per 55 dwelling units or fraction thereof for a private neighborhood park to allow developer to pay funds in lieu of.
- (10) Deviation from D.S.O. Section D-1.7 requirement to permit pavers. The applicant shall execute maintenance and hold harmless agreements with Lee County;

2400
BILLEDRECORD VERIFIED - CHARLIE GREEN, CLERK
BY: H. FERNSTROM, D.C.

OR2017

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WHEREAS, the subject property is located 19700 Corlico Parkway, described more particularly as:

LEGAL DESCRIPTION: In Section 22, Township 46 South, Range 25 East, Lee County, Florida:

A tract or parcel of land situated in the State of Florida, County of Lee, being a part of the Southeast One Quarter (SE 1/4) of Section 22, Township 46 South, Range 25 East, and further described as follows:

Commencing at the Southeast corner of said Southeast One Quarter (SE 1/4); THENCE S.88°39'13"W. along the South line of said Southeast One Quarter (SE 1/4) for 13.78 feet to an intersection with the West line of that parcel as described in Official Records Book 1739 at Page 776; THENCE continuing S.88°39'13"W. for 1282.02 feet to the Southwest corner of the East One Half (E 1/2) of said Southeast One Quarter (SE 1/4); THENCE N.00°07'04"E. along the West line of said East One Half (E 1/2) for 1288.01 feet to the POINT OF BEGINNING; THENCE continue N.00°07'04"E. along said West line for 1272.39 feet to the Northwest corner of said East One Half (E 1/2); THENCE N.89°15'54"E. along the North line of said Southeast One Quarter (SE 1/4) for 1325.11 feet to an intersection with a curve concave to the West having a radius of 925.00 feet (said curve being the West right-of-way line of Corlico Parkway - 100.00 feet wide) at and to which intersection a radial line bears N.85°24'33"E; THENCE Southerly along said curve and said West right-of-way line through a central angle of 05°28'08" for 88.29 feet; THENCE S.00°52'41"W. along said West right-of-way line and along the East line of said Section 22 for 1170.46 feet; THENCE S.88°39'13"W. parallel with the South line of said Southeast One Quarter (SE 1/4) along the North line of that parcel described in Official Records Book 1907 at pages 2816 and 2817 of the Public Records of said Lee County for 1312.90 feet to the POINT OF BEGINNING.

Said parcel subject to all easements, rights-of-way and restrictions of record.

Said parcel contains 38.36 acres, more or less.

WHEREAS, the applicant has indicated the property's current STRAP number is 22-46-25-00-01001.1000; and

WHEREAS, proper authorization has been given to Brondstetter, Winesett, Avery, Dupree and Whigham, P.A., by Bradley Development Company, Inc., Contract Purchaser and by Allen H. Johnson and Bernard J. DeWolfe, Co-Trustees, the owners 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 in a public hearing held on June 6, 1988; and

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

HEARING NUMBER 88-6-9 DCI

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(3063Z/33)
(4981L)

OR2017

PG2975

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.

NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF COUNTY COMMISSIONERS, that the Board of County Commissioners does hereby APPROVE a rezoning from AG-2 to Residential Planned Development, to permit a residential subdivision with a maximum of 123 lots, not to exceed 45 feet above average grade, on 38.36± total acres of land. The proposed development will also include a lake and model homes/sales offices; and

Approval is subject to the following conditions:

1. The development of this property shall be in accordance with the one-page Master Concept Plan; titled, "Country Oaks Subdivision", prepared by Lee County Engineering, Inc. (plan dated January 1988, print dated May 1988, and received June 2, 1988), except as may be modified by the conditions herein. Approval of this request does not exempt the applicant from compliance with all development regulations, except as specifically approved herein.
2. The schedule of uses includes all those uses permitted by right in the Residential Single-Family Districts (RS) of the Zoning Ordinance (as amended from time to time), plus the following: temporary sales office(s), and model home(s).
3. The applicant shall comply with all property development regulations of the RS-1 zoning district. The Master Concept Plan shall be revised to indicate that the maximum height of the buildings shall be limited to 35 feet.
4. Prior to final development order-approval, a development representative shall provide to Lee County Emergency Medical Services a site plan depicting official names and building addresses of the development, and shall also contact Lee County Emergency Medical Services to discuss (1) designation of emergency helicopter landing zones; and (2) the accessibility of EMS units to the site.
5. The applicant shall initiate the establishment of a homeowners' or residents' association to provide an educational program for hurricane preparedness.
6. The established homeowners' or residents' association shall maintain an educational program for hurricane preparedness. The program shall consist of annually describing the risks of the hurricane hazards to the residents, as well as the actions to mitigate the dangers which these hazards present.
7. The applicant shall connect to Gulf Utility Company for water and sewer service.
8. The developer shall pay a fee-in-lieu in order to satisfy the development's park requirement. The fee shall be equal to the value of the predevelopment acreage, which would otherwise be reserved for park use. The fee shall be paid prior to the issuance of the certificate of completion for the subdivision.
9. Deviation (1) is hereby APPROVED with the condition that properties within the development shall use the interior road for direct access. Deviation (2) is hereby APPROVED with the condition that the excavation shall not exceed the confining layer or a maximum depth of 25 feet, whichever occurs first. Deviations (3) and (4) are hereby DENIED as they are not needed. Deviation (5) is hereby

APPROVED with the condition that the setback be 75 feet, instead of the requested 70 feet (1/2 right-of-way + 25 feet). Deviation (6) is hereby APPROVED with the condition that an interconnection be provided to the adjoining property to the west. Deviations (7) and (8) are hereby APPROVED. Deviation (9) is hereby APPROVED. Deviation (10) is hereby APPROVED with the condition that the applicant shall execute "hold harmless" and "maintenance" agreements for affected segments, prior to final plan approval.

Site Plan 88-154 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 to Residential Planned Development:

- a) All recommended conditions are reasonably related to the impacts on the public's interest created by, or expected from, the proposed development;
- b) Sufficient safeguards to the public interest are provided by the recommended conditions to the Master Concept Plan and by other applicable regulations;
- c) The general intent of these regulations to protect the public health, safety, and welfare, is preserved and promoted;
- d) The deviations recommended for approval or approval with conditions will enhance the development and will not negatively affect the public health, safety and welfare; and
- e) The proposed uses are, as limited by the conditions herein, appropriate at the subject location.

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

John E. Manning	<u>AYE</u>
Charles L. Bigelow, Jr.	<u>ABSENT</u>
Mary Ann Wallace	<u>AYE</u>
Bill Fussell	<u>AYE</u>
Donald D. Slisher	<u>AYE</u>

DULY PASSED AND ADOPTED this 11th day of July, A.D., 1988.

ATTEST:
CHARLIE GREEN, CLERK

BY: Charlie J. Whuck
Deputy Clerk

BOARD OF COUNTY COMMISSIONERS
OF LEE COUNTY, FLORIDA

BY: Bill Fussell
Chairman

Approved as to form by:

[Signature]
County Attorney's Office

HEARING NUMBER 88-6-9 DCI

(3063Z/35)
(4981L)

FILED

SEP 21 1988

CLERK CIRCUIT COURT
BY Charlie J. Whuck D.C.

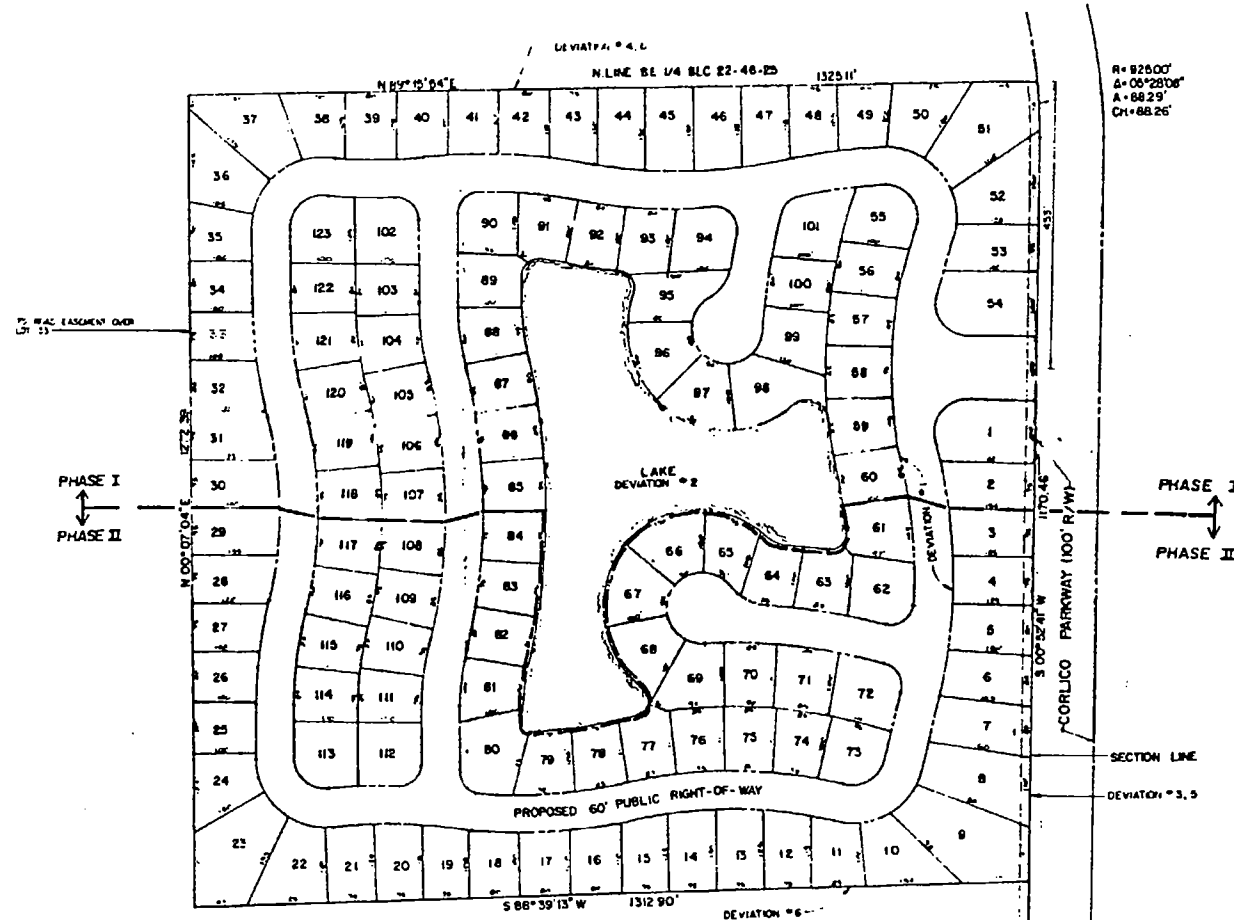
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DEVELOPMENT DATA

TOTAL AREAS:

- SITE 38.36 AC.
- LAKE 3.8 AC.
- R.O.W. 10.2 AC.
- LOTS 2436 AC.

TOTAL NO OF LOTS = 123

LOT DIMENSIONS ARE APPROXIMATE

MINIMUM LOT AREA = 7500 SF

MINIMUM OPEN SPACE REQUIRED: 40% / 15.34 AC

MINIMUM OPEN SPACE PROVIDED: 15.34 AC

MAXIMUM HEIGHT OF BUILDINGS IS 45 FEET

SCHEDULE OF USE

1. Temporary construction office.
2. Temporary sales office.
3. Mobile (Section 55) and 55A) with use to be located at the developer's discretion throughout the development as construction occurs.
4. Dwelling units - conventional single-family building.
5. In addition, water retention (Section 55A).
6. Modification of section lines or street setbacks (Section 202.15.B.2.1 and 202.15.B.3.1). No deviation request for section line and quarter section line setbacks.
7. Signs which are in compliance with the Florida sign ordinance.
8. All residential structures shown.

SCHEDULE OF DEVIATIONS

1. Deviation from D.S.D. C.3.B.2 required access streets to allow interior road to act as access road with 40' dedicated right-of-way.
2. Deviation from (Section 55A.2) retention depth for water retention from 12' to confining layer at 25' whichever is greater.
3. Deviation from section line setbacks (Section 202.15.B.3.1) from 75' to 20' for structures.
4. Deviation from quarter section line setbacks (Section 202.15.B.3.1) from 40' to 20' for structures and 10' for accessory structures.
5. Deviation from street setback (Section 202.15.B.1) from required 1/2 S.D.W. = 40' to 33' to 1/2 S.D.W. = 20' for structures and accessory structures for late abutting material road.
6. Deviation from D.S.D. C.3.F requirement that streets shall provide access to adjacent property to limit access as shown on the master concept plan.
7. Deviations from section 43.01 to allow setbacks setbacks from 7.5' measured to setback to 3.5' measured to building wall.
8. Deviations from section 43.01 to allow setbacks from setbacks from 23' to 20' measured to building wall (as shown on map).
9. Deviation from section 43.01.C.4.2 which requires that development provide 1/4 acre per 35 dwelling units or fraction thereof for a private neighborhood park to allow developer to pay fees in lieu of.
10. Deviation from D.S.D. section D-1.2 requirement to permit parking. The applicant shall provide maintenance and hold harmless agreements with Lee County.

APPROVED

Master Concept Plan

Site Plan of LEE-2017 Page 1 of 1

Subject to conditions in Resolution 2-15-17

Zoning Code of LEE-20C1

RECEIVED

JUN 8 2017

PLANNING DEPARTMENT

RECORDED & RETURNED
CLERK CIRCUIT COURT
LEE COUNTY, FL
SEP 21 10 29 AM '88

LEE COUNTY ENGINEERING INC

Old projects / new projects
1/26/17 New projects
for Bradly Development Co Inc
Page 1 of 1

COUNTRY OAKS SUBDIVISION
MASTER CONCEPT PLAN
for
BRADLEY DEVELOPMENT CO INC
PO BOX 6875
CLEARWATER, FL 33518

870124

1" = 100'

MAY 26 1988