RESOLUTION NUMBER Z-88-034

**2426653**

RESOLUTION OF THE BOARD OF COUNTY COMMISSIONERS

OF LEE COUNTY, FLORIDA

RECORD VERIFIED
BY: H. FENSTROM, D.C.

WHEREAS, John C. Malpeli, Jr. has properly filed an application on a project known as Allendale for a rezoning from AG-2 to Residential Planned Development, to permit a residential development with a maximum of 452 units not to exceed 40 feet above average grade, on 115.9 total acres of land. The proposed development will include both single-family and multiple-family dwellings, lakes, wetlands, recreational areas, an interim sewage treatment plant, sales offices/model homes and a clubhouse.

NOTE: If approved, the Master Concept Plan will deviate from the following Lee County Standards:

(1) Required minimum lot width on curvilinear streets and cul-de-sacs (Section 202.15.C.2.b. and c.), to allow the lot width to be measured at the midpoint of the side lot lines;

(2) Required minimum lot area, dimensions and setbacks for the RSA district, as follows (this applies only to zero lot line lots and lots less than 7,500 square feet):

Area: 6,500 sq. ft. to 5,000 sq. ft.
Width: 65 feet to 50 feet
Side Setback: 6.5 feet to 0 on one (alternating) side

(3) Minimum open space requirement of 30% in developments consisting of zero lot line or lots of less than 7,500 square feet (Section 431.C.4.d.), to 1/4 acre per 55 units, plus 4,200 square feet per lot within individual lot setback areas, and allowing any deficiency on an individual lot to be made up by providing the open space within the project's common open space areas;

(4) Minimum setback from section lines (Section 202.15.B.3.a.) from 75 feet to 25 feet for the east section line of Section 8;

(5) Required minimum intersection separation of 660 feet along arterials (DSO Section C.3.h.), to allow intersection separations of 180 feet and 350 feet; and

(6) Deviation from Section 6.03 of Ordinance 86-31 (Wetlands Protection Ordinance) that prohibits development of environmentally sensitive areas, to allow development of transition wetlands; and

WHEREAS, the subject property is located on the north side of Coconut Road one half mile west of U.S. 41, described more particularly as:

LEGAL DESCRIPTION: In Section 08, Township 47 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 North One Half (N½) of Section 08, Township 47 South, Range 25 East, and further bounded and described as follows:

Beginning at the Northeast corner of said Section 08, THENCE N.88°07'27"W. along the North line of the Northeast One Quarter (NE¼) of said Section 08 for 1935.53 feet to the Northwest corner of the East Three Quarters (E3/4) of the Northeast One Quarter (NE¼) of said Section 08; THENCE S.00°11'14"E. along the West line of said East Three Quarters (E3/4) for 2449.81 feet; THENCE S.88°37'16"E. along the North line of a parcel as described in Official Records Book 883 at page 345 of the Public Records of said Lee County and the North line of a parcel as described in Official Records Book 543 at page 597 of the Official Records of said Lee County for 200.00 feet; THENCE S.00°11'14"E. along the East line of said parcel as described in said Official Records Book 543 at page 597 for 200.00 feet; THENCE S.88°37'16"E. along the South line of said Northeast One Quarter (NE¼) for 1120.00 feet; THENCE N.00°11'14"W. for 200.00 feet; THENCE S.88°37'16"E. for 50.00 feet; THENCE S.00°11'14"E. for 200.00 feet; THENCE S.88°37'16"E. along the South line of said Northeast One Quarter (NE¼) for 557.20 feet to the Southeast corner of said Northeast One Quarter (NE¼); THENCE N.00°01'03"W. along the East line of said Northeast One Quarter (NE¼) for 2632.82 feet to the principal PLACE OF BEGINNING.

SAID PARCEL SUBJECT TO THE RIGHT-OF-WAY OF COCONUT ROAD.

WHEREAS, the applicant has indicated the property's current STRAP number is 08-47-25-00-00005.0000; and

WHEREAS, proper authorization has been given to Carleton Ryffel, AICP, by John C. Malpeli, Jr., 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 in a public hearing held on February 1, 1988; 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.

NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF COUNTY COMMISSIONERS, that the Board of County Commissioners does hereby APPROVE:

Approval is subject to the following conditions:

1. The Master Concept Plan is a one-sheet plan titled "Allendale RPD Master Concept Plan", prepared by Carleton Ryffel, dated last Revised 2/22/88, and stamped received February 23, 1988.

2. The schedule of uses is limited to the following:

   Model homes and real estate sales offices
   Dwelling units:
   - Single-family attached and detached/zero-lot-line
   - Duplex/two family attached
   - Multiple family, including villas

   Essential services
   Essential service facilities, Group I and Group II (limited to temporary sewage treatment facility only)
   Excavation, water retention
   Recreational facilities, personal and private
   Residential accessory uses
   Signs, in compliance with the Lee County Sign Ordinance
   Gatehouse
   Customary accessory uses
   Clubhouse

3. Maximum height of buildings is 40 feet as volunteered by the applicant.

4. Approval of this request does not exempt the applicant from compliance with all other zoning and development review regulations, except for those specifically noted and approved herein.

5. Prior to final plan approval, the developer shall have made acceptable provisions for offsetting any added net public costs or premature commitment of public funds needed to provide appropriate levels of fire protection services for the development. In particular, the applicant shall make all necessary arrangements with the Estero Fire District to offset a proportionate share of costs of any land, buildings, or equipment required to provide adequate fire protection services to the project.

6. The applicant shall comply with the following conditions addressing environmental concerns:

   a) Prior to final development order approval for any phase of development, the developer shall field flag and survey the Resource Protection Area and the Transition Zone to be preserved within the property, subject to approval by the Department of Community Development.

   b) Prior to final development order approval for any phase of development, the developer shall submit a plan for the removal of Brazilian Pepper (Schinus terebinthifolius), Australian Pine (Casuarina spp.) and Melaleuca quinquenervia located within the development. The removal plan shall include a minimum three (3) year maintenance program to control the re-invasion of these exotic plants. The plan shall be subject to approval by the Department of Community Development.

c) Prior to final development order approval for any phase of development, the developer shall submit a Gopher Tortoise Habitat Management Plan and provide evidence that the management plan has been approved by the Florida Game and Freshwater Fish Commission, subject to approval by the Department of Community Development.

d) Prior to issuance of a certificate of completion for the final phase of development, the development shall be in compliance with all conditions of the approved Southern Bald Eagle Habitat Management Plan.

7. Prior to issuance of any development order for this site, the applicant shall investigate and provide documentation to the Department of Community Development concerning the possibility of providing a joint interim sewage treatment plant with the adjacent Woodside Lakes project.

8. The conditions of the Bald Eagle Habitat Management Plan and Critical Eagle Nesting Habitat Resolution are hereby incorporated into this zoning resolution.

9. Access points shown on the property are subject to approval by DOT&E. A western access point crosses property not owned by the applicant; this access point may have to be realigned prior to final plan approval to comply with DOT&E.

10. The 45-foot road width shown on the site plan is subject to approval by DOT&E prior to final plan approval.

11. The alignment of Spring Creek Road shown on the westerly portion of the site is subject to approval by DOT&E. If the Spring Creek Road extension is not constructed, then an adequate buffer, subject to approval by the Department of Community Development, shall be installed and maintained to separate El Dorado Acres from the subject property (unless conventional single-family lots are proposed adjacent to El Dorado Acres). If the two existing houses on the out-parcels on Coconut Road are not to be removed, then a buffer subject to approval by the Department of Community Development must be provided if any multi-family residences are located adjacent to these out-parcels.

12. The applicant shall pay "Fringe" area impact fees for all units located in the "Fringe" area. If these fees are not adopted prior to issuance of project building permits, then the applicant shall pay the total amount identified in the June, 1986 "Technical Memorandum on the Methods Used to Calculate Fringe Area Impact Fees" for Lee County. If the area classified as "Fringe" is reclassified to another land use category, this condition shall remain in full force and effect, unless it is deleted or amended by an amendment to this resolution.

13. The temporary access to Coconut Road shown on the Master Concept Plan shall be eliminated once access is provided from Spring Creek Road.

14. Compliance with neighborhood park requirements shall be verified by the Division of Parks and Recreation prior to issuance of a final development order.

15. The applicant shall establish a homeowners' or resident's association to provide an educational program for hurricane preparedness, which shall maintain an education 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.

16. The applicant shall provide a disclosure statement to all prospective purchasers indicating the vulnerability of the proposed project to category 2 or greater hurricanes, and stating the amount of flooding (in feet) that may occur in a category three hurricane.

17. In order to mitigate the public shelter impacts generated by the proposed development for a category two or greater hurricanes, the development may utilize its proposed clubhouse as an emergency shelter if the shelter is located at minimum elevation equal to or above the flooding level of the category three SLOSH figure (15.7 feet above MSL). If so utilized, the minimum size of the emergency shelter shall be based upon those dwelling units which elevation is less than 15.7 feet above MSL and are subject to evacuation in a category two and three hurricane as determined by the Lee County Dept. of Public Safety.

18. At the completion of development construction or each phase thereof, a development representative shall provide to Lee County Emergency Medical Service a site plan depicting the official street names and building addresses within the development.

19. At the completion of development construction or each phase thereof, a development representative shall contact Lee County Emergency Medical Service to discuss: 1) the designation of emergency helicopter landing zones; and 2) the accessibility of the EMS unit.

20. Deviations (1), (2), (4), and (6) are hereby APPROVED. Deviation (3) is hereby DENIED. Deviation (5) is APPROVED with the condition that intersection separation is for the two existing houses on Coconut Road; these access points shall be removed when the existing houses are removed.

Site Plan 88-034 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 residential planned development zoning:

1. The proposed uses, as limited by the conditions herein; are appropriate at the subject location;

2. Sufficient safeguards to the public interest are provided by the recommended conditions to the Master Concept Plan and by other applicable regulations;

3. All conditions found on the Master Concept Plan and recommended by staff are reasonably related to the impacts on the public interest created by or expected from the proposed development;



(3063Z/29)
(4235L)

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

| | |
|---|---|
| John E. Manning | AYE |
| Charles L. Bigelow, Jr. | ABSENT |
| Mary Ann Wallace | NAY |
| Bill Fussell | AYE |
| Donald D. Slisher | ABSENT |

DULY PASSED AND ADOPTED this 14th day of March, A.D., 1988.

ATTEST:
CHARLIE GREEN, CLERK

BY: Clare J. Wauch, Deputy Clerk

BOARD OF COUNTY COMMISSIONERS
OF LEE COUNTY, FLORIDA

BY: Bill Fussell, Chairman

Approved as to form by:

County Attorney's Office

FILED

MAR 18 1988

CLERK CIRCUIT COURT
BY Clare J. Wauch, D.C.

HEARING NUMBER 88-2-10 DCI

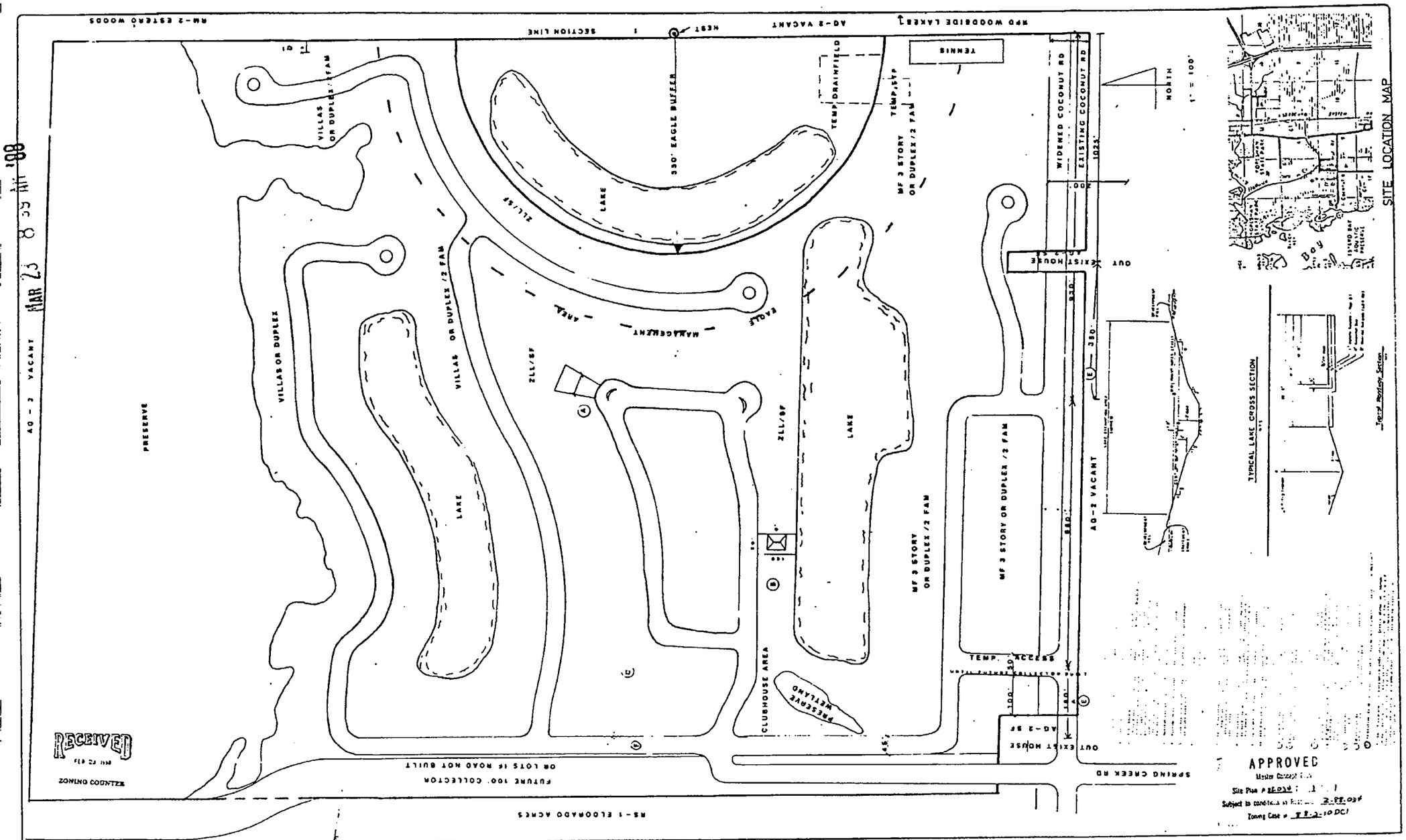


(3063Z/30)
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REC- CJU & RECORD VERIFIED
Charles Green
CLERK CIRCUIT COURT
LEE COUNTY

MAR 23 8 39 AM '88





CARLETON RYFFEL, A.I.C.P.
LAND PLANNER & DEVELOPMENT COORDINATOR
6290 Corporate Court SW Suite C-201 Fort Myers, Florida 33907 813 482 4404


ALLENDALE RPD
MASTER CONCEPT PLAN

REVISED 1-2-88
REVISED 1-8-88
REVISED 1-25-88
REVISED 2-22-88