

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

WHEREAS, Alan Goldman, Trustee, Milton Schmidt, James Cochran, James Ryan (for Imperial Harbor Associates), Mary Littleton & Carol Roberts, in reference to Bonita Fairways and Tennis Club, have properly filed an application for an amendment to the Residential Planned Development granted in Resolution Z-89-021; and

WHEREAS, the subject property is located on the north side of Terry Street between Old and New US 41, described more particularly as:

LEGAL DESCRIPTION: In Sections 26 and 27, Township 47 South, Range 25 East, Lee County, Florida:

Commencing at the Northeast corner of Section 27, Township 47 South, Range 25 East, Lee County, Florida;
THENCE S.01°24'14"E. along the East line of said Section 27 a distance of 1,417.15 feet to a point on the Southerly right-of-way of A.C.L. Railroad (130 foot right-of-way); and the POINT OF BEGINNING of the herein described;
THENCE N.48°14'25"W. along said Southerly right-of-way a distance of 613.18 feet to the Northeast of Imperial Harbor Unit No. 1 (P.B. 11, Pg. 56-57);
THENCE S.33°58'56"W. along the Easterly line of said Unit 1, a distance of 30.26 feet to the Northeast corner of parcel "C" of said Plat;
THENCE N.48°14'25"W. along the Northerly line of said parcel "G" 45.32 feet to the Northeast corner of Lot 09, Block 01 of Plat;
THENCE S.11°43'45"W. along the Easterly line of said lot and the center of a 12 foot drainage and utility easement 92.38 feet to the Southeast corner of said lot 09 on the Northerly line of Parcel "A" of said Unit 1;
THENCE S.48°14'25"E. along said parcel "A" a distance of 10.00 feet to the Easterly line of said Unit No. 1;
THENCE S.33°58'56"W. along said Easterly line of Unit No. 1, a distance of 50.48 feet;
THENCE S.44°35'16"W. along the rear line of lots of Block 02 of said Plat, a distance of 178.39 feet;
THENCE S.38°58'46"W. and continuing along the rear line of said lots of Block 02, a distance of 191.18 feet;
THENCE S.31°13'56"W. and continuing along the rear line of said lots of Block 02, 237.65 feet;
THENCE S.24°35'06"W. and continuing along the rear line of said lots of Block 02, 195.95 feet to the Northerly line of Parcel "D" on said Plat;
THENCE S.48°26'06"E. along Parcel "D" 5.88 feet to the Easterly line of said Plat;
THENCE S.33°58'56"W. along the Easterly line of said Plat 10.13 feet;
THENCE S.48°17'38"E. a distance of 53.61 feet; THENCE N.41°42'22"E. a distance of 100.00 feet;
THENCE S.48°17'38"E. along the rear line of Block 34, Imperial Harbor Unit No. 7, a distance of 525.00 feet;

THENCE S.41°42'22"W. along the rear line of Block 32, a distance of 466.60 feet to a point of curve;
 THENCE Southwesterly along said rear line of Block 32, a distance of 834.21 feet on the arc of circular curve concave to the Northwest, having a radius of 2,663.99 feet and being subtended by a chord which bears S.50°42'55"W. 830.72 feet;
 THENCE continuing Westerly and Northwesterly along the said rear line of lots of Block 32, a distance of 303.06 feet on the arc of a circular curve concave to the Northeast, having a radius of 190.00 feet and being subtended by a chord which bears N.74°37'08"W. 271.94 feet;
 THENCE continuing along said rear line of Block 32, N.28°55'31"W. a distance of 72.79 feet;
 THENCE continuing along said rear line of Block 32, a distance of 229.73 on the arc of a circular curve concave to the Northwest, having a radius of 2,404.014 feet and being subtended by a chord which bears S.66°48'36"W. a distance of 229.65 feet;
 THENCE continuing along said rear line of Block 32, S.69°35'44"W. a distance of 154.98 feet;
 THENCE S.01°24'10"E. along said rear line of Block 32 a distance of 481.22 feet;
 THENCE S.88°35'50"W. along Block 30-32 of said Unit No. 7, a distance of 575.65 feet to the Easterly line of Florida Power & Light Company right-of-way (100 feet wide);
 THENCE S.00°59'33"E. along said Easterly right-of-way a distance of 1487.23 feet to a point on the Northerly right-of-way of West Terry Street (used as a 60 foot right-of-way);
 THENCE S.83°02'59"E. along said Northerly right-of-way of West Terry Street (30 feet North and parallel to the centerline and section line) a distance of 2,733.57 feet to a point on the East line of Section 27;
 THENCE N.00°48'18"W. along the East line of Section 27 a distance of 2626.58 feet to the East Quarter (E ¼) corner of Section 27;
 THENCE N.89°07'54"E. along the Quarter (¼) section line of Section 26, Township 47 South, Range 25 East, Lee County, Florida and the Northerly line of Lot #7 of the Helfenstein Estates (P.B. 8, Pg. 40) a distance of 1,334.42 feet to the Southerly right-of-way of the A.C.L. Railroad;
 THENCE Northwesterly along said Southerly right-of-way a distance of 96.42 feet on the arc of circular curve concave to the Southwest, having a radius of 3,711.88 feet and being subtended by a chord which bears N.42°05'42"W. 96.42 feet to a point on a continuing curve not radial;
 THENCE continuing Northwesterly along said right-of-way a distance of 387.43 feet on the arc of circular curve concave to the Southwest, having a radius of 4644.60 feet and being subtended by a chord which bears N.45°51'02"W., 387.29 feet to a point of tangent;
 THENCE N.48°14'25"W. along said Southerly right-of-way a distance of 1,371.37 feet to the POINT OF BEGINNING of the herein described; being a part of Sections 26 and 27, Township 47 South, Range 25 East, Lee County, Florida.
 SUBJECT to easements and restrictions of record.
 CONTAINING 184.14 acres of land, more or less.

WHEREAS, proper authorization has been given to Neale Montgomery of Pavese, Garner, et al, by Alan Goldman, the Trustee of the subject parcel, to act as agent to pursue this zoning application; and

WHEREAS, the applicant has indicated the property's current STRAP numbers are: 27-47-25-00-00001.0000, 27-47-25-00-00002.0000, 14-47-25-01-00004.0010, 14-47-25-01-00006.0010, 14-47-25-01-00005.0080, 14-47-25-01-00005.0100, 14-47-25-01-00005.0070, & 14-47-25-01-00005.0060; and

WHEREAS, a public hearing was legally and properly advertised and held before the Lee County Hearing Examiner, with full consideration of all the evidence available; and

WHEREAS, the Lee County Hearing Examiner fully reviewed the matter in a public hearing held on November 7, 1989; 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 Hearing Examiner, 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 with conditions an amendment to the Residential Planned Development granted in Resolution Z-89-021. This approval is subject to the following changes in the original conditions set forth in Resolution Z-89-021:

- a. Condition 6 of Resolution Z-89-021 (proof of availability of water service) is hereby deleted.
- b. Condition 8 of Resolution Z-89-021 is hereby amended to read as follows:

Deviation 2 is hereby DENIED.

- c. Condition 10 of Resolution Z-89-021 (availability of sanitary sewer) is hereby amended to read:

Bonita Fairways agrees to be served by the wastewater treatment plant located on the Ryder Club property under the following terms and conditions:

- A. Bonita Fairways is released from the Harbor utilities franchise area;
 - B. Bonita Fairways will pay for their pro-rata share of the construction and operation of the wastewater facility;
 - C. Bonita Fairways will be able to utilize effluent for irrigation; and
 - D. Bonita Fairways may construct a temporary on-site wastewater treatment facility until such time as the Ryder Club facility is in operation. At the time the Ryder Club facility is in operation, Bonita Fairways will connect to this facility within ninety (90) days.
- d. Condition 11 as it appears in Resolution Z-89-021, is hereby amended to read:

A permanent access point shall be provided onto Pine Street with a minimum right-of-way width of 50 feet, or alternatively a second access shall be provided directly onto West Terry Street. The access shown on the Master Concept Plan onto Atlantic shall be deleted.

- e. Condition 12: All other previous conditions of Resolution Z-89-021 shall apply unless specifically amended herein.
- f. Condition 13: A revised Master Concept Plan, which reflects the decision of the Lee County Board of County Commissioners in this matter, including the following additional approved uses, shall be provided to the Department of Community Development within 30 days of Board of County Commissioners action on this request.

Consumption-on-premises (1) limited to clubhouse only
Food and Beverage Service, Limited
Club, Private
Specialty Retail Shops (Tennis and Golfing Equipment) limited to
4000 square feet of floor area

Site Plan 89-103 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:

- A. That original Conditions 6 and 10 are inappropriate in view of the circumstances shown by the testimony with reference to obtaining water and sewer and should be eliminated.
- B. That the access question should be resolved and not left open and unsettled, and that requiring the Pine Street secondary access is the best available solution.
- C. That all requested additional uses are appropriate.

The foregoing Resolution was adopted by the Lee County Board of County Commissioners upon a motion by Commissioner Ray Judah, and seconded by Commissioner Donald D. Slisher. Commissioner Fussell stated for the record that his affirmative vote would indicate his support of the motion with the exception of the provision for the COP. Upon being put to a vote, the result was as follows:

John E. Manning	AYE
District 2	VACANT
Ray Judah	AYE
Bill Fussell	AYE
Donald D. Slisher	AYE

DULY PASSED AND ADOPTED this 26th day of February, A.D., 1990.

ATTEST:
CHARLIE GREEN, CLERK

BY: Clara G. Green
Deputy Clerk

BOARD OF COUNTY COMMISSIONERS
OF LEE COUNTY, FLORIDA

BY: J. Manning
Chairman

Approved as to form by:

Andrew M. Long
County Attorney's Office

HEARING NUMBER 89-2-14-2(a)DCI

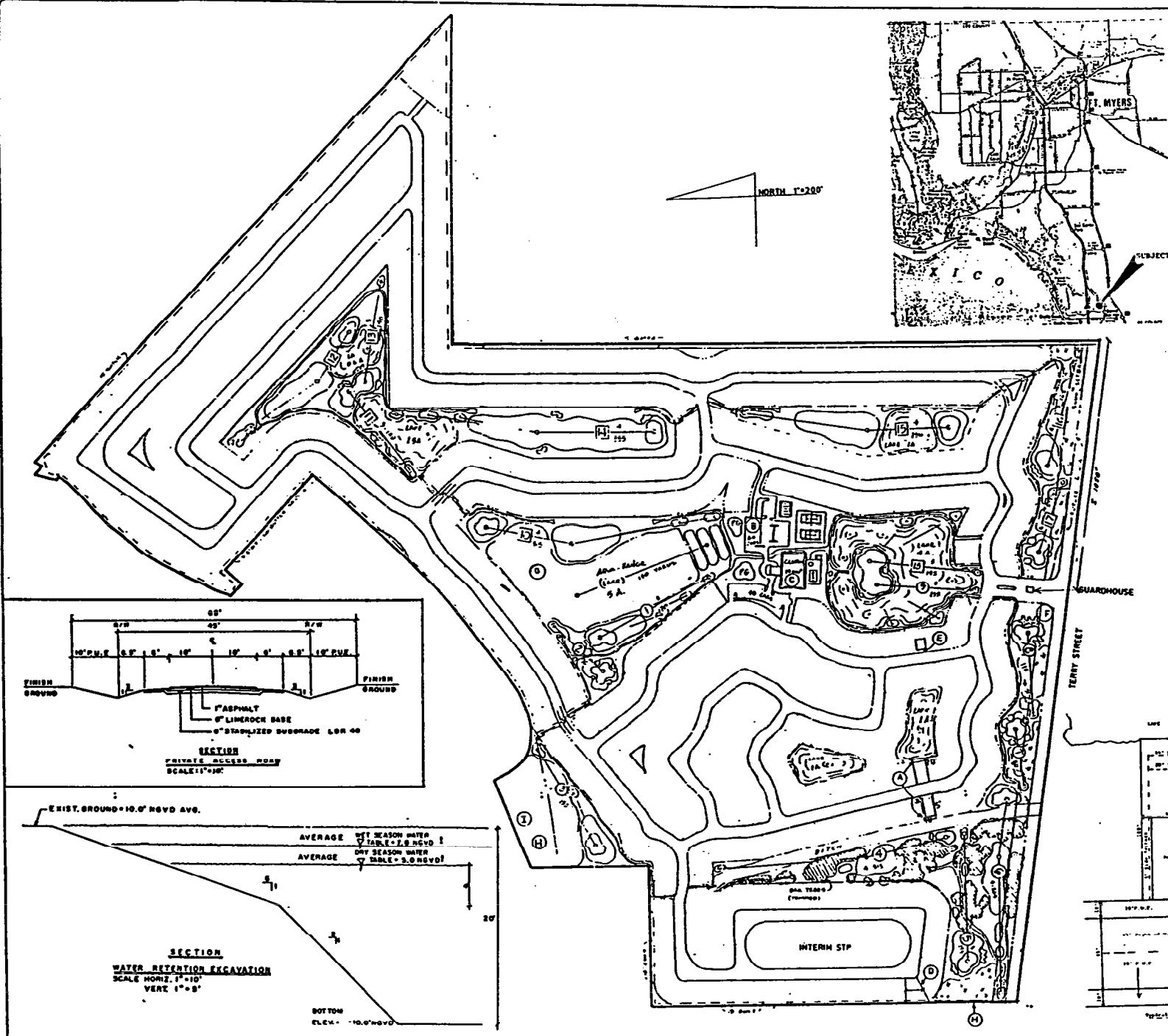
RESOLUTION NUMBER Z-89-103
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FILED

(8020L/21)

APR 11 90

CLERK CIRCUIT COURT
BY Clara G. Green D.C.



- PROJECT SUMMARY
Specific Details To Be Approved With This Plan
1. Site Size: Approximately 104.14 acres
 2. Permitted Uses: Mobile Home and customary accessory uses including but not limited to: Golf Course, private clubhouse facility, consumption on premises (1) limited to clubhouse only, food and beverage service, limited, specialty retail shops (tennis and golfing equipment) limited to 4,000 sq. ft. of floor area, maintenance-water treatment, maintenance area, 100% and 100% Group 1 & 2, Hotel Homes, Sales Office(s), Signs in compliance with Sign Ordinance, Maintenance Area, Personal and Private Recreational Facilities.
 3. Gross density will not exceed 4.1 Units/Acre or 750 Units.
 4. Project right-of-way will be 45' in width with the exception of the project entry which may be 100' more or less.
 5. All lots will conform to the minimum M-2 zoning district standards except as amended below under Deviations. Lots may be sold or rented.
 6. Maximum height of mobile homes is 1 story; view, 33' above finished grade.
- CONCEPTUAL LAND USE BREAKDOWN
- | 7a. | 1. Future R/W | 3.14 Acres |
|----------------------------|---------------|------------|
| 2. Golf Course (land part) | 34.74 | |
| 3. Lakes | 16.97 | |
| 4. Roads | 24.79 | |
| 5. Maintenance Area | 0.97 | |
| 6. Clubhouse Area | 4.28 | |
| 7. Residential | 39.25 | |
| 8. Total | 104.14 | Acres |
- CONCEPTUAL OPEN SPACE
- | 7b. | 1. Individual Open Space @ 25% of 40% | 10.41 Acres |
|-------------------------------|---------------------------------------|-------------|
| 2. Lakes @ 25% of 40% | 16.97 | |
| 3. Golf Course | 34.74 | |
| 4. Perimeter Buffer/Drainage | 2.39 | |
| 5. Permissible Clubhouse Area | 4.28 | |
| 6. Total Open Space Provided | 73.25 | Acres = 40% |
| 7. Open Space Required @ 40% | 73.65 | Acres = 40% |
8. Residents of 75 mobile home lots on land owned by the applicant, north of this project may use the clubhouse/hurricane shelter.
 9. Persons from MM-1, 1k and RD-2 to MMFB.
 10. Bonita Fairways agrees to be served by the wastewater treatment plant located on the Ryder Club property under the following terms and conditions:
 - A. Bonita Fairways to release from the Barker Milliken franchise area;
 - B. Bonita Fairways will pay for their pro-rata share of the construction and operation of the wastewater facility;
 - C. Bonita Fairways will be able to utilize effluent for irrigation and
 - D. Bonita Fairways may construct a temporary on-site wastewater treatment facility until such time as the Ryder Club facility is in operation. At that time the Ryder Club facility is in operation, Bonita Fairways will connect to this facility within ninety (90) days.
 11. A permanent access point shall be provided onto Pine Street with a minimum right-of-way width of 30 feet, or alternatively a second access shall be provided directly onto West Tarry Street.
- SCHEDULE OF DEVIATIONS/VARIANCES
- A. Deviation from Section 439.02 B
Side from 7' to 5'
Rear from 15' to 10'
Water from 25' to 20' (102.15.B.4)
 - B. Deviation from Section 202.10.2.4.d. (parking for membership organizations) 1 space/500 s.f. and Section 202.15.2.4.b. (parking and golf course) 6 spaces/lot to a total of 100 parking spaces for the clubhouse/shelter and golf course.
 - C. Deviation from Section 439.0.3. Shelter size of 37,777 s.f. to 15,000 s.f. (523 units).
 - D. Deviation from Section 202.10.2.4.b. to allow 1st width to be measured at the midpoint of side lot lines for lots on curvilinear streets.
 - E. Deviation from Section 202.10.2.4.b. to allow structural setbacks from a Private road of 1/2 R/W + 10' instead of 1/2 R/W + 20'.
 - F. Deviation from DMO C.3.j.(2) and C.3.o. to not require access roads.
 - G. Deviation from Section 510 B to allow excavations of 20' depth.
 - H. Deviations from Section 202.11; DMO Section C.1.b.(4). Ordinance 86-31 to allow development of wetlands and wetland soils as per the site plan.
 - I. Deviation from Section 510.C.4. to allow an excavation setback from a private property line of 0' from the required 50' for the existing lake only and a setback of 25 feet for the lake to be created.
 - J. The deviations or variances indicated by letter above are shown on the Master Concept Plan in the same manner. When the plan would have the same lettered deviation or variance in more than one location, then it is assumed that those deviations/variances are also granted.

ALAGOLD CORPORATION

PRINTED

MAR 26 1990

G. GRADY MINOR
A ASSOCIATES
CIVIL ENGINEERS

BONITA FAIRWAYS MASTER CONCEPT PLAN

APPROVED

Master Concept Plan

Site Plan # 87-003, Page 1 of 1

Subject to conditions in Resolution 87-003
Zoning Code # 212-1.403 DCI

REVISED MARCH 26, 1990