

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

WHEREAS, WCI Communities, filed an application in reference to Pelican Landing, to rezone a parcel from Residential Single-Family (RS-1) to Residential Planned Development (RPD) on behalf of the property owner, Dennis Lynch, Trustee, in accordance with the Lee County Land Development Code (LDC); and

WHEREAS, a public hearing was advertised and held on July 14, 1999, before the Lee County Zoning Hearing Examiner, who gave full consideration to the evidence in the record for Case # 95-01-050.03Z 04.01; and

WHEREAS, a second public hearing was advertised and held on October 4, 1999 before the Lee County Board of Commissioners, who gave full and complete consideration to the recommendations of the staff, the Hearing Examiner, the documents in the record and the testimony of all interested persons; and

WHEREAS, due to a scrivener's error, the resolution did not accurately reflect the property description; therefore, it is necessary to amend the resolution to reflect the correct property description; and

WHEREAS, this corrected legal description was brought before the Lee County Board of County Commissioners at a public hearing on July 1, 2002, and this amended resolution was approved.

NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF COUNTY COMMISSIONERS, that Resolution Number Z-99-048 is hereby amended and corrected to provide as follows:

SECTION A. REQUEST

The applicants filed a request for a rezoning from RS-1 to RPD to permit an accessory parking lot with a shelter for use by the residents of Pelican Landing, not to exceed 20± feet in height, on 3.20± total acres of land. The property is located in the Outlying Suburban Land Use Category and described in attached Exhibit A. The Lee County Board of County Commissioners APPROVES the Applicant's request, in accordance with the conditions and deviations specified in Sections B and C.

SECTION B. CONDITIONS:

1. The development of this project must be consistent with the one-page Master Concept Plan (MCP) entitled "Pelican Landing Community Association RPD," stamped received June 18,

1999, last revised January 20, 1999, except as modified by the conditions below. This development must comply with all requirements of the LDC at time of local development order approval, except as may be granted by deviation as part of this planned development. If changes to the MCP are subsequently pursued, appropriate approvals will be necessary.

2. The following limits apply to the project and uses:

a. **Schedule of Uses**

Accessory Uses: Buildings and Structures
Administrative Offices
Entrance Gates and Gate Houses
Essential Services
Essential Service Facilities, Group I
Excavation, Water Retention
Parking Lots, Accessory and Temporary
Signs

b. **Site Development Regulations**

Minimum Lot Area and Dimensions:

Area: 7,500 square feet
Width: 75 feet
Depth: 100 feet

Minimum Setbacks:

Street: Variable according to the functional classification of the street or road (Section 34-2191 *et seq.*)
Side: 7.5 feet
Rear: 20 feet
Water: 25 feet

Maximum Lot Coverage: 40 percent

Maximum Building Height: 20 feet

3. Pole lighting in the parking lot may not exceed 5 feet in height, unless it can be shown that taller lighting will not be visible from the adjacent residentially zoned/used properties or is necessary for the health, safety and welfare of the persons using the lot at night. The lights must be of low intensity and directed away from adjacent residential areas. Use of lighting in the parking lot is restricted to the hours of operation as set out in Condition 4 below. Lighting of and around the shelter must comply with the lighting provisions of the LDC, and the glare or reflection must not extend beyond the perimeters of the site.

4. The accessory parking lot must be gated and access to the parking lot restricted to the hours of 8:30 a.m. to 11:00 p.m., Monday through Sunday. The accessory parking lot gate must be closed at all other times. The gate must be in compliance with LDC Section 34-1749.
5. The developer must install a buffer (without a wall) along the east and west sides of the property. The buffer must contain trees as set out in Condition 6 below and hedges planted in double staggered rows and maintained so as to form a 72-inch-high continuous visual screen within one year after time of planting. The hedges must be 48 inches high at the time of planting and the selection of plants must comply with those approved in LDC Section 10-416. The applicant may choose to use a berm/hedge combination to meet the 72-inch height requirement.
6. To ensure that the accessory parking lot is not readily visible to the adjacent residents and residential properties, the developer must plant canopy trees (shade trees), at least 10 feet in height at the time of planting, 10 feet on center along the east and west sides of the property.
7. To ensure that the accessory parking lot is not readily visible to the adjacent residents and residential properties to the north, the developer must provide a solid wall or combination berm and solid wall not less than eight feet in height and landscaped (between the wall and the abutting property) with 18 shrubs per 100 linear feet, and canopy trees (shade trees), at least 10 feet in height at the time of planting, 10 feet on center along the north property line.
8. The Applicant may use the proposed accessory parking lot access as a temporary connection to Coconut Road until the Joint Access Agreement has been amended or extinguished. The temporary connection is permitted for a 6-month period commencing on the date of local development order approval. Extension of the temporary access period is at the sole discretion of the Director. At the end of the 6-month period, the temporary access rights will automatically cease, unless an extension has been granted, and the Applicant must use one or both access points as stipulated in the Joint Access Agreement to connect to Coconut Road.
9. Approval of this zoning request does not address mitigation of the project's vehicular or pedestrian traffic impacts. Additional conditions consistent with the Lee County LDC may be required to obtain a local development order.
10. Approval of this rezoning does not give the developer the undeniable right to receive local development order approval. Future development order approvals must satisfy the requirements of the Lee Plan Planning Communities Map and Acreage Allocations Table, Map 16 and Table 1(b).
11. This development must comply with all of the requirements of the LDC at the time of local development order approval, except as may be granted by deviations approved as part of this planned development.

12. A NOPC (Notice of Proposed Change) adding this property to the Pelican Landing DRI must be submitted to the appropriate departments within Lee County, Southwest Florida Regional Planning Council, and Florida Department of Community Affairs prior to the issuance of the local development order allowing any development of this site.

SECTION C. DEVIATIONS:

Deviation (A) seeks relief from the LDC Section 10-285(a), Table 1, Connection Separation requirement to provide a 660-foot connection separation along Coconut Road, to allow 132± feet and 210± feet. This deviation is hereby APPROVED, SUBJECT TO Condition 8 above.

Deviation (B) seeks relief from the LDC Section 10-416(d) requirement to provide an 8-foot solid wall or solid wall and berm combination (constructed not less than 25 feet from the abutting property and landscaped with a minimum of 5 trees and 18 shrubs per 100 linear feet) where a road, drive or parking area will be located less than 125 feet from an existing residential subdivision or residential lot, to allow a wall 15 feet from the abutting property to the north and an 18-foot wide buffer on the east with increased plantings and no wall on both the east and west sides. This deviation is APPROVED, SUBJECT TO the buffer and landscaping requirements contained in Conditions 5, 6 and 7.

SECTION D. EXHIBITS:

The following exhibits are attached to this resolution and incorporated by reference:

- Exhibit A: The corrected property description.
- Exhibit B: The Master Concept Plan
- Exhibit C: Zoning Map

SECTION E. FINDINGS AND CONCLUSIONS:

1. The applicant has proven entitlement to the rezoning by demonstrating compliance with the Lee Plan, the Land Development Code, and any other applicable code or regulation.
2. The requested zoning, as conditioned:
 - a. meets or exceeds all performance and locational standards set forth for the potential uses allowed by the request;
 - b. is consistent with the densities, intensities and general uses set forth in the Lee Plan;
 - c. is compatible with existing or planned uses in the surrounding area; and
 - d. will not adversely affect environmentally critical areas or natural resources.
3. Approval of the request will not place an undue burden upon existing transportation or

planned infrastructure facilities and the development will be served by streets with the capacity to carry the traffic the development generates.

4. The proposed use or mix of uses is appropriate at the subject location.
5. The recommended conditions to the concept plan and other applicable regulations provide sufficient safeguard to the public interest.
6. The recommended conditions are reasonably related to the impacts on the public interest created by or expected from the proposed development.
7. The requested deviations:
 - a. enhance the achievement of the objectives of the planned development;
 - b. preserve and promote the general intent of LDC Chapter 34 to protect the public health, safety and welfare.
8. Urban services, as defined in the Lee Plan, are, or will be, available and adequate to serve the proposed land use.

The foregoing resolution was adopted by the Lee County Board of Commissioners upon the motion of Commissioner Andrew Coy, seconded by Commissioner Ray Judah, and, upon being put to a vote, the result was as follows:

Robert P. Janes	Aye
Douglas R. St. Cerny	Absent
Ray Judah	Aye
Andrew Coy	Aye
John E. Albion	Aye



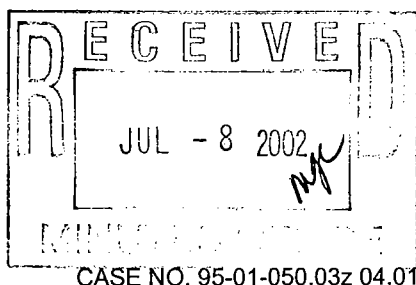
DULY PASSED AND ADOPTED this 1st day of July 2002.

ATTEST:
CHARLIE GREEN, CLERK

BOARD OF COUNTY COMMISSIONERS
OF LEE COUNTY, FLORIDA

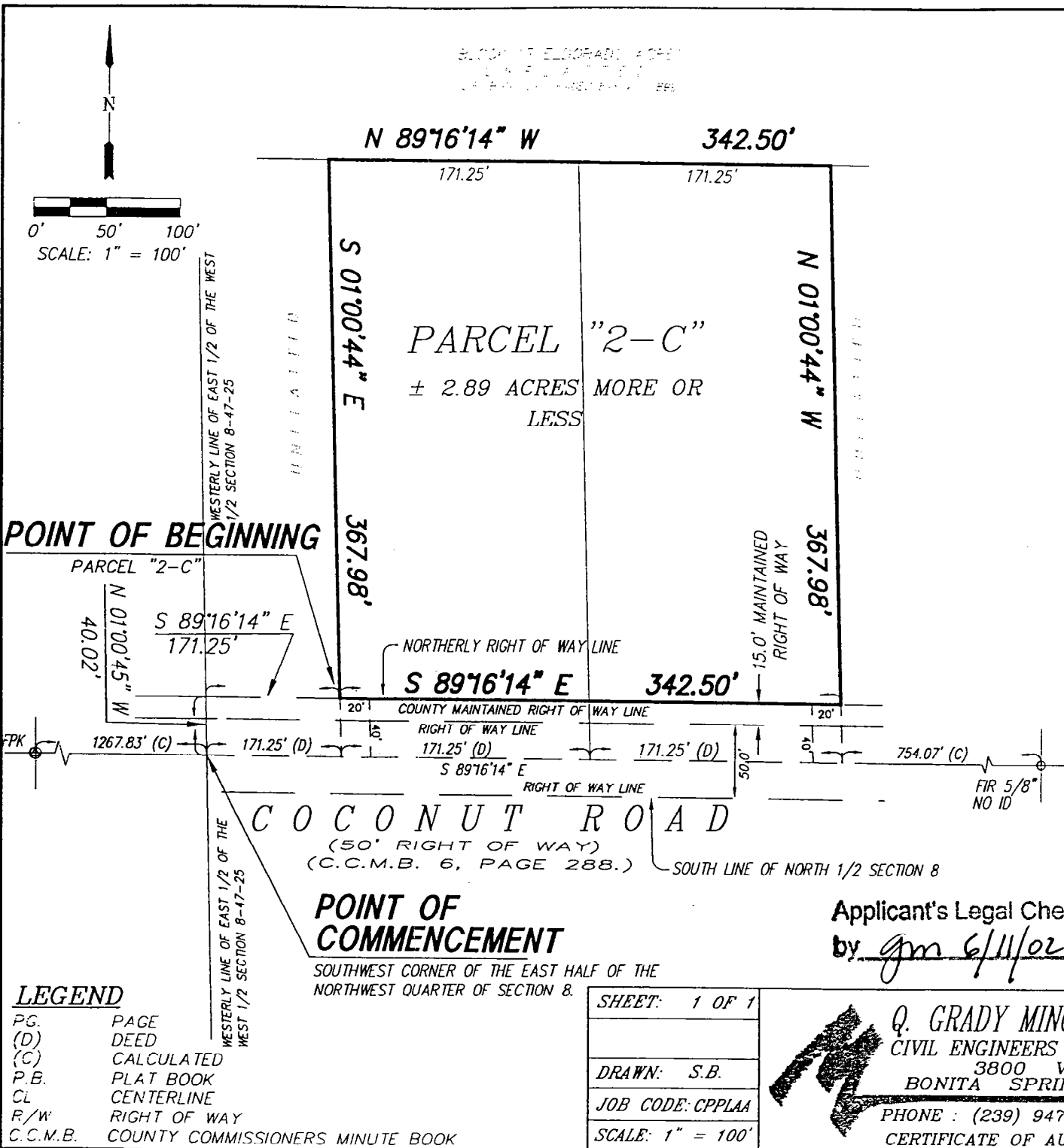
BY: Michele B. Cooper
Deputy Clerk

BY: [Signature]
Chairman



Approved as to form by:

[Signature]



LEGAL DESCRIPTION

PARCEL 2-C

A Parcel of Land Lying in and being a portion of the East Half of the Northwest Quarter of Section 8, Township 47 South, Range 25 East of Lee County, Florida, Being more particularly described as follows:

Commencing at the Southwest Corner of the East Half (E- 1/2) of the Northwest Quarter (NW- 1/4) of said Section 8; Thence run North 01°00'45" West along the West line of said East Half (E- 1/2) of the Northwest Quarter (NW- 1/4) for 40.02 feet to an intersection with the Northerly Right-of-Way line of Coconut Road (As Maintained); Thence run South 89°16'14" East along said Right-of-Way for 171.25 feet; to the Point of Beginning. from said Point of Beginning continue South 89°16'14" East along said Right-of-Way a distance of 342.50 feet; Thence Run North 01°00'44" West a distance of 367.98 feet; Thence run North 89°16'14" West a distance of 342.50 feet; Thence run South 01°00'44" East a distance of 367.98 feet to the Point of Beginning.

Parcel Contains 2.89 Acres, more or less

NOTES

1. BEARINGS SHOWN HEREON REFER TO THE SOUTH LINE OF THE NORTH 1/2 OF SECTION 8, TOWNSHIP 47 SOUTH, RANGE 25 EAST, LEE COUNTY, FLORIDA, AS BEING S 89°16'14" E.
2. THIS PROPERTY IS SUBJECT TO EASEMENTS, RESERVATIONS AND OR RESTRICTIONS OF RECORD.
3. DIMENSIONS SHOWN HEREON ARE IN FEET AND DECIMALS THEREOF.

Q. GRADY MINOR AND ASSOCIATES, P.A.

SIGNED 5-30-02

Applicant's Legal Checked
by gm 6/11/02

ERIC V. SANDOVAL

P.S.M. #5223
STATE OF FLORIDA

Q. GRADY MINOR AND ASSOCIATES, P.A.
CIVIL ENGINEERS • LAND SURVEYORS • PLANNERS
3800 VIA DEL REY
BONITA SPRINGS, FLORIDA 34134
PHONE : (239) 947-1144 FAX : (239) 947-0375
CERTIFICATE OF AUTHORIZATION NUMBER LB 5151

LEGAL DESCRIPTION AND SKETCH
COCONUT POINTE, PARKING LOT
SECTION 8, TOWNSHIP 47 SOUTH, RANGE 25 EAST,
LEE COUNTY, FLORIDA
DATE: MAY. 2002 | DRAWING NUMBER: R-2277-1

EXHIBIT A

EXHIBIT B

SCHEDULE OF USES

- Accessory Uses: Building and structures
- Administrative Offices
- Entrance gates and gate houses
- Essential services
- Essential Services Facilities, Group 1
- Excavation and/or relocation
- Parking lots, accessory and temporary

DEVIATIONS:

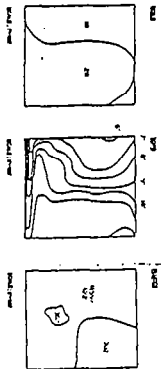
A. Consider how the requirement for actual and connected separation of 660 feet, [50-285\(A\), TITLE 1, CONNECTION TO 1325 AND 2116](#), may be applied.

B. Consider how the requirement that one species, group, or priority plant that we focused here 125 feet from existing structures, including a road, wall or construction barrier and not less than 10 feet if it is to be constructed and less than 25 feet from the existing property and surrounded with a perimeter of 5 feet and 10 inches per 100 square feet, [50C-1416\(b\)\(3\)](#) to within 15 feet from existing structures, [50C-1416\(b\)\(4\)](#), may be applied.

C. Consider how the 10 feet or 15 feet or 25 feet increase (depending on the wall or road) the seed and seed bank.

NOTES

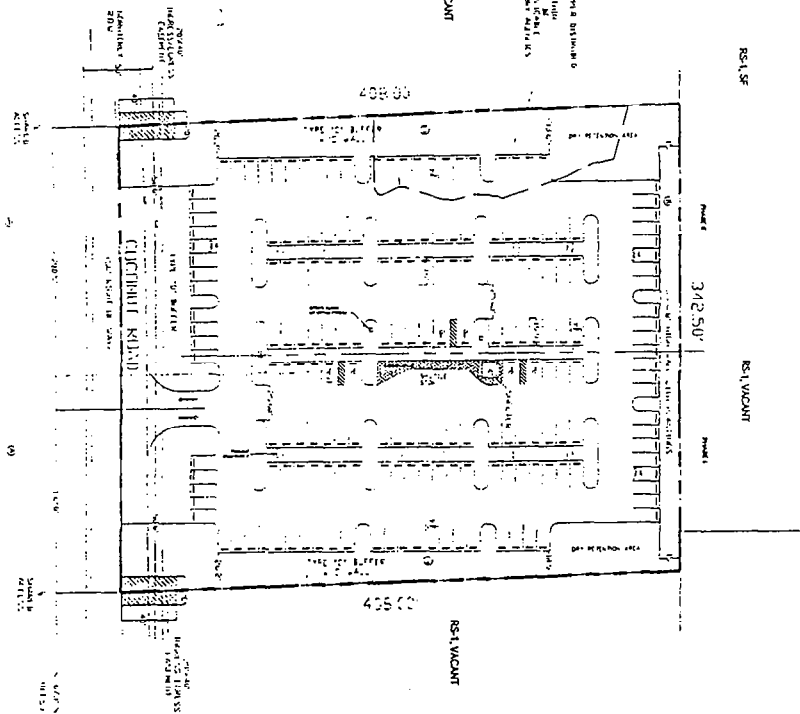
1. Use Country Level Data Classification: Outlying Situation
2. Using country, banking & quality data meet or exceed all applicable LDC standards
3. Primarily to be established at the behest of a local Development Order, but is appropriate
4. No public listed sources for the past are appropriate
5. No public listed sources for the past are within the general vicinity
6. Publicly owned and state locations are appropriate
7. Publicly owned and state locations are appropriate
8. Development of (Phase) I will not require a temporary buffer along the western property line, existing vegetation and vegetation will provide ample screening.



NO POLE AND THE LAD
29 BAROULE SAND

CONTINUED AT
1 FOOT INTERVALS

302-CLAYED FELDS
415422 PNEUMOD
DISTURBEDERUIN PERPUN



POD. PELICAN LANDING VACANT

[illegible]

APPROVED
Master Concept Plan

Site Plan # 99-048 Page 1 of 1
Subject to conditions in Resolution Z-99-048
Zoning Case # 95-01-050-032046



RECEIVED
JUN 18 1959
ZONING COUNCIL

PROJECT # 95 01-050-03 7 04.01
PROJECT TYPE 12

: JANUARY 20, 1998

Sheet 1 of 1

WCI COMMUNITIES

PROJECT

PELICAN LANDING COMMUNITY ASSOCIATION
RPD

TASK

CONCEPT PLAN

ZONING MAP

