RESOLUTION NUMBER Z-98-027

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

WHEREAS, J. Stephen Crawford, Trustee, filed an application for a rezoning from Multiple Family Residential (RM-2) to Residential Planned Development (RPD), in reference to The Villages of Bonita RPD; and

WHEREAS, the subject property is located at 9450 Village View Boulevard, Bonita Springs, Lee County, Florida, and is described more particularly as:

LEGAL DESCRIPTION:

All of The Villages of Bonita, a subdivision located in a portion of Section 22, Township 47 South, Range 25 East, Lee county, Florida, as recorded in Plat Book 59 at Pages 1 thru 8 of the public records of Lee County, Florida.

LESS AND EXCEPT

Lots 1 thru 8, Block "A", Lots 8 thru 18, Block "B", Lots 2 thru 4, and 21, Block "C", of said The Villages of Bonita Plat and Phase 1, 2 and 11 of the Villages of Bonita, A Condominium; and

WHEREAS, the applicant has indicated the property's current STRAP numbers are 22-47-25-07-00000.000A & 22-47-25-08-00000.000A ; and

WHEREAS, J. Stephen Crawford, Trustee the owner of the subject parcel, authorized Q. Grady Minor & Associates, P.A. to act as agent to pursue this zoning application; and

WHEREAS, a public hearing was advertised and held on April 22, 1998 before the Lee County Hearing Examiner in Case No. 96-05-158.02Z 01.01, who gave full consideration to the evidence available; and

WHEREAS, a public hearing was advertised and held on June 1, 1998 before the Lee County Board of County Commissioners who 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 APPROVES the rezoning of 77.07± total acres of land from Multiple Family Residential (RM-2) to Residential Planned Development (RPD), as follows:

SECTION A. CONDITIONS:

The rezoning and Master Concept Plan are subject to the following conditions:

6/1/98

1. The development and use of the subject property will be in substantial compliance with the approved four-page Master Concept Plan (MCP) entitled "The Villages of Bonita RPD" (File No. VBRPDCOV, stamped received "April 9, 1998") as prepared by Q. Grady Minor & Associates, except as modified herein. Unless specifically approved as part of this rezoning, development must comply with all applicable local development regulations.

2. A maximum of 321 dwelling units are allowed within this planned development.

3. The following Schedule of Uses will be the permitted uses within this planned development:

SCHEDULE OF USES

ADMINISTRATIVE OFFICES
CLUBS: Private (LDC Section 34-2111)
DWELLING UNIT:
- Single-family
- Duplex
- Two-family attached
- Townhouse
- Multiple-family building
- Zero lot line

ENTRANCE GATES AND GATEHOUSE (LDC Section 34-1741 *et seq.*)
ESSENTIAL SERVICES (LDC Sections 34-1611 *et seq.*, and 34-1741 *et seq.*)
ESSENTIAL SERVICE FACILITIES [LDC Section 34-622(c)(13)]: Group I (LDC Sections 34-1611 *et seq.*, 34-1741 *et seq.*, and 34-2141 *et seq.*)
EXCAVATION: Water retention (LDC Section 34-1651)
FENCES, WALLS (LDC Section 34-1741)
MODELS:
- Display center (LDC Section 34-1951 *et seq.*)
- Model home (LDC Section 34-1951 *et seq.*)
- Model unit (LDC Section 34-1951 *et seq.*)

REAL ESTATE SALES OFFICE [LDC 34-934 Note (23) and 34-1951 *et seq.*]
SIGNS in accordance with Chapter 30

4. Exhibit "B" (Attachment G to the Staff Report) sets out the approved Property Development Regulations for this project.

5. Hazard and hurricane mitigation:

   a. The Applicant must initiate the establishment of a homeowner's or resident's association. The organization must provide an educational program on an annual basis; in conjunction with the staff of the Lee County Office of Emergency Management. The intent of this recommendation is to provide a means to educate residents concerning the actions they should take to mitigate the dangers inherent in these hazards.

   b. The Applicant must formulate an emergency hurricane notification and evacuation plan for the development, which will be subject to review and approval by the Lee County Office of Emergency Management.

c. The purchaser/end user of each parcel, which will be used to store, manufacture, or use hazardous materials, must contact the Lee County Office of Emergency Management Hazardous Material Representative, to discuss the proposed development in relation to the potential type, use, and storage of hazardous materials, which will be located on the premises.

d. The Applicant must establish an emergency notification system to be used in the event of a hazardous material release.

6. The Applicant must provide for the emergency medical service impacts generated by the proposed development, as defined by Ordinance 89-15.

7. If access to this development is through a security gate or similar device, which is not manned 24 hours a day, it must be equipped with an override strip installed in a glass-covered box to be used by drivers of emergency vehicles to gain entry.

8. The Applicant must provide for the fire protection impacts generated by the proposed development, as defined by Lee County Ordinance 89-15.

9. Approval of this zoning request does not address mitigation of the project's vehicular or pedestrian traffic requirements. Additional conditions may be required to obtain a local development order, consistent with local development regulations.

10. This rezoning approval does not give the developer an undeniable right to receive local development order approval that exceeds the Year 2010 Overlay use allocation, if such allocation exists, for the applicable district.

11. Prior to the issuance of a development order on any tract, a total required open space of 21.02 acres must be shown on the development order plan.

12. The proposed "indigenous mitigation" plantings of 126 trees and 504 shrubs must consist of South Florida slash pines (*Pinus elliottii var. densa*) and wax myrtles (*Myrica cerifera*). Plants must meet the size requirements per Land Development Code (LDC) Section 10-416 (tree height of six feet and shrub height of 36 inches). The plantings must be evenly distributed in the five planting areas shown on the MCP. The establishment and growth of native plantings is enhanced when planted as close to natural grade as possible, therefore, the "indigenous mitigation" areas as delineated on the MCP must not have any additional fill placed on them. All the "indigenous mitigation" areas must be planted and the invasive exotic removal [LDC Section 10-314(f)] within the indigenous preserve must be complete prior to the issuance of a certificate of compliance for Area 2 as identified on the MCP.

SECTION B. DEVIATIONS:

The Master Concept Plan deviates from the Lee County development standards as set forth below:

Deviation (1) requests relief from LDC Section 10-296, Table 4(7)(c) which requires the wearing surface of roads be one-inch thick asphaltic concrete of FDOT Type S-III, to allow concrete interlocking pavers. This deviation is APPROVED, SUBJECT TO THE CONDITIONS that the structural minimum specifications of the alternate street cross-section must be equal to or exceed the structural minimum

specifications of a "standard" cross-section and that this only applies to private roads within the development.

Deviation (2) was withdrawn.

Deviation (3) requests relief from LDC Section 34-935(B)(1) which requires that buildings and structures must be set back from the development perimeter a distance of 15 feet, to allow a 7.5-foot setback from the east boundary line for Lot 1 in Area 2, is APPROVED.

Deviation (4) was withdrawn.

Deviation (5) requests relief from LDC Section 34-373(a)(6)a.7., which requires that a percentage of a development be open space, unless the proposed development is in a development area consisting solely of conventional single-family dwelling units on lots of no less than 6,500 square feet, to allow the exception if the proposed development is in a development area consisting of single-family or two-family attached units is APPROVED, consistent with Condition 12 above.

SECTION C. Master Concept Plan:

A four page reduced copy of the Master Concept Plan is attached and incorporated into this resolution by reference, as modified herein.

SECTION D. FINDINGS AND CONCLUSIONS:

The following findings and conclusions were made in conjunction with the approval of the requested rezoning:

1. That 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 rezoning:

   a. will meet or exceed 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. That 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 traffic generated by the development.

4. That the proposed use or mix of uses is appropriate at the subject location.

5. That the recommended conditions to the concept plan and other applicable regulations provide sufficient safeguard to the public interest.

6. That the recommended conditions are reasonably related to the impacts on the public interest created by or expected from the proposed development.

7. That the requested deviations enhance the achievement of the objectives of the planned development.

8. That the requested deviations preserve and promote the general intent of Chapter 34, Land Development Code, to protect the public health, safety and welfare.

9. That urban services, as defined in the Lee Plan, are available and adequate to serve the proposed land use.

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

John E. Manning	Absent
Douglas R. St. Cerny	Absent
Ray Judah	Aye
Andrew W. Coy	Aye
John E. Albion	Aye

DULY PASSED AND ADOPTED this 1st day of June, 1998.

ATTEST:
CHARLIE GREEN, CLERK

BY: Ruth Trujillo
Deputy Clerk

BOARD OF COUNTY COMMISSIONERS
OF LEE COUNTY, FLORIDA

BY: John E. Albion
Vice - Chairman

Approved as to form by:

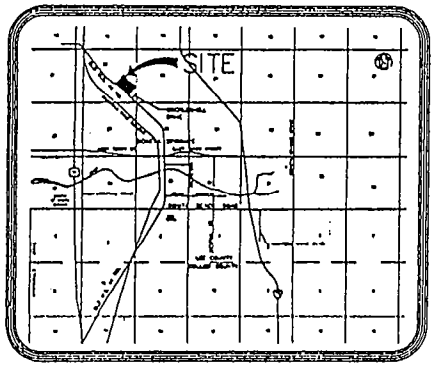
Patty Whitt
County Attorney's Office

MINUTES DEPARTMENT
Ruth T.
FILED JUN 08 1998

CASE NO. 96-05-158.02Z 01.01



The Villages Of Bonita RPD



LOCATION MAP

LOCATED IN SECTION 22, TOWNSHIP 47S, RANGE 25E,
BONITA SPRINGS, LEE COUNTY,
FLORIDA

INDEX OF DRAWINGS

DWG. No.	DESCRIPTION
1	COVER SHEET AND INDEX OF DRAWINGS
2	MASTER CONCEPT PLAN (EXHIBIT II-B-2, II-F-3, IV-F)
3	GENERAL NOTES
4	SOILS, VEGETATION & TOPO MAP (EXHIBIT II-F-4, II-F-5)

APPROVED
Master Concept Plan
Lee Plan # 11-01 Page 1 of 4
Subject to conditions in Resolution Z-11-071
Zoning Case # 11-05-154.02Z 01.01

OWNER:
J. STEPHEN CRAWFORD, TRUSTEE
Villages of Bonita Trust
5129 Castello Drive, Suite 2
Naples, FL 34103
(941) 591-4600

PREPARED BY:
Q. GRADY MINOR AND ASSOCIATES, P.A.
CIVIL ENGINEERS • LAND SURVEYORS • PLANNERS
3800 VIA DEL REY
BONITA SPRINGS, FLORIDA 34134
PHONE : (941) 947-1144 FAX : (941) 947-0375

PROJECT # 9605-154.02R1R1
PROJECT TYPE D

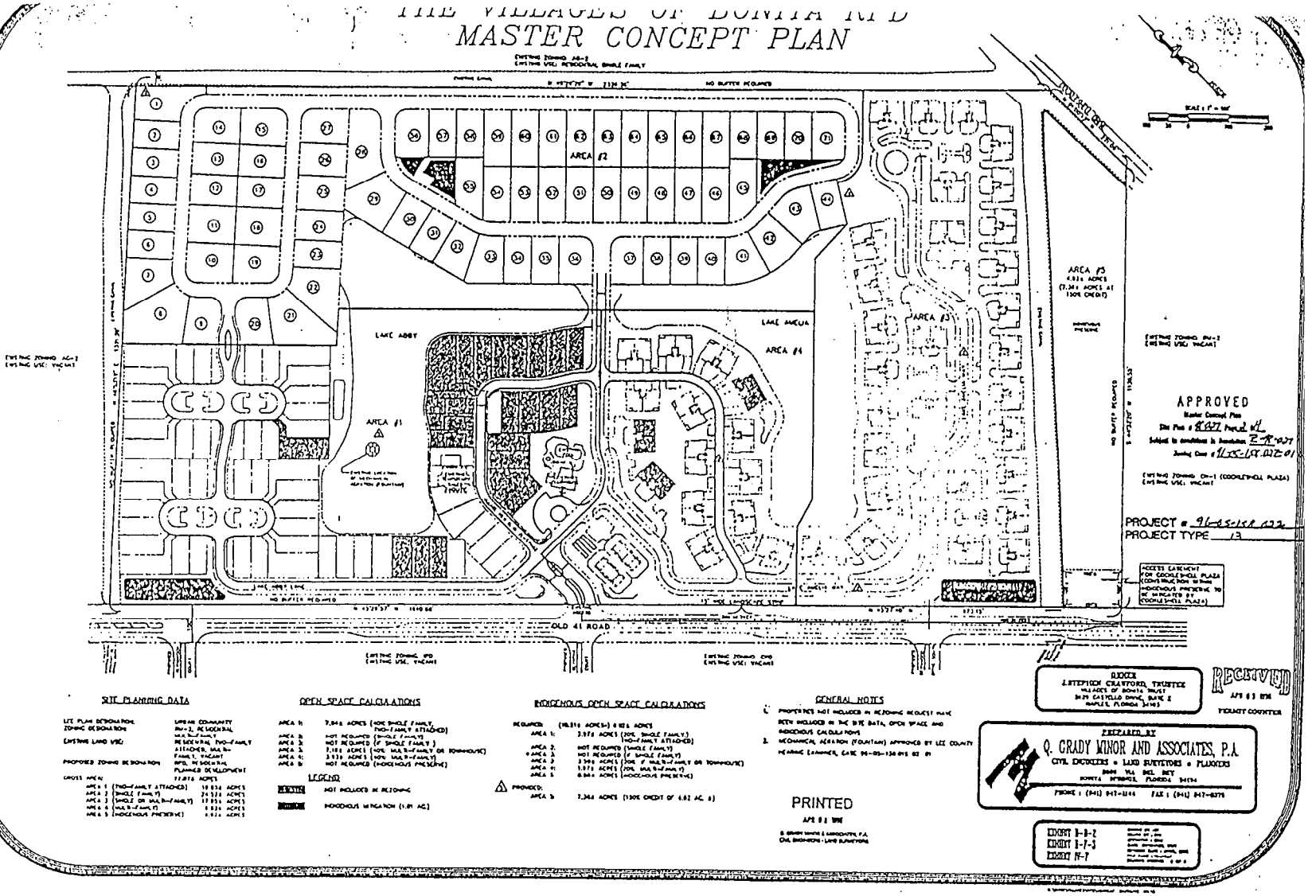
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PRINTED
APR 11 2011
Q. GRADY MINOR & ASSOCIATES, P.A.
CIVIL ENGINEERS • LAND SURVEYORS

DATE NOVEMBER, 1997 DRAWING NUMBER 1 OF 4
FILE NAME : VBRPDCOV

EXHIBIT B

THE VILLAGES OF BONITA M.P.D.
MASTER CONCEPT PLAN



SITE PLANNING DATA

LEE PLAN DESIGNATION	URBAN COMMUNITY
ZONING DESIGNATION	RM-2, RESIDENTIAL
EXISTING LAND USE	RESIDENTIAL TWO-FAMILY ATTACHED, MULTI-FAMILY, VACANT
PROPOSED ZONING DESIGNATION	RPD, RESIDENTIAL PLANNED DEVELOPMENT
GROSS AREA	77.276 ACRES
AREA 1 (TWO-FAMILY ATTACHED)	18.934 ACRES
AREA 2 (SINGLE FAMILY)	29.934 ACRES
AREA 3 (SINGLE OR MULTI-FAMILY)	17.934 ACRES
AREA 4 (MULTI-FAMILY)	11.934 ACRES
AREA 5 (INDIGENOUS PRESERVE)	8.934 ACRES

OPEN SPACE CALCULATIONS

AREA 1:	7.344 ACRES (40% SINGLE FAMILY, TWO-FAMILY ATTACHED)
AREA 2:	NOT REQUIRED (SINGLE FAMILY)
AREA 3:	NOT REQUIRED (1 SINGLE FAMILY)
AREA 4:	7.181 ACRES (40% MULTI-FAMILY OR TOWNHOUSE)
AREA 5:	3.930 ACRES (40% MULTI-FAMILY)
AREA 6:	NOT REQUIRED (INDIGENOUS PRESERVE)

LEGEND

- NOT INCLUDED IN REZONING
- INDIGENOUS MITIGATION (1.01 AC.)

INDIGENOUS OPEN SPACE CALCULATIONS

REQUIRED:	(18.934 ACRES) 4.921 ACRES
AREA 1:	2.976 ACRES (20% SINGLE FAMILY, TWO-FAMILY ATTACHED)
AREA 2:	NOT REQUIRED (SINGLE FAMILY)
AREA 3:	NOT REQUIRED (1 SINGLE FAMILY)
AREA 4:	2.944 ACRES (20% MULTI-FAMILY OR TOWNHOUSE)
AREA 5:	1.575 ACRES (20% MULTI-FAMILY)
AREA 6:	8.844 ACRES (INDIGENOUS PRESERVE)
PROVIDED:	
AREA 6:	7.344 ACRES (100% CREDIT OF 4.82 AC. #)

GENERAL NOTES

1. PROPERTIES NOT INCLUDED IN REZONING REQUEST HAVE BEEN INCLUDED IN THE SITE DATA, OPEN SPACE AND INDIGENOUS CALCULATIONS.
2. MITIGATION AREA NOW FOUNTAIN APPROVED BY LEE COUNTY HEARING EXAMINER, CASE 96-05-150.01Z 01

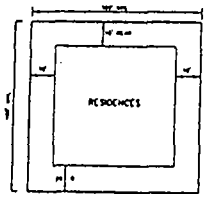
RIDDER
J. STEPHEN CRAWFORD, TRUSTEE
VILLAGES OF BONITA TRUST
3470 CASTELLO DRIVE, SUITE 2
NAPLES, FLORIDA 34103

PREPARED BY
Q. GRADY MINOR AND ASSOCIATES, P.A.
CIVIL ENGINEERS • LAND SURVEYORS • PLANNERS
3800 VIA DEL REY
BONITA SPRINGS, FLORIDA 34134
PHONE: (941) 947-1144 FAX: (941) 947-0375

THE VILLAGES OF BONITA

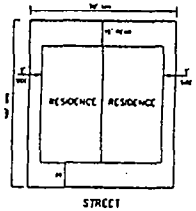
MASTER CONCEPT PLAN

GENERAL NOTES

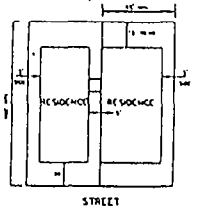


MULTIPLE FAMILY

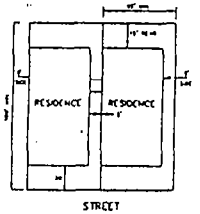
* 15' TO SIDE LOADED GARAGE



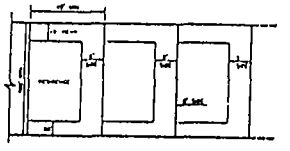
DUPLEX



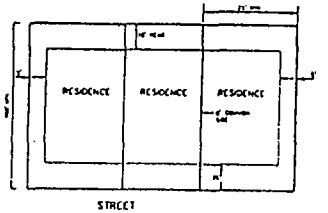
TWO FAMILY ATTACHED



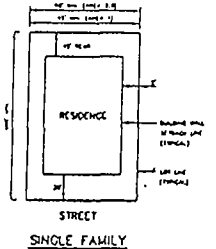
TWO FAMILY ATTACHED



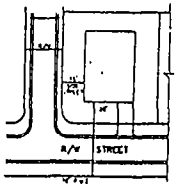
ZERO LOT LINE



TOWNHOUSE



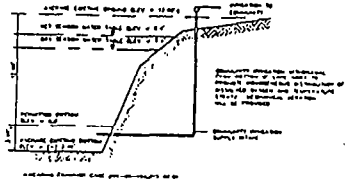
SINGLE FAMILY



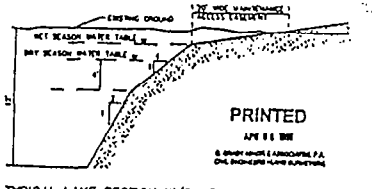
RESIDENTIAL STREET SETBACK

SCHEDULE OF USES

SCHEDULE OF DEVIATIONS



TYPICAL LAKE SECTION W/AERATION



TYPICAL LAKE SECTION W/O AERATION

PROPERTY DEVELOPMENT REGULATIONS

PROJECT # 91-15-151.02A

PROJECT TYPE 13

OWNER
LUTHER CRAWFORD, TRUSTEE
VILLAGES OF BONITA TRUST
5174 CASTELLO DRIVE, SUITE 3
NAPLES, FLORIDA 34103

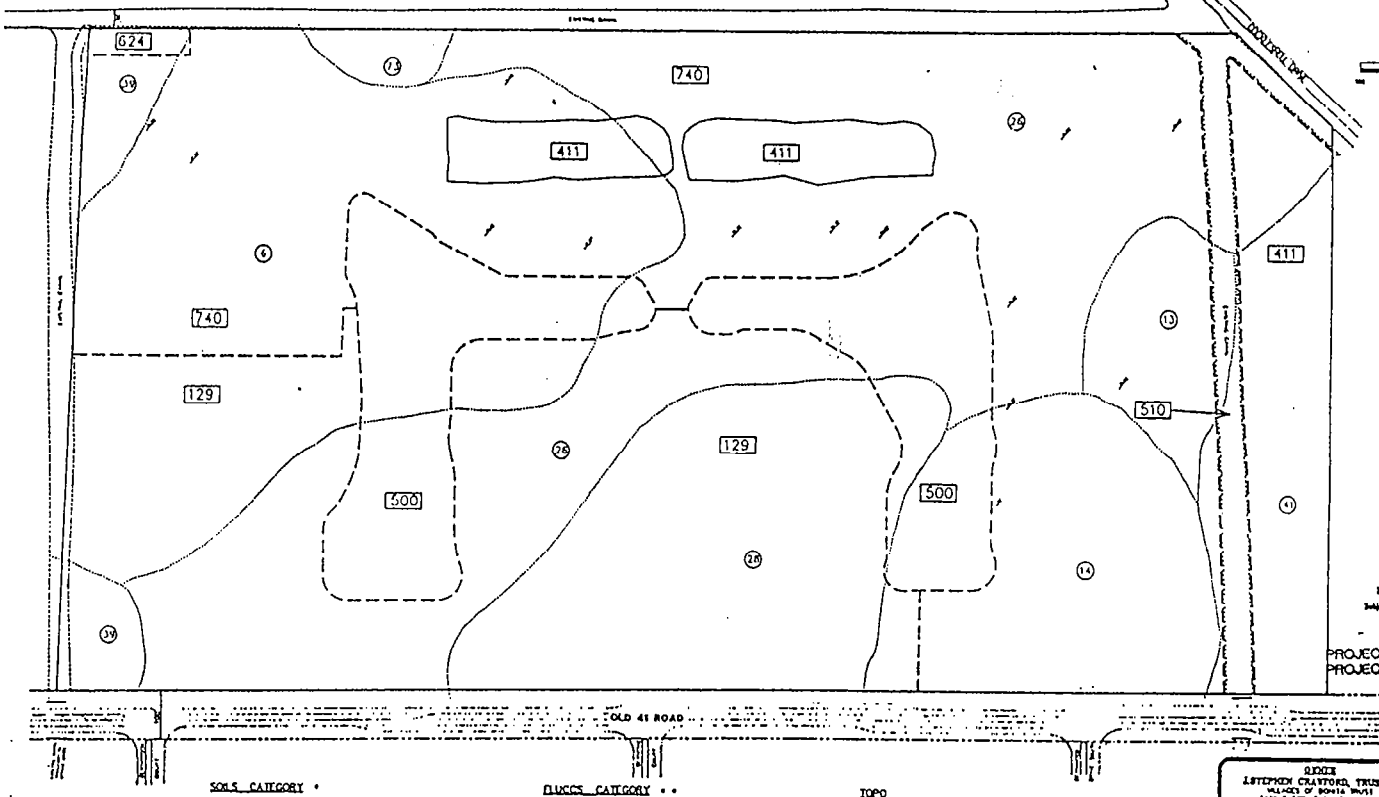
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PREPARED BY
Q. GRADY MINOR AND ASSOCIATES, P.A.
CIVIL ENGINEERS • LAND SURVEYORS • PLANNERS
3800 VIA DEL REY
BONITA SPRINGS, FLORIDA 34134
PHONE: (941) 947-1144 FAX: (941) 947-0595

PRINTED
APR 11 1991

APPROVED
Master Concept Plan
Site Plan # 91-15-151.02A
Subject to conditions of Resolution Z-91-007

THE VILLAGES OF BONITA RPD
SOILS, VEGETATION AND TOPO MAP



SOILS CATEGORY •

6 HALLANDALE FINE SAND
13 BOCA FINE SAND
14 VALKARIA FINE SAND
26 PINEDA FINE SAND
28 IMMOKALEE SAND
39 ISLES FINE SAND, DEPRESSIONAL
41 VALKARIA FINE SAND, DEPRESSIONAL
41 PINEDA FINE SAND, DEPRESSIONAL
SOILS LINE

FLUCCS CATEGORY ••

129 RESIDENTIAL, MEDIUM DENSITY
411 PINE FLATWOODS
500 WATER
510 CANAL
624 CYPRESS-PINE - CABBAGE PALM
740 DISTURBED LANDS
FLUCCS LINE

PRINTED

TOPO

0.00 EXISTING ELEVATION, NGVD, 1929.

• SOILS DETERMINATION FROM SOIL SURVEY OF LEE COUNTY, FLORIDA, UNITED STATES DEPARTMENT OF AGRICULTURE, SOIL CONSERVATION SERVICE.

•• FLUCCS DETERMINATION PROVIDED BY BOYLAN ENVIRONMENTAL CONSULTANTS, INC.

APPROVED

PROJECT # 91-05-152.02
PROJECT TYPE 12

OWNER
J. STEPHEN CRAWFORD, TRUSTEE
VILLAGES OF BONITA, INC.
9171 CATALO DRIVE, SUITE 2
NAPLES, FLORIDA 34113

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PERMIT CENTER

PREPARED BY
Q. GRADY MINOR AND ASSOCIATES, P.A.
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3800 VIA DEL REY
BONITA SPRINGS, FLORIDA 34134
PHONE (941) 947-1144 FAX (941) 947-0375

EXHIBIT II-F-4
EXHIBIT II-F-5

PROPERTY DEVELOPMENT REGULATIONS

EXHIBIT B

AREA 1

MINIMUM LOT AREA AND DIMENSIONS

USE	AREA (SQ.FT.)	WIDTH	DEPTH
SINGLE FAMILY	4,500	45 FEET	100 FEET
ZERO LOT LINE	4,500	45 FEET	100 FEET
TWO FAMILY ATTACHED	4,500	45 FEET	100 FEET
DUPLEX	7,000	70 FEET	100 FEET

MINIMUM SETBACK

USE	FRONT	CORNER	SIDE	REAR	WATER	BLDG. SEPARATION
SINGLE FAMILY	20'	15'	5'	15'	20'	10'
ZERO LOT LINE	20'	15'	0'/5'	15	20'	5'
TWO-FAMILY ATTACHED	20'	15'	0'/5'	15'	20'	5'
DUPLEX	20'	15'	0'/5'	15'	20'	10'

NOTE: THE CUL-DE-SAC AND LOT CONFIGURATIONS SHOWN IN AREA 1 ON THE MASTER CONCEPT PLAN ARE APPROVED BY D.O. #95-06-030.00D.

AREA 2

MINIMUM LOT AREA AND DIMENSIONS

USE	AREA (SQ.FT.)	WIDTH	DEPTH
SINGLE FAMILY	6,500	65 FEET	100 FEET

MINIMUM SETBACKS

USE	FRONT	CORNER	SIDE	REAR	WATER
SINGLE FAMILY	20'	15'	5'	15'	20'

AREA 3

MINIMUM LOT AREA AND DIMENSIONS

USE	AREA (SQ.FT.)	WIDTH	DEPTH
SINGLE FAMILY	6,500	65 FEET	100 FEET
ZERO LOT LINE	6,500	65 FEET	100 FEET
TWO FAMILY ATTACHED			
DUPLEX	7,000	70 FEET	100 FEET
TOWNHOUSE	2,500	25 FEET	100 FEET
MULTI-FAMILY	10,000	100 FEET	100 FEET

MINIMUM SETBACKS

USE	FRONT	CORNER	SIDE	REAR	WATER	BLDG. SEPARATION
SINGLE FAMILY	20'	15'	5'	15'	20'	10'
ZERO LOT LINE	20'	15'	0'/5'	15	20'	5'
TWO-FAMILY ATTACHED	20'	15'	0'/5'	15'	20'	5'
DUPLEX	20'	15'	0'/5'	15'	20'	10'
TOWNHOUSE	20'	15'	0'/5'	15'	20'	10'
MULTI-FAMILY	20'	15'	10'	15'	20'	15'

AREA 4 (EXISTING)

MINIMUM LOT AREA AND DIMENSIONS

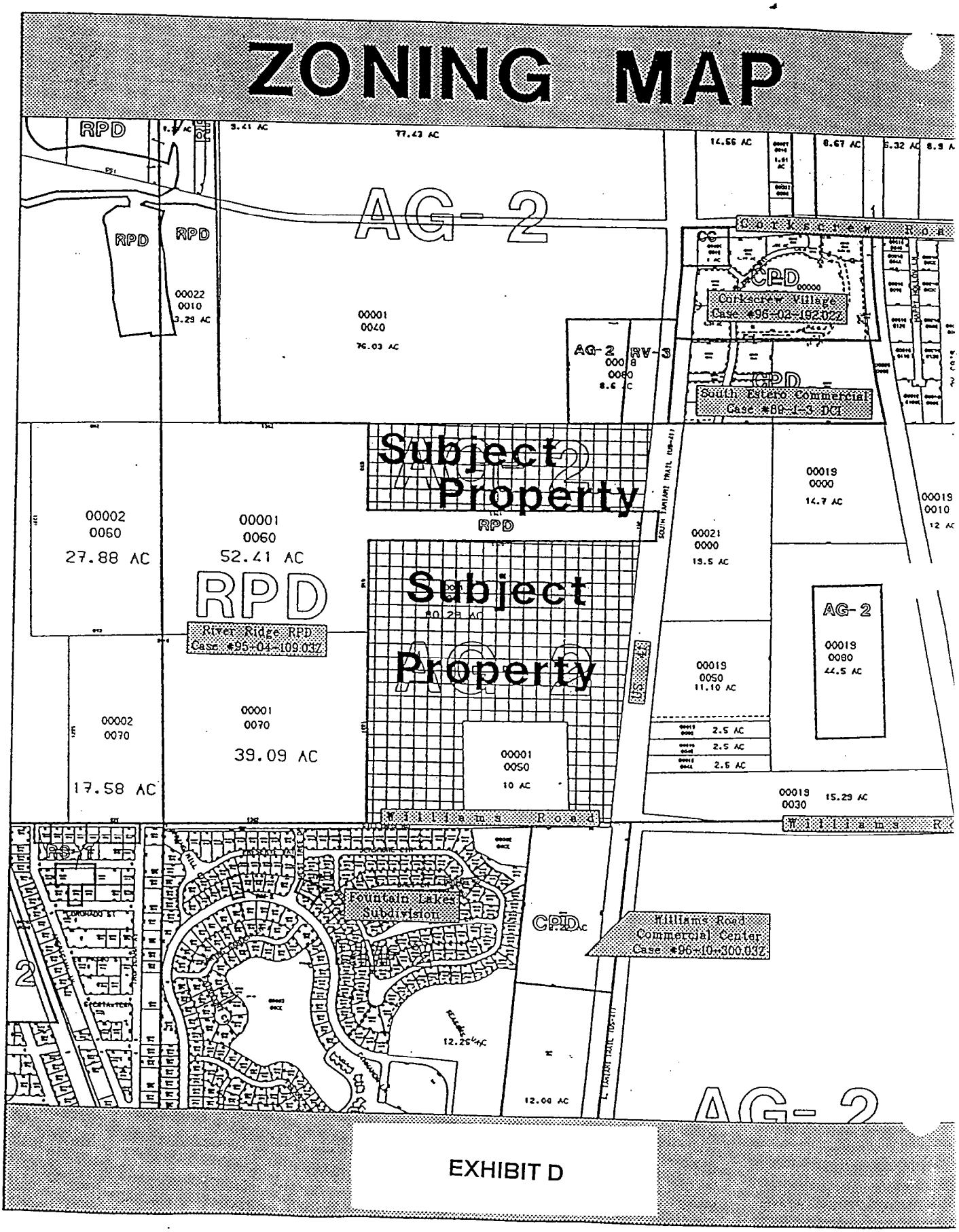
USE	AREA (SQ.FT.)	WIDTH	DEPTH
MULTI-FAMILY	10,000	100 FEET	100 FEET

MINIMUM SETBACKS

USE	FRONT	CORNER	SIDE	REAR	WATER	BLDG. SEPARATION
MULTI-FAMILY	20'	15'	10'	15'	20'	15'

MAXIMUM BUILDING HEIGHT

SINGLE FAMILY	35 FEET OR 2 STORY
ZERO LOT LINE	35 FEET OR 2 STORY
TWO FAMILY ATTACHED	35 FEET OR 2 STORY
DUPLEX	35 FEET OR 2 STORY
TOWNHOUSE	35 FEET OR 2 STORY
MULTI-FAMILY	35 FEET OR 3 STORY


ZONING MAP
RPD
AG-2
Corkscrew Road
CC
CPD
Corkscrew Village
Case #96-02-192.022
South Estero Commercial
Case #89-1-3 DCI
Subject Property
RPD
River Ridge RPD
Case #95-04-109.03Z
Subject Property
AG-2
Williams Road
Fountain Lakes Subdivision
CPD
Williams Road Commercial Center
Case #96-10-300.03Z
AG-2
EXHIBIT D