RESOLUTION NUMBER Z-97-074

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

WHEREAS, John C. Malpeli, Jr., filed an application for a rezoning from Agricultural (AG-2) and Residential Planned Development (RPD) to Residential Planned Development, in reference to San Marino Pines; and

WHEREAS, the subject property is located at 4156 Coconut Road, Bonita Springs, and is described more particularly as:

LEGAL DESCRIPTION: In Section 08, Township 47 South, Range 25 East, Lee County, Florida:

A portion of the Northeast Quarter (NE¼) of Section 08, Township 47 South, Range 25 East, Lee County, Florida being more particularly described as follows:

Beginning at the Northeast corner of Section 08, Township 47 South, Range 25 East, Lee County, Florida;
THENCE run N88°07'37"W along the North line of the Northeast Quarter (NE¼) of said Section 08, for a distance of 1,935.73 feet to the Northwest corner of the East Three Quarters (E¾) of the Northeast Quarter (NE¼) of said Section 08;
THENCE run S00°11'21"E along the West line of the East Three Quarters (E¾) of the Northeast Quarter of said Section 08 for a distance of 2,449.98 feet to a point 200.00 feet Northerly of as measured along the West line of the East Three Quarters (E¾) of the Northeast Quarter (NE¼) of said Section 08, the South line of the Northeast Quarter (NE¼) of said Section 08;
THENCE run S88°37'29"E parallel with the South line of the Northeast Quarter (NE¼) of said Section 08, for a distance of 200.00 feet;
THENCE run S00°11'21"E parallel with the West line of the East Three Quarters (E¾) of the Northeast Quarter (NE¼) of said Section 08, for a distance of 200.00 feet to a point on the South line of the Northeast Quarter (NE¼) of said Section 08;
THENCE run S88°37'29"E along the South line of the Northeast Quarter (NE¼) of said Section 08, for a distance of 1,727.29 feet to the Southeast corner of the Northeast Quarter (NE¼) of said Section 08;
THENCE run N00°01'03"W along the East line of the Northeast Quarter (NE¼) of said Section 08, for a distance of 2,632.95 feet to the POINT OF BEGINNING.

Property area (including roadway): 116.154 acres more or less.

12/1/97

A portion of the Northeast Quarter (NE¼) of Section 08, Township 47 South, Range 25 East, Lee County, Florida, being more particularly described as follows:

Beginning at the Southwest corner of the East Three Quarters (E¾) of the Northeast Quarter (NE¼) of Section 08, Township 47 South, Range 25 East;
THENCE run East 1,320 feet to the POINT OF BEGINNING of the land herein conveyed;
THENCE run North Parallel with the West line of said fraction of a section 200 feet;
THENCE East 50 feet;
THENCE South parallel with the West line of said fraction of a section 200 feet;
THENCE West 50 feet to the POINT OF BEGINNING.

Property area: 0.230 acre more or less; and

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

WHEREAS, John C. Malpeli, Jr., the only General Partner of Malpeli Family Limited Partnership, a Michigan limited partnership, the owner of the subject parcel, authorized Hole, Montes & Associates, Inc. to act as agent to pursue this zoning application; and

WHEREAS, a public hearing was advertised and held on October 29, 1997 before the Lee County Hearing Examiner in Case No. 95-08-221.02Z 01.01, who gave full consideration to the evidence available; and

WHEREAS, a public hearing was advertised and held on December 1, 1997 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 with conditions** the rezoning from Agricultural (AG-2) and Residential Planned Development (RPD) to Residential Planned Development, as follows:

SECTION A. CONDITIONS:

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

1. The terms and conditions expressed in Resolutions Z-88-034, Z-90-021, Z-92-032, Z-92-032A and Administrative Amendment Approvals PD-95-033 and FPA-96-053

remain fully binding unless specifically addressed and modified by this amendment. This project must fully comply with all commitments and conditions of the previous zoning resolutions not affected by this amendment.

2. The development and use of the subject property must be in substantial compliance with the approved Master Concept Plan entitled "Proposed R.P.D. Amendment," Exhibit IV-E (Project No. 9580XCP2, dated 8/27/96, stamped received September 2, 1997) as prepared by Hole, Montes & Associates, except as modified by the conditions herein.

3. No additional dwelling units have been approved to this overall planned development as part of this action. Overall, the San Marino Pines planned development may not exceed 452 dwelling units.

4. The land uses allowed within the above noted resolutions and zoning actions remain effective as part of this zoning approval. As part of the development scenario approved herein, the land use breakdown consists of single-family residential, wetlands preserve/buffer, water retention excavations, open space, and infrastructure.

5. As offered on the above noted Master Concept Plan, the following Property Development Regulations will apply in this RPD:

Minimum Lot Area and Dimensions:	
Area:	7,000 square feet
Width:	70 feet
Depth:	100 feet
Minimum Setbacks:	
Street:	20 feet
Side:	5 feet
Side (corner lot):	10 feet
Rear:	10 feet
Water Body:	20 feet
Maximum Lot Coverage:	40 percent
Maximum Building Height:	40 feet

6. This zoning approval does not address the mitigation of the project's vehicular or pedestrian traffic impacts. Additional conditions may be required at the time of local development order.

7. 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.

8. No additional deviations have been requested as part of this planned development application. All deviations granted in the above noted resolutions remain in effect as part of this planned development approval. Except as granted above, this development must comply with all Lee County Land Development Code requirements in effect at the time of local development order approval.

SECTION B. Master Concept Plan:

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

SECTION C. FINDINGS AND CONCLUSIONS:

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

1. The applicant has proven entitlement to the proposed RPD zoning by demonstrating compliance with the Lee Plan, the Land Development Code, and other applicable codes and regulations.

2. The RPD 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, and with those approved or existing in the vicinity of the property;

   c. is compatible with existing or planned uses in the surrounding area, and will not be detrimental to the persons on properties in the surrounding area; and

   d. will not adversely affect environmentally critical areas, natural resources, or open space/preserve areas set aside in the original RPD approvals.

3. Approval of the RPD district will not place an undue burden upon existing transportation or planned infrastructure facilities and the site will be served by streets with the capacity to carry traffic generated by the development.

4. Urban services, as defined in the Lee Plan, are, or will be, available and adequate to serve the proposed land use.

5. The proposed use or mix of uses is consistent with the planned or existing uses in the area, and those uses are at the subject location.

6. The recommended conditions applicable to the concept plan, the previously approved conditions of the RPD, and other applicable regulations provide sufficient safeguards to the public interest, and are reasonably related to the impacts on the public's interest created by or expected from the proposed development.

7. That there were no additional deviation requests made for the proposed plan of development, and the deviations approved in the former approvals will remain in full force and effect.

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

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

DULY PASSED AND ADOPTED this 1st day of December, 1997.

ATTEST:
CHARLIE GREEN, CLERK

BY: _____
Deputy Clerk

BOARD OF COUNTY COMMISSIONERS
OF LEE COUNTY, FLORIDA

BY: _____
Chairman

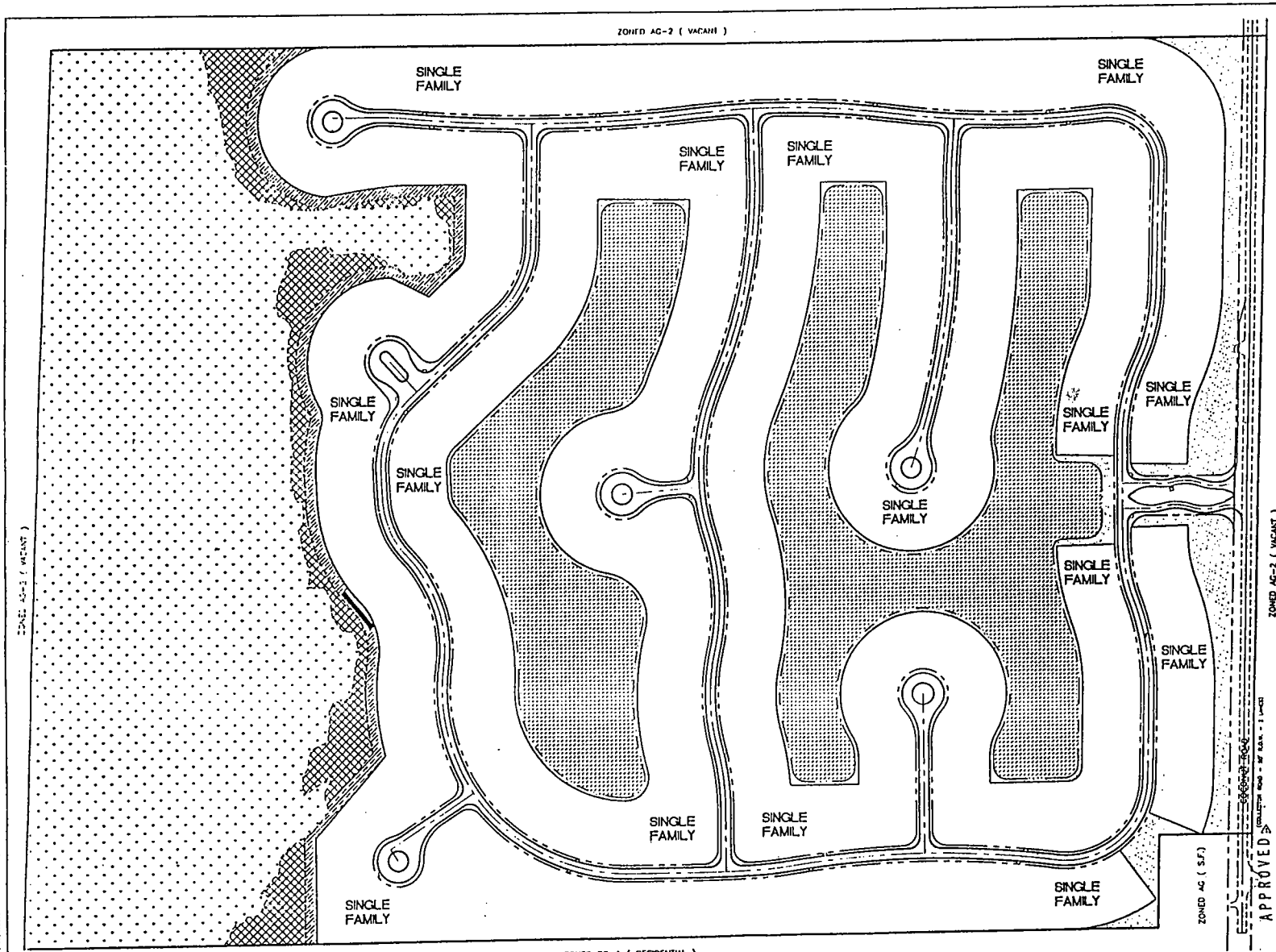
Approved as to form by:

_____
County Attorney's Office

FILED

DEC 3 1997

CLERK CIRCUIT COURT
BY _____ D.C.



SCALE: 1" = 100'

PROJECT SUMMARY:

SITE DEVELOPMENT STANDARDS:

LAND USE BREAKDOWN:

OPEN SPACE CALCULATIONS:

INDIGENOUS VEGETATION CALCS:

PROJECT PHASING:

EXISTING LAND USEAGE:

LANDSCAPING / BUFFERING REQUIREMENTS:

GENERAL NOTES:

LEGEND:

LAKE AREA

GENERAL OPEN SPACE

WETLAND PRESERVE

UPLAND PRESERVE/BUFFER

REQ'D UPLAND BUFFER (25' AVG. - 15' MIN)

APPROVED
Master Concept Plan
Site Plan - 12.09.97 TJL
Subject to conditions in Resolution Z-97-074
Zoning Case # 95-08-331.022.01.01

RECEIVED
SEP 0 7 1997
PERMIT COUNTER

REVISED
AUG 2 9 1997

ALL INTERNAL ROADS SHALL BE PRIVATELY OWNED AND MAINTAINED

PROJECT # 95-08-331.022 EXHIBIT IV-E

PROJECT TYPE 12

DRAWING IS CURRENT AS OF 08/27/98

SAN MARINO PINES

DESIGNED BY: C.J.G. DATE: 08/27/98
DRAWN BY: C.J.G. DATE: 08/27/98
CHECKED BY: T.M./M.E.D. DATE: 08/27/98
VERTICAL SCALE: HORIZONTAL SCALE: 1" = 100'

HOLE, MONTES & ASSOCIATES
ENGINEERS-PLANNERS-SURVEYORS
NAPLES-FORT MYERS-BONITA SPRINGS

MASTER CONCEPT PLAN
PROPOSED R.P.D. AMENDMENT

REFERENCE NO. 9580XCP2
DRAWING NO. 625-02
PROJECT NO. 95.80-X
SHEET NO. 2 OF 2