

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.

NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF COUNTY COMMISSIONERS:

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

10/4/99

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 legal description and STRAP number of the property.
- 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 John E. Manning, seconded by Commissioner John E. Albion and, upon being put to a vote, the result was as follows:

Ray Judah	<u>Aye</u>
John E. Albion	<u>Aye</u>
John E. Manning	<u>Aye</u>
Douglas R. St. Cerny	<u>Aye</u>
Andrew Coy	<u>Aye</u>

DULY PASSED AND ADOPTED this 4th day of October, 1999.

ATTEST:
CHARLIE GREEN, CLERK

BY: Charlie Green
Deputy Clerk

BOARD OF COUNTY COMMISSIONERS
OF LEE COUNTY, FLORIDA

BY: Ray Judah
Chairman

Approved as to form by:

David E. [Signature] 10/5/99
County Attorney's Office

MINUTES OFFICE

CASE NO: 95-01-050.03Z 04.01

Z-99-048
PAGE 5 OF 5

Ray F
FILED OCT 06 1999

EXHIBIT "A"

LEGAL DESCRIPTION

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, and being more particularly described as follows:

Commencing at the Southwest corner of the East half of the Northwest quarter of Section 8, Thence S.89°40'09"E. A distance of 342.50 feet to the Point Of Beginning.

Thence S.89°40'09"E. A distance of 171.25 feet,
Thence N.01°24'39"W. A distance of 408.00 feet,
Thence N.89°40'09"W. A distance of 171.25 feet,
Thence S.01°24'39"E. A distance of 408.00 feet,
To the Point Of Beginning.

The applicant has indicated that the STRAP numbers for the subject property are: 08-47-25-00-00003.0010 & 08-47-25-00-00003.0020

ZONING MAP

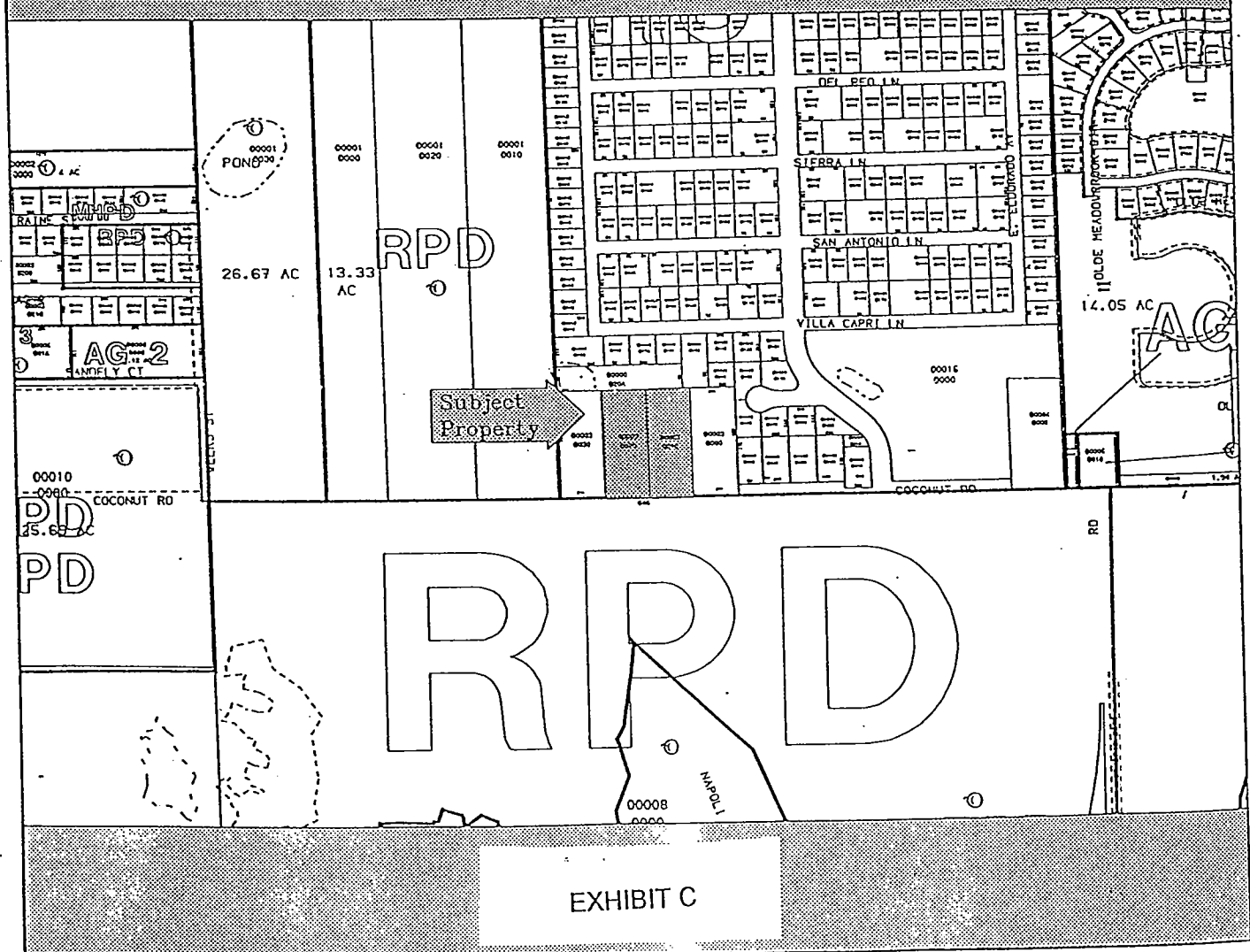


EXHIBIT C

SCHEDULE OF USES

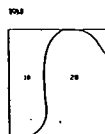
Accessory Uses, Building and structures
Administrative Offices
Entrance gates and gate houses
Essential services
Essential Services Facilities, Group I
Excavation water retention
Parking Lots, accessory and temporary
Signs

DEVIATIONS:

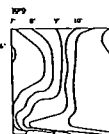
- Deviation from the requirement for arterial road connection separation of 660 feet (Sec. 10-285(a), TABLE 1, CONNECTION) TO 132x AND 210x feet.
- Deviation from the requirement where roads, drives, or parking areas that are located less than 125 feet from an existing residential subdivision, a solid wall or combination berm and solid wall not less than 8 feet in height must be 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. (Sec. 10-416(d)(3)) to allow 15 feet from abutting property on the North, and 18 feet on the East, with increased plantings and no wall on both the east and west sides.

NOTES

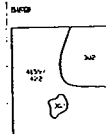
- Use County Land Use Classifications: Outlying Suburban
- Landscaping, buffering & parking shall meet or exceed all applicable LDC standards
- Planting to be administered at the issuance of a local Development Order, line is approximate
- Deviations locations on the plans are approximate
- No public transit routes or bus stops are within the general vicinity
- Parking space and aisle locations are approximate
- Development of Phase I will not require a temporary buffer along the western property line, existing vegetation and separation will provide ample screening.



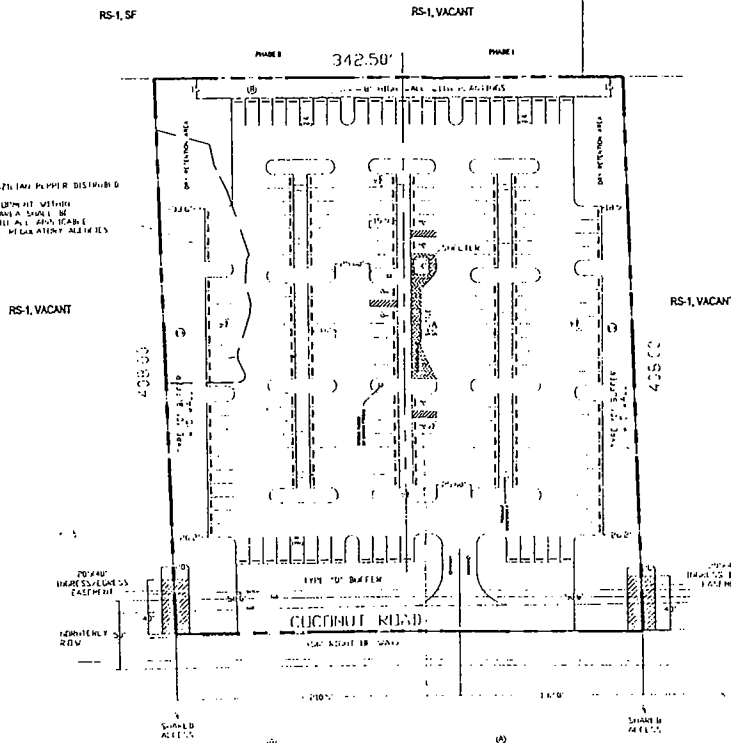
10 POMPANO FINE SAND
28 NAKOLEE SAND



CONTOURS AT
1 FOOT INTERVALS



302 - CLEARED FIELDS
415SHED PINEWOOD
DISTURBED/SHAZLAN PEPPER



RPO, PELICAN LANDING VACANT

SITE TOTAL: 3.2 AC

OPEN SPACE:
3.2 x 20% = 0.64 AC
PROVIDED = 1.33 AC

PARSONS:
1 SPACE PER 2.5 PEOPLE*
NUMBER OF RESIDENTS AND GUESTS WAITING FOR SHUTTLE,
SHUTTLE IN TRANSIT, AND AT BEACH PARK - 450
SPACES PER ABOVE
100 (8 HANDICAPPED)
SPACES PROVIDED
*BASED UPON COUNTS CONDUCTED BY PELICAN LANDING
COMMUNITY ASSOCIATION BEACH PARK MANAGER

BUILDING HEIGHT: 20 FEET



APPROVED

Master Concept Plan

Site Plan # 99-048 Page 1 of 1

Subject to conditions in Resolution Z-99-048

Zoning Case # 95-01-050.032.0401

RECEIVED
JUN 13 1999
ZONING COUNTER

PROJECT # 95 01-050-03 Z 04-01
PROJECT TYPE

TASK

CONCEPT PLAN

PROJECT
PELICAN LANDING COMMUNITY ASSOCIATION
RPO

