Aaco

RESOLUTION NUMBER Z-01-038

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

WHEREAS, an application was filed by the property owner, Engle Homes of Southwest Florida, Inc., to rezone 8.3± total acres of land from the Tourist Commercial (CT) zoning district to Residential Planned Development (RPD), in reference to Reflection Lakes RPD; and,

WHEREAS, a public hearing was advertised and held on September 19, 2001, before the Lee County Zoning Hearing Examiner, who gave full consideration to the evidence in the record for Case #DCI2001-00021; and

WHEREAS, a second public hearing was advertised and held on October 29, 2001 before the Lee County Board of Commissioners, who gave full and complete consideration to the recommendations of the staff, the Hearing Examiner, the documents on record and the testimony of all interested persons.

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

SECTION A. REQUEST

The applicant filed a request to rezone 8.3± total acres of land from CT to RPD, to allow a maximum of 14 single-family residential parcels with buildings not to exceed 35 feet in height. The property is located in the Central Urban Land Use Category and legally described in attached Exhibit A. The request is APPROVED SUBJECT TO the conditions and deviations specified in Sections B and C below.

SECTION B. CONDITIONS:

All references to uses are as defined or listed in the Lee County Land Development Code (LDC).

1. The development of this project must be consistent with the one-page Master Concept Plan (MCP), entitled "Reflection Lakes RPD," stamped "Received Jun 11 2001," except as modified by the conditions below. This development must comply with all requirements of the Lee County Land Development Code (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 AND STRUCTURES (LDC §§ 34-1171 *et seq.*, 34-2441 *et seq.*, 34-1863, 34-2141 *et seq.*, and 34-3106)

COPY

DWELLING UNIT: Single-family
ENTRANCE GATES AND GATEHOUSE (LDC § 34-1741 et seq.)
ESSENTIAL SERVICES (LDC §§ 34-1611 *et seq.*, and 34-1741 *et seq.*)
EXCAVATION: Water retention (LDC § 34-1651)
FENCES, WALLS (LDC § 34-1741)
HOME OCCUPATION (LDC § 34-1771 *et seq.*)
MODELS: Model home (LDC § 34-1951 *et seq.*)
REAL ESTATE SALES OFFICE (LDC §§ 34-1951 *et seq.*, and 34-3021)
(Also see Note 1 below)
Note 1: Real estate sales offices in residential areas are limited to sales of lots, homes or units within the development, except as may be permitted in Section 34-1951 *et seq.* The location of, and approval for, the real estate sales office will be valid for a period of time not exceeding five years from the date the certificate of occupancy for the sales office is issued. The director may grant one two-year extension at the same location.
RECREATIONAL FACILITIES:
Personal [SUBJECT TO Note (1) of LDC § 34-934]
Private, On-Site [SUBJECT TO Note (1) of LDC § 34-934]
RESIDENTIAL ACCESSORY USES [LDC § 34-622(c)(42)]
(LDC § 34-1171 *et seq.*)
SIGNS, in accordance with LDC Chapter 30

b. Site Development Regulations

Minimum Lot Area and Dimensions:

Area:	8,450 square feet
Width:	65 feet
Depth:	130 feet

Minimum Setbacks:

Street:	20 feet EXCEPT Lots 7 and 8 which may maintain 15 feet
Side:	5 feet
Rear:	20 feet EXCEPT Lot 7 which may maintain 10 feet
Water Body:	25 feet

Accessory Use and Structure setbacks must comply with LDC §§ 34-1171 *et seq.* and 34-2194.

Maximum Lot Coverage: 45 percent

Maximum Building Height: 35 feet

3. Prior to local development order approval, the landscape plan must include a littoral planting plan meeting the standards set forth in LDC § 10-418.

4. Prior to local development order approval, Applicant, as the owner of the subject property and the affected parcels in Reflection Lakes Unit 3, Plat Book 67, Page 2, must replat those affected parcels to show the right-of-way from the subject parcel to Bald Cypress Circle.

5. No excess excavated material may be removed from the site unless the developer can demonstrate to the Director of Community Development that the material to be removed: 1) is unsuitable material that cannot be used on-site and 2) the material must be excavated to meet the minimum requirements to provide a water management system on the site. The purpose of this condition is to prohibit the voluntary creation of excess fill material for use off-site.

6. 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.

7. Approval of this rezoning does not guarantee local development order approval. Future development order approvals must satisfy the requirements of the Lee Plan Planning Communities Map and Acreage Allocation Table, Map 16 and Table 1(b), be reviewed for, and found consistent with, the retail commercial standards for site area, including range of gross floor area, location, tenant mix and general function, as well as all other Lee Plan provisions.

SECTION C. DEVIATIONS:

1. Deviation (1) seeks relief from LDC § 10-296(b) (Table 3) which requires a minimum right-of-way or easement width of 40 feet to be provided for a privately maintained, two-way roadway with closed drainage; to allow a minimum right-of-way width of 35 feet. This deviation is APPROVED SUBJECT TO the condition that the developer provides a letter of no objection from all utilities and companies that will utilize the public utility easements along the road.

2. Deviation (2) seeks relief from LDC § 10-296(k)(1)b. which requires a cul-de-sac with a curb and gutter section to have a right-of-way diameter of 110 feet; to allow a minimum cul-de-sac right-of-way diameter of 94 feet. This deviation is APPROVED SUBJECT TO the condition that the developer provide written confirmation from the appropriate fire district that the requested roadway diameter width is adequate for emergency vehicles to maneuver.

3. Deviation (3) seeks relief from LDC § 34-935(b)(1)b which requires that buildings and structures be set back a minimum of 15 feet from the development perimeter if the subject property is or will be zoned RPD; to allow a 5-foot setback. This deviation is APPROVED for Lots 7 and 8 only within this development.

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: Zoning Map (subject parcel identified with shading)
Exhibit C: The Master Concept Plan

SECTION E. FINDINGS AND CONCLUSIONS:

1. The applicant has proven entitlement to the rezoning by demonstrating compliance with the Lee Plan, the LDC, and any other applicable code or regulation.

2. The rezoning, as approved:

   a. meets or exceeds all performance and locational standards set forth for the potential uses allowed by the request; and,

   b. is consistent with the densities, intensities and general uses set forth in the Lee Plan; and,

   c. is compatible with existing or planned uses in the surrounding area; and,

   d. will not place an undue burden upon existing transportation or planned infrastructure facilities and will be served by streets with the capacity to carry traffic generated by the development; and,

   e. will not adversely affect environmentally critical areas or natural resources.

3. The rezoning satisfies the following criteria:

   a. the proposed use or mix of uses is appropriate at the subject location; and

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

   c. the recommended conditions are reasonably related to the impacts on the public interest created by or expected from the proposed 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 approved deviations, as conditioned, enhance achievement of the planned development objectives, and preserve and promote the general intent of LDC Chapter 34, to protect the public health, safety and welfare.

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

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

DULY PASSED AND ADOPTED this 29th day of October, 2001.

ATTEST:
CHARLIE GREEN, CLERK

BY: _____
Deputy Clerk

BOARD OF COUNTY COMMISSIONERS
OF LEE COUNTY, FLORIDA

BY: _____
Chairman

Approved as to form by:

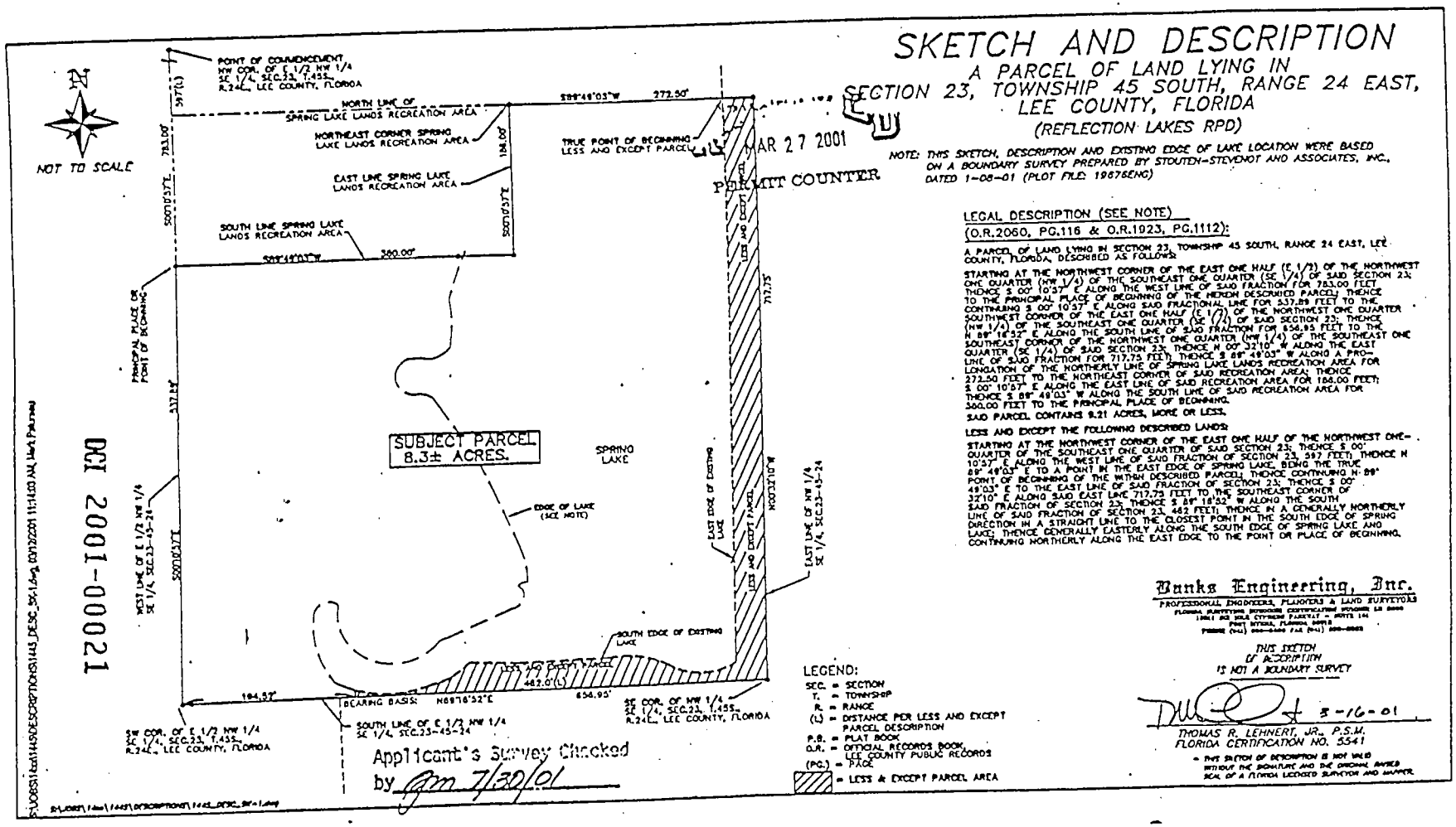
_____
County Attorney's Office

RECEIVED
NOV 13 2001
MINUTES OFFICE

EXHIBIT "A"

LEGAL DESCRIPTION

Property located in Lee County, Florida



The applicant has indicated that the STRAP number for the subject property is:
23-45-24-00-00003.0020

ZONING MAP

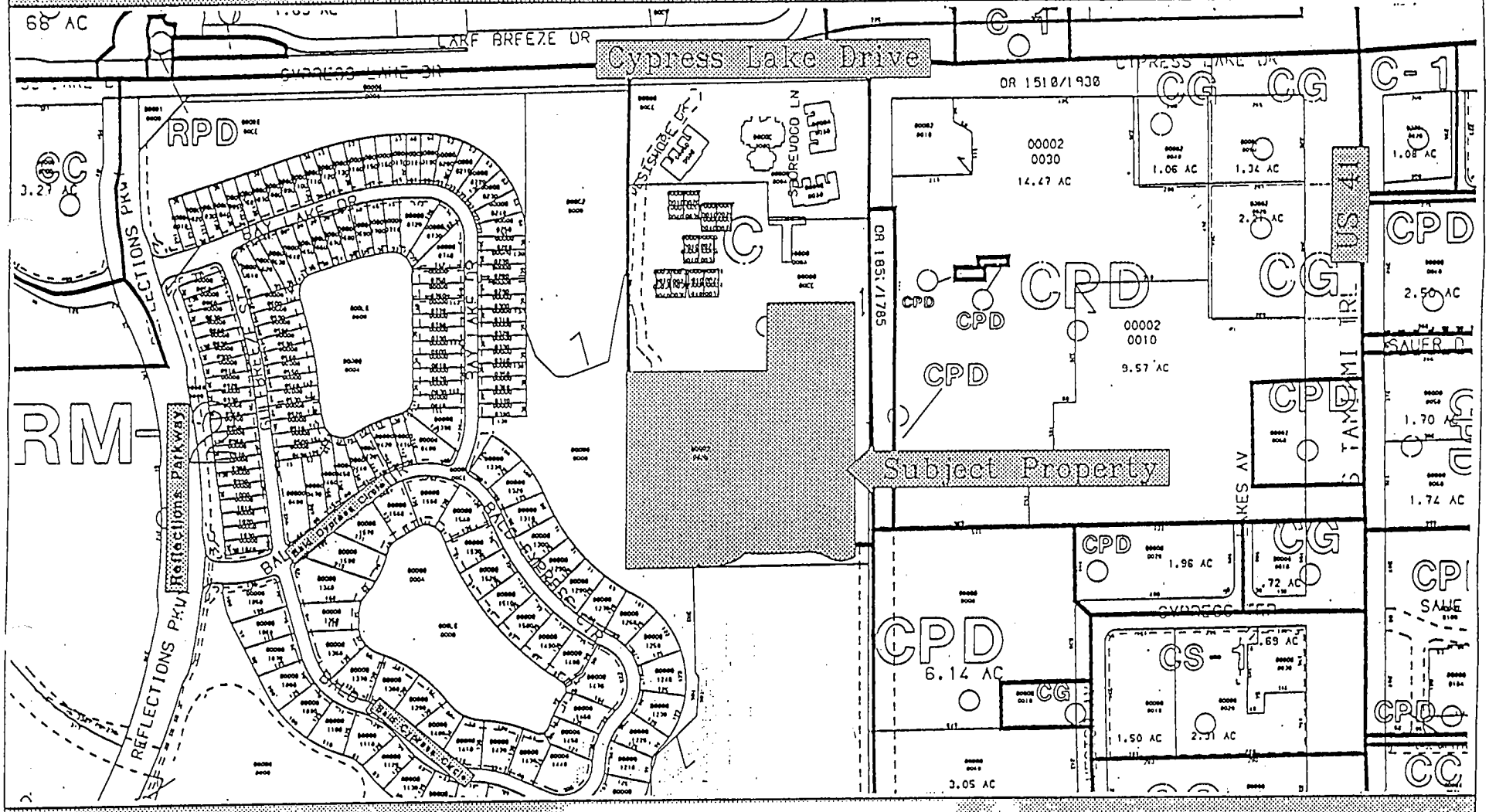
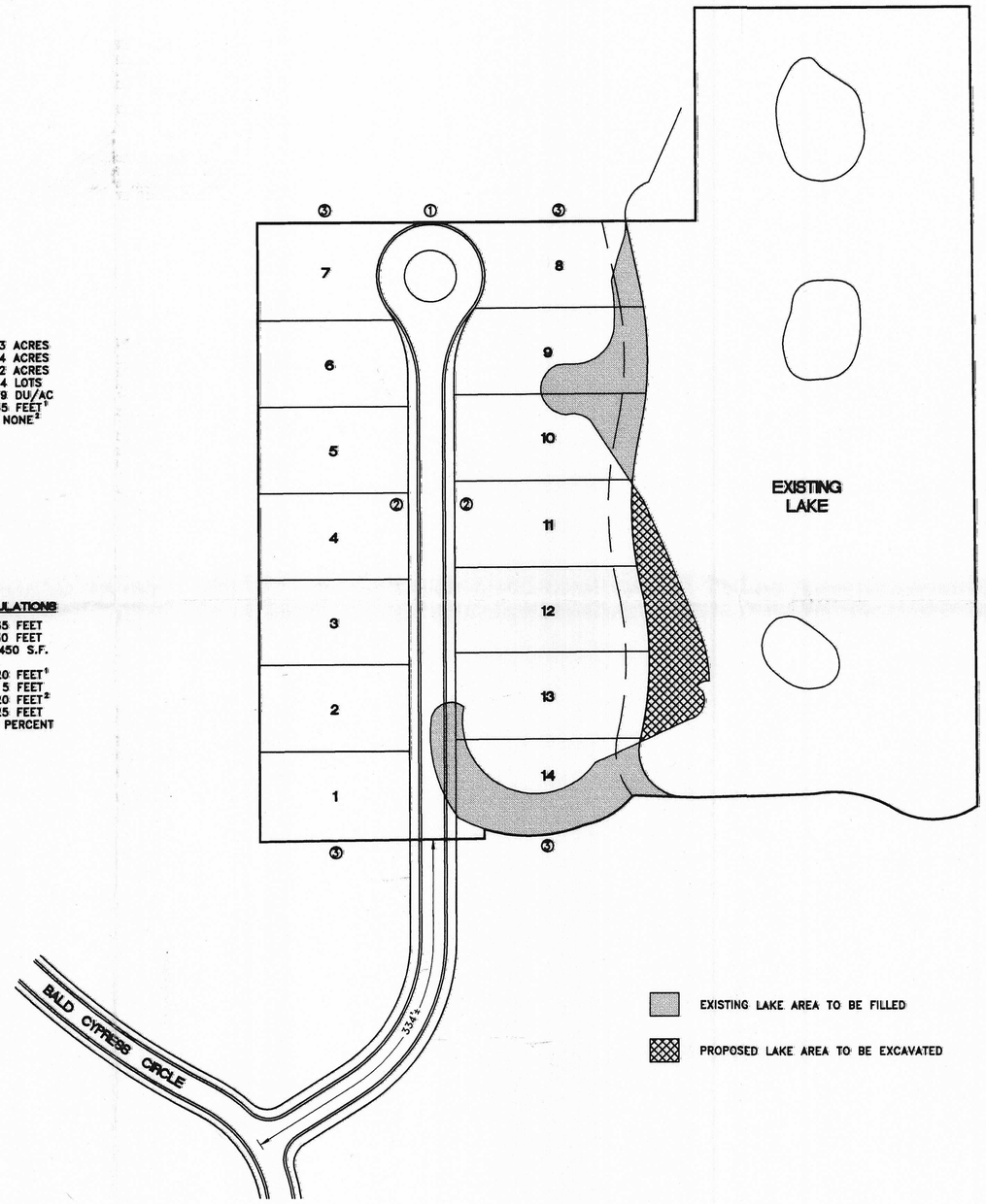


EXHIBIT "B"

N

N

1' = 60'



SITE DATA

TOTAL SITE AREA:	8.3 ACRES
EXISTING LAKE AREA:	4.4 ACRES
PROPOSED LAKE AREA:	4.2 ACRES
SINGLE FAMILY LOTS:	14 LOTS
GROSS PROJECT DENSITY:	1.69 DU/AC
MAXIMUM BUILDING HEIGHT:	35 FEET[1]
REQUIRED OPEN SPACE:	NONE[2]

[1] TWO STORIES ABOVE GRADE
[2] SEE NOTE #2

PROPERTY DEVELOPMENT REGULATIONS

MINIMUM LOT WIDTH:	65 FEET
MINIMUM LOT DEPTH:	130 FEET
MINIMUM LOT AREA:	8,450 S.F.
MINIMUM SETBACKS:	
STREET:	20 FEET[1]
SIDE YARD:	5 FEET
REAR YARD:	20 FEET[2]
WATER BODY:	25 FEET
MAXIMUM LOT COVERAGE:	45 PERCENT

[1] 15 FEET FOR LOTS 7 AND 8
[2] 10 FEET FOR LOT 7

EXISTING LAKE AREA TO BE FILLED

PROPOSED LAKE AREA TO BE EXCAVATED

PROPOSED SCHEDULE OF USES

ACCESSORY USES AND STRUCTURES
DWELLING UNIT: SINGLE FAMILY
ENTRANCE GATES AND GATEHOUSE
ESSENTIAL SERVICES
EXCAVATION: WATER RETENTION
FENCES, WALLS
HOME OCCUPATION
MODEL HOME
REAL ESTATE SALES OFFICE
RECREATION FACILITIES: PERSONAL AND PRIVATE
RESIDENTIAL ACCESSORY USES
SIGNS IN ACCORDANCE WITH CHAPTER 30

PROPOSED SCHEDULE OF DEVIATIONS

1) DEVIATION FROM THE REQUIREMENT THAT A MINIMUM RIGHT-OF-WAY OR EASEMENT WIDTH OF 40 FEET BE PROVIDED FOR A PRIVATELY MAINTAINED, TWO-WAY ROADWAY WITH CLOSED DRAINAGE [PER LDC SECTION 10-296(b)(TABLE 3)] TO ALLOW A MINIMUM RIGHT-OF-WAY WIDTH OF 35 FEET.
2) DEVIATION FROM THE REQUIREMENT THAT A CUL-DE-SAC WITH A CURB AND GUTTER SECTION HAVE A MINIMUM RIGHT-OF-WAY DIAMETER OF 110 FEET [PER LDC SECTION 10-296(k)(1)b] TO ALLOW A MINIMUM CUL-DE-SAC DIAMETER OF 94 FEET.
3) DEVIATION FROM THE REQUIREMENT THAT ALL BUILDINGS AND STRUCTURES MUST BE SET BACK A MINIMUM OF 15 FEET FROM THE DEVELOPMENT PERIMETER IF THE SUBJECT PROPERTY IS OR WILL BE ZONED RPD [PER LDC SECTION 34-935(b)(1)b] TO ALLOW A MINIMUM BUILDING SETBACK OF 5 FEET.

GENERAL NOTES

1) ALL PERMITTED ACCESSORY USES AND STRUCTURES WILL BE IN COMPLIANCE WITH LDC SECTIONS 34-1174 THROUGH 34-1176.
2) NO COMMON OPEN SPACE IS REQUIRED PURSUANT TO LDC SECTION 10-415(a).
3) NO PERIMETER BUFFERING IS REQUIRED PURSUANT TO LDC SECTION 10-416(d)(3).
4) PUBLIC TRANSIT IS PRESENTLY AVAILABLE TO THE NORTH ALONG CYPRESS LAKE DRIVE (LEE TRAN ROUTE 50). A BUS SHELTER HAS ALREADY BEEN PROVIDED AT THE INTERSECTION WITH REFLECTIONS DRIVE.

APPROVED
Master Concept Plan
Site Plan # 01-038 Page 1 of 1
Subject to conditions in Resolution Z-01-038
Case # DCI2001-00021

RECEIVED
JUN 11 2001
ZONING COUNTER

DCI 2001-00021

NO.	DATE	REVISION DESCRIPTION	BY

Banks Engineering, Inc.
Professional Engineers, Planners & Land Surveyors
FORT MYERS ◆ NAPLES ◆ SARASOTA
10511 SIX MILE CYPRESS PARKWAY – SUITE 101
FORT MYERS, FLORIDA 33912
PHONE: (941)939-5490 FAX: (941)939-2523
ENGINEERING LICENSE # EB 6469
SURVEY LICENSE # LB 6690

EXHIBIT IV-F

MASTER CONCEPT PLAN
REFLECTION LAKES RPD
LEE COUNTY, FLORIDA

DATE	PROJECT	DRAWING	DESIGN	DRAWN	CHECKED	SCALE	SHEET	OF	FILE NO. (S-T-R)
06-04-01	1445	1445MCP	TRL	GFM	TRL	NOTED	1	1	45-24-23