

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

WHEREAS, Teresa Nazzaro, represented by Gleneagles of Naples, Inc. filed an application for a rezoning from AG-2 (Agricultural) to Residential Planned Development in reference to Breckenridge Phase VI; and

WHEREAS, the subject property is located at 4400 Broadway West, Estero, and is described more particularly as:

LEGAL DESCRIPTION: In Section 29, Township 46 South, Range 25 East, Lee County, Florida:

A parcel or tract of land lying in the Southwest Quarter (SW $\frac{1}{4}$) of the Northeast Quarter (NE $\frac{1}{4}$) of said Section 29;
THENCE N89°27'59"W along the South line of the Southwest Quarter (SW $\frac{1}{4}$) of the Northeast Quarter (NE $\frac{1}{4}$) of said Section 29, a distance of 333.60 feet;
THENCE N00°28'51"W along the West line of the East Half (E $\frac{1}{2}$) of the East Half (E $\frac{1}{2}$) of the Southwest Quarter (SW $\frac{1}{4}$) of the Northeast Quarter (NE $\frac{1}{4}$) of said Section 29, a distance of 524.77 feet to the POINT OF BEGINNING;
THENCE continue N00°28'51"W, a distance of 785.07 feet to the North line of the Southwest Quarter (SW $\frac{1}{4}$) of the Northeast Quarter (NE $\frac{1}{4}$) of said Section 29;
THENCE S88°59'07"W, along said fractional section line a distance of 332.26 feet to the West line of the East Half (E $\frac{1}{2}$) of the Southwest Quarter (SW $\frac{1}{4}$) of the Northeast Quarter (NE $\frac{1}{4}$) of said Section 29;
THENCE N89°27'59"E a distance of 333.06 feet to the POINT OF BEGINNING.
Parcel contains 6.0 acres, more or less.

WHEREAS, the applicant has indicated the property's current STRAP number is 29-46-25-00-00002.1020 (a portion of); and

WHEREAS, Teresa Nazzaro, owner of the subject parcel, authorized Gleneagles of Naples, Inc., to act as agent to pursue this zoning application; and

WHEREAS, Gleneagles of Naples, Inc. authorized Humphrey & Knott, P.A. and John J. Ruskai P.E., Inc. to act as agent to pursue this zoning application; and

WHEREAS, a public hearing was advertised and held on March 5, 1996 before the Lee County Hearing Examiner who gave full consideration of the evidence available; and

4/15/96

WHEREAS, a public hearing was advertised and held on April 15, 1996 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 requested rezoning from AG-2 to RPD.

SECTION A. CONDITIONS:

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

1. The development and use of the subject property is to be in substantial compliance with the approved Master Concept Plan entitled "Breckenridge Phase VI" (last revised 1/3/96, stamped received January 5, 1996) as prepared by John J. Ruskai P.E., Inc., except as may be modified by the conditions herein.
2. Total units may not exceed 24 townhouse dwelling units.
3. The following is the approved Schedule of Uses for this planned development:

DWELLING UNIT, townhouse
EXCAVATION, water retention
FENCES, WALLS
HOME OCCUPATION
RECREATIONAL FACILITIES, private and personal
RESIDENTIAL ACCESSORY USES
SIGNS, in accordance with Chapter 30 of the Land Development Code
4. The following represents the Property Development Regulations within this planned development:

Minimum Lot Area and Dimensions:

Area: 2,500 square feet
Width: 19.63 feet
Depth: 80 feet

Minimum Setbacks:

Street: 10 feet
Side Street: 10 feet
Rear: 4 feet
Water Body: 25 feet

Setbacks between structures: 15 feet (if approved by the Fire District)

Maximum Lot Coverage: 80 percent

Maximum Building Height: 35 feet

5. An access point for the northwest corner of this site is not approved as part of this planned development. Any additional access points or any change in use other than as conditioned herein or appearing on the Master Concept Plan will require a new public hearing.
6. If the Florida Game and Fresh Water Fish Commission issues an "incidental take" permit for the site, the Developer must utilize appropriate methods to ensure that the gopher tortoises are located out of harm's way in open space areas within the Breckenridge development that contain FLUCCS register 321 or 411. The relocation of tortoises must occur prior to the issuance of a tree removal permit. If an "incidental take" permit is not granted, the Developer must set aside adequate acreage of suitable habitat in a FLUCCS register 321 or 411, and submit a detailed gopher tortoise management plan at time of local development order application.
7. The developer must preserve the existing native indigenous vegetation (particularly mature pine trees) in the open space areas whenever reasonably feasible in accordance with Land Development Code (LDC) Section 34-411(g).
8. 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.
9. Approval of this rezoning does not give the Developer the undeniable right to receive any local Development Order approval that exceeds the Year 2010 Overlay use allocation for the applicable district.
10. This development must comply with all LDC requirements at the time of local Development Order approval, except as may be granted by deviation as part of this planned development.

SECTION B. DEVIATIONS:

The Master Concept Plan deviates from several Lee County development standards. The proposed deviations are granted or denied as set forth below:

1. Deviation (1) which requests relief from LDC Section 10-329-e.(1)a.3 to allow a water retention excavation setback of 25 feet from the southern perimeter property line is **APPROVED**.
2. Deviation (2) which requests relief from LDC Section 34-2192 to allow a privately maintained street (front) setback of ten feet is **APPROVED**.
3. Deviation (3) which requests relief from LDC Section 10-296(b) to reduce the required roadway width for a privately maintained local street to 40 feet is **APPROVED**.
4. Deviation (4) which requests relief from LDC Section 10-8(2) to allow back-out parking for the proposed dwelling units is hereby **APPROVED**. [Applicant withdrew the portion of the deviation request that pertained to LDC Sections 34-2013.(a), and 34-2015.(2)d at the public hearing.]
5. Deviation (5) which requests relief from LDC Section 34-935(e)4 to reduce the separation between structures from a minimum of 20 feet to 15 feet is **APPROVED SUBJECT TO** the approval by the Estero Fire Control and Rescue District prior to the issuance of any permits to construct the buildings.
6. Deviation (6) which requests relief from LDC Section 34-935(b)(1)b to reduce the minimum setback of structures, buildings, and pavement from 15 feet to zero feet along the northern and eastern development perimeter lines is **APPROVED**.

SECTION C. Master Concept Plan:

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

SECTION D. FINDINGS AND CONCLUSIONS:

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

1. The applicant has proved entitlement to the rezoning or special exception by demonstrating compliance with the Lee Plan, the Land Development Code, and other applicable codes and regulations.
2. The requested zoning:

- 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 and natural resources.
3. Approval of the request 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.
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 appropriate at the subject location.
6. The recommended conditions to the concept plan and other applicable regulations provide sufficient safeguards to the public interest.
7. The recommended conditions are reasonably related to the impacts on the public's interest created by or expected from the proposed development.
8. The deviations granted:
- a) enhance the objectives of the planned development; and
 - b) preserve and promote the general intent of the LDC to protect the public health, safety and welfare.

The foregoing resolution was adopted by the Lee County Board of County Commissioners upon a motion by Commissioner John E. Manning, and seconded by Commissioner John E. Albion and, upon being put to a vote, the result was as follows:

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

DULY PASSED AND ADOPTED this 15th day of April, A.D., 1996.

ATTEST:
CHARLIE GREEN, CLERK

BY: Ruth F. [Signature]
Deputy Clerk

BOARD OF COUNTY COMMISSIONERS
OF LEE COUNTY, FLORIDA

BY: [Signature]
Chairman

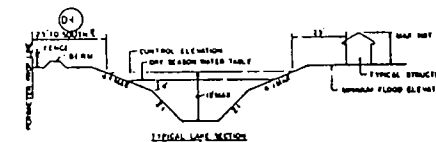
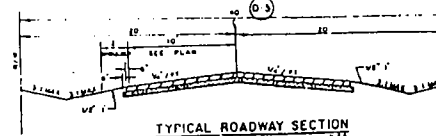
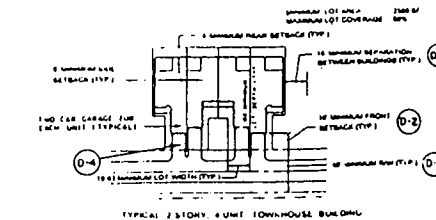
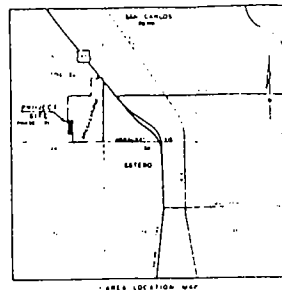
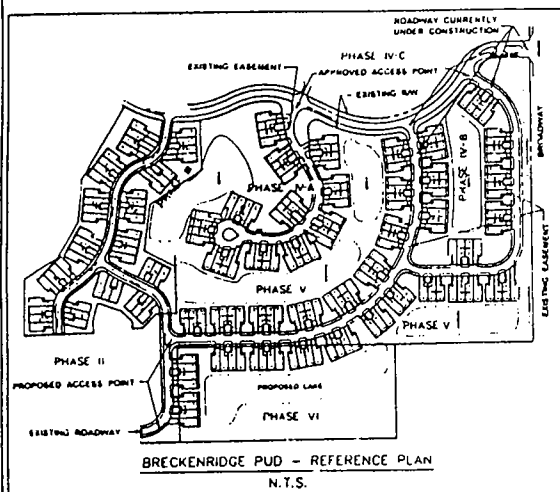
Approved as to form by:

[Signature]
County Attorney's Office

FILED

APR 17 1996

CLERK CIRCUIT COURT
BY: Ruth F. [Signature] D.C.



GENERAL SITE DATA

SITE AREA - 8.8 ACRES
EXISTING ZONING - AG
PROPOSED ZONING - RPD
CLUSTER - SUBURBAN
FLR M - ZONE B
WATER SERVICE - GULF UTILITY COMPANY - AVAILABLE AT THE SITE
SEWER SERVICE - GULF UTILITY COMPANY - AVAILABLE AT THE SITE

PROPOSED LAND USE

A MAXIMUM OF 34 TOWNHOUSE, RESIDENTIAL DWELLING UNITS ARE TO BE LOCATED IN SIX BUILDINGS. FOR THE 8.8 ACRES OF LAND THE MAXIMUM GROSS DENSITY IS 480 D U S PER ACRE

THE PROPOSED BUILDINGS SHALL BE 3-UNIT OR 4-UNIT TYPE AT THE OWNER'S DISCRETION. EACH RESIDENTIAL UNIT SHALL HAVE AN UPSTAIRS AND A DOWNSTAIRS. EACH BUILDING SHALL BE A MAXIMUM OF TWO STORIES IN HEIGHT. THE HEIGHT PER BUILDING SHALL NOT EXCEED 34 FEET. THE ARCHITECTURAL THEME IS COUNTRY COACH HOME, TOWNHOUSE STYLE. THE UNIT TYPE IS SIMILAR TO THAT OF THE BRECKENRIDGE PUD PHASES II THROUGH VI AND RPD PHASE V

THE REMAINDER OF THE SITE SHALL CONSIST OF ROADWAYS, LAKES, AND LANDSCAPING. SINCE THIS IS A SMALL PROJECT BEING LESS THAN 10 ACRES WITH LESS THAN TWO ACRES OF IMPERVIOUS SURFACE, THE MINIMUM AMOUNT OF OPEN SPACE SHALL BE 48% WITH NO REQUIRED PRESERVATION OF INDIGENOUS VEGETATION.

PROPOSED SCHEDULE OF USES

DWELLING UNIT - TOWNHOUSES; FENCES, WALLS, RECREATIONAL FACILITIES; PRIVATE, PERSONAL, HOME OCCUPATION; RESIDENTIAL ACCESSORY USE; EXCAVATIONS; WATER RETENTION, SIGNS IN ACCORDANCE WITH CHAPTER 30

PROPERTY DEVELOPMENT REGULATIONS

MINIMUM LOT AREA AND DIMENSIONS

AREA - 2,800 SQUARE FEET
WIDTH - 100 FEET
DEPTH - 90 FEET

MINIMUM SETBACKS

SIDE - 8 FEET
REAR - 4 FEET
FRONT - 10 FEET (SEE DEVIATION 2)

MAXIMUM LOT COVERAGE - 8%
MAXIMUM BUILDING HEIGHT - 34 FEET

SCHEDULE OF DEVIATIONS

- A DEVIATION FROM LEE COUNTY LAND DEVELOPMENT CODE SECTION 10-176 (1) - 3 TO ALLOW A SETBACK OF 30 FEET FOR A WATER RETENTION EXCAVATION TO THE SOUTHERN PRIVATE PROPERTY LINE OF THE SITE INSTEAD OF 50 FEET SETBACKS MEASURED FROM THE CONTROL ELEVATION OF THE LAKE.
- A DEVIATION FROM SECTION 34-2122 OF THE LEE COUNTY LAND DEVELOPMENT CODE TO ALLOW A FRONT BUILDING SETBACK DEVIATION FROM 30 FEET TO 10 FEET
- A DEVIATION FROM LEE COUNTY LAND DEVELOPMENT CODE SECTION 10-236 (1) TABLE 3 WHICH REQUIRES A 48 FOOT ROADWAY WIDTH FOR A PRIVATELY MAINTAINED LOCAL STREET WITH OPEN DRAINAGE TO 40 FEET
- A DEVIATION FROM LEE COUNTY LAND DEVELOPMENT CODE SECTIONS 10-423, 34-2012(a) AND 34-2014 (2) b TO ALLOW THE PARKING AREAS TO BE DESIGNED TO ALLOW BACK-OUT PARKING.
- A DEVIATION FROM LEE COUNTY LAND DEVELOPMENT CODE SECTION 34-938 (1) FROM THE REQUIRED ONE-HALF OF THE SUM OF THE HEIGHTS OF THE BUILDINGS WITH A 30 FOOT MINIMUM TO ALLOW 15 FEET BETWEEN STRUCTURES (SEPARATE BUILDINGS).
- A DEVIATION FROM LEE COUNTY LAND DEVELOPMENT CODE SECTION 34-938 (1) b TO REDUCE THE MINIMUM SETBACK FOR STRUCTURES, BUILDINGS AND PAVEMENT FROM 10 FEET TO ZERO FEET ALONG THE NORTH AND EAST DEVELOPMENT PERIMETER LINES

APPROVED

Master Concept Plan

Site Plan # 95-05-022, Page 1 of 1

Submitted to: Lee County Board of Commissioners

Zoning Case # 95-05-022, 03-01-95

PROJECT # 95-05-022
PROJECT TYPE 13

RECEIVED
JAN 5 1995
ZONING COUNCIL

PROJECT TEAM

JOHN J. RUSKAL, P.E., INC. - PLANNING AND ENGINEERING
JRI & ASSOCIATES, INC. - SURVEYING
SW TRANSPORTATION ENGINEERING, TRAFFIC ENGINEER
BOYLE ENVIRONMENTAL CONSULTANTS - ECOLOGIST
HUMPHREY & KNOTT - ATTORNEY

1	9/14/94	REVISED			
2	10/1/94	REVISED			
3	10/1/94	REVISED			
4	10/1/94	REVISED	1	12/27/94	REVISED
5	10/1/94	REVISED			
6	10/1/94	REVISED			

SH-1 ZONING
MOBILE HOME
(EXISTING)

EXISTING NATIVE INDIGENOUS VEGETATION (PARTICULARLY MATURE PINE 12" DBH) IN THIS AREA WILL BE PROTECTED WHENEVER REASONABLY FEASIBLE IN ACCORDANCE WITH LDC SECTION 34-931(c)

FENCE, BURN OR WALL MEETING THE HEIGHT & OPACITY STD IN LDC SEC 34-931(d) THE LOC DOES NOT REQUIRE A BUFFER

JOHN J. RUSKAL, P.E., INC.
Consulting Engineers and Planners

Planning, Surveying, Engineering, Environmental Planning

BRECKENRIDGE
18850 S. TAMPA TRAIL, ESTERO, FLORIDA 33428
PHONE: 941-982-2777

BRECKENRIDGE PHASE VI
MASTER CONCEPT PLAN

Scale 1"=60'
Date 10-12-94
Sheet 1 of 1
JAN 6 1995