

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

WHEREAS, an application was filed by the property owner, ADAR Investments, LLC, to rezone 250± acres from Agricultural (AG-2) to Residential Planned Development (RPD), in reference to Amazing Grace RPD; and,

WHEREAS, a public hearing was advertised and held on March 28, 2007, before the Lee County Zoning Hearing Examiner, who gave full consideration to the evidence in the record for Case #DCI2006-00055; and

WHEREAS, a second public hearing was advertised and held on August 20, 2007, 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 250± acres from AG-2 to RPD to permit the construction of a 45-unit single-family residential subdivision. No connections to central water and sewer systems will be provided. The property is located in the Open Lands and Wetlands Future Land Use Category and is legally described in attached Exhibit A. The request is DENIED.

SECTION B. EXHIBITS AND STRAP NUMBER:

The following exhibits are attached to this resolution and incorporated by reference:

- Exhibit A: Legal description of the property
- Exhibit B: Zoning Map (with the subject parcel indicated)

The applicant has indicated that the STRAP numbers for the subject property are:

10-43-27-00-00001.2000, 10-43-27-00-00001.2010,
10-43-27-00-00001.2020, 10-43-27-00-00001.203A,
10-43-27-00-00001.2040, 10-43-27-00-00001.2050,
10-43-27-00-00001.2060, 10-43-27-00-00001.2080 &
10-43-27-00-00001.2090

SECTION C. FINDINGS AND CONCLUSIONS:

The applicant has not proven entitlement to the rezoning because the request is not in compliance with the Lee Plan as follows:

1. The proposed rezoning is not consistent with the densities and intensities in the surrounding area. There are no conditions that would adequately minimize or eliminate the potential impacts to the character and integrity of the surrounding area. (Lee Plan Policy 5.1.5.)
2. The planned development rezoning in the Open Lands Future Land Use Category does not contain adequate provisions to prevent adverse impacts to the environmental resources of the project site and the surrounding area. (Lee Plan Policy 1.4.4.)
3. Approval of the requested rezoning would result in unreasonable development expectations that may not be achievable because of acreage limitations in the Lee Plan acreage allocation table. (Lee Plan Policy 2.2.2., Map 16 and Table 1(b), and Lee Plan Policy 1.7.6.)
4. Approval of the requested rezoning would place an undue burden upon existing transportation or planned infrastructure facilities. The streets serving the project would not have the capacity to safely carry traffic generated by the development and would introduce more traffic to an already limited road network.
5. There is no availability of public water or sanitary sewer service to accommodate the proposed development at this time. The lack of public water and sanitary sewer requires the project to rely entirely on numerous individual, on-site, water wells and septic systems. (Lee Plan Objective 2.2., Policy 2.2.1.)
6. Despite the inclusion of certain conditions limiting the depths of potable water wells, the protection and future of the area's shallow water aquifer remains a concern. Additionally, no conditions were provided to prevent the use of the shallow water table for irrigation and other non-potable uses.

Commissioner Ray Judah made a motion to adopt the foregoing resolution, seconded by Commissioner Frank Mann. The vote was as follows:

Robert P. Janes	Aye
Brian Bigelow	Aye
Ray Judah	Aye
Tammara Hall	Absent
Frank Mann	Aye

DULY PASSED AND ADOPTED this 20th day of August, 2007.

ATTEST:
CHARLIE GREEN, CLERK

BY: Kathleen L. Motz
Deputy Clerk

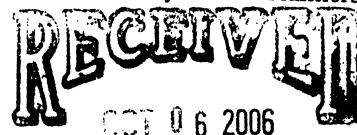
BOARD OF COUNTY COMMISSIONERS
OF LEE COUNTY, FLORIDA

BY: Robert P. Janes
Robert P. Janes, Chair



Approved as to form by:

John J. Fredyma
John J. Fredyma
Assistant County Attorney
County Attorney's Office



Description

Parcel in Section 10,
Township 43 South, Range 27 East,
Lee County, Florida.

PERMIT COUNTER

A tract or parcel of land lying in Section 10, Township 43 South, Range 27E, Lee County, Florida, said tract or parcel of land being more particularly described as follows:

Beginning at the Northwest corner of the of said Section 10, run S89°16'05"E along the North line of said section for 2,658.51 feet to the North Quarter corner of said Section 10; thence run S89°16'07"E along the North line of the Northeast Quarter (NE1/4) of said Section 10 for 49.76 feet to an intersection with a line 61 feet West and parallel to the West one-third (W1/3) of the West half (W1/2) of the West Half (W1/2) of the West half (W1/2) of the East half (E1/2) of the North three-quarters (N3/4) of said Section 10; thence run S00°48'12"W along said line for 4,006.80 feet to an intersection with the South line of the East half (E1/2) of the North three-quarters (N3/4) of said Section 10; thence run N89°36'48"W along the South line of said fraction of a section for 50.07 feet to the West half (W1/2) of the North three-quarters (N3/4) of said Section 10; thence run N89°36'04"W along the South line of said fraction of a section for 2,666.76 feet to an intersection with the West line of the Southwest Quarter (SW1/4) of said Section 10; thence run N00°55'18"E along said West line for 1,340.89 feet to the West Quarter corner of said Section 10; thence run N00°55'32"E along the West line of the Northwest Quarter (NW1/4) of said Section 10 for 2,681.73 feet to the

Point of Beginning.

Containing 250.00 acres, more or less.

Bearings here in above mentioned are State Plane for the Florida West Zone (NAD1983/1999 Adjustment) and are based on the North line of the Northwest Quarter of Section 10 to bear S89°16'05"E.

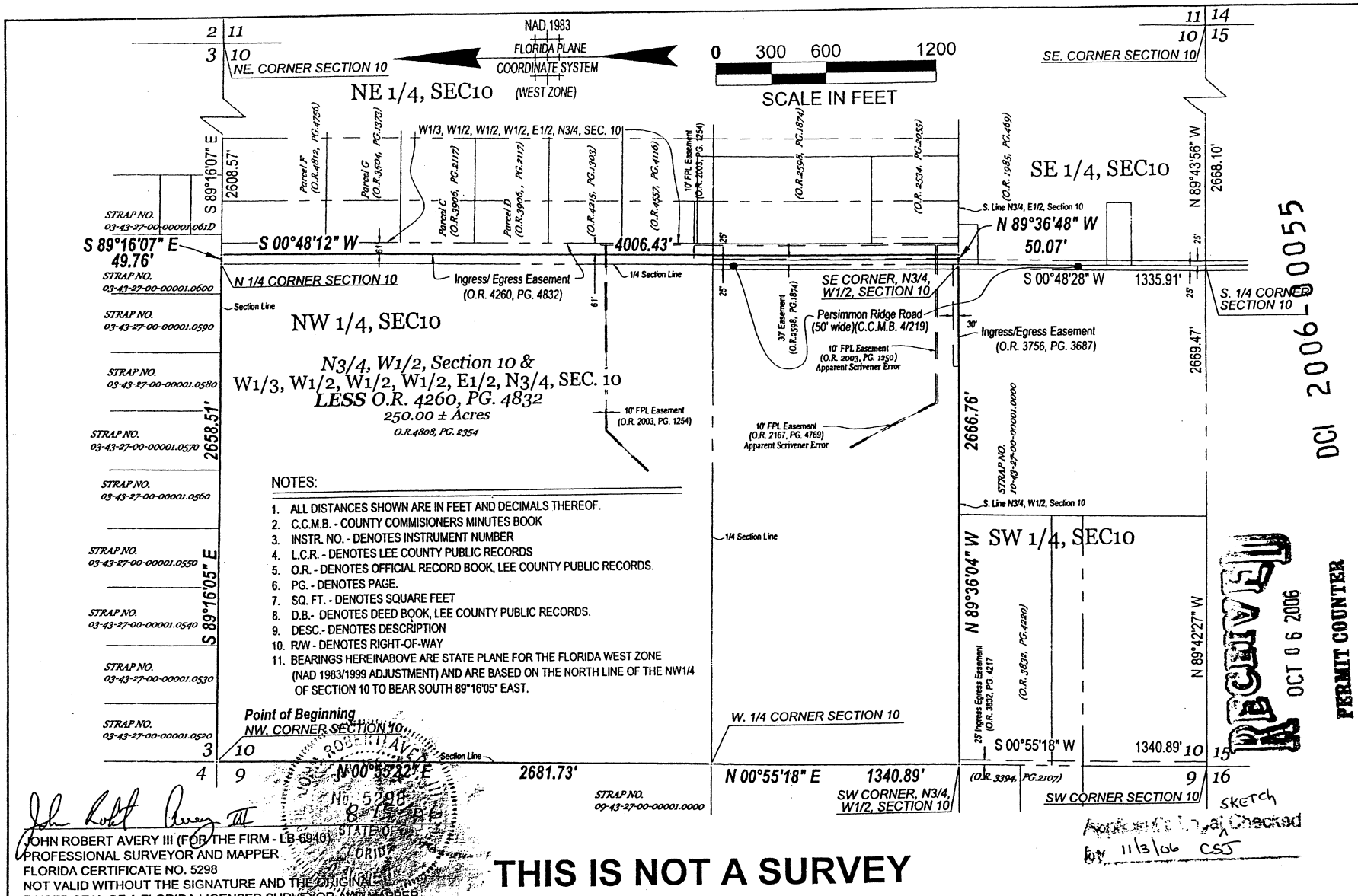
John Robert Avery III
John Robert Avery III (For The Firm)
Professional Surveyor and Mapper
Florida Certificate No. 5298

Applicant's Legal Checked
by CSJ 11/3/06

L:\22274 - Amazing Grace\legal description\22274soidesc.doc

DCI 2006-00055

2271 McGregor Boulevard • Fort Myers, Florida 33901
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Barraco and Associates, Inc. CIVIL ENGINEERING - LAND SURVEYING LAND PLANNING - LANDSCAPE DESIGN www.barraco.net 2271 MAGNOLIA BOULEVARD POST OFFICE DRAWER 2805 FORT MYERS, FLORIDA 33902-2805 PHONE (239) 461-3178 FAX (239) 461-3189 FLORIDA CERTIFICATE OF AUTHORIZATION ENGINEERING 7895 - SURVEYING LB-6840 PREPARED FOR	
Amazing Grace PROJECT DESCRIPTION A PARCEL OF LAND IN SECTION 10 TOWNSHIP 43 SOUTH RANGE 27 EAST LEE COUNTY, FLORIDA	
PROJECT SURVEYOR NOT VALID WITHOUT THE SIGNATURE AND THE ORIGINAL, UNLESS SEAL OF A FLORIDA LICENSED SURVEYOR AND MAPPER	
FILE NAME	2271BARRACO.DWG
LAYOUT	LAYOUT
LOCATION	ADJACENT TO MAGNOLIA BOULEVARD
PLAT DATE	TUE. 6-12-2006 - 1:07 PM
PLAT BY	BRANDON HENRY
DRAWING DATA	
SURVEY DATE	06-12-06
DRAWN BY	BRH
CHECKED BY	JAL
SCALE	AS NOTED
FIELD BOOK	PLAN REVISIONS
STRAP NUMBERS	
SKETCH TO ACCOMPANY DESCRIPTION PROJECT / FILE NO. 2271A 10-435-27E SHEET NUMBER 2 OF 2	

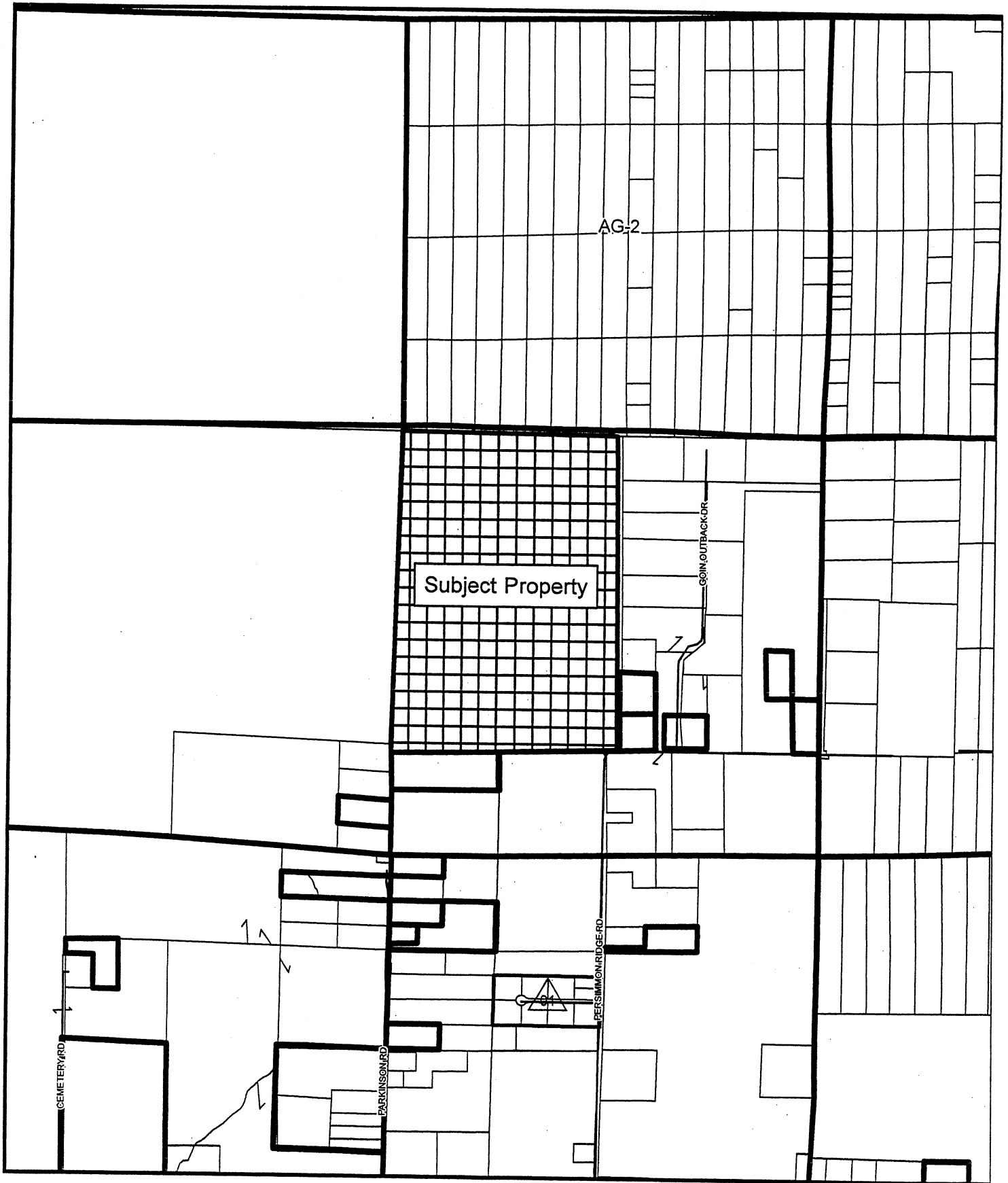


EXHIBIT "B"
(Zoning Map)

