

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

WHEREAS, an application was filed by the property owners, GFY Associates, LLC, and Enclaves of Eagle Nest, LLC, to rezone a 78.48±-acre parcel from Agricultural (AG-2), Residential Single-family (RS-1), and Commercial Planned Development (CPD) to Commercial Planned Development (CPD) and Residential Planned Development (RPD) in reference to a project known as Enclaves of Eagle Nest; and,

WHEREAS, a public hearing was advertised and held on July 14, 2006, before the Lee County Zoning Hearing Examiner Richard A. Gescheidt. Written submissions were requested by the Hearing Examiner at the close of hearing with a due date of July 28, 2006. Additional information was requested by the Hearing examiner by August 18, 2006, and August 25, 2006. The Hearing Examiner gave full consideration to the evidence in the record in preparing the recommendation to the Board of County Commissioners for Case #DCI2005-00082. The Hearing Examiner recommended denial of the request, but provided suggested conditions of approval in the event the Board chose to approved the request; and,

WHEREAS, a second public hearing was advertised and held on December 4, 2006, 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 a 78.46±-acre parcel from AG-2, RS-1, and CPD to CPD and RPD to allow a maximum of 100,000 square feet of commercial uses and 275 dwelling units (single and multi-family). Maximum heights proposed are 50 feet (multi-family), 35 feet (single-family), and 35 feet (commercial). The property is located in the Suburban Future Land Use Category and is legally described in attached Exhibit A.

At the public hearing before the Board of County Commissioners on December 4, 2006, the applicant's representative requested a general remand so that an alternative Master Concept Plan and development parameters could be worked out with County staff.

SECTION B. ACTION ON THE REQUEST:

1. The Board hereby grants the applicant's request for a general remand of this application back to the Lee County Hearing Examiner.

2. All issues pertaining to the request are open for discussion.

SECTION C. EXHIBITS AND STRAP NUMBER:

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

Exhibit A: Legal description  
Exhibit B: Zoning Map (subject parcel identified with shading)

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

30-43-25-00-00021.0000  
30-43-25-00-00023.0000  
30-43-25-00-00023.0020  
30-43-25-00-00024.0000  
30-43-25-00-00024.0010  
30-43-25-00-00024.0020  
30-43-25-00-00025.0000  
30-43-25-00-00030.0030

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


Robert P. Janes	Aye
A. Brian Bigelow	Aye
Ray Judah	Aye
Tammara Hall	Aye
Franklin B. Mann	Aye

DULY PASSED AND ADOPTED this 4<sup>th</sup> day of December 2006.

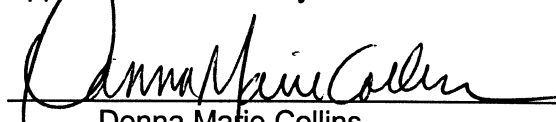
ATTEST:  
CHARLIE GREEN, CLERK

BY:   
Deputy Clerk

BOARD OF COUNTY COMMISSIONERS  
OF LEE COUNTY, FLORIDA

BY:   
Robert P. Janes  
Chair

Approved as to form by:

  
Donna Marie Collins  
County Attorney's Office

CASE NO: DCI2005-00082 (Remand)

Z-06-053  
Page 2 of 2

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2006 DEC 12 PM 3:35

# EXHIBIT A



## GULF SHORE SURVEYING, INC.

TIM J. PUFAHL, P.L.S.  
30930 OIL WELL RD., PUNTA GORDA, FL. 33955  
FL. 33990  
(941) 639-7800

FAX: (941) 639-7600

NICK POULOS, P.L.S.  
2112 SE. 11<sup>TH</sup> ST., CAPE CORAL,

(239) 458-2388 FAX: (239) 574-3719

JOB NUMBER 0487  
MARCH 21, 2006  
FILE: 0487RPD

RPD PARCEL

### DESCRIPTION

A PARCEL OF LAND LYING IN THE SOUTHEAST ONE QUARTER (SE 1/4) OF SECTION 30, TOWNSHIP 43 SOUTH, RANGE 25 EAST, LEE COUNTY, FLORIDA, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AT THE SOUTHEAST CORNER OF SAID SECTION 30; THENCE NORTH 00°00'51" WEST ALONG THE EASTERLY LINE OF SAID SECTION 30 A DISTANCE OF 25.01 FEET TO AN INTERSECTION WITH NORTHERLY RIGHT-OF-WAY LINE OF DONALD ROAD (50' WIDE); SAID INTERSECTION BEING THE POINT OF BEGINNING OF THE PARCEL HEREIN BEING DESCRIBED;

THENCE SOUTH 88°32'01" WEST ALONG SAID NORTHERLY RIGHT-OF-WAY LINE A DISTANCE OF 2336.33 FEET TO THE SOUTHEAST CORNER OF THOSE LANDS AS DESCRIBED IN OFFICIAL RECORD BOOK 3027, PAGE 500, PUBLIC RECORDS OF LEE COUNTY, FLORIDA; THENCE LEAVING SAID NORTHERLY RIGHT-OF-WAY LINE NORTH 00°54'28" EAST ALONG THE EASTERLY LINE OF SAID LANDS A DISTANCE OF 450.00 FEET TO THE NORTHEAST CORNER OF SAID LANDS AND A NON-TANGENT INTERSECTION WITH THE ARC OF A CIRCULAR CURVE CONCAVE SOUTHERLY AND WHOSE RADIUS POINT BEARS SOUTH 32°48'36" EAST, 630.00 FEET; THENCE EASTERLY ALONG THE ARC OF SAID CIRCULAR CURVE THROUGH A CENTRAL ANGLE OF 30°48'20" AN ARC DISTANCE OF 338.73 FEET TO AN INTERSECTION WITH A NON-TANGENT LINE; THENCE NORTH 00°12'45" WEST ALONG SAID NON-TANGENT LINE A DISTANCE OF 92.49 FEET TO AN INTERSECTION WITH THE NORTHERLY LINE OF THOSE LANDS AS DESCRIBED IN OFFICIAL RECORD BOOK 4561, PAGE 3421; THENCE NORTH 88°41'43" EAST ALONG THE NORTHERLY LINE OF SAID LANDS A DISTANCE OF 430.97 FEET; THENCE LEAVING SAID NORTHERLY LINE OF SAID LANDS NORTH 00°08'43" WEST 678.39 FEET TO AN INTERSECTION WITH THE WESTERLY PROLONGATION OF THE SOUTHERLY LINE OF BAY SHORE ESTATES AS RECORDED IN PLAT BOOK 34, PAGES 140-141, PUBLIC RECORDS OF LEE COUNTY, FLORIDA; THENCE NORTH 88°38'25" EAST ALONG SAID WESTERLY PROLONGATION AND SAID SOUTHERLY LINE OF SAID BAY SHORE ESTATES A DISTANCE OF 1580.63 FEET TO THE SOUTHEAST CORNER OF SAID BAY SHORE ESTATES AND AN INTERSECTION WITH THE EASTERLY LINE OF SAID SECTION 30; THENCE SOUTH 00°00'51" EAST ALONG SAID EASTERLY LINE OF SAID SECTION 30, A DISTANCE OF 1308.47 FEET TO AN INTERSECTION WITH SAID NORTHERLY RIGHT-OF-WAY LINE OF SAID DONALD ROAD AND THE POINT OF BEGINNING OF THE PARCEL HEREIN DESCRIBED;

CONTAINING 57.53 ACRES OF LAND MORE OR LESS;

BEARINGS MENTIONED HEREIN ARE BASE ON THE WEST LINE OF THE SOUTHEAST ONE QUARTER (SE 1/4) OF SECTION 30, TOWNSHIP 43 SOUTH, RANGE 25 EAST BEARING S 00°16'46" W.

REFERENCE TO SKETCH

NICK POULOS  
PROFESSIONAL SURVEYOR AND MAPPER  
FLORIDA CERT. NO. 4568

RPD  
Applicant's Legal Checked  
by LSM 3/31/2006

DCI 2005-00082

**BEARINGS SHOWN HEREON ARE BASED ON THE WEST LINE OF THE SOUTHEAST ONE QUARTER OF SECTION 30, TOWNSHIP 43 SOUTH, RANGE 25 EAST BEARING N.00°16'46"W.**

**SUBJECT TO EASEMENTS, RESTRICTIONS, RESERVATIONS, AND RIGHTS OF WAY OF RECORD.**

**APPLICANT'S LEGAL CHECKED BY LYN 3/31/2006**

**RECORDED MAR 31 2006**

**CPD PARCEL 20.931 ACRES ±**

**GULF SURVEY S.R. 78 PROJECT NO. 12060-2533 BAYSHORE**

**O.R.B. 4045, PG. 4077**

**BAYSHORE ESTATES PLAT BOOK 34, PAGE 140 HORIZON ROAD**

**DATE : 08/03/2005 SCALE : 1" = 200'**

**CADD : N.P. CHECK : N.P. FILE : 0487CPD**

**SKETCH OF DESCRIPTION (NOT A FIELD SURVEY) TRACT OR PARCEL OF LAND IN SE 1/4 SEC 30, TWP. 43S, RGE 25 E., LEE COUNTY, FLORIDA**

**0487**

**Curve number 1**

Radius= 3717.72'
Delta= 01°25'59"
Arc= 92.99'
Tangent= 46.50'
Chord= 92.99'
Chord Brg.= S.46°57'01"W.

**Curve number 2**

Radius= 858.05'
Delta= 17°37'45"
Arc= 284.01'
Tangent= 133.06'
Chord= 262.97'
Chord Brg.= S.35°08'48"E.

**Curve number 3**

Radius= 830.00'
Delta= 30°48'20"
Arc= 338.73'
Tangent= 173.56'
Chord= 334.66'
Chord Brg.= N.72°35'34"E.

**FL DEPT. OF TRANSPORTATION RETENTION LAKE**

**30-43-25-00-00023.0010 O.R.B. 2705, PG 1480**

**30-43-25-00-00023.0010 O.R.B. 3027, PG. 500**

**POINT OF COMMENCEMENT SOUTHWEST CORNER SOUTHEAST ONE QUARTER**

**N.88°32'01"E. 355.24'**

**POINT OF BEGINNING**

**30-43-25-00-00023.0000**

**30-43-25-00-00024.0000**

**30-43-25-00-00024.0020**

**30-43-25-00-00024.0010**

**30-43-25-00-00024.0000**

**30-43-25-00-00023.0000**

**30-43-25-00-00023.0000 O.R.B. 4561, PAGE 3421**

**DATE OF SIGNATURE:**

**NICK POULOS**

**PROFESSIONAL SURVEYOR AND MAPPER**

**FLA. CERTIFICATE NO. 3658**

**NOT VALID WITHOUT THE SIGNATURE AND THE ORIGINAL RAISED SEAL OF A FLORIDA LICENSED SURVEYOR AND MAPPER.**

**GULF SHORE SURVEYING, INC.**  
LICENSED BUSINESS NO. 8726

DATE : 08/03/2005  
SCALE : 1" = 200'  
CADD : N.P.  
CHECK : N.P.  
FILE : 0487CPD

SKETCH OF DESCRIPTION  
(NOT A FIELD SURVEY)  
TRACT OR PARCEL OF LAND  
IN SE 1/4 SEC 30. TWP. 43S, RGE 25 E  
LEE COUNTY, FLORIDA

0487

ICI 2005-00082

## EXHIBIT A

SUBJECT TO EASEMENTS,  
RESTRICTIONS, RESERVATIONS, AND  
RIGHTS OF WAY OF RECORD.

**RECEIVED**  
**MAR 31 2005**

RPD  
Applicant's Legal Checked  
by hsm 3/31/2006

BAYSHORE ESTATES  
P.B. 34, PG. 140

WOLF RUN LANE N.E.

300 150 0  
SCALE IN FEET

Curve number 1

Radius= 3717.72'  
Delta= 01°25'59"  
Arc= 92.99'  
Tangent= 46.50'  
Chord= 92.89'  
Chord Brg.= S.46°57'01"W.

Curve number 2

Radius= 858.05'  
Delta= 17°37'45"  
Arc= 284.01'  
Tangent= 133.06'  
Chord= 262.97'  
Chord Brg.= S.35°08'48"E.

GULF SHORE SURVEYING, INC.

CHARLOTTE COUNTY:  
30930 OIL WELL ROAD  
PUNTA GORDA, FL. 33955  
(941) 839-7800

REVISED 03/21/2006  
DATE : 12/08/2005  
SCALE : 1" = 300'  
CADD : N.P.  
CHECK : N.P.  
FILE : 0457CFD2

SKETCH OF DESCRIPTION  
(NOT A FIELD SURVEY)  
TRACT OR PARCEL OF LAND  
IN SE 1/4 SEC 30, TWP. 43S, RGE 2E,  
LEE COUNTY, FLORIDA

0487

NOT VALID WITHOUT THE SIGNATURE AND THE ORIGINAL RAISED  
SEAL OF A FLORIDA LICENSED SURVEYOR AND MAPPER.

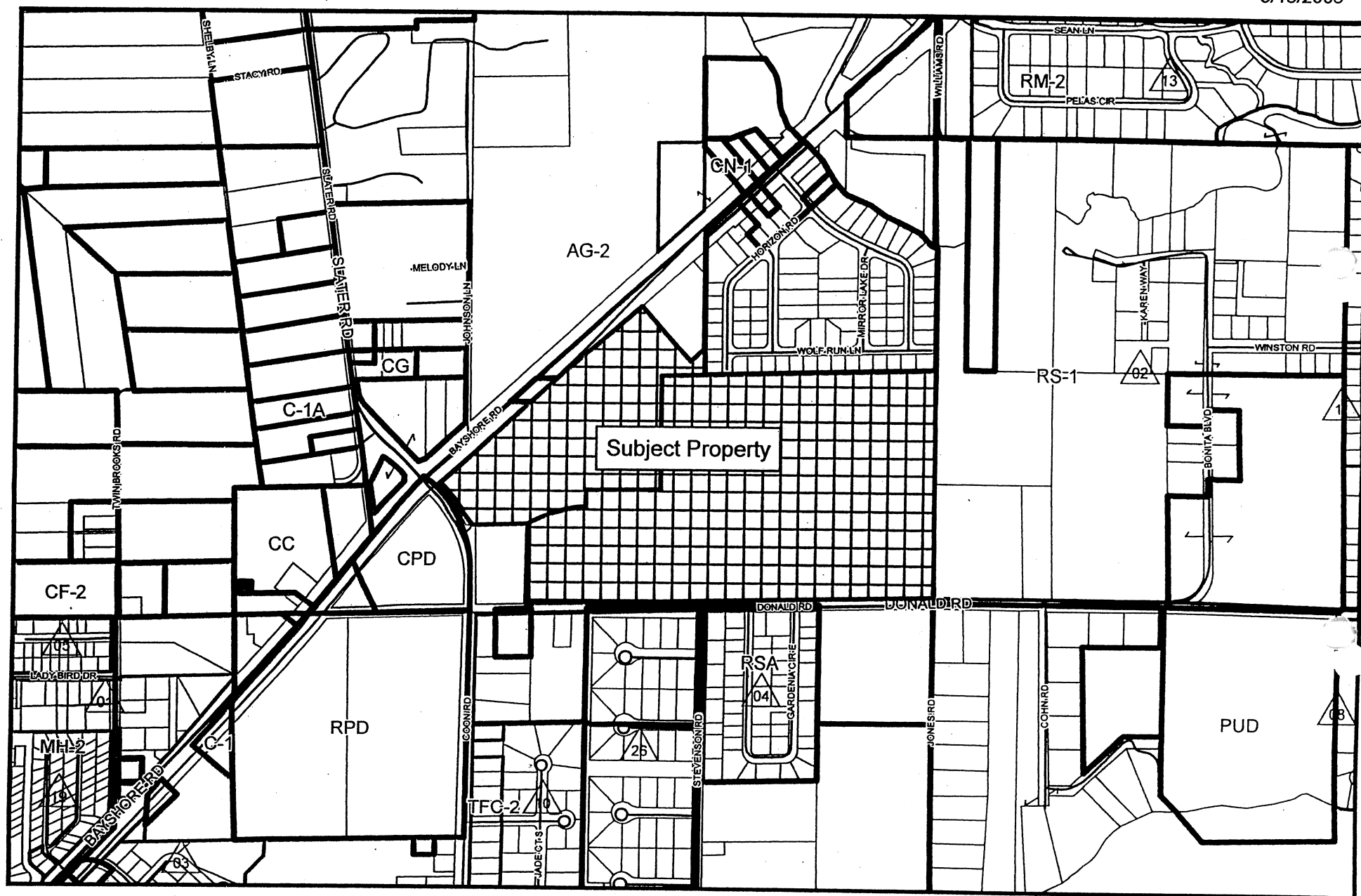


EXHIBIT B