

Attachment B

RESOLUTION NUMBER Z-04-020

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

WHEREAS, Sam Benson, Managing Member of SJB Development, filed an application on behalf of the property owners, 28 Straight Trust, Donald D. Geraci Trustee, and Church of Jesus Christ of Latter Day Saints, to rezone a 48.79±-acre parcel from Residential Planned Development (RPD) and Agricultural (AG-2) to Residential Planned Development (RPD), in reference to a project known as Longwood Villas RPD; and

WHEREAS, a public hearing was advertised and held on March 11, 2004, before the Lee County Zoning Hearing Examiner, who gave full consideration to the evidence in the record for Case #DCI2003-00071; and

WHEREAS, a second public hearing was advertised and held on April 19, 2004, 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 48.79±-acre parcel from RPD and AG-2 to RPD, to allow a total of 292 residential dwelling units (multiple-family, townhouse, single-family, zero-lot line, and single-family villas) with a maximum building height of 35 feet. The property is located in the Urban Community Future Land Use Category and is 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. Development must be consistent with the one-page Master Concept Plan (MCP) entitled "Site Plan Longwood Villas Lee County, Florida," stamped "Received Apr 13 2004", last revised "4-12-04" except as modified by the conditions below. Development must comply with all requirements of the Lee County 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

CASE NO: DCI2003-00071

COPY

Z-04-020
Page 1 of 5

04/19/04

Accessory Uses and Structures

Dwelling Units:

- Single-Family, Zero-Lot Line, Single-Family Villas (see Development Regulations), Multi-Family, Townhouse
- Entrance Gates and Gatehouses
- Essential Services
- Essential Services, Group I
- Excavation: Water Retention
- Fences, Walls
- Home Occupation (Per LDC 34-1771 *et seq.*)
- Parking Lot: Accessory
- Models (Per LDC § 34-1951 *et seq.*, and condition 6): Model Home, Model Unit
- Real Estate Sales Office (Per LDC §§ 34-1951 *et seq.*, and 34-3021)
- Recreational Facilities: Personal; Private, on-site; Clubhouse
- Signs in accordance with LDC Chapter 30

b. Site Development Regulations

LONGWOOD VILLAS RPD PROPERTY DEVELOPMENT REGULATIONS

LAND USE	Minimum Lot Area Sq. Ft.	Minimum Lot Width (feet)	Minimum Lot Depth (feet)	Maximum Lot Coverage	Setbacks (feet)			Max Height (feet)	Stories
					Street	Side	Rear		
RESIDENTIAL - Multiple-Family and Townhouse Plan									
Townhouse	7,500 2,185/unit	23	95	45%	20	7/0 ⁽³⁾ / 5 ⁽¹⁾	15 ₍₁₎ / 5	35	3
Multi-family	10,000 2,185/unit	23	95	45%	20	10 ⁽⁴⁾ / 5 ⁽¹⁾	15 / 5 ⁽¹⁾	35	3
RESIDENTIAL - Zero Lot Line, Single-Family Villas & Single Family									
Single-family	5,000	50	100	45%	20	5 ₍₁₎ / 5	15 / 5 ⁽¹⁾	30	2
Single-family Villas	3,920	40	98	45%	20	5 ₍₁₎ / 5	15 / 5 ⁽¹⁾	30	2
Zero Lot Line	3,920	40	98	45%	20	0/10 ⁽²⁾ 5 ⁽¹⁾	15 / 5 ⁽¹⁾	30	2

Copper Oaks

RECREATIONAL FACILITIES	
Recreational Facilities, Private On-Site & Clubhouse	Setbacks and development regulations for Recreational Facilities are identical to the RPD multiple-family regulations. Parking for the private on-site recreational facility clubhouse(s) will be calculated at 1 space per 300 feet of total floor area as per Deviation One.
SINGLE-FAMILY USES	The single-family tract will consist of 120 to 150 DUS and the multi-family tract 142 to 172 DUS. The total number of single-family and multi-family dwelling units will not exceed a maximum total of 292 DUS.

- Footnotes:
- | | |
|--------------------------------|---|
| 1. Accessory Structures | 3. Interior side only |
| 2. Side opposite zero lot line | 4. Exterior side only with minimum building separation of 20 feet |

- c. The total number of single-family dwelling units (single-family, single-family villas, and zero-lot line) to be built will range from 120 to 150. The total number of multiple-family (multiple-family, and townhouse) dwelling units to be built will range from 142 to 172. The total maximum number of all dwelling units will not exceed 292.
- 3. 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.
- 4. 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).
- 5. The revised MCP must clearly label the required 2.22-acre restored native open space area noted in the RPD Open Space Table.
- 6. All models are conditioned as follows:
 - a. Each model must be a unique example. Multiple examples of the same unit are not permitted.
 - b. All model sites must be designated on the development order plans.
 - c. A maximum of 6 model homes, and a maximum of 8 model units are permitted on the entire site in the locations designated on the approved MCP.
 - d. Hours of operation are limited to Sunday through Saturday from 8:00 a.m. through 5:00 p.m.
- 7. Blasting is prohibited
- 8. Agriculture is not a permitted use in the approved Schedule of Uses for this property. All existing agricultural uses must cease upon approval of the requested rezoning.

9. The development order for this site must include a minimum of 17.32 acres of open space. No less than 13 acres of the required open space must be provided as common open space. The development order plans must include a clear depiction of the common open space areas. Recreation areas, lakes, and buffers may be considered as common open space.
10. Additional excavation or regrading of the existing borrow lake must be replanted meeting the requirements of LDC § 10-418 for the portion of the lake that has been regraded.

SECTION C. DEVIATION:

1. Deviation (1) seeks relief from the LDC § 34-2020(4)o.2. requirement to provide parking at one space per 100 square feet of area for recreational facilities, indoor, to allow for parking at one space per 300 square feet. This deviation is APPROVED .

SECTION D. 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 (subject parcel identified with shading)
- Exhibit C: Master Concept Plan dated stamped "Received Apr 13 2004", revised "4-12-04"

The applicant has indicated that the STRAP numbers for the property are: 26-46-25-00-00001.5000 and 26-46-25-00-00001.4000.

SECTION E. FINDINGS AND CONCLUSIONS:

1. The applicant has proven entitlement to the rezoning by demonstrating compliance with the Lee Plan, the LDC, and other applicable codes and regulations.
2. The RPD rezoning, as conditioned:
 - a. meets or exceeds the 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 the site 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 approval of this rezoning request 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 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 Judah, seconded by Commissioner Coy, 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 19th day of April 2004.

ATTEST:
CHARLIE GREEN, CLERK

BOARD OF COUNTY COMMISSIONERS
OF LEE COUNTY, FLORIDA

BY: Cindy Morrison
Deputy Clerk

BY: John E. Albion
Chairman



Approved as to form by:

Donna Marie Collins
Donna Marie Collins
County Attorney's Office

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MINUTES OFFICE

CASE NO: DCI2003-00071

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Z-04-020
Page 5 of 5

EXHIBIT A

Banks Engineering, Inc.

Professional Engineers, Planners & Land Surveyors
FORT MYERS ♦ NAPLES ♦ SARASOTA

DESCRIPTION
OF A
PARCEL OF LAND
LYING IN
SECTION 26, TOWNSHIP 46 SOUTH, RANGE 25 EAST
LEE COUNTY, FLORIDA

(48.79 ACRE PARCEL)

A TRACT OR PARCEL OF LAND SITUATED IN THE STATE OF FLORIDA, COUNTY OF LEE, LYING IN SECTION 26, TOWNSHIP 46 SOUTH, RANGE 25 EAST, BEING FURTHER BOUND AND DESCRIBED AS FOLLOWS:

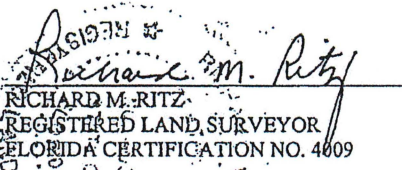
COMMENCING AT THE SOUTHWEST CORNER OF SAID SECTION 26; THENCE N.89°40'25"E. ALONG THE SOUTH LINE OF SAID SECTION FOR 80.01 FEET TO AN INTERSECTION WITH THE EASTERLY RIGHT-OF-WAY LINE OF CORLICO ROAD (80.00 FEET WIDE) AS DESCRIBED IN OFFICIAL RECORDS BOOK 1739, AT PAGE 778 OF THE PUBLIC RECORDS OF SAID LEE COUNTY; THENCE N.01°18'46"W. ALONG SAID EASTERLY LINE FOR 1182.03 FEET; THENCE N.90°00'00"E. FOR 20.02 FEET TO THE POINT OF BEGINNING; THENCE N.01°18'46"W. FOR 921.58 FEET; THENCE N.90°00'00"E. FOR 675.00 FEET; THENCE N.01°18'46"W. FOR 321.75 FEET; THENCE N.90°00'00"E. FOR 1021.24 FEET; THENCE S.23°29'06"E. FOR 677.63 FEET; THENCE S.00°00'00"E. FOR 621.50 FEET; THENCE S.90°00'00"W. FOR 1937.80 FEET TO THE POINT OF BEGINNING.

PARCEL CONTAINS 48.79 ACRES MORE OR LESS


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

ASSUMED NORTH BASED ON THE SOUTH LINE OF SECTION 26, TOWNSHIP 46 SOUTH, RANGE 25 EAST, LEE COUNTY FLORIDA AS BEARING N.89°40'25"E.

DESCRIPTION PREPARED 09-03-03


RICHARD M. RITZ
REGISTERED LAND SURVEYOR
FLORIDA CERTIFICATION NO. 4009

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S:\Jobs\1690\SURVEYING\DESCRIPTIONS\1690_COMB_BNDY_DESC_SKT.dwg

Applicant's Legal Checked
by 

RECEIVED
OCT 07 2003

PERMIT COUNTER
OCI 2003-00071

Banks Engineering, Inc.

PROFESSIONAL ENGINEERS, LAND SURVEYORS & PLANNERS
 FLORIDA BUSINESS CERTIFICATION NUMBER LB 6890
 10611 SIX MILE CYPRESS PARKWAY - SUITE 101
 FORT MYERS, FLORIDA 33912
 (239) 839-5490

SKETCH OF DESCRIPTION

OF
 A TRACT OR PARCEL OF LAND LYING IN
 SECTION 26, TOWNSHIP 46 SOUTH, RANGE 25 EAST
 LEE COUNTY, FLORIDA
 (48.79 ACRE PARCEL)



LEGEND:

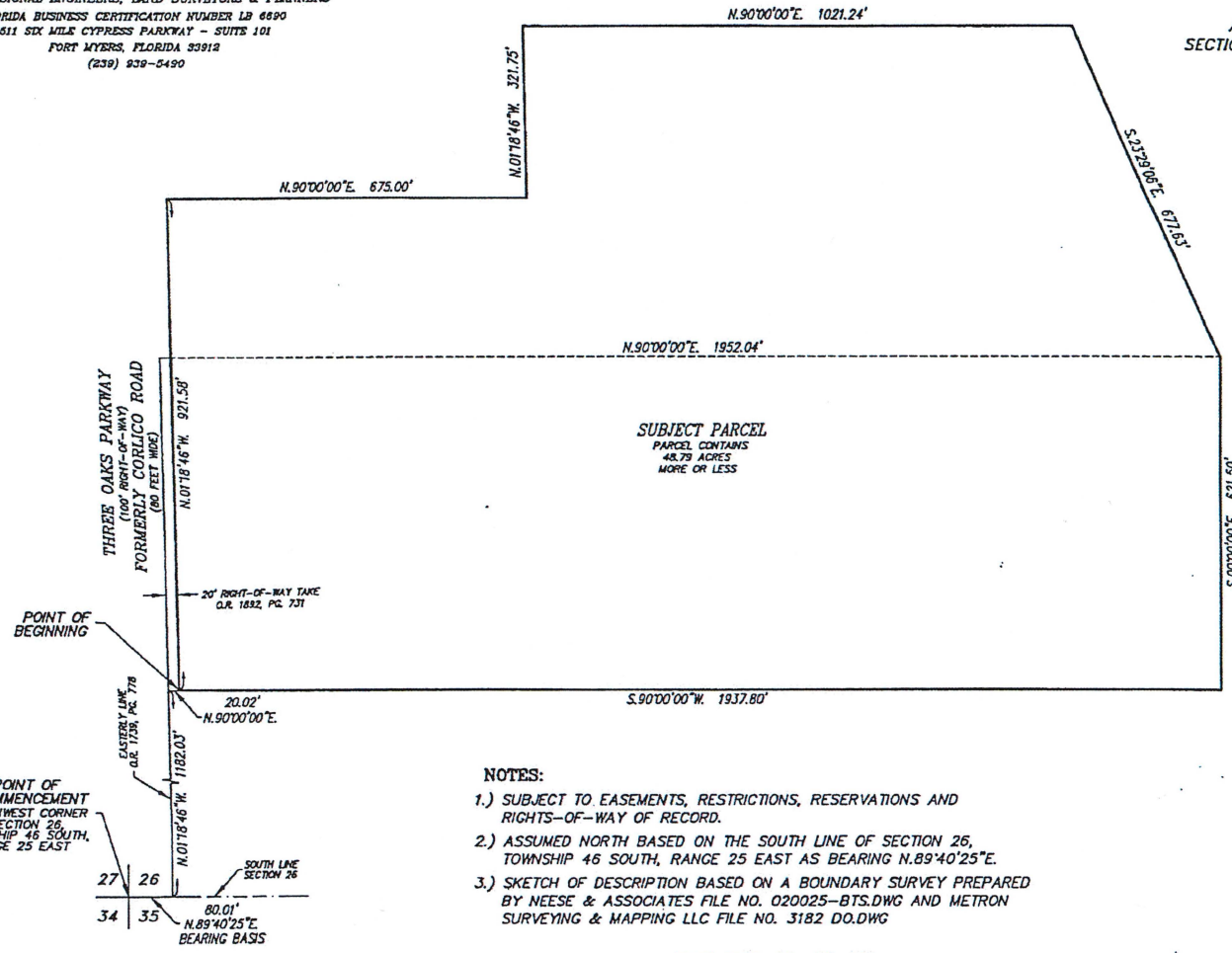
- PG. INDICATES PAGE
- NO. INDICATES NUMBER
- O.R. INDICATES OFFICIAL RECORDS BOOK
- P.I. INDICATES POINT OF INTERSECTION

Applicant's Legal Checked
 by

SEE SHEET 1 FOR COMPLETE
 METES AND BOUNDS DESCRIPTION.
**THIS SKETCH OF DESCRIPTION
 IS NOT A BOUNDARY SURVEY**

RICHARD M. RITZ
 REGISTERED LAND SURVEYOR
 FLORIDA CERTIFICATION NO. 24009

- THIS SKETCH OF DESCRIPTION IS NOT VALID
 WITHOUT THE SIGNATURE AND THE ORIGINAL RAISED
 SEAL OF A FLORIDA LICENSED SURVEYOR AND MAPPER.



SUBJECT PARCEL
 PARCEL CONTAINS
 48.79 ACRES
 MORE OR LESS

NOTES:

- 1.) SUBJECT TO EASEMENTS, RESTRICTIONS, RESERVATIONS AND RIGHTS-OF-WAY OF RECORD.
- 2.) ASSUMED NORTH BASED ON THE SOUTH LINE OF SECTION 26, TOWNSHIP 46 SOUTH, RANGE 25 EAST AS BEARING N.89°40'25\"E.
- 3.) SKETCH OF DESCRIPTION BASED ON A BOUNDARY SURVEY PREPARED BY NEESE & ASSOCIATES FILE NO. 020025-BTS.DWG AND METRON SURVEYING & MAPPING LLC FILE NO. 3182 D.O.DWG

PREPARED 09-03-03
 SHEET 2 OF 2

