

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

WHEREAS, Twin Lake Investment Corporation, in reference to Twin Lakes, has properly filed an application for a rezoning from AG-2 to Residential Planned Development; and

WHEREAS, the subject property is located at 9601 State Road 82, described more particularly as:

LEGAL DESCRIPTION: In Sections 14, 15 and 22, Township 44 South, Range 25 East, Lee County, Florida:

A parcel of land in Sections 14, 15 and 22, Township 44 South, Range 25 East, Lee County, Florida, more particularly described as follows:

Begin at the Northeast corner of Section 22, Township 44 South, Range 25 East, Lee County, Florida;
THENCE S89°43'48"W, along the North line of the Northeast Quarter (NE1/4) of said Section 22 for 1,315.36 feet to an intersection with the East line of the West Half (W1/2) of the East Half (E1/2) of said Section 22;
THENCE S00°45'19"E along said East line for 3,332.43 feet to an intersection with the North right-of-way line of SR 82;
THENCE N70°34'18"W along said right-of-way line for 902.50 feet;
THENCE N19°25'42"E for 91.00 feet;
THENCE N70°34'18"W for 535.20 feet to an intersection with the West line of the East Half (E1/2) of said Section 22;
THENCE N00°41'58"W, along said West line for 2,762.10 feet to the Northwest corner of the Northeast Quarter (NE1/4) of said Section 22;
THENCE N01°48'36"W, along the West line of the Southeast Quarter (SE1/4) of the aforementioned Section 15 for 729.18 feet to an intersection with the Easterly right-of-way line of I-75;
THENCE along said Easterly right-of-way line for the following described two (2) courses:
N15°10'29"E for 229.61 feet to the POINT OF CURVATURE of a circular curve concave to the Northwest;
THENCE Northeasterly along the arc of said curve having for its elements a radius of 5,891.58 feet and a central angle of 10°05'27" for 1,037.61 feet to an intersection with the South line of the North Half (N1/2) of the Northwest Quarter (NW1/4) of the Southeast Quarter (SE1/4) of said Section 15;
THENCE N89°28'09"E, along said South line for 1,046.92 feet;
THENCE N01°25'35"W along the East line of the Northwest Quarter (NW1/4) of the Southeast Quarter (SE1/4) of said Section 15 for 658.22 feet to an intersection with the North line of the Southeast Quarter (SE1/4) of said Section 15;
THENCE N89°23'00"E along said North line for 1,306.21 feet;
THENCE S01°39'35"E for 42.81 feet;
THENCE N89°19'50"E for 1,298.69 feet;
THENCE S01°24'03"E for 2,607.31 feet to an intersection with the South line of the Southwest Quarter (SW1/4) of said Section 14;
THENCE S89°44'35"W along said South line for 1,288.84 feet to the POINT OF BEGINNING.

Said parcel of land situate lying and being in Lee County, Florida, containing 304.70 acres more or less.

WHEREAS, the applicant has indicated the property's current STRAP numbers are 14-44-25-00-00002.10000, 15-44-25-00-00032.0000 and 22-45-25-00-00009.20; and

WHEREAS, proper authorization has been given to Source, Inc. and Ronald J. Schulte by Twin Lake Investment Corporation, the owner of the subject parcel, to act as agent to pursue this zoning application; and

WHEREAS, a public hearing was legally and properly advertised and held before the Lee County Hearing Examiner, with full consideration of all the evidence available; and the Lee County Hearing Examiner fully reviewed the matter in a public hearing held on June 28, 1994; and

WHEREAS, a public hearing was legally and properly advertised and held before the Lee County Board of County Commissioners; and the Lee County Board of County Commissioners 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 of County Commissioners does hereby APPROVE WITH CONDITIONS a rezoning from AG-2 to Residential Planned Development.

The rezoning and Master Concept Plan, which deviate from certain Lee County Standards, are subject to the following conditions:

1. The development of the property shall be in accordance with the one-page Master Concept Plan entitled "Twin Lakes", dated 5-18-94, stamped received 5-19-94, prepared by Source, Inc., except as may be modified by the conditions herein. This approval does not relieve the developer from compliance with the Land Development Code and all other state, regional and county development regulations, except for those specifically modified as part of the development.
2. The following uses are permitted (Commercial is restricted -- see Condition 3):

Accessory Uses and Structures
Administrative Offices
Clubs, Country
Consumption on Premises
Convenience Food and Beverage Store
Dwelling Unit -- Multi-family Building
Entrance Gates and Gatehouses
Essential Services
Essential Service Facilities, Group I
Excavation, Water Retention
Fences, Walls
Fishing Pier
Food and Beverage Service, Limited
Golf Course
Golf Driving Range
Laundry or Dry Cleaning, Group I
Medical Office
Model Unit
Package Store
Parks (Private) - Group I
Parking Lot, Accessory
Personal Services - Group I
Real Estate Sales Office (for units within the project only)
Recreational Facilities, Personal and Private
Rental or Leasing Establishment - Groups I and II
Residential Accessory Uses
Resort
Restaurant - Groups I, II and III
Signs, in accordance with the Land Development Code
Specialty Retail Shops - Groups I and II
Temporary Agricultural Uses (in accordance with condition 5)
Unit of High Impact, Time Share only

3. Ancillary Commercial

a. Uses

The Residential Planned Development is limited to ancillary commercial uses (including clubs -- country, consumption on premises, convenience food and beverage store, food and beverage service, limited, golf course, golf driving range, laundry or dry cleaning,

Group I, medical office, package store, personal services -- Group I, real estate sales office, rental or leasing establishments -- Groups I and II, restaurant -- Groups I, II and III, specialty retail shops -- Groups I and II) for the convenience of the residents and their guests (not open to the public). The ancillary commercial shall be in accordance with Article VI, Division 9, Section 34-937 of the Land Development Code [except as deviated from - Deviations (12) and (13)].

- b. A maximum of 25,000 square feet of ancillary commercial building floor area may be developed on site (15,000 square feet of ancillary restaurant/lounge and 10,000 square feet of ancillary retail use). In addition, 35,000 square feet of floor area may be developed with amenity uses, such as spa/health club, locker room/showers, golf cart storage, administrative office space, laundry, maintenance, or other similar uses.
4. Consumption on Premises is allowed in conjunction with a restaurant, clubhouse or golf course. Outdoor seating in conjunction with consumption on premises shall be allowed, but limited to use in conjunction with a restaurant and clubhouse.
5. Bona fide agricultural uses that are now in existence on the subject property may continue until development order approval. However, no development activity of any kind shall occur on the property, including clearing of vegetation or cutting of trees, unless such activity is reviewed and approved in accordance with all applicable Lee County regulations, as if no agricultural use existed on the property. The purpose of this condition is to eliminate any exemptions or other special considerations or procedures that might otherwise be available under Lee County regulations by virtue of the existing agricultural uses on the property.
6. Development on site is limited to a maximum of 288 multi-family dwelling units.
7. Approval of this rezoning does nothing more than change the zoning district wherein the subject property lies and does not grant or vest in the developer any present or future development rights that may exceed any Lee Plan restrictions as set forth in the 2010 Overlay or any other Lee Plan provision.
8. This zoning approval does not indicate that the project's traffic impacts have been mitigated. Additional conditions may be required at the time of issuance of a local Development Order per the Development Standards Ordinance or other Lee County Ordinance.
9. A minimum of 92 percent of the site shall be open space, unless traffic mitigation requirements necessitate an adjustment. Should this adjustment take place, the decrease shall only be that necessary to meet traffic requirements.
10. The project shall connect to central water and sewer.
11. Deviation (1) is a request to deviate from the minimum lot sizes, dimension and setback requirements [LDC Section 34-935(e)]. Deviation (1) is hereby APPROVED with the condition that the development shall comply with the property development regulations as shown on the Master Concept Plan (labeled as Project Notes/Standards on the plan).

Deviation (2) is a request to deviate from the requirement that the building height be limited to ninety-five (95) feet above minimum flood elevation with no more than eight (8) habitable stories [LDC Section 34-935(f)(3)(b)], to allow a building height of 105 feet above flood elevation or finished grade, whichever is greater, with no more than nine (9) habitable stories. Deviation (2) is hereby APPROVED.

Deviation (3) is a request to deviate from the requirement that an access road (frontage road) be required along arterial or collector roads (i.e., SR 82) [LDC Section 10-283(a)], so that the frontage road does not have

to extend to the east parcel. PARTIALLY APPROVE Deviation (3) so that the frontage road does not have to extend to the east parcel; however, the frontage road shall connect to the west parcel where a frontage road now exists, with the understanding that, under the county's regulations, the applicant can request an administrative deviation from LDC Section 10-283(a) at the Development Order stage of development.

Deviation (4) is a request to deviate from the requirement that where practical, any residential development of more than five (5) acres shall provide two or more means of ingress or egress to the development [LDC Section 10-291(3)], to one means of ingress or egress to the development. Deviation (4) is hereby APPROVED with the condition that the frontage road be provided to the west (this will ensure a second emergency access point), and with the caveat contained in the approval of Deviation (3).

Deviation (5) is a request to deviate from the requirement that streets shall provide access to adjoining property and be coordinated with the street system in the area [LDC Sections 10-294 and 10-295], to limit access as shown on the Master Concept Plan. Deviation (5) is hereby APPROVED with the condition that the developer shall coordinate street systems with adjoining parcels, if appropriate.

Deviation (6) is a request to deviate from the road requirements [LDC Section 10-296, Table 4], to allow a concrete paver block surface on a "private" local street. Deviation (6) is hereby APPROVED only if the roadway within the project is "private".

Deviations (7) and (8) WITHDRAWN.

Deviation (9) is a request to deviate from the requirement that excavation shoreline configuration and bank slopes be sinuous rather than straight, and sloped at a ratio not greater than 4(H):1(V) to a water depth of four (4) feet below the Dry Season Water Table (LDC Sections 10-329(e)(4) and 10-418(a)], to allow excavation shorelines to be curved rather than sinuous, and allow bulkheads and/or seawalls to be constructed for up to 40 percent of the shoreline length. Deviation (9) is hereby APPROVED.

Deviation (10) is a request to deviate from the requirement that water mains of not less than ten inches in diameter be constructed in an external loop system with intersecting water mains installed every 2,000 feet, with the maximum dead-end water line being no longer than one-half the distance required between intersecting mains [LDC Section 10-385(c) (3) and (6)], to allow for a water main system (sized to provide a minimum fire flow requirements and peak potable demand) consisting of a single connection to the existing 24-inch diameter water main along SR 82, without any intersecting mains, and a "dead-end" length of approximately 8,000 feet. Deviation (10) is hereby APPROVED with the condition that the developer shall supply dry hydrants and an alternate water supply to the sprinkler system in the event that the water supply is not working.

Deviation (11) is a request to deviate from the Wetland Protection Ordinance [LDC Chapter 14, Article IV], to allow for portions of roadway and golf course to be constructed in the Resource Protection Area (RPA), as shown on the Master Concept Plan. Deviation (11) is hereby APPROVED with the following condition:

As mitigation for county jurisdictional wetland impacts, for up to a maximum of 4.2± acres, the developer shall perform the mitigation and monitoring contained in the Florida Environmental, Inc. Mitigation Plan, dated May 23, 1994 date stamped May 26, 1994). This mitigation plan must be included as a requirement of local Development Order approval and shall be performed as impacts take place, with the exception that invasive exotic vegetation removal must be initiated at the same time as any development activities commence.

Deviation (12) is a request to deviate from the off-street parking requirements for the combined uses proposed for this project [LDC Section 34-2020], to one and one-half (1.5) parking spaces per dwelling unit.

Deviation (12) is hereby APPROVED with the following conditions:

- a. The ancillary commercial shall be in compliance with Article VI, Division 9, Section 34-937 of the Land Development Code; and
- b. The project shall be developed as a "resort", including time shares. Additional parking in compliance with the parking regulations shall be provided for any multiple-family unit(s) that house permanent residents (defined in Florida Statutes 196.012).

Deviation (13) is a request to deviate from the maximum commercial square footage relationship with the number of dwelling units within a Residential Planned Development [LDC Section 34-937(2)], to allow the proposed multi-family buildings to be used for the various commercial uses listed on the Master Concept Plan. Deviation (13) is hereby APPROVED with the condition that the ancillary commercial shall be in compliance with Article VI, Division 9, Section 34-937 of the Land Development Code.

Site Plan 94-028 is attached hereto and incorporated herein by reference, as a reduced copy of the Master Concept Plan.

The following findings and conclusions were made in conjunction with this approval of RPD zoning:


- A. That the predominant uses of the surrounding property, makes approval of the RPD, as conditioned, appropriate.
- B. That the amended RPD, as conditioned, will not have an adverse impact on the intent of the Land Development Code.
- C. That the RPD, as conditioned, is consistent with the goals, objectives, policies, and intent of the Lee Plan, and with the densities, intensities, and general uses set forth for the proposed use.
- D. That the RPD, as conditioned, meets or exceeds all performance and locational standards set forth for the proposed use.
- E. That the RPD, as conditioned, will protect, conserve, preserve all protected and endangered species, natural habitat and vegetation, in accordance with the Lee Plan and other Lee County development regulations.
- F. That the RPD, as conditioned, will be compatible with existing or planned uses and will not cause damage, hazard, nuisance, or other detriment to persons or property.
- G. That the RPD, as conditioned, will not place an undue burden upon existing transportation or other services and facilities, and will be served by streets with the capacity to carry traffic generated by the development.
- H. That the residential uses, as conditioned in this recommendation, will be in compliance with all applicable general zoning provisions and supplemental regulations pertaining to the use, as set forth elsewhere in the Land Development Code.
- I. That the proposed use is appropriate on the subject property and in the vicinity of the subject property.
- J. That the recommended conditions are reasonably related to the impacts expected from or created by the proposed development.
- K. That the recommended conditions and other Lee County development regulations provide sufficient safeguards to the public health, safety and welfare.
- L. That the deviations, as conditioned, enhance the achievement of the objectives of the RPD and preserve and promote the protection of 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 Douglas R. St. Cerny and, upon being put to a vote, the result was as follows:

John E. Manning	Aye
Douglas R. St. Cerny	Aye
Ray Judah	Aye
Franklin B. Mann	Aye
John E. Albion	Aye

DULY PASSED AND ADOPTED this 15th day of August, A.D., 1994.

ATTEST:
CHARLIE GREEN, CLERK


Mary Armentrout
Deputy Clerk

BOARD OF COUNTY COMMISSIONERS
OF LEE COUNTY, FLORIDA

BY: *Ray Judah*
Chairman

Approved as to form by:

J. J. J. J.
County Attorney's Office

FILED

AUG 25 1994

CLERK CIRCUIT COURT
BY *M. Armentrout* D.C.

