13.00 BILLED

RESOLUTION NUMBER Z-87-028

2287238

RESOLUTION OF THE BOARD OF COUNTY COMMISSIONERS

OF LEE COUNTY, FLORIDA

RECORD VERIFIED - CHARLIE GREEN, CLERK
BY: H. FERNSTROM, D.C.

OFF REC 1921 PG 4446

WHEREAS, Frank W. Leo and Gail Grady have properly filed an application in the AG-2 district for:

(a) Rezoning to RM-6;

(b) Special permit for Section Line Setback from the required 75 foot setback to 20 feet on the east/west section line separating Sections 17 and 20, (Section 202.15.B.2.a); and

(c) Special permit for Section Line Setback from the required 75 foot setback to 20 feet on the north/south section line separating Sections 19 and 20 (Section 202.15.B.2.a).

WHEREAS, the subject property is located at 13050 Six Mile Cypress Parkway, between Colonial Boulevard and Daniels Road, described more particularly as:

LEGAL DESCRIPTION: In Sections 19 and 20, Township 45 South, Range 25 East, Lee County, Florida:

A tract or parcel of land lying in Sections 19 & 20, Township 45 South, Range 25 East, Lee County, Florida, said tract or parcel is futher described as follows:

Begin at the N.W. corner of said Section 20; thence run N 88°54'30" E, along the North line of the N.W. ¼ of said Section 20 for 504.90 feet more or less to its intersection with the Westerly R/W line of Six Mile Parkway; said R/W line lies 125.00 feet westerly of and parallel to the centerline of Six Mile Parkway; thence run S 42°23'20" W along said R/W line for 118.36 feet to a P.C. of a curve to the left; said curve has as its elements, R=2989.79 feet, Delta= 13°26'44", Arc=701.61', CH,=700.00', CH BRG.=S 35°39'58"W; thence run along said R/W line and curve to the left for 701.61 feet more or less to the N.E. corner of a parcel as recorded in O.R. 1844, Page 4416, Public Records of Lee County, Florida; thence northwesterly along the northerly boundary of said parcel and along a curve to the left, for 25.17 feet to the N.W. corner of said parcel; said N.W. corner is also the S.E. corner of Tract "R", Brookshire Village, Unit One, as recorded in Plat Book 37, Page 76 of said Public Records; thence run N 00°32'36" E along the East line of said Brookshire Village and the West line of said Section 20 for 636.04 feet to the point of beginning.
Said parcel contains: 3.832 acres more or less
Said parcel is subject to: Easements, Restrictions and Reservations of Record.

WHEREAS, the applicant has indicated the property's current STRAP number is 20-45-25-00-00001.0000; and

(2716Z)

WHEREAS, proper authorization has been given to Beverly Myers Grady, of Humphrey, Jones & Myers, P.A. by Frank W. Leo and Gail Grady, the fee simple owners 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 Planning and Zoning Commission, with full consideration of all the evidence available to the Planning and Zoning Commission; and

WHEREAS, the Lee County Planning and Zoning Commission fully reviewed the matter and recommended approval of requests (a) and (c); and denial for request (b), based on the analysis contained in the Staff Report of February 24, 1987, and the testimony given at the March 2, 1987, Planning and Zoning Commission Hearing; and

WHEREAS, a public hearing was legally and properly advertised and held before the Lee County Board of County Commissioners; and

WHEREAS, in the legislative process the Lee County Board of County Commissioners gave full and complete consideration to the recommendations of the staff, the Planning and Zoning Commission, the documents on file with the county, and the testimony of all interested persons:

LEGISLATIVE HISTORY:

> The Planning and Zoning Commission found the request consistent with the Lee Plan and recommended approval of requests (a) and (c). The proposed land use is consistent with the goals, objectives, policies, and intent of the Lee Plan and is consistent with the densities, intensities, and general uses of the land use category as set forth in the Lee Plan. The recommended denial for request (b), was based on the findings that the trafficways Map depicts a four-lane 150 foot arterial road, which crosses the site. The Lee County Department of Transportation and Engineering determined the need to maintain the required section line setback for the east/west section line between Sections 17 and 20 for this road. They have also determined that a setback for the north/south section line between Sections 19 and 20 is not necessary. The Board of County Commissioners concurred with the Planning and Zoning Commission recommendations. The applicant withdrew request (b) for a section line setback special permit at the March 23, 1987, Board of County Commissioners' hearing.

NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF COUNTY COMMISSIONERS, that the Board of County Commissioners does hereby APPROVE in the AG-2 district:

(a) Rezoning to RM-6; and

(c) Special permit for Section Line Setback from the required 75 foot setback to 20 feet on the north/south section line separating Sections 19 and 20 (Section 202.15.B.2.a);

No action was required for the section line setback special permit as the applicant withdrew request (b) on March 23, 1987.

OFF REC 1 0 2 1 PG 4 4 1

The foregoing Resolution was adopted by the Lee County Board of County Commissioners upon a motion by Commissioner Slisher, and seconded by Commissioner Wallace and, upon being put to a vote, the result was as follows:

Porter J. Goss	Aye
Charles L. Bigelow, Jr.	Absent
Mary Ann Wallace	Aye
Bill Fussell	Aye
Donald D. Slisher	Aye

DULY PASSED AND ADOPTED this 23rd day of March, A.D., 1987.

ATTEST:
CHARLIE GREEN, CLERK

BY: Lisa L Pierce
Deputy Clerk

BOARD OF COUNTY COMMISSIONERS
OF LEE COUNTY, FLORIDA

BY: Bill Fussell
Chairman

Approved as to form by:

County Attorney's Office

OFF REC 1921 PG 4448

RECORDED AND RECORD VERIFIED
CLERK CIRCUIT COURT
LEE COUNTY FLA

JUN 10 8 49 AM '87

FILED
MAY 20 1987
CLERK CIRCUIT COURT
BY Lisa L Pierce D.C.