

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

WHEREAS, John C. Malpeli, Jr., in reference to San Marino Pines (formerly Allendale), has properly filed an application for an amendment to the Residential Planned Development zoning approval granted in Resolution Z-88-034 to delete Condition 12 ("Fringe" area impact fees) and modify Condition 5 (Fire Protection) and Deviation 6 (Wetlands Protection Ordinance); and

WHEREAS, the subject property is located at 4156 Coconut Road, described more particularly as:

LEGAL DESCRIPTION: In Section 08, Township 47, Range 25, Lee County, Florida:

A tract or parcel of land situated in the State of Florida, County of Lee, being a part of the North Half (N½) of Section 08, Township 47 South, Range 25 East, and further bounded and described as follows:

BEGINNING at the Northeast corner of said Section 08;
THENCE N88°07'27"W along the North line of the Northeast Quarter (NE¼) of said Section 08 for 1,935.53 feet to the Northwest corner of the East Three Quarters (E¾) of the Northeast Quarter (NE¼) of said Section 08;
THENCE S00°11'14"E along the West line of said East Three Quarters (E¾) for 2,449.81 feet;
THENCE S88°37'16"E along the North line of a parcel as described in Official Records Book 883 at page 345 of the Public Records of said Lee County and the North line of a parcel as described in Official Records Book 543 at page 597 of the Official Records of said Lee County for 200.00 feet;
THENCE S00°11'14"E along the East line of said parcel as described in said Official Records Book 543 at page 597 for 200.00 feet;
THENCE S88°37'16"E along the South line of said Northeast Quarter (NE¼) for 1,120.00 feet;
THENCE N00°11'14"W for 200.00 feet;
THENCE S88°37'16"E for 50.00 feet;
THENCE S00°11'14"E for 200.00 feet;
THENCE S88°37'16"E along the South line of said Northeast Quarter (NE¼) for 557.20 feet to the Southeast corner of said Northeast Quarter (NE¼);
THENCE N00°01'03"W along the East line of said Northeast Quarter (NE¼) for 2,632.82 feet to the principal PLACE OF BEGINNING.

SAID PARCEL SUBJECT TO the right-of-way of Coconut Road.
CONTAINING 115.924 acres±.

WHEREAS, the applicant has indicated the property's current STRAP number is 08-47-25-00-00005.0000; and

WHEREAS, proper authorization has been given to Carleton Ryffel, by John Malpeli, 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

WHEREAS, the Lee County Hearing Examiner fully reviewed the matter in a public hearing held on February 27, 1990; 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 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 an amendment to the Residential Planned Development.

This approval is subject to the following conditions:

1. Condition 12 of Resolution Z-88-034 is hereby amended to read as follows:

As a substitute for the previously required payment of "Fringe" area impact fees, the applicant shall provide alternative mitigation as follows:

- a. The applicant shall dedicate 100 feet of right-of-way along the western property boundary for the Spring Creek Road Extension. Dedication shall occur prior to final development order issuance. The exact location of the alignment shall be determined by the Department of Transportation and Engineering prior to issuance of a preliminary development order. The applicant shall not be eligible for impact fee credits for this dedication.
- b. The value of the 100 foot strip (\$108,000) may be credited against any privately funded infrastructure assessment (including but not limited to MSBU's, MSTU's or other funding mechanisms) later established for this property, when and if established.
- c. The applicant shall participate in any appropriate privately funded infrastructure assessments (including but not limited to MSBU's, MSTU's or other funding mechanisms) for provision of other services or facilities, including but not limited to drainage, roads other than Spring Creek Road extension, water, sewer, libraries, fire protection, etc.

2. The wetland in the southwest corner of the site designated "Preserve Wetland" on the approved Master Concept Plan may be developed, subject to mitigation consisting of 0.73 acres of littoral zone plantings in accordance with the mitigation plan depicted on the San Marino Pines "Master Drainage Plan", prepared by Hole, Montes & Associates, drawing no. 239-4, dated last revised August, 1989, stamped "Printed December 19, 1989". Monitoring reports on the status of the wetland mitigation shall be provided on a regular basis to the Division of Environmental Sciences to ensure the mitigation's continued viability.
3. All other conditions of Resolution Z-88-034 remain in full force and effect.
4. Condition 5 of Resolution Z-88-034 is hereby amended by deletion of the original text and substituting the following:

As a substitute for the previously required fire protection mitigation, the applicant shall pay Fire/EMS impact fees in effect at the time of issuance of building permits, and shall participate in any privately funded infrastructure assessments as outlined more specifically in Condition 1.c. above in this amendment.

Site Plan 90-021 is attached hereto and incorporated herein by reference, as a reduced copy of the Master Concept Plan.

The following findings of fact were made in conjunction with approval of an amendment to the Residential Planned Development zoning:

- A. That the findings, conditions, approvals and all other terms and conditions of the original approval as reflected in Resolution Z-88-034 should remain unaltered or unmodified except as set forth herein.
- B. That the recommended amendments are based on an accurate evaluation of and reaction to changed circumstances and conditions and are appropriate under the circumstances and do not adversely affect the public interest as it is considered and protected in the original approval.
- C. That the proposed amendments are consistent with the Zoning Ordinance, the Lee Plan and other applicable ordinances and that approval of the proposed amendments is in the public interest and will not place an undue burden on existing government facilities or services.

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

John E. Manning	AYE
Douglas St. Cerny	AYE
Ray Judah	AYE
Bill Fussell	AYE
Donald D. Slisher	ABSENT

DULY PASSED AND ADOPTED this 26th day of March, A.D., 1990.

ATTEST: CHARLIE GREEN, CLERK

BY: Charlie Green
Deputy Clerk

BOARD OF COUNTY COMMISSIONERS
OF LEE COUNTY, FLORIDA

BY: John E. Manning
Chairman

Approved as to form by:

[Signature]
County Attorney's Office

FILED

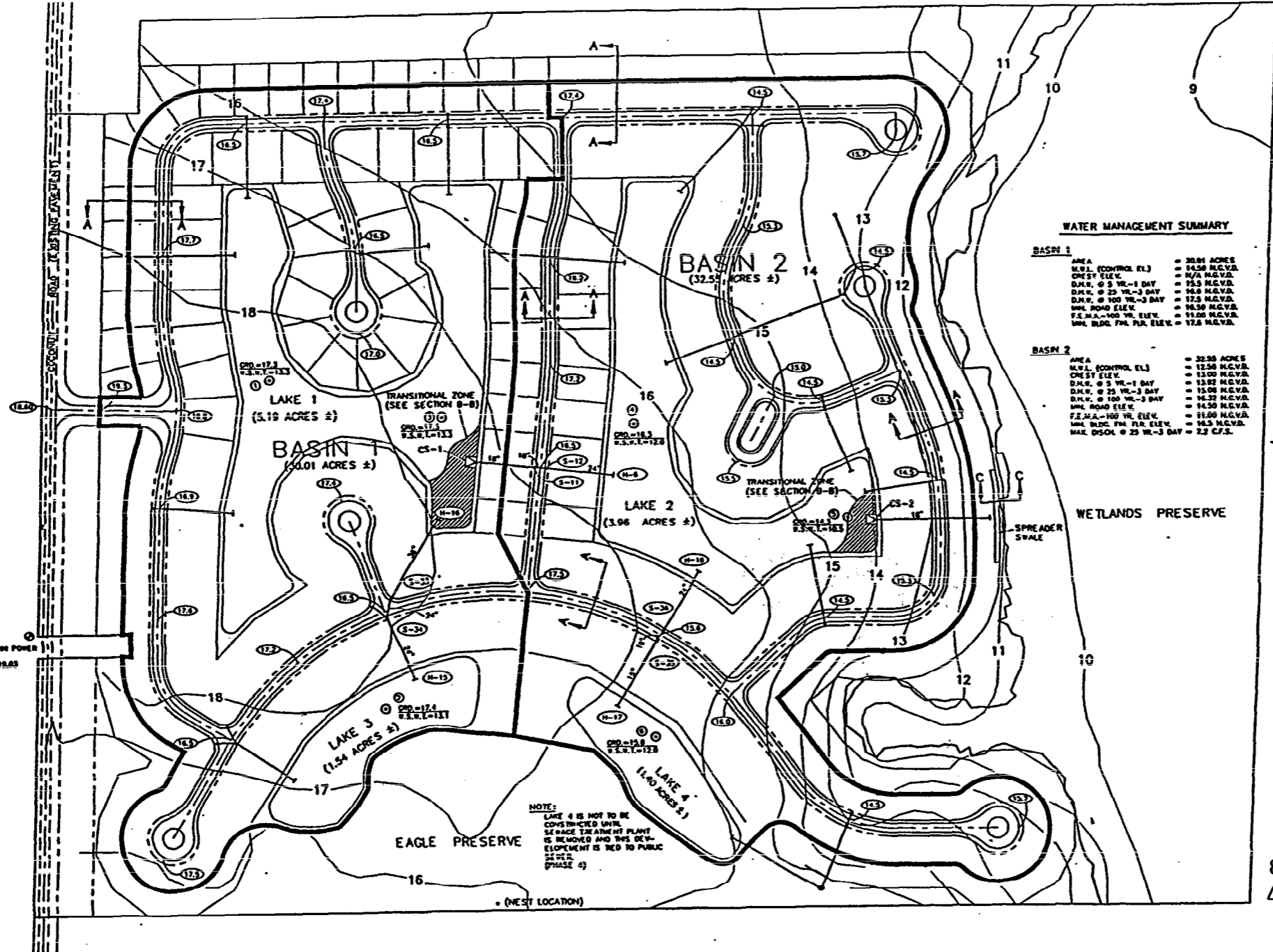
APR 25 90

CLERK CIRCUIT COURT
BY Charlie Green, D.C.

HEARING NUMBER 88-2-10(a)DCI

RESOLUTION NUMBER Z-90-021
Page 4 of 4

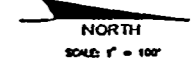
(8026L/18)



WATER MANAGEMENT SUMMARY

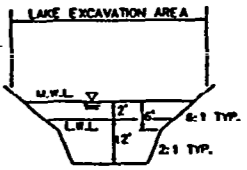
BASIN 1	
AREA	= 30.01 ACRES
M.W.L. (CONTROL EL.)	= 14.50 M.G.V.B.
CREST ELEV.	= N/A M.G.V.B.
D.M.F. @ 5 YR.-1 DAY	= 75.5 M.G.V.B.
D.M.F. @ 25 YR.-3 DAY	= 86.0 M.G.V.B.
D.M.F. @ 100 YR.-3 DAY	= 17.5 M.G.V.B.
M.M. ROAD ELEV.	= 14.50 M.G.V.B.
F.E.M.A.-100 YR. ELEV.	= 11.00 M.G.V.B.
M.M. BLDG. FIN. FLR. ELEV.	= 17.5 M.G.V.B.

BASIN 2	
AREA	= 32.54 ACRES
M.W.L. (CONTROL EL.)	= 12.50 M.G.V.B.
CREST ELEV.	= 13.00 M.G.V.B.
D.M.F. @ 5 YR.-1 DAY	= 13.00 M.G.V.B.
D.M.F. @ 25 YR.-3 DAY	= 15.00 M.G.V.B.
D.M.F. @ 100 YR.-3 DAY	= 16.32 M.G.V.B.
M.M. ROAD ELEV.	= 14.50 M.G.V.B.
F.E.M.A.-100 YR. ELEV.	= 11.00 M.G.V.B.
M.M. BLDG. FIN. FLR. ELEV.	= 14.5 M.G.V.B.
MAX. DISCH. @ 25 YR.-3 DAY	= 2.3 C.F.S.

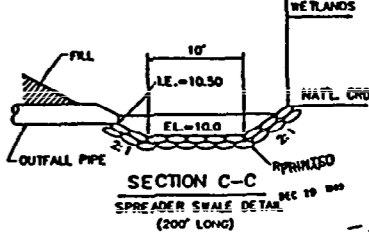
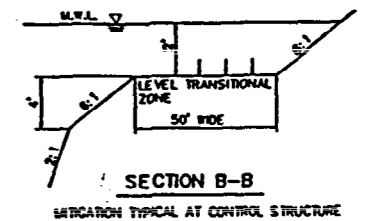
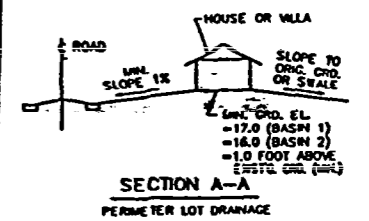


LEGEND

- JUNCTION BOX
- CATCH BASIN
- CONTROL STRUCTURE
- BENCH MARK
- ⊙ BORING



TYPICAL LAKE CROSS SECTION



NOTE:
LAKE 4 IS NOT TO BE CONSTRUCTED UNLESS SPREADER TREATMENT PLANT IS REMOVED AND THE DEVELOPMENT IS TIED TO PUBLIC ST. W.R. (PHASE 4)

SAN MARINO PINES	DESIGNED BY: RES DRAWN BY: CAM/RET CHECKED BY: [blank] FIELD NO.: [blank]	HOLE, MONTES & ASSOCIATES, INC. CONSULTING ENGINEERS - PLANNERS - LAND SURVEYORS NAPLES BONITA SPRINGS FORT MYERS	MASTER DRAINAGE PLAN	239-7 87.34
------------------	--	--	-----------------------------	----------------

88-2-10(2) DC 1
SITE PLAN 90-021