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BILLED

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

REC 1851 PG 3 228

WHEREAS, Sanford Williams, Trustee, has properly filed an application for a district boundary change from RS-1 to Residential Planned Development, to permit an adult congregate living facility (A.C.L.F.) for up to 180 residents, with buildings not to exceed one story in height on 9.79 acres of land. The proposed development would include a central common dining and recreational area, administrative offices, and accessory services for the residents. The subject property is located on the east side of McNeil Road, approximately 600 feet north of Pondella Road, described more particularly as:

LEGAL DESCRIPTION: In Section 04, Township 44 South, Range 24 East, Lee County, Florida:

The Northwest quarter (NW $\frac{1}{4}$) of the Southwest quarter (SW $\frac{1}{4}$) of the Southeast quarter (SE $\frac{1}{4}$) of Section 4, Township 44 South, Range 24 East, Less the westerly 25' for road right-of-way.

WHEREAS, proper authorization has been given to Carleton Ryffel, A.I.C.P., by Sanford Williams, the trustee of the subject parcel, to act as agent to pursue this zoning application;

WHEREAS, a public hearing was legally and properly advertised and held before the Lee County Zoning Board, with full consideration of all the evidence available to the Zoning Board; and

WHEREAS, the Lee County Zoning Board fully reviewed the matter and recommended approval with conditions based on the analysis contained in the staff report dated February 14, 1986 and the testimony given at the February 24, 1986 Zoning Board 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 Local Planning Agency, the Zoning Board, the documents on file with the County, and the testimony of all interested persons:

RECORD VERIFIED - CHARLIE GREEN, CLERK
BY: G. SHERWOOD, D.C.

LEGISLATIVE HISTORY:

The Local Planning Agency found the request consistent with the Lee County Comprehensive Plan. The Zoning Board recommended denial of the project as proposed, but recommended approval of a district boundary change from RS-1 to Residential Planned Development, to permit an adult congregate living facility (A.C.L.F.) for up to 120 residents, with buildings not to exceed one story in height on 9.79 acres of land, with conditions as proposed by the staff. The Zoning Appeals Board modified the staff and Zoning Board proposal to slightly increase the limit on the permissible number of residents, and adopted other conditions as enumerated below.

NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF COUNTY COMMISSIONERS AS THE ZONING APPEALS BOARD, that the Zoning Appeals Board does hereby APPROVE Residential Planned Development (RPD) zoning, subject to the following conditions:

1. This property will be limited to use as an Adult Congregate Living Facility, as defined by Chapter 10 A-5, Florida Administrative Code.
2. Intensity of use will be limited to comply with the density range of the Lee Plan, as clarified by counting congregate use as one-third dwelling unit per person, with the total occupancy not to exceed 150 persons residing in the facility at any given time.
3. The height of the buildings will be limited to one story above base flood elevation.
4. A 75-foot buffer area shall be provided along the north, east, and south sides of the parcel. Native vegetation, including understory, shall be maintained in these areas, except as required to provide access or for passive recreational purposes, or for retention as shown on the master Concept Plan. Preserved areas on the site must total 30% of the gross site acreage, and shall be barricaded prior to the beginning of construction to the satisfaction of the Planning Division. Maintenance of the vegetation is subject to approval of the Planning Division.
5. Excavation for dry detention areas will be allowed only in the three buffer areas of the property as identified on the master Concept Plan (revised plan dated March 13, 1986). Detention areas shall be planted with water-tolerant vegetation. The number, type, and maintenance of vegetation shall be subject to the approval of the Planning Division.
6. The exact placement of the fence along McNeil Road must be approved by the County Engineer to insure proper visibility.
7. Prior to the issuance of a final development order on this parcel, the applicant shall quit-claim or dedicate the westerly 30 feet of the Northwest 1/4 of the Southwest 1/4 of the Southeast 1/4 of Section 4, as one-half of the required 60-foot right-of-way for Mc Neil Road.
8. The emergency access point along the 30-foot easement on the northern portion of the property shall be provided with break-away gates, or be left unobstructed.
9. Any security gate or similar device that is not manned 24 hours per day must be provided with an over-ride switch in a glass-covered box, for use of emergency vehicles.
10. The developer shall provide a program of education and information for the residential population describing the risks of environmental hazards, such as hurricanes, as well as the action necessary to mitigate the dangers which these hazards present.

11. At the completion of construction, a development representative shall contact Lee County Emergency Medical Services to discuss the designation of an emergency helicopter landing zone.
12. The applicant shall furnish to the Zoning and Development Review Division each year a copy of the annual report and/or license renewal application submitted to the Florida Department of Health and Rehabilitative Services, to verify that the number of residents does not exceed that allowed in condition #2.

Site Plan SP-86-36 is attached hereto and incorporated herein by reference, as a reduced copy of the master Concept Plan.

The approved use for the subject property is an Adult Congregate Living Facility, as defined by Chapter 10 A-5, Florida Administrative Code, and related accessory uses.

The following findings of fact were made in conjunction with the approval of RPD zoning:

1. The proposed use will be appropriate at the subject location with the approved lower intensity, and with the proposed buffering and setback conditions;
2. The proposed development is consistent with the adopted Lee Plan, in that:
 - a) The land use change meets the applicable performance and locational standards; and
 - b) Urban Services as defined by the Lee Plan are available and adequate to serve the proposed land use change; and
 - c) The land use change will comply with the densities and general uses set forth in the Lee Plan at this time, with the reduced density; and
 - d) The land use change will protect a portion of the site's natural vegetation, through the proposed buffering conditions and the Residential Planned Development requirements; and
 - e) The land use change will be compatible with existing or planned land uses through additional buffering and other conditions proposed, and will therefore not cause damage, hazard or nuisance, or other detriment to persons or property; and
 - f) The location of the proposed land use change will not place an undue burden upon the existing transportation network, as well as other services and facilities, and will be served by streets of a capacity sufficient to carry traffic generated by the development; and
3. Sufficient safeguards to the public interest will be provided by the recommended conditions to the Master Concept Plan; and
4. All recommended conditions are reasonably related to the impacts on the public's interest created by, or expected from, the proposed development.

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

| | |
|-------------------|-----|
| Porter J. Goss | Aye |
| Roland Eastwood | Nay |
| Mary Ann Wallace | Aye |
| Bill Fussell | Aye |
| Donald D. Slisher | Aye |

DULY PASSED AND ADOPTED this 14th day of April, A.D., 1986.

ATTEST:
CHARLIE GREEN, CLERK

BY: Mary Amenthout
Deputy Clerk

BOARD OF COUNTY COMMISSIONERS
OF LEE COUNTY, FLORIDA

BY: [Signature]
Chairman

Approved as to form by:

[Signature]
County Attorney's Office

FILED

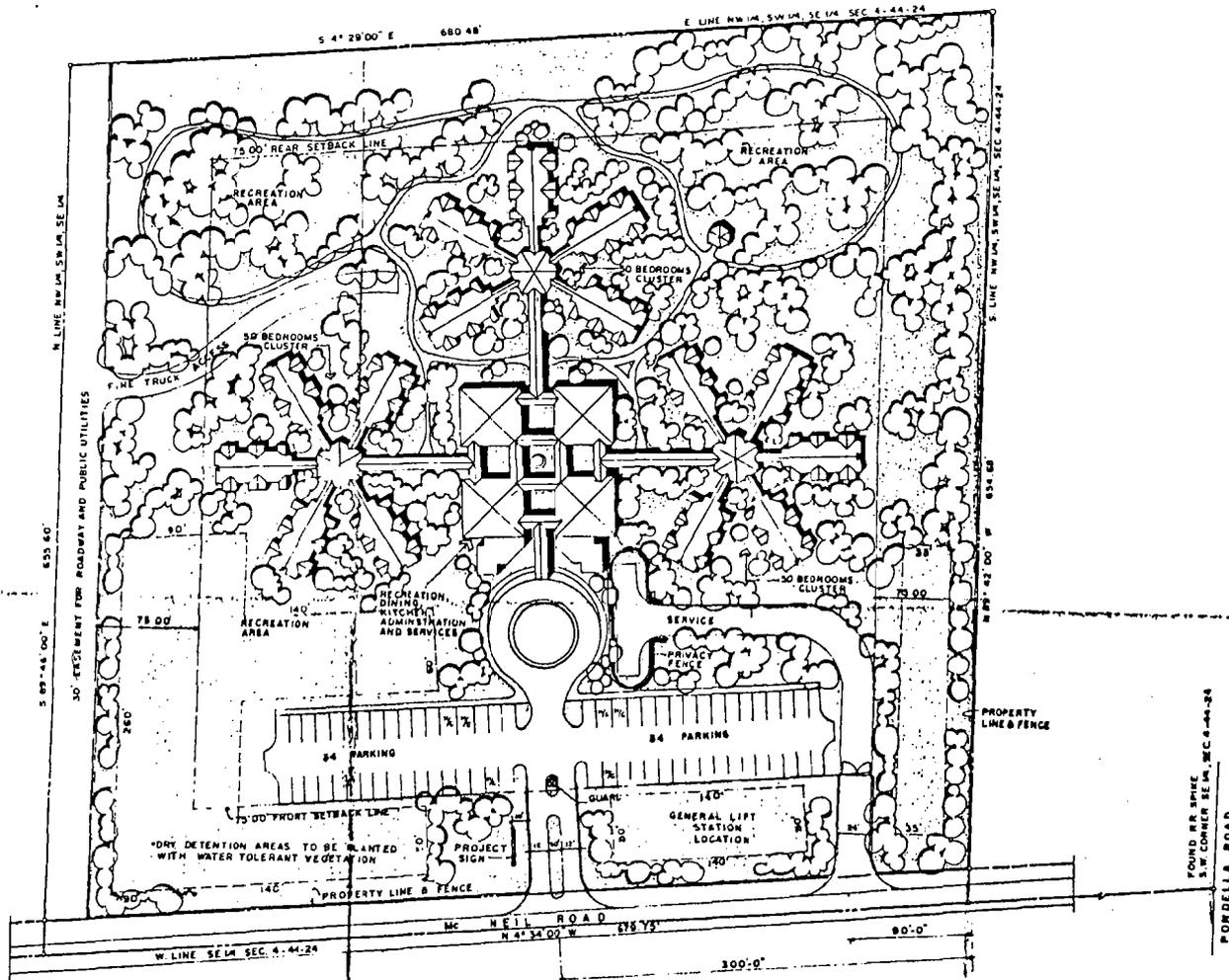
JUN 2 1986

CLERK CIRCUIT COURT

BY Mary Amenthout D.C.

RECORDED AND RECORDED VT
 GLEN CIRCUIT COURT
 LEE COUNTY FLA

JUN 16 9 00 AM '86



MASTER CONCEPT PLAN

SCALE: 1" = 50'



ADULT CONGREGATE LIVING FACILITIES FOR 150 BEDROOMS (180 BEDS MAX.)

SCHEDULE OF AREAS: TOTAL LAND AREA = 37.96 ACRES - ROAD EASEMENT = 0.95 ACRES

| | | | |
|-------------------------|---------------------|---------------------|---------------|
| ROADS AND PARKING AREAS | 40,500 S.F. | = 0.93 ACRES | = 10.36% |
| BUILDING AREA | 94,200 S.F. | = 2.190 ACRES | = 14.61% |
| DRY RETENTION AREA | 34,400 S.F. | = 1.249 ACRES | = 13.05% |
| OPEN SPACES SHOWN | 236,788 S.F. | = 5.48 ACRES | = 61.29% |
| TOTAL | 305,888 S.F. | = 6.96 ACRES | = 100% |

PARKING = 68 SPACES (1 SPACE PER 2 BEDS)

DENSITY = 3 BEDS = 1 UNIT = 6 UNITS PER ACRE

GROSS ACRES = 6.978 ACRES

ROAD EASEMENT = 0.79 ACRES

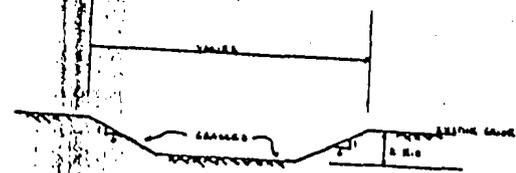
NORTH DRIVEWAY EASEMENT = 0.18 ACRES

NET ACRES = 6.00 ACRES

NOTES:

1. REZONE FROM RE-1 TO RPD.
2. MAXIMUM BUILDING HEIGHT = ONE (1) STORY.
3. BUILDING FOOTPRINT SUBJECT TO MODIFICATION BASED ON FINAL ARCHITECTURE.
4. OPEN SPACE TO BE GREATER THAN REQUIRED 40%.
5. PROPERTY TO BE ENCLOSED BY 6 FT. CYCLONE FENCE AS CLOSE TO PROPERTY LINE AS ALLOWED. IT WILL NOT OBSTRUCT VIEWS NOR INHIBIT ACCESS WITH EASEMENTS.

DATE: 4/8/85
 REVISED: 12/8/85
 REVISED: 12/26/85
 REVISED: 3/15/86



TYPICAL SECTION
 DRY RETENTION AREA

APPROVED

Master Concept Plan
 Site Plan 4-10-85, Page 1 of 1
 Subject to conditions in Resolution 2-20-85
 Zoning Code of 05-2-12, p. 4-5.

CARLETON RYFFEL, A.I.C.P. LAND PLANNER & DEVELOPMENT COORDINATOR
 6290 Corporate Court S.W. Suite C-201 Fort Myers, Florida 33907 813/482-4404

MASTER CONCEPT PLAN

