

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

WHEREAS, Knott Consoer, PA, filed an application on behalf of the property owner, R III C, LLC, to rezone 4.5± acres from Agricultural (AG-2) to Residential Multi-Family (RM-2), in reference to Mandolin Bay Phase 2 Rezoning; and,

WHEREAS, a public hearing was advertised and held on September 30, 2004, before the Lee County Zoning Hearing Examiner, who gave full consideration to the evidence in the record for Case #REZ2004-00014; and

WHEREAS, a second public hearing was advertised and held on November 1, 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 4.5± acres from the AG-2 zoning district to the RM-2 zoning district on a property located at 15785 McGregor Boulevard to allow for the expansion of the Mandolin Bay multi-family development. The property is located in the Central Urban Future Land Use Category and is legally described in attached Exhibit A. The request is to rezone the RM-2 zoning district is **DENIED, instead, a rezoning to Residential Multi-family (RM-8) is APPROVED.**

SECTION B. 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 (with the subject parcel indicated)

The applicant has indicated that the STRAP number for the subject property is:
31-45-24-00-00018.0000

SECTION C. FINDINGS AND CONCLUSIONS:

1. The density of applicant's request to rezone to RM-2 is too intense given the close proximity of the subject property to the Coastal High Hazard area. The resulting traffic from the more intense level of density of the requested RM-2 zoning district would also contribute to the already increased levels of traffic on the road network in the area in which the subject

property is located. Additionally, the requested density is also at top of the range for the standard level of density for the Central Urban Future Land Use Category.

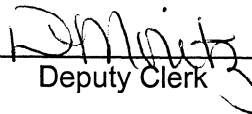
2. The approved reduced level of density of the Residential Multi-family (RM-8) zoning district is consistent with the Lee Plan, the LDC, and any other applicable code or regulation.
3. The rezoning, as approved:
 - a. meets or exceeds all performance and locational standards set forth for the potential 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 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.
4. Urban services, as defined in the Lee Plan, are, or will be, available and adequate to serve the proposed land use.

The foregoing resolution was adopted by the Lee County Board of Commissioners upon the motion of Commissioner Ray Judah, seconded by Commissioner Andrew W. 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	Nay

DULY PASSED AND ADOPTED this 1st day of November 2004.

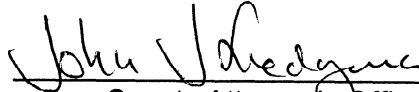
ATTEST:
CHARLIE GREEN, CLERK

BY: 
Deputy Clerk

BOARD OF COUNTY COMMISSIONERS
OF LEE COUNTY, FLORIDA

BY: 
Chairman

Approved as to form by:


County Attorney's Office



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MINUTES OFFICE

2004 NOV -5 AM 10: 59

EXHIBIT "A"
LEGAL DESCRIPTION
Property located in Lee County, Florida

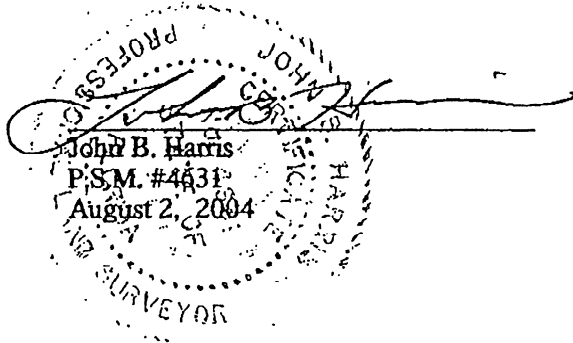
DESCRIPTION: (Per Harris - Jorgensen, Inc.)

A tract or parcel of land lying in the Southwest Quarter (S.W.1/4) of Section 31, Township 45 South, Range 24 East, Lee County, Florida, described as follows:

Commencing at the Southwest corner of the Southwest Quarter (S.W.1/4) of the aforesaid Section 31; thence run N.00°04'38"W. along the West line of said Section 31 for 661.62 feet to the point of beginning; thence continue N.00°04'38"W. along the West line of said Section 31 for 469.47 feet to the Southeast right-of-way line of McGregor Boulevard (100 feet wide); thence run N.50°25'27"E. along said Southeast right-of-way line for 302.08 feet; thence run S.89°59'05"E. for 97.22 feet; thence run S.00°04'04"E. for 661.32 feet; thence run S.89°53'57"W. for 330.21 feet to the point of beginning.

Said tract contains 4.501 acres, more or less and is subject to easements, restrictions and reservations of record.

Bearings are based on the West line of the aforesaid Section 31 as being N.00°04'38"W.



Applicant's Legal Checked

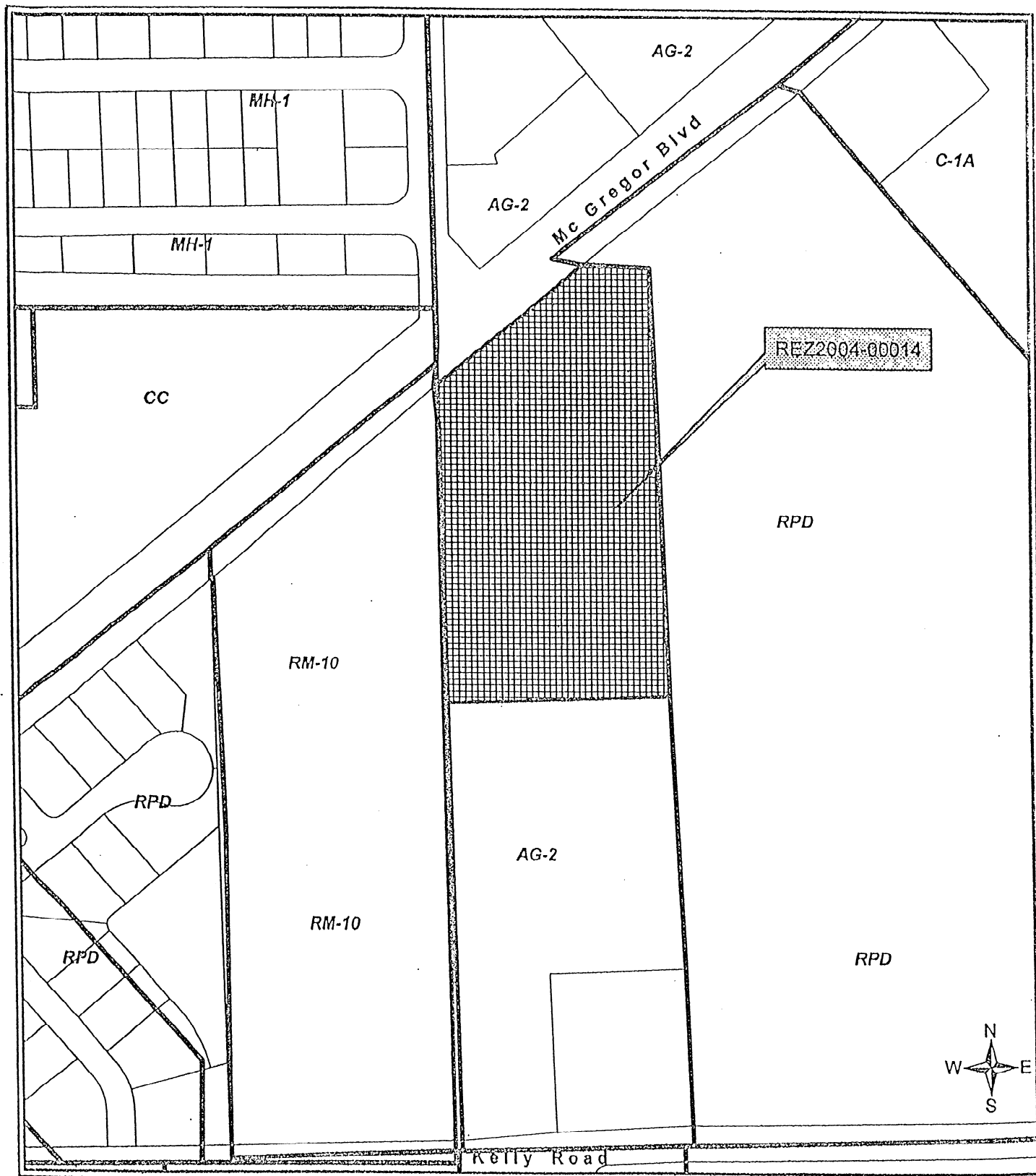
by [Signature] August 04, 2004.

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AUG 03 2004

PERMIT COUNTER

REZ 2004-00014

EXHIBIT "B"
(Zoning Map)



ZONING
LEE COUNTY
SOUTHWEST FLORIDA

100 50 0 100 200 300 Feet
Scale 1:2500

15785 McGregor Boulevard

File # REZ2004-00014

RPD	RESIDENTIAL PLANNED DEVELOPMENT
CC	COMMUNITY COMMERCIAL
AG-2	AGRICULTURE
MH-1	MOBILE HOME RESIDENTIAL
RM-10	RESIDENTIAL MULTIPLE FAMILY
C-1A	COMMUNITY COMMERCIAL

LEE COUNTY, FLORIDA

9/07/04