

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

WHEREAS, Admiral Lehigh Resort Limited filed an application for a rezoning from Residential Multiple Family (RM-2) to Commercial Planned Development (CPD); and

WHEREAS, the subject property is located at 201 East Joel Boulevard, Lehigh Acres, and is described more particularly as:

LEGAL DESCRIPTION: In Section 34, Township 44 South, Range 27 East, Lee County, Florida:

A parcel of land in the Southwest Quarter (SW¼) of Section 34, Township 44 South, Range 27 East, Lee County, Florida, being more particularly described as follows:

Commencing at the Southwest corner of said Section 34;
THENCE N00°06'48"W along the West section line of said Section 34, a distance of 1,405.40 feet, to the Northerly right-of-way line of Joel Boulevard;
THENCE N88°58'52"E along said right-of-way line of Joel Boulevard, a distance of 15.80 feet, to the Point of Curvature of a curve to the left, having a radius of 676.78 feet, and a delta angle of 02°53'54";
THENCE along said curve an arc distance of 34.23 feet to the POINT OF BEGINNING of a parcel of land herein described;
THENCE continuing along aforesaid curve through a delta angle of 30°59'00", an arc distance of 365.98 feet to the Point of Tangency;
THENCE N55°05'58"E along the Northwestern right-of-way line of Joel Boulevard, a distance of 1,012.50 feet, to the Southwesterly right-of-way line of David Avenue;
THENCE N34°54'02"W along said right-of-way line of David Avenue, a distance of 448.71 feet;
THENCE S55°05'58"W a distance of 841.47 feet to the Southwesterly right-of-way line of Able Canal;
THENCE S02°50'09"W a distance of 132.93 feet;
THENCE S89°53'12"W along the prolongation of, and the Southerly lot line of Lot 3, Block 3, of the Plat of ADMIRAL LEHIGH ESTATES, recorded in Plat Book 57 at Page 27 of the Public Records of Lee County, Florida, a distance of 218.87 feet, to the Easterly right-of-way line of North Avenue;
THENCE S00°06'48"E along the Easterly right-of-way line of North Avenue, a distance of 452.76 feet, to the Northerly right-of-way line of Joel Boulevard and the POINT OF BEGINNING;

10/6/97

LESS AND EXCEPT the right-of-way of Able Canal, being described as follows:

Beginning at the aforesaid point on the Southwesterly right-of-way line of Able Canal;

THENCE S59°33'27"E along the Southwesterly right-of-way line of Able Canal, a distance of 493.73 feet to the Northwesterly right-of-way line of Joel Boulevard;

THENCE N55°05'58"E along said right-of-way line of Joel Boulevard a distance of 220.06 feet;

THENCE N59°33'27"W along the Northeasterly right-of-way line of Able Canal, a distance of 493.73 feet;

THENCE S55°05'58"W a distance of 220.06 feet, to the POINT OF BEGINNING.

The Southwesterly parcel containing 4.90 acres, more or less; and

The Northeasterly parcel containing 5.34 acres, more or less; and

WHEREAS, the applicant has indicated the property's current STRAP number is 34-44-27-00-00001.0100; and

WHEREAS, Admiral Lehigh Resort Limited, the owner of the subject parcel, authorized Florida Land Planning, Inc. to act as agent to pursue this zoning application; and

WHEREAS, a public hearing was advertised and held on August 27, 1997 before the Lee County Hearing Examiner in Case No. 96-11-025.03Z 01.01, who gave full consideration to the evidence available; and

WHEREAS, a public hearing was advertised and held on October 6, 1997 before the Lee County Board of County Commissioners who gave full and complete consideration to the recommendations of 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 LEE COUNTY BOARD OF COUNTY COMMISSIONERS, that the Board **APPROVES with conditions** the requested rezoning from Residential Multiple Family (RM-2) to Commercial Planned Development (CPD); as follows:

SECTION A. CONDITIONS:

The rezoning and Master Concept Plan are subject to the following conditions:

1. The development and use of the subject property is to be in substantial compliance with the one page approved Master Concept Plan entitled Admiral Lehigh Golf & Resort Commercial Tract, Florida Land Planning, Inc., dated April 7, 1997 and stamped received by the Permit Counter on August 20, 1997 except as amended herein.

2. The following uses are permitted:

Parcel A:

Accessory Uses and Structures
Administrative Offices
Banks and Financial Establishments - Groups I & II [Section 34-622(c)(3)]
Business Services - Group I [Section 34-622(c)(5)]
Clothing Stores, General [Section 34-622(c)(8)]
Drugstore and Pharmacy
Essential Services
Excavation, Water Retention
Fences and Walls
Golf Course
Hardware Store
Health Care Facility - Groups I, II & III [Section 34-622(c)(20)]
Hobby, Toy and Game Shop [Section 34-622(c)(21)]
Insurance Companies
Medical Office
Personal Services - Groups I, II & III [Section 34-622(c)(33)]
Schools, Commercial and Non-Commercial
Signs
Social Services - Group I [Section 34-622(c)(46)]
Specialty Retail Shops - Groups I, II, III & IV [Section 34-622(c)(47)]

Parcel B:

Accessory Uses and Structures
Administrative Offices
Banks and Financial Establishments - Groups I & II [Section 34-622(c)(3)]
Business Services - Groups I & II [Section 34-622(c)(5)]
Clothing Stores, General [Section 34-622(c)(8)]
Convenience Food and Beverage Store (Not to Include Fuel Pumps)
Drive Through For Any Permitted Use
Drugstore and Pharmacy
Essential Services
Excavation, Water Retention
Fences and Walls
Golf Course
Hardware Store
Health Care Facility - Groups I, II & III [Section 34-622(c)(20)]
Hobby, Toy and Game Shop [Section 34-622(c)(21)]
Household and Office Furnishings - Groups I, II & III [Section 34-622(c)(22)]
Insurance Companies
Laundry or Dry-Cleaning Establishments
Lawn and Garden Supply Store
Medical Office
Paint, Glass and Wall Paper Shop
Personal Services - Groups I, II & III [Section 34-622(c)(33)]
Plant Nursery
Schools, Commercial and Non-Commercial
Signs
Social Services - Groups I & II [Section 34-622(c)(46)]
Specialty Retail Shops - Groups I, II, III & IV [Section 34-622(c)(47)]

3. Development of the CPD will comply with the following Property Development Regulations:

Minimum Lot Area and Dimensions:

Area: 21,780 sq. ft. (0.50 acres)
Width: 75 feet
Depth: 100 feet

Minimum Setbacks:

Street: 20 feet (internal, private)
Side: 10 feet
Rear: 15 feet
Water Body: 25 feet
0 feet (for decks, patios, and open non-roofed screen enclosures, associated with outdoor seating for restaurants or pedestrian walkways)

Maximum Lot Coverage: 45 percent

Maximum Building Height: three stories or 35 feet

Maximum Gross Floor Area, Parcels A and B: 70,000 square feet

4. Prior to local Development Order approval, the developer must apply for approval of an administrative amendment to the Master Concept Plan to address the buffering and safety requirements for that portion of the Admiral Lehigh Golf Course on the subject property.
5. The required 10-foot landscaping strip adjacent to North Avenue must be enhanced as follows: The enhanced landscaping strip shall be planted with a continuous native shrub hedge, 36 inches in height at the time of planting, and the landscaping strip shall also be planted with no less than five native trees per 100 linear feet (ten feet in height with a 3-inch caliper measured three feet above the ground).
6. Approval of this CPD rezoning does not give the Developer the undeniable right to receive any local Development Order approval that exceeds the Year 2010 Overlay use allocation, if such allocation exists, for the applicable district.
7. This CPD rezoning does not mitigate the project's vehicular or pedestrian traffic impacts. Additional conditions may be required at the time of local Development Order approval.
8. This development must comply with all the requirements of the Lee County Land Development Code (LDC) at the time of local Development Order approval, except as may be granted by deviation as part of this planned development.
9. No part of the area designated as golf course on the Master Concept Plan may be used for any purpose except golf course use.

SECTION B. DEVIATIONS:

The Master Concept Plan deviates from several Lee County development standards. The proposed deviations are granted as set forth below:

1. Deviation (1), requesting relief from LDC Section 34-2194(c)(3)b, requiring non-roofed accessory structures to be set back ten feet from a non-seawalled artificial body of water to allow zero feet, is **APPROVED** with the condition that the deviation apply only to pedestrian walkways and outdoor seating for restaurants.
2. Deviation (2), requests relief from LDC Section 10-414(a), requiring a buffer of no less than 15 feet in width to all property lines to allow zero feet (no buffer) along the perimeter property line of the CPD within the area of the golf course use, is **APPROVED**.
3. Deviation (3) **WITHDRAWN**.
4. Deviation (4) **WITHDRAWN**.

SECTION C. Master Concept Plan:

A one page reduced copy of the Master Concept Plan is attached and incorporated into this resolution by reference, as modified herein.

SECTION D. FINDINGS AND CONCLUSIONS:

The following findings and conclusions were made in conjunction with the approval of the CPD rezoning:

1. The applicant has proven entitlement to the rezoning by demonstrating compliance with the Lee Plan, the Land Development Code, and other applicable codes and regulations.
2. The CPD rezoning as conditioned:
 - a. meets or exceeds all performance and locational standards set forth for the potential uses allowed by the request;
 - b. is consistent with the densities, intensities and general uses set forth in the Lee Plan;
 - c. is compatible with existing or planned uses in the surrounding area; and
 - d. will not adversely affect environmentally critical areas or natural resources.
3. Approval of the request will not unduly burden existing transportation or planned infrastructure facilities and the site will be served by streets with the capacity to carry traffic generated by the development.

4. Urban services, as defined in the Lee Plan, are available and adequate to serve the proposed land use.
5. The proposed use or mix of uses is appropriate at the subject location.
6. The recommended conditions to the concept plan and other applicable regulations provide sufficient safeguards to the public interest.
7. The recommended conditions are reasonably related to the impacts on the public's interest created by or expected from the proposed development.
8. The deviations granted:
 - a. enhance the objectives of the planned development; and
 - b. preserve and promote the general intent of the LDC to protect 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 John E. Albion and, upon being put to a vote, the result was as follows:

John E. Manning	AYE
Douglas R. St. Cerny	ABSENT
Ray Judah	NAY
Andrew W. Coy	AYE
John E. Albion	AYE

DULY PASSED AND ADOPTED this 6th day of October, 1997.

ATTEST:
CHARLIE GREEN, CLERK

BY: *Patricia Ferguson*
Deputy Clerk

BOARD OF COUNTY COMMISSIONERS
OF LEE COUNTY, FLORIDA

BY: *John E. Manning*
Chairman

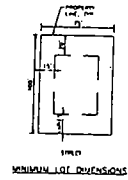
FILED

OCT 13 1997

CLERK CIRCUIT COURT
BY: *Patricia F.* D.C.

Approved as to form by:

Patricia F. White
County Attorney's Office



- APRIL 7, 1997
MASTER CONCEPT PLAN
ADMIRAL LEHIGH GOLF & RESORT
COMMERCIAL TRACT
FLORIDA LAND PLANNING, INC.
 1342 Colonial Boulevard, Suite 80M
 Fort Myers, Florida 33907
 (941) 278-5222 Fax (941) 278-4466