RESOLUTION NUMBER Z-99-098

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

WHEREAS, an application was filed by the property owner, Kings Wood Development Company, to amend the existing Residential Planned Development (RPD), in reference to Legends Golf & Country Club; and

WHEREAS, a public hearing was advertised and held on January 26, 2000 before the Lee County Zoning Hearing Examiner, who gave full consideration to the evidence in the record for Case #95-02-273.03Z 02.01; and

WHEREAS, a second public hearing was advertised and held on March 20, 2000 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 amend the existing RPD zoning to increase the maximum building height (as defined per § 34-2171(a) of the Lee County Land Development Code [LDC]) from 45 feet to 50 feet and to increase the maximum number of stories within the buildings from three to four. Both the amended building height and number of stories will be limited to only those buildings constructed in Tracts "J," "P," and "Q" of the subject development. The property is located in the Outlying Suburban Land Use Category and legally described in attached Exhibit A. The request is APPROVED SUBJECT TO the conditions specified in Sections B below.

SECTION B. CONDITIONS:

All references to uses are as defined or listed in the Lee County LDC.

1. The development of this project must be consistent with the revised one-page Master Concept Plan (MCP) entitled "Legends Golf and Country Club Master Concept Plan, stamped received January 11, 2000, dated September, 1999, except as modified by the conditions below. This development must comply with all requirements of the Lee County LDC at time of local development order approval, except as may be granted by deviation as part of this planned development. In addition, this development must continue to comply with Resolution Z-95-051A (as amended). If changes to the MCP are subsequently

pursued, appropriate approvals will be necessary. Approval of this MCP includes the designation of Tracts "J," "P," and "Q" in the central portion of the site north of the aqua driving range.

2. The only changes authorized by this amendment are:

   a. The identification of Parcels (Tracts) "J," "P," and "Q" on the approved MCP.

   b. Condition 3 of Resolution Z-95-051A is amended to allow an increase in the building height and number of floors allowed for multiple-family structures to read:

      Multi-Family: 45 feet or three stories (except in Tracts "J," "P," and "Q" which may be a maximum of 50 feet and four stories)

   c. Condition 4 of Resolution Z-95-051A is amended to allow multiple-family use on Parcels (Tracts) A through J, and N through Q. There is no change to the listed Parcels (Tracts) allocated for Townhouse use in this Condition.

3. Approval of this amendment does not guarantee local development order approval. Future development order approvals must satisfy the requirements of the Lee Plan Planning Communities Map and Acreage Allocations Table, Map 16 and Table 1(b).

SECTION C. EXHIBITS:

The following exhibits are attached to this resolution and incorporated by reference:

Exhibit A: The legal description and STRAP number of the property.
Exhibit B: Zoning Map (subject parcel identified with shading)
Exhibit C: The Master Concept Plan

SECTION D. FINDINGS AND CONCLUSIONS:

1. The applicant has proven entitlement to the rezoning by demonstrating compliance with the Lee Plan, the LDC, and any other applicable code or regulation.

2. The amendment, 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.

3. The amendment satisfies the following criteria:

a. the proposed use or mix of uses is appropriate at the subject location; and

b. the recommended conditions to the concept plan and other applicable regulations provide sufficient safeguard to the public interest; and

c. the recommended conditions are reasonably related to the impacts on the public interest created by or expected from the proposed development.

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 Andrew W. Coy, seconded by Commissioner Douglas R. St. Cerny and, upon being put to a vote, the result was as follows:

John E. Manning	Absent
Douglas R. St. Cerny	Aye
Ray Judah	Aye
Andrew W. Coy	Aye
John E. Albion	Aye

DULY PASSED AND ADOPTED this 20th day of March, 2000.

ATTEST:
CHARLIE GREEN, CLERK

BY: _____
Deputy Clerk

MINUTES OFFICE
RECEIVED MAR 2 7 2000

BOARD OF COUNTY COMMISSIONERS
OF LEE COUNTY, FLORIDA

BY: _____
Chairman

Approved as to form by:

_____
County Attorney's Office

EXHIBIT "A"

LEGAL DESCRIPTION: In Sections 21 and 28, Township 45 South, Range 25 East, Lee County, Florida:

A parcel of land situated in the State of Florida, County of Lee, being more particularly described as follows:

Section 28, Township 45 South, Range 25 East, LESS AND EXCEPT the following road right-of-way as described in Official Record Book 1711 at Pages 4121 - 4123:

All that part of Section 28, Township 45 South, Range 25 East, lying within 50 feet of the centerline of Fiddlesticks Boulevard, which centerline is described as follows:

Beginning at a point marking the intersection of the East line of the West Half (W½) of the West Half (W½) of the Southwest Quarter (SW¼) of Section 22, Township 45 South, Range 25 East, with the North line of said
Section 21, run Southwesterly along the arc of a curve to the right of radius 1,432.40 feet (chord bearing S16°46'14"W) for 884.63 feet to a Point of Tangency;
THENCE run S34°27'47"W for 200.00 feet to a Point of Curvature;
THENCE run Southwesterly along the arc of a curve to the left of radius 1,432.40 feet (chord bearing S16°45'32"W) for 885.21 feet to a point on the West line of said Section 27;

THENCE run S00°56'43"E along the West line of said Section 27 for 3,228.21 to a Point of Curvature;
THENCE run Southwesterly along the arc of a curve to the right of radius 500.00 feet (chord bearing Sl2°52'28"W) for 240.47 feet to a point on the South line of said Section 28 and the end of the herein described centerline.

AND ALSO:

As described in Official Records Book 1532 at page 32: Lot 17 of COLLEGE PARK ACRES, an unrecorded subdivision, more particularly described as follows:
The South Half (S½) of the Southeast Quarter (SE¼) of the Southwest Quarter (SW¼) of the Southwest Quarter (SW¼) of Section 21, Township 45 South, Range 25 East, Lee County, Florida.
Containing five acres more or less.

Subject to an easement for roadway purposes for ingress and egress over and across the West thirty feet thereof;

Together with ingress and egress over and across Freshman Lane, described as follows:

The West thirty feet of the East Half (E½) of the West (W½) of the Southwest Quarter (SW¼) and the East thirty feet of the West Half (W½) of the West Half (W½) of the Southwest Quarter (SW¼), Section 21, Township 45 South, Range 25 East, Lee County, Florida.

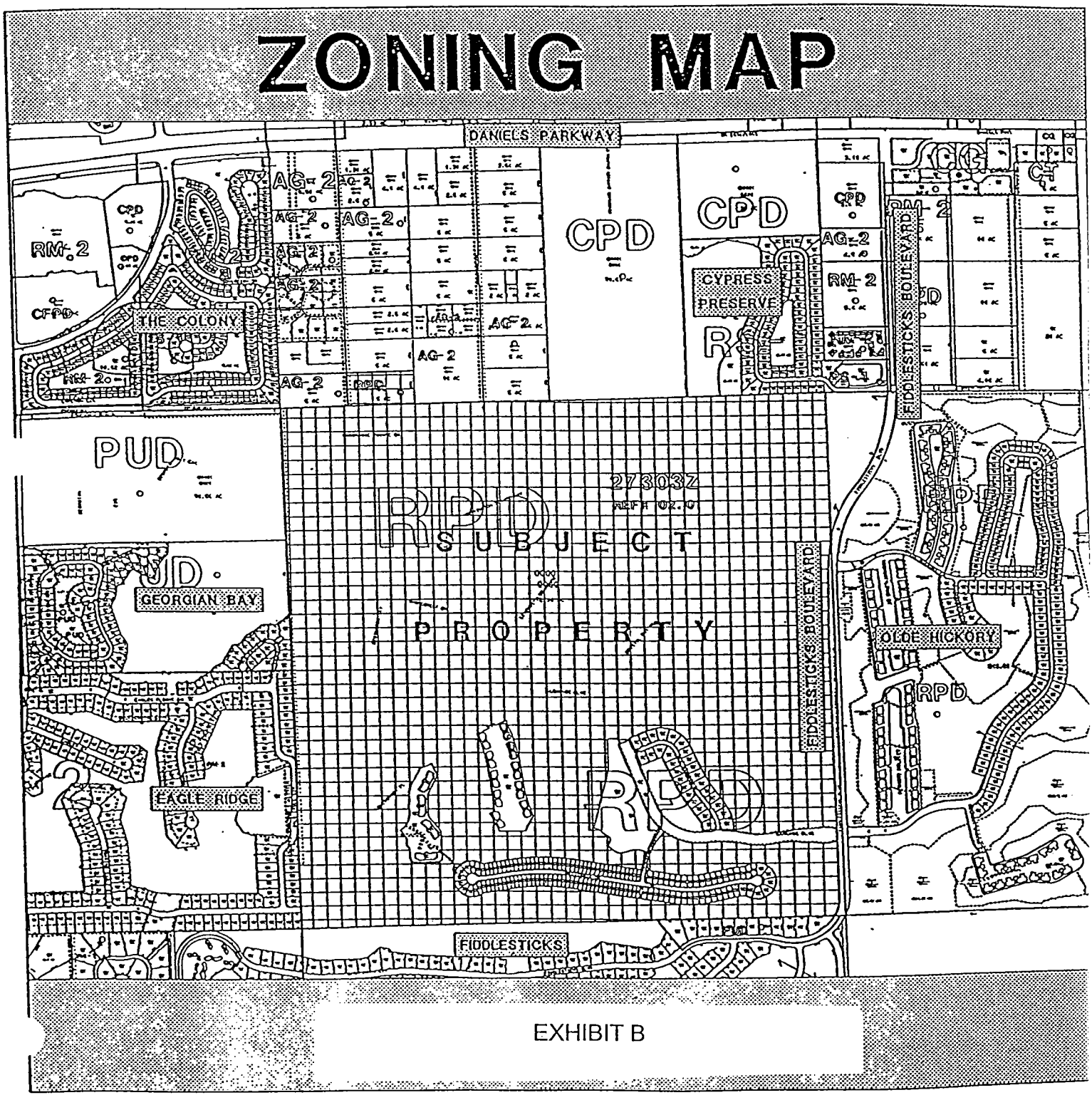

ZONING MAP
DANIELS PARKWAY
CPD
AG-2
RM-2
THE COLONY
CYPRESS PRESERVE
FIDDLESTICKS BOULEVARD
PUD
RPD
SUBJECT PROPERTY
GEORGIAN BAY
EAGLE RIDGE
OLDE HICKORY
FIDDLESTICKS
R1

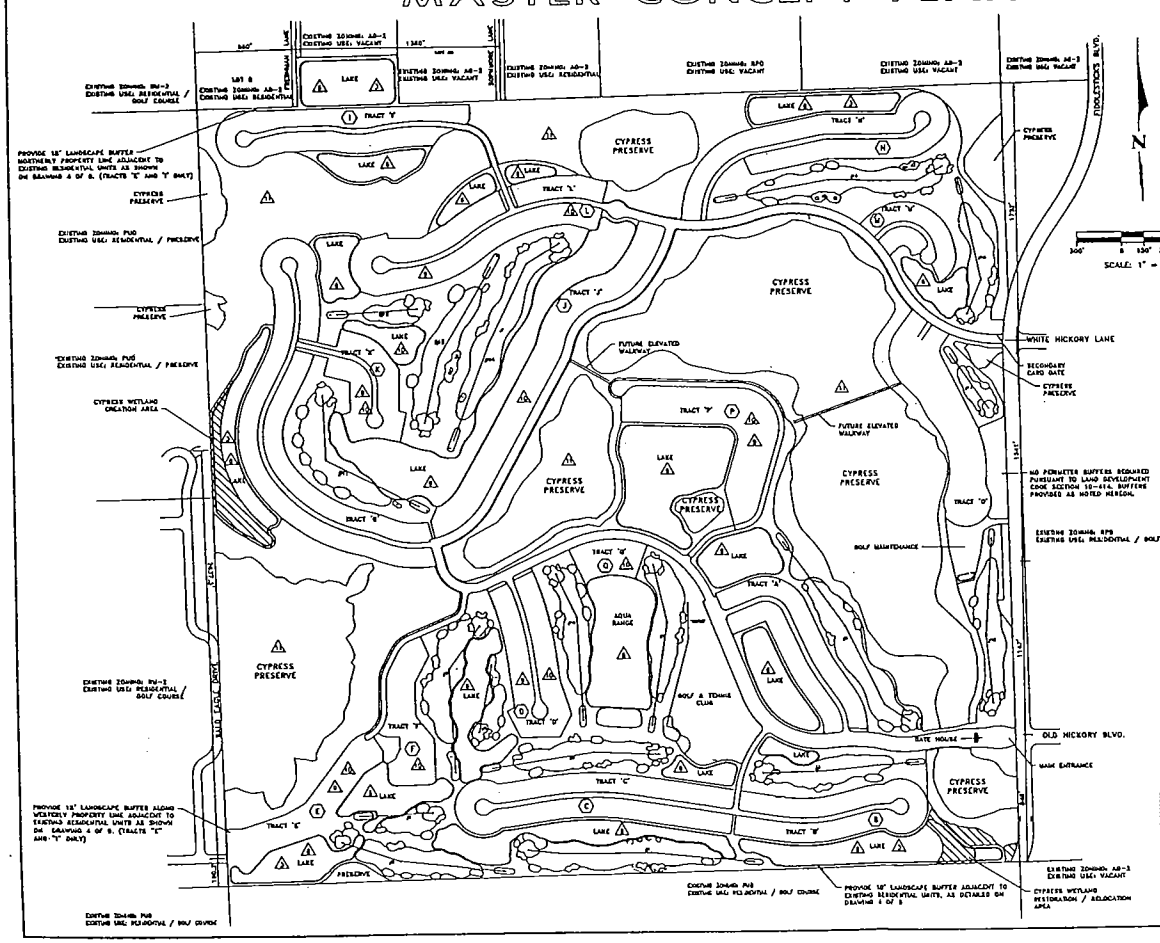
EXHIBIT B

DCI 964526

RECEIVED
JAN 11 2000

LEGENDS GOLF AND COUNTRY CLUB
MASTER CONCEPT PLAN

ZONING COUNTER



SITE PLANNING DATA

LEE PLAN DESIGNATION:	SUBURBAN
ZONING DESIGNATION:	RESIDENTIAL PLANNED DEVELOPMENT
EXISTING LAND USE:	RESIDENTIAL AND GOLF COURSE DEVELOPMENT
PROPOSED LAND USE:	RESIDENTIAL PLANNED DEVELOPMENT, RPD
DENSITY (MAXIMUM):	2.4 DWELLING UNITS / ACRE (1,575 D.U.)
	0% UNITS SINGLE FAMILY
	1,057 UNITS MULTIPLE FAMILY (SEE NOTE)
GROSS AREA:	667.4 ACRES +/-
MAXIMUM BUILDING HEIGHT:	45 FEET AND 3 STORIES, 50 FEET AND 4 STORIES TRACTS "J", "P" AND "Q"

NOTE: ADDITIONAL MULTIPLE FAMILY UNITS MAY BE CONSTRUCTED IN LIEU OF SINGLE FAMILY UNITS TO A MAXIMUM OF 1573 TOTAL RESIDENTIAL UNITS

OPEN SPACE

SINGLE FAMILY DUPLEX	NOT APPLICABLE
MULTIPLE FAMILY	10% MINIMUM
GENERAL PROJECT *	465.6 ACRES ± (75.5%)
INDIGENOUS	335.2 ACRES ± (54%)

* INCLUDES INDIGENOUS VEGETATION

SITE PHASING / ACREAGE SUMMARY

PHASE 1A	GOLF COURSE AND BACKBONE INFRASTRUCTURE (INCLUDES LAKES *)	144.8	ACRES
PHASE 1B	GOLF AND TENNIS CLUB	9.1	ACRES
PHASE 1C	GOLF MAINTENANCE AREA	1.5	ACRES
PHASE 1D	SALES / MODEL CENTER	(LOCATED IN ONE OR MORE RESIDENTIAL TRACT)	
PHASE 2A	RESIDENTIAL TRACT "A"	8.8	ACRES
PHASE 2B	RESIDENTIAL TRACT "B"	8.8	ACRES
PHASE 2C	RESIDENTIAL TRACT "C"	13.3	ACRES
PHASE 2D	RESIDENTIAL TRACT "D"	8.8	ACRES
PHASE 2E	RESIDENTIAL TRACT "E"	5.1	ACRES
PHASE 2F	RESIDENTIAL TRACT "F"	8.3	ACRES
PHASE 2G	RESIDENTIAL TRACT "G"	20.0	ACRES
PHASE 2H	RESIDENTIAL TRACT "H"	10.8	ACRES
PHASE 2I	RESIDENTIAL TRACT "I"	18.2	ACRES
PHASE 2K	RESIDENTIAL TRACT "K"	8.4	ACRES
PHASE 2L	RESIDENTIAL TRACT "L"	14.3	ACRES
PHASE 2M	RESIDENTIAL TRACT "M"	4.4	ACRES
PHASE 2N	RESIDENTIAL TRACT "N"	12.7	ACRES
PHASE 2O	RESIDENTIAL TRACT "O"	9.8	ACRES
PHASE 2P	RESIDENTIAL TRACT "P"	11.3	ACRES
PHASE 2Q	RESIDENTIAL TRACT "Q"	3.3	ACRES
	(TOTAL RESIDENTIAL =	160.5	ACRES)
N/A	PRESERVE AREA	139.8	ACRES

NOTE: PHASES MAY BE CONSTRUCTED IN ANY ORDER
* SOME LAKE EXCAVATION MAY BE DEFERRED TO SUBSEQUENT CONSTRUCTION PHASES.

Lennar Homes, since 1954

COASTAL ENGINEERING CONSULTANTS, INC.
17595 S. TAMIAMI TR., STE. #102
FT. MYERS, FL. 33908

CIVIL ENGINEERING
SURVEY & MAPPING
COASTAL ENGINEERING
REAL ESTATE APPRAISAL
ENVIRONMENTAL ASSESSMENT

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E-MAIL: engles@cecifl.com

DATE: SEPT. 1999
FILE NO.: 99138-01-01

EXHIBIT C

APPROVED
Master Concept Plan
Site Plan # 99-098 Page 1 Of 1
Subject to conditions in Resolution Z-99-098
Zoning Case # DCI964526
fka 95-02-273.03Z 02.01