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

WHEREAS, an application was filled by the property owner, Myerlee Country Club, INC. to amend the existing Planned Unit Development (PUD) zoning within Parcel B of the Myerlee PUD in reference to Myerlee PUD Amendment; and,

WHEREAS, a public hearing was advertised and held on February 22, 2007, before the Lee County Zoning Hearing Examiner, who gave full consideration to the evidence in the record for Case #DCI2006-00037; and,

WHEREAS, a second public hearing was advertised and held on August 6, 2007, 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 Planned Unit Development (PUD) zoning within Parcel B of the Myerlee PUD to allow for the redesign of the existing golf course and development of a maximum of 250 dewlling units with a maximum building height of 95 feet (8 stories). Blasting will not be a development activity as part of this development. The development will connect to the existing potable water and sanitary sewage disposal utilities in the area. The property is located in the Urban Community Land Use Category and is legally described in attached Exhibit A. The request is APPROVED, SUBJECT TO the conditions and deviations specified in Sections B and C below.

SECTION B. CONDITIONS:

All references to uses are as defined or listed in the Lee County Land Development Code (LDC).

1. The development of the proposed project on this portion of the Myerlee development must be consistent with the 2-page Master Concept Plan (MCP) entitled "Myerlee Country Club and Golf Course," dated 03/15/06, last revised 07/30/07, date stamped "Received Aug 08 2007 Community Development," and attached hereto as Exhibit C, except as modified by the conditions below. This development must comply with all requirements of the LDC at time of local development order approval, except as may be granted by deviation as part of this planned development. If changes to the MCP are subsequently pursued, appropriate approvals will be necessary.

2. The following limits apply to the project and uses:

a. Schedule of Uses

No changes have been authorized as part of this amendment. Uses allowed in this portion of the development are limited to the following:

Accessory Uses and Structures
Administrative offices
Club: Country and Private as limited on the approved MCP
Consumption on Premises - limited to the clubhouse (including outdoor seating) and golf course
Dwelling Unit: Multiple-family Building
Essential Services
Essential Service Facilities, Group I
Parking, accessory
Signs, in conformance with Chapter 30 of the LDC

b. Site Development Regulations

MYERLEE PUD PARCEL B

	MULTI-FAMILY "R" MAX of 250 UNITS	RESIDENTIAL ACCESSORY STRUCTURES	RECREATIONAL ACCESSORY STRUCTURES	GOLF COURSE ACCESSORY STRUCTURE	MAINTENANCE FACILITY "GM" MAX.10,000 SF
AREA (SF)	N/A	N/A	N/A	N/A	N/A
DEPTH (FT)	N/A	N/A	N/A	N/A	N/A
WIDTH (FT)	N/A	N/A	N/A	N/A	N/A
SIDE (FT)	15	5	15	5	5
REAR (FT)	10	5	20	5	5
FRONT/ROAD (FT)	20	10	20	10	10
WATER BODY (FT)	20	0	0	0	0
GOLF COURSE (FT)	0	0	0	0	0
MAX. HEIGHT (FT)	60	45	45	45	35
MAX. NO. OF FLOORS	5	3	3	3	2
MIN. BLDG. SEPARATION	40	N/A	15	10	10
MAX. LOT COVERAGE	60	N/A	N/A	N/A	N/A

The maximum building height may not exceed 60 feet.

The maximum lot coverage is based on the percentage of coverage on the development parcel, not on the entire land area of the described project which includes the golf course.

Accessory Use and Structure setbacks must comply with LDC §§34-1171, *et seq.* and 34-2194.

3. As part of any local development order approval for vertical development, the developer must include architectural designs for the buildings proposed within this development. These designs are subject to the approval of Lee County Development Services.

4. All Consumption on Premises requests for the clubhouse and golf course can be handled administratively.

5. Approval of this rezoning request does not address mitigation of the project's vehicular or pedestrian traffic impacts. Additional conditions consistent with the LDC may be required to obtain a local development order.

6. Approval of this rezoning request does not guarantee local development order approval. Future development order approvals must satisfy the requirements of the Lee County Comprehensive Plan Planning Communities Map and Acreage Allocation Table, Map 16 and Table 1(b), as well as all other Lee County Comprehensive Plan provisions.

SECTION C. DEVIATIONS:

1. Deviation (1) seeks relief from the §34-2017(b)(1) requirement of paved surfacing for all parking spaces supporting the clubhouse, to allow the provision of 58 paved parking spaces and 28 grassed parking spaces in support of the clubhouse. This deviation is APROVED, SUBJECT to the condition that parking is consistent with the "Club House Parking Detail" plan depicted on Page 2 of the MCP.

2. Deviation (2) seeks relief from the §34-2020 requirement that meeting halls and other places for group assembly provide one parking space per 100 square feet, to allow the clubhouse parking area to provide a total of 86 parking spaces (as provided for in Deviation 1). This deviation is APPROVED, SUBJECT TO the condition that the clubhouse does not exceed a maximum of 15,000 square feet of floor area. In this instance, floor area also includes any areas devoted to outdoor seating.

SECTION D. 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)
Exhibit C: The Master Concept Plan

The applicant has indicated that the STRAP number for the subject property is:

28-45-24-00-00003.0030

SECTION E. 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 rezoning, as approved:

   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;

   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 rezoning satisfies the following criteria:

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

   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.

5. The approved deviations, as conditioned, enhance achievement of the planned development objectives, and preserve and promote the general intent of LDC Chapter 34, to protect the public health, safety and welfare.

Commissioner Ray Judah made a motion to adopt the foregoing resolution, seconded by Commissioner Tammara Hall. The vote was as follows:

Robert P. Janes	Aye
Brian Bigelow	Aye
Ray Judah	Aye
Tammara Hall	Aye
Frank Mann	Nay

DULY PASSED AND ADOPTED this 6th day of August 2007.

ATTEST:
CHARLIE GREEN, CLERK

BY: _____
Deputy Clerk

BOARD OF COUNTY COMMISSIONERS
OF LEE COUNTY, FLORIDA

BY: _____
Robert P. Janes
Chair

Approved as to form by:

_____
Robert D. Spickerman
County Attorney's Office

BOARD OF COUNTY COMMISSIONERS SEAL LEE COUNTY, FLORIDA

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SURVEYING & MAPPING, LLC
LAND SURVEYORS • PLANNERS

DCI 2006-00037

DESCRIPTION OF A PARCEL OF LAND LYING IN
SECTIONS 21, 27 & 28, TOWNSHIP 45 SOUTH RANGE 24 EAST,
LEE COUNTY, FLORIDA
(MYERLEE COUNTRY CLUB)

A TRACT OR PARCEL OF LAND SITUATED IN THE STATE OF FLORIDA, COUNTY OF LEE, BEING A PART OF SECTIONS 21, 27 AND 28, TOWNSHIP 45 SOUTH, RANGE 24 EAST, AND BEING FURTHER BOUNDED AND DESCRIBED AS FOLLOWS:

BEGINNING AT THE NORTHEAST CORNER OF SAID SECTION 28; THENCE S.0°16'12"E., ALONG THE EAST LINE OF SAID SECTION 28, A DISTANCE OF 50.00 FEET TO A POINT ON THE SOUTHERLY RIGHT-OF-WAY LINE OF MYERLEE COUNTRY CLUB BOULEVARD; THENCE N.89°54'45"E. ALONG SAID SOUTHERLY RIGHT-OF-WAY LINE, A DISTANCE OF 1716.41 FEET TO THE POINT OF A TANGENT CURVE TO THE RIGHT HAVING A RADIUS OF 30.00 FEET AND A CENTRAL ANGLE OF 90°41'50"; THENCE EASTERLY, SOUTHEASTERLY AND SOUTHERLY ALONG THE ARC OF SAID CURVE, A DISTANCE OF 47.49 FEET TO A POINT ON THE WESTERLY RIGHT-OF-WAY LINE OF WINKLER ROAD (A 100.00 FOOT PUBLIC RIGHT-OF-WAY); THENCE S.00°36'35"W. ALONG SAID WESTERLY RIGHT-OF-WAY LINE, A DISTANCE OF 1021.18 FEET TO THE POINT OF A TANGENT CURVE TO THE RIGHT HAVING A RADIUS OF 850.00 FEET AND A CENTRAL ANGLE OF 16°45'16"; THENCE RUN SOUTH-SOUTHWESTERLY ALONG THE ARC OF SAID CURVE AND SAID WESTERLY RIGHT-OF-WAY LINE OF WINKLER ROAD, A DISTANCE OF 248.56 FEET; THENCE S.89°43'48"W., A DISTANCE OF 470.47 FEET; THENCE S.22°14'15"W., A DISTANCE OF 589.69 FEET; THENCE S.68°19'34"E., A DISTANCE OF 421.65 FEET TO A POINT ON SAID WESTERLY RIGHT-OF-WAY LINE OF WINKLER ROAD AND THE POINT OF A NON-TANGENT CURVE TO THE LEFT HAVING A RADIUS OF 950.00 FEET, A CENTRAL ANGLE OF 18°28'54", A CHORD BEARING OF S.02°52'12"W. AND A CHORD LENGTH OF 305.11 FEET; THENCE RUN SOUTHERLY ALONG THE ARC OF SAID CURVE, A DISTANCE OF 306.44 FEET; THENCE S.06°22'15"E., A DISTANCE OF 255.63 FEET TO A POINT ON THE SOUTH LINE OF THE NORTHWEST QUARTER (NW 1/4) OF SECTION 27, TOWNSHIP 45 SOUTH, RANGE 24 EAST; THENCE N.89°30'45"W. ALONG SAID SOUTH LINE OF THE NORTHWEST QUARTER (NW 1/4) OF SAID SECTION 27, A DISTANCE OF 1396.18 FEET TO THE SOUTHWEST CORNER OF THE NORTHWEST QUARTER (NW 1/4) OF SAID SECTION 27; THENCE S.89°08'43"W. ALONG THE SOUTH LINE OF THE NORTHEAST QUARTER (NE 1/4) OF SECTION 28, TOWNSHIP 45 SOUTH, RANGE 24 EAST, A DISTANCE OF 2661.36 FEET TO THE SOUTHWEST CORNER OF THE NORTHEAST QUARTER (NE 1/4) OF SAID SECTION 28; THENCE N.00°08'25"W. ALONG THE WEST LINE OF SAID NORTHEAST QUARTER (NE 1/4) OF SAID SECTION 28, A DISTANCE OF 2629.17 FEET TO THE NORTHWEST CORNER OF THE NORTHEAST QUARTER (NE 1/4) OF SAID SECTION 28; THENCE N.89°54'00"E. ALONG THE NORTH LINE OF SAID SECTION 28, A DISTANCE OF 1016.93 FEET; THENCE N.00°06'00"W., A DISTANCE OF 548.02 FEET; THENCE N.38°45'34"E., A DISTANCE OF 219.00 FEET; THENCE S.51°14'26"E., A DISTANCE OF 100.00 FEET; THENCE N.38°45'34"E. A DISTANCE OF 675.00 FEET; THENCE N.88°53'27"E., A DISTANCE OF 233.32 FEET; THENCE N.89°45'16"E., A DISTANCE OF 434.01 FEET TO THE WEST LINE OF THE EAST HALF (E 1/2) OF THE EAST HALF (E 1/2) OF THE SOUTHEAST QUARTER (SE 1/4) OF SECTION 21, TOWNSHIP 45 SOUTH, RANGE 24 EAST; THENCE S.00°05'30"E. ALONG SAID WESTERLY LINE, A DISTANCE OF 1186.64 FEET; TO A POINT ON THE NORTH LINE OF SAID SECTION 28, THENCE N.89°54'00'E. ALONG THE NORTH LINE OF SAID SECTION 28, A DISTANCE OF 332.46 FEET TO THE NORTHEAST CORNER OF SAID SECTION 28 AND THE **POINT OF BEGINNING**.

PARCEL CONTAINS 276.89 ACRES, MORE OR LESS.

SUBJECT TO EASEMENTS, RESTRICTIONS, RESERVATIONS AND RIGHTS-OF-WAY (RECORDED AND UNRECORDED, WRITTEN AND UNWRITTEN)

BEARINGS ARE BASED ON THE EAST LINE OF THE NORTHEAST QUARTER OF SECTION 28, TOWNSHIP 45 SOUTH, RANGE 24 EAST AS BEARING N.00°16'12"W.

Certification for Description
Surveyor and Mapper in Responsible Charge:
Denis J. O'Connell, Jr., LS #5430
Metron Surveying & Mapping, LLC, LB #7071
10970 S. Cleveland Avenue, Suite #605
Fort Myers, FL 33907

Signed: _____

Date: 8/16/06

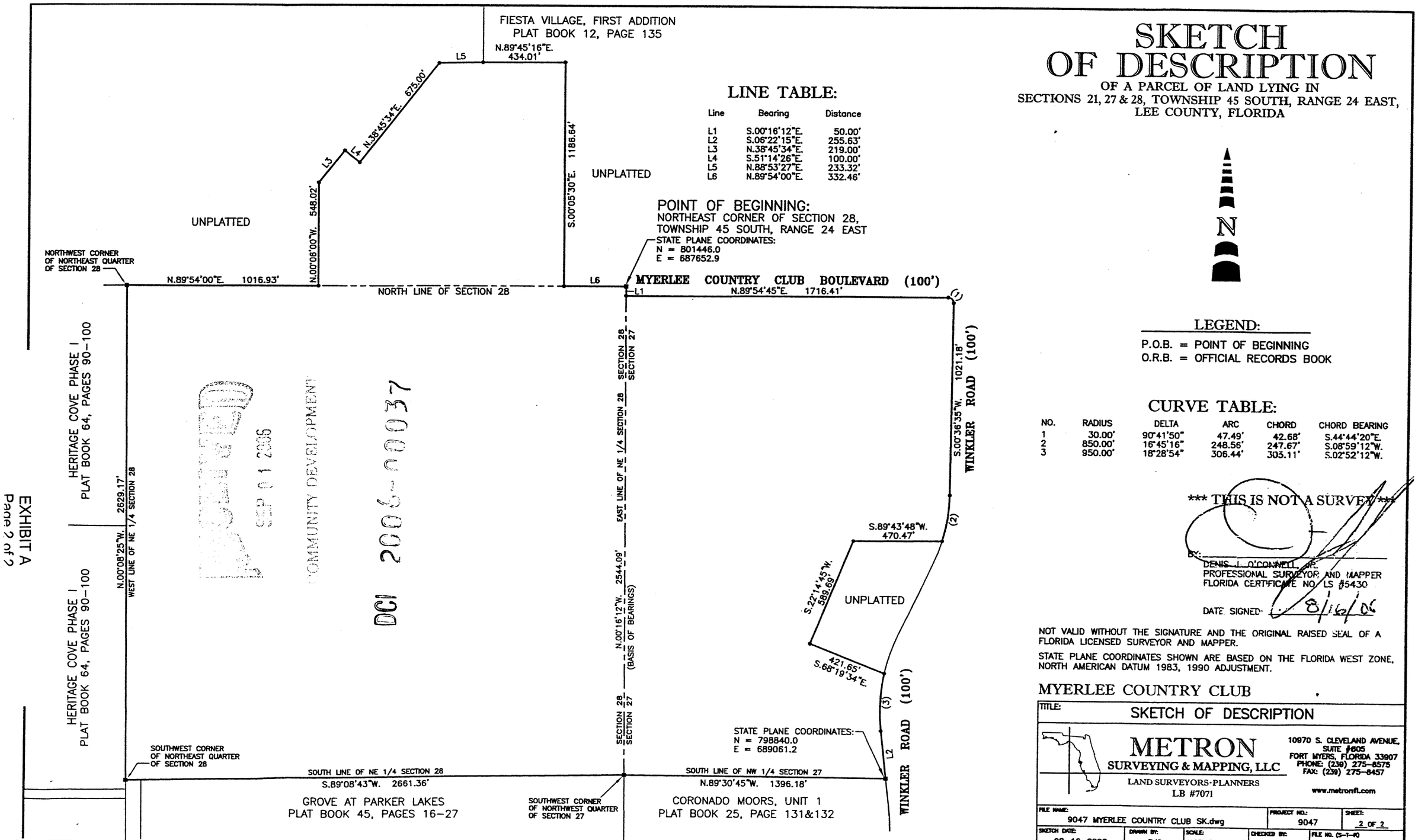
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EXHIBIT A
Page 1 of 2

8500 MYERLEE COUNTRY CLUB.doc

SKETCH OF DESCRIPTION

OF A PARCEL OF LAND LYING IN
SECTIONS 21, 27 & 28, TOWNSHIP 45 SOUTH, RANGE 24 EAST,
LEE COUNTY, FLORIDA



LINE TABLE:

Line	Bearing	Distance
L1	S.00°16'12"E.	50.00'
L2	S.06°22'15"E.	255.63'
L3	N.38°45'34"E.	219.00'
L4	S.51°14'26"E.	100.00'
L5	N.88°53'27"E.	233.32'
L6	N.89°54'00"E.	332.46'

CURVE TABLE:

NO.	RADIUS	DELTA	ARC	CHORD	CHORD BEARING
1	30.00'	90°41'50"	47.49'	42.68'	S.44°44'20"E.
2	850.00'	16°45'16"	248.56'	247.67'	S.08°59'12"W.
3	950.00'	18°28'54"	306.44'	305.11'	S.02°52'12"W.

LEGEND:

P.O.B. = POINT OF BEGINNING
O.R.B. = OFFICIAL RECORDS BOOK

*** THIS IS NOT A SURVEY ***

BY: _____
DENIS L. O'CONNELL JR.
PROFESSIONAL SURVEYOR AND MAPPER
FLORIDA CERTIFICATE NO. LS #5430

DATE SIGNED: 8/16/06

NOT VALID WITHOUT THE SIGNATURE AND THE ORIGINAL RAISED SEAL OF A FLORIDA LICENSED SURVEYOR AND MAPPER.

STATE PLANE COORDINATES SHOWN ARE BASED ON THE FLORIDA WEST ZONE, NORTH AMERICAN DATUM 1983, 1990 ADJUSTMENT.

MYERLEE COUNTRY CLUB

TITLE: SKETCH OF DESCRIPTION

METRON
SURVEYING & MAPPING, LLC
LAND SURVEYORS·PLANNERS
LB #7071

10970 S. CLEVELAND AVENUE,
SUITE #605
FORT MYERS, FLORIDA 33907
PHONE: (239) 275-8575
FAX: (239) 275-8457
www.metronfl.com

FILE NAME:		PROJECT NO.:	SHEET:
9047 MYERLEE COUNTRY CLUB SK.dwg		9047	2 OF 2
SKETCH DATE: 08-16-2006	DRAWN BY: DJO	SCALE: NOT TO SCALE	CHECKED BY: DJO/TLM
FILE NO. (S-T-R): 21,27&28-45-24			

EXHIBIT A
Page 2 of 2

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DCI2006-00037

Zoning Map

11/29/2006

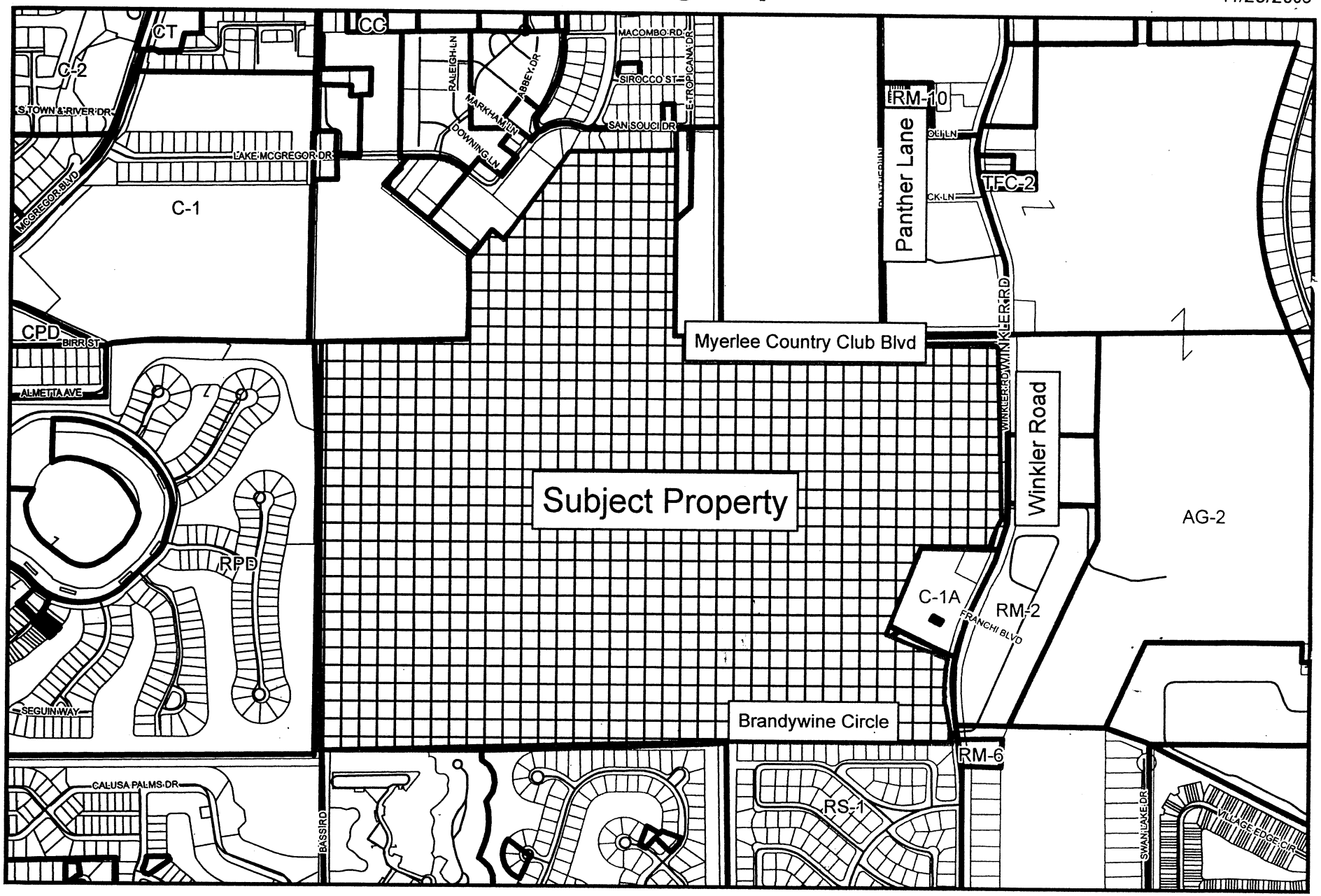
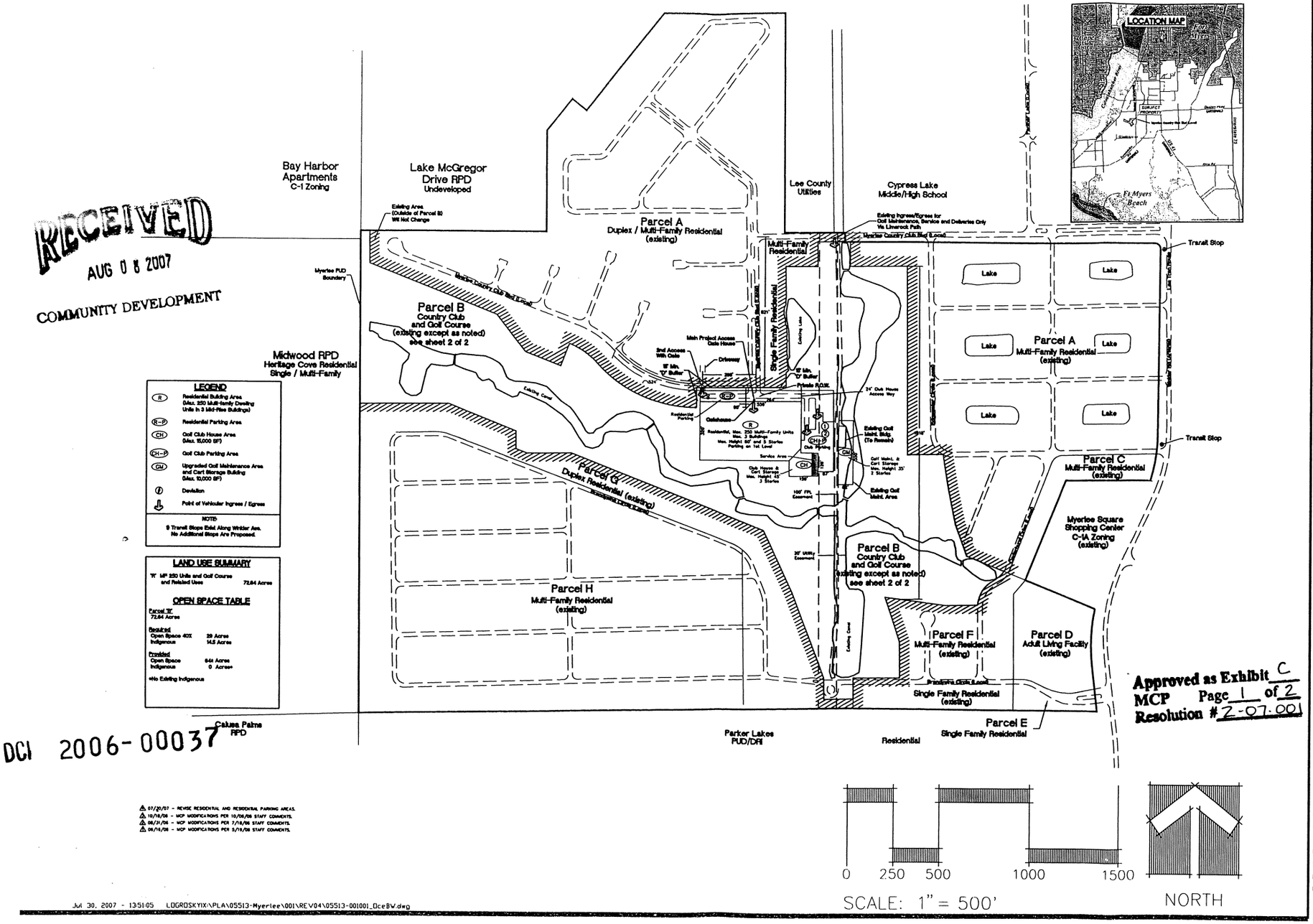


EXHIBIT "B"



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DCI 2006-00037

Approved as Exhibit C
MCP Page 1 of 2
Resolution # Z-07-001

△ 07/30/07 - REVISE RESIDENTIAL AND RESIDENTIAL PARKING AREAS.
△ 10/18/06 - MCP MODIFICATIONS PER 10/06/06 STAFF COMMENTS.
△ 08/31/06 - MCP MODIFICATIONS PER 7/18/06 STAFF COMMENTS.
△ 06/16/06 - MCP MODIFICATIONS PER 5/31/06 STAFF COMMENTS.

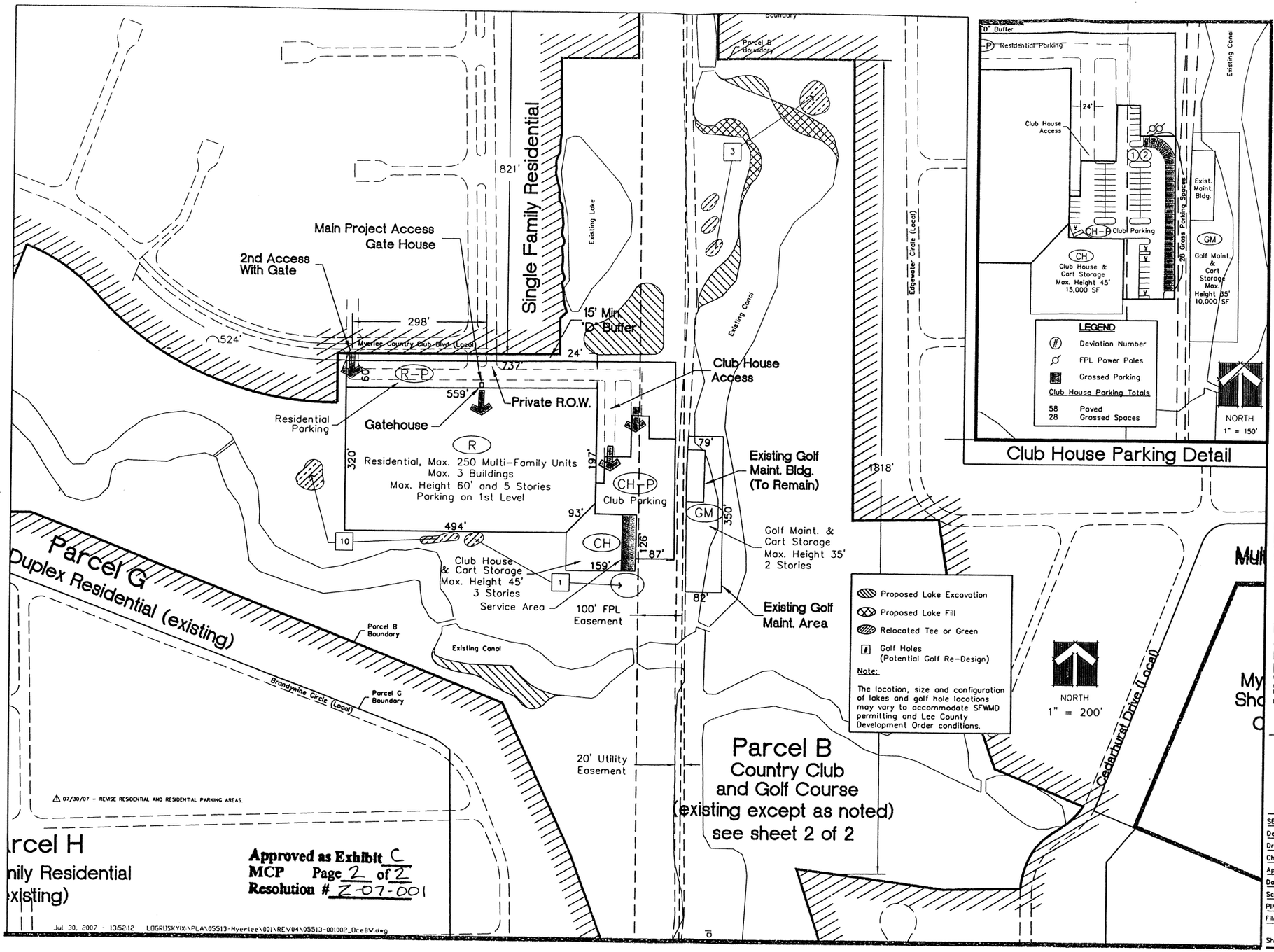
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WilsonMiller
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Landscape Architects • Transportation Consultants
WilsonMiller, Inc. • Naples • Fort Myers • Sarasota • Bradenton • Stuart • Vero Beach • Tallahassee • Panama City Beach
4571 Colonial Boulevard, Suite 100 • Fort Myers, Florida 33966
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E-mail: FortMyers@WilsonMiller.com • Web Site: www.wilsonmiller.com

MYERLEE COUNTRY CLUB & GOLF COURSE
EXHIBIT IV-F
MASTER CONCEPT PLAN FOR
PARCEL B OF THE MYERLEE PUD
PREPARED FOR: MYERLEE COUNTRY CLUB, INC.

SEC 28 TWP 45S RGE 24E	
Designed by:	
Drawn by:	DWP/686
Checked by:	SJO/626
Approved by:	
Date:	03/15/06
Scale:	1"=500'
PIN: 05513-000-000 22100	
File #:	B-05513-001
Sheet	1 of 2

EXHIBIT "C"
The Master Concept Plan



WilsonMiller

Planners • Engineers • Ecologists • Surveyors
Landscape Architects • Transportation Consultants

WilsonMiller, Inc.
Naples • Fort Myers • Sarasota • Bradenton • Tampa • Tallahassee • Panama City Beach
4571 Colonial Boulevard, Suite 100 • Fort Myers, Florida 33966
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MYERLEE COUNTRY CLUB & GOLF COURSE

EXHIBIT IV-F

MASTER CONCEPT PLAN FOR PARCEL B OF THE MYERLEE PUD

PREPARED FOR: MYERLEE COUNTRY CLUB, INC.

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COMMUNITY DEVELOPMENT

SEC 28 TWP 45S RGE 24E	
Designed by:	
Drawn by:	DWP/686
Checked by:	SJO/626
Approved by:	
Date:	03/15/06
Scale:	AS SHOWN
PIN: 05513-000-000 22100	
File #:	8-05513-001
Sheet	2 of 2

DCI 2006-00037

EXHIBIT "C"
The Master Concept Plan