

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

WHEREAS, an application was filed by the property owner, The Villages At Country Creek Master Association, Inc., to amend Zoning Resolution ZAB-86-034 (Villages At Country Creek) to allow for the construction of a Group II Essential Service Facility in the form of a 50-foot in diameter and 33-foot-high effluent (reuse) storage tank and pumping station in reference to Villages At Country Creek Reuse Storage Tank; and

WHEREAS, a public hearing was advertised and held on October 25, 2007, before the Lee County Zoning Hearing Examiner, Richard A. Gescheidt, who gave full consideration to the evidence in the record for Case #DCI2007-00035; and

WHEREAS, a second public hearing was advertised and held on February 4, 2008, 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 Zoning Resolution ZAB-86-034 (Villages At Country Creek) to allow for the construction of a Group II Essential Service Facility in the form of a 50-foot in diameter and 33-foot-high effluent (reuse) storage tank and pumping station. The property is located in the Suburban 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). Approval of this rezoning 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).

1. The development of this project must be consistent with the 7-page Master Concept Plan (MCP) entitled "Villages at Country Creek RPD Amendment" stamped "Received JAN 25 2008 Community Development", last revised September 7, 2007, 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.

COPY

2. The following Limits apply to the project and uses:
 - a. Schedule of Uses

ALL USES LISTED IN THE ZONING RESOLUTION ZAB-86-034

ESSENTIAL SERVICES FACILITIES, GROUP II (REUSE STORAGE TANKS AND PUMP STATIONS) LIMITED TO TRACT J-5, UNIT 5.
 - b. Site Development Regulations

No change to the Site Development Regulations.
(See Zoning Resolution ZAB-86-034)
3. Environmental Conditions:
 - a. Prior to local development order approval, all development order plans must delineate a minimum of 0.4 acres of open space on this 0.47-acre site.
 - b. The MCP Landscape Plan must be revised to:
 - 1) switch live oak with green buttonwood to depict fifty-one green buttonwood (*Conocarpus Erecta*), twelve feet height, three inch caliper at twelve inches and twenty live oak (*Quercus Virginiana*), sixteen feet height, four inch caliper at twelve inches; and
 - 2) three species of native shrubs to total five hundred and fifty quantity, and will include; Wax Myrtle (*Myrica cerifera*), Firebush (*Hamelia patens*), and Fakahatchee (*Tripsacum dactyloides*).
 - c. Prior to development order approval, development order plans must include landscape plans signed and sealed by a landscape architect. The landscape plans must be in substantial compliance with Sheets 3-5 of the MCP stamped "Received SEP 07 2007 Community Development" in terms of increased planting density and size. Division of Environmental Sciences staff may revise planting types, sizes, and density to insure buffer and landscape requirement are met and tree health and survivability is maintained.
4. The maximum height of the reuse storage tank will be limited to 32-feet from grade (26-feet above finished grade) in compliance with LDC § 34-2171.
5. In order to reduce the visual impact of the reuse storage tank, it must be a dark shade of green (Specification: "Tank Exterior - Green Munsell 2.5 GY 2/2 with the Tank Interior - Blue Munsell 5 PB 2/4.") These colors are part of the glass coating that is fused to the steel panels.

6. Landscaping must be in place prior to the issuance of a Certificate of Completion for the reuse tank and the pump station.

SECTION C. DEVIATIONS:

All previously approved deviations (1-8) approved by Resolution ZAB-86-034, attached as Exhibit D, as amended, remain in effect. In addition, the following deviation is requested for this amendment:

Deviation (9) seeks relief from the LDC §10-416(5) requirement to provide a Type "C" buffer, which includes an 8-foot-high solid wall, to allow for an enhanced landscape buffer with no wall. This deviation is APPROVED, SUBJECT TO condition 6.

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
- Exhibit D: Zoning Resolution: ZAB-86-034

The applicant has indicated that the STRAP numbers for the subject property are: 27-46-25-01-0000B.00CE and 34-46-25-05-000M0.00CE

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; 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 rezoning 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 available and adequate to serve the proposed land use.
5. The approved deviations, as conditioned, enhances achievement of the planned development objectives, and preserves and promotes the general intent of LDC Chapter 34, to protect the public health, safety and welfare.

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

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

DULY PASSED AND ADOPTED this 4th day of February, 2008.

ATTEST:
CHARLIE GREEN, CLERK

BOARD OF COUNTY COMMISSIONERS
OF LEE COUNTY, FLORIDA

BY: Marcia Wilson
Deputy Clerk

BY: Ray Judah
Ray Judah
Chair

Approved as to form by:

Robert Spickerman
Robert Spickerman
County Attorney's Office



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MINUTES OFFICE
mw

2008 FEB 25 PM 3: 03

CASE NO: DCI2007-00035

Z-07-061
Page 4 of 4

LEGAL DESCRIPTION
VILLAGES AT COUNTRY CREEK

Being a portion of Sections 27 & 34, Township 46 South, Range 25 East
Lee County, Florida

A parcel of land being a portion of Sections 27 and 34, Township 18 South, Range 26 East, Lee County, Florida being more particularly described as follows:

BEGINNING at the Northeast corner of Villages of Country Creek Unit One as recorded in Plat Book 39, Pages 74 through 85 of the public records of Lee County, Florida; thence S.01°19'05"E., 2,648.78 feet; thence N.89°49'37"W., 1,327.72 feet; thence S.01°14'06"E., 1,177.23 feet; thence S.89°45'18"W., 295.48 feet; thence S.00°14'42"E., 45.00 feet; thence S.89°45'16"W., 37.95 feet; thence S.89°36'59"W., 762.28 feet; thence S.86°45'18"W., 100.12 feet; thence S.89°37'00"W., 463.84 feet; thence N.01°06'59"W., 145.57 feet; thence N.88°53'04"E., 60.00 feet; thence N.01°06'56"W., 923.44 feet; thence continue N.01°06'56"W., 30 feet more or less to the waters of Estero River; thence Southwesterly 63 feet more or less along said waters; thence leaving said waters N.01°06'56"W., 37 feet more or less; thence continue N.01°06'56"W., 125.23 feet; thence N.89°49'37"W., 992.50 feet; thence N.00°37'50"W., 549.52 feet; thence, continue along said line, N.00°37'50"W., 2,010.91 feet; thence N.89°11'24"E., 1,635.39 feet; thence N.00°48'37"W., 20.00 feet; thence N.89°11'24"E., 2,310.86 feet to the **POINT OF BEGINNING**.

Containing 282.33 acres more or less.

Subject to easements, restrictions, reservations and rights-of-way of record.

Bearings are based on the West boundary line of Villages at Country Creek, Unit One, as recorded in Plat Book 39, Pages 74 through 85 of the Public Records of Lee County, Florida as being N.00°37'50"W.

SEE ATTACHED SKETCH.

Prepared by:

WilsonMiller, Inc.



Alan W. Sadowski, Professional Surveyor & Mapper
Florida Registration No. LS 4800

Not valid without the signature and the original raised seal of a Florida licensed Surveyor and Mapper.

P.I.N.: F0124-U05-TJ5 GCSSD

Ref.: A-F0124-134

Date: July 12, 2007, 2007

EXHIBIT A

1 OF 4

DCI 2007-00035

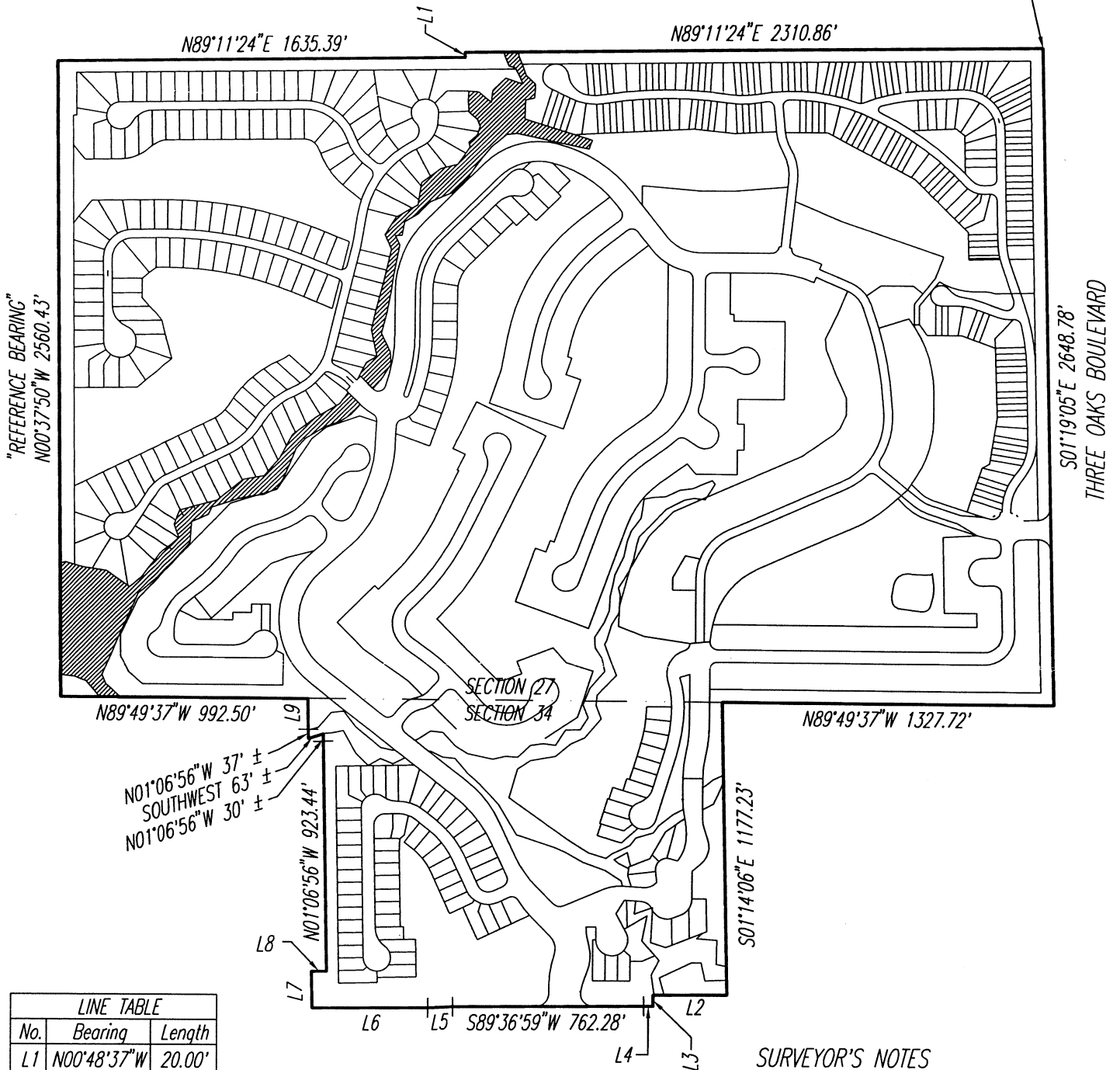
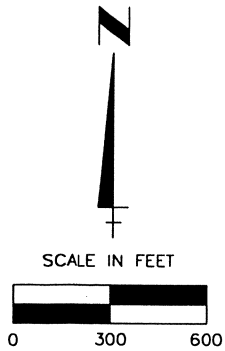
THIS IS NOT A SURVEY.

SEE ATTACHED FOR LEGAL DESCRIPTION.

DCI 2007-00035

P.O.B.

NORTHEAST CORNER OF
VILLAGES OF COUNTRY
CREEK UNIT ONE, PLAT
BOOK 39, PAGES 74
THROUGH 85



LINE TABLE		
No.	Bearing	Length
L1	N00°48'37\"W	20.00'
L2	S89°45'18\"W	295.48'
L3	S00°14'42\"E	45.00'
L4	S89°45'16\"W	37.95'
L5	S86°45'18\"W	100.12'

SURVEYOR'S NOTES

THIS DRAWING DOES NOT PURPORT TO DELINEATE THE
REGULATORY JURISDICTION OF ANY FEDERAL, STATE OR LOCAL
AGENCY.

BEARINGS SHOWN HEREON ARE BASED ON THE STATE PLANE
COORDINATE SYSTEM, NORTH AMERICAN DATUM OF

EXHIBIT PH-3.C.3
LEGAL DESCRIPTION
VILLAGES AT COUNTRY CREEK, UNIT FIVE
TRACT J-5
Being a portion of Section 27, Township 46 South, Range 25 East
Lee County, Florida

Tract J-5, Villages at Country Creek, Unit Five, as recorded in Plat Book 57, Pages 30 through 35 of the Public Records of Lee County, Florida

Containing 12,614 square feet more or less.

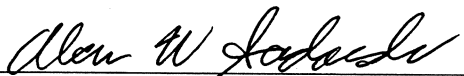
Subject to easements, restrictions, reservations and rights-of-way of record.

Bearings are based on the centerline of Country Barn Drive, Villages at Country Creek, Unit Five, as recorded in Plat Book 57, Pages 30 through 35 of the Public Records of Lee County, Florida as being S.19°18'32"E.

SEE ATTACHED SKETCH.

Prepared by:

WilsonMiller, Inc.



Alan W. Sadowski, Professional Surveyor & Mapper
Florida Registration No. LS 4800

Not valid without the signature and the original raised seal of a Florida licensed Surveyor and Mapper.
P.I.N.: F0124-U05-TJ5 GCS00
Ref.: A-F0124-133
Date: MARCH 7, 2007

DCI 2007-00035

EXHIBIT A

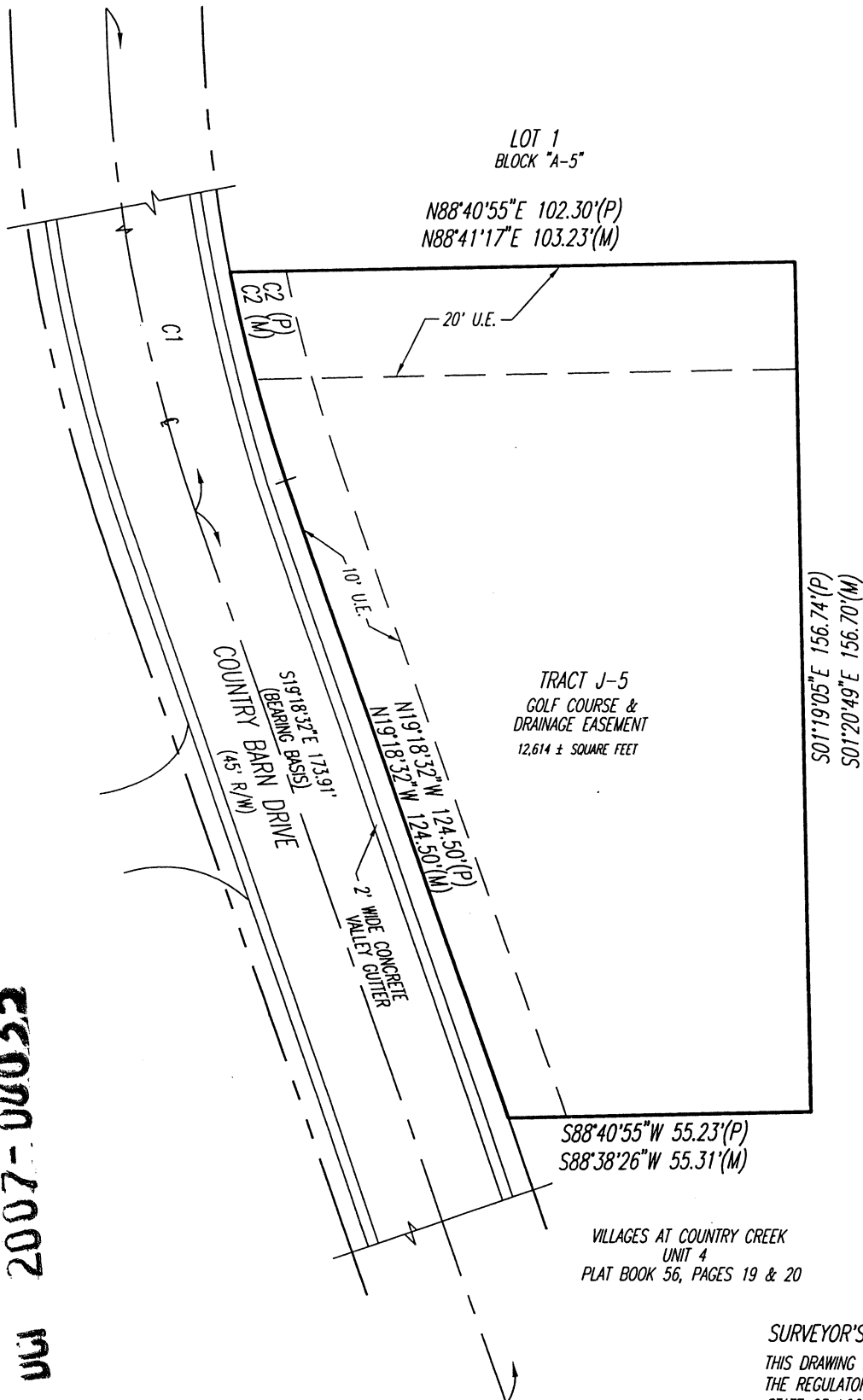
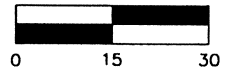
3 OF 4

THIS IS NOT A SURVEY.
 SEE ATTACHED FOR LEGAL DESCRIPTION.

"EXHIBIT PH-3.C.2"



SCALE IN FEET



LEGEND

(P) - PLAT
 (M) - MEASURED
 R/W - RIGHT OF WAY
 U.E. - UTILITY EASEMENT

SURVEYOR'S NOTES

THIS DRAWING DOES NOT PURPORT TO DELINEATE THE REGULATORY JURISDICTION OF ANY FEDERAL, STATE OR LOCAL AGENCY.

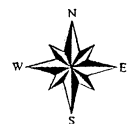
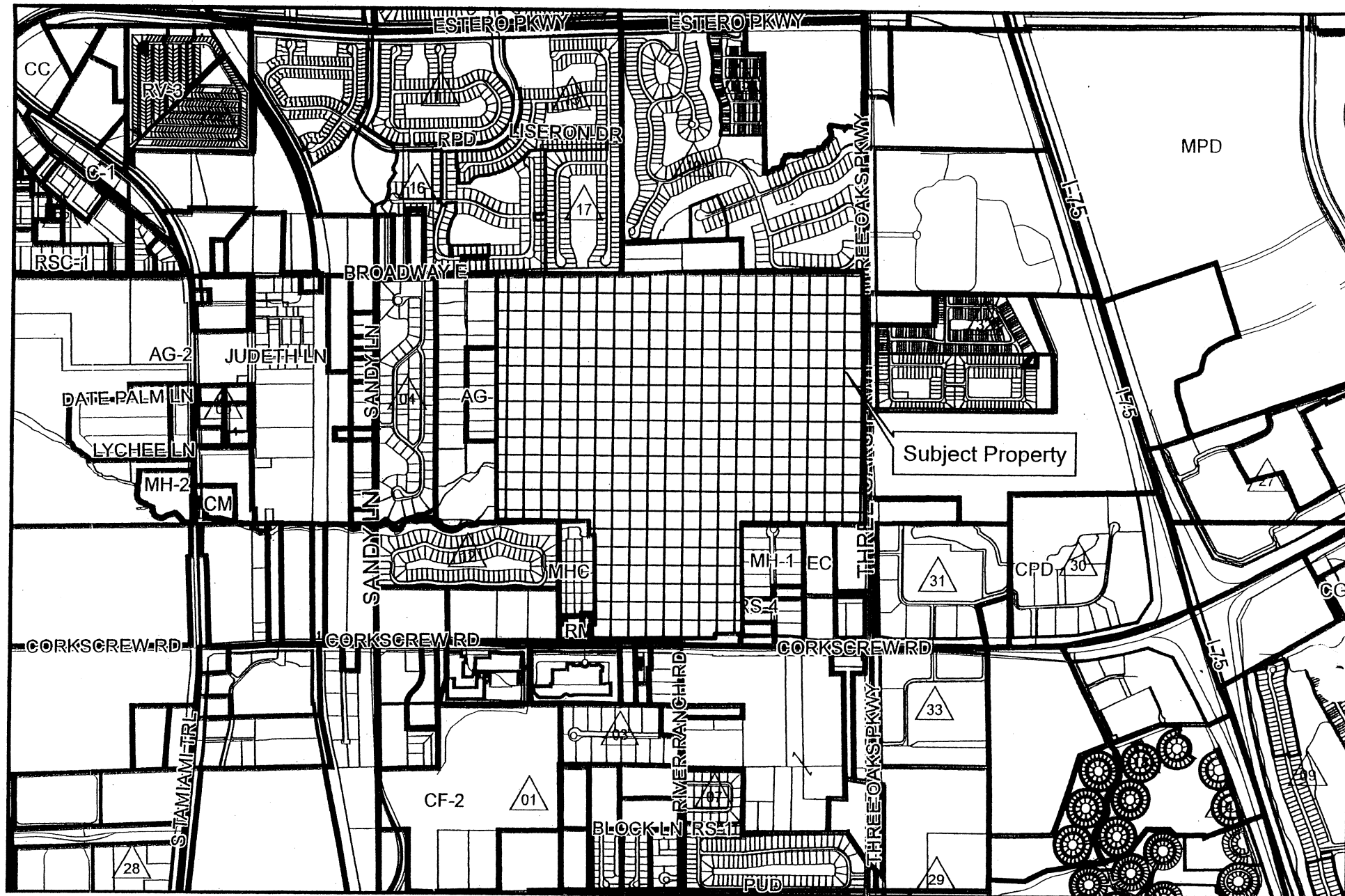
BEARINGS SHOWN HEREON ARE BASED ON THE STATE PLANE COORDINATE SYSTEM, NORTH AMERICAN DATUM OF 1983/1990 ADJUSTMENT (NAD83/90), FLORIDA WEST ZONE. THE REFERENCE BEARING IS THE CENTERLINE OF COUNTRY BARN DRIVE, VILLAGES AT COUNTRY CREEK, UNIT

2007-00035

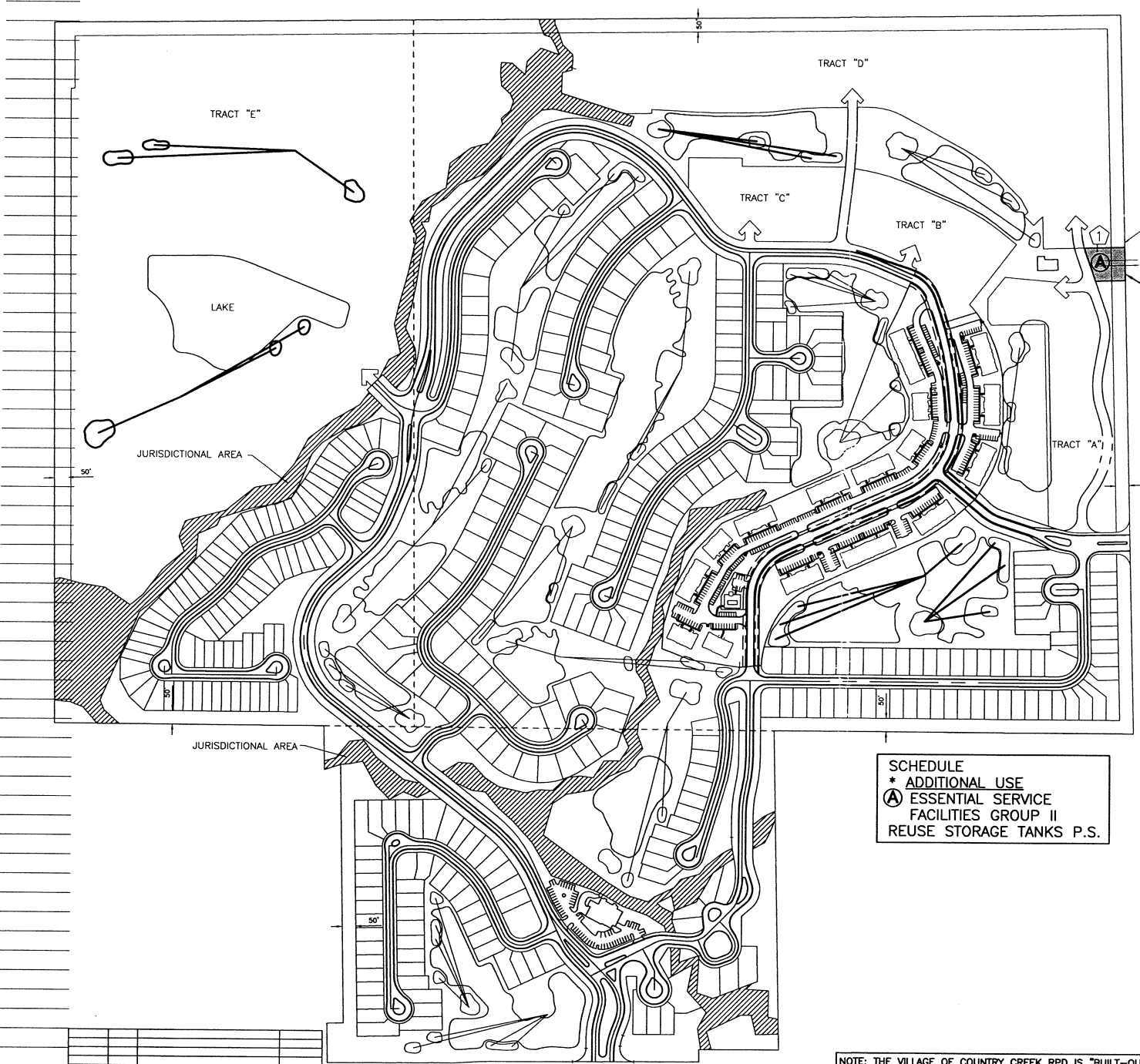
CURVE TABLE

Zoning Map

EXHIBIT B



Jan 25, 2008 - 1:52pm C.D. Nelson
2: Current Project 719-01-07 Village at Country Creek-Masterplan Exhibit D-7-M-1
2: Current Project 719-01-07 Village at Country Creek-Masterplan Exhibit D-7-M-1



**EXHIBIT D-7-M-1
MASTER CONCEPT PLAN
SHEET 1 OF 7**



**WILSON
MILLER
BARTON
& PEEK
INC.**

Planning
& Landscape
Architecture
Division
Engineers - Surveyors
Environmental Consultants
Planners
Landscape Architects
Construction Managers

Fort Myers Office
4571 Colonial Boulevard
Fort Myers, Florida 33912
(813)838-1020 Fax (813)838-7479

EXHIBIT C
1 OF 7

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COMMUNITY DEVELOPMENT

NOV 2007-00035

SCHEDULE
* ADDITIONAL USE
A ESSENTIAL SERVICE
FACILITIES GROUP II
REUSE STORAGE TANKS P.S.

1 DEVIATION

Approved as Exhibit C
MCP Page 1 of 7
Resolution # Z-07-061

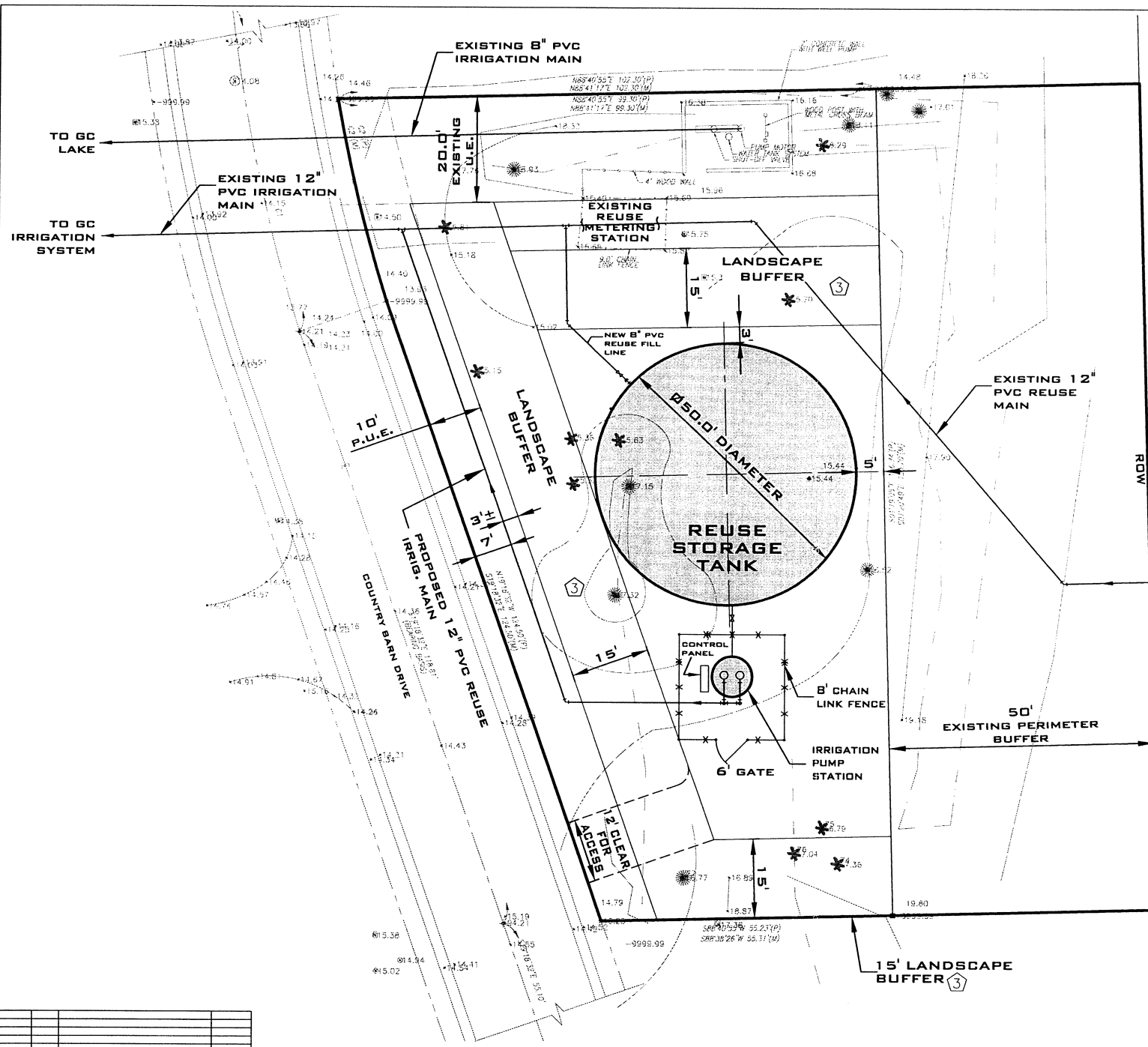
NOTE: THE VILLAGE OF COUNTRY CREEK RPD IS "BUILT-OUT"

REVISION	DATE	REMARKS	CHG. BY
2	09/07/07	GENERAL REVISIONS	CON
1	07/25/07	REVISED PER LC ZONING REVIEW	CON B

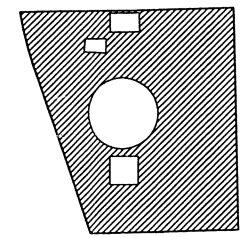
(REDUCED TO HALF SCALE)

VILLAGES AT COUNTRY CREEK
RPD AMENDMENT

SEC	BY	DATE	REVISION
Designed by	W.R.W.	/	842
Drawn by	J.E.R.	/	833
Checked by	W.R.W.	/	842
Approved by			
Date	SEPT 23, 1994		
Scale	1" = 200'		
Project #	0124		
WO #	3358		
Sheet 1 of			
File #	D-0124-14		



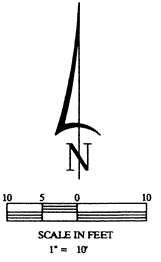
OPEN SPACE DEPICTION



OPEN SPACE TOTAL (SHADE)
17,632 S.F. = 0.41 Ac. (90%)

LAND USE BREAKDOWN (OPEN SPACE TABLE)

DESCRIPTION	AREA (S.F.)	AREA (ACRES)	%
TOTAL SITE AREA	20,430 S.F.	0.47 ACRES	100%
- STRUCTURES	2,798 S.F.	0.06 ACRES	13%
- OPEN SPACE	17,632 S.F.	0.41 ACRES	87%



LEGEND

- BUFFER
- NEW TANK & P.S.
- ROW LINE
- BOUNDARY LINE
- EASEMENT
- 8' CHAIN-LINK FENCE
- EXISTING CONTOURS

NOTE:

1. RESERVOIR TO BE A MAXIMUM OF 26 FEET HIGH ABOVE FINISHED GROUND LEVEL.
2. ③ DEVIATION TO ELIMINATE WALL REQUIREMENT FROM LANDSCAPE BUFFER

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JAN 25 2008

DCI

2007-00035

COMMUNITY DEVELOPMENT

VILLAGES OF COUNTRY CREEK
REUSE STORAGE
& PUMPING FACILITIES
SITE PLAN

Approved as Exhibit C
MCP Page 2 of 7
Resolution # 2-07-061



1334 LAFAYETTE STREET • GAITHERSBURG, MD 20878
TELEPHONE (301) 546-2345 FAX (301) 546-8779

JOB NO. 719-01-07	SHEET NO. 2
DATE 03/27/07	DRAWN BY: CON
	FILE NAME: 02-719

Jan 25, 2008 - 1:35pm C.D. McNamee
 2. (Current Project) 719-01-07 Village of Country Creek - MASTER WATER (Landscape) 02 719-01-07 Site Planning

REVISION	DATE	REMARKS	CHK. BY
1	08/07/07	GENERAL REVISIONS	CON
1	07/26/07	REVISED PER LC ZONING REVIEW	CON

(REDUCE TO HALF SCALE)

EXHIBIT C
2 OF 7

EXHIBIT D-7-M-2
MASTER CONCEPT PLAN
SHEET 3 OF 7

SITE LANDSCAPING CALCULATIONS
PER LEE COUNTY LDC SECTION 10-416(4)(a)
.....UTILITY FACILITIES MUST PROVIDE A TYPE "C" BUFFER.....

LOT BUFFER REQUIREMENTS
TYPE C BUFFER PROVIDES 15' WIDTH
W/ MINIMUM 5 TREES AND 18 SHRUBS PER 100 LINEAR FEET.
156' (WEST) + 217' (EAST) + 102' (NORTH) + 55' (SOUTH) = 530 L.F.
530' X 5 TREES PER 100 L.F. = 27 TREES REQUIRED (29 PROVIDED)

SHRUBS
102' (NORTH) + 55' (SOUTH) + 217' (EAST) = 374 L.F.
374 L.F. @ 3' O.C. X 2 (DOUBLE STAGGERED) = 249 SHRUBS (N,S,E) CONTINUOUS

GENERAL SITE LANDSCAPING REQUIREMENTS
PER LEE COUNTY LDC SECTION 10-416(4)(a)
.....ONE TREE PER 3,000 S.F.....

GENERAL TREE REQUIREMENTS
TOTAL SITE = 12,996 S.F. / 3,000 = 4 TREES REQUIRED (4 PROVIDED)

INTERNAL VEHICULAR LANDSCAPING (CANOPY) REQUIREMENTS
PER LEE COUNTY LDC SECTION 10-416(c)(2)(a)
.....AT LEAST ONE TREE MUST BE PLANTED OR RETAINED FOR EVERY 250 S.F.....

ADDITIONAL TREES PROVIDED AROUND STORAGE TANK

LOT ADDITIONAL TREES
21 TREES

TREE CREDIT NOTE:
EXISTING VEGETATION WILL BE PRESERVED HOWEVER TREE CREDITS ARE NOT REQUESTED.

FLUCCS
(194) OTHER OPEN LAND (MIXED) RESERVED FOR GOLF COURSE MAINTENANCE ACTIVITIES

SOILS
(34) MALABAR FINE SAND
(26) PINEDA

PLANTING SCHEDULE

LEGEND	QNTY	COMMON NAME	BOTANICAL NAME	SPECIFICATIONS	NATIVE
	51	GREEN BUTTONWOOD	CONOCARPUS ERECTA	12' HT., 3" CAL @ 12"	YES
	20	LIVE OAK	QUERCUS VIRGINIANA	16' HT., 4" CAL @ 12"	YES
	22	SLASH PINES	PINUS ERECTUS VAR. DENSA	12' HT., 3" CAL @ 12"	YES
	35	SABAL PALM	SABAL PALMETTO	12'-18' HT. - CLEAR TRUNK, STAGGERED HTS., PALMS TO REMAIN BOOTED	YES
	100	WAX MYRTLE	MYRTICA CERIFERA	7-10 GAL. 48" HT., 30" SPD. FULL, 36" O.C.	YES
	150	FIREBUSH	HAMELIA PATENTS	3 GAL. 48" HT., 30" SPD. FULL, 36" O.C.	YES
	300	FAKAHATCHEE	TRIPSACUM DACTYLOIDES	3 GAL. 48" HT., 36" SPD. FULL, 36" O.C.	YES

ALL EXISTING * SABAL PALM AND * (UNKNOWN TREE) TO BE PRESERVED OR RELOCATED ON SITE

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JAN 25 2008

COMMUNITY DEVELOPMENT
2007-00035

VILLAGES OF COUNTRY CREEK
REUSE STORAGE
& PUMPING FACILITIES
LANDSCAPE PLAN

	SOURCE, INC. ENGINEERS - PLANNERS Engineering Business #207	JOB NO. 710-01-07	SHEET NO. 3
	1334 LAFAYETTE STREET • GAITHERSBURG, MD 20878 TELEPHONE: (202)540-2345 FAX: (202)540-4779	DATE 03/27/07	DRAWN BY: CON

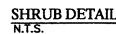
(REDUCED TO HALF SCALE)

REVISION	DATE	REMARKS	CHK. BY
2	10/22/07	REVISED PER LC ZONING REVIEW	CON
2	06/07/07	INCREASE LANDSCAPING	CON
1	07/25/07	REVISED PER LC ZONING REVIEW	CON

Jan 25, 2008 - 1:53pm C.D. Helms
2: Current Project 710-01-07 Village of Country Creek-Masterwater Exhibit D-7-M-2 Landscape Plan.dwg

IRRIGATION NOTES:

1. IRRIGATION WATER SHALL BE PROVIDED BY THE EXISTING REUSE SYSTEM.
2. IRRIGATION CONTRACTOR SHALL PROVIDE A SYSTEM THAT PROVIDES HEAD TO HEAD OR 100% COVERAGE WITH SPRAY HEAD OR OTHER APPROVED DEVICE OF ALL LANDSCAPE AREA.
3. THE SYSTEM SHALL BE OPERATED BY AN AUTOMATIC IRRIGATION CONTROLLER.
4. THE IRRIGATION SYSTEM SHALL HAVE A MOISTURE SENSOR DEVICE WHICH WILL PREVENT THE OPERATION OF THE SYSTEM DURING RAINY WEATHER AND WILL BE LOCATED SO AS TO RECEIVE DIRECT RAINFALL, NOT IMPEDED BY OTHER OBJECTS.
5. THE INSTALLATION OF THE SYSTEM SHALL BE IN ACCORDANCE WITH THE STANDARDS SET FORTH BY THE FLORIDA IRRIGATION SOCIETY.
6. IRRIGATION CONTRACTOR SHALL BE RESPONSIBLE FOR ADJUSTING COVERAGE SO THAT THERE IS NO OVER SPRAY INTO NON-LANDSCAPE DESIGNATED AREAS.
7. WHERE POSSIBLE, PRACTICAL AND FEASIBLE IRRIGATION FOR TURFED AREAS SHALL BE ISOLATED OR SEPARATED FROM IRRIGATION FOR SHRUB OR GROUNDCOVER AREAS.
8. ALL LANDSCAPE ISLANDS WILL BE PROVIDED WITH IRRIGATION SOURCE THROUGH SLEEVES DENOTED ON SITE PLAN.



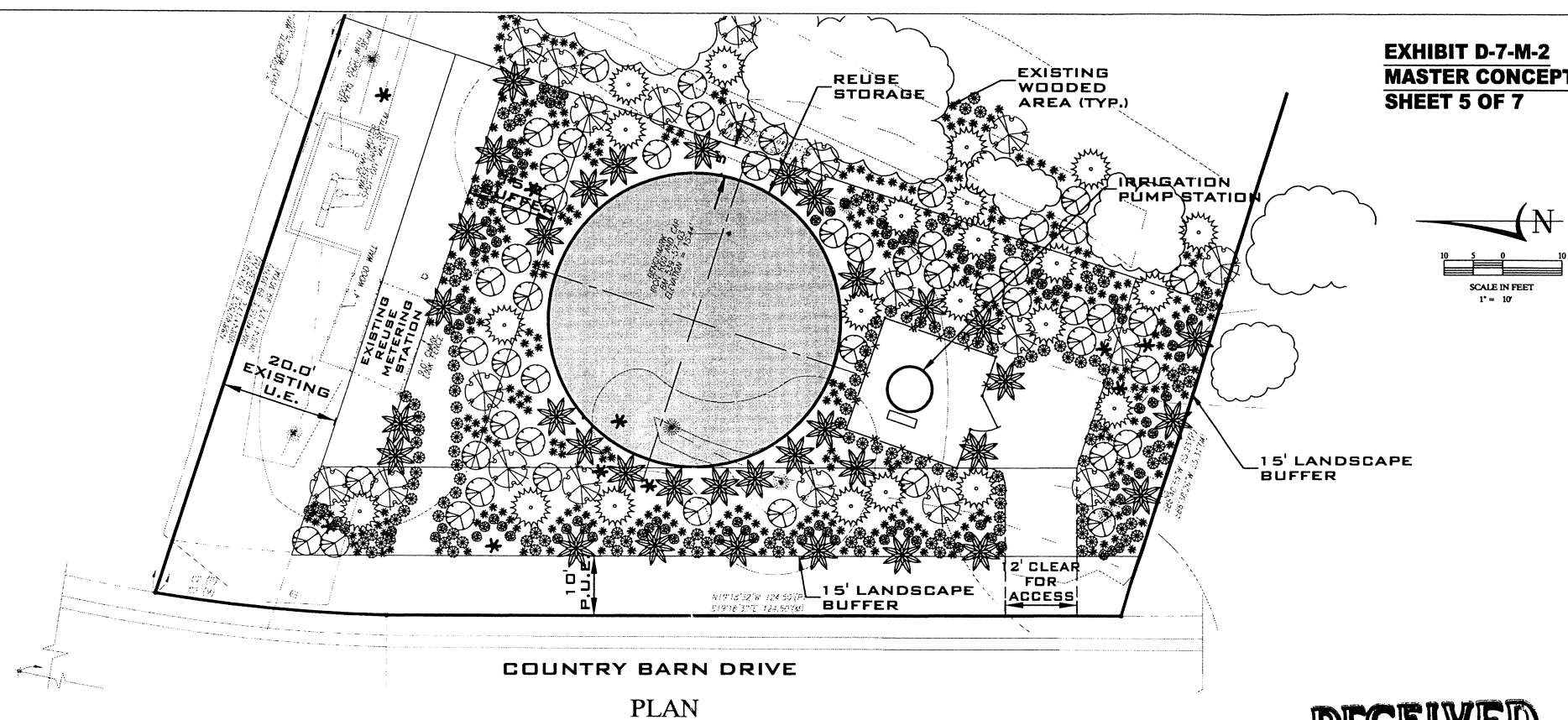
COMMUNITY DEVELOPMENT

VILLAGES OF COUNTRY CREEK REUSE STORAGE & PUMPING FACILITIES LANDSCAPE NOTES

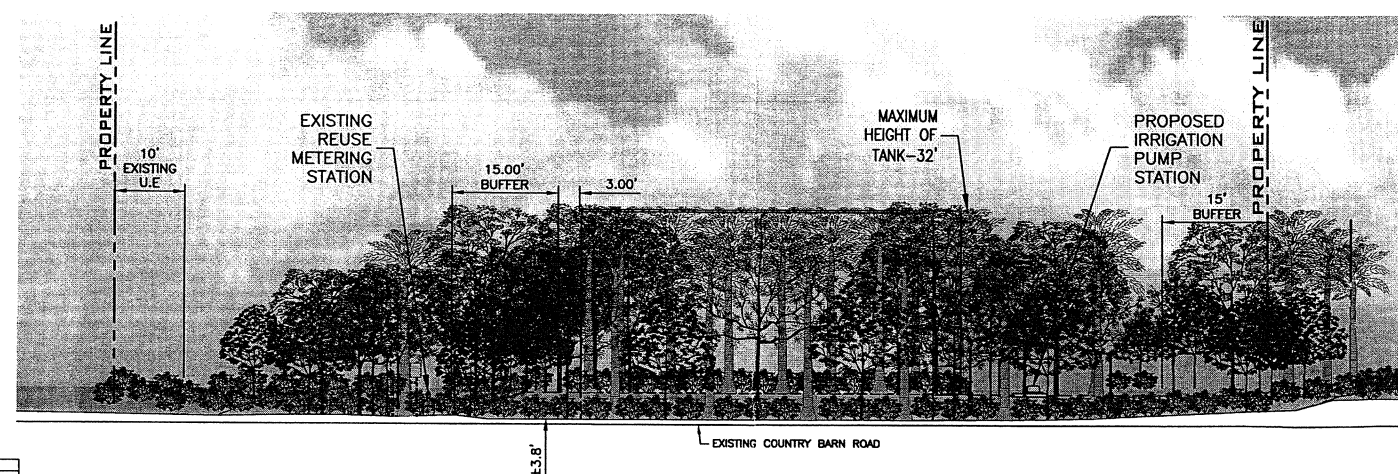
Approved as Exhibit C
MCP Page 4 of 7
Resolution # 02-07-061

(REDUCED TO HALF SCALE)

 SOURCE, INC. ENGINEERS - PLANNERS Engineering Division #227	JOB NO. 719-01-07	SHEET NO. 4
		OF 7
	DATE	DRAWN BY: CON
	03/27/07	FILE NAME: 04-719
1334 LAFAYETTE STREET • CAPE CORAL, FL 33904 TELEPHONE: (239)646-2346 FAX (239)646-8779		



**COUNTRY BARN DRIVE
PLAN**



WEST ELEVATION

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JAN 25 2008

COMMUNITY DEVELOPMENT
2007-00035

Approved as Exhibit C
MCP Page 5 of 7
Resolution # 2-07-061

VILLAGES OF COUNTRY CREEK
REUSE STORAGE
& PUMPING FACILITIES
PLAN AND WEST ELEVATION

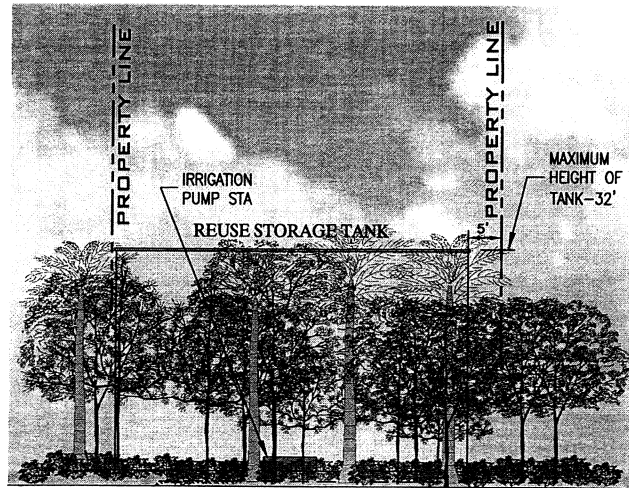
Jan 25, 2008 - 15:00pm C.O. Nelson at Country Creek-WATERWORKS/Exhibit D-7-M-2-07 West Elevation.dwg
Z:\Current Projects\718-01-07 Villages of Country Creek-WATERWORKS/Exhibit D-7-M-2-07 West Elevation.dwg

REVISION	DATE	REMARKS	CHK. BY
2	08/07/07	GENERAL REVISIONS	CON
1	07/25/07	REVISED PER LC ZONING REVIEW	CON

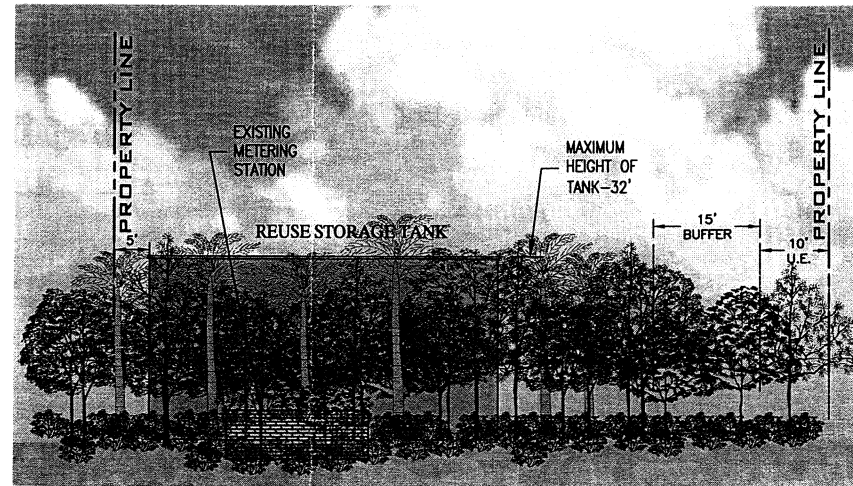
 SOURCE, INC. ENGINEERS - PLANNERS Engineering Building #5027	JOB NO. 718-01-07	SHEET NO. 5
	DATE 03/27/07	FILE NAME 044-718
1334 LAKYETTE STREET • CAPE CORAL, FL 33904 TELEPHONE (239)240-2340 FAX (239)240-6779		

(REDUCED TO HALF SCALE)

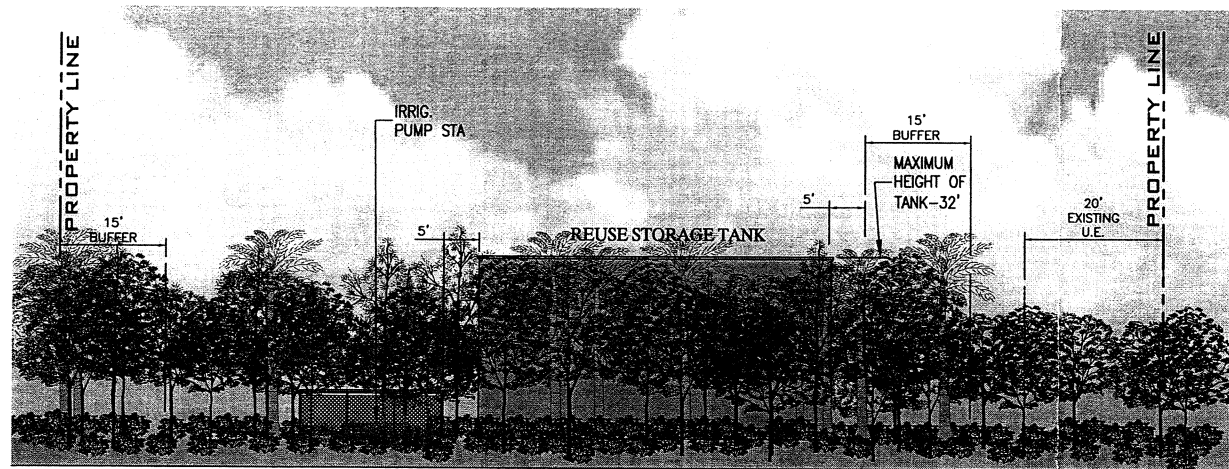
EXHIBIT C
5 OF 7



SOUTH ELEVATION



NORTH ELEVATION



EAST ELEVATION

RECEIVED
JAN 25 2008

COMMUNITY DEVELOPMENT

DCI 2007-00035

Approved as Exhibit C
MCP Page 6 of 7
Resolution # Z-07.061

VILLAGES OF COUNTRY CREEK
REUSE STORAGE
& PUMPING FACILITIES
EAST, SOUTH, AND NORTH ELEVATION

Jan 25, 2008 - 1:50pm C.D. Nelson
Z:\Current Projects\VF13-01-07 Village at Country Creek-WASTEWATER Exhibit D-7-M-2 Elevation.dwg

REVISION	DATE	REVISED ELEVATIONS	CON
1	06/07/07	REVISED ELEVATIONS	CON
		REMARKS	CHG. BY

(REDUCED TO HALF SCALE)

 SOURCE, INC. ENGINEERS - PLANNERS Engineering Division #2027 1334 LAWYETTE STREET • CAPE CORAL, FL 33904 TELEPHONE (239) 546-2340 FAX (239) 546-6770	JOB NO. 718-01-07	SHEET NO. 6
	DATE 03/27/07	FILE NAME: 06-718

2197695

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

WHEREAS, the Villages at Country Creek was the subject of an application for a district boundary change from AG to Residential Planned Development, to permit a residential development of 985 single and multi-family units, not to exceed 2 stories in height, on 283 acres of land. The proposed development would also include an executive golf course, other recreational facilities, and preserved natural areas.

NOTE:

If approved, the master Concept Plan would deviate from the following Lee County standards:

- (1) Minimum excavation setbacks to a section line of 150 feet (500.4.D and 500.3.C), to 0 feet for internal section lines;
- (2) Minimum excavation setbacks to a street right-of-way of 150 feet (500.4.D and 500.3.C), to 60 feet (measured at water's edge) and 30 feet (measured at the top of the bank);
- (3) Maximum slope of excavation banks of 6:1 ratio to a water depth of 6 feet (500.4.E), to 6:1 ratio to 1 foot deep, 10:1 ratio from 1 to 2 feet, 4:1 ratio from 2 to 4 feet, and 2:1 ratio below 4 feet;
- (4) Minimum setback between structures and a section line of 75 feet (500.29.D.1), to 0 feet for internal section lines;
- (5) Minimum setback between structures and a half section line of 60 feet (500.29.D.2), to 0 feet for internal lines;
- (6) No drainage, filling, or other alterations of soils subject to saltwater inundation or fresh water ponding shall be permitted without specific approval. (DSR C.1.b.4), to allow alteration of 3 small areas indicated on the Soil Survey of Lee County, Florida as having Pineda soils;
- (7) Requirement that, where practical, a residential development larger than 5 acres shall provide 2 or more means of ingress or egress (DSR C.2.d.(4)), to allow a single, secured entrance on Corkscrew Road and 2 emergency entrances (break-away gates), one to Broadway and one to Corlico; and
- (8) Prohibition on most development within designated "Transition Zones" (Wetlands Protection Ordinance, Section 5.02), to allow alteration of artificial drainage ditches and certain historic, natural creek areas as indicated on plans on file, with mitigation on acre-for-acre basis.

The subject property is located on the north side of Corkscrew Road, running approximately 1000 feet to the west and 650 feet to the east of the intersection of Corkscrew Road and River Ranch Road, described more particularly as:

RECORD VERIFIED - CUREN GENERAL CLERK
BY: H. FERNISKOW, D.C.

REC 1886 PG 2641

LEGAL DESCRIPTION: In Sections 27 and 34, Township 46 South, Range 25 East, Lee County, Florida:

East 1/2 of Southwest 1/4 and the Southeast 1/4 of Section 27, Township 46 South, Range 25 East,

ALSO:

East 1/2 of East 1/2 of Northeast 1/4 of Northwest 1/4 and West 1/2 of Northwest 1/4 of Northeast 1/4 and East 1/2 of Northwest 1/4 of Northeast 1/4 of Section 34, Township 46 South, Range 25 East, Lee County, Florida, less that part deeded to State of Florida of Corkscrew Road right-of-way, recorded in O.R. Book 1129 at Page 1217, Public Records of Lee County, Florida. Also, less commencing at a concrete monument marking the southwest corner of East 1/2 of East 1/2 of Northeast 1/4 of Northwest 1/4, thence north along the west line of said East 1/2 of East 1/2 of Northeast 1/4 of Northwest 1/4 for 206.20 feet to Point of Beginning, thence East 60.00 feet, thence northerly to waters of Estero River, thence Southwesterly along said waters to a point bearing north of Point of Beginning, thence South 933.40 feet to Point of Beginning.

WHEREAS, proper authorization has been given to Wilson, Miller, Barton, Soll and Peek, Inc., by Clayton R. Zehner, Vice President/Director of Villages of Country Creek and Walter James Smith, General Partner of Villages of Country, to act as agent to pursue this zoning application; and

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 denial of the requests, due to a tie vote on a motion for approval with conditions; 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:

LEGISLATIVE HISTORY:

The Local Planning Agency found the request consistent with the Lee County Comprehensive Plan, but the Zoning Board was unable to obtain a majority vote on a motion to approve the request with conditions. County staff recommended approval of the request with numerous conditions. Considerable testimony both for and against the project was presented to the Zoning Appeals Board. The Board made the findings of fact listed below, and approved the district boundary change with the conditions enumerated herein.

NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF COUNTY COMMISSIONERS AS THE ZONING APPEALS BOARD, that the Zoning Appeals Board does hereby APPROVE R.P.D. zoning, subject to the following conditions:

1. The minimum excavation setback to a section line of 150 feet (500.4.D and 500.3.C) is hereby reduced to zero for section lines internal to this parcel, but no reduction is allowed from the 150-foot setback requirement from section lines that are contiguous to the perimeter of the property (deviation #1).
2. The minimum excavation setback to a street right-of-way of 150 feet (500.4.D and 500.3.C) is hereby changed to a minimum excavation setback to a right-of-way centerline of 160 feet for the lake shown on the master Concept Plan north of Corkscrew Road and west of the Corkscrew Road entrance only (deviation #2).
3. The maximum slope of excavation banks shall be a 6:1 ratio to a depth of 4 feet below control elevation; then between 4 feet and 6 feet below control elevation there shall be a maximum ratio of 4:1; and below 6 feet below control elevation there shall be a maximum ratio of 2:1 to 12 feet (deviation #3).
4. The minimum setback between structures and a section line of 75 feet (500.29.D.1) is hereby reduced to zero for section lines internal to this parcel, and reduced to 50 feet from section lines that are contiguous to the perimeter of this property (deviation #4).
5. The minimum setback between structures and half section lines of 60 feet (500.29.D.2) is hereby reduced to zero for half-section lines internal to this parcel, but no reduction is allowed from the 60-foot setback requirement from half-section lines that are contiguous to the perimeter of this property (deviation #5).
6. Draining, filling, or other alterations of soils subject to saltwater inundation or freshwater ponding shall be permitted (DSR C.1.b.4), to allow alteration of approximately 2.5 acres of wetlands provided that proper approvals are received from the Florida Department of Environmental Regulation, the United States Army Corps of Engineers, and mitigation is performed as set forth in the March 19, 1986 letter to Roger Clark from Higgins Engineering, Inc. (deviation #6).
7. There shall be at least one emergency ingress/egress point to Corlico Parkway. A full ingress/egress point will satisfy the requirement of this condition, and additional access points are permitted provided they comply with the Development Standard Regulations (or its successor) (deviation #7).
8. The alteration of artificial drainage ditches and natural creek areas (Wetlands Protection Ordinance, Section 5.02) is permitted provided that the requirements of condition 6. above are met (deviation #8).
9. No traffic relating to the construction of this development may use Broadway Boulevard, See See Street, or Tanglewood Lane.
10. The developer shall dedicate a 50-foot-wide strip of land parallel and adjacent to the northern property line for the proposed extension of Broadway. Credits for this dedication shall be in accordance with provisions of the Roads Impact Fee Ordinance and related Administrative Codes.

REF 1886PG2649

11. The developer shall dedicate that part of the subject property located within 100 feet of the centerline of Corkscrew Road right-of-way for the purposes of widening that road. Credits for this dedication shall be in accordance with provisions of the Roads Impact Fee Ordinance and related Administrative Codes.
12. There shall be a 150-foot building setback from the centerline of Corkscrew Road, as set forth in Section 626.1.C.3. of the Zoning Regulations.
13. A 100-foot setback from the centerline of the proposed Corlico Parkway shall be provided, as set forth in Section 626.1.C.3 of the Zoning Regulations.
14. An 80-foot setback from the northern property line shall be provided, as set forth in Section 626.1.C.3 of the Zoning Regulations. The southerly 30 feet of this 80-foot setback area shall be a buffer and shall be landscaped with a type "D" buffer.
15. No variance has been requested from the perimeter setbacks in Section 626.1.C.1 of the zoning regulations, and therefore those setbacks shall apply.
16. Excluding the northern perimeter line, there shall be a 50-foot buffer area along the entire remaining perimeter of this parcel which shall be landscaped as set forth by the submitted buffer plan dated April 18, 1986, and stamped received April 21, 1986.
17. The perimeter buffer area shall be retained by the developer or remain in common ownership and may not be subdivided. The perimeter buffer area shall be landscaped prior to the beginning of construction in that area.
18. There shall be one person, company, corporation or association responsible for the maintenance of the perimeter buffer area, and the water management system.
19. The development shall be in general conformance with the master Concept Plan as revised on April 16, 1986, and received on April 21, 1986, except as modified by this resolution.
20. No uses other than those listed on the master Concept Plan and those uses which are clearly accessory to the listed uses shall be permitted.
21. The developer shall provide a program of education and information to the residential population describing the risks of environmental hazards, as well as the actions necessary to mitigate the dangers which these hazards present.
22. At the completion of development construction or each phase thereof, a development representative shall contact Lee County Emergency Medical Services to discuss the designation of emergency helicopter landing zones, and shall provide a site plan depicting the official street names and building addresses within the development and other pertinent information deemed necessary.
23. No on-site sewage treatment plant or septic tanks shall be allowed, unless an amendment to this zoning case is approved, except for temporary septic tanks for the sales office and golf course.
24. 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.

25. The configuration of individual lots shall be at the discretion of the developer, provided that the minimum lot area for "Fairway Homes" shall be 7,000 square feet; the minimum lot area for "Patio Homes" shall be 5,000 square feet; the minimum lot area for "Village Homes" shall be 4,000 square feet; and the minimum lot area for "Manor Villas" shall be 3,500 square feet; and that each lot shall have a minimum of 30 feet of street frontage measured at the street setback line.
26. Stub-outs for piped water from Gulf Utility Company shall be made available as development occurs, as set forth by the water service stubs plan dated April 18, 1986 and stamped received April 21, 1986.
27. The first row of lots adjacent to the western and northern perimeter buffer shall be developed with single-family dwellings which shall not exceed one story in height.
28. The roads in this project shall not be maintained by Lee County.
29. This development shall not withdrawn water from the same aquifer that the residents in the immediate area are using, which is understood to be the ground water table and the Tamiami Aquifer.
30. No trees with a 4" d.b.h. (diameter at breast height) or greater shall be cut down in the buffer area along the western property line.

Site plan SP-86-34 is attached hereto and incorporated herein by reference, as a reduced copy of the R.P.D. master Concept Plan.

The following findings of fact were made by the Board in connection with the R.P.D. zoning.

1. The proposed uses are appropriate at the subject location; and
2. The proposed development is consistent with the adopted Lee Plan, in that:
 - (a) The land use change meets or exceeds the applicable performance and locational standards; and
 - (b) Urban Services, as defined by the Lee Plan, will be available and adequate to serve the proposed land use change; and
 - (c) The land use change complies with the densities and general uses set forth in the Lee Plan; and
 - (d) The land use change will, with the above conditions, protect, conserve, or preserve environmentally-critical areas and natural resources; and
 - (e) The land use change is compatible with existing or planned land uses, and would not cause damage, hazard, or nuisance, or other detriment to persons or property; and
 - (f) The location of the proposed land use change does not place an undue burden upon existing transportation and 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 are provided by the recommended conditions to the Concept Plan or by other applicable regulations; 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 following findings of fact were required in conjunction with the approved deviations:

- 1) The approved deviations in this instance enhance the achievement of the objectives of the planed development; and
- 2) The general intent of these regulations, to protect the public health, safety, and welfare, will be preserved and promoted.

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

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

DULY PASSED AND ADOPTED this 21st day of April, A.D., 1986.

ATTEST:
CHARLIE GREEN, CLERK

BY: M. Armentrout
(Deputy Clerk)

BOARD OF COUNTY COMMISSIONERS
OF LEE COUNTY, FLORIDA

BY: Bill Fussell
Chairman

Approved as to form by:

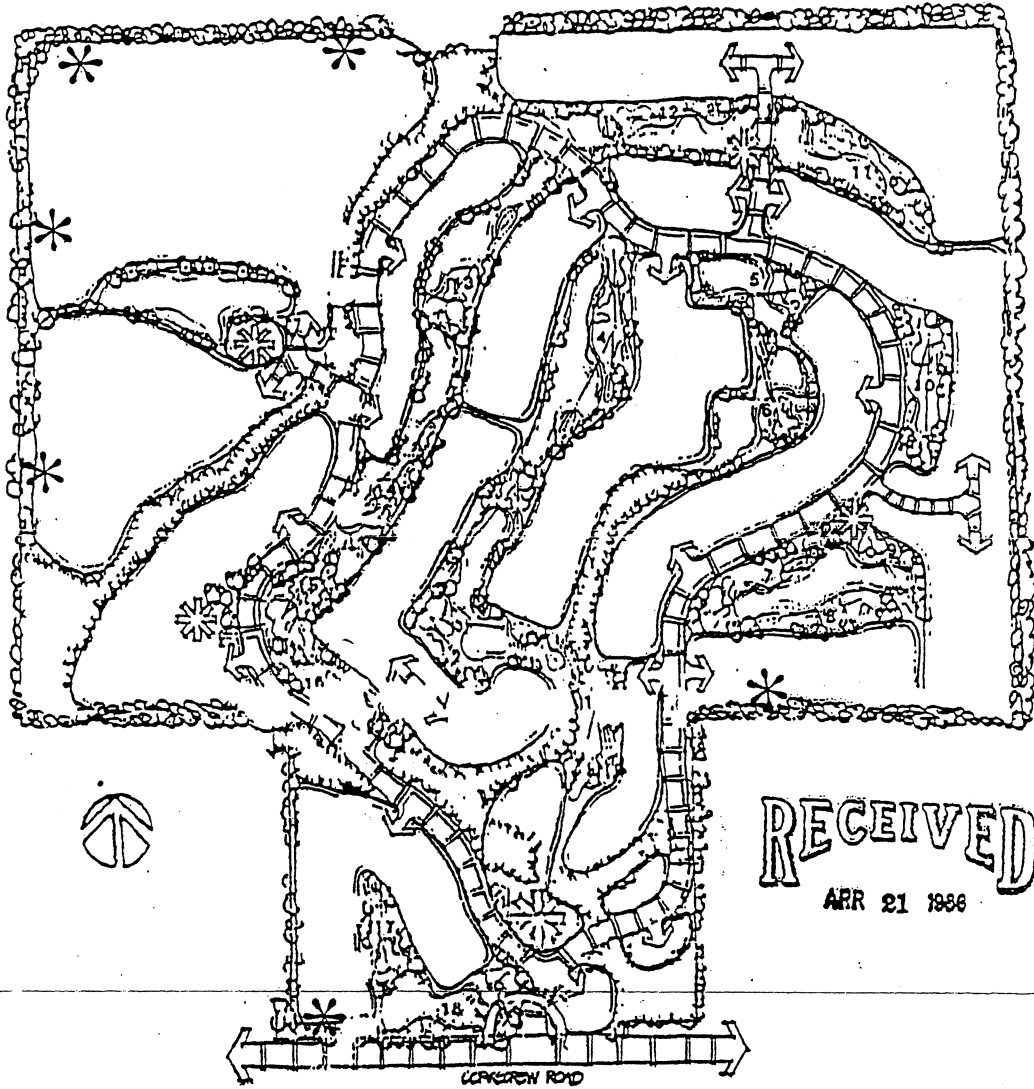
W. S. L.
County Attorney's Office

FILED

DEC 12 1986

CLERK CIRCUIT COURT
BY: M. Armentrout D.C.

THE VILLAGES AT COUNTRY CREEK
WATER SERVICE STUBS



DEF 1886 PG 2654

RECEIVED
APR 21 1986

* APPROXIMATE LOCATION OF WATER SERVICE STUBS
TO CONTIGUOUS PROPERTIES

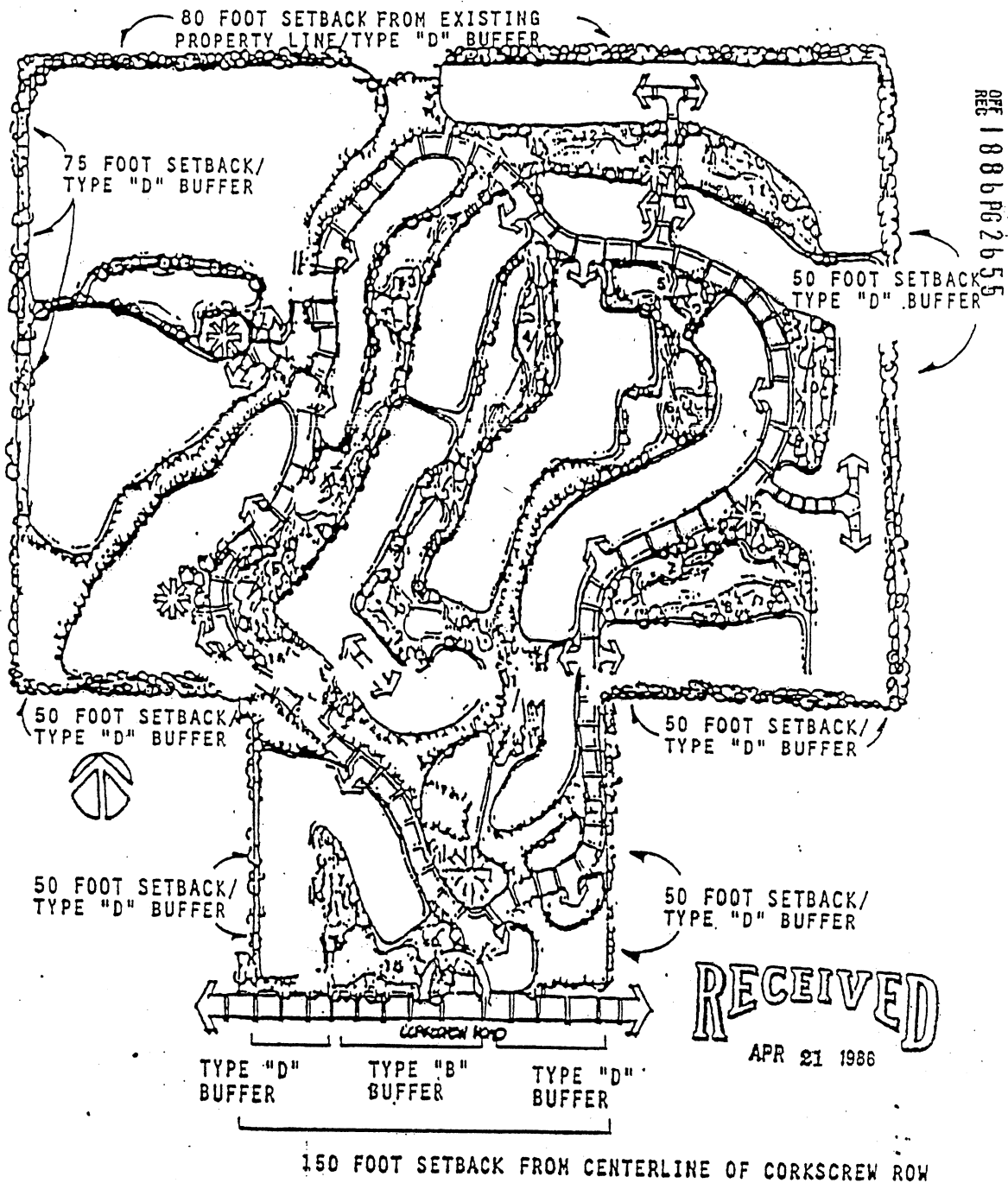
April 18, 1986

THE VILLAGES AT COUNTRY CREEK BUFFERING PLAN

RECORDED AND RECORD VERIFIED

CLERK DISTRICT COURT
LEE COUNTY, FLA.

Dec 19 2 19 PM '86



NOTE:

THE ENTIRE AREA OF THE DESIGNATED PERIMETER SETBACKS ON THIS BUFFERING PLAN WILL BE SUBJECT TO RESTRICTIVE COVENANTS RUNNING IN FAVOR OF THE DEVELOPER AND HOMEOWNERS ASSOCIATION TO ENSURE COMPLIANCE WITH THE USE LIMITATIONS OF THE RESIDENTIAL PLANNED DEVELOPMENT PERIMETER (Section 626.1.C.b.)

THAT PORTION OF THE DESIGNATED PERIMETER SETBACKS REQUIRED FOR A TYPE "D" BUFFER (20 FEET) WILL BE SUBJECT TO AN EASEMENT IN FAVOR OF THE DEVELOPER AND HOMEOWNERS ASSOCIATION GRANTING RIGHTS TO CONTINUE AND MAINTAIN THE LANDSCAPING

THE PERIMETER BUFFER AREA WILL BE LANDSCAPED PRIOR TO CONSTRUCTION BEGINNING IN THE AREA

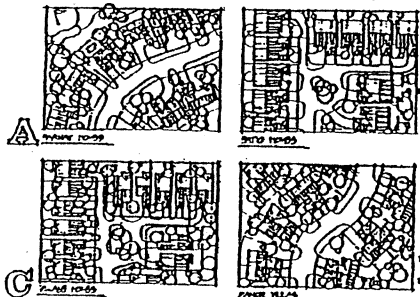
April 18, 1986

MASTER CONCEPT PLAN

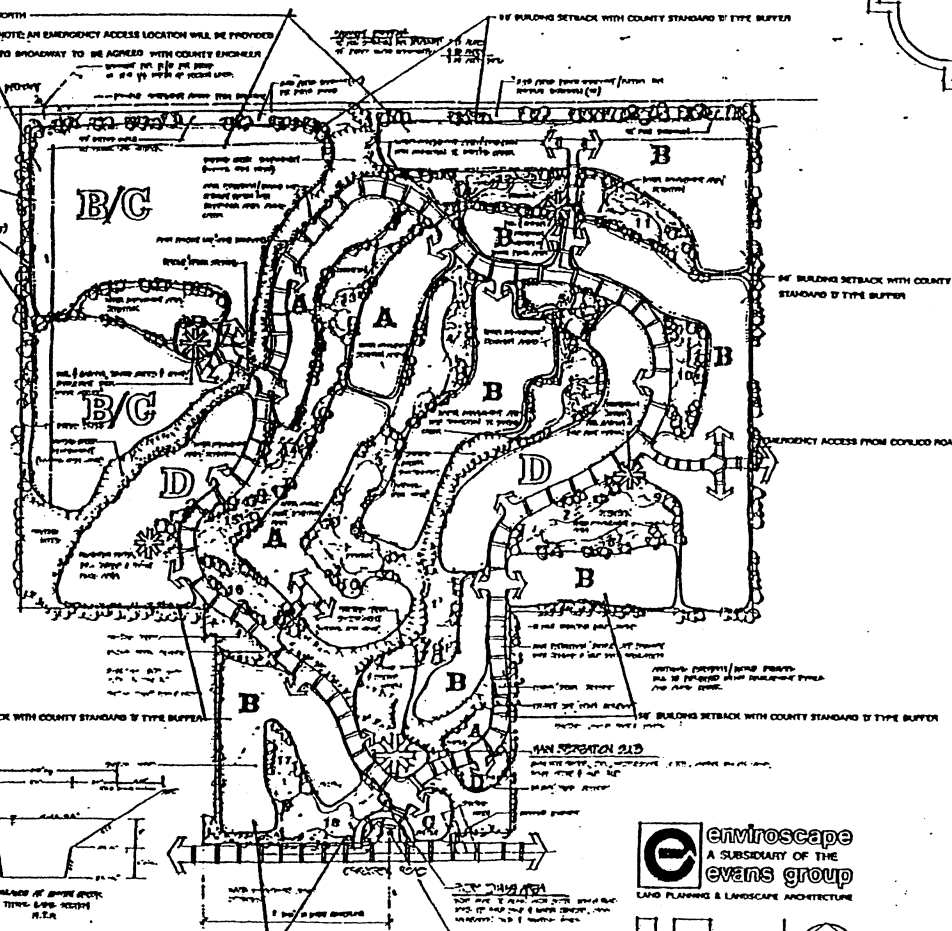


PREPARED FOR:
INVESTORS RESEARCH & DEVELOPMENT CORPORATION

DESCRIPTION	AREA (AC)	NO. OF UNITS	NO. OF BEDS	NO. OF BATHS	NO. OF GARAGES
1. Single-Family Detached	10.0	10	10	10	10
2. Single-Family Attached	10.0	10	10	10	10
3. Single-Family Attached	10.0	10	10	10	10
4. Single-Family Attached	10.0	10	10	10	10
5. Single-Family Attached	10.0	10	10	10	10
6. Single-Family Attached	10.0	10	10	10	10
7. Single-Family Attached	10.0	10	10	10	10
8. Single-Family Attached	10.0	10	10	10	10
9. Single-Family Attached	10.0	10	10	10	10
10. Single-Family Attached	10.0	10	10	10	10
11. Single-Family Attached	10.0	10	10	10	10
12. Single-Family Attached	10.0	10	10	10	10
13. Single-Family Attached	10.0	10	10	10	10
14. Single-Family Attached	10.0	10	10	10	10
15. Single-Family Attached	10.0	10	10	10	10
16. Single-Family Attached	10.0	10	10	10	10
17. Single-Family Attached	10.0	10	10	10	10
18. Single-Family Attached	10.0	10	10	10	10
19. Single-Family Attached	10.0	10	10	10	10
20. Single-Family Attached	10.0	10	10	10	10



5' BUILDING SETBACK FROM CENTERLINE OF CONCRESS ROAD R.O.W. WITH COUNTY STANDARD 5' TYPE BUFFER EXCEPT WHERE GOLF COURSE AND OPEN SPACE OCCUR



enviroscape
A SUBSIDIARY OF THE
EVANS GROUP
LAND PLANNING & LANDSCAPE ARCHITECTURE



OFF 188662653