RESOLUTION NUMBER ZAB-85-3

2149292

RESOLUTION OF THE BOARD OF COUNTY COMMISSIONERS

OF LEE COUNTY, FLORIDA

RECORD VERIFIED - CHARLIE GREEN, CLERK
BY: H. FERNSTROM, D.C.

WHEREAS, U.S. Home Corporation has properly filed an application for a district boundary change from AG and PR to CC on 11.65 acres, and from AG to preliminary PUD on the remainder of the property described herein to permit a residential development of 660 single-family and multi-family units not to exceed three (3) habitable stories in height on 131.84 acres of land. The proposed development will also include parks and recreational areas, recreational facilities, sewer treatment facilities, model homes and temporary sales offices, and on-site signs. The proposed site plan, would require a waiver of the following requirements:

a) Minimum distance between buildings of 1/2 of the sum of the heights, or at least 20 feet (606.D.6) to minimum setbacks in single-family villas: front = 25 feet; from right-of-way = 25 feet; distance between any two villas (side to side) = 8 feet; distance between any two villas (side to back) = 14 feet; distance between any two villas (back to back) = 20 feet; distance from lake = 25 feet;

b) Minimum setback between accessory structures and a street right-of-way of 30 feet, but not closer than the principal building (500.1.BL.b) to a minimum of 10 feet;

c) Sewage package treatment facility shall not be located within the front 50% of any lot (500.1.B.1.c.) to as shown on the site plan;

d) Special regulations for recreation facilities if located closer to a right-of-way than the principal structure (500.1.c.3) to as shown on the site plan;

e) A variance is requested from the minimum excavation setback to a street right-of-way of 150 feet (500.4.B and 500.3.C) to 20 feet;

f) A variance is requested from minimum setback between structures and a section line of 75 feet to 20 feet (500.B.1) from 19/20 section line;

g) A variance is requested from the minimum setbacks between structures and a half (quarter) section line of 60 feet to 20 feet (500.29.D.2);

h) The number and size of signs requested (500.38) are four 200 square feet signs and six 100 square feet signs for the 5 project entrances; and

i) Minimum setback between sign and a property line of 15 feet (Ordinance 80-5) to a setback of 5 feet as designated on the site plan.

The subject property is located on the northwest corner of Daniels Road and Six Mile Cypress Parkway, described more particularly as:

LEGAL DESCRIPTION: In Section 19, Township 45, Range 25, Lee County, Florida:

PUD PARCEL

NE ¼ of Section 19, Township 45 South, Range 25 East, Lee County, Florida less ROW for Daniels Road and Six Mile Cypress Parkway and less the following described proposed CC parcel.

CC Parcel

Description of Part of Section 19, Township 45 South, Range 25 East, Lee County, Florida and being more particularly described as follows: Commencing at the northeast corner of Section 19; thence South 0° 32' 53' W 689.27 feet to a point on the northwest right-of-way of Six Mile Cypress Parkway; thence southerly along said right-of-way line of Six Mile Cypress Parkway; a distance of 1,217.09 feet along the arc of a circular curve concave to the east having a central angle of 23° 19' 26.5" and having a radius of 2,989.79 feet and subtended by a chord which bears S 16° 21' 01" W a distance of 1,208.70 feet to the Point of Beginning of the parcel herein described; thence continue along said right-of-way of Six Mile Cypress Parkway a distance of 126.74 feet along the arc of a circular curve concave to the east having a central angle of 2° 25' 44" and having a radius of 2,989.79 feet and subtended by a chord which bears S 3° 28' 26" W 126.73 feet to a point; thence S 2° 15' 34" W 324.18 feet; thence S 89° 00' 12" W 1,114.66 feet; thence N 0° 59' 48" W 450.00; thence 89° 00' 12" E 1,142.95 feet to the Point of Beginning of the parcel herein described; being a part of Section 19, Township 45 South, Range 25 East, Lee County, Florida, containing 11.65 acres of land more or less; subject to easements and restrictions of record.

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WHEREAS, proper authorization has been given to Beverly Myers Grady, Esq., by Andrew J. and Mazie Nychyk, the owner of the subject parcel, 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 approval with the (12) conditions suggested in the staff recommendations, based on the analysis found in the staff report and the testimony given at the Zoning Board Hearing; 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 staff recommended approval of the request from AG to CC and denial of the request from PR to PUD and approval of the request from AG to PUD with the conditions enumerated in the staff's summary report. The LPA found the request to be consistent with the Lee County Comprehensive Plan and based upon the modifications of the plans presented to the LPA and based on Policy IV.A.12. The Zoning

Board recommended approval of the request with the staff's conditions. Wafaa Assaad appeared on behalf of the applicant and discussed the water, sewer, fire and Comprehensive Plan problems. The Board of County Commissioners accepted the staff's recommendations with the exception of number eleven which was modified.

NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF COUNTY COMMISSIONERS AS THE ZONING APPEALS BOARD, that the Zoning Appeals Board does hereby grant the district boundary change from AG to CC, deny a district boundary change from PR to CC, and grant a district boundary change from AG to preliminary PUD, with the PUD portion subject to the following conditions:

1) To comply with Lee Plan Policy IV.A.14, the developer will be required to dedicate additional right-of-way for Plantation Road and for an east-west road along the north property line, and to adjust the internal development design accordingly;

2) To comply with Lee Plan Policy IV.C.11, the proposed PUD plan shall be modified to include access to the north to line up with Honeysuckle Road;

3) To comply with Lee Plan Policy IV.B.4, walkway/bicycle paths shall be constructed along collector and arterial roads, and internally from residential areas to recreation areas and shopping facilities;

4) To comply with Lee Plan Policies VIII.A.1 and VIII.A.9, the developer shall dedicate neighborhood park land, or a fee-in-lieu, in accordance with Administrative Code Policy F-0008, with credits for on-site recreational facilities according to the schedule used by the Division of Community Services to implement Section C.2.g. of Policy F-0008. That portion of this request currently zoned "PR" shall be donated to Lee County and the property owner will receive full credit against this requirement. Any impact fees established for community or regional parks shall not affect this requirement;

5) To comply with Lee Plan Policies VII.U.11 and VII.U.12 and to provide proper fire protection for this development, the developer shall pay to the South Trail Fire District an equitable share of the total costs of the local fire station being constructed on Daniels Road;

6) To comply with the density range for the "Central Urban" category, the development shall contain 660 dwelling units;

7) The Six Mile Parkway entrance and the Daniels Road entrance may have 200 square feet of identification signage each. Other entrances may have 50 square feet of signage at each entrance. Setbacks for identification signs shall not be less than 15 feet from any right-of-way;

8) Conventional single family areas shall have side corner setbacks of 25 feet;

9) No more than 8 model units and 2 sales centers shall be operated at any time. Model units may not be used for more than two years, after which time they will become regular residential units;

10) Final PUD plans shall be in conformance with the Development Standards Regulations and other development regulations in effect, as the preliminary plan submitted is conceptual only; and final PUD approval shall be sought concurrently with a preliminary development order or comparable site plan review procedure;

11) Waivers listed in the advertised request are accepted to allow the proposed PUD plan to be developed, except as follows: b) Delete, as visibility could be impaired, h) Delete, covered by Condition 7) above, i) Delete, covered by Condition 7) above, g) Modify, to 20 feet from new R.O.W. line of Plantation Road;

12) Due to lack of vegetation along Six Mile Parkway, the developer will provide a continuous and architecturally-designed fence with landscaping along the westerly right-of-way line of the Parkway, in lieu of the 100 foot building setback line;

13) To comply with Lee Plan Policies VII.AA.6 and VII.AA.8, the developer shall establish and maintain an association to provide education and information concerning hurricanes and other hazards, as well as the actions necessary to mitigate the dangers which these hazards present;

14) Prior to final PUD approval, the developer shall discuss the designation of an emergency air landing zone on this site with the Lee County Department of Emergency Medical Services;

15) The developer will not be exempted from any road impact fees that may be adopted, and will pay an equitable share of the cost of signalization of major access points, if required.

Site plan SP-85-3 is attached hereto and incorporated herein by reference, as a reduced copy of the preliminary PUD plan.

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

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

DULY PASSED AND ADOPTED this 18th day of March, A.D., 1985.

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

FILED
SEP 5 1986
CLERK CIRCUIT COURT
BY _____ D.C.

RESOLUTION NUMBER ZAB-85-3 HEARING NUMBER 85-1-4 DCI

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