24.00 BILLED

2376524

RESOLUTION OF THE BOARD OF COUNTY COMMISSIONERS

OF LEE COUNTY, FLORIDA

OFF REC 1958 PG 0577

WHEREAS, U. S. Home Corporation has properly filed an application on a project known as Brookshire Village - Villas Five (Tracts D & F) for:

(a) Amend preliminary P.U.D. approval granted in Resolution ZAB-85-3;

(b) Approve final P.U.D. plans for the final phases of Brookshire Village; and

(c) Approve the following deviations to permit the subdivision of single-family lots in Tracts D and F.

NOTE: If approved, the Master Concept Plan will deviate from the following Lee County standards:

(1) Requirement that setbacks be measured to the nearest point of a building or structure (Section 202.15.B.1.), to measure setbacks to the outer face of the wall (thereby excluding up to 2 feet for overhangs and other projections);

(2) Minimum lot area of 7,500 square feet for a single-family residence (Section 437.02.A.), to 5,400 square feet;

(3) Minimum lot width of 75 feet for a single-family residence (Section 437.02.A.), to 54 feet;

(4) Minimum setback of 20 feet from a structure to a rear property line (Section 437.02.B), to 10 feet; and

(5) Minimum setback of 7.5 feet from a structure to a side property line (Section 437.02.B.), to 4 feet; and

RECORD VERIFIED - CHARLIE GREEN, CLERK
BY: G. SHERWOOD, D.C.

WHEREAS, the subject property is located on Plantation Road between Wakefield Drive and Southwell Drive, described more particularly as:

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

Tracts D and F, Unit Two, within Brookshire Village Subdivision, as recorded in the Official Records of Lee County, Plat Book 37, Pages 83-87, lying in Section 19, Township 45 South, Range 25 East, Lee County, Florida.

WHEREAS, the applicant has indicated the property's current STRAP number is 19-45-25-00-00003.0010; and

WHEREAS, proper authorization has been given to U. S. Home Corporation, by Frank Dolan, Vice President of Brookshire Development Co., Inc., the owner of the subject parcel, to act as agent to pursue this zoning application; and

WHEREAS, proper authorization has been given to Source, Inc., by James E. Curry, Executive Vice President of U. S. Home Corporation, the applicant 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 Planning and Zoning Commission, with full consideration of all the evidence available to the Planning and Zoning Commission; and

WHEREAS, the Lee County Planning and Zoning Commission fully reviewed the matter in a public hearing held on October 5, 1987; 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 Planning and Zoning Commission, the documents on file with the county, and the testimony of all interested persons.

NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF COUNTY COMMISSIONERS, that the Board of County Commissioners does hereby:

(a) Amend preliminary P.U.D. approval granted in Resolution ZAB-85-3;

(b) Approve final P.U.D. plans for the final phases of Brookshire Village; and

(c) Approve the following deviations to permit the subdivision of single-family lots in Tracts D and F.

Approval is subject to the following conditions:

(1) The Master Concept Plan is a 2-sheet plan, titled "Brookshire Village Master Site Plan" and "The Villas Five, Tracts D & F of Unit Two Brookshire Village, Grading-Paving-Drainage" prepared by Source, Inc., Sheet 1, Job No. 143-01-87, dated 1-26-87 and received on November 21, 1987, Job No. 143-12-87, dated 10-29-87, received November 12, 1987 except as modified herein.

(2) This approval does not alleviate compliance with the conditions set forth in the previously approved preliminary PUD as it relates to the project as a whole, nor does it eliminate the need for Tracts D & F to meet all local and state development requirements except as modified by this approval.

(3) Deviations (1) through (5) are hereby APPROVED.

Site Plan 87-195 is attached hereto and incorporated herein by reference, as a reduced copy of the Master Concept Plan.

The following findings of fact were made in conjunction with this approval:

1. The proposed uses are appropriate at the subject location;

2. Sufficient safeguards to the public interest are provided by the previously adopted conditions and the conditions of this approval; and

OFF REC 1958 PG 0578

3. The deviati[illegible] recommended for approval enh[illegible]e the achievement of the objectives of the planned development, meet the general intent of these regulations, and will preserve and protect the public health, safety, and welfare.

OFFI 958 PG 0579
REC

The following findings of fact were made in conjunction with the requested deviations:

Deviation (1) would allow the building setbacks to be measured from the wall face of the structure instead of the roof overhang. This measurement method would allow the structures to be moved approximately two feet closer to property line. The Board of County Commissioners in the Caloosa Yacht and Country Club case indicated that this method of measurement is appropriate. The Planning and Zoning Commission questioned whether moving the units closer together would create a fire hazard. Based on information provided by the fire district, the location of the units closer together is not a concern in fire prevention.

Deviation (2) would allow the lots in Tracts D & F to have an area of 5,400 square feet. Since the previously approved project density has been reduced, there is no objection to the smaller lot sizes.

Deviation (3) would allow the lots in Tracts D & F to be 54 feet in width. Again, since the number of units which were previously approved has been reduced, there is no objection to the request.

Deviations (4) and (5) would allow the rear and side setbacks for Tracts D & F to be reduced to 10 and 4 feet, respectively. These requests allow the applicant to place the housing type that is desired by the applicant on this portion of the site. There is no objection since the overall project density is reduced and, thereby, the impacts of the project are decreased.

The foregoing Resolution was adopted by the Lee County Board of County Commissioners upon a motion by Commissioner Donald D. Slisher, and seconded by Commissioner Porter J. Goss and, upon being put to a vote, the result was as follows:

Porter J. Goss	AYE
Charles L. Bigelow, Jr.	AYE
Mary Ann Wallace	NAY
Bill Fussell	AYE
Donald D. Slisher	AYE

DULY PASSED AND ADOPTED this 23rd day of November, A.D., 1987.

ATTEST:
CHARLIE GREEN, CLERK

BY: Clare J. Wenk
Deputy Clerk

BOARD OF COUNTY COMMISSIONERS
OF LEE COUNTY, FLORIDA

BY: Bill Fussell
Chairman

FILED

DEC. 9 1987

CLERK CIRCUIT COURT
BY Clare J. Wenk D.C.

Approved as to form by:

County Attorney's Office

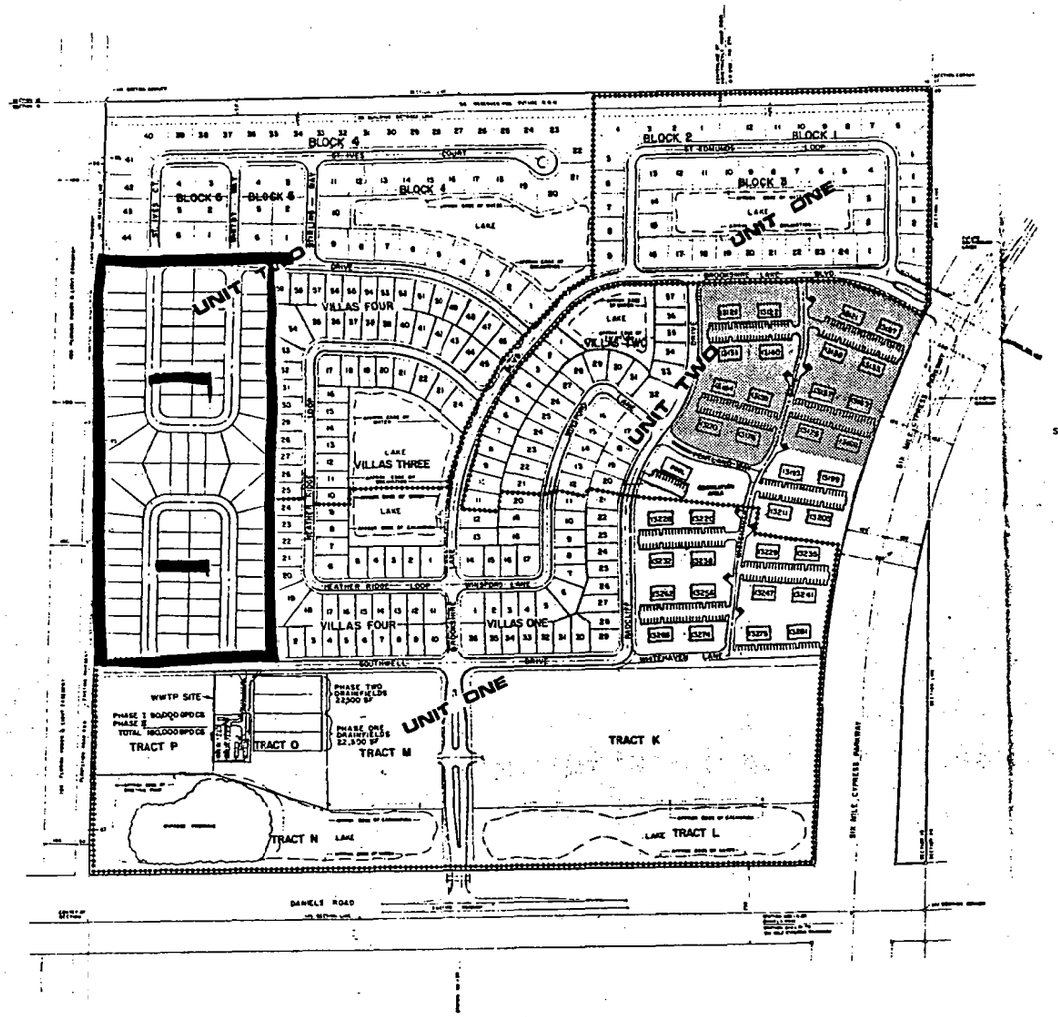
RESOLUTION NUMBER Z-87-195

HEARING NUMBER 85-1-4(c) DCI
Page 3 of 3

(3063Z/11)

(3728L)

OFF REC 1958 PG 0580



N

SCALE 1" = 200'

RECEIVED
NOV 12 1987
DEPT. OF COMM. DEV

BROOKSHIRE VILLAGE
MASTER SITE PLAN

IN
SECTION 19, T45S, R25E
LEE COUNTY, FLORIDA
FOR DEVELOPER
U.S HOME CORPORATION
6314 WHISKEY CREEK DRIVE, SUITE D
FORT MYERS, FLORIDA

APPROVED
Master Concept Plan
Site Plan # 82-185 Page 1 of 2
Subject to conditions in Resolution Z-87-185
Zoning Case # DCI-4(E) DCI

SOURCE, INC. P.O. BOX 1321, CAPE CORAL, FLORIDA, 33910
1334 LAFAYETTE STREET PHONE 813/549-2345

REGISTERED PROFESSIONAL ENGINEER
FLORIDA CERTIFICATE NO 21627
DATE 10-16- 1985

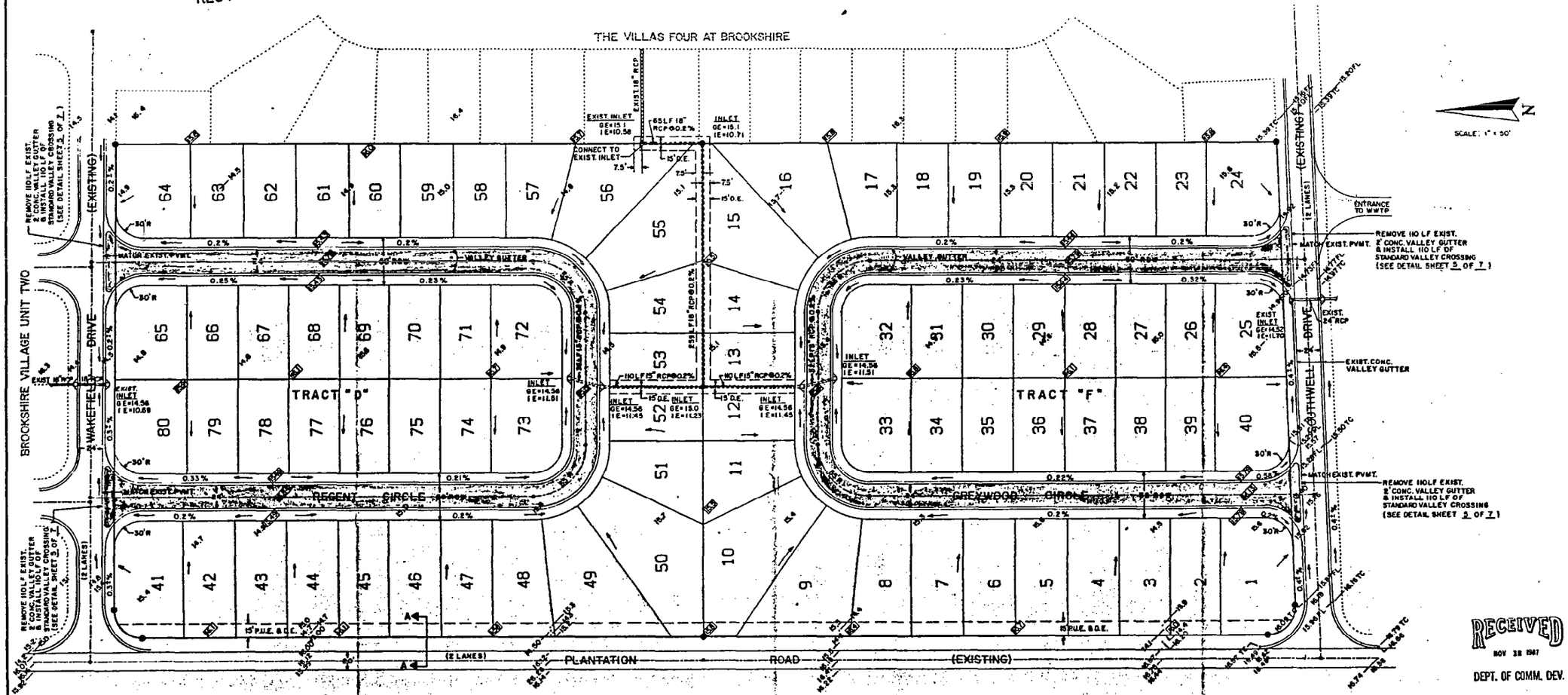
SOURCE, INC.
CONSULTING ENGINEERS
LAND PLANNERS
CAPE CORAL, FLORIDA 33904

JOB NO. HS-01-87
DATE 10-28-87

SHEET NO. 1 OF 1

DCI-4(E) DCI

OFF REC 1958 PG 0581



RECEIVED
NOV 18 1987
DEPT. OF COMM. DEV.

GENERAL NOTES:

1. ELEVATIONS SHOWN REFER TO NGVD 1929.
2. CONTRACTOR SHALL BE RESPONSIBLE FOR LOCATING ALL EXISTING UTILITIES PRIOR TO COMMENCEMENT OF CONSTRUCTION.
3. IT IS THE RESPONSIBILITY OF THE CONTRACTOR TO RESTORE ALL OF THE ROAD RIGHTS-OF-WAY DISTURBED DURING CONSTRUCTION TO ORIGINAL CONDITION.
4. CONTRACTOR SHALL BE RESPONSIBLE FOR FILL PLACEMENT AND LOT GRADING TO ACHIEVE THE INDICATED DRAINAGE FLOW PATTERNS AND GRADIENTS IN AREAS NOT SPECIFICALLY COVERED BY ELEVATION CONTROL.
5. GENERAL CONTRACTOR SHALL VERIFY THAT ALL REQUIRED DRIVEWAY, EXCAVATION AND TREE REMOVAL PERMITS HAVE BEEN OBTAINED PRIOR TO COMMENCEMENT OF CONSTRUCTION.
6. CONTRACTOR SHALL BE RESPONSIBLE FOR NOTIFICATION OF THE LEE COUNTY DIVISION OF TRANSPORTATION AND ENGINEERING AND THE ENGINEER A MINIMUM OF 24 HOURS IN ADVANCE OF ANY TESTING.
7. FOR DETAILS OF GRADING-PAVING-DRAINAGE, SEE SHEET 3 OF 7.
8. PROVIDE 6" MINIMUM CLEARANCE BETWEEN ALL WATER MAINS AND CULVERT PIPE CROSSINGS BY LOWERING THE WATER MAIN.
9. CONTRACTOR SHALL STOCKPILE ALL EXCESS EXCAVATED MATERIAL IN ON-SITE AREA AS DESIGNATED BY THE ENGINEER.
10. ALL ROADS SHALL BE CONSTRUCTED TO LEE COUNTY STANDARDS AND REQUIRE APPROVAL BY LEE COUNTY DIVISION OF TRANSPORTATION AND ENGINEERING FOR ALL PHASES OF THE ROAD CONSTRUCTION.
11. MINIMUM FINISH FLOOR ELEVATION WILL BE 16.0 (NGVD 1929).
12. THE TRAFFIC IMPACT STATEMENT WAS SUBMITTED AND APPROVED WITH THE PUD SUBMITTAL.

LEGEND

- EXISTING GRADE (NGVD 1929)
- DESIGN GRADE (NGVD 1929)
- RCP REINFORCED CONCRETE PIPE
- GE GRATE ELEVATION (NGVD 1929)
- IE INVERT ELEVATION (NGVD 1929)
- DE DRAINAGE EASEMENT
- PUE PUBLIC UTILITY EASEMENT
- DIRECTION OF DRAINAGE FLOW
- INLET W/ CULVERT PIPE
- INLET W/ CONCRETE APRON & CULVERT PIPE
- PROPOSED PAVEMENT

DEC 11 8 56 AM '87

THE VILLAS FIVE

TRACTS D & F OF UNIT TWO BROOKSHIRE VILLAGE

IN

SECTION 19, T45S, R25E
LEE COUNTY, FLORIDA
FOR DEVELOPER
U.S. HOME CORPORATION
6314 WHISKEY CREEK DRIVE, SUITE D
FORT MYERS, FLORIDA 33907

APPROVED
Master Concept Plan
Site Plan # 87-195 Page 2 of 2
Subject to conditions in Resolution Z-87-185
Zoning Case # 87-1-4(b)DCI

GRADING-PAVING-DRAINAGE

REGISTERED PROFESSIONAL ENGINEER
FLORIDA CERTIFICATE NO. 22863
DATE _____ 19__

SOURCE, INC.
ENGINEERS / PLANNERS
1934 LAFAYETTE STREET
CAPE CORAL, FLORIDA 33904

JOB NO. 143-12-87
DATE 10-25-87
SHEET NO. 2 OF 7

P.O. BOX 1321, CAPE CORAL, FL. 33910 (813) 549-2345