ADD2014-00127 Lee County ePlan

RESOLUTION NUMBER Z-99-042

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

WHEREAS, Gerard Gadigian, filed an application to rezone an approximately 54.67 acre parcel from Agricultural (AG-2) to Residential Planned Development (RPD) in reference to Hidden Harbor; and

WHEREAS, Florida Rock Properties, Inc., the owner of the subject parcel, authorized Steven L. Darby, P.E., to act as agent to pursue this zoning application; and

WHEREAS, a public hearing was advertised and held on June 16, 1999, before the Lee County Hearing Examiner who gave full consideration to the evidence in the record for Case # 98-10-190.02Z 01.01; and

WHEREAS, a second public hearing was advertised and held on August 9, 1999, 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 rezone an approximately 54.67 acre parcel from AG-2 to RPD, in the Urban Community Land Use Category to permit a maximum of 100 single family dwelling units. The legal description of the subject property is set forth in Exhibit A attached to this resolution. The request is hereby APPROVED, SUBJECT TO the conditions and deviations set forth in Sections B and C below.

SECTION B. CONDITIONS:

1. The development of this project must be consistent with the two-page Master Concept Plan entitled "Hidden Harbor," stamped received March 10, 1999, last revised 02/22/99, 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. If changes to the Master Concept Plan are subsequently pursued, appropriate approvals will be necessary.

2. The following Schedule of Uses supersedes the Schedule on the approved Master Concept Plan:

8/9/99

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Schedule of Uses

ALL USES LISTED AS PERMITTED IN THE RS-1 ZONING DISTRICT
CLUBS, Private
BOAT RAMP (Non-Commercial) (Subject to limitations in Condition 4)
RECREATIONAL FACILITIES, Private - On-Site

3. The following Property Development Regulations supersede the regulations set forth on the approved Master Concept Plan:

Property Development Regulations

Minimum Lot Area and Dimensions:

Area:	7,500 square feet
Width:	75 feet
Depth:	100 feet

Minimum Setbacks:

Street:	variable according to the functional classification of the street or road (Section 34-2191 et seq.)
Side:	7.5 feet
Rear:	15 feet [subject to Deviation (3)]
Water Body:	15 feet [subject to Deviation (2)]

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

Maximum Lot Coverage: 50 percent

Maximum Building Height: 35 feet

4. Only one boat ramp may be permitted within this planned development and must be located as shown on the approved Master Concept Plan. This boat ramp may not be permitted until the following is demonstrated:

   a. Documentation must be submitted showing that the Florida Department of Environmental Protection finds that this project is not considered to be a Development of Regional Impact (DRI). If determined to be a DRI, no additional boat docks or ramps may be permitted until DRI approval is granted; and

   b. The Developer provides the required off-street parking for the boat ramp, in accordance with LDC Section 34-2020.

5. Prior to local development order approval, a detailed gopher tortoise management plan must be provided by the development order applicant to the Division of Planning that follows the general guidelines of the conceptual gopher tortoise management plan

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submitted in letter form dated March 1, 1999. The plan must include the details addressing how tortoises will be protected during the infrastructure phase of development and during development of the individual single-family lots.

6. Prior to local development order approval, a detailed manatee management plan must be provided by the development order applicant to the Division of Planning that follows the general guidelines of the conceptual management plan submitted in letter form dated March 1, 1999. The manatee zone and no wake zone sign locations must be delineated on the development order plans. An educational brochure or kiosk must be made available to all of the landowners within the development to inform them of the presence and protection requirements of manatees.

7. The boat ramp facility must be designed to include a swale, exfiltration trench, or other engineering devices to prevent bilge water and associated parking lot run-off from flowing down the ramp and into the inlet for Ten Mile Canal. The ramp facility design must be approved as part of the local development order and building permit review for the facility.

8. Emergency Preparedness:

   a. The Applicant must initiate the establishment of a property owners' or residents' association for each residential component of this project. The organization must provide an educational program on an annual basis, in conjunction with the staff of Emergency Management, which will provide literature, brochures and technical assistance for Hurricane Awareness/Preparedness Seminars, describing the risks of natural hazards. The intent of this recommendation is to provide a mechanism to educate residents concerning the actions they should take to mitigate the dangers inherent in these hazards.

   b. The Applicant must formulate an emergency hurricane notification and evacuation plan for the development that will be subject to review and approval by the Lee County Office of Emergency Management.

   c. If access to this development or into portions of this development is through a security gate or similar device, which is not manned 24 hours a day, it must be equipped with an override strip installed in a glass-covered box to be used by drivers of emergency vehicles to gain entry consistent with LDC Section 34-1749.

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

10. Approval of this rezoning does not give the Developer an undeniable right to receive local development order approval. Future development order approvals must satisfy the requirements of the 2020 Lee Plan Planning Communities Map and Acreage Allocations Table, Map 16 and Table 1(b), of the Lee Plan.

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11. This development must comply with all of the requirements of the LDC at the time of local development order approval, except as may be granted by deviations approved as part of this planned development.

SECTION C. DEVIATIONS:

Deviation (1) seeks relief from LDC Section 10-296, Table 3, which requires a minimum 35-foot right-of-way for a privately maintained road with closed drainage system, to allow a 24-foot-wide right-of-way. This deviation is hereby APPROVED, SUBJECT TO the following conditions and, if necessary, to additional review and conditioning by the Director during the local development order process:

a) That there are no structural encroachments into easements required by the South Florida Water Management District (SFWMD) or into the minimum rear setbacks; and

b) That access for maintenance is provided.

Deviation (2) seeks relief from LDC Section 34-2194, which requires a minimum 25-foot setback from a waterbody, to allow a minimum waterbody setback of 15 feet. This deviation is hereby APPROVED, SUBJECT TO the following conditions and, if necessary, to additional review and conditioning by the Director during the local development order process:

a) That there are no structural encroachments into any easements required by the SFWMD or into the minimum rear setbacks; and

b) That access for maintenance is provided.

Deviation (3) seeks relief from LDC Section 34-695, which requires a minimum 20-foot setback from the rear property line, to allow a 15-foot setback. This deviation is hereby APPROVED, SUBJECT TO the following conditions and, if necessary, to additional review and conditioning by the Director during the local development order process:

a) That there are no structural encroachments into any easements required by the SFWMD or into the minimum rear setbacks; and

b) That access for maintenance is provided.

Deviation (4) seeks relief from LDC Section 10-296(k), which requires a cul-de-sac at the end of a dead end street, to allow a hammerhead turn around. This deviation is hereby APPROVED.

Deviation (5) - WITHDRAWN AT HEARING

SECTION D. EXHIBITS:

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

ADD2014-00127 Lee County ePlan

Exhibit A. The legal description and STRAP number of the subject property.
Exhibit B. A reduced copy of the Hidden Harbor Master Concept Plan.
Exhibit C. A map depicting the subject parcel (shaded in) in relation to the surrounding area.

SECTION E. FINDINGS AND CONCLUSIONS:

1. The Applicant proved entitlement to the rezoning by demonstrating compliance with the Lee Plan, the Land Development Code, and any other applicable code or regulation.

2. The request, as conditioned:

   a. will meet or exceed 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; and

   d. will not adversely affect environmentally critical areas or natural resources.

3. The proposed use or mix of uses is appropriate at the subject location.

4. The development will not place an undue burden upon existing transportation or planned infrastructure facilities and it will be served by streets with the capacity to carry traffic generated by the development.

5. The recommended conditions to the concept plan and other applicable regulations provide sufficient safeguard to the public interest, and the recommended conditions are reasonably related to the impacts on the public interest created by or expected from the proposed development.

6. Urban services, as defined in the Lee Plan, are, or will be, available and adequate to serve the proposed land use.

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

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The foregoing resolution was adopted by the Lee County Board of Commissioners by a motion by Commissioner Andrew W. Coy, and seconded by Commissioner John E. Manning and, upon being put to a vote, the result was as follows:

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

DULY PASSED AND ADOPTED this 9th day of August, 1999.

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

MINUTES OFFICE

FILED AUG 11 1999

ADD2014-00127 Lee County ePlan

Legal Description

EXHIBIT "A"

Legal Description as Furnished
(Portion of Exhibit "A", O.R. 1854, Page 0903)
Public Records of Lee County, Florida
Part of Section 7, Township 46 South, Range 25 East
Lee County Florida

Parcel 1

The Southwest Quarter (SW ¼) of the Northwest Quarter (NW ¼) of Section 7, Township 46 South, Range 25 East, Less the West 50 feet thereof.

ALSO, that part of the Northwest Quarter (NW ¼) of the Southwest Quarter (SW ¼)of Section 7, Township 46 South, Range 25 East lying North of the center line of the Florida Power and Light Company easement, as recorded in Deed Book 260 at page 146 of the Public Records of Lee County, Florida, less the West 50 feet thereof.

Parcel 2

The Southerly 50 feet of the Northeast Quarter (NE ¼) of the Northwest Quarter (NW ¼), and the Southerly 50 feet of the Northwest Quarter (NW ¼) of the Northeast Quarter (NE ¼) , lying West of the Tamiami Trail (US 41), in Section 7, Township 46 South, Range 25 East.

Parcel 3

Situated in the State of Florida, County of Lee, being a part of Section 7, Township 46 South, Range 25 East, and further bounded and described as follows:

Starting at the Northeast corner of the Northwest ¼ of the Northwest ¼ of aforesaid Section 7, thence South 0°44'10" East a distance of 786.00 feet to the Point of Beginning; thence continuing South 0°44'10" East a distance of 392.97 feet; thence North 72°45'04" West a distance of 1408.15 feet; thence North 1°07'10" West a distance of 441.17 feet; thence South 70°55'47" East a distance of 1426.54 feet to the Point of Beginning. Less the West 50 feet thereof.

STRAP NUMBERS

The applicant has indicated the STRAP #'s of the subject property are 07-46-25-00.00015.0010 & 07-46-25-00.00003.0000

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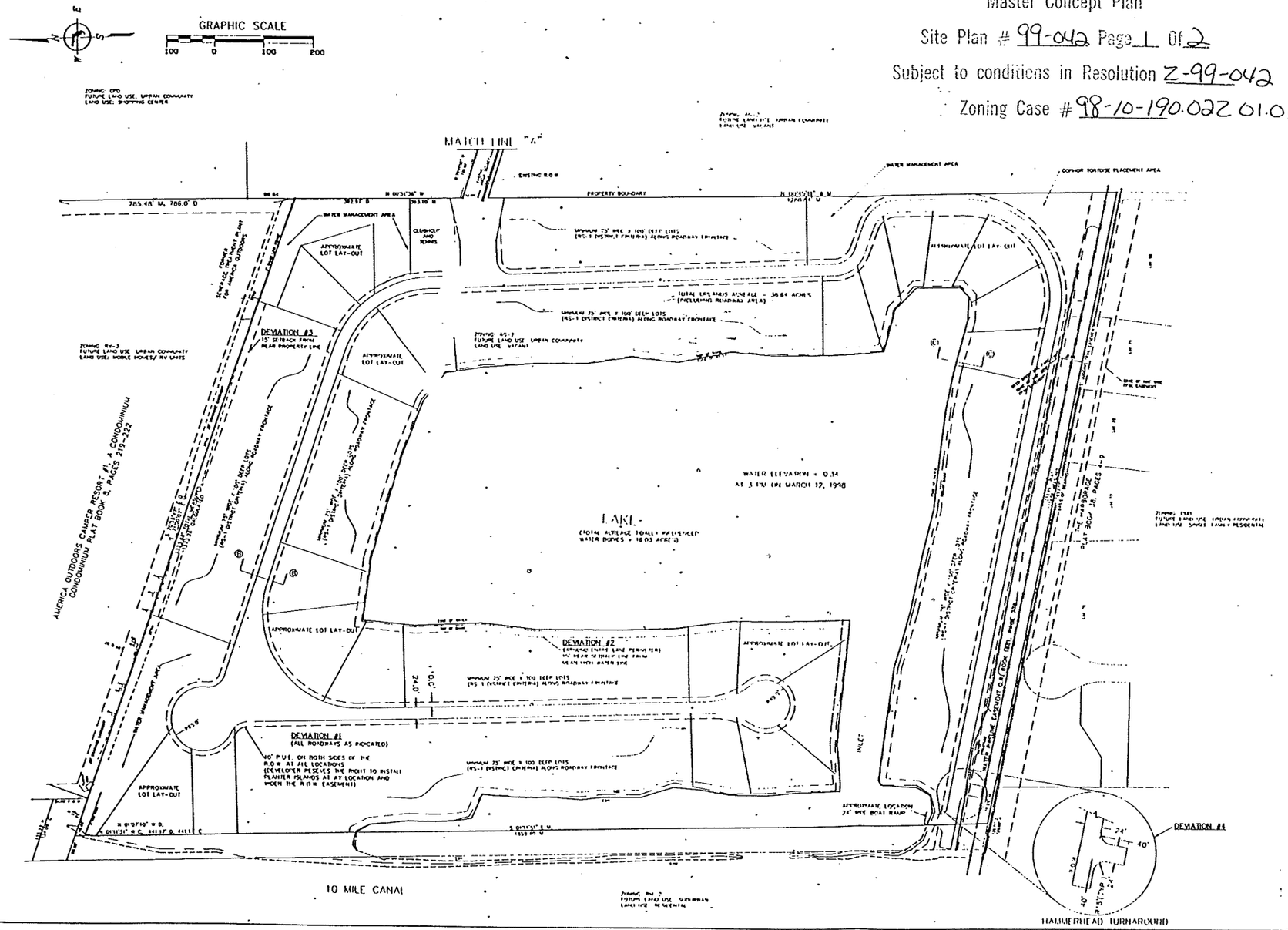
APPROVED

Master Concept Plan

Site Plan # 99-042 Page 1 Of 2

Subject to conditions in Resolution Z-99-042

Zoning Case # 98-10-190.022 01.01



SUMMARY:

1. LAND AREA = 54.67 ACRES
   UPLAND AREA (NOT INCLUDING TIDALLY INFLUENCED WATER BODIES)= 38.64 ACRES
2. ZONING/LAND USE
   - THE SITE IS CURRENTLY ZONED AG-2 AND IS CLASSIFIED AS URBAN COMMUNITY PERMITTING A MAXIMUM OF 6 UNITS PER ACRE.
   - THE PROPOSED USE IS SINGLE-FAMILY
   - THE PROPOSED ZONING IS RESIDENTIAL PLANNED DEVELOPMENT (RPD) WITH ALL USES AS ALLOWED UNDER THE RS-1 DISTRICT
   - THE MAXIMUM NUMBER OF UNITS FOR THIS PROJECT WILL BE 100, OR 2.5 UNITS PER ACRE BASED ON UPLAND ACREAGE.
3. REQUIRED SETBACKS (PER RS-1 DISTRICT)
   7.5' SIDE SETBACK
   20' REAR SETBACK
   25' SETBACK FROM "OTHER" WATER BODY
   20' SETBACK FROM ROAD RIGHT-OF-WAY OR ROAD EASEMENT FOR PRIVATE ROAD
   (SEE LIST OF DEVIATIONS FOR PROPOSED CHANGES TO THE REQUIRED SETBACKS)
4. SANITARY SEWER SHALL BE PROVIDED BY GULF ENVIRONMENTAL SERVICES
   EXISTING SEWER MAIN LINE IS ADJACENT TO SITE AND CAPACITY IS AVAILABLE
5. WATER SERVICE SHALL BE PROVIDED BY FLORIDA CITIES WATER COMPANY
   EXISTING WATER MAIN LINE IS ADJACENT TO SITE AND CAPACITY IS AVAILABLE.

P = PROPERTY LINE

LIST OF DEVIATIONS

(1) MINIMUM RIGHT OF WAY (PER LEE CO. LDC 10-296, TABLE 3)
DEVIATION FROM THE REQUIRED MINIMUM 35 FEET R.O.W. (PRIVATELY MAINTAINED STREET WITH CLOSED DRAINAGE) TO 24 FEET R.O.W. (NOT APPLICABLE AT PLANTER ISLANDS)

(2) SETBACK FROM BODIES OF WATER (PER LEE CO. LDC 34-2194)
DEVIATION FROM THE REQUIRED MINIMUM 25 FEET SETBACK FROM MEAN HIGH WATER LINE TO 15 FEET FROM THE MEAN HIGH WATER

(3) REAR YARD SETBACK (PER LEE CO. LDC 34-695)
DEVIATION FROM THE REQUIRED MINIMUM 20 FEET SETBACK TO 15 FEET ALONG THE REAR PROPERTY LINE.

(4) CUL-DE-SAC REQUIREMENT (PER LEE CO. LDC 10-296(K))
DEVIATION FROM PROVIDING THE REQUIRED CUL-DE-SAC AT A DEAD END STREET TO PROVIDING A HAMMER-HEAD TURN AROUND.

(5) LAKE EMBANKMENT SLOPE (PER LEE CO. LDC 10-329(c)(4))
DEVIATION FROM THE REQUIRED 4:1 SIDE SLOPE TO PERMIT THE EXISTING LAKE BANKS TO REMAIN IN THEIR CURRENT CONDITION

SCHEDULE OF USES

- ALL USES AS PERMITTED IN THE RS-1 ZONING DISTRICT
- BOAT RAMP
- TENNIS COURTS (COMMUNITY CENTER ONLY)
- COMMUNITY CLUB HOUSE

RECEIVED
MAR 10 1999
ZONING COUNTER

PROJECT # 98-10-190.02 Z 01.01
PROJECT TYPE 13

EXHIBIT IV-F

EXHIBIT B
Page 1 of 2

DATE	REVISIONS:
3/22/99	REVISED PER COUNTY STAFF COMMENTS

DAVID E. McKEE, P.E.
PROFESSIONAL ENGINEER, P.E. 36549, STATE OF FLORIDA

CONSUL-TECH ENGINEERING, INC.
Consulting Engineers Land Planners Land Surveyors
24931 Old 41 Road Bonita Springs, Florida 34135
Phone (941) 947-0266 Fax (941) 947-1323
E-Mail bonita@consul-tech.com
Certificate of Authorization #LB3527

CLIENT:
DISTINCTIVE LIFESTYLES
16520 S. TAMIAMI TRAIL #18/270
FORT MYERS, FLORIDA 33908
(941) 433-3522

PROJECT
HIDDEN HARBOR
U.S. 41 - LEE COUNTY
SECTION 7, TOWNSHIP 46 S., RANGE 25 E.

TITLE:
MASTER CONCEPT PLAN

DESIGN BY: SEB
DRAWN BY: BPR
CHECKED BY: DEM
DATE: MAY 12, 1998
DEC FILE: C-526

SCALE: 1" = 100'
PROJECT NO. 980130 (94-07)
SHEET 1 of 2

ADD2014-00127 Lee County ePlan

ZONING MAP

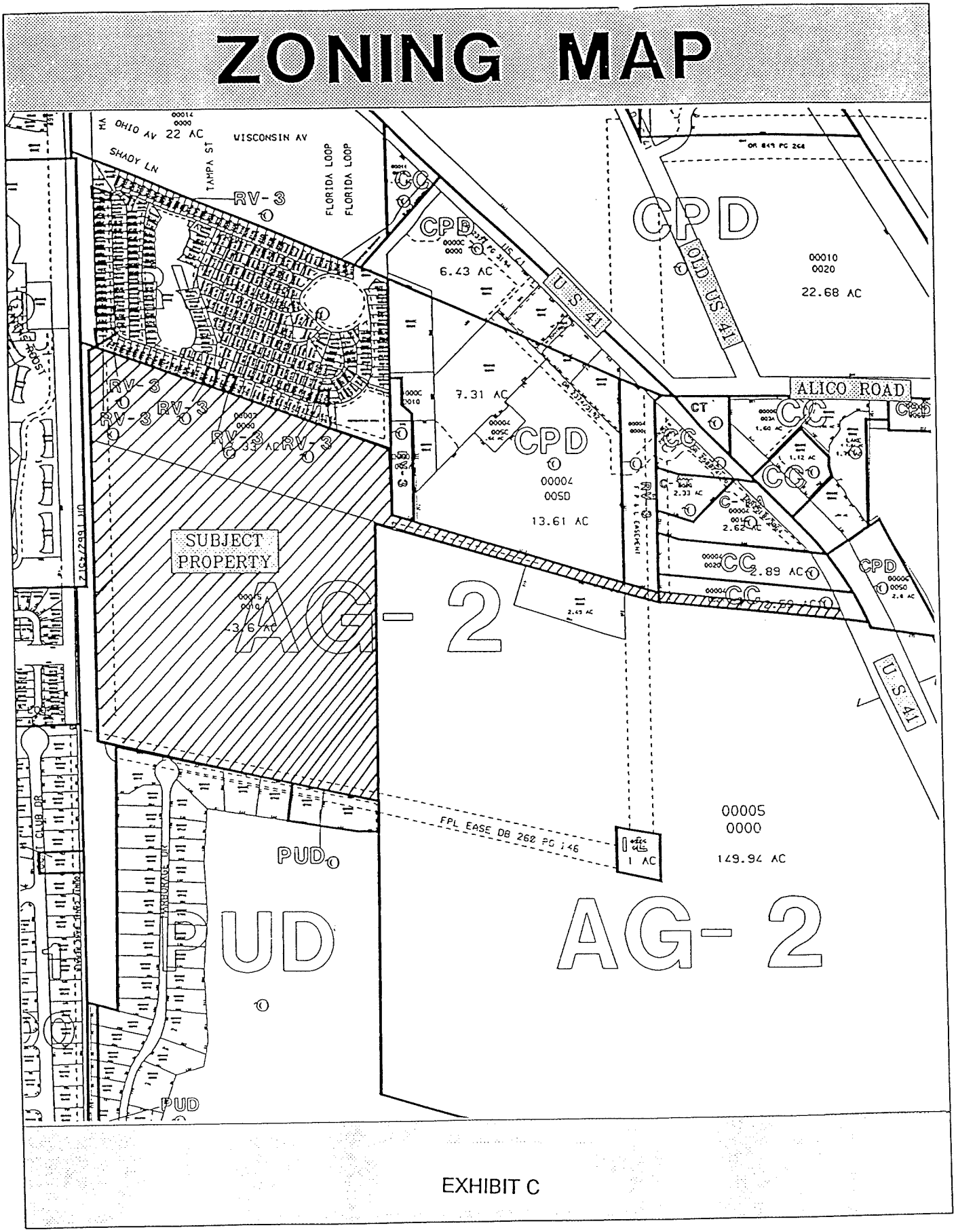


EXHIBIT C

ADD2014-00127 Lee County ePlan

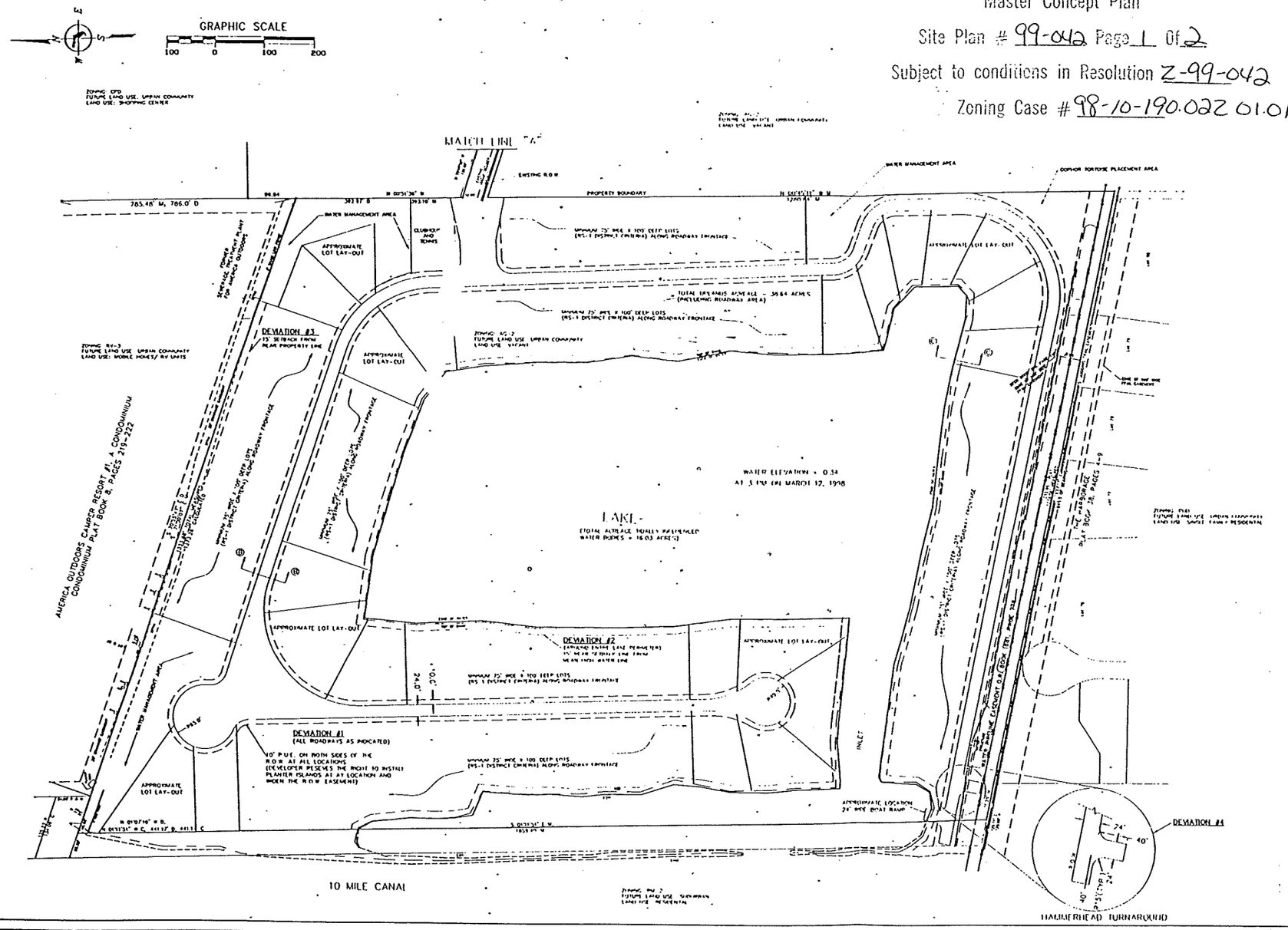
APPROVED

Master Concept Plan

Site Plan # 99-042 Page 1 Of 2

Subject to conditions in Resolution Z-99-042

Zoning Case # 98-10-190.022 01.01



SUMMARY:

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UPLAND AREA (NOT INCLUDING WHOLLY INFLUENCED WATER BODIES)= 38.64 ACRES

2 ZONING/LAND USE
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20' REAR SETBACK
25' SETBACK FROM "OTHER" WATER BODY
20' SETBACK FROM ROAD RIGHT-OF-WAY OR ROAD EASEMENT FOR PRIVATE ROAD
(SEE LIST OF DEVIATIONS FOR PROPOSED CHANGES TO THE REQUIRED SETBACKS)

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- TENNIS COURTS (COMMUNITY CENTER ONLY)
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RECEIVED
MAR 10 1999
ZONING COUNTER

PROJECT # 98-10-190.02 Z 01.01
PROJECT TYPE 13

EXHIBIT IV-F

EXHIBIT B
Page 1 of 2

DATE	REVISIONS:
3/22/99	REVISED PER COUNTY STAFF COMMENTS

DAVID E. McKEE, P.E.
PROFESSIONAL ENGINEER, P.E. 36317, STATE OF FLORIDA

CONSUL-TECH ENGINEERING, INC.
Consulting Engineers Land Planning Land Surveyors
24831 Old 41 Road Bonita Springs, Florida 34135
Phone (941) 947-0266 Fax (941) 947-1323
E-Mail bonita@consul-tech.com
Certificate of Authorization #LB3527

CLIENT: *DISTINCTIVE LIFESTYLES*
16520 S. TAMIAMI TRAIL #18/270
FORT MYERS, FLORIDA 33908
(941) 433-3522

PROJECT: *HIDDEN HARBOR*
U.S. 41 - LEE COUNTY
SECTION 7, TOWNSHIP 46 S., RANGE 25 E.

TITLE: *MASTER CONCEPT PLAN*

DESIGN BY: SLB
DRAWN BY: DFR
CHECKED BY: DEM
DATE: MAY 18, 1998
JOB NO. C-526

SCALE: 1" = 100'
PROJECT NO. 980130 (94-57)
SHEET 1 of 2

ADD2014-00127 Lee County ePlan

APPROVED

Master Concept Plan

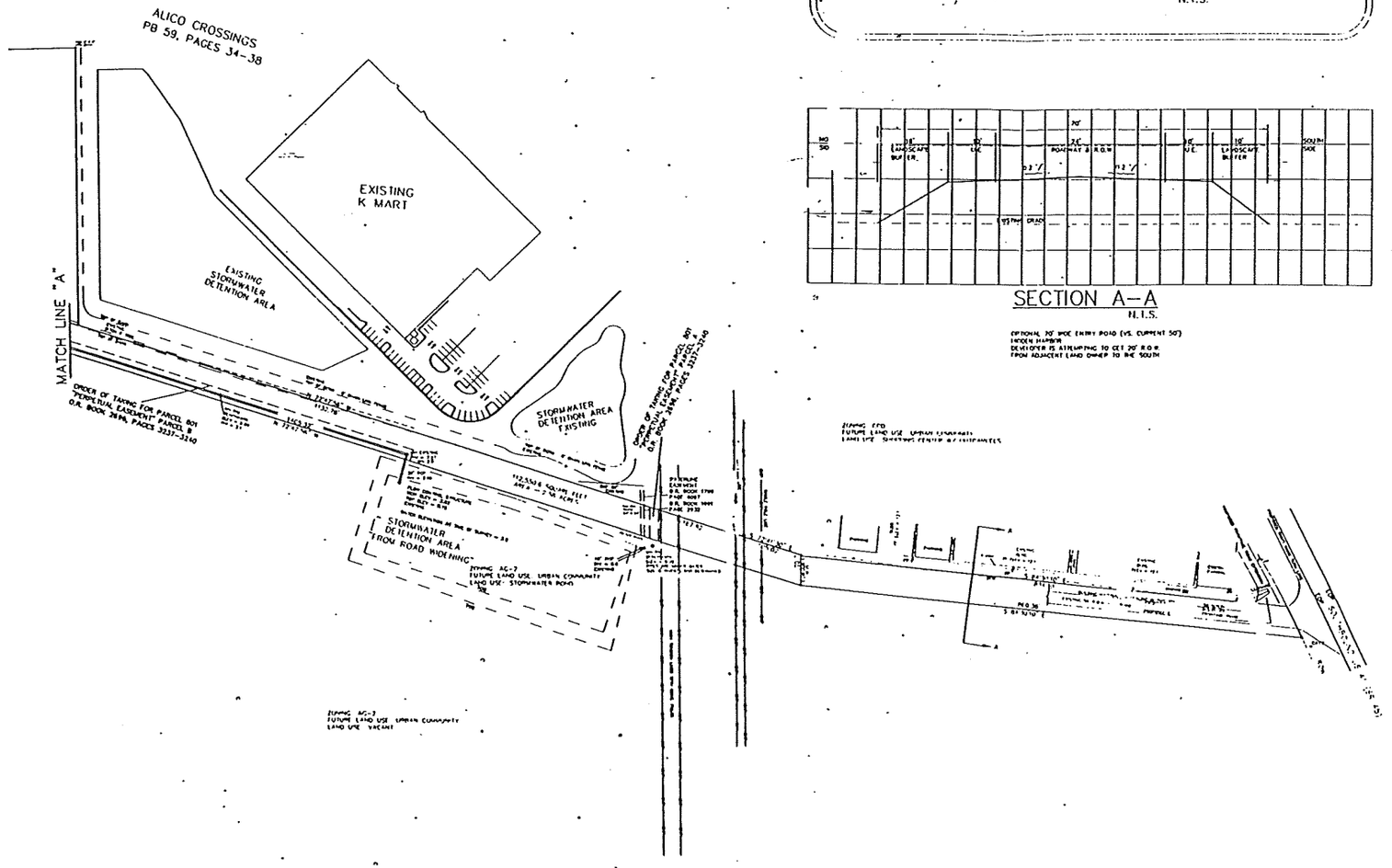
Site Plan # 99-042 Page 2 Of 2

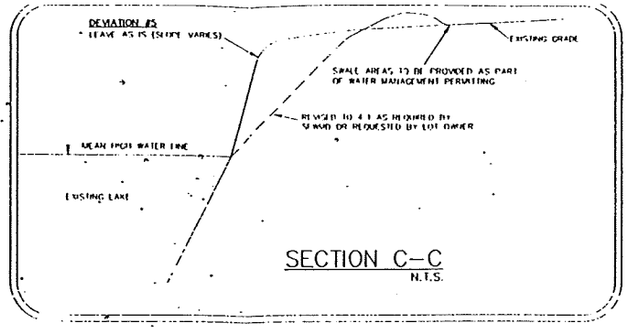
Subject to conditions in Resolution Z-99-042

Zoning Case # 98-10-190.02 01.01

GRAPHIC SCALE

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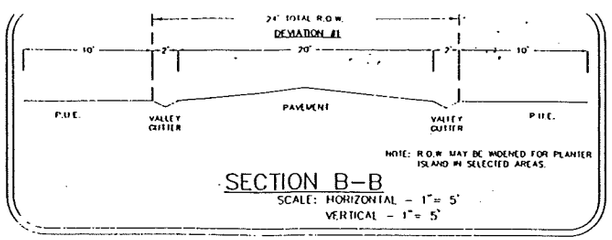




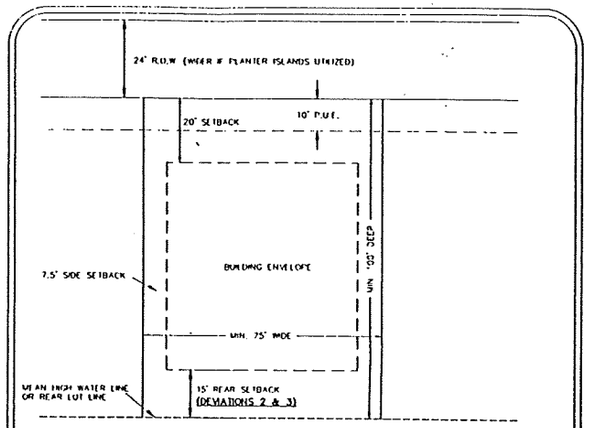
SECTION C-C
N.T.S.

SECTION A-A
N.T.S.

OPTIONAL 30' WIDE ENTRY ROAD (VS. CURRENT 50') UNDER HARBOR
DEVELOPER IS ATTEMPTING TO GET 20' R.O.W. FROM ADJACENT LAND OWNER TO THE SOUTH



SECTION B-B
SCALE: HORIZONTAL - 1"= 5'
VERTICAL - 1"= 5'



TYPICAL LOT ROAD R.O.W. LAYOUT

SCALE: 1"= 20'

(NOTE: SEE LOT LAYOUTS ON CUL-DE-SACS AND CURVES FOR TYPICAL LAYOUT)

EXHIBIT B
Page 2 of 2

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MAR 10 1999
ZONING COUNTER

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FORT MYERS, FLORIDA 33908
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PROJECT: HIDDEN HARBOR
U.S. 41 - LEE COUNTY
SECTION 7, TOWNSHIP 46 S., RANGE 25 E.

TITLE: MASTER CONCEPT PLAN

DESIGN BY: SLB
DRAWN BY: DFB
CHECKED BY: DEM
DATE: MAY 15, 1998
DFC NO: C-526

SCALE: 1" = 100'
PROJECT NO: 980130 (98-37)
SHEET: 2 of 2