

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

WHEREAS, the property owners, Habitat McNeill, LLC and Habitat for Humanity of Lee & Hendry Counties, Inc., filed an application to rezone a 10.54± acre parcel from Residential Planned Development (RPD) and Residential Single Family (RS-1) to Residential Multiple-Family (RM-2) in reference to McNeill Subdivision; and

WHEREAS, a public hearing before the Lee County Zoning Hearing Examiner, Amanda L. Rivera, was advertised and held on August 30, 2018; and

WHEREAS, the Hearing Examiner gave full consideration to the evidence in the record for Case #REZ2018-00006 and recommended APPROVAL of the Request; and

WHEREAS, a second public hearing was advertised and held on December 5, 2018 before the Lee County Board of Commissioners; and,

WHEREAS, the Lee County Board of Commissioners 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 a 10.54±acre parcel from RPD and RS-1 to RM-2.

The property is located in the Suburban Future Land Use Category and is legally described in attached Exhibit A. The request is APPROVED.

SECTION B. EXHIBITS:

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)

SECTION C. FINDINGS AND CONCLUSIONS:

1. The Request:
 - a. Complies with the Lee Plan. See Lee Plan Vision Statement Paragraph 19; Map 1 (pgs 1-2); Goals 2, 4, 5, 135; Objectives 2.1, 2.2, 5.1, 135.4; and Policies 1.1.5, 1.7.6, 2.1.1, 2.1.2, 2.2.1, 2.2.2, 135.1.2, 135.1.5, 135.1.8, 135.4.1, 135.4.6;

- b. Meets the LDC and other applicable County regulations. See Lee Plan Goal 5, Objective 5.1, Policies 5.1.3, 5.1.5, 5.1.6, 5.1.8; LDC §§ 34-711, 34-714, 34-715;
- c. Is compatible with existing or planned uses in the surrounding area. See Lee Plan Objectives 2.1, 2.2, and Policies 1.1.5, 1.7.6, 2.1.1, 5.1.5;
- d. Will provide access sufficient to support development intensity;
- e. Roadway impacts will be addressed by County regulations. See Lee Plan Policies 2.2.1, 39.2.2;
- f. Will not adversely affect environmentally sensitive areas or natural resources. See Lee Plan Objective 77.1; and
- g. Will be served by urban services and infrastructure consisting of public water and sewer, paved streets, transit, police, fire, and emergency services. See Lee Plan Maps 6 – 7, Objectives 2.1, 2.2, 4.1, Policies 2.2.1, 2.2.2.

SECTION D. SCRIVENER'S ERRORS

The Board intends that this resolution can be renumbered or relettered and typographical errors that do not affect the intent and are consistent with the Board's action can be corrected with the authorization of the County Manager or his designee, without the need for a public hearing.

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

Adopted by unanimous consent.

| | |
|-------------------|-----|
| John Manning | Aye |
| Cecil Pendergrass | Aye |
| Larry Kiker | Aye |
| Brian Hamman | Aye |
| Frank Mann | Aye |

DULY PASSED AND ADOPTED this 5th day of December 2018.

ATTEST:
LINDA DOGGETT, CLERK

BY: Missy Flint
Deputy Clerk

BOARD OF COUNTY COMMISSIONER
OF LEE COUNTY, FLORIDA

BY: Brian Hamman
Larry Kiker, Chair
Vice

APPROVED AS TO FORM FOR THE
RELIANCE OF LEE COUNTY ONLY

Michael D. Jacob
Deputy County Attorney
County Attorney's Office



2018 DEC 4 PM 4:13



Professional Engineers, Planners & Land Surveyors

Applicant's Legal Checked
by Don C/18/2018

DESCRIPTION
OF A
TRACT OR PARCEL OF LAND LYING IN
SECTION 4, TOWNSHIP 44 SOUTH, RANGE 24 EAST,
LEE COUNTY, FLORIDA

A TRACT OR PARCEL OF LAND SITUATED IN THE STATE OF FLORIDA, COUNTY OF LEE, LYING IN THE SOUTHWEST QUARTER OF THE SOUTHEAST QUARTER OF SECTION 4, TOWNSHIP 44 SOUTH, RANGE 24 EAST, BEING FURTHER BOUND AND DESCRIBED AS FOLLOWS:

BEGINNING AT THE NORTHWEST CORNER OF THE NORTHWEST QUARTER OF THE SOUTHWEST QUARTER OF THE SOUTHEAST QUARTER OF SAID SECTION 4; THENCE S 89°52'17" E ALONG THE NORTH LINE OF SAID FRACTION AND THE EASTERLY PROLONGATION THEREOF FOR 755.17 FEET, PASSING THROUGH THE NORTHEAST CORNER OF SAID FRACTION AT 655.24 FEET, TO THE NORTHEAST CORNER OF PARCEL ONE AS DESCRIBED IN INSTRUMENT NUMBER 2017000175305 OF THE PUBLIC RECORDS OF SAID LEE COUNTY, FLORIDA; THENCE S 04°36'25" E ALONG THE EAST OF SAID PARCEL FOR 150.17 FEET TO THE SOUTHEAST CORNER OF SAID PARCEL; THENCE N 89°52'17" W ALONG THE SOUTH LINE OF SAID PARCEL FOR 99.93 FEET TO THE SOUTHWEST CORNER OF SAID PARCEL AND AN INTERSECTION WITH THE EAST LINE OF SAID FRACTION; THENCE S 04°36'25" E ALONG SAID EAST LINE FOR 530.54 FEET TO THE SOUTHEAST CORNER OF SAID FRACTION; THENCE N 89°48'48" W ALONG THE SOUTH LINE OF SAID FRACTION FOR 654.66 FEET TO THE SOUTHWEST CORNER OF SAID FRACTION; THENCE N 04°39'36" W ALONG THE WEST LINE OF SAID FRACTION FOR 680.10 FEET TO THE **POINT OF BEGINNING**.

SAID PARCEL CONTAINS: 10.54 ACRES, MORE OR LESS

SUBJECT TO EASEMENTS, RESTRICTIONS, RESERVATIONS AND RIGHTS-OF-WAY OF RECORD.

BEARINGS AND DISTANCES ARE BASED ON THE "STATE PLANE COORDINATE SYSTEM" FLORIDA ZONE WEST NAD 83/2011 (CORS), WHEREIN THE NORTH LINE OF THE NORTHWEST QUARTER OF SOUTHWEST QUARTER OF SOUTHEAST QUARTER OF SECTION 4, TOWNSHIP 44 SOUTH, RANGE 24 EAST BEARS S 89°52'17" E. THE SCALE FACTOR IS 0.999959921.

DESCRIPTION PREPARED: 4-26-2018.


RICHARD M. RITZ
REGISTERED LAND SURVEYOR
FLORIDA CERTIFICATION NO. 4009
DATE SIGNED 4-26-2018

RECEIVED
MAY 03 2018

COMMUNITY DEVELOPMENT

REZ 2018-00006

SHEET 1 OF 2
• SERVING THE STATE OF FLORIDA •

10511 Six Mile Cypress Parkway • Suite 101 • Fort Myers, Florida 33966
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Engineering License No. EB 6469 • Surveying License No. LB 6690
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S:\Jobs\82xx\8268\Surveying\Descriptions\8268-BNDY-SKT.dwg

EXHIBIT A

BANKS ENGINEERING

Professional Engineers, Planners, & Land Surveyors
Serving The State Of Florida

10511 SIX MILE CYPRESS PARKWAY, SUITE 101
FT. MYERS, FLORIDA 33906
PHONE (239)939-5400 FAX (239)939-2523

ENGINEERING LICENSE # EB 6469
SURVEY LICENSE # LB 6690

WWW.BANKSENG.COM

SKETCH OF DESCRIPTION

OF
A TRACT OR PARCEL OF LAND LYING IN
SECTION 4, TOWNSHIP 44 SOUTH, RANGE 24 EAST,
LEE COUNTY, FLORIDA



1" = 150'

POINT OF BEGINNING
NORTHWEST CORNER
NW 1/4, SW 1/4, SE 1/4,
SECTION 4

UNPLATTED

PARCEL TWO
(I.N. 2017000175305)

BEARING BASIS
S 89°52'17" E 755.17'

NORTH LINE NW 1/4, SW 1/4, SE 1/4, SECTION 4

BARRETT PARK
(P.B. 50, PGS. 5-8)

EASTERLY PROLONGATION NORTH LINE
NW 1/4, SW 1/4, SE 1/4, SECTION 4

NE CORNER PARCEL ONE
(I.N. 2017000175305)

EAST LINE PARCEL ONE
(I.N. 2017000175305)

S 04°36'25" E
150.17'

NORTHEAST CORNER
NW 1/4, SW 1/4, SE 1/4,
SECTION 4

P.I. & SW CORNER
PARCEL ONE
(I.N. 2017000175305)

SE CORNER PARCEL ONE
(I.N. 2017000175305)

SOUTH LINE PARCEL ONE
(I.N. 2017000175305)

N 89°52'17" W
99.93'

S 04°36'25" E 530.54'

SUBJECT PARCEL
CONTAINS: 10.54
ACRES, MORE OR LESS

RECEIVED
MAY 03 2018

COMMUNITY DEVELOPMENT

UNPLATTED

N 04°39'36" W 680.10'

WEST LINE NW 1/4, SW 1/4, SE 1/4, SECTION 4

REZ 2018-00006

SOUTHEAST CORNER
NW 1/4, SW 1/4, SE 1/4,
SECTION 4

SOUTHEAST CORNER
NW 1/4, SW 1/4, SE 1/4,
SECTION 4

SOUTH LINE NW 1/4, SW 1/4, SE 1/4, SECTION 4

N 89°48'48" W 654.66'

PONDELLA CIRCLE
(P.B. 12, PAGE 98)

LEGEND:

PGS. INDICATES PAGES
P.B. INDICATES PLAT BOOK
14 INDICATES LOT NUMBER
I.N. INDICATES INSTRUMENT NUMBER
P.I. INDICATES POINT OF INTERSECTION

S:\JOBS\82XX\8268\SURVEYING\DESCRIPTIONS\8268-BNDY-LGL.DOC
S:\JOBS\82XX\8268\SURVEYING\DESCRIPTIONS\8268-BNDY-SKT.DWG

PREPARED 4-26-2018
SHEET 2 OF 2

NOTES:

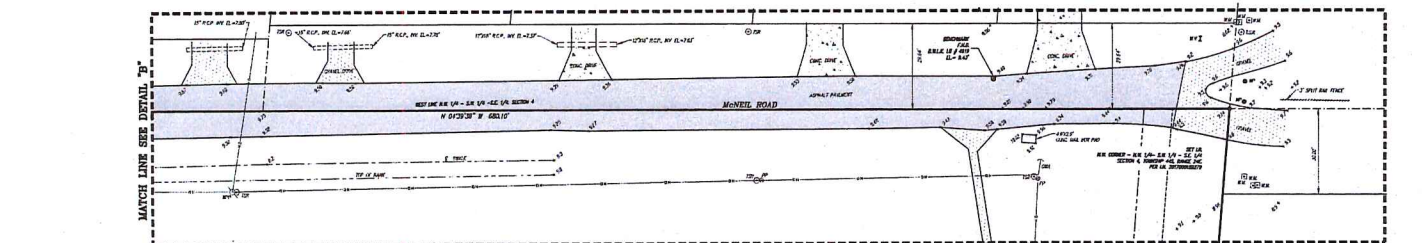
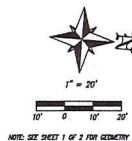
- 1.) SUBJECT TO EASEMENTS, RESTRICTIONS, RESERVATIONS AND RIGHTS-OF-WAY OF RECORD.
- 2.) BEARINGS AND DISTANCES ARE BASED ON THE "STATE PLANE COORDINATE SYSTEM" FLORIDA ZONE WEST NAD 83/2011 (CORS), WHEREIN THE NORTH LINE OF THE NORTHWEST QUARTER OF SOUTHWEST QUARTER OF SECTION 4, TOWNSHIP 44 SOUTH, RANGE 24 EAST BEARS S 89°52'17" E. THE SCALE FACTOR IS 0.999959921.

SEE SHEET 1 OF 2 FOR COMPLETE
METES AND BOUNDS DESCRIPTION.

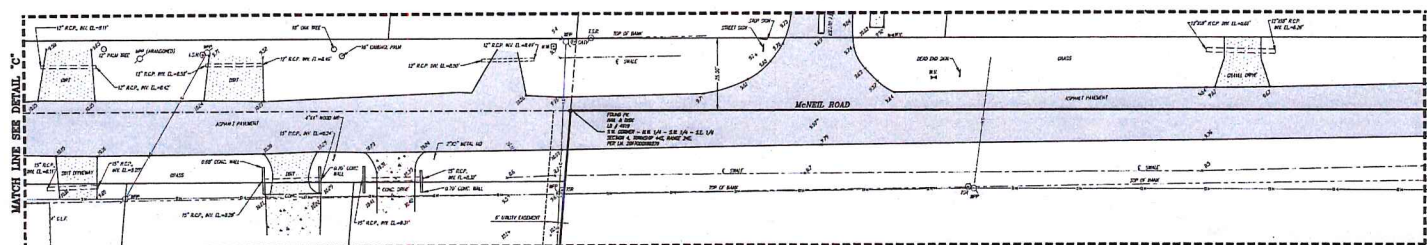
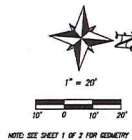
THIS SKETCH OF DESCRIPTION
IS NOT A BOUNDARY SURVEY

NO. 4009
RICHARD M. RITZ
REGISTERED LAND SURVEYOR
FLORIDA CERTIFICATION NO. 4009

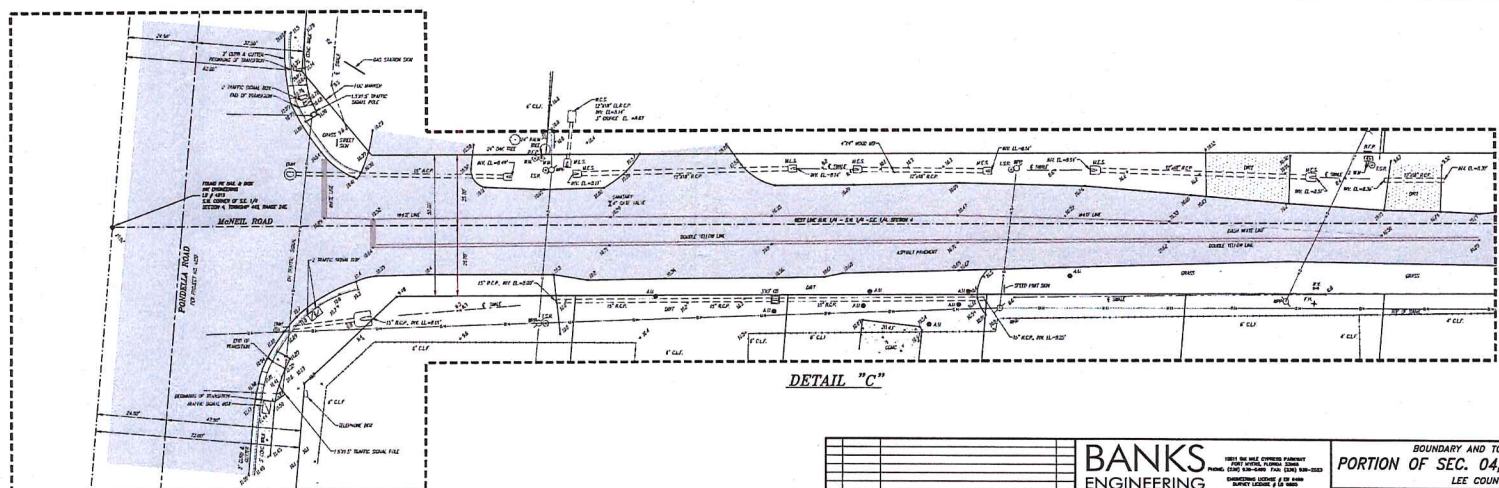
- DATE SIGNED: 4-26-2018
- THIS SKETCH OF DESCRIPTION IS NOT VALID
WITHOUT THE SIGNATURE AND THE ORIGINAL RAISED
SEAL OF A FLORIDA LICENSED SURVEYOR AND MAPPER.



DETAIL "A"



DETAIL "B"



DETAIL "C"

| | | |
|----|------|----------------------|
| | | |
| | | |
| | | |
| | | |
| | | |
| UN | DATE | REVISION DESCRIPTION |

BANKS
ENGINEERING

10811 ONE MILE CYPRESS PARKWAY
FORT MYERS, FLORIDA 33908
PHONE: (239) 930-6400 FAX: (239) 930-2222
CHASSIS LICENSE # EN 6400
SURVEY LICENSE # LS 9802
WWW.BANDUNG.COM



BOUNDARY AND TOPOGRAPHIC SURVEY
PORTION OF SEC. 04, TWP. 44S, RNG. 24E
LEE COUNTY, FLORIDA

| DATE | PROJECT | DRAWING | DRAWN | CHECKED | SCALE | SHEET | OF | FILE NO. (S-T-P) |
|------------|---------|---------|-----------|---------|-------|-------|----|------------------|
| 01-12-2018 | 2018 | 2018-03 | 1001/1000 | 1001 | 1:1 | 2 | 1 | 1001-1000 |



REZ2018-00006 ZONING

Legend

-  Subject Parcel
-  Parcel Boundary

