

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

WHEREAS, an application was filed by the property owner, Six Mile Cypress 3.83 Acres, LLC, to rezone a 3.6± acre parcel from Special Commercial Office (CS-1) to Residential Planned Development (RPD) to allow development of 36 multi-family or townhouse dwelling units in reference to Pratt Place RPD; and

WHEREAS, a public hearing before the Lee County Zoning Hearing Examiner, Amanda L. Rivera, was advertised to be heard on December 13, 2018. On December 13, 2018, prior to commencing the case presentation, at the request of the applicant, the Hearing Examiner continued the hearing until February 12, 2019. On February 12, 2019, prior to commencing the case presentation, at the request of the applicant, the Hearing Examiner continued the hearing until April 9, 2019. On April 9, 2019, the public hearing was held. At the conclusion of the hearing, the Hearing Examiner left the record open and requested Staff and the Applicant to submit written submissions to her office on or before May 1, 2019; and

WHEREAS, the Hearing Examiner gave full consideration to the evidence in the record for Case # DCI2018-00008 and recommended APPROVAL of the Request with conditions; and

WHEREAS, a second public hearing was advertised and held on August 7, 2019 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 3.6± acre parcel from CS-1 to RPD, to allow development of 36 multi-family or townhouse dwelling units.

The property is located in the Central Urban Future Land Use Category and is legally described in attached Exhibit A. The request is APPROVED, SUBJECT TO the conditions specified in Section B below.

SECTION B. CONDITIONS:

All references to uses are as defined or listed in the Lee County Land Development Code (LDC).

1. Development of this project must be consistent with the one-page Master Concept Plan (MCP) entitled "Pratt Place," prepared by J.R. Evans Engineering, date stamped received September 6, 2019, and attached hereto as Exhibit C, except as modified by the

conditions below¹. Development must comply with all requirements of the LDC and Lee County Comprehensive Plan (Lee Plan) 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.

This RPD allows a maximum of 36 dwelling units.²

2. Schedule of Uses and Property Development Regulations

a. Schedule of Uses:

Accessory Uses and Structures
Administrative Offices
Dwelling Unit: Multiple-Family building
Townhouse
Essential Services
Essential Service Facilities, Group I
Excavation: water retention
Fences, walls
Models: Model Unit
Parking Lot: Accessory
Temporary
Recreational facilities: Private – On-site
Residential Accessory Uses
Signs

b. Property Development Regulations:

Minimum Lot Dimensions:

Lot Area: 10,000 square feet
Lot Width: 100 feet
Lot Depth: 100 feet

Minimum Setbacks:

Street: 25 feet
Side Yard: 20 feet
Rear Yard: 20 feet
Water Body: 25 feet

Townhouse (only):

Minimum Lot Dimensions:

Lot Area: 2,400 square feet
Lot Width: 24 feet
Lot Depth: 100 feet

¹ The MCP note discussing internal site improvements which may be adjusted has no force or effect as part of this planned development.

² If the developer secures an Environmental Resource Permit (ERP) to impact on-site freshwater wetlands, it may be necessary to recalculate the maximum number of dwelling units permitted consistent with Wetlands density calculations identified in Lee Plan Policy 114.1.1.

Minimum Setbacks:

Street: 25 feet

Side Yard: 7 feet (No side setback is required from common lot line for a townhouse.)

Rear Yard: 20 feet

Water Body: 25 feet

Maximum Building Height: 45 feet

Maximum Lot Coverage: 45%

Setbacks for Accessory Uses and Structures: LDC §34-1171 *et seq.*

3. Western Buffer

Prior to local development order approval, the developer must illustrate on landscape plans:

- a. A Type F buffer (30 feet wide, 10 trees per 100 linear feet, and double hedgerow) along the western property line except for the southerly 67.44± feet abutting Tract C of Brookshire Village, which must be a Type B buffer;
- b. The buffer may remain at existing grade if existing native trees are to be preserved to meet the planting requirements; and
- c. All landscape material in this buffer must be 100% native.

4. Blasting

Blasting is prohibited.

5. Sidewalk

A second sidewalk connection must be provided between the proposed southerly water management area and parking area to connect with the sidewalk along Six Mile Cypress Parkway.

6. Water Management Areas

Prior to development order approval, the developer must design proposed lakes to provide a sinuous shoreline with dry detention areas planted with native grasses installed three foot on center.

7. Open Space

Prior to development order approval, the landscape plans must show 1.50 acres of open space.

8. Stormwater/Water Quality

- a. Stormwater discharged to receiving Municipal Separate Storm Sewer System (MS4) must meet State water quality standards.
- b. County staff must be given access to the outfall structure to collect water samples after providing reasonable notification to the property owner.
- c. If County staff determines discharged stormwater does not meet the above standards after system acceptance by the environmental resource permit agency, the property owner must take immediate corrective action and submit a water quality monitoring plan for review and approval by the Lee County Division of Natural Resources. At a minimum, the Water Quality Monitoring Plan must establish:
 - i. The overall Goals and Objectives of the Water Quality Monitoring Plan;
 - ii. An outfall monitoring schedule that, at a minimum, provides for outfall monitoring on a quarterly basis for a minimum of five (5) years from the date of the notice of violation. Water quality monitoring data must be reported annually and must include a report with a comparison of State water quality standards, plots of parameters, and recommendations. Results shall also be reported as an Electronic Data Deliverable (EDD), in a format approved by the Division of Natural Resources;
 - iii. Any request to reduce the frequency of outfall monitoring is subject to approval by the Division of Natural Resources;
 - iv. A contingency plan and anticipated corrective actions to address any potential abnormalities or exceedances of State water quality standards; and
 - v. A process to provide notification to impacted residents and applicable authorities in the event that any abnormality or exceedance of State water quality standards is identified.

9. Vehicular/Pedestrian Impacts & Access

Zoning approval does not address mitigation of the project's vehicular or pedestrian traffic impacts. Additional conditions consistent with the LDC may be required to obtain a local development order.

SECTION C. 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)
- Exhibit C: The Master Concept Plan

SECTION D. FINDINGS AND CONCLUSIONS:

1. *As conditioned herein*, the proposed rezoning to RPD:
 - a. Complies with the Lee Plan. *See*, Lee Plan Vision Statement Paragraph 15, Lee Plan Goals 2, 4, 5, 39, Objectives 2.2, 5.1, and Policies 1.1.3, 135.9.7; Lee Plan Maps 1, 16.
 - b. Complies with the LDC and other County regulations. *See*, LDC Chapters 10 and 34;
 - c. Is compatible with existing and planned uses in the area. *See*, Lee Plan Policies 1.1.3, 2.1.1, 2.1.2, 2.2.1, 5.1.5, 5.2.4, 135.1.9, 135.9.5; LDC §§ 34-411(c), (i), and (j).
 - d. Will not adversely affect environmentally critical areas and natural resources. *See*, Lee Plan Goal 77, Objectives 4.1, 77.1, and LDC §34-411(h).
 - e. Will be served by urban services. *See*, Lee Plan Glossary, Maps 6, 7, Goal 2; Objectives 2.1, 2.2, 4.1, 53.1, 56.1; Policies 2.2.1, 5.1.3, 135.9.7 and Standards 4.1.1 and 4.1.2; LDC §34-411(d).
2. The MCP reflects sufficient access to support the intensity of development. In addition, County regulations and conditions of approval will address expected impacts to transportation facilities. *See*, Lee Plan Goal 39, Objective 39.1; LDC §34-411(d).
3. The proposed mix of uses is appropriate at the proposed location. *See*, Lee Plan Policies 1.1.3, 2.1.1, 5.1.3, 5.1.5, and 135.1.9.
4. The recommended conditions are sufficient to protect the public interest and reasonably relate to the impacts expected from the development. *See*, Lee Plan Policies 5.1.5, 135.9.6; *See also*, LDC Chapters 10 and 34.

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

John Manning	Aye
Cecil Pendergrass	Aye
Raymond Sandelli	Aye
Brian Hamman	Aye
Frank Mann	Aye

DULY PASSED AND ADOPTED this 7th day of August 2019.

ATTEST:
LINDA DOGGETT, CLERK

BY: Melissa Butler
Deputy Clerk

BOARD OF COUNTY COMMISSIONERS
OF LEE COUNTY, FLORIDA

BY: Brian Hamman
Brian Hamman, Acting Chair/Vice Chair



APPROVED AS TO FORM FOR THE
RELIANCE OF LEE COUNTY ONLY

Joseph A. Adams
Joseph A. Adams
Assistant County Attorney
County Attorney's Office

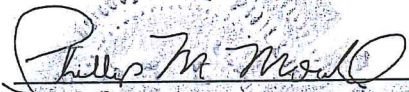
RECEIVED
MINUTES OFFICE
MB
2019 SEP 13 PM 2:31

EXHIBIT "A"
DESCRIPTION TO ACCOMPANY SKETCH:
A PARCEL OF LAND LYING
IN SECTION 20
TOWNSHIP 45 SOUTH, RANGE 25 EAST
LEE COUNTY, FLORIDA

DESCRIPTION:

COMMENCING AT THE NORTHWEST CORNER OF SECTION 20, TOWNSHIP 45 SOUTH, RANGE 25 EAST, LEE COUNTY FLORIDA FOR A POINT OF BEGINNING; THENCE RUN N.88°55'18"E. ALONG THE NORTH LINE SAID SECTION 2 TO A POINT ALONG THE ARC OF A CURVE AND THE WESTERLY RIGHT-OF-WAY LINE OF BEN C. PRATT PARKWAY (250 FEET WIDE) FOR 505.31 FEET; THENCE RUN ALONG THE ARC OF A CURVE 820.34 FEET, CONCAVE TO THE SOUTHEAST, HAVING A RADIUS OF 2989.79 FEET; A CENTRAL DELTA ANGLE OF 15°43'15", A CHORD THAT BEARS S.36°40'03"W. AND A CHORD DISTANCE OF 817.77 FEET TO A POINT ON THE CUSP OF A CURVE AND THE NORTHERLY RIGHT-OF-WAY LINE OF BROOKSHIRE LAKE BOULEVARD; THENCE RUN A LONG THE ARC OF A CURVE CONCAVE TO THE SOUTHWEST FOR 25.17 FEET, HAVING A RADIUS OF 821.47 FEET, A CENTRAL DELTA ANGLE OF 01°45'19", A CHORD THAT BEARS N.65°32'16"W. AND A CHORD DISTANCE OF 25.17 FEET TO A POINT A LONG THE WEST LINE SAID SECTION 20 AND THE SOUTHEAST CORNER OF INCLUSIVE PARCEL, TRACT "R", BROOKSHIRE VILLAGE, UNIT 1, RECORDED IN PLAT BOOK 37, PAGES 75 THROUGH 76, PUBLIC RECORDS OF LEE COUNTY FLORIDA; THENCE CONTINUE ALONG THE ARC OF A CURVE CONCAVE TO THE SOUTHWEST AND THE SOUTH LINE OF THE AFORESAID TRACT "R" FOR 35.14 FEET, HAVING A RADIUS OF 821.47 FEET, A CENTRAL DELTA ANGLE OF 02°27'04", A CHORD THAT BEARS N.67°38'28"W. AND A CHORD DISTANCE OF 35.14 FEET TO THE SOUTHWEST CORNER SAID TRACT "R"; THENCE RUN N.29°28'14"E. TO A POINT ALONG THE WEST LINE OF THE AFORESAID SECTION 20 FOR 67.44 FEET; THENCE RUN N.00°32'36"E. ALONG SAID WEST LINE TO THE NORTHWEST CORNER OF THE AFORESAID SECTION 20, TOWNSHIP 45 SOUTH, RANGE 25 EAST, LEE COUNTY FLORIDA, FOR 563.95 FEET TO THE POINT OF BEGINNING.

CONTAINING: 156,532.72 SQ. FEET, OR 3.60 ACRES, MORE OR LESS.


PHILLIP M. MOULD -
PROFESSIONAL SURVEYOR AND MAPPER
#6515 - STATE OF FLORIDA
2/19/18

Applicant's Legal Checked
by MJL 8/3/18

RECEIVED
MAY 08 2018

COMMUNITY DEVELOPMENT
DCI 2018-00008

HARRIS-JORGENSEN, INC.
3046 DEL PRADO BLVD. S. 3A
CAPE CORAL, FLORIDA 33904
PHONE: (239) 257-2624
FAX: (239) 257-2921

SKETCH TO ACCOMPANY DESCRIPTION
A PARCEL OF LAND LYING
IN SECTION 20

TOWNSHIP 45 SOUTH, RANGE 25 EAST
LEE COUNTY, FLORIDA
*NOT A BOUNDARY SURVEY

PARCEL
INSTRUMENT No. 2015000178795

POINT OF COMMENCEMENT
POINT OF BEGINNING
N.W. CORNER
SECTION 20-45-25

N.88°55'18"E.

505.31'

NORTH LINE OF SECTION 20-45-25

STATE PLANE COORDINATES
FLORIDA WEST ZONE
N=807069.34
E=708965.77

RECEIVED
MAY 08 2018

COMMUNITY DEVELOPMENT

DCI 2018-00008

SUBJECT PARCEL

156,532.72 Square Feet
3.60 Acres, ±

Applicant's Legal Checked
by MJL 8/3/18

Curve number 1

Radius= 2989.79'
Delta= 15°43'15"
Arc= 820.34'
Tangent= 412.76'
Chord= 817.77'
Chord Brg.= S.36°40'03"W.

Curve number 2

Radius= 821.47'
Delta= 01°45'19"
Arc= 25.17'
Tangent= 12.58'
Chord= 25.17'
Chord Brg.= N.65°32'16"W.

Curve number 3

Radius= 821.47'
Delta= 02°27'04"
Arc= 35.14'
Tangent= 17.57'
Chord= 35.14'
Chord Brg.= N.67°38'28"W.

LEGEND:

O.R. OFFICIAL RECORDS BOOK
P.O.B. POINT OF BEGINNING
P.O.C. POINT OF COMMENCEMENT
R/W RIGHT-OF-WAY
C CENTERLINE
P.U.E. PUBLIC UTILITY EASEMENT
P.D.C. POINT OF COMMENCEMENT
P.O.B. POINT OF BEGINNING

SKETCH NOTES:

1. BASIS OF BEARING SHOWN HEREON TAKEN FROM THE EAST LINE OF BROOKSHIRE VILLAGE UNIT ONE PLAT BOOK 37, PAGE 76, AS BEING "ASSUMED" AS N.00°32'36"E.
2. FIELD NOTES IN NORTHWEST QUARTER OF SECTION 20-45-25.
3. THIS CERTIFICATION IS ONLY FOR LANDS DESCRIBED HEREON. IT IS NOT A CERTIFICATION OF TITLE, ZONING OR FREEDOM OF ENCUMBRANCES.
4. THIS SURVEY DOES NOT CONSTITUTE A TITLE OR EASEMENT SEARCH AND WAS BASED ON DESCRIPTION FURNISHED BY CLIENT AND/OR FOUND MONUMENTATION IN THE FIELD.
5. UNDERGROUND STRUCTURES AND UTILITIES, IF ANY, ARE NOT INCLUDED.
6. THIS SKETCH IS NOT VALID WITHOUT THE SIGNATURE AND THE ORIGINAL RAISED SEAL OF A FLORIDA LICENSED SURVEYOR AND MAPPER.
7. ALL BEARINGS AND DISTANCES ARE PLAT AND MEASURED, UNLESS OTHERWISE SHOWN.
8. THIS SURVEY IS INTENDED TO BE VIEWED AS AN 8 1/2"x14", 20 SCALE DRAWING.

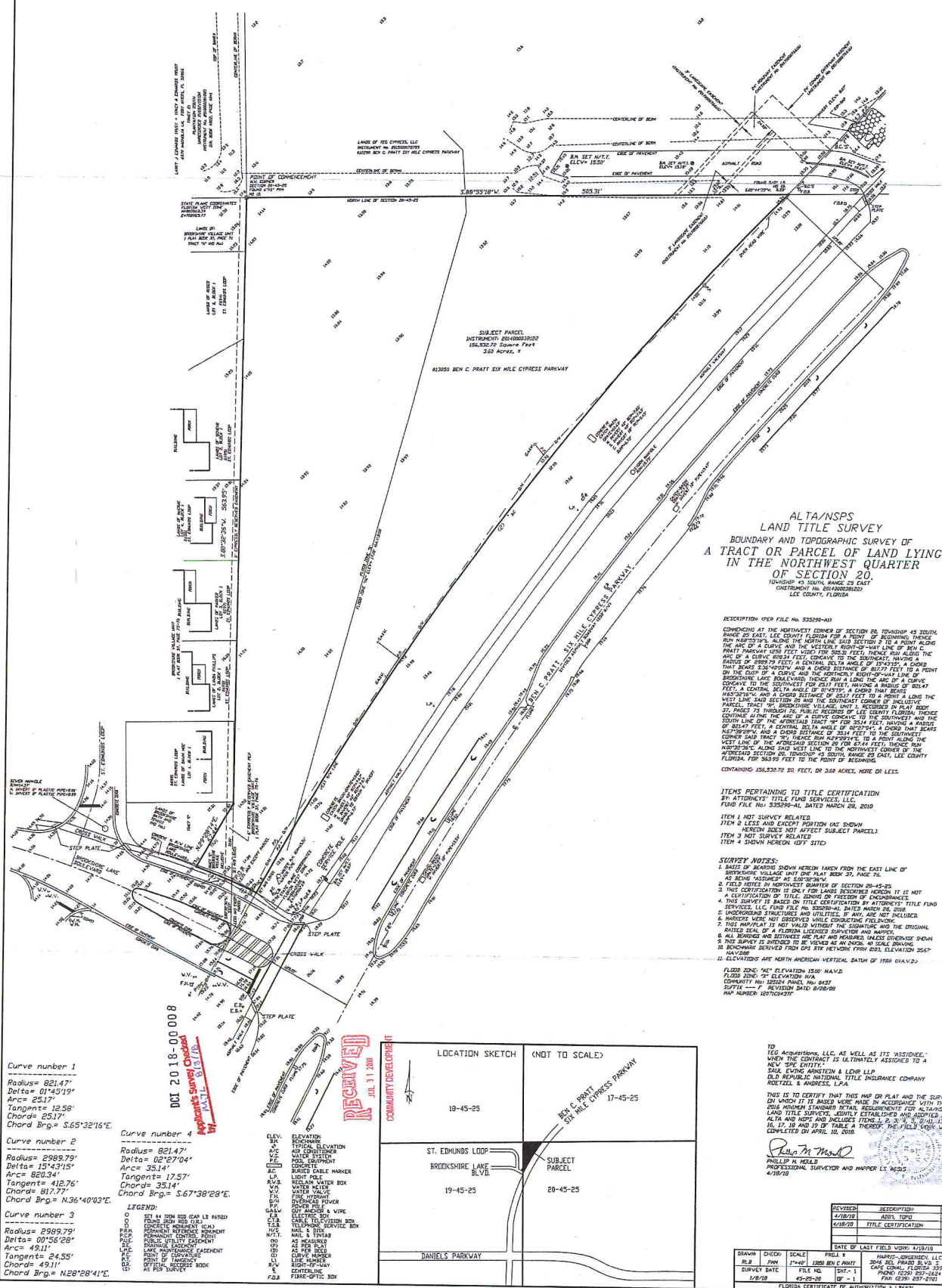
SEE SHEET 2 OF 2, EXHIBIT "A"
FOR DESCRIPTION TO ACCOMPANY THIS SKETCH
* NOT A BOUNDARY SURVEY*

DRAWN: PMM	CHECK: FBH	SCALE 1"=80'	PROJ. # 13050 BEN C PRATT	HARRIS-JORGENSEN, INC. 3046 DEL PRADO BLVD. S. 3A CAPE CORAL, FLORIDA 33904 PHONE: (239) 257-2624 FAX: (239) 257-2921
SKETCH DATE 2/19/18		FILE NO. 45-25-20	SHT.- 1 OF - 2	

FLORIDA CERTIFICATE OF AUTHORIZATION # LB6921

40 0 40 80 120
SCALE IN FEET

SHEET 1 OF 2



REVISED	DESCRIPTION	BY
4/18/18	ADDL TOPG	PMH
4/18/18	TITLE CERTIFICATION	PMH
DATE OF LAST FIELD WORK: 4/18/18		

PRGJ. #	HARRIS-JORGENSEN, LLC 3046 DEL FRADO BLVD S- 3A CAPE CORRAL, FLORIDA 33904 PHONE (239) 257-1624 FAX (239) 257-0021
REV. C	
SMT - 1	
OF - 1	

DATE OF SUBMITTAL TO S. HARRIS

DRAWN		CHECK	SCALE	PRJ. #	DATE OF LAST FIELD WORK: 4/18/18	
RLB	PMH		1"=40'	12850 BEN C PMT	HARRIS-JORGENSEN, LLC 3846 DEL PRADO BLVD. S. 34 CAPE CORRAL, FLORIDA 33904 PHONE: (239) 857-2624 FAX: (239) 237-2921	
SURVEY DATE			FILE NO.	SHT. - 1		
1/8/18			45-25-20	OF - 1		

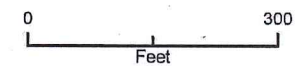
FLORIDA CERTIFICATE OF AUTHORIZATION No. 12-00000000000000000000

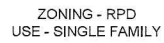


DCI2018-00008 Zoning

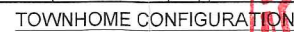
Legend

-  Subject Parcel
-  Parcel Boundary





NOTE:
INTERNAL SITE IMPROVEMENT AREAS, SUCH AS LOCATIONS OF MULTI-FAMILY/TOWN HOME BUILDING(S), ACCESSORY BUILDING, PARKING AISLES, ENTRANCE GATE, WATER MANAGEMENT, RECREATION AREA, AND PARKING AREAS MAY BE ADJUSTED ACCORDINGLY DUE TO FINAL AGENCY PERMITTING REQUIREMENTS.



RECEIVED
SEP 06 2019

DCI 2018-00008