

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

WHEREAS, Daniel DeLisi of DeLisi, Inc., filed an application on behalf of the property owners, Mark Freeman, Trustee of the Mark Freeman Revocable Living Trust Dated 10/14/2003, and Lennar Homes, LLC, to rezone a 26.7± acre parcel from Residential Planned Development (RPD) and Agricultural (AG-2) to RPD in reference to Pratts Preserve RPD; and

WHEREAS, a public hearing before the Lee County Zoning Hearing Examiner, Amanda L. Rivera, was advertised and held on April 20, 2023; and

WHEREAS, the Hearing Examiner gave full consideration to the evidence in the record for Case #DCI2022-00055 and recommended APPROVAL of the Request with conditions; and

WHEREAS, a second public hearing was advertised and held on June 21, 2023 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 26.7± acre parcel from RPD and AG-2 to RPD, to allow for development of 135 dwelling units with accessory uses.

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 and deviations specified in Sections B and C below.

SECTION B. CONDITIONS:

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

1. Master Concept Plan (MCP) and Development Intensity

- a. MCP. Development must be consistent with the two-page MCP entitled "Parker Lane RPD," prepared by DeLisi Fitzgerald, Inc., dated 12/19/2022 except as modified by the conditions below.
- b. Land Development Code (LDC) and Lee Plan. Development must comply with the LDC and Lee Plan at time of development order approval, except where deviations are granted herein. Subsequent amendments to this zoning resolution and MCP may be subject to further development approvals.

- c. Development Parameters. The RPD is limited to a maximum of 135 single-family dwelling units and accessory uses.

2. Uses and Development Regulations

a. Schedule of Uses

Accessory Uses and Structures
Administrative Office
Dwelling Unit, Single-Family
Entrance Gates and Gatehouses
Essential Services
Essential Services Facilities, Group I
Excavation - Water Retention
Fences and Walls
Home Occupation
Models: Model Unit, Model Home, Model Unit (See Condition 3)
Parking Lot, Accessory
Real Estate Sales Office (See Condition 3)
Recreation Facilities, Private, On Site, Personal
Signs
Temporary uses

b. Site Development Regulations

Lot Size

Minimum Lot Area:	4,500 square feet
Minimum Lot Depth:	115 feet
Minimum Lot Width:	40 feet

Setbacks

Development Perimeter	5 feet
Street	20 feet
Street (on corner lots)	15 feet

Side	5 feet
Rear	10 feet
Rear Accessory Setbacks	5 feet
Waterbody	20 feet
Waterbody Accessory setbacks	20 feet

<u>Maximum Lot Coverage</u>	50 percent
-----------------------------	------------

<u>Maximum Height</u>	35 feet
-----------------------	---------

3. Model Units/Real Estate Sales

Real Estate Sales are limited to clubhouses and model units. Hours of operation for model units/real estate sales are limited to 8 a.m. to 8 p.m., daily.

4. Open Space

Development order plans must depict 40% (10.68 acres) of open space.

5. State and Federal Permits

- a. Generally. County development permits do not create rights to obtain permits from state or federal agencies and do not create liability on the part of the County if applicant fails to obtain requisite approvals or fulfill obligations imposed by state/federal agencies or if applicant undertakes actions resulting in a violation of state or federal law. Applicant must obtain applicable state/federal permits prior to commencing development.
- b. State Wetland Permits. Developer may not commence construction on development impacting wetlands until issuance of required state permits. Development activity must comply with state wetland permits and applicable local development permits.

If the State does not approve wetland impacts or if State wetland permits are not consistent with proposed wetland impacts reflected in County development permits, then Developer must amend County development permit approvals to be consistent with state wetland permits and applicable Lee Plan and LDC regulations regarding development within wetlands.

SECTION C. DEVIATIONS:

1. Excavation Standards.

Deviation (1) seeks relief from the LDC § 10-329(d)(1)a.3., which requires no excavation within 50 feet of a private property line under separate ownership, to allow a minimum setback of 25 feet. This deviation is APPROVED SUBJECT TO the condition that a double hedgerow and berm, with a minimum total height of four feet is required where the excavation setback to property under separate ownership is less than 50 feet. In no instance may the setback be less than 25 feet.

2. Street Design and Construction Standards.

Deviation (2) seeks relief from the LDC § 10-296(e)(1)i.4.iii., requiring Crystal Drive to be constructed as an urban minor collector roadway from its current terminus to the project entrance, to allow Crystal Drive to be constructed consistent with the typical section requirements of LDC § 10-296(e)(2)h.4 for a suburban minor collector roadway with open drainage in 60 feet of existing right-of-way as depicted on the MCP. This deviation is APPROVED SUBJECT TO the condition that the developer must design and construct the required sidewalk inside the property line, parallel, or in close proximity to, the right-of-way to accommodate the roadside drainage swale on Crystal Drive. Developer must provide an easement meeting County standards over the property necessary to support the alternative plan. The County will review alternative on-site locations of the sidewalk and easement during development order review.

3. Street Design and Construction Standards.

Deviation (3) seeks relief from the LDC § 10-296(k)(1), requiring dead-end streets to be constructed with a circular turnaround for vehicles, to eliminate the requirement for circular turnarounds in four locations depicted on the MCP where there is less than 150 feet of roadway to the nearest intersection. This deviation is APPROVED.

4. Lot Depth.

Deviation (4) seeks relief from the LDC § 10-703, which illustrates how to measure lot depth, to allow the lot depth for three dead-end street lots on the MCP to be measured consistent with the detail on MCP Sheet 2. This deviation is APPROVED.

5. Required Street Access.

Deviation (5) seeks relief from the LDC § 10-291(3), which requires two means of ingress or egress to any residential subdivision greater than 5 acres, to allow for one means of ingress and egress for the development. This deviation is APPROVED SUBJECT TO the following conditions:

- a. The emergency only access must be designed with a minimum 20-foot clear width. The access must be stabilized and include signage designating the emergency access route. Developer must submit a letter of no objection to the design from Lee County Public Safety, Lee County Sheriff's Office and the Fire District with jurisdiction prior to development order approval.
- b. Developer must record a notice to future property owners in the public records prior to the issuance of a local development order allowing construction of project access. The notice must articulate the emergency access plan and provide information on where property owners may obtain a copy of the plan.
- c. The development order application must include documentation confirming the developer submitted a Crime Prevention through Environmental Design report to the Lee County Sheriff's Department.

6. Excavation Standards.

Deviation (6) seeks relief from the LDC § 10-329(d)(4), which requires banks of excavations to be sloped at a ratio not greater than 6:1 to allow for 4:1 lake bank slopes. This deviation is APPROVED.

7. Planted Littoral Shelf/Surface Water Management Systems.

Deviation (7) seeks relief from the LDC § 10-418(2)d, which requires littoral areas to be planted with herbaceous plant material to allow no herbaceous plants in littoral areas on the water management lake. This deviation is APPROVED SUBJECT TO the condition that the development order landscape plans must depict 100% of required littorals substituted with native wetland trees planted around surface water management lakes. One native wetland tree must be substituted for 100 littoral plants based on LDC littoral plant calculations. Native wetland trees must be specified at ten-feet-in-height, two-inch caliper, and a four-foot canopy spread.

8. Planted Littoral Shelf/Surface Water Management Systems.

Deviation (8) seeks relief from the LDC § 10-418(2)d.3, which permits a maximum of 25 percent of required herbaceous plants on littoral areas to be converted to wetland trees, to allow for the conversion of 100 percent of required littoral plantings to wetland trees. This deviation is APPROVED SUBJECT TO the condition that the development order landscape plans must depict 100% of required littorals substituted with native wetland trees planted around surface water management lakes. One native wetland tree must be substituted for 100 littoral plants based on LDC littoral plant calculations. The native wetland trees must be specified at ten-feet-in-height, two-inch caliper, and a four-foot canopy spread.

9. Excavation Standards.

Deviation (9) seeks relief from the LDC § 10-329(d)(1)a.1., which requires lakes to be setback a minimum 25 feet from local road rights-of-way, to allow the proposed lake to be set back a minimum of 20 feet from the right-of-way. This deviation is APPROVED SUBJECT TO the condition that where the excavation setback from a local road right-of-way is less than 25 feet, developer must implement measures to prevent wayward vehicles using guardrails, berms, swales, vegetation or other methods determined suitable by the Director.

SECTION D. 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 E. FINDINGS AND CONCLUSIONS:

Based upon its review, the Board of County Commissioners adopts the recommendation of the Hearing Examiner, including the following findings and conclusions:

1. The requested rezoning to RPD complies with the Lee Plan. Lee Plan Goals 2, 4, 5, 60, 61, 77, 135; Objectives 1.5, 2.1, 2.2, 4.1, 5.1, 60.3, 77.1, 77.3, 126.2; Policies 2.1.2, 2.2.1, 5.1.1, 5.1.2, 5.1.7, 135.1.9, 135.9.5, 135.9.6; Lee Plan Maps 1, 6, 7.
2. *As conditioned*, the Pratts Preserve RPD:
 - a. Meets the LDC and other County regulations or qualifies for deviations. LDC §§ 10-474, 34-145(d), 34-341, 34-378, 34-411, 34-413, 34-491, 34-612(2), 34-932.
 - b. Is compatible with existing and planned uses. Lee Plan Objectives 2.1, 2.2, Policies 5.1.5, 135.9.5, 135.9.6; LDC § 34-411.
 - c. Provides access sufficient to support the proposed development intensity. Expected impacts to transportation facilities will be addressed by the conditions of approval and County regulations. Lee Plan Policies 39.1.1; LDC §§ 2-261 *et seq.*, 10-287, 34-411(d).

- d. Will not adversely affect environmentally critical/sensitive areas and natural resources. Lee Plan Goals 77, 125; Objectives 77.1, 77.3, 126.2; Policies 61.3.1, 61.3.6, 61.3.11, 126.2.1, Standard 4.1.4; and LDC § 34-411(h).
 - e. Will be served by urban services adequate to serve the proposed land use. Lee Plan Glossary, Lee Plan Maps 6, 7, Goals 2, 4, Objectives 2.1, 2.2, 4.1, and Standards 4.1.1 and 4.1.2; LDC § 34-411(d).
- 3. The proposed mix of uses is appropriate at the proposed location. Lee Plan Goals 2, 5; Policies 2.1.1, 2.2.2, 5.1.2, 5.1.3, 5.1.5, 135.1.9.
 - 4. The recommended conditions and applicable regulations provide sufficient safeguards to protect the public interest. Lee Plan Policies: 5.1.5, 5.1.6, 126.2.1 and 135.9.6; LDC § 34-411.
 - 5. The recommended conditions are reasonably related to the impacts expected from the proposed development. Lee Plan Policies 5.1.5, 135.9.6; LDC § 34-932.
 - 6. The requested deviations, as conditioned:
 - a. Enhance the objectives of the planned development, and
 - b. Preserve and promote protection of public health, safety, and welfare.

SECTION F. 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.

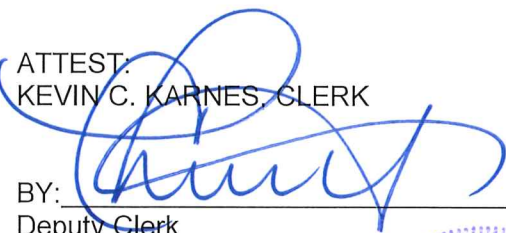
Commissioner Ruane made a motion to adopt the foregoing resolution, seconded by Commissioner Greenwell. The vote was as follows:

Adopted by unanimous consent.

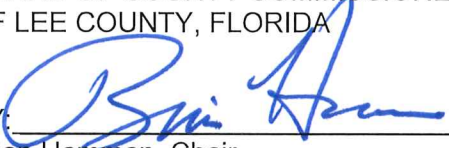
Kevin Ruane	Aye
Cecil L Pendergrass	Aye
Raymond Sandelli	Aye
Brian Hamman	Aye
Mike Greenwell	Aye

DULY PASSED AND ADOPTED this 21st day of June 2023.

ATTEST:
KEVIN C. KARNES, CLERK

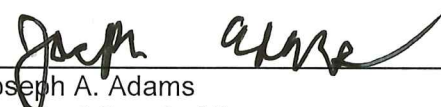
BY: 
Deputy Clerk

BOARD OF COUNTY COMMISSIONERS
OF LEE COUNTY, FLORIDA

BY: 
Brian Hamman, Chair



APPROVED AS TO FORM FOR THE
RELIANCE OF LEE COUNTY ONLY


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

RECEIVED
MINUTES OFFICE

2023 JUN 26 PM 4:35

Exhibit A

SKETCH AND DESCRIPTION OF A PARCEL OF LAND LYING IN SECTION 17, TOWNSHIP 45 SOUTH, RANGE 25 EAST, LEE COUNTY, FLORIDA

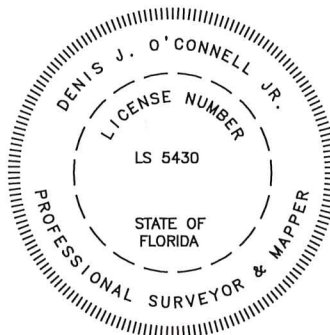
LEGAL DESCRIPTION:

LOT 10, LOT 12, LOT 18, LOT 19, LOT 20 AND A PORTION OF LOT 11 OF THAT CERTAIN UNRECORDED SUBDIVISION KNOWN AS SUBURBAN RANCHETTES, BEING A PORTION OF THE NORTH HALF OF THE NORTHWEST QUARTER OF SECTION 17, TOWNSHIP 45 SOUTH, RANGE 25 EAST, LEE COUNTY, FLORIDA. BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCE AT A 6"x6" CONCRETE MONUMENT AT THE NORTHEAST CORNER OF THE NORTHWEST QUARTER OF SAID SECTION 17; THENCE S.00°04'17"E., ALONG THE EAST LINE OF SAID NORTHWEST QUARTER, FOR A DISTANCE OF 1326.11 FEET TO A POINT ON THE SOUTH LINE OF THE NORTH HALF OF SAID NORTHWEST QUARTER; THENCE S.88°50'31"W., ALONG SAID SOUTH LINE ALSO BEING THE CENTERLINE OF CRYSTAL DRIVE, A 60 FOOT RIGHT OF WAY, A DISTANCE OF 1303.76 FEET TO THE SOUTHWEST CORNER OF THE SOUTH HALF OF THE SOUTHWEST QUARTER OF THE NORTHEAST QUARTER OF SAID NORTHWEST QUARTER OF SECTION 17; THENCE N.00°39'02"W., ALONG THE WEST LINE OF SAID FRACTION, FOR A DISTANCE OF 30.00' TO THE SOUTHEAST CORNER OF SAID LOT 12 AND THE POINT OF BEGINNING OF THE PARCEL OF LAND HEREIN DESCRIBED; THENCE S.88°50'31"W., ALONG THE SOUTH LINE OF SAID LOT 12, FOR A DISTANCE OF 622.03 FEET TO A POINT ON THE EAST RIGHT OF WAY LINE OF BLASINGIM ROAD, A 60 FOOT RIGHT OF WAY; THENCE N.00°56'24"W., ALONG SAID EAST RIGHT OF WAY LINE, FOR A DISTANCE OF 458.60 FEET; THENCE N.88°48'09"E., A DISTANCE OF 231.00 FEET; THENCE N.00°56'24"W., A DISTANCE OF 173.00 FEET TO A POINT ON THE NORTH LINE OF SAID LOT 11; THENCE S.88°48'09"W., ALONG SAID NORTH LINE, FOR A DISTANCE OF 231.00 FEET TO THE NORTHWEST CORNER OF SAID LOT 11 AND A POINT ON THE EAST RIGHT OF WAY LINE OF SAID BLASINGIM ROAD; THENCE N.00°56'24"W., ALONG SAID EAST RIGHT OF WAY LINE, FOR A DISTANCE OF 330.80 FEET TO THE NORTHWEST CORNER OF SAID LOT 10; THENCE N.88°46'58"E., ALONG THE NORTH LINE OF SAID LOT 10 AND LOT 18, FOR A DISTANCE OF 1253.82 FEET TO THE NORTHEAST CORNER OF SAID LOT 18 AND THE WEST RIGHT OF WAY LINE OF JV PARKER LANE, A 60.00 FOOT RIGHT OF WAY; THENCE S.00°21'37"E., ALONG SAID WEST RIGHT OF WAY, FOR A DISTANCE OF 963.79 FEET TO THE SOUTHEAST CORNER OF SAID LOT 20; THENCE S.88°50'31"W., ALONG THE SOUTH LINE OF SAID LOT 20, FOR A DISTANCE OF 622.03 FEET TO THE POINT OF BEGINNING.

TOTAL COMBINED AREA OF PARCELS SURVEYED IS 26.695 ACRES, MORE OR LESS.

REVIEWED
DCI2022-00055
Rick Burris, Principal
Planner
Lee County DCD/Planning
3/31/2023



Denis
O'Connell
II

Digitally signed
by Denis
O'Connell
Date:
2022.11.10
11:09:55 -05'00'

BY: _____
DENIS J. O'CONNELL Jr.
PROFESSIONAL SURVEYOR AND MAPPER
FLORIDA CERTIFICATE NO. LS# 5430

NOT VALID WITHOUT THE SIGNATURE AND
THE ORIGINAL RAISED SEAL OF A FLORIDA
LICENSED SURVEYOR AND MAPPER.

NOTES:

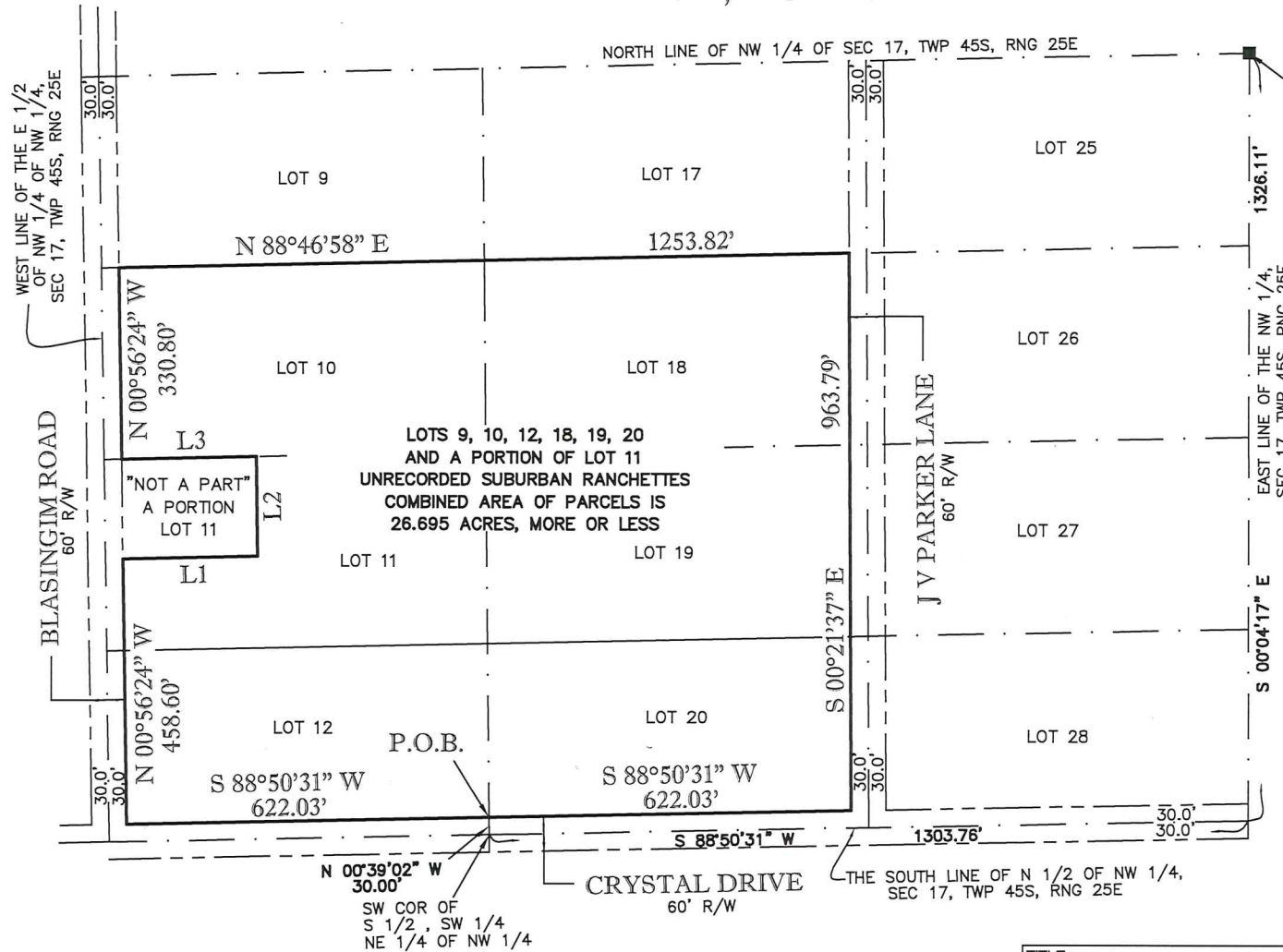
1. BEARINGS ARE BASED ON THE RIGHT OF WAY LINE OF BLASINGIM ROAD AS BEARING N 00°56'24" W
2. DISTANCES ARE IN FEET AND DECIMALS THEREOF.
3. PARCEL IS SUBJECT TO EASEMENTS, RESERVATIONS OR RESTRICTIONS AND RIGHT-OF-WAYS (RECORDED AND UNRECORDED, WRITTEN AND UNWRITTEN).

TITLE: LEGAL DESCRIPTION			
		METRON SURVEYING & MAPPING, LLC LAND SURVEYORS-PLANNERS LB# 7071	
10970 S. CLEVELAND AVE. SUITE #805 FORT MYERS, FLORIDA 33907 PHONE: (239) 275-8575 FAX: (239) 275-8457 www.metronfl.com			
FILE NAME: 15330sk.dwg	FIELD BOOK/PAGE: 686/21	PROJECT NO.: 15330	SHEET: 1 OF 2
EXHIBIT DATE: 11/09/22	DRAWN BY: BUD	SCALE: 1"= 300'	CHECKED BY: DJO
		FILE NO. (S-T-R) 17-45-25	

SKETCH AND DESCRIPTION
OF A PARCEL OF LAND LYING IN
SECTION 17, TOWNSHIP 45 SOUTH, RANGE 25 EAST,
LEE COUNTY, FLORIDA

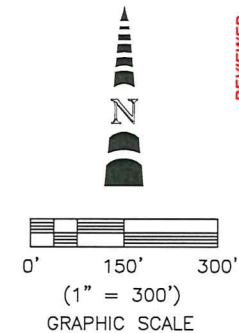
LINE TABLE

LINE	BEARING	DISTANCE
L1	N 88°48'09" E	231.00'
L2	N 00°56'24" W	173.00'
L3	S 88°48'09" W	231.00'



P.O.C.
FCM 6x6 NO ID
NE CORNER OF THE NW 1/4
SEC 17, TWP 45S, RNG 25E
(FCM 3x3 NO ID 4.2' SW)

REVIEWED
DCI2022-00055
Rick Burris, Principal
Planner
Lee County DCD/Planning
3/31/2023



NOTE:
LOTS SHOWN RELATE TO THE
UNRECORDED PLAT OF
SUBURBAN RANCHETTES

NOTES:

1. BEARINGS ARE BASED ON THE RIGHT OF WAY LINE OF BLASINGIM ROAD AS BEARING N 00°56'24" W
2. DISTANCES ARE IN FEET AND DECIMALS THEREOF.
3. PARCEL IS SUBJECT TO EASEMENTS, RESERVATIONS OR RESTRICTIONS AND RIGHT-OF-WAYS (RECORDED AND UNRECORDED, WRITTEN AND UNWRITTEN).

LEGEND:

P.O.C. = POINT OF COMMENCEMENT
P.O.B. = POINT OF BEGINNING
R/W = ROADWAY EASEMENT
FCM = FOUND CONCRETE MONUMENT
SEC = SECTION
TWP = TOWNSHIP
RNG. = RANGE

TITLE: SKETCH OF DESCRIPTION			
		METRON SURVEYING & MAPPING, LLC LAND SURVEYORS - PLANNERS LB# 7071	
10970 S. CLEVELAND AVE. SUITE #605 FORT MYERS, FLORIDA 33907 PHONE: (239) 275-8575 FAX: (239) 275-8457 www.metronfl.com			
FILE NAME: 15330sk.dwg	FIELD BOOK/PAGE: 686/21	PROJECT NO.: 15330	SHEET: 2 OF 2
EXHIBIT DATE: 11/09/22	DRAWN BY: BUD	SCALE: 1" = 300'	CHECKED BY: DJO FILE NO. (S-T-R) 17-45-25

DCI2022-00055 Lee County ePlan

DCI2022-00055

Zoning

 Subject Property

 City Limits

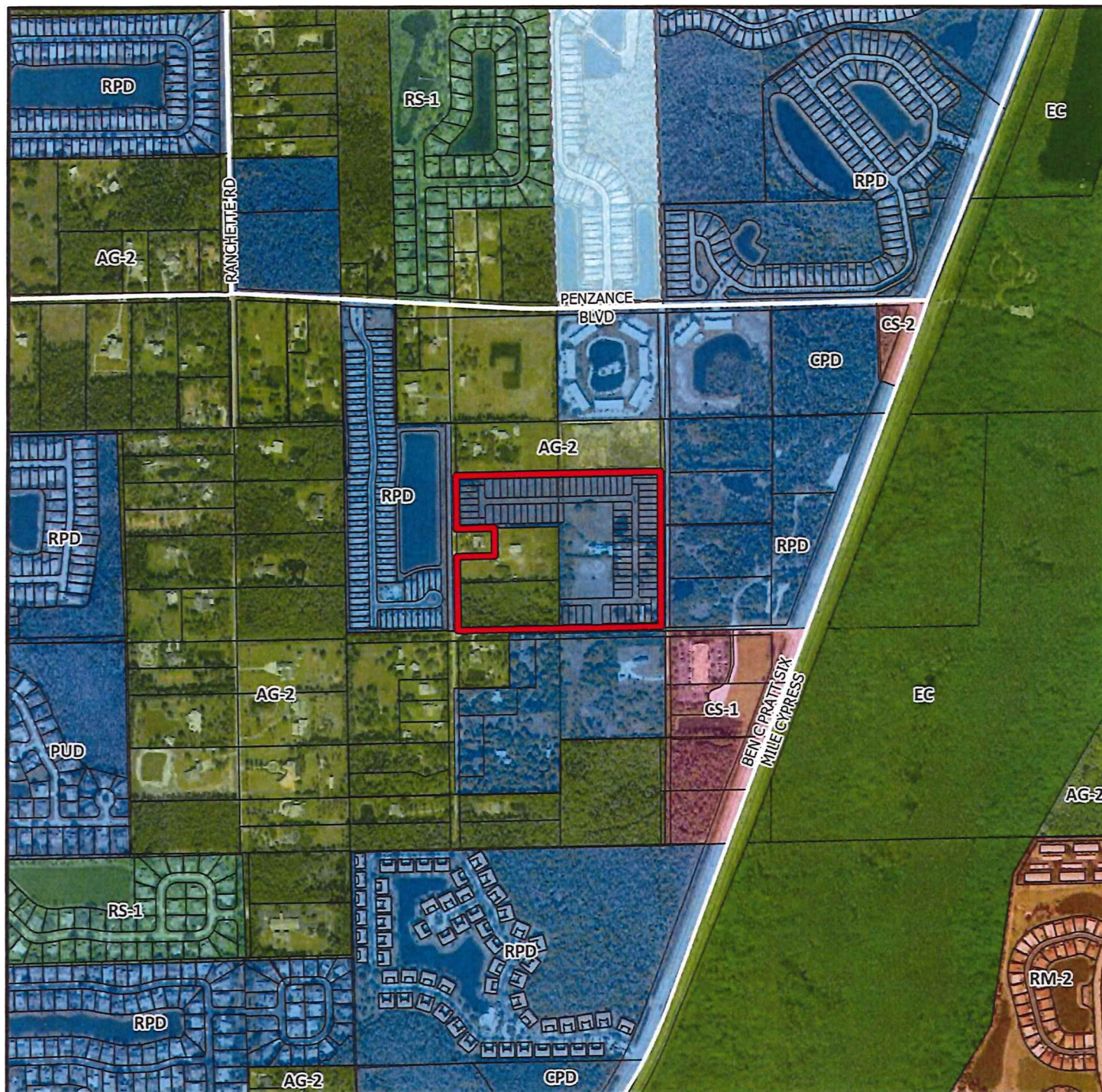
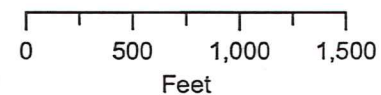
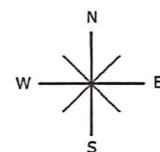
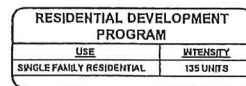
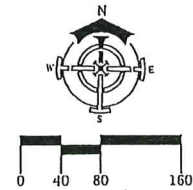


EXHIBIT 3



OPEN SPACE SUMMARY		
CATEGORY	AREA	PERCENTAGE
TOTAL PROJECT AREA	26.71 AC.	100%
OPEN SPACE REQUIRED	10.84 AC.	40%
OPEN SPACE PROVIDED		
LAKE (25% OF TOTAL)	2.67 AC.	25.0%
BUFFER / COMMON AREA	4.21 AC.	39.4%
LOT AREA (39% MIN.)	3.86 AC.	35.8%
OPEN SPACE PROVIDED	10.84 AC.	100.0%



DELISI FITZGERALD, INC.
Planning - Engineering - Project Management
A Division of RESPEC Company LLC

1605 Hendry Street
Fort Myers, FL 33901
(239) 418-0651
(239) 418-0692 fax

Florida
Registry License
Number 33253

PARKER LANE RPD

OWNER / DEVELOPER:
LENNAR
10411 SW 141ST CYPRESS PARKWAY
FORT MYERS, FL 33964
(941) 278-1177

PROJECT:

[illegible]

MASTER CONCEPT PLAN

Project Manager:	ADF
Drawn By:	CAS
Checked By:	ADF
Project Number:	21568
Located in Section(s):	17
Township:	45 S Range: 25 E
County, State:	LEE COUNTY, FL

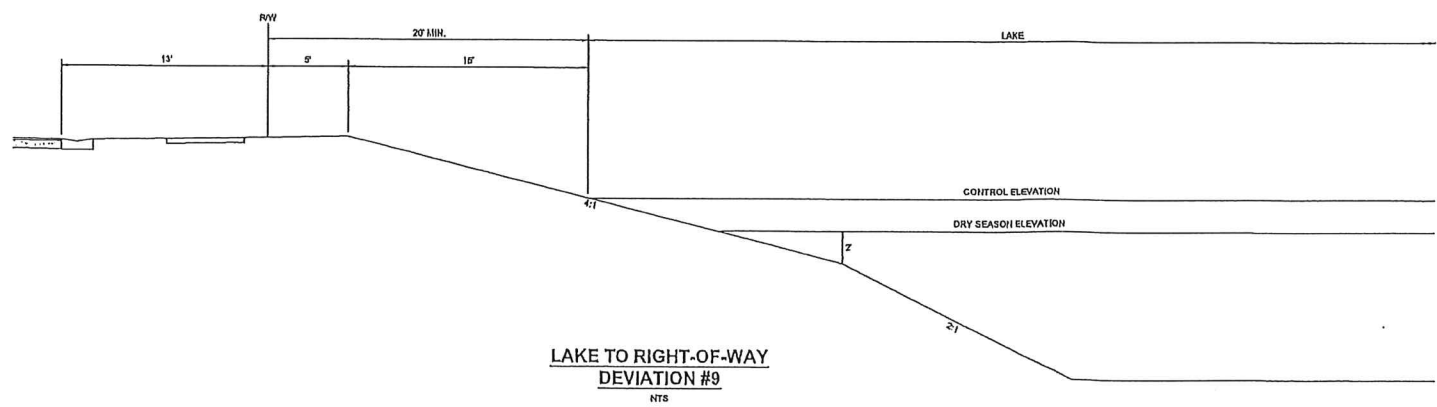
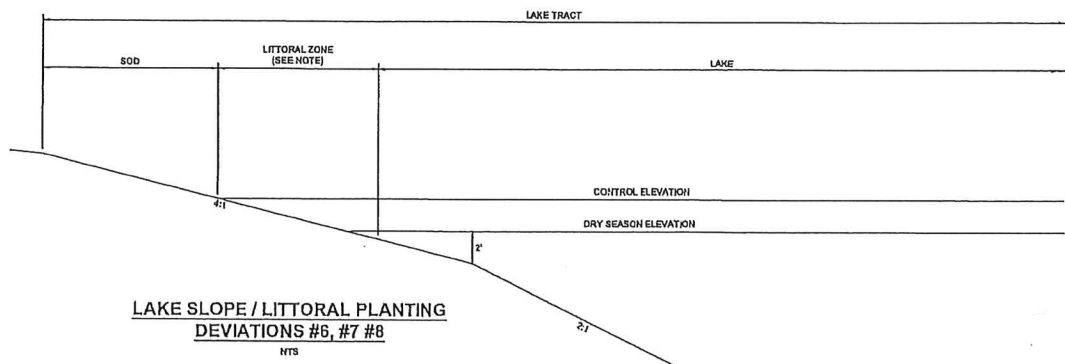
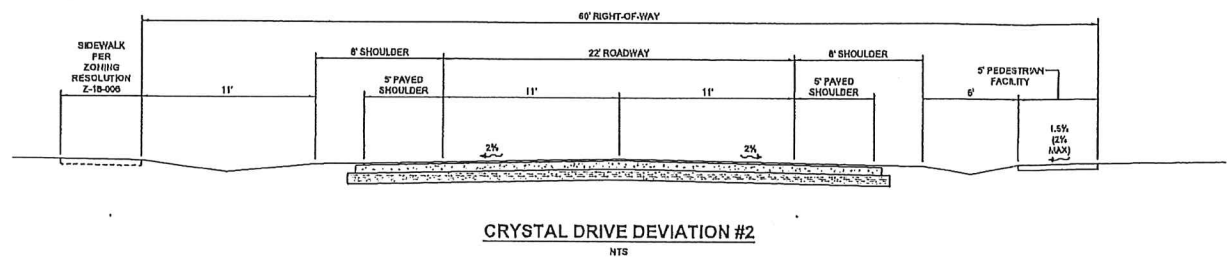
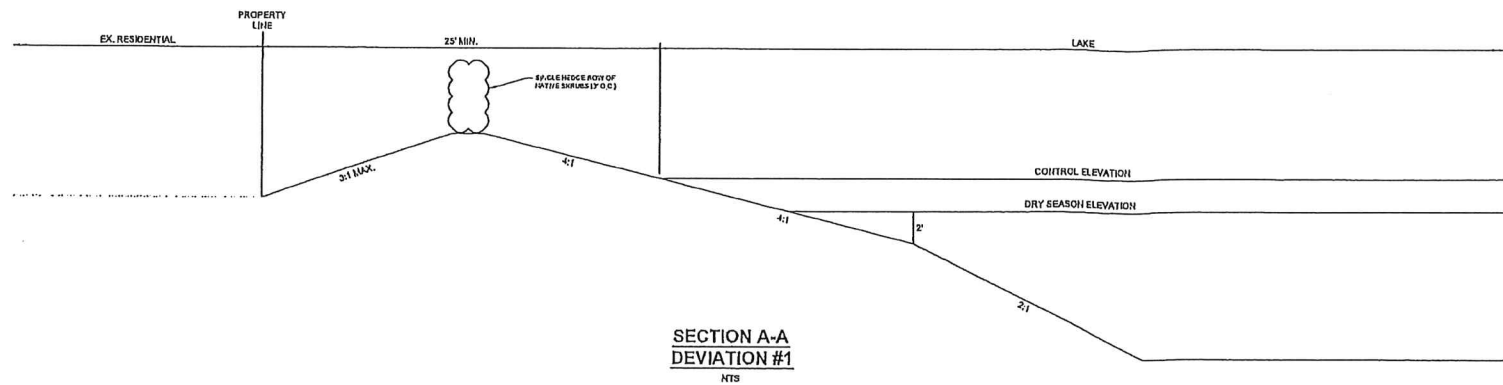
Status:

Sheet Number:	1 of 2
---------------	--------

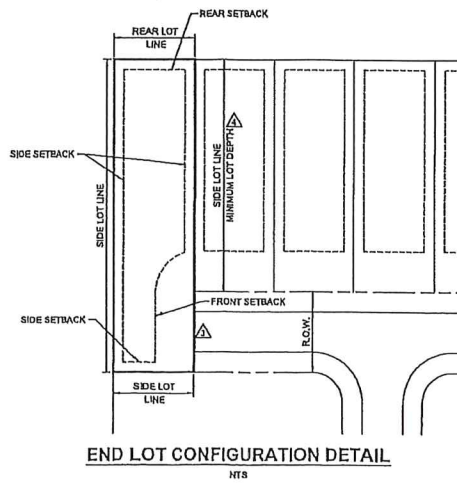
C:\21506 - PARKER LANE RPD\DWG\MCP (WOODS)\PLAN SET\21506-01-MCP.DWG
2/19/2022 11:30 AM

Approved as Exhibit C
MCP Page 1 of 2
Resolution # Z-23-019

K:\21568 - PARKER LANE RPD\PCP\MCP (WOODS)PLAN SET\21568-03-MCP.DWG
12/16/2022 11:28 AM



Approved as Exhibit C
MCP Page 2 of 2
Revision # 2-23-019



DELISI FITZGERALD, INC.
Planning - Engineering - Project Management
A DIVISION OF RESPEC COMPANY LLC
1605 Hendry Street
Fort Myers, FL 33901
(239) 418-0691
Registry License Number 33253

PARKER LANE RPD

OWNER / DEVELOPER:
LENNAR
FORT MYERS, FLORIDA
COMMERCIAL

PROJECT:

PLAN REVISIONS	DESCRIPTION
#	DATE

MASTER CONCEPT PLAN DETAILS
Project Manager: ADF
Drawn by: CAS
Checked by: ADF
Project Number: 21568
Located in Section(s): 17
Township: 45 S Range: 25 E
County, State: LEE COUNTY, FL
Status:
Sheet Number: 2 of 2