

Exhibit B

RESOLUTION NUMBER Z-02-049

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

WHEREAS, an application was filed by the property owner, Charles R. Meador, Jr., to rezone a 136.68± acre parcel from Agricultural District (AG-2) to Residential Planned Development (RPD), in reference to Siesta V Land Trust; and,

WHEREAS, a public hearing was advertised and held on August 7, 2002, before the Lee County Zoning Hearing Examiner, who gave full consideration to the evidence in the record for Case #DCI2000-00004; and

WHEREAS, a second public hearing was advertised and held on November 4, 2002, 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 136.68± acres of land from AG-2 to RPD to allow a maximum of 47 single-family detached dwelling units, and a maximum of 30 boats slips to be located on certain lots and a 11-slip multi-slip docking facility. Buildings are not to exceed 35 feet in height above minimum floor elevation, within a maximum of two stories over parking. The property is located in the Suburban and Wetlands Land Use Categories 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. The development of this project must be consistent with the one page Master Concept Plan (MCP) entitled "Siesta V" stamped "Received MAR 27, 2002 Zoning Counter," last revised 2-20-03, 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 limits apply to the project and uses:
 - a. Schedule of Uses

RESIDENTIAL USES

Accessory Apartment (only by special exception)
 Dwelling Units, Single-family Detached (maximum 41 units)
 Essential Services
 Essential Service Facilities [LDC § 34-622(c)(13)]: Group 1
 Home Occupation, no outside help
 Models (by Administrative Approval Only)
 Residential Accessory Uses [LDC § 34-622(c)(42)]
 Recreation Facilities: Personal
 Signs in Accordance with LDC Chapter 30, Note (1)
 Speculative Homes
 Temporary Use limited to one contractor's office and equipment storage shed to be located on lot 3 or 6; and on-site real estate sales

WETLAND USES

Water Retention
 All uses permitted in the Environmentally Critical zoning district [LDC §34-983]
 EXCEPT Single-family Uses

b. Site Development RegulationsLot Area and Dimension:

Lot Width:	Minimum	75-feet
Lot Depth:	Minimum	90-feet
Lot Area:	Minimum	6,750 square feet

Building Height:

Maximum 35 feet above minimum required flood elevation.

Maximum 2-stories above parking

Setbacks:

Private Local Road	15-feet
Side Yard	5-feet
Rear (Waterbody)	15-feet (primary structure)
Rear (Waterbody)	5-feet (pools & accessory structures when a rip-rap revetment is provided to stabilize the shoreline waterward of the mean high water line)

Lot Coverage: Maximum 70% including pools and accessory structures

3. Prior to local development order approval, a draft copy of a Conservation Easement for the approximately 40.9 acre mangrove preserve, including mangrove trimming limitations, must

be submitted for review by the County Attorney's office. The preserve must be dedicated to the State of Florida (if required by the Department of Environmental Protection) and Lee County. Prior to issuance of a Certificate of Compliance for the subdivision/infrastructure development order, a copy of the recorded Conservation Easement must be submitted.

4. Prior to local development order approval, the portion of the roadway labeled "elevated roadway / bridge +/- 100 lineal feet" on the Master Concept Plan, must be detailed on the development order plans as a bridge. Elevating this portion of the roadway may not be achieved through the use of culverts.
5. The mangrove trimming limitations must be included in the Deed Restrictions. Prior to plat approval, a copy of the Deed Restrictions must be submitted for the Division of Environmental Sciences staff review for consistency with the mangrove trimming limitations detailed in Deviation 5.
6. Docks are limited to single-family docks with one slip on lots 1-26, two shared docks with one slip for each lot 38-41 and the 11 slips at multi-slip facility with one slip for each lot numbered 27-37. Docks and fishing/observation piers are prohibited along lots 27-37.
7. Prior to issuance of a Vegetation Removal Permit, the developer must coordinate an on-site inspection of the clearing limits with Lee County Division of Environmental Sciences and Florida Department of Environmental Protection staff.
8. 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.
9. Approval of this rezoning does not guarantee local development order approval. Future development order approvals must satisfy the requirements of the Lee Plan Planning Communities Map and Acreage Allocation Table, Map 16 and Table 1(b), as well as all other Lee Plan provisions.
10. 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.
11. All agricultural uses and their accessory uses are prohibited.
12. Prop guards or equivalent must be used on all motorized water craft with motors of 25 HP or greater.

SECTION C. DEVIATIONS:

1. Deviation 1 seeks relief from the LDC §10-296(k)(1)b, requirement that the diameter of right-of-way for curb and gutter section of 110 feet, to allow a 103-foot-wide right-of-way diameter. This deviation is APPROVED.
2. Deviation 2 - Withdrawn.

3. Deviation 3 - Withdrawn.
4. Deviation 4 - Withdrawn.
5. Deviation 5 seeks relief from the LDC §10-416(9) requirement for the retention of existing vegetation within the natural waterway buffer, to allow trimming of lateral branches and no topping of mangroves within 50 percent of the buffer, and to allow trimming of lateral branches and topping of mangroves to a height of no less than 10-feet in the remaining 50 percent of the buffer. This deviation is APPROVED, SUBJECT TO Conditions 3 and 5.
6. Deviation 6 seeks relief from the LDC §10-296(b) Table 3, establishing a 35-foot-wide minimum right-of-way standard for privately maintained roads and streets, to allow a minimum right-of-way width of 26 feet. This deviation is APPROVED.
7. Deviation 7 - Withdrawn.
8. Deviation 8 seeks relief from the LDC Section 34-2192(a) requirement that all buildings and structures be set back 20 feet from the edge of the right-of-way or street easement line, to allow a street setback of 15 feet. This deviation is APPROVED.
9. Deviation 9 - Withdrawn.

SECTION D. EXHIBITS AND STRAP NUMBER:

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

- EXHIBIT A: The legal description of the property
EXHIBIT B: Zoning Map (subject parcel identified with shading)
EXHIBIT C: The Master Concept Plan

The applicant has indicated that the STRAP numbers for the subject property are:

13-46-23-00-00003.0010
13-46-23-00-00004.1000
13-46-23-00-00004.1010
13-46-23-11-0000B.0000
12-46-23-00-00009.0010
12-46-23-00-00009.0020
12-46-23-00-00009.0030

SECTION E. FINDINGS AND CONCLUSIONS:

1. The applicant has proven entitlement to the rezoning by demonstrating compliance with the Lee Plan, the LDC, and any other applicable code or regulation.
2. The rezoning, as approved:

- a. meets or exceeds all performance and locational standards set forth for the potential uses allowed by the request; and,
 - b. is consistent with the densities, intensities and general uses set forth in the Lee Plan; and,
 - c. is compatible with existing or planned uses in the surrounding area; and,
 - d. will not place an undue burden upon existing transportation or planned infrastructure facilities and will be served by streets with the capacity to carry traffic generated by the development; and,
 - e. will not adversely affect environmentally critical areas or natural resources.
3. The rezoning satisfies the following criteria:
 - a. the proposed use or mix of uses is appropriate at the subject location; and
 - b. the recommended conditions to the concept plan and other applicable regulations provide sufficient safeguard to the public interest; and
 - c. the recommended conditions are reasonably related to the impacts on the public interest created by or expected from the proposed development.
4. Urban services, as defined in the Lee Plan, are, or will be, available and adequate to serve the proposed land use.
5. The approved deviations, as conditioned, enhance achievement of the planned development objectives, and preserve and promote the general intent of LDC Chapter 34, to protect the public health, safety and welfare.

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

Robert P. Janes	Nay
Douglas R. St. Cerny	Aye
Ray Judah	Nay
Andrew W. Coy	Aye
John E. Albion	Aye

DULY PASSED AND ADOPTED this 4th day of November, 2002.

ATTEST:
CHARLIE GREEN, CLERK

By: Michele A Cooper
Deputy Clerk

BOARD OF COUNTY COMMISSIONERS
OF LEE COUNTY, FLORIDA

By: [Signature]
Chairman

Approved as to form by:

[Signature]
County Attorney's Office



RECEIVED
MINUTES OFFICE
mgc
2003 JUN -4 PM 12: 53

DESCRIPTION**Parcel In**

Sections 12 & 13, TWP 46 S., RGE. 23 E.
Lee County, Florida

A tract or parcel of land lying in Sections 12 and 13, Township 46 South, Range 23 East, Lee County, Florida. Said tract or parcel being more particularly described as follows:

BEGINNING at the southeast corner of the southeast quarter (SE1/4) of said Section 12 run S87°14'14"W along the south line of said fraction for 1,184.21 feet; thence run N02°45'46"W for 10.00 feet; thence run S87°14'14"W for 80.00 feet; thence run N02°45'46"W for 33.00 feet; thence run S87°14'14"W for 80.00 feet to an intersection with the east line of Lot 32 OLD PELICAN BAY SUBDIVISION III as recorded in Plat Book 46, Page 39, Lee County Records; thence run N02°45'46"W along the east line of said Lot 32 for 29.12 feet to the north line of said Plat; thence run along said north line for the following courses: S88°46'45"W for 59.79 feet; S84°26'29"W for 200.24 feet; S87°41'27"W for 200.01 feet; S84°23'55"W for 100.12 feet; S80°33'33"W for 50.34 feet; thence run S56°27'08"W for 107.08 feet to an intersection with the south line of the southeast quarter (SE1/4) of said Section 12; thence run S22°27'10"W for 110.54 feet; thence run S18°53'08"W for 107.59 feet; thence run S32°57'12"W for 145.25 feet; thence run N87°14'14"E for 403.32 feet; thence run S01°12'06"E for 801.71 feet; thence run S20°20'25"W for 107.61 feet; thence run S06°24'26"W for 100.92 feet; thence run S00°44'09"E for 100.01 feet; thence run S09°25'10"E for 101.00 feet; thence run S02°32'58"W for 71.25 feet to an intersection with the westerly extension of the south line of Lot 28 OLD PELICAN BAY SUBDIVISION II as recorded in Plat Book 40, Page 85, Lee County Records; thence run N88°40'04"E along said south line for 230.39 feet to an intersection with the easterly right-of-way line of Old Pelican Bay Drive as shown on the record plat of OLD PELICAN BAY SUBDIVISION as recorded in Plat Book 39, Page 70, Lee County Records said intersection being a point on a non tangent curve; thence run northeasterly along said right-of-way line and the arc of said curve to the left of radius 130.00 feet (delta 32°54'14") (chord bearing N35°44'38"E) (chord 73.63 feet) for 74.66 feet to the northwest corner of Lot 15 of said OLD PELICAN BAY SUBDIVISION II; thence run N88°40'04"E along the north line of said Lot 15 for 7.97 feet; thence run S00°52'43"E for 108.67 feet; thence run N88°40'04"E for 141.22 feet to the southeast corner of said Lot 15; thence run N01°19'56"W along the east line of said Lot 15 for 49.92 feet; thence run N88°40'04"E for 69.42 feet to an intersection with the west line of SIESTA ISLES UNIT NO. 4 as recorded in Plat Book 29, Page 107, Lee County Records; thence run along said west line for the following courses: S01°19'56"E for 287.70 feet; S24°48'11"W for 586.28 feet; S07°36'56"W for 723.81 feet to the southwest corner of said Plat; thence run N88°40'04"E along the south line of said Plat for 480.83

feet to the southeast corner of said Plat; thence run S15°20'22"W for 631.08 feet; thence run S47°06'59"W for 719 feet, more or less to the mean high water line of San Carlos Bay; thence run northwesterly along said mean high waterline for 1,505 feet more or less to an intersection with the centerline of the waters of a dredged canal; thence run N38°33'06"W for 30 feet, more or less to an intersection with a line bearing S51°26'54"W; thence run N51°26'54"E for 265.43 feet to an intersection with the west line of the East Half (E-1/2) of Section 13, Township 46 South, Range 23 East; thence run N01°06'53"W along said west line for 2,905.20 feet to the southwest corner of the southwest quarter (SW1/4) of the southeast quarter (SE1/4) said Section 12; thence run N00°56'33"W along the west line of said fraction for 1,338.92 feet to the northwest corner of said fraction; thence run N87°39'46"E along the north line of said fraction for 1,323.04 feet to the northeast corner of said fraction; thence run S00°49'42"E along the east line of said fraction for 1,029.00 feet; thence run N87°14'14"E along a line 300.00 feet north of and parallel with the south line of the southeast quarter of said Section 12 for 1,321.27 feet to an intersection with the east line of said fraction; thence run S00°42'45"E along said east line for 300.19 feet to the POINT OF BEGINNING.

Containing 137.79 acres, more or less.

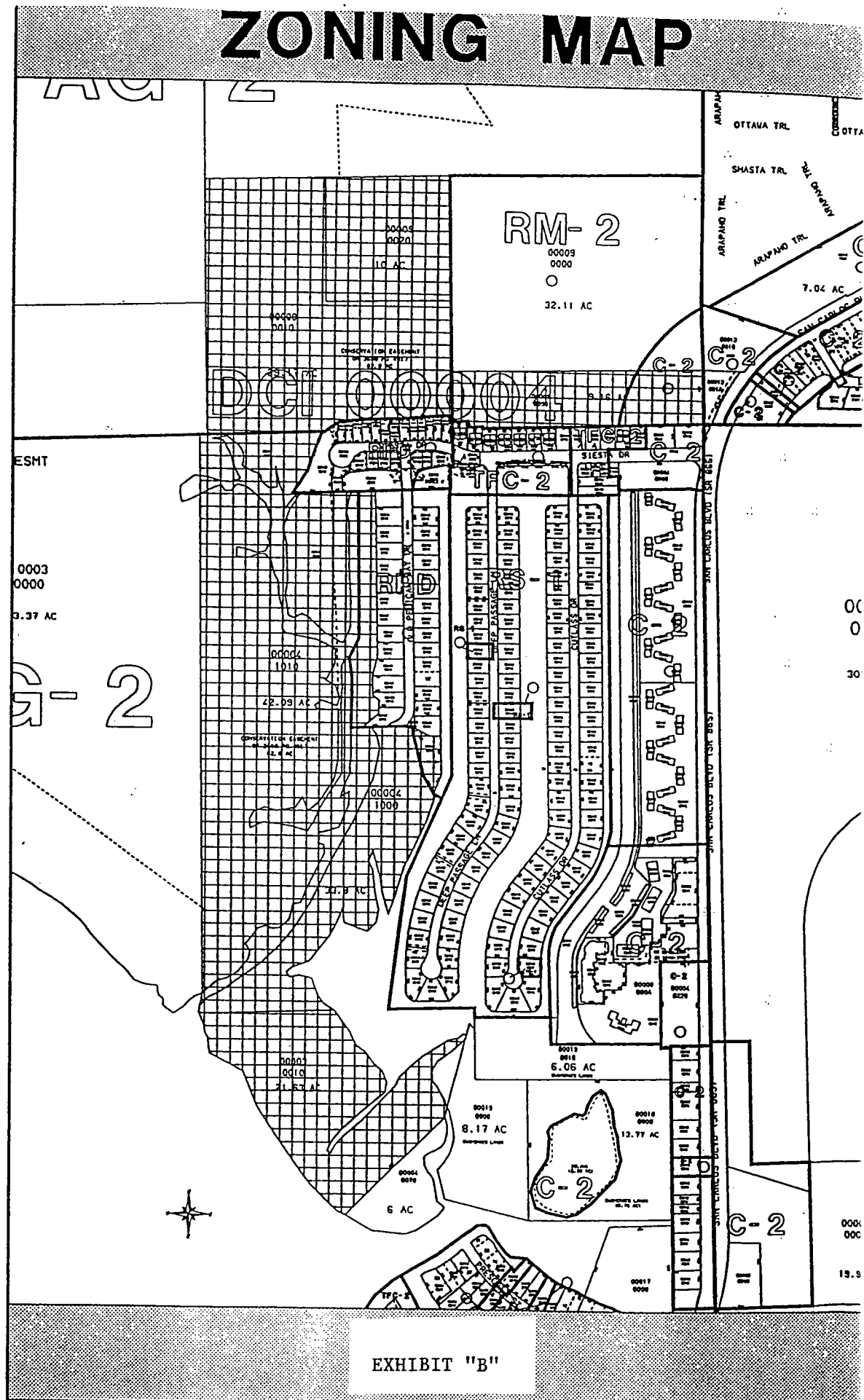
Bearings hereinabove mentioned are State Plane for the Florida West Zone (NAD 1983/90 adjustment) and are based on the south line of the southeast quarter (SE 1/4) of Section 12, Township 46 South, Range 23 East, Lee County Florida to bear N87°14'14"E per Certified Corner Record coordinates for the southeast corner of said Section 12 and the southwest corner of the southeast corner of (SE 1/4) of said Section 12.

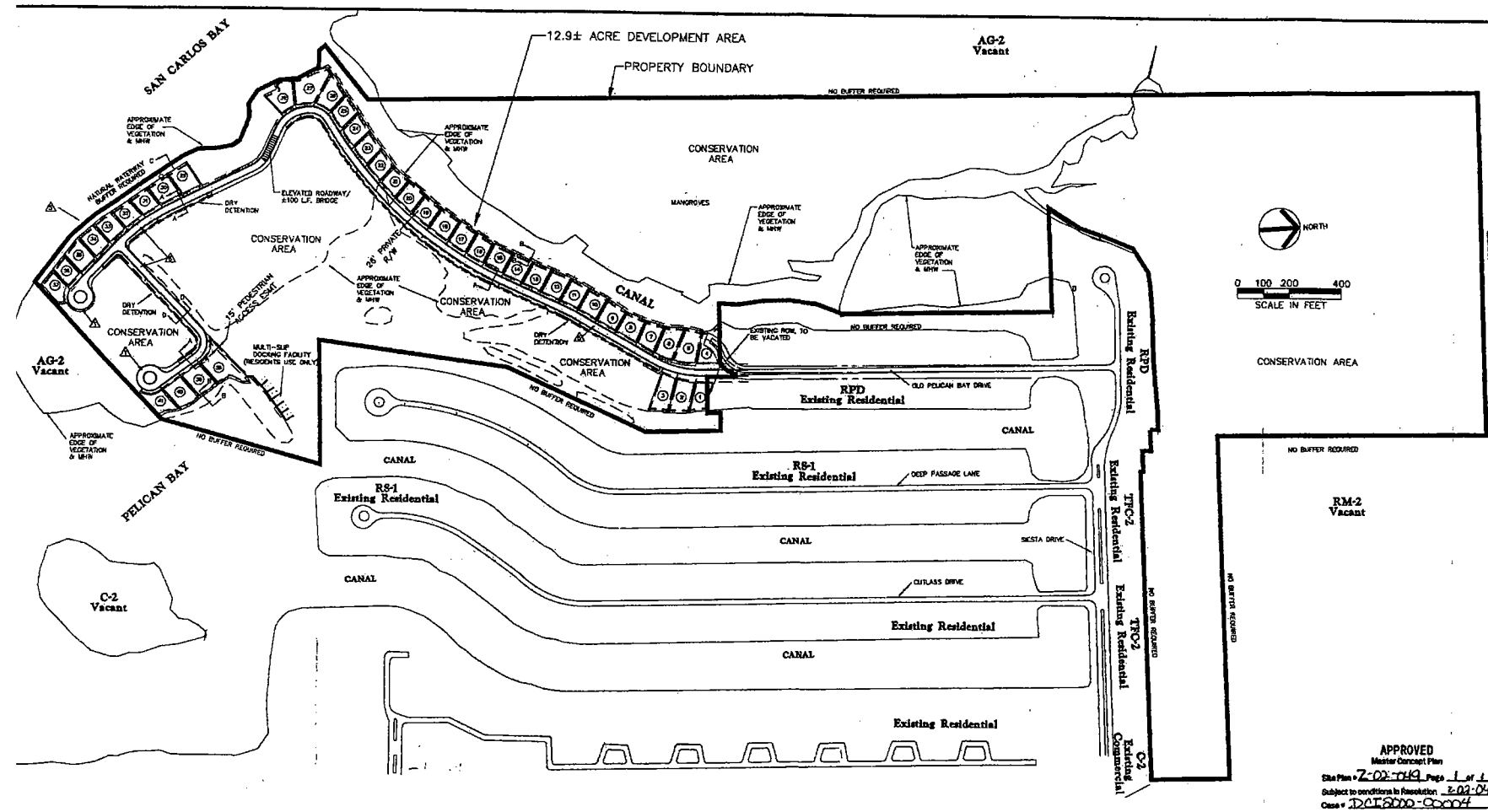
Scott A. Wheeler
 Scott A. Wheeler (For the Firm)
 Professional Surveyor and Mapper
 Florida Certificate No. 5949

Applicant's Legal Checked
 by *[Signature]* 06/11/03

DCI 2000-00004







LEGEND

- LOT NUMBER
- DEVIATION PER ZONING RESOLUTION 12-02-049 : 002000-0004

GENERAL NOTES:

BUILDERS ALONG THE PERIMETER OF THE PROJECT ARE NOT REQUIRED.

PUBLIC TRANSIT FACILITIES WILL NOT BE PROVIDED ON-SITE.

THE LOCATION OF SIDE LOT LINES ON THE PLAN IS CONCEPTUAL. SIDE LOT LINES MAY BE MOVED SO LONG AS THE TOTAL NUMBER OF LOTS DOES NOT EXCEED 40 LOTS AND THE LOTS COMPLY WITH THE PROPERTY DEVELOPMENT REGULATIONS OR STANDARDS SET FORTH BY THIS DOCUMENT.

DENSITY CALCS, MASTER
CONCEPT PLAN, SCHEDULE OF USES &
DEVIATIONS/JUSTIFICATIONS

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PHONE (239) 491-9170
FAX (239) 491-9189
FLORIDA CERTIFICATE OF AUTHORIZATION
ENGINEERING 7992 - SURVEYING LB-6540
PREPARED FOR
**SIESTA V
LAND TRUST**
CLEAT, L.L.C.
7401 ESTERO BOULEVARD
PORT MYERS BEACH, FL 33951
PHONE (239) 463-4437
FAX (239) 463-4438
PROJECT DESCRIPTION
SIESTA V
±137 ACRES IN
SECTIONS 12 & 13
TOWNSHIP 40 N., RANGE 23 E.
LEE COUNTY, FLORIDA
STRAP NO. 13-46-23-00-0000.0010
STRAP NO. 13-46-23-00-0000.1000
STRAP NO. 13-46-23-00-0000.1010
STRAP NO. 13-46-23-00-0000.2010
STRAP NO. 13-46-23-00-0000.0020
STRAP NO. 13-46-23-00-0000.0030
STRAP NO. 13-46-23-11-0000.0000
PROJECT ENGINEER
SIGNATURE OF PREPARED:
CARL A. BARRACO, P.E.
PORT MYERS
2271 MAGREGOR BOULEVARD
PORT MYERS, FLORIDA 33903
FLORIDA P.E. NO. 38038
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FILE NAME: 210302.DWG
LAYER: LAYER1
LOCATION: J:\210302\210302.DWG
PLOT DATE: THU 8-27-2003 4:50 AM
PLOT BY: GREGORY LADYBROOK
DESIGN BY: CARL BARRACO
210301: SHEETPLAN - 210302.DWG
210302:
210303:
210304:
210305:
210306:
210307:
PLAN REVISIONS
7-20-2003 6-1-2003 COMMENTS
6-6-2003 6-6-2003 COMMENTS
2-8-2001 LUC UPDATES
11-1-2001 DEVIATION #1
4-8-2002 REMOVE LOT #4
4-16-2002 12.9 AC. REVISION
6-21-2003 REMOVE / RELOCATE LOTS
11-28-08 COUNTY ATTY. COMMENTS
2-29-03 COUNTY COMMENTS
PLAN STATUS
APPROVAL SUBMITTAL PLANS
NOT FOR CONSTRUCTION
EXHIBITS II-F-3
III-A-2, IV-C
IV-E, IV-G & IV-H
PROJECT/FILE NO. 210302
12,13-46-23
SHEET NUMBER
1

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MAR 27 2003

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EXHIBIT "C"