

RESOLUTION NUMBER Z-24-023

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

WHEREAS, RVi Planning + Landscape Architecture filed an application on behalf of the property owner, Royal Palm Village Condominium Association, Inc., to rezone a 19.33± acre parcel from Mobile Home (MHC-2) to Residential Planned Development (RPD) in reference to Royal Palm Multifamily RPD; and

WHEREAS, a public hearing before the Lee County Zoning Hearing Examiner, Amanda L. Rivera, was advertised and held on August 29, 2024. 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 August 30, 2024; and

WHEREAS, the Hearing Examiner gave full consideration to the evidence in the record for Case # DCI2023-00049 and recommended approval of the Request; and

WHEREAS, a second public hearing was advertised and held on November 6, 2024, 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 19.33± acre parcel from MHC-2 to RPD, to allow a maximum of 391 multi-family units, 60 feet in height. Requested density includes 136 bonus units.

The property is located in the Intensive Development Future Land Use Category and is legally described in attached Exhibit A and the vicinity map of the subject property is attached as Exhibit B. 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)/Development Parameters

- a. MCP. Development must be substantially consistent with the two-page MCP entitled "Royal Palm Multi-Family RPD," prepared by RVi Planning + Architecture, dated April 2, 2024, except as modified by conditions below (Exhibit C).

- b. 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 modifications to the MCP or conditions of approval may require further development approvals.
- c. Development Parameters. The RPD is limited to a maximum 391 dwelling units, including 136 bonus density units, and amenities. The maximum height permitted is four stories, or sixty (60) feet.

2. Uses and Site Development Regulations

a. Schedule of Uses

Accessory Uses, Buildings, and Structures
 Administrative Offices
 Dwelling unit: Multi-family
 Entrance gates and gatehouse
 Essential services
 Essential service facilities: Group I
 Excavation:
 Water retention
 Fences, Walls
 Recreation facilities:
 Personal
 Private on-site
 Signs
 Temporary Uses

b. Site Development Regulations

General Parameters

Minimum Lot Coverage:	40 percent
Maximum Multi-family Building Height:	60 feet
Maximum Garage Building Height:	35 feet
Minimum Open Space:	40 percent
Minimum Lot Area:	19.33 acres

Building Setbacks

Street (Public):	20 feet
Front:	15 feet
Rear:	5 feet
Side:	0 feet
Minimum Building Separation:	20 feet
Natural Waterway:	50 feet
Waterbody:	20 feet

3. Condominium Lots

Developer must provide documentation from Lee County Property Appraiser's office demonstrating the condominium lots have been removed prior to development order issuance.

4. Open Space

Development order plans must calculate required open space based on 18.17 acres of developable land (less 1.16 acres for Philips Creek).

5. Natural Waterway Buffer

Development order plans must depict ten native trees, 50 shrubs, and 20 salt tolerant littoral grasses per 100 linear feet. Species must be native and meet LDC § 10-420 specifications. Grasses must be salt tolerant.

6. Water Quality Monitoring

Developer must provide a Surface Water Quality Monitoring Plan for approval by the Lee County Division of Natural Resources. At a minimum, the Surface Water Monitoring Plan (the "Plan") must establish the following:

- a. The overall Goals and Objectives of the Plan.
- b. An outfall monitoring schedule during "wet" season of June through September and "dry" season of October through May for Total Phosphorus, Total Nitrogen, Copper, Iron, Enterococci, Field Temperature, Specific Conductance, Dissolved Oxygen, Turbidity, pH, Total Dissolved Solids, and Total Hardness.
- c. A baseline monitoring event that must be completed prior to commencement of construction.
- d. Water quality monitoring data must be provided to the Division of Natural Resources annually for a minimum of 5 years and must include a report with a comparison of State surface water quality standards, plots of parameters, and recommendations. After five years of meeting/exceeding State surface water quality monitoring standards, Developer may amend water quality monitoring and reporting after written request, review, and approval by the Division of Natural Resources. Results must be reported as an Electric Data Deliverable (EDD), in a format approved by the Division of Natural Resources.
- e. A contingency plan in the event an exceedance of State Surface Water Quality Standards is discovered. The Plan must include notification to impacted residents and applicable authorities.

7. Transportation

- a. The US 41 access shown on the MCP is conceptual and subject to modification based upon final approval from the Florida Department of Transportation (FDOT).
- b. Development is allowed a maximum calculated intensity for new trip generation utilizing the following development scenario based upon the Institute of Transportation Engineers (ITE) Trip Generation Manual in effect at the time of local development order: 391 Dwelling Units of Multi-Family Housing Mid-Rise (LUC 221).

8. Amenities

The dog park and pickleball courts will be open from dawn to dusk and will not be lighted.

9. Gated Access

Vehicular entrance and exit points must be gated to restrict access to residents and their guests.

10. Development Permits

County development permits do not create rights to obtain permits from state/federal agencies. Further, County development permits 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 undertake actions in violation of state/federal law. Applicant must obtain applicable state/federal permits prior to commencing development.

SECTION C. DEVIATIONS:

1. **Waterway Buffer**. Deviation (1) seeks relief from the LDC § 10-416(d)(9), which requires developments abutting a natural waterway to provide a 50-foot-wide natural waterway buffer measured from mean high water or top of bank, whichever is further landward, within a common element/tract and containing six native canopy trees and 50 native shrubs per 100 linear feet, *to allow a 20-foot-wide buffer at the southeast corner where the parking encroaches into the 50-foot-wide buffer*. This deviation is APPROVED, SUBJECT TO Condition 5.
2. Deviation (2) seeks relief from the LDC § 34-2020, Table 7, which requires four parking spaces per 1,000 square feet for clubhouses and ancillary uses within a residential community without a golf course, *to allow the 10,000-square-foot clubhouse parking to be calculated at 2.5 spaces per 1,000 square feet of parking*. This deviation is DENIED.
3. **Open Space**. Deviation (3) seeks relief from the LDC § 10-415(a), which requires large residential developments to provide 40 percent open space based on the total area of the subject request, *to allow the open space calculation from the developable land area of 18.17 acres since 1.16 acres is within Philips Creek*. This deviation is APPROVED, SUBJECT TO Conditions 4 and 5.

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. As conditioned, the Royal Palm RPD:
 - a. Complies with the Lee Plan. Lee Plan Goals 2, 4, 5, 135; Objectives 2.1, 2.2, 4.1, 5.1, 60.4, 77.1, 77.3, 135.1; Policies 1.1.2, 1.6.5, 2.1.2, 2.2.1, 4.1.1, 4.1.2, 4.1.4, 5.1.2, 5.1.3, 5.1.5, 5.1.6, 5.1.7, 5.1.8, 60.4.1, 61.3.6, 61.3.11, 61.4.4, 101.1.1, 101.3.2, 101.3.7, 135.1.9, 135.1.14, 135.9.5, 135.9.6, 160.1.3; Lee Plan Maps 1-A, 1-B, 3-D, and 5-A.

- b. Complies with the Land Development Code and other County regulations or qualifies for deviations. LDC §§ 34-145(d), 34-341, 34-378, 34-411, 34-413, 34-491, 34-612(2), 34-932.
- c. 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.
- d. Will provide sufficient access to support the proposed development. LDC § 34-411(d).
- e. Expected impacts on transportation facilities will be addressed by the conditions of approval or County regulations. Lee Plan Policies 39.1.1; LDC §§ 2-261 *et seq.*, 10-287, 34-411.
- f. Will not adversely affect environmentally critical areas and natural resources. Lee Plan Goals 77, 125; Objectives 77.1, 77.3, 101.1.1, 101.3, 126.2; Policies 61.3.1, 61.3.6, 61.3.11, 125.1.2, 126.2.1, Standard 4.1.4; and LDC § 34-411.
- g. Will be served by urban services. Lee Plan Glossary, Lee Plan Goals 2, 4, Objectives 2.1, 2.2, 4.1, and Standards 4.1.1 and 4.1.2; LDC §§ 10-256, 34-411.
- h. 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, 135.9.6.
- i. The recommended conditions are sufficient to protect the public interest and reasonably relate to the impacts expected from the development. Lee Plan Policies: 5.1.5, 5.1.6, 126.2.1 and 135.9.6; LDC §§ 34-411, 34-932.
- j. As conditioned herein, the requested deviations:
 - i. Enhance the objectives of the planned development.
 - ii. Protect 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 Hamman. The vote was as follows:

Adopted by unanimous consent.

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

DULY PASSED AND ADOPTED this 6th day of November 2024.

ATTEST:
KEVIN C. KARNES
CLERK OF CIRCUIT COURT

BY: 
Deputy Clerk

BOARD OF COUNTY COMMISSIONERS
OF LEE COUNTY, FLORIDA

BY: 
Kevin Ruane, Chair

APPROVED AS TO FORM FOR THE
RELIANCE OF LEE COUNTY ONLY


David W. Halverson
Assistant County Attorney
County Attorney's Office



ROYAL PALM VILLAGE

LEGAL DESCRIPTION

Exhibit A

A TRACT OR PARCEL OF LAND LYING IN THE NORTHEAST 1/4 OF SECTION 35, TOWNSHIP 45 SOUTH, RANGE 24 EAST, LEE COUNTY, FLORIDA, FURTHER DESCRIBED AS FOLLOWS:

COMMENCE AT THE NORTHEAST CORNER OF SAID SECTION 35; THENCE RUN SOUTH 89°09'08" WEST ALONG THE NORTH LINE OF THE NORTHEAST 1/4, OF SAID SECTION 35, A DISTANCE OF 253.82 FEET TO THE NORTHWESTERLY CORNER OF A PARCEL AS RECORDED IN OFFICIAL RECORDS BOOK 994, PAGE 648, PUBLIC RECORDS OF LEE COUNTY, FLORIDA AND THE POINT OF BEGINNING OF THE PARCEL HEREIN DESCRIBED:

THENCE DEPARTING SAID NORTH LINE, RUN SOUTH 17°05'41" EAST, A DISTANCE OF 253.17 FEET; THENCE RUN NORTH 77°50'39" EAST, A DISTANCE OF 150.51 FEET TO A POINT ON THE WESTERLY RIGHT-OF-WAY LINE OF TAMiami TRAIL (AKA STATE ROAD 45, A VARIABLE WIDTH PUBLIC RIGHT-OF-WAY PER RIGHT-OF-WAY MAP PROJECT NUMBER 12010-2561), SAID POINT ALSO BEING ON A NON-TANGENT CURVE TO THE LEFT, HAVING A RADIUS OF 2932.79 FEET AND A CENTRAL ANGLE OF 02°07'24", SUBTENDED BY A CHORD WITH A BEARING OF SOUTH 19°53'27" EAST, 108.68 FEET; THENCE RUN ALONG SAID WESTERLY RIGHT-OF-WAY LINE AND SAID NON-TANGENT CURVE, AN ARC DISTANCE OF 108.69 FEET TO A POINT ON THE EAST LINE OF SAID SECTION 35; THENCE DEPARTING SAID WESTERLY RIGHT-OF-WAY LINE AND CURVE, RUN SOUTH 00°51'31" EAST ALONG SAID EAST LINE, A DISTANCE OF 1009.27 FEET TO THE SOUTHEAST CORNER OF THE EAST 1/2 OF THE NORTHEAST 1/4 OF THE NORTHEAST 1/4 OF SAID SECTION 35; THENCE DEPARTING SAID EAST LINE, RUN SOUTH 89°27'57" WEST ALONG THE SOUTH LINE OF THE NORTHEAST 1/4 OF THE NORTHEAST 1/4 OF SAID SECTION 35, A DISTANCE OF 332.25 FEET TO THE CENTERLINE OF PHILLIPS CREEK; THENCE DEPARTING SAID SOUTH LINE, RUN SOUTH 76°13'19" WEST, MEANDERING ALONG SAID CENTERLINE OF PHILLIPS CREEK, A DISTANCE OF 340.46 FEET TO THE INTERSECTION WITH THE WEST LINE OF THE EAST 1/2 OF THE SOUTHEAST 1/4 OF THE NORTHEAST 1/4; THENCE DEPARTING SAID MEANDER LINE, RUN NORTH 00°56'37" WEST, A DISTANCE OF 78.00 FEET TO THE SOUTHWEST CORNER OF SAID EAST 1/2 OF THE NORTHEAST 1/4 OF THE NORTHEAST 1/4 OF SECTION 35; THENCE RUN NORTH 00°56'37" WEST, A DISTANCE OF 1321.92 FEET TO THE NORTHWEST CORNER OF SAID EAST 1/2 OF THE NORTHEAST 1/4 OF THE NORTHEAST 1/4 OF SECTION 35; THENCE RUN NORTH 89°09'08" EAST ALONG SAID NORTH LINE OF SECTION 35, A DISTANCE OF 412.33 FEET TO THE POINT OF BEGINNING.

THE ABOVE-DESCRIBED PARCEL OF LAND LIES IN LEE COUNTY, FLORIDA, AND CONTAINS 19.324 ACRES, MORE OR LESS.

SURVEYOR'S NOTES

1. THIS LEGAL DESCRIPTION IS NOT VALID IF PRINTED, OR WITHOUT THE ORIGINAL SIGNATURE AND RAISED SEAL OF THE PROFESSIONAL SURVEYOR AND MAPPER SHOWN HEREON.
2. NO ABSTRACT FOR RIGHTS-OF-WAY, EASEMENTS, OWNERSHIP, OR OTHER INSTRUMENTS OF RECORD HAVE BEEN PROVIDED BY THIS FIRM.
3. THE "LEGAL DESCRIPTION" HEREON HAS BEEN PREPARED BY THE SURVEYOR AT THE CLIENT'S REQUEST.
4. THIS SKETCH DOES NOT REPRESENT A FIELD SURVEY, AS SUCH.
5. THE DELINEATION OF LANDS SHOWN HEREON IS AS PER THE CLIENT'S INSTRUCTIONS.
6. THIS LEGAL DESCRIPTION DOES NOT CONSTITUTE A BOUNDARY SURVEY, AS SUCH.
7. ATTENTION IS DIRECTED TO THE FACT THAT THIS MAP MAY HAVE BEEN REDUCED IN SIZE BY REPRODUCTION. THIS MUST BE CONSIDERED WHEN OBTAINING SCALED DATA.
8. BEARINGS SHOWN HEREON ARE ASSUMED, DERIVING A BEARING OF N89°09'08"E ALONG THE NORTH LINE OF SECTION 35, TOWNSHIP 45 SOUTH, RANGE 24 EAST, AS MEASURED.
9. NORTHINGS AND EASTINGS SHOWN HEREON ARE REFERENCED TO THE NORTH AMERICAN DATUM OF 1983 (NAD83), 2011 ADJUSTMENT, FLORIDA STATE PLANES, WEST ZONE.

LEGEND & SYMBOLS

POB = POINT OF BEGINNING
POC = POINT OF COMMENCEMENT
POT = POINT OF TERMINATION
RW = RIGHT-OF-WAY
SEC = SECTION
PID = PARCEL IDENTIFICATION
PB = PLAT BOOK
ORB = OFFICIAL RECORDS BOOK
PG = PAGE
SQ.FT. = SQUARE FEET
AC = ACRES
AKA = ALSO KNOWN AS
(C) = CALCULATED DATA
(D) = RECORDED DATA
(M) = MEASURED DATA
(N) = NORTHING
(E) = EASTING

REVIEWED
DCI2023-00049
Rick Burris, Principal
Planner
Lee County DCD/Planning
7/25/2024

SURVEYOR'S CERTIFICATE

I HEREBY CERTIFY THAT ALL PARTS OF THIS SKETCH HAVE BEEN COMPLETED IN ACCORDANCE WITH THE REQUIREMENTS OF THE STANDARDS OF PRACTICE FOR SURVEYING IN THE STATE OF FLORIDA, 5J-17, F.A.C., TO THE BEST OF MY KNOWLEDGE, INFORMATION, AND BELIEF. NOT VALID WITHOUT A SIGNATURE AND RAISED SEAL FROM THE SURVEYOR.

Digitally
signed by

Dalton Cross

Date:

2024.03.13

14:55:04

04'00"

DALTON R. CROSS, P.S.M.
FLORIDA LICENSE #7329



DATE 03/13/2024

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FLOURNOY DEVELOPMENT GROUP

THIS SKETCH IS NOT A SURVEY

SHEET	1	OF	3
DRW:	MC	CHK:	NW
SEC:	35	TWN:	45S
PLOT DATE:	03/13/2024		
FILE:	23001930 ROYAL PALM VILLAGE-SOD		



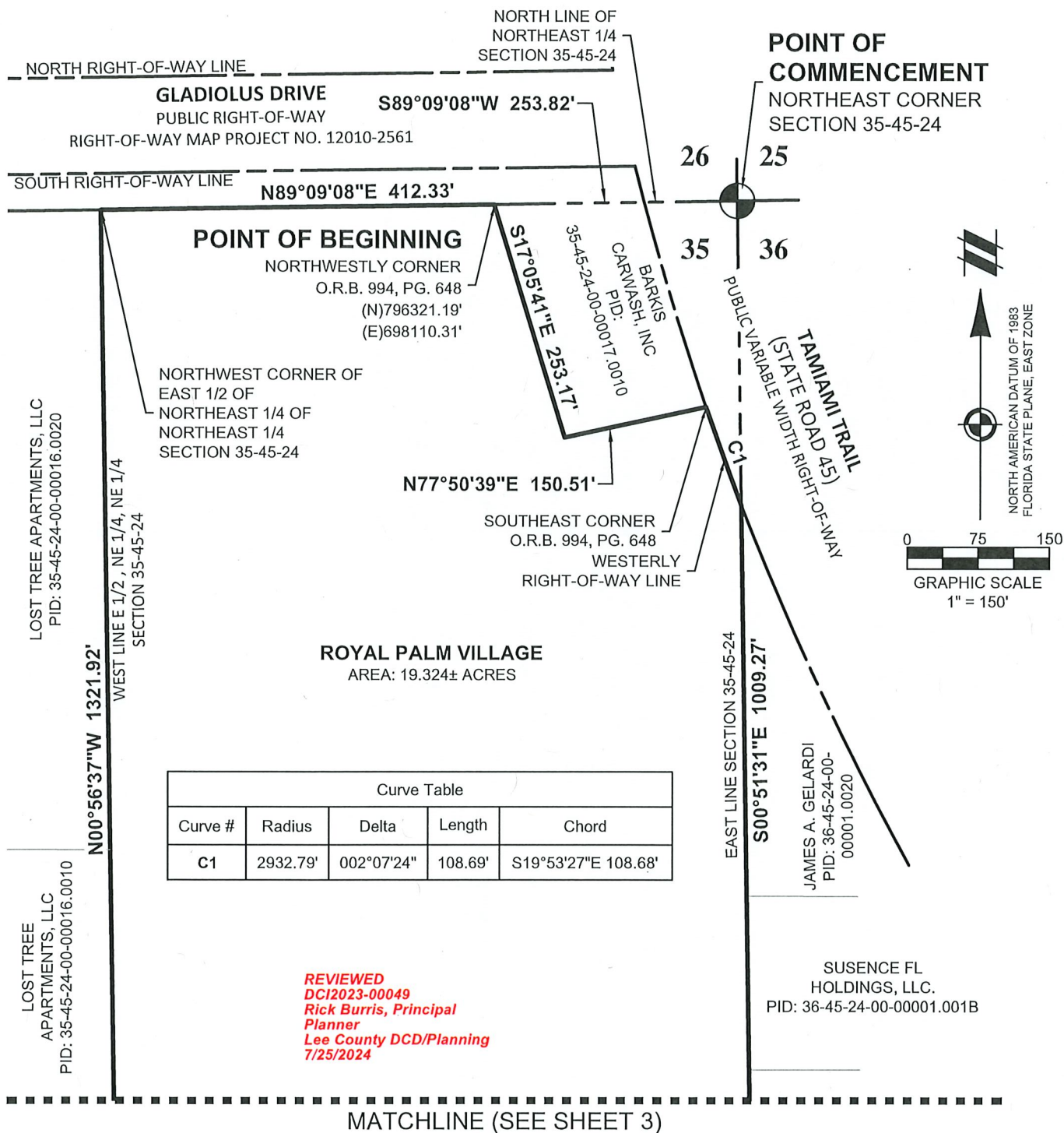
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ROYAL PALM VILLAGE

SKETCH OF LEGAL DESCRIPTION



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SHEET	2	OF	3
DRW:	MC	CHK:	NW
SEC:	35	TWN:	45S
PLOT DATE:	03/13/2024	RNG:	24E
FILE:	23001930 ROYAL PALM VILLAGE-SOD		



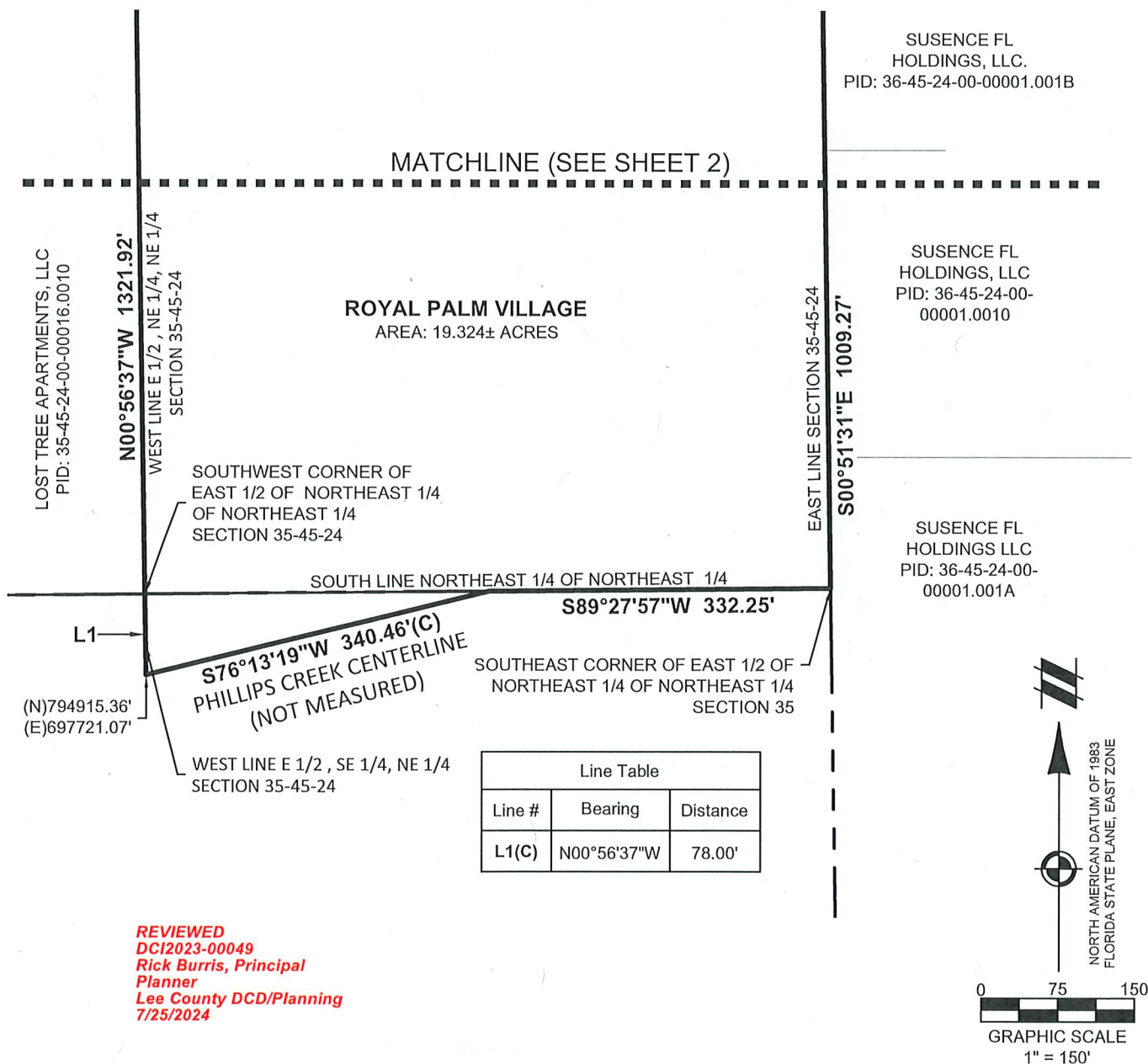
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THIS SKETCH IS NOT A SURVEY

SHEET		3	OF		3
DRW:	MC	CHK:	NW	PM:	DC
SEC:	35	TWN:	45S	RNG:	24E
PLOT DATE: 03/13/2024					
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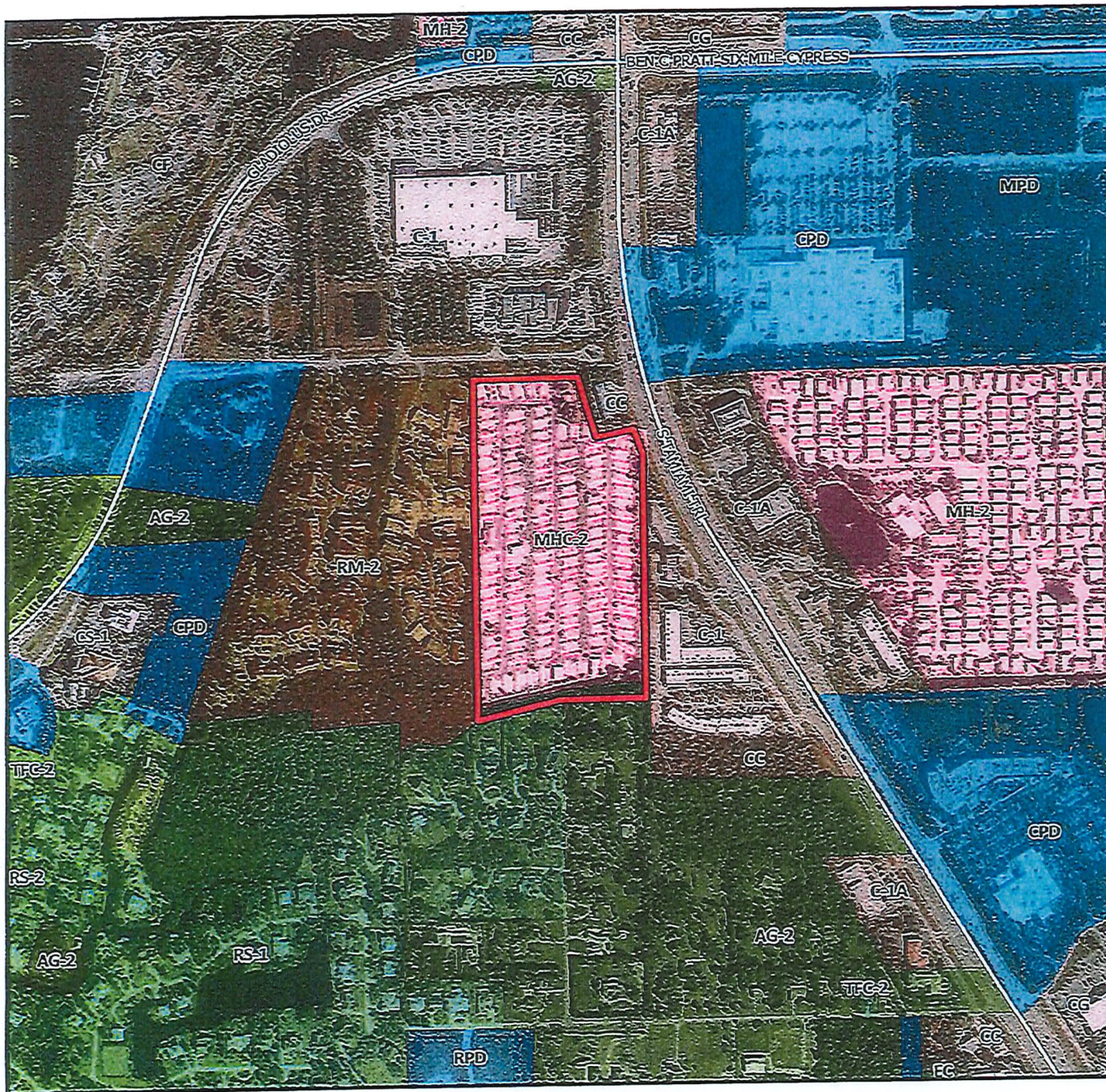


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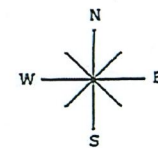
Exhibit "B"



DCI2023-00049

Zoning

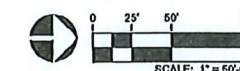
 Subject Property



0 500 1,000
Feet

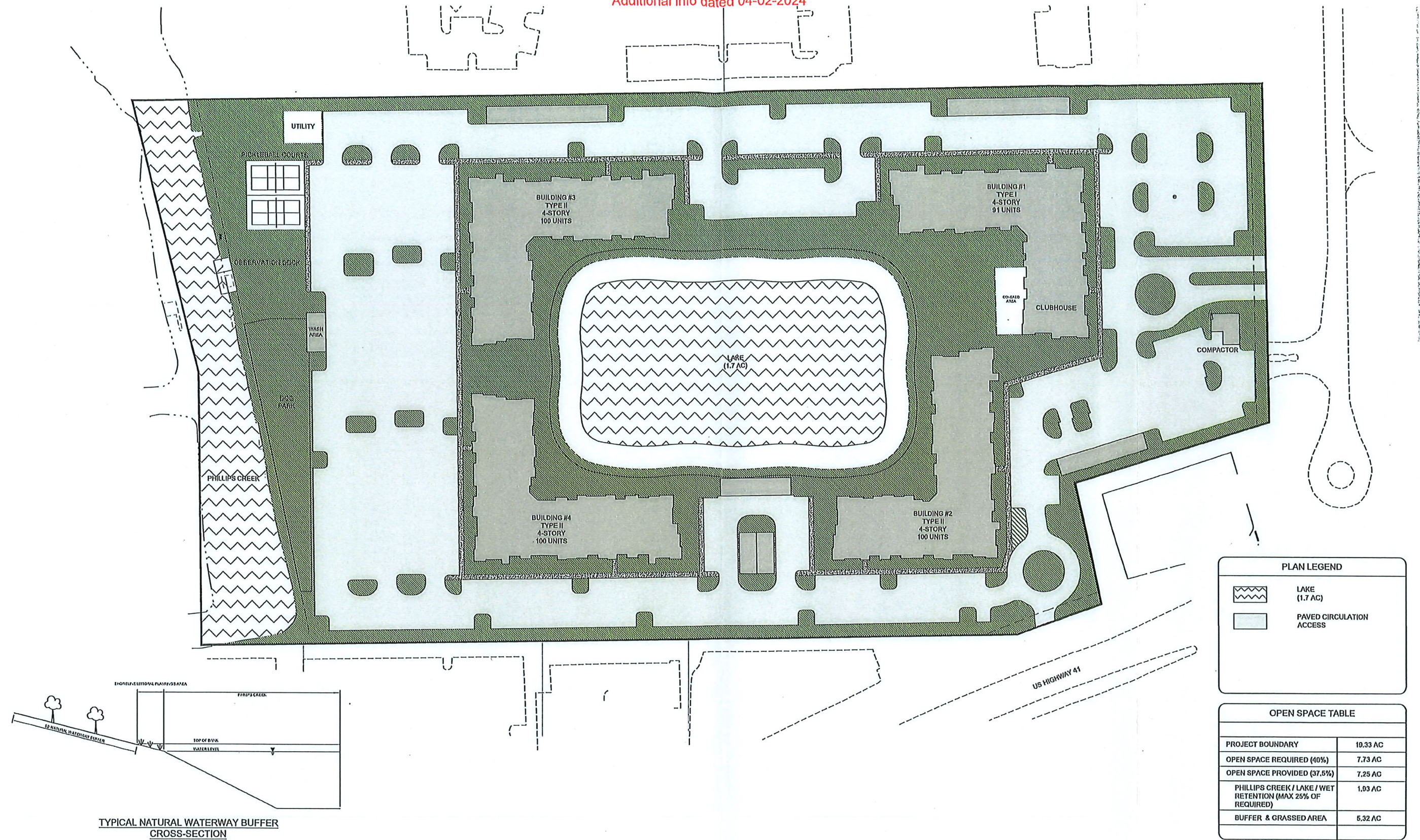


FUTURE LAND USE:
Central Urban
ZONING:
RM-2
EXISTING LAND USE:
Lost Tree Apartments
STRAP:
35-45-24-00-00016.0010



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Additional info dated 04-02-2024



ROYAL PALMS MULTIFAMILY RPD • OPEN SPACE PLAN

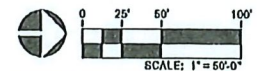
LEE COUNTY, FLORIDA

JANUARY 31, 2024

2300-1057

FLOURNOY DEVELOPMENT GROUP

Approved as Exhibit C
MCP Page 2 of 2
Resolution # Z-24-023



SCALE: 1" = 50'-0"

Information provided regarding this property is based on the owner's description. RVI has not made an independent investigation of these matters and no warranty is made as to their accuracy or completeness. This plan is prepared, subject to change, and does not represent any regulatory approval.