

2226816

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

WHEREAS, Chang Realty Corporation has properly filed an application for the following rezoning for a project known as Little West Lake:

In the AG and RS-1 districts:

(a) A rezoning from AG to Commercial Planned Development, to permit a resort development 96,300 square feet in size, not to exceed 30 feet in height (except for a pagoda of 75 feet) on 59.77 acres of land. The proposed development will include a 200-room hotel/motel, restaurant/lounge, gardens, walkways, landscaped islands, accessory commercial uses, and the pagoda. Consumption-on-premises of alcoholic beverages would be permitted in the restaurant/lounge.

(b) A variance from the requirement that buildings in a C.P.D. district may not exceed 45 feet above minimum flood elevation (626.2.D), to allow the construction of a pagoda 75 feet in height.

(c) A variance from the minimum Commercial Planned Development setback of 10% (maximum of 75 feet) as required by Section 626.2.C.1.b, to 15 feet from the southeastern property line.

NOTE:

If approved, the Master Concept Plan would deviate from the following Lee County standards:

- (1) Minimum setback from a structure to a water body of 25 feet (617.D.1), to no setback for certain structures as indicated on the master Concept Plan;
- (2) Maximum excavation size for water retention areas of 5 acres (500.4.B), to 20.4 acres;
- (3) Maximum slope of excavation banks of a 6:1 ratio to a water depth of 6 feet (500.4.E), to instead utilize a vertical bulkhead along 1720 linear feet of the lake;
- (4) Requirement that, where practical, a commercial development larger than 10 acres shall provide for more means of ingress or egress (DSR C.2.d.(4)), to allow a single main entrance and a secondary access for service purposes only; and
- (5) Requirement for the construction of a parallel access (frontage) road along S.R. 82 (DSR C.3.j), to waive said construction.

The subject property is located on the south side of State Road 82, east of its intersection with Alabama Road in Lehigh Acres, described more particularly as:

LEGAL DESCRIPTION: In Section 20, Township 45 South, Range 27 East, Lee County, Florida:

Lots 1 through 11, inclusive, Block 239, Unit 63, Mirror Lakes, Lehigh Acres, as recorded in Plat Book 27 at Page 150 of said public records; and
Parcel 51, Unit 72, Mirror Lakes, Lehigh Acres, as recorded in Plat Book 27 at page 159 of said public records; and
Parcel 51, Unit 73, mirror Lakes, Lehigh Acres, as recorded in Plat Book 27 at Page 160 of said public records.

RECORD VERIFIED - CHARLIE GREEN, CLERK
BY: H. FERNSTROM, D.C.

2100
Billed

Subject to any easements, restriction, reservations or rights of way of record.

WHEREAS, proper authorization has been given to Wilson, Miller, Barton, Soll and Peek, Inc., by George Brown, the project coordinator of Lehigh Corporation, the owner of the subject parcel, and by Paul Chang, president of Chang Realty Corporation, to act as agent to pursue this zoning application; and

WHEREAS, a public hearing was legally and properly advertised and held before the Lee County Zoning Board, with full consideration of all the evidence available to the Zoning Board; and

WHEREAS, the Lee County Zoning Board fully reviewed the matter and recommended approval of request a) with conditions; approval of request b), and denial of request c), based on the analysis contained in the staff report dated April 18, 1986 and the testimony given at the April 28, 1986, Zoning Board hearing; and

WHEREAS, a public hearing was legally and properly advertised and held before the Lee County Board of County Commissioners; and

WHEREAS, in the legislative process the Lee County Board of County Commissioners gave full and complete consideration to the recommendations of the Staff, the Local Planning Agency, the Zoning Board, the documents on file with the County, and the testimony of all interested persons:

LEGISLATIVE HISTORY:

The Local Planning Agency found the request consistent with the Lee County Comprehensive Plan. The Zoning Board recommended approval of request a), with conditions; approval of request b), and denial of request c). The Board of County Commissioners concurred with staff recommendations. A motion was offered and carried for approval with all staff recommendations, except for the request for consumption-on-premises. A separate motion was called and carried for consumption-on-premises of alcoholic beverages.

NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF COUNTY COMMISSIONERS AS THE ZONING APPEALS BOARD, that the Zoning Appeals Board does hereby approve in the AG and RS-1 districts:

Request (a) A rezoning from AG to Commercial Planned Development, to permit a resort development 96,300 square feet in size, not to exceed 30 feet in height (except for a pagoda of 75 feet) on 59.77 acres of land. The proposed development will include a 200-room hotel/motel, restaurant/lounge, gardens, walkways, landscaped islands, accessory commercial uses, and the pagoda, all subject to the following conditions:

1. Deviations (1) and (2) are hereby approved;
2. Deviation (3) is hereby approved to allow a vertical bulkhead along 1720 lineal feet of the lake shoreline, provided that:
 - a) A 12:1 (or greater) slope ratio is provided to a water depth of 6 feet on at least 1720 additional lineal feet of the lake shoreline;
 - b) The remaining shoreline has a slope ratio of the 6:1 (or greater); and
 - c) The developer plants herbaceous submergent native vegetation in the littoral zone on 5-foot centers (or the equivalent number through clustering), and woody native vegetation along the shoreline on 10-foot centers if seedlings or 25-foot centers if saplings (or the equivalent numbers through clustering);
3. There shall be two ingress/egress points to the main complex. One of these access points may be a service road provided that it is interconnected to the other access point in such a way that it may be utilized by all traffic in emergencies. There shall also be a service road (paved or unpaved) to the pagoda (deviation (4));
4. No access (frontage) road is required at this time (DSR C.3.J.(2) but one may be required in the future by the Director of the Transportation and Engineering Department. The property owner shall have twelve (12) months to construct said access road after being formally notified by the Director of the Transportation and Engineering Department that one is required (deviation (5));
5. There shall be a 165-foot setback from the centerline of SR 82 right-of-way as set forth in Section 626.2.C.3. of the Zoning Regulations;
6. The lake shall set back from the perimeter line a minimum of fifty (50) feet;
7. The lake control elevation shall be between 28.9 and 29.1 feet above mean sea level; and
8. Development of this site must be in compliance with the master Concept Plan (No. 269, File #RZ-3-A, July 1985) stamped received December 2, 1985, which is on file at the Community Development Department.

And does hereby approve request (b): a variance from the requirement that buildings in a C.P.D. district may not exceed 45 feet above minimum flood elevation (626.2.D), to allow the construction of a pagoda 75 feet in height;

And does hereby deny request (c): a variance from the minimum Commercial Planned Development setback of 10% (maximum of 75 feet) as required by Section 626.2.C.1.b, to 15 feet from the southeastern property line.

Site Plan SP-86-102 is attached hereto and incorporated herein by reference, as a reduced copy of the Master Concept Plan.

The following findings of fact were made in conjunction with this approval of Commercial Planned Development zoning:

1. The proposed mix of uses is appropriate at the subject location; and
2. The proposed development is consistent with the adopted Lee Plan, in that:
 - a. The land use change meets or exceeds the applicable performance and locational standards; and
 - b. Urban services, as defined by the Lee Plan, are (or will be) available and adequate to serve the proposed land use change; and
 - c. The land use change complies with the densities and general uses set forth in the Lee Plan; and
 - d. The land use change will protect, conserve, or preserve environmentally critical areas and natural resources; and
 - e. The land use change is compatible with existing or planned land uses, and would not cause damage, hazard, or nuisance, or other detriment to persons or property; and
 - f. The location of the proposed land use change does not place an undue burden upon existing transportation and other services and facilities, and will be served by streets of a capacity sufficient to carry traffic generated by the development; and
3. Sufficient safeguards to the public interest are provided by the recommended conditions to the Concept Plan or by other applicable regulations; and
4. All recommended conditions are reasonably related to the impacts on the public's interest created by or expected from the proposed development.

A motion to adopt the foregoing Resolution (except for approval of consumption-on-premises of alcoholic beverages) was made by Commissioner Slisher, and seconded by Commissioner Fussell and, upon being put to a vote, was as follows:

Porter J. Goss	Aye
Roland Eastwood	Absent
Mary Ann Wallace	Absent
Bill Fussell	Aye
Donald D. Slisher	Aye

REC 1898PG0581

A separate motion to approve consumption-on-premises in the restaurant/lounge was offered by Commissioner Slisher, seconded by Commissioner Goss and, upon being put to a vote, was as follows:

Porter J. Goss	Aye
Roland Eastwood	Absent
Mary Ann Wallace	Absent
Bill Fussell	Nay
Donald D. Slisher	Aye

The foregoing Resolution was duly passed and adopted this 9th day of June, A.D., 1986.

ATTEST:
CHARLIE GREEN, CLERK

BOARD OF COUNTY COMMISSIONERS
OF LEE COUNTY, FLORIDA

BY: Lisa L. Pearce
Deputy Clerk

BY: Bill Fussell
Chairman

Approved as to form by:
[Signature]
County Attorney's Office

RECORDED AND RECORDED
CLERK CIRCUIT COURT
LEE COUNTY FLA
FEB 16 2 03 PM '87

FILED
FEB 8 1987
CLERK CIRCUIT COURT
BY Lisa L. Pearce D.C.