

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

WHEREAS, Herman & Gertrude Noack, represented by CGR Development Corporation, in reference to Carefree Resorts of Southwest Florida, have filed an application for a rezoning from AG-2 (Agricultural District) to MHPD (Mobile Home Planned Development District) and RVPD (Recreational Vehicle Planned Development District); and

WHEREAS, the subject property is located at 18250 North Tamiami Trail and is described more particularly as:

LEGAL DESCRIPTION: In Section 15, Township 43 South, Range 24 East, Lee County, Florida:

A tract or parcel of land lying in the South Half (S $\frac{1}{2}$) of Section 15, Township 43 South, Range 24 East, Lee County, Florida which tract or parcel is described as follows:

From the Southwest corner of said Section 15 run N00°06'29"W for 899.95 feet to an intersection with the North line of lands described in Official Record Book 2324 beginning at Page 409 of the Lee County Public Records; THENCE run S89°02'58"E along the North line of said lands for 440.65 feet to the POINT OF BEGINNING. From said POINT OF BEGINNING run N00°06'29"W for 884.41 feet to an intersection with the South line of lands described in Official Record Book 2369 beginning at Page 3356 of said records; THENCE run S89°02'58"E along said South line for 2,491.74 feet to a concrete monument; THENCE run S03°35'56"W for 885.21 feet to a concrete monument and an intersection with the North line of lands described in Official Record Book 2324 beginning at Page 409 of said records; THENCE run N89°02'58"W along said North line for 2,434.50 feet to the POINT OF BEGINNING.

Containing 50 acres, more or less.

Bearings hereinabove mentioned are based on the South line of the Southwest Quarter (SW $\frac{1}{4}$) of Section 15 to bear S89°02'58"E.

WHEREAS, the applicant has indicated the property's current STRAP number is 15-43-24-00-00007.0000; and

WHEREAS, Herman & Gertrude Roack, the owners of the subject parcel, authorized Florida Land Planning, Inc. and CCR Development Corporation to act as agents to pursue this zoning application; and

WHEREAS, a public hearing was properly advertised and held before the Lee County Hearing Examiner, with full consideration of all the evidence available; and the Hearing Examiner fully reviewed the matter in a public hearing held on April 4, 1995 and subsequently continued to April 11, 1995; and

WHEREAS, a public hearing was properly advertised and held before the Lee County Board of County Commissioners who gave full and complete consideration to the recommendations of the staff, the Hearing Examiner, the documents on file with the county, and the testimony of all interested persons.

NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF COUNTY COMMISSIONERS, that the Board APPROVES with conditions a rezoning from AG-2 to MHPD and RVPD.

SECTION I. CONDITIONS:

A. The rezoning and Master Concept Plan are subject to the following conditions:

1. The development of this project will be substantially in compliance with the one-page Master Concept Plan entitled "Care-free Resorts of Southwest Florida" stamped received April 7, 1995 (Exhibit A) and the one-page buffer plan entitled "Development Overlay" stamped received March 17, 1995 (Exhibit B) except as modified by the conditions herein. This approval does not alleviate the requirement to comply with all state and county development regulations except as specifically modified by this approval.

2. The approved Property Development Regulations for the MHPD and RVPD are as follows:

a) Residential Property Development Regulations

	MHPD	RVPD
Minimum Lot Size	4,500 s.f.	3,150 s.f.
Minimum Lot Dimensions	50' x 90'	45' x 70'
Street setback	20'	20'
Side setback	5' or 15'	10'
Rear setback	10' 5'	10'
Perimeter setback	10'	40'
Minimum building separation	10'	20' 10'
Waterbody setback	25'	25'
Accessory Building:		
Front	10'	10'
Side	5'	10'
Rear	5'	5'
Amenity setback from water	0'	0'

7 1/2' @ 100'
MHPD 2
1/8' chg
Front f
to MHPD

AA
96-03

Ab. 12.27.98
98-051
Approved changes to
MHPD-1 & MHPD-2

- (1)
- b) The zero foot setback between amenities and a water-body will only apply to publicly accessible decks, piers, boardwalks, patios, and screen enclosures, provided those amenities are shown on an approved Development Order.
- c) Mobile Homes and Recreational Vehicles located on corner lots may have a minimum property line setback along the side that is opposite the interior side property line, of 7.5 feet unless a utility easement requires a greater width. Mobile Homes and Recreational Vehicles located on corner lots must maintain the 20 foot street setback but may be located within 15 feet of the corner radius.

3. The approved Schedule of Uses is as follows:

Accessory Uses and Structures - Def.
 Administrative Offices - Def.
 Boat Rental
~~Bottle Club - Def.~~
 Club, Private - Def.
 Ancillary Commercial uses to include:
 sale of snacks, personal hygiene items, community
 related clothing, mugs, and similar items
 Consumption on Premises [Section 34-1264(a)(2)]
 Entrance Gates and Gatehouses - Def.
 Essential Service Facilities - Group I [Section
 34-622(c)(13)]
 Excavation for Water Retention [Section 34-1651]
 Fences, Walls [Section 34-1741]
 Fishing Piers
 Golf Course
 Home Occupation - Def.
 Mobile Home - Def.
 Model Home, Unit, Display Center [Section 34-1951]
 Parks - Groups I & II [Section 34-622(c)(32)]
 Park Trailers - Def.
 Parking Lot, Accessory
 Personal Services - Group I [Section 34-622(c)(33)]
 Real Estate Sales Office
 Recreational Facilities, Personal - Def.
 Recreational Facilities, Private - Def.
 Recreational Vehicles, Non-Transient - Def.
 Residential Accessory Uses [Section 34-633(c)(42)]
 Signs in Accordance with Chapter 30 (LDC)
 Storage, Indoor only [Section 34-3001]
 Temporary Uses [Section 34-3041]

4. The maximum number of non-transient Recreational Vehicles may not exceed 166 units. The maximum number of Recreational Vehicles and Mobile Homes combined may not exceed 278 units.

5. Prior to the approval of any plat subdividing the subject property or any condominium plat, the Developer must provide a list of lots contained within the plat. The list will consist of the lot or parcel number and the designation of the lot as a RVPD or MRPD lot or parcel. This list must be submitted to the Division of Zoning and Development Services and the Division of Codes & Building Services for the purpose of tracking the location and number of each unit type. Any change to the lot or parcel designation will require the submittal of a revised list of lot designations. Any reconfiguration of a lot or parcel will require replatting.

6. Buffers must be provided in accordance with the Carefree Resort of Southwest Florida "Development Overlay" Plan, stamped received March 17, 1995. The buffers must be provided prior to a Certificate of Completion for each phase of a Development Order(s), excluding Development Orders for roadways and lake excavations. Buffer Types 1 and 2 are described as follows:

Buffer Type 1

Buffer Type 1 must be provided where a recreational vehicle lot is adjacent to the development perimeter. The buffer may include a berm, fence or vegetation. The buffer must be a minimum width of 10 feet with a visual screen that must be a minimum of 36 inches in height with 50 percent opacity at planting. The visual screen must achieve a height of six feet (measured from the adjacent off-site lot elevation) and 80 percent opacity within one year of planting. Three trees and two understory trees must be installed per 100 linear feet. The required trees (not including the understory trees) must be a minimum of eight feet in height with a 1-1/4-inch caliper and a minimum 3-foot canopy diameter at planting.

Buffer Type 2

Buffer Type 2 must be provided where a mobile home lot is adjacent to the southern and eastern development perimeter. The buffer may include a berm, fence or vegetation. The buffer must be a minimum width of five feet with a visual screen that includes a minimum of 18 shrubs per 100 linear feet that must be a minimum of 24 inches in height with 30 percent opacity at planting. The visual screen must achieve a height of three feet and 50 percent opacity within one year of planting. Three trees must be installed per 100 linear feet. The required trees must be a minimum of six feet in height with a 1-inch caliper and a minimum 2-foot canopy diameter.

7. Open space must be provided in accordance with the "Open space calculations" table on the Master Concept Plan, stamped received April 7, 1995.

8. Parking must be provided as follows:

RV	1 parking space per dwelling unit
Mobile Home	2 parking spaces per dwelling unit
Private Club	20 parking spaces

9. This development must be connected to public water and sewer service.
10. All commercial uses within the MHPD/RVPD must comply with LDC Section 34-937 regarding the location, amount and timing of commercial uses.
11. Development Order approval will be granted only when the Developer clearly demonstrates that the development will not cause the mandatory levels of service pursuant to Lee Plan Policy 70.1.3 to be exceeded. Approval of a Development Order does not release the property owner from any obligations under the Privately Funded Infrastructure Overlay.
12. The developer must establish an Emergency Hurricane Preparedness Plan with the assistance of the Lee County Division of Emergency Management. The Homeowners Association must provide an annual educational seminar, at which, the Division of Emergency Management will educate the Homeowners on hurricanes and other natural hazards.
13. This zoning approval does not signify that the project's traffic impacts have been mitigated. Additional conditions may be required at the time of issuance of a local Development Order in accordance with the Lee County LDC or other County Ordinance.
14. Approval of this rezoning does not give the Developer the undeniable right to receive any local Development Order approval that exceeds the Year 2010 Overlay use allocation for the district.

SECTION II. DEVIATIONS:

The Master Concept Plan deviates from several Lee County development standards. The proposed deviations are granted or denied as set forth below.

- A. Deviation (1) requests relief from LDC Section 10-291(3) which requires two means of ingress and egress to the development where feasible, to allow the access point shown on the Master Concept Plan. The requested deviation is APPROVED.
- B. Deviation (2) requests relief from LDC Section 10-295 to waive any requirement that the project be connected to adjacent property. The requested deviation is DENIED without prejudice, since the matter may be handled administratively at the time of Development Order approval. OK AA

- VIA
O.R.
- C. Deviation (3) requests relief from LDC Section 10-296, Table 1 which requires minimum right-of-way widths for streets with closed drainage, rear lot drainage or inverted crown of 30 feet for one-way traffic and 35 feet for two-way traffic for a local street, to permit 25 feet for one-way traffic, and 30 feet for two-way traffic for all internal roadways other than the divided entry drive. The requested deviation is APPROVED provided the right-of-way is constructed in accordance with the "Typical Private Street Section with Closed Drainage," stamped received March 21, 1995 (attached hereto as Exhibit C).
- D. Deviation (4) requests relief from LDC Section 10-296, Table 4(7)(c)2. which requires that the wearing surface on local roads be 1-1/2-inch asphaltic concrete, to allow cement concrete and/or pavers on the private streets. The requested deviation is APPROVED provided the Developer demonstrates that the decorative pavers have the structural equivalency of the required pavement.
- E. Deviation (5) requests relief from LDC Section 10-296(k) which requires that cul-de-sacs be measured 90 feet from the outside diameter and 45 feet inside diameter, and either 110 feet diameter for curb & gutter section of 130 feet for ditch & swale drainage, to allow the rights-of-way for cul-de-sacs to coincide with the pavement widths. The requested deviation is APPROVED provided the cul-de-sac design is approved by the local fire district.
- F. Deviation (6) requests relief from LDC Section 10-714 which requires that any cul-de-sac be symmetrical around the centerline, to allow for off-center cul-de-sac or square cul-de-sac. The requested deviation is APPROVED provided the Developer demonstrates the cul-de-sac will operate equivalent to the required standard.
- G. Deviation (7) requests relief from LDC Section 10-414 which requires buffering between uses, to allow for no internal buffering between MHPD and RVPD uses. The requested deviation is APPROVED.
- H. Deviation (8) requests relief from LDC Sections 14-298 and 14-299 to allow the filling of identified wetland areas. The requested deviation is APPROVED subject to compliance with the "Carefree Resorts Wetland Mitigation Plan," stamped received February 1, 1995, with the exception that the ratio of "Impact: Creation" must be changed to a minimum of 1.5 to one acre of creation for each acre of impact. Monitoring reports must be submitted to the Division of Environmental Sciences annually over a period of five years. If at the end of five years, an 80 percent survival/aerial coverage is not achieved, additional plantings must be installed and maintained until such time that an 80 percent survival/aerial coverage is accomplished. The

Wetland Mitigation Plan must be revised to reflect this condition and submitted to the Division of Environmental Sciences for approval prior to local Development Order approval.

- I. Deviation (9) requests relief from LOC Section J4-919(b)(3) which requires a 40-foot buffer completely around the boundary of the site, to allow a 40-foot buffer (consisting of a minimum of 30 feet of community open space and 10 feet of private lot) when an RVPD lot is within 40 feet of the property boundary, with the condition that the total required open space generated by the required 40-foot perimeter buffer is still provided within the overall project (see Open Space Calculations). The requested deviation is APPROVED.

SECTION III. SITE PLAN:

Site Plan 95-022 is a two-page reduced copy of the Master Concept Plan and is attached to and incorporated into this Resolution by reference.

SECTION IV. FINDINGS AND CONCLUSIONS:

The following findings and conclusions were made in conjunction with this approval of the requested zoning:

- A. The predominant uses of the surrounding property make approval of the MHPD/RVPD appropriate as conditioned.
- B. The amended MHPD/RVPD as conditioned:
 - (1) will not have an adverse impact on the intent of the Land Development Code;
 - (2) is consistent with the goals, objectives, policies, and intent of the Lee Plan, and with the densities, intensities, and general uses set forth for the proposed use;
 - (3) meets or exceeds all performance and locational standards set forth for the proposed use;
 - (4) will protect, conserve, and preserve all protected and endangered species, natural habitat and vegetation, in accordance with the Lee Plan and other Lee County development regulations;
 - (5) will be compatible with existing or planned uses and will not cause damage, hazard, nuisance, or other detriment to persons or property; and
 - (6) Will not place an undue burden upon existing transportation or other services and facilities, and will be served by streets with the capacity to carry traffic generated by the development.

- C. The residential uses, as conditioned, will be in compliance with all applicable zoning provisions and supplemental regulations pertaining to the use, set forth in the Land Development Code.
- D. The proposed use is appropriate on the subject property and in the vicinity of the subject property.
- E. The recommended conditions are reasonably related to the impacts expected from or created by the proposed development.
- F. The recommended conditions and other Lee County development regulations provide sufficient safeguards to the public health, safety and welfare.
- G. The deviations, as conditioned, enhance the achievement of the objectives of the MHPD/RVPD, and preserve and promote the protection of the public health, safety and welfare.

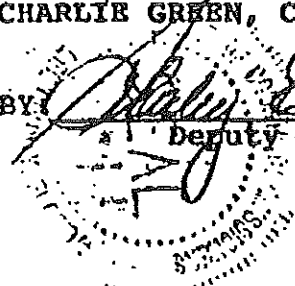
The foregoing Resolution was adopted by the Lee County Board of County Commissioners upon a motion by Commissioner Manning, and seconded by Commissioner St. Cerny and, upon being put to a vote, the result was as follows:

John E. Manning	Aye
Douglas R. St. Cerny	Aye
Ray Judah	Aye
Andrew W. Coy	Aye
John E. Albion	Aye

DULY PASSED AND ADOPTED this 15th day of May, A.D., 1995.

ATTEST:
CHARLIE GREEN, CLERK

BY: *Deputy Clerk*
Deputy Clerk



BOARD OF COUNTY COMMISSIONERS
OF LEE COUNTY, FLORIDA

BY: *Chairman*
Chairman

Approved as to form by:

County Attorney's Office
County Attorney's Office

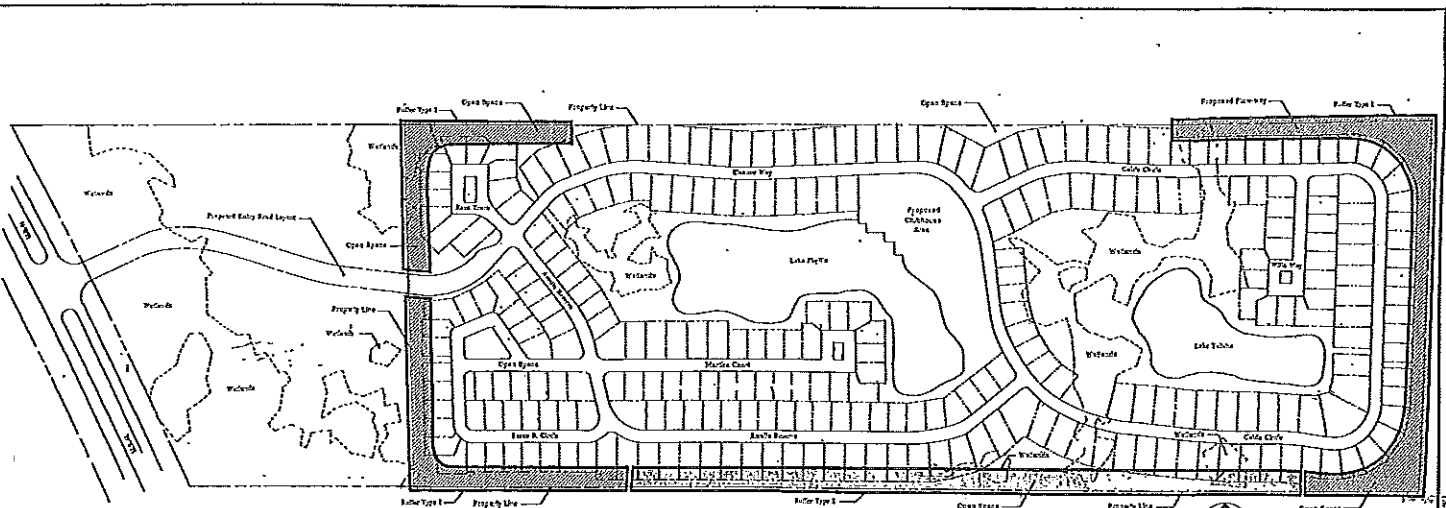
FILED

MAY 19 1995

CLERK CIRCUIT COURT
BY: *D.C.*

CASE NO. 95-01-044.032
ZON5178

RESOLUTION NUMBER Z-95-022
Page 8 of 8



Carefree Resort of Southwest Florida

Development Overlay

Prepared For:
CGR Development Corp.

January, 1973
 Project
 February 24, 1973
 March 22, 1973



FLORIDA LAND PLANNING, INC.
 100 West Park Road, Suite 100
 Fort Myers, Florida 33907
 (813) 938-5221

- Notes:
1. All lots have been approved for 20% of the required Buffer Trees.
 2. All plants included in the Buffer Zones will be native to Florida.
 3. All specific species will be removed, as required in Section 10 of the Land Development Code.
 4. Any existing non-native plants, which are preserved within the Buffer Zone, may be located towards the Buffer boundaries.
 5. Fences shall not be any closer or more than the required buffer zone, provided that no reduction in plant material or screening is allowed.
 6. In the event of existing structures on Buffer Zones, which are within the required Buffer Zone, no buffering shall be required.
 7. Lot locations are specific, and are subject to a survey at the time of final site design.

APPROVED

Florida Land Planning, Inc.
 100 West Park Road, Suite 100
 Fort Myers, Florida 33907
 Date: 02/24/73



PROJECT # 25-21-477-012, et al.
 PROJECT TYPE 73

Buffer Type 1
 (Regulates per 100 feet lot)

- 12' minimum width
- 2' trees
- 2' minimum height
- Continuous 100% screen
- screen may be a berm, fence, or vegetation
- must have 50% opacity at installation
- must have 80% opacity within one year of certificate of occupancy
- must be a minimum of 6' in height (from adjacent lot line) within one year of certificate of occupancy
- all shrubs must have a minimum 20' height at installation
- Fenced areas shall be a minimum of 6' in height, with a 1" top cap and a minimum 2' canopy clearance.

Buffer Type 2
 (Regulates per 100 feet lot)

- 8' minimum width
- 3' trees
- 2' minimum height
- Continuous 100% screen
- screen may be a berm, fence, or vegetation
- must have 50% opacity at installation
- must have 80% opacity within one year of certificate of occupancy
- must be a minimum of 6' in height (from adjacent lot line) within one year of certificate of occupancy
- all shrubs must have a minimum 20' height at installation
- Fenced areas shall be a minimum of 6' in height, with a 1" top cap and a minimum 2' canopy clearance.

ADMINISTRATIVE AMENDMENT
LEE COUNTY, FLORIDA

WHEREAS, CGR Development Corporation filed an application for administrative approval to a Mobile Home Planned Development and a Recreational Vehicle Planned Development on a project known as Carefree Resort of Southwest Florida for an amendment to reduce the minimum side setback requirement for an accessory structure in the RVPD portion on property located at 3000 Carefree Boulevard, described more particularly as:

LEGAL DESCRIPTION: In Section 15, Township 43 South, Range 24 East, Lee County, Florida:

A tract or parcel of land lying in the South Half (S½) of Section 15, Township 43 South, Range 24 East, Lee County, Florida, which tract or parcel is described as follows:

From the Southwest corner of said Section 15 run N00°06'29"W for 899.95 feet to an intersection with the North line of lands described in Official Record Book 2324 beginning at Page 409 of the Lee County Public Records;

THENCE run S89°02'58"E along the North line of said lands for 440.65 feet to the POINT OF BEGINNING.

From said POINT OF BEGINNING run N00°06'29"W for 884.41 feet to an intersection with the South line of lands described in Official Record Book 2369, beginning at Page 3356 of said records;

THENCE run S89°02'58"E along said South line for 2,491.74 feet to a concrete monument;

THENCE run S03°35'56"W for 885.21 feet to a concrete monument and an intersection with the North line of lands described in Official Record Book 2324 beginning at Page 409 of said records;

THENCE run N89°02'58"W along said North line for 2,434.5 feet to the POINT OF BEGINNING.

Containing 50 acres, more or less.

WHEREAS, the property was originally rezoned in accordance with resolution number Z-95-022 [with a subsequent amendment in case number 95-01-044.13A 01.01, and a Wetlands Ordinance variance granted in case number 95-01-044.04V]; and

WHEREAS, the Lee County Land Development Code provides for certain administrative changes to planned development master concept plans; and

WHEREAS, the applicant has requested an amendment to reduce the minimum side setback required for an accessory structure from the originally approved ten (10) feet to five (5) feet within the RVPD portion of the development; and

WHEREAS, a minimum side setback of five (5) feet is required for accessory structures in the MHPD portion of the development; and

WHEREAS, the subject application and plans have been reviewed by the Lee County Department of Community Development in accordance with applicable regulations for compliance with all terms of the administrative approval procedures; and

WHEREAS, it is found that the proposed amendment does not increase density or intensity within the development; does not decrease buffers or open space required by the LDC; does not underutilize public resources or infrastructure; does not reduce total open space, buffering, landscaping or preservation areas; and does not otherwise adversely impact on surrounding land uses.

NOW, THEREFORE, IT IS HEREBY DETERMINED that the application for administrative approval for an amendment to the Mobile Home Planned Development and the Recreational Vehicle Planned Development to reduce the minimum side setback required for an accessory structure in the RVPD portion, from the originally approved ten (10) feet to five (5) feet is **APPROVED**.

Approval is subject to the following conditions:

1. The terms and conditions of the original zoning resolution Z-95-022, amending resolution PD-96-014 and Hearing Examiner Decision 95-01-044.04v remain in full force and effect.
2. This amendment does not constitute approval to permit the encroachment of any accessory structure into any easement, nor does it preclude compliance with the minimum building separation of 20 feet between structures within the RVPD portion of the development.

DULY SIGNED BY: *[Signature]*

DULY SIGNED this 24th day of July, A.D., 1996.

BY: *Mary Gibbs*

Mary Gibbs, Director
Department of Community Development

ADMINISTRATIVE AMENDMENT PD-97-022

ADMINISTRATIVE AMENDMENT
LEE COUNTY, FLORIDA

WHEREAS, CGR Development Corporation filed an application for administrative approval to a Mobile Home Planned Development (MHPD) and a Recreational Vehicle Planned Development (RVPD) on a project known as Carefree Resort to establish an additional set of property development regulations to allow placement of smaller mobile homes, and to clarify carport coverage use pursuant to Lee County Ordinance 96-17, on property located at 18250 North Tamiami Trail, North Fort Myers, described more particularly as:

LEGAL DESCRIPTION: A tract or parcel of land lying in the South Half (S½) of Section 15, Township 43 South, Range 24 East, Lee County, Florida which tract or parcel is described as follows:

From the Southwest corner of said Section 15 run N00°06'29"W for 899.95 feet to an intersection with the North line of lands described in OR Book 2324 beginning at Page 409 of the Lee County Public Records;

THENCE run S89°02'58"E along the North line of said lands for 440.65 feet to the POINT OF BEGINNING.

From said POINT OF BEGINNING run N00°06'29"W for 884.41 feet to an intersection with the South line of lands described in OR Book 2369 beginning at Page 3356 of said records;

THENCE run S89°02'58"E along said South line for 2,491.74 feet to a concrete monument;

THENCE run S03°35'56"W for 885.21 feet to a concrete monument and an intersection with the North line of lands described in OR Book 2324 beginning at Page 409 of said records;

THENCE run N89°02'58"W along said North line for 2,434.50 feet to the POINT OF BEGINNING.

Containing 50 acres, more or less.

WHEREAS, the property was originally rezoned in case number 95-01-044.03Z 01.01 [with subsequent amendments in case numbers 95-01-044.13A 01.01 and 02.01]; and

WHEREAS, the Lee County Land Development Code provides for certain administrative changes to planned development master concept plans and planned unit development final development plans; and

WHEREAS, appropriate conditions were incorporated into the original rezoning resolution to limit the number of units, and this request will not increase the number of units, but rather will only allow placement of another mobile home type of use, i.e., a smaller unit; and

WHEREAS, the smaller units were not anticipated to be utilized in the project when it was originally rezoned, but are now in demand; and

WHEREAS, the Land Development Code (LDC) was amended after the rezoning of the subject site by Ordinance 96-17 to allow all RVPD zoned projects to have carports to cover both the RV and one vehicle (LDC Section 34-786); and

WHEREAS, the owners of the subject site wish to clarify that carports to cover both the RV and one vehicle are permitted within this project; and

WHEREAS, the subject application and plans have been reviewed by the Lee County Department of Community Development in accordance with applicable regulations for compliance with all terms of the administrative approval procedures; and

WHEREAS, it is found that the proposed amendment does not increase density or intensity within the development; does not decrease buffers or open space required by the LDC; does not underutilize public resources or infrastructure; does not reduce total open space, buffering, landscaping or preservation areas; and does not otherwise adversely impact on surrounding land uses.

NOW, THEREFORE, IT IS HEREBY DETERMINED that the application for administrative approval for an amendment to Mobile Home and Recreational Vehicle Planned Development (MHPD & RVPD) to establish an additional set of property development regulations to allow placement of smaller mobile homes, and to clarify carport coverage use pursuant to Lee County Ordinance 96-17 is APPROVED subject to the following conditions:

1. The development of this project must be in accordance with the one-page Master Concept Plan entitled "Zoning Concept Plan for The Resort on Carefree Boulevard," prepared by Florida Land Planning, Inc., dated January, 1995, last revised April 16, 1997, and stamped received April 18, 1997. This approval does not alleviate the need to comply with state and county development regulations, except as specifically modified by this approval. Any change to the MCP will require an appropriate approval.
2. The terms and conditions of the original zoning resolutions and any amendments not affected by this action remain in full force and effect.
3. Site Plan PD-97-022 is hereby APPROVED and adopted. A reduced copy is attached hereto.

DULY SIGNED this 12th day of May, A.D., 1997.

BY: Mary Gibbs
Mary Gibbs, Director
Department of Community Development

ADMINISTRATIVE AMENDMENT PD-98-051

ADMINISTRATIVE AMENDMENT
LEE COUNTY, FLORIDA

WHEREAS, CRG Development Corp. filed an application for administrative approval to a Mobile Home Planned Development (MHPD) and a Recreational Vehicle Planned Development (RVPD) project known as The Resort on Carefree Boulevard to modify the property development regulations for the side and rear setbacks for lots located in the MHPD-1 and MHPD-2 districts. The property is located at 18250 North Tamiami Trail, N. Ft. Myers, described more particularly as:

LEGAL DESCRIPTION: In Section 16, Township 43 South, Range 24 East, Lee County, Florida:

A tract or parcel of land lying in the South Half (S½) of Section 15, Township 43 South, Range 24 East, Lee County, Florida which tract or parcel is described as follows:

From the Southwest corner of said Section 15 run N00°06'29"W for 899.95 feet to an intersection with the North line of lands described in Official Record Book 2324 beginning at Page 409 of the Lee County Public Records;
 THENCE run S89°02'58"E along the North line of said lands for 440.65 feet to the POINT OF BEGINNING. From said POINT OF BEGINNING run N00°06'29"W for 884.41 feet to an intersection with the South line of lands described in Official Record Book 2369 beginning at Page 3356 of said records;
 THENCE run S89°02'58"E along said South line for 2,491.74 feet to a concrete monument;
 THENCE run S03°35'56"W for 885.21 feet to a concrete monument and an intersection with the North line of lands described in Official Record Book 2324 beginning at Page 409 of said records;
 THENCE run N89°02'58"W along said North line for 2,434.50 feet to the POINT OF BEGINNING.
 Containing 50 acres, more or less.

WHEREAS, the property was originally rezoned in case number 95-01-044.03Z [with subsequent amendments in case numbers 95-01-044.13A 01.01, 95-01-044.13A 02.01, 95-01-044.13A 03.01]; and

WHEREAS, the Lee County Land Development Code provides for certain administrative changes to planned development master concept plans and planned unit development final development plans; and

administrative changes to planned development master concept plans and planned unit development final development plans; and

adm
deve

WHEREAS, the requested amendment is to modify the side and rear setbacks in the MHPD-1 and MHPD-2 districts to allow flexibility in the location of future designs of mobile homes; and

WHEREAS, the subject application and plans have been reviewed by the Lee County Department of Community Development in accordance with applicable regulations for compliance with all terms of the administrative approval procedures; and

WHEREAS, the subject application and plans have been reviewed by the Lee County Department of Community Development in accordance with applicable regulations for compliance with all terms of the administrative approval procedures; and

WHEREAS, it is found that the proposed amendment does not increase density or density within the development; does not decrease buffers or open space required by the development; does not underutilize public resources or infrastructure; does not reduce total open space, buffering, landscaping or preservation areas; and does not otherwise adversely impact surrounding land uses.

NOW, THEREFORE, IT IS HEREBY DETERMINED that the application for administrative approval for an amendment to a Mobile Home and Recreational Vehicle Development (MHPD & RVPD) to modify the property development regulations for side and rear setbacks for lots located in the MHPD-1 and MHPD-2 districts is APPROVED.


Approval is subject to the following conditions:

The Development must be in accordance with the one-page Master Concept Plan entitled "Zoning Concept Plan for the Resort on Carefree Boulevard," prepared by Florida Land Planning, Inc., dated January, 1995, last revised July 15, 1998, and stamped received December 22, 1998. This approval does not alleviate the need to comply with state and county development regulations, except as specifically modified by this approval. Any change to the MCP will require appropriate approval.

The terms and conditions of the original zoning resolutions remain in full force and effect.

Site Plan 98-051 is hereby APPROVED and adopted. A reduced copy is attached hereto.

DULY SIGNED this 22nd day of December, A.D., 1998.

BY: 

Mary Gibbs, Director
Department of Community Development

Dep
com

inter
LDC
spac
on s

adm
Plan
the
APP

1.

2.

3.

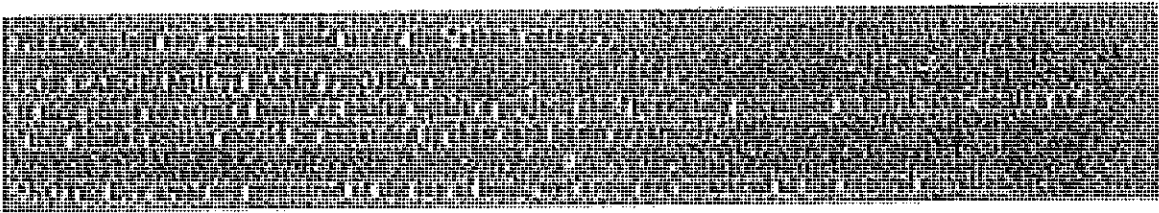
▷ APPLICABLE LAND USE: Overall

Text: MHPD/RVPD

Use for clarification of the land use below.

	TOTAL PROJECT	PREVIOUSLY PERMITTED CONSTRUCTION	THIS PHASE
Total	<u>51.5</u> acres	_____ acres	<u>51.5</u> acres
Water Management (total)	<u>8.4</u> acres	_____ acres	<u>8.4</u> acres
Dry Detention/Retention*	_____ acres	_____ acres	_____ acres
Wet Detention/Retention*	<u>8.4</u> acres	_____ acres	<u>8.4</u> acres
Pavement	<u>7.4</u> acres	_____ acres	<u>7.4</u> acres
Building Coverage	<u>0.7</u> acres	_____ acres	<u>0.7</u> acres
# of units	<u>278</u>	_____	<u>278</u>
Preserved	_____ acres	_____ acres	_____ acres
Pervious	<u>21.6</u> acres	_____ acres	<u>21.6</u> acres
Landfill	_____ acres	_____ acres	_____ acres
Highway	<u>0.3</u> acres	_____ acres	<u>0.3</u> acres
Grove Area	_____ acres	_____ acres	_____ acres
Farm Area	_____ acres	_____ acres	_____ acres
Nursery	_____ acres	_____ acres	_____ acres
Other	<u>5.1</u> acres	_____ acres	<u>5.1</u> acres

* NOTE: 5.1 acres in other category includes entrance road and pervious area outside water management systems.



PREPARED BY:

Attorney Neale Montgomery
Pavese, Garner, Haverfield, et al.
P.O. Drawer 1507
Fort Myers, FL 33902-1507
(941)334-2195

4134866

AGREEMENT FOR TEMPORARY ACCESS

28.50K²⁰

CGR Development Corporation, a Florida Corporation, hereinafter referred to as CGR, is the owner of a project known as The Resort on Carefree Boulevard, f/k/a Carefree Resort of Southwest Florida (DO# 95-08-091.00D), described more particularly on the attached Exhibit "A". The project is generally located in Section 15, Township 43 South, Range 24 east. Lee County is a political subdivision of the state of Florida, and The Resort on Carefree Boulevard is located within Lee County.

The Lee County Land Development Code requires a developer to provide street stubs to adjoining properties when deemed necessary by the Director of Development Review. The street stubs are required when deemed necessary to provide access to adjacent property, or to provide for proper traffic circulation. CGR requested a deviation from this section when the planned development zoning application was processed. The Lee County staff advised that a deviation was not necessary and that the deviation could be approved administratively by the staff. During the review of the development order application, the County staff determined that an inter-connection to the north was necessary. The staff referred to Section 10-291 of the Land Development Code which states that a residential development of more than five acres should provide more than one means of ingress and egress, where practical. The planned development in this instance was approved by the Board of County Commissioners with the one access road to US 41. Section 10-291, LDC, also states that additional access points may be necessary to provide for the continuation of an existing street pattern, to provide access to adjoining properties, or where additional access is needed, to provide alternate access for emergency services.

The applicant and the County staff disagreed on the need to provide additional access to the north. The access is not needed to provide for the continuation of an existing street pattern, and there is no desire to interconnect to provide access for the property to the north. The County staff submitted that the access was needed to provide alternate access for emergency services, whereas CGR submitted that the access to the north was ineffective and resulted in the diminution in value of one of the lots that was clearly shown and approved on the master concept plan.

In an effort to resolve the disagreement between the parties and to enable the permitting of the project to move forward, it is was agreed as follows:

1. A temporary 20 foot emergency vehicle access easement is hereby provided traversing lots E9 and E11. The temporary easement is described more particularly on the attached Exhibit "B".
2. The easement will last for a period of five years from the date this agreement is recorded. If no development to the north of The Resort on Carefree Boulevard occurs within the five year period of time, then the easement will expire. If development occurs within the five year period of time and an appropriate inter-connection is made to the temporary access easement then the easement shall become a permanent access easement.

RECORD VERIFIED - CHARLIE GREEN, CLERK
BY: TRENT A. VOSES, D.C.

OR2804 PG0941

D50 3/2/97

3. During the five year temporary easement period, if the land under the ownership of CGR is not in actual use as an emergency vehicle access on the property to the north, with a commensurate emergency vehicle access to the north, the property can be used for sheds, screen rooms, and landscaping. Should the emergency access inter-connection be installed and become effective, then the sheds, landscaping, and screen rooms would have to be removed at the owner's expense. Owner in this paragraph refers to the individual lot owner.
4. If the emergency access interconnection is not installed, and should the five year period of time pass, then the land will revert to the owners of lots E9 and E 11 and shall be free and clear of all encumbrances. The land can be used as the owner's see fit, so long as said use is consistent with the master concept plan, and the duly adopted rules and regulations of The Resort on Carefree Boulevard.
5. If the property to the north develops and installs an interconnection in the location of, and aligning with, the temporary access easement between lots E 9 and E 11, then it shall be the responsibility of the owner of The Resort on Carefree Boulevard to install the temporary access connection and convey a permanent easement to either the property owner's association, or Lee County. Any permanent easement that is conveyed will be a non-exclusive easement for the sole and exclusive purpose of permitting ingress and egress for emergency vehicles.
6. This agreement shall be interpreted under the laws of the state of Florida.
7. This temporary easement shall be binding on the heirs, successors and assigns of the undersigned, and shall run with the land.
8. The temporary easement is as follows:

CGR does hereby convey to the benefit of Lee County a temporary easement for emergency vehicle access. The temporary easement property is described more particularly on the attached Exhibit "B", and is shown on the sketch attached as Exhibit "C". The temporary easement shall expire and be of no continuing force and effect five years from the date hereof if there shall be no developed interconnection on the property to the north that would allow vehicles to enter the property to the north from US 41 and access The Resort on Carefree Boulevard on developed roadways meeting the requirements of the Lee County Land development Code. The land shall revert back to the grantor, CGR, or CGR's successors and assigns with no need for any additional action on the part of CGR. If the appropriate interconnection is developed CGR shall take any steps necessary to create a permanent emergency access easement.

Done and agreed to this 26th day of FEBRUARY, 1997.

Signed and acknowledged in the presence of:

Witnesses:

Norma Jack
Norma Jack
Printed Name

Cathy L. Groene
CATHY L. GROENE
Printed Name

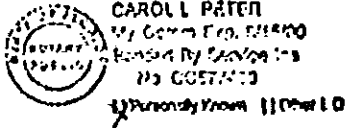
CGR Development Corporation, a
Florida corporation
Grantor:

Gina A. Razete
President
Gina A. Razete
Printed Name

STATE OF FLORIDA
COUNTY OF _____

The foregoing instrument was acknowledged before me this 26 day of February, 1997, by Gina Razete and _____, who are personally known to me or who have produced _____ as identification and who did (did not) take an oath.

(Notary Seal)



Carol L. Peter
Signature of Notary Public

CAROL L. PETER
(Print, type or stamp commissioned name of Notary Public)

Commission No: CC577480

ACCEPTED BY LEE COUNTY, FLORIDA
BOARD OF COUNTY COMMISSION

By: R. J. J.
County Manager

ATTEST:
CHARLIE GREEN, CLERK

By: Charlie Green
Deputy Clerk

APPROVED TO AS TO FORM

By: Nancy Smith
County Attorney

JOHNSON ENGINEERING, INC.

FORT MYERS
NAPLES
PORT CHARLOTTE

ENGINEERS, SURVEYORS AND ECOLOGISTS

EXHIBIT A
November 10, 1994

215B JOHNSON STREET
TELEPHONE (813) 334-0046
TELECOPIER (813) 334-3661
POST OFFICE BOX 1550
FORT MYERS, FLORIDA
33902-1550

DESCRIPTION PARCEL IN SECTION 15, T. 43 S., R 24 E. LEE COUNTY, FLORIDA

CARL E. JOHNSON
1911 1968


A tract or parcel of land lying in the south half (S-1/2) of Section 15, Township 43 South, Range 24 East, Lee County, Florida which tract or parcel is described as follows:

From the southwest corner of said Section 15 run N 00° 06' 29" W for 899.95 feet to an intersection with the north line of lands described in Official Record Book 2324 beginning at Page 409 of the Lee County Public Records; thence run S 89° 02' 58" E along the north line of said lands for 440.65 feet to the Point of Beginning.

From said Point of Beginning run N 00° 06' 29" W for 884.41 feet to an intersection with the south line of lands described in Official Record Book 2369 beginning at Page 3356 of said records; thence run S 89° 02' 58" E along said south line for 2491.74 feet to a concrete monument; thence run S 03° 35' 56" W for 885.21 feet to a concrete monument and an intersection with the north line of lands described in Official Record Book 2324 beginning at Page 409 of said records; thence run N 89° 02' 58" W along said north line for 2434.50 feet to the Point of Beginning

Containing 50 acres, more or less.

Bearings hereinabove mentioned are based on the south line of the southwest quarter (SW-1/4) of Section 15 to bear S 89° 02' 58" E.



W. Britt Pomeroy, Jr. (For The Firm)
Professional Land Surveyor
Florida Certificate No. 4448

CHAIRMAN
ARCHIE T. GRANT, JR.
PRESIDENT
FORREST H. BANKS

WBP/kc
20334

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KENTON R. KEILING
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W. DAVID KEY, JR.
KEVIN M. WINTER

ASSOCIATES
GEORGE J. KALAL
MICHAEL L. HARMON
GARY R. BULL
STEPHEN W. ADAMS
PATRICIA H. NEWTON

CONSULTANT
LESTER L. BULSON

OR2804 PG0945

JOHNSON ENGINEERING, INC.

FORT MYERS
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PORT CHARLOTTE

ENGINEERS, SURVEYORS AND ECOLOGISTS

2158 JOHNSON STREET
TELEPHONE 1941 334-0046
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POST OFFICE BOX 1550
FORT MYERS, FLORIDA
33902-1550

EXHIBIT B

January 6, 1997

DESCRIPTION

TEMPORARY 20 FOOT EMERGENCY VEHICLE ACCESS EASEMENT SECTION 15, T. 43 S., R. 24 E. LEE COUNTY, FLORIDA

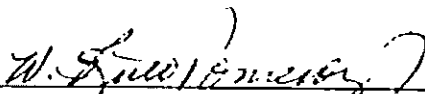
CARL E. JOHNSON
1911 1968

A tract or parcel of land for emergency vehicle access easement purposes lying in the South half (S-1/2) of Section 15, Township 43 South, Range 24 East, Lee County, Florida which easement is described as follows:

From the southwest corner of said Section 15 run N 00° 06' 29" W for 1784.36 feet; thence run S 89° 02' 58" E for 1005.53 feet to the Point of Beginning.

From said Point of Beginning continue S 89° 02' 58" E for 20.00 feet; thence run S 01° 31' 04" W for 92.39 feet; thence run Westerly along the arc of a curve to the left of radius 355.00 feet (chord bearing N 87° 40' 29" W) (chord 20.00 feet) (delta 03° 13' 43") for 20.00 feet; thence run N 01° 31' 04" E for 91.91 feet to the Point of Beginning.

Bearings hereinabove mentioned are based on the West line of the Southwest quarter (SW-1/4) of Section 15 to bear N 00° 06' 29" W.



W. Britt Pomeroy, Jr. (For The Firm LB-642)
Professional Land Surveyor
Florida Certificate No. 4448

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