

Prepared by:
N. Gluck, Lee County Zoning
& Development Review Division
P.O. Box 398
Fort Myers, FL 33902

2564778

RESOLUTION NUMBER Z-88-295

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

WHEREAS, Moody Equities, Ltd, in reference to Palm Island, has properly filed an application for a rezoning from RM-2 to Residential Planned Development, to permit 351 single-family attached and multi-family dwelling units not to exceed 45 feet above average grade, on 65.67 total acres of land. The proposed development will also include a 1.84 acre recreation complex, a temporary modular sales center, a gatehouse, a boat ramp, and a fishing pier.

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

- (1) Deviation from the required minimum lot area of 7500 square feet (Section 434.02.A.) to a minimum of 1200 square feet;
- (2) Deviation from the required minimum lot width of 75 feet (Section 434.02.A.) to a minimum of 24 feet;
- (3) Deviation from the required minimum lot depth of 100 feet (Section 434.02.A.) to a minimum of 65 feet;
- (4) Deviation from the required minimum side yard setback of 7.5 feet (Section 434.02.B.) to zero (0) feet;
- (5) Deviation from the required minimum rear setback of 20 feet (Section 434.02.B.) to a minimum of zero (0) feet;
- (6) Deviation from requirement that streets shall provide access to adjoining property (D.S.O. Section C.3.F.) to limit access as shown on the Master Concept Plan;
- (7) Deviation from maximum excavation depth limitations of 12 feet (Section 518.B.) to 25 feet or the first confining layer, whichever is greater;
- (8) Deviation from minimum required setback from a water body of 25 feet measured from overhang (Section 434.02.B.), to allow 25 feet setback measured to building wall;

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- (9) Deviation from requirement that permanent dead end streets be closed at one end by a circular turn-around for vehicles (D.S.O. Section C.3.b.(1)), to delete this requirement to allow for street design as shown on the Master Concept Plan;
- (10) Deviation from requirement that excavation of bank slopes be at a ratio of 6 (H):1 (V) to a water depth of 4 feet below dry season water table (Section 518.D), to allow a ratio of 4 (H):1 (V) to a water depth of 4 feet below dry season water table;
- (11) Deviation from requirement that the maximum slope of excavation banks be at a 6 (H):1 (V) ratio to a water depth of 4 feet below dry season water table (Section 518.D), to allow a vertical slope for the existing seawall;
- (12) Deviation from requirement where a development abuts a street shown on the Required Access Road Map as not requiring an access street, that driveways shall be permitted if acceleration, deceleration and/or left turn storage lanes are constructed, (D.S.O. Section C.3.j(2)), to allow the applicant to tie into the existing collector road without the need for such accel/decel lanes; and
- (13) Deviation from the minimum private street setback requirement of 20 feet (Section 202.18.B.2.a), to 15 feet; and

WHEREAS, the subject property is located 860 Orange Grove Boulevard, North Fort Myers, described more particularly as:

LEGAL DESCRIPTION: In Section 09, Township 44 South, Range 24 East, Lee County, Florida:

Tract or Parcel in the Southeast Quarter (SE 1/4) of Section 09, Township 44 South, Range 24 East, Lee County, Florida bounded by Orange Grove Boulevard; Tropic Isles, Section 03, Unit 2; Suburban Park, Unit 5; Hidden Acres; Canal & Tropic Terrace Gardens.

Tract or parcel of land in the Southeast Quarter (SE 1/4) of Section 09, Township 44 South, Range 24 East, Lee County, Florida, which is described as follows:

From the Southwest corner of said Southeast Quarter (SE 1/4) of Section 09, Township 44 South, Range 24 East and the centerline intersection of Orange Grove Boulevard and Hancock Bridge Parkway (Skyline Drive); THENCE S.88°55'40"E. along the South line of said Section 09 and the centerline of said Hancock Bridge Parkway (Skyline Drive) as shown on the plat of Waterway Estates Golf Park Recorded in Plat Book 22, Pages 161-162 of the Public Records of Lee County, Florida for 50.01 feet; THENCE N.00°15'05"E. along the Southerly Extension of and the Easterly right-of-way of Orange Grove Boulevard [Said right-of-way intersects with the Southwesterly corner (50.00 feet from centerline) of Tropic Isles, Section 03, Unit 2 as recorded in Plat Book 12, Pages 89 and 90; the centerline bears N.00°15'52"E. from said Southwest corner of said Southeast Quarter (SE 1/4) and intersects with the point of intersection of the centerline of Java Way and the centerline of Orange Grove Boulevard that bears N.00°12'10"E.] for 1819.99 feet to the POINT OF BEGINNING.

THENCE continue N.00°15'05"E. along said right-of-way for 615.09 feet to said Southwesterly corner of Tropic Isles, Section 03, Unit 02; THENCE S.89°44'25"E. along the Southerly boundary of said Tropic Isles, Section 03, Unit 02 and in the waters of a canal for 253.57 feet to the point of curvature of a curve to the left, radius 400.00 feet, delta angle 63°58'27"; THENCE Northeasterly along the arc of said curve for 446.62 feet to the point of tangency; THENCE N.26°17'08"E. for 270.56 feet to the point of curvature of a curve to the right; radius 500.00 feet, delta angle 63°58'27"; THENCE Northeasterly along the arc of said curve for 558.28 feet to the point of tangency; THENCE S.89°44'25"E. for 732.76 feet; THENCE

N.00°16'58"E. along the boundary dividing said Tropic Isles, Section 03, Unit 02 and Suburban Park, Unit 05 as recorded in Plat Book 22, Page 27 for 0.59 feet; THENCE S.89°43'02"E. along the Southerly boundary of said Suburban Park for 333.92 feet; THENCE N.00°06'02"W. along the boundary dividing said Suburban Park and Hidden Acres as recorded in Plat Book 30, Pages 71 and 72 for 0.47 feet; THENCE S.89°43'02"E. along the Southerly boundary of said Hidden Acres for 248.35 feet; THENCE S.02°15'00"W. along the approximate centerline more or less of a canal for 275.83 feet to the point of curvature to the left, radius 300.00 feet, delta angle 22°00'00"; THENCE Southeasterly along the arc of said curve for 115.19 feet to the point of reverse curvature of a curve to the right, radius 300.00 feet, delta angle 18°30'00"; THENCE Southeasterly along the arc of said curve for 96.87 feet to the point of compound curvature of a curve to the right, radius 960.00 feet, delta angle 45°55'00"; THENCE Southwesterly along the arc of said curve for 769.34 feet to the point of tangency; THENCE S.44°40'00"W. for 363.52 feet to the POINT of curvature of a curve to the left, radius 1200.00 feet, delta angle 08°56'16"; THENCE Southwesterly along the arc of said curve for 187.19 feet; THENCE N.54°16'16"W. in the waters of a canal for 431.91 feet; THENCE N.89°43'55"W. along the Easterly extension of and the Northerly boundary of Tropic Terrace Gardens, Unit 1 as recorded in Condominium Plat Book 02, Pages 127 and 128 for 489.62 feet; THENCE S.82°08'17"W. for 221.88 feet; THENCE N.89°43'55"W. continuing along said Northerly boundary and the Westerly extension thereof for 813.00 feet to the POINT OF BEGINNING.

Containing 64.69 acres more or less.

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

Bearings from the centerline of Skyline Drive as recorded in the Plat of Waterway Estates Golf Park, Plat Book 22, Page 161 of the Public Records of Lee County, Florida.

WHEREAS, the applicant has indicated the property's current STRAP number is 09-44-24-00-01002.1000; and

WHEREAS, proper authorization has been given to Thomas M. Brondstetter, Esquire of Brondstetter, Winesett, Avery, DuPree and Whigham, P.A., by Claudia N. Hart, President of Moody Equities, Ltd., the owner of the subject parcel, 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 Planning and Zoning Commission, with full consideration of all the evidence available to the Planning and Zoning Commission; and

WHEREAS, the Lee County Planning and Zoning Commission fully reviewed the matter in a public hearing held on November 7, 1988; 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 Planning and Zoning Commission, 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 of County Commissioners does hereby APPROVE a rezoning from RM-2 to Residential Planned Development, to permit 345 single-family attached and multi-family dwelling units not to exceed 45 feet above flood elevation, on 64.69 total acres of land. The proposed development will also include a 1.84 acre recreation complex, a temporary modular sales center, a gatehouse, a boat ramp, and a fishing pier.

Approval is subject to the following conditions:

1. The Master Concept Plan is titled "Palm Island, Lee County, Florida" prepared by C. Atkerson, Inc. and Landcom, Inc., job number 86007, the sheets of which are numbered: page 1 of 2, dated 7-2-86; sheet no. 2, dated 1-9-87; sheet no. 6, dated 1-9-87; sheet no. 32, dated 1-9-87; sheet no. 35, dated 1-9-87, except as modified herein.

2. The schedule of uses shall be amended prior to final plan approval to show only the following:

Administrative Offices
Real Estate Sales Office
Dwelling Units (as further limited in conditions 4 and 5):
Multiple family patio homes, Patio villas,
Townhouse, Attached zero lot line units
Entrance Gates
Essential Services
Excavation, water retention (Section 518)
Gatehouse
Model Units and Model Display center (Section 533)
Recreational Facilities, Personal, and Private:
Boat Ramps and Dockage
Clubhouse
Fishing Piers
Swimming Pools
Tennis Courts
Other similar recreational facilities which are non-commercial
Temporary Construction Trailers
Signs, which are in compliance with the Lee County Sign Ordinance

Any additional uses not listed herein shall be reviewed as an amendment to the Master Concept Plan.

3. The maximum height of structures shall be 45 feet above average grade. The maximum height of buildings adjacent to a perimeter boundary shall be 30 feet above flood elevation.
4. The total number of dwelling units in Phase I shall be limited to 109 units as shown on the revised sheet 3 dated July 2, 1986 of the Master Concept Plan, stamped received October 19, 1988.
5. The total number of dwelling units in Phase II shall be limited to 236 units.
6. The end unit of each building type shall have a side yard setback of 10 feet, on the side opposite the zero lot line.
7. Prior to final plan approval, the Master Concept Plan shall be amended to show a stub-out for a future second point of access connecting Palm Island to Hancock Bridge Road, but construction will not be required until the intervening property is developed.

The foregoing Resolution was adopted by the Lee County Board of County Commissioners upon a motion by Commissioner Donald D. Slisher, and seconded by Commissioner Charles L. Bigelow, Jr. and, upon being put to a vote, the result was as follows:

John E. Manning	ABSENT
Charles L. Bigelow, Jr.	AYE
Ray Judah	AYE
Bill Fussell	AYE
Donald D. Slisher	AYE

DULY PASSED AND ADOPTED this 28th day of November, A.D., 1988.

ATTEST:
CHARLIE GREEN, CLERK

BY: *Charlie Green*
Deputy Clerk

BOARD OF COUNTY COMMISSIONERS
OF LEE COUNTY, FLORIDA

BY: *Ray Judah*
Chairman

Approved as to form by:

[Signature]
County Attorney's Office

FILED

DEC 09 88

CLERK CIRCUIT COURT
BY *C. Green* D.C.

8. The development standards for each building lot in each phase of this project shall not be less than the following:

Lot area:	1,200 square feet
Lot width:	24 feet
Lot depth:	65 feet
Front setback:	20 feet or 15 feet where a garage or carport is an integral part of the dwelling
Side yard setback:	0 feet (except as modified by condition #6)
Rear setback:	0 feet
Waterbody setback:	25 feet (to be measured from the building wall)

9. Prior to final plan approval, the Master Concept Plan shall be amended to include a 15-foot wide "B" type buffer along the northern perimeter boundary, south of the canal.
10. Deviations 1, 2, 3, and 5 are approved for all units except those in multi-family buildings. Deviations 6, 8, and 9 are approved. Deviation 4 is approved for all interior units and the interior side of end units. Deviation 7 is approved, but with the phrase "whichever occurs first". Deviation 12 is denied. Deviation 10 is denied. Deviation 11 is approved for the existing seawall only. Deviation 13 is approved for and those lots having a garage or carport as an integral part of the dwelling and space for two vehicles.

Site Plan 88-295 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 residential planned development zoning:

1. The proposed uses are, as conditioned herein, appropriate at the subject location.
2. Sufficient safeguards to the public interest are provided by the recommended conditions to the Master Concept Plan and by other applicable regulations.
3. All conditions found on the Master Concept Plan and recommended by staff are reasonably related to the impacts on the public's interest created by or expected from the proposed development.
4. The deviations recommended for approval or approved with conditions as part of this development will enhance the achievement of the objective of the development.
5. The general intent of these regulations, to protect the public health, safety, and welfare, is preserved and promoted.

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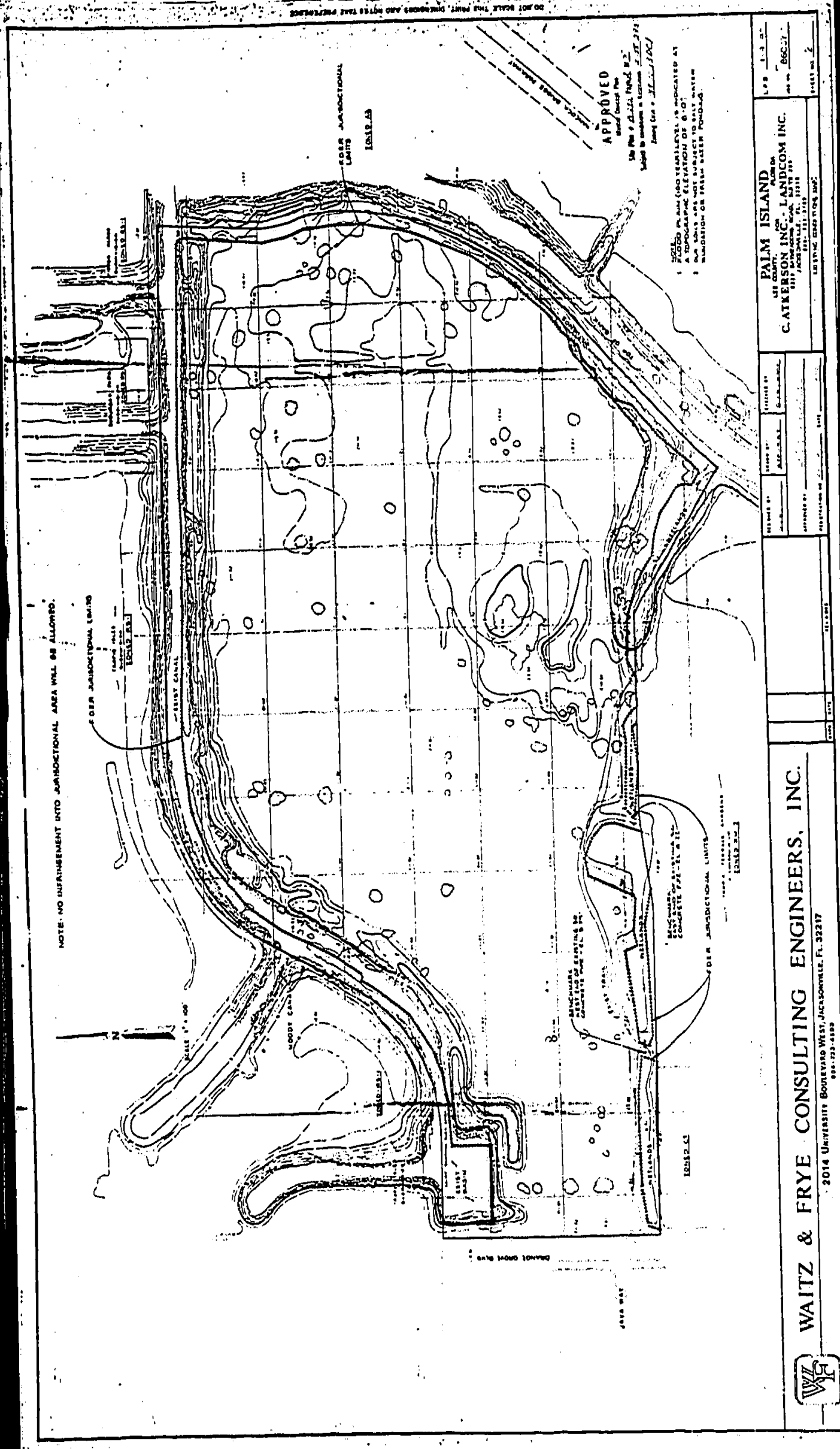
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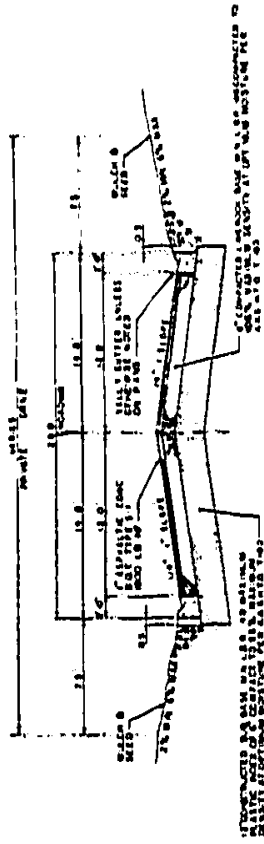


WAITZ & FRYE CONSULTING ENGINEERS, INC. 2014 UNIVERSITY BOULEVARD WEST, JACKSONVILLE, FL 32217 904-723-4323		PALM ISLAND FOR C. ATKERSON INC. LANDCOM INC. 1111 UNIVERSITY BLVD. SUITE 101 JACKSONVILLE, FL 32211 904-723-4323		DATE 11-1-1911	SCALE 1" = 100'	PROJECT NO. 86037	SHEET NO. 2
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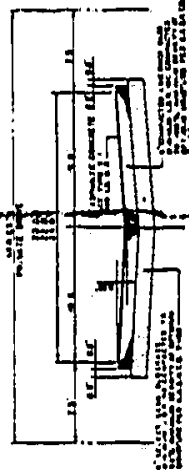
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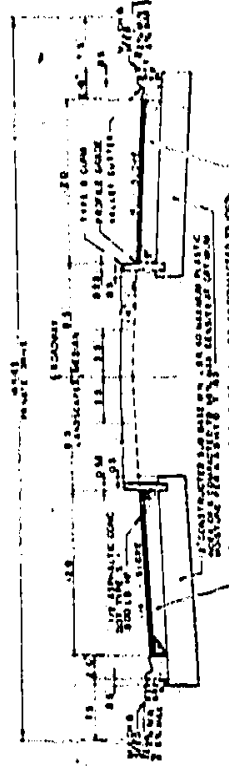
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TYPICAL CROSS SECTION - 26' PAVING
SCALE: HORIZONTAL 1" = 10' VERTICAL 1" = 2'



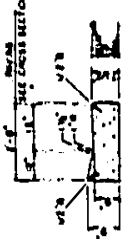
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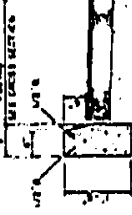
TYPICAL CROSS SECTION - DIVIDED ROADWAY
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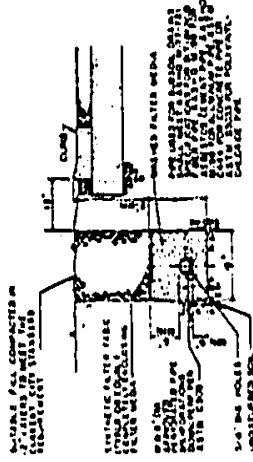


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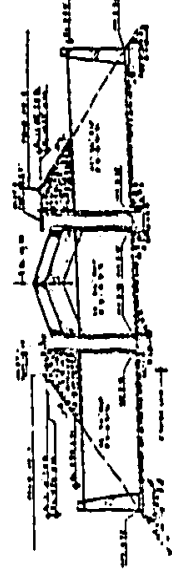


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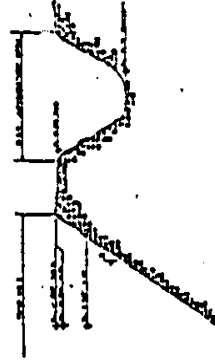
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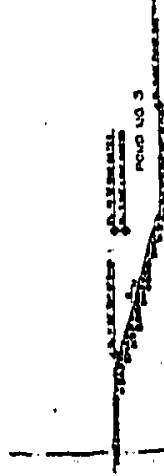
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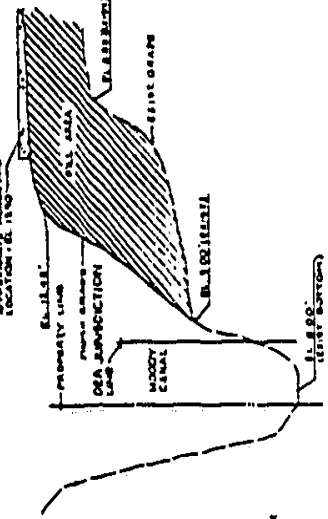
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SECTION "C-C"
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SECTION "D-D"
SCALE: HORIZONTAL 1" = 10' VERTICAL 1" = 2'

APPROVED
DATE: 12-11-1971
BY: [Signature]

Lee County Engineer's Office
12-11-1971
12-11-1971

WAITZ & FRYE CONSULTING ENGINEERS, INC.
2014 UNIVERSITY BOULEVARD WEST, JACKSONVILLE, FL 32217
904-723-0100



PALM ISLAND
C. ATKINSON, INC., LANDCOM INC.
1111 N. PALM BLVD.
JACKSONVILLE, FL 32216
904-723-0100

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APPENDIX

Approved: _____

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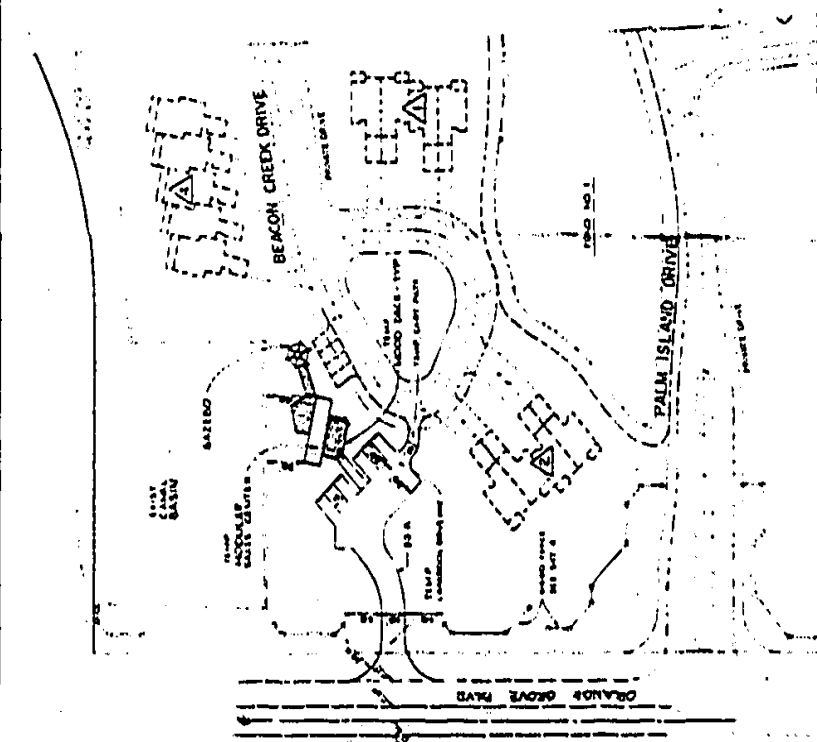
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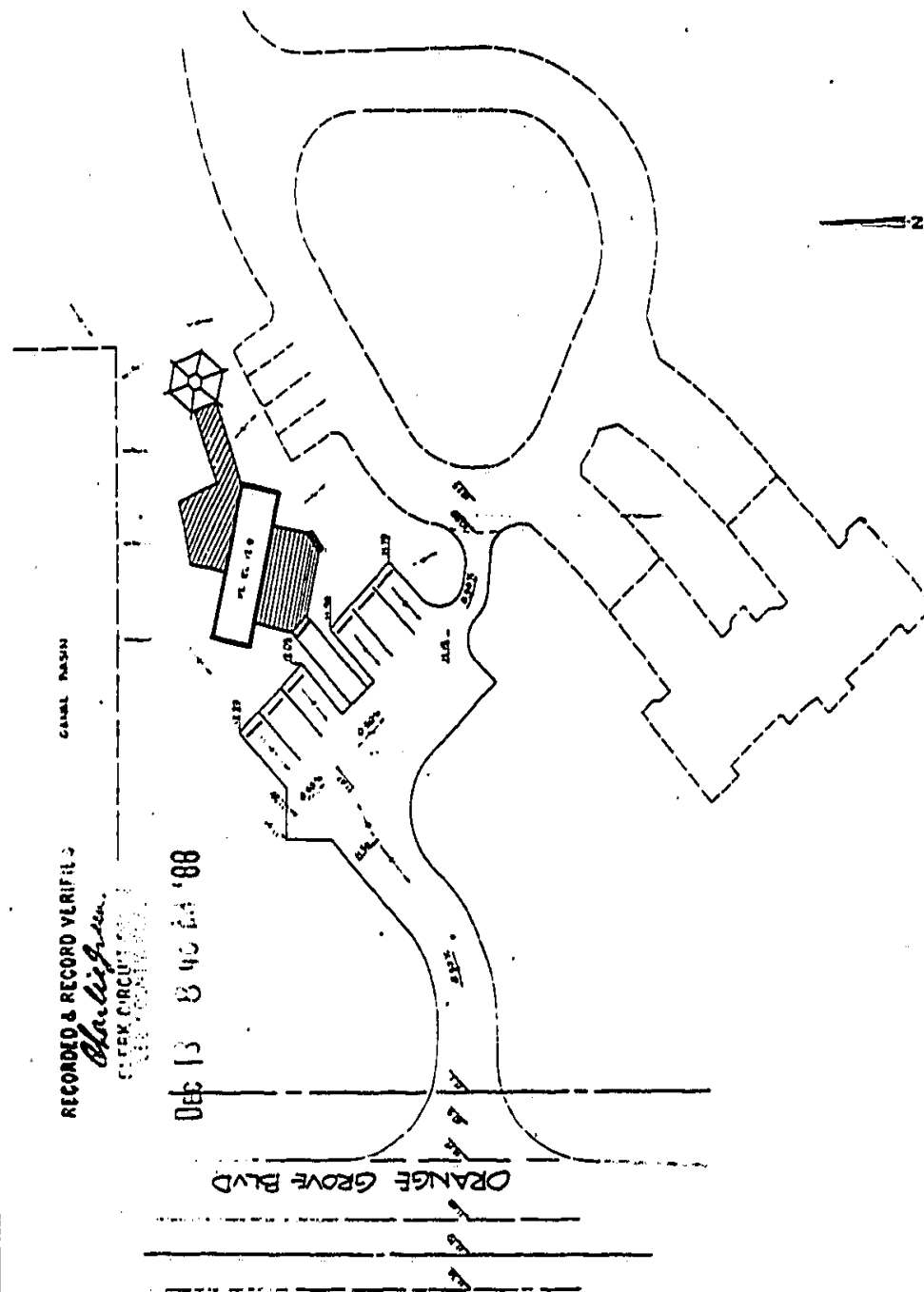
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CALIFORNIA

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APPROVED

Black Cat Cartage Plus
Let's Run a 10' x 10' Room 3 or 4

THE

PALM ISLAND
 USE CERTIFICATE FOR
CATKERSON INC. - LANDCOM INC.
 1110 S. PALM BEACH ROAD, SUITE 110
 PALM BEACH, FLORIDA 33480

WATTZ & FRYE CONSULTING ENGINEERS, INC.

2014 UNIVERSITY BOULEVARD WEST, JACKSONVILLE, FL 32217
CRA 311.4326

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