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BILLED

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

SEE 1052160350

WHEREAS, K. Hovnanian at Fort Myers I, Inc. has properly filed an application for:

In the AG district:

- a) Unusual use for a guard/security station (Section 500.10); and
- b) Special Exception for on-site signs (two signs advertising property and stating some of the sale prices) (Section 601.C).

The subject property is located just east of I-75 and south of Orange River Boulevard, described more particularly as:

LEGAL DESCRIPTION: In Section 3, Township 44 South, Range 25 East, Lee County, Florida:

That part of the north 600 feet of the east 100 feet of Lot 20, Block 3, Terry, Tice and Vandawalkers Subdivision as recorded in Plat Book 1 at Page 46 of the Public Records of Lee County, Florida, lying south of Orange Grove Boulevard (formerly State Road S-80-A).

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

WHEREAS, proper authorization has been given to Beverly Myers Grady of Humphrey, Jones and Myers, P.A., by K. Hovnanian at Fort Myers I, Inc., the Owner(s) of the subject parcel, to act as agent(s) to pursue this zoning application;

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 the unusual use and denial of the special exception based on the analysis contained in the Staff Report of September 13, 1985, and the testimony given at the Zoning Board Hearing on September 23, 1985; and

WHEREAS, an appeal was timely filed by the Department of Community Development representing the Board of County Commissioners as the Board has directed that all unusual use requests are to be reviewed by the Board of County Commissioners.

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:

NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF COUNTY COMMISSIONERS AS THE ZONING APPEALS BOARD, that the Zoning Appeals Board does hereby grant in the AG district an unusual use for a guard/security station; and does hereby deny a special exception for on-site signs, as it is no longer needed nor available.

The foregoing Resolution was adopted by the Lee County Board of County Commissioners upon a motion by Commissioner Wallace, and seconded by Commissioner Slisher and, upon being put to a vote, was as follows:

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

DULY PASSED AND ADOPTED this 12th day of November, A.D., 1985.

ATTEST:
CHARLIE GREEN, CLERK

BY: Mary Ann Wallace
Deputy Clerk

BOARD OF COUNTY COMMISSIONERS
OF LEE COUNTY, FLORIDA

BY: [Signature]
Chairman

FILED

JUN 23 1986

CLERK, CIRCUIT COURT
BY Andy Proud C.

Approved as to form by:

Neal Montgomery
County Attorney's Office

RECORDED AND RECORDED TEAM
JUN 23 2 01 PM '86
CLERK OF CIRCUIT COURT
LEE COUNTY FLA

85-9-39-0351

RESOLUTION OF THE BOARD OF COUNTY COMMISSIONERS

OF LEE COUNTY, FLORIDA

WHEREAS, E. Bruce Strayhorn, Attorney, has properly filed an application for: A District boundary change from AG to RM-8 and CT on a piece of property located off Orange River Boulevard and State Road 80, Lee County, Florida, described more particularly as;

Sections 01 and 03, Township 44 South, Range 25 East, Lee County, Florida.

AG - Northerly 600 feet of the total property and a parcel of real property located in the Southeast quarter of Section 3, Township 44 South, Range 25 East, described as follows:

Commencing at the Northeast corner of the Northeast quarter of the Southeast quarter of Section 3-44-25, run South along the East line of the said Southeast quarter for 200 feet; thence run Westerly parallel to the North line of the said Southeast quarter for 50 feet to the point of beginning; thence continue Westerly parallel to the North line of the said Southeast quarter for 660 feet; thence run Southerly parallel to the East line of the said Southeast quarter for 1320 feet; thence run Easterly parallel to the North line of the said Southeast quarter for 660 feet; thence run Northerly parallel to the Easterly line of the said Southeast quarter for 1320 feet to the point of beginning.

RM-8 - Total property less the Northerly 600 feet and less a parcel of real property located in the Southeast quarter of Section 3, Township 44 South, Range 25 East, described as follows:

Commencing at the Northeast corner of the Northeast quarter of the Southeast quarter of Section 3-44-25, run South along the East line of the said Southeast quarter for 200 feet; thence run Westerly parallel to the North line of the said Southeast quarter for 50 feet to the point of beginning; thence continue Westerly parallel to the North line of the said Southeast quarter for 660 feet; thence run Southerly parallel to the East line of the said Southeast quarter for 1320 feet; thence run Easterly parallel to the North line of the said Southeast quarter for 660 feet; thence run Northerly parallel to the Easterly line of the said Southeast quarter for 1320 feet to the point of beginning.

WHEREAS, Loraine Strayhorn Miller, Michael M. Strayhorn and E. Bruce Strayhorn, the owners of the subject parcel have given proper authorization to E. Bruce Strayhorn to act as their agent, and have given him the authority to pursue this zoning action; and,

WHEREAS, a public hearing was legally and properly 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 to RM-5/Deny CT without prejudice based on the findings that the RM-5 zoning is consistent with the Lee County Comprehensive Plan, and the RM-8 and CT zoning is inconsistent with the Comprehensive Plan. The CT portion of the request is considered to be too far from its market place due to the lack of direct access to an appropriate street. RM-8 zoning would be too intense for the area and the site in question.

WHEREAS, an appeal was timely filed by an aggrieved person/the Division of Community Development; and,

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

WHEREAS, the Board of County Commissioners considered the recommendations of the Staff, the Local Planning Authority, the Zoning Board, the documents on file with the County, and the testimony of all interested persons,

The Board of County Commissioners after full and complete consideration of the matter does hereby make the following findings of fact:

The L.P.A. made a finding that the proposed zoning is in conformance with the Lee County Comprehensive Plan. The request is a development of County impact and the staff comments are provided separately. Disaster Preparedness noted the hurricane evacuation impact the proposed use would have. The Lee County Soils and Water Conservation District noted the predominant soils on this property and described the difficulties that may arise in developing this property due to the soils and vegetation. The Departemnt of Current Planning made an analysis of the request without really coming to a conclusion. The Zoning Board moved to approve the request for a change in zoning from AG to RM-5 and

moved to deny the CT request without prejudice. The applicant noted that they wanted to avoid a density that would cause the property to become a DRI. The applicant voluntarily withdrew the CT from the request and for the present time that portion of the property will remain AG. The applicant also withdrew a 20 acre parcel from the request which basically is the lake and a strip of land surrounding the lake. The applicant and the Board of County Commissioners discussed the access problems.

NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF COUNTY COMMISSIONERS AS THE ZONING APPEALS BOARD, that the Zoning Appeals Board does hereby approve the request for a change in zoning from AG to RM-8 with the deletion of the 20 acre parcel as described herein in legal description. The Board accepted the deletion and the withdrawal of the CT property and no action was taken thereon. Therefore, AG District remains in full force and affect on said parcels.

The foregoing Resolution was adopted by the Lee County Board of County Commissioners upon motion by Commissioner Morgan, and seconded by Commissioner Fussell, and upon being put to a vote, was as follows:

Roland Eastwood	Aye
Melvin Morgan	Aye
Bill Fussell	Aye
Porter Goss	Aye
Roland Roberts	Aye

DULY PASSED AND ADOPTED this 10th day of October, A.D., 1983.

ATTEST:
SAL GERACI, CLERK

BOARD OF COUNTY COMMISSIONERS
OF LEE COUNTY, FLORIDA

BY: *Salis Kurtz*
Deputy Clerk

BY: *R. Eastwood*
Chairman

Approved as to form by:

William Montgomery
County Attorney

RESOLUTION NUMBER ZAB-83-331

HEARING NUMBER 83-8-34(DCI)

RESOLUTION NUMBER ZAB-83-331A

(Correcting Resolution Number ZAB-83-331)

WHEREAS, Lee County Division of Community Development in reference to E. Bruce Strayhorn, has properly filed for correction of Resolution ZAB-83-331 to reflect the correct legal description on a piece of property located on Orange River Boulevard;

WHEREAS, a public hearing was duly noticed and held before the Lee County Zoning Board, and the Lee County Board of County Commissioners as the Zoning Appeals Board; and

WHEREAS, the Board of County Commissioners as the Zoning Appeals Board promptly and succinctly acted on the petition on October 10, 1983; and

WHEREAS, an official Resolution was prepared and filed entitled Resolution Number ZAB-83-331;

WHEREAS, the Resolution, due to scribes and staff error, did not accurately reflect the correct legal description. It became necessary to prepare and file an amendment to the resolution reflecting the correct legal description of Hearing Number 83-8-34-DCI; and

WHEREAS, this correction was brought before the Board at a public hearing and the correction approved.

NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF COUNTY COMMISSIONERS, LEE COUNTY, FLORIDA, that the correct legal description is as follows:

Section 03, Township 44S, Range 25E, Lee County, Florida.
AG Parcel:

Commencing at the Northeast corner of the Northeast quarter of the Southeast quarter of Section 3-44-25, run South along the East line of the said southeast quarter for 200 feet; thence run Westerly parallel to the North line of the said Southeast quarter for 50 feet to the point of beginning; thence continue Westerly parallel to the North line of the said Southeast quarter for 660 feet; thence run Southerly parallel to the East line of the said Southeast quarter for 1320 feet; thence run Easterly parallel to the North line of the said Southeast quarter for 660 feet; thence run Northerly parallel to the Easterly line of the said Southeast quarter for 1320 feet to the point of beginning.

And

The Northerly 600 feet of the following described property.

The East Three Quarters (E 3/4) of the Southeast Quarter (SE 1/4) of Section 03, Township 44S, Range 25E, Lee County, Florida; less right of way for I-75 and Tice Street and further, less and subject to those certain lands offered to Lee County for drainage purposes by and described in deeds records in O.R. Book 859, Pg. 584 and O.R. Book 234, Pg. 389 of the Public Records of Lee County, Florida. Specifically the east 20 feet of the Southeast quarter (SE 1/4) of Section 3; (The latter deeded lands were since included in the plat of Town and Country Estates, Unit 3 according to the plat thereof recorded in Plat Book 29 at page 104, Public Records of Lee County, Florida) and Lots 20, 21, 25, 26, 31, and 32 of Block 3 of Terry-Tice and Vander Walkers Subdivision as recorded in Plat Book 1 at page 46,

RM-8 Parcel:

The East Three Quarters (E 3/4) of the Southeast Quarter (SE 1/4) of Section 03, Township 44S, Range 25E, Lee County, Florida; less right of way for I-75 and Tice Street and further, less and subject to those certain lands offered to Lee County for drainage purposes by and described in deeds records in O.R. Book 859, Pg. 584 and O.R. Book 234, Pg. 389 of the Public Records of Lee County, Florida. Specifically the east 20 feet of the Southeast quarter (SE 1/4) of Section 3; (The latter deeded lands were since included in the plat of Town and Country Estates, Unit 3 according to the plat thereof recorded in Plat Book 29 at page 104, Public Records of Lee County, Florida) and Lots 20, 21, 25, 26, 31, and 32 of Block 3 of Terry-Tice and Vander Walkers Subdivision as recorded in Plat Book 1 at page 46,

Less the Northerly 600', and also less the following:

Commencing at the Northeast corner of the Northeast quarter of the Southeast quarter of Section 3-44-25, run South along the East line of the said southeast quarter for 200 feet; thence run Westerly parallel to the North line of the said Southeast quarter for 50 feet to the point of beginning; thence continue Westerly parallel to the North line of the said Southeast quarter for 660 feet; thence run Southerly parallel to the East line of the said Southeast quarter for 1320 feet; thence run Easterly parallel to the North line of the said Southeast quarter for 660 feet; thence run Northerly parallel to the Easterly line of the said Southeast quarter for 1320 feet to the point of beginning.

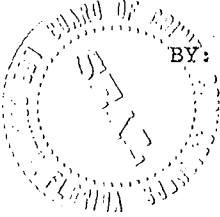
The foregoing Resolution was adopted by the Lee County Board of County Commissioner upon motion by Commissioner Morgan, and seconded by Commissioner Goss, and upon being put to a vote, was as follows:

Roland Eastwood	Aye
Melvin Morgan	Aye
Bill Fussell	Aye
Porter J. Goss	Aye
Roland Roberts	Aye

PASSED AND ADOPTED THIS 10th day of September, A.D.,
1984.

ATTEST:
SAL GERACI, CLERK

BOARD OF COUNTY COMMISSIONERS
OF LEE COUNTY, FLORIDA



BY: Mary Amintrot
Deputy Clerk

BY: D. H. Cashwood
Chairman

Approved as to form by:

BY: Robert H. Anderson
County Attorney