

ADMINISTRATIVE AMENDMENT (PD) ADD2004-00245

ADMINISTRATIVE AMENDMENT
LEE COUNTY, FLORIDA

WHEREAS, Dave Hyyti filed an application for administrative approval to a Residential Planned Development on a project known as Herons Glen Units 11 & 12 for street setback reductions on property located at Lot 1146, 20870 Kaidon Lane & Lot 1147, 20869 Kaidon Lane, described more particularly as:

LEGAL DESCRIPTION: In Section 03, Township 43 South, Range 24 East, Lee County, Florida:

See Legal Description attached as EXHIBIT 'A'

WHEREAS, the property was originally rezoned in case number Z-00-078 (with subsequent amendments in case numbers ADD2002-00005, ADD2002-00088, and ADD2003-00096); 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, resolution Z-00-078 approved property development regulations for subject PD including street setbacks of 20 feet and 12 feet for side entry garages; and

WHEREAS, administrative amendment (PD) ADD20002-00005 approved the addition of type #3 (patio homes) to the property development regulations approved in resolution Z-00-078 including street setbacks of 20 feet and 12 feet for side entry garages for patio homes; and

WHEREAS, the request is to reduce the street setback requirement from Via Montana Way from 20 feet to 12 feet on two corner lots, Lot 1146 (20870 Kaidon Lane) and Lot 1147 (20869 Kaidon Lane) as shown on the "Proposed Street Setback Plan", stamped received by the Zoning Counter on December 6, 2004 (Attachment 'B'); and

WHEREAS, the street setback requirement from Kaidon Lane will remain unchanged at 20'; and

WHEREAS, Lot 1146 is only 33.87' feet to 54.58' deep and Lot 1147 is only 43.03' to 53.40' feet deep from Via Montana Way, limiting the buildability of these two lots if the street setback requirement from Via Montana Way is maintained at 20' in addition to the rear and side yard setback requirements; and

WHEREAS, street setbacks of 12' have previously been approved for side entry garages in the Heron's Glen planned development master concept plan; and

WHEREAS, approval of the street setback from 20' to 12' would give the applicant flexibility in the type of home that could be placed on Lot 1146 and Lot 1147, 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 reduce street setbacks on Lot 1146 and Lot 1147 from 20' to 12' in the Residential Planned Development is **APPROVED**.

Approval is subject to the following conditions:

1. The Development must be in compliance with the approved Master Concept Plan for this development.
2. For Lot 1146 and Lot 1147, this amendment approves a reduction in street setback for frontage on Via Montana Way from 20' to 12'. The revised Property Development Regulations reflecting the street setback for Lot 1146 and Lot 1147 are in Attachment 'A', stamped received Zoning, January 12, 2005 and shown on the "Proposed Street Setback Plan" in Attachment 'B', stamped received by the Zoning Counter, December 6, 2004.
3. Street setback on Lot 1146 and Lot 1147 fronting Kaidon Lane will remain unchanged at 20' as shown in Attachment 'B'.
4. The terms and conditions of the original zoning resolutions remain in full force and effect.

DULY SIGNED this 21st day of JANUARY, A.D., 2005.

BY: Pam Houck
Pam Houck, Director
Division of Zoning
Department of Community Development

ADD 2002-00005

**LEGAL DESCRIPTION
HERON'S GLEN**

A parcel of land being a portion of sections 2,3,4,5 and 10, township 43 south, range 24 east, Lee County Florida, being more particularly described as follows:

COMMENCE at the northeast corner of the aforementioned section 3; thence, along the north line of the northeast one-quarter of said section 3, N89°57'30"W, 355.01 feet to an intersection with the westerly right-of-way line of the former S.A.L. Railroad and the POINT OF BEGINNING; thence, continue along the north line of the northeast one-quarter of said section 3, N89°57'30"W, 2313.55 feet to the northeast corner of the northwest one-quarter of said section 3; thence, along the north line of the northwest one-quarter of said section 3, S89°48'39"W, 2667.53 feet to the northeast corner of the aforementioned section 4; thence, along the northerly boundary of Del Vera Country Club, Unit 2 as recorded in Plat Book 50 at pages 69 through 78 of the Public Records of Lee County, Florida, and the north line of said section 4, N89°42'39"W, 3036.29 feet; thence, along the boundary of Del Vera Country Club, Unit 1 as recorded in Plat Book 46 at pages 7 through 25 of the Public Records of Lee County, Florida, for the following nine (9) courses:

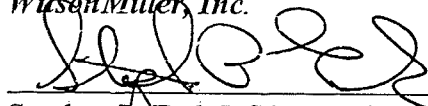
1. N89°42'40"W, 2299.67 feet;
2. S89°33'20"W, 1871.76;
3. S26°03'40"E, 318.64 feet;
4. S63°56'20"W, 300.77;
5. thence along the arc of a non-tangent circular curve concave to the southwest having for its elements a radius of 7739.44 feet, a central angle of 00°42'56", a chord bearing of S26°25'08"E, an chord distance of 96.66 feet, an arc distance 96.66 feet;
6. S26°03'40"E, 1943.40 feet;
7. N63°56'20"E, 300.17 feet;
8. N26°03'40"W, 4.46 feet;
9. N89°48'47"E, 2854.47 feet;

thence S00°11'07"E, 335.36 feet; thence N89°48'53"E, 60.00 feet; thence S00°11'07"E, 600.00 feet; thence along the arc of a tangent curve concave to the Northeast, having for its elements a radius of 236.25', a central angle of 31°56'42", a chord of 130.02 feet, a chord bearing of S16°09'28"E, an arc distance of 131.72 feet; thence N89°48'53"E, 39.71 feet; thence S00°11'07"E, 125.00 feet; thence S89°48'53"W, 35.48 feet; thence S00°11'07"E, 650.00 feet; thence S89°48'53"W, 25.00 feet; thence S00°11'07"E, 205.00 feet; thence along the south line of lands described in Deed Book 224 at page 437 of the aforementioned public records, S89°48'47"W, 2273.40 feet; thence, along the northeasterly right-of-way line of Tamiami Trail

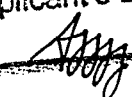
(S.R. 45, US 41), S26°03'40"E, 370.00 feet; thence N89°48'47"E, 3845.26 feet; thence N00°11'13"W, 332.91 feet; thence, along the south line of lands described in Deed Book 224 at page 437 of the aforementioned public records, N89°48'47"E, 4368.87 feet to an intersection with the northerly extension of the west line of lands described in Official Records Book 388 at page 80 of the aforementioned public records; thence, along said northerly extension and said west line, S00°02'36"W, 2451.41 feet; thence, along the north right-of-way line of Nalle Grade Road, as described in Official Records Book 1096 at page 1784 of the aforementioned public records, S89°56'45"E, 2153.08 feet; thence, along the east line of lands described in Official records Book 1516 at page 1802 of the aforementioned public records, N00°02'36"E, 2460.47 feet; thence, along the south line of lands described in Deed Book 224 at page 437 of the aforementioned public records, N89°48'47"E, 775.85 feet; thence along the westerly right-of-way line of the former S.A.L. Railroad, N11°11'01"W, 4190.51 feet to the POINT OF BEGINNING.

Said parcel contain 1150.961 acres, more or less.

Wilson Miller, Inc.



Stephen P. Erech P.S.M. Professional Surveyor and Mapper
Florida Registration No. 3273

Applicant's Legal Checked
by  10 JAN 05

Not valid without the signature and the original raised seal of a Florida licensed surveyor and mapper.

Pin #: 02898-002-P03-ZOPDA

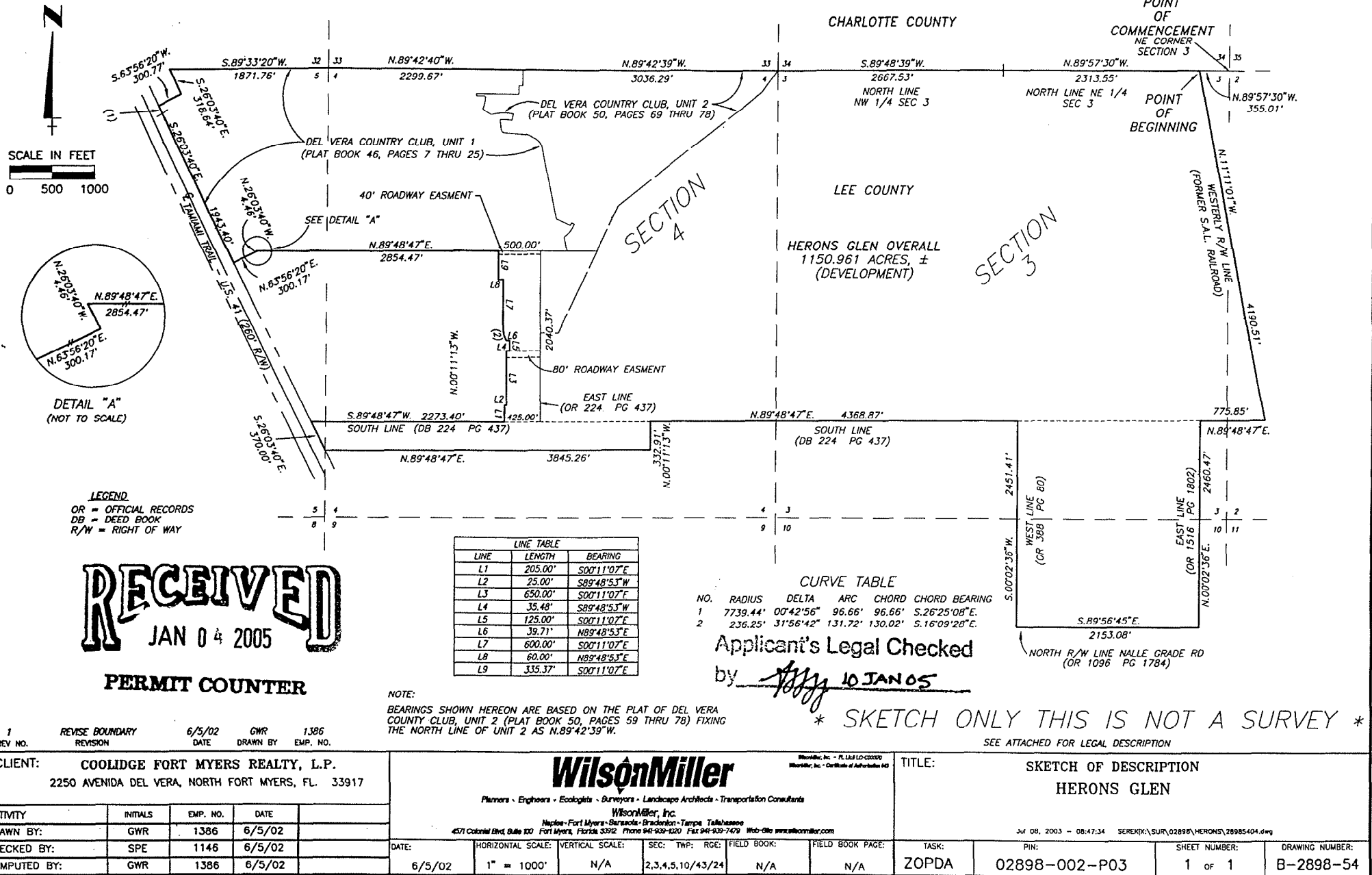
Date: June 6, 2002

Ref: D-02898-54

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PERMIT COUNTER

ADD 2004 00245



ADD 2004 00245

PROPERTY DEVELOPMENT REGULATIONS (REVISED)

Use	Dimen- sions		Setbacks (in feet)				Lot Coverage	Minimum Building Separation	
	Area (sq ft)	Depth (ft)	Width (ft)	Side	Rear	Street			
Single family detached units									
Type #1	6,000	100	60	5	10	20**/12*	50	n/a	
Type #2	3,500	70	50	5	10	20**/12*	70	n/a	
Type #3	3,373	75	45	5	10	20**/12*	70	n/a	
Zero lot line units (single family attached)	3,800	80	35	5/0	10	20**/12*	70	n/a	
Townhomes note: no more than 4 units/bldg.	2,400	80	30	0	20***	20**/12*	70	20 feet to any other townhouse bldg 25 feet to any single family lot line for any 1 story bldg; 40 feet to any single family lot line for any structure more than 2 stories 10 feet for accessory buildings	
Country Club/Clubhouse				15	20***	10		20 feet for any townhouse building 25 feet to any single family lot line for any 1 story bldg; 40 feet to any single family lot line for any structure more than 2 stories 10 feet for accessory buildings	

Accessory structure setbacks shall be in accordance with the LDC regarding accessory uses.

Maximum height/stories: country club/clubhouse 45 feet; all other uses 35 feet/country club/clubhouse 3 stories; all other uses 2 stories

Minimum Water Body Setback: 20 feet for all uses

Minimum Preserve and Golf Course Setbacks: 10 feet

*with side entry garages

**12' for Lot 1146 and Lot 1147 from Via Montana Way frontage

***or in n compliance with fire and safety access issues

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Zoning

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VIA MONTANA WAY

12' CORNER
LOT SIDE
SETBACK
1146

20'
FRONT
SETBACK

KAIDON LANE

20'
FRONT
SETBACK

12' CORNER
LOT SIDE
SETBACK
1147

**APPROVED
Plan**

Subject to Case # ADD2004-00245

Date 1/21/05

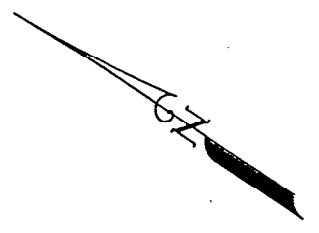
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ZONING COUNTER
PROPOSED STREET SETBACK PLAN
LOTS 1146 & 1147

ATTACHMENT B

HERONS GLEN
UNITS 11 & 12



SCALE 1" = 40'

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