

ADMINISTRATIVE AMENDMENT (PD) ADD2000-00164

ADMINISTRATIVE AMENDMENT
LEE COUNTY, FLORIDA

(Correcting and Clarifying Administrative Amendment ADD2000-00164)

WHEREAS, Lee County Development Services Division has executed a clarification of Administrative Amendment ADD2000-00164 to address the wall/berm location within the 20 foot setback; and

WHEREAS, the corrected matter is set forth below in that text to be deleted is ~~struck through~~ and text to be added is underlined; and

WHEREAS, Rookery Pointe L.C. filed an application for administrative approval to a Residential Planned Development on a project known as Rookery Pointe to amend Condition #3 of ADD2000-00029 that required a 25 foot setback along the south property line (Tract #9), to allow a 20 foot setback, on property located at the southwest corner of Koreshan Blvd. and Three Oaks Parkway, described more particularly as:

LEGAL DESCRIPTION: In Section 27, Township 46 South, Range 25 East, Lee County, Florida:

SEE EXHIBIT A

WHEREAS, the property was originally rezoned in case number 94-03-15-DCI-01 [Zoning Resolution Z-94-009] (with subsequent amendments in case numbers ADD2000-00029); 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, 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, there is a 50 foot wide drainage easement that separates the subject property from the adjacent RPD zoned lands to the south; and

WHEREAS, the developer will still provide the required solid wall or combination berm and solid wall not less than eight feet in height to be constructed not less than 2016 feet from the abutting property and landscaped (between the wall and the abutting property) with a minimum of five trees and 18 shrubs per 100 lineal feet; 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 a Residential Planned Development to amend condition #3 of ADD2000-00029 that required a 25 foot setback along the south property line (Tract #9), to allow a 20 foot setback is **APPROVED**.

Approval is subject to the following conditions:

1. **The development of this project must be consistent with the one-page Master Concept Plan entitled "Amended Master Concept Plan of Rookery Pointe RPD/CPD (formerly known as Creekside)," stamped received June 16, 2000, last revised 6/00, except as modified by the conditions found in Z-94-009, Administrative Amendment (PD) ADD2000-00029 and in this document. The MCP noted above is attached to ADD2000-00029. This development must comply with all requirements of the Lee County LDC at time of local Development Order Approval, except as may be granted by deviation as part of this planned development approval or subsequent action. If changes to the Master Concept Plan are subsequently pursued, appropriate approvals will be necessary.**

The Master Concept Plan noted above is augmented by the exhibit entitled, "Deviation to Condition #3," stamped "Received October 5, 2000." This document provides a rendering of the proposed buffer. This document is attached as Exhibit B.

The Master Concept Plan noted above is augmented by the exhibit entitled, "Exhibit C, Rookery Pointe Administrative Amendment Request," stamped "Received October 27, 2000." This document identifies the lots in Tract 9 that are affected by this action. This document is attached as Exhibit C.

2. **This amendment approval only reduces the requirement for Tract 9, and only for Tract 9 as it is currently configured. Any significant configuration changes for Tract 9 will require the submittal of a new amendment request.**
3. **A solid wall, berm or wall and berm combination, not less than eight feet in height, must be placed along the entire south property line, to include the area identified as Tract 9 on the MCP referenced above. This solid wall or combination berm and solid wall must constructed not less than 2016 feet from the abutting property and landscaped (between the wall and the abutting property) with a minimum of five trees and 18 shrubs per 100 lineal feet. All**

trees and shrubs required in the buffer must be placed on the residential side of the wall. The height of the wall must be measured from the average elevation of the street or streets abutting the property as measured along the centerline of the streets, at the points of intersection of the streets with the side lot lines (as extended) and the midpoint of the lot frontage. The wall must be constructed to ensure that historic flow patterns are accommodated and all stormwater from the site is directed to on-site detention/retention areas in accordance with the SFWMD requirements.

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

DULY SIGNED this 8th day of January, A.D., 2001.

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

Attachments: Exhibit A, Legal Description
Exhibit B, Rendering of the proposed buffer area
Exhibit C, Lots in Tract 9 that are affected by this action

**Legal Description of
ROOKERY POINTE
(RPD Parcel as provided by client)**

A PARCEL OF LAND LYING IN THE NORTHEAST QUARTER (NE1/4) OF SECTION 27, TOWNSHIP 46 SOUTH, RANGE 25 EAST, LEE COUNTY, FLORIDA AND MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AT THE NORTHEAST CORNER OF SAID SECTION 27;
 THENCE RUN S88°38'24"W ALONG THE NORTH LINE OF THE NORTHEAST QUARTER (NE1/4) OF SAID SECTION 27 FOR 2,591.00 FEET TO THE NORTHWEST CORNER OF THE NORTHEAST QUARTER (NE1/4) OF SAID SECTION 27;
 THENCE RUN S00°39'42"E ALONG THE WEST LINE OF SAID NORTHEAST QUARTER (NE1/4) FOR 75.68 FEET TO A POINT ON THE SOUTHERLY RIGHT-OF-WAY LINE OF KORESHAN BOULEVARD;
 THENCE RUN NORTHEASTERLY ALONG SAID SOUTHERLY RIGHT-OF-WAY LINE FOR 151.23 FEET ON THE ARC OF A CURVE CONCAVE SOUTHERLY HAVING A RADIUS OF 16,925.00 FEET AND A CENTRAL ANGLE OF 00°30'43" TO A POINT OF TANGENCY;
 THENCE RUN N88°38'24"E ALONG SAID SOUTHERLY RIGHT-OF-WAY LINE FOR 1,758.93 FEET;
 THENCE RUN N89°22'36"E ALONG SAID SOUTHERLY RIGHT-OF-WAY LINE FOR 350.03 FEET;
 THENCE RUN N88°38'24"E ALONG SAID SOUTHERLY RIGHT-OF-WAY LINE FOR 281.64 FEET TO A POINT OF CURVATURE;
 THENCE RUN SOUTHEASTERLY FOR 78.59 FEET ON THE ARC OF A CURVE CONCAVE SOUTHWESTERLY HAVING A RADIUS OF 50.00 FEET AND HAVING A CENTRAL ANGLE OF 90°03'25" TO A POINT ON THE WESTERLY RIGHT-OF-WAY LINE OF THREE OAKS PARKWAY AND THE EAST LINE OF THE NORTHEAST QUARTER (NE1/4) OF SAID SECTION 27;
 THENCE RUN S01°18'11"E ALONG SAID WESTERLY RIGHT-OF-WAY LINE FOR 597.48 FEET;
 THENCE RUN S88°41'49"W ALONG SAID RIGHT-OF-WAY LINE FOR 15.00 FEET;
 THENCE RUN S01°18'11"E ALONG SAID WESTERLY RIGHT-OF-WAY LINE FOR 406.49 FEET TO THE POINT OF BEGINNING;
 THENCE RUN S88°41'49"W FOR 12.12 FEET TO A POINT ON THE SOUTHERLY TOP BANK OF A CREEK;
 THENCE RUN THE FOLLOWING COURSES AND DISTANCES ALONG THE SOUTHERLY MEANDERS OF SAID CREEK:
 THENCE RUN N77°33'33"W FOR 39.80 FEET;
 THENCE RUN N52°26'21"W FOR 17.04 FEET;
 THENCE RUN N84°25'52"W FOR 30.37 FEET;
 THENCE RUN S82°17'30"W FOR 35.26 FEET;
 THENCE RUN N65°09'33"W FOR 16.18 FEET;
 THENCE RUN S46°12'33"W FOR 46.63 FEET;
 THENCE RUN N46°28'07"W FOR 23.47 FEET;
 THENCE RUN N84°54'13"W FOR 30.91 FEET;
 THENCE RUN N84°25'40"W FOR 28.53 FEET;
 THENCE RUN N84°15'20"W FOR 40.97 FEET;
 THENCE RUN N86°57'04"W FOR 33.57 FEET;
 THENCE RUN S27°11'11"W FOR 20.27 FEET;
 THENCE RUN S01°32'31"E FOR 34.84 FEET;
 THENCE RUN S39°22'37"E FOR 21.60 FEET;
 THENCE RUN S04°18'44"E FOR 33.40 FEET;
 THENCE RUN S22°21'47"W FOR 36.77 FEET;
 THENCE RUN S31°24'28"W FOR 27.74 FEET;
 THENCE RUN S55°14'41"W FOR 25.19 FEET;
 THENCE RUN S35°53'48"W FOR 18.10 FEET;
 THENCE RUN S17°03'24"E FOR 17.38 FEET;
 THENCE RUN S61°12'11"W FOR 28.77 FEET;
 THENCE RUN S42°04'32"W FOR 36.36 FEET;

(continued)

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THENCE RUN N87°30'45"W FOR 24.78 FEET;
 THENCE RUN S16°30'11"W FOR 22.14 FEET;
 THENCE RUN S76°34'51"W FOR 47.00 FEET;
 THENCE RUN S87°39'56"W FOR 30.93 FEET;
 THENCE RUN S76°31'18"W FOR 58.50 FEET;
 THENCE RUN S27°12'07"W FOR 24.27 FEET;
 THENCE RUN S72°58'37"W FOR 39.55 FEET;
 THENCE RUN N85°40'53"W FOR 28.29 FEET;
 THENCE RUN S62°34'41"W FOR 14.93 FEET;
 THENCE RUN S86°08'44"W FOR 36.02 FEET;
 THENCE RUN N85°26'57"W FOR 50.59 FEET;
 THENCE RUN S35°54'13"W FOR 17.57 FEET;
 THENCE RUN N87°56'32"W FOR 29.35 FEET;
 THENCE RUN S24°49'07"W FOR 33.09 FEET;
 THENCE RUN S49°51'06"W FOR 15.12 FEET;
 THENCE RUN S02°45'24"W FOR 41.68 FEET;
 THENCE RUN S27°07'34"W FOR 36.54 FEET;
 THENCE RUN S65°40'24"W FOR 21.30 FEET;
 THENCE RUN S79°48'03"W FOR 63.83 FEET;
 THENCE RUN S30°47'28"W FOR 38.12 FEET;
 THENCE RUN S81°01'48"W FOR 73.07 FEET;
 THENCE RUN S78°50'52"W FOR 0.34 FEET;
 THENCE LEAVING SAID MEANDER LINE, RUN N01°18'11"W FOR 1,285.77 FEET;
 THENCE RUN S88°38'24"W FOR 193.38 FEET;
 THENCE RUN N01°21'36"W FOR 250.00 FEET TO A POINT ON THE SOUTHERLY RIGHT-OF-WAY LINE OF
 SAID KORESHAN BOULEVARD;
 THENCE RUN S88°38'24"W ALONG SAID SOUTHERLY RIGHT-OF-WAY LINE FOR 1,196.70 FEET TO A
 POINT OF CURVATURE;
 THENCE RUN SOUTHWESTERLY ALONG SAID SOUTHERLY RIGHT-OF-WAY LINE FOR 151.23 FEET ON
 THE ARC OF A CURVE CONCAVE SOUTHERLY, HAVING A RADIUS OF 16,925.00 FEET AND A CENTRAL
 ANGLE OF 00°30'43" TO A POINT ON THE WEST LINE OF SAID NORTHEAST QUARTER (NE1/4);
 THENCE RUN S00°39'42"E ALONG SAID WEST LINE FOR 2,216.80 FEET;
 THENCE RUN N88°55'30"E FOR 1,309.24 FEET;
 THENCE RUN S00°52'32"E FOR 335.77 FEET TO A POINT ON THE SOUTH LINE OF SAID NORTHEAST
 QUARTER (NE1/4);
 THENCE RUN N89°10'12"E ALONG SAID SOUTH LINE FOR 1,309.98 FEET TO THE SOUTHEAST CORNER
 OF THE NORTHEAST QUARTER (NE1/4) OF SAID SECTION 27 AND A POINT ON THE WESTERLY RIGHT-
 OF-WAY LINE OF SAID THREE OAKS PARKWAY;
 THENCE RUN N01°18'11"W ALONG SAID WESTERLY RIGHT-OF-WAY LINE FOR 1,001.67 FEET;
 THENCE RUN S88°41'49"W ALONG SAID RIGHT-OF-WAY LINE FOR 15.00 FEET;
 THENCE RUN N01°18'11"W ALONG SAID WESTERLY RIGHT-OF-WAY LINE FOR 511.51 FEET TO THE
 POINT OF BEGINNING.

HEREIN DESCRIBED PARCEL CONTAINS 111.48 ACRES, MORE OR LESS.

Surveyor and Mapper in Responsible Charge:

Roger H. Harrah, LS #5294
 Professional Surveyor and Mapper
 Community Engineering Services, Inc.
 9200 Bonita Beach Road, Suite 213
 Bonita Springs, FL 34135
 LB #6572

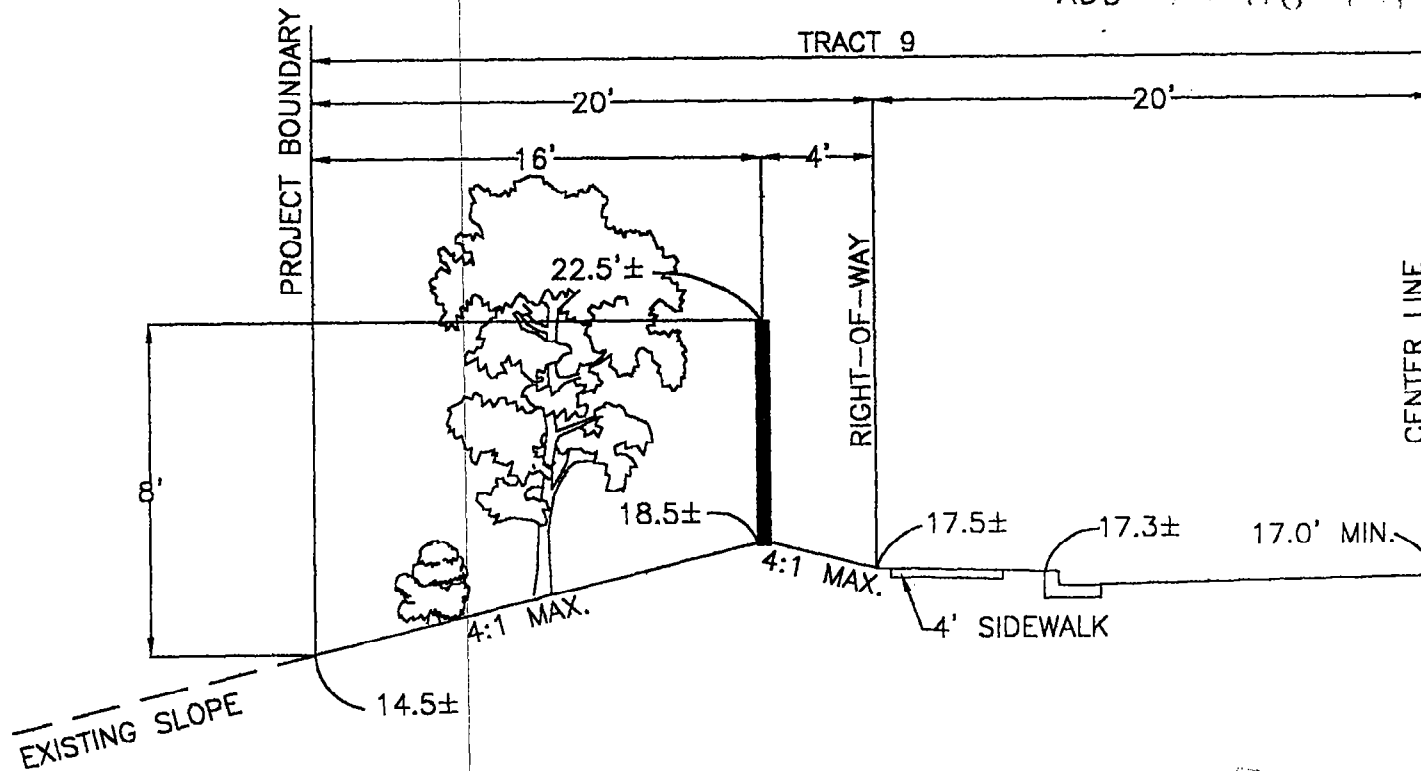
Signed: Roger H. Harrah
 Roger H. Harrah, P.L.S.

Date: 11-14-00

Applicant's Legal Checked
 by Jms 11/14/00

Exhibit B

ADD 2000-00164



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date 10-3-00
drawn CBY/DF
see notes & ALL SHEET
job

CES

COMMUNITY ENGINEERING SERVICES, INC.
Civil Engineering • Surveying • Project Management

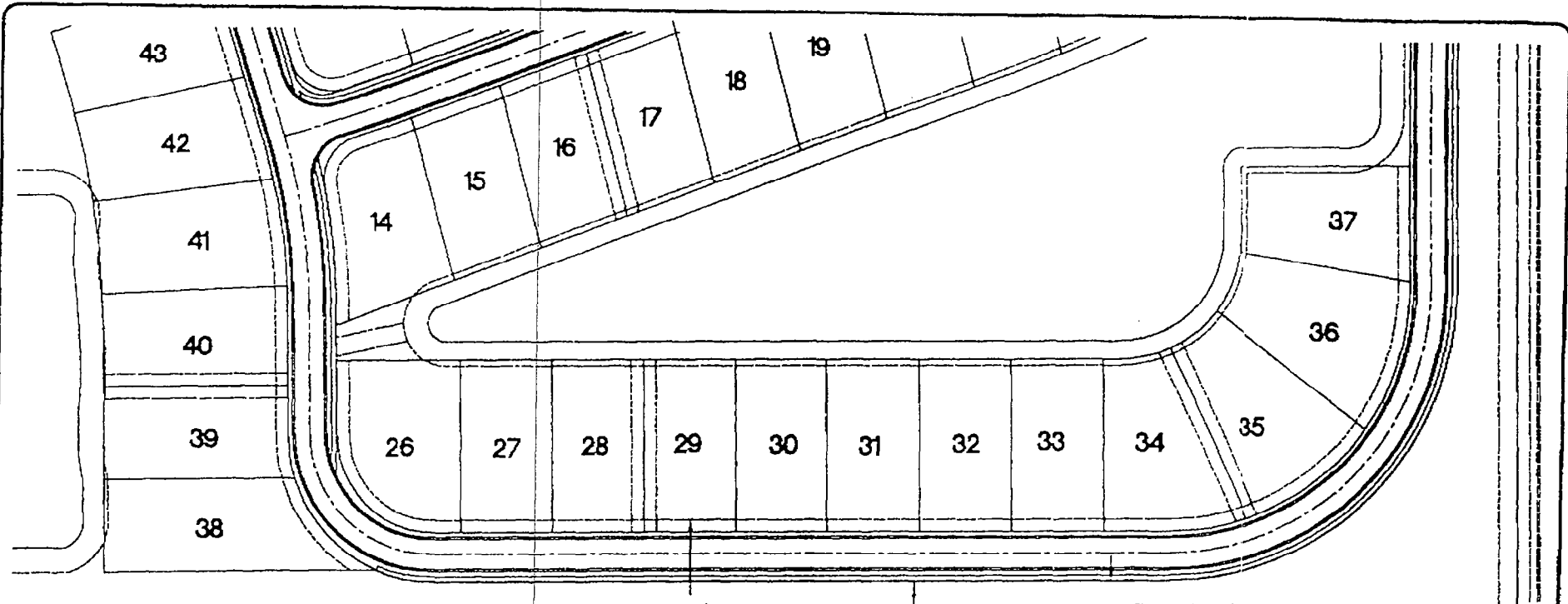
8200 South Beach Road Suite 211
Orlando Springs, Florida 32822
Telephone (407) 485-0033 Fax (407) 485-7934

DEVIATION TO CONDITION #3
FOR
ROOKERY POINTE RPD/CPD
FOR
ROOKERY POINTE, L.C.

scale N.T.S.
SHEET
1 of 1

date

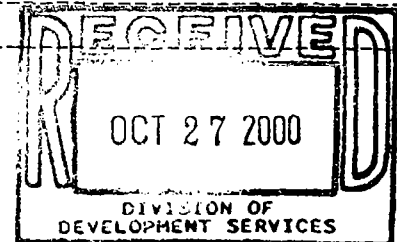
Exhibit C



TRACT A OF VILLAGES OF CC

TRACT B OF VILLAGES OF CC

EXIST. DRAINAGE AREA 20'



date 10-28-00
drawn CSY
file name C-001EX
job ROOKERY



COMMUNITY ENGINEERING SERVICES, INC.
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EXHIBIT C
ROOKERY POINTE
ADMINISTRATIVE AMENDMENT REQUEST

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date

