### ADMINISTRATIVE AMENDMENT (PD) ADD2004-00048

# ADMINISTRATIVE AMENDMENT LEE COUNTY. FLORIDA

WHEREAS, Touchstone Homes at Rapallo filed an application for administrative approval to a Mixed Use Planned Development on a project known as Rapallo Coconut Point DRI to add the following deviations:

- 1. For relief from the requirement that the minimum separation between structures shall be ½ the sum of the height of the buildings, but not less than 20 feet to allow a minimum separation of 10 feet for the Courtyard Home units;
- 2. For relief from the requirement that the minimum separation between structures shall be ½ the sum of the height of the buildings, not less than 25 feet, which requires a minimum separation of 43 feet to allow a minimum of 20 feet for the Garden Terrace Home units;
- 3. For relief from LDC Section 32-2020(4)(k) which requires 1 parking space per 100 square feet of floor area for private onsite recreational facilities to allow 1 parking space per 200 square feet;
- 4. For relief from LDC Section 10-261 which requires all multiple family buildings to utilize and provide for dumpsters to allow for individual trash cans for all units with attached garages;
- 5. For relief from LDC Section 10-296(k)(1) which requires dead-end streets to provide a standard cul-de-sac, to all a non-standard cul-de-sac in one location;
- 6. For relief from LDC Section 10-329(d)(4)which requires excavations to be sloped at no greater that a 4 to 1 ratio to a depth of 4 feet to allow bulkheads with compensatory littoral zones;
- 7. For relief from LDC Section 10-269(m)(4)(b) which requires the pavement width for access ways to meet the dimensional requirements for back out aisles to allow 20 feet of pavement and 2 foot valley gutter on each side;
- 8. For relief from LDC Section 10-710(b) which requires a 10 foot public utility easement on each side of a local street to allow utilities within the right of way;
- 9. For relief from LDC Section 34-2194(b) which requires accessory structures to setback 25 feet from a water body to allow a o foot setback.

The above stated deviations are requested for the property located south of Williams Road in Estero, described more particularly as:

LEGAL DESCRIPTION: In Section 04, Township 47 South, Range 25 East, Lee County, Florida:

Exhibit A

WHEREAS, the property was originally rezoned in case number DCI2001-00005; 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 request to reduce the minimum building separation does not have a negative affect the open space of the overall development; and

WHEREAS, the reduction of building separation is limited to only Garden Terrace homes and Courtyard homes; and

WHEREAS, the requested deviation for the reduction in parking spaces is limited only the Community Clubhouse; and

WHEREAS, activities at the Community Clubhouse are limited to Rapallo residents only; and

WHEREAS, the request for single garbage containers for multi-family units is only applicable to Carriage and Coach homes; and

WHEREAS, the applicant has provided letters from the following utility providers: Sprint, Comcast, and Florida Power and Light; which have stated that they have no objection to allowing utilities in the right-of-way; 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; and

WHEREAS, Development Services has reviewed the requested deviations and recommends approval as conditioned; and

WHEREAS, Lee County Solid Waste Division has reviewed the requested deviations and recommends approval as conditioned; and

WHEREAS, the Division of Environmental Sciences has reviewed the requested deviations and recommends approval as conditioned; and

WHEREAS, the following deviations from the Lee County Land Development Code are hereby granted:

- 1. For relief from the requirement that the minimum separation between structures shall be ½ the sum of the height of the buildings, but not less than 20 feet to allow a minimum separation of 10 feet for the Courtyard Home units;
- 2. For relief from the requirement that the minimum separation between structures shall be ½ the sum of the height of the buildings, not less than 25 feet, which requires a minimum separation of 43 feet to allow a minimum of 20 feet for the Garden Terrace Home units;
- 3. For relief from LDC Section 32-2020(4)(k) which requires 1 parking space per 100 square feet of floor area for private onsite recreational facilities to allow 1 parking space per 200 square feet;
- 4. For relief from LDC Section 10-261 which requires all multiple family buildings to utilize and provide for dumpsters to allow for individual trash cans for all units with attached garages;
- 5. For relief from LDC Section 10-296(k)(1) which requires dead-end streets to provide a standard cul-de-sac, to all a non-standard cul-de-sac in one location;
- 6. For relief from LDC Section 10-329(d)(4)which requires excavations to be sloped at no greater that a 4 to 1 ratio to a depth of 4 feet to allow bulkheads with compensatory littoral zones;
- 7. For relief from LDC Section 10-269(m)(4)(b) which requires the pavement width for access ways to meet the dimensional requirements for back out aisles to allow 20 feet of pavement and 2 foot valley gutter on each side;
- 8. For relief from LDC Section 10-710(b) which requires a 10 foot public utility easement on each side of a local street to allow utilities within the right of way;
- 9. For relief from LDC Section 34-2194(b) which requires accessory structures to setback 25 feet from a water body to allow a o foot setback.

NOW, THEREFORE, IT IS HEREBY DETERMINED that the application for administrative approval to add the above stated deviations, for an amendment to Mixed Use Planned Development is APPROVED, limited to the master concept plan dated June 17, 2004. A reduced copy is attached hereto.

Approval is subject to the following conditions:

- 1 The Development must be in compliance with the amended Master Concept Plan. stamped received by the permit counter and dated June 17, 2004. Master Concept Plan for ADD2004-00048 is hereby APPROVED and adopted. A reduced copy is attached hereto.
- 2. The terms and conditions of the original zoning resolutions remain in full force and effect.
- 3. If bulkheads are utilized in the final site design, then the Paving and Grading, and Landscape Plans must delineate the location of the bulkheads in substantial compliance with the locations delineated on the Administrative Amendment/Deviation Exhibit stamped received June 17, 2004. The design of the lake adjacent to the bulkheads must include a compensatory littoral zone with a 4:1 slope with a 5-foot littoral shelf equivalent to the linear footage of the bulkhead along the bulkhead, or an alternative compensatory littoral zone reviewed and approved by the Division of Environmental Sciences. The littoral planting requirements within any lake utilizing bulkheads must be calculated as two (2) herbaceous littoral plants per linear foot of shoreline, and the placement of the littoral vegetation must be concentrated within the compensatory littoral zone. Native wetland trees and/or shrubs may used to meet the littoral planting requirement with one 7-gallon tree or two 3-gallon shrubs credited as 10 herbaceous littoral plants.
- 4. To accommodate the request for individual container pickup for units that share a common driveway, specifically for the Carriage and Coach Home buildings, the applicant must provide a pad, to allow for individual container space, adjacent to the right of way. The size of each pad is dependent up on the number of bedrooms and units per driveway, each pad must be12.25 square feet in area per bedroom for garbage and an additional 5 square feet in area per dwelling unit for recyclables for each unit per driveway. The pad must be located no further than six (6) feet from the curb. To screen the pad site the applicant must provide a 3 foot wide single row hedge to be planted at 3 feet on center and to be maintained at a height of 3 feet on the three sides that are not adjacent to the right of way.
- All activities located at the Community Clubhouse are limited to Rapallo 5. residents only.

DULY SIGNED this 24th day of Muci

BY:

Pam Houck, Director

Division of Zoning

Department of Community Development



950 Encore Way • Naples, Florida 34110 • Phone: 239.254.2000 • Fax: 239.254.2099

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#### LEGAL DESCRIPTION:

A PORTION OF SECTION 9, TOWNSHIP 47 SOUTH, RANGE 25 EAST, LEE COUNTY, FLORIDA, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCE AT THE SOUTHEAST CORNER OF SECTION 9, TOWNSHIP 47 SOUTH, RANGE 25 EAST, LEE COUNTY, FLORIDA; THENCE RUN S.88°56'17"W., ALONG THE SOUTH LINE OF THE SOUTHEAST QUARTER OF SAID SECTION 9, FOR A DISTANCE OF 5.89 FEET TO A POINT ON THE WESTERLY RIGHT-OF-WAY LINE OF THE SEABOARD COASTLINE RAILROAD, A 130.00 FOOT RIGHT-OF-WAY, AND THE POINT OF BEGINNING OF THE PARCEL OF LAND HEREIN DESCRIBED; THENCE CONTINUE S.88°56'17"W., ALONG THE SOUTH LINE OF THE SOUTHEAST QUARTER OF SAID SECTION 9, FOR A DISTANCE OF 1,733.04 FEET TO A POINT ON THE EASTERLY RIGHT-OF-WAY LINE OF U.S. HWY. NO. 41 (FLORIDA STATE ROAD NO. 45), A 200.00 FOOT RIGHT-OF-WAY: THENCE RUN N.10°32'05"W., ALONG SAID EASTERLY RIGHT-OF-WAY LINE, FOR A DISTANCE OF 971.33 FEET TO THE BEGINNING OF A TANGENTIAL CIRCULAR CURVE, CONCAVE EASTERLY; THENCE RUN NORTHERLY, ALONG SAID EASTERLY RIGHT-OF-WAY LINE AND ALONG THE ARC OF SAID CURVE TO THE RIGHT, HAVING A RADIUS OF 5,605.39 FEET, THROUGH A CENTRAL ANGLE OF 04°03'11", SUBTENDED BY A CHORD OF 396.43 FEET AT A BEARING OF N.08°30'30"W., FOR A DISTANCE OF 396.52 FEET TO THE END OF SAID CURVE; THENCE RUN N.88°07'51"E. FOR A DISTANCE OF 747.22 FEET TO A POINT ON A CIRCULAR CURVE, CONCAVE EASTERLY, WHOSE RADIUS POINT BEARS N.82°31'42"E., A DISTANCE OF 3,909.60 FEET THEREFROM; THENCE RUN NORTHERLY, ALONG THE ARC OF SAID CURVE TO THE RIGHT, HAVING A RADIUS OF 3.909.60 FEET, THROUGH A CENTRAL ANGLE OF 08°29'31", SUBTENDED BY A CHORD OF 578.92 FEET AT A BEARING OF N.03°13'32"W., FOR A DISTANCE OF 579.45 FEET TO THE END OF SAID CURVE: THENCE RUN N.00°15'56"W., FOR A DISTANCE OF 583.09 FEET; THENCE RUN N.00°15'56"W., FOR A DISTANCE OF 47.04 FEET TO A POINT ON THE SOUTHERLY RIGHT-OF-WAY LINE OF COCONUT ROAD, A 150.00 FOOT RIGHT-OF-WAY, THE SAME BEING A POINT ON A CIRCULAR CURVE. CONCAVE NORTHERLY, WHOSE RADIUS POINT BEARS N.10°26'58"W., A DISTANCE OF 2,025.00 FEET THEREFROM; THENCE RUN EASTERLY, ALONG SAID SOUTHERLY RIGHT-OF-WAY LINE AND ALONG THE ARC OF SAID CURVE TO THE LEFT, HAVING A RADIUS OF 2,025.00 FEET, THROUGH A CENTRAL ANGLE OF 09°12'27", SUBTENDED BY A CHORD OF 325.07 FEET AT A BEARING OF N.74°56'48"E., FOR A DISTANCE OF 325.42 FEET TO THE END OF SAID CURVE; THENCE RUN N.70°20'35"E., ALONG SAID SOUTHERLY RIGHT-OF-WAY LINE FOR A DISTANCE OF 200.00 FEET TO THE BEGINNING OF A TANGENTIAL CIRCULAR CURVE, CONCAVE SOUTHERLY; THENCE RUN EASTERLY, ALONG SAID SOUTHERLY RIGHT-OF-WAY LINE AND ALONG THE ARC OF SAID CURVE TO THE RIGHT, HAVING A RADIUS OF 3,025.00 FEET, THROUGH A CENTRAL ANGLE OF 09°15'04". SUBTENDED BY A CHORD OF 487.89 FEET AT A BEARING OF N.74°58'07"E., FOR A DISTANCE OF 488.42 FEET TO THE END OF SAID CURVE; THENCE RUN N.79°35'39"E., ALONG SAID SOUTHERLY RIGHT-OF-WAY LINE, FOR A DISTANCE OF 238.23 FEET TO A POINT ON THE WESTERLY RIGHT-OF-WAY LINE OF THE SEABOARD COASTLINE RAILROAD, A 130.00 FOOT RIGHT-OF-WAY: THENCE RUN S.00°59'47"E., ALONG SAID WESTERLY RIGHT-OF-WAY LINE, FOR A DISTANCE OF 2.869.10 FEET TO THE POINT OF BEGINNING; CONTAINING 95.885 ACRES, MORE OR LESS.

AND

A PORTION OF SECTIONS 3, 4, 9, AND 10, TOWNSHIP 47 SOUTH, RANGE 25 EAST, LEE COUNTY, FLORIDA, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

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COMMENCE AT THE SOUTHEAST CORNER OF SECTION 9, TOWNSHIP 47 SOUTH, RANGE 25 EAST, LEE COUNTY, FLORIDA; THENCE RUN S.88°56'17"W., ALONG THE SOUTH LINE OF THE SOUTHEAST QUARTER OF SAID SECTION 9, FOR A DISTANCE OF 5.89 FEET TO A POINT ON THE WESTERLY RIGHT-OF-WAY LINE OF THE SEABOARD COASTLINE RAILROAD, A 130.00 FOOT RIGHT-OF-WAY; THENCE RUN N.00°59'47"W., ALONG SAID WESTERLY RIGHT-OF-WAY LINE, FOR A DISTANCE OF 3,021.15 FEET TO THE POINT OF BEGINNING OF THE PARCEL OF LAND HEREIN DESCRIBED; THENCE RUN N.00°59'47"W., ALONG SAID WESTERLY RIGHT-OF-WAY LINE, FOR A DISTANCE OF 2,320.56 FEET TO A POINT ON THE NORTH LINE OF THE NORTHWEST QUARTER OF SECTION 10, TOWNSHIP 47 SOUTH, RANGE 25 EAST; THENCE RUN N.00°59'47"W., ALONG SAID WESTERLY RIGHT-OF-WAY LINE, FOR A DISTANCE OF 2,692.32 FEET TO A POINT ON THE NORTH LINE OF THE SOUTHEAST QUARTER OF SECTION 4, TOWNSHIP 47 SOUTH, RANGE 25 EAST; THENCE RUN N.00°56'59"W.. ALONG SAID WESTERLY RIGHT-OF-WAY LINE. FOR A DISTANCE OF 1,590.78 FEET TO THE BEGINNING OF A TANGENTIAL CIRCULAR CURVE, CONCAVE WESTERLY; THENCE RUN NORTHERLY, ALONG SAID WESTERLY RIGHT-OF-WAY LINE AND ALONG THE ARC OF SAID CURVE TO THE LEFT, HAVING A RADIUS OF 5,641.38 FEET, THROUGH A CENTRAL ANGLE OF 09°31'27", SUBTENDED BY A CHORD OF 936.68 FEET AT A BEARING OF N.05°42'42"W., FOR A DISTANCE OF 937.76 FEET TO THE END OF SAID CURVE; THENCE RUN N.10°28'26"W., ALONG SAID WESTERLY RIGHT-OF-WAY LINE, FOR A DISTANCE OF 98.54 FEET TO A POINT ON THE SOUTHERLY RIGHT-OF-WAY LINE OF WILLIAMS ROAD, A 100.00 FOOT RIGHT-OF-WAY; THENCE RUN S.88°20'53"W., ALONG SAID SOUTHERLY RIGHT-OF-WAY LINE, FOR A DISTANCE OF 1,029.70 FEET TO THE BEGINNING OF A TANGENTIAL CIRCULAR CURVE, CONCAVE NORTHERLY; THENCE RUN WESTERLY, ALONG SAID SOUTHERLY RIGHT-OF-WAY LINE AND ALONG THE ARC OF SAID CURVE TO THE RIGHT, HAVING A RADIUS OF 7,050.00 FEET, THROUGH A CENTRAL ANGLE OF 03°00'00", SUBTENDED BY A CHORD OF 369.09 FEET AT A BEARING OF S.89°50'53"W., FOR A DISTANCE OF 369.14 FEET TO THE END OF SAID CURVE; THENCE RUN N.88°39'07"W., ALONG SAID SOUTHERLY RIGHT-OF-WAY LINE, FOR A DISTANCE OF 674.92 FEET TO A POINT ON THE EASTERLY RIGHT-OF-WAY LINE OF U.S. HWY. NO. 41 (FLORIDA STATE ROAD NO. 45), A 200.00 FOOT RIGHT-OF-WAY; THENCE RUN S.04°52'41"W., ALONG SAID EASTERLY RIGHT-OF-WAY LINE, FOR A DISTANCE OF 1,901.57 FEET TO THE BEGINNING OF A TANGENTIAL CIRCULAR CURVE, CONCAVE EASTERLY; THENCE RUN SOUTHERLY, ALONG SAID EASTERLY RIGHT-OF-WAY LINE AND ALONG THE ARC OF SAID CURVE TO THE LEFT, HAVING A RADIUS OF 2,725.19 FEET, THROUGH A CENTRAL ANGLE OF 11°32'50", SUBTENDED BY A CHORD OF 548.30 FEET AT A BEARING OF S.00°53'44"E., FOR A DISTANCE OF 549.23 FEET TO THE END OF SAID CURVE; THENCE RUN S.06°40'09"E., ALONG SAID EASTERLY RIGHT-OF-WAY LINE FOR A DISTANCE OF 225.81 FEET TO A POINT ON THE NORTH LINE OF THE SOUTHEAST QUARTER OF SAID SECTION 4; THENCE CONTINUE S.06°40'09"E., ALONG SAID EASTERLY RIGHT-OF-WAY LINE, FOR A DISTANCE OF 2.710.61 FEET TO A POINT ON THE SOUTH LINE OF THE SOUTHEAST QUARTER OF SAID SECTION 4; THENCE CONTINUE S.06°40'09"E., ALONG SAID EASTERLY RIGHT-OF-WAY LINE, FOR A DISTANCE OF 626.03 FEET TO THE BEGINNING OF A TANGENTIAL CIRCULAR CURVE, CONCAVE WESTERLY; THENCE RUN SOUTHERLY, ALONG SAID EASTERLY RIGHT-OF-WAY LINE AND ALONG THE ARC OF SAID CURVE TO THE RIGHT, HAVING A RADIUS OF 11,584.73 FEET, THROUGH A CENTRAL ANGLE OF 06°24'13", SUBTENDED BY A CHORD OF 1,294.08 FEET AT A BEARING OF S.03°28'03"E., FOR A DISTANCE OF 1,294.76 FEET TO THE END OF SAID CURVE; THENCE RUN S.00°15'56"E., ALONG SAID EASTERLY RIGHT-OF-WAY LINE, FOR A DISTANCE OF 274.74 FEET; THENCE RUN S.46°02'16"E., FOR A DISTANCE OF 577.44 FEET; THENCE RUN S.01°57'26"E. FOR A DISTANCE OF 25.19 FEET TO A POINT ON THE NORTHERLY RIGHT-OF-WAY LINE OF COCONUT



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ROAD, A 150.00 FOOT RIGHT-OF-WAY; THENCE RUN N.88°02'34"E., ALONG SAID NORTHERLY RIGHT-OF-WAY LINE, FOR A DISTANCE OF 32.80 FEET TO THE BEGINNING OF A TANGENTIAL CIRCULAR CURVE, CONCAVE NORTHERLY; THENCE RUN EASTERLY, ALONG SAID NORTHERLY RIGHT-OF-WAY LINE AND ALONG THE ARC OF SAID CURVE TO THE LEFT, HAVING A RADIUS OF 1,875.00 FEET, THROUGH A CENTRAL ANGLE OF 17°41'59", SUBTENDED BY A CHORD OF 576.92 FEET AT A BEARING OF N.79°11'34"E., FOR A DISTANCE OF 579.22 FEET TO THE END OF SAID CURVE; THENCE RUN N.70°20'35"E., ALONG SAID NORTHERLY RIGHT-OF-WAY LINE, FOR A DISTANCE OF 200.00 FEET TO THE BEGINNING OF A TANGENTIAL CIRCULAR CURVE, CONCAVE SOUTHERLY; THENCE RUN EASTERLY, ALONG SAID NORTHERLY RIGHT-OF-WAY LINE AND ALONG THE ARC OF SAID CURVE TO THE RIGHT, HAVING A RADIUS OF 3,175.00 FEET, THROUGH A CENTRAL ANGLE OF 09°15'04", SUBTENDED BY A CHORD OF 512.09 FEET AT A BEARING OF N.74°58'07"E., FOR A DISTANCE OF 512.65 FEET TO THE END OF SAID CURVE; THENCE RUN N.79°35'39"E., ALONG SAID NORTHERLY RIGHT-OF-WAY LINE, FOR A DISTANCE OF 263.08 FEET TO THE POINT OF BEGINNING; CONTAINING 386.536 ACRES, MORE OR LESS.

#### NOTES:

THIS PROPERTY IS SUBJECT TO EASEMENTS, RESERVATIONS OR RESTRICTIONS OF RECORD.

TOTAL PROPERTY AREA 482.421 ACRES MORE OR LESS.

INFORMATION RELATING TO BOUNDARY DATA OF SECTIONS 3, 4, 9 AND 10, TOWNSHIP 47 SOUTH, RANGE 25 EAST, LEE COUNTY, FLORIDA, TOGETHER WITH THE LOCATION OF THE US HIGHWAY #41 RIGHT-OF-WAY, WAS OBTAINED FROM A SURVEY OF THE SWEETWATER RANCH PREPARED BY DENI ASSOCIATES HAVING ORDER NUMBER 8409031, DATED 9/14/84. INFORMATION RELATING TO THE LOCATION OF COCONUT ROAD AND ADJOINING EXCEPTED PARCELS WAS OBTAINED FROM PROPERTY DESCRIPTIONS PROVIDED BY CLIENT.

BEARINGS REFER TO THE SOUTH LINE OF THE SOUTHEAST QUARTER OF SECTION 9, TOWNSHIP 47 SOUTH, RANGE 25 EAST, LEE COUNTY, FLORIDA, AS BEING S.88°56'17"W.

HOLE MONTES, INC. CERTIFICATE OF AUTHORIZATION LB #1772

> \_P.S.M. #6130 STATE OF FLORIDA

Applicant's Legal Checked

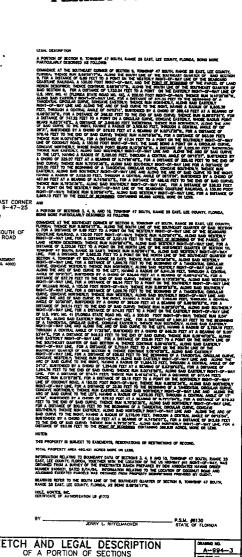
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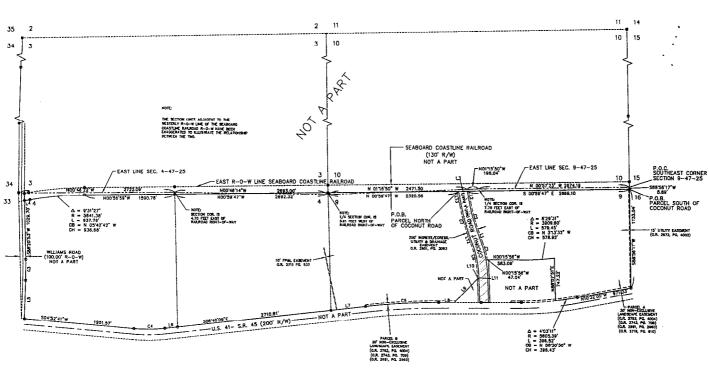
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PERMIT COUNTER

ADD 2004-00048

## PERMIT COUNTER





LEGEND

""NOT A SURVEY"

01/18/01 DATE

950 Encore Way Naples, FL. 34110 Phone: (941) 254-2000 SKETCH AND LEGAL DESCRIPTION

OF A PORTION OF SECTIONS

3, 4, 9 AND 10,

TOWNSHIP 47 SOUTH, RANGE 25 EAST

A--894-3 19970798 FLORIDA SWEETREVS





