

ADMINISTRATIVE AMENDMENT (PD) ADD2007-00063

ADMINISTRATIVE AMENDMENT
LEE COUNTY, FLORIDA

WHEREAS, Cascades at River Hall Resident's Association, Inc. filed an application for administrative approval for an amendment to a Residential Planned Development/ Commercial Planned Development (RPD/CPD) on a project known as Cascades at River Hall Phase II for construction of a wall along a portion of the southern and western property boundaries adjacent to the Portico Residential Planned Development (RPD) on property located in Fort Myers Shores, described more particularly as:

LEGAL DESCRIPTION: In Section 34, Township 43 South, Range 26 East, Lee County, Florida:

See Legal Description attached hereto as Exhibit A:

WHEREAS, the property was originally rezoned in case number 99-03-066.03Z01.01 (#Z-99-056), with subsequent amendment in case number ADD2004-00067, amended DCI2004-00054 (#Z-05-051) with subsequent amendments in case numbers ADD2006-00164, ADD2006-00173; and

WHEREAS, the subject property is located in the Rural Future Land Use Category as designated by the Lee Plan; and

WHEREAS, the developers of River Hall RPD/CPD and the adjacent Portico RPD propose a wall with landscaping separating the two residential developments at the "pinch point" on the southwest corner of River Hall and the northwest corner of the southern parcel of Portico RPD; and

WHEREAS, there is a potential emergency access point at that location within River Hall; and

WHEREAS, that emergency access point will access Portico's road network; and

WHEREAS, Land Development Code Sec. 34-1743(b)(3) requires residential walls to have landscaping on the exterior side of the wall; and

WHEREAS, the developers of both River Hall and Portico desire a wall between the two developments; and

WHEREAS, the developers do not desire to place two walls between the developments; and

WHEREAS, as an alternative, the developers of both Portico and River Hall have entered into an agreement where the wall will be placed in River Hall and the required landscaping will be placed in Portico; and

WHEREAS, there is a copy of this agreement in this file; and

WHEREAS, the proposed wall is not a requirement of the River Hall (RPD) resolution;
and

WHEREAS; this wall and landscaping serve the purpose of providing buffering between the two developments - which is the intent of the LDC; and

WHEREAS, this wall and landscaping provide an adequate buffer between these two residential developments and serves the public interest; and

WHEREAS, this arrangement raises no health, safety or welfare issues; and

WHEREAS, the agreement on file shows the maintenance and cost responsibilities of both parties; and

WHEREAS, this amendment requires no changes to the zoning resolution for River Hall (#Z-05-051); and

WHEREAS, the developers of Portico RPD recently filed an administrative amendment (ADD2007-00084) for the landscaping adjacent to the proposed wall to be placed on their property; 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, 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.

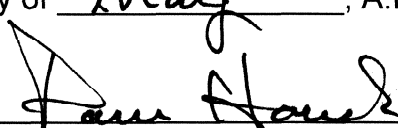
NOW, THEREFORE, IT IS HEREBY DETERMINED that the application for administrative approval for an amendment to the River Hall RPD/CPD is **APPROVED**.

Approval is subject to the following conditions:

1. **The Development must be in compliance with the amended Master Concept Plan, dated APRIL 17, 2007 Master Concept Plan for ADD2007-00063 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. Approval of this administrative amendment is contingent upon approval of ADD2007-00084 Portico.

DULY SIGNED this 14th day of May, A.D., 2007.

BY: 

Pam Houck, Director
Division of Zoning
Department of Community Development

PREPARED FOR



PHONE (239) 274-0321
FAX (239) 274-0517

PROJECT DESCRIPTION

FORMERLY KNOWN AS
HAWKS HAVEN

PART OF SECTIONS 27,34,35 AND 36
TOWNSHIP 43 SOUTH
RANGE 28 EAST
LEE COUNTY, FLORIDA

**THIS PLAN IS PRELIMINARY AND
INTENDED FOR CONCEPTUAL
PLANNING PURPOSES ONLY. SITE
LAYOUT AND LAND USE INTENSITIES
OR DENSITIES MAY CHANGE
SIGNIFICANTLY BASED UPON SURVEY,
ENVIRONMENTAL, ENGINEERING AND
REGULATORY CONSTRAINTS
AND /OR OPPORTUNITIES.
* NOT FOR CONSTRUCTION ***

NOT VALID WITHOUT ENCLOSED SEAL, SIGNATURE AND DATE
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FILE NAME	Z:\000202.DWG
LAYOUT	LAYOUT 1
LOCATION	J:\00000\DWG\CONCRETE\ZONE11
PLOT DATE	TUE, 1-6-2006 - 2:01 PM
PLOT BY	TON MOLMLUND
DESIGN BY	AUTHOR

CROSS REFERENCED DRAWINGS

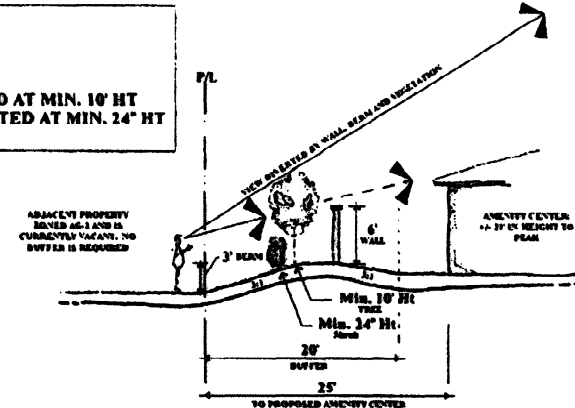
[illegible]

PLAN STATUS

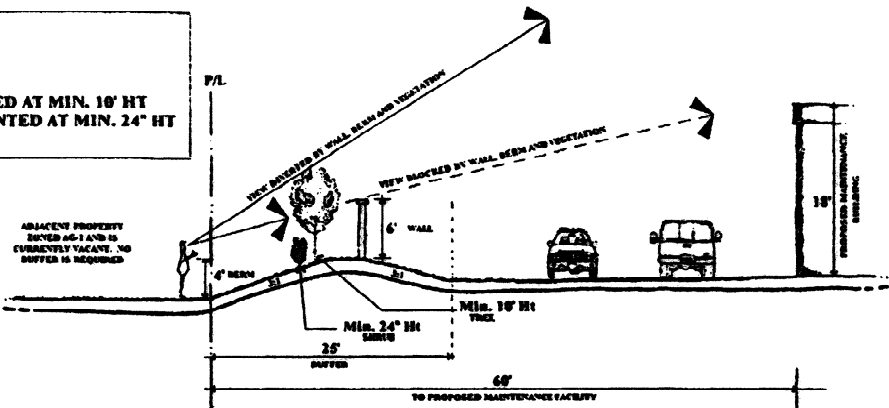
**APPROVAL SUBMITTAL PLANS
NOT FOR CONSTRUCTION**

**TYPICAL
SECTIONS
EXHIBIT C**

PROJECT / FILE NO.	SHEET NUMBER
21988	2 OF 2



PROPOSED BUFFER FOR AMENITY CENTER (SECTION A-A)
NTS



PROPOSED BUFFER FOR GOLF COURSE MAINTENANCE FACILITY (SECTION B-B)
NTS

RECEIVED
APR 17 2007
PERMIT COUNTER

DCI 2004-00054

RECEIVED
JUL 9 2006

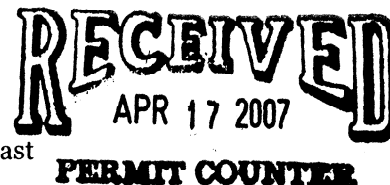
PERMIT COUNTER

APPROVED

Amendment to
Master Concept Plan
Subject to Case # A007007-00063
Date May 14, 2007

DESCRIPTION

Parcel in
Sections 25, 26, 27, 34, 35 and 36, Township 43 South, Range 26 East
Lee County, Florida



A tract or parcel of land lying in Sections 25, 26, 27, 34, 35 and 36, Township 43 South, Range 26 East, Lee County, Florida, said tract or parcel of land being more particularly described as follows:

Beginning at the Southeast corner of said Section 34 run $N00^{\circ}59'34''W$ along the East line of the Southeast Quarter (SE $\frac{1}{4}$) of said Section 34 for 2,654.70 feet to the East Quarter Corner of said Section 34; thence run $S89^{\circ}15'30''W$ along the North line of the South Half (S $\frac{1}{2}$) of said Section 34 for 5,100.92 feet to a point on a non-tangent curve at the intersection with the Easterly line of lands described in a deed recorded in Official Record Book 4107, at Page 886, Lee County Records; thence run northwesterly along said Easterly line and along an arc of curve to the left of radius 240.00 feet (delta $21^{\circ}30'24''$) (chord bearing $N34^{\circ}21'11''W$) (chord 89.56 feet) for 90.09 feet to a point of tangency; thence run $N45^{\circ}06'23''W$ along said Easterly line for 156.71 feet to a point of curvature; thence run northwesterly along said Easterly line and along an arc of curve to the left of radius 240.00 feet (delta $06^{\circ}54'55''$) (chord bearing $N48^{\circ}33'50''W$) (chord 28.95 feet) for 28.97 feet to an intersection with the West line of the Northwest Quarter (NW $\frac{1}{4}$) of said Section 34; thence run $N00^{\circ}49'55''W$ along said West line for 2,437.57 feet to the Southwest Corner of said Section 27; thence run $N00^{\circ}49'48''W$ along the West line of the Southwest Quarter (SW $\frac{1}{4}$) of said Section 27 for 659.59 feet to the Southwest corner of the Northwest Quarter (NW $\frac{1}{4}$) of the Southwest Quarter (SW $\frac{1}{4}$) of the Southwest Quarter (SW $\frac{1}{4}$) of said Section 27; thence run $N89^{\circ}06'39''E$ along the South line of the North Half (N $\frac{1}{2}$) of the Southwest Quarter (SW $\frac{1}{4}$) of the Southwest Quarter (SW $\frac{1}{4}$) of said Section 27 for 1,318.66 feet to the Southeast corner of the Northeast Quarter (NE $\frac{1}{4}$) of the Southwest Quarter (SW $\frac{1}{4}$) of the Southwest Quarter (SW $\frac{1}{4}$) of said Section 27; thence run $N00^{\circ}50'33''W$ along the East line of said Fraction for 660.48 feet to the Northeast Corner of said Fraction; thence run $S89^{\circ}04'20''W$ along the North line of said Fraction for 659.26 feet to the Southeast corner of the Southwest Quarter (SW $\frac{1}{4}$) of the Northwest Quarter (NW $\frac{1}{4}$) of the Southwest Quarter (SW $\frac{1}{4}$) of said Section 27; thence run $N00^{\circ}50'10''W$ along the East line of said Fraction for 660.23 feet to the Northeast Corner of said Fraction; thence run $S89^{\circ}02'22''W$ along the North line of said Fraction for 659.19 feet to an intersection with the West line of the Southwest Quarter (SW $\frac{1}{4}$) of said Section 27; thence run $N00^{\circ}49'48''W$ along said West line for 659.85 feet to the West Quarter Corner of said Section 27; thence run $N00^{\circ}47'16''W$ along the West line of the Northwest Quarter (NW $\frac{1}{4}$) of said Section 27 for 1,328.51 feet to an intersection with the Southerly right of way line of State Road 80, (150 feet wide); thence run $N77^{\circ}10'14''E$ along said Southerly right of way line for 2,020.27 feet to an intersection with the West line of the Southeast Quarter (SE $\frac{1}{4}$) of the Northeast Quarter (NE $\frac{1}{4}$) of the Northwest Quarter (NW $\frac{1}{4}$) of said Section 27; thence run $S00^{\circ}50'17''E$ along said West line for 421.56 feet to the Southwest Corner of said Fraction, being designated as POINT "A"; thence run $N88^{\circ}54'52''E$ along the South line of said Fraction for 658.74 feet to an intersection with the West line of the East Half (E $\frac{1}{2}$) of said Section 27; thence run $S00^{\circ}51'17''E$ along said West line for 3,420.35 feet to an intersection with the North line of the South 50 feet of said former Seaboard All Florida Railroad right of way (100 feet wide); thence run $N89^{\circ}00'08''E$ along said North line for 7,949.61 feet to an intersection with the West line of the Southwest Quarter (SW $\frac{1}{4}$) of said Section 25; thence run $N00^{\circ}33'55''W$ along said West line for 50.00 feet to an intersection with the Northerly right of way line of the former Seaboard All Florida Railroad (100 feet wide); thence run $N89^{\circ}00'08''E$ along said right of way line for 5,295.61 feet to an intersection with the East line of the Southeast Quarter (SE $\frac{1}{4}$) of said Section 25; thence run $S01^{\circ}39'28''E$ along said East line for 629.62 feet to the Northeast Corner of said Section 36 being designated as POINT "B";

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DESCRIPTION (Cont.)

thence run $S00^{\circ}16'51''E$ along the East line of the Northeast Quarter (NE $\frac{1}{4}$) of said Section 36 for 2,647.36 feet to the East Quarter Corner of said Section 36; thence run $S00^{\circ}45'42''E$ along the East line of the Southeast Quarter (SE $\frac{1}{4}$) of said Section 36 for 2,644.68 feet to the Southeast Corner of said Section 36; thence run $S89^{\circ}12'27''W$ along the South line of the Southeast Quarter (SE $\frac{1}{4}$) of said Section 36 for 2,644.62 feet to the South Quarter Corner of said Section 36; thence run $S89^{\circ}11'43''W$ along the South line of the Southwest Quarter (SW $\frac{1}{4}$) of said Section 36 for 2,643.63 feet to the Southeast Corner of said Section 35; thence run $S88^{\circ}54'06''W$ along the South line of the Southeast Quarter (SE $\frac{1}{4}$) of said Section 35 for 2,643.62 feet to the South Quarter Corner of said Section 35; thence run $S88^{\circ}53'41''W$ along the South line of the Southwest Quarter (SW $\frac{1}{4}$) of said Section 35 for 2,642.70 feet to the POINT OF BEGINNING.

LESS and EXCEPT the following described parcels.

From the point designated as POINT "A" run $S88^{\circ}54'52''W$ along the South line of the Northeast Quarter (NE $\frac{1}{4}$) of the Northwest Quarter (NW $\frac{1}{4}$) of said Section 27 for 658.74 feet to the Northeast Corner of the Northeast Quarter (NE $\frac{1}{4}$) of the Southwest Quarter (SW $\frac{1}{4}$) of the Northwest Quarter (NW $\frac{1}{4}$) of said Section 27 and POINT OF BEGINNING.

From said Point of Beginning run $S00^{\circ}49'17''E$ along the East line of said Fraction for 660.13 feet to the Southeast Corner of said Fraction; thence run $S88^{\circ}57'38''W$ along the South line of said Fraction for 658.93 feet to the Southwest Corner of said Fraction; thence run $N00^{\circ}48'16''W$ along the West line of said Fraction for 659.60 feet to the Northwest Corner of said Fraction; thence run $N88^{\circ}54'52''E$ along the North line of said Fraction for 658.74 feet to the POINT OF BEGINNING.

AND

From the point designated as POINT "B" run $S88^{\circ}44'46''W$ along the South line of the Southeast Quarter (SE $\frac{1}{4}$) of said Section 25 for 2,674.22 feet to the South Quarter Corner of said Section 25, run $S89^{\circ}12'44''W$ along the South line of the Southwest Quarter (SW $\frac{1}{4}$) of said Section 25 for 2,633.46 feet to the Southeast Corner of said Section 26 and POINT OF BEGINNING.

From said Point of Beginning run $S89^{\circ}14'15''W$ along the South line of the Southeast Quarter (SE $\frac{1}{4}$) of said Section 26 for 1,327.50 feet to the Southwest Corner of the Southeast Quarter (SE $\frac{1}{4}$) of the Southeast Quarter (SE $\frac{1}{4}$) of said Section 26; thence run $N00^{\circ}23'46''W$ along the West line of said Fraction for 526.48 feet to an intersection with the Southerly right of way line of the former Seaboard All Florida Railroad (100 feet wide); thence run $N89^{\circ}00'08''E$ along said Southerly right of way line for 1,325.98 feet to an intersection with the East line of the Southeast Quarter (SE $\frac{1}{4}$) of said Section 26; thence run $S00^{\circ}33'55''E$ along said East line for 531.91 feet to the POINT OF BEGINNING.

Containing a Total Area of 1,978.44 Acres, more or less.

Bearings hereinabove mentioned are State Plane for the Florida West Zone (1983/90 adjustment) and are based on the west line of the Northwest Quarter (NW $\frac{1}{4}$) of said Section 34 to bear $N00^{\circ}49'55''W$.

Applicant's Legal Checked
by AM 17 APR 07

RECEIVED
APR 17 2007

PERMIT COUNTER

Scott A. Wheeler 4/2/07
Scott A. Wheeler (For The Firm)
Professional Surveyor and Mapper
Florida Certificate No. 5949

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