

ADMINISTRATIVE AMENDMENT (PD) ADD2006-00164

ADMINISTRATIVE AMENDMENT
LEE COUNTY, FLORIDA

WHEREAS, Barraco and Associates, Inc. filed an application for administrative approval to a Residential Planned Development on a project known as Cascades at River Hall for:

1) A reduction in the minimum building separation from 15 to 11 feet for Lots 117, 147, 148, 149, and 154 only; and

2) A reduction in the minimum lot width from 45 to 44 feet for Lots 148 and 149 only, on property located at 2244, 2250, 2318, 2324, 2330 Summersweet Dr., described more particularly as:

LEGAL DESCRIPTION: In Section 27, Township 43 South, Range 26 East, Lee County, Florida:

SEE ATTACHED "EXHIBIT A"

WHEREAS, the property was originally rezoned in case number 99-03-066.03Z 01.01, with subsequent amendments in case numbers ADD2006-00067 and DCI2004-00054; and

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

WHEREAS, all five properties in question are owned by Levitt And Sons At Hawk's Haven, LLC; and

WHEREAS, all five properties are located on Summersweet Drive; and

WHEREAS, Residential building permits have been issued for the following lots:

Lot 117	RES2006-05351
Lot 147	RES2005-05348
Lot 149	RES2005-05853
Lot 154	RES2006-03520; and

WHEREAS, due to an error, the buildings on these lots were placed within 11.3± of each other, instead of the required 15 feet building separation; and

WHEREAS, in other parts of the development, a minimum 10 feet building separation is required; and

WHEREAS, the Applicant has stated that there will be no fire or other safety issues created by the 11-foot building separation, since it is greater than the 10 feet required in other areas; and

WHEREAS, this was verified by zoning staff in a conversation with fire reviewer Dan Notte; and

WHEREAS, due to an error, Lots 148 and 149 have about 44.3 and 44.5 feet of frontage, respectively; and

WHEREAS, before Lots 149 and 148 were created, Lots 147 and 150 had buildings erected which were slightly too close to the lots between them (148 and 149); and

WHEREAS, instead of a minimum of 90 feet between lots 147 and 150, there is 88.8 feet; and

WHEREAS, the minimum lot width requirement of Z-05-051 for these lots is 45 feet; and

WHEREAS, the Applicant has requested a reduction in minimum lot width to 44 feet for these two lots only; 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

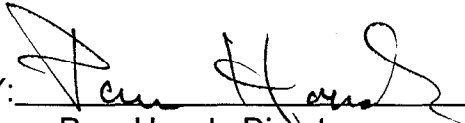
WHEREAS, the subject application and plans have been reviewed by the Lee County Department of Community Development in accordance with applicable regulations for compliance with all terms of the administrative approval procedures; and

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 reduce property the minimum development regulations for specific lots in a Residential Planned Development is **APPROVED, subject to the following conditions:**

1. The approval is limited to Lots 117, 147, 148, 149 and 154 of Cascades at River Hall, Phase I, as platted in Instrument Number 2005000166035 of the Lee County Records.
2. The Development must be in compliance with the attached Site Plan, stamped received by Community Development on August 24, 2006. Site Plan for Lots 117, 147, 148, 149, and 154 in ADD2006-00164 is hereby APPROVED and adopted. A reduced copy is attached hereto as "Attachment A."
3. Building separation between Lots 117 and 154, 147 and 148, and 148 and 149 must be at least 11 feet.
4. Lot width for lots 148 and 149 must be at least 44 feet.
5. The terms and conditions of the original zoning resolutions remain in full force and effect, except as herein amended.

DULY SIGNED this 12th day of September, A.D., 2006.

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

RECEIVED
SEP 06 2006**DESCRIPTION**

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

COMMUNITY DEVELOPMENT

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";

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 2643.62 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.

ADD 2006-00164

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 $N00^{\circ}49'55''W$.

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SEP 06 2006

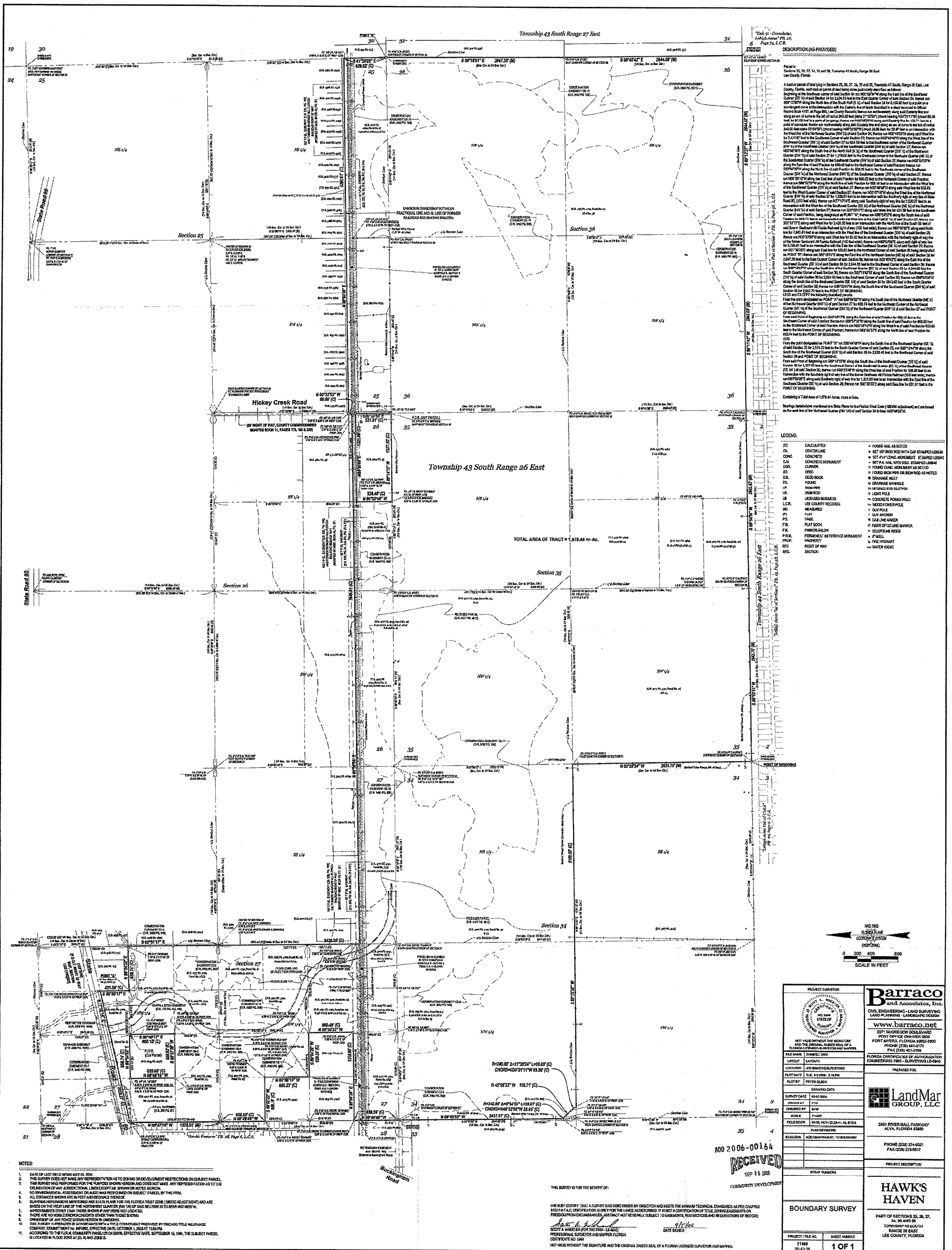
Scott A. Wheeler
Scott A. Wheeler (For The Firm)
Professional Surveyor and Mapper
Florida Certificate No. 5949

9/5/06

COMMUNITY DEVELOPMENT

L:\21988 - Hawks Haven\DESC\2198830\desc.doc

Applicant's Legal Checked
by *Am* 07SEP2006

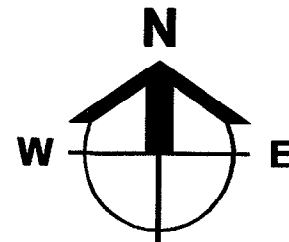


ADD 2006-00164

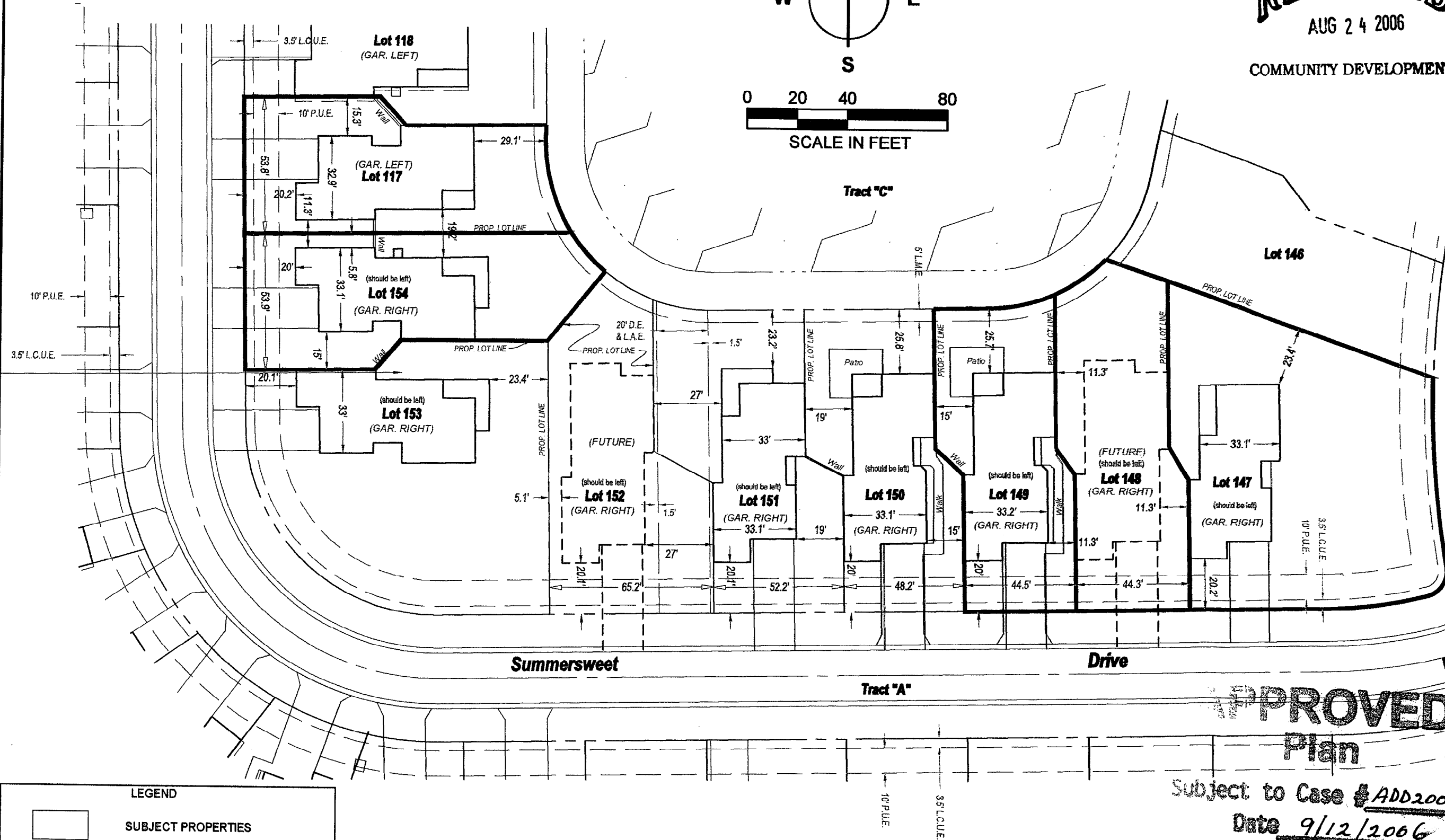
ATTACHMENT A

RECEIVED
AUG 24 2006

COMMUNITY DEVELOPMENT



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SCALE IN FEET

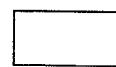
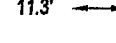
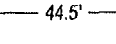


EXISTING BUILDINGS SHOWN ARE FROM FIELD LOCATION NOT PLOT PLANS

APPROVED
Plan

Subject to Case # ADD2006-00164
Date 9/12/2006

LEGEND

-  SUBJECT PROPERTIES
-  REQUESTED DEVIATIONS
- 11.3'  1. PROPOSED BUILDING SEPARATION
- 44.5'  2. PROPOSED NEW LOT WIDTHS

Barraco
and Associates, Inc.

CIVIL ENGINEERING - LAND SURVEYING
LAND PLANNING - LANDSCAPE DESIGN

www.barraco.net

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FORT MYERS, FLORIDA 33902-2800
PHONE (239) 461-3170
FAX (239) 461-3169

FLORIDA CERTIFICATES OF AUTHORIZATION
ENGINEERING 7805 - SURVEYING LB-6040

PREPARED FOR

Levitt-Sons
AMERICA'S OLDEST HOME BUILDER

CG-C034880

7777 GLADES ROAD, SUITE 410
BOCA RATON, FLORIDA 33434

PHONE (561) 482-6100
FAX (561) 486-9188

WWW.LEVITTANDSONS.COM

PROJECT DESCRIPTION

**CASCADES AT
RIVER HALL,
PHASE 1**

INSTRUMENT #2005000166035
LEE COUNTY RECORDS

A SUBDIVISION LYING IN
SECTION 27
TOWNSHIP 43 SOUTH, RANGE 26 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 *

FILE NAME: 22040_ATTACHMENT_A.DWG

LAYOUT

LOCATION J:\22040\DWG\ZONING

PLOT DATE THU. 8-24-2006 - 11:10 AM

PLOT BY CHRIS SQUIRES

DRAWING DATA

SURVEY DATE 08-16-2006

DRAWN BY PTO

CHECKED BY

SCALE 1"=40'

FIELD BOOK

PLAN REVISIONS

STRAP NUMBERS

EXHIBIT H-2.B.2 SHOWING NEW
LAYOUT OF
LOTS 117, 147-149, 154

PROJECT / FILE NO

22040

27-43-26

SHEET NUMBER

1 of 1