

ADMINISTRATIVE AMENDMENT (PD) ADD2006-00173

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 required lot depth from 120 feet to 110 feet for lots 26, 27, 28, 38, and 55; and

2) a reduction in the minimum required lot depth from 120 feet to 110 feet for lots 302, 303, 304, 305, 306, 307, 344, 345, 346, 347, and 348, and a reduction in the minimum rear setbacks for a principal structure to 5 feet and accessory structure to 6 inches,

on property located at Buckingham Road/Palm Beach Blvd, described more particularly as:

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

SEE ATTACHED THREE-PAGE "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, the sixteen properties are located on Summersweet Drive, Ligustrum Lane, and Apple Blossom Drive in Alva; and

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

WHEREAS, building permits have not been issued on any of the sixteen subject lots; and

WHEREAS, due to the unique "Z" shape of lots 26, 27, 28, 38, and 55, the minimum lot depth of 120 feet is not met, however all setbacks comply with the requirements of Resolution Z-05-051; and

WHEREAS, the applicant has requested a reduction in the minimum lot depth for lots 26, 27, 28, 38, and 55, from 120 feet to 110 feet in order to bring the lot depths into compliance with the LDC; and

WHEREAS, the lot depths for these 5 lots in Cascades at River Hall, Phase I are shown on the six-page "Attachment A" as follows:

Lot 26	±114.65 feet	Lot 38	±116.30 feet
Lot 27	±114.89 feet	Lot 55	±115.63 feet
Lot 28	±116.34 feet; and		

WHEREAS, the applicant has requested a reduction in the minimum lot depth requirements for lots 302, 303, 304, 305, 306, 307, 344, 345, 346, 347, and 348 from 120 feet to 110 feet to correct an error made at the time the lots were platted; and

WHEREAS, lots 302-207 and 344-348 were platted with a landscape berm located to the rear, but inside the boundaries of each lot; and

WHEREAS, at the request of Community Development staff, the applicant is re-platting the lots in case # PLT2006-00010 with the landscape berm outside of the lot boundaries; and

WHEREAS, due to the pending re-plat, the lot depth no longer includes the area reserved for the landscape berm, and the lots are a minimum of 110 feet in depth; and

WHEREAS, the lot depths for the 11 lots in Cascades at River Hall, Phase II are shown on the six-page "Attachment A" as follows:

Lot 302	±115.80 feet	Lot 344	±121.37 feet
Lot 303	±115.60 feet	Lot 345	±116.08 feet
Lot 304	±116.84 feet	Lot 346	±119.96 feet
Lot 305	±118.02 feet	Lot 347	±115.96 feet
Lot 306	±119.16 feet	Lot 348	±112.85 feet
Lot 307	±120.30 feet; and		

WHEREAS, the applicant has requested a reduction in the rear setbacks for primary structures to 5 feet and accessory structures to 6 inches to accommodate the loss of 10 feet of the rear from lots 302-307 and 344-348; 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 Residential Planned Development is **APPROVED**, subject to the following conditions:

1. The approval is limited to Lots 26, 27, 28, 38, 55, 302, 303, 304, 305, 306, 307, 344, 345, 346, 347, and 348 of Cascades at River Hall, Phase I & II, as platted in Instrument Numbers 2005000166035 and 2005000166038 of the Lee County Records.
2. The Development must be in compliance with the attached Site Plan, stamped received by Community Development on September 6, 2006. Site Plan for Lots 26-28, 38, 55, 302-307, and 344-348 in ADD2006-00173 is hereby **APPROVED** and adopted. A reduced copy is attached hereto as "Attachment A."
3. Minimum required rear setbacks for primary structures on lots 302-307 and 344-348 must be at least 5 feet, and rear setbacks for accessory structures on lots 302-307 and 344-348 must be at least 6 inches.
4. Lot depth for lots 26-28, 38, 55, 302-307, and 344-348 must be at least 110 feet.
5. The terms and conditions of the original zoning resolutions remain in full force and effect, except as herein amended.

DULY SIGNED this 14th day of September, A.D., 2006.

BY: 

Pam Houck, Director
Division of Zoning
Department of Community Development

EXHIBIT A

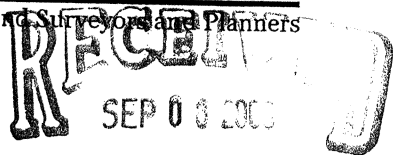
DESCRIPTION

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

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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 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.

ADD 2006-00173

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 08SEPT06

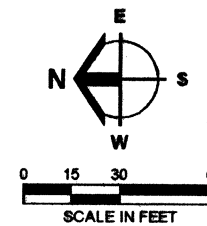
Scott A. Wheeler
Scott A. Wheeler (For The Firm)
Professional Surveyor and Mapper
Florida Certificate No. 5949

9/5/06



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and Associates, Inc.

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LAND PLANNING - LANDSCAPE DESIGN

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AMERICA'S OLDEST HOME BUILDER

CG-C034880

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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

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PLOT DATE: TUE: 9-5-2006 - 4:35 PM

PLOT BY: CHRIS SQUIRES

DESIGN BY:

CROSS REFERENCED DRAWINGS

PLAN REVISIONS

PLAN STATUS

EXHIBIT H-3.C
PHASE 1 EXHIBIT A

PROJECT / FILE NO.

SHEET NUMBER

22040

Tract "G"

Lot 62

Lot 61

Lot 60

Lot 59

Lot 58

Lot 57

LOT 56

LOT 54

Lot 53

Lot 52

Lot 51

Lot 50

Lot 49

Lot 48

Lot 47

Lot 46

Lot 45

Lot 66

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Lot 69

Lot 70

Lot 71

Lot 72

Lot 73

Lot 74

Lot 75

Lot 76

Lot 77

Lot 78

Lot 79

Lot 80

Lot 81

Lot 82

Lot 83

Drive

Tract "A"

NW 1/4

Tract "B"

**Section 27
Township 43 South, Range 26 East**

**"Cascades at River Hall, Phase 1"
(Instrument No. 2005000166035, L.C.R.)**

Summersweet

Tract "A"

Drive

LEGEND



SUBJECT
PROPERTIES

48' LOT DIMENSIONS

3.5' L.C.U.E.

10' P.U.E.

15' D.E.

5' L.M.E.

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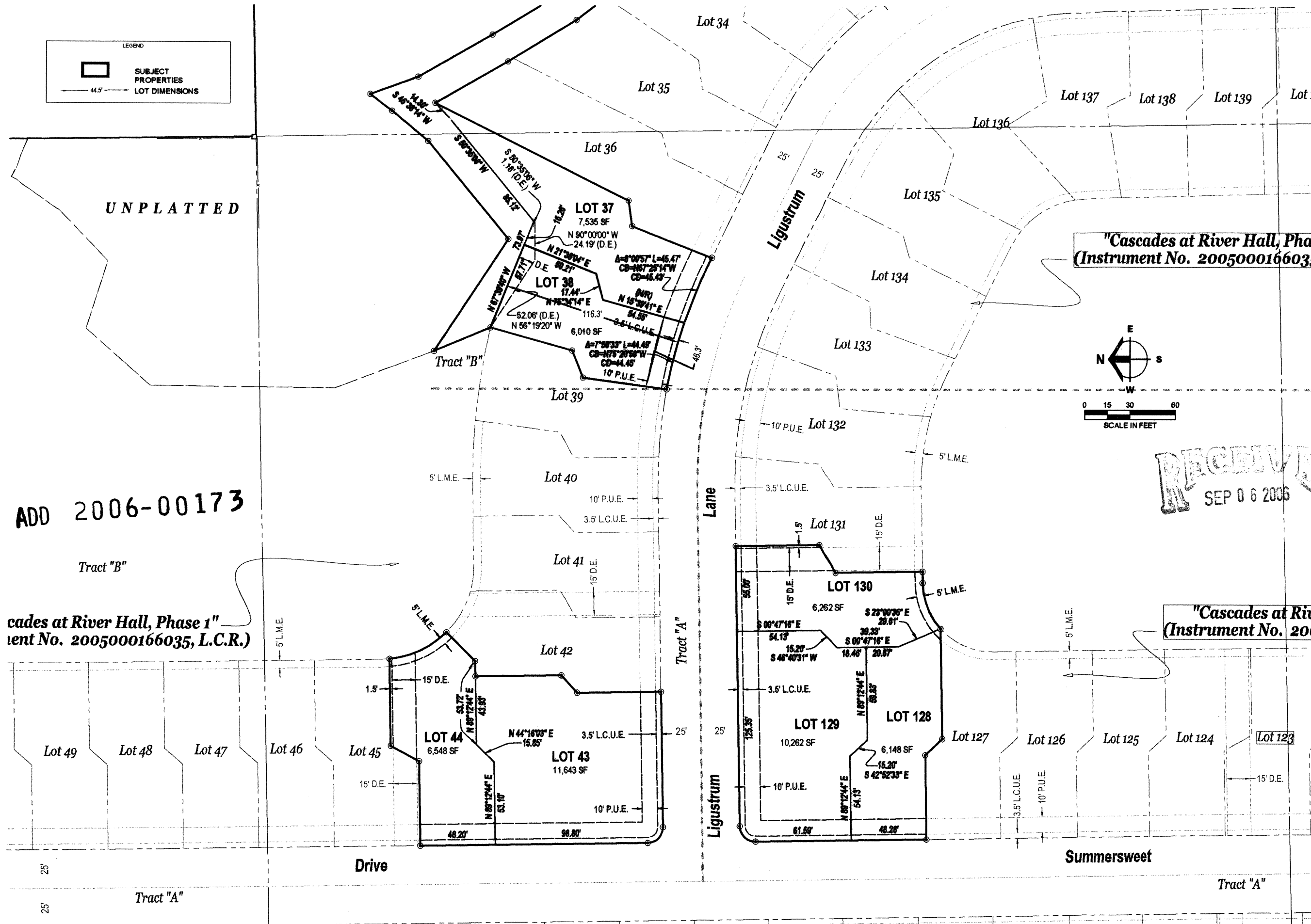
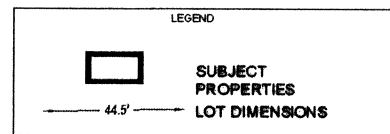
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"Cascades at River Hall, Phase 1"
(Instrument No. 200500016603)

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"Cascades at River Hall, Phase 1"
(Instrument No. 2005000166035, L.C.R.)

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FLORIDA CERTIFICATE OF AUTHORIZATION
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PREPARED FOR

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PROJECT DESCRIPTION

**CASCADES AT RIVER HALL,
PHASE 1**

INSTRUMENT #2005000166035
LEE COUNTY RECORDS

A SUBDIVISION Lying IN
SECTION 27
TOWNSHIP 48 SOUTH, RANGE 26 EAST
LEE COUNTY, FLORIDA

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PLOT DATE	TUE. 9-5-2006 - 4:37 PM
PLOT BY	CHRIS SQUIRES
DESIGN BY	

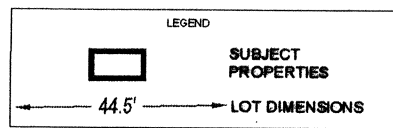
CROSS REFERENCED DRAWINGS

PLAN REVISIONS

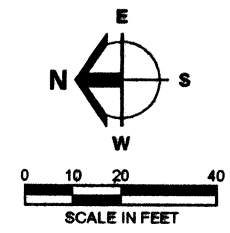
PLAN STATUS

EXHIBIT H-3.C
PHASE 1 EXHIBIT B

PROJECT / FILE NO.	SHEET NUMBER
22040	



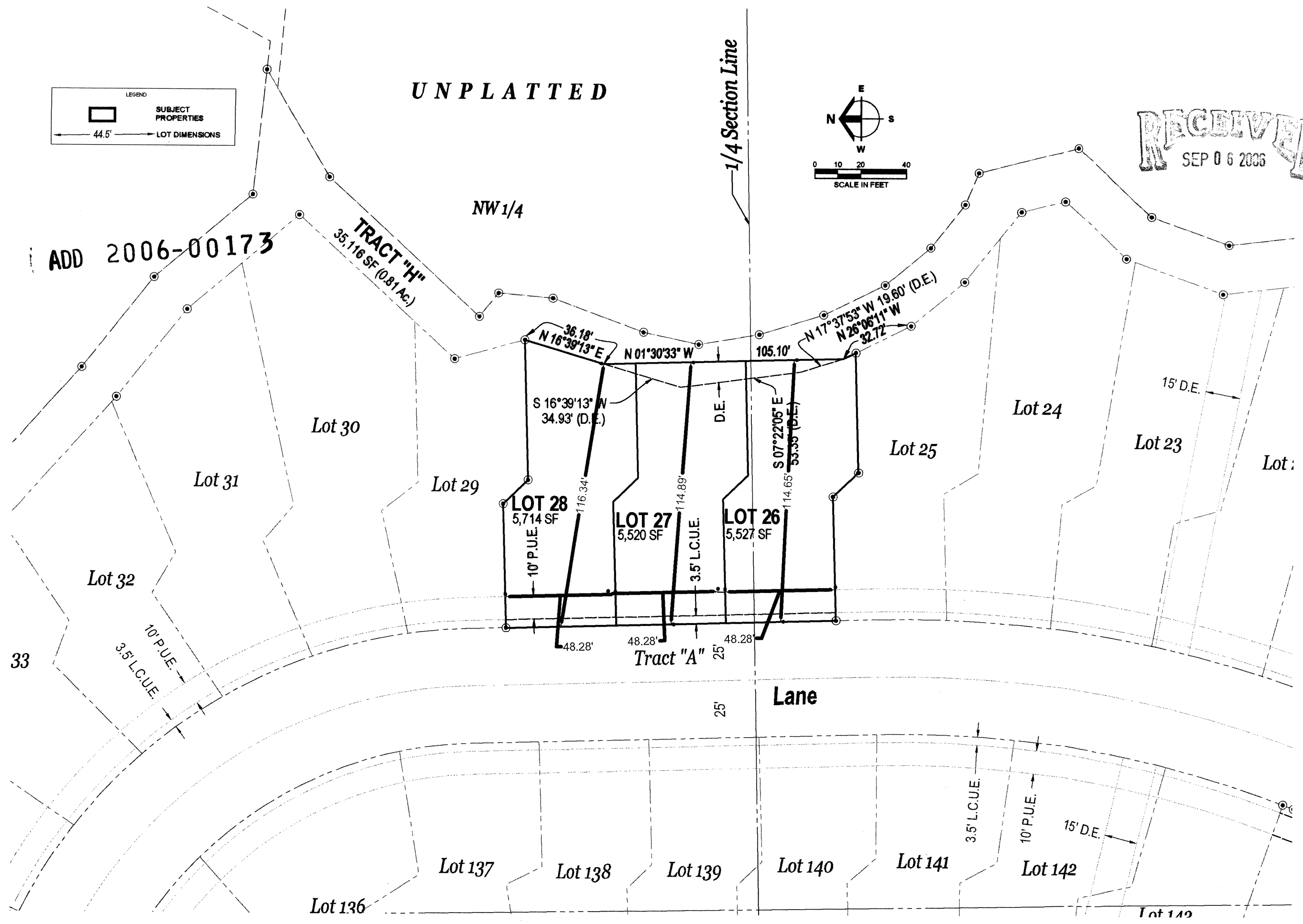
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PROJECT DESCRIPTION

**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

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PLOT DATE	TUE, 9-5-2006 - 4:43 PM
PLOT BY	CHRIS SQUIRES
DESIGN BY	

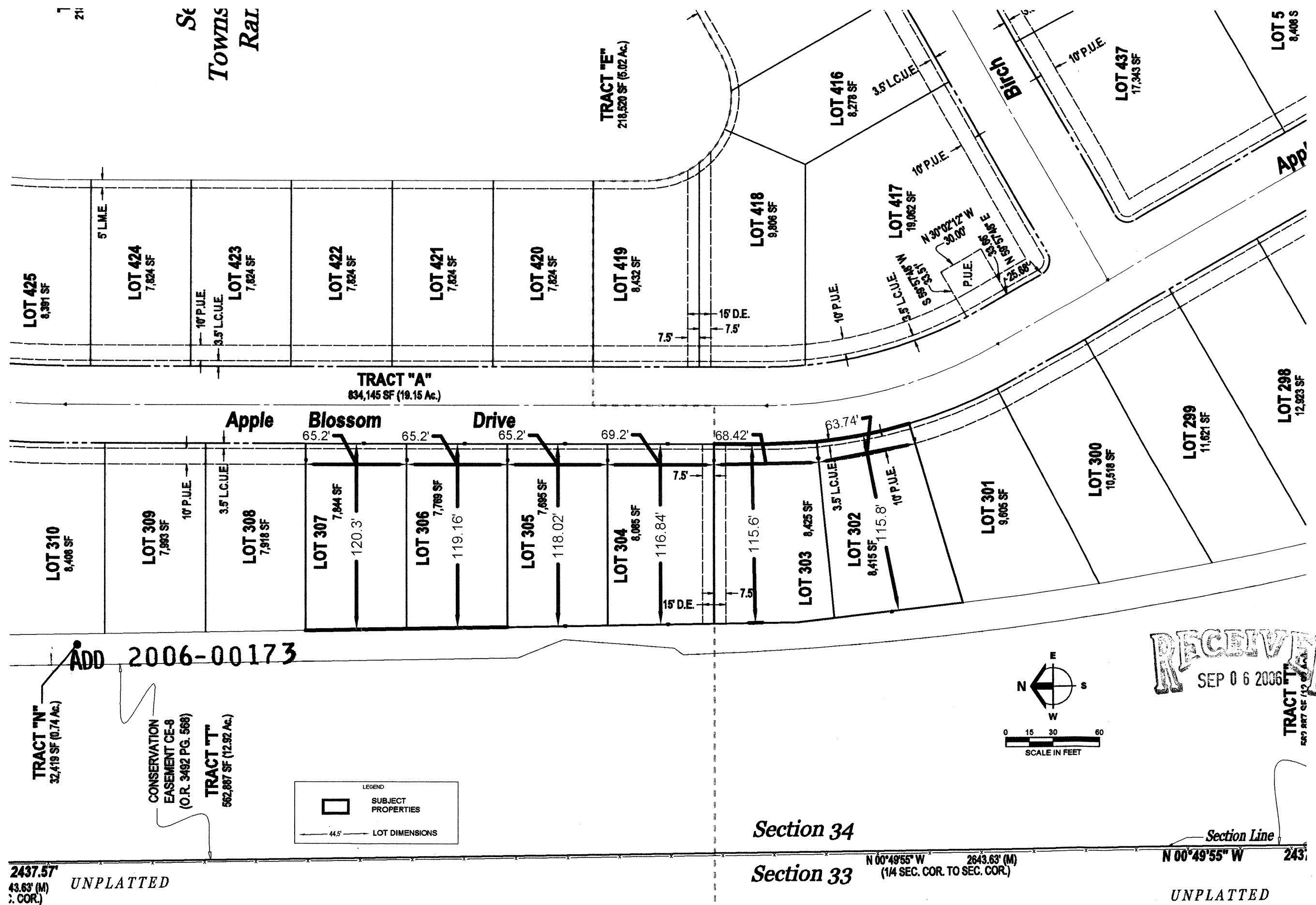
CROSS REFERENCED DRAWINGS

PLAN REVISIONS

PLAN STATUS

**EXHIBIT H-3.C
PHASE 1 EXHIBIT C**

PROJECT / FILE NO. **22040**
SHEET NUMBER



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CIVIL ENGINEERING - LAND SURVEYING
LAND PLANNING - LANDSCAPE DESIGN

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FLORIDA CERTIFICATES OF AUTHORIZATION
ENGINEERING 7995 - SURVEYING LB-6340

PREPARED FOR

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AMERICA'S OLDEST HOMEBUILDER

CG-C034880

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PROJECT DESCRIPTION

CASCADES AT RIVER HALL, PHASE 2

INSTRUMENT #2006000166038
LEE COUNTY RECORDS

**A SUBDIVISION LYING IN
SECTION 27 & 34
TOWNSHIP 48 SOUTH, RANGE 26 EAST
DEE 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 *

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FILE NAME	22040_PHASE_2 EXHIBIT_A.DWG
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LAYOUT	LAYOUT1
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LOCATION	J:\22040\DWG\ZONING\ADMIN AMENDM
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PLOT DATE	TUE. 9-5-2006 - 4:27 PM
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PLOT BY	CHRIS SQUIRES
---------	---------------

DESIGN BY	
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CROSS REFERENCED DRAWINGS

PLAN REVISIONS

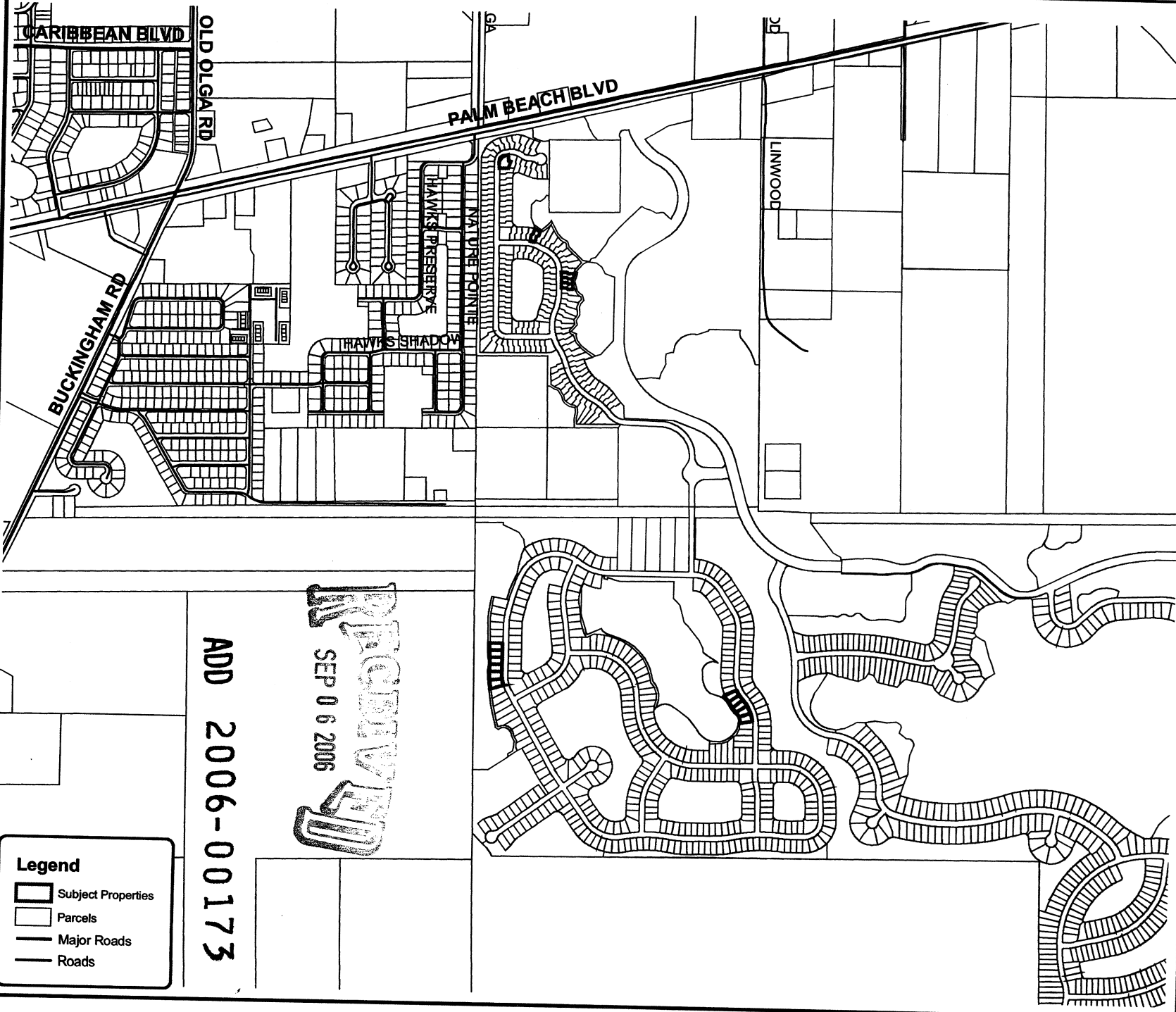
PLAN STATUS

EXHIBIT H-3.C
PHASE 2 EXHIBIT A

PROJECT / FILE NO.	SHEET NUMBER
--------------------	--------------

22040

1



ADD 2006-00173

RECEIVED
SEP 06 2006

- Legend**
- Subject Properties
 - Parcels
 - Major Roads
 - Roads

Barraco
and Associates, Inc.
CIVIL ENGINEERING - LAND SURVEYING
LAND PLANNING - LANDSCAPE DESIGN
www.barraco.net
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FLORIDA CERTIFICATE OF AUTHORIZATION
ENGINEERING 7995 - SURVEYING LB-6940
PREPARED FOR

Levitt and Sons

7777 Glades Road
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Phone: (561) 482-5100
Fax: (561) 488-9188

PROJECT DESCRIPTION

CASCADES AT RIVER HALL, PHASE 2

INSTRUMENT #2005000166038
LEE COUNTY RECORDS

A SUBDIVISION LYING IN
SECTION 27 & 34
TOWNSHIP 43 SOUTH, RANGE 26 EAST
LEE COUNTY, FLORIDA

NORTH ARROW AND SCALE

1 inch equals 1,200 feet

SHEET DESCRIPTION

Cascades at River Hall
Exhibit H-3.A / AA-3.F
Location Map

PROJECT PATH
J:\22040\GIS\Amend 2\LM

PROJECT NUMBER
22040