

ADMINISTRATIVE AMENDMENT (PD) ADD2015-00069

ADMINISTRATIVE AMENDMENT
LEE COUNTY, FLORIDA

WHEREAS, DR Horton, Inc. filed an application for an administrative amendment to a Residential Planned Development/Commercial Planned Development on a project known as Cascades at River Hall - Phases 1 & 2 to amend the Property Development Regulations, Condition 2.b.i. to allow the placement of air conditioning and mechanical equipment within the 5-foot side yard setback for each single-family lot on property located in River Hall at the Cascades Ph 1, Lots 1 thru 167 and Phase 2, Lots 168 thru 575, described more particularly as:

LEGAL DESCRIPTION: In Section 27 & 34, Township 43 South, Range 26 East, Lee County, Florida:

ATTACHED AS EXHIBIT "A"

WHEREAS, the property was originally rezoned in resolution number Z-05-051(with subsequent amendments in case number ADD2006-00164, ADD2006-00173, ADD3007-00063 and ADD2007-00075); and

WHEREAS, the subject property is located in the Suburban Future Land Use Category as designated by the Lee Plan; 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, Z-05-051 contains a condition that reads as follows: "2.b.i. Structures, including but not limited to, sidewalks, air conditioners, mechanical equipments, door stoops, walls, etc. may not be located within the required 5-foot setback of each lot. Prior to issuance of Certificate of Occupancy on each lot, the Engineer of Record must certify that the drainage for each lot is built in compliance with the typical lot grading detail provided; and

WHEREAS, the applicant wishes to install air conditioning units and mechanical equipments on the side of each residential unit; and

WHEREAS, the applicant proposes to encroach 2 feet into the 5 foot side yard setback; and

WHEREAS, in no case the separation between air conditioning and mechanical equipments on two adjoining lot will be less than 6 feet; and

WHEREAS, the Engineer of Record, as conditioned, will certify that the drainage for each lot is adequate and in compliance with the typical lot grading detail provided as part of the original rezoning application; and

WHEREAS, it is customary to install air conditioners and mechanical equipments on the side of each house; 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/Commercial Planned Development to amend the Property Development Regulations, Condition 2.b.i. to allow the placement of air conditioning and mechanical equipment within the 5-foot side yard setback for each single-family lot is **APPROVED subject to the following conditions:**

1. Condition 2.b.i. of Resolution Z-05-051 is hereby amended to read as follows:

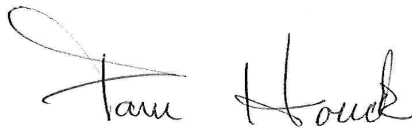
Structures, including but not limited to, sidewalks, door stoops, walls, etc. may not be located within the required 5-foot setback of each lot. Air conditioners and mechanical equipment pads may encroach a maximum of 2 feet into the 5-foot side yard setback. Prior to issuance of Certificate of Occupancy on each lot, the Engineer of Record must certify that the drainage for each lot is built in compliance with the typical lot grading detail provided

2. The terms, conditions and the Master Concept Plan of the original zoning resolutions remain in full force and effect, except as amended herein.

3. If it is determined that inaccurate or misleading information was provided to the County or if this decision does not comply with the LDC when rendered, then, at any time, the Director may issue a modified decision that complies with the Code or revoke the decision. If the approval is revoked, the

applicant may acquire the necessary approvals by filing an application for public hearing in accordance with Chapter 34.

DULY PASSED AND ADOPTED ON 5/15/2015

BY: 

Electronically Signed by
Pam Houck, Director
Division of Zoning
Department of Community Development

Attachment: Exhibit "A" Legal Description



Digitally signed by
Thomas W. McLean PE
48890
DN: cn=Thomas W.
McLean PE 48890,
o=Hole Montes,
ou=Land Development,
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ng.com, c=US
Date: 2015.05.13
16:07:24 -04'00'

EXHIBIT A

Exhibit "A" - Legal Description

Cascades at River Hall, Phase 1

APPROVED
ADD2015-00069
Chick Jakacki, Planner
Lee Co Division of Zoning
5/14/2015

PHASES 1 AND 2 OF CASCADE AT RIVR HALL

Lots 1-25, 29-36, 39-42, 45-53, and 57-167 of Cascades at River Hall, Phase 1, according to the plat thereof as recorded in Instrument No. 200500166035 together with Lots 26-28, 37-38, 43-44, and 54-56 of Cascades at River Hall, Phase 1 according to the plat thereof as recorded in Instrument No. 2006000361359, of the Public Records of Lee County, Florida.

Cascades at River Hall - Phase 1 STRAP Numbers

27-43-26-03-00000.0010	27-43-26-03-00000.0220	27-43-26-05-00000.0430	27-43-26-03-00000.0640
27-43-26-03-00000.0020	27-43-26-03-00000.0230	27-43-26-05-00000.0540	27-43-26-03-00000.0650
27-43-26-03-00000.0030	27-43-26-03-00000.0240	27-43-26-05-00000.0550	27-43-26-03-00000.0660
27-43-26-03-00000.0040	27-43-26-03-00000.0250	27-43-26-05-00000.0560	27-43-26-03-00000.0670
27-43-26-03-00000.0050	27-43-26-05-00000.0260	27-43-26-05-00000.0440	27-43-26-03-00000.0680
27-43-26-03-00000.0060	27-43-26-05-00000.0270	27-43-26-03-00000.0450	27-43-26-03-00000.0690
27-43-26-03-00000.0070	27-43-26-05-00000.0280	27-43-26-03-00000.0460	27-43-26-03-00000.0700
27-43-26-03-00000.0080	27-43-26-03-00000.0290	27-43-26-03-00000.0470	27-43-26-03-00000.0710
27-43-26-03-00000.0090	27-43-26-03-00000.0300	27-43-26-03-00000.0480	27-43-26-03-00000.0720
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27-43-26-03-00000.0180	27-43-26-03-00000.0390	27-43-26-03-00000.0600	27-43-26-03-00000.0810
27-43-26-03-00000.0190	27-43-26-03-00000.0400	27-43-26-03-00000.0610	27-43-26-03-00000.0820
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27-43-26-03-00000.0210	27-43-26-03-00000.0420	27-43-26-03-00000.0630	27-43-26-03-00000.0840

27-43-26-03-00000.0850	27-43-26-03-00000.1070	27-43-26-05-00000.1290	27-43-26-05-00000.1510
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27-43-26-03-00000.0870	27-43-26-03-00000.1090	27-43-26-03-00000.1310	27-43-26-05-00000.1530
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27-43-26-03-00000.0900	27-43-26-03-00000.1120	27-43-26-03-00000.1340	27-43-26-03-00000.1560
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27-43-26-03-00000.0950	27-43-26-05-00000.1170	27-43-26-03-00000.1390	27-43-26-03-00000.1610
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27-43-26-03-00000.1060	27-43-26-05-00000.1280	27-43-26-05-00000.1500	

Digitally signed by
Thomas W. McLean
PE 48890
DN: cn=Thomas W.
McLean PE 48890,
o=Hole Montes,
ou=Land
Development,
email=tommclean@
hmeng.com, c=US
Date: 2015.05.13
16:07:54 -04'00'

Exhibit "B" - Legal Description**Cascades at River Hall, Phase 2**

Lots 168-488 and 491-575 of Cascades at River Hall, Phase 2, according to the plat thereof as recorded in Instrument No. 200500166038 together with Lots 489-490 of Cascades at River Hall Phase 2, Lots 489&490 Replat according to the plat thereof as recorded in Instrument No. 2014000186195, of the Public Records of Lee County, Florida.

Cascades at River Hall - Phase 2 STRAP Numbers:

27-43-26-04-00000.5710	34-43-26-04-00000.1790	34-43-26-04-00000.2090	34-43-26-04-00000.2390
27-43-26-04-00000.5720	34-43-26-04-00000.1800	34-43-26-04-00000.2100	34-43-26-04-00000.2400
27-43-26-04-00000.5730	34-43-26-04-00000.1810	34-43-26-04-00000.2110	34-43-26-04-00000.2410
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27-43-26-04-00000.5750	34-43-26-04-00000.1830	34-43-26-04-00000.2130	34-43-26-04-00000.2430
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