

ADMINISTRATIVE AMENDMENT (PD) ADD2019-00017

ADMINISTRATIVE AMENDMENT
LEE COUNTY, FLORIDA

WHEREAS, Jennifer Sapen, on behalf of Pulte Home Company, LLC filed an application for an administrative amendment to amend the property development regulations for a property located 15623 Angelica Drive, described more particularly as:

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

ATTACHED AS EXHIBIT "A"

WHEREAS, the subject property is zoned Residential Planned Development (RPD) and is located in the Rural Future Land Use Category as designated by the Lee Plan; and

WHEREAS, the subject property is located within the River Hall Residential Planned Development (RPD) and was part of a larger tract of land that was originally rezoned in case number Z-99-056 (with subsequent amendments in case number ADD2004-00067A; Z-05-051; ADD2006-00164, ADD2006-00173; ADD2007-00063; ADD2007-00075; Z-15-003; ADD2017-00091 and ADD2018-00058); and

WHEREAS, the subject property is identified as Lot 4 of the Hampton Lakes at River Hall Phase One Plat recorded in the Public Records of Lee County in Instrument #2005000153004; and

WHEREAS, the subject property is located on a concave curve of Angelica Drive and is more narrow at the front than the rear (see Exhibit "B"); and

WHEREAS, the physical dimensions of the lot preclude the development of the property with the home types designed by the applicant; and

WHEREAS, the applicant has filed a request to amend the property development regulations for the subject property to permit a 4.5-foot side setback on the subject property; and

WHEREAS, the Fort Myers Shores Fire Control District has reviewed the request and offered no objection to the side setback reduction proposed by this request (see Exhibit "C"); and

WHEREAS, the subject property is located within the Caloosahatchee Shores Community Plan area as designated by the Lee Plan; and

WHEREAS, the applicant conducted an advertised public information session within the Caloosahatchee Shores Community Plan area on March 8, 2019 to describe the request and solicit public input on the request as required by Section 33-1482 of the LDC; and

WHEREAS, the applicant has provided a meeting summary document in accordance with Section 33-1482(b) of the LDC (see Exhibit "D"); and

WHEREAS, the applicant has obtained letters of no objection from surrounding property owners indicating no objection to the request (see Exhibit "E"); 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 to amend the property development regulations for property located 15623 Angelica Drive is hereby **APPROVED**, **subject to the following conditions:**

1. **Development on the subject property must be in compliance with the site plan entitled Hampton Lakes Lot 4, Administrative Amendment, Setback Reduction, prepared by Jennifer Sapen, dated December 17, 2018, attached hereto as Exhibit "B".**
2. **The placement of HVAC or other mechanical equipment within the required side setback is prohibited in accordance with the Fire Control District correspondence attached here to as Exhibit "C".**
3. **The terms and conditions of the original zoning resolution and subsequent amendments thereto remain in full force and effect to the extent that they are not amended herein.**
4. **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 Zoning Manager 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, adopted, and electronically signed on 4/16/2019 by

Audra Ennis, Zoning Manager
Lee County Community Development

Exhibits

Exhibit A: Legal Description

Exhibit B: Site Plan

Exhibit C: Fort Myers Shores Fire Control District Correspondence

Exhibit D: Meeting Summary Document

Exhibit E: Letters of No Objection

REVIEWED
ADD2019-00017
Daniel Munt, Planner
Lee County DCD
4/15/2019

EXHIBIT A

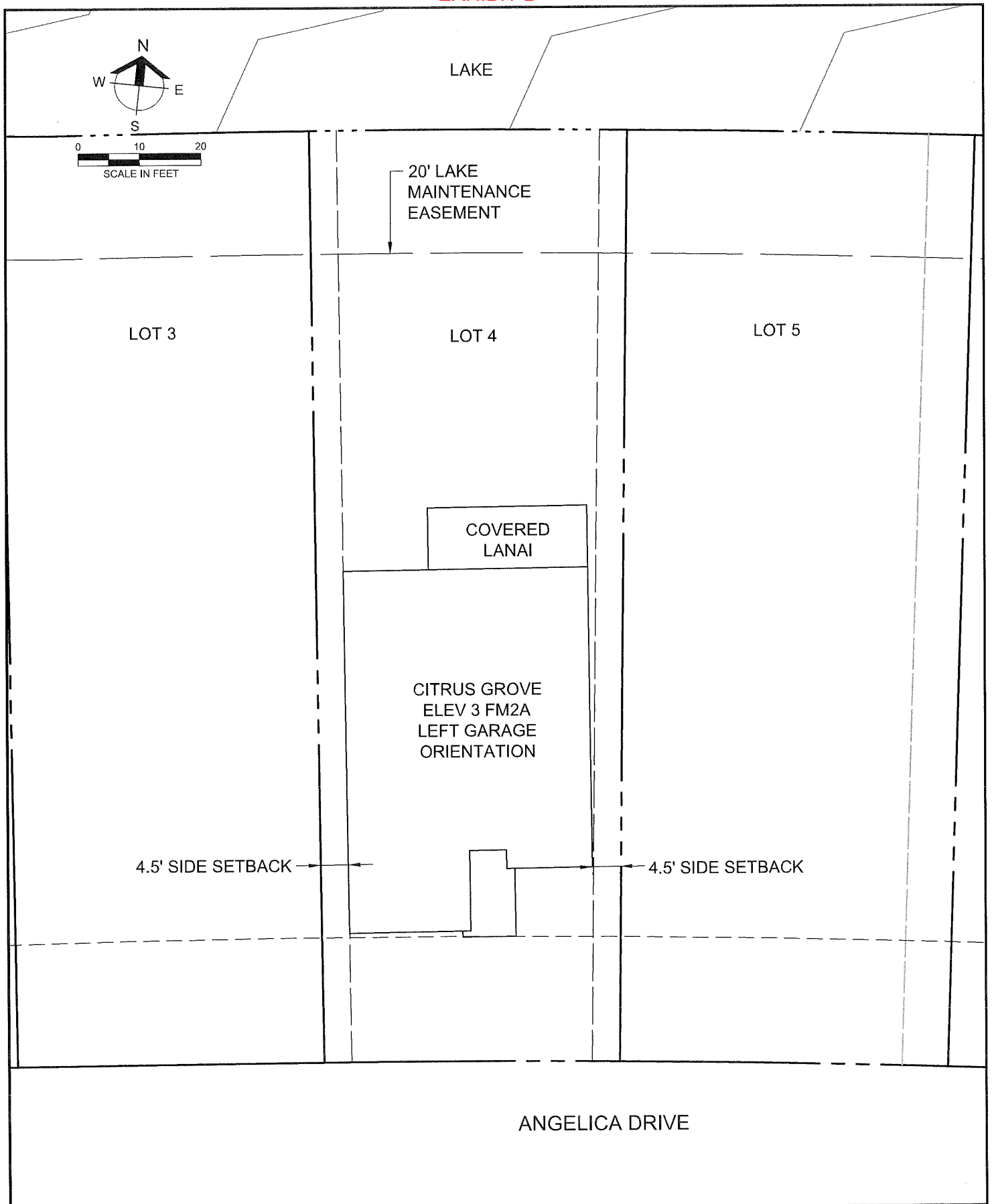
CASE NUMBER: ADD2019-00017

LEGAL DESCRIPTION

**LOT 4 OF HAMPTON LAKES AT RIVER HALL, PHASE ONE,
ACCORDING TO THE PLAT THEREOF, AS RECORDED IN
INSTRUMENT 2005000153004, OF THE PUBLIC RECORDS OF LEE
COUNTY, FLORIDA**

STRAP NUMBER

34-43-26-01-00000.0040



BUYER SIGNOFF

NAME

DATE

NAME

DATE



HAMPTON LAKES LOT 4
ADMINISTRATIVE AMENDMENT
SETBACK REDUCTION

FILE NAME	23437-LOT4VARIANCE.DWG
LAYOUT	4 (2)
LOCATION	J:\23437\DWG\LOT FIT\11-22-16\EXHIBIT B
PLOT DATE	MON, 12-17-2018 - 4:54 PM
PLOT BY	ANGELICA HARDY
DESIGN BY	JENNIFER SAPEN

EXHIBIT C

Dawn Russell

To: Carl Barraco Jr
Subject: RE: River Hall Lot 4 Variance

----- Forwarded message -----

From: "Robert Rewis" <Rewis817@hotmail.com>
Date: Thu, Mar 21, 2019 at 5:27 PM -0400
Subject: RE: River Hall Lot 4 Variance
To: "Carl Barraco Jr" <CarlJr@barraco.net>

I have no objection to the setback to change from 10' down to 9 ½' and also not allowing the A/C pad to be placed on the side of the homes.

Thank you,
Robert Rewis
Deputy Chief / Fire Marshal
Lee County Fire Arson Task Force – Senior Investigator / Team Leader
Ft. Myers Shores Fire Protection & Rescue Service District
12345 Palm Beach Blvd.
Ft. Myers, FL. 33905
(239)694-2833 OFFICE
(239)694-3355 FAX



Email which is created or received by an Fort Myers Shores Fire Rescue employee in connection with the transaction of official business of Fort Myers Shores Fire Rescue is considered public record and is subject to inspection and/or copying in accordance with Chapter 119, Florida Statutes and is subject to applicable state retention laws and regulations, unless exempted by law. The information contained in this e-mail message may be privileged, confidential, and protected from disclosure pursuant to F.S.S. 119.07. Any unauthorized use, printing, copying, disclosure, dissemination of or reliance upon this communication by persons other than the intended recipient may be subject to legal restriction or sanction. If you think that you have received this e-mail message in error, please reply to sender and delete this e-mail promptly

From: Carl Barraco Jr <CarlJr@barraco.net>
Sent: Wednesday, March 20, 2019 8:27 AM
To: Rewis817@hotmail.com
Subject: River Hall Lot 4 Variance

Deputy Chief Rewis,

Thank you for hosting our Community meeting last weekend.

As we discussed last week after the meeting, one of the comments Lee County Staff made is they would like correspondence from you (the Fire Marshall) that you have no objection to the requested variance. As a brief summary of the requested variance, the applicant is requesting that side setbacks be reduced from 10.0' to

9.5'. Also as discussed, the applicant has agreed to not place the AC pad on the side of the home associated with this variance.

I believe your response to this email that you have no objection will suffice for the County. Is this request something that you can provide us with? Please feel free to call my cell phone with any questions or comments.

Regards,

Carl A. Barraco, Jr., P.E.
Project Engineer
Barraco and Associates, Inc.
Civil Engineers ~ Land Surveyors ~ Planners
2271 McGregor Blvd.
Fort Myers, FL 33901
(239) 461-3170 Office
(239) 633-6344 Cell
(239) 461-3169 Fax
<http://www.barraco.net>

File:

MEMORANDUM

TO:	Anthony Rodriguez, AICP	FROM:	Jennifer Sapen, AICP
COMPANY:	Lee County Community Development	DATE:	March 14, 2019
COPY TO:	Mike Hueniken, Pulte Homes	PROJECT NUMBER:	23473 / 21988
RE:	ADD2019-00017 (Lot 4 Hampton Lakes at River Hall) Caloosahatchee Shores Planning Community Public Information Meeting		

A meeting was held Friday, March 8th at the Fort Myers Shores Fire Department located at 12345 Palm Beach Blvd, Fort Myers. The meeting was publicly advertised with the News-Press and a copy of that advertisement is included. Thirteen people attended the meeting, please see the enclosed sign-in sheet. Because multiple cases were discussed an agenda was distributed to the attendees, please see enclosed agenda.

Jennifer Sapen outlined the request to reduce the side setback for lot 4 of Hampton Lakes, located on Angelica Drive, from 5' to 4.5'. Ms. Sapen presented a master plan of River Hall to show the location of the subject lot. She then presented a graphic showing an enlarged view of lot 4 with the desired 1.5' side setbacks and the home to be placed on the lot. An explanation was given on the cause for the request; non-parallel side lot lines which prohibit home width typical for the homes of Angelica Drive. Ms. Sapen explained that the home could fit within the requested setbacks, but with a smaller lot width in the front of the lot the home would have to be pushed back further from the road than other homes on Angelica Drive, creating an odd streetscape. Attendees generally agreed that pushing the home back wouldn't be appropriate.

A member of the public, a River Hall resident, questioned whether this lot was receiving special treatment by allowing a home to exist on a smaller lot. Ms. Sapen responded by presenting a blow-up of the plat of the area surrounding lot 4, which showed that lot 4 is larger than some of the neighboring lots on the same street. Ms. Sapen explained that many lot in River hall have varying lot sizes due to pie-shaped lots, lots with drainage easements, and irregular length lots abutting preserves.

No further discussion during the meeting was had on lot 4 and no vote was taken by the board. As the contact person noted in the News-Press ad, prior to the community meeting Ms. Sapen engaged in email correspondence to answer questions. Some of the emails received required only clarity of the request. Because multiple cases were presented, there was some confusion on the request for River Hall. Once of the cases that was planned to be presented was a comprehensive plan amendment for a property not related to River Hall. Copies of that email correspondence is attached.



Legal Notices

PUBLIC NOTICE
SR 80 (CPD), River Hall (RPD), The Verandah (MPD)
COMMUNITY MEETING

PUBLIC MEETING

DATE: Friday, March 8, 2019 at 1:00 p.m.

LOCATION: Fort Myers Shores Fire Department,
 12345 Palm Beach Blvd. Fort Myers, FL. 33905

APPLICANT: Barraco and Associates, Inc.

PROJECT NAMES: SR 80 (CPD), River Hall (RPD), The Verandah (MPD)

ACTION REQUESTED:

SR 80 (CPD): Lee County Comprehensive Plan Amendment to amend 24.7 acres from Urban Community Future Land Use to Central Urban Future Land Use, The request increases density from 6 units per acre to 10 units per acre. River Hall (RPD): Lee County Administrative Amendment to allow a 4.5 feet side setback on each side of lot 4 located in Hampton Lakes subdivision.

River Hall South: Development Order for 332 single family lots with associated infrastructure, to be completed in 4 phases.

River Hall Town Center: Development Order for Fitness Center expansion and supportive infrastructure, to be completed in two phases.

River Hall Maintenance Facility: Development Order for Maintenance building expansion and supportive infrastructure.

The Verandah (MPD): Lee County Administrative Amendment to allow outdoor recreation as a use near the project's entrance.

For More Information Please Contact: Jennifer Sopen, Barraco and Associates,
 JenniferS@barraco.net

AD# 3418649 Mar. 4, 2019

LEGAL NOTICE

EXHIBIT E

January 3, 2019

To: Lee County Zoning Department

From: RH Venture III, LLC
7807 Baymeadows Road East, Suite 205
Jacksonville, Florida 32256

Re: Side Setback Variance for Lot 4, Hampton Lakes at River Hall, Phase One
Physical Address: 15623 Angelica Drive, Alva, Florida

Dear Sir/Madam:

RH Venture III, LLC is the owner of Lot 3, Hampton Lakes at River Hall, Phase One, having a physical address of 15619 Angelica Drive, Alva, Florida (STRAP 34-43-26-01-00000.0030), which is located adjacent to the west of the above-referenced property. Pulte Home Company, LLC has requested a letter of no objection to a proposed variance from the side setback requirement along the western property line of the above-referenced property. The variance would reduce the side setback from 5.0 feet to 4.5 feet.

Please be advised that RH Venture III, LLC has no objection to this variance.

RH Venture III, LLC, a Florida limited liability company

By:  _____

Its: Vice President _____

December 11, 2018

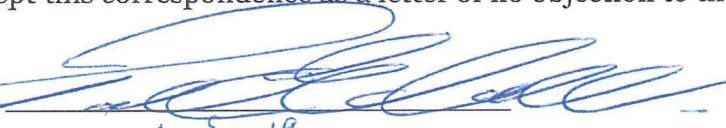
Robert & Noreen Auld
1605 Sharkey Cres
Cumberland, ON K4C 1A9
Canada

Re: Letter of No Objection

To whom:

My name is Robert & Noreen Auld and we own the home at 15627 Angelica Drive located in Hampton Lakes of River Hall. Pulte Homes has contacted me about constructing a home on the lot abutting my eastern lot line (STRAP 34-43-26-01-00000.0040). I understand that Pulte Homes is seeking to reduce the side yard setback for the above referenced parcel from 5 feet to 4.5 feet.

Please accept this correspondence as a letter of no objection to the reduced side setback.

Signature:  N. Auld

Date: 1-5-19

December 11, 2018

Lisa & Michael Burks
15622 Angelica Drive
Alva, FL 33920

Re: Letter of No Objection

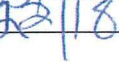
To whom:

My name is Lisa & Michael Burks and we own the home at 15622 Angelica Drive located in Hampton Lakes of River Hall. Pulte Homes has contacted me about constructing a home across from my property on the lot located on the north side of Angelica drive (STRAP 34-43-26-01-00000.0040). I understand that Pulte Homes is seeking to reduce the side yard setback for the above referenced parcel from 5 feet to 4.5 feet.

Please accept this correspondence as a letter of no objection to the reduced side setback.

Signature: _____

Date: _____

December 11, 2018

Troy L Wesolek
15626 Angelica Drive
Alva, FL 33920

Re: Letter of No Objection

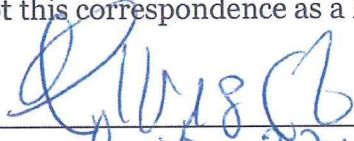
To whom:

My name is Troy L Wesolek and I own the home at 15626 Angelica Drive located in Hampton Lakes of River Hall. Pulte Homes has contacted me about constructing a home across from my property on the lot located on the north side of Angelica drive (STRAP 34-43-26-01-00000.0040). I understand that Pulte Homes is seeking to reduce the side yard setback for the above referenced parcel from 5 feet to 4.5 feet.

Please accept this correspondence as a letter of no objection to the reduced side setback.

Signature: _____

Date: _____


12-22-18