

ADMINISTRATIVE AMENDMENT (PD) ADD2001-00058

ADMINISTRATIVE AMENDMENT
LEE COUNTY, FLORIDA

WHEREAS, Rookery Pointe, L.C., filed an application for administrative approval to a Residential Planned Development on a project known as Rookery Pointe RPD which is the residential portion of an RPD/CPD project known as Creekside, to:

1. allow townhouses to be constructed in Residential Tract #3; and
2. adopt amended development regulations for the townhouses in Tract #3;
3. provide relief from LDC Section 34-2474(b)(6) [Deviation #16] which requires a 40 foot setback from recreation centers and ancillary facilities to any residential use, to allow a minimum 35 foot setback between Tracts #3 and #4 for the running track only; and
4. provide relief from LDC Section 10-296(k)(1) [Deviation #17] to eliminate the cul-de-sacs at the end of three internal roadways within Tract #3;

on property located on Koreshan Blvd., described more particularly as:

LEGAL DESCRIPTION: In Section 27, Township 46 South, Range 25 East, Lee County, Florida:

**ROOKERY POINTE SUBDIVISION, PLAT BOOK 69, PAGES 9 THROUGH 16,
PUBLIC RECORDS OF LEE COUNTY, FLORIDA.**

WHEREAS, the property was originally rezoned in case number 94-03-15-DCI-01 (with subsequent amendments in case numbers ADD2000-00029, ADD2000-00164, and ADD2001-00102); 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, this RPD is totally held in singular ownership by the developer and is undeveloped and there are no individually owned lots within the project; and

WHEREAS, the original zoning resolution allowed multi-family units within Tract #3; and

WHEREAS, townhouses were a permitted use in the original zoning but the property development regulations were incorrectly stated on the MCP because the front and rear setbacks were established at zero (0) feet; and

WHEREAS, no tract was established to allow the townhouses within the project but they are most similar to the multi-family uses, and

WHEREAS, the multi-family buildings are allowed to be up to 6 stories high and 75 feet tall; and

WHEREAS, the townhouses are limited to a two story structure; and

WHEREAS, staff has added conditions to address the deviation that is being added to offset compatibility concerns; and

WHEREAS, staff advised the applicant in a 5/4/01 letter that the change initially included as part of this amendment to allow a change in the Koreshan Boulevard roadway RPD to CPD interconnection would require a public hearing; and

WHEREAS, the applicant's agent submitted a 5/23/01 letter withdrawing the requested action to amend the interconnection; and

Whereas, the Estero Fire Rescue Prevention Division has reviewed and found acceptable requested Deviation # 17 to provide access ways at in lieu of cul-de-sacs; 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 the Requests 1-4 as listed above in the application for administrative approval for an amendment to Residential Planned Development to:

1. allow townhouses to be constructed in Residential Tract #3; and
2. adopt amended development regulations for the townhouses in Tract #3; and
3. provide relief from LDC Section 34-2474(b)(6) [Deviation #16] which requires a 40 foot setback from recreation centers and ancillary facilities to any residential use, to allow a minimum 35 foot setback between Tracts #3 and #4 for the running track only;
4. provide relief from LDC Section 10-296(k)(1) [Deviation #17] to eliminate the cul-de-sacs at the end of three internal roadways within Tract #3;

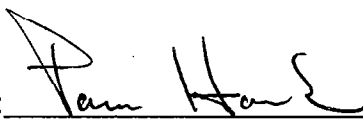
are **APPROVED** subject to the following conditions:

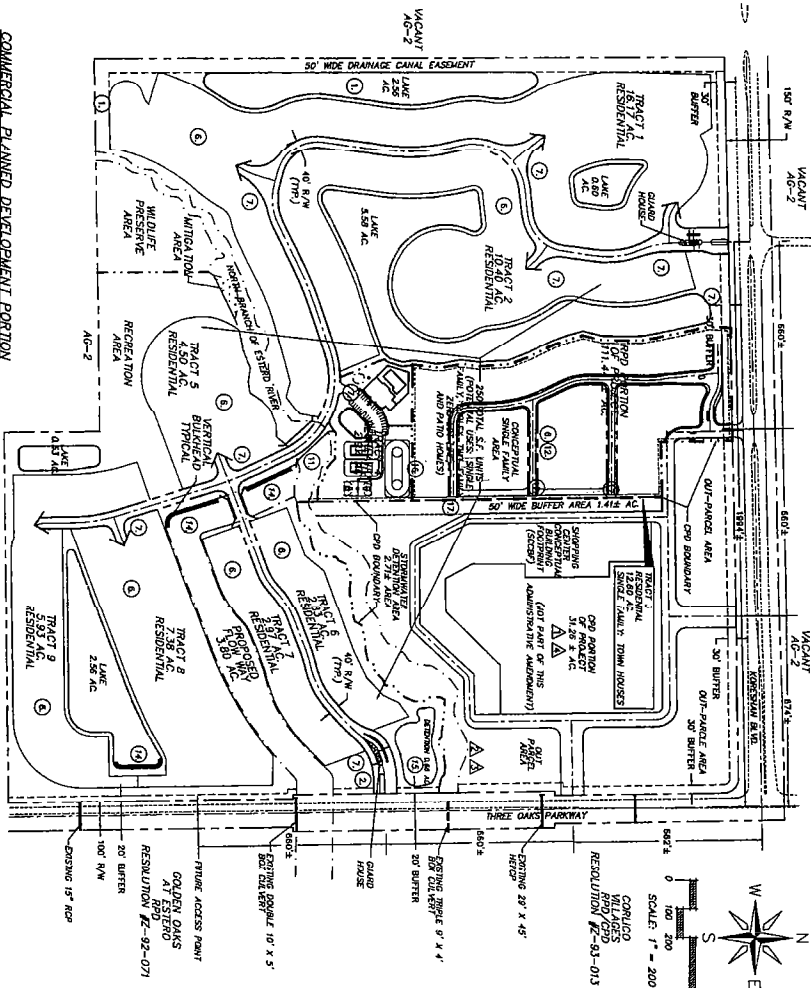
1. **The Development must be in compliance with the two-page amended Master Concept Plan, last revised 11-01-01, stamped "Received November 01, 2001." The Master Concept Plan for ADD2001-00058 is hereby APPROVED and adopted. A reduced copy is attached hereto.**
2. **The property development regulations for townhouses in Residential Tract #3 are limited to the typicals and table depicted on MCP Sheet 2 of 2. The units within Tract**

#3 must be taken from the 250 maximum allowable multi-family units in Zoning Resolution Z-94-009, condition #2.

- 3. The interconnection between the RPD and CPD portions of this project will be addressed at time of local development order. The interconnection must be constructed as part of the RPD.**
- 4. Request # 3 listed above, to add Deviation #16, is further conditioned as follows:**
 - A) Deviation #16 is valid only for the skating track in Tract #4, as it abuts Tract #3. Any other recreational use must comply with the setback and separation requirements; and**
 - B) Prior to certificate of occupancy (compliance) for any portion of the recreational facilities in Tract #4, the development must install a 15 foot wide type B buffer along the northern boundary of tract #4.**
 - C) Outdoor lighting of the skating track must be directed away from the residential units and must be shuttered or shielded. Mercury vapor lamps/lights are prohibited.**
- 5. Prior to local development order approval, the development order plans must demonstrate that 40% open space is provided for Residential Tract 3. A minimum of 30% common open space must be provided with an additional 10% open space being private open space for units with direct ground floor access.**
- 6. Request # 4 listed above, to add Deviation #16, is further conditioned so that the service land must be a minimum of 20 feet wide and have a paved surface.**
- 7. The terms and conditions of the original zoning resolutions remain in full force and effect.**

DULY SIGNED this 8th day of May, A.D., 2002.

BY: 
Pam Houck, Zoning Director
Department of Community Development



Schedule of Deviation

- [illegible]

BUTTER NOILES

1. The 20° Bu/He loaded on the LADP will contain 1% Bu/He in accordance with a 1:5:4 Type B Bu/He
2. The 50° Bu/He loaded on the LADP will contain 1% Bu/He in accordance with a 1:5:4 Type B Bu/He
3. The 50° Bu/He loaded on the LADP will contain 1% Bu/He in accordance with a 1:5:4 Type D Bu/He

Schedule of Deviation

- [illegible]

AND 2001-0005

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Daylor**

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PROJECT FOR
Rookery Pointe LLC
9051 Tamiara Trail North
Suite 202
Naples, FL 34108

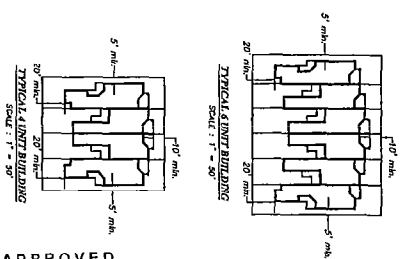
PROJECT & ISSUE STATE
Rookery Pointe RPD - Amended Master Concept Plan

**20250 Three Oaks Parkway
Estero, Florida 33928**

NOTES:
The information shown on these plans is subject to change. It is the complete responsibility of the user of these plans to verify all information and to ensure that all information is current and accurate. The user of these plans is responsible for obtaining all necessary permits and approvals from the appropriate authorities.

SCALE:
GRAPHIC 1" = 200'
GENERAL 1/8" = 10'-0"
SECTION 1/4" = 10'-0"
ELEVATION 1/8" = 10'-0"
APPENDIX 1/4" = 10'-0"

REV.	DATE	BY	CHKD.	APP'D.	REVISION
1	10-18-01	NI			Residential Tract 3 Detail, Added Deviation 16 & 17.
2	11-01-01	NI			Residential Tract Amendment



APPROVED
Amendment to
Master Concept Plan
Subject to Case # AD2001-0058
Date May 8, 2004

[illegible]

RECEIVED
NOV 01 2001
PERMIT COUNTER
AND 2001-00058

Sheet No. 2 of 2	<div style="font-size: 24pt; font-weight: bold;">Vanasse Daylor</div>		Urban Planning Landscape Architecture Civil Engineering Traffic Engineering Environmental Science Architectural Interior Design Construction Management Public Works Water Resources Energy Telecommunications Transportation Marine Agriculture Forestry Parks and Recreation Historic Preservation Archaeology Geology Seismicity Soils Sedimentology Hydrology Hydraulics Water Quality Air Quality Noise Vibration Light Electromagnetic Interference and Radiation Cultural Resources Paleontology Biological Resources Archaeology Historic Preservation Archaeology Geology Seismicity Soils Sedimentology Hydrology Hydraulics Water Quality Air Quality Noise Vibration Light Electromagnetic Interference and Radiation Cultural Resources Paleontology Biological Resources	PREPARED FOR: Rookery Pointe LLC 0061 Tamiami Trail North Suite 202 Naples, Florida 34108 PROJECT LOCATION: 20250 Thru Oaks Parkway Estero, Florida 33928	NOTES: The information shown on these sheets is subject to change without notice and is not to be used for any purpose other than the specific project and location shown on these sheets. SCALE: 1" = 100' DATE: 01/10/16-01 DESIGNED BY: NI 10-16-01 CHECKED BY: NI 10-16-01 APPROVED BY: DO 10-16-01	NO. DATE BY REVISION 1 10-16-01 NI Residential Tract 3 Data, Added Division 16 & 17. 2 11-01-01 NI Residential Tract Amendment
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