

ADMINISTRATIVE AMENDMENT (PD) ADD2006-00011

ADMINISTRATIVE AMENDMENT
LEE COUNTY, FLORIDA

WHEREAS, Mr. James Wallace filed an application for administrative approval to a Mixed Use Planned Development on a project known as Enclave at Rapallo for changes to the Master Concept Plan to allow for the following reconfiguration of Tract 1F:

- a. Relocation of the water management treatment lake (Lake #2) to the south of the tract adjacent to the existing southern preserve.
- b. Creation of a 1.31 acre discharge lake north of the tract adjacent to the existing northern preserve.
- c. Creation of a marsh feature (aka water feature) adjacent to the existing northwestern preserve.
- d. Interface of Lake #1 with the existing northern preserve area.
- e. Interface of the marsh feature with the existing northwestern preserve area.

The subject property is located east of US41 and south of Williams Road), described more particularly as:

LEGAL DESCRIPTION: In Section 04, Township 47 South, Range 25 East, Lee County, Florida:

See Exhibit "A".

WHEREAS, the property was originally rezoned in resolution #Z-02-009, case number DRI2000-00015 & DCI2001-00005 ((with subsequent amendments in case numbers ADD2004-00048, ADD2004-00060, ADD2004-00060(A), ADD2004-00060(B), ADD2006-00060(C), ADD2004-00206, ADD2005-00011, ADD2005-00026, ADD2005-00080A, and ADD2005-00122); and

WHEREAS, the subject property is located in the Urban Community 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, the applicant has requested changes to the Master Concept Plan to reconfigure the lake/water features of Tract 1F; and

WHEREAS, the applicant is requesting that the development's 2.0 acre water management treatment lake (shown as Lake #2 at Attachment "A") be relocated to the south of the Tract 1F development, adjacent to the existing southern preserve area; and

WHEREAS, the applicant is requesting the creation of a 1.31 acre lake (shown as Lake #1 at Attachment "A") to the north of the Tract 1F development, into which treated water from Lake #2 will be discharged through a control structure, and that Lake #1 be allowed to interface with the existing northern preserve area, labeled Section G-G at Attachment "A"; and

WHEREAS, the applicant is requesting the creation of a marsh feature (shown as the "Water Feature" on Attachment "A") to the west of the Tract 1F development, and that the marsh feature be allowed to interface with the existing preserve area labeled Section K-K at Attachment "A"; and

WHEREAS, the marsh feature is not part of the water management system and serves as an extension of the preserve area in providing additional habitat area for wading birds and plant material; and

WHEREAS, the Lee County Division of Environmental Sciences has reviewed the requested amendment and recommends approval as conditioned; and

WHEREAS, the applicant made an informal presentation (relative to the administrative request) at the February 13, 2006 Estero Community Planning Panel, Estero, FL; and

WHEREAS, the only issue raised at this presentation was the potential for flooding in The Brooks; and

WHEREAS, the developer assured that the Rapallo development will allow for twice the water retention specified by Lee County in the project's development order; 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 a Mixed Use Planned Development to allow for the interface of Lake #1 and Marsh Feature with the existing Preserve Area is **APPROVED subject to the following conditions:**

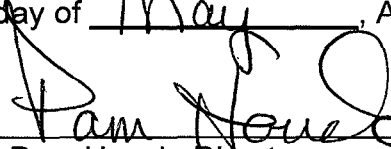
- 1. The development must be in compliance with the amended Master Concept Plan, dated April 18, 2006, stamped "Received April 27, 2006 Community Development,**

entitled "Administrative Amendment/Deviation Exhibit" at Attachment "A" depicting: (a) the relocation of the water management treatment Lake #2; (b) the creation of Lake #1; (c) the interface of Lake #1 with the preserve area depicted as Section G-G; (d) the creation of the marsh area, and (e) the interface of the marsh area with the preserve Area depicted as Section K-K. The Master Concept Plan is hereby amended and APPROVED. A reduced copy is attached hereto.

2. Prior to local development order approval, the development order plans must provide the cross-section details of the interface between Lake #1 and the Marsh Feature with the existing Preserve Area, and provide the details of the plantings for the interface area and the upland buffer planting as shown on Attachment "A".
3. No other changes have been authorized as part of this amendment and development must remain in compliance, except as amended herein, with resolution #Z-02-009 (as amended by ADD2004-00048, ADD2004-00060, ADD2004-00060(A), ADD2004-00060(B), ADD2004-00060(C), ADD2004-00206, ADD2005-00011, ADD2005-00026, ADD2005-00080A, and ADD2005-00122). The terms and conditions of the original zoning resolution (as amended) remains in full force and effect.

DULY SIGNED this 25th day of May, A.D., 2006.

BY: _____


Pam Houck, Director
Division of Zoning
Department of Community Development

SOUTHERLY; THENCE RUN EASTERLY, ALONG SAID NORTHERLY RIGHT-OF-WAY LINE AND ALONG THE ARC OF SAID CURVE TO THE RIGHT, HAVING A RADIUS OF 3,175.00 FEET, THROUGH A CENTRAL ANGLE OF 09°15'04", SUBTENDED BY A CHORD OF 512.09 FEET AT A BEARING OF N.74°58'07"E., FOR A DISTANCE OF 512.65 FEET TO THE END OF SAID CURVE; THENCE RUN N.79°35'39"E., ALONG SAID NORTHERLY RIGHT-OF-WAY LINE, FOR A DISTANCE OF 263.08 FEET TO THE POINT OF BEGINNING; CONTAINING 386.536 ACRES, MORE OR LESS.

NOTES:

THIS PROPERTY IS SUBJECT TO EASEMENTS, RESERVATIONS OR RESTRICTIONS OF RECORD.

TOTAL PROPERTY AREA: 482.421 ACRES, MORE OR LESS.

INFORMATION RELATING TO BOUNDARY DATA OF SECTIONS 3, 4, 9 AND 10, TOWNSHIP 47 SOUTH, RANGE 25 EAST, LEE COUNTY, FLORIDA, TOGETHER WITH THE LOCATION OF THE US HIGHWAY #41 RIGHT-OF-WAY, WAS OBTAINED FROM A SURVEY OF THE SWEETWATER RANCH PREPARED BY DENI ASSOCIATES HAVING ORDER NUMBER 8409031, DATED 9/14/84. INFORMATION RELATING TO THE LOCATION OF COCONUT ROAD AND ADJOINING EXCEPTED PARCELS WAS OBTAINED FROM PROPERTY DESCRIPTIONS PROVIDED BY CLIENT.

BEARINGS REFER TO THE SOUTH LINE OF THE SOUTHEAST QUARTER OF SECTION 9, TOWNSHIP 47 SOUTH, RANGE 25 EAST, LEE COUNTY, FLORIDA, AS BEING S.88°56'17"W.

HOLE MONTES, INC. JERRY L. RIFFELMACHER
CERTIFICATE OF AUTHORIZATION LB #1772

Applicant's Legal Checked
by 27JAN06

BY JERRY L. RIFFELMACHER
JERRY L. RIFFELMACHER

P.S.M. #6130
STATE OF FLORIDA

ADD 2006-00011
RECEIVED
JAN 19 2006
COMMUNITY DEVELOPMENT

