

ADMINISTRATIVE AMENDMENT (PD) ADD2014-00024

ADMINISTRATIVE AMENDMENT
LEE COUNTY, FLORIDA

WHEREAS, Ken Notturmo, President of Cypress Trail Homeowners Association, Inc. filed an application for an administrative amendment to an RV Planned Development on a project known as Cypress Trail RV Resort (a.k.a. Kenora Holdings) for Administrative approval of the following deviation:

A deviation from LDC Section 30-152(2)(d)(4), which requires permanent signs in residential areas, when not located in the median strip, to be located on private or commonly owned property and to be setback a minimum of 15 feet from the edge of the public right-of-way and at least 15 feet from the edge of the entryway pavement, if a private street, to allow a setback of 5 feet from the edge of the entryway pavement on Cypress Trail Resort Circle.

WHEREAS, the subject property is located at 5468 Tice Street, described more particularly as:

LEGAL DESCRIPTION: In Section 11, Township 44 South, Range 25 East, Lee County, Florida:

ATTACHED AS EXHIBIT "A"

WHEREAS, the property was originally rezoned in resolution number Z-11-022 (with subsequent amendments in case numbers (ADD2012-00053); and

WHEREAS, the subject property is located in the Urban Community Future Land Use Category as designated by the Lee Plan; and

WHEREAS, in order to preserve large heritage trees, the entrance to the site was designed with a narrow median; and

WHEREAS, the median does not have adequate width to hold an entry sign; and

WHEREAS, due to existence of heritage trees on both sides of the entryway, it is not possible to install signs with the required 15 foot setback from the edge of the pavement; and

WHEREAS, a setback of 5 feet from the edge of pavement on Cypress Trail Resort Circle will be the maximum setback allowing the preservation of the heritage trees; and

WHEREAS, the required minimum setback of 15 feet from the road right-of-way on Tice Street will be provided; and

WHEREAS, reducing the setback from internal drive will not cause unsafe driving condition for vehicles and pedestrians; 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 a deviation from LDC Section 30-152(2)(d)(4), which requires permanent signs in residential areas, when not located in the median strip, to be located on private or commonly owned property and to be setback a minimum of 15 feet from the edge of the public right-of-way and at least 15 feet from the edge of the entryway pavement, if a private street, to allow a setback of 5 feet from the edge of the entryway pavement on Cypress Trail Resort Circle, in an RV Planned Development is **APPROVED subject to the following conditions:**

1. **The terms and conditions of the original zoning resolutions and the Master Concept Plan remain in full force and effect, except as amended herein.**
2. **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 2/25/2014

BY: 

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

APPROVED
ADD2014-00024
Chick Jakacki, Planner
Lee Co Division of Zoning
2/19/2014

EXHIBIT A

LEGAL DESCRIPTION

TRACT B-4, CYPRESS TRAIL RV RESPORT, A SUBDIVISION, AS LOCATED IN SECTION 11, RANGE 44 EAST, TOWNSHIP 25 SOUTH, ACCORDING TO THE PLAT THEREOF ON FILE AND RECORDED IN INSTRUMENT BOOK 2013-000212499.

STRAP NO

11-44-25-08-000B4.00CE