ADD2016-00141 Lee County ePlan

ADMINISTRATIVE AMENDMENT
LEE COUNTY, FLORIDA

WHEREAS, Ronald Surliuga for Perineus, LLC filed an application for an administrative amendment to a Residential Planned Development on a project known as Greenwood Villas (f/k/a Villa Magnifica, The Preserve at San Carlos Park and Porro RPD) to amend Condition # 7 of the ADD2014-00218 on property located 7135-7169 Greenwood Park Circle, described more particularly as:

LEGAL DESCRIPTION: In Section 17, Township 46 South, Range 25 East, Lee County, Florida:

ATTACHED AS EXHIBIT "A"

WHEREAS, the property was originally rezoned in resolution number Z-06-091 (with subsequent amendments in case numbers ADD2012-00004, ADD2014-00218, ADD2016-00083); 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, Condition #6 of the ADD2014-00218 required the widening of the creek by requiring a 20 foot wide "overflow" trench; and

WHEREAS, Condition #7 of the said resolution required planting of the overflow trench with trees and native herbaceous grass, as specified in ADD2014-00218; and

WHEREAS, the water in the trench is running too high and fast to accommodate the required plantings; and

WHEREAS, the environmental staff of the Zoning Section, after reviewing the request and visiting the site, agrees with the applicant's contention that the specified plant material is not sustainable in the overflow trench; and

WHEREAS, the environmental staff of the Zoning Section provided an alternative condition to Condition #7 of the ADD2014-00218; 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 to amend Condition #7 of ADD2014-00218 is **APPROVED subject to the following conditions:**

1. **Condition # 7 of the ADD2014-00218 is hereby amended to read as follows:**

   Condition # 7: As part of the local development order approval, the development order plans must demonstrate the planting of the "overflow" trench on the east side of Mullock Creek to consist of the following:

   - **The 20' wide flat shelf must be illustrated on a cross section.**
   - **The 15' wide slope must be planted with native wetland canopy trees planted 10' on center and leather fern (Acrostichum danaeifolium) planted 5' on center. The canopy trees must be 10' tall, 2" caliper, 4' spread at time of planting and the leather fern and native grasses must be a minimum 3 gallon container size 24" tall at time of planting.**
   - **This planted area must be included in the indigenous management plan for the overall site.**

2. **The terms, conditions and Master Concept Plan as previously amended 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 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 8/30/2016 by

Audra Ennis, Interim Zoning Manager
Lee County Community Development

Attachment: Exhibit "A" Legal Description

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EXHIBIT A

PROPERTY DESCRIPTION

A PARCEL OF LAND
LYING IN
SECTION 17, TOWNSHIP 46 SOUTH, RANGE 25 EAST
LEE COUNTY, FLORIDA
(OVERALL BOUNDARY)

APPROVED
ADD2016-00141
Chick Jakacki, Planner
Lee Co Division of Zoning
8/11/2016

AS SHOWN IN INSTRUMENT NO. 2011000186669 OF THE PUBLIC RECORDS IN LEE COUNTY, FLORIDA:

A TRACT OR PARCEL OF LAND IN THE WEST 1/2 OF SECTION 17, TOWNSHIP 46 SOUTH, RANGE 25 EAST, LYING EAST OF U.S. HIGHWAY NO. 41, LEE COUNTY, FLORIDA, BEING DESCRIBED AS FOLLOWS:

COMMENCING AT THE SOUTHEAST CORNER OF THE SOUTHWEST 1/4 OF THE NORTHWEST 1/4 OF SAID SECTION 17, RUN NORTH 88 DEGREES 43'40" EAST ALONG THE SOUTH LINE OF SAID NORTHWEST 1/4 OF SECTION 17, A DISTANCE OF 329 FEET TO THE SOUTHWEST CORNER OF SAN CARLOS PARK, SOUTHWEST ADDITION, AS RECORDED IN PLAT BOOK 28, PAGES 9 THROUGH 11 OF THE PUBLIC RECORDS OF LEE COUNTY, FLORIDA; THENCE NORTH 00 DEGREES 40'12" WEST ALONG THE WEST LINE OF SAID SOUTHWEST ADDITION A DISTANCE OF 920.84 FEET TO THE POINT OF BEGINNING; THENCE SOUTH 69 DEGREES 24'30" WEST 476.21 FEET; THENCE NORTH 20 DEGREES 35'30" W 425 FEET; THENCE SOUTH 69 DEGREES 24'30" WEST 500 FEET; THENCE NORTH 20 DEGREES 35'30" WEST 350 FEET ALONG THE NORTHEASTERLY RIGHT-OF-WAY OF STATE ROAD NO. 45 (U.S. NO. 41 - 200 FEET WIDE) TO THE NORTH LINE OF SOUTH 1/2 OF THE NORTHWEST 1/4 OF SAID SECTION 17; THENCE NORTH 88 DEGREES 57'23" EAST ALONG SAID NORTH LINE 1181.88 FEET TO THE WEST LINE OF PORT SAN CARLOS, UNIT 1, AS SHOWN IN O.R. BOOK 273, PAGE 670 THRU 675, PUBLIC RECORDS OF LEE COUNTY, FLORIDA; THENCE SOUTH 00 DEGREES 40'12" EAST ALONG SAID WEST LINE 403.70 FEET TO THE POINT OF BEGINNING.

NOTES:

1.) BEARINGS SHOWN HEREON ARE BASED ON THE DESCRIPTION AS SHOWN IN INSTRUMENT NUMBER 2011000186669 OF THE PUBLIC RECORDS OF LEE COUNTY, FLORIDA WITH THE SOUTH LINE OF THE SOUTHWEST ONE QUARTER (S.W. 1/4) OF THE NORTHWEST ONE QUARTER (N.W. 1/4) OF SECTION 17, TOWNSHIP 46 SOUTH, RANGE 25 EAST BEARING N.88°43'40"E.

2.) DIMENSIONS SHOWN HEREON ARE IN FEET AND DECIMALS THEREOF.

3.) PARCEL CONTAINS 9.28 ACRES MORE OR LESS.

Digitally signed by KRIS SLOSSER LS5560
DN: cn=KRIS SLOSSER LS5560, o=KRIS SLOSSER LAND SURVEYING, ou, email=KASLOSSER@YAHOO.COM, c=US
Date: 2016.08.08 16:26:26 -04'00'

KRIS A. SLOSSER, STATE OF FLORIDA, (P.S.M. #5560)
SEE ATTACHED SKETCH

DRAWING: SK_BOUNDARY | DRAWN BY: C.D.K. | PAGE: 2 OF 2

PROPERTY DESCRIPTION

A PARCEL OF LAND LOCATED IN
SECTION 17, TOWNSHIP 46 SOUTH, RANGE 25 EAST
LEE COUNTY, FLORIDA

KRIS A SLOSSER P.S.M.
4642 VILLA CAPRI LN. BONITA SPRINGS
FLORIDA 34134 (239) 947-1915