

ADMINISTRATIVE AMENDMENT (PD) ADD2014-00038

ADMINISTRATIVE AMENDMENT
LEE COUNTY, FLORIDA

WHEREAS, Rondao Properties, LLC filed an application for an administrative amendment to a Commercial Planned Development on a project known as Rondao's Grilled Chicken & Salad to amend the schedule of uses to include Consumption on premises, including outdoor seating, and revise legal description, survey and Master Concept Plan on property located at 18767 South Tamiami Trail, 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-99-043 (with subsequent amendment in case number (ADD2003-00142); and

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

WHEREAS, the subject property is zoned CPD allowing a large array of commercial uses, including restaurants and consumption on premises, in conjunction with a restaurant; and

WHEREAS, the site is currently developed with a restaurant with outdoor seating area; and

WHEREAS, the applicant wishes to clarify the use of consumption on premises, in conjunction with a restaurant by amending the use to include "including outdoor seating"; and

WHEREAS, a small land swap was taken place in August 2005 with the Commercial Planned Development to the north, where a small portion of the land belonging to this CPD was transferred to the CPD to the north and an equal size portion of land from the CPD to the north was added to the subject site; and

WHEREAS, the applicant wishes to correct the records by filing a revised legal description, survey and Master Concept Plan for this site; 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 for an amendment to Commercial Planned Development to amend the schedule of uses to include consumption on premises including outdoor seating, and revise legal description, survey and Master Concept Plan is **APPROVED subject to the following conditions:**

1. **The Development must be in compliance with the amended Master Concept Plan, dated April 03, 2014. Master Concept Plan for ADD2014-00038 is hereby APPROVED and adopted. A reduced copy is attached hereto as Exhibit "B".**
2. **Schedule of uses of resolution Z-99-043 in hereby amended for consumption on premises to read as: "Consumption on premises, including outdoor seating, in conjunction with a restaurant"**
3. **The legal description and survey for this Planned Development is revised. Attached legal description and survey hereby rescind and replaces legal description and survey attached to resolution Z-99-043.**
4. **The terms and conditions of the original zoning resolutions remain in full force and effect, except as amended herein.**
5. **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 4/11/2014

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

Attachments: Exhibit A: Legal Description
 EXHIBIT B: Master Concept Plan

CASE NO. ADD2014-00038

Page 2 of 2

EXHIBIT A

APPROVED
ADD2014-00038
Chick Jakacki, Planner
Lee Co Division of Zoning
3/7/2014

LEGAL DESCRIPTION

A tract or parcel of land situate in the State of Florida, County of Lee, being a part of the Southwest 1/4 of Section 17, Township 46 South, Range 25 East, and further bounded and described as follows:

Beginning at the Northeast corner of the West 1/2 of the Southeast 1/4 of the Southwest 1/4 of said Section 17; thence South 00 degrees 29 minutes 56 seconds East along the east line of a fraction of a section for 254.21 feet to an intersection with the North line of a parcel described in O. R. Book 1685, Page 1078 of the public records of said Lee County; thence South 88 degrees 03 minutes 31 seconds West along said North line, parallel with and 254.13 feet South of (as measured on a perpendicular), the North line of said fraction of a section for 362.45 feet to the intersection with the Northeasterly right-of-way line of State Road # 45 (Tamiami Trail - U.S. # 41 - 200 feet wide); thence North 36 degrees 59 minutes 07 seconds West along said right of way for 39.84 feet to the beginning of a curve concave to the Northeast having a radius of 2159.83 feet; thence Northerly along said curve and right-of-way through a central angle of 06 degrees 54 minutes 10 seconds for 260.21 feet to an intersection with said North fraction line; thence North 88 degrees 03 minutes 31 seconds East along said north fraction line for 527.96 feet to the Point of Beginning.

TOGETHER WITH

A tract or parcel of land lying in Section 17, Township 46 South, Range 25 East, Lee County, Florida, said tract or parcel being more particularly described as follows:

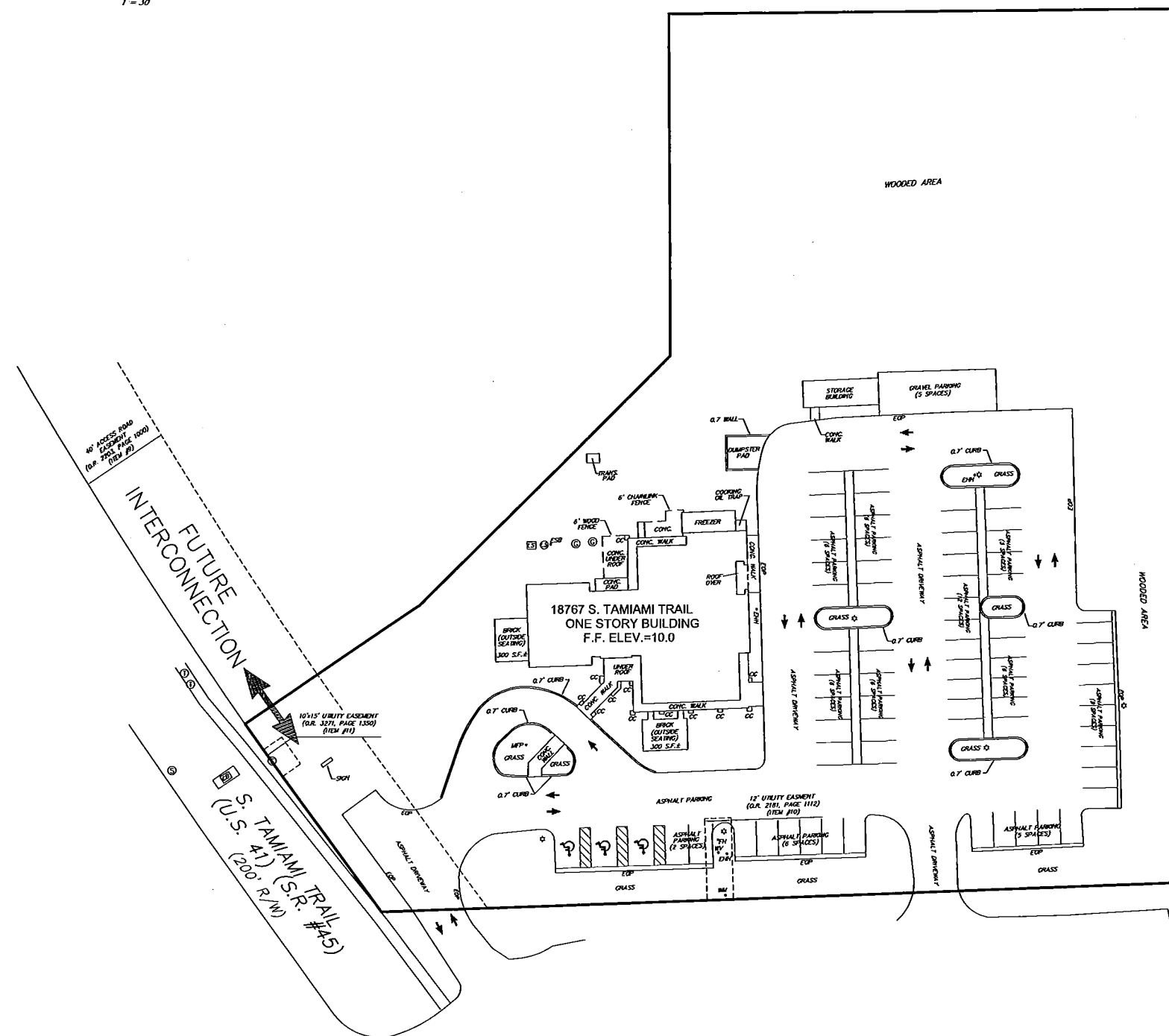
Beginning at the Southeast corner of the West 1/2 of the Northeast 1/4 of the Southwest 1/4 of said Section 17, run South 88 degrees 03 minutes 31 seconds West along the South line of said fraction for 230.34 feet; thence run North 00 degrees 22 minutes 06 seconds West for 149.56 feet; thence run North 89 degrees 37 minutes 54 seconds East for 229.90 feet to an intersection with the East line of said West 1/2 of said fraction; thence run South 00 degrees 30 minutes 40 seconds East along said East line for 143.23 feet to the Point of Beginning.

LESS AND EXCEPT

A tract or parcel of land lying in Section 17, Township 46 South, Range 25 East, Lee County, Florida, said tract or parcel being more particularly described as follows:

From the Southeast corner of the West 1/2 of the Northeast 1/4 of the Southwest 1/4 of said Section 17, run South 88 degrees 03 minutes 31 seconds West along the South line of said fraction for 230.34 feet to the Point of Beginning; from said Point of Beginning run South 00 degrees 22 minutes 06 seconds East for 6.17 feet; thence run South 45 degrees 02 minutes 26 Seconds West for 160.07 feet; thence run South 56 degrees 12 minutes 54 seconds West for 96.79 feet to an intersection with the Easterly right-of-way line of Tamiami Trail (S.R. 45) (U.S. 41) (200 feet wide), said point being on a non-tangent curve; thence run Northwesterly along the arc of said curve to the right of radius 2159.83 feet (delta 05 degrees 08 minutes 10 seconds) (chord bearing North 32 degrees 37 minutes 49 seconds West) (chord 193.55 feet) for 193.61 feet to an intersection with the South line of said fraction; thence run North 88 degrees 03 minutes 31 seconds East along said South line for 298.21 feet to the Point of Beginning.





MASTER CONCEPT PLAN
FOR
RONDAO'S GRILLED CHICKEN CPD
F.K.A.
ANDRE'S CPD

EXHIBIT B

ADD2014-00038

APRIL 03, 2014