

ADMINISTRATIVE AMENDMENT (PD) ADD2004-00018

ADMINISTRATIVE AMENDMENT  
LEE COUNTY, FLORIDA

WHEREAS, Coolidge-Ft Myers Realty Ltd Partnership, a Florida Limited Partnership, filed an application for administrative approval to a Residential Planned Development on a project known as Herons Glen RPD (f.k.a. Del Vera North f.k.a. Del Tura) for a request to

- 1.) Extend the existing residential pod into the northeast corner of the site to abut the eastern property line;
- 2.) Enlarge the existing lake in the northeast corner and decrease the size of the residential pod lying west of the lake without reducing the size of the preserve area;
- 3.) Adjust the phase line between Phases 1b and Phase 2 to meet the intent of the DRI and RPD;
- 4.) Reconfigure the residential tracts and lakes within Phase 2 including realignment of the main spine road;
- 5.) Adjust the land use summary chart to show the decrease in the residential area by 14 acres, an increase in Recreation/Open Space areas by 11.49 acres, and an increase in the internal roadways by 2.51 acres; and
- 6.) To request a deviation from Section 10-296(k)(1) regarding cul-de-sac requirements;

on property located at 2250 Avenida Del Vera, described more particularly as:

LEGAL DESCRIPTION: In Sections 02, 03, 04, 05 and 10, Township 43 South, Range 24 East, Lee County, Florida:

See Exhibit A

WHEREAS, the property was originally rezoned in case number 88-3-18 DRI (with subsequent amendments in case numbers PD-90-017, Z92-054, Z-92-060, PD-98-006, PD-98-047, MHD-99-003, Z-00-078, ADD2002-00005, ADD2002-00088, ADD2003-00096); 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 is proposing to

- 1.) Extend the existing residential pod into the northeast corner of the site to abut the eastern property line;

- 2.) Enlarge the existing lake in the northeast corner, and decrease the size of the residential pod lying west of the lake without reducing the size of the preserve area;
- 3.) Adjust the phase line between Phases 1b and Phase 2 to meet the intent of the DRI and RPD;
- 4.) Reconfigure the residential tracts and lakes within Phase 2 including realignment of the main spine road;
- 5.) Adjust the land use summary chart to show the decrease in the residential area by 14 acres, an increase in Recreation/Open Space areas by 11.49 acres, and an increase in the internal roadways by 2.51 acres, and
- 6.) A deviation from Section 10-296(k)(1) regarding cul-de-sac requirements; and

WHEREAS, the applicant is requesting to extend an existing residential pod, enlarge an existing lake, adjust the Phase Line between Phase 1B & 2, all resulting in a decrease in the residential area, an increase in open space and internal roadways; and a deviation request from the cul-de-sac requirements; 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, the land use summary chart has been adjusted to show the decrease in the residential area by 14 acres, an increase in Recreation/Open Space areas by 11.49 acres, and an increase in the internal roadways by 2.51 acres, 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

- 1.) Extend the existing residential pod into the northeast corner of the site to abut the eastern property line;
- 2.) Enlarge the existing lake in the northeast corner, and decrease the size of the residential pod lying west of the lake without reducing the size of the preserve area;
- 3.) Adjust the phase line between Phases 1b and Phase 2 to meet the intent of the DRI and RPD;

4.) Reconfigure the residential tracts and lakes within Phase 2 including realignment of the main spine road;

5.) Adjust the land use summary chart to show the decrease in the residential area by 14 acres, an increase in Recreation/Open Space areas by 11.49 acres, and an increase in the internal roadways by 2.51 acres; and

6.) To request a deviation from Section 10-296(k)(1) regarding cul-de-sac requirements

to Residential Planned Development is **APPROVED**.

**Approval is subject to the following conditions:**

1. **The Development must be in compliance with the amended Master Concept Plan, dated January 28, 2004. Master Concept Plan for ADD2004-00018 is hereby APPROVED and adopted. A reduced copy is attached hereto.**
2. **The realignment of the phase line for Phase 1b and 2 only pertains to the zoning and not the Development of Regional Impact.**
3. **The terms and conditions of the original zoning resolutions remain in full force and effect.**

DULY SIGNED this 19<sup>th</sup> day of February, A.D., 2004.

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

PLAT BOOK 50  
PAGE 69 THROUGH 78

## LEGAL DESCRIPTION HERON'S GLEN

A parcel of land being a portion of sections 2,3,4,5 and 10, township 43 south, range 24 east, Lee County Florida, being more particularly described as follows:

COMMENCE at the northeast corner of the aforementioned section 3; thence, along the north line of the northeast one-quarter of said section 3, N89°57'30"W, 355.01 feet to an intersection with the westerly right-of-way line of the former S.A.L. Railroad and the POINT OF BEGINNING; thence, continue along the north line of the northeast one-quarter of said section 3, N89°57'30"W, 2313.55 feet to the northeast corner of the northwest one-quarter of said section 3; thence, along the north line of the northwest one-quarter of said section 3, S89°48'39"W, 2667.53 feet to the northeast corner of the aforementioned section 4; thence, along the northerly boundary of Del Vera Country Club, Unit 2 as recorded in Plat Book 50 at pages 69 through 78 of the Public Records of Lee County, Florida, and the north line of said section 4, N89°42'39"W, 3036.29 feet; thence, along the boundary of Del Vera Country Club, Unit 1 as recorded in Plat Book 46 at pages 7 through 25 of the Public Records of Lee County, Florida, for the following nine (9) courses:

1. N89°42'40"W, 2299.67 feet;
2. S89°33'20"W, 1871.76;
3. S26°03'40"E, 318.64 feet;
4. S63°56'20"W, 300.77;
5. thence along the arc of a non-tangent circular curve concave to the southwest having for its elements a radius of 7739.44 feet, a central angle of 00°42'56", a chord bearing of S26°25'08"E, an chord distance of 96.66 feet, an arc distance 96.66 feet;
6. S26°03'40"E, 1943.40 feet;
7. N63°56'20"E, 300.17 feet;
8. N26°03'40"W, 4.46 feet;
9. N89°48'47"E, 2854.47 feet;

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thence S00°11'07"E, 335.36 feet; thence N89°48'53"E, 60.00 feet; thence S00°11'07"E, 600.00 feet; thence along the arc of a tangent curve concave to the Northeast, having for its elements a radius of 236.25', a central angle of 31°56'42", a chord of 130.02 feet, a chord bearing of S16°09'28"E, an arc distance of 131.72 feet; thence N89°48'53"E, 39.71 feet; thence S00°11'07"E, 125.00 feet; thence S89°48'53"W, 35.48 feet; thence S00°11'07"E, 650.00 feet; thence S89°48'53"W, 25.00 feet; thence S00°11'07"E, 205.00 feet; thence along the south line of lands described in Deed Book 224 at page 437 of the aforementioned public records, S89°48'47"W, 2273.40 feet; thence, along the northeasterly right-of-way line of Tamiami Trail

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(S.R. 45, US 41), S26°03'40"E, 370.00 feet; thence N89°48'47"E, 3845.26 feet; thence N00°11'13"W, 332.91 feet; thence, along the south line of lands described in Deed Book 224 at page 437 of the aforementioned public records, N89°48'47"E, 4368.87 feet to an intersection with the northerly extension of the west line of lands described in Official Records Book 388 at page 80 of the aforementioned public records; thence, along said northerly extension and said west line, S00°02'36"W, 2451.41 feet; thence, along the north right-of-way line of Nalle Grade Road, as described in Official Records Book 1096 at page 1784 of the aforementioned public records, S89°56'45"E, 2153.08 feet; thence, along the east line of lands described in Official records Book 1516 at page 1802 of the aforementioned public records, N00°02'36"E, 2460.47 feet; thence, along the south line of lands described in Deed Book 224 at page 437 of the aforementioned public records, N89°48'47"E, 775.85 feet; thence along the westerly right-of-way line of the former S.A.L. Railroad, N11°11'01"W, 4190.51 feet to the POINT OF BEGINNING.

Said parcel contain 1150.961 acres, more or less.

*WilsonMiller, Inc.*



Stephen P. Ereik P.S.M. Professional Surveyor and Mapper  
Florida Registration No. 3273

Not valid without the signature and the original raised seal of a Florida licensed surveyor and mapper.

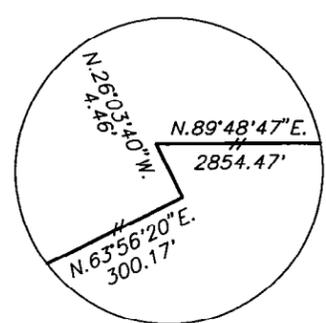
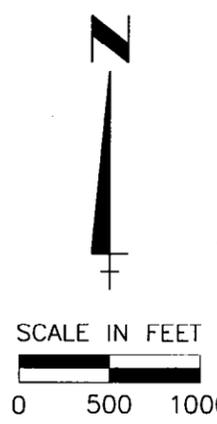
Pin #: 02898-002-P03-ZOPDA

Date: June 6, 2002

Ref: D-02898-54

**Applicant's Legal Checked**  
by Amy 03 FEB 04

ADD 2004-00018



DETAIL "A"  
(NOT TO SCALE)

**LEGEND**  
 OR = OFFICIAL RECORDS  
 DB = DEED BOOK  
 R/W = RIGHT OF WAY

**Applicant's Legal Checked**  
 by *[Signature]* 03 FEB 04

LD 2004-00028

**NOTE:**  
 BEARINGS SHOWN HEREON ARE BASED ON THE PLAT OF DEL VERA COUNTRY CLUB, UNIT 2 (PLAT BOOK 50, PAGES 69 THRU 78) FIXING THE NORTH LINE OF UNIT 2 AS N.89°42'39"W.

LINE	LENGTH	BEARING
L1	205.00'	S00°11'07"E
L2	25.00'	S89°48'53"W
L3	650.00'	S00°11'07"E
L4	35.48'	S89°48'53"W
L5	125.00'	S00°11'07"E
L6	39.71'	N89°48'53"E
L7	600.00'	S00°11'07"E
L8	60.00'	N89°48'53"E
L9	335.37'	S00°11'07"E

NO.	RADIUS	DELTA	ARC	CHORD	CHORD BEARING
1	7739.44'	00°42'56"	96.66'	96.66'	S.26°25'08"E.
2	236.25'	31°56'42"	131.72'	130.02'	S.16°09'28"E.

1 REV NO. REVISE BOUNDARY REVISION 6/5/02 DATE GWR DRAWN BY 1386 EMP. NO.

CLIENT: **COOLIDGE FORT MYERS REALTY, L.P.**  
 2250 AVENIDA DEL VERA, NORTH FORT MYERS, FL. 33917

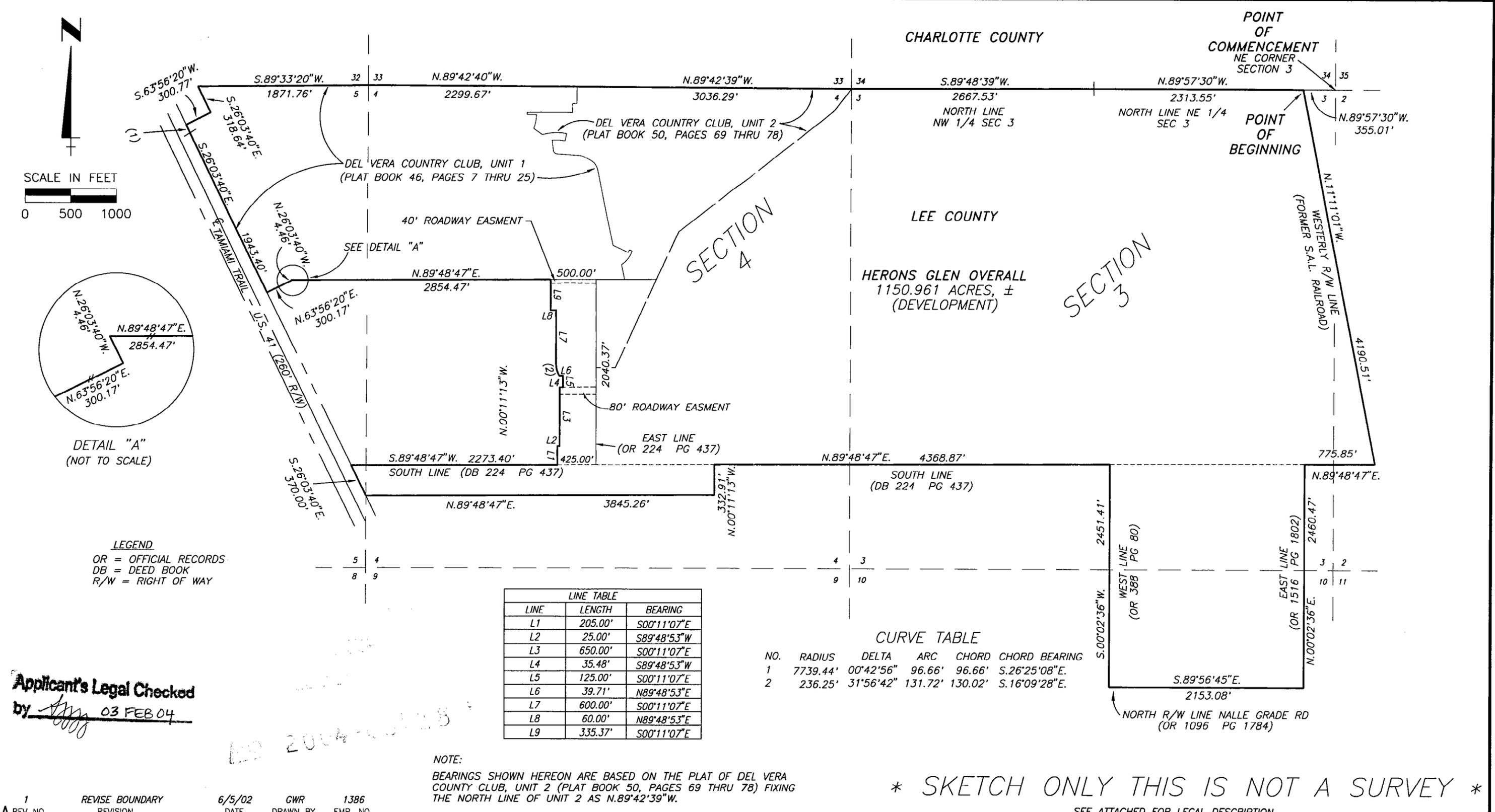
**WilsonMiller**  
 Planners · Engineers · Ecologists · Surveyors · Landscape Architects · Transportation Consultants  
 WilsonMiller, Inc.  
 Naples · Fort Myers · Sarasota · Bradenton · Tampa · Tallahassee  
 4571 Colonial Blvd, Suite 100 Fort Myers, Florida 33912 Phone 941-939-1020 Fax 941-939-7479 Web-Site www.wilsonmiller.com

TITLE: **SKETCH OF DESCRIPTION  
 HERONS GLEN**

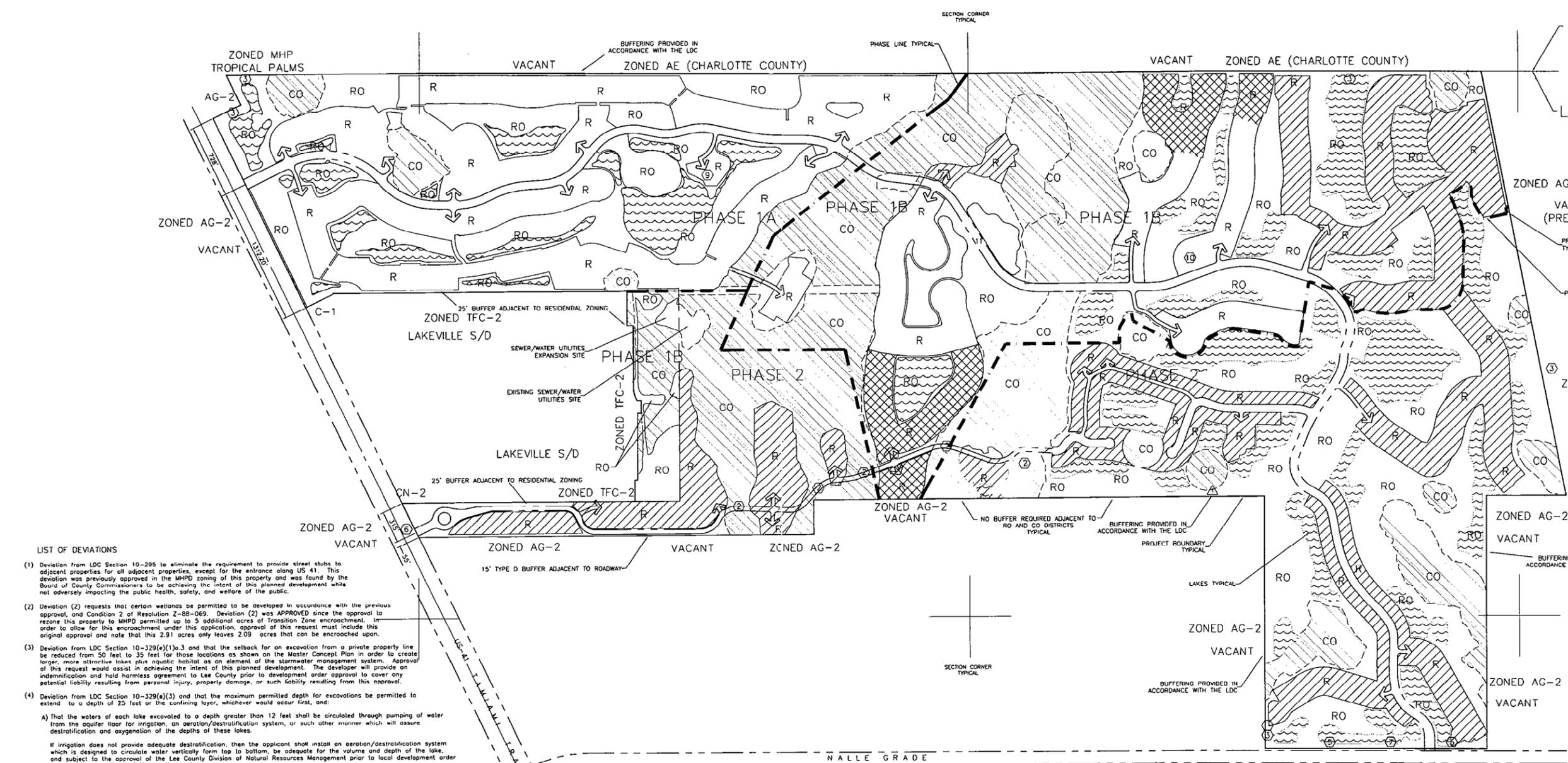
ACTIVITY	INITIALS	EMP. NO.	DATE
DRAWN BY:	GWR	1386	6/5/02
CHECKED BY:	SPE	1146	6/5/02
COMPUTED BY:	GWR	1386	6/5/02

DATE:	HORIZONTAL SCALE:	VERTICAL SCALE:	SEC:	TWP:	RGE:	FIELD BOOK:	FIELD BOOK PAGE:	TASK:	PIN:	SHEET NUMBER:	DRAWING NUMBER:
6/5/02	1" = 1000'	N/A	2,3,4,5,10/43/24	N/A	N/A	N/A	N/A	ZOPDA	02898-002-P03	1 OF 1	B-2898-54

\* SKETCH ONLY THIS IS NOT A SURVEY \*  
 SEE ATTACHED FOR LEGAL DESCRIPTION



CHARLOTTE COUNTY  
LEE COUNTY



LIST OF DEVIATIONS

- Deviation from LDC Section 10-295 to eliminate the requirement to provide street stubs to adjacent properties for all adjacent properties, except for the entrance along US 41. This deviation was previously approved in the MHPD zoning of this property and was found by the Board of County Commissioners to be achieving the intent of this planned development while not adversely impacting the public health, safety, and welfare of the public.
  - Deviation (2) requests that certain wetlands be permitted to be developed in accordance with the previous approval, and Condition 2 of Resolution Z-88-069. Deviation (2) was APPROVED since the approval to rezone this property to MHPD permitted up to 5 additional acres of Transition Zone encroachment. In order to allow for this encroachment under this application, approval of this request must include this original approval and note that this 2.91 acres only leaves 2.09 acres that can be encroached upon.
  - Deviation from LDC Section 10-329(e)(1)(a) and that the setback for an excavation from a private property line be reduced from 50 feet to 35 feet for those locations as shown on the Master Concept Plan in order to create larger, more attractive lakes plus aquatic habitat as an element of the stormwater management system. Approval of this request would assist in achieving the intent of this planned development. The developer will provide an indemnification and hold harmless agreement to Lee County prior to development order approval to cover any potential liability resulting from personal injury, property damage, or such liability resulting from this approval.
  - Deviation from LDC Section 10-329(a)(3) and that the maximum permitted depth for excavations be permitted to extend to a depth of 25 feet or the confining layer, whichever would occur first, and:
    - That the waters of each lake excavated to a depth greater than 12 feet shall be circulated through pumping of water from the aquifer floor for irrigation, an aeration/destratification system, or such other manner which will assure destratification and oxygenation of the depths of these lakes.

If irrigation does not provide adequate destratification, then the applicant shall install an aeration/destratification system which is designed to circulate water vertically from top to bottom, be adequate for the volume and depth of the lake, and subject to the approval of the Lee County Division of Natural Resources Management prior to local development order approval for any phase of the development.
  - A lake management plan shall be submitted to and approved by the Lee County Division of Natural Resources Management prior to the local development order approval for any phase. This plan shall include the following:
    - Utilization of the in-site wetlands in conjunction with the excavated lakes and naturally vegetated buffer strips around all resource protection areas and transition zone areas to reduce pollutant and silt loads; and,
    - Emergent and submergent aquatic plantings throughout the littoral zone of all lakes; and
    - Annual monitoring reports to Division of Natural Resources Management regarding lake depth and slope, plantings, destratification and water quality compliance.
  - Deviation (5) requests a reduction in the required setback for a water retention excavation from a street right-of-way as depicted on the Official Trafficways Map. A barrier will be erected and any road damage incurred within the Nalle Grade Road right-of-way will be repaired by the developer to the satisfaction of the Department of Transportation. A "Hold Harmless Agreement" releasing Lee County from liability will be provided.
  - Deviation from LDC Section 10-285(a) allowing a reduction from the required intersection separation for the access point onto US 41 from a required distance of 660 feet to 330 feet. This provides an additional access point onto US 41 which reduces the impact on the other access into the project from US 41 and the future access point on Nalle Grade Road.
  - Deviation (7) requests elimination of the requirement for access streets paralleling Nalle Grade Road.
  - Deviation (8) requests the opportunity to remove excavated material from the man-made detention or retention bodies from the premises to the planned Nalle Grade Road construction project. Calculations will be provided at the time of local Development Order application that support that sufficient fill material is available on-site for the project and that a surplus exists that can be used on the proposed roadway.
- The following deviation was approved as part of Administrative Deviation # 97-12-277.02A for the project 1:
- Deviation from Section 10-296(k) which requires a minimum outside edge of pavement and minimum right-of-way diameters for the cul-de-sac on Portofino Way of 45', 90', and 110' respectively to 25', 70', and 90' respectively.
- The following deviations were approved for Units 7, 8, and 9 by Administrative Deviation # 99-08-260.02A:
- Deviation from LDC Section 10-296(l)(3) which requires a cul-de-sac transition to regular pavement to be a radius of 100' to allow a radius of 50' at the designated cul-de-sac in Unit 8.
  - Deviation from LDC Section 10-329(c)(1)(a), to reduce lake excavation setback from designated local streets from the required 25 feet to allow a setback of 9.0 feet to the edge of a private local street right-of-way.

LAND USE SUMMARY

SYMBOL	DESCRIPTION	ACRES
R	RESIDENTIAL	357.42
RO	RECREATION/OPEN SPACE	489.24
CO	CONSERVATION AREAS	271.61
	TRANSPORTATION	
	MAIN PROJECT ROAD	32.68
	TOTAL ACRES	1,150.95

NOTE: PORTION OF THIS ACRES ARE FOR INTERNAL ROADS INCLUDED IN INDIVIDUAL PARCELS

RESIDENTIAL	UNITS
SINGLE FAMILY LOTS (DETACHED)	1,620 UNITS
ZERO LOT LINE HOMES	540 UNITS
TOWNHOUSE UNITS	540 UNITS

LAND USE TABLE

LAND USE DESCRIPTION	PHASE 1A	PHASE 1B	PHASE 2	TOTALS
RESIDENTIAL	522 UNITS	506 UNITS	1,662 UNITS	2,700 UNITS
RECREATION/OPEN SPACE, GOLF COURSE, BUFFERS & LAKES	3430 SQ FT	3430 SQ FT (1)	3580 SQ FT	10000 SQ FT
NON-RESIDENTIAL	5420 SQ FT	3000 SQ FT	13166 AC	25341 AC
COMMERCIAL SERVICES (12,000 SQ FT LOCATED WITH CLUBHOUSES)	81.48 AC	39.33 AC	48.52 AC	137.33 AC
GOLF COURSE (CLUBHOUSES, TEES, GREENS, FANWAYS)	39.82 AC	49.22 AC		
LAKES				

(1) SALES CENTER WILL BE RELOCATED TO PHASE 1B WHEN THAT PHASE IS BEING DEVELOPED

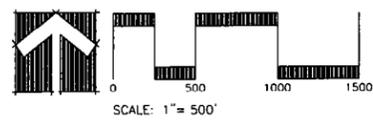
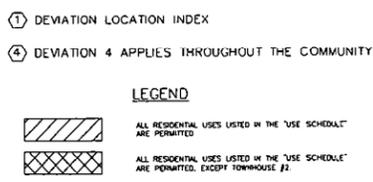
PROPERTY DEVELOPMENT REGULATIONS

"RO"	Minimum Lot				Minimum Setback(3)			
	Area (sq. ft.)	Depth (feet)	Width (feet)	Side (feet)	Rear (feet)	Front/Road (feet)	Water Body (feet)	Pressure (feet)
RECREATION, OPEN SPACE, GOLF COURSE, BUFFERS & LAKES	n/a	n/a	n/a	15	20	20	5	10
CLUBHOUSES	n/a	n/a	n/a	5	5	5	5	5
ACCESSORY STRUCTURES	n/a	n/a	n/a	5	5	5	5	5
POOL DECK	n/a	n/a	n/a	5	5	5	5	5

"CO"	Minimum Lot				Minimum Setback(3)			
	Area (sq. ft.)	Depth (feet)	Width (feet)	Side (feet)	Rear (feet)	Front/Road (feet)	Water Body (feet)	Pressure (feet)
RESIDENTIAL USES								
Single-Family Detached	6,000	100	60	5	10	20/12	20	10
Patio Homes	3,500	70	50	0	10	20/12	20	10
Patio Homes (Type #3)	3,375	75	50	0	10	20/12	20	10
Two-Family Attached	3,500	100	35	0	10	20/12	20	10
Zero Lot Line 1st Side	2,800	80	35	0	10	20/12	20	10
2nd Side								
Townhouse #1 1st Side	2,400	80	30	0	10	12	20	10
2nd Side								
Townhouse #2	3,000	125	24	0	10	12	20	10
ACCESSORY STRUCTURES	n/a	n/a	n/a	5	5	5	5	5
POOL DECK	n/a	n/a	n/a	5	5	5	5	5

NOTES:  
 (1) Any structure more than two stories in height will maintain a 20 foot minimum building separation.  
 (2) Lot coverage means that portion of the lot area, expressed as a percentage, occupied by all roofed buildings or structures.  
 (3) Setbacks for project walls are allowed within 1 foot of the right-of-way line.



RECEIVED  
JAN 28 2004  
PERMIT COUNTER

APPROVED  
Amendment to  
Master Concept Plan  
Subject to Case #ADD2004-00018  
Date 8/19/04

N:\Heron's Glen New\master concept plan.DWG (Layout1) WEB Jan 27, 2004 - 4:04pm

REVISIONS

NO.	DESCRIPTION

EARTHMARK

HERON'S GLEN  
LEE COUNTY, FLORIDA

JOHNSON  
ENGINEERING

2158 JOHNSON STREET  
P.O. BOX 1550  
FORT MYERS, FLORIDA 33902-1550  
PHONE (239) 334-0046  
FAX (239) 334-3811  
E.B. #642 & L.B. #642

MASTER CONCEPT PLAN

DATE	PROJECT NO.	FILE NO.	SCALE	SHEET
JAN., 2004	20033923		1" = 500'	1