### ADMINISTRATIVE AMENDMENT (PD) ADD2002-00005

# ADMINISTRATIVE AMENDMENT LEE COUNTY, FLORIDA

WHEREAS, Coolidge Fort Myers Realty, L.P. filed an application for administrative approval to a Residential Planned Development on a project known as Herons Glen to amend the Property Development Regulations, Exhibit D, Resolution Z-00-078, to add Type #3 (patio homes) to the Property Development Regulations, having a minimum lot width of 45 feet, minimum lot depth of 75 feet, and area of 3,375 square feet, and to realign a cul-de-sac to comply with the alignment shown of MAP H-3 of the Herons Glen DRI Development Order on property located at 2250 Avenida Del Vera; and

WHEREAS, the applicant has provided a revised property description for the perimeter boundary conforming to the requirements of the Land Development Code, which property is described more particularly as:

LEGAL DESCRIPTION: In Sections 02, 03, 04, 05, & 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, 88-3-18-DRI(A), 88-3-18-DRI(B), 88-3-18-DRI(C), 95-01-207.13A, and 95-01-207.02Z 01.01 (DCI964597); 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 property was rezoned to a residential planned development (RPD) by Resolution Z-00-078; and

WHEREAS, the Section B.2.b., Resolution Z-00-078, established property development regulations for single family detached, zero lot line, and town houses in compliance with Exhibit D, attached to the approved zoning resolution; and

WHEREAS, the single family detached units are further divided into type #1 and type #2, single family dwelling units; and

WHEREAS, the applicant wishes to create a third type of single family dwelling unit: type #3 (patio homes); and

WHEREAS, a new set of property development regulations is proposed for the addition of type #3 (patio homes); and

WHEREAS, the new property development regulations for the type #3, (patio homes) are listed in the revised property development regulations table, shown as Revised Exhibit D; and

WHEREAS, the new type #3 (45' x 75' patio homes lots) will only be permitted in specific areas within the "R" residential areas; and

WHEREAS, these specified area are shown cross-hatched on the revised master concept plan: and

WHEREAS, the unplatted areas proposed for the addition of type #3 (45' x 75' patio homes lots) are under the same ownership; and

WHEREAS, the applicant is proposing to adjust the road alignment for a 1000± foot cul-de-sac to comply with the internal road alignment as shown on Map H-3 of the Herons Glen DRI Development Order; and

WHEREAS, the cul-de-sac is located off the most southerly internal spine road; and

WHEREAS, the cul-de-sac connects to the most southerly internal spine road from the east and the revised Master Concept Plan will show the connection to the most southerly spine road from the west; and

WHEREAS, this revision will bring the road alignment into compliance with the Map H-3, Herons Glen DRI 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 to amend the Property Development Regulations, Exhibit D, Resolution Z-00-078, to add Type #3 (patio homes) to the Property Development Regulations, having a minimum lot width of 45 feet, minimum lot depth of 75 feet, and area of 3,375 square feet, and to realign a cul-de-sac to comply with the alignment shown of MAP H-3 of the Herons Glen DRI Development Order within the Residential Planned Development Planned Development is APPROVED.

Approval is subject to the following conditions:

- 1. The Development must be in compliance with the amended two page Master Concept Plan, with the first page dated 7/5/00, and stamped received by the zoning counter on May 29, 2002 and the second page dated 7/5/00, Printed January 21, 2002, and stamped received by community development on January 24, 2002. Master Concept Plan for ADD2002-00005 is hereby APPROVED and adopted. A reduced copy is attached hereto.
- Section B, 2.b., Site Development Regulations, Attachment H, to the Staff Report 2. (attached as Revised EXHIBIT D), Resolution Z-00-078, is hereby amended by adding type #3 (patio homes) as a permissible use to Property Development Regulations. The revised Property Development Regulations, Revised Exhibit D, is attached hereto.
- Type #3, patio homes are only permitted in areas shown cross hatched on the 3. revised Master Concept Plan.
- The terms and conditions of the original zoning resolutions remain in full force 4. and effect, except as amended herein.

DULY SIGNED this \_\_\_\_\_\_ day of \_

Pam Houck, Director

Division of Zoning

Department of Community Development



# ADD 2002-00005

### 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;

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.

Wilson Miller, Inc.

Stephen P Erek 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

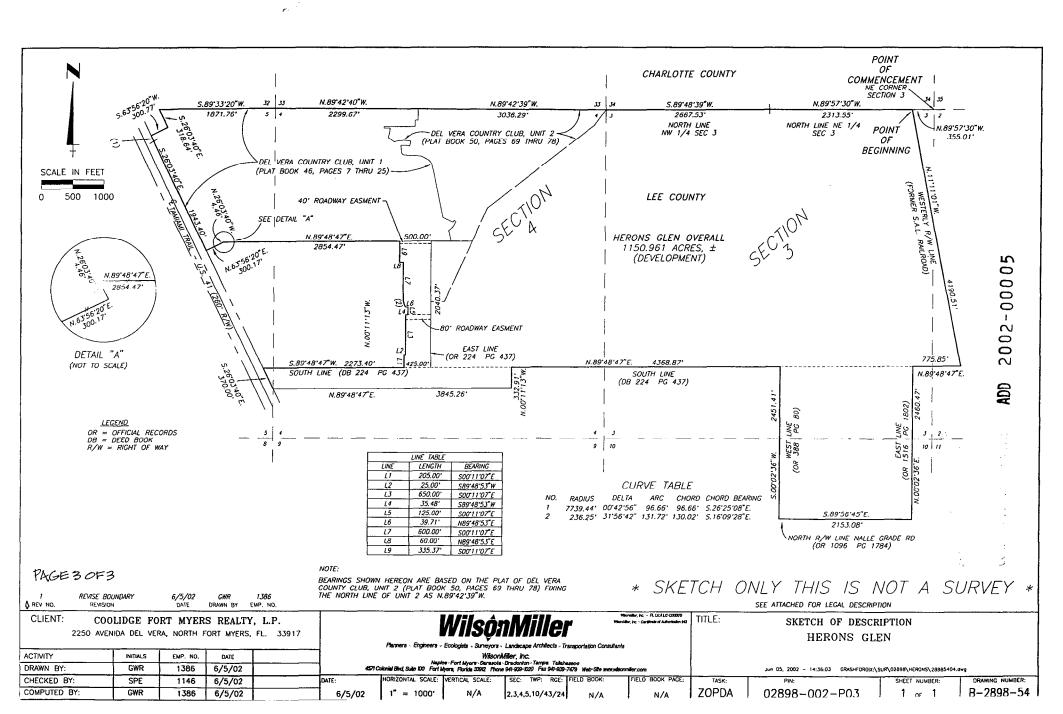
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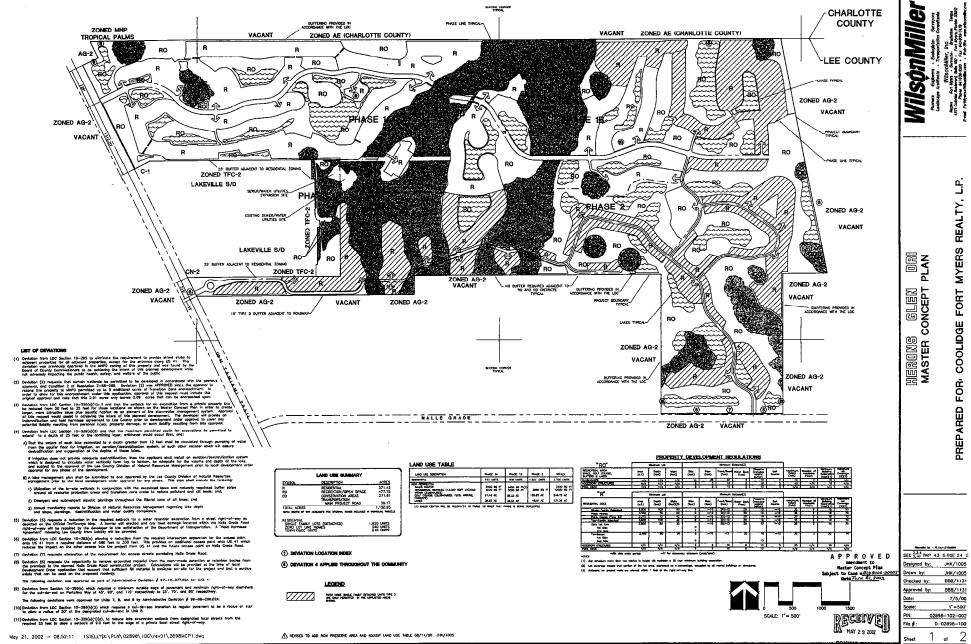
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SCHEDULE OF USES - PHASES 1A, 1B AND 2

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APPROVED RECEIVED COMMUNITY DEVELOPMENT 7007 P.7. NYT

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GLEX ori HERONS MASTER CONCEPT PLAN SCHEDULE OF USES

PREPARED FOR: COOLIDGE FORT MYERS REALITY, L.P.

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#### PROPERTY DEVELOPMENT REGULATIONS

Use	Dimens ions			Setbacks	(in feet)		Lot Coverage	Minimum Building Separation
	Area (sq ft)	Depth (ft)	Width (ft)	Side	Rear	Street		
Single family detached units								
type #1	6,000	100	60	5	10	20/12*	50	n/a
type #2	3, 500	70	50	5	10	20/12	70	n/a
type #3	<u>3,373</u>	<u>75</u>	<u>45</u>	<u>5</u>	<u>10</u>	<u>20/12</u>	<u>70</u>	<u>n/a</u>
Zero lot line units (single family attached)	3,800	80	35	5/0	10	20/12*	70	n/a
Townhomes note: no more than 4 units/bldg.	2,400	80	30	0	20**	20/12*	70	<ul> <li>20 feet to any other townhouse bldg</li> <li>25 feet to any single family lot line for any 1 story bldg;</li> <li>40 feet to any single family lot line for any structure more than 2 stories</li> <li>10 feet for accessory buildings</li> </ul>
Country Club/Clubhouse				15	20**	10		<ul> <li>20 feet to any townhouse bldg</li> <li>25 feet to any single family lot line for any 1 story bldg;</li> <li>40 feet to any single family lot line for any structure more than 2 stories</li> <li>10 feet for accessory buildings</li> </ul>

Accessory structure setbacks shall be in accordance with the LDC regarding accessory uses.

Maximum height/stories: country club/clubhouse 45 feet; all other uses 35 feet/country club/clubhouse 3 stories; all other uses 2 stories

Minimum Water Body Setback:

20 feet for all uses

Minimum Preserve and Golf Course Setbacks:

10 feet

\*with side entry garages

\*\*or in compliance with fire and safety access issues