

ADMINISTRATIVE AMENDMENT (PD) ADD2004-00217

ADMINISTRATIVE AMENDMENT
LEE COUNTY, FLORIDA

WHEREAS, Coolidge-Ft. Myers Realty Limited Partnership filed an application for administrative approval to a Residential Planned Development on a project known as Heron's Glen RPD (f.k.a. Del Tura North f.k.a. Del Tura) to:

- a) **Remove two circular conservation areas located north of the south property line within Phase 2A, in accordance with the approval letters from the US Fish and Wildlife Service and Florida Fish and Wildlife Conservation Commission;**
- b) **Change the permitted height of the clubhouse in Phase II from 45 to 55 feet; and**
- c) **Switch the land use designations on two parcels (RO/R).**

The property is located at 2250 Avendia Del Vera , described more particularly as:

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

See Attached 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), 88-3-18-DRI(d), 88-3-18-DRI(e), 95-01-207.13A 03.01, 95-01-207.13A 04.01, 99-08-261.14A, DRI964596, DCI964597 and ADD2002-00005, ADD2002-00088, ADD2003-00096, ADD2004-00018 and ADD2004-00021); 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, the amendment concerning the location of residential uses and recreation/open space has been reviewed and found to not increase the intensity of the development, nor reduces the total open space area within the development; and

WHEREAS, the amendment in the maximum height of the clubhouse is for another clubhouse site yet to be developed interior to the development and within an area where existing uses do not exist and are therefore not impacted by additional height; 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 is **APPROVED**.

Approval is subject to the following conditions:

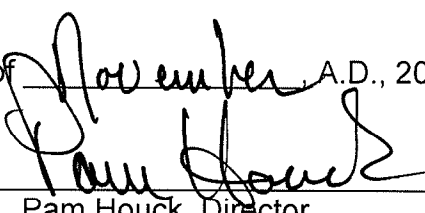
1. The only changes approved as part of this administrative amendment are:
 - a) Remove two circular conservation areas located north of the south property line within Phase 2A, in accordance with the approval letters from the US Fish and Wildlife Service and Florida Fish and Wildlife Conservation Commission;
 - b) Change the permitted height of the clubhouse in Phase II from 45 to 55 feet; and
 - c) Switch the land use designations on two parcels (RO/R).

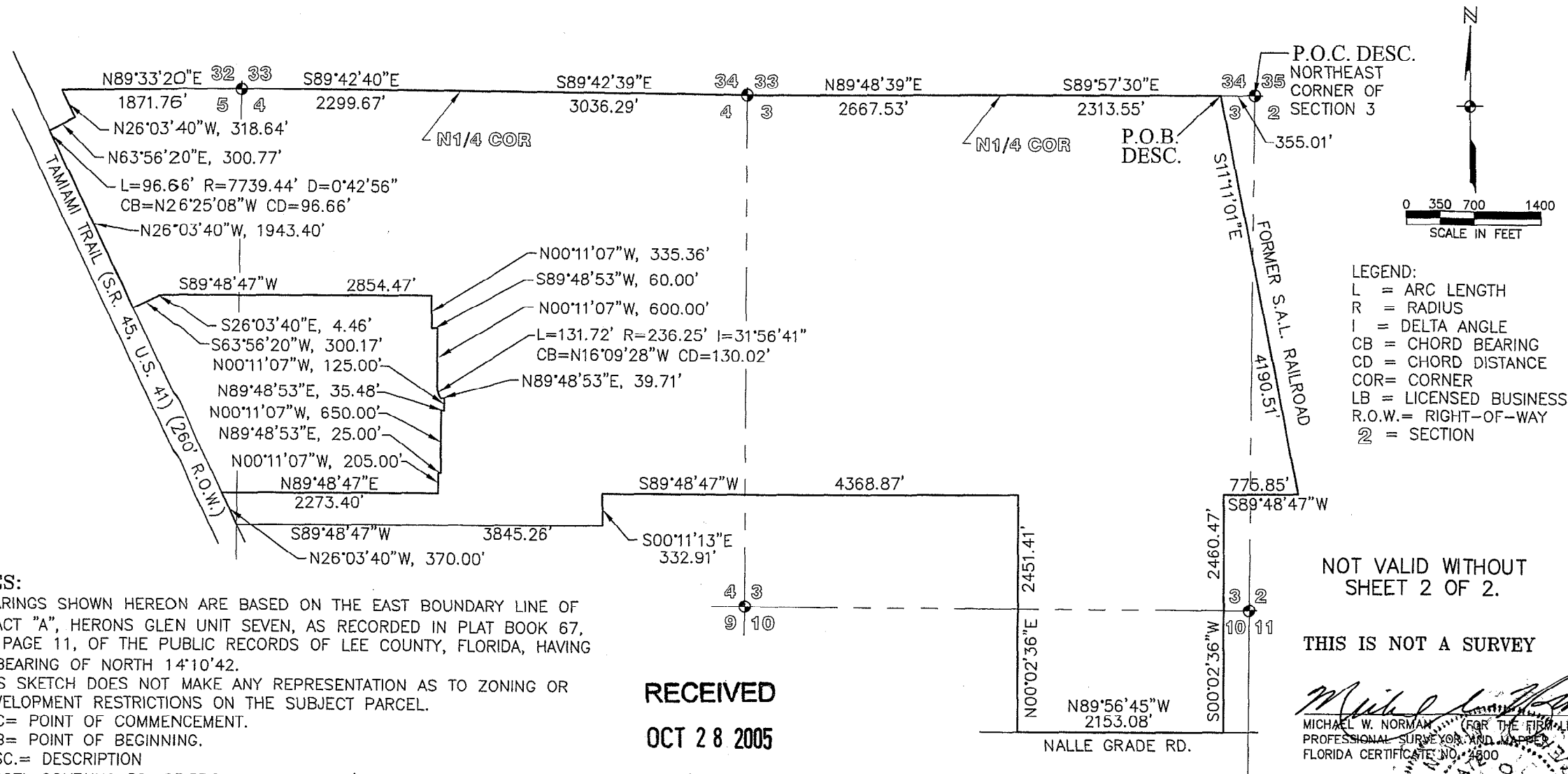
No other changes have been authorized as part of this amendment and development must remain in compliance with 88-3-18-DRI(a), 88-3-18-DRI(b), 88-3-18-DRI(c), 88-3-18-DRI(d), 88-3-18-DRI(e), 95-01-207.13A 03.01, 95-01-207.13A 04.01, 99-08-261.14A, DRI964596, DCI964597 and ADD2002-00005, ADD2002-00088, ADD2003-00096, ADD2004-00018 and ADD2004-00021. The terms and conditions of the original zoning resolution (as amended) remains in full force and effect.

2. The attached is the amended Master Concept Plan (stamped received on October 25, 2004) for this amendment. The only changes authorized as part of this amendment are noted in a "cloud" outline seen in the south-central and east central portions of the Plan and in the maximum height column, the "RO" portion of the Property Development Regulations. Master Concept Plan for ADD2004-00217 is hereby APPROVED and adopted. A reduced copy is attached hereto.
3. The terms and conditions of the original zoning resolutions remain in full force and effect.

DULY SIGNED this 2nd day of November, A.D., 2004.

BY: _____


Pam Houck, Director
Division of Zoning
Department of Community Development

**NOTES:**

1. BEARINGS SHOWN HEREON ARE BASED ON THE EAST BOUNDARY LINE OF TRACT "A", HERONS GLEN UNIT SEVEN, AS RECORDED IN PLAT BOOK 67, AT PAGE 11, OF THE PUBLIC RECORDS OF LEE COUNTY, FLORIDA, HAVING A BEARING OF NORTH 14°10'42".
2. THIS SKETCH DOES NOT MAKE ANY REPRESENTATION AS TO ZONING OR DEVELOPMENT RESTRICTIONS ON THE SUBJECT PARCEL.
3. POC= POINT OF COMMENCEMENT.
4. POB= POINT OF BEGINNING.
5. DESC.= DESCRIPTION
6. PARCEL CONTAINS 50,133,377 SQUARE FEET (1150.904 ACRES) MORE OR LESS.
7. DESCRIPTION ATTACHED, SEE SHEET 2 OF 2.

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OCT 28 2005

ZONING

ADD 2004-00217

HERONS GLEN BOUNDARY

JOHNSON
 ENGINEERING

 2158 JOHNSON STREET
 P.O. BOX 1550
 FORT MYERS, FLORIDA 33902-1550
 PHONE (239) 334-0046
 FAX (239) 334-3661
 E.B. #642 & L.B. #642

SKETCH TO ACCOMPANY DESCRIPTION

DATE	PROJECT NO.	FILE NO.	SCALE	SHEET
10-28-05	20033923	2-43-24	1"=1400'	1 OF 2



October 28, 2005

SHEET: 2 OF 2

LEGAL DESCRIPTION BOUNDARY OF HERONS GLEN

A TRACT OF LAND LYING IN SECTIONS 2, 3, 4, 5 & 10 TOWNSHIP 43 SOUTH, RANGE 24 EAST, LEE COUNTY, FLORIDA

A tract or parcel of land lying in Sections 2, 3, 4, 5 & 10, Township 43 South, Range 24 East, Lee County, Florida, being more particularly described as follows:

Commencing at a Northeast corner of aforementioned Section 3; thence North 89°57'30" West, for a distance of 355.01 feet to the Westerly Right-of-Way line of the former S.A.L. Railroad, also being the POINT OF BEGINNING. From said POINT OF BEGINNING run South 11°11'01" East, along said Right-of-Way, for a distance of 4,190.51 feet; thence departing said Right-of-Way, run South 89°48'47" West, for a distance of 775.85 feet; thence South 00°02'36" West, to the North Right-of-Way line of Nalle Grade Road, for a distance of 2,460.47 feet; thence North 89°56'45" West, along said Right-of-Way, for a distance of 2,153.08 feet; thence North 00°02'36" East, departing said Right-of-Way, for a distance of 2,451.41 feet; thence South 89°48'47" West, for a distance of 4,368.87 feet; thence South 00°11'13" East, for a distance of 332.91 feet; thence South 89°48'47" West, to the Northeasterly Right-of-Way line of Tamiami Trail (S.R. 45, U.S. 41) for a distance of 3,845.26 feet; thence North 26°03'40" West, along said Right-of-Way, for a distance of 370.00 feet; thence North 89°48'47" East, departing said Right-of-Way, for a distance of 2,273.40 feet; thence North 00°11'07" West, for a distance of 205.00 feet; thence North 89°48'53" East, for a distance of 25.00 feet; thence North 00°11'07" West, for a distance of 650.00 feet; thence North 89°48'53" East, for a distance of 35.48 feet; thence North 00°11'07" West, for a distance of 125.00 feet; thence South 89°48'53" West, for a distance of 39.71 feet to the point of intersection with a non-tangent curve; thence run northerly along an arc of a curve to the right of radius 236.25 feet (delta 31°56'41") (chord bearing North 16°09'28" West) (chord 130.02 feet) for a distance of 131.72 feet; thence North 00°11'07" West, for a distance of 600.00 feet; thence South 89°48'53" West, for a distance of 60.00 feet; thence North 00°11'07" West, for a distance of 335.36 feet; thence South 89°48'47" West, for a distance of 2,854.47 feet; thence South 26°03'40" East, for a distance of 4.46 feet; thence South 63°56'20" West, to the Northeasterly Right-of-Way line of said Tamiami Trail (S.R. 45, U.S. 41) for a distance of 300.17 feet; thence North 26°03'40" West, along said Northeasterly Right-of-Way line for a distance of 1,943.40 feet to a point of curvature; thence run northwesterly along an arc of a curve to the left of radius 7,739.44 feet (delta 00°42'56") (chord bearing North 26°25'08" West) (chord 96.66 feet) for a distance of 96.66 feet; thence North 63°56'20" East, departing said Right-of-Way, for a distance of 300.77 feet; thence North 26°03'40" West, to a point on the North line of the North One-Quarter of said Section 5, for a distance of 318.64 feet; thence North 89°33'20" East, along said North line to the Northeast corner of said Section 5, for a distance of 1,871.76 feet; thence South 89°42'40" East, along the North line of aforementioned Section 4, to the North One-Quarter of said Section 4, for a distance of 2,299.67 feet; thence South 89°42'39" East, along said North line of Section 4, to the Northeast corner of said Section 4, for a distance of 3,036.29 feet; thence North 89°48'39" East, along the North line of said Section 3, to the North One-Quarter of said Section 3, for a distance of 2,667.53 feet; thence South 89°57'30" East, to a point on the westerly line of said former S.A.L. Railroad, for a distance of 2,313.55 feet, said point being the POINT OF BEGINNING.

Containing 50,133,377 square feet or 1,150.904 acres, more or less.

Bearings shown are State Plane Coordinate for the West Zone of Florida (NAD 83/90 Adjustment) and are based on the East Boundary Line of Tract "A" of Herons Glen Unit Seven, as recorded in Plat Book 67, at Page 11, of the Public Records of Lee County, Florida, having a bearing of North 14° 10' 42" West.

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OCT 28 2005

ADD 2004-00217

ZONING

Applicant's Legal Checked

by Amj 28 OCT 05

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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)3 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(e)(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 "Void 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 Unit 1:
- Deviation from Section 10-296(h) 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(h)(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(e)(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
RO	RESIDENTIAL	357.42
CO	RECREATION/OPEN SPACE	489.24
RO	CONSERVATION AREAS	271.61
CO	TRANSPORTATION	32.68
CO	MAIN PROJECT ROAD	1,150.95
TOTAL ACRES		2,302.90
NOTE: ROADS OF WAY ACRES ARE FOR INTERNAL ROADS INCLUDED IN INDIVIDUAL PARCELS.		
RESIDENTIAL		
SINGLE FAMILY LOTS (DETACHED)	1,620 UNITS	
ZERO LOT LINE HOMES	540 UNITS	
TOWNHOUSE UNITS	540 UNITS	

- ① DEVIATION LOCATION INDEX
- ④ DEVIATION 4 APPLIES THROUGHOUT THE COMMUNITY

LEGEND	
	ALL RESIDENTIAL USES LISTED IN THE "USE SCHEDULE" ARE PERMITTED
	ALL RESIDENTIAL USES LISTED IN THE "USE SCHEDULE" ARE PERMITTED, EXCEPT TOWNHOUSE #2.



LAND USE TABLE				
LAND USE DESCRIPTION	PHASE 1A	PHASE 1B	PHASE 2	TOTALS
RESIDENTIAL	532 UNITS	508 UNITS	1,662 UNITS	2,700 UNITS
NON-RESIDENTIAL				
SALES CENTER	2450 SQ FT	2450 SQ FT (1)	3380 SQ FT	2450 SQ FT
COMMERCIAL SERVICES (12,000 SQ FT LOCATED WITHIN CLUBHOUSES)	2450 SQ FT	3000 SQ FT	12000 SQ FT	12000 SQ FT
GOLF COURSE (CLUBHOUSES, TEES, GREENS, FARMERS) LAKES	61.48 AC	59.33 AC	151.60 AC	252.41 AC
	39.63 AC	49.22 AC	48.52 AC	137.37 AC

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

PROPERTY DEVELOPMENT REGULATIONS															
"R"	Minimum Lot				Minimum Setback(3)							Minimum Height (feet)	Number of Habitable Floors	Minimum Building Setback (feet)	Maximum Lot Coverage (%)
	Area (A.C.)	Depth (feet)	Width (feet)	Side (feet)	Rear (feet)	Front/Road (feet)	Water Body (feet)	Preserve (includes natural buffer)	Golf Course						
RECREATION, OPEN SPACE, GOLF COURSE, BUFFERS & LAKES	n/a	n/a	n/a	15	20	20	0	10	0	0	50	3	15	n/a	
CLUBHOUSES	n/a	n/a	n/a	5	5	10	0	10	5	10	n/a	n/a	n/a	n/a	
ACCESSORY STRUCTURES	n/a	n/a	n/a	5	5	10	0	10	5	10	n/a	n/a	n/a	n/a	
POOL DECK	n/a	n/a	n/a	5	5	10	0	10	5	10	n/a	n/a	n/a	n/a	
"R"	Minimum Lot				Minimum Setback(3)							Minimum Height (feet)	Number of Habitable Floors	Minimum Building Setback (feet)	Maximum Lot Coverage (%)
	Area (A.C.)	Depth (feet)	Width (feet)	Side (feet)	Rear (feet)	Front/Road (feet)	Water Body (feet)	Preserve (includes natural buffer)	Golf Course						
RESIDENTIAL USES															
Single-Family Detached	6,000	100	60	5	n/a	20/12	20	10	n/a	n/a	35	2	10	70	
Police Homes	3,500	70	50	0	n/a	20/12	20	0	n/a	n/a	35	2	10	70	
Police Homes (Type #3)	3,500	70	50	0	n/a	20/12	20	0	n/a	n/a	35	2	10	70	
Two-Family Attached	3,500	100	35	0	n/a	20/12	20	0	n/a	n/a	35	2	10	70	
Zero Lot Line	2,800	80	35	0	n/a	20/12	20	0	n/a	n/a	35	2	10	70	
1st Side															
2nd Side															
Townhouse #1	2,400	80	30	0	n/a	12	20	0	n/a	n/a	35	2	10	70	
1st Side															
2nd Side															
Townhouse #2	3,000	125	24	0	10	n/a	20	0	n/a	n/a	35	1	n/a	70	
1st Side															
2nd Side															
ACCESSORY STRUCTURES	n/a	n/a	n/a	5	5	10	0	10	5	10	n/a	n/a	n/a	n/a	
POOL DECK	n/a	n/a	n/a	5	5	10	0	10	5	10	n/a	n/a	n/a	n/a	

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

APPROVED

Amendment to
Master Concept Plan
Subject to Case # ADD2004-00217
Date 11/2/05

N:\Heron's Glen New\master concept plan-add.DWG (Layout1) WEB Oct 13, 2004 - 9:13am

REVISIONS	

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) 334-3661
E.B. #642 & L.B. #642

MASTER CONCEPT PLAN

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

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OCT 25 2004
PERMIT COUNTER

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