

ADMINISTRATIVE AMENDMENT (PD) ADD2006-00080

ADMINISTRATIVE AMENDMENT
LEE COUNTY, FLORIDA

WHEREAS, Mr. Mike Lane filed an application for administrative approval to a Residential Planned Development on a project known as Magnolia Landing at Herons Glen for:

1. a reduction in the minimum lot width requirement for townhouse #1 from 30 feet to 22 feet in Exhibit D of ADD2002-00005; and

2. a reduction in the minimum lot area requirement from 2,400 square feet to 1,760 square feet for townhouse #1 in Exhibit D of ADD2002-00005; and

3. an increase in the number of townhouse units allowed per building from 4 to 8 in Exhibit D of ADD2002-00005; and

4. to revise the land use designation on a specific parcel on the MCP from Residential (R) to Recreation/Open Space (RO) to allow for a recreational facility to service the community

on property located at 20200 North Tamiami Trail, North Fort Myers, described more particularly as:

LEGAL DESCRIPTION: In Section 03, 04 & 10, Township 43 South, Range 24 East, Lee County, Florida:

SEE ATTACHED THREE-PAGE EXHIBIT "A"

WHEREAS, the property was originally rezoned in case number 88-3-18 DRI (with subsequent amendments in case numbers ADD2002-00005, ADD2002-00088, ADD2003-00096, ADD2004-00018, ADD2004-00021, ADD2004-00217, ADD2005-00209, 88-3-18-DRI, 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 & DRI96597) ; and

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

WHEREAS, the applicant has requested amendments #1 and #2 because a new master developer is offering a differently-sized townhouse product than that previously provided in other areas of Herons Glen; and

WHEREAS, the applicant has requested to allow 8 units to be built per building instead of 4 units per building in order to reduce the total number of buildings and thereby reduce the total footprint of the project; and

WHEREAS, this will not increase the number of units nor density of the project; and

WHEREAS, the applicant has requested to re-designate a portion of the property from Residential (R) to Recreation/Open Space (RO); and

WHEREAS, according to Resolution Z-00-078, the (R) category allows for *Recreation Facilities, Personal and Private On-Site*, while the (RO) category allows for *Recreation Facilities, Personal and Private On-Site and Off-Site such as: Basketball Courts, Biking, Hiking, Fishing Piers, Picnic Areas and Nature Trails*; and

WHEREAS, the applicant has indicated to Environmental Sciences staff that the proposed changes to the park will be only for park facilities for use during daylight hours; 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.

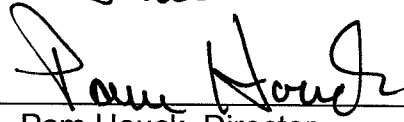
NOW, THEREFORE, IT IS HEREBY DETERMINED that the application for administrative approval for an amendment to a Residential Planned Development is **APPROVED** subject to the following conditions:

1. **The Development must be in compliance with the amended Master Concept Plan, stamped received April 27, 2006. Master Concept Plan for ADD2006-00080 is hereby APPROVED and adopted. A reduced copy is attached hereto.**
2. **The property development regulations for townhouse #1 in the attached "Exhibit D" are hereby reduced to a minimum 1,760 square feet, 22 feet wide, and not more than 8 units per building.**
3. **The use of the Recreation/Open Space (RO) tract is Phase 2 being converted from Residential (R) is limited to park facilities to be used during daylight hours. Pools and clubhouses are not allowed. Any proposed building (e.g. restroom, picnic pavilion) must be setback a minimum of 30-feet from the preserve. Any paved area must be setback a minimum of 15-feet from the preserve. Only motion detector lighting is allowed, and must be directed away from the preserves.**

4. The terms and conditions of the original zoning resolutions remain in full force and effect, unless amended by the actions herein.

DULY SIGNED this 6th day of June, A.D., 2006.

BY: _____



Pam Houck, Director
Division of Zoning
Department of Community Development

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EXHIBIT A

PERMIT COUNTER

**LEGAL DESCRIPTION
HERON'S GLEN**

ADD 2006-00080

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

(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.

Applicant's Legal Checked
by AMM 04MAY06

WilsonMiller, Inc.

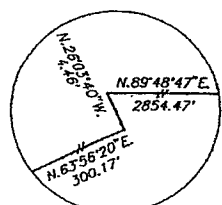
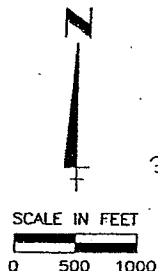

Stephen H. Brek P.S.M. Professional Surveyor and Mapper
Florida Registration No. 3273

Pin #: 02898-002-P03-ZOPDA
Date: June 6, 2002
Ref: D-02898-54

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ADD 2006-00080



DETAIL "A"
(NOT TO SCALE)

LEGEND
OR - OFFICIAL RECORDS
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LINE TABLE		
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	315.37'	S00°11'07"E

CURVE TABLE					
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

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.

* SKETCH ONLY THIS IS NOT A SURVEY *

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

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: 6/5/02

HORIZONTAL SCALE: 1" = 1000'

VERTICAL SCALE: N/A

SEC: TWP: RGE: 2,3,4,5,10/43/24

FIELD BOOK: N/A

FIELD BOOK PAGE: N/A

TASK: ZOPDA

PIN: 02898-002-P03

SHEET NUMBER: 1 OF 1

DRAWING NUMBER: B-2898-54

ADD 2006-00080

EXHIBIT D **PROPERTY DEVELOPMENT REGULATIONS**

Use	Dimensions			Setbacks				Height	Stories	Lot Coverage	Minimum Building Separation
	Area	Depth	Width	Side	Rear	Street	Water Body				
	(sq. ft.)	(ft.)	(ft.)					(Max)			
Single family detached	--	--	--	--	--	--	--	--	--	--	--
Type #1	6,000'	100'	60'	5'	10'	20/12*	20'	35'	2	50	n/a
Type #2	3,500'	70'	50'	5'	10'	20/12*	20'	35'	2	70	n/a
Type #3	3,373	75'	45'	5'	10'	20/12	20'	35'	2	70	n/a
Zero lot line units	--	--	--	--	--	--	--	--	--	--	--
Single Family Attached	3800'	80'	35'	5/0	10'	20/12*	20'	35'	2	70	n/a
Townhomes	--	--	--	--	--	--	--	--	--	--	--
Townhouse #1	1,760	80'	22	0	20'**	20/12*	20'	35'	2	70	20' to any other townhouse building
Townhouse #2	3,000'	125'	24	0	10	20/12*	20	35	1	70	25' to any single family lot line for any
											1 story building
											40' to any single family lot line for any
											structure more than 2 stories
											10' for accessory buildings
Note: no more than eight (8) units per building											
Country Club/Clubhouse	--	--	--	15'	20'**	20	20'	45'	3	--	20' to any townhouse building
											25' to any single family lot line for any
											structure more than 2 stories
											40' to any single family lot line for any
											structure more than 2 stories
											10' for accessory buildings
NOTES:											

NOTES:

- * With side entry garages
- ** Or in compliance with fire and safety access issues

ADDITIONAL NOTES

- 1 Accessory structure setbacks shall be in accordance with the LDC regarding accessory uses
- 2 Minimum Preserve and Golf Course Setback - ten feet (10')

ATTACHMENT A

DEVELOPER

TAYLOR WOODROW COMMUNITIES
AT HERONS GLEN L.L.C., dba
TAYLOR WOODROW COMMUNITIES
AT MAGNOLIA LANDING
3501 AVENIDA del VERA
NORTH FORT MYERS, FLORIDA 33917
PHONE: (239) 543-1775
FAX: (239) 543-1845

OWNER

TAYLOR WOODROW COMMUNITIES
AT HERONS GLEN L.L.C., dba
TAYLOR WOODROW COMMUNITIES
AT MAGNOLIA LANDING
3501 AVENIDA del VERA
NORTH FORT MYERS, FLORIDA 33917
PHONE: (239) 543-1775
FAX: (239) 543-1845

STRAP NUMBER

03-43-24-05-00000.1047
03-43-24-00-00001.0100
03-43-24-00-00005.0000
03-43-24-00-00005.0020
03-43-24-05-00000.1060
03-43-24-05-00000.1124
03-43-24-05-00000.1137
03-43-24-05-00000.1160
03-43-24-05-00000.1161
03-43-24-05-00000.1200
03-43-24-05-00008.0000
03-43-24-05-0000F.0000
04-43-24-10-00000.7450
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04-43-24-10-00000.7780
04-43-24-00-00001.0000
04-43-24-10-0000R.00CE
10-43-24-00-00003.0030

SIZE OF PARCEL

1150.9 ACRES

ZONING

RPD

APPLICATION FOR
ADMINISTRATIVE ACTION

FOR

MAGNOLIA LANDING

SECTION 2, 3, 4, 5 & 10,
TOWNSHIP 43 S., RANGE 24 E.
Lee County, Florida

UTILITIES PROVIDING SERVICE:

WATER:
LEE COUNTY UTILITIES
1500 MONROE STREET
FORT MYERS, FLORIDA 33902
PHONE (239) 479-8181

SEWER:
NORTH FORT MYERS UTILITY INC
WASTE WATER TREATMENT PLANT NIGHTS & EMERGENCY SERVICE
4000 DEL PRADO BOULEVARD NORTH
NORTH FORT MYERS, FL 33917
PHONE (239) 543-1808

TELEPHONE:
SPRINT
2820 CARGO STREET
FORT MYERS, FLORIDA 33916
PHONE (239) 336-2117 (HAL DELVER)

ELECTRIC:
LEE COUNTY ELECTRIC CO-OP
4980 BAYLINE DRIVE
NORTH FORT MYERS, FLORIDA 33917-3910
PHONE: (239) 656-2154 (TIM BADGER)

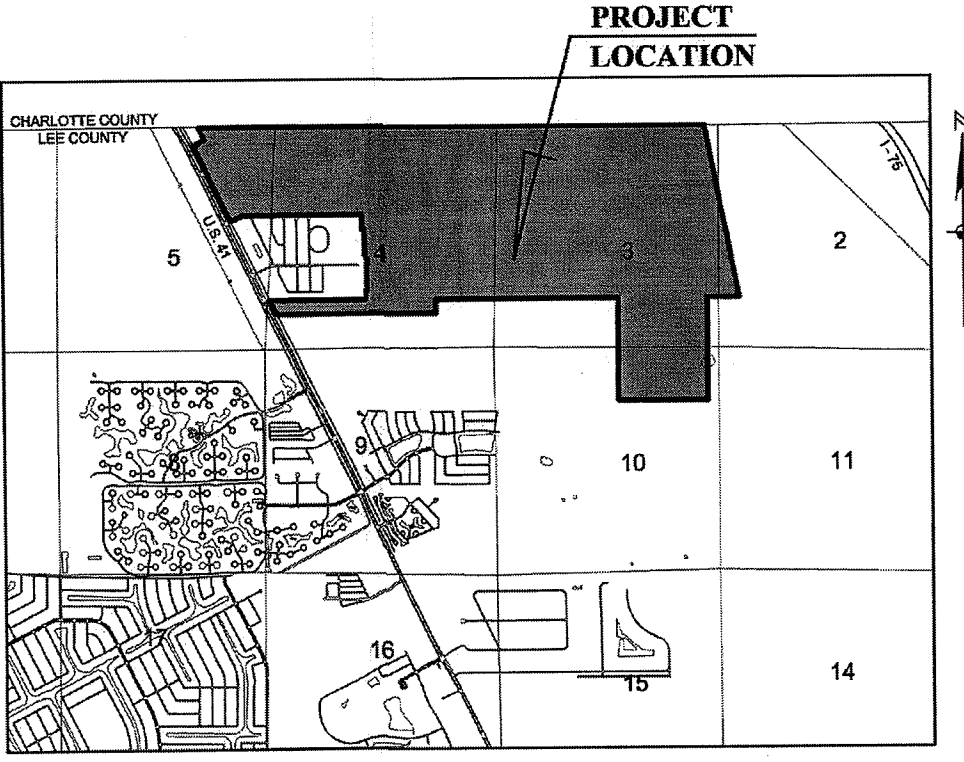
CABLE TELEVISION:
TIME WARNER CABLE
1418 SE 10TH STREET
CAPE CORAL, FLORIDA 33990
PHONE (239) 772-2218 EXT. 120
(NALDO RODRIGUEZ)

GARBAGE COLLECTION:
ONYX WASTE SERVICES
17101 PINE RIDGE ROAD SW
FORT MYERS BEACH, FL 33939
PHONE (239) 334-1224

FIRE CONTROL DISTRICT:
NORTH FORT MYERS FIRE CONTROL
AND RESCUE SERVICE DISTRICT
P.O. BOX 3507
NORTH FORT MYERS, FLORIDA 33918
PHONE (239) 731-1931

INDEX OF PLANS

SHEET NO.	DESCRIPTION
1	COVER
2	AERIAL MAP
3	APPROVED MASTER CONCEPT PLAN
4	REVISED MASTER CONCEPT PLAN FOR AA (TOWNHOME)



LOCATION MAP

0 2000 4000
SCALE IN FEET

APRIL, 2006

JOHNSON
ENGINEERING

2158 JOHNSON STREET
P.O. BOX 1550
FORT MYERS, FLORIDA 33902-1550
PHONE (239) 334-0046
FAX (239) 334-3681
E.B. #642 & L.B. #642

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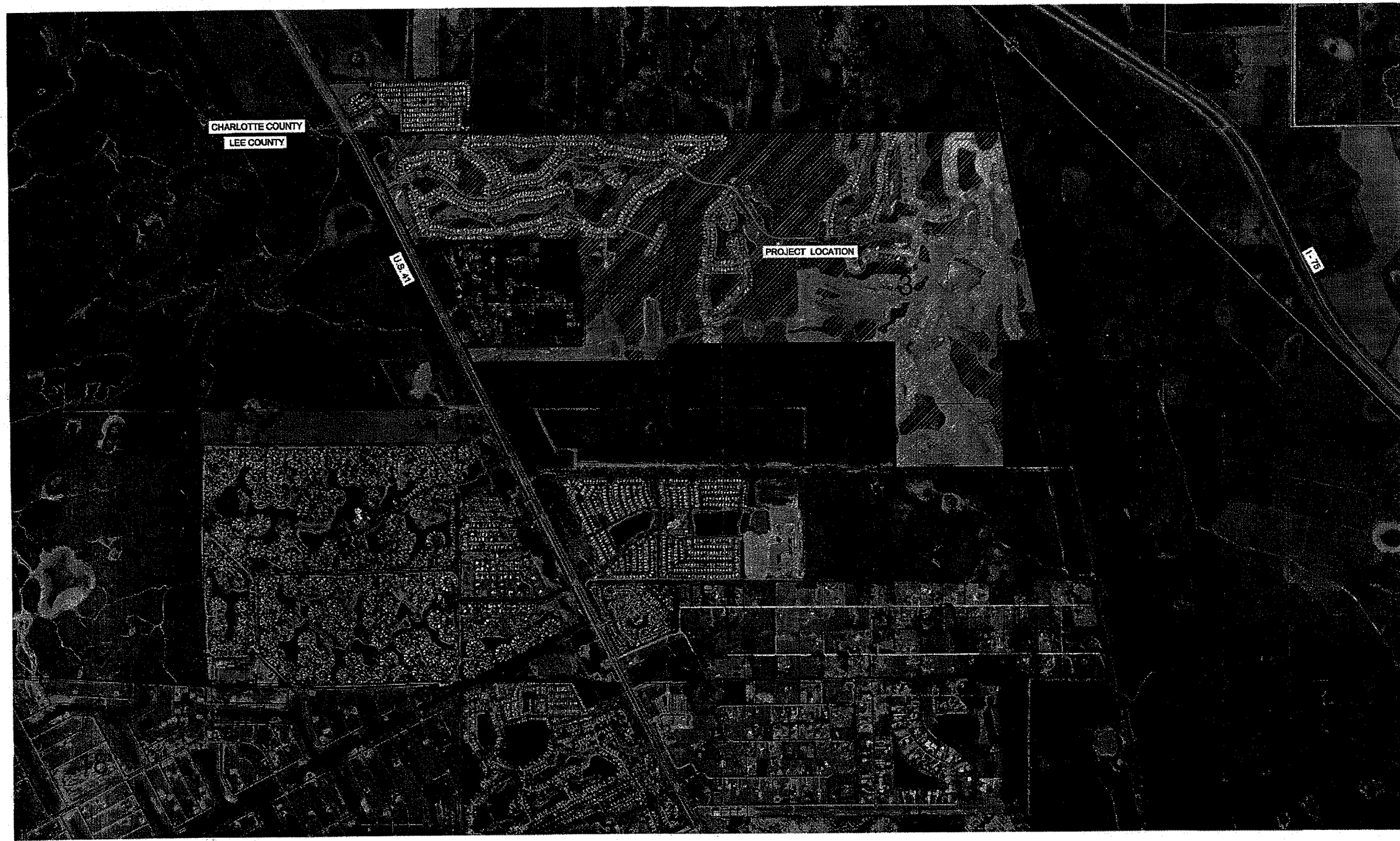
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ADD 2006-00080

SHEET
1



0 500 1000 2000
SCALE IN FEET



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REVISIONS		

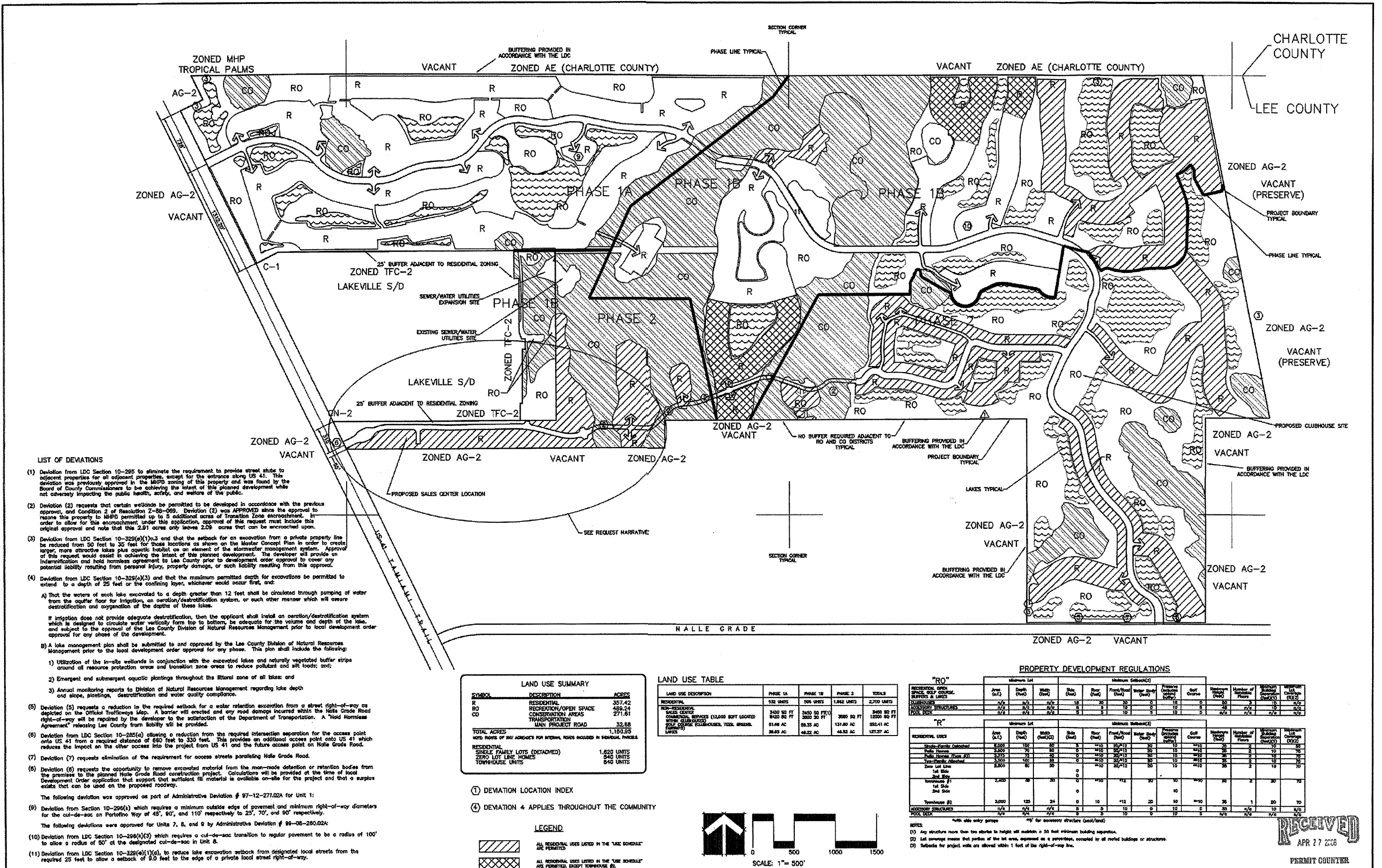
T.C.W. At Herons Glen L.L.C., Dba
T.W.C. At Magnolia Landing

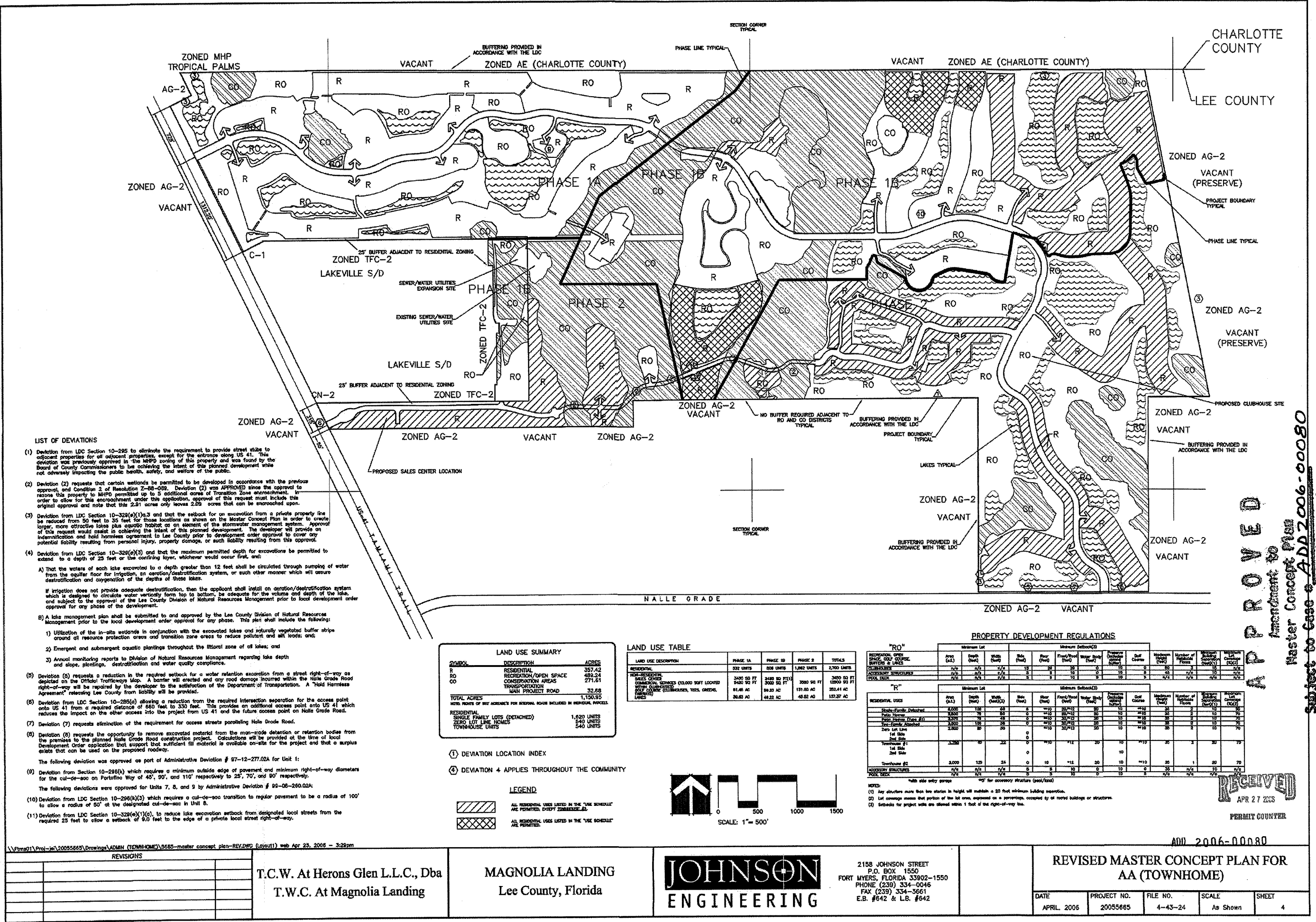
MAGNOLIA LANDING
Lee County, Florida

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

ADD 2006-00080 AERIAL MAP				
DATE	PROJECT NO.	FILE NO.	SCALE	SHEET
APRIL, 2006	20055665	4-43-24	As Shown	2





APPROVED
Amendment to
Master Concept Plan
Subject to Case # AA 2006-00080
Date 6/6/2006

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ADD 2006-00080

\\fms01\proj-jc\20055665\Drawings\ADMIN (TOWNHOME)\5665-master concept plan-REV.DWG (Layout1) web Apr 25, 2006 - 3:28pm

REVISIONS	

T.C.W. At Herons Glen L.L.C., Dba
T.W.C. At Magnolia Landing

MAGNOLIA LANDING
Lee County, Florida

JOHNSON
ENGINEERING

2158 JOHNSON STREET
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PHONE (239) 334-0046
FAX (239) 334-5661
E.B. #642 & L.B. #642

**REVISED MASTER CONCEPT PLAN FOR
AA (TOWNHOME)**
DATE: APRIL 2006 PROJECT NO.: 20055665 FILE NO.: 4-43-24 SCALE: As Shown SHEET: 4