

ADD 2008-00152

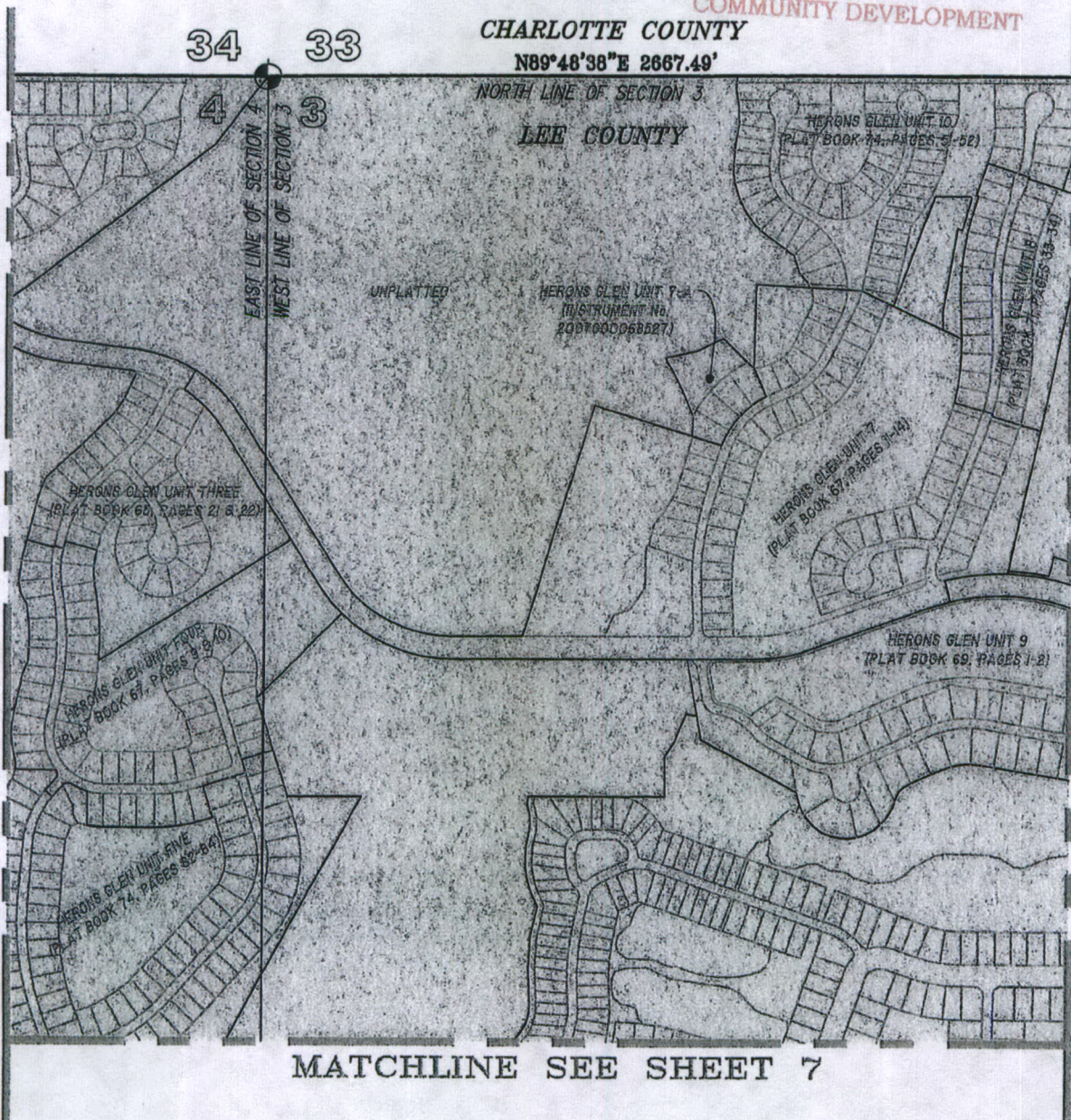
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OCT 29 2008

0 150 300 600
SCALE IN FEET



MATCHLINE SEE SHEET 8



MATCHLINE SEE SHEET 4

MATCHLINE SEE SHEET 7

S:\20087369\20087369_HERONS GLEN Boundary.dwg (BX11 S&D6) mnt Jun 30, 2008 - 8:15am

NOT VALID WITHOUT SHEETS 1-5 & 7-10

JOHNSON
ENGINEERING

2122 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
JUNE 2008	20087369	04-43-24	1"=600'	6 OF 10

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COMMUNITY DEVELOPMENT



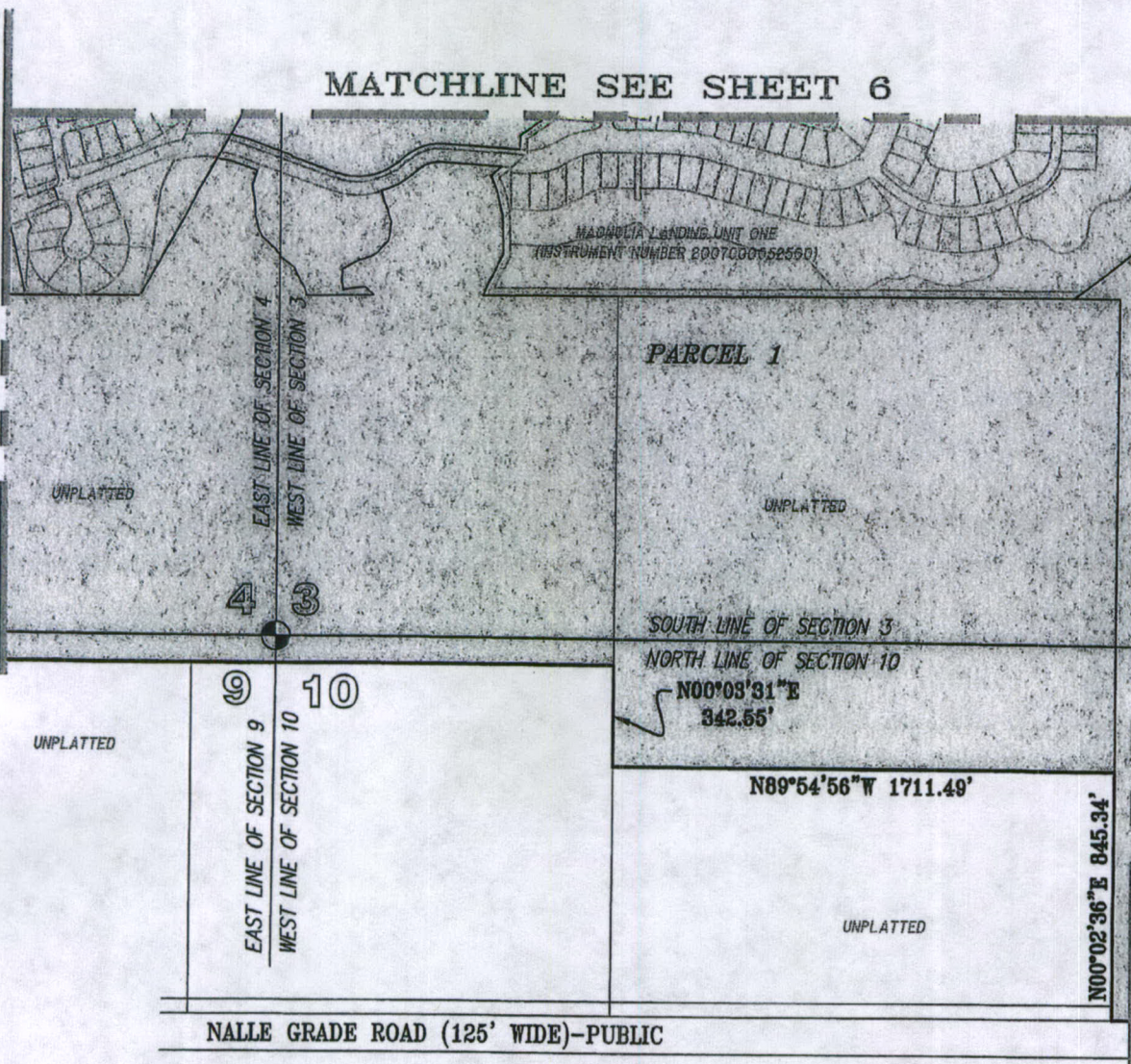
0 150 300 600
SCALE IN FEET

MATCHLINE SEE SHEET 8

MATCHLINE SEE SHEET 6

MATCHLINE SEE SHEET 4

MATCHLINE SEE SHEET 5



NALLE GRADE ROAD (125' WIDE)-PUBLIC

NOT VALID WITHOUT SHEETS 1-6 & 8-10

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SKETCH TO ACCOMPANY DESCRIPTION

DATE	PROJECT NO.	FILE NO.	SCALE	SHEET
JUNE 2008	20087369	04-43-24	1"=600'	7 OF 10

ADJ 2008 00152

S89°42'40"E 2299.87'

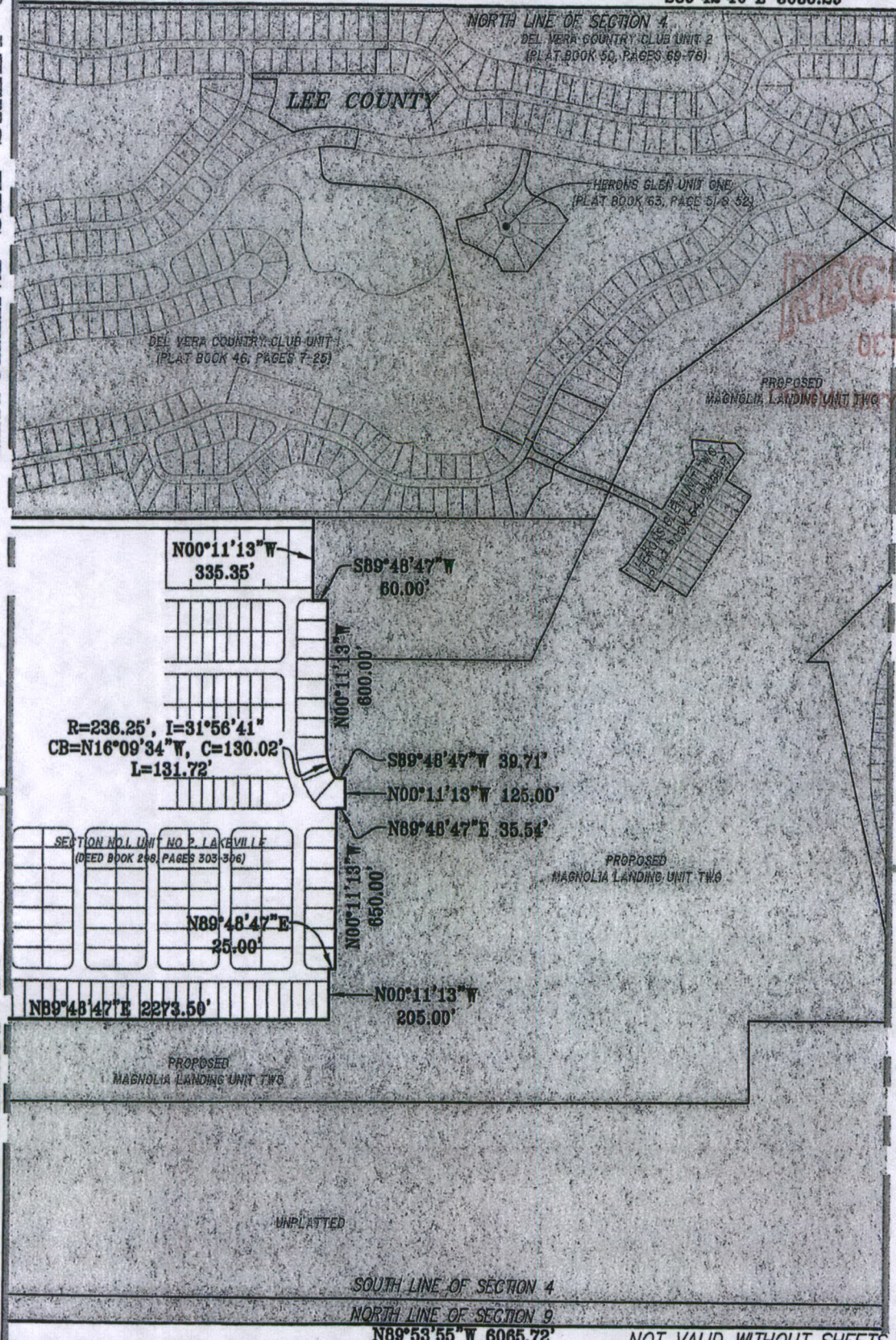
CHARLOTTE COUNTY

S89°42'40"E 3036.29'

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SCALE IN FEET



MATCHLINE SEE SHEET 9



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MAGNOLIA LANDING UNIT TWO DEVELOPMENT

MATCHLINE SEE SHEET 6

MATCHLINE SEE SHEET 7

NOT VALID WITHOUT SHEETS 1-6, 9 & 10

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MATCHLINE SEE SHEET 10

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SKETCH TO ACCOMPANY DESCRIPTION

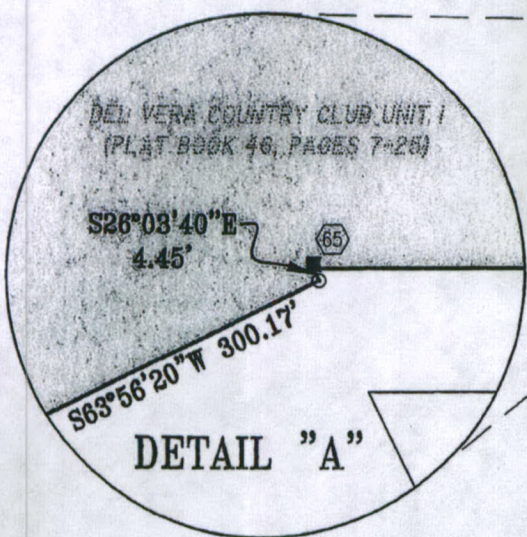
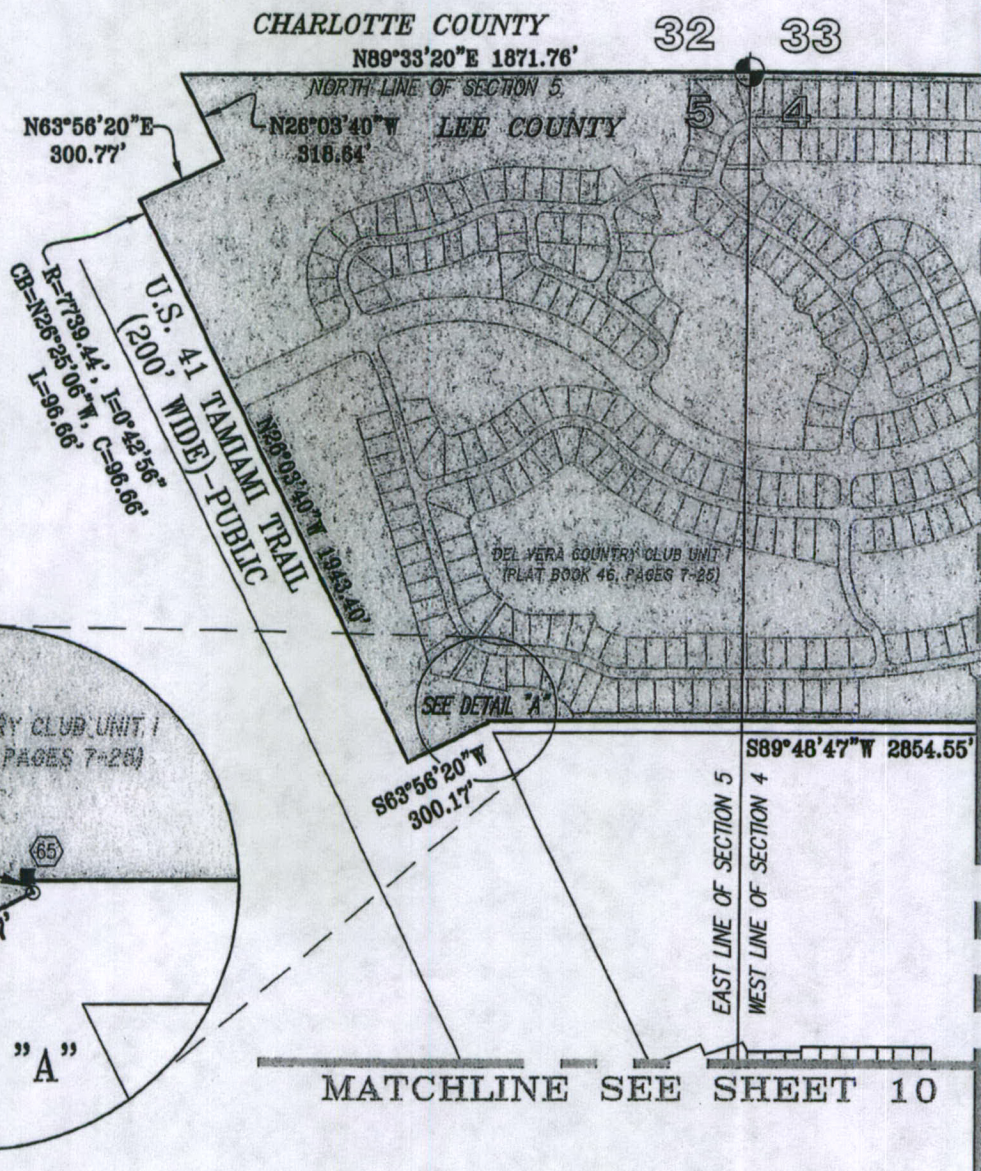
DATE	PROJECT NO.	FILE NO.	SCALE	SHEET
JUNE 2008	20087369	04-43-24	1"=600'	8 OF 10

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COMMUNITY DEVELOPMENT

0 150 300 600
SCALE IN FEET



MATCHLINE SEE SHEET 8

MATCHLINE SEE SHEET 10

NOT VALID WITHOUT SHEETS 1-8 & 10

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SKETCH TO ACCOMPANY DESCRIPTION

DATE	PROJECT NO.	FILE NO.	SCALE	SHEET
JUNE 2008	20087369	04-43-24	1"=600'	9 OF 10

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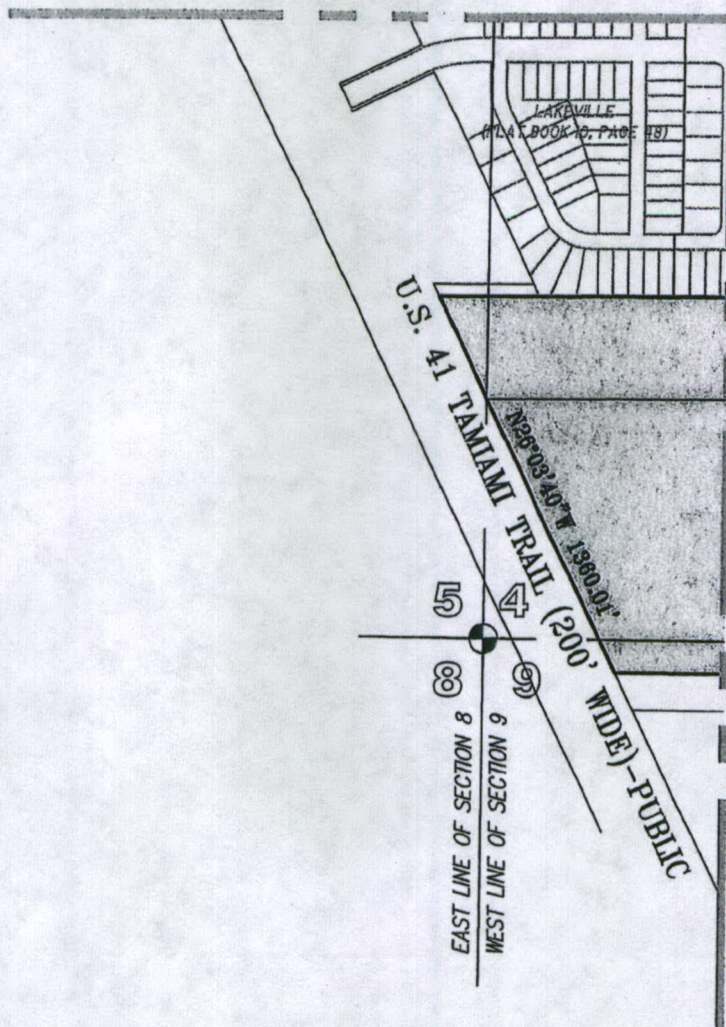
OCT 29 2008

COMMUNITY DEVELOPMENT



0 150 300 600
SCALE IN FEET

MATCHLINE SEE SHEET 9



MATCHLINE SEE SHEET 8

S:\20087369\20087369_HERONS GLEN Boundary.dwg (8X11 S&D10) mnt Jun 30, 2008 - 8:16am

NOT VALID WITHOUT SHEETS 1-9

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ENGINEERING

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SKETCH TO ACCOMPANY DESCRIPTION

DATE	PROJECT NO.	FILE NO.	SCALE	SHEET
JUNE 2008	20087369	04-43-24	1"=600'	10 OF 10

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Administrative Amendment

to

**Hérons Glen RPD
(f/k/a Del Vera North, f/k/a Del Tura)**

October 2008

Prepared for:

**Taylor Woodrow Communities at Herons Glen, LLC
4905 West Laurel Street
Tampa, Florida 33607**

Prepared by:

**JOHNSON
ENGINEERING**

**2122 Johnson Street
Post Office Box 1550
Fort Myers, Florida 33902**

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 - Legal Description Exhibit- AA-3.C.1
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 - Amended Schedule of Uses
 - Proposed MCP (2x3 and 11x17)
7. **Previous Zoning Actions on Site- Exhibit H-3.D**

ADD 2008-00192

PART 5
SUBMITTAL REQUIREMENTSRECEIVED
OCT 29 2008

THE NUMBER OF COPIES REQUIRED FOR EACH EXHIBIT IS BASED ON THE ACTION REQUESTED AS INDICATED BELOW. PLEASE NOTE THAT THE THREE (3) SETS OF REQUIRED SUBMITTAL AND SUPPLEMENTAL FORMS MUST BE SUBMITTED IN SETS OF THREE. ADDITIONAL SUBMITTAL ITEMS (listed below) SHOULD BE SUBMITTED AS A GROUP WITH THE APPROPRIATE NUMBER OF COPIES PROVIDED AS NOTED BLOW.

Copies Required*	Exhibit Number	SUBMITTAL ITEMS
3 ✓		Completed application for Administrative Action
1 ✓		Filing Fee – [34-202(a)(9)]

Copies Required*	SUP Number	SUPPLEMENTAL FORMS (select applicable request/form)
3	SUP A	Administrative Variance request
3	SUP B	Commercial Lot Split request
3	SUP C	Consumption On Premises request
3	SUP D	Minimum Use Determination request
3	SUP E	Ordinance Interpretation request
3	SUP F	Relief for Designated Historic Resources request
3	SUP G	Easement Encroachment request
3 ✓	SUP H	Administrative Amendment to a PUD or Planned development request
3	SUPH	Final Plan Approval for a Planned Development request
3	SUP I	Administrative deviation from Chapter 10 of the LDC request
3	SUP J	Placement of Model Home/Unit or Model Display Center request
3	SUP K	Dock & Shoreline Structure request
3	SUP M	Wireless Communication Facility Shared Use Plan Agreement

Copies Required*	Exhibit Number	ADDITIONAL SUBMITTAL ITEMS
3 ✓	AA-1.B.2	Notarized Affidavit of Authorization Form [34-202(b)(1)(c)]
3	AA-1.C.2	Additional Agents [34-202(b)(1)(c)]
3 ✓	AA-2.B.1	Disclosure of Interest Form [34-202(b)(2)(a)]
3 ✓	AA-2.C.1	Subject property owners list (if applicable) [34-202(a)(5)]
3 ✓	AA-2.C.2	Subject Property Owners map (if applicable) [34-202(a)(5)]
3 ✓	AA-3.A.1	List of STRAP Numbers (if additional sheet is required) [34-202(a)(1)]
3 ✓	AA-3.C.1	Legal Description [34-202(a)(1)]
3 ✓	AA-3.C.2	Sealed Sketch of the Legal Description [34-202(a)(1)]
3 ✓	AA-3.C.2	Electronic version of legal description (if available)
3 N/A	AA-3.D.1	Boundary Survey (tied to State Plane Coordinate System) [34-202(a)(2)] (NOTE: This is a required submittal for all Planned Development Applications and for all properties of 10 acres or more [34-373(a)(4)(a)])
3 ✓	AA-3.D.2	Copy of Plat Book Page (if applicable) [34-202(a)(1)(c)]
3 ✓	AA-3.F	Area Location Map on 8-1/2" by 11: paper pursuant to LCLDC Section [34-202(a)(4)]

* At least one copy must be an original.

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**PART 5.
SUBMITTAL REQUIREMENTS**

COMMUNITY DEVELOPMENT

THE NUMBER OF COPIES REQUIRED FOR EACH SUBMITTAL ITEM/EXHIBIT IS INDICATED BELOW. PLEASE NOTE THAT THIS SUPPLEMENT NEEDS TO BE ACCOMPANIED BY THE APPLICATION FOR ADMINISTRATIVE ACTION. COPIES OF BOTH OF THESE APPLICATIONS SHOULD BE SUBMITTED TOGETHER IN SETS OF THREE ALONG WITH ALL OTHER REQUIRED DOCUMENTATION. ADDITIONAL SUBMITTAL ITEMS (listed below) SHOULD BE SUBMITTED AS A GROUP WITH THE APPROPRIATE NUMBER OF COPIES PROVIDED AS NOTED BELOW.

Copies Required	Exhibit Number	SUBMITTAL ITEMS
		FOR ADMINISTRATIVE AMENDMENT APPLICATIONS and FOR FINAL PLAN APPROVAL APPLICATIONS
3	✓	Completed application for Administrative Action Form [34-201(b)]
1	✓	Filing Fee – [34-202(a)(9)]
3	✓ SUP H	Administrative Amendment to a PUD or Planned Development request Supplement Form
3	✓ H-1.C	Subsequent Zoning Action Resolution/Case Numbers (if any and if added sheet is necessary)
3	✓ H-1.D	Development Order Numbers for the Project (if any and if added sheets are necessary)
3	✓ H-2.A	Written Narrative explaining what, exactly, is proposed
3	✓ H-2.B.1	Schedule of Deviations and Justification Statement for each requested deviation (if YES was answered to Item # 2.B.)
1	✓ H-2.B.2	Site plan (24" X 36" size) detailing each requested deviation (if YES was answered to Item # 2.B.)
3	✓ H-2.B.2	Reduced site plans (11" X 17" size) detailing each requested deviation (if YES was answered to Item # 2.B.) - two originals required
		ADDITIONAL SUBMITTAL ITEMS FOR ADMINISTRATIVE AMENDMENT APPLICATIONS
3	✓ H-3.A	Area Location Map (8 ½' X 11" size)
1	✓ H-3.B	Approved Master Concept Plan and detailed drawings of any proposed deviations (24" X 36" size)
3	✓ H-3.C	Master Concept Plan (11" X 17' maximum size) including detailed drawings of any proposed deviations - two originals required
3	✓ H-3.D	Zoning Resolutions/Zoning Documents
		ADDITIONAL SUBMITTAL REQUIREMENTS FOR FINAL PLAN APPROVAL APPLICATIONS
3	H-4.A	Area Location Map (8 ½' X 11" size)
3	H-4.B	Approved Master Concept Plan and detailed drawings of any proposed deviations (24" X 36" size)
1	H-4.C	Proposed Final Plan including Deviations keyed to the plan (24" X 36" size)
3	H-4.D	Proposed Final Plan (11" X 17" maximum size) - two originals required
3	H-4.E	Zoning Resolutions/Zoning Documents

* At least one copy must be an original



APPLICATION FOR ADMINISTRATIVE ACTION FOR UNINCORPORATED AREAS ONLY

Applicant's Name: Taylor Woodrow Communities at Herons Glen, LLC
Project Name: Herons Glen RPD (f/k/a Del Vera North, f/k/a Del Tura)
STRAP Number(s): Please see Exhibit AA-3.A.1

TYPE OF ADMINISTRATIVE APPLICATION:

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- ☐ Administrative Variance (attach Supplement A)
- ☐ Commercial Lot Split (attach Supplement B)
- ☐ Consumption On Premises (attach Supplement C)
- ☐ Minimum Use Determination (attach Supplement D)
- ☐ LCLDC, Zoning District Boundaries, Ordinance Interpretation (attach Supplement E)
- ☐ Relief for Designated Historic Resources (attach Supplement F)
- ☐ Relief for Easement Encroachment (attach Supplement G)
- ☒ Administrative Amendment PUD or PD (attach Supplement H)
- ☐ Final Plan Approval per PD or Resolution: # _____ (attach Supplement H)
- ☐ Administrative Deviation from LCLDC Chapter 10, Section 10-104 (attach Supplement I)
- ☐ Placement of Model Home/Unit or Model Display Center (attach Supplement J)
- ☐ Dock & Shoreline Structures (attach Supplement K)
- ☐ Wireless Communication Facility Shared Use Plan Agreement (attach Supplement M)

Is this project located in the Estero Planning Community? ☐ YES ☒ NO

*If YES, please note that the applicant may be required to conduct one public informational session where the agent will provide a general overview of the project for any interested citizens.

STAFF USE ONLY

Case Number: ADD 2008-00152 Commission District: 4
Current Zoning: RPD Fee Amount: 1500.00
Land Use Classification: Outlying Sub Intake by: CWM
Planning Community: N. Ft. Myers

LEE COUNTY
COMMUNITY DEVELOPMENT
P.O. BOX 398 (1500 MONROE STREET)
FORT MYERS, FLORIDA 33902
PHONE (239) 479-8585

PART 1
APPLICANT/AGENT INFORMATION

A. Name of applicant: Taylor Woodrow Communities at Herons Glen, LLC
Address: Street : 4905 West Laurel Street
City: Tampa State: Florida Zip: 33607
Phone: Area Code: 813 Number: 227-4242 Ext: N/A
Fax: Area Code: 813 Number: 227-4252
E-mail address: tspence@taylormorrison.com

B. Relationship of Applicant to owner (check one):

- N/A Applicant (including an individual or husband & wife) is the sole owner of the property. [34-201(a)(1)a.1.]
Notarized Affidavit of Authorization form is attached as Exhibit AA-1.B.2.
(See Part 1 Exhibit Form A1 attached hereto for suggested Affidavit Form for an individual.) [34-202(b)(1)c.]
N/A
☒ Applicant has been authorized by the owner(s) to represent them for this action.
Notarized Affidavit of Authorization form is attached as Exhibit AA-1.B.2
(Please select the appropriate Affidavit Form from the suggested forms in Part 1 Exhibits attached hereto.) [34-202(b)(1)c.]
☒
N/A Applicant is a contract purchaser/vendee. [34-202(b)(1)d.]
Notarized Affidavit of Authorization form is attached as Exhibit AA-1.B2
[34-202(b)(1)c.] (Please select the appropriate Affidavit Form from the suggested forms in Part 1 Exhibits attached hereto.)
N/A

C. Authorized Agent: Name of the person who is to receive all County-initiated correspondence regarding this application. [34-202(b)(1)c.]

C.1. Company Name: Johnson Engineering, Inc.
Contact Person: Patricia Newton, Director of Planning
Address: Street : 2122 Johnson Street
City: Fort Myers State: Florida Zip: 33901
Phone: Area Code: 239 Number: 334-0046 Ext: N/A
Fax: Area Code: 239 Number: 334-3661
E-mail address: pnewton@johnsoneng.com

C.2. Additional Agent(s): The names of other agents that the County may contact concerning this application are attached as Exhibit AA-1.C2. [34-202(b)(1)c.]

PART 2
PROPERTY OWNERSHIP

Is this request specific to a particular tract of land? NO YES,
Please complete the following items.

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A. Property Ownership: Single owner (Individual or husband & wife only) [34-201(a)(1)a.1.]

A.1. Name: N/A

Address: Street: N/A

City: N/A **State:** N/A **Zip:** N/A

Phone: Area Code: N/A **Number:** N/A **Ext:** N/A

Fax: Area Code: N/A **Number:** N/A

E-mail address: N/A

B. Property Ownership: Multiple owners (Corporation, partnership, trust, association) [34-201(a)(1)].

B.1. ☒ Disclosure of (Ownership) Interests Form is attached as Exhibit AA-2.B1. [34-201(b)2]

C. Multiple Parcels

C.1. ☒ Property owners list is attached as Exhibit AA-2.C1. [34-202(a)(5)]

C.2. ☒ Property owners map is attached as Exhibit AA-2.C.2 [34-202(a)(5)]

D. Date property was acquired by present owner(s): May 6, 2005

**PART 3
PROPERTY INFORMATION**

Is this request specific to a particular tract of land? NO ☒ **YES. If the answer is YES, Please complete the following items.**

A. STRAP Number(s): Please see attached STRAP # list

B. Street Address of Property: 2550 Avenida Del Vera, Fort Myers, Florida

C. Legal Description

☒ **Legal description (on 8 1/2" by 11" paper) is attached as Exhibit AA-3.C.1. [34-202(a)(1)]**

☒ **Sealed sketch of the legal description is attached as Exhibit AA-3.C.2. [34-202(a)(1)]**

☒ **Electronic version of the legal description is attached as Exhibit AA-3.C.3.**

D. Boundary Survey

☒ **A Boundary survey, tied to the state plane coordinate system, is attached as Exhibit AA-3.D.1. [34-202(a)(2)]**

N/A **The property consists of one or more undivided platted lots in a subdivision recorded in the Official County Plat Books. A copy of the applicable plat book page is attached as Exhibit AA-3.D.2. [34-202(a)(2)]**

E. Planning Community: North Fort Myers

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F. General Location of Property:

F.1. ☒ Area location map is attached as Exhibit AA-3.F. [34-202(a)(4)]

F.2. Directions to property: US 41 north to Herons Glen on right, approximately one mile north of Nalle Grade Road.

G. Current Zoning of Property: RPD and AG-2

Current use(s) of property:

H. Residential, preserve, vacant residential, vacant agriculture, and golf course.

I. Property Dimensions [34-202(a)(8)]

1. Width (average if irregular parcel):	<u>4,500+</u>	Feet	
2. Depth (average if irregular parcel):	<u>12,500+</u>	Feet	
3. Total area:	<u>1,568+</u>	Acres or square feet	
4. Frontage on road or street:	<u>2,410+</u>	Feet on <u>US 41</u>	Street
2 nd Frontage on road or street:	<u>N/A</u>	Feet on <u>N/A</u>	Street

**PART 4
ACTION REQUESTED**

A. TYPE OF REQUEST (please check one)

- ☐ Administrative Variance (requires supplement A)
- ☐ Commercial Lot Split (requires supplement B)
- ☐ Consumption On Premises (requires supplement C)
- ☐ Minimum Use Determination (requires supplement D)
- ☐ LCLDC. Zoning District Boundaries, or Ordinance Interpretation (requires supplement E)
- ☐ Relief for Designated Historic Resources (requires supplement F)
- ☐ Easement Encroachment (requires supplement G)
- ☒ Administrative Amendment to a PUD or Planned Development (requires supplement H)
- ☐ Final Plan Approval for a Planned Development (requires supplement H)
- ☐ Administrative Deviation from Chapter 10 of the LDC (requires supplement I)
- ☐ Placement of Model Home/Unit or Model Display Center (requires supplement J)
- ☐ Dock & Shoreline Structure (requires supplement K)
- ☐ Wireless Communication Facility Shared Use Plan Agreement (requires supplement M)

B. NATURE OF REQUEST (please print): This request is to amend the schedule of uses to allow a recreation amenity for a residential subdivision within the approved development. The recreation use was previously approved, however the last administrative amendment request omitted this use from the Residential (R) category.

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ADMINISTRATIVE ACTION REQUEST
SUPPLEMENT H
FOR UNINCORPORATED AREAS ONLY

ADMINISTRATIVE AMENDMENT TO A
PUD OR PLANNED DEVELOPMENT PER LCLDC
SECTION 34-380(b) or FINAL PLAN APPROVAL FOR
A PLANNED DEVELOPMENT

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Case Number

Project Name:

Herons Glen RPD (f/k/a Del Vera North, f/k/a Del Tura)

COMMUNITY DEVELOPMENT

Applicant's Name:

Taylor Woodrow Communities at Herons Glen, LLC

STRAP Number(s):

Please see Exhibit AA-3.A.1

Indicate whether REQUEST is for:

- ☒ ADMINISTRATIVE AMENDMENT (please complete PART 1, PART 2., & PART 3.)
☐ FINAL PLAN APPROVAL (please complete PART 1, PART 2, & PART 4.)

If the request is for an administrative amendment to a PUD or to a Planned Development or Final Plan Approval please submit the "Application for Administrative Action" form for unincorporated areas and Supplement H including the following:

PART 1.
APPLICATION INFORMATION

A. ORIGINAL PROJECT NAME (if different than Project Name currently used):

Del Vera North and Del Tura

B. ORIGINAL REZONING RESOLUTION NUMBER: Z-00-078

C. SUBSEQUENT ZONING ACTION RESOLUTION/CASE NUMBERS (if any): Please list all previous zoning and administrative actions (approvals and denials) on this project subsequent to the original rezoning including Resolution Numbers and Case Numbers (provide added sheets, if necessary; label as Exhibit H-1.C.).

ADD2006-00166

ADD2004-00018

ADD2006-00080

ADD2003-00096

ADD2005-00209

ADD2002-00088

ADD2004-00217

ADD20002-00005

ADD2004-00021

ADD 2008-00152

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- D. **DEVELOPMENT ORDER NUMBERS FOR PROJECT** (if any): Please list all development orders approved on this project. Please indicate the status of each development order (provide added sheets, if necessary; label as **Exhibit H-1.D.**).

Please see Exhibit H-1.D.

PART 2. REQUESTED ACTION

- A. **WRITTEN NARRATIVE:** Please provide a written narrative statement explaining exactly what is proposed. Label as **Exhibit H-2.A.**
- B. **RELIEF/DEVIATIONS:** Is any relief requested from the provisions of the Lee County Land Development Code? ☒ NO ☐ YES.

If the answer is **YES**, provide a **written narrative statement** explaining the specific relief requested (a schedule of deviations). Include specific references to any section (number(s) and name(s)) of the Lee County Land Development Code (LCLDC) from which relief is sought including why the requested relief is necessary and how it will affect the project. Explain what conditions currently exist which warrant this request for relief from the regulations (a written justification for each of the requested deviations). Label narrative statement as **Exhibit H-2.B.1.**

Also provide four (6) sets of drawings detailing any proposed deviations or changes to the MASTER CONCEPT PLAN (MCP) in 11" X 17" size (two originals required) and one (1) 24" x 36" size. All deviation requests must be specifically keyed to the location on the MCP. Label deviation drawing(s) as **Exhibit H-2.B.2.**

PART 3. ADDITIONAL SUBMITTAL REQUIREMENTS FOR ADMINISTRATIVE AMENDMENT APPLICATIONS

Please submit the following for all Administrative Amendment Applications:

- A. **AREA LOCATION MAP:** An **Area Location Map** (on 8.5" by 11" paper) must be provided. The map must be marked to show the location of the property to be developed in relation to arterial and collector streets as well as the location of existing easements and rights-of-way on or abutting the property. Label as **Exhibit H-3.A. [34-373(a)(4)b.]**
- B. **APPROVED MASTER CONCEPT PLAN:** Provide one (1) APPROVED MASTER CONCEPT PLAN (MCP) and DETAILED DRAWINGS of any DEVIATIONS OR CHANGES BEING PROPOSED at a size of 24" X 36". Label as **Exhibit H-3.B. [34-373(a)(6)]**
- C. **REDUCED SIZE MASTER CONCEPT PLAN:** Provide one (6) copies of the MASTER CONCEPT PLAN REDUCED to a maximum size of 11" x 17" (two originals required). Label as **Exhibit H-3.C.**
- D. **ZONING RESOLUTIONS/ZONING DOCUMENTS:** Please attach six (6) copies of any zoning resolutions or documents that are still valid. Include the original rezoning resolution, final plan approval letters, Administrative Approval letters, and any other documentation granting relevant approvals. Label as **Exhibit H-3.D.**

PART 4.
ADDITIONAL SUBMITTAL REQUIREMENTS FOR FINAL PLAN APPROVAL APPLICATIONS

Please submit the following for all Final Plan Approval Applications:

- A. **AREA LOCATION MAP:** An **Area Location Map** (on 8.5" by 11" paper) must be provided. The map must be marked to show the location of the property to be developed in relation to arterial and collector streets as well as the location of existing easements and rights-of-way on or abutting the property. Label as **Exhibit H-4.A. [34-373(a)(4)b.]**
- B. **APPROVED MASTER CONCEPT PLAN:** Provide one (1) **APPROVED MASTER CONCEPT PLAN (MCP)** and **DETAILED DRAWINGS** of any **DEVIATIONS OR CHANGES BEING PROPOSED**. Label as **Exhibit H-4.B. [34-373(a)(6)]**
- C. **PROPOSED FINAL PLAN:** Please submit six (6) copies of the proposed Final Plan consistent with the approved Master Concept Plan and the approved Zoning Resolution. This proposed Final Plan must show any **DEVIATION(s)** keyed on the plan to identify the location of the specific deviation. Label as **Exhibit H-4.C.**
- D. **REDUCED SIZE COPY OF THE PROPOSED FINAL PLAN:** Please submit six (6) copies of the proposed Final Plan **REDUCED** to a maximum size of 11" x 17" (two originals required). Label as **Exhibit H-4.D.**
- E. **ZONING RESOLUTIONS/ZONING DOCUMENTS:** Please attach six (6) copies of any zoning resolutions or documents that are still valid. Include the original rezoning resolution, final plan approval letters, Administrative Approval letters, and any other documentation granting relevant approvals. Label as **Exhibit H-4.E.**

EXHIBIT AA-1.C2
ADDITIONAL AGENTS

Company Name: Johnson Engineering, Inc.
Contact Person: Patricia Newton, Director of Planning
Address: **Street :** 2122 Johnson Street
City: Fort Myers **State** FL **Zip:** 33901
Phone: **Area Code:** 239 **Number:** 461-2401 **Ext.** _____
Fax: **Area Code:** 239 **Number:** 334-3661
E-mail address: pnewton@johnsoneng.com

Company Name: Pavese Law
Contact Person: Neale Montgomery
Address: **Street :** 1833 Hendry Street
City: Fort Myers **State** FL **Zip:** 33901
Phone: **Area Code:** 239 **Number:** 334-2195 **Ext.** _____
Fax: **Area Code:** 239 **Number:** 332-2243
E-mail address: nealemontgomery@paveselaw.com

Company Name: David Plummer and Associates, Inc.
Contact Person: Mark Gillis
Address: **Street :** 1531 Hendry Street
City: Fort Myers **State** Florida **Zip:** 33901
Phone: **Area Code:** 239 **Number:** 332-2617 **Ext.** _____
Fax: **Area Code:** 239 **Number:** 332-2645
E-mail address: mark.gillis@dplummer.com

Company Name: _____
Contact Person: _____
Address: **Street:** _____
City: _____ **State:** _____ **Zip:** _____
Phone: **Area Code:** _____ **Number:** _____ **Ext:** _____
Fax: **Area Code:** _____ **Number:** _____
E-mail address: _____

ADD 2008-00152

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COMMUNITY DEVELOPMENT

MAGNOLIA LANDING DEVELOPMENT ORDERS
Exhibit H-1.D.

10-28-08

Permit	Approval	Status
Residential and Golf Course		
DO – Golf Course DOS2004-00023 Minor Change 1, 2, 3, 4 DO Amendment 1, 2, 3	7-21-04	Completed
DO – Residential DOS2004-00170 Minor Change 1, 2 and 3	8-17-05	Completed
Clubhouse		
DO Clubhouse DOS2005-00364 Minor Change 1 & 2	6-20-06	
Units C & D		
DO Units C & D DOS2006-00167 Minor Change 1	3-15-07	Working on Certification Completion
Maintenance Facility		
DO Maintenance Facility DOS2005-00017	11-8-05	Completed
Entrance Road		
DO Entrance Road DOS2005-00352 Minor Change 1 Minor Change 2 Minor Change 3 (<i>submitted 10-6-08</i>)	6-19-06 12-6-06 6-28-07	Completed Completed Pending Approval
Units I, J, L		
DO I, J, L DOS2006-00288 (<i>RAI #3 8-28-07</i>)		Case Vacated.

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COMMUNITY DEVELOPMENT

AUTHORIZATION

I/We, **Thomas R. Spence, Vice President**, the owner(s) does hereby authorize Johnson Engineering, Inc. (Johnson) and Pavese Law (Pavese) to act on our behalf. This authorization is limited in scope and Johnson and Pavese are only responsible for submitting the application/sufficiency information required to enable the owner/developer to obtain permits or approval of an application for a **Administrative Amendment to a PUD**

This authorization is for the filing and processing of an application for a Administrative Amendment to a PUD and the land subject to this application is described in the attached Exhibit A. While Johnson and Pavese are hereby granted the authority to act as agent(s) for the purposes set forth herein, they are not responsible for the truth and reliability of any information generated by other consultants or parties other than Johnson and Pavese. Johnson and Pavese are only authorized to submit the information provided by third parties and it is not authorized to analyze the information. Furthermore, they are not responsible in any respect for compliance with any permit or approval that may be granted as a result of the application by this authorization and, it is understood that the liability or responsibility for compliance with the terms of the application or permit remains at all times with Taylor Woodrow Communities at or such other person as the owner/developer designates. Herons Glen, LLC

Name: Thomas R. Spence 

Title: Vice President

Address: 4905 West Laurel Street
Tampa, Florida 33607

Telephone: 813-227-4242

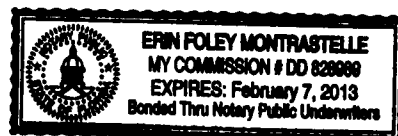
STATE OF Florida
COUNTY OF Hillsborough

The foregoing instrument was acknowledged before me this 28th day of October, 2008 by **Thomas R. Spence, Vice President** who is personally known to me or had produced Taylor Woodrow Communities at Herons Glen, LLC

as identification and who did (did not) take an oath.

(SEAL)

ERIN FOURY MONTRASTALE
(Typed, printed or stamped name of Notary)



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ADD 7008-00152

COMMUNITY DEVELOPMENT

PART I AFFIDAVIT A2
(EXHIBIT AA-1.B.2)

AFFIDAVIT FOR ADMINISTRATIVE ACTION
APPLICATION IS SIGNED BY A CORPORATION, LIMITED LIABILITY COMPANY (L.L.C.), LIMITED
COMPANY (L.C.), PARTNERSHIP, LIMITED PARTNERSHIP, OR TRUSTEE

I, * Thomas R. Spence as Vice President of Taylor Woodrow Communities at Herons Glen, LLC, swear or affirm under oath, that I am the owner or the authorized representative of the owner(s) of the property and that:

1. I have full authority to secure the approval(s) requested and to impose covenants and restrictions on the referenced property as a result of any action approved by the County in accordance with this application and the Land Development Code;
2. All answers to the questions in this application and any sketches, data or other supplementary matter attached hereto and made a part of this application are honest and true;
3. I am hereby authorizing the staff of Lee County Community Development to enter upon the property during normal working hours for the purpose of investigating and evaluating the request made thru this application; and that
4. The property will not be transferred, conveyed, sold or subdivided unencumbered by the conditions and restrictions imposed by the approved action.

Taylor Woodrow Communities at Herons Glen, LLC
*Name of Entity (corporation, partnership, LLP, LC, etc)

Thomas R. Spence
Signature
Vice President
(title of signatory)

Thomas R. Spence, Vice President
(Type or printed name)

STATE OF Florida
COUNTY OF Hillsborough

The foregoing instrument was sworn to (or affirmed) and subscribed before me this 28th of October (date) by Thomas R. Spence, VP, Taylor Woodrow Communities at Herons Glen, LLC. (name of person providing oath or affirmation), who is personally known to me or who has produced _____ (type of identification) as identification.

Erin Foley Montrastelle
Signature of person taking oath or affirmation
A/P Admin
Title or rank

Erin Foley Montrastelle
Name typed, printed or stamped

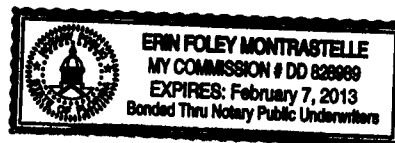
Serial number, if any

*Notes:

- If the applicant is a corporation, then it is usually executed by the corp. pres. or v. pres.
- If the applicant is a Limited Liability Company (L.L.C.) or Limited Company (L.C.), then the documents should typically be signed by the Company's "Managing Member."
- If the applicant is a partnership, then typically a partner can sign on behalf of the partnership.
- If the applicant is a limited partnership, then the general partner must sign and be identified as the "general partner" of the named partnership.
- If the applicant is a trustee, then they must include their title of "trustee."
- In each instance, first determine the applicant's status, e.g., individual, corporate, trust, partnership, estate, etc., and then use the appropriate form for that ownership.

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COMMUNITY DEVELOPMENT



**EXHIBIT AA-2.B1
DISCLOSURE OF INTEREST FORM FOR:**

STRAP NO. Please see Exhibit AA-3.A.1 **CASE NO.** _____

1. If the property is owned in fee simple by an INDIVIDUAL, tenancy by the entirety, tenancy in common, or joint tenancy, list all parties with an ownership interest as well as the percentage of such interest.

Name and Address	Percentage of Ownership
_____	_____
_____	_____
_____	_____
_____	_____
_____	_____

2. If the property is owned by a CORPORATION, list the officers and stockholders and the percentage of stock owned by each.

Name and Address	Percentage of Stock
Taylor Woodrow Communities at Herons Glen, LLC	100%
4905 West Laurel Street	_____
Tampa, Florida 33607	_____
_____	_____
_____	_____

3. If the property is in the name of a TRUSTEE, list the beneficiaries of the trust with percentage of interest.

Name and Address	Percentage of Interest
_____	_____
_____	_____
_____	_____
_____	_____
_____	_____

4. If the property is in the name of a GENERAL PARTNERSHIP OR LIMITED PARTNERSHIP, list the names of the general and limited partners.

Name and Address	Percentage of Ownership
_____	_____
_____	_____
_____	_____
_____	_____
_____	_____

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Pages 1 of 2

COMMUNITY DEVELOPMENT

5. If there is a CONTRACT FOR PURCHASE, whether contingent on this application or not, and whether a Corporation, Trustee, or Partnership, list the names of the contract purchasers below, including the officers, stockholders, beneficiaries, or partners.

Name and Address	Percentage of Stock

Date of Contract: _____

6. If any contingency clause or contract terms involve additional parties, list all individuals or officers, if a corporation, partnership, or trust.

Name and Address	

For any changes of ownership or changes in contracts for purchase subsequent to the date of the application, but prior to the date of final public hearing, a supplemental disclosure of interest shall be filed.

The above is a full disclosure of all parties of interest in this application, to the best of my knowledge and belief.

Signature: _____

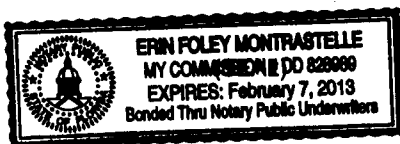
Thomas R. Spence
(Applicant)

Thomas R. Spence, Vice President of Taylor Woodrow Communities at Herons Glen, LLC

(Printed or typed name of applicant)

STATE OF FLORIDA
COUNTY OF Hillborough

The foregoing instrument was acknowledged before me this 28th day of October, 20 08
by Thomas R. Spence, VP, Taylor Woodrow Communities at Herons Glen, LLC. who is personally
known to me or who has produced _____
as identification.



Erin Foley Montrastelle
Signature of Notary Public
ERIN FOLEY MONTRASTELLE
Printed Name of Notary Public

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OCT 29 2008

October 29, 2008

Ms. Pamela Houck, Director of Zoning
Lee County Division of Zoning
Department of Community Development
Post Office Box 398
1500 Monroe Street
Fort Myers, Florida 33902-0398

Re: Application for Administrative Action
Herons Glen RPD (Z-05-010)

Dear Ms. Houck :

The purpose of this request is to amend the schedule of uses for the Residential Planned Development known as Herons Glen (f/k/a Del Vera North, f/k/a Del Tura). Herons Glen is located on the east side of US 41 in North Fort Myers and south of the Lee/Charlotte County line. The subject property is also a Development of Regional Impact (DRI) and was amended by zoning resolution Z-00-078 and several other administrative amendments.

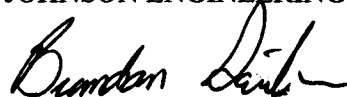
The last administrative amendment (ADD2006-00166) also amended the scheduled of uses for this development. The approved schedule of uses is divided into three categories: Residential "R", Residential Open Space "RO", and Conservation "CO". ADD2006-00166 omitted the use "Recreation Facilities, Private On-site, and Private Off-site such as: Basketball Courts, Biking, Hiking, Fishing Piers, Picnic Areas, and Nature Trails" from the Residential "R" Category. The applicant proposes to amend the schedule of uses to include "Recreation Facilities, Private On-site and Private Off-site limited to the existing sales center site located at the Magnolia Landing entranceway" in the Residential "R" category. A strikethrough and underlined version of the schedule of uses is included in this package.

The applicant proposes to convert the existing sales center in (approved by development order DOS2005-00634) to an amenity center for use by the residents of Magnolia Landing within Herons Glen. A copy of the proposed master concept plan showing the location of the proposed amenity center together with a sketch showing the layout of the amenity center is attached.

Thank you for your consideration of this request. Should you have any questions please do not hesitate to call.

Sincerely,

JOHNSON ENGINEERING, INC.



Brandon Scribner
Planner

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COMMUNITY DEVELOPMENT

Attachments
BMS/20087433

Exhibit H-2.A

Schedule of Uses
October 2008

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COMMUNITY DEVELOPMENT

Residential "R"

Administrative Offices

Dwelling Units

Single Family

Two Family Attached

Zero Lot Line

Townhouse

Model Homes, Model Units, and Model display Center, limited to the residential uses within Herons Glen RPD

Speculative Home

Residential Accessory Uses, included but not limited to:

Private Garages, Carports and Parking Areas

Private Swimming Pools

Private Tennis Courts

Entrance Gates and Gatehouse

Essential Services

Essential Service Facilities, Groups I and II

Excavations, Water Retention (as further limited by other conditions)

Fences, Walls

Home Occupation (in compliance with LDC §34-1771 *et seq*)

Real Estate Sales Center limited to residential use within Herons Glen

Recreation Facilities, Private On-site and Private Off-site limited to the existing sales center site located at the Magnolia Landing entranceway

Signs (in conformance with LDC Ch. 30)

Residential Open Space "RO" (Open Space, Golf Course, and Buffers)

~~Recreation Facilities, Private On-site and Private Off-site such as: Basketball Courts,~~

~~Biking, Hiking, Fishing Piers, Picnic, Areas and Nature Trails~~

Clubs, Country

Golf Courses, including practice areas/ranges and a Pro Shop- must be located within the Club House

Commercial Uses—Limited to those uses permitted by right or by special exception in the CN-1 and the CN-2 plus the following (as permitted by Resolution Z-88-069, Z-92-060, PD-96-018):

Essential Services

Essential Service Facilities, Groups I and II

Entrance Gates and Gatehouses

Excavation, Water Retention

Fences and Walls

Outdoor Seating for the Consumption on Premises, in compliance with LDC § 34-1261 *et seq*.

Golf Course Maintenance Facility

Personal Services, Group II

Health Clubs

Massage Establishments (as limited by other conditions)

Real Estate Sales Center limited to residential use within Herons Glen

Recreation Facilities, Private On-site and Private Off-site such as: Basketball Courts,

Biking, Hiking, Fishing Piers, Picnic, Areas and Nature Trails

Signs (in compliance with LDC Ch. 30)

Storage, Outdoor (as further limited by other conditions)

Temporary Uses, limited to construction trailers (subject to compliance with LDC Ch. 34)

Conservation "CO"

Interpretative Areas, Rain Shelters, Gazebos, Nature and Pedestrian Trails (subject to further review and conditions by Lee County)

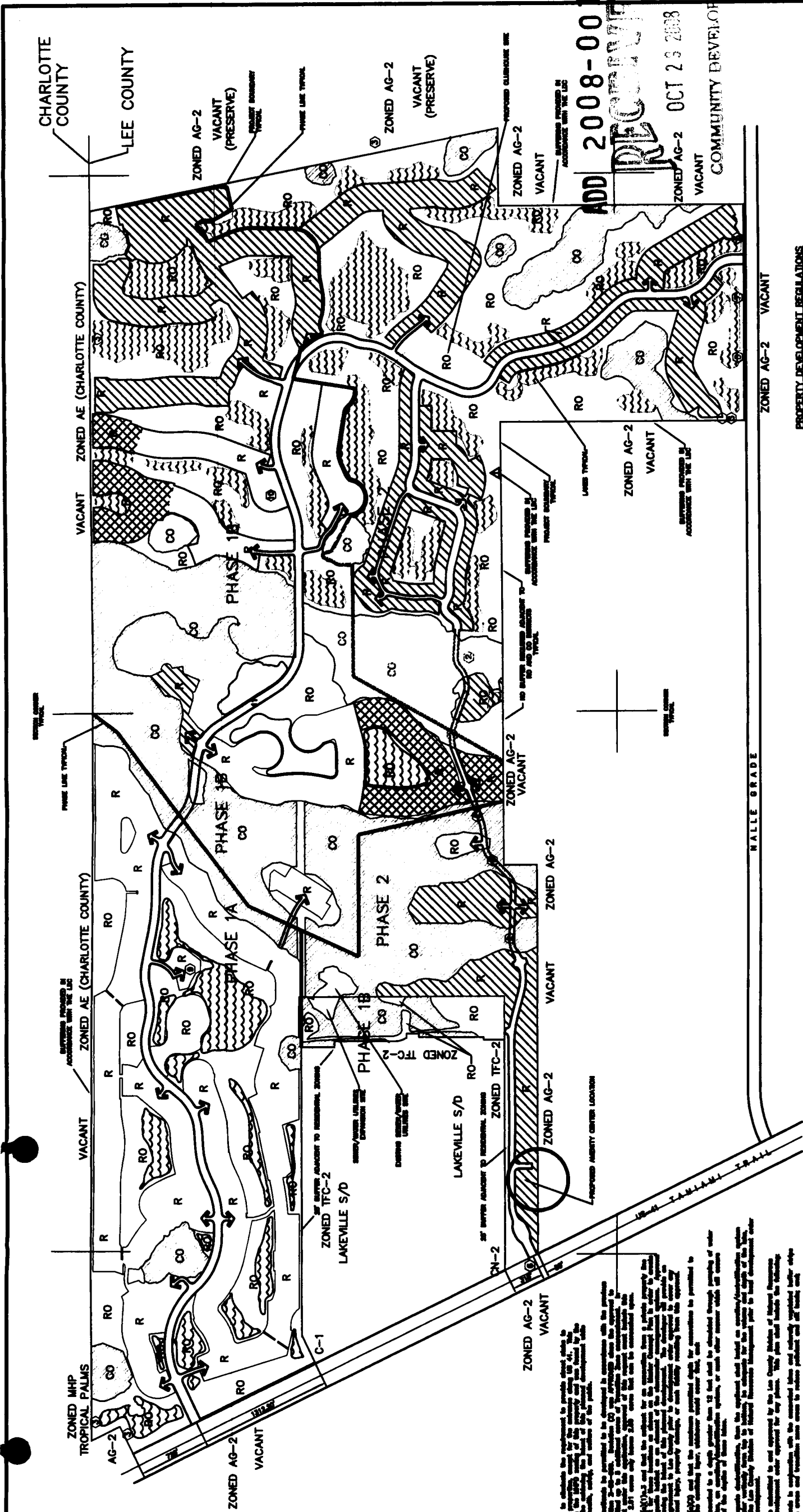
Water Management Facilities, Utility and/or Roadway Crossings (subject to further review and conditions by Lee County)

Signs (in compliance with LDC Ch. 30)

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COMMUNITY DEVELOPMENT

ADD 2008-00152



LIST OF DEVIATIONS

- 1) Deviation from LDC Section 10-200 is made to provide for a single lot within the proposed development. The lot is shown on the map as a single lot and is not subject to the provisions of the LDC. The lot is shown on the map as a single lot and is not subject to the provisions of the LDC.
- 2) Deviation from LDC Section 10-200 is made to provide for a single lot within the proposed development. The lot is shown on the map as a single lot and is not subject to the provisions of the LDC. The lot is shown on the map as a single lot and is not subject to the provisions of the LDC.
- 3) Deviation from LDC Section 10-200 is made to provide for a single lot within the proposed development. The lot is shown on the map as a single lot and is not subject to the provisions of the LDC. The lot is shown on the map as a single lot and is not subject to the provisions of the LDC.
- 4) Deviation from LDC Section 10-200 is made to provide for a single lot within the proposed development. The lot is shown on the map as a single lot and is not subject to the provisions of the LDC. The lot is shown on the map as a single lot and is not subject to the provisions of the LDC.
- 5) Deviation from LDC Section 10-200 is made to provide for a single lot within the proposed development. The lot is shown on the map as a single lot and is not subject to the provisions of the LDC. The lot is shown on the map as a single lot and is not subject to the provisions of the LDC.
- 6) Deviation from LDC Section 10-200 is made to provide for a single lot within the proposed development. The lot is shown on the map as a single lot and is not subject to the provisions of the LDC. The lot is shown on the map as a single lot and is not subject to the provisions of the LDC.
- 7) Deviation from LDC Section 10-200 is made to provide for a single lot within the proposed development. The lot is shown on the map as a single lot and is not subject to the provisions of the LDC. The lot is shown on the map as a single lot and is not subject to the provisions of the LDC.
- 8) Deviation from LDC Section 10-200 is made to provide for a single lot within the proposed development. The lot is shown on the map as a single lot and is not subject to the provisions of the LDC. The lot is shown on the map as a single lot and is not subject to the provisions of the LDC.
- 9) Deviation from LDC Section 10-200 is made to provide for a single lot within the proposed development. The lot is shown on the map as a single lot and is not subject to the provisions of the LDC. The lot is shown on the map as a single lot and is not subject to the provisions of the LDC.
- 10) Deviation from LDC Section 10-200 is made to provide for a single lot within the proposed development. The lot is shown on the map as a single lot and is not subject to the provisions of the LDC. The lot is shown on the map as a single lot and is not subject to the provisions of the LDC.
- 11) Deviation from LDC Section 10-200 is made to provide for a single lot within the proposed development. The lot is shown on the map as a single lot and is not subject to the provisions of the LDC. The lot is shown on the map as a single lot and is not subject to the provisions of the LDC.

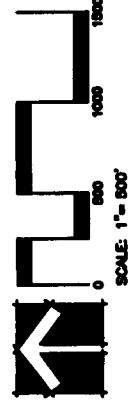
LAND USE SUMMARY			
LAND USE	AREA (AC)	PERCENTAGE	TOTAL AREA (AC)
RESIDENTIAL	1,000.00	100.00%	1,000.00
COMMERCIAL	0.00	0.00%	0.00
INDUSTRIAL	0.00	0.00%	0.00
OPEN SPACE	0.00	0.00%	0.00
WATER	0.00	0.00%	0.00
ROADS	0.00	0.00%	0.00
UTILITIES	0.00	0.00%	0.00
TOTAL	1,000.00	100.00%	1,000.00

LAND USE TABLE

LAND USE	AREA (AC)	PERCENTAGE	TOTAL AREA (AC)
RESIDENTIAL	1,000.00	100.00%	1,000.00
COMMERCIAL	0.00	0.00%	0.00
INDUSTRIAL	0.00	0.00%	0.00
OPEN SPACE	0.00	0.00%	0.00
WATER	0.00	0.00%	0.00
ROADS	0.00	0.00%	0.00
UTILITIES	0.00	0.00%	0.00
TOTAL	1,000.00	100.00%	1,000.00

PROPERTY DEVELOPMENT REGULATIONS			
PROPERTY	DEVELOPMENT	REGULATIONS	REMARKS
1.00	1.00	1.00	1.00
2.00	2.00	2.00	2.00
3.00	3.00	3.00	3.00
4.00	4.00	4.00	4.00
5.00	5.00	5.00	5.00
6.00	6.00	6.00	6.00
7.00	7.00	7.00	7.00
8.00	8.00	8.00	8.00
9.00	9.00	9.00	9.00
10.00	10.00	10.00	10.00

PROPERTY DEVELOPMENT REGULATIONS			
PROPERTY	DEVELOPMENT	REGULATIONS	REMARKS
1.00	1.00	1.00	1.00
2.00	2.00	2.00	2.00
3.00	3.00	3.00	3.00
4.00	4.00	4.00	4.00
5.00	5.00	5.00	5.00
6.00	6.00	6.00	6.00
7.00	7.00	7.00	7.00
8.00	8.00	8.00	8.00
9.00	9.00	9.00	9.00
10.00	10.00	10.00	10.00



- 1) DEMONSTRATION LOCATION INDEX
- 2) DEMONSTRATION 4 APPLIES THROUGHOUT THE COMMUNITY
- LEGEND
- 1.00
 - 2.00
 - 3.00
 - 4.00
 - 5.00
 - 6.00
 - 7.00
 - 8.00
 - 9.00
 - 10.00

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

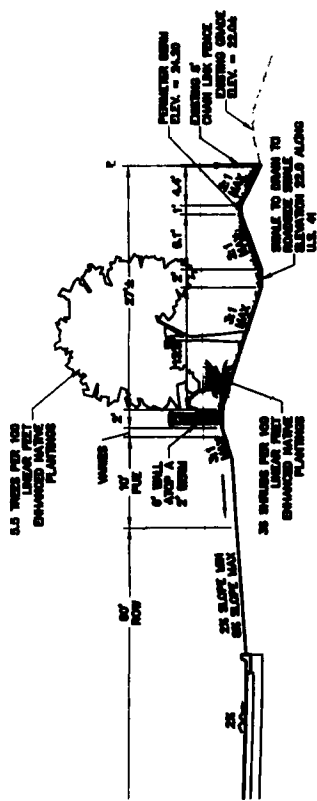
HERONS GLEN
LEE COUNTY, FLORIDA

[illegible]

DATE:	OCTOBER, 2008
SHEET NO.	200550065
FILE NO.	4-43-24
SCALE:	1" = 40'

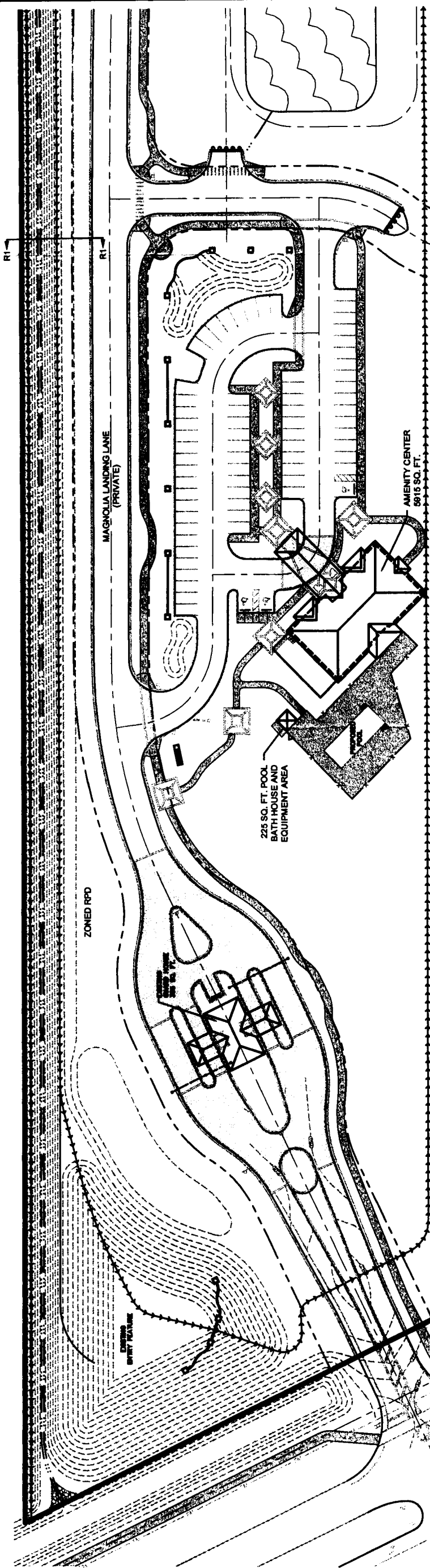
ADD 2008-001 AMENITY CENTER SITE PLAN

SHEET NUMBER
C-01



R1-R1
NORTH PROPERTY LINE BUFFER-ROADWAY
r' = 10'

**LAKEVILLE
SUBDIVISION**



PROJECT BOUNDARY

A MINIMUM 40' WIDE BUFFER IS REQUIRED BETWEEN THE PROPOSED AMENITY BUILDING AND THE FUTURE RESIDENTIAL DEVELOPMENT ALONG WITH A MINIMUM 20' WIDE BUFFER BETWEEN THE PARKING LOT AND FUTURE RESIDENTIAL WILL BE PROVIDED AS PART OF THE DEVELOPMENT ORDER PROCESS FOR THE FUTURE RESIDENTIAL.

**ZONED AG-2
VACANT**

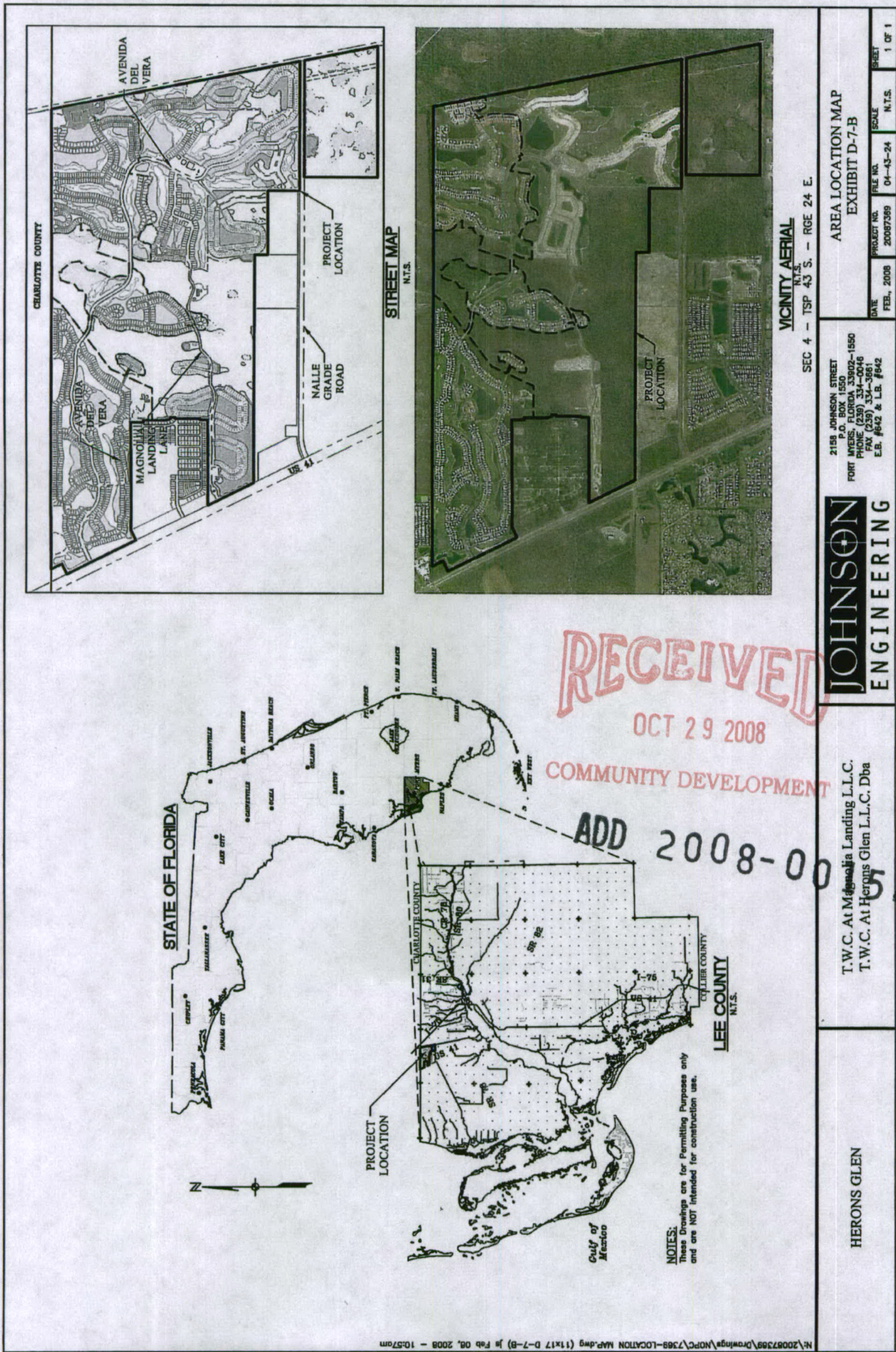
CURRENTLY UNDER REVIEW
CASE NO. DRJ2008-00004 (NOPC) AND DCJ2008-00018 (RPD)

ADD 2008-0

COMMUNITY DEVELOPMENT

05129708

SECRET



CHARLOTTE COUNTY

AVENIDA DEL VERA

MAGNOLIA LANDING

PROJECT LOCATION

NALLE GRADE ROAD

US 44

STREET MAP
N.T.S.



VICINITY AERIAL
N.T.S.

SEC 4 - TSP 43 S. - RGE 24 E.

AREA LOCATION MAP
EXHIBIT D-7-B

2158 JOHNSON STREET
P.O. BOX 1550
FORT MEADE, FL 34942-1550
PHONE (239) 334-3861
FAX (239) 334-3861
E.B. #642 & L.B. #642

JOHNSON
ENGINEERING

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

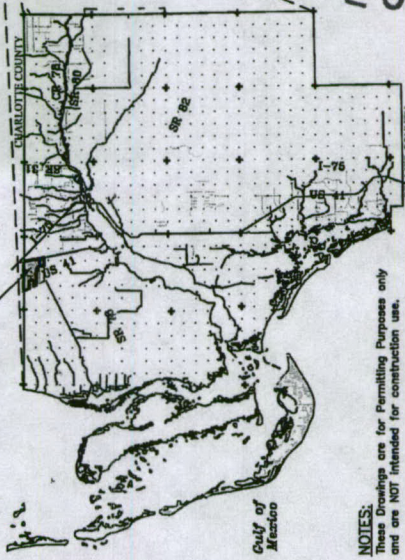
HERONS GLEN

DATE: FEB., 2008
PROJECT NO.: 20087399
FILE NO.: 04-43-24
SCALE: N.T.S.
SHEET: 1 OF 1

STATE OF FLORIDA



PROJECT LOCATION



LEE COUNTY
N.T.S.

NOTES:
These Drawings are for Permitting Purposes only
and are NOT intended for construction use.

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COMMUNITY DEVELOPMENT

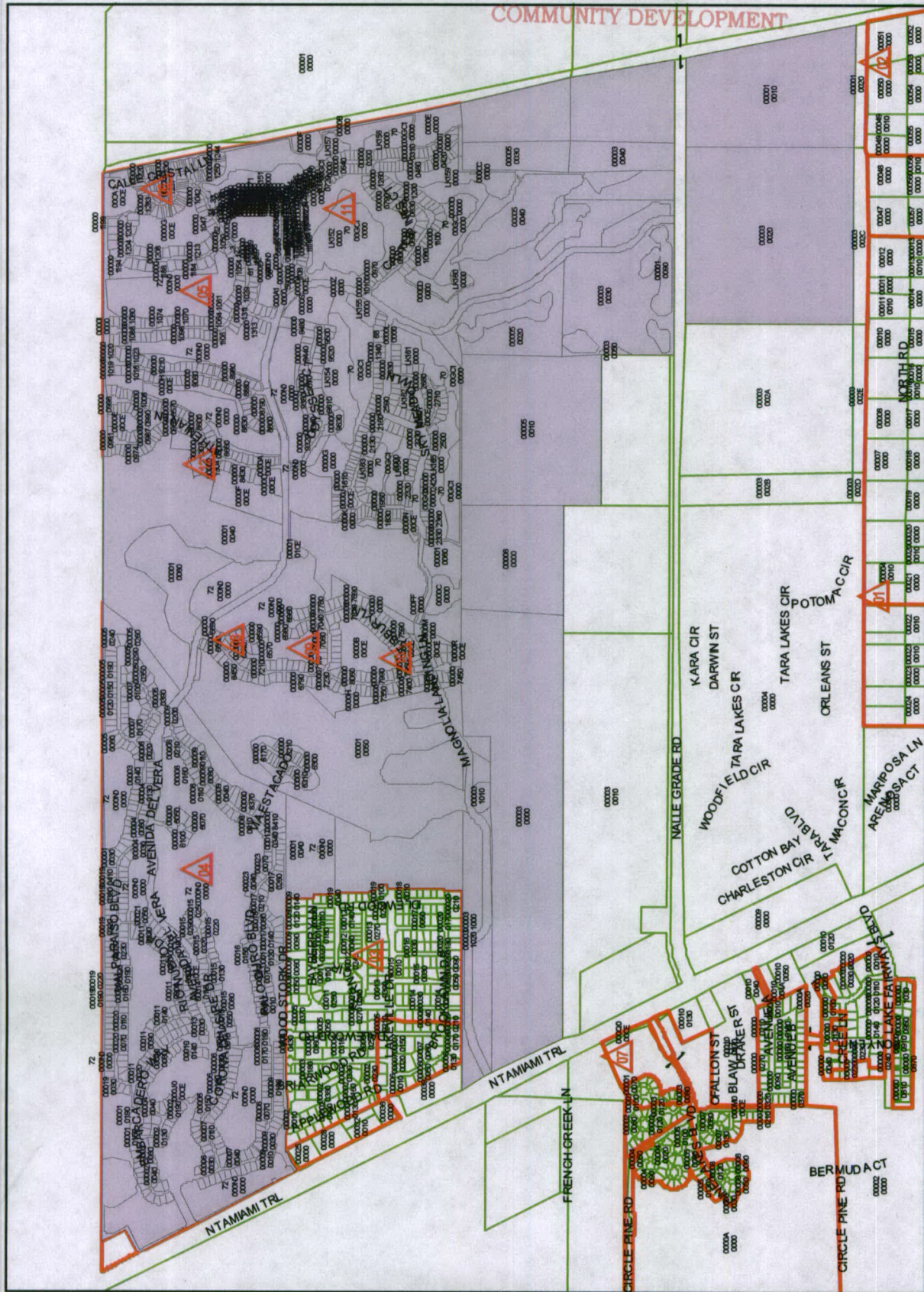
ADD 2008-0052

GIS Strap Pull

5/16/2008

ADD 2008-00152

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1,800 900 0 1,800 Feet

ADD 2008-00152

Herons Glen
Trap Numbers

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0343240000050010	04432404000180040	04432404000140140
0343240000050040	04432404000180070	04432404000140130
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0343240000050030	04432404000160160	04432404000130020
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03432411000000520	04432404000060230	04432404000140170
03432411000002220	04432405000090050	04432405000090110
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04432404000120040	04432404000190140	05432404000020090
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05432404000070180	04432410000007550	04432404000190420
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COMMUNITY DEVELOPMENT

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ADD 2008-00152

Herons Glen
Strap NumbersRECEIVED
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COMMUNITY DEVELOPMENT

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ADD 2008-00152

Herons Glen
Strap Numbers

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COMMUNITY DEVELOPMENT

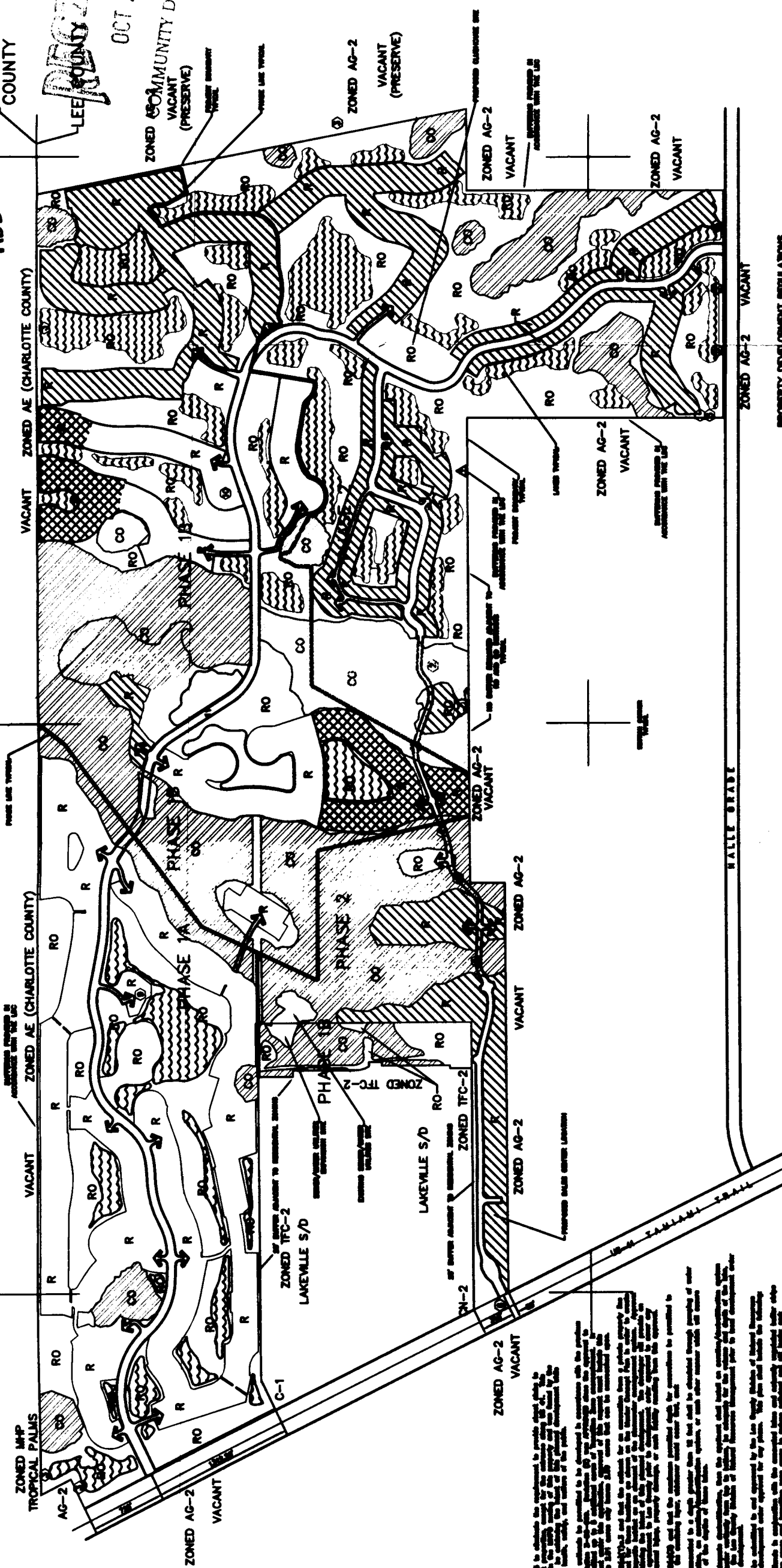
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ADD 20080152

COUNTY

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COMMUNITY DEVELOPMENT
VACANT (PRESERVE)



LIST OF REVISIONS

- (1) Revision from 10/23/03 to 10/23/03. The map was updated to reflect the latest zoning information. The map was updated to reflect the latest zoning information. The map was updated to reflect the latest zoning information.
- (2) Revision from 10/23/03 to 10/23/03. The map was updated to reflect the latest zoning information. The map was updated to reflect the latest zoning information. The map was updated to reflect the latest zoning information.
- (3) Revision from 10/23/03 to 10/23/03. The map was updated to reflect the latest zoning information. The map was updated to reflect the latest zoning information. The map was updated to reflect the latest zoning information.
- (4) Revision from 10/23/03 to 10/23/03. The map was updated to reflect the latest zoning information. The map was updated to reflect the latest zoning information. The map was updated to reflect the latest zoning information.
- (5) Revision from 10/23/03 to 10/23/03. The map was updated to reflect the latest zoning information. The map was updated to reflect the latest zoning information. The map was updated to reflect the latest zoning information.
- (6) Revision from 10/23/03 to 10/23/03. The map was updated to reflect the latest zoning information. The map was updated to reflect the latest zoning information. The map was updated to reflect the latest zoning information.
- (7) Revision from 10/23/03 to 10/23/03. The map was updated to reflect the latest zoning information. The map was updated to reflect the latest zoning information. The map was updated to reflect the latest zoning information.
- (8) Revision from 10/23/03 to 10/23/03. The map was updated to reflect the latest zoning information. The map was updated to reflect the latest zoning information. The map was updated to reflect the latest zoning information.
- (9) Revision from 10/23/03 to 10/23/03. The map was updated to reflect the latest zoning information. The map was updated to reflect the latest zoning information. The map was updated to reflect the latest zoning information.
- (10) Revision from 10/23/03 to 10/23/03. The map was updated to reflect the latest zoning information. The map was updated to reflect the latest zoning information. The map was updated to reflect the latest zoning information.
- (11) Revision from 10/23/03 to 10/23/03. The map was updated to reflect the latest zoning information. The map was updated to reflect the latest zoning information. The map was updated to reflect the latest zoning information.

PROPERTY DEVELOPMENT REGULATIONS

Zone	Min. Lot Area	Min. Lot Width	Min. Front Yard Setback	Min. Side Yard Setback	Min. Rear Yard Setback	Max. Building Height	Max. Building Coverage	Max. Lot Coverage
AG-2	10,000	40	10	5	5	35	40%	60%
VACANT	10,000	40	10	5	5	35	40%	60%
TFC-2	10,000	40	10	5	5	35	40%	60%
S/D	10,000	40	10	5	5	35	40%	60%

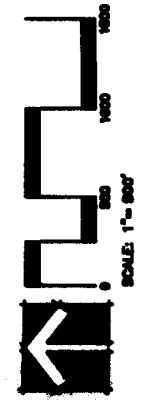
LAND USE TABLE

Zone	Min. Lot Area	Min. Lot Width	Min. Front Yard Setback	Min. Side Yard Setback	Min. Rear Yard Setback	Max. Building Height	Max. Building Coverage	Max. Lot Coverage
AG-2	10,000	40	10	5	5	35	40%	60%
VACANT	10,000	40	10	5	5	35	40%	60%
TFC-2	10,000	40	10	5	5	35	40%	60%
S/D	10,000	40	10	5	5	35	40%	60%

LAND USE SUMMARY

Zone	Min. Lot Area	Min. Lot Width	Min. Front Yard Setback	Min. Side Yard Setback	Min. Rear Yard Setback	Max. Building Height	Max. Building Coverage	Max. Lot Coverage
AG-2	10,000	40	10	5	5	35	40%	60%
VACANT	10,000	40	10	5	5	35	40%	60%
TFC-2	10,000	40	10	5	5	35	40%	60%
S/D	10,000	40	10	5	5	35	40%	60%

- DEVIATION LOCATION INDEX
- DEVIATION 4 APPLIES THROUGHOUT THE COMMUNITY
- LEGEND
- AG-2
 - VACANT
 - TFC-2
 - S/D



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OCT 29 2008

ADD 2008-00152

ADMINISTRATIVE AMENDMENT (PD) ADD2006-00166

COMMUNITY DEVELOPMENT ADMINISTRATIVE AMENDMENT
LEE COUNTY, FLORIDA

WHEREAS, Mr. Mike Lane filed an application for administrative approval to a Residential Planned Development (RPD) on a project known as Magnolia Landing at Herons Glen to **amend the Schedule of Uses to add two-family attached dwelling units to the approved Schedule of Uses and correct the Schedule of Uses to be consistent with the Land Development Code** for the property located at 20200 North Tamiami Trail, described more particularly as:

LEGAL DESCRIPTION: In Section 03, 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 & DRI964597, ADD2002-00005, ADD2002-00088, ADD2003-00096, ADD2004-00018, ADD2004-00217, ADD2005-00209, and ADD2006-0080); and

WHEREAS, the subject property is located in the Outlying Suburban Future Land Use Category as designated by the Lee Plan; 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 seeks to include two-family attached dwelling units as a permitted use within this development, and

WHEREAS, in the course of reviewing this amendment it was found that it would be appropriate to completely revise the Schedule of Uses to be consistent with the language of the Land Development Code; 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 inclusion of two-family attached dwelling units will not increase the number of vehicle trips generated by this development, and

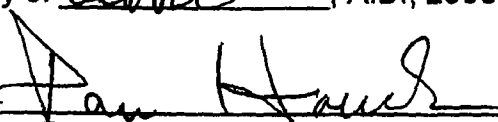
WHEREAS, it is found that the proposed amendment does not increase density or intensity within the development; does not decrease buffers or open space required by the LDC; does not underutilize public resources or infrastructure; does not reduce total open space, buffering, landscaping or preservation 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 the Residential Planned Development to amend the Schedule of Uses to add two-family attached dwelling units to the approved Schedule of Uses and correct the Schedule of Uses to be consistent with the Land Development Code is APPROVED, subject to the following condition:

1. The only changes approved as part of this administrative amendment are to add the use of "DWELLING UNIT: Two-Family attached" to the approved Schedule of Uses, revise the approved Schedule of Uses to be consistent with the Land Development Code (Attachment A), amend the approved Property Development Regulations to adopt development regulations for this new use (Attachment B), and attach the new Property Development Regulations to the adopted Master Concept Plan. No other changes have been authorized as part of this amendment and development must remain in compliance with Resolution Z-89-076. The terms and conditions of the original zoning resolution (as amended) remains in full force and effect.

The Development must be in compliance with the approved Master Concept Plan, as amended in the above actions. The only changes authorized to the approved Master Concept Plan by this action is to attach the approved Property Development Regulations, as amended by this action. The reduced copy of the approved Master Concept Plan with this change is attached.

DULY SIGNED this 4th day of October, A.D., 2006.

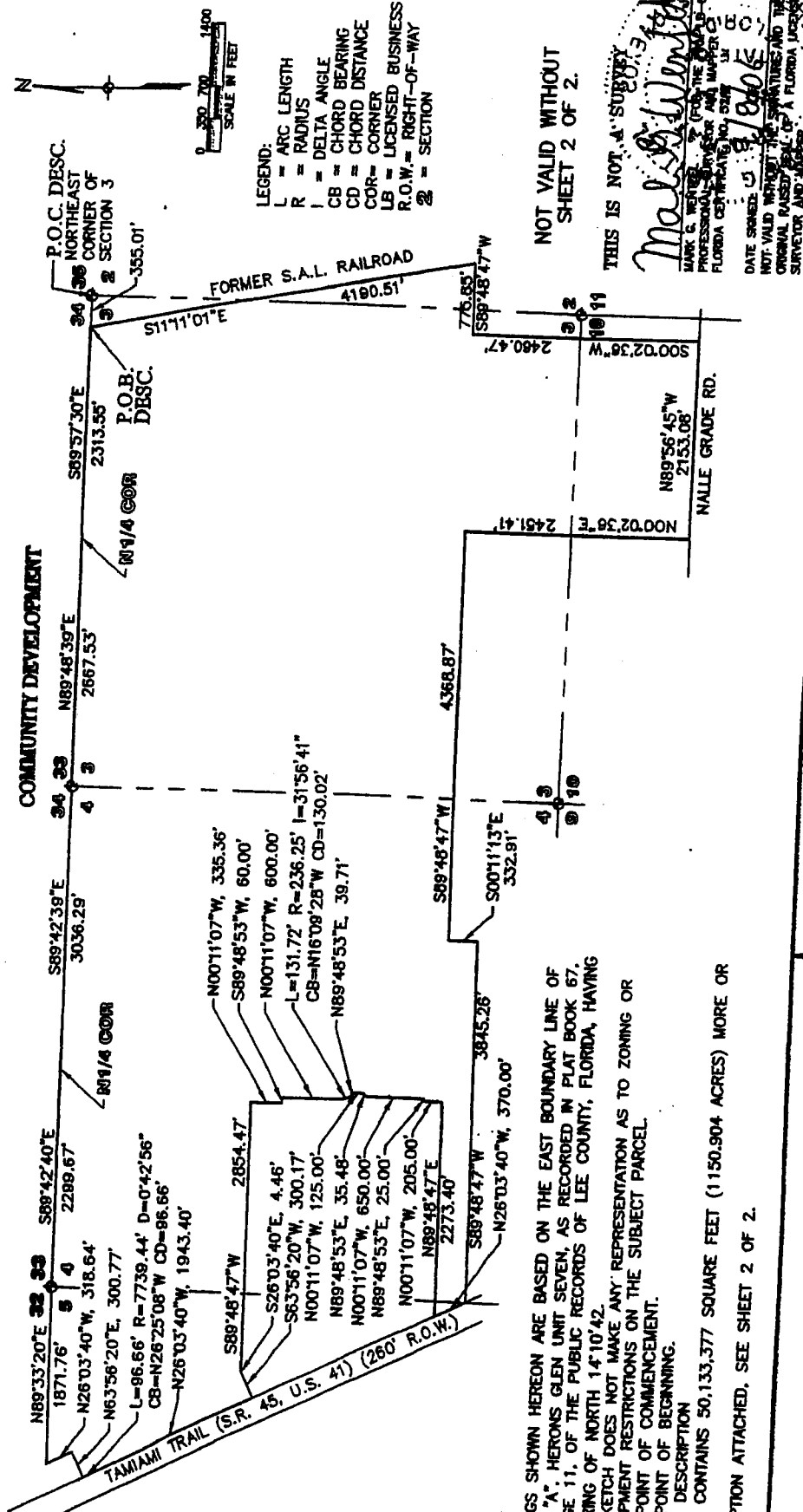
BY: 

Pam Houck, Director
Division of Zoning
Department of Community Development

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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. P.O.C. = POINT OF COMMENCEMENT.
4. P.O.B. = 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.

NOT VALID WITHOUT
SHEET 2 OF 2.

THIS IS NOT A SURVEY

MARK G. WENTZ
PROFESSIONAL SURVEYOR AND MAPPER
FLORIDA CERTIFICATE NO. 5288
DATE SIGNED: 9/8/2006
NOT VALID WITHOUT THE SIGNATURE AND THE ORIGINAL RAISED SEAL OF A FLORIDA LICENSED SURVEYOR AND MAPPER.

HERONS GLEN BOUNDARY

JOHNSON
ENGINEERING

2159 JOHNSON STREET
P.O. BOX 1529
FORT MYERS, FLORIDA 33902-1529
PHONE (239) 334-0046
FAX (239) 334-3046
E.R. #642 & L.R. #642

SKETCH TO ACCOMPANY DESCRIPTION

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

ADD 2006-00166

SHEET: 2 OF 2

October 28, 2005

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 2,480.47 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 Northeastly Right-of-Way line of Tamiami Trail (S.R. 45, U.S. 41) for a distance of 3,845.28 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 850.00 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 80.00 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 Northeastly 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 Northeastly 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 2,289.67 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.

Applicant's Legal Checked

by 1158-TOL

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.

ADD 2006-00166

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COMMUNITY DEVELOPMENT

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SCHEDULE OF USES

September 19, 2006

Residential "R"

Administrative Offices

~~Dwelling units (maximum of 2,700 only): limited to 1,620 detached conventional single family homes, 540 zero lot line homes and 540 townhouse units~~

Dwelling units

Single Family

Two Family Attached

Zero Lot Line

Townhouse

Model Homes, Model Units and Model Display Center, limited to the residential uses within Herons Glen RPD

Speculative Home

Residential Accessory Uses, including but not limited to:

Private Garages, Carports and Parking Areas

Private Swimming Pools and Enclosures

Private Tennis Courts

Entrance Gates and Gatehouse

Essential Services

Essential Service Facilities, Groups I and II

Excavations, water retention (as further limited by other conditions)

Fences, Walls

Home Occupation (in compliance with LDC §34-1771 *et seq.*)

Real Estate Sales Center limited to the residential use within Herons Glen

Signs (in conformance with LDC Ch.3 30)

Temporary Construction Trailer

Residential Open Space "RO" (Open Space, Golf Course, and Buffers)

Recreation Facilities, Private On-site and Private Off-site such as: Basketball Courts,

Biking, Hiking, Fishing Piers, Picnic Areas and Nature Trails

Clubs, Country

Golf Courses, including practice areas/ranges and a Pro Shop – must be located within the Club House)

Commercial Uses -- limited to those uses permitted by right or by Special Exception in the CN-1 and CN-2 plus the following (as permitted by Resolution Z-88-069, Z-92-060, PD-96-018):

Essential Services

Essential Service Facilities, Groups I and II

Entrance Gates and Gatehouses

Excavation, Water Retention

Fences and Walls

Outdoor seating for the Consumption on Premises, in compliance with LDC §34-1261 *et seq.*

Golf Course Maintenance Facility

Personal Services, Group II

Health Clubs

Massage Establishments (as further limited by other conditions)

Real Estate Sales Center limited to unit within Herons Glen RPD

Recreation Facilities, Private On-site and Private Off-site such as: Basketball Courts, Biking, Hiking, Fishing Piers, Picnic Areas and Nature Trails

ATTACHMENT A

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SEP 20 2006

PERMIT COUNTER

ADD 2006-00166

Signs (in compliance with LDC Chi. 30)

Storage, Outdoor (as further limited by other conditions)

Temporary Uses, limited to construction trailers (subject to compliance with LDC Chi. 34)

Conservation "CO"

Interpretative Areas, Rain Shelters, Gazebos, Nature and Pedestrian trails (subject to further review and conditions by Lee County)

Water Management Facilities, Utility and/or Roadway Crossings (subject to further review and conditions by Lee County)

Signs (in compliance with LDC Chi. 30)

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SEP 29 2006

ADD 2006-00166

Property Development Regulations September 2006

Residential Uses	Minimum Lot			Minimum Side		Rear	Front/Road	Water Body	Preserve	Golf Course	Max. Height	# Habitable Floors	Min. Bldg Separation (1)	Max. Lot Coverage (2)
	Area	Depth	Width (3)	Inside	Outside									
Single Family	3,375	70	45	5		10**	20/*12	20	10	10**	35	2	10	70
Two-Family Attached	3,500	100	35	0/5****		10**	20/*12	20	10	10**	35	2	10	70
Zero Lot Line	2,800	80	35	0/5****		10**	20/12	20	10	10**	35	2	10	70
Townhouse***	1,760	80	22	-		10**	*12	20	10	10**	35	2	10	70
Accessory Structure	n/a	n/a	n/a	5	5	5	10	-	10	-	-	n/a	n/a	n/a
Pool Deck	n/a	n/a	n/a	5	5	5	10	-	10	5	n/a	n/a	n/a	n/a

* with side entry garage

** 5' for accessory structure (pool/lanai)

*** Limited to no more than 6 units per building

**** "Inside" refers to side of unit attached to neighboring unit; "outside" refers to side of unit with exterior exposure.

Notes:

1. Any structures 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.

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SEP 20 2006

ADD 2006-00166
ATTACHMENT B

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 16th day of June, A.D., 2006.

BY: Pam Houck

Pam Houck, Director
Division of Zoning
Department of Community Development

RECEIVED
APR 27 2006

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: AMY OLMAYDE

Wilson Miller, Inc.



Stephen F. 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

RECEIVED
APR 27 2006

PERMIT COUNTER

ADD 2006-00080

EXHIBIT D **PROPERTY DEVELOPMENT REGULATIONS**

Use	Dimensions			Setbacks				Water Body	Height (Max)	Stories	Lot Coverage	Minimum Building Separation
	Area (sq. ft.)	Depth (ft.)	Width (ft.)	Side	Rear	Street	Front					
Single family detached												
Type #1	6,000'	100'	60'	5'	10'	20/12*	20'	20'	35'	2	50	n/a
Type #2	3,500'	70'	50'	5'	10'	20/12*	20'	20'	35'	2	70	n/a
Type #3	3,373	75'	45'	5'	10'	20/12	20'	20'	35'	2	70	n/a
Zero lot line units												
Single Family Attached	3800'	80'	35'	5/0	10'	20/12*	20'	20'	35'	2	70	n/a
Townhouses												
Townhouse #1	1,760	80'	22'	0	20**	20/12*	20'	20'	35'	2	70	20' to any other townhouse building
Townhouse #2	3,000'	125'	24'	0	10	20/12*	20'	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
Country Club/Clothouse				15'	20**	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

Note: no more than eight (8) units per building

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 PINEAPPLE GLEN L.L.C. &
TAYLOR WOODROW COMMUNITIES
AT MAGNOLIA LANDING
3501 AVENUE 44, VERA
NORTH FORT MYERS, FLORIDA 33917
PHONE: (239) 543-1725
FAX: (239) 543-1845

OWNER

TAYLOR WOODROW COMMUNITIES
AT PINEAPPLE GLEN L.L.C. &
TAYLOR WOODROW COMMUNITIES
AT MAGNOLIA LANDING
3501 AVENUE 44, VERA
NORTH FORT MYERS, FLORIDA 33917
PHONE: (239) 543-1725
FAX: (239) 543-1845

STRAP NUMBER

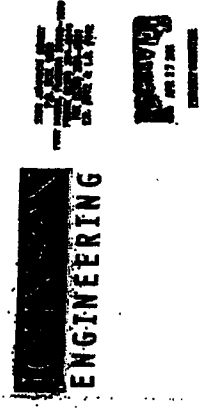
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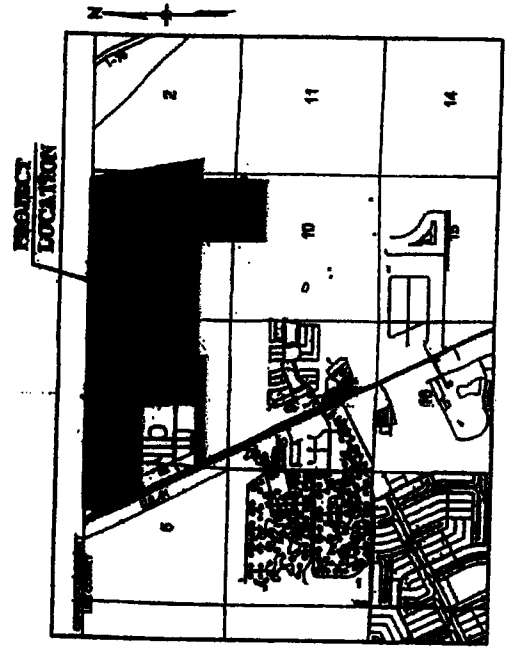
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2006-00000

APPLICATION FOR ADMINISTRATIVE ACTION FOR MAGNOLIA LANDING

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



LOCATION MAP
SCALE: 1" = 1 MILE
APRIL, 2006

INDEX OF PLANS

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

UTILITIES ENGINEERING SERVICE

3501 AVENUE 44, VERA
NORTH FORT MYERS, FLORIDA 33917
PHONE: (239) 543-1725
FAX: (239) 543-1845
TAYLOR WOODROW COMMUNITIES
AT PINEAPPLE GLEN L.L.C. &
TAYLOR WOODROW COMMUNITIES
AT MAGNOLIA LANDING
3501 AVENUE 44, VERA
NORTH FORT MYERS, FLORIDA 33917
PHONE: (239) 543-1725
FAX: (239) 543-1845



REF ID: A66666

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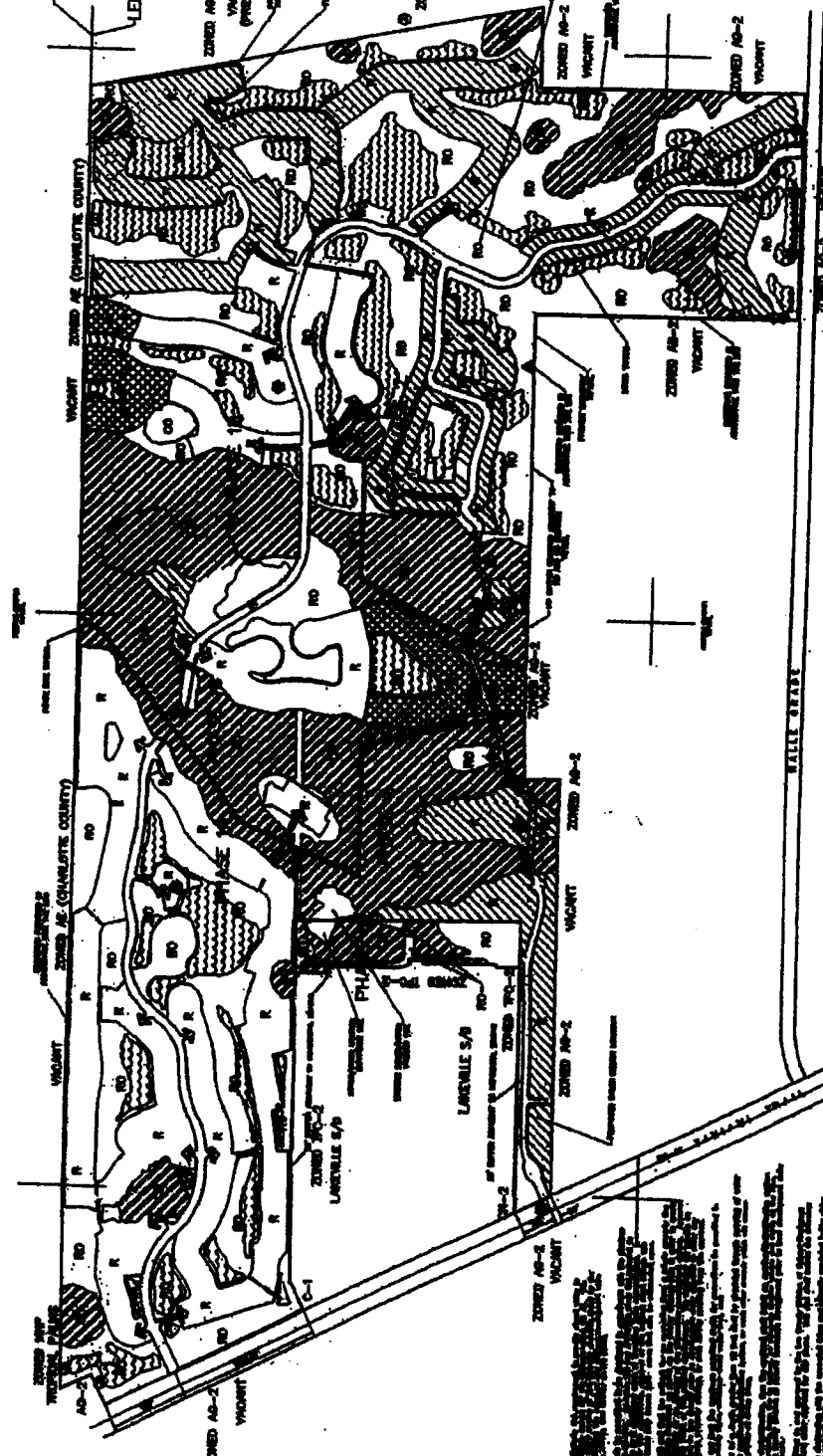
ENGINEERING

MAGNOLIA LANDING
Lee County, Florida

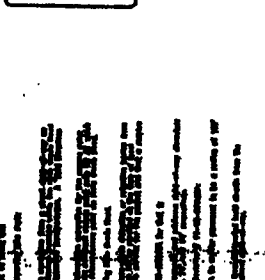
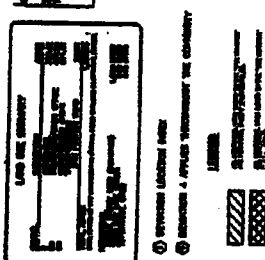
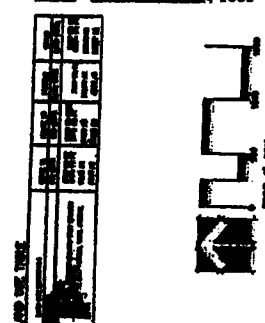
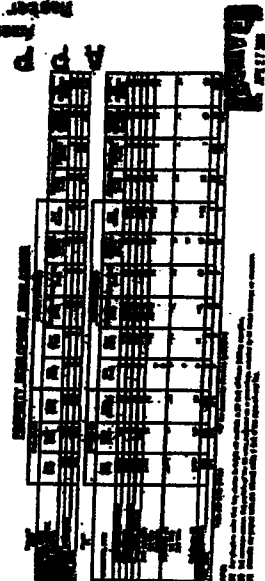
**P.C.W. AS HOMES GLEN I.L.C., Doe
T.W.C. AS MAGNETA LENDING**

[illegible]

CHARLOTTE COUNTY
LEE COUNTY



APPROVED
Subject to the following conditions:
1. The applicant shall provide a copy of this plan to the Lee County Planning Board for review and approval.
2. The applicant shall provide a copy of this plan to the Charlotte County Planning Board for review and approval.
3. The applicant shall provide a copy of this plan to the Lee County Board of Commissioners for review and approval.
4. The applicant shall provide a copy of this plan to the Charlotte County Board of Commissioners for review and approval.
5. The applicant shall provide a copy of this plan to the Lee County Board of Supervisors for review and approval.
6. The applicant shall provide a copy of this plan to the Charlotte County Board of Supervisors for review and approval.
7. The applicant shall provide a copy of this plan to the Lee County Board of Education for review and approval.
8. The applicant shall provide a copy of this plan to the Charlotte County Board of Education for review and approval.
9. The applicant shall provide a copy of this plan to the Lee County Board of Health for review and approval.
10. The applicant shall provide a copy of this plan to the Charlotte County Board of Health for review and approval.
11. The applicant shall provide a copy of this plan to the Lee County Board of Social Services for review and approval.
12. The applicant shall provide a copy of this plan to the Charlotte County Board of Social Services for review and approval.
13. The applicant shall provide a copy of this plan to the Lee County Board of Mental Health for review and approval.
14. The applicant shall provide a copy of this plan to the Charlotte County Board of Mental Health for review and approval.
15. The applicant shall provide a copy of this plan to the Lee County Board of Juvenile Services for review and approval.
16. The applicant shall provide a copy of this plan to the Charlotte County Board of Juvenile Services for review and approval.
17. The applicant shall provide a copy of this plan to the Lee County Board of Probation and Parole for review and approval.
18. The applicant shall provide a copy of this plan to the Charlotte County Board of Probation and Parole for review and approval.
19. The applicant shall provide a copy of this plan to the Lee County Board of Corrections for review and approval.
20. The applicant shall provide a copy of this plan to the Charlotte County Board of Corrections for review and approval.



REVISIONS NO. 1000-0000 REVISED MASTER CONCEPT PLAN FOR AA (TOWNHOMES)		DATE: 10/1/00 BY: [Signature] FOR: [Signature]	
ENGINEERING MAGNOLIA LANDING Lee County, Florida		T.C.W. At Home Care L.L.C., DBA T.W.C. At Magnolia Landing	

RECEIVED
OCT 29 2008

ADD 0008-00152

ADMINISTRATIVE AMENDMENT (PD) ADD2005-00209

**ADMINISTRATIVE AMENDMENT
LEE COUNTY, FLORIDA**
COMMUNITY DEVELOPMENT

WHEREAS, Taylor Woodrow Communities at Heron's Glen, LLC., filed an application for administrative approval to a Planned Development on a project known as Magnolia Landing at Heron's Glen for an internal re-alignment of the southern entrance to Magnolia Landing (Heron's Glen), enhancing the landscape buffer between the southern entrance road and the residential use to the north, and allow a sales trailer on the subject property near the southern entrance on US 41 on property located at 20200 North Tamiami Trail, described more particularly as:

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

See attached Exhibit A

WHEREAS, the property was originally rezoned in Case Number, 88-03-18-DRI(d) (Z-92-060), and subsequently amended by Case Numbers 95-01-207.13A (AA-98-6), 99-08-261.1AA, MHD-99-003, DCI964597 (Z-00-078), ADD2002-00005, ADD2002-00088, ADD2003-00096, ADD2004-00018, and ADD2004-00217; 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.

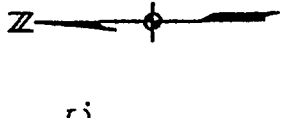
NOW, THEREFORE, IT IS HEREBY DETERMINED that the application for administrative approval for an amendment to the Residential Planned Development for an internal re-alignment of the southern entrance to Magnolia Landing (Heron's Glen), enhancing the landscape buffer between the southern entrance road and the residential use to the north, and allow a sales trailer on the subject property near the southern entrance on US 41 is **APPROVED**, subject to the following conditions:

1. The Development must be in compliance with the ten-page amended Master Concept Plan, dated October, 2005 and revised January, 2006 and February 2006 (stamped received on February 17, 2006. Master Concept Plan for ADD2005-00209 is hereby APPROVED and adopted. A reduced copy is attached hereto.
2. The only changes approved as part of this administrative amendment are: an internal re-alignment of the southern entrance to Magnolia Landing (Heron's Glen), enhancing the landscape buffer between the southern entrance road and the residential use to the north, and allowing a sales trailer on the subject property near the southern entrance on US 41. No other changes have been authorized as part of this amendment and development must remain in compliance with Resolution Z-92-060, (as amended). The terms and conditions of the original zoning resolution (as amended) remain in full force and effect.
3. Approval of the revised Master Concept Plan conceptually includes the buffer and landscaping as depicted on the Plan. However, the landscaping and buffer must conform with the Lee County Land Development Code at time of local development order.

DULY SIGNED this 20th day of February, A.D., 2006.

BY: _____

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



P.O.C. DESC.
NORTHEAST
CORNER OF
SECTION 3

34 33
4 3
2313.55'
355.01'

589°57'30"E
2313.55'
P.O.B.
DESC.

N1/4 COR

2°39'E
6.29'

34 33
4 3
N89°48'39"E
2667.53'

07°W, 335.36'
53°W, 60.00'
07°W, 600.00'
2' R=236.25' l=31°58'41"
1°09'28"W CD=130.02'
3°E, 39.71'

FORMER S.A.L. RAILROAD

776.85'
S89°48'47"W

4368.87'

S89°48'47"W
S00°11'13"E
332.91'

2460.47'
S00°02'36"W

2451.41'
N00°02'36"E

N89°56'45"W
2153.08'

NALLE GRADE RD.

LEGEND:
L = ARC LENGTH
R = RADIUS
I = DELTA ANGLE
CB = CHORD BEARING
CD = CHORD DISTANCE
COR = CORNER
LB = LICENSED BUSINESS
R.O.W. = RIGHT-OF-WAY
2 = SECTION

NOT VALID WITHOUT
SHEET 2 OF 2.

THIS IS NOT A SURVEY

Michael W. Norman
MICHAEL W. NORMAN FOR THE FIRM LB-842
PROFESSIONAL SURVEYOR AND MAPPER
FLORIDA CERTIFICATE NO. 4500

DATE SIGNED: OCT 28 2005
NOT VALID WITHOUT THE SIGNATURE AND THE
ORIGINAL RAISED SEAL OF A FLORIDA LICENSED
SURVEYOR AND MAPPER.

RECEIVED
OCT 28 2005
ZONING

ADD 2005-00209

2158 JOHNSON STREET
P.O. BOX 1550
FORT MYERS, FLORIDA 33902-1550
PHONE (239) 334-0046
FAX (239) 334-3881
E.B. #842 & L.B. #842

JOHNSON
ENGINEERING

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 $89^{\circ}57'30''$ 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 $11^{\circ}11'01''$ East, along said Right-of-Way, for a distance of 4,190.51 feet; thence departing said Right-of-Way, run South $89^{\circ}48'47''$ West, for a distance of 775.85 feet; thence South $00^{\circ}02'36''$ West, to the North Right-of-Way line of Nalle Grade Road, for a distance of 2,460.47 feet; thence North $89^{\circ}56'45''$ West, along said Right-of-Way, for a distance of 2,153.08 feet; thence North $00^{\circ}02'36''$ East, departing said Right-of-Way, for a distance of 2,451.41 feet; thence South $89^{\circ}48'47''$ West, for a distance of 4,368.87 feet; thence South $00^{\circ}11'13''$ East, for a distance of 332.91 feet; thence South $89^{\circ}48'47''$ 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 $26^{\circ}03'40''$ West, along said Right-of-Way, for a distance of 370.00 feet; thence North $89^{\circ}48'47''$ East, departing said Right-of-Way, for a distance of 2,273.40 feet; thence North $00^{\circ}11'07''$ West, for a distance of 205.00 feet; thence North $89^{\circ}48'53''$ East, for a distance of 25.00 feet; thence North $00^{\circ}11'07''$ West, for a distance of 650.00 feet; thence North $89^{\circ}48'53''$ East, for a distance of 35.48 feet; thence North $00^{\circ}11'07''$ West, for a distance of 125.00 feet; thence South $89^{\circ}48'53''$ 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 $31^{\circ}56'41''$) (chord bearing North $16^{\circ}09'28''$ West) (chord 130.02 feet) for a distance of 131.72 feet; thence North $00^{\circ}11'07''$ West, for a distance of 600.00 feet; thence South $89^{\circ}48'53''$ West, for a distance of 60.00 feet; thence North $00^{\circ}11'07''$ West, for a distance of 335.36 feet; thence South $89^{\circ}48'47''$ West, for a distance of 2,854.47 feet; thence South $26^{\circ}03'40''$ East, for a distance of 4.46 feet; thence South $63^{\circ}56'20''$ 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 $26^{\circ}03'40''$ West, along said Northeasterly Right-of-Way line for a

APPLICATION FOR ADMINISTRATIVE ACTION

FOR

MAGNOLIA LANDING

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

UTILITIES PROVIDING SERVICES:

WATER: [REDACTED]
SEWER: [REDACTED]
GAS: [REDACTED]

DATE: 01/27/2008
BY: [REDACTED]
FOR: [REDACTED]

PROJECT: [REDACTED]
SUBJECT: [REDACTED]

PREPARED BY: [REDACTED]
CHECKED BY: [REDACTED]

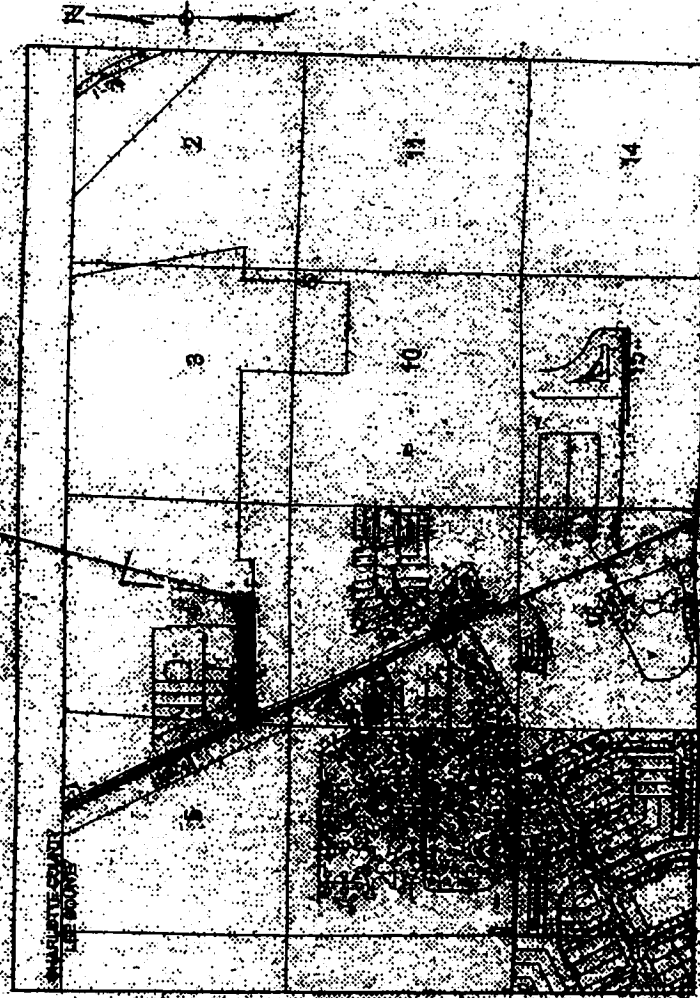
DATE: 01/27/2008
BY: [REDACTED]

DATE: 01/27/2008
BY: [REDACTED]

DATE: 01/27/2008
BY: [REDACTED]

INDEX OF SHEETS

SHEET NO.	DESCRIPTION
1	COVER
2	AERIAL MAP
3	APPROVED MASTER CONCEPT PLAN
4	REFUSED MASTER CONCEPT PLAN FOR AA (SEAL FOR ROAD, BASES CENTER, ELEVATIONS)
5	MASTER LANDSCAPE PLAN
6	LANDSCAPE PLAN
7	LANDSCAPE PLAN
8	LANDSCAPE PLAN
9	LANDSCAPE PLAN
10	LANDSCAPE DETAILS AND NOTES



LOCATION MAP



RECEIVED

DATE: 01/27/2008
BY: [REDACTED]

DATE: 01/27/2008
BY: [REDACTED]

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DATE: 01/27/2008
BY: [REDACTED]

DATE: 01/27/2008
BY: [REDACTED]

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67-199-29

INTELLIGENCE DEVELOPMENT

1997

FORMER AG-32

11

REF ID: A5-2

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1997

☐ A
☒ B
☐ C
☐ D

**JOHN SORN
ENGINEERING**

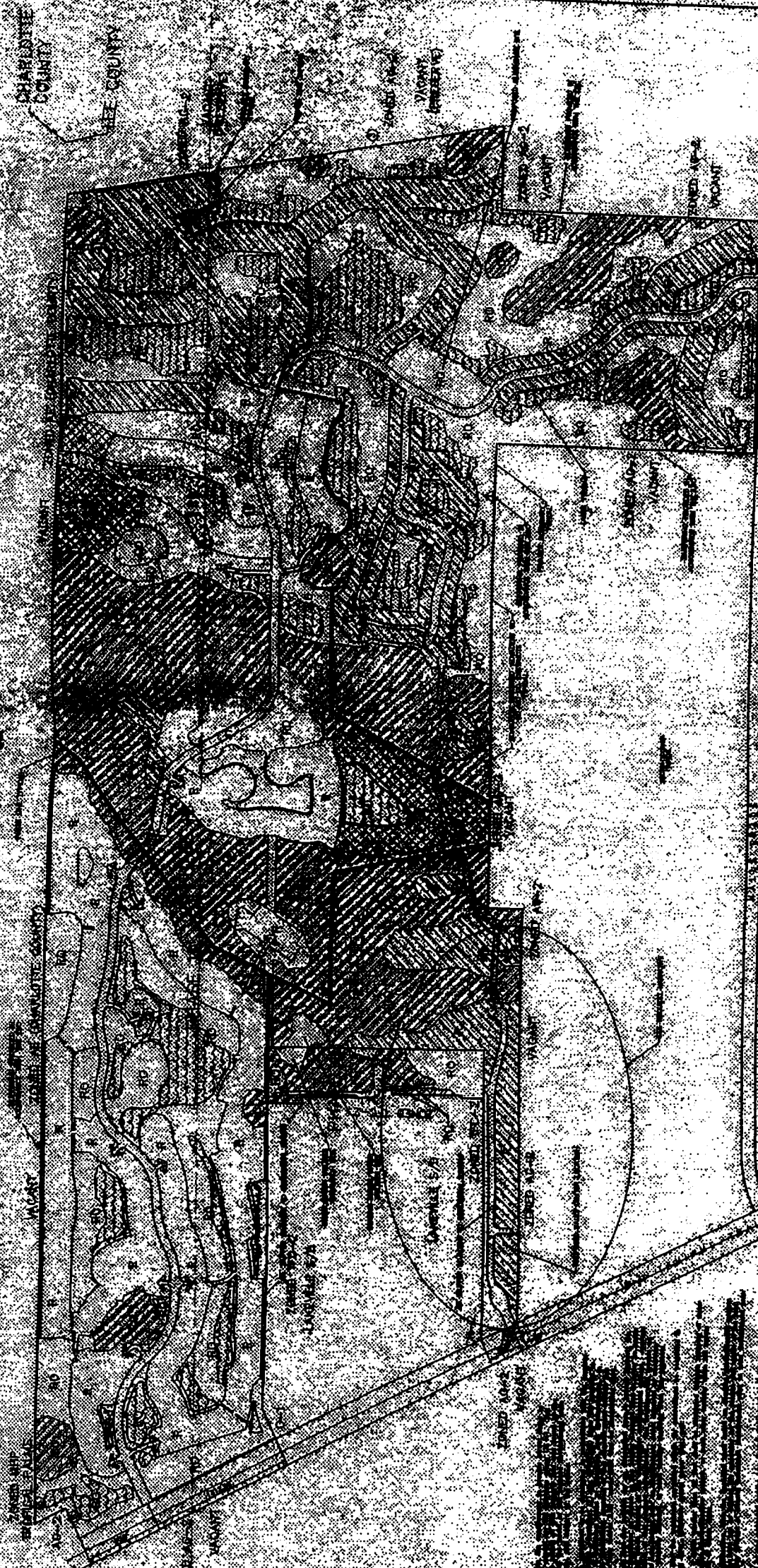
MAGNOLIA LANDING
Lee County, Florida

W.C.W. Attertons Glen L.L.C., Dba
T.W.C. Attertons Landing

Figure 1. The effect of the concentration of the *Agrobacterium* suspension on the transformation efficiency of *Agrobacterium* strains.

1998, 1999, 2000, 2001, 2002, 2003, 2004, 2005, 2006, 2007, 2008, 2009, 2010, 2011, 2012, 2013, 2014, 2015, 2016, 2017, 2018, 2019, 2020, 2021, 2022, 2023, 2024, 2025, 2026, 2027, 2028, 2029, 2030, 2031, 2032, 2033, 2034, 2035, 2036, 2037, 2038, 2039, 2040, 2041, 2042, 2043, 2044, 2045, 2046, 2047, 2048, 2049, 2050, 2051, 2052, 2053, 2054, 2055, 2056, 2057, 2058, 2059, 2060, 2061, 2062, 2063, 2064, 2065, 2066, 2067, 2068, 2069, 2070, 2071, 2072, 2073, 2074, 2075, 2076, 2077, 2078, 2079, 2080, 2081, 2082, 2083, 2084, 2085, 2086, 2087, 2088, 2089, 2090, 2091, 2092, 2093, 2094, 2095, 2096, 2097, 2098, 2099, 2100, 2101, 2102, 2103, 2104, 2105, 2106, 2107, 2108, 2109, 2110, 2111, 2112, 2113, 2114, 2115, 2116, 2117, 2118, 2119, 2120, 2121, 2122, 2123, 2124, 2125, 2126, 2127, 2128, 2129, 2130, 2131, 2132, 2133, 2134, 2135, 2136, 2137, 2138, 2139, 2140, 2141, 2142, 2143, 2144, 2145, 2146, 2147, 2148, 2149, 2150, 2151, 2152, 2153, 2154, 2155, 2156, 2157, 2158, 2159, 2160, 2161, 2162, 2163, 2164, 2165, 2166, 2167, 2168, 2169, 2170, 2171, 2172, 2173, 2174, 2175, 2176, 2177, 2178, 2179, 2180, 2181, 2182, 2183, 2184, 2185, 2186, 2187, 2188, 2189, 2190, 2191, 2192, 2193, 2194, 2195, 2196, 2197, 2198, 2199, 2200, 2201, 2202, 2203, 2204, 2205, 2206, 2207, 2208, 2209, 2210, 2211, 2212, 2213, 2214, 2215, 2216, 2217, 2218, 2219, 2220, 2221, 2222, 2223, 2224, 2225, 2226, 2227, 2228, 2229, 2230, 2231, 2232, 2233, 2234, 2235, 2236, 2237, 2238, 2239, 2240, 2241, 2242, 2243, 2244, 2245, 2246, 2247, 2248, 2249, 2250, 2251, 2252, 2253, 2254, 2255, 2256, 2257, 2258, 2259, 2260, 2261, 2262, 2263, 2264, 2265, 2266, 2267, 2268, 2269, 2270, 2271, 2272, 2273, 2274, 2275, 2276, 2277, 2278, 2279, 2280, 2281, 2282, 2283, 2284, 2285, 2286, 2287, 2288, 2289, 2290, 2291, 2292, 2293, 2294, 2295, 2296, 2297, 2298, 2299, 2300, 2301, 2302, 2303, 2304, 2305, 2306, 2307, 2308, 2309, 2310, 2311, 2312, 2313, 2314, 2315, 2316, 2317, 2318, 2319, 2320, 2321, 2322, 2323, 2324, 2325, 2326, 2327, 2328, 2329, 2330, 2331, 2332, 2333, 2334, 2335, 2336, 2337, 2338, 2339, 2340, 2341, 2342, 2343, 2344, 2345, 2346, 2347, 2348, 2349, 2350, 2351, 2352, 2353, 2354, 2355, 2356, 2357, 2358, 2359, 2360, 2361, 2362, 2363, 2364, 2365, 2366, 2367, 2368, 2369, 2370, 2371, 2372, 2373, 2374, 2375, 2376, 2377, 2378, 2379, 2380, 2381, 2382, 2383, 2384, 2385, 2386, 2387, 2388, 2389, 2390, 2391, 2392, 2393, 2394, 2395, 2396, 2397, 2398, 2399, 2400, 2401, 2402, 2403, 2404, 2405, 2406, 2407, 2408, 2409, 2410, 2411, 2412, 2413, 2414, 2415, 2416, 2417, 2418, 2419, 2420, 2421, 2422, 2423, 2424, 2425, 2426, 2427, 2428, 2429, 2430, 2431, 2432, 2433, 2434, 2435, 2436, 2437, 2438, 2439, 2440, 2441, 2442, 2443, 2444, 2445, 2446, 2447, 2448, 2449, 2450, 2451, 2452, 2453, 2454, 2455, 2456, 2457, 2458, 2459, 2460, 2461, 2462, 2463, 2464, 2465, 2466, 2467, 2468, 2469, 2470, 2471, 2472, 2473, 2474, 2475, 2476, 2477, 2478, 2479, 2480, 2481, 2482, 2483, 2484, 2485, 2486, 2487, 2488, 2489, 2490, 2491, 2492, 2493, 2494, 2495, 2496, 2497, 2498, 2499, 2500, 2501, 2502, 2503, 2504, 2505, 2506, 2507, 2508, 2509, 2510, 2511, 2512, 2513, 2514, 2515, 2516, 2517, 2518, 2519, 2520, 2521, 2522, 2523, 2524, 2525, 2526, 2527, 2528, 2529, 2530, 2531, 2532, 2533, 2534, 2535, 2536, 2537, 2538, 2539, 2540, 2541, 2542, 2543, 2544, 2545, 2546, 2547, 2548, 2549, 2550, 2551, 2552, 2553, 2554, 2555, 2556, 2557, 2558, 2559, 2560, 2561, 2562, 2563, 2564, 2565, 2566, 2567, 2568, 2569, 2570, 2571, 2572, 2573, 2574, 2575, 2576, 2577, 2578, 2579, 2580, 2581, 2582, 2583, 2584, 2585, 2586, 2587, 2588, 2589, 2590, 2591, 2592, 2593, 2594, 2595, 2596, 2597, 2598, 2599, 2600, 2601, 2602, 2603, 2604, 2605, 2606, 2607, 2608, 2609, 2610, 2611, 2612, 2613, 2614, 2615, 2616, 2617, 2618, 2619, 2620, 2621, 2622, 2623, 2624, 2625, 2626, 2627, 2628, 2629, 2630, 2631, 2632, 2633, 2634, 2635, 2636, 2637, 2638, 2639, 2640, 2641, 2642, 2643, 2644, 2645, 2646, 2647, 2648, 2649, 2650, 2651, 2652, 2653, 2654, 2655, 2656, 2657, 2658, 2659, 2660, 2661, 2662, 2663, 2664, 2665, 2666, 2667, 2668, 2669, 2670, 2671, 2672, 2673, 2674, 2675, 2676, 2677, 2678, 2679, 26

COMMUNITY DEVELOPMENT

[illegible]

1. 1990年12月1日以前
 2. 1990年12月1日以后

1. **THE COMPANY**
 2. **THE PRODUCT**
 3. **THE MARKET**
 4. **THE COMPETITION**
 5. **THE FINANCIAL STATEMENTS**
 6. **THE MANAGEMENT**
 7. **THE RISK FACTORS**
 8. **THE FUTURE PROSPECTS**
 9. **THE CONCLUSION**
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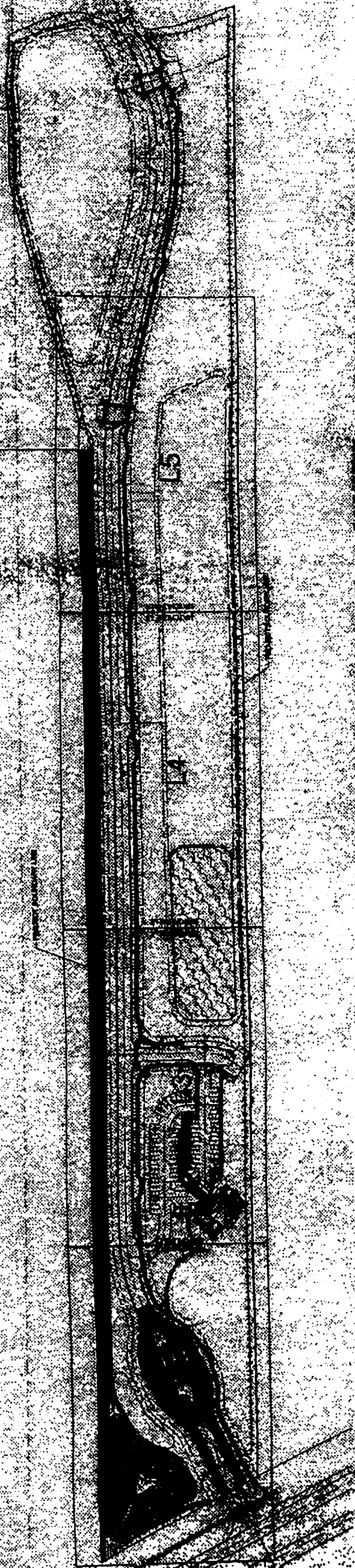
T.C.W. At Hermit Glen L.L.C., Inc. T.W.C. At Magnolia Landing		MAGNOLIA LANDING Los Gatos, Florida		THE FURNITURE		REVISED MASTER CONTRACT PLAN FOR A.A. (HEALTH ROAD) - 100 S. CENTER (HURGER)		100 S. CENTER 100 S. CENTER	
A. 100 S. CENTER 100 S. CENTER		A. 100 S. CENTER 100 S. CENTER		A. 100 S. CENTER 100 S. CENTER		A. 100 S. CENTER 100 S. CENTER		A. 100 S. CENTER 100 S. CENTER	

ADD 2008-00152

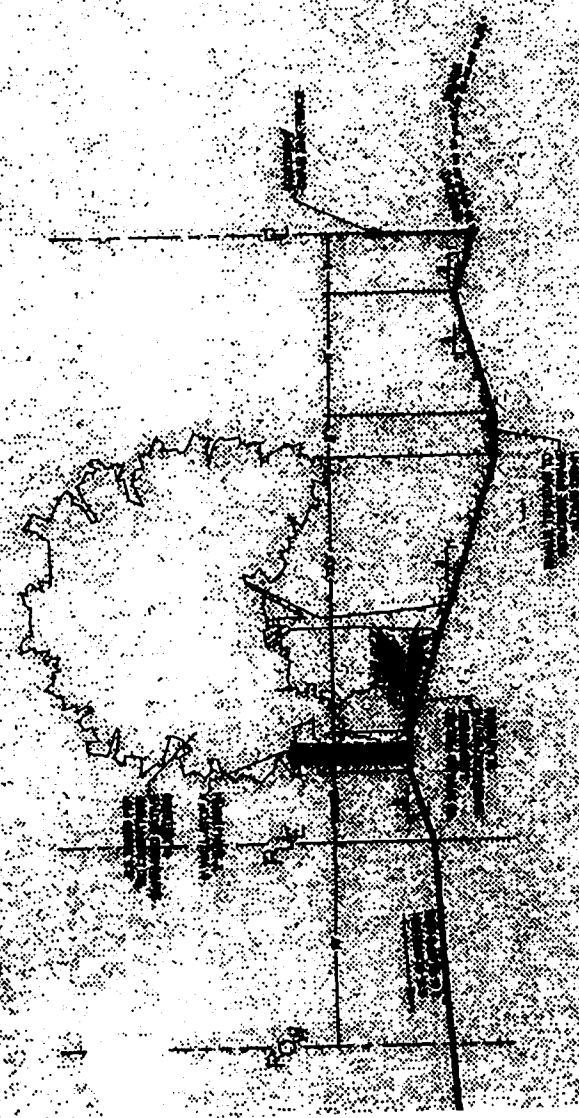
REVIEW

8202 67 120

COMMUNITY DEVELOPMENT



A 10x10 grid of 100 squares. Each square contains a small, stylized drawing of a person or object, arranged in a pattern that suggests a larger, abstract figure. The drawings are simple line art, often depicting a person in a specific pose or wearing a specific hat. The overall effect is a complex, abstract composition that changes as the viewer's perspective shifts.

[illegible]

MINISTER LANDRECHT

ROBERTSON
ENTERPRISE

MAGNOLIA LANDING
LEE COUNTY, FLORIDA

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



ADD 2008-00152

RECEIVED

OCT 23 2008

COMMUNITY DEVELOPMENT

MATCHLINE 1

RECEIVED

ADD 2008-00152
LANDSCAPE PLAN

MAGNOLIA LANDING
LEE COUNTY, FLORIDA

T.W.C. At Heron's Glen L.L.C., Dba
T.W.C. At Magnolia Landing

ENGINEERING

NOB 2008-00152

RECEIVED
OCT 29 2008

COMMUNITY DEVELOPMENT

MATCHLINE LS

MATCHLINE LS

PROPOSED

LANDSCAPE PLAN

REVISIONS

ENGINEERING

MAGNOLIA LANDING
LEES COUNTY, FLORIDA

T.W.C. At Heron Glen I.L.C. Dba
T.W.C. At Magnolia Landing

DATE

BY

NO 2008-00152

RECEIVED

OCT 29 2008

COMMUNITY DEVELOPMENT

MATCHLINE L4

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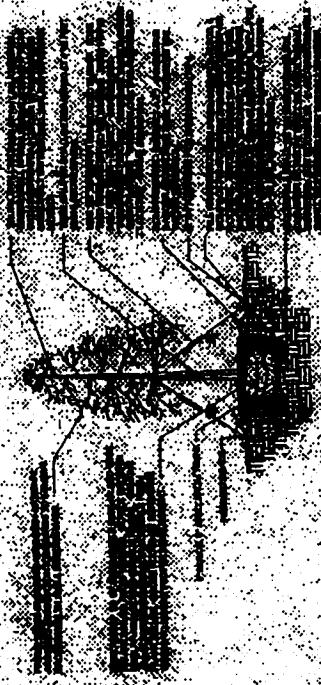
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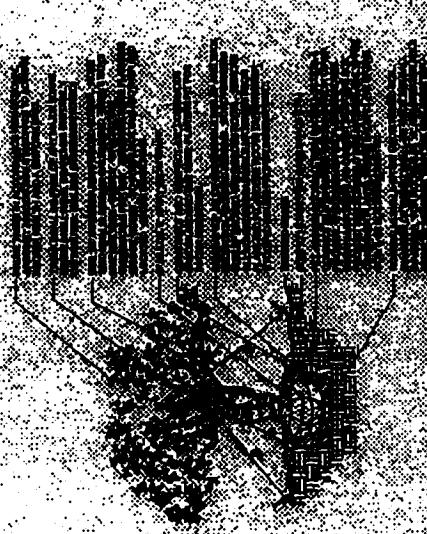
COMMUNITY DEVELOPMENT



SHIN-SEI KAWAUCHI



5 THEORETICAL MINIMUM TRANSDUCER PLACEMENTS



⑤ 1950年11月1日



② TYPICAL SHRUB BED PLANTING



THE
JOURNAL OF
THE
ROYAL ANTHROPOLOGICAL INSTITUTE

MAGNOLIA LANDING
NORTH COUNTY, FLORIDA

**W.C. Air Electronics Glen L.L.C., DBA
TWC 1-800-666-7777**

THE 10TH ANNUAL FESTIVAL OF THE FUTURE

SECTION ON STRENGTH AND STRESS

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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 Avenida 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

ADD 2008-00152

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**.

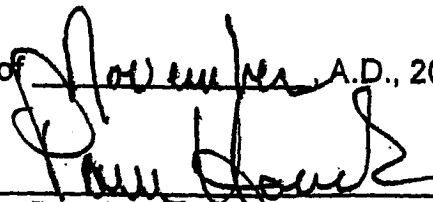
Approval is subject to the following conditions:

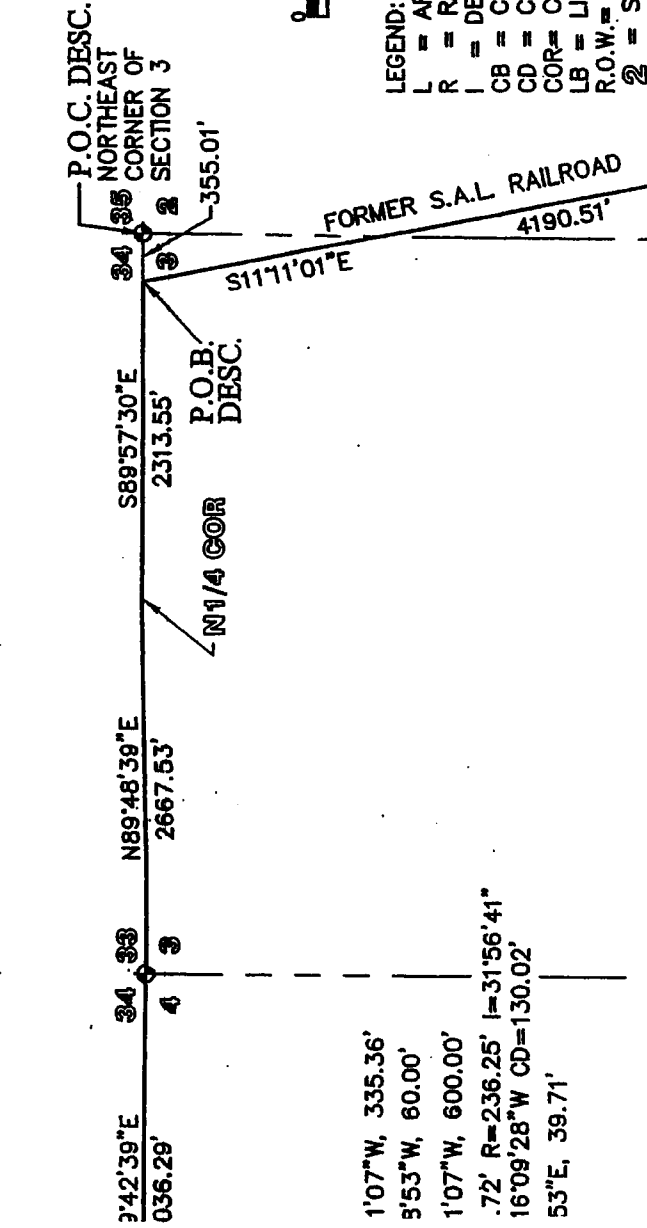
1. The only changes approved as part of this administrative amendment are:
 - a) Remove two circular conservation areas located north of the south property line within Phase 2A, in accordance with the approval letters from the US Fish and Wildlife Service and Florida Fish and Wildlife Conservation Commission;
 - 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



LEGEND:

L = ARC LENGTH
R = RADIUS
I = DELTA ANGLE
CB = CHORD BEARING
CD = CHORD DISTANCE
COR = CORNER
LB = LICENSED BUSINESS
R.O.W. = RIGHT-OF-WAY
2 = SECTION

NOT VALID WITHOUT
SHEET 2 OF 2.

THIS IS NOT A SURVEY

RECEIVED

OCT 28 2005

ZONING

ADD 2004-00217

JOHNSON
ENGINEERING

2158 JOHNSON STREET
P.O. BOX 1850
FORT MYERS, FLORIDA 33902-1850
PHONE (239) 334-0048
FAX (239) 334-3661
E.B. #842 & L.B. #842

SKETCH TO ACCOMPANY DESCRIPTION

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

Michael Norman
MICHAEL W. NORMAN
PROFESSIONAL SURVEYOR AND MAPPING
FLORIDA CERTIFICATE NO. 12000
DATE SIGNED: *12/10/2010*
NOT VALID WITHOUT THE SIGNATURE AND
ORIGINAL RAISED SEAL OF A FLORIDA LICENSED
SURVEYOR AND MAPPING

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 $89^{\circ}57'30''$ 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 $11^{\circ}11'01''$ East, along said Right-of-Way, for a distance of 4,190.51 feet; thence departing said Right-of-Way, run South $89^{\circ}48'47''$ West, for a distance of 775.85 feet; thence South $00^{\circ}02'36''$ West, to the North Right-of-Way line of Nalle Grade Road, for a distance of 2,460.47 feet; thence North $89^{\circ}56'45''$ West, along said Right-of-Way, for a distance of 2,153.08 feet; thence North $00^{\circ}02'36''$ East, departing said Right-of-Way, for a distance of 2,451.41 feet; thence South $89^{\circ}48'47''$ West, for a distance of 4,368.87 feet; thence South $00^{\circ}11'13''$ East, for a distance of 332.91 feet; thence South $89^{\circ}48'47''$ 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 $26^{\circ}03'40''$ West, along said Right-of-Way, for a distance of 370.00 feet; thence North $89^{\circ}48'47''$ East, departing said Right-of-Way, for a distance of 2,273.40 feet; thence North $00^{\circ}11'07''$ West, for a distance of 205.00 feet; thence North $89^{\circ}48'53''$ East, for a distance of 25.00 feet; thence North $00^{\circ}11'07''$ West, for a distance of 650.00 feet; thence North $89^{\circ}48'53''$ East, for a distance of 35.48 feet; thence North $00^{\circ}11'07''$ West, for a distance of 125.00 feet; thence South $89^{\circ}48'53''$ 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 $31^{\circ}56'41''$) (chord bearing North $16^{\circ}09'28''$ West) (chord 130.02 feet) for a distance of 131.72 feet; thence North $00^{\circ}11'07''$ West, for a distance of 600.00 feet; thence South $89^{\circ}48'53''$ West, for a distance of 60.00 feet; thence North $00^{\circ}11'07''$ West, for a distance of 335.36 feet; thence South $89^{\circ}48'47''$ West, for a distance of 2,854.47 feet; thence South $26^{\circ}03'40''$ East, for a distance of 4.46 feet; thence South $63^{\circ}56'20''$ 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 $26^{\circ}03'40''$ 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

RECEIVED

OCT 29 2008

ADD 2008-00152

ADMINISTRATIVE AMENDMENT (PD) ADD2004-00018

COMMUNITY DEVELOPMENT

**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;

CASE NO. ADD2004-00018

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 19th day of February, A.D., 2004.

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

FILED TO BOOK 117

**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;

ADD 2004-00018

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

WilsonMiller
New Directions In Planning, Design & Engineering

(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 R. Erik 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 Am 03 FEB 04

ADD 2004-00018 !

ADD 2008-00152

Administrative Deviation: ADD2004-00021

RECEIVED

OCT 29 2008

**DSO ADMINISTRATIVE DEVIATION
LEE COUNTY, FLORIDA**

COMMUNITY DEVELOPMENT

WHEREAS, Patricia Newton, Director of Planning, Johnson Engineering, Inc. has filed an application in behalf of Coolidge-Ft. Myers Realty Limited Partnership, a Florida Limited Partnership for approval of an administrative deviation from technical requirements of the Lee County Land Development Code for property located at Herons Glen RPD (f.k.a Del Vera North f.k.a Del Tura), property street address: 2250 Avenida Del Vera, North Fort Myers, FL 33917, described more particularly as:

LEGAL DESCRIPTION

See attached Exhibit "A"; and

WHEREAS, the applicant has indicated that the property's current STRAP number is 04-43-24-00-00001.0000; and

WHEREAS, the property is zoned RPD; and

WHEREAS, an application for an administrative deviation from technical requirements of Chapter 10 of the Lee County Land Development Code has been filed; and

WHEREAS, Lee County Land Development Code, as amended, provides for administrative deviation from certain technical requirements for matters involving streets, access streets, intersections, rights-of-way, drainage swales, public water, public sewer, water mains, mass transit facilities, setbacks for water retention/detention excavations, indigenous native vegetation, landscaping of vehicle use areas and site design standards and guidelines for commercial developments and similar matters not related to a change in use of the property in question; and

WHEREAS, deviation is requested in the RPD district from Lee County Land Development Code Section 10-296 (K) Cul-de-sac, to waive the requirement to provide a Cul-de-sac at the end of a 35' paved road known as Rue Alec, on the 1,150.961 +/- acre parcel of Herons Glen RPD, and substitute with a short dead-end road stub, which does not exceed 200 feet in length.

WHEREAS, the subject application, engineer's representations, and sealed engineering plans have been reviewed by the Lee County Codes/Fire Reviews and Lee County Development Services Division in accordance with applicable regulations for compliance with all terms of the administrative deviation approval; and

WHEREAS, the following findings of fact are offered:

- a) That the proposed alternative to waive the requirement to provide a Cul-de-sac at the end of a 35' paved road known as Rue Alec, on the 1,150.961 +/- acre parcel of Herons Glen RPD, and substitute with a short dead-end road stub, which does not exceed 200 feet in length, is based on sound engineering practice as follows:

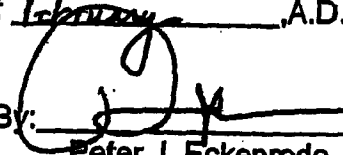
(i) The alternate dead-end road stub proposed design has been approved by the North Fort Myers Fire District for access of emergency vehicles.

- b) That said proposed alternative is no less consistent with the health, safety, and welfare of abutting land owners and the general public than the standard from which the deviation was requested; and
- c) The granting of the deviation is not inconsistent with any specific directive of the Board of County Commissioners, any other ordinance, or any Lee Plan Provision.

NOW, THEREFORE, IT IS HEREBY DETERMINED that the application for an Administrative Deviation in the RPD zoning district from the Lee County Land Development Code, Section 10-296 (K) Cul-de-sac is APPROVED, limited by the following conditions:

- a) That approval is subject to the basic conceptual site plan, date stamped 2/12/04, submitted for this administrative deviation (copy attached); and
- b) That this approval is subject to further review and approval by the Lee County Development Services Division at the time of Development Order approval for lands herein described; and
- c) That approval is limited to lands herein described.

DULY SIGNED this 15th day of February, A.D., 200 4.

By: 

Peter J. Eckenrode, Director
Development Services

ADD 2004-00021

DEVIATION FROM SECTION 10-296(k)(1)

RECEIVED
FEB 12 2004

ZONING COUNTER

0 100 200 400
SCALE IN FEET

Division of Development Services
APPROVED

By RSK Date 2/17/04
For 10-296(k) Cul-de-sac

ADD 2004-00021

Approval based on site information
supplied by applicant

N:\20033925\Drawings\Exhibits\3923-unr13.dwg (8.5x11) CWS Feb 12, 2004 - 10:37am

REGISTERED PROFESSIONAL ENGINEER
FLORIDA CERTIFICATE NO. 41267

Kevin M. Winter
KEVIN M. WINTER, PE

2/17/04
DATE

JOHNSON
ENGINEERING

2158 JOHNSON STREET
P.O. BOX 1850
FORT MYERS, FLORIDA 33902-1550
PHONE (239) 334-0046
FAX (239) 334-3881
E.B. #842 & L.B. #842

SITE PLAN

DATE	PROJECT NO.	FILE NO.	SCALE	SHEET
FEB. 2004	20033923	4-43-24	1" = 200'	1

STREET NAME
P.I. STA. 204+36.36 =
STREET NAME
P.I. STA. 210+00.00

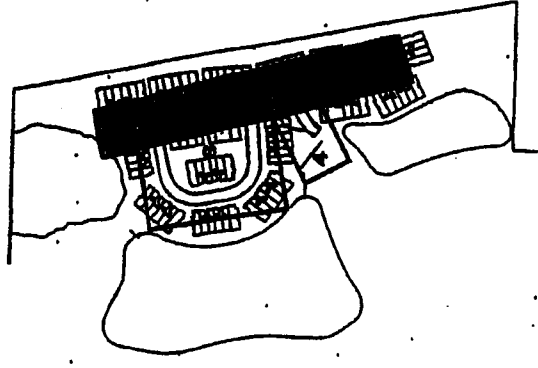
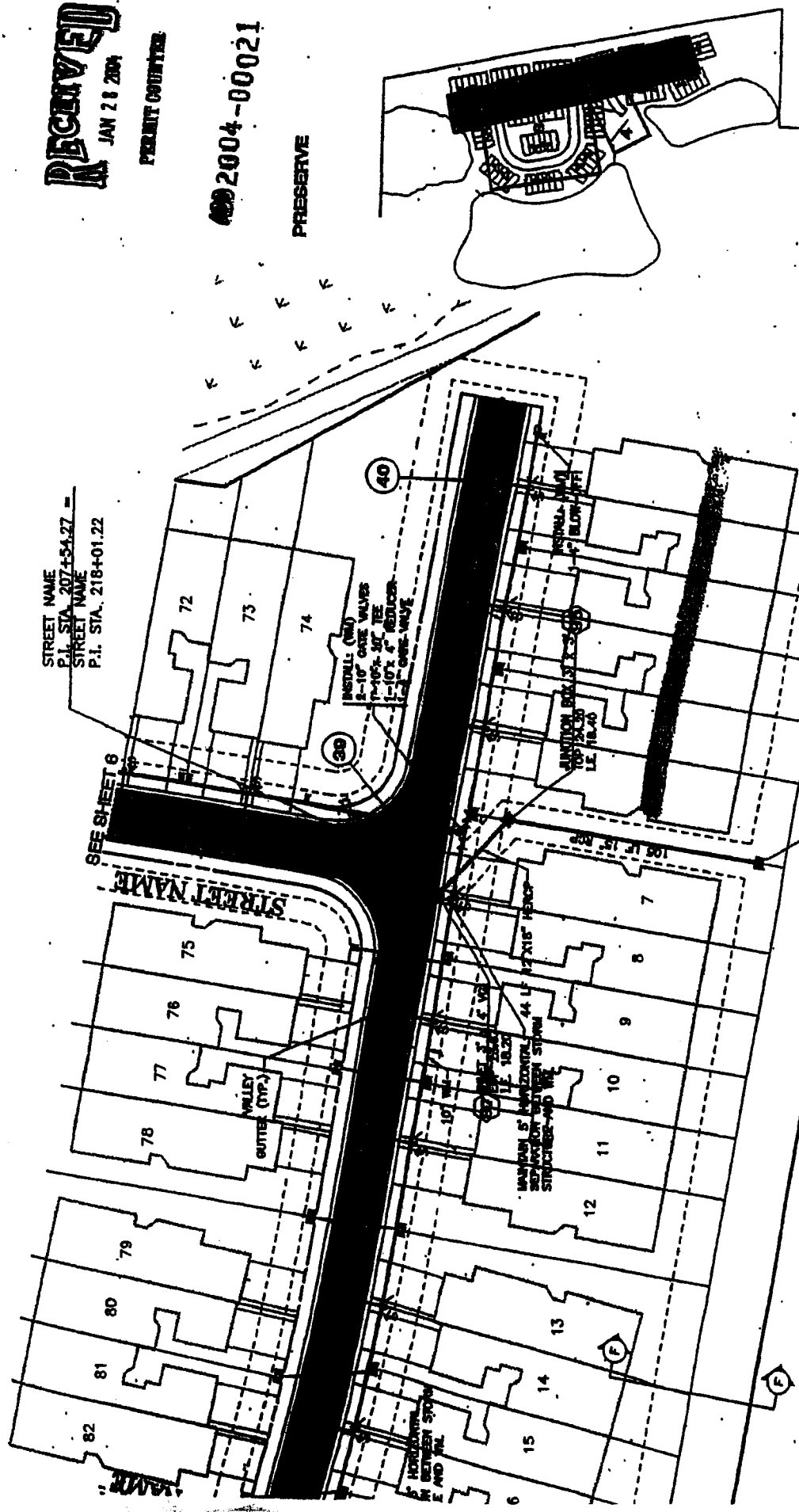
STREET NAME
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STREET NAME
P.I. STA. 218+01.22

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JAN 21 2004

PERMIT COUNTY

0002004-00021

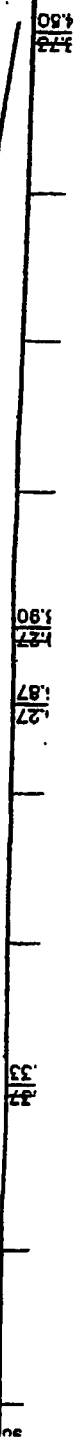
PRESERVE



KEY MAP

SCALE: 1" = 4' VERTICAL
1" = 40' HORIZONTAL

STREET NAME



RECEIVED
OCT 29 2008

ADMINISTRATIVE AMENDMENT (PD) ADD2003-00096

COMMUNITY DEVELOPMENT

ADMINISTRATIVE AMENDMENT
LEE COUNTY, FLORIDA

WHEREAS, Coolidge-Ft. Myers Realty Limited Partnership, a Florida Limited Partnership filed an application for administrative approval to a Residential Planned Development on a project known as Heron's Glenn (fka Del Vera North -- fka Del Tura) to add Townhouse #2 to the Property Development Regulations on property located at 2250 Avendia Del Vera, N. Ft. Myers, described more particularly as:

LEGAL DESCRIPTION: In Section 02, 03, 07, 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 (b), 88-3-18 DRI (c), 88-3-18 DRI (d), 88-3-18 DRI (e), 95-01-207.13A 02.01, 95-01-207.13A 03.01, 95-01-207.13A 04.01, 99-08-261.14A, 95-01-207.02Z 01.01 & 95-01-207.04Z 02.01, ADD2002-00005, ADD2002-00088); 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 would like to add Townhouse #2 to the Property Development Regulations to the planned development; and

WHEREAS, the new Townhouse #2 will only be permitted in specific areas within the "R" residential areas as depicted on the master concept plan; and

WHEREAS, the Townhouse #2 will be a one-story single-family attached product that will consist of between three and eight units in a row; and

WHEREAS, the Townhouse #2 will have a minimum lot area of 3,000 square feet, a minimum lot width of 24', a minimum lot depth of 125', a front setback of 12', a rear setback of 10', a zero-foot side setback, a 20' waterbody setback, a 10' preserve/upland buffer setback; and

WHEREAS, the minimum building separation is 20 feet; 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

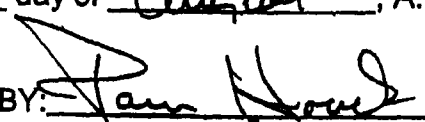
WHEREAS, it is found that the proposed amendment does not increase density or intensity within the development; does not decrease buffers or open space required by the LDC; does not underutilize public resources or infrastructure; does not reduce total open space, buffering, landscaping or preservation 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 add Townhouse #2 to the Property Development Regulations to the Residential 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 stamped "Received" by the permit counter on July 15, 2003 and the second page stamped "Received" by the permit counter on July 15, 2003. Master Concept Plan for ADD2003-00096 is hereby APPROVED and adopted. A reduced copy is attached hereto.
2. The Townhouse #2 homes are only permitted in the "R" residential areas shown cross hatched on the revised Master Concept Plan.
2. The terms and conditions of the original zoning resolutions remain in full force and effect.

DULY SIGNED this 26th day of August, A.D., 2003.

BY: 

Pam Houck, Director
Division of Zoning
Department of Community Development

ADD 2003-00096

**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;

RECEIVED
JUL 15 2003

PERMIT COUNTER

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.

WilsonMiller, Inc.

Stephen R. Ere
Stephen R. Ere 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

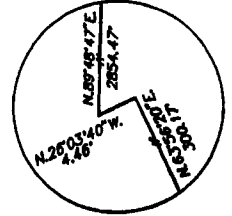
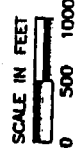
Date: June 6, 2002

Ref: D-02898-54

Applicant's Legal Checked

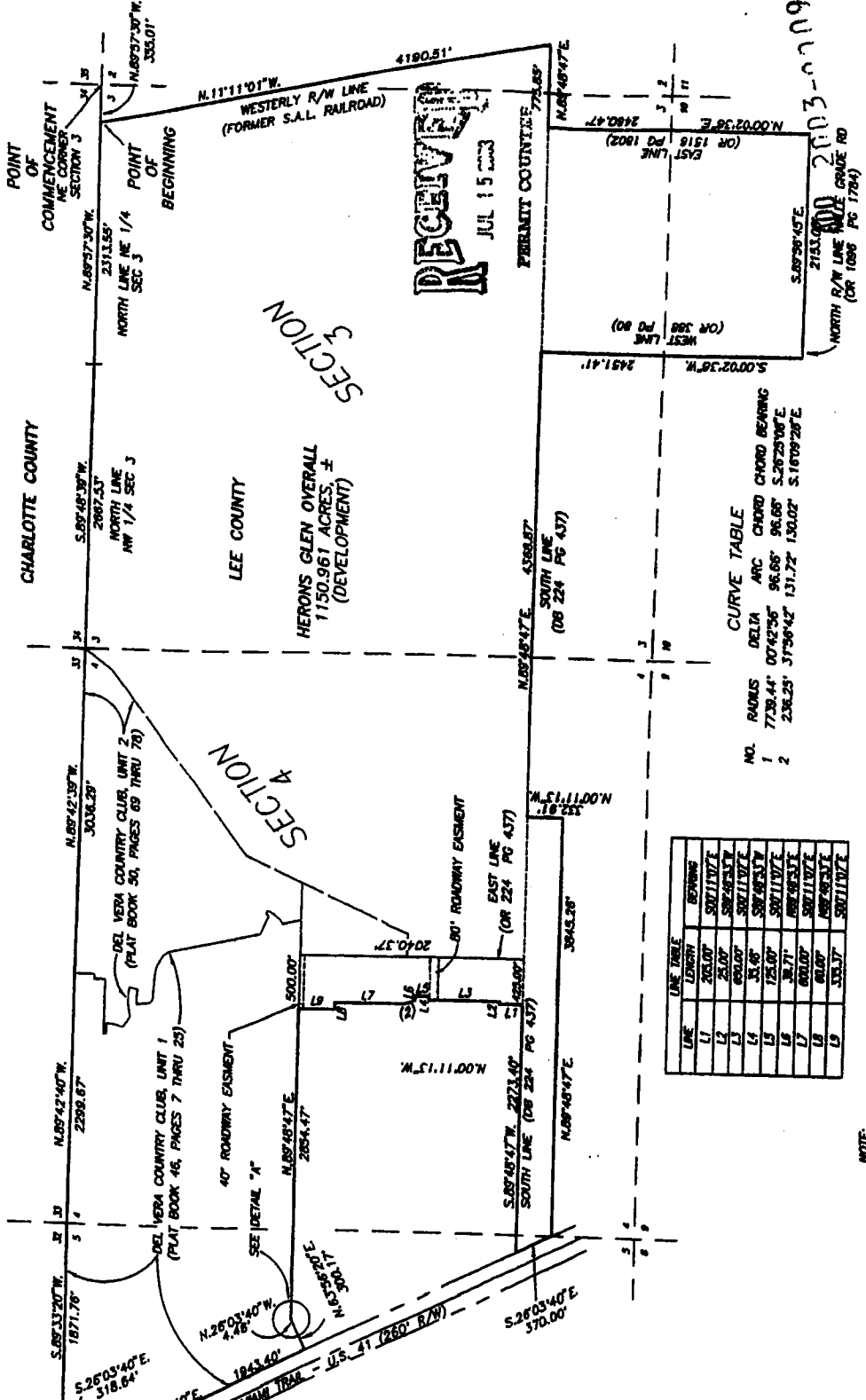
by *Am* 16 JULY 03

ADD 2003-00096



DETAIL "A"
(NOT TO SCALE)

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



CURVE TABLE		
LINE	LENGTH	BEARING
L1	28.00'	S87°11'07\"/>
L2	25.00'	S82°45'37\"/>
L3	60.00'	S82°11'07\"/>
L4	34.48'	S82°45'37\"/>
L5	125.00'	S87°11'07\"/>
L6	38.71'	S82°45'37\"/>
L7	60.00'	S87°11'07\"/>
L8	60.00'	S82°45'37\"/>
L9	33.37'	S87°11'07\"/>

NO. RADIALS DELTA ARC CHORD CHORD BEARING
1 7739.44' 07°42'35\"/>

NOTE:

BEARINGS SHOWN HEREON ARE BASED ON THE PLAT OF DEL VERO COUNTY CLUB, UNIT 2 (PLAT BOOK 50, PAGES 69 THRU 70) FIXING THE NORTH LINE OF UNIT 2 AS N.85°42'39\"/>

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

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

ACTIVITY	DETAILS	DATE
DRAWN BY:	CWR	6/5/02
CHECKED BY:	SFE	6/5/02
COMPUTED BY:	CWR	6/5/02

WisdomMatter
Planners • Engineers • Surveyors • Landscape Architects • Transportation Consultants
WisdomMatter, Inc.
2000 North Pine Street, Suite 200, Fort Myers, FL 33901
Phone: 813-939-1111 Fax: 813-939-1112 Website: www.wisdommatter.com

TITLE: SKETCH OF DESCRIPTION
HERONS GLEN

DATE: 6/5/02	SCALE: 1" = 1000'	N/A	2.3, 4.2, 10, 43/24	N/A	FIELD BOOK PAGE	DATE: JUN 18, 2003	BY: SFE	PROJECT: HERONS GLEN DEVELOPMENT, 2003-04-04		
ZOPDA					02898-002-P03	SHEET NUMBER		1 of 1	DRAWING NUMBER	B-2898-54

Amendment to
Master Concept Plan
Subject to Case # ~~462-00096~~
Date ~~Aug 26, 2003~~

PERMIT COUNTER

ADD 2003-00096

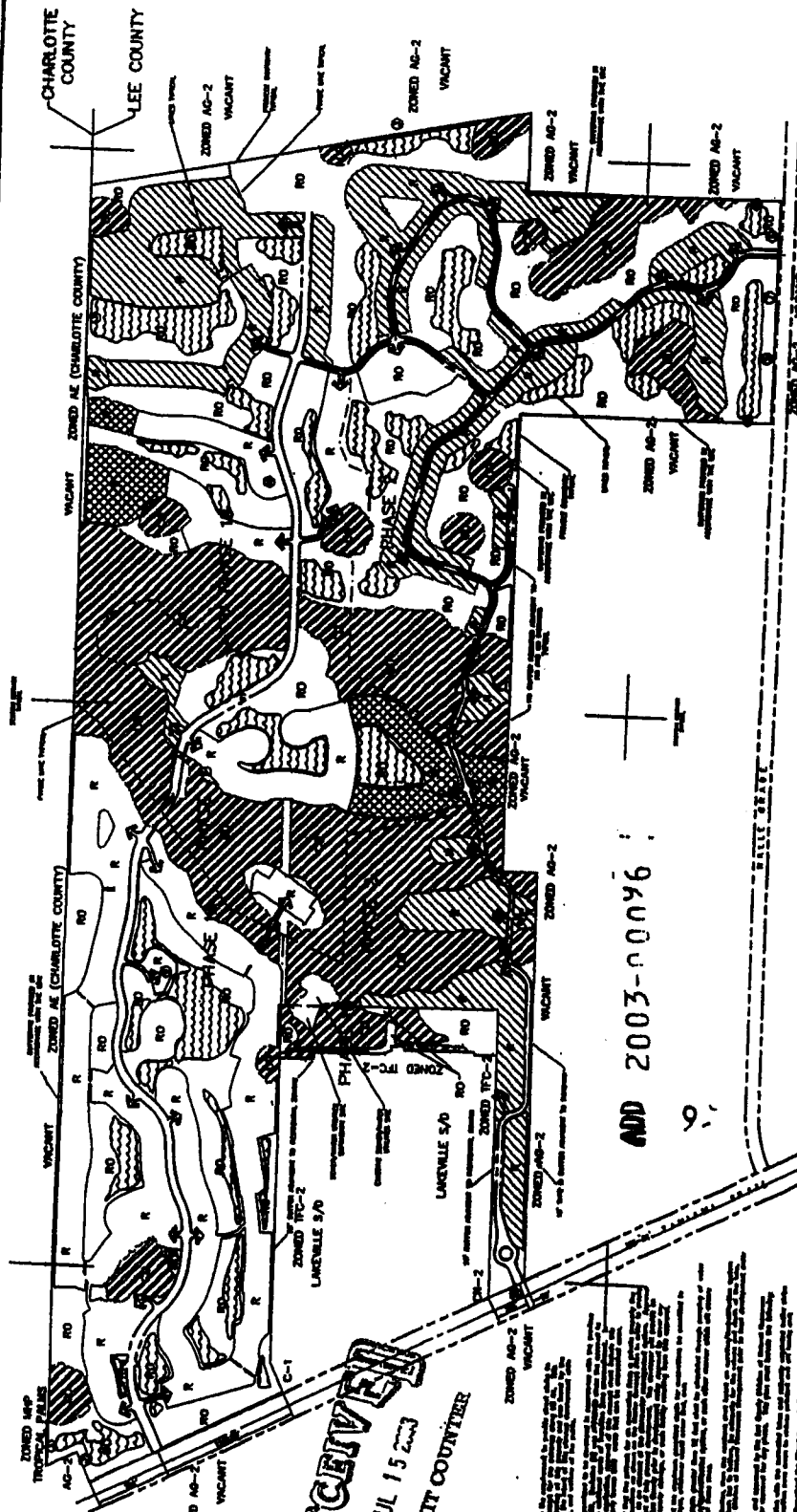
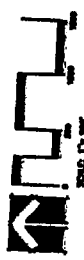


TABLE 1
AND THE TABLE

[illegible]

① **DEVELOP LACROIX UNIT**
② **DEVELOP 4 AFFILIATE INSTITUTES IN COMMUNITY**

[illegible]

EARTHMARK

**HERON'S GLEN
LEE COUNTY, FLORIDA**

**JOHNSON
ENGINEERING**

MASTER CONCEPT PLAN

APPROVED
Amendment to
Master Concept Plan
Subject to Case # *AD-0001-0006*
Date *Aug. 26, 2003*

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

[illegible]

1. GENERAL
 2. PERSONNEL
 3. TRAINING
 4. INSTRUMENTS
 5. PROCEDURES
 6. RECORDS
 7. REPORTS
 8. SALES
 9. MARKETING
 10. FINANCE
 11. ADMINISTRATION
 12. GENERAL
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 236. PROCEDURES
 237. RECORDS
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 240. MARKETING
 241. FINANCE
 242. ADMINISTRATION
 243. GENERAL
 244

[illegible]

CHRONICALLY ILL, 65 YEARS OF AGE, WITH HISTORY OF ALCOHOLISM, HYPERTENSION, AND CHRONIC OBSTRUCTIVE PULMONARY DISEASE. ADMITTED WITH ACUTE MYOCARDIAL INFARCTION. CURRENTLY ON MEDICATIONS INCLUDING ASPIRIN, NITROGLYCERINE, AND DIURETICS. HISTORY OF SMOKELESS TOBACCO USE. NO HISTORY OF DRUG ABUSE. ADMISSION TO HOSPITAL FOR MANAGEMENT OF MYOCARDIAL INFARCTION. CURRENTLY STABLE, WITH NO SIGNIFICANT CHANGES IN VITAL SIGNS OR LABORATORY VALUES. CONTINUING MONITORING AND TREATMENT AS REQUIRED.

1. GENERAL INFORMATION
 NAME: [REDACTED]
 ADDRESS: [REDACTED]
 CITY: [REDACTED] STATE: [REDACTED] ZIP: [REDACTED]
 PHONE: [REDACTED]
 2. EDUCATION
 SCHOOL: [REDACTED]
 DEGREE: [REDACTED]
 3. EMPLOYMENT
 EMPLOYER: [REDACTED]
 POSITION: [REDACTED]
 4. REFERENCES
 NAME: [REDACTED]
 ADDRESS: [REDACTED]
 CITY: [REDACTED] STATE: [REDACTED] ZIP: [REDACTED]
 PHONE: [REDACTED]
 5. ADDITIONAL INFORMATION
 [REDACTED]

[illegible]

RECEIVED
JUN 11 11

PERMIT COUNTER

2003-00049

**JOHNSON
ENGINEERING**

**HERON'S GLEN
LEE COUNTY, FLORIDA**

EARTHMARK

NOTES FOR
SCHEDULE OF USES

DATE	PROJECT NO.	FILE NO.	FILED
JUN 20 1962	100-100000000	100-100000000	100-100000000

RECEIVED

OCT 29 2008

ADD 2008-00152

ADMINISTRATIVE AMENDMENT (PD) ADD2002-00088

COMMUNITY DEVELOPMENT

**ADMINISTRATIVE AMENDMENT
LEE COUNTY, FLORIDA**

WHEREAS, Coolidge Fort Myers Realty, L.P. filed an application for administrative approval of an amendment to the Herons Glen Residential Planned Development, on property located at 2250 Avenida Del Vera, N. Ft. Myers, described more particularly as:

LEGAL DESCRIPTION: See attached Exhibit A.

WHEREAS, the property was originally rezoned in case number 88-3-18-DRI and subsequently amended by Resolutions Z-89-076, PD-90-017, Z-92-054, Z-92-060, PD-93-015, PD-96-018, PD-97-043, Administrative Deviation 97-12-277.02A, PD-98-006, PD-98-047, MHD-99-003, Z-00-078, ADD2002-00005; and

WHEREAS, the applicant has requested certain changes to Condition #19 of Resolution Z-00-078 in order to allow development orders to be issued prior to completion of the water main extension to Herons Glenn DRI project; 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.

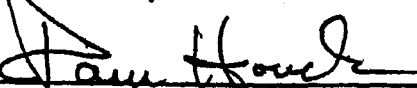
NOW, THEREFORE, IT IS HEREBY DETERMINED that the application for administrative approval for an amendment to Residential Planned Development is **APPROVED**. Approval is subject to the following conditions:

- 1) Condition #19 of Resolution Z-00-078 is hereby revised as follows:
 19. Potable Water/Fire Flow
 - a. ~~No development orders building permits~~ for residential or commercial structures will be issued beyond Unit 9 of the Herons Glen DRI, by the County until the Herons Glen development ~~connects into~~ provides a connection between its existing on-site water main and the Lee County Utilities' (LCU) 16 inch potable water main extension on the north side of Nalle Grade Road at the southeast corner of the Herons Glen DRI project

and said water main connection is authorized by the State of Florida Department of Health / Lee County Public Health Unit to be placed in service. This requirement will not prohibit the issuance of a development order for the waste water treatment plant expansion. See condition 19(b) regarding plat approval.

- b. The developer must pay one-half of the actual cost of constructing the 16 inch main extension from the current end/trunk point to the southeast corner of Herons Glen. (Estimated total cost is \$300,000.00) Payment is due at the time LCU presents a written request to the developer detailing the actual cost. The developer, at developer's option may choose to pay this obligation over a period of time that does not exceed five years, at an interest rate of no greater than five percent. Developer must notify LCU as to its exercise of this option in writing and include a proposed payment schedule. Failure to timely pay this obligation in full will result in a denial of any further building permits. The cost ascribed to Herons Glen for installation of this water main, both on and off site, for the development must be bonded prior to County approval of any plat beyond Unit 9.
- c. Unchanged
- d. Unchanged
- 2) The Development must be in compliance with the previously approved Master Concept Plan for Herons Glen DRI.
- 3) The terms and conditions of the original zoning resolutions remain in full force and effect except as specifically amended by the changes to Condition 19 of Resolution Z-00-078 listed herein.

DULY SIGNED this 16th day of August, A.D., 200 .

BY: 

Pam Houck, Director
Division of Zoning
Department of Community Development

and

BY: 

Peter J. Eckenrode, Director
Division of Development Services
Department of Community Development

RECEIVED
JUL 10 2002

ZONING COUNTER
ADD 2002-00088

**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

(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.



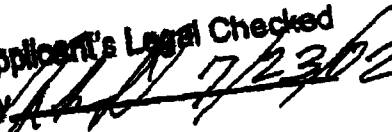
Stephen P. Frek P.S.M. Professional Surveyor and Mapper
Florida Registration No. 3273

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  7/23/02

ADD 2008-00152

RECEIVED
OCT 29 2008

ADMINISTRATIVE AMENDMENT (PD) ADD2002-00005

ADMINISTRATIVE AMENDMENT
LEE COUNTY, FLORIDA

COMMUNITY DEVELOPMENT

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.
2. Section B, 2.b., Site Development Regulations, Attachment H, to the Staff Report (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.
3. Type #3, patio homes are only permitted in areas shown cross hatched on the revised Master Concept Plan.
4. The terms and conditions of the original zoning resolutions remain in full force and effect, except as amended herein.

DULY SIGNED this 21st day of June, A.D., 2002.

BY: _____

Pam Houck
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;

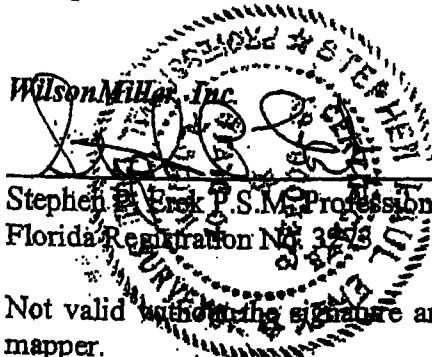
thence S00°11'07"E, 335.36 feet; thence N89°48'53"E, 60.00 feet; thence S00°11'07"E, 600.00 feet; thence along the arc of a tangent curve concave to the Northeast, having for its elements a radius of 236.25', a central angle of 31°56'42", a chord of 130.02 feet, a chord bearing of S16°09'28"E, an arc 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

WilsonMiller

New Directions In Planning, Design & Engineering

(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.



Stephen E. Erik P.S.M. Professional Surveyor and Mapper
Florida Registration No. 32925

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 gm 6/21/02

PAGE 2 OF 3

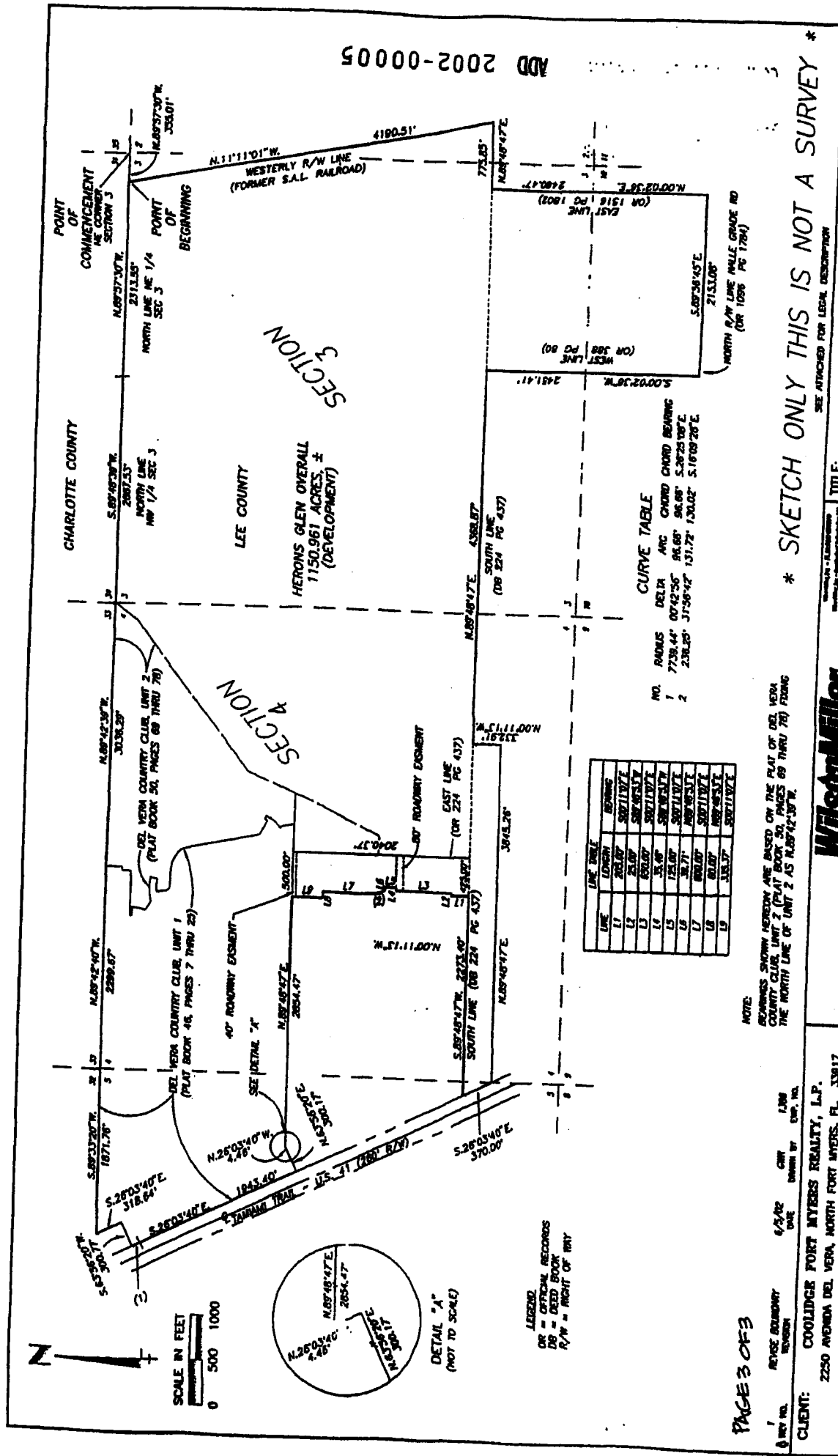
8/6/2002-22325 Ver: 011- GRASHFORD
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02898-002-P03- PWRK- 0206

RECEIVED

JUN 06 2002

COMMUNITY DEVELOPMENT

ADD 2002-00005



ADD 2002-00005

* SKETCH ONLY THIS IS NOT A SURVEY

SEE ATTACHED FOR LEGAL DESCRIPTION

LINE	LENGTH	BEARING
L1	20.00	S87°11'07"E
L2	20.00	S87°11'07"E
L3	20.00	S87°11'07"E
L4	20.00	S87°11'07"E
L5	20.00	S87°11'07"E
L6	20.00	S87°11'07"E
L7	20.00	S87°11'07"E
L8	20.00	S87°11'07"E
L9	20.00	S87°11'07"E

NO.	RADIUS	DELTA	ARC	CHORD	BEARING
1	7739.44'	00°42'56"	96.66'	96.66'	S28°25'08"E
2	238.20'	37°56'42"	131.72'	130.02'	S16°09'26"E

NOTE:

BEARINGS SHOWN HEREON ARE BASED ON THE PLAT OF DEL VERO COUNTY CLUB UNIT 2 (PLAT BOOK 50, PAGES 68 THRU 70) FIDING THE NORTH LINE OF UNIT 2 AS N.88°42'39"W.

CLIENT: COOLIDGE FORT MYERS REALTY, L.P.
2250 AVENUE DEL VERO NORTH FORT MYERS, FL 33917

ACTIVITY	DATE	BY	DATE
DRAWN BY:	6/5/02	1306	6/5/02
CHECKED BY:	6/5/02	1146	6/5/02
COMPUTED BY:	6/5/02	1306	6/5/02

Wilson Miller
Surveyors - Engineers - Architects - Landscape Architects - Transportation Consultants

Wilson Miller, Inc.
10000 South Shoreline Drive, Suite 100
Fort Myers, FL 33907
Phone: 941-933-1111
Fax: 941-933-1112
www.wilsonmiller.com

SKETCH OF DESCRIPTION
HERONS GLEN

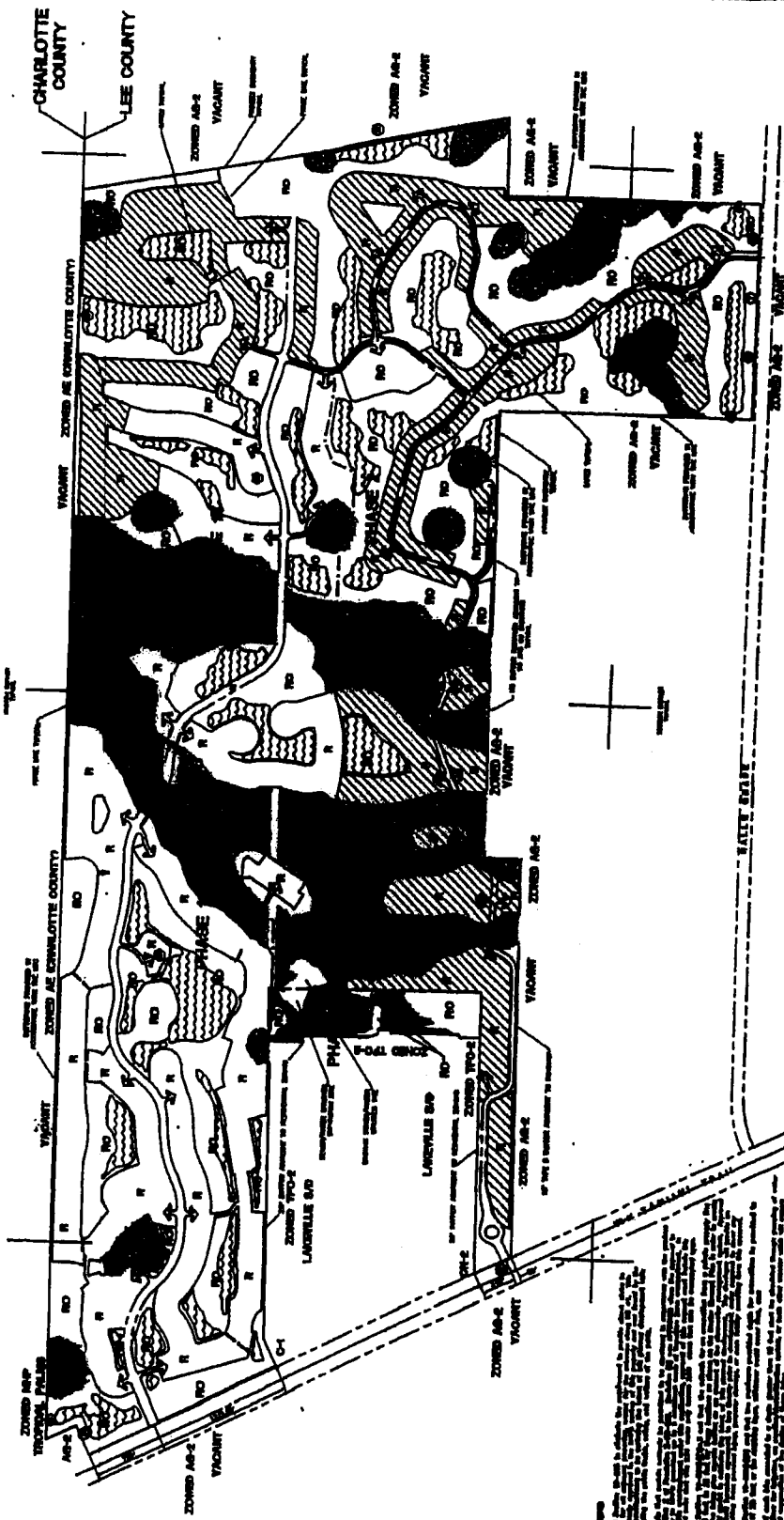
DATE: 6/5/02
SHEET NO.: 1 OF 1
PROJECT NO.: 02898-002-P03
DRAWN BY: ZOPDA
CHECKED BY: N/A
COMPUTED BY: N/A

02898-002-P03

1 OF 1

B-2898-54

DATE OF PREPARED	01/11/11
DATE OF REVISION	01/11/11
PROJECT NO.	001
CLIENT NO.	001
DESIGNER NO.	001
DATE	01/11/11
BY	WILSON MILLER
FOR	COOLIDGE FORT MYERS REALTY, LP
SCALE	1" = 100'
SHEET NO.	1 OF 2



APPROVED
 [Signature]
 [Stamp]

REVISIONS

NO.	DATE	DESCRIPTION
1	01/11/11	Initial Design
2	01/11/11	Revised Design
3	01/11/11	Final Design

LEGEND

- ZONED AB-2
- ZONED AB-4
- ZONED AB-6
- ZONED AB-8
- ZONED AB-10
- ZONED AB-12
- ZONED AB-14
- ZONED AB-16
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- ZONED AB-94
- ZONED AB-96
- ZONED AB-98
- ZONED AB-100

NOTES:

1. The master concept plan is based on the information provided by the client and is subject to change without notice.
2. The master concept plan is not a final design and is not to be used for construction purposes.
3. The master concept plan is not a legal document and is not to be used for legal purposes.
4. The master concept plan is not a survey and is not to be used for surveying purposes.
5. The master concept plan is not a map and is not to be used for mapping purposes.
6. The master concept plan is not a plan and is not to be used for planning purposes.
7. The master concept plan is not a drawing and is not to be used for drawing purposes.
8. The master concept plan is not a design and is not to be used for design purposes.
9. The master concept plan is not a plan and is not to be used for plan purposes.
10. The master concept plan is not a drawing and is not to be used for drawing purposes.

PROPERTY DEVELOPMENT REGULATIONS

Use

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

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

Revised EXHIBIT D

RECEIVED
OCT 29 2008

ADD 2008-00152

COMMUNITY DEVELOPMENT

RESOLUTION NUMBER Z-00-078

RESOLUTION OF THE BOARD OF COUNTY COMMISSIONERS
OF LEE COUNTY, FLORIDA

WHEREAS, an application was filed by the property owner, Robert J. Peters, to amend the Herons Glen DRI; and

WHEREAS, a public hearing was advertised and held on December 6, 2000 with the record left open until December 22, 2000 for written submissions, before the Lee County Zoning Hearing Examiner, who gave full consideration to the evidence in the record for Case #DRI964596 and DCI964597; and

WHEREAS, a second public hearing was advertised and held on February 5, 2001 and continued to February 27, 2001 before the Lee County Board of Commissioners, who gave full and complete consideration to the recommendations of the staff, the Hearing Examiner, the documents on record and the testimony of all interested persons.

NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF COUNTY COMMISSIONERS:

SECTION A. REQUEST

The applicant filed a request to amend the Herons Glen DRI development order #6-8687-77 to:

1. a) change the name of the development from Del Vera to Herons Glen DRI; and
b) add 20 acres to the DRI to accommodate a wastewater treatment plant expansion; and
c) increase commercial square footage from 10,000 to 12,000 square feet; and
d) add an additional 18-hole golf course; and
e) extend the buildout and termination date to May 3, 2010 (for a total extension of 12 years); and
f) modify the phasing schedule; and
g) modify Map H to reflect the changes noted above.

2. Determine whether the proposed changes constitute a substantial deviation under the provisions of §380.06(19), Florida Statutes, requiring further Development of Regional Impact review.

3. Amend the existing Residential Planned Development (RPD) zoning to increase the building height for the clubhouse from 35 feet to 45 feet, increase the internal commercial land area by 2,000 square feet; change a portion of an area previously set aside as residential development to allow an additional 18-hole golf course to be incorporated into the residential uses; and incorporate other changes proposed in the DRI NOPC such as the increase in acreage for the Red-Cockaded Woodpecker Preserve areas.

4. Rezone 20± acres of land from AG-2 (Agricultural) to Residential Planned Development

Box #34049

(RPD) to allow an Essential Services, Group II use, Wastewater Treatment Plant only, and outdoor storage of recreational vehicles use.

The property is located in the Suburban, Outlying Suburban and Wetland Land Use Categories and legally described in attached Exhibit A. The request is APPROVED, SUBJECT TO the conditions and deviations specified in Sections B and C below.

SECTION B. CONDITIONS:

All references to uses are as defined or listed in the Lee County Land Development Code (LDC).

1. The development of this project must be consistent with the two-page Master Concept Plan entitled "Herons Glen DRI Master Concept Plan," with pages 1 and 2 stamped "Printed December 5, 2000" except as modified by the conditions below. This development must comply with all requirements of the Lee County LDC at time of local development order Approval, except as may be granted by deviation as part of this planned development. If changes to the Master Concept Plan are subsequently pursued, appropriate approvals will be necessary.
2. The following limits apply to the project and uses:

- a. Schedule of Uses

Residential "R"

Administrative Offices

Dwelling units (maximum of 2,700 only): limited to 1,620 detached conventional single family homes, 540 zero lot line homes and 540 townhouse units

Model Homes, Model Units and Model Display Center, limited to the residential uses within Herons Glen RPD

Speculative Home

Residential Accessory Uses, including but not limited to:

Private Garages, Carports and Parking Areas

Private Swimming Pools and Enclosures

Private Tennis Courts

Entrance Gates and Gatehouse

Essential Services

Essential Service Facilities, Groups I and II

Excavations, water retention (as further limited by other conditions)

Fences, Walls

Home Occupation (in compliance with LDC §34-1771 *et seq.*)

Real Estate Sales Center limited to the residential uses within Herons Glen

Recreational Facilities, Personal and Private On-Site

Signs (in conformance with LDC Ch. 30)

Temporary Construction Trailer

Residential Open Space "RO" (Open Space, Golf Course, and Buffers)

Recreation Facilities, Private On-site and Private Off-site such as: Basketball Courts, Biking, Hiking, Fishing Piers, Picnic Areas and Nature Trails
Clubs, Country
Golf Courses, including practice areas/ranges and a Pro Shop—must be located within the Club House)
Commercial Uses—limited to those uses permitted by right or by Special Exception in the CN-1 and CN-2 plus the following (as permitted by Resolution Z-88-069, Z-92-060, PD-96-018):
Essential Services
Essential Service Facilities, Groups I and II
Entrance Gates and Gatehouses
Excavation, Water Retention
Fences and Walls
Outdoor seating for the Consumption on Premises, in compliance with LDC §34-1261 *et seq.*
Golf Course Maintenance Facility
Personal Services, Group II
Health Clubs
Massage Establishments (as further limited by other conditions)
Real Estate Sales Center limited to units within Herons Glen RPD
Recreation Facilities, Private On-site and Private Off-site such as: Basketball Courts, Biking, Hiking, Fishing Piers, Picnic Areas and Nature Trails
Signs (in compliance with LDC Ch. 30)
Storage, Outdoor (as further limited by other conditions)
Temporary Uses, limited to construction trailers (subject to compliance with LDC Ch. 34)

Conservation "CO"

Interpretative Areas, Rain Shelters, Gazebos, Nature and Pedestrian trails (subject to further review and conditions by Lee County)
Water Management Facilities, Utility and/or Roadway Crossings (subject to further review and conditions by Lee County)
Signs (in compliance with LDC Ch. 30)

b. **Site Development Regulations**

Attachment H to the Staff Report (attached as Exhibit D)

3. The following conditions address Environmental concerns, and are intended to supplement the conditions and provisions contained within the DRI Development Order:
 - a. The Red-Cockaded Woodpecker (RCW) management plan entitled "Attachment B: Revised Red-Cockaded Woodpecker Monitoring and Management Plan for the Herons Glen DRI (f.k.a. Del Vera, Villages of Nantucket and Del Tura North DRI),

Lee County Florida" dated July 2000 is hereby adopted with the following conditions:

- (1) Prescribed burns of the RCW Preserves must commence within three years of the completion of the initial exotic eradication activities in the RCW preserve, and must be completed on the entire site within three years of that date, or no later than 2007; and
 - (2) All burns must occur between January and March to avoid the RCW nesting season; and
 - (3) The Division of Planning - Environmental Sciences staff must be notified in writing of each scheduled burn at least 15 days prior to the prescribed burn.
- b. The wetland management plan entitled "Attachment C: Revised Wetlands Management Plan for the Herons Glen DRI (f.k.a. Del Vera, Villages of Nantucket, and Del Tura North)" dated July 2000 and counter stamped August 14, 2000 is approved with the following conditions:
- (1) Prior to any invasive exotic removal or control, the Division of Planning - Environmental Sciences Staff must be notified in writing of the commencement and estimated completion dates, the removal method proposed, and the herbicide to be applied. The exotic removal method and herbicide are subject to Environmental Sciences Staff review and approval; and
 - (2) An appropriate herbicide must be applied to the trunk immediately following the cutting of any invasive exotic vegetation; and
 - (3) The semi-annual exotic vegetation maintenance must occur in March and October. The exotic vegetation maintenance must commence in March 2001 for a minimum duration of three years as specified in the wetlands management plan, and then on an as-needed basis thereafter; and
 - (4) Monitoring reports of exotic vegetation within the RCW preserve must include at a minimum one photo from each of the four units prior to each semi-annual maintenance and one month following the completion of the exotic maintenance. The monitoring reports must be submitted to Environmental Sciences Staff in May and December each year. The pine planting monitoring report must be submitted as part of the May monitoring report.
- c. The irrigation line installed in the pine planting area within the preserve must be removed prior to the 2001 Red-Cockaded Woodpecker nesting season (April-June). The May 2001 monitoring report must document the removal of the irrigation line.

4. Commercial uses within the project are limited to a maximum of 12,000 square feet, and must be located within the club house(s)/country club(s); NO freestanding commercial uses are permitted within the DRI. The commercial uses, with the exception of the golf course(s), are limited to the residents of Herons Glen. The commercial uses are subject to the following additional conditions:
 - a. Signs for commercial uses other than project sales may not be visible from the perimeter of the project and must comply with LDC Chapter 30.
 - b. Outside display or storage of goods for retail sale is prohibited.
 - c. Real estate sales activity and model homes are limited to that designated phase of the project only. Model Home uses must terminate upon the sale of the last unit in the designated project or phase or 12 months after the issuance of the last certificate of occupancy for the designated project or phase, whichever occurs first. Real Estate sales and model homes uses are further limited to the termination date of the specific phase, i.e., these uses must cease after 2005 for Phase 1 and 2010 for Phase 2.
 - d. No commercial land use or commercial occupancy of a structure may commence until a substantial proportion of the residential uses or occupancies have begun. The following table indicates the maximum proportion of the total permitted commercial floor space that may be occupied for a minimum proportion of residential land uses commenced.

PHASING LIMITS
 [Proportions are cumulative from left to right.]

Residential use (minimum)	25%	50%	75%	100%
Commercial use (maximum)	25%	50%	100%	

- e. These conditions are in addition to and not in lieu of any other general condition or regulation applicable to a residential planned development.
5. Uses on the 20-acre tract being added to this project are limited to Essential Services, Group II, intended to serve this project only, and Storage, Enclosed, limited to the storage of RVs, boats and similar vehicles owned by residents of Herons Glen.
6. All outdoor storage must be located no closer than 100 feet from a project perimeter property line, and must be shielded behind a continuous visual screening at least eight feet in height when visible from a residential use or residential zoning district, and six feet in height when visible from any street right-of-way or street easement. A Type "B" buffer must be installed around the perimeter of the storage area. On-site indigenous vegetation may

count toward the vegetative requirements of that buffer.

7. The town house buildings must be located interior to the project. A single-family portion of the project, with no less than one "row" of single-family units, golf course fairway(s), lake(s), or conservation area(s) at least 100 feet in width must separate town house buildings from any perimeter property line.
8. Model units and homes are permitted in compliance with the following conditions:
 - a. Each model must be a unique example. Multiple examples of the same unit are not permitted; and
 - b. All model sites must be designated on the development order plans; and
 - c. Prior to model home construction, the lots upon which model homes will be constructed must be shown on a preliminary plat. The preliminary plat must be filed concurrently with the local development order application. The model homes must comply with the setbacks set forth in the property development regulations for this project for the specific residential type; and
 - d. Dry models are prohibited.
9. Buildings exceeding 35 feet in height must maintain additional building separation or additional building setbacks as regulated by LDC §34-2174(a) and LDC §34-935(e)4.
10. Regarding the massage establishment (from PD-96-018):
 - a. The massage establishment uses are limited to Herons Glen residents and their guests; and
 - b. Only one licensed massage establishment is permitted within each clubhouse.
11. Transportation mitigation must be provided as outlined in the DRI Development Order. However, site-related improvements and additional conditions may be required at the time of local development order in accordance with the provisions of the LDC.
12. Approval of this rezoning does not guarantee local development order approval. Future development order approvals must satisfy the requirements of the Lee Plan Planning Communities Map and Acreage Allocation Table, Map 16 and Table 1(b), be reviewed for, and found consistent with, the retail commercial standards for site area, including range of gross floor area, location, tenant mix and general function, as well as all other Lee Plan provisions.
13. No excess excavated material may be removed from the site (except as allowed by previous deviation approval) unless the developer can demonstrate to the Director of Community Development that the material to be removed: a) is unsuitable material that

cannot be used on-site and b) the material must be excavated to meet the minimum requirements to provide a water management system on the site. The purpose of this condition is to prohibit the voluntary creation of excess fill material for use off-site.

14. Prior to the issuance of a local development order for any portion of the project, the developer must submit all hydrologic and hydraulic data related to the flow-way and all bypass drainage to the Division of Natural Resources Management for review and approval.
15. This development must comply with all of the requirements of the LDC at the time of local development order approval, except as may be granted by deviations approved as part of this planned development or subsequent amendments thereto.
16. A Type "E" buffer must be installed completely around the perimeter of the area used for the wastewater treatment facility, and a 200-foot setback must be maintained from any residential use or property line where a residential use would be permitted.
17. All conditions or commitments made by the developer or contained in the DRI Application for Development Approval or subsequent documents, previous DRI Development Orders or subsequent amendments, and previous zoning actions not affected by this amendment, remain in full force and effect. If conflicting conditions existing between this approval and the DRI Development Order or its amendments, the more restrictive condition will apply.
18. The developer must have a separate construction access road in place prior to the beginning of Phase II (i.e., prior to development approval and permitting for the 1039th residential unit - based upon the DRI phasing schedule adopted February 27, 2001). No building permits for construction in Phase II will be issued until a separate construction access is in place. The intent of this condition is to require the alternate access to be used for all Phase II construction traffic.

The preferred alternative for the construction access road is Nalle Grade Extension. Construction of Nalle Grade Extension prior to the beginning of Phase II will be eligible for road impact fee credits in accordance with the provisions of the road impact fee regulations and the Herons Glen DRI development order.

19. **POTABLE WATER/FIRE FLOW**

- a. No development orders for residential or commercial structures will be issued by the County until the Herons Glen development connects into the Lee County Utilities' (LCU) 16 inch potable water main extension on the north side of Nalle Grade Road at the southeast corner of the Herons Glen DRI project. This requirement will not prohibit the issuance of a development order for the waste water treatment plant expansion.
- b. The developer must pay one-half of the actual cost of constructing the 16 inch main extension from the current end/trunk point to the southeast corner of Herons Glen. (Estimated total cost is \$300,000.00.) Payment is due at the time LCU presents a

written request to the developer detailing the actual cost. The developer, at developer's option, may choose to pay this obligation over a period of time that does not exceed five years, at an interest rate of no greater than five percent. Developer must notify LCU as to its exercise of this option in writing and include a proposed payment schedule. Failure to timely pay this obligation in full will result in a denial of any further building permits.

- c. The County anticipates that the 16 inch water main will be constructed and available for connection by Herons Glen on or before April 1, 2002. The County has committed to use good faith efforts in acquisition of the necessary property rights and construction of the water main within this time frame. However, failure of the County to achieve this proposed goal due to circumstances beyond its reasonable control will not constitute the basis for any civil action against the County by the developer or residents of Herons Glen.
- d. An additional purpose of this condition is to prohibit the use of blue hydrants and residential sprinklering of buildings to substantiate local development order approval for structures after March 1, 2001. However, this condition will not prevent the developer from obtaining building permits for construction of Units 7, 8 and 9 approved prior to March 1, 2001 and recorded in the County plat books.

SECTION C. DEVIATIONS:

No new deviations have been sought as part of this request. All previously approved deviations, not revised by the changes and conditions herein, remain in full force and effect.

SECTION D. EXHIBITS:

The following exhibits are attached to this resolution and incorporated by reference:

- Exhibit A: The legal description and STRAP number of the property.
- Exhibit B: Zoning Map (subject parcel identified with shading)
- Exhibit C: The Master Concept Plan
- Exhibit D: Property Development Regulations (aka Exhibit H to staff report)
- Exhibit E: Second Development Order Amendment

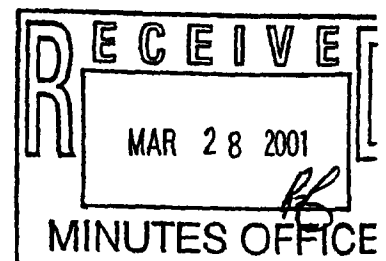
SECTION E. FINDINGS AND CONCLUSIONS:

- 1. The applicant has proven entitlement to the amendment by demonstrating compliance with the Lee Plan, the LDC, and any other applicable code or regulation.
- 2. The amendment, as approved:
 - a. meets or exceeds all performance and locational standards set forth for the potential uses allowed by the request; and,
 - b. is consistent with the densities, intensities and general uses set forth in the Lee Plan; and,
 - c. is compatible with existing or planned uses in the surrounding area; and,

- d. will not place an undue burden upon existing transportation or planned infrastructure facilities and will be served by streets with the capacity to carry traffic generated by the development; and,
 - e. will not adversely affect environmentally critical areas or natural resources.
3. The amendment satisfies the following criteria:
- a. the proposed use or mix of uses is appropriate at the subject location; and
 - b. the recommended conditions to the concept plan and other applicable regulations provide sufficient safeguard to the public interest; and
 - c. the recommended conditions are reasonably related to the impacts on the public interest created by or expected from the proposed development.
4. Urban services, as defined in the Lee Plan, are, or will be, available and adequate to serve the proposed land use.
5. The approved deviations, as conditioned, enhance achievement of the planned development objectives, and preserve and promote the general intent of LDC Chapter 34, to protect the public health, safety and welfare.
6. The proposed changes constitute a substantial deviation under F.S. §380.06(19). However, the applicant has successfully rebutted the presumption that the changes create new or additional unreviewed regional impacts.

The foregoing resolution was adopted by the Lee County Board of Commissioners upon the motion of Commissioner Judah, seconded by Commissioner Coy and, upon being put to a vote, the result was as follows:

Robert P. Janes	Aye
Douglas R. St. Cerny	Aye
Ray Judah	Aye
Andrew W. Coy	Aye
John E. Albion	Aye



DULY PASSED AND ADOPTED this 27th day of February, 2001.

ATTEST:
CHARLIE GREEN, CLERK

BY: *Ruth L. Green*

Deputy Clerk

BOARD OF COUNTY COMMISSIONERS
OF LEE COUNTY, FLORIDA

BY: *Charles St. Cerny*

Chairman

Approved as to form by:

Dawn E. [Signature]

County Attorney's Office

RECEIVED
DEC 01 1999

LEGAL DESCRIPTION
HERON'S GLEN

PERMIT COUNTER

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, 3354.47 feet;

Applicant's Legal Checked
by gm 12/6/99

thence, along the east line of lands as described in Official Records Book 410 at page 690 of the aforementioned public records, S00°11'07"E, 2040.37 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, 2698.40 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

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00075-000-000-0

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CASE NO: DRI964596 & DCI964597

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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 1130.751 acres, more or less.

AND

EXHIBIT "A"

A Tract or parcel of land lying Section 4, Township 43 south, Range 24 east, Lee County, Florida, which tract or parcel is described as follows;

From the Southeast corner of lot 45 of Unit No.1 North Fort Myers Park according to a Plat thereof recorded in Plat Book 9 at Page 113, Public Records of Lee County, Florida, run S 89°59'E along the South Line of the lands conveyed by Deed recorded in Deed Book 224 at Page 437 of said public records and along the south line of Section No.1 Unit No.1 Lakeville, according to a plat thereof recorded in Plat Book 10, Page 48, of said public records and Section No.1 Unit 2, Lakeville according to a plat thereof recorded in Deed Book 298 at Pages 303 to 306, inclusive, of said public records for 1,940 feet to the Southeast corner of said section No.1 unit No.2 and the Point of Beginning of the Land herein described.

From said Point of Beginning continue S89°59'E along the South line of the lands conveyed by said deed recorded in deed book 224 at page 437, for 425 feet to a concrete monument at the southwest corner of the lands described in and conveyed by said deed recorded in deed book 300, page 633, of said public records: thence run N0°01'E along the west line of said lands for 2040

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feet to a point in the centerline of a roadway easement 80 feet wide which point is marked by a concrete monument; thence run N89°59'W along said centerline for 500 feet to a point on a prolongation in the east line of said section No. 1 unit No. 2 Lakeville which point is 40 feet north of the northeast corner of said section No. 1 unit No. 2; thence run south along said prolongation and along the easterly boundary of said section No. 1, Unit No. 2 S0°01'W for 335 feet S89°59'E for 60 feet, S0°01'W for 600 feet to a point of curvature; thence run southeasterly along the arc of a curve radius 236.25 feet for 131.72 thence run S89°59'E for 39.71 feet. S0°01'W for 125 feet, N89°59'W for 35.48 feet and S0°01'W for 650 feet, N89°59'W for 25 feet and S0°01'W for 205 feet to the Southeast corner of said section No.1 Unit No. 2 Lakeville and the Point of Beginning, subject to roadway easements over and along the north 40 feet and over and along the north 80 feet of the south 855 feet being an extension of Lakeville drive a shown on said plat of Section No. 1 Unit No. 2, Lakeville. Also granting an Easement for roadway purposes over and along a strip of land 40 feet in width north of and adjacent to the northern boundary of the above described lands and an easement for roadway purposes 80 feet in width extending from the westerly boundary of the above described lands westerly along the northern boundaries of said section No. 1, unit No.2 and Section No. 1, unit No. 1 of Lakeville and through lot 24 of said unit No. 1 Fort Myers Park to the Tamiami Trail (State Road No. 45).

11/24/98-3477 Doc: 0114044423
00075-003-000-0

The applicant indicates there are numerous and varied STRAP numbers which are on file and available for inspection at the Department of Community Development, 1500 Monroe St., Ft. Myers, FL

EXHIBIT A
Page 3 of 3

Zoning Map

Charlotte County

Charlotte County

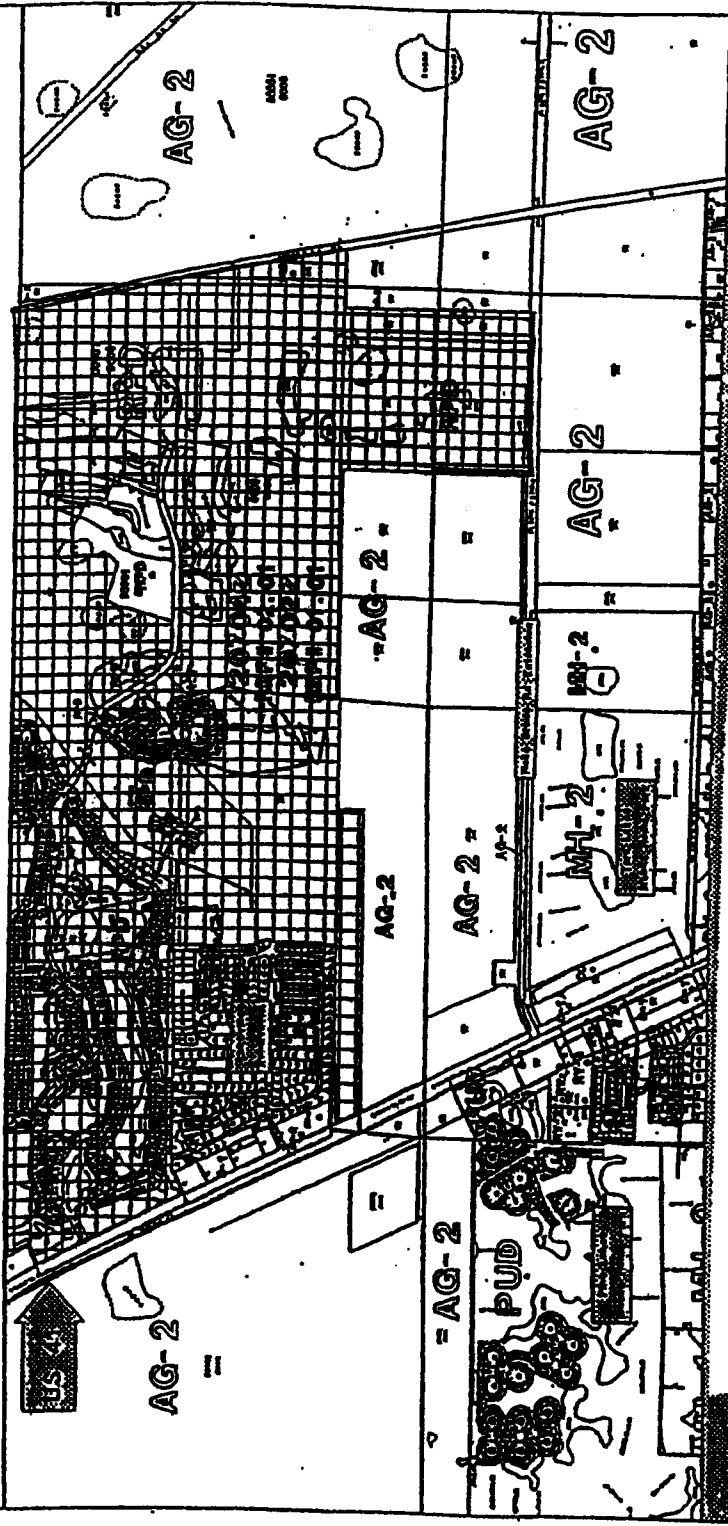


EXHIBIT B

PROPERTY DEVELOPMENT REGULATIONS

Use	Dimensions		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
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	20 feet to any other townhouse bldg 25 feet to any single family lot line for any 1 story bldg; 40 feet to any single family lot line for any structure more than 2 stories 10 feet for accessory buildings 20 feet to any townhouse bldg 25 feet to any single family lot line for any 1 story bldg; 40 feet to any single family lot line for any structure more than 2 stories 10 feet for accessory buildings
Country Club/Clubhouse				15	20**	20		
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 Setback: 10 feet								
* with side entry garages ** or in compliance with fire and safety access issues								

* with side entry garages ** or in compliance with fire and safety access issues

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PREPARED FOR COUDAGE PORT MYERS REALTY, L.P.
 SCHEDULE OF USES
 MASTER CONCEPT PLAN
 HERONS GLAN 000

PRINTED
 SECTION
 2.2

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

1. **Residential Use:** Single-family detached homes, townhomes, and condominiums. The minimum lot size for single-family detached homes shall be 10,000 square feet. The minimum lot size for townhomes and condominiums shall be 5,000 square feet. The maximum height for residential buildings shall be 40 feet.

2. **Commercial Use:** Retail, office, and professional services. The minimum lot size for commercial buildings shall be 10,000 square feet. The maximum height for commercial buildings shall be 60 feet.

3. **Industrial Use:** Light industrial and manufacturing. The minimum lot size for industrial buildings shall be 20,000 square feet. The maximum height for industrial buildings shall be 80 feet.

4. **Public Use:** Parks, playgrounds, and public facilities. The minimum lot size for public use shall be 10,000 square feet. The maximum height for public use shall be 40 feet.

5. **Other Use:** Any use not specifically listed in this schedule shall require a special use permit from the local government.

SECOND DEVELOPMENT ORDER AMENDMENT¹
FOR

HERONS GLEN (FORMERLY DEL VERA)

A DEVELOPMENT OF REGIONAL IMPACT

STATE DRI #6-8687-77

COUNTY CASE #88-3-18-DRI(d)

COMMUNITY DEVELOPMENT

RECEIVED
OCT 29 2008

LET IT BE KNOWN that, pursuant to §380.06, Florida Statutes, the Board of County Commissioners of Lee County, Florida, considered the Application for Development Approval filed by Euromerican Investment Group Ltd/Florida Sites International, regarding a Development of Regional Impact consisting of 1,136 acres, at a public hearing and adopted the original development order for the Del Tura North Country Club Development of Regional Impact (DRI) on April 25, 1988.

WHEREAS, the Del Tura North County Club DRI was amended in May 3, 1993 to change the name of the DRI to Del Vera DRI; allow detached single family residential dwelling units; eliminate the mobile home/manufactured home uses, eliminate the second golf course and expand the original golf course; change the phasing schedule and extend the buildout date to May 3, 1998; and

WHEREAS, a Notice of Proposed Change was filed by Coolidge-Fort Myers Realty, L.P., on December 1, 1999 to: (1) change the name of the development to Herons Glen DRI; (2) add 20 acres to the DRI to accommodate a waste water treatment plant expansion; (3) increase commercial square footage from 10,000 to 12,000 square feet; (4) add an additional 18 hole golf course; (5) extend the buildout and termination date to May 3, 2010 (for a total extension of 12 years); (6) modify the phasing schedule; and (7) modify Map H; and

WHEREAS, under §380.06(19), Florida Statutes, the proposed changes must be reviewed cumulatively with previous changes to determine whether they constitute a substantial deviation from the terms of the existing development order approvals; and

WHEREAS, the request to extend the buildout date a total of 12 years is presumed to create a substantial deviation under §380.06(19)(c) that may be rebutted by clear and convincing evidence; and

WHEREAS, a public hearing was advertised and held on February 5, 2001 and

¹ This is a codification and restatement of all DRI development orders rendered with respect to the Del Tura North Country Club (a/k/a Del Tura; a/k/a Herons Glen) DRI, including actions taken on April 25, 1988, May 3, 1993 and February 27, 2001.

continued to February 27, 2001 before the Lee County Board of County Commissioners who gave full and complete consideration to the report and recommendations of the Southwest Regional Planning Council, the Lee County staff, the Lee County Hearing Examiner, the documents on record and the testimony of all interested parties; and

WHEREAS, the Board of County Commissioner reviewed the proposed change and concluded, based upon the evidence in the record that the proposed amendment does not constitute a substantial deviation from the original development approval.

NOW, THEREFORE, it is resolved by the Board of County Commissioners that the Development Order for the Heron's Glen (f/n/a Del Tura North Country Club) Development of Regional Impact adopted by the Board of County Commissioners on April 25, 1988 and amended on May 3, 1993 is further amended as follows.

NOTE: New language is underlined and deleted text is struck through.

~~The name of the project is hereby changed from Del Tura North Country Club to Del Vera.~~

I. FINDINGS OF FACT/CONCLUSIONS OF LAW

A. ~~The developer proposes to develop~~ Heron's Glen is a mixed use Development of Regional Impact (DRI). The development consists of a mixed-use project with 2,700 1,620 detached single-family residential dwelling units, 540 zero lot line villas, 540 townhouses, two 18 hole golf course(s) with clubhouses on 247 acres, clubhouse(s), 40,000 a total of 12,000 square feet of retail commercial area within the clubhouses on a total of 3 acres with a maximum of 250 parking spaces, sales center, and other amenities on 4436 1,151± total acres of land. A map of the development is attached as Exhibit A (Map H-3).

The legal description of the property is as follows:

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

Commence at the Northeast corner of Section 03, Township 43 South, Range 24 East; THENCE N.89°57'30"W. along the North line of the Northeast One Quarter (NE ¼) of said Section 03 for 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 of the herein described parcel of land; THENCE continue N.89°57'30"W. along said North line for 2313.55 feet to the Northeast corner of the Northwest One Quarter (NW ¼) of said Section 03; thence S.89°48'38"W. along the North line of said Northwest One Quarter (NW ¼) for 2667.53 feet to the Northwest corner of said Section 03;

THENCE N. 89°42'40"W. along the North line of Section 04, Township 43 South, Range 24 East, for 5335.96 feet to the Northwest corner of said Section 04; THENCE S. 89°33'20"W. along the North line of the Northeast One Quarter (NE ¼) of Section 05, Township 43 South, Range 24 East for 1871.76 feet to an intersection with the Northeasterly line of North Fort Myers Park according to the plat thereof as recorded in Plat Book 9, Page 113 of the Public Records of Lee County, Florida; THENCE S. 26°03'40"E. along said Northeasterly line for 318.64 feet to an intersection with the Southeasterly line of Lot 3 of said plat of North Fort Myers Park; THENCE S. 63°56'20"W. along said Southeasterly line for 300.77 feet to an intersection with the Northeasterly right-of-way line of Tamiami Trail (S.R. 45, U.S. 41), being a point on the arc of a circular curve concave to the Southwest, said point bearing N. 63°13'24"E, from the radius point of said curve; THENCE Southeasterly along the arc of said curve having for its elements a radius of 7739.44 feet and a central angle of 00°42'56" for 96.66 feet to the point of tangency; THENCE S. 26°03'40"E. along said Northeasterly right-of-way line for 1943.40 feet to an intersection with the Southeasterly line of the Northwestern One-Half (NW ½) of Lot 24 of the aforementioned plat of North Fort Myers Park; THENCE N. 63°56'20"E. along said Southeasterly line for 300.17 feet to an intersection with the aforementioned Northeasterly line of North Fort Myers Park; THENCE N. 26°03'40"W. along said Northeasterly line for 4.46 feet to an intersection with the Southerly line of that certain parcel of land described in Official Record Book 1032 at Page 707 of the aforementioned public records; THENCE N. 89°48'47"E. along said Southerly line for 3354.47 feet to an intersection with the East line of that certain parcel of land described in Official Record Book 410 at Page 690 of the aforementioned public records; THENCE S. 00°11'07"E. along said East line for 2040.37 feet to an intersection with the South line of that certain parcel of land described in Deed Book 224 at Page 437 of the aforementioned public records; THENCE S. 89°48'47"W. along said South line for 2698.40 feet to an intersection with the aforementioned Northeasterly right-of-way line of Tamiami Trail; THENCE S. 26°03'40"E. along said Northeasterly right-of-way line for 370.00 feet; THENCE N. 89°48'47"E. for 3845.26 feet; THENCE N. 00°11'13"W. for 332.91 feet to an intersection with the aforementioned South line of that certain parcel of land described in Deed Book 224 at Page 437 of the aforementioned public records; THENCE N. 89°48'47"E. along said South line for 4368.87 feet to an intersection with the Northerly extension of the West line of that certain parcel of land described in Official Record Book 388 at Page 80 of the aforementioned public records; THENCE S. 00°02'36"W. along said Northerly extension and along the West line of said parcel for 2553.91 feet; THENCE S. 89°56'45"E. along the South line of said parcel for 1711.91 feet; THENCE N. 00°02'36"E. along the East line of said parcel for 16.72 feet to an intersection with the South line of that certain parcel of land described in Official Record Book 1516 at Page 1802 of the aforementioned public records; THENCE S. 89°56'45"E. along said South line for 441.17 feet; THENCE N. 00°02'36"E. along the East line of said parcel for 2546.26 feet to an intersection

with the aforementioned South line of that certain parcel of land described in Deed Book 224 at Page 437 of the aforementioned public records; THENCE N.89°48'47"E. along said South line for 775.85 feet to an intersection with the aforementioned Westerly right-of-way line of the former S.A.L. Railroad; THENCE N.11°11'01"W. along said Westerly right-of-way line for 4190.51 feet to the POINT OF BEGINNING.

B. ~~At the time of application, the~~ The subject property was is currently zoned AG-2, pursuant to the authority of Chapter 125, Florida Statutes, Chapter 64-2405, Laws of Florida (Special Acts), and the Lee County Zoning Regulations of 1962, 1978, and 1986, as amended; and Residential Planned Development (RPD) in accordance with the Lee County Land Development Code.

C. The Application for Development Approval is consistent with the requirements of Chapter §380.06, Florida Statutes; and,

D. The proposed development:

1. is not in an area designated as an Area of Critical State Concern pursuant to the provisions of Chapter §380.05, Florida Statutes;

E-2. does not unreasonably interfere with the achievement of the objectives of an the adopted State Land Development Plan applicable to the area; and

3. is consistent with the Lee County Comprehensive Plan and the Lee County Land Development Code; and

4. is located in the suburban, outlying suburban and wetlands land use categories as identified in the Lee County Comprehensive Plan.

~~FE. The proposed development has been reviewed by the Southwest Florida Regional Planning Council and is the subject of the report and recommendations adopted by that body on January 24, 1988; has reviewed the proposed development and adopted recommendations and subsequently forwarded to Lee County pursuant to the provisions of Chapter §380.06, Florida Statutes; and the proposed~~ The development, as proposed in the Application for Development Approval and modified by this amended Development Order, is consistent with this reports and the recommendations of the Southwest Florida Regional Planning Council in accordance with §380.06(12); and

G. ~~The application for plan amendment has been reviewed concurrently with the Application for Development Approval by the Board of County Commissioners of Lee County, Florida, the Southwest Florida Regional Planning Council, and the State Department of Community Affairs, pursuant to Chapter 163, Florida Statutes, and has been~~

~~duly adopted after notice and hearing by the Board of County Commissioners of Lee County as consistent with the Lee Comprehensive Plan; and~~

~~H. The subject property, pursuant to the Plan amendment has been reclassified from the Rural and Suburban classifications to the Outlying Suburban and Suburban classifications of the Lee Comprehensive Plan, pursuant to the authority of Chapter 163, Florida Statutes, and local ordinances duly adopted by the Board of County Commissioners of Lee County, Florida; and~~

~~I. The development is consistent with the Lee County Comprehensive Plan, as amended, and Lee County's Land Development Regulations if subject to the conditions contained in this Development Order.~~

~~J. Concurrently with the adoption of this Development Order, the subject property is being rezoned in accordance with Lee County Zoning Ordinance #86-17 as amended, and the Zoning Resolution contains additional details and conditions pertaining to Del Tura North and also provides for certain deviations from Lee County Land Development Regulations.~~

~~K. E. The proposed conditions below meet the criteria found in Section §380.06(15)(d), Florida Statutes.~~

G. This constitutes the second amendment to the Herons Glen DRI Development Order and is based upon the NOPC filed by Coolidge-Fort Myers Realty, L.P.

II. ACTION ON REQUEST

~~NOW, THEREFORE, be it is resolved by the Board of County Commissioners of Lee County, in a public meeting duly constituted and assembled this Twenty-fifth (25th) day of April, 1988, that the Development of Regional Impact Application for Development Approval submitted for Del Tura North by Euromerican Investment Ltd./Florida Sites International, referred to hereinafter as "developer", is hereby ordered APPROVED, subject to the following conditions, restrictions, and limitations: that the requested amendments to the Herons Glen DRI development order are hereby APPROVED, subject to the following conditions, limitations and restrictions:~~

A. DRAINAGE/WATER QUALITY

1. The surface water management system for ~~Del Tura North~~ shall Herons Glen must implement the design standards and water quality "best management practices" outlined in the Application for Development Approval (ADA) (response to Questions 15 and 22, Water and Drainage), and all supplemental information presented in response to sufficiency questions. These design standards and practices include, but are not limited

to the following:

- (a) The combined use of man-made lakes and seasonal ponds to provide the necessary surface water storage.
- (b) Maintenance of the existing transitional wet pine flowway as a natural drainage feature of the development.
- (c) The division of the site into nine drainage basins each containing control structures regulating water levels and discharge rates to pre-development rates.

2. The developer and his consultants ~~shall~~ must produce an acceptable method of calculating on-site basin storage for the South Florida Water Management District prior to the issuance of a final local development order. This procedure should eliminate any major site plan revisions necessitated as a result of not adequately providing enough on-site storage of stormwater.

3. Water Quality Monitoring:

- (a) The developer ~~shall~~ must design and implement an on-going water quality monitoring, maintenance and sampling program for the project's surface water management lakes, wetland preserves and groundwater in order to determine the concentration and effects of pollutants on-site.

The surface water quality monitoring program ~~shall~~ must be developed with South Florida Water Management District (SFWMD) and ~~shall~~ must be a part of the surface water management permit. Copies of all testing results will be sent to the SFWMD and Lee County Division of Natural Resources Management (DNRM).

An appropriate number of sampling sites ~~shall~~ must be selected to sufficiently evaluate the quality of water entering and exiting the Del-Vera Herons Glen Project, and ~~that which will remaining in on-site~~ waterbodies, flowways and wetlands.

Water sampling will be conducted quarterly during construction of Phase I. After the first year of construction, the ~~Del-Vera~~ Herons Glen consultants and the SFWMD ~~shall~~ must evaluate the appropriateness of stations, parameters and frequency of stations, parameters and frequency of sampling. ~~Monitoring of Phase I and II shall~~ must continue until such time that construction of the ~~Del-Vera~~ Herons Glen project has been completed for two years.

Surface water samples will be collected and analyzed for the following parameters in accordance with Florida Department of Environmental Regulation Protection (FDERP) and SFWMD requirements:

Chemical Oxygen Demand (COD)
Total Organic Carbon (TOC)
Total Suspended Solids (TSS)
Un-ionized Ammonia
Nitrate
Dissolved Oxygen (DO)
pH
Total Nitrogen
Total Phosphorous
Fecal Coliform Bacteria
Total Coliform Bacteria
Nitrite
Conductivity

- (b) The subsurface (groundwater) water quality monitoring: A groundwater program ~~shall~~ must be developed with the ~~Florida Department of Environmental Regulation~~ FDEP and will operate for the lifetime of the project. Copies of all groundwater testing results will be sent to the FDERP, and ~~Lee County Division of Natural Resources Management~~ DNRM.

The monitoring program ~~to be~~ developed with FDERP ~~shall~~ must be subject to the provisions of FAC. Rules 17-520 and 17-522, ~~shall~~ The program will be part of the development's wastewater permit, and will be conducted as follows:

- (1) All specified monitoring wells ~~shall~~ must be analyzed initially for the Primary and Secondary Drinking Water Standards listed in FAC. Rule 17-550.310 and .320, as well as EPA Method 608 parameters.

- (2) Water quality samples from a specified upgradient background well, an intermediate well, and a downgradient compliance well ~~shall~~ must be analyzed quarterly for the following indicator parameters:

Sodium
Total Dissolved Solids (TDS)
Total Organic Carbon (TOC)
Fecal Coliform Bacteria
Specific Conductance (field)
Nitrate Nitrogen

Sulfate
Chloride
pH (field)

In addition, samples from the intermediate and compliance wells shall must be analyzed for the following primary volatile organic parameters once per year:

Trichloroethene
Carbon Tetrachloride
1, 1, 1-trichloroethene
Benzene
p-dichloroethene
Trihalomethanes
Tetrachloroethene
Vinyl Chloride
1, 2-dichloroethane
Ethylene dibromide
1, 1-dichloroethene

(3) Groundwater elevations of the above wells shall must be measured and reported relative to National Geodetic Vertical Datum (NGVD) quarterly.

(4) Field testing, sample collection, preservation, and laboratory testing, including quality control procedures, shall must be in accordance with methods approved by the ~~Florida Department of Environmental Regulation~~ FDEP and as specified in FAC. Rule 17-160. All analyses shall must be performed by a Florida State-certified laboratory.

4. The developer shall must coordinate with Lee County and the ~~Florida Department of Environmental Regulation~~ FDEP in the on-site storage of any special or hazardous waste, as defined in the Lee County Hazardous Waste Assessment, that may be generated in the commercial, residential or recreational portions of the project site.

5. All design standards and water quality "best management practices" relating to Questions 15 and 22 of the ADA, Water and Drainage respectively, not in conflict with the above recommendations, are hereby incorporated by reference into this DRI Development Order and shall must be incorporated into the final local development order.

B. ENERGY

All site plans or architectural programs shall must incorporate, as a minimum, the following energy conservation features into all site plans and architectural programs, or the

property owner/developer ~~shall~~ must insure that the following features are implemented through deed restrictions ~~and/or~~ covenants with successors in title. All applications for site plan approvals and building permits ~~shall~~ must be accompanied by a document detailing proposed compliance with these conditions. If deed restrictions or covenants are utilized to insure compliance, such documents ~~shall~~ must be approved by the Lee County Attorney's Office prior to recording. If no deed restrictions are approved and recorded, the prior alternative ~~shall~~ must be utilized and the following features must be included:

1. Provisions of a bicycle/pedestrian path system connecting all land uses, to be placed along the main project road and local roads within the project. This system is to be consistent with local government requirements.
2. Provision of bicycle racks or storage facilities in recreational, commercial and multi-family residential areas.
3. Cooperation in the location of bus stops, shelters, and other passenger and system accommodations for a transit system to serve the project area, if such service becomes available to serve the project area.
4. Use of energy-efficient features in window design.
5. Use of operable windows and ceiling fans.
6. Installation of energy-efficient appliances and equipment.
7. Prohibition of deed restrictions or covenants that would prevent or unnecessarily hamper energy conservation efforts (e.g., building orientation, clotheslines, and solar water heating systems).
8. Reduced coverage by asphalt, concrete, rock, and similar substances in streets, parking lots, and other areas to reduce local air temperatures and reflected light and heat.
9. Installation of energy-efficient lighting for streets, parking areas, recreation areas, and other interior and exterior public areas.
10. Use of water closets with a maximum flush of 3.5 gallons and shower heads and faucets with a maximum flow rate of 3.0 gallons per minute (at 60 pounds of pressure per square inch).
11. Selection of native plants, trees, and other vegetation and landscape design features that reduce requirements for water, fertilizer, maintenance, and other needs.

12. Planting of native shade trees to provide reasonable shade for all recreation areas, streets, and parking areas.

13. Placement of trees to provide needed shade in the warmer months while not overly reducing the benefits of sunlight in the cooler months.

14. Planting of native shade trees for each residential unit.

15. Orientation of structures, as possible, to reduce solar heat gain by walls and to utilize the natural cooling effects of the wind.

16. Provision for structural shading wherever practical when natural shading cannot be used effectively.

17. Inclusion of porch/patio areas in residential units.

18. Consideration by the project architectural review committee(s) of energy conservation measures (both those noted here and others) to assist builders and residents in their efforts to achieve greater energy efficiency in the development.

The incorporation of these energy conservation measures in this Development of Regional Impact does not preclude the provision of additional energy conservation measures by the developer. It also does not prevent the local government of jurisdiction or any state, regional, or other agency, under whose jurisdiction this project falls, from requiring additional energy measures or measures that may be more stringent.

C. HISTORICAL/ARCHAEOLOGICAL

1. Locations identified as likely to contain archaeological or historical material shall must be preserved in recreation or preservation/open space areas. If this is not possible, these potential areas shall must be surveyed in detail by a qualified archaeological survey team prior to any site preparation.

2. If, during site preparation, any archaeological or historical sites are uncovered, the developer shall must cease all work in the immediate vicinity of the site, and the appropriate state and local agencies shall must be contacted to evaluate the site and make recommendations concerning excavation, preservation or mitigation.

D. FLOOD PLAIN/HURRICANE EVACUATION

1. The developer shall must provide, on at least an annual basis, information to residents concerning hurricane evacuation and shelters, through a homeowners' or residents' association.

2. The developer ~~shall~~ must formulate an emergency hurricane preparedness plan ~~which shall be that is~~ coordinated with the homeowner's association. The plan is subject to the approval of Lee County Emergency Management and ~~shall~~ must be established prior to any development within Phase I.B. or Phase II.

3. The developer ~~shall~~ must designate at least one, preferably two, helicopter landing areas within ~~Del Vera~~ Heron's Glen for emergency medical service prior to any development within Phase I.B. or Phase II. The landing areas are subject to the approval of Lee County's Emergency Medical Service.

E. TRANSPORTATION

1. The ~~original~~ transportation impact assessment upon which this amended Development Order for ~~Del Vera~~ Heron's Glen ~~DRI Notice of Change~~ is based assumes project buildout in ~~1998~~ 2010. The traffic impact assessment included the expected impacts of the proposed residential land uses intended to be marketed to retirees by the applicant, non residential land uses and phasing schedule shown in attached Exhibit "B" ~~"A (Revised)"~~.

If it is found that the land uses at each phase of development differ from that which is presented in the ADA/DRI, then it will be deemed to be a substantial deviation of the Development Order and a resubmittal will be required of the developer or their successor(s).

2. ~~The proposed change in land use from manufactured housing to single family detached dwelling units that the applicant intends to market to retirees creates a potential substantial deviation, pursuant to Subparagraph §380.06(19) (b) 15, Florida Statutes. The annual monitoring report of Del Vera's actual transportation impacts will provide the clear and convincing evidence to confirm or rebut whether or not it is a substantial deviation.~~

An annual monitoring program, to be performed by traffic engineers engaged by the developer or their successor(s), ~~shall~~ must be established to monitor the development's trip generation and impact upon the surrounding roadways. The annual monitoring program ~~shall~~ must be designed in cooperation with the Lee County Department of Transportation (Lee County DOT), Lee County Division of Development Review, the Florida Department of Transportation (FDOT), the SWFRPC, and the FDCA, and will be subject to approval by the Lee County DOT ~~and FDCA~~. At a minimum, the annual monitoring report ~~shall~~ must report the number, size and type of constructed and occupied on-site development at the time of monitoring, ~~calculate an occupied housing gross trip generation rate (defined as being prior to deductions for internal capture)~~ and ~~shall~~ must contain daily and P.M. Peak-Hour traffic counts with turning movements during peak season traffic condition, intersection analysis performed utilizing the "Highway Capacity

Manual" and level of service calculations as adopted and updated for all project access locations onto US 41 and Nalle Grade Road as well as the following intersections:

US 41 and SR 739 (Business 41)
US 41 and Littleton Road
US 41 and SR 78 (Pine Island Road)
SR 739 (Business 41) and SR 78 (Bayshore Road)

In addition, the developer's traffic consultant ~~shall~~ must perform peak season daily and P.M. peak hour traffic counts and level of service calculations for the following significantly impacted roadways:

SR 739 (Business 41) from US 41 to SR 78
US 41 from Zemel Road in Charlotte County to SR 78

By July 1, 1993, the developer or their successor(s) ~~shall~~ must submit the first monitoring report to the Lee County DOT, Lee County Division of Development Review, SWFRPC, FDOT, and DCA. Starting with the first monitoring report submitted for the Notice of Proposed Change, each year's report ~~shall~~ must analyze the cumulative traffic for the ~~Del Vera Herons Glen~~ DRI.

Prior to the submission of the first annual monitoring report, the governmental entities (FDCA, FDOT, SWFRPC, and Lee County) and the developer ~~shall~~ must consult on a methodology to be used for conducting the traffic monitoring program, which is subject to approval by the Lee County DOT ~~and FDCA~~. This monitoring report methodology will be utilized for subsequent monitoring reports unless revised after consultation with the relevant agencies and receipt of approval by the Lee County DOT ~~and FDCA~~.

~~The monitoring reports shall provide an indication of the date that the adopted level of service is expected to be exceeded on significantly impacted roadways and intersections. Along with the monitoring of Del Vera cumulative traffic, Del Vera shall provide a one year projection of Del Vera traffic impacts with each year's monitoring report.~~

~~Monitoring Reports shall be submitted annually until buildout of the project.~~

The purpose of this monitoring program is to: (1) determine whether or not the traffic levels projected in the traffic impact assessment for ~~Del Vera Herons Glen~~ are exceeded by actual impacts, (2) assist Lee County and FDOT in determining the proper timing of necessary roadway improvements, and (3) ~~validate Del Vera DRI trip generation and (4) determine the intersection and roadway existing levels of service.~~

In lieu of the developer's obligation to annually monitor the above-mentioned

intersections and road segments, (US 41 and SR 739 (Business 41)), the developer, with the approval of the Lee County Department of Transportation DOT, shall may deposit with Lee County a one time sum of \$35,000 to be used in the installation and operation of two permanent count stations in the vicinity of expected impacts on US 41 and SR 739 along the roadway segments listed above.

In the event that the developer contributeds the funding for these permanent traffic count locations, the developer or their successor(s) shall will only be obligated to report the counts from the permanent count stations, ~~calculate an occupied housing gross trip generation rate from the external trip generation rate, to~~ annually monitor for the number size and type of constructed and occupied on-site development at the time of monitoring, and to annually monitor the daily and P.M. peak hour traffic conditions, during the peak season, from all ~~Del Vera~~ Herons Glen access locations onto:

US 41 and
Nalle Grade Road

~~The developer or their successor(s) shall submit the annual monitoring report for the access locations referenced above to the review agencies by July 1, 1993 and May 1, of each year thereafter beginning in 1994.~~

The transportation conditions contained in this DRI Development Order for ~~Del Vera Country Club~~ Herons Glen envision the construction of an adult retirement community. Similar in nature to the existing Del Tura Country Club Community (in close proximity along US 41 ~~and also built by the Applicant~~), the conditions of approval, specifically the mitigation for transportation impacts, were based upon an impact fee daily trip generation rate of 4.8 trips per dwelling unit.

~~If the annual monitoring report finds that the calculated gross trip generation rate of 4.8 trips per constructed and occupied dwelling unit per day is exceeded by 15%, regardless of whether or not the regional roadways significantly impacted by this development have fallen below the adopted level of service standard, then the developer or their successor(s) shall prepare a detailed transportation analysis and submit it in a notification of proposed change, pursuant to Subsection 380.06(19), Florida Statutes. That analysis will establish Del Tura current total trip and occupied housing gross generation rates, total project trip assignment and total project trip distribution. Using that data, Del Tura's trip generation, trip assignment, consumption of roadway service volume and significantly impacted roadways and intersections at the end of Phase I and buildout of Del Tura will be identified. If Del Tura's significantly impacted roadways and intersections, based on the above, are different than those impacts identified in the original DRI, (Question 31, Transportation) and those significantly impacted roadways and intersections are forecasted to fall below the adopted level of service standards by buildout of Del Tura, a determination shall be made as to whether this constitutes a substantial deviation.~~

If the annual monitoring report finds that the DRI Question 31. Transportation forecasted net new external daily trips (9,464) are exceeded by 15% (10,884), then ~~developer or their successor(s) shall be~~ a substantial deviation pursuant to §380.06(19)(b)15, Florida Statutes, will be deemed to exist and the development must undergo additional DRI review through the submittal of ADA transportation questions as required by Section §380.06, Florida Statutes.

~~Prior to updating the transportation concerns of the ADA, a pre-application transportation methodology meeting shall be conducted by the SWFRPG including FDCA, FDOT, Lee County, and the developer or their successor(s) as required by Section §380.06(7)(a) and (b) for pre-application meetings. The developer or their successor(s) shall update the Del Tura North ADA (Del Tura) transportation question comprised, at a minimum, of a comparison of the revised land use trip generation, trip distribution, road improvement assumptions, and level of service determinations which this project will significantly impact.~~

Any additional transportation obligation which ~~that~~ may result from the above shall must consider the approved mitigation program and actual mitigation undertaken by Del Vera Heron's Glen to that date. Additional mitigation, if any, would be reflective of the increased impacts of the development, if any.

3. The developer or their successor(s) ~~shall be~~ are required to construct, at no cost to Lee County or FDOT, all site related improvements deemed necessary by the FDOT and the Lee County DOT at all project access locations onto US 41 and Nalle Grade Road as well as construct Nalle Grade Road itself and all site-related improvements required within Del Tura Heron's Glen DRI. Nalle Grade Road and access to the road shall must meet all requirements of the Development Standards Ordinance, ~~as the same now exists or as may be amended from time to time~~ Lee County Land Development Code. ~~Nalle Grade Road shall be constructed as a two-lane undivided roadway, within the existing right-of-way from US 41 to the project entrance. The developer's obligation for these improvements shall include the full costs of design and engineering, utility relocation, right-of-way acquisition and dedication (if needed, but not to include costs and legal fees for County condemnation proceedings associated with Nalle Grade Road), construction of turn lanes, acceleration and deceleration lanes, construction inspection, contract administration, testing and signalization (as needed and when warranted). The alignment, design, signalization and construction schedule for these improvements shall be approved by the Lee County Engineer and FDOT.~~

The developer proposes to relocate a median opening on US 41 to align with Entrance #2. If the relocation of the median opening is not allowed pursuant to FDOT access management rules and permitting procedures, then no full access shall will be permitted at that location. This determination shall will be made by Lee County DOT, Lee County Division of Zoning and Department of Community Development Review, and the

FDOT prior to the issuance of permits and/or a local development order.

The developer or their successor(s) ~~shall~~ is not be eligible for credits against road impact fees for construction or dedication of rights-of-way associated with improvements at the project's access points deemed to be site-related as defined in the Lee County Roads Impact Fee Ordinance regulations.

If Nalle Grade Road, between ~~US 41 and the project access point and west to US 41 or east to Del Prado/Mello Drive Extension~~, is built, as described above, by the developer ~~prior to the end of Phase I for Del Vera DRI~~ with procedures set forth in the Lee County Roads Impact Fees Ordinance regulations in effect at that time. The developer is guaranteed road impact fee credits for 100% of the eligible construction costs applicable to the construction and acceptance of Nalle Grade Road.

~~If additional acquisition of right-of-way is necessary to construct Nalle Grade Road as described above, and Lee County cannot complete condemnation of the right-of-way prior to the end of Phase I and beginning of Phase II for the Del Vera DRI, the developer may elect to deposit with Lee County the amount necessary to construct Nalle Grade Road as described above. This amount shall be adjusted for inflation to account for time delays attributable to condemnation proceedings. Upon deposit of this sum with the County prior to the end of Phase I and beginning of Phase II, the developer will be eligible for impact fee credits consistent with the procedures outlined in the Lee County Roads Impact Fee Ordinance as may be amended from time to time. It is understood by all parties that the developer or their successor(s) shall be entitled to impact fee credits for the construction of Nalle Grade Road as described above. Future amendments to the Lee County Roads Impact Fee Ordinance may only affect the procedure by which credits are issued and may not, under any circumstance, affect the developer's eligibility for credits themselves.~~

~~If condemnation is necessary for Nalle Grade Road, prior to issuance of building permits for Phase II, a traffic study will be conducted by the developer, as agreed upon by the Lee County DOT, to identify the additional Phase II units that would be supportable by the Phase I project access locations onto US 41. The Nalle Grade Traffic Study methodology shall be approved by Lee County prior to submittal. No further Phase II building permits beyond that level identified in the traffic study shall be issued until Nalle Grade Road and the project entrance onto Nalle Grade Road are open to traffic.~~

4. As mitigation for the impacts of the new development within Del Tara Herons Glen DRI Phase I, and in lieu of payment of impact fees at the time of individual building permits for Phase I, the developer or their successor(s) have already provided to Lee County a sum equivalent to the initial Phase I impact fees based on a trip rate of 4.8 per units per day, totaling \$799,200 for 1,200 dwelling units, which were in effect at that time. Those monies represented a "pipelining" of Phase I road impact fee monies with such

monies to be used by Lee County for the Laurel Drive Improvement (a portion of) and/or Henderson Grade Road, or a comparable east/west improvement, to be determined by Lee County, in the general ~~Del-Tura~~ Herons Glen DRI impact area.

The above payment for the 1,200 dwelling units did include a proportionate share payment for the potential signalization of the intersection of US 41 with SR 739 (Business 41).²

As mitigation for the impacts of new development within the ~~Del-Tura~~ Herons Glen DRI (beyond 1,200 units) yet to be constructed within Phase I and II, the developer shall must pay to Lee County roads impact fees in effect at the time building permits are issued for all applicable development within the DRI. Lee County shall will determine the timing of all necessary road improvements impacted by this DRI. ~~(Construction of Nalle Grade Road may substitute for all or a portion of Phase II impact fees if constructed consistent with Condition E.3).~~ These impact fee payments shall will represent ~~Del-Tura~~ Herons Glen DRI payments for widening of the impacted segments of SR 739 (Business 41) to four lanes, and improvements at the intersections of US 41 with SR 78 (Pine Island Road) and US 41 with Littleton Road.

Impact fee calculations for residential units shall will be based on the Mobile Home Park trip generation rate of 4.8 trips per day per dwelling unit. ~~If it is found by the annual monitoring program that Del-Tura's trip generation exceeds 4.8 daily trips per dwelling unit, then this project shall pay to Lee County the single family residence road impact fee at the time of issuance of all subsequent building permits including the difference needed to increase previously "pipelined" payments to the required amount. Otherwise, the developer may conduct an "Independent Fee Calculation" study as defined in the Lee County Road Impact Fee Ordinance as amended and Administrative Code F-0032, as amended, to establish the applicable trip generation rate.~~

Should the roads impact fees be repealed, reduced or made unenforceable by court action, ~~a substantial deviation shall be deemed to have occurred, and the traffic impacts of Del-Vera Herons Glen DRI shall be reanalyzed to determine appropriate alternative mitigation and the Development Order amended as appropriate to include such mitigation prior to the issuance of subsequent building permits for Del-Vera DRI~~ will continue to pay, per individual permit, an amount equivalent to the roads impact fees in effect prior to such repeal, reduction, or court action.

5. ~~Should Level of Service "D" on a peak season peak hour basis as defined in Lee County Administrative Code AG-13-16 (See Attachment E) be~~ If the adopted level of service is exceeded for any regional road segment and/or intersection identified above, and:

²This improvement was constructed in June 1996.

- (a) The required road and/or intersection improvements necessary to bring the identified roadway back to ~~Level of Service "D" peak season peak hour (or the Lee County adopted Level of Service at the time of the annual monitoring report)~~ are not funded and programmed for construction during the next five years (or if such roadway and/or intersection improvements funded and programmed for construction during that five year period ~~be~~ are deleted from the program, postponed beyond the five-year period or not constructed within the five-year period), and
- (b) ~~Del Vera Herons Glen~~ DRI traffic is utilizing 5% or more, but less than 10% of ~~Level of Service "D" peak hour~~ the adopted level of service volume during the peak season on the impacted regional road segment or intersection;

then the developer or their successor(s) ~~shall~~ must, within ninety (90) days, file a petition in accordance with ~~Section~~ §380.06, Florida Statutes for determination of whether a substantial deviation has occurred.

If ~~Del Vera Herons Glen~~ DRI is utilizing 10% or more of ~~Level of Service "D" the adopted level of service volume on a peak season peak hour basis as defined in Lee County's Administrative Code AC-13-16 on the impacted regional road segment and/or intersection, and the actual Level of Service on the said roadway or intersection is worse than Level of Service "D" the adopted level of service volume on a peak season peak hour as defined in Lee County Administrative Code AC-13-16,~~ then a substantial deviation ~~shall~~ must be deemed to have occurred.

~~Del Vera Herons Glen~~ DRI may continue development during substantial deviation DRI review if the developer or their successor(s) enters into an agreement with the FDCA, SWFRPC, FDOT, and Lee County specifying the scope of development allowed during the review period. This paragraph, however, ~~shall~~ may not be construed to guarantee to ~~Del Vera Herons Glen~~ DRI the right to continue development during substantial deviation DRI review.

6. Nothing contained in this Development Order ~~shall~~ may be construed to exempt this development from participation in the funding, through Municipal Services Benefit Units (MSBU) or other special assessment districts, of improvements to various State and County arterial and collector roads to the degree to which ~~that~~ this development generates demand or is benefitted.

7. If any contributions and/or road or intersection improvements specified herein are required of the developer but ~~are~~ not funded or provided within the time frames specified herein, development activities and the issuance of permits by Lee County for the

~~Del Vera~~ Heron's Glen DRI shall must immediately cease until the obligation is fulfilled.

8. In the event that Lee County anticipates additional urbanization in the area between US 41 and I-75 to the north of SR 78, north/south roads paralleling US 41 may be required to relieve traffic congestion associated with any further urbanization. The developer shall must work with Lee County to facilitate such north/south road facilities.

F. VEGETATION AND WILDLIFE/WETLANDS

1. MANAGEMENT AREA PRESERVE

- (a) Exhibit Figure 1 of the "Revised RCW Monitoring and Management Plan for ~~Del Vera and Villages of Nantucket~~ Heron's Glen DRI, dated September 11, 1992, (Attachment G-B) July 2000 and attached as Exhibit C, depicts the "RCW Preserve" as encompassing a total of 204.35 210.11 acres, comprised of 181.81 acres of transition pine flatwoods (TZ), 45.50 21.26 acres of upland pine flatwoods, 5.00 acres of freshwater marsh (RPA) and 2.04 acres where an existing a haul road is to be has been removed and planted with pine. The 181.81 acres of transition pine flatwoods includes all existing TZ of the central flow-way except for 2.91 acres to be devoted to roadway access to Phase 1-B and Phase II development. Other pineland to be retained on site includes approximately 51.59 acres. This acreage is found within buffers, golf course, open space and other preserved transition pine flatwoods as shown on Exhibit I.
- (b) Engineering design must provide reasonable assurance that stormwater lakes proposed adjacent to the central RCW preserve will not drain wetlands and that surface water sheet flow will be maintained on either side of the new road alignment proposed to cross the central RCW preserve. All correspondence with the South Florida Water Management District related to engineering design and permitting of the above-identified lakes and new roadway alignment will be copied to the Florida Game and Fresh Water Fish Commission.
- (c) If the Red Cockaded Woodpeckers totally abandon the RCW Preserve for ten consecutive years as evidenced by the annual RCW monitoring, then the developer may file a Notice of Proposed Change (NOPC) seeking to remove³ the designation of the 21.3± acres of upland pine flatwoods located within the RCW Preserve from the

³In the event that this acreage is removed from the preserve as allowed under this condition, a substantial and sufficient amount of hydric pine flatwoods habitat (183± acres) would still remain on-site.

RCW Preserve area.⁴

- (d) Any reconfiguration of the RCW Preserve or Wetland Preserve areas must be reviewed under the provisions found in §380.06(19) applicable to the filing of a NOPC.

2. MONITORING PLAN

- (a) Monitoring ~~shall~~ must be in accordance with the ~~"Revised-Red-Cockaded Woodpecker Monitoring and Management Plan for Del Vera and Villages of Nantucket"~~ Herons Glen dated September 11, 1992 July 2000 and attached as Exhibit C and the ~~"Amended Revised Wetlands Management Plan for Del Vera and Villages of Nantucket"~~ Herons Glen dated September 11, 1992, (see Attachment D-G), with the following modifications: July 2000 and attached as Exhibit D.
- (i) ~~Page 26 of the above referenced RCW Plan shall delete the word "infrastructure" from line four.~~
- (ii) ~~Section "7.0 PROVISION" shall be revised as follows: "In the event that Red-Cockaded Woodpeckers totally abandon the RCW Preserve for ten (10) consecutive years as evidenced by the monitoring described in Section 6.0, the developer may request an adjustment to the 15.5 acres of upland pine flatwoods contained in the RCW Preserve through the Substantial Deviation process per Section §380.06 (10), F.S.~~
- (iii) ~~Section "6.0 MONITORING" shall also require that the system of monitoring transects be spaced 100 feet apart in areas of dense canopy or midstory.~~

3. MANAGEMENT PLAN

- (a) Foraging, roosting and possible nesting RCWs have been documented on the site and the developer's plans to preserve pine forest on the site will maintain available habitat for RCW foraging and

⁴In the First Amendment to the DRI DO, the acreage of upland pine flatwoods referenced in this condition was 15.5 acres. This acreage has been increased to 21.3 acres to include the acreage of upland preserve (buffer) area established around the two newly active RCW trees located outside of the main RCW preserve.

nesting activities. In addition, the melaleuca on the site will be eradicated and controlled, thus significantly enhancing the quality of the project's area. This exotic control program ~~shall~~ must be continued throughout the life of the project.

- (b) To ensure maximal available forage area on site, no pine trees greater than or equal to eight (8) inch diameter breast height (dbh) ~~shall may~~ be removed, except those found in a road, lake, golf tee, golf green, middle of fairway, or under house lots.
- (c) To ensure minimal disturbance of RCW nest activities, the developer is prohibited from initiating any clearing or other construction within ~~three hundred (300)~~ feet of cavity trees during April, May and June of each year.
- (d) The preserve area ~~shall~~ must be actively managed by the developer to insure continued quality RCW habitat through the use of a combination of prescribed burning/mowing/exotic control measures. Burning will be the preferred management technique. Any prescribed burning of the site ~~shall~~ must be conducted in accordance with the Florida Division of Forestry guidelines.
- (e) The initial unit prescribed burn ~~shall~~ must be conducted ~~prior to or in conjunction with the initial phase of site development for Phase I-B and/or Villages of Nantucket within three years of the completion of initial exotic eradication activities in the RCW preserve.~~
- (f) Prescribed burning techniques ~~shall~~ must be in accordance with the ~~"Revised Red-Geckaded Woodpecker Monitoring and Management Plan for Del Vera and Villages of Nantucket" dated September 11, 1992; attached Exhibit C.~~
- (g) Replanting of golf course buffers designated as pine buffer ~~will be as depicted on Exhibit figure 1 of the Revised Red-Geckaded Woodpecker plan (dated September 11, 1992) shall~~ must be limited to south Florida slash pine ~~attached Exhibit C.~~
- (h) The developer must comply with the additional conditions set forth in condition 3 of Zoning Resolution 00-78 pertaining to the 2000 RPD

amendment designated as DRI964596 and DCI964597.⁵

4. Viability of wetland preserves shall must be in accordance with the "Amended Wetlands Management Plan for Del Vera and Villages of Nantucket" dated September 14, 1992, (see Attachment D-G) attached Exhibit D.
5. Should the developer find any further endangered or threatened species of special concern of either wildlife or plant species, during construction or detailed permit review, the developer shall must contact the proper Federal, State and County authorities and assure that adequate measures are taken and permits obtained to protect these species.

G. SOLID WASTE

1. The developer shall must investigate feasible methods of reducing solid waste volume at Del Tura North Herons Glen. Methods to investigate shall must include, for instance, the use of compaction of the Commercial Center and Clubhouse.

2. The Del Tura North Herons Glen wastewater treatment plant and its

⁵ The following conditions address Environmental concerns, and are intended to supplement the conditions and provisions contained within the DRI Development Order:

(a) The Red-Cockaded Woodpecker (RCW) management plan entitled "Attachment B: Revised Red-Cockaded Woodpecker Monitoring and Management Plan for the Herons Glen DRI (f.k.a. Del Vera, Villages of Nantucket and Del Tura North DRI), Lee County Florida" dated July 2000 is hereby adopted with the following conditions:

- (1) Prescribed burns of the RCW Preserves must commence within three years of the completion of the initial exotic eradication activities in the RCW preserve, and must be completed on the entire site within three years of that date, or no later than 2007; and
- (2) All burns must occur between January and March to avoid the RCW nesting season; and
- (3) The Division of Planning - Environmental Sciences staff must be notified in writing of each scheduled burn at least 15 days prior to the prescribed burn.

(b) The wetland management plan entitled "Attachment C: Revised Wetlands Management Plan for the Herons Glen DRI (f.k.a. Del Vera, Villages of Nantucket, and Del Tura North)" dated July 2000 and counter stamped August 14, 2000 is approved with the following conditions:

- (1) Prior to any invasive exotic removal or control, the Division of Planning - Environmental Sciences Staff must be notified in writing of the commencement and estimated completion dates, the removal method proposed, and the herbicide to be applied. The exotic removal method and herbicide are subject to Environmental Sciences Staff review and approval; and
- (2) An appropriate herbicide must be applied to the trunk immediately following the cutting of any invasive exotic vegetation; and
- (3) The semi-annual exotic vegetation maintenance must occur in March and October. The exotic vegetation maintenance must commence in March 2001 for a minimum duration of three years as specified in the wetlands management plan, and then on an as-needed basis thereafter; and (4) Monitoring reports of exotic vegetation within the RCW preserve must include at a minimum one photo from each of the four units prior to each semi-annual maintenance and one month following the completion of the exotic maintenance. The monitoring reports must be submitted to Environmental Sciences Staff in May and December each year. The pine planting monitoring report must be submitted as part of the May monitoring report.

(c) The irrigation line installed in the pine planting area within the preserve must be removed prior to the 2001 Red-Cockaded Woodpecker nesting season (April-June). The May 2001 monitoring report must document the removal of the irrigation line.

associated component, including the spray irrigation system, shall must meet all County and State design and operating requirements.

H. WATER SUPPLY

1. The developer shall must obtain all appropriate water use permits from the South Florida Water Management District (SFWMD) and Lee County prior to any on-site construction.

2. The ~~Del Tura North~~ Herons Glen project shall must utilize such water conservation measures as are referenced in the ADA, as well as those required by State law, and shall must consider the use of "xeriscape" landscaping.

I. GENERAL CONSIDERATIONS

1. All commitments, ~~and impact mitigating actions provided by the developer within the Application for Development Approval (and supplementary documents) that are not in conflict with specific conditions for project approval outlined above are officially adopted as conditions for approval.~~ and conditions of the original DRI Development Order and subsequent Development Order Amendments remain in full force and effect. Where a conflict or inconsistencies exist, this Codified Development Order Amendment will control.

2. The developer shall must submit an annual report on the Development of Regional Impact to Lee County, the Southwest Florida Regional Planning Council, the Department of Community Affairs and all affected permit agencies as required in Subsection §380.06(18), Florida Statutes. ~~For specific information to be contained in this report see attached Exhibit B.~~

3. The development phasing schedule attached as Exhibit B presented within the ADA and as adjusted to date of Development Order approval shall be is incorporated as a condition of this development order approval. If The Development Order conditions and developer commitments based upon and incorporated within in the development order, ADA, sufficiency documents or NQPC application are intended to mitigate regional impacts,; If these conditions and commitments are not carried out as indicated to the extent or in accord with the timing schedules specified within the Development Order Amendment and this phasing schedule, then this shall be presumed to be a substantial deviation for the affected regional issue will be deemed to have occurred.

4. Pursuant to ~~Chapter~~ §380.06(16), the developer may be subject to credit for contributions, construction, expansion, or acquisition of public facilities. If the developer is also subject by local ordinances to impact fees or exactions to meet the same needs, then the local government and the developer may enter into a capital contribution front-

ending agreement to reimburse the developer for voluntary contributions in excess of his fair share.

III. LEGAL EFFECT AND LIMITATIONS OF THIS DEVELOPMENT ORDER, AND ADMINISTRATIVE REQUIREMENTS

BE IT FURTHER RESOLVED, by the Board of County Commissioners of Lee County, Florida, that:

1. This Resolution shall constitute the Codified Development Order Amendment constitutes a resolution of this the Lee County Board of Commissioners issued in response to the Development of Regional Impact Application for Development Approval filed for Del Tura North Herons Glen DRI.

2. All commitments and impact mitigating actions volunteered by the developer in the Application for Development Approval, subsequent NOPC applications and supplementary documents and not in conflict with conditions or stipulations specifically enumerated above are hereby incorporated by reference into this Development Order Amendment. These documents include the following:

(a) ~~Del Tura North Application for Development Approval;~~

(b) ~~Del Tura North DRI sufficiency response, August, 1987; and~~

(c) ~~Del Tura North DRI sufficiency response, November, 1987.~~

3. This Development Order ~~shall be~~ is binding upon the developer and their heirs, assignees or its successors or assigns in interest. Those portions of this Development Order which Amendment that clearly apply only to the project developer, including but not limited to the initial construction of capital facilities, ~~shall~~ will not be construed to be binding, however, upon future residents of single dwelling units or persons purchasing individual house sites for personal residential purposes. It ~~shall~~ will, however, be binding upon any builder/developer who acquires any tract of land within ~~Del Tura North~~ Herons Glen.

~~It is hereby declared that the~~ The terms and conditions set out in this document constitute a basis upon which the developer and County may rely in future actions necessary to implement fully the final development contemplated by this Resolution and Development Order Amendment.

All conditions, restrictions, stipulations and safeguards contained in this Resolution and Development Order Amendment may be enforced by either party hereto by action at law or equity, and all costs of such proceedings, including reasonable

attorneys' fees, ~~shall~~ will be paid by the ~~defaulting~~ prevailing party.

4. It is understood that any reference herein to any governmental agency ~~shall~~ will be construed to mean ~~any future instrumentality which may be instrumentalities~~ created and designated as successors in interest to, or which otherwise possesses ~~any of the~~ powers and duties of ~~any the~~ referenced governmental agency in existence on the effective date of this Development Order Amendment.

5. ~~In the event that~~ If any portion or section of this Development Order Amendment is determined to be invalid, illegal, or unconstitutional by a court of competent jurisdiction, such decision ~~shall in no manner will not~~ will not affect the remaining portions or sections of the Development Order Amendment, which ~~shall~~ will remain in full force and effect.

6. The approval granted by this Development Order Amendment is limited. ~~Such approval shall~~ Approval may not be construed to obviate the duty of the developer to comply with all applicable local or state review and permitting procedures, except where otherwise specifically provided. ~~Such approval shall also not obviate the duty of the developer to comply with any County Ordinance or other regulations adopted after the effective date of this Development Order.~~

7. Subsequent requests for local development permits ~~shall~~ will not require further review pursuant to Section §380.06, Florida Statutes, unless ~~it is found by the~~ Board of County Commissioners finds, after due notice and hearing, that one or more of the following ~~is present~~ occurs:

- (a) A substantial deviation from the terms or conditions of this Development Order Amendment, or other changes to the approved development plans ~~which creates a reasonable likelihood of adverse regional impacts or other regional impacts which were not evaluated in the review by the Southwest Florida Regional Planning Council; or~~
- (b) ~~An expiration~~ Expiration of the period of effectiveness of this Development Order ~~as provided herein.~~

Upon a finding that either of the above ~~is present~~ has occurred, the Board ~~shall may~~ order a termination of all development activity ~~in such area of the development affected by such substantial deviation of such expiration of time until such time as a new DRI Application for Development Approval has been submitted, reviewed and approved in accordance with Section §380.06, Florida Statutes, and all local approvals have been obtained.~~

8. ~~The deadline for commencing physical development under this Development~~

~~Order shall be five (5) years from the date of its adoption, provided that all conditions are met in a timely manner and further provided that this effective period may be extended by this Board upon a finding of excusable delay in any proposed development activity and that conditions have not changed sufficiently to warrant further consideration of the development.~~

~~In the event the developer fails to commence significant physical development of that property identified in this Development Order within five (5) years from the date of adoption of this Development Order, development approval shall terminate and the development shall be subject to further consideration. Significant physical development shall include obtaining a Certificate of Completion on some substantial portion of the project (e.g., water management system or road system).~~

~~This Development Order otherwise terminate in fifteen (15) years from its adoption date unless an extension is approved.~~

The project has a buildout date of May 3, 2010 and a termination date of May 3, 2016. This term recognizes the cumulative 12 year extension granted from the original 1998 buildout date and the fact that a local development order, which is valid for six years, may be obtained prior to May 3, 2010. No permits for development will be issued by the County subsequent to the termination date or expiration date unless the conditions set forth in Florida Statutes §380.06(15)(g) are applicable. Future requests to extend time will be evaluated cumulatively with past requests in accordance with §380.06(19), Florida Statutes.

~~An extension may be granted by the Board of County Commissioners if the project has been developing substantially in conformance with the original plans and approval conditions, and if no substantial adverse impacts not known to the Southwest Florida Regional Planning Council or to Lee County at the time of their review and approval, have been identified. However, an extension of the date of buildout of a development by five (5) or more years shall be presumed to create a substantial deviation subject to further development of regional impact review. The presumption may be rebutted by substantial, competent evidence at the public hearing held by Lee County. For the purpose of calculating when a buildout date has been exceeded, the time shall be tolled during the pendency of administrative and judicial proceedings relating to development permits.~~

9. The Administrative Director of the Lee County Department of Community Development or his/her designee, ~~shall be~~ is the local official responsible for assuring compliance with this Development Order.

10. The development will not be subject to down-zoning, unit density reduction,

or intensity reduction, ~~for five (5) years following the approval of zoning prior to May 3, 2016, unless the~~ If the County demonstrates that substantial changes have occurred in the conditions underlying the approval of this Development Order, ~~as amended, including, but not limited to, such factors as a finding or finds~~ that the development order was based on substantially inaccurate information provided by the developer, or that the change is clearly established by ~~local government~~ Lee County to be essential to the public health, safety and welfare, ~~then down-zoning, unit density reduction, or intensity reduction may occur~~ [See 9J-2.025(3)(b)13].

11. The developer, or his successor(s) in title to the undeveloped portion of the subject property, ~~shall~~ must submit a report annually to the Lee County Board of County Commissioners, the Southwest Florida Regional Planning Council, the State land planning agency, and all affected permit agencies. This report ~~shall~~ must describe the state of development and compliance as of the date of submission, and ~~shall~~ must further be consistent with the rules of the State land planning agency. The annual report ~~shall~~ must include information ~~contained in Exhibit B required by §380.06(19), Florida Statutes.~~ The first monitoring report ~~shall~~ must be submitted to the Administrative Director of the Department of Community Development not later than May 1, 1989, and further reporting ~~shall~~ must be submitted not later than May 1st of subsequent calendar years. Failure to comply with this reporting procedure is governed by ~~Section~~ §380.06(18), Florida Statutes, and the developer ~~shall~~ must so inform any successor in title to any undeveloped portion of the real property covered by this Development Order. This ~~shall~~ may not be construed to require reporting from residents or successors of individual home sites or dwelling units.

12. Certified copies of this Development Order Amendment will be forwarded to the Southwest Florida Regional Planning Council, the developer, and appropriate state agencies. This Development Order is rendered as of the date of that transmittal, but ~~shall~~ is not be effective until the expiration of the statutory appeals period (45 days from rendition) or until the completion of any appellate proceedings, whichever time is greater. Upon this Development Order Amendment becoming effective, ~~the developer must record notice of its adoption shall be recorded as provided in~~ the developer must record ~~accordance with Chapter~~ §380.06(15), Florida Statutes.

SECTION TWO

A. ~~The proposed changes to the Del Vera DRI Development Order described herein are consistent with the adopted Comprehensive Plan of Lee County and applicable local land development regulations.~~

B. ~~The proposed changes to the Del Vera DRI will not unreasonably interfere with the achievement of the objectives of the adopted State Land Development Plan applicable to the area.~~

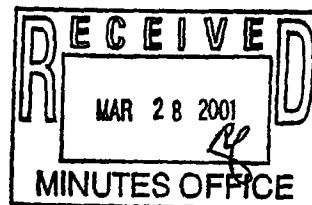
G: The proposed changes are consistent with the State Comprehensive Plan.

SECTION THREE

Certified copies of this Development Order Amendment will be forwarded to the Southwest Florida Regional Planning Council, the developer, and appropriate state agencies. This Development Order is rendered as of the date of that transmittal, but shall not be effective until the expiration of the statutory appeals period (45 days from rendition) or until the completion of any appellate proceedings, whichever time is greater. Upon this Development Order Amendment be recorded by the developer as provided in Chapter 380, Florida Statutes.

THE MOTION TO ADOPT this Amendment was offered by Commissioner Judah and seconded by Commissioner Coy and upon poll of the members present, the vote was as follows:

Robert P. Janes	Aye
Douglas R. St. Cerny	Aye
Ray Judah	Aye
Andrew W. Coy	Aye
John E. Albion	Aye



DULY PASSED AND ADOPTED this 27th day of day of February, 2001.

ATTEST
CHARLIE GREEN, CLERK

BOARD OF COUNTY COMMISSIONERS
LEE COUNTY, FLORIDA

BY: Patricia Figueroa
Deputy Clerk

BY: [Signature]
Chairman

APPROVED AS TO FORM

By: [Signature]
County Attorney's Office

Attachments:

- Exhibit A - Map H-3
- Exhibit B - Phasing Schedule
- Exhibit C - Revised Red-Cockaded Woodpecker Monitoring and Management Plan for Herons Glen DRI dated July 2000.
- Exhibit D - Revised Wetlands Management Plan for Herons Glen DRI dated July 2000

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27

State of Florida
County of Lee

I, Charlie Green, Clerk of the Circuit Court for Lee County, Florida, do hereby certify that this is a true and correct copy of the original document filed in the Minutes Department.

Given under my hand and official seal at Fort Myers, Florida, this 28th day of March, A.D. 2001.

CHARLIE GREEN, CLERK
By: Patricia Figueroa
Deputy Clerk

[illegible]

MEMPHIS GLBN MAP H-3 021

WISDOM!

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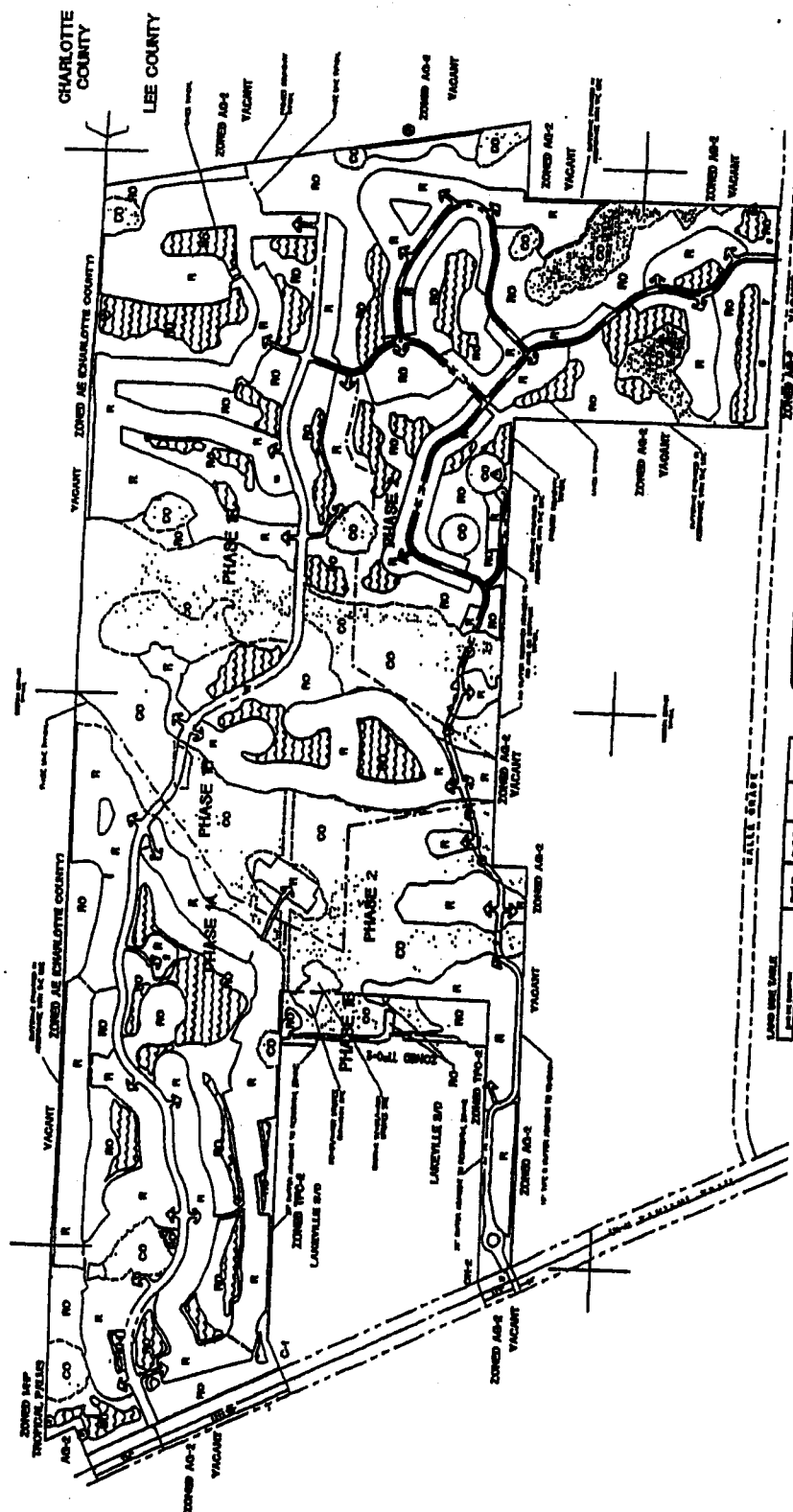
PERMIT COUNTER

DCI 964597

DRI 964596



Year	1970	1971	1972	1973	1974	1975	1976	1977	1978	1979	1980	1981	1982	1983	1984	1985	1986	1987	1988	1989	1990	1991	1992	1993	1994	1995	1996	1997	1998	1999	2000	2001	2002	2003	2004	2005	2006	2007	2008	2009	2010	2011	2012	2013	2014	2015	2016	2017	2018	2019	2020	2021	2022	2023	2024	2025	2026	2027	2028	2029	2030	2031	2032	2033	2034	2035	2036	2037	2038	2039	2040	2041	2042	2043	2044	2045	2046	2047	2048	2049	2050	2051	2052	2053	2054	2055	2056	2057	2058	2059	2060	2061	2062	2063	2064	2065	2066	2067	2068	2069	2070	2071	2072	2073	2074	2075	2076	2077	2078	2079	2080	2081	2082	2083	2084	2085	2086	2087	2088	2089	2090	2091	2092	2093	2094	2095	2096	2097	2098	2099	2100
1970	1971	1972	1973	1974	1975	1976	1977	1978	1979	1980	1981	1982	1983	1984	1985	1986	1987	1988	1989	1990	1991	1992	1993	1994	1995	1996	1997	1998	1999	2000	2001	2002	2003	2004	2005	2006	2007	2008	2009	2010	2011	2012	2013	2014	2015	2016	2017	2018	2019	2020	2021	2022	2023	2024	2025	2026	2027	2028	2029	2030	2031	2032	2033	2034	2035	2036	2037	2038	2039	2040	2041	2042	2043	2044	2045	2046	2047	2048	2049	2050	2051	2052	2053	2054	2055	2056	2057	2058	2059	2060	2061	2062	2063	2064	2065	2066	2067	2068	2069	2070	2071	2072	2073	2074	2075	2076	2077	2078	2079	2080	2081	2082	2083	2084	2085	2086	2087	2088	2089	2090	2091	2092	2093	2094	2095	2096	2097	2098	2099	2100	

[illegible]

DATE 11/2008 - 15/02/14

Phasing Schedule

<u>Proposed Phase</u>	<u>Use</u>	<u>Quantity</u>
I - 1989 - 1995 <u>2005</u>	Detached Single Family Dwellings	1,302 <u>770</u> du.
	<u>Zero Lot Line Villas</u>	<u>134</u> du
	<u>Townhouses</u>	<u>134</u> du
	Sales Center ⁽²⁾	2,500 <u>3,450</u> sq. ft.
	Commercial Uses ⁽¹⁾	4,000 <u>9,000</u> sq. ft.
	Golf Courses/ <u>Clubhouses</u>	127 <u>247</u> acres (48 <u>36</u> holes)
II - 1992 <u>2006</u> - 1998 <u>2010</u>	Detached Single Family Dwellings	1,300 <u>850</u> du.
	<u>Zero Lot Line Villas</u>	<u>406</u> du
	<u>Townhouses</u>	<u>406</u> du
	Sales Center ⁽²⁾	2,500 <u>3,450</u> sq. ft.
	Commercial uses ⁽¹⁾	6,000 <u>3,000</u> sq. ft.
	<u>Village Center</u>	4.5 acres
	<u>Recreation Center</u>	<u>7</u> acres

MAP H is hereby replaced by MAP H-23 (see Attachment B).

⁽¹⁾ Commercial uses will be located in the clubhouses.

⁽²⁾ The Sales Center use will be moved when Phase 1 approaches buildout

Exhibit B

Exhibit C

REVISED RED-COCKADED WOODPECKER MONITORING AND MANAGEMENT PLAN FOR THE HERONS GLEN DRI (F.K.A DEL VERA, VILLAGES OF NANTUCKET, AND DEL TURA NORTH DRI); LEE COUNTY, FLORIDA

JULY 2000¹

¹ Note: This Plan constitutes an amendment of the previously adopted Plan dated September 11, 1992. A copy of the strike-thru and underline version is available at the Department of Community Development. However, for ease of use and reference, the strike-thru and underline have been removed from this exhibit.

**REVISED RED COCKADED WOODPECKER MONITORING AND
MANAGEMENT PLAN FOR THE HERONS GLEN DRI (f.k.a. DEL VERA,
VILLAGES OF NANTUCKET, and DEL TURA NORTH DRI),
LEE COUNTY, FLORIDA
July 2000**

1.0 INTRODUCTION

This document serves to revise the red-cockaded woodpecker (RCW) monitoring and management plan for the Herons Glen DRI and supercedes the document titled "*A. Revised Red Cockaded Woodpecker Monitoring and Management Plan for Del Vera and Villages of Nantucket, Del Tura North DRI, Lee County, Florida*" (Conservation Consultants, Inc.; September 11, 1992). Revisions contained herein are primarily related to exotic eradication methods and have been instituted to make this plan consistent with the "*Revised Wetlands Management Plan For The Herons Glen DRI*" (July 2000). Other portions of the original plan have remained largely unchanged in intent. Institution of the methods described herein will result in compliance with the conditions of the DRI development order, the Lee County development order, and the South Florida Water Management District permit relative to the RCW.

Herons Glen (formerly known as Del Tura North) is a DRI of approximately 1,151 acres located in the unincorporated area of North Fort Myers, Lee County, Florida. The Herons Glen DRI is planned for a maximum of 2,700 single-family units, incorporating an 18-hole golf course to be developed in phases.

The Development of Regional Impact/Application for Development Approval (DRI/ADA) for the project was submitted during April, 1987. A Development Order (D.O.) approving the project with conditions was adopted on April 25, 1988 by the Lee County Board of County Commissioners. D.O. Condition F.1, VEGETATION AND WILDLIFE/WETLANDS, noted the occurrence of foraging Red Cockaded Woodpeckers (RCWs) and apparently abandoned cavity trees on the site. By terms of the condition, approximately 224 acres of the site were to be set aside as RCW preserve as shown on the amended Conceptual Master Development plan, designated Map H, of the DRI/ADA. The preserve boundary could be subject to minor reconfigurations (5%)

during final planning. Condition F.1 of the D.O. further required the developer to conduct annual surveys of the entire site for RCWs and to survey each phase's development area within sixty days prior to construction. Should a survey document re-activation of existing cavity trees or the development of new nesting activities by RCWs, the monitoring (management) plan and project design could be re-designed "...in accordance with the developer, SWFRPC, GFC and Lee County staff."

On June 23, 1989, the owner was advised by Kimberly A. Dryden of the Florida Game and Fresh Water Commission (GFC) of "reactivation" of the RCW colony site. However, a survey for RCW on the Phase 1-A area conducted during July 1989 by Dr. Eric Heald did not reveal the presence of RCW or cavity trees within the Phase 1-A area. A subsequent survey of the entire site was conducted on September 19, 1989 by Ms. Dryden and Mr. Heald. Observations of this survey documented the occurrence of an active RCW colony within the central "flow-way" area located east of Phase 1-A. Subsequently, more detailed surveys of the colony were performed by Conservation Consultants, Inc. (CCI). The results of those surveys were previously summarized in the document titled *"A Revised Red Cockaded Woodpecker Monitoring and Management Plan for Del Vera and Villages of Nantucket, Del Tura North DRI, Lee County, Florida"* (Conservation Consultants, Inc.; September 11, 1992).

2.0 GENERAL BACKGROUND

As described in the DRI/ADA, the Herons Glen site was characterized by four native vegetation associations identified as Pine Flatwoods (766.26 acres), Transition Pine Flatwoods (222.36 acres), other Hardwood Oak (0.72 acre) and Freshwater Marsh (39.32 acres). Man-altered features comprised about 68.75 acres. The approximately 290 acres in Phase 1-A now occurs on the western portion of the site which was predominantly pine flatwoods. The active RCW colony is located within the northeast area of the Transition Pine Flatwoods that compromise a centrally located "flow-way". Figure 1 provides the locations and numerical designations of cavity trees and starter holes recorded through early May of 2000. Since RCW monitoring was initiated in the

early 1990s, 33 trees with a total of 39 cavities have been recorded on the site. Fifteen (15) of the trees, representing 18 cavities, have died or fallen over time, while the remaining 18 live trees house 21 cavities. As of the 2000 annual RCW monitoring event conducted in late April and early May of 2000, the 21 cavities in live trees included 5 active, 7 inactive, 7 abandoned, and 2 start holes. As of early May 2000, the total estimated RCW population of the site included one clan of approximately 5 birds. Specific details regarding the RCWs of the site can be found in the Year 2000 Annual RCW Monitoring Report for the Herons Glen DRI.

The Transition Pine Flatwoods have a moderate to open canopy of slash pines (*Pinus elliotii*) with an understory of wetland and transitional species of graminoids and herbs, such as cyperus sedge (*Cyperus odoratus*), St. John's Wort (*Hypericum galioides*), broom sedge (*Andropogon virginicus*), white-top sedge (*Dichromena colorata*), bog buttons (*Lachnocaulon anceps*), goldenrod (*Solidago* spp.), and swamp fern (*Blechnum serrulatum*). Typically, the midstory in this habitat is open, vegetated by scattered wax myrtle (*Myrica cerifera*) and bald cypress (*Taxodium distichum*). Much of the midstory of this habitat was moderately to densely vegetated by *Melaleuca* (*Melaleuca quiquenervia*) and wax myrtle (*Myrica cerifera*). Exotic eradication activities conducted in the RCW preserve area have resulted in a substantial decrease in *Melaleuca* in treated areas.

The Pine Flatwoods remaining east of the "flow way" is forested upland with some palmetto understory. This category is dryer than the pine transition zone and is characterized by a more developed overstory of slash pine (*Pinus elliotii*). The understory is characterized by either panic grasses (*Panicum* spp.) or saw palmetto (*Serenoa repens*). Other characteristic species include wax myrtle, broom sedge (*Andropogon virginicus*), gallberry (*Ilex glabra*), dwarf wax myrtle (*Myrica pusilla*), pennyroyal (*Satureja rigida*), and *Lyonia* spp. Infestations of *Melaleuca* are common throughout the pine flatwoods. All of the flatwoods have experienced extensive logging, stumping and drainage.

PREVIOUS SURVEYS

Information pertaining to the original RCW survey methods and results has been deleted from this document since it is no longer current. The reader is referred to the annual RCW monitoring reports for the Herons Glen DRI for more current information regarding RCW activity of the site.

3.0 MANAGEMENT AREA DESIGNATIONS

3.1 Management Area Preserve

Figure 1 depicts the revised central RCW Management Area Preserve ("RCW Preserve"). Based on field surveys, the "RCW Preserve" encompasses a total of 210.11 acres comprised of 181.81 acres of transition pine flatwoods (TZ), 21.26 acres of upland pine flatwoods, 5.00 acres of freshwater marsh (RPA) and 2.04 acres where an existing road is to be removed and planted with pine.

The 181.81 acres of transition pine flatwoods includes all existing TZ of the central flow-way except for 2.91 acres devoted to roadway access to Phase 1-B and Phase II development. Although the seasonal range and habitat use data recorded for the site's RCWs indicates that less than one-quarter of the central flow-way TZ was frequented by the RCW clan, the transition pine flatwoods throughout the RCW Preserve offer suitable foraging habitat except where dense *Melaleuca* stands currently occur. Removal of the *Melaleuca* from dense stands located in the immediate vicinity of the colony will, however, immediately increase available foraging area as significant numbers of mature pines (>4" DBH) remain within the *Melaleuca* stands.

The central flow-way RCW Preserve encompasses 28 of the 33 cavity trees recorded through the 2000 annual monitoring event. Of the remaining trees, two are active (#23 and #26 - Figure 1), one is inactive (#30), one is abandoned with the tree fallen (#27), and one is a start hole tree (#33). All active and start hole trees located outside of the preserve will be protected and preserved. Should any of these trees be located within a road ROW or fill area, Lee County Division of Environmental Sciences, or successor, will be notified and provided copies of all appropriate State or Federal permits or approvals required for tree removal, if any.

3.2 Other Retained Pineland

Other pineland to be retained on site includes approximately 51.59 acres. This acreage is found within buffers, golf course, open space and other preserved transition pine flatwoods.

4.0 MAINTENANCE OF THE RCW PRESERVE

The maintenance objectives for the management area are to provide for the continued on-site existence of suitable foraging and nesting habitat for RCWs. In general, habitat preferred by the RCW in Southwest Florida includes a diversity of slash pine stand age and condition. Additionally, colonies are typically found in open stands with sparse midstories. Thus, maintenance of the management area will employ techniques that retain existing stands of older slash pine, encourage regeneration of slash pine (but not at high density) and minimize development of midstory vegetation within the colony, e.g., hardwoods, wax myrtle. Additionally, dense stands of *Melaleuca* will be eliminated from the vicinity of the colony and pine plantings will be made in the road removal area.

4.1 Fire Maintenance

The RCW Preserve will be divided into four management units as shown on Figure 2 for purposes of fire maintenance.

Controlled burns to each management unit will occur every three years. The sequencing of burns will be from the southeast unit, to the northwest unit, to the southwest unit to the northeast unit (colony area). For each intended burn, the perimeter of each unit will be double plowed prior to the wet season where cleared breaks do not already exist to insure fire containment within the management area. In no case will plowing for burn containment occur within 50 ft. of a cavity tree. Also, for burns encompassing the colony area (northeast unit), excessive leaf litter and other flammable debris will be hand removed from around the base of each cavity tree (25' radius). Each burn of the northeast unit will also be planned to occur outside of the red-cockaded woodpecker nesting season. The burn plan for each unit will adhere to state and federal guidelines for prescribed burns and any necessary burn permits will be secured from Lee County and the Florida Division of Forestry. The Lee County Division of Environmental Sciences, or its successor, will be notified in writing of each scheduled burn at least 15 days prior to the approved burn period.

4.2 Mechanical Techniques

Mechanical methods, should they become appropriate, may include mowing, bush hogging and/or selective hand thinning/removal of vegetation.

In the event burn management becomes unlawful or is judged unsafe at any time by Lee County or state fire officials, the previously described fire maintenance program will be replaced by mowing of relatively open areas and bushhogging of ranker growths. The frequency and sequencing of mowing/bushhogging would be the same as for the burn program. If fire is suppressed, it may also become necessary to hand remove midstory vegetation from within the colony area in association with mechanical management of the unit.

4.3 Melaleuca Removal

Melaleuca in the RCW Preserve will be eradicated and controlled in accordance with procedures specified in the "Revised Wetlands Management Plan for the Herons Glen DRI (July 2000).

4.4 Pine Planting

Planting of South Florida slash pine will proceed following removal of the roadway fill and grading to elevations similar to the adjacent TZ flatwoods. Slash pine will be planted on approximate ten feet (10 feet) centers (436 trees/acre) throughout the 2.04-acre road removal area and will be comprised of the following materials and distribution:

10 gallon – 10% of Plantings

3 gallon – 25% of Plantings

1 gallon – 65% of Plantings

5.0 MONITORING

A monitoring program has been implemented to assess continued occurrence of RCWs within the RCW Preserve. South Florida slash pines were planted in the roadway mitigation area in early 2000. A monitoring program has been implemented to determine the success of slash pine plantings. *Melaleuca* invasion/control monitoring will be as described in the "Revised Wetlands Management Plan for the Herons Glen DRI" (July 2000). The monitoring of the RCW Preserve has and will continue to be performed annually during the RCW breeding period (April-June) and will consist of the below-described program. The separate annual program

of monitoring of remaining undeveloped portions of the site as required by the D.O. will be performed concurrently using the same procedures as previously conducted.

RCW Preserve: Three (3) consecutive days of observation will be performed beginning at sunrise and lasting for approximately four to five hours. Observations will be initiated at the colony site and will serve to record number of birds present, cavity status, daily activities and foraging movements within the RCW Preserve. Any observed new cavity tree locations will be recorded and mapped. Additionally, the RCW monitoring program shall also include a separate survey of the total area of the RCW Preserve on a grid basis to determine the presence of RCWs and/or indications of their presence, e.g., cavities, starter holes, resin wells, feeding marks. For this survey, a system of north-south and east-west transects spaced 300 feet apart within the RCW Preserve will be walked using a 1" = 300' aerial photograph with the transects overlaid as a guide. In areas of dense canopy or midstory, the spacing of survey transects shall be 100' apart to insure adequate visual coverage. As previously noted, the remainder of the project site will also be surveyed during the period April-June for compliance with D.O. Condition F.1 VEGETATION AND WILDLIFE/WETLANDS which requires an annual survey of the entire site for RCW occurrence monitoring.

Slash Pine Plantings: The pine planting area will be monitored according to SFWMD protocol to assess survival and establishment of planted slash pine. Observations will include estimated percent survival of each size class, measured height on a 10% sample subset of each size class and estimated percent cover for dominant naturally recruited vegetation.

Reporting: A single report will be prepared concerning the RCW monitoring components. The annual report will minimally include the following:

- A description of the methods used for each survey component including dates of survey.
- For RCW Preserve, a narrative description of cavity use, daily activities and foraging movements along with a description of foraging paths and locations; a narrative description of the type of other RCW occurrence/signs.
- For the "annual" survey of remaining areas, a description of RCW occurrence/signs along with locations of same.
- For slash pine plantings, a tabulation of survey results and a discussion of the relative progress of plantings.

The report of monitoring results will be submitted to Lee County Division of Environmental Sciences (or its successor), Southwest Florida Regional Planning Council (SWFRPC) and the

Florida Game and Fresh Water Fish Commission (GFC) within thirty (30) days after completion of field surveys.

All monitoring will be conducted by a qualified biologist. The RCW Preserve monitoring program will be implemented upon initiation of Phase 1-B construction and will be continued for a ten-year period. However, should a monitoring event indicate abandonment of the RCW Preserve within the initial ten-year period, the monitoring will be continued for an additional nine (9) consecutive monitoring years. Upon documentation of abandonment evidenced by ten (10) consecutive years of monitoring, RCW monitoring and habitat management will cease. The annual site-wide monitoring program will continue until completion of development. However, should colony re-activation occur or a new colony be found, the RCW monitoring and management plan described herein will be reinitiated or a new plan submitted to Lee County Division of Environmental Sciences, or successor, for review and approval.

The pine planting monitoring will be implemented upon completion of pine planting and will be continued for a three-year period to document establishment of plantings (total four events). Supplemental pine plantings will be performed if the estimated percent survival of all pine plantings is found to be below 80% during an annual monitoring event. A letter report documenting any supplemental plantings will be submitted to the Lee County Division of Environmental Sciences, or its successor, within thirty (30) days following completion of the planting.

6.0 PROVISIONS

In the event that Red Cockaded Woodpeckers totally abandon the RCW Preserve for ten (10) consecutive years as evidenced by the monitoring described in Section 6.0, the developer may request an adjustment to the 21.3 acres of upland pine flatwoods contained in the RCW Preserve by filing a Notice of Proposed Change. Reconfiguration of the RCW Preserve or Wetland area will be reviewed in accordance with F.S. 380.06(19).

Exhibit D

**REVISED WETLANDS MANAGEMENT PLAN FOR THE HERONS GLEN DRI
(F.K.A DEL VERA, VILLAGES OF NANTUCKET, AND DEL TURA NORTH)**

JULY 2000¹

¹ Note: This Plan constitutes an amendment of the previously adopted Plan approved May 29, 1990. A copy of the strike-thru and underline version is available at the Department of Community Development. However, for ease of use and reference, the strike-thru and underline has been removed from this exhibit.

**REVISED WETLANDS MANAGEMENT PLAN FOR THE HERONS GLEN
DRI (f.k.a DEL VERA, VILLAGES OF NANTUCKET, DEL TURA NORTH)**

July 2000

INTRODUCTION

The Del Tura North DRI (Del Vera) was approved by the Board of County Commissioners on April 25, 1988. Condition F.2 of that Development Order (DO) required the preparation of a Wetland Management Plan prior to the issuance of surface water management permits. Condition 2.d of Lee County Resolution No. Z-88-069 also required a plan for the removal of exotic vegetation. A wetland management plan incorporating exotic vegetation removal was prepared by Dr. Eric J. Heald in February of 1989 and approved by the County as part of their amended final DO on May 29, 1990. This plan addressed at a conceptual level the removal of exotic species, the maintenance of wetland hydroperiod and the creation of a shallow lake "refugia" within the central flow-way.

Subsequent to the approval of the Final Development Order and the Wetlands Management Plan, two Red Cockaded Woodpeckers (RCWs) were found on the site which triggered the requirement to revise the RCW Management Plan. In order to provide additional habitat and foraging areas for these birds, it was recommended by the Lee County staff that the proposed shallow lakes be eliminated from the Wetlands Management Plan. Additionally, more detail was requested on wetland hydroperiod maintenance, exotic vegetation control methods and success monitoring. Conservation Consultants, Inc. (CCI) subsequently prepared a document dated September 11, 1992 titled *"Amended Wetlands Management Plan for Del Vera and Villages of Nantucket (formerly Del Tura North)"*. The CCI document amended the approved 1989 plan to reflect the requested change and provide additional detail on certain plan elements.

The purpose of this document is to further revise the exotic removal provisions of the Wetlands Management Plan. Such revisions are necessary due to a time delay in initiating exotic removal activities by the previous site owner. This delay resulted in the continued spread of *melaleuca* and continued degradation of habitat quality. Initiation and completion of the *melaleuca* removal methods described herein will result in compliance with the exotic eradication conditions of the DRI development order, the Lee County development order, and the South Florida Water Management District (SFWMD) permit. The proposed plan

is also be consistent with the RCW Management Plan for the project and will serve to substantially increase the quality of RCW habitat.

1.0 EXOTIC PLANT CONTROL

Melaleuca is the primary exotic invader species impacting the site. Invasion by this species ranges from scattered individuals to dense stands where native ground cover and shrub species have been largely excluded. However, belt transect surveys previously conducted by CCI within six dense *Melaleuca* stands in or adjacent to the northern area of central flow-way revealed mature pine tree (>4" DBH) densities similar to largely uninfested transition pine flatwoods in the same region of site. In May 1999, random transects were walked by Florida Environmental Incorporated (FEI) to assess the current conditions of preserve and wetland areas at Herons Glen. Over 50% of preserve areas were observed to have medium to heavy infestations of *Melaleuca*. Given the general low density of desirable understory and ground cover vegetation within the areas of medium to heavy infestation, it would be appropriate to consider the use of mechanical reduction equipment as one part of the overall eradication program.

The program for short- and long-term control of both scattered, individual *Melaleuca* within wetland preserves and identified dense stands are described below.

Melaleuca and other exotics within development areas, road right-of-way, golf course and open space will be removed at the time of site development and control will be accomplished as part of routine landscape and golf course maintenance.

1.1 Short-Term Program

The objective of the short-term program will be to eliminate the majority of the mature "seed source" *Melaleuca*. For stands in the vicinity of the RCW colony, the objective is to further eliminate the *Melaleuca* with minimal disturbance to remaining pines. Retaining mature pines while removing surrounding, dense *Melaleuca* infestations will immediately increase available RCW foraging areas.

1.1.1 Initial Eradication in Medium to Heavy Infestation Areas

Dense stands of *Melaleuca* and other exotic species will be reduced in place using mechanized equipment (e.g., bush hog, Hydroaxe, or grinder/mower). It is estimated that mechanized equipment will be used in approximately 50% of the total acreage of the

preserves (*i.e.*, medium to heavy infestation areas). Mechanized equipment within the preserve areas would be limited to rubber tire or rubber track tractors to minimize impacts to the ground surface. In order to accomplish this goal, such operations will be conducted when there is no standing water (*i.e.*, during the dry season or during portions of the wet season when water levels are below ground). In order to minimize damage to native tree, shrub, and ground cover plant species, labor crews will work within drip lines of native trees greater than 3" in diameter in advance of mechanized equipment.

Labor crews will follow mechanical reduction operations, treating cut stumps with herbicide and girdling material larger than 6" in diameter. Herbicide treatment of the whole circle of cambium layer of cut stumps will occur within 48 hours. The herbicide solution will contain a dye to ensure that all stumps are adequately treated. Girdled material would be left standing as part of the initial eradication program. Herons Glen reserves the right to remove dead trees to improve the overall aesthetics of the project. Stands of *Melaleuca* less than 6" in diameter will be cut into 3 to 6-foot lengths and stacked in accordance with guidelines of the SFWMD. All cut material will be removed from areas located within 75 feet of the preserve boundary.

1.1.2 Initial Eradication in Light to Medium Infestation Areas

Hand removal methods for *Melaleuca* removal will be utilized in areas with light to medium infestation. These areas are estimated to occupy approximately 50% of the total acreage of the preserves. Labor crews will use chain saws (or machetes) to cut medium-sized trees by hand while smaller trees will be hand-pulled. Cut stumps will be treated with herbicide within 48 hours. The herbicide solution will contain a dye to ensure that all stumps are adequately treated. Trees larger than 6" in diameter will be girdled and left standing as part of the initial eradication program. Herons Glen would reserve the right to remove dead trees to improve the overall aesthetics of the project. All other material (trees <6" in diameter) will be cut into 3 to 6-foot lengths and stacked in accordance with guidelines of the SFWMD. All cut material will be removed from areas located within 75 feet of the preserve boundary.

Remaining portions of the site's Resource Protection Areas (RPAs) consist primarily of freshwater marshes located to the east of the central flow-way (Figure 1). The majority of these areas have light to medium infestation by *Melaleuca*. Removal methods in these areas will be identical to those described above for light to medium infestation areas.

1.1.3 Areas of Special Concern

Care will be taken to avoid damage to existing pine trees >3" in diameter and to restrict operations within buffer zones around active or start-hole RCW cavity trees. A buffer zone with a radius of 100' will be established around each active or start-hole cavity tree and activities within this zone will be limited to hand removal operations (*i.e.* no mechanized equipment will be used). For inactive and abandoned RCW cavity trees, mechanized equipment will not be utilized inside of the drip line of the trees. During the RCW nesting season (April through June), no removal activities will be conducted within 700' of active RCW cavity trees.

A professional biologist retained by Herons Glen will verify the location of active RCW cavity trees and field delineate buffer areas around those trees. The reduction of *Melaleuca* within foraging areas of the RCW will improve the overall habitat quality for this species.

1.1.4 Implementation Schedule for Short-Term Eradication Program

Implementation of the above-described short-term program within Herons Glen will be completed within one (1) year of approval of this revised plan. *[Note: Initial felling and herbicidal treatment of exotics was completed in the majority of wetland preserves of the site in mid-2000 following submittal of the initial draft of this Revised Wetlands Management Plan. Thus, most of the activities associated with the Short-Term Program, as described above, were already completed at the time of final approval of this revised plan].*

1.2 Long-Term Program

The long-term program for *Melaleuca* control will have two elements: (1) semi-annual inspection/control events for all wetland preserves and upland habitat preserves for three consecutive years following completion of the short-term program; and (2) annual inspection/control events thereafter aimed at habitat maintenance. Additional habitat maintenance measures (e.g., prescribed burning) are also associated with the RCW management program (refer to the "Revised Red-Cockaded Woodpecker Monitoring and Management Plan" dated July 2000).

1.2.1 Semi-Annual Inspection and Control Events

During the semi-annual inspection events, each of the areas previously exhibiting dense *Melaleuca* stands will be specifically visited to appraise re-invasion, *i.e.*, seedling establishment and/or sprouting. At the time of inspection or within thirty (30) days,

seedlings will be hand-pulled or cut and chemically treated. Re-sprouts will receive foliar treatment using an appropriate herbicide solution containing dye to ensure thorough coverage. Also, during each semi-annual event, the remaining wetland and upland preserves will be inspected and control performed in the same manner as described for the long-term program.

1.2.2 Annual Habitat Maintenance

Starting the fourth year following completion of the short-term program, annual inspection and maintenance events will be conducted. Methods utilized to suppress and control the growth of exotics will be the same as cited above in Section 1.2.1. Long-term management objectives with respect to the RCW Preserve including fire and/or mechanical habitat maintenance, will also assist in prevention of *Melaleuca* and/or exotic plant species reinvasion. Further, the below described wetland hydroperiod maintenance efforts will contribute to long-term control of *Melaleuca* in wetland preserves.

2.0 WETLAND HYDROPERIOD MAINTENANCE

Wetland hydroperiod maintenance will consist of the following:

2.1 Design Considerations

The hydroperiod of preserved wetlands will be maintained or enhanced by incorporating the wetlands into the site's surface water management system. The system will use manmade lakes and the preserved freshwater marshes for stormwater detention and attenuation. The transition pine flatwoods will receive discharges from a portion of the surface water management system and continue to serve as "flow-ways".

The concepts for completing engineering design for the remainder of the site will be as described in surface water management permitting for Phase I-A of the project. Basically, the design concept is to set water control elevations for any outflows from or through wetlands to approximate wet season groundwater elevations.

2.2 Understory Control

Freshwater marsh preserves have experienced variable encroachment by wax myrtle (*Myrica cerifera*) and dog fennel (*Eupatorium capillifolium*) in addition to some *Melaleuca* at their margins. Site observations also indicate that wax myrtle is a significant component in the transition pine flatwoods preserves.

Control or at least containment of the encroaching understory species within freshwater marshes will be aided by implementation of the previously described wetland hydroperiod maintenance concepts. Transition pine flatwoods preserves should also benefit from increased inputs of fresh water. Additionally, prescribed burns of the central flow-way in association with RCW habitat management will contribute to understory control.

3.0 MONITORING AND REPORTING

Monitoring and reporting requirements will consist of the following:

3.1 Exotic Plant Control

A report of exotic plant control efforts will be submitted to the Lee County Division of Environmental Services, or its successor, within thirty (30) days following the completion of the short-term event and each long-term control event described above. Each monitoring report will contain the following:

- a) A map showing location of and identification number of each freshwater marsh preserve and each "dense *Melaleuca* stand" control area.
- b) Photographs from a fixed reference point following the control event at each site receiving control efforts.
- c) A brief narrative describing exotic plant re-invasions and control efforts at each photographed site.
- d) A narrative describing exotic plant re-invasion and control efforts for the remainder of the site (or Phase area as appropriate).

FIGURE 1