

GIS Tracking Sheet

Case No.: **ADD2009-00054**

Intake Date: 7-21-09

Project Name: Maintenance Facility (Herons Glen Recreation District)

STRAP Number(s): 04-43-24-04-000N0.0000

Planner Name: Chip Block

Ext. 38371

FILE ON PLANNER'S DESK

LEGAL DESCRIPTION VERIFICATION and INITIAL GIS MAPPING

Date:

7/24/09

INTAKE:

~~ADD~~ ADD09054

LEGAL SUFFICIENT

☒ YES

☐ NO

Initials:

cf

If not, give brief explanation:

Appealed

MAP UPDATE following FINAL ACTION

Date:

☐

Hearing Examiner Decision

☐

Board of County Commissioner's Resolution

☐

Administrative Approval

☐

Blue Sheet

Zoning Notes:

MAP UPDATED

11/2/09

☐ YES

☐ NO

Initials:

cf

If not, give brief explanation:

ZONE: RPD: 501456

LEGAL DESCRIPTION FOR WATER RECLAMATION FACILITY:

A TRACT OR PARCEL OF LAND LYING IN SECTION 4, TOWNSHIP 43 SOUTH, RANGE 24 EAST, LEE COUNTY, FLORIDA, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AT THE SOUTHEAST CORNER OF SECTION NO. 1 UNIT NO. 2, LAKEVILLE, AS RECORDED IN PLAT BOOK 10, PAGE 48, PUBLIC RECORDS OF LEE COUNTY, FLORIDA, THENCE RUN NORTH 00°11'07" WEST, FOR A DISTANCE OF 205.00 FEET; THENCE NORTH 89°48'53" EAST, FOR A DISTANCE OF 25.00 FEET; THENCE NORTH 00°11'07" WEST, FOR A DISTANCE OF 650.00 FEET; THENCE NORTH 89°48'53" EAST, FOR A DISTANCE OF 35.48 FEET; THENCE NORTH 00°11'07" WEST, FOR A DISTANCE OF 125.00 FEET; THENCE SOUTH 89°48'53" WEST, FOR A DISTANCE OF 39.71 FEET; TO THE POINT OF INTERSECTION WITH A NON-TANGENT CURVE; THENCE RUN NORTHERLY ALONG AN ARC OF A CURVE TO THE RIGHT OF RADIUS 236.25 FEET (DELTA 31°56'41") (CHORD BEARING NORTH 16°09'28" WEST) (CHORD 130.02 FEET) FOR A DISTANCE OF 131.72 FEET; THENCE NORTH 00°11'07" WEST, FOR A DISTANCE OF 361.50 FEET TO THE POINT OF BEGINNING. FROM SAID BEGINNING POINT CONTINUE NORTH 00°11'07" WEST, FOR A DISTANCE OF 238.50 FEET; THENCE SOUTH 89°48'53" WEST, FOR A DISTANCE OF 60.00 FEET; THENCE NORTH 00°11'07" WEST, FOR A DISTANCE OF 335.35 FEET; THENCE NORTH 89°48'47" EAST, FOR A DISTANCE OF 1169.25 FEET THENCE SOUTH 24°38'53" WEST, FOR A DISTANCE OF 635.31 FEET; THENCE SOUTH 90°00'00" WEST, FOR A DISTANCE OF 842.42 FEET TO THE POINT OF BEGINNING.

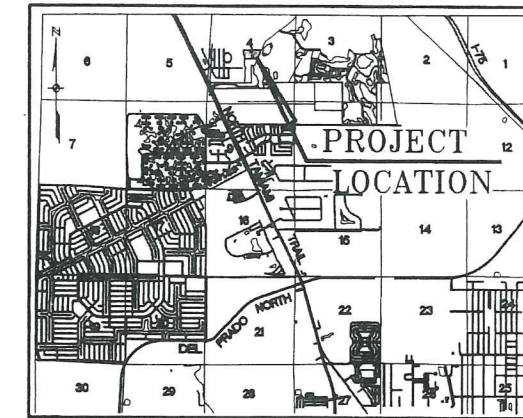
ADD 2009-00054

**Applicant's Legal Checked
by CSJ 7-24-09**

BOUNDARY SURVEY

TRACTS OR PARCELS OF LAND IN

SECTION 4, TOWNSHIP 43 SOUTH, RANGE 24 EAST



LOCATION MAP

NOT TO SCALE

LEGEND

LB	= LICENSED BUSINESS
O.R.	= OFFICIAL RECORD
W/	= WITH
PLS	= PROFESSIONAL LAND SURVEYOR
S.F.	= SQUARE FEET
AC.	= ACRES
PG	= PAGE
POC	= POINT OF COMMENCEMENT
POB	= POINT OF BEGINNING
FND	= FOUND
(M)	= MEASURED
(C)	= CALCULATED
EOP	= EDGE OF PAVEMENT
PCP	= PERMANENT CONTROL POINT

0 25 50 100
SCALE: 1"=50'

TRACT "L"

DEL VERA COUNTRY CLUB, UNIT 1
(PLAT BOOK 46, PAGES 7-25)

LOT 26

LOT 27

LOT 28

BLOCK 17
LOT 29

LOT 30

LOT 31

LOT 32

LOT 33

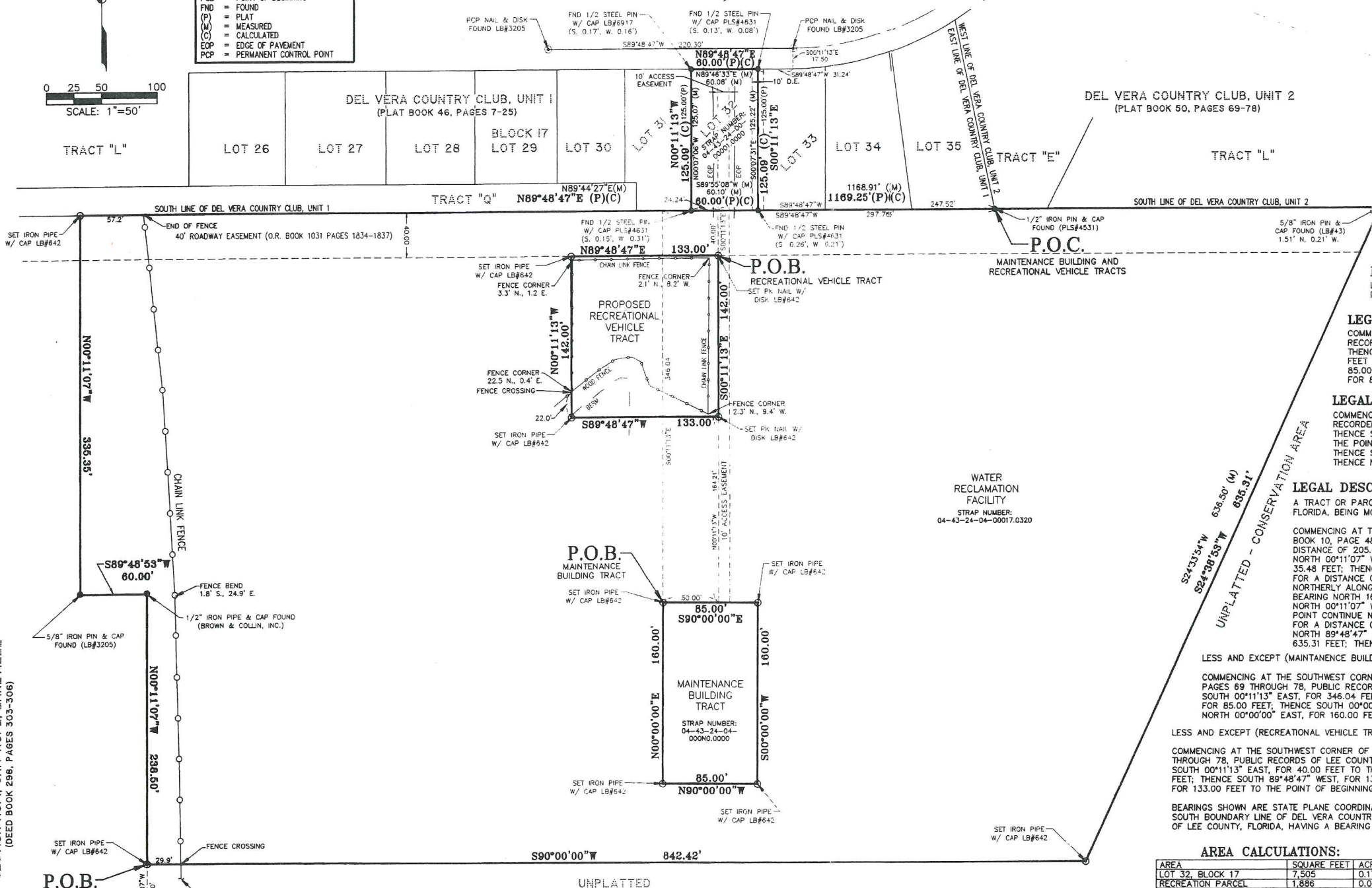
LOT 34

LOT 35

TRACT "E"

TRACT "L"

DEL VERA COUNTRY CLUB, UNIT 2
(PLAT BOOK 50, PAGES 69-78)



LEGAL DESCRIPTION FOR LOT 32:
LOT 32, BLOCK 17 OF "DEL VERA COUNTRY CLUB UNIT 1", RECORDED IN PLAT BOOK 46, PAGES 7 THROUGH 25, PUBLIC RECORDS OF LEE COUNTY, FLORIDA;

LEGAL DESCRIPTION FOR MAINTANENCE BUILDING TRACT:
COMMENCING AT THE SOUTHWEST CORNER OF TRACT "E" OF "DEL VERA COUNTRY CLUB UNIT 2", RECORDED IN PLAT BOOK 50, PAGES 69 THROUGH 78, PUBLIC RECORDS OF LEE COUNTY, FLORIDA; THENCE SOUTH 89°48'47" WEST, FOR 297.76 FEET; THENCE SOUTH 00°11'13" EAST, FOR 348.04 FEET TO THE POINT OF BEGINNING. FROM SAID BEGINNING POINT RUN SOUTH 90°00'00" EAST, FOR 85.00 FEET; THENCE SOUTH 00°00'00" WEST, FOR 160.00 FEET; THENCE NORTH 90°00'00" WEST, FOR 85.00 FEET; THENCE NORTH 00°00'00" EAST, FOR 160.00 FEET TO THE POINT OF BEGINNING.

LEGAL DESCRIPTION FOR RECREATIONAL VEHICLE TRACT:
COMMENCING AT THE SOUTHWEST CORNER OF TRACT "E" OF "DEL VERA COUNTRY CLUB UNIT 2", RECORDED IN PLAT BOOK 50, PAGES 69 THROUGH 78, PUBLIC RECORDS OF LEE COUNTY, FLORIDA; THENCE SOUTH 89°48'47" WEST, FOR 247.52 FEET; THENCE SOUTH 00°11'13" EAST, FOR 40.00 FEET TO THE POINT OF BEGINNING. FROM SAID BEGINNING POINT RUN SOUTH 00°11'13" EAST, FOR 142.00 FEET; THENCE SOUTH 89°48'47" WEST, FOR 133.00 FEET; THENCE NORTH 00°11'13" WEST, FOR 142.00 FEET; THENCE NORTH 89°48'47" EAST, FOR 133.00 FEET TO THE POINT OF BEGINNING.

LEGAL DESCRIPTION FOR WATER RECLAMATION FACILITY:
A TRACT OR PARCEL OF LAND LYING IN SECTION 4, TOWNSHIP 43 SOUTH, RANGE 24 EAST, LEE COUNTY, FLORIDA, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:
COMMENCING AT THE SOUTHWEST CORNER OF SECTION NO. 1, UNIT NO. 2, LAKEVILLE, AS RECORDED IN PLAT BOOK 10, PAGE 48, PUBLIC RECORDS OF LEE COUNTY, FLORIDA, THENCE RUN NORTH 00°11'07" WEST, FOR A DISTANCE OF 205.00 FEET; THENCE NORTH 89°48'53" EAST, FOR A DISTANCE OF 25.00 FEET; THENCE NORTH 00°11'07" WEST, FOR A DISTANCE OF 650.00 FEET; THENCE NORTH 89°48'53" EAST, FOR A DISTANCE OF 35.48 FEET; THENCE NORTH 00°11'07" WEST, FOR A DISTANCE OF 125.00 FEET; THENCE SOUTH 89°48'53" WEST, FOR A DISTANCE OF 39.71 FEET; TO THE POINT OF INTERSECTION WITH A NON-TANGENT CURVE; THENCE RUN NORTHERLY ALONG AN ARC OF A CURVE TO THE RIGHT OF RADIUS 236.25 FEET (DELTA 31°56'41") (CHORD BEARING NORTH 16°09'28" WEST) (CHORD 130.02 FEET) FOR A DISTANCE OF 131.72 FEET; THENCE NORTH 00°11'07" WEST, FOR A DISTANCE OF 361.00 FEET TO THE POINT OF BEGINNING. FROM SAID BEGINNING POINT CONTINUE NORTH 00°11'07" WEST, FOR A DISTANCE OF 238.50 FEET; THENCE SOUTH 89°48'53" WEST, FOR A DISTANCE OF 60.00 FEET; THENCE NORTH 00°11'07" WEST, FOR A DISTANCE OF 335.35 FEET; THENCE NORTH 89°48'47" EAST, FOR A DISTANCE OF 1169.25 FEET THENCE SOUTH 24°38'53" WEST, FOR A DISTANCE OF 635.31 FEET; THENCE SOUTH 90°00'00" WEST, FOR A DISTANCE OF 842.42 FEET TO THE POINT OF BEGINNING.

LESS AND EXCEPT (MAINTANENCE BUILDING TRACT)

COMMENCING AT THE SOUTHWEST CORNER OF TRACT "E" OF "DEL VERA COUNTRY CLUB UNIT 2", RECORDED IN PLAT BOOK 50, PAGES 69 THROUGH 78, PUBLIC RECORDS OF LEE COUNTY, FLORIDA; THENCE SOUTH 89°48'47" WEST, FOR 297.76 FEET; THENCE SOUTH 00°11'13" EAST, FOR 40.00 FEET TO THE POINT OF BEGINNING. FROM SAID BEGINNING POINT RUN SOUTH 90°00'00" EAST, FOR 85.00 FEET; THENCE SOUTH 00°00'00" WEST, FOR 160.00 FEET; THENCE NORTH 90°00'00" WEST, FOR 85.00 FEET; THENCE NORTH 00°00'00" EAST, FOR 160.00 FEET TO THE POINT OF BEGINNING.

LESS AND EXCEPT (RECREATIONAL VEHICLE TRACT)

COMMENCING AT THE SOUTHWEST CORNER OF TRACT "E" OF "DEL VERA COUNTRY CLUB UNIT 2", RECORDED IN PLAT BOOK 50, PAGES 69 THROUGH 78, PUBLIC RECORDS OF LEE COUNTY, FLORIDA; THENCE SOUTH 89°48'47" WEST, FOR 247.52 FEET; THENCE SOUTH 00°11'13" EAST, FOR 40.00 FEET TO THE POINT OF BEGINNING. FROM SAID BEGINNING POINT RUN SOUTH 00°11'13" EAST, FOR 142.00 FEET; THENCE SOUTH 89°48'47" WEST, FOR 133.00 FEET; THENCE NORTH 00°11'13" WEST, FOR 142.00 FEET; THENCE NORTH 89°48'47" EAST, FOR 133.00 FEET TO THE POINT OF BEGINNING.

BEARINGS SHOWN ARE STATE PLANE COORDINATE FOR THE WEST ZONE OF FLORIDA (NAD 83/90 ADJUSTMENT) AND ARE BASED ON THE SOUTH BOUNDARY LINE OF DEL VERA COUNTRY CLUB UNIT ONE, AS RECORDED IN PLAT BOOK 46, AT PAGES 7-25, OF THE PUBLIC RECORDS OF LEE COUNTY, FLORIDA, HAVING A BEARING OF NORTH 89°48'47" EAST.

AREA CALCULATIONS:

AREA	SQUARE FEET	ACRES
LOT 32, BLOCK 17	7,505	0.17
RECREATION PARCEL	1,888	0.04
MAINTANENCE PARCEL	13,600	0.31
WATER RECLAMATION PARCEL	573,263	13.16

- NOTES:**
- DATE OF LAST FIELDWORK: AUGUST 6, 2006.
 - BEARINGS SHOWN HEREON ARE BASED ON THE PLAT OF DEL VERA COUNTRY CLUB, UNIT ONE, PLAT BOOK 46, PAGES 7-25, LEE COUNTY RECORDS, LEE COUNTY, FLORIDA, WHEREIN THE SOUTH LINE OF SAID PLAT'S BOUNDARY BEARS N 89° 48' 47" E.
 - THERE ARE NO VISIBLE APPARENT PHYSICAL USES OTHER THAN THOSE SHOWN.
 - SUBSTANTIAL VISIBLE IMPROVEMENTS OTHER THAN THOSE SHOWN, NOT LOCATED.
 - THIS SURVEY DOES NOT MAKE ANY REPRESENTATION AS TO ZONING OR DEVELOPMENT RESTRICTIONS ON THE SUBJECT PARCEL.
 - SURVEYED PARCEL IS IN F.E.M.A. FLOOD ZONE "A" (SPECIAL FLOOD HAZARD AREAS INUNDATED BY 100-YEAR FLOOD BASE) (NO BASE FLOOD ELEVATION DETERMINED) AS SHOWN ON THE NATIONAL FLOOD INSURANCE PROGRAM'S FLOOD RATE MAP (F.I.R.M.) COMMUNITY PANEL NUMBER 125124-0075-D, EFFECTIVE DATE: MARCH 15, 1994.
 - ELEVATIONS ARE NOT SHOWN ON THIS SURVEY.
 - NO ENVIRONMENTAL ASSESSMENT OR AUDIT WAS PERFORMED ON THE SURVEYED PARCEL BY THIS FIRM AS A PART OF THIS SURVEY.
 - THIS SURVEY WAS PERFORMED FOR THE PURPOSE SHOWN HEREON AND DOES NOT MAKE ANY REPRESENTATION AS TO THE DELINEATION OF ANY JURISDICTIONAL LINES EXCEPT AS SHOWN OR NOTED.
 - SUBSTANTIAL VISIBLE IMPROVEMENTS OTHER THAN THOSE SHOWN, NOT LOCATED.

UNPLATTED

SECTION NO. 1, UNIT NO. 2, LAKEVILLE
(DEED BOOK 298, PAGES 303-306)

P.O.C.
WATER RECLAMATION FACILITY
SOUTHWEST CORNER OF
SECTION NO. 1, UNIT NO. 2,
LAKEVILLE
(DEED BOOK 298, PAGES
303-306)

TRACTS OR PARCELS OF LAND IN
SECTION 4, TOWNSHIP 43 SOUTH, RANGE 24 EAST

**JOHNSON
ENGINEERING**

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

BOUNDARY SURVEY

DATE	PROJECT NO.	FILE NO.	SCALE	SHEET
AUGUST 9, 2006	20066418	4-43-24	1" = 50'	1 OF 1

RECEIVED
JUL 14 2006
ADD 2009-00054
COMMUNITY DEVELOPMENT

ADMINISTRATIVE AMENDMENT (PD) ADD2009-00054

ADMINISTRATIVE AMENDMENT
LEE COUNTY, FLORIDA

WHEREAS, Herons Glen Recreation District filed an application for administrative approval to a Residential Planned Development on a project known as Heron's Glen (also known as Heron's Glen/Magnolia Landing) **to amend the use of the Existing Sewer/Water Utilities site and Sewer/Water Expansion site to Sewer/Water Utility and Accessory Maintenance Facility Site** for property located at 2250 Avenida Del Vera, 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 88-3-18-DRI (Z-88-069) (with subsequent amendments in Resolution numbers Z-89-076 and Z-00-078 and Administrative Amendment approvals AAA-PD-90-017, 95-01-207.12A, ADD2002-00005, ADD2002-00088, ADD2003-00096, ADD2004-00217, ADD2004-00018, ADD2005-00209, ADD2006-00080); and

WHEREAS, the subject property is located in the Outlying Suburban and Wetlands Future Land Use Categories 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 only change the designated use of the depicted existing and future expansion area for the utilities site to be also permitted to have the use of accessory maintenance facility within the designated parcel; 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, subject to the following conditions:**

1. The area on the Master Concept Plan depicted as the "Sewer/Water Utilities Site" and "Sewer/Water Utilities Expansion Site" found in the northern portion of Phase 1B and Phase 2 is hereby amended to be "Sewer/Water Utility and Accessory Maintenance Facility Site". This may be found on the attached Plan labeled "H-3.B, Existing Master Concept Plan".

No other change is authorized by this action. The Master Concept Plan remains otherwise unchanged including the conceptual perimeter outline of this "Sewer/Water Utility and Accessory Maintenance Facility Site" on the Plan.

2. The terms and conditions of the original zoning resolution and amendments remain in full force and effect, except as noted in this action.

DULY SIGNED this 22nd day of October, A.D., 2009.

BY:

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

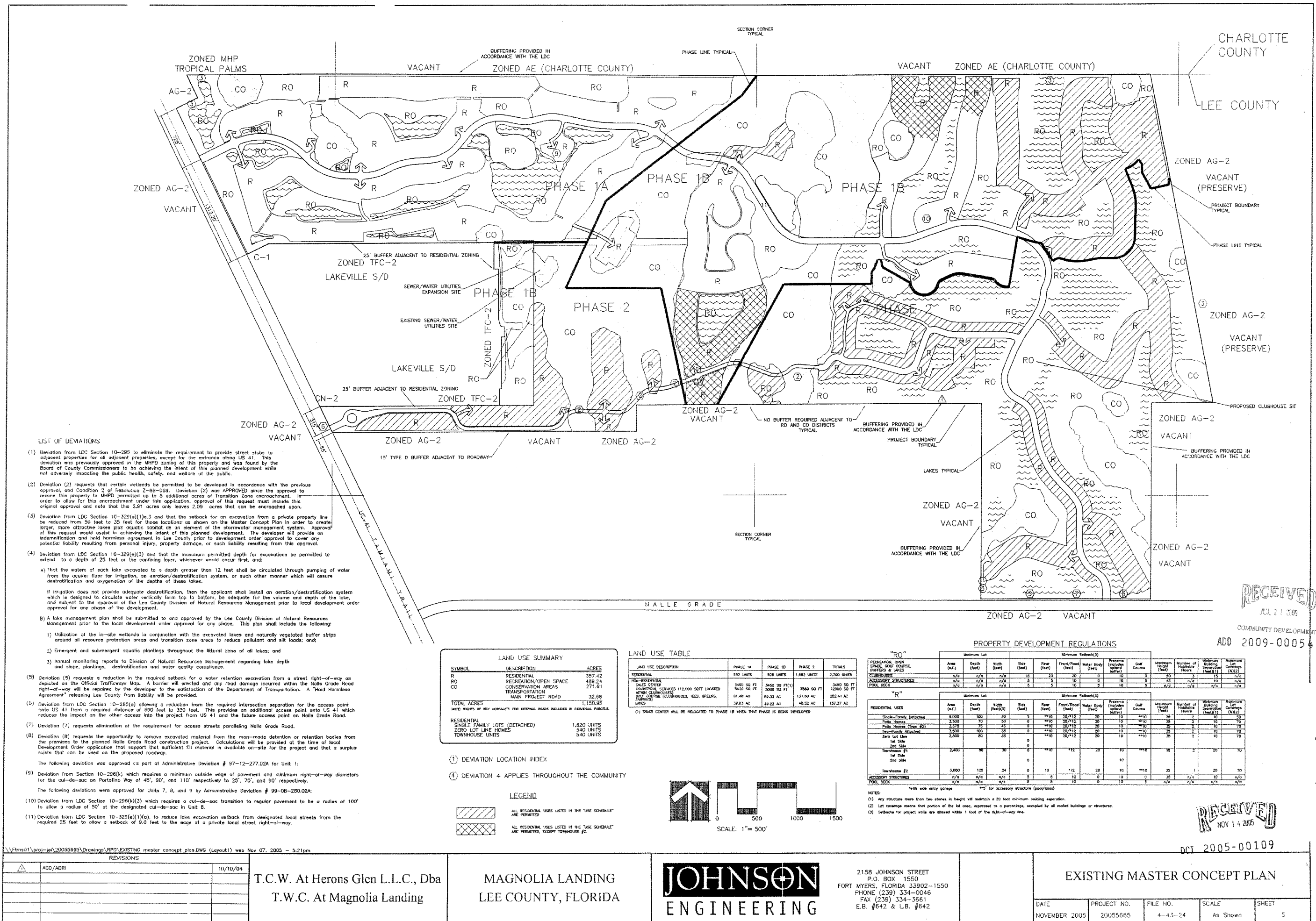
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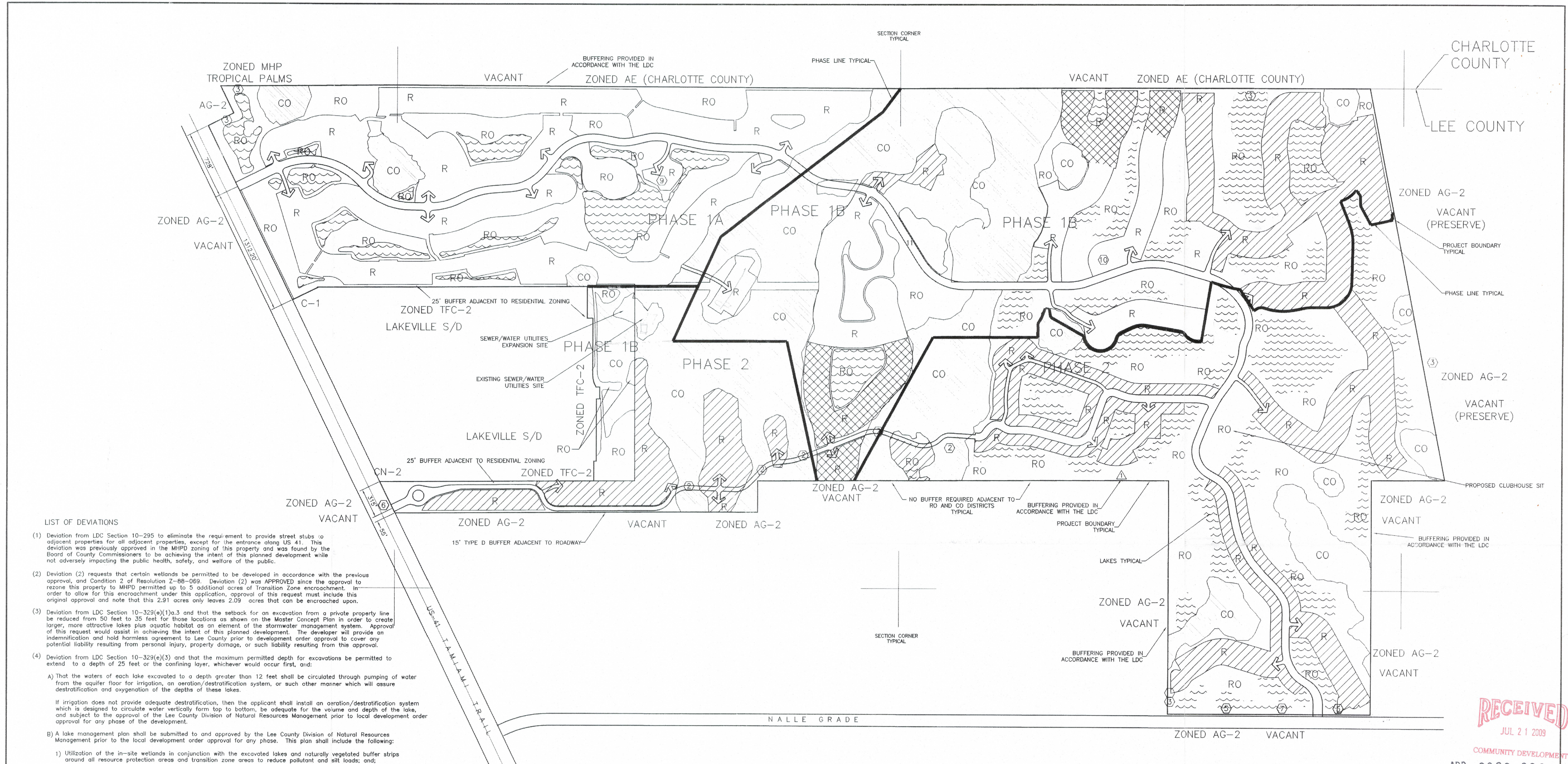
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ADD 2009-00054

**Applicant's Legal Checked
by CSJ 7-24-09**





LIST OF DEVIATIONS

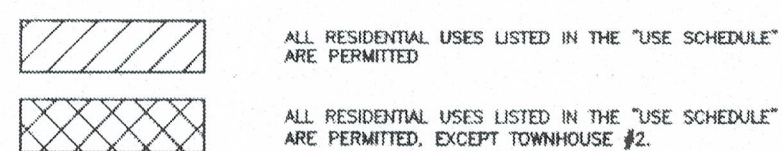
- (1) Deviation from LDC Section 10-295 to eliminate the requirement to provide street stubs to adjacent properties for all adjacent properties, except for the entrance along US 41. This deviation was previously approved in the MHPD zoning of this property and was found by the Board of County Commissioners to be achieving the intent of this planned development while not adversely impacting the public health, safety, and welfare of the public.
- (2) Deviation (2) requests that certain wetlands be permitted to be developed in accordance with the previous approval, and Condition 2 of Resolution Z-88-069. Deviation (2) was APPROVED since the approval to rezone this property to MHPD permitted up to 5 additional acres of Transition Zone encroachment. In order to allow for this encroachment under this application, approval of this request must include this original approval and note that this 2.91 acres only leaves 2.09 acres that can be encroached upon.
- (3) Deviation from LDC Section 10-329(a)(1)a.3 and that the setback for an excavation from a private property line be reduced from 50 feet to 35 feet for those locations as shown on the Master Concept Plan in order to create larger, more attractive lakes plus aquatic habitat as an element of the stormwater management system. Approval of this request would assist in achieving the intent of this planned development. The developer will provide an indemnification and hold harmless agreement to Lee County prior to development order approval to cover any potential liability resulting from personal injury, property damage, or such liability resulting from this approval.
- (4) Deviation from LDC Section 10-329(a)(3) and that the maximum permitted depth for excavations be permitted to extend to a depth of 25 feet or the confining layer, whichever would occur first, and:
- A) That the waters of each lake excavated to a depth greater than 12 feet shall be circulated through pumping of water from the aquifer floor for irrigation, an aeration/destratification system, or such other manner which will assure destratification and oxygenation of the depths of these lakes.
- If irrigation does not provide adequate destratification, then the applicant shall install an aeration/destratification system which is designed to circulate water vertically from top to bottom, be adequate for the volume and depth of the lake, and subject to the approval of the Lee County Division of Natural Resources Management prior to local development order approval for any phase of the development.
- B) A lake management plan shall be submitted to and approved by the Lee County Division of Natural Resources Management prior to the local development order approval for any phase. This plan shall include the following:
- 1) Utilization of the in-site wetlands in conjunction with the excavated lakes and naturally vegetated buffer strips around all resource protection areas and transition zone areas to reduce pollutant and silt loads; and;
- 2) Emergent and submergent aquatic plantings throughout the littoral zone of all lakes; and
- 3) Annual monitoring reports to Division of Natural Resources Management regarding lake depth and slopes, plantings, destratification and water quality compliance.
- (5) Deviation (5) requests a reduction in the required setback for a water retention excavation from a street right-of-way as depicted on the Official Trafficways Map. A barrier will be erected and any road damages incurred within the Nalle Grade Road right-of-way will be repaired by the developer to the satisfaction of the Department of Transportation. A "Hold Harmless Agreement" releasing Lee County from liability will be provided.
- (6) Deviation from LDC Section 10-285(a) allowing a reduction from the required intersection separation for the access point onto US 41 from a required distance of 660 feet to 330 feet. This provides an additional access point onto US 41 which reduces the impact on the other access into the project from US 41 and the future access point on Nalle Grade Road.
- (7) Deviation (7) requests elimination of the requirement for access streets paralleling Nalle Grade Road.
- (8) Deviation (8) requests the opportunity to remove excavated material from the man-made detention or retention bodies from the premises to the planned Nalle Grade Road construction project. Calculations will be provided at the time of local Development Order application that support that sufficient fill material is available on-site for the project and that a surplus exists that can be used on the proposed roadway.
- The following deviation was approved as part of Administrative Deviation # 97-12-277.02A for Unit 1:
- (9) Deviation from Section 10-296(k) which requires a minimum outside edge of pavement and minimum right-of-way diameters for the cul-de-sac on Portofino Way of 45', 90', and 110' respectively to 25', 70', and 90' respectively.
- The following deviations were approved for Units 7, 8, and 9 by Administrative Deviation # 99-08-260.02A:
- (10) Deviation from LDC Section 10-296(k)(3) which requires a cul-de-sac transition to regular pavement to be a radius of 100' to allow a radius of 50' at the designated cul-de-sac in Unit 8.
- (11) Deviation from LDC Section 10-329(a)(1)(a), to reduce lake excavation setback from designated local streets from the required 25 feet to allow a setback of 9.0 feet to the edge of a private local street right-of-way.

LAND USE SUMMARY		
SYMBOL	DESCRIPTION	ACRES
R	RESIDENTIAL	357.42
RO	RECREATION/OPEN SPACE	489.24
CO	CONSERVATION AREAS, TRANSPORTATION, MAIN PROJECT ROAD	271.61
TOTAL ACRES		1,150.95
NOTE: RIGHTS OF WAY ACRES ARE FOR INTERNAL ROADS INCLUDED IN INDIVIDUAL PARCELS.		
RESIDENTIAL		
SINGLE FAMILY LOTS (DETACHED)	1,620 UNITS	
ZERO LOT LINE HOMES	540 UNITS	
TOWNHOUSE UNITS	540 UNITS	

① DEVIATION LOCATION INDEX

④ DEVIATION 4 APPLIES THROUGHOUT THE COMMUNITY

LEGEND



LAND USE TABLE

LAND USE DESCRIPTION	PHASE 1A	PHASE 1B	PHASE 2	TOTALS
RESIDENTIAL	532 UNITS	508 UNITS	1,662 UNITS	2,700 UNITS
NON-RESIDENTIAL				
SALES CENTER	3450 SQ FT	3450 SQ FT(1)	3450 SQ FT	3450 SQ FT
COMMERCIAL SERVICES (12,000 SQFT LOCATED WITHIN CLUBHOUSE)	5420 SQ FT	3000 SQ FT	12000 SQ FT	20420 SQ FT
GOLF COURSE (CLUBHOUSE, TEES, GREENS, FARTHS)	61.48 AC	59.33 AC	131.60 AC	252.41 AC
LAKES	39.83 AC	49.22 AC	48.52 AC	137.57 AC

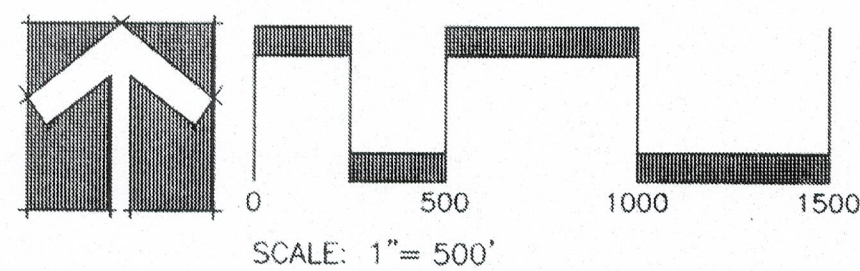
(1) SALES CENTER WILL BE RELOCATED TO PHASE 1B WHEN THAT PHASE IS BEING DEVELOPED.

PROPERTY DEVELOPMENT REGULATIONS

	Minimum Lot					Minimum Setback(3)					Preserve (Includes Undeveloped Buffer)	Golf Course	Maximum Height (feet)	Number of Habitable Floors	Minimum Building Separation (feet)(1)	Maximum Lot Coverage (%)(2)
	Area (a.f.)	Depth (feet)	Width (feet)(3)	Side (feet)	Rear (feet)	Front/Road (feet)	Water Body (feet)	Pool Deck	Water Body (feet)	Pool Deck						
RECREATION, OPEN SPACE, GOLF COURSE, BUTTERS & LAKES	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a
CLUBHOUSE	n/a	n/a	n/a	15	20	20	0	10	0	50	0	50	35	2	10	50
ACCESSORY STRUCTURES	n/a	n/a	n/a	5	5	5	0	10	5	45	0	45	35	2	10	70
POOL DECK	n/a	n/a	n/a	5	5	5	0	10	5	10	0	10	35	2	10	70
"R"																
Minimum Lot																
Area (a.f.)	Depth (feet)	Width (feet)(3)	Side (feet)	Rear (feet)	Front/Road (feet)	Water Body (feet)	Pool Deck	Water Body (feet)	Pool Deck	Water Body (feet)	Pool Deck	Water Body (feet)	Pool Deck	Water Body (feet)	Pool Deck	Water Body (feet)
Single-Family Detached	6,000	100	80	5	**10	20/112	20	10	**10	35	2	10	50	35	2	10
Patio Homes	3,500	75	50	0	**10	20/112	20	10	**10	35	2	10	70	35	2	10
Patio Homes (Type #5)	3,375	75	45	0	**10	20/112	20	10	**10	35	2	10	70	35	2	10
Two-Family Attached	3,500	100	35	0	**10	20/112	20	10	**10	35	2	10	70	35	2	10
Zero Lot Line	2,800	80	30	0	**10	20/112	20	10	**10	35	2	10	70	35	2	10
1st Side				0												
2nd Side				0												
Townhouse #1	2,400	80	30	0	**10	112	20	10	**10	35	2	20	70	35	2	20
1st Side				0												
2nd Side				0												
Townhouse #2	3,000	125	24	0	10	112	20	10	**10	35	1	20	70	35	1	20
1st Side				0												
2nd Side				0												
ACCESSORY STRUCTURES	n/a	n/a	n/a	5	5	5	0	10	0	10	0	10	35	n/a	10	n/a
POOL DECK	n/a	n/a	n/a	5	5	5	0	10	0	10	0	10	35	n/a	10	n/a

NOTES:

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



\\fltns01\proj-jet\20055665\Drawings\RPD\EXISTING master concept plan.DWG (Layout1) web Nov 07, 2005 - 5:21pm

REVISIONS		
ADD/ADRI		10/10/04

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

MAGNOLIA LANDING
LEE COUNTY, FLORIDA

JOHNSON
ENGINEERING

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

EXISTING MASTER CONCEPT PLAN

DATE	PROJECT NO.	FILE NO.	SCALE	SHEET
NOVEMBER 2005	20055665	4-43-24	As Shown	5

**Knott, Consoer, Ebelini
Hart & Swett, P.A.**
ATTORNEYS - AT - LAW

George H. Knott *+
George L. Consoer, Jr. **
Mark A. Ebelini
Thomas B. Hart
H. Andrew Swett
Aaron A. Haak++

* Board Certified Civil Trial Lawyer
** Board Certified Real Estate Lawyer
+ Board Certified Business Litigation Lawyer
++ Board Certified Construction Lawyer

1625 Hendry Street • Third Floor (33901)
P.O. Box 2449
Fort Myers, Florida 33902-2449

Telephone (239) 334-2722
Telecopier (239) 334-1446

Thart@knott-law.com

Matthew D. Uhle
Derrick S. Eihausen
Natly Torres-Alvarado
David A. Burt
Madeline Ebelini

Michael E. Roeder, AICP
Director of Zoning
and Land Use Planning

MEMO

TO: Lee County Community Development

FROM: Paula Weller, Legal Assistant to Tom Hart

RE: ADD2009-00054

DATE: July 21, 2009

Attached is 24 X36 copy of the Master Concept Plan pertaining to the above Application for Administrative Action. Thank you.

RECEIVED
JUL 21 2009
COMMUNITY DEVELOPMENT

ADD 2009-00054

ZONING DIVISION
LEE COUNTY
ADD TRANSMITTAL SHEET

DATE: September 4, 2009

TO: Becky Sweigert, Environmental Sciences
Don Blackburn, Development Services

FROM: Chip Block, AICP

CASE NUMBER: ADD2009-00054

PROJECT NAME: Maintenance Facility (Heron's Glen)

INFORMATION SUMMARY:

 NEW SUBMITTAL

 X RESUBMITTAL

RESPONSE REQUESTED BY: September 18, 2009

COMMENTS:

This supplements the original information submitted depicting the proposed change to the approved Master Concept Plan.

Please review and advise if this amendment can, in your opinion, be granted. If so, are there any conditions of approval you would recommend?

**Knott, Consoer, Ebelini
Hart & Swett, P.A.**
ATTORNEYS - AT - LAW

George H. Knott *+
George L. Consoer, Jr. **
Mark A. Ebelini
Thomas B. Hart
H. Andrew Swett
Aaron A. Haak++

* Board Certified Civil Trial Lawyer
** Board Certified Real Estate Lawyer
+ Board Certified Business Litigation Lawyer
++ Board Certified Construction Lawyer

1625 Hendry Street • Third Floor (33901)
P.O. Box 2449
Fort Myers, Florida 33902-2449

Telephone (239) 334-2722
Telecopier (239) 334-1446

Thart@knott-law.com

Matthew D. Uhle
Derrick S. Eihausen
Natly Torres-Alvarado
David A. Burt
Madeline Ebelini

Michael E. Roeder, AICP
Director of Zoning
and Land Use Planning

September 3, 2009

Via hand delivery

Chip Block, AICP
Principal Planner
Department of Community Development
Zoning Division
1500 Monroe Street, 2nd Floor
Fort Myers, Florida 33901

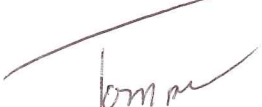
Re: Herons Glen Recreation District
ADD2009-00054

Dear Chip:

Enclosed please find five 8 ½ x 11 copies of the Master Concept Plan for the Herons Glen Maintenance Facility and five 24 X 36 copies.

Sincerely yours,

KNOTT, CONSOER, EBELINI,
HART & SWETT, P.A.


Thomas B. Hart
TBH:pw
Encls:

RECEIVED
SEP 03 2009
ZONING

ZONING DIVISION
LEE COUNTY
ADD TRANSMITTAL SHEET

DATE: August 13, 2009

TO: Becky Sweigert, Environmental Sciences
Don Blackburn, Development Services

FROM: Chip Block, AICP

CASE NUMBER: ADD2009-00054

PROJECT NAME: Maintenance Facility (Herons Glen Recreation District)

INFORMATION SUMMARY:

 X NEW SUBMITTAL

 RESUBMITTAL

RESPONSE REQUESTED BY: AUGUST 27, 2009

COMMENTS:

Please review and advise if this amendment can, in your opinion, be granted. If so, are there any conditions of approval you would recommend?

cc: zoning file

Block, Alvin

From: Block, Alvin
Sent: Thursday, August 13, 2009 9:43 AM
To: THart@Knott-Law.com
Cc: Blackburn, Don; Sweigert, Rebecca
Subject: ADD2009-00054, Maintenance Facility (Herons Glen Recreation District)

Good Morning T:

I have completed my initial review of the above application and I need the applicant to provide some information. The application seeks to change the existing Master Concept Plan (MCP) on one portion of the development currently labeled as "Existing Sewer/Water Facilities" to "Utility and Accessory Use Maintenance Facility" AND the remaining portion of the subject parcel from "Sewer/Water Utilities Expansion Site" to "Utility Accessory Use Maintenance Facility Expansion Site".

The application contains the approved existing MCP. I do not find the proposed revised MCP. Since the request specifically is seeking to amend the MCP by changing the designation of the use of the subject parcel, I need the proposed revised MCP with the land use designation change noted on the subject parcel.

I have gone ahead and transmitted the amendment to the other staff to get their comments. As soon as I get the revised plan from your office, I will send that along to them also.

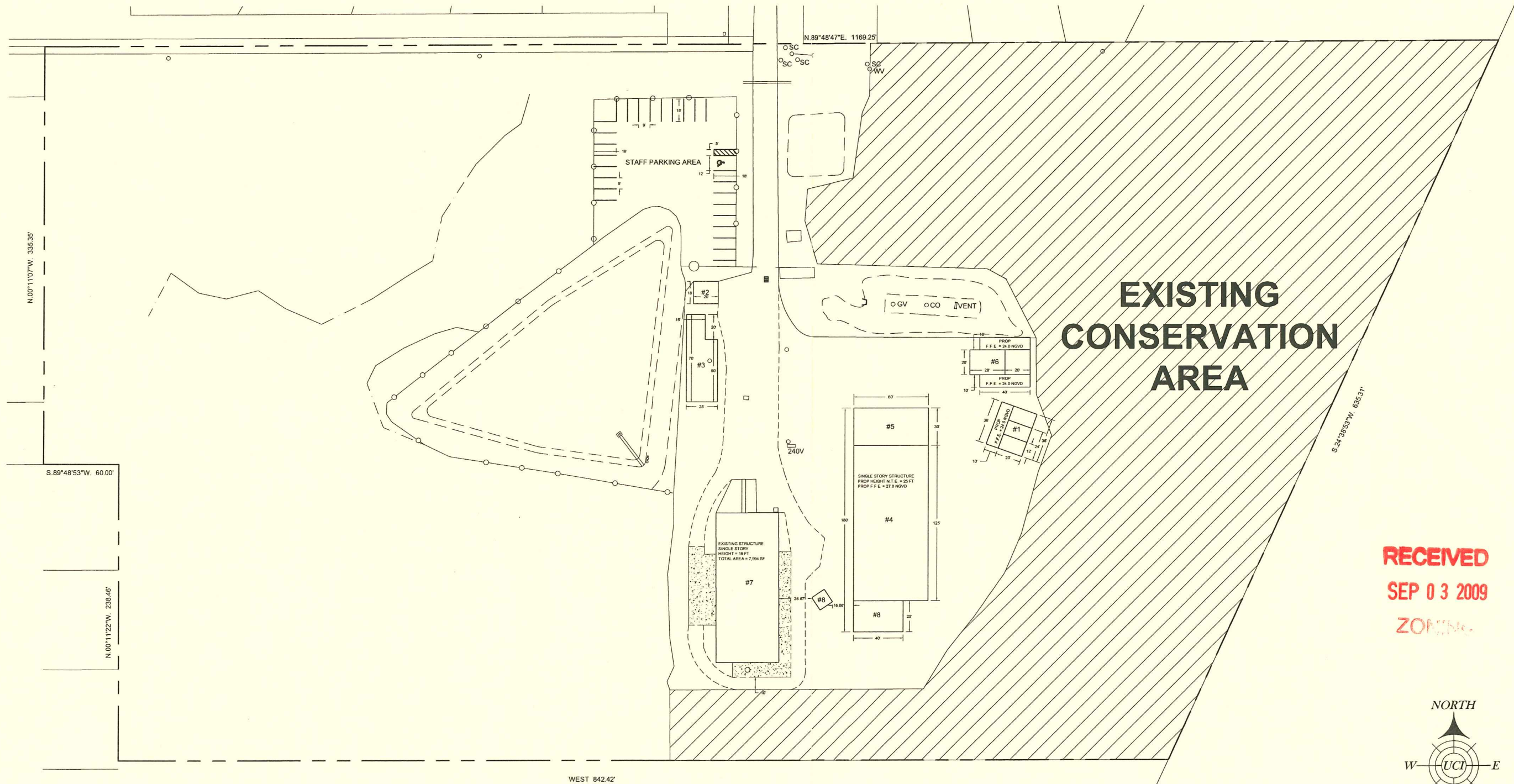
Thanks
Chip

Alvin Block, AICP

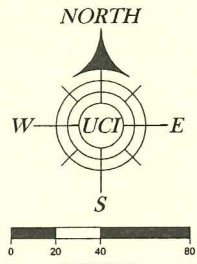
Principal Planner
Lee County Department of Community Development
Zoning Division
(239) 533-8371
blockah@leegov.com

Please note: Florida has a very broad public records law. Most written communications to or from County personnel regarding County business are public records available to the public and media upon request. Your email communication may be subject to public disclosure.

8/13/2009



RECEIVED
SEP 03 2009
ZONING



- PROPOSED/EXISTING BUILDING/PAD AREAS**
1. OUTDOOR STORAGE AREA (PROPOSED - OPEN PAD)
 2. FUEL STATION (EXISTING - OPEN PAD)
 3. WASH STATION FOR EQUIPMENT (PROPOSED - OPEN PAD)
 4. STORAGE BUILDING (PROPOSED - ENCLOSED)
 5. STORAGE BUILDING (PROPOSED - ENCLOSED)
 6. ELEVATED HORTICULTURAL WASTE (PROPOSED - OPEN PAD)
 7. MAINTENANCE FACILITY (EXISTING - ENCLOSED)
 8. STORAGE BUILDING (PROPOSED - ENCLOSED)

LAND USE TABLE:
UTILITY AND MAINTENANCE ANCILLARY TO APPROVED DRI USES

SCALE: 1" = 40'	DESIGN BY: C.N.	DATE: 08-02-2009	DATE: 08-02-2009	DATE: 08-02-2009	DATE: 08-02-2009
CAD FILE: 08-0016	DRAWN BY: C.N.	CHECKED BY: D.E.M.	DESIGNED BY: D.E.M.	DATE: 08-02-2009	DATE: 08-02-2009
DWG NO: Herons Glen Maintenance Facility	PROJECT NO: 04-43-24-04-000ND.0000	PROJECT NAME: Herons Glen Maintenance Facility	PROJECT ADDRESS: 2250 Avenida Del Vera, North Fort Myers, Florida 33917	PROJECT PHONE: (239) 731-4573	PROJECT FAX: (239) 731-4573
SHEET: M - 1	PROJECT: Herons Glen Maintenance Facility	PROJECT ADDRESS: 2250 Avenida Del Vera, North Fort Myers, Florida 33917	PROJECT PHONE: (239) 731-4573	PROJECT FAX: (239) 731-4573	PROJECT: Herons Glen Maintenance Facility

APPLICATION FOR ADMINISTRATIVE ACTION FOR UNINCORPORATED AREAS ONLY

Applicant's Name: Herons Glen Recreation District

ADD 2009-00054

Project Name: Maintenance Facility

STRAP Number(s): 04-43-2404-000N0.0000

TYPE OF ADMINISTRATIVE APPLICATION:

- ☐ 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, or Ordinance Interpretation (attach Supplement E)
- ☐ Relief for Designated Historic Resources (attach Supplement F)
- ☐ Relief for Easement Encroachment (attach Supplement G)
- ☒ Administrative Amendment to PUD or PD (attach Supplement H)
- ☐ Final Plan Approval for PD per 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)

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JUL 21 2009
Cwm 3:15pm
COMMUNITY DEVELOPMENT

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 2009-00054 Commission District: 4
Current Zoning: RPD Fee Amount: 150000
Land Use Classification: out. 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) 533-8585**

PART 1
APPLICANT/AGENT INFORMATION

A. Name of applicant: Herons Glen Recreation District

Address: Street : 2250 Avenida Del Vera

City: N. Fort Myers State: Florida Zip: 33917

Phone: Area Code: 239 Number: 731-4573 Ext:

Fax: Area Code: 239 Number: 567-2823

E-mail address: THart@knott-law.com

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

☒ 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.]

☐ 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.]

☐ Applicant is a contract purchaser/vendee. [34-202(b)(1)d.]

Notarized Affidavit of Authorization form is attached as Exhibit AA-1.B.2.

[34-202(b)(1)c.] (Please select the appropriate Affidavit Form from the suggested forms in Part 1 Exhibits attached hereto.)

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: Knott Consoer Ebelini Hart & Swett, P.A.

Contact Person: Thomas B. Hart

Address: Street : 1625 Hendry Street, Suite 301

City: Fort Myers State: FL Zip: 33901

Phone: Area Code: 239 Number: 334-2722 Ext:

Fax: Area Code: 239 Number: 334-1446

E-mail address: THart@knott-law.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.C.2. [34-202(b)(1)c.]

**PART 2
PROPERTY OWNERSHIP**

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

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

A.1. Name: Herons Glen Recreation District

Mailing Address: Street: 2250 Avenida Del Vera

City: N. Fort Myers State: Florida Zip: 33917

Phone: Area Code: 239 Number: 731-4573 Ext: _____

Fax: Area Code: 239 Number: 567-2823

E-mail: THart@knott-law.com

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.B.1. [34-201(b)2]

C. Multiple parcels

C.1. _____ Property owners list is attached as Exhibit AA-2.C.1. [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): August 17, 2006

**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): 04-43-24-04-000N0.0000

B. Street Address of Property: 2250 Avenida Del Vera, North Fort Myers, Florida 33917

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)]

_____ The property consists of one or more undivided platted lots in _____ 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:** _____

F. **General Location of Property:**

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

F.2. **Directions to property:** From downtown, take US 41 north to Avenida Del Vera; on right approximately one-half mile south of Charlotte County line; go east on Avenida Del Vera to Herons Glen administrative offices

G. **Current Zoning of Property:** PD

H. **Current use(s) of the property are:** equipment, utility and golf maintenance; fueling for maintenance equipment; equipment washoff; maintenance offices and horticultural waste dumpster, site previously used also for waste water treatment plant

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

1. Width (average if irregular parcel):	<u>1006</u>	Feet
2. Depth (average if irregular parcel):	<u>574</u>	Feet
3. Total area:	<u>12.99</u>	Acres or square feet
4. Frontage on road or street:	<u>0</u>	Feet on _____ Street
2 nd Frontage on road or street:	_____	Feet on _____ 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): Change current MCP designation of one portion of subject parcel now labeled "Existing Sewer/Water Utilities" to "Utility and Accessory Use Maintenance Facility" and the remaining portion of the subject parcel from "Sewer/Water Utilities Expansion Site" to "Utility Accessory Use Maintenance Facility Expansion Site."

PART 5
SUBMITTAL REQUIREMENTS

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 BELOW.

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	SUP H	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 [34-201(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 (2 originals required) [34-202(a)(1)]
3	AA-3.C.2	Sealed Sketch of the Legal Description (2 originals required) [34-202(a)(1)]
1	AA-3.C.2	Electronic version of legal description (if available)
3	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 (2 originals required) [34-373(a)(4)a.]}
3	AA-3.D.2	Copy of Plat Book Page (if applicable) [34-202(a)(1)]

✓ 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.**



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

Case Number: _____

Project Name: Maintenance Facility

Applicant's Name: Hérons Glen Recreation District

STRAP Number(s): 04-43-24-04-000N0.0000

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.)

*Planning District: _____

**If located within the Estero Planning Community and the request includes administrative deviations amending the Master Concept Plan or other provisions of the applicable zoning resolution, please provide meeting summary document (see PART 2.C.). See LCLDC Section 33-54(a)(2).*

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):
Hérons Glen or Del Vera Country Club

B. **ORIGINAL REZONING RESOLUTION NUMBER:** Z-88-069.

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.**).

Z-88-069

Z-89-076

Z-00-078

ADD2002-00005

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JUL 21 2009

COMMUNITY DEVELOPMENT

ADD 2009-00054

- D. **DEVELOPMENT ORDER NUMBERS FOR PROJECT** (if any): Please list all local 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.**).

DO#6-8687-77

DO#88-3-DRI(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 three (3) 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.**

- C. Is the property located within the Estero Planning Community and does the request include administrative deviations amending the Master Concept Plan or other provisions of the applicable zoning resolution? ☒ NO. ☐ YES. IF **YES**, submit a copy of the Estero Planning Community Summary Document. Label **Exhibit H-2.C.**

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 three (3) 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 three (3) 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. **AREALOCATION 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 three (3) 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 three (3) 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 three (3) 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.**

PART 5.
SUBMITTAL REQUIREMENTS

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

Copies Required*	Exhibit Number	SUBMITTAL ITEMS
		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

**EXPLANATORY NOTES
INSTRUCTIONS FOR COMPLETING COVER PAGE**

Case number: Will be inserted by County staff.

Project Name (if applicable): Provide the name that you wish to have assigned to this project. The name is limited to 30 characters and spaces and should be the same as provided on the Administrative Action Application Form.

Applicant's Name-Authorized Agent: The applicant's name must be provided. This is the person to whom all County correspondence will be directed. This is usually the person who signs the Applicant's "Statement Under Oath". (See Administrative Application Form, Part 1, Affidavit Form A1 or A2).

STRAP(S): The STRAP (Section, Township, Range, Area, Parcel) number is the 17- digit number used by the Property Appraiser to identify specific parcels. Where there is more than one parcel encompassed by the application, the STRAP number for every parcel must be provided and be the same as those listed in the Administrative Application Form, Part 2.F.

**PART 1.
APPLICATION INFORMATION**

- A. ORIGINAL PROJECT NAME:** Please indicate the original project name if it is different than the current Project Name (as provided on the Application for Administrative Action Form and above).
- B. ORIGINAL ZONING RESOLUTION NUMBER:** Please list the Resolution Number per the original rezoning case.
- C. SUBSEQUENT ZONING ACTION RESOLUTION/CASE NUMBERS:** List the Resolution number(s) and case number(s) assigned to any public hearing or administrative actions granted or denied for this project since its original rezoning. Provide added sheets, if necessary; label as **Exhibit H-1.C..**
- D. DEVELOPMENT ORDER NUMBERS FOR PROJECT:** List the all local Development Order number(s) and current status of any local Lee County Development Orders issued for this project (e.g. status: Issued, Received, Finaled, Vacated, etc.). Provide added sheets, if necessary; label as **Exhibit H-1.C.**

**PART 2.
ADDITIONAL SUBMITTAL ITEMS**

- A. WRITTEN NARRATIVE:** Please provide a written narrative statement explaining exactly what is proposed under this application. Please be most specific in terms of development parameters (square feet by specific use, number and type of dwelling units, etc.). Label as **Exhibit H-2.A.**
- B. RELIEF/DEVIATIONS:** Self explanatory. For further assistance see LCLDC Section 34-373(a)(9) and 34-373(b)(4).

**PART 3.
ADDITIONAL SUBMITTAL REQUIREMENTS FOR ADMINISTRATIVE AMENDMENT APPLICATIONS**

A.-D. Self explanatory.

**PART 4.
ADDITIONAL SUBMITTAL REQUIREMENTS FOR FINAL PLAN APPROVAL APPLICATIONS**

A.-D. Self explanatory.

PART 5.
SUBMITTAL REQUIREMENTS

1. This table represents a summary of the required submittal items. The applicant is responsible for the accuracy and completeness of this application. Time delays or additional expenses necessitated by submitting inaccurate or incomplete information will be the responsibility of the applicant.
2. All information submitted with the application becomes a part of the public record and will be a permanent part of the file.
3. Please submit all applications in person. Mailed-in applications will not be processed.
4. All attachments and exhibits submitted must be legible, suitable for recording, and of a size that will fit or conveniently fold to fit into a letter size (8 ½" x 11") folder.
5. Department staff will review this application for compliance with requirements of the Lee County Land Development Code. The applicant will be notified of any deficiencies.

EXHIBIT AA-2.B.1
DISCLOSURE OF INTEREST FORM FOR:

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ADD 2009-00054
COMMUNITY DEVELOPMENT

STRAP NO. 04-43-24-04-000N0.0000

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

Herons Glen Recreation District, a special district of the State of
Florida

100 %

_____	_____
_____	_____
_____	_____
_____	_____
_____	_____

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

_____	_____
_____	_____
_____	_____
_____	_____
_____	_____

5. If the 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: Dorothy M. Klewicki
(Applicant)

Dorothy M. Klewicki, Chair
(Printed or typed name of applicant)

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STATE OF FLORIDA
COUNTY OF LEE

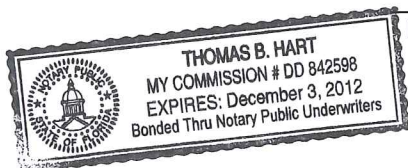
COMMUNITY DEVELOPMENT

The foregoing instrument was acknowledged before me this 20 day of JULY 2009
by Dorothy M. Klewicki who is personally known to me or who has produced
_____ as identification.

(SEAL)

Thomas B. Hart
Signature of Notary Public

THOMAS B. HART
Printed Name of Notary Public



Page 2 of 2

ADD 2009-00054

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

AFFIDAVIT FOR ADMINISTRATION ACTION

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

I, * Dorothy M. Klewicki as Chairperson of Heron's Glen Recreation District, 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.

Heron's Glen Recreation District

*Name of Entity (corporation, partnership, LLP, LC, etc)

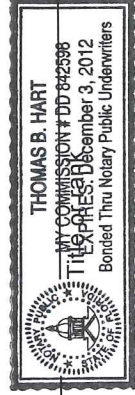
Dorothy M. Klewicki Dorothy M. Klewicki
Signature (Type or printed name)

Chair of Board of Supervisors
(title of signatory)

STATE OF Florida
COUNTY OF Lee

The foregoing instrument was sworn to (or affirmed) and subscribed before me this July 20, 2009 (date) by Dorothy M. Klewicki (name of person providing oath or affirmation), who is personally known to me or who has produced _____ (type of identification) as identification.

Thomas B. Hart
Signature of person taking oath or affirmation



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THOMAS B. HART

Name typed, printed or stamped

DD842596

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 format for that ownership.

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PART 1 AFFIDAVIT A1
(EXHIBIT AA-1.B.2)

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AFFIDAVIT FOR ADMINISTRATIVE ACTION
APPLICATION IS SIGNED BY AN INDIVIDUAL OWNER OR APPLICANT

I, Thomas B. Hart, 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 have authorized 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.

Thomas B. Hart
Signature

Thomas B. Hart
(Type or printed name)

STATE OF FLORIDA

COUNTY OF LEE

The foregoing instrument was sworn to (or affirmed) and subscribed before me this July 20, 2009 (date) by Thomas B. Hart (name of person providing oath or affirmation), who is personally known to me or who has produced _____ (type of identification) as identification.

Paula A. Weller
Signature of person taking oath or affirmation

Paula A. Weller
Name typed, printed or stamped

DD 836632

Title or rank

Serial number, if any

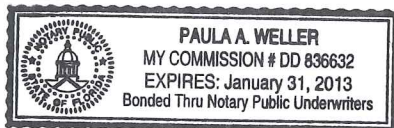


Exhibit AA-3.C.1.

Commencing at the Southeast corner of Section No. 1 Unit No. 2, LAKEVILLE, as recorded in Plat Book 10, Page 48, Public Records of Lee County, Florida, thence run 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 361.50 feet to the Point of Beginning. From said beginning point continue North $00^{\circ}11'07''$ West, for a distance of 238.50 feet; thence South $89^{\circ}8'53''$ West, for a distance of 60.00 feet; thence North $00^{\circ}11'07''$ West, for a distance of 335.35 feet; thence North $89^{\circ}48'47''$ East for a distance of 1169.25 feet; thence South $24^{\circ} 38' 53''$ West, for a distance of 635.31 feet; thence South $90^{\circ} 00'00''$ West for a distance of 843.42 feet to the Point of Beginning.

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Sorry! When printing directly from the browser your directions or map may not print correctly. For best results, try clicking the Printer-Friendly button.

Directions Summary



Starting Location

1625 Hendry St

Fort Myers, FL 33901-2920



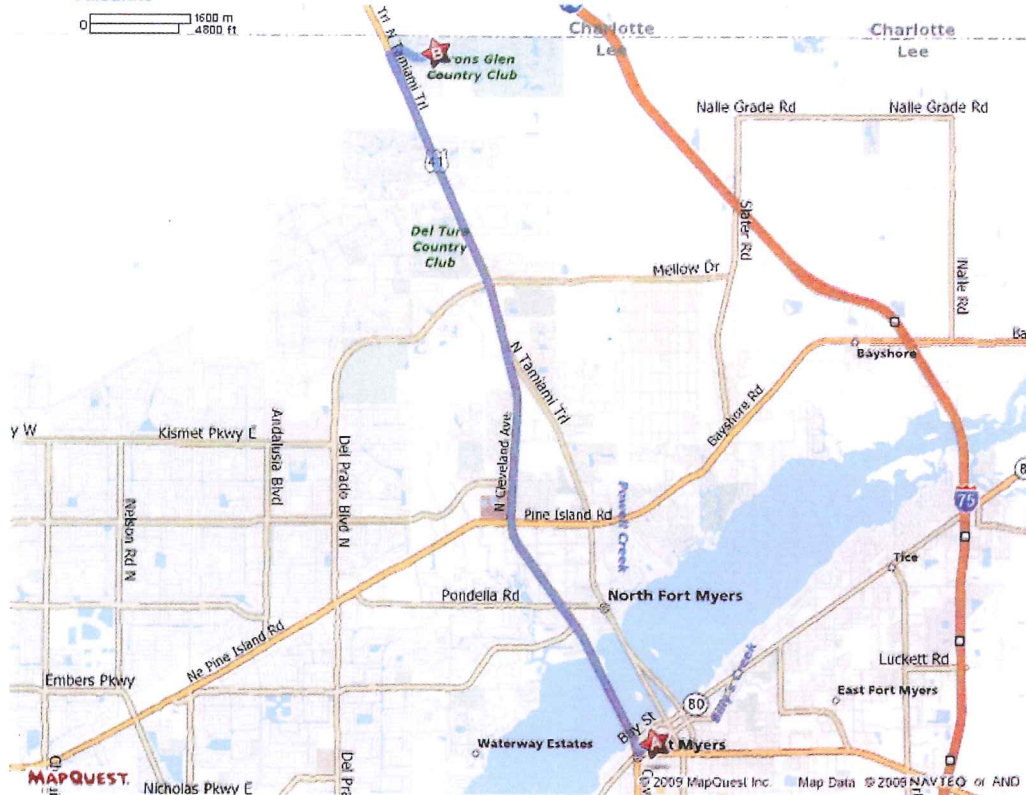
Ending Location

2250 Avenida Del Vera

Fort Myers, FL 33917-6700

Total Travel Estimates: Time: 15 minutes Distance: 10.56 miles Fuel Cost:

[Calculate](#)



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Hotels.com Official Site

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Fort Myers Beach

Find Fort Myers Beach hotels, maps, attractions & tours - Yahoo! Travel

[Travel Yahoo.com](#)

Directions from A to B:



1: Start out going NORTHWEST on HENDRY ST toward MAIN ST.



2: Turn LEFT onto MAIN ST.



3: Merge onto US-41 N/FL-45 N.



4: Turn RIGHT onto AVENIDA DEL VERA (Gate access required).



5: End at 2250 AVENIDA DEL VERA, on the RIGHT.

0.0 mi

0.2 mi

9.7 mi

0.7 mi

0.0 mi

Total Travel Estimates: Time: 15 minutes Distance: 10.56 miles Fuel Cost: [Calculate](#)

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AA-3.F
Area Location Map

H-1.C

Zoning Resolutions/Zoning Documents

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168.00
BILLET

RESOLUTION NUMBER Z-88-069

2009-00054

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

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COMMUNITY DEVELOPMENT

0R2003

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WHEREAS, Euromerican Investment Group, Ltd., and Florida Sites International have properly filed an application on a project known as Del Tura North Country Club for:

- a) Consideration of the Application for Development Approval (ADA) for a Development of Regional Impact (DRI) known as Del Tura North Country Club, State DRI#6-8687-77. This application was filed by Euromerican Investment Group Ltd./Florida Sites International, 4001 N. Tamiami Trail, North Fort Myers, Florida.
- b) A proposed amendment to the Lee County Comprehensive Plan, identified as PAM 87-22, filed by Euromerican Investment Group Ltd. concurrently with the Del Tura North DRI application.
- c) A rezoning from AG-2 (with a special exception) to Mobile Home Planned Development, to permit the development of a manufactured home development of not more than 2700 units with buildings not to exceed 45 feet above average grade, on 1136± total acres of land. The proposed development will also include golf course(s), clubhouse(s), consumption on premises of alcoholic beverages, and other amenities.

NOTE: If approved, the Master Concept Plan will deviate from the following Lee County Standards:

- (1) Minimum setback between structures and a section line of 75 feet (202.15.B.3.a.), to 0 (zero) feet for the north/south line between Sections 2 and 3, 3 and 4, and 4 and 5 AND for the east/west line between Sections 3 and 10;
- (2) Minimum setback between structures and a quarter section line of 60 feet (202.15.B.3.b.), to 0 (zero) feet for all quarter section lines in Sections 2, 3, 4, 5 and 10;
- (3) Minimum side setbacks of seven (7) feet for a mobile home (431.C.2. and 439), to five (5) feet and ten (10) feet between structures;
- (4) Maximum permitted height of buildings in a MHPD of 35 feet in height and no mobile home exceeding one story (431.C.3.b.), to 45 feet;
- (5) Maximum depth for a water retention excavation of 12 feet (518.B.), to 25 feet;
- (6) Minimum water retention excavation setbacks to a section line of 75 feet (518.C.1.), to 0 (zero) feet for the north/south section line between Sections 2 and 3, 3 and 4, and 4 and 5 AND the east/west line between Sections 3 and 10;
- (7) Minimum water retention excavation setbacks to a quarter section line of 60 feet (518.C.2.), to 0 (zero) feet for all quarter section lines in Sections 2, 3, 4, 5, and 10;

RECORD VERIFIED - CHARLIE GREEN, CLERK
BY: H. HUNTER, D.C.

OR2003

PG4399

- (8) Minimum water retention excavation setbacks to a street right-of-way of 150 feet (518.C.4.), to 35 feet from a frontage road right-of-way and to 75 feet from all other street rights-of-way;
- (9) Requirement for street stubs to adjoining areas to give access to adjacent properties (DSO Section C.3.f.), to eliminate this requirement;
- (10) Minimum intersection separation of 660 feet along arterial streets (DSO Section C.3.h.), to 400 feet for the secondary access road (right turn in/out) only; and
- (11) Requirement that properties which exhibit soils, hydrology and vegetation characteristic of saltwater inundation or freshwater ponding be subject to certain additional regulations and ordinances [202.08.C.1.b., DSO Section C.1.b.(4), and Ordinance 86-31, Section 6.03], to permit development of lots, streets or other improvements in certain isolated Transition Zones, and to permit roadway crossing of Transition Zones and a berm crossing of Transition Zones and Resource Protection Area adjacent to property line.
- (12) Requirement that access streets be constructed paralleling certain arterial and collector streets [DSO Sections C.3.o. and C.3.j.(2)], to eliminate this requirement along U.S. 41.

WHEREAS, the subject property is located at 20600 N. Tamiami Trail, described more particularly as:

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

A parcel of land in Sections 02, 03, 04, 05, & 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 1/4) 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 1/4) of said Section 03; THENCE S.89°48'38"W. along the North line of said Northwest One Quarter (NW 1/4) 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 1/4) 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 Northwesterly One-Half (NW 1/2) 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.

WHEREAS, the applicant has indicated the property's current STRAP numbers

are:	02-43-24-00-00005.0000,	03-43-24-00-00001.0000,
	03-43-24-00-00004.0000,	03-43-24-00-00007.0000,
	03-43-24-00-00007.0010,	03-43-24-00-00007.0020,
	03-43-24-00-00007.0030,	03-43-24-00-00007.0040,
	03-43-24-00-00005.0000,	03-43-24-00-00005.0020,
	04-43-24-00-00002.0020,	04-43-24-00-00001.0000,
	04-43-24-01-00004.0000,	04-43-24-00-00003.1000,
	05-43-24-00-00002.0000,	10-43-24-00-00003.0000,
	10-43-24-00-00003.0030; and	

WHEREAS, proper authorization has been given to Florida Sites International and Euromerican Investment Group, Ltd., by James T. Humphrey and David W. Shriver, Trustees of the subject parcel, and by all other owners of the subject parcels, to act as agent to pursue this zoning application; and

WHEREAS, a public hearing was legally and properly advertised and held before the Lee County Planning and Zoning Commission, with full consideration of all the evidence available to the Planning and Zoning Commission; and

WHEREAS, the Lee County Planning and Zoning Commission fully reviewed the matter in a public hearing held on March 7, 1988; and

WHEREAS, a public hearing was legally and properly advertised and held before the Lee County Board of County Commissioners; and

WHEREAS, in the legislative process the Lee County Board of County Commissioners gave full and complete consideration to the recommendations of the staff, the Planning and Zoning Commission, the documents on file with the county, and the testimony of all interested persons.

NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF COUNTY COMMISSIONERS, that the Board of County Commissioners does hereby APPROVE:

- a) Consideration of the Application for Development Approval (ADA) for a Development of Regional Impact (DRI) known as Del Tura North Country Club, State DRI#6-8687-77. This application was filed by Euromerican Investment Group Ltd./Florida Sites International, 4001 N. Tamiami Trail, North Fort Myers, Florida.
- b) A proposed amendment to the Lee County Comprehensive Plan, identified as PAM 87-22, as amended at the hearing, filed by Euromerican Investment Group Ltd. concurrently with the Del Tura North DRI application.
- c) A rezoning from AG-2 (with a special exception) to Mobile Home Planned Development, to permit the development of a manufactured home development of not more than 2700 units with buildings not to exceed 45 feet above average grade, on 1136± total acres of land. The proposed development will also include golf course(s), clubhouse(s), consumption on premises of alcoholic beverages, and other amenities.

Approval is subject to the following conditions:

1. a. The development of this property shall be in accordance with the one-page Master Concept Plan entitled "Conceptual Master Development Plan" for Del Tura North prepared by Adley Associates, Inc. (plan dated June, 1987 last revised March, 1988) except as modified by the conditions herein.
- b. Property development regulations for this development shall be as follows:
 1. For the residential portions of this development:
 - a. Minimum lot area and dimensions (Sections 202.15.C.D., and E.)
Area - 6000 square feet
Width - 60 feet
Depth - 100 feet
 - b. Minimum setbacks (Section 202.15.B.)
Street - variable according to the functional classification of the street or road (Section 202.15.B.2.)
Side - 5 feet and with a minimum separation of 10 feet between structures
Rear - 15 feet
Water body - 25 feet
 - c. Maximum Lot Coverage - 40% of Total Lot Area

OR2003

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2. For the commercial portions of this development:
 - a. Minimum Lot Area and Dimensions
(Section 202.15.C,D, and E)
 - b. Minimum Setbacks
Street - variable according to functional
classification of street or road (Section 202.15.B.2)
Side - 15 feet
Rear - 20 feet
Water body - 25 feet
 - c. Maximum lot coverage: 40% of total lot area
3. In this MHPD district, no mobile home or manufactured housing unit shall exceed one story, and no other building or structure shall exceed 45 feet in height above average grade
- c. No consumption-on-premises shall be allowed as part of this development.^{1/}
2. Environmental mitigation shall be done in accordance with the approved DRI Development Order and Application for Development Approval, on file with the Zoning and Development Review Division, except as modified by the conditions herein.
 - a. Development of the identified Resource Protection Areas and Transition Zones shall be limited to the encroachment as depicted on the proposed Master Concept Plan. An additional area of Transition Zone may be encroached upon at a ratio of one acre of Woodpecker Habitat Preservation to one acre of Transition Zone encroachment, subject to approval by the Department of Community Development. The maximum additional Transition Zone encroachment shall not exceed five (5) acres.
 - b. Prior to Final Development Order approval for Phase I, the developer shall flag and survey the wetland preservation boundaries and the areas of wetland encroachment, subject to approval by the Department of Community Development.
 - c. Prior to Final Development Order approval for Phase I, the proposed control elevation of the water management lakes shall be subject to approval by the Department of Community Development.
 - d. Prior to Final Development Order approval for Phase I, a plan for the removal of exotic vegetation throughout the development, including the wetland preserve areas, shall be submitted. The plan shall include a timetable for removal and a maintenance program to control the re-invasion of exotic vegetation throughout the site. The control program shall be in effect for a minimum of three (3) years. The removal and control plan shall be subject to approval by the Department of Community Development.

3. a. No residential building permits shall be issued until such time as a proposed 16-inch looped water main is built from the north reservoir to U.S. 41 and the new 24-inch River Crossing is installed and in operation, or Lee County Utilities gives approval for water service, whichever first occurs.
- b. The developer shall utilize treated effluent from the on-site sewer for spray irrigation on the golf courses and open space areas.
4. a. The developer shall establish a homeowners' or residents' association to provide an educational program for hurricane preparedness.
- b. The established homeowners' or residents' association shall maintain an education program for hurricane preparedness. The program shall consist of annually describing the risks of the hurricane hazards to the residents, as well as the actions to mitigate the dangers which these hazards present.
- c. The developer shall provide for usable emergency shelter space in accordance with current County regulations (58,320 square feet of emergency shelter space).
- d. At the completion of development construction or each phase thereof, a development representative shall provide to Lee County Emergency Medical Service, a site plan depicting the official street names and building addresses within the development.
- e. At the completion of development construction or each phase thereof, a development representative shall contact Lee County Emergency Medical Service to discuss: 1) the designation of emergency helicopter landing zones; and 2) the accessibility of the EMS unit.
5. a. Deviations #1, #2, #3, #6, #7, and #9 are hereby APPROVED as requested.
- b. Deviation #4 is hereby APPROVED only for the clubhouses. Mobile homes shall conform with the required one-story limitation.
- c. Deviation #5 is APPROVED to a maximum depth of 25 feet OR to the confining layer whichever occurs first.
- d. Deviation #8 is hereby APPROVED provided that any roadway damage which is attributable to the excavation shall be the sole responsibility of the developer to repair to the satisfaction of the Lee County Department of Transportation and Engineering.
- e. Deviation #10 is APPROVED provided that the Florida Department of Transportation (FDOT) approves the relocation of the median opening on U.S. 41. Denial of the relocation shall require a minimum separation of 330 feet for a right-in right-out only driveway. No separation of less than 330 feet shall be permitted.
- f. Deviation #11 is hereby APPROVED as limited in condition 3.
- g. Deviation #12 is hereby DENIED.

OR2003

PG4403

6. All conditions of the DRI Development Order are hereby incorporated by reference.
7. The developer shall bear the sole responsibility for the repair and maintenance of the on-site sewage treatment plant. Should the plant be cited for any alleged failure to maintain those minimum operating conditions set forth in applicable permits and licenses, no development orders or permits, as defined in Section 163.3164, Florida Statutes, shall be issued, and no work authorized by then existing, otherwise valid development orders or permits shall be allowed, unless and until the plant is re-certified as meeting such minimum operating conditions.

OR2003

Site Plan 88-069 is attached hereto and incorporated herein by reference, as a reduced copy of the Master Concept Plan.

The following findings of fact were made in conjunction with this approval:

- a. All recommended conditions are reasonably related to the impacts on the public's interest created by, or expected from, the proposed development;
- b. Sufficient safeguards to the public interest are provided by the recommended conditions to the Master Concept Plan and by other applicable regulations;
- c. The deviations recommended for approval preserve and promote the general intent of these regulations to protect the public health, safety, and welfare;
- d. The deviations recommended for approval will enhance the development and will not negatively affect the public health, safety, and welfare; and
- e. The proposed uses are, as limited by the conditions herein, appropriate at the subject location.

PG4404

The foregoing Resolution was adopted by the Lee County Board of County Commissioners upon a motion by Commissioner Bill Fussell, and seconded by Commissioner John E. Manning and, upon being put to a vote, the result was as follows:

John E. Manning	AYE
Charles L. Bigelow, Jr.	AYE
Mary Ann Wallace	NAY
Bill Fussell	AYE
Donald D. Slisner	ABSENT

Upon adoption of the foregoing resolution, a motion was made by Commissioner Charles L. Bigelow, Jr., and seconded by Commissioner John E. Manning, to amend Condition 1.c. in the foregoing resolution to allow consumption on premises, limited to two (2), to be located in the clubhouses. Upon being put to a vote, the result was as follows:

John E. Manning	AYE
Charles L. Bigelow, Jr.	AYE
Mary Ann Wallace	AYE
Bill Fussell	NAY
Donald D. Slisher	ABSENT

DULY PASSED AND ADOPTED this 25th day of April, A.D., 1988.

ATTEST:
CHARLIE GREEN, CLERK

BY: Charlie Green
Deputy Clerk

BOARD OF COUNTY COMMISSIONERS
OF LEE COUNTY, FLORIDA

BY: Bill Fussell
Chairman

Approved as to form by:

[Signature]
County Attorney's Office

FILED

JUL 18 88

CLERK CIRCUIT COURT
BY Charlie Green D.C.

HEARING NUMBER 88-3-18 DRI
DRI#6-8687-77

RESOLUTION NUMBER 2-88-069
Page 8 of 8

OR2003

PG4406

MASTER CONCEPT PLAN 88-069 OUT FOR REDUCTION

ADD 2009-00054

RECEIVED

JUL 21 2009

COMMUNITY DEVELOPMENT

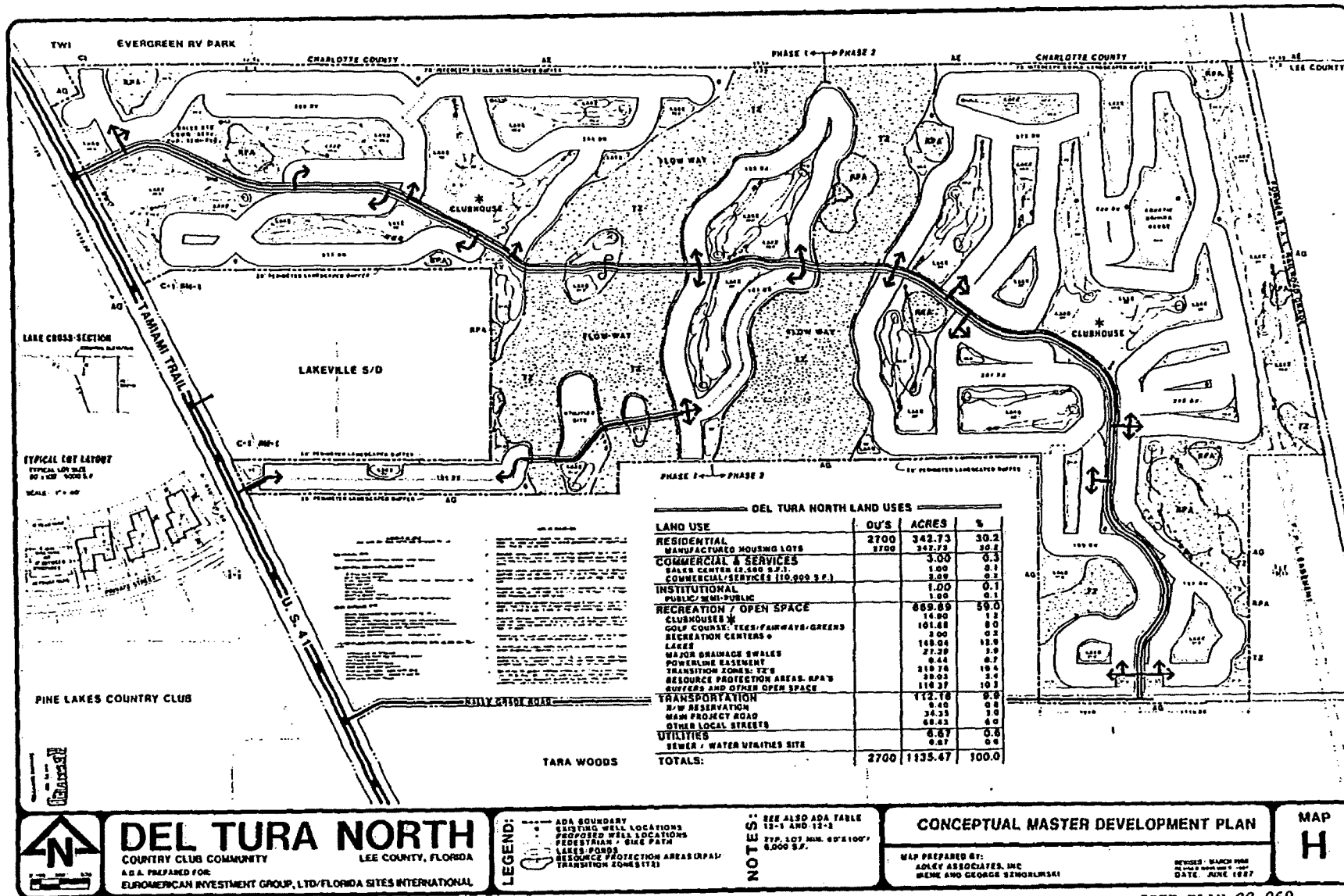
HEARING NUMBER 88-3-18 DRI
DRI#6-8687-77

(30632/53)
(4402L)

RESOLUTION NUMBER Z-88-069

264407

OR2003



SITE PLAN 88-069

DEVELOPMENT ORDER
FOR
DEL TURA NORTH COUNTRY CLUB
#6-8687-77

LET IT BE KNOWN, THAT PURSUANT TO SECTION 380.06 OF THE FLORIDA STATUTES, THE BOARD OF COUNTY COMMISSIONERS OF LEE COUNTY, FLORIDA, HAS HEARD AT A PUBLIC HEARING ON THE TWENTY-FIFTH (25TH) DAY OF APRIL, 1988, THE APPLICATION FOR DEVELOPMENT APPROVAL FOR DEL TURA NORTH COUNTRY CLUB A RESIDENTIAL/COMMERCIAL DEVELOPMENT ON APPROXIMATELY ELEVEN HUNDRED AND THIRTY-SIX (1136) ACRES TO BE DEVELOPED IN ACCORDANCE WITH THE APPLICATION FILED ON JUNE 15, 1987, BY PETER J. KANAVOS, JR., AUTHORIZED REPRESENTATIVE FOR EUROMERICAN INVESTMENT GROUP LTD/FLORIDA SITES INTERNATIONAL, FOR SAID DEVELOPMENT.

WHEREAS, the Board of County Commissioners of Lee County, Florida has considered the report and recommendations of the Southwest Florida Regional Planning Council, the Lee County Administrative Review Staff, the Lee County Planning and Zoning Commission and the documents and comments upon the record made before the Board in public hearing, and, after full consideration of said reports, recommendations, comments, and documents, the Board of County Commissioners of Lee County, Florida, hereby finds and determines that:

FINDINGS OF FACT/CONCLUSIONS OF LAW

A. The developer proposes to develop a mixed-use project with 2700 residential dwelling units (mobile homes or manufactured home units), golf course(s), clubhouses(s), 10,000 square feet of retail commercial area, sales center, and other amenities on 1136 total acres of land.

The legal description of the property is as follows:

A parcel of land in Sections 2, 3, 4, 5, & 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 1/4) 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

RECEIVED

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ADD 2009-00054

COMMUNITY DEVELOPMENT

line for 2313.55 feet to the Northeast corner of the Northwest One Quarter (NW 1/4) of said Section 03; THENCE S.89°48'38"W. along the North line of said Northwest One Quarter (NW 1/4) 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 1/4) 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 Northwesterly One-Half (NW 1/2) 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 subject property was zoned AG-2, pursuant to the authority of Chapter 125, Florida Statutes, Chapter 61-2405, Laws of Florida (Special Acts), and the Lee County Zoning Regulations of 1962, 1978, and 1986, as amended; and

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

D. The proposed development is not in an area designated as an Area of Critical State Concern pursuant to the provisions of Chapter 380.05, Florida Statutes; and

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

F. 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 21, 1988, and subsequently forwarded to Lee County pursuant to the provisions of Chapter 380.06, Florida Statutes, and the proposed development, as modified by this Development Order, is consistent with this report and recommendations of the Southwest Florida Regional Planning Council; 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 ordinance 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. The proposed conditions below meet the criteria found in Section 380.06(15)(d), Florida Statutes.

ACTION ON REQUEST

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

A. DRAINAGE/WATER QUALITY

1. The surface water management system for Del Tura North shall implement the design standards and water quality "best management practices" outlined in the Application for Development Approval (A.D.A.) (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 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 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 concentrations and effects of pollutants on-site.

The surface water quality monitoring program shall be developed with South Florida Water Management District (SFWMD). Copies of all testing results will be sent to the SFWMD and Lee County Division of Environmental Services.

An appropriate number of sampling sites shall be selected to evaluate the quality of water entering and exiting the Del Tura North project, and that which will remain in water bodies, flow ways and wetlands.

Sampling shall be conducted quarterly during construction of Phase I. However, after the first year of construction, the Del Tura North consultants and the SFWMD shall evaluate the appropriateness of stations, parameters and frequency of sampling. Monitoring of Phase I and II shall continue until one (1) year following completion of the entire Del Tura North project.

Water samples will be collected and analyzed for, at a minimum, the following parameters in accordance with EPA and FDER guidelines:

- ammonia
- nitrite + nitrate nitrogen
- total nitrogen
- total phosphorus
- alkalinity
- fecal coliform
- total coliform

Water quality in-situ profile sampling shall be conducted concurrently, when possible, at 0.5 meter intervals from surface to 6" above bottom.

- temperature
- dissolved oxygen
- pH
- conductivity
- salinity

(b) Subsurface (groundwater) water quality monitoring: A groundwater monitoring program shall be developed with the Florida Department of Environmental Regulation and will operate for the lifetime of the project. Copies of all testing results will be sent to the FDER, SFWMD and Lee County Environmental Services.

The monitoring program to be developed with FDER shall be subject to the provisions of F.A.C. Rules 17-3 and 17-4 and will be conducted as follows:

(1) A specified compliance well shall be analyzed yearly for the Primary and Secondary Drinking Water Standards listed in F.A.C. 17-33 in the first quarter of the quarterly monitoring program.

(2) Water quality samples from a specified upstream background well, an intermediate compliance well and a downstream monitoring well shall be analyzed quarterly for the following indicator parameters:

total dissolved solids
total organic carbon
pH (field)
chloride
magnesium
manganese
organic nitrogen
nitrate
total nitrogen
lead
fecal coliform
soluble orthophosphate
sulfate
zinc
bicarbonate
calcium
sodium
specific conductance (field)
ammonia
sulfide
turbidity
iron
foaming agents (MBAS)

In addition, the samples shall be analyzed for the following parameters once a year:

volatile organic compounds (VOC's)
trichloroethylene
carbon tetrachloride
vinyl chloride
1, 1, 1-trichloroethane
1, 2-dichloroethane
benzene
ethylene dibromide
trihalomethanes

(3) Any parameter which is demonstrated not to occur in the intermediate compliance well shall not be sampled thereafter, and any parameter which can be demonstrated to be three times greater in the background well than in the intermediate compliance well shall not be sampled thereafter.

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

(5) Field testing, sample collection, preservation, and laboratory testing, including quality control procedures, shall be in accordance with methods approved by the Florida Department of Environmental Regulation. All analyses shall be performed by a Florida State certified laboratory.

4. The developer shall coordinate with Lee County and the Florida Department of Environmental Regulation 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 be incorporated into the final local development order.

B. ENERGY

All site plans or architectural programs shall incorporate, as a minimum, the following energy conservation features into all site plans and architectural programs, or the property owner/developer shall 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 be accompanied by a document detailing proposed compliance with these conditions. If deed restrictions or covenants are utilized to insure compliance, such documents shall be approved by the Lee County Attorney's Office prior to recording. If no deed restrictions are approved and recorded, the prior alternative shall be utilized and the following features must be included:

1. Provision 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 be preserved in recreation or preservation/open space areas. If this is not possible, these potential areas shall 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 cease all work in the immediate vicinity of the site, and the appropriate state and local agencies shall be contacted to evaluate the site and make recommendations concerning excavation, preservation or mitigation.

D. FLOOD PLAIN/HURRICANE EVACUATION

1. The developer shall construct on-site clubhouses (to be phased with the overall development) for use as hurricane shelters.

2. In accordance with the Lee County Development Standards Ordinance, shelter space at a ratio of 20 square feet per person, computed based upon the actual number of dwelling units constructed, an occupancy rate of 45% and 2.4 persons per dwelling, or as amended by Lee County ordinance shall be provided.

3. The shelters shall be built at an elevation of at least 25 feet above mean sea level.

4. The shelters shall contain emergency facilities as determined by the Lee County Office of Emergency Management.

5. The developer (or a homeowners association if one is established) shall annually update and distribute hurricane awareness information concerning the need for the project to evacuate, the on-site shelters, and hurricane evacuation routes in case persons should wish to leave the project.

E. TRANSPORTATION

1. The transportation impact assessment upon which this Development Order for Del Tura North DRI is based assumes project build out in 1997. The traffic impact assessment included the expected impacts of the proposed land uses and phasing schedule shown in Exhibit "A".

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 by the developer or his successors.

2. An annual monitoring program, to be performed by traffic engineers engaged by the developer or his successors, shall be established to monitor the development's impact upon the area's roadways. The annual monitoring program of the project's development shall be designed in cooperation with the Lee County Department of Transportation and Engineering and the Florida Department of Transportation (FDOT), which will determine the specific information needed, critical roadway points, and any other necessary information. As a minimum, the annual monitoring report shall contain A.M. and P.M. Peak-Hour traffic counts with turning movements and Critical Movement Analyses for all project access points onto U.S. 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, annual average daily traffic counts and level of service calculations for significantly impacted roadway links including, but not limited to, SR 739 (Business 41) from US 41 to SR 78, and US 41 from Zemel Road, to SR 78, shall be performed by the developer's traffic consultant and submitted as part of the annual monitoring report.

The developer or his representative shall submit the first monitoring report to the Lee County Engineer, the Southwest Florida Regional Planning Council (SWFRPC) and FDOT within one year of the issuance of the Development Order for Del Tura North. Reports shall be submitted annually until build out of the project. Actual build out will occur when the developer or his successors has constructed the maximum amount of manufactured housing, office/retail commercial, golf course, clubhouse, and sales center land uses permitted by the Del Tura North DRI

Development Order. Declared build out will occur if the developer or his successors formally declares in writing to all governmental agencies having responsibility for monitoring this DRI that no more development will be constructed, despite the fact that less than the permissible maximum had been built to date.

The purpose of this monitoring program is to: (1) determine whether or not the traffic levels projected in the traffic impact assessment for Del Tura North DRI are exceeded by actual impacts, and (2) assist Lee County and FDOT in determining the proper timing of necessary roadway improvements.

3. The developer or his successors shall be required to construct, at no cost to Lee County or FDOT, all site related improvements deemed necessary by the FDOT and the Lee County Department of Transportation and Engineering at all project access points onto US 41 and Nalle Grade Road as well as construct Nalle Grade Road itself and all site-related improvements required within Del Tura North DRI. Nalle Grade Road and access to the road shall meet all requirements of the Development Standards Ordinance, as the same now exists or as may be amended from time to time. Construction of Nalle Grade Road shall be as a two-lane undivided roadway, within the existing right-of-way whenever possible from U.S. 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 warranted). The alignment, design, signalization and construction schedule for these improvements shall be approved by the Lee County Engineer and FDOT, if applicable.

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 accomplished pursuant to FDOT permitting procedures, and the driveway is less than 330 feet from the existing median opening, then no access shall be permitted at that location. This determination shall be made by Lee County DOT&E and the FDOT prior to the issuance of permits and/or a local development order.

The developer or his successors shall 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.

If Nalle Grade Road between U.S. 41 and the project access point is built, as described above, by the developer prior to the end of Phase 1 and the beginning of Phase 2 for Del Tura North DRI, the developer would be eligible for impact fee credits as defined in the Lee County Roads Impact Fee Ordinance.

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 1 and beginning of Phase 2 for the Del Tura North DRI, the developer may elect to deposit with Lee County the amount necessary to construct Nalle Grade Road as described above and 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 1 and beginning of Phase 2, the developer will be eligible for impact fee credit as defined in the Lee County Roads Impact Fee Ordinance.

If condemnation is necessary for Nalle Grade Road, prior to issuance of building permits for Phase 2, a traffic study will be conducted by the developer to identify the additional Phase 2 untis that would be supportable by the Phase 1 project access points onto U.S. 41. No further Phase 2 buildings 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. The developer shall maintain building setbacks of 140 feet from the Nalle Grade Road right-of-way centerline as right-of-way (including frontage roads) setbacks for Nalle Grade Road Extension.

5. As mitigation for the impacts of new development within Del Tura North DRI Phase 1, and in lieu of payment of impact fees at the time of individual building permits for Phase 1, the developer or his successors shall, within ninety (90) days after receipt of the first residential building permit, provide to Lee County a sum equivalent to the Phase 1 impact fees which are in effect at that time. Those monies will represent a "pipelining" of Phase 1 road impact fee monies with such monies to be used by Lee County for the Laurel Drive improvement (all or a portion of) or a comparable east/west improvement, to be determined by Lee County, in the general Del Tura North DRI impact area.

If the payment as identified above is not made consistent with the timing identified, then no further building permits shall be issued for Del Tura North DRI until payment has been made.

The above payments shall represent proportionate share payments for the improvements at the intersection of US 41 with SR 739 (Business 41).

As mitigation for the impacts of new development within Del Tura North DRI Phase 2, the developer shall pay to Lee County roads impact fees in effect at the time building permits are issued for all applicable development within the DRI. (Construction of Nalle Grade Road may substitute for all or a portion of Phase 2 impact fees if constructed consistent with Condition E.3). These impact fee payments shall represent proportionate share payments for widening of SR 739 (Business 41) to four lanes, and the improvements at the intersections of US 41 with SR 78 (Pine Island Road) and US 41 with Littleton Road.

Impact fee calculations for Manufactured Housing Dwelling Units shall be based on the Mobile Home trip generation rate of 4.8 trips per day per dwelling unit unless an Independent Fee Calculation study is performed as outlined in the Lee County Roads Impact Fee Ordinance and Administrative Code F-0032 for the site.

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 Tura North 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 Tura North DRI.

6. Should Level of Service "C" on an annual average basis be exceeded for any regional road segment and/or intersection identified above, and:

- (a) The required road and/or intersection improvements necessary to bring the identified roadway back to Level of Service "C" on an annual average basis (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 a roadway and/or intersection improvement funded and programmed for construction during that five year period be deleted from the program, postponed beyond the five-year period or not constructed within the five-year period), and

- (b) Del Tura North DRI traffic is utilizing 5% or more, but less than 10%, of Level of Service "C" service volume on an annual average basis on the impacted regional road segment or intersection;

then the developer or his successors shall, within ninety (90) days, file a petition in accordance with Florida Statute 380.06 for determination of whether a substantial deviation has occurred.

If Del Tura North DRI is utilizing 10% or more of Level of Service "C" service volume on an annual average basis 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 "C" on an annual average basis, then a substantial deviation shall be deemed to have occurred.

Del Tura North DRI may continue development during substantial deviation DRI review if the developer or his successors enters into an agreement with the Department of Community Affairs, the SWFRPC, FDOT, and Lee County specifying the scope of development allowed during the review period. However, this paragraph shall not be construed to guarantee to Del Tura North DRI the right to continue development during substantial deviation DRI review.

7. Nothing contained in this Development Order shall 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 this development generates demand or is benefited.

If any contributions and/or road or intersection improvements specified herein and required of the developer are not funded or provided within the time frames specified herein, development activities and the issuance of permits by Lee County for the Del Tura North DRI shall 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 U.S. 41 may be required to relieve traffic congestion associated with any further urbanization. The developer shall work with Lee County Department of Transportation and Engineering and Division of Planning to facilitate such north/south facilities.

F. VEGETATION AND WILDLIFE/WETLANDS

1. Red-Cockaded Woodpeckers (RCW) activity (foraging birds and apparently abandoned nest cavities) has been observed on the Del Tura North site. The amended Conceptual Master Development Plan (Map H) depicts approximately 220 acres of pine forested transitional zone area and four acres of conserved oak-pine buffer area around the inactive nest cavities. This 224 acre area is collectively called the preserve area. Subject to minor reconfigurations (up to 5% of the preserve boundary) which is likely to occur, these areas shall be preserved as foraging area and cavity tree buffer areas for the RCW's. The 5% configuration shall not be construed as a substantial deviation under Chapter 380.06 F.S., unless such reconfiguration results in an unacceptable loss of preserve area.

In addition, and in accordance with the developer's RCW Management Plan, final site development plans for Del Tura North shall conserve at a minimum an additional 50 acres of pine forest, interconnected with the 224 acre preserve area.

Monitoring Plan:

(a) A survey, conducted in accordance with the Commission's Wildlife Survey Methodologies, will be conducted annually on the entire site. Should re-activation of existing cavity trees or the development of new nesting activities by RCW be observed, the developer's monitoring plan and project design may be re-designed in accordance with the developer, SWFRPC, GFC and Lee County staff. These annual surveys will be conducted from initial construction through five (5) years after buildout.

(b) Within 60 days prior to the commencement of construction of each project's phase, an RCW survey of the phase's development area will be conducted. Should re-activation of existing cavity trees or the development of new nesting activities by RCWs be observed, the developer's monitoring plan and project design may be redesigned in accordance with the developer, SWFRPC and Lee County staff.

(c) The results of all surveys conducted under (a) and (b) above will be reported verbally within seven (7) days to SWFRPC, GFC and Lee County staff; with written correspondence to follow within thirty (30) days of completion of said survey.

(d) It is agreed that the Del Tura North RCW management and monitoring plans are flexible and subject to change with collective approval. Although subject to review and approval by the SWFRPC and Lee Count staff, substantial deviation pursuant to Chapter 380.06, F.S., will not occur unless any such modifications of the project design and scope will compromise the protection and maintenance of RCW colonies and habitat on-site.

Management Plan:

(a) Foraging RCWs have been observed on the site and the developer's plans to preserve pine forest on the site will maintain available habitat for future RCW foraging and 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 be continued throughout the estimated 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 be removed, except those found in a road, lake, golf tee, golf green, middle of fairway, or under house pads.

(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 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. Any prescribed burning of the site shall be conducted in accordance with U.S. and State Forestry Service guidelines. The preserve shall be burned every three (3) years or as needed to ensure suitable RCW habitat.

(e) The initial prescribed burn shall be conducted prior to any lot filling and may be conducted along with the golf course construction.

(f) Other prescribed burning techniques shall include the use of prohibiting fires during active breeding season; raking accumulated fuels at least three (3) meters from the bases of trees with abundant resin; keeping fire suppression equipment available; and mechanical or chemical removal of woody vegetation and debris from around cavity trees.

2. The developer shall prepare a long-term wetland preservation area management plan to be administratively approved by the Lee County Environmental Services Department staff and the SWFMD prior to the issuance of surface water management permits. This plan is intended to maintain the viability of on-site wetland preserves and shall contain the following:

- (a) Exotic plant control measures;
- (b) Appropriate hydroperiod control measures;
- (c) Understory control measures;

(d) Any appropriate measures outlined within the Red Cockaded Woodpecker Management Plan.

3. 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 contact the proper Federal and State authorities and assure that adequate measures are taken to protect these species.

G. SOLID WASTE

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

2. The Del Tura North wastewater treatment plant and its associated components, including the spray irrigation system, shall meet all County and State design and operating requirements.

H. WATER SUPPLY

1. The developer shall 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 project shall utilize such water conservation measures as are referenced in the ADA, as well as those required by State law, and shall 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.

2. The developer shall 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 presented within the ADA and as adjusted to date of Development Order approval shall be incorporated as a condition of approval. If Development Order conditions and developer commitments incorporated within the Development Order to mitigate regional impacts, are not carried out as indicated to the extent or in accord with the timing schedules specified within the Development Order and this phasing schedule, then this shall be presumed to be a substantial deviation for the affected regional issue.

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, 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.

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

1. This Resolution shall constitute the Development Order of this Board issued in response to the Development of Regional Impact Application for Development Approval filed for Del Tura North.

2. All commitments and impact mitigating actions volunteered by the developer in the Application for Development Approval and supplementary documents and not in conflict with conditions or stipulations specifically enumerated above are hereby incorporated by reference into this Development Order. 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 binding upon the developer and their heirs, assignees or successors in interest. Those portions of this Development Order which clearly apply only to the project developer, including but not limited to the initial construction of capital facilities, shall 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, however, be binding upon any builder/developer who acquires any tract of land within Del Tura North.

It is hereby declared that 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.

All conditions, restrictions, stipulations and safeguards contained in this Resolution and Development Order may be enforced by either party hereto by action at law or equity, and all costs of such proceedings, including reasonable attorney's fees, shall be paid by the defaulting party.

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

5. In the event that any portion or section of this Development Order is determined to be invalid, illegal, or unconstitutional by a court of competent jurisdiction, such decision shall in no manner affect the remaining portions or sections of the Development Order which shall remain in full force and effect.

6. The approval granted by this Development Order is limited. Such approval shall 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 not require further review pursuant to Section 380.06, Florida Statutes, unless it is found by the Board of County Commissioners, after due notice and hearing, that one or more of the following is present:

(a) A substantial deviation from the terms or conditions of this Development Order, or other changes to the approved development plans which create 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 of the period of effectiveness of this Development Order as provided herein.

Upon a finding that either of the above is present, the Board shall order a termination of all development activity in such area of the development affected by such substantial deviation or 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. 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 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, unless the County demonstrates that substantial changes have occurred in the conditions underlying the approval of this Development Order including, but not limited to, such factors as a finding that the development order was based on substantially inaccurate information provided by the developer, or that the change is clearly established by local government to be essential to the public health, safety and welfare.

11. The developer, or his successor(s) in title to the undeveloped portion of the subject property, shall 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 describe the state of development and compliance as of the date of submission, and shall further be consistent with the rules of the State land planning agency. The annual report shall include information contained in Exhibit B. The first monitoring report shall be submitted to the Administrative Director of the

Department of Community Development not later than May 1, 1989, and further reporting shall 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 so inform any successor in title to any undeveloped portion of the real property covered by this Development Order. This shall not be construed to require reporting from residents or successors of individual home sites, or dwelling units.

12. Certified copies of this Development Order 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 becoming effective, notice of its adoption shall be recorded as provided in Chapter 380, Florida Statutes.

THE MOTION TO ADOPT the above resolution and Development Order was offered by Commissioner Fussell and seconded by Commissioner Manning and upon poll of the members present, the vote was as follows:

Commissioner Manning	Aye
Commissioner Bigelow	Aye
Commissioner Wallace	Nay
Commissioner Fussell	Aye
Commissioner Slisher	Absent

DULY PASSED AND ADOPTED this 25th day of April, 1988.

BOARD OF COUNTY COMMISSIONERS
LEE COUNTY, FLORIDA

By: *Bill Fussell*
(Chairman)

ATTEST:

Charlie Green, Clerk

By: *Janet S. Tashae*
Deputy Clerk

APPROVED AS TO FORM

By: *[Signature]*
County Attorney's Office

OR 2003 PG. 4430-A

State of Florida
County of Volusia
I, Joseph Green, Clerk of the County Court in and for said County,
and State do hereby certify that the foregoing is a true and correct
copy of Resolution of the Board of Volusia County, Florida
Adopted by the Board of Volusia County, Florida, this
Given under my hand and official seal at Fort Myers, Florida, this
24th day of May, 2003.
Joseph Green, Clerk
s/ Joseph L. Green, Clerk

EXHIBIT A

<u>Proposed Phase</u>	<u>Use</u>	<u>Quantity</u>
I - 1988 - 1992	Manufactured Housing	1200 D.U.
	Sales Center	2500 sq. ft.
	Golf Course/Clubhouse	59 acres (18 holes)
II - 1992 - 1997	Manufactured Housing	1500 D.U.
	Office and retail commercial	10000 sq. ft.
	Golf Course/Clubhouse	57 acres (18 holes)

EXHIBIT B

INFORMATION TO BE INCLUDED
IN ANNUAL MONITORING REPORT

(a) Any changes in the plan of development, or in the representations contained in the ADA, or in the phasing for the reporting year and for the next year;

(b) A summary comparison of development activity proposed and actually conducted for the year;

(c) Undeveloped tracts of land, other than individual single family lots, that have been sold to a separate entity or developer;

(d) Identification and intended use of lands purchased, leased or optioned by the developer adjacent to the original DRI site since the developer order was issued;

(e) An assessment of the developer's and the local government's compliance with the conditions of approval contained in the DRI development order and the commitments which are contained in the Application for Development Approval and which have been identified by the local government, the Regional Planning Council or the Department of Community Affairs as being significant;

(f) Any known incremental DRI applications for development approval or requests for a substantial deviation determination that were filed in the reporting year and to be filed during the next year;

(g) An indication of a change, if any, in local government jurisdiction for any portion of the development since the development order was issued;

(h) A list of significant local, state and federal permits which have been obtained or which are pending by agency, type of permit, permit number and purpose of each;

(i) A statement that all persons have been sent copies of the annual report in conformance with Subsection 380.06(14) and (16), Florida Statutes;

(j) A copy of any recorded notice of the adoption of a development order or the subsequent modification of an adopted development order that was recorded by the developer pursuant to Subsection 380.06(14)(d), Florida Statutes; and

(k) Monitoring reports, including:

- (i) Water quality annual monitoring report (for review by Lee County and South Florida Water Management District);
- (ii) Red Cockaded Woodpecker annual monitoring report (for review by Lee County, Florida Game and Freshwater Fish Commission, U.S. Fish and Wildlife Service and SWFRPC);
- (iii) Transportation annual monitoring report (for review by Lee County, FDOT and SWFRPC).

RECORDED & INDEXED
JUL 13 5 2 44 '88
FBI - TAMPA

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

RECEIVED
JUL 21 2009

WHEREAS, Delnorth Associates, LTD., in reference to Del Vera - Phase 1A

COMMUNITY DEVELOPMENT

has properly filed an application for:

- a) A rezoning from MHPD to RPD for Phase 1A to permit a 603 unit single-family development with buildings not to exceed 35 feet above average grade, on 291.37 acres of land. The proposed development will also include a clubhouse, golf course, private recreational facilities, commercial uses as allowed in an RPD, and an on-site sewer treatment plant.

NOTE: If approved, the Master Concept Plan will deviate from the following Lee County standards:

- (1) Minimum setback between structures and a section line of 75 feet (202.18.B.3.a.), to 0 (zero) feet for the north/south line between Section 2 and 3, 3 and 4, and 4 and 5 AND for the east/west line between Sections 3 and 10;
- (2) Minimum setback between structures and a quarter section line of 60 feet (202.18.B.3.b.), to 0 (zero) feet for all quarter section lines in Sections 2, 3, 4, 5 and 10;
- (3) Minimum side setbacks of 6.5 feet for a structure (431.C.2. and 434.01.B.) to 0 (zero) feet and 10 feet between structures on the alternate side;
- (4) Maximum depth for a water retention excavation of 12 feet (518.B.), to 25 feet, or the first confining layer, whichever occurs first;
- (5) Minimum water retention excavation setbacks to a section line of 75 feet (509.C.1.), to 0 (zero) feet for the north/south section line between Sections 2 and 3, 3 and 4, and 4 and 5 AND the east/west line between Sections 3 and 10;
- (6) Minimum water retention excavation setbacks to a quarter section line of 60 feet (Section 509.C.2.), to 0 (zero) feet for all quarter section lines in Sections 2, 3, 4, 5 and 10;
- (7) Minimum water retention excavation setbacks to a street right-of-way of 150 feet (509.C.4.), to 35 feet from a frontage road right-of-way and to 75 feet from all other street rights-of-way with the condition that any roadway damage attributable to the excavation shall be the sole responsibility of the developer to repair to the satisfaction of the Lee County Department of Transportation and Engineering;
- (8) Requirement for street stubs to adjoining areas to give access to adjacent properties (DSO Section C.3.f.), to eliminate this requirement;
- (9) Minimum intersection separation of 660 feet along arterial streets (DSO Section C.3.h.), to 400 feet for the secondary access road (right turn in/out) only;
- (10) Requirement that properties which exhibit soils, hydrology and vegetation characteristic of saltwater inundation or freshwater ponding be subject to certain additional regulations and ordinances [202.08.C.1.b., DSO Section C.1.b.(4) and Ordinance 86-31, Section 6.03], to permit development of lots, streets or

other improvements in certain isolated Transition Zones, and to permit roadway crossing of Transition Zones and a berm crossing of Transition Zones and Resource Protection Area adjacent to property line; and

- (11) Minimum required property development regulation for a lot within the development (Sections 431.C.1. and 434.01.) to permit the following standards:

1. Minimum lot areas and dimensions:
Area - 6,000 square feet
Width - 60 feet
Depth - 100 feet
2. Minimum setbacks:
Street - variable according to the functional classification of the street or road Side - 0 (zero) feet to permit zero lot line structures with the minimum separation of 10 (ten) feet between structures on the alternate side
Rear - 15 feet
Water Body - 25 feet; and

- (12) Requirement that access streets be constructed paralleling certain arterial and collector streets [DSO Sections C.3.o. and C.3.j.(2)], to eliminate this requirement along US #41.

- b) A formal finding of Substantial Deviation or NO Substantial Deviation from the approved Del Tura North Development of Regional Impact (DRI) Development Order, #6-8667-77, issued by Lee County on April 25, 1988.

WHEREAS, the subject property is located at 20600 North Tamiami Trail, described more particularly as:

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

COMMENCE at the Northeast corner of Section 04, Township 43 South, Range 24 East; and the POINT OF BEGINNING of the herein described parcel of land;
THENCE N.89°42'40"W. along the North line of Section 04, Township 43 South, Range 24 East, for 5,335.96 feet to the Northwest corner of said Section 04;
THENCE S.89°33'20"W. along the North line of the Northeast One Quarter (NE¼) of Section 05, Township 43 South, Range 24 East for 1,871.76 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 7,739.44 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 1,943.40 feet to an intersection with the Southeasterly line of the Northwestern One-Half (NW½) 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 975.31 feet;
 THENCE N.89°51'43"E. for 217.80 feet;
 THENCE N.24°38'53"E. for 1,653.70 feet;
 THENCE N.52°38'53"E. for 2,162.50 feet;
 THENCE N.36°58'47"E. for 314.56 feet to the POINT OF BEGINNING.
 Consisting of 291.37 acres more or less

WHEREAS, the applicant has indicated the property's current STRAP numbers are 05-43-24-00-00002.0000;
 04-43-24-00-00001.0000;
 05-43-24-01-00004.0000;
 04-43-24-00-00002.0020; and

WHEREAS, proper authorization has been given to Humphrey and Myers, P.A. by Delnorth Associates, LTD., the owner of the subject parcel, to act as agent to pursue this zoning application; and

WHEREAS, a public hearing was legally and properly advertised and held before the Lee County Hearing Examiner, with full consideration of all the evidence available; and

WHEREAS, the Lee County Hearing Examiner fully reviewed the matter in a public hearing held on August 1, 1989, continued to August 30, 1989; and

WHEREAS, a public hearing was legally and properly advertised and held before the Lee County Board of County Commissioners; and

WHEREAS, in the legislative process the Lee County Board of County Commissioners gave full and complete consideration to the recommendations of the staff, the Hearing Examiner, the documents on file with the county, and the testimony of all interested persons.

NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF COUNTY COMMISSIONERS, that the Board of County Commissioners does hereby APPROVE WITH CONDITIONS:

- a) A rezoning from MHPD to RPD for Phase 1A to permit a 603 unit single-family development with buildings not to exceed 35 feet above average grade, on 291.37 acres of land. The proposed development will also include a clubhouse, golf course, private recreational facilities, commercial uses as allowed in an RPD, and an on-site sewer treatment plant; and
- b) A formal finding of NO Substantial Deviation from the approved Del Tura North Development of Regional Impact (DRI) Development Order, #6-8667-77, issued by Lee County on April 25, 1988.

This approval is subject to the following conditions:

1. The development of this property shall be in accordance with the one-page Master Concept Plan for Del Vera Country Club, entitled Final Development Plan - Phase 1A, dated January, 1989 (last revised

on March 1, 1989) except as modified by the conditions herein. Approval of this plan does not relieve this development from conformance with all applicable state or local development regulations except for the deviations approved as part of this development. The maximum height of structures shall not exceed 35 feet above average grade.

2. The development of this project shall be in conformance with all conditions (except for the approved deviations) contained in Resolution Z-88-069 and the DRI Development Order, and development order amendments. The maximum lot coverage shall not exceed 45 percent of the total lot area.
3. As traffic generation is the main determinant in whether or not the change in dwelling unit types is a substantial deviation, the applicant, or subsequent developer, shall, in the annual DRI monitoring report (required by Chapter 380.06 Florida Statutes), indicate the actual and projected number of trips by calendar year and project phase. If a significant increase occurs, the project may then be subject to substantial deviation review. If changes to future phases are proposed, these changes shall also be subject to a substantial deviation determination. The amount of change shall be reviewed cumulatively with the change in Phase IA. Approval of the proposed changes to Phase IA does not indicate in any way that a substantial deviation may not occur at a later date.

Should the new build-out calculation exceed the original build-out calculation by 15% or more in accordance with Chapter 380.06(19)(b) Florida Statutes, the applicant or subsequent developer shall either reduce the total number of units so the change becomes less than 15% or undergo another substantial deviation review in the affected areas.

4. SUBJECT TO REVIEW AND APPROVAL BY THE LEE COUNTY ATTORNEY'S OFFICE, impact fee calculations for roads shall continue to be based on 4.8 trips per day per dwelling unit as provided for in Development Order Condition E.5. Should the project not be a retirement community, (as shown by the results of the traffic monitoring report or similar information) the impact fee shall be recalculated based upon 10.3 trips per dwelling per day for single-family homes, and impact fees shall be adjusted accordingly, with amendments to the DRI Development Order, if necessary. In the event the County Attorney's Office determines that this arrangement is a de facto attempt to amend the applicable impact fee ordinance and is inappropriate, the case should be remanded to the Hearing Examiner for further recommendation on this issue alone.
5. When applicable, the applicant shall participate in any taxing/benefit district (or equivalent funding mechanism) established on the property to finance urban infrastructure which is not being developer-funded under the DRI. Nothing in this condition shall be interpreted to change or delay commitments in the DRI development order and Resolution Z-88-069.
6. Deviations (1) through (12) are APPROVED.

Site Plan 89-076 is attached hereto and incorporated herein by reference, as a reduced copy of the Master Concept Plan.

The following findings of fact were made in conjunction with this approval of RPD zoning:

- A. That the real estate which is the subject of this request is correctly described in the Legal Description.
- B. That the proposed rezoning to RPD, including the Deviations, is consistent with the Lee Plan and compatible with existing zoning of

adjacent real estate and that the uses proposed are appropriate on the subject real estate at this location.

- C. That the conditions and other applicable Lee County statutes and regulations provide sufficient safeguards to the public interest and that all of the conditions are reasonably related to the impacts on the public interest created by or expected from this Residential Planned Development.
- D. That the deviations enhance the achievement of the objectives of the Residential Planned Development and preserve and promote the general intent of the regulations pertaining to deviations which is to preserve, promote and protect the public welfare.
- E. That the request is consistent with the goals, objectives, policies and intent of the Lee Plan and is consistent with the densities, intensities and general uses set forth in the Lee Plan.
- F. That approval of this request is the approval of a Residential Planned Development which was originally designed, reviewed and permitted as a Mobile Home Planned Development and that there has been no significant alteration of the design of the project and that a finding of no substantial deviation from DRI Development Order #6-8687-77 is appropriate under the circumstances.

The foregoing Resolution was adopted by the Lee County Board of County Commissioners upon a motion by Commissioner John E. Manning, and seconded by Commissioner Donald D. Slisher and, upon being put to a vote, the result was as follows:

John E. Manning	AYE
Charles L. Bigelow, Jr.	AYE
Ray Judah	AYE
Bill Fussell	ABSENT
Donald D. Slisher	AYE

DULY PASSED AND ADOPTED this 23rd day of October, A.D., 1989.

ATTEST:
CHARLIE GREEN, CLERK

BY: Clara J. Wauke
Deputy Clerk

BOARD OF COUNTY COMMISSIONERS
OF LEE COUNTY, FLORIDA

BY: Robert Judah
Chairman

Approved as to form by:

County Attorney's Office

FILED

DEC 22 89

CLERK CIRCUIT COURT
BY J. Wauke, D.C.

RECEIVED

JUL 21 2009

COMMUNITY DEVELOPMENT

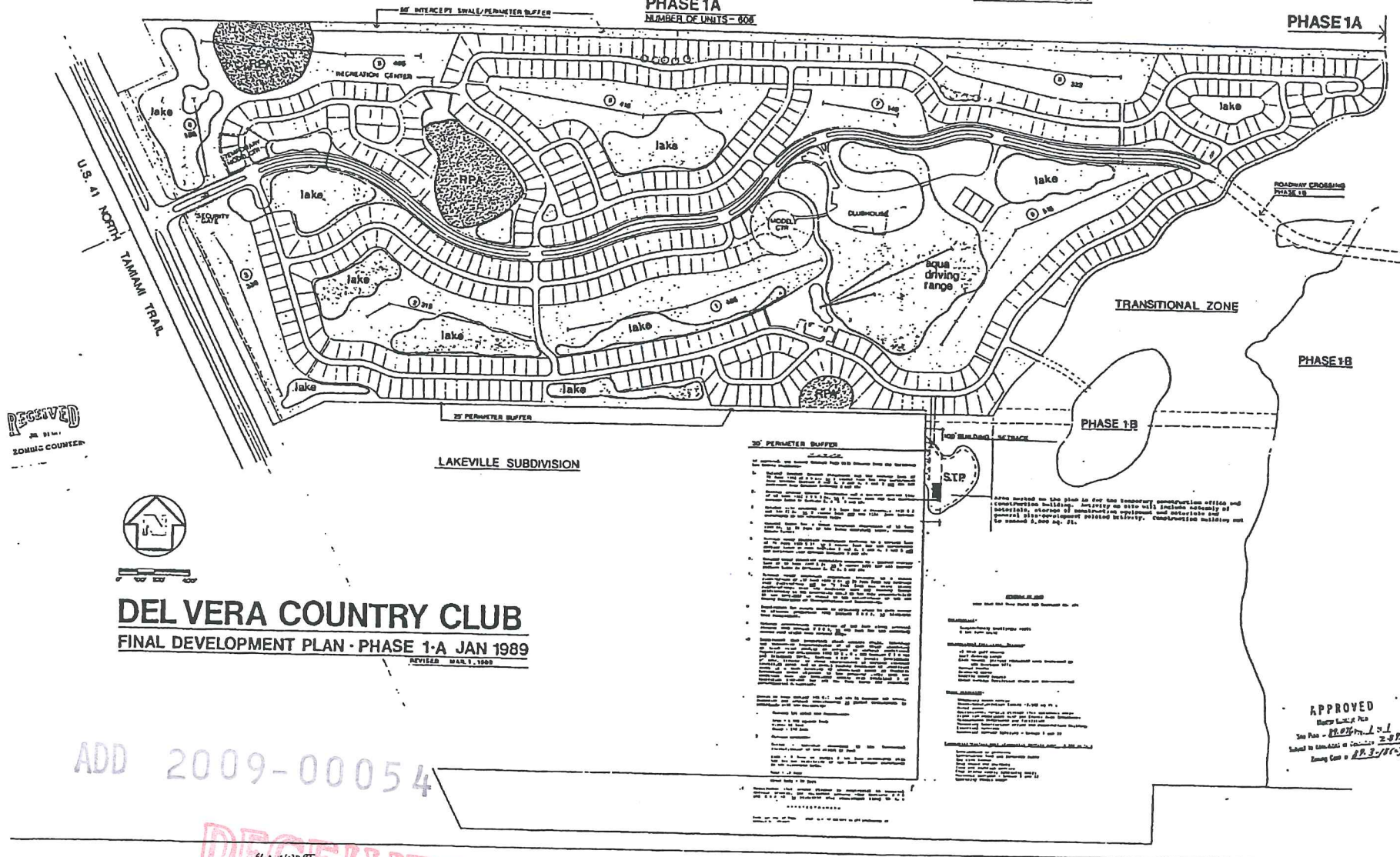
ADD 2009-00054

EVERGREEN RV PARK

PHASE 1A
NUMBER OF UNITS - 608

CHARLOTTE COUNTY

PHASE 1A



RECEIVED
JAN 31 1989
ZONING COUNCIL



DEL VERA COUNTRY CLUB FINAL DEVELOPMENT PLAN - PHASE 1-A JAN 1989

REVISED MAR 1, 1989

ADD 2009-00054

RECEIVED
JUL 21 2009

COMMUNITY DEVELOPMENT

25' PERIMETER BUFFER

STP

APPROVED

RECEIVED

2009-00054

RECEIVED

JUL 21 2009

COMMUNITY DEVELOPMENT

LAKE CROSS-SECTION

CONTROL ELEVATION

25' DEPTH

TYPICAL LOT LAYOUT

TYPICAL LOT SIZE
60' x 100' = 6000 S.F.

SCALE: 1" = 40'

15' REAR YARD
5' MIN. SIDE YARD
OR
10' BETWEEN STRUCTURES
20' FRONT YARD

PRIVATE STREET

MIAMI TRAIL

C-1 RM-1

LAKEVILLE S/D

25' PERIMETER LANDSCAPED BU

LAKE

25' PERIMETER LANDSCAPED BU

SCHED
(See Also Del Tura K)

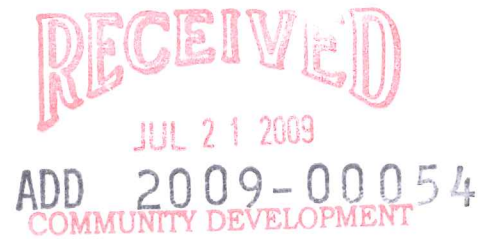
- Residential MCD
- Manufactured (Mobile) Homes
- Recreational Facilities, Priv
- 18-hole Golf Courses
- Golf Driving Range
- Club Houses, Private
- Question (27)
- Tennis Courts
- Swimming Pools
- Shuffle Board Courts
- Other similar facilities
- Other Accessory MCD
- Sales/Administration Center
- Model Homes
- Recreational Vehicle Storage

83-18(4) Del

ADD 2009-00054
COMMUNITY DEVELOPMENT

JUL 21 2009

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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

(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

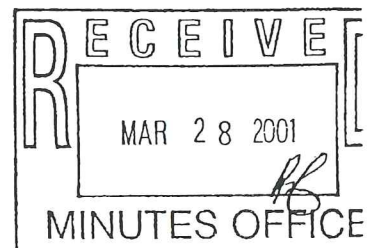
SECTION E. FINDINGS AND CONCLUSIONS:

- 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.

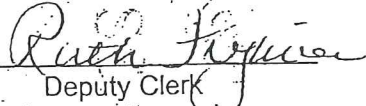
The foregoing resolution was adopted by the Lee County Board of Commissioners upon the motion of Commissioner Judah, seconded by Commissioner Coy and, upon being put to a vote, the result was as follows:

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.

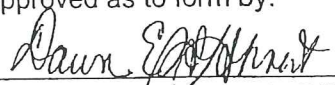
ATTEST:
CHARLIE GREEN, CLERK

BY: 
Deputy Clerk

BOARD OF COUNTY COMMISSIONERS
OF LEE COUNTY, FLORIDA

BY: 
Chairman

Approved as to form by:


County Attorney's Office

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EXHIBIT "A"

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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

11/2/99-5477 Ver: 01140-JAMES
00075-002-045-0

Naples Fort Myers Sarasota Bradenton Tampa

4571 Colonial Boulevard, Suite 100 Fort Myers, Florida 33912-1062 941-939-1020 941-939-7479
www.wilsonmiller.com

WilsonMiller, Inc. — FL Lic. # LC-C000170

CASE NO: DRI964596 & DCI964597

EXHIBIT A
Page 1 of 3

ADD 2009-00054
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COMMUNITY DEVELOPMENT

Wilson Miller

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

Wilson Miller

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).

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00075-002-045-0

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

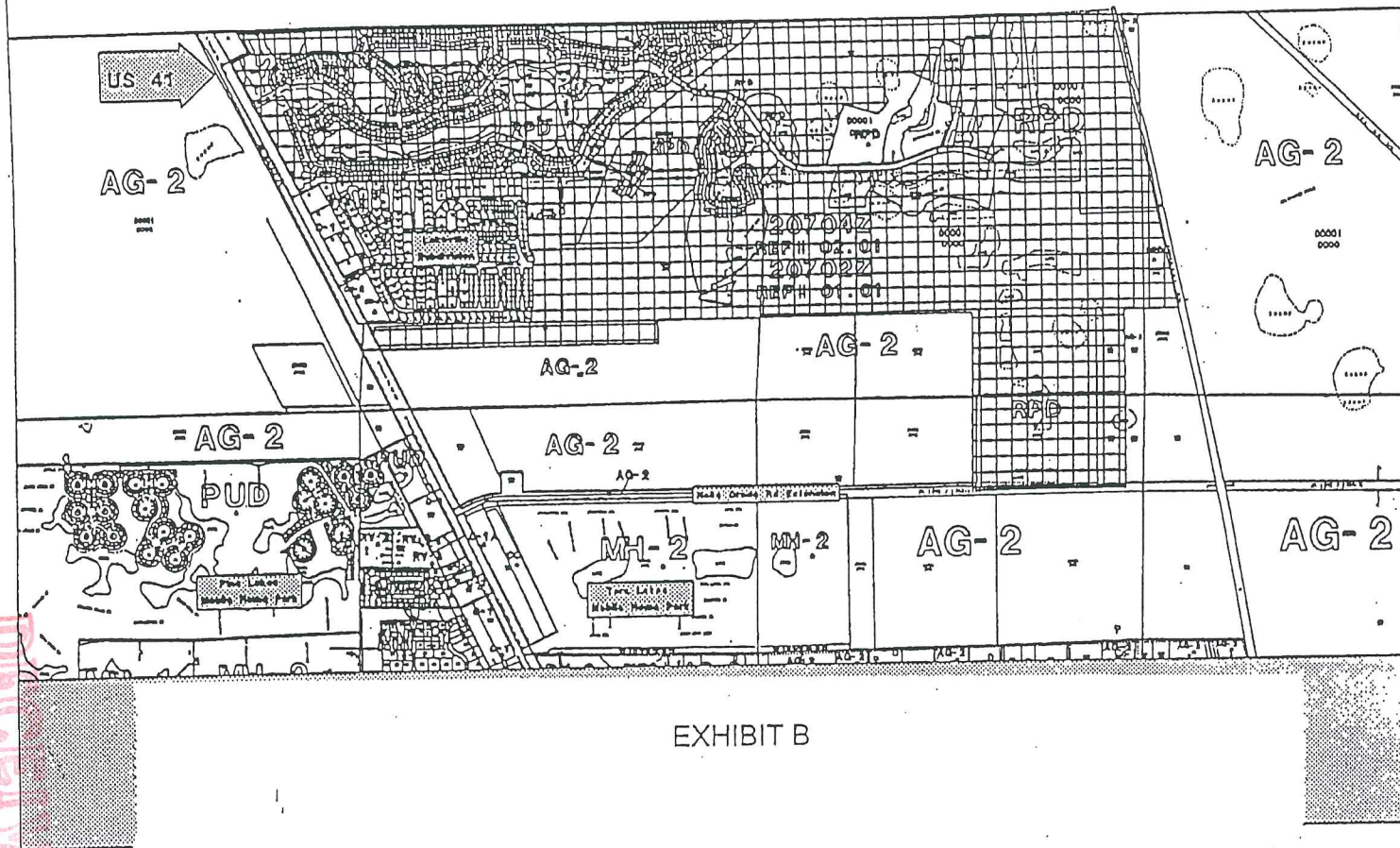


EXHIBIT B

ADD 2009-00054

COMMUNITY DEVELOPMENT

JUL 21 2009

RECEIVED

PROPERTY DEVELOPMENT REGULATIONS

Use	Dimensions		Width (ft)	Setbacks (In feet)			Lot Coverage	Minimum Building Separation
	Area (sq ft)	Depth (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
Country Club/Clubhouse				15	20**	20		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

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

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)

RECEIVED
JUL 21 2009
COMMUNITY DEVELOPMENT

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 Country 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), 10,000 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 Northwesterly 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 61-2405, 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;
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 21, 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.F. 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 SWFRPC 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 Herons 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 Herons 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 improvement 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 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 Tura Heron's 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 AC-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~~ Herons 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 I of the "Revised RCW Monitoring and Management Plan for Del Tura and Villages of Nantucket"~~ Heron's Glen DRI, dated September 11, 1992, (Attachment C-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 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-C), 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 (19), 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-Cockaded 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-Cockaded 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 11, 1992, (see Attachment D-C) 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

⁵The 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 NOPC 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 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~~ 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 February, 2001.

ATTEST
CHARLIE GREEN, CLERK

BOARD OF COUNTY COMMISSIONERS
LEE COUNTY, FLORIDA

BY: Ruth 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

S:\LUDRI\FINALDO\Herons Glen - 2nd Amendment.wpd
27

State of Florida
County of Lee

I, Charlie Green, Clerk of the Circuit Court for Lee County, Florida, do hereby certify this file and to be 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: Ruth Figueroa
Deputy Clerk

RECEIVED
JUL 21 2009

COMMUNITY DEVELOPMENT

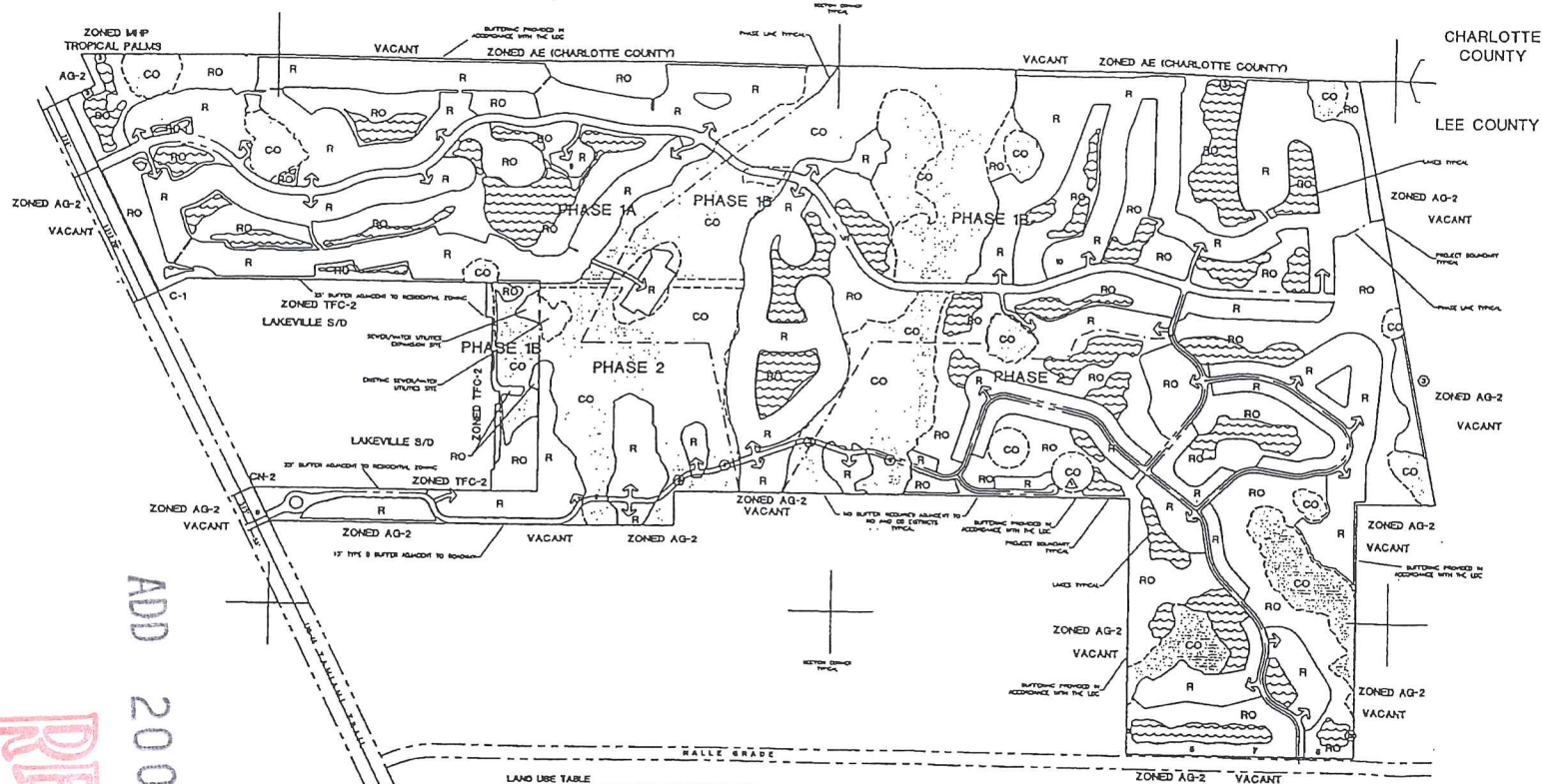
ADD 2009-00054

JUL 21 2009

ADD 2009-00054

REC'D
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RECEIVED 12/10/2002 TO HOLD FOR NEW RECORDS AREA JUL/2003
 4p 13, 2000 - 13_20_14
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Land Use Description	Parcel 10	Parcel 11	Parcel 12	Parcel 13
Residential	1000 sq ft	1000 sq ft	1000 sq ft	1000 sq ft
Commercial	1000 sq ft	1000 sq ft	1000 sq ft	1000 sq ft
Industrial	1000 sq ft	1000 sq ft	1000 sq ft	1000 sq ft
Public Use	1000 sq ft	1000 sq ft	1000 sq ft	1000 sq ft
Other	1000 sq ft	1000 sq ft	1000 sq ft	1000 sq ft

LAND USE SUMMARY		
THICK	DESCRIPTION	ACRES
B	FORESTED	231.43
AD	REGULATED/DESIGN SPACE	177.79
	CONSERVATION AREAS	271.81
	TRANSPORTATION	
	WATER PROJECT ROAD	30.17
TOTAL ACRES		710.20

NOTE: SUMMARY OF LAND ALLOCATION NOT PRESENTED, BECAUSE INADEQUATE TO REPRESENTING POSSIBILITIES.

REGULATED	
SHORELINE TRAIL LOTS (FUTURES)	1,420 UNITS
SEAPLANT LOTS (WATER)	240 UNITS
HOUSEHOLD LOTS	240 UNITS



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DEC 08 2000

PERMIT COUNTER
DCI 964597
DRI 964596

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Phone 817-432-0000 • Fax 817-432-1178

HERONS GLEN DRI
MAP H-3

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

EXHIBIT A

SEC 3.10 TWP 43 SRGE 24 C
Designed by: JAC/1005
Drawn by: JAC/1005
Checked by: BBS/1131
Approved by:
Date: 11/30/99
Scale: 1"=500'
Plate: 02898-102-007
File #: 0-02898-100

1

Phasing Schedule

<u>Proposed Phase</u>	<u>Use</u>	<u>Quantity</u>
I - 1989 - 1995 <u>2005</u>	Detached Single Family Dwellings	4,302 <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 (18 <u>36</u> holes)
II - 1992 <u>2006</u> -1998 <u>2010</u>	Detached Single Family Dwellings	4,398 <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.
	Village Center Recreation Center	4.5 acres 7 acres

MAP H is hereby replaced by MAP H-2-3 (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

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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.

ADD 2009-00054

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COMMUNITY DEVELOPMENT

**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 specifies 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

RECEIVED
JUL 21 2009

COMMUNITY DEVELOPMENT

ADD 2009-00054

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

ADMINISTRATIVE AMENDMENT (PD) ADD2002-00005

ADMINISTRATIVE AMENDMENT
LEE COUNTY, FLORIDA

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

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

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

See Exhibit "A"

WHEREAS, the property was originally rezoned in case number 88-3-18-DRI with subsequent amendments in case numbers, 88-3-18-DRI(A), 88-3-18-DRI(B), 88-3-18-DRI(C), 95-01-207.13A, and 95-01-207.02Z 01.01 (DCI964597); and

WHEREAS, the Lee County Land Development Code provides for certain administrative changes to planned development master concept plans and planned unit development final development plans; and

WHEREAS, the subject property was rezoned to a residential planned development (RPD) by Resolution Z-00-078; and

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

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

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

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



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

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

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

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

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

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

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

WHEREAS, this revision will bring the road alignment into compliance with the Map H-3, Herons Glen DRI Development Order; and

WHEREAS, the subject application and plans have been reviewed by the Lee County Department of Community Development in accordance with applicable regulations for compliance with all terms of the administrative approval procedures; and

WHEREAS, it is found that the proposed amendment does not increase density or intensity within the development; does not decrease buffers or open space required by the LDC; does not underutilize public resources or infrastructure; does not reduce total open space, buffering, landscaping or preservation areas; and does not otherwise adversely impact on surrounding land uses.

NOW, THEREFORE, IT IS HEREBY DETERMINED that the application for administrative approval to **amend the Property Development Regulations, Exhibit D, Resolution Z-00-078, to add Type #3 (patio homes) to the Property Development Regulations, having a minimum lot width of 45 feet, minimum lot depth of 75 feet, and area of 3,375 square feet, and to realign a cul-de-sac to comply with the alignment shown of MAP H-3 of the Herons Glen DRI Development Order within the Residential Planned Development Planned Development is APPROVED.**

Approval is subject to the following conditions:

1. The Development must be in compliance with the amended two page Master Concept Plan, with the first page dated 7/5/00, and stamped received by the zoning counter on May 29, 2002 and the second page dated 7/5/00, Printed January 21, 2002, and stamped received by community development on January 24, 2002. Master Concept Plan for ADD2002-00005 is hereby APPROVED and adopted. A reduced copy is attached hereto.
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

RECEIVED
JUL 21 2009

COMMUNITY DEVELOPMENT
ADD 2009-00054

RECEIVED
JUL 21 2009

ADD 2002-00005
LEGAL DESCRIPTION
HERON'S GLEN

COMMUNITY DEVELOPMENT

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

ADD 2009-00054

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 P. 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 gm 6/21/02

RECEIVED
JUL 21 2009

COMMUNITY DEVELOPMENT
ADD 2009-00054

PAGE 2 OF 3

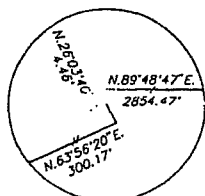
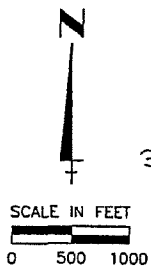
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CA#13
02898-002-P03- PWRK- 0288

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JUN 06 2002

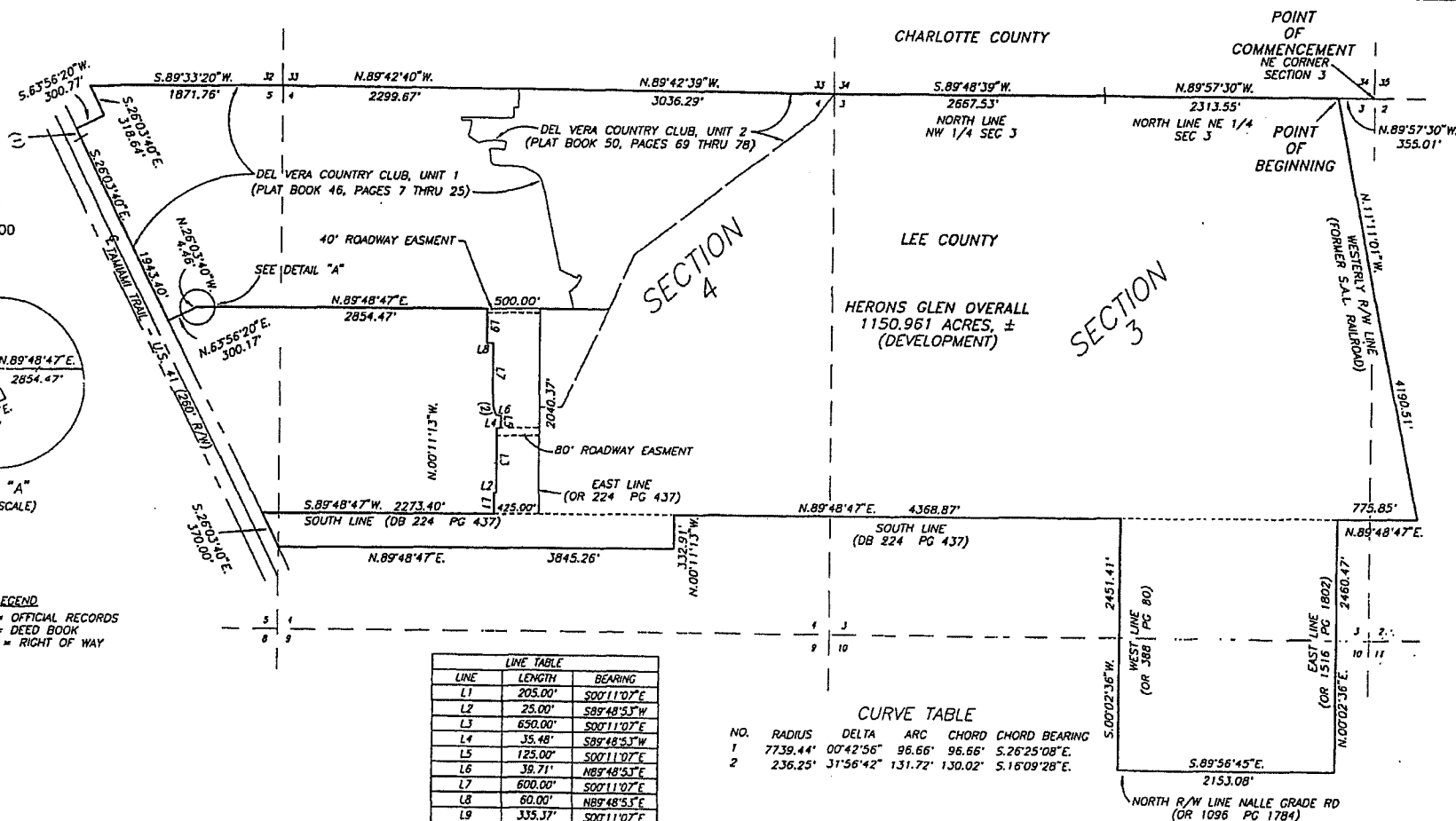
COMMUNITY DEVELOPMENT

ADD 2002-00005



DETAIL "A"
(NOT TO SCALE)

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



LINE	LENGTH	BEARING
L1	205.00'	S00°11'07\"/>

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

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

* SKETCH ONLY THIS IS NOT A SURVEY *

PAGE 3 OF 3

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

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

Partners - Engineers - Ecologists - Surveyors - Landscape Architects - Transportation Consultants

Wilson Miller, Inc.

Naples - Fort Myers - Sarasota - Bradenton - Tampa - Tallahassee

4571 Colonial Blvd, Suite 100 Fort Myers, Florida 33902 Phone 941-808-0200 Fax 941-808-7479 Web Site www.wilsonmiller.com

DATE: 6/5/02

HORIZONTAL SCALE: 1" = 1000'

VERTICAL SCALE: N/A

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

RCE: N/A

FIELD BOOK: N/A

FIELD BOOK PAGE: N/A

TITLE: SKETCH OF DESCRIPTION HERONS GLEN	JUN 05, 2002 - 14:36:03 C:\SH\PROJECTS\SUR\02898\HERONS\2898-002.dwg
TASK: ZOPDA	PIN: 02898-002-P03
SHEET NUMBER: 1 OF 1	DRAWING NUMBER: B-2898-54

ADD 2002-00005

Wilson Miller

Werner, Engineers & Geologists - Blumery
Landmarks Architects - Transportation Consultants

HERONS GLEN DRI
MASTER CONCEPT PLAN
SCHEDULE OF USES

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

Recreation, One Nine Golf Course, Park, Esplanade and
Buffalo, RO

Conservation - CO

Administrative Offices
Dwelling units:
Single-Family, Detached including Zero Lot Line homes
Single-Family, Attached including Townhouses
Model Homes, Single and Multi Unit Model Display Center,
limited to the residential uses within Herons Glen RPD
Special-Use Home
Residential Accessory Uses, including but not limited to:
Private Garages, Carports and Parking Areas
Private Swimming Pools and Enclosures
Private Tennis Courts
Enclaves, Colonies and Cottages
Essential Services
Essential Service Facilities, Groups I and II
Exercisers, water retention
Fences, Walls
Home Occupation
Model Display Center limited to the residential uses within
Herons Glen RPD
Recreational Facilities, Private On-site
Signs
Temporary Construction Trailer

- Dogsleds, Clubs
- Biking, Hiking, Fishing, Plores, Picnic Areas and Nature Trails
- Clubs, Country, Private
- Essential Services
- Essential Service Facilities, Groups 1 and II
- Entrance Gates and Checkhouses
- Excursions, winter recreation
- Fences, Walls
- Golf Courses, including
 - Practice Areas and Ranges
 - Restrooms
 - Shelters
 - Cart Barn
 - COP
 - Pro Shop
 - Snack Bar
 - Teaching facility
 - Other uses normal and accessory to golf courses
- Outdoor serving of food
- Outdoor serving of alcoholic beverages
- Golf Club Houses: including
 - All uses permitted by right or by special exception in the CNI-1 or CNI-2 districts - limited as to location within the golf clubhouse, and in accordance with LDC Sec. 34-937
 - Administrative Offices
 - Beauty Shop
 - Consumption on Premises
 - Health Clubs
 - Other uses normal and accessory to golf club houses
 - Outdoor serving of food
 - Outdoor serving of alcoholic beverages
 - Pro Shop
 - Restaurant
 - Massage Establishments
 - Specialty Retail
- Golf Course Maintenance Facility
- Irrigation Weiralls
- Landscape Nurseries
- Parks, Private, Group I
- Project Information and Sales Centers
- Herons Glen RPO
- Recreation Facilities, Private On-Site
- Shelters, Restrooms, Showers, etc.
- Signs
- Stores, Outdoor
- Tennis, Health and Fitness, Swimming, and other recreational clubs
- Temporary Construction Access roads
- Temporary Construction Access roads
- Water Wastewater Facility

Interpretive Centers, Rain Shelters, Gazebos
Nature and Pedestrian trails including Boardwalks, Golf, Cart
Paths, and Jogging Paths
Other Monuments, Facilities, Utility and/or Roadway Crossings
Other activities for recreation, conservation, and observation
when approved by the Director of the Lee County Department of
Community Development
Signs

RECEIVED
JAN 24 2012
COMMUNITY DEVELOPMENT

APPROVED
Amendment to
Master Concept Plan
Subject to Case #A017007-00005
Date June 21, 2002.

PRINTED

JAN 21 2002
WizardsLanes, Inc.

SEC 319 TNP 435 RCE 34E
Designed by: JMK/1000
Drawn by: JMK/1000
Checked by: GBB/1131
Approved by: GBB/1131
Date: 7/3/00
Scale: 1"=500'
P/N: 02555-102-002
File #: D-02495-102

Short 2 of 2

PROPERTY DEVELOPMENT REGULATIONS

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

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
JUL 21 2009

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:

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3. S26°03'40"E, 318.64 feet;
4. S63°56'20"W, 300.77;
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ADD 2009-00054

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JUL 21 2009

COMMUNITY DEVELOPMENT

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

Said parcel contain 1150.961 acres, more or less.

WilsonMiller, Inc.

Stephen P. Erik P.S.M. Professional Surveyor and Mapper
Florida Registration No. 3293

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

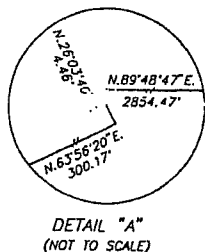
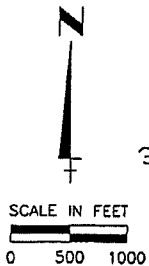
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02898-002-P03- PWRK- 6285

RECEIVED

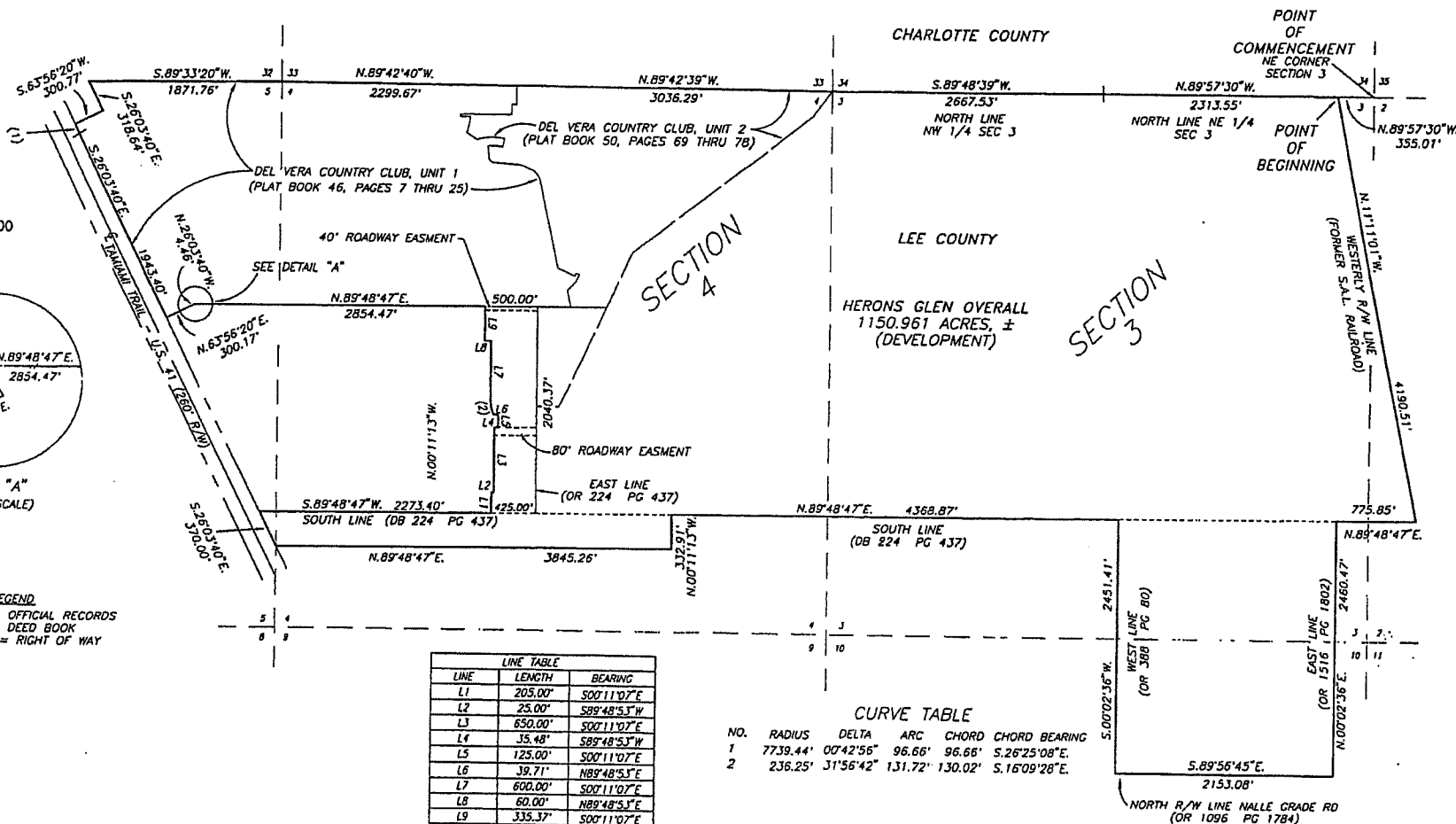
JUN 06 2002

COMMUNITY DEVELOPMENT

ADD 2002-00005



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



LINE	LENGTH	BEARING
L1	205.00'	S00°11'07\"/>

CURVE TABLE					
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PAGE 3 OF 3

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

* SKETCH ONLY THIS IS NOT A SURVEY *

SEE ATTACHED FOR LEGAL DESCRIPTION

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

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

WilsonMiller
 Planners - Engineers - Ecologists - Surveyors - Landscape Architects - Transportation Consultants
 WilsonMiller, Inc.
 Naples - Fort Myers - Sarasota - Bradenton - Tampa - Tallahassee
 4571 Colonial Blvd, Suite 100 Fort Myers, Florida 33921 Phone 941-659-5200 Fax 941-659-7479 Web Site www.wilsonmiller.com

DATE: 6/5/02 HORIZONTAL SCALE: 1" = 1000' VERTICAL SCALE: N/A SEC: 2,3,4,5,10/43/24 TWP: RGE: FIELD BOOK: N/A FIELD BOOK PAGE: N/A

TITLE: SKETCH OF DESCRIPTION HERONS GLEN	DATE: Jun 03, 2002 - 14:36:03	PROJECT: GRASHFORDDC/SURV/02898/HERONS/28985404.dwg
TASK: ZOPDA	PIN: 02898-002-P03	SHEET NUMBER: 1 of 1
DRAWING NUMBER: B-2898-54		

ADD 2002-00005

ADMINISTRATIVE AMENDMENT (PD) ADD2002-00088

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 6th day of August, A.D., 2009.

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 21 2009

RECEIVED
JUL 21 2009

Wilson Miller
New Directions In Planning, Design & Engineering

RECEIVED
JUL 10 2002

COMMUNITY DEVELOPMENT
ADD 2009-00054

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

6/6/2002- 22325 Ver 011- GRASHFORD
CMAA
02898-002-P03- PWRK- 6286

Naples Fort Myers Sarasota Bradenton Tampa Tallahassee

4571 Colonial Boulevard, Suite 100 Fort Myers, Florida 33912-1062 941-939-1020 941-939-7479

www.wilsonmiller.com

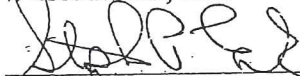
Wilson Miller, Inc. — FL Lic. # LC-C000170 CA 43

Exhibit A-1

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

Said parcel contain 1150.961 acres, more or less.

WilsonMiller, Inc.



Stephen P. 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

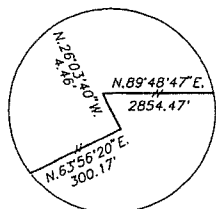
Applicant's Legal Checked
by  7/23/02

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ADD 2009-00054
COMMUNITY DEVELOPMENT

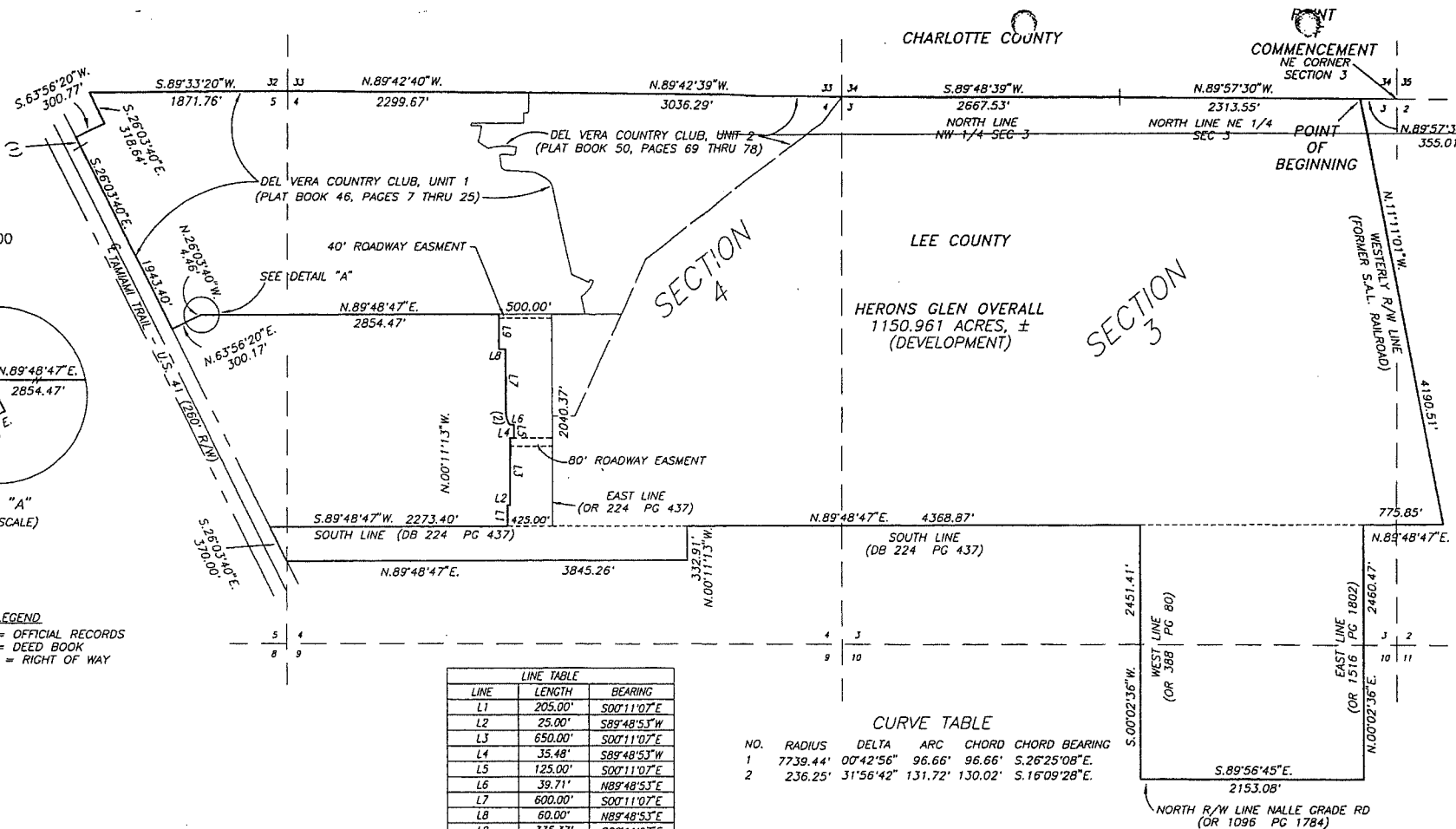
ADD 2002-00088

Exhibit A-2



DETAIL "A"
(NOT TO SCALE)

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



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

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

NOTE:

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

* SKETCH ONLY THIS IS NOT A SURVEY *

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

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

WilsonMiller

Planners • Engineers • Ecologists • Surveyors • Landscape Architects • Transportation Consultants

WilsonMiller, Inc.

Naples • Fort Myers • Sarasota • Bradenton • Tampa • Tallahassee
457 Colonial Blvd, Suite 100 Fort Myers, Florida 33912 Phone (941) 939-9200 Fax (941) 939-7479 Web-Site www.wilsonmiller.com

WilsonMiller, Inc. • FL Lic# LC-C00000
WilsonMiller, Inc. • Certificate of Authorization #0

TITLE: SKETCH OF DESCRIPTION
HERONS GLEN

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

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

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

See Attached Exhibit A

WHEREAS, the property was originally rezoned in case number 88-3-18 DRI (with subsequent amendments in case numbers 88-3-18-DRI(a), 88-3-18-DRI(b), 88-3-18-DRI(c), 88-3-18-DRI(d), 88-3-18-DRI(e), 95-01-207.13A 03.01, 95-01-207.13A 04.01, 99-08-261.14A, DRI964596, DCI964597 and ADD2002-00005, ADD2002-00088, ADD2003-00096, ADD2004-00018 and ADD2004-00021); and

WHEREAS, the Lee County Land Development Code provides for certain administrative changes to planned development master concept plans and planned unit development final development plans; and

WHEREAS, the subject application and plans have been reviewed by the Lee County Department of Community Development in accordance with applicable regulations for compliance with all terms of the administrative approval procedures; and

WHEREAS, the amendment concerning the location of residential uses and recreation/open space has been reviewed and found to not increase the intensity of the development, nor reduces the total open space area within the development; and

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

WHEREAS, it is found that the proposed amendment does not increase density or intensity within the development; does not decrease buffers or open space required by the LDC; does not underutilize public resources or infrastructure; does not reduce total open space, buffering, landscaping or preservation areas; and does not otherwise adversely impact on surrounding land uses.

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

Approval is subject to the following conditions:

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

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

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

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

BY: _____

Pam Houck, Director
Division of Zoning
Department of Community Development

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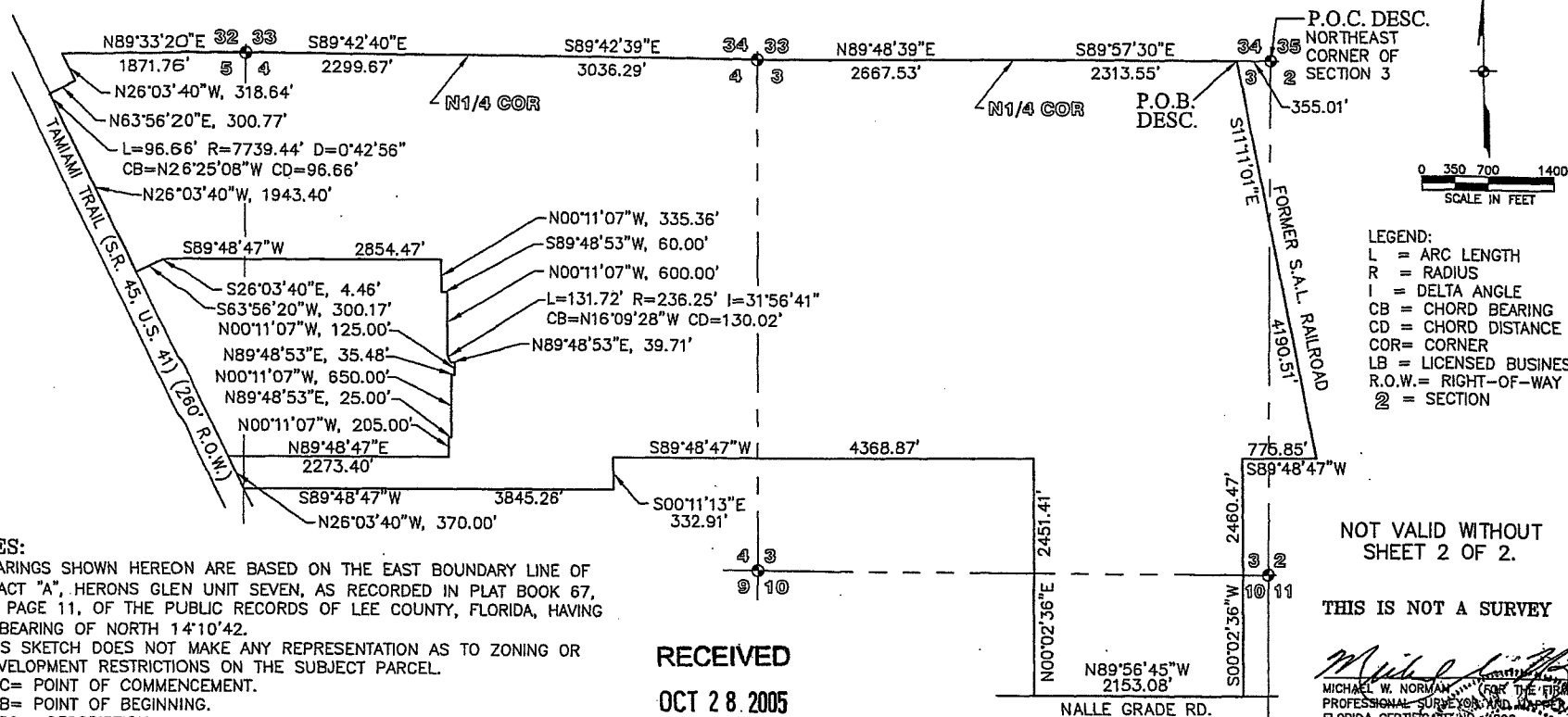
JUL 21 2009

Page 2 of 2

CASE NO. ADD2004-00217

COMMUNITY DEVELOPMENT

ADD 2009-00054

NOT VALID WITHOUT
SHEET 2 OF 2.

THIS IS NOT A SURVEY

Michael W. Norman
 MICHAEL W. NORMAN (FOR THE TIME BEING) (642)
 PROFESSIONAL SURVEYOR AND MAPPER
 FLORIDA CERTIFICATE NO. 2600
 DATE SIGNED: OCT 28 2005
 NOT VALID WITHOUT THE SIGNATURE AND
 ORIGINAL RAISED SEAL OF A FLORIDA LICENSED
 SURVEYOR AND MAPPER

HERONS GLEN BOUNDARY

JOHNSON
 ENGINEERING

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

SKETCH TO ACCOMPANY DESCRIPTION

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

ADD 2004-00217

RECEIVED
 OCT 28 2005
 ZONING



October 28, 2005

SHEET: 2 OF 2

LEGAL DESCRIPTION BOUNDARY OF HERONS GLEN

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

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

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

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

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

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OCT 28 2005
ZONING

ADD 2004-00217

Applicant's Legal Checked
by *[Signature]* 28 OCT 05

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COMMUNITY DEVELOPMENT

ADD 2009-00054



ADMINISTRATIVE AMENDMENT (PD) ADD2004-00018

ADMINISTRATIVE AMENDMENT
LEE COUNTY, FLORIDA

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

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

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

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

See Exhibit A

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

WHEREAS, the Lee County Land Development Code provides for certain administrative changes to planned development master concept plans and planned unit development final development plans; and

WHEREAS, the applicant is proposing to

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

2.) Enlarge the existing lake in the northeast corner, and decrease the size of the residential pod lying west of the lake without reducing the size of the preserve area;

3.) Adjust the phase line between Phases 1b and Phase 2 to meet the intent of the DRI and RPD;

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

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

6.) A deviation from Section 10-296(k)(1) regarding cul-de-sac requirements; and

WHEREAS, the applicant is requesting to extend an existing residential pod, enlarge an existing lake, adjust the Phase Line between Phase 1B & 2, all resulting in a decrease in the residential area, an increase in open space and internal roadways; and a deviation request from the cul-de-sac requirements; and

WHEREAS, the subject application and plans have been reviewed by the Lee County Department of Community Development in accordance with applicable regulations for compliance with all terms of the administrative approval procedures; and

WHEREAS, the land use summary chart has been adjusted to show the decrease in the residential area by 14 acres, an increase in Recreation/Open Space areas by 11.49 acres, and an increase in the internal roadways by 2.51 acres, and

WHEREAS, it is found that the proposed amendment does not increase density or intensity within the development; does not decrease buffers or open space required by the LDC; does not underutilize public resources or infrastructure; does not reduce total open space, buffering, landscaping or preservation areas; and does not otherwise adversely impact on surrounding land uses.

NOW, THEREFORE, IT IS HEREBY DETERMINED that the application for administrative approval for an amendment to

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

2.) Enlarge the existing lake in the northeast corner, and decrease the size of the residential pod lying west of the lake without reducing the size of the preserve area;

3.) Adjust the phase line between Phases 1b and Phase 2 to meet the intent of the DRI and RPD;

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

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

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

to Residential Planned Development is **APPROVED**.

Approval is subject to the following conditions:

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

DULY SIGNED this 19th day of February, A.D., 2004.

BY: Pam Houck

Pam Houck, Director
Division of Zoning
Department of Community Development

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COMMUNITY DEVELOPMENT

ADD 2009-00054

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JUL 21 2009
COMMUNITY DEVELOPMENT

**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

ADD 2009-00054

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 P. 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

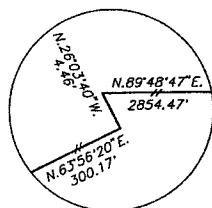
Applicant's Legal Checked

by  03 FEB 04

ADD 2004-00018 !

RECEIVED
JUL 21 2009

COMMUNITY DEVELOPMENT
ADD 2009-00054



DETAIL "A"
(NOT TO SCALE)

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

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

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

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

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

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

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

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

* SKETCH ONLY THIS IS NOT A SURVEY *

SEE ATTACHED FOR LEGAL DESCRIPTION

WilsonMiller

Planners • Engineers • Ecologists • Surveyors • Landscape Architects • Transportation Consultants

WilsonMiller, Inc.

Naples • Fort Myers • Sarasota • Bradenton • Tampa • Tallahassee
4571 Colonial Blvd, Suite 100 Fort Myers, Florida 33912 Phone 941-929-1020 Fax 941-929-7479 Web Site www.wilsonmiller.com

WilsonMiller, Inc. - PL LMS LC-020000
WilsonMiller, Inc. - Certificate of Authorization 00

TITLE: SKETCH OF DESCRIPTION
HERONS GLEN

Jul 08, 2003 - 08:47:34 SEREXIX\SUR\02898\HERONS\28985404.dwg

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



PIT COUNTER

ADMINISTRATIVE AMENDMENT (PD) ADD2005-00209

ADMINISTRATIVE AMENDMENT
LEE COUNTY, FLORIDA

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, DC1964597 (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:

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JUL 21 2009

ADD 2009-00054

COMMUNITY DEVELOPMENT

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: _____

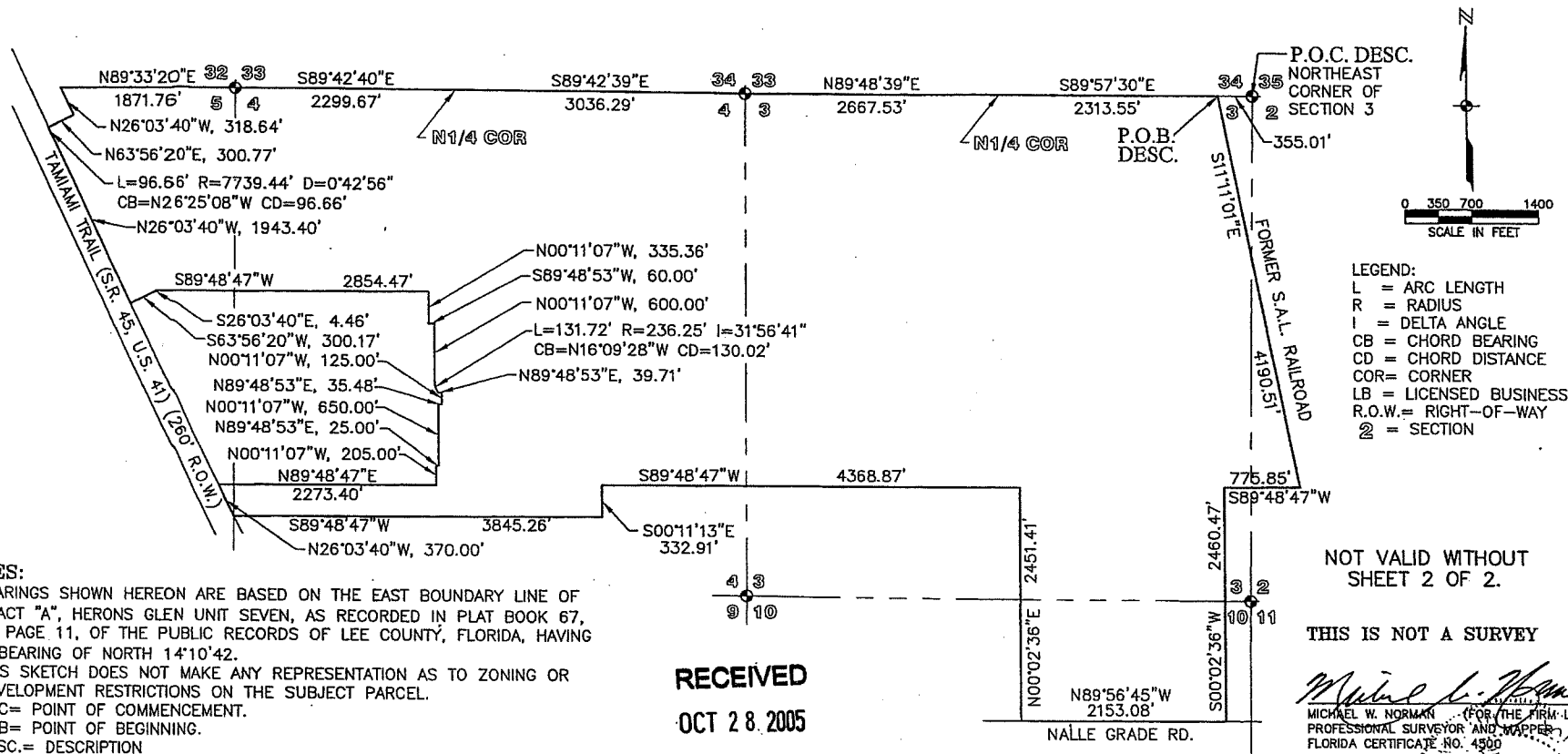
Pam Houck
Pam Houck, Director
Division of Zoning
Department of Community Development

RECEIVED

JUL 21 2009

COMMUNITY DEVELOPMENT

ADD 2009-00054



NOTES:

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

RECEIVED

OCT 28 2005

ZONING

ADD 2005-00209

NOT VALID WITHOUT
SHEET 2 OF 2.

THIS IS NOT A SURVEY

Michael W. Norman
 MICHAEL W. NORMAN (FOR THE FIRM LB-642)
 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.

HERONS GLEN BOUNDARY

JOHNSON
 ENGINEERING

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

SKETCH TO ACCOMPANY DESCRIPTION

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



October 28, 2005

SHEET: 2 OF 2

LEGAL DESCRIPTION BOUNDARY OF HERONS GLEN

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

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

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

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

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

ADD 2005-00209

RECEIVED

OCT 28 2005

ZONING

Applicant's Legal Checked

by AMM 28 OCT 05

S:\LDD_projects\033923\survey\documents\overall-hg-legal.doc

UTILITIES PROVIDING SERVICE:

WATER:

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

SEWER:

NORTH FORT MYERS UTILITY INC.
WASTE WATER TREATMENT PLANT RIGHTS & EMERGENCY SERVICE
4000 DEL PRADO BOULEVARD NORTH
NORTH FORT MYERS, FL 33917
PHONE (239) 543-1000

TELEPHONE:

SPRINT
2820 CARDO STREET
FORT MYERS, FLORIDA 33916
PHONE (239) 336-2117 (HALL DELIVER)

ELECTRIC:

LEE COUNTY ELECTRIC CO-OP
6800 BAYLINE DRIVE
NORTH FORT MYERS, FLORIDA 33917-3810
PHONE (239) 459-2154 (TOLL FREE 800-200-1000)

CABLE TELEVISION:

TIME WARNER CABLE
1415 SE 10TH STREET
CAPE CORAL, FLORIDA 33909
PHONE (239) 772-2218 EXT. 120
(HALL DELIVER)

GARBAGE COLLECTION:

ONITE WASTE SERVICES
17101 PINE RIDGE ROAD SW
FORT MYERS BEACH, FL 33909
PHONE (239) 334-1224

FIRE CONTROL DISTRICT:

NORTH FORT MYERS FIRE CONTROL
AND RESCUE SERVICE DISTRICT
P.O. BOX 3507
NORTH FORT MYERS, FLORIDA 33916
PHONE (239) 731-1931

APPLICATION FOR ADMINISTRATIVE ACTION FOR MAGNOLIA LANDING

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

DEVELOPER

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

OWNER

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

STRAP NUMBER

04-43-24-00-00003.0040
04-43-24-00-00003.1000
04-43-24-00-00003.1010
04-43-24-00-00003.1020

SIZE OF PARCEL

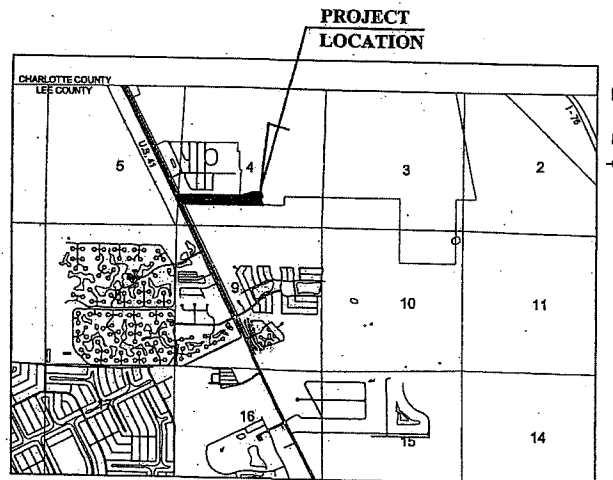
1150.9 ACRES

ZONING

RPD

INDEX OF PLANS

SHEET NO.	DESCRIPTION
1	COVER
2	AERIAL MAP
3	APPROVED MASTER CONCEPT PLAN
4	REVISED MASTER CONCEPT PLAN FOR AA (REALIGN ROAD, SALES CENTER BUFFER)
L.1	MASTER LANDSCAPE PLAN
L.2	LANDSCAPE PLAN
L.3	LANDSCAPE PLAN
L.4	LANDSCAPE PLAN
L.5	LANDSCAPE PLAN
L.6	LANDSCAPE DETAILS AND NOTES



LOCATION MAP

0 2000 4000
SCALE IN FEET

OCTOBER, 2005
REVISED
JANUARY 2006
FEBRUARY 2006

APPROVED

Master Concept Plan
Subject to State # 1002005-00204
Date: 1/27/06

JOHNSON
ENGINEERING

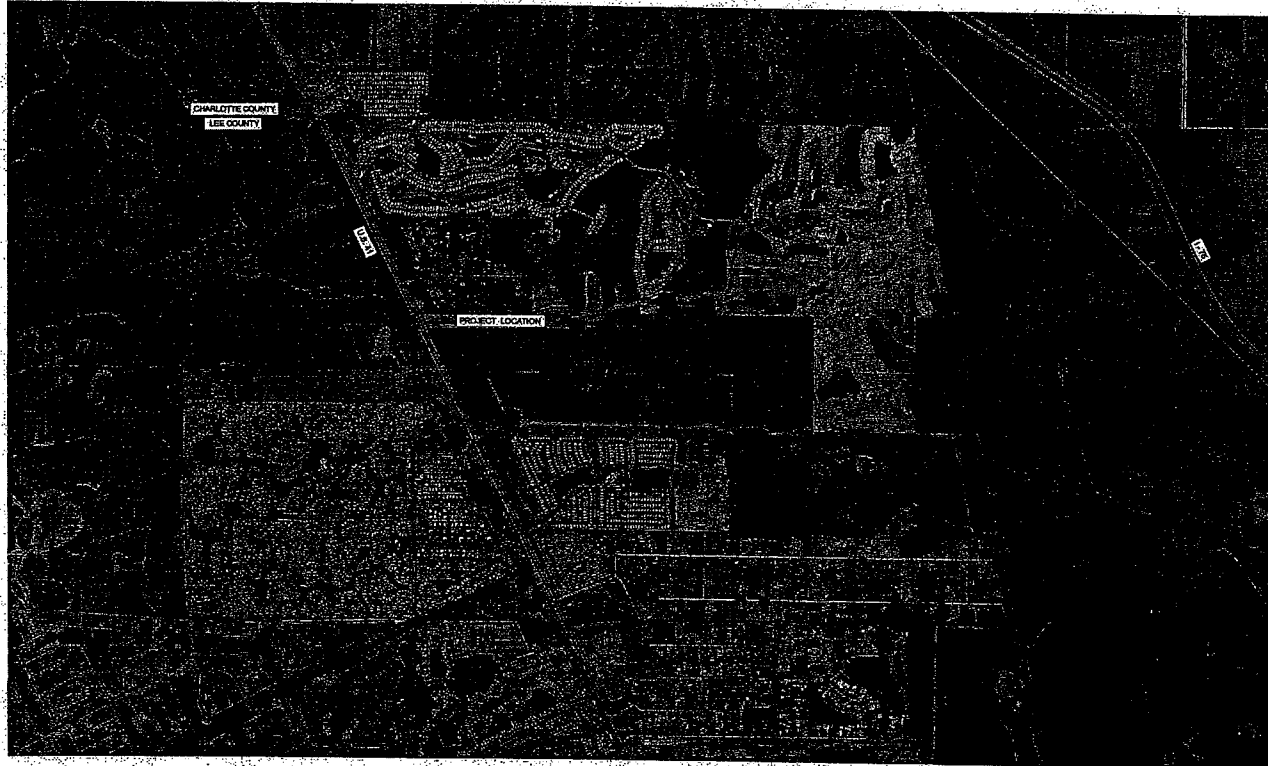
2156 JOHNSON STREET
P.O. BOX 1550
FORT MYERS, FLORIDA 33902-1550
PHONE (239) 334-0046
FAX (239) 334-3861
C.E. #542 & L.S. #542

ADD 2005-00209

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FEB 17 2006

COMMUNITY DEVELOPMENT

SHEET
1



RECEIVED
FEB 17 2006

200500665.dwg (2005-00209-Aerial Map) - 10/11/2005

REVISIONS	

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

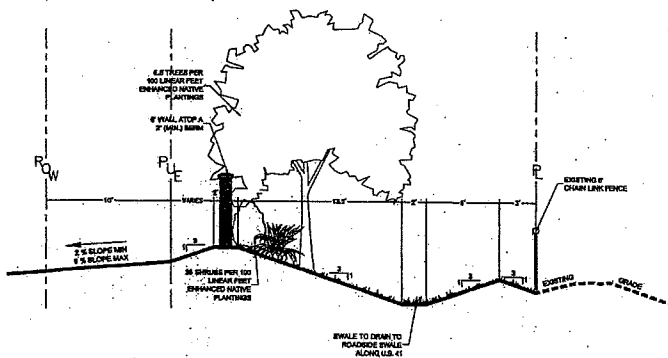
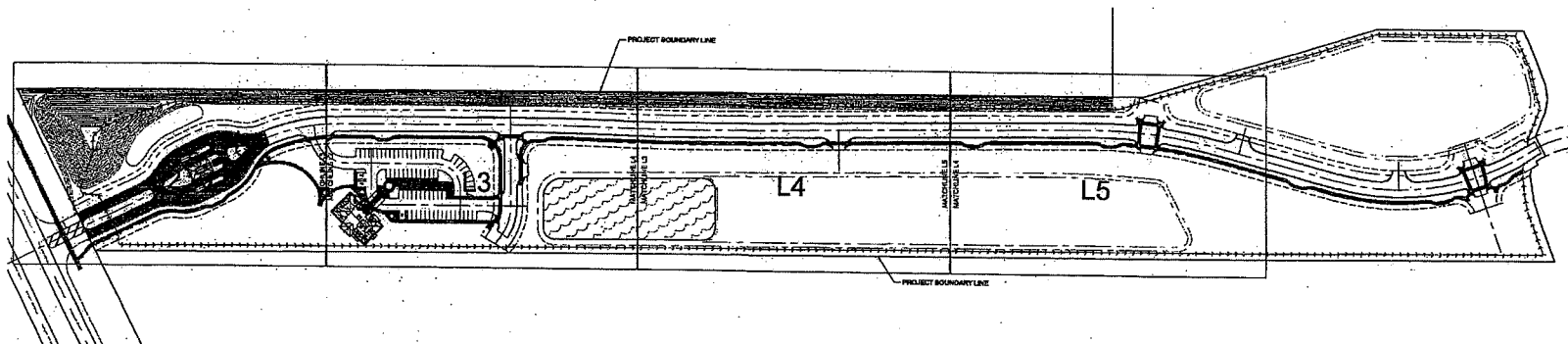
MAGNOLIA LANDING
Lee County, Florida

JOHNSON
ENGINEERING

2150 JOHNSON STREET
P.O. BOX 1650
FORT WATKINS, FLORIDA 32003-1650
PHONE (254) 334-0046
FAX (254) 334-3661
C.B. #542 & L.R. #542

AERIAL MAP
ADD 2005-00209

DATE	PROJECT NO.	FILE NO.	SCALE	SHEET
OCTOBER, 2005	20050065	4-45-24	As Shown	2



REQUIRED BUFFER TO ADJACENT RESIDENTIAL PROPERTY

ADC 10-418 (2) (b) IF ROADS, DRIVES, OR PARKING AREAS ARE LOCATED LESS THAN 125 FEET FROM AN EXISTING RESIDENTIAL SUBDIVISION OR RESIDENTIAL LOT, A SOLID WALL OR COMBINATION BERM AND SOLID WALL NOT LESS THAN EIGHT FEET IN HEIGHT MUST BE CONSTRUCTED NOT LESS THAN 25 FEET FROM THE ADJUTING PROPERTY AND LANDSCAPED (BETWEEN THE WALL AND THE ADJUTING PROPERTY) WITH A MINIMUM OF FIVE TREES AND 18 SHRUBS PER 100 LINEAL FEET. WHERE RESIDENCES WILL BE CONSTRUCTED BETWEEN THE ROAD, DRIVE OR PARKING AREA AND THE EXISTING RESIDENTIAL SUBDIVISION OR LOT, THE WALL OR WALL AND BERM COMBINATION ARE NOT REQUIRED.

REQUIRED PLANT MATERIALS:

3,276 LINEAL FEET
5 TREES PER 100 LINEAL FEET = 164 TREES REQUIRED
18 SHRUBS PER 100 LINEAL FEET = 410 SHRUBS REQUIRED

BETTERMENT PLAN INCLUDES:
1.5 TIMES THE REQUIRED NUMBER OF TREES = 171 TREES PROVIDED
2 TIMES THE REQUIRED NUMBER OF SHRUBS = 820 SHRUBS PROVIDED

PLANT MATERIAL SIZES LARGER THAN MINIMUM REQUIREMENTS.
PLANT MATERIALS ARE 100% NATIVE.

PLANT SCHEDULE

NO.	QTY.	COMMON NAME	SCIENTIFIC NAME	SPECIES	NOTES
1	1	FLORIDA PINEAPPLE	DIET PHALLODENDRON	12' HGT. 4" DBH. 1" CAL.	NATIVE
2	1	MAGNOLIA GRANDIFLORA	SOUTHERN MAGNOLIA	12' HGT. 4" DBH. 1" CAL.	NATIVE
3	1	FLORIDA BURNING BUSH	FLORIDA BURNING BUSH	12' HGT. 4" DBH. 1" CAL.	NATIVE
4	1	FLORIDA YACONTH	FLORIDA YACONTH	12' HGT. 4" DBH. 1" CAL.	NATIVE
5	1	FLORIDA YACONTH	FLORIDA YACONTH	12' HGT. 4" DBH. 1" CAL.	NATIVE
6	1	FLORIDA YACONTH	FLORIDA YACONTH	12' HGT. 4" DBH. 1" CAL.	NATIVE
7	1	FLORIDA YACONTH	FLORIDA YACONTH	12' HGT. 4" DBH. 1" CAL.	NATIVE
8	1	FLORIDA YACONTH	FLORIDA YACONTH	12' HGT. 4" DBH. 1" CAL.	NATIVE
9	1	FLORIDA YACONTH	FLORIDA YACONTH	12' HGT. 4" DBH. 1" CAL.	NATIVE
10	1	FLORIDA YACONTH	FLORIDA YACONTH	12' HGT. 4" DBH. 1" CAL.	NATIVE
11	1	FLORIDA YACONTH	FLORIDA YACONTH	12' HGT. 4" DBH. 1" CAL.	NATIVE
12	1	FLORIDA YACONTH	FLORIDA YACONTH	12' HGT. 4" DBH. 1" CAL.	NATIVE
13	1	FLORIDA YACONTH	FLORIDA YACONTH	12' HGT. 4" DBH. 1" CAL.	NATIVE
14	1	FLORIDA YACONTH	FLORIDA YACONTH	12' HGT. 4" DBH. 1" CAL.	NATIVE
15	1	FLORIDA YACONTH	FLORIDA YACONTH	12' HGT. 4" DBH. 1" CAL.	NATIVE
16	1	FLORIDA YACONTH	FLORIDA YACONTH	12' HGT. 4" DBH. 1" CAL.	NATIVE
17	1	FLORIDA YACONTH	FLORIDA YACONTH	12' HGT. 4" DBH. 1" CAL.	NATIVE
18	1	FLORIDA YACONTH	FLORIDA YACONTH	12' HGT. 4" DBH. 1" CAL.	NATIVE
19	1	FLORIDA YACONTH	FLORIDA YACONTH	12' HGT. 4" DBH. 1" CAL.	NATIVE
20	1	FLORIDA YACONTH	FLORIDA YACONTH	12' HGT. 4" DBH. 1" CAL.	NATIVE

ALL PLANT MATERIALS ARE 100% NATIVE.
LANDSCAPE ARCHITECT TO APPROVE FINAL LOCATIONS, SIZES, AND SPECIES OF ALL PLANT MATERIALS.
ALL PLANT MATERIALS TO BE 100% NATIVE AND 100% SPECIES NOTED ON THE PLAN.

RECEIVED
FEB 17 2005
COUNTY DEVELOPMENT
FEB 17 2005
SCALE IN FEET
0 50 100 200
NOT FOR CONSTRUCTION

REVISIONS

NO.	DESCRIPTION	DATE
1	REVISED FOR COUNTY COMMENTS	9-13-04
2	REVISED FOR COUNTY COMMENTS	1-11-05

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

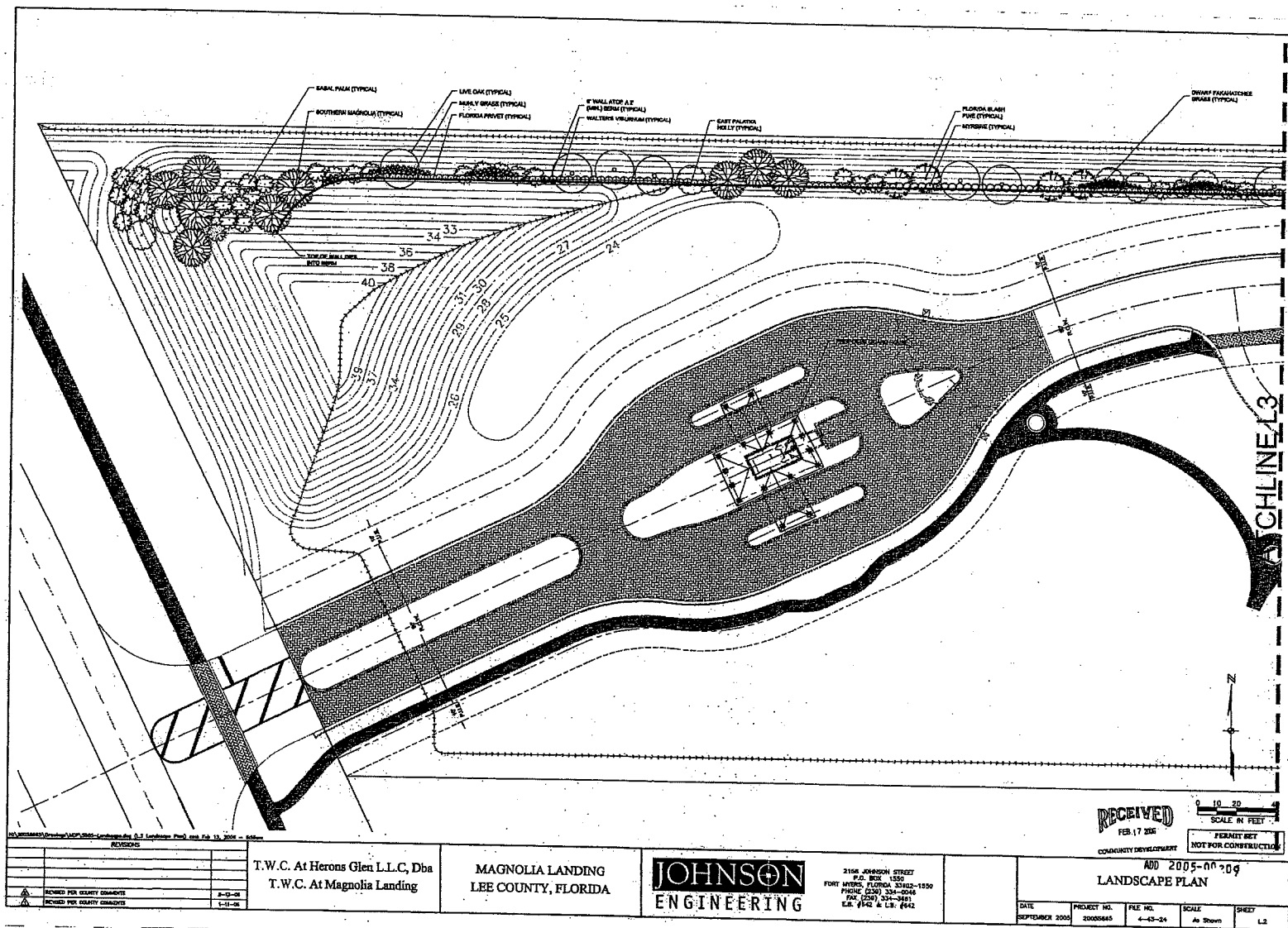
MAGNOLIA LANDING
LEE COUNTY, FLORIDA

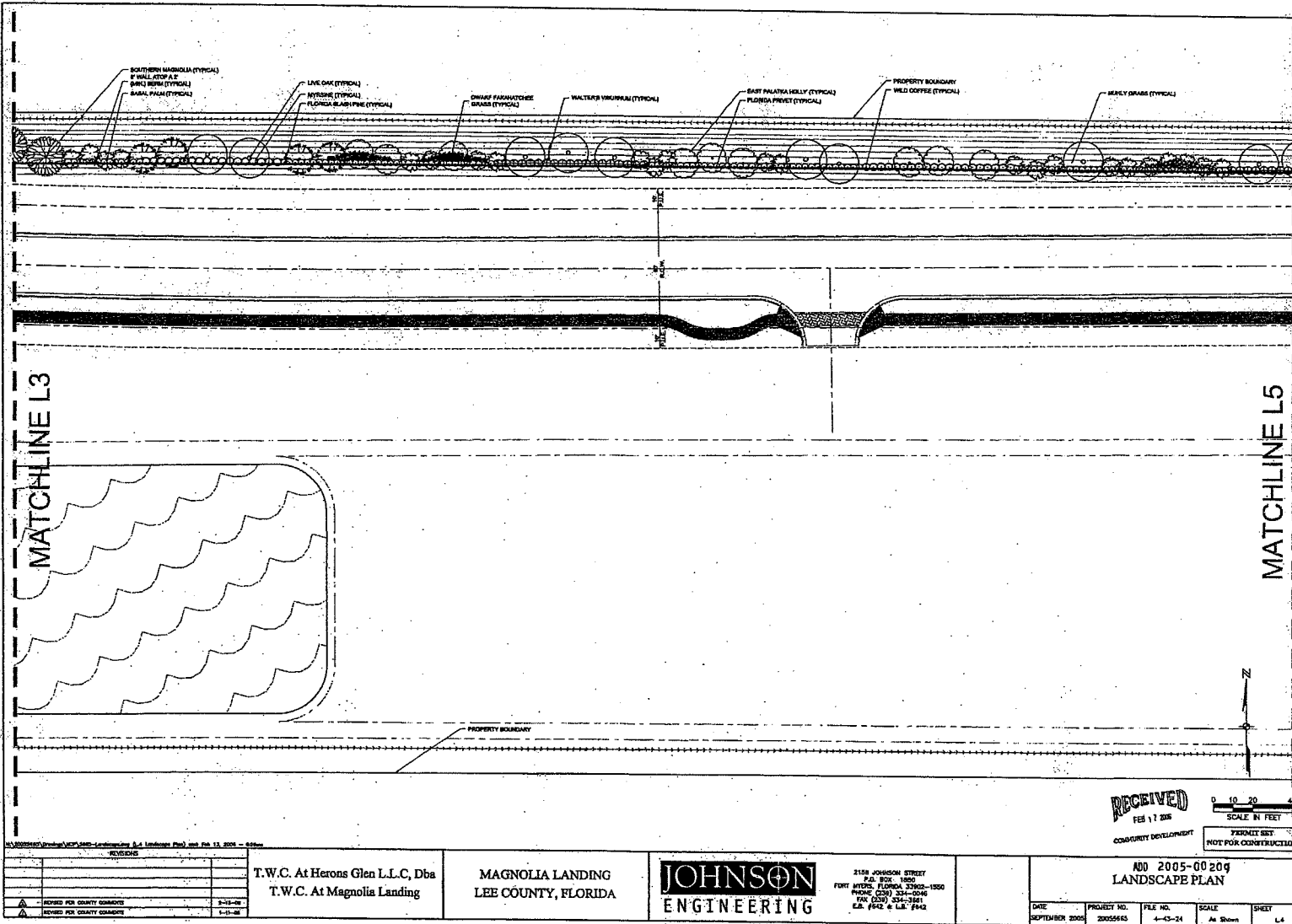
JOHNSON
ENGINEERING

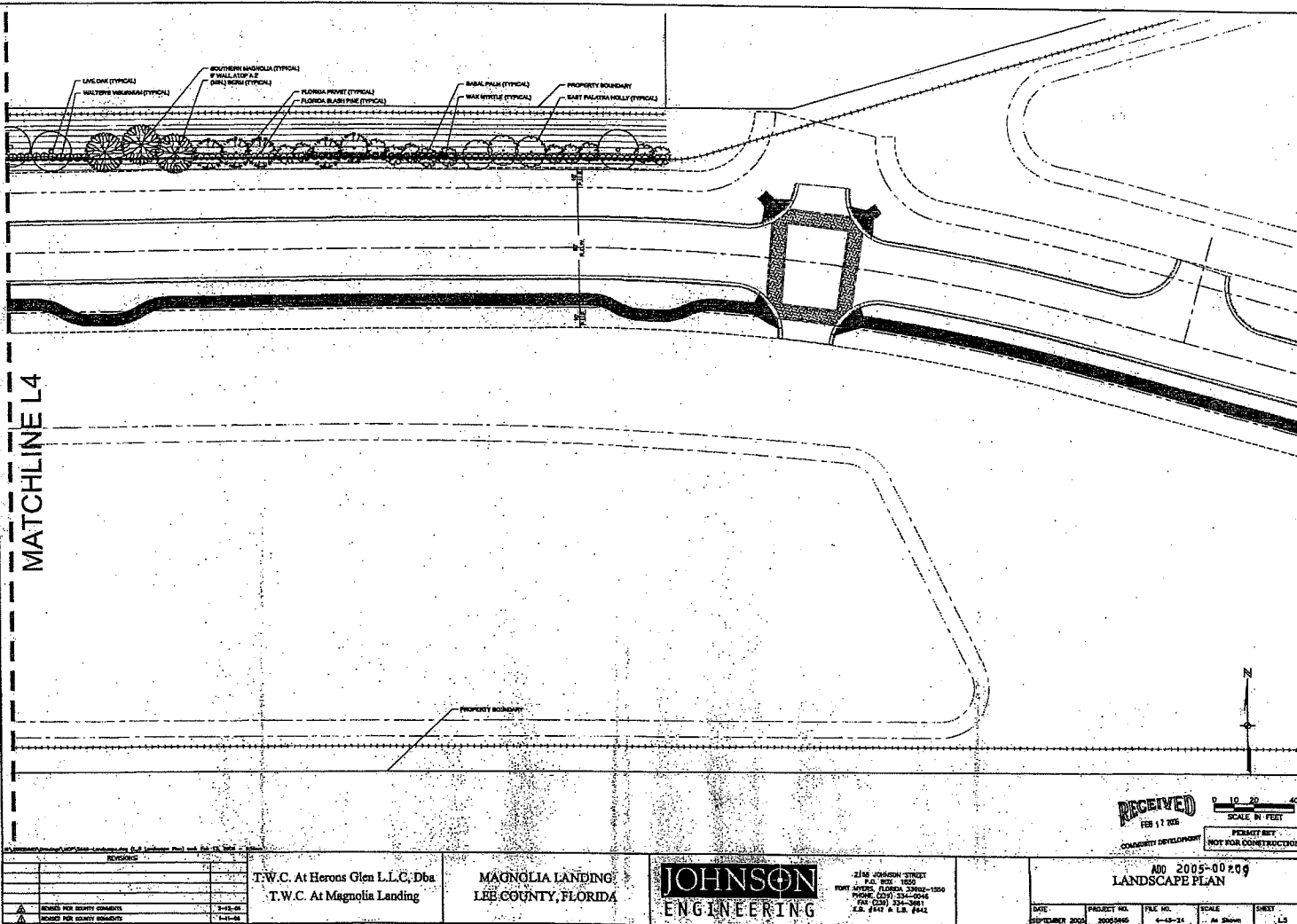
2150 JOHNSON STREET
P.O. BOX 1550
FORT WORTH, TEXAS 76101-1550
PHONE (817) 334-0048
FAX (817) 334-0048
E.S. #542 & L.S. #542

ADD 2005-00205
MASTER LANDSCAPE PLAN

DATE	PROJECT NO.	FILE NO.	SCALE	SHEET
SEPTEMBER 2005	20055685	4-43-24	As Shown	L1







MATCHLINE L4

- LIVE OAK (TYPICAL)
- SOUTHERN MAGNOLIA (TYPICAL)
- FLORIDA PRIVET (TYPICAL)
- FLORIDA BLAUETREE (TYPICAL)
- WAX MYRTLE (TYPICAL)
- PROPERTY BOUNDARY
- WAX PALM (TYPICAL)
- WAX SPYRDE (TYPICAL)
- SANT PALATKA HOLLY (TYPICAL)

REVISIONS	DATE
REVISED PER COUNTY COMMENTS	2-15-06
REVISED PER COUNTY COMMENTS	1-11-06

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

MAGNOLIA LANDING
LEE COUNTY, FLORIDA

JOHNSON
ENGINEERING

2140 JOHNSON STREET
P.O. BOX 1800
FORT MYERS, FLORIDA 33902-1800
PHONE (239) 334-2946
FAX (239) 334-2981
E.R. #442 & L.R. #442

ADMINISTRATIVE AMENDMENT (PD) ADD2005-00209

ADMINISTRATIVE AMENDMENT
LEE COUNTY, FLORIDA

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, DC1964597 (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: _____

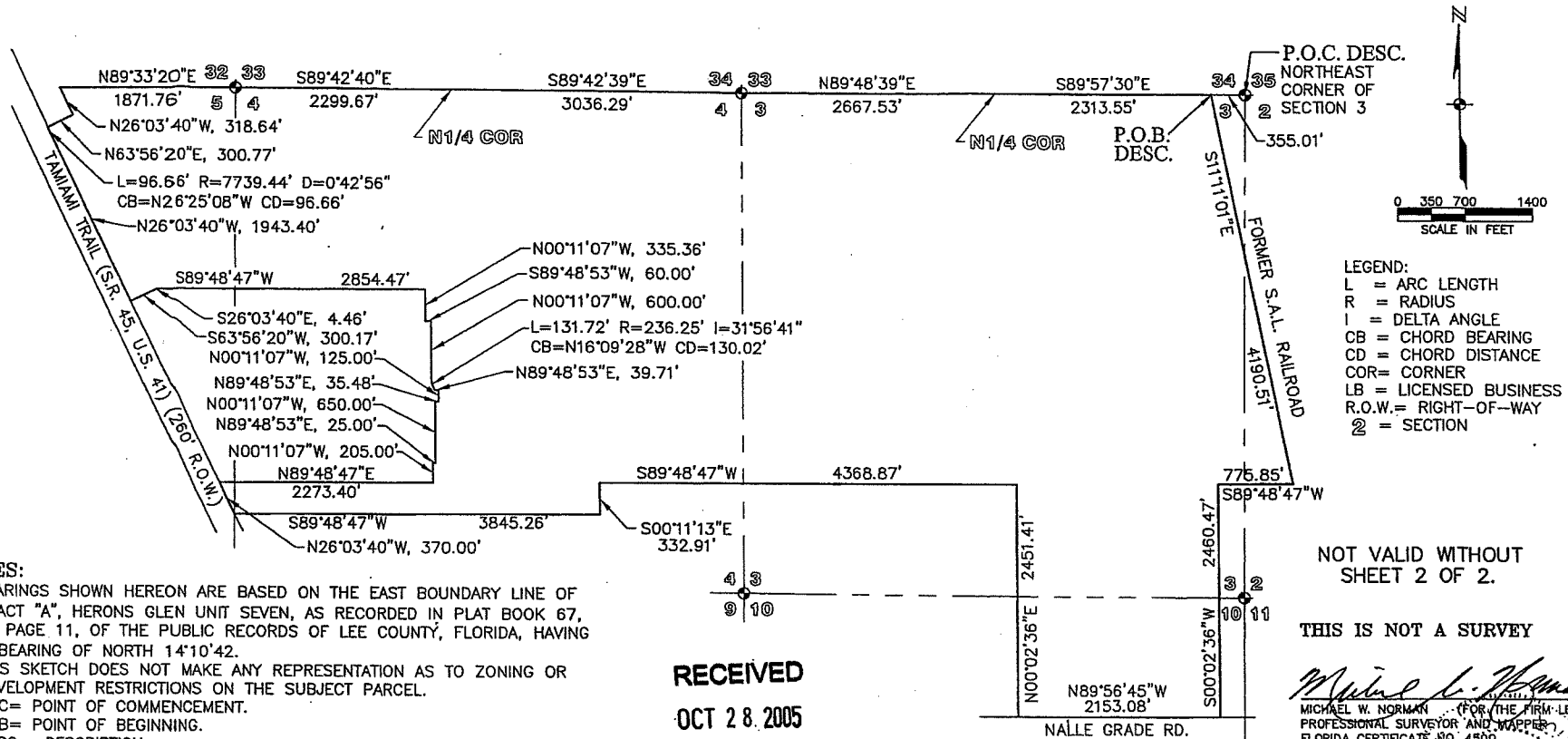
Pam Houck
Pam Houck, Director
Division of Zoning
Department of Community Development

ADD 2009-00054

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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. POC= POINT OF COMMENCEMENT.
4. POB= POINT OF BEGINNING.
5. DESC.= DESCRIPTION
6. PARCEL CONTAINS 50,133,377 SQUARE FEET (1150.904 ACRES) MORE OR LESS.
7. DESCRIPTION ATTACHED, SEE SHEET 2 OF 2.

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OCT 28 2005

ZONING

ADD 2005-00209

HERONS GLEN BOUNDARY

JOHNSON
 ENGINEERING

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

SKETCH TO ACCOMPANY DESCRIPTION

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



October 28, 2005

SHEET: 2 OF 2

LEGAL DESCRIPTION BOUNDARY OF HERONS GLEN

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

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

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

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

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

ADD 2005-00209

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OCT 28 2005

ZONING

Applicant's Legal Checked

by AM 28 OCT 05

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JUL 21 2009

ADD 2009-00054

UTILITIES PROVIDING SERVICE:

WATER:

LEE COUNTY UTILITIES
1550 MONROE STREET
FORT MYERS, FLORIDA 33902
PHONE (239) 478-8181

SEWER:

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

TELEPHONE:

SPRINT
2850 CARGO STREET
FORT MYERS, FLORIDA 33916
PHONE (239) 336-2117 (TOLL DELIVER)

ELECTRIC:

LEE COUNTY ELECTRIC CO-OP
4000 BAYLINE DRIVE
NORTH FORT MYERS, FLORIDA 33917-3810
PHONE (239) 656-2154 (TOLL FREE)

CABLE TELEVISION:

TWC WARNER CABLE
1418 SE 10TH STREET
CAPE CORAL, FLORIDA 33990
PHONE (239) 772-2218 EXT. 120
(NABLO RODRIGUEZ)

GARBAGE COLLECTION:

ONIX WASTE SERVICES
17701 PINE RIDGE ROAD SW
FORT MYERS BEACH, FL 33939
PHONE (239) 334-1224

FIRE CONTROL/DISTRICT:

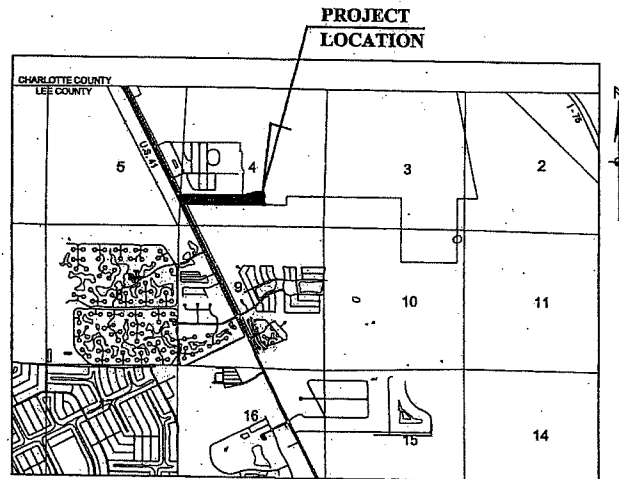
NORTH FORT MYERS FIRE CONTROL
AND RESCUE SERVICE DISTRICT
P.O. BOX 5867
NORTH FORT MYERS, FLORIDA 33916
PHONE (239) 731-1931

INDEX OF PLANS

SHEET NO.	DESCRIPTION
1	COVER
2	AERIAL MAP
3	APPROVED MASTER CONCEPT PLAN
4	REVISED MASTER CONCEPT PLAN FOR AA (REALIGN ROAD, SALES CENTER BUFFER)
L.1	MASTER LANDSCAPE PLAN
L.2	LANDSCAPE PLAN
L.3	LANDSCAPE PLAN
L.4	LANDSCAPE PLAN
L.5	LANDSCAPE PLAN
L.6	LANDSCAPE DETAILS AND NOTES

APPLICATION FOR ADMINISTRATIVE ACTION FOR MAGNOLIA LANDING

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



LOCATION MAP

0 2000 4000

SCALE IN FEET

OCTOBER, 2005

REVISED

JANUARY 2006

FEBRUARY 2006

DEVELOPER

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

OWNER

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

STRAP NUMBER

04-43-24-00-00003.0040
04-43-24-00-00003.1000
04-43-24-00-00003.1010
04-43-24-00-00003.1020

SIZE OF PARCEL

1150.9 ACRES

ZONING

RPD

APPROVED

Reviewed by
Master Planning Plan
Subject to Use of ADP 2005-00204
Date: 01/02/06

JOHNSON
ENGINEERING

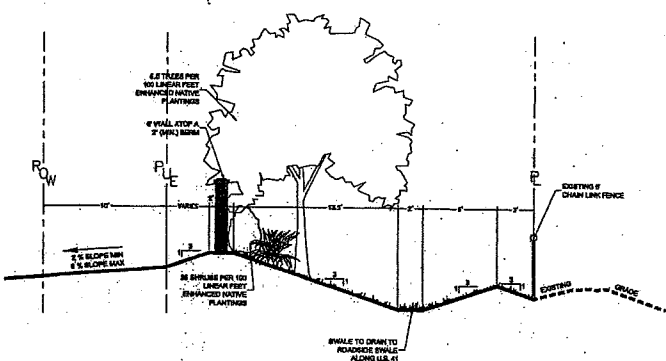
2108 JOHNSON STREET
P.O. BOX 1550
FORT MYERS, FLORIDA 33902-1550
PHONE (239) 334-0046
FAX (239) 334-3681
C.B. #542 & L.B. #642

ADP 2005-00209

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COMMUNITY DEVELOPMENT

SHEET
1



LDC 10-146 (D) (6) IF ROADS, DRIVE, OR PARKING AREAS ARE LOCATED LESS THAN 12 FEET FROM AN EXISTING RESIDENTIAL SUBDIVISION OR RESIDENTIAL LOT, A SOLID WALL OR COMBINATION BERM AND SOLID WALL NOT LESS THAN EIGHT FEET IN HEIGHT MUST BE CONSTRUCTED NOT LESS THAN 25 FEET FROM THE ADJUTING PROPERTY AND LANDSCAPED (BETWEEN THE WALL AND THE ADJUTING PROPERTY). WITHIN AN ORNATIVE TREES AND 18 SHRUBS PER 100 LINEAL FEET. WHEN RESIDENTIAL LOT IS BEING CONSTRUCTED BETWEEN THE ROAD, DRIVE OR PARKING AREA AND THE EXISTING RESIDENTIAL SUBDIVISION OR LOTS, THE WALL OR WALL AND BERM COMBINATION ARE NOT REQUIRED.

2,275 LINEAR FEET
5 TREES PER 100 LINEAR FEET
18 SHRUBS PER 100 LINEAR FEET

= 114 TREES REQUIRED
= 410 SHRUBS REQUIRED

1.6 TIMES THE REQUIRED NUMBER OF TREES = 171 TREES PROVIDED
2 TIMES THE REQUIRED NUMBER OF SHRUBS = 820 SHRUBS PROVIDED

10

REF	DOT	CONTRACT NAME	OWNER NAME	SPRCS	STATUS
		TILES			
1	18	ASPH/FLYTSH/SHED	BART PALLAS MOLEY	18 WFT, 0" SPL, 2' GAL	ACTIVE
2	18	ASPH/FLYTSH/SHED	ANDREWS MANUELLA	18 WFT, 0" SPL, 2' GAL FALL TO SPRING	ACTIVE
3	18	PAVILION ELASTIC VERMEX	FLORIAN BLANKENHORN	14 WFT, 0" SPL, 2' GAL	ACTIVE
4	17	FLORIAN VERMEX	LAND AG	14 WFT, 0" SPL, 0" GAL	INACTIVE
5	12	ASPH/FLYTSH/SHED	SANAL PALLAS	18 WFT SPRING ON 1C, 18, 20, 22 MAYO SPRING	ACTIVE
6	18	FLORIAN VERMEX	FLORIAN BLANKENHORN	24 WFT, 2" GAL, 20" DC	INACTIVE
7	18	FLORIAN VERMEX	HEART VERMEX	18" X 12", 18" SPL, 20" DC	ACTIVE
8	18	FLORIAN VERMEX	BOVE KATHELE	48" X 12", 18" SPL, 20" DC	ACTIVE
9	18	FLORIAN VERMEX	WILLIAMS VERMEX	48" X 12", 18" SPL, 20" DC	ACTIVE
10	18	FLORIAN VERMEX	BOVE KATHELE	48" X 12", 18" SPL, 20" DC	ACTIVE
11	18	FLORIAN VERMEX	BOVE KATHELE	48" X 12", 18" SPL, 20" DC	ACTIVE
12	18	FLORIAN VERMEX	BOVE KATHELE	48" X 12", 18" SPL, 20" DC	ACTIVE
13	18	FLORIAN VERMEX	BOVE KATHELE	48" X 12", 18" SPL, 20" DC	ACTIVE
14	18	FLORIAN VERMEX	BOVE KATHELE	48" X 12", 18" SPL, 20" DC	ACTIVE
15	18	FLORIAN VERMEX	BOVE KATHELE	48" X 12", 18" SPL, 20" DC	ACTIVE
16	18	FLORIAN VERMEX	BOVE KATHELE	48" X 12", 18" SPL, 20" DC	ACTIVE
17	18	FLORIAN VERMEX	BOVE KATHELE	48" X 12", 18" SPL, 20" DC	ACTIVE
18	18	FLORIAN VERMEX	BOVE KATHELE	48" X 12", 18" SPL, 20" DC	ACTIVE
19	18	FLORIAN VERMEX	BOVE KATHELE	48" X 12", 18" SPL, 20" DC	ACTIVE
20	18	FLORIAN VERMEX	BOVE KATHELE	48" X 12", 18" SPL, 20" DC	ACTIVE
21	18	FLORIAN VERMEX	BOVE KATHELE	48" X 12", 18" SPL, 20" DC	ACTIVE
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23	18	FLORIAN VERMEX	BOVE KATHELE	48" X 12", 18" SPL, 20" DC	ACTIVE
24	18	FLORIAN VERMEX	BOVE KATHELE	48" X 12", 18" SPL, 20" DC	ACTIVE
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26	18	FLORIAN VERMEX	BOVE KATHELE	48" X 12", 18" SPL, 20" DC	ACTIVE
27	18	FLORIAN VERMEX	BOVE KATHELE	48" X 12", 18" SPL, 20" DC	ACTIVE
28	18	FLORIAN VERMEX	BOVE KATHELE	48" X 12", 18" SPL, 20" DC	ACTIVE
29	18	FLORIAN VERMEX	BOVE KATHELE	48" X 12", 18" SPL, 20" DC	ACTIVE
30	18	FLORIAN VERMEX	BOVE KATHELE	48" X 12", 18" SPL, 20" DC	ACTIVE
31	18	FLORIAN VERMEX	BOVE KATHELE	48" X 12", 18" SPL, 20" DC	ACTIVE
32	18	FLORIAN VERMEX	BOVE KATHELE	48" X 12", 18" SPL, 20" DC	ACTIVE
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35	18	FLORIAN VERMEX	BOVE KATHELE	48" X 12", 18" SPL, 20" DC	ACTIVE
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37	18	FLORIAN VERMEX	BOVE KATHELE	48" X 12", 18" SPL, 20" DC	ACTIVE
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54	18	FLORIAN VERMEX	BOVE KATHELE	48" X 12", 18" SPL, 20" DC	ACTIVE
55	18	FLORIAN VERMEX	BOVE KATHELE	48" X 12", 18" SPL, 20" DC	ACTIVE
56	18	FLORIAN VERMEX	BOVE KATHE		

1. ALL PLANT NAMES ARE MINIMUM.
2. LANDSCAPE ARCHITECT TO APPROVE FINAL LOCATIONS, SIZE, AND SPECIES OF ALL PLANT MATERIAL.
3. ALL TREE HEIGHTS TO BE SHOWN AND PLANNED OR OTHERWISE NOTED ON THE PLANS.

0 50 100 200
SCALE IN FEET

COMMUNITY DEVELOPMENT

ADD 2005-00209
MASTER LANDSCAPE PLAN

DATE	PROJECT NO.	FILE NO.	SCALE	SHEET
SEPTEMBER 2005	20055665	4-43-24	As Shown	L-1

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

MAGNOLIA LANDING
LEE COUNTY, FLORIDA

JOHNSON ENGINEERING

2158 JOHNSON STREET
P.O. BOX 1550
FORT MYERS, FLORIDA 33902-1550
PHONE (239) 334-0046
FAX (239) 334-3881
E.B. #642 & L.B. #642

H:\Journals\Growth\JGP\JGP1 - Landscaping (L. J. Miller Landscaping Inc) on Feb 13, 2004 - 2:45pm

REVISIONS		
▲	REVISED PER COUNTY COMMENTS	2-12-08
▲	REVISED PER COUNTY COMMENTS	2-11-08

