GIS Tracking Sheet

Case No.:	
Intake Date:	
DC/2011-60629 Project Name:	**
STRAP Number(s):	
Planner Name: Ext.	
LEGAL DESCRIPTION VERIFICATION and INITIAL GIS MAPPING	9
Date: INTAKE:	
LEGAL SUFFICIENT - YES - NO initials:	•
If not, give brief explanation:	,
	,
	·
MAP UPDATE following FINAL ACTION	
Date:	*
☐ Hearing Examiner Decision ☐ Board of County Commissioner's F	Resolution
☐ Administrative Approval ☐ Blue Sheet	
Zoning Notes:	
12/20/11	
MAP UPDATED BYES DNO Initials:	
not, give brief explanation:	*





BOARD OF COUNTY COMMISSIONERS

John E. Manning District One

A. Brian Bigelow District Two

Ray Judah District Three

District Three

District Four Frank Mann District Five

Karen B. Hawes County Manager

Michael D. Hunt County Attorney

Diana M. Parker County Hearing Examiner November 22, 2011

JENNIFER M. SHEPPARD BANKS ENGINEERING, INC. 10511 SIX MILE CYPRESS PKWY SUITE 101

ET MVEDS

FT MYERS FL 33912 Re: HERITAGE ISLE

BCCR11-10-01 Extension (F)

DCI2011-00029

Dear JENNIFER M. SHEPPARD:

In accord with BCCR11-10-01, development permits meeting certain criteria are entitled to one 4-year extension from the existing/initial permit expiration date. Accordingly, the effectiveness of the Master Concept Plan identified in Zoning Resolution, Z-06-094, DCI2011-00029, HERITAGE ISLE, is hereby extended for the following:

APPROVAL OF A 4-YEAR EXTENSION FROM JANUARY 29, 2012 TO JANUARY 29, 2016 FOR HERITAGE ISLE.

No additional extensions under BCCR11-10-01 may be granted for the above-referenced development permit. All underlying conditions of the zoning resolution remain in full force and effect. Failure to comply with zoning conditions may result in enforcement action as provided under Florida law and local regulations.

This extension applies only to the specific approvals identified above. If your project requires additional development permits or authorizations to continue construction, you are required to obtain the necessary approvals, including related permit extensions. If you hold other permits or authorizations that qualify for an extension under BCCR11-10-01, you must file a specific request for each qualifying development permit.

If you have any questions, please do not hesitate to contact me.

Sincerely,

Department of Community Development

Division of Zoning

Pam Houck

Director



Professional Engineers, Planners & Land Surveyors

DCI 2011-00029

November 2, 2011

Lee County Community Development 1500 Monroe Street Fort Myers, Florida 33901

Reference:

06462401000100000 PERMIT EXTENSION REQUEST

HERITAGE ISLE

DCI2006-00014 (Z-06-094)

To Whom It May Concern:

Please accept this letter as a request for a four (4) year extension for the Heritage Isle Zoning as referenced above, pursuant to Lee County Resolution No. 11-10-01. The zoning was issued on January 27, 2007 which falls within the required date range of between January 2, 2006 and June 12, 2012.

Attached please find attached a check in the amount of \$200.00 for the requested extension. Please do not hesitate to contact me if you have any questions or require further information.

Sincerely,

BANKS ENGINEERING

Jennifer M. Sheppard Permitting Coordinator

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

WHEREAS, an application was filed by the property owner, US Home, a Lennar Company, to rezone 44.24± acres from Commercial Planned Development (CPD) to Residential Planned Development (RPD), in reference to Heritage Isle RPD; and,

WHEREAS, a public hearing was advertised and held on November 2, 2006, before the Lee County Zoning Hearing Examiner, who gave full consideration to the evidence in the record for Case #DCI2006-00014; and

WHEREAS, a second public hearing was advertised and held on January 29, 2007, 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 rezone 44.24± acres from CPD to RPD to permit a maximum of 440 multi-family dwelling units with a maximum height of 4 stories/55 feet. It is the intent of the applicant to connect to potable water and central sewer as part of any development of this property. No development blasting is requested. The property is located in the Central Urban Future Land Use Category and is 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).

The development of this project must be consistent with the 2-page Master Concept Plan (MCP) entitled "Heritage Isle Master Concept Plan Lee County," last revised January 31, 2007, prepared by Heidt & Associates, stamped "RECEIVED FEB 06 2007 COMMUNITY DEVELOPMENT" and attached hereto as Exhibit "C," except as modified by the conditions below.

This development must comply with all requirements of the 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 MCP are subsequently pursued, appropriate approvals will be necessary.

Maximum Number of Dwelling Units: 440

CASE NO: DCI2006-00014

2. The following Limits apply to the project and uses:

a. Schedule of Uses

Accessory Uses and Structures

Administrative Office

Bulkhead Seawall, as shown on the approved master concept plan.

Clubhouse, private

LIMITED TO AMENITY CENTER AS SHOWN ON THE

APPROVED MCP

Dwelling Units, multi-family or townhouse - 440 maximum

Entrance Gates and Gatehouse

Essential Services

Essential Service Facilities, Group 1

Excavation, Water Retention - not to include the removal of excavated material from the site. No blasting.

Fences and Walls

Home Occupation, No outside help.

Model Units - ALSO SEE MODEL UNIT/REAL ESTATE SALES CONDITION 7

Observation Pier

Parking Lot, Accessory

Real Estate Sales Office - ALSO SEE MODEL HOME/REAL ESTATE

SALES CONDITION 7

Recreational Facilities - Private, On-site only.

Residential Accessory Uses

Signs, in compliance with Lee County LDC Chapter 30

Temporary Uses, including construction trailer as shown on the approved master concept plan.

b. <u>Site Development Regulations</u>

Multi-Family

CASE NO: DCI2006-00014

Minimum Lot Areas and Dimensions

Lot Size:

10,000 square feet

Lot Width:

100 feet

Lot Depth:

100 feet

Minimum Setbacks

Street

20 feet, private roads, 25 feet minimum from

Pine Ridge Road.

Side Rear 7 feet 20 feet

Water body

20 feet

Accessory Setbacks: Per the LDC

Minimum Building Separation: 45 feet. Also see Deviation 6.

Minimum Perimeter Setbacks: 25 feet, or 50 feet from Residential Single-Family zoning if any building exceeds 45 feet in height.

Maximum Height: 4 stories/55 feet.

Maximum Lot Coverage: 45 percent

Townhouse

Minimum Lot Areas and Dimensions

Lot Size:

7,500 square feet

Lot Width:

37.5 feet

Lot Depth:

100 feet

Minimum Setbacks

Street

20 feet, private roads, 25 feet minimum from

Pine Ridge Road.

Side

10 feet from lot line, 20 feet between buildings

Rear

CASE NO: DCI2006-00014

20 feet

Water body

20 feet

Accessory Setbacks: Per the LDC

Minimum Building Separation: 20 feet. Also See Deviation 6

Minimum Perimeter Setbacks: 25 feet

Maximum Height: 2 stories/35 feet

Maximum Lot Coverage: 45 percent

Recreational Facility, Clubhouse, Amenity Center

Minimum Lot Areas and Dimensions

Lot Size:

40,000 square feet

Lot Width:

200 feet

Lot Depth:

200 feet

Minimum Setbacks

Street

20 feet

25 feet minimum from Pine Ridge Road.

Side

15 feet

Rear

CASE NO: DCI2006-00014

20 feet

Water body

20 feet

Accessory Setbacks: Per the LDC

Building Separation: 20 feet.

Perimeter Setbacks: 25 feet

Maximum Height: 1 story/35 feet

Maximum Lot Coverage: 60 percent

- 3. Approval of this zoning request does not address mitigation of the project's vehicular or pedestrian traffic impacts. Additional conditions consistent with the LDC may be required to obtain a local development order.
- 4. Approval of this zoning request does not guarantee local development order approval. Future development order approvals must satisfy the requirements of the Lee County Comprehensive Plan Planning Communities Map and Acreage Allocation Table, Map 16 and Table 1(b), be reviewed for, and found consistent with all other Lee County Comprehensive Plan provisions.
- 5. Approval of this rezoning does not constitute a finding that the proposed project meets the concurrency requirements set forth in LDC Chapter 2 and the Lee County Comprehensive Plan. The developer is required to demonstrate compliance with all concurrency requirements prior to issuance of a local development order.
- No development blasting is permitted as part of this project unless approved at a subsequent public hearing as an amendment to the planned development.

7. Model Units /Real Estate Sales:

- a. The number of model units will be limited to no more than 6 within the development at one time.
- Models cannot be of the same floor plan and each must be a distinctly different design.
- c. Real estate sales are limited to temporary sales trailers, model units, amenity sites, clubhouses, and real estate sales locations.
- d. Real estate sales will be limited to the sale of lots or units within the development only.
- e. Hours of operation for both models and real estate sales are limited to Monday through Sunday, 8:00 a.m. through 8:00 p.m.
- f. Model units and temporary real estate sales will be valid for a period of up to 3 years from the date of issuance of a certificate of occupancy of a model unit per §34-1954(d)(1).
- g. Dry models are prohibited.
- h. Model Homes, Model Display Centers and Model Display Groups are not a permitted use.
- 8. Accessory uses must be located on the same tract, parcel or outparcel where a principal use is located. Accessory uses must be incidental and subordinate to the principal use of the tract, parcel or outparcel.

9. ACCESS TO PINE RIDGE ROAD

- A. The approved MCP and local development order must depict a divided entrance to Pine Ridge Road that includes a median with two lanes on both sides of the median for ingress and egress.
- B. A minimum of one emergency entrance, as shown on the approved MCP, must be provided.
- C. Prior to issuance of a development order, the developer must provide written documentation from the Iona/McGregor Fire District indicating that these access points are acceptable and provide adequate access for emergency vehicles.

CASE NO: DCI2006-00014

10. ENHANCED BUFFER TO THE WEST

The 15-foot-wide enhanced Type "B" buffer along the western property line must consist of an 8-foot-high wall, with a minimum 12-foot (varying between a height of 12 feet and 20 feet) tall Oak Trees planted along the west side of the wall at a minimum of five trees per 100 feet, 3-foot-tall double staggered hedge row of shrubs planted along the outboard side of the wall three feet on center and minimum 10-foot-tall (clear trunk) Sabal Palms must be planted on the east side of the wall at a minimum of seven trees per 100 feet. Further, all Sabal Palms and Oak Trees required in this buffer must be provided from the existing indigenous trees on-site, which will result in a minimum of 70 percent of indigenous trees on-site being utilized in this buffer. Also, Sabal Palms in this buffer must be clustered in groups of a minimum of five palms of varying heights. All materials and the wall must be located in the eastern 7.5 feet of the 15-foot-wide buffer.

- 11. Upon approval of this zoning action, Zoning Resolution #Z-98-046 becomes null and void. However, the golf course and related accessory uses may continue until approval of a local development order for a residential development.
- 12. Prior to local development order approval, management plans meeting §10-474 criteria must be submitted for the Lee County Division of Planning / Environmental Sciences (ES) Staff review and approval for the following: alligators, snowy egrets, white ibis and wood storks.
- 13. Prior to local development order approval, all development order plans must delineate a minimum of 18.25 acres of common open space.
- 14. Prior to local development order approval, the development order plans must delineate all indigenous native trees to be preserved that meet the intent of §10-415(b)(1)(b).
- 15. Stormwater management area requirements:
 - A. Prior to local development order approval, the development order plans must delineate a sinuous lake design meeting the requirements of §10-418.
 - B. Prior to local development order approval, the development order plans must delineate bulkheads meeting the requirements of §10-418(3).

Z-06-094 Page 6 of 9

SECTION C. DEVIATIONS:

- (1) Deviation (1) Withdrawn by the Applicant.
- (2) Deviation (2) seeks relief from the §10-291(3) requirement that residential developments of more than five acres must provide more than one means of ingress or egress, to allow for one main access on Pine Ridge Road. The Applicant proposes a single, gated access on Pine Ridge Road similar to Heritage Pointe. The Applicant also proposes an emergency access on Pine Ridge Road. This deviation is APPROVED, SUBJECT TO the following conditions:
 - a. Approval is contingent upon compliance with Condition 9 above; and
 - A stub out of pavement and easement for a future interconnect with the property to the south be provided from the proposed internal road.
- (3) Deviation (3) seeks relief from the §34-2020(1)c.4. requirement that 1.5, 1.75 and 2 parking spaces per 1, 2 and 3-bedroom units, to permit multi-family or townhouses to have a minimum 1.5 parking spaces per unit plus 10 percent for guest parking. This deviation is APPROVED, SUBJECT TO the following conditions:
 - a. The parking plan must be largely consistent with the figures shown on the Table entitled "Condo Parking" on the MCP; and
 - b. Minor changes to this Table may be approved as an administrative amendment to the MCP (no public hearing required).
- (4) Deviation (4) Withdrawn by the Applicant.
- (5) Deviation (5) Withdrawn by the Applicant.
- (6) Deviation (6) seeks relief from the §34-935(e)(4) requirement of a minimum building separation of one-half of the height of the sum of the heights of the buildings or 20 feet, whichever is greater, to allow a 45-foot building separation for multi-family buildings (four stories/55 feet maximum height), and 20 feet for townhomes (two stories/35 feet maximum height). This deviation is APPROVED, SUBJECT TO the following condition:

Prior to issuance of a development order, the Developer must provide written documentation from the Iona/McGregor Fire District indicating that building separations are acceptable and provide adequate access for emergency vehicles and/or workers.

CASE NO: DCI2006-00014

(7) Deviation (7) - Withdrawn by the Applicant.

SECTION D. EXHIBITS AND STRAP NUMBER:

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

Exhibit A:

Legal description of the property

Exhibit B:

Zoning Map (with the subject parcel indicated)

Exhibit C:

The Master Concept Plan

The applicant has indicated that the STRAP number for the subject property is: 06-46-24-01-00010.0000

SECTION E. FINDINGS AND CONCLUSIONS:

- The applicant has proven entitlement to the rezoning by demonstrating compliance with the Lee Plan, the LDC, and any other applicable code or regulation.
- 2. The rezoning, as approved:
 - a. meets or exceeds all performance and locational standards set forth for the potential uses allowed by the request;
 - b. is consistent with the densities, intensities and general uses set forth in the Lee Plan;
 - is compatible with existing or planned uses in the surrounding area;
 - 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 rezoning satisfies the following criteria:
 - a. the proposed use or mix of uses is appropriate at the subject location;
 - 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.

Z-06-094 Page 8 of 9 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.

Commissioner Ray Judah made a motion to adopt the foregoing resolution, seconded by Commissioner Tammara Hall. The vote was as follows:

Robert P. Janes	Aye
Brian Bigelow	Aye
Ray Judah	Aye
Tammara Hall	Aye
Frank Mann	Aye

DULY PASSED AND ADOPTED this 29th day of January, 2007.

ATTEST:

CHARLIE GREEN, CLERK

Deputy Clerk

BY: Robert P. Janes, Chair

OF LEE COUNTY, FLORIDA

Approved as to form by:

John J. Fredyma

Assistant County Attorney County Attorney's Office

BOARD OF COUNTY COMMISSIONERS

RECEIVED
MINUTES OFFICE
2007 FEB 14 PM 3: 09

Banks Engineering

Professional Engineers, Planners & Land Surveyors FORT MYERS ♦ NAPLES ♦ SARASOTA

DESCRIPTION
OF A
PARCEL OF LAND
LYING IN
SECTION 06, TOWNSHIP 46 SOUTH, RANGE 24 EAST
LEE COUNTY, FLORIDA

LOTS 10 THRU 13 AND PART OF LOT 14, BLOCK 2, E.P. BATES PINE RIDGE TRUCK FARMS, ACCORDING TO THE PLAT THEREOF AS RECORDED IN PLAT-BOOK 3, PAGE 68, PUBLIC RECORDS OF LEE COUNTY, FLORIDA, LYING IN SECTION 6. TOWNSHIP 46 SOUTH, RANGE 24 EAST, LEE COUNTY, FLORIDA, DESCRIBED AS FOLLOWS:

COMMENCING AT THE SOUTHEAST CORNER OF THE AFORESAID SECTION 6; THENCE RUN N 01°39'25" W ALONG THE EAST LINE OF SAID SECTION 6 AND THE CENTERLINE OF PINE RIDGE ROAD (66 FEET WIDE) FOR 817.50 FEET; THENCE RUN S 89°04'19" W FOR 33.00 FEET TO THE WEST RIGHT-OF-WAY LINE OF PINE RIDGE ROAD AND THE POINT OF BEGINNING; THENCE S 88°59'31" W FOR 1290.49 FEET TO THE WEST LINE OF THE AFORESAID BLOCK 2; THENCE RUN N 01°33'55" W ALONG SAID WEST LINE FOR 1498.78 FEET TO A POINT ON THE SOUTH LINE OF RIDGEHILL SUBDIVISION AS RECORDED IN PLAT BOOK 33, PAGE 36, PUBLIC RECORDS OF LEE COUNTY, FLORIDA; THENCE RUN N 89°00'14" E ALONG SAID SOUTH LINE FOR 1285.97 FEET TO THE AFORESAID WEST RIGHT-OF-WAY LINE; THENCE RUN S 01°44'17" E ALONG SAID WEST RIGHT-OF-WAY LINE FOR 1498.54 FEET TO THE POINT OF BEGINNING.

PARCEL CONTAINS 44.32 ACRES MORE OR LESS

ASSUMED NORTH BASED ON THE EAST LINE OF THE SOUTHEAST QUARTER OF SECTION 6, TOWNSHIP 46 SOUTH, RANGE 24 EAST, LEE COUNTY, FLORIDA, AS BEARING S.01°44'17"E.

SUBJECT TO EASEMENTS, RESTRICTIONS, RESERVATIONS AND RIGHTS-OF-WAY OF RECORD.

DESCRIPTION PREPARED: 06-22-06

ROBERT SAD SIMESON REGISTERED LANGE SURVEYOR FLORIDAGER TIFICATION NO. 5559

> APPROVED LEGAL SIZ9164

RECEIVED
JUL 3 1 2006

PERMIT COUNTER

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10511 Six Mile Cypress Pkwy, Suite 101, Ft Myers, Florida 33912 • (239) 939-5490 • Fax (239) 939-2923

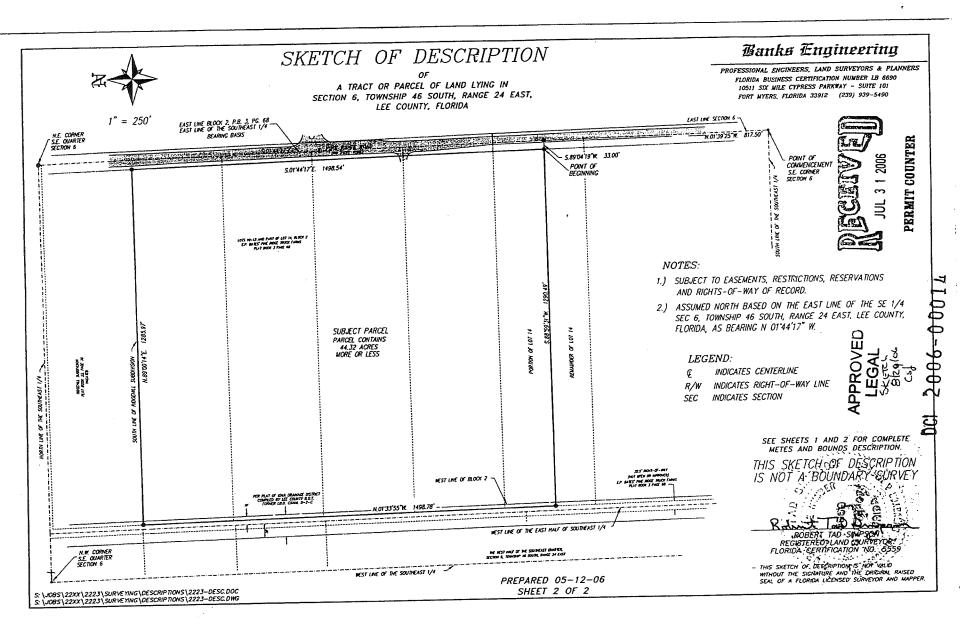
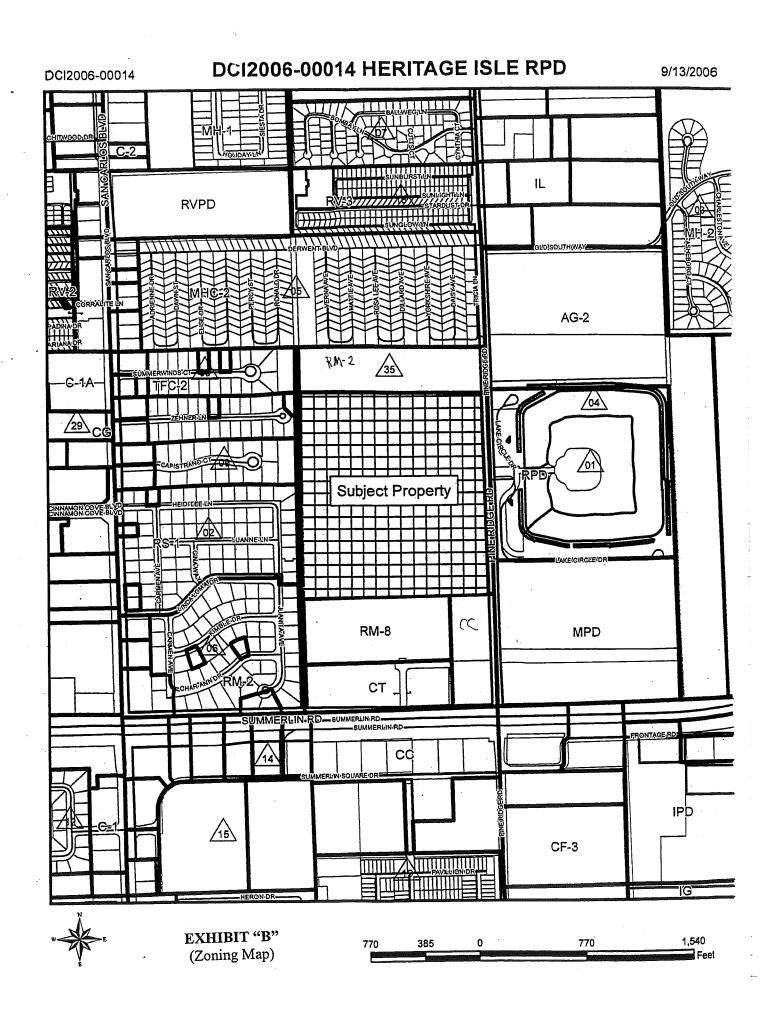
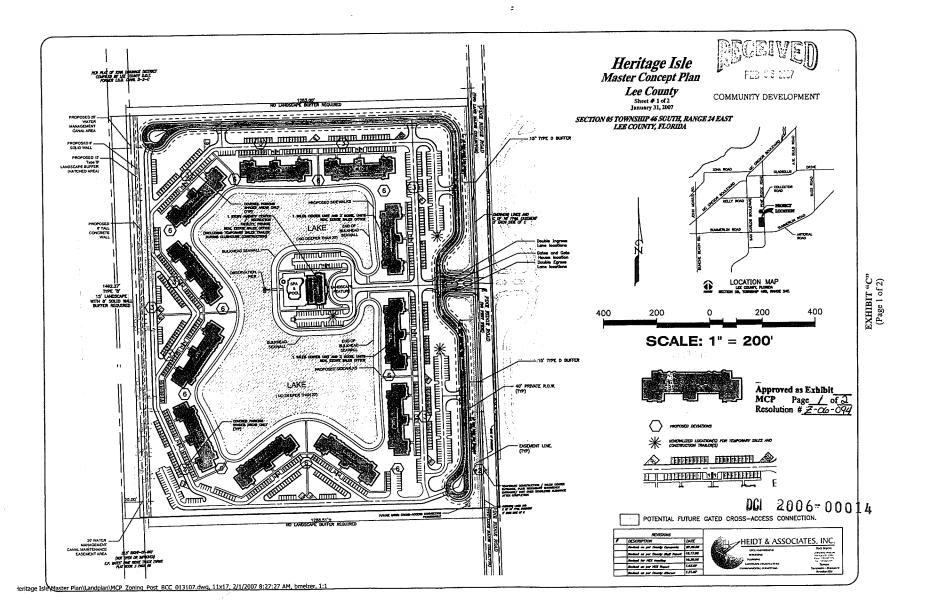


EXHIBIT "A" (Page 2 of 2)





Heritage Isle Notes and Details Lee County, Florida

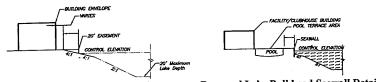
Sheet # 2 of 2 January 31, 2007



OPEN SPACE TABLE		
MULTIFAMILY & TOWN HOUSE RESIDENTIAL PLANTE PLANTE TOWN	44.24 AC±	
MINIMUM REQUIRED @ 40%	17.7 AC±	
OPEN SPACE AREAS		
PLUS ALLOWABLE LAKE AREAS (25% of 7.4 = 1.85 AC.)	4.42 AC±	
COMMON LANDSCAPE AREA OUT OF RIGHT OF WAYS,		
BUILDINGS, AND OUTSIDE LANDSCAPE AREA OF		
MULTIFAMILY BUILDINGS	13.83 AC±	
COCH SPACE PROMOED	18.25 AC ±	

CONDO PARKUNCI)	4.5	
Total Parking Required: (440 Units x 1.5 = 860) Total Guest Parking Required: (860 x 1054 = 86) Total Parking Required:	660 Spaces 66 Spaces 726 Spaces	
Total Condo Parking Provided: (Covered Parking) Total Guest Surface Parking Provided: Total Amenity Center Parking Provided:	440 Spaces 277 Spaces 71 Spaces	
Total Site Parking Provided:	788 Spaces	15' LANDSCAPE BUFFER
PER PLAT OF KINA DENTINGS DISTRICT COMPILED BY LEE COUNTY DATA. FORMER LOG. CAMUL D-2-C.	PROPOSED 20 WAINTENANCE EASEMENT	
1	DOS CAN	
National Page	İ	

Existing IDD Canal & Proposed Buffer Section not to scale



Proposed Lake Easement & Setbacks not to scale Proposed Lake Bulkhead Seawall Detail

scale not to scale

Approved as Exhibit
MCP Page 2 of 3
Resolution # Z-06-094

DCI 2006-00014



P:\Heritage kie\Master Plan\Landplan\MCP_Zoning_Post_BCC_013107.dwg, 24 x 36 Details-Notes, 2/1/2007 8:28:27 AM, bmelzer, 1:2.19062