



BOARD OF COUNTY COMMISSIONERS

Bob Janes District One

A. Brian Bigelow District Two

Ray Judah District Three

October 08, 2009

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David Owen County Atterney

Diana M. Paiker County Hearing Examiner STRICKLAND SMITH WALDROP ENGINEERING 28100 BONITA GRANDE DR

305

BONIYA SPRINGS FL 34135

HIDEAWAY COVE RPD

Senate Bill 360 Extension (F)

DCI2009-00035

Dear STRICKLAND SMITH:

In accord with Senate Bill 360 (SB360) and Lee County Resolution 09-06-22, development permits meeting certain criteria are entitled to one 2-year extension from the existing/initial permit expiration date. Accordingly, the effectiveness of the Master Concept Plan identified in Zoning Resolution Z-05-041, DCI2004-00064, HIDEAWAY COVE RPD, is hereby extended for the following:

From an expiration date of November 21, 2010 to November 21, 2012.

No additional extensions under SB360 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 SB360, 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

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

WHEREAS, the property owner, Estero Preserve, LLC., filed an application to rezone a 60± acre parcel from Agricultural (AG-2) to Residential Planned Development (RPD) in reference to Hideaway Cove RPD; and

WHEREAS, a public hearing was advertised and held on May 5, 2005 and June 14, 2005, before the Lee County Zoning Hearing Examiner, who gave full consideration to the evidence in the record for Case #DCl2004-00064; and

WHEREAS, a second public hearing was advertised and held on November 7, 2005 and continued to November 21, 2005, 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 a 60± acre parcel from AG-2 to RPD, to allow a residential development of 90 single family units, clustered on 32 acres; and 30 Transfer of Development Rights (TDR) units (from the 28 acres), in accordance with Ordinance 03-20, pertaining to Estero 60, CPA 2002-02. Maximum building height is 35 feet/two stories. Blasting is not a proposed activity. The property is located in the Outlying Suburban 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 five-page Master Concept Plan entitled "Hideaway Cove RPD," stamped received on February 9, 2006, last revised December 8, 2005, 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

CASE NO: DCI2004-00064

Z-05-041 Page 1 of 6



planned development. If changes to the Master Concept Plan are subsequently pursued, appropriate approvals will be necessary.

Of the 120 dwelling units authorized by Policy 1.1.6 of the Lee Plan, a maximum of 64 dwelling units may be developed on the 32 acres designated for development on the Master Concept Plan. The development rights for the remaining 30 dwelling units may only be utilized in accordance with Policy 1.1.6 of the Lee Plan.

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

a. Schedule of Uses

Accessory Uses and Structures (LDC §§ 34-1171 et seq., 34-2441 et seq., 34-1863, 34-2141 et seq., and 34-3108)

Clubs: Private (LDC §34-2111)

Dwelling Unit: Single-family detached

Entrance Gates and Gatehouse (LDC §34-1741 et seq.)

Essential Services (LDC §§ 34-1611 et seq., and 34-1741 et seq.)

Essential Service Facilities (LDC §34-622(c)(13): Group I; and LDC §§ 34-1611

et seq., 34-1741 et seq., and 34-2141 et seq.)

Excavation: Water Retention (LDC §34-1651)

Fences, Walls (LDC §34-1741)

Models: Model Home (LDC §34-1951 et seq.)

Real Estate Sales Office, (LDC §§ 34-1951 et seg., and 34-3021)

Residential Accessory Uses (LDC §34-622(c)(42)) (LDC §34-1171 et seg.)

Signs, in accordance with LDC Chapter 30

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

Development of the RPD will comply with the following Property Development Regulations:

Minimum Lot Area and Dimensions:

Area: 10,000 square feet Width: 100 feet

Depth: 100 feet

Minimum Setbacks:

Street: variable according to the functional classification of the

street or road (§34-2191 et seq.)

Side: 10 feet Rear: 20 feet

Water Body: 20 feet

Accessory Use and Structure setbacks must comply with LDC §§ 34-1171 et sea, and 34-2194.

Maximum Lot Coverage: 45 percent

Maximum Building Height: 35 Feet

All residential units still must comply with all local building code requirements at the time of permitting.

- 3. All accessory uses must be located on the same tract, parcel, outparcel, or lot where a principal use is located. Accessory uses must be incidental and subordinate to the principal use of the tract, parcel, outparcel, or lot.
- 4. Prior to local development order approval:
 - a. The development order plans must delineate the 28 acres of preserve in substantial compliance with the Master Concept Plan. The plans must also delineate a physical barrier between the preserve and any abutting lots with preserve signs placed at every other lot corner. The physical barrier may include, but is not limited to, a continuous double staggered hedge of native shrubs, a 3-foot-high berm, or a 4-foot-high fence to prevent encroachment of clearing or other such activities into the preserve; and
 - b. The development order plans must delineate a 20-foot-wide buffer between the proposed road and the adjacent Estero Scrub Preserve. The 20-foot-wide buffer must include at a minimum a 3-foot-high berm with a double staggered native hedge planted with a minimum 24-inch height, 3-gallon container size, shrubs to provide a physical barrier between the Estero Scrub Preserve and the proposed roadway to deter wildlife from entering the roadway; and
 - c. The proposed roadways must utilize valley gutters to prevent the trapping of wildlife within the roadways; and
 - d. At the time of the development order, a recorded Conservation Easement dedicated to Lee County and any other appropriate agency or land trust for the 28-acre preserve must be submitted. Passive recreation such as trails, picnic tables, benches, observation platforms, boardwalks, educational signage, and conservation activities, such as re-sloping of the existing borrow pit shoreline to provide a littoral shelf, hand-removal of invasive exotic vegetation, restoring existing trails/roadways to an appropriate native habitat, and management activities to maintain healthy ecosystems are allowed within the Conservation Easement upon review and approval from the Division of Environmental Sciences' Staff.
- 5. Prior to any site work, an appropriate gopher tortoise permit from the Florida Fish and Wildlife Conservation Commission and any associated receipts must be submitted to the Division of Environmental Sciences' (ES) Staff. Excavation of gopher tortoise burrows within the areas of impact must be coordinated with ES Staff, and all gopher

- tortoises and commensal species found must be moved to areas of appropriate habitat in the 28-acre preserve area.
- 6. Central sewer service is required for any development on this subject property.
- 7. The developer will be responsible for all improvements providing vehicular access to Pine Road.
- 8. No blasting activities are permitted as part of this planned development.
- 9. A walking path must be provided around the excavation for water retention.
- 10. Approval of this zoning request does not address mitigation of the project's vehicular or pedestrian traffic impacts. Additional conditions consistent with the Lee County LDC may be required to obtain a local development order.
- 11. 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 Allocations Table, Map 16 and Table 1(b).

SECTION C. DEVIATIONS:

- 1. Deviation (1) seeks relief from the LDC §10-710 requirement to provide 40 feet of width for a private local road with closed drainage, to allow a width of 35 feet. This deviation is APPROVED, SUBJECT TO the condition that each street is provided with one sidewalk and the sidewalk design must remain contiguous throughout the project.
- 2. Deviation (2) was withdrawn at public hearing.
- 3. Deviation (3) seeks relief from the LDC §34-2221(4)(c) requirement to provide lots located on cul-de-sacs to have street frontages less than the minimum required width provided the side lot lines are radial to the center point of the cul-de-sac with a minimum angle of 45 degrees, to allow non-radial side lot lines with no minimum angle. This deviation is APPROVED, SUBJECT TO the condition that it applies only to those specific lots as designed and designated on the approved Master Concept Plan. Otherwise, all lots within this development must comply with this Section of the LDC.
- 4. Deviation (4) seeks relief from the LDC §34-2 definition of lot width, to allow the use of flag lots as defined in LDC Chapter 10, where the minimum lot width along a public or private roadway may be reduced to a minimum of 15 feet. This deviation is APPROVED, SUBJECT TO the condition that it applies only to those specific lots shown on the approved Master Concept Plan. Otherwise, all lots within this development must comply with this Section of the LDC.

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 (subject parcel identified with shading)

Exhibit C: The Master Concept Plan

The applicant has indicated that the STRAP number for the subject property is: 20-46-25-01-00009.1020.

SECTION E. FINDINGS AND CONCLUSIONS:

- 1. 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; 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 rezoning 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.

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

Robert P. Janes Aye
Douglas R. St. Cerny Aye
Ray Judah Aye
Tammara Hall Aye
John E. Albion Aye

DULY PASSED AND ADOPTED this 21st day of November 2005.

ATTEST/ CHARLIE GREEN, CLERK

CHARLIE GREEN, CLERK

BOARD OF COUNTY COMMISSIONERS OF LEE COUNTY, FLORIDA

BY:____

Tammara Ha Chairwoman

Approved as to form by:

Dawn El Perry-Lehnert County Attorney's Office

MINUTES OFFICE

CASE NO: DCI2004-00064

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31.0MM

Z-05-041 Page 6 of 6

PROPERTY DESCRIPTION

A PARCEL OF LAND LOCATED IN SAN CARLOS GROVE TRACT AS RECORDED IN PLAT BOOK 4, PAGE 75 OF THE: PUBLIC RECORDS OF LEE COUNTY, FLORIDA, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

LOTS 6, 7, 8, 9, 10 AND 11, OF THAT CERTAIN SUBDIVISION KNOWN AS SAN CARLOS GROVE TRACT, ACCORDING TO THE MAP OR PLAT THEREOF ON FILE AND RECORDED IN THE OFFICE OF THE CIRCUIT COURT OF LEE COUNTY, FLORIDA, IN PLAT BOOK 4, PAGE 75. CONTAINING 60.324 ACRES, MORE OR LESS.

BEING MORE PARTICULARLY DESCRIBED BY METES AND BOUNDS AS:

BEGIN AT THE SOUTHWEST CORNER OF LOT 9 SAN CARLOS GROVE TRACT AS RECORDED IN PLAT BOOK 4, PAGE 75 OF THE PUBLIC RECORDS OF LEE COUNTY, FLORIDA, ALSO BEING THE SOUTHWEST CORNER OF THE SOUTHWEST QUARTER OF SECTION 20 TOWNSHIP 46 SOUTH, RANGE 25 EAST, THENCE RUN NORTH 00'27'05" EAST, ALONG THE WEST LINE OF THE SOUTHWEST QUARTER OF SAID SECTION 20, FOR A DISTANCE OF 1,324.37 FEET, THENCE CONTINUE NORTHERLY ALONG SAID LUK, FOR A DISTANCE OF 93.46 FEET, THENCE RUN SOUTH 89'53'59" EAST, ALONG THE NORTH LINE OF SAID LOT 6, FOR A DISTANCE OF 1,322.77 FEET TO THE NORTHEAST CORNER OF SAID LOT 6, FOR A DISTANCE OF 994.41 FEET TO THE SOUTHEAST CORNER OF SOUTH 89'53'9" WEST FOR A DISTANCE OF 994.41 FEET TO THE SOUTHEAST CORNER OF LOT 6 OF SAID SAN CARLOS GROVE TRACT; THENCE RUN NORTH 89'52'03" WEST, ALONG THE SOUTH 10'29'08" WEST FOR A DISTANCE OF 330.48 FEET; THENCE RUN SOUTH 00'29'08" WEST FOR A DISTANCE OF 1,325.62 FEET TO THE SOUTHEAST CORNER OF LOT 11 OF SAID SAN CARLOS GROVE TRACT; THENCE RUN NORTH 89'49'28" WEST FOR A DISTANCE OF 1,325.62 FEET TO THE SOUTHEAST CORNER OF LOT 11 OF SAID SAN CARLOS GROVE TRACT; THENCE RUN NORTH 89'49'28" WEST FOR A DISTANCE OF 1,325.62 FEET TO THE PARCEL OF LAND HEREIN DESCRIBED, CONTAINING 60.324 ACRES, MORE OR LESS.

NOTES

- BEARINGS SHOWN HEREON REFER TO THE SOUTHERLY LINE OF SHADY ACRES, REPLAT OF SAN CARLOS GROOK TRACT, W 1/2 OF LOT 4 PLAT BOOK 33, PAGE 98, AS BRING S 89'54'20' E.
- THIS PROPERTY IS SUBJECT TO EASEMENTS, RESERVATIONS AND OR RESTRICTIONS OF RECORD.

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- 3. DIMENSIONS SHOWN HEREON ARE IN FEET AND DECIMALS THEREOF.
- THIS SKETCH IS NOT COMPLETE UNLESS ACCOMPANIED BY SHEETS 2 AND 3.

SIGNED 3-2-05 SI

Applicant's Legal Checked

by Lgm 3/16/2005.

DCI 2004-000 64

LEGAL DESCRIPTION

Q. CRADY MINOR AND ASSOCIATES, P.A. SA CIVIL ENGINEERS * LAND SURVEYORS * PLANNERS SELORIDA 34134 SELORIDA 34134 SEL

NOT A SURVEY
SHEET: 1 OF 3
APPROVED: 22

PHONE: (239) 947-1144 FAX: (239) 947-0375 CERTIFICATE OF AUTHORIZATION NUMBER LB 5151

DRAWY: JC 10B CODE: D60

SCALE: N/A

LEAST SAN CARLOS GROVE TRACT - LOTS 6 THRU 11
PLAT BOOK 4, PAGE 75

134

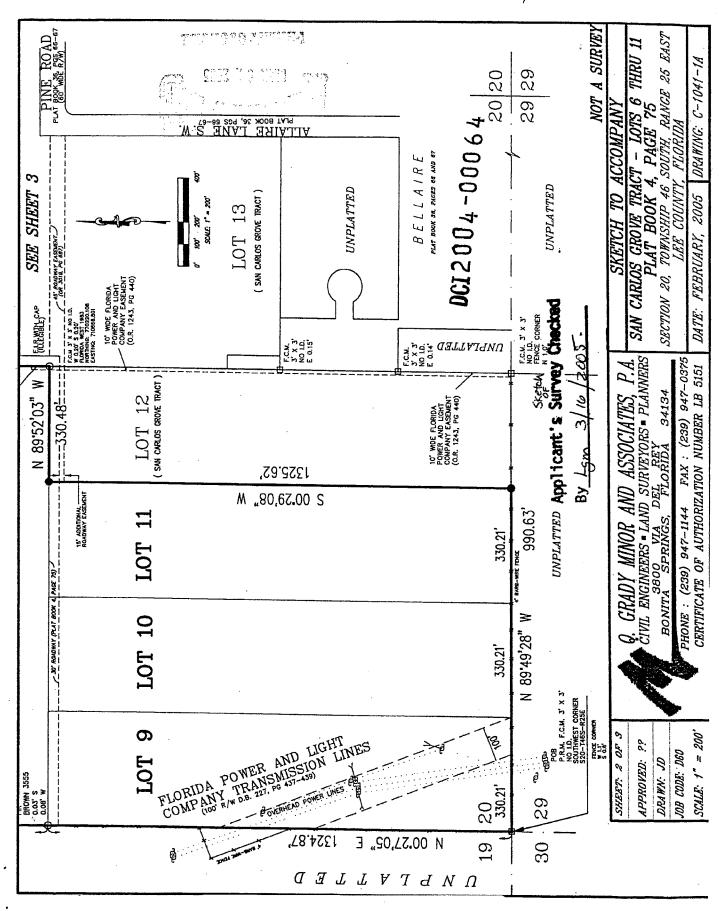
SECTION 20, TOWNSHIP 46 SOUTH, RANGE 25 EAST

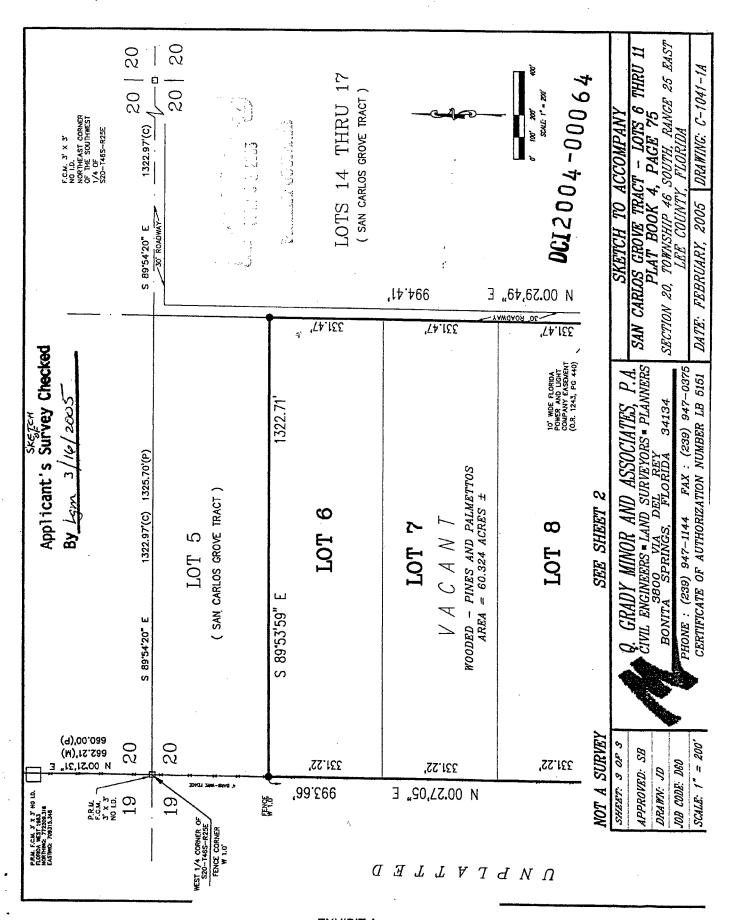
947-0375

LEE COUNTY, FLORIDA

LEE COUNTY, FLORIDA

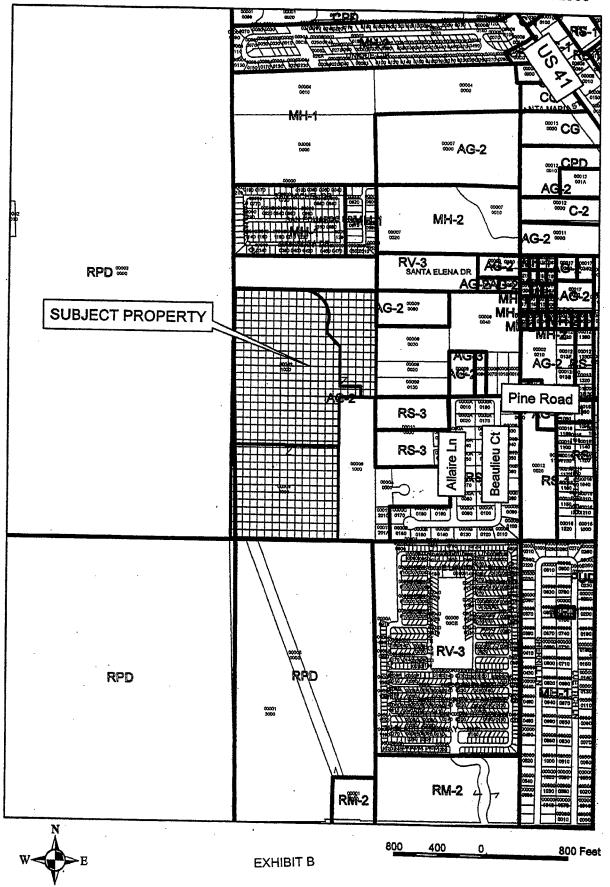
LEE COUNTY, FLORIDA





ZONING MAP

3/23/2005



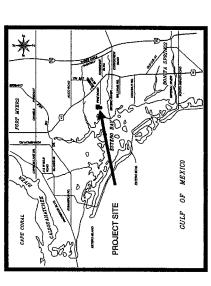
HIDEAWAY COVE RPD

LOCATED IN SECTION 20, TOWNSHIP 46 SOUTH, RANGE 25 EAST, ESTERO, LEE COUNTY, FLORIDA



OWNER/DEVELOPER

ESTERO PRESERVE LLC 8985 STAR TULIP COURT NAPLES, FLORIDA 34113



LOCATION MAP



INDEX OF EXHIBITS

DESCRIPTION

DWG. No.

- COVER SHEET AND INDEX OF EXHIBITS
 - MASTER CONCEPT PLAN GENERAL NOTES
- SOILS AND TOPOGRAPHIC MAP

AERIAL MAP

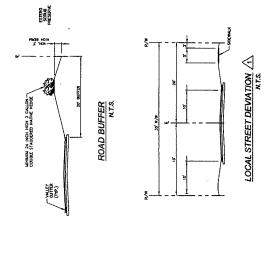
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MCP Page of S
Resolution # Z - 05-04

REVISIONS



DCI 2004-00064

DATE: AUGUST, 2004 FILE NAME: EGORPD COVR JOB CODE: EGORPD DRAWING NUMBER 1 OF 5



PLANNING SUMMARY

OUTLYING SUBURBAN AG-2, AGRICULTURE

EXISTING ZONING DESIGNATION: PLAN DESIGNATION: EXISTING LAND USE:

PROPOSED DESIGNATION: GROSS AREA:

STRAP NUMBER: STREET ADDRESS:

20-46-25-01-00009.1020 and 20-46-25-01-00009-0000 ADDRESS UNASSIGNED, 4800 PINE ROAD

RPD, RESIDENTIAL PLANNED DEVELOPMENT

60 ± ACRES VACANT

PUBLIC TRANSIT

THE PROPOSED PROJECT IS GREATER THAN A QUARTER MILE FROM BOOTS 105 MOT PLAN TO PROVIDE TRANSIT FACILITIES. A BUS STOP MAY BE CONSIDERED AT SUCH TIME THAT A LEE TRAN BUS ROUTE IS WITHIN A QUARTER MILE OF THE PROJECT ENTRANCE.

Appendig 6 Septimes MCP Page 2 on 5 Resolution #2-05 CH

DECEIVE FEB 0 9 2006

DCI 2004-00064

ESTERO PRESERVE, LLC 8985 STAR TULIP COURT NAPLES, FLORIDA 34113 DEVELOPER

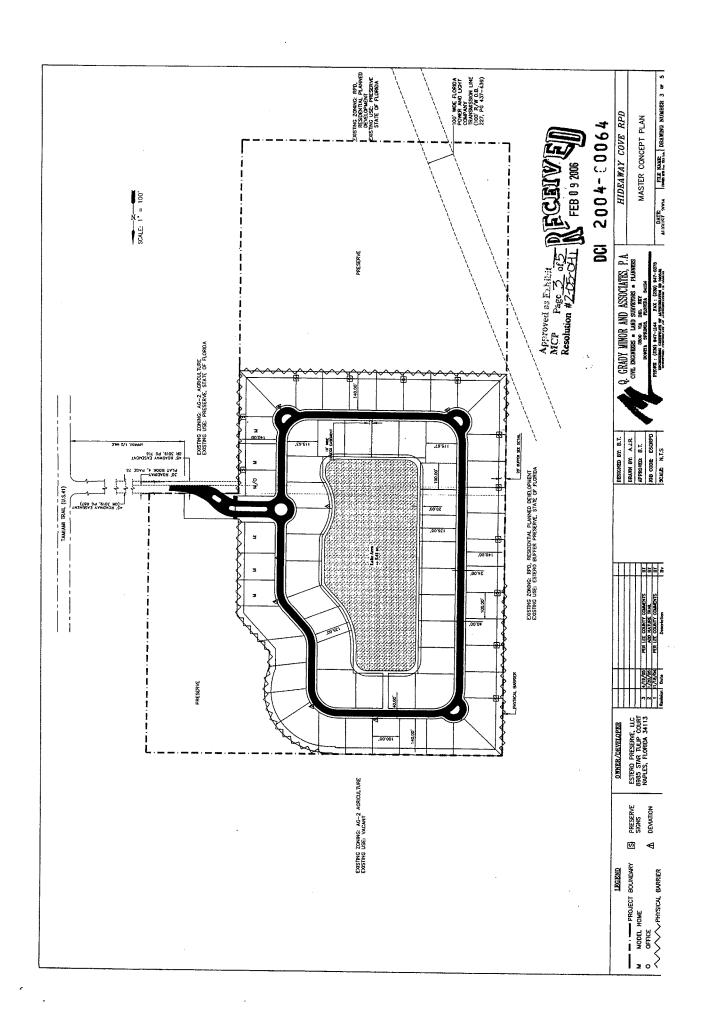
DEATH BY: A.J.R.
DRATH BY: A.J.R.
APPROVED: B.T.
APPROVED: EGGPO
SCAR N T S

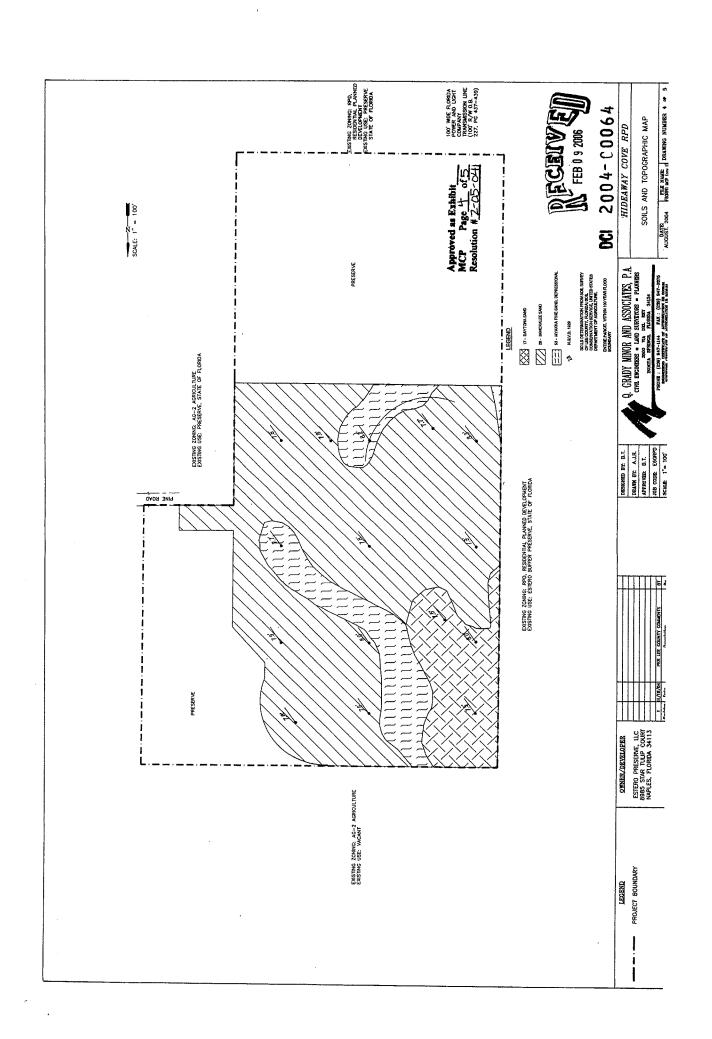
CRADY MINOR AND ASSOCIATES P.A. CPL. ENGINEERS = LAID STRIPTORS = PLANTESS PARTIES = PLAN

HIDEAWAY COVE RPD EXHIBIT 6—J GENERAL NOTES

ALICHATE ON A CONTROL DRAWING NUMBER 2 OF 5

TEGEND





DCI .5004-00087

FEB 0 8 5000

Approved as Exhibit
MCP Page 5 of 5
Resolution #2-55-04 PILE NAME DRAWING NUMBER 5 or 5 ESTERO SECTION 20, TOWNSHIP 46 S, RANGE 25 E HIDEAWAY COVE RPD