

ADMINISTRATIVE AMENDMENT (PD) ADD2004-00232

ADMINISTRATIVE AMENDMENT
LEE COUNTY, FLORIDA

WHEREAS, James Ink, P.E., filed an application for administrative approval to a Residential Planned Development on a project known as Tranquility Bay for a reconfiguration of lot size for increased single-family parcels, remove aircraft hangars and aircraft landing facility (private) as list of permitted uses, remove the lake and retain and connect the canals, and reduce boat slips from 75 to 57, on property located at 5081 Tranquility Bay Road, Bokeelia, described more particularly as:

LEGAL DESCRIPTION: In Section 16, Township 44 South, Range 22 East, Lee County, Florida:

See Exhibit "A";

WHEREAS, the property was originally rezoned in case number Z-99-045 (with subsequent amendments in case numbers DOS2000-00126); and

WHEREAS, Z-99-045 approved 63 dwelling units, a private airstrip with associated plane hangers, parking, man-made canals, a temporary waster water treatment plant, and a private club; and

WHEREAS, the applicant intends to amend the Master Concept Plan by decreasing dwelling units from 63 single-family dwelling units to 57 single-family dwelling units, removing the airstrip and its associated uses, removing the lake to create connecting canals, and replace 75 boat slips with 57 boat slips; and

WHEREAS, the amended Master Concept Plan maintains the residential planned development nature of the subject property; and

WHEREAS, the amended changes create a residential planned development with less impacts to the mangroves than previously approved by Resolution Z-99-045; and

WHEREAS, the amended changes are in accordance with the policies and objectives with the Lee County Comprehensive Plan, therefore are consistent with the Suburban land use category; and

WHEREAS, the proposed revised Master Concept Plan has been reviewed and approved by Lee County Environmental Science Division and conditioned as stated in Exhibit "B"; 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.

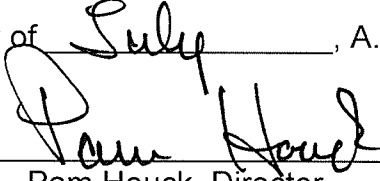
NOW, THEREFORE, IT IS HEREBY DETERMINED that the application for administrative approval for an amendment to Residential Planned Development is **APPROVED**.

Approval is subject to the following conditions:

1. The Development must be in compliance with the amended Master Concept Plan, dated July 11, 2005 and received by the permit counter on July 12, 2005. Master Concept Plan for ADD2004-00232 is hereby APPROVED and adopted. A reduced copy is attached hereto.
2. Compliance with all conditions as outlined in the staff report by the Lee County Environmental Science Division dated July 14, 2005 as stated in Exhibit B.
3. The terms and conditions of the original zoning resolutions remain in full force and effect.

DULY SIGNED this 27th day of July, A.D., 2005.

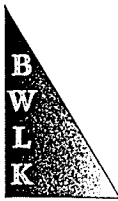
BY: _____


Pam Houck, Director
Division of Zoning
Department of Community Development

ATTACHMENTS:

Exhibit A - Legal Description

Exhibit B - Staff report from Lee County Division of Environmental Sciences



Bean, Whitaker, Lutz & Kareh, Inc.

13041 McGregor Boulevard
Fort Myers, Florida 33919-5910
email - fmoffice@bwk.net
(Ph) 239-481-1331 (Fax) 239-481-1073

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ZONING

Description of a Parcel of Land

Lying in

Section 16, Township 44 South, Range 22 East

Pine Island, Lee County, Florida

(Tranquility Bay - Subdivision Boundary)

ADD 2004-0023

A parcel of land situated in the State of Florida, County of Lee, Pine Island, lying in Section 16, Township 44 South, Range 22 East, being further bounded and described as follows:

Beginning at the north 1/4 corner of Section 16, Township 44 South, Range 22 East; thence S00°06'10"W along the north-south 1/4 section line for 336.30 feet to the northeast corner of the southeast 1/4 of the northeast 1/4 of the northeast 1/4 of the northwest 1/4 of said Section 16; thence S89°33'13"W along the north line of said fraction for 337.26 feet to the northwest corner of said fraction, said point also lying on the centerline of Eagles Nest Road (60 feet wide); thence S00°05'33"W along the west line of said fraction and said centerline and along the west line of the northeast 1/4 of the southeast 1/4 of the northeast 1/4 of the northwest 1/4 of said section for 672.66 feet to the southwest corner of said fraction and the centerline of a 60 foot wide right-of-way easement; thence N89°32'28"E along the south line of said fraction and said centerline for 337.14 feet to the aforesaid north-south 1/4 section line; thence S00°06'10"W along said north-south 1/4 section line for 336.30 feet to the southwest corner of Government Lot 1 of said Section 16; thence N89°32'06"E along the south line of said Government Lot 1 for 990.03 feet to an intersection with the west line of Lot 4, Bayview Ranchettes, an unrecorded subdivision, as shown in Official Record Book 775 at Page 408, public records of said Lee County, Florida; thence S00°06'16"W along said west line for 339.52 feet to the southwest corner of said Lot 4; thence N89°43'18"E along the south line of said Lot 4 and the north line of Lot 5, of said Bayview Ranchettes, for 1,047 feet, more or less, to an intersection with the west mean high water line of Matlacha Pass, as approved by Florida Department of Environmental Protection on 05/19/97 (file #1698); thence northerly along said westerly mean high water line for 1,703 feet, more or less, to an intersection with the north line of said Section 16; thence S89°33'35"W along said north line for 1,909 feet, more or less, to the north 1/4 corner of said Section 16 and the Point of Beginning.

Containing 73.96 acres, more or less.

Bearings based on the north-south quarter section line of Section 16, Township 44 South, Range 22 East, as bearing S00°06'10"W.

Parcel subject to easements, restrictions, reservations and rights-of-way (recorded and unrecorded, written and unwritten).

Applicant's Legal Checked

by AMY O'NEAL

Bean, Whitaker, Lutz & Kareh, Inc. (LB4919)

Scott C. Whitaker, P.S.M. 4324

30197DESC1

5/09/03

PRINCIPALS:

WILLIAM E. BEAN, PSM, CHAIRMAN
SCOTT C. WHITAKER, PSM, PRESIDENT
JOSEPH L. LUTZ, PSM
AHMAD R. KAREH, PE, MSCE, VICE PRESIDENT

CONSULTING ENGINEERS - SURVEYORS AND MAPPERS - PLANNERS

ASSOCIATES:
TRACY N. BEAN, AICP
CHARLES D. KNIGHT, PSM
W. BRITT POMEROY, JR., PS
STEPHEN H. SKORUPSKI, P
JAMES A. HESSLER, PSM
JEFFREY P. GAGNON, PSM
RUDOLF A. NORMAN, PE

SKETCH TO ACCOMPANY DESCRIPTION
OF A PARCEL OF LAND
LYING IN
SECTION 16, TOWNSHIP 44 SOUTH, RANGE 22 EAST,
PINE ISLAND, LEE COUNTY, FLORIDA.

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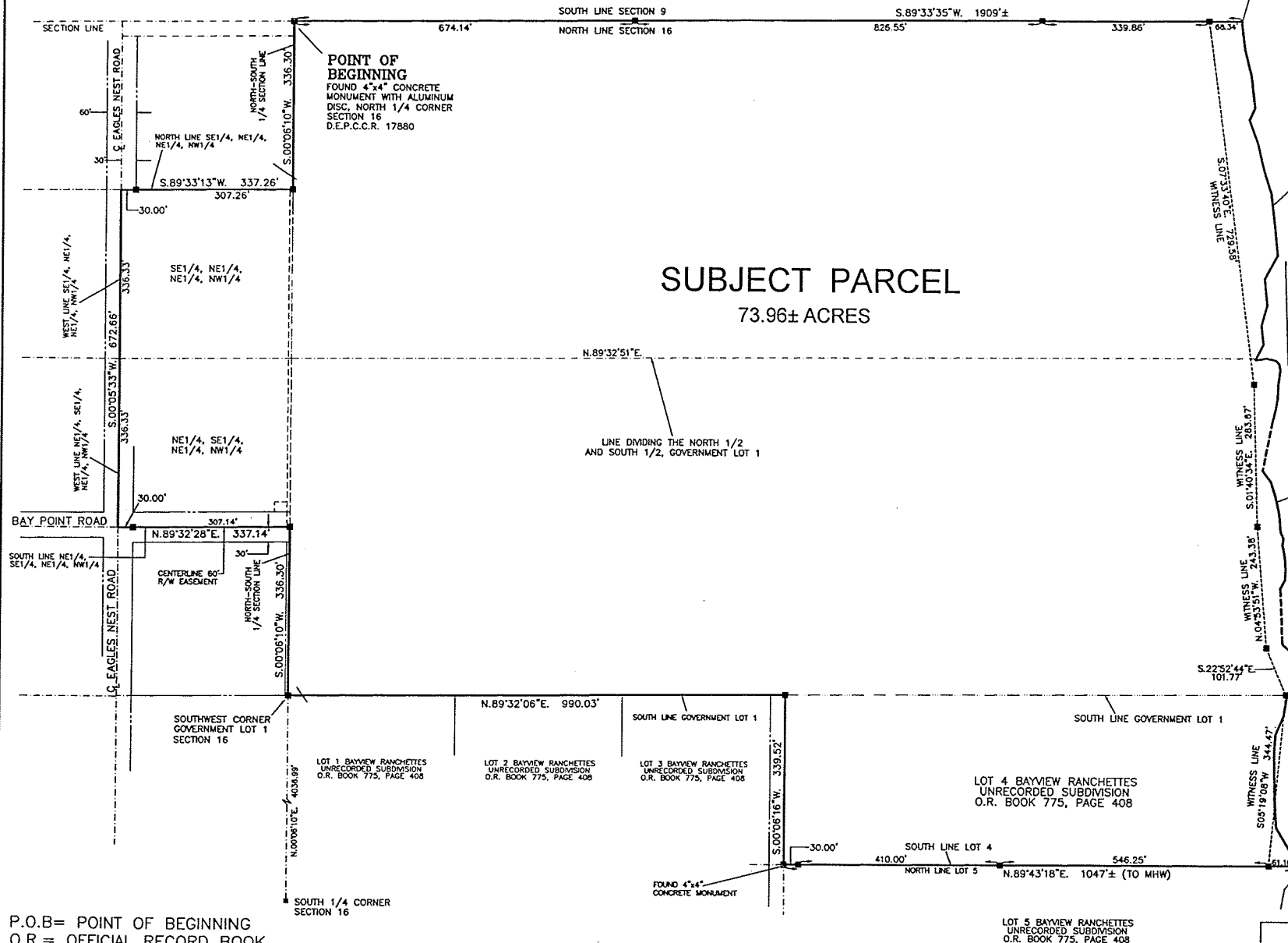
MAR 08 2005

ZONING

ADD 2004-00232

Applicant's Legal Checked

by *My* 09MAR05



P.O.B= POINT OF BEGINNING
O.R.= OFFICIAL RECORD BOOK
PG.= PAGE
P.T.= POINT OF TANGENCY

SUBJECT TO EASEMENTS, RESTRICTIONS, RESERVATIONS,
AND RIGHTS-OF-WAY (WRITTEN AND UNWRITTEN, RECORDED
AND UNRECORDED).

STAFF REPORT
FROM
DEPARTMENT OF COMMUNITY DEVELOPMENT
DIVISION OF ENVIRONMENTAL SCIENCES

Date: July 14, 2005

To: Shawn Lamey, Planner

From: Kim Trebatoski, Principal Environmental Planner
Phone: (239) 479-8183
E-mail: trebatkm@leegov.com

Project: Tranquility Bay RPD

Case: ADD2004-00232

STRAP: 16-44-22-00-00007.0000

The Division of Environmental (ES) staff have reviewed the proposed revisions to the Tranquility Bay Residential Planned Development and conducted a field inspection of the property. ES staff confirmed that the new bald eagle nest tree is located to the northwest of the previous nest tree. ES staff met with the applicant to have the site design revised due to the new nest tree location (see attachment) in order to preserve the long leaf pine habitat for nesting and provide buffering between the development and the nest tree. ES staff recommend APPROVAL with the CONDITIONS adopted through zoning resolution Z-99-045 with the following revisions to address the current environmental conditions:

Condition 3:

The following conditions address environmental issues such as gopher tortoises, wading birds, the southern bald eagle, the existing osprey nest and open space:

- a. *Gopher tortoises must be relocated per the management guidelines provided within the "Protected Species Management Plan" counter stamped March 5, 1999. The eagle nest and gopher tortoise preserve as shown on the approved MCP must be preserved in perpetuity. Should the developer obtain a gopher tortoise relocation permit from the Florida Game and Freshwater Fish Commission (FGFWFC) Fish and Wildlife Conservation Commission (FWC), then management details per LDC Section 10-474 must be provided for the Division of Environmental Science staff review and approval.*
- b. *A southern bald eagle management plan, approved by the U.S. Fish and Wildlife Service (USFWS) must be submitted to the Division of Planning, Environmental Sciences prior to local development order or early work approval for any phase of development. A revised management plan will be presented to the Lee County Eagle Technical Advisory Committee (ETAC) for their input and suggestions prior to submittal to the USFWS.*

Prior to local development order approval, the development order plans must show the location of the current bald eagle nest, and delineate the 750-foot protection zone. The following conditions address Southern bald eagle management plan details:

1b. Pedestrian and pet traffic is prohibited within the upland/eagle preserve from October 1st through May 15th.

2b. No exterior construction, major land clearing, earthwork activities (filling, grading, excavating), infrastructure construction or landscaping may occur during the southern bald eagle nesting season (October 1st - May 15th or when fledging of eaglets is confirmed by the Division of Environmental Sciences staff) within 750-feet of the bald eagle nest. Interior construction may occur during the nesting season if a written request specifying the work and time frame is submitted for review and approval by the Division of Environmental Sciences staff. Interior construction must at a minimum meet the following conditions:

- If doors and windows have not been installed, plywood and blankets must be installed in their place to muffle sounds from within the house.
- All doors and windows are to remain closed at all times except for access and deliveries.
- All deliveries must be unloaded in the garage or at the entrance to the garage. No machinery is allowed. All construction materials and deliveries must be stored inside the garage or house.
- No construction dumpsters are allowed on the site.
- Any porta potty must be moved behind the house, out of view from the nest.
- NO exterior work of any kind is permitted.
- No radios are allowed.
- Prepare and post a sign that states:
NO RADIOS OR LOUD NOISES ARE ALLOWED ON THE PROPERTY
ALL WINDOWS AND DOORS ARE TO REMAIN CLOSED AT ALL TIMES
NO EXTERIOR WORK OF ANY KIND IS PERMITTED
- All interior activities including preparatory cutting, sawing, etc. must only occur inside the house or garage.
- Parking of vehicles will be limited to two at any given time. Parking inside the garage is preferred.
- Construction work is limited to one trade at a time. This will limit the amount of people, activity and noise.

- It is the responsibility of the property owner to insure that all workers, including subcontractors, know and follow the above conditions.
- 3b. The conditions listed in Condition 2b must be incorporated into the homeowners deed restrictions documents.

- c. *At the time of local development order submittal, the plans must either show the location of the existing osprey nest preserved in place or indicate where a nesting platform will be provided to encourage the continued use of the area by the ospreys. The platform location will be subject to the Division of Planning, Environmental Sciences staff review and approval.*
- d. *At the time of local development order submittal, preservation of the wetlands abutting Matlacha Pass and the uplands for the eagle nest and gopher tortoises must be provided per the approved MCP.*
- e. ~~*A 25-foot-wide (average, with 10-foot minimum width) indigenous preservation buffer must remain on the single-family lots numbered 46 through 58. The buffer must be located along the lot edge where it abuts the eagle nest and gopher tortoise preserve area. All native trees with a 4-inch or greater DBH (diameter at breast height) and native understory vegetation within the dripline of the trees must remain in the buffer area. Additional native long leaf slash pine trees with a 10-inch or greater DBH, must be preserved and incorporated into the home-site design to the maximum extent possible. The preservation requirements including details on protective barricades and inspections/approvals by the Developer or their designee must be included in an educational brochure provided to each home purchaser as well as in the Deed Restrictions for the development. The preservation related requirements in the educational brochure and the Deed Restrictions must be provided to the Division of Planning, Environmental Sciences for review and approval at the time of local development order submittal.*~~

The LDC littoral plantings for the lake located adjacent to the upland/eagle preserve must be concentrated along the shoreline directly abutting the upland/eagle preserve.

- f. Prior to local development order approval, the created mangrove littoral shelf and bio-detention stormwater filter marsh areas detailed on sheet 4 of the Master Concept Plan must be shown on the development order plans to demonstrate a fifty percent coverage at time of installation with minimum 1-gallon container size plants, and a minimum of four species. These areas must be planted prior to issuance of any Certificate of Compliance.
- g. The bridge shown on the south canal is meant to deter inappropriate motorboat access to the shallow back bay waters. This bridge must be no higher than 4-feet above mean sea level, and must be installed prior to issuance of any Certificate of Compliance.

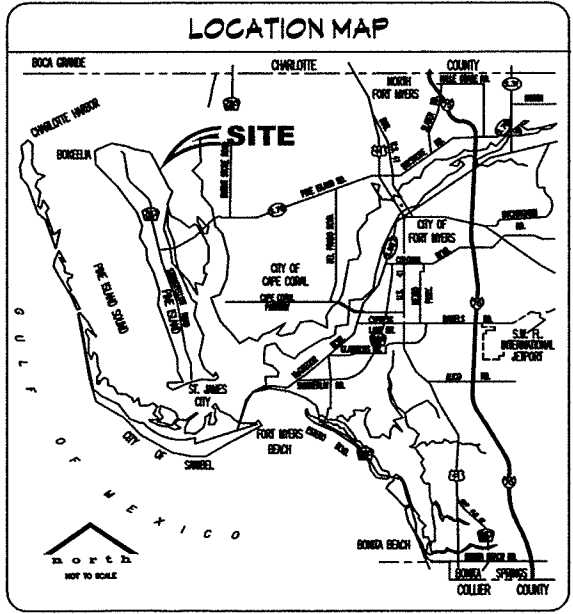
Documents For Administrative Admendment Application

Tranquility Bay

A Residential Planned Development

Pine Island, FL

APPROVED
Amendment to
Master Concept Plan
Subject to Case # ADD 2004-00232
Date 7/27/05



CONSULTANTS

CIVIL ENGINEERS & PLANNERS:
JAMES INK & ASSOCIATES, INC.
2041 WEST FIRST STREET
FORT MYERS, FLORIDA 33901
TEL: (239) 334-2450
FAX: (239) 334-0278
CONTACT: JAMES M. INK, P.E.

UTILITIES & AGENCIES

WATER SEWER: GREATER PINE ISLAND WATER ASSOC PINE ISLAND CENTER PINE ISLAND, FLORIDA 33922 (239) 942-0711	TELEPHONE: SPRINT P.O. BOX 1370 FORT MYERS, FLORIDA 33901 (239) 335-3111
ELECTRIC: LEE COUNTY COOPERATIVE 10550 BAYSHORE RD FORT MYERS, FLORIDA 33917 (239) 543-3090	CATV: COMCAST 6320 BEAU DRIVE NORTH FORT MYERS, FLORIDA 33903 (239) 432-9277
REFUSE COLLECTION: FLORIDA RECYCLING SERVICES 2465 HIGHLAND AVE FORT MYERS, FLORIDA 33916 (239) 332-8500	FIRE: MATLAGA-PINE ISLAND FIRE DISTRICT 5700 PINE ISLAND ROAD NW PINE ISLAND, FL 33922 (239) 289-0090
LAW ENFORCEMENT LEE COUNTY SHERIFF DEPT NORTH DISTRICT 1 NORTH FORT MYERS, FL 33903 (239) 477-1810	SANITARY SEWER LEE COUNTY HEALTH DEPT 1034 SE 4TH PLACE CAPE CORAL, FL (239) 456-7078

SCHEDULE OF DRAWINGS	
1	COVER SHEET
2	MASTER CONCEPT PLAN
3	MCP WITH AERIAL
4	MITIGATION DETAILS
5	SCHEDULE OF DEVIATIONS AND USES

SITE DATA

PROJECT INTENT:
Administrative Admendment to change the master plan to 60 single family homes, delete airstrip, docking and environmental criteria to remain

PROPERTY OWNERS:
Tranquility Bay of SW FL, LLC
1612 E Cape Coral Parkway
Cape Coral, Florida 33904

STRAP NO.:
16-44-22-00-00007.0000 6-44-22-10-00000.000A
16-44-22-00-00002.0000 6-44-22-10-00000.0000
16-44-22-00-00004.0000

FUTURE LAND USE:
RURAL

PROJECT LOCATION:
5081 Tranquility Bay Road
Boca Grande, FL 33922

PROPERTY ZONING:
RPD

FLOOD ZONE:
BASED ON THE NATIONAL FLOOD INSURANCE PROGRAM FIRM MAP COMMUNITY NO. 125124, PANEL NUMBER 0165, DATED 9-19-1984, THE ABOVE DESCRIBED PROPERTY IS WITHIN ZONE TROPICAL STORM, A9, ELEVATION 9.0.

PREPARED BY

James Ink & Associates, LLP

"WATERFRONT DESIGN WITH A DIFFERENCE"

PLANNERS • DESIGNERS • ENGINEERS






2041 WEST FIRST STREET
FORT MYERS, FLORIDA 33901
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<small>DATE INFORMATIONAL COPY ONLY, UNLESS REMARKED WITH REVISION NUMBER SEAL</small>	<table border="0"><tr><td>PROJECT NO. J04017</td><td>DATE 11.01.04 REVISED 7.11.05</td></tr></table>	PROJECT NO. J04017	DATE 11.01.04 REVISED 7.11.05
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ADD 2004-00232

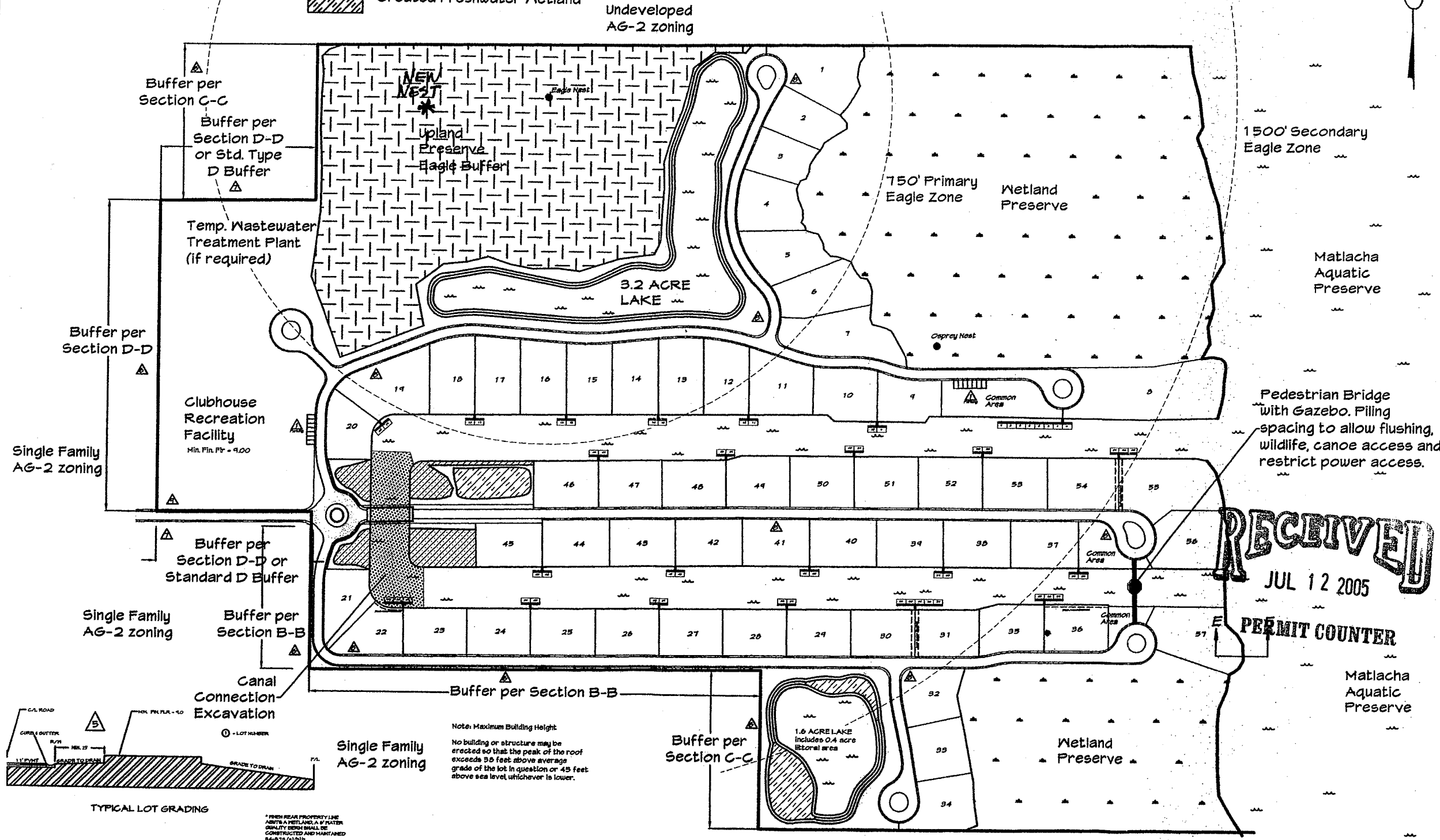
Tranquility Bay - Administrative Admendment - RA#1 - 7.11.05

-  Preserved Uplands
-  Preserved Wetland
-  Canal Excavation
-  Created Saltwater Wetland
-  Created Freshwater Wetland

* = Approximate location
of eagle nest 2004-2005 season.

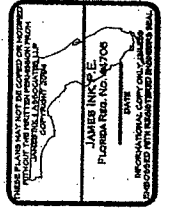
Tranquility Bay

a Residential Planned Development
Pine Island, Florida
Section 16, Township 44S, Range 22E



NO.	DATE	DESCRIPTION
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Master Concept Plan
Tranquility Bay
A Residential Planned Development
Pine Island, Florida

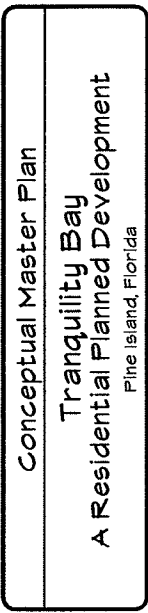


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PROJECT NO.	30407
PROJECT MANAGER	JAMES INK P.E.
DRAWN BY	BWM
DATE	2.13.05
SCALE	1" = 100'
SHEET NO.	2

ADD 2004-00232

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PROJECT NO.	304017
PROJECT MANAGER	James Ink P.E.
DRAWN BY	BWM
DATE	7.20.04
SCALE	1" = 100'
SHEET NO.	3
OF 5	

ADD 2004-00232

PROJECT NO.	304017
PROJECT MANAGER	James Ink P.E.
DRAWN BY	BWM
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OF 5	