

ADMINISTRATIVE AMENDMENT (PD) ADD2008-00152

ADMINISTRATIVE AMENDMENT
LEE COUNTY, FLORIDA

WHEREAS, Taylor Woodrow Communities at Herons Glen, LLC., 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) **to add the uses of "Recreational Facilities, private on-site" and "Club, private to the Schedule of Uses and replace the existing model center located along the south side of Magnolia Landing Lane (just east of the project entrance gate and gatehouse) with these uses**, on property located at 2550 Avenida Del Vera, described more particularly as:

LEGAL DESCRIPTION: In Sections 02, 03, 04, 50 & 06, Township 43 South, Range 24 East, Lee County, Florida:

See Attached Exhibit A

WHEREAS, the property was originally rezoned in case number Z-00-078 (with subsequent amendments in case numbers ADD2002-00005, ADD2002-00088, ADD2003-00096, ADD2004-00018, ADD2004-00021, ADD2004-00217, ADD2005-00209, ADD2006-00080, ADD2006-00166); and

WHEREAS, the subject property is located in the Outlying Suburban and Wetlands Future Land Use Categories as designated by the Lee County Comprehensive 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 reinstate the use of "Recreational Facilities, private on-site" omitted as part of the amendments granted in ADD2006-00166; and

WHEREAS, the amendment seeks this use specifically at the "existing model center site" located at the Magnolia Landing entranceway; 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

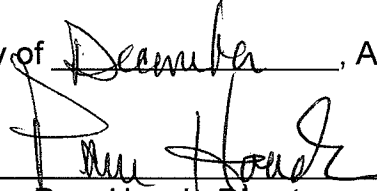
WHEREAS, it is found that the proposed amendment does not increase density or intensity within the development; does not decrease buffers or open space required by the LDC; does not underutilize public resources or infrastructure; does not reduce total open space, buffering, landscaping or preservation 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 to **add the uses of "Recreational Facilities, private on-site" and "Club, private" to the Schedule of Uses and replace the existing model center located along the south side of Magnolia Landing Lane (just east of the project entrance gate and gatehouse) with these uses** is **APPROVED**, subject to the following conditions:

1. The Development must be in compliance with the existing approved Master Concept Plan. No changes to this Master Concept Plan have been approved as part of this application.
2. The terms and conditions of the original zoning resolution, as amended over time, must remain in full force and effect.
3. The approved Schedule of Uses is amended as found in Attachment A.
4. The approved uses of "Recreational facilities, private on-site" and "Club, private" within the Residential "R" development area within this development replaces the existing model center located along the south side of Magnolia Landing Lane (just east of the project entrance gate and gatehouse). Development and use must be substantially consistent with the attached one-page Amenity Center Site Plan. If any other locations are sought, it will require a separate amendment of this planned development.

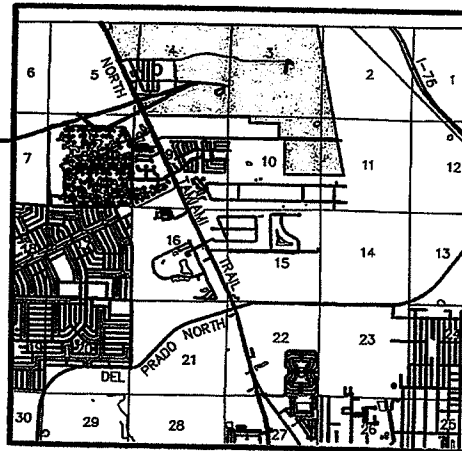
DULY SIGNED this 15th day of December, A.D., 2008.

BY: _____


Pam Houck, Director
Division of Zoning
Department of Community Development

SKETCH & DESCRIPTION

PROJECT
LOCATION



LOCATION MAP

SCALE: 1" = TWO MILE

ADD 2008-00152

COMMUNITY DEVELOPMENT

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NOTES:

1. BEARINGS SHOWN HEREON ARE BASED ON THE EASTERLY LINE OF MAGNOLIA LANDING, UNIT ONE, INSTRUMENT NUMBER 2007000052500, IN THE PUBLIC RECORDS, LEE COUNTY, FLORIDA, WHEREIN THE EASTERLY LINE OF SAID PLAT'S BOUNDARY BEARS SOUTH 11°11'01" EAST.
2. THIS SKETCH DOES NOT MAKE ANY REPRESENTATION AS TO ZONING OR DEVELOPMENT RESTRICTIONS ON THE SUBJECT PARCEL.
3. PARCEL CONTAINS 1,568.71 ACRES MORE OR LESS.
4. DESCRIPTION ATTACHED.

Applicant's Legal Checked

by [Signature] 10-31-08

THIS IS NOT A SURVEY

KEVIN M. RISCASSIE (FIRM LB-642)
PROFESSIONAL SURVEYOR AND MAPPER
FLORIDA CERTIFICATE NO. 6433

DATE SIGNED: JUN 30 2008
NOT VALID WITHOUT STATE SIGNATURE AND THE ORIGINAL RAISED SEAL OF FLORIDA LICENSED SURVEYOR AND MAPPER.

NOT VALID WITHOUT SHEETS 2-10

COVER SHEET

JOHNSON
ENGINEERING

2122 JOHNSON STREET
P.O. BOX 1550
FORT MYERS, FLORIDA 33902-1550
PHONE (239) 334-0046
FAX (239) 334-3661
E.B. #642 & L.B. #642

SKETCH TO ACCOMPANY DESCRIPTION

DATE	PROJECT NO.	FILE NO.	SCALE	SHEET
JUNE 2008	20087369	04-43-24	AS SHOWN	1 OF 10

ADD 2008-00152

LEGAL DESCRIPTION
A TRACT OR PARCEL OF LAND BEING
ALL OF THE FOLLOWING PLATS

MAGNOLIA LANDING UNIT ONE, INSTRUMENT NUMBER 2007000052500
HERONS GLEN UNIT ONE RECORDED IN PLAT BOOK 63, PAGES 51 & 52
HERONS GLEN UNIT TWO RECORDED IN PLAT BOOK 64, PAGES 16 & 17
HERONS GLEN UNIT THREE RECORDED IN PLAT BOOK 65, PAGES 21 & 22
HERONS GLEN UNIT FOUR RECORDED IN PLAT BOOK 67, PAGES 9 & 10
HERONS GLEN UNIT FIVE RECORDED IN PLAT BOOK 74, PAGES 82-84
HERONS GLEN UNIT SEVEN RECORDED IN PLAT BOOK 67, PAGES 11-14
HERONS GLEN UNIT 7-A RECORDED AS INSTRUMENT No. 2007000068527
HERONS GLEN UNIT EIGHT RECORDED IN PLAT BOOK 71, PAGES 33 & 34
HERONS GLEN UNIT NINE RECORDED IN PLAT BOOK 69, PAGES 1 & 2
HERONS GLEN UNIT TEN RECORDED IN PLAT BOOK 74, PAGES 51 & 52
HERONS GLEN UNIT 11 & 12 RECORDED IN PLAT BOOK 78, PAGES 57-62
HERONS GLEN UNIT 11-A RECORDED AS INSTRUMENT No. 2007000038434
HERONS GLEN UNIT 13 RECORDED IN PLAT BOOK 78, PAGES 87-90
DEL VERA COUNTRY CLUB UNIT 1 RECORDED IN PLAT BOOK 46, PAGES 7-25
DEL VERA COUNTRY CLUB UNIT 2 RECORDED IN PLAT BOOK 50, PAGES 69-78
ALL RECORDED IN THE PUBLIC RECORDS OF LEE COUNTY, FLORIDA

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LYING IN SECTIONS 2, 3, 4, 5, 9, 10 & 11 TOWNSHIP 43 SOUTH, RANGE 24 EAST, LEE COUNTY, FLORIDA

PARCEL 1

BEGINNING AT THE SOUTHEASTERLY CORNER OF HERONS GLEN UNIT 13, RECORDED IN PLAT BOOK 78, PAGES 87-90, IN THE PUBLIC RECORDS OF LEE COUNTY, FLORIDA, ALSO BEING THE NORTHEASTERLY CORNER OF MAGNOLIA LANDING UNIT ONE, RECORDED IN INSTRUMENT NUMBER 2007000052500, OF SAID PUBLIC RECORDS, ALSO BEING ON THE WESTERLY RIGHT-OF-WAY OF THE FORMER S.A.L. RAILROAD; THENCE RUN SOUTH 11°11'01" EAST, ALONG SAID WESTERLY LINE OF SAID FORMER S.A.L. RAILROAD AND THE EASTERLY BOUNDARY LINE OF SAID MAGNOLIA LANDING UNIT ONE AND ITS EXTENSION FOR 5364.57 FEET TO POINT "A", ALSO BEING AN INTERSECTION WITH THE NORTHERLY RIGHT-OF-WAY LINE OF NALLE GRADE ROAD (120 FEET WIDE); THENCE RUN NORTH 89°54'56" WEST ALONG THE NORTH RIGHT-OF-WAY LINE OF SAID NALLE GRADE ROAD FOR 3,418.10 FEET; THENCE DEPARTING SAID NORTH RIGHT-OF-WAY LINE RUN NORTH 00°02'36" EAST FOR 845.34 FEET; THENCE RUN NORTH 89°54'56" WEST FOR 1,711.49 FEET; THENCE RUN NORTH 00°03'31" EAST FOR 342.55 FEET; THENCE RUN NORTH 89°53'55" WEST FOR 6,065.72 FEET TO A POINT ON THE EASTERLY RIGHT-OF-WAY LINE OF U.S. 41 (TAMIAMI TRAIL 200' WIDE); THENCE RUN ALONG THE EASTERLY RIGHT-OF-WAY LINE OF SAID U.S. 41 NORTH 26°03'40" WEST FOR 1360.01 FEET TO THE SOUTHWEST CORNER OF LOT 14A, BLOCK 6 AS EVIDENCED IN THE PLAT OF LAKEVILLE RECORDED IN PLAT BOOK 10, PAGE 48, OF SAID PUBLIC RECORDS; THENCE RUN ALONG THE SOUTH LINE OF SAID LAKEVILLE NORTH 89°48'47" EAST FOR 2273.50 FEET TO THE SOUTHEAST CORNER OF LOT 24, BLOCK 20 AS EVIDENCED IN LAKEVILLE SECTION NO. 1, UNIT NO. 2 RECORDED IN DEED BOOK 298, PAGES 303-306, OF SAID PUBLIC RECORDS; THENCE RUN ALONG THE EASTERLY LINE OF SAID LAKEVILLE SECTION NO. 1, UNIT NO. 2 THE FOLLOWING COURSES: NORTH 00°11'13" WEST FOR 205.00 FEET; NORTH 89°48'47" EAST FOR 25.00 FEET; NORTH 00°11'13" WEST FOR 650.00 FEET; NORTH 89°48'47" EAST FOR 35.54 FEET; NORTH 00°11'13" WEST FOR 125.00 FEET; SOUTH 89°48'47" WEST FOR 39.71 FEET TO AN INTERSECTION WITH A NON-TANGENT CURVE; NORTHWESTERLY ALONG AN ARC OF SAID CURVE TO THE RIGHT HAVING A RADIUS OF 236.25 FEET (DELTA 31°56'41") (CHORD BEARING NORTH 16°09'34" WEST) (CHORD 130.02 FEET) FOR 131.72 FEET TO A POINT OF TANGENCY; NORTH 00°11'13" WEST FOR 600.00 FEET; SOUTH 89°48'47" WEST FOR 60.00 FEET; NORTH 00°11'13" WEST FOR 335.35 FEET TO AN INTERSECTION WITH THE SOUTHERLY BOUNDARY LINE OF SAID DEL VERA COUNTRY CLUB UNIT 1; THENCE RUN ALONG THE EXTERIOR BOUNDARY LINE OF SAID DEL VERA COUNTRY CLUB UNIT 1 THE FOLLOWING COURSES: SOUTH 89°48'47" WEST FOR 2,854.55 FEET; SOUTH 26°03'40" EAST FOR 4.45 FEET; SOUTH 63°56'20" WEST FOR 300.17 FEET TO AN INTERSECTION WITH THE EASTERLY RIGHT-OF-WAY LINE OF SAID U.S. 41 (TAMIAMI TRAIL); CONTINUING ALONG THE EXTERIOR BOUNDARY LINE OF SAID DEL VERA COUNTRY CLUB UNIT 1 AND THE EASTERLY RIGHT-OF-WAY LINE OF SAID U.S. 41 THE FOLLOWING COURSES: NORTH 26°03'40" WEST FOR 1,943.40 FEET TO A POINT OF CURVATURE; NORTHWESTERLY ALONG AN ARC OF SAID CURVE TO THE LEFT OF RADIUS 7,739.44 FEET (DELTA 00°42'56") (CHORD BEARING NORTH 26°25'06" WEST) (CHORD 96.66 FEET) FOR 96.66 FEET TO AN INTERSECTION WITH A NON-TANGENT LINE; CONTINUING ALONG THE EXTERIOR BOUNDARY LINE OF SAID DEL VERA COUNTRY CLUB UNIT 1 AND DEPARTING THE EASTERLY RIGHT-OF-WAY LINE OF SAID U.S. 41 THE FOLLOWING COURSES: NORTH 63°56'20" EAST FOR 300.77 FEET; NORTH 26°03'40" WEST FOR 318.64 FEET TO AN INTERSECTION WITH THE NORTH LINE OF SAID SECTION 5; THENCE RUN ALONG THE EXTERIOR BOUNDARY LINE OF SAID DEL VERA COUNTRY CLUB UNIT 1 AND THE NORTH LINE OF SAID SECTION 5 NORTH 89°33'20" EAST FOR 1,871.76 FEET TO THE NORTHEAST CORNER OF SAID SECTION 5 AND THE NORTHWEST CORNER OF SAID SECTION 4; THENCE RUN ALONG THE NORTHERLY LINE OF SAID DEL VERA COUNTRY CLUB UNIT 1 AND THE NORTH LINE OF SAID SECTION 4 SOUTH 89°42'40" EAST FOR 2,299.67 FEET TO THE NORTHEAST CORNER OF SAID DEL VERA COUNTRY CLUB UNIT 1 AND THE NORTHWEST CORNER OF SAID DEL VERA COUNTRY CLUB UNIT 2 ALSO BEING THE NORTH QUARTER (N-¼) CORNER OF SAID SECTION 4; THENCE RUN ALONG THE NORTHERLY LINE OF SAID DEL VERA COUNTRY CLUB UNIT 2 AND THE NORTH LINE OF SAID SECTION 4 SOUTH 89°42'40" EAST FOR 3,036.29 FEET TO THE NORTHEAST CORNER OF SAID DEL VERA COUNTRY CLUB UNIT 2, THE NORTHEAST CORNER OF SAID SECTION 4 AND THE NORTHWEST CORNER OF SAID SECTION 3; THENCE RUN ALONG THE NORTH LINE OF SAID SECTION 3, THE NORTH LINE OF SAID HERONS GLEN UNIT TEN AND ITS EXTENSION NORTH 89°48'38" EAST FOR 2667.49 FEET TO THE NORTH QUARTER (N-¼) CORNER OF SAID SECTION 3; THENCE RUN ALONG THE NORTH LINE OF SAID SECTION 3 AND THE NORTH LINE OF SAID HERONS GLEN UNIT TEN, HERONS GLEN UNIT 11 & 12 AND HERONS GLEN UNIT 13 SOUTH 89°57'30" EAST FOR 2313.56 FEET TO THE NORTHEASTERLY CORNER OF SAID HERONS GLEN UNIT 13 ALSO BEING ON THE WESTERLY RIGHT-OF-WAY OF THE SAID FORMER S.A.L. RAILROAD; THENCE RUN ALONG THE EASTERLY LINE OF SAID HERONS GLEN UNIT 13 AND THE WESTERLY RIGHT-OF-WAY OF THE SAID FORMER S.A.L. RAILROAD SOUTH 11°11'01" EAST FOR 1338.46 FEET TO THE POINT OF BEGINNING.
PARCEL CONTAINS 1,422.37 ACRES, MORE OR LESS.

PARCEL 2

ALSO THAT PART BEING DESCRIBED AS COMMENCING AT THE AFOREMENTIONED POINT "A"; THENCE RUN ALONG THE WESTERLY RIGHT-OF-WAY LINE OF SAID FORMER S.A.L. RAILROAD SOUTH 11°11'01" EAST FOR 127.46 FEET TO THE SOUTH RIGHT-OF-WAY LINE OF SAID NALLE GRADE ROAD ALSO BEING THE POINT OF BEGINNING.
FROM SAID POINT OF BEGINNING, CONTINUE ALONG THE WESTERLY RIGHT-OF-WAY LINE OF SAID FORMER S.A.L. RAILROAD SOUTH 11°11'01" EAST FOR 1985.05 FEET; THENCE DEPARTING THE WESTERLY RIGHT-OF-WAY LINE OF THE SAID FORMER S.A.L. RAILROAD RUN NORTH 89°55'40" WEST FOR 3468.04 FEET; THENCE RUN NORTH 00°05'56" EAST 1947.53 FEET TO AN INTERSECTION WITH THE SOUTH RIGHT-OF-WAY LINE OF SAID NALLE GRADE ROAD; THENCE RUN ALONG THE SOUTH RIGHT-OF-WAY LINE OF SAID NALLE GRADE ROAD SOUTH 89°54'56" EAST FOR 3079.67 FEET TO THE POINT OF BEGINNING.
PARCEL CONTAINS 146.34 ACRES, MORE OR LESS.

TOTAL PARCEL CONTAINS 1,568.71 ACRES, MORE OR LESS

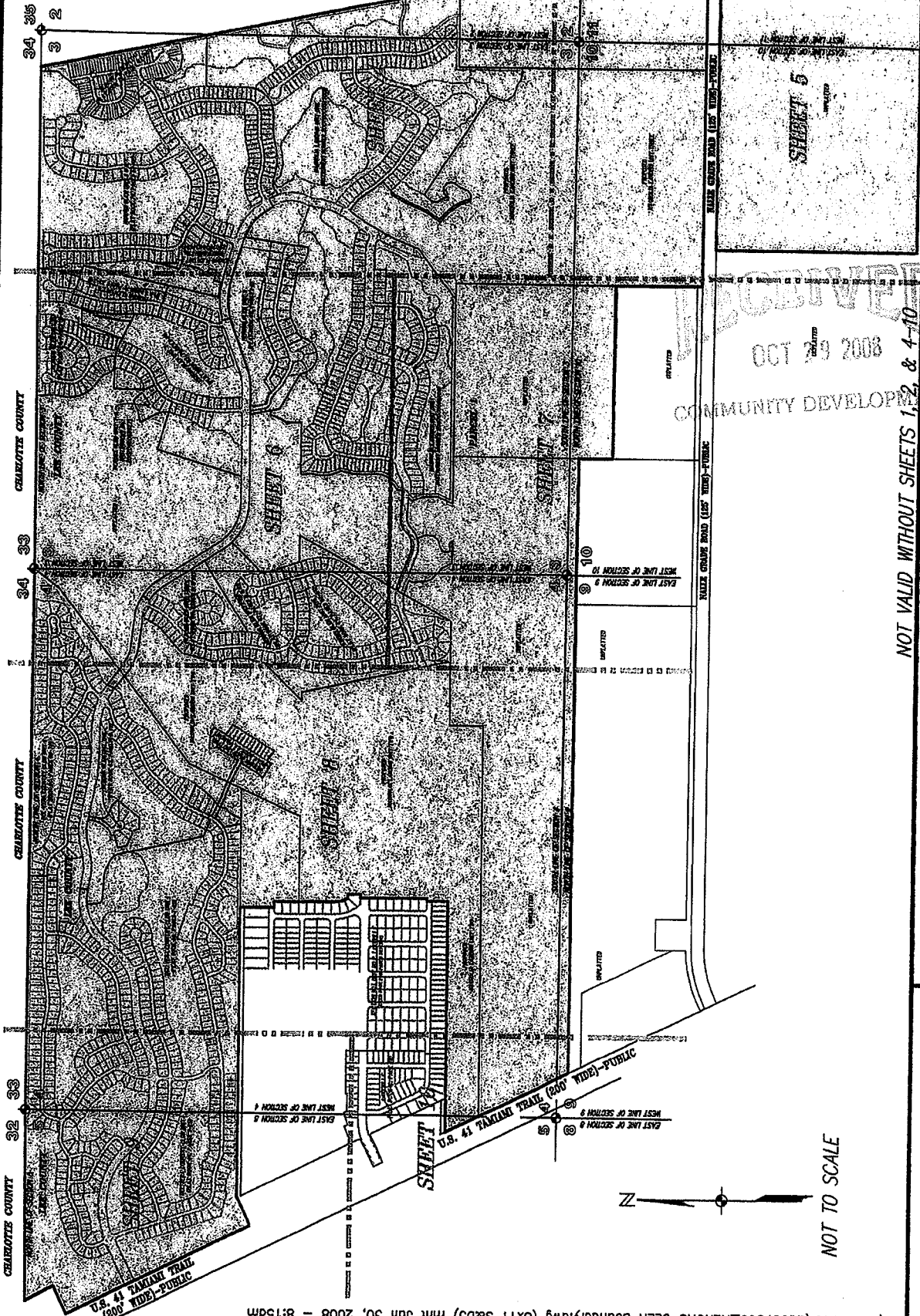
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NOT VALID WITHOUT SHEETS 1 & 3-10

SHEET 2 OF 10

ADD 2008-00152

FORMER S.A.L. RAILROAD RIGHT-OF-WAY



NOT VALID WITHOUT SHEETS 1, 2, & 4-10

SKETCH TO ACCOMPANY DESCRIPTION

2122 JOHNSON STREET
P.O. BOX 1550
FORT MYERS, FLORIDA 33902-1550
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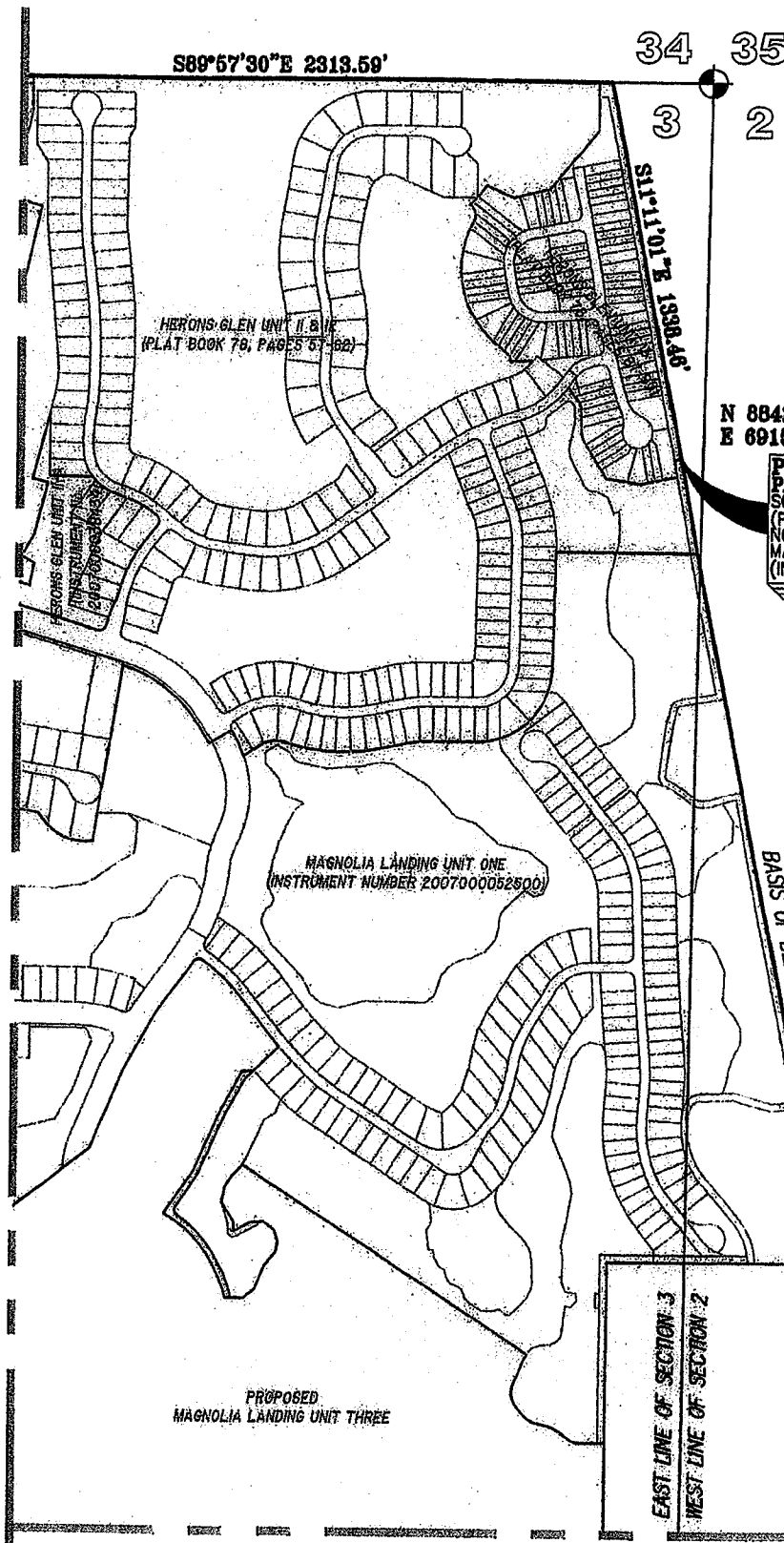
JOHNSON
ENGINEERING

SHEET INDEX

DATE	PROJECT NO.	FILE NO.	SCALE	SHEET
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MATCHLINE SEE SHEET 6



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2008-00152

MATCHLINE SEE SHEET 5

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SKETCH TO ACCOMPANY DESCRIPTION

DATE	PROJECT NO.	FILE NO.	SCALE	SHEET
JUNE 2008	20087369	04-43-24	1"=600'	4 OF 10

ADD 2008-00152

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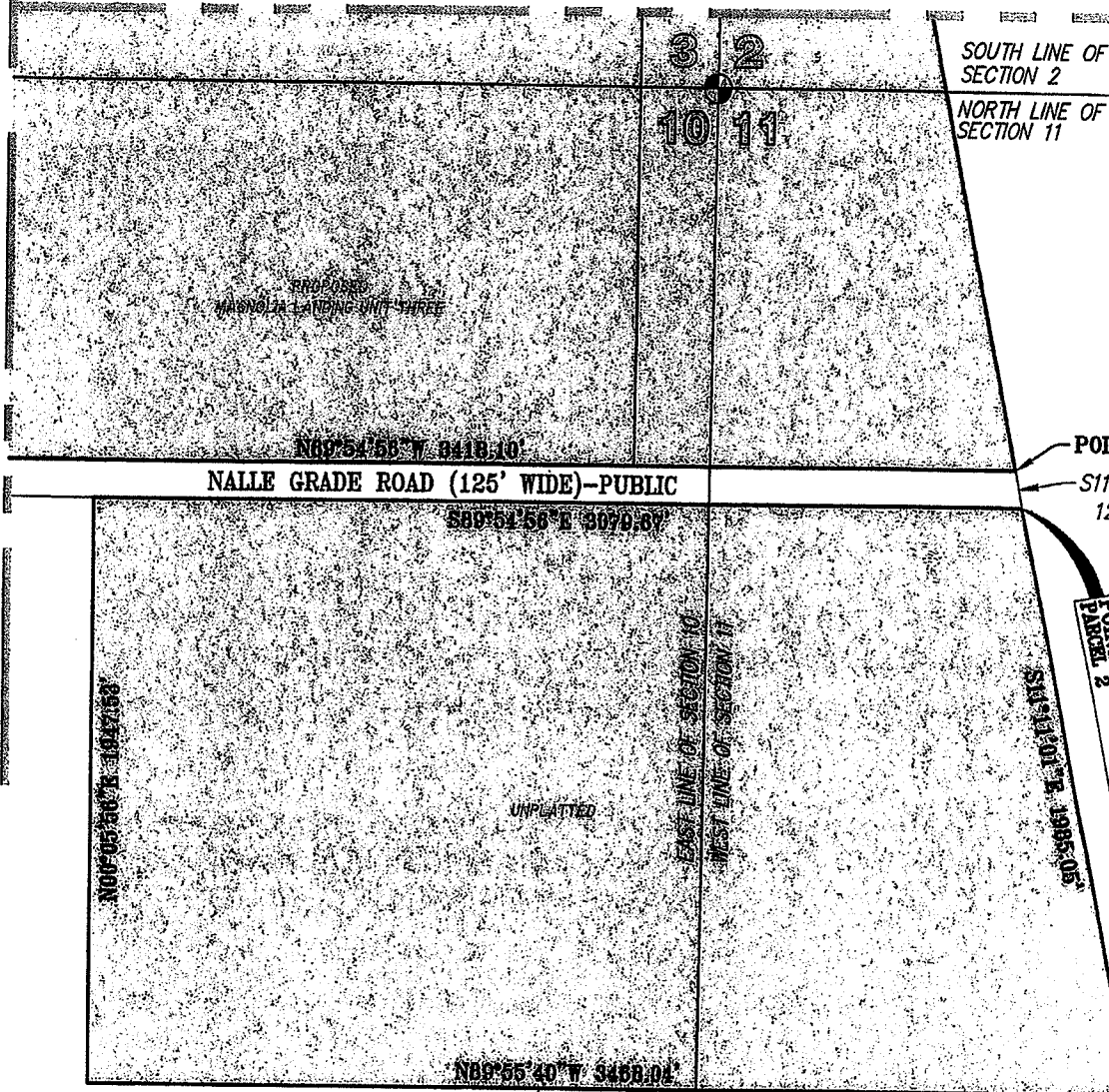
COMMUNITY DEVELOPMENT



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SCALE IN FEET

MATCHLINE SEE SHEET 4

MATCHLINE SEE SHEET 7



POINT "A"
S11°11'01"E
127.46'

FORMER S.A.L. RAILROAD
RIGHT-OF-WAY
POINT OF BEGINNING
PARCEL 2
S11°11'01"E 1985.05'

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NOT VALID WITHOUT SHEETS 1-4 & 6-10

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SKETCH TO ACCOMPANY DESCRIPTION

DATE	PROJECT NO.	FILE NO.	SCALE	SHEET
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ADD 2008-00152

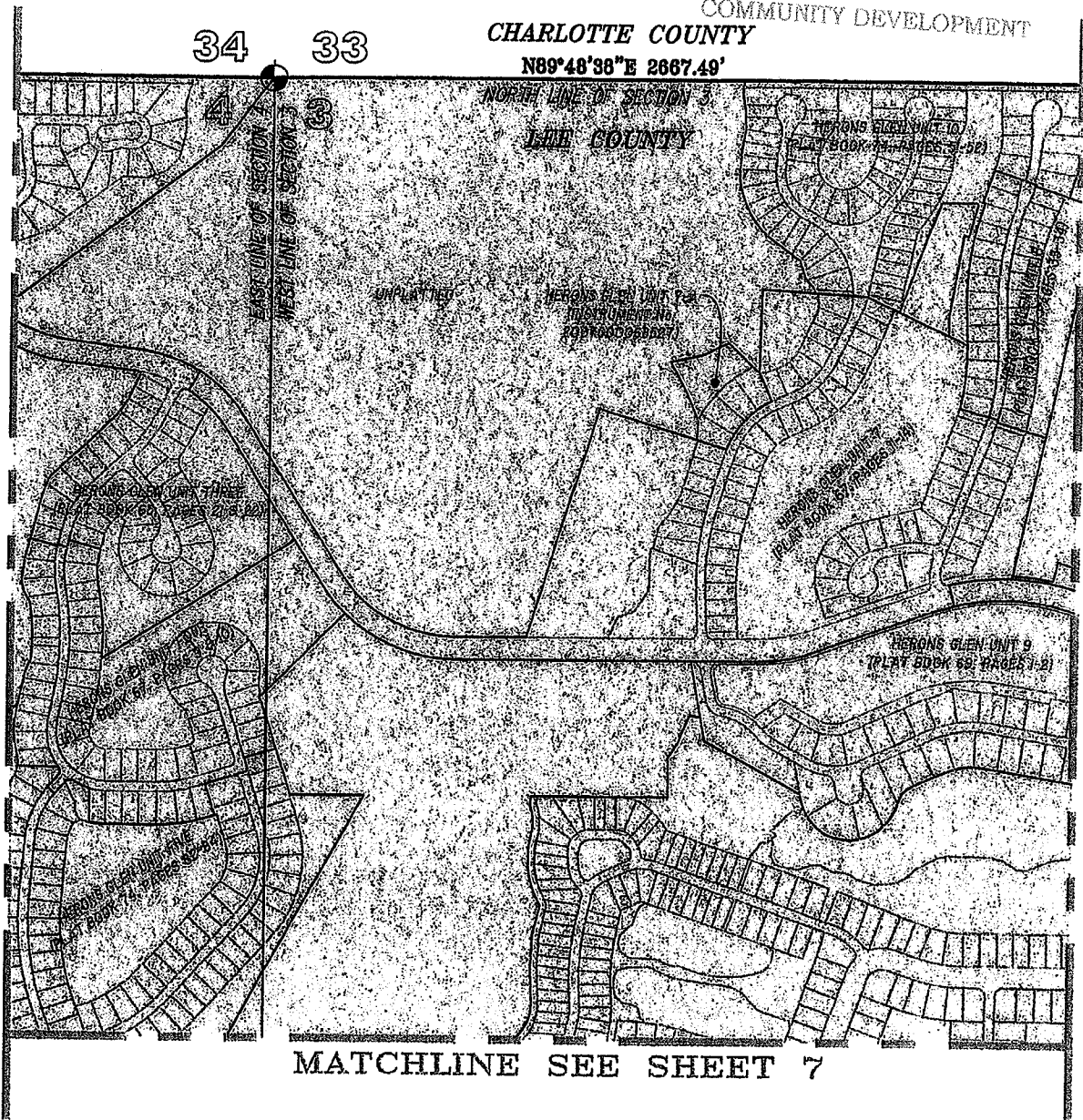
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SCALE IN FEET



MATCHLINE SEE SHEET 8

MATCHLINE SEE SHEET 4

MATCHLINE SEE SHEET 7



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NOT VALID WITHOUT SHEETS 1-5 & 7-10

JOHNSON
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SKETCH TO ACCOMPANY DESCRIPTION

DATE	PROJECT NO.	FILE NO.	SCALE	SHEET
JUNE 2008	20087369	04-43-24	1"=600'	6 OF 10

ADD 2008-00152

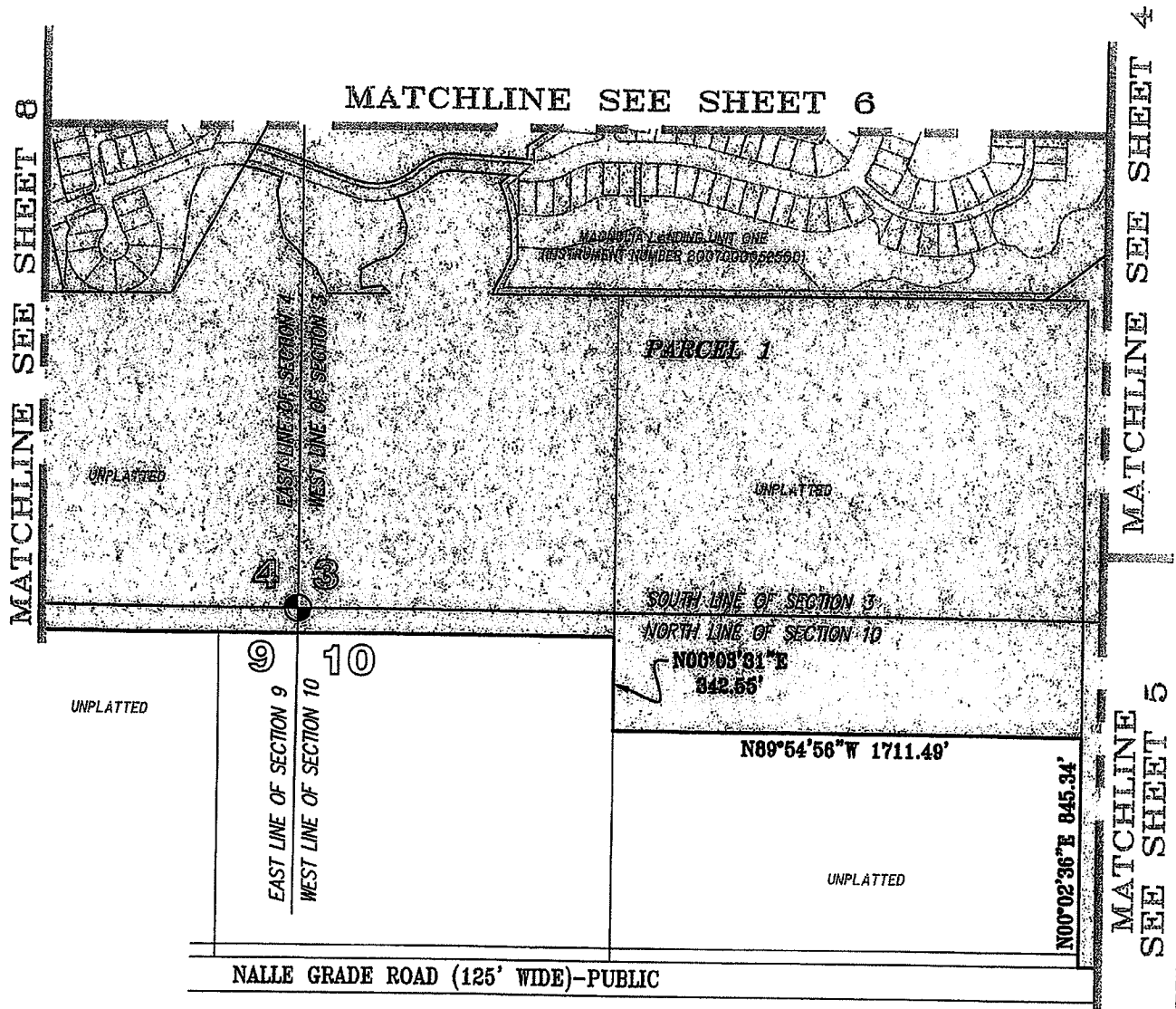
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COMMUNITY DEVELOPMENT



0 150 300 600
SCALE IN FEET



NALLE GRADE ROAD (125' WIDE)-PUBLIC

NOT VALID WITHOUT SHEETS 1-6 & 8-10

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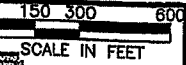
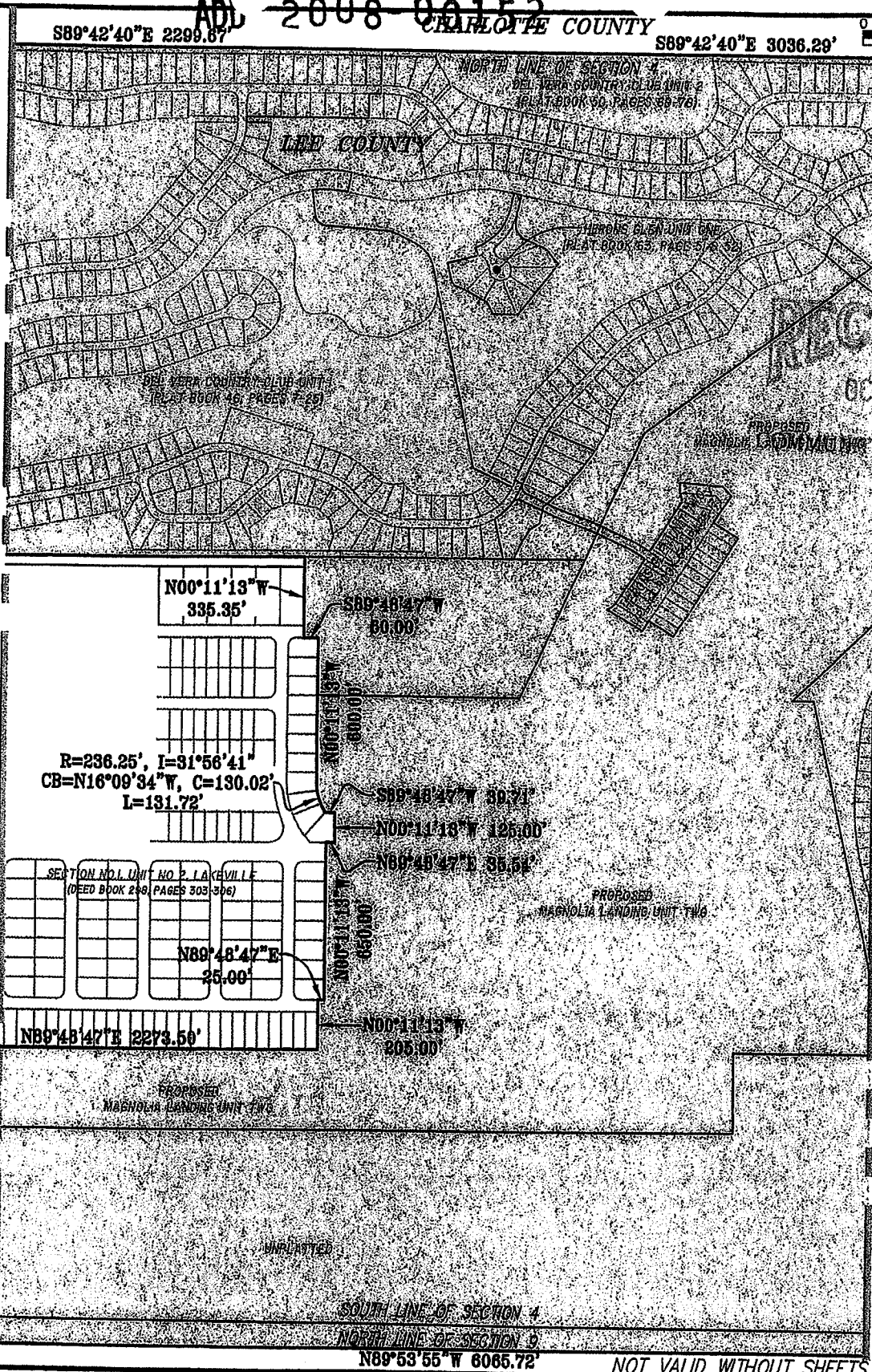
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DATE	PROJECT NO.	FILE NO.	SCALE	SHEET
JUNE 2008	20087369	04-43-24	1"=600'	7 OF 10

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MAGNOLIA LANDING DEVELOPMENT

MATCHLINE SEE SHEET 6

MATCHLINE SEE SHEET 7

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JUNE 2008	20087369	04-43-24	1"=600'	8 OF 10

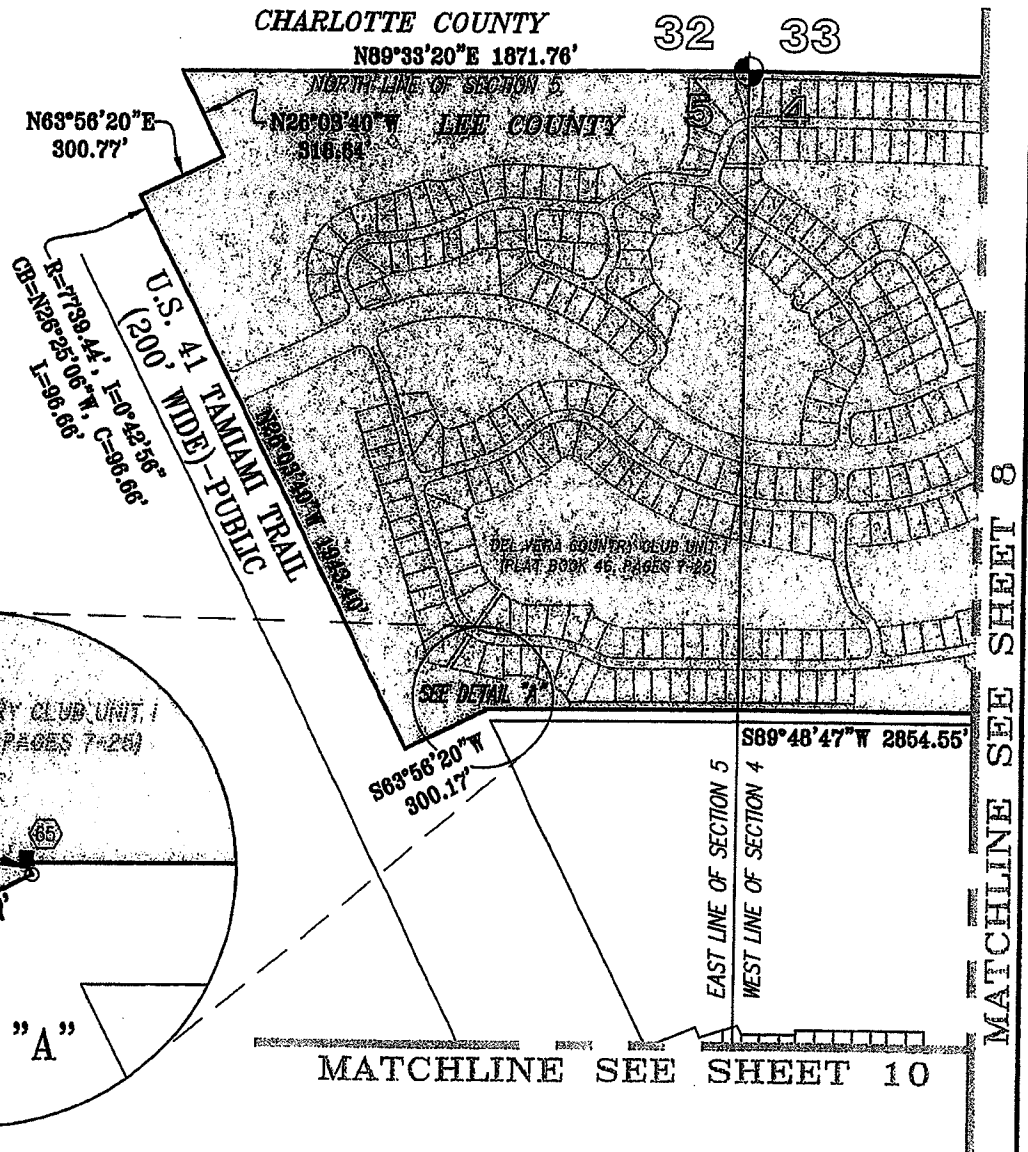
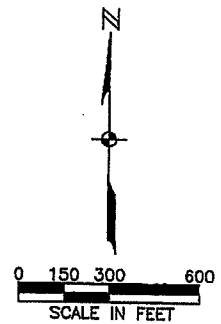
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COMMUNITY DEVELOPMENT



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SKETCH TO ACCOMPANY DESCRIPTION

DATE	PROJECT NO.	FILE NO.	SCALE	SHEET
JUNE 2008	20087389	04-43-24	1"=600'	9 OF 10

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ADD 2008-00152

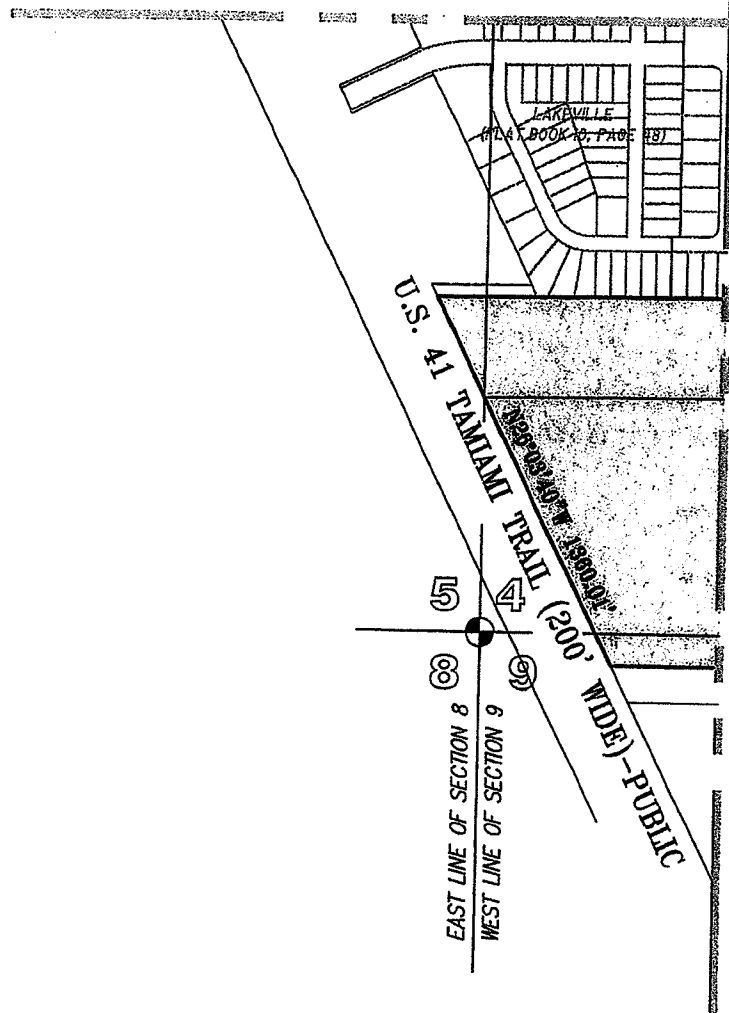
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COMMUNITY DEVELOPMENT



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SCALE IN FEET

MATCHLINE SEE SHEET 9



MATCHLINE SEE SHEET 8

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NOT VALID WITHOUT SHEETS 1-9

JOHNSON
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2122 JOHNSON STREET
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DATE	PROJECT NO.	FILE NO.	SCALE	SHEET
JUNE 2008	20087369	04-43-24	1"=600'	10 OF 10

ATTACHMENT A

SCHEDULE OF USES

September 19, 2006 (Revised December 4, 2008)

(Approved in ADD2006-00166 and Revised by ADD2008-00152)

Residential "R"

Administrative Offices

Dwelling units

Single Family

Two Family Attached

Zero Lot Line

Townhouse

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

Speculative Home

Residential Accessory Uses, 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 Section 34- 1771 et seq.)

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

Signs (in conformance with LDC Ch. 30)

Temporary Construction Trailer

Recreational Facilities, private on-site

Club, private

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 area and range and a Pro Shop (which 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 Section 34-1261 et seq.

Golf Course Maintenance Facility

Personal Services, Group II

Health Clubs

Massage Establishments (as further limited by other conditions)

Real Estate Sales Center limited to unit within Herons Glen RPD

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

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)

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

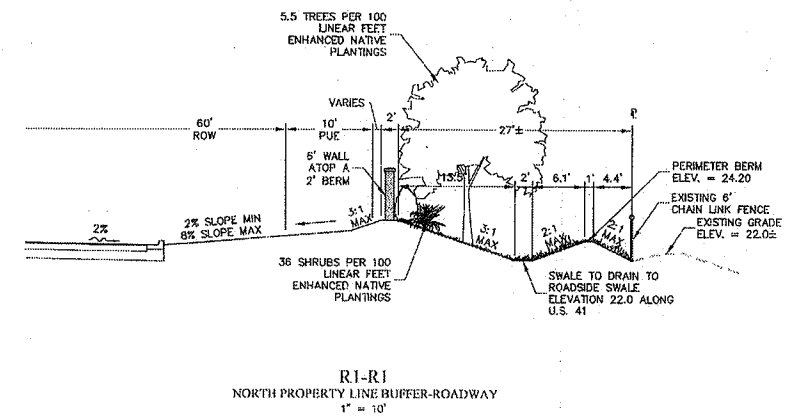
HERONS GLEN
LEE COUNTY, FLORIDA

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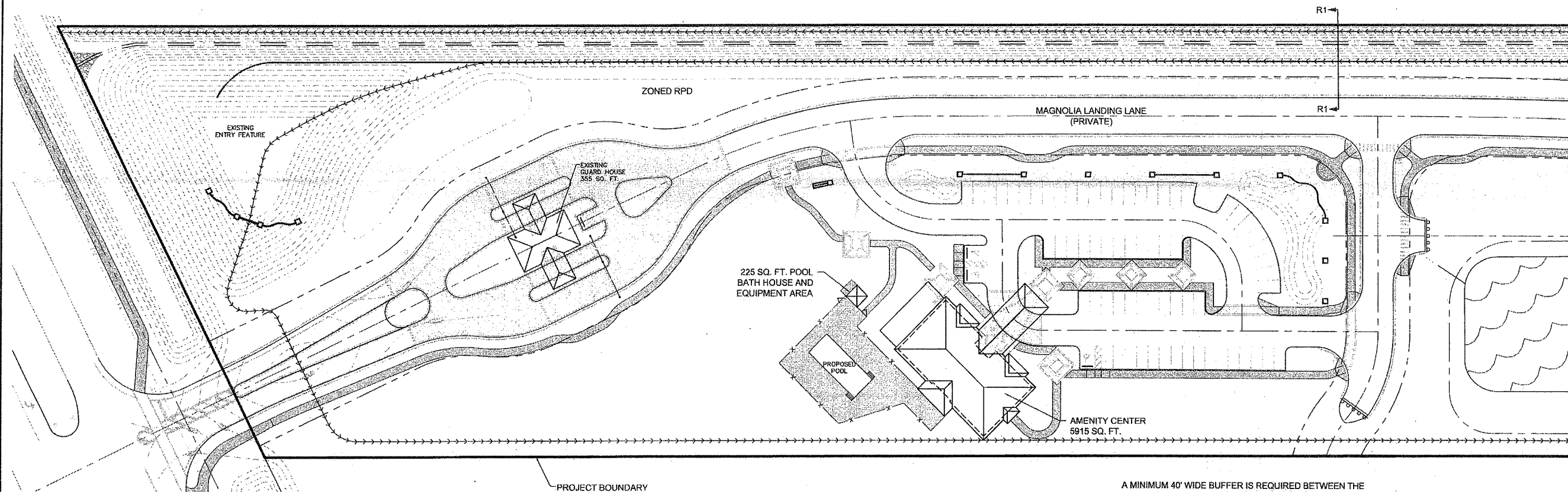
AMENITY
CENTER
SITE PLAN

SHEET NUMBER

C-01



LAKEVILLE
SUBDIVISION



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

APPROVED

Plan

Subject to Case # ADD2008-00152 ADD 2008-00152
Date 12/15/2008

ZONED AG-2
VACANT

CURRENTLY UNDER REVIEW
CASE NO. DRI2008-00004 (NOPC) AND DCI2008-00018 (RPD)