

ADMINISTRATIVE AMENDMENT (FPA) - ADD2004-00054

ADMINISTRATIVE AMENDMENT
LEE COUNTY, FLORIDA

WHEREAS, Kingsgate Associates II, Ltd. filed an application for Final Zoning Plan Approval to a Mixed Planned Development on a project known as Porto Romana for [request] on property located within Miromar Lakes, described more particularly as:

LEGAL DESCRIPTION: In Section 23, Township 46 South, Range 25 East, Lee County, Florida:

See Legal Description attached as Exhibit A

WHEREAS, the property was originally rezoned in case number Z-99-029 [with subsequent amendments in case numbers ADD2000-00110, ADD2000-0011, ADD2000-00117, ADD2000-00161, ADD2001-00018, ADD2001-00085, ADD2001-00113A, ADD2001-0125, ADD2002-00045, ADD2002-00077, ADD2002-00168, ADD2003--00028, ADD2003-00047, ADD2003-00151, ADD2004-00042, ADD2004-00045, ADD2004-00074]; and

WHEREAS, Condition 1.c. of Resolution Number Z-99-029 requires final plan approval prior to the issuance of a local development order for parcel development that includes vertical (structural) development; and

WHEREAS, the subject property is within the Residential portion of the Miromar Lakes DRI, as shown on the approved Master Concept Plan, approved in the Lee County Zoning Resolution Z-02-072; and

WHEREAS, the Porto Romana subdivision consist of 55 single-family lots with a minimum of 7,000 square feet per lot; 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 Final Zoning Plan Approval to the Planned Development for Porto Romano at Miromar Lakes is **APPROVED with the following conditions:**

1. The Development must be in substantial compliance with the two (2) page Final Zoning Plan, by Hole Montes, dated May 6, 2004, stamped received by the Permit Counter on May 6, 2004.
2. Final Zoning Plan ADD2004-00054 is hereby APPROVED and adopted. A reduced copy is attached hereto.
3. Any development which is not substantially consistent with the final site plan approved herein and attached hereto, will require an additional, amended final plan approval.
4. Terms and conditions of the original zoning resolutions remain in full force and effect.

DULY SIGNED this 11th day of May, A.D., 2004.

BY: _____


Pam Houck, Director
Division of Zoning
Department of Community Development

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LEGAL DESCRIPTION:

ZONING

A PARCEL OF LAND LOCATED IN A PORTION OF SECTION 23, TOWNSHIP 46 SOUTH, RANGE 25 EAST, LEE COUNTY, FLORIDA, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCE AT SOUTHEAST CORNER OF SECTION 23, TOWNSHIP 46 SOUTH, RANGE 25 EAST, LEE COUNTY, FLORIDA; THENCE RUN N.89°44'39"W., ALONG THE SOUTH LINE OF SAID SECTION 23, FOR A DISTANCE OF 651.54 FEET; TO A POINT ON THE WESTERLY RIGHT-OF-WAY LINE OF BEN HILL GRIFFIN PARKWAY (A.K.A. TREELINE DRIVE), A 150.00 FOOT WIDE RIGHT-OF-WAY, RECORDED IN O.R. BOOK 2745, PAGES 1550 THROUGH 1554 OF THE PUBLIC RECORDS OF LEE COUNTY, FLORIDA; THENCE RUN N.00°49'43"W., ALONG SAID WESTERLY RIGHT-OF-WAY LINE, FOR A DISTANCE OF 600.19 FEET TO THE BEGINNING OF A TANGENTIAL CIRCULAR CURVE, CONCAVE SOUTHWESTERLY; THENCE RUN NORTHWESTERLY, ALONG SAID WESTERLY RIGHT-OF-WAY LINE, AND ALONG THE ARC OF SAID CURVE TO THE LEFT, HAVING A RADIUS OF 1,325.00 FEET, THROUGH A CENTRAL ANGLE OF 54°31'33", SUBTENDED BY A CHORD OF 1,213.90 FEET AT A BEARING OF N.28°05'29"W., FOR A DISTANCE OF 1,260.94 FEET TO THE END OF SAID CURVE; THENCE RUN N.55°21'16"W., ALONG SAID WESTERLY RIGHT-OF-WAY LINE OF SAID BEN HILL GRIFFIN PARKWAY, FOR A DISTANCE OF 1,684.71 FEET TO THE BEGINNING OF A TANGENTIAL CIRCULAR CURVE, CONCAVE NORTHEASTERLY; THENCE RUN NORTHWESTERLY ALONG THE ARC OF SAID CURVE TO THE RIGHT, HAVING A RADIUS OF 2,875.00 FEET, THROUGH A CENTRAL ANGLE OF 00°09'47", SUBTENDED BY A CHORD OF 8.19 FEET AT A BEARING OF N.55°16'22"W., FOR A DISTANCE OF 8.19 FEET TO THE POINT OF BEGINNING OF THE PARCEL OF LAND HEREIN DESCRIBED; THENCE RUN S.34°38'44"W., FOR A DISTANCE OF 145.28 FEET; THENCE RUN S.54°33'07"E., FOR A DISTANCE OF 14.90 FEET; THENCE RUN S.34°03'13"W., FOR A DISTANCE OF 142.21 FEET; THENCE RUN S.29°59'00"W., FOR A DISTANCE OF 83.52 FEET; THENCE RUN S.34°27'25"W., FOR A DISTANCE OF 84.43 FEET; THENCE RUN S.44°00'09"W., FOR A DISTANCE OF 66.22 FEET; THENCE RUN S.33°01'53"W., FOR A DISTANCE OF 80.26 FEET; THENCE RUN S.39°16'58"W., FOR A DISTANCE OF 58.11 FEET; THENCE RUN S.42°41'38"W., FOR A DISTANCE OF 70.00 FEET; THENCE RUN S.34°25'47"W., FOR A DISTANCE OF 54.07 FEET; THENCE RUN S.23°01'35"W., FOR A DISTANCE OF 65.10 FEET; THENCE RUN S.31°43'52"W., FOR A DISTANCE OF 52.21 FEET; THENCE RUN S.45°55'57"W., FOR A DISTANCE OF 84.78 FEET; THENCE RUN S.55°55'49"W., FOR A DISTANCE OF 94.12 FEET; THENCE RUN S.61°06'56"W., FOR A DISTANCE OF 65.55 FEET; THENCE RUN S.63°15'51"W., FOR A DISTANCE OF 71.23 FEET; THENCE RUN S.54°11'01"W., FOR A DISTANCE OF 46.71 FEET; THENCE RUN S.51°41'17"W., FOR A DISTANCE OF 68.21 FEET; THENCE RUN S.52°04'42"W., FOR A DISTANCE OF 71.78 FEET; THENCE RUN S.54°11'01"W., FOR A DISTANCE OF 70.07 FEET; THENCE RUN S.61°23'40"W., FOR A DISTANCE OF 71.14 FEET; THENCE RUN S.67°42'23"W., FOR A DISTANCE OF 58.17 FEET; THENCE RUN S.80°02'37"W., FOR A DISTANCE OF 74.25 FEET; THENCE RUN S.75°45'23"W., FOR A DISTANCE OF 78.26 FEET; THENCE RUN S.76°43'04"W., FOR A DISTANCE OF 67.48 FEET; THENCE RUN N.66°56'36"W., FOR A DISTANCE OF 6.97 FEET; THENCE RUN N.35°58'39"W., FOR A DISTANCE OF 13.56 FEET; THENCE RUN N.03°31'24"W., FOR A DISTANCE OF 56.15 FEET; THENCE RUN N.00°47'56"W., FOR A DISTANCE OF 87.45 FEET; THENCE RUN N.06°28'57"W., FOR A DISTANCE OF 60.39 FEET; THENCE RUN N.10°38'38"W., FOR A DISTANCE OF 83.83 FEET; THENCE RUN N.12°37'44"W., FOR A DISTANCE OF 111.63 FEET; THENCE RUN N.36°15'48"E., FOR A DISTANCE OF 11.72 FEET; THENCE RUN N.89°09'58"E., FOR A DISTANCE OF 23.61 FEET; THENCE RUN N.77°22'46"E., FOR A DISTANCE OF 20.65 FEET; THENCE RUN N.66°35'26"E., FOR A DISTANCE OF 23.99 FEET; THENCE RUN N.55°09'11"E., FOR A DISTANCE OF 23.55 FEET; THENCE RUN N.45°22'52"E., FOR A DISTANCE OF 19.97 FEET; THENCE RUN N.33°19'32"E., FOR A DISTANCE OF 17.47 FEET; THENCE RUN N.45°01'52"E., FOR A DISTANCE OF 15.84 FEET; THENCE RUN N.67°17'03"E., FOR A DISTANCE OF 17.01 FEET; THENCE RUN N.85°04'42"E., FOR A DISTANCE OF 28.65 FEET;

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THENCE RUN N.76°20'40"E., FOR A DISTANCE OF 39.74 FEET; THENCE RUN N.62°29'52"E. **ZONING**
FOR A DISTANCE OF 41.29 FEET; THENCE RUN N.46°48'39"E., FOR A DISTANCE OF 31.76
FEET; THENCE RUN N.38°43'43"E., FOR A DISTANCE OF 31.17 FEET; THENCE RUN
N.24°13'01"E., FOR A DISTANCE OF 30.02 FEET; THENCE RUN N.21°11'14"E., FOR A
DISTANCE OF 58.49 FEET; THENCE RUN N.34°57'21"E., FOR A DISTANCE OF 39.30 FEET;
THENCE RUN N.39°36'26"E., FOR A DISTANCE OF 30.66 FEET; THENCE RUN N.47°51'02"E.,
FOR A DISTANCE OF 50.86 FEET; THENCE RUN N.52°45'59"E., FOR A DISTANCE OF 42.83
FEET; THENCE RUN N.49°52'58"E., FOR A DISTANCE OF 26.97 FEET; THENCE RUN
N.35°29'26"E., FOR A DISTANCE OF 33.29 FEET; THENCE RUN N.19°57'33"E., FOR A
DISTANCE OF 35.06 FEET; THENCE RUN N.07°46'41"E., FOR A DISTANCE OF 49.91 FEET;
THENCE RUN N.12°51'15"E., FOR A DISTANCE OF 37.16 FEET; THENCE RUN N.19°48'58"E.,
FOR A DISTANCE OF 33.50 FEET; THENCE RUN N.37°25'36"E., FOR A DISTANCE OF 35.18
FEET; THENCE RUN N.28°10'50"E., FOR A DISTANCE OF 45.20 FEET; THENCE RUN
N.21°44'15"E., FOR A DISTANCE OF 27.83 FEET; THENCE RUN N.10°39'02"E., FOR A
DISTANCE OF 43.78 FEET; THENCE RUN N.01°08'24"E., FOR A DISTANCE OF 34.37 FEET;
THENCE RUN N.05°27'49"W., FOR A DISTANCE OF 41.27 FEET; THENCE RUN
N.16°02'35"W., FOR A DISTANCE OF 38.67 FEET; THENCE RUN N.21°43'31"W., FOR A
DISTANCE OF 28.80 FEET; THENCE RUN N.83°37'55"E., FOR A DISTANCE OF 74.57 FEET;
THENCE RUN S.83°20'29"E., FOR A DISTANCE OF 69.38 FEET; THENCE RUN S.77°03'11"E.,
FOR A DISTANCE OF 80.34 FEET; THENCE RUN S.79°56'40"E., FOR A DISTANCE OF 52.24
FEET; THENCE RUN N.84°50'20"E., FOR A DISTANCE OF 61.31 FEET; THENCE RUN
N.83°12'14"E., FOR A DISTANCE OF 61.39 FEET; THENCE RUN N.59°53'46"E., FOR A
DISTANCE OF 46.99 FEET; THENCE RUN N.39°21'44"E., FOR A DISTANCE OF 178.20 FEET
TO A POINT ON SAID WESTERLY RIGHT-OF-WAY LINE, THE SAME BEING A POINT ON A
CIRCULAR CURVE, CONCAVE NORTHEASTERLY, WHOSE RADIUS POINT BEARS
N.41°21'48"E., A DISTANCE OF 2,875.00 FEET THEREFROM; THENCE RUN
SOUTHEASTERLY ALONG SAID WESTERLY RIGHT-OF-WAY LINE AND ALONG THE ARC
OF SAID CURVE TO THE LEFT, HAVING A RADIUS OF 2,875.00 FEET, THROUGH A
CENTRAL ANGLE OF 06°33'16", SUBTENDED BY A CHORD OF 328.71 FEET AT A BEARING
OF S.51°54'50"E., FOR A DISTANCE OF 328.89 FEET TO THE POINT OF BEGINNING;
CONTAINING 18.421 ACRES, MORE OR LESS.

NOTES:

THIS PROPERTY IS SUBJECT TO EASEMENTS, RESERVATIONS OR RESTRICTIONS OF
RECORD.

THIS PROPERTY WAS VACANT AT THE TIME OF SURVEY.

BEARINGS SHOWN HEREON REFER TO THE SOUTH LINE OF SECTION 23, TOWNSHIP 46
SOUTH, RANGE 25 EAST, OF LEE COUNTY, FLORIDA AS BEING N.89°44'39"W.

Applicant's Legal Checked

by *[Signature]* 19 MAR 04

DATE: FEBRUARY 2004

for Mixed Final Plan Approval
Planned Development
Subject to Case # ADD 2004-00054
Date 5/11/04

DRAWING NO. 1004		KINGSGATE ASSOCIATES II, LTD. PORTO ROMANO AT MIROMAR LAKES LEE COUNTY, FLORIDA		DATE REVSIONS		THESE PLANS HAVE BEEN APPROVED FOR CONSTRUCTION AND SIGNED BY THE REGISTERED PROFESSIONAL ENGINEER CHARLES L. LOCKER DATE 05/22/04	
PROJECT NO. 04.005				A			
				2			
				3			
				4			
				5			
				6			
				7			

EXOTICS MAINTENANCE PLAN

- THE FOLLOWING PLAN WILL BE UTILIZED TO ADDRESS EXOTIC SPECIES ON-SITE:
- ALL EXISTING EXOTICS (MELALEUCA, BRAZILIAN PEPPER, AUSTRALIAN PINE, DOWNY ROSE MYRTLE, EARLEAF ACACIA, AND TROPICAL SODA APPLE) WITHIN ALL DEVELOPMENT AREA WILL BE REMOVED BY MECHANICAL MEANS, EXISTING NATIVES WILL BE PROTECTED DURING THIS PROCESS.
 - REMAINING ROOTS OR STUMPS WILL BE SPRAYED WITH GARLON 5 BASAL SPRAY.
 - MIROMAR LAKES HOMEOWNERS ASSOCIATION, WILL PROVIDE AN ONGOING LANDSCAPE MAINTENANCE PROGRAM THAT WILL INCLUDE REMOVAL OF EXOTIC SPECIES AS A STANDARD MAINTENANCE ITEM. IN THIS CASE, BOTH MECHANICAL AND CHEMICAL MANAGEMENT TECHNIQUES WILL BE USED.
 - APPROPRIATE MEANS (NOT DESTRUCTIVE TO INDIGENOUS VEGETATION) WILL BE USED TO REMOVE EXOTIC VEGETATION.
 - HAND REMOVAL OF EXOTICS WILL BE USED IN ALL INDIGENOUS OPEN SPACES.

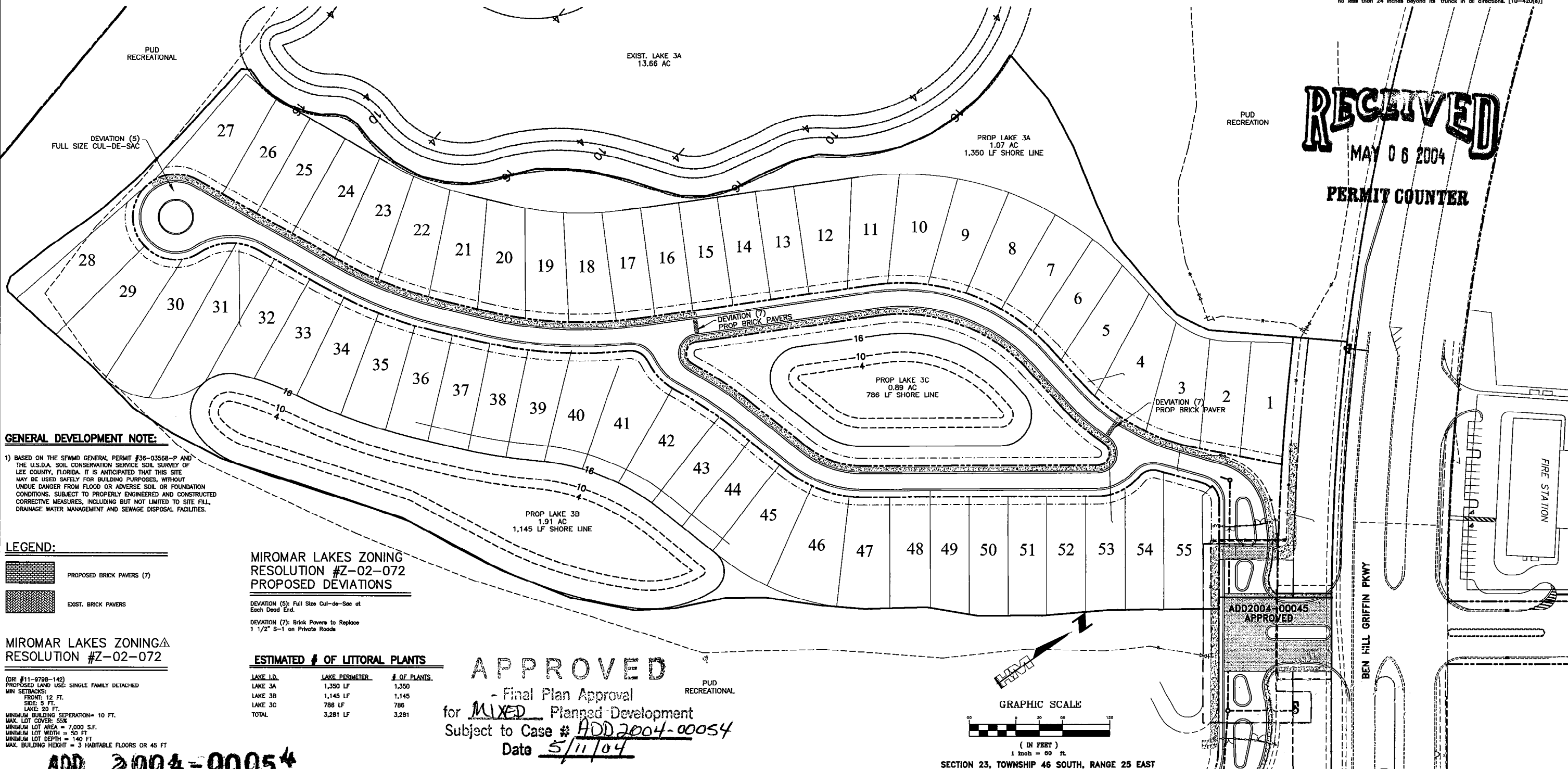
LITTORAL ZONE PLANTING NOTES

- PLANTED VEGETATION SHALL BE FROM A LISTED REGIONAL AN.
 - CONTRACTOR SHALL BE RESPONSIBLE FOR PERIODIC INSPECTIONS OF PLANTED VEGETATION TO DETERMINE WATERING REQUIREMENTS TO ENSURE SURVIVAL OF PLANTED VEGETATION.
 - CONTRACTOR SHALL WATER PLANTED VEGETATION AS NECESSARY TO ENSURE SURVIVAL OF PLANTED VEGETATION. A MINIMUM OF 80% SURVIVABILITY OF PLANTINGS IS REQUIRED.
 - LITTORAL SHELVES WILL BE MAINTAINED FREE OF EXOTIC AND NUISANCE PLANT SPECIES.
 - PLANTINGS SHALL BE INSTALLED IN CLUSTER AROUND LAKE PERIMETER. CLUSTER SHALL BE A MINIMUM OF 25 PLANTS WITHIN A 50 SQ. FT. AREA.
 - ALL LOTS AND OTHER AREAS ADJACENT TO LAKES WILL BE MAINTAINED/MOWED BY OWNER TO CONTROL LINE. ALL LITTORAL ZONE PLANTINGS WILL BE LOCATED FROM CONTROL LINE TO 2' BELOW CONTROL LINE.
- NOTE: TOTAL QUANTITIES OF PLANTS WILL BE DETERMINED BY ACTUAL AS-BUILT LAKE SHORELINE.
- TOTAL NUMBER OF PLANTS FOR PROPOSED LAKE (BASED ON 1 PLANT PER LF OF SHORELINE AT CONTROL ELEVATION)
- PLANT SPECIES**
- CORDGRASS (SPARTINA BAKERI)
SOFT RUSH (JUNCUS EFFRUSUS)
BLUE FLAG IRIS (IRIS VIRGINICUS)
GOLDEN CANNIA (CANNIA FLACIDA)
PICKERELWEED (PONTEDERIA CORDATA)
ARROWHEAD (SAGITTARIA LANCEIFOLIA)
SOFT STEM BULRUSH (SCIRPUS VALIDUS)
FRAGRANT WATER LILY (NYMPHAEA ODORATA)
SPATTERDOCK (NUPHAR LUTEUM)

GENERAL LANDSCAPE NOTES

- All trees must be a minimum of 10 feet in height, have a 2-inch caliper at 12 inches above ground, and have a four-foot spread. Remaining trees must be a minimum of 6 feet in height, have a 1-inch caliper at 12 inches above the ground, and a three-foot spread. [10-420(6)(1)]
- Palms which normally grow with a single trunk and obtain a height of twenty (20) feet may be substituted for up to 25% of the required number of trees.
- Where trees are larger than eight (8) feet, guys and stays are to be provided and installed.
- Shrubs shall be a minimum of twenty-four (24) inches in height at planting. Shrubs shall be full and well branched at time of planting.
- All shrubs shall be clustered in minimum groupings of 3.
- Sodding or seeding and mulch is required in all unpaved areas within the site boundaries unless other plantings are specified.
- Grass areas shall be planted with species normally grown as permanent lawns in Lee County.
- All planting areas are to be mulched.
- Barricade all trees proposed for preservation prior to construction. Barricades shall be placed at full dripline or six (6) feet from trunk whichever is greater. Barricades shall consist of 2 x 2 poles spaced four or five feet on-center and 1 x 2 cross pieces.
- (Selected trees shall be barricaded prior to site clearing)
- Plant materials used shall conform to the standards for Florida No. 1 or better as given in "Grades and Standards for Nursery Plants" Part I and "Grades and Standards for Nursery Plants" Part II, Florida Department of Agriculture and Consumer Services, Tallahassee.
- The following exotic species of plants shall be removed and maintained from development area.
 - Melaleuca species (Punk Tree, Calypso Tree, Paperbark Tree)
 - Casuarina species (Australian Pine)
 - Schinus species (Brazilian Pepper, Florida Holly)
 - Rhodanthe species (Tomato Tree, Downy Rose Myrtle)
 - Acacia species (Earleaf Acacia)
 - Tropical Soda Apple

12. Trees and shrubs may be of the following indigenous species:
- TREES**
- Live Oak (Quercus Virginiana)
Florida Baywood (Schoenheria Frutescens)
Black Olive (Baccharis floribunda)
Slash Pine (Pinus Elliottii)
Sweet Bay (Magnolia Virginiana)
Cabbage Palm (Sabal Palmifolia)
Laurel Oak (Quercus Laurifolia)
- SHRUBS**
- Southern Wax Myrtle (Myrica Cerifera)
Native Azalea (Rhododendron Spp.)
Shrub Holly (Ilex Opaca Arancicola)
Coccoloba (Chrysobalanus Icoca)
13. Single-family residence developments constructed on individual lots. One tree must be provided per 3,000 sq. ft. of development area, which must include a minimum of two trees per single-family lot installed prior to issuance of the certificate of occupancy. [10-416(a)(1)]
- Number of lots = 55
Number of trees per lot = 2
Number of proposed trees = 55 lots x 2 trees per lot
Number of proposed trees = 110 trees
- Number of General trees
Residential Area: Porto Romano = 15.01 acres (653,830 s.f.)
General Trees = 653,830 s.f. / 3,000 s.f. per tree = 218 trees total
14. Mulch Requirement: A two-inch layer, after watering in, of mulch or other recycled materials must be placed and maintained around all newly installed trees, shrubs and ground cover plantings. Each tree must have a ring of mulch no less than 24 inches beyond the trunk in all directions. [10-420(a)]



GENERAL DEVELOPMENT NOTE:

- 1) BASED ON THE SFMD GENERAL PERMIT #36-03568-P AND THE U.S.D.A. SOIL CONSERVATION SERVICE SOIL SURVEY OF LEE COUNTY, FLORIDA, IT IS ANTICIPATED THAT THIS SITE MAY BE USED SAFELY FOR BUILDING PURPOSES, WITHOUT UNDUE DANGER FROM FLOOD OR ADVERSE SOIL OR FOUNDATION CONDITIONS. SUBJECT TO PROPERLY ENGINEERED AND CONSTRUCTED CORRECTIVE MEASURES, INCLUDING BUT NOT LIMITED TO SITE FILL, DRAINAGE WATER MANAGEMENT AND SEWAGE DISPOSAL FACILITIES.

LEGEND:

- PROPOSED BRICK PAVERS (7)
EXIST. BRICK PAVERS

MIROMAR LAKES ZONING RESOLUTION #Z-02-072

(ORI #11-9798-142)
PROPOSED LAND USE: SINGLE FAMILY DETACHED
MIN SETBACKS:
FRONT: 12 FT.
SIDE: 5 FT.
LAKE: 20 FT.
MINIMUM BUILDING SEPARATION = 10 FT.
MAX. LOT COVER: 55%
MINIMUM LOT AREA = 7,000 S.F.
MINIMUM LOT WIDTH = 50 FT.
MINIMUM LOT DEPTH = 140 FT.
MAX. BUILDING HEIGHT = 3 HABITABLE FLOORS OR 45 FT.

MIROMAR LAKES ZONING RESOLUTION #Z-02-072 PROPOSED DEVIATIONS

DEVIATION (5): Full Size Cul-de-Sac at Each Dead End.
DEVIATION (7): Brick Pavers to Replace 1 1/2" S-1 on Private Roads

ESTIMATED # OF LITTORAL PLANTS

LAKE I.D.	LAKE PERIMETER	# OF PLANTS
LAKE 3A	1,350 LF	1,350
LAKE 3B	1,145 LF	1,145
LAKE 3C	786 LF	786
TOTAL	3,281 LF	3,281

APPROVED

- Final Plan Approval
for Mixed Planned Development
Subject to Case # ADD2004-00054
Date 5/11/04

KINGSGATE ASSOCIATES II, LTD.
PORTO ROMANO
AT MIROMAR LAKES
LEE COUNTY, FLORIDA

DESIGNED BY: CLK
DATE: 3/10/04
DRAWN BY: ERT/SCI
DATE: 3/10/04
CHECKED BY: CLK
DATE: 3/10/04
VERTICAL SCALE: N/A
HORIZONTAL SCALE: 1" = 60'

H.M.
HOLE MONTES
ENGINEERS-PLANNERS-SURVEYORS

6202-F Presidential Court
Fort Myers, FL 33919
Phone: (941) 985-1200
Florida Certificate of
Authorization No. 1772

**FINAL PLAN APPROVAL
SITE PLAN**

APPROVED BY: [Signature]
DATE: 5/11/04
CHARLES L. KREBS
FLORIDA PROFESSIONAL ENGINEER
REGISTRATION # 25345

REFERENCE NO. 04005MGP
PROJECT NO. 2004005
DRAWING NO. 1004
SHEET NO. 2 OF 2