### ADMINISTRATIVE AMENDMENT (PD) ADD2009-00008

# ADMINISTRATIVE AMENDMENT LEE COUNTY, FLORIDA

WHEREAS, James Wallace, Touchstone at The Art District, Inc. filed an application for administrative approval to a Mixed Use Planned Development on a project known as Art District at Rapallo to deviate from Land Development Code (LDC) Section 10-261 to permit the use of curbside solid waste disposal for multiple-family residential uses on the property located at the southwest corner of US 41 and Williams Road in Estero, described more particularly as:

LEGAL DESCRIPTION: In Section 04, Township 47 South, Range 25 East, Lee County, Florida:

ALL OF TRACT "1B", COCONUT POINT - AREA 1, ACCORDING TO PLAT BOOK 83, PAGES 1-13, OF THE PUBLIC RECORDS OF LEE COUNTY, FLORIDA

WHEREAS, the property was originally rezoned in case number Z-02-009 (with subsequent amendments in case numbers Z-07-040, DRI2006-00009 & DCI2006-00080, ADD2008-00010, ADD2008-00011, ADD2008-00012 and ADD2008-00139); and

WHEREAS, the subject property is located in the Urban Community Future Land Use Category as designated by the Lee Plan; and

WHEREAS, the subject property is proposed for development of four three-story mixed use buildings comprised of 20,000 square feet each encompassing retail uses on the first floor and residential dwelling units on the second and third floors; and

WHEREAS, the Art District at Rapallo also includes a 506-seat theater, amenity parks and eight commercial/residential buildings known as villa buildings and live/work buildings with open parking and parking garages; and

WHEREAS, the Departments of Public Works and Development Services has reviewed the request in accord with local development order, case number DOS2007-00154 for mixed use commercial and multiple-family development with associated roads, parking, drainage and utilities; and

WHEREAS, the applicant is requesting a deviation from LDC Section 10-261 to permit curbside pick-up of solid waste from a total of 54 multiple-family residential units, consisting of 18 in the Live/Work Buildings and 36 in the Villa Buildings that have attached individual garages and driveways as depicted on Exhibit 3; and

WHEREAS, ADD2008-00012 (refer to Exhibits 2 and 4) approved a deviation from LDC Section 10-296(i)(1)a. permitting a 12-foot pavement width with valley gutter for one-way traffic for The Art District at Rapallo; and

WHEREAS, the applicant has demonstrated adequate vehicular access for curbside pickup and storage space for individual waste containers in accord with ADD2008-00012; 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, the applicant has received approval from the Estero Community Planning Panel via e-mail responses, copies of which are included in the file; and

WHEREAS, the applicant has provided a letter from Waste Pro, dated March 27, 2009, indicating that they are able to provide curbside collection service for the subject property (see Exhibit 5);

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 to the Mixed Use Planned Development to deviate from LDC Section 10-261 to permit curbside pickup of solid waste to multiple-family residential alternatives is APPROVED, subject to the following conditions:

- The Development must be in compliance with the amended Master Concept Plan, dated January 15, 2009. The Master Concept Plan for ADD2009-00008 is hereby APPROVED and adopted. A reduced copy is attached hereto as Exhibit A.
- 2. The approval of this deviation is limited to 54 multiple-family residential dwelling units (18 in the Live/Work Buildings and 36 in the Villa Buildings) of the Art District at Rapallo equipped with individual garages and driveways depicted on the MCP as Building Numbers 80, 81, 82, 83, 84, 85, 86 and 87 as depicted on Exhibit C.
- 3. Units that do not have attached garages and the non-residential uses within the Art District at Rapallo are required to utilize dumpster space provided in accord with LDC Section 10-261 and Ordinance No. 08-10 and consistent with the "typical dumpster pad detail" as shown in Exhibit F.
- 4. Each unit is limited to a maximum of one curbside solid waste container.

5. The terms and conditions of the original zoning resolutions remain in full force and effect.

DULY SIGNED this 23nd day of

, A.D., 2009.

RV.

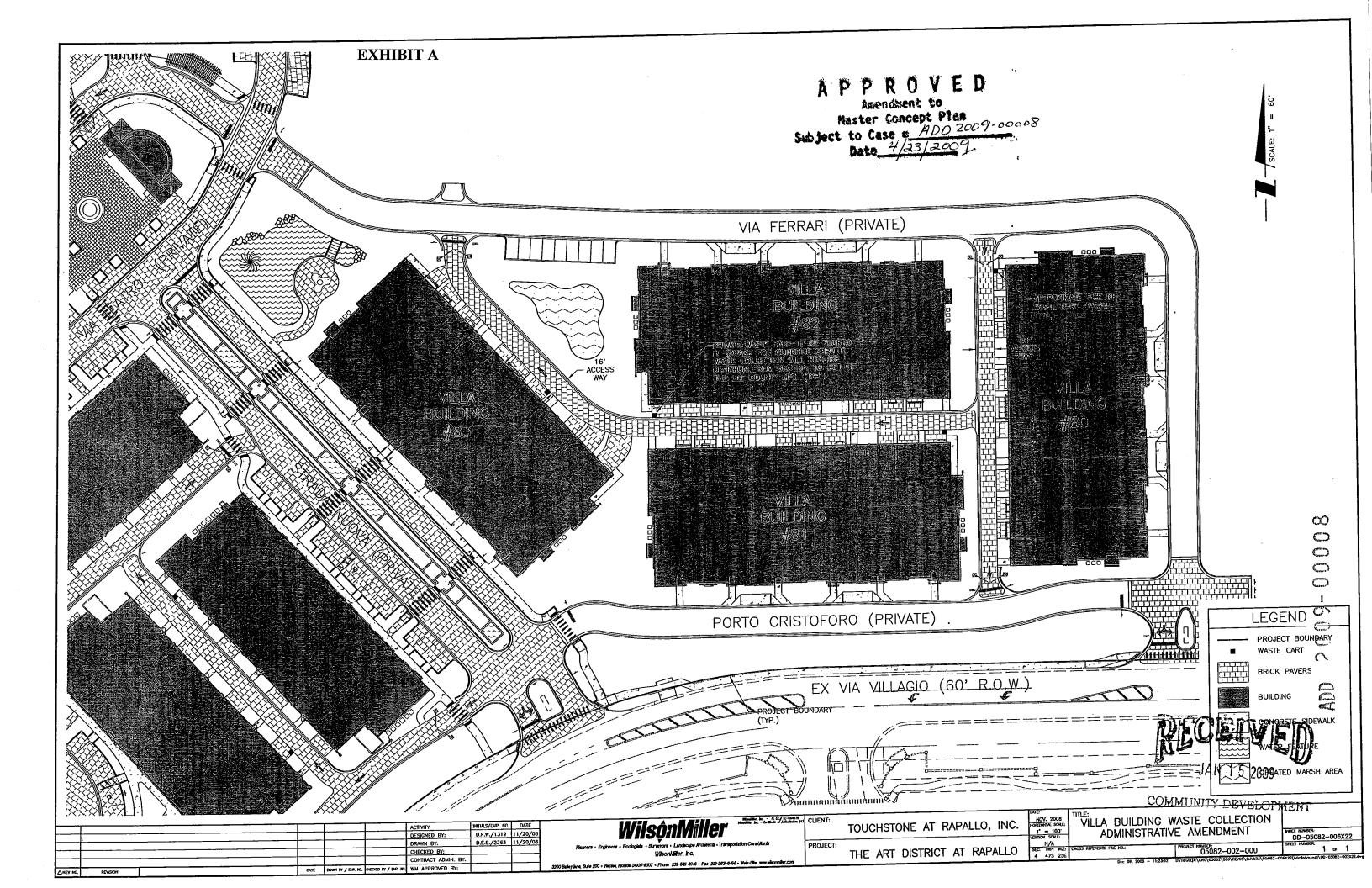
Pam Houck, Director

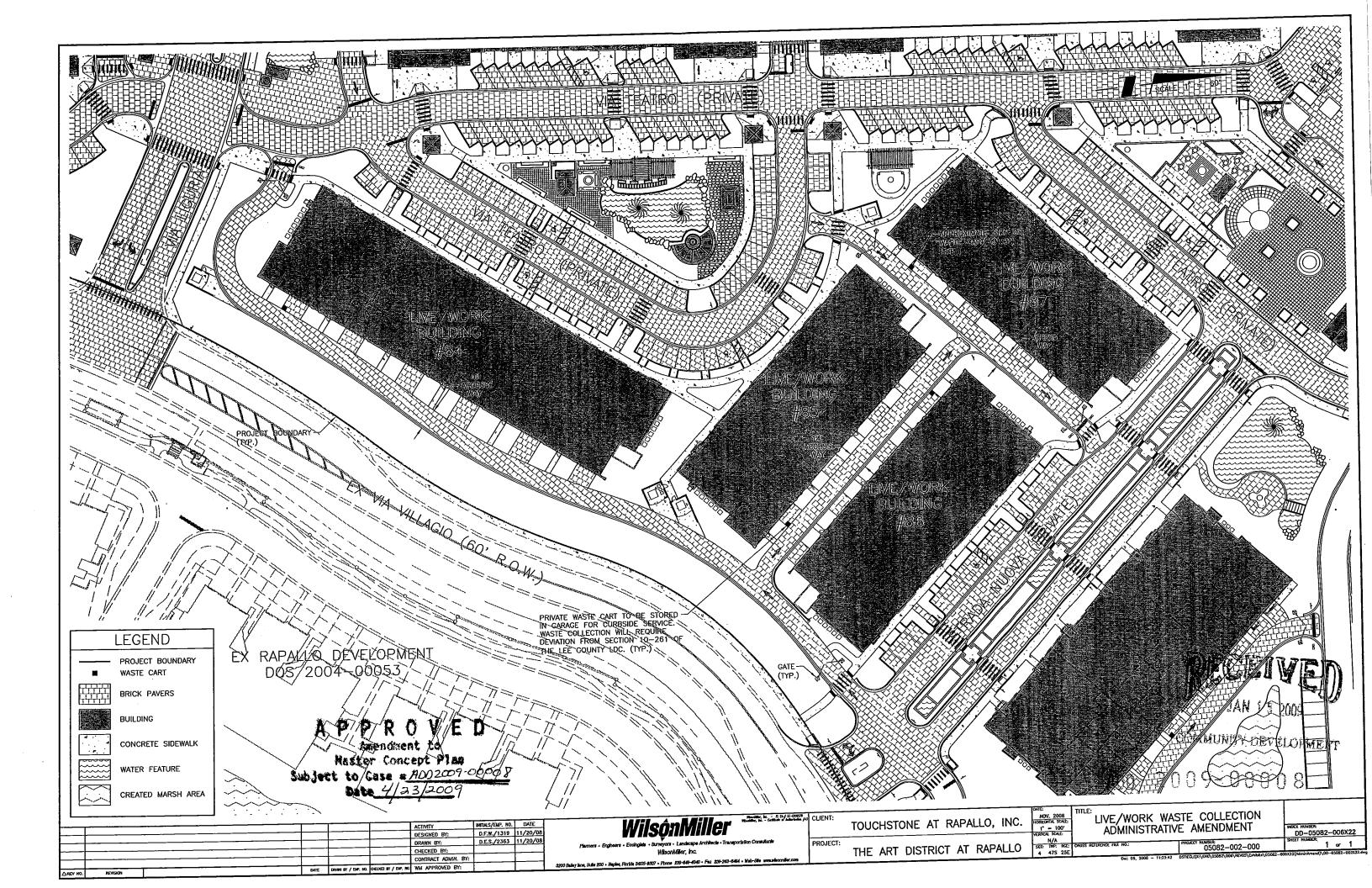
Division of Zoning

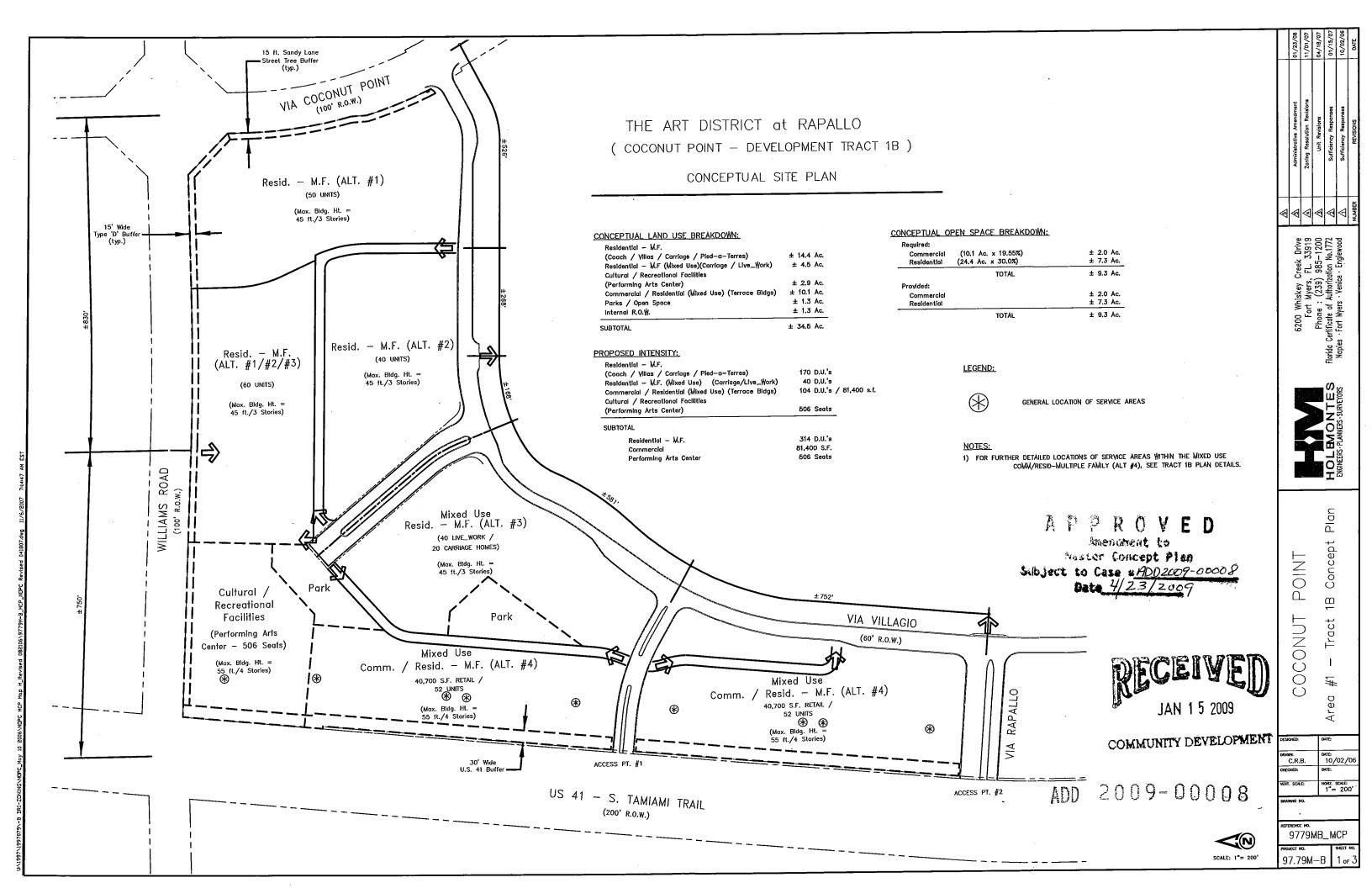
Department of Community Development

#### Exhibits:

- A. Master Concept Plan stamped received January 15, 2009 (3 pages)
- B. Copy of ADD2008-00012
- C. Copy of Waste Collection Summary depicting the location of curbside pickup for multiple-family residential buildings
- D. Copy of Typical Alley Way Section depicting the approved 12-foot wide one-way internal alleys
- E. Copy of letter from Waste Pro dated March 27, 2009
- F. Typical dumpster pad detail (2 pages)









#### **BOARD OF COUNTY COMMISSIONERS**

239-533-8585

Bob Janes District One

A. Brian Bigelow District Two February 28, 2008

Ray Judah District Three

Tammy Hall District Four

Prank Mann
District Five

Donald D. Stilwell County Manager

David M. Owen County Attorney

Diana M. Parker County Hearing Examiner .

Allyson Swanson, E.I., Wilson Miller, Inc. 3200 Bailey Lane, Suite 200, Naples, FL 34105

Re: Administrative Deviation

ADD2008-00012

The Art District At Rapallo

Dear Ms. Swanson:

Attached please find approved Administrative Deviation to allow for proposed alternatives to provide the following:

1. APPROVED for a deviation from the L.D.C. Section 10-285(a)(Connection Separation); to reduce the connection separation on Via Villagio, Porta Cristoforo, privately maintained roads from the required 125 feet, to allow 83+/- feet from the entry on Via Villagio to the intersection of Strada Nuova and Porto Christoforo;79+/- feet separation from the entry on Via Villagio to the intersection of Via Ferrari and Porto Christoforo; and 84+/- feet separation from the entry on Williams Road to the Porto Christoforo intersection for a commercial and multi-family development, as measured centerline to centerline;

and Section 10-296(i) (1) a.(Pavement width one-way traffic); to request relief to permit 12-foot pavement with valley gutter for one-way traffic which requires 14-foot pavement for one-way traffic with swale and drainage or valley gutter drainage.

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

Sincerely,

DEPARTMENT OF COMMUNITY DEVELOPMENT

Development Services Division

Peter J. Eckenrode

Director

PJE/RSK

Attachments:

Administrative Deviation

Reduced Plan

cc: Project File #DOS2007-00154



Administrative Deviation: ADD2008-00012

# DSO ADMINISTRATIVE DEVIATION LEE COUNTY, FLORIDA

WHEREAS, Wilson Miller, Inc. has filed an application on behalf of Edward J. McArdle Trust for approval of an administrative deviation from technical requirements of the Lee County Land Development Code for The Art District At Rapallo, which property is located at the southwest corner of US 41 and Williams Road in Estero, FL 33928, described more particularly as:

LEGAL DESCRIPTION
See attached Exhibit "A"; and

WHEREAS, the applicant has indicated that the property's current STRAP number is **04-47-25-30-0001B.0000**; and

WHEREAS, the property is zoned MPD; and

WHEREAS, an application for an administrative deviation from technical requirements of Chapter 10 of the Lee County Land Development Code has been filed; and

WHEREAS, Lee County Land Development Code, as amended, provides for administrative deviation from certain technical requirements for matters involving streets, access streets, intersections, rights-of-way, drainage swales, public water, public sewer, water mains, mass transit facilities, setbacks for water retention/detention excavations, indigenous native vegetation, landscaping of vehicle use areas and site design standards and guidelines for commercial developments and similar matters not related to a change in use of the property in question; and

WHEREAS, deviation is requested in the MPD district from Lee County Land Development Code:

Section 10-285(a)(Connection Separation); to reduce the connection separation on Via Villagio, Porta Cristoforo, privately maintained roads from the required 125 feet, to allow 83+/- feet from the entry on Via Villagio to the intersection of Strada Nuova and Porto Christoforo; 79+/- feet separation from the entry on Via Villagio to the intersection of Via Ferrari and Porto Christoforo; and 84+/- feet separation from the entry on Williams Road to the Porto Christoforo intersection for a commercial and multi-family development, as measured centerline to centerline, and

Section 10-296(i) (1) a (Pavement width one-way traffic); to request relief to permit 12-foot pavement with valley gutter for one-way traffic which requires 14-foot pavement for one-way traffic with swale and drainage or valley gutter drainage.

WHEREAS, the subject application, engineer's representations, and sealed

engineering plans have been reviewed by the *Lee County Development Services Division* in accordance with applicable regulations for compliance with all terms of the administrative deviation approval; and

WHEREAS, the following findings of fact are offered:

That the proposed alternative to reduce the connection separation on Via Villagio, Porta Cristoforo, privately maintained roads from the required 125 feet, to allow 83+/- feet from the entry on Via Villagio to the intersection of Strada Nuova and Porto Christoforo; 79+/- feet separation from the entry on Via Villagio to the intersection of Via Ferrari and Porto Christoforo; and 84+/- feet separation from the entry on Williams Road to the Porto Christoforo intersection for a commercial and multi-family development, as measured centerline to centerline;

and to request relief to permit 12-foot pavement with valley gutter for one-way traffic which requires 14-foot pavement for one-way traffic with swale and drainage or valley gutter drainage is based on sound engineering practice as follows:

- (i) The intersection spacing layout, and the street widths, are designed to create a more livable, pedestrian friendly community by promoting lower vehicle speeds, enhanced pedestrian access, and better compatibility between vehicles, pedestrians and cyclists.
- b) That said proposed alternative is no less consistent with the health, safety, and welfare of abutting land owners and the general public than the standard from which the deviation was requested; and
- c) The granting of the deviation is not inconsistent with any specific directive of the Board of County Commissioners, any other ordinance, or any Lee Plan Provision.

NOW, THEREFORE, IT IS HEREBY DETERMINED that the application for an Administrative Deviation in the MPD zoning district from the Lee County Land Development Code, Section 10-285(a) (Connection Separation) and Section 10-296(i) (1) a.(Pavement width one-way traffic) is APPROVED, limited by the following conditions:

- a) That approval is subject to the basic conceptual site plan, date stamped 1/18/08, submitted for this administrative deviation (copy attached); and
- b) That this approval is subject to further review and approval by the Lee County Development Services Division at the time of Development Order approval for lands herein described; and

c) That approval is limited to lands herein described. DULY SIGNED this 28th day of February, A.D., 2008.

By

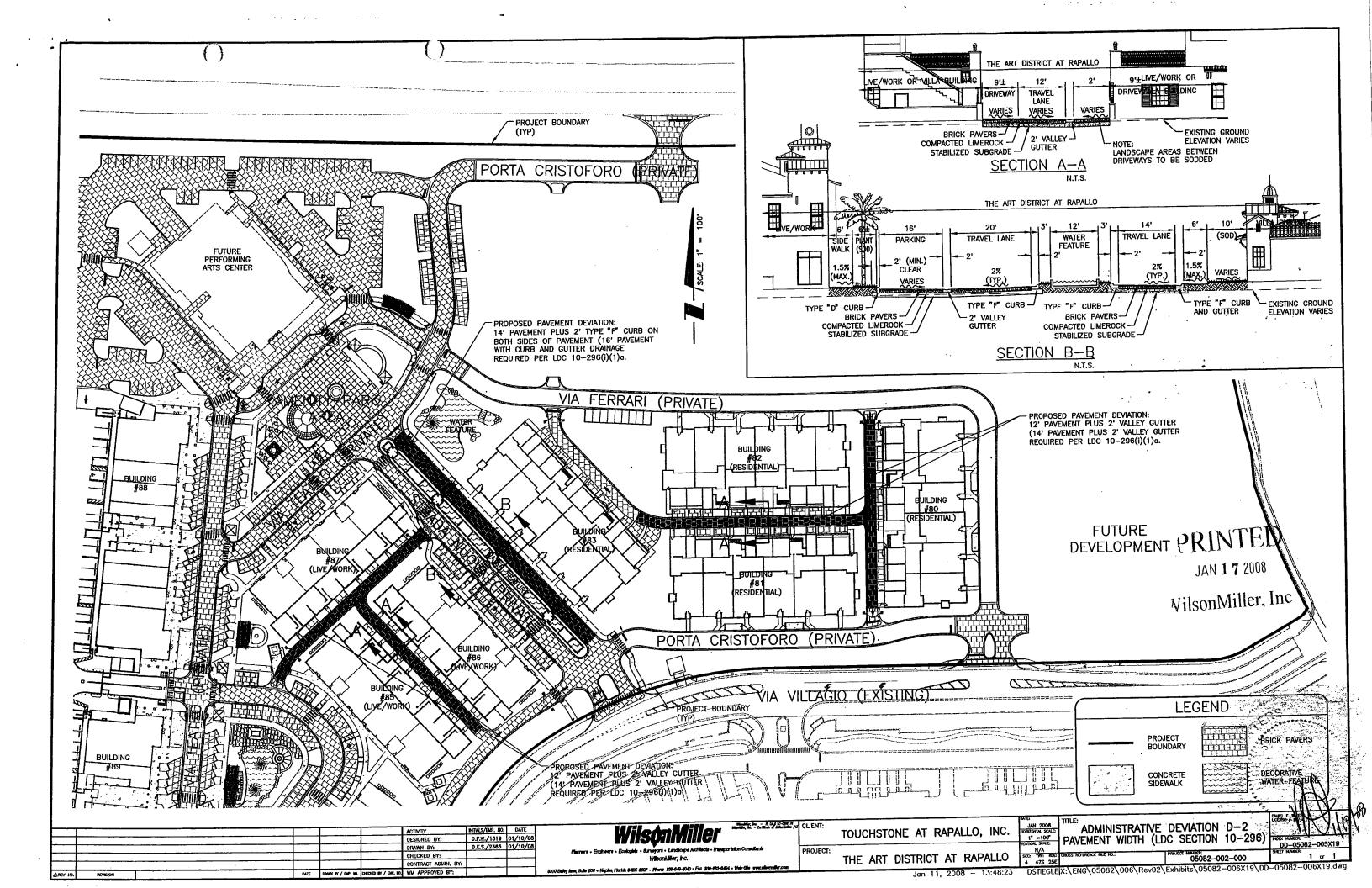
Peter J. Eckenrode, Director Development Services

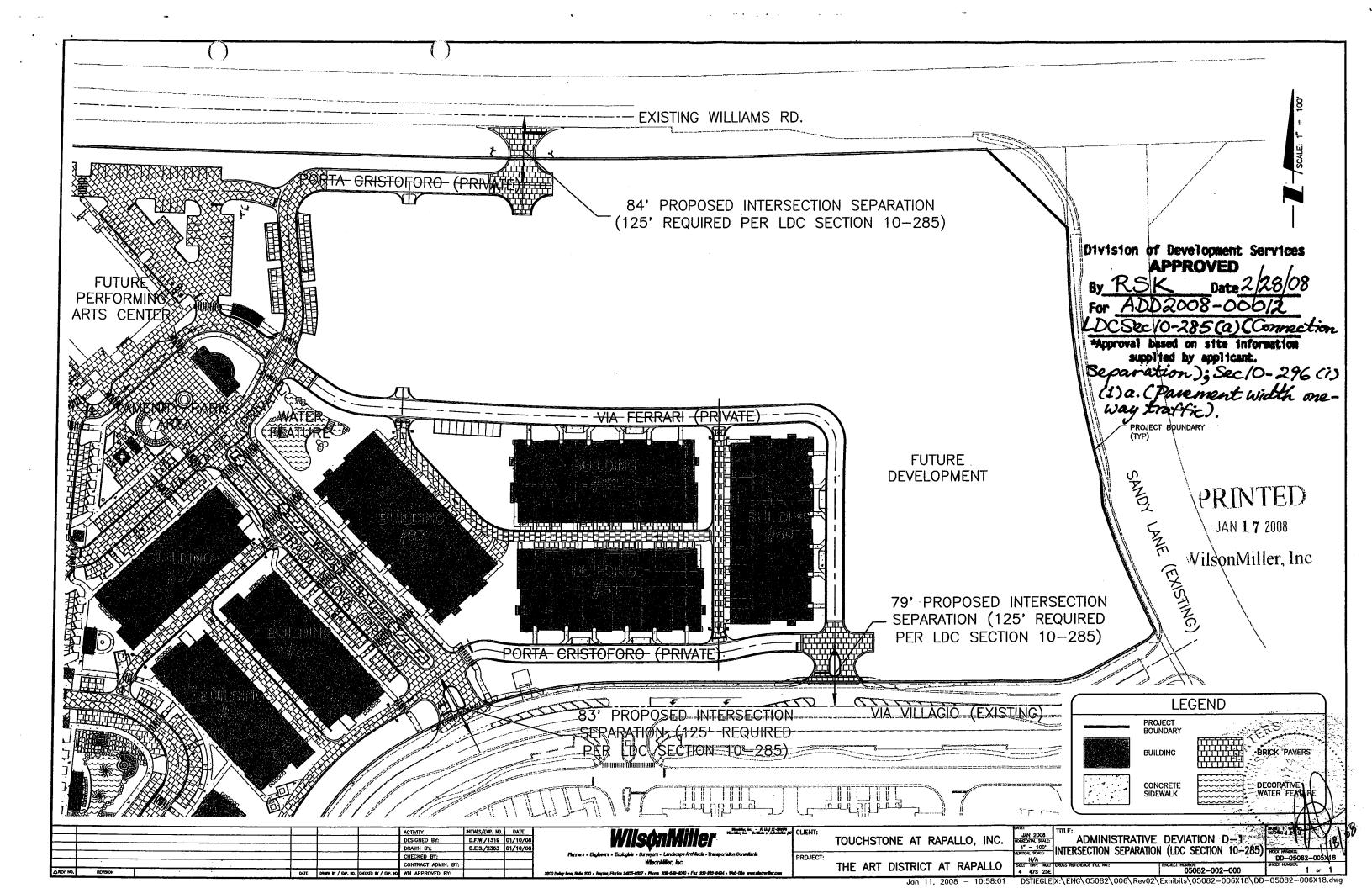
## EXHIBIT 66A?

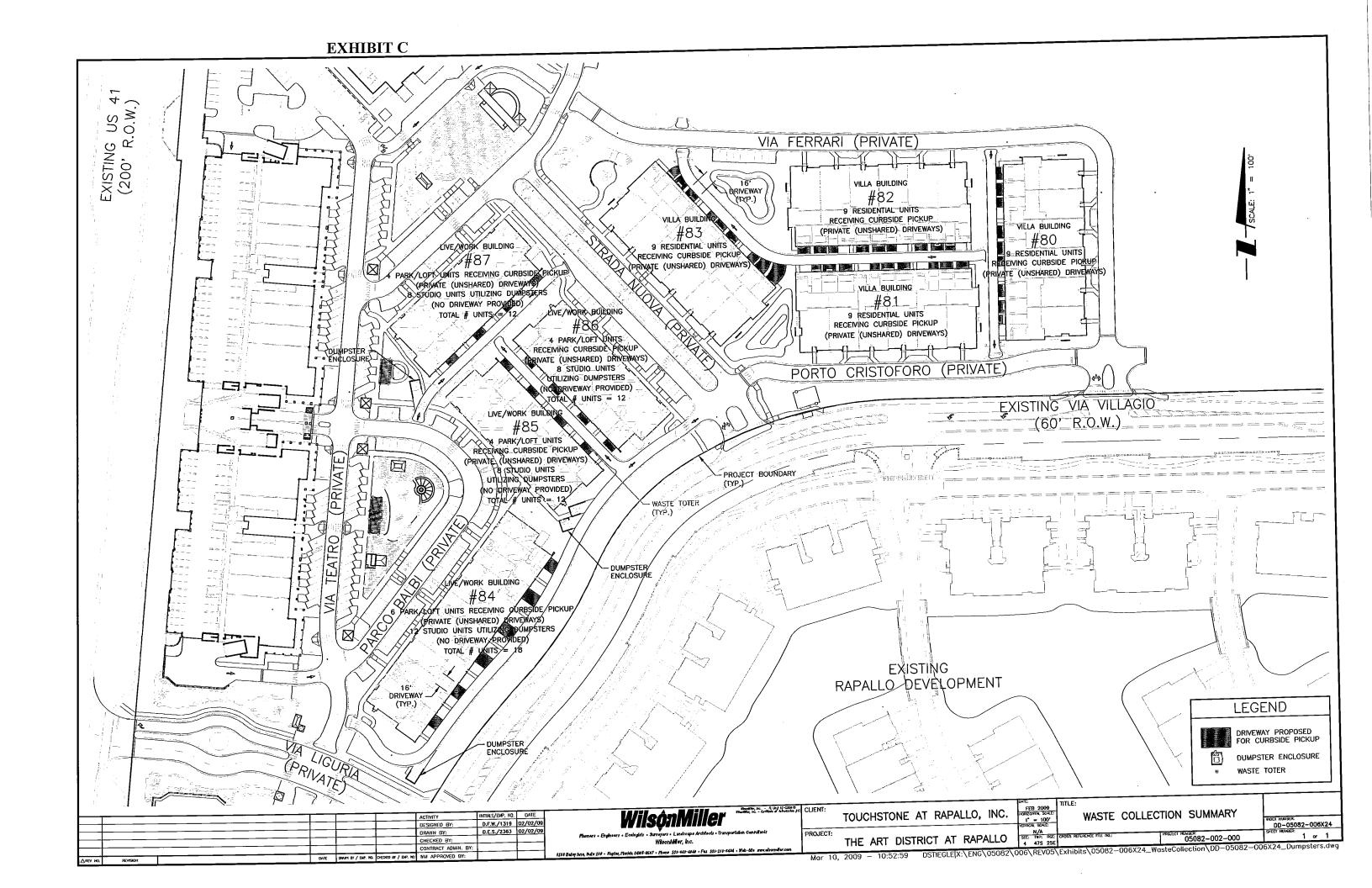
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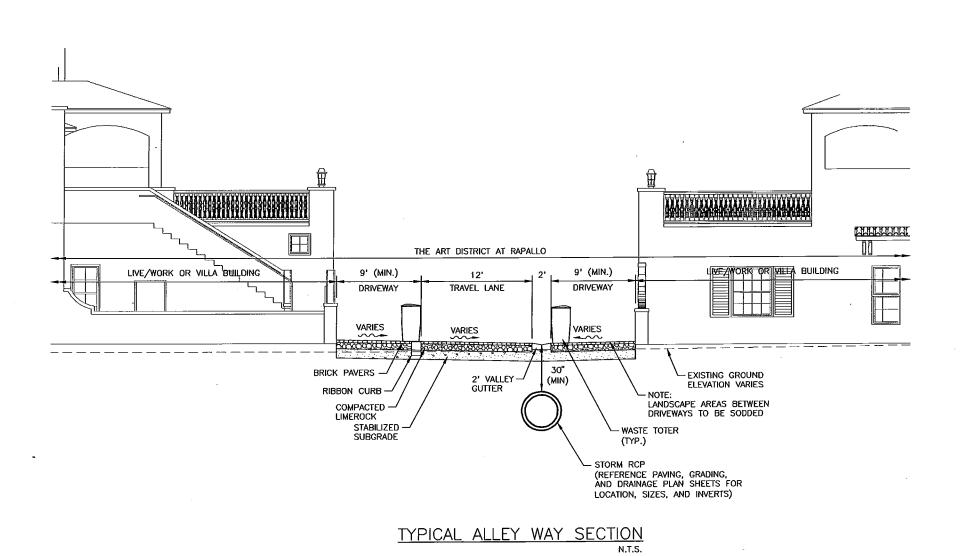
MAP OF BOUNDARY SURVEY OF TRACT "18", COCONUT POINT - AREA 1, PLAT BOOK 83, PAGES 1-13, LEE COUNTY, FLORIDA.

Applicant's Legal Checked by R Museux 05-17-07









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#### **EXHIBIT E**



P.O. Box 60717 • Ft. Myers, FL 33906

Phone: (239) 337-0800 Fax: (239) 225-2758

March 27, 2009

Chad M. McKimm, E.I. WilsonMiller, Inc. 3200 Bailey Lane, Suite 200 Naples, FL 34105

Dear Mr. McKimm,

Subject: Administrative Amendment Number ADD2009-00008.

I have reviewed the Autoturn plan for the live/work waste collection at the Art District at Rapallo. I have determined that we are able to provide "Commercial Curbside Can Collection Service" for this project.

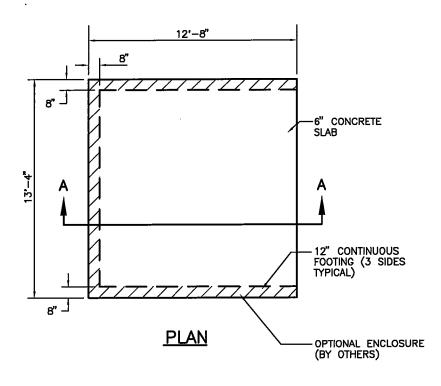
If you need any additional response, please feel free to contact me at my office at 239-337-0800 ext. 227.

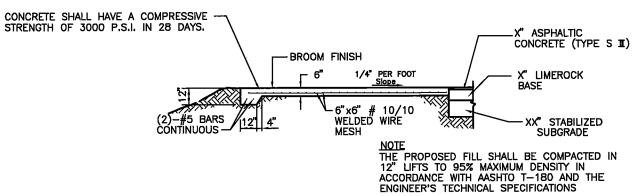
Sincerely,

Keith Bangsiak

Regional Vice President Waste Pro of Florida

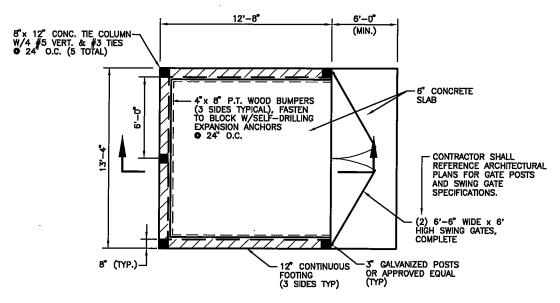
ce: Bill Newman, Lee County Division of Solid Waste



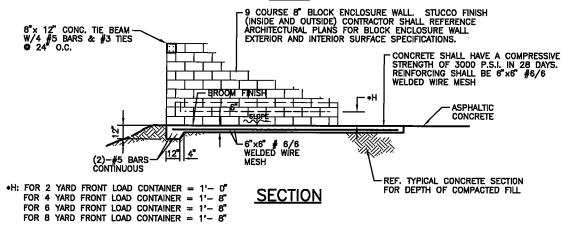


#### SECTION A-A

## TYPICAL DUMPSTER PAD DETAIL



#### **PLAN**



### (W/ BLOCK WALL CLOSURE)

### TYPICAL DUMPSTER PAD DETAIL

N.T.S.