

ADMINISTRATIVE AMENDMENT (PD) ADD2013-00150

ADMINISTRATIVE AMENDMENT
LEE COUNTY, FLORIDA

WHEREAS, LB at Miromar Lakes LLC filed an application for administrative approval to a Mixed Use Planned Development (MPD) on a project known as Bardolino Model Casita Addition to add Accessory Apartments (no rentals or leases permitted) to the Schedule of Uses approved by Resolution Z-12-004 and to deviate from Land Development Code (LDC) Section 34-1174(b) that prohibits accessory uses, buildings or structures from being located closer to a street right-of-way or easement than the principal building to allow a detached accessory apartment closer to the road than the principal structure on property located at 18145 Via Portofino Way, described more particularly as:

LEGAL DESCRIPTION: In Section 13, Township 46 South, Range 25 East, Lee County, Florida:

ATTACHED AS EXHIBIT "A"

WHEREAS, the property was originally rezoned in Resolution number Z-99-029 with subsequent amendments in Resolution numbers Z-02-072, Z-06-064 and Z-12-004; and

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

WHEREAS, the applicant is requesting that Accessory Apartments (no rentals or leases permitted) be added to the Schedule of Uses to allow a 393 square foot accessory apartment without kitchen facilities on property located at 18145 Via Portofino Way (see Site Plan, Exhibit B); and

WHEREAS, an accessory apartment is considered a dwelling unit for purposes of calculating density; and

WHEREAS, Miromar Lakes is below the approved density of 2,600 units – the 2013 Annual Monitoring Report submitted in March, 2013, reflected only 861 units had been built out of the 2,600 approved; and

WHEREAS, approval of an accessory apartment on the subject property will not exceed the approved density for Miromar Lakes; and

WHEREAS, the applicant is requesting a deviation from LDC Section 34-1174(b) that prohibits accessory uses, buildings or structures from being located closer to a street right-of-way or easement than the principal building to allow an accessory apartment closer to the road than the principal structure (see Site Plan, Exhibit B); and

WHEREAS, the accessory apartment will comply with the minimum required 20 foot street setback and 5 foot side yard setback; and

WHEREAS, the Lee County LDC provides for certain administrative changes to planned development master concept 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

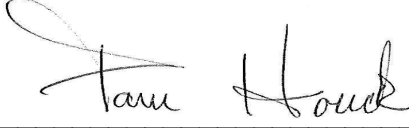
WHEREAS, it is found that the proposed amendment does not increase density or intensity within the development; does not decrease buffers or open space required by the LDC; does not underutilize public resources or infrastructure; does not reduce total open space, buffering, landscaping or preservation areas; and does not otherwise adversely impact on surrounding land uses.

NOW, THEREFORE, IT IS HEREBY DETERMINED that the application for administrative approval to add Accessory Apartments (no rentals or leases permitted) to the Schedule of Uses approved by Resolution Z-12-004 and to deviate from LDC Section 34-1174(b) that prohibits accessory uses, buildings or structures from being located closer to a street right-of-way or easement than the principal building to allow an accessory apartment closer to the road than the principal structure on property located at 18145 Via Portofino Way is **APPROVED, subject to the following conditions:**

1. **The Schedule of Uses approved by Resolution Z-12-004 is amended to add: Accessory Apartment (no rentals or leases permitted) limited to property located at 18145 Via Portofino Way.**
2. **Approval is limited to development of an accessory apartment on property located at 18145 Via Portofino Way in substantial compliance with the Site Plan stamped APPROVED (see Exhibit B). The accessory apartment is limited to a maximum area of 393 square feet.**
3. **The accessory apartment must comply with a minimum street setback of 20 feet and a minimum side setback of 5 feet.**
4. **The terms and conditions of the original zoning resolution, as subsequently amended, remains in full force and effect.**
5. **If it is determined that inaccurate or misleading information was provided to the County or if this decision does not comply with the LDC when rendered, then, at any time, the Director may issue a modified decision that complies**

with the Code or revoke the decision. If the approval is revoked, the applicant may acquire the necessary approvals by filing an application for public hearing in accordance with Chapter 34.

DULY PASSED AND ADOPTED ON 12/11/2013

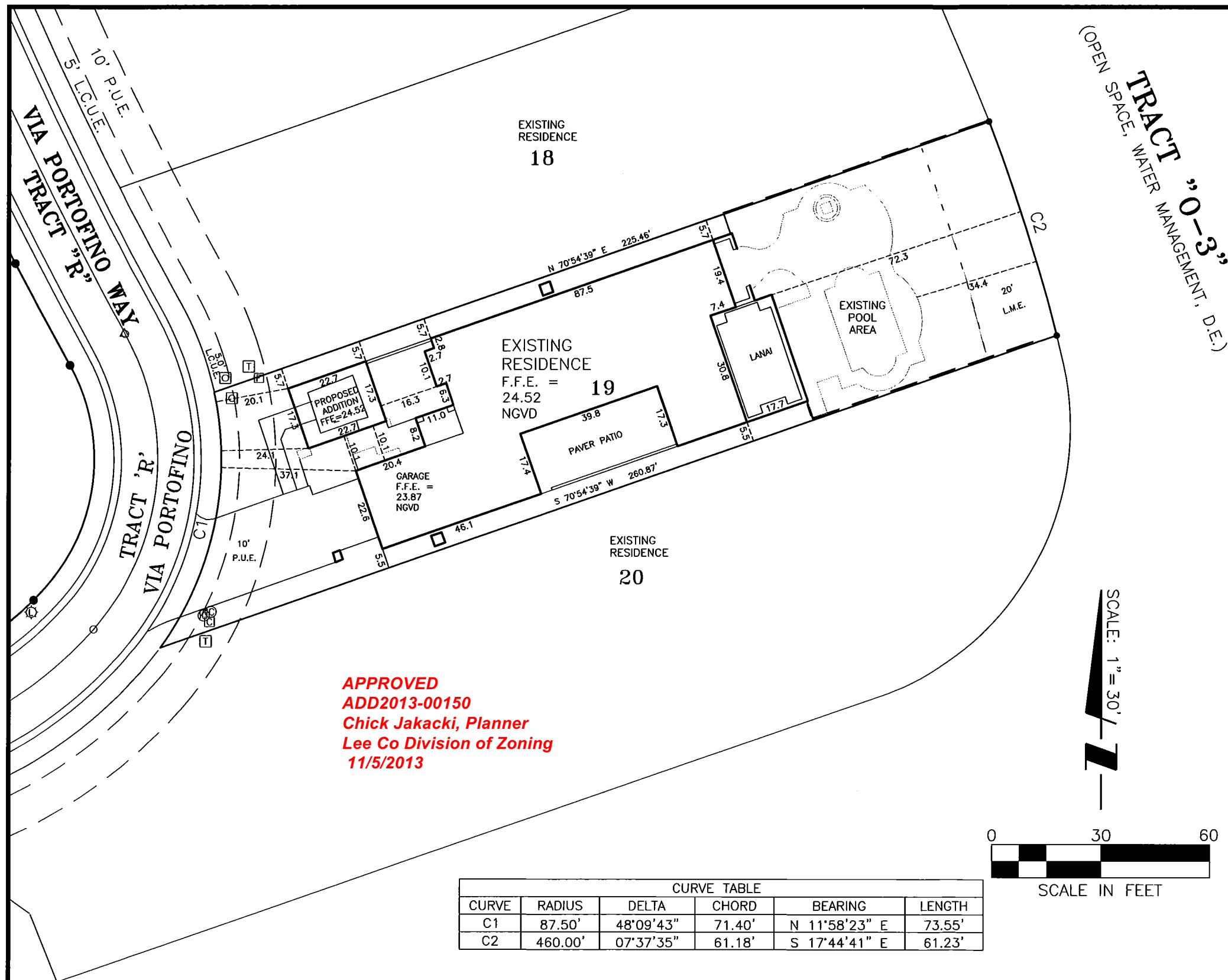
BY: 

Electronically Signed by
Pam Houck, Director
Division of Zoning
Department of Community Development

Exhibits:

- A – Legal Description and Map of Boundary Survey
- B – Site Plan

Exhibit A



MAP OF BOUNDARY SURVEY OF LOT 19, MIROMAR LAKES UNIT XI - PENINSULA
 INSTRUMENT #2006000456819, LEE COUNTY, FLORIDA.

PREPARED FOR: LONDON BAY HOMES

FOR THE BENEFIT OF: LONDON BAY HOMES

STANTEC CONSULTING SERVICES INC.
 REGISTERED ENGINEERS AND LAND SURVEYORS
 3200 BAILEY LANE, SUITE 200, (239) 649-4040
 NAPLES, FLORIDA 34105

Digitally signed by Lance
 T Miller, PSM LS#5627
 DN: cn=Lance T Miller,
 PSM LS#5627, o=Stantec
 Consulting Services Inc.,
 ou=Survey,
 email=lance.miller@stantec.com, c=US
 Date: 2013.10.04
 14:02:05 -04'00



BY: LANCE T MILLER, PROFESSIONAL SURVEYOR AND MAPPER #LS5627

OCT. 1, 2013

DATE OF SURVEY

CERTIFICATE OF AUTHORIZATION #LB-7866

NOT VALID WITHOUT THE SIGNATURE AND THE ORIGINAL RAISED SEAL OF A
 FLORIDA LICENSED SURVEYOR AND MAPPER.

NO OTHER PERSON OR ENTITY MAY RELY UPON THIS SURVEY.

ABSTRACT NOT REVIEWED

THIS BOUNDARY SURVEY IS ONLY FOR THE LANDS AS DESCRIBED. IT IS NOT A
 CERTIFICATE OF TITLE, ZONING, EASEMENTS OR FREEDOM OF ENCUMBRANCES.

GENERAL NOTES:

- BEARINGS ARE BASED ON THE NORTH LINE OF LOT 16,
 BEING NORTH 70°54'39" EAST.
 UNLESS A COMPARISON IS MADE, MEASURED BEARINGS AND DISTANCES
 ARE IDENTICAL WITH PLAT VALUES.
 DIMENSIONS ARE IN FEET AND DECIMALS THEREOF.
 DIMENSIONS ALONG CURVES ARE: D = DELTA, L = ARC LENGTH,
 CD = CHORD DISTANCE, T = TANGENT, R = RADIUS,
 CB = CHORD BEARING
 ELEVATIONS ARE BASED ON NATIONAL GEODETIC VERTICAL DATUM,
 1929, (N.G.V.D.)
 LINES SHOWN OUTSIDE OF THE LAND DESCRIBED ARE FOR REFERENCE
 USE ONLY AND WERE NOT SURVEYED.
 UNDERGROUND FOOTERS, ROOF OVERHANGS AND STUCCO FINISH WERE
 NOT TAKEN INTO CONSIDERATION IN PREPARING THIS MAP.
 Δ P.C.P. = PERMANENT CONTROL POINT - LB6940
 P.R.M. = PERMANENT REFERENCE MONUMENT
 R.O.W. = RIGHT-OF-WAY
 C.B.S. = CONCRETE BLOCK STRUCTURE
 A.E. = ACCESS EASEMENT
 D.E. = DRAINAGE EASEMENT, L.C.U.E. LEE COUNTY UTILITY EASEMENT,
 P.U.E. = PUBLIC UTILITY EASEMENT,
 L.M.E. = LAKE MAINTENANCE EASEMENT
 EL. & ELEV. = ELEVATION
 C/L = CENTERLINE
 CONC. = CONCRETE A/C = AIR CONDITIONER
 F.P.L. = FLORIDA POWER & LIGHT
 TELE. = TELEPHONE SERVICE
 ● F.I.P. = FOUND 5/8" IRON PIN WITH CAP STAMPED LB-1772 24" LONG
 ○ S.I.P. = SET IRON PIN WITH CAP LB-7866 UNLESS OTHERWISE NOTED
 □ F.C.M. = FOUND CONCRETE MONUMENT
 D.H. = DRILL HOLES
 P.K. NAIL = PARKER KYLON NAIL
 ⊕ B.M. = BENCH MARK
 PROPERTY LIES WITHIN FLOOD ZONE X PER FLOOD INSURANCE RATE
 MAPS COMMUNITY PANEL #120680 0659F DATED AUGUST 28, 2008.

ACTIVITY	INITIALS	EMP. #	MO.	DAY	YR.	APPROVED:
RESEARCH:						
FIELD WORK/CREW CHIEF	TW	2406	10	01	13	
DRAFTED:	LMT	453	10	03	13	
CHECKED BY:	LTM	436	10	04	13	
FIELD BOOK/PAGE	L-3279, 17-18					LANCE T MILLER, P.S.M. #LS5627

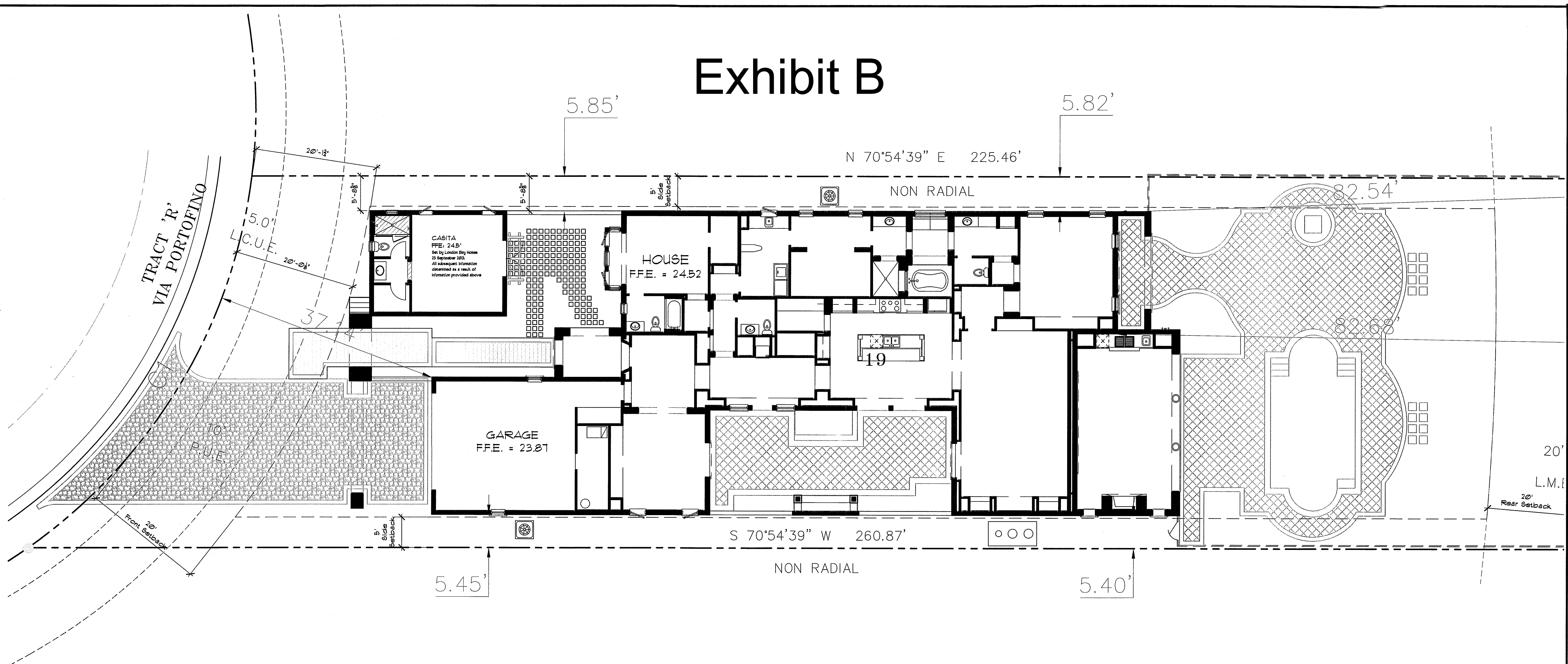


Stantec

3200 Bailey Ln., Suite 200, Naples, Florida 34105
 Phone 239-649-4040 • Fax 239-643-5716 • Web-Site www.stantec.com
 Certificate of Authorization #7866

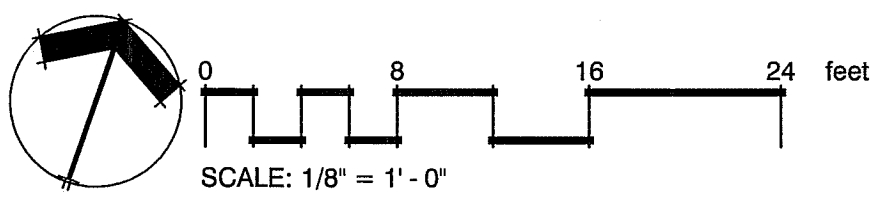
DATE:	10/13	CLIENT:	LONDON BAY HOMES
SCALE:	1"=30'	DESCRIPTION:	MAP OF BOUNDARY SURVEY LOT 16, MIROMAR LAKES UNIT XI - PENINSULA INSTRUMENT #2006000456819, LEE COUNTY, FLORIDA
CROSS REF. FILE NO.:	PROJECT NO. & WORK ORDER NO.	SHEET NUMBER:	FILE NO.:
	215610825 -PORTOFINO	19 of	2K-928

Exhibit B



APPROVED

CURVE TABLE					
CURVE	RADIUS	DELTA	CHORD	BEARING	LENGTH
C1	87.50'	48°09'43"	71.40'	N 11°58'23" E	73.55'
C2	460.00'	07°37'35"	61.18'	S 17°44'41" E	61.23'



IBI
LONDON BAY HOMES
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Naples, FL 34109
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F: 239.449.1629

LMLV19
LANDSCAPE ARCHITECT
VINCENT F. DIFINI, JR.
FLORIDA L.C. #1466684

☐ Approved ☐ Approved As Noted

Date:	Project Manager	Date:	Client
Date:	Officer / Design Manager	Date:	Client

Site Plan
Portofino @ Miromar Lakes
Lot #19 - Bardolino Casita
18145 Via Portofino Way, Miromar Lakes, FL 33913
Lee County, Florida

ISSUE DATE: 09.23.2013	DRAWN BY: VFD	REVIEWED BY: VFD
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REV 1. XXXXXX

REV 2. XXXXXX

REV 3. XXXXXX

REV 4. XXXXXX

REV 5. XXXXXX

REV 6. XXXXXX

REV 7. XXXXXX

REV 8. XXXXXX

REV 9. XXXXXX

REV 10. XXXXXX

LMLV19
SP1
SHEET

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