

ADMINISTRATIVE AMENDMENT (FPA) ADD2014-00102

**ADMINISTRATIVE AMENDMENT
LEE COUNTY, FLORIDA**

WHEREAS, Miromar Lakes, LLC., filed an application for Final Zoning Plan Approval to a Mixed Use Planned Development (MPD) on a project known as The Peninsula Phase IV at Miromar Lakes to allow:

1. Final Plan Approval for a 48-multi-family and 37-single-family detached unit subdivision known as the Peninsula Phase IV at Miromar Lakes; and
2. Deviation #1 from LDC Sec. 10-328(a) which prohibits lake maintenance easements from being located within the limits of a platted single-family residential lot, to allow for lake maintenance easements within the limits of the platted single-family lots within the subject tract;
3. Deviation #2 from LDC Sec. 10-329(d)(4) which requires lake banks to be sloped at a 6:1 ratio from the top of bank to a water depth of two feet below the dry season water table, to allow for a minimum ratio of 4:1 where turf reinforcement mat is proposed, and a minimum ratio of 2:1 where rip-rap shoreline is proposed; and
4. Deviation #3 from LDC Sec. 34-1744(b)(2)(a)(i) which allows a maximum height of 3 feet for fences or walls located between a street right-of-way or easement and the minimum required street setback line, to allow for a maximum height of 8 feet for decorative fences and walls located at the entry to residential dwelling units for Lots 23 through 37; and
5. Deviation #4 from LDC Sec. 10-418(3) which allows riprap revetments or other similar hardened shoreline structures to comprise up to 20% of an individual lake shoreline, but cannot be used adjacent to single-family residential uses, to allow for riprap to be adjacent to single-family residential uses within lots 10, 11, 16, 17, and 37.
6. Deviation #5 from LDC Sec. 10-261 which requires the provision of container space for refuse and solid waste disposal (216 square feet for the first 25 units plus 8 square feet for each additional unit) for multi-family development, to allow for curb-side pick-up of solid waste and recycling for the multi-family residential units within the project.

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

Exhibit "A".

WHEREAS, the property was rezoned in case number Z-99-029 with subsequent amendments per zoning resolutions Z-02-072, Z-06-064, Z-10-019, Z-12-004 and Z-13-020; and

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

WHEREAS, the Miromar Lakes Mixed Use Planned Development (MPD)/Development of Regional Impact (DRI) is a +/- 1,800-acre mixed use project approved for 250,000 square feet of retail uses, 340,000 square feet of office uses, 40,000 square feet of industrial/research and development uses, 450 hotel rooms, 650 boat slips, 2,600 residential units, recreational facilities and preserve areas; and

WHEREAS, Condition 1.c. of Z-13-020 requires Final Plan Approval prior to the issuance of a local development order for the parcel development that includes vertical (structural) development; and

WHEREAS, the applicant is seeking Final Plan approval for a 38-acre tract known as the Peninsula IV at Miromar Lakes including 48 multi-family units and 37 single-family detached units and associated infrastructure; and

WHEREAS, the proposal includes a master site plan and five additional deviation requests, (also see Attachment "C") as follow:

1. Deviation from LDC Sec. 10-328(a) which prohibits lake maintenance easements from being located within the limits of a platted single-family residential lot, to allow for lake maintenance easements within the limits of the platted single-family lots within the subject tract;
2. Deviation from LDC Sec. 10-329(d)(4) which requires lake banks to be sloped at a 6:1 ratio from the top of bank to a water depth of two feet below the dry season water table, to allow for a minimum ratio of 4:1 where turf reinforcement mat is proposed, and a minimum ratio of 2:1 where rip-rap shoreline is proposed; and
3. Deviation from LDC Sec. 34-1744(b)(2)(a)(i) which allows a maximum height of 3 feet for fences or walls located between a street right-of-way or easement and the minimum required street setback line, to allow for a maximum height of 8 feet for decorative fences and walls located at the entry to residential dwelling units for Lots 23 through 37; and
4. Deviation from LDC Sec. 10-418(3) which allows riprap revetments or other similar hardened shoreline structures to comprise up to 20% of an individual lake shoreline, but cannot be used adjacent to single-family residential uses, to allow for riprap to be adjacent to single-family residential uses within lots 10, 11, 16, 17, and 37.

5. Deviation from LDC Sec. 10-261 which requires the provision of container space for refuse and solid waste disposal (216 square feet for the first 25 units plus 8 square feet for each additional unit) for multi-family development, to allow for curb-side pick-up of solid waste and recycling for the multi-family residential units within the project.

WHEREAS, the proposed Final Plan Approval and deviation requests have been reviewed by Lee County Department of Community Development's Environmental Sciences and Development Services staff Attachments "D" and "E"; and

WHEREAS, the deviation requests enhance the objectives of the planned development, and preserves and promotes the general intent of the LDC to protect the public health, safety and welfare; and

WHEREAS, the subject plans and deviation requests are consistent with the approved zoning resolutions and Development of Regional Impact (DRI) as amended, 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

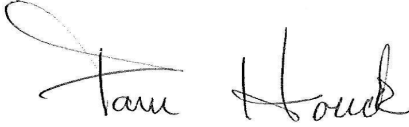
WHEREAS, it is found that the proposed amendment does not increase density or intensity within the development; does not decrease buffers or open space required by the LDC; does not underutilize public resources or infrastructure; does not reduce total open space, buffering, landscaping or preservation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

NOW, THEREFORE, IT IS HEREBY DETERMINED that the application for Final Zoning Plan Approval to the Mixed Use Planned Development (MPD) for the Peninsula Phase IV at Miromar Lakes, for a 48 multi-family and 37 single-family dwelling unit subdivision and five additional deviation requests, is **APPROVED with the following conditions:**

1. **The Development must be in substantial compliance with the 2-page Final Plan Approval: Peninsula Phase IV at Miromar Lakes, by Waldrop Engineering per (Attachment "A").**
2. **Any development which is not consistent with the final site plan approved herein and attached hereto, will require an additional, amended final plan approval.**
3. **Final Zoning Plan ADD2014-00102 is hereby APPROVED and adopted. A reduced copy is attached hereto.**

4. **Deviation # 5 is approved with the following two conditions:**
 - A. **The development must provide written approval from the franchise waste hauler that curb-side pickup will be acceptable.**
 - B. **Receptacles for solid waste and recycling for residential units must be otherwise in compliance with Lee County Solid Waste Ordinance #11-27.**
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 8/15/2014

BY: 

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

Exhibit "A" – Approved Legal, Sketch & Survey.

Attachment "A" – Cover Sheet & Master Site Plan.

Attachment "B" – Rip Rap Exhibit.

Attachment "C" - Schedule of Deviations & Justifications/Project Narrative.

Attachment "D" – Environmental Sciences Staff Report.

Attachment "E" – Development Services Staff Comments.

EXHIBIT A

APPROVED
ADD2014-00102
Chick Jakacki, Planner
Lee Co Division of Zoning
6/4/2014

LEGAL DESCRIPTION

BEING ALL OF TRACTS "B-9" AND "B-10" TOGETHER WITH PORTIONS OF TRACTS "B-5", "B-6", "B-7", AND "O-3", MIROMAR LAKES UNIT XIII - PENINSULA, ACCORDING TO THE PLAT THEREOF RECORDED AS INSTRUMENT NUMBER 2013000142438 OF THE PUBLIC RECORDS OF LEE COUNTY, FLORIDA, TOGETHER WITH A PORTION OF SECTION 13, TOWNSHIP 46 SOUTH, RANGE 25 EAST, LEE COUNTY FLORIDA AND BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGINNING AT THE NORTHEASTERLY CORNER OF TRACT "B-10", MIROMAR LAKES UNIT XIII - PENINSULA, ACCORDING TO THE PLAT THEREOF RECORDED AS INSTRUMENT NUMBER 2013000142438 OF THE PUBLIC RECORDS OF LEE COUNTY, FLORIDA, THE SAME BEING A POINT ON A NON-TANGENTIAL CURVE, THE SAME BEING A POINT ON THE BOUNDARY OF TRACT "R" OF SAID PLAT; THENCE RUN THE FOLLOWING THREE (3) COURSES ALONG THE BOUNDARY OF SAID TRACT "R"; COURSE NO. 1: SOUTHERLY, 32.83 FEET ALONG THE ARC OF A CIRCULAR CURVE, CONCAVE WESTERLY, HAVING A RADIUS OF 39.00 FEET, THROUGH A CENTRAL ANGLE OF 48°13'27" AND BEING SUBTENDED BY A CHORD THAT BEARS SOUTH 19°16'58" WEST, 31.86 FEET TO A POINT OF REVERSE CURVATURE; COURSE NO. 2: SOUTHERLY, 45.36 FEET ALONG THE ARC OF A CIRCULAR CURVE, CONCAVE EASTERLY, HAVING A RADIUS OF 53.91 FEET, THROUGH A CENTRAL ANGLE OF 48°12'55" AND BEING SUBTENDED BY A CHORD THAT BEARS SOUTH 19°17'14" WEST, 44.04 FEET; COURSE NO. 3: SOUTH 04°49'14" EAST, 17.01 FEET TO A POINT ON THE BOUNDARY OF TRACT "B-9" OF SAID PLAT; THENCE RUN THE FOLLOWING ELEVEN (11) COURSES ALONG THE BOUNDARY OF SAID TRACT "B-9"; COURSE NO. 1: SOUTH 85°10'46" WEST, 30.00 FEET; COURSE NO. 2: NORTH 04°49'14" WEST, 4.82 FEET TO A POINT ON A NON-TANGENTIAL CURVE; COURSE NO. 3: NORTHWESTERLY, 16.27 FEET ALONG THE ARC OF A CIRCULAR CURVE, CONCAVE SOUTHWESTERLY, HAVING A RADIUS OF 20.01 FEET, THROUGH A CENTRAL ANGLE OF 46°34'52" AND BEING SUBTENDED BY A CHORD THAT BEARS NORTH 27°48'16" WEST, 15.82 FEET TO A POINT ON A NON-TANGENTIAL CURVE; COURSE NO. 4: NORTHWESTERLY, 27.90 FEET ALONG THE ARC OF A CIRCULAR CURVE, CONCAVE SOUTHWESTERLY, HAVING A RADIUS OF 80.00 FEET, THROUGH A CENTRAL ANGLE OF 19°58'58" AND BEING SUBTENDED BY A CHORD THAT BEARS NORTH 61°33'16" WEST, 27.76 FEET TO A POINT OF COMPOUND CURVATURE; COURSE NO. 5: SOUTHWESTERLY, 158.16 FEET ALONG THE ARC OF A CIRCULAR CURVE, CONCAVE SOUTHEASTERLY, HAVING A RADIUS OF 80.00 FEET, THROUGH A CENTRAL ANGLE OF 113°16'28" AND BEING SUBTENDED BY A CHORD THAT BEARS SOUTH 51°49'00" WEST, 133.63 FEET; COURSE NO. 6: SOUTH 04°49'14" EAST, 199.28 FEET TO A POINT OF CURVATURE; COURSE NO. 7: SOUTHERLY, 116.12 FEET ALONG THE ARC OF A CIRCULAR CURVE, CONCAVE WESTERLY, HAVING A RADIUS OF 500.00 FEET, THROUGH A CENTRAL ANGLE OF 13°18'22" AND BEING SUBTENDED BY A CHORD THAT BEARS SOUTH 01°49'57" WEST, 115.86 FEET TO A POINT OF REVERSE CURVATURE; COURSE NO. 8: SOUTHEASTERLY, 480.56 FEET ALONG THE ARC OF A CIRCULAR CURVE, CONCAVE NORTHEASTERLY, HAVING A RADIUS OF 245.00 FEET, THROUGH A CENTRAL ANGLE OF 112°22'58" AND BEING SUBTENDED BY A CHORD THAT BEARS SOUTH 47°42'21" EAST, 407.14 FEET TO A POINT OF REVERSE CURVATURE; COURSE NO. 9: SOUTHEASTERLY, 71.54 FEET ALONG THE ARC OF A CIRCULAR CURVE, CONCAVE SOUTHWESTERLY, HAVING A RADIUS OF 40.00 FEET, THROUGH A CENTRAL ANGLE OF 102°28'07" AND BEING

SUBTENDED BY A CHORD THAT BEARS SOUTH 52°39'46" EAST, 62.38 FEET TO A POINT OF COMPOUND CURVATURE; COURSE NO. 10: SOUTHERLY, 140.02 FEET ALONG THE ARC OF A CIRCULAR CURVE, CONCAVE WESTERLY, HAVING A RADIUS OF 210.00 FEET, THROUGH A CENTRAL ANGLE OF 38°12'09" AND BEING SUBTENDED BY A CHORD THAT BEARS SOUTH 17°40'21" WEST, 137.44 FEET TO A POINT OF REVERSE CURVATURE; COURSE NO. 11: SOUTHWESTERLY, 12.26 FEET ALONG THE ARC OF A CIRCULAR CURVE, CONCAVE SOUTHEASTERLY, HAVING A RADIUS OF 120.00 FEET, THROUGH A CENTRAL ANGLE OF 05°51'08" AND BEING SUBTENDED BY A CHORD THAT BEARS SOUTH 33°50'52" WEST, 12.25 FEET; THENCE SOUTH 22°37'20" WEST, A DISTANCE OF 17.55 FEET TO A POINT OF CURVATURE; THENCE SOUTHERLY, 19.54 FEET ALONG THE ARC OF A CIRCULAR CURVE, CONCAVE EASTERLY, HAVING A RADIUS OF 500.00 FEET, THROUGH A CENTRAL ANGLE OF 02°14'20" AND BEING SUBTENDED BY A CHORD THAT BEARS SOUTH 21°30'10" WEST, 19.54 FEET TO A POINT ON A NON-TANGENTIAL CURVE, THE SAME BEING A POINT ON THE BOUNDARY OF SAID TRACT "B-9"; THENCE RUN THE FOLLOWING THREE (3) COURSES ALONG THE BOUNDARY OF SAID TRACT "B-9"; COURSE NO. 1: SOUTHERLY, 95.31 FEET ALONG THE ARC OF A CIRCULAR CURVE, CONCAVE EASTERLY, HAVING A RADIUS OF 120.00 FEET, THROUGH A CENTRAL ANGLE OF 45°30'28" AND BEING SUBTENDED BY A CHORD THAT BEARS SOUTH 09°36'36" EAST, 92.83 FEET TO A POINT OF REVERSE CURVATURE; COURSE NO. 2: SOUTHERLY, 49.95 FEET ALONG THE ARC OF A CIRCULAR CURVE, CONCAVE WESTERLY, HAVING A RADIUS OF 40.00 FEET, THROUGH A CENTRAL ANGLE OF 71°33'14" AND BEING SUBTENDED BY A CHORD THAT BEARS SOUTH 03°24'47" WEST, 46.77 FEET; COURSE NO. 3: SOUTH 88°34'19" WEST, 38.75 FEET TO A POINT ON THE BOUNDARY OF SAID PLAT; THENCE RUN THE FOLLOWING TWO (2) COURSES ALONG THE BOUNDARY OF SAID PLAT; COURSE NO. 1: SOUTH 01°16'00" EAST, 90.21 FEET; COURSE NO. 2: NORTH 88°53'34" EAST, 659.97 FEET TO A POINT ON THE BOUNDARY OF SAID TRACT "B-7"; THENCE RUN THE FOLLOWING NINE (9) COURSES ALONG THE BOUNDARY OF SAID TRACT "B-7" COURSE NO. 1: NORTH 23°51'13" WEST, 3.70 FEET TO A POINT OF CURVATURE; COURSE NO. 2: NORTHERLY, 41.92 FEET ALONG THE ARC OF A CIRCULAR CURVE, CONCAVE EASTERLY, HAVING A RADIUS OF 50.00 FEET, THROUGH A CENTRAL ANGLE OF 48°02'20" AND BEING SUBTENDED BY A CHORD THAT BEARS NORTH 00°09'57" EAST, 40.70 FEET TO A POINT OF REVERSE CURVATURE; COURSE NO. 3: NORTHERLY, 16.97 FEET ALONG THE ARC OF A CIRCULAR CURVE, CONCAVE WESTERLY, HAVING A RADIUS OF 150.00 FEET, THROUGH A CENTRAL ANGLE OF 06°28'50" AND BEING SUBTENDED BY A CHORD THAT BEARS NORTH 20°56'42" EAST, 16.96 FEET TO A POINT OF COMPOUND CURVATURE; COURSE NO. 4: NORTHERLY, 151.28 FEET ALONG THE ARC OF A CIRCULAR CURVE, CONCAVE WESTERLY, HAVING A RADIUS OF 325.00 FEET, THROUGH A CENTRAL ANGLE OF 26°40'09" AND BEING SUBTENDED BY A CHORD THAT BEARS NORTH 04°22'13" EAST, 149.91 FEET TO A POINT OF REVERSE CURVATURE; COURSE NO. 5: NORTHERLY, 39.20 FEET ALONG THE ARC OF A CIRCULAR CURVE, CONCAVE EASTERLY, HAVING A RADIUS OF 200.00 FEET, THROUGH A CENTRAL ANGLE OF 11°13'53" AND BEING SUBTENDED BY A CHORD THAT BEARS NORTH 03°20'55" WEST, 39.14 FEET TO A POINT OF REVERSE CURVATURE; COURSE NO. 6: NORTHERLY, 274.48 FEET ALONG THE ARC OF A CIRCULAR CURVE, CONCAVE WESTERLY, HAVING A RADIUS OF 775.00 FEET, THROUGH A CENTRAL ANGLE OF 20°17'33" AND BEING SUBTENDED BY A CHORD THAT BEARS NORTH 07°52'45" WEST, 273.05 FEET TO A POINT OF REVERSE CURVATURE; COURSE NO. 7: NORTHERLY, 47.39 FEET ALONG THE ARC OF A

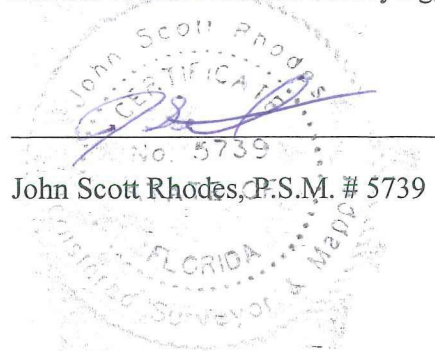
CIRCULAR CURVE, CONCAVE EASTERLY, HAVING A RADIUS OF 130.00 FEET, THROUGH A CENTRAL ANGLE OF $20^{\circ}53'13''$ AND BEING SUBTENDED BY A CHORD THAT BEARS NORTH $07^{\circ}34'56''$ WEST, 47.13 FEET TO A POINT OF REVERSE CURVATURE; COURSE NO. 8: NORTHERLY, 76.91 FEET ALONG THE ARC OF A CIRCULAR CURVE, CONCAVE WESTERLY, HAVING A RADIUS OF 550.00 FEET, THROUGH A CENTRAL ANGLE OF $08^{\circ}00'42''$ AND BEING SUBTENDED BY A CHORD THAT BEARS NORTH $01^{\circ}08'40''$ WEST, 76.84 FEET TO A POINT OF COMPOUND CURVATURE; COURSE NO. 9: NORTHWESTERLY, 18.10 FEET ALONG THE ARC OF A CIRCULAR CURVE, CONCAVE SOUTHWESTERLY, HAVING A RADIUS OF 25.00 FEET, THROUGH A CENTRAL ANGLE OF $41^{\circ}28'57''$ AND BEING SUBTENDED BY A CHORD THAT BEARS NORTH $25^{\circ}53'29''$ WEST, 17.71 FEET; THENCE NORTH $43^{\circ}22'02''$ EAST, A DISTANCE OF 20.00 FEET; THENCE NORTH $85^{\circ}10'44''$ EAST, A DISTANCE OF 11.29 FEET TO A POINT ON THE BOUNDARY OF SAID PLAT; COURSE NO. 1: NORTH $05^{\circ}09'01''$ WEST, 15.00 FEET; COURSE NO. 2: NORTH $85^{\circ}10'44''$ EAST, 109.62 FEET TO A POINT OF CURVATURE; COURSE NO. 3: SOUTHEASTERLY, 28.73 FEET ALONG THE ARC OF A CIRCULAR CURVE, CONCAVE SOUTHWESTERLY, HAVING A RADIUS OF 24.50 FEET, THROUGH A CENTRAL ANGLE OF $67^{\circ}11'49''$ AND BEING SUBTENDED BY A CHORD THAT BEARS SOUTH $61^{\circ}13'37''$ EAST, 27.11 FEET; THENCE NORTH $85^{\circ}10'44''$ EAST, A DISTANCE OF 10.58 FEET TO A POINT ON A NON-TANGENTIAL CURVE, THE SAME BEING A POINT ON THE BOUNDARY OF TRACT "B-6" OF SAID PLAT; THENCE SOUTHERLY, 4.85 FEET ALONG THE BOUNDARY OF SAID TRACT "B-6" AND ALONG THE ARC OF A CIRCULAR CURVE, CONCAVE WESTERLY, HAVING A RADIUS OF 34.48 FEET, THROUGH A CENTRAL ANGLE OF $08^{\circ}03'46''$ AND BEING SUBTENDED BY A CHORD THAT BEARS SOUTH $16^{\circ}46'27''$ EAST, 4.85 FEET TO A POINT ON THE BOUNDARY OF SAID PLAT; THENCE RUN THE FOLLOWING THREE (3) COURSES ALONG THE BOUNDARY OF SAID PLAT; COURSE NO. 1: NORTH $81^{\circ}26'59''$ EAST, 40.09 FEET; COURSE NO. 2: NORTH $08^{\circ}32'29''$ WEST, 52.63 FEET; COURSE NO. 3: NORTH $84^{\circ}13'30''$ EAST, 173.44 FEET; THENCE SOUTH $15^{\circ}05'35''$ EAST, A DISTANCE OF 257.51 FEET TO A POINT ON A NON-TANGENTIAL CURVE; THENCE SOUTHERLY, 90.10 FEET ALONG THE ARC OF A CIRCULAR CURVE, CONCAVE EASTERLY, HAVING A RADIUS OF 1,385.01 FEET, THROUGH A CENTRAL ANGLE OF $03^{\circ}43'38''$ AND BEING SUBTENDED BY A CHORD THAT BEARS SOUTH $16^{\circ}38'46''$ EAST, 90.08 FEET TO A POINT OF COMPOUND CURVATURE; THENCE SOUTHEASTERLY, 81.65 FEET ALONG THE ARC OF A CIRCULAR CURVE, CONCAVE NORTHEASTERLY, HAVING A RADIUS OF 395.19 FEET, THROUGH A CENTRAL ANGLE OF $11^{\circ}50'14''$ AND BEING SUBTENDED BY A CHORD THAT BEARS SOUTH $24^{\circ}25'42''$ EAST, 81.50 FEET; THENCE SOUTH $30^{\circ}20'49''$ EAST, A DISTANCE OF 85.50 FEET TO A POINT ON A NON-TANGENTIAL CURVE; THENCE SOUTHEASTERLY, 98.32 FEET ALONG THE ARC OF A CIRCULAR CURVE, CONCAVE NORTHEASTERLY, HAVING A RADIUS OF 114.41 FEET, THROUGH A CENTRAL ANGLE OF $49^{\circ}14'08''$ AND BEING SUBTENDED BY A CHORD THAT BEARS SOUTH $49^{\circ}12'49''$ EAST, 95.32 FEET; THENCE SOUTH $73^{\circ}49'53''$ EAST, A DISTANCE OF 135.63 FEET TO A POINT OF CURVATURE; THENCE EASTERLY, 57.49 FEET ALONG THE ARC OF A CIRCULAR CURVE, CONCAVE SOUTHERLY, HAVING A RADIUS OF 300.00 FEET, THROUGH A CENTRAL ANGLE OF $10^{\circ}58'46''$ AND BEING SUBTENDED BY A CHORD THAT BEARS SOUTH $68^{\circ}20'30''$ EAST, 57.40 FEET; THENCE SOUTH $62^{\circ}51'07''$ EAST, A DISTANCE OF 33.27 FEET TO A POINT OF CURVATURE; THENCE SOUTHEASTERLY, 16.40 FEET ALONG THE ARC OF A CIRCULAR CURVE, CONCAVE SOUTHWESTERLY, HAVING A RADIUS OF 15.00 FEET, THROUGH A CENTRAL ANGLE OF $62^{\circ}38'24''$ AND BEING SUBTENDED BY A CHORD THAT BEARS SOUTH $31^{\circ}31'55''$ EAST, 15.59 FEET;

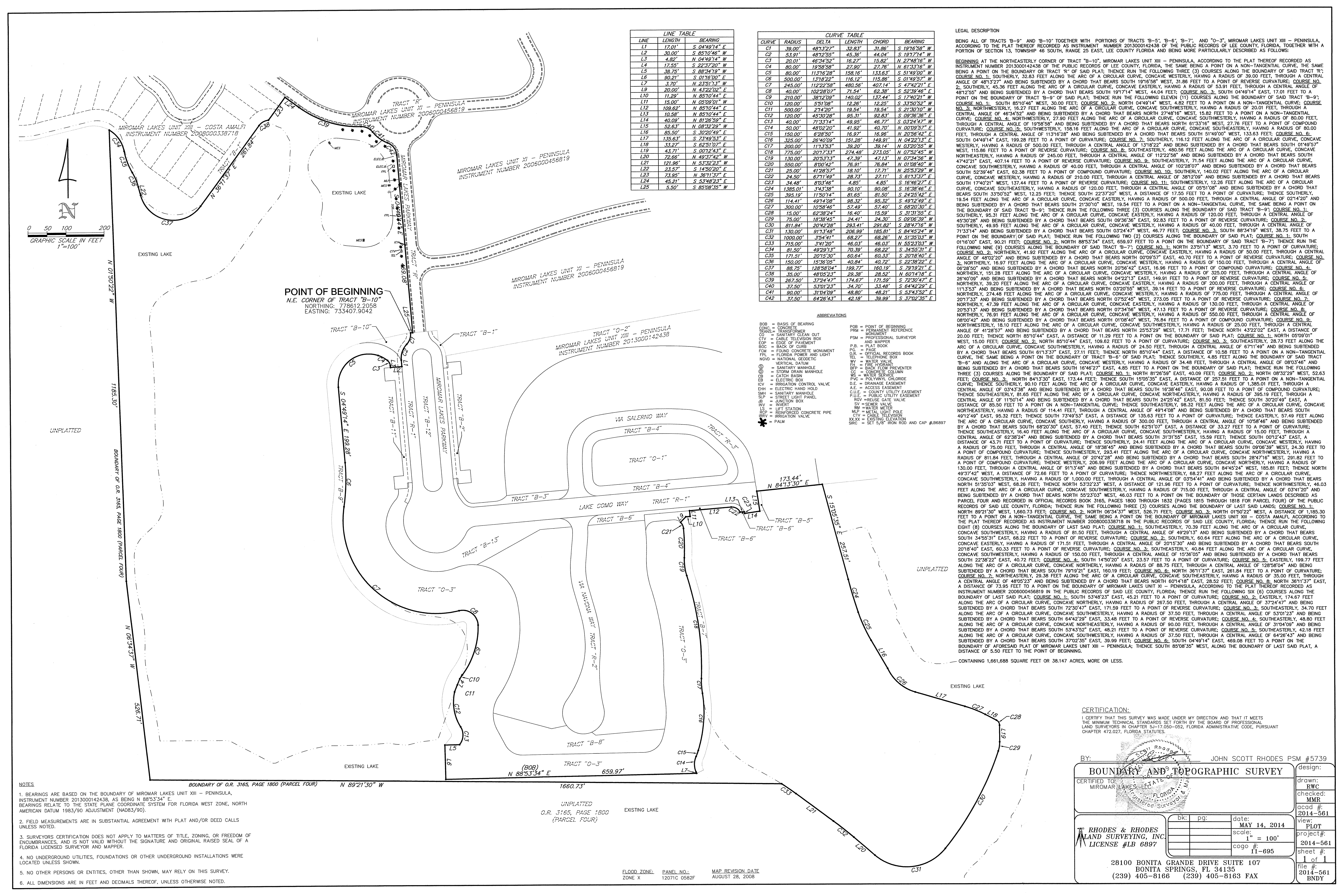
THENCE SOUTH $00^{\circ}12'43''$ EAST, A DISTANCE OF 43.71 FEET TO A POINT OF CURVATURE; THENCE SOUTHERLY, 24.41 FEET ALONG THE ARC OF A CIRCULAR CURVE, CONCAVE WESTERLY, HAVING A RADIUS OF 75.00 FEET, THROUGH A CENTRAL ANGLE OF $18^{\circ}38'45''$ AND BEING SUBTENDED BY A CHORD THAT BEARS SOUTH $09^{\circ}06'39''$ WEST, 24.30 FEET TO A POINT OF COMPOUND CURVATURE; THENCE SOUTHWESTERLY, 293.41 FEET ALONG THE ARC OF A CIRCULAR CURVE, CONCAVE NORTHWESTERLY, HAVING A RADIUS OF 811.84 FEET, THROUGH A CENTRAL ANGLE OF $20^{\circ}42'28''$ AND BEING SUBTENDED BY A CHORD THAT BEARS SOUTH $28^{\circ}47'16''$ WEST, 291.82 FEET TO A POINT OF COMPOUND CURVATURE; THENCE WESTERLY, 206.99 FEET ALONG THE ARC OF A CIRCULAR CURVE, CONCAVE NORTHERLY, HAVING A RADIUS OF 130.00 FEET, THROUGH A CENTRAL ANGLE OF $91^{\circ}13'48''$ AND BEING SUBTENDED BY A CHORD THAT BEARS SOUTH $84^{\circ}45'24''$ WEST, 185.81 FEET; THENCE NORTH $49^{\circ}37'42''$ WEST, A DISTANCE OF 72.66 FEET TO A POINT OF CURVATURE; THENCE NORTHWESTERLY, 68.27 FEET ALONG THE ARC OF A CIRCULAR CURVE, CONCAVE SOUTHWESTERLY, HAVING A RADIUS OF 1,000.00 FEET, THROUGH A CENTRAL ANGLE OF $03^{\circ}54'41''$ AND BEING SUBTENDED BY A CHORD THAT BEARS NORTH $51^{\circ}35'03''$ WEST, 68.26 FEET; THENCE NORTH $53^{\circ}32'23''$ WEST, A DISTANCE OF 121.96 FEET TO A POINT OF CURVATURE; THENCE NORTHWESTERLY, 46.03 FEET ALONG THE ARC OF A CIRCULAR CURVE, CONCAVE SOUTHWESTERLY, HAVING A RADIUS OF 715.00 FEET, THROUGH A CENTRAL ANGLE OF $03^{\circ}41'20''$ AND BEING SUBTENDED BY A CHORD THAT BEARS NORTH $55^{\circ}23'03''$ WEST, 46.03 FEET TO A POINT ON THE BOUNDARY OF THOSE CERTAIN LANDS DESCRIBED AS PARCEL FOUR AND RECORDED IN OFFICIAL RECORDS BOOK 3165, PAGES 1800 THROUGH 1832 (PAGES 1815 THROUGH 1818 FOR PARCEL FOUR) OF THE PUBLIC RECORDS OF SAID LEE COUNTY, FLORIDA; THENCE RUN THE FOLLOWING THREE (3) COURSES ALONG THE BOUNDARY OF LAST SAID LANDS; COURSE NO. 1: NORTH $89^{\circ}21'30''$ WEST, FEET; COURSE NO. 2: NORTH $06^{\circ}34'37''$ WEST, 526.71 FEET; COURSE NO. 3: NORTH $01^{\circ}50'22''$ WEST, A DISTANCE OF 1,185.30 FEET TO A POINT ON A NON-TANGENTIAL CURVE, THE SAME BEING A POINT ON THE BOUNDARY OF MIROMAR LAKES UNIT XIII – COSTA AMALFI, ACCORDING TO THE PLAT THEREOF RECORDED AS INSTRUMENT NUMBER 2008000338718 IN THE PUBLIC RECORDS OF SAID LEE COUNTY, FLORIDA; THENCE RUN THE FOLLOWING EIGHT (8) COURSES ALONG THE BOUNDARY OF LAST SAID PLAT; COURSE NO. 1: SOUTHEASTERLY, 70.39 FEET ALONG THE ARC OF A CIRCULAR CURVE, CONCAVE SOUTHWESTERLY, HAVING A RADIUS OF 81.50 FEET, THROUGH A CENTRAL ANGLE OF $49^{\circ}29'13''$ AND BEING SUBTENDED BY A CHORD THAT BEARS SOUTH $34^{\circ}55'31''$ EAST, 68.22 FEET TO A POINT OF REVERSE CURVATURE; COURSE NO. 2: SOUTHERLY, 60.64 FEET ALONG THE ARC OF A CIRCULAR CURVE, CONCAVE EASTERLY, HAVING A RADIUS OF 171.51 FEET, THROUGH A CENTRAL ANGLE OF $20^{\circ}15'30''$ AND BEING SUBTENDED BY A CHORD THAT BEARS SOUTH $20^{\circ}18'40''$ EAST, 60.33 FEET TO A POINT OF REVERSE CURVATURE; COURSE NO. 3: SOUTHEASTERLY, 40.84 FEET ALONG THE ARC OF A CIRCULAR CURVE, CONCAVE SOUTHWESTERLY, HAVING A RADIUS OF 150.00 FEET, THROUGH A CENTRAL ANGLE OF $15^{\circ}36'05''$ AND BEING SUBTENDED BY A CHORD THAT BEARS SOUTH $22^{\circ}38'22''$ EAST, 40.72 FEET; COURSE NO. 4: SOUTH $14^{\circ}50'20''$ EAST, 23.57 FEET TO A POINT OF CURVATURE; COURSE NO. 5: EASTERLY, 199.77 FEET ALONG THE ARC OF A CIRCULAR CURVE, CONCAVE NORTHERLY, HAVING A RADIUS OF 88.75 FEET, THROUGH A CENTRAL ANGLE OF $128^{\circ}58'04''$ AND BEING SUBTENDED BY A CHORD THAT BEARS SOUTH $79^{\circ}19'21''$ EAST, 160.19 FEET; COURSE NO. 6: NORTH $36^{\circ}11'37''$ EAST, 261.84 FEET TO A POINT OF CURVATURE; COURSE NO. 7:

NORTHEASTERLY, 29.38 FEET ALONG THE ARC OF A CIRCULAR CURVE, CONCAVE SOUTHEASTERLY, HAVING A RADIUS OF 35.00 FEET, THROUGH A CENTRAL ANGLE OF 48°05'23" AND BEING SUBTENDED BY A CHORD THAT BEARS NORTH 60°14'18" EAST, 28.52 FEET; COURSE NO. 8: NORTH 36°11'37" EAST, A DISTANCE OF 73.95 FEET TO A POINT ON THE BOUNDARY OF MIROMAR LAKES UNIT XI – PENINSULA, ACCORDING TO THE PLAT THEREOF RECORDED AS INSTRUMENT NUMBER 2006000456819 IN THE PUBLIC RECORDS OF SAID LEE COUNTY, FLORIDA; THENCE RUN THE FOLLOWING SIX (6) COURSES ALONG THE BOUNDARY OF LAST SAID PLAT; COURSE NO. 1: SOUTH 53°48'23" EAST, 45.21 FEET TO A POINT OF CURVATURE; COURSE NO. 2: EASTERLY, 174.67 FEET ALONG THE ARC OF A CIRCULAR CURVE, CONCAVE NORTHERLY, HAVING A RADIUS OF 267.50 FEET, THROUGH A CENTRAL ANGLE OF 37°24'47" AND BEING SUBTENDED BY A CHORD THAT BEARS SOUTH 72°30'47" EAST, 171.59 FEET TO A POINT OF REVERSE CURVATURE; COURSE NO. 3: SOUTHEASTERLY, 34.70 FEET ALONG THE ARC OF A CIRCULAR CURVE, CONCAVE SOUTHWESTERLY, HAVING A RADIUS OF 37.50 FEET, THROUGH A CENTRAL ANGLE OF 53°01'23" AND BEING SUBTENDED BY A CHORD THAT BEARS SOUTH 64°42'29" EAST, 33.48 FEET TO A POINT OF REVERSE CURVATURE; COURSE NO. 4: SOUTHEASTERLY, 48.80 FEET ALONG THE ARC OF A CIRCULAR CURVE, CONCAVE NORTHEASTERLY, HAVING A RADIUS OF 90.00 FEET, THROUGH A CENTRAL ANGLE OF 31°04'09" AND BEING SUBTENDED BY A CHORD THAT BEARS SOUTH 53°43'52" EAST, 48.21 FEET TO A POINT OF REVERSE CURVATURE; COURSE NO. 5: SOUTHEASTERLY, 42.18 FEET ALONG THE ARC OF A CIRCULAR CURVE, CONCAVE SOUTHWESTERLY, HAVING A RADIUS OF 37.50 FEET, THROUGH A CENTRAL ANGLE OF 64°26'43" AND BEING SUBTENDED BY A CHORD THAT BEARS SOUTH 37°02'35" EAST, 39.99 FEET; COURSE NO. 6: SOUTH 04°49'14" EAST, 469.08 FEET TO A POINT ON THE BOUNDARY OF AFORESAID PLAT OF MIROMAR LAKES UNIT XIII – PENINSULA; THENCE SOUTH 85°08'35" WEST, ALONG THE BOUNDARY OF LAST SAID PLAT, A DISTANCE OF 5.50 FEET TO THE POINT OF BEGINNING.

CONTAINING 1,661,688 SQUARE FEET OR 38.147 ACRES, MORE OR LESS.

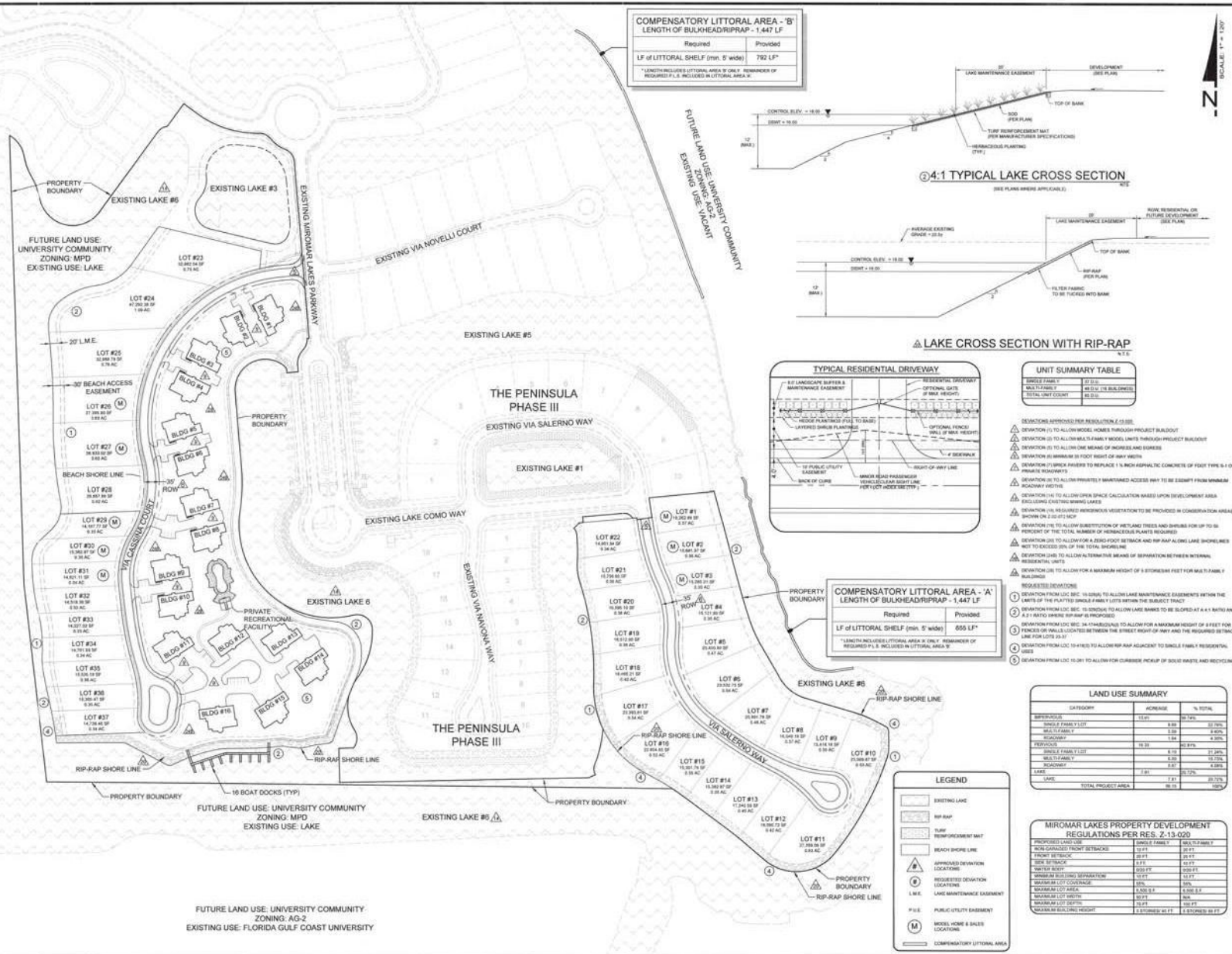
Rhodes & Rhodes Land Surveying, Inc.

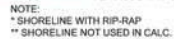




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BOTANICAL NAME	COMMON NAME	SPECIES	NATIVE
<i>Iris hexagona</i> var. <i>Savannarum</i>	Blue Flag	2-inch container	yes
<i>Spartina bakeri</i>	Sand Cordgrass	2-inch container	yes
<i>Sagittaria latifolia</i>	Arrowhead	2-inch container	yes
<i>Canna flaccida</i>	Canna Lily	2-inch container	yes
<i>Eleocharis cellulosa</i>	Spikegrass	2-inch container	yes
<i>Portulaca oleracea</i>	Pickering's Weed	2-inch container	yes

RECOMMENDED PLANTING ELEVATIONS	
	<u>3' FLUCTUATION</u>
(A)	2' 20" - 1' 5" BELOW WSWT
(B)	.75' BELOW WSWT - WSWT
(C)	1' BELOW - 3" ABOVE WSWT

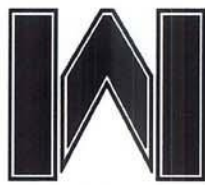
SHORELINE CALCULATIONS	
TOTAL EXISTING / PROPOSED LAKE 56 SHORELINE	481,327 LF
ALLOWABLE RIP-RAP SHORELINE TO BE CONSTRUCTED	±12,265 LF (12,317 x 25%)
REMAINING RIP-RAP SHORELINE	±0 LF
TOTAL EXISTING / PROPOSED RIP-RAP SHORELINE	±12,265 LF



RIP-RAP EXHIBIT

[illegible]

FILE NUMBER:	25604E0201
SHEET:	9



WALDROP ENGINEERING
CIVIL ENGINEERING & LAND DEVELOPMENT CONSULTANTS

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Attachment "C"

Schedule of Deviations & Justifications REVISED AUGUST 2014

Deviations Approved per Z-13-020

Deviation #1 from LDC Sec. 34-1954(d)(1), which restricts model homes to a time limitation of three (3) years, to allow model homes through the build out of the project.

Deviation #2 from LDC Sec. 34-1954(d)(2), which restricts model townhomes and multi-family units to a time limitation, to allow model multi-family homes through the build out of the project.

Deviation #5 from LDC Sec. 10-291(3) (Access to Street), which requires two (2) or more means of ingress and egress to residential development of at least five (5) acres in size; to allow one (1) means of ingress and egress for those development parcels that are surrounded by golf course, water body, conservation areas, or any combination thereof.

Deviation #6 from LDC Sec. 10-296(b), Table 3, which requires a right-of-way width of 35 feet for two-way closed drainage, rear lot drainage or inverted crown; to allow a right-of-way width to coincide with the back of curb for local private roads.

Deviation #7 from LDC Sec. 10-296(d), Table 4(7)c), which requires asphaltic concrete, to allow for cement concrete or decorative pavers within private local roadways within Miromar Lakes.

Deviation #9 from LDC Sec. 10-296(m)(4)(a) requirement that allows privately maintained access ways that meet criteria as outlined in item 4(a) to be exempt from minimum right-of-way widths as specified in LDC 10-296(b) to permit access way providing access up to 100 residential units to be exempt from the minimum roadway widths as specified in LDC 10-296(b).

Deviation #14 from LDC Sec. 10-415(a), which requires that open space be calculated as a percentage of development area; to allow open space based on the areas of development excluding that portion of the development consisting of the existing mining lakes, as approved by Resolution Z-99-029 with the following condition:

The entire acreage of the existing minimum lakes located east of Ben Hill Griffin Parkway is exempt from open space requirements. These lakes may not be used to satisfy open space requirements on the site. This deviation is APPROVED for the entire project. This deviation is APPROVED for the entire project.

Deviation #16 from LDC Sec. 10-415(b), which requires 50 percent of the required open space to incorporate existing indigenous vegetation; to allow all of the required indigenous vegetation to

be provided in the conservation areas shown on the MCP and to permit all of the restored vegetation within the wetland slough to count toward the required indigenous vegetation requirement. This deviation was approved by Resolution Z-99-029 with the condition that existing indigenous preservation requirement be met within the Conservation Area shown on the MCP last revised August 16, 1999. This deviation is approved for the 534-acre addition to the project subject to the following condition:

In conjunction with an application for local development order approval, the developer must submit a detailed invasive exotic removal and replanting plan for the Division of Environmental Sciences' Staff review and approval. The developer must delineate on the local development order plans a minimum of 111 acres of indigenous preservation and 47.7 acres of restoration consistent with the MCP.

Deviation #18 from LDC Sec. 10-418(a)(2)b, which requires a minimum number of native wetland herbaceous plants per linear foot of lake shoreline; to allow required plants in compliance with the Lake Management Plan and Lake Shoreline Planting Plan approved by Zoning Resolution No. Z-99-029, provided that herbaceous plant requirements per LDC Sec. 10-418 are calculated on the entire length of the lake shoreline, including bulkhead portions. The developer may substitute wetland trees and shrubs for up to 50 percent of the total number of herbaceous plants required, at a ratio of 1 tree or 2 shrubs for 10 herbaceous plants.

Deviation #20 from LDC Sec. 34-2194(c)(1)(a) revised and approved, but limited to 5,527 linear feet of lake frontage within the areas delineated on the MCP. In addition, a compensatory littoral zone must be provided as pocket marshes instead of a 5-foot-wide linear littoral shelf, per Sec. 10-418(3)(a). The compensatory pocket marsh area must be a minimum 0.50 acres of marsh planted with a minimum of our native wetland plants and providing a 50 percent coverage at time of planting (herbaceous plants must be a minimum 2-inch linear; shrubs and grasses must be a minimum 1-gallon container size; trees must be a minimum 3-gallon size). The compensatory pocket marsh area must be provided along the shoreline of Tract C-2. Additionally, the total amount of linear feet of lake frontage that utilizes the zero-foot setback, plus any rip-rap installed for shoreline erosion control cannot exceed 20 percent or 11,504 linear feet of shoreline.

Deviation #24b from LDC Sec. 10-416(d)(3) which requires that multi-family uses adjoining single-family uses must provide a buffer including a fence or wall between the uses, to allow alternative means of separating internal residential uses including no buffers, fencing or walls

Deviation (28) seeks relief from the LDC §34-935(f)(3)(e) requirement that limits building heights in the University Community future land use category to 45 feet above minimum flood elevation with no more than 3 habitable stories. This Deviation was approved for the following three areas depicted on the 1999 MCP; specifically:

- 1) The "R" residential area in the northerly portion of the project lying westerly of Ben Hill Griffin Parkway (BHGP),
- 2) The "R" residential areas associated with the "Beach Club", and
- 3) The "C2" area in the northerly portion of the project lying easterly of BHGP and south of Alico Road.

Requested Deviations

1. Deviation from LDC Section 10-328(a), which prohibits lake maintenance easements from being located within the limits of a platted single-family residential lot; to allow for lake maintenance easements within the limits of the platted single-family lots within the subject tract.

JUSTIFICATION: The Applicant is proposing to locate the required lake maintenance easements (LMEs) within the single family lots as shown the attached final plan. This design standard is vested for this development, and is requested to ensure the consistency and continuity of development with the overall community.

The Peninsula tract is surrounded by existing lakes and has a defined development footprint. This developable area was designed and constructed prior to the LDC amendment that prohibited the placement of LMEs within single family lots. Therefore, the Applicant is encumbered with spatial constraints based upon a development footprint constructed in good faith based upon the existing regulations at the time. These existing conditions warrant the requested deviation.

From a safety and maintenance standpoint, there are extensive deed restrictions in place to ensure the LMEs are available for maintenance as intended by the LDC. All principal and accessory structures are regulated by a 20' water body setback that further ensures access to the easements. Moreover, all development within the project is regulated by the Lake Management Plan and approved per Z-99-029, Exhibit J, to ensure proper lake function, maintenance of littoral vegetation, prevention of lake bank erosion, and removal of exotic and nuisance plants.

For these reasons, the requested deviation will not negatively impact public health, safety or welfare and will uphold the intent of the LDC.

2. Deviation from LDC Section 10-329(d)(4), which requires lake banks to be sloped at a 6:1 ratio from the top of bank to a water depth of two feet below the dry season water table; to allow for a minimum ratio of 4:1 where turf reinforcement mat is proposed, and a minimum ratio of 2:1 where rip-rap shoreline is proposed.

JUSTIFICATION: As noted above, the subject tract is located within a large-scale master-planned community that is partially built-out. The proposed 4:1 lake bank slope is vested for this development, and will comply with previous approvals. Similarly, rip-rap shoreline has been permitted in previous phases of the development as proposed.

As noted above, the overall Peninsula tract has a defined development footprint constrained by the existing recreational lakes, which were constructed with a 4:1 lake bank slope prior to the LDC amendment to 6:1 slopes. Therefore, continuation of the 4:1 lake bank slope through the entirety of the subject property is integral to upholding the design established prior to the LDC amendment.

Additionally, the Applicant has deed restrictions and a lake management plan in place to ensure the proper function and maintenance of the lakes. As shown on the enclosed final plan, turf reinforcement mats are proposed in certain areas to mitigate lake bank erosion. Where 2:1 lake bank slopes are shown, rip-rap is proposed to mitigate erosion.

Therefore, the requested deviation will not negatively impact public health, safety or welfare, and will uphold the intent of the LDC and the overall Miromar Lakes master plan.

3. Deviation from LDC Section 34-1744(b)(2)(a)(i), which allows a maximum height of 3 feet for fences or walls located between a street right-of-way or easement and the minimum required street setback line, to allow a maximum height of 8 feet for decorative fences and walls located at the entry to residential dwelling units for lots 23-37.

JUSTIFICATION: The Applicant is proposing decorative entry features to enhance the access points to both single-family and multi-family units within Phase IV as shown on the enclosed Final Plan. The proposed fences and walls will meet the required setbacks set forth in LDC Section 34-1744 as shown on the typical residential driveway detail. The fences and walls front along a private street internal to the master-planned community, and will not impact public health, safety or welfare. The additional height will provide for residential privacy in this exclusive enclave neighborhood, and is will provide for architectural features such as columns, cupolas, parapets, etc...The fences and walls will be constructed to present the finished side of the fence or wall to the adjacent internal right-of-way. Fences and walls within the same development tract will demonstrate a unified architectural theme in a manner that enhances the project.

4. Deviation from LDC Section 10-418(3), which allows riprap revetments or other similar hardened shoreline structures to comprise up to 20 percent of an individual lake shoreline, but cannot be used adjacent to single-family residential uses, to allow for riprap to be adjacent to single-family residential uses within the lots 10, 11, 16, 17 and 37.

JUSTIFICATION: The above deviation is requested due to the unique size and configuration of Lake Como, which results in significant wave action and subsequent erosion along the subject property's shorelines. The proposed rip-rap will help to mitigate erosion as implemented through the community-wide lake management plan and maintained by the HOA and master developer. While this deviation has not been explicitly requested in past FPA applications, there is rip-rap adjacent to the single-family residential uses throughout the community, as reviewed and approved by County Staff. Examples of this include the Sorrento and Portofino tracts within the Peninsula portion of the project. Proper instruction will be provided to future homeowners on those lots via the HOA documents and deed restrictions. Additionally, the proposed rip-rap is in compliance with the maximum allowable hardened shoreline set forth in Deviation 20 of the MPD zoning resolution, as amended. Therefore, the requested deviation will not negatively impact public health, safety or welfare, and will uphold the intent of the LDC.

5. Deviation from LDC Section 10-261, which requires 216 sq. ft. for the first 25 units plus 8 sq. ft. for each additional dwelling unit for multifamily development, to allow for curb-side pick-up of solid waste and recycling for the multi-family residential units within the project.

JUSTIFICATION: This deviation will allow for a consistent trash pickup method throughout the entire MPD and is supported by the service provider, WastePro. The requested deviation will apply to the multi-family tract containing Buildings 1-16 on the east side of Via Cassina Court. Other multi-family tracts within the Miromar MPD are permitted for curbside pickup, including units along Vivaldi Court and Via Milano Drive.



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Attachment "C"

Project Narrative REVISED AUGUST 2014

The Miromar Lakes Mixed Use Planned Development (MPD)/Development of Regional Impact (DRI) is a 1,800+/- acre mixed-use project located east of I-75, south of Alico Road and north of Corkscrew Road in unincorporated Lee County, Florida.

The project is approved for 250,000 square feet of retail uses, 340,000 square feet of professional office space, 40,000 square feet of research and development (industrial) uses, 450 hotel rooms, 650 boat slips, 2,600 residential units, recreational facilities, and preserve areas.

Per Condition 1.c. of Resolution Z-13-020, the Applicant is requesting Final Plan Approval (FPA) for Peninsula Phase IV at Miromar Lakes, which consists of 38+/- acres. The proposed development will consist of 37 single-family detached units and 48 multi-family and dwelling units.

The proposed FPA is consistent with the allowable uses and density approved per Z-13-020 and the Development of Regional Impact (DRI) Development Order, as amended. The enclosed Final Plan provides a tabulation of approved density/intensity and open space to demonstrate the project's compliance with the aforementioned approvals.

As outlined in the Schedule of Deviations and Justifications the Applicant is seeking five (5) new deviations to allow for 4:1 lake bank slopes, to locate lake maintenance easements within platted single-family lots, to allow for fences/walls within the street setback up to a maximum height of eight feet (8'), to allow for rip-rap adjacent to single-family residential uses, and to allow for curbside pickup of solid waste and recycling. These deviations are requested to maintain consistency with the constructed portions of the community, and to enhance the privacy and visual appeal of these residential enclaves. Additionally, the deviations relating to lake bank slope and the location of lake maintenance easements are vested through previous development approvals.

The overall Peninsula tract has a defined development footprint constrained by the existing recreational lakes. Therefore, continuation of the 4:1 lake bank slope and LME placement is integral to upholding the design established for these tracts. Additionally, the Applicant has deed restrictions and a lake management plan in place to ensure the proper function and maintenance of the lakes. As shown on the Final Plan, turf reinforcement mats are proposed in certain areas to mitigate lake bank erosion. Therefore, the requested deviations will not negatively impact public health, safety or welfare, and will uphold the intent of the LDC. Additionally, these deviations were previously approved for Peninsula Phase III per ADD2012-00110.

Per Resolution Z-13-020, the Applicant is also requesting previously approved deviations #1, #2, #5, #6, #7, #9, #13, #14, #16, #18 and #24 (b). Based upon this application's compliance with Z-13-020, DRI #11-

9798-142, the Lee Plan and applicable LDC regulations, the Applicant respectfully requests staff approval of the proposed FPA.

Attachment "C"

**STAFF REPORT
FROM
DEPARTMENT OF COMMUNITY DEVELOPMENT
DIVISION OF ENVIRONMENTAL SCIENCES**

Attachment "D"

Date: July 21, 2014

To: Tony Palermo, Senior Planner
From: Beth Workman, Environmental Planner
Phone: (239) 533-8793
E-mail: EWorkman@leegov.com

Project: Peninsula Phase IV at Miromar Lakes
Case: ADD2014-00102
STRAP: 13-46-25-00-00001.0030

The Division of Environmental Sciences (ES) staff has reviewed the Final Plan Approval with the two proposed Administrative Deviations and offer the following analysis and recommended conditions:

PARCEL HISTORY:

Miromar Lakes is an 1,800 acre parcel, zoned MPD (mixed use planned development), and is in a DRI (development of regional impact) located east of I-75, south of Alico Road and north of Corkscrew Road. The proposed development 27.74 acre portion of the Miromar Lakes development located at the southeastern corner. Per zoning resolution Z-13-020 condition 1c, "the developer must obtain Final Plan Approval (FPA) when parcel development includes vertical (structural) development or when further deviations are requested. If FPA is required, then the developer must file an application prior to, or simultaneous with, a local development order that proposes vertical development. The purpose of this process is to ensure that vertical development is generally in compliance with the approved zoning resolution, MCP and DRI Development Order, while at the same time allowing flexibility in response to changing development practices". In the case of Peninsula Phase IV at Miromar Lakes, the developer is requesting vertical construction so a FPA is required and two deviations from the Land Development Code (LDC) have been requested to seek relief from current changing LDC requirements that have occurred since the zoning was approved.

FINAL PLAN APPROVAL:

The Miromar Lakes development has specific parameters that must be followed when proposing particular uses per Z-13-020 condition 1b. The following lists the specific parameters that pertain

to the subject proposal:

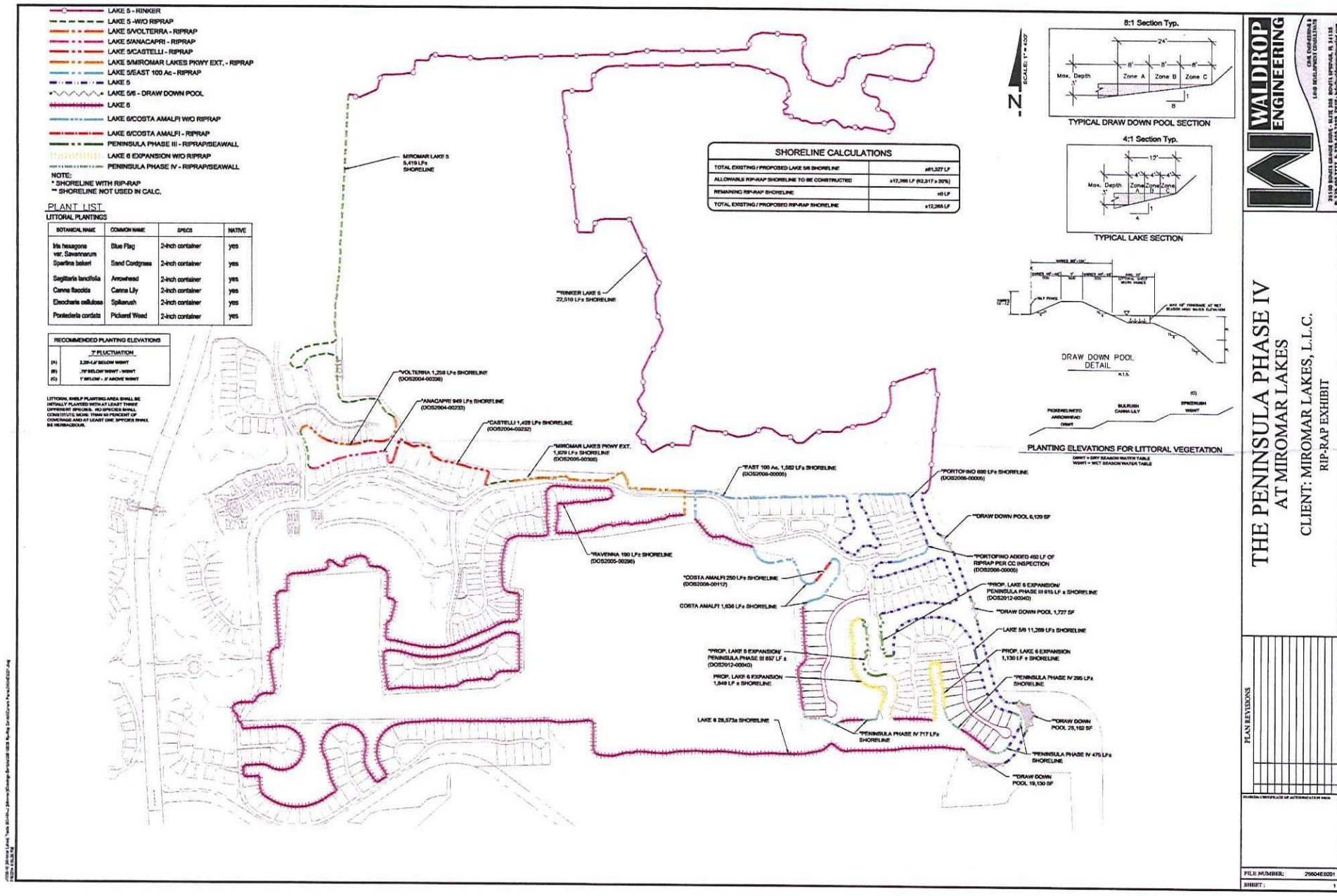
Residential Units: The Miromar Lakes zoning approval allows 2,600 total units per this condition. The development is currently approved for 1204 residential units and the Peninsula Phase IV at Miromar Lakes is proposing 37 residential units and 48 multi-family. The additional development within Miromar meets the allowable number of residential units conditioned in the Z-13-020 condition 1b.

Boat Slips: The zoning approval allows 650 boat slips for the entire Miromar Lakes development, currently the development is approved for 369 boat slips and the subject portion of the project is proposing 20 boat slips. The additional boat slips within Miromar meet the allowable number of boat slips per Z-13-020.

Open Space: Miromar Lakes is currently approved for 364.03 acres of open space and Peninsula Phase IV at Miromar Lakes is proposing 1.56 acres of open space.

Therefore, the Peninsula Phase III at Miromar Lakes meets all the specific parameters required per the Z-13-020.

Additionally, rip rap is being proposed to also help with erosion problems. A rip rap exhibit is attached to the showing the amount of rip rap proposed for the Peninsula Phase III. Rip rap is considered a harden shoreline structure and will be addressed through the development order process.



MEMORANDUM
FROM THE
DEPARTMENT OF
COMMUNITY DEVELOPMENT
DEVELOPMENT SERVICES DIVISION

DATE: 6/16/2014

To: Tony Palermo
Senior Planner

FROM: Tom Sawtell
Development Review

RE: **MIROMAR LAKES MPD/DRI ADD2014-00102** DS SUFFICIENCY REVIEW COMMENTS

Deviation request from LDC section 10-328(a) Lake Maintenance easement located on SFR lots.

Due to the existing nature of the tract(s), the constraints of the existing lake(s) and previous deviation approvals, DS staff has no objection.

Deviation request from 10-329(d)(4): Lake bank slopes at 4:1.

Staff understands that previous approvals limited the rip-rap shoreline to certain areas with a maximum amount. Please update the rip-rap exhibit attached to ADD2012-00110 as necessary. Due to the existing nature of the tract and the constraints of the existing lake, and previous deviation approvals, DS staff has no objection. At the time of development order, please show that this limitation has not been exceeded.

Note that rip rap is not allowed adjacent to SFR development (10-418). A deviation may be required

Deviation request from 34-1744(b)(2)(a)(i) Max height of fences or walls.

DS does not object provided required visibility triangle is not impacted. Please show on the plans.

I hope you find this information helpful.

Attachment "E"