



WALDROP ENGINEERING
CIVIL ENGINEERING & LAND DEVELOPMENT CONSULTANTS

28100 BONITA GRANDE DR. #305
BONITA SPRINGS, FL 34135
P: 239-405-7777
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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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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.

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