

Attachment "D"

ADMINISTRATIVE AMENDMENT (PD) ADD2009-00026

ADMINISTRATIVE AMENDMENT LEE COUNTY, FLORIDA

WHEREAS, Miromar Lakes, LLC., filed an application for administrative approval to the Miromar Lakes Mixed Use Planned Development (MPD) on a project known as Miromar Lakes - Costa Amalfi to reduce the approved rear setback for accessory structures, limited to swimming pools, decks and screen enclosures, from 10 feet to zero feet for 16 parcels located on Via Savona Court in Miromar Lakes Unit XIII, Costa Amalfi Subdivision, described more particularly as:

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

See Exhibit "A"

WHEREAS, the property was originally rezoned from Agricultural (AG-2) to Mixed Use Planned Development (MPD) in case numbers 95-01-028.03Z 01.01 and 95-01-028.04Z 02.01, DRI #11-9798-142, Resolution number Z-99-029, with subsequent amendments in case numbers DRI2001-00004 & DCI2001-00033, Resolution number Z-02-072 and ADD2008-00130; and

WHEREAS, the original rezoning in Resolution number Z-99-029 encompassed 1,271.12± acres to permit a maximum of 2,600 dwelling units; an 18-hole golf course and related ancillary uses; 250,000 square feet of retail floor area; 340,000 square feet of office floor area; 40,000 square feet of research and development floor area and 450 hotel rooms and related ancillary uses; and

WHEREAS, Resolution number Z-02-072 superceded and replaced Resolution number Z-99-029 with a Notice of Proposed Change to add 534± acres of land; 18 holes of golf; a golf clubhouse; a golf course maintenance facility; and a boat club with 250 dry slips of boat storage; and modified the Master Concept Plan (MCP), Schedule of Uses and property development regulations to reconfigure residential development areas and parameters of residential and commercial development; and

WHEREAS, the subject property is located in the University Community, Wetlands and Density Reduction/Groundwater Resource Future Land Use Category as designated by the Lee Plan; and

WHEREAS, the Costa Amalfi subdivision is platted and recorded in the official records of Lee County in Instrument No. 2008000338718; and

WHEREAS, the development of the Costa Amalfi subdivision was approved on December 1, 2008 in Development Order Case Number DOS2008-00112 for a 16-lot single-family residential subdivision and the construction of infrastructure including landscaping,

streets, utilities, decorative entrance features, four dry models, a 9-slip boat dock, stormwater drainage facilities, and related site improvements; and

WHEREAS, the applicant is requesting to reduce the rear setback for accessory structures from ten feet to zero-feet to accommodate the construction of swimming pools, decks and screen enclosures; and

WHEREAS, the lots in the Costa Amalfi subdivision are adjacent to a man-made waterbody; however, are separated by a platted 30-foot wide beach easement; thus, providing adequate distance between the single-family lots and the waterbody; 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.

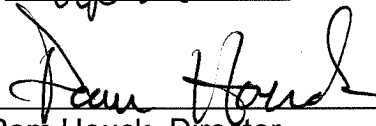
NOW, THEREFORE, IT IS HEREBY DETERMINED that the application for administrative approval for an amendment to the Miromar Lakes Mixed Use Planned Development to permit a zero-foot setback for accessory structures on 16 parcels located on Via Savona Court in Miromar Lakes Unit XIII, Costa Amalfi subdivision is **APPROVED**.

Approval is subject to the following conditions:

- 1. The Development must be in compliance with the amended Master Concept Plan, stamped received March 19, 2009. Master Concept Plan (MCP) for ADD2009-00026 is hereby APPROVED and adopted. A reduced copy is attached hereto.**
- 2. The approval is limited to the 16 single-family lots located within Miromar Lakes Unit XIII - Costa Amalfi subdivision.**
- 3. The approval of the zero-foot rear setback is limited to accessory swimming pools, decks and screen enclosures.**
- 4. The terms and conditions of the original zoning resolutions remain in full force and effect.**

DULY SIGNED this 16th day of April, A.D., 2009.

BY: _____



Pam Houck, Director

Division of Zoning

Department of Community Development

EXHIBITS:

- A. Legal Description
- B. Master Concept Plan stamped received March 19, 2009
- C. Location Map of Costa Amalfi subdivision within Miromar Lakes MPD
- C. Conceptual parcel plan depicting location of dwelling unit and accessory swimming pool

950 Encore Way • Naples, Florida 34110 • Phone: 239.254.2000 • Fax: 239.254.2075

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HM PROJECT #2008.051

3/9/2009

REF. DWG. #B-6471

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MAR 19 2009

ADD

2009-00026

LEGAL DESCRIPTION:

A PARCEL OF LAND LOCATED IN A PORTION OF SECTION 13, TOWNSHIP 46 SOUTH, RANGE 25 EAST, LEE COUNTY, FLORIDA, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCE AT SOUTHWEST CORNER OF TRACT 'R-C', MIROMAR LAKES UNIT XII, PENINSULA, PHASE TWO, ACCORDING TO THE PLAT THEREOF AS RECORDED AS INSTRUMENT NUMBER 2006000463425 OF THE PUBLIC RECORDS OF LEE COUNTY, FLORIDA, THE SAME BEING A POINT ON THE NORTHWESTERLY RIGHT-OF-WAY LINE OF MIROMAR LAKES PARKWAY, TRACT 'R', MIROMAR LAKES UNIT XI - PENINSULA, ACCORDING TO THE PLAT THEREOF AS RECORDED AS INSTRUMENT NUMBER 2006000456819 OF THE PUBLIC RECORDS OF LEE COUNTY, FLORIDA; THENCE RUN S.76°27'33"W., ALONG THE NORTHWESTERLY RIGHT-OF-WAY LINE OF SAID MIROMAR LAKES PARKWAY, TRACT 'R' FOR A DISTANCE OF 177.26 FEET; THENCE RUN S.13°32'27"E., FOR A DISTANCE OF 35.00 FEET TO A POINT ON THE SOUTHEASTERLY RIGHT-OF-WAY LINE OF SAID MIROMAR LAKES PARKWAY, TRACT 'R' AND TO THE POINT OF BEGINNING OF THE PARCEL OF LAND HEREIN DESCRIBED; THENCE RUN N.76°27'33"E., ALONG THE SOUTHEASTERLY RIGHT-OF-WAY LINE OF SAID MIROMAR LAKES PARKWAY, TRACT 'R' FOR A DISTANCE OF 357.26 FEET, TO THE BEGINNING OF A TANGENTIAL CIRCULAR CURVE, CONCAVE SOUTHERLY; THENCE RUN EASTERLY, ALONG THE SOUTHEASTERLY RIGHT-OF-WAY LINE OF SAID MIROMAR LAKES PARKWAY, TRACT 'R' AND ALONG THE ARC OF SAID CURVE TO THE RIGHT, HAVING A RADIUS OF 232.50 FEET, THROUGH A CENTRAL ANGLE OF 49°44'04", SUBTENDED BY A CHORD OF 195.54 FEET AT A BEARING OF S.78°40'25"E., FOR A DISTANCE OF 201.82 FEET TO THE END OF SAID CURVE; THENCE RUN S.53°48'23"E., ALONG THE SOUTHEASTERLY RIGHT-OF-WAY LINE OF SAID MIROMAR LAKES PARKWAY, TRACT 'R' FOR A DISTANCE OF 228.60 FEET; THENCE RUN S.36°11'37"W., FOR A DISTANCE OF 73.95 FEET; TO A POINT ON A CIRCULAR CURVE, CONCAVE SOUTHEASTERLY; WHOSE RADIUS POINT BEARS S.05°43'00"E., THEREFROM; THENCE RUN SOUTHWESTERLY, ALONG THE ARC OF SAID CURVE TO THE LEFT, HAVING A RADIUS OF 35.00 FEET, THROUGH A CENTRAL ANGLE OF 48°05'23", SUBTENDED BY A CHORD OF 28.52 FEET AT A BEARING OF S.60°14'18"W., FOR A DISTANCE OF 29.38 FEET TO THE END OF SAID CURVE; THENCE RUN S.36°11'37"W., FOR A DISTANCE OF 261.84 FEET, TO THE BEGINNING OF A TANGENTIAL CIRCULAR CURVE, CONCAVE NORTHERLY; THENCE RUN WESTERLY, ALONG THE ARC OF SAID CURVE TO THE RIGHT, HAVING A RADIUS OF 88.75 FEET, THROUGH A CENTRAL ANGLE OF 128°58'04", SUBTENDED BY A CHORD OF 160.19 FEET AT A BEARING OF N.79°19'21"W., FOR A DISTANCE OF 199.77 FEET TO THE END OF SAID CURVE; THENCE RUN N.14°50'20"W., FOR A DISTANCE OF 23.57 FEET, TO THE BEGINNING OF A TANGENTIAL CIRCULAR CURVE, CONCAVE SOUTHWESTERLY; THENCE RUN NORTHERLY, ALONG THE ARC OF SAID CURVE TO THE LEFT, HAVING A RADIUS OF 150.00 FEET, THROUGH A CENTRAL ANGLE OF 15°36'05", SUBTENDED BY A CHORD OF 40.72 FEET AT A BEARING OF N.22°38'22"W., FOR A DISTANCE OF 40.84 FEET TO A POINT OF REVERSE CURVE CONCAVE EASTERLY; THENCE RUN NORTHERLY, ALONG THE ARC OF SAID CURVE TO THE RIGHT, HAVING A RADIUS OF 171.51 FEET, THROUGH A CENTRAL ANGLE OF 20°15'30", SUBTENDED BY A CHORD OF 60.33 FEET AT A BEARING OF N.20°18'39"W., FOR A DISTANCE OF 60.64 FEET TO A POINT OF REVERSE CURVE CONCAVE SOUTHWESTERLY; THENCE RUN NORTHWESTERLY, ALONG THE ARC OF SAID CURVE TO THE LEFT, HAVING A RADIUS OF 81.50 FEET, THROUGH A CENTRAL ANGLE OF 93°21'33", SUBTENDED BY A CHORD OF 118.59 FEET AT A BEARING OF N.56°51'40"W., FOR A DISTANCE OF 132.80 FEET TO THE END OF SAID CURVE; THENCE RUN S.76°27'33"W., FOR A DISTANCE OF 131.31 FEET TO THE BEGINNING OF A TANGENTIAL CIRCULAR CURVE, CONCAVE NORTHERLY; THENCE RUN WESTERLY, ALONG THE ARC OF SAID CURVE TO THE RIGHT, HAVING A RADIUS OF 179.00 FEET, THROUGH A CENTRAL ANGLE OF 53°57'20", SUBTENDED BY A CHORD OF 162.40 FEET AT A BEARING OF N.76°33'47"W., FOR A DISTANCE OF 168.56 FEET TO THE END OF SAID CURVE; THENCE RUN N.15°40'27"E., FOR A DISTANCE OF 132.61 FEET; THENCE RUN N.02°46'11"W., FOR A DISTANCE OF 21.68 FEET TO A

Applicant's Legal Checked
 by AG 3-23-09

HM PROJECT #2008.051

3/9/2009

REF. DWG. #B-6471

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POINT ON THE SOUTHEASTERLY RIGHT-OF-WAY LINE OF SAID MIROMAR LAKES PARKWAY, TRACT 'R' AND A POINT ON A CIRCULAR CURVE, CONCAVE NORTHERLY, WHOSE RADIUS POINT BEARS N.02°46'11"W., THEREFROM; THENCE RUN EASTERLY, ALONG THE SOUTHEASTERLY RIGHT-OF-WAY LINE OF SAID MIROMAR LAKES PARKWAY, TRACT 'R' AND ALONG THE ARC OF SAID CURVE TO THE LEFT, HAVING A RADIUS OF 267.50 FEET, THROUGH A CENTRAL ANGLE OF 10°46'16", SUBTENDED BY A CHORD OF 50.21 FEET AT A BEARING OF N.81°50'41"E., FOR A DISTANCE OF 50.29 FEET TO THE POINT OF BEGINNING; CONTAINING 4.993 ACRES MORE OR LESS.

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

BEARINGS SHOWN HEREON REFER TO THE SOUTHEASTERLY RIGHT-OF-WAY LINE OF MIROMAR LAKES PARKWAY, TRACT 'R', MIROMAR LAKES UNIT XI - PENINSULA, ACCORDING TO THE PLAT THEREOF AS RECORDED AS INSTRUMENT NUMBER 2006000456819 OF THE PUBLIC RECORDS OF LEE COUNTY, FLORIDA AS BEING N.76°27'33"E.

HOLE MONTES, INC.

CERTIFICATE OF AUTHORIZATION LB #1772

BY


THOMAS M. MURPHY

P.S.M. #5628

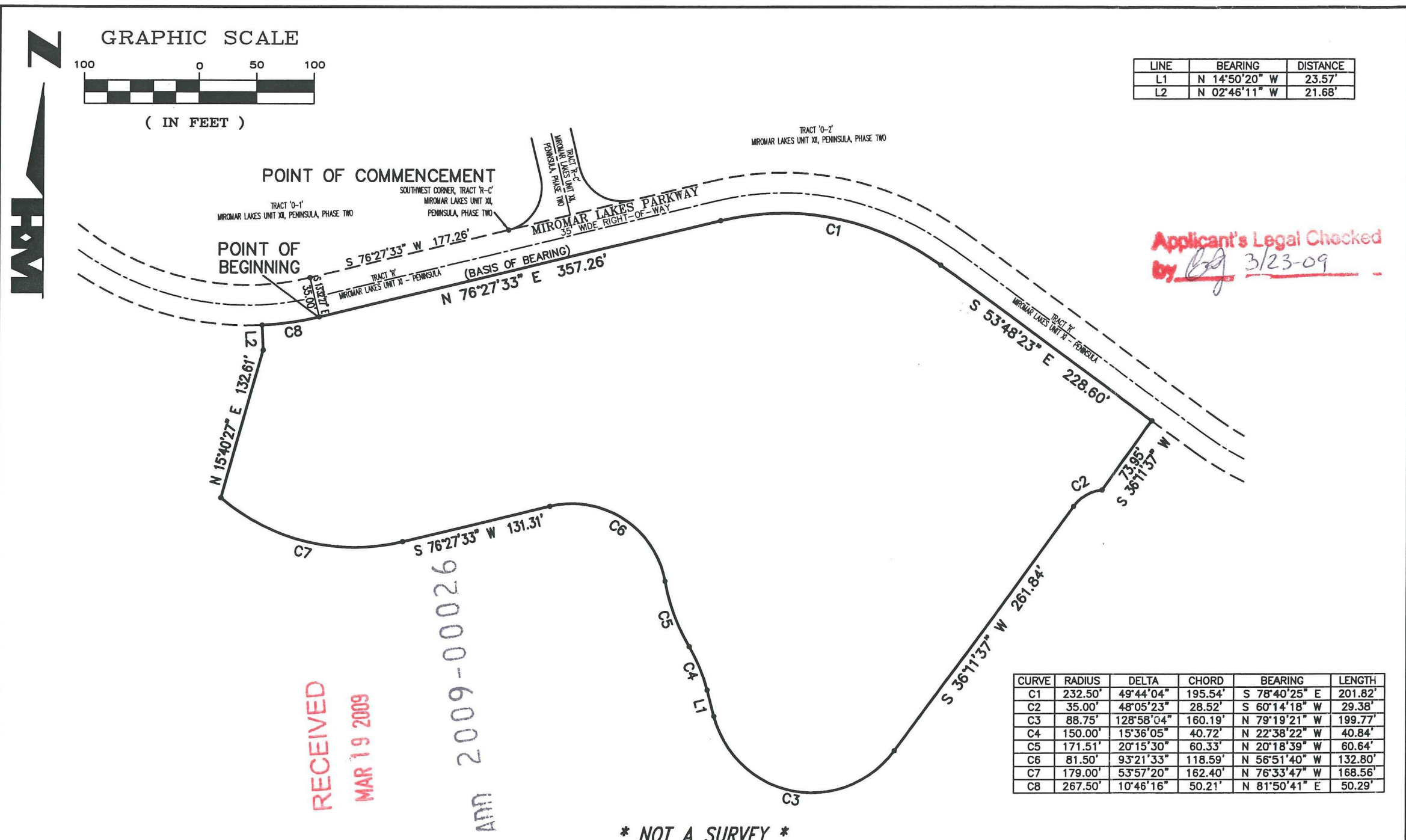
STATE OF FLORIDA

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MAR 19 2009

ADD 2009-00026

H:\B200\S-Survey\Projects by Name of Location\Miromar\2008051\SKETCHES\08051 SL.dwg Tab: Model Mar 09, 2009 - 10:56am Plotted by: BenNowell



Applicant's Legal Checked
by BJ 3/23-09

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APP 2009-00026

* NOT A SURVEY *

SEC-TWN-RGE: 13-46-25	
DRAWN BY: BEN	DATE 6/09
CHECKED BY: TMM	DRAWING NO. B-6471



HOLE MONTES
ENGINEERS PLANNERS SURVEYORS
LANDSCAPE ARCHITECTS

950 Encore Way
Naples, FL. 34110
Phone: (239) 254-2000
Florida Certificate of
Authorization No.1772

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

SKETCH TO ACCOMPANY A LEGAL DESCRIPTION
Exh. AA-3.C.2
Sketch

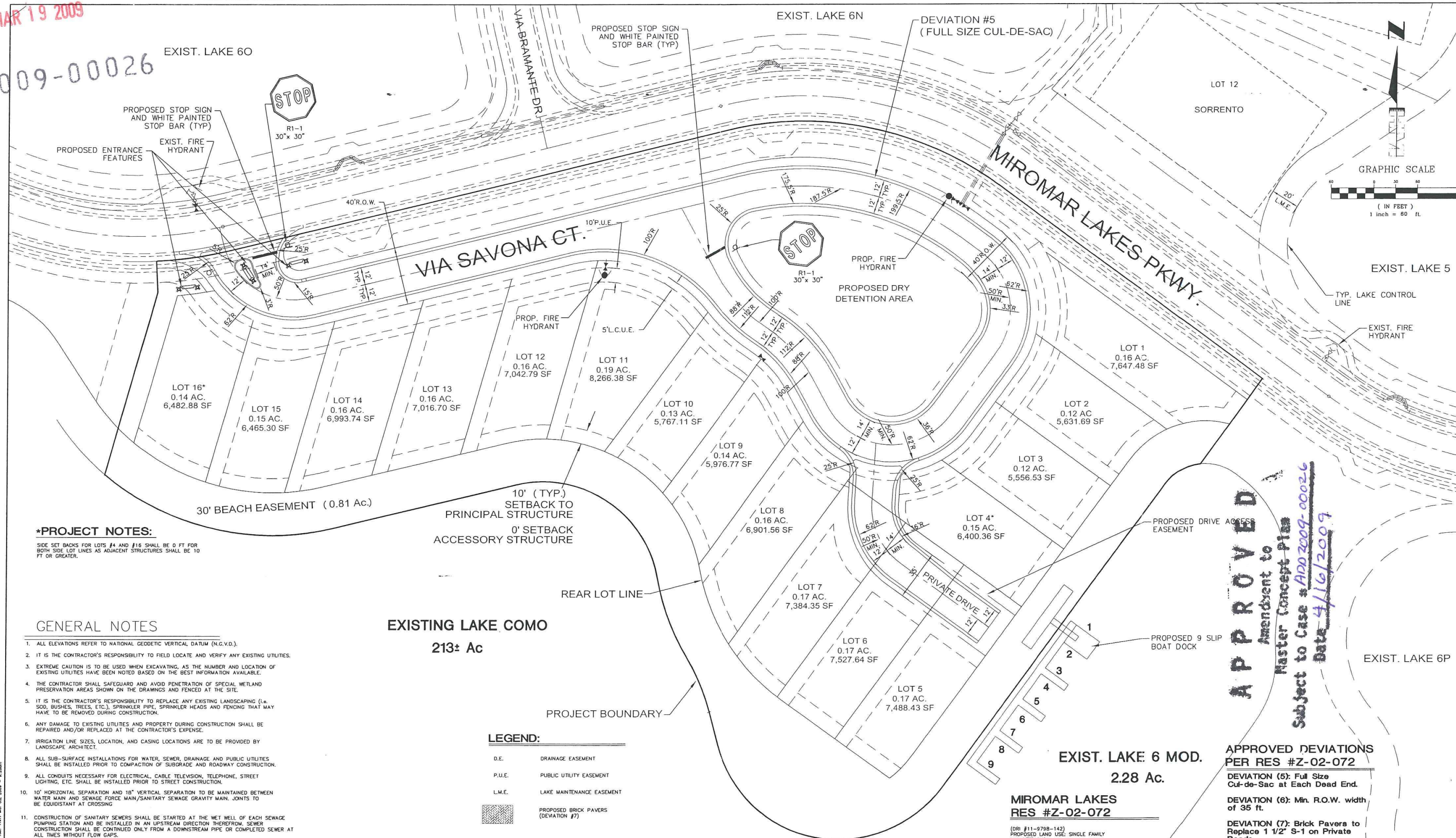
PROJECT NO. 08.051
REFERENCE NO. 08051 SL

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MAR 19 2009

EXHIBIT B

Ann 2009-00026



*PROJECT NOTES:

SIDE SET BACKS FOR LOTS #4 AND #16 SHALL BE 0 FT FOR BOTH SIDE LOT LINES AS ADJACENT STRUCTURES SHALL BE 10 FT OR GREATER.

GENERAL NOTES

1. ALL ELEVATIONS REFER TO NATIONAL GEODETIC VERTICAL DATUM (N.G.V.D.).
2. IT IS THE CONTRACTOR'S RESPONSIBILITY TO FIELD LOCATE AND VERIFY ANY EXISTING UTILITIES.
3. EXTREME CAUTION IS TO BE USED WHEN EXCAVATING, AS THE NUMBER AND LOCATION OF EXISTING UTILITIES HAVE BEEN NOTED BASED ON THE BEST INFORMATION AVAILABLE.
4. THE CONTRACTOR SHALL SAFEGUARD AND AVOID PENETRATION OF SPECIAL WETLAND PRESERVATION AREAS SHOWN ON THE DRAWINGS AND FENCED AT THE SITE.
5. IT IS THE CONTRACTOR'S RESPONSIBILITY TO REPLACE ANY EXISTING LANDSCAPING (i.e. SOIL, BUSHES, TREES, ETC.), SPRINKLER PIPE, SPRINKLER HEADS AND FENCING THAT MAY HAVE TO BE REMOVED DURING CONSTRUCTION.
6. ANY DAMAGE TO EXISTING UTILITIES AND PROPERTY DURING CONSTRUCTION SHALL BE REPAIRED AND/OR REPLACED AT THE CONTRACTOR'S EXPENSE.
7. IRRIGATION LINE SIZES, LOCATION, AND CASING LOCATIONS ARE TO BE PROVIDED BY LANDSCAPE ARCHITECT.
8. ALL SUB-SURFACE INSTALLATIONS FOR WATER, SEWER, DRAINAGE AND PUBLIC UTILITIES SHALL BE INSTALLED PRIOR TO COMPACTION OF SUBGRADE AND ROADWAY CONSTRUCTION.
9. ALL CONDUITS NECESSARY FOR ELECTRICAL, CABLE TELEVISION, TELEPHONE, STREET LIGHTING, ETC. SHALL BE INSTALLED PRIOR TO STREET CONSTRUCTION.
10. 10' HORIZONTAL SEPARATION AND 18" VERTICAL SEPARATION TO BE MAINTAINED BETWEEN WATER MAIN AND SEWAGE FORCE MAIN/SANITARY SEWAGE GRAVITY MAIN. JOINTS TO BE EQUIDISTANT AT CROSSING.
11. CONSTRUCTION OF SANITARY SEWERS SHALL BE STARTED AT THE WET WELL OF EACH SEWAGE PUMPING STATION AND BE INSTALLED IN AN UPSTREAM DIRECTION THEREFROM. SEWER CONSTRUCTION SHALL BE CONTINUED ONLY FROM A DOWNSTREAM PIPE OR COMPLETED SEWER AT ALL TIMES WITHOUT FLOW GAPS.
12. ALL WATER MAINS AND SEWAGE FORCE MAINS ON THIS PROJECT ARE TO BE C-900 CLASS 150 PVC PIPE, EXCEPT UNDER PAVEMENT WHERE DUCTILE IRON PIPE SHALL BE USED, AND IS TO EXTEND AT LEAST 5' PASSED THE PAVED AREAS.
13. PIPE JOINT DEFLECTIONS SHALL NOT EXCEED ONE HALF OF THE MANUFACTURER'S SPECIFICATIONS. FITTINGS SHALL BE USED WHERE DEFLECTIONS EXCEED ALLOWABLE PIPE JOINT DEFLECTION.

EXISTING LAKE COMO
213± Ac

LEGEND:

D.E.	DRAINAGE EASEMENT
P.U.E.	PUBLIC UTILITY EASEMENT
L.M.E.	LAKE MAINTENANCE EASEMENT
	PROPOSED BRICK PAVERS (DEVIATION #7)

PROJECT DATA:

PROP. ONSITE IMPROVEMENTS			
BUILDING	44,800 SF	= 1.03 AC.	= 20.6%
PAVEMENT/WALKS	28,602 SF	= 0.65 AC.	= 13.2%
GREEN AREA	144,073 SF	= 3.31 AC.	= 66.2%
TOTAL	217,475 SF	= 4.99 AC.	= 100.0%

GENERAL DEVELOPMENT NOTE:

1) BASED ON THE SFWM 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.

APPROVED

Amendment to
Master Concept Plan

Subject to Case #ADD2009-00026
Date 4/16/2009

APPROVED DEVIATIONS
PER RES #Z-02-072

DEVIATION (5): Full Size
Cul-de-Sac at Each Dead End.

DEVIATION (6): Min. R.O.W. width
of 35 ft.

DEVIATION (7): Brick Pavers to
Replace 1 1/2" S-1 on Private
Roads

Deviation from L.D.C. 10-291 to
allow Flag Lots access to
proposed road via proposed Private
Drive.

MIROMAR LAKES
RES #Z-02-072

(ORI #11-9798-142)
PROPOSED LAND USE: SINGLE FAMILY
MIN SETBACKS:
FRONT: 20 FT. FRONT LOADING/12 FT. SIDE LOADING
SIDE: 0/5 FT.
PRIMARY REAR 10 FT.
ACCESSORY REAR: 0 FT.
LAKE: 20 FT.
MINIMUM BUILDING SEPARATION = 10 FT.
MAX. LOT COVER: 55%
MINIMUM LOT AREA = 5,500 S.F.
MINIMUM LOT WIDTH = 50 FT.
MINIMUM LOT DEPTH = 70 FT.
MAX BUILDING HEIGHT 3 STORIES / 45 FT

COSTA AMALFI
MIROMAR LAKES LLC

DESIGNED BY C.L.K.	DATE 07/25/08
DRAWN BY E.R.T.	DATE 07/25/08
CHECKED BY C.L.K.	DATE 07/26/08
VERTICAL SCALE N/A	HORIZONTAL SCALE 1" = 60'

H.M.
HOLE MONTES
ENGINEERS - PLANNERS - SURVEYORS
LANDSCAPE ARCHITECTS

6200 Whiskey Creek Drive
Fort Myers, FL. 33919
Phone: (239) 985-1200
Florida Certificate of
Authorization No.1772

EXHIBIT H-3.C.
MASTER CONCEPT PLAN

THESE DRAWINGS ARE NOT
APPROVED UNLESS SIGNED
AND SEALED BELOW :

CHARLES L. KREBS, P.E.
FLORIDA PROFESSIONAL ENGINEER
REGISTRATION #56835
DATE

CAD FILE NAME: H-3.C MCP	DRAWING NO.: 1183-ADMIN-2
PROJECT NO.: 2008.051	SHEET NO.: 2 OF 2

EXHIBIT C

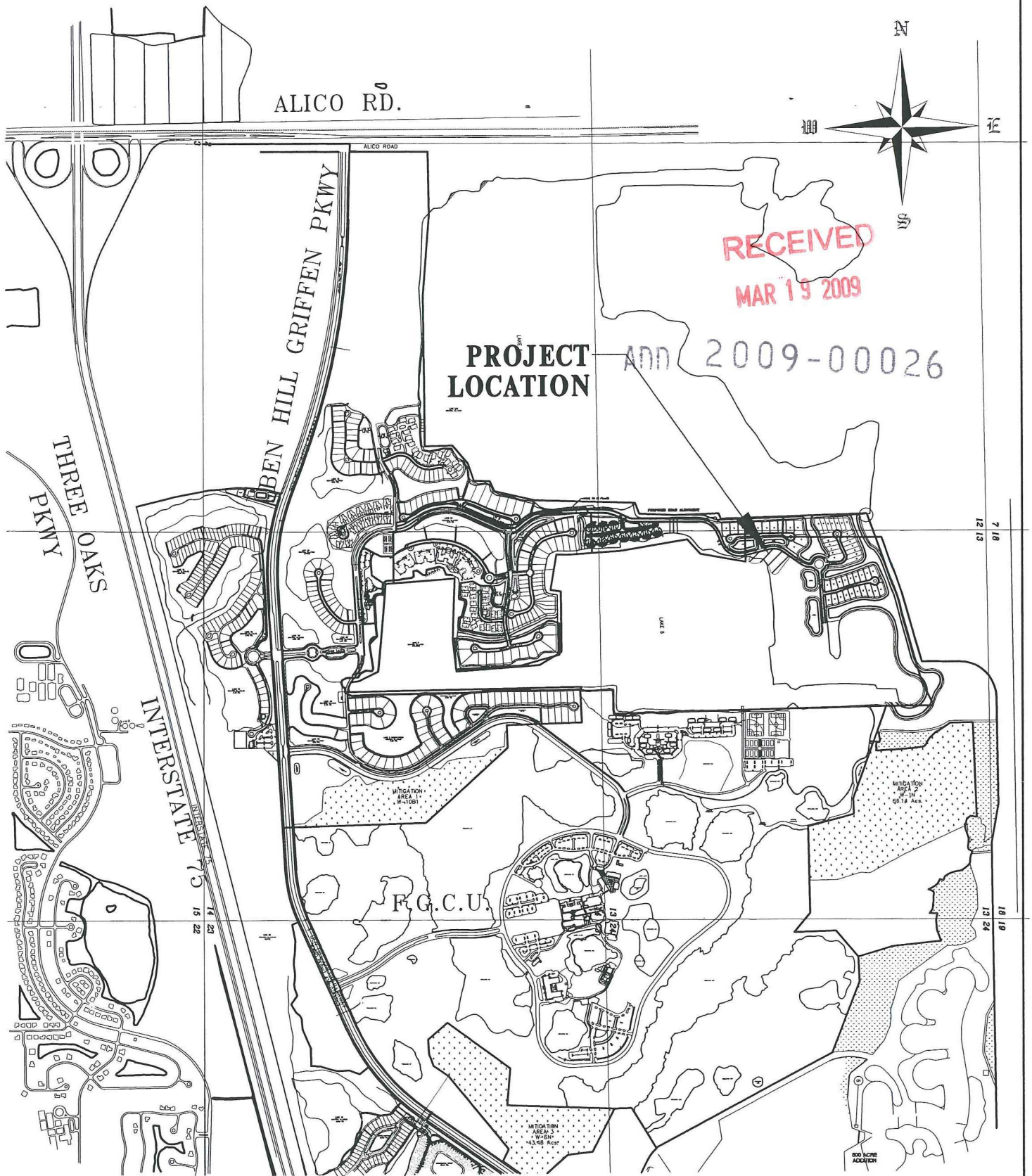


EXHIBIT D

