

ADMINISTRATIVE AMENDMENT (FPA) ADD2014-00213

**ADMINISTRATIVE AMENDMENT
LEE COUNTY, FLORIDA**

WHEREAS, Miromar Lakes, LLC filed an application for Final Plan Approval (FPA) to a Mixed Use Planned Development (MPD) on a project known as University Village Phase I for a mixed-use development including 168 multi-family dwelling units and 75,000 square feet of commercial floor area; Deviations approved per Zoning Resolution Z-13-020 including Deviations #2, 6, 7, 13, 14, 16, 18, 20, 24, 28, and 30; A new proposed Deviation #1 from LDC Sec. 10-329(d)(4) allowing for lake banks to be sloped at a 4:1 ratio rather than the required 6:1 ratio; and a new proposed Deviation #2 from LDC Sec. 34-2021(d) requiring restaurant stacking lanes to accommodate 10 cars per service lane, to allow vehicle stacking for 7 cars on property located at Miromar Lakes, FL, described more particularly as:

LEGAL DESCRIPTION: In Sections 23 & 24, Township 46 South, Range 25 East, Lee County, Florida:

ATTACHED AS 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, Resolution Z-99-029 requires, as a prerequisite to approval of any local Development Order, an approved Final Zoning Plan that specifies the type, intensity and configuration of development for the particular site; 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 application includes a total of 118.09 acres, including 63.33 acres of future development, 47.09 acres of mixed use, and 7.67 acres for South Village Boulevard; and

WHEREAS, the applicant is seeking Final Plan Approval (FPA) for a 47.09-acre tract known as University Village Phase I (mixed use) including 168 multi-family units and 75,000 square feet of commercial floor area and associated infrastructure; and

WHEREAS, the proposal includes utilization of Deviations approved per Zoning Resolution Z-13-020 including Deviations #2, 6, 7, 13, 14, 16, 18, 20, 24, 28, and 30 (Attachment "B"); and

WHEREAS, the proposal includes a master site plan (Attachment A") and two additional deviation requests (Attachment "B") as follow:

Deviation 1 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 bulkhead shoreline is proposed.

Deviation 2 from LDC Sec. 34-2021(d) which requires restaurant stacking lanes to accommodate 10 cars per service lane, to allow vehicle stacking for 7 cars.

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 "C" and "D"; and

WHEREAS, the deviation requests – as conditioned by staff - 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 application and plans have been reviewed for compliance with the MCP and all of the conditions approved by Resolution Z-99-029, as subsequently amended; 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 FPA 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 Plan Approval (FPA) to the Mixed Use Planned Development (MPD for University Village Phase I for a mixed-use development including 168 multi-family dwelling units and 75,000 square feet of commercial floor area; Deviations approved per Zoning Resolution Z-13-020 including Deviations #2, 6, 7, 13, 14, 16, 18, 20, 24, 28, and 30; A new proposed Deviation #1 from LDC Sec. 10-329(d)(4) allowing for lake banks to be sloped at a 4:1 ratio rather than the required 6:1 ratio; and a new proposed Deviation #2 from LDC Sec. 34-2021(d) requiring restaurant stacking lanes to accommodate 10 cars per service lane, to allow vehicle stacking for 7 cars is **APPROVED with the following conditions:**

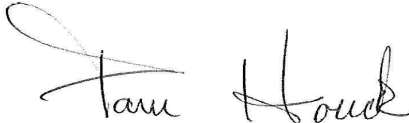
1. **The Development must be in substantial compliance with the 3-page Final Plan Approval: University Village Phase I (Attachment "A").**
2. **Any development which is not consistent with the final site plan approved herein and attached hereto, will require an additional, amended final plan approval.**
3. **Future development within the "Future Development" portion of the Final Plan Approval (Page 2 Attachment "A") will require subsequent approval including Final Plan Approval for the Future Development portion.**
4. **Final Zoning Plan ADD2014-00213 is hereby APPROVED and adopted. A reduced copy is attached hereto.**
5. **Open space must be provided in substantial compliance with the approved Phase I FPA Open Space Table Summary and the first FPA for any development within the 63.33 acres FPA Area (labeled future development) will include at minimum the 110.08 acre central Conservation Area.**
6. **Deviation # 1 is approved with the following two conditions:**

Condition #1 – Development order landscape plans must depict a total of 6,500 enhanced littorals provided in combination with the turf reinforcement mats. These enhanced littoral plantings are required in addition to the code minimum littoral plantings and the increased littorals to offset the bulkhead shoreline.

Condition #2 – Turf reinforcement be provided to mitigate bank erosion and the bank sideslopes are maintained by the appropriate entity in perpetuity.
7. **Deviation #2 is approved.**

8. 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 4/22/2015

BY: 

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

Exhibit "A" - Approved Legal Description

Attachment "A" – University Village Phase I - Final Plan Approval (3 pages)

Attachment "B" - Deviation Narrative.

Attachment "C" - Environmental Sciences Staff Report.

Attachment "D" - Development Services Staff Comments.



950 Encore Way • Naples, Florida 34110 • Phone 239.254.2000 • Fax: 239.254.2099

EXHIBIT A

HM PROJECT #2014553

11/11/2014

REF. DWG. B-7032

Page 1 of 2

LEGAL DESCRIPTION

A PARCEL OF LAND LOCATED IN A PORTION OF SECTIONS 23 AND 24, TOWNSHIP 46 SOUTH, RANGE 25 EAST, LEE COUNTY, FLORIDA, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCE AT THE SOUTHEAST CORNER OF SECTION 24, TOWNSHIP 46 SOUTH, RANGE 25 EAST, LEE COUNTY, FLORIDA; THENCE RUN N.00°48'26"W. ALONG THE EAST LINE OF THE SOUTHEAST ONE-QUARTER OF SAID SECTION 24, FOR A DISTANCE OF 37.50 FEET; THE SAME BEING A POINT 37.50 FEET AS MEASURED AT RIGHT ANGLES TO THE SOUTH LINE OF SAID SECTION 24; THENCE RUN S.89°28'32"W., PARALLEL WITH THE SOUTH LINE OF SAID SECTION 24, FOR A DISTANCE OF 3106.93 FEET TO THE **POINT OF BEGINNING** OF THE PARCEL OF LAND HEREIN DESCRIBED; THENCE CONTINUE S.89°28'32"W., PARALLEL WITH THE SOUTH LINE OF SAID SECTION 24, FOR A DISTANCE OF 1706.06 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 2800.92 FEET, THROUGH A CENTRAL ANGLE OF 07°47'42", SUBTENDED BY A CHORD OF 380.77 FEET AT A BEARING OF N.86°37'37"W., FOR A DISTANCE OF 381.06 FEET TO THE END OF SAID CURVE; THENCE RUN N.82°43'46"W., FOR A DISTANCE OF 275.20 FEET, TO THE BEGINNING OF A TANGENTIAL CIRCULAR CURVE, CONCAVE SOUTHERLY; THENCE RUN WESTERLY, ALONG THE ARC OF SAID CURVE TO THE LEFT, HAVING A RADIUS OF 2950.00 FEET, THROUGH A CENTRAL ANGLE OF 05°34'48", SUBTENDED BY A CHORD OF 287.19 FEET AT A BEARING OF N.85°31'11"W., FOR A DISTANCE OF 287.30 FEET TO THE END OF SAID CURVE, THE SAME BEING A POINT ON THE EASTERLY RIGHT-OF-WAY LINE OF BEN HILL GRIFFIN PARKWAY (A.K.A. TREELINE DRIVE), A 150 FOOT WIDE RIGHT-OF-WAY, RECORDED IN O.R. BOOK 2745, PAGES 1550 THROUGH 1554 OF THE PUBLIC RECORDS OF LEE COUNTY, FLORIDA; THENCE RUN N.00°49'43"W. ALONG SAID EASTERLY RIGHT-OF-WAY LINE, FOR A DISTANCE OF 484.10 FEET TO THE BEGINNING OF A TANGENTIAL CIRCULAR CURVE, CONCAVE SOUTHWESTERLY; THENCE RUN NORTHWESTERLY ALONG THE SAID EASTERLY RIGHT-OF-WAY LINE AND ALONG THE ARC OF SAID CURVE TO THE LEFT, HAVING A RADIUS OF 1,475.00 FEET, THROUGH A CENTRAL ANGLE OF 50°05'25", SUBTENDED BY A CHORD OF 1248.83 FEET AT A BEARING OF N.25°52'25"W., FOR A DISTANCE OF 1289.50 FEET TO THE END OF SAID CURVE; THENCE RUN N.48°52'47"E., FOR A DISTANCE OF 591.95 FEET ; THENCE RUN N.83°15'50"E., FOR A DISTANCE OF 340.40 FEET ; THENCE RUN N.27°22'23"E., FOR A DISTANCE OF 649.51 FEET ; THENCE RUN N.88°17'12"E., FOR A DISTANCE OF 233.73 FEET ; THENCE RUN S.31°47'37"E., FOR A DISTANCE OF 631.21 FEET ; THENCE RUN N.62°11'53"E., FOR A DISTANCE OF 2704.05 FEET; THENCE RUN S.21°47'19"E., FOR A DISTANCE OF 90.40 FEET, TO A POINT ON A CIRCULAR CURVE, CONCAVE SOUTHERLY; WHOSE RADIUS POINT BEARS S.16°22'46"E., THEREFROM; THENCE RUN WESTERLY, ALONG THE ARC OF SAID CURVE TO THE LEFT, HAVING A RADIUS OF 500.00 FEET, THROUGH A CENTRAL ANGLE OF 11°25'22", SUBTENDED BY A CHORD OF 99.52 FEET AT A BEARING OF S.67°54'34"W., FOR A DISTANCE OF 99.68 FEET TO THE END OF SAID CURVE; THENCE RUN S.62°11'53"W., FOR A



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HM PROJECT #2014553

11/11/2014

REF. DWG. B-7032

Page 2 of 2

DISTANCE OF 1702.31 FEET; THENCE RUN S.09°28'37"E., FOR A DISTANCE OF 237.10 FEET; THENCE RUN S.37°03'08"W., FOR A DISTANCE OF 549.34 FEET; THENCE RUN S.33°44'20"E., FOR A DISTANCE OF 265.34 FEET; THENCE RUN S.11°50'46"E., FOR A DISTANCE OF 376.96 FEET; THENCE RUN S.12°31'18"W., FOR A DISTANCE OF 143.56 FEET; THENCE RUN S.44°05'12"W., FOR A DISTANCE OF 159.55 FEET; THENCE RUN S.43°43'24"W., FOR A DISTANCE OF 344.32 FEET; THENCE RUN S.35°34'43"W., FOR A DISTANCE OF 155.70 FEET; THENCE RUN S.86°27'01"E., FOR A DISTANCE OF 516.40 FEET; THENCE RUN S.86°18'36"E., FOR A DISTANCE OF 142.88 FEET; THENCE RUN N.87°55'21"E., FOR A DISTANCE OF 395.41 FEET; THENCE RUN S.67°15'23"E., FOR A DISTANCE OF 157.97 FEET; THENCE RUN S.22°29'12"E., FOR A DISTANCE OF 152.13 FEET; THENCE RUN S.23°33'35"E., FOR A DISTANCE OF 209.05 FEET; THENCE RUN S.24°08'50"W., FOR A DISTANCE OF 199.34 FEET, TO THE POINT OF BEGINNING.

CONTAINING 118.090 ACRES, MORE OR LESS.

HOLE MONTES, INC.

CERTIFICATE OF AUTHORIZATION NUMBER LB 1772

BY

THOMAS M. MURPHY

P.S.M. #5628

STATE OF FLORIDA

APPROVED

ADD2014-00213

Chick Jakacki, Planner

Lee Co Division of Zoning

11/26/2014

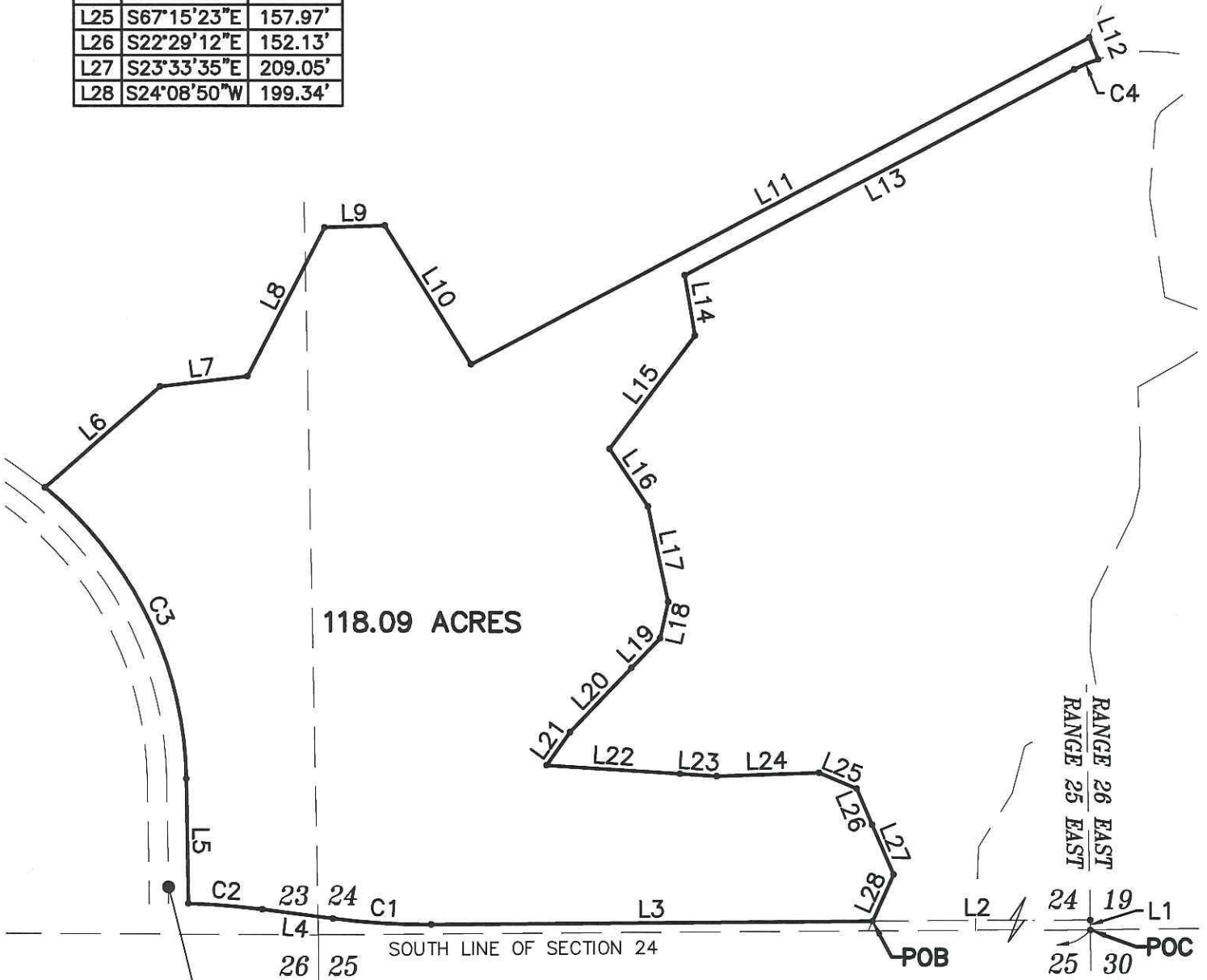
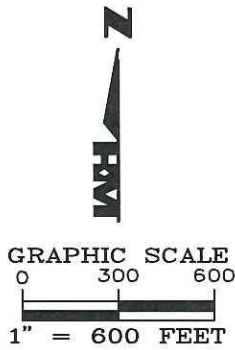
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LINE	BEARING	DISTANCE
L1	N00°48'26"W	37.50'
L2	S89°28'32"W	3106.93'
L3	S89°28'32"W	1706.06'
L4	N82°43'46"W	275.20'
L5	N00°49'43"W	484.10'
L6	N48°52'47"E	591.95'
L7	N83°15'50"E	340.40'
L8	N27°22'23"E	649.51'
L9	N88°17'12"E	233.73'
L10	S31°47'37"E	631.21'
L11	N62°11'53"E	2704.05'
L12	S21°47'19"E	90.40'
L13	S62°11'53"W	1702.31'
L14	S09°28'37"E	237.10'
L15	S37°03'08"W	549.34'
L16	S33°44'20"E	265.34'
L17	S11°50'46"E	376.96'
L18	S12°31'18"W	143.56'
L19	S44°05'12"W	159.55'
L20	S43°43'24"W	344.32'
L21	S35°34'43"W	155.70'
L22	S86°27'01"E	516.40'
L23	S86°18'36"E	142.88'
L24	N87°55'21"E	395.41'
L25	S67°15'23"E	157.97'
L26	S22°29'12"E	152.13'
L27	S23°33'35"E	209.05'
L28	S24°08'50"W	199.34'

CURVE	RADIUS	DELTA ANGLE	CHORD LENGTH	CHORD BEARING	ARC LENGTH
C1	2800.92'	7°47'42"	380.77'	N86°37'37"W	381.06'
C2	2950.00'	5°34'48"	287.19'	N85°31'11"W	287.30'
C3	1475.00'	50°05'25"	1248.83'	N25°52'25"W	1289.50'
C4	500.00'	11°25'22"	99.52'	S67°54'34"W	99.68'

ABBREVIATIONS

C1 = SEE CURVE TABLE
DR. = DRIVE
L1 = SEE LINE TABLE
POB = POINT OF BEGINNING
POC = POINT OF COMMENCEMENT
PG. = PAGE
O.R. = OFFICIAL RECORDS BOOK
R/W = RIGHT-OF-WAY



BEN HILL GRIFFIN PARKWAY
RECORDED AS TREELINE DR.
(150' PUBLIC R/W)
O.R. 2745, PG. 1550

HOLE MONTES, INC.
CERTIFICATE OF AUTHORIZATION NUMBER LB 1772

BY *Thomas M. Murphy*
THOMAS M. MURPHY

P.S.M. #5628
STATE OF FLORIDA

SEC-TWN-RGE:
23-24-46S-25E

DRAWN BY: R.A.K. DATE: 11/11/14
CHECKED BY: T.M.M. DRAWING NO. B-7032

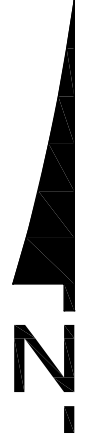
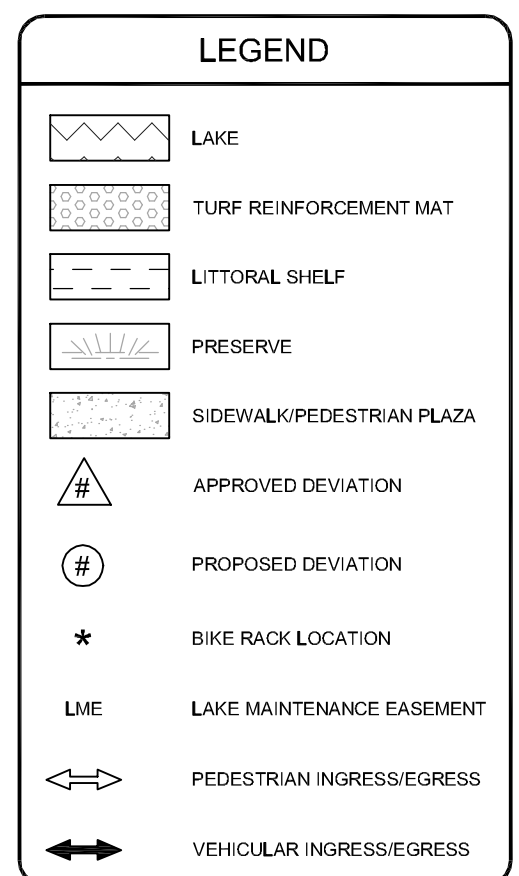


950 Encore Way
Naples, FL. 34110
Phone: (239) 254-2000
Florida Certificate of
Authorization No.1772

SKETCH OF LEGAL DESCRIPTION

MIROMAR - UNIVERSITY VILLAGE - WEST 118 AC

PROJECT NO.
2014553
REFERENCE NO.
14553_Sketch W118.dwg



UNIVERSITY VILLAGE PHASE I AT MIROMAR LAKES

FINAL PLAN APPROVAL

**CIVIL ENGINEERING &
LAND DEVELOPMENT CONSULTANTS**

25100 BONITA GRANDE DRIVE - SUITE 305 BONITA SPRINGS, FL 34135
P: 239-405-7777 F: 239-405-7899 EMAIL: info@valdroyengineering.com

[illegible]

(1) MINIMUM REQUIRED SPACES FOR MULTIPLE USE DEVELOPMENT
(2) UNIT COUNT/ SQUARE FOOTAGE SUBJECT TO CHANGE. PARKING WILL BE PROVIDED IN ACCORDANCE WITH LDC REQUIREMENTS.

(1) SEE DEVIATION 28 PER Z-13-020

DEVELOPMENT SUMMARY	
RESIDENTIAL	168 D.U.
COMMERCIAL	75,000 SF

- (1) A MAXIMUM OF 25% OF REQUIRED OPEN SPACE MAY BE LAKE AREA
- (2) A MINIMUM OF 10% OF REQUIRED OPEN SPACE WILL BE PROVIDED WITHIN THE COMMERCIAL TRACT
- (3) THE DEVELOPER WILL PROVIDE THE REMAINING MINIMUM 153.43 (158.7-5.27) ACRES OF EXISTING INDIGENOUS RESTORED/ENHANCED PLANT COMMUNITIES WITHIN THE 534-ACRES PORTION OF THE MPD/DRI TO THE SOUTH OF FGCU IN ACCORDANCE WITH DEVIATION 16 OF Z-13-020 WITHIN FUTURE PHASES.



UNIVERSITY VILLAGE PHASE I
AT MIROMAR LAKES
CLIENT: MIROMAR LAKES, LLC
GENERAL NOTES, TABLES & CROSS SECTIONS

NOT TO SCALE

SHEET : 3



WALDROP ENGINEERING

CIVIL ENGINEERING & LAND DEVELOPMENT CONSULTANTS

28100 BONITA GRANDE DR. #305
BONITA SPRINGS, FL 34135
P: 239-405-7777
F: 239-405-7899

Attachment "B"

Schedule of Deviations & Justifications University Village Phase I

REVISED MARCH 2015

Deviations Approved per Z-13-020

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 units through the build out of the project.

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 #13 from LDC Sec. 10-355, which requires a 10-foot public utility easement on both sides of a roadway, to allow the public utility easement on one side only provided the applicable utility companies agree to the elimination of the easement in writing.

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.

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 #24 from LDC Sec. 10-416(d)(3), which requires commercial developments adjoining existing residential development to provide a buffer including a fence or wall between the uses; to allow commercial developments to provide alternative means of separation that may include no buffers, fencing or walls. This deviation is APPROVED to allow alternative means of separation, while protecting internal project compatibility in accordance with Lee Plan Policy 18.1.7. in the following areas:

- a. Between residential and non-residential uses internal to the C-1, C-2 and MU tracts, so as to create a "town center" design.
- b. Between the Miromar Lakes Sales Center and the abutting Miromar Lakes residential "R" tracts.
- c. Between the Miromar Lakes "C-1" areas and abutting "R" tracts.
- d. Between the "C-1", "C-S" and "MU" areas and the abutting "R-2" tracts south and east of FGCU to allow pedestrian access and encourage walkability.

Deviation #28 from the LDC §34-935(f)(3)(e), which is a 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.

Deviation #30 from LDC Sec. 34-1263 (e) and 34-1264(b), which prohibits a package store or other establishment primarily engaged in the sale of alcoholic beverages for consumption, on or off the premises from locating within 500 feet of any dwelling unit, to allow a bar, cocktail lounge, or package store to locate within 500 feet of dwelling units on a C-1 Tract located south of Florida Gulf Coast University, east of Ben Hill Griffin Parkway and west of the conservation area depicted on the Master Concept Plan. This deviation was approved with the following conditions:

- a. Any establishment primarily engaged in the sale of alcoholic beverages for consumption, on or off the premises, must be located a minimum of 500 feet from the Florida Gulf Coast University property line (except as permitted by Deviation #3) and a minimum of 500 feet from Grandeza residential units. Distances will be measured as set forth in LDC Sec. 34-1264(b). This deviation does not apply to consumption on premises in conjunction with uses outlined in LDC Sec. 34-1264(b)(2).
- b. The MPD is limited to one (1) establishment primarily engaged in the sale of alcoholic beverages, specifically a bar, cocktail lounge, or package store. The establishment must be located as depicted on the Master Concept Plan, either within the C-1 tract located on the west side of Ben Hill Griffin Parkway as described in Deviation 3, OR within a C-1 tract located south of Florida Gulf Coast University, east of Ben Hill Griffin Parkway, and west of the conservation area, as described in Deviation 30.

Proposed Deviations

1. **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 bulkhead shoreline is proposed.**

JUSTIFICATION: The proposed 4:1 lake bank slope is vested for this development, and will comply with previous approvals. Similarly, bulkhead shoreline has been permitted in previous phases of the development as proposed.

Staff has opined that the 4:1 slope will be permitted in non-residential developments and where site constraints exist, such as existing development footprints, conservation areas, etc. The proposed development is a compact, mixed-use village, and is not a single-family residential community. The development portions of the Miromar Lakes MPD/DRI have 4:1 lake bank slopes and is vested pursuant to existing MPD and DRI approvals. Therefore, continuation of the 4:1 lake bank slope within University Village is consistent with Staff's

implementation of this deviation on other projects, and 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 and plantings are proposed to mitigate lake bank erosion.

The Applicant is proposing Turf Reinforcement Mat (TRM) along all 4:1 lake bank slopes in combination with 6,500 +/- herbaceous plants. These enhanced plantings are proposed in addition to the code minimum littoral planting requirements, and the increased littorals to offset the bulkhead shoreline.

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.

2. Deviation from LDC Section 34-2021(D), which requires restaurant stacking lanes to accommodate ten (10) cars per service lane, to allow vehicle stacking for seven (7) cars.

JUSTIFICATION: This deviation will support the compact, mixed-use form of development within the proposed village, while allowing sufficient space for vehicle stacking based upon the intended end-users and parking lot layout. The reduced vehicle stacking is appropriate based upon the pedestrian orientation provided for in the site plan, and the proximity between residential and commercial uses, which facilitates multi-modal access between on-site uses.

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

Attachment "C"

Date: April 15, 2015

To: Tony Palermo, Senior Planner

From: Susie Derheimer, Environmental Planner 
Phone: (239) 533-8158
E-mail: sderheimer@leegov.com

Project: University Village

Case: ADD2014-00213

STRAP: 23-46-25-00-00001.0030 & others (see approved legal description)

The Division of Environmental Sciences (ES) staff has reviewed the University Village Final Plan Approval (FPA) with 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 Allico Road and north of Corkscrew Road. The proposed University Village development, a 118.09 acre portion of the Miromar Lakes development, is located south of Florida Gulf Coast University between Ben Hill Griffin Parkway and the large central flowway conservation area.

FINAL PLAN APPROVAL:

Zoning Resolution Z-13-020 Section B. Conditions: 1.c. indicates that "the developer must obtain Final Plan Approval (FPA) when parcel development includes vertical (structural) development or when additional deviations are requested. If a 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 University Village, the developer is requesting vertical construction of residential multi-family buildings and commercial retail buildings with associated parking, amenities and water management within 47.09 acres of the 118.09 acre area. Therefore, a final plan has been

provided for the 47.09 acre area and two new deviations have been requested to seek relief from current Land Development Code (LDC) requirements. The deviations are requesting relief from LDC Section 10-329(d)(4) lake bank slope requirements to go from 6:1 to 4:1 where turf reinforcement mats are provided; And LDC Section 34-2021(d) restaurant vehicle stacking lanes to allow for seven (7) cars.

Zoning Resolution Z-13-020 Section B. Conditions: 1.d. further identifies the requirements to be provided in the FPA application. Per the condition the applicant has provided the following relevant ES requirements: vii. buffers and landscape strips required or proposed; and viii. open space, including an ongoing tabulation of required open space; and ix. detailed drawing showing the location and application of deviations.

Buffers and Landscape Strips:

The final plan depicts the LDC required Type D buffers where the FPA Development Boundary abuts the (Future) South Village Blvd. to the north and Ben Hill Griffin Pkwy to the west. The zoning resolution and LDC do not require and the final plan does not depict any buffers to Florida Gulf Coast University or buffers internal to the mixed use development. In addition, the final plan does depict the vehicle use area and building perimeter planting areas as required by the LDC.

Open Space:

Zoning Resolution Z-13-020 B. Conditions: 15. Requires open space provided per Exhibit H which indicates residential uses must provide 40% common open space and commercial uses will provide 30% open space except to allow a minimum of 10% open space in each commercial tract with the remaining open space provided within the Miromar Lakes Development. The University Village Phase One Open Space Summary table indicates the open space requirement as required by the zoning condition and the table and final plan depicts the common open space to exceed the condition requirements.

Exhibit H also indicates that indigenous preservation (open space) must be provided in compliance with the areas delineated on the Master Concept Plan. The University Village Phase One Open Space Summary table indicates that 8.98 acre of indigenous preserve is required (based on LDC Section 10-415b1a.). The summary then indicates that 5.27 acres of Indigenous Preserve will be provided within Phase One including Note 3 stating the developer will provide the remaining minimum 153.43 (158.7-5.27) acres of Indigenous Restored/Enhanced Planted Communities within the 534-acres portion of the MPD/DRI to the south of FGCU in accordance with Deviation 16 of Z-13-020 with future phases. Given the location of the FPA Development Boundary area and that the conservation areas are located throughout the development, ES staff will agree to allow a minimum of 5.27 acres of indigenous preserve for this FPA phase with the condition that the next FPA (Phase 2) to be located within the 63.33 acres FPA Area (labeled future development) will include at minimum the 110.08 acre central Conservation Area.

ES staff recommends the following condition to ensure that open space as required by Z-13-020 is provided:

Open space must be provided in substantial compliance with the approved Phase 1 FPA Open Space Table Summary and the first FPA for any development within the 63.33 acres FPA Area (labeled future development) will include at minimum the 110.08 acre central Conservation Area.

Proposed New Deviations:

Deviation #1 requests to deviate from LDC Section 10-329(d)(4) requiring lake banks to be sloped at 6:1 ratio from the top of bank to a water depth of two feet below dry season water table: to allow for a minimum ratio of 4:1 where turf reinforcement mat is proposed.

The FPA depicts turf reinforcement mats proposed along the entire shoreline of the two lakes except where bulkhead is proposed for a total of 4,020± linear feet (4,440-420). The lake bank cross sections indicate that the enhanced littorals, used in combination with appropriate turf reinforcement mat as required by LDC Section 329(d)(4) and install a minimum 6,500 littorals at a minimum 2-feet below control to 2-feet above control for a total of 6,500 enhanced littorals. ES staff does not object to the deviation requests and defers to Development Services staff for final recommendation.

If the deviation moves forward with an approval ES staff recommends the following condition to ensure that enhanced littorals as proposed by the applicant are provided:

Development order landscape plans must depict a total of 6,500 enhanced littorals provided in combination with the turf reinforcement mats. These enhanced littoral plantings are required in addition to the code minimum littoral plantings and the increased littorals to offset the bulkhead shoreline.

Palermo, Anthony

From: Morgan, Ross
Sent: Monday, April 13, 2015 9:03 AM
To: Palermo, Anthony; Dickson, Benjamin
Subject: RE: 3820103 (2015-04-07).pdf

DS substantive comments:

Regarding requested deviation no. 1 (from the required 6:1 bank sideslope to allow a 4:1 sideslope): Staff supports this deviation with the condition that turf reinforcement be provided to mitigate bank erosion and the bank sideslopes are maintained by the appropriate entity in perpetuity.

Regarding requested deviation no. 2 (from the requirement to provide fast food restaurant lane stacking for a minimum of 10 vehicles to allow stacking for 7 vehicles): Staff supports this deviation due to the proximity of the residential use to the commercial use and the extensive pedestrian/bicycle access provisions being provided.

End of comments.

Ross Morgan
Development Review Representative
Lee County Department of Community
Development
Phone: (239) 533-8894
Fax: (239) 485-8344

Attachment "D"

From: Palermo, Anthony
Sent: Thursday, April 09, 2015 12:04 PM
To: Morgan, Ross; Dickson, Benjamin
Subject: 3820103 (2015-04-07).pdf

FYI. I'll be drafting the FPA amendment soon, and will need substantive comments/conditions please. 4/7/15 is the latest FPA plan. Two deviations including bank slopes.

Thank you.

Tony

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