

Attachment "E"

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

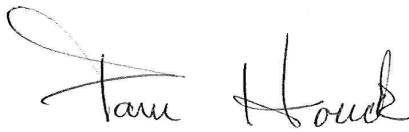
WHEREAS, it is found that the proposed amendment does not increase density or intensity within the development; does not decrease buffers or open space required by the LDC; does not underutilize public resources or infrastructure; does not reduce total open space, buffering, landscaping or preservation 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.