

ADMINISTRATIVE AMENDMENT (PD) ADD2015-00181

ADMINISTRATIVE AMENDMENT
LEE COUNTY, FLORIDA

WHEREAS, LB at Miromar Lakes, LLC filed an application for an administrative amendment to the Miromar Lakes Mixed Use Planned Development **to reduce the required Front Setback within the planned development from 20 feet or 12 feet (for a non-garaged part of a house or for units with a side entry garage) to a minimum of 5 feet for property identified as Lots 7, 8, 9, 12, and 13, Miromar Lakes Unit XI-Peninsula** (18112, 18108, 18104, 18105, 18109 Via Portofino), described more particularly as:

LEGAL DESCRIPTION: In Section 12, Township 46 South, Range 25 East, Lee County, Florida:

ATTACHED AS EXHIBIT "A"

WHEREAS, the property was originally rezoned by adoption of Resolution Number Z-99-029, on November 29, 1999, as subsequently amended; and

WHEREAS, on June 18, 2014 the Board of County Commissioner adopted Resolution Number Z-13-020 amending the Mixed Use Planned Development, MPD zoning; and

WHEREAS, Resolution Number Z-13-020 in Condition 1.a.iii provides the following actions are null and void as a result of this zoning action, and supersedes the following actions: Zoning Resolutions #Z-12-004, #Z-10-019, #Z-06-064, #Z-02-072, #Z-99-029 and administrative amendment ADD2012-00055, and

WHEREAS, Resolution Number Z-13-020 also in Condition 1.a.iii provides the following actions are still valid: ADD2013-00045, ADD2012-00110, ADD2010-00021, ADD2009-00026, ADD2008-00144, ADD2008-00144, ADD2008-00130, ADD2006-00009, ADD2006-00004, ADD2006-00002, ADD2005-00190, ADD2005-00134, ADD2005-00104, ADD2004-00253, ADD2004-00223, ADD2004-00177A, ADD2004-00176, ADD2004-00074, ADD2004-00070, ADD2004-00054, ADD2004-00045, ADD2004-00042, ADD2004-00033, ADD2003-00047, ADD2003-00028, ADD2002-00168, ADD2002-00077, ADD2002-00045, ADD2001-00142, ADD2001-00125, ADD2001-00113A, ADD2001-00085, ADD2001-00018, ADD2000-00191, ADD2000-00161, ADD2000-00117, ADD2000-00111, and ADD2000-00110; and

WHEREAS, Resolution Number Z-13-020 has been subsequently amended by ADD2014-00175; and

WHEREAS, the subject property is designated as University Community on the Future Land Use Map of the Lee County Comprehensive Plan (Lee Plan); 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 applicant desires to amend the front setback on five (5) unique parcels within Miromar Lakes accessed by a "Joint Access Easement" extending from Via Portifino Way as depicted on the plat for Miromar Lakes Unit XI-Peninsula, recorded as Instrument #2006000456819, Public Records, Lee County, Florida; 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 to reduce the front setback 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 Mixed Use Planned Development **to reduce the required Front Setback within the planned development from 20 feet or 12 feet (for a non-garaged part of a house or for units with a side entry garage) to a minimum of 5 feet for property identified as Lots 7, 8, 9, 12, and 13, Miromar Lakes Unit XI-Peninsula is APPROVED**, subject to the following conditions:

1. **The only change granted as part of this action is to Condition 2 of Resolution Number Z-13-020 reducing the required minimum Front Setback to 5 feet for Lots 7, 8, 9, 12, and 13, Miromar Lakes Unit XI-Peninsula, as described in this action. No further changes have been made as part of this action.**
2. **The terms and conditions of Resolution Z-13-020 remain in full force and effect, except as amended herein.**
3. **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 Zoning Manager 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, adopted, and electronically signed on 11/23/2015 by

Pam Houck, Zoning Manager
Department of Community Development

EXHIBIT;
A. Legal Description

EXHIBIT A

Legal Description

Application to Amend a Planned Development or PUD

Lots 7, 8, 9, 12, and 13, Miromar Lakes Unit XI-Peninsula, according to the plat thereof, recorded as Instrument #2006000456819, Public Records of Lee County, Florida.

APPROVED
ADD2015-00181
Chick Jakacki, Planner
Lee Co Division of Zoning
11/12/2015