

ADMINISTRATIVE AMENDMENT (PD) ADD2015-00194

**ADMINISTRATIVE AMENDMENT
LEE COUNTY, FLORIDA**

WHEREAS, Gulfshore Homes c/o Matt Shull filed an application for an administrative amendment to a Mixed Use Planned Development (MPD) on a project known as Murano Lot 19 for encroachment of the minimum side yard setback of 5 feet for residential single-family development of 4 feet six inches for a 2nd story wall and roof overhang on property located 11801 Via Novelli Court, Fort Myers, FL. described more particularly as:

LEGAL DESCRIPTION: In Section 13, Township 46 South, Range 24 East, Lee County, Florida:

ATTACHED AS EXHIBIT "A":

WHEREAS, the property was originally rezoned in case number Z-99-029 with subsequent amendments in case number 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) and Development of Regional Impact (DRI) is +/- 1,800 acres in unincorporated Lee County; and

WHEREAS, the MPD and DRI were approved for 250,000 square feet of retail uses, 340,000 square feet of commercial office, 40,000 square feet of research and development uses, 450 hotel rooms, 650 boat slips, recreation facilities, preserve areas, and 2,600 residential dwelling units; and

WHEREAS, the Murano subdivision is in the Peninsula Phase II of Miromar Lakes approved for nineteen single-family lots and infrastructure per Development Order DOS2006-00005; and

WHEREAS, fifteen of the nineteen lots are developed with single-family homes; and

WHEREAS, the applicant submitted a permit application for a single-family home on Lot 19 of the Murano subdivision (RES2015-06498); and

WHEREAS, the minimum side yard setback for residential single-family development is 5 feet; and

WHEREAS, the proposed home encroaches 4 feet 6 inches into the 5-foot setback to the west side adjacent to an open space tract (Tract B-3); and

WHEREAS, the encroachment is limited to a 2nd story wall and roof overhang; and

WHEREAS, the first floor does not encroach into the setbacks; and

WHEREAS, the applicant makes the case that the site plan (Attachment "A") is otherwise consistent with the Miromar Lakes MPD and the requirements of the Land Development Code (Attachment "B"); and

WHEREAS, the Miromar Lakes Masters Association has provided a letter of no objection to the request (Attachment "C"); and

WHEREAS, Development Services staff reviewed the request and concluded there were no environmental or natural resource issues with the request (Attachment "D"); 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 encroachment of the minimum side yard setback of 5 feet for residential single-family development of 4 feet six inches for a 2nd story wall and roof overhang in a Mixed Use Planned Development (MPD) is **APPROVED subject to the following conditions:**

1. **The Development must be in compliance with the site plan per Attachment "A".**
2. **The terms and conditions of the original zoning resolutions remain in full force and effect.**
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 12/15/2015 by

Pam Houck, Zoning Manager
Department of Community Development

Exhibit "A" – Approved Legal Description

Attachment "A" – Site Plan

Attachment "B" – Applicant's Narrative

Attachment "C" – Master Association Letter

Attachment "D" – Development Services Environmental Comments

EXHIBIT A

LEGAL DESCRIPTION

LOT 19, BLOCK EE, MIROMAR LAKES UNIT XII PENISULA PHASE TWO, A
SUBDIVISION, LOCATED IN SECTION 13, TOWNSHIP 46 SOUTH, RANGE 25 EAST,
AS DESCRIBED IN INSTRUMENT 2006-000463428, OF THE PUBLIC RECORDS OF LEE
COUNTY, FLORIDA.

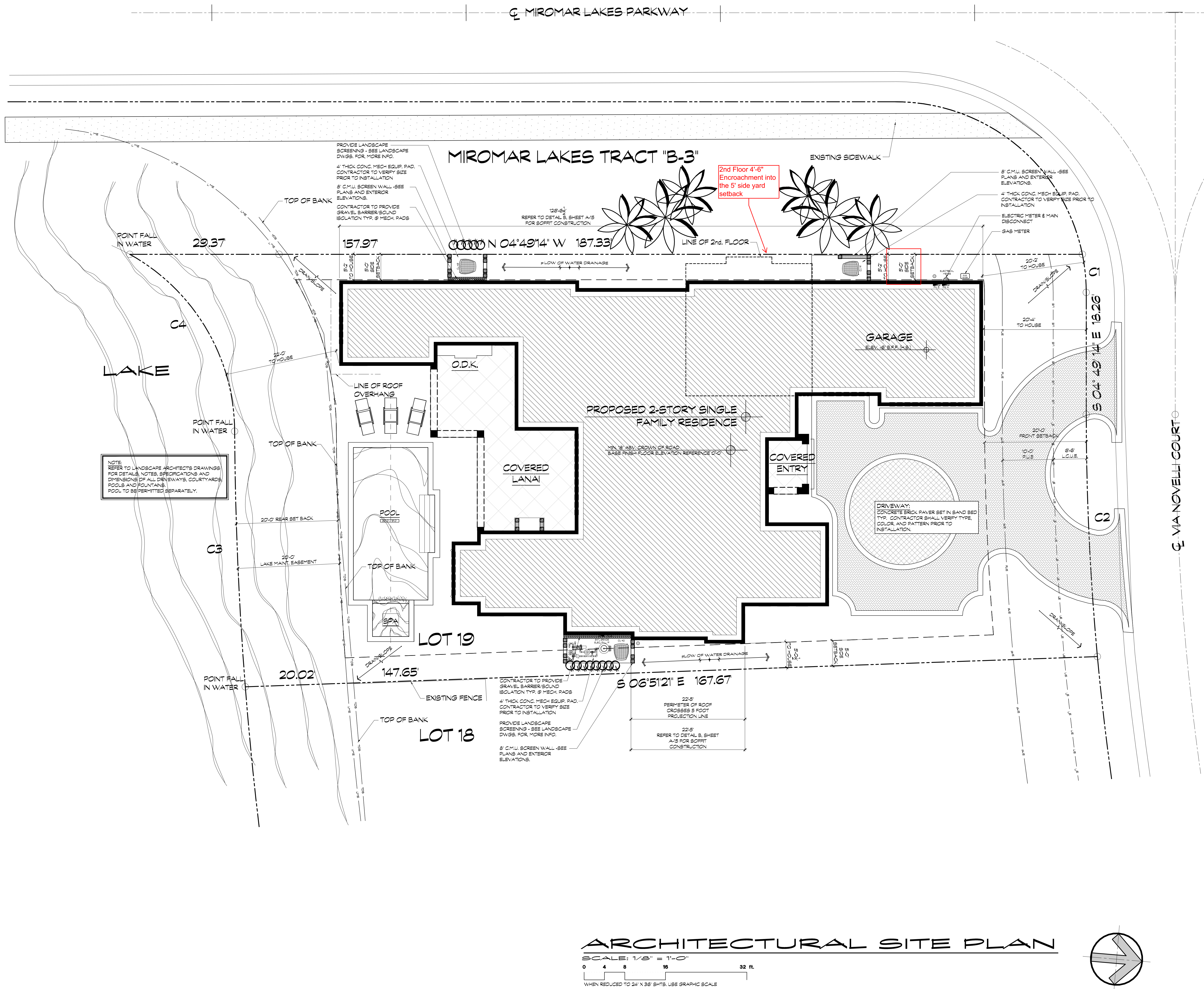
APPROVED
ADD2015-00194
Chick Jakacki, Planner
Lee Co Division of Zoning
12/16/2015

STRAP NUMBER

13-46-25-02-000EE.0190

Attachment "A"

EXHIBIT A



CURVE DATA:

C-1	DELTA = 11° 32' 13"
	RADIUS = 37.50'
	LENGTH = 7.55'
	CHORD = 7.54'
	CHORD BRG. = N 79° 24' 40" E
C-2	DELTA = 05° 16' 45"
	RADIUS = 571.50'
	LENGTH = 47.68'
	CHORD = 47.67'
	CHORD BRG. = N 82° 32' 23" E
C-3	DELTA = 04° 12' 30"
	RADIUS = 685.00'
	LENGTH = 50.31'
	CHORD = 50.30'
	CHORD BRG. = S 82° 47' 51" W
C-4	DELTA = 60° 46' 02"
	RADIUS = 40.00'
	LENGTH = 42.42'
	CHORD = 40.46'
	CHORD BRG. = S 54° 31' 05" W

LANDSCAPE NOTE:

NOTE: REFER TO LANDSCAPE ARCHITECT DRAWINGS FOR DETAILS, NOTES, LOCATIONS, SPECIFICATIONS AND DIMENSIONS OF ALL DRIVEWAYS, COURTYARDS, PRIVATE WALLS, POOLS, FOUNTAINS, DECOR, LANDSCAPE AND LANDSCAPE PLANTS.

FLOOD ZONE INFO:

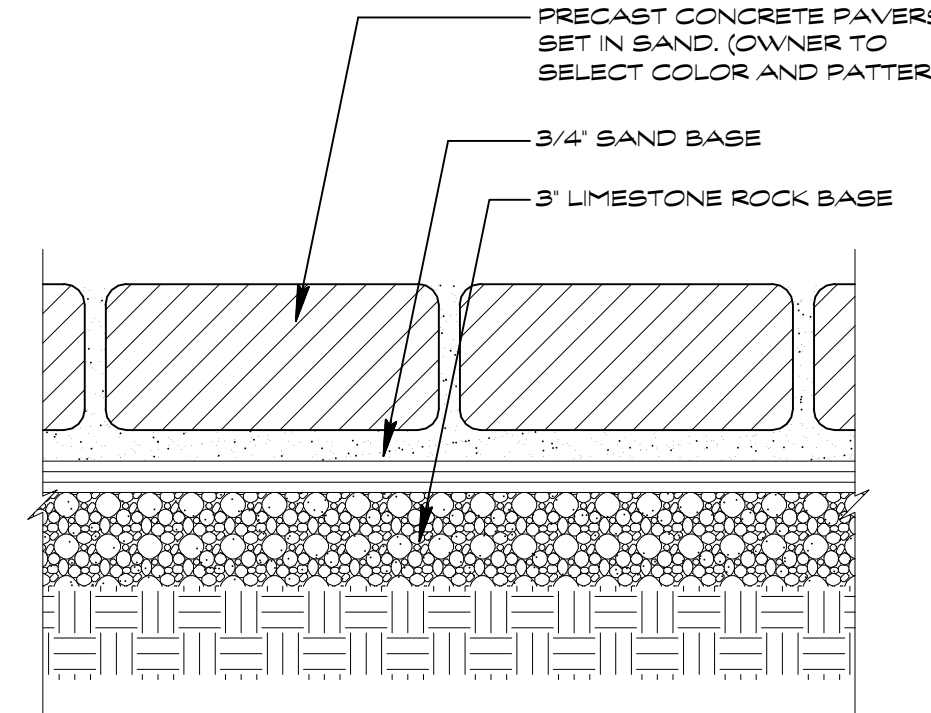
NORTH AMERICAN VERTICAL DATUM OF 1988

FLOOD ZONE V

BASE FLOOD ELEV. N/A

VERTICAL DATUM NOTE

ALL VERTICAL DATUMS INDICATED ARE NORTH AMERICAN VERTICAL DATUM (NAVD83) OF 1988. NAVD83 IS 15' LOWER THAN NGVD 1929.



PAVER DETAIL

SCALE: 1 1/2" = 1'-0"

LEGAL ADDRESS

1801 VIA NOVELLI CT. (LOT 18)

MURANO AT MIROMAR LAKES BEACH & GOLF CLUB

MIROMAR LAKES, LEE COUNTY, FLORIDA

LEGAL DESCRIPTION

LOT 18, BLOCK 56, OF MIROMAR LAKES UNIT 18 - PENINSULA, PHASE TWO, ACCORDING TO THE PLAT THEREOF AS RECORDED AS INSTRUMENT #2008000483425 IN THE PUBLIC RECORDS OF LEE COUNTY, FLORIDA.

TERMITE PROTECTION

A PRE-CONSTRUCTION TREATMENT PROTECTION AGAINST SUBTERRANEAN TERMITES SHALL BE DONE BY A LICENSED PEST CONTROL COMPANY, UPON COMPLETION, A CERTIFICATE OF COMPLIANCE SHALL BE ISSUED TO THE BUILDING DEPARTMENT AS PER F.B.C. 5th EDITION (2014) - 2304.18 TERMITE PROTECTION.

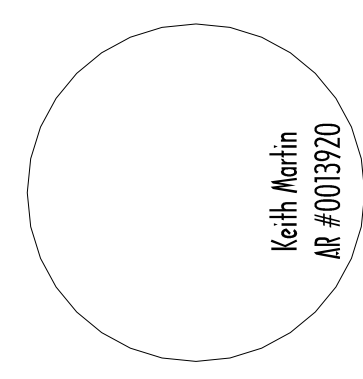
CONTRACTOR TO PROVIDE A WEATHER RESISTANT JOIST SITE POSTING BOARD TO OBTAIN DUPLICATE TREATMENT CERTIFICATES AS PER F.B.C. 5th EDITION (2014) - 2304.18.

A PERMANENT SIGN SHALL BE POSTED NEAR THE WATER HEATER OR ELECTRICAL PANEL, TO IDENTIFY TERMITE TREATMENT PROVIDER, NEED FOR REINSPECTION AND TREATMENT RENEWAL AS PER F.B.C. 5th EDITION (2014) - 2304.18.

RESIDENTIAL SWIMMING POOL SAFETY ACT:

ALL DOORS AND WINDOWS PROVIDING DIRECT ACCESS FROM THE HOME SHALL MEET THE REQUIREMENTS OF THE RESIDENTIAL SWIMMING POOL SAFETY ACT. ALL SCREEN DOORS ARE TO BE 18" ABOVE FLOOR AND BE 4" CLOSING LATCH MECHANISM. SCREEN DOORS SHALL BE MOUNTED AT 54" ABOVE FLOOR. ALARMS SHALL ALSO BE INSTALLED ON SCREEN DOORS, S.C. TO VIBRATE "TAT" ALL ENITS TO THE BACKYARD MUST MEET THE REQUIREMENTS OF THE RESIDENTIAL SWIMMING POOL SAFETY ACT.

ALL ROAD, CURVE, ABUTMENT, AND PAVEMENT PROFILES OR IMPROVEMENTS BY THE DRAWING ARE OWNED BY AND PROPERTY OF THE OFFICE, AND WHEN CHANGING, REVISIONS, AND DEVIATIONS ARE MADE OR ARE IN CONFLICT WITH THE PROJECT, NONE OF THE ROAD, CURVE, ABUTMENT, AND PAVEMENT SHALL BE USED BY OR DELETED TO ANY ROAD, CURVE, ABUTMENT, OR PAVEMENT WITHOUT WRITTEN PERMISSION OF THE ARCHITECT, INC.



Gulfshore Homes

PROPOSED CUSTOM RESIDENCE FOR:
Jim & Susan Foglio
11801 Via Novelli Court, Lot 19, Murano at Miromar Lakes Beach & Golf Club
Miramar, Lee County, Florida

architectura inc.
architecture + planning + interiors
35521 Bonita Bay Blvd., North
Bonita Springs, Florida 34134
Tel: 239-452-1841 Fax: 239-452-1919
AA# 0002883

Job No: 102615
Date: 26 OCT. 2015

PERMIT SET
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A-02
of 18



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"

Administrative Amendment Request Narrative

The Miromar Lakes Mixed Use Planned Development (MPD)/Development of Regional Impact (DRI) is an 1,800+/- acre mixed-use project located east of I-75, south of Alico Road, and north of Estero Parkway 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.

The Murano subdivision is located in The Peninsula Phase II in the Miromar Lakes MPD, and is approved for nineteen (19) single-family lots and associated infrastructure pursuant to DOS2006-00005. To date, fifteen (15) of the nineteen (19) lots are developed with single-family detached dwelling units.

The Applicant submitted a building permit pursuant to RES2015-06498 to allow for construction of a single-family detached dwelling unit and received notice that the 2nd story wall/roof overhang encroaches into the 5-foot side yard setback on the western side of the lot by a total of 4 feet and 6 inches. The encroachment does not extend beyond the property line and is limited to the 2nd story wall and roof overhang. The encroachment is not the result of the first floor of the building encroaching into the side yard.

This amendment request is limited to only Lot 19 in the Murano subdivision. The subject property is a corner lot and abuts an open space tract (Tract "B-3") to the west. There are no houses to the west of this lot within the subdivision. Therefore, the encroachment will not impact building separation for other structures within the development. Please refer to the enclosed Encroachment Exhibit (Exhibit A), which demonstrates the proposed side yard setback encroachment in relation to Lot 19, as well as the plat depicting the location of this corner lot at the entrance to the subdivision.

Minor roof overhang encroachments have been approved in the Miromar Lakes MPD upon issuance of a letter of no objection from the master association (please refer to ADD2010-00021). Accordingly, an approval letter executed by the Miromar Lakes Master Association is enclosed in this submittal.

In accordance with LDC §34-380, this amendment request does not propose an increase to height, density or intensity within the development. Similarly, the amendment will not result in the substantial underutilization of public resources and infrastructure committed to the support of the development, will not reduce total open space, buffering, landscaping and preservation areas, and will not adversely impact surrounding land uses. For these reasons the Applicant respectfully requests approval of this administrative amendment.

MIROMAR LAKES
MASTER ASSOCIATION

August 24, 2015

Attachment "C"

Dear Mr. Palermo,

Please find the below authorization from the Miromar Lakes Master Association regarding the requested variance for the second story of the proposed residence of Lot #19 to vertically encroach into the west side yard setback adjacent to Miromar Lakes Parkway. The encroachment is to only be within the side yard setback and not to extend over the western property line.

In addition to the 5' LCUE and 10' PUE adjacent to Miromar Lakes Parkway, Tract B-3, as recorded in Instrument #2006000456819 and approved by Lee County DOS2006-00005 and PLT2006-00012, provides an additional 15'-0" of open space that will not be impacted by the approval of this request.

Should you have any further questions, please do not hesitate to contact me at (239) 390-5105

Sincerely,



Michael B. Elgin
Vice President, Miromar Lakes Master Association

**STAFF REPORT
FROM
DEPARTMENT OF COMMUNITY DEVELOPMENT
Development Services**

Attachment "D"

Date: December 11, 2015

To: Tony Palermo, Senior Planner

From: Beth Workman, Environmental Planner
Phone: (239) 533-8793
E-mail: EWorkman@leegov.com

Project: Murano Lot 19
Case: ADD2015-00194
STRAP: 13-46-25-02-000EE.0190

The Development Services staff has reviewed the landscaping and open space for the proposed ADD2014-00048 request for a wall/overhang encroachment into the side yard setback on Lot 19. The proposed encroachment does not affect the landscaping or the open space so therefore development services has no issues with the proposed encroachment as it pertains to landscaping and open space.