

ADMINISTRATIVE AMENDMENT (PD) ADD2017-00098(A)

ADMINISTRATIVE AMENDMENT
LEE COUNTY, FLORIDA

WHEREAS, Prime Homes at Portofino Vineyards, Ltd. filed an application for an administrative amendment to a Residential Planned Development (RPD) on a project known as Portofino Vineyards to add the following deviations:

- **Deviation 15: From LDC Section 10-329(d)(4) which requires the banks of excavations to be sloped at a ratio not greater than six horizontal to one vertical; to allow a slope no steeper than four to one for 3 of the existing lakes (lakes 3, 4 & 5 on proposed DO plans) with enhanced slope protection measures by reinforcement per provided cross-section and providing double the required littoral plantings as shown on the attached littoral landscape plan.**
- **Deviation 16: A request for relief from the Lee County Land Development Code Section 10-418(2) planted littoral shelf criteria which requires 25 percent of the linear feet of the shoreline to be a planted littoral shelf to be designed to include a 20 foot wide littoral shelf extending waterward of the control elevation at a depth of no greater than two feet below the control elevations; to allow the enhanced littoral and upland areas shown on the attached littoral landscape plan at 4:1 slope providing double the required plantings for 3 of the existing lakes (Lakes 3, 4 & 5).**
- **Deviation 17 has been WITHDRAWN.**
- **Deviation 18 requests relief from LDC Sec. 10-296(p)(1), which requires dead end streets to end by a circular turnaround; to eliminate this requirement.**

WHEREAS, the subject property is located along the west side of Three Oaks Parkway between this road's intersections with Pine Chase Drive, described more particularly in Exhibit A; and

WHEREAS, the property was originally rezoned with the adoption of Resolution Number Z-91-083 (with a subsequent amendment in Resolution Number Z-07-027); and

WHEREAS, the subject property is designated as Urban Community on the Future Land Use Map of the Lee County Comprehensive 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 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, Environmental staff has reviewed this request finding the applicant is providing enhanced littoral plantings and continues to meet the deep lake tree requirements of the LDC; and

WHEREAS, Development Services staff has reviewed the application recommending approval provided conditioning the requested deviations for the lakes should only apply to those lakes already existing within the development; and

WHEREAS, the Development Services Section also recommends approval of Deviation 18 eliminating the required circular turnaround; and

WHEREAS, the Fire Marshall for San Carlos Park Fire and Rescue has offered no objections to the elimination of the circular turnarounds provided the development complies with the Florida Fire Protection Code and the height for signage and landscaping is limited; and

WHEREAS, following the initial approval the applicant and staff agreed that the original action needed to be further clarified with non-substantive language changes to the Deviations and adding documents clearly demonstrating the changes and Deviations sought; and

WHEREAS, it is found that the proposed amendments do not increase density or intensity within the development; do not decrease buffers or open space required by the LDC; do not underutilize public resources or infrastructure; do not reduce total open space, buffering, landscaping or preservation areas; and otherwise do not adversely impact surrounding land uses.

NOW, THEREFORE, IT IS HEREBY DETERMINED that the application for administrative approval to add the following deviations to the Residential Planned Development is **APPROVED, subject to the following conditions. The request adding Deviation 17 has been WITHDRAWN by the applicant.**

DEVIATIONS:

- **Deviation 15: From LDC Section 10-329(d)(4) which requires the banks of excavations to be sloped at a ratio not greater than six horizontal to one vertical; to allow a slope no steeper than four to one for 3 of the existing lakes (lakes 3, 4 & 5 on proposed DO plans) with enhanced slope protection measures by reinforcement per provided cross-section and providing double the required littoral plantings as shown on the attached littoral landscape plan.**
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CONDITIONS:

1. **This supersedes and replaces the actions in Administrative Amendment ADD2017-00098.**

2. The terms and conditions of the original zoning resolution, as amended, remain in full force and effect, except as amended by this action.
3. There is no change to the approved Master Concept Plan granted as part of this action.
4. Deviations 15 and 16 are hereby approved only for existing Lakes 3, 4, and 5 as depicted on Exhibit C (Pages 1 and 2 of 5 of Schedule of Deviations and Written Justification and Exhibit D (Littoral Landscape Plan) of this action. Any expansion of these lakes must be consistent with the Lee County Land Development Code. The installed reinforcement mat must not result in a hardened shoreline and must be reflected on the DO plans.
5. Deviation 18 is hereby approved for those specific locations noted on Exhibit B. These approved dead ends must be designed to not exceed the maximum limits provided in the Florida Fire Prevention Code and height restrictions for signage and landscaping in these areas due to the platform/bucket which extends several feet over the front bumper of the 100 foot tower truck. The landscape plans and civil plans submitted as part of the local development order must contain general notes referenced to the subject dead ends, referencing the Fire Department height restrictions.
6. 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 2/9/2018 by

Audra Ennis, Zoning Manager
Lee County Community Development

EXHIBITS:

- A. Legal Description
- B. Master Site Plan
- C. Pages 1 and 2 of 5 of Schedule of Deviations and Written Justification
- D. Littoral Landscape Plan

EXHIBIT A

CASE NUMBER: ADD2017-00098

STRAP NUMBER:

15-46-25-00-00005.1070

REVIEWED
ADD2017-00098
Mike Laskowski, Planning
Technician
Lee County - DCD Planning
6/22/2017

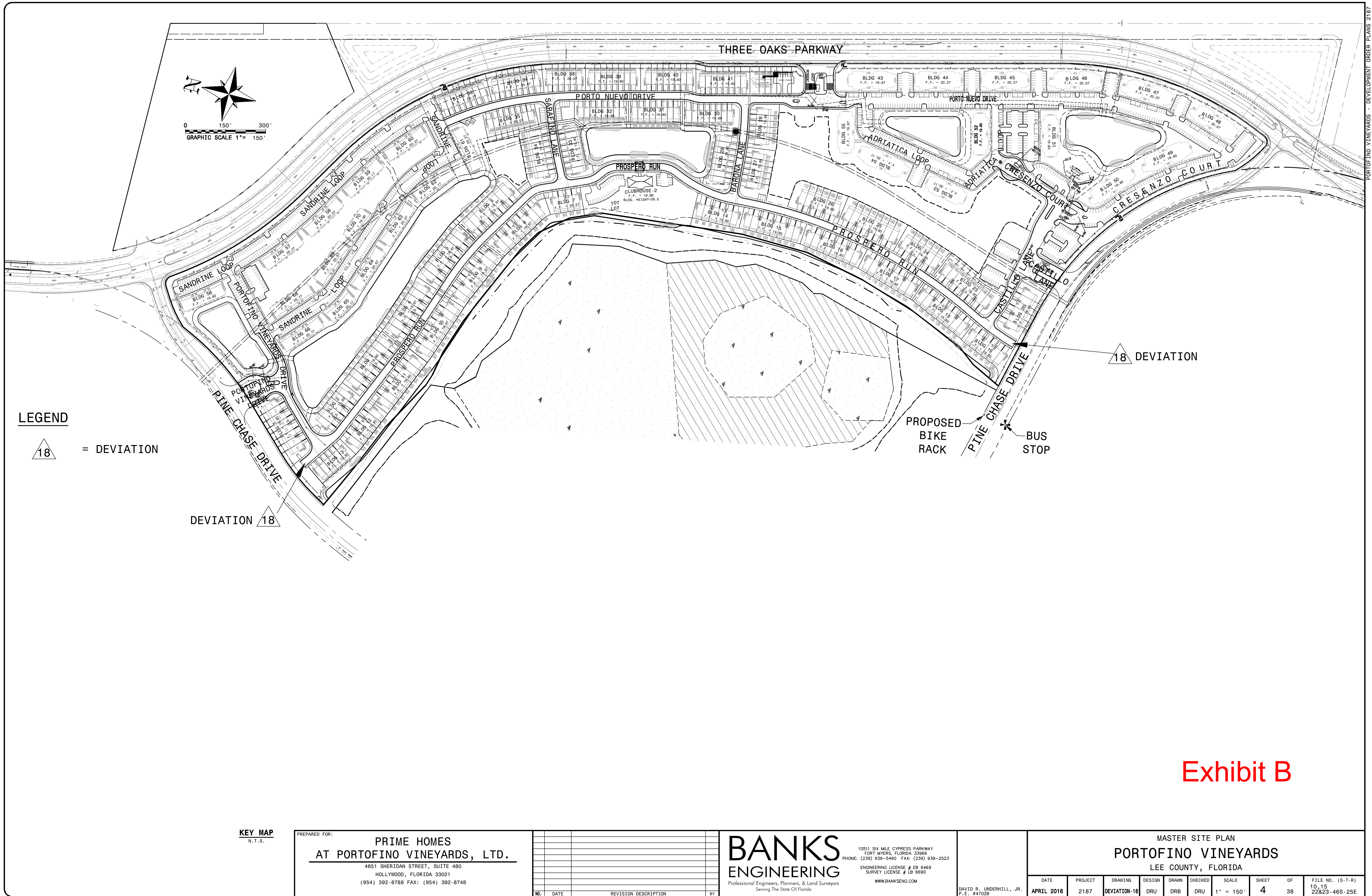


Exhibit B



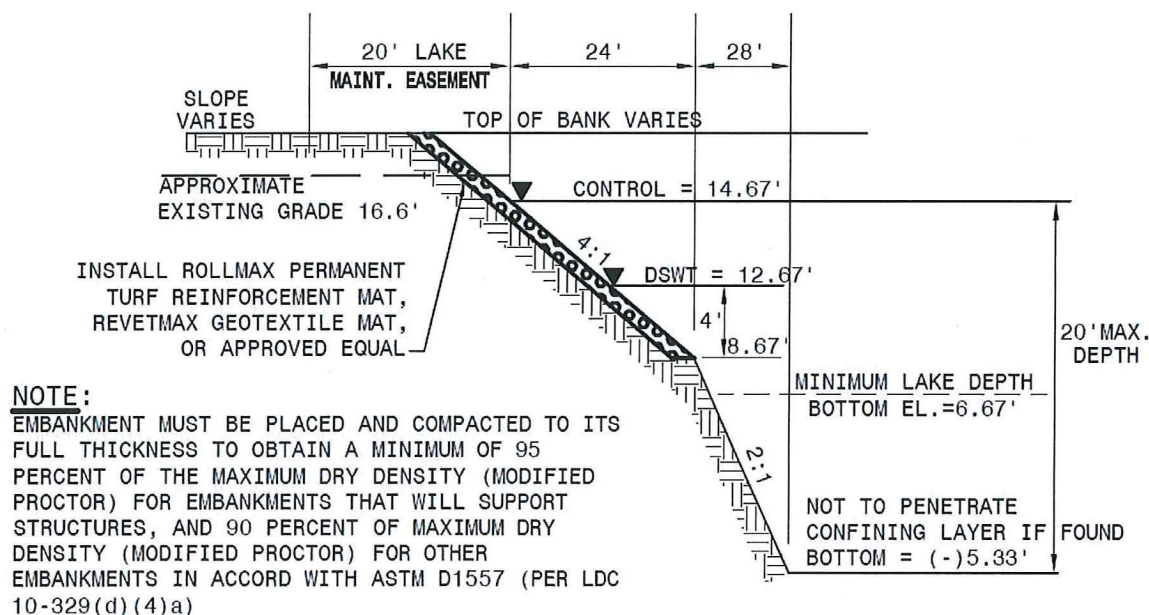
Professional Engineers, Planners & Land Surveyors



Portofino Vineyards
Villages of San Carlos Parcels B, C, D & E
ADD2017-00098
Schedule of Deviations and Written Justification
Revised December 13, 2017

All existing deviations to remain unchanged. New deviations requested as part of this request follow:

DEVIATION 15: From LDC Section 10-329(d)(4) which requires the banks of excavations to be sloped at a ratio not greater than six horizontal to one vertical; to allow a slope no steeper than four to one for 3 of the existing lakes (lakes 3, 4 & 5 on proposed DO plans) with enhanced slope protection measures by reinforcement per below cross-section and providing double the required littoral plantings as shown on the attached landscape plan.



TYPICAL LAKE CROSS SECTION
FOR EXISTING LAKES 3, 4 & 5

N.T.S.

JUSTIFICATION: The project originally received development order approval on October 29, 2007 pursuant to DOS2006-00115. Upon approval of the D.O. and vegetation removal permit, site construction commenced. Site work was subsequently stopped due to economic conditions. At the time site work was halted, these lakes had

been constructed in compliance with the D.O. approval (see aerial below and lakes labeled 3, 4 & 5). On June 23, 2009, the Land Development Code was amended by Ordinance 09-23 which changed the design standards for new excavation bank slopes from a ratio of four horizontal to one vertical to six horizontal to one vertical. The applicant proposes the following enhanced slope protection measures which will prevent erosion and scouring: enhanced littoral plantings by doubling the required amount in combination with installation of RollMax permanent turf reinforcement mat, RevetMax geotextile mat or approved equal. The proposed littoral planting plan is attached. Administrative deviations for lakes designed and approved by prior development orders have been previously requested and approved from the required six to one slope to allow a slope no steeper than four to one, consistent with the existing approvals and subject request. The alternative proposed is based on sound engineering practices and is no less consistent with the health, safety and welfare of abutting landowners and the general public than the standard from which the deviation is being requested.



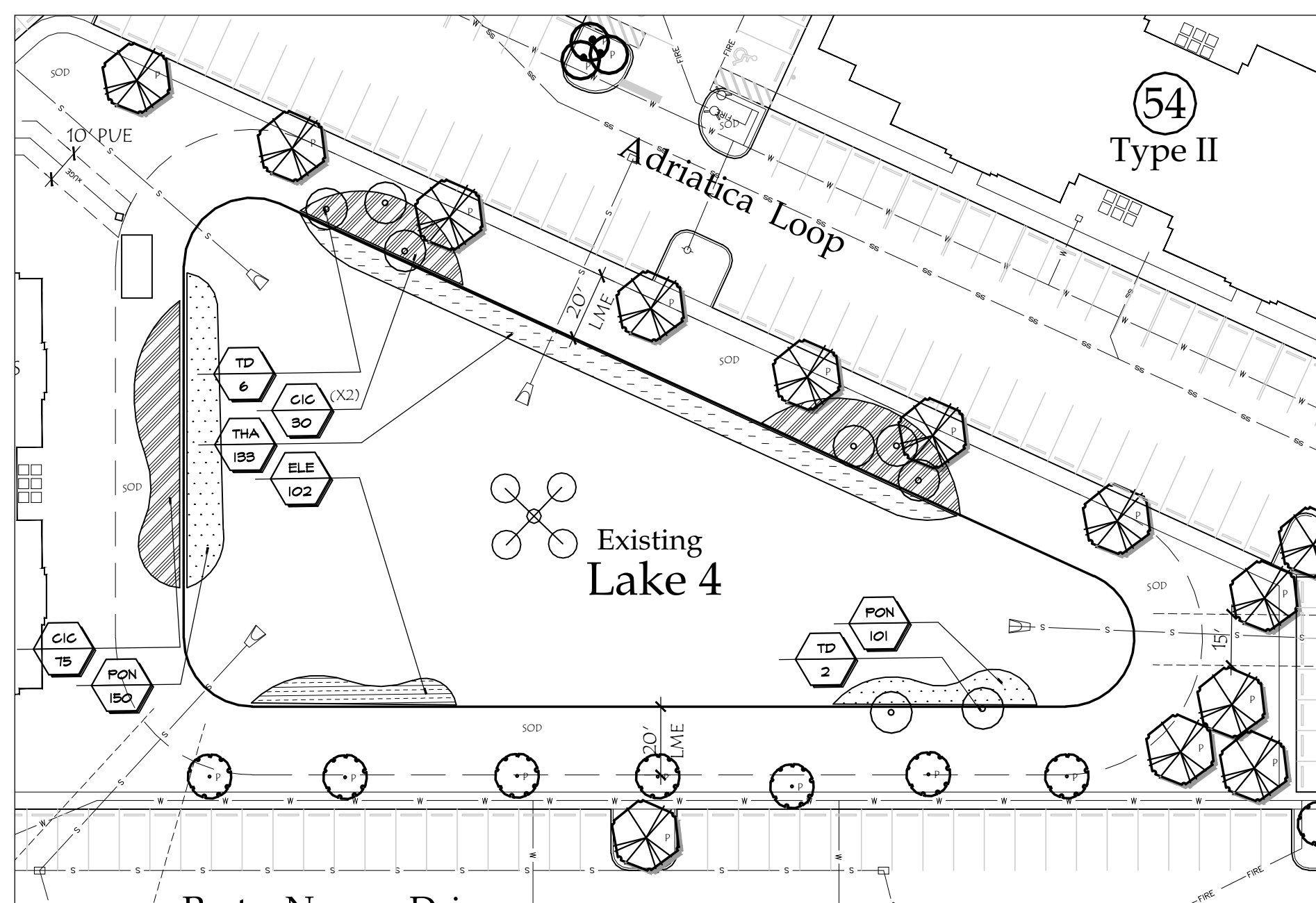
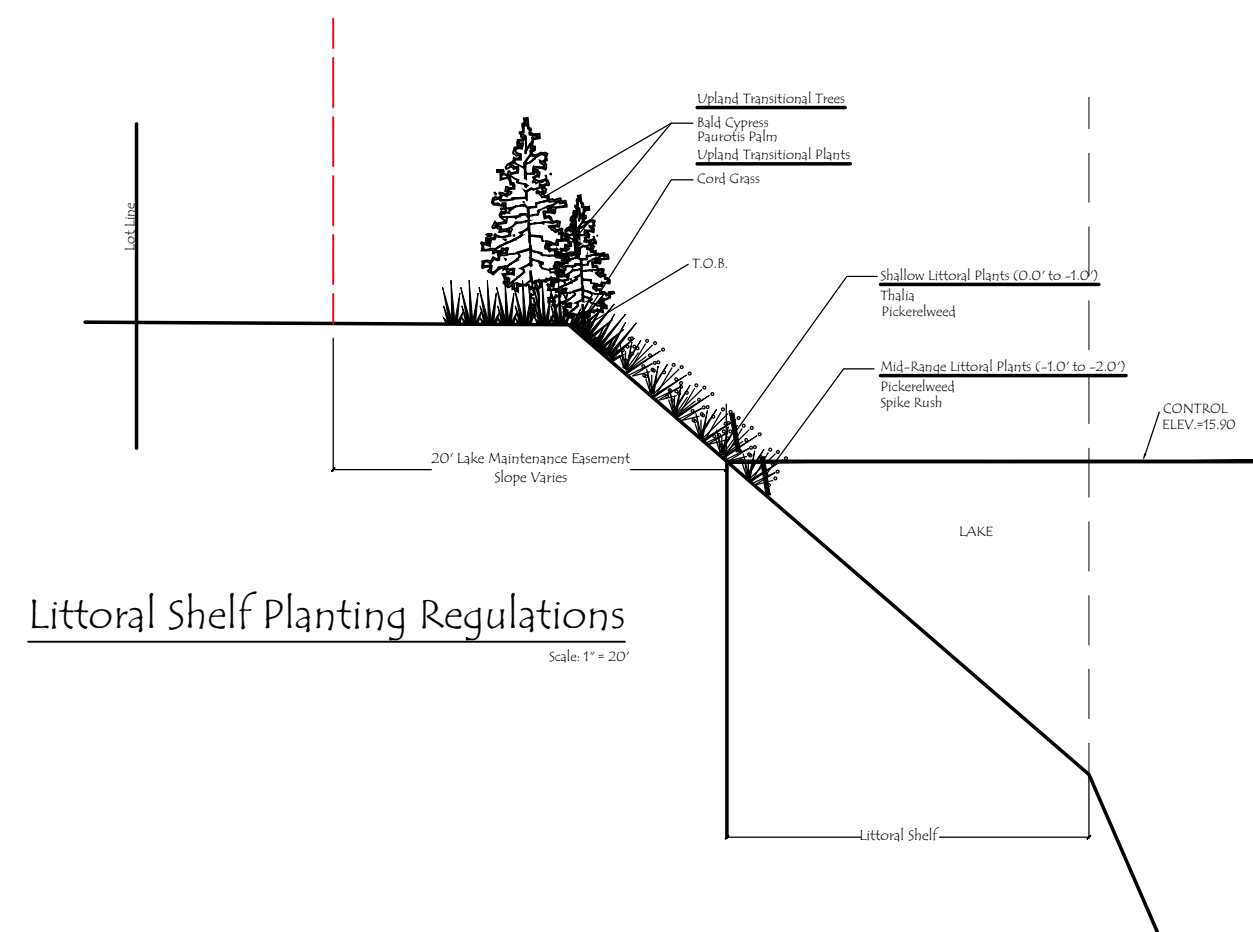
DEVIATION 16: A request for relief from the Lee County Land Development Code Section 10-418(2) planted littoral shelf criteria which requires 25 percent of the linear feet of the shoreline to be a planted littoral shelf to be designed to include a 20 foot wide littoral shelf extending

Littoral Planting Data

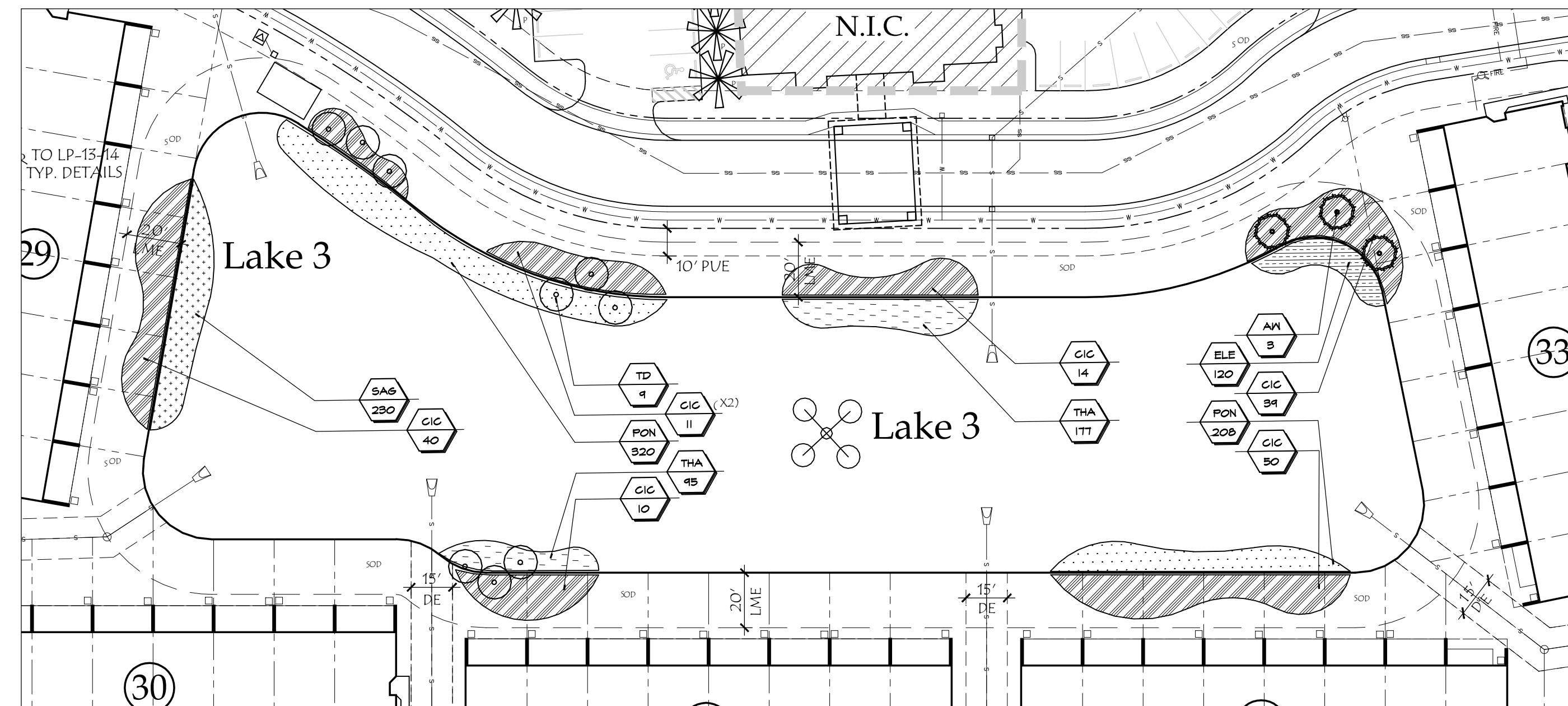
LAKE #3	(1,160 L.F. OF SHORELINE)	
LITTORAL PLANTINGS REQUIRED	_____	1,450 PLANTS
(5 HERBACEOUS PLANT PER 4 L.F. OF LAKE EDGE)		
DEEP LAKE TREE REQUIRED	_____	12 TREES
(1 DEEP LAKE TREE PER 100 L.F. OF LAKE EDGE)		
LITTORAL PLANTINGS PROVIDED	_____	1,150 PLANTS (LINERS)
		1,750 PLANTS (LINERS) = (175 3 GAL SHRUBS/24" MIN HGT. =1,750 LINERS)
		2,900 TOTAL PLANTS
DEEP LAKE TREES PROVIDED	_____	12 DEEP LAKE TREES (10' MIN HGT.)

LAKE #4	(735 L.F. OF SHORELINE)	
LITTORAL PLANTINGS REQUIRED	_____	918 PLANTS
(5 HERBACEOUS PLANT PER 4 L.F. OF LAKE EDGE)		
DEEP LAKE TREE REQUIRED	_____	8 TREES
(1 DEEP LAKE TREE PER 100 L.F. OF LAKE EDGE)		
 LITTORAL PLANTINGS PROVIDED	 _____	 486 PLANTS (LINERS)
		1,350 PLANTS (LINERS) = (135 3 GAL SHRUBS/24" MIN HGT. =1,350 LINERS)
		1,836 TOTAL PLANTS
 DEEP LAKE TREES PROVIDED	 _____	 8 DEEP LAKE TREES (10' MIN HGT.)

LAKE #5	(891 L.F. OF SHORELINE)	
LITTORAL PLANTINGS REQUIRED	_____	1,114 PLANTS
(5 HERBACEOUS PLANT PER 4 L.F. OF LAKE EDGE)		
DEEP LAKE TREE REQUIRED	_____	9 TREES
(1 DEEP LAKE TREE PER 100 L.F. OF LAKE EDGE)		
LITTORAL PLANTINGS PROVIDED	_____	858 PLANTS (LINERS)
		1,070 PLANTS (LINERS) = (107 3 GAL SHRUBS/24" MIN HGT. = 1,070 LINERS)
		300 PLANTS (LINERS) = (3 DEEP LAKE TREES/10' MIN HGT. = 300 LINERS)
		2,228 TOTAL PLANTS
DEEP LAKE TREES PROVIDED	_____	9 DEEP LAKE TREES (10' MIN HGT.)



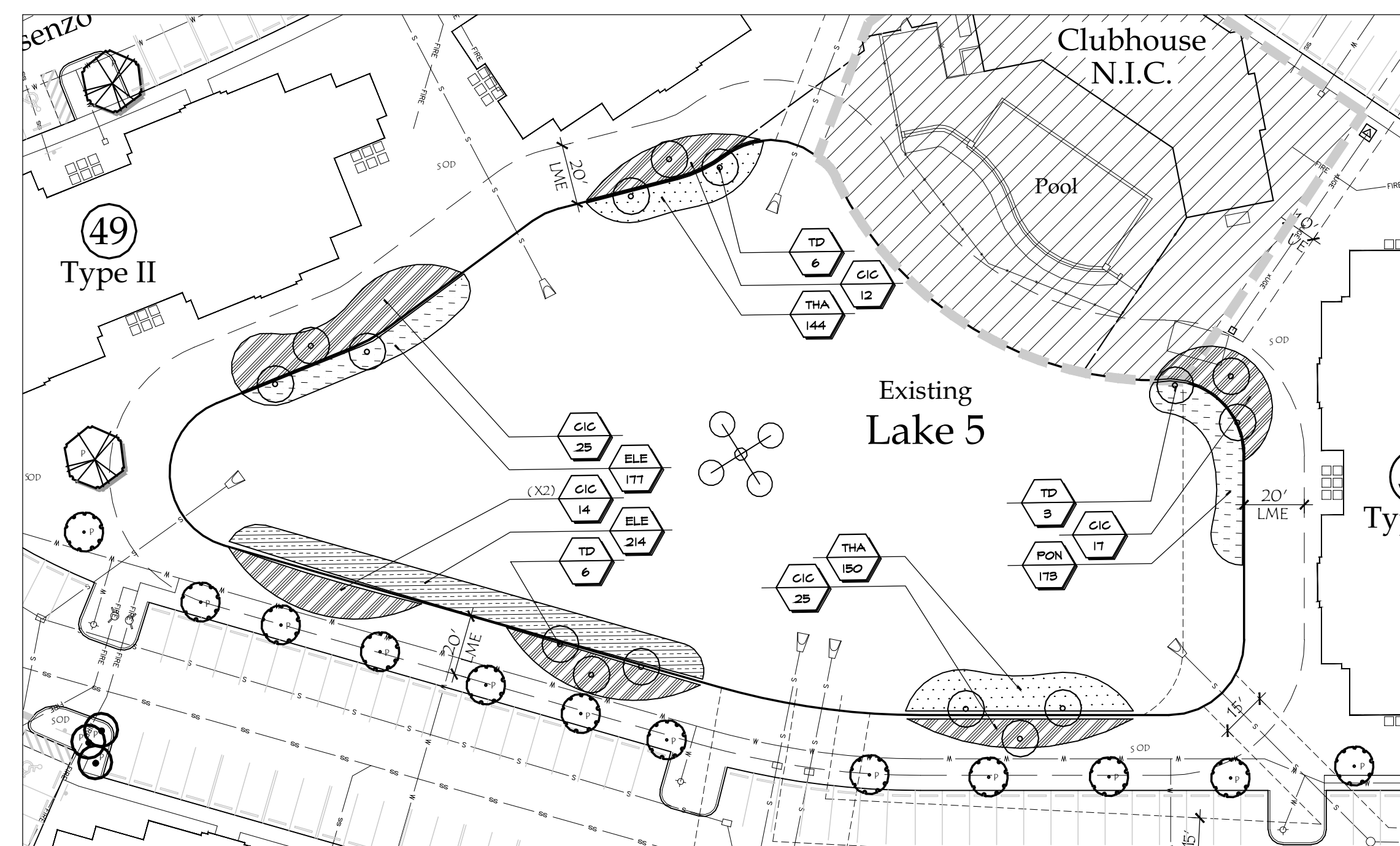
Lake 4



Lake 3

Legend:

-  CYPRESS
-  PAUROTIS PALM
-  COCOPLUM
-  PICKREL WEED
-  SPIKE RUSH
-  THALIA
-  DUCK POTATO



Lake 5

