

ADMINISTRATIVE AMENDMENT (FPA) ADD2020-00071

ADMINISTRATIVE AMENDMENT
LEE COUNTY, FLORIDA

WHEREAS, ML Resort Parcel, LLC filed an application for Final Zoning Plan Approval to a Mixed Use Planned Development to permit 110 multiple-family dwellings with accessory and ancillary uses including 24 boat slips with utilization of 5 previously approved deviations and approval of 4 new deviations on a project known as Capri at Miromar a/k/a Miromar Lakes Resort Village – Phase 3 located at Miromar Lakes, described more particularly as:

LEGAL DESCRIPTION: In Section 11, Township 46 South, Range 25 East, Lee County, Florida:

ATTACHED AS EXHIBIT “A”

WHEREAS, the subject property is located in the University Community Future Land Use Category as designated by the Lee Plan; and

WHEREAS, the property was originally rezoned in resolution number Z-99-029 with subsequent amendments in resolution numbers Z-02-072, Z-06-064, Z-10-019, Z-12-004, Z-13-020 and ADD2019-00178; and

WHEREAS, Condition 1.c of Resolution Z-13-020 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 objective of a Final Zoning Plan is to ensure compliance with the DRI Development Order, Zoning Resolution, and LDC and to allow detailed review of deviations while allowing development flexibility to respond to changing conditions; 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 has requested the following 4 additional deviations:

Deviation 1: A request for relief from LDC Section 10-418(3) which states that bulkheads, geo-textile tubes, riprap revetments or other similar hardened shoreline structures may comprise up to 20 percent of an individual lake shoreline; to allow 65% of the proposed recreational lake shoreline.

Deviation 2: A request for relief from LDC Section 10-261(a) solid waste facilities provision of container spaces which requires 216 SF (120 + 96) for first 25 multi-family units plus 8 SF for each additional unit; to allow 100 SF space for recyclable materials and 381 SF for the trash compactor.

Deviation 3: A request for relief from LDC Section 10-384(c)4 requirement that the maximum allowed dead-end water line must be no longer than 1,000 feet; to allow the proposed dead-end water line to exceed 1,000 feet.

Deviation 4: A request for relief from LDC Section 10-296(l)(4)a. which allows that privately maintained accessways that provide vehicle access to 100 or fewer multi-family residential units are not required to meet minimum roadway right-of-way widths; to allow the proposed privately maintained accessways to provide access to 110 multi-family units.

WHEREAS, Environmental staff of Zoning Section, Lee County Solid Waste Management Department, Lee County Utilities Department and Lee County Development Services Section reviewed the respective deviations and recommended approval of them; and

WHEREAS, the applicant is also utilizing Deviations 2, 5, 7, 10 and 28 per Zoning Resolution Z-13-020 relating to model units, access, use of pavers blocks, waterbody setback, and building height; and

WHEREAS, the subject property is within the Residential "R" and Mixed Use "MU" portions of Miromar Lakes per the approved Master Concept Plan adopted by Zoning Resolution Z-13-020; and

WHEREAS, the objective of a Final Zoning Plan is to ensure compliance with the Miromar Lakes Development of Regional Impact (DRI) Development Order, Zoning Resolution, and LDC and to allow detailed review of deviations while allowing development flexibility to respond to changing conditions; and

WHEREAS staff has reviewed the deviations requests and finds that the planned development will be enhanced and that the intent of such regulations to protect health, safety and welfare will be served; 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, the subject application and plans have been reviewed for compliance with the MCP and all of the conditions approved by Resolution Z-13-020, as subsequently amended; 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 in the Mixed-Use Planned Development, on a project known as Capri at Miromar a/k/a Miromar Lakes Resort Village – Phase 3 to permit 110 multiple-family dwellings with accessory and ancillary uses including 24 boat slips with utilization of 5 previously approved deviations and approval of 4 new deviations is APPROVED with the following conditions:

1. **The Development must be in substantial compliance with the Final Zoning Plan entitled “Miromar Lakes Resort Village Phase 3 A/K/A Capri at Miromar Lakes Beach & Golf Club” prepared by Banks Engineering, attached hereto as Exhibit “B”.**
2. **Any development which is not consistent with the final zoning plan approved herein and attached hereto will require an additional, amended final zoning plan approval.**
3. **As required by Deviation 5 of Z-13-020, prior to Development Order approval the applicant must obtain an approval in writing from Lee County Department of Public Safety for the ingress and egress to the parcel.**
4. **The terms and conditions of the original zoning resolutions and subsequent amendments thereto remain in full force and effect, except as amended herein.**
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 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 7/29/2020

Audra Ennis, Zoning Manager

Attachments: “A” Legal Description
“B” Site Plan (Final Zoning Plan Approval)

REVIEWED
ADD2020-00071
Daniel Munt, Planner
Lee County DCD
5/19/2020

EXHIBIT A

CASE NUMBER: ADD2020-00071

LEGAL DESCRIPTION

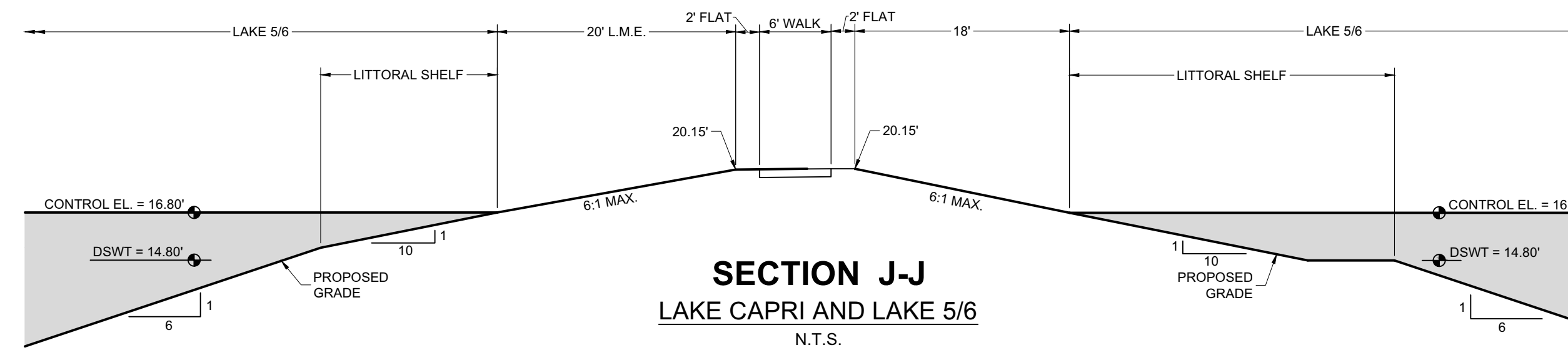
TRACT FD-3 OF MIROMAR LAKES UNIT XVIII COSTA MAGGIORE
PHASE 2, ACCORDING TO THE PLAT THEREOF, AS RECORDED IN
INSTRUMENT 2020000096915, OF THE PUBLIC RECORDS OF LEE
COUNTY, FLORIDA

STRAP NUMBER

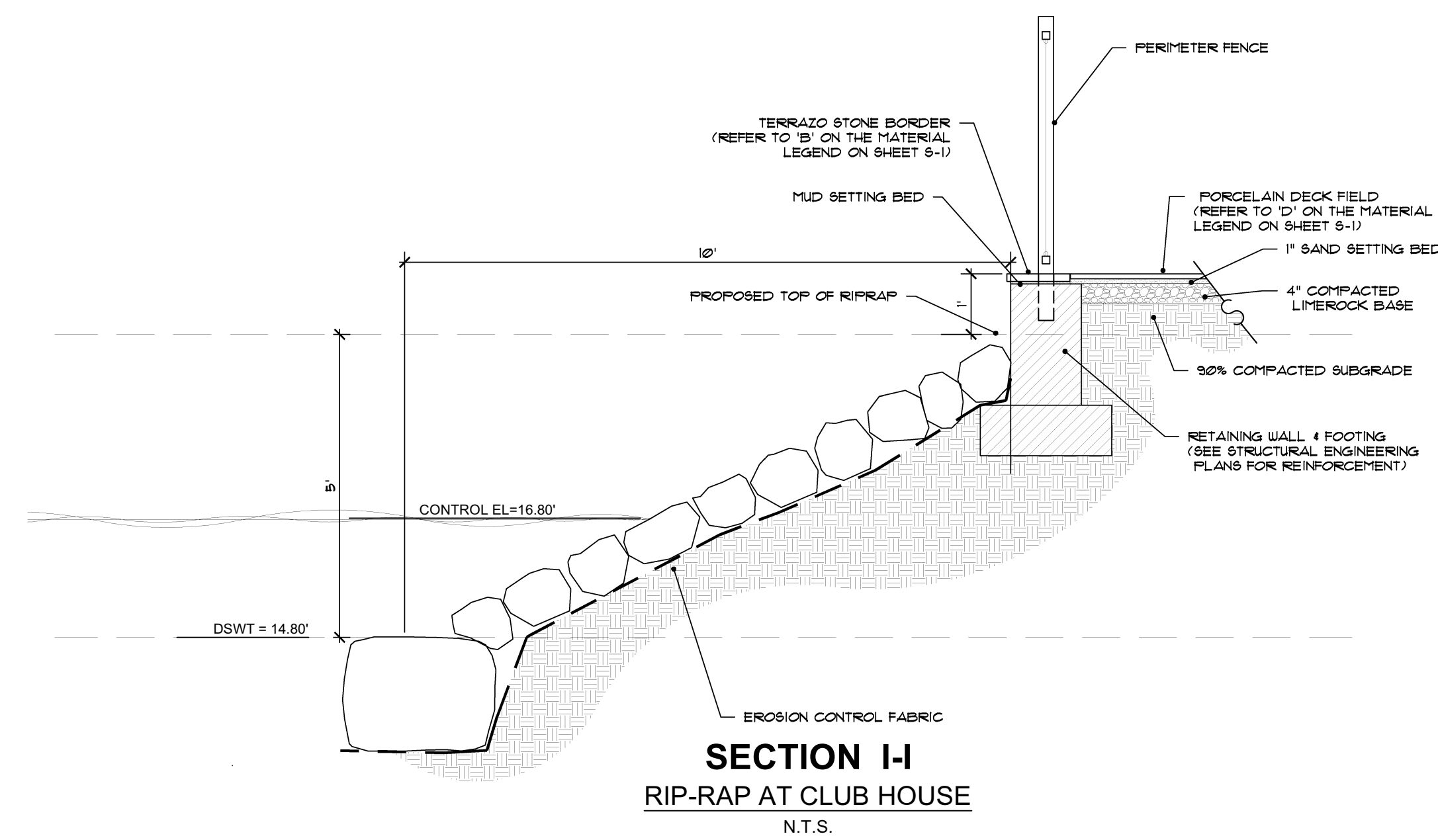
11-46-25-L1-20FD3.0000



SECTION D-D
LAKE 5/6
N.T.S.

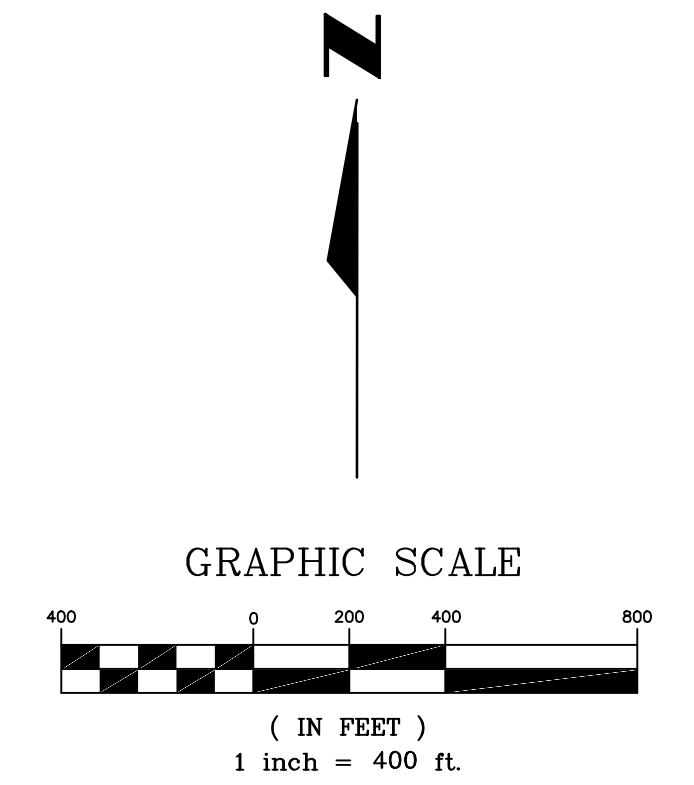


SECTION J-J
LAKE CAPRI AND LAKE 5/6
N.T.S.



SECTION I-I
RIP-RAP AT CLUB HOUSE
N.T.S.

DATE	PROJECT	DRAWING	DESIGN	DRAWN	CHECKED	SCALE	SHEET
5/07/2020	8378	_MCP	BDA	SDJ	SEH	AS NOTED	2



1. IT IS THE CONTRACTOR'S RESPONSIBILITY TO FIELD LOCATE AND VERIFY ANY EXISTING UTILITIES.
2. EXTREME CAUTION IS TO BE USED WHEN EXCAVATING, AS THE NUMBER AND LOCATION OF EXISTING UTILITIES HAVE BEEN NOTED BASED ON THE BEST INFORMATION AVAILABLE.
3. THE CONTRACTOR SHALL SAFEGUARD AND PREVENT PENETRATION OF SPECIAL WELDING PRESERVATION AREAS SHOWN ON THE SPRINKLER AND FENCED AT THE SITE.
4. IT IS THE CONTRACTOR'S RESPONSIBILITY TO EXISTING LANDSCAPING (i.e. TREES, SHRUBS, ETC.) AND SPRINKLER HEADS AND FENCING THAT MAY HAVE TO BE REMOVED DURING CONSTRUCTION.
5. ANY DAMAGE TO EXISTING UTILITIES AND PROPERTY DURING CONSTRUCTION SHALL BE REPAIRED AND/OR REPLACED AT THE CONTRACTOR'S EXPENSE.

- 1) BASED ON THE SFWMD GENERAL PERMIT #36-03568-P AND THE U.S.D.A. SOIL CONSERVATION SERVICE SOIL SURVEY OF LEE COUNTY, FLORIDA. IT IS ANTICIPATED THAT THIS SITE MAY BE USED SAFELY FOR BUILDING PURPOSES, WITHOUT UNDUE DANGER FROM FLOOD OR ADVERSE SOIL OR FOUNDATION CONDITIONS. SUBJECT TO PROPERLY ENGINEERED AND CONSTRUCTED CORRECTIVE MEASURES, INCLUDING BUT NOT LIMITED TO SITE FILL, DRAINAGE WATER MANAGEMENT AND SEWAGE DISPOSAL FACILITIES.

ML RESORT PARCEL LLC
9940 ESTERO OAKS DRIVE
FORT MYERS, FL 33967

BANKS

ENGINEERING

Professional Engineers, Planners, & Land Surveyors
Serving The State Of Florida

10511 SIX MILE CYPRESS PARKWAY
FORT MYERS, FLORIDA 33966
PHONE: (239) 939-5490 FAX: (239) 939-2523
ENGINEERING LICENSE # EB 6469
SURVEY LICENSE # LB 6690
WWW.BANKSENG.COM

MASTER STABILIZATION PLAN
MIROMAR LAKES
LEE COUNTY, FLORIDA

DATE	PROJECT	DRAWING	DESIGN	DRAWN	CHECKED	SCALE	SHEET
5/06/2020	8378	_EXHIBIT-B		SDJ		N.T.S.	1

EXHIBIT B

FINAL PLAN APPROVAL

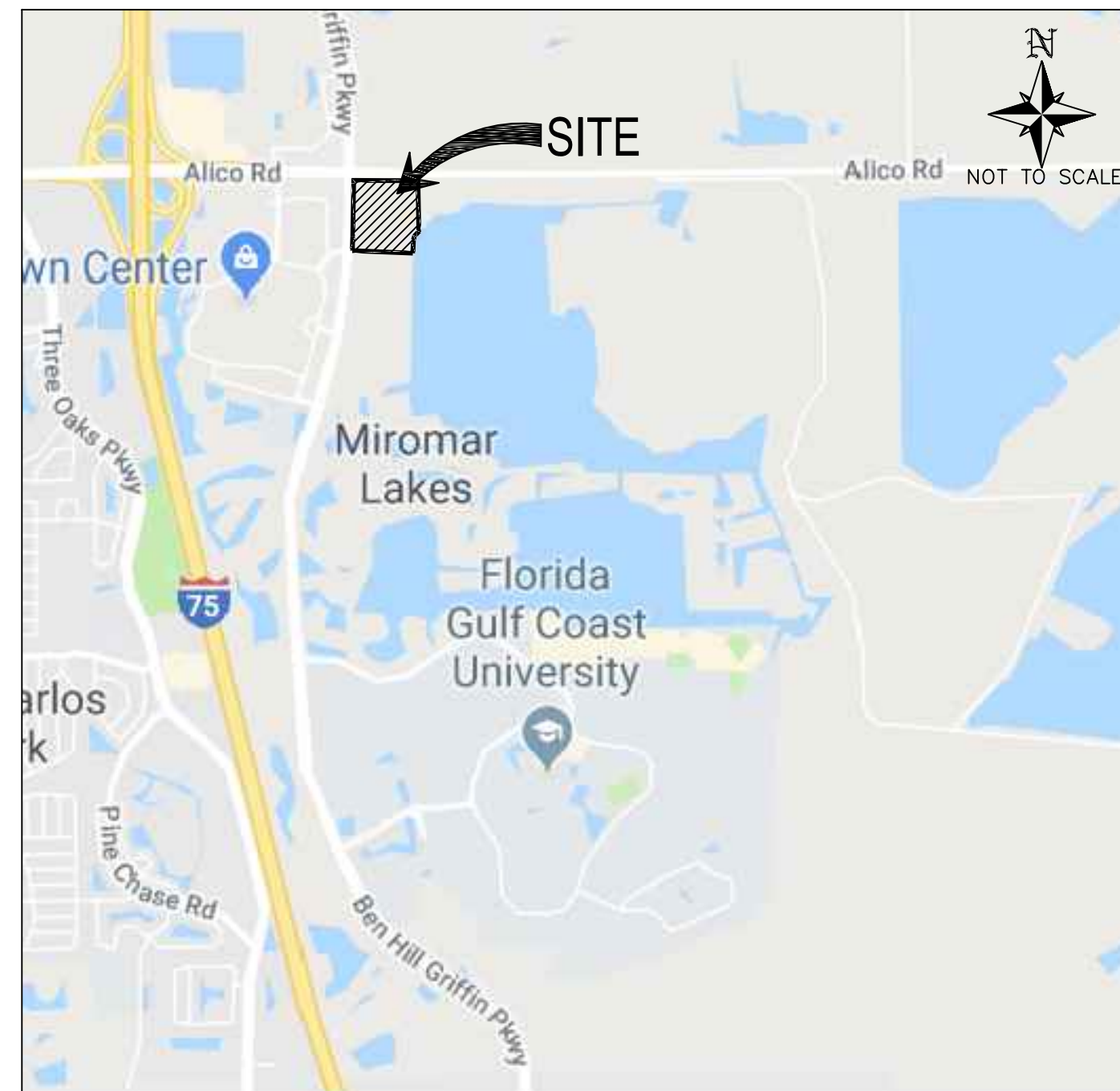
FOR

MIROMAR LAKES

CAPRI at MIROMAR LAKES BEACH & GOLF CLUB

LEE COUNTY, FLORIDA

DATE: MAY 2020



PROPERTY LOCATION MAP
N.T.S.

STRAP NO.: 11-46-25-L1-15FD1.0010

PREPARED FOR:
ML RESORT PARCEL LLC
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APPROVAL HISTORY				
LEE COUNTY NUMBER	TRACT	DATE	TYPE	QUANTITY
Z-99-029	MIROMAR LAKES	9/29/1999	RESOLUTION	N/A
ADD2000-00110	PHASE 1	7/27/2000	SINGLE FAMILY	11 UNITS
ADD2000-00111	PHASE 1	7/27/2000	SINGLE FAMILY	30 UNITS
ADD2000-00117	PHASE 2	7/31/2000	SINGLE FAMILY	51 UNITS
ADD2000-00161	GOLF MAINT.	12/19/2000	COMMERCIAL	7500 S.F.
ADD2000-00191	TEMP CLUBHOUSE	1/8/2001	COMMERCIAL	6,500 S.F.
ADD2001-00018	VALENCIA	5/24/2001	MULTI. FAMILY	80 UNITS
ADD2001-00085	TRACT M & N	9/17/2001	SINGLE FAMILY	27 UNITS
ADD2001-00113A	BEACH CLUB	4/1/2002	RECREATION	4.77 ACRES
ADD2001-00125	TIVOLI	10/16/2001	SINGLE FAMILY	113 UNITS
ADD2001-00142	SALES CENTER	12/20/2001	COMMERCIAL	4,147 S.F.
ADD2002-00045	BELLAVISTA	6/28/2002	MULTI-FAMILY	60 UNITS
ADD2002-00077	MED. VILLAGE	8/5/2002	SINGLE FAMILY	33 UNITS
ADD2002-00168	CAPRINI GREENS	12/17/2002	SINGLE FAMILY	27 UNITS
ADD2003-00028	VAVALDI	4/4/2003	MULTI-FAMILY	60 UNITS
ADD2003-00047	GOLF CLUBHOUSE	5/14/2003	RECREATION	5.45 ACRES
Z-02-072	MIROMAR LAKES	12/15/2003	RESOLUTION	N/A
ADD2003-00151	CAPRINI GREENS MOD	12/18/2003	ADMEND. TO ADD2002-00168	
ADD2004-00033	SAN MARINO	7/21/2004	MULTI-FAMILY	160 UNITS
ADD2004-00042	MIRASOL ACCESS	4/2/2004	ACCESS	5.07 ACRES
ADD2004-00045	C1/C2 ACCESS	4/2/2004	ACCESS	1.02 ACRES
ADD2004-00054	PORTO ROMANO	5/11/2004	SINGLE FAMILY	55 UNITS
ADD2004-00070	MIRASOL RESIDENTIAL	7/27/2004	MULTI-FAMILY	110 UNITS*
ADD2004-00074	CAPRINI GREENS MOD	4/21/2004	ADMEND. TO ADD2002-00168	
ADD2004-00176	MIRASOL ACCESS MOD	11/17/2004	ADMEND. TO ADD2004-00042	
ADD2004-00177	CASTELLI & ANACAPRI	12/3/2004	SINGLE FAMILY	18 UNITS
ADD2004-00223	MONTEBELLO	01/10/2005	MULTI-FAMILY	40 UNITS
ADD2004-00253	VOLTERRA & BELLINI	4/25/2005	SINGLE FAMILY/ MULTI-FAMILY	72 UNITS
ADD2005-00134	MIRASOL PHASE 2	8/2/2005	MULTI-FAMILY	120 UNITS**
ADD2005-00190	RAVENNA	3/31/2006	MULTI-FAMILY	60 UNITS
ADD2006-00004	BEACH CLUB PH. 2	3/13/2006	RECREATION	7.67 ACRES
ADD2006-00002	MIROMAR LAKES PKWY EXTENSION	3/13/2006	ACCESS	133.08 ACRES
ADD2006-00009	EAST 100 Ac.	4/10/2006	SINGLE FAMILY	50 UNITS*
Z-06-064	MIROMAR LAKES	10/16/2006	RESOLUTION	N/A
ADD2008-00130	BEACH COTTAGES	12/5/2008	SINGLE FAMILY	15 UNITS*
ADD2008-00144	SORRENTO LME MOD.	4/1/2009	ADMEND. TO ADD2006-00009	
ADD2009-00026	COSA AMALFI MOD.	4/16/2009	ADMEND. TO ADD2008-00130	
ADD2009-00026	COSA AMALFI MOD	3/8/2010	ADMEND. TO ADD2009-00026	
Z-10-019	MIROMAR LAKES	10/16/2006	RESOLUTION	N/A
Z-12-004	MIROMAR LAKES	10/16/2006	RESOLUTION	N/A
ADD2012-00110	PENINSULA PHASE III	5/16/2012	SINGLE FAMILY	28 UNITS
ADD2014-00102	PENINSULA PHASE IV	8/15/2014	SF	56 UNITS
ADD2014-00175	COSTA AMALFI MOD.	10/27/2014	ADMEND. TO ADD2008-00130	
ADD2014-00213	UNIVERSITY VILLAGE PH. 1	PENDING	MIXED USE	168 M.F. UNITS 75,000 S.F.
ADD2015-00070	LAKE SHORELINE STABILIZATION	10/6/2015	RECREATIONAL	RIP RAP TO 65%
ADD2015-00079	TRACT M-M	07/14/2015	SINGLE FAMILY	12 UNITS
ADD2015-00209	POSITANO	01/12/2016	MULTI-FAMILY	40 UNITS**
ADD2016-00025	TEMP BOAT STORAGE	07/07/16	RECREATION	N/A
ADD2016-00148	RESORT VILLAGE PH1	11/29/16	SINGLE FAMILY	24 UNITS
ADD2016-00206	SARDINIA	01/06/17	SINGLE FAMILY	8 UNITS
ADD2017-00013	RESORT VILLAGE PH2	07/30/17	SINGLE FAMILY	29 UNITS
ADD2017-00036	UNIVERSITY VILLAGE PH2	03/07/17	MULTI-FAMILY	96 UNITS
ADD2019-00178	RESORT VILLAGE PH2A	01/17/20	ADMEND. TO ADD2017-00013	
ADD2019-00163	POSITANO	11/21/19	SINGLE FAMILY	18 UNITS
ADD2020-00071	CAPRI RESORT VILLAGE PHASE 3	PENDING	MULTI-FAMILY	110 UNITS

	SINGLE FAMILY	MULTI-FAMILY	S.F.	ACRES
TOTALS	618	1,004	93,147	23.98

NOTES:
* DENOTES PROJECTS CONSTRUCTED FEWER UNITS THEN APPROVED, NUMBER REPRESENTS CONSTRUCTED NUMBER OF UNITS
** DENOTES ADD APPROVAL THAT IS VOIDED BY LATER APPROVAL

OPEN SPACE

OPEN SPACE	AREA (ACRES)
GOLF COURSE	218.96
PHASE I	61.72
PHASE II	13.10
GOLF MAINTENANCE	0.92
VALENCIA	8.08
TRACT M & N	4.77
BEACH CLUB	2.34
TIVOLI	0
BELLAVISTA	3.55
MEDITERRANEAN VILLAGE	6.71
CAPRINI GREENS	1.19
VAVALDI	0
GOLF CLUBHOUSE	2.51
SAN MARINO	13.40
MIRASOL ACCESS DRIVE	1.31
TRACT C1/C2 ENTRANCE	0.39
PORTO ROMANO	2.90
MIRASOL RESIDENTIAL	0
CASTELLI & ANACAPRI	0.92
VOLTERRA & BELLINI	5.89
RAVENNA	3.17
BEACH CLUB PH.2	2.73
MIROMAR LAKES PKWY. EXTENSION	0
EAST 100 Ac.	0
BEACH COTTAGES	3.31
PENINSULA PHASE III	6.16
PENINSULA PHASE IV	16.33
UNIVERSITY VILLAGE PH I	24.74
LAKE SHORE STABILIZATION	0
TRACT M-M	1.90
POSITANO	1.60
TEMPORARY BOAT STORAGE FACILITY	0.92
RESORT VILLAGE PHASE 1	2.26
SARDINIA	1.27
RESORT VILLAGE PHASE 2	7.02
POSITANO	0.98
CAPRI	8.77

TOTAL 429.82 AC.

BOAT DOCK HISTORY

SINGLE FAMILY SUBDIVISIONS	BOAT SLIPS APPROVED	BOAT SLIPS PROPOSED
VERONA LAGO	55	0
CAPRINI GREENS/BELLAMARE	18	0
ISOLA BELLA	13	0
CASTELLI & ANACAPRI	17	0
VOLTERRA	12	0
COSTA AMALFI (BEACH COTTAGES)	9	0
SORRENTO (EAST 100 AC.)	11	0
PORTOFINO (EAST 100 AC.)	20	0
MURANO (EAST 100 AC.)	19	0
NAVONA (PENINSULA PH III)	18	0
SALERNO (PENINSULA PH III)	10	0
SALERNO (PENINSULA PH IV)	22	0
ESTATE LOTS (PENINSULA PH IV)	0	0
VILLA LOTS (PENINSULA PH IV)	0	0
TRACT M-M	0	0
POSITANO	0	0
RESORT VILLAGE - PHASE 1	0	0
SARDINIA	8	0
RESORT VILLAGE - PHASE 2	29	0
TOTAL	261	0
ANCILLARY (250 MAXIMUM)	BOAT SLIPS APPROVED	BOAT SLIPS PROPOSED
BEACH CLUB PH I	13	0
BEACH CLUB PH II	13	0
BEACH CLUB PH III	13	0
VIVALDI	18	0
MIRASOL BEACH PH 1&2	18	0
BELLINI	18	0
RAVENNA	60	0
THE PENINSULA PH IV	16	0
POSITANO	18	0
CAPRI	0	24
TOTAL	187	24
TOTAL PROPOSED & APPROVED ANCILLARY SLIPS		
TOTAL REMAINING ANCILLARY SLIPS		
	211	39

EACH SINGLE-FAMILY LAKEFRONT LOT IS ALLOWED TO HAVE ONE DOCK. SINGLE-FAMILY LAKEFRONT LOT DOCKS MAY BE CONVERTED TO MULTIPLE-FAMILY SLIPS FOR WET BOAT STORAGE ON A ONE FOR ONE (1:1) BASIS.
AN ADDITIONAL 250 (MAXIMUM) ANCILLARY SLIPS FOR WET BOAT STORAGE ARE ALLOWED ON THE LAKE.