

ADMINISTRATIVE AMENDMENT (FPA) ADD2025-00009

ADMINISTRATIVE AMENDMENT
LEE COUNTY, FLORIDA

WHEREAS, Miromar Lakes, LLC filed an application for Final Plan Approval to a Mixed Use Planned Development to permit a 51 single-family dwelling subdivision with utilization of 3 previously approved by Resolution Z-13-020, 1 deviation approved by ADD2021-00066 and one additional Deviation from LDC Sec.10-256 concerning sidewalks on a project known as Messina 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 by Resolution Z-99-029 as amended by Resolutions Z-02-072, Z-06-064, Z-10-019, Z-12-004, Z-13-020 and Z-23-018; and

WHEREAS, a Final Plan was approved in 2021 for this project by ADD2021-00066, and the applicant proposes to increase the number of units from 48 to 51 single-family dwellings and modify the Final Plan layout; and

WHEREAS, Condition 1.c of Resolution Z-13-020 requires, as a prerequisite to approval of any local Development Order, a Final Plan Approval that specifies the type, intensity and configuration of development for the particular site; and

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

WHEREAS, Resolution Z-23-018 establishes a maximum of 1,592 single-family dwelling units and 1,474 multiple-family units within the MPD; and

WHEREAS, the applicant is seeking Final Plan Approval (FPA) for a 20.05-acre tract to permit 51 residential single-family dwelling units and related accessory uses, and the proposed 51 single-family dwelling units does not exceed the overall single-family dwelling unit threshold in Miromar as tabulated on the FPA site plan (see Exhibit "B"); 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 is proposing to utilize the following three deviations approved with conditions by Resolution Z-13-020:

- A. Deviation (5) seeks relief from the LDC § 10-291 (3) (Required Street Access), requirement to provide, where practical, two (2) or more means of ingress and egress to residential developments of at least 5 acres in size, to allow only one means of ingress and egress for those development parcels that are surrounded by golf course, water body, or conservation areas or any combination of thereof.
- B. Deviation (7) seeks relief from the LDC § 10-296 (Street Design and Construction Standards), requirement to provide that wearing surfaces for local and access roads for Class A development must be 1.5-inch asphaltic concrete of Florida Department of Transportation Type S-1, to allow for cement concrete or decorative pavers within private local roadways within Miromar Lakes.
- C. Deviation (9) seeks relief from the LDC §10-296(r)(4)(a), requirement that allows privately maintained access ways that meet criteria as outlined in item 4(a) to be exempt from minimum right-of-way widths as specified in LDC §10-296(b), to permit access ways providing access up to 100 residential units to be exempt from the minimum roadway widths as specified in LDC §10-296(b).

WHEREAS, the applicant is also proposing to utilize the following deviation approved by ADD2021-00066:

1. Deviation from LDC 34-1954(b)(2), which requires model homes to be connected to water, sewer and electricity and receive a certificate of occupancy as a model home, to allow dry models. This deviation was approved by ADD2021-00066 for a maximum of 4 "Dry Models".

WHEREAS, the applicant is requesting the following additional deviation from Land Development Section 10-256:

2. Deviation from LDC 10-256(2)(c), which requires a pedestrian way along one side of all streets internal to a residential development, to allow sidewalk to be built as each residential unit is constructed.

WHEREAS, the applicant is utilizing Deviations 5, 7 and 9 approved by Zoning Resolution Z-13-020 relating to access, right-of-way width and use of brick pavers; and

WHEREAS, utilization of Deviation 5 is to allow one means of access into a residential development of more than 5 acres and requires approval from the Emergency Service District, in writing, for the ingress and egress of each development parcel in conjunction with the application for final plan approval; and

WHEREAS, the applicant has obtained a letter of approval issued by the Department of Public Safety (see Exhibit "C"); and

WHEREAS, the applicant requests a deviation from LDC Section 10-256(b)(2)c, which requires a pedestrian way along one side of all streets internal to a residential development; and

WHEREAS, construction of pedestrian and bikeways may be delayed at discretion of the Development Services Director along with a recommendation from the Director of the Department of Transportation at time of local development order approval, as codified in LDC Section 10-256(b)(5); and

WHEREAS, the review and approval of delay in the construction of pedestrian and bikeways is more appropriate during the local development review and approval; therefore, a deviation from LDC Section 10-256 will not be approved as part of this application; 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 and the Development Services Section reviewed the respective deviations and recommended approval with the exception of Deviation #2 concerning timing of sidewalk construction; and

WHEREAS, the timing of the sidewalk construction will be determined during the local development review process; 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 Miromar Lakes Mixed Use Planned Development, on a project known as Messina at Miromar Lakes to permit 51 single-family dwellings with utilization of 4 previously approved deviations is **APPROVED with the following conditions:**

1. **The Development must be in substantial compliance with the Final Zoning and Final Stabilization Plans entitled "Miromar Lakes, Messina" prepared by Bowman, attached hereto as Exhibit "B".**

2. **Requested Deviations:**

- i. Deviations 5, 7 and 9 per Zoning Resolution Z-13-020 relating to access, right-of-way width and use of brick pavers as proposed are approved subject to conditions of Resolution Z-13-020.
 - ii. Deviation from LDC Section 34-1954(b)(2), to permit “dry models” on site without connections to sanitary sewer and potable water is approved subject to Condition 3 of this amendment.
 - iii. The requested deviation from LDC Section 10-256 is DENIED and must be considered separately at time of local development order approval in accordance with LDC Section 10-256(2)(c).
3. The use of dry models is limited to four single-family lots.
4. The Amendment to the previously approved Development Order (DOS2021-00060), must show compliance with the following conditions of Deviation (9) of Resolution Z-13-020:
 - a. The design and posted speed will be 20 mph or less; and
 - b. This deviation will apply to private access ways only; and
 - c. Where determined to be practical by the design engineer, the developer will provide traffic calming devices identified in the ITE Residential Street Design and Traffic Control book.
5. A revised fee quote for utilities will be required for the additional lots.
6. Deviation 7 of Resolution Z-13-020 is approved subject to following condition:
 - i. No brick pavers to be installed within the County right-of-way.
7. The terms and conditions of the original zoning resolutions and subsequent amendments thereto remain in full force and effect, except as amended herein.
8. 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 4/1/2025

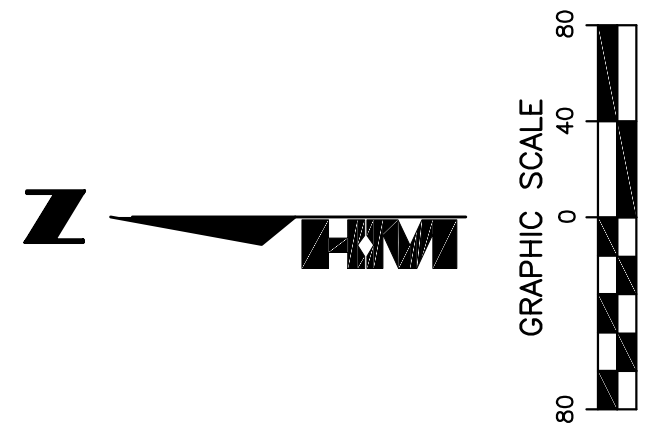
Anthony R. Rodriguez, AICP, CPM, Zoning Manager

Attachments: “A” Legal Description

“B” Final Plan

“C” Letter of No Objection from Department of Public Safety

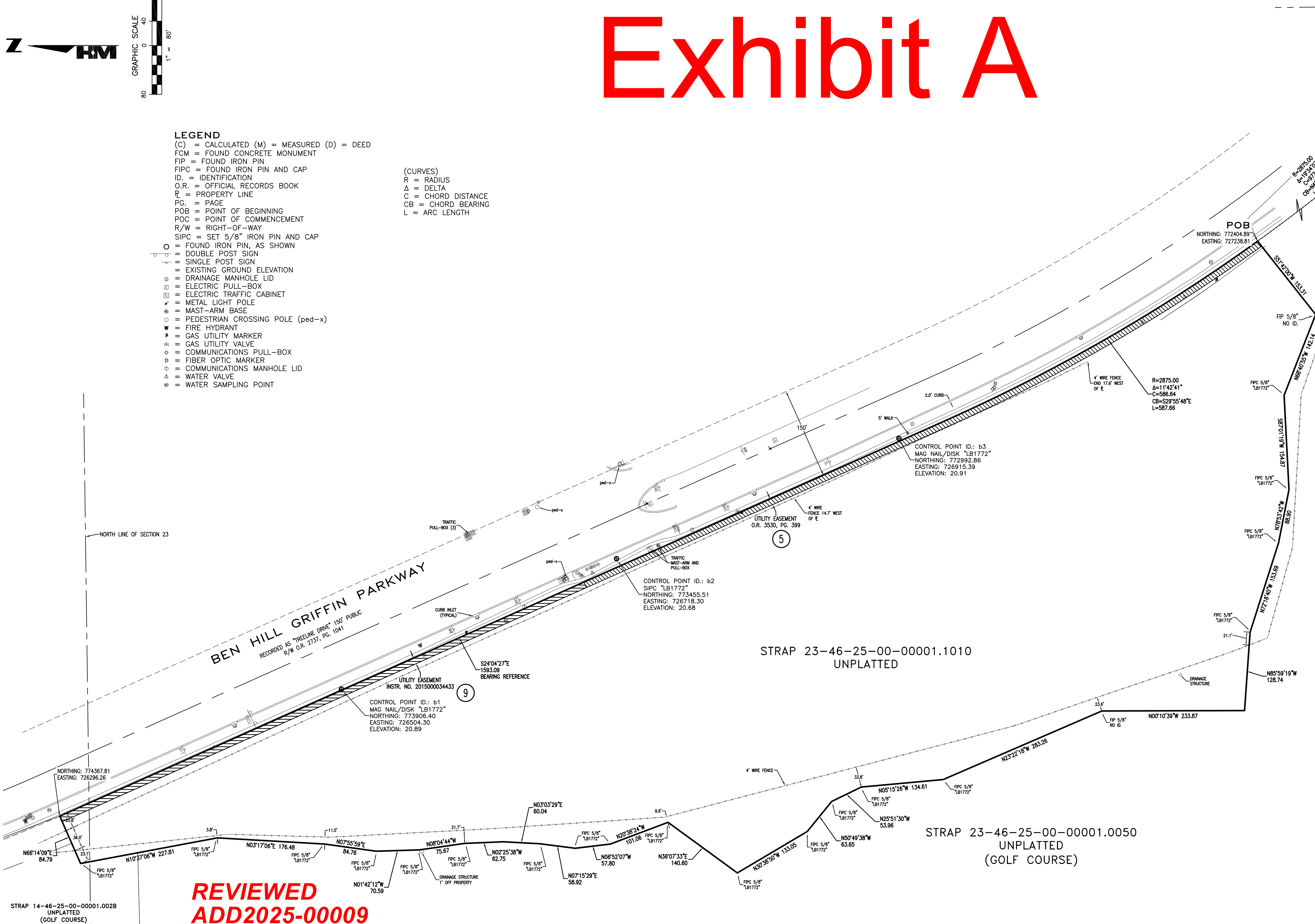
Exhibit A



LEGEND

(C) = CALCULATED (M) = MEASURED (D) = DEED
FCM = FOUND CONCRETE MONUMENT
FIP = FOUND IRON PIN
FIPC = FOUND IRON PIN AND CAP
ID. = IDENTIFICATION
O.R. = OFFICIAL RECORDS BOOK
R = PROPERTY LINE
PG. = PAGE
POB = POINT OF BEGINNING
POC = POINT OF COMMENCEMENT
R/W = RIGHT-OF-WAY
SIPC = SET 5/8" IRON PIN AND CAP
O = FOUND IRON PIN, AS SHOWN
+ = DOUBLE POST SIGN
+ = SINGLE POST SIGN
+ = EXISTING GROUND ELEVATION
+ = DRAINAGE MANHOLE LID
+ = ELECTRIC PULL-BOX
+ = ELECTRIC TRAFFIC CABINET
+ = METAL LIGHT POLE
+ = MAST-ARM BASE
+ = PEDESTRIAN CROSSING POLE (ped-x)
+ = FIRE HYDRANT
+ = GAS UTILITY MARKER
+ = GAS UTILITY VALVE
+ = COMMUNICATIONS PULL-BOX
+ = FIBER OPTIC MARKER
+ = COMMUNICATIONS MANHOLE LID
+ = WATER VALVE
+ = WATER SAMPLING POINT

(CURVES)
R = RADIUS
Δ = DELTA
C = CHORD DISTANCE
CB = CHORD BEARING
L = ARC LENGTH



LEGAL DESCRIPTION

A PARCEL OF LAND LOCATED IN A PORTION OF SECTION 23, TOWNSHIP 46 SOUTH, RANGE 25 EAST, LEE COUNTY, FLORIDA, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCE AT THE SOUTHEAST CORNER OF SECTION 23, TOWNSHIP 46 SOUTH, RANGE 25 EAST, LEE COUNTY, FLORIDA; THENCE RUN N.89°44'39"W., ALONG THE SOUTH LINE OF SAID SECTION 23, FOR A DISTANCE OF 651.54 FEET TO A POINT ON THE WESTERLY RIGHT-OF-WAY LINE OF BEN HILL GRIFFIN PARKWAY; RECORDED AS TREELINE AVENUE AND HAVING A 150.00 FOOT RIGHT-OF-WAY; THENCE RUN N.00°49'43"W., ALONG SAID WESTERLY RIGHT-OF-WAY, FOR A DISTANCE OF 600.19 FEET TO THE BEGINNING OF A TANGENTIAL CIRCULAR CURVE, CONCAVE SOUTHWESTERLY; THENCE RUN NORTHWESTERLY ALONG SAID WESTERLY RIGHT-OF-WAY AND ALONG THE ARC OF SAID CURVE TO THE LEFT, HAVING A RADIUS OF 1,325.00 FEET, THROUGH A CENTRAL ANGLE OF 54°31'33", SUBTENDED BY A CHORD OF 1,213.90 FEET AT A BEARING OF N.28°05'29"W., FOR A DISTANCE OF 1,260.94 FEET TO THE END OF SAID CURVE; THENCE RUN N.55°21'16"W., ALONG SAID WESTERLY RIGHT-OF-WAY LINE, FOR A DISTANCE OF 1,684.71 FEET TO THE BEGINNING OF A TANGENTIAL CIRCULAR CURVE, CONCAVE NORTHEASTERLY; THENCE RUN NORTHWESTERLY ALONG SAID WESTERLY RIGHT-OF-WAY, AND ALONG THE ARC OF SAID CURVE TO THE RIGHT, HAVING A RADIUS OF 2,875.00 FEET, THROUGH A CENTRAL ANGLE OF 19°34'07", SUBTENDED BY A CHORD OF 977.15 FEET AT A BEARING OF N.45°34'12"W., FOR A DISTANCE OF 981.92 FEET TO THE POINT OF BEGINNING OF THE PARCEL OF LAND HEREIN DESCRIBED; THENCE RUN S.51°42'00"W., FOR A DISTANCE OF 153.31 FEET; THENCE RUN N.68°40'55"W., FOR A DISTANCE OF 142.14 FEET; THENCE RUN S.87°01'19"W., FOR A DISTANCE OF 154.87 FEET; THENCE RUN N.78°53'42"W., FOR A DISTANCE OF 88.90 FEET; THENCE RUN N.72°18'40"W., FOR A DISTANCE OF 153.69 FEET; THENCE RUN N.85°59'19"W., FOR A DISTANCE OF 128.74 FEET; THENCE RUN N.00°10'39"W., FOR A DISTANCE OF 233.87 FEET; THENCE RUN N.23°22'18"W., FOR A DISTANCE OF 283.26 FEET; THENCE RUN N.05°15'26"W., FOR A DISTANCE OF 134.61 FEET; THENCE RUN N.25°51'30"W., FOR A DISTANCE OF 53.96 FEET; THENCE RUN N.50°49'38"W., FOR A DISTANCE OF 63.65 FEET; THENCE RUN N.30°38'50"W., FOR A DISTANCE OF 133.05 FEET; THENCE RUN N.36°07'33"E., FOR A DISTANCE OF 140.60 FEET; THENCE RUN N.20°38'24"W., FOR A DISTANCE OF 101.06 FEET; THENCE RUN N.06°52'07"W., FOR A DISTANCE OF 57.80 FEET; THENCE RUN N.07°15'29"E., FOR A DISTANCE OF 58.92 FEET; THENCE RUN N.03°03'29"E., FOR A DISTANCE OF 60.04 FEET; THENCE RUN N.02°25'38"W., FOR A DISTANCE OF 62.75 FEET; THENCE RUN N.08°04'44"W., FOR A DISTANCE OF 75.67 FEET; THENCE RUN N.01°42'12"W., FOR A DISTANCE OF 70.59 FEET; THENCE RUN N.07°55'59"E., FOR A DISTANCE OF 84.76 FEET; THENCE RUN N.03°17'06"E., FOR A DISTANCE OF 176.48 FEET; THENCE RUN N.10°37'08"W., FOR A DISTANCE OF 227.81 FEET; THENCE RUN N.66°14'09"E., FOR A DISTANCE OF 84.79 FEET TO A POINT ON THE WESTERLY RIGHT-OF-WAY LINE OF SAID BEN HILL GRIFFIN PARKWAY; THENCE RUN S.24°04'27"E., ALONG SAID WESTERLY RIGHT-OF-WAY FOR A DISTANCE OF 1,593.09 FEET TO THE BEGINNING OF A TANGENTIAL CIRCULAR CURVE, CONCAVE NORTHEASTERLY; THENCE RUN SOUTHEASTERLY ALONG SAID WESTERLY RIGHT-OF-WAY AND ALONG THE ARC OF SAID CURVE TO THE LEFT, HAVING A RADIUS OF 2,875.00 FEET, THROUGH A CENTRAL ANGLE OF 11°42'41", SUBTENDED BY A CHORD OF 586.64 FEET AT A BEARING OF S.29°55'48"E., FOR A DISTANCE OF 587.66 FEET TO THE POINT OF BEGINNING, CONTAINING 20.045 ACRES, MORE OR LESS.

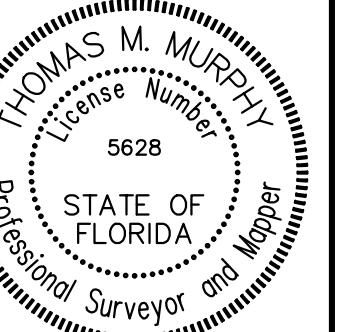
GENERAL NOTES

- BEARINGS SHOWN HEREON REFER TO THE WESTERLY RIGHT-OF-WAY LINE OF BEN HILL GRIFFIN PARKWAY, AS BEING S24°04'27"E, NAD83, FLORIDA STATE PLANE, WEST ZONE, US FOOT.
- DISTANCES ARE IN FEET AND DECIMALS.
- ELEVATIONS ARE BASED ON THE NORTH AMERICAN VERTICAL DATUM OF 1988 (NAV88).
- THIS SURVEY IS NOT VALID WITHOUT THE SIGNATURE AND THE ORIGINAL SEAL OF A FLORIDA LICENSED SURVEYOR AND MAPPER.
- THE PROPERTY WAS VACANT ON 10/15/2020.

CERTIFIED TO:
• MIROMAR LAKES, LLC

HOLE MONTES, INC.
CERTIFICATE OF AUTHORIZATION NUMBER LB 1772

By *Thomas M. Murphy* Digitally signed by Thomas M. Murphy
Date: 2020.11.10 09:48:15 -0500
P.S.M. #5628
STATE OF FLORIDA
Professional Surveyor and Mapper

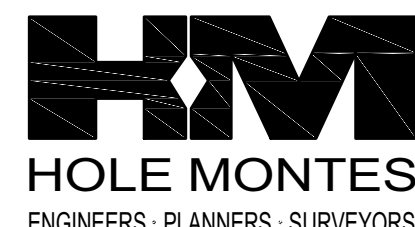


LETTER	REVISIONS	DATE	REV BY

BOUNDARY SURVEY

NOT VALID WITHOUT THE SIGNATURE AND THE ORIGINAL SEAL OF A FLORIDA LICENSED SURVEYOR AND MAPPER.

PARTY CHIEF: AT	DATE: 10/15/2020
DRAWN BY: BEN/R.A.K.	DATE: 11/2020
SHEET 1	OF SHEET 1
SEC-TWN-RGE: 23-46S-25E	



6200 Whiskey Creek Dr.
Ft. Myers, FL 33919
Phone: (239) 985-1200
Florida Certificate of
Authorization No.1772

MIROMAR LAKES
TRACT "B"

DRAWING NO. H-216-1
PROJECT NO. 2018.061
FILE NAME: Miromar TR-B BS-1.dwg

NOTES:

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

CONTACT PERSON: MARK W. GESCHWENDT
10801 CORKSCREW ROAD - SUITE 305
FT. MYERS, FL 33928
PH (239) 390-5100

EXHIBIT "B"

PREPARED BY:

Bowman

FLORIDA CERTIFICATE OF AUTHORIZATION NUMBER 30462

Digitally signed by John C. Baker III
DN: C=US,
E=jbaker@bowman.com,
O=Bowman Consulting, OU="Land
Development, Fort Myers", CN=John
C. Baker III
Location: The item has been
electronically signed and sealed
using a SHA-1 authentication codes
AND Printed copies of the document
are not considered signed and
sealed and all SHA-1 authentication
code must be verified on any
electronic copies.

THESE DRAWINGS ARE NOT
APPROVED UNLESS SIGNED
AND SEALED BELOW :

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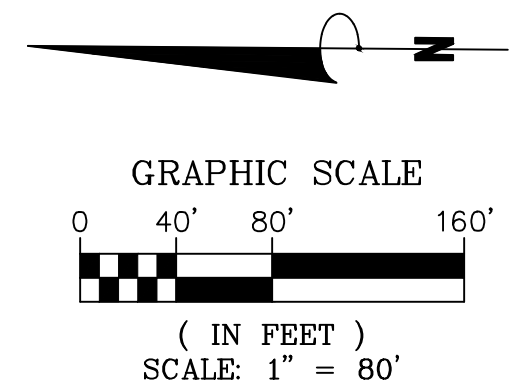
Only

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11. DRAWING NO.

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JCB DESIGN	JCB DRAWN	CLK CHKD
SCALE 1" = 80'		
JOB No. 340817-01-00		
DRAWING No. 1481-02		
DATE 09/05/2024		
1481-02 MSP		
C-02		
SHEET		

FLORIDA CERTIFICATE OF AUTHORIZATION NUMBER 30462



Board of County Commissioners

Kevin Ruane
District One

Cecil L. Pendergrass
District Two

Ray Sandelli
District Three

Brian Hamman
District Four

Frank Mann
District Five

Roger Desjarlais
County Manager

Richard Wm. Wesch
County Attorney

Donna Marie Collins
County Hearing
Examiner

May 5, 2021

John C. Baker III, P.E.
Hole Montes
6200 Whiskey Creek Drive
Fort Myers, FL 33919

VIA ELECTRONIC MAIL

Re: Messina at Miramar Lakes (Z-13-020)

Mr. Baker,

Thank you for the opportunity to review this project. Our review was relative to the requirements in the Lee County Land Development Code, Section 10-291(3). This section stipulates that, due to the scope of this proposed project, the applicant, "must provide more than one means of ingress or egress for the development."

Given the limited nature of the activity on the site, Public Safety has no objections to waiving the requirement contained in LDC 10-291(3) for this project.

Sincerely,

A handwritten signature in blue ink, appearing to read "Benjamin Abes", with a stylized flourish at the end.

Benjamin Abes
Director, Public Safety