ADD2014-00127 Lee County ePlan

ADMINISTRATIVE AMENDMENT
LEE COUNTY, FLORIDA

WHEREAS, Brian Stock for SD Hidden Harbor, LLC. filed an application for an administrative amendment to a Residential Planned Development on a project known as Hidden Harbor RPD **to:**

1. **Rescind the actions taken in ADD2006-00067 and ADD2008-00088 reinstating the original zoning approval adopted by Zoning Resolution Z-99-042; and**

2. **Removing the Schedule of Uses and Deviation List from the approved Master Concept Plan and placing these in condition of approval for this Administrative Amendment; and**

3. **Delete Deviations 1, 2, 3 and 5 and add the following three (3) new deviations from the Lee County Land Development Code:**

   Deviation from LDC §34-1954(d)(1) regarding the model home limitation of three years to allow model units until the last lot is sold.

   Deviation from LDC §34-1954(f) regarding the requirement to provide parking onsite for model homes to allow parking for model homes to be located across the internal road as noted on MCP.

   Deviation from LDC §26-75(d) which requires certain criteria for riprap revetment to allow the existing riprap and mangrove fringe to fulfill the criteria for riprap revetment.

4. **Allow the 53 docks to be individually permitted and the walkways to the docks to be site located so as to create the minimal amount of impacts to any existing mangroves (see typical lot layouts on MCP); and**

5. **Add applicant proposed conditions to address the riprap and docks along the inlet; and**

6. **Revise the development standards to allow a 6 foot side yard setback for principal structures; and**

7. **Allow a 14 foot front yard setback to be measured from right of way for homes with side loaded garages. (See typical Lot layouts on MCP); and**

8. **Revise the Schedule of Uses to be consistent with Resolution Z-99-042 permitted uses, remove boat ramp as a permitted use, add docks and kayak launch to list of uses ; and**

9. **Adopt specific Schedule of Uses and Development Regulations for the Clubhouse area; and**

10. **Depict the location of the Clubhouse Area and the dock at the Clubhouse area on the Master Concept Plan; and**

11. **Remove the boat ramp from the Master Concept Plan and add a kayak launch; and**

12. Propose development regulations for the Clubhouse Area as follow:
0 foot setback from water body for docks, boardwalks, and kayak launch
0 foot setback for accessory structure from the retaining wall
15 foot rear yard setback
7.5 foot side yard setback
20 foot front yard setback

WHEREAS, the property is located at Hidden Gateway Blvd., described more particularly as:

LEGAL DESCRIPTION: In Section 07, Township 46 South, Range 25 East, Lee County, Florida:

ATTACHED AS EXHIBIT "A"

WHEREAS, the property was originally rezoned with the adoption of Zoning Resolution Z-99-042 (with subsequent amendments in Case Numbers ADD2006-00067 and ADD2008-00088); and

WHEREAS, the subject property is located in the Urban Community Future Land Use Category as designated on the Future Land Use Map of the Lee County Comprehensive Plan; and

WHEREAS, the subject property is shown to be partially within a FEMA regulatory floodway, an area of special flood hazard established by FEMA on Flood Insurance Rate Map Panel 12071C0576F, effective August 28. 2008, and requiring considerations in LDC §6-408, therefore the provisions of LDC §6-471 et seq. will apply; 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 rescind administrative amendments ADD2006-00067 (placement of three model homes and temporary model sales office and parking lot) and ADD2008-00088 (removal of the clubhouse and tennis center and relocation of the gopher tortoise preserve); and

WHEREAS, the applicant also desires to: allow 4 model homes, allow docks with individual walkways, revise the Property Development Regulations for side yard setback to permit a 6 foot side yard; allow the street setback to be measured from the back of curb; revise the Schedule of Uses to add docks and kayak launch, revise the Master Concept Plan to depict the location of the clubhouse, and revise the property development regulations for the clubhouse, and add three deviations; and

WHEREAS, the applicant has also provided conditions related to Property Development regulations for the Clubhouse, retaining walls, and dock permitting; 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 Division of Environmental Sciences has reviewed this application and has provided a report not objecting to the changes and provided revised conditions to Resolution Z-99-042; and

WHEREAS, Development Services reports they have no objection to the proposed deviations and requests a cross-section be provided showing the retaining wall; 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 the following amendments to the Residential Planned Development are **APPROVED, subject to the following conditions:**

AMENDMENTS:

1. **Rescind the actions taken in ADD2006-00067 and ADD2008-00088 reinstating the original zoning approval adopted by Zoning Resolution Z-99-042; and**

2. **Removing the Schedule of Uses and Deviation List from the approved Master Concept Plan and placing these in condition of approval for this Administrative Amendment; and**

3. **Delete Deviations 1, 2, 3 and 5 and add the following three (3) new deviations from the Lee County Land Development Code:**

   Deviation from LDC §34-1954(d)(1) regarding the model home limitation of three years to allow model units until the last lot is sold.

   Deviation from LDC §34-1954(f) regarding the requirement to provide parking onsite for model homes to allow parking for model homes to be located across the internal road as noted on MCP.

   Deviation from LDC §26-75(d) which requires certain criteria for riprap revetment to allow the existing riprap and mangrove fringe to fulfill the criteria for riprap revetment.

4. **Allow the 53 docks to be individually permitted and the walkways to the docks to be site located so as to create the minimal amount of impacts to any existing mangroves (see typical lot layouts on MCP); and**

5. **Add applicant proposed conditions to address the riprap and docks along the inlet; and**

6. **Revise the development standards to allow a 6 foot side yard setback for principal structures; and**

7. **Allow a 14 foot front yard setback to be measured from right of way for homes with side loaded garages. (See typical Lot layouts on MCP); and**

8. **Revise the Schedule of Uses to be consistent with Resolution Z-99-042 permitted uses, remove boat ramp as a permitted use, add docks and kayak launch to list of uses ; and**

9. **Adopt specific Schedule of Uses and Development Regulations for the Clubhouse area; and**

10. **Depict the location of the Clubhouse Area and the dock at the Clubhouse area on the Master Concept Plan; and**

11. **Remove the boat ramp from the Master Concept Plan and add a kayak launch; and**

12. **Propose development regulations for the Clubhouse Area as follow:**
    0 foot setback from water body for docks, boardwalks, and kayak launch
    0 foot setback for accessory structure from the retaining wall
    15 foot rear yard setback
    7.5 foot side yard setback
    20 foot front yard setback

CONDITIONS:

1. **Administrative Amendments ADD2006-00067 and ADD2008-00088 are hereby rescinded. Resolution Z-99-042 remains in full force and effect. The following Conditions and Deviations are intended to restate the actions of Z-99-042 with the changes requested by the applicant in this amendment. These have been done in Strike-through (delete) and Underline (addition) to show the differences.**

2. **The development of this project must be consistent with the ~~two-page~~ one-page Master Concept Plan ~~entitled "Hidden Harbor," stamped received March 10, 1999, last revised 02/22/99~~ for Hidden Harbor attached as Exhibit B, except as modified by the conditions below. This development must comply with all requirements of the Lee County Land Development Code (LDC) at time of local development order approval, except as may be granted by deviation as part of this planned development. If changes to the Master Concept Plan are subsequently pursued, appropriate approvals will be necessary.**

   The development is limited to maximum of 53 docks.

3. **~~The following Schedule of Uses supersedes the Schedule on the approved Master Concept Plan:~~**

   Schedule of Uses

   ALL USES LISTED AS PERMITTED IN THE RS-1 ZONING DISTRICT
   CLUBS, Private
   ~~BOAT RAMP (Non-Commercial) (Subject to limitations in Condition 4)~~
   KAYAK LAUNCH (LDC §26-73)
   MODEL HOMES (limited to a maximum of 4)
   RECREATIONAL FACILITIES, Private - On-Site

4. **Property Development Regulations**

   SINGLE FAMILY:
   Minimum Lot Area and Dimensions:
   Area: 7,500 square feet
   Width: 75 feet
   Depth: 100 feet

   Minimum Setbacks:
   Street: ~~variable according to the functional classification of the street or road (Section 34-2191 et seq.)~~
   14 feet for homes with side loaded garages
   20 feet for homes with front loaded garages
   Side: ~~7.5 feet~~ 6 feet
   Rear: 15 feet ~~[subject to Deviation (3)]~~
   Water Body: 15 feet ~~[subject to Deviation (2)]~~

Accessory Use and Structure setbacks must comply with LDC Sections 34-1171 et seq. and 34-2194.

Maximum Lot Coverage: **50 percent**

Maximum Building Height: **35 feet**

CLUBHOUSE AREA:

Street:	**20 feet**
Side:	**7.5 feet**
Rear:	**15 feet**
Water Body:	**15 feet principal structure**
	zero (0) foot for accessory structure

5. ~~Only one boat ramp may be permitted within this planned development and must be located as shown on the approved Master Concept Plan. This boat ramp may not be permitted until the following is demonstrated:~~

   a. ~~Documentation must be submitted showing that the Florida Department of Environmental Protection finds that this project is not considered to be a Development of Regional Impact (DRI). If determined to be a DRI, no additional boat docks or ramps may be permitted until DRI approval is granted; and~~

   b. ~~The Developer provides the required off-street parking for the boat ramp, in accordance with LDC Section 34-2020.~~

6. Prior to ~~local development order approval~~ the issuance of a Vegetation Removal Permit, an updated species survey, an FWC relocation permit and a ~~detailed~~ gopher tortoise management plan must be submitted ~~provided by the development order applicant~~ to the Division of ~~Planning~~ Environmental Sciences for the offsite relocation of the gopher tortoises. ~~that follows the general guidelines of the conceptual gopher tortoise management plan submitted in the letter form dated March 1, 1999. The plan must include the details addressing how tortoises will be protected during the infrastructure phase of development and during development of the individual single-family lots.~~

7. Prior to the modification of a development order approval, a ~~detailed~~ manatee protection ~~management~~ plan in compliance with Land Development Code §14-152 must be submitted ~~provided by the development order applicant~~ to the Division of ~~Planning~~ Environmental Sciences ~~that follows the general guidelines of the conceptual management plan submitted in letter form dated March 1, 1999.~~ In addition to the manatee protection plan, the following must be provided on the development order plans:

   - The manatee zone and no wake zone sign locations must be delineated on the development order plans; and
   - An educational ~~brochure or~~ kiosk must be illustrated on the development order plans at the Clubhouse Area ~~made available to all of the landowners within the development~~ to inform ~~them~~ residents of the presence and protection requirements of manatees; and
   - An educational brochure must be provided to all residents in the Hidden Harbor community to inform residents of the presence and protection requirements of manatees. Prior to the modification of a development order, this brochure must be submitted to Environmental Sciences staff; and
   - If more than 53 docks are proposed, a revised manatee protection plan must be submitted to ES staff.

~~8. The boat ramp facility must be designed to include a swale, exfiltration trench, or other engineering devices to prevent bilge water and associated parking lot run-off from flowing down the ramp and into the inlet for Ten Mile Canal. The ramp facility design must be approved as part of the local development order and building permit review for the facility.~~

8. Emergency Preparedness:

   a. The Applicant must initiate the establishment of a property owners' or residents' association for each residential component of this project. The organization must provide an educational program on an annual basis, in conjunction with the staff of Emergency Management, which will provide literature, brochures and technical assistance for Hurricane Awareness/Preparedness Seminars, describing the risks of natural hazards. The intent of this recommendation is to provide a mechanism to educate residents concerning the actions they should take to mitigate the dangers inherent in these hazards.

   b. The Applicant must formulate an emergency hurricane notification and evacuation plan for the development that will be subject to review and approval by the Lee County Office of Emergency Management.

   c. If access to this development or into portions of this development is through a security gate or similar device, which is not manned 24 hours a day, it must be equipped with an override strip installed in a glass-covered box to be used by drivers of emergency vehicles to gain entry consistent with LDC Section 34-1749.

9. Approval of this zoning request does not address mitigation of the project's vehicular or pedestrian traffic impacts. Additional conditions consistent with the Lee County LDC may be required to obtain a local development order.

10. Approval of this rezoning does not give the Developer an undeniable right to receive local development order approval. Future development order approvals must satisfy the requirements of the 2020 Lee Plan Planning Communities Map and Acreage Allocations Table, Map 16 and Table I (b), of the Lee Plan.

11. This development must comply with all of the requirements of the LDC at the time of local development order approval, except as may be granted by deviations approved as part of this planned development.

12. <u>As part of the plans for a local development order, a cross-section must be provided showing the retaining wall. This retaining wall must be in compliance with the LDC, including but not limited to LDC §26-75(c).</u>

13. <u>Prior to the issuance of a dock and shoreline permit, all docks proposed along the inlet (depicted on the MCP) must, at a minimum, provide the following:</u>

    - <u>Title work; and</u>
    - <u>Companion Survey (based on title work) to demonstrate ownership within the submerged lands of the canal; and</u>
    - <u>Companion Survey must be based on actual title work (noted on the face of the survey) and not based on information provided by the property owner or information provided by others.</u>

14. Within 90 days from this zoning approval, the dock structures which have been constructed without permits must either be removed or dock and shoreline permits must be obtained from the Division of Environmental Sciences.

15. All docks must be in compliance with LDC §26-71 and all other applicable Federal, State, and Local regulations.

16. 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 Director 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.

DEVIATIONS:

~~Deviation (1) seeks relief from LDC Section 10-296, Table 3, which requires a minimum 35-foot right-of-way for a privately maintained road with closed drainage system, to allow a 24-foot-wide right-of-way. This deviation is hereby APPROVED, SUBJECT TO the following conditions and, if necessary, to additional review and conditioning by the Director during the local development order process:~~

~~a) That there are no structural encroachments into easements required by the South Florida Water Management District (SFWMD) or into the minimum rear setbacks; and~~

~~b) That access for maintenance is provided.~~

~~Deviation (2) seeks relief from LDC Section 34-21 94, which requires a minimum 25-foot setback from a waterbody, to allow a minimum waterbody setback of 15 feet. This deviation is hereby APPROVED, SUBJECT TO the following conditions and, if necessary, to additional review and conditioning by the Director during the local development order process:~~

~~a) That there are no structural encroachments into any easements required by the SFWMD or into the minimum rear setbacks; and~~

~~b) That access for maintenance is provided.~~

~~Deviation (3) seeks relief from LDC Section 34-695, which requires a minimum 20-foot setback from the rear property line, to allow a 15-foot setback. This deviation is hereby APPROVED, SUBJECT TO the following conditions and, if necessary, to additional review and conditioning by the Director during the local development order process:~~

~~a) That there are no structural encroachments into any easements required by the SFWMD or into the minimum rear setbacks; and~~

~~b) That access for maintenance is provided.~~

Deviation ~~(4)~~ (1) seeks relief from LDC Section 10-296(k), which requires a cul-de-sac at the end of a dead end street, to allow a hammerhead turn around. This deviation is hereby APPROVED.

~~Deviation (5) – WITHDRAWN AT HEARING~~

Deviation (2) from LDC §34-1954(d)(1) regarding the model home limitation of three years to allow model units until the last lot is sold within the development is APPROVED, provided the model

homes otherwise comply with the LDC.

Deviation (3) from LDC §34-1954(f) regarding the requirement to provide parking onsite for model homes to allow parking for model homes to be located across the internal road as noted on MCP is APPROVED provided the model homes otherwise comply with the LDC and with the limitations approved in Deviation (2).

Deviation from LDC §26-75(d) which requires certain criteria for riprap revetment to allow the existing riprap and mangrove fringe to fulfill the criteria for riprap revetment is APPROVED subject to the following conditions:

a. **Prior to any improvements to the shoreline, a Dock and Shoreline Permit must be obtained from the Division of Environmental Sciences.**
b. **Within 90 days of this zoning approval, a Dock and Shore Permit must be obtained for the existing riprap. The existing riprap areas with no filter fabric and no planting must clearly be shown on the survey. Any future improvements for the shoreline for riprap must comply with LDC 26-75(d) including filter fabric and wetland planting.**

DULY PASSED AND ADOPTED ON 9/4/2014

BY: Pam Houck
Electronically Signed by
Pam Houck, Director
Division of Zoning
Department of Community Development

Exhibits:
A. Legal Description
B. Master Concept Plan

APPROVED
ADD2014-00127
Chick Jakacki, Planner
Lee Co Division of Zoning
7/2/2014

EXHIBIT A

LEGAL DESCRIPTION (AS PREPARED BY RWA)

A TRACT OR PARCEL OF LAND SITUATED IN THE STATE OF FLORIDA, COUNTY OF LEE, LYING IN SECTION 7, TOWNSHIP 46 SOUTH, RANGE 25 EAST BEING FURTHER DESCRIBED AS FOLLOWS:

BEGINNING AT THE NORTHEAST CORNER OF THE SOUTHWEST QUARTER OF THE NORTHWEST QUARTER OF SECTION 7, TOWNSHIP 46 SOUTH, RANGE 25 EAST, LEE COUNTY, FLORIDA SAID POINT BEING THE NORTHWEST CORNER OF EMERSON SQUARE AS RECORDED IN PLAT BOOK 80 AT PAGES 40 THROUGH 46, PUBLIC RECORDS OF LEE COUNTY, FLORIDA;
THENCE S 00°45'11" E ALONG THE WEST LINE OF SAID EMERSON SQUARE FOR 1280.84 FEET TO THE NORTHEAST CORNER OF THE HARBORAGE AS RECORDED IN PLAT BOOK 38 AT PAGES 4 THROUGH 9 OF SAID PUBLIC RECORDS;
THENCE N 78°27'17" W ALONG AND THROUGH THE NORTH LINE OF SAID THE HARBORAGE FOR 1309.22 TO A POINT LYING 50.00 FEET EAST OF THE WEST LINE OF SAID SECTION 7;
THENCE N 01°11'51" W ALONG A LINE LYING 50.00 FEET EAST OF AND PARALLEL WITH SAID WEST LINE FOR 1859.40 FEET;
THENCE S 70°59'55" E, TO AND ALONG THE SOUTHERLY LINE OF AMERICA OUTDOORS CAMPER RESORT #1, A CONDOMINIUM AS RECORDED IN CONDOMINIUM PLAT BOOK 8 AT PAGES 219 THROUGH 222 OF SAID PUBLIC RECORDS FOR 1373.82 FEET TO THE SOUTHEAST CORNER OF SAID AMERICA OUTDOORS CAMPER RESORT #1, A CONDOMINIUM;
THENCE S 00°51'36" E FOR 340.48 FEET;
THENCE S 72°47'53" E FOR 1405.56 FEET;
THENCE S 00°27'32" E FOR 2.20 FEET;
THENCE S 84°30'15" E FOR 834.27 FEET TO A POINT ON THE WESTERLY RIGHT-OF-WAY OF TAMIAMI TRAIL (U.S. 41, S.R. 45) BEING A POINT OF CURVATURE;
THENCE SOUTHEASTERLY 59.05 FEET ALONG SAID WESTERLY LINE AND THE ARC OF A NON-TANGENTIAL CIRCULAR CURVE TO THE LEFT HAVING A RADIUS OF 1,364.69 FEET THROUGH A CENTRAL ANGLE OF 02°28'45" AND BEING SUBTENDED BY A CHORD WHICH BEARS S 26°38'21" E FOR 59.05 FEET;
THENCE N 84°30'15" W FOR 860.46 FEET TO THE SOUTHEAST CORNER OF THE NORTHEAST QUARTER (NE ¼) OF THE NORTHWEST QUARTER (NW ¼) OF SAID SECTION 7;
THENCE N 72°47'53" W TO AND ALONG THE NORTHERLY LINE OF SAID EMERSON SQUARE FOR 1405.28 FEET TO THE POINT OF BEGINNING.

CONTAINING 2,382,273 SQUARE FEET OR 54.69 ACRES, MORE OR LESS.

ADD2014-00127 Lee County ePlan

HIDDEN HARBOR RPD

MASTER CONCEPT PLAN

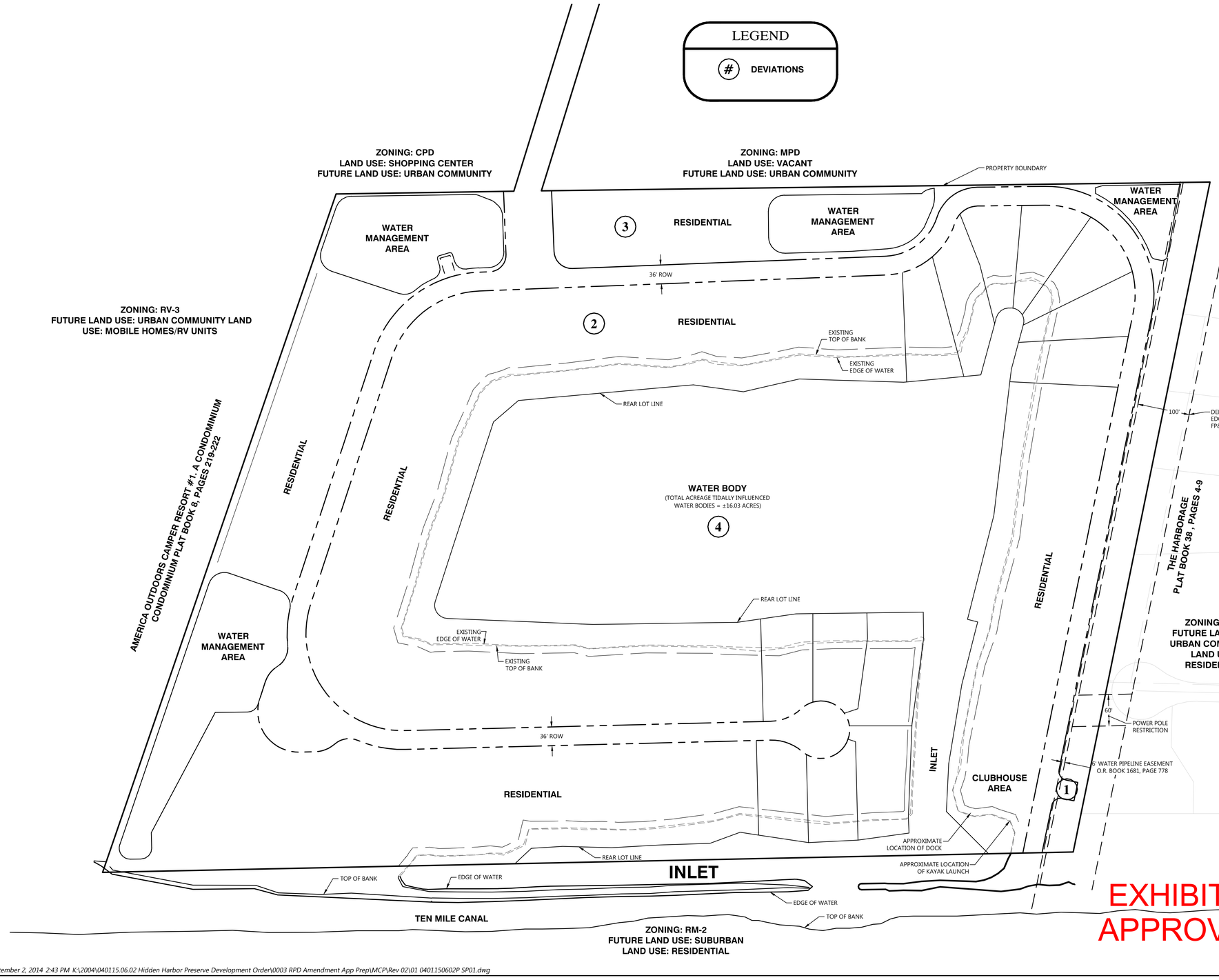


EXHIBIT B
APPROVED

SUMMARY

1. LAND AREA = ±54.67 ACRES
   UPLAND AREA (NOT INCLUDING TIDALLY INFLUENCED WATER BODIES)= 38.64 ACRES
2. ZONING
   -THE SITE IS CURRENTLY ZONED RPD.
   -THE PROPOSED USE IS SINGLE-FAMILY
   -THE ZONING IS RESIDENTIAL PLANNED DEVELOPMENT (RPD) WITH ALL USES AS ALLOWED UNDER THE RS-1 DISTRICT.
   -THE MAXIMUM NUMBER OF UNITS FOR THIS PROJECT WILL BE 100, OR 2.6 UNITS PER ACRE BASED ON UPLAND ACREAGE.
3. SANITARY SEWER SHALL BE PROVIDED BY LEE COUNTY UTILITIES.
4. WATER SERVICE SHALL BE PROVIDED BY LEE COUNTY UTILITIES.

0 50 100 200

#	REVISION	DRAWN	DATE
1	PER STAFF COMMENTS DATED 7/24/14	GJS	7/30/14
2	ADDED INLET CALLOUT	PTN	8/27/14

ENGINEERING
Florida Certificates of Authorization EB 7663 LB 6952
6610 Willow Park Drive, Suite 200 | Naples, FL 34109
Office: 239.597.0575 Fax: (239) 597-0575
www.consult-rwa.com

CLIENT: SD HIDDEN HARBOR LLC
PROJECT: HIDDEN HARBOR RPD
TITLE: MASTER CONCEPT PLAN

DATE: 6/24/14	DESIGNED: ME
SEC: 7 / TWP: 46S / RGE: 25E	DRAWN: PTN
PROJECT NO.: 040155.06.02	
SHEET NUMBER: 1 OF 1	