ADD2014-00218 Lee County ePlan

ADMINISTRATIVE AMENDMENT
LEE COUNTY, FLORIDA

WHEREAS, Ronald Surliuga for Perineus, LLC filed an application for an administrative amendment to a Residential Planned Development on a project known as Greenwood Villas (f/k/a Villa Magnifica, The Preserve at San Carlos Park, and Porro RPD) to:

1. Revise Master Concept Plan
2. Amend the Schedule of Uses to allow Townhome and Zero-Lot-Line dwellings
3. Amend the Development Regulations
4. Approve additional deviations

on property located at access undetermined, described more particularly as:

LEGAL DESCRIPTION: In Section 17, Township 46 South, Range 25 East, Lee County, Florida:

ATTACHED AS EXHIBIT "A"

WHEREAS, the property was originally rezoned in case number DCI2005-00094 and REZ2005-00034 with subsequent amendments in case numbers ADD2012-00004, ADD2012-00101; and

WHEREAS, the subject property is located in the Urban Community Future Land Use Category as designated by the Lee 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, this site was rezoned in 2006 via resolution Z-06-091 for 55 multiple family units plus 17 Bonus Density units; and

WHEREAS, the 17 Bonus Density Units were eliminated at the request of the applicant by ADD2012-00004; and

WHEREAS, ADD2012-00101 approved to incorporate an overflow trench along Mullock Creek to address the floodway issues; and

WHEREAS, due to the market changes, the applicant wishes to develop the site with Townhouses and zero-lot-line dwellings, while developing the site with the same number of dwelling units; and

WHEREAS, Schedule of Uses is being amended to allow for Townhouses and Zero-Lot-Line dwellings; and

WHEREAS, the Development Regulations are being modified to allow the development of the site with the new Master Concept Plan; and

WHEREAS, the applicant is requesting approval of the following nine (9) additional deviations in addition to the three (3) already approved for this site:

Deviation #4: A deviation from LDC Sec.10-285(a), which requires a minimum connection separation of 660 feet on arterial roads to allow a separation distance of 298 feet. This deviation is not necessary as Tamiami Trail is a State road and is not subject to County Regulations.

Deviation #5: A deviation from LDC Sec. 10-296(b) Table 3, which requires privately maintained streets to have a minimum right-of-way or easement width of 40 feet for 2-way streets with closed drainage or inverted crown to allow a minimum of 24 feet. Division of Development Services reviewed this deviation and recommended approval.

Deviation #6: A deviation from LDC Sec.10-296(i) Street Design and Construction Standards in reference to Sec.10-710(a) Private Local Streets with Closed Drainage which requires a raised crown and curbing on both sides to allow a monoslope design and curbing on only one side of the roadway for drainage purposes. Division of Development Services reviewed this deviation and recommended approval.

Deviation #7: A deviation from LDC Sec. 10-296(i)(2)a, which requires the pavement width of a Category B street with one way traffic with curb and gutter drainage to be a minimum of 16 feet to allow the pavement width of the one way egress and ingress lanes to be a minimum of 12 feet wide. Division of Development Services reviewed this deviation and recommended approval.

Deviation #8: A deviation from LDC Sec. 10-296(p)(1), which requires dead-end streets to be closed on one end by a circular turnaround for vehicles to allow the two dead-end streets to utilize a 5 foot stub-out instead of circular turnaround. Division of Development Services and the Fire Review staff reviewed this deviation and recommended approval.

Deviation #9: A deviation from LDC Sec. 10-715, which requires a 10 foot wide Public Utility Easement on both sides of a local street right-of-way to allow a 10 foot wide P.U.E. on one side of the street easement. The applicant has provided letters of no objection from all utility easement right holders and Division of Development Services reviewed this deviation request and recommended approval.

Deviation #10: A deviation from LDC Sec 34-1748(5), which requires a paved turnaround having a turning radius sufficient to accommodate a U-turn for a

single unit truck (SU) on the ingress side of a gate or gatehouse, to allow a turning radius of 5 feet. Division of Development Services reviewed this deviation and recommended approval. There is a large preserve at the entrance to the site which does not leave enough room to allow the entrance to be designed as required by LDC Sec 34-1748(5). This entrance at its proposed configuration was previously reviewed and approved by Development Order (DOS2011-00030).

Deviation #11: A deviation from LDC Sec 34-2013(a), which requires parking lots to be designed to permit vehicles exiting the parking lot to enter the street right-of-way in a forward motion, to allow the parking lot for the clubhouse to back out into the private road. Division of Development Services reviewed this deviation and recommended approval. The development will contain 55 units with very low traffic generation. It is not anticipated that this small parking lot with 10 parking spaces will negatively impact the traffic circulation within the development.

Deviation #12: A deviation from LDC Sec 34-2020(a), which requires additional parking spaces equal to 10% of the total required to be provided to accommodate guest parking in a common parking lot, to allow the guest parking to be provided in individual townhome driveways. Division of Development Services reviewed this deviation and recommended approval. Each townhome will contain two garage spaces and two driveway spaces, which can be used as guest parking.

WHEREAS, the site is located in a Federal Emergency Management Administration (FEMA) designated, Floodway; and

WHEREAS, the Lee County Division of Natural Resources has reviewed this project and did not object to the proposed amendment; and

WHEREAS, the Lee County Division of Development Services has reviewed this request, including the proposed new deviations and recommended approval; and

WHEREAS, the Lee County Division of Environmental Sciences has reviewed the request and recommended approval subject to conditions; and

WHEREAS, all Environmental Sciences Division conditions have been incorporated into this approval; and

WHEREAS, the proposed amendment will have no impact on the number of vehicular trips generated from the site; 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 an amendment to Residential Planned Development to:

1. Revise the Master Concept Plan
2. Amend the Schedule of Uses to allow Townhome and Zero-Lot-Line dwellings
3. Amend the Development regulations
4. Approve additional deviations

is **APPROVED subject to the following conditions:**

1. **The Development must be in compliance with the amended Master Concept Plan, Master Concept Plan for ADD2014-00218 is hereby APPROVED and adopted. A reduced copy is attached hereto.**

2. **The terms, conditions and deviations of the zoning resolutions Z-06-091 and ADD2012-00004 remain in full force and effect, except as amended herein.**

3. **This amendment rescinds and replaces ADD2012-00101.**

4. **The schedule of uses for Resolution Z-06-091 is hereby amended to include the following uses:**

   -Dwelling Units: Multiple-family, <u>Townhomes, Zero-Lot-Lines</u>
   -Models: Model Units, <u>Model Homes(limited to 2 models)</u>
   -<u>Temporary uses: limited to contractors' construction and storage trailers during construction.</u>

5. **The Site Development Regulation of the Resolution Z-06-091 is hereby rescinded and replaced by the following:**

<u>Min. Lot Area and Dimensions</u>	
Min. Lot Area	**1,700 sq. ft.**
Min. Lot Width	**25 feet**
Min. Lot Depth	**68 feet**
<u>Setbacks</u>	
Min. Street Setback, Public	**25 feet**
Min. Street Setback, Private	**20 feet**
Min. Development Perimeter Setback (Residential Structures)	**15 feet**
Min. Development Perimeter Setback (Pool Deck)	**5 feet**
Min. Side Setback (zero lot line, townhome)	**0 feet**

Min. Rear Setback (zero lot line, townhome)	**10 feet**
Min. Indigenous Preserve Setback	**30 feet**
Min. Waterbody Setback	**25 feet**
Min. Setback to Mullock Creek (Residential Structures Only)	**40 feet**
Min. Accessory Setback per LDC §34-1171 *et seq.*	
Max. Building Height	**35 feet**
Max. Lot Coverage	**40 %**
Min. Building Separation (Residential Structures only)	**15 feet**
Min. Building Separation (between Residential Buildings & Clubhouse/Accessory Structures)	**10 feet**

6. The overflow trench is a widening of the creek to the east. It will consist of a 20' wide flat shelf followed by a 15' wide 3:1 slope leading up to the indigenous preserve area on the east side of the creek as depicted on attached Exhibit "C".

7. As part of the local development order approval, the development order plans must demonstrate the planting of the "overflow" trench on the east side of Mullock Creek to consist of the following:

- **The 20' wide flat shelf must be planted with native wetland canopy trees planted 10' on center and leather fern (Acrostichum danaeifolium) planted 5' on center. The canopy trees must be 10' tall, 2" caliper, 4' spread at time of planting and the leather fern must be a minimum 3 gallon container size 24" tall at time of planting.**

- **The 15' wide slope must be planted with native herbaceous grasses planted 3' on center. The grasses must be a minimum 3 gallon container size 24" tall at time of planting.**

- **This planted area must be included in the indigenous management plan for the overall site.**

8. During construction of the "overflow" trench no impacts may occur to the indigenous preserve areas or the natural waterway buffer on either side of the creek. Prior to issuance of the final vegetation removal permit an onsite meeting must be held with Lee County Environmental Sciences staff to discuss the best option for constructing the trench.

9. Condition # 3 of Resolution Z-06-091 is hereby amended to read as follows:

a. Prior to local development order approval, a detailed gopher tortoise management plan must be submitted for the Division of Environmental

Sciences Staff review and approval. The management plan must at a minimum include:

I. The type of gopher tortoise permit to be obtained from Florida Fish and Wildlife Conservation Commission; and,

II. The type of permanent physical barrier to be installed between the preserve and the entry road and preserve and multi-family building, to deter gopher tortoises from entering the road and parking lot. The permanent barrier may be a fence, native vegetation, rock wall, or a combination of these. The details of permanent barrier must also be shown on the development order plans; and,

III. Long term management activities that are necessary to maintain the preserves as gopher tortoise habitat.

b. Prior to local development order approval, the development order plans must include the details for signage to be placed on either side of the creek that indicates alligators may be present, and do not feed or harass alligators. A minimum of two signs must be installed. A pamphlet regarding living with alligators must be submitted for review and approval by the Division of Environmental Sciences Staff. The pamphlet must be given to the residents to help prevent injury to people or alligators.

10. Condition # 5 of Z-06-091 is hereby amended to read as follows:

As part of the local development order approval, the development order plans must delineate a minimum of 2.46 acres with credits of indigenous preservation consistent with the MCP

11. Condition # 6 of Z-06-091 is hereby amended to read as follows:

As part of the local development order approval, the development order plans must delineate the preservation of 0.81 acres east of Mullock Creek. This area is to remain in its natural vegetative state to act as a buffer to the surrounding uses. Native vegetation in this area may not be trimmed and an indigenous management plan must be provided for this area at time of local development order.

12. Prior to development order approval, the development order plans must delineate a minimum five (5) foot wide planted strip along the north property line between the indigenous preserve and twenty-five (25) foot waterway buffer. The plantings must be native and include four (4) trees per one hundred (100) linear feet meeting overhead powerline height requirements and

eighteen (18) shrubs per 100 linear feet meeting Land Development Code (LDC) Section 10-420(d) plant material standards.

13. **The 20 foot wide maintenance easement along Mullock Creek as required by Land Development Code 10-328(a) may overlap the required natural waterway buffer provided that:**

    a. **vegetation removal is limited to the routine removal of exotics and downed vegetative debris only; and**

    b. **removal of native vegetation within the 20 foot easement must be minimized and limited to when necessary for vehicle access for waterway maintenance purposes only; and**

    c. **additional vegetation planted within the 20 foot maintenance easement to meet any enhancements requirements must be reviewed and approved by Environmental Sciences and Natural Resource staff.**

14. **Conditions #9 #10 and #11 of Z-06-091 are no longer necessary and are hereby deleted and no longer in effect.**

15. **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.**

DULY PASSED AND ADOPTED ON 7/10/2015

BY: Pam Houck

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

Attachments: **Exhibit "A" Legal Description**
Exhibit "B" Master Concept Plan
Exhibit "C" Cross Section of Mullock Creek

ADD2014-00218 Lee County ePlan

PROPERTY DESCRIPTION

A PARCEL OF LAND
LYING IN
SECTION 17, TOWNSHIP 46 SOUTH, RANGE 25 EAST
LEE COUNTY, FLORIDA
(OVERALL BOUNDARY)

EXHIBIT A

APPROVED
ADD2014-00218
Chick Jakacki, Planner
Lee Co Division of Zoning
12/5/2014

AS SHOWN IN INSTRUMENT NO. 2011000186669 OF THE PUBLIC RECORDS IN LEE COUNTY, FLORIDA:

A TRACT OR PARCEL OF LAND IN THE WEST 1/2 OF SECTION 17, TOWNSHIP 46 SOUTH, RANGE 25 EAST, LYING EAST OF U.S. HIGHWAY NO. 41, LEE COUNTY, FLORIDA, BEING DESCRIBED AS FOLLOWS:

COMMENCING AT THE SOUTHEAST CORNER OF THE SOUTHWEST 1/4 OF THE NORTHWEST 1/4 OF SAID SECTION 17, RUN NORTH 88 DEGREES 43'40" EAST ALONG THE SOUTH LINE OF SAID NORTHWEST 1/4 OF SECTION 17, A DISTANCE OF 329 FEET TO THE SOUTHWEST CORNER OF SAN CARLOS PARK, SOUTHWEST ADDITION, AS RECORDED IN PLAT BOOK 28, PAGES 9 THROUGH 11 OF THE PUBLIC RECORDS OF LEE COUNTY, FLORIDA; THENCE NORTH 00 DEGREES 40'12" WEST ALONG THE WEST LINE OF SAID SOUTHWEST ADDITION A DISTANCE OF 920.84 FEET TO THE POINT OF BEGINNING; THENCE SOUTH 69 DEGREES 24'30" WEST 476.21 FEET; THENCE NORTH 20 DEGREES 35'30" W 425 FEET; THENCE SOUTH 69 DEGREES 24'30" WEST 500 FEET; THENCE NORTH 20 DEGREES 35'30" WEST 350 FEET ALONG THE NORTHEASTERLY RIGHT-OF-WAY OF STATE ROAD NO. 45 (U.S. NO. 41 - 200 FEET WIDE) TO THE NORTH LINE OF SOUTH 1/2 OF THE NORTHWEST 1/4 OF SAID SECTION 17; THENCE NORTH 88 DEGREES 57'23" EAST ALONG SAID NORTH LINE 1181.88 FEET TO THE WEST LINE OF PORT SAN CARLOS, UNIT 1, AS SHOWN IN O.R. BOOK 273, PAGE 670 THRU 675, PUBLIC RECORDS OF LEE COUNTY, FLORIDA; THENCE SOUTH 00 DEGREES 40'12" EAST ALONG SAID WEST LINE 403.70 FEET TO THE POINT OF BEGINNING.

NOTES:

1.) BEARINGS SHOWN HEREON ARE BASED ON THE DESCRIPTION AS SHOWN IN INSTRUMENT NUMBER 2011000186669 OF THE PUBLIC RECORDS OF LEE COUNTY, FLORIDA WITH THE SOUTH LINE OF THE SOUTHWEST ONE QUARTER (S.W. 1/4) OF THE NORTHWEST ONE QUARTER (N.W. 1/4) OF SECTION 17, TOWNSHIP 46 SOUTH, RANGE 25 EAST BEARING N.88°43'40"E.

2.) DIMENSIONS SHOWN HEREON ARE IN FEET AND DECIMALS THEREOF.

3.) PARCEL CONTAINS 9.28 ACRES MORE OR LESS.

KRIS A. SLOSSER, STATE OF FLORIDA, (P.S.M. #5560)
SEE ATTACHED SKETCH

DRAWING: SK_BOUNDARY | DRAWN BY: C.D.K. | PAGE: 2 OF 2

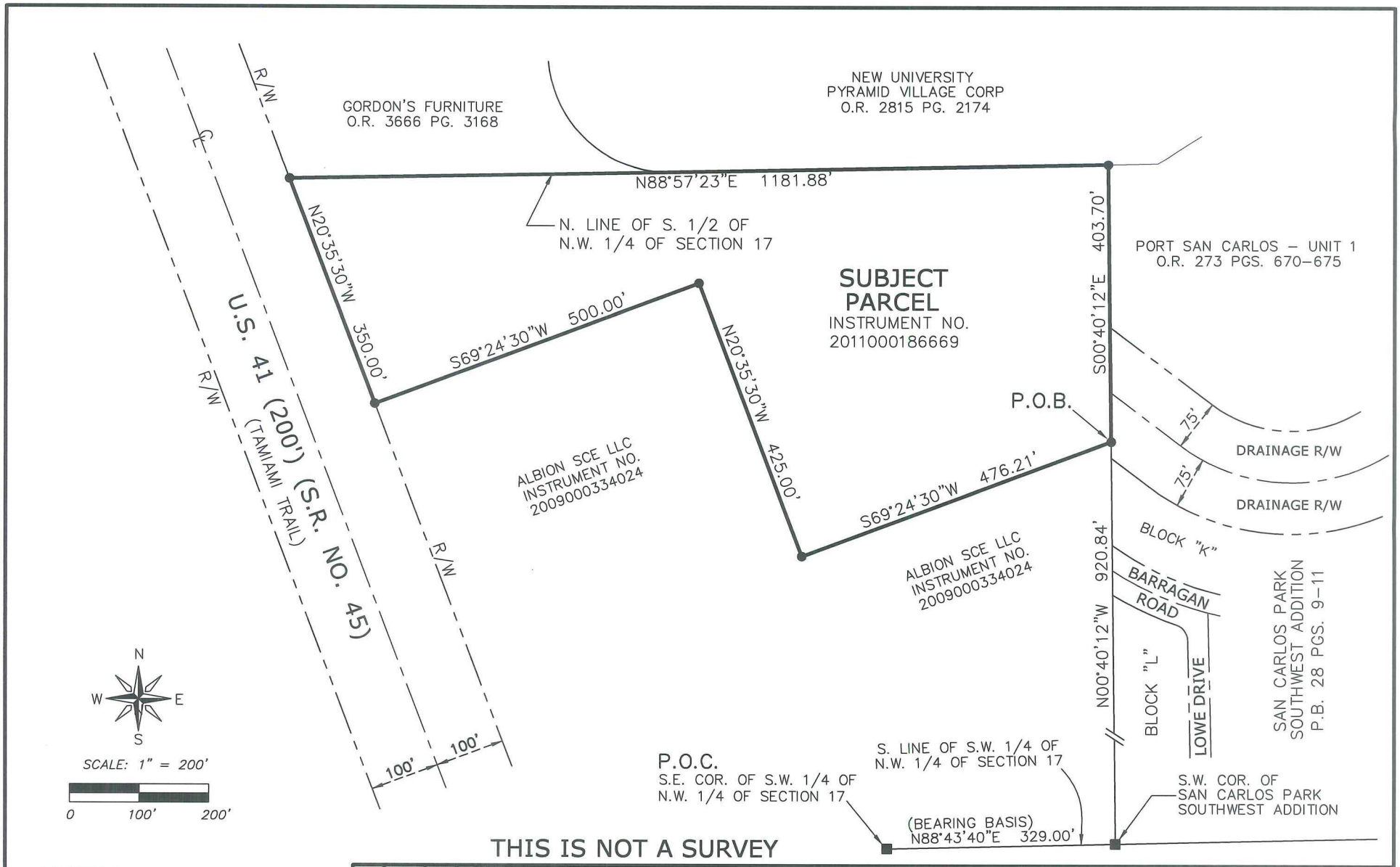
LEGAL DESCRIPTION

A PARCEL OF LAND LOCATED IN
SECTION 17, TOWNSHIP 46 SOUTH, RANGE 25 EAST
LEE COUNTY, FLORIDA

KRIS A SLOSSER P.S.M.
4642 VILLA CAPRI LN. BONITA SPRINGS
FLORIDA 34134 (239) 947-1915

ADD2014-00218

ADD2014-00218 Lee County ePlan



THIS IS NOT A SURVEY

LEGEND

P.O.C.	POINT OF COMMENCEMENT
P.O.B.	POINT OF BEGINNING
P.U.E.	PUBLIC UTILITY EASEMENT
PG.	PAGE
O.R.	OFFICIAL RECORDS BOOK
P.B.	PLAT BOOK
R/W	RIGHT-OF-WAY
S.R.	STATE ROAD
COR.	CORNER

SCALE: 1" = 200'
DRAWING: SK_BOUNDARY
DRAWN BY: C.D.K.
PAGE: 1 OF 2

SKETCH TO ACCOMPANY LEGAL DESCRIPTION

A PARCEL OF LAND LOCATED IN
SECTION 17, TOWNSHIP 46 SOUTH, RANGE 25 EAST
LEE COUNTY, FLORIDA

KRIS A SLOSSER P.S.M.
4642 VILLA CAPRI LN. BONITA SPRINGS
FLORIDA 34134 (239) 947-1915

ADD2014-00218 Lee County ePlan

STRAP NUMBER

17-46-25-00-00002.0070

ADDRESS

GREENWOOD PARK CIRCLE
FORT MYERS, FL 33967

PROJECT INFORMATION

CURRENT ZONING/USE	= RPD/VACANT
PROPOSED USE	= MULTI-FAMILY, TOWNHOMES
FUTURE LAND USE	= URBAN COMMUNITY
TOTAL ACREAGE	= 9.24
PROPOSED DENSITY	= 55 DWELLING UNITS 55 DU/9.24 AC = 5.95 DU/AC
EXISTING SOIL TYPES	= #55 COCOA FINE SAND
IRRIGATION SERVICE	= IRRIGATION WELL
ARCHAEOLOGICAL SENSITIVITY LEVEL	= 2

ZONING/ACTUAL USE

NORTH: C-2 AND CT (GORDON'S FURNITURE & VACANT)
SOUTH: AG-2 (VACANT)
EAST: RS-1 (SINGLE-FAMILY RESIDENTIAL)
WEST: ROW (US 41)

LANDSCAPE BUFFERS

NORTH = MFR TO C-2 AND CT: NO BUFFER REQUIRED
*SEE PROJECT NOTE
EAST = MFR TO RS-1: 15' WIDE TYPE B BUFFER REQUIRED
INDIGENOUS PRESERVE TO SERVE AS BUFFER
SOUTH = MFR TO AG-2: NO BUFFER REQUIRED
WEST = MFR TO ROW: 15' WIDE TYPE D BUFFER REQUIRED
INDIGENOUS PRESERVE TO SERVE AS BUFFER

PROJECT NOTE

A MINIMUM 5' WIDE LANDSCAPE BUFFER IS REQUIRED BETWEEN THE INDIGENOUS PRESERVE AND THE NATURAL WATERWAY BUFFER (TO BE NATIVE SPECIES AND INCLUDE 4 TREES AND 18 SHRUBS PER 100 LINEAR FEET).

OPEN SPACE REQUIREMENTS

REQUIRED OPEN SPACE: 40% PER ADD2012-00101
0.40 X 404,479 = 161,792 SF

PROVIDED: INDIGENOUS PRESERVE AREAS + CREEK @ TOB + DRY DETENTION AREAS @ TOB + WATERWAY BUFFER + OPEN SPACE

= 83,182 SF + 37,025 SF + 51,108 SF + 16,341 SF + 26,228 SF

= 213,884 SF / 4.91 AC (52.9%)

INDIGENOUS PRESERVE REQUIREMENTS

REQUIRED: 50% OF OPEN SPACE
50% X 161,792 SF = 80,896 SF (1.86 AC)

PROVIDED: INDIGENOUS AREA #1 WITH CREDITS
47,958 SF + 4,796 SF (10% ADJACENT TO ROADWAY)
+ 11,990 SF (25% GREATER THAN 1 ACRE) = 64,744 SF

INDIGENOUS AREA #2 WITH CREDITS
35,224 SF + 3,522 SF (10% ADJACENT TO WATERBODY)
+ 3,522 SF (10% GREATER THAN 1/2 ACRE) = 42,268 SF

TOTAL PROVIDED: 64,744 SF + 42,268 SF = 107,012 SF (2.46 AC)

LEGEND

AC	ACRES
SF	SQUARE FEET
CONC.	CONCRETE
TOB	TOP OF BANK
EOW	EDGE OF WATER
(1)	DEVIATION
	INDIGENOUS AREA
	BUFFER
	OVERFLOW TRENCH
	CONCRETE
(10SP)	NUMBER OF PARKING SPACES

TDM
N

1" = 50'



EXHIBIT B

REVISIONS	DATE
1 REVISIONS PER LEE COUNTY COMMENTS	05/06/15

DATE: 04/27/07
DESIGNED BY: JDM
DRAWN BY: MJL & JHC
CHECKED BY: JDM
APPROVED BY: TDM
DRAWING NAME: JOBS\Joseph\Pomo\Drawings\Civil\SITE.dwg

GREENWOOD VILLAS
PD AMENDMENT
F/K/A VILLA MAGNIFICA, THE PRESERVE AT SAN CARLOS PARK & PORRO RPD

NOT VALID WITHOUT EMBOSSED SEAL, SIGNATURE AND DATE.

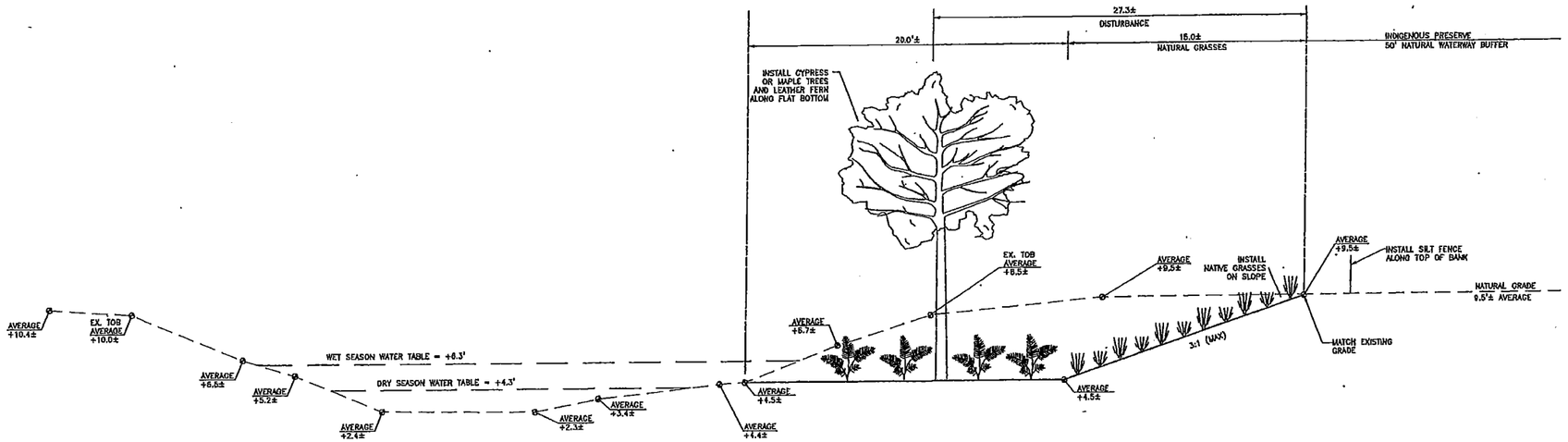
Dean Martin, P.E.
Florida # 52022

DATE:

SHEET # 1 of 1

SCALE: 1" = 50'

ADD2014-00218 Lee County ePlan



CROSS SECTION K – K OF MULLOCK CREEK

N.T.S.

EXHIBIT "C"

DATE	REVISIONS	DATE: 05/2012
		DESIGNED BY: VJH
		DRAWN BY: JSN & VJH
		CHECKED BY: TDM
		APPROVED BY: TDM

DRAWING NAME: J:\DWG\Projects\Drawings\Ch4\EXHIBIT2.dwg

THE PRESERVE AT SAN CARLOS PARK

CROSS-SECTION OF MULLOCK CREEK

CIVIL ENGINEERING ENVIRONMENTAL CONSULTING
IDM CONSULTING, INC.
43 Barkley Circle, Suite #200
Fort Myers, FL 33907
Phone: (239) 433-4231
Fax: (239) 433-9632
Email: jmessick@idmconsulting.com

NOT VALID WITHOUT EMBOSSED SEAL, SIGNATURE AND DATE.

Dean Martin, P.E.
Florida # 62022

DATE:

SHEET # 1 of 1

SCALE: N.T.S.