ADD2019-00140 Lee County ePlan

ADMINISTRATIVE AMENDMENT
LEE COUNTY, FLORIDA

WHEREAS, John T. Wodjak, PE, DeLisi Fitzgerald, Inc., on behalf of ESRG Prentiss Pointe, LLC, filed an application for an administrative amendment to a Residential Planned Development known as Prentiss Pointe to reduce the required building separation between certain buildings on property located 15841 Winkler Road; and

WHEREAS, the applicant has indicated that the property's current STRAP Number is 34-45-24-20-00000.00CE (see Exhibit "A"); and

WHEREAS, the subject property is zoned Residential Planned Development (RPD) and is located in the Suburban Future Land Use Category as designated by the Lee Plan; and

WHEREAS, the property was rezoned by Resolution Z-03-062A; and

WHEREAS, Resolution Z-03-062A approved a maximum of 105 dwelling units in 26 multifamily buildings and established a minimum building separation distance of 20 feet between buildings within the development (see Exhibit "B"); and

WHEREAS, the applicant has filed a request to amend the 20-foot minimum building separation distance to permit a minimum building separation distance of 15.4 feet between Building 16 and 17, Buildings 17 and 18, and Buildings 18 and 19 (see Exhibit "C"); and

WHEREAS, the applicant's request narrative indicates that Building 16 was constructed farther to the north than depicted on the master concept plan approved by Resolution Z-03-062A, thereby making it impossible to comply with the required 20-foot building separation (see Exhibit "D"); 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, 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 administrative amendment to a Residential Planned Development known as Prentiss Pointe to reduce the required building separation between certain buildings on property located 15841 Winkler Road is **APPROVED subject to the following conditions:**

1. **Development must be in compliance with the amended Master Concept Plan entitled Master Concept Plan, 15841 Winkler Road, prepared by DeLisi Fitzgerald, Inc., dated July 30, 2019, attached hereto as Exhibit "C".**

2. **Condition 2.b of Resolution Z-03-062A (Site Development Regulations) is hereby amended as follows:**

   Special regulations:

Minimum Separation Distance between Buildings 16 and 17, Buildings 17 and 18, and Buildings 18 and 19 (feet)	**15.4**
Minimum Separation Distance Between all other Buildings (feet)	**20**

3. **The terms and conditions of the original zoning resolution remain in full force and effect, except as amended herein.**

4. **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 9/27/2019

Audra Ennis, Zoning Manager
Lee County Community Development

List of Exhibits
Exhibit A: STRAP Number
Exhibit B: Resolution Z-03-062A
Exhibit C: Master Concept Plan
Exhibit D: Applicant Request Statement

EXHIBIT A

CASE NUMBER: ADD2019-00140

STRAP NUMBER

34-45-24-20-00000.00CE

REVIEWED
ADD2019-00140
Daniel Munt, Planner
Lee County DCD
9/13/2019

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EXHIBIT B

MEMORANDUM
FROM THE DEPARTMENT OF COMMUNITY DEVELOPMENT
ZONING DIVISION

DATE: February 27, 2004

TO: WHOM IT MAY CONCERN

FROM: Billie Jacoby
Administrative Assistant

RE: Distribution of **AMENDED** Resolution

Resolution Number	Case Number	Case Name
Z-03-062**A**	DCI2003-00038	Prentiss Pointe

The Prentiss Pointe RPD was approved by Board action on February 2, 2004. At that meeting, the Board reduced the allowed density for the project by 39 units. This revision prompted a reconfiguration on the Master Concept Plan governing the development of the site. In light of the reconfigured site plan, condition 10 of the resolution is no longer necessary.

Should you have any questions, please call me at 479-8448 or Jeff Laurien at 479-8336.

cc: Andy Getch - DOT, 3rd floor
Brad Vance - Nat. Res. Man., 3rd floor
Julie Dalton - Prop. Appraisers
Sandy Polk - Codes & Buildings
David Saniter - Public Safety, Em. Mgmt
Hearing Examiner
Audra Ennis - Dev. Svcs
Kim Trebatoski - Env. Sciences
Matt Noble - Planning
Pete Eckenrode- Dev. Ser. Dir.
Planner
Applicant (care of agent)

ADD2019-00140 Lee County ePlan

RESOLUTION NUMBER Z-03-062A

RESOLUTION OF THE BOARD OF COUNTY COMMISSIONERS
OF LEE COUNTY, FLORIDA

WHEREAS, Harvey Strauss, P.E., and Gary L. Howe filed an application on behalf of the property owner, Prentiss Pointe, Ltd., to rezone a 26.25-acre parcels from Commercial Planned Development (CPD) to Residential Planned Development (RPD), in reference to Prentiss Pointe; and

WHEREAS, a public hearing was advertised and held on November 12, 2003, before the Lee County Zoning Hearing Examiner, who gave full consideration to the evidence in the record for Case #DCI2003-00038; and

WHEREAS, a second public hearing was advertised and held on February 2, 2004, before the Lee County Board of Commissioners, who gave full and complete consideration to the recommendations of the staff, the Hearing Examiner, the documents on record and the testimony of all interested persons.

NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF COUNTY COMMISSIONERS:

SECTION A. REQUEST

The applicant filed a request to rezone a 26.25-acre parcel from CPD to RPD, to allow for the development of 144 multi-family units (coach house condominiums) with maximum building heights of 35 feet. No blasting is proposed on the site. The property is located in the Suburban Future Land Use Category and is legally described in attached Exhibit A. The request is APPROVED LIMITED TO four units per acre or a maximum of 105 units and SUBJECT TO the conditions and deviations specified in Sections B and C below.

SECTION B. CONDITIONS:

All references to uses are as defined or listed in the Lee County Land Development Code (LDC).

1. Development must be consistent with the one-page Master Concept Plan (MCP) entitled "Prentiss Pointe, LTD Master Concept Plan for property at 15841 Winkler Road, Lee County, Section 34, Township 45S, Range 24E," stamped received February 3, 2004 Permit Counter, except as modified by the conditions below (Exhibit B). Development must comply with the Lee County 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 MCP are subsequently pursued, appropriate approvals will be necessary.

2. The following limits apply to the project and uses:

02/02/04

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a. Schedule of Uses

Accessory Uses
Dwelling Unit: Multiple-Family Buildings (Condominiums, 105 total)
Essential Services
Essential Service Facilities, Group I
Excavation, Water Retention
Models - Model Unit (per LDC 34-19511)
Parking Lot - Accessory
Recreational Facilities - Private, On-Site
Signage, in accordance with LDC Chapter 30
Storage - Indoor Only (must be within the requested private clubhouse building)
Temporary Real Estate Sales Office (Sales Trailer)
Private Clubhouse (3,600 square feet maximum)
Fences
Walls
Entrance Gates

b. Site Development Regulations

Minimum lot area and dimensions:

Multiple-family:	
Minimum Lot size (square feet)	13,000
Lot Area per unit (square feet)	3,250
Lot width (feet)	127
Lot depth (feet)	100

Minimum setbacks:

Internal Street (feet)	15
External street (feet)	20
Side yard (feet) :	
Multiple-family and all other uses	10
Rear yard (feet)	20
Water body (feet)	20

Special regulations:

Maximum height (feet)	35 (2 stories)
Maximum lot coverage (percent of total lot area)	45
Minimum Separation Distance Between Buildings (feet)	20
Minimum External Setback (feet) (If parcel developed as 1 lot - not subdivided)	

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South	20
West	20
North	20
East	125

c. A total maximum of 105 units are permitted.

3. Approval of this RPD 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 local development order approval.

4. Approval of this RPD rezoning does not guarantee local development order approval. Future development order approvals must satisfy the requirements of the Lee Plan Planning Communities Map and Acreage Allocation Table, Map 16 and Table 1(b).

5. Agriculture is not a permitted use in the approved Schedule of Uses for this property. Existing agricultural uses must cease upon approval of the requested rezoning.

6. Blasting is prohibited.

7. Exhibit "C," the "Prentiss Point Conceptual Buffer Planting Plan for Fort Myers, Florida", is adopted as part of this rezoning. Buffer plantings must be installed in substantial compliance with this plan prior to the issuance of a certificate of compliance on the property.

8. Model units are permitted in compliance with the following conditions:

   a. Model units may only be located in the building adjacent to the sales trailer and immediately to the south of the entrance onto Winkler Road, as depicted on the approved MCP; and

   b. Each model unit must be a unique example. Multiple examples of the same unit are not permitted; and

   c. A total maximum of four (4) model units are permitted; and

   d. Hours of operation are restricted to Sunday through Saturday, 8:00 a.m. through 6:00 p.m.

9. A single Real Estate Sales Office is permitted in compliance with the following conditions:

   a. It must be located as depicted on the approved MCP; and

   b. Hours of operation are restricted to Sunday through Saturday, 8:00 a.m. through 6:00 p.m.

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SECTION C. DEVIATIONS:

1. Deviation (1) seeks relief from the LDC §10-285 requirement to provide a minimum separation distance of 660 feet on arterial roads, to allow separation distances of 493 feet and 336 feet along Winkler Road and Granite Court respectively as depicted on the MCP. This deviation is APPROVED.

SECTION D. EXHIBITS AND STRAP NUMBER:

The following exhibits are attached to this resolution and incorporated by reference:

Exhibit A: The legal description of the property
Exhibit B: The Master Concept Plan
Exhibit C: "Prentiss Pointe Conceptual Buffer Planting Plan for Fort Myers, Florida"
Exhibit D: Zoning Map (with the subject parcel indicated)

The applicant has indicated that the STRAP number for the subject property is: 34-45-24-00-00010.0000.

SECTION E. FINDINGS AND CONCLUSIONS:

1. The applicant has proven entitlement to the rezoning by demonstrating compliance with the Lee Plan, the LDC, and other applicable codes and regulations.

2. The RPD rezoning, as conditioned:

   a. meets or exceeds the performance and locational standards set forth for the potential uses allowed by the request; and,

   b. is consistent with the densities, intensities and general uses set forth in the Lee Plan; and,

   c. is compatible with existing or planned uses in the surrounding area; and,

   d. will not place an undue burden upon existing transportation or planned infrastructure facilities and the site will be served by streets with the capacity to carry traffic generated by the development; and,

   e. will not adversely affect environmentally critical areas or natural resources.

3. The approval of this rezoning request satisfies the following criteria:

   a. the proposed use or mix of uses is appropriate at the subject location; and

   b. the recommended conditions to the concept plan and other applicable regulations provide sufficient safeguard to the public interest; and

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c. the recommended conditions are reasonably related to the impacts on the public interest created by or expected from the proposed development.

4. Urban services, as defined in the Lee Plan will be available and adequate to serve the proposed land use.

5. The approved deviations, as conditioned, enhance achievement of the planned development objectives, and preserve and promote the general intent of LDC Chapter 34, to protect the public health, safety and welfare.

The foregoing resolution was adopted by the Lee County Board of Commissioners upon the motion of Commissioner Judah, seconded by Commissioner Coy, and, upon being put to a vote, the result was as follows:

Robert P. Janes	Aye
Douglas R. St. Cerny	Aye
Ray Judah	Aye
Andrew W. Coy	Aye
John E. Albion	Aye

DULY PASSED AND ADOPTED this 2nd day of February 2004.

ATTEST:
CHARLIE GREEN, CLERK

BY: Cindy Morrison
Deputy Clerk

BOARD OF COUNTY COMMISSIONERS
OF LEE COUNTY, FLORIDA

BY: _____
Chairman

SEAL
BOARD OF COUNTY COMMISSIONERS
LEE COUNTY, FLORIDA

Approved as to form by:

_____
Donna Marie Collins
County Attorney's Office

RECEIVED
MINUTES OFFICE

2004 FEB 26 AM 11:23

CASE NO: DCI2003-00038

ADD2019-00140 Lee County ePlan

Sanibel Surveys, Inc
2410 Palm Ridge Road
Sanibel, Florida 33957

Phone Number (239) 472-0095 Fax Number (239) 472-3566

EXHIBIT "A"

July 21, 2003
LEGAL DESCRIPTION
PRENTISS POINTE
15841 WINKLER ROAD

RECEIVED
AUG 07 2003
PERMIT COUNTER

IN SECTION 34, TOWNSHIP 45 SOUTH, RANGE 24 EAST
LEE COUNTY, FLORIDA:

A PARCEL OF LAND LYING IN THE SOUTHEAST QUARTER (SE 1/4) OF THE SOUTHWEST (SW 1/4) OF SECTION 34, TOWNSHIP 45 SOUTH, RANGE 24 EAST, LEE COUNTY, FLORIDA, AS DESCRIBED AS FOLLOWS:

COMMENCING AT THE FOUND CONCRETE MONUMENT MARKING THE SOUTH QUARTER CORNER OF SAID SECTION 34; THENCE N01°01'48"W ALONG THE EAST LINE OF SAID FRACTION OF A SECTION FOR 346.56 FEET TO THE POINT OF BEGINNING; THENCE S88°39'16"W FOR 1,235.83 FEET TO THE EASTERLY LINE OF WINKLER (100 FEET WIDE); THENCE N06°55'41"E ALONG SAID EAST LINE FOR 577.50 FEET TO POINT OF CURVATURE; THENCE 407.00 FEET ALONG SAID EASTERLY LINE ALONG THE ARC OF A CURVE CONCAVE TO THE NORTHWEST HAVING A RADIUS OF 2,914.90 FEET AND SUBTENDED BY A CHORD HAVING A LENGTH OF 406.67 FEET AND BEARING N02°55'51"E TO A POINT ON A CURVE INTERSECTING THE SAID EASTERLY LINE AND NORTH LINE OF SAID FRACTION OF A SECTION; THENCE N88°45'17"E ALONG SAID NORTH LINE FOR 1,127.79 FEET TO A FOUND CONCRETE MONUMENT MARKING THE NORTHEAST CORNER OF SAID FRACTION OF A SECTION; THENCE S01°01'48"E ALONG SAID EAST LINE OF 975.07 FEET TO THE POINT OF BEGINNING.

PARCEL CONTAINS 26.25 ACRES MORE OR LESS.

WALTER FRASER (FOR THE FIRM LB-0006647)
PROFESSIONAL LAND SURVEYOR
FLORIDA CERTIFICATE NO. 0003985

Applicant's Legal Checked
by

DCI 2003-00038

ADD2019-00140 Lee County ePlan

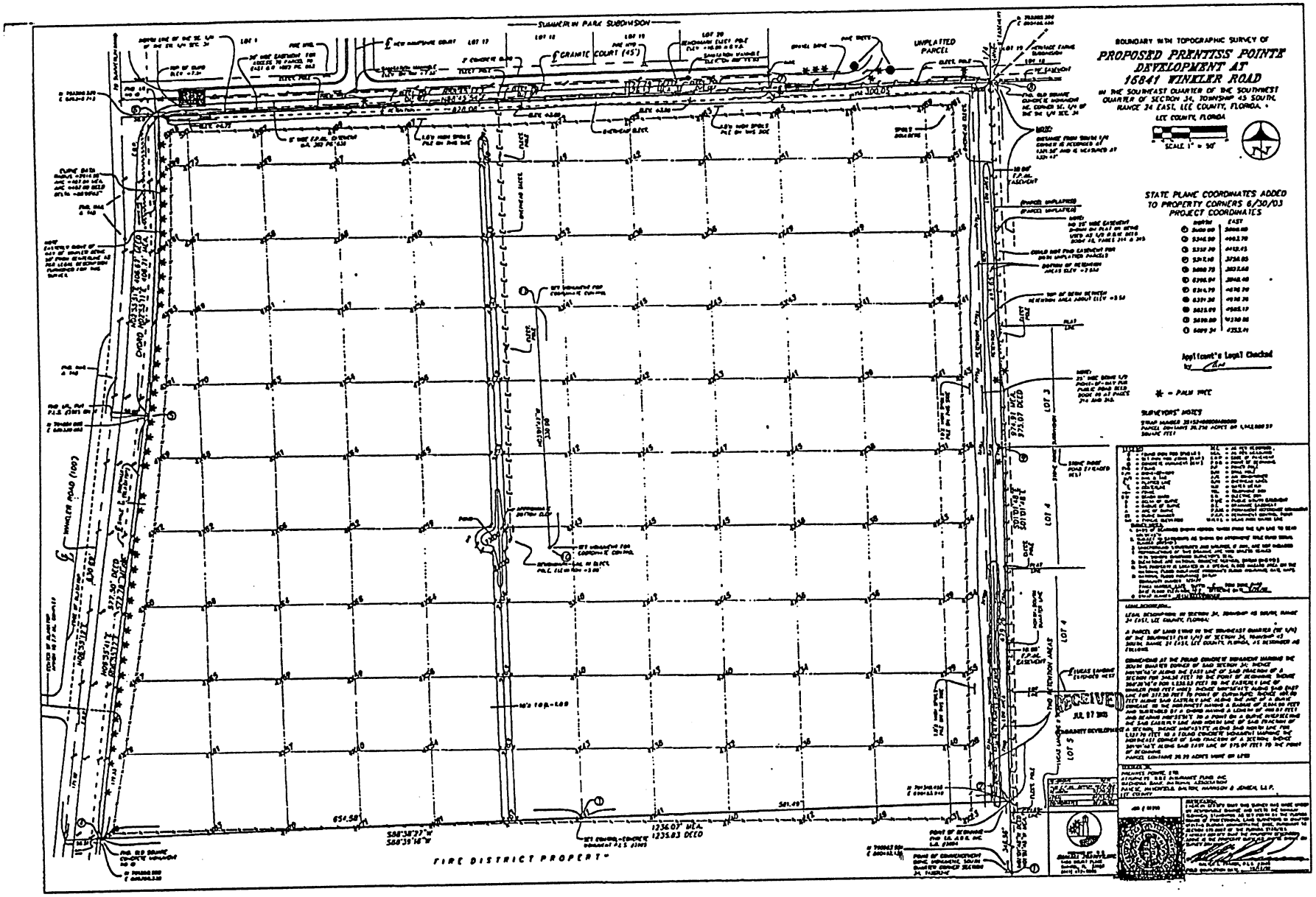
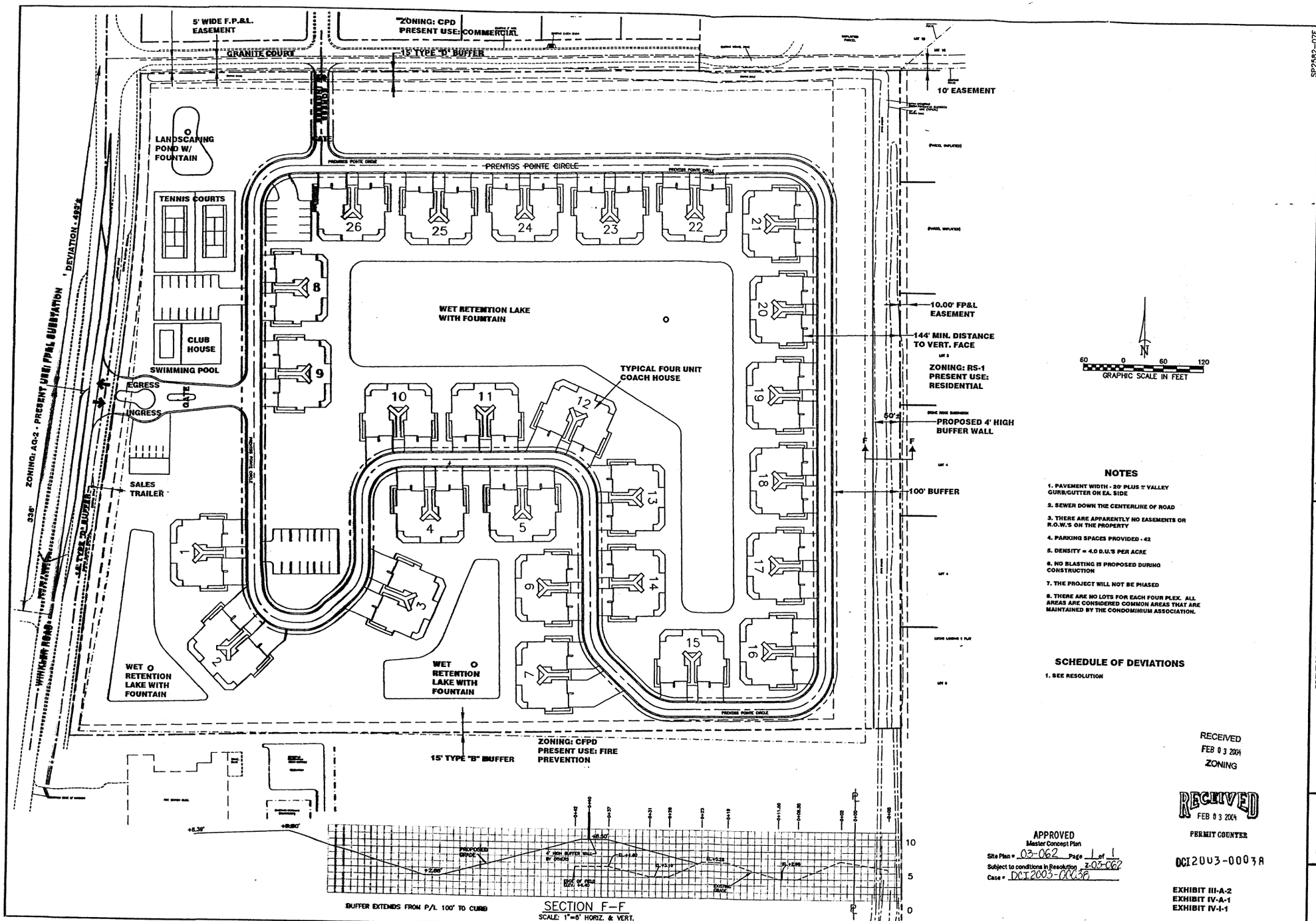


EXHIBIT A
(Page 2 of 2)

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NOTES

1. PAVEMENT WIDTH - 20' PLUS 2' VALLEY GURB/GUTTER ON EA. SIDE
2. SEWER DOWN THE CENTERLINE OF ROAD
3. THERE ARE APPARENTLY NO EASEMENTS OR R.O.W.'S ON THE PROPERTY
4. PARKING SPACES PROVIDED - 42
5. DENSITY = 4.0 D.U.'S PER ACRE
6. NO BLASTING IS PROPOSED DURING CONSTRUCTION
7. THE PROJECT WILL NOT BE PHASED
8. THERE ARE NO LOTS FOR EACH FOUR PLEX. ALL AREAS ARE CONSIDERED COMMON AREAS THAT ARE MAINTAINED BY THE CONDOMINIUM ASSOCIATION.

SCHEDULE OF DEVIATIONS

1. SEE RESOLUTION

RECEIVED
FEB 03 2004
ZONING

RECEIVED
FEB 03 2004
PERMIT COUNTER

DCI2003-00038

APPROVED
Master Concept Plan
Site Plan # 03-062 Page 1 of 1
Subject to conditions in Resolution Z-03-062
Case # DCI2003-00038

EXHIBIT III-A-2
EXHIBIT IV-A-1
EXHIBIT IV-I-1

SP2582-07F

REVISIONS
2-3-2004 - REVISED PER LEE COUNTY
9-5-2003 - REVISED PER COUNTY COMMENTS
7-3-2003 - REVISED PER COUNTY COMMENTS

ALPHA ENGINEERING of Lee County, Inc.
Consulting Civil Engineers-Site Development-Land Planning- Structural Engineering
8315 Presidential Ct., Suite C, Ft. Myers, Fl. 33919 (941) 275-7777

DRAWN BY	CHECKED BY	APPROVED BY	PROJECT NUMBER
TG	HS	HS	2582-07
SCALE	DATE		
1"=60'	5-9-03		

PRENTISS POINTE, LTD

MASTER CONCEPT PLAN FOR PROPERTY AT
15841 WINKLER ROAD, LEE COUNTY
SECTION 34 TOWNSHIP 45S RANGE 24E

HARVEY STRAUSS, PE
FL. REG. #18799

SHEET
C-1

EXHIBIT B

ADD2019-00140 Lee County ePlan

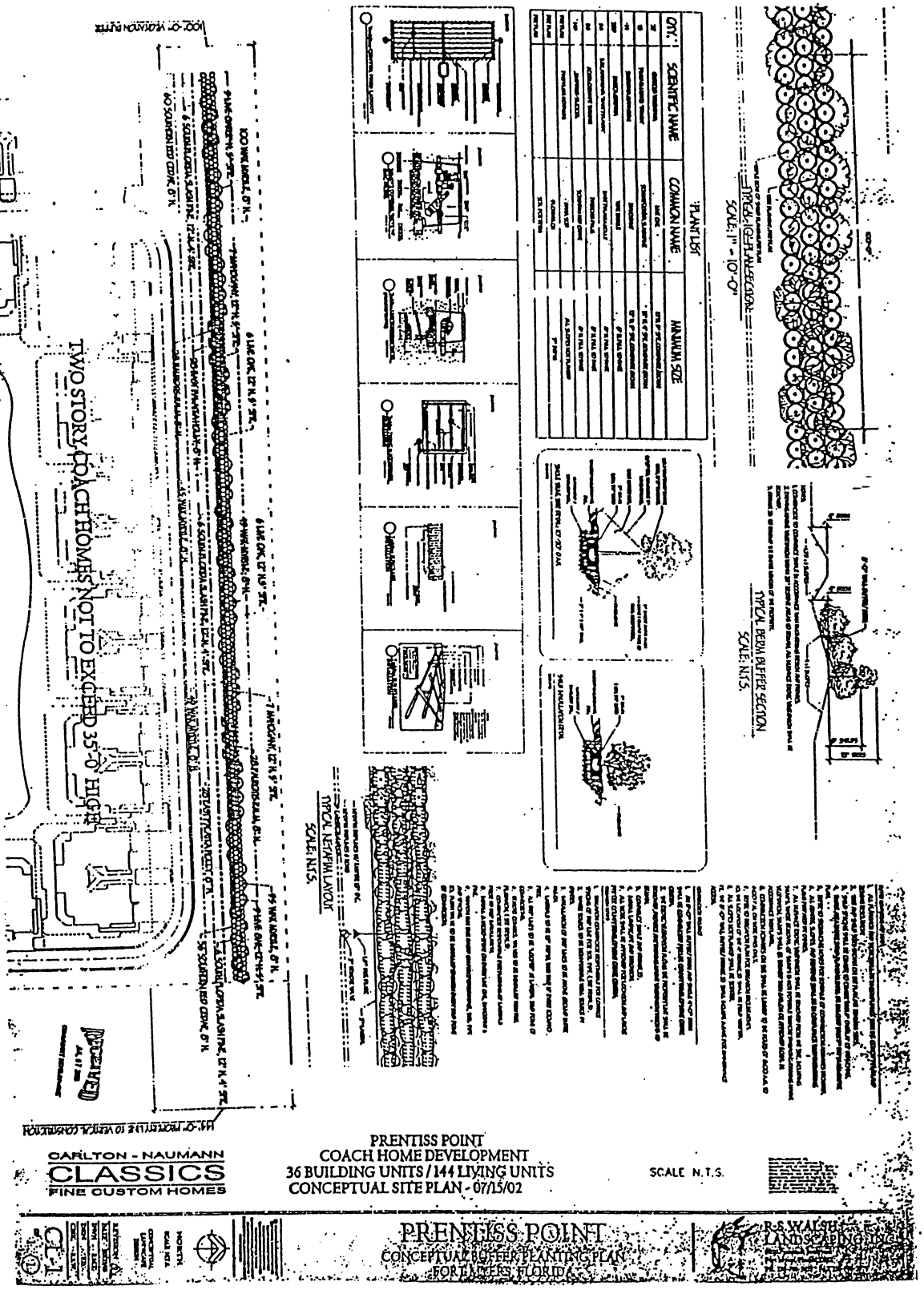


EXHIBIT C

DCI2003-00038

ADD2019-00140 Lee County ePlan

ZONING MAP

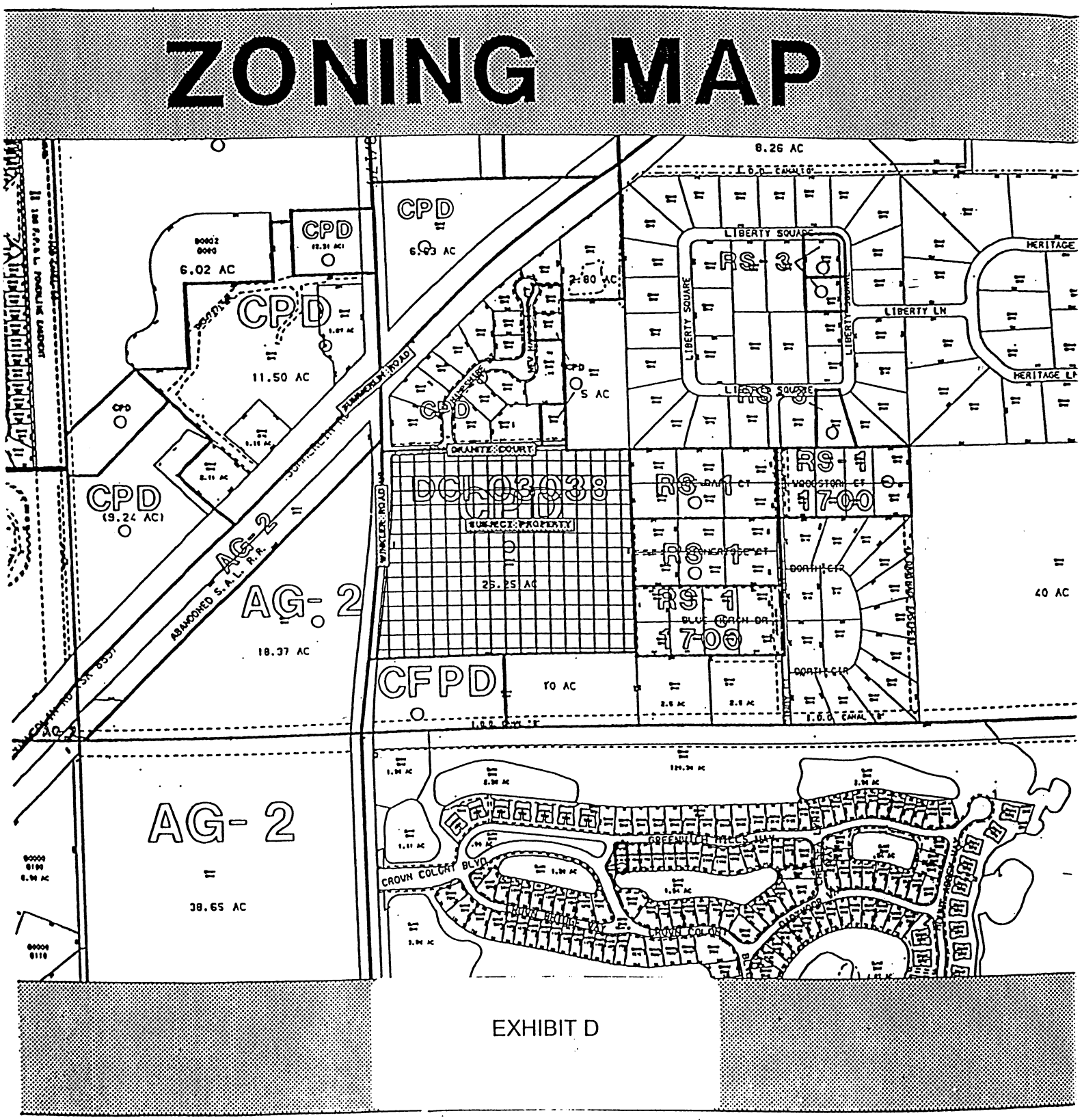
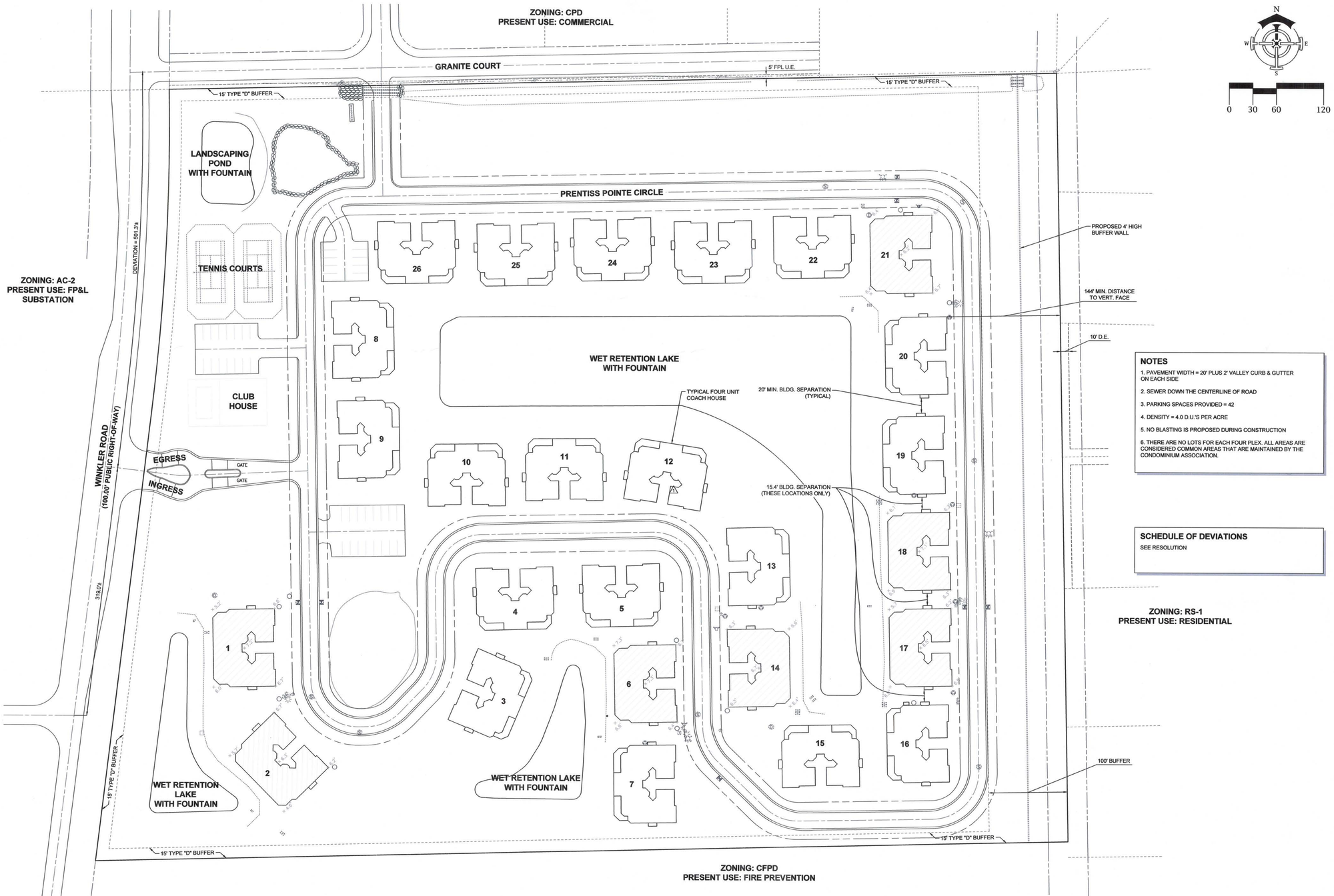


EXHIBIT D

ADD2019-00140 Lee County ePlan

EXHIBIT C



NOTES

1. PAVEMENT WIDTH = 20' PLUS 2' VALLEY CURB & GUTTER ON EACH SIDE
2. SEWER DOWN THE CENTERLINE OF ROAD
3. PARKING SPACES PROVIDED = 42
4. DENSITY = 4.0 D.U.'S PER ACRE
5. NO BLASTING IS PROPOSED DURING CONSTRUCTION
6. THERE ARE NO LOTS FOR EACH FOUR PLEX. ALL AREAS ARE CONSIDERED COMMON AREAS THAT ARE MAINTAINED BY THE CONDOMINIUM ASSOCIATION.

SCHEDULE OF DEVIATIONS

SEE RESOLUTION

DeLisi Fitzgerald, Inc.
Planning – Engineering – Project Management
1605 Hendry Street
Fort Myers, FL 33901
(239) 418-0691
(239) 418-0692 fax
Florida Certificate of Authorization Engineering LB # 26978

ENGINEER OF RECORD:
JOHN T. WOJDAK, P.E. (FOR THE FIRM)
FLORIDA P.E. NO. 73217

NOT VALID WITHOUT SEAL, SIGNATURE AND DATE

OWNER:
ESRG PRENTISS POINTE, LLC
BEACH PROPERTIES
BOX 202-287
FORT MYERS, FL 33912

PROJECT:
MASTER CONCEPT PLAN
15841 WINKLER ROAD

PLAN REVISIONS

#	DATE	DESCRIPTION

MASTER CONCEPT PLAN

Project Manager:	JTW
Drawn By:	QMW
Checked By:	JTW
Project Number:	21507
Part of Section(s):	30
Township: 45 S	Range: 25 E
County, State:	LEE COUNTY, FL

Status:
MASTER CONCEPT PLAN
DATED: 7/30/19

Sheet Number: 1

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8/2/2019 1:45 PM

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EXHIBIT D

DeLisi Fitzgerald, Inc.
Planning – Engineering – Project Management

DCI 2003-00038 Request Narrative and Justification

ESRG Prentiss Pointe, LLC is proposing to modify the Master Concept Plan of Prentiss Pointe to reduce the building separation between buildings 16 &17,17 & 18, and 18 & 19 to 15.4' +/-. The reason for this request is due to building 16 being constructed farther north than it was previously intended. The future buildings 17 and 18 will not be able to meet the 20' building separation because of this. Reducing the building separation to 15.4' +/- between the four buildings will allow equal spacing between them.

1605 Hendry Street • Fort Myers, FL 33901 • P: 239-418-0691 • F: 239-418-0692