

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

EXHIBIT "B"

PREPARED FOR:

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

NO.	DATE	REVISION DESCRIPTION	BY
2	6/17/2020	REVISED PER SUFFICIENCY RESPONSE	SDJ
1	6/02/2020	REVISED PER COMMENTS	SDJ

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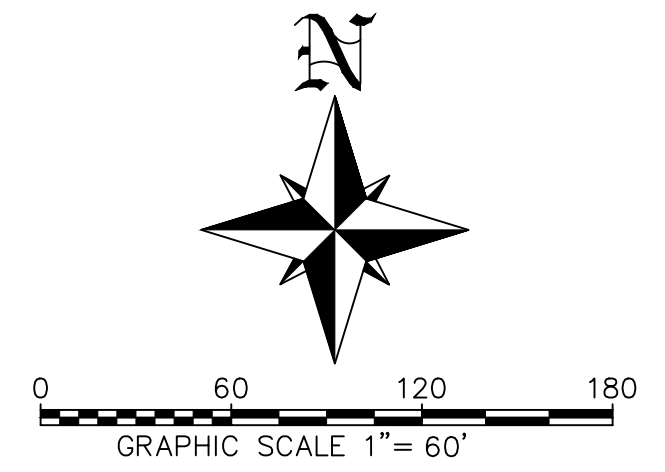
10511 SIX MILE CYPRESS PARKWAY
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PHONE: (239) 939-5400 FAX: (239) 939-2523
ENGINEERING LICENSE # EB 6469
SURVEY LICENSE # LB 6690
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FINAL PLAN APPROVAL/MASTER CONCEPT PLAN
MIROMAR LAKES RESORT VILLAGE PHASE 3 A/K/A
CAPRI at MIROMAR LAKES BEACH & GOLF CLUB
LEE COUNTY, FLORIDA

DATE	PROJECT	DRAWING	DESIGN	DRAWN	CHECKED	SCALE	SHEET
5/07/2020	8378	_MCP	BDA	SDJ	SEH	AS NOTED	1

MIROMAR LAKES - RES #Z-13-20	
PROPOSED LAND USE	MULTI-FAMILY
NON-GARAGED FRONT SETBACK	20 FEET
FRONT SETBACK	20 FEET
SIDE SETBACK	10 FEET
WATER BODY	20 FEET
MINIMUM BUILDING SEPARATION	10 FEET
MAXIMUM LOT COVERAGE	55%
MINIMUM LOT AREA	6,000 S.F.
MINIMUM LOT WIDTH	N/A
MINIMUM LOT DEPTH	100 FEET
MAXIMUM BUILDING HEIGHT	65 FEET*

* SEE DEVIATION 28 PER Z-13-020



LITTORAL PLANTING CALCULATION:
PER SECTION 10-418 OF THE LEE COUNTY LDC

ALL STREETS TO BE
PRIVATELY MAINTAINED

OPEN SPACE TABLE:
(PER ZONING RES Z-13-20)

REQUIRED OPEN SPACE: MULTIPLE-FAMILY UNITS:	40%
PROJECT AREA:	21.92 ACRES
REQUIRED OPEN SPACE (40%):	8.77 ACRES
NO EXISTING INDIGENOUS/NONE REQUIRED	
MAXIMUM 25% PROVIDED BY LAKES:	2.19 ACRES
OTHER OPEN SPACE AREAS:	6.58 ACRES
TOTAL OPEN SPACE PROVIDED:	MINIMUM 6.77 ACRES

DEVIATIONS PER Z-13-020:

DEVIATION [2]	MODEL UNITS ALLOWED UNTIL PROJECT BUILDOUT
DEVIATION [5]	ONE MEANS OF ACCESS
DEVIATION [7]	BRICK PAVERS TO REPLACE 1 1/2" S-1 ON PRIVATE ROADS
DEVIATION [10]	ZERO-FOOT SETBACK FROM WATER EXCAVATION AND PRIVATE PROPERTY LINES UNDER SEPARATE OWNERSHIP
DEVIATION [28]	MAXIMUM BUILDING HEIGHT OF 65 FEET

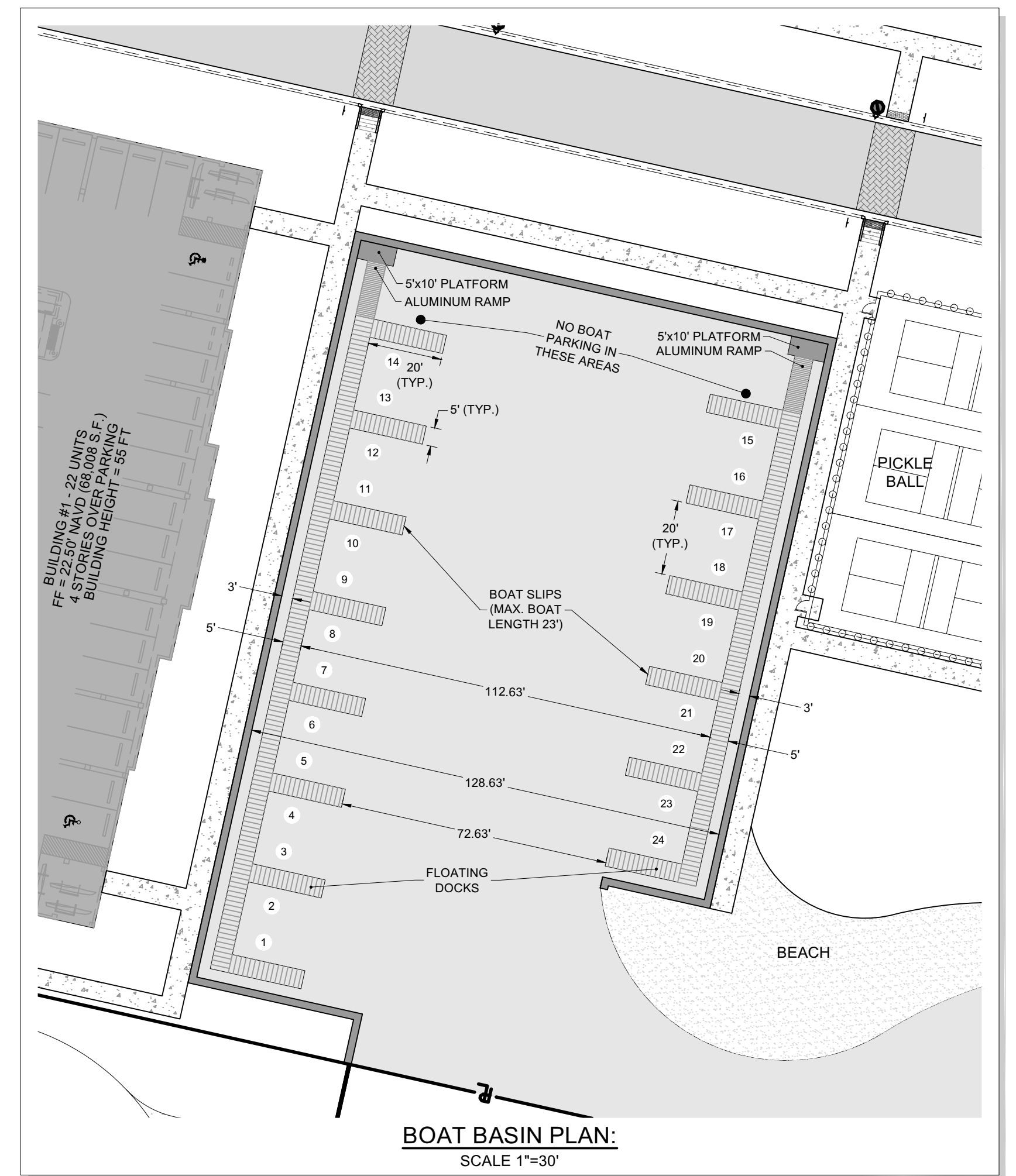
NEW DEVIATIONS:

DEVIATION [1]	65% HARDENED SHORELINE STRUCTURES FOR RECREATIONAL LAKE
DEVIATION [2]	550 SF FOR RECYCLABLE MATERIALS AND TRASH COMPACTOR
DEVIATION [3]	DEAD-END WATER MAIN EXCEEDING 1,000 FEET
DEVIATION [4]	PRIVATELY MAINTAINED ACCESSWAY PROVIDING ACCESS TO 110 UNITS

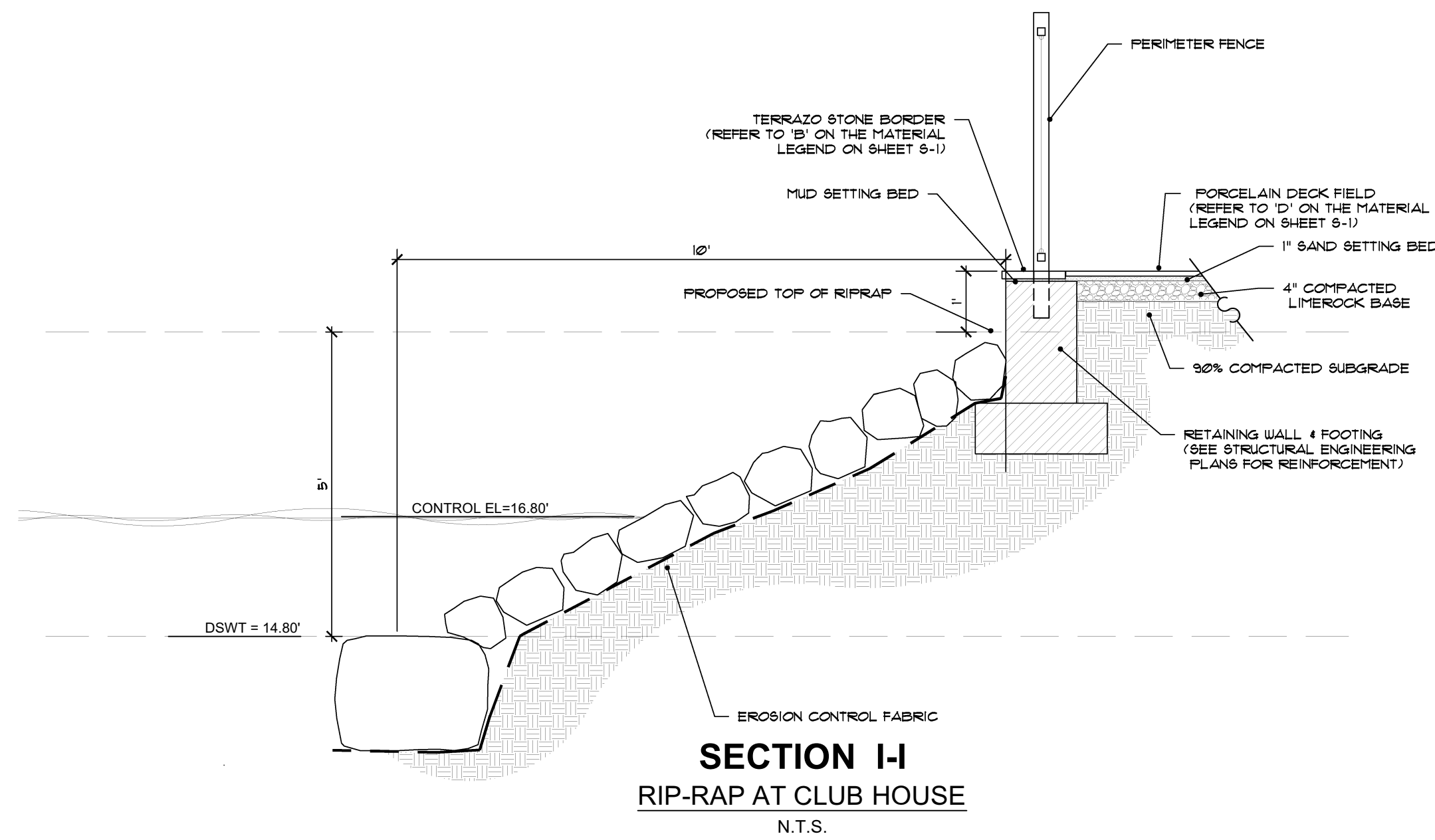
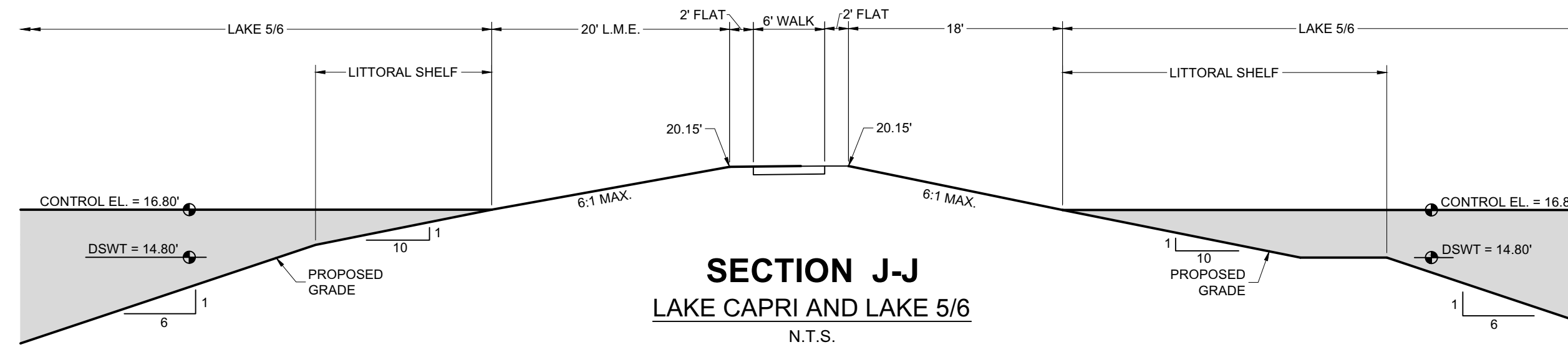
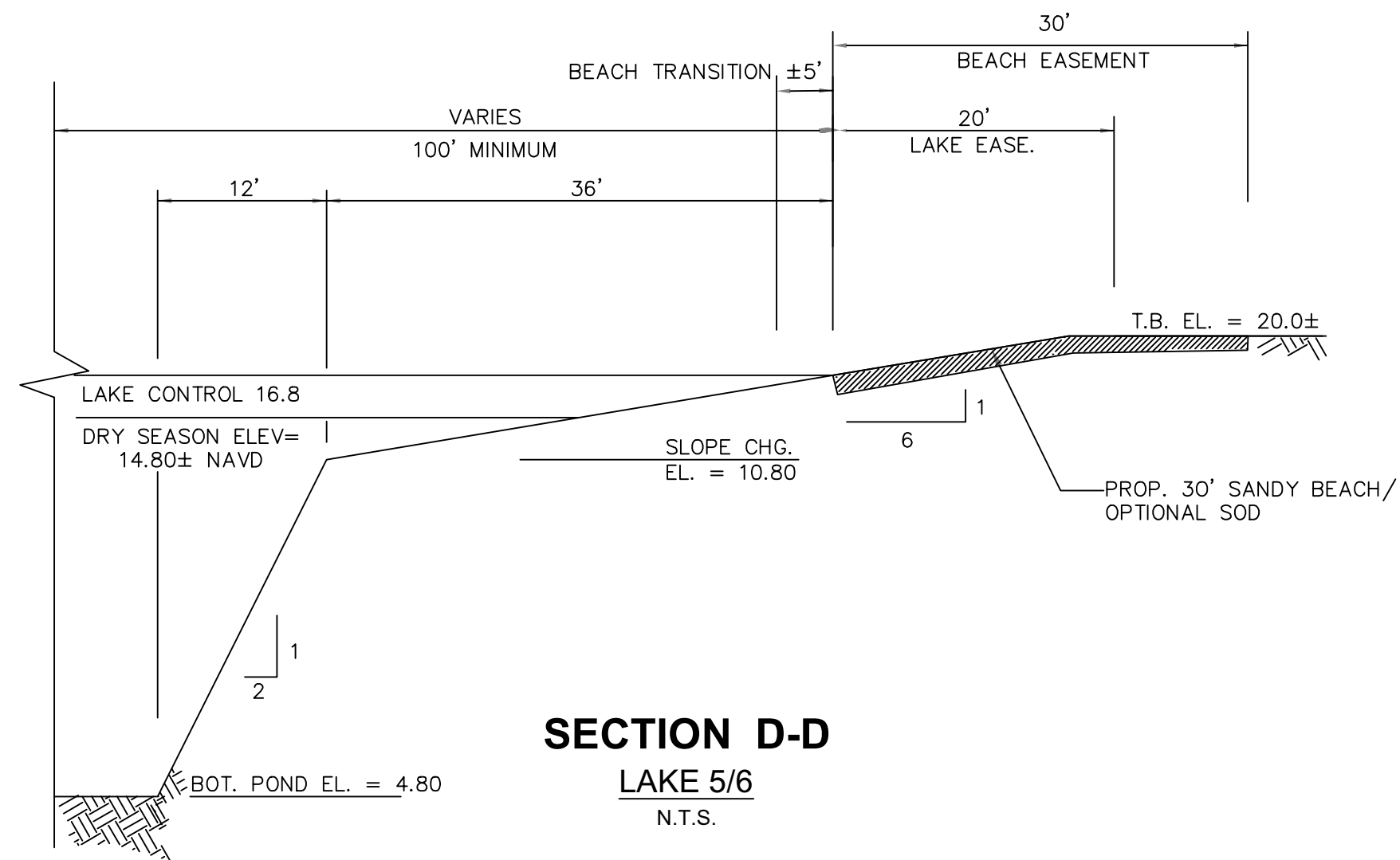
ALL EXISTING AND
PROPOSED GRADE
ELEVATIONS ARE
N.A.V.D. 1988

LEGEND:

[Pattern]	ASPHALT PAVEMENT
[Pattern]	CONCRETE PAVEMENT
[Pattern]	PAVERS
[Pattern]	BOARD WALK
[Pattern]	BUILDING
[Pattern]	PARKING COUNT
[Symbol]	DEVIATION PER Z-13-20
[Symbol]	NEW DEVIATION



ALL EXISTING AND
PROPOSED GRADE
ELEVATIONS ARE
N.A.V.D. 1988



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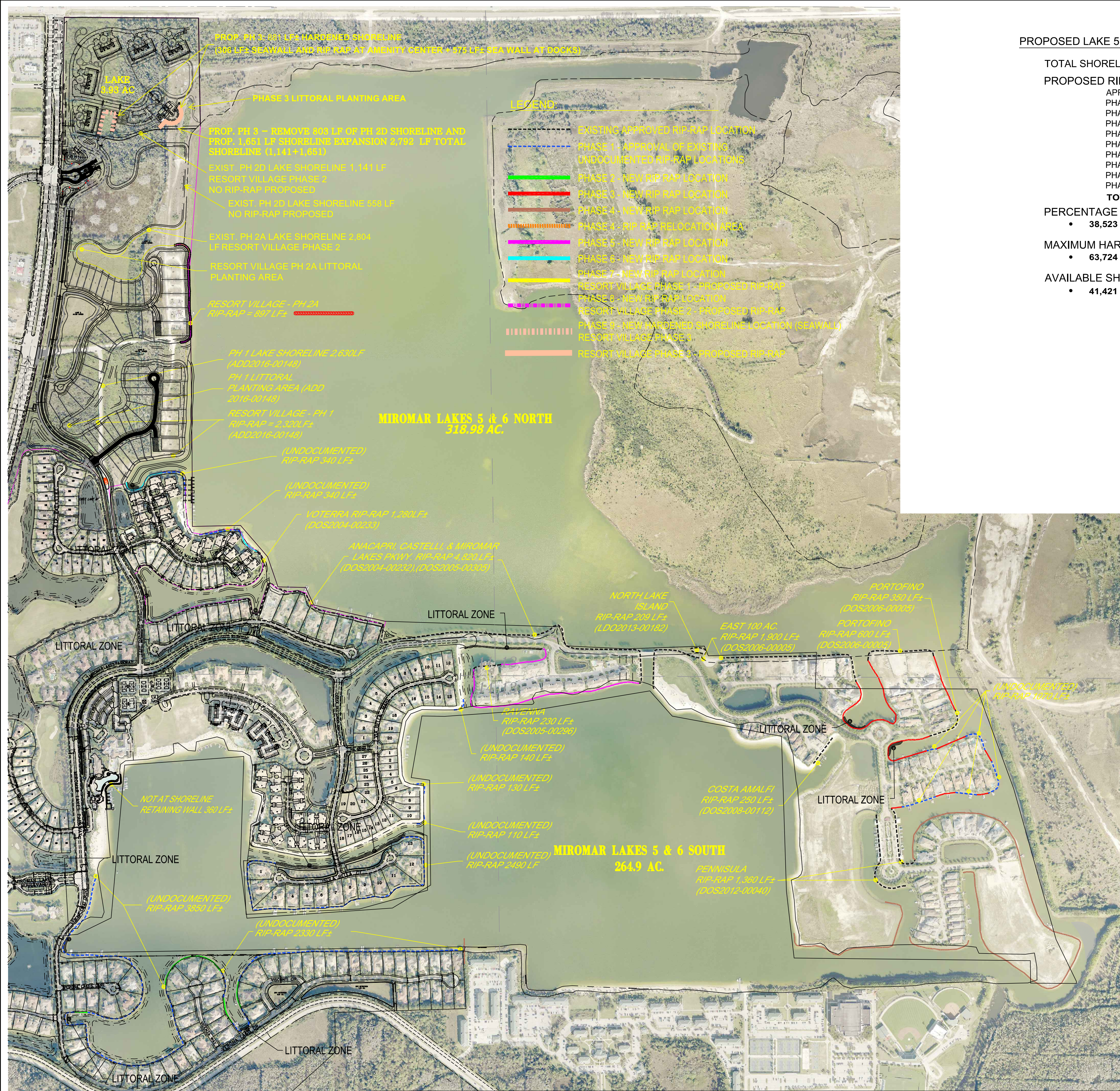
NO.	DATE	REVISION DESCRIPTION	BY
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FINAL PLAN APPROVAL/MASTER CONCEPT PLAN
**MIROMAR LAKES RESORT VILLAGE PHASE 3 A/K/A
CAPRI at MIROMAR LAKES BEACH & GOLF CLUB**
LEE COUNTY, FLORIDA

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



PROPOSED LAKE 5 & 6 SHORELINE:

TOTAL SHORELINE	63,724 L.F.
PROPOSED RIP RAP	
APPROVED	11,130 L.F.
PHASE 1	10,750 L.F.
PHASE 2	1,140 L.F.
PHASE 3	2,910 L.F.
PHASE 4	5,795 L.F.
PHASE 5	2,100 L.F.
PHASE 6	600 L.F.
PHASE 7 RESORT VILLAGE PH1	2,320 L.F.
PHASE 8 RESORT VILLAGE PH2	897 L.F.
PHASE 9 RESORT VILLAGE PH3	881 L.F. (SUBJECT APPLICATION)
TOTAL	38,523 L.F.

PERCENTAGE TO COVER PROPOSED SHORELINE TREATMENT

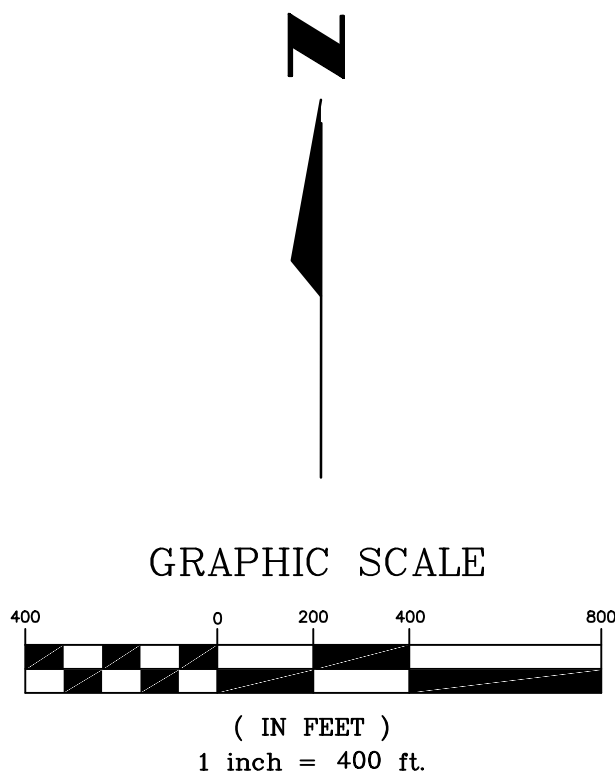
- 38,523 L.F./63,724 L.F. * 100 = 60.45%

MAXIMUM HARDENED SHORELINE TREATMENT (65%)

- 63,724 L.F. * 65.0% = 41,421 L.F.

AVAILABLE SHORELINE TREATMENT FOR STABILIZATION

- 41,421 L.F. - 38,523 L.F. = 2,898 L.F.



GENERAL NOTES

- IT IS THE CONTRACTOR'S RESPONSIBILITY TO FIELD LOCATE AND VERIFY ANY EXISTING UTILITIES.
- 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.
- THE CONTRACTOR SHALL SAFEGUARD AND AVOID PENETRATION OF SPECIAL WETLAND PRESERVATION AREAS SHOWN ON THE DRAWINGS AND FENCED AT THE SITE.
- IT IS THE CONTRACTOR'S RESPONSIBILITY TO REPLACE ANY EXISTING LANDSCAPING (i.e. SOD, BUSHES, TREES, ETC.), SPRINKLER PIPE, SPRINKLER HEADS AND FENCING THAT MAY HAVE TO BE REMOVED DURING CONSTRUCTION.
- ANY DAMAGE TO EXISTING UTILITIES AND PROPERTY DURING CONSTRUCTION SHALL BE REPAIRED AND/OR REPLACED AT THE CONTRACTOR'S EXPENSE.

GENERAL DEVELOPMENT NOTE:

- BASED ON THE SPWMD 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.

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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

DATE: MAY 2020

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

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TOTAL	429.82 AC.
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AN ADDITIONAL 250 (MAXIMUM) ANCILLARY SLIPS FOR WET BOAT STORAGE ARE ALLOWED ON THE LAKE.

NOTES:

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