



EXHIBITS

from HEX hearing

CASE #: DCI2004-00080

CASE NAME: The States at Entrance

Attach a copy of this form to the top of packet of the exhibits & place exhibits in case file.

ARE THERE ANY BOARD EXHIBITS? YES NO

LOCATION OF BOARDS:

If there are any board exhibits, attach another copy of this form to boards for identification purposes.

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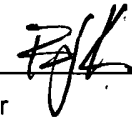
MEMORANDUM
FROM THE
DEPARTMENT OF
COMMUNITY DEVELOPMENT
ZONING DIVISION

DATE: May 9, 2006

To: Hearing Examiner

FROM: Bryan Kelner

Principal Planner



RE: Estates at Entrada
Case #DCI2004-00080

The above noted case heard on May 4, 2006 and was continued to May 9, 2006 for staff and the applicant to submit revisions to the Conditions and deviations contained in the staff report.

Staff and the applicant are in agreement with the following language revisions to the staff report as they relate to specific conditions, deviations and property development regulations. The changes from the April 20, 2006 staff report are shown in red strike-through and underline format for the following conditions, deviations, attachments, and property development regulations table:

1. Conditions and Deviations

- a. Condition II.A.1.
- b. Condition II.A.3.a.v.
- c. Condition II.A.6.
- d. Condition II.A.9.
- e. Condition II.A.11.
- f. Condition II.A.19.
- g. Deviation #3

2. Attachments:

- a. Addition of Attachment K. Delineation of the indigenous preservation and restoration areas.

3. Property Development Regulations – EXHIBIT "A"

- a. Revision to preservation setback from 25 feet to 20 feet.

Copy:

Robert Spickerman
Kim Trebatoski
John Hagan
Chuck Basinait
DCI/zoning file

**LEE COUNTY, FLORIDA
ZONING DIVISION
STAFF REPORT**

TYPE OF CASE: PLANNED DEVELOPMENT/DCI

CASE NUMBER: DCI2004-00080

HEARING EXAMINER DATE: ~~June 29, 2005~~ May 4, 2006

I. APPLICATION SUMMARY:

- A. Applicant: MFA Ventures LLC in ref to The Estates at Entrada
- B. Request: Rezone 292+/- acres from Mobile Home Planned Development (MHPD) and commercial (C-1A/C-2) to a Residential and Commercial Planned Development (RPD/CPD) to permit: 325 single-family, 975 townhomes, and 300 multiple-family dwelling units; 30,000 square feet of commercial retail; and 140,000 square feet of commercial, warehouse, and office uses, not to exceed a maximum height of 50 feet for multiple-family uses and 35 feet for the remainder of the uses. No blasting is proposed on-site. The applicant indicates that development of this site will connect to adjoining or nearby potable water and sanitary sewer service.
- C. Location: The subject property is located at 16701 N. Cleveland Avenue and 3050 Jacaranda Pkwy, E. North Fort Myers, FL 33903, in S27 and 28-T43S-24E, Lee County, FL. (District #4)

D. Future Land Use Plan Designation, Current Zoning and Use of Subject Property:

Existing Zoning & Land Use

Future Land Use Map

Undeveloped land, zoned Mobile Home Planned Development (MHPD), commercial (C-2 and C-1A)

Central Urban

E. Surrounding Land Use:

Existing Zoning & Land Use

Future Land Use Map

North: Entrada PDP a proposed residential/commercial development in the City of Cape Coral and various existing commercial uses zoned commercial (C-2) and community commercial (CC)

Central Urban

East: A borrow pit, zoned commercial (C-2); developed (Our Family RV Center) and undeveloped commercial parcels, zoned commercial (C-1); unimproved parcel, zoned agriculture (AG-2) then; North Cleveland Avenue (US-41) then; unimproved parcels, zoned agriculture (AG-2) and commercial (C-1) and an existing commercial development (Shell Factory), zoned commercial planned development (CPD) Central Urban

South: Vacant undeveloped land with pasturage, zoned agriculture (AG-2); Horizon Village Mobile Home park, zoned mobile home residential (MH-2); Tamiami Village mobile home cooperative, zoned mobile home residential (MH-1), Leesure Village Condominium mobile home development, zoned mobile home residential (MH-1 and MH-2); Leesure Village Condominium recreational vehicle park development, zoned conventional recreational vehicle district (RV-1); Central Urban

West: Yellow Fever Creek Preserve, Conservation 20/20, zoned agriculture (AG-2) Conservation Lands - Uplands

F. Size of Property: 292± acres

II. **RECOMMENDATION:**

Staff recommends **APPROVAL** of the Applicant's request for rezoning from Mobile Home Planned Development (MHPD) and commercial (C-1A/C-2) to Residential/Commercial Planned Development (RPD/CPD) with the following conditions and deviations:

A. Conditions

1. The development of this project must be consistent with the one (1) page Master Concept Plan entitled "Preliminary Master Concept Plan: Estates at Entrada," stamped received on April 19, 2006, last revised APR 18, 2006, except as modified by the conditions below. This development must comply with all requirements of 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 Master Concept Plan are subsequently pursued, appropriate approvals will be necessary.
This project is limited to a maximum of 325 single-family, 975 townhomes, and 300

50-multiple-family dwelling units, 30,000 square feet of commercial retail, and 140,000 square feet of commercial, warehouse, and office uses not to exceed a maximum height of 50 feet for multiple-family uses and 35 feet for the remainder of the uses.

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

a. Schedule of Uses

i. Residential Planned Development (RPD):

ACCESSORY USES AND STRUCTURES

DWELLING UNIT:

Single-family ~~villas~~

Townhouse

Multiple-family building

~~Zero-lot line~~

ENTRANCE GATES AND GATEHOUSE

ESSENTIAL SERVICES

ESSENTIAL SERVICE FACILITIES, Group I

EXCAVATION, water retention

FENCES, WALLS

HOME OCCUPATION

PARKING LOT, accessory

MODELS:

Display center

Display group

Model home

Model unit

REAL ESTATE SALES OFFICE

RESIDENTIAL ACCESSORY USES

RECREATIONAL FACILITIES:

Personal

Private, On-Site

SIGNS, in accordance with chapter 30

ii. Commercial Planned Development (CPD) Tract:

ACCESSORY USES AND STRUCTURES

ADMINISTRATIVE OFFICES

ATM (automatic teller machine)

AUTO PARTS STORE, with or without installation facilities, limited to the most easterly 270 feet of the CPD Tract

AUTOMOBILE SERVICE STATION, limited to one (1), limited to the most easterly 270 feet of the CPD Tract

BANKS AND FINANCIAL ESTABLISHMENTS, Groups I and II

BAR OR COCKTAIL LOUNGE, only in conjunction with a Group III restaurant

BOATS, ~~limited to boat sales~~
BROADCAST STUDIO, COMMERCIAL RADIO AND TELEVISION
BUILDING MATERIAL SALES
BUSINESS SERVICES, Groups I ~~and II~~
CAR WASH, limited to the most easterly 270 feet of the CPD Tract
CLEANING AND MAINTENANCE SERVICES
CLOTHING STORES, general
COMPUTER AND DATA PROCESSING SERVICES
CONSUMPTION ON PREMISES
CONTRACTORS AND BUILDERS, Groups I ~~and II~~
CONVENIENCE FOOD AND BEVERAGE STORE, limited to one (1)
having a maximum of 16 pumps and limited to the most
easterly 270 feet of the CPD Tract
DEPARTMENT STORE
DRIVE-THROUGH FACILITY FOR ANY PERMITTED USE
EMS, FIRE, AND/OR SHERIFFS STATION
ENTRANCE GATES AND GATEHOUSE
ESSENTIAL SERVICES
ESSENTIAL SERVICE FACILITIES, Group I
EXCAVATION, water retention
FENCES, WALLS
FOOD AND BEVERAGE SERVICE, LIMITED
FOOD STORES, Groups I ~~and II~~
GIFT AND SOUVENIR SHOP
HARDWARE STORE
HEALTH CARE FACILITIES, Groups I, II, and III
HOBBY, TOY AND GAME SHOPS
HOUSEHOLD AND OFFICE FURNISHINGS, Groups I, II, ~~and III~~
INSURANCE COMPANIES
LAUNDROMAT
LAUNDRY OR DRY CLEANING, Group I
LAWN AND GARDEN SUPPLY STORES
MEDICAL OFFICE
NONSTORE RETAILERS, Groups I, II, and III
PACKAGE STORE
PAINT, GLASS AND WALLPAPER
PARCEL AND EXPRESS SERVICES
PARKING LOT:
 Accessory
 Commercial
 Garage, public parking
 Temporary
PERSONAL SERVICES, Groups I, II, III, and IV, excluding escort
 services, tattoo parlors, massage parlors, and steam and turkish
 baths
PET SERVICES
PET SHOP
PHARMACY

POST OFFICE
PRINTING AND PUBLISHING
PROCESSING AND WAREHOUSING
RECREATION, COMMERCIAL, Groups I ~~and II~~
RENTAL OR LEASING ESTABLISHMENT, Groups I, II, ~~and III~~, no outdoor display
REPAIR SHOPS, Groups I and II
RESEARCH AND DEVELOPMENT LABORATORIES, Groups II and IV
RESTAURANT, FAST FOOD, limited one (1) and to the most easterly 270 feet of the CPD Tract
RESTAURANTS, Groups I, II, III, and IV
SCHOOLS, Commercial
SELF-SERVICE FUEL PUMPS, only in conjunction with a convenience food and beverage store
SIGNS in accordance with chapter 30
SOCIAL SERVICES, Group I
SPECIALTY RETAIL SHOPS, Groups I, II, III, and IV
STORAGE:
 Indoor
 Storage, open
STUDIOS
SUPERMARKET
TEMPORARY USES
USED MERCHANDISE STORES, Group I
VARIETY STORE
WAREHOUSE:
 Mini-warehouse
 Private
 Public
WHOLESALE ESTABLISHMENTS, Groups III ~~and IV~~

b. Site Development Regulations

See Property Development Regulations Table Attached hereto as EXHIBIT "A"

3. Environmental Conditions

a. GOPHER TORTOISE MANAGEMENT PLAN:

A gopher tortoise management plan must be submitted in conjunction with the indigenous preservation management plan at time of local development order review for the Division of Environmental Sciences staff review and approval. The gopher tortoise management plan must include the type of permit to be obtained from Florida Fish and Wildlife Conservation Commission, any habitat management activities required prior to relocating gopher tortoises and commensal species to the preserve, and long term

management requirements.

The following steps must be followed prior to commencement of any site work to insure proper protection of gopher tortoises:

- i. a copy of the Florida Fish and Wildlife Conservation Commission gopher tortoise permit and receipt of payment if applicable, and updated gopher tortoise survey must be submitted to the Division of Environmental Sciences staff prior to issuance of a Vegetation Removal Permit; and
- ii. a Vegetation Removal Permit to install gopher tortoise fencing and burrow excavation must be obtained prior to any site work; and
- iii. any gopher tortoises and commensal species located during burrow excavation must be moved to appropriate indigenous preserves; and
- iv. the number of tortoises and any commensal species moved to preserves must be reported to the Division of Environmental Sciences staff; and
- v. all active and inactive gopher tortoise burrows located within tracts to be cleared for development and outside of the indigenous preserves must be excavated and fully collapsed prior to issuance of a Vegetation Removal Permit for clearing and filling of the development area.

b. LIMPKIN MANAGEMENT PLAN:

The proposed preserve and created lakes will provide foraging and roosting habitat for limpkins. No additional management is required.

c. Open Space:

Prior to local development order approval, the development order plans must include an open space diagram demonstrating how the 105.13 acres of required open space will be met on the overall project. The provided open space may include the 45 actual acres of indigenous preserve, 26 acres of lakes (25% of required open space), and 34 acres of common open space. The open space diagram must highlight how the 34 acres of landscape common open space will be provided, and include details of how a minimum of 10% open space will be met within each tract requiring open space. The 10% open space per tract may be counted toward the 34 acres of required common open space.

4. No development blasting is permitted as part of this project unless approved at a subsequent public hearing as an amendment to the planned development.
5. A five (5) foot side setbacks for single-family detached residences shall be permitted as long as one builder constructs homes in the subdivision and certifies

prior to Certificate of Occupancy that the grading plan has been accomplished in accordance with the approved Development Order issued for the project. If more than one builder constructs homes in any of the parcels, this certification must be made by a licensed Professional Engineer (P.E.) prior to the issuance of a Certificate of Occupancy.

6. ~~No development blasting is permitted as part of this project unless approved at a subsequent public hearing as an amendment to the planned development.~~
7. Agriculture is not a permitted use within this Planned Development.
8. Accessory uses, including accessory parking, must be located on the same tract, lot, parcel or outparcel where a principal use is located. Accessory uses must be incidental and subordinate to the principal use of the tract, lot, parcel or outparcel.
9. ~~Agriculture is not a permitted use within this Planned Development.~~
10. Prior to the issuance of any development order, the developer must provide evidence that the property has access to central water and sanitary sewer, or that the extension of central water and sanitary sewer will coincide with the development of the property.
11. As part of the approved local development order for this development, the developer must provide for a six (6) foot wide pedestrian/bikepath parallel to and along both sides of the ~~entire length of the internal spine roads from the north connection end of the most easterly spine road, adjacent to townhome Tracts 1, to the Entrada PDP south to the intersection of the east/west connector road to the north and the spine road connecting to US 41. The remaining portion of the spine road, south of the intersection of the east/west connector road to US 41 and the entire length of the east/west connector road, shall provide a six (6) foot pedestrian/bikepath parallel to and along one side of the road.~~
12. No entrance gates or gatehouses will be permitted on the spine roads within the development.
13. Model units and homes are permitted in compliance with the following conditions:
 - a. Each model must be a unique example. Multiple examples of the same unit are not permitted; and
 - b. All model sites must be designated on the development order plans; and
 - c. All lots within a phase proposed for models must be platted before certificates of compliance will be granted for any models; and
 - d. Dry models are prohibited.
14. A development order may not be issued for this project until the 40 foot wide haul road easement (OR Book 36, page 117), shown on the master concept plan, is

extinguished as depicted on the master concept plan.

15. Approval of this rezoning does not constitute a finding that the proposed project meets the concurrency requirements set forth in LDC Chapter 2 and the Lee Plan. The developer is required to demonstrate compliance with all concurrency requirements prior to issuance of a local development order.
16. Buildings exceeding 35 feet in height must maintain additional building separation or additional building setbacks as regulated by LDC §34-2174(a) and LDC §34-935(e)4.
17. 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.
18. Approval of this 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), be reviewed for, and found consistent with, the retail commercial standards for site area, including range of gross floor area, location, tenant mix and general function, as well as all other Lee Plan provisions.
19. Prior to local development order approval, the billboard located along US 41 must be removed.

B. Deviations

Deviation 1: Seeks relief from LDC Section 10-329(d)(1)a.3., which requires excavations to be setback a minimum of 50 feet from any private property line under separate ownership; to allow a 25 foot setback as depicted on the master concept plan. The applicant has indicated that the Entrada PDP in the City of Cape Coral, to the north of Lake 3, is within 25 feet of Lake 3. The other lakes cited (Lakes 7, 13, and 15) are internal to the project and a deviation is not required, however they are within 30 - 40 feet of the internal spine road and may be a concern if the internal spine roads are reclassified in the future as collector roads. Lake 1 also has one side of the lake 40 feet from the internal spine road, which is a concern to staff. Staff has recommended a condition to address these concerns. Lake 11, which has the east and south sides of the lake 50 feet from the east property line and the spine road does not require a deviation. Therefore, staff recommends **APPROVAL** of the deviation with the following condition:

1. At the time of development order approval, the developer must provide a minimum 4 foot high fence on the north side of Lake 3 abutting the north property line. The fence will commence at the westerly side of the internal spine road and run westerly for 550 feet along the north property line.
2. The developer, at the time of development order approval, must provide elements for the protection of wayward vehicles for that portion of the spine road adjacent to Lakes 1, 7, 13, and 15. The elements for the protection of wayward vehicles may

include guardrails, berms, swales, vegetation or other protections as determined by the Development Services Director.

DEVIATION 2: Seeks relief from LDC Section 10-329(d)(6), which requires that if roads, drives, or parking areas are located less than 125 feet from an existing residential subdivision or residential lots a solid wall or combination berm and solid wall not less than eight feet in height must be constructed not less than 25 feet from the abutting property and landscaped with a minimum of five trees and 18 shrubs per 100 linear feet; to allow eliminate the screening wall requirement in accordance with the master concept plan. The applicant stated that the existing 100 foot wide Lee County Electric Cooperative easement provides adequate separation between the residential mobile home developments to the south and the requirements of Section 10-329(d)(6) to not need to be met. Also, the applicant is requesting the deviation for that portion of the project abutting Leesure Village Condominium Recreational Vehicle Park, citing the fact that Leesure Village already incorporates a large screening wall. The screening wall cited is only for the open storage area for Leesure Village Condominium Association. However, the applicant has indicated that they will be providing a Type "C" or Type "F" buffer adjacent to Leesure Village and the multiple-family Tract #2 and the CPD Tract. Therefore staff recommends **APPROVAL** of the Deviation subject to the following conditions:

3. At the time of local development order approval, for that portion of the spine road from it's western limit to the west boundary of Lake 13, the developer will install a Type "B" buffer. Further that portion of the required buffer west of the temporary cul-de-sac, will not have to be installed until such time that the future right-of-way is extended to the west of the temporary cul-de-sac.
4. The deviation request is granted, adjacent to the CPD Tract, provided a Type "C" or Type "F" buffer is installed as shown on the master concept plan.

DEVIATION 3: Seeks relief from LDC Section 10-416(b), which requires developments to provide fifty percent of their open space percentage requirement through the onsite preservation of existing native vegetation communities; to allow the development to meet this requirement through a replanting plan for portions of the proposed indigenous preserve that do not meet the indigenous plant community definition.

Environmental Sciences staff recommend **APPROVAL of Deviation 3 WITH CONDITIONS** as follow:

- a. Prior to the issuance of a Certificate of Compliance for Phase I (infrastructure) of the development, invasive exotic vegetation must be removed from the preserve in a manner that does not disturb the soil (e.g. hydro-ax; hand-removal) prior to the submittal of a development order to properly evaluate the amount of restoration plantings required to establish a complete indigenous vegetation community. The invasive exotic removal must be coordinated with the Division of Environmental Sciences staff.

Prior to the issuance of a Certificate of Compliance for Phase I (infrastructure) of the development, the development order plans must delineate the indigenous

preservation and restoration areas as shown on the Attachment K of the staff report as well as 2.26 acres of additional indigenous preserve, including any applicable preservation credits per the LDC. Restoration areas used to achieve the additional indigenous preserve will be at an onsite 1:1 ratio

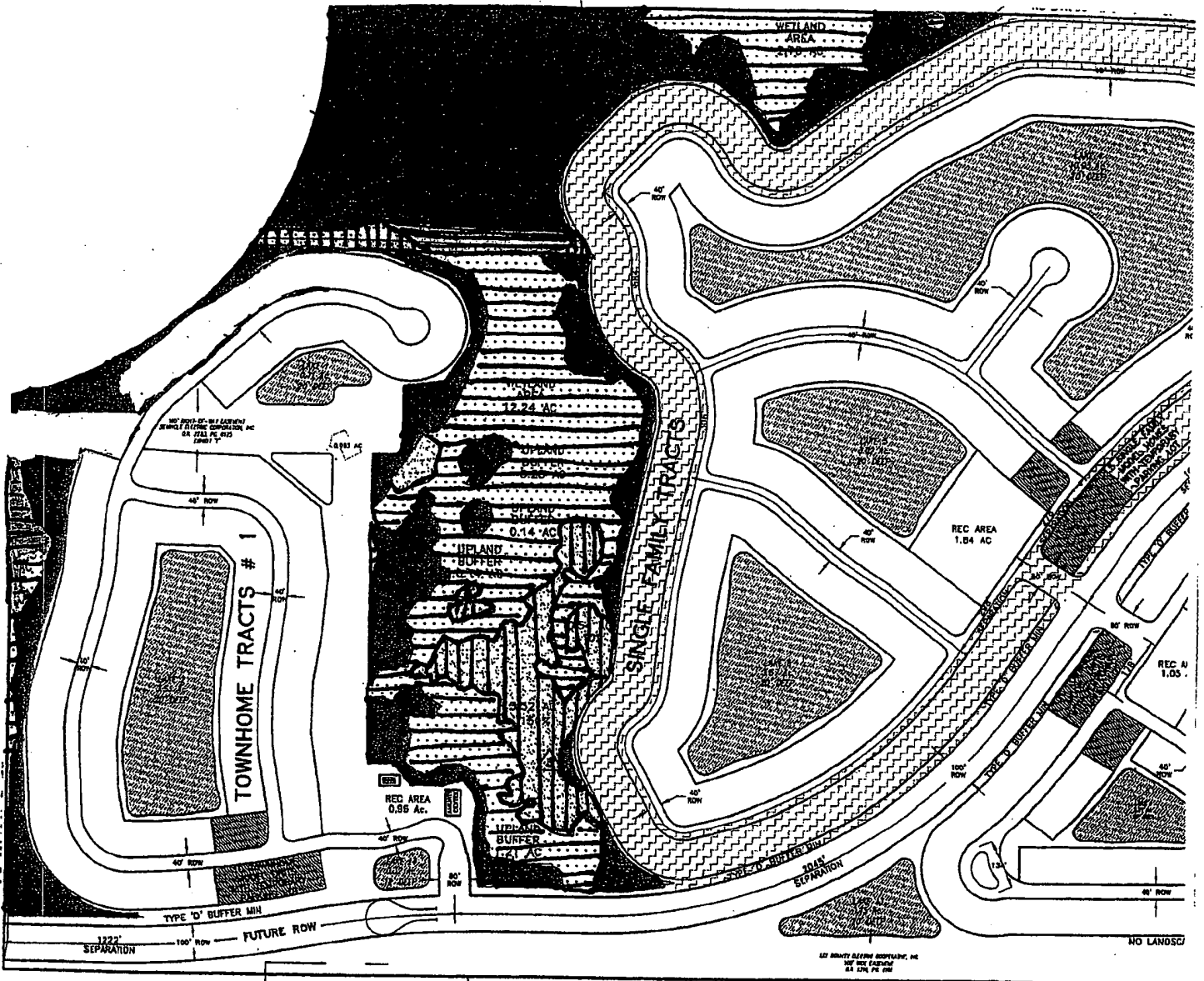
Prior to local development order approval for Phase II of the development

- ~~i.~~ ~~the development order plans must delineate the indigenous preservation and restoration areas as shown on the attached Deviation 3 exhibit; and~~
- i # a detailed indigenous restoration plan for both the wetland and upland portion of the preserve dominated by melaleuca (FLUCFCS Codes 424 and 4241) must be submitted for the Division of Environmental Sciences staff review and approval. The wetlands must be restored to hydric pine flatwoods/wet prairie and the upland must be restored to pine flatwoods/sabal palm hammock/palmetto prairie. Trees must be a minimum 3-gallon container size, and shrubs and groundcover a minimum 1-gallon container size. Sabal palms may be relocated from portions of the property outside of the preserve into the upland restoration area. Upland restoration plantings must be mulched with pine straw, and irrigated with a temporary irrigation system. The wetland restoration plantings may be required to be irrigated depending on the time of year the plants are installed; and
- ii # the development order plans must provide indigenous restoration plan details including the number of each plant to be installed in the wetland restoration area and upland restoration area separately.

Prior to issuance of a Certificate of Compliance for Phase II of the development, the restoration plantings must be installed.




V. ATTACHMENTS:

- A. Map of surrounding zoning
- B. Comments from Development Services Division on TIS, dated April 7, 2006
- C. Comments from Environmental Sciences, dated April 13, 2006
- D. Applicant's Schedule of Deviations and Justification, stamped received on December 14, 2006
- E. Comments from the City of Cape Coral, dated February 7, 2006
- F. Comments from the City of Cape Coral, dated December 12, 2005
- G. Comments from the School District of Lee County, dated February 13, 2006
- H. Applicant's narrative on Lee Plan Compliance, stamped received on August 2, 2005
- I. Applicant's TIS, stamped received on August 2, 2005
- J. Applicant's Protected Species Survey, stamped received on November 10, 2004
- K. Map depicting the delineation of the indigenous preservation and restoration areas.



MH-2
 TAMIAMI VILLAGE
 (P.B. 31, PG. 100 & 100A)
 CENTRAL URBAN FLUM

DCI 2004-00080

-  = Existing Indigenous Plant Community
-  = Wetland Restoration
-  = Upland Restoration

ESTATES AT ENTRADA RPD/CPD PROPERTY DEVELOPMENT REGULATIONS												
LAND USE	Minimum Lot Area sq. ft.	Minimum sq ft per unit	Minimum Lot Width (ft)	Minimum Lot Depth (ft)	Maximum Lot Coverage %	Minimum Setbacks (ft)				Max. Height (ft.)	Stories	
						Street	Side	Rear	Water			Preserve
RESIDENTIAL												
Townhouse (Tract #1)	<u>5,400</u>	1,800	18	100	60	20 ⁽⁷⁾	5/0 ⁽³⁾	15/5 ⁽¹⁾	25/10 ⁽¹⁾	20 5 ⁽⁵⁾ / 40 ⁽⁴⁾	35	3
Townhouse (Tract #2)	<u>5,400</u>	1,800	18	100	60	20 ⁽⁷⁾	5/0 ⁽³⁾	20/5 ⁽¹⁾	25/10 ⁽¹⁾	20 5 ⁽⁵⁾ / 40 ⁽⁴⁾	35	3
Multiple-family (Tract #1)	10,000	3,000	100	100	45	20 ⁽⁷⁾	5 ⁽⁴⁾ /0 ⁽³⁾	20 /5 ⁽¹⁾	20/10 ⁽¹⁾	20 5 ⁽⁵⁾ / 40 ⁽⁴⁾	50	3
Multiple-family (Tract #2)	10,000	2,000	100	100	45	20 ⁽⁷⁾	15	20 /5 ⁽¹⁾	20/10 ⁽¹⁾	20 5 ⁽⁵⁾ / 40 ⁽⁴⁾	50 ⁽⁶⁾	5
Single-family Affitas	5,000	-----	50	100	55	20 ⁽⁷⁾	5	15 /5 ⁽¹⁾	25/10 ⁽¹⁾	20 5 ⁽⁵⁾ / 40 ⁽⁴⁾	35	3
Zero Lot-line	3,920	-----	40	98	45	20	0/40 ⁽²⁾ /6 ⁽⁴⁾	45-5 ⁽⁴⁾	<u>25</u>	25 ⁽⁶⁾	35	2
COMMERCIAL												
CPD Tract	20,000	-----	100	100	45	20 ⁽⁷⁾	10/0 ⁽³⁾	20/5 ⁽¹⁾	-----	20 25 ⁽⁵⁾	<u>35</u>	<u>3</u>
RECREATIONAL FACILITIES												
Recreational Facilities, Private On-site (Amenity area)	10,000	-----	80	90	45	20 ⁽⁷⁾	5	5	10 ⁽¹⁾	20 25 ⁽⁵⁾	35	3

Footnotes:

- (1) Accessory structures - No accessory structures may be located in a buffer.
- (2) Side opposite zero lot line
- (3) Interior side only
- (4) Exterior side only, with minimum building separation of 20 feet
- (5) Preserve Setbacks: Principal and accessory structures must be setback a minimum of 25 feet from the preserves.
- (6) Multiple-family dwelling units located on multiple-family Tract #2, within 75 feet of Leesure Village Recreational Vehicle park and Leesure Village Mobile home Park, will be limited to a maximum height of 35 feet.
- (7) All other streets in accordance with Section 34-2192(a) of the Land Development code.

Revisions to Condition For The Estates of Entrada Staff Report

A. Conditions

1. The development of this project must be consistent with the one (1) page Master Concept Plan entitled "Master Concept Plan for the Estates at Entrada," stamped received on February 8, 2006, last revised Jan.16, 2006, except as modified by the conditions below. This development must comply with all requirements of 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 Master Concept Plan are subsequently pursued, appropriate approvals will be necessary.

This project is limited to a maximum of 325 single-family, 975 townhomes, and 300 ~~50~~ multiple-family dwelling units, 30,000 square feet of commercial retail, and 140,000 square feet of commercial, warehouse, and office uses not to exceed a maximum height of 50 feet for multiple-family uses and 35 feet for the remainder of the uses.

3. c Open Space:

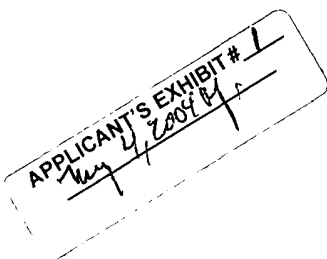
Prior to local development order approval, the development order plans must include an open space diagram demonstrating the development will provide a minimum of 40% open space for the residential portion and a minimum of 30% open space for the commercial portion. Fifty percent of the required open space must be provided as native indigenous open space. No open space is required for single family lots with a minimum lot size of 6,500 s.f. and maximum lot coverage of 45%. how the 105.13 acres of required open space will be met on the overall project. The provided open space may include the 45 actual acres of indigenous preserve, 26 acres of lakes (25% of required open space), and 34 acres of common open space. The open space diagram must highlight how the 34 acres of landscape common open space will be provided, and include details of how a minimum of 10% open space will be met within each tract requiring open space. The 10% open space per tract may be counted toward the 34 acres of required common open space.

Condition 11:

As part of the approved local development order for this development, the developer must provide for a six (6) foot wide pedestrian/bikepath parallel to and along ~~both~~ one sides of the entire length of the internal spine roads from the end of the most easterly spine road, adjacent to townhome Tracts 1, to Entrada PDP to the north and the spine road connecting to US 41.

Condition 9:

~~Agriculture is not a permitted use within this Planned Development.~~



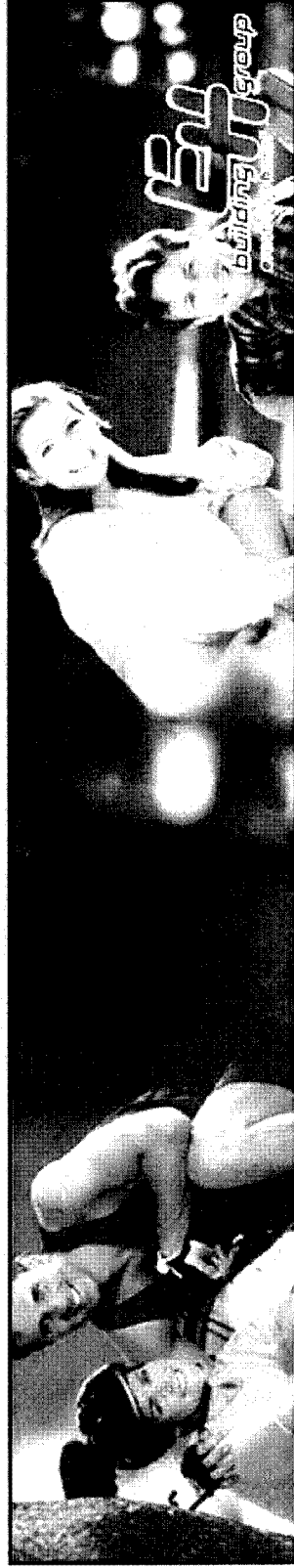
Deviation 1, Condition 1.

~~At the time of development order approval, the developer must provide a minimum 4 foot high fence on the north side of Lake 3 abutting the north property line. The fence will commence at the westerly side of the internal spine road and run westerly for 550 feet along the north property line.~~

Deviation 3, Condition a.

Invasive exotic vegetation must be removed from the preserve in a manner that does not disturb the soil (e.g. hydro-ax; hand removal) prior to approval of the Development Order ~~the submittal of a development order~~ to properly evaluate the amount of restoration plantings required to establish a complete indigenous vegetation community. The invasive exotic removal must be coordinated with the Division of Environmental Sciences staff.

The Estates at Entrada



APPLICANT'S EXHIBIT # 3

BEI

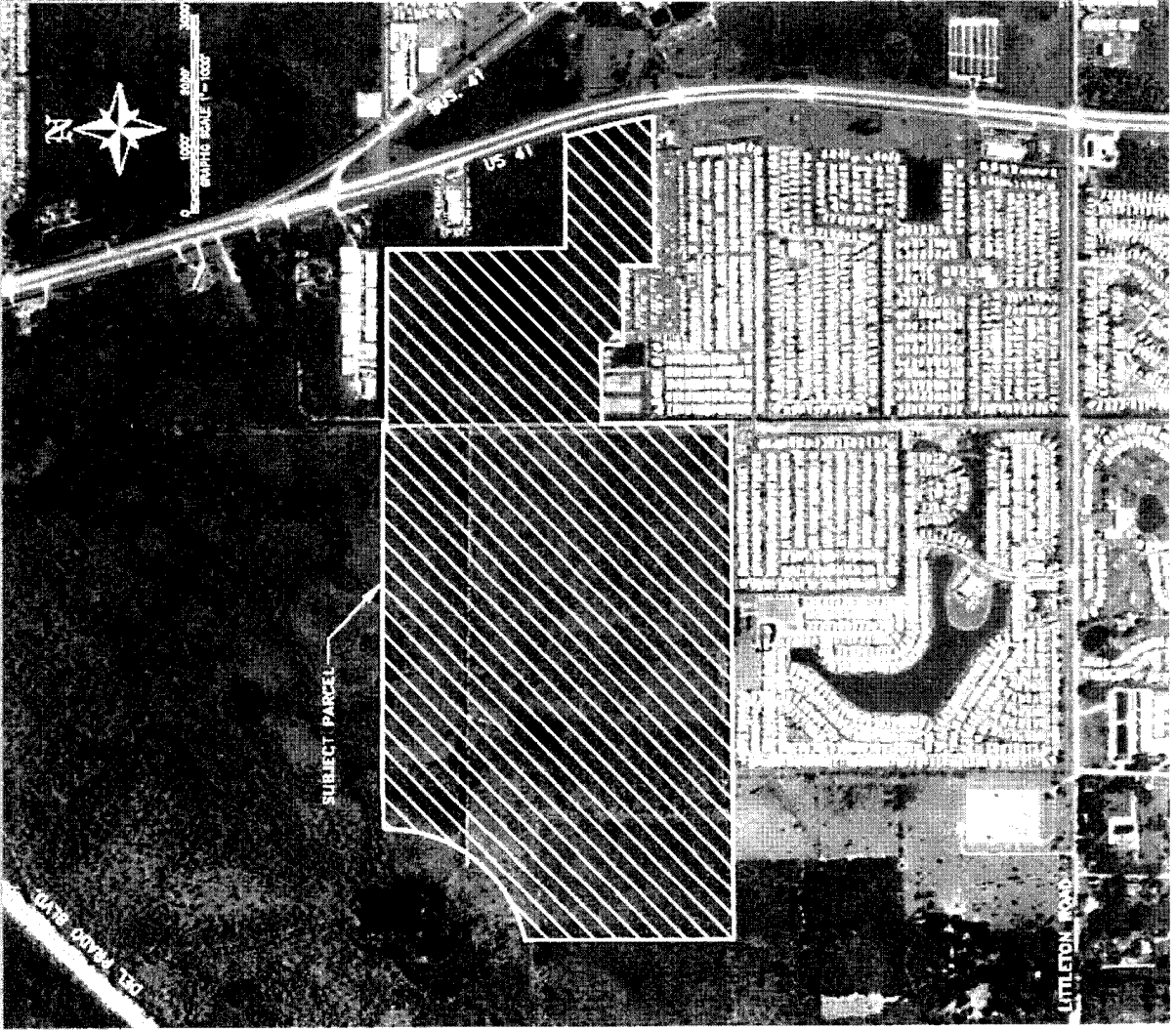
Banks Engineering

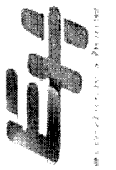
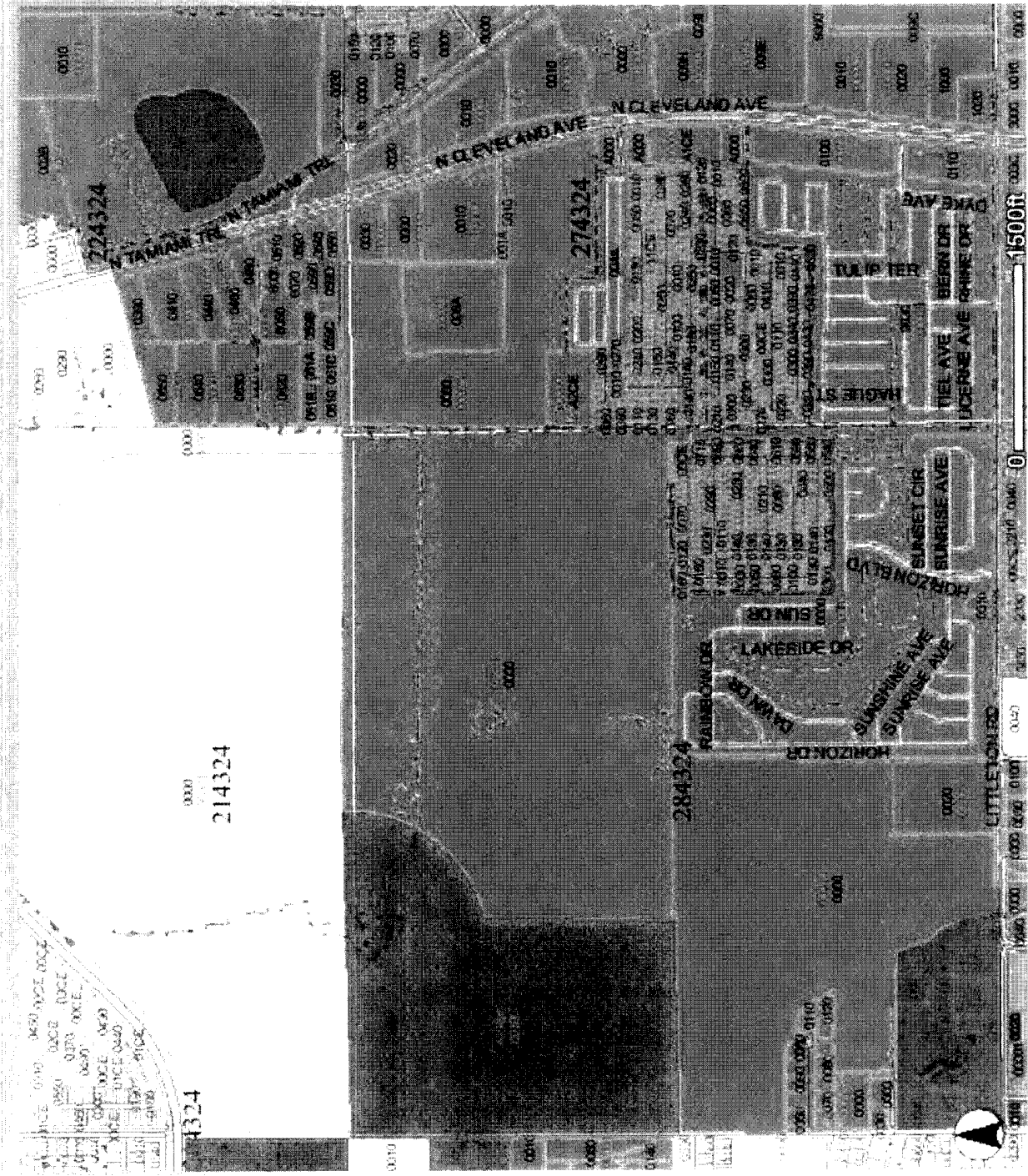
Professional Engineers, Planners & Land Surveyors

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BEI

everybody's home.™





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 Professional Engineers, Planners & Land Surveyors
 10000 N. 15th St., Suite 100, Tampa, FL 33613
 Phone: (813) 973-1100 Fax: (813) 973-1101

• Deviation 1: Relief from LDC Section 10-329(d)(1)a.3 which requires excavations to be setback a minimum of 50 feet from any private property line under separate ownership to allow a 25 foot setback as depicted on the master concept plan.

• Deviation 2: Relief from LDC Section 10-329(d)(6) which requires that if roads, drives, or parking areas are located less than 125 feet from an existing residential subdivision or residential lots, a solid wall or combination berm and solid wall not less than eight feet in height must be constructed not less than 25 feet from the abutting property and landscaped with a minimum of 5 trees and 18 shrubs per 100 linear feet.

• **Deviation 3: Relief from LDC Section 10-416(b) which requires developments to provided 50 percent of their open space percentage requirement through the onsite preservation of existing native vegetation communities to allow the development to meet this requirement through a replanting plan for portions of the proposed indigenous preserve that do not meet the indigenous plant community definition.**

• **POLICY 1.1.3:** The Central Urban areas can best be characterized as the "urban core" of the county. These consist mainly of portions of the city of Fort Myers, the southerly portion of the city of Cape Coral, and other close-in areas near these cities; and also the central portions of the city of Bonita Springs, Iona/McGregor, Lehigh Acres, and North Fort Myers. This is the part of the county that is already most heavily settled and which has or will have the greatest range and highest levels of urban service--water, sewer, roads, schools, etc. Residential, commercial, public and quasi-public, and limited light industrial land uses (see Policy 7.1.6) will continue to predominate in the Central Urban area. This category has a standard density range from four dwelling units per acre (4 du/acre) to ten dwelling units per acre (10 du/acre) and a maximum density of fifteen dwelling units per acre (15 du/acre). (Amended by Ordinance No. 94-30, 02-02)

- **POLICY 1.7.6: The Planning Communities Map and Acreage Allocation Table (see Map 16 and Table 1(b) and Policies 1.1.1 and 2.2.2) depicts the proposed distribution, extent, and location of generalized land uses for the year 2020. Acreage totals are provided for land in each Planning Community in unincorporated Lee County. No final development orders or extensions to final development orders will be issued or approved by Lee County which would allow the acreage totals for residential, commercial or industrial uses contained in Table 1(b) to be exceeded.**

• **OBJECTIVE 2.2: DEVELOPMENT TIMING.**

Direct new growth to those portions of the Future Urban Areas where adequate public facilities exist or are assured and where compact and contiguous development patterns can be created. Development orders and permits (as defined in F.S. 163.3164(7)) will be granted only when consistent with the provisions of Sections 163.3202(2)(g) and 163.3180, Florida Statutes and the county's Concurrency Management Ordinance. (Amended by Ordinance No. 94-30, 00-22)

• **POLICY 5.1.2: Prohibit residential development where physical constraints or hazards exist, or require the density and design to be adjusted accordingly. Such constraints or hazards include but are not limited to flood, storm, or hurricane hazards; unstable soil or geologic conditions; environmental limitations; aircraft noise; or other characteristics that may endanger the residential community.**

- **POLICY 5.1.3: During the rezoning process, direct high-density residential developments to locations that are near employment and shopping centers; are close to parks and schools; and are accessible to mass transit and bicycle facilities.**

• **POLICY 5.1.5: Protect existing and future residential areas from any encroachment of uses that are potentially destructive to the character and integrity of the residential environment. Requests for conventional rezonings will be denied in the event that the buffers provided in Chapter 10 of the Land Development Code are not adequate to address potentially incompatible uses in a satisfactory manner. If such uses are proposed in the form of a planned development or special exception and generally applicable development regulations are deemed to be inadequate, conditions will be attached to minimize or eliminate the potential impacts or, where no adequate conditions can be devised, the application will be denied altogether. The Land Development Code will continue to require appropriate buffers for new developments.**

- **Policy 6.1.2: All commercial development must be consistent with the location criteria in this policy, except where specifically excepted by this policy or by Policy 6.1.7, or in Lehigh Acres Policies 1.8.1 through 1.8.3**

- **Policy 6.1.4: Commercial development will be approved only when compatible with adjacent existing and proposed land uses with existing and programmed public services and facilities.**

• Standard 11.1: Water

• Standard 11.2: Sewer

Land Development Code Section 34-
145(d)(3)

- A. The list of Lee Plan consistencies demonstrate that the applicant is entitled to the rezoning.



Land Development Code Section 34

145(d)(3)

B. The request will meet or exceed all performance and location standards set forth for the potential uses allowed by the request.



Land Development Code Section 34-

145(d)(3)

- C. The request is consistent with the densities, intensities and general uses set forth in the Lee Plan.

Land Development Code Section 34-

145(d)(3)

D. The request is compatible with existing and planned uses in the surrounding area.

Land Development Code Section 34-145(d)(3)

E. Approval of the request will not place an undue burden upon existing transportation or planned infrastructure facilities and will be served by streets with the capacity to carry traffic generated by the proposed development.

Land Development Code Section 34-

145(d)(3)

F. The request will not adversely affect environmental critical areas and natural resources.



Land Development Code Section 34-

145(d)(3)

G. The proposed use is appropriate at the subject location.

Land Development Code Section 34-

145(d)(3)

H. Urban services, as defined in the Lee Plan, are available and adequate to serve the proposed land use.

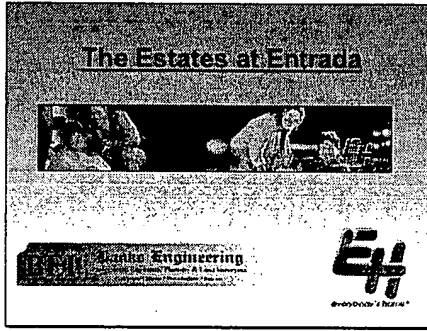
Staff Report

- **Recommendation of Approval**
- **Conditions 1 – 19**
- **Findings and Conclusions**
- **Background Information and Analysis**

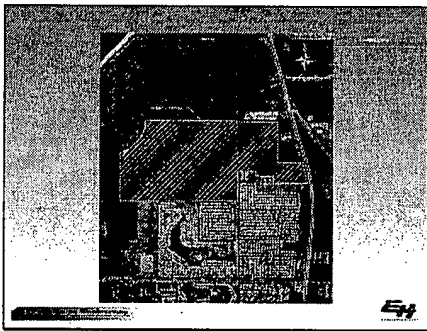
Conclusion

- We are requesting a rezoning from MHPD, C-1A, and C-2 to RPD/CPD
- As demonstrated, this development is in compliance with the Lee County Comprehensive Plan and the Land Development Code

Slide 1

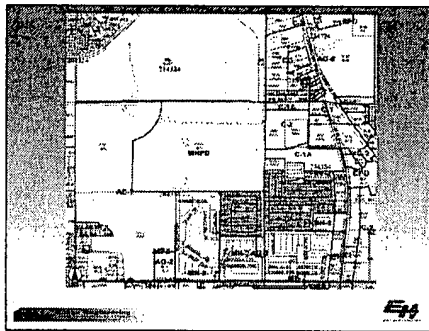


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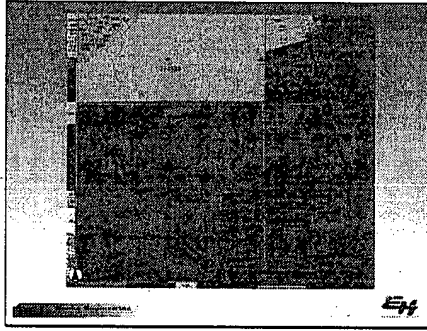
Aerial

Slide 3

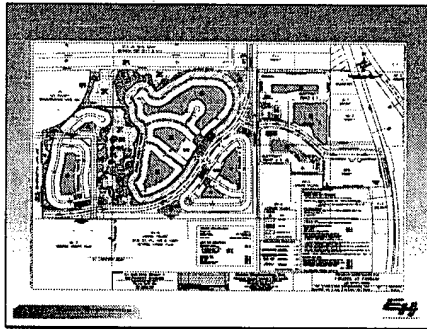


Central Urban Land Use

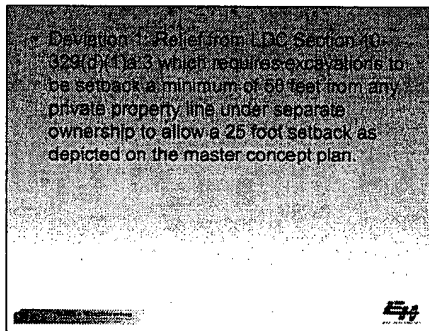
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Slide 6




Slide 10

10.0.0.1.1.6. The Planning Communities Map and Acreage Allocation Table (see Table 1(b) and Policy 11.2) shall be used to determine the location, extent and location of all rezoned lands for the year 2020. Acreage totals are provided for each Planning Community in unincorporated Lee County. No final development orders or extensions to final development orders will be issued or approved by Lee County which would allow the acreage totals for residential, commercial or industrial uses contained in Table 1(b) to be exceeded.




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OBJECTIVE 2 - DEVELOPMENT LOCATION
Contiguous and compact growth patterns will be promoted through the rezoning process to contain urban sprawl, minimize energy costs, conserve land, water, and natural resources, minimize the cost of services, prevent development patterns where large tracts of land are by-passed in favor of development more distant from services and existing communities. (Amended by Ordinance No. 94-30-00-22)

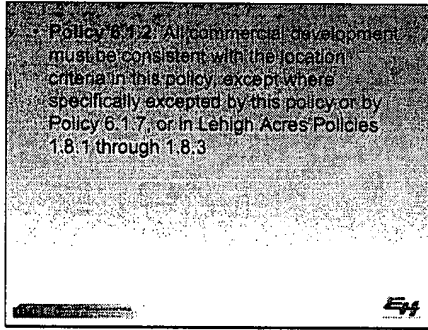


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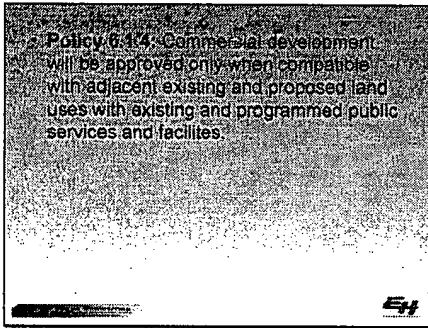
OBJECTIVE 2 - DEVELOPMENT TIMING
Direct new growth to those portions of the future urban communities where public facilities exist or are assured and where compact and contiguous development patterns can be created. Development orders and permits (as defined in F.S. 163.3164(7)) will be granted only when consistent with the provisions of Sections 163.3202(2)(g) and 163.3180, Florida Statutes and the county's Concurrency Management Ordinance. (Amended by Ordinance No. 94-30-00-22)



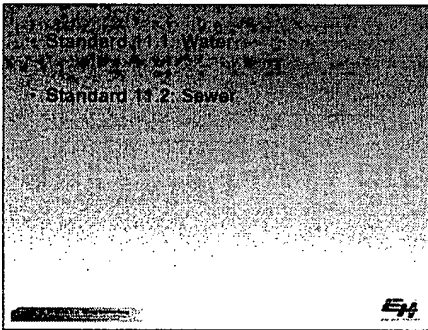
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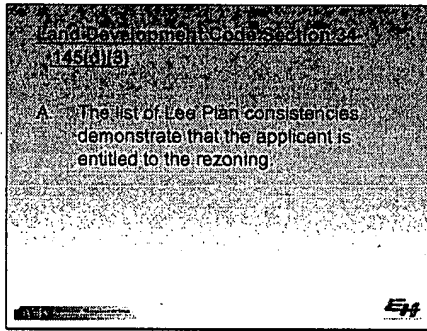
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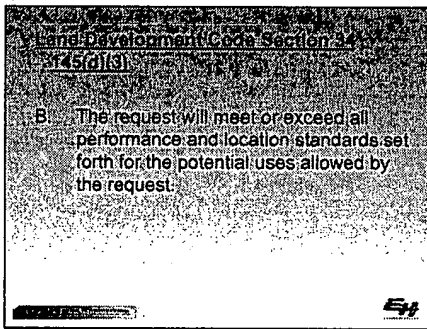
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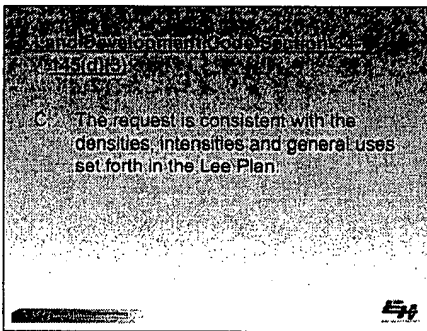
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Land Development Code Section 34-145(d)(3)


D. The request is compatible with existing and planned uses in the surrounding area.



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Land Development Code Section 34-145(d)(3)


E. Approval of the request will not place an undue burden upon existing transportation or planned infrastructure facilities and will be served by streets with the capacity to carry traffic generated by the proposed development.



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Land Development Code Section 34-145(d)(3)


F. The request will not adversely affect environmental critical areas and natural resources.



Slide 25

Land Development Code Section 34-145(d)(3)


G. The proposed use is appropriate at the subject location.



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Land Development Code Section 34-145(d)(3)


H. Urban services, as defined in the Lee Plan, are available and adequate to serve the proposed land use.



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Staff Report

- Recommendation of Approval
- Conditions 1 - 19
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Conclusion

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