



Professional Engineers, Planners & Land Surveyors

February 3, 2020

VIA ELECTRONIC MAIL

Ms. Donna Marie Collins, Esq.
Lee County Hearing Examiner
1500 Monroe Street – Suite 218
Fort Myers, FL 33901

Reference: **DCI2019-00019 - AMAVIDA RPD**
Hearing Date: February 5, 2020
Applicant’s 48-hour Notice and Exhibit List

Dear Madam Hearing Examiner:

Please accept this letter as the Applicant’s 48-hour notice and exhibit list for the above referenced case. The applicant has reviewed the Staff Report dated January 21, 2020 and concurs; however offers some comments and requested revisions to correct minor typographical errors and to clarify the codification of previous approvals and applicant’s proposed conditions.

The applicant agrees with the staff recommendation of approval and has been coordinating with staff regarding the following comments on the staff report and staff’s proposed conditions found in attachment “C” and believe we are generally in agreement. Attached please find a redlined version to accompany the below comments. Staff has indicated that they will be providing an updated version of proposed conditions reflecting these changes prior to the hearing.

- Staff Report Page 1, 2nd paragraph 1st line:
 - The subject property is located at 7778 Gladiolus Drive **& 7661-7794 Calistoble Loop**, ~~located on McGregor~~ **South Fort Myers** Planning Community, Lee County...
- Staff Report Page 10, last line of Conclusion:
 - approval, as conditioned, retention of ~~9 of 11~~ **10 of 12** previously approved deviation requests.

- Page 15 of PDF, after FLUM-There is a post Irma photo that was inadvertently attached and should be discarded
- Attachment C-Staff conditions:
 - Page 1, A.1., 3rd paragraph, 1st line:
 - Zoning Resolution Z-04-~~034043~~, Z-10-009 and Administrative amendments ADD2006-00184
 - Page 3, Multi-family, Clubhouse, Recreation Facility: Minimum building separation: This was revised by ADD2006-00011(a) (Attachment L) page 4 of 7: 10 feet for a single-story building and 20 feet for all other buildings ~~One half the sum of height of both buildings, or 20 feet, whichever is greater. Buildings exceeding 35 feet in height must maintain additional building separation and setbacks as regulated by LDC§ 34-2174(a) and § 34-935(e.)(4).~~
 - Page 4, typo 3rd paragraph beginning with “Common Parking Areas...” RPO should be RPD
 - Page 4, Townhouse Uses Minimum Building Separation: This was revised by ADD2006-00011(a) (Attachment L) page 4 of 7: 10 feet for a single-story building and 20 feet for all other buildings ~~One half the sum of height of both buildings, or 20 feet, whichever is greater. Buildings exceeding 35 feet in height must maintain additional building separation and setbacks as regulated by LDC§ 34-2174(a) and § 34-935(e.)(4).~~
 - Page 4 – Condition 4 – delete reference to retail commercial standards as shown in Applicant’s Proposed Conditions (Attachment F) number 5 on page 7 of 12: Lee Plan Consistency - Approval of this zoning request 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.~~
 - Applicant agrees with deletion of prior conditions 6 on blasting, 8 on water and sewer, 9 on accessory uses, 10 on sidewalks and 11 on solid

waste/recycling listed in Applicant's Proposed Conditions (Attachment F) pages 7 and 8 of 12 as recommended by staff and addressed by the Land Development Code.

- Page 6, condition 14 – Open Space. This should be revised to 13.02 acres instead of 10.45 to match the latest MCP (Attachment V).
- Page 7, condition 15 – Indigenous Preservation. Following changes were updated by ADD2016-00011(a) (Attachment L) pages 4 & 5:
 - 15.a(2) A minimum of ~~0.09~~ **0.10** acre existing marsh wetland; and
 - 15.a(3) A minimum ~~0.67~~ **0.74** acre indigenous creation/restoration area to provide minimum 15-foot, average 25-foot-wide upland buffers to the on-site wetland preserves and off-site conservation lands.
 - 15.c An Indigenous Management Plan for the indigenous preservation and creation/restoration areas meeting the requirements of LDC S 10-41~~5~~(b)(4) must be submitted for ~~of~~ **Development Services** Environmental Sciences (ES) staff review. **The Indigenous Management Plan must include a map showing the mechanical and hand removal areas to be cleared of exotics.**
- Page 8, Condition 18.b., 4th line:
 - structures and north property line abutting Lakes Park, **and** if located between buildings...
- Page 8, Condition 18.d revisions to match ADD2016-00011(a) (Attachment L) page 5 of 7: ~~Prior to local development order approval, development plans for buildings~~ **Architectural sheets showing the building plans** within the RPD must be reviewed by **Development Services ES** staff for the utilization of window and architectural treatments to reduce or break up window panel reflection in order to decrease the potential of bird strikes. Examples of acceptable window and architectural treatments may include the use of non-reflective tinting, ultraviolet reflective decals, exterior sun shades, smaller windows, window awnings or similar treatments. This condition is applicable to the window and door panels on the northern building facades facing lakes Park and on the eastern building facades facing the offsite County owned preserve within Lots ~~6 and 7~~ **4 and 5.**

- Page 8 – Existing conditions 25 (bird strike inspection) and 26 (building height measurement) from ADD2016-00011(a) (Attachment L) page 5 of 7 should be added as follows:
 - (former 25) 19. Prior to the issuance of a Certificate of Compliance for all buildings facing Lakes Park and the offsite County preserve to the east, the bird strike prevention mechanism approved as part of the development order must be found sufficient by the Development Services ES staff landscape inspector.
 - (former 26) 20. Building height will be measured from the minimum required flood elevation pursuant to Florida Building Code Section 1612.4.
- Page 8 – Applicant’s Proposed Conditions (Attachment F) condition 25 on page 12 regarding water quality should be added as condition 21:
 - 21. Prior to the issuance of Development Order, the applicant will work with the Lee County Division of Natural Resources (County) to develop a surface water quality monitoring plan. The monitoring plan will be developed in accordance with the Land Development Code 14-478 and will establish overall goals and objectives, monitoring and reporting frequencies, monitoring station locations, parameters to be monitored, sampling protocols and analysis procedure, contingency plans and acceptable thresholds. The plan will include pre-development sampling and evaluation and quarterly monitoring once development commences. General parameters to be monitored will include pollutants, oil and grease, chemical oxygen demand, pH, biochemical oxygen demand, total suspended solids, total phosphorous, TKN, asbestos and nitrate. The applicant will work with the County to determine the appropriate parameters relevant to the project prior to finalizing the plan.
- Page 10 – Deviation 11 condition ii.: Revise Exhibit from B to “H”
- Clean Versions of proposed Exhibits D, E, F, G & H referenced in the proposed conditions are attached.

For the Applicant's Exhibit List, the Applicant will refer to the Staff Report including its Attachments as well as this letter and intends to provide the following Exhibit at the hearing:

1. Applicant's PowerPoint Presentation

I look forward to seeing you at the upcoming hearing.

Sincerely,
BANKS ENGINEERING



Stacy Ellis Hewitt, AICP
Director of Planning

Attachments: Staff Report with Attachments A-C with Redline comments
Exhibit D – Indigenous Restoration Plan
Exhibit E – Enhanced 'F' Buffer
Exhibit F – Signage monument Separation Plan - Deviation 9,
Exhibit G – Signage Monument Location Exhibit
Exhibit H – Alternate Western Landscape Buffer Plan

cc: Dirk Danley Jr., AICP

Lee County, Florida
DEPARTMENT OF COMMUNITY DEVELOPMENT
ZONING SECTION
STAFF REPORT

CASE NUMBER: DCI2019-00019

CASE NAME: AMAVIDA RPD

TYPE OF CASE: MINOR PLANNED DEVELOPMENT

HEARING EXAMINER DATE: FEBRUARY 5, 2020

SUFFICIENCY DATE: DECEMBER 5, 2019

REQUEST:

An application has been submitted by Stacey Hewitt, AICP of Banks Engineering, on behalf of Quadrum Lakes Park LLC to request a rezoning from Residential Planned Development (RPD)/ Commercial Planned Development (CPD) to Residential Planned Development (RPD), to remove 100,000 Square Feet of commercial uses and to allow a total of 325 residential dwelling units, or an equivalent number of Assisted Living Facility (ALF), Continuing Care Facility (CCF) or Independent Living Units (ILU) - (190 existing dwelling unit equivalents, plus an additional 135 dwelling unit increase requested).

The subject property is located at 7778 Gladiolus Drive, ~~Iona/McGregor~~ ^{& 7661-7794 CALISTOBLE LOOP} Planning Community, Lee County, FL. (District #2), STRAP Numbers 35-45-24-00-00014.0000 and 35-45-24-00-00015.0000. ^{South Fort Myers}

SUMMARY:

Staff recommends APPROVAL of the applicant's request, with the Conditions found in Attachment C.

HISTORY OF PARCEL:

The subject property was originally zoned from Agricultural (AG-2) to Residential Planned Development (RPD) under resolution Z-04-043, which approved a maximum of 275 multi-family dwelling units, with a maximum height of 45 feet (Attachment H). This resolution was amended by ADD2006-00184 to allow the project to change the multiple family building types and add single story detached garages (Attachment I).

The subject property was then rezoned from Residential Planned Development (RPD) to Residential Planned Development (RPD)/ Commercial Planned Development (CPD) under Resolution Z-10-009 (Attachment J). This resolution allowed a total of 190 dwelling units (or equivalent number of units in ALF's, CCF's and ILU's) with a maximum commercial intensity of 100,000 square feet which included a maximum of 25,000 square feet of retail. The build out date for this project was extended by DCI2011-00036 and DCI2012-00049.

An Administrative Interpretation was sought under ADD2012-00077 to confirm the number of dwelling units that were described in Condition 1 of Resolution Z-10-009 (Attachment K). This condition allowed a

maximum of 190 multiple-family dwelling units or any combination of ALF, CCF, or ILU dwelling units, so long as the project density does not exceed 190 standard dwelling units on 21.75± acres of land. As part of this administrative interpretation, the density was confirmed at 8.7 units per acre.

The Development was then amended a number of times through the following cases:

- ADD 2016-00011(a), which amended the Master Concept Plan, amended condition 19 to update and increase indigenous restoration/creation areas, and included 7 deviations for relief from planned development perimeter setbacks, building separation, water body setbacks, excavation setbacks, to allow 40% hardened shoreline, and to allow no lake maintenance easement where bulkheads and zero foot setbacks are provided (Attachment L).
- ADD2016-00139, which approved an deviation from LDC Sec. 10-384, to allow a 12 inch water main exceeding 2,000 feet loop (Attachment M).
- ADD2017-00094 which approved two deviations from the signage requirements including an increased quantity of signs and sign area along Gladiolus Drive, and relief from the right-of-way setbacks from the Gladiolus Drive right-of-way. (Attachment N)
- ADD2018-00094 which approved reduced planting size for trees and shrubs along a portion of the western buffer. (Attachment O)

The subject parcel is currently developed with a senior care facility, which includes 300 independent living units and 160 assisted living units, totaling 190 dwelling units, with amenities for the residents of the facility. The commercial portion of the development is currently undeveloped, with a development potential of 100,000 square feet which included a maximum of 25,000 retail square feet. The parcels designated Commercial Planned Development (CPD) are adjacent to Gladiolus Drive.

There are no active Code Enforcement violations on the property.

CHARACTER OF THE AREA:

The subject property is located on the on the north side of Gladiolus Drive, a County maintained arterial road, approximately 2,500 feet east of the intersection of Summerlin Road and Gladiolus Drive. The subject property has two private local roadways that access Gladiolus Drive, which provide access to the existing senior care facility on the north side of the property. The surrounding development includes a mix of commercial, residential, and environmentally protected properties. The following are the zoning districts and existing land uses that surround the subject property:

North:

Property to the north is zoned Community Facilities (CF) and is developed with Lakes Regional Park.

East:

Property to the east is zoned Agricultural (AG-2) and is owned by Lee County. Immediately to the east of this property, there is miniature golf course on property zoned Agricultural (AG-2) and a Commercial Planned Development (CPD) that is currently vacant.

South:

Property to the south is separated by Gladiolus Drive and is zoned Multiple Family Residential (RM-6), Commercial Planned Development (CPD). The property zoned Multiple Family Residential (RM-6) is developed with a single family home subdivision called Victoria Cove. There are two Commercial Planned Developments south of the subject property including one vacant, and one that is developed with a medical office.

West:

Property to the west is zoned Agricultural (AG-2), and is undeveloped.

The subject property is designated as Central Urban and Wetlands on the Lee County Future Land Use Map and in the South Fort Myers Planning Community.

ANALYSIS

This request is to rezone the subject property from Residential Planned Development (RPD)/ Commercial Planned Development (CPD) to Residential Planned Development (RPD) to increase the number of dwelling units currently approved for the subject property and eliminate the 100,000 square feet of approved commercial intensity. The request is intended to allow a total of 325 dwelling units or equivalent Assisted Living Facility Units, Continuing Care Facility Units, or Independent Living Facility Units. This rezoning primarily impacts the commercially designated outparcels along Gladiolus Drive, where development has not occurred. As part of this rezoning request, the deviations and conditions previously approved on the subject property will be addressed and incorporated into the proposed conditions for the new zoning designation.

Planned Development Rezoning:

Section 34-612 of the Lee County Land Development Code describes the intent of the utilization of the Planned Development zoning district. The purpose of planned developments is to further implement the goals, objectives, and policies of the Lee Plan, while providing some degree of flexibility in the planning and design of proposed developments.

The applicant has provided a request statement that explains the request to rezone the property from Residential Planned Development (RPD)/ Commercial Planned Development (CPD) to Residential Planned Development (RPD) and provides a Comprehensive Plan analysis for the request (Attachment D).

Master Concept Plan:

The applicant has provided a one page master concept plan titled "Master Concept Plan" received November 4, 2019. The master concept plan describes the location of existing and proposed development areas as well as access points, and open space (Attachment V). Deviations have been referenced on the master concept plan.

Density Analysis:

The majority of the subject property is in the Central Urban Future Land Use Category as described in Lee Plan Policy 1.1.3. The Density ranges considered for this Land Use Category are from four to ten dwelling units per acre. Bonus Density may be considered up to an additional five dwelling units per acre.

When this property was originally zoned from Agricultural (AG-2) to Residential Planned Development (RPD) under Resolution Z-04-043, the approved number of dwelling units (275 units) was less than what was requested by the applicant (299 units). The approved density was 8.45 units per acre, with a maximum height of 45 feet. In the Hearing Examiner's Discussion of the request (Attachment P), it was stated that the applicant originally requested 9.0 units per acres, but due to the properties location in the Coastal High Hazard Area, the Lee Plan Would require Staff to recommend a lower density what the applicant requested. The Lee Plan policy 75.1.4 stated the following at the time of this rezoning:

“Through the Lee Plan Amendment Process, land use designations of undeveloped areas within the coastal high hazard areas shall be considered for reduced density categories (or assignment of allowable density ranges are permitted) in order to limit the future population exposed to coastal flooding”.

Z-10-009 rezoned the subject property to Residential Planned Development (RPD)/ Commercial Planned Development (CPD). As part of the request, there was a reduction in the total number of units to 190 dwelling units with an overall density of 8.73 units per acre. The approval, therefore, did not substantially increase the density of the project that was previously limited in resolution Z-04-043.

The language of Lee Plan Policy 75.1.4 no longer exists in the way it is stated above, but there are, however, considerations for residential development in The Lee Plan that should be considered when analyzing density in the Coastal High Hazard Area:

- Policy 5.1.2 prohibits residential development where physical restraints exist or hazards exist or require density and design to be adjusted accordingly. Hazards described by this policy include hurricane hazards.
- Policy 101.1.4 require that comprehensive plan amendments which increase density within the Coastal High Hazard Area or on islands meet criteria to ensure no increased evacuation times, and the mitigation is provided to the satisfaction of Lee County Public Safety.
- Policy 101.3.2 restricts development in Coastal High Hazard areas to uplands except as needed for the provision of public facilities.
- Policy 101.3.6 prohibits the use of Transferrable Development Units (TDUs) and bonus density utilizing cash contributions for affordable housing on property located within the Coastal High Hazard Areas.
- Policy 101.3.7 considers bonus density for site-built affordable housing development within the Coastal High Hazard Areas.

Because the Lee Plan has considerations for adjusted density within the Coastal High Hazard Areas, but also considers bonus density within these areas, the maximum standard density requested by the applicant should not be limited based simply on its location in the Coastal High Hazard Area. The Land Development Code includes provisions to increase compatibility for residential development and assisted living facilities including on-site wetland and upland preservation, on-site hurricane sheltering, and access to evacuation routes.

LDC Sec. 34-1411(e) states that no Assisted Living Facility may be constructed within the Coastal High Hazard area of the County unless the facility is constructed to meet the hurricane preparedness impact mitigation provisions set forth in Section 2-485(b)(5)a to serve as on-site shelters for its residents. Because of the standards that exist for senior care facilities in Coastal High Hazard Areas, and due to the fact that many of these standards have been executed for the existing facilities on-site, staff finds that the maximum standard density of 10 units per acre can be considered. Due to the additional density proposed for this site, the applicant will be required to provide additional hazard mitigation consistent with the requirements of the Land Development Code, and to the satisfaction of the Lee County Division of Emergency Management.

The proposed number of dwelling units for the proposed development is 325 dwelling units. The two future land use categories that exist on the subject property is Central Urban and Wetlands. The number of dwelling units that can be derived from units based on the total area of 32.44 acres of area located in the Central Urban land use category. The 0.1 acre of wetlands on site does not generate a dwelling unit in its own right.

Staff recommends that the total number of dwelling units to be considered for this rezoning to be 324 units based on the standard maximum density range of the Central Urban Category. This reduces the overall total number of dwelling units by one for the planned development.

Development Pattern Considerations:

The subject property is in the Central Urban and Wetlands future land use categories, as described in Policy 1.1.3 and 1.5.1 of the Lee Plan. Properties located in the Central Urban future land use category are described as the urban core of the county that is already settled and will have high levels of urban service. This land use category allows residential, commercial, public and quasi-public, and limited industrial uses. The portion of the property that is designated as Wetlands is approximately .1 acre of the site. Land within the Wetlands category is limited to one dwelling unit per 20 acres, and must be consistent with Goal 124 of the Lee Plan. Development is not considered for the portion of the property designated Wetlands. The subject property is in a corridor with a mix of commercial and residential uses, as well as protected wetland areas, consistent with the future land use categories, and consistent with Policies 1.1.3 and 1.5.1 of the Lee Plan.

Objectives 2.1 and 2.2 of the Lee Plan intend to direct new growth to future urban areas in compact and contiguous growth patterns where adequate public facilities exist. The subject property is located on an arterial corridor, urban services exist. The result of the rezoning will allow for residential development of outparcels adjacent to Gladiolus Drive, and will promote compact and contiguous growth patterns. The

applicant has provided a letter of utility availability to support the future development of this parcel as described in this request (Attachment S). Staff finds the proposed planned development rezoning consistent with Objective 2.1, Objective 2.2., and Policy 2.2.1.

Standard 4.1.4 states that in environmentally sensitive areas, the developer/applicant must address existing or anticipated environmental problems, and propose means and mechanisms to protect conserve or preserve the environmental or natural resources. On the property there is approximately a 0.1 acre portion of preserved marsh wetland and 1.19 acres of pine-mesic oak upland preserve which has received certificated of compliance through DOS2016-00049. These areas will not be altered by the proposed development plan. Staff finds the proposed planned development rezoning consistent with Standard 4.1.4

Policy 5.1.3 directs 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 facilities and bicycle facilities. The subject property is located approximately 1.5 miles from a Publix Shopping Center, 1.4 miles to a Wal-Mart, within several other commercial locations within a mile of the subject development. The subject property is also located within 2.7 miles of Health Park, with several other medical offices within a 1 mile radius. Additionally, the subject property has pedestrian interconnection with Lakes Regional Park to the north, and other bicycle and pedestrian ways along Gladiolus Drive. Staff finds the proposed planned development rezoning consistent with Policy 5.1.3.

Policy 5.1.5 of the Lee Plan intends to protect the existing and future residential areas from any encroachment of uses that are potentially destructive to the character and integrity of residential development. The nearest residential uses are approximately 370 feet to the west, separated by protected wetland, and approximately 250 feet to the south separated by Gladiolus Drive. Additionally, commercial uses were previously approved for this site. In comparison of the uses, previously approved there will not be an encroachment of potentially destructive character to nearby residential uses. Staff finds this planned development rezoning consistent with Policy 5.1.5.

As previously stated, the subject property is located in the South Fort Myers Planning Community. While there are no direct objectives and policies associated with this planning community, staff finds the request consistent with the vision of the South Fort Myers Planning Community.

Transportation Considerations:

The applicant has provided a traffic impact statement relative to the proposed development, and provided analysis on the surrounding transportation system (Attachment Q). Infrastructure Planning staff has provided analysis of the applicants traffic impact statement (Attachment R).

Staff states in their analysis that no arterial or collector roadway sections, which are operating at a service level C, are expected to be significantly impacted by the proposed zoning. The changes in development intensity/density are expected to decrease the number of daily trips generated by the development by 55%.

Bicycle and Pedestrian Facilities:

The subject property fronts Gladiolus Drive which is designated as a future bike/pedestrian way in the Lee Plan Map 3D. Currently there are pedestrian facilities on Gladiolus Drive. At the time the development order approval, all new development must comply with Chapter 10 of the Land Development Code.

Environmental Considerations:

The subject property was cleared and has been developed consistent with the previous approvals and conditions in resolution Z-10-009. As previously stated, there is approximately a 0.1 acre portion of preserved marsh wetland and 1.19 acres of pine-mesic oak upland preserve which has received certificate of compliance through DOS2016-00049. The proposed uses are expected to comply with the landscaping and open space requirements of the Land Development Code and as previously conditioned in the resolution Z-10-009.

Transit Facilities:

Lee Tran staff has provided an analysis of the proposed development with respect to the transit system (Attachment T). The subject property is not located within a ¼ mile radius of a Lee Tran Route.

Urban Services:

The subject property is serviced by the South Trail Fire Station that is approximately 4 miles from the property, and Sheriff and EMS station 1.6 miles from the property. The proposed development will have sufficient capacity from Lee County Utilities for both water and wastewater. The applicant is consistent with Lee Plan Standards 4.1.1 and 4.1.2.

Deviation Requests:

The applicant has requested the following deviations from previous approvals to this development to continue as approved and be included as conditions of approval for this planned development rezoning with two withdrawn as they were previously approved for the commercial portions of the property (Attachment G). There are no new deviation requests as part of this rezoning.

1. Deviation (1) (Connection Separation) seeks relief from the LDC §10-285(a), Table 1, requirement to provide a 660-foot connection separation on an arterial road; to allow 628 feet of separation on Gladiolus Drive.

This deviation was previously APPROVED.

2. Deviation (2) is requested from LDC Section 34-935(b)(1) which requires minimum setbacks from development perimeter boundaries; to allow a 0 foot perimeter setback between the RPD and CPD zoning lines for any site improvements.

This deviation is no longer necessary and recommended for WITHDRAWAL

3. Deviation (3) is requested from LDC Section 10-416(d)(1) which requires a buffering area along the entire perimeter of a proposed development whenever the proposed development abuts a different use; to allow no buffer between the RPD and CPD since the development will remain under unified control.

This deviation is no longer necessary and recommended for WITHDRAWAL

4. Deviation (4) seeks relief from LDC Section 34-935(e)(4) which requires a minimum building separation of one-half the sum of their heights or 20 feet whichever is greater; to allow a minimum separation of 10 feet for single-story structures and a minimum building separation of 20 feet for other buildings.

This deviation was previously APPROVED.

5. Deviation (5) seeks relief from LDC Section 34-2194(b), which requires a minimum 25 foot setback to an artificial body of water to allow a minimum water body setback of 0 feet for buildings and accessways where bulkheads or other hardened shoreline structures are provided.

This deviation was previously APPROVED.

6. Deviation (6) seeks relief from LDC Section 10-329(d)(1)a. which requires a minimum 25-foot setback for excavations to proposed right-of-way line or easement for a local road, to allow a minimum 0 foot setback for excavations to accessways along the northern portion of the lake.

This deviation was previously APPROVED.

7. Deviation (7) seeks relief from LDC Section 10-418(3) which states that hardened shoreline structures may comprise up to 20 percent of an individual lake shoreline, to allow up to 40 percent of the lake shoreline to comprise of hardened shoreline structures.

This deviation was previously APPROVED.

8. Deviation (8) seeks relief from LDC Section 10-328(a) which states that a 20-foot wide easement for maintenance purposes must be provided, to allow a 20-foot wide easement Lake Maintenance Easement in areas as shown on the Master Concept Plan and no Lake Maintenance Easement where bulkhead and 0-foot setback are provided.

This deviation was previously APPROVED.

9. Deviation (9) seeks relief from LDC Section 30-153(2)a.1.ii which permits a maximum of two (2) identification signs if frontage along any one street exceeds 330 linear feet provided that the total combined sign area of both signs does not exceed 300 square feet, to permit a total of five (5) identification signs with a total combined area of 438 square feet along Gladiolus Drive.

This deviation was previously APPROVED, subject to the following conditions:

- a. The size, general location, and spacing of the requested signage must be in compliance with the exhibit entitled Signage monument Separation Plan - Deviation 9, dated May 26-2017, attached as Exhibit "F"
 - b. The right-of-way setback for the requested signage may not be less than five (5) feet as depicted on the exhibit entitled Signage Monument Location Exhibit, dated April 26, 2017, Attached as Exhibit "G".
10. Deviation (10) seeks relief from LDC Section 30-153(2)a.4 which requires identifications signs to be set back a minimum of 15 feet from any right-of-way or easement, to permit the (5) proposed identification signs to be constructed within five (5) feet of the Gladiolus Drive right-of-way.

This deviation was previously APPROVED, subject to the following conditions:

- a. The size, general location, and spacing of the requested signage must be in compliance with the exhibit entitled Signage monument Separation Plan - Deviation 9, dated May 26-2017, attached as Exhibit "F"
 - b. The right-of-way setback for the requested signage may not be less than five (5) feet as depicted on the exhibit entitled Signage Monument Location Exhibit, dated April 26, 2017, Attached as Exhibit "G".
11. Deviation (11) seeks relief from LDC Section 10-420 which requires trees to be installed at ten feet in height and shrubs to be installed at 48 inches in height to allow trees to be installed six feet in height and shrubs installed at 24 inches in height along the portions of the western buffer.

This deviation was previously APPROVED, subject to the following conditions:

- a. Prior to development order approval, the western buffer must illustrate 131 trees installed at a height of six feet, 761 shrubs installed at a height of 24 inches and 2,116 one gallon groundcovers. All plant material must be salt tolerant and native species.
 - b. The development must be in substantial compliance with Exhibit B, dated May 23, 2018.
12. Deviation (12) from LDC Section 10-384(c)(2) for proposed 12 inch watermain distribution system connecting to an existing 16 inch watermain with an external looping exceeding 2,000 feet.

This deviation was previously APPROVED.

CONCLUSION:

The proposed rezoning from Residential Planned Development (RPD)/ Commercial Planned Development (RPD) to Residential Planned Development (RPD), as conditioned, is consistent with the Lee Plan. The rezoning includes a number of previously approved deviations to address the development constraints for the existing and proposed uses. Staff has found the requested deviations, as conditioned, to be consistent with the Lee Plan and compatible with the surrounding land uses and withdrawal of those no longer necessary. As conditioned, the requested rezoning is compatible with the uses surrounding the subject property. As conditioned, this application meets all the criteria for rezoning including compliance with the Land Development Code. The request will not adversely affect environmentally critical areas or natural resources as conditioned. Approval of the request, as conditioned, will not place an undue burden upon existing transportation or planned infrastructure facilities. Urban services, as defined in the Lee Plan, as conditioned, will be available and adequate to serve the proposed development. Staff recommends approval, as conditioned, retention of ~~9 of 11~~ previously approved deviation requests.

10 of 12

ATTACHMENTS:

- A. Expert Witness Information
- B. Maps: surrounding zoning, future land use and aerial photograph
- C. Recommended Conditions and Deviations
- D. Request Statement
- E. Legal Description
- F. Applicant Proposed Conditions
- G. Proposed Schedule of Deviations
- H. Resolution Z-04-043
- I. ADD2006-00184
- J. Resolution Z-10-009
- K. ADD2012-00077
- L. ADD2016-00011(a)
- M. ADD2016-00139
- N. ADD2017-00094
- O. ADD2018-00094
- P. Hearing Examiners Report DCI2009-00005
- Q. Traffic Impact Statement
- R. Infrastructure Planning Comments
- S. Letter of Utility Availability
- T. Lee Tran Memorandum
- U. Waiver of Submittal Requirements
- V. Master Concept Plan

ATTACHMENT A

LEE COUNTY STAFF EXPERT WITNESS INFORMATION
PROVIDED PURSUANT TO AC-2-6, SECTION 2.2.b(5)(f)3.

Dirk Danley, AICP, Planner, Senior, Zoning, 1500 Monroe Street, Fort Myers, FL 33901

- Previously qualified as an expert witness by the Lee County Hearing Examiner. Current resume is on file with the Hearing Examiner.
- Seeking to be qualified as an expert witness in the Lee County Land Development Code, Lee Plan, zoning, and land use planning.
- Report and documents are submitted with the Staff Report for this case. Additional documents that may be relied upon and used as evidence during the hearing include: the Lee County Land Development Code; the Lee Plan; and documentation submitted by the applicant as part of the subject application.

Beth Workman, Senior Environmental Planner, Zoning, 1500 Monroe Street, Fort Myers, FL 33901

- Previously qualified as an expert witness by the Lee County Hearing Examiner. Current resume is on file with the Hearing Examiner.
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- Report and documents are submitted with the Staff Report for this case. Additional documents that may be relied upon and used as evidence during the hearing include: the Lee County Land Development Code; the Lee Plan; and documentation submitted by the applicant as part of the subject application.

Marcus Evans, Senior Engineer, Development Services, 1500 Monroe Street, Fort Myers, FL 33901

- Previously qualified as an expert witness by the Lee County Hearing Examiner. Current resume is on file with the Hearing Examiner.
- Seeking to be qualified as an expert witness in Traffic Engineering and Transportation Planning.
- Report and documents are submitted with the Staff Report for this case. Additional documents that may be relied upon and used as evidence during the hearing include: the Lee County Land Development Code; the Lee Plan; and documentation submitted by the applicant as part of the subject application.

Brandon Dunn, Principal Planner, Planning, 1500 Monroe Street, Fort Myers, FL 33901

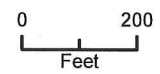
- Previously qualified as an expert witness by the Lee County Hearing Examiner. Current resume is on file with the Hearing Examiner.
- Seeking to be qualified as an expert witness in the Lee Plan and land use planning.
- Report and documents are submitted with the Staff Report for this case. Additional documents that may be relied upon and used as evidence during the hearing include: the Lee County Land Development Code; the Lee Plan; and documentation submitted by the applicant as part of the subject application.

DCI2019-00019 Aerial



Legend

 Subject Parcel



DCI2019-00019 Zoning

Legend

 Subject Parcel



0 200
Feet



DCI2019-00019 Future Land Use

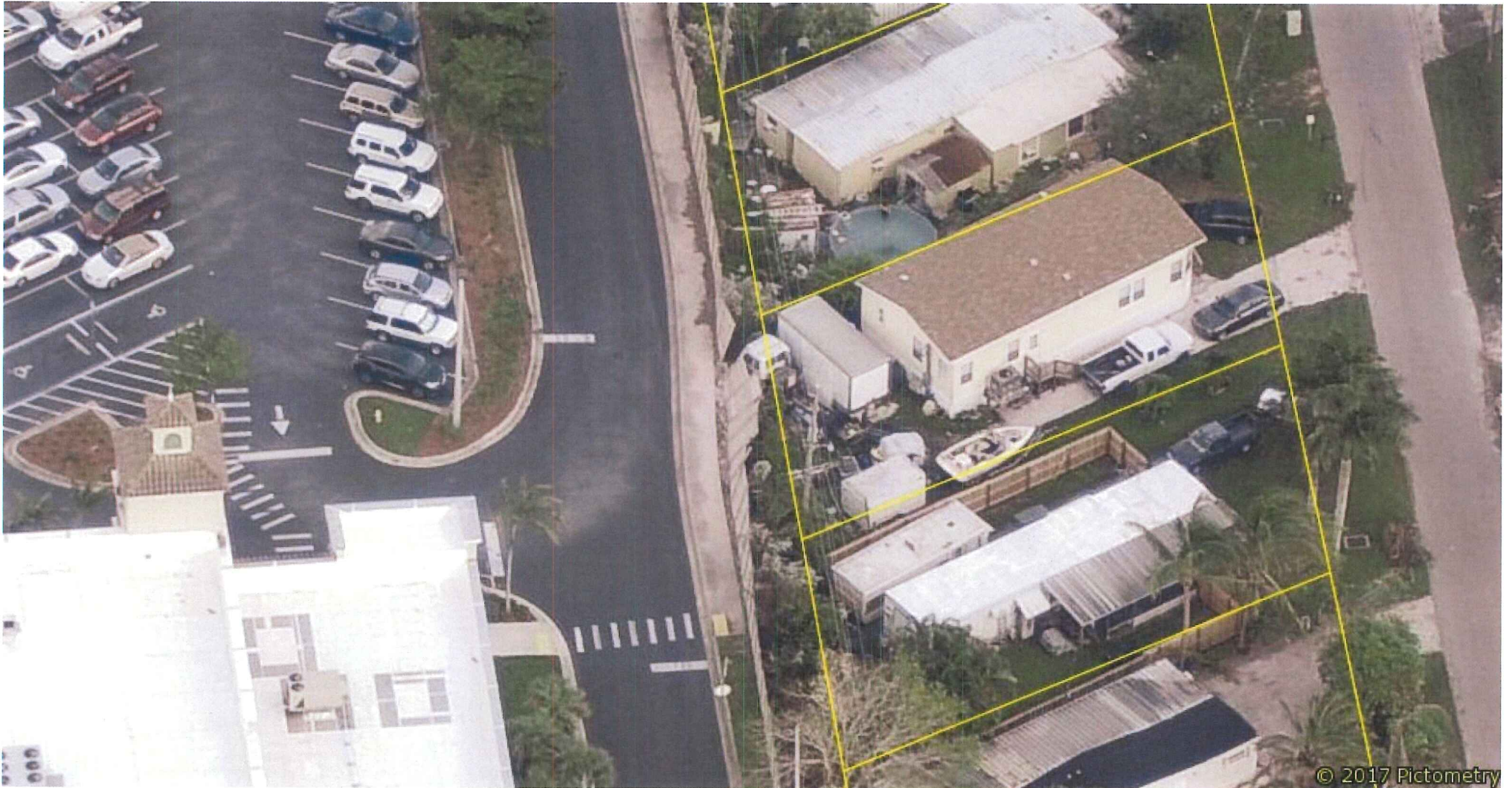
Legend

-  Subject Parcel
-  Central Urban
-  Suburban
-  Public Facilities
-  Conservation Lands - Upland
-  Wetlands



Post Irma Photography

Not this project



© 2017 Pictometry

ATTACHMENT C

A. Conditions

1. Development must be consistent with the one-page Master Concept Plan (MCP) entitled "AMAVIDA F/K/A Avida," date stamped "Received November 4, 2019," attached hereto as Exhibit C, except as modified by the conditions below. This development must comply with all requirements of the Lee County Land Development Code 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.

Project intensity is limited to a maximum of 324 multi-family dwelling units, or any combination of equivalent ALF, CCF, or ILU, so long as the project density does not exceed 324 standard dwelling units on 32.54± acres of land.

Zoning Resolution Z-04-0⁴³34, Z-10-009 and Administrative amendments ADD2006-1⁰⁰84, ADD2016-00011(a), ADD2016-00139, ADD2017-00094 and ADD2018-00094 are superseded and/or codified by this zoning resolution and will have no further force or effect.

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

- a. Schedule of Uses

Residential Planned Development

Accessory Uses and Structures.
Administrative Office
Assisted Living Facility (see Condition 1 for density)
ATM*
Banks and Financial Establishments, Group I *
Consumption on Premises - See Condition 13. *
Continuing Care Facility (see Condition 1 for density)
Dwelling Unit - Townhouse, Multifamily (see condition 1 for density)
Entrance Gates and Gatehouses
Essential Services.
Essential Services Facilities, Group I.
Excavation - Water Retention and Detention - not to include the removal of excavated material from site, no blasting.
Fences and Walls
Food and Beverage Service, limited *
Food Stores, Group I *
Health Care Facilities, Groups I and II only. *
Home Occupation
Independent Living Units (see Condition 1 for density)
Laundry or Dry Cleaning, Group I*
Medical Office *
Models: Model Unit (see condition 7)
Nonstore Retailers, Group II *
Parking Lot, Accessory, Temporary
Personal Services, Group I *
Pharmacy*

Recreation Facilities, Private, On Site. *
Residential Accessory Uses
Restaurants, Groups I and II *
Signs
Temporary uses - limited to construction trailers, real estate sales offices.

* Commercial uses listed above are accessory to the assisted living (ALF, CCF, and/or ILU) use only.

Site Development Regulations

Assisted Living Facility (ALF)/Continuing Care Facility (CCF)/Independent Living Unit (ILU) and accessory uses

Lot Size

Minimum Lot Area: 10,000 square feet
Minimum Lot Depth: 100 feet
Minimum Lot Width: 100 feet

Setbacks

Street (public) 25 feet
Street (private) 20 feet
Side 10 feet
Rear 20 feet
Water body 20 feet except as deviated from in Section B.

Lakes Park Setback (north boundary line)

Building: 75 feet (for maximum 45 feet in building height)
50 feet (for maximum 35 feet in building height)
40 feet (for maximum 25 feet in building height)

Accessory uses and setbacks must comply with the LDC§ 34-1174 *et seq.* and LDC§ 34-2194.

Minimum building separation: 10 feet for a single-story building and 20 feet for all other buildings

Maximum Lot Coverage 60 percent

Maximum Height 45 feet

Multi-Family, Clubhouse, Recreational Facility

Lot Size

Minimum Lot Area: 10,000 square feet

Minimum Lot Depth: 100 feet
Minimum Lot Width: 100 feet

Setbacks

Street (public) 25 feet
Street (private) 20 feet
Side 10 feet
Rear 20 feet
Water body 20 feet except as deviated from in Section B.

Lakes Park Setback (north boundary line)

Building: 75 feet (for maximum 45 feet in building height)
50 feet (for maximum 35 feet in building height)
40 feet (for maximum 25 feet in building height)

Common Parking Areas may not be located closer than 100 feet to Lake Park's property line. (Not applicable when residential units are placed between Lakes Park property and the common parking areas for the RPD.)

Minimum 30-foot building perimeter setback on the east, west and south boundaries of the subject property.

Accessory uses and setbacks must comply with the LDC§ 34-1174 *et seq.* and § 34-2194.

10 feet for a single-story building and 20 feet for all other buildings

~~Minimum building separation: One half the sum of height of both buildings, or 20 feet, whichever is greater. Buildings exceeding 35 feet in height must maintain additional building separation and setbacks as regulated by LDC§ 34-2174(a) and § 34-935(e)(4)~~

Maximum Lot Coverage 60 percent

Maximum Height 45 feet

Townhouse Uses

Lot Size.

Minimum Lot Area: 2,000 square feet
Minimum Lot Depth: 100 feet
Minimum Lot Width: 20 feet

Setbacks

Street (public) 25 feet
Street (private) 20 feet

Side	5/0 feet
Rear	15 feet
Water body Section B.	20 feet except as deviated from in

Lakes Park Setback (north boundary line)

Building:	75 feet (for maximum 45 feet in building height)
	50 feet (for maximum 35 feet in building height)
	40 feet (for maximum 25 feet in building height)

Common Parking Areas may not be located closer than 100 feet to Lake Park's property line. (Not applicable when residential units are placed between Lakes Park property and the common parking areas for the RPO.)

Minimum 30-foot building perimeter setback on the east, west and south boundaries of the subject property.

Accessory uses and setbacks must comply with the LDC§ 34-1174 *et. seq.* and § 34-2194.

10 feet for a single-story building and 20 feet for all other buildings

~~Minimum building separation: One half the sum of height of both buildings, or 20 feet, whichever is greater. Buildings exceeding 35 feet in height must maintain additional building separation and setbacks as regulated by LDC§ 34-2174(a) and § 34-935(e)(4)~~

Maximum Lot Coverage 60 percent

Maximum Height 45 feet

3. Vehicular/Pedestrian Impacts

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.

4. Lee Plan Consistency

Approval of this zoning request 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.

5. Concurrency

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.

6. Development Permits

Issuance of a county development permit does not establish a right to obtain a permit from state or federal agencies. Further, it does not establish liability on the part of the county if the developer: (a) does not obtain requisite approvals or fulfill the obligations imposed by state or federal agencies or (b) undertake actions that result in a violation of state or federal law.

7. Model Units

- a. Model units are limited to a maximum of eight.
- b. Models cannot be of the same floor plan and each must be a different design.
- c. Real estate sales are limited to administrative offices within model units.
- d. Real estate sales within the RPD area will be limited to the sale of lots or units within the development only.
- e. Hours of operation for model homes and real estate sales in the RPD area are limited to Monday through Sunday 8:00 a.m. to 8:00 p.m.
- f. No dry models are permitted.

8. Casino-style Games are prohibited.

9. Consumption on Premises

- a. Consumption on Premises is limited to indoor seating in conjunction with a Group II or III Restaurant with a 4-COP-SRX or 2-COP beverage license.
- b. The hours of operation for indoor consumption on premises is limited to between 11:00 a.m. to 11:00 p.m. daily.
- c. No sale, service or consumption of alcoholic beverages will be permitted without the sale or availability of food and non-alcoholic beverages on the same premises.
- d. Outdoor consumption on premises within the RPD may be approved by a special exception or an amendment to the planned development. A public hearing will be required. The applicant must provide adequate detail of the outdoor seating area used in conjunction with the outdoor consumption on premises (square footage, number of seats, proposed hours, distance to Lakes Park, outdoor entertainment, etc.) consistent with the requirements of the LDC.

10. Hurricane Shelter

An on-site hurricane shelter must be provided as part of any ALF, CCF, or ILU development to house all residents during storm events. On-site shelters and all required equipment and supplies for these facilities must comply with the following standards, as well as other standards required by the LDC:

- a. Elevation to the anticipated storm surge from a land falling Category "5" storm.
- b. Construction to withstand winds of 200 miles per hour in accordance with the Florida Building Code.
- c. Construction with minimum exterior glass with all glazed openings provided with impact protection in accordance with the Florida Building Code.
- d. Equipped with emergency power and potable water supplies to last up to five days.
- e. Protected with adequate ventilation, sanitary facilities, and first aid medical equipment.

11. Hurricane Plan

- a. The developer, his successors or assigns, will provide an educational program on an annual basis, in conjunction with the staff of the Lee County Emergency Management Department (EMS), which will provide literature, brochures, and speakers for Hurricane Awareness/Preparedness seminars describing the risks of natural hazards.
- b. The developer, his successors or assigns, will formulate an emergency hurricane notification and evacuation plan for the development, which will be subject to review and approval by EMS.
- c. The developer will coordinate with the Division of Public Safety of the Lee County EMS in determining and participating in a means to lessen its adverse impacts on the County's hurricane preparedness process and public safety and will comply with the Hurricane Shelter Ordinance.

12. FEMA Floodway Area

Fill within the FEMA floodway areas is prohibited. The fill (encroachment) included, but not limited to, raising vegetative buffer zones, constructing perimeter berms, or any structure/fill that would hinder flow within the FEMA floodway. If future changes in the plan involve a fill/encroachment to the floodway, the applicant must submit and obtain approval of either a Letter of Map Revision (LOMR) or No-Rise Certification from appropriate agencies.

13. Access to Lakes Park

The design and construction of the pedestrian access from the development to Lakes Park is subject to approval by the Lee County Department of Public Works during the local development order review process. The developer is responsible for all costs associated with the design and construction of this access. The access will be gated and locked by the property owner daily from dusk to 7:00 a.m.

14. Open Space

Prior to local development order approval, the development order plans must delineate a minimum ~~10.45~~ acres of open space.
13.02

15. Indigenous Preservation

Prior to local development order approval:

- a. development order plans must depict preservation in substantial compliance with the following:
 - (1) a minimum 1.19 acres existing pine-mesic oak upland (minimum 1.6 acres with credits taken); and
 - (2) a minimum ~~0.09~~^{0.10} acre existing marsh wetland; and
 - (3) a minimum ~~0.67~~^{0.74} acre indigenous creation/restoration area to provide minimum 15-foot, average 25-foot-wide upland buffers to the on-site wetland preserves and off-site conservation lands.
- b. landscape plans must depict the indigenous creation/restoration areas to be planted per the approved Indigenous Restoration Plan attached to this resolution as Exhibit D.
- c. An Indigenous Management Plan for the indigenous preservation and creation/restoration areas meeting the requirements of LDC§10-41S(b)(4) must be submitted for ~~of~~ Environmental Sciences (ES) staff review. The Indigenous Management Plan must include a map showing the mechanical and hand removal areas to be cleared of exotics.
- d. Development order plans must depict a minimum 20-foot building and accessory structure setback to indigenous preservation and creation/restoration areas. Development Services

16. Protected Species

Prior to local development order approval, American alligator and listed wading bird species management plans meeting the requirements of LDC§10-474 must be submitted for review and approval by staff. The management plans must include information for residents on the importance of the littoral areas and adjacent preserves for providing nesting and foraging habitat. In addition, the development order plans must depict the appropriate locations and details of signage that identify that alligators may be present and inform that it is dangerous and illegal to feed or harass alligators.

17. Buffer Conditions

Prior to local development order approval, landscape plans must depict buffers provided in substantial compliance with the approved MCP and Landscape Exhibit (Exhibit E hereto) and to also provide:

- a. One gallon, installed three-foot on center/ groundcover plantings along the interior side of the 30-foot wide Type F buffer within the RPD; and,
- b. If parking areas are proposed adjacent to the northern RPD property line, then each required 18-foot wide island abutting the 30-foot Type F buffer must be planted with one native canopy tree, minimum 10 feet in height and native grasses, one-gallon container size, installed two-foot on centers; and,
- c. Required Type F buffer vegetation to be measured from the final grade of the on-site adjacent parking lot or roadway if the buffer is abutting proposed parking area or roadway; and,
- d. Required Type F buffer trees installed in a configuration to provide a continuous visual canopy screen within one year after time of planting. If a continuous visual canopy screen is not obtained within one year after time of planting, then additional

trees may be required; and,

- e. Required Type F buffer trees and palms must not be pruned to reduce height or canopy spread.

18. Lakes Park/Wildlife Protection

Prior to local development order approval, development order plans must depict:

- a. Lighting of pedestrian and parking areas must be directed internally to the site. Parking lot areas must be illuminated with enough intensity to create secure areas consistent with the Lee County Land Development Code; and
- b. Except as provided herein, parking lot lamps on all parcels must be hooded or globed and must not exceed 20 feet in height. Parking lot lamps may not exceed 16 feet in height within the RPD parcel if located between residential buildings structures and north property line abutting Lakes Park, if located between buildings and the east property line abutting the off-site County owned preserve; and
- c. Mercury vapor lamps/lights are prohibited.
- d. ~~Prior to local development order approval, development plans for buildings within the RPD must be reviewed by staff for the utilization of window and architectural~~

Development Services ES

treatments to reduce or break up window panel reflection in order to decrease the potential of bird strikes. Examples of acceptable window and architectural treatments may include the use of non-reflective tinting, ultraviolet reflective decals, exterior sun shades, smaller windows, window awnings or similar treatments. This condition is applicable to the window and door panels on the northern building facades facing Lakes Park and on the eastern building facades facing the offsite County owned preserve within Lots 6 and 7. 4 & 5

19. Prior to the issuance of a Certificate of Compliance for all buildings facing Lakes Park and the offsite County preserve to the east, the bird strike prevention mechanism approved as part of the development order must be found sufficient by the Development Services ES staff landscaping inspector.

- 1. Deviation (1) (Connection Separation) seeks relief from the LDC §10-285(a), Table 1, requirement to provide a 660-foot connection separation on an arterial road; to allow 628 feet of separation on Gladiolus Drive.

This deviation was previously APPROVED.

- 2. Deviation (2) is requested from LDC Section 34-935(b)(1) which requires minimum setbacks from development perimeter boundaries; to allow a 0 foot perimeter setback between the RPD and CPD zoning lines for any site improvements.

This deviation is no longer necessary and recommended for WITHDRAWAL

- 3. Deviation (3) is requested from LDC Section 10-416(d)(1) which requires a buffering area along the entire perimeter of a proposed development whenever the proposed development abuts a different use; to allow no buffer between the RPD and CPD since the development will remain under unified control.

This deviation is no longer necessary and recommended for WITHDRAWAL

- 4. Deviation (4) seeks relief from LDC Section 34-935(e)(4) which requires a minimum building separation of one-half the sum of their heights or 20 feet whichever is greater; to allow a minimum

20. Building height will be measured from the minimum required flood elevation pursuant to Florida Building Code Section 1612.4.

21. Prior to the issuance of Development Order, the applicant will work with the Lee County Division of Natural Resources (County) to develop a surface water quality monitoring plan. The monitoring plan will be developed in accordance with the Land Development Code 14-478 and will establish overall goals and objectives, monitoring and reporting frequencies, monitoring station locations, parameters to be monitored, sampling protocols and analysis procedure, contingency plans and acceptable thresholds. The plan will include pre-development sampling and evaluation and quarterly monitoring once development commences. General parameters to be monitored will include pollutants, oil and grease, chemical oxygen demand, pH, biochemical oxygen demand, total suspended solids, total phosphorous, TKN, asbestos and nitrate. The applicant will work with the County to determine the appropriate parameters relevant to the project prior to finalizing the plan.

separation of 10 feet for single-story structures and a minimum building separation of 20 feet for other buildings.

This deviation was previously APPROVED.

5. Deviation (5) seeks relief from LDC Section 34-2194(b), which requires a minimum 25 foot setback to an artificial body of water to allow a minimum water body setback of 0 feet for buildings and accessways where bulkheads or other hardened shoreline structures are provided.

This deviation was previously APPROVED.

6. Deviation (6) seeks relief from LDC Section 10-329(d)(1)a. which requires a minimum 25-foot setback for excavations to proposed right-of-way line or easement for a local road, to allow a minimum 0 foot setback for excavations to accessways along the northern portion of the lake.

This deviation was previously APPROVED.

7. Deviation (7) seeks relief from LDC Section 10-418(3) which states that hardened shoreline structures may comprise up to 20 percent of an individual lake shoreline, to allow up to 40 percent of the lake shoreline to comprise of hardened shoreline structures.

This deviation was previously APPROVED.

8. Deviation (8) seeks relief from LDC Section 10-328(a) which states that a 20-foot wide easement for maintenance purposes must be provided, to allow a 20-foot wide easement LME in areas as shown on the Master Concept Plan and no LME where bulkhead and 0-foot setback are provided.

This deviation was previously APPROVED.

9. Deviation (9) seeks relief from LDC Section 30-153(2)a.1.ii which permits a maximum of two (2) identification signs if frontage along any one street exceeds 330 linear feet provided that the total combined sign area of both signs does not exceed 300 square feet, to permit a total of five (5) identification signs with a total combined area of 438 square feet along Gladiolus Drive.

This deviation was previously APPROVED, subject to the following conditions:

- i. The size, general location, and spacing of the requested signage must be in compliance with the exhibit entitled Signage monument Separation Plan - Deviation 9, dated May 26-2017, attached as Exhibit "F"
 - ii. The right-of-way setback for the requested signage may not be less than five (5) feet as depicted on the exhibit entitled Signage Monument Location Exhibit, dated April 26, 2017, Attached as Exhibit "G".
10. Deviation (10) seeks relief from LDC Section 30-153(2)a.4 which requires identifications signs to be set back a minimum of 15 feet from any right-of-way or easement, to permit the (5) proposed identification signs to be constructed within five (5) feet of the Gladiolus Drive right-of-way.

This deviation was previously APPROVED, subject to the following conditions:

- i. The size, general location, and spacing of the requested signage must be in compliance with the exhibit entitled Signage monument Separation Plan - Deviation 9, dated May 26-2017, attached as Exhibit "F"

- ii. The right-of-way setback for the requested signage may not be less than five (5) feet as depicted on the exhibit entitled Signage Monument Location Exhibit, dated April 26, 2017, Attached as Exhibit "G".

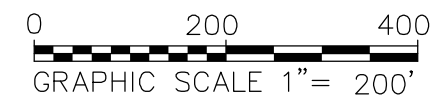
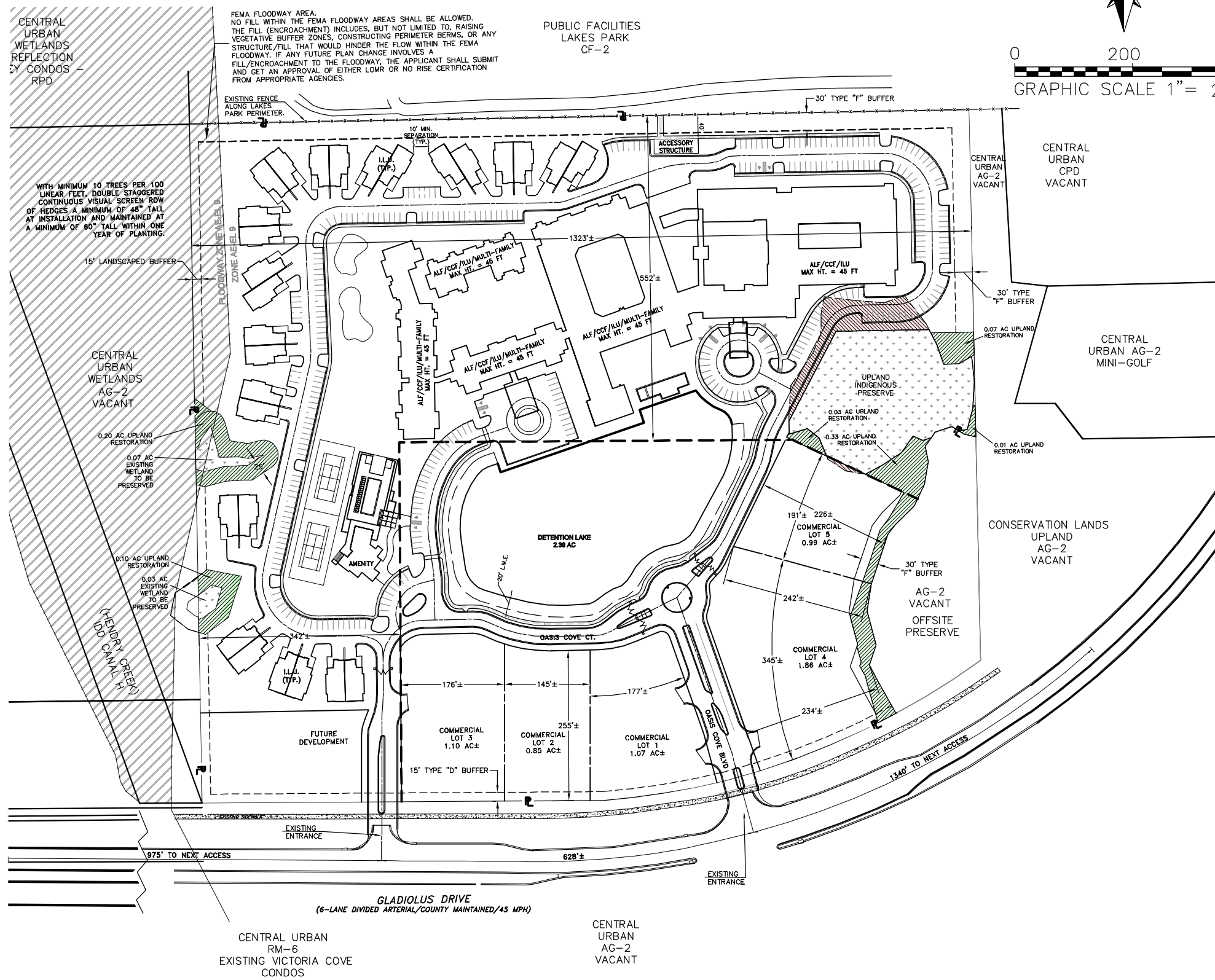
11. Deviation (11) seeks relief from LDC Section 10-420 which requires trees to be installed at ten feet in height and shrubs to be installed at 48 inches in height to allow trees to be installed six feet in height and shrubs installed at 24 inches in height along the portions of the western buffer.

This deviation was previously APPROVED, subject to the following conditions:


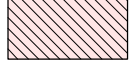
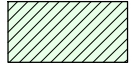
- i. Prior to development order approval, the western buffer must illustrate 131 trees installed at a height of six feet, 761 shrubs installed at a height of 24 inches and 2,116 one gallon groundcovers. All plant material must be salt tolerant and native species.
- ii. The development must be substantial compliance with Exhibit ~~B~~^H, dated May 23, 2018.

12. Deviation (12) from LDC Section 10-384(c)(2) for proposed 12 inch watermain distribution system connecting to an existing 16 inch watermain with an external looping exceeding 2,000 feet.

This deviation was previously APPROVED.



LEGEND:

- 
1.29 AC INDIGENOUS VEGETATION PROVIDED
 1.19 AC UPLAND AREA x 1.25 CREDIT FOR MORE THAN 1 AC [LDC 10.415(b)(3)a] + 10% CREDIT FOR COMBINING WITH OFFSITE PUBLIC PRESERVE [LDC 40-415 (b)(3)b.2.] (1.19 x 1.35) = 1.60 AC
 WETLAND = 0.10 AC
 TOTAL INDIGENOUS = 1.70 AC
- 
0.28 AC INDIGENOUS AREAS TO BE IMPACTED
- 
0.74 AC INDIGENOUS CREATION / RESTORATION *

INDIGENOUS CREATION / RESTORATION

* THESE AREAS ARE CURRENTLY DOMINATED BY EXOTICS WITH VERY WIDELY SCATTERED NATIVE SPECIES. ALL WOODY EXOTIC VEGETATION WITHIN THE RESTORATION AREAS WILL BE CUT BY HAND JUST ABOVE NATURAL GRADE AND THE STUMP TREATED WITH AN APPROPRIATE HERBICIDE CONTAINING AN INDICATOR DYE. TREATMENT WILL OCCUR IMMEDIATELY FOLLOWING CUTTING TO ENSURE MAXIMAL UPTAKE OF THE HERBICIDE. THE RESULTING VEGETATIVE MATERIAL WILL BE REMOVED FROM THE PRESERVE AND DISPOSED OF AT AN UPLAND LOCATION IN ACCORDANCE WITH ALL APPLICABLE LOCAL REGULATIONS. CARE WILL BE TAKEN TO MINIMIZE IMPACTS TO NATIVE VEGETATION WITHIN THE AREAS TO THE DEGREE PRACTICABLE. ONCE THE EXOTICS ARE REMOVED, NATIVE PLANTS WILL BE INSTALLED. THIS WILL CONSIST OF SIX FEET TALL TREES (CABBAGE PALM, SLASH PINE, AND LAUREL OAK) 12± FEET ON CENTER, ONE GALLON SHRUBS (SUCH AS MYRSINE, WAX-MYRTLE, WHITE STOPPER, COCO PLUM, AND WHITE INDIGO BERRY) FIVE FEET CENTER, AND ONE GALLON GROUND COVER (SUCH AS BUSHY BLUESTEM, LOVEGRASS SAW PALMETTO, AND SAND CORDGRASS) THREE FEET CENTER. CABBAGE PALMS INSTALLED IN THESE AREAS MAY INCLUDE CABBAGE PALMS RELOCATED FROM ON-SITE DEVELOPMENT AREAS. VIABLE EXISTING NATIVE PLANTS LOCATED WITHIN THE RESTORATION AREAS AFTER THE EXOTICS HAVE BEEN REMOVED WILL COUNT TOWARDS THE PLANTING REQUIREMENT. PLANTINGS WITHIN THE RESTORATION AREAS ADJACENT TO COMMERCIAL LOTS 6 AND 7 WILL BE UPSIZED TO MEET THE THE LEE COUNTY LAND DEVELOPMENT CODE REQUIREMENTS FOR THE TYPE "F" BUFFER.

S:\JOBS\6000\ENGINEERING\ZONING\1620_USP-18-INDIGENOUS-AREAS DWG 4/22/2016 3:10 PM JORGE SANCHEZ

EXHIBIT D

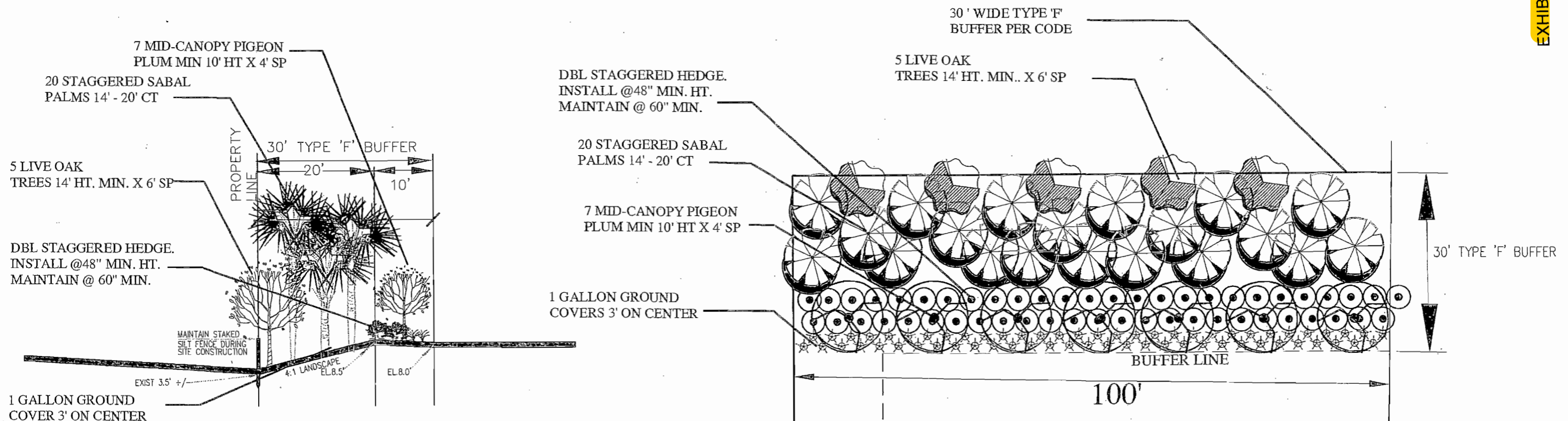
PREPARED FOR:
QUADRUM LAKES PARK LLC
 407 LINCOLN RD STE 304
 MIAMI BEACH FL 33139

NO.	DATE	REVISION DESCRIPTION	BY
1	4/19/2016	REVISED PER COUNTY COMMENTS	SEH

BANKS ENGINEERING
 Professional Engineers, Planners, & Land Surveyors
 10511 SIX MILE CYPRESS PARKWAY
 FORT MYERS, FLORIDA 33966
 PHONE: (239) 939-5490 FAX: (239) 939-2523
 ENGINEERING LICENSE # EB 6469
 SURVEY LICENSE # LB 6690
 WWW.BANKSENG.COM

INDIGENOUS RESTORATION PLAN (EXHIBIT D-7-Y)
AVIDA
 LEE COUNTY, FLORIDA

DATE	PROJECT	DRAWING	DESIGN	DRAWN	CHECKED	SCALE	SHEET	OF
1/21/2016	1620	IRP	DRU	SDJ	DRU	1" = 200'	1	1



SECTION 1 - ENHANCED 'F' BUFFER


ENHANCED 'F' BUFFER

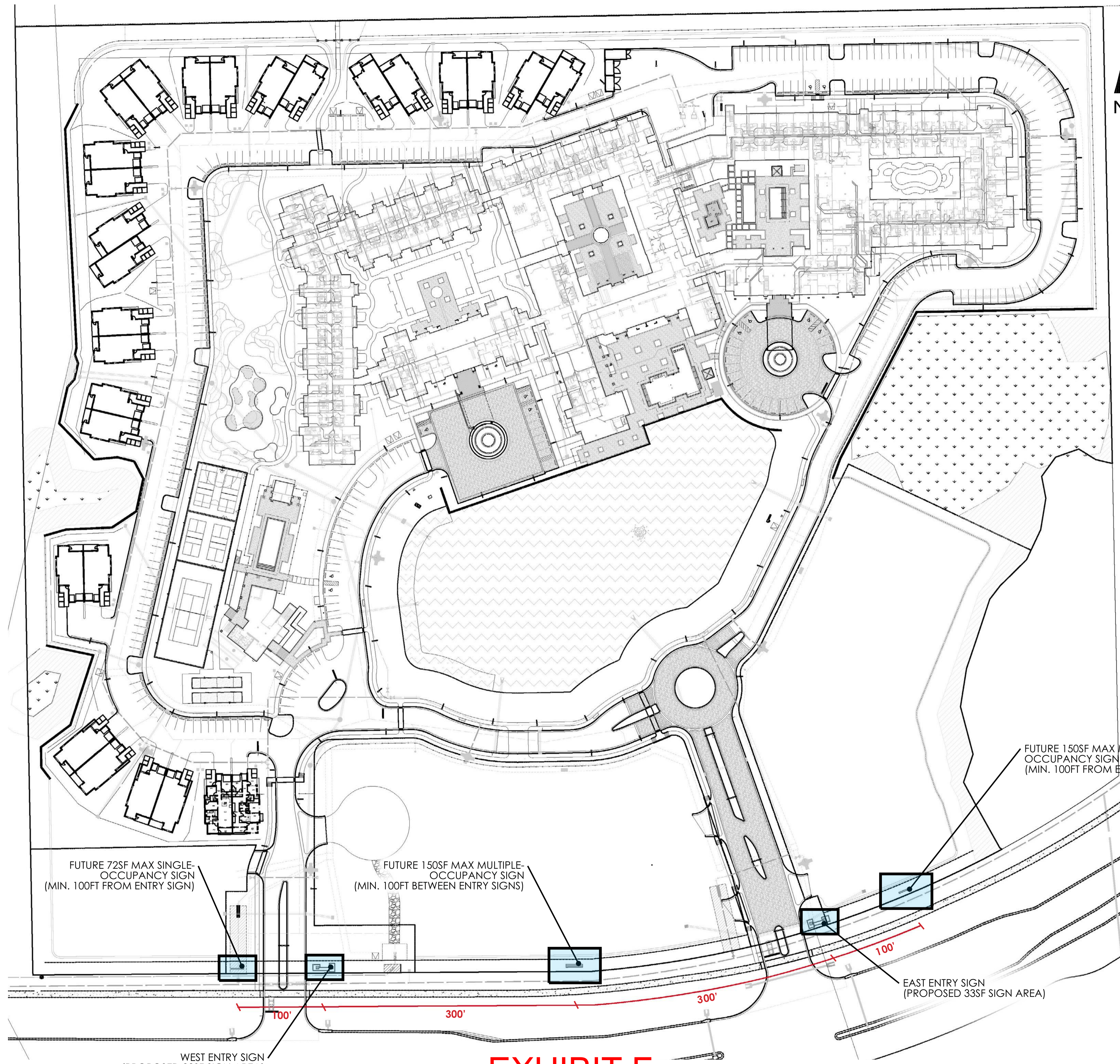
N.T.S.

- TYPICAL 100'**
- 5 CANOPY TREES PER 100 L.F.- 14' MIN.. HT X 6' SP.**
- 7 MID-CANOPY TREES PER 100 L.F.-10' MIN HT X 4' SP**
- 20 SABAL PALMS PER 100 L.F. - 14' - 20' CT,**
- 50-10 GAL SHRUBS PER 100 L.F.. - 48" MIN. AT PLANTING, MAINTAIN @ 60" MIN.**
- 67 1 GALLON GROUND COVERS 3' ON CENTER**

PAUL KLENS LANDSCAPE ARCHITECTURE HEREBY RESERVES ITS COMMON LAW COPYRIGHT. THE IDEAS, DESIGNS AND PLANS CONTAINED HEREIN ARE NOT TO BE REPRODUCED OR USED WITHOUT THE EXPRESS WRITTEN CONSENT OF PAUL KLENS LANDSCAPE ARCHITECTURE.

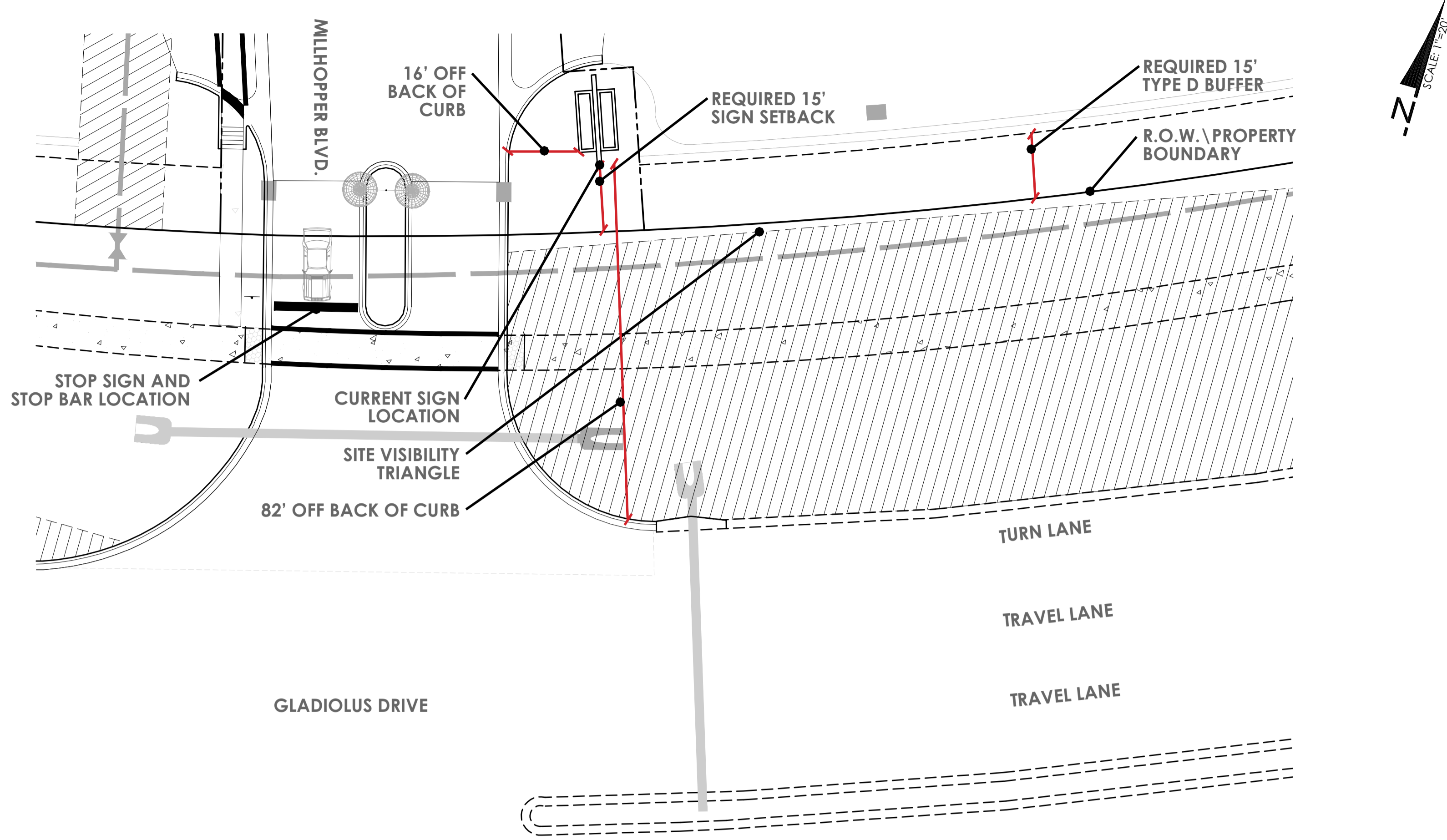
PAUL J. KLENS, R.L.A.
REG. # LA-0001619
MARCH 9, 2010

	727 GLENDALE AVE NAPLES, FLORIDA 34110 239 / 514-7209 239 / 594-8846 FAX	title: _____ BANKS ENGINEERING 10511 Six Mile Cypress Pkwy Fort Myers, FL 33966 (239) 939-5490	title: _____ project location: LEE COUNTY, FLORIDA	designer: PJK project manager: PAUL J. KLENS, RLA checked - date / by: _____ DATE approved for: DISCUSSION	acad #: _____ project #: 09012 scale: AS NOTED view: LIMITS	date: _____ revisions: _____ sheet no: 1/1
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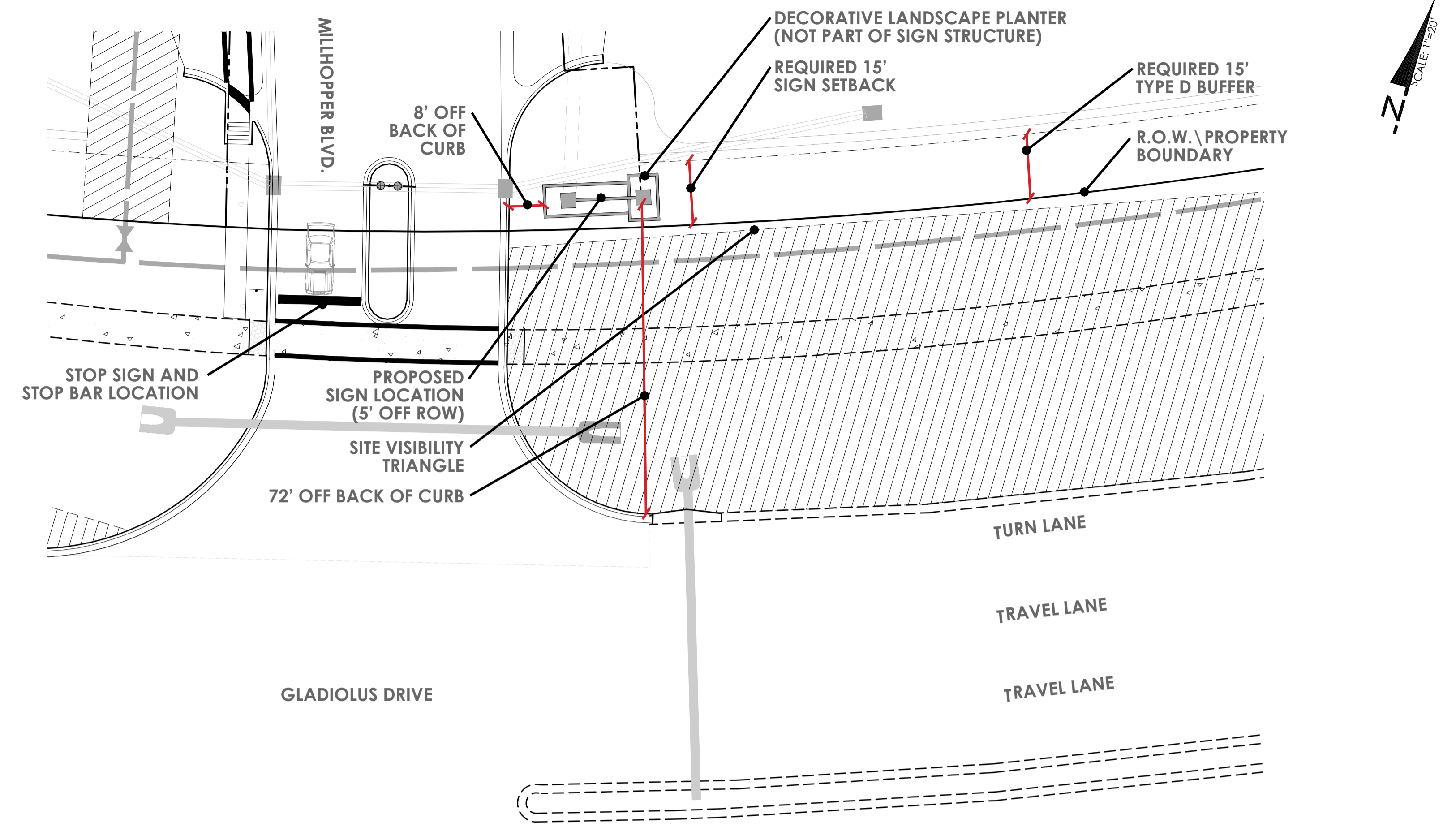


NOTE:
 THIS EXHIBIT IS FOR SUBSTANTIATION OF COMPLIANCY WITH THE MINIMUM DIMENSIONS OUTLINED IN THIS DEVIATION 9 AND DOES NOT NECESSARILY REPRESENT THE EXACT LOCATION OR PLACEMENT OF THE THREE FUTURE SIGNS.

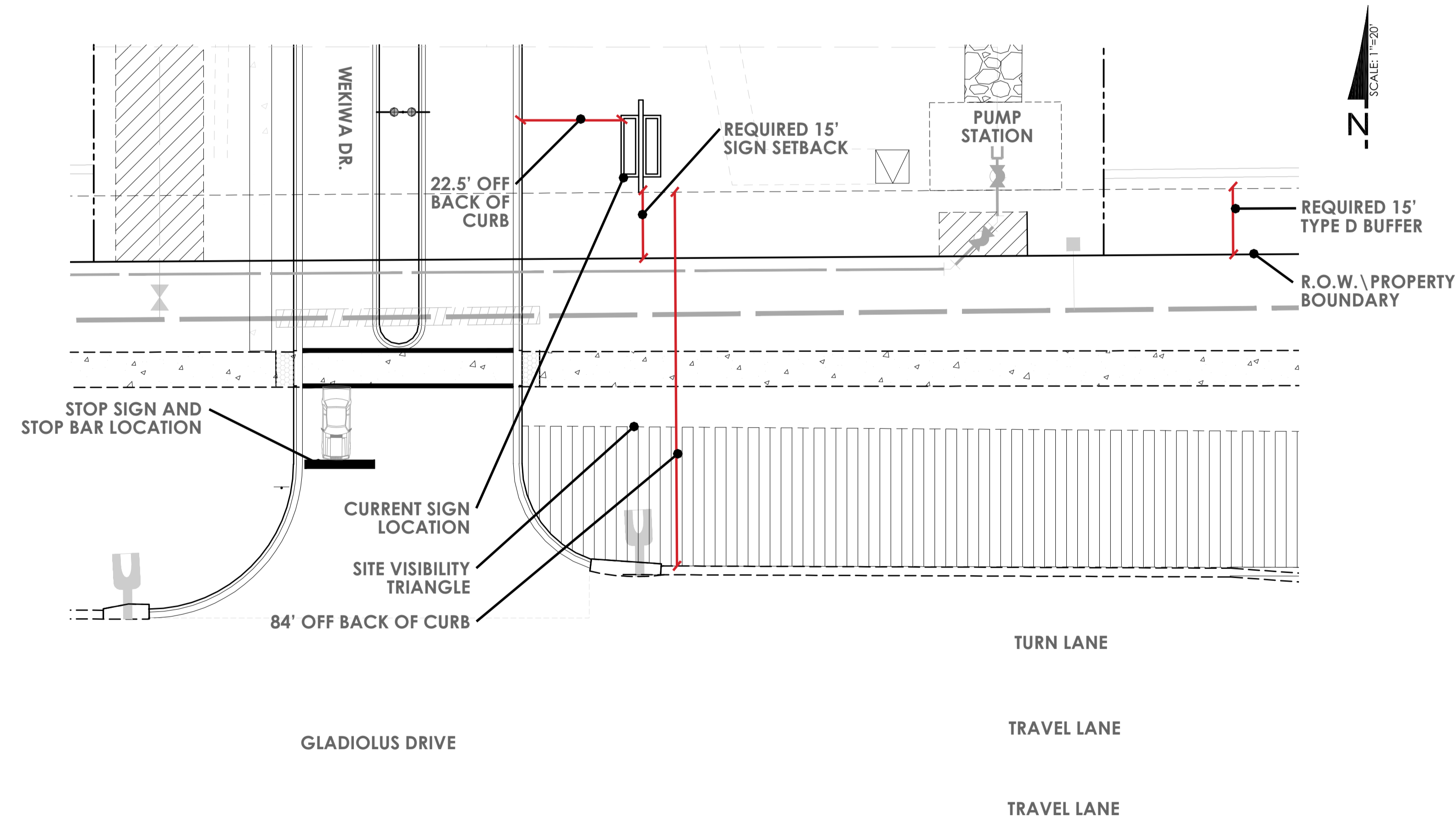
prepared for:
Quadrum



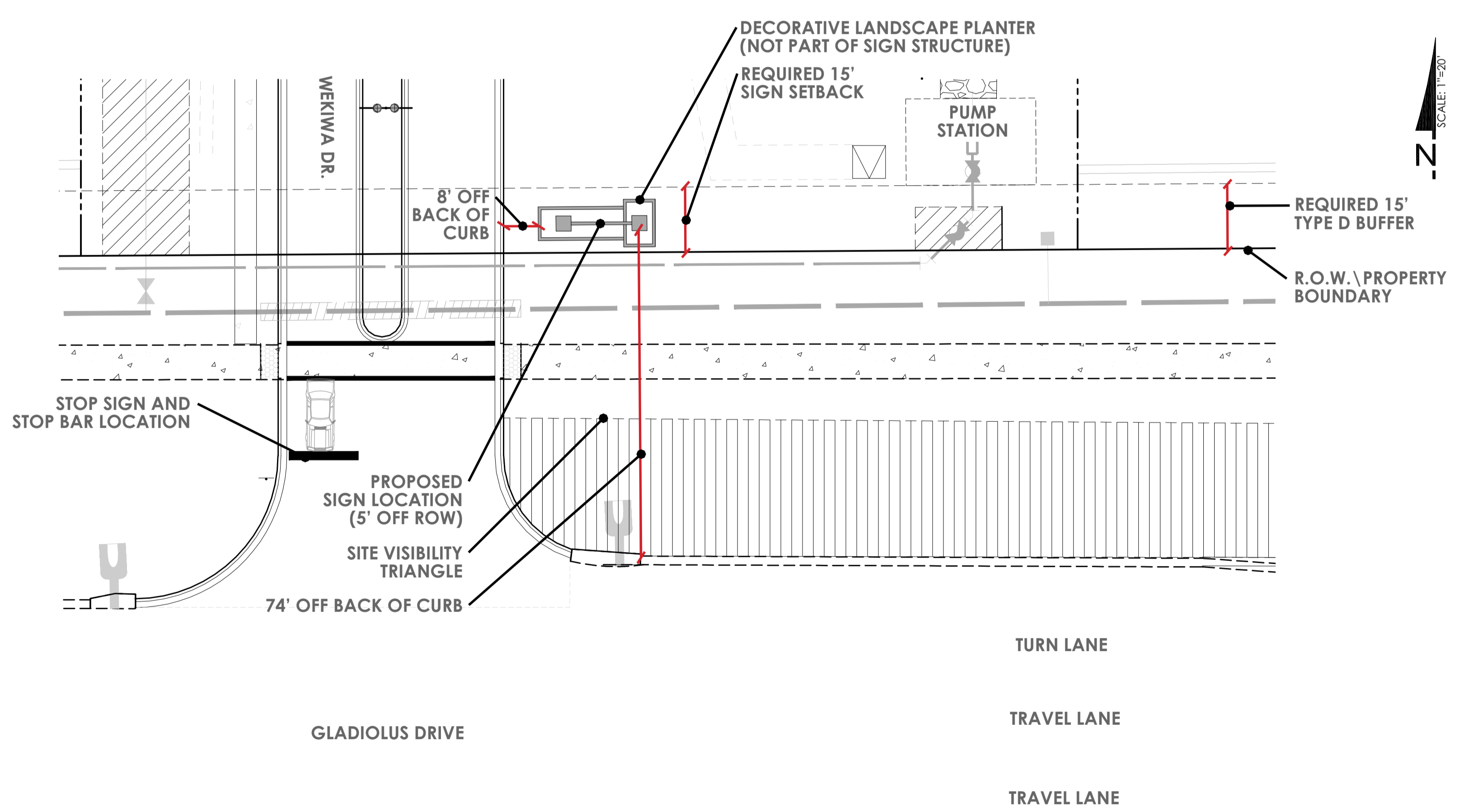
Development Order East Entry Sign Location: Millhopper Blvd.



Proposed Sign East Entry Location: Millhopper Blvd.



Development Order West Entry Sign Location: West Entry: Wekiwa Dr.

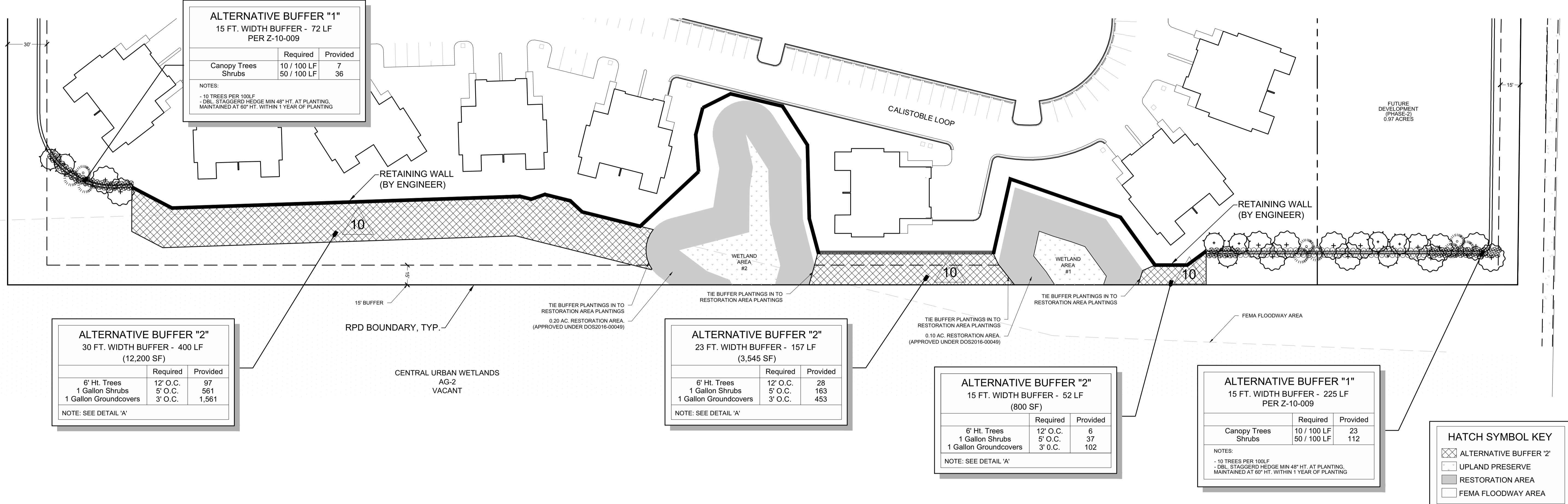


Proposed Sign West Entry Location: West Entry: Wekiwa Dr.

prepared for:



April 26, 2017



ALTERNATIVE BUFFER "2"
30 FT. WIDTH BUFFER - 400 LF
(12,200 SF)

	Required	Provided
6" Ht. Trees	12' O.C.	97
1 Gallon Shrubs	5' O.C.	561
1 Gallon Groundcovers	3' O.C.	1,561

NOTE: SEE DETAIL 'A'

ALTERNATIVE BUFFER "2"
23 FT. WIDTH BUFFER - 157 LF
(3,545 SF)

	Required	Provided
6" Ht. Trees	12' O.C.	28
1 Gallon Shrubs	5' O.C.	163
1 Gallon Groundcovers	3' O.C.	453

NOTE: SEE DETAIL 'A'

ALTERNATIVE BUFFER "2"
15 FT. WIDTH BUFFER - 52 LF
(800 SF)

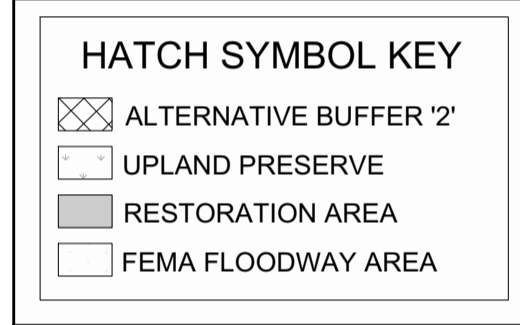
	Required	Provided
6" Ht. Trees	12' O.C.	6
1 Gallon Shrubs	5' O.C.	37
1 Gallon Groundcovers	3' O.C.	102

NOTE: SEE DETAIL 'A'

ALTERNATIVE BUFFER "1"
15 FT. WIDTH BUFFER - 225 LF
PER Z-10-009

	Required	Provided
Canopy Trees	10 / 100 LF	23
Shrubs	50 / 100 LF	112

NOTE:
- 10 TREES PER 100LF
- DBL. STAGGERED HEDGE MIN 48" HT. AT PLANTING.
MAINTAINED AT 60" HT. WITHIN 1 YEAR OF PLANTING



ALTERNATIVE BUFFER "1" - (297 LF)

CALCULATIONS

10' HT X 4' SPR, 2" CAL TREES @ 10'/100 LF	30 TREES REQUIRED
7 GAL. 48" HT (AT PLANTING) @ 50'/100 LF	148 SHRUBS REQUIRED

BUFFER MATERIALS

TREES			
QTY.	BOTANICAL NAME	COMMON NAME	SIZE
13	BURSERIA SIMARUBA	GUMBO LIMBO	10' HT X 4' SPR, 2" CAL
8	COCCOLOBO UVIFERA	SEAGRAPE	10' HT X 4' SPR, 2" CAL
9	SABAL PALMETTO	CABBAGE PALM	14'-20' CT, MIXED HTS
SHRUBS			
QTY.	BOTANICAL NAME	COMMON NAME	SIZE
37	VIBURNUM OBOVATUM	WALTER'S VIBURNUM	7 GAL. 48" HT (AT PLANTING)
36	CHRYSOBALANUS ICACO 'RED TIP'	RED TIP COCOPLUM	7 GAL. 48" HT (AT PLANTING)
79	MYRCIANTHES FRAGRANS	SIMPSON'S STOPPER	7 GAL. 48" HT (AT PLANTING)

PLANT MATERIALS LISTED DO NOT CONSTITUTE A COMPLETE LIST OF ACCEPTABLE INDIGENOUS RESTORATION SPECIES. CONTRACTOR MAY SUBMIT ALTERNATES FOR APPROVAL PRIOR TO INSTALLATION.

ALTERNATIVE BUFFER "2" - 609 LF (16,545 SF)

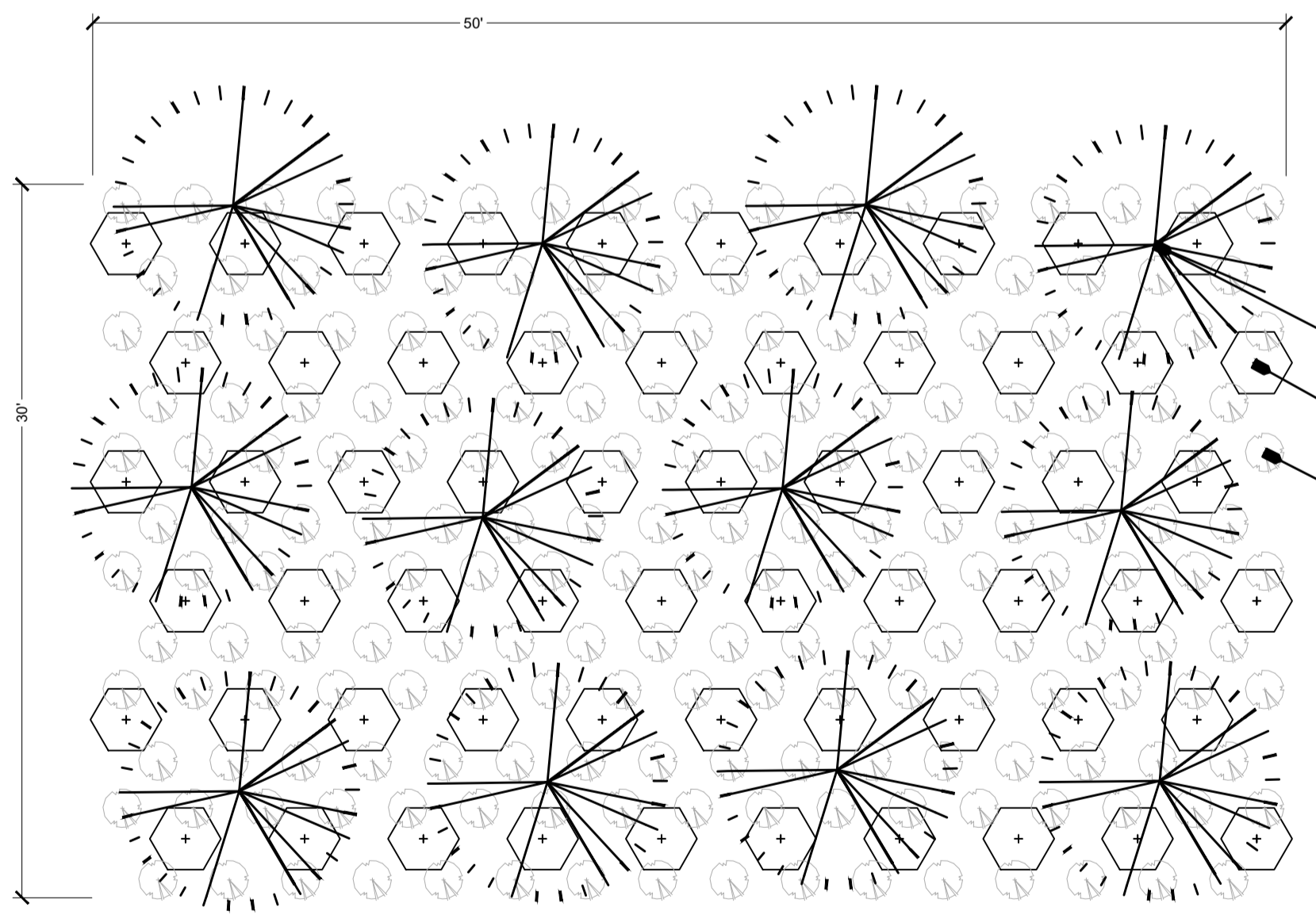
CALCULATIONS

6' HT. TREES @ ±12' O.C.	16,545 SF X 12' O.C. = 131 TREES REQUIRED
1 GALLON SHRUBS @ 5' O.C.	16,545 SF X 5' O.C. = 761 SHRUBS REQUIRED
1 GALLON GROUNDCOVERS @ 3' O.C.	16,545 SF X 3' O.C. = 2,116 GROUNDCOVERS REQUIRED

BUFFER MATERIALS

TREES			
QTY.	BOTANICAL NAME	COMMON NAME	SIZE
61	TAXODIUM DISTICHUM	BALD CYPRESS	MIN 6' HT. O.A.
52	TAXODIUM ASCENDENS	POND CYPRESS	MIN 6' HT. O.A.
18	ANONNA GLABRA	POND APPLE	MIN 6' HT. O.A.
SHRUBS			
QTY.	BOTANICAL NAME	COMMON NAME	SIZE
761	ACROSTICHUM DANAEIFOLIUM	LEATHER FERN	1 GALLON
GROUNDCOVERS			
QTY.	BOTANICAL NAME	COMMON NAME	SIZE
2,116	SPARTINA BAKERI	SAND CORDGRASS	1 GALLON

PLANT MATERIALS LISTED DO NOT CONSTITUTE A COMPLETE LIST OF ACCEPTABLE INDIGENOUS RESTORATION SPECIES. CONTRACTOR MAY SUBMIT ALTERNATES FOR APPROVAL PRIOR TO INSTALLATION.



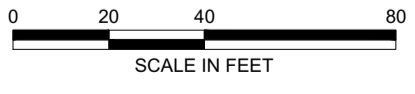
- 12' NATIVE TREES
6' HT.
- 60' NATIVE SHRUBS
1 GALLON
- 198' NATIVE GROUNDCOVERS
1 GALLON

*QUANTITIES TYPICAL OF 30'X50' BUFFER AREA. SEE ALTERNATIVE BUFFER "2" CALCULATIONS FOR TOTAL QUANTITIES.

- NOTES:**
- ALTERNATIVE BUFFER "2" PLANTING LAYOUT DETAIL REPRESENTS A 30'X50' TYPICAL OF THE SPACING AND QUANTITIES FOR NATIVE TREES, SHRUBS AND GROUNDCOVERS AS SET FORTH BY THE INDIGENOUS CREATION RESTORATION REQUIREMENTS IN ADD2016-00011 EXHIBIT D.
 - QUANTITIES AND LAYOUT MAY VARY DUE TO SHAPE AND SIZE OF RESTORATION AREAS. HOWEVER, INSTALLATION CONTRACTOR SHALL ADHERE TO REQUIRED QUANTITIES AND SPACING OUTLINED IN CALCULATIONS ABOVE.
 - CONTRACTOR TO REFERENCE CALCULATIONS ABOVE FOR TOTAL PLANT QUANTITIES REQUIRED FOR EACH RESTORATION AREA.
 - PLANT MATERIALS LISTED DO NOT CONSTITUTE A COMPLETE LIST OF ACCEPTABLE INDIGENOUS RESTORATION SPECIES. CONTRACTOR MAY SUBMIT ALTERNATES FOR APPROVAL PRIOR TO INSTALLATION.

A ALTERNATIVE BUFFER "2" PLANTING LAYOUT
SCALE: N.T.S.

Exhibit H



B:\Projects\541-01-Avda Senior Living\Drawings-Exhibits\541-01-E28 West Buffer Deviation Exhibit\Current Plans\541-01-E28.dwg 5/21/2018 2:36:18 PM