

MEMORANDUM
FROM THE
DEPARTMENT OF COMMUNITY DEVELOPMENT
ZONING SECTION

DATE: February 3, 2020

To: Ms. Donna Marie Collins
Hearing Examiner

FROM: Dirk Danley, Jr.
Planner, Senior

SUBJECT: 48- Hour Letter DCI2019-00019 – Amavida RPD Planned Development

Attached to this memorandum is a response to the applicant's 48-hour letter which includes an amended set of conditions found in Attachment "C" of the staff report. Changes have been made in strike-through and underline, along with a clean copy of the conditions.

Exhibits:

- A – Revised Conditions – Strike-thru and underline*
- B – Revised Conditions - Clean*

EXHIBIT A

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-04-03443, Z-10-009 and Administrative amendments ADD2006-00184, ADD2016-00011(a), ADD2016-00139, ADD2017-00094 and ADD2018-00094 are superseded and/or codified by this zoning resolution and will have no further force or effect.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

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

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in building height)
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in building height)
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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.

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

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 20 feet except as deviated from in

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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~~13.02 acres of open space.

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 ~~0.090~~0.10 acre existing marsh wetland; and
 - (3) a minimum ~~0.670~~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- 415(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.

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, and 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 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.

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 staff.

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 Lee County Division of Natural Resources to develop a surface water quality monitoring plan. This monitoring plan will be developed in accordance with LDC Section 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.

B. Deviations

- 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 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 BH, 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.

EXHIBIT B

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.

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Essential Services Facilities, Group I.

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Food and Beverage Service, limited *

Food Stores, Group I *

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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 *

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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

<u>Maximum Lot Coverage</u>	60 percent
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<u>Maximum Height</u>	45 feet
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Multi-Family, Clubhouse, Recreational Facility

Lot Size

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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.

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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

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Street (private) 20 feet
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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.

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- a. Model units are limited to a maximum of eight.
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 - 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.
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 - 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.
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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 13.02 acres of open space.

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Prior to local development order approval:

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 - (1) a minimum 1.19 acres existing pine-mesic oak upland (minimum 1.6 acres with credits taken); and
 - (2) a minimum ~~0.090~~0.10 acre existing marsh wetland; and
 - (3) a minimum ~~0.670~~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- 415(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.

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, and 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 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.
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 staff.
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 Lee County Division of Natural Resources to develop a surface water quality monitoring plan. This monitoring plan will be developed in accordance with LDC Section 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.

B. Deviations

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 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 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.